

City of Semmes, Alabama

**SUBDIVISION
REGULATIONS**

Adopted January 24, 2012

Prepared by

The Semmes Planning Commission

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City of Semmes Planning Commission

Mission Statement

To foster future growth while preserving the rural character of the community through partnerships with the community, developers, and interested parties that wish to benefit the citizenry of Semmes and the City as a whole. To ensure the growth of the community is applicably supported by the communities' infrastructure such as public safety, parks and recreation, utilities, traffic, through intense research and fact finding endeavors.

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GENERAL PROVISIONS

1.1 Authority

These regulations are enacted in accordance with the authority granted to the Semmes Planning Commission by the Legislature of the State of Alabama in Title 11, Chapter 52, Code of Alabama, 1975, as amended. A copy of these regulations shall be certified to the Probate Judge of Mobile County, Alabama.

1.2 Jurisdiction

From and after the date of adoption, these regulations shall govern each and every subdivision of land within the Semmes corporate limits and expanding 5 miles outside the corporate limits.

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 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. It is the intent of these regulations to harmoniously relate the development of the various tracks of land to the existing community and to obtain the best design possible for each tract of land being subdivided while promoting the public health, safety, economy, good order, appearance, convenience and general welfare within the planning jurisdiction of Semmes.

These Subdivision Regulations are designed to set established standards and requirements in order for the City and its planning jurisdiction to remain "rural" in nature and to maintain the historic, cultural, and open space atmosphere.

The Subdivision Regulations are also designed to be used by the Planning Commission to attempt to keep the area compatible with current overall ambience of the area. These regulations establish procedures and guidelines for the development of subdivisions or proposed additions to existing subdivisions within 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 by identifying, protecting and preserving scenic, historic and

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ecologically sensitive areas; assuring the provision of needed public open spaces through the dedication or reservation of land for recreational, educational, environmental, transportation, and other public purposes; and implementing land use policies that will preserve agricultural uses of land and the rural character of the Semmes Community.

2. *Health and Safety* – To ensure health and safety by providing for adequate light, air, and privacy; securing safety from fire, flood and other danger; preventing the overcrowding of land and undue congestion of population; facilitating the adequate provisions for disaster evacuation; and to further the public welfare in any other regard specified by the City of Semmes.
3. *Social and Economic Stability* – To protect the rural character of the City of Semmes and the social and economic stability of all parts of the area within the subdivision jurisdiction.
4. *Public Services and Facilities* – To encourage residential development where public services and community facilities are available or will be available upon completion of the subdivision.
5. *Circulation* – To provide an efficient relationship between development and the circulation of traffic, having particular regard to the avoidance of congestion; to prevent the overcrowding of land, avoiding undue concentration of population; to expedite circulation and the protection of land 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.
6. *Environment* – To prevent the pollution of air, streams, wetlands and ponds; to assure 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.
7. *Natural Features* – To preserve the natural beauty of the land and to utilize the physiographic features of land and water as ecosystem-related elements of the urban environment.
8. *Open Space* – To provide open space through efficient design and layout of subdivisions; to encourage setting aside land that is subject to flood or has soils unsuitable for development as permanent open space.

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

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control of the **Semmes Planning Commission** pursuant to the authority granted to the City 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 unless proper and suitable provisions have 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 of sale (whether immediate or future), transfer, or lease of lots for building development, shall submit to the City of Semmes Planning Commission a plat of the subdivision which shall conform to the established requirements set forth in these regulations. If the plat designates that individual septic tanks will be used, the plat shall also be submitted to the Mobile County Health Department for approval.

No subdivider shall proceed with any improvements or with the installation of utilities in a proposed 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, or lease of lots, or the erection of buildings, excluding required public improvements and utility structures, within a proposed subdivision until such subdivision has been granted Final Plat approval entered in writing on the plat and signed by the City Engineer, the Chair of the City of Semmes Planning Commission and the Mobile County Engineer (if subdivision is located within the extraterritorial jurisdiction of the City of Semmes) and recorded in the Office of the Probate Judge of Mobile County in accordance with the procedures prescribed in these regulations. Any changes that are required by Mobile County Engineering prior to their Final Plat approval must also be re-routed through the Semmes City Engineer and the Chair of the Semmes Planning Commission for signatures before recording with the Office of the Probate Judge of Mobile County.

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 Subdivision Regulations with the Probate Judge of Mobile County, no plat of a subdivision of land within the planning jurisdiction of these regulations shall be filed or recorded until the plat has been submitted and approved by the City of Semmes Planning Commission; nor shall any lots be sold, transferred, or leased until the plat has been submitted and approved by the City of Semmes Planning Commission. The Mobile County Health Department must also approve any lots that may have individual onsite septic tanks.

The Probate Judge, upon receipt of a copy of these regulations, shall not 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 established requirements for the protection of our rural character and promotion of the public health, safety, and general welfare of our citizens. 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.

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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 or an incorporated association of persons such as a club or limited liability company (LLC); "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, or stream.

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.

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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.

ASHTO

Alabama State Highway and Transportation Officials.

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.

BUFFER ZONE

A Buffer Zone is a land area adjacent to a designated feature that is, or will be vegetated with native species and which acts as a natural transition zone between the two identified areas and any adjacent development.

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 or clusters buildings and structures in specific areas on a lot, site, or parcel to allow the remaining land to be used or dedicated 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, resizing of 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.

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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 Mobile County Commission or as required by the Mobile County Engineer and all utility departments.

CITY

Semmes, Alabama.

CITY COUNCIL

The City of Semmes City Council.

CITY ENGINEER

The duly designated Engineer of Semmes, Alabama.

CITY PLANNER

The duly designated Planner 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.

DESIGN ENGINEER

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

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DEVELOPER

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

DEVELOPMENT

Includes, but is not limited to, the design work of lot layout, the construction of drainage structures, 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 SUBDIVISION

A division of land, with no maximum acreage, in accordance with the Code of Alabama 1975, 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.

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HEALTH DEPARTMENT

The Mobile County Health Department.

FLOOD STANDARDS BY YEAR

25 - A flood which has, on the average, one quarter (.25) of a percent chance of being equaled or exceeded in any given year.

50 - A flood which has, on the average, half (.50) of a one percent chance of being equaled or exceeded in any given year.

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

200 - A flood which has, on the average, of two (2) 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.

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, lease, 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.

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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**.

LOT DEPTH

The vertical distance between the Front lot lines and the Rear lot lines, measured at the minimum front setback line to the rear lot line.

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 *Minor Subdivision* is any subdivision of a parcel that creates no more than five lots. With respect to roads and utilities, the following will apply:

1. Creation of a new *Private Road* or extension of an existing *Private Road* shall be paid for and maintained by landowners, sub-dividers or developers
2. Does not involve any new *Public Road*
3. Does not involve the extension of public wastewater or water lines;
4. Does not land lock or prevent development of the remainder of the parcel or *Adjacent Property*
5. Does not create any new or residual parcels that do not comply with the requirements of this ordinance or other applicable state or local regulations
6. Is not located, wholly or substantially, in a flood hazard area.

No more than two *Minor Subdivisions* involving the same land may be applied for or approved within any five-year period unless documented information is provided that proves division is between or among immediate family members in accordance with the Code of Alabama.

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OWNER

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

PLANNED UNIT DEVELOPMENT (PUD)

Integrated design for development of residential and commercial uses, or a combination of such uses, in which one or more of the regulations, other than use regulations, of the development is to be situated, is waived or varied to allow flexibility and initiative in site and building design and location in accordance with an approved plan and imposed general requirements from the City of Semmes as well as:

1. The development of compatible land uses arranged in such a way as to provide desirable living environments that may include private and common open spaces for recreation, circulation, or and/or aesthetic uses
2. The conservation or development of desirable amenities not otherwise possible by typical development standards
3. The creation of areas for multiple use that are of benefit to the community.

PLANNING COMMISSION

City of Semmes Planning Commission.

PRELIMINARY PLAT

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

PRIVATE ROAD

With respect to *Private Roads*, the following shall apply:

1. Identified as separate, dedicated easement and recorded as a parcel
2. Ownership of dedicated easement is noted on plat
3. Owner is responsible for maintenance of *Private Road*
4. Easement on plat must meet the minimum dimensions as *Street Standards* in Section 5
5. Does not have to be paved
6. Proper runoff and drainage must be installed if impacting *Watersheds*. See section 4 for details.

PROBATE JUDGE

The Judge of Probate of Mobile County, Alabama.

PROJECT PROPOSAL CONFERENCE

An educational and informative conference with a subdivider or applicant to ensure the understanding of the subdivision regulations and the processes to subdivide land. The conference will be made up of at least one Planning Commission Member, other than a city employee or elected official.

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 plat legally recorded prior to the adoption of any regulations that control subdivisions.

RIGHT-OF-WAY

A strip of land separate and distinct from the lots adjoining such right-of-way and not intended 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.

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.

SETBACK LINE

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

FRONT SETBACK LINE

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

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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.

REAR SETBACK LINE

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

SKETCH PLAN

The sketch plan is drawn prior to the preparation of the Preliminary Plat (or Final Plat in cases of minor subdivisions) to enable the applicant to save time and expense.

STORMWATER MANAGEMENT

The process of ensuring that the magnitude and frequency of stormwater runoff do not increase the hazards associated with flooding and that the potential for water quality impacts are not increased by improperly treated or untreated stormwater effluent or runoff.

SUBDIVIDER

Any person:

1. who has an interest in land, or causes it, directly or indirectly, to be divided into a subdivision or
2. who directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease or development, any interest, lot, parcel, site, unit, or plat in a subdivision, or
3. who 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, lease or of building development. It includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory being subdivided. 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.

SUBDIVISION JURISDICTION

These regulations shall govern all land located in the corporate limits of the City of Semmes and in addition shall govern the subdivision of land within five (5) miles of the corporate limits of the City of Semmes (extraterritorial jurisdiction), and not located

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within the corporate limits of any other municipality or within the extraterritorial subdivision jurisdiction of any other municipality.

SURETY

Any surety bond, certificate of deposit, cashier's check or other acceptable surety as approved by the City of Semmes Planning Commission.

TRAVELWAY

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

VARIANCE

Authorization for subdivision of property that does not meet a specific requirement established in these regulations.

WATERBODY

All waters of any river, stream, watercourse, pond, lake, ground or surface water, wholly or partially, either natural or artificial.

WATERCOURSE

Any natural or artificial depression through which water flows. Upon the rule or order of the City of Semmes Planning Commission, it may 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 or ephemeral, resulting from surface runoff of precipitation.

WATERSHED

That area of land that drains to a common watercourse or waterbody, such as a stream, lake, estuary, wetland, aquifer or ocean upon which human activity directly affects the area with either a positive, neutral, or negative effect.

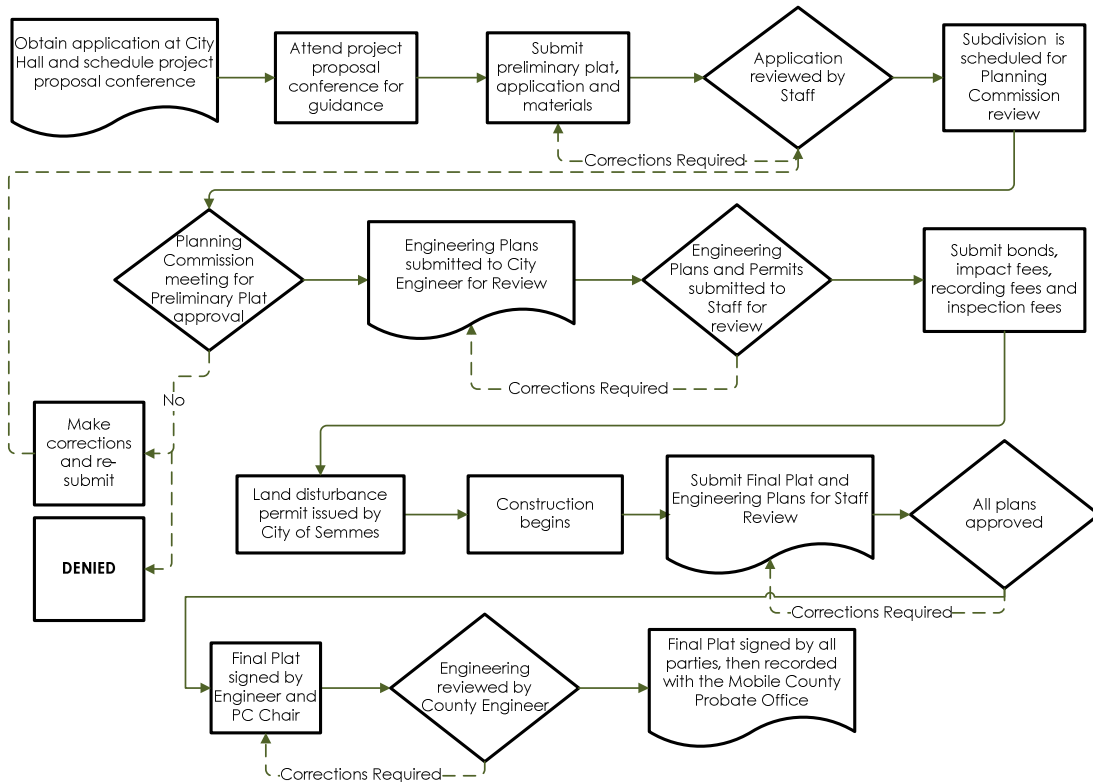
WETLANDS

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 and/or wildlife typically adapted for life in saturated soil conditions. Wetlands can include swamps, marshes, bogs and similar areas.

3

PROCEDURES FOR APPROVAL

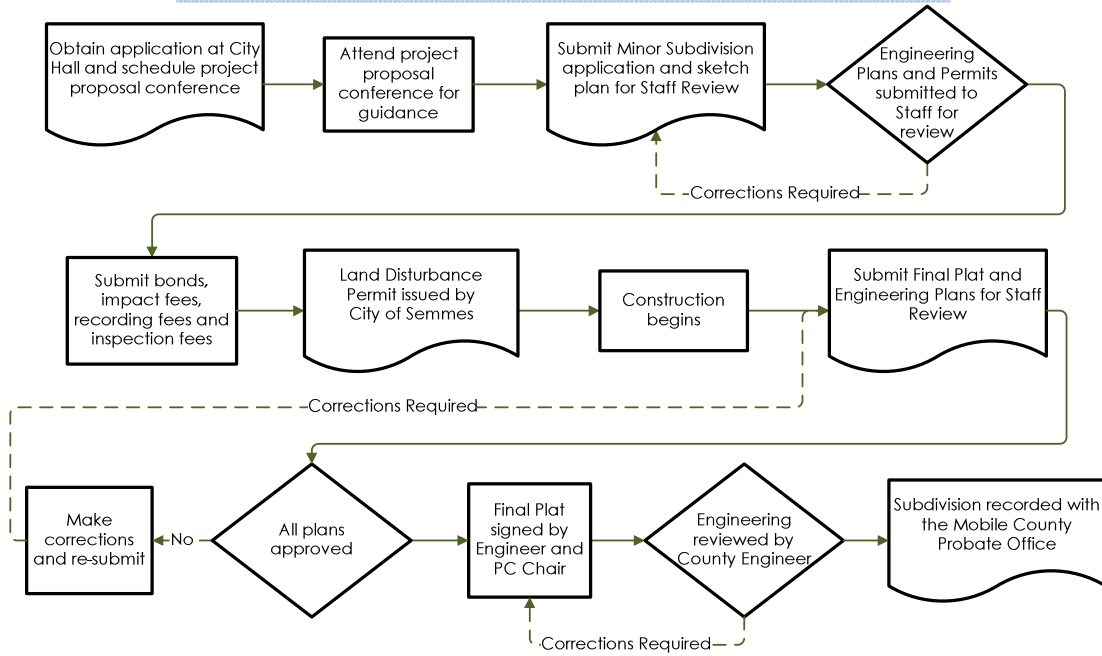
Major Subdivision Development Flowchart



Major Subdivision

Task	Project Proposal	Preliminary Plat Review	Construction Authorization	Final Plat Review
Project Proposal Form (Clerk)				
Contact Info				
Subdivision identification (major or minor)				
Request number				
Date requested				
Schedule of pre-application conference and sketch plan				
Property Location				
Intent of design and use				
Identification on City Map/Parcel number				
Current land use				
Proposed land use				
Preliminary Plat Review (Applicant)				
Name and contact information of requestor				
Name and contact information of property owner				
Address and/or location of property				
Tax parcel number				
Legal description				
Master Plan for subdivision				
Preliminary Plat - 6 copies				
Any other information the subdivider deems pertinent for submitting				
Proposed name of the subdivision				
Water source				
Sewer source				
Existing covenants				
Land characteristics				
Available community facilities				
Proximity to business areas, schools and other public areas				
Proposed protective covenants				
Proposed lot arrangements and appropriate number of lots				
Digital version of proposed preliminary plat				
Digital version of proposed master plan				
Water courses				
Existing structures				
Total acres				
Adjoining streets				
Application Fees				
Labels for mailing and photocopy of labels				
Construction Authorization				
Application Fees				
Preliminary plat				
Engineering plans				
Applicable Permits				
HOA Info if common areas are proposed (if applicable)				
Declaration of protective covenants if applicable				
Proof of commitment to surety bond, impact fees, recording & inspection fees				
Drainage calculations				
Traffic study				
Flood study, if applicable				
Letters from water and sanitary sewer utility owners providing service				
Land disturbance permit				
Subdivision Final Plat Application				
Two original reproducible Final Plat hard copies				
CD with supporting documents				
Electronic CAD file with layout geographically projected				
Letters of acceptance for maintenance from utility providers				
Letter from Engineer of record for the subdivision				
Certificate from Geotechnical Engineer of record				
Right of way warranty deed				
As built plans stamped by Professional Engineer (if applicable)				
Release and servitude agreement				
Grass bond				
Letter of maintenance of detention pond				
Payment for sign fees, recording fees and inspection fees				
Any other items required by Planning Commission				

Minor Subdivision Development Flowchart



Minor Subdivision

Task	Project Proposal	Sketch Plan Minor/Family	Final Plat Minor/Family
Project Proposal Form (Clerk)			
Contact Info			
Subdivision identification (major or minor)			
Request number			
Date requested			
Schedule of pre-application conference and sketch plan			
Location			
Intent of design and use			
Identification on City Map/Parcel number			
Current land use			
Proposed land use			
Construction Authorization (Applicant)			
Name and contact information of requestor			
Name and contact information of property owner			
Address and/or location of property			
Tax parcel number			
Legal description			
Proximity to business areas, schools and other public areas			
Water source			
Sewer source			
Proposed protective covenants			
Digital version of proposed plan			
Water courses			
Application fees			
Labels for mailing and photocopy of labels			
Applicable Permits			
Engineering plans			
Land disturbance permit			
Proposed lot arrangements and appropriate number of lots			
Existing structures			
Total acres			
Adjoining streets			
Minor/Family Subdivision Final Plat Approval (Applicant)			
Legal description			
Application Fees			
Survey/Engineering Plat			
Two original reproducible Final Plat hard copies			
CD with supporting documents			
Electronic CAD file with layout geographically projected			
Letters of acceptance for maintenance from utility providers			
Letter from Engineer of record for the subdivision			
Right of way warranty deed			
Declaration of protective covenants if applicable			
Labels for mailing and photocopy of labels			
Letters from water and sanitary sewer utility owners providing service			
Payment for sign fees, recording fees and inspection fees (as applicable)			
Any other items required by Planning Commission			

3.1 General

The procedures for review and approval of subdivision plats by the Semmes Planning Commission consist of the following steps:

1. Project Proposal Conference (Section 3.2);
2. Preliminary Plat Review (Section 3.3);
3. Construction Authorization (Section 3.4);
4. Final Plat Review (Section 3.5).

Correlation and expedition – It is the intent of the procedures established in this section to correlate and expedite the submission, review, and action on proposed Major, Minor and Family subdivisions. At the same time, it is recognized that the development process requires review and approval of several different officials and agencies such as: City and County Engineers, the Mobile County Health Department, public and private water and sewer companies, and in some instances, the Alabama Department of Transportation (ALDOT), the Mobile County School Board, the U.S. Corps of Engineers, Alabama Department of Environmental Management (ADEM), U. S. Fish and Wildlife Services, Alabama Department of Conservation and Natural Resources, NRCS and others concerned with the improvements and/or other aspects of land subdivision and development. Pre-application conferences should be held with these agencies to ensure conformity to each agency's specific requirements. In these situations, it is the responsibility of the subdivider to consult directly with officials and agencies having jurisdiction, and receive the appropriate, necessary and required approvals or permits. The subdivider shall then be responsible for ensuring that the required information and documentation is furnished in the proper form to the City of Semmes.

3.2 Project Proposal Conference

The subdivider or agent shall complete a Project Proposal Form and schedule a Project Proposal Conference to obtain information, education and assistance, concerning the City of Semmes Subdivision and Zoning Regulations. This will enable the subdivider or agent to become familiar with the subdivision regulations and other requirements which might affect the proposed subdivision. During this conference, the subdivision will be classified as major, minor, or family. The Project Proposal Conference is an informative and educative meeting only and will not have deciding power or precedence on a subdivision of land.

3.2.1 Purpose

Applicants wishing to subdivide land within the City of Semmes or its Planning Jurisdiction are required to attend a Project Proposal Conference. The purpose of the Project Proposal Conference is to familiarize applicants with the City of Semmes Subdivision Regulations, applicable procedures, submittal requirements, development standards, the identity of other agencies or officials who must eventually approve one or more elements of the subdivision plat, and other pertinent matters prior to the

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applicant incurring the expense of preparing the Preliminary and/or Final Plat. Subdivisions shall be classified as Major Subdivisions, Minor Subdivisions or Family Subdivisions during this conference. The Project Proposal Conference is an informative and educative meeting only and will not have deciding power or precedence on a subdivision of land.

3.2.2 Filing and Review

The subdivider shall complete a Project Proposal Form at the office of the City Clerk. The form will not be processed until all required information has been provided. Partial forms will not be accepted. Upon completion of the Project Proposal Form, the City Clerk will arrange an appointment for the Project Proposal Conference.

3.2.3 Documentation

The sketch plan shall be to show the proposed street layout, ROW, approximate lot sizes and arrangement, approximate location and sizes of nearest water and sewer lines, existing structures, adjoining streets, approximate flood zones, existing watercourses and water bodies, north arrow, and proposed use of the land.

3.2.4 Effect of Review

Upon completion of the Project Proposal Conference, the subdivider or applicant may submit a Preliminary Plat in the case of a major subdivision or a Construction Authorization Request Form in the case of a minor or family subdivision.

3.2.5 Timeline

The Project Proposal Conference shall take place within thirty (30) calendar days from date of submission of completed Project Proposal Form.

3.3 Preliminary Plat

The subdivider or agent shall present the Preliminary Plat to the Semmes Planning Commission for administrative review and approval. If septic tanks are to be used, the subdivider shall also present the Preliminary Plat to the Mobile County Health Department for an approval letter to the Semmes Planning Commission. The Preliminary Plat and required construction plans shall conform to these regulations unless special conditions exist which justify any modification of these requirements. Each variance from these regulations must be identified and justified individually on a separate variance request form and presented to the Semmes Planning Commission for review and approval.

The names of subdivisions and proposed new streets shall not duplicate nor be phonetically similar to existing names of subdivisions or streets in Semmes, Alabama. The subdivider shall check the proposed subdivision and street names with the Semmes Planning Commission prior to preparing the Preliminary Plat. Road names and subdivisions should have specific historic, cultural or geographical relevance, if possible.

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Street names shall be reviewed by the City Engineer, subject to final approval by Semmes Planning Commission.

3.3.1 Purpose

The purpose of the Preliminary Plat Review is to provide the Semmes Planning Commission with the preliminary plat and detailed plans and specifications in compliance with the requirements of these regulations. Detailed construction specifications and engineering requirements will be provided to the Semmes Planning Commission. This will enable the Planning Commission to hear and review input from the public, other officials and agencies concerned and act on the proposed subdivision. The subdivider, agent or the design engineer shall attend the public hearing. If the subdivider, agent or design engineer are not in attendance, the plat review will be held over until the next Planning Commission meeting. There will only be one holdover as a result of a no-show of the subdivider, agent or design engineer.

3.3.2 Filing and Review

Following the Project Proposal Conference, the applicant will, within a period of 6 months, file a Subdivision Application. If a Subdivision Application has not been filed within 6 months, the applicant must re-submit.

The subdivider shall provide the City Clerk the following documentation:

- Subdivision Application
- Preliminary plat – 6 copies @ 24"x36" (3 which contain contours) plus 9 copies no larger than 11x17 while still being legible
- digital version (drawing) and a PDF version on a labeled CD.
- Declaration of protective covenants, if applicable
- Three labels (and a photocopy of the typed labels) must be submitted for each:
 - o property owner
 - o adjoining property owner
 - o across the street property owner
 - o applicant
 - o utilities that serve the proposed subdivision
- Letters from water and sanitary sewer utility owners stating they will provide adequate service to the subdivision

Prior to any preliminary plat being presented to the Semmes Planning Commission, the adjoining property owners shall be notified by certified mail no less than 5 working days prior to the public hearing.

The Preliminary Plat may also be reviewed by other local City, County, State or Federal officials and agencies with jurisdiction governing the proposed subdivision.

After the Preliminary Plat has been reviewed by the Semmes Planning Commission, the Mobile County Health Department (if applicable) and the City Engineer, the applicant shall be advised of any required changes and/or additions. One copy of the proposed

Preliminary Plat shall be returned to the applicant with the date of approval, conditional approval, or disapproval and the reasons therefore accompanying the plat. The approval of the Preliminary Plat shall not be deemed final acceptance, but rather an expression of approval of the layout as submitted on the Preliminary Plat.

The Planning Commission shall not consider for a period of twelve (12) months a Preliminary Plat which has been disapproved by the Semmes Planning Commission.

Upon submission of a subdivision application, no additional subdivision applications shall be accepted for the subject property until the original application has been withdrawn or the Planning Commission has rendered its final decision and all applicable time limits have expired.

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 geotechnical engineer;
3. Proposed name of subdivision, date, north arrow and scale
4. Vicinity map showing location of the subdivision;
5. Exact boundaries of the tract of land being subdivided shown with bearings and distances
6. Legal description of tract boundary
7. Names and addresses of owners of land immediately abutting the tract of land being subdivided.
8. Major traffic arteries, utilities, and community facilities (major shopping areas, schools, parks, hospitals, churches) which are pertinent to the proposed development and design.
9. The location of existing right-of-ways and or easements of record, water courses, on or abutting to the tract being subdivided;
10. Proposed rights-of-way, easements, setbacks, including locations, widths, purposes, and street names;
11. Proposed lot lines with approximate bearings and approximate distances and lot and block numbers;
12. Site data:
 - a. Acreage in total tract
 - b. Any additional future phases – areas in acres

- c. Smallest lot size
 - d. Total number of lots
 - e. Linear feet in streets
 - f. Right of Way width
 - g. Written scale
 - h. Linear footage of sidewalks and/or walking paths
 - i. Written permission from Mobile County, City of Mobile, and/or the State of Alabama Department of Transportation to access any roadway other than a city-maintained street.
13. Wetlands, streams, creeks, tributaries and sub-watersheds (@ 8, 12, &15 digit HUC designations).
 14. Drainage design for current phase and any future phases.
 15. 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.
 16. Flood zone boundaries shall be as by FIRM Maps.
 17. Topography based on U.S. Geological Surveyor U.S. Coast and Geologic Survey sea level datum. Surveyed contours shall be shown at a perimeter distance of 150 ft. beyond the Site at one (1) foot intervals unless otherwise specified by the Semmes Planning Commission for major subdivisions. LIDAR contours at two (2) foot intervals shall be shown for minor subdivisions.
 18. 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 by any impermeable surfaces, types of pollutants generated, distances to streams and other surface waters, and impact on adjoining properties.
 19. Note making covenants a part of the deed for each lot
 20. Certificate of Owner (Notary)
 21. Certificate of Surveyor
 22. Proposed Public Improvements: Where information is available, highways or other major public improvements planned by public authorities for future construction on or adjacent to the tract (Example: 2035 Long

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Range Transportation Plan – Mobile Area Transportation Study adopted February 24, 2010 – Mobile Metropolitan Planning Organization).

23. Additional notes as shown in the table below:

CONDITIONS:	REQUIRED NOTATIONS
New City Maintained Road being proposed	Roads only accepted for maintenance by the City of Semmes
Existing City maintained road	No easement or R-O-W accepted for maintenance by the City of Semmes
Common Areas (not publicly owned)	Maintenance of Common areas to be the responsibility of the property owner and not Mobile County or the City of Semmes
Public ROW not maintained by City of Semmes or Mobile County	Public R-O-W not to be maintained by the City of Semmes or Mobile County
Subdivision is outside City limits	All right-of-ways, easements of record, and proposed easements are shown on this plat

3.3.4 Variances

Applications for any variance shall be submitted in writing by the developer at the time the Preliminary Plat is filed for consideration by the Semmes Planning Commission. The application shall state in full the grounds upon which the variance is being requested and present the facts upon which the petitioner is relying; and shall be supplemented with such maps, plans, and other data which may assist the Semmes Planning Commission in consideration of the request.

No variance shall be granted unless the Semmes Planning Commission shall find that due to special circumstances or conditions, the strict application of these regulations would deprive the applicant of reasonable use of the land.

Multiple variances may be allowed for a subdivision, but a variance against every minimum design standard will not be accepted.

Requested variances must provide an alternate means to follow the intent of the specific regulation for which the variance is requested, and not attempt to exempt any part of the regulations.

3.4 Construction Authorization

3.4.1 Purpose

The purpose of the Construction Authorization is to provide information, including engineering drawings and specifications, permits, reports on traffic studies and flood studies, etc., for the construction or installation of the improvements. To this end, the Subdivider and his engineer or land surveyor should consult with the City Engineer or County Engineer, as appropriate, and with other officials and agencies concerned with construction or installation of improvements. The Engineering Plans may include only the portion of the approved Preliminary Plat which the Subdivider proposes to develop at the time.

3.4.2 Filing and Review

After approval of the Preliminary Plat and prior to the construction or installation of any of the improvements, the Subdivider shall prepare and submit to the City Engineer or County Engineer, as appropriate, or to other officials or agencies concerned, the necessary copies of the Engineering Plans. The Engineering Plans shall be reviewed by the appropriate authorities, and the review shall take into consideration, in addition to the requirements set out in these regulations, conformance of the plans with the applicable standards and regulations of the City of Semmes or the County of Mobile, as appropriate, and of other agencies concerned.

3.4.3 Action on Construction Authorization

The City Engineer or County Engineer, as appropriate, and other officials and agencies concerned shall notify the Subdivider of the approval or disapproval of the Engineering Plans. In the case of approval, specific changes, if any, required to be made shall be stated; in the case of disapproval, the grounds for such disapproval shall be stated. A Land Disturbance Permit is required by the City of Semmes prior to any construction or improvements for the proposed subdivision.

3.4.4 Approval Duration

Approval of the Preliminary Plat and Construction Authorization grants the applicant approval 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 Authorization approval shall be effective for one (1) year, unless, upon application in writing, the subdivider requests an extension and the same is granted by the Semmes Planning Commission for a period not exceed one (1) year of time. Any Preliminary 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.

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 the subdivision be under construction within one (1) year of initial approval, no further extension nor changes in approved plans and specifications shall be required.

3.4.5 Timetable for Approval Process

The Semmes Planning Commission shall provide approval, denial, or all recommended changes or revisions of the preliminary plat within thirty (30) calendar days from the date the plat is presented to the Semmes Planning Commission.

3.5 Final Plat Procedures

The subdivider or agent shall present the Final Plat of the subdivision for official review by the City Engineer and Chair of the Semmes Planning Commission. 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 the Probate Court of Mobile County.

3.5.1 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 Court.

3.5.2 Filing and Review

Within one year of the date of Preliminary Plat approval, the subdivider shall file the following with the City Clerk's office at least 15 days prior to a regularly scheduled meeting of the Planning Commission:

- Four (4) 24" x 36" original reproducible Final Plats and a digital copy (drawing as well as PDF) on a labeled CD
- Letters of acceptance for maintenance from all applicable utility providers with facilities in the rights of way to be accepted by the city
- A letter from the Engineer of record for the subdivision stating that all improvements have been completed in compliance with the approved engineering plans

- The Geotechnical engineer of record must provide a certification along with all material test reports stating that all materials used in the construction meet applicable requirements
- Right of way warranty deed and 2 year maintenance bond
- As built plans stamped by a professional engineer
- Release and permission agreement for development
- Grass bond
- Letter of maintenance of detention ponds and stormwater structures in common areas and, if located in a watershed, submit a copy of the articles of incorporation for the Home Owners' Association, including a five (5) year maintenance plan.
- Letter of inspection and compliance of detention ponds and stormwater structures in common areas prior to transfer of ownership to Home Owners' Association
- Payment for sign fees, recording fees, application fees and inspection fees
- Any other items the Semmes Planning Commission stated as requirements for the preliminary plat approval

The review shall be accomplished by the City Engineer or their designee, the Planning Commission 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.

3.5.3 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. The Final Plat shall be signed by all parties (the City Engineer, the Planning Commission Chair, and the Mobile County Engineer, as applicable) before being recorded with the Mobile County Probate Office.

3.5.4 Effect of Review

Within thirty (30) days of submittal of a complete and accurate application, the Semmes Planning Commission shall determine whether the final plat shall be approved or not approved based on whether the development conforms to the provisions of

these regulations and the approved preliminary plat and the conditions, if any, imposed during review. Upon satisfactory review, site inspection and evaluation of improvements, Final Plat approval shall be given. In such case, the City Engineer and Planning Commission Chair shall sign the plat. If the review is unsatisfactory due to discrepancies between the final plat and 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. Following signature, the City Clerk shall, at the subdividers expense, coordinate recording of the final plat and other applicable legal documents, at the office of the Probate Judge of Mobile County.

3.6 Procedure Exceptions

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

1. Property that is divided by court order.
2. The division of land into parcels of five (5) acres or more when 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, or any lot or parcel created there from, for the widening or opening of streets, right-of-ways, drainage easements, utility substation, power line easements, pumping stations, pressure regulating stations, electricity regulating substations, gas pressure control station, or for other public uses.
4. The sale, deed or transfer of land by owner to an immediate family member within the meaning of the definition of a family subdivision in Section 2 of these regulations.
5. The construction or development of roads or buildings on private property to be used for agricultural purposes.

Plats of these exceptions must be received as information by the City Clerk, City Engineer, and the Planning Commission, which fact shall be indicated on the plats. The final plat and other applicable legal documents must be filed, by the subdivider, at the office of the Probate Judge of Mobile County.

4 SPECIAL WATERSHED PROTECTIONS

4.1 Special Watershed Designations

Any sub-watershed (at the 12 digit HUC designation) that drains into a designated waterbody as being:

1. An impaired water of the state (tier 1 or tier 2 waters, also any 303(d) waters)
2. A public surface water drinking supply
3. Designated habitat areas for any threatened endangered species
4. Any state designated area of historical significance (ie, via the State Historical Preservation Office)
5. Any special designation conferred by the City Planning Commission

4.2 Detention Requirements

In any designated "special 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 watershed, storm water detention facilities are required in all Major Subdivisions. 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 effluent criteria for Stormwater Treatment Design Specifications need to be at a minimum of 85% removal of TSS (total suspended solids) for all construction and development facilities.

The licensed Professional Engineer must certify that the design of the subdivision and its storm water detention features are designed in accordance with these regulations. Any storm water detention facility must be shown in the plans and on the recorded subdivision plat as a stormwater detention facility area not maintained by the City of Semmes, Mobile County, or the State of Alabama.

4.3 Maintenance

The Licensed Professional Engineer must submit a plan for storm water detention facilities and for maintenance of any drainage easements not maintained by the City. The owner of any subdivision must provide a deed restriction designation as to who will maintain any such storm water detention facilities and easements. The owner or designee must place covenants such that the maintenance responsibility will run with

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the land ownership 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 ownership 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 a document of record with the Judge of Probate of Mobile County. Each five years after initial submission of a plan for storm water detention facility maintenance and immediately upon any change in ownership, the owner of the subdivision storm water detention facilities shall resubmit the maintenance plan and a certified BMP 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 a schedule for completing these corrective actions.

5

CONSTRUCTION AND DESIGN STANDARDS

5.1 General Applicability

The provisions of these Regulations shall apply to all land within the City limits of Semmes, Alabama now or in the future, and to all land within the planning jurisdiction of the City of Semmes, as authorized by the Code of Alabama, Title 11, Chapter 52 and Article I of these regulations. When lands proposed to be subdivided include or abut an existing street, all rights-of-way shall be improved to meet the standards and specifications of these Regulations.

5.1.1 General Requirements

Detailed construction specifications and engineering requirements may be obtained from the City Clerk for proposed subdivisions of land within the corporate limits of the City of Semmes. For proposed subdivisions of land within the extraterritorial jurisdiction, the applicant must obtain construction specifications and engineering requirements from Mobile County Public Works. Best Management Practices will be utilized in all aspects of the development.

5.2 Approval Standards

5.2.1 Phases

Development of a Major Subdivision may be done in phases, in which case all the property to be included in the Planned Development shall be submitted as a conceptual site plan. All phasing must be shown on the submitted plan. A conceptual BMP plan should also be included.

5.2.2 Consistency with Plans, Regulations, and Laws

Whenever access to the subdivision is required across land in another local jurisdiction, the Planning Commission may require assurances from the other locality that access is legally established and that the access road is adequately improved or that a performance bond has been duly posted to assure the construction of the access road.

5.2.3 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 FIRM Maps.

5.2.4 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" or "AE" 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 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.

5.2.5 Natural Features

Protection of Wetlands, Floodplains and Surface Waters.

The design of subdivisions shall be such that protection of streams, wetlands, floodplains, water courses, or other water-bodies is ensured. Protection of these areas includes, but is not limited to, protection against pollutants such as construction runoff, silt, chemical 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 and a certified copy of the applicable Federal and State permits must be provided to the City Clerk prior to approval of the Construction Plans.

Placement of a buffer zone to protect the identified feature(s) shall be shown. The width of buffer shall be delineated from the designated boundary line. These buffer areas shall be measured as follows: Within 150 feet of a public drinking water source and any associated tributaries and/or wetlands; within 100 feet of perennial streams and associated wetlands; and within 75 feet of natural drainage features and adjacent and/or isolated wetlands.

A Buffer Zone differs from a construction setback in that the setback establishes a minimum distance between an identified area and construction activities; whereas a buffer zone establishes a natural area adjacent to the identified area or feature that must be retained or restored to a natural vegetative condition.

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, and driveways to exclude identified natural areas and critical wildlife habitat.
2. Locate building sites, roads, bridges and driveways to avoid fragmentation of identified natural areas and critical wildlife habitat, to provide habitat continuity.
3. Establish buffer area(s), as recommended by the US Army Corps of Engineers, US Fish and Wildlife Service, the Alabama Department of Environmental Management and/or the Alabama Department of Conservation and Natural Resources, to ensure the protection of critical habitat.

5.3 Greenspace Standards

5.3.1 Purpose

Greenspace standards shall be used for the physical development of the City and surrounding planning jurisdiction to ensure adequate and convenient open spaces for recreation, light, and air. These standards shall promote the following goals:

1. Create focal points for new and existing neighborhoods by providing appropriately located parks, schools, parkways, and other amenities
2. Support development of recreational opportunities
3. Provide public gathering places

To ensure development of the community, the Planning Commission may require that the subdivider reserve open spaces for parks, schools, fire stations, playgrounds, and any other use essential to safety and the social welfare of the community.

5.3.2 Applicability and Requirements

The regulations in this section shall apply to any subdivision. A minimum of 5% of buildable open space shall be designated as greenspace for every subdivision.

5.3.3 Eligible Greenspace

1. Greenspace eligible for meeting the requirements of this section shall:
 - a. not be located in any wetland areas or buffer zones

- b. be measured from the outer boundary delineation for any designated wetland or water body boundary
- c. not include any retention, detention or similar holding basins
- d. not include any right-of-way

5.3.4 Design Requirements

1. All eligible greenspace shall conform to the following design requirements:
 - a. Streets shall align adjacent to greenspace unless designated as walking or bicycling trails
 - b. Greenspace may be preserved woodlands or natural areas
 - c. Greenspace shall not be located adjacent to a collector or arterial street.
 - d. Regard shall be shown for all natural features such as lakes, ponds, water courses, historic sites and other similar features which, if preserved, will add attractiveness and value to the property

5.3.5 Phased Project

Where a project is proposed to be phased, the required dedicated greenspace for each phase must be completed before starting the next planned phase. All of the design requirements indicated above shall be applicable to any and all phased development. The percentage of greenspace shall be calculated on a cumulative basis per phase in order to ensure that the greenspace requirements are met.

5.3.6 Greenspace Maintenance

All required greenspace shall be indicated and recorded on the plat with designation of intended use.

1. The plat must also have a note that the property is not dedicated to the City of Semmes and that the City of Semmes is not responsible for maintenance of any or all required greenspace.
2. Ownership of Greenspace. A homeowners association representing residents the development shall own the greenspace. Membership in the homeowners association shall be mandatory and automatic for all homeowners of the development and their successors. The homeowners association shall have lien authority to ensure collection of dues from all members. The responsibility for maintaining the greenspace and any facilities located thereon shall be borne by the homeowners association.
3. If developer desires to dedicate greenspace to the City of Semmes, a formal request shall be submitted to the City Clerk and final approval given by the Planning Commission. Such dedication shall be in legal form satisfactory to Mobile County Probate Judge.
4. Care shall be taken in the maintenance of greenspaces that non-native/invasive plant species, i.e. cogongrass, Chinese tallow (popcorn trees), and Chinese privet, do not overtake native vegetation.

5. Covenants to ensure that greenspace will always remain as greenspace shall be applied as required by the City of Semmes Planning Commission.

5.3.7 Hardship

Where there are unique and inherent characteristics of the land proposed for development, the Planning Commission may, by vote, reduce the greenspace requirements in whole or part. The Commission, however, may not require additional land area for greenspace, as is stated in 5.3.2. A reduction of the greenspace requirements is totally contingent on the unique qualities of the land that are inherent, not man-made, and would deprive a property owner of a reasonable return on the use of the land. It is the sole responsibility of the property owner to portray any and all "hardships" to the Planning Commission for final determination.

- (a) Where the Planning Commission finds that unusual hardships or practical difficulties may result from strict compliance with these standards, or the purposes of these standards may be served to a greater extent by an alternative proposal, the Planning Commission may waive certain standards required by these Regulations so that substantial justice may be done and the public interest secured. However, such waiver shall not have the effect of nullifying the intent or purposes of these Regulations.
- (b) The Planning Commission may consider a waiver based upon the evidence presented to it in each specific case, that the following criteria are met:
 - a. The granting of the waiver will not be detrimental to the public safety, health, or general welfare or be injurious to other property;
 - b. The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property; and
 - c. The waiver will not in any manner interfere with the provisions or purposes of the comprehensive development regulations of the City
- (c) In granting the waiver, the Planning Commission may impose such conditions necessary to secure the purposes of these standards.
- (d) Any waiver desired by the developer must be requested in writing to the Planning Commission and shown on the plans.

5.4 Street Standards

5.4.1 Purpose

Street standards are established for the physical development of the City, by setting the location, character, and extent of streets as well as other public ways to promote good civic design and arrangement. This design and arrangement shall ensure proper arrangement of streets in relation to other existing or planned streets.

5.4.2 Frontage on Improved Roads

Proposed subdivision developments shall have frontage on and access from an existing right of way or a proposed new street shown on a 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 City of Semmes, in the case of subdivisions within the corporate limits, or Mobile County Public Works, in the case of subdivisions within the extraterritorial jurisdiction. All road access shall be subject to the approval of the Alabama Department of Transportation in the case of state highways and subject to the approval of Mobile County in the case of County roads.

5.4.3 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. To identify impacts and mitigation measures necessary to ensure road safety and efficiency, a traffic study is required for any proposed development greater than 15,000 square feet of gross floor area, if the proposed development involves any one of the following:

- 1) An impacted area, as determined by the Department of Transportation (DOT), that includes an intersection performing at Level of Service "D" or worse;
- 2) 50 or more dwelling units;
- 3) A gross floor area that equals or exceeds;
 - a) 150,000 square feet of warehouse space
 - b) 50,000 square feet for any other use.

The cost of the traffic study 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:

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.

In situations where a development may require the realignment, widening or an increase in the capacity of an existing road, or where the Mobile Planning Organization, the City of Semmes, and/or Mobile County indicates that such improvements may be required in the future, the applicant may be required to reserve land for such improvements.

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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 require 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.

5.4.4 Pedestrian Access

The Planning Commission may require pedestrian rights-of-way to facilitate pedestrian circulation within multi-unit subdivision developments, high-density housing areas, commercial, shopping, medical, or education areas and other facilities.

5.4.5 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 possible.

5.4.6 Construction Specifications

All streets in any subdivision in the extraterritorial jurisdiction of the City of Semmes, 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 Mobile County Engineer's office.

All streets in any subdivision in the corporate limits of the City of Semmes, whether such streets shall be private or dedicated for public use, shall be constructed to the requirements of the City of Semmes. Detailed construction specifications and engineering requirements may be obtained from the City Clerk.

5.4.7 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, or watercourses in order to separate residential development from non-residential uses and through-vehicular-traffic.

5.4.8 Side Lot Lines

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

5.4.9 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 the City of Semmes requirements, if the subdivision is within the corporate limits, or Mobile County Engineering Office requirements, if within the extraterritorial jurisdiction. All subdivision streets shall be dedicated for public use at the time of Final Plat approval.

Whenever a parcel of land is subdivided and the subdivision plat shows one (1) or more lots containing more than one (1) acre of land and there are indications that such lots will eventually be re-subdivided into smaller building sites, the Planning Commission may require that such parcel of land allow for the future opening of streets and/or the ultimate extension of adjacent streets. Easements providing for the future opening and/or extension of such streets may be made a requirement of the plat.

5.4.10 Formal Acceptance of Public Rights-of-Way

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

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.

Panhandle or flag lots shall generally not be allowed, but may be permitted only in those locations where varied and irregularly-shaped lot designs are common and the informality of design is consistent with other lots in the vicinity; or, where unusual circumstances such as an odd shaped lot exists; or, separate disparate uses exist on a single lot; or, where there are natural or pre-existing man-made barriers which may cause an undue hardship on the land owner; or in the case of a family division. Requests for panhandle or flag lots shall be accompanied by evidence showing that each panhandle or flag lot is necessary to allow the site owner reasonable use of the site or to alleviate a situation that would otherwise cause extreme hardship.

Where panhandle or flag lots are permitted, the "pole", "handle" or "stem" shall be a minimum of 35' in width for its entirety. If the panhandle or flag shaped lot is large enough to potentially be re-subdivided, the "pole", "handle" or "stem" shall be of a width adequate to allow for dedication and construction of a public road. The building site area of each panhandle or flag lot shall be exclusive of the "pole", "handle" or "stem".

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Multiple panhandle or flag lots shall not be allowed as an alternative to road construction.

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 (0.5 or ½ acre) in area and not less than 100 feet wide at the front building setback 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 (0.5 or ½ acre) in area and not less than 100 feet wide at the front building setback 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 (one (1) acre) in area and not less than 100 feet wide at front building setback line.

Public or Private Water Supply	Approved Sanitary Sewer System	Minimum Square Foot	Minimum Acreage	Width at Building Setback Line
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 right-of-way line. Side building setbacks shall be a minimum of 15 feet from the property line. Deeper setbacks are allowed and shall be platted on each subdivision record plat.

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.

5.5.5 Cul-de-Sac

Lots situated on Cul-de-Sacs shall be in conformity with other lots in the development. Any lot facing a cul-de-sac or a curved street having a radius of less than one hundred feet at the property line shall have a minimum frontage of at least fifty feet measured along the front property line.

5.5.6 Character of the Land

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

5.6 Storm Water Standards

The City Engineer shall not recommend for approval any plat of a subdivision which does not appear to make adequate provision for storm or flood water runoff channels or basins. The storm water drainage system shall be separate and independent from any sanitary sewer system. A copy of basic design computations shall be submitted along with plans. Inlets shall be provided so that surface water is not carried across any intersection, nor carried for a distance of more than 600 feet in the gutter unless approved by the City Engineer. When calculations indicate that curb capacities are exceeded at any point, catch basins shall be used to intercept flow at that point. The drainage systems along roadways shall normally accommodate flows from at least a 10 year frequency design storm for side drains; a 25 year frequency design storm for cross drains; and a 100 year frequency design storm for bridges.

A complete drainage plan and contour map showing pipe sizes, their locations, and the areas to be drained shall be submitted along with the profile grades and typical roadway section for approval.

All existing drainage facilities and structures shall be shown on the preliminary plat, contour map, and construction plans.

5.6.1 Drainage Location and Easements

Whether it is 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 Engineering Plans.

5.6.2 Detention and Retention Facilities

Detention and retention ponds will be reflected on the Preliminary and Final Plats as well as the Engineering Plans. These ponds will be maintained in accordance with BMP as prescribed by the *Alabama BMP Handbook*.

6

CONSTRUCTION STANDARDS

6.1 General

The sub-divider shall be required to install or construct improvements hereinafter described prior to having released bond or other surety, which guarantees the installation of such improvements. All improvements required shall be constructed in conformity with these regulations. All improvements shall be designed and sealed by a Project Engineer. The Project Engineer shall carry Errors and Omissions Insurance at a minimum coverage of at least \$1,000,000.

6.2 Performance and Maintenance Bonds

Upon approval by the Semmes Planning Commission and prior to the acceptance by the City (or County, in the case of subdivision of property in the extended Planning Jurisdiction) of any improved street or roadway intended for dedication to public use, the owner must post a performance/maintenance bond with the City in an amount considered adequate by the Semmes Planning Commission to assure the satisfactory construction of all improvements for a 2 year period of time.

6.3 Streets and Lanes

The sub-divider is required to pave all streets and lanes with a suitable hard surface, all-weather type of pavement in compliance with ALDOT requirements.

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

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

Streets and roads within the Corporate Limits of the City of Semmes must be constructed in accordance with Appendix D, Section D107 "One- or Two-Family Residential Developments" of the 2012 International Fire Code and shall meet the requirements of Appendix D, Section D104.3 of the 2012 International Fire Code. Approved fire apparatus access roads shall be designed and constructed as specified

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in Appendix D, Section D102 “Required Access” and Section D103 “Minimum Specifications” of the 2012 International Fire Code.

6.3.1 Widening and Re-alignment of Existing Roads

Where a subdivision borders an existing road not constructed to the City of Semmes’ standards (or Mobile County standards, in the case of subdivision of property in the Extended Planning Jurisdiction), or when the Comprehensive Plan (TBD) or the 2035 Long Range Transportation Plan (Mobile Area Transportation Study adopted February 24, 2010 – Mobile Metropolitan Planning Organization), indicate plans for realignment or widening of a road that would require future use of a portion of the land in the subdivision, the applicant shall dedicate the additional right-of-way from the centerline. Land reserved for any road purposes shall not be counted in satisfying yard or greenspace requirements and shall be dedicated to the City of Semmes and shown on plat.

6.3.2 Private Roads

The design and layout of all rural, private road subdivisions shall comply with all provisions of City of Semmes Construction Standards (or Mobile County, in the case of subdivision of property in the Extended Planning Jurisdiction).

If the property is platted for subdivision and otherwise complies with all provisions of City of Semmes Subdivision Regulations, there shall be placed conspicuously on the Final Plat, the following notice:

“The streets and drives have not been dedicated to the City of Semmes (or Mobile County, in the case of subdivision of property in the Extended Planning Jurisdiction). All streets shall be maintained by the private property owners within the subdivision, but said streets shall always be open or accessible to police, fire (municipal or volunteer) and other official vehicles of all City, County, State and Federal agencies.”

Every deed shall clearly acknowledge the following:

“Said roadway is private and not maintained by the City of Semmes (or Mobile County, in the case of subdivision of property in the Extended Planning Jurisdiction).”

Prior to the sale of any parcel in said subdivision, a sign shall be posted and maintained at all entrances to said subdivision stating:

“Private roadway not maintained by the City of Semmes (or Mobile County, in the case of subdivision of property in the Extended Planning Jurisdiction).”

6.3.3 Construction Standards

Roads shall be constructed to Mobile County Engineering standards.

6.4 Curbs and Gutters

Curbs and gutters shall be installed on all streets within the extraterritorial Planning Jurisdiction and the corporate limits of the City of Semmes to the Mobile County Engineering standards.

Markings shall be added to the curb to indicate the location of water and sewer laterals.

6.5 Sidewalks and Natural Paths

Sidewalks shall be installed on all new streets within the extraterritorial Planning Jurisdiction and the corporate limits of the City of Semmes. On streets requiring sidewalks, concrete sidewalks which meet Mobile County Engineering standards shall be designed and installed in accordance with good engineering practice.

6.6 Storm Water

6.6.1 General requirements

All storm water requirements will be designed and installed to meet Mobile County Engineering standards within the extraterritorial Planning Jurisdiction and the corporate limits of the City of Semmes.

6.6.2 Accommodation of Upstream Drainage Areas

A culvert or other drainage facility shall, in each case, be large enough to accommodate potential developed property runoff from its entire upstream drainage area, whether inside or outside the subdivision or development.

6.6.3 Effect on Downstream Drainage Areas

The Design Engineer shall also review the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. These drainage studies, together with such other studies as shall be appropriate, shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Semmes Planning Commission, based on recommendation from the City Engineer, may withhold approval of the subdivision until provision has been made for the improvement of said condition, or the subdivision drainage system is designed to reduce impact on the existing facilities.

6.7 Water System

Where a public water supply is reasonably accessible, as determined by the Mobile County 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.

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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.

- a. All subdivisions shall have water service. The water service shall not be provided by the City of Semmes but by an independent water authority.
- b. Primary water service may be individual well type systems that have been approved by the Mobile County Health Department.

6.8 Fire Hydrants

Fire Hydrants shall be installed along each street at a maximum interval of three hundred (300) feet for commercial and six hundred (600) feet for residential, or at the ends and center of each block, or as otherwise required by the fire authority having jurisdiction. Fire hydrant placement shall be in accordance with the most recent Fire Code adopted by the City of Semmes. Water supply and pressure shall be adequate to provide fire protection and for the future needs of the development.

6.9 Sanitary Sewerage

Where a public sanitary sewer is reasonably accessible, as determined by the Mobile County 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. Where public sanitary sewer is not reasonably accessible, as shown above, approval of all proposed lots in the development by the Mobile County Board of Health is required prior to final approval of the proposed subdivision plat.

6.10 Permanent Monuments

Concrete monuments four inches in cross section and three feet long, with a flat top shall be set at all points where the exterior boundaries of the subdivision intersect, including points of curvature and points of tangency on curved boundaries. The top of the monument shall have an "X" indented therein to identify the exact point and the top shall be set flush with grade. All interior lot corners shall be marked with a pipe not smaller than three-quarters inch diameter, 24 inches length and shall be driven flush with finish grade.

6.11 Bridges

Bridges of primary benefit to the applicant, as determined by the City Engineer, shall be constructed at the full expense of the applicant without reimbursement from the City.

6.12 Inspection and Improvements

When all required improvements have been installed, the subdivider shall call for a final inspection. The City Engineer and/or his/her authorized agent and other City Department representatives shall inspect the site to determine if the required improvements are satisfactorily installed according to plans, specifications, standards and applicable laws and ordinances. To determine if the streets are installed to minimum standards, the subdivider shall select an independent testing laboratory approved by the City to make the necessary tests. Tests shall be conducted at the expense of the subdivider as required.

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, in addition to 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), 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. Plans shall be prepared by a licensed professional engineer, licensed to practice in general civil engineering.

6.13 Requirement to Complete Improvements

Sub-divider shall be responsible for providing all required established improvements in the subdivision. This may be accomplished by (1) full installation of such improvements before the Final Plat is submitted to the Planning Commission for approval or (2) after 90% substantial completion of the total cost of the infrastructure the subdivider may provide to the City a financial guarantee of performance in the form of either a performance bond or a Letter of Credit. Any such performance bond shall be in form and substance acceptable to the Planning Commission, with oblige riders in favor of the City in the event the bond issued in the name of the subdivider's contractor, and shall be issued by a surety that is licensed to do business in the State of Alabama and having a Best rating of A- or better. In the event that the subdivision lies within the extra-

territorial jurisdiction, such guaranty shall be made jointly payable to the City of Semmes and Mobile County, Alabama. The surety and the form and amount of such financial guaranty shall be subject to approval of the City and/or County.

6.14 Underground Utilities

All utilities in all proposed subdivisions shall be installed underground.

The Planning Commission may waive this section in all or part based on evidence that underground installation is not in the best interest of the environment or is financially not feasible.

6.15 Engineering Plans

The developer shall submit detailed drainage plans and drainage calculations to the City of Semmes for review and approval for all developments affecting City right-of-ways. Said plans shall be prepared by a licensed Professional Engineer registered in the State of Alabama and shall contain the following information:

1. *Topography map of proposed area to be developed.*
2. *Existing and proposed contours at sufficient intervals, usually 1 foot if not over 5% slopes.*
3. *Existing drainage system with all existing elevations, sizes, and slopes*
4. *Proposed drainage system including offsite and onsite drainage areas.*
5. *Structure locations, type and size, and slope, cfs, Inlet Elevations, Outlet Elevations, Velocity, Headwater Elevations, Tailwater Elevations*
6. *Discharge quantities at each outfall location listed by recurrence interval, as well as pre- and post- runoff rates at each outfall.*
7. *Typical Sections in accordance with City of Semmes Specifications or ALDOT specifications, whichever is more restrictive.*
8. *Plan and Profiles of each proposed street, drainage outfall, and intersecting streets.*
9. *Cross sections of each proposed street and drainage outfall.*
10. *Intersection details depicting proposed grading, radii of curves, and proposed utilities.*
11. *Erosion and Sediment Control Plan*
12. *Other pertinent information necessary for review of the drainage plans as may be required by the City Engineer.*
13. *Quad map with site boundary and outfall locations identified.*

7

CONSERVATION SUBDIVISION

7.1 Purposes of Conservation Subdivision

To promote efficient uses of the land to protect and preserve environmentally sensitive areas and Semmes's potable water supply source.

1. To preserve, in perpetuity, unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, watersheds, woodlands and wildlife habitat
2. To permit clustering of buildings and structures on less environmentally sensitive soils in order to reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development
3. To reduce erosion and sedimentation by minimizing and phasing of land disturbance and removal of vegetation in residential development
4. To promote interconnected greenways and corridors throughout the community
5. To provide flexibility to allow for creativity in developments
6. To encourage a more efficient form of development that consumes less open land and conforms to existing topography and natural features
7. To protect water quality in the Big Creek Lake and Eight Mile Creek Sub-watersheds
8. To reduce cost associated with infrastructure (roads, sidewalks, and utilities) and land preparation required by compact conservation designs

Conventional Subdivision



Conservation Subdivision



7.2 General Regulations

7.2.1 Applicability of Regulations

From and after the effective date of the Conservation Subdivision Regulations, all divisions of land in the subdivision jurisdiction, which lie within any watershed, that are ten (10) acres or more, and where the division creates more than four lots, shall have the option of being prepared and presented for approval in accordance with these regulations.

7.2.2 Minimum Land Area for a Conservation Subdivision

The minimum land area for a conservation subdivision is 10 contiguous acres. The Planning Commission may consider smaller parcels, greater than or equal to five acres but less than 10 acres, if the applicant can demonstrate one of the following: (1)

1. The proposed Open Space provides a connection between unconnected existing open space, greenspace, or other protected natural resource areas and will not result in isolated fragments of open space
2. The proposed Conservation Subdivision would ensure a unique natural or historical significant area will be protected

7.2.3 Housing Density Determination

The maximum number of lots in the Conservation Subdivision shall be determined by the density of the underlying zoning district or by dividing the gross area of the proposed conservation subdivision by the minimum lot size allowed will have a minimum of 100' lot frontage.

7.3 Application Requirements

7.3.1 Site Analysis Map

Prior to the submission of a sketch plan and Project Proposal Conference Form, the applicant shall prepare and submit a Site Analysis Map to the City Engineer for review and approval in accordance with these regulations. The purpose of the Site Analysis Map is to ensure that important site features have been adequately identified prior to the creation of the site design, and that the proposed Open Space will meet the requirements of this article. The following information shall be included on the Site Analysis Map.

1. Delineation of Primary Conservation Areas by type including acreage. The source of this information shall also be indicated.
2. Delineation of Secondary Conservation Areas by type including acreage. The source of this information shall also be indicated. Information included on the site analysis map must be based on existing data sources (i.e. USGS maps, FIRM maps, etc.) and field inspections. All data shown on the Site Analysis Map shall

be certified by a professional engineer. Additional information may be required, as needed, to make further determinations.

7.3.2 Open Space Maintenance Plan

An open space maintenance plan, as described herein, shall be prepared and submitted prior to the initial final plat approval.

7.3.3 Open Space Maintenance Plan

An open space maintenance plan, as described herein, shall be prepared and submitted prior to the initial final plat approval.

7.3.4 Instrument of Permanent Protection

An instrument of permanent protection, such as a conservation easement or permanent restrictive covenant and approved by the City Attorney, shall be placed on the Open Space prior to the filing of the initial final plat.

7.3.5 Other Requirements

Applicant shall adhere to all other applicable requirements of any underlying zoning and the Semmes Subdivision Regulations.

7.4 Open Space

7.4.1 Standards for Determining and Designing the Open Spaces

1. The minimum Open Space shall comprise at least 50% of the gross area of the Conservation Subdivision.
2. Primary Conservation areas are environmentally sensitive areas such as wetlands and floodplains regulated by State and Federal law. Primary conservation areas form the core of the open space to be protected. These areas are required to be included as open space. These areas must be covered by some provision for permanent protection. The following are considered Primary Conservation Areas and shall be included within the Open Space, unless the strict application of these standards would be counter to the purposes of these regulations:
 - a. The 100-year floodplain
 - b. Stream buffer zones along all perennial and intermittent streams
 - c. Slopes above 3.5% of at least one acre contiguous area
 - d. Wetlands, designated water-bodies, and associated buffers that meet the definitions used by the Army Corps of Engineers pursuant to the Mobile District and subject to the Clean Water Act
 - e. Habitat areas, as designated by the USFWS, for Threatened and Endangered Species
 - f. Existing and proposed greenways that connect the conservation subdivision to neighboring areas

3. Secondary conservation areas include unprotected elements of the natural landscape such as mature woodlands, prime farmland, meadows, and scenic views. Secondary conservation areas consist of undeveloped but buildable land and protected land. These areas are recommended and desirable for conservation open space and may be covered by the provisions for permanent protection.
4. Secondary conservation areas shall include any vegetated areas adjacent to or in close proximity to Primary Conservation areas.
5. Lots not adjoining the Open Space shall be provided with safe, convenient access to the Open Space.
6. Pedestrian access to the open space should be provided wherever possible and reasonable. The Open Space shall have access to one or more public rights-of-way via a pedestrian trail. Design Standards, for recommended trail standards.
7. All Open Space shall be a part of a larger, continuous and integrated open space system within the development site. Whenever possible, open space shall connect with existing open space or designated greenways on adjacent parcels.
8. All facilities and improvements proposed for construction or installation by the developer in the designated Open Space must be completed and available for use within a time frame determined by the Planning Commission. Such determination shall be based upon completion of a defined percentage of the total dwelling units in the development or by development phases as delineated on the Concept Plan and/or indicated in the written report.
9. If the Conservation Subdivision is divided into development phases, all required Open Space shall be identified on the initial preliminary and final plat.

7.4.2 Exclusions from Designated Open Space Requirements

Excluded from meeting the minimum open space requirement are the following (Also see what constitutes primary and secondary conservation areas):

1. Residential yards, as agreed upon within the Conservation Subdivision plan
2. Required buffer-yards where such buffer-yards are located inside residential lots
3. Areas that have been cleared of vegetation, excavated, filled, or otherwise altered from their natural states unless such alteration is consistent with the permitted use of the open space parcel
4. No existing lake, pond, or other permanent water body shall constitute more than 25 percent of the total open space requirement for the development site
5. Impervious surfaces in recreation areas
6. Land devoted to public or private streets or driveways or any land that has been, or is to be, conveyed to a public agency via a purchase agreement for such uses as parks, schools, or other public facilities

7.4.3 Permitted Uses of Open Space

1. Conservation of natural, archeological or historical resources;

2. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
3. Walking or bicycle trails, provided they are constructed of pervious materials;
4. Passive recreation areas, such as open fields
5. Active recreation areas provided that they are limited to no more than 10% of the total required Open Space and are not located within Primary Conservation Areas. Active recreation areas may include limited impervious surfaces, as approved. Active recreation areas in excess of this limit must be located outside the designated required Open Space
6. Existing agriculture, horticulture, silviculture or pasture uses, as of the date of the conservation subdivision application, provided that all applicable Best Management Practices are used to minimize environmental impacts and such activities are not conducted within Primary Conservation Areas. Planning Commission may consider a waiver if the proposed agricultural, horticulture or silviculture use is located and designed in such a way that the impact of the use upon the natural resources is substantially minimized;
7. Easements for drainage, access, and underground utility lines;
8. Other conservation-oriented uses compatible with the purposes of these regulations and approved by the Planning Commission.

All permitted uses of the Open Space shall be clearly noted on all subdivision plats and legal documents.

7.4.4 Ownership of Open Space

Open space within a conservation subdivision shall be owned and administered by one or a combination of any of the following methods.

1. *Homeowners Association.* The protected open space shall be held in common ownership in perpetuity by a homeowners association representing all owners of the Conservation Subdivision. Membership in the association shall be mandatory and automatic for all property owners of the subdivision and their successors. The homeowners association shall have lien authority to ensure the collection of dues and special assessments from all members. The responsibility for maintaining the Open Space and any facilities located thereon shall be borne by the homeowners association. The homeowners association bylaws or the declaration of covenants of the homeowners association shall contain the following information:
 - a. The legal description of the common land, including any working agricultural uses as appropriate
 - b. A description of common facilities
 - c. The restrictions placed upon the use and enjoyment of the lands or facilities in accordance with the Conservation Subdivision regulations.
 - d. Persons or entities entitled to enforce the restrictions
 - e. A mechanism to assess and enforce the common expenses for the land or facilities including upkeep and maintenance expenses, real estate taxes,

- and insurance premiums
 - f. The conditions and timing of the transfer of ownership and control of land and facilities to the association
 - g. A provision for amendments to the restrictions placed on the Open Space only with permission from the City of Semmes and by majority vote of the property owners. Amendments shall be filed with the City of Semmes and recorded with the Judge of Probate of Mobile County
 - h. Any other matter the developer deems appropriate
2. Transfer to a Private Conservation Organization. The owner of the conservation subdivision may transfer the open space to a private, nonprofit organization among whose purpose it is to conserve open space and/or natural resources, provided that:
- a. The organization is a bona fide conservation organization with perpetual existence
 - b. The conveyance contains provisions agreed to between the owner and the organization
 - c. The receiving organization must use the land for open space purposes as provided by a permanent conservation easement
3. An individual or trust. The protected open space may be held by an individual or trust through fee simple title to the land. The individual or trust must use the land for open space purposes as provided by a permanent conservation easement.
4. Dedication to the City. The protected open space may be offered to the City of Semmes as a public land dedication. Dedication shall take the form of a fee simple ownership. The initial final plat shall not be considered approved until the Semmes City Council approves a resolution accepting the dedication of the conservation area or areas.

The City of Semmes may, but is not required to, accept protected open space. If the City declines the offer of dedication, then one of the other forms of ownership must be provided. If the City agrees to accept the dedication, the City must be provided suitable access to the Open Space in order to maintain such land. In addition, such land shall be accessible to all residents of the City of Semmes, based upon the suitability and liability considerations of such access, for each dedicated conservation area.

7.4.5 Legal instrument for Permanent Protection

The Open Space shall be protected, in perpetuity, by a binding legal instrument recorded with the deed. The instrument shall be one of the following:

- 1. A permanent conservation easement in favor of either:
 - a. A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona

vide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions.

- b. A governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance, and if the entity accepting the easement is not the City of Semmes, then a third right of enforcement favoring the City of Semmes shall be included in the easement.
2. A permanent restrictive covenant for conservation purposes in favor of a governmental entity.
 3. An equivalent legal tool that provides permanent protection, subject to approval by the City Attorney.

The instrument for permanent protection shall:

- a) Include the boundaries of the property by survey and metes and bounds legal description
- b) Clearly delineate primary and secondary conservation areas
- c) Clearly list restrictions on use of the Open Space, including all restrictions contained in these regulations, as well as any further restrictions the applicant chooses to place on use of the Open Space
- d) Specify how the property may be transferred as in the case of dissolution of the organization (i.e. homeowners association and conservation organization)
- e) Provide for maintenance of the property.

7.4.6 Maintenance of Open Space

Applicant shall submit a Plan for maintenance of Open Space and common facilities that:

1. Designates the ownership of the Open Space and common facilities
2. Establishes and allocates regular and periodic operation and maintenance responsibilities of the Open Space (including signage) and any common facilities located thereon.
3. Establishes and estimates the on-going funding and funding source for the operation and maintenance of the Open Space and common facilities.
4. Includes a long-term management plan for common open space lands. The Maintenance Plan shall include a narrative describing:
 - a. Existing conditions of all natural, cultural, historic, and scenic elements in the Open Space
 - b. Proposed modification and improvement of natural features
5. Provides for implementation of the Maintenance Plan.

Natural features shall generally be maintained in their natural condition, but may be modified to improve their appearance, or restore their overall condition and natural

processes, as recommended by natural resource professionals. Any modifications to the natural features shall be designed to ensure that the purpose of the Conservation Subdivision continues to be met. Permitted modifications may include:

- a. Woodland management
- b. Reforestation
- c. Meadow/Pasture management
- d. Wetlands management
- e. Stream bank management
- f. Trails management

In the event the ultimate owner responsible for maintenance of the Open Space fails to maintain all or any portion in reasonable order and condition, the City of Semmes may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. All costs of such maintenance shall be charged to the owner, or to the individual property owners that make up the homeowners' association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.

7.4.7 Tax Assessment of Open Space

Once a legal instrument for permanent protection has been placed upon the Open Space, the Mobile County Tax Assessor shall be notified of the reduction in development rights of the Open Space in order to initiate reassessment of the Open Space at a value that reflects its permanent limited uses.

7.5 Concept Plan

A Concept Plan is a generalized plan that depicts the layout of lots, buildings, streets, Stormwater management appurtenances, and open space of the proposed conservation subdivision. The Concept Plan must be submitted prior to an initial preliminary plat for the conservation subdivision. Using the information provided in the Site Analysis Plan and applying the design standards specified in this Article for conservation subdivision, the applicant shall submit a Concept Plan containing the following information:

1. Subdivision name, boundaries, name of the owner and/or developer and registered land surveyor or engineer, date of the plan, a north arrow and scale.
2. A vicinity map showing the general location of the property, development and any incorporated city boundaries within 3 miles of the development.
3. Outer boundary lines or perimeter of the overall development site.
4. Proposed sizes of the various types of lots or parcels to be developed (acreage or square footage).
5. Approximate building footprint of all dwelling units and other structures.
6. Location and acreage of all primary and secondary conservation areas and labeled accordingly.

City of Semmes

7. Location and acreage of all active and passive recreation areas including access.
8. The location of existing streets, buildings, railroads, bridges, sanitary sewers, drainage facilities, water mains, and any public utility easements on both the land being subdivided and on the adjoining land.
9. Location and percentage of impervious surfaces.
10. Overall gross density for the development site, as well as, density for each individual stage or phase.
11. Survey data showing the dimensions and bearings of the boundaries of the subdivision; section and corporate lines; and contours at five (5) foot intervals based on City of Semmes Datum or National Geodetic Survey Sea Level Datum, unless required by the City Engineer to submit contours at lesser intervals. In some cases the City Engineer may require spot elevations in sufficient number to provide necessary drainage information.
12. Name or numbering of phases.

The Concept Plan shall be accompanied by a written report describing the following:

- a. Total acreage of the development site
- b. Total acreage and percentage of Open Space
- c. Acreage and percentage of the total land that will be retained as primary conservation areas
- d. Acreage and percentage of the total land that will be retained as secondary conservation areas
- e. Acreage and percentage of Open Space used as active recreation
- f. Acreage and percentage of Open Space used as passive recreation
- g. Acreage and percentage of Open Space that qualifies as greenspace in accordance with these regulations
- h. Proposed use and improvements in the Open Space such as trails, agriculture, etc
- i. A narrative describing the ownership and method of protecting the Open Space. If the Open Space shall be owned by more than one entity, state the total acreage that shall be allocated to each entity
- j. Total number of buildable lots
- k. Average lot sizes
- l. Minimum front yard setbacks
- m. Average size of dwellings (including ISR tabulation)
- n. Area of impervious streets, sidewalks, and trails
- o. Where pervious materials will be used
- p. Overall projected impervious surface ratio (ISR) for the development site
- q. Maximum ISR per lot
- r. Development Schedule, indicating the approximate date when construction of the various development phases will begin and end

Upon filing of an initial application, the Semmes Planning Commission shall review the application and concept plan. Members from other appropriate departments, including but not limited to, the City Attorney, City Engineer and City Planner may also be requested by the Semmes Planning Commission to review the application. The Semmes Planning Commission shall make the determination whether the Concept Plan is acceptable and meets all the requirements set forth in this Article. The City Engineer shall schedule a site visit to review the natural features of the development site as shown on the concept plan. Upon completion of the concept plan review, the Semmes Planning Commission shall issue comments to the applicant to be addressed on the Preliminary Plat.

7.6 Design Standards for Conservation Subdivisions

7.6.1 Dimensional Standards

Each lot shall have frontage on a public street.

Minimum Lot Area: The minimum lot size is as follows:

Within the Watershed:

Option 1: *Conservation Subdivision*

Minimum lot size for lots without sewer--1.0 acres

Minimum lot size for lots with sewer ---10,890 square feet

Minimum Lot Width: 80 feet

Front Setback: 20 feet (*porch is included*)

Side Setback: 10 feet

Rear Setback: 20 feet

Option 2: *Conventional Subdivision*

Minimum lot size for lots without sewer--2.0 acres

Minimum lot size for lots with sewer --- ½ acre

Minimum Lot Width: 80 feet

Front Setback: 20 feet (*porch is included*)

Side Setback: 10 feet

Rear Setback: 20 feet

Outside the Watershed:

Minimum lot size for lots with sewer ---10,890 square feet

Minimum Lot Width: 80 feet

Front Setback: 20 feet (*porch is included*)

Side Setback: 10 feet

Rear Setback: 20 feet

7.6.2 Maximum Impervious Surface:

The overall impervious surface ratio (ISR) of a conservation subdivision located in a watershed, should not exceed 10 percent of the gross area. If the ISR must exceed 10 percent, then appropriate stormwater Best Management Practices (BMPs) shall be incorporated on the development site outside the required Open Space. Outside the watershed areas, the overall ISR shall be determined by the underlying zoning district. If the development site is located outside the watershed but within the planning jurisdiction, there shall be no ISR requirement.

7.6.3 Shared Driveway

Common/shared driveways are encouraged to reduce impervious surface. All shared driveways must be constructed in accordance with standards approved by the City Engineer.

7.6.4 Sidewalk/Trail System

Sidewalks shall be installed along one side of the street within a conservation subdivision. Pedestrian trails shall also be permitted in a conservation subdivision. Sidewalks or trails must provide pedestrian access to all existing and planned bicycle and/or greenway networks that run through and adjacent to the development site. Trails shall be planned, designed and constructed to avoid or minimize degradation of natural resources. Trails shall be soft-surface except where necessary to prevent erosion and/or resource damage. To the extent possible, trails shall provide for pedestrian, bicycle, and/or other non-motorized uses.

All trails and sidewalks shall be designed in accordance with current American Association of State Highway & Transportation Officials (AASHTO) standards. Sidewalks and trails may be constructed of pervious concrete and other porous materials provided the runoff through the material will not be directed towards the subgrade of the traveled lane portion of a roadway. Sidewalks shall be no less than four feet in width.

The City may consider the installation of an alternating sidewalk/trail system in lieu of sidewalks. Such system must incorporate well-connected sidewalks and trails that link

each residential lot with on-site open space, recreational facilities, and other amenities within the development site. A sidewalk/trail plan for the entire development site must be submitted to the City Engineer for approval. The plan shall include a map depicting the proposed location of all sidewalks and trails throughout the development site. The plan shall be submitted with initial set of construction plans for the proposed development site.

7.6.5 Stormwater Treatment Design Standards

When a Conservation Subdivision is located within any watershed, each development site's overall impervious surface ratio (ISR) should not exceed 10 percent of the gross area. Stormwater Best Management Practices (BMPs) shall be required for water quality control if the total ISR is projected to exceed 10 percent for the development site. For development sites with an ISR above 10 percent, stormwater treatment BMPs shall be designed and installed in a manner to achieve the targeted pollutant removal efficiencies.

Outside the watershed areas, the overall ISR shall be determined by the underlying zoning district. If the development site is located outside the watershed but within the planning jurisdiction, there shall be no ISR requirement.

The applicant shall submit a certified Stormwater Management Plan if the total ISR for the development site is projected to exceed 10 percent. The focus of this plan is to describe how the site will be developed in order to achieve the pollutant target removal efficiencies found in manual. The project engineer shall prepare the stormwater plan that includes a water quality/water quantity report, a water quality site development analysis, the location of all structural and nonstructural stormwater treatment BMPs, procedures for implementing non-structural stormwater treatment practices along with a proper maintenance plan. All stormwater management measures shall be incorporated into the design of the conservation subdivision.

The maintenance plan shall contain specific preventative maintenance tasks and an inspection schedule of all stormwater management techniques installed on the development site. The name of a person or persons responsible for preventative and corrective maintenance (including replacement) of the stormwater BMP techniques shall be stated in the maintenance plan. If the maintenance plan identifies a person other than the developer as having the responsibility for maintenance, the plan shall include documentation of such person's agreement to assume this responsibility. Responsibility for maintenance shall not be assigned or transferred to an owner of individual property within a conservation subdivision development, unless such owner owns the entire development. The Stormwater Management Plan shall be reviewed as a part of the subdivision plat review process and must be submitted with the construction plans.

8

PLANNED UNIT DEVELOPMENT (PUD)

8.1 Purpose

The purpose of the PLANNED UNIT DEVELOPMENT (PUD) is to allow diversification in the relationship of the various uses and structures to their sites and to permit more flexibility in the use of such sites. PUD concepts is intended to encourage good neighborhood, housing, or area design thus insuring substantial compliance with the intent of the Subdivision Regulations and other provisions which relate to the public health, safety, general welfare and at the same time securing the advantages of site planning for residential and commercial use.

8.1.1 Planned Unit Development Example



9

ADMINISTRATION

9.1 General Provisions

These Subdivision Regulations shall be administered by the City of Semmes Planning Commission. The Mayor of the City of Semmes shall be the official responsible for such administration.

9.2 Penalties

Any person violating any of the provisions of these Regulations shall, upon conviction, be punished by a fine of not more than \$500, or by imprisonment not more than six (6) months, or by both such fine and imprisonment, and also assessed court costs for each offense. Each day such violation continues shall constitute a separate offense.

9.3 Application Fees

Upon submission of a subdivision application, the applicant shall pay all applicable fees in accordance with the City of Semmes Fee Ordinance.

After filing an application with the Planning Commission for review, if the applicant, engineer, and/or owner requests withdrawal of the subdivision application at any time before the application is acted upon by the Planning Commission, and if said application is withdrawn from consideration before being acted upon by the Planning Commission, any subsequent requests by the applicant, engineer, and/or owner for review of the same or similar application will be treated as a new application. Therefore, the fee schedule as set by the City of Semmes Fee Ordinance will apply as if it were a new application, provided, however, that the foregoing shall not apply to withdrawal requests made by the Planning Commission.

The testing of materials and workmanship shall be done under the direction of the City. The developer will provide to the City tests as requested by the City performed by a duly licensed engineer or testing laboratory approved by the City. The cost of such testing shall be borne solely by the Developer.

An application may receive a maximum of one (1) holdover request at the request of the applicant and the applicant shall be responsible for any costs for re-notification of property owners.

9.4 Amendments

These regulations may from time to time be amended by the Semmes Planning Commission. Such amendments shall be published as provided by law for the publication of ordinances. Before the adoption of any amendment, the Planning Commission shall hold at least one public hearing thereon, notice of time and place of which shall be given by publication in a newspaper of general circulation in the City. The adoption of any such amendment shall be by resolution of the Planning Commission carried by the affirmative votes of not less than six (6) members of the Planning Commission. An attested copy of the amendment shall be certified to the City Council and to the Probate Judge of Mobile County, Alabama.

9.5 Requirements Held Minimum

In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements for the promotion of the public health, safety, and general welfare. More stringent provision may be required if it is demonstrated that different standards are necessary to promote the public health, safety, and welfare.

9.6 Modifications

In cases where the strict application of any of these regulations would result in peculiar and practical difficulties or exceptional and undue hardship, the Planning Commission may modify the application of the regulations to relieve such difficulty or hardship. The difficulty or hardship 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 Comprehensive Plan or 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.

9.7 Conflicting Provisions

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule, regulation, statute, or other provision of law. Whenever any provision of these regulations imposes restrictions different from those imposed by any other provision or law, whichever provisions are the more restrictive or impose higher standards shall prevail.

9.8 Severability

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

9.9 Effective Date

These regulations shall take effect and be in force from and after the date of adoption according to law,

ADOPTED THIS THE 24th DAY OF January, 2012.

SEMMES PLANNING COMMISSION

/S/Timothy E. Hale
Timothy E. Hale, Chairman

ATTEST:

/S/Alisha Madaris
Alisha Madaris, Secretary