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# SUBDIVISION REGULATIONS

City of Orange Beach, Alabama

1828536

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## **ARTICLE 1 ENACTMENT**

### **PURPOSE, AUTHORITY, TITLE, JURISDICTION**

#### **1.1 PURPOSE AND LEGISLATIVE INTENT**

Subdivision Regulations for Orange Beach, Alabama, are intended to protect the public welfare and to establish procedures and standards for the development of subdivisions, or proposed additions to existing subdivisions within the subdivision jurisdiction of the City of Orange Beach by regulating the minimum size of lots, the planning and construction of public rights-of-way, drainage structures and to require the proper placement of public utilities.

#### **1.2 AUTHORITY**

The Orange Beach, Alabama, Planning Commission, by the authority granted by Title 11, Chapter 52, Article 2, Sections 30-36 inclusive, Code of Alabama, as amended, orders this enactment. §11-52-31 specifically states:

"The Planning Commission shall adopt regulations governing the subdivision of land within its jurisdiction. Such regulations may provide for the proper arrangement of streets in relation to other existing or planned streets and to the master plan, for adequate and convenient open spaces for traffic, utilities, access of fire-fighting apparatus, recreation, light and air and for the avoidance of congestion of population, including minimum width and area of lots. Such regulations may include provisions as to the extent to which streets and other ways shall be graded and improved and to which water and sewer and other utility mains, piping or other facilities shall be installed as a condition precedent to the approval of the plat. The regulations or practice of the commission may provide for a tentative approval of the plat previous to such installation, but any such tentative approval shall be revocable and shall not be entered on the plat. In lieu of the completion of such improvements and utilities prior to the final approval of the plat, the commission may accept a bond with surety to secure to the city the actual construction and installation of such improvements or utilities at a time and according to specifications fixed by or in accordance with the regulations of the commission. The city is hereby granted the power to enforce such bond by all appropriate legal and equitable remedies."

By this authority, the Orange Beach Planning Commission hereby enacts into law following sections.

#### **1.3 TITLE**

These regulations shall be known as and may be cited as "The Subdivision Regulations the City of Orange Beach, Alabama."

#### **1.4 JURISDICTION**

These regulations shall govern each and every subdivision and resubdivision of land in all incorporated areas of the City of Orange Beach and its declared extraterritorial planning jurisdiction not in any other municipality and its extraterritorial jurisdiction.

From and after the date of filing a certified copy of these regulations with the Probate Judge, no subdivision plat of land within the City of Orange Beach planning jurisdiction shall be filed or recorded, nor shall any lots be sold until the plat shall have been submitted to and approved by the Orange Beach Planning Commission and recorded by the Judge of Probate. The Probate Judge, upon receipt of a copy of these regulations, shall not thereafter file or record a plat of a subdivision of land located within the city's planning jurisdiction, as defined herein, without the approval of such plat in accordance with these regulations.

No sale of land and services or utilities shall be extended to a subdivision, unless and until the requirements set forth in these regulations have been complied with and the same has been approved by the City of Orange Beach Planning Commission.

## **ARTICLE 2 DEFINITIONS**

### **2.1    USAGE**

For the purpose of these regulations, certain numbers, abbreviations, terms and words 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; words used in the plural number include the singular number; the word "herein" means "in these regulations"; the word "regulations" means "these regulations".

A "person" includes a corporation, a partnership and an incorporated association of persons such as a club; "shall" is always mandatory; 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 ITEMS DEFINED**

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

*Applicant.* The owner or his designated representative of land proposed to be subdivided. A designated representative shall be required to provide consent in writing from the legal owner of the property.

*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, Principal.* A building in which is conducted the main or principal use of the lot on which said building is situated.

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

*City.* City of Orange Beach, Alabama.

*Corner Lot.* A lot which occupies the interior angle at the intersection of two (2) street lines. The street line forming the least frontage shall be deemed the front of the lot except where the two (2) street lines are equal, in which case the owner shall be required to specify which is the front. This is in conflict with "yard, front" definition

*County.* Baldwin County, Alabama.

*City Engineer.* The duly designated Engineer of the City of Orange Beach, Alabama.

*City Specifications.* All construction specifications which have been adopted by the Planning Commission or as required by the City Engineer and all utility departments or agencies.

*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.

*Developer.* The owner or his designated representative of land proposed to be subdivided.

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

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

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

*Health Department.* The Baldwin County Health Department.

*Lot.* A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.

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

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

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

*Planning Commission.* The City of Orange Beach Planning Commission.

*Preliminary Plat.* A tentative drawing of the proposed subdivision, including the preliminary bill of assurance, submitted to the City Planning Commission for its consideration.

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

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

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



*Resubdivision.* A change in a plat of an approved or recorded subdivision plat or a change that affects any plat legally recorded prior to the adoption of any regulations controlling subdivisions.

*Setback.* The distance between a building and the street line nearest thereto.

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

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

*Subdivision.* Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, plots, tracts or interests for the purpose of offer, sale, or lease whether immediate or future, either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes the division or development of residentially and non-residentially zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, map or plat, or other recorded instrument. Subdivision includes resubdivision.

*Subdivision Jurisdiction.* The declared territorial jurisdiction of the Orange Beach Planning commission over the subdivision of land including unincorporated areas.

*Surety.* Any surety bond, certificate of deposit, irrevocable letter of credit, cashiers check, or other acceptable surety as approved by the Orange Beach Planning Commission.

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

## **ARTICLE 3 PROCEDURES**

### **3.1 DIVIDING ONE LOT INTO TWO LOTS**

If a property owner desires to divide one residential lot into two residential lots, the following procedure is allowed if all stated conditions are met.

#### **3.1.1 Conditions**

- (a) Both proposed residential lots are served by potable water, sewer and electrical service. If the undivided residential lot is served by a septic tank, Baldwin County Health Department approval of the subdivision must be obtained by the subdivider before the property division will be approved.
- (b) Both proposed residential lots have the minimum public roadway access as required by the Subdivision Regulations.
- (c.) Both proposed residential lots have the minimum lot size (square footage) required by the Zoning Ordinance.
- (d) No capital improvements are required to the lots to meet the requirements of the Subdivision Regulations, i.e., no roadway access, potable water, sewer service or electrical service.

#### **3.1.2 Procedure**

- (a) The subdivider must submit an application to the Orange Beach Planning Commission for consideration of the subdivision. The application shall include, but not be limited to, the following information:
  - 1. a survey of the property performed by a professional land surveyor licensed in the State of Alabama which reflects the single and double residential lots;
  - 2. written deeds which reflect the two residential lots;
  - 3. letters from utilities stating provision of service; and
  - 4. neighborhood properties map with parcel designation linked to listing of property owners and addresses.
- (b) Upon receipt of a complete application, the Planning Commission may approve the division.
- (c) If the subdivision is approved, the Chairman of the Commission will sign the plat.
- (d) Subsequent to Planning Commission approval, the applicant shall submit same to the County Engineer for approval.
- (e) After approval of the subdivision plat or map by the County Engineer, same shall be recorded in the office of Judge of Probate (see 4.11 for floodplain regulations requirements)

The application, preliminary final plat, and all associated documents must be filed according to the current Development Permit Application requirements prior to the second Tuesday of each month for Planning Commission consideration at its regular

monthly meeting. The application for subdivision must be filed according to the required filing deadline so that an advertisement of the proposed subdivision can be posted in four conspicuous locations in the city at least 15 days prior to the public hearing before the Planning Commission, and be published twice in a newspaper of general circulation. All surrounding property owners will be notified of the proposed subdivision application. The application is available upon request from the Orange Beach Department of Community Development.

### **3.2 JOINING TWO OR MORE LOTS INTO A SINGLE LOT**

Building a structure on more than one lot requires said lots to be joined by subdivision approval. Any lots not previously joined by subdivision approval shall not be allowed to build across a property line.

#### **3.2.1 Conditions**

- (a) All lots are served by potable water, sewer and electrical service. No septic tanks shall be allowed if sanitary sewer service is reasonably available. Lots served by septic tanks shall be approved by the Baldwin County Health Department before the property joining will be approved.
- (b) The joined lot must have the minimum public roadway access as required by the Subdivision Regulations.
- (c) The joined lot must have the minimum lot size (square footage) required by the Zoning Ordinance.
- (d) Improvements are required to the lots to meet the requirements of the Subdivision Regulations, i.e., roadway access, potable water, sewer and/or electrical service.

#### **3.2.2 Procedure**

- (a) The applicant shall submit an application to the Orange Beach Planning Commission for consideration of the property to be joined, and the application shall include, but not be limited to, the following information:
  - 1. a survey of the property performed by a professional land surveyor licensed in the State of Alabama which reflects the single and joined lots;
  - 2. written deed which reflects the jointed lot; and
  - 3. letters from utilities stating provision of service. The application is available upon request from the Orange Beach Department of Community Development.
  - 4. Neighborhood properties map with parcel designation linked to listing of property owners and addresses.
- (b) Upon receipt of a complete application, the Planning Commission may approve the joining.
- (c) If the joining is approved, the chairman of the commission will sign the plat, which the applicant must register with the Office of the Probate Judge, Baldwin County, Alabama.
- (d) Such other matters required by the Planning Commission due to the location and/or condition of the property to be subdivided and/or adjacent property.

The application, preliminary final plat, and all associated documents must be filed according to the current Development Permit Application requirements prior to the

second Tuesday of each month for Planning Commission consideration at its regular monthly meeting. An advertisement of the proposed subdivision will be posted in four conspicuous locations in the city at least 15 days prior to the public hearing before the Planning Commission, and be published twice in a newspaper of general circulation. All surrounding property owners will be notified of the proposed subdivision application.

### **3.3 DIVIDING ONE LOT INTO MULTIPLE LOTS**

If a property owner desires to divide one lot or tract into multiple lots, the following procedure shall be followed.

#### **3.3.1 Preliminary Plat Application Submittal**

The subdivider/developer shall submit a preliminary plat application to the Orange Beach Department of Community Development. The application shall include, but not be limited to, the following information:

- (a) letters from utilities stating provision of service;
- (b) neighborhood properties map with parcel designation linked to listing of property owners and addresses;
- (c) deed of property;
- (d) a preliminary plat drawing which shall include, but not be limited to, the following information:
  - 1. the proposed subdivision's name and location;
  - 2. a survey of the property performed by a professional land surveyor licensed in the State of Alabama;
  - 3. the names, mailing addresses, and daytime telephone numbers of the subdivider/developer and property owners;
  - 4. the name and seal of the registered engineer who designed the subdivision, and the name, address and daytime telephone number of his firm;
  - 5. north arrow, graphic scale and date of drawing
  - 6. location of existing and platted property lines, existing roadways and rights-of-way, buildings, utilities, waterways, drainage ways and culverts, easements, etc;
  - 7. present zoning classification of the property to be subdivided and all contiguous property;
  - 8. names of adjoining subdivisions;
  - 9. names and addresses of recorded owners of adjoining parcels of land as they appear on the latest tax records of Baldwin County;
  - 10. location, pipe size, invert pipe depth, use and direction of flow of all underground utilities proposed to be installed, including details of connection to existing utilities installations;
  - 11. proposed and existing streets, rights-of-way, alleys, easements, parks and open spaces, lot lines, etc.
  - 12. contours at vertical intervals of not more than one-foot intervals
  - 13. boundaries of the subdivision with accurate distances and bearings; acreage of land to be subdivided, and acreage of individual lots of proposed subdivision;
  - 14. vicinity map showing relationship of subdivision site to area;

15. drainage map showing relationship of subdivision to drainage positive outlet;
- (e) construction drawings which shall include, but not be limited to, the following information:
  1. location, size elevation, and other appropriate descriptive information of the existing facilities and features shown on the preliminary plat and the point of connection to proposed facilities and utilities;
  2. a signed and sealed topographic and tree survey of the project site prepared by a registered land surveyor showing:
    - a. the location of existing wetlands and jurisdictional lines as approved by the appropriate environmental agency;
    - b. water bodies to include but not be limited to streams, lakes, marshes and coastal waters with estimated high and low water elevations;
    - c. existing site elevations shown on a twenty-five foot grid, including off site elevations within twenty-five feet of the property. Contours lines shall be shown at a contour interval of one (1) foot. Elevations shall be based on the North American Vertical Datum of 1988;
    - d. location, specie and size of all on site protected trees and off site protected trees within 25 feet of proposed construction and earthwork;
  3. location of all wetland encroachments and corresponding areas;
  4. flood elevation data and zones delineated;
  5. proposed roadway and grading and drainage plans containing information as required by these regulations and Ordinance 2003-172, Storm Water Management Regulations. The drainage drawings must include a lot grading plan;
  6. lot, block and street design showing radii of all curves and corners;
  7. profiles depicting existing and proposed elevations along centerlines of all roads and intersections;
  8. cross-sections of all street intersections;
  9. plans and profiles depicting the location and typical cross sections of all required improvements;
  10. details illustrating connections to existing and proposed utility systems;
  11. details showing sidewalks, traffic-control, striping, and street signage in accordance with the requirements of the city;
  12. street lighting plan; and
  13. fire hydrant plan;
- (f) all stormwater calculations, soils information and other supporting documents, signed and sealed by a registered engineer, as required to ensure compliance with city, state and federal requirements;
- (g) type and location of any erosion and sedimentation controls which will be used during and after construction;
- (h) calculations used in sizing water and sewer mains, signed and sealed by a registered engineer, including any impact on existing systems and fire flow requirements;
- (i) plans, calculations and descriptions required to determine that the sewage disposal and potable water supply systems are in compliance with applicable city, county, state and federal requirements;

- (k) copies of permits from the Alabama Department of Environmental Management and U.S. Army Corps of Engineers, as required; and
- (l) all additional information as required by the Planning Commission in order to adequately assess the proposed subdivision.

The form of application is available upon request from the Orange Beach Department of Community Development.

The application, preliminary final plat, and all associated documents must be filed according to the current Development Permit Application requirements prior to the second Tuesday of each month for Planning Commission consideration at its regular monthly meeting. The application for subdivision must be filed so that an advertisement of the proposed subdivision can be posted.

### 3.3.2 Official Submission Dates

For the purpose of these regulations, the date of the meeting of the Planning Commission at which the approval of a subdivision shall constitute the Official Submission Date of the plat on which the statutory period required for formal approval, conditional approval or disapproval of the sketch, preliminary or final subdivision plat shall commence to run.

### 3.3.3 Joint Preliminary and Final Plat Approval

The subdivider/developer may request joint preliminary and final plat approval consideration by the Planning Commission if no capital improvements are required (roadways, water lines, sewer collection lines, etc.)

### 3.3.4 Preliminary Approval Consideration

The preliminary plat approved by the Planning Commission shall be effective and binding for one (1) year from the date of approval. At the end of the year, if no physical work is actively progressing, the plat is null and void, and the subdivider must submit a new plat. The subdivider may request one (1) one-year extension if such time extension is formally requested prior to the default of the plat.

If capital improvements are required to the subdivision (roadways, waterlines, sewage collection lines, etc.), the subdivider/developer must apply to the Planning Commission for preliminary plat approval of the subdivision and the capital improvements.

Upon receipt of preliminary plat approval from the Planning Commission, the subdivider/developer may begin construction of the capital improvements in accordance with the approved preliminary plat. The subdivider/developer must present a written schedule of completion to the Planning Commission for its consideration and approval before construction commences.

### 3.3.5 Final Approval Consideration

Upon completion of the capital improvements to the subdivision, the subdivider/developer must apply to the Planning Commission for final approval of the subdivision by the submission of a plat of record certified by a Professional Engineer

that the improvements have been constructed in accordance with the Subdivision Regulations and any other applicable rules and regulations of the City of Orange Beach, Alabama.

Upon receipt of final approval from the Planning Commission, the subdivider/developer must submit same to the Baldwin County Engineer for his approval, and file the plat of record with the Office of the Probate Judge, Baldwin County, Alabama, with copies to the City of Orange Beach, Alabama, and all affected utilities. The City of Orange Beach will not issue any further permits until copies of the recorded subdivision plat have been received.

### 3.3.6 Final Plat Application

The subdivider/developer must submit a final plat application to the Department of Community Development. The application shall include, but not be limited to, the following information:

- (a) all information required for the preliminary plat other than construction drawings and calculations;
- (b) section, township and range, as applicable;
- (c) legal description of the lands to be subdivided and the description shall be the same as in the title certification. The description must be complete such that from it, without reference to the plat, the starting point and boundary can be determined;
- (d) indication of section lines and quarter section lines occurring on the map;
- (e) location, width and names of all public and private streets, waterways or other rights-of-way;
- (f) location and dimensions of all public and private easements and their intended use;
- (g) numbered designations of all blocks and lots in the subdivision;
- (h) sufficient survey data to positively describe the bounds of every lot, block, street, easement and all other areas on the plat;
- (i) appropriate designation of permanent reference monuments;
- (j) indication of exact locations of conservation and preservation areas, including natural wetlands, mitigated wetlands and upland preserves;
- (k) indication of purpose and location of all areas being dedicated or reserved;
- (l) when improvements are constructed, completed and accepted prior to final plat recordation:
  - 1. as-built locations of all roadways, utilities, and capital improvements, including, but not limited to, plan and profile representations;
  - 2. certificate of cost estimate of all required improvements, signed and sealed by a registered engineer, or the actual cost of construction, to be reviewed for approval by the city;
  - 3. defect security bond; and
  - 4. as-built drawings, signed and sealed by a registered engineer or land surveyor;
- (m) when improvements are constructed, completed and accepted subsequent to final plat recordation:
  - 1. certificate of cost estimate of all required improvements, signed and sealed by a registered engineer, to be reviewed for approval by the city;
  - 2. performance security bond; and

3. defect security bond (after as-built drawings have been submitted and the improvements are accepted for maintenance by the city);
- (n) all documents and other assurances, including deed restrictions, articles of incorporation and bylaws, prepared in accordance with the laws of the State and satisfactory to the city attorney, to establish a means of common ownership and management of all common areas, facilities and improvements, intended for use by some or all of the occupants of the subdivision, but not proposed to be provided, owned, operated or maintained at general public expense. All documents required pursuant to the provisions of this section must be, following review and approval by the city, filed with the Office of the Probate Judge, Baldwin County.

3.3.7 Performance Security

- (a) Performance security required.  
In order to receive final plat approval prior to installation of all improvements, the subdivider/developer shall provide and maintain sufficient full performance security guaranteeing the installation and approval of all private on and off site improvements and the installation and acceptance of all public on and off site improvements. Prior to final plat approval by the Planning Commission, the subdivider/developer shall submit the performance security on forms provided by the city. Such performance security shall comply with all statutory requirements, be satisfactory to the city attorney and appropriate staff and be in an amount equal to 125% of a certified engineer's estimate or the subdivider/developer's contract for the work, subject to approval by the appropriate city staff.
- (b) Performance security not required.  
If all private improvements have been approved and inspected by the city and all public improvements have been inspected and accepted by the city and, the subdivider/developer shall not be required to provide performance security upon final plat approval.
- (c) Effective period.  
The effective period of the performance security shall not be less than one (1) year from the date Planning Commission approves the final plat; provided however, that the city may permit or require extensions by renegotiation of the security amount and execution of a new security.
- (d) Default of performance security.  
Where approved performance security has been provided and the improvements have not been installed according to the approved construction drawings or land development regulations, the city may, upon 10 days written notice to the parties to the instrument, declare the performance to be in default and exercise the city's rights thereunder. Upon default, no further permits or approval shall be granted for the project until adequate progress toward completion of the remaining improvements is shown as determined by the city.
- (e) Release of the performance security.  
Subject to the terms of such security, the performance security shall be released by the city when all private improvements are installed, inspected and approved and all public improvements are installed, inspected and accepted by the city.



### 3.3.8 Defect Security

- (a) Defect security required.  
Upon final acceptance of improvements by the city, the subdivider/developer shall post security, in the amount equal to 50% of the actual construction costs of the improvements for the purpose of correcting any construction, design or material defects or failures within the public rights-of-way or easements in the development or required off site improvements. The form and manner of execution of such securities shall be subject to the approval of the city attorney. The effective period for such security shall be 1 year following the city's approval and acceptance of the installed improvements. Upon default, the city may exercise its rights under the defect security instrument, upon 10 days written notice to the parties of the instrument.
- (b) Release of defect security.  
Subject to the terms of such security, the defect security shall be released by the city at the expiration of its effective period.

### 3.3.9 Certifications

The following endorsements, dedications, and certificates shall be presented on the final plat:

- (a) certification showing that the applicant is the land owner of record as indicated in Deed Book \_\_, Page Number\_\_ in the Office of the Probate Judge, Baldwin County, Alabama;
- (b) certification of acceptance by the property owner of record
- (c) certification of approval and compliance from the Baldwin County Health Department when individual sewage disposal systems are utilized;
- (d) when improvements are constructed, completed and accepted prior to final plat recordation:
  - 1. certification by registered engineer that all capital improvements have been installed in accordance with the approved construction drawings, all applicable regulations of the Zoning Ordinance, Subdivision Regulations, Stormwater Management Regulations and appropriate utilities; and
  - 2. certification by registered land surveyor or engineer to accuracy of survey and plat and placement of monuments and property corners;
- (e) when improvements are constructed, completed and accepted subsequent to final plat recordation, certification by registered land surveyor or engineer to accuracy of survey and plat.

### 3.3.10 Planning Commission Actions

The Orange Beach Planning Commission shall examine the final plat and shall approve/disapprove the plat within 60 days of its submittal to the Orange Beach Department of Community Development. The final plat may be:

- (a) approved,
- (b) disapproved with explanation, or
- (c) conditionally approved with modifications.

The action and date of action of the Planning Commission shall be shown on the final plat over the signature of the Planning Commission chairman. The final plat shall be returned to the subdivider/developer for disposition, and if approved, filed with the Office of the Probate Judge, Baldwin County, Alabama.

**3.4 REQUIREMENTS FOR RECORDED PLAT**

All developments requiring a final plat shall submit a signed, stamped and recorded final plat to the Department of Community Development prior to obtaining a building permit.

**3.5 OTHER REQUIREMENTS**

The Orange Beach Planning Commission may impose other requirements on the subdivider/developer if the Commission, in its sole discretion, warrants that these requirements are in the best interests of the city as a whole. Reasons for any additional requirements must be stated in writing to the subdivider/developer.

**3.6 COMPLETENESS OF APPLICATIONS**

It is the intent of the Planning Commission to hear only those applications which have fully complied with all requirements of the Zoning Ordinance, No. 172 as amended, the Subdivision Regulations, as amended, and the requisite application requirements.

The Department of Community Development is hereby authorized to reject applications determined to be incomplete based on insufficient, incomplete (not meeting required deadlines), inaccurate or sketchy information submitted with the application for a subdivision.

The Planning Commission may hear an incomplete application but may take no action, may deny or may table said application. In any case, the reasons for such action shall be stated for the record.

## ARTICLE 4 DESIGN STANDARDS

### 4.1 ROADWAYS

#### 4.1.1 Roadway Access

All lots must front on an improved public or private right-of-way.

#### 4.1.2 New Roadway Construction

All new roadways, public or private, shall be constructed by the subdivider/developer at his cost and centered on the centerline of a 60' wide right-of-way. All new public and private roadways shall be asphalt paved to the specifications of the City of Orange Beach, Alabama, which include, but are not limited to, the following requirements:

- (a) State of Alabama Highway Department Standard Specifications, current edition.
- (b) 2" minimum asphalt paving thickness (160 pounds per square yard); Type 411-A asphalt;
- (c) 0.20 gallons per square yard prime coat;
- (d) 6" minimum sandy clay base thickness;
- (e) 6" minimum compacted sub-grade (existing if suitable and imported if required);
- (f) removal and replacement of unsuitable subgrade material;
- (g) 3" crowned centerline;
- (h) 24' minimum asphalt paving width;
- (i) solid sod from paving to the property line;
- (j.) 1' clearance between the bottom of the base and the estimated seasonal high groundwater elevation as provided in a geotechnical report, signed and sealed by a registered engineer.

#### 4.1.3 Roadway Inspection

All roadway construction will be inspected for compliance with city regulations by the registered engineer of record, who shall certify that the road's construction meets the minimum standards required by this ordinance. The subdivider/developer shall inform the Orange Beach Public Works Department of all construction so that inspections can be scheduled at appropriate times during and at the completion of the work.

#### 4.1.4 Typical Roadway Sections

A typical roadway section, pavement section specifications, cross-section information, dimensions, curbing detail, roadway underdrain detail and any other information pertinent shall be provided on the construction drawings submitted for construction permit. A final "as-built" set of drawings are to be filed with the Public Works director prior to the final inspection.

#### 4.1.5 Plan and Profile Sheets

Storm and sanitary sewer plan and profile sheets shall be provided showing the following:

- (a) Benchmarks at the top right corner of every sheet.
- (b) Manholes with station, offset distance, top elevation, type and size. Conflict manholes shall provide manhole bottom elevation.
- (c.) Inlets with station, offset distance, top elevation, throat elevation for curb inlet or grate elevation for grate inlet and type of inlet.
- (d) Pipe length between structures.
- (e) All existing underground utilities (storm sewers, sanitary sewers, water mains, gas lines, electrical buried cables, etc.) in plan as well as profile. This includes crossing and connecting pipes.
- (f) Relocations or adjustments to existing utilities shall be so noted on the plans. This shall also include the cases where the relocation is to be performed by others.
- (g) Begin construction, end construction and match lines between sheets with matching sheet reference numbers.
- (h) Soil boring locations and reference identification.
- (i) Vertical scale: 1 inch = 2 feet, horizontal scale: 1 inch = 20 feet.

#### 4.1.6 Geotechnical Testing of New Roadway Construction

The subbase, base, and asphalt of all new roadways shall be tested at each level of construction for compliance with the State of Alabama Highway Department Standard Specifications, current edition. The tests will be conducted by a geotechnical testing laboratory acceptable and prior-testing approved by both the subdivider/developer and the city, and the costs of the tests for each level (subbase, base, asphalt) will be borne by the subdivider/developer.

#### 4.1.7 Dead-end Roadway Lengths and Cul-de-Sacs

Permanent dead-end roadways shall not exceed 500' in length without specific authority of the Planning Commission and shall be provided with a cul-de-sac having the following specifications:

Type: Circular, Circular-Offset, Circular-All Paved or other turn-around design approved by Public Works  
Radius: 47' Minimum  
Rights-of-Way: 100' Minimum

#### 4.1.8 Intersections, Tangents, and Horizontal Curves

Curb radii of 25' minimum shall be provided at all intersections. Intersections shall be approximately at right angles, and shall not be less than 75° at any intersection. Intersections with Alabama Highways 161, 180, and 182 must have construction permitted by the Alabama Highway Department.

A minimum tangent of 100' shall be required on all horizontal curves.

The minimum radii of curvature for new roadways shall be 250'.

#### 4.1.9 Clearance of Rights-of-Way and Other Improvements

The subdivider/developer shall, at his sole cost, ensure that no trees, tree stumps, brush, shrubbery, or other vegetation or obstructions, shall remain within the rights-of-way of a new roadway, except as specifically approved by the Planning Commission.

#### 4.1.10 Required Surveys and Monumentation

Surveys and monumentation of all new roadways shall be performed by the subdivider/developer, at his sole cost, to the following specifications.

The centerline of all new roadways shall be tied to the nearest established section or half-section corner and/or the boundary of a platted subdivision. Permanent monumentation shall be installed by the subdivider/developer at all centerline PCs, PTs, PRCs, and Pls which fall within the rights-of-way of each street to be constructed, reconstructed and paved. Each monument for the aforementioned centerline points shall consist of a steel reinforcement rod  $\frac{1}{2}$ " in diameter and at least 18" long upon which a cap shall be placed. The cap shall state the monument identification, the surveyor's firm and certificate of authorization number, and shall be furnished by the Public Works Department. Elevations shall be based on Mean Sea Level (MSL) as established by the National Geodetic Vertical Datum, 1929, by tie to the nearest established bench mark. Elevations and State Plane Coordinates shall be established at the centerline of all street intersections to be constructed. The State Plane Coordinates shall be based on Alabama West Zone.

All surveys are required to be performed, signed, sealed (pursuant to Alabama Statute Section 34-11-9 et seq.), and certified, and monuments placed, by a licensed professional Land Surveyor or Engineer registered in the State of Alabama.

#### 4.1.11 Roadway Markings

The subdivider/developer shall, at his sole cost, cause all new roadways to be yellow-painted double-line centerline striped in accordance with the State of Alabama Highway Department Standard Specifications current edition, non-metric to denote a "no passing" zone. The subdivider/developer shall, at his cost, cause the edge of pavement on each side to be white-painted single-line striped in accordance with the State of Alabama Highway Department Standard Specifications, current edition, non-metric to denote the edge of pavement.

#### 4.1.12 Roadway Name and Signage

All new roadways must have a name which is not used elsewhere within the City of Orange Beach, nor which is so similar to another name already in use to cause confusion. The name of the new roadway shall be nominated by the subdivider/developer and approved by the Department of Community Development

The subdivider/developer shall, at his cost and at all new street intersections, provide roadway name signs in accordance with the street sign policy of the Orange Beach Department of Public Works.

Roadway naming shall be consistent with the directional line of the streets as follows:

East-West .....Avenues  
North-South .....Streets  
Cul-de-Sacs .....Lane  
Circular Roads .....Circles  
Northeast-Southwest or  
Northwest-Southeast.....Drives

#### 4.1.13 Street Lighting

The subdivider/developer shall, at his sole cost, install, or have installed, street lighting meeting the following minimum specifications.

- (a) 250 watt high-pressure sodium bulbs;
- (b) maximum 4' length extender arms;
- (c) maximum 35' fixture installation height;
- (d) lighting of all intersections;
- (e) underground electrical utilities;
- (f) maximum 200' pole spacing (staggered array).

Subdividers who subdivide property on an unlighted dedicated right-of-way (other than a State Highway) are required to light the rights-of-way as if included in the subdivision.

#### 4.1.14 Storm Water Drainage

The subdivider/developer shall, at his sole cost and by his construction, cause storm water runoff from all new roadways to be accommodated by drainage ditches, swales and/or other drainage structures within the roadway rights-of-way and all such construction. Proposed conveyance systems shall be designed to accommodate the 25-year storm event.

#### 4.1.15 Location of Utilities within Proposed Roadway Rights-of-Way

Before design of utilities is begun, the subdivider/developer must request that the Orange Beach Department of Public Works determine a corridor within the proposed roadway rights-of-way for each utility.

### 4.2 STORM WATER DRAINAGE

#### 4.2.1 Storm Water Drainage Requirements

Construction of a subdivision that includes capital improvements (roadways, waterlines, sewage collection systems, etc.) shall comply with the water quality and quantity criteria as required of commercial developments, consistent with the Storm Water Management Regulations, Ordinance 2003-741. The subdivider/developer shall perform all grading and provide all stormwater management facilities required to properly accommodate the increased rate of stormwater runoff and pollutant loading within the boundaries of the property parcel. No storm water drainage shall empty into a sanitary sewer.

#### 4.2.2 Stormwater Management Design

The storm water management system must be designed, signed and sealed by a registered engineer and approved by the City prior to construction. Complete design drawings of the storm water management system shall be submitted to the City of Orange Beach for consideration prior to preliminary approval submission to the Orange Beach Planning Commission. Design information, drainage calculations, geotechnical information, and storm sewer tabulations must be provided and shall include but not be limited to the following information:

- (a) location and type of drainage structures;
- (b) type and length of conduits;
- (c) existing and proposed drainage areas;
- (d) runoff coefficients;
- (e) time of concentration to structures;
- (f) rainfall intensity;
- (g) peak discharge used for pipe sizing;
- (h) hydraulic gradient control elevation;
- (i) hydraulic grade line, crown elevation and flow line of each pipe;
- (k) physical drop in pipe;
- (l) hydraulic gradient loss;
- (m) diameter of pipe;
- (n) hydraulic grade line slope;
- (o) velocity;
- (p) estimated seasonal high groundwater elevation at each structure;
- (q) pond routing calculations;
- (r) runoff calculations for all drainage areas; and
- (s) roughness coefficients utilized in Manning's Formula.

#### 4.2.3 Drainage Maps

A drainage map of the subdivision shall be prepared by a registered engineer to include the following:

- (a) all areas draining to the project;
- (b) all areas tributary to the existing drainage structures;
- (c) all areas tributary to the proposed drainage structures;
- (d) all drainage divides shall be well defined;
- (e) existing drainage features (ditches, roadways, ponds etc.);
- (f) proposed facilities layout shall include all pipe sizes and drainage structures; and
- (g) plan and profile sheet numbers.

#### 4.2.4 Drainage Structures, Ditches and Culverts

Drainage structures, ditches, and culverts shall be constructed in compliance with the requirements provided in Ordinance 2003-741, Storm Water Management Regulations. Construction drawings shall include details of all structures such as control structures, inlets, headwalls, conflict manholes, etc. The minimum culvert

diameter size for storm water drainage shall be 24" unless approved by the Public Works Department.

Inlets shall be located in such a manner as to accept 100 percent of the design runoff. Inlets shall be placed in accordance with good engineering practices so that the accumulation of water above the point where flooding of the traffic lanes, shoulders or roadside property will not occur. Inlets shall be constructed in all low areas and at all intersections where conditions of street crown and/or quantity of flow require. When absolutely necessary to carry water across intersections, valley gutters will be utilized.

Generally, water should not be carried across intersections or in gutters for distances exceeding 400 feet. A maximum inlet spacing of approximately 300 feet may be required on steep grades to prevent a large accumulation of high velocity water, which will bypass the inlets. A maximum spacing of approximately 300 feet also may be required on an extremely flat grade to reduce the spread of water onto the roadway. This is especially true where traffic lanes are adjacent to the gutter.

#### 4.2.5 Rate of Runoff

Storm sewers shall be designed by the Rational Method where runoff is related to the rainfall intensity, drainage area and runoff coefficient. Other recognized and generally accepted hydrograph generation methods may be used after review and approval by the City Engineer.

#### 4.2.6 Runoff Coefficients

The runoff coefficient, used in computing flow to a point under consideration, shall be a weighted average based on the current zoning plan as specified below.

| <b>Zoning Classifications</b> | <b>Uses</b>                         | <b>C-Factor</b>           |
|-------------------------------|-------------------------------------|---------------------------|
| All RS Districts              | Single Family and Duplex            | 0.40 - 0.50               |
| RM-1                          | Multi-Family Low Density            | 0.65 - 0.75               |
| BR-1                          | Beach Resort Low Density            | 0.70 - 0.80               |
| RM-2                          | Multi-Family High Density           | 0.80                      |
| BR-2                          | Beach Resort High Density           | 0.80                      |
| MHP                           | Mobile Home Park                    | 0.40 - 0.50               |
| MHS-1                         | Mobile Home Subdivision (Large Lot) | 0.30                      |
| MHS-2                         | Mobile Home Subdivision (Small Lot) | 0.40 - 0.50               |
| NB                            | Neighborhood Business               | 0.75                      |
| MR                            | Marine Resort                       | 0.80                      |
| GB                            | General Business                    | 0.80                      |
| GB-1                          | Restricted General Business         | 0.80                      |
| I-1                           | Industrial Uses                     | 0.90                      |
| RVP                           | Recreational Vehicle                | 0.40                      |
| AG                            | Agricultural Uses                   | 0.30 - 0.50               |
| GOV                           | Government Use                      | 0.60 - 0.80               |
| PUD                           | Planned Unit Development            | See Approved<br>Site Plan |
| Parks and Playgrounds         |                                     | 0.20                      |
| Water Bodies                  |                                     | 1.00                      |



#### 4.2.7 Tailwater Conditions

Where a proposed drainage system discharges into an existing storm water management facility, wetland, stream or other water body, the flow conditions shall be investigated by the consultant to determine the appropriate tailwater elevation and is subject to review and approval by the City Engineer. At tidal outfalls a mean high tide of 2.0 above mean sea level should be used as the downstream hydraulic grade line elevation.

For design conditions, the desirable hydraulic grade line is to be a minimum of 1.0 foot below the gutter, pavement edge or surrounding low property at each location within the storm sewer system.

### 4.3 POTABLE WATER

#### 4.3.1 Nondiscrimination and Requirement of Service

All lots must be served by and connected to a waterline meeting the requirements of the Orange Beach Water, Sewer, and Fire Protection Authority, as appropriate.

#### 4.3.2 Installation

The subdivider/developer is responsible for the proper installation of the waterline in accordance with the rules and regulations of the Alabama Department of Environmental Management, the appropriate public water utility, and the City of Orange Beach which include, but are not limited to, the following requirements:

- (a) minimum 36" of cover over top of all waterlines regardless of size (main lines and service lines);
- (b) minimum pipe material specification of Class 200 polyvinyl chloride (PVC) pipe conforming to ASTM D2241;
- (c) minimum 8" diameter waterline pipe size unless otherwise approved by the Orange Beach Water Sewer and Fire Protection Authority Board of Directors, and maximum pipe length shall not exceed 20';
- (d) minimum ¾" diameter polybutelene waterline service pipe size to each service connection encased in a minimum 1" diameter PVC casing pipe;
- (e) crossings under any roadways must be encased in minimum 10" diameter ductile iron pipe or be encased to at least 3' outside the road surface.

#### 4.3.3 Fire Hydrants

Fire hydrants shall be installed by the subdivider/developer, at his cost, in accordance with the fire code requirements of the NFPA and the ICC.

#### 4.3.4 Potable Water System Design

The potable water system must be designed, signed and sealed by a Professional Engineer registered in the State of Alabama. Complete design drawings of the

potable water system must be submitted to the applicable governing potable water provider for consideration prior to preliminary approval submission to the Orange Beach Planning Commission. No potable water system construction may commence until the system design is approved by the governing potable water provider.

#### **4.4 SEWAGE COLLECTION AND TREATMENT**

##### **4.4.1 Nondiscrimination and Requirement of Service**

All lots shall be served by and connected to a public water reclamation service and/or facility.

The subdivider/developer shall connect to the system and provide sewerage service to every lot within the subdivision.

##### **4.4.2 Installation**

All new sewage collection lines shall utilize gravity flow whenever possible. The use of pressure sewage collection lines shall have prior-construction approval by the Orange Beach Planning Commission.

##### **4.4.3 Sewerage System Design**

The sewerage system must be designed, signed and sealed by a Professional Engineer registered in the State of Alabama. Complete design drawings of the sewerage system must be submitted to the City of Orange Beach for consideration prior to preliminary approval submission to the Orange Beach Planning Commission. No sewerage system construction may commence until the sewerage system design is approved by the City of Orange Beach.

#### **4.5 SIDEWALKS**

##### **4.5.1 Required Improvements**

Sidewalks shall be included within the dedicated non-paved right-of-way of all new roads and constructed by the subdivider/developed at his cost. Sidewalks shall be as close to property line as possible but no further than 18". Sidewalks shall be constructed to the following specifications:

- (a) State of Alabama Highway Department Standard Specifications for Highway Construction, 1992 Edition, Section 450, and Special and Standard Highway Drawing (2000 Edition) No. S.W.-618.
- (b) shall be a minimum 4" thick and 5' wide;
- (c) solid sod shall be installed between curb (or edge of roadway) and between sidewalk and property line;
- (d) sidewalk construction shall adhere to Alabama Department of Transportation standards at driveway locations; and
- (e) all lots shall abut a sidewalk.

#### 4.5.2 Pedestrian Access

In order to facilitate pedestrian access from roads or streets to schools, parks, playgrounds or other nearby roads, the Planning Commission may require perpetual, unobstructed easements at least ten feet in width. These easements shall be indicated on the plat.

#### 4.6 ELECTRICITY

All lots must be served by and connected to a city-franchised electrical power system. All new electrical service must be underground.

##### 4.6.1 Electrical Service Location

The subdivider/developer shall reserve a 10' wide easement along the front of all subdivision lots for the exclusive purpose of electrical service by the electric service provider. This 10' wide easement will be considered as part of the 30' front setback of the property. This easement may be landscaped by the property owner; landscaping shall comply with the City's Tree Ordinance.

#### 4.7 TELEPHONE

If telephone service is provided, all service shall be underground.

#### 4.8 PROPERTY DESIGNATIONS

##### 4.8.1 Property Corners Designation

All property corners in a new subdivision, except those located by monuments, must be marked, at the subdivider/developer's cost, by a steel or wrought iron pipe not less than 3/4" in diameter, and not less than 30" in length. All surveys are required to be performed and certified, and property corners placed, by a licensed professional Land Surveyor registered in the State of Alabama.

##### 4.8.2 911 System Addresses

All subdividers/developers must file for and receive 911 System addresses from the Orange Beach Department of Community Development for each lot of a new subdivision after final subdivision approval.

#### 4.9 SERVICE AND FIRE APPARATUS ACCESS

A minimum twenty-two foot (22') unrestricted access from the public rights-of-way shall be provided to the rear of all non-residential lots. This access must have an all-weather surface or an approved permeable surface and be designed to allow an emergency vehicle ingress and egress.

#### 4.10 EXISTING UNOPENED PUBLIC RIGHTS-OF-WAY

The subdivider/developer is responsible, at his cost, for clearing, opening, and improving unopened and/or unimproved previously existing public rights-of-way which will provide the required access to the proposed subdivision. If a subdivision exists with an unopened or unimproved right-of-way, and an individual lot owner or

developer desires to gain access to a lot or lots, the land owner or developer shall be responsible for improving the right-of-way to city standards herein described. If the owner or developer owns the lots on either side of the right-of-way and it is narrower than the required 60', additional land shall be dedicated to bring the non-conforming right-of-way width up to the minimum 60'.

#### **4.11 FLOOD PLAIN REQUIREMENTS**

The subdivider shall draw Flood Zone Boundary Line(s) on the preliminary and final plat. The subdivider shall familiarize him/herself with the City of Orange Beach Flood Damage Prevention Ordinance (Standards for Subdivisions). All new principal structures shall have a minimum Finish Floor Elevation (F.F.E.) of 12 inches above the centerline of the nearest paved or public street or, comply with the minimum F.F.E. as required by the City of Orange Beach Flood Plain Prevention Ordinance, whichever is greater. The minimum required F.F.E. shall be provided for each lot on the preliminary and final plat.

#### **4.12 SURVEYING AND ENGINEERING SERVICES**

The subdivider/developer shall be responsible for providing all surveying and engineering services, including testing laboratory services, and shall pay the entire initial cost of all improvements required in these Subdivision Regulations.

##### **4.12.1 Inspections**

The installation of all improvements shall be subject at all times to inspection by the city. The subdivider/developer shall employ a registered engineer to observe the work during construction to ensure compliance with the approved plans. Upon completion, the engineer of record shall certify that the improvements have been installed and completed in accordance with approved construction drawings and pursuant to all state, local and/or federal laws. Further, the subdivider/developer shall submit to the city all required test reports, as-built drawings, certified by the engineer of record, showing the actual installation of the improvements. Test reports shall be submitted at each critical stage of construction for:

- roads (geotechnical)
- water distribution facilities (pressure tests if required)
- Best Management Practices (BMP)s for sedimentation and erosion control

The subdivider/developer and his/her representative shall assume responsibility for conformity of the work to the plans approved by the Planning Commission.

## **ARTICLE 5 MODIFICATIONS**

### **5.1    WAIVERS**

Modifications and waivers may be granted under the following condition:

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, Zoning Ordinance, 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.

Applications for any waiver and/or variance from these requirements shall be submitted in writing by the subdivider/developer at the time the preliminary plat is filed for consideration by the Planning Commission. The application shall state in full the grounds upon which the waiver and/or variance is being requested and present the facts and/or circumstances upon which the petitioner is relying and shall be supplemented with such maps, plans, and other data which may assist the Planning Commission in consideration of the request. No waiver shall be granted unless the 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.

**ARTICLE 6**  
**ENFORCEMENT AND PENALTIES**

**6.1    ENFORCEMENT**

The city shall not improve, pave, light or make any capital improvements to any street, or permit water lines or sewage collection lines to be laid in any street right-of-way unless such street and right-of-way shall have been accepted by the City of Orange Beach.

Any building erected in violation of this Code shall be deemed an unlawful structure, and the City of Orange Beach Building Official shall cause it to be removed.

**6.2    PENALTIES**

Whomever transfers or sell, or agrees to sell, or negotiates to sell any land by reference to, or exhibition of, or by other use of a plat of a subdivision before such plat has received final approval of the Orange Beach Planning Commission and recorded/filed in the Office of the Probate Judge, Baldwin County, Alabama, shall forfeit and pay a penalty to the city of \$500.00 for each lot or parcel so transferred or sold or agreed or negotiated to be sold.

The city may enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction, and/or may recover the same penalty by civil action in any court of competent jurisdiction