

ARTICLE I

AUTHORITY AND TITLE

Section 1.1 AUTHORITY AND TITLE

The public welfare requiring it, and under authority granted by Title 11, Chapter 52, Article 2, Sections 30 through 36, inclusive, of the 1975 Code of Alabama, the Town of Summerdale, Alabama does hereby ordain that these regulations shall be known and may be cited as *THE SUBDIVISION AND DEVELOPMENT REGULATIONS OF THE TOWN OF SUMMERDALE, ALABAMA*.

Section 1.2 SHORT TITLE

These regulations and all subsequent amendments, attachments, and supplements thereto shall be known as the *SUMMERDALE SUBDIVISION REGULATIONS*.

ARTICLE II
PURPOSE AND JURISDICTION

Section 2.1 PURPOSE

WHEREAS, the Town of Summerdale, Alabama declares that the fundamental purposes of these regulations are to establish procedures for the subdivision and development of land for residential, commercial, and industrial purposes; to guide and regulate such land in a manner so as to meet the following requirements for orderly and harmonious growth; to encourage developers that land to be subdivided is of such character that it can be used safely without danger to health, or peril from fire, flood, erosion excessive noise, air pollution, or other menace; to provide for the proper provision of drainage, water supply, electricity, and other appropriate utility services; to provide a safe, convenient, and functional system for vehicular circulation, properly related to the Community Development Plan; to provide for the arrangement of streets, blocks, lots, and buildings so as to afford adequate light, view, and air, and to facilitate fire protection; and to ensure that land which is to be subdivided and developed with due regards to topography so that material beauty of the land and vegetation shall be protected and enhanced.

Section 2.2 JURISDICTION

WHEREAS, from and after the effective date hereof, these regulations shall govern the subdivision of all land located in the Town of Summerdale, Alabama, and in addition, shall govern the subdivision of land within the defined subdivision jurisdiction of the Town of Summerdale, Alabama.

NOW, THEREFORE BE IT RESOLVED that any owner of land, which lies within the area of jurisdiction, who wishes to divide or re-subdivide such land into two (2) or more lots, sites, or divisions, for the purpose, whether immediate or future, of sale or building development, shall submit to the Planning Commission a plat of the subdivision, which shall conform to the minimum requirements set forth in these regulations, for approval.

No subdivider shall proceed with improvements or installation of utilities in a subdivision until such subdivision plat shall have been granted preliminary approval by the Planning Commission.

No subdivider shall proceed with the sale of lots or erection of buildings within a subdivision until such subdivision plat shall have been granted final approval by the Planning Commission and such approval entered in writing on the plat and signed by the Chairman and Secretary of the Planning Commission, other signatures of dedication, endorsement, and certification as applicable and as required by Section 4-18-15, and recorded in the office of the Baldwin County Probate Judge.

ARTICLE III

DEFINITIONS

Section 3.1 GENERAL

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

Section 3.2 SPECIFIC DEFINITIONS

Administrative Officer. The person appointed by the Governing Body to enforce all provisions of these regulations.

Alley. A public way which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

Block. A tract or parcel of land entirely surrounded by public highways or streets, other than alleys.

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

Comprehensive Plan also Community Development Plan. Any part or element of the Comprehensive Plan of the Town. This may include, but is not limited to: Community Facilities Plan, Major Thoroughfare Plan, Land Development Plan, Capital Improvements Plan, Zoning Ordinance, Subdivision Regulations, etc.

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.

Crosswalk. A public right-of-way four (4) feet or more in width along or between property lines, which provides pedestrian access to adjacent properties.

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

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

Experimental Subdivision. A subdivision in which the use of experimental materials for required improvements or a new design concept in Summerdale appears promising. Special attention may be given to experimental subdivisions which are related to low cost housing design or energy conservation. (See Section 10.1.2)

Easement. A grant by the property owner of use, by the public, a corporation, or person(s) of a strip of land for specified reasons, 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 form for recording in the office of the Probate Judge of Baldwin County, Alabama.

Group Development. A development comprising two (2) or more structures, built on a single lot, tract, or parcel of land, and designed for occupancy by separate families, firms, or other enterprises, and the land is not subdivided into the customary streets and lots.

Governing Body. The Mayor and the Town Council of Summerdale, Alabama.

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

Health Department. The Baldwin County Health Department.

Lot. A portion of a subdivision or any other parcel of land intended as a unit for transfer of ownership or for the development or both.

Mobile Home. A manufactured single-family dwelling unit with or without an undercarriage, axle(s) and wheels, capable of being towed or transported in any manner on a public street, whether or not axle(s) on wheels have been

removed, and which meets the National Manufactured Home Construction and Safety Standards Act (42 USC Section 5401). This definition excludes self-propelled motor homes, recreational vehicles and transport trucks or vans equipped with sleeping space for a driver or drivers.

Mobile Home Park, Trailer Court or Trailer Park. Any area, tract, site, or plot of land thereupon a minimum of two (2) or more mobile homes are placed, located or maintained, and shall include all accessory buildings used or intended to be used in connection with the operation of a mobile home park.

Mobile Home Space. A plot of ground within a mobile home park designed for the accommodation of one (1) mobile home.

Modular Home. A factory fabricated transportable building consisting of units designed to be assembled and incorporated as a building on a permanent site on a permanent foundation into a permanent structure to be used for residential purposes and which bears a seal of compliance with regulations of the Alabama Manufactured Housing Commission.

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

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

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

Planned Unit Development (PUD). An area of not less than ten (10) contiguous acres in size to be planned, developed, operated, and maintained as a single entity and containing one or more residential clusters, which may include appropriate commercial, public, or quasi-public uses primarily for the benefit of the residential development.

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

Plat. A map representing a tract of land showing the boundaries and location

of individual properties and streets.

Final. A map of all or a portion of a subdivision or site-plan that is presented to the Planning Commission for final approval.

Preliminary. A map indicating the proposed layout of the subdivision or site-plan that is submitted to the Planning Commission for preliminary approval.

Sketch. A concept, informal map of a proposed subdivision or site-plan of sufficient accuracy to be used for the purposes of discussion and classification.

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

Recreational Vehicle. A self-propelled vehicle used for temporary housing of individuals and families during travel. This category, in this Ordinance, is assumed to include also campers and camping trailers capable of being towed by a passenger motor vehicle and motor homes.

Recreational Vehicle Park. Any lot or parcel of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

Sidewalk. A walkway constructed for use by pedestrians.

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

Site-Plan. The development plan for one or more lots on which is shown the existing and proposed conditions of the lot including topography, vegetation, drainage, flood plains, wetlands, waterways, landscaping and open spaces, walkways, means of ingress and egress, circulation utility services, structures and buildings, signs and lighting, beams, buffers, and screening devices. Surrounding development and other information that reasonably may be required by the Planning Commission in order that an informed decision may be made.

Street. A dedicated and accepted public right-of-way for vehicular traffic which affords the principal means of access to abutting property.

Streets are classified as follows:

- a. *Major Street.* A street designed primarily to carry heavy volumes of local vehicular traffic.
- b. *Collector Street.* A street designed to carry medium volumes of vehicular traffic, provide access to the major street system, and collect the vehicular traffic from the intersecting minor streets.
- c. *Minor Street.* A street, the principal purpose of which is to provide vehicular access from properties abutting it to collector streets.
- d. *Cul-De-Sac.* A short street designed to have one end permanently closed, the closed end terminated by a vehicular turn-around.
- e. *Marginal Access Street.* A minor (service) street which parallels and is immediately adjacent to a major street or highway, and which provides access to abutting property.

Subdivider. The person(s), firm(s), or corporation(s) engaged in the process of creating a subdivision or having completed a subdivision of said land, as herein defined.

Subdivision. The division of a lot, tract, or parcel of land, for the purpose of sale or of building development, into two or more lots, tracts, parcels, sites or other division of land, whereas any lot or parcel resulting from such division has a gross area of less than five acres. The term subdivision includes the process of resubdividing lands. There are two types of subdivisions recognized by the Planning Commission and are defined as follows:

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 Subdivision: a subdivision containing not more than five (5) lots fronting on an existing street, not involving any new street or road or the extension of public facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel of adjoining property.

Note: upon application for review of a proposed subdivision, the Town may issue an exemption from the subdivision requirements if the proposed division of property meets one of the following criteria:

- (1) Where property is divided by probated family estates, where no streets or roadway access to the lots is involved and where lots are not less than the minimum lot size required by ordinance;
- (2) Where property that is divided by an individual and given or sold to parents, spouses, sisters or brothers, children or grandchildren, either adopted or natural, where no streets or roadway access to the lots is involved and where lots are no less than the minimum lost size required by ordinance;
- (3) The public acquisition by purchase or gift of land for the widening or opening of streets or other public purposes.

Subdivision Jurisdiction. The territorial jurisdiction of the Town of Summerdale Planning Commission over the subdivision of land including all land located in the corporate limits and all land lying within one-half (½) miles of the corporate limits of the Town and not located in any other municipality or its territorial jurisdiction.

Thoroughfare Plan, Major. The Major Thoroughfare Plan, prepared as an element of the Comprehensive Plan.

Town. Town of Summerdale, Alabama together with its subdivision jurisdiction.

Town Clerk. The duly designated clerk of the Town of Summerdale.

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

Town Engineer. A qualified and certified individual duly designated, appointed, or contracted to provide consultation to the Town of Summerdale on engineering related matters.

Town Specifications. All construction specifications which have been adopted by the Town Council or as required by the Planning Commission and all utility departments.

Width of Lot. The mean horizontal distance between the two side lot lines.

Zoning Ordinance. The official Zoning Ordinance of the Town of Summerdale, Alabama.

ARTICLE IV

APPROVAL OF SUBDIVISION PLATS

Section 4.1 APPROVAL OF SUBDIVISION PLATS REQUIRED - EFFECT OF NON-COMPLIANCE

From and after the date of filing of a copy of these regulations with the Probate Judge of Baldwin County, no subdivision plat of land within the subdivision jurisdiction, as defined in Article II shall be filed or recorded until it shall have been submitted to and approved by the Planning Commission of the Town of Summerdale, and such approval entered in writing on the plat by the Planning Commission Chairman. 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 subdivision jurisdiction, as defined herein, without the approval of such plat as required herein. No street shall be accepted and maintained by the Town nor shall any street lighting, water or sewer be extended to or connected with any subdivision of land, nor shall any permit be issued by an administrative agent or department of the Town of Summerdale for the construction of any building or other improvement requiring a permit, upon any land concerning which a plat is required to be approved, unless and until the requirements set forth in these regulations have been complied with and the same has been approved by the Planning Commission.

Section 4.2 APPROVAL NOT ACCEPTANCE

The approval of a plat by the Planning Commission shall not be deemed to constitute or effect the acceptance by the Town of Summerdale or the public of the dedication of any street or other real property, lake, pond, creek, open space, public utility line, or other facilities shown upon the plat. Formal dedication by the subdivider and action by the Council is required for acceptance of property.

Section 4.3 REVIEW OF SKETCH PLAN AND GENERAL INFORMATION

Whenever a subdivision of land is proposed, the subdividing owner or his authorized agent shall apply for and secure approval for such proposed subdivision in accordance with the following procedure, which includes basically two (2) steps for a minor subdivision and three (3) steps for a major subdivision:

(1) Minor Subdivision

- a. Preliminary Plat
- b. Final Subdivision Plat

(2) Major Subdivision

- a. Sketch Plan Review
- b. Preliminary Plat
- c. Final Subdivision Plat

The subdivider shall submit to the Town Clerk at least thirty (30) days prior to a regularly scheduled meeting, four (4) copies of a sketch plan (if required) of the proposed subdivision, together with a sketch vicinity map and any other data which will convey his intentions as to the proposed layout and type of development. The subdivider may appear at the regularly scheduled meeting of the Planning Commission to discuss the proposed subdivision and become familiar with the application of the regulations affecting the land to be subdivided. This procedure is not mandatory and does not require formal application or fee.

Section 4.4 SKETCH PLAN REQUIREMENTS

A simple sketch plan if submitted shall be drawn at an approximate scale of not less than 100 feet to one inch and shall show the tentative street layout, approximate, right-of-way width, lot arrangements, the location of the nearest water line, water courses, existing structure, total acres, approximate number of lots, adjoining streets, north point, existing topography, and proposed use of land. All sketch plans will be reviewed by staff of the Town of Summerdale for approval, before being placed on the Planning Commission's agenda. All sketch plan requirements must be met as well as requirements proposed by the staff. All plans that do not meet sketch plan requirements will be returned to the developer for correction prior to being placed on the Planning Commission agenda.

Section 4.5 PROCEDURE FOR PRELIMINARY PLAT APPROVAL

The secretary of the Planning Commission, prior to its review at the public hearing, shall transmit drawings of the preliminary plat to the Town Engineer, Fire Department, Water and Sewer Department, Street Department, and other appropriate Town or County Departments for review and approval. Once the drawings for the preliminary plat are approved by all of the above departments, the preliminary plat will be placed on the Planning Commission agenda for a public hearing and approval.

The procedure for obtaining preliminary plat approval is as follows:

- 4.5.1 Submission of Preliminary Plat.

The subdivider shall submit to the Planning Commission Secretary or the Town Clerk of the Town of Summerdale at least thirty (30) days prior to a regularly scheduled meeting:

- (a) The subdivider shall submit at least four (4) 24"x 36" copies of the proposed subdivision prepared in accordance with the plat requirements, and shall submit one (1) 11"x17" copy of the plat, and a CD or 3.5" diskette containing photographs of proposed subdivision, surrounding property, and the plat of the proposed subdivision. Additional copies may be required when deemed necessary by the Planning Commission.
- (b) The subdivider shall submit one (1) copy of the recorded ownership interests including liens, encumbrances, title certification in the form of current title policy, title opinion, or title report identifying all transactions for the past twenty (20) years up to the current owner. Warranty deeds will no longer be an acceptable submittal for proof of ownership. In the event of corporate ownership, a list of all directors, officers, and stockholders of the corporation owning more than five (5) percent of any class of stock must be submitted.

4.5.2 Filing, Advertising, and Review Fees

The subdivider shall pay to the Town Clerk the required fees:

- (a) Preliminary Plat - \$250.00 plus \$30.00 per lot
- (b) Final Plat - \$150.00 plus \$20.00 per lot
- (c) Review Fees: The developer of any proposed subdivision shall be responsible for all fees of Engineering Reviews.
- (d) The developer shall pay \$7.00 per certified letter for public hearing notice to be issued to adjacent property owner(s).

4.5.3 Certification of Compliance.

Before acting on the preliminary plat the Planning Commission may request a report from any person or agency directly concerned with the proposed development, such as the District Highway Engineer, County Health Department and the Superintendent of Schools, and such other officials or agencies thought necessary. Such report shall certify compliance with or note

deviations from the requirements of these Regulations and any other regulations which bear upon the public interest.

4.5.4 Public Hearing and Notices.

Prior to the approval of the preliminary plat, the Planning Commission shall first hold a public hearing. Notice of such public hearing shall be sent to all adjoining land owners by registered mail as their names appear upon the plats in the Baldwin County Tax Assessor's Office.

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

4.5.5 Approval or Disapproval.

The Planning Commission will review the plat and decide approval, disapproval, or approval subject to minor modifications. If the Planning Commission disapproves the preliminary plat, the reasons for such action shall be stated in writing upon the records of the Commission, and reference shall be made to the specific sections of the regulations with which the preliminary plat does not comply. If approved subject to modifications, the nature of the required modifications shall be indicated.

4.5.6 Approval Within Thirty Days.

The planning Commission shall approve or disapprove a plat within thirty (30) days after the submission thereof to it, otherwise such plat shall be deemed to have been approved, and a certificate to that effect shall be issued by the Commission on demand; provided, however, that the applicant for the Commission's approval may waive this requirement and consent to an extension of such period.

4.5.7 Expression of Approval.

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

4.5.8 Effective Period.

Approval of the preliminary plat shall be effective for a period not to exceed one (1) year and shall thereafter expire and be considered null and void, unless a petition for an extension of time is submitted to and subsequently approved by the Planning Commission. No more than two (2), twelve (12) month extensions may be granted by the Planning Commission.

4.5.9 Changes or Modifications.

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

Section 4.6 PRELIMINARY PLAT REQUIREMENTS

The preliminary plat shall be clearly and legibly drawn at a scale of not less than 100 feet to one inch and may be drawn on a sheet size acceptable to the Probate Judge of Baldwin County. The preliminary plat shall show the following information:

- 4.6.1 Name of owner of record.
- 4.6.2 Proposed name of subdivision, date, north point, graphic scale, and location.
- 4.6.3 Name, seal and number of registered surveyor or civil engineer.
- 4.6.4 Vicinity map showing location of the subdivision.
- 4.6.5 Exact boundaries of the tract of land being subdivided, shown with bearings and distances.
- 4.6.6 Names and addresses of owners of record of all adjoining land and all property boundaries which intersect with the perimeter of the tract being subdivided.
- 4.6.7 Wooded areas, marshes, and any other conditions affecting the site.
- 4.6.8 The location of existing streets, buildings, water courses, railroads, transmission lines, culverts and drainpipes, water mains, jurisdiction lines and any public utility easements on and adjacent to the tract being subdivided.

- 4.6.9 Profiles of all streets showing natural and finished grades drawn to a scale of not less than one (1) inch equals one hundred (100) feet horizontal and one (1) inch equals twenty (20) feet vertical when required by the Planning Commission.
- 4.6.10 Proposed streets and alleys, rights-of-way, percent of finished grades and street names, shall be shown on the drawings. Street names will coincide with existing street names whenever possible. If streets, alleys, or right-of-ways are to remain private each shall be identified on the plat as "Privately Maintained".
- 4.6.11 Proposed rights-of-way or easement, location, widths, and purposes.
- 4.6.12 Proposed lot lines with bearings and distances, and lot and block numbers.
- 4.6.13 Proposed minimum building setback lines.
- 4.6.14 Proposed parks, school sites, or other public open spaces, if any.
- 4.6.15 Zoning classifications, both on the land to be subdivided and any adjoining lands.
- 4.6.16 Site data.
- a. Acreage in total tract.
 - b. Smallest lot size.
 - c. Total number of lots.
 - d. Linear feet in streets.
- 4.6.17 Preliminary plan for surface drainage, storm drainage and/or other drainage structures. If any portion of the land being subdivided is subject to flood, the limit of such flood shall be shown.
- 4.6.18 Certificate of, or letter from the State and/or County Health Department indicating their approval when the proposed subdivision is not served by municipal sewer facilities.
- 4.6.19 Certificate of or letter of approval from the Electric, Water, Gas, and any other interested Municipal, County or State Departments.

- 4.6.20 Proposed street lighting plan. (See section 7.1.12)
- 4.6.21 Proposed sidewalk plan. (See section 7.1.4)
- 4.6.22 Location and type of mail kiosk.

Section 4.7 PROCEDURE FOR FINAL PLAT APPROVAL

The construction work of all subdivisions submitted for final plat approval will be reviewed by the Town Engineer, Fire Department, Water and Sewer Department, and other appropriate Town staff for their approval before being placed on the Planning Commission agenda.

In accordance with Article IV of these regulations, no street shall be accepted and maintained by the Town nor shall any street lighting, water, or sewer be extended to or connected with any subdivision of land as defined herein, nor shall any permit be issued by an administrative agent or department of the Town, for the construction of any building or other improvement requiring a permit, upon any land concerning which a plat is required to be approved unless and until the final plat has been approved by the Planning Commission of the Town of Summerdale, Alabama. The procedure for obtaining final plat approval is as follows:

- 4.7.1 The subdivider shall submit to the Secretary of the Planning Commission at least thirty (30) days prior to a regularly scheduled meeting, the original tracing, and three (3) 24"x36" copies of the plat, one (1) 11"x17" copy and a CD or 3.5" diskette showing drawings and photographs of the subdivision.
- 4.7.2 The final plat shall be submitted to the Planning Commission within one (1) year of the date of preliminary plat approval and after all improvements have been installed or acceptable guarantees have been made by the subdivider that the improvements will be installed.
- 4.7.3 Prior to the approval of the final plat, a certificate must be obtained from the Town Clerk showing that a corporate surety bond has been posted available to the Town and in sufficient amount to assure the completion of the required improvements.
- 4.7.4 The Planning Commission shall approve or disapprove a plat within thirty (30) days after such plat has been duly received by the Planning Commission; otherwise such plat shall be deemed approved unless the owner or his agent waives such requirement and consents to time extension.

Section 4.8 FINAL PLAT REQUIREMENTS

The final plat shall be drawn at a scale of one (1) inch equals 100 feet or greater. The final plat shall be prepared by a registered surveyor or civil engineer and shall show the following information:

- 4.8.1 Name of owner of record.
- 4.8.2 Name of subdivision, date, north point, graphic scale, and location.
- 4.8.3 Name and seal of registered surveyor or civil engineer.
- 4.8.4 Exact boundaries of the tract of land being subdivided, shown with bearings and distances.
- 4.8.5 Names of owners of record of all adjoining land and all property boundaries which intersect with the perimeter of the tract being subdivided.
- 4.8.6 Streets and alleys, rights-of-way, percent of grades and street names. If streets, alleys, or right-of-ways are to remain private each shall be identified on the plat as "Privately Maintained".
- 4.8.7 Rights-of-way or easement, location, widths, and purposes.
- 4.8.8 Lot lines and lot and block numbers.
- 4.8.9 Minimum building setback lines.
- 4.8.10 Parks, school sites, or other public open spaces, if any.
- 4.8.11 Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line, block line and building line, whether curved or straight, and including true north point. This shall include the radius, central angle, point of tangency, tangent distance and arcs and chords of all curved streets and curved property lines.
- 4.8.12 All dimensions should be to the nearest one-tenth (1/10) of a foot and angles to the nearest minute.
- 4.8.13 Accurate description of the location of all monuments and markers.
- 4.8.14 Utility layouts showing lines, easements, etc.
 - a. Water, Size of Line.

- b. Gas, lines, easements, etc.
- c. Percolation test for septic tanks.
- d. Storm drainage and culverts.
- e. Electric.

4.8.15 The following endorsements, dedications, and certificates as required shall be placed on the final plat, see Appendix for sample certificates:

- a. Surveyor's Certificate and Description of Land Platted.
- b. Dedication.
- c. A Notary's Acknowledgment of the Dedication Certificates.
- d. A Certificate of Approval by Riviera Utilities or Baldwin County Electric Membership Corporation.
- e. A Certificate of Approval by the Water and Sewer Board of the Town of Summerdale.
- f. A Certificate of Approval by the local Gas Districts.
- g. A Certificate of Approval by the Town Engineer of the Town of Summerdale or the County Engineer of Baldwin County as applicable.
- h. A Certificate of Approval by the Planning Commission of the Town of Summerdale.
- i. A Certificate of Approval by the Alabama Department of Transportation.
- j. A Certificate of Approval by the Baldwin County Health Department. (If septic tanks and/or wells are necessary).
- k. A Certificate for Recording by the Probate Judge.

The above certificates shall be lettered or rubber stamped on the final plat in such a manner as to insure that said certificates will be legible on any prints made therefrom.

- 4.8.16 The street lighting plan.
- 4.8.17 The sidewalk plan.
- 4.8.18 The location and type of mail kiosk.

ARTICLE V

DEVELOPMENT STANDARDS

Section 5.1 EXCEPTIONS

The following planning and design standards shall be compiled with and no higher standard may be required by the Planning Commission, except where because of exceptional and unique conditions of topography, location, shape, size, drainage or other physical features of the site, or minimum standards specified herein would not reasonably protect or provide for public health, safety, or welfare. Any higher standard required shall be reasonable and shall be limited to the minimum additional improvements necessary to protect the public health, safety or welfare, provided, however, that no greater right-of-way widths or any additional land to be dedicated for public open space shall be required.

Section 5.2 GENERAL REQUIREMENTS

- 5.2.1 *Conformity to Existing Maps or Plans.* The subdivision or development plat shall conform to the Comprehensive Plan or the Zoning Ordinance of the Town and meet the requirements of the Major Thoroughfare Plan for the Town of Summerdale as approved by the Planning Commission and adopted by the Town Council.
- 5.2.2 *Reserve Spaces.* To insure development of the community in accordance with the general principles set forth in the official plans and maps of the Town of Summerdale, county and region, the Planning Commission may require that the developed area reserve open spaces for parks, schools, fire stations, playgrounds, or any other use deemed essential to the welfare of the community. However, no more than ten percent (10%) of the total development may be required by donation either in land or in cash value thereof.
- 5.2.3 *Compensation for Additional Spaces.* If additional area over the ten percent (10%) of a proposed development is necessary to fulfill the requirements of the community facilities plan, the additional area shall be offered for sale to the Town at or below the fair market value. Such offer shall extend for a period of not less than ninety (90) days from the date of receipt by the Town of such written offer.

- 5.2.4 *Continuation of Adjoining Street System.* The proposed street layout shall be coordinated with the existing street system of the surrounding area. Where possible, proposed streets shall be the extension of existing streets.
- 5.2.5 *Access to Adjacent Properties.* Where, in the opinion of the Planning Commission, it is desirable to provide for street access to an adjoining property, proposed streets shall be extended by dedication to the boundary of such property and a temporary turnaround shall be provided.
- 5.2.6 *Private Streets and Reserve Strips.* Due to the potential for liability to the Town, there shall be no private streets or reserve strips platted in any subdivision where abutting properties will be sold or otherwise conveyed, whether immediately or in the future, to the public; however, in certain circumstances, the Planning Commission may approve private streets provided they are constructed according to the standards of the Town of Summerdale.
- In the event that the planning Commission does approve a private street, the Planning Commission may require the developer to install a sign of reasonable size stating that the street is a private street and is not subject to public maintenance by the Town of Summerdale. Such statement shall also be shown on the preliminary and final plats.
- 5.2.7 *Large Tracts or Parcels.* Where land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical further re-subdivision.
- 5.2.8 *Lots.* All lots shall front upon a public street. Double-frontage lots shall be avoided whenever possible.
- 5.2.9 *Alleys.* Alleys shall be provided to the rear of all lots used for other than residential purposes. Alleys are prohibited in residential blocks unless such are approved by the Planning Commission. All dead end alleys shall be provided with a turnaround.
- 5.2.10 *Contour Map.* A contour map shall be provided if requested by the Planning Commission. The contour interval required will depend upon topographic and drainage characteristics and shall be specified by the Planning Commission.
- 5.2.11 *Street Names.* Proposed streets, which are obviously in alignment with others existing and named, shall bear the assigned name of the existing streets. In

no case shall the name for proposed streets duplicate or be phonetically similar to existing street names, irrespective of the use of the suffix street, avenue, boulevard, drive, place, court, etc.

- 5.2.12 *Suitability of the Land.* Land which the Planning Commission has found to be unsuitable for development due to flooding, bad drainage, and features likely to be harmful to the safety, health, and general welfare of the future residents shall not be subdivided or developed unless adequate methods approved by all public agencies concerned are formulated by the developer for meeting the problems created by the such development of the land.

Section 5.3 DESIGN STANDARDS

The following design standards shall be considered minimum requirements:

- 5.3.1 *Street Standards.* The standards for streets are set forth in Table 1, which is hereby made part of these Regulations. The minimum street pavement thickness requirement is 2 ½” and shall consist of 1 ½” bituminous binder layer and 1” bituminous surface course placed over a minimum of 8” stabilized base. Streets shall meet the Town of Summerdale’s latest approved technical specifications for streets.
- 5.3.2 *Intersections.* Angles at intersections of street center lines are set forth in Table 1.
- a. Intersections with a major thoroughfare shall be at least eight hundred (800) feet apart measured from center line to center line, wherever possible.
 - b. Property lines at street intersections shall be rounded with a minimum radius of twenty (20) feet. Where a Town street intersects a state highway, the design standards of the State Highway Department shall apply.
- 5.3.3 *Cul-de-sacs.* Permanent dead end streets shall not exceed six hundred (600) feet in length, and shall be provided with a turnaround having a roadway diameter of at least eighty (80) feet and a right-of-way diameter of at least one hundred (100) feet. Temporary dead end streets shall be provided with a turnaround having a forty (40) foot radius. Cul-de-sacs shall not be used to avoid connection with an existing street or to avoid the extension of an important street.

5.3.4

Blocks. The maximum and minimum length and width of blocks shall be as follows:

- a. *Length.* Block lengths shall not be less than three hundred (300) feet and shall only increase in increments of three hundred (300) feet not to exceed a maximum length of fifteen hundred (1,500) feet. Where deemed necessary by the Planning Commission, a pedestrian crosswalk of at least four (4) feet in width may be required.
- b. *Width.* Blocks shall have sufficient width to allow two tiers of lots of minimum depth. Blocks may be one lot in depth where single-tier lots are required to separate residential development from through vehicular traffic or non-residential uses.

Table 1
MINIMUM DESIGN STANDARDS FOR STREETS

| | Major Street | Collector Street | Minor Street | Cul-De-Sac | Marginal Access Street |
|---|---|------------------|--------------|------------|------------------------|
| Minimum Right-Of-Way Width | 100' | 80' | 50' | 50' | 50' |
| Maximum Grade | 6.0% | 12.0% | 15.0% | 12.0% | 12.0% |
| Minimum Grade | 0.5% | 0.5% | 0.5% | 0.5% | 0.5% |
| Minimum Radius of Curves | 1000' | 500' | 200' | 200' | 200' |
| Minimum Tangent Length Between Reverse Curves | 200' | 100' | 100' | 100' | 100' |
| Minimum Grades Within 100' of Center Line Intersections | 5% | 5% | 5% | 5% | 5% |
| Minimum Distance Between Center Line Offsets at Street Jogs | * | 125' | 125' | 125' | 125' |
| Angle at Intersections of Street Center Lines | 90° | 80-100° | 80-100° | 80-100° | 80-100° |
| Minimum Pavement Width | Varies 12' per lane; 8-10' shoulders; 12-24' medians | 44' | 36' | 25' | 25' |
| Minimum Pavement Thickness** | 2 ½" | 2 ½" | 2 ½" | 2 ½" | 2 ½" |

* No standard or not applicable.

** See Section 5.3.1 for minimum design standards for streets.

5.3.5 *Lots.* The size, shape and orientation of non-residential lots shall be such as the Planning Commission deems appropriate for the type of development and use contemplated. Residential lots shall comply with the following requirements:

- a. Lot Sizes of Land Subject to Zoning - The lot size, width, depth, side and rear yard setbacks depend upon the requirements of the zoning district. For further details refer to the Summerdale Zoning

Ordinance. The applicant shall furnish to the commission site drawings to demonstrate compliance. Lots not in compliance shall not have building permits issued unless combined with other lots and reconfigured so as to comply with zoning requirements.

b. Lot Sizes of Land not Subject to Zoning -

1. Where public water and sewerage are available, all lots shall have a frontage of not less than 75 feet, a 35 feet front and rear setback, an interior side yard setback of 10 feet, a street side yard setback of 25 feet, and a minimum area of not less than 10,000 square feet.
2. Where public water is available but public sewerage is not, lot areas and widths shall conform to the requirements of the Baldwin County Health Department, but in no case shall be less than 75 feet in width, with a 35 feet front and rear setback, an interior side yard setback of 10 feet, a street side yard setback of 25 feet, and a minimum area of not less than 15,000 square feet.
3. Where neither public water nor public sewerage is available, lot areas and widths shall conform to the requirements of the Baldwin County Health Department, but in no case shall be less than 100 feet in width, with a 35 feet front and rear setback, an interior side yard setback of 10 feet, a street side yard setback of 25 feet, and a minimum area of not less than 20,000 square feet.
4. Each lot shall contain a building site not subject to flooding and outside the limits of any existing easement or building setback lines.

c. General Planning Standards.

1. Side lot lines shall be substantially at right angles or radial to street lines.
2. The subdivision plan shall provide each lot with satisfactory access to an existing public street or to a subdivision street that will be deeded to public use at the time of final plat approval.

3. Excessive depth in relation to width shall be avoided. A proportion of 2½ to 1 will normally be considered maximum.

5.3.6 *Trees and Natural Features.* Reasonable requirements for the preservation of outstanding natural features may be specified by the Planning Commission. These include large trees or groves, water courses, exceptional views, and similar irreplaceable assets.

5.3.7 *Easement.* Utility and other easements shall be provided as follows.

- a. Utility easements centered on rear or side lot lines shall be provided where deemed necessary by the Planning Commission and shall be at least ten (10) feet in width.
- b. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such other easements and/or construction, or both, as may be adequate for the purpose of drainage.
- c. Lakes, ponds, creeks, and similar areas within a subdivision will be accepted for maintenance only if such acceptance is recommended by the Planning Commission and approved by the Town Council.

Section 5.4 DRAINAGE AND INUNDATION

A drainage plan shall be made for each subdivision by the Owner's Engineer. The plan shall take into consideration the ultimate or saturated development of the tributary area in which the proposed subdivision is located. Adequate provisions shall be made to provide drainage easements needed within the subdivision, taking into consideration the saturated development of the tributary area.

The storm sewer plans shall be worked out prior to the development of the other utility plans. Engineering considerations shall give preferential treatment of these gravity flow improvements, as opposed to other utilities and improvements. Off premise drainage easements and improvements may be required to handle the runoff of subdivisions into a natural drainage channel.

Low areas subject to periodic inundation shall not be developed or subdivided unless and until the Planning Commission establishes that:

- a. The nature of the land use (i.e., recreational areas) would not lend itself to damage by water inundation to an appreciable extent;
- b. The area may be filled or improved in such manner to prevent such periodic inundation; or,
- c. Minimum floor elevations be required to prevent damage to buildings and structures.

The Planning Commission may require whatever additional engineering information it deems necessary to make a decision on subdivisions and other development which contains an area of questionable drainage. Lakes, ponds, and similar areas will be accepted for maintenance only if sufficient land is dedicated as a public recreation area, or if such area constitutes a necessary part of the drainage control system.

Section 5.5 BUILDING RESTRICTIONS

If the subdivision does not lie within the force and effect of an existing Zoning Ordinance, the Planning Commission may require provision for minimum front, side, and rear yards, based upon the standards of the Zoning Ordinance and Health Department regulations.

Section 5.6 RV PARK REGULATIONS

- 5.6.1 The following regulations apply to all developments provided for the accommodations of transient recreational vehicles, including travel trailers, campers, motor homes, and similar transient vehicles.
- 5.6.2 Recreational vehicle parks are uses permitted subject to the approval of the Planning Commission and the requirements of the following provisions:
 - a. No recreational vehicle park shall be located except with direct access to a County, State, or Federal Highway, with a minimum lot width of not less than one hundred (100) feet for the portion used for entrance and exit. No entrance or exit shall be through a residential district.
 - b. The minimum lot area per park shall be three (3) acres.
 - c. Use of spaces in recreational vehicle parks shall be limited to travel trailers, motor homes, and campers with a maximum length, exclusive of hitch, of forty-five (45) feet.
 - d. Users of the spaces shall meet all other applicable laws.

- e. Management headquarters, recreational facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to operation of an RV park are permitted as accessory uses in any district in which recreational parks are allowed, provided:
 - 1) Such establishments and the parking area primarily related to their operations shall not occupy more than ten percent (10%) of the area of the park.
 - 2) Such establishments shall be restricted in their use to occupants of the park.
 - 3) Such establishments shall prevent no visible evidence of their commercial character which would attract customers other than occupants of the park.
- f. No space shall be so located that any part intended for occupancy for sleeping purposes shall be within one hundred (100) feet of the right-of-way line of any major, or collector street, or of any minor street.
- g. In addition to meeting the above requirements, the recreational vehicle park site plan shall be accompanied by a certificate of approval of the County Health Department.
- h. The proposed site shall be properly landscaped the purpose of which is to further enhance the natural qualities of the land. Proper screening and buffering should be provided if necessary.
- i. Landscape treatment for plazas, roads, paths, service and parking areas shall be designed as an integral part of a coordinate landscape design for the entire project area.
- j. Native vegetation shall be used where practicable and landscaping plans submitted for review shall identify which plants are native species.
- k. Site and landscaping plans will be approved by building inspector.

Section 5.7. MOBILE HOME REGULATIONS

These regulations are for the purpose of providing for the establishment of mobile home parks and single-family housing that is alternative to “stick-built” homes in areas not presently zoned for such uses and to minimize any detrimental effects of such developments on existing land uses. All zoned areas must follow those regulations set forth in the Town of Summerdale Zoning Ordinance 191-00.

Section 5.7.1 SPACE AND HEIGHT REGULATIONS

- a. **Minimum Site Size:** The minimum site for mobile home parks shall be three (3) acres with a minimum width of 100 feet along a major street.
- b. **Minimum Lot Size:** Each mobile home lot within a designated mobile home park shall have a minimum of 4,000 square feet and have a minimum width of 40 feet at the front lot line. For individual lots located outside of a mobile home park but within the mobile home subdivision, the minimum lot shall be 15,000 square feet, or 10,000 square feet where sewer is available with a minimum width of 75 feet at the front lot line.
- c. **Minimum Yard Size:** Mobile homes within a mobile home park shall be located with a minimum setback of twenty-five (25) feet from any park property boundary line and ten (10) feet from any other lot line. No mobile home within a mobile home park shall be closer to any other mobile home than twenty (20) feet. For individual lots located outside of a mobile home park but within the mobile home subdivision, the setbacks shall be: front 35 feet; rear 35 feet; interior side yard 10 feet; street side yard 25 feet; accessory structures – 5 feet side and rear; front yard 50 feet.
- d. **Maximum Number:** The maximum number of mobile homes, within a mobile home park, per acre shall not exceed ten (10).
- e. **Off-Street Parking:** Two (2) off-street parking spaces shall be provided for each mobile home lot.

Section 5.7.2 DESIGN REQUIREMENTS

The proposed development of a mobile home park shall be considered in accordance with an overall plan which shall include, as a minimum, the following requirements.

- a. *Landscaping.* The proposed development shall be designed as a single

architectural scheme with appropriate common landscaping.

- b. *Lighting.* All driveways and walkways within the park shall be hard surfaced and lighted at night with electric lamps of not less than or equivalent to 150 watts each, spaced at intervals of approximately 200 feet.
- c. *Screening.* a 15-foot planted buffer strip, containing plants that at least eight (8) feet tall, shall be provided wherever the district adjoins the boundary or property line of another district.
- d. *Traffic Circulation.* The locations of driveways, parking spaces and interior streets shall be designed on said plan, and approved by the Planning Commission.
- e. *Drainage and Sewage Disposal.* Drainage and sewage disposal plans shall be submitted to and approved by the Summerdale Town Council.
- f. *Mobile Home Types.* Must meet the latest NMHC and Safety Standards.

ARTICLE VI

INSTALLATION OF PERMANENT REFERENCE POINTS

Section 6.1 PERMANENT REFERENCE POINTS

Prior to the approval of the final plat, permanent reference points shall have been placed in accordance with the following requirements.

- 6.1.1 Subdivision Corner Tie. At least one corner of the subdivision shall be designated by course and distance (tie) from an accepted corner of the government survey of Baldwin County. The subdivision corner shall be marked with a monument and shall appear on the map with a description of bearings and distances from the government survey corner, to an accuracy of 1:10,000.
- 6.1.2 Monuments. Concrete monuments four (4) inches in diameter or four (4) inches square and three (3) feet long with a flat top shall be set at all points where the street lines intersect the exterior boundaries or the subdivision at the intersection of curves and tangents along the street lines, and at all corners of the plat. The top of the monument shall have an indented mark to identify properly the location, and shall be set flush with the finished grade.
- 6.1.3 Property Markers. All lot corners not marked with a monument shall be marked with iron pipe or iron pin not less than one-half ($\frac{1}{2}$) inch in diameter and twenty-four (24) inches long, and driven so as to be flush with the finished grade.

Section 6.2 ACCURACY

Land surveys within the Town limits shall be at an accuracy of at least 1:10,000, and beyond the Town limits an accuracy of not less than 1:7,500 is required.

ARTICLE VII
REQUIRED IMPROVEMENTS

Section 7.1 IMPROVEMENTS

Approval of the final plat shall be subject to the installation of the improvements and utilities hereinafter designated and satisfactorily completed in accordance with the Town of Summerdale specifications and standards, or the posting of a corporate surety bond with sufficient surety to secure the municipality the actual construction and installation of such improvements and utilities.

7.1.1 *Streets.* On all streets within the jurisdiction of these Regulations, a suitable hard surfaced permanent type of pavement shall be constructed in accordance with the Town construction specifications.

7.1.2 *Grading.* All streets shall be graded to their full right-of-way width. Finish grade, cross-section and profile shall be approved by the Town Engineer.

7.1.3 *Curbs and Gutters.* Standard approved type curbs and gutters may be placed on both sides of all new streets within the area of jurisdiction of these Regulations in accordance with the Town specifications.

7.1.4 *Sidewalks.* Sidewalks shall be required on both sides of the street and shall be constructed to the Town standards.

a. Sidewalks shall be constructed within the street right-of-way and in accordance with Town specifications and standards and shall have a minimum layer of four (4) inches of concrete.

1. Minimum of four (4) feet wide in residential areas.

2. Six (6) feet wide in commercial areas.

7.1.5 *Water System.* The design and specifications of the distribution system shall meet the Town of Summerdale water system requirements. Water mains shall be extended the full length or width of the pavement. If a well is required for each lot, the location, construction, and use of such a well shall meet Health Department requirements. If a well is to serve more than one lot, a public water system is required. The design and specifications of such

distribution system shall meet Health Department specifications, and shall be installed under inspection of the Town Water Department.

- 7.1.6 *Fire Plugs.* Fire plugs shall be installed along each street every six hundred (600) feet, or at the ends and center of each block. The water supply and pressure shall be sufficient to adequately serve the potential needs of the intended land use.
- 7.1.7 *Septic Tanks.* Special approval must be obtained from the Baldwin County Health Department for each lot within a subdivision. Lot size shall not be less than the minimum standard and of satisfactory size for the proper installation of a septic tank sewage system as indicated by percolation tests.
- 7.1.8 *Drainage Ways.* Drainage structures shall be designed and installed as required in accordance with Town specifications and standards.
- 7.1.9 *Street Signs.* The subdivider shall deposit one hundred dollars (\$100.00) to the Town Clerk for each required street sign within his subdivision, or he may provide his own signs which must be approved by the governing body prior to final plat approval. One street sign will be required for each intersection.
- 7.1.10 *Oversize Facilities.* The governing body may participate in the cost of *oversize* improvements within a subdivision, if in its judgment such oversized improvements are necessary now and in the future to serve large areas of land not in the subdivision, and if the cost of such oversize improvements is an unreasonable burden on the subdivider.
- 7.1.11 *Utilities.* All utilities, within a subdivision, are required to be placed underground.
- 7.1.12 *Street Lighting.* Street lighting shall provide illumination at a minimum of .3 to .5 foot candles in subdivision rights-of-ways, using metal decorative light poles as approved by the Planning Commission.

ARTICLE VIII

GUARANTEE OF COMPLETION OF IMPROVEMENTS

Section 8.1 INSTALLATION OF REQUIRED IMPROVEMENTS

The subdivider shall be responsible for the provision of all required improvements to the subdivision. This may be accomplished by either the full installation of all required improvements by the developer at the time the final plat is to be submitted to the Planning Commission or by the provision of a financial guarantee of performance.

8.1.1 *Subdivision Improvement Bond.* The guarantee of performance by the subdivider shall be in the form of a corporate surety bond and shall meet the following requirements.

- a. Acceptance of Bond. The bond and bonding company must be approved by the Planning Commission.
- b. Value of Bond. The bond should be of an amount sufficient to cover the total cost of installing all improvements plus an amount equal to 50% of the installation cost, including grading, paving of the streets, and installation of all required utilities and fees encountered during execution of improvements.

8.1.2 *Failure to Complete Work.* If within twelve (12) months after filing said bond the subdivider has not completed all necessary improvements; or if the developer has not petitioned the Planning Commission for an extension of time, specified by the Planning Commission, to complete the work; or if in the opinion of the Planning Commission said improvements have not been satisfactorily installed, the bond shall be used by the Town to complete the improvements in satisfactory fashion, or the Town may take such steps as may be necessary to require performance under the bond.

ARTICLE IX

GUARANTEE AGAINST FAULTY MATERIAL

Section 9.1 ACCEPTANCE OF STREETS FOR MAINTENANCE

Final approval of street improvements shall be granted and streets accepted for maintenance by the Town, only in accordance with one of the following provisions.

9.1.1 *Inspection of Completed Improvements.* Said street improvements shall have been completed and in place for a period of one (1) year and shall, upon inspection, following such period of time, be found free from defective workmanship or material and free from sink-holes or other settling.

9.1.2 *Guaranty Bond.* Following otherwise satisfactory completion of such work, the subdivider shall post with the Town a guaranty bond in an amount equal to ten percent (10%) of the street and utility improvement cost for the street for which acceptance is sought. Said bond will guarantee the Town that said street has been installed in a workmanlike manner, that same is free from defects caused by faulty material or workmanship, and that said street will remain in acceptable condition for a period of at least one (1) year. Said guaranty bond shall be effective for a period of one (1) year. If at the end of the one-year period the street is found to have settled or be otherwise unacceptable because of faulty workmanship or material, said defective street shall be repaired at the cost of the subdivider up to the amount of the guaranty bond, and upon his failure or refusal to do so within ninety (90) days after demand is made upon him by the Governing Body, then the Town shall make such repairs as are reasonably necessary, and recover the cost thereof.

ARTICLE X

VARIANCES

Section 10.1 VARIANCES

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

10.1.1 *Hardship.* Where the Planning Commission finds that extraordinary hardships may result from strict compliance with these regulations due to unusual topographic or other conditions beyond the control of the subdivider, it may vary the regulations so that substantial justice may be done and the public interest secured, provided, however, that such variation will not have the effect of nullifying the intent or purpose of the Subdivision Regulations, Zoning Ordinance, or other elements of the Comprehensive Plan. Any variance thus authorized is required to be entered in writing in the minutes of the Planning Commission and the reason which justified the departure to be set forth.

10.1.2 *Experimental Subdivisions.* The Planning Commission may waive, vary, or modify the standards and requirements of these regulations if, in its judgement, an unusual or experimental subdivision might prove of considerable merit toward:

- a. Unusual Materials. The use of unusual materials in constructing required improvements.
- b. New Design. A new or untried design concept in the Summerdale area which appears promising.

Special attention may be given to experimental subdivisions which are related to low cost housing design in an effort to provide housing for elderly and lower income families. The Planning Commission shall require the subdivider to provide a written proposal stating the nature of the experiment, and cost-benefit study following the implementation of same.

- c. Conditions. In granting variance, modifications, and approval for experimental subdivisions, the Planning Commission may require such conditions as will, in its Judgement, secure substantially the objectives of the standards or requirements so varied, modified, or approved. These may include, without being limited to: personal, surety, performance, or maintenance bonds, affidavits, covenants, or other legal instruments.

10.1.3 *Non-Residential Subdivisions.* Non-residential subdivisions shall be

reviewed and processed in accordance with appropriate sections of the Zoning Ordinance. It is recognized that the applicant, in creating nonresidential subdivisions, faces unique problems of lot design not normally encountered in residential subdivisions. For this reason, the initial emphasis of the Planning Commission shall be upon street layout and block arrangement. Generally, the procedural requirements shall be for the applicant to follow the regular procedure outlined in Article IV and to show the entire tract to be subdivided with necessary improvements and as many parcels as is cared to show but must include at least two parcels. Then, from time to time, as prospective buyers express interest in lots sized to their required specifications, and following informal discussions with the Planning Commission if the applicant so requests, the applicant shall submit directly at a regular meeting of the Planning Commission an amendment to the preliminary plat for approval. Regular procedural requirements of the Planning Commission following receipt of a Final Plat shall then apply.

- a. Other Special Requirements. In addition to the principles and standards in these regulations which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Planning Commission that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed.
 1. Proposed nonresidential street layout, blocks, and parcels shall be suitable in area and dimensions to the types of development anticipated.
 2. Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas, nor connected to streets intended for predominantly residential traffic, but shall be connected insofar as is possible to expressways, arterial, or collector streets in such a way that the number of intersections with such expressways, arterial, or collectors shall be minimized.
 3. Street rights-of-way and pavement shall be adequate and in accordance with Section 5-3 to accommodate the type and volume of traffic anticipated to be generated thereon. Curb radii at driveway intersections shall be at least 25 feet.
 4. The applicant shall insure that the nonresidential subdivision as a whole may be self-sufficient with regard to providing necessary off-street parking. The applicant may make parking self-sufficiency a requirement of individual lots
 5. With respect to physical improvements, special requirements may be imposed by the Planning Commission Engineer

within the nonresidential subdivision.

6. Every effort shall be made to protect adjacent residential areas from potential nuisances from nonresidential subdivisions, including the provision of extra depth in parcels backing up on existing or potential residential developments and provision for a permanently landscaped buffer strip when necessary.

10.1.4 *Large Scale Development.* The standards and requirements of these regulations may be modified in the case of a plan and program for a complete community or a neighborhood unit which, in the judgment of the Planning Commission, provides adequate public spaces and improvements for circulation, recreation, light, air and service needs of the tract when fully developed and populated, and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the plan.

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

ARTICLE XI

PENALTIES FOR TRANSFERRING LOTS IN UNAPPROVED SUBDIVISIONS

Whoever, being the owner or agent of the owner of any parcel of land that lies, either in part or in whole, within the planning jurisdiction of the Town of Summerdale transfers or sells or agrees to sell or negotiates to sell any part of this land by reference to or exhibition of or by other use of a plat of a subdivision, before such plat has been approved by the Planning Commission and recorded or filed in the office of the Baldwin County probate office, shall forfeit and pay a penalty of five hundred dollars (\$500.00) or the maximum allowed by current legal statute for each lot or parcel so transferred or sold or agreed or negotiated to be sold; furthermore, this penalty shall accrue on a daily basis beginning on the date that the owner or agent of the owner was officially notified by the Town of Summerdale of noncompliance to these regulations until such noncompliance has been remedied in accordance with these regulations to the satisfaction of the Planning Commission. The description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided. The municipal corporation may enjoin such transfer or sale or agreement by civil action for injunction brought in any court of competent jurisdiction or may recover the same penalty by a civil action in any court of competent jurisdiction.

ARTICLE XII

AMENDING THE REGULATIONS

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

ARTICLE XIII

SEVERABILITY AND SEPARABILITY

Should any article, section, sub-section, or provision of these Subdivision Regulations be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the Subdivision Regulations as a whole, or any part thereof, other than the part so declared to be invalid or unconstitutional.

ARTICLE XIV
EFFECTIVE DATE

These Subdivision Regulations shall take effect and be in force from and after the date of adoption. Subdivision Regulations heretofore adopted are hereby repealed.

Adopted, this the 29th day of May, 1997.

Planning Commission for the
TOWN OF SUMMERDALE, ALABAMA

By:
James J. Jurkiewicz, Chairman

Attest:
Faye Howell, Secretary

ARTICLE XV
AMENDED DATES

These Subdivision Regulations have been amended through April 24, 2006, by the required vote of the Town of Summerdale Planning Commission.

| Document | Section | Revision Date |
|-----------------|----------------|----------------------|
| Article III | Section 3.2.30 | 8/27/2001 |
| Article III | Section 3.2.21 | 4/24/2006 |
| Article IV | Section 4.3 | 4/24/2006 |
| Article IV | Section 4.4 | 4/24/2006 |
| Article IV | Section 4.5 | 4/24/2006 |
| Article IV | Section 4.5.1 | 4/24/2006 |
| Article IV | Section 4.5.2 | 4/24/2006 |
| Article IV | Section 4.6.10 | 4/24/2006 |
| Article IV | Section 4.6.20 | 4/24/2006 |
| Article IV | Section 4.6.21 | 4/24/2006 |
| Article IV | Section 4.6.22 | 4/24/2006 |
| Article IV | Section 4.7 | 4/24/2006 |
| Article IV | Section 4.7.1 | 4/24/2006 |
| Article IV | Section 4.8.6 | 4/24/2006 |
| Article IV | Section 4.8.17 | 4/24/2006 |
| Article IV | Section 4.8.18 | 4/24/2006 |
| Article V | Table 1 | 4/24/2006 |
| Article V | Section 5.3.1 | 4/24/2006 |
| Article V | Section 5.3.5 | 4/24/2006 |
| Article VII | Section 7.1.4 | 4/24/2006 |
| Article VII | Section 7.1.12 | 4/24/2006 |
| Appendix I | | 4/24/2006 |
| Appendix II | | 4/24/2006 |
| Article III | Section 3.2 | 2/25/2008 |
| Article VII | Section 7.1.11 | 2/25/2008 |
| Article IV | Section 4.51 | 3/24/2008 |
| Article IV | Section 4.5.8 | 1/26/2009 |
| Article III | Section 3.2 | 11/15/2018 |
| Article III | Section 4.5.2 | 11/15/2018 |
| Article V | Section 5.6 | 11/15/2018 |
| Article V | Section 5.7 | 11/15/2018 |
| Article V | Section 5.7.1 | 11/15/2018 |
| Article V | Section 5.7.2 | 11/15/2018 |

APPENDIX I

Official Forms

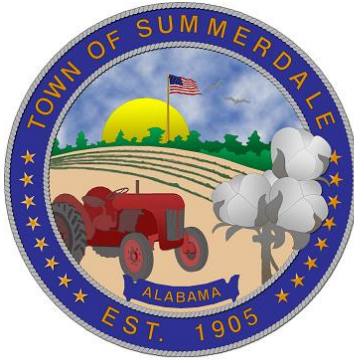
**SUMMERDALE PLANNING COMMISSION
SUBDIVISION REGULATIONS
PROCEDURES FOR PLAT APPROVAL**

1. Sketch Plan Review - Step One
 - Four (4) 24"x 36" prints as required in Section 4-3.
 - One (1) 11"x 17" print of the plat.
 - Thirty (30) days prior to Planning Commission meeting. (The Planning Commission meets regularly on the fourth Monday of each month.)
 - No application forms or fees required.

2. Preliminary Plat Review - Step Two
 - Four (4) 24"x 36" prints with all required preliminary plat information.
 - One (1) 11"x 17" print with all required preliminary plat information.
 - CD or 3.5" diskette containing photographs of proposed subdivision, surrounding property, and a plat of the proposed subdivision
 - Thirty (30) days prior to Planning Commission meeting. (The Planning Commission meets regularly on the fourth Monday of each month.)
 - Adjacent property owners and their addresses listed
 - Filing, Review and Hearing Fee - See Appendix II these regulations

3. Final Plat Review - Step Three
 - The original tracing and three (3) 24"x 36" prints of the plat with all required statements, certificates, and signatures.
 - One (1) 11"x 17" copy of the final plat.
 - CD or 3.5" diskette containing photographs and the final plat of the subdivision.
 - Thirty (30) days prior to regular meeting (The Planning Commission meets regularly on the fourth Monday of each month.)
 - Copies of Federal and State permits, if required

Appropriate application forms, checklists and other required documentation must be completed and submitted with the plat.



APPLICATION FOR SUBDIVISION PLAT APPROVAL
Preliminary Plat

Application Type: Minor Subdivision Major Subdivision

Date of Application: _____

PROPERTY OWNER INFORMATION

Name of Property Owner: _____ Phone #: _____
Address of Property Owner: _____
City: _____ State: _____ Zip: _____

Proposed Subdivision Name: _____
No. Acres in Plat: _____ No. Lots: _____

Authorized Agent Information

Plat must be signed by the property owner before acceptance by the Town of Summerdale

Name of Authorized Agent: _____ Phone#: _____
Address: _____
City: _____ State: _____ Zip: _____
Contact Person: _____

Surveyor/Engineer Information

Name of Firm: _____ Phone #: _____
Address: _____
City: _____ State: _____ Zip: _____
Contact Person: _____

Plat Fee Calculation: \$250.00 plus \$30.00 per lot
Public Hearing Fees: \$7.00 per notice to be mailed

I certify that I am, or represent, the property owner of the above property and hereby submit this plat to the Town of Summerdale for review.

Printed Name

Signature

Date: _____

**SUMMERDALE PLANNING COMMISSION
PRELIMINARY PLAT CHECKLIST**

Page 1 of 2.

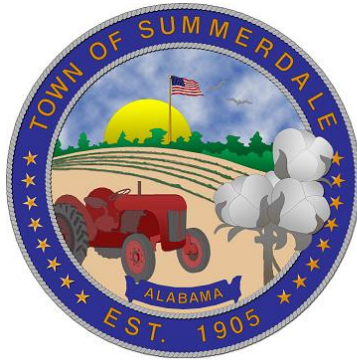
Subdivision Name _____ Number _____ Date _____

1. ___ Four (4) copies of plat submitted thirty (30) days prior to meeting.
 ___ One (1) set of 11" x 17" copy of the Preliminary Plat
 ___ CD or 3.5" diskette containing photographs of proposed subdivisions,
 surrounding property, and a plat of the proposed subdivision
2. ___ Application forms completed.
3. ___ Fees paid.
4. ___ Names and addresses of adjoining landowners within 100 feet.
5. ___ Public Hearing notices sent.
6. ___ Construction Plans submitted.
7. ___ Review by Health Department.
8. ___ Review by registered surveyor or civil engineer.
9. ___ All requirements shown on plat.
 - a. ___ Scale not less than 1" = 100'
 - b. ___ Sheet size not more than 24" x 36"
 - c. ___ Name of owner(s) of record
 - d. ___ Proposed name of subdivision
 - e. ___ Date, North Arrow
 - f. ___ Legal Description
 - g. ___ Vicinity Map
 - h. ___ Topography at two-foot contour intervals

SUMMERDALE PLANNING COMMISSION
PRELIMINARY PLAT CHECKLIST

Page 2 of 2.

- i. ___ Exact boundaries showing bearings and distances
- j. ___ Wooded areas, marshes, other unique features shown
- k. ___ Location of existing streets, water courses, railroads, major transmission lines, drainage structures and public utility easements on proposed subdivision and on adjacent land within 100 feet
- l. ___ Proposed Rights-of-way and/or easements including location, purpose, widths and street names.
- m. ___ Proposed lot lines with bearings and distances and lot and block numbers
- n. ___ Proposed minimum building setback lines
- o. ___ Proposed open spaces, school sites or other public or common areas
- p. ___ Site data including total acreage, smallest lot size, total number of lots and linear footage of streets
- q. ___ Flood Hazard Zone notation.
- r. ___ Proposed sidewalk plan
- s. ___ Proposed lighting plan
- t. ___ Proposed mail kiosk site



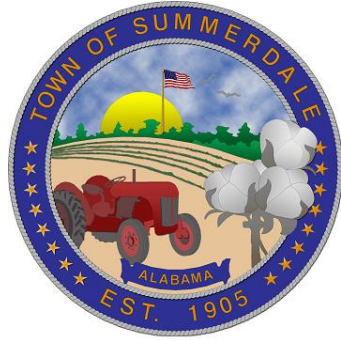
CERTIFICATION OF PROPERTY OWNER NOTIFICATION LIST

Public Hearings on subdivision plat applications require notification to all property owners adjacent to the proposed subdivision. This list must be the most current property owners' records available from the Baldwin County Revenue Office.

By signing below, I _____, (applicant) do hereby certify that the property owner list attached to this application was obtained from the Baldwin County Revenue Office and is a complete list of all real property owners/lessees adjacent to the property submitted from Subdivision approval.

Signature of Applicant

Date of Application



Submittals to the Summerdale Planning Commission involving the division of lands located in the extra-territorial jurisdiction of the Town of Summerdale shall include the attached Certifications from the Baldwin County Zoning Office.

- Certificate of County Zoning
Must be signed and zoning of property (if any) indicated.
- Memorandum of Transmittal
Signed indicating County's receipt of plat/plans for development being submitted before Summerdale Planning Commission.

*These documents are part of your application.
Your application package is incomplete without them.*

CERTIFICATE OF COUNTY ZONING

TO: Summerdale Planning Commission

This Zoning Certificate is issued for the subject lands the description of which has been furnished by the developer's surveyor/engineer.

Subdivider's Name

Name of Designer

Name of Development

Tax Parcel I.D. #

Location of Subdivision proposed:

The subject property lies within Baldwin County Zoning District No. _____.

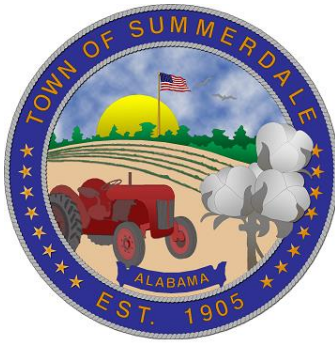
Zoned _____ For _____ (Type of Development)

Currently has no Zoning Establishing

Name of Chairperson for this District: _____

By:
For the County Zoning Officer

Date



MEMORANDUM OF TRANSMITTAL

DATE: _____

TO: Summerdale Planning Commission

Applicant certifies that submittals have been made for the following identified extra-territorial development to the Baldwin County Engineer and the County Planning Officer as evidenced by the certificate affixed below:

Name of Subdivision: _____

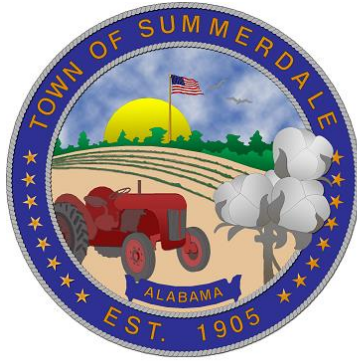
Signature of Applicant: _____

I, the undersigned, hereby acknowledge receipt of plat and / or plans for the proposed development named above. (Signature on this acknowledgement shall not constitute any approval of such plans whatsoever.)

Received: _____

Date

By: For the Engineer/Planner



APPLICATION FOR SUBDIVISION PLAT APPROVAL
Final Plat

Application Type: Minor Subdivision Major Subdivision

Date of Application: _____

PROPERTY OWNER INFORMATION

Name of Property Owner: _____ Phone #: _____

Address of Property Owner: _____

City: _____ State: _____ Zip: _____

Proposed Subdivision Name: _____

No. Acres in Plat: _____ No. Lots: _____

Authorized Agent Information

Plat must be signed by the property owner before acceptance by the Town of Summerdale

Name of Authorized Agent: _____ Phone#: _____

Address: _____

City: _____ State: _____ Zip: _____

Contact Person: _____

Surveyor/Engineer Information

Name of Firm: _____ Phone #: _____

Address: _____

City: _____ State: _____ Zip: _____

Contact Person: _____

Plat Fee Calculation: \$150.00 Plus \$20.00 per lot

I certify that I am, or represent, the property owner of the above property and hereby submit this plat to the Town of Summerdale for review.

Printed Name

Signature

Date: _____

SUMMERDALE PLANNING COMMISSION
FINAL PLAT CHECKLIST

Page 1 of 2.

Subdivision Name _____ Number _____ Date _____

1. ___ One (1) original tracing with required documentation and signatures and three (3) copies of same submitted 30 days prior to meeting.
 ___ One (1) set of 11" x 17" copy of the plat
 ___ CD or 3.5" diskette containing photographs and a plat of the subdivision
2. ___ Application forms completed.
3. ___ Fees paid.
4. ___ Within one (1) year of preliminary plat approval.
5. ___ Surety bond, if required, to guarantee installation of improvements.
6. ___ All requirements shown on plat:
 - a. ___ Scale not less than 1" = 100'
 - b. ___ Sheet size not more than 24" x 36"
 - c. ___ Name, north arrow, scale, location
 - d. ___ Legal description
 - e. ___ Adjoining subdivisions and streets with reference to recorded plats by record name.
 - f. ___ Permanent monuments, boundaries, bearings, distances
 - g. ___ Streets, alleys, rights-of-way and street names
 - h. ___ Location, widths and purposes of all easements
 - i. ___ Lot lines and lot and block numbers
 - j. ___ Parks, school sites or other public open spaces, if any
 - k. ___ Topography or elevations as required

SUMMERDALE PLANNING COMMISSION
FINAL PLAT CHECKLIST

- l. ___ Proposed sidewalk plan
- m. ___ Proposed lighting plan
- n. ___ Proposed mail kiosk site
- o. ___ Endorsements, dedications, and certificates:
 - ___ Owner
 - ___ Registered Surveyor
 - ___ Notary Public
 - ___ Electric utility
 - ___ Water utility
 - ___ Sewer utility
 - ___ Health Department
 - ___ Coastal Area Management Program (if applicable)
 - ___ City Engineer (if applicable)
 - ___ City Planning Commission
 - ___ Flood Hazard Zone notation
 - ___ Developer's Engineer

CERTIFICATE OF OWNERSHIP AND DEDICATION

(To be placed on Plat)

STATE OF ALABAMA)
COUNTY OF BALDWIN)

This is to certify that I (we) the undersigned is (are) the owner(s) of the land shown and described in the Plat _____, and that I (we) have caused the same to be surveyed and subdivided as indicated hereon, for the uses and purpose herein set forth and do hereby acknowledge and adopt the same under the design and title hereon indicated and dedicate all streets, alleys, walks, parks, and other open spaces to public or private use as noted.

Dated this ____ day of _____, 20____.

Owner

Owner

CERTIFICATION BY NOTARY PUBLIC

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, _____, a Notary Public in and for the County of _____ in the State of Alabama do certify that whose name(s) is (are) subscribed to the Certificate of Ownership and Dedication, appeared before me this day in person and acknowledged that he (they) signed, sealed and delivered said instrument at this (their) free and voluntary act for the uses and purposed herein set forth.

Given under my hand and Notarial Seal the ____ day of _____, 20____.

Notary Public

CERTIFICATION BY SURVEYOR

(To be placed on Plat)

STATE OF ALABAMA)
COUNTY OF BALDWIN)

This is to certify that I, _____, Land Surveyor (Engineer), have surveyed and subdivided the property shown or described hereon which is a correct representation of said survey and subdivision. all distances, bearing angles, radii, curves, and other dimensions thereof are true and correct to the accuracy required by the Town of Summerdale Planning Commission and that iron pins and monuments have been placed as shown hereon. I further certify that all regulations enacted by the Town of Summerdale Planning commission relative to plats and subdivisions have been complied with, in the preparation of this plan.

Given under my hand and seal at _____, Alabama, this
__ day of _____, 20__.

Surveyor (Engineer)

CERTIFICATE OF REGISTERED PROFESSIONAL ENGINEER

(To be placed on Plat)

I, _____ a registered Professional Engineer, registered in the State of Alabama, registration number _____, hereby certify that I have reviewed this plat and that it is in compliance with the Drainage Design requirements of the Summerdale Subdivision Regulations.

Engineer / Date

Firm

**CERTIFICATION BY BALDWIN COUNTY
DEPARTMENT OF PUBLIC HEALTH**

(To be placed on Plat)

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, _____, do hereby certify that the plans and specifications of the required improvements covering a sanitary sewerage system and/or sewer lines and domestic water supply system and/or distribution lines have been examined by me and found to comply with the requirements as set forth in the regulations of the Alabama State Health Department; and are hereby APPROVED as shown.

Date this _____ day of _____, 20____.

County Health Officer or his
Authorized Representative

**CERTIFICATION OF THE APPROVAL
OF STREETS AND UTILITIES**

(To be placed on Plat)

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, _____, Engineer representing the Town of Summerdale, Alabama, Planning Commission do hereby certify that the attached final plan has been examined by me and also that the subdivider's plans and specifications comply with the requirements set forth in the Town of Summerdale Subdivision Regulations.

I further certify that the streets, utilities, and other improvements have been installed; or the required bond is posted with the Town of Summerdale for the installation of such improvements in the amount of \$ _____, which is equal to the estimated cost of such required improvements plus fifty (50) percent thereof.

Dated this _____ day of _____, 20__.

Engineer for the Town of
Summerdale, Alabama

CERTIFICATE OF APPROVAL BY THE
(insert name of electric utility)
(To be placed on Plat)

The undersigned, as authorized by the (name of electric utility) hereby approves the within plat for the recording of same in the Probate Office of Baldwin County, Alabama, this _____ day of _____, 20____.

(Electric utility authorized signature)

CERTIFICATION OF FLOOD HAZARD ZONE

(To be placed on Plat)

This is to certify that we have consulted the Federal Insurance Administration Flood Hazard Boundary Map, Panel No. _____, dated _____ and found that the above described property (does, does not) lie (wholly, partly) in an identified flood hazard zone.

Engineer/Surveyor for the Applicant

CERTIFICATE OF APPROVAL BY THE

(Insert name of water and/or sewer, if available, utility)

(To be placed on Plat)

The undersigned, as authorized by the (name of water and/or sewer utility) hereby approves the within plat for the recording of the same in the Probate Office of Baldwin County, Alabama, this the _____ day of _____, 20____.

(Water and/or Sewer Utility authorized signature)

CERTIFICATION OF APPROVAL FOR RECORDING

(To be placed on Plat)

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of the Town of Summerdale, Alabama, Planning Commission, with the exception of such variances, if any, as are noted in the minutes of the Planning Commission and written upon said plat and that it has been APPROVED for recording in the office of the Baldwin County Judge of Probate.

Dated this _____ day of _____, 20__.

Planning Commission Chairman,
or his Authorized Representative

APPLICATION FOR VARIATION, MODIFICATION, OR WAIVER

STATE OF ALABAMA)
COUNTY OF BALDWIN)

This is to certify that I (we) the undersigned do hereby request the Town of Summerdale Planning Commission to grant a Variation () Modification () or Waiver () of the Flood Prone Area Subdivision Regulations as indicated below, and for the reasons stated:

1) Article(s) and Section(s) for which Variation, Modification or Waiver is requested:

Article

Section

2) Nature of Variation, Modification, or Waiver requested:

3) Reason for Request:

Dated this _____ day of _____, 20__.

Owner, Subdivider or Authorized
Representative

Appendix II
Fee Structure

Fee Structure

Sketch Plan Review.....No Fee

Public Hearing Notices.....\$7.00 per mailed notice

Preliminary Plat \$250.00 Plus \$30.00 per lot or unit
Includes Filing Fee
Preliminary Site Inspection Fee (if necessary)

Final Plat..... \$150.00 Plus \$20.00 per lot or unit

Review Fees..... The developer of any proposed subdivision shall be responsible for all fees of Engineering Reviews

Penalties For Non-Compliance
With These Regulations.....\$500.00, or maximum allowed by statute, for each lot or parcel transferred or sold, or agreed or negotiated to be sold accruing on a daily basis as stipulated in Article XI of these regulations.

SUBDIVISION REGULATIONS