

# **Subdivision Regulations**

## **Phenix City**

### **Alabama**

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**SUBDIVISION REGULATIONS  
PHENIX CITY, ALABAMA**

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## **Article I. GENERAL PROVISIONS**

### **Section 1. Authority**

These Subdivision Regulations are adopted under the authority of Chapter 52, Article 2, of the 1975 Code of Alabama, as amended.

### **Section 2. Short Title**

These Subdivision Regulations shall be known, and may be cited, as the Subdivision Regulations of the City of Phenix City.

### **Section 3. Statement of Policy**

It is hereby declared to be the policy of the Phenix City Planning Commission to consider the subdivision of land to be an initial and principal step in carrying out the general purposes of the Comprehensive Plan; and to guide and accomplish a coordinated, adjusted and harmonious development of the land within the subdivision jurisdiction which shall, in accordance with existing and future needs, best promote the public health, safety, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development.

### **Section 4. Statements of Purpose**

To implement the policy stated in Section 3 above, these Regulations shall be administered in such a manner as to accomplish the following purposes:

1. Any proposed subdivision should be correlated with the Comprehensive Plan and with capital budgets and public improvements programs of the governing body of the City of Phenix City. It is intended that these regulations shall supplement the provisions and standards contained in the building, housing and related codes, zoning ordinance, erosion and sediment control policy; and other measures governing development.
2. Land to be subdivided should be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace. Land should not be subdivided until or unless adequate provision is made for drainage, water supply, sanitary sewage, fire protection, and access, as well as other improvements required by these regulations; and unless adequate community facilities, including schools, parks, and recreation areas are available in reasonable proximity to the subdivision.
3. All subdivisions should be designed to protect and conserve the value of land and the value of buildings and improvements on the land, to minimize conflicts among the uses of land and buildings, and to encourage residential development where public services and community facilities are available or shall be available when the subdivision is ready for occupancy.
4. To provide an efficient relationship between development and the circulation of traffic, and minimize congestion all subdivisions should be designed to expedite circulation and maintain continuity throughout the overall street system; to protect land values through the separation of local and through traffic; and to make adequate provision for traffic through the proper location and width of streets, including major streets as set out in the Comprehensive Plan for future construction.
5. All subdivisions should be designed to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources in order to preserve the integrity, stability and beauty of the community and the value of the land.

6. Through efficient design and layout all subdivisions should encourage the setting aside as permanent open space land that is subject to flooding or has soils unsuited to urban development; and incorporate the physiographic features of the natural setting into the urban environment to preserve and enhance the natural beauty of the land.
7. Innovative subdivision design that shall produce attractive, efficient, and convenient arrangements of housing and neighborhood environments affording a choice of lifestyles shall be encouraged.

#### **Section 5. Area of Jurisdiction**

These regulations shall be applied to and shall govern the subdivision of land within the Planning Jurisdiction of the City of Phenix City. Such Jurisdiction is defined in accordance with Chapter 52, Section 11-52-30 of the 1975 Code of Alabama, as amended; and, as such, includes all land within the Corporate Limits of the City of Phenix City plus unincorporated land within one and one half (1.5) miles of the Corporate Limits in Russell County and one and one half (1.5) miles in Lee County.

#### **Section 6. Application of Regulations**

From and after the date of these Subdivision Regulations, every plat of land that is a subdivision, as defined herein, shall be prepared, presented for approval, and recorded as required herein.

No grading excavation, or other disturbance of land; and no construction of any public or private improvements for the purpose of constructing a subdivision shall take place or be commenced except in conformity with these regulations. No building permit and no certificate of occupancy shall be issued for any parcel of land created by subdivision, as defined herein, unless a Final Plat of such subdivision has been approved and recorded as required by these regulations.

## Article II. DEFINITIONS

### Section 1. Purpose

Certain terms used in these regulations shall have the meanings defined by this Article. In the event that a term is not listed in this Article; or is not defined elsewhere in the Zoning Ordinance of the City of Phenix City, the Phenix City City Code, or Sections 11-52-30 through 11-52-36 of the 1975 Code of Alabama, as amended; then the conventional meaning of such term shall apply.

### Section 2. Interpretation

The Planning Commission of the City of Phenix City shall make a determination of any term used in these regulations.

### Section 3. Use of Words

In the interpretation of these regulations, the provisions and rules of this Section shall be observed and applied, except where the context clearly requires otherwise.

Words used or defined in one tense or form shall include other tenses and derivative forms.

Words in the singular number shall include the plural number; and words in the plural number shall include the singular number.

The masculine gender shall include the feminine; and the feminine gender shall include the masculine.

The word "shall" is mandatory. The word "may" is permissive.

The word "person" includes an individual, firm, association, organization, partnership, trust, company, or corporation.

In case of any conflict between the text of these regulations and any caption, illustration, figure, or other graphic material, the text shall govern.

### Section 4. Terms Defined

For the purposes of these Regulations, certain words and phrases used herein are defined as follows:

Alley - A thoroughfare either used or shown on any recorded description of the subject parcel(s) which is not more than thirty (30) feet wide and which affords only a secondary means of access to abutting property.

Amended Plat - A map and related materials used to reflect changes in the contemplated development which do not substantially conform to the previously approved Plat in regards to street layout or dimensions, lot layout or dimensions, total number of lots, etc.

Applicant - Anyone who is duly authorized to submit subdivision plats for review and apply for any form of subdivision approval with respect to a development site. An applicant may be the property owner, an attorney representing the property owner, or any person having written authority from the property owner. Where a development site has more than one property owner, the applicant shall obtain written authority from all other owners to act on their behalf. The applicant shall inform the Planning Commission Recording Secretary of the identities of all property owners involved in the request or the corporate name if owned by a corporation.

Application for Development - The application forms and all accompanying documents required by these regulations or other regulations for the approval of a subdivision plat or site plan.

Block - A tract or parcel of land entirely surrounded by streets, streams, railroad right-of-way, parks, or other public spaces, or by a combination thereof.

Building Line - A line shown on a plat indicating the minimum allowable distance between any structure and a lot line, as established by requirements of these regulations or Phenix City Zoning Ordinance.

Building Setback - The line, generally parallel to a lot line or road right-of-way line, indicating the minimum horizontal distance between the lot line and the face of the building, as required by the Zoning Ordinance. In the absence of zoning regulations, the Building Setback line for lots shall be thirty five (35) feet. In those cases where the Building Line and the Building Setback are not identical, the greater of the two shall take precedence.

City - The City of Phenix City, Alabama.

City Attorney - The licensed attorney designated by the City Council to furnish legal assistance in the administration and enforcement of these regulations.

City Council - The City Council of the City of Phenix City, Alabama.

City Engineer - The registered engineer designated by the City Manager to furnish engineering assistance in the administration and enforcement of these regulations.

Comprehensive Plan - A formal plan for the future development of Phenix City, including all accompanying maps, charts, and explanatory material adopted by the Planning Commission and City Council.

Construction Plan - Plans prepared by an engineer registered in the State of Alabama showing details of the design and construction of required improvements in a proposed subdivision.

Cul-de-sac - A local street with only one outlet, and having the closed end terminated by a vehicular turn-around.

Dedication - The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee-simple interest or of a less than fee interest, including an easement.

Developer - The legal or beneficial owner(s) of a lot or parcel or any land proposed for inclusion in a development, including the holder of an option, contract to purchase, or a lease.

Development - The division of a parcel of land into two (2) or more parcels (See Subdivision); the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land or any clearing, grading, or other movement of land, for which an approved development plan is required pursuant to these Regulations or other codes and ordinances of the City. Excluded from this definition are areas to be cleared of trees and other vegetation not exceeding one (1) acre in size, provided that no more than one such area is created on any lot of record.

**Drainage Facilities** - Structural and nonstructural elements designed to collect stormwater runoff and convey it away from structures and through the roadway right-of-way in a manner, which adequately drains sites and roadways and minimizes the potential for flooding and erosion.

**Easement** - Authorization by a property owner of the use by another and for a specified purpose of any designated part of that owner's property. This Ordinance shall recognize only those easements created through valid legal instruments and recorded in the Office of the Judge of Probate of Russell County or Lee County, and those established by the City through continuous and historic use.

**Erosion** - The wearing away of the ground surface as a result of the movement of wind, water, and/or ice.

**Erosion Control** - Measures and actions that are to be taken to control potential erosion and sedimentation issues.

**Final Plat Approval** - The official action of the Phenix City Planning Commission taken on a preliminarily approved plat, after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements installed, or guarantees properly posted for their completion; or approval conditioned upon the posting of such guarantees.

**Final Plat** - The map or plan or record of all or a portion of a subdivision, and any accompanying materials, which is presented for final approval as required in these regulations.

**Flag Lot** - Any lot, established after the effective date of these Regulations, which does not comply with the definition of Lot Width provided in these Regulations.

**Grade** - The slope of land or a built feature such as a street, storm, or utilities, specified in percentage terms.

**Grand Tree** - Any tree, whether on public or private property which has a diameter at breast height (DBH) of thirty-two (32) inches or greater, or a circumference at four and one half (4.5) feet above ground level of one hundred (100) inches or more.

**Health Department** - The Russell County and Lee County and State of Alabama Health Departments.

**Hundred (100) Year Flood** - Flood created by a 100-year storm event, a storm having a one percent chance of being equaled or exceeded in any given year.

**Hundred (100) Year Floodplain** - The area of land that would be inundated as a result of the 100-year flood as determined by the Federal Emergency Management Agency.

**Improvement** - Any built or constructed immovable item that becomes part of, placed upon, or is affixed to, real estate, to include but not limited to grading, storm system, utilities, onsite detention, etc.

**Lot** - A parcel of land occupied by, or designated to be developed for, one (1) building or principal use and the accessory buildings or uses customarily incidental to such building, use or development, including such open spaces and yards as are designed and arranged or required by this Regulation for such building, use, or development.

**Lot Area** - The area contained within the boundary lines of a lot.

Lot, Corner - A lot abutting two or more streets at their intersection. If the two streets form an angle of more than 135 degrees, as measured at the point of intersection of their center lines, the lot shall not be considered a corner lot.

Lot Depth - The distance between the midpoints of the front and rear lot lines.

Lot, double frontage - A lot, other than a corner lot, which has frontage on more than one street.

Lot Frontage - Lot width measured at the street lot line. When a lot has more than one street lot line, lot width shall be measured at each line.

Lot Line - A line bounding a lot that divides one lot from another or from a street or any other public or private space.

Lot Line, Front - In cases where the lot fronts on only one street, the lot line adjacent to the street. For corner lots, the side meeting minimum width requirements. For double frontage lots and corner lots meeting width requirements on both frontages, the property owner may choose one as the front lot line for the purposes of setbacks and placement of accessory structures.

Lot Line, Rear - That lot line, which is parallel to and most distant from the front lot line of the lot. In the case of an irregular, triangular, or gore-shaped lot, a line twenty (20) feet in length, entirely within the lot, parallel to and at the maximum possible distance from, the front line shall be considered to be the rear lot line.

Lot Line, Side - Any lot line other than a front or rear lot line.

Lot of Record - Any validly recorded lot, which complies with all currently applicable laws, ordinances, and regulations. (See also Nonconforming Lot of Record)

Lot Width - The distance between side lot lines measured at the front setback line. Lot width shall not be measured at the building line where such line establishes a yard, which exceeds the minimum requirements.

Major Thoroughfare Plan - The component element of the Comprehensive Plan showing the general location of existing and proposed major streets in the City of Phenix City and its planning jurisdiction.

Monument - A permanent object serving to mark a boundary.

Nonconforming Lot of Record - Any lot, validly recorded in the public records of Russell or Lee Counties, which complied with all applicable laws, ordinances, and regulations in effect on the recording date, but does not conform to these Regulations. (See also Lot of Record).

Open Space - Any parcel or area of land or water, either publicly or privately owned, set aside, dedicated, designated, or reserved for the private use or enjoyment of owners or occupants of land adjoining such open space, or for the public at large.

Owner - The person or persons having the right of legal title to, beneficial interest in, or a contractual right to purchase a lot or parcel of land.

Planning Commission - The Phenix City Planning Commission created by the City of Phenix City under the authority of Sections 11-52-2 and 3 of the Code of Alabama, 1975, as amended.



Preliminary Plat Approval - The conferral of certain rights prior to final approval after specific elements of a development plan have been agreed upon by the Planning Commission and the applicant.

Preliminary Plat - A map and related materials indicating the proposed layout of a development submitted for preliminary approval in accordance with these regulations.

Probate Judge - The Judge of Probate for Russell County or Lee County, Alabama.

Public Agency - any agency, board, department, commission, committee, branch, instrumentality, or authority of the United States, the state, the county or the city.

Public Improvement - Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs as: vehicular and pedestrian circulation systems, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services.

Public Open Space - An open space area conveyed or otherwise dedicated to the City or another public body or agency for recreational or conservation purposes for the public at large.

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.

Reserve Strip - A strip of land, smaller than a lot, and retained in private ownership as a means of controlling access to land dedicated or intended to be dedicated to street or other public use.

Resubdivision - A combination, recombination, or division of previously recorded lots or tracts of contiguous land for the purpose of creating additional lots or enlarging existing ones.

Right-of-Way - A strip of land used or intended to be used for passage of the general public, and occupied or intended to be occupied by a street, road, bicycle path, crosswalk, utilities, railroad or similar facility; and dedicated to the governing body in fee simple, or by other legal means such as prescription.

Roadway - The portion of a right-of-way intended for use by vehicular traffic.

Sidewalk - A paved path provided for pedestrian use, and usually located at the side of a road and within the street right-of-way.

Street - Any street, avenue, boulevard, road, parkway, viaduct, drive, or other right-of-way provided for vehicular traffic and travel.

Street Hierarchy - The classification of streets based upon their individual function, as follows:

Arterial - A major street intended mainly to carry through traffic and to connect major activity centers in the City and its planning jurisdiction.

Collector - A street intended to carry traffic from local streets to arterial streets.

Local - A street intended mainly to provide access to adjoining property and uses, providing access to and from individual lots.

**Marginal Access Street** - A service road that runs parallel to an arterial street. Its purpose is to separate through traffic from local traffic, and to provide controlled access to abutting properties.

**Structure** - Anything constructed or erected that requires rigid and permanent location on or attachment to the ground; including, but not limited to, buildings, signs, towers, monuments, statues, and walls; but not including telephone and other utilities poles, overhead wires, retaining walls and terrace walls, wire fences, and any other appurtenances less than three feet in height

**Subdivider** - Any person who, having an interest in land, causes it directly or indirectly, to be divided into a subdivision as defined herein.

**Subdivision** - Any subdivision or redivision of a subdivision, tract, parcel, or lot of land into two (2) or more parts by means of mapping, platting, conveyance, change, or rearrangement of boundaries. All subdivisions are also developments. See Development.

**Subdivision Jurisdiction** - All land located within the corporate limits of the City of Phenix City plus all unincorporated land within one and one half (1.5) miles of such limits in Russell County and one and one half (1.5) miles in Lee County and not located within the subdivision jurisdiction of any other city having a planning commission, in accordance with Section 11-52-30 of the Code of Alabama, 1975, as amended.

**Subdivision Administrator** - The official of the City of Phenix City charged with the responsibility of administering and enforcing these regulations.

**Subdivision Regulations** - The Subdivision Regulations of the City of Phenix City, Alabama.

**Substantially Conform** - conform to within 10% difference of original design. There shall be no increase in lot count from original approval and no decrease in approved green space.

**These Regulations or Standards** - The Phenix City Subdivision Regulations together with all applicable design and construction requirements, all of which constitute the Comprehensive Development Regulations of the City of Phenix City, Alabama.

**Tree** - All wooded vegetation, whether occurring naturally or planted, which has one erect perennial stem or trunk at least nine and one half (9.5) inches in circumference at a point four and one half (4.5) feet above ground level.

**Water Supply** - The system made up of water sources, treatment facilities, and conveyance systems to provide potable water to the community.

**Watershed** - The land area from which surface water runoff flows into a river, creek or other watercourse.

**Zoning Ordinance** - The Zoning Ordinance of the City of Phenix City, Alabama.

**2-Year Rainfall Event** - The rainfall event having a 50 percent chance of being equaled or exceeded in any given year.

**5-Year Rainfall Event** - The rainfall event having a 20 percent chance of being equaled or exceeded in any given year.

**10-Year Rainfall Event** - The rainfall event having a 10 percent chance of being equaled or exceeded in any given year.

25-Year Rainfall Event - The rainfall event having a 4 percent chance of being equaled or exceeded in any given year.

100-Year Rainfall Event - The Rainfall event having a 1 percent chance of being equaled or exceeded in any given year.

## **Article III. APPLICATION PROCEDURES**

### **Section 1. Purpose**

The purpose of this Article is to establish an orderly and expeditious procedure for reviewing and acting upon applications for subdivision approval in accordance with these regulations.

### **Section 2. Pre-Application**

Whenever the subdivision of land is proposed within the jurisdiction of these Regulations, the subdivider or developer shall consult early and informally with the City Departments of the City of Phenix City. In this way the developer can obtain advice and assistance to facilitate the subsequent preparation and approval of the subdivision plat.

The subdivider shall present a lot layout sketch that has been drawn to scale. The information submitted should include the location of the proposed subdivision in relation to the surrounding area; existing features such as railroads, highways, drainage facilities, water bodies, woodlands; other significant natural and built features; the general topography of the site; and the proposed pattern of streets, lots, and blocks. The lot layout sketch should be submitted to the Planning Commission Recording Secretary. Copies shall be distributed to other City Departments to obtain comments and suggestions. A meeting shall then be scheduled between the City Departments and the Developer to discuss the proposed layout of the subdivision.

The lot layout sketch is intended to serve as an initial step in the subdivision process. It is included in the review process because it allows the subdivider and local officials to discuss the proposed subdivision in an informal setting, and to correct any design errors and/or problems during the early stages of the project.

Upon receiving favorable consideration, the subdivider may proceed to prepare the Preliminary Plat for the subdivision. However, neither the subdivider nor the Planning Commission shall be bound by the pre-application review; and it is expressly understood that favorable consideration by the City Departments at the pre-application stage of the process shall under no circumstances be construed as preliminary or tentative approval.

### **Section 3. Preliminary Plat**

The purpose of the Preliminary Plat is to provide a basis for plans for the construction of the subdivision and its improvements. To this end, during preparation of the Preliminary Plat, the Subdivider should consult with the Planning Commission, the City Engineer, and other officials and agencies concerned with the subdivision of land and the improvements placed thereon.

The Subdivider shall file with the Planning Commission Recording Secretary five (5) black and white or blue line copies of the Preliminary Plat, a completed Subdivision Petition, a complete legal description on computer disk, a list of names and mailing addresses of all adjoining property owners, at least ten (10) business days prior to the Planning Commission meeting at which it is to be reviewed for acceptance. Prior to Planning Commission review, the Preliminary Plat shall be reviewed by all appropriate City Departments. The review shall take into consideration, in addition to the requirements set out in these regulations, conformance of the subdivision design to the Comprehensive Plan and the particular requirements and conditions affecting installation of improvements.

The Preliminary Plat shall be drawn at a scale of one inch equals one hundred (100) feet, or other appropriate scale as approved by the City Engineer. The sheet size shall be a minimum of eighteen inches (18") by twenty-four inches (24") and not larger than twenty-four inches (24") by thirty-six inches (36"). Where necessary the Preliminary Plat may be presented on several sheets accompanied by an index sheet showing the entire subdivision. The Preliminary Plat shall provide the following information.

- a. A vicinity map showing the location of the proposed subdivision and its relationship to the surrounding area.
- b. Survey data showing the dimensions of the boundaries of the subdivision; section and corporate lines; and contours at five (5) foot intervals based on the National Geodetic Survey Datum or North American Vertical Datum of 1988, unless required by the City Engineer to submit contours at lesser intervals. In some cases the City Engineer may require a boundary survey of the subdivision and spot elevations in sufficient number to provide necessary drainage information.
- c. The title or name under which the proposed subdivision is to be recorded; the name and address of the owner or owners; and the name of the registered land surveyor responsible for the plat.
- d. Notations giving the scale of the drawing(s), true north arrow, datum, benchmarks, bearing base, and date.
- e. The location of existing streets, buildings, railroads, bridges, sanitary sewers, drainage facilities, water mains, and any public easements on both the land being subdivided and on the adjoining land; the names of adjoining subdivisions; and the names and mailing address of the owners of record of the adjoining parcels of land as they appear on the current tax records in the office of the Tax Assessor of Russell County or Lee County.
- f. The location of proposed streets, right-of-way widths, alleys, easements, parks, open spaces, and reservations.
- g. Lot lines, lot numbers, building setback lines; tabulations stating gross and net acreage of the subdivision, acreage of existing and proposed public areas within the subdivision, number of residential lots, and area of smallest lot.
- h. The location of watercourses, 100-year floodplains, wetlands, wooded areas, buildings or structures, and other significant natural and built features on the tract.
- i. Information about highways or other major public improvements planned by public authorities for future construction on or adjacent to the tract.
- j. Sites to be reserved or dedicated for parks, recreation areas, schools or other public uses; sites, if any, for multi-family dwellings, shopping centers, churches, industry, or other uses exclusive of single family dwellings.
- k. Additional information as required by the City Engineer, such as profiles and cross sections of existing and proposed streets, drainage features, utility tie-ins, etc., in order to determine the feasibility of the proposed subdivision.
- l. Streams, wetlands and other jurisdictional waters on site and within 25 feet of potential Waters of the United States shall be delineated by an Environmental Professional and surveyed in the field and indicated on the Preliminary Plat. If no streams, wetlands, or other Jurisdictional Waters of the United States, the Environmental Professional shall provide a statement indicating the results.

Preliminary Plats shall be reviewed for acceptance by the Planning Commission at a meeting prior to consideration for approval. After acceptance of the Preliminary Plat, the Planning Commission shall consider the Preliminary Plat for approval at a Public Hearing. Notice of the time and place at which a Preliminary Plat shall be considered shall be sent to the Developer/Subdivider and to the person(s) identified on the plat as the owner(s) of the land. The owners of all abutting property shall also be notified by certified mail of the hearing at least five (5) days prior to such hearing.

The Planning Commission shall approve, approve conditionally, or disapprove such Preliminary Plat within thirty (30) days after the Public Hearing thereon. If approved conditionally the conditions and reasons therefore shall be stated; and if necessary the Planning Commission may require the Developer/Subdivider to submit a revised Preliminary Plat. If any of the requirements are modified or waived, the reasons for such shall be specified. If the Planning Commission should disapprove the Preliminary Plat, the reasons for such action shall be stated and, if possible, recommendations made on the basis of which the proposed Subdivision would be approved.

One (1) copy of the Preliminary Plat as acted upon by the Planning Commission shall be retained in its office, one (1) copy forwarded to the City Engineer, and one (1) copy returned to the Subdivider.

Approval of a Preliminary Plat shall not constitute acceptance of the final plat of the proposed subdivision but shall be deemed only as an expression of approval of the plan submitted as a guide to preparation of the Final Plat, which Final Plat shall be submitted for approval and recorded upon fulfillment of the requirements of these regulations and the conditions of tentative approval. Approval of a Preliminary Plat shall be effective for a maximum time of twenty-four (24) months, unless, upon application by the Subdivider prior to the approval deadline, the Planning Commission grants an extension. A Preliminary Plat may be granted a maximum of one (1) extension of twenty-four (24) months. Once a Preliminary Plat has been granted one (1) extension, the Preliminary Plat shall expire after the extended time period. Any outstanding Preliminary Plats approved prior to June 22, 2010, will not be granted any further extensions. Preliminary Plats approved after June 22, 2010, and prior to the most recent amendment to these regulations shall be granted a maximum of one (1) more extension of twenty-four (24) months. **No other outstanding Preliminary Plats shall be granted extensions.**

#### **Section 4. Amended Preliminary Plats**

Amended Preliminary Plats will be subject to all fees, conditions, and processes as Preliminary Plats described in the above section.

#### **Section 5. Construction Plans**

After approval of the preliminary plat and prior to the construction or installation of any improvements, the subdivider shall prepare and submit to the Planning Commission Recording Secretary five (5) sets of black and white or blue line prints of the construction plans for review by the appropriate City Departments. The sheet size of submitted construction plans shall be twenty-four inches (24") by thirty-six inches (36"). The Construction Plans shall substantially conform to the Approved Preliminary Plat. The plan review shall take into consideration, in addition to the requirements set out in these regulations, conformance with the applicable standards and regulations of the City of Phenix City and of other agencies concerned. If any deficiencies are discovered during this review the subdivider shall be notified and shall make the necessary corrections. When the review is complete and all corrections have been made, the Engineering Department will notify the subdivider of the approval or disapproval of the construction plans. In the case of disapproval, the grounds for such disapproval shall be stated.

When the Preliminary Plat expires, the Construction Plans shall be deemed expired also. Construction cannot be continued without an Approved Preliminary Plat.

The Construction Plans shall show accurately, and in sufficient detail for their construction or installation, the design of all proposed improvements in the subdivision. Plans shall be submitted in the following format with the required information shown:

- TITLE SHEET**

Name of Subdivision, Name and Address of Owner, Name and Address of Designer, Date, Site Location Map, Sheet Index.

2. **BOUNDARY SURVEY SHEET**  
Boundary survey of the subdivision which includes all dimensions and bearings.
3. **SITE LAYOUT PLAN SHEET**  
Plan view of entire subdivision including lot lines, R.O.W., streets, drainage and utilities.
4. **PLAN AND PROFILE SHEETS**  
Proposed Streets, Street Names, Drainage Structures, Utilities. Horizontal and Vertical Curve Data, Profiles of Streets, Utilities, and Storm Sewer with Hydraulic Grade Line (on same sheet with plan if possible) Site Benchmark location (NGVD elevation, state plane coordinates). Street Lighting plan approved by the governing electrical power authority.
5. **GRADING AND EROSION CONTROL PLAN SHEET**  
Location and Type of Erosion Control Measures.
6. **OVERALL UTILITY PLAN**  
Location of all proposed utilities and distances of separation.
7. **CROSS-SECTION SHEETS (AS REQUIRED)**  
Cross Sections of existing roadways that adjoin the subdivision property and proposed roadways showing original and finished grades may be required by the City Engineer.
8. **DETAIL SHEETS**  
Drawings and details of all aspects of the required work including but not limited to; Roadway Typicals, Drainage Structures, Water, Sanitary Sewer, Erosion Control, Signage, Street Lights, and Sidewalks.

The following general notes:

The Phenix City Engineering Department shall be notified 72 hours prior to beginning work and 24 hours prior to resuming work at (334) 448-2760.

All construction materials shall be in accordance with the specifications and requirements of the Phenix City Engineering Department. If not otherwise specified, all materials and construction shall be in accordance with the ALDOT Standard Specifications for Highway Construction (current edition) and the ALDOT Special and Standard Highway Drawings (current edition).

All sanitary sewer lines shall be televised and inspected prior to acceptance. Pressure tests shall be conducted on all sewer and water lines.

Prior to beginning construction it shall be the contractor's responsibility to have all utilities located. Any utility lines damaged by the contractor during construction shall be repaired by the contractor at the contractor's expense. (Alabama Line Location Center 1-800-292-8525; Phenix City Utilities Department (334) 448-2902.)

All necessary traffic control devices shall conform to the most recent edition of the Manual on Uniform Traffic Control Devices.

All Permanent Roadway Signs (i.e. Street Name Signs and Stop Signs) shall be provided and installed by the contractor prior to acceptance by the City of Phenix City.

No trees or shrubs shall be planted within right-of-way or easements unless approved by the local governing authority.

The Construction Plans shall be accompanied by all necessary design calculations as required by the Engineering Department and a wetland assessment performed by a qualified professional.

All required permits, clearances shall be submitted to the Engineering Department before approval of Construction Plans.

The Construction Plans shall be signed and sealed by a Professional Engineer registered in the State of Alabama.

Receipt of the approved, signed Construction Plans by the Subdivider is authorization, subject to obtaining the necessary permits, that they may proceed with the construction of any improvements in accordance with applicable City Codes, Regulations and Specifications approved by the City Engineer; and with the staking of the lots in preparation for the Final Plat and As-builts. The Subdivider shall not begin any construction without first notifying the City Engineer, other City Departments, the County Engineers of Russell and Lee Counties as appropriate; and obtaining proper approval. Approval by the City signifies the construction plans submitted meet the minimum requirements of the Subdivision Regulations of the City of Phenix City. The City of Phenix City shall not be responsible for the design of the subdivision but shall accept the signature and seal of the Professional Engineer who is liable for the design. Construction activities shall not begin until a Preconstruction Meeting has been conducted between the Subdivider and all Departments of the City of Phenix City.

#### **Section 6. Final Plat and As-built Survey**

The purpose of the Final Plat and As-built Survey together with all the information and attendant items required herein, is to provide an accurate record of street and property lines and other elements being established on the land, and the condition of their use. The Final Plat shall conform substantially to the Preliminary Plat as approved.

The Final Plat and As-built Survey shall be drawn at a scale of one-inch equals one hundred feet, or other appropriate scale as approved by the City Engineer. The sheet size shall be a minimum of eighteen inches (18") by twenty-four inches (24") and not larger than twenty-four inches (24") by thirty-six inches (36"). The Final Plat shall also be submitted on a computer disk using a GIS format.

The As-built Survey shall consist of the storm sewer layout with invert elevations, pipe sizes, and pipe materials; the sanitary sewer layout with invert elevations, pipe sizes, and pipe materials; the water line layout with pipe sizes, and pipe materials; and a combined utilities and storm layout showing horizontal and vertical clearances. Each layout shall be on a separate sheet with "As-built Survey" written on each sheet. The "As-built Survey" is subject to the Standards of Practice for Surveying in the State of Alabama. The As-built Survey shall have a certification from a Licensed Surveyor in the State of Alabama and be signed and sealed by said Surveyor. The As-built Survey shall also be submitted on a computer disk using a CAD/GIS format such as a Shapefile, DGN, or DWG. Files are preferred in state plane coordinates. If GIS formatting in state plane coordinates cannot be provided, a CAD file including horizontal dimensioning to all valves, hydrants, fittings, etc., can be submitted using references such as permanent monuments on property corners, right-of-way markers, or other physical and permanent markers.

One (1) original and five (5) black and white or blue line copies of the Final Plat and four (4) black and white or blue line of the As-built Survey shall be submitted to the Planning Commission Recording Secretary at least ten (10) business days prior to the Planning Commission meeting which it is to be considered.



The Final Plat shall contain the following information:

- a. A diagram to scale showing the general location of the subdivision.
- b. Primary control points approved by the City Engineer or County Engineer, as appropriate; or description and ties to such control points; to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
- c. Tract boundary lines, right-of-way lines of streets, easements and other right-of-ways; property lines of lots and other sites with accurate dimensions; bearings, tangent distances, radii, central angles, arc lengths, and degrees of all curves; and the location and description of all monuments. All survey data and accompanying plats or drawings shall be according to the Standards of Practice for Land Surveying in the State of Alabama, latest edition, as published by the Alabama Society of Professional Land Surveyors. At least two (2) corners of the subdivision shall be referenced to the State Plane Coordinate System (North American Datum of 1983 – Alabama East Zone) if an established and proven point is within one half (0.5) mile of the subdivision.
- d. Title, stated and graphic scales, north arrow, and date.
- e. Name and right-of-way width of each street or other public right-of-way.
- f. Numbers to identify each block and lot; and the area of each lot.
- g. The location, dimensions, and purpose of any easements.
- h. The purpose for which sites other than residential lots may be used.
- i. Names of adjoining property owners.
- j. Existing structures shall be located on the plat and fully dimensioned so that conformance with any applicable regulations can be verified.
- k. The following notes regarding easements:
  - 1) Easements are privately maintained.
  - 2) Structures are prohibited on easements.
  - 3) Access to easements shall not be restricted.
  - 4) No trees or shrubs planted within right-of-way or easements unless approved otherwise by the local governing authority.
- l. Certificate of title showing that the applicant is the owner of the land within the subdivision.
- m. Certificate of the owner dedicating street right-of-ways and any sites for public use. See Certificates in Appendix for example.
- n. Statement by a Land Surveyor registered in the State of Alabama certifying that the plat meets the requirements of the Standards of Practice for Land Surveying in the State of Alabama, latest edition, as published by the Alabama Society of Professional Land Surveyors.
- o. Certificate of approval by the County Engineer if the subdivision is located within the Planning Jurisdiction only and not within the Phenix City Limits.
- p. Certificate of acceptance by the City Council of any land, right-of-ways, or easements dedicated to the City.

- q. Certificate by the City Engineer and City Utilities Director that the subdivision meets all the requirements for required street and utility improvements.
- r. Certificate by the County Health Officer when individual sewage disposal and/or water systems are to be installed. This certificate will only be required when a private sanitary collection system has been installed in lieu of a public sanitary sewer system.
- s. Certificate by the Planning Commission that the Final Plat has been approved.
- t. Certificate from corresponding utility jurisdiction if any utilities shown on plat do not belong to the City of Phenix City or are not under the jurisdiction of the City of Phenix City.

The Final Plat shall be accompanied by the following items, as appropriate:

- a. A Performance Bond with a Commercial Surety or an irrevocable Letter of Credit, from a preapproved bank which has an investment grade rating. The Performance Bond or Letter of Credit shall be in an amount equal to one hundred fifty (150) percent of the estimated cost of all incomplete improvements, provided there is adequate infrastructure approved by the City Engineer in place to adequately serve the lots with streets, drainage, sewer, water, and fire protection. The incomplete improvements that may be covered by the Performance bond include non-infrastructure related improvements such as general site erosion control measures, construction of sidewalks, street lights, and erosion control specifically related to the repair of disturbed areas as utilities are installed (not including sewer, water, and storm). All incomplete improvement bonds must be preapproved by the City Engineer. An estimate of the incomplete improvements must be submitted by a licensed engineer and approved by the City Engineer prior to submission of the Performance Bond or Letter of Credit. The City reserves the right to refuse at its sole discretion the issuing bank.
- b. A Performance Bond, or an irrevocable Letter of Credit per (a) above, in the amount of one hundred percent (100%) of the estimated cost of the final wearing surface of asphalt. The final wearing surface shall be placed within one year of the date of Final Plat. A maximum of one (1) extension of twelve (12) months may be granted.
- c. A Maintenance Bond, or an irrevocable Letter of Credit per (a) above, in the amount of twenty-five percent (25%) of the estimated cost of the improvements to ensure compliance with the two (2) year warranty. The two (2) year maintenance bond period shall begin from the date of acceptance by the City. Any Bond or Letter of Credit shall include an "evergreen" clause to include automatic renewal until released by the City of Phenix City. A maximum of one (1) extension of twelve (12) months may be granted.
- d. A copy of the protective covenants, if any, as they are to be recorded. If the subdivision contains common open space or other amenities for the use of the residents of the subdivision, provisions shall be made for a homeowner or residents association. If the subdivision contains drainage features such as detention ponds or open space, a perpetual maintenance fund shall be established and used by the Home Owners Association for maintenance items such as landscaping, mowing, fence repair, etc. For any subdivision containing a detention pond or open space, a copy of covenants must be provided detailing the creation of a Home Owners Association as well as the creation and sustainment of the perpetual maintenance fund. The City of Phenix City retains the right to maintain the drainage infrastructure of the detention pond in efforts to encourage proper drainage. All detention ponds, associated structures, and systems require drainage easements. If the City of Phenix City does need to perform maintenance on the detention pond(s) within the drainage

easements, the City retains the right to bill the maintenance costs to the Subdivision's Home Owners Association and perpetual maintenance fund. In the absence of a Home Owners Association, each property owner within the subdivision shall be assessed the cost of maintenance by the City of Phenix City.

- e. Receipt of a certificate from a Land Surveyor registered in the State of Alabama that permanent monuments of suitable size and material have been placed for each lot corner in the subdivision, and that a satisfactory survey defines such permanent monuments in relation to located section corners or fractional corners of the Survey of Public Lands.
- f. A breakdown of final quantities, including costs, prepared by a licensed engineer of the following items: water lines, sewer lines, storm drain pipe, curb and gutter, sidewalks, and pavement (linear feet).
- g. Certification by the Design Engineer ensuring subdivision has accurately been designed and constructed in accordance with the requirements set forth in the Phenix City Subdivision Regulations and with the approved construction plans for the subdivision.
- h. Certification by the Design Engineer ensuring stormwater drainage system of the subdivision has accurately been designed and constructed in accordance with the requirements set forth in the Phenix City Subdivision Regulations.
- i. Indemnification Agreement between the City of Phenix City and the Surveyor and Engineer of the Subdivision as provided within the Appendix of these Regulations.

#### **Section 7. Action on Final Plat**

Approval of the Final Plat and As-builts shall be given upon (1) fulfillment of all conditions attached to, and in conformance with, the Preliminary Plat; and (2) certification of the proper installation of the improvements and compliance with Articles IV and V of these Regulations. The Planning Commission shall notify the Subdivider of the approval or disapproval of the Final Plat and As-builts. In the case of disapproval, the reasons for disapproval shall be in writing.

Failure of the Planning Commission to take action on the Final Plat within thirty (30) days after it has been submitted shall be deemed to be approval of such Final Plat. Approval of the Final Plat by the Planning Commission shall not be deemed to constitute or affect an acceptance by the public of the dedication of any street or other proposed public ways or lands shown on the Final Plat and located within the corporate limits of the City of Phenix City. In such cases, acceptance of dedicated lands by the City Council must occur prior to recording the Final Plat.

#### **Section 8. Recording of Final Plat**

Approval of the Final Plat by the Planning Commission shall be null and void if such Final Plat is not recorded in the office of the Judge of Probate of Russell County or Lee County, as appropriate, within sixty (60) days after the date of approval, unless an application for an extension of time is made in writing and is granted by the Planning Commission during this sixty (60) day period.

#### **Section 9. Copies of Recorded Plat**

The applicant shall file with the Planning Commission Recording Secretary one (1) original and three (3) copies of the Final Plat as recorded in the Office of the Judge of Probate of Russell or Lee Counties as appropriate. One of these copies shall be used by the 911 Locator to assign street numbers to each lot and shall then be returned to the Planning Commission Recording Secretary.

## **Section 10. Administrative Subdivision**

For the purposes of this section an Administrative Subdivision is a resubdivision involving not more than five (5) contiguous lots fronting on an existing street, and which requires no new streets; and when in the opinion of the City Engineer no engineering service is required. Except as otherwise specified the resubdivision and the plat thereof shall conform to all the requirements of these regulations.

No Preliminary Plat or Construction Plans are required to be submitted for an Administrative Subdivision.

A Final Plat shall be submitted for an Administrative Subdivision, which conforms to all the requirements and provides all the information specified for a Final Plat as described above.

Authority to grant approval to Administrative Subdivision plats under this Section shall be vested in the Planning Commission.

A completed Subdivision Petition, complete legal description on computer disk, and the Final Plat must be submitted to the Planning Commission Recording Secretary for consideration by the Planning Commission.

## Article IV. DESIGN STANDARDS

### Section 1. General Requirements

- A. Conformance to Regulations - All subdivisions shall conform to all applicable Federal, State and Local Regulations.
- B. Land Subject to Current Flood Ordinance - Land within the hundred-year floodplain shall be clearly marked on all subdivision plats. Such areas shall not be developed in any way which reduces the floodplain's capacity to store and convey stormwater. Base flood elevation data shall be provided for proposed subdivisions. Subdivisions located within city boundaries should refer to current flood zone ordinance. Subdivisions located anywhere in the planning jurisdiction must adhere the following guidelines during design and construction:
- All subdivision proposals shall be consistent with the need to minimize flood damage.
  - All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
  - All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
  - Base flood elevation data shall be provided for subdivision proposals and all other proposed development lying within a flood hazard zone as designated by the current flood insurance rate map (FIRM).
- C. Natural Features - Consideration shall be given to the natural scenic features of the land, such as streams, and the design of the subdivision should protect and utilize such natural scenic features.
- D. Trees - Because of their value in soil conservation, health, and community appearance, grand trees shall be preserved wherever possible.
- Trees placed within the public right-of-way or easements shall not be of a low, bushy species that might obstruct vision. No such trees shall be planted unless approved by the City Engineer, who shall determine whether they pose a threat to public safety or the efficient use of public facilities. Trees shall not be placed in any location where they may damage or impede access to buried utility lines, sidewalks or streets.
- E. Names - The name of the subdivision and new street names shall not duplicate nor closely approximate phonetically the name of any other subdivision or street in Lee County or Russell County. Street names shall be subject to approval by the Planning Commission, and in accordance with the Master Street Address Guide. In the Planning Jurisdiction streets shall also be numbered in accordance with the County Street Naming/Numbering System.

### Section 2. Streets and Circulation

- A. Street Layout - The street layout of a subdivision shall provide for the continuation and connection of streets between adjacent properties whenever such continuation and connection is necessary for the convenient movement and circulation of traffic, effective police and fire protection, access by public service vehicles, and efficient provision of utilities; and in accordance with the policies of the Comprehensive Plan.

A single entrance road to a subdivision shall serve a maximum of sixty (60) lots. Where the property configuration prohibits the installation of more than one entrance, the Planning Commission may waive this requirement upon recommendation by the City Engineer. Two entrance roads shall serve a maximum of two hundred (200) lots. Each additional entrance road beyond two shall serve up to an additional two hundred (200) lots.

Number of Lots	Number of Accesses
1-60	1
61-200	2
200-400	3

Existing streets that abut a subdivision shall be continued, and the continuations shall be at least as wide as the existing streets, provided they meet standards set forth in these specifications, unless a reduction in width is approved by the Planning Commission, and in alignment with them. The subdivision street layout shall also provide stub-outs for the future continuation into unsubdivided lands adjoining a sufficient number of streets to meet the purposes stated above.

If the adjacent property is undeveloped, the right-of-way of a street to be continued shall be extended to the property line. A temporary turnaround, or a T or L shaped turnabout, shall be provided, with dedicated right-of-way, and with a notation on the subdivision plat that land outside the normal right-of-way shall revert to the abutting properties whenever the street is continued and connected to the adjacent property. The temporary turnaround, or turnabout, shall be paved prior to the release of the Maintenance Bond. The Planning Commission may limit the length of such temporary dead-end streets in accordance with the design standards of these regulations.

The paving or improvement of right-of-way to the boundary with the adjoining property may not be required. The intention is that the paving and utilities be extended far enough to serve the lots in the subdivision; and the right-of-way and/or easements extended so that the streets and utilities can be extended into the adjoining property as needed.

- B. Street Classification - The streets in a subdivision shall be classified according to their function, and shall conform to the criteria set out in the Major Thoroughfare Map. These criteria define major streets and local streets. Major thoroughfares consist of arterials and collectors. All other streets are local streets.
- C. Major Streets - Wherever a subdivision embraces a major street, as shown on the Major Thoroughfare Plan, such major street shall be platted in the general location and of the width called for by the Major Thoroughfare Plan; and, to the extent that the right-of-way for such major street is embraced within such subdivision, shall be dedicated for public use.
- D. Restriction of Access - Where a subdivision abuts or contains an existing or proposed major street, the Planning Commission may prohibit direct access, require marginal access streets, or specify such other treatment as may be necessary for adequate protection of adjoining properties and to afford separation of through and local traffic.
- E. Arterial Streets - Arterial Streets shall be provided to convey traffic between collector streets and important generators of traffic, such as schools and shopping centers.
- F. Collector Streets - Collector streets shall be provided to collect traffic from local streets and feed it into major streets or to important generators of traffic, such as schools and shopping centers.
- G. Local Streets - Local streets shall be so arranged that their use by through traffic shall be discouraged except to comply with other provisions of these regulations. Four-way intersections of local streets shall be avoided wherever possible.
- H. Half-streets and Half-alleys - Wherever there exists a dedicated or platted half-street or half-alley adjacent to the tract to be subdivided, the other half shall be platted. Hereafter, no new half-streets or half-alleys shall be platted.

**Section 3. Street and Sidewalk Design**

A. Minimum Street Widths - Minimum right-of-way (ROW) widths, measured from lot line to lot line, and minimum street widths shall be as follows:

Classification	Minimum Width of Pavement	Minimum Width from Back of Curbs	MINIMUM Width of ROW	Sidewalks (If Required)
Local Street	26	30	60	One Side
Minor Collector Street	30	35	60	One Side
Major Collector Street	36	41	60	Both Sides
Arterial	48	53	80	Both Sides

- \* For subdivisions located inside the City of Phenix City Police Jurisdiction, all street widths and turn around provisions must also conform to current Fire Code requirements which have been adopted by the City of Phenix City.
- \* Additional ROW may be required as determined by the City Engineer.
- \* Sidewalks may be required by Planning Commission. Developer will be notified at time of Preliminary Plat.

If sidewalks are required by the Planning Commission, sidewalks shall be a minimum of four (4) feet in width. Sidewalks shall be located on the east and north side of streets that have only one sidewalk unless a different location is approved by the City Engineer to avoid conflicts or to provide continuity with adjacent sidewalks. Sidewalks shall not be required along streets with no curb and gutter or on streets serving lots that are one (1) acre or more in area with an average lot width of two hundred (200) feet. Sidewalks shall meet all requirements of the Americans with Disabilities Act of 1990 and the most recent edition of the ADA Standards for Accessible Design, in addition to all requirements of these Subdivision Regulations.

B. Additional Right of Way Width - Subdivisions that adjoin or include existing streets may require additional right-of-way (ROW) as necessary to meet the minimum standards specified in Section 3-A. When any part of the subdivision is on both sides of the existing street the entire additional ROW shall be provided. When the subdivision is located only on one (1) side of an existing street, one half (0.5) of the required ROW, measured from the centerline of the existing ROW, shall be provided. In rolling or hilly terrain, construction easements may be required to ensure that appropriate front and back slopes are developed.

C. Street Grades - In general streets shall be designed to conform to the topographical conditions of the site and to provide adequate surface drainage. The maximum grade for streets shall be as follows:

Type of Street	Maximum Grade
Arterial	6 percent
Collector	8 percent
Local	10 percent

Street grades shall be a minimum of one (1) percent. The maximum street grade from the centerline intersection of two streets shall be five (5) percent for a minimum distance of one hundred (100) feet.

D. Vertical Curves - Every change in grade of a street shall be connected by a vertical curve constructed in accordance with the current standards established by the American Association of State Highway and Transportation Officials. Such standards shall be made available by the City Engineer. 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 horizontally and one (1) inch equals ten (10) feet vertically shall be required.

E. Horizontal Curves - The minimum radius of curvature of streets on the center line shall be as follows:

Type of Street	Minimum Radius
Arterial	500 feet*
Collector	350 feet*
Local	181 feet
*Super elevation where in the opinion of the City Engineer the radius warrants it.	

A tangent of at least one hundred (100) feet in length shall be introduced between reverse curves on all streets unless otherwise approved by the Engineering Department.

F. Street Intersections - Street intersections shall be at right angles, or as close to right angles as possible. Where, for topographic or other reasons acceptable to the Planning Commission, an intersection cannot be at right angles, such intersection shall be so designed to ensure safety; shall be as close to right angles as possible; and in no case shall be less than sixty (60) degrees. Radii at street intersections shall not be less than twenty-five (25) feet, and where the angle of street intersection is less than seventy-five (75) degrees; the Planning Commission may require a greater curb radius. The property line at street intersections shall be designated by the chord of an arc having a radius of at least twenty-five (25) feet. To permit the construction of a curb having a desirable radius without curtailing the sidewalks at a street corner to less than normal width, the property line at such street corner shall be reduced or otherwise set back sufficiently to permit such construction.

Street jogs with centerline offsets of less than one hundred and twenty five (125) feet shall not be permitted.

G. Acceleration and Deceleration Lanes - All residential subdivisions containing more than twenty (20) lots shall provide acceleration and deceleration lanes at each subdivision entrance located on existing collector or arterial streets and on local streets having an average daily traffic (ADT) count of 1500 or more.

H. Additional Improvements - Additional improvements may be required such as left turn lanes, auxiliary lanes, pavement widening, and signalization based on sound engineering practice. A traffic study may be required by the Planning Commission upon recommendation by the City Engineer in order to determine what additional improvements are necessary.

I. Cul-de-sac Streets - A cul-de-sac street shall have a maximum length of seven hundred (700) feet, measured from the center line of the street from which the cul-de-sac takes access to the center of the turnaround at the end of the cul-de-sac; except that where there are no more than twenty (20) lots and the net density does not exceed two (2) lots per acre a maximum length of one thousand (1,000) feet shall be allowed. Any stub-outs for future phases of subdivision shall not constitute an intersection for which the original cul-de-sac street takes access. All cul-de-sac streets shall be provided at the closed end with a turnaround with a minimum right-of-way radius of sixty (60) feet, and a minimum driving surface radius of forty-eight (48) feet. Any sidewalk on a cul-de-sac street may terminate at the beginning of the radius.

J. Dead-end Streets - Streets shall provide a turnaround approved by the City Engineer at the end of the street if such street extends more than one hundred and fifty (150) feet beyond a street intersection. Streets designed to be extended at a future date shall provide a paved turnaround approved by the City Engineer at the end of the street if such street extends more than four hundred (400) feet beyond a street intersection.

K. Reserve Strips - Reserve strips controlling access to streets, alleys, and public grounds shall not be permitted unless their control is placed with the appropriate governing body under conditions approved by the Planning Commission.

L. Easements - Easements with a minimum width of twenty (20) feet -- ten (10) feet on each side of rear lot lines and side lot lines -- shall be provided for utilities and sewers (sanitary and storm) as needed and as determined by the City Engineer.



M. Driveway Curb Cuts - All driveway curb cuts shall be constructed in accordance with standards approved by the City Engineer. Corner and double frontage lots shall take access from the minor streets unless otherwise approved by the City Engineer.

#### Section 4. Blocks

A. Size and Shape - The lengths, widths and shapes of blocks shall be determined with consideration of the limitations and opportunities of topography; the provision of building sites suitable to the intended uses; and the need for convenient access, circulation, control of, and safety from street traffic. In general, block lengths shall not exceed 1,400 feet and shall not be less than 600 feet; except where site conditions make longer blocks necessary or desirable. For blocks longer than 800 feet the Planning Commission may require one or more cross walks each with a minimum width of ten (10) feet.

B. Block Width - Blocks shall be wide enough to provide a minimum of two (2) tiers of lots of minimum depth, except where abutting upon major streets, limited access streets, or railroads, or where other situations make this requirement impracticable.

Where the proposed subdivision is adjacent to or contains a major street, the long dimensions of the blocks should wherever feasible be parallel, or approximately parallel, to the major street.

C. Commercial or Industrial Use - Blocks intended for commercial or industrial use shall be designed specifically for such use, with consideration of off-street loading and unloading and off-street parking facilities, and access thereto.

#### Section 5. Lots

A. Size and Shape - The size, shape, and orientation of lots shall be determined with consideration of the need for convenient access, circulation, control of, and safety from street traffic. Lot dimensions shall be determined by the requirements of the City of Phenix City Zoning Ordinance. In the absence of zoning regulations or covenants establishing more restrictive requirements, the minimum lot width permitted under these regulations shall be sixty (60) feet measured at the building setback line for subdivisions that have public sanitary sewer and one hundred (100) feet measured at the building setback line for subdivisions that do not have public sanitary sewer. In the absence of zoning regulations, the front building setback line for lots shall be thirty five (35) feet.

Where individual on-site sewage disposal systems are utilized, the Russell County or Lee County Health Department and the State Department of Health shall prescribe lot sizes to conform to health standards.

B. Lots to Abut on a Street - Every lot shall abut upon a dedicated public street with a minimum frontage of twenty five (25) feet.

C. Property Lines at Corners - Property lines at street intersection corners shall be the chord of an arc having a radius of at least twenty-five (25) feet.

D. Side Lines of Lots - Side lines of lots shall be approximately at right angles or radial to the street line.

E. Double Frontage Lots - Double frontage lots shall be permitted only where necessary to provide separation of residential development from major streets or to overcome specific disadvantages of topography and orientation. A planting strip at least ten (10) feet wide and across which there shall be no right of access shall be provided along the line of lots abutting such major street or disadvantageous use. The planting strip shall consist of four (4) understory trees and six (6) shrubs per one hundred (100) linear feet and shall be privately maintained.

F. Flag Lots - Flag lots, as defined in Article II, shall be permitted subject to the following conditions:

- a. Flag Lots shall not be permitted within the City of Phenix City Corporate Limits. If a property owner wishes to annex a flag lot into the City of Phenix City Corporate Limits, the lot shall be improved to the requirements of the Phenix City Fire Department and Phenix City Building Department prior to such annexation.
- b. A flag lot may be used within a subdivision to provide a lot fronting on an arterial or collector road with access to an internal subdivision street. In such cases, vehicular access to the lot from the arterial or collector shall be prohibited.
- c. Except as provided in this paragraph, flag lots accessing arterial or collector roads shall be prohibited. A nonconforming lot of record having no frontage on any public right-of-way may be established as a flag lot connecting to an arterial or collector if:
  1. No other lot is rendered nonconforming by size and/or width through loss of property to create a flag lot access strip;
  2. No hazardous situation is created due to traffic volumes, curves or changes in elevation in the road;
  3. All other requirements of this Section are met; and
  4. In the opinion of the Planning Commission, there is no alternative that is in greater harmony with the intent of these Regulations.
- d. Flag lot "stems" or access strips shall be at least twenty-five (25) feet in width as measured at the road frontage. The land area within the access strip shall not count toward any required minimum lot size.
- e. Where otherwise consistent with the provisions of this Section, flag lots may be created in groups not exceeding two (2); in such cases, access strips shall be adjacent to each other and form a total width of fifty (50) feet. Non-adjacent flag lot access strips on the same side of the road shall be separated by a distance of 500 feet. All access strips shall be at least fifty (50) feet from an intersection.
- f. No more than ten (10) percent of the lots in a subdivision may be flag lots. Subdivisions approved administratively under **Article III Section 9** of these regulations shall be excluded from this limitation.
- g. The Building Official shall identify the front, side, and rear lot lines of a flag lot for determining yard requirements, allowable locations of accessory structures, and other purposes.

#### **Section 6. Public Use and Service Areas**

A. Public Service Areas - Subdividers shall give due consideration to the allocation of areas suitably located and of adequate size for playgrounds and parks for local or neighborhood use, as well as for other public service areas.

B. Reservation of Open Space - Where a school, neighborhood park, recreation area or other public use shown on an official map or in a plan adopted by the Planning Commission is located in whole or part within a subdivision the Planning Commission may require the reservation of such open space with the proposed subdivision. Such reservation shall remain in effect only during the duration of the preliminary proposal to afford the appropriate government agency the opportunity to coordinate its acquisition of such area with the development of the proposed subdivision.

C. Public Easements - Upon recommendation of the City Engineer, the Planning Commission may require public easement for poles, wires, conduits, storm and sanitary sewers, gas and water lines, and similar public services and utilities. Such easements shall not in general exceed twenty

(20) feet in width unless additional area is needed, and shall as far as possible be centered on lot lines.

D. Natural Features - Subdividers shall pay due regard to all natural features such as grand trees, water courses, historical sites, and similar features which, if preserved, shall add to the attractiveness and value of both the property in question and the community as a whole.

#### **Section 7. Limitations Upon Subdividing**

A. Site Not Suitable - The Planning Commission shall not approve the subdivision of land if on the basis of studies required by the Planning Commission, it is determined that the site is not suitable for platting and development for the purposes proposed.

B. Land subject to flooding - Land subject to flooding and land deemed topographically unsuitable shall not be platted for residential occupancy or for such other uses as may cause danger to public health, or shall aggravate erosion or flood hazards. Such land within a subdivision shall be set aside for uses that shall not be endangered by periodic inundation or shall not result in unsafe living conditions as determined by studies conducted by the public agencies concerned.

## Article V. IMPROVEMENTS REQUIRED

### Section 1. General Requirements

A. General - Streets, utilities, and other improvements shall be installed in each subdivision in accordance with the standards and requirements specified, or referred to, herein. Improvements required by these Regulations shall be made in accordance with the specifications of the City. If not otherwise specified, all materials and construction shall be in accordance with Alabama Department of Transportation Standard Specifications for Highway Construction and Special and Standard Highway Drawings (current edition).

B. Testing Requirements - The testing of materials and evaluation of workmanship shall be conducted as required by the City of Phenix City. The developer shall provide to the City tests as requested by the City and performed by an engineer registered in the State of Alabama or by a testing laboratory approved by the City.

C. Warranty Period - All improvements shall be warranted for a period of a minimum of two (2) years after approval of the Final Plat by the Planning Commission unless extended. At the end of warranty period, an inspection shall be made before final acceptance by the City. The Developer/Subdivider is responsible for maintenance of the subdivision until a Letter of Acceptance is issued by the City of Phenix City.

### Section 2. Required Improvements

A. Streets - All roadways shall be constructed to meet the specifications of the City, and shall be approved by the City Engineer. All such roadways shall be surfaced for their entire width; shall be provided with curb and gutter at each edge and shall be provided with all necessary catch basins and cross drains.

B. Curb and Gutter - Curb and Gutter shall be provided on all proposed streets within a proposed subdivision and in accordance with the standards and specifications of these regulations.

C. Water Supply - Where a public water supply is reasonably accessible, as determined by the Planning Commission the Subdivider shall provide a water supply system consisting of appropriate mains and a stub-out for each lot in the proposed subdivision. To avoid cutting the paved roadway when connections are made, stub-outs shall extend from the main to convenient points outside the paved roadway. Water mains shall meet or exceed the following standards:

- a. The minimum diameter for a water main with a fire hydrant shall be six (6) inches.
- b. Water mains shall be of sufficient size to provide adequate fire protection as required by the Phenix City Fire Department or other appropriate Authority. For subdivisions located in the City of Phenix City Police Jurisdiction, fire hydrant spacing must conform to current Fire Code requirements which have been adopted by the City of Phenix City. For subdivisions located outside the City of Phenix City Police Jurisdiction but within the Planning Jurisdiction, fire hydrants shall be spaced to provide a minimum of one (1) fire hydrant within a 500 foot fire hose lay of each residence and/or other structure.
- c. The water system shall furnish adequate fire flow to provide basic protection based on actual subdivision design. Where structures are one (1) and two (2) family residences not more the two (2) stories in height, the following fire flows should be available to each such structure:

Potential Exposure Distance in Feet	Gallons Per Minute	Duration in Hours and Total Gallons
11-30	1,000 or more	2 Hours - 120,000 Gallons
31-100	750 - 1,000	2 Hours - 90,000 - 100,000 Gallons

Dwellings with potential exposures of 10 feet or less shall require a fire flow of at least 1500 gallons of water a minute or greater.

- d. Residual pressure shall be not less than twenty (20) pounds per square inch during the required fire flow.
- e. All hydrants shall be of three (3) way design with at least one (1) four (4) inch or larger discharge. All discharges shall be fitted with NST threads.
- f. All water valves and services shall be marked in the curb with a blue paint marking.
- g. All water mains shall be located on the south and west sides of the street within the right-of-way.
- h. Water service for each lot within a subdivision shall be provided on right-of-way within five (5) feet horizontally of a property corner.

These requirements presume ordinary construction, noncombustible roofs, and no extraordinary environmental or access conditions. Unusual finishes or construction materials or techniques; or changes in a subdivision, as from residential to nonresidential uses; might require additional fire flows as required by the Phenix City Fire Department.

D. Sanitary Sewage - Where a public sanitary sewer is reasonably accessible as determined by the governing Utility Jurisdiction, the Subdivider shall connect with such sanitary sewer and provide a sewer service connection to the property line for each lot. Location of each sewer service lateral shall be marked on the curb at the proper location with a green paint marking and the end of each sewer lateral shall be marked by a minimum four (4) inch pressure treated post or four (4) inch p.v.c. pipe extended a minimum of three (3) feet above the ground.

Where a public sanitary sewer is not reasonably accessible, the provider may provide a private sewage collection and disposal system in accordance with the requirements of the U.S. Environmental Protection Agency, the Alabama Department of Environmental Management, the Lee and/or Russell County Health Department, and the specifications of the City. The sanitary sewer system must at least meet the following standards:

- a. The minimum diameter of a public sewer shall be eight (8) inches, except in certain cases when the City Engineer can approve stub-outs and special runs of pipe of six (6) inch diameter.
- b. All sanitary sewers shall be designed to carry peak flows of 300 gallons per capita per day with a minimum velocity of flow of two (2) feet per second.
- c. The maximum distance between manholes shall be four hundred (400) feet.
- d. Wherever possible, the sewer lines, manholes and related easements shall be located in the front of lots within the street right-of-way. In cases where these items cannot be located within the street right-of-way, they shall be located along property lines. Sanitary sewer lines or easements shall not dissect the buildable area of a lot. When sewer easements are provided along interior lot lines, they shall provide adequate access for maintenance equipment and vehicles.

As an alternative the Subdivider may, by restrictions, require the disposal of sewage by the installation of septic tanks or similar on-site systems, which are designed and installed in accordance with the standards of the State Department of Health and the Russell County and/or Lee County Department of Health.

**E. Storm Sewers and Drainage** - Detention/retention ponds shall be provided in each subdivision to detain not less than the storm water runoff resulting from a twenty five year rainfall event. All drainage features, including detention/retention ponds, shall be designed so that the storm water runoff resulting from a one hundred (100) year rainfall event shall pass through the development, adjacent properties, and downstream properties without posing a danger to life or property. These storm drains shall be connected to or spilled into existing drains or ditches as approved by the City Engineer upon submittal of hydrology and hydraulic calculations prepared by a professional engineer licensed in the State of Alabama.

The post development stormwater runoff rate shall meet all the requirements of the City of Phenix City Erosion and Sediment Control Policy as approved by City Council.

Where existing area drainage ditches, creeks, branches, swales, etc. occur through or alongside the proposed subdivision, the Subdivider shall improve furnish paved bottoms or ditch linings where required by the City Engineer. Routing or rerouting of ditches, and filling of depressions and wetlands, shall not be allowed unless permitted by the appropriate federal and state agency and approved by the City Engineer.

Culverts and bridges shall be constructed by the subdivider over all watercourses and be approved by the City Engineer. Whenever and wherever conditions, caused or aggravated by reason of the subdivision of land hereunder, adversely affect the proper drainage of streets, pedestrian ways, slopes, or natural watercourses; or adversely affect the public health, safety, or welfare; the following improvements shall be required and shall be installed by the subdivider:

- a. Drainage structures necessary for the proper drainage of streets, pedestrian ways, slopes, or natural watercourses, or for the public safety;
- b. Necessary erosion and/or sedimentation control measures.

**F. Underground Utilities** – Where it is necessary within the corporate limits of the City to supply electric, communication or related services within the subdivision the associated wires and facilities shall be installed underground as set forth in the provisions of Phenix City Ordinance No. 2009-32. All electric installations shall be in accordance with rules and regulations of the Alabama Public Service Commission and the National Electric Safety Code.

The subdivider, developer, or owner of the subdivision or any such area or portion thereof shall make the necessary arrangements and payments for the installation of underground facilities, including circuits for street lights (See Article V, Section 2, Paragraph G). Such arrangements shall be made with each of the companies or persons supplying the electrical and communications service therein, in accordance with the established rules, policies and charges of such company or persons.

The following Exceptions shall apply to the regulations set forth for the installation of underground utilities:

- 1.) Temporary Exceptions: The City Manager, or his designee, may grant special permission in cases where temporary electrical power or communication service is reasonably required for emergencies or for building construction purposes, or for other temporary purposes, to erect, construct, install or maintain poles, wires and other overhead structures.

- 2.) Permanent Exceptions: The provisions of the regulations set forth for the installation of underground utilities shall not apply to any of the following uses.
- a. All electric power lines rated at or above "feeder" line class.
  - b. All telecommunications cable and cable television trunk lines.
  - c. Poles, overhead wires, and associated overhead structures, when part of a continuous line, or services to individual properties from such existing overhead lines when such services and lines are within a subdivision approved and recorded prior to the adoption of Phenix City Ordinance No. 2009-32.
  - d. Radio and television antennae.
  - e. Structures on corner lots, in streets and alleys, and on easements adjacent thereto, in cases where electrical and communication wires cross a street or other district boundary from an area where overhead wires are not prohibited, may be connected to said overhead wires, and hereby are excepted from these provisions.
  - f. Overhead lines attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the same building, or to an adjacent building without crossing a property line.
  - g. Poles used for street or area lighting or for traffic control facilities.
  - h. Service terminals, risers, transformers, regulators, meters, or other on and above ground facilities normally used with and as part of underground distribution system provided such facilities are not located in the required front or side yards.
  - i. Electric substations, transmission poles, towers and lines, and the accompanying equipment and apparatus necessary to provide reliable electric service.
  - j. The underground installation of electric facilities of public utilities regulated by the Alabama Public Service Commission are governed by and subject to the rules and regulations of the Commission and, to the extent any exclusions, conditions or requirements of the Commission rules apply, they shall govern, notwithstanding any of these provisions. No installation is required to be made by any public utility until payment arrangements have been made in accordance with commission rules.
- 3.) Special Exception: Notwithstanding any other provisions of these regulations, the City Council may grant special exceptions on a permanent or temporary basis to the provisions hereof on such terms as the Council may deem appropriate in cases of emergency or unusual circumstances to any party to erect, construct, install, maintain use or operate poles and overhead wires and associated overhead structures.

The public utility, cable television, telecommunications company or other entity installing underground facilities pursuant of these regulations, its successors and assigns, shall save and hold harmless the City of Phenix City, Alabama, from all liability, costs, damages, and expenses of every kind, for payment of which said City may become liable to any person, firm or corporation to the extent any such liability, costs, damages or expenses are caused by the negligence by such entity in the construction, maintenance, and operation of this its underground facilities within said City of Phenix City, Alabama.

The installation, placement or maintenance of any and all underground electrical or communication wiring or associated structures or facilities, whether they be above or

underground, shall be prohibited in all floodplains, flood prone areas, drainage easements, major drainage ways, or any other area where the possibility of standing water exists. Where electrical or communication service wiring must cross such areas, easements or ways, they must be elevated and so installed as to be reasonably free from flood or storm water runoff damage.

G. Street Lighting - Street lights shall be provided by the developer of the subdivision. The street light should be designed to produce illumination as required by the City and electrical utility service. The location, density and type of street lights within the subdivision shall be approved by the City Engineer and/or electrical utility service. For street lights provided by an electric utility regulated by the Alabama Public Service Commission, the street lights shall be of the description and the rates set forth in the utility's rate schedules approved by and on file with the Commission. Street lights shall be located along the streets in the right-of-way at the following locations at a minimum:

- a. All street intersections within the Subdivision. Street lights shall be located on the corners of the intersections such that it illuminates the entire intersection.
- b. Terminal ends of all cul-de-sac streets.
- c. Locations along streets at minimum intervals of three hundred (300) feet.

H. Monuments - Monuments consisting of 0.5 inch diameter iron stake, eighteen (18) inches long or according to the latest edition of the Standards of Practice for Land Surveying in the State of Alabama shall be set at all street corners and at all points where the street lines intersect the exterior boundaries of the subdivision. All other lot corners shall be marked with iron stake not less than 0.5 inches in diameter and eighteen (18) inches long and driven so as not to be more than three (3) inches above finished grade.

I. Street Name Markers - Street name markers shall be placed at the corners of all street intersections both inside and outside the corporate limits of the City. Said markers shall be of a standard design in current use within the City and placed at locations the City Engineer or another duly authorized agent of the City may direct.

J. Utility Easements - Easements shall be provided for public utilities, and shall be at least twenty (20) feet wide, ten (10) feet on each side of the property lines of lots. The width of easements shall be increased, or they shall be extended, where necessary, to provide space for utility pole bracing or other construction. Utility easements can be combined with drainage easements subject to approval by the City Engineer.

K. Drainage Easements - Easements for water courses, drainage ways or streams shall conform substantially with the lines of such water course and shall have such further width for construction, maintenance, or both, as shall be adequate for the purpose. Drainage easements can be combined with utility easements subject to approval by the City Engineer.

L. Erosion Control - An erosion and sediment control Best Management Practices (BMP) plan shall be submitted in the construction plans to the City Engineer. Erosion and sediment control measures shall be installed and inspected prior to work beginning. Measures shall be maintained throughout the development and be the responsibility of the developer. All measures and BMP Plans shall be in accordance with the most recent Phenix City Erosion and Sediment Control Policy and all regulations of the Alabama Department of Environmental Management.



### **Section 3. Dedications**

A. Street and Alleys - The right-of-ways for existing and new streets, including that part of major streets shown on the Major Thoroughfare Plan, which is embraced within the subdivision, and the right-of-ways for public alleys shall be platted to the minimum widths called for by these regulations and dedicated for public use.

B. Major Streets - The right-of-ways for existing and for new major streets shown on the Major Thoroughfare Plan which are embraced in whole or in part by the subdivision shall, to the extent of that part which is embraced by the subdivision, be platted to the minimum widths called for by these regulations or by the Major Thoroughfare Plan, and dedicated.

C. Easements - Easements for utilities, drainage, or other purpose shall be provided as required herein; and shall be dedicated with the right of access.

## **Article VI. ADMINISTRATION**

### **Section 1. General Provisions**

These Subdivision Regulations shall be administered by the Phenix City Planning Commission.

### **Section 2. Penalties**

As prescribed in Section 33, Title 11, Code of Alabama, 1975, as amended, whoever being the owner or agent of the owner of any land located within a subdivision, transfers or sells or agrees to sell any 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 in the records of the Office of the Judge of Probate of Russell or Lee County, shall forfeit and pay a penalty of five hundred (500) dollars for each lot or parcel so transferred or sold or agreed or negotiated to be sold; and 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 City may enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction or may recover the same penalty by a civil action in any court of competent jurisdiction.

The City Engineer shall have the authority to reject any work and materials which does not meet the requirements of these regulations. The City Engineer shall have the authority to stop work if there is a continuous lack of compliance with these regulations or if there is a present danger to public safety and welfare. If the contractor has not complied before the next Planning Commission meeting, the Planning Commission shall take action on it.

### **Section 3. Application Fees**

A schedule of application fees for all approvals and public hearings required under these regulations shall be established by separate resolution. This fee schedule shall be computed so as to recover all costs incurred by the City in reviewing and processing subdivision-related requests, and shall be revised as necessary by the Planning Commission.

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

### **Section 4. Amendments**

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

## **Section 5. Requirements Held Minimum**

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

## **Section 6. Modifications**

In cases where the strict application of any of these regulations would result in peculiar and practical difficulties or exceptional and undue hardship, the Planning Commission may modify the application of the regulations to relieve such difficulty or hardship. The difficulty or hardship must be inherent in the exceptional topographic or other extraordinary or exceptional characteristics of the tract proposed to be subdivided and shall not be the result of actions of the Subdivider. No modification shall be made that shall produce a conflict with the Comprehensive Plan or with the intent and purposes of these regulations, and any modification shall be the minimum modification that shall make possible the reasonable subdivision of the land.

Applications for any waiver shall be submitted in writing by the 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 is being requested and present the facts upon which the petitioner is relying; and shall be supplemented with such maps, plans, and other data, which may assist the 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.

## **Section 7. Conflicting Provisions**

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

## **Section 8. Severability**

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

## **Section 9. Effective Date and Repeal**

These regulations shall take effect upon their adoption and publication as required by law. Upon adoption of these regulations according to law, the Revised Subdivision Regulations of the City of Phenix City, Alabama, adopted, as amended, are hereby repealed to the extent necessary to give these regulations full force and effect.

ADOPTED THIS THE \_\_\_\_TH DAY OF \_\_\_\_\_, 20\_\_

PHENIX CITY PLANNING COMMISSION

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
SECRETARY

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ATTEST: \_\_\_\_\_  
RECORDING SECRETARY

## APPENDIX OF CERTIFICATES

- a. Certification of title showing that the applicant is the owner of the land within the subdivision.

### CERTIFICATE OF OWNERSHIP AND DEDICATION

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREIN AND THAT I (WE) HEREBY ADOPT THIS DIVISION WITH MY (OUR) FREE CONSENT, ESTABLISH THE MINIMUM BUILDING SETBACK LINES, AND DEDICATE ALL STREETS, RIGHT-OF-WAYS, WALKS, EASEMENTS, PARKS, AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

OWNER	DATE
OWNER	DATE

- b. Statement by the owner dedicating street right-of-ways and any sites for public use. See previous certificate in section "a" for an example.
- c. Statement by a Land Surveyor registered in the State of Alabama certifying that the plat meets the requirements of the Standards of Practice for Land Surveying in the State of Alabama, latest edition, as published by the Alabama Society of Professional Land Surveyors.

### CERTIFICATE OF REGISTERED LAND SURVEYOR

I, (NAME), A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALABAMA, HEREBY CERTIFY THIS PLAT TO BE A TRUE AND CORRECT RECORD OF AN ACTUAL SURVEY MADE BY ME, OR UNDER MY SUPERVISION; THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST AND THEIR LOCATION, TYPE, AND MATERIAL ARE CORRECTLY SHOWN; AND THAT ALL PARTS OF THIS SURVEY AND PLAT HAVE BEEN COMPLETED IN GENERAL ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN THE STATE OF ALABAMA, TO THE BEST OF MY KNOWLEDGE AND BELIEF.

PRINTED NAME OF SURVEYOR	RLS NUMBER
SIGNATURE OF SURVEYOR	DATE

- d. Space for certificate of approval by the County Engineer.

FOR PLATS FILED IN RUSSELL COUNTY:

### CERTIFICATE OF COUNTY ENGINEER

THIS PLAT HAS BEEN APPROVED BY THE RUSSELL COUNTY ENGINEER FOR RECORDING IN THE OFFICE OF THE JUDGE OF PROBATE OF RUSSELL COUNTY, ALABAMA.

DATE OF EXECUTION	RUSSELL COUNTY ENGINEER
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FOR PLATS FILED IN LEE COUNTY:

### CERTIFICATE OF COUNTY ENGINEER

THIS PLAT HAS BEEN APPROVED BY THE LEE COUNTY ENGINEER FOR RECORDING IN THE OFFICE OF THE JUDGE OF PROBATE OF LEE COUNTY, ALABAMA.

DATE OF EXECUTION	LEE COUNTY ENGINEER
-------------------	---------------------

- e. Certificate of acceptance by the City Council of any land, right-of-ways, or easements dedicated to the City.

CERTIFICATE OF THE CITY COUNCIL

THE CITY OF PHENIX CITY HEREBY ACCEPTS ANY LAND, RIGHT-OF-WAYS, OR EASEMENTS DEDICATED BY THIS SUBDIVISION PLAT PER RESOLUTION NO. \_\_\_\_\_.

\_\_\_\_\_  
AUTHORIZED AGENT OF THE CITY

\_\_\_\_\_  
DATE

- f. Certificate by the City Engineer and City Utilities Director that the subdivision meets all the requirements for required street and utility improvements.

CERTIFICATE OF THE CITY ENGINEER AND UTILITIES DIRECTOR

I (WE) HEREBY CERTIFY THAT THIS PLAT MEETS ALL THE REQUIREMENTS FOR STREET AND UTILITY IMPROVMENTS.

\_\_\_\_\_  
CITY ENGINEER

\_\_\_\_\_  
DATE

\_\_\_\_\_  
UTILITIES DIRECTOR

\_\_\_\_\_  
DATE

- g. Certificate by the County Health Officer when individual sewage disposal and/or water systems are to be installed. This certificate will only be required when a private sanitary collection system has been installed in lieu of a public sanitary sewer system.

FOR PLATS FILED IN RUSSELL COUNTY:

CERTIFICATE OF COUNTY HEALTH DEPARTMENT

THE LOT(S) ON THIS PLAT ARE SUBJECT TO APPROVAL OR DELETION BY THE RUSSELL COUNTY HEALTH DEPARTMENT. THE APPROVAL MAY CONTAIN CERTAIN CONDITIONS PERTAINING TO THE ONSITE WASTEWATER TREATMENT SYSTEM(S) THAT COULD RESTRICT THE USE OF THE LOT(S) OR OBLIGATE OWNERS TO SPECIAL MAINTENANCE AND REPORTING REQUIREMENTS. THESE CONDITIONS ARE ON FILE WITH THE SAID HEALTH DEPARTMENT AND ARE MADE A PART OF THIS PLAT AS IF SET OUT HEREON.

\_\_\_\_\_  
RUSSEL COUNTY HEALTH OFFICER

\_\_\_\_\_  
DATE

FOR PLATS FILED IN LEE COUNTY:

CERTIFICATE OF COUNTY HEALTH DEPARTMENT

THE LOT(S) ON THIS PLAT ARE SUBJECT TO APPROVAL OR DELETION BY THE LEE COUNTY HEALTH DEPARTMENT. THE APPROVAL MAY CONTAIN CERTAIN CONDITIONS PERTAINING TO THE ONSITE WASTEWATER TREATMENT SYSTEM(S) THAT COULD RESTRICT THE USE OF THE LOT(S) OR OBLIGATE OWNERS TO SPECIAL MAINTENANCE AND REPORTING REQUIREMENTS. THESE CONDITIONS ARE ON FILE WITH THE SAID HEALTH DEPARTMENT AND ARE MADE A PART OF THIS PLAT AS IF SET OUT HEREON.

\_\_\_\_\_  
LEE COUNTY HEALTH OFFICER

\_\_\_\_\_  
DATE

h. Certificate by the Planning Commission that the Final Plat has been approved.

FOR PLATS FILED IN RUSSELL COUNTY:

CERTIFICATE OF PLANNING COMMISSION

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS FOR THE CITY OF PHENIX CITY, ALABAMA, WITH THE EXCEPTION OF VARIANCES, IF ANY, AS ARE NOTED IN THE MINUTES OF THE PLANNING COMMISSION AND THAT IT HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE JUDGE OF PROBATE OF RUSSELL COUNTY, ALABAMA.

\_\_\_\_\_  
CHAIRMAN, PLANNING COMMISSION

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SECRETARY, PLANNING COMMISSION

\_\_\_\_\_  
DATE

FOR PLATS FILED IN LEE COUNTY:

CERTIFICATE OF PLANNING COMMISSION

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS FOR THE CITY OF PHENIX CITY, ALABAMA, WITH THE EXCEPTION OF VARIANCES, IF ANY, AS ARE NOTED IN THE MINUTES OF THE PLANNING COMMISSION AND THAT IT HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE JUDGE OF PROBATE OF LEE COUNTY, ALABAMA.

\_\_\_\_\_  
CHAIRMAN, PLANNING COMMISSION

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SECRETARY, PLANNING COMMISSION

\_\_\_\_\_  
DATE

- i. Certificate from corresponding utility jurisdiction if any utilities shown on plat do not belong to the City of Phenix City or are not under the jurisdiction of the City of Phenix City.

CERTIFICATE OF CORRESPONDING UTILITY

I HEREBY CERTIFY THAT THE FOLLOWING PUBLIC UTILITY, \_\_\_\_\_, SHOWN HEREON, AS IN PLACE OR TO BE INSTALLED, MEETS THE REQUIREMENTS OF THE LIABLE DEPARTMENT.

\_\_\_\_\_  
AUTHORIZED AGENT OF UTILITY

\_\_\_\_\_  
DATE





**INDEMNIFICATION AND HOLD HARMLESS AGREEMENT  
FOR RESIDENTIAL SUBDIVISIONS**

---

**SURVEYOR AND ENGINEER (LIST INDIVIDUAL, FIRM NAMES AND ADDRESSES)**

---

**INSERT NAME OF SUBDIVISION**

---

Agreement made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, between \_\_\_\_\_ (herein referred to as "Indemnitor") and the City of Phenix City, Alabama (hereinafter referred to as "City" or "Indemnitee").

In consideration of the City accepting the certifications and representations of the abovesaid Indemnitor for the approval of subdivisions by the City and other good and valuable consideration, the receipt of which is hereby acknowledged, it is hereby agreed:

Indemnitor undertakes to indemnify and hold harmless the City as Indemnitee from any and all claims demands, liabilities, losses, damages, judgments, costs and expenses, including, without limitation attorney's fees, or any and all personal injury (including death) and any property damage of any kind or nature whatsoever the City or any third party may suffer as the result of negligence or actual knowledge of a defect or deficiency known to Indemnitor and undisclosed to Indemnitee, which negligence and/or defect or deficiency is determined to be the fault of Indemnitor. This agreement only applies to the construction and development of residential subdivisions and specifically does not apply to commercial or retail development. Further, this agreement does not alter the City's previous practice of assuming the maintenance of infrastructure such as, streets, storm drainage system, the water system and sanitary sewer system contained in said residential subdivisions once said subdivisions are accepted by the City.

Indemnity under this agreement shall commence upon substantial completion of the construction of the improvement on or to the subdivision named hereinabove, and shall continue in full force and effect for a period of seven (7) years thereafter (see Section 6-5-221, Code of Alabama, 1975, as amended).

Indemnitee, the City, shall notify Indemnitor, in writing, within 90 days by certified or registered mail, or other confirmed form of delivery, at Indemnitor's address of any claim made against the City as Indemnitee upon the obligations indemnified against.

In witness whereof, the parties have executed this agreement on the day and year first above written.

\_\_\_\_\_  
INDEMNITOR(s)  
Surveyor

\_\_\_\_\_  
INDEMNITOR(s)  
Engineer

\_\_\_\_\_  
INDEMNITEE  
Authorized Representative of  
City of Phenix City, Alabama

**ACKNOWLEDGMENT**

State of \_\_\_\_\_  
County of \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public for said state and county, hereby certify that \_\_\_\_\_ as Indemnitee, whose name is signed above, and who is known to me, acknowledged before me on this day that, being informed of the contents of this agreement, has executed the same voluntarily on the day the same bears date. Given under my hand this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_, 20\_\_.

**ACKNOWLEDGMENT**

State of \_\_\_\_\_  
County of \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public for said state and county, hereby certify that \_\_\_\_\_ as Indemnitor, whose name is signed above, and who is known to me, acknowledged before me on this day that, being informed of the contents of this agreement, has executed the same voluntarily on the day the same bears date. Given under my hand this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_, 20\_\_.