



**PHENIX CITY**

*Alabama*

**SUBDIVISION  
REGULATIONS**

for the City of Phenix City, Alabama

April 22, 2025



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## **ARTICLE 1 GENERAL PROVISIONS**

### **§1.01 Authority**

These Subdivision Regulations are adopted under the authority of Title 11 Chapter 52, Article 2, of the 1975 Code of Alabama, as amended.

### **§1.02 Short Title**

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

### **§1.03 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 planning jurisdiction, which , in accordance with existing and future needs, best promotes the public health, safety, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development.

### **§1.04 Statements of Purpose**

To implement the policy stated in §1.03 above, these Regulations are administered in such a manner as to accomplish the following purposes:

- 1.04.01 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. It is intended that these regulations supplement the provisions and standards contained in the building, housing, fire and related codes, Zoning Ordinance, Public Works Manual, Erosion and Sediment Control ordinance, Flood ordinance and the City Code.
- 1.04.02 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.
- 1.04.03 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.
- 1.04.04 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.
- 1.04.05 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.

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- 1.04.06 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.
- 1.04.07 Innovative subdivision design that produces attractive, efficient, and convenient arrangements of housing and neighborhood environments affording a choice of lifestyles are encouraged.

### **§1.05 Area of Jurisdiction**

These regulations govern the subdivision of land within the Planning Jurisdiction of the City of Phenix City. Such Jurisdiction is defined in accordance with §11-52-30 of the Code of Alabama, 1975, 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.

### **§1.06 Requirements Held Minimum, Conflicting Provisions**

- 1.06.01 In their interpretation and application, the provisions of these regulations are 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.
- 1.06.02 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 provision is the more restrictive or imposes higher standards prevails.

### **§1.07 Application of Regulations**

- 1.07.01 From and after the date of these Subdivision Regulations, every plat of land that is a subdivision must be approved and recorded as required herein.
- 1.07.02 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 may be issued for any parcel of land created by subdivision unless a Final Plat of such subdivision has been approved and recorded as required by these Regulations.

### **§1.08 Exemptions**

The following partitioning, conveyances and subdivisions of land are exempt from these Regulations and do not require plat approval by the Commission:

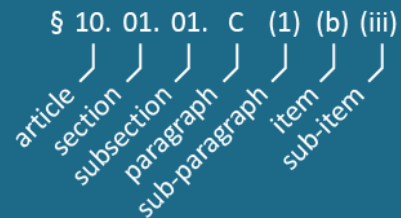
- 1.08.01 Subdivisions resulting from court-ordered or intestate provisions, such as partitioning of a tract of land among heirs or claimants;
- 1.08.02 The conveyance of land to an immediate family member or a direct lineal descendant for the family member's bona fide personal use and not for the purposes of resale or other development;
- 1.08.03 The parceling off or sale of plots in a cemetery intended for the burial of the dead;
- 1.08.04 The conveyance of a tract of land of any size to a public utility or municipality, provided that the deed recites that said tract may be used solely as the site for a pumping station, transformer

substation, switching facility, valve and/or metering facility, or other similar public utility service facility;

- 1.08.05 In accordance with §11-52-30(b)(2) of the Code of Alabama, 1975, any transaction resulting in the direct sale, deed or transfer of land outside the corporate limits to an individual eligible to inherit such land under §43-8-3 of the Code of Alabama, 1975.

#### EDITOR'S NOTES

**Structure and Cross References.** These Regulations are organized into the following subdivisions: articles, sections, subsections, paragraphs, subparagraphs, items and subitems. Where one provision cross references another provision in the Ordinance, it is often represented by the “§” symbol and followed by a series of numbers and letters. The following illustrates the hierarchical subdivisions of the ordinance and how they may appear in a cross reference.



When a paragraph is referenced without being preceded by an article, section or subsection designation as shown above, the reference is pointing to a paragraph within the same Subsection. The same applies to lower subdivisions. If another location within the Ordinance is being referenced, the cross reference will specify the article, section, subsection and other subdivision as necessary.

**Numbers and Units.** Numbers one through ten are spelled out (except within tables). Numbers above ten are represented numerically (e.g., 25, 50). Measurements units such as acres and feet follow this same pattern. When used in conjunction with a number above ten, a unit abbreviation is used (e.g., 25 ac, 50 ft).

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## ARTICLE 2 DEFINITIONS

### §2.01 Interpretation

- 2.01.01 Certain terms used in these regulations have the meanings defined by this Article. If a term is not listed in this Article; or is not defined elsewhere in the Zoning Ordinance, Public Works Manual; the City Code, or Sections 11-52-30 through 11-52-36 of the 1975 Code of Alabama, as amended; then the customary dictionary definition of such term applies.
- 2.01.02 Interpretation of Commonly Used Terms and Phrases. In the interpretation of these regulations, the following provisions apply, except where the context clearly requires otherwise.
- a. Words used or defined in one tense or form include other tenses and derivative forms.
  - b. Words in the singular number include the plural number; and words in the plural number include the singular number.
  - c. The masculine gender includes the feminine; and the feminine gender includes the masculine.
  - d. The words "must" and "shall" are mandatory. The word "may" is permissive unless used in the negative, which is prohibitive (e.g., "may not").
  - e. The word "person" includes an individual, firm, association, organization, partnership, trust, company, or corporation.
- 2.01.03 In case of any conflict between the text of these regulations and any caption, illustration, figure, or other graphic material, the text shall govern.

### §2.02 Terms Defined

- 2.02.01 ADJACENT. Either adjoining or on the opposite side of a street or other right-of-way that separates it from the subject property. Properties separated by an interstate or railroad are not considered ADJACENT.
- 2.02.02 ADMINISTRATIVE SUBDIVISION. A subdivision of land into no more than five contiguous lots fronting on an existing street, requiring no new streets, public improvements or expenditures and that conforms to these Regulations and, when applicable, the Zoning Ordinance.
- 2.02.03 ALLEY. A vehicular way which is not more than 30 ft. wide and which affords a means of access to adjoining property from the side or rear.
- 2.02.04 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 regarding street layout or dimensions, lot layout or dimensions, total number of lots, open space and other aspects of development regulated by these Regulations or the Zoning Ordinance.
- 2.02.05 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.
- 2.02.06 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.
- 2.02.07 AS-BUILT SURVEY. A detailed record of the actual dimensions, geometry, and location of all subdivision improvements as constructed.

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- 2.02.08 **AUTHORITY HAVING JURISDICTION.** A utility authority or government agency responsible for enforcing codes, standards and regulations concerning utilities, transportation infrastructure, land development, public health or other matters related to a proposed subdivision.
- 2.02.09 **BLOCK.** A tract or parcel of land entirely surrounded by streets, streams, railroad rights-of-way, parks, or other public spaces, or by a combination thereof.
- 2.02.10 **BUILDING SETBACK.** The minimum distance required between a lot line or street right-of-way line and the face of the building, as required by these regulations or the Zoning Ordinance. .
- 2.02.11 **CITY.** The City of Phenix City, Alabama.
- 2.02.12 **CITY ATTORNEY.** The licensed attorney designated by the City Council to furnish legal assistance in the administration and enforcement of these Regulations.
- 2.02.13 **CITY COUNCIL.** The City Council of the City of Phenix City, Alabama.
- 2.02.14 **CITY ENGINEER.** The registered engineer designated by the City Manager to furnish engineering assistance in the administration and enforcement of these Regulations.
- 2.02.15 **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.
- 2.02.16 **CONSTRUCTION PLAN.** Plans prepared by an engineer showing details of the design and construction of required improvements in a proposed subdivision
- 2.02.17 **CUL-DE-SAC.** A local street with only one outlet, and having the closed end terminated by a vehicular turn-around
- 2.02.18 **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.
- 2.02.19 **DENSITY.** A measure of the number of dwelling units per acre of land area. Subdivisions and portions thereof containing single-family dwellings, duplexes and multiplexes are categorized as shown below. Rights-of-way and common open space and facilities are excluded from the density calculation for such subdivisions or portions thereof. Any portion of a subdivision proposed to contain multifamily uses is considered high density.

Very Low Density	Low Density	Medium Density	High Density
no more than one dwelling unit per acre	1.1 to 4.8 dwelling units per acre	4.9 to 10 dwelling units per acre	more than 10 dwelling units per acre

- 2.02.20 **DEVELOPMENT.** The division of a parcel of land into two or more parcels (See Subdivision); Resubdivision of land; 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 acre in size, provided that no more than one such area is created on any lot of record.
- 2.02.21 **DRAINAGE FACILITIES.** Structural and nonstructural elements designed to collect stormwater runoff and convey it away from structures, including detention and retention ponds, and through the

roadway right-of-way in a manner, which adequately drains sites and roadways and minimizes the potential for flooding and erosion.

- 2.02.22 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.
- 2.02.23 ENGINEER or REGISTERED ENGINEER. An engineer registered and in good standing with the Alabama Board of Licensure for Professional Engineers and Land Surveyors.
- 2.02.24 EROSION. The wearing away of the ground surface as a result of the movement of wind, water, and/or ice.
- 2.02.25 EROSION CONTROL. Measures and actions that are to be taken to control potential erosion and sedimentation issues.
- 2.02.26 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.
- 2.02.27 FINAL PLAT APPROVAL. The official action of the 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.
- 2.02.28 FLAG LOT. A lot connected to the street by a narrow strip of land where the developed or developable portion of the property is located behind another property. Refer to §4.09.05 Flag Lots.
- 2.02.29 GRADE. The slope of land or a built feature such as a street, storm, or utilities, specified in percentage terms.
- 2.02.30 HALF ALLEY. An existing alley that does not meet minimum right-of-way or pavement width requirements for alleys.
- 2.02.31 HALF STREET. An existing street that does not meet minimum right-of-way or pavement width requirements for the classification of the street.
- 2.02.32 HEALTH DEPARTMENT. The Russell County, Lee County and State of Alabama Health Departments.
- 2.02.33 HUNDRED (100) YEAR FLOODPLAIN. The area of land that would be inundated by a one percent annual chance flood as determined by the Federal Emergency Management Agency and designated by FEMA as Zone A (Zone A, Zone AO, Zone AE, etc.).
- 2.02.34 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.
- 2.02.35 LAND SURVEYOR or REGISTERED LAND SURVEYOR. A land surveyor registered and in good standing with the Alabama Board of Licensure for Professional Engineers and Land Surveyors.
- 2.02.36 LOT. A parcel of land occupied by, or designated to be developed for, a building or principal use and the accessory structures 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. For the purposes of these regulations, RESERVE STRIPS are not considered LOTS. Refer to Zoning Ordinance for definitions of "Corner Lot," "Interior Lot" and "Through Lot."
- 2.02.37 LOT AREA. Refer to Zoning Ordinance for definition.

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- 2.02.38 **LOT LAYOUT SKETCH.** An illustration of the layout of a subdivision prepared in advance of a Preliminary Plat to enable the subdivider to review the proposal with the City and identify any errors or potential issues early in the design process.
- 2.02.39 **LOT LINE.** Refer to Zoning Ordinance for definition, including “Front Lot Line,” “Rear Lot Line,” and “Side Lot Line.”
- 2.02.40 **LOT OF RECORD.** A lot, the plat of which has been recorded in the Probate Office of Russell or Lee County, Alabama, or a parcel of land described by metes and bounds, the plat or description of which has been recorded in said office. If a portion of a lot or parcel has been conveyed at the time of the adoption of these Regulations, the remaining portion of said lot or parcel is considered a LOT OF RECORD.
- a. **NONCONFORMING LOT OF RECORD.** Any LOT OF RECORD, which complied with all applicable laws, ordinances, and regulations in effect on the recording date, but does not conform to these Regulations.
- 2.02.41 **LOT WIDTH.** The distance between side lot lines measured at the front setback line, as required herein or in the Zoning Ordinance, as applicable. .
- 2.02.42 **MAJOR STREET PLAN.** The transportation 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.
- 2.02.43 **MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD).** The most recent edition of standards, by which traffic signs, road surface markings and signals are designed and installed, issued by the Federal Highway Administration.
- 2.02.44 **MONUMENT.** A permanent object serving to mark a boundary.
- 2.02.45 **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.
- a. **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.
- 2.02.46 **OWNER.** The person having the right of legal title to, beneficial interest in, or a contractual right to purchase a lot or parcel of land.
- 2.02.47 **PEDESTRIAN PASSAGE.** An off-street path that provides access through a block or from a cul-de-sac to an adjacent street (see illustration). A PEDESTRIAN PASSAGE may be within a public right-of-way or easement. PEDESTRIAN PASSAGES may also be designed to accommodate bicycle access. Refer also to Figure 4-2.
- 2.02.48 **PERFORMANCE GUARANTEE.** Financial assurance that a Subdivider will complete required public improvements on a subdivision plat in accordance with these Regulations.
- 2.02.49 **PLANNING COMMISSION.** The Phenix City Planning Commission created by the City of Phenix City under the authority of §11-52-2 of the Code of Alabama, 1975, as amended.
- 2.02.50 **PRELIMINARY PLAT.** A map and related materials indicating the proposed layout of a development submitted for preliminary approval in accordance with these regulations.

- 2.02.51 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.
- 2.02.52 PROBATE JUDGE. The Judge of Probate for Russell County or Lee County, Alabama, whichever is applicable.
- 2.02.53 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 collection, disposal and treatment, public utility and energy services.
- 2.02.54 PUBLIC WORKS MANUAL. That document adopted by the City of Phenix City, and as amended, establishing standards for the design, construction and maintenance of streets and traffic-related improvements, bicycle and pedestrian facilities; stormwater drainage facilities, and water and sewer utilities.
- 2.02.55 RAINFALL EVENT
  - a. 2-YEAR RAINFALL EVENT. The rainfall event having a 50% chance of being equaled or exceeded in any given year.
  - b. 5-YEAR RAINFALL EVENT. The rainfall event having a 20% chance of being equaled or exceeded in any given year.
  - c. 10-YEAR RAINFALL EVENT. The rainfall event having a ten percent chance of being equaled or exceeded in any given year.
  - d. 25-YEAR RAINFALL EVENT. The rainfall event having a four percent chance of being equaled or exceeded in any given year.
  - e. 100-YEAR RAINFALL EVENT. The Rainfall event having a one percent chance of being equaled or exceeded in any given year.
- 2.02.56 RESERVE STRIP. A strip of land, smaller than a lot, created to control access to land dedicated or intended to be dedicated to street or other public use. Reserve Strips are not considered lots because they are not intended for nor of a size to accommodate development or any use other than control of access.
- 2.02.57 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.
- 2.02.58 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, 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.
- 2.02.59 ROADWAY. The portion of a right-of-way intended for use by vehicular traffic.
- 2.02.60 SIDEWALK. A paved path provided for pedestrian use, and usually located at the side of a road and within the street right-of-way.
- 2.02.61 STREET. Any street, avenue, boulevard, road, parkway, viaduct, drive, or other right-of-way provided for vehicular travel.

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- 2.02.62 **STREET HIERARCHY.** The classification of streets based upon their individual function. Refer to the Public Works Manual for definitions of “Arterial,” “Collector” and “Local Streets” and classification of existing streets.
- a. **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 adjoining properties.
- 2.02.63 **STRUCTURE.** Anything constructed or erected that requires rigid and permanent location on or attachment to the ground or attachment to anything having location on the ground; including, but not limited to, buildings, signs, towers, monuments, statues, telephone and utility poles and walls.
- 2.02.64 **SUBDIVIDER.** Any person who, having an interest in land, causes it directly or indirectly, to be divided into a subdivision as defined herein.
- 2.02.65 **SUBDIVISION.** Any subdivision or redivision of a subdivision, tract, parcel, or lot of land into two or more parts by means of mapping, platting, conveyance, change, or rearrangement of boundaries. All subdivisions are also developments. See also Development.
- 2.02.66 **SUBDIVISION ADMINISTRATOR.** The official of the City of Phenix City appointed by the City Manager and charged with the responsibility of administering and enforcing these regulations.
- 2.02.67 **SUBDIVISION ENGINEER.** That registered engineer retained by the Subdivider to oversee the design and construction of subdivision improvements.
- 2.02.68 **SUBDIVISION JURISDICTION.** All land located within the corporate limits of the City of Phenix City plus all unincorporated land within 1.5 miles of such limits in Russell County and 1.5 miles in Lee County and not located within the subdivision jurisdiction of any other city, in accordance with §11-52-30 of the Code of Alabama, 1975, as amended.
- 2.02.69 **SUBDIVISION REGULATIONS or THESE REGULATIONS.** The Subdivision Regulations of the City of Phenix City, Alabama.
- 2.02.70 **TREE.** A self-supporting woody plant which normally obtains a trunk diameter of at least two inches and a height of at least ten feet and typically has a main stem or trunk and many branches.
- a. **GRAND TREE.** Any tree, whether on public or private property which has a diameter at breast height (DBH) of 32 inches or greater, or a circumference at 4.5 feet above ground level of 100 inches or more.
- 2.02.71 **WATER SUPPLY.** The system made up of water sources, treatment facilities, and conveyance systems to provide potable water to the community.
- 2.02.72 **WATERSHED.** The land area from which surface water runoff flows into a river, creek or other watercourse.
- 2.02.73 **ZONING ORDINANCE.** The Zoning Ordinance of the City of Phenix City, Alabama.

## ARTICLE 3 PROCEDURES

### §3.01 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.

### §3.02 Ownership of Land to be Subdivided

- 3.02.01 Any Applicant, who is not the owner of the land proposed to be subdivided, must provide notarized authorization from the owner to apply for subdivision approval of such land.
- 3.02.02 Where a development site has more than one property owner, the applicant must obtain written authority from all other owners to act on their behalf. The applicant must inform the Subdivision Administrator of the identities of all property owners involved in the request or the corporate name if owned by a corporation.

### §3.03 Pre-Application

- 3.03.01 Whenever the subdivision of land is proposed, the Subdivider must consult early and informally with the Subdivision Administrator. In this way the Subdivider can obtain advice and assistance to facilitate the subsequent preparation and approval of the subdivision plat.
- 3.03.02 The Subdivider must submit to the Subdivision Administrator a Pre-application form and lot layout sketch drawn to scale. Refer to Appendix 1 for Preliminary Plat application submittal requirements. Copies are distributed to other City Departments to obtain comments and suggestions. A meeting shall then be scheduled with the Subdivider to discuss the proposed layout.
- 3.03.03 The lot layout sketch allows the Subdivider and local officials to discuss the proposed subdivision in an informal setting and to correct any design errors or problems during the early stages of the project.
- 3.03.04 After review of the lot layout sketch, the Subdivider may proceed to prepare the Preliminary Plat. However, neither the Subdivider nor the Planning Commission, hereinafter "the Commission," are 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 may, under no circumstances, be construed as preliminary or tentative approval.

### §3.04 Preliminary Plat

- 3.04.01 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 Subdivision Administrator.
- 3.04.02 Procedure
  - a. The Subdivider must file with the Subdivision Administrator five copies of the Preliminary Plat, a completed Subdivision Petition, a complete legal description, and a list of names and mailing addresses of all adjacent property owners, at least 30 calendar days prior to the Commission meeting at which it is to be considered for approval. Refer to Appendix 2 for Preliminary Plat application submittal requirements.
  - b. Prior to Commission review, the Preliminary Plat is reviewed by all appropriate City Departments. The review takes into consideration, in addition to the requirements set out in

these Regulations, conformance of the subdivision design to the Comprehensive Plan, Zoning Ordinance, any other applicable government regulations and the particular requirements and conditions affecting installation of improvements.

- c. Preliminary plats will not be placed on a Commission agenda for a public hearing, nor public notice given, until a complete application has been provided by the Subdivider. The Subdivision Administrator notifies the Subdivider within ten working days of any errors or omissions that cause the application to be considered incomplete.
- d. Preliminary Plats are reviewed for tentative acceptance by the Commission at a meeting prior to consideration for approval. After tentative acceptance of the Preliminary Plat, the Commission considers the Preliminary Plat for approval at a public hearing. Notice of the time and place of such hearing is sent to the Subdivider and to the person identified on the plat as the owner of the land. The owners of all adjacent property are notified by certified mail at least five working days prior to such hearing.
- e. The Commission must approve, approve conditionally, or disapprove such Preliminary Plat within 30 calendar days after the public hearing thereon. Failure of the Commission to render a decision within this time period is considered as approval of same as submitted, unless the proposed plat, on its face, violates one or more provisions of these Regulations. The Subdivider may waive this requirement and consent to an extension of such period.
  - 1. If approved conditionally the conditions and reasons therefore must be stated; and if necessary the Commission may require the Subdivider to submit a revised Preliminary Plat.
  - 2. If any of the requirements are modified or waived, the reasons for such must be specified.
  - 3. If the Commission disapproves the Preliminary Plat, the reasons for such must be stated and, if possible, recommendations made on the basis of which the proposed Subdivision would be approved.
- f. One copy of the Preliminary Plat as acted upon by the Commission is returned to the Subdivider.

#### 3.04.03 Effect and Duration of Approval

- a. Approval of a Preliminary Plat does not constitute acceptance of the final plat of the proposed subdivision but is deemed only as an expression of approval of the plan submitted as a guide to preparation of the Final Plat, which must be submitted for approval and recorded upon fulfillment of the requirements of these Regulations and the conditions of tentative approval.
- b. Approval of a Preliminary Plat is effective for a maximum time of 24 months, unless, upon written request by the Subdivider prior to the approval deadline, the Commission grants an extension. A Preliminary Plat may be granted a maximum of one extension of 24 months. Once a Preliminary Plat has been granted one extension, the Preliminary Plat expires after the extended time period.

#### 3.04.04 Amending Preliminary Plats. Amendments to Preliminary Plats are subject to all fees, conditions, and processes as Preliminary Plats described in this section.



### §3.05 Construction Plans

- 3.05.01 After approval of the preliminary plat and prior to the construction or installation of any improvements, the Subdivider must submit to the Subdivision Administrator prints of the construction plans for review by City Departments. Refer to Appendix 3 for Construction Plan submittal requirements.
- a. The Construction Plans must substantially conform to the approved Preliminary Plat. Changes that require amendment of the Preliminary Plat before the Construction Plan may be approved include but are not limited to:
    1. any change that conflicts with these Regulations, the Public Works Manual or other applicable city, state or federal regulations or requirements
    2. an increase in the number of developable lots, excluding those for common open spaces and facilities
    3. a reduction of more than five percent in the amount of open space
    4. a reduction in the number of stub streets or an increase in the number of cul-de-sac streets
    5. any change that conflicts with conditions required by the Commission in its approval of the associated Preliminary Plat
    6. any change that conflicts with or exceeds any waiver approved by the Commission.
  - b. The plan review takes into consideration, in addition to the requirements set out in these Regulations, conformance with the applicable standards and regulations of the City and of other agencies concerned. If any deficiencies are discovered during this review the Subdivider will be notified and must 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. The grounds for disapproval, if applicable, must be stated.
  - c. The Construction Plans must show accurately, and in sufficient detail for their construction or installation, the design of all proposed improvements in the subdivision. The Construction Plans must be signed and sealed by a Registered Engineer.
- 3.05.02 Approval from all other authorities having jurisdiction must be submitted to the Engineering Department before approval of Construction Plans.
- 3.05.03 Approval of the Construction Plans is authorization to proceed with construction and staking of lots in preparation for the Final Plat. Approval by the City signifies the construction plans submitted meet the minimum requirements of these Regulations, the Public Works Manual and other applicable standards and regulations.
- a. The City is not responsible for the design of the subdivision but accepts the signature and seal of the Engineer liable for the design.
  - b. Construction activities may not begin until a preconstruction meeting has been conducted between the Subdivider and appropriate City Departments. Nor may the Subdivider begin any construction without first notifying the City Engineer, other City Departments, the County Engineer of the applicable County; and obtaining proper approval.
- 3.05.04 When the Preliminary Plat expires, the Construction Plans are deemed expired also. Construction cannot be continued without an Approved Preliminary Plat.

3.05.05 Inspection

- a. The Subdivision Engineer is responsible for inspection of improvements and to certify that the improvements have been constructed in accordance with all applicable standards and regulations.
- b. The Subdivider must notify the Subdivision Administrator that improvements have been completed and are ready for final inspection by the City.
- c. If the City Engineer finds that any of the required improvements have not been constructed in accordance with the approved construction plans, the Subdivider is responsible for compliant remedial construction of the improvements. If the City Engineer finds that the required improvements have been properly constructed, the City will notify the Subdivider that they may apply for Final Plat approval.

**§3.06 Final Plat and As-Built Survey**

3.06.01 Purpose. The purpose of the Final Plat and As-built Survey together with all 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 must conform substantially to the approved Preliminary Plat. Refer to §3.05.01 for changes that require Preliminary Plat amendment.

3.06.02 Procedure

- a. All subdivision improvements must have been constructed, except those specified in §3.07.01, and a Performance Guarantee posted ensuring remaining construction before filing for Final Plat approval. In addition, the Subdivider must have received notification from the Subdivision Administrator that constructed improvements have been satisfactorily completed.
- b. The Subdivider must file the Final Plat application and As-built Survey with the Subdivision Administrator at least 30 calendar days prior to the Commission meeting which it is to be considered. Refer to Appendix 4 and Appendix 5 for Final Plat and As-Built Survey submittal requirements.
- c. A Final Plat may include only that portion of the approved Preliminary Plat, which the Subdivider proposes to record and develop at that time. All inspections and testing must be completed, constructed and approved by the City Engineer prior to the Final Plat being placed on the agenda for Commission action.
- d. A Subdivider may submit a combined request for amendment of a Preliminary Plat and for Final Plat approval. In such cases all requirements for both Preliminary and Final Plat approval must be met.
- e. Approval of the Final Plat and As-built Survey is given upon:
  1. fulfillment of all conditions attached to, and in conformance with, the approved Preliminary Plat; and
  2. certification of the proper installation of the improvements and compliance with these and all other applicable regulations.
- f. The Commission notifies the Subdivider of the approval or disapproval of the Final Plat and As-built Survey. The reasons for disapproval, if applicable, must be provided in writing. Failure

of the Commission to take action on the Final Plat within 30 calendar days after receipt of a complete submission is deemed to be approval of such Final Plat.

- g. Effect of Approval. Approval of the Final Plat by the Commission does not 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. In such cases, acceptance of dedicated lands by the City Council must occur prior to recording the Final Plat.
- h. Recording of Final Plat
  - 1. Approval of the Final Plat by the Commission becomes null and void if such Final Plat is not recorded in the Probate Office of Russell County or Lee County, as appropriate, within 60 calendar days after the date of approval, unless an extension of time is granted by the Commission during this 60-day period.
    - i. To obtain an extension, the Subdivider must submit a written request to the Subdivision Administrator, who will submit the request to the Commission for consideration at its next meeting. The request must indicate the reasons for which the time extension is necessary.
    - ii. The Commission may approve an extension for no more than 30 calendar days and may not grant more than two such extensions.
  - 2. The applicant must file with the Subdivision Administrator three copies of the Final Plat as recorded in the Probate Office. One copy is used by the 911 Administrator to assign street numbers to each lot and is then returned to the Subdivision Administrator.

### **§3.07 Guarantees**

- 3.07.01 Performance Guarantee. The Commission may consider a Final Plat prior to completion of certain improvements only if the Subdivider provides a financial guarantee of performance of such construction as provided herein:
- a. A performance guarantee with a commercial surety in an amount equal to 150% 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 guarantee include sidewalks, street lights, and non-infrastructure related improvements such as general site erosion control measures and erosion control specifically related to the repair of disturbed areas as utilities are installed (not including sewer, water, and storm). All incomplete improvement guarantees must be pre-approved by the City Engineer. An estimate of the incomplete improvements must be submitted by the Subdivision Engineer and approved by the City Engineer prior to submission of the performance guarantee. The City reserves the right to refuse, at its sole discretion, the issuing bank.
  - b. A performance guarantee in the amount of 150% of the estimated cost of the final wearing surface of asphalt as specified in the Public Works Manual. The final wearing surface must be placed within one year after the date of Final Plat approval. A maximum of one extension of 12 months may be granted for placement of the wearing surface.
  - c. If the Subdivider has not completed all necessary improvements, or if in the opinion of the City Engineer, said improvements have not been satisfactorily installed within the required time period, performance guarantees may be used by the City to complete the improvements in

satisfactory fashion, or the City may take steps as necessary to require performance under the guarantee.

3.07.02 Maintenance Guarantees. A maintenance bond, in the amount of 25% of the estimated cost of the improvements must be provided to ensure compliance with the warranty required in §5.01.03 Warranty Period.

- a. Any guarantee must include an "evergreen" clause to include automatic renewal until released by the City.
- b. For subdivisions with multiple phases of construction, any street within the subdivision used by construction traffic must be included under the maintenance bond for the duration of construction of any phases requiring the use of such street.

### **§3.08 Administrative Subdivision**

Except as otherwise specified, Administrative Subdivisions must conform to all the requirements of these Regulations and are reviewed and approved in accordance with the following procedure.

3.08.01 Procedure

- a. A completed Subdivision application must be submitted to the Subdivision Administrator at least 30 calendar days prior to the Commission meeting at which it is to be considered. Refer to Appendix 6 for Administrative Subdivision submittal requirements. No Preliminary Plat or Construction Plans are required. A Final Plat must be submitted, which conforms to all the requirements and provides all the information specified for a Final Plat in Appendix 4.
- b. The Commission will approve, approve with conditions or disapprove the Final Plat at its next regular meeting. No public hearing is required. The reasons for disapproval, if applicable, must be provided in writing. Failure of the Commission to take action on the Final Plat within 30 calendar days after receipt of a complete submission is deemed to be approval of such Final Plat, unless the proposed plat, on its face, violates one or more provisions of these Regulations.

3.08.02 If no Final Plat application has been submitted within six months of the initial subdivision application, the subdivision application must be re-submitted together with the required fee.

### **§3.09 Vacation of Public Rights-of-Way by Adjoining Property Owners**

3.09.01 Vacation of public rights-of-way may be initiated by the owners of adjoining property or by the City in accordance with §23-4-1 et seq. of the Code of Alabama, 1975, as amended.

3.09.02 Following approval by the Council of a right-of-way vacation, a resurvey must be submitted and approved by the Commission to combine the vacated right-of-way with the adjoining lots.

### **§3.10 Vacation of Plats**

3.10.01 Any plat or part thereof may be vacated by the owner of the premises, at any time before the sale of any lot therein, by a written instrument, to which a copy of such plat must be attached, declaring the same to be vacated. The instrument must be approved by the Commission following the procedure §3.06 Final Plats.

3.10.02 If the proposed vacation would abridge or destroy any public rights in any streets, grounds, improvements or dedications, the Council must vote on such before the Commission may make its decision on the vacation.

3.10.03 Upon Commission approval, the vacating instrument must be recorded with the Probate Judge.

- 3.10.04 When lots have been sold, the plat may be vacated in the manner by all the owners of lots in such plat joining in the execution of such writing.

### **§3.11 Application Fees**

- 3.11.01 A schedule of fees for all approvals and public hearings required under these regulations are established by the Council. This fee schedule is computed to recover all costs incurred by the City in reviewing and processing subdivision-related requests.
- 3.11.02 After filing an application with the Commission for review, if the applicant withdraws the subdivision application before it is acted on by the Commission, any subsequent requests by the applicant for review of the same or similar application is treated as a new application; therefore, the applicant is responsible for payment of fees as if it were a new application. However, this does not apply to withdrawal requests made by the Commission.

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## **ARTICLE 4 DESIGN STANDARDS**

### **§4.01 General Requirements**

- 4.01.01 The design standards of this Article constitute minimum standards allowable for development. Standards above the minimum may be required by the Planning Commission or the City Engineer.
- 4.01.02 Conformance to Regulations. All subdivisions must conform to the applicable requirements of the Public Works Manual and all applicable Federal, State and local regulations.

### **§4.02 Conformity to City, County and Regional Plans**

- 4.02.01 Wherever a subdivision borders on or contains a major street, as shown on the Major Street Plan or other official county or regional plan, such major street must be platted in the general location and of the width called for by the Major Street Plan; and, to the extent that the right-of-way for such major street is bordered by or contained within such subdivision, its right-of-way must be dedicated by the Subdivider for public use.
- 4.02.02 Reservation of Land for Public Facilities. Where a school, park, recreation area, fire station or other public use shown on an official map or in a plan adopted by the Commission is located in whole or part within a proposed subdivision, the Commission may require the reservation of such open space with the proposed subdivision. Such reservation must remain in effect only during the duration of the preliminary proposal to afford the appropriate government agency the opportunity to coordinate acquisition of such area with the development of the proposed subdivision.

### **§4.03 Limitations Upon Subdividing**

- 4.03.01 Site Not Suitable. The Commission will not approve the subdivision of land if on the basis of studies required by the Commission, it is determined that the site is not suitable for platting and development for the purposes proposed.
- 4.03.02 Land subject to flooding and land deemed topographically unsuitable will not be platted for residential occupancy or for such other uses as may cause danger to public health or aggravate erosion or flood hazards. Such land within a subdivision must be set aside for uses that will not be endangered by periodic inundation or will not result in unsafe living conditions as determined by studies conducted by the public agencies concerned.
- 4.03.03 Land within the 100-year floodplain must be clearly marked on all subdivision plats. Such areas may not be developed in any way which reduces the floodplain's capacity to store and convey stormwater. Base flood elevation data must be provided for proposed subdivisions. Subdivisions located within city boundaries should refer to the current Flood Damage Prevention Ordinance. Subdivisions located anywhere in the planning jurisdiction must adhere to the following during design and construction:
  - a. All subdivision proposals must be consistent with the need to minimize flood damage.
  - b. All subdivision proposals must have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
  - c. All subdivision proposals must have adequate drainage provided to reduce exposure to flood hazards.

- d. Base flood elevation data must 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).

#### **§4.04 Natural Features and Landmarks**

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

##### **4.04.02 Trees**

- a. Because of their value in soil conservation, health, and community appearance, grand trees must be preserved wherever possible.
- b. No trees may be planted in public rights-of-way unless approved by the City Engineer, in accordance with the Public Works Manual.

#### **§4.05 Public Service Areas**

Subdividers must 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.

#### **§4.06 Streets and Circulation**

##### **4.06.01 Street Layout**

- a. The street layout of a subdivision must 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.
- b. Continuation of existing streets
  - 1. Existing streets that adjoin a subdivision must be continued as specified in in the Public Works Manual, unless a reduction in width is approved by the Commission, and must be in alignment with such existing streets.
  - 2. 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.
- c. Each subdivision must provide connections to the public street system in accordance with Table 4-1.
  - 1. If the subdivision adjoins two existing streets and two access points are required, one access must be provided on each street.
  - 2. When multiple access points are to be located along the same street, they must be separated as required by the City Fire Code when the subdivision is within the police jurisdiction or by at least 600 ft when the subdivision is outside the police jurisdiction.



3. If the subdivisions adjoins a local street and a major street and two access points are required, one access must be provided along the major street unless the City Engineer determines that such access would interfere with the function of or safety along the major street.
4. For subdivisions with over 200 lots, one of the proposed streets providing access to existing streets must be designated and designed as a collector street.

**Table 4-1 External Access Points**

Number of Lots or Dwelling Units	Number of Accesses
1-60	1
61-120	2
121-200	2 plus one stub street
201-400	3
more than 400	one additional access point per additional 200 units or lots

- d. The street network of each proposed subdivision must achieve a connectivity index of not less than:

1. 1.0 for very low density residential and agricultural uses
2. 1.2 for low density residential development
3. 1.4 for medium density residential development
4. 1.6 for high density residential, nonresidential and mixed-use development

The connectivity index is measured as the number of street “links” divided by the number of “nodes”. A link is a street segment between two intersections or from an intersection to a cul-de-sac or stub street. This includes street segments leading from the adjoining street network. Nodes include intersections, cul-de-sacs and circles, but not the end of stub streets or intersections with the adjoining street network.

- e. Stub streets extending to undeveloped property

1. Stub streets may not extend to portions of adjoining property that are unsuitable for continuation of the street in the future, as determined by the City Engineer.
2. The street right-of-way must extend to the property line.
3. A temporary turnaround must be provided if the stub street is longer than 150 ft. The area necessary for the temporary turnaround outside the normal right-of-way must be contained within an easement that will automatically dissolve when the street is extended and approved by the City. The temporary turnaround must be paved at least one year prior to the release of the Maintenance Bond.
4. The Commission may limit the length of such temporary dead-end streets in accordance with the design standards of the Public Works Manual.

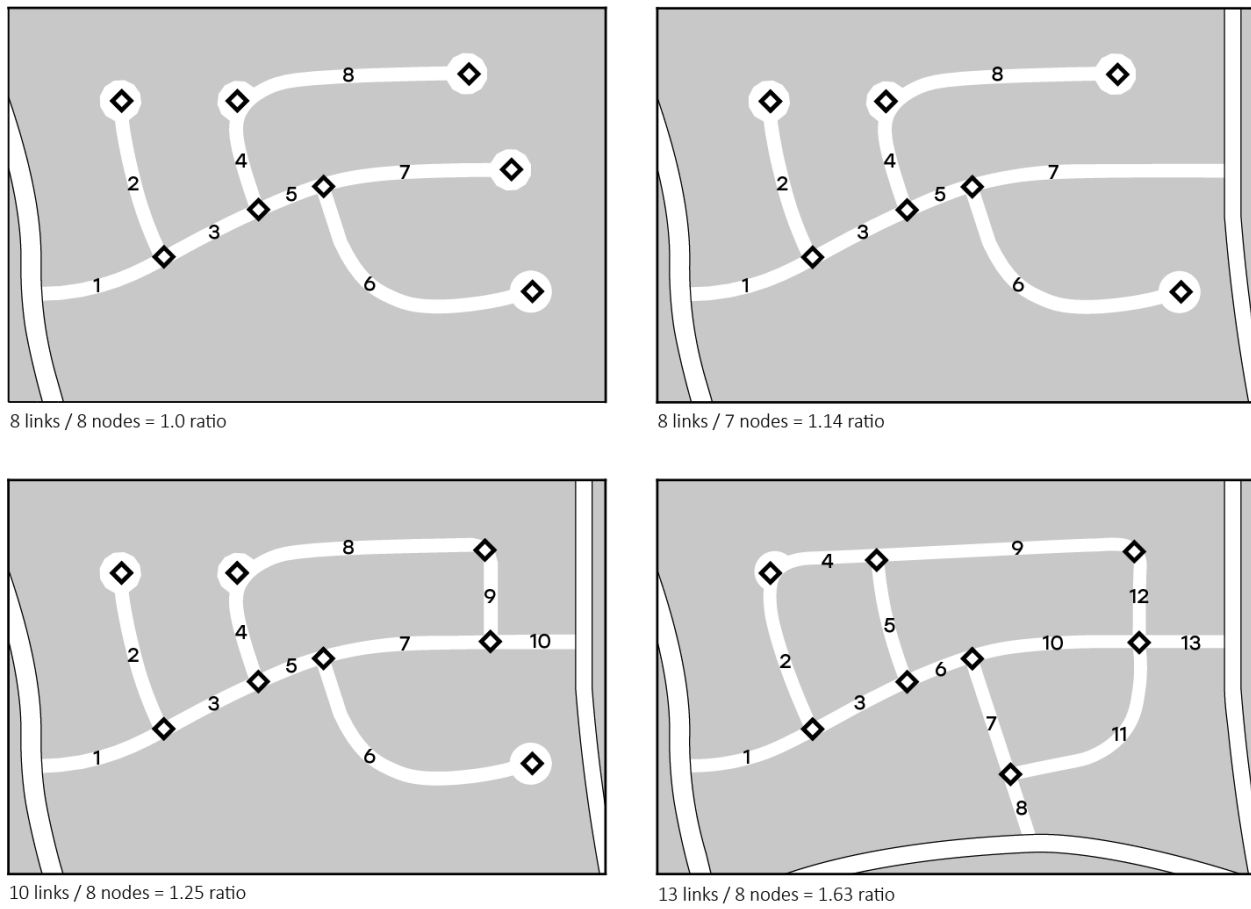


Figure 4-1 Connectivity Ratio

f. Stub streets extending to subsequent phases of same development

1. A temporary turnaround must be provided if the stub street is longer than 150 ft.
2. If a preliminary plat for the phase of development in which the street would be continued has not been submitted within two years of recording of the phase containing the temporary turnaround, the Commission may require a permanent turnaround be constructed or a bond posted for same.

4.06.02 Street Classification

- a. The streets in a subdivision must be classified according to the criteria in the Public Works Manual and as set out in the Major Street Plan.
- b. Local streets must be arranged so that their use by through traffic is discouraged except to comply with other provisions of these regulations.

4.06.03 Private streets may only be approved by waiver of the Commission and must meet all applicable requirements of the Public Works Manual, including but not limited to pavement width, curb and gutter and paving.

4.06.04 Restriction of Access. Where a subdivision adjoins or contains an existing or proposed major street, the 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.

## §4.07 Street Design

4.07.01 Minimum Street Widths. Minimum right-of-way (ROW) widths, pavement widths, sidewalks and on-street parking, if applicable, must conform to the standards in the Public Works Manual.

a. For subdivisions located inside the City of Phenix City Police Jurisdiction, all street widths and turnaround provisions must also conform to the City Fire Code.

b. Additional Right of Way Width

1. Half Streets and Half Alleys. Wherever there exists a dedicated or platted half street or half alley adjacent to the tract to be subdivided, additional right-of-way may be required to bring the half street or half alley into compliance. Hereafter, no new half-streets or half-alleys may be platted.
2. Subdivisions that adjoin or include existing streets may require additional ROW to meet the minimum standards of the Public Works Manual. When any part of the subdivision is on both sides of the existing street the entire additional ROW must be provided. When the subdivision is located only on one side of such existing street, one half of the required ROW, measured from the centerline of the existing ROW, must be provided. In rolling or hilly terrain, construction easements may be required to ensure that appropriate front and back slopes are developed.

4.07.02 Street Grades. In general streets must be designed to conform to the topographical conditions of the site and to provide adequate surface drainage. Street grades must be in accordance with the Public Works manual.

4.07.03 Vertical and Horizontal Curves. Refer to the Public Works Manual for vertical and horizontal curvature standards.

4.07.04 Traffic Calming

a. Streets should be planned and designed to encourage safe driving behavior, particularly with regard to managing driving speed on local streets. Local streets designed without regard to traffic calming may require costly or disruptive interventions after construction, therefore, the following design measures should be incorporated into the planning and design of subdivision streets and their immediate surroundings, as appropriate to context:

1. Horizontal curves
2. Short block lengths
3. Medians
4. Narrow travelway widths (including the width and number of lanes)
5. Vertical curb and gutter
6. On-street parking
7. Smaller curb radii at intersections
8. Sidewalks, shared use paths and marked crosswalks
9. Street trees, street lights and other vertical elements located near, but outside of, the travelway
10. Narrow building setbacks

- b. Long streets without changes in horizontal or vertical alignment, traffic signals or other traffic calming measures should be avoided.

4.07.05 Street Intersections

- a. Radii at street intersections may not be less than 25 ft. Where the angle of street intersection is less than 75 degrees; the Planning Commission may require a greater curb radius.
- b. The property line at street intersections must be designated by the chord of an arc having a radius of at least 25 ft. 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 may be reduced or otherwise set back sufficiently to permit such construction.
- c. Acceleration and deceleration lanes may be required in accordance with the standards in the Public Works Manual.
- d. 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 as provided in the Public Works Manual.

4.07.06 Cul-de-sac Streets

- a. Cul-de-sac streets may not exceed 750 ft. in length measured from the centerline of the nearest intersection to the center of the cul-de-sac.
- b. Any stub-outs for future phases of subdivision are not considered intersections for which the original cul-de-sac street takes access.
- c. Right-of-way and pavement width of cul-de-sac streets are subject to the standards in the Public Works Manual.

4.07.07 Dead-end Streets

- a. Streets must provide a turnaround approved by the City Engineer at the end of the street if such street extends more than 150 ft. beyond a street intersection.
- b. Dead end streets of 151-400 ft. in length must have a cul-de-sac turnaround unless a hammerhead or similar turnaround is approved by the City Engineer and Fire Official for dead end streets with low traffic volumes.
- c. Dead end streets longer than 400 ft. must have a cul-de-sac turnaround.
- d. Streets designed to be extended at a future date must provide a paved turnaround approved by the City Engineer at the end of the street if such street extends more than 400 ft. beyond a street intersection.

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

4.07.09 Driveway Curb Cuts. All driveway curb cuts must be constructed in accordance with standards in the Public Works Manual. Corner and double frontage lots must take access from the street of lesser classification unless otherwise approved by the City Engineer.

## §4.08 Blocks

- 4.08.01 Size and Shape. The lengths, widths and shapes of blocks must 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.
- Block lengths must conform to the standards in Table 4-2 Block Size; except where site conditions make longer blocks necessary or desirable. Where the proposed subdivision adjoins or contains a major street, the long dimensions of blocks should wherever feasible be parallel, or approximately parallel, to the major street.

**Table 4-2 Block Size**

	Local	Collector	Arterial
Width	200 ft min	250 ft min	300 ft min
Length	350 min-700 max	400 min-1000 max	400 min – no max.

- Blocks must be wide enough to provide two tiers of lots of minimum depth, except where adjoining upon major streets, limited access streets, or railroads, or where other situations make this requirement impracticable.
- 4.08.02 Nonresidential Use. Blocks intended for nonresidential uses must be designed specifically for the uses involved, with consideration of off-street parking, loading and unloading facilities, and access thereto.

## §4.09 Lots

- 4.09.01 Size and Shape
- The size, shape, and orientation of lots must be determined with consideration of the need for convenient access, circulation, control of, and safety from street traffic.
  - Lot area, width and building setbacks must meet the requirements of the City Zoning Ordinance. Outside the city limits and in the absence of covenants establishing more restrictive requirements, the following requirements apply:
    - Minimum lot area: 15,000 sf. for residential lots and 25,000 sf. for nonresidential lots; where individual on-site sewage disposal systems are utilized, lot sizes must conform to the requirements of the applicable Health Department.
    - Minimum lot width: 60 ft. for subdivisions that have public sanitary sewer or 100 ft. for subdivisions that do not have public sanitary sewer
    - Minimum front setback: 30 ft. for subdivisions that have public sanitary sewer or 40 ft. for subdivisions that do not have public sanitary sewer
    - Minimum side setback: ten feet
    - Minimum rear setback: 20 ft.
- 4.09.02 Street Frontage Required. Every lot must adjoin a dedicated public street with a minimum frontage of 25 ft., except lots fronting on the bulb of a cul-de-sac and as otherwise provided for in the Zoning Ordinance for townhouses and lots in cottage subdivisions. These exceptions do not apply outside the city limits.

4.09.03 Side lines of lots must be approximately at right angles or radial to the street line.

4.09.04 Double Frontage Lots

- a. Double frontage lots may be permitted only where necessary to provide separation of residential development from major streets or to overcome specific disadvantages of topography and orientation.
- b. A planting strip at least ten feet in depth, and across which there may be no right of access, must be provided along the line of lots adjoining such major street or disadvantageous use. The planting strip must consist of four understory trees and six shrubs per 100 linear feet of street frontage and must be privately maintained.

4.09.05 Flag Lots. Flag lots are permitted in the planning jurisdiction only subject to the following conditions:

- a. Flag Lots are prohibited within the corporate limits. If a property owner wishes to annex a flag lot into the corporate limits, the lot must be improved to the requirements of the Phenix City Fire and Building Departments 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 is prohibited.
- c. Except as provided in this paragraph, flag lots accessing arterial or collector roads are prohibited. However, 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 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 Commission, there is no alternative that is in greater harmony with the intent of these Regulations.
- d. Flag lot access strips must be at least 25 ft. in width throughout their length. The land area within the access strip does not count toward the minimum lot size required by these Regulations.
- e. Where otherwise consistent with the provisions of this Section, flag lots may be created in groups not exceeding two; in such cases, access strips must adjoin each other and form a total width of 50 ft. Non-adjoining flag lot access strips on the same side of the street must be separated by at least 500 ft. All access strips must be at least 50 ft. from an intersection, as measured to the right-of-way line of the intersecting street.
- f. No more than ten percent of the lots in a proposed subdivision may be flag lots.
- g. Generally, the front yard setback for a flag lot is measured from that lot line nearest and most parallel to the street right-of-way line other than where the access strip borders the street right-of-way. The Building Official identifies the front, side, and rear lot lines of a flag lot for determining yard requirements, allowable locations of accessory structures, and other purposes.

#### **§4.10 Nonresidential Subdivisions**

The following supplemental standards apply to subdivisions for commercial, industrial and other nonresidential developments:

- 4.10.01 The street layout, blocks and parcels must be suitable in area and dimensions to the types of development anticipated.
- 4.10.02 Street rights-of-way and pavement construction must be adequate and in accordance with the Public Works Manual to accommodate the type and volume of traffic anticipated to be generated thereon.
- 4.10.03 The subdivider must ensure that the nonresidential subdivision as a whole may be self-sufficient with regard to providing necessary off-street parking. The subdivider may make parking self-sufficiency a requirement of individual lots.
- 4.10.04 Upon recommendation of the City Engineer With respect to utilities, the Commission may impose special requirements for street, curb, gutter, and sidewalk design and construction.

#### **§4.11 Common Open Spaces and Facilities**

- 4.11.01 If the subdivision contains common open spaces or facilities, including drainage facilities, provisions must be made for a property owners' association and funding for perpetual maintenance must be established for use by the association to maintain landscaping, fences, drainage facilities and other common facilities.
  - a. Membership in the association is mandatory and automatic for all owners of the subdivision or condominium and their successors. The association must have lien authority to ensure the collection of dues from all members.
  - b. A copy of covenants running with the land must be provided to the City detailing the creation of a property owners' association and method through which maintenance costs incurred by the association are to be funded.
  - c. Subdivisions within the city limits are further subject to any additional requirements of §3.08 Common Open Spaces and Facilities of the Zoning Ordinance.
- 4.11.02 The City retains the right to maintain drainage infrastructure to assure proper drainage. If the City must perform maintenance on drainage facilities, the costs of such repair and maintenance may be charged to the owner, the association, or to the individual owners that make up the association and may include administrative costs and penalties. Costs may become a lien on all involved properties.

#### **§4.12 Pedestrian and Bicycle Facilities**

- 4.12.01 Whenever land to be subdivided borders on or contains any part of a pedestrian, bicycle or shared facility designated in the Comprehensive Plan or other official city, county or regional plan, such facility must be provided as part of the subdivision.
- 4.12.02 Sidewalks are required on street frontages of medium and high-density residential development, commercial, institutional and any combination of these. If required, sidewalks shall conform to the standards in the Public Works Manual.
- 4.12.03 Where not required, pedestrian and bicycle facilities may be provided at the option of the Subdivider provided minimum design and construction requirements are satisfied.

- 4.12.04 Whenever land to be subdivided borders on or contains an existing public street without sidewalks, such facilities must be provided by the Subdivider along the applicable portion of the existing street as required in this Section.
- 4.12.05 The Commission may, in accordance with the following guidelines, modify requirements for pedestrian and bicycle facilities.
- Sidewalks should be provided on at least one side of streets within 1,000 ft. of an existing or planned school, library, park, place of assembly or mixed-use node designated in the Comprehensive Plan.
  - Sidewalks should be provided along streets that presently or in the future will contain uses that are specifically intended to serve children or the aged.
  - Pedestrian facilities should be placed along streets that connect one or more residential subdivisions or neighborhoods to nearby destinations.
  - For blocks longer than 800 ft. the Commission may require one or more pedestrian passages crossing the width of the block. Such pedestrian passages may be within a right-of-way with a minimum width of 20 ft. Pavement width must be at least five feet in residential contexts and ten feet in commercial, institutional and mixed-use contexts.
  - A permanent off-street path, pedestrian passage or similar facility may be required as an alternative to or in addition to sidewalks to provide access to nearby commercial centers, schools, parks, or places of assembly. In such cases, the pedestrian facility should be located so as to be accessible to the greatest number of homes or other tenants within the proposed subdivision development.
  - Cul-de-sacs within medium- and high-density residential subdivisions may be required to provide a permanent pedestrian passage to nearby bicycle-pedestrian facilities or community destinations. Such passage may be an alternative to or in addition to sidewalks within the subdivision. In determining whether a passage should be required, the Commission considers the degree to which the passage would increase the safety and convenience of pedestrians in reaching such destinations compared to other feasible pedestrian routes within the subdivision.

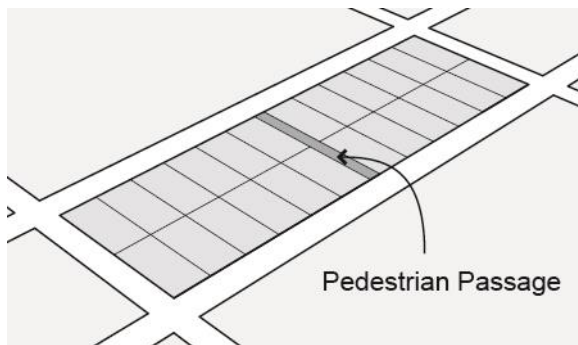


Figure 4-2 Mid-block Pedestrian Passage

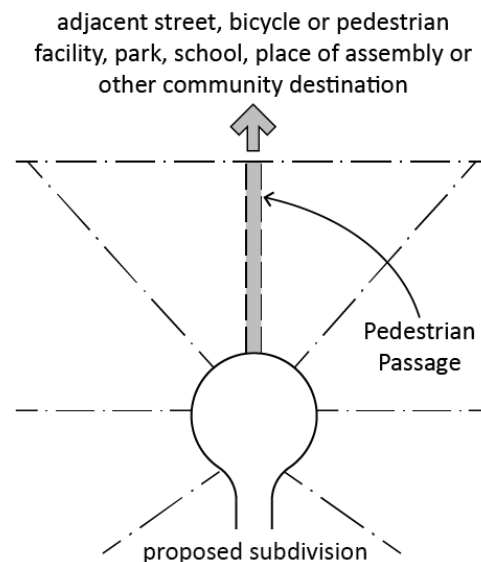


Figure 4-3 Cul-de-sac Pedestrian Passage



#### **§4.13 Easements**

- 4.13.01 Easements must be provided for utilities and sewers (sanitary and storm) as needed and as determined by the City Engineer in accordance with the Public Works Manual.
- 4.13.02 Wherever easements are required by these regulations, they must be created through valid legal instruments and recorded with the Probate Judge.

#### **§4.14 Names**

- 4.14.01 The name of the subdivision and new street names may not duplicate nor closely approximate phonetically the name of any other subdivision or street in Lee County or Russell County.
- 4.14.02 Street names are subject to approval by the Commission, and in accordance with the Master Street Address Guide. In the Planning Jurisdiction, streets must be numbered in accordance with the County Street Naming/Numbering System.

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## **ARTICLE 5 IMPROVEMENTS REQUIRED**

### **§5.01 General Requirements**

- 5.01.01 General. Streets, utilities, and other improvements must be installed in each subdivision in accordance with the standards and requirements specified, or referred to, herein. Improvements required by these Regulations must be made in accordance with the Public Works Manual and any other specifications of the City. If not otherwise specified, all materials and construction must be in accordance with Alabama Department of Transportation Standard Specifications for Highway Construction and Special and Standard Highway Drawings (current edition).
- 5.01.02 Testing Requirements. The testing of materials and evaluation of workmanship must be conducted as required by the City. The Subdivider must provide to the City tests as requested by the City and performed by a registered engineer or by a testing laboratory approved by the City.
- 5.01.03 Warranty Period
- a. All improvements must be warranted for a minimum of two years after the date of acceptance of the improvements. At the end of warranty period, an inspection must be made before final acceptance by the City.
  - b. The Subdivider is responsible for maintenance of the subdivision improvements until a Letter of Acceptance is issued by the City.

### **§5.02 Required Improvements**

- 5.02.01 Streets. All roadways must be constructed to meet the specifications of the Public Works Manual and must be approved by the City Engineer. All such roadways must be surfaced for their entire width; provided with curb and gutter at each edge and must be provided with all necessary catch basins and cross drains.
- 5.02.02 Curb and Gutter. Curb and Gutter must be provided on all proposed streets within a proposed subdivision and in accordance with the Public Works Manual.
- 5.02.03 Water Supply
- a. Where a public water supply is reasonably accessible, as determined by the utility authority having jurisdiction, the Subdivider must provide a water supply system consisting of appropriate mains and a stub-out for each lot in the proposed subdivision.
  - b. To avoid cutting the paved roadway when connections are made, stub-outs must extend from the main to convenient points outside the paved roadway.
  - c. Water mains must meet or exceed the standards specified in the Public Works Manual and as necessary to meet Fire Code requirements.
  - d. 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; may require additional fire flows as required by the Fire Department.

5.02.04 Sanitary Sewage

- a. Where a public sanitary sewer is reasonably accessible as determined by the governing Utility Jurisdiction, the Subdivider must connect with such sanitary sewer and provide a sewer service connection to the property line for each lot in accordance with the Public Works Manual.
- b. 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 Health Department, and the specifications of the City. The sanitary sewer system must at least meet the following standards:
  1. The minimum diameter of a public sewer must be eight inches, except in certain cases when the City Engineer can approve stub-outs and special runs of pipe of six-inch diameter.
  2. All sanitary sewers must be designed to carry peak flows of 300 gallons per capita per day with a minimum velocity of flow of two feet per second.
  3. The maximum distance between manholes is 400 ft.
  4. Wherever possible, the sewer lines, manholes and related easements must be located in the front of lots within the street right-of-way. Where these items cannot be located within the street right-of-way, they must be located along property lines. Sanitary sewer lines or easements may not dissect the buildable area of a lot. When sewer easements are provided along interior lot lines, they must provide adequate access for maintenance equipment and vehicles.
- c. 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 Health Department.

5.02.05 Storm Sewers and Drainage

- a. Drainage facilities must be provided as necessary to manage stormwater runoff as specified in Section 6.0 of the Public Works Manual.
- b. The post development stormwater runoff rate must meet all the requirements of the City's Erosion and Sediment Control Policy.
- c. Where existing drainage ditches, creeks, branches, swales occur through or alongside the proposed subdivision, the Subdivider must improve or furnish paved bottoms or ditch linings where required by the City Engineer. Routing or rerouting of ditches, and filling of depressions and wetlands, must be approved by the appropriate federal and state agency and approved by the City Engineer.
- d. Culverts and bridges must be constructed by the Subdivider over all watercourses, all of which must be approved by the City Engineer. Whenever 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 must be installed by the Subdivider:
  1. Drainage structures necessary for the proper drainage of streets, pedestrian ways, slopes, or natural watercourses, or for the public safety;
  2. Necessary erosion and sedimentation control measures.

- e. All detention ponds, associated structures, and systems must be located within drainage easements. See also §5.02.11 Drainage Easements.

#### 5.02.06 Underground Utilities

- a. Where it is necessary within the corporate limits to supply electric, communication or related services within the subdivision, the associated wires and facilities must be installed underground as set forth in the provisions of Phenix City Ordinance No. 2009-32. All electric installations must be in accordance with rules and regulations of the Alabama Public Service Commission and the National Electric Safety Code.
- b. The Subdivider must make the necessary arrangements and payments for the installation of underground facilities, including circuits for streetlights (§5.02.07). Such arrangements must 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.
- c. The following exceptions 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.
    - i. All electric power lines rated at or above "feeder" line class.
    - ii. All telecommunications cable and cable television trunk lines.
    - iii. 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.
    - iv. Radio and television antennae.
    - v. 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.
    - vi. 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.
    - vii. Poles used for street or area lighting or for traffic control facilities.
    - viii. 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.
    - ix. Electric substations, transmission poles, towers and lines, and the accompanying equipment and apparatus necessary to provide reliable electric service.

- x. 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.
- d. The public utility, cable television, telecommunications company or other entity installing underground facilities pursuant of these regulations, its successors and assigns, must save and hold harmless the City, 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 the City.
- e. 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 stormwater runoff damage.

#### 5.02.07 Street Lighting

- a. Streetlights must be provided by the Subdivider. The streetlight must be designed to produce illumination as required by the Public Works Manual and electrical utility service. The location, density and type of streetlights within the subdivision must be approved by the City Engineer and electrical utility service. For streetlights provided by an electric utility regulated by the Alabama Public Service Commission, the streetlights must be of the description and the rates set forth in the utility's rate schedules approved by and on file with the Commission.
- b. Streetlights must be located along the streets in the right-of-way at the following locations at a minimum:
  - 1. All street intersections within the Subdivision. Streetlights must be located on the corners of the intersections such that they illuminate the entire intersection.
  - 2. Terminal ends of all cul-de-sac streets.
  - 3. Streetlights should be installed at a minimum spacing of 300 ft. The City Engineer may approve lesser spacing. The minimum spacing requirement does not apply to ornamental streetlights under 15 ft. in height.

#### 5.02.08 Monuments

Monuments, in accordance with the latest edition of the Standards of Practice for Land Surveying in the State of Alabama, must be set at all street corners, at all points where the street lines intersect the exterior boundaries of the subdivision and all lot corners.

5.02.09 Street Name Markers

Street name markers must be placed at the corners of all street intersections both inside and outside the corporate limits of the City and as otherwise directed by the City Engineer. Said markers must be of a standard design in current use within the City and meet the requirements of the MUTCD.

5.02.10 Utility Easements

Easements must be provided for public utilities in accordance with the Public Works Manual. Easements must be increased in width or extended, as necessary, to provide space for utility pole bracing or other construction. Utility easements may be combined with drainage easements subject to approval by the City Engineer.

5.02.11 Drainage Easements

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

5.02.12 Erosion Control

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

**§5.03 Dedications**

5.03.01 Street and Alleys

The rights-of-way for existing and new streets, including that part of major streets shown on the Major Street Plan, which are bordered by or contained in whole or in part within the subdivision, and the rights-of-way for public alleys must be platted to the minimum widths called for by these Regulations and dedicated for such use.

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

## Phenix City Subdivision Regulations

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## **ARTICLE 6 ADMINISTRATION**

### **§6.01 General Provisions**

These Subdivision Regulations are administered by the Phenix City Planning Commission.

### **§6.02 Penalties**

#### **6.02.01 Transfer or sale of land before plat approved and recorded**

- a. 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 Commission and recorded in the records of the Office of the Probate Judge, must forfeit and pay a penalty in accordance with state law 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 does not exempt the transaction from such penalties or from the remedies herein provided.
- b. 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.

6.02.02 Except as provided in §6.02.01, any person violating any provision of these Regulations will, upon conviction, be subject to a fine of not more than \$500, by imprisonment for not more than six months, or by both such fine and imprisonment, and also assessed court costs for each offense. Each day such violation continues constitutes a separate offense.

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

### **§6.03 Amendments**

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

### **§6.04 Modifications**

6.04.01 In cases where the strict application of any of these regulations would result in peculiar and practical difficulties or exceptional and undue hardship, the 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 may not be the result of actions of the Subdivider. No modification may be approved that will produce a conflict with the

Comprehensive Plan or with the intent and purposes of these Regulations. Any modification must be the minimum modification that will enable the reasonable subdivision and use of the land.

- 6.04.02 Applications for any modification must be submitted in writing by the Subdivider at the time the preliminary plat is filed for consideration by the Commission. The application must state, in full, the grounds upon which the modification is being requested and present the facts upon which the petitioner is relying; and must be supplemented with such maps, plans, and other data, which may assist the Commission in consideration of the request.
- 6.04.03 No modification may be granted unless the Commission finds that, due to special circumstances or conditions, the strict application of these regulations would deprive the Subdivider of reasonable use of the land.

### **§6.05 Appeals**

- 6.05.01 In accord with the notice and hearing procedures set forth in §3.03 Preliminary Plat, the Commission hears and decides on all appeals by any party aggrieved or adversely affected, where it is alleged that:
- a. There is an error in any written order, requirement, decision, interpretation or determination by the Subdivision Administrator or other official responsible for enforcing these Regulations, OR
  - b. Any particular provision of these regulations conflicts with another specified federal, state or local law.
- 6.05.02 Appeals must be filed with the Commission at the time of Preliminary Plat submission or no later than 15 working days from the date of the determination being appealed.

### **§6.06 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 will 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.

### **§6.07 Effective Date and Repeal**

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

# APPENDIX

1. Lot Layout Sketch
2. Preliminary Plat Submittal Requirements
3. Construction Plan Submittal Requirements
4. Final Plat Submittal Requirements
5. As-Built Survey Submittal Requirements
6. Administrative Subdivision Submittal Requirements
7. Certificates



## Appendix 1 Lot Layout Sketch

- A) The following material must be provided with the Pre-application Form
  - 1) Proof of ownership, or if the applicant is not the owner, notarized authorization from the owner  
Location of the proposed subdivision in relation to the surrounding area
  - 2) Lot Layout Sketch
- B) The Lot Layout Sketch must be drawn to scale. The sheet size must be at least 8-1/2"x11" and not larger than 24"x36".
  - 1) Existing features such as railroads, highways, structures, drainage facilities, waterbodies, woodlands; other significant natural and built features
  - 2) General topography of the site
  - 3) Zoning classifications of the property
  - 4) Proposed uses
  - 5) Proposed pattern of streets, lots, and blocks

## **Appendix 2 Preliminary Plat Submittal Requirements**

- A) The following material must be submitted with the completed Subdivision application:
- 1) Required fees
  - 2) Proof of ownership, or if the applicant is not the owner, notarized authorization from the owner
  - 3) Preliminary Plat (electronic format (PDF) and 5 black and white prints)
  - 4) Complete legal description (electronic format)
  - 5) List of names and mailing addresses of all adjacent property owners as they appear on the current tax records in the office of the Tax Assessor of the applicable County (Word or equivalent electronic format)
- B) The Preliminary Plat must be drawn at a scale of 1"=100', or other scale approved by the City Engineer. The sheet size must be at least 18"x24" and not larger than 24"x36". The Preliminary Plat may be presented on several sheets, which must be accompanied by an index sheet showing the entire subdivision. The Preliminary Plat must provide the following information:
- 1) A vicinity map showing the location of the proposed subdivision and its relationship to the surrounding area
  - 2) Survey data showing the dimensions of the boundaries of the subdivision; section and corporate lines
  - 3) Contours at five-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 and spot elevations in sufficient number to provide necessary drainage information
  - 4) The title or name under which the proposed subdivision is to be recorded; the name and address of the owner(s); and the name of the land surveyor responsible for the plat
  - 5) Notations giving the scale of the drawing, true north arrow, datum, benchmarks, bearing base, and date
  - 6) 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;
  - 7) The names of adjoining subdivisions;
  - 8) The zoning classifications of the property and all adjoining properties
  - 9) The location of proposed streets, right-of-way widths, alleys, easements, parks, open spaces, and reservations
  - 10) Lot lines, lot numbers, building setback lines
  - 11) 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
  - 12) The location of watercourses, floodway, 100-year floodplains, wetlands, wooded areas, structures, and other significant natural and built features on the tract
  - 13) Information about highways or other major public improvements planned by public authorities for future construction on or adjacent to the tract
  - 14) Sites to be reserved or dedicated for parks, recreation areas, schools or other public uses;

- 15) Sites, if any, for multifamily dwellings and for any commercial, institutional, industrial or other uses
- 16) Streams, wetlands and other jurisdictional waters on site and within 25 ft. of potential Waters of the United States delineated by an Environmental Professional and surveyed in the field. If there are no such streams, wetlands, or other Jurisdictional Waters of the United States, the Environmental Professional must provide a statement indicating such
- 17) 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., to determine the feasibility of the proposed subdivision.

### Appendix 3 Construction Plan Submittal Requirements

A) The following material must be submitted:

- 1) Required fees
- 2) Construction plan set in electronic format (PDF), including all necessary design calculations as required by the City Engineer; must provide 7 black and white prints of construction plan set after review and comment period
- 3) Wetland assessment performed by a qualified professional
- 4) Fire flow calculations showing existing available water capacity and demonstrating that the new infrastructure will meet the fire flow requirements of the Public Works Manual and applicable Building and Fire Codes.

B) The sheet size of construction plans must be at least 24"x36". Construction plans must be submitted in the following format with the required information shown:

- 1) 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 with all dimensions and bearings
- 3) Site layout plan sheet. Plan view of entire subdivision including lot lines, ROWs, streets and sidewalks, drainage and utilities
- 4) Plan and profile sheets
  - (a) Proposed streets and street names
  - (b) Drainage structures, water, sewer and other utilities
  - (c) Horizontal and vertical curve data, profiles of streets
  - (d) Storm sewer with hydraulic grade line (on same sheet with plan, if possible) site benchmark location (NGVD elevation, state plane coordinates)
  - (e) 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 water, sewer, power, gas, telecommunications and other 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
- 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
- 9) The following general notes:
  - (a) The Engineering Department must be notified 72 hours prior to beginning work and 24 hours prior to resuming work
  - (b) All construction materials must be in accordance with the specifications and requirements of the Engineering Department. If not otherwise specified, all materials and construction must be in accordance with the ALDOT Standard Specifications for Highway Construction (current edition) and the ALDOT Special and Standard Highway Drawings (current edition)



- (c) All sanitary sewer lines must be televised and inspected prior to acceptance. Pressure tests must be conducted in accordance with the Public Works Manual
- (d) Prior to beginning construction it is the contractor's responsibility to have all utilities located. Any utility lines damaged by the contractor during construction must be repaired by the contractor at the contractor's expense (Alabama Line Location Center 1-800-292-8525)
- (e) All necessary traffic control devices must conform to the most recent edition of the Manual on Uniform Traffic Control Devices
- (f) All permanent roadway signs (e.g., street name signs and stop signs) must be provided and installed by the contractor prior to final plat approval by the City
- (g) No trees or shrubs may be planted within right-of-way or easements unless approved by the government agency or utility having authority over such right-of-way or easement.

#### Appendix 4 Final Plat Submittal Requirements

- A) The following material must be submitted with the Final Plat Application:
- 1) Required fees
  - 2) Final Plat in electronic format (PDF) and 5 print copies
- B) The Final Plat must be drawn at a scale of 1"=100', or other scale approved by the City Engineer. The sheet size must be at least 18x24" and not larger 24x36". The Final Plat may be presented on several sheets, which must be accompanied by an index sheet showing the entire subdivision. The Final Plat must contain the following information:
- 1) A diagram to scale showing the general location of the subdivision
  - 2) 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
  - 3) Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way; 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 must 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 corners of the subdivision must 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
  - 4) Title, stated and graphic scales, north arrow, and date
  - 5) Name and right-of-way width of each street or other public right-of-way
  - 6) Numbers to identify each block and lot; and the area of each lot
  - 7) The location, dimensions, and purpose of any easements
  - 8) The purpose for which sites other than residential lots may be used
  - 9) Names of adjoining property owners
  - 10) Existing structures must be located on the plat and fully dimensioned so that conformance with any applicable regulations can be verified
  - 11) The following notes regarding easements
    - (a) Easements are privately maintained
    - (b) Structures are prohibited on easements
    - (c) Access to easements shall not be restricted
    - (d) No trees or shrubs planted within right-of-way or easements unless approved otherwise by the City or County Engineer, as applicable.
- C) Certificate of title showing that the applicant is the owner of the land within the subdivision
- D) Certificate of the owner dedicating street rights-of-way and any sites for public use
- E) Statement by a Land Surveyor 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

- F) Certificate of approval by the County Engineer if the subdivision is located with the Planning Jurisdiction only and not within the city limits
- G) Certificate of acceptance by the City Council of any land, rights-of-way, or easements dedicated to the City
- H) Certificate by the City Engineer and City Utilities Director that the subdivision meets all City requirements for required street and utility improvements
- I) Certificate by the County Health Officer when individual sewage disposal and/or water systems are to be installed. This certificate is required only when a private sanitary collection system has been installed in lieu of a public sanitary sewer system
- J) Certificate for Commission approval
- K) Certificate from corresponding utility jurisdiction if any utilities shown on plat do not belong to the City or are not under the jurisdiction of the City
- L) The Final Plat must also be accompanied by the following items, as appropriate:
  - 1) Performance Guarantee (refer to §3.06 Guarantees)
  - 2) Maintenance Guarantee (refer to §3.06 Guarantees)
  - 3) A copy of the protective covenants, if any, as they are to be recorded.
  - 4) Receipt of a certificate from a Land Surveyor 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
  - 5) A breakdown of final quantities, including costs, prepared by a licensed engineer of the following items: water lines, sewer lines, storm drainpipe, curb and gutter, sidewalks, and pavement (linear feet)
  - 6) Certification by the Subdivision Engineer ensuring subdivision has accurately been designed and constructed in accordance with these Regulations, the Public Works Manual and the approved construction plans
  - 7) Certification by the Subdivision Engineer ensuring stormwater drainage system of the subdivision has accurately been designed and constructed in accordance with these Regulations and the Public Works Manual.

## **Appendix 5 As-Built Survey Submittal Requirements**

- A) Electronic format (PDF) and four black and white copies of the As-built Survey
- B) The As-Built Survey must include 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 must be on a separate sheet with "As-Built Survey" written on each sheet
- C) The As-Built Survey is subject to the Standards of Practice for Surveying in the State of Alabama. The As-Built Survey must have a certification from and be signed and sealed by a Land Surveyor
- D) The As-Built Survey must also be submitted using a digital format acceptable to the Subdivision Administrator. 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.
- E) As-built drawings (pdf format) must be submitted at the time of request for final inspection for review. Hard copies of final approved as-built drawings must be submitted with the final plat.

**Appendix 6 Administrative Subdivision Submittal Requirements**

- A) The following material must be submitted with the Administrative Subdivision Application:
- 1) Required fees
  - 2) Complete legal description (electronic format)
- B) The plat must be drawn at a scale of 1"=100', or other scale approved by the City Engineer. The sheet size must be at least 18x24" and not larger 24x36". The plat may be presented on several sheets, which must be accompanied by an index sheet showing the entire subdivision. The plat must contain the following information:
- 1) A diagram to scale showing the general location of the subdivision
  - 2) 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
  - 3) Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way; 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 must 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 corners of the subdivision must 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
  - 4) Title, stated and graphic scales, north arrow, and date
  - 5) Name and right-of-way width of each street or other public right-of-way
  - 6) Numbers to identify each lot and the area of each lot
  - 7) The purpose for which sites other than residential lots may be used
  - 8) Names of adjoining property owners
  - 9) Locations and dimensions of existing structures
  - 10) The location, dimensions, and purpose of any easements and the following notes:
    - (a) Easements are privately maintained
    - (b) Structures are prohibited on easements
    - (c) Access to easements shall not be restricted
    - (d) No trees or shrubs planted within right-of-way or easements unless approved otherwise by the City or County Engineer, as applicable.
- C) Certificate of title showing that the applicant is the owner of the land within the subdivision
- D) Statement by a Land Surveyor 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
- E) Certificate of approval by the County Engineer if the subdivision is not within the city limits
- F) Certificate of acceptance by the City Council of any land, rights-of-way, or easements dedicated to the City

## Phenix City Subdivision Regulations

- G) Certificate by the County Health Officer when individual sewage disposal and/or water systems are to be installed. This certificate is required only when a private sanitary collection system has been installed in lieu of a public sanitary sewer system
- H) Certificate for Commission approval
- I) Certificate from corresponding utility jurisdiction if any utilities shown on plat do not belong to the City or are not under the jurisdiction of the City

Appendix 7 Certificates

Not all of the following certificates are required for every subdivision. Contact the Subdivision Administrator to confirm which certificates are required.

A) Certification of Ownership and Dedication

CERTIFICATION 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) Certificate of Registered Land Surveyor

CERTIFICATION OF REGISTERED LAND SURVEYOR

I hereby certify (or state) that all parts of this map of survey have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information, and belief.

_____	_____
Printed Name of Surveyor	RLS Number
_____	_____
Signature of Surveyor	Date

C) Certificate of County Engineer Approval, for subdivisions outside the city limits only

CERTIFICATION OF COUNTY ENGINEER

The undersigned, as County Engineer of \_\_\_\_\_ County, Alabama, hereby certifies as evidence by certificate and as required by state law, that this plat has been approved by the Phenix City Planning Commission and is approved for recording in the Office of the Judge of Probate of \_\_\_\_\_ County, Alabama.

\_\_\_\_\_  
County Engineer  
\_\_\_\_\_ County, Alabama

\_\_\_\_\_  
Date

D) Certificate of City Council Acceptance, for subdivisions within the city limits only

CERTIFICATION OF CITY COUNCIL

The City Of Phenix City hereby accepts any land, right-of-way, and easements dedicated by this Subdivision Plat per Resolution No. \_\_\_\_\_.

\_\_\_\_\_  
Authorized Agent of the City

\_\_\_\_\_  
Date

E) Certificate of City Engineer

CERTIFICATION OF CITY ENGINEER

I hereby certify that this plat meets all the requirements for street improvements and is approved for recording.

\_\_\_\_\_  
City Engineer

\_\_\_\_\_  
Date

F) Certificate of Utilities Director

CERTIFICATION OF UTILITIES DIRECTOR

I hereby certify that this plat meets all the requirements for utility improvements and is approved for recording.

\_\_\_\_\_  
Utilities Director

\_\_\_\_\_  
Date



## G) Certificate of County Health Officer

## CERTIFICATION OF \_\_\_\_\_ COUNTY HEALTH OFFICER

The lot(s) on this plat are subject to approval or deletion by the \_\_\_\_\_ 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 thereon.

\_\_\_\_\_  
County Health Officer  
\_\_\_\_\_, County, Alabama

\_\_\_\_\_  
Date

## H) Certificate of Final Plat Approval

## CERTIFICATION OF FINAL PLAT APPROVAL

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 waivers, 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 \_\_\_\_\_ County, Alabama.

\_\_\_\_\_  
Chairman, Planning Commission

\_\_\_\_\_  
Date

\_\_\_\_\_  
Secretary, Planning Commission

\_\_\_\_\_  
Date

## I) Certificate of Utility

## CERTIFICATION 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

J) Certificate of Engineering Accuracy

CERTIFICATION OF ENGINEERING ACCURACY  
AS TO [INSERT SUBDIVISION NAME]

I, \_\_\_\_\_, a licensed professional engineer in the State of Alabama with a license number of \_\_\_\_\_, hereby certify that i have designed the improvements in conformity with applicable codes and laws and with the principles of good engineering practice including the requirements of the City of Phenix City Subdivision Regulations and Public Works Manual. I further certify that the construction of the subdivision has been inspected under my supervision in accordance with the approved construction plans.

I further certify the drainage system has been designed and constructed to meet the City of Phenix City Subdivision Regulations and Public Works Manual. This design will ensure that all drainage waters occurring during a storm equal to the 25-year storm magnitude will flow within the rights-of-way or drainage easements indicated as such on the official plat for this subdivision. This design also ensures that all waters occurring during a storm equal to the 100-year storm magnitude shall pass through the development and adjacent properties without posing a danger to life or property.

I further certify that i have reviewed all test reports and that all materials have been installed in accordance with the typical sections, profiles and plan details and meet the minimum requirements as set out in the Public Works Manual.

I further certify that all federal and state permits required for construction of the subdivision were obtained and complied with prior to and during construction.

_____ Engineer	_____ Date
_____ Firm	_____ Date

Acknowledgment

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

I, \_\_\_\_\_, a Notary Public for said state and county, hereby certify that \_\_\_\_\_, 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 that the same bears date. Given under my hand this the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

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