

The Saraland City Council met in regular session on July 13, 2023, at the Saraland Municipal Annex. The meeting was called to order at 6:31 p.m. by Council President McDonald. Roll call was as follows:

Present: Council President Joe McDonald  
Councilmember Newton Cromer  
Councilmember Veronica Hudson  
Councilmember Natalie Moye  
Absent: Councilmember Wayne Biggs

Attorney Andy Rutens was present.

Councilmember Moye opened the meeting with prayer.

#### APPROVAL OF MINUTES

Motion was made by Councilmember Hudson, seconded by Councilmember Moye, to approve the minutes of the meeting of June 22, 26 and July 10, 2023. Motion carried.

#### REPORT OF OFFICERS

Motion was made by Councilmember Moye, seconded by Councilmember Cromer, to approve the purchase of Color Seal Pro paint and Rain Drop buckets for the Splash Pad, and the quoted amount is \$4,477.35. Motion carried.

#### REPORT OF STANDING COMMITTEES

Motion was made by Councilmember Cromer, seconded by Councilmember Moye, to approve two (2) invoices from Jones Walker, invoice # 18126700-19 in the amount of \$826.50 and invoice # 18126700-4 in the amount of \$726.50, for the Celeste Road project. Motion carried.

Motion was made by Councilmember Moye, seconded by Councilmember Cromer, to authorize reimbursement to the Chamber of Commerce in the amount of \$12,350.00 for the 4<sup>th</sup> of July Fireworks Display. Motion carried.

Motion was made by Councilmember Moye, seconded by Councilmember Cromer to authorize expenditure in the amount of \$5,000.00 to Burns Environmental, Inc. for the hydroseeding at the Saraland Soccer Academy. Motion carried.

#### APPROVAL OF INVOICES

Motion was made by Councilmember Moye, seconded by Councilmember Hudson, to approve the following invoices:

**General Fund**

- |   |            |
|---|------------|
| 1. Galloway Wettermark & Rutens, LLP – 3/21-5/1/2023        | \$9,749.49 |
| 2. Auburn Environmental – Landfill Groundwater- Inv.# 64617 | \$4,060.00 |
| 3. Volkert – Master Plan – Inv.# 00105018                   | \$3,885.56 |

Motion carried.

Motion was made by Councilmember Hudson, seconded by Councilmember Moye, to approve the following invoices:

**Gas Tax Fund**

- |   |              |
|---|--------------|
| 1. Alabama Dept. of Trans. – Project # ACNH39475F-1065(388) | \$828,420.57 |
| 2. Alabama Dept. of Trans. – Project # ACOA58773-ATRP (01)  | \$194,589.60 |
| 3. Alabama Dept. of Trans. – Project # ACNH39475F-1065(388) | \$31,912.66  |
| 4. Gulf Coast ROW Services – Inv.# 7                        | \$1,787.50   |

Motion carried.

Motion was made by Councilmember Moye, seconded by Councilmember Cromer, to approve the following invoices:

**General Obligation Warrant**

- |                                     |             |
|-------------------------------------|-------------|
| 1. HPM – Inv.# 4664 through 6/30/23 | \$70,320.00 |
|-------------------------------------|-------------|

Motion carried.

**ORDERS, RESOLUTIONS, ORDINANCES & OTHER BUSINESS**

AFTER PROPER PUBLIC NOTICES HAVING BEEN DULY GIVEN, A PUBLIC HEARING WAS HELD TO CONSIDER THE approval of the alcoholic beverage application for a Retail Beer and Table Wine (off-premises only) filed by Jon Archer agent for QuikTrip Corporation, 1403 Industrial Pkwy, Saraland, AL 36571.

Council President McDonald declared the public hearing open.

There was no one to speak for or against the application.

Council President McDonald declared the public hearing closed.

Motion was made by Councilmember Cromer, seconded by Councilmember Hudson, to suspend the rules to allow for the consideration of the alcoholic beverage application for a Retail Beer

and Table Wine (off-premises only) filed by Jon Archer agent for QuikTrip Corporation, 1403 Industrial Pkwy, Saraland, AL 36571.

The following votes were recorded:

Yes: Council President Joe McDonald  
Councilmember Newton Cromer  
Councilmember Veronica Hudson  
Councilmember Natalie Moyer

Motion carried.

Unanimous consent being given to allow for immediate consideration of the proposed application, motion was made by Councilmember Cromer, seconded by Councilmember Moyer, to approve the alcoholic beverage application for a Retail Beer and Table Wine (off-premises only) filed by Jon Archer agent for QuikTrip Corporation, 1403 Industrial Pkwy, Saraland, AL 36571.

The following votes were recorded:

Yes: Council President Joe McDonald  
Councilmember Newton Cromer  
Councilmember Veronica Hudson  
Councilmember Natalie Moyer

Motion carried.

AFTER PROPER PUBLIC NOTICES HAVING BEEN DULY GIVEN, A PUBLIC HEARING WAS HELD TO CONSIDER THE annexation of approximately 0.45 acres at 3690 Hickory Dr, parcel 02 1801120000009.000, petitioned by owners Linda Adams & Edward Adams.

Council President McDonald declared the public hearing open.

There was no one in favor of or in opposition to the application.

Council President McDonald declared the public hearing closed.

Councilmember Cromer introduced an ordinance approving the annexation of approximately 0.45 acres at 3690 Hickory Dr, parcel 02 1801120000009.000, petitioned by owners Linda Adams & Edward Adams.

ORDINANCE 1263

AN ORDINANCE ANNEXING PROPERTY TO THE CITY OF SARALAND UNDER CODE SECTION 11-42-21

WHEREAS, the owner of the below-described territory has filed a written petition with the City Clerk requesting that the territory be annexed to the City of Saraland; and

WHEREAS, the City Council of the City of Saraland is desirous of annexing the said territory to the City of Saraland; and

WHEREAS, the said territory is contiguous to the City's present corporate limits and otherwise meets the requirements of Section 11-42-21, Code of Alabama 1975.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SARALAND, ALABAMA, THAT THE FOLLOWING DESCRIBED PROPERTY IS HEREBY ANNEXED INTO THE CITY OF SARALAND:

Section 1: The City of Saraland assents to the annexation of the following described property to the City, to-wit:

Approximately 0.45 acres at 3690 Hickory Dr, parcel 02 1801120000009.000, petitioned by owners Linda Adams & Edward Adams, as described by the legal description here:

**Lot 16, "HIGH COUNTRY ESTATES", second unit, as recorded in Map Book 22, page 20, in the office of the Judge of Probate, Mobile County, Alabama.**

The same is hereby annexed to the corporate limits of the City of Saraland and said property of territory hereby is made a part of the City of Saraland, and is to adopt the zoning R-1.

Section 2: The City Clerk of the City of Saraland shall file the description of the territory annexed by this ordinance in the Office of the Judge of Probate of Mobile County, Alabama

Section 3: This ordinance shall be effective upon its adoption and publication as required by law.

ADOPTED AND APPROVED this the 13<sup>th</sup> day of July 2023.

Motion was made by Councilmember Cromer, seconded by Councilmember Hudson, to suspend the rules to allow for immediate consideration of the proposed ordinance for the annexation of approximately 0.45 acres at 3690 Hickory Dr, parcel 02 1801120000009.000, petitioned by owners Linda Adams & Edward Adams.

The following votes were recorded:

Yes: Council President Joe McDonald  
Councilmember Newton Cromer  
Councilmember Veronica Hudson  
Councilmember Natalie Moye

Motion carried.

Unanimous consent being given to allow for immediate consideration of the proposed ordinance, motion was made by Councilmember Cromer, seconded by Councilmember Hudson, to adopt the ordinance for the annexation of approximately 0.45 acres at 3690 Hickory Dr, parcel 02 1801120000009.000, petitioned by owners Linda Adams & Edward Adams

The following votes were recorded:

Yes: Council President Joe McDonald  
Councilmember Newton Cromer  
Councilmember Veronica Hudson  
Councilmember Natalie Moye

Motion carried.

AFTER PROPER PUBLIC NOTICES HAVING BEEN DULY GIVEN, A PUBLIC HEARING WAS HELD TO CONSIDER THE annexation of approximately 2.42 acres at 7920 Henry Morgan Rd, parcel 02 1806230000044.000, petitioned by owners Karen S. Clark & Gary W. Clark.

Council President McDonald declared the public hearing open.

There was no one in favor of or in opposition to the application.

Council President McDonald declared the public hearing closed.

Councilmember Cromer introduced an ordinance approving the annexation of approximately 2.42 acres at 7920 Henry Morgan Rd, parcel 02 1806230000044.000, petitioned by owners Karen S. Clark & Gary W. Clark.

#### ORDINANCE 1264

#### AN ORDINANCE ANNEXING PROPERTY TO THE CITY OF SARALAND UNDER CODE SECTION 11-42-21

WHEREAS, the owner of the below-described territory has filed a written petition with the City Clerk requesting that the territory be annexed to the City of Saraland; and

WHEREAS, the City Council of the City of Saraland is desirous of annexing the said territory to the City of Saraland; and

WHEREAS, the said territory is contiguous to the City's present corporate limits and otherwise meets the requirements of Section 11-42-21, Code of Alabama 1975.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SARALAND, ALABAMA, THAT THE FOLLOWING DESCRIBED PROPERTY IS HEREBY ANNEXED INTO THE CITY OF SARALAND:

Section 1: The City of Saraland assents to the annexation of the following described property to the City, to-wit:

Approximately 2.42 acres at 7920 Henry Morgan Rd, parcel 02 1806230000044.000, petitioned by owners Karen S. Clark & Gary W. Clark, as described by the legal description here:

**Beginning at the Southwest corner of the Northwest Quarter of the Southwest Quarter of Section 23, Township 2 South, Range 2 West, Mobile County, Alabama; thence North 12 degrees 00' 38" East a distance of 103.51 feet to a point; thence North 17 degrees 06' 41" East a distance of 83.45 feet to a point; thence North 28 degrees 54' 50" East a distance of 103.95 feet to a point; thence East a distance of 325.38 feet to a point; thence South 00 degrees 22' 00" West a distance of 272.00 feet to a point; thence West a distance of 420.00 feet to the point of beginning. According to survey by Harper & Garrett Engineering, Inc., dated February 18, 2000.**

The same is hereby annexed to the corporate limits of the City of Saraland and said property of territory hereby is made a part of the City of Saraland and is to adopt the zoning R-1.

Section 2: The City Clerk of the City of Saraland shall file the description of the territory annexed by this ordinance in the Office of the Judge of Probate of Mobile County, Alabama

Section 3: This ordinance shall be effective upon its adoption and publication as required by law.

ADOPTED AND APPROVED this the 13<sup>th</sup> day of July 2023.

Motion was made by Councilmember Cromer, seconded by Councilmember Hudson, to suspend the rules to allow for immediate consideration of the proposed ordinance for annexation of approximately 2.42 acres at 7920 Henry Morgan Rd, parcel 02 1806230000044.000, petitioned by owners Karen S. Clark & Gary W. Clark.

The following votes were recorded:

Yes: Council President Joe McDonald  
Councilmember Newton Cromer  
Councilmember Veronica Hudson  
Councilmember Natalie Moye

Motion carried.

Unanimous consent being given to allow for immediate consideration of the proposed ordinance, motion was made by Councilmember Moye, seconded by Councilmember Hudson, to adopt the ordinance for annexation of approximately 2.42 acres at 7920 Henry Morgan Rd, parcel 02 1806230000044.000, petitioned by owners Karen S. Clark & Gary W. Clark.

The following votes were recorded:

Yes: Council President Joe McDonald  
Councilmember Newton Cromer  
Councilmember Veronica Hudson  
Councilmember Natalie Moye

Motion carried.

AFTER PROPER PUBLIC NOTICES HAVING BEEN DULY GIVEN, A PUBLIC HEARING WAS HELD TO CONSIDER THE annexation of approximately 1.99 acres at 10640 Celeste Rd, parcel 02 1307360000001.012, petitioned by owners Lillian N. Morris & Dewain K. Morris.

Council President McDonald declared the public hearing open.

There was no one in favor of or in opposition to the application.

Council President McDonald declared the public hearing closed.

Councilmember Cromer introduced an ordinance approving the annexation of approximately 1.99 acres at 10640 Celeste Rd, parcel 02 1307360000001.012, petitioned by owners Lillian N. Morris & Dewain K. Morris.

#### ORDINANCE 1265

#### AN ORDINANCE ANNEXING PROPERTY TO THE CITY OF SARALAND UNDER CODE SECTION 11-42-21

WHEREAS, the owner of the below-described territory has filed a written petition with the City Clerk requesting that the territory be annexed to the City of Saraland; and

WHEREAS, the City Council of the City of Saraland is desirous of annexing the said territory to the City of Saraland; and

WHEREAS, the said territory is contiguous to the City's present corporate limits and otherwise meets the requirements of Section 11-42-21, Code of Alabama 1975.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SARALAND, ALABAMA, THAT THE FOLLOWING DESCRIBED PROPERTY IS HEREBY ANNEXED INTO THE CITY OF SARALAND:

Section 1: The City of Saraland assents to the annexation of the following described property to the City, to-wit:

Approximately 1.99 acres at 10640 Celeste Rd, parcel 02 1307360000001.012, petitioned by owners Lillian N. Morris & Dewain K. Morris, as described by the legal description here:

**Lots 4 and 5 of Fontaine Woods Subdivision according to plat thereof recorded in Map Book 43 at Page 104 of the records in the Office of the Judge of Probate of Mobile County, Alabama.**

The same is hereby annexed to the corporate limits of the City of Saraland and said property of territory hereby is made a part of the City of Saraland and is to adopt the zoning R-1.

Section 2: The City Clerk of the City of Saraland shall file the description of the territory annexed by this ordinance in the Office of the Judge of Probate of Mobile County, Alabama

Section 3: This ordinance shall be effective upon its adoption and publication as required by law.

ADOPTED AND APPROVED this the 13<sup>th</sup> day of July 2023.

Motion was made by Councilmember Cromer, seconded by Councilmember Hudson, to suspend the rules to allow for immediate consideration of the proposed ordinance for the annexation of approximately 1.99 acres at 10640 Celeste Rd, parcel 02 1307360000001.012, petitioned by owners Lillian N. Morris & Dewain K. Morris

The following votes were recorded:

Yes: Council President Joe McDonald  
Councilmember Wayne Biggs  
Councilmember Newton Cromer  
Councilmember Veronica Hudson  
Councilmember Natalie Moye

Motion carried.

Unanimous consent being given to allow for immediate consideration of the proposed ordinance, motion was made by Councilmember Cromer, seconded by Councilmember Hudson, to adopt the ordinance for the annexation of approximately 1.99 acres at 10640 Celeste Rd, parcel 02 1307360000001.012, petitioned by owners Lillian N. Morris & Dewain K. Morris

The following votes were recorded:

Yes: Council President Joe McDonald  
Councilmember Newton Cromer  
Councilmember Veronica Hudson  
Councilmember Natalie Moye

Motion carried.

AFTER PROPER PUBLIC NOTICES HAVING BEEN DULY GIVEN, A PUBLIC HEARING WAS HELD TO CONSIDER THE annexation of approximately 11.0 acres at 4100A Walter



Moore Rd, parcel 02 1306240000001.027, petitioned by owners Dotson T. Gavin & Amelia L. Gavin.

Council President McDonald declared the public hearing open.

There was no one in favor of or in opposition to the application.

Council President McDonald declared the public hearing closed.

Councilmember Hudson introduced an ordinance approving the annexation of approximately 11.0 acres at 4100A Walter Moore Rd, parcel 02 1306240000001.027, petitioned by owners Dotson T. Gavin & Amelia L. Gavin.

#### ORDINANCE 1266

#### AN ORDINANCE ANNEXING PROPERTY TO THE CITY OF SARALAND UNDER CODE SECTION 11-42-21

WHEREAS, the owner of the below-described territory has filed a written petition with the City Clerk requesting that the territory be annexed to the City of Saraland; and

WHEREAS, the City Council of the City of Saraland is desirous of annexing the said territory to the City of Saraland; and

WHEREAS, the said territory is contiguous to the City's present corporate limits and otherwise meets the requirements of Section 11-42-21, Code of Alabama 1975.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SARALAND, ALABAMA, THAT THE FOLLOWING DESCRIBED PROPERTY IS HEREBY ANNEXED INTO THE CITY OF SARALAND:

Section 1: The City of Saraland assents to the annexation of the following described property to the City, to-wit:

Approximately 11.0 acres at 4100A Walter Moore Rd, parcel 02 1306240000001.027, petitioned by owners Dotson T. Gavin & Amelia L. Gavin, as described by the legal description here:

**PARCEL "A":** Commencing at the Southwest corner of Section 24, Township 1 South, Range 2 West, Mobile County, Alabama; thence run South 89 degrees 42 minutes 29 seconds East 1951.49 feet to a point; thence run North 00 degrees 02 minutes 56 seconds East 823.76 feet to a point; thence run North 11 degrees 20 minutes 58 seconds West 61.20 feet to the point of beginning of the property herein described; thence run North 11 degrees 20 minutes 58 seconds West 450.48 feet to a point; thence run North 89 degrees 42 minutes 35 seconds East 747.36 feet to a point on a 60.00 foot wide easement for ingress and egress; thence run South 22 degrees 02 minutes 37 seconds East along said easement 598.72 feet to a point; thence run South 89 degrees 42 minutes 35 seconds West 582.53 feet to a point; thence run North 00 degrees 00 minutes 27 seconds West 112.35 feet to a point; thence run North 89 degrees 58 minutes 27 seconds West 300.56 feet to the point of beginning.

PARCEL "B": Commencing at the Southwest corner of Section 24, Township 1 South, Range 2 West, Mobile County, Alabama; thence run South 89 degrees 42 minutes 29 seconds East 1951.49 feet to a point; thence run North 00 degrees 02 minutes 56 seconds East 823.76 feet to a point; thence run North 11 degrees 20 minutes 58 seconds West 25.09 feet to a point; thence run South 89 degrees 58 minutes 27 seconds East 268.54 feet to the point of beginning of property herein described; thence South 00 degrees 00 minutes 27 seconds East 890.00 feet to a point on the North right of way of Walter Moore Road, said point being on a curve to the right having a radius of 921.47 feet and a delta angle of 1 degree 41 minutes 15 seconds; thence run Northeastwardly along said right of way an arc distance of 27.14 feet (chord = North 66 degrees 54 minutes 40 seconds East 27.18) to a point; thence run North 00 degrees 00 minutes 27 seconds West 914.42 feet to a point; thence run North 89 degrees 58 minutes 27 seconds West 25.00 to a point; thence run South 00 degrees 00 minutes 27 seconds East 34.98 feet to the point of beginning.

Together with and subject to a 60 foot easement for ingress, egress and utilities, said easement being 35.00 feet East and 25.00 feet West of the following line: Commencing at the Southwest corner of Section 24, Township 1 South, Range 2 West, Mobile County, Alabama; thence run South 89 degrees 4 minutes 00 seconds East 2704.02 feet to a point; thence run North 40.29 feet to a point on the North right of way of Walter Moore Road and the point of beginning of the easement herein described; thence run Northwardly the following courses, North 16 degrees 25 minutes 20 seconds West 88.06 feet to the P.C. of a curve to the right having a radius of 200.00 feet and a delta angle of 37 degrees 07 minutes 01 seconds, an arc distance of 129.56 feet to the P.T. thereof; thence run North 20 degrees 36 minutes 44 seconds East 312.67 feet to the P.C. of a curve to the left having a radius of 323.06 feet and a delta angle of 42 degrees 39 minutes 21 seconds, an arc distance of 240.51 feet to the P.T. thereof; thence run North 22 degrees 02 minutes 37 seconds West 598.72 feet to the point of terminus.

Property address: 4100A Walter Moore Road, Chunchula, AL 36521.

The same is hereby annexed to the corporate limits of the City of Saraland and said property of territory hereby is made a part of the City of Saraland, and is to adopt the zoning R-1.

Section 2: The City Clerk of the City of Saraland shall file the description of the territory annexed by this ordinance in the Office of the Judge of Probate of Mobile County, Alabama

Section 3: This ordinance shall be effective upon its adoption and publication as required by law.

ADOPTED AND APPROVED this the 13<sup>th</sup> day of July 2023.

Motion was made by Councilmember Hudson, seconded by Councilmember Moye, to suspend the rules to allow for immediate consideration of the proposed ordinance for the annexation of approximately 11.0 acres at 4100A Walter Moore Rd, parcel 02 1306240000001.027, petitioned by owners Dotson T. Gavin & Amelia L. Gavin.

The following votes were recorded:

Yes: Council President Joe McDonald  
Councilmember Newton Cromer  
Councilmember Veronica Hudson  
Councilmember Natalie Moye

Motion carried.

Unanimous consent being given to allow for immediate consideration of the proposed ordinance, motion was made by Councilmember Moye, seconded by Councilmember Cromer, to adopt the ordinance for the annexation of approximately 11.0 acres at 4100A Walter Moore Rd, parcel 02 130624000001.027, petitioned by owners Dotson T. Gavin & Amelia L. Gavin.

The following votes were recorded:

Yes: Council President Joe McDonald  
Councilmember Newton Cromer  
Councilmember Veronica Hudson  
Councilmember Natalie Moye

Motion carried.

AFTER PROPER PUBLIC NOTICES HAVING BEEN DULY GIVEN, A PUBLIC HEARING WAS HELD TO CONSIDER amending the Land Use and Development ordinance.

Council President McDonald declared the public hearing open.

There was no one in favor of or in opposition to the application.

Council President McDonald declared the public hearing closed.

Councilmember Hudson introduced an ordinance amending the Land Use and Development ordinance.

#### **ORDINANCE 1267**

#### **AN ORDINANCE AMENDING PROVISIONS OF THE CITY OF SARALAND LAND USE AND DEVELOPMENT ORDINANCE TO AMEND ARTICLE XI TO REVISE THE REQUIREMENTS FOR CERTAIN QUALIFYING SUBDIVISIONS OF LAND**

WHEREAS, Article XI of the Land Use And Development Ordinance contains provisions for exceptions to the minimum standards and required improvements; and

WHEREAS, the City of Saraland is experiencing rapid growth both in a residential context, as well as in a business context; and

WHEREAS, the interest of development and the interest of maintaining the character of the City's neighborhoods are of great importance to the City of Saraland; and

WHEREAS, it is the determination of the Mayor and City Council that certain provisions of the existing City of Saraland Land Use Development Ordinance should be amended to better reflect the interest in development in the City; and

WHEREAS, it is the determination of the Mayor and City Council that changes to the Land Use Ordinance revising the requirements of the subdivision of land where minimal effect will be had to the subject neighborhood; and

WHEREAS, ARTICLE XI of the Land Use Ordinance currently reads in pertinent part as follows:

## **ARTICLE XI**

### **MINIMUM STANDARDS AND REQUIRED IMPROVEMENTS**

#### **11-1 SUITABILITY OF LAND**

The Planning Commission shall not approve the subdivision of land if, from adequate investigations conducted by all public agencies concerned, it has been determined that it is not in the best interest of the public or the proposed development is not suitable for platting or subdividing purposes. The design and improvements of all subdivisions and developments shall meet all State and Mobile County Health Department requirements and proof thereof shall be submitted.

#### **11-2 LAND SUBJECT TO FLOODING**

Land subject to flooding or inadequately served by drainage facilities shall not be acceptable for subdivision unless the sub-divider agrees to make such improvements as will render the land fit for occupancy in conformity with the National Flood Insurance Program. Fill may not be used to raise land in areas subject to flood and/or excessive erosion, unless the fill proposed does not restrict the natural flow of water, advance erosion, and unduly increase flood heights.

To ensure proper development in flood prone areas, the Planning Commission shall require the sub-divider to provide elevation and flood profiles sufficient to demonstrate the sites will be free from the danger of flooding.

If a stream flows through or adjacent to the proposed subdivision, the plat shall provide for an easement or right-of-way along the stream for a floodway. For the smaller streams, the plat shall also provide for channel improvement to enable them to carry all reasonable floods within banks. The floor elevations of houses shall be high enough to be above the regulatory flood. The flood way easement shall be wide enough to provide for future enlargement of the stream channel as adjacent areas become more highly developed and runoff rates are increased.

Approval will not be given for streets within a subdivision which would be subject to excessive inundation or flooding.

#### **11-3 CONFORMANCE WITH EXISTING PLANS**

Proposed improvements in all subdivision developments within the extraterritorial

planning jurisdiction shall be in conformance with existing approved plans, maps, ordinances, and design standards of the City of Saraland and/or the Planning Commission.

Any subdivision recorded prior to the enactment of this Ordinance shall remain a legal subdivision unless a replat of said subdivision is submitted and approved.

#### **11-4 PENALTIES**

The developer, owner, or agent of the owner of any land to be subdivided in the corporate limits extraterritorial planning jurisdiction who transfers, sells, agrees to sell, or negotiates to sell such land by reference to, an exhibition of, or by other use of a plat to subdivide such land before such plat has been approved by the Planning Commission and recorded in the Office of the Probate Judge of Mobile County shall forfeit and pay a penalty of one hundred dollars (\$100.00) for each lot or parcel so transferred or sold, and the description by metes and bounds in the instrument of transfer, or other document used in the process of selling or transfer shall not exempt the transaction from such penalties.

The City of Saraland, through its attorney or other designated representative, may enjoin such transfer, sale, or agreement by appropriate action.

No plat of a subdivision in the corporate limits or its extraterritorial planning jurisdiction shall be filed by a subdivider in the Office of the Probate Judge until it shall have been submitted to and approved by the Planning Commission and such approval entered in writing on the plat by the Chairman, Vice-Chairman, or Secretary of the Commission. The Probate Judge shall not file or record a plat of a subdivision which does not have the approval of the Planning Commission.

Any building or structure erected or to be erected in violation of subdivision regulations shall be deemed an unlawful building or structure, and the Building Official may bring action to enjoin such erection or cause it to be vacated or removed.

#### **11-5 EXCEPTIONS**

Whenever the strict compliance with these regulations would result in an extraordinary hardship or injustice to the sub-divider because of topography, unusual size or shape of the property, or unusual conditions in surrounding property of development, the Planning Commission may modify, vary, or waive such regulations so the sub-divider may subdivide his property in a reasonable manner provided that such modification, variation, or waiver shall not nullify the intent or purpose of the subdivision regulations, the public welfare, and interest of the City of Saraland shall be protected. Any such variation together with reasons therefore shall be so noted in the minutes of the Planning Commission.

In granting modifications, variations or waivers, the Planning Commission may impose such other reasonable conditions as will, in its judgment, justify such modification, variation, or waiver and still substantially maintain the objectives of these regulations. Each modification, variation or waiver of the regulations sought by a sub-divider shall be applied

for and acted upon individually by the Planning Commission.

The sale or exchange of lots or parcels of land between adjoining property owners may be exempt from these regulations by the Planning Commission, provided no additional lots are created, none of the lots affected by the sale or exchange are reduced below the minimum size requirements of the zoning district in which the division is to occur.

No existing easement shall be vacated or moved without the recommendation of the Planning Commission and the acceptance by resolution of the City Council.

#### 11-6 AMENDMENTS

Any section or provision of this Ordinance pertinent to subdivision regulations may be amended, supplemented, or changed in accordance with the same procedure specified in zoning amendments.

#### 11-7 MINIMUM STREET REQUIREMENTS

<u>Major Street</u>	<u>Collector Street</u>	<u>Local Street</u>	<u>Cul-de-Sac (Turnaround)</u>	<u>Alley</u>
<u>Minimum Right-of-Way:</u>				
100'	60'	50'	50' (100' diam.)	30'
<u>Minimum Pavement<sup>2</sup>:</u>				
As Req'd	36'	27'	28' (80' diam.)	20'
<u>Minimum Angle of Intersection:</u>				
80°	60°	60°	60°	60°
<u>Minimum Intersection Offset:</u>				
150'	150'	150'	150'	150'
<u>Minimum Curb Radius at Intersection:</u>				
40'	30'	15'	15'	15'
<u>Minimum Horizontal Curve Radius:</u>				
300'	250'	100'	100'	100'

Minimum Reverse Curve Tangent:

100'                      100'                      100'                      100'                      100'

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- <sup>1</sup> Cul-de-sacs shall not be longer than 600 feet measured from the intersecting street to the center of the turnaround.
- <sup>2</sup> With curb and gutter.
- <sup>3</sup> May vary with topography subject to Planning Commission approval.

**11-8 IMPROVEMENT STANDARDS**

Any proposed streets in a subdivision, planned unit development, mobile home park, apartments, townhouses, condominiums, patio homes, business, commercial, or industrial developments whether such streets are to be private or dedicated for public use shall be paved and adequately drained.

This requirement is not subject to modification by the Planning Commission. The developer/owner shall construct such streets in accordance with good engineering practices and the standards prescribed herein in these regulations, as required by the **City Engineer** or his duly authorized representative, State, County Highway Department, and the department of the respective utility.

The full width of the right-of-way shall be graded including the subgrade of the areas to be paved. This requirement may be modified for the purpose of preserving the natural beauty of the area. A base course consisting of at least eight (8) inches of a sand-clay mixture with one hundred percent (100%) standard compaction shall be laid on a soundly prepared subgrade. A prime coat shall be sprayed uniformly over the base course. An approved type wearing surface in conformance with State Highway Standard 416-A one-and-one-half (1-1/2) inches thick compacted shall be laid over the prime coat. If curbs and gutters are required, they must be in conformance with approved State and County Highway Department standards.

All grading in the subdivision shall be related to the topography and environmental features of the surrounding area. Unpaved areas within a dedicated street right-of-way shall be graded and seeded in a manner that will enhance the appearance of the environment.

All water mains, sanitary sewers and laterals, and storm sewers shall be installed as necessary to prevent the future cutting of the pavement of any street, sidewalk, or other required pavement.

**11-9 ISSUANCE OF SITE DISTURBANCE PERMIT**

Each person, firm, corporation, utility, entity, or agent thereof engaged in any site preparation and/or construction activities shall acquire a Site Disturbance Permit from the

Building Department prior to commencement of such activities as established pursuant to the provisions of this Article and no such activity shall commence prior to the approval of a preliminary plat by the Planning Commission. Fees for said permit shall be as more specifically enumerated in Article XXXIV, entitled the Schedule of Fees.

#### **11-10 INSPECTION OF IMPROVEMENTS**

When all required improvements are installed, the developer/owner shall call for a final inspection. The City Engineers or his duly authorized representative shall inspect the site to determine if the required improvements are satisfactorily installed according to the plans and specifications.

To determine if the streets are installed to minimum design standards, the City of Saraland shall select an independent testing laboratory to make the necessary tests. These tests shall be conducted at the expense of the developer/owner.

#### **11-11 SIDEWALKS**

(Ord. 990, 11-13-14)

It is the intent of this section to require sidewalks be installed on both sides as part of the improvement of all streets prior to the issuance of a Certificate of Occupancy in all districts except M-2, General Industrial Districts. Sidewalks are not required in an M-2, General Industrial District, but the developer and/or owner may provide for sidewalks in all or a portion of a development. If the owner and/or developer of a project within an M-2 General Industrial District provides for sidewalks, they may be installed on one (1) or both sides of a street.

If sidewalks are required or provided in a development plan, construction of sidewalks, shall comply with the following standards:

<u>Type of Subdivision</u>	<u>Sidewalk Width</u>
Low Density Residential	4 feet
High Density Residential	5 feet
Commercial	6 feet
Industrial	6 feet

#### **11-12 WATER AND SEWER CONNECTIONS**

(a) Connection to Public or Private Water and Sanitary Sewer System:

Developments, individual lots, or parcels shall be properly connected to a public or private community water and sanitary sewer system where such systems borders the development, lot line, or is reasonably available and the appropriate utility has the capacity to provide the service. Otherwise, lots must meet all applicable requirements of the Mobile County Health Department for onsite wells and/or



individual septic systems. The lines for both domestic use and fire protection shall be approved by a public or private water supply and constructed in such a manner as to adequately serve all of the lots located within the subdivision. Water wells for purposes other than human consumption may continue to be used. If a well is required for each lot, the location, construction, and use of such well shall also meet the Mobile County Health Department requirements. If a well is to serve more than one lot, a public community water system shall be required.

It is the intent of this Ordinance to eliminate by attrition, all existing private wells, and individual septic systems in areas where public or private community water and sanitary sewer systems are available. Therefore, at such time as any private well or individual septic system fails to function properly or must be replaced, the owner must connect to the public or private community water and sanitary sewer system where such systems borders any development, lot line, or are reasonably available and the appropriate utility has the capacity to provide the service.

Local ordinances and sewer regulations as adopted by the City are applicable.

### 11-13 SPECIAL PROVISIONS

(a) Utility Placement:

Water, sewer, gas, electric power, telephone, cable tv, and other utility lines shall be installed underground by the developer and/or owner in all new residential, commercial, or industrial developments, expansions and/or renovations of existing said developments shall be connected to a central distribution system, unless for good reasons other than cost, the Planning Commission approves a modification or waiver of this requirement in part or in whole, or if a special condition requires otherwise.

(b) Drainage and Utility Easements:

Easements having a minimum width of ten (10) feet and located along the side or rear lot lines shall be provided as is necessary to utility lines, underground mains, and cables. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water or drainage right-of-way of adequate width to accommodate normal runoff.

(c) Location of Fire Hydrants:

Roadway fire hydrants shall be installed along each street at the center of each block and at one corner of each roadway intersection, provided, however, that in no event shall fire hydrants be spaced so that any fire hydrant is located more than six hundred (600) feet from another fire hydrant. The water supply and pressure shall be sufficient to provide adequate fire protection and the future needs of the intended land use. Additional fire hydrant placement may be required on the interior of developed lots pursuant to local ordinance and fire regulations as adopted by the City.

(d) Location of Street Lighting:

Lighting shall be installed at all intersections, curves, and cul-de-sacs. If additional lighting is consistent with safety and other community needs are deemed necessary, the Building Department shall require the sub-divider to present a street lighting plan developed in conjunction with the appropriate utility company having jurisdiction within the area.

(e) Placement of Street Signs:

Appropriate permanent type street name signs shall be placed at all intersections within the subdivision. The developer may select signs which will be in keeping with the theme of the development, subject to approval of the City Engineer.

(f) Location of Concrete Monuments and Pins:

Right-of-way and property line monuments shall be placed in each subdivision. Concrete monuments three-and-one-half (3-1/2) inches square and two (2) feet long shall be driven flush with the grade at the intersection of all street rights-of-way and radius points.

Iron pins one-half (1/2) inch in diameter and two (2) feet long shall be driven flush with the grade at each lot corner and at each point where the property line changes direction.

(g) Annexation Provision for Extraterritorial Planning Jurisdiction Subdivisions:

Proposed residential and/or commercial subdivisions located in the extraterritorial planning jurisdiction which are contiguous to the corporate limits, shall be required to annex into the City of Saraland prior to approval of said subdivision, if it is deemed by the Planning Commission to be in the best interest of the City.

WHEREAS, it is the determination that Article XI is hereby amended to read as follows:

## ARTICLE XI

### MINIMUM STANDARDS AND REQUIRED IMPROVEMENTS

#### 11-1 SUITABILITY OF LAND

The Planning Commission shall not approve the subdivision of land if, from adequate investigations conducted by all public agencies concerned, it has been determined that it is not in the best interest of the public or the proposed development is not suitable for platting or subdividing purposes. The design and improvements of all subdivisions and

developments shall meet all State and Mobile County Health Department requirements and proof thereof shall be submitted.

#### **11-2 LAND SUBJECT TO FLOODING**

Land subject to flooding or inadequately served by drainage facilities shall not be acceptable for subdivision unless the sub-divider agrees to make such improvements as will render the land fit for occupancy in conformity with the National Flood Insurance Program. Fill may not be used to raise land in areas subject to flood and/or excessive erosion, unless the fill proposed does not restrict the natural flow of water, advance erosion, and unduly increase flood heights.

To ensure proper development in flood prone areas, the Planning Commission shall require the sub-divider to provide elevation and flood profiles sufficient to demonstrate the sites will be free from the danger of flooding.

If a stream flows through or adjacent to the proposed subdivision, the plat shall provide for an easement or right-of-way along the stream for a floodway. For the smaller streams, the plat shall also provide for channel improvement to enable them to carry all reasonable floods within banks. The floor elevations of houses shall be high enough to be above the regulatory flood. The flood way easement shall be wide enough to provide for future enlargement of the stream channel as adjacent areas become more highly developed and runoff rates are increased.

Approval will not be given for streets within a subdivision which would be subject to excessive inundation or flooding.

#### **11-3 CONFORMANCE WITH EXISTING PLANS**

Proposed improvements in all subdivision developments within the extraterritorial planning jurisdiction shall be in conformance with existing approved plans, maps, ordinances, and design standards of the City of Saraland and/or the Planning Commission.

Any subdivision recorded prior to the enactment of this Ordinance shall remain a legal subdivision unless a replat of said subdivision is submitted and approved.

#### **11-4 PENALTIES**

The developer, owner, or agent of the owner of any land to be subdivided in the corporate limits extraterritorial planning jurisdiction who transfers, sells, agrees to sell, or negotiates to sell such land by reference to, an exhibition of, or by other use of a plat to subdivide such land before such plat has been approved by the Planning Commission and recorded in the Office of the Probate Judge of Mobile County shall forfeit and pay a penalty of one hundred dollars (\$100.00) for each lot or parcel so transferred or sold, and the description by metes and bounds in the instrument of transfer, or other document used in the process of selling or transfer shall not exempt the transaction from such penalties.

The City of Saraland, through its attorney or other designated representative, may enjoin such transfer, sale, or agreement by appropriate action.

No plat of a subdivision in the corporate limits or its extraterritorial planning jurisdiction shall be filed by a subdivider in the Office of the Probate Judge until it shall have been submitted to and approved by the Planning Commission and such approval entered in writing on the plat by the Chairman, Vice-Chairman, or Secretary of the Commission. The Probate Judge shall not file or record a plat of a subdivision which does not have the approval of the Planning Commission.

Any building or structure erected or to be erected in violation of subdivision regulations shall be deemed an unlawful building or structure, and the Building Official may bring action to enjoin such erection or cause it to be vacated or removed.

#### 11-5 EXCEPTIONS

Whenever the strict compliance with these regulations would result in an extraordinary hardship or injustice to the sub-divider because of topography, unusual size or shape of the property, or unusual conditions in surrounding property of development, the Planning Commission may modify, vary, or waive such regulations so the sub-divider may subdivide his property in a reasonable manner provided that such modification, variation, or waiver shall not nullify the intent or purpose of the subdivision regulations, the public welfare, and interest of the City of Saraland shall be protected. Any such variation together with reasons therefore shall be so noted in the minutes of the Planning Commission.

In granting modifications, variations or waivers, the Planning Commission may impose such other reasonable conditions as will, in its judgment, justify such modification, variation, or waiver and still substantially maintain the objectives of these regulations. Each modification, variation or waiver of the regulations sought by a sub-divider shall be applied for and acted upon individually by the Planning Commission.

~~The sale or exchange of lots or parcels of land between adjoining property owners may be exempt from these regulations by the Planning Commission, provided no additional lots are created, none of the lots affected by the sale or exchange are reduced below the minimum size requirements of the zoning district in which the division is to occur. The alteration of lot lines between two (2) contiguous parcels when there is either unanimity of ownership or when both lot owners apply for an alteration may be approved administratively by the Building Official so long as no additional lots are created and the newly configured lots comply with all lot requirements, to include minimum lot size, of the Zoning District in which the division is located. Further, the Building Official may also approve a minor subdivision as the term is defined in Alabama Code Section 11-52-31(b), so long as the subdivision of property is done in order for the owner applying for the subdivision to transfer the subdivided lot(s) to any individual(s) who are eligible to inherit that land from the Owner under Article 3 of Chapter 8 of Title 43 of the Alabama Code. Any subdivision under this provision must comply with all other lot requirements,~~

including lot size, of the Zoning District or area in which the division is located.

No existing City owned easement shall be vacated or moved without the recommendation of the Planning Commission and the acceptance by resolution of the City Council.

**11-6 AMENDMENTS**

Any section or provision of this Ordinance pertinent to subdivision regulations may be amended, supplemented, or changed in accordance with the same procedure specified in zoning amendments.

**11-8 MINIMUM STREET REQUIREMENTS**

<u>Major Street</u>	<u>Collector Street</u>	<u>Local Street</u>	<u>Cul-de-Sac (Turnaround)</u>	<u>Alley</u>
<u>Minimum Right-of-Way:</u>				
100'	60'	50'	50' (100' diam.)	30'
<u>Minimum Pavement<sup>2</sup>:</u>				
As Req'd	36'	27'	28' (80' diam.)	20'
<u>Minimum Angle of Intersection:</u>				
80°	60°	60°	60°	60°
<u>Minimum Intersection Offset:</u>				
150'	150'	150'	150'	150'
<u>Minimum Curb Radius at Intersection:</u>				
40'	30'	15'	15'	15'
<u>Minimum Horizontal Curve Radius:</u>				
300'	250'	100'	100'	100'
<u>Minimum Reverse Curve Tangent:</u>				
100'	100'	100'	100'	100'

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- 1 Cul-de-sacs shall not be longer than 600 feet measured from the intersecting street to the center of the turnaround.
- 2 With curb and gutter.
- 3 May vary with topography subject to Planning Commission approval.

#### **11-8 IMPROVEMENT STANDARDS**

Any proposed streets in a subdivision, planned unit development, mobile home park, apartments, townhouses, condominiums, patio homes, business, commercial, or industrial developments whether such streets are to be private or dedicated for public use shall be paved and adequately drained.

This requirement is not subject to modification by the Planning Commission. The developer/owner shall construct such streets in accordance with good engineering practices and the standards prescribed herein in these regulations, as required by the **City Engineer** or his duly authorized representative, State, County Highway Department, and the department of the respective utility.

The full width of the right-of-way shall be graded including the subgrade of the areas to be paved. This requirement may be modified for the purpose of preserving the natural beauty of the area. A base course consisting of at least eight (8) inches of a sand-clay mixture with one hundred percent (100%) standard compaction shall be laid on a soundly prepared subgrade. A prime coat shall be sprayed uniformly over the base course. An approved type wearing surface in conformance with State Highway Standard 416-A one-and-one-half (1-1/2) inches thick compacted shall be laid over the prime coat. If curbs and gutters are required, they must be in conformance with approved State and County Highway Department standards.

All grading in the subdivision shall be related to the topography and environmental features of the surrounding area. Unpaved areas within a dedicated street right-of-way shall be graded and seeded in a manner that will enhance the appearance of the environment.

All water mains, sanitary sewers and laterals, and storm sewers shall be installed as necessary to prevent the future cutting of the pavement of any street, sidewalk, or other required pavement.

#### **11-9 ISSUANCE OF SITE DISTURBANCE PERMIT**

Each person, firm, corporation, utility, entity, or agent thereof engaged in any site preparation and/or construction activities shall acquire a Site Disturbance Permit from the Building Department prior to commencement of such activities as established pursuant to the provisions of this Article and no such activity shall commence prior to the approval of a preliminary plat by the Planning Commission. Fees for said permit shall be as more specifically enumerated in Article XXXIV, entitled the Schedule of Fees.

**11-10 INSPECTION OF IMPROVEMENTS**

When all required improvements are installed, the developer/owner shall call for a final inspection. The City Engineers or his duly authorized representative shall inspect the site to determine if the required improvements are satisfactorily installed according to the plans and specifications.

To determine if the streets are installed to minimum design standards, the City of Saraland shall select an independent testing laboratory to make the necessary tests. These tests shall be conducted at the expense of the developer/owner.

**11-11 SIDEWALKS**

(Ord. 990, 11-13-14)

It is the intent of this section to require sidewalks be installed on both sides as part of the improvement of all streets prior to the issuance of a Certificate of Occupancy in all districts except M-2, General Industrial Districts. Sidewalks are not required in an M-2, General Industrial District, but the developer and/or owner may provide for sidewalks in all or a portion of a development. If the owner and/or developer of a project within an M-2 General Industrial District provides for sidewalks, they may be installed on one (1) or both sides of a street.

If sidewalks are required or provided in a development plan, construction of sidewalks, shall comply with the following standards:

<u>Type of Subdivision</u>	<u>Sidewalk Width</u>
Low Density Residential	4 feet
High Density Residential	5 feet
Commercial	6 feet
Industrial	6 feet

**11-12 WATER AND SEWER CONNECTIONS****(a) Connection to Public or Private Water and Sanitary Sewer System:**

Developments, individual lots, or parcels shall be properly connected to a public or private community water and sanitary sewer system where such systems borders the development, lot line, or is reasonably available and the appropriate utility has the capacity to provide the service. Otherwise, lots must meet all applicable requirements of the Mobile County Health Department for onsite wells and/or individual septic systems. The lines for both domestic use and fire protection shall be approved by a public or private water supply and constructed in such a manner as to adequately serve all of the lots located within the subdivision. Water wells for purposes other than human consumption may continue to be used. If a well is required for each lot, the location, construction, and use of such well shall also meet

the Mobile County Health Department requirements. If a well is to serve more than one lot, a public community water system shall be required.

It is the intent of this Ordinance to eliminate by attrition, all existing private wells, and individual septic systems in areas where public or private community water and sanitary sewer systems are available. Therefore, at such time as any private well or individual septic system fails to function properly or must be replaced, the owner must connect to the public or private community water and sanitary sewer system where such systems borders any development, lot line, or are reasonably available and the appropriate utility has the capacity to provide the service.

Local ordinances and sewer regulations as adopted by the City are applicable.

### 11-13 SPECIAL PROVISIONS

(b) Utility Placement:

Water, sewer, gas, electric power, telephone, cable tv, and other utility lines shall be installed underground by the developer and/or owner in all new residential, commercial, or industrial developments, expansions and/or renovations of existing said developments shall be connected to a central distribution system, unless for good reasons other than cost, the Planning Commission approves a modification or waiver of this requirement in part or in whole, or if a special condition requires otherwise.

(b) Drainage and Utility Easements:

Easements having a minimum width of ten (10) feet and located along the side or rear lot lines shall be provided as is necessary to utility lines, underground mains, and cables. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water or drainage right-of-way of adequate width to accommodate normal runoff.

(d) Location of Fire Hydrants:

Roadway fire hydrants shall be installed along each street at the center of each block and at one corner of each roadway intersection, provided, however, that in no event shall fire hydrants be spaced so that any fire hydrant is located more than six hundred (600) feet from another fire hydrant. The water supply and pressure shall be sufficient to provide adequate fire protection and the future needs of the intended land use. Additional fire hydrant placement may be required on the interior of developed lots pursuant to local ordinance and fire regulations as adopted by the City.

(d) Location of Street Lighting:

Lighting shall be installed at all intersections, curves, and cul-de-sacs. If additional lighting is consistent with safety and other community needs are deemed necessary,



the Building Department shall require the sub-divider to present a street lighting plan developed in conjunction with the appropriate utility company having jurisdiction within the area.

(e) Placement of Street Signs:

Appropriate permanent type street name signs shall be placed at all intersections within the subdivision. The developer may select signs which will be in keeping with the theme of the development, subject to approval of the City Engineer.

(f) Location of Concrete Monuments and Pins:

Right-of-way and property line monuments shall be placed in each subdivision. Concrete monuments three-and-one-half (3-1/2) inches square and two (2) feet long shall be driven flush with the grade at the intersection of all street rights-of-way and radius points.

Iron pins one-half (1/2) inch in diameter and two (2) feet long shall be driven flush with the grade at each lot corner and at each point where the property line changes direction.

(g) Annexation Provision for Extraterritorial Planning Jurisdiction Subdivisions:

Proposed residential and/or commercial subdivisions located in the extraterritorial planning jurisdiction which are contiguous to the corporate limits, shall be required to annex into the City of Saraland prior to approval of said subdivision, if it is deemed by the Planning Commission to be in the best interest of the City.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SARALAND, ALABAMA, upon approval by the Mayor and posting by the City Clerk, Article XI of the Land Use and Development Ordinance is amended to read as follows:

## ARTICLE XI

### MINIMUM STANDARDS AND REQUIRED IMPROVEMENTS

#### 11-1 SUITABILITY OF LAND

The Planning Commission shall not approve the subdivision of land if, from adequate investigations conducted by all public agencies concerned, it has been determined that it is not in the best interest of the public or the proposed development is not suitable for platting or subdividing purposes. The design and improvements of all subdivisions and developments shall meet all State and Mobile County Health Department requirements and proof thereof shall be submitted.

#### 11-2 LAND SUBJECT TO FLOODING

Land subject to flooding or inadequately served by drainage facilities shall not be acceptable for subdivision unless the sub-divider agrees to make such improvements as will render the land fit for occupancy in conformity with the National Flood Insurance Program. Fill may not be used to raise land in areas subject to flood and/or excessive erosion, unless the fill proposed does not restrict the natural flow of water, advance erosion, and unduly increase flood heights.

To ensure proper development in flood prone areas, the Planning Commission shall require the sub-divider to provide elevation and flood profiles sufficient to demonstrate the sites will be free from the danger of flooding.

If a stream flows through or adjacent to the proposed subdivision, the plat shall provide for an easement or right-of-way along the stream for a floodway. For the smaller streams, the plat shall also provide for channel improvement to enable them to carry all reasonable floods within banks. The floor elevations of houses shall be high enough to be above the regulatory flood. The flood way easement shall be wide enough to provide for future enlargement of the stream channel as adjacent areas become more highly developed and runoff rates are increased.

Approval will not be given for streets within a subdivision which would be subject to excessive inundation or flooding.

### **11-3 CONFORMANCE WITH EXISTING PLANS**

Proposed improvements in all subdivision developments within the extraterritorial planning jurisdiction shall be in conformance with existing approved plans, maps, ordinances, and design standards of the City of Saraland and/or the Planning Commission.

Any subdivision recorded prior to the enactment of this Ordinance shall remain a legal subdivision unless a replat of said subdivision is submitted and approved.

### **11-4 PENALTIES**

The developer, owner, or agent of the owner of any land to be subdivided in the corporate limits extraterritorial planning jurisdiction who transfers, sells, agrees to sell, or negotiates to sell such land by reference to, an exhibition of, or by other use of a plat to subdivide such land before such plat has been approved by the Planning Commission and recorded in the Office of the Probate Judge of Mobile County shall forfeit and pay a penalty of one hundred dollars (\$100.00) for each lot or parcel so transferred or sold, and the description by metes and bounds in the instrument of transfer, or other document used in the process of selling or transfer shall not exempt the transaction from such penalties.

The City of Saraland, through its attorney or other designated representative, may enjoin such transfer, sale, or agreement by appropriate action.

No plat of a subdivision in the corporate limits or its extraterritorial planning jurisdiction

shall be filed by a subdivider in the Office of the Probate Judge until it shall have been submitted to and approved by the Planning Commission and such approval entered in writing on the plat by the Chairman, Vice-Chairman, or Secretary of the Commission. The Probate Judge shall not file or record a plat of a subdivision which does not have the approval of the Planning Commission.

Any building or structure erected or to be erected in violation of subdivision regulations shall be deemed an unlawful building or structure, and the Building Official may bring action to enjoin such erection or cause it to be vacated or removed.

#### **11-5 EXCEPTIONS**

Whenever the strict compliance with these regulations would result in an extraordinary hardship or injustice to the sub-divider because of topography, unusual size or shape of the property, or unusual conditions in surrounding property of development, the Planning Commission may modify, vary, or waive such regulations so the sub-divider may subdivide his property in a reasonable manner provided that such modification, variation, or waiver shall not nullify the intent or purpose of the subdivision regulations, the public welfare, and interest of the City of Saraland shall be protected. Any such variation together with reasons therefore shall be so noted in the minutes of the Planning Commission.

In granting modifications, variations or waivers, the Planning Commission may impose such other reasonable conditions as will, in its judgment, justify such modification, variation, or waiver and still substantially maintain the objectives of these regulations. Each modification, variation or waiver of the regulations sought by a sub-divider shall be applied for and acted upon individually by the Planning Commission.

The alteration of lot lines between two (2) contiguous parcels when there is either unanimity of ownership or when both lot owners apply for an alteration may be approved administratively by the Building Official so long as no additional lots are created and the newly configured lots comply with all lot requirements, to include minimum lot size, of the Zoning District in which the division is located. Further, the Building Official may also approve a minor subdivision as the term is defined in Alabama Code Section 11-52-31(b), so long as the subdivision of property is done in order for the owner applying for the subdivision to transfer the subdivided lot(s) to any individual(s) who are eligible to inherit that land from the Owner under Article 3 of Chapter 8 of Title 43 of the Alabama Code. Any subdivision under this provision must comply with all other lot requirements, including lot size, of the Zoning District or area in which the division is located.

No existing City owned easement shall be vacated or moved without the recommendation of the Planning Commission and the acceptance by resolution of the City Council.

#### **11-6 AMENDMENTS**

Any section or provision of this Ordinance pertinent to subdivision regulations may be amended, supplemented, or changed in accordance with the same procedure specified in zoning amendments.

**11-9 MINIMUM STREET REQUIREMENTS**

<u>Major Street</u>	<u>Collector Street</u>	<u>Local Street</u>	<u>Cul-de-Sac (Turnaround)</u>	<u>Alley</u>
<u>Minimum Right-of-Way:</u>				
100'	60'	50'	50' (100' diam.)	30'
<u>Minimum Pavement<sup>2</sup>:</u>				
As Req'd	36'	27'	28' (80' diam.)	20'
<u>Minimum Angle of Intersection:</u>				
80°	60°	60°	60°	60°
<u>Minimum Intersection Offset:</u>				
150'	150'	150'	150'	150'
<u>Minimum Curb Radius at Intersection:</u>				
40'	30'	15'	15'	15'
<u>Minimum Horizontal Curve Radius:</u>				
300'	250'	100'	100'	100'
<u>Minimum Reverse Curve Tangent:</u>				
100'	100'	100'	100'	100'

<sup>1</sup> Cul-de-sacs shall not be longer than 600 feet measured from the intersecting street to the center of the turnaround.

<sup>2</sup> With curb and gutter.

<sup>3</sup> May vary with topography subject to Planning Commission approval.

**11-8 IMPROVEMENT STANDARDS**

Any proposed streets in a subdivision, planned unit development, mobile home park, apartments, townhouses, condominiums, patio homes, business, commercial, or industrial developments whether such streets are to be private or dedicated for public use shall be paved and adequately drained.

This requirement is not subject to modification by the Planning Commission. The developer/owner shall construct such streets in accordance with good engineering practices and the standards prescribed herein in these regulations, as required by the **City Engineer** or his duly authorized representative, State, County Highway Department, and the department of the respective utility.

The full width of the right-of-way shall be graded including the subgrade of the areas to be paved. This requirement may be modified for the purpose of preserving the natural beauty of the area. A base course consisting of at least eight (8) inches of a sand-clay mixture with one hundred percent (100%) standard compaction shall be laid on a soundly prepared subgrade. A prime coat shall be sprayed uniformly over the base course. An approved type wearing surface in conformance with State Highway Standard 416-A one-and-one-half (1-1/2) inches thick compacted shall be laid over the prime coat. If curbs and gutters are required, they must be in conformance with approved State and County Highway Department standards.

All grading in the subdivision shall be related to the topography and environmental features of the surrounding area. Unpaved areas within a dedicated street right-of-way shall be graded and seeded in a manner that will enhance the appearance of the environment.

All water mains, sanitary sewers and laterals, and storm sewers shall be installed as necessary to prevent the future cutting of the pavement of any street, sidewalk, or other required pavement.

#### **11-9 ISSUANCE OF SITE DISTURBANCE PERMIT**

Each person, firm, corporation, utility, entity, or agent thereof engaged in any site preparation and/or construction activities shall acquire a Site Disturbance Permit from the Building Department prior to commencement of such activities as established pursuant to the provisions of this Article and no such activity shall commence prior to the approval of a preliminary plat by the Planning Commission. Fees for said permit shall be as more specifically enumerated in Article XXXIV, entitled the Schedule of Fees.

#### **11-10 INSPECTION OF IMPROVEMENTS**

When all required improvements are installed, the developer/owner shall call for a final inspection. The City Engineers or his duly authorized representative shall inspect the site to determine if the required improvements are satisfactorily installed according to the plans and specifications.

To determine if the streets are installed to minimum design standards, the City of Saraland shall select an independent testing laboratory to make the necessary tests. These tests shall be conducted at the expense of the developer/owner.

#### **11-11 SIDEWALKS**

(Ord. 990, 11-13-14)

It is the intent of this section to require sidewalks be installed on both sides as part of the improvement of all streets prior to the issuance of a Certificate of Occupancy in all districts except M-2, General Industrial Districts. Sidewalks are not required in an M-2, General Industrial District, but the developer and/or owner may provide for sidewalks in all or a portion of a development. If the owner and/or developer of a project within an M-2 General Industrial District provides for sidewalks, they may be installed on one (1) or both sides of a street.

If sidewalks are required or provided in a development plan, construction of sidewalks, shall comply with the following standards:

<u>Type of Subdivision</u>	<u>Sidewalk Width</u>
Low Density Residential	4 feet
High Density Residential	5 feet
Commercial	6 feet
Industrial	6 feet

## 11-12 WATER AND SEWER CONNECTIONS

### (a) Connection to Public or Private Water and Sanitary Sewer System:

Developments, individual lots, or parcels shall be properly connected to a public or private community water and sanitary sewer system where such systems borders the development, lot line, or is reasonably available and the appropriate utility has the capacity to provide the service. Otherwise, lots must meet all applicable requirements of the Mobile County Health Department for onsite wells and/or individual septic systems. The lines for both domestic use and fire protection shall be approved by a public or private water supply and constructed in such a manner as to adequately serve all of the lots located within the subdivision. Water wells for purposes other than human consumption may continue to be used. If a well is required for each lot, the location, construction, and use of such well shall also meet the Mobile County Health Department requirements. If a well is to serve more than one lot, a public community water system shall be required.

It is the intent of this Ordinance to eliminate by attrition, all existing private wells, and individual septic systems in areas where public or private community water and sanitary sewer systems are available. Therefore, at such time as any private well or individual septic system fails to function properly or must be replaced, the owner must connect to the public or private community water and sanitary sewer system where such systems borders any development, lot line, or are reasonably available and the appropriate utility has the capacity to provide the service.

Local ordinances and sewer regulations as adopted by the City are applicable.

**11-13 SPECIAL PROVISIONS**

(c) Utility Placement:

Water, sewer, gas, electric power, telephone, cable tv, and other utility lines shall be installed underground by the developer and/or owner in all new residential, commercial, or industrial developments, expansions and/or renovations of existing said developments shall be connected to a central distribution system, unless for good reasons other than cost, the Planning Commission approves a modification or waiver of this requirement in part or in whole, or if a special condition requires otherwise.

(b) Drainage and Utility Easements:

Easements having a minimum width of ten (10) feet and located along the side or rear lot lines shall be provided as is necessary to utility lines, underground mains, and cables. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water or drainage right-of-way of adequate width to accommodate normal runoff.

(e) Location of Fire Hydrants:

Roadway fire hydrants shall be installed along each street at the center of each block and at one corner of each roadway intersection, provided, however, that in no event shall fire hydrants be spaced so that any fire hydrant is located more than six hundred (600) feet from another fire hydrant. The water supply and pressure shall be sufficient to provide adequate fire protection and the future needs of the intended land use. Additional fire hydrant placement may be required on the interior of developed lots pursuant to local ordinance and fire regulations as adopted by the City.

(d) Location of Street Lighting:

Lighting shall be installed at all intersections, curves, and cul-de-sacs. If additional lighting is consistent with safety and other community needs are deemed necessary, the Building Department shall require the sub-divider to present a street lighting plan developed in conjunction with the appropriate utility company having jurisdiction within the area.

(e) Placement of Street Signs:

Appropriate permanent type street name signs shall be placed at all intersections within the subdivision. The developer may select signs which will be in keeping with the theme of the development, subject to approval of the City Engineer.

(f) Location of Concrete Monuments and Pins:

Right-of-way and property line monuments shall be placed in each subdivision. Concrete monuments three-and-one-half (3-1/2) inches square and two (2) feet long shall be driven flush with the grade at the intersection of all street rights-of-way and radius points.

Iron pins one-half (1/2) inch in diameter and two (2) feet long shall be driven flush with the grade at each lot corner and at each point where the property line changes direction.

(g) Annexation Provision for Extraterritorial Planning Jurisdiction Subdivisions:

Proposed residential and/or commercial subdivisions located in the extraterritorial planning jurisdiction which are contiguous to the corporate limits, shall be required to annex into the City of Saraland prior to approval of said subdivision, if it is deemed by the Planning Commission to be in the best interest of the City.

Adopted this 13<sup>th</sup> day of July, 2023

Motion was made by Councilmember Hudson, seconded by Councilmember Moyer, to suspend the rules to allow for immediate consideration of the proposed ordinance amending the Land Use and Development ordinance.

The following votes were recorded:

Yes: Council President Joe McDonald  
Councilmember Newton Cromer  
Councilmember Veronica Hudson  
Councilmember Natalie Moyer

Motion carried.

Unanimous consent being given to allow for immediate consideration of the proposed ordinance, motion was made by Councilmember Hudson, seconded by Councilmember Moyer, amending the Land Use and Development ordinance.

The following votes were recorded:

Yes: Council President Joe McDonald  
Councilmember Newton Cromer  
Councilmember Veronica Hudson  
Councilmember Natalie Moyer

Motion carried.

Motion was made by Councilmember Hudson, seconded by Councilmember Moyer, to authorize the mayor to enter into a mutual use agreement with the Saraland Board of Education concerning the Saraland Civic Center to include the joint undertaking of repairs and improvements for repairs to the foyer, hall, meeting room and to replace all doors and locks at the Saraland Civic




Center and to further authorize the purchase of material for the same, not to exceed \$50,000.00.  
Motion carried.

There being no further business to come before the Council, motion was made by Councilmember Hudson to adjourn at 6:46 p.m.

ACCEPTED and APPROVED the 27<sup>th</sup> day of July, 2023.

  
\_\_\_\_\_  
Judi Smith, City Clerk

  
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Joe McDonald, Council President