CITY OF DAPHNE
1705 MAIN STREET, DAPHNE, AL
CITY COUNCIL BUSINESS MEETING AGENDA
Tuesday, September 6, 2022
6:00 P.M.

1. CALL TO ORDER

2. ROLL CALL
INVOCATION Pastor Jourdain Thrash, 3 Circle Church
PLEDGE OF ALLEGIANCE

JUNIOR CITY COUNCIL OATHS OF OFFICE

PROCLAMATION: Suicide Prevention Week

PRESENTATION: Grayson Peacock

3. APPROVE MINUTES: August 15, 2022 regular meeting

4. REPORTS OF STANDING COMMITTEES

A. FINANCE COMMITTEE – Conaway
Review the minutes from the August 15th meeting.
- Treasurer's Report – July 2022
- Unrestricted Fund Balance - $24,532,5656
- Total Cash Balance - $42,684,409

Sales Tax – June 2022 - $2,365,124
Lodging Tax – June 2022 - $178,385

MOTION to reallocate the previously appropriated $575,000 for the turf field at Daphne High School to provide funding for the synthetic turf at Daphne Sports Complex.

B. BUILDINGS & PROPERTY COMMITTEE – Phillips

C. PUBLIC SAFETY COMMITTEE – Hughes
Review the minutes from the August 9th meeting.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Olen

E. PUBLIC WORKS COMMITTEE – Goodlin

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS

A. BOARD OF ZONING ADJUSTMENTS – Adrienne Jones

MOTION to reappoint Derek Wolstenholme, Tasha Quinnelly and Clay Covert to the Board of Zoning Adjustments with their term expiring September 2025

B. DOWNTOWN REDEVELOPMENT AUTHORITY – Conaway

C. INDUSTRIAL DEVELOPMENT BOARD – Scott

D. LIBRARY BOARD –Phillips

MOTION to reappoint Jewel Lawson and Chuck Dean to the Library Board with their term expiring September 2026.

E. PLANNING COMMISSION – Olen
Review the minutes from the July 28th meeting and the report from the August 25th meeting.

F. RECREATION BOARD – Hughes

G. UTILITY BOARD – Coleman

6. PUBLIC PARTICIPATION

7. MAYOR'S REPORT

8. CITY ATTORNEY REPORT

9. DEPARTMENT HEAD REPORTS

10. CITY CLERK'S REPORT

MOTION to authorize Mayor LeJeune to execute the agreement between the Baldwin County Revenue Commissioner's Office and the City of Daphne in regards to CitizenServe.

MOTION to approve the Daphne High School Homecoming Parade on September 15, 2022 at 6:00pm.

MOTION to approve the Eastern Shore Baptist Church's "Miles for Missions 5K" on January 7, 2023 from 8:00am – 12:00pm.

MOTION to approve the publication and set a public hearing on October 17, 2022 for the proposed amendments to the Land Use and Development Ordinance, Article 11, Minimum Standards and Required Improvements for Subdivisions and Commercial Site Developments, and Article 18, Drainage and Storm Water Management Facilities and Erosion/Sediment Control.

11. RESOLUTIONS & ORDINANCES

A. RESOLUTIONS:

2022 – 45 – Bid Award **-** W-Police Vehicle Equipment - ProLogic ITS LLC

2022 – 46 – Bid Award **-** Y-Park Chemicals - SiteOne Landscape Supply LLC

B. 2nd READ ORDINANCES:

2022 – 55 – Ordinance Consenting to the Sale by the Utilities Board of the City of Daphne on Certain Surplus Personal Property

2022 – 56 – Ordinance to Repeal and Replace the City of Daphne's Lodging Tax Ordinance 2014-06, as Adopted by the City Council on February 17, 2014

2022 – 57 – Ordinance Amending Ordinance 2021-66 and Authorizing the Execution of a First Amendment to Land Exchange Agreement with Target Corporation to Convey Certain Municipal Property in Exchange for Certain Real Property Needed for Right-of-Way Acquisition Related to the Lavender Lane Project

2022 – 58 – Ordinance Amending the City of Daphne's Land Use and Development Ordinance 2011-54 – Article IX, Districts Provisions, Article XII, Establishment of Districts, Article XIII, District Requirements, Article XIV, Olde Towne Daphne District, Article XVI, Parking Requirements for All Districts, Article XXVIII, Fixed Dwelling Provisions, Article XXXV, The Table of Permitted Used and Conditions, Article XXXVI, Village Overlay District

1ST READ ORDINANCES:

2022 – 59 – Adopting the Fiscal Year 2023 Budget

12. COUNCIL COMMENTS

13. ADJOURN

CITY OF DAPHNE, ALABAMA

Proclamation

WHEREAS; suicide is the 12th leading cause of death in the United States, the 3rd leading cause of death among children and teens ages 10-19 and the 2nd leading cause among individuals ages of 20 to 34; and

WHEREAS; in the United States over 45,000 people died by suicide in 2020 (Centers for Disease Control); and suicide rates have increased 30% over the last two decades, with suicide rates finally decreasing 2.1% between 2018 and 2019 and decreasing 2.9% between 2019 and 2020; and

WHEREAS; it is estimated that in 2020, there were 1.2 million suicide attempts; and suicide was the 13th leading cause of death in Alabama; and in 2020, 793 people died by suicide in; and over 90% of the people who die by suicide have a diagnosable and treatable mental health condition, although often that condition was not recognized or treated; and

WHEREAS; organizations such as the American Foundation for Suicide Prevention are dedicated to saving lives and bringing hope to those affected by suicide, through research, education, advocacy, and resources for those who have lost someone to suicide or who struggle, and urge that we:

1. Recognize suicide as a preventable national and state public health problem and declare suicide prevention to be a priority.
2. Acknowledge that no single suicide prevention program or effort will be appropriate for all populations or communities.
3. Address the disparity in access to mental healthcare for underserved and underrepresented groups, and advocate for ending these disparities.
4. Fund new suicide research to support culturally-informed and evidence-based mental health care and services.
5. Encourage initiatives based on goals contained in the National Strategy for Suicide Prevention.
6. Promote awareness that there is no single cause for suicide, and that suicide most often occurs when stressors exceed the coping abilities of someone struggling with a mental health condition.
7. Develop and implement strategies to improve and increase access to quality mental health, substance abuse, and suicide prevention services and programs.
8. Continue advocacy to ensure we can reimagine a comprehensive suicide, mental health, and substance use crisis response system that builds on the historic new 988 number for the Suicide and Crisis Lifeline.

NOW, THEREFORE; I, Robin LeJeune, as the Mayor of the City of Daphne, Alabama, together with the Daphne City Council, do hereby designate September 4-10, 2022 as "National Suicide Prevention Week" in Alabama.

Robin LeJeune, Mayor

ATTEST: _____
Candace G. Antinarella, CMC, City Clerk

August 15, 2022
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:00 P.M.

1. CALL TO ORDER:

There being a quorum present Council President Joel Coleman called the meeting to order at 6:01pm.

2. ROLL CALL:

COUNCIL MEMBERS PRESENT: Doug Goodlin, Steve Olen, Ron Scott, Benjamin Hughes, Joel Coleman, Angie Phillips, and Tommie Conaway

Also Present: Candace Antinarella, City Clerk; Patrick Dungan, City Attorney; Mayor LeJeune; Chief David Carpenter, Police; Troy Strunk, City Development; Lt. Lamar Green, Fire; Charlie McDavid, Recreation; Ronnie Huskey, Public Works; Ange Baggett, Marketing; Tonja Young, Library; Adrienne Jones, Planning; Kelli Reid, Finance; and Jessica Linne, Assistant City Clerk.

INVOCATION/PLEDGE OF ALLEGIANCE

Invocation was given by Lamar Green, Daphne Fire Department.

RECOGNITION: Councilman Coleman recognized the Daphne 12U Girls' Softball Champions

PUBLIC HEARING: Adrienne Jones presented on the four public hearings: Proposed Amendments to the Land Use and Development Ordinance, Article 13, District Requirements, Article 16, Parking Requirements for All Districts, Article 14, Olde Towne Daphne District, Article 36, The Village Overlay District, Article 35, Table of Permitted Uses, Article 9, District Provisions, Article 12, Establishment of Districts, and Article 28, Fixed Dwelling Provisions.

Public hearing opened at 6:22pm.

Victoria Phelps, Worchester Drive, asked for clarification on "built to rent" facilities as well as the R-4 category.

Mrs. Jones said it all came about from an application and gave details.

Stark Irvine, 304 Bay Hill Drive, said he is concerned about the Olde Towne area and new parking. He asked about properties that might not meet the new requirements. Mrs. Jones said the properties would be 'grandfathered' in.

Public hearing closed at 6:29pm.

3. APPROVAL OF MINUTES:

The minutes from the August 1, 2022 regular meeting were approved.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE

Councilwoman Conaway said the Committee met earlier and the report will be given at the next Council meeting.

B. BUILDINGS & PROPERTY COMMITTEE

Councilwoman Phillips said the July 2022 new construction and building reports were in the packet. She said the certificates of occupancy were 23, permits issued were 305, new residential home permits were 30 and total fees collected were $87,733.72.

C. PUBLIC SAFETY COMMITTEE

Councilman Hughes said the next meeting is September 12th at 4:30pm.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE

Councilman Olen said the next meeting is Tuesday, September 6th at 4:30pm.

E. PUBLIC WORKS COMMITTEE
Councilman Goodlin said the next meeting is September 6th at 5:15pm.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments
Adrienne Jones said there was no September meeting and no report.

B. Downtown Redevelopment Authority
Councilwoman Conaway said the next meeting is August 18th at 5:30pm.

C. Industrial Development Board
Councilman Scott said the next meeting is August 16th at 4:30pm.

D. Library Board
Councilwoman Phillips said the Board met last Thursday and the next meeting is September 8th at 4:30pm.

E. Planning Commission
Councilman Olen said the next meeting is August 25th at 5:00pm.

F. Recreation Board
Councilman Hughes said the next meeting is September 14th at 6:00pm.

G. Utility Board
Councilman Coleman said next meeting is August 31st at 5:00pm and the minutes form the June 29th meeting are in the packet.

6. PUBLIC PARTICIPATION:

Public Participation opened at 6:32pm.

Stark Irvine asked about the proposed amendments to subdivisions and residential homes in the Land Use and Development Ordinance. Councilman Coleman explained the proposed amendments.

Victoria Phelps, Lake Forest, thanked the Council for the volunteer breakfast. She shared her concerns about the proposed amendments to the Land Use and Development Ordinance.

Public Participation closed at 6:38pm.

7. MAYOR'S REPORT:

Mayor LeJeune reminded everyone that Daphne High School's first football game of the year was the upcoming Friday. He thanked the Council and Education Advisory Committee for letting him distribute checks to the elementary schools. He reminded everyone of the upcoming election on August 30th for the 3 mil tax with the school system.

8. CITY ATTORNEY REPORT:

City Attorney said there was no report.

9. DEPARTMENT HEAD COMMENTS:

Chief Carpenter, Police, shared about the recent Back to School Bash hosted by Daphne Police Department and commended Officer Jamie Huffman for her work with the event. He said there were no problems with the recent protest in Daphne.

Lt. Green, Fire, said the Fire Department was thankful to participate in the Back to School Bash. He said two individuals have recently completed the swift water rescue training.

Ange Baggett, Marketing and Tourism, said she is going to the Alabama Governor's Tourism Conference and reminded everyone of the upcoming Tourism Conference in Daphne, October 23-25.

Troy Strunk, City Development, shared about upcoming meetings with the Planning Commission, updated the Council on Lake Shore Drive Improvements and reminded everyone that 6th Street will be closed during drop-off times when Christ the King starts back to school.

10. CITY CLERK'S REPORT:

MOTION by Councilman Hughes to approve the Eastern Shore Children's Business fair on October 22, 2022 from 10:00am – 1:00pm at Centennial Park. Seconded by Councilman Goodlin.
MOTION CARRIED UNANIMOUSLY.

11. RESOLUTIONS & ORDINANCES:

A. RESOLUTIONS:

2022 – 44 – Accepting the Grant Award from the United States Department of Commerce Economic Development Administration

MOTION by Councilman Scott to waive the reading of Resolution 2022-44. Seconded by Councilwoman Phillips.
MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to adopt Resolution 2022-44. Seconded by Councilwoman Phillips.
MOTION CARRIED UNANIMOUSLY.

ORDINANCES:

B. 2nd READ ORDINANCES:

2022 – 53 – Appropriation: Lott Park Pickleball Court Expansion - $693,708

2022 – 54 – Additional Appropriation: Fuel Expenses - $255,000

MOTION by Councilwoman Conaway to waive the reading of Ordinances 2022-53 and 2022-54. Seconded by Councilman Hughes.
MOTION CARRIED UNANIMOUSLY.

MOTION by Councilwoman Conaway to adopt Ordinance 2022-53. Seconded by Councilwoman Phillips.
MOTION CARRIED UNANIMOUSLY.

MOTION by Councilwoman Conaway to adopt of Ordinance 2022-54. Seconded by Councilman Hughes.
MOTION CARRIED UNANIMOUSLY.

C. 1ST READ ORDINANCES:

2022 – 55 – Ordinance Consenting to the Sale by the Utilities Board of the City of Daphne on Certain Surplus Personal Property

2022 – 56 – Ordinance to Repeal and Replace the City of Daphne's Lodging Tax Ordinance 2014-06, as Adopted by the City Council on February 17, 2014

2022 – 57 – Ordinance Amending Ordinance 2021-66 and Authorizing the Execution of a First Amendment to Land Exchange Agreement with Target Corporation to Convey Certain Municipal Property in Exchange for Certain Real Property Needed for Right-of-Way Acquisition Related to the Lavender Lane Project

2022 – 58 – Ordinance Amending the City of Daphne's Land Use and Development Ordinance 2011-54 – Article IX, Districts Provisions, Article XII, Establishment of Districts, Article XIII, District Requirements, Article XIV, Olde Towne Daphne District, Article XVI, Parking Requirements for All Districts, Article XXVIII, Fixed Dwelling Provisions, Article XXXV, The Table of Permitted Used and Conditions, Article XXXVI, Village Overlay District

12. COUNCIL COMMENTS:

Councilwoman Conaway thanked Mayor LeJeune for delivering the checks on behalf of the Education Advisory Committee.

Councilman Olen congratulated the 12U Daphne girls' softball team and wished his best to the Mayor.

Councilman Goodlin said it had been refreshing to dress down and have more relaxed Council meetings throughout the summer.

Councilman Scott recognized Cara Stallman, the city's grant writer, and commended the work she has done.

Councilman Hughes said he and his family enjoyed the Back to School Bash.

Councilwoman Phillips gave kudos to Troy Strunk for his work with the City and congratulated the 12U Daphne softball team.

Mayor LeJeune said he appreciated everyone's comments. He thanked Public Works for putting up the school flags around the city.

Councilman Coleman thanked Cara Stallman for her work and said he enjoys having the "feel good" moments in the meetings.

13. ADJOURN:

THERE BEING NO FURTHER BUSINESS TO DISCUSS, COUNCIL ADJOURNED AT 6:59 PM.

Respectfully submitted by,

_____
Candace G. Antinarella, CMC, City Clerk

Certification of Presiding Officer,

_____
Joel Coleman, Council President

CITY OF DAPHNE
FINANCE COMMITTEE MINUTES
AUGUST 15, 2022
4:30 P.M.

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 4:30 p.m.
Present were:

Chairperson Mrs. Tommie Conaway
Councilman Mr. Steve Olen
Councilman Mr. Joel Coleman
Councilman Mr. Doug Goodlin
Councilman Mr. Ron Scott
Councilman Mr. Ben Hughes
Councilwoman Mrs. Angie Phillips

Also Present: Mayor Robin LeJeune, Finance Director Mrs. Kelli Reid, Accountant III Mrs. Suzânne Henson, Human Resource Deputy Director Mrs. Hannah Noonan, City Clerk Mrs. Candace Antinarella, Executive Director of City Development Troy Strunk, Director of Events and Marketing Mrs. Ange Baggett, City Engineer Josh Newman, City Attorney Mr. Patrick Dungan, and Engineer- Andy Bobe, Dewberry.

II. PUBLIC PARTICIPATION

Mrs. Victoria Phelps (Lake Forest Property Owners Association) discussed the sidewalk and road paving projects in Daphne.

III. APPROVE MINUTES FOR THE PREVIOUS MEETING

The previous minutes were approved.

IV. HUMAN RESOURCES BUSINESS

A. Update on Human Resources Department Activity

Mrs. Noonan reviewed the Human Resources Report:

- Posted/Reposted Positions – 14
- Reviewing/Testing/Interviewing/Background check - 11
- Promotion/Internal Transfer - 1
- New Hires – 3

Mrs. Noonan reviewed the monthly Safety Committee meeting topics and discussed other Human Resources projects and events.

- Safety Committee: Next Safety meeting on August 31. Safety award winners: Ryan Hines (PS – Fire), Luke Sledge (PW – Solid Waste), and Kim Simmons (Admin – BI); Safety Observation award winner – David Smith (Police)
    - First aide bags supplied City wide and stop the bleeding bags to be issued to SROs
    - Public Works conducting wound care training with the Fire department
    - Fire department still allowing City employees to come for initial COVID-19 rapid tests
- Other HR projects/meetings/events:
    - Telestaff implementation meetings
    - 2022 Employee Benefits Fair – August 2nd, 3rd, & 4th
    - Open Enrollment August 1 – August 31

V. BUSINESS LICENSE REPORT

A. Report: New Business Licenses – July, 2022

Mrs. Reid reviewed the following reports and information:

- Code enforcement issued 7 warnings resulting in businesses becoming compliant and $1,746.70 in revenue.
- New Businesses with a physical location in Daphne - 11
- Simplified Sellers Use Tax collections - $141,471.29 and YTD collections - $1,349,287.06

BUSINESS LICENSE COUNT through 7/31/2022	
New Licenses	**45**
Renewal Licenses (2022)	**28**
Total Issued THIS MONTH	**73**
Total Issued THIS MONTH - PREVIOUS YEAR	79
Net Gain/-Loss Current VS Previous Yr MONT-	**6**
Total Issued YTD 2022	**4,404**
Total Issued YTD - PREVIOUS YEAR	4,307
Net Gain/-Loss Current VS Previous Yr YTD +	**97**

	FY 21	FY 22	Previous Year	Budget 2022 $2,545,000
October	$13,897.75	$7,131.66	($6,766.09)	($2,537,868.34)
November	$8,573.66	$4,092.86	($4,480.80)	($2,533,775.48)
December	$38,677.07	$13,273.04	($25,404.03)	($2,520,502.44)
January	$1,084,222.56	$1,186,552.24	$102,329.68	($1,333,950.20)
February	$1,174,301.94	$1,131,305.82	($42,996.12)	($202,644.38)
March	$203,323.46	$443,911.19	$240,587.73	$241,266.81
April	$94,667.02	$59,414.89	($35,252.13)	$300,681.70
May	$26,245.05	$27,258.20	$1,013.15	$327,939.90
June	$26,364.10	$21,183.05	($5,181.05)	$349,122.95
July	$8,965.64	$15,138.04	$6,172.40	$364,260.99
Year to Date	$2,707,892.57	$2,909,260.99	**$201,368.42**	**$364,260.99**
All amounts include penalty and interest.				

VI. SALES & LODGING TAX REPORT

A. Sales and Use Taxes: June, 2022

Mrs. Henson reviewed the Sales & Use Tax Reports: $2,365,124.06 was collected for June, 2022 which was up $181,431.03 from June 2021's collections:

- YTD Variance over Budget - $3,756,331.72

B. Lodging Tax Collections, June, 2022

Mrs. Henson reviewed the Lodging Tax Collections Report and noted the collections for June, 2022 were $178,385.52 which is down ($22,781.61) from June 2021's collections.

- YTD Variance over Budget - $ 208,804.31

C. Lodging Tax Fund : Statement of Revenues over Expenses, July, 2022

Mrs. Henson reviewed the Lodging Tax Statement of Revenues over Expenditure report for July, 2022.

- Recreation for related purchases - $916,499.65
- Unreserved balance for Bayfront related purchases - $2,928,166.69

VII. FINANCIAL SCHEDULES & REPORTS

A. Financial Reports

1. Treasurer's Report: July, 2022

Mrs. Reid reviewed the Treasurer's Report:

TREASURER'S REPORT As of July 31, 2022					
Account Type/Title	7/31/2022	6/30/2022	Increase (Decrease) from last Month	7/31/2021	Increase (Decrease) from Last Year
GENERAL FUND & ENTERPRISE FUNDS	$ 13,952,606	$ 13,930,660	$ 21,946	$ 14,364,428	$ (411,822)
INVESTMENT FUND	10,526,458	10,510,743	15,715	5,901,863	$ 4,624,595
CREDIT CARD ACCOUNT	53,501	154,907	(101,406)	81,823	$ (28,322)
Total Unrestricted Cash Balance	**24,532,565**	**24,596,310**	**(63,745)**	**20,348,114**	**4,184,451**
SPECIAL REVENUE FUNDS					
4 CENT GAS TAX	197,023	191,436	5,587	235,071	(38,048)
7 CENT GAS TAX	149,823	142,809	7,014	218,605	(68,782)
10 CENT GAS TAX	218,093	200,320	17,773	227,721	(9,628)
TREE & FLOWER	22,660	22,660	-	29,011	(6,351)
COVID RELIEF FUND	3,432,839	3,432,839	-	1,482,002	1,950,837
ANIMAL SHELTER FUND	1,041,102	1,062,900	(21,798)	-	1,041,102
FEDERAL DRUG FORFEITURES	240,404	259,231	(18,828)	176,907	63,497
LOCAL DRUG FORFEITURES	75,915	75,915	-	60,580	15,335
LIBRARY	28,667	41,560	(12,893)	47,437	(18,770)
COURT TRAINING & EQUIPMENT	42,839	43,024	(184)	42,972	(133)
COURT CORRECTION	523,349	531,606	(8,257)	452,115	71,234
LODGING TAX	3,741,198	3,638,482	102,717	2,446,941	1,294,257
RENAISSANCE	-	-	-	-	-
AGENCY FUNDS					
MUNICIPAL COURT	-	-	-	242	(242)
SELF INSURANCE	230,314	231,908	(1,594)	220,980	9,334
FLEX SPENDING	15,685	18,715	(3,030)	8,548	7,137
OPEB TRUST INVESTMENT FUND	958,192	923,414	34,778	824,087	134,105
	10,918,103	10,816,819	101,283	6,473,219	4,444,884
CAPITAL PROJECT FUNDS					
CAPITAL RESERVE	7,196,264	6,911,134	285,130	3,321,357	3,874,907
	7,196,264	6,911,134	285,130	3,321,357	3,874,907
DEBT SERVICE FUNDS					
DEBT SERVICE	37,477	197,532	(160,055)	141,206	(103,729)
Total Restricted Cash Balance	**18,151,844**	**17,925,485**	**226,358**	**9,935,782**	**8,216,062**
Total City Cash Balance	**$ 42,684,409**	**$ 42,521,795**	**$ 162,614**	**$ 30,283,896**	**$ 12,400,513**
	Encumbrance Total as of		**7/31/2022**	**$ 347,391.36**	

Mrs. Reid noted the increase in the unrestricted cash balance over the last year is mostly due to the transfer of $5 million to the investment fund. Mr. Scott asked about the OPEB balance. Mrs. Reid stated each year a $250,000 contribution would be made to build up the fund to help cover future costs. Discussion continued on the amount that would be needed to cover future retirees costs. Mrs. Reid stated she would look at the actuarial report and bring back the information to the committee.

The Treasurer's Report as of* JULY, *2022 Total Unrestricted Cash Balance - $24,532,565 and Total City Cash Balance - $42,684,409 was presented to be filed for audit.

2. Encumbrance Report

Mrs. Reid reviewed the Encumbrance Report and discussion was made on the police vehicle still being on the list because the delivery is pending.

- Encumbrance balance - $347,391.36 as of July, 2022.

3. Outstanding Appropriations

Mrs. Reid reviewed the Outstanding Appropriations report. Discussion continued on the outdoor fitness gym that will be installed at Trione Sports Complex. Mr. Strunk confirmed the equipment had been delivered and explained the equipment would not be installed until after the concrete pad was poured and cured.

4. Financial Overview: Debt Summaries & Monthly Financial Statements, June, 2022

Mrs. Reid reviewed the following Financial Statements:

- Debt Summary Schedules (General & Enterprise Funds), July, 2022

General Fund:

	FY 2022	FY 2021	Change
• YTD Budgetary Net Income:	$ 3,452,195	$5,805,698	$(2,353,503)

- Total sales tax collected year to date is approximately $3.75 million over budgeted income and $2.05 million over prior year to date income
- Total investment income including interest and unrealized gain is a loss of approximately $427,000 due to the overall market conditions in the market
- Unassigned Fund Balance: $25,720,437
- Outstanding Encumbrances: $374,326

Debt Service Fund/Outstanding Debt:

- Outstanding Warrant Balance as of June 30, 2022: $26,950,794
- Outstanding Capital Lease Balance as of June 30, 2022:
  - General Fund: $1,095,918
  - Enterprise Fund: $1,083,904

Capital Project Funds (Capital Reserve):

- Road Repaving Expenditures YTD: $1,187,283

Special Revenue Funds (13 separate funds):

- The second and final allocation of American Rescue Plan Act (ARPA) funds was received in the amount of $1,952,272
- Lodging Tax Fund –
  - Bayfront Unreserved Fund Balance: $2,2,871,083
  - Recreation Unreserved Fund Balance: $882,368
  - Total lodging tax collected was $209,000 over budgeted income and $98,000 over prior year to date income.

Enterprise Funds (Solid Waste and Civic Center):

- Year to date transfers for each of the enterprise funds were as follows:

	FY 2022	FY 2021	Change
Solid Waste Fund	$ 246,486	$ 92,097	$ 154,389
Civic Center Fund	$ 189,071	$110,195	$ 78,876

5. Summary of Budgetary Amendments

Mrs. Reid reviewed the General Fund budgetary amendments made to the FY2022 Budget.

- Total Appropriations Year to Date – $6,475,637
- Adjusted Expenses over Revenue – ($6,472,493)

Discussion was made on the increase of excess revenues over expenditures which allowed some larger projects to be done. Mrs. Reid noted next year there will be a large expenditure for the animal shelter project.

6. Unfunded Future Projects Expenditure Summary

Mrs. Reid reviewed the Unfunded Future Projects Expenditure Summary and noted that the US 98 Sidewalk bid would open soon. Discussion continued on the FY2023 budget being discussed at the September Work Session and the FY2023 repaving project and the OPEB contribution would be included in the FY2023 budget.

B. **Bills Paid Reports – July, 2022**

The Bills Paid Report was previously presented electronically.

VIII. BIDS *(Resolution)*

A. 2022-W-Police Vehicle Equipment

Mrs. Henson stated this is an annual bid and ProLogic ITS LLC was the sole bidder. Mrs. Henson noted the recommendation letter from the Police Department was included in the packet and they recommended the award be to ProLogic ITS LLC. Mrs. Henson explained the bidder had included a couple different options for the terms of the

contract pricing and Mrs. Reid and the City Attorney agreed the escalation clause terms would be the best option for the City to accept.

MOTION BY Mrs. Phillips to recommend to Council to award the* 2022-W-Police Vehicle Equipment *bid to ProLogic ITS LLC for unit cost as bid and to allow the Escalation Clause added by the bidder and included in the Resolution. Seconded by Mr. Scott.
MOTION CARRIED UNANIMOUSLY

B. 2022-Y-Park Chemicals

Mrs. Henson noted this bid is also an annual bid and Siteone Landscape Supply LLC was the sole bidder. The recommendation letter from Mr. Charlie McDavid, Parks and Recreation Director to award to the Siteone Landscape Supply LLC was included in the packet.

MOTION BY Mr. Scott to recommend to Council to award the 2022-Y-Park Chemicals bid to Siteone Landscape Supply LLC for unit cost bid. Seconded by Mr. Hughes.
MOTION CARRIED UNANIMOUSLY

IX. APPROPRIATION REQUESTS: *(Ordinance)*

There were no appropriation requests.

X. NEW BUSINESS

A. EDA Grant for Synthetic Turf – Daphne Sports Complex

Mrs. Reid reviewed the grant award of $1,650,000 and noted the City's commitment is $550,000. Mrs. Reid noted that since the Daphne High School turf monies are currently not being used they are available for the match required for this project. Discussion continued that DHS could not get any timeline on when they might receive the funds for the turf and the project is on hold. Mr. Scott stated that communication needs to be made with DHS to let them know the City still supports their turf project but consideration needs to be given to how long the project will be on hold.

MOTION BY Mrs. Phillips to recommend to Council to adopt a Resolution accepting the grant award from the US Department of Commerce Economic Development Administration (EDA) and authorizing the Mayor to sign all required grant documents on behalf of the City. Seconded by Mr. Hughes.
MOTION CARRIED UNANIMOUSLY

MOTION BY Mrs. Phillips to reallocate the previously appropriated $575,000 for the turf field at Daphne High School to provide funding for the synthetic turf at Daphne Sports Complex. The funds will be transferred from the General Fund to the Capital Reserve Fund. Seconded by Mr. Hughes.
MOTION CARRIED UNANIMOUSLY

B. Discuss Bayfront Park Master Plan Project

Mr. Coleman gave an overview of the Bayfront Park Master Plan project. Mr. Andy Bobe, Dewberry discussed the project and asked about an appropriation for the planning, design, and consulting for the amphitheater project. Mr. Bobe estimated the cost for the planning, design, and consulting phase would be $100,000. The Finance Committee discussed the $100,000 cost and that was an acceptable cost for these services.

XI. OLD BUSINESS

There was no old business discussed.

XII. ADJOURN The meeting adjourned at 5:22 p.m.

August 9, 2022
PUBLIC SAFETY MEETING MINUTES
1705 MAIN STREET
DAPHNE, AL
4:30 P.M.

1. CALL TO ORDER:

There being a quorum present, Councilman Ben Hughes called the meeting to order at 4:30pm.

2. ROLL CALL:

COUNCIL MEMBERS PRESENT: Mayor LeJeune, Ron Scott, Steve Olen**,** Angie Phillips, Benjamin Hughes, Councilmen Joel Coleman, Doug Goodlin, and Councilwoman Tommie Conaway.

ABSENT: None

Also Present: Candace Antinarella, City Clerk; Patrick Dungan, City Attorney; Troy Strunk, City Development; Chief Tacon, Fire Department; Captain Gulsby, Police Department; Christina Brazell, Recording Secretary.

3. PUBLIC PARTICIPATION:

Mr. Bill Robinson; prayer for school year and public safety.

Potters Mill Association; asked for an update regarding the last meeting. Mayor Lejeune, the city will be adding an additional 25 mph speed limit sign just before the 15 mph digital sign.

*Councilwoman Angie Phillips made a request to move the meeting back into the council chambers in the interest of safety and due to the rise in Covid again. All agreed.

4. APPROVAL OF MINUTES FROM PREVIOUS MEETING

Minutes from July 11, 2022 Public Safety meeting were approved as presented.

5. POLICE DEPARTMENT

Old Business:
None:

New Business:
Captain Gulsby; the Police Department participated in the Compass of Life Basketball Game at the Ruff Wilson Youth Center, with a good turnout.
The Back to School Bash, being put on by Officer Huffman will be on Friday, everyone is welcome to come out.
The detectives have made some headway with the Daphmont murder investigation. Details will not be provided at this time.
The protest by the Westboro Church had very little if any affect. There were some counter-protestors that drove by as well. No issues.

*Councilman Scott wanted to address the upcoming retirement of the Police Chief. The Mayor responded by letting the council know he has been meeting with staff already, working on the upcoming opening. This position will be posted internally as well as externally. The Mayor requested the council begin speaking with the City Clerk regarding their time frames regarding the process.

6. FIRE DEPARTMENT:

Old Business:
Medstar stats not provided at this time. Chief Tacon will continue to reach out to Chad Jones.

New Business:
Chief Tacon; There is an additional need for the houses on the bay front with long narrow driveways that a large fire truck cannot reach. She has been looking at mini-pumper trucks. This would address this need as well as additional needs for the city. A new mini-pumper truck cost around $270,000, and an additional $30,000 for equipment. Phil from Nafeco has one being built that another city was buying and backed out. . It will function as a front line pumper truck as well, with less water. It would be stationed at Station #2. The volunteers have pledged $250,000.

***Motion to make the purchase of the mini-pumper truck made by Councilwoman Angie Phillips, seconded by Councilman Ron Scott. All in favor.**

7. OTHER BUSINESS

Towing Rate Increase:

The City Clerk provided other municipalities' rates and ordinances. The council will come back after they have had time to review all of the documents. This will be added to the next meeting agenda.

5:35 p.m. **ADJOURNMENT**

COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM

DATE: August 29, 2022

TO: Office of the City Clerk

FROM: Adrienne Jones, AICP, Director of Community Development

SUBJECT: Planning Commission Minutes and Report

Attached please find a copy of the approved minutes for the City of Daphne Planning Commission regular meeting of July 28, 2022 and the report of the regular meeting of August 25, 2022 for placement on the September 6, 2022 City Council agenda for review.

Should you have any questions or comments in this regard, please do not hesitate to call.

ADJ/jv

The City of Daphne
Planning Commission Minutes
Regular Meeting of July 28, 2022
Council Chamber, City Hall - 5:00 P.M.

Call to Order:

Chairwoman called the regular meeting of the City of Daphne Planning Commission to order at 5:01 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

Kevin Spriggs
John Peterson
Marybeth Bergin, Chairwoman
Ronnie Huskey
Andrew Prescott, Vice Chairman

Staff Present:

Adrienne Jones, AICP, Director of Community Development
Natasha Miles, Planner
Jan Vallecillo, Planning Coordinator
Patrick Dungan, Attorney
Troy Strunk, Executive Director, City Development
Josh Newman, City Engineer
Tim White, Environmental Programs Manager

The first order of business is the approval of the minutes.

Chairwoman asked for questions, comments or corrections to the minutes ***of the regular meeting of June 23, 2022. There being none, minutes are approved as submitted.***

The next order of business is site plan review for LA, L.L.C.

An introductory presentation was given by David Shumer, Barton Shumer Engineers, requesting site plan review of a single story office/warehouse with associated parking, drainage, and landscaping located southeast of the intersection of County Road 64 and Friendship Road. He advised that the sidewalk is on the right-of-way with the exception of that portion near the driveway and fire hydrant which is on private property and will require a sidewalk maintenance agreement.

Chairwoman asked for Commission questions or comments and advised of staff comments. Mr. Newman stated that his comments were addressed.

Chairwoman asked for a motion.

A **Motion** was made by Mr. Prescott and **Seconded** by Mr. Peterson ***to approve LA, L.L.C. site plan. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is public participation.

Chairwoman asked for public participation.

None presented.

The next order of business is the attorney's report.

Mr. Dungan stated no report.

The next order of business is commissioner's comments.

None presented.

The next order of business is director's comments.

Director presented the upcoming meeting dates. Site Preview is August 17, and the Regular Meeting is August 25, 2022.

There being no further business, the meeting was adjourned at 5:04 p.m.

Respectfully submitted by:

Jan Vallecillo, Planning Coordinator

Approved: August 22, 2022

Vice Chairman

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF AUGUST 25, 2022
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

A6 Report

1. **CALL TO ORDER:** 5:01 p.m.

2. **CALL OF ROLL:** Andrew Prescott, Kevin Spriggs, Ronnie Huskey, Steve Olen, Adam Manning, Phillip Hodgson, and John Peterson

3. **APPROVAL OF MINUTES:** Review of minutes of the regular meeting of July 28, 2022. **(Approved)**

4. **NEW BUSINESS:**

A. 7 BREW MASTER PLAN AND SITE PLAN REVIEW:

1. **File MPR22-06: (Tabled at the request of the applicant until the regular meeting of September 22, 2022)**

Presentation by Austin Lutz, Engineering Design Group, of a master plan review of 7 Brew.

2. **File SP22-14: (Tabled at the request of the applicant until the regular meeting of September 22, 2022)**

Site:	**7 Brew Daphne**
***Zoning*:**	***B-2, General Business***
Location:	Northeast of the intersection of Alabama Highway 181 and Papa George Street
Area:	1.73 Acres ±
Owner:	Malbis Plantation, Inc. - Lewis Stirling, President
Developer:	GMC 7B Real Estate, L.L.C.
Engineer:	Engineering Design Group - Austin Lutz or Danny Dichiara

B. SITE PLAN REVIEW

1. **File SP22-15: (Approved)**

Site:	**A Downtown Development - Main Street**
***Zoning*:**	***B-2, General Business***
Location:	Southeast of Daphne Avenue and Main Street
Area:	0.06 Acres ±
Owner:	City of Daphne
Developer:	Downtown Redevelopment Authority - Daphne Rudicell
Engineer:	Dewberry - Andy Bobe

C. PRELIMINARY/FINAL PLAT REVIEW:

1. **File SDPF22-05: (Tabled at the request of the applicant until the regular meeting of September 22, 2022)**

Subdivision:	**Resubdivision of Lot 4, Friendship Park, A Resubdivision of Lots 1 & 2, Trione Trace**
***Zoning*:**	***B-3, General Business, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne***
Location:	Southeast of the intersection of Friendship Road and Athlete Drive
Area:	5.01 Acres ±, (2) lots
Owner:	Friendship Park, L.L.C. - John and Deborah Kim
Developer:	Mobile Ballet Eastern Shore
Agent:	Goodwyn, Mills and Cawood - Amanda Thompson
Surveyor:	Goodwyn, Mills and Cawood- Stuart Smith

D. 68 VENTURES TRADE OFFICES MASTER PLAN, PRELIMINARY/FINAL PLAT AND SITE PLAN REVIEW:

1. **File MPR22-05: (Approved)**

   Presentation by Trey Jinright, Jade Consulting, of a master plan review of 68 Ventures Trade Offices.

2. **File SDPF22-04: (Approved)**

   Subdivision: **68 Ventures Trade Offices**

   Zoning*:** ***B-2, General Business

   Location: Southeast of the intersection of County Road 64 and Friendship Road
   Area: 58.95 Acres ±, (3) lots
   Owner: KJC Investments, L.L.C. - Kimberly Cox
   Agent: Jade Consulting - Trey Jinright
   Surveyor: Wattier Surveying - Mark Wattier

3. **File SP22-16: (Approved)**

   Site: **68 Ventures Trade Offices**

   Zoning*:** ***B-2, General Business

   Location: Southeast of the intersection of County Road 64 and Friendship Road
   Area: 13.32 Acres ±
   Owner: KJC Investments, L.L.C. - Kimberly Cox
   Engineer: Jade Consulting - Trey Jinright

E. ADMINISTRATIVE PRESENTATIONS:

PROPOSED AMENDMENTS TO THE LAND USE AND DEVELOPMENT ORDINANCE:

1. **File AP22-06:**

   Presentations to be given by Josh Newman, City Engineer, of proposed amendments to the Land Use and Development Ordinance:

   a. **Amendments proposed by the City Engineer - Articles 11 and 18 (Favorable recommendation to City Council**

5. **PUBLIC PARTICIPATION:** Comments expressed regarding A Downtown Development – Main Street (see minutes for details).

6. **ATTORNEY'S REPORT:** No report.

7. **COMMISSIONER'S COMMENTS:** Director presented the upcoming meeting dates. Site Preview is September 14, and the Regular Meeting is September 22, 2022.

8. **DIRECTOR'S COMMENTS** Director presented the upcoming meeting dates. Site Preview is September 14, and the Regular Meeting is September 22, 2022.

9. **ADJOURNMENT:** 5:35 p.m.

AGREEMENT BETWEEN BALDWIN COUNTY ALABAMA, BALDWIN COUNTY REVENUE COMMISSIONER'S OFFICE AND

THE CITY OF DAPHNE

PROVIDING FOR THE EXCHANGE OF BUILDING PERMIT INFORMATION AND RELATED DOCUMENTS

The purpose of this agreement is to allow the parties hereto to share through the CitizenServe Application or other electronic means information and documents supplied by persons or legal entities of whatever form to Baldwin County, Alabama or the City of Daphne when applying for building permits.

It is understood and agreed that all the information or documents exchanged in any form will be employed solely by the parties for the purpose of conducting the official business of Baldwin County, Alabama, the Baldwin County Revenue Commissioner's Office, and/or the official business of the City of Daphne.

SCOPE OF INFORMATION

This agreement shall apply to all information and documents received or collected by either party from persons or legal entities of whatever form when persons or agents of legal entities of whatever form make application for building permits, and information or documents regarding any building inspections and/or certificate(s) of occupancies granted pursuant to said building permit application.

Each party agrees not to charge the other for the costs of routine production of documents that are mutually exchanged. The parties upon agreement may charge a reasonable fee for the nonroutine exchange of information if the circumstances warrant such a charge.

Each party shall be solely responsible for the payment of any subscription fees charged by CitizenServe for the use of the software application by their personnel.

CONFIDENTIALITY

Each party agrees that no information obtained pursuant to this Agreement shall be disclosed in any manner other than is necessary to conduct the official business of the party.

Information or documents obtained pursuant to this agreement in the conduct of official business may be shared with the building permit applicant or the applicant's agents, county or municipal boards, their agents, and personnel and other third parties as required to conduct the official business of the parties. Any third party given access to information or documents obtained pursuant to this agreement shall agree to abide by the terms of use of the information as set forth in this agreement.

COMMENCEMENT/TERMINATION OF AGREEMENT

The Agreement shall become effective on the day it is executed by both parties and shall be in effect for a period of three (3) years. Upon expiration of the initial term, this Agreement shall automatically renew for one-year terms on an annual basis, unless and until one of the parties elects to terminate the Agreement.

Additions and changes in the provisions of this Agreement may be made by mutual written consent of the proper officials of the parties and shall become an attachment to this Agreement.

An unauthorized use or disclosure of information obtained by virtue of this agreement shall be grounds for either party to terminate this Agreement immediately upon mailing written notice to the other party. Notwithstanding the foregoing, either party may terminate this agreement, with or without cause or reason, by giving thirty (30) days written notice of such termination to the other party.

APPROVED:

CITY OF DAPHNE
An Alabama Municipal Corporation

_____/_____
Mayor Date

BALDWIN COUNTY COMMISSION

_____/_____
James E. Ball, Chairman Date

BALDWIN COUNTY REVENUE
COMMISSIONER'S OFFICE

_____/_____
Teddy J. Faust, Jr, Commissioner Date

STATE OF ALABAMA

COUNTY OF BALDWIN

I _____, a Notary Public, in and for said County and in said State, hereby certify that James E. Ball, as the Chairman of the Baldwin County, Alabama Commission, whose name is signed to the foregoing information sharing agreement and who is known to me, acknowledged before me and on this date that, being informed of the contents of said instrument he, as such Chairman of the Baldwin County Alabama Commission, and with full authority, executed the same voluntarily on the day the same bears date for and as an act of Baldwin County, Alabama.

Given under my hand and seal this the ____ day of _____, 2022.

_____
Notary Public, Baldwin County, Alabama
My Commission expires: _____

STATE OF ALABAMA

COUNTY OF BALDWIN

I _____, a Notary Public, in and for said County and in said State, hereby certify that _____., as the Mayor of the City of Daphne, an Alabama Municipal Corporation, whose name is signed to the foregoing information sharing agreement and who is known to me, acknowledged before me and on this date that, being informed of the contents of said instrument he, as such Mayor of the City of Daphne, and with full authority, executed the same voluntarily on the day the same bears date for and as an act of said City of Daphne.

Given under my hand and seal this the ____ day of _____, 2022.

_____
Notary Public, Baldwin County, Alabama
My Commission expires: _____

STATE OF ALABAMA

COUNTY OF BALDWIN

I _____, a Notary Public, in and for said County and in said State, hereby certify that Teddy J. Faust, Jr., as the Revenue Commissioner of Baldwin County, Alabama, whose name is signed to the foregoing information sharing agreement and who is known to me, acknowledged before me and on this date that, being informed of the contents of said instrument he, as such Revenue Commissioner of Baldwin County, and with full authority, executed the same voluntarily on the day the same bears date for and as an act of said Baldwin County Revenue Commissioner's Office.

Given under my hand and seal this the ____ day of _____, 2022.

_____
Notary Public, Baldwin County, Alabama
My Commission expires: _____

City of Daphne
Event Permit Application

TYPE OF PERMIT: ☐ Special Event/Fundraiser ■ Parade/Run (Streets Use) ☐ Walk (Sidewalks Only)
☐ Athletic Complex/Sporting Event ☐ Other: _____

APPLICANT & ORGANIZATION INFORMATION

ORGANIZATION NAME: Daphne HS Homecoming Committee

APPLICANT NAME: Lt Col (Ret) Douglas Goodlin

STREET: 9300 Champions Way CITY, STATE, ZIP: Daphne, AL. 36526

CONTACT PHONE: 251-626-0096 EMAIL: dgoodlin@bcbe.org

"ON SITE" CONTACT PERSON DAY OF EVENT: Lt Col Goodlin

CELL PHONE: 251-366-2744 EMAIL: NA

EVENT INFORMATION

EVENT NAME: Daphne HS Homecoming Parade

TYPE OF/PURPOSE OF EVENT: Celebrate Daphne Homecoming Game

EVENT DATE: 15 Sep 2022 TIME (START- END): 6 PM

ASSEMBLY TIME: 5 PM # PARTICIPANTS/VEHICLES: 250/20

EVENT LOCATION: ROUND TRIP FROM CIVIC CENTER, RTE# 7

FULL DESCRIPTION OF EVENT (PLEASE LIST ANY TENTS, STAGING, PORT-O-LETS, OR SIMILAR ITEMS THAT WILL BE USED ON-SITE): _____

SPECIAL REQUESTS

ROAD CLOSURE(S) REQUESTS: ■ Yes* ☐ No *If Yes, please indicate which City Route is requested: # 7

WILL YOUR EVENT REQUIRE BARRICADES: ■ Yes* ☐ No *If Yes, please indicate quantity & location: ALONG THE PARADE ROUTE AS DETERMINED BY PW

WILL YOUR EVENT REQUIRE ELECTRICITY: ☐ Yes* ■ No *If Yes, you must provide your own extension cords

WILL YOUR EVENT REQUIRE WATER: ☐ Yes* ■ No *If Yes, you must provide your own hose(s)

OTHER SPECIAL ITEMS FOR RENT:

TENTS: 20' X 40' # _____ X $321.00 10' X 10' # _____ X $123.00/EACH

TABLES: 8' L # _____ X $45.00/EACH CHAIRS: # _____ X $12.00/EACH

OTHER SPECIAL REQUESTS: _____

_____

MARKETING & COMMUNICATIONS

PLEASE NOTE: As a City permitted event, the City of Daphne should be listed as a sponsor on all marketing materials promoting your event, such as, but not limited to, posters, social media outlets, website(s), t-shirts, promo items, etc. It is the event organizer's responsibility to request the official City logo from our Marketing & Events Department in a proper format. No other City of Daphne logo should be utilized. Please initial acknowledgement: DGG

Is your event open to the general public? ■ Yes* ☐ No
* If Yes, do you wish for your event to be listed and/or shared on: www.daphneal.com? ■ Yes ☐ No
Facebook.com? ☐ Yes ☐ No Instagram? ☐ Yes ☐ No LinkedIn? ■ Yes ☐ No

MARKETING CONTACT (IF DIFFERENT THAN EVENT APPLICANT OR "ON SITE" EVENT CONTACT):

NAME: _____ CONTACT PHONE: _____

OTHER MARKETING REQUESTS: _____

_____

REVENUE/BUSINESS LICENSE

WILL SALES BE GENERATED AT YOUR EVENT: ☐ Yes** ■ No ** If Yes, please provide your City of Daphne Business License Number here: _____

PLEASE NOTE: If you are providing food trucks or other third-party vendors, they MUST be a licensed business with the City of Daphne.

INDEMNITY & HOLD HARMLESS AGREEMENT

In consideration of the permission granted to me by the City of Daphne to use grounds, sidewalks, and/or streets, I hereby indemnify and hold harmless the City of Daphne, its agents, servants and employees from any and all claims and causes of action that may arise from injury to me or third party using the grounds, sidewalks, and/or streets who are injured or suffer property damage that is in any way caused by my use of the grounds, sidewalks, and/or streets. This indemnity and hold harmless agreement is given to the City of Daphne to protect the City and its agents, servants, and employees from cost of defense and claims for injuries and damages that may be caused either directly or indirectly by my use of grounds, sidewalks, and/or streets.

Further, I have read and understand all rules and regulations according to the City of Daphne Ordinance No. 2017-35 as set forth by the governing body of the City of Daphne and will abide by these rules and regulations. I understand that damage to City property, grounds, sidewalks, and/or streets can and will results in additional fees. I also understand that if at any time the City of Daphne appointed Law Enforcement, Code Enforcement, or other personnel feel that said rules and regulations are not being followed the function will be terminated with no refund of said fees.

I have read and understand the above, including the cancellation and indemnity policies.

APPLICANT SIGNATURE: Douglas Goodlin Digitally signed by Douglas Goodlin Date: 2022.08.12 07:06:59 -05'00' DATE: 12 AUG 22

INTERNAL USE ONLY

DATE REC'D: 8-12-2022 CITY CLERK: _____

FIRE DEPT: L.G. Tarver APPROVED ROUTE: _____

POLICE DEPT: David Culpepper ROUTE MAP ATTACHED: ☐ Yes ☐ No

PUBLIC WORKS: _____

SPORTS & RECREATION: _____ EVENT FEE: ☐ Paid $_____ CHK# _____

MARKETING & EVENTS: _____ ☐ Waived: _____

** REVENUE: _____ PROOF OF INSURANCE REC'D: ☐ Yes ☐ No

City of Daphne
Event Permit Application

TYPE OF PERMIT: ☒ Special Event/Fundraiser ☒ Parade/Run (Streets Use) ☐ Walk (Sidewalks Only)
☐ Athletic Complex/Sporting Event ☐ Other: _____

APPLICANT & ORGANIZATION INFORMATION

ORGANIZATION NAME: Eastern Shore Baptist Church

APPLICANT NAME: Marsha Scarborough

STREET: 6847 Park Dr. CITY, STATE, ZIP: Daphne, AL 36526

CONTACT PHONE: 251-533-6689 EMAIL: marsha@myesbc.net

"ON SITE" CONTACT PERSON DAY OF EVENT: Chris Turner or Marsha Scarborough

CELL PHONE: Chris-318-290-4176, Marsha-251-533-6689 EMAIL: chris@myesbc.net

EVENT INFORMATION

EVENT NAME: Miles for Missions 5K

TYPE OF/PURPOSE OF EVENT: 5K Run & 1 mile Fun Run to raise funds for 2023 Youth Choir Tour/Mission Trip

EVENT DATE: January 7, 2023 TIME (START- END): 8:00 a.m. – Noon

ASSEMBLY TIME: 7:00 a.m. # PARTICIPANTS/VEHICLES: 40-80?

EVENT LOCATION: 5K course ending at City Hall

FULL DESCRIPTION OF EVENT (PLEASE LIST ANY TENTS, STAGING, PORT-O-LETS, OR SIMILAR ITEMS THAT WILL BE USED ON-SITE): Tents/tables for registration/water/refreshments, port-o-lets if building not available, P/A system (provided by church), race timers, stage for choir

SPECIAL REQUESTS

ROAD CLOSURE(S) REQUESTS: ■ Yes* ☐ No *If Yes, please indicate which City Route is requested: Unknown

WILL YOUR EVENT REQUIRE BARRICADES: ☐ Yes* ■ No *If Yes, please indicate quantity & location: _____

WILL YOUR EVENT REQUIRE ELECTRICITY: ■ Yes* ☐ No *If Yes, you must provide your own extension cords

WILL YOUR EVENT REQUIRE WATER: ☐ Yes* ☐ No *If Yes, you must provide your own hose(s)

OTHER SPECIAL ITEMS FOR RENT:

TENTS: 20' X 40' # _____ X $321.00 10' X 10' # _____ X $123.00/EACH

TABLES: 8' L # _____ X $45.00/EACH CHAIRS: # _____ X $12.00/EACH

OTHER SPECIAL REQUESTS: May we bring our own tables and tents?

MARKETING & COMMUNICATIONS

PLEASE NOTE: As a City permitted event, the City of Daphne should be listed as a sponsor on all marketing materials promoting your event, such as, but not limited to, posters, social media outlets, website(s), t-shirts, promo items, etc. It is the event organizer's responsibility to request the official City logo from our Marketing & Events Department in a proper format. No other City of Daphne logo should be utilized. Please initial acknowledgement: MRS

Is your event open to the general public? ■ Yes* ☐ No

* If Yes, do you wish for your event to be listed and/or shared on: www.daphneal.com? ■ Yes ☐ No

Facebook.com? ☐ Yes ☐ No Instagram? ■ Yes ☐ No LinkedIn? ☐ Yes ☐ No

MARKETING CONTACT (IF DIFFERENT THAN EVENT APPLICANT OR "ON SITE" EVENT CONTACT):

NAME: _____ CONTACT PHONE: _____

OTHER MARKETING REQUESTS: Daphne Utilities Food Truck – will this be available?

REVENUE/BUSINESS LICENSE

WILL SALES BE GENERATED AT YOUR EVENT: ☐ Yes** ■ No ** If Yes, please provide your City of Daphne Business License Number here: _____

PLEASE NOTE: If you are providing food trucks or other third-party vendors, they MUST be a licensed business with the City of Daphne.

INDEMNITY & HOLD HARMLESS AGREEMENT

In consideration of the permission granted to me by the City of Daphne to use grounds, sidewalks, and/or streets, I hereby indemnify and hold harmless the City of Daphne, its agents, servants and employees from any and all claims and causes of action that may arise from injury to me or third party using the grounds, sidewalks, and/or streets who are injured or suffer property damage that is in any way caused by my use of the grounds, sidewalks, and/or streets. This indemnity and hold harmless agreement is given to the City of Daphne to protect the City and its agents, servants, and employees from cost of defense and claims for injuries and damages that may be caused either directly or indirectly by my use of grounds, sidewalks, and/or streets.

Further, I have read and understand all rules and regulations according to the City of Daphne Ordinance No. 2017-35 as set forth by the governing body of the City of Daphne and will abide by these rules and regulations. I understand that damage to City property, grounds, sidewalks, and/or streets can and will results in additional fees. I also understand that if at any time the City of Daphne appointed Law Enforcement, Code Enforcement, or other personnel feel that said rules and regulations are not being followed the function will be terminated with no refund of said fees.

I have read and understand the above, including the cancellation and indemnity policies.

APPLICANT SIGNATURE: Marsha Scarborough DATE: 08-19-2022

INTERNAL USE ONLY

DATE REC'D: 8-22-2022

CITY CLERK: _____

FIRE DEPT: _____

APPROVED ROUTE: _____

POLICE DEPT: _____

ROUTE MAP ATTACHED: ☐ Yes ☐ No

PUBLIC WORKS: _____

SPORTS & RECREATION: _____

EVENT FEE: ☐ Paid $_____ CHK# _____

MARKETING & EVENTS: _____

☐ Waived: _____

** REVENUE: _____

PROOF OF INSURANCE REC'D: ☐ Yes ☐ No

COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM

Daphne
ALABAMA

DATE: August 29, 2022

TO: Office of the City Clerk

FROM: Adrienne Jones, AICP, Director of Community Development

CC: Josh Newman, City Engineer

SUBJECT: Proposed Amendments to the Land Use and Development Ordinance, Article 11, Minimum Standards and Required Improvements for Subdivisions and Commercial Site Developments, and Article 18, Drainage and Storm Water Management Facilities and Erosion/Sediment Control

At the August 25, 2022 regular meeting of the City of Daphne Planning Commission, seven members were present. The motion carried unanimously to set forth a favorable recommendation to the City Council to amend Article 11, Minimum Standards and Required Improvements for Subdivisions and Commercial Site Developments, and Article 18, Drainage and Storm Water Management Facilities and Erosion/Sediment Control, of the Land Use and Development Ordinance.

Attached please find the appropriate documentation and action of the Daphne Planning Commission.

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda to set a public hearing.

Thank you,
ADJ/jv

Attachment

cc: file

ARTICLE XI
MINIMUM STANDARDS AND REQUIRED IMPROVEMENTS FOR SUBDIVISIONS AND COMMERCIAL SITE DEVELOPMENTS

Formatted: Different first page header

City Engineer's recommended changes: add reference to Flood Prevention Ordinance
Clarify standard for streets and pavement
Retaining wall

11-1 SUITABILITY OF LAND

The Planning Commission shall not approve the subdivision of land or site development plans 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 Baldwin County Health Department requirements and proof thereof shall be submitted. All improvements shall be designed and sealed by a licensed professional engineer. The engineer shall carry Errors and Omissions Insurance at a minimum coverage of at least one million dollars ($1,000,000).

11-2 LAND SUBJECT TO FLOODING

Land subject to flooding or inadequately served by drainage facilities shall not be acceptable for subdivision unless the subdivider 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. The use of staining materials shall be prohibited in fill activity within coastal bluff areas or flood zones.

Deleted: ¶

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

All developments whether commercial, residential, institutional, public or semi-public, shall comply with the provisions of Ordinance 2019-10, Flood Prevention Ordinance, as may be amended, and all development plans shall denote the flood zone on the construction plan cover/title sheet.

All proposed developments located within a Special Flood Hazard Area (SFHA) shall obtain written approval from the Flood Plain Administrator before issuance of a Site Disturbance permit.

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

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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 Daphne or Baldwin County, whichever is more restrictive.

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

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11-4 PENALTIES

The developer, owner, or agent of the owner of any land to be subdivided in the corporate limits or 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 Baldwin 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 Daphne, 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 SUBDIVISION EXCEPTIONS AND EXEMPTIONS

Whenever the strict compliance with these regulations would result in an extraordinary hardship or injustice to the subdivider because of topography, unusual size or shape of

the property, or unusual conditions in surrounding property of development, the Planning Commission may modify or waive such regulations so the subdivider may subdivide his property in a reasonable manner provided that such modification or waiver shall not nullify the intent or purpose of the subdivision regulations, the public welfare, and interest of the City of Daphne shall be protected. Any such modification together with reasons therefore shall be so noted in the minutes of the Planning Commission.

(a) Modifications/Waivers:

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

(b) Subdivision Exemptions:

The sale or exchange of lots or parcels of land or the relocation of an interior lot line within the city limits between adjoining property owners may be exempt from the subdivision regulations by the director of Community Development, provided that (1) no additional lots are created and (2) none of the lots affected by the sale, exchange or relocation of interior lines 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 as outlined in the applicable sections of this ordinance.

(c) Extraterritorial Jurisdiction Subdivision Exceptions and/or Exemptions:

A request for an Exempt Subdivision Letter and supporting documentation to substantiate any claim of exemption shall be submitted to the Department of Community Development director along with a copy of the Exempt Subdivision Letter from the Baldwin County Engineer.

Subdividers shall not be required to submit a plat to the Daphne Planning Commission unless deemed appropriate by the director. The director may grant an exemption unless he/she deems the request appropriate for the Planning Commission's review. Exemption from the requirement for Planning Commission approval does not constitute exemption from the requirements of other applicable regulations including but not limited to state, county, or municipal law, zoning ordinances, Health Department requirements, or highway construction setbacks. Any subdivider who is found circumventing the intent and substance of these regulations shall be required to submit a plat for review and approval by the Daphne Planning Commission.

The following is a list of qualifying subdivision exceptions/exemptions for

property located outside of the city limits and in the extraterritorial jurisdiction of Baldwin County.

1. Subdivision by testamentary or intestate provisions;

2. Subdivision by court order including, but not limited to, judgments of foreclosure;

3. Sale, deed or transfer of land by the owner to an immediate family member. Each parcel shall have its own ingress/egress and utility access of not less than required by Baldwin County Subdivision Regulations;

4. The public acquisition by gift or purchase of strips or parcels of land for the widening or opening of streets or for other public uses;

5. Subdivision in which the size of each resulting lot equals or exceeds twenty (20) acres, inclusive of adjacent public rights-of-way, and for which no streets are required to be constructed to provide access to each subdivided lot. Each lot shall have at least 200 feet of frontage on an existing publically maintained road or shall have access to a publicly maintained road pursuant to a private easement, at least 60 feet in width, which provides rights of ingress and egress and the right to install utilities sufficient to serve such subdivided lots;

6. Subdivisions in which the size of each resulting lot equals or exceeds ten (10) acres, inclusive of adjacent public rights-of-way, and for which no streets are required to be constructed to provide access to each subdivided lot. Each parcel declared to be exempt pursuant to this subparagraph shall have at least 150 feet of frontage on an existing publicly maintained road.

7. A one-time split of a single parcel into two resultant parcels, if, and only if, the parcel existed and *has not been* divided since February 1, 1984.

8. The relocation of a common property line between two parcels where no new parcels are created. Revised parcels shall meet the minimum zoning lot size and width requirements. The owner of each parcel approved as exempt under this section shall be required to submit, as a condition to approval, either an affidavit executed by such owner attesting, under oath, that there exist no restrictive covenants of record in the Office of the Judge of Probate of Baldwin County, Alabama which would prohibit the subdivision of the parcel for which an exemption is sought pursuant to this subparagraph. In the event a parcel is approved as exempt under this subparagraph and it is later determined that such subdivision was prohibited by valid restrictive covenants recorded as of the date of such approval, the Community Development director, or designee thereof, shall have the authority to revoke such exempt subdivision approval.

In the case of an exemption involving a lot or lots which are included within a previously

recorded subdivision plat, a resubdivision and a new plat will be required to reflect the resubdivision of lots, and such new plat shall be recorded in the Office of the Judge of Probate of Baldwin County. The new plat reflecting the resubdivision of such lot or lots shall contain the certifications prescribed by Baldwin County Subdivision Regulations Appendix.

11-6 MINIMUM STREET REQUIREMENTS

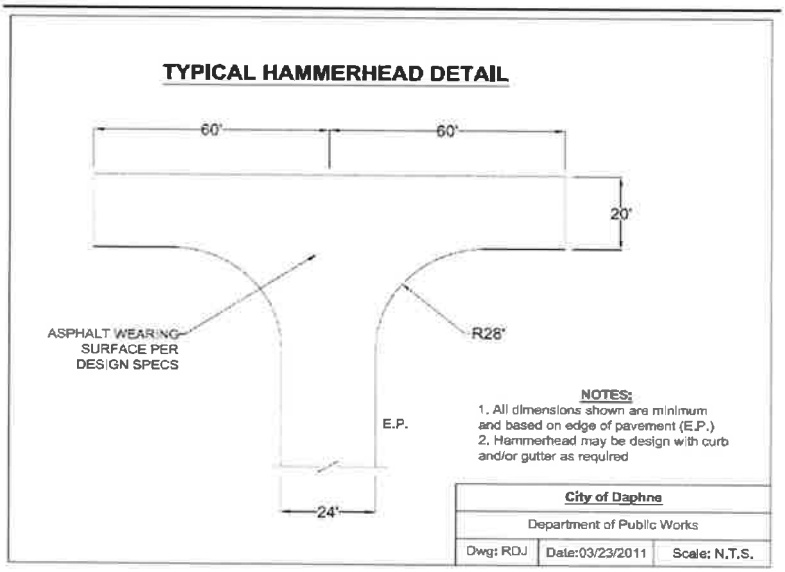
	Major Street	Collector Street	Local Street	Cul-de-Sac[1] (Turn around)	Cul-de-Sac[1] (Turn around w/ 20-ft island)	Hammer Head Turnaround	Alley
Minimum Right-of-Way:	100'	60'	50'	60' (120' diam.)	70' (140' diam.)	120'	30'
Minimum Asphalt Width (ft)[2]:	12' per lane	12' per lane	22'	48' (93' diam.)	56.5' (113' diam.)	20'	20'
Maximum Grade[3]:	5%	10%	15%	3%	3%	3%	10%
Minimum Angle of Intersection:	80◦	60◦	60◦	60◦	60◦	90◦	60◦
Minimum Intersection Offset	150'	150'	150'	150'	150	n/a	150'
Minimum Curb Radius at Intersection:	40'	30'	25'	25'	25'	28'	20'
Minimum Horizontal Curve Radius:	300'	250'	100'	100'	120'	0'	100'
Minimum Reverse Curve Tangent:	100'	100'	100'	120'	120'	0'	100'

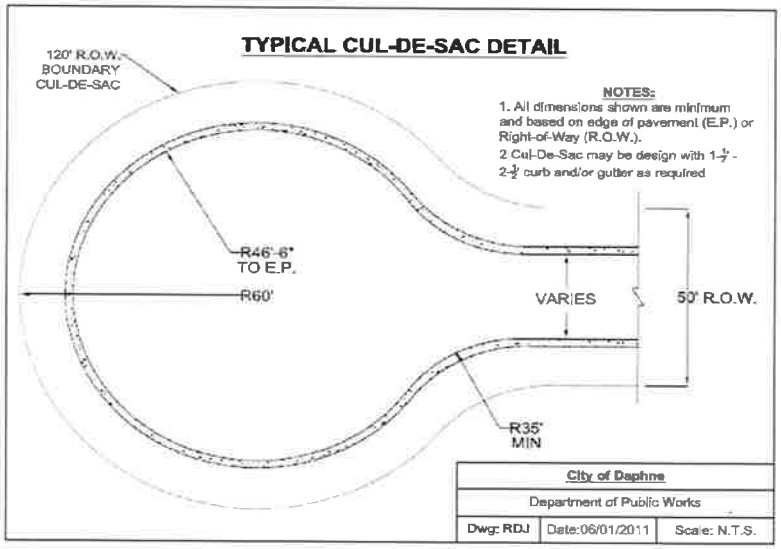
1 Cul-de-sacs shall not be longer than one thousand three hundred twenty (1320) feet measured from the intersecting street to the center of the turnaround.

2 Measured from toe of curbing. Minimum twenty-four (24) feet combination curb and gutter or twenty-four (24) feet valley gutter. Other curb types must be submitted to the City Engineer for approval.

3 May vary with topography subject to Planning Commission approval based on recommendation of the City Engineer and Director of Community Development.

11-7 TYPICAL ILLUSTRATIONS





11-8 IMPROVEMENT STANDARDS FOR STREETS

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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 Director of Community Development or her/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. The minimum Roadway Build-up is as follows based on roadway classification:

(j) Major and Collector Street:[1, 2]

(1) 429-A Improved Bituminous concrete wearing surface layer, one-half (1/2) inch maximum aggregate size mix, ESAL Range B (110 lb/sy), one-hundred and ten pounds per square yard.
(2) 405-A Tack coat, spread rate of 0.10 gal/sy.
(3) 429-B Improved bituminous concrete binder layer, three-quarter inch maximum aggregate size mix, ESAL, Range B 220 lb/sy.
(4) 401-A Bituminous Treatment type "A" (0.25 gal/sy).
(5) 301-A Compacted Granular Soil Base Course (sand/clay) type "A" minimum of two 4 inch lifts (8-inch total) of compacted thickness; or,
(6) 301-B Crushed aggregate base course (limestone) type "B" minimum 6-inch compacted thickness (if using this method, delete 401-A treatment.

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(k) Local Street, Cul-De-Sac, and Hammerhead Turnaround:[1, 2]

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(1) 429-A Improved Bituminous concrete wearing surface layer, one-half (1/2) inch maximum aggregate size mix, ESAL Range B (110 lb/sy), one-hundred and ten pounds per square yard.
(2) 405-A Tack coat, spread rate of 0.10 gal/sy.
(3) 429-B Improved bituminous concrete binder layer, three-quarter inch maximum aggregate size mix, ESAL, Range B 165 lb/sy.
(4) 401-A Bituminous Treatment type "A" (0.25 gal/sy).
(5) 301-A Compacted Granular Soil Base Course (sand/clay) type "A" minimum of two 4 inch lifts (8-inch total) of compacted thickness; or,
(6) 301-B Crushed aggregate base course (limestone) type "B" minimum 6-inch compacted thickness (if using this method, delete 401-A treatment.

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(l) Alley[1, 2]

(1) 429-A Improved Bituminous concrete wearing surface layer, (3/4), three-quarter inch maximum aggregate size mix, ESAL Range B (220 lb/sy), two hundred twenty pounds per square yard.

(2) 401-A Bituminous Treatment type "A" (0.25 gal/sy).

(3) 301-A Compacted Granular Soil Base Course (sand/clay) type "A" minimum of two 4 inch lifts (8-inch total) of compacted thickness; or,

(4) 301-B Crushed aggregate base course (limestone) type "B" minimum 6-inch compacted thickness (if using this method, delete 401-A treatment.

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Notes

[1]Base design shall be based upon the in-situ soil conditions.

[2]Other pavement designs may be submitted for Planning Commission approval. Such options shall be contingent upon the Director of Community Development and the City Engineer.

If curbs and gutters are required, they must be in conformance with approved City, 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 with a minimum of 2 (two) inches of top soil and permanently stabilized with ground cover in a manner that will enhance the appearance of the environment. The shoulder at the edge of pavement or at back of curbing shall be stabilized with a minimum of two (2) courses of sod for the entire length of the roadway. A grading plan shall be required as provided in Section 11-14(j).

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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.

In order for the City of Daphne to provide regular maintenance of street lighting, said lighting shall be purchased through and installed by Riviera Utilities. Regular maintenance does not include replacement of lamps, luminaries or standards which are damaged or destroyed due to vandalism or any other cause beyond the utility's control. Such facilities damaged or destroyed under such circumstances shall be replaced by the utility company at the property owner's expense.

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 Community Development 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 or site plan by the Planning Commission.

Where applicable, any and all state and/or federal permits for construction related activities shall be obtained and submitted to the City prior to issuance of the site disturbance permit. The owner or developer shall provide to the Department of Community Development, the appropriate signed application form, a certified cost estimate for site work, the fee for a site disturbance permit as enumerated in *Article 34, Schedule of Fees*, and proof of the contractor's Daphne business license.

Whenever a major development, one which is five (5) acres or more, or any project deemed appropriate by the Director of Community Development, is proposed within the corporate limits, the developer or his/her authorized engineer should contact the Planning Coordinator to arrange a Pre-construction conference. Said meeting shall occur after site plan approval and prior to the issuance of a site disturbance permit. Participants shall include the developer, the project engineer and the contractors, the representatives from the Departments of Community Development, Building Inspections, Environmental Programs, the City Engineer, Riviera Utilities, Daphne Utilities, any other applicable public or private utility company, local, state, and/or federal agency. At the Pre-construction conference, participants will discuss details related to permitting, construction safety, general expectations during construction, final inspection protocol, etc.

11-10 CONSTRUCTION, TESTING AND INSPECTION OF STREETS

An independent testing laboratory shall conduct all the necessary tests to determine if the streets are installed to minimum design standards. Results shall be furnished to the Department of Community Development prior to final subdivision plat approval. These tests shall be conducted at the expense of the developer/owner.

(a) Testing:

All testing shall be conducted by an independent testing laboratory approved in writing by the City Engineer. The testing laboratory shall have the proper equipment and personnel necessary to perform said testing of required improvements and shall be certified by the Alabama Department of Transportation. Proof of certification must be submitted to the City Engineer, prior to said approval.

The City Engineer shall determine which tests shall be scheduled and performed. A schedule of proposed testing must be submitted to him/her for approval at the time of the Pre-construction conference. The tests normally consist of, but are not limited to:

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(1) Soil gradation;

(2) Optimum moisture content tests on embankment, subgrade and base material;

(3) Soil compaction test on subgrade and base material;

(4) In-place asphalt density analysis of road building materials;

(5) Twenty-eight (28) day compressive strength of concrete;

(6) Hydro-static test of water and pressurized sewer system as required by utility provider;

(7) Air test of gravity sewer line as required by utility provider.

The developer shall notify the City Engineer, twenty-four (24) hours prior to any required tests. Copies of all test reports are to be provided to him/her before additional construction occurs. In the event problems exist that require remedial actions or design, the developer shall be required to submit revised engineering plans to the City Engineer before construction will be allowed to proceed.

(b) Clearing and Grubbing:

All rights-of-way shall be cleared of all vegetation, trees, stumps, rocks and other objectionable or unsuitable material prior to grading or filling unless otherwise approved, in writing, by the City Engineer.

(c) Embankment Sections:

The City Engineer will have the right to approve all borrow sources; however, this does not relieve the developer from full responsibility for the quality of material used. Roadway fill or embankment of earth material shall be placed in uniform layers, full width, and not exceeding six (6) inch thickness (loose measurement). Each layer shall be compacted so that a uniform specified density is obtained. Compaction tests shall be run at the frequency and location as directed by the City Engineer. Additional layers of fill shall not be added until directed by the City Engineer. For all density requirements refer to the current Alabama Department of Transportation "Standard Specifications for Highway Construction".

(d) Subgrade:

The subgrade shall be compacted and properly shaped prior to the placing of base materials. The top six (6) inches of the roadbed shall be modified, with the work being performed under Section 230 Roadbed Processing, of the current Alabama Department of Transportation "Standard Specifications for Highway Construction". It shall be full width of regular section and extend eighteen (18) inches outside of curb sections or thirty (30) inches from the edge of asphalt, whichever is greater. The embankment or subgrade shall be inspected by proof rolling, under the supervision of the City Engineer, with a fully loaded (minimum 20 CY) tandem axle dump truck to check for soft or yielding areas. Any unstable materials shall be removed and replaced with a suitable material compacted to a density as required.

(e) Base:

Base course shall meet the requirements according to the current Alabama Department of Transportation "Standard Specifications for Highway

Construction". Base course shall have a minimum thickness as required by *Section 11-8, Improvement Standards for Streets,* of these regulations and shall extend twelve (12) inches outside of curb sections or twenty four (24) inches from the edge of asphalt, whichever is greater. The density requirements for compaction shall be in accordance with the current Alabama Department of Transportation "Standard Specifications for Highway Construction". Developer/Engineer may submit an alternate base design method for approval by the City Engineer. Design shall be based on a proven and accepted engineering test or method for the site conditions that exist.

(f) Roadway Pavement:

All roads and/or streets shall be paved and comply with the following:

(1) All roads shall be improved according to the standards outlined in *Section 11-8, Improvement Standards for Streets,* of these regulations;

(2) Prior to the placement of pavement, a bituminous treatment A (prime) shall be placed and inspected by the City Engineer;

(3) The finished wearing surface shall be uniform and free of defects. The City Engineer may require additional density tests in areas that appear questionable.

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

11-11 SIDEWALKS

(a) It is the intent of this section to require the installation of concrete or asphalt sidewalks on both sides of the street in residential and commercial developments in order to encourage vehicular and pedestrian connectivity within the City of Daphne. It is also the intent of this section to require the installation of sidewalks in commercial and industrial site developments in order to connect gaps between existing or planned sidewalk circulation systems within the city.

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Sidewalks are counted toward the improvement standards of all streets and shall be installed prior to the issuance of a Certificate of Occupancy unless an agreement for future installation has been presented by the developer. In no case shall the City of Daphne be responsible for the installation of sidewalks within any subdivision or other type development.

(b) Construction of sidewalks, shall comply with the following standards:

(1) All sidewalks shall be in accordance with current ADA (Americans with Disabilities Act) requirements.

(2) Sidewalks shall be constructed with reinforced concrete that has a minimum twenty eight (28) day compressive strength of three thousand pounds per square inch (3000 psi), and shall be in accordance with City specifications and these regulations, unless otherwise approved by the Planning Commission.

(3) All organic material shall be removed from the sidewalk subgrade before installation of said sidewalk.

(4) Type of Subdivision or Development — Sidewalk Width

Low Density Residential	4 feet
High Density Residential	5 feet
Commercial or Industrial	6 feet
Mixed Use Development	6 feet

(5) Sidewalks shall be a minimum of 4 inches thick, except that sidewalks shall be 6 inches thick wherever vehicular loads are anticipated or where adjacent to a traversable curb or gutter.

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(c) Sidewalks shall provide pedestrian traffic and design shall encourage safe means of access eliminating conflicts between vehicles and pedestrians. Innovative design measures which would encourage the use of pervious material may be considered by the Planning Commission in lieu of typical sidewalk installation; however, ADA compliance is required where applicable. Sidewalks shall be installed in the following locations:

(1) Along the perimeter of all developments where adjacent to City right-of-way.

(2) Along the right-of-way where adjacent to the perimeter of any common area within the development; except where walking trails/paths are incorporated into the design for formal/recreational open space as provided in Section 11-14, Special Provisions herein. Final plat shall not be approved until this provision is satisfied.

(3) Along the right-of-way within each residential subdivision development.

(4) New sidewalks shall connect to any adjacent sidewalks and/or bike paths and shall be interconnected within said development to allow for sufficient pedestrian access.

(d) Restrictive covenants and the final subdivision plat, as required in Article 17, Subdivision Review, shall provide for the installation sidewalks by individual home owners or the developer:

The Planning Commission may, at its discretion, approve a final plat prior to the installation of sidewalks upon receipt of an agreement to install sidewalks, a cost estimate for sidewalk installation and a surety in the amount of two hundred percent (200%) of the estimated cost and shall not expire within a twenty-four (24) month period.

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(e) Additional Provisions:

(1) Subdividers may also be required to provide access through greenways and common areas.

(2) Trail design shall be reviewed and approved by the Planning Commission. Trail width shall be at least ten (10) feet.

(3) Walkways, with the exception of dedicated trail, shall be maintained by the adjacent property owners.

(4) Pedestrian crosswalks, not less than ten (10) feet wide, shall be required where deemed necessary to provide circulation or access to schools, playgrounds, shopping centers, bus stops, and other community facilities. Pedestrian crosswalks should be provided wherever sidewalks connect with an existing or planned signalized intersection. Crosswalk shall be designed in accordance with applicable MUTCD guidelines.

(f) Exemptions:
The developer may submit on the appropriate form a request for an exemption to the sidewalk provisions listed herein above. An exemption shall be granted upon receiving an affirmative supermajority vote of the Planning Commission and a favorable recommendation from the City Engineer.

11-12 WATER CONNECTIONS

(a) Connection to Public or Private Water System:

Developments, individual lots, or parcels shall be properly connected to a public or private community water system where such system borders the development, lot line, or is available and the appropriate utility has the capacity to provide service. The lines for both domestic use and fire protection shall be approved by a

public or private community water supplier 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 Baldwin County Health Department requirements.

If a well is to serve more than one lot, a public community water system acceptable by and properly permitted by ADEM shall be required.

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

All developments shall have adequate potable water and adequate water for fire protection. In all cases, the developer, property owner, or agent shall submit written documentation verifying that the public or private water provider is willing and able to provide service to the development. Said documentation shall be on the utility company's letter head addressed to the Department of Community Development.

When all water lines and connections are installed, the developer/owner shall call for final inspection prior to final plat approval or prior to the issuance of the Certificate of Occupancy. The appropriate utility provider representative shall inspect the site to determine if the required improvements are satisfactorily installed according to the plans and specifications presented to the Planning Commission.

11-13 SEWER CONNECTIONS

(a) Connection to Sanitary Sewer System Requirements:

(1) A centrally connected sanitary system shall be constructed and installed and connected to a public sanitary sewer system where such system is reasonably available. A public sanitary sewer system is considered to be reasonably available if the system is located within an easement or right-of-way adjacent to or within five hundred (500) feet of the development or where such sanitary sewer system borders the development, individual lots, or parcels and the appropriate entity has the capacity to provide the service.

(2) Sanitary sewer collection systems for multiple customers shall be gravity systems. Low pressure systems, i.e., multiple grinder pumps, shall not be acceptable within the City of Daphne or its planning jurisdiction except with the approval of the Planning Commission. Consideration will be given to areas where access for proper maintenance to sewer mains is impractical and cost prohibitive as determined by the City or Daphne Utilities. The project design engineer shall provide written certification to

justify the need for a multi-customer low pressure system. When approved as an acceptable system in lieu of a gravity system, low pressure systems shall be constructed to provide flow conditions that will minimize the development of corrosive and odor conditions from H2S and to prevent the development of sewage BOD5 (biochemical oxygen demand) concentrations greater than three hundred and fifty (350) mg/l.

(b) Regulation of Septic Tanks:

The Board of Health of Baldwin County or its duly authorized representatives being specifically empowered and directed by state law, are hereby empowered and directed by the City to making such inspections and investigations of and to take such legal steps as may be necessary to regulate and control the type, construction, reconstruction, location, use and maintenance of all septic tanks and all appurtenances thereto or used in connection therewith in the City.

(c) Inspection of Septic Tanks:

All septic tanks within the City shall be subject to inspection or investigation by the Board of Health or its duly authorized representative(s) at all reasonable times and the Board of Health or its representative(s) shall have the right to enter upon or into all property, premises or building for such purposes.

(d) Permit for Construction and Maintenance of Septic Tank:

It shall be unlawful and an offense against the City for any person to construct a septic tank on any property within the City without first having obtained a permit from their County Board of Health or its duly authorized representative.

(e) Low Pressure Systems also known as Grinder Pumps:

(1) Except as noted above, low pressure systems may only be installed with the approval of the Planning Commission. Construction of low pressure sanitary sewer systems, selection and installation of individual grinder pumps shall conform to the Utilities Board of the City of Daphne's Standard Constructed Specifications, latest edition, which is hereby adopted by reference.

(2) The Building Official or designee thereof or City Engineer shall have the authority to determine if selection and installation of grinder pumps meets the minimum requirements of these specifications.

11-14 SPECIAL PROVISIONS

(a) Utility Placement:

All 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 uses; 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.

(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 five hundred (500) 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 of Daphne.

(d) Location of Street Lighting:

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

If the City of Daphne is to provide regular maintenance of street lighting, said lighting shall be purchased through and installed by Riviera Utilities. Regular maintenance does not include replacement of lamps, luminaries or standards which are damaged or destroyed due to vandalism or any other cause beyond the utility's control. Such facilities damaged or destroyed under such circumstances shall be replaced by the utility company at the property owner's expense.

(e) Placement of Street Signage for Subdivisions and Developments:

Proper signage in accordance with the latest edition of the "Manual of Uniform Traffic Control Devices" (MUTCD) as adopted by Alabama Department of Transportation (ALDOT) shall be installed prior to receiving final plat approval and maintained in all subdivisions until such time as roads are dedicated and accepted for maintenance by the City Council resolution. All proposed signage shall be shown and detailed on the construction plans. The following minimum

Deleted: (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, no less than five (5) feet to accommodate normal runoff. Said right-of-way shall be at a location one (1) foot above established high water or flood elevation.¶

standards shall be adhered to:

(1) R1-1 Stop Sign:

High intensity prismatic-minimum 0.080 inch thick, thirty (30) inches for all internal street intersections; thirty-six (36) inches for all intersections with existing city, county, state and federal roads.

(2) Street Name Sign:

Nine (9) inch aluminum extruded blade, high intensity prismatic, six (6) inch tall all-capital lettering on green background for streets proposed to be public; six (6) inch tall white all-capital lettering on blue background for streets proposed to remain private. Brackets: Vulcan type VS-8 vandal proof or an approved equivalent.

(3) All other signs, engineering grade or better:

Minimum 0.080 inch thick.

(4) Post for Street Signs:

Minimum ten (10) foot long, two and three eighth (2-3/8th) inch galvanized round post. Street signs must be mounted on separate post from the stop sign, unless approved by the City Engineer. If street signs and stop signs are approved to share the same post, in no case shall the street sign be attached directly to the stop sign. Stop signs shall be attached using a flanged bracket such as Vulcan Part #222491-501 or equivalent.

(5) Post for all Other Signs:

#3 Galvanized U-channel of appropriate height embedded not less than three (3) feet below the finished grade elevation.

(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 (½) 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 and are served by a public community water and sanitary sewer system of the Utilities Board of the City of Daphne, shall be required to annex into the City of Daphne prior to approval of said subdivision, if it is deemed by the Planning Commission to be in the best interest of the City.

(h) Common Open Space and Recreation Provisions:

Common open space and recreation area set asides shall include formal recreation areas and/or natural open space areas. There are two types of formal recreation areas: passive and active.

Passive recreation areas may include but shall not be limited to: open areas that include arranged plantings, gardens, gazebos or similar structures, fountains, sculptures, and other forms of public art, pedestrian walk ways, dog parks, picnic areas, general landscaped areas, flower gardens, and other uses typical for passive recreation. Active recreation uses may include but shall not be limited to: playground or park for local or neighborhood use with swing sets, ball fields, tennis courts, jogging trails, clubhouses, swimming pools, including accompanying accessory structures, and any other similar use suitable for the common enjoyment of the residents.

Natural open space areas that preserve and conserve the natural condition and hydrology of the property should be included as well as tree groves, wetlands, associated wetland buffers, rock outcrops, pastoral areas, floodplains, lakes, streams, rivers, wildlife habitat, utility and conservation easements, and scenic vistas and trails. Detention ponds and related storm water facilities, especially low impact development measures, may also be included.

(1) Applicability:

Ten percent of each proposed single family or multifamily residential development shall be set aside for common open space and recreation area. Common Open Space and Recreation Provisions shall apply to each residential development within the corporate limits and extraterritorial jurisdiction of the City of Daphne except as exempted below.

(2) Exemptions:

Common Open Space and Recreation Provisions shall not apply in the following cases:

(a) Where a unified planned single family residential development (i.e., under single ownership and planned in multiple phases) is five acres (5 ac) or less in total area and the minimum lot size exceeds twenty thousand square feet (20,000 sq. ft.); or,

(b) Where the entire subdivision is zoned R-1, Low Density Single Family Residential.

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(4) Phasing/Implementation:

A common open space and recreation area plan shall be a provided as a component of the subdivision master plan for single family or multi-family residential subdivision development, except where herein exempted.

Upon preliminary plat submission for the first phase of the development an agreement shall be established for the implementation of the common open space and recreation area plan. The agreement shall be made using appropriate forms as provided by the city and shall include:

(a) The proposed common open space and recreation area plan;

(b) A cost estimate of all work associated with the common open space and recreation area plan improvements (this excludes land and/or utility costs), and;

(c) A renewable surety bond valid for two years in the amount of one hundred and ten percent (110%) of the cost estimate or a letter of credit drawn on an Alabama based bank.

(5) Performance Standards:

The following factors shall be considered to determine the location for common open space and recreation areas.

(a) Where possible and appropriate, common open space and recreation areas shall be readily accessible and useable by property owners.

(b) To the maximum extent practical, a portion of the common open space and recreation area should provide focal points for the development.

(c) Common open space and recreation areas shall have at least one direct access to a public right-of-way.

(d) The common open space and recreation areas shall be compact and contiguous unless the land is used as a continuation of or link to an existing or planned adjacent open space resource or where specific natural or topographic features require a different configuration.

(e) In all developments, due regard shall be shown for all natural features such as large trees, heritage trees, water courses, historical spots, and similar community assets which, if preserved, will add attractiveness and value to the overall development.

(i) Retaining Wall Design:

Any retaining wall over 4 feet in height, measured from the top of the wall to the adjacent ground surface shall be designed and sealed by a professional engineer with prior experience designing retaining walls.

(j) Grading Plans:

All new subdivisions shall require an overall grading plan which shall include the finished floor elevation (FFE) plan for each lot. The FFE is defined as the elevation of the top of the concrete slab or the top of the first floor foundation to which flooring finishes and materials are to be applied except that for terrazzo, mortar bed set ceramic and quarry tile, and other materials requiring a depressed slab, finished floor elevation means the top surface of the installed materials and the slab shall be depressed as required for the appropriate setting bed. The finished floor elevations for each lot shall be stated on the grading plan and on the

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subdivision plat.

All lots within a subdivision should be graded to drain to the right of way or to a drainage easement(s) in a designated common area.

(k) Drainage Easements and Utility Easements:

(1) 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, a drainage way, a channel or a stream, there shall be provided a stormwater or a drainage right-of way of adequate width, no less than twenty (20) feet to accommodate normal runoff. Said right-of-way shall be at a location one (1) foot above the established high water or flood elevation.

(2) Rear lot drainage easements shall be placed in common areas and shall not be located on residential lots.

a. Rear lot common areas must not be obstructed by development such as structures and fences.

b. All rear lot common areas shall be maintained by the land owner.

c. The City of Daphne shall not be responsible for the maintenance of common areas and it reserves the right to require the maintenance of all private drainage facilities to prevent potential flooding and/or eliminate public health and safety threats or nuisance caused by said drainage facilities.

d. The minimum grade of swales/ditches in drainage easements shall be a minimum of one percent (1%).

(3) Common areas that contain drainage easements or drainage conveyance facilities shall be at least 20-ft wide.

(l) Parking Lots:

(1) 429-A Improved Bituminous concrete wearing surface layer, (3/4), three-quarter inch maximum aggregate size mix, ESAL Range B (220 lb/sy), two hundred twenty pounds per square yard.

a. A lesser asphalt wearing surface thickness may be utilized if designed and approved by a professionally licensed geotechnical engineer based on the expected traffic loading over the life of the pavement.

(2) 401-A Bituminous Treatment type "A" (0.25 gal/sy).

(3) 301-A Compacted Granular Soil Base Course (sand/clay) type "A" minimum of two 4 inch lifts (8-inch total) of compacted thickness; or,

(4) 301-B Crushed aggregate base course (limestone) type "B" minimum 6-inch

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compacted thickness (if using this method, delete 401-A treatment.

Notes

[1]Base design shall be based upon the in-situ soil conditions.

[2]Other pavement designs shall be contingent upon the recommendation of the City Engineer; however, gravel parking lots shall not be permitted where the general public is intended to park and required by the City of Daphne Land Use and Development Ordinance.

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ARTICLE XVIII

DRAINAGE, STORM WATER MANAGEMENT FACILITIES AND EROSION/SEDIMENT CONTROL

Make drainage easements consistent size, address easements/common areas, etc.

18-1 GENERAL

A. Purpose:

The purpose of this section is to provide a guide for development wherein the ecological impacts to the environment are minimized through appropriate design, landscaping, erosion control, stormwater management, and proper planning. The intent of the City of Daphne is to protect valuable natural resources, the natural environment and the quality of life for all its citizens. In order to preserve the integrity, stability and the value of land, the City encourages the use of innovative, LEED-certified (Leadership in Energy and Environmental Design) and/or other "green" practices in development design. Where such methods/practices are proposed for a development said practices shall be designed in accordance with Appendix O, The Low Impact Development and Green Infrastructure Project application and certified by a credentialed professional in his/her design field.

B. Applicability and Use:

The following requirements shall apply to uses and developments in each overlay district and zoning district within the Daphne corporate limits, except where noted herein. As a general policy the objective of each drainage system design shall be the safety and protection of the traveling public, the environment, the City of Daphne and private property.

C. Jurisdiction:

All projects which fall under the inspection, permitting, or extraterritorial planning jurisdiction of the City, on items related to stormwater management and site development within the corporate limits of the City.

D. Permitting:

No land disturbing activity shall take place on any site prior to the issuance of a Site Disturbance Permit in accordance with *Article 15, Procedures for Site Plan Review in Section 15-4(d), Special Provisions and Article 17, Procedures for Subdivision Review, Section 17-3(e), Preliminary Plat Application,* of this Ordinance. All permitted sites within the city limits shall post a waterproof Site Disturbance Permit Identification Sign on site during construction. This sign shall identify the permit number, permit holder, contractor and contact phone number. Any and all state/federal permits for such activities shall be obtained and submitted to the City prior to issuance of the site disturbance permit.

E. Technical Reference:

The current version of the Alabama Handbook for Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas is hereby adopted as a reference and shall be considered a part of the Land Use and Development Ordinance as an expansion of erosion control provisions not listed. Herein, the book shall be referred to as the "Alabama Handbook for Erosion Control."

F. Professional Civil Engineer:

All engineering plans and specifications submitted for review and/or approval shall be prepared by and under the direct supervision of a registered professional civil engineer, licensed in the State of Alabama. Said professional engineer shall carry Errors and Omissions Insurance at a minimum coverage of one million dollars ($1,000,000). All plans and specifications shall meet the minimum standards and requirements of the City and other applicable local, state or federal authorities.

(1) Plan, profile and special drawing sheets for a project submitted for review shall bear a legible stamp and signature of the professional design engineer in charge. If the name or license number is not clear, the signature and number shall be added.

(2) The professional design engineer shall be qualified in the area of drainage as per the State of Alabama engineering registration laws.

(3) Upon completion of the project, an inspection of the site and drainage facilities shall be conducted by the design engineer. Correspondence in the form of a letter along with a set of as-built final plan sheets and an electronic version in a format deemed acceptable by the City shall thereafter be submitted to the Department of Community Development from the design engineer certifying that all drainage and related facilities have been installed in accordance with approved plans and specifications.

G. Liability:

Use of the information contained herein for placement of any structure or use of land, shall not constitute a representation, guarantee, or warranty of any kind by the City, its offices or employees, of the practicability, adequacy or safety and shall not create liability upon or cause action against any such public body, office, or employee for any damage that may result pursuant thereto.

(1) Any liability associated with the design, performance and operation of the drainage, stormwater management or erosion and sediment control facilities remains with the developer/owner and the project design engineer.

(2) Stormwater management facilities shall be designed in accordance with good engineering practice. The design criteria establish minimum elements of design which must be implemented with good engineering and good workmanship.

H. Pre-Design Conference:

The developer and the design engineer are encouraged to contact the City for a pre-design conference at the conceptual stage of the project. Such conference would be mutually beneficial to outline the complexity and scope of design, applicability of criteria and elimination of possible items of conflict during the review process. Subsequent conferences, during the preparation of plans may be arranged by the design engineer or the developer to obtain preliminary, informal decisions on items in need of clarification.

I. Letter of Transmittal:

In order to facilitate review of plans, all projects shall be submitted with a letter of transmittal which shall include the name of the project, name and address of the owner and/or developer, telephone number of the engineer, and clarification as to the purpose of submittal.

18-2 DRAINAGE AND STORMWATER MANAGEMENT ENGINEERING PLAN CONTENTS

A. General Requirements:

For all developments affecting city rights-of-way and for all proposed subdivisions and site development plans, the developer or the professional design engineer shall submit signed and sealed detailed drainage plans and drainage computations to the City for review and approval. Said drainage plans shall contain a map, narrative and supplemental items as follows:

(1) Map Information:

i. Existing and proposed contours in 1 (one) foot increments (topography shall be based upon the NAVD 88 datum;

ii. Location of existing improvements including roads, parking areas and building footprints along with their proposed finished floor elevations;

iii. Existing drainage system, including but not limited to, pipes, culverts, inlets, ditches, and ponds with data providing invert elevations, slopes, permanent water elevation and other related dimensional data;

iv. Flood zone designation and certification;

v. Elevation of the regulatory lowest floor level, including basement, of all proposed structures;

vi. Elevation to which any non residential structures will be flood proofed;

vii. Drainage basin boundaries, showing direction of flow, including total tributary drainage areas entering the improved area, taking into account any off-site runoff being routed through or around the project in its undeveloped condition;

viii. Size, location, slopes, inverts, types and general configuration of all primary drainage facilities required to route, collect, treat and dispose of stormwater runoff, generated by or passing through the development;

ix. Location of on-site water bodies, ephemeral streams and/or wetlands with details of size and vegetative cover to include normal water elevation, side slopes, and depths of water bodies and for wetlands, the general surface elevation and the wet season water elevation;

x. CBMPP (Construction Best Management Practices Plan) in accordance with the *Erosion Control provisions stated in Section 18-6* below;

xi. Reference the 100 (one hundred) year flood elevation if applicable;

xii. All final plats shall have a section that details that the City reserves the right to require the owners of all drainage facilities to perform needed maintenance to prevent potential flooding hazards.

(2) Narrative:

i. Proposed project including its size, percent pervious versus impervious land usage, total wetlands within site boundaries, and a breakdown of wetland acreage preserved, by type, and acreage removed, by type.

ii. All acres solely for water management purposes shall be noted and the legal method to ensure areas remain devoted.

iii. Times of concentration, intensity, runoff coefficients used for determining runoff for all tributary areas and areas within the development at pre- and post-construction rates.

iv. Discharge rate in cubic feet second (cfs), discharge velocity in feet per second (fps), and any other additional hydraulic data needed to establish that the drainage system will safely convey the flow to an adequate outlet without eroding any property or the channel of flow. Armoring of the receiving channel shall be required where velocities exceed the scour velocity for the given soil

conditions. Discharge and runoff coefficients should be based on full or ultimate build out of the parcel and contributing watershed.

v. Proposed start and completion date for the project.

vi. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, if applicable.

(3) Supplemental Information:

i. Design storms used including depth, duration, and distribution;

ii. Staged storage calculations for the project and stage discharge computations for the outfall structure(s);

iii. Differential runoff evaluation consists of determination of rates of runoff before and after development, determination of required volume of retention/detention and verification of adequacy of discharge and control structures.

iv. Runoff routing calculations showing discharges, elevations and volumes retained/detained during applicable storm events;

v. Draw down calculations for detention;

vi. Base flood elevation data for all proposed developments greater than 50 (fifty) lots or 5 (five) acres, whichever is less; if not established refer to the Flood Damage Prevention Ordinance No. 2009-01;

vii. Calculations required for determination of minimum building floor and road elevations;

viii. Calculations for flood plain encroachment, if applicable;

ix. Copies of all federal and state permit applications for the activity.

(4) Acreage in a tabular format:

Sample Table

	Existing		Proposed	
	Acres	%	Acres	%
Total Area				
Building				
Pavement				
Impervious total				
Pervious total				
Wetlands				
Common area				
Recreation area				

B. Provision for Additional Engineer's Review:

The intent of this provision is to protect and improve water quality and stream conditions within the City of Daphne, particularly those on the ADEM 303(d) List of Impaired Streams. The purpose of this provision is to mitigate the impact of potential or future development in support of the Daphne MS4 permit program and to uphold the provisions of this article.

Where deemed appropriate by the Planning Commission, any drainage and stormwater management plan submitted for review by the Planning Commission that could impact a stream listed on the ADEM 303(d) Impaired Streams list, may be subject to an additional review by a qualified professional civil engineer with experience in stormwater management (consultant engineer). The applicant/developer/owner may be required to modify stormwater and drainage plans to accommodate the recommendations of the consultant engineer.

All costs incurred for this additional engineer's review shall be paid by the developer/owner/ applicant.

18-3 DRAINAGE AND STORMWATER MANAGEMENT

A. General Requirements:

(1) Each subdivision plat and site plan submitted for review shall make adequate provisions for stormwater or flood water runoff channels or basins. Storm drains and drainage structures shall be designed and installed as required herein and in accordance with current good engineering practices and standards. The responsible professional design engineer shall submit signed and sealed design computations with said plans.

(2) The professional engineer shall make certain that any spring or surface water that may either exist prior to or as a result of the proposed subdivision or site development design shall be carried away by vegetative swale, pipe, open concrete paved ditch, or any alternate drainage facility certified by the design engineer and subsequently approved by the Planning Commission. Drainage conveyance structures may be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width. Said drainage conveyance structures shall be constructed in accordance with the Alabama Department of Transportation (ALDOT) Standard Specifications.

(3) Where a public storm drainage system is accessible, the professional engineer shall design stormwater drainage facilities to connect thereto. Storm drainage provisions for each development shall be subject to the specifications and calculations submitted by the design engineer. If no outlets are within a reasonable distance then adequate provisions shall be made for the disposal of stormwater.

(4) Where a public storm drainage system is not accessible, the subdivider shall install all drainage structures necessary to convey the water to a location acceptable to the City and obtain all required easements thereto.

(5) If, in a phased development, a connection to a public storm drainage system will be provided in a future phase of construction then a phasing plan for the project, a master storm drainage plan for the overall development and a bond in the amount of 150% of the cost of installing the appropriate facilities as enumerated in *Article 17, Procedures for Subdivision Review*, Section 4(a) Final Plat Application, shall be submitted upon application for final plat approval. Said master drainage plan shall show the arrangements anticipated for future stormwater disposal.

(6) No development shall be approved unless adequate drainage is provided to the natural drainage watercourse or an existing drainage facility.

i. For all developments, upstream drainage areas shall be accommodated and considered in designing drainage facilities. A culvert, pipe, or other drainage facility, shall in any case, be of sufficient size to accommodate potential stormwater runoff from its upstream drainage area, whether inside or outside the subdivision or development site boundary. The design engineer shall determine the necessary size of the facility based on drainage calculations and provisions of the construction standards and specifications.

ii. For all developments, downstream drainage areas shall be considered in designing drainage facilities. The design engineer shall review the effect of each development on existing downstream drainage facilities outside the area of the development. These drainage studies, together with such other studies as shall be appropriate, may serve as a guide to needed improvements and shall be incorporated into the drainage report to be submitted with the development application.

iii. Stormwater drainage facility design shall note the calculation of a runoff coefficient by measuring the total area of each sub-drainage basin within the project and the areas of each land use which will occur in each basin after construction is complete. These areas shall include off site drainage onto the site as well as the development area. These calculations should also consider future development or build-out on the upstream contributing area based on current land use or zoning.

(7) Where it is anticipated that additional runoff incidental to the development will overload an existing downstream drainage facility, approval of the development may be: denied, delayed, or withheld until provisions have been made to prevent and/or remedy such occurrence by the developer/owner submitting of an Off-Site Impact Bond, as provided in *Article 15, Procedures for Site Plan Review, and Article 17, Procedures for Subdivision Review,* prior to preliminary plat or site plan approval.

(8) The City of Daphne reserves the rights to enforce all Federal and State water quality regulation, as amended

(9) In a site plan review, the Planning Commission may require additional water quality enhancement through the use of stormwater treatment measures such may include, but shall not be limited to oil/gas/grease separators.

B. Flood Prevention:

(1) All proposed developments shall provide adequate storm drainage facilities.

(2) All proposed developments shall meet standards established in the Flood Prevention Ordinance 2009-01, as amended.

(3) Any areas subject to periodic flooding or flooding caused by poor drainage facilities will not be accepted unless the developer or subdivider makes necessary provisions to eliminate such flooding in conformity with the National Flood Insurance Program.

(4) The floor elevations of houses or buildings shall be high enough to be above the regulatory flood.

(5) The floodway 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.

(6) Fill may not be used to raise land in areas subject to flood and/or excessive erosion unless permitted by the Flood Plain Manager in accordance with the Flood Prevention Ordinance and provisions provided herein.

(7) If fill is permitted to raise land in areas subject to flood and/or in areas of excessive erosion, said fill shall be subject to the following requirements:

i. Fill shall not restrict the natural flow of water,

ii. Fill shall not advance erosion,

iii. Fill shall not unduly increase flood heights,

iv. Fill shall not be comprised of staining materials, e.g., red clay.

C. Easements:

Easements shall meet all specifications provided herein and shall be labeled on the record plat and/or site development plan.

(1) Where topography or other conditions are such as to make impractical the inclusion of drainage conveyance structures/facilities within road rights-of-way, perpetual unobstructed easements for such drainage conveyance structure/facilities shall be, a minimum of twenty (20) feet in width and located across said property, outside the road lines and with satisfactory access to the road. Drainage easements shall be carried from the road to the natural watercourse or to other drainage facilities.

(2) Where a subdivision or development of land is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such water course, and of such width and construction or both as shall be adequate.

(3) The subdivider shall dedicate by easement land in its natural state on both sides of any existing stream, of an adequate width and to a distance that is adequate to discharge flood waters without cumulatively increasing the water surface elevation more than one foot. Per *Section 18-3(d) Streams and Wetland Buffers*, the easement shall be at least fifty (50) feet wide.

(4) Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication shall be preserved and retained in their natural state as drainage ways, except where improvements are warranted and deemed necessary by the design engineer and subsequently approved by the Planning Commission. Said low-lying areas shall be appropriately delineated on the record plat.

D. Stream and Wetland Buffers Zones:

(1) For any flowing or ephermal water body, a fifty (50) ft wide vegetated non-disturbed buffer zone shall be provided on both sides of the stream from the bank. These buffer zones shall be shown on the plat, field verified by the design engineer, flagged prior to project implementation and protected by appropriate measures during all construction phases.

(2) For any delineated wetland area, a thirty (30) ft wide vegetated non-disturbed buffer zone shall be provided around the wetlands. These buffers shall be shown on the plat/site plan, field verified by the design engineer, flagged prior to project implementation and protected during all construction phases.

(3) When wetlands border, abut, and/or adjoin a stream, the undisturbed buffer zone must extend a minimum of fifty (50) ft from each stream bank and a minimum of thirty (30) ft from the delineated wetland boundary. The wetland buffer is not applicable where the U.S. Army Corps of Engineers has permitted wetland fill for a linear transportation crossing or utility crossing. However, the wetland and/or stream buffer requirements are still applicable to areas adjacent to the permitted activity.

(4) Modifications to the stream or wetland buffers shall be approved by the Planning Commission on a case by case basis. If a modification is requested, the design engineer shall demonstrate through safety or design specifications the need for the modification.

(5) Existing subdivisions platted, prior to the acceptance of this ordinance, are grandfathered from the buffer requirements.

(6) Individual property owners within existing subdivisions shall be responsible for compliance with US Army Corp of Engineers 404 Wetland Regulations. *At any time during or prior to site disturbance, if it is determined by the City of Daphne or a consultant thereto that the parcel potentially has wetlands,* the City shall require a wetland delineation of the parcel.

E. Operations in Lakes or Natural Watercourses:

Land-disturbing activity in connection with construction, in, on, over, under a lake, or natural watercourse shall be planned and conducted in such a manner as to minimize the extent and duration of disturbance of the stream channel. Any and all state and federal permits for such activities shall be obtained and submitted to the City prior to issuance of the Site Disturbance Permit.

F. Permanent Downstream Protection of Stream Banks and Channels:

Provision shall be made for the permanent protection of off-site stream banks and channels from the erosive effects of increased velocity and volume of stormwater runoff resulting from certain land-disturbing activities.

G. Phasing and Platting:

The effective acreage for a project is not limited to a fractional part of the total concept, rather if a project is developed in phases of small plats, the total acreage of the conceptual project shall be considered. Phasing is required on all site disturbance areas of seventeen and one half (17.5) acres, i.e., seven hundred-fifty thousand square feet (750, 000 sq. ft.) or more. The size of each phase will be limited to 17.5 acres or as deemed appropriate by the Planning Commission. The Planning Commission may allow exceptions to the phasing requirement on a case by case basis. In such case, the design engineer shall provide enhanced construction best management practices to ensure maximum mitigation to prevent off-site and water quality impacts.

H. Borrow and Waste Areas:

(1) When the person conducting the land-disturbing activity is also the person conducting borrow or waste disposal activities, areas from which borrow is obtained shall be considered as part of the land-disturbing activity where the borrow material is being used or from which the waste material originated.

(2) When the person conducting the land-disturbing activity is not the person obtaining borrow and/or disposing waste, these areas shall be considered a separate land-disturbing activity.

I. Access and Haul Roads:

Temporary access and haul roads, other than public roads, constructed or used in connection with any land-disturbing activity shall be considered a part of such activity.

18-4 STORMWATER MANAGEMENT FACILITY DESIGN

A. Conveyance Systems:

(1) Culverts:

i. Culverts under arterial roadways shall accommodate a minimum 50 (fifty) year, 24 (twenty four) hour storm frequency design storm unless conditions dictate that 100 (one hundred) year frequency design storm must be accommodated. Design storm criteria will be used by the design engineer based on the site specific conditions that warrant life and property protection.

ii. All culverts within City road rights-of-way must be approved by the City of Daphne and shall conform to Alabama Department of Transportation (ALDOT) standards.

iii. All culverts within State road rights-of-way must be approved and permitted by the ALDOT. In conjunction with the required subdivision or site plan application material, the developer/engineer shall submit a conceptual approval letter from ALDOT to the Department of Community Development for Planning Commission review. A copy of the official ALDOT permit must be submitted to the City prior to final inspection or issuance of the Certificate of Occupancy.

iv. Concrete box culverts shall be designed and constructed according to the latest edition of the Standards and Specifications for Road and Bridge construction, ALDOT.

v. Culvert head walls shall be required on pipe culverts and shall be reinforced concrete.

vi. Special types of head walls may be required by the City when deemed necessary for erosion control.

vii. Riprap may be required at the upstream and downstream end of culverts and shall be placed at these locations based on the velocities at that location.

viii. All roadway cross drain pipes or side drain pipes shall be made of reinforced concrete and shall have a minimum diameter of eighteen (18) inches or greater.

ix. Any pipe proposed within a City right-of-way or drainage easement shall be made of reinforced concrete and be silt tight with either a mastic joint material or a rubber gasket. If other piping is installed therein, said road right-of-way or drainage easement dedication shall not be favorably recommended by the Planning Commission and may not be accepted by the City Council except where deemed appropriate by the City Engineer. Any pipe constructed within the City right of way or drainage easement shall be inspected by City staff prior to burial below grade.

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x. Any pipe within City right-of-way or drainage easement shall have a minimum grade of 0.3% and is 0.5% preferred. Minimum cover for pipe shall be 1-ft below grade or 1-ft below pavement structure (including base material).

xi. No pipe or drainage structure within City right-of-way or drainage easement shall be designed to be permanently surcharged unless approved in writing by the City Engineer.

(2) Bridges:

Bridges shall accommodate a minimum one hundred (100) year, 24 (twenty-four) hour frequency design storms. Design storm criteria will be used by the design engineer based on the site specific conditions that warrant life and property protection. All bridges shall be designed and constructed according to the latest edition of the Standards and Specifications for Road and Bridge construction, ALDOT.

(3) Open Channels and Ditches:

i. Storm drain pipes, open channels, open ditches or swales may be implemented when properly engineered based on site conditions. Open channels and ditches shall be designed to safely accommodate traffic and to prevent hazardous erosion.

ii. The maximum side slope shall be 3:1 (three to one) ratio for all open channels and ditches, unless approved by the Planning Commission upon recommendation of the City Engineer. Drainage calculations shall show the volume and velocity for each separate ditch section. Adequate ditch lining shall be determined based on the ditch calculations. Where two open channels converge, some form of energy dissipation, such as riprap, shall be provided.

iii. Where a driveway or ingress/egress easement must cross an existing or proposed ditch, the design engineer shall note upon the plat, the required culvert size(s) necessary to accommodate said crossing(s).

iv. Headwalls and end-walls shall be installed on street culverts.

v. Within any public right-of-way, flared headwalls or slope paved headwalls with a 4:1 (four to one) slope or flatter shall be used.

vi. The recommended maximum flow velocities shall be in accordance with the ranges recommended in the latest edition of the ALDOT Hydraulics Manual.

vii. All open channels and ditches shall be permanently vegetated upon final inspection. Neither seed, mulch, nor a combination thereof will be accepted as vegetation or as a substitute for permanent vegetation. Where sod is used on slopes or around corners, it shall be pinned as specified in the Alabama Handbook for Erosion Control.

(4) Street & Inlets:

i. Inlets shall be provided so that surface water is not carried across any intersection, or carried for a distance of more than five hundred (500) feet in the gutter. When calculations indicate curb capacities are exceeded at a point, catch basins shall be used to intercept flow at that point. The minimum pipe diameter of each storm drain shall be eighteen (18) inches. The stormwater drainage system shall be separate and independent of any sanitary sewer system. In no case shall stormwater empty into the sanitary sewer system.

ii. Profile grades and typical roadway sections shall be submitted with all construction drawings.

(5) Clean Out Access:

Clean out accesses shall be provided at least every three hundred (300) feet for continuous pipes of twenty-four (24) inches in diameter or less and at least every four hundred (400) feet for larger continuous pipes if required. Clean out accesses shall be provided at each angle point and at each change in grade.

B. Stormwater Drainage Detention/Retention Facilities:

(1) General Requirements:

i. Developments which produce an increase in the amount of stormwater runoff shall be required to construct stormwater detention /retention ponds or other approved types of detention devices.

ii. The developer/engineer shall submit, detailed engineering plans to the City including historical runoff, developed runoff, detention/retention pond details, method of discharge, and other information as required for review.

iii. Stormwater detention/retention facilities shall meet all specifications provided herein and shall be labeled as a lot on the record plat and/or site development plan as common area.

(2) Minimum Requirements for Stormwater Management Detention/Retention Facilities:

i. Differential runoff is the difference in rate and volume of stormwater runoff from a parcel or project in its undeveloped natural condition and its developed condition. Post-development release rates shall not exceed pre-development rates. Where practical, the differential runoff should be less.

ii. Detention basins shall detain the first flush from a storm event and release the subsequent runoff water at a pre-development rate for sites twenty (20) acres or less based on the rational method or modified rational method. For sites larger than twenty (20) acres, the pre- and post- calculations shall be based on the Natural Resource Conservation Service (NRCS) Curve Number Method or other accepted engineering methodology. There should also be adequate sizing of the detention basin to store an accumulation of one-half inch (½") sediment during construction of the infrastructure. The first flush volume for any stormwater detention structure must be contained and then slowly released over a minimum time period of 24 (twenty- four) hours and maximum time period of 72 (seventy-two) hours.

iii. The purpose of installing detention structures is to slow or attenuate the peak flows downstream by controlling the release rate. The post-development peak outflow rate shall be limited to the pre-development peak outflow rate as the basis of detention design.

iv. All stormwater detention structures must attenuate the post-development peak flow rates from the 2 year, 5 year, 10 year, 25 year, 50 year and 100 year 24 hour design storms to release a graduated discharge at or below pre development peak flow rates.

v. The following conditions and limitations should be observed in location, selection and use of the method of detention:

a. Detention facilities shall be located within the parcel limits of the project under consideration.

b. No detention or ponding shall be located within public road rights-of-way.

c. Location of detention facilities immediately upstream or downstream of the project may be considered by special request if proper documentation is submitted with reference to practicality, feasibility and proof of ownership or right-of-use of the area proposed.

vi. During construction of a residence, allowances for silting under denuded soil conditions for a period not less than one (1) year is recommended.

vii. All permitted site development projects shall incorporate stormwater detention and first flush treatment as part of the design. Stormwater detention is not required in the following two situations:

a. The project discharges stormwater runoff directly into a tidally influenced water body. This does not include discharges of stormwater runoff that flows through a public drainage system or across a downstream property boundary prior to entering the tidal water body.

b. Where stormwater detention for a project site is either unwarranted or impractical, the design engineer shall submit complete hydrologic and hydraulic computations to support this conclusion. This conclusion must be affirmed by the Department of Community Development. Typically this might occur in the very lowest downstream reaches of a major watershed, if it can be proved that un-detained stormwater should be discharged quickly to avoid peak discharge timing for the entire watershed. The hydrologic analysis should include more than one representative downstream location for comparing hydrographs.

c. Even if stormwater detention is waived by the Planning Commission for the above two situations, the site development must still provide first flush treatment, oil/gas/grease separation, and/or any other filtration system deemed appropriate in order to protect water quality.

viii. All detention basin slopes shall be permanently stabilized with a perennial vegetative cover prior to final inspection. Seed and mulch will not be accepted.

ix. Detention facilities are to be built prior to storm drainage installation and prior to any building or roadway construction and/or grading. Since these facilities are intended to control increased runoff, they must be fully operational prior to any clearing of the vegetation.

x. In accordance with *Article 11, Minimum Standard and Required Improvements, Section 14(h), Special Provisions*, dry detention facilities shall be located on common grounds within the development; however, detention facilities shall not be considered to be a part of the informal open space area, unless otherwise approved by the Planning Commission. Wet detention/retention facilities also known as lakes may be considered as part of the formal open space/ recreational areas.

xi. Projects developed under these procedures shall establish, in the recorded plat, maintenance and access easements for the detention facilities and include provisions for maintenance in the restrictive covenants or Trust Indentures.

xii. The hydraulic elevations of the drainage system shall not adversely affect adjoining properties.

xiii. All common ground areas, including but not limited to stormwater facilities, recreational spaces and open spaces must be permanently stabilized upon final inspection. Seed and mulch will not be accepted at final inspection.

xiv. Wetland areas shall not be used for the purpose of stormwater detention.

(3) Dry Detention Basins:

i. Dry detention basins provide limited pollutant removal benefits and are not intended for water quality treatment. Detention-only facilities must be used in conjunction with other structural controls that provide stormwater treatment.

ii. Seventy-five (75) acres is the maximum contributing drainage area to be served by a single dry detention basin. Routing calculations must be used to demonstrate that the storage volume is adequate.

iii. Vegetated embankments shall be no more than twenty (20) feet in height and shall have a maximum side slope of a three to one (3:1) ratio. Riprap protected embankments shall have a maximum slope of a two to one (2:1) ratio. Geotechnical slope stability analysis is required for embankments greater than ten (10) feet in height. The detention basin shall be setback such that the outfall is at least twenty (20) feet from the property line.

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iv. Areas above the normal high water elevations of the detention facility should be sloped toward the basin to allow drainage and to prevent standing water.

v. Inflow channels shall be stabilized with flared riprap aprons, or the equivalent thereof. A sediment forebay sized to 0.1 (one tenth) inches per impervious acre of contributing drainage shall be provided for dry detention basins that are part of the treatment process.

vi. The outlet structure shall be sized based on hydrologic routing calculations and may consist of a weir, orifice, outlet pipe, combination outlet, or other acceptable control structure which would achieve the required graduated discharge.

vii. Riprap, plunge pools or pads, or other energy dissipaters must be placed at the end of the outlet to prevent scouring and erosion.

viii. An emergency spillway shall be included in the stormwater pond design to safely pass the extreme flood flow. The spillway must prevent pond water levels from overtopping the embankment and causing structural damage. A minimum of one foot of freeboard must be provided, measured from the top of the water surface elevation for the extreme flood, to the lowest point of the dam embankment not counting the emergency spillway. Special consideration for smaller basins may be considered as long as the design engineer can show that the practice is warranted.

(4) Stormwater Ponds:

i. Stormwater ponds also known as wet ponds, retention ponds, and or permanent lakes are constructed stormwater retention basins that have a permanent pool of water throughout the year. Runoff from each rain event shall be detained and treated in the pool through gravitational settling and biological uptake until it is displaced by runoff from the next storm. The permanent pool must protect deposited sediments from re-suspension. Above the permanent pool level, additional temporary storage shall be provided for runoff quantity control. The upper stages of a stormwater pond shall be designed to provide extended detention of the two year, twenty-four (24) hour storm event for downstream channel protection, as well as normal detention of larger storm events.

ii. Channel protection may be achieved by releasing the two (2) year, twenty-four (24) hour storm runoff volume over twenty-four (24) hours. A stormwater pond shall provide the required storage above the permanent pool and meet the specified graduated allowable release. Where required, stormwater ponds shall also be used to provide detention to control the one hundred (100) year storm event. Where this is not required, said pond structure shall be designed to safely pass extreme storm flows.

iii. Minimum setback requirements for stormwater pond facilities:

a. Twenty (20) feet from property line to outward toe of berm;

b. One hundred (100) feet from private wells;

c. Fifty (50) feet from a septic system tank/leach field;

d. Five hundred (500) feet from public well.

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iv. The stormwater pond shall consist of a permanent pool of water, the overlying zone in which runoff control volumes are stored, and a shallow littoral zone along the edge of the permanent pool that acts as a biological filter. All stormwater pond designs shall include a sediment forebay at the inflow to the

basin to allow heavier sediments to drop out of suspension before the runoff enters the permanent pool. Additional pond design features include an emergency spillway, maintenance access, safety bench, pond buffer and appropriate native landscaping.

v. Proper geometric design shall be implemented to prevent hydraulic short-circuiting. The minimum length-to-width ratio for the permanent pool shape is one and one-half to one (1.5:1), and should ideally be greater than three to one (3:1) to avoid short-circuiting. In addition ponds should be wedge-shaped when possible so that flow enters the pond and gradually spreads out, improving the sedimentation process.

vi. To avoid stratification and anoxic conditions, the maximum depth of the permanent pool shall generally not exceed eight (8) feet. Minimum depth for the pond bottom shall be three (3) feet.

vii. Side slopes to the pond shall not exceed three to one (3:1) without the use of safety precautions. Side slopes to the pond shall not exceed three to one (3:1) if mowing is anticipated. Said should terminate on a safety bench. The safety bench requirement may be waived if slopes are four to one ratio (4:1) or gentler.

viii. The perimeter of all deep pool areas should be surrounded by two benches: safety and aquatic. For larger ponds, the safety bench shall extend approximately fifteen (15) feet outward from the normal water edge to the toe of the pond side slope. The maximum slope of the safety bench should be sixteen to one or six percent (16:1 or 6%). An aquatic bench should extend inward from the normal pool edge, fifteen (15) feet on average, and should have a maximum depth of eighteen (18) inches below the normal pool water surface elevation.

ix. The sediment forebay should consist of a separate cell, formed by an acceptable barrier. The forebay must be sized to contain 0.1 (one tenth) inches per impervious acre of contributing drainage. A fixed vertical sediment depth marker shall be installed in the forebay to measure sediment deposition over time. The bottom of the forebay may be hardened to make sediment removal easier. Inflow channels are to be stabilized with flared riprap aprons, or the equivalent. Exit velocities from the forebay must be non- erosive.

x. Flow control from a stormwater pond is typically accomplished with the use of a concrete or corrugated metal riser and barrel. The riser should be located within the maintenance easement for access, safety and aesthetics. Higher flows should pass through openings or slots protected by trash racks further up on the riser. After entering the riser, flow is conveyed through the barrel and discharged downstream. Anti-seep collars should be installed on the outlet barrel to reduce the potential for pipe failure.

xi. Riprap, plunge pools or pads, or other energy dissipaters must be placed at the end of the outlet to prevent scouring and erosion. If pond daylights to a channel with dry weather flow, care should be taken to minimize tree clearing along the downstream channel, and to re-establish a forested riparian zone in the shortest possible distance.

xii. An emergency spillway shall be included in the stormwater pond design to safely pass the extreme flood flow. The spillway must prevent pond water levels from overtopping the embankment and causing structural damage. A minimum of 1 foot of freeboard must be provided, measured from the top of the water surface elevation for the extreme flood, to the lowest point of the dam embankment not counting the emergency spillway. Special consideration for smaller basins may be considered as long as the design engineer can show that the practice is warranted.

xiii. A maintenance right-of-way or easement must be provided to a pond from a public or private road. Maintenance access should be at least twenty (20) feet wide, having a maximum slope of no more than fifteen percent (15%) and be appropriately stabilized to withstand maintenance equipment and vehicles. The maintenance access must extend to the forebay, safety bench, riser, and outlet and, to the extent feasible, be designed to allow vehicles to turn around.

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xiv. The principal spillway opening should not permit access by small children, and end walls above pipe outfalls greater than forty-eight (48) inches in diameter should be fenced to prevent access. Warning signs should be posted near the pond to prohibit swimming and fishing in the facility.

(5) Other Methods of Stormwater Drainage Detention/Retention:

i. Other methods of detention such as seepage pits, French drains, etc., may be considered. If these methods are proposed, proper documentation of soils data, percolation, geological features, shall be provided for review and consideration.

ii. The use of underground detention shall consist of the following elements designed in accordance with acceptable engineering practices:

a. An outlet structure with emergency release provisions;

b. An emergency spillway;

c. Maintenance access;

d. Maintenance schedule; and

e. Sediment trap on inflow structure.

i. Parking Lot Detention:

a. Detention within parking lots is only permitted within overflow parking areas the maximum depth of said detention shall be eight (8) inches. In no case should the maximum limits extent of ponding be designed closer than twenty (20) feet from a building unless water proof of the building and pedestrian accessibility is properly documented on plans.

b. The minimum freeboard from the maximum ponding elevation to the lowest sill elevation shall be one (1) foot.

(6) Stormwater Management Detention/Retention Control Structures:

i. Detention facilities shall be provided with obvious and effective control structures. Plan view and sections of the structure with adequate detail shall be included in plans.

ii. Sizing the low-flow pipe shall be by inlet control or hydraulic gradient requirements.

iii. Low-flow pipes shall not be smaller than eight (8) inches in diameter to minimize maintenance and operating problems, except in parking lot and roof retention where minimum size of opening shall be designed specifically for each condition.

iv. The overflow opening or spillway shall be designed to accept the total peak runoff of the improved tributary area.

v. Proper engineering judgment shall be exercised in analysis of secondary routing of discharge of greater intensity than the basic design storm in order to avoid economic losses or damage downstream.

(7) Stormwater Management Detention/Retention Discharge Systems:

i. Sizing of the system located below the control structure shall be based upon the total improved peak runoff tributary to the structure with no allowance for detention.

ii. When existing downstream pipe sizing, outside the developers control jurisdiction, is inadequate, an evaluation for under sizing of pipes may be undertaken by the City upon receipt of written request from the engineer specifying the run or runs desired to be undersized.

iii. Requests for under sizing shall be accompanied by plans and profiles of the entire undersized system downstream if less than five hundred (500) feet in length or a minimum of five hundred (500) feet.

iv. When hydraulic gradients of the proposed undersize system affect the performance or capacity of structures maintained by the City, no under-sizing will be allowed.

18-5 VERIFICATION OF ADEQUATE DESIGN, EASEMENTS AND MAINTENANCE

A. Verification of Adequacy:

Analysis of all elements of design shall be performed by the registered professional design engineer. The following outline is provided to ascertain that critical elements of design are in workable compliance with the aims of design:

(1) Volume of retention for the total project;

(2) Tributary (Q) peak runoff to basin;

(3) Balanced maximum outflow rate from the low-flow structure;

(4) Ratios of inflow to outflow;

(5) Sizing of the overflow facilities;

(6) Permeability rates, and geotechnical data where applicable;

(7) Stability of dikes;

(8) Safety features; and

(9) Maintenance features.

For projects up to two hundred (200) acres, routing calculations for all ponds shall be submitted in legible tabulated form with documented verification of adequacy according to scope and complexity of design. Proof of adequacy of volume of retention and sizing computations for low-flow structures shall also be submitted and certified by the design engineer. Features of stability and safety may also need to be documented if the scope of the project requires special attention in this area of design.

B. Stormwater Management Detention/Retention Easements:

Two (2) types of easements shall be provided in plans for stormwater detention/retention facilities.

(1) Maintenance Easement:

i. All stormwater management facility reservoirs, with the exception of parking lot and roof detention, shall be enclosed by a maintenance easement. The limits of the said easement shall extend ten (10) feet beyond the top elevation of the reservoir.

ii. When a stormwater management facility is adjacent to a public right-of-way, the limits of the easement shall extend twenty (20) feet beyond the elevation of the reservoir on the public right-of-way side.

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(2) Drainage Easement:

A minimum twenty (20) feet wide drainage easement shall be provided within the reservoir area connecting the tributary pipes and the discharge system along the best possible routing of a piping system for possible future elimination of managed stormwater.

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C. Maintenance of Stormwater Detention/Retention Facilities and Liability:

(1) All final plats shall have a section that details that the City reserves the right to require the owners of all drainage facilities to perform needed maintenance to prevent potential flooding hazards.

(2) Operation and maintenance of any existing and future stormwater management facility (detention or retention basin) is the responsibility of the property owner(s).

(3) Any liability associated with the design, performance and operation of the facility remains with the owner and the project design engineer. The project design engineer shall be responsible for disclosing information regarding and instructing the owner of required operation and maintenance of the facility(s). Prior to final plat approval by the Planning Commission, a completed *Stormwater Management Indemnification Form* (Appendix) shall be submitted to the City. Said agreement shall require among other things that the landowner, its successors, and, or assigns or any property owner who discharges to or benefits from the maintenance or improvements to the real property shall, annually, inspect the stormwater facility and submit said inspection report to the Environmental Programs Manager or designee of the Building Official. The landowner, its successors, and , or assigns of any property owner within the subdivision who discharges to or benefits from the maintenance or improvement to the real property shall have a Qualified Credential Professional (QCP) inspect the facility at least once every three years. Upon completion of the inspection the QCP shall submit to the City of Daphne in report form a copy of said inspection detailing but not limited to the following items: facility as-built engineered floor elevation, existing floor elevation, sedimentation, vegetative cover, debris, fencing (if required), outlet structure and inlets. The facility shall be subject to at least an annual inspection by the City to ensure that it functions in accordance with its original design criteria and to follow up on submitted inspection and/or respond to citizen complaints. Entry to the stormwater management facility shall be granted by the owner, developer or property owners association.

(4) Any defects discovered by the City during the annual inspection process shall be furnished to the owner of the stormwater management facility in writing by the City. The notice shall be in the form of Certified Mail-Return Receipt Required, through the United States Postal Service. The owner shall have fifteen (15) business days from the date of mailing of said notice by the City to submit a written plan detailing the actions that will be instituted to correct noted defects and thirty (30) business days thereafter to implement a corrective plan. If said repairs involve engineered practices, then the plan shall be signed by an engineer licensed in the State Alabama. Also, if the repair plan results in land disturbance greater than one thousand (1,000 sq. ft.) square feet, a City of Daphne Land Disturbance Permit (Ordinance # 2008-54) shall be required. The City may, at its discretion, allow the owner additional time as deemed appropriate for the corrective work to be performed. Failure by the owner to perform the corrective action may result in enforcement by the City which may include, but not be limited to, the issuance of a Municipal Offense Citation and or the declaration of the facility as a public nuisance.

D. Abatement of Detention/Retention Facility Public Nuisance:

It shall be unlawful for any person to maintain a public or private nuisance upon any public or private property.

(1) Resolution of Abatement:

Whenever any such public nuisance occurs, the City Council may, by resolution, declare the same to be a public nuisance and order its abatement. The resolution shall refer to the street by the name under which it is commonly known, describe the property upon which, or in front of which, the public nuisance exists, by giving a legal description thereof and no other description of the property shall be required. Any number of streets, sidewalks or parcels of property may be included in one and the same resolution.

(2) Notice of Declaration:

i. After the passage of the resolution, notice of a public hearing on the matter shall be given by certified mail, return receipt requested, mailed a minimum of thirty (30) days prior to the date of the public hearing and shall inform the owner of the time, date and place of the public hearing and reason therefore. The notice shall be mailed to the owner of the property as it appears of record in the Baldwin County Revenue Commissioner's office.

ii. Notice shall also be given by publication in a local newspaper of general circulation once a week for two (2) consecutive weeks. The first notice shall be

published at least fourteen (14) days prior to the date of the scheduled public hearing.

iii. In addition thereto, signs shall be conspicuously posted at sixty-foot intervals along the frontage of the property. The caption of the signs shall not be less than one (1) inch in height and shall be in substantially the same form as expressed in the public notice.

iv. The notice shall be posted at least seven (7) days prior to the time of the hearing of the City Council.

(3) Hearing on Nuisance Declaration:

If objections are filed with the City Clerk's office prior to the time stated in the notice, the City Clerk's office shall hear and consider all evidence, objections and protests regarding the proposed compliance issues. The council may continue the assessment hearing from time to time, as needed. Upon the conclusion of an assessment hearing, the Council, by resolution, shall decide whether a public nuisance exists and, if so, shall order it to be removed or abated with respect to any property or part thereof described. The City Council, by passage of the resolution, shall be deemed to have acquired jurisdiction to proceed and either to perform or have performed the work of removal or abatement with respect to such property or part thereof. The decision of the governing body on the matter shall be deemed final and conclusive.

(4) Order for Abatement:

i. After the Council passes the resolution finding the conditions of the property to be a public nuisance and ordering its abatement, all employees and duly authorized agents of the City are hereby expressly authorized to enter upon private property for that purpose.

ii. The City may, at its option, engage and authorize city employees and/or private contractors, companies, enterprises or individuals to abate and remove the nuisance. The Council, by resolution, shall designate the City employees and/or private contractors, companies, enterprises or individuals who may perform the work.

iii. Any property owner shall have the right to abate any public nuisance at his own expense, providing the same is done prior to the time City employees or agents commence work.

(5) Liability Insurance:

Private contractors engaged by the City in accordance with this article shall be required to provide proof of liability insurance in the amounts routinely required by the City for similar projects and will accept responsibility for any damages to subject lots and surrounding areas which may occur during the cutting/cleaning of subject property. The insurance policy shall contain an endorsement that the same shall not be canceled without giving to the City ten (10) days written notice.

(6) Billing and Collection:

i. The City shall keep an account of the cost of abating each nuisance in front of or on each separate lot or parcel of land where work is completed by it or its employees, or by a duly authorized private contractor, company, enterprise or individual, and shall render a written itemized report to the City Council showing the cost of removing a particular public nuisance; provided that before the report is submitted to the governing body, a copy of the same shall be posted for at least five (5) days prior thereto on or near the chamber door of the City Council, together with a notice of the time when the report shall be submitted to the City Council for confirmation.

ii. Prior to the time fixed for the City Council to receive and consider the report, the administrative appeal process of filing, hearing and ruling upon complaints and objections shall have been completed. Contested assessments shall be appealed to the City Council, at the property owner's request upon filing a timely notice with the City Clerk at least seven (7) days prior to the time fixed by the City Council to receive and consider the report.

iii. The cost of abating such nuisance in front of or upon the various parcels of land mentioned in the report shall constitute a special assessment and as thus made and confirmed shall constitute a lien on the property for the total amount of such assessment along with any administrative costs, respectively. After confirmation of the report, the City shall attempt to collect the lien. If this attempt by the City proves futile, a copy of the lien confirmation report will be turned over to the Baldwin County Revenue Commissioner who, under the "optional method of taxation," is charged with the collection of the City's municipal taxes pursuant to Code of Alabama, Sections 11-51-40 through 11-51-74, (1975). It shall be the duty of the Baldwin County Revenue Commissioner to add the amount of the respective lien to the next regular bill for taxes levied against the respective lots and parcels of land, and thereafter the amounts shall be collected at the same time and in the same manner as ordinary municipal ad valorem taxes are collected and shall be subject to the same penalties and the same procedure under

foreclosure and sale in case of delinquency pursuant to Code of Alabama, Sections 11-51-40 through 11-51-74 (1975).

18-6 EROSION AND SEDIMENT CONTROL

A. Purpose:

During the construction process, soil is most vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates repair of sewers and ditches, and the dredging of watercourses. In addition, clearing and grading during construction causes the loss of native vegetation necessary for terrestrial and aquatic habitat, and to provide a healthy living environment for the citizens of Daphne.

B. General Requirements:

(1) Construction Best Management Practices Plan (CBMPP) shall be designed by a qualified credentialed professional (QCP as defined in *Article 8, Definition of Terms*) such as a professional engineer.

CBMPP map shall include the following:

i. Identify topography, natural features such as watercourses, waterways, and wetlands and proposed construction areas.

ii. Identify critical areas which are subject to severe erosion and off-site areas which are especially vulnerable to damage from erosion and/or sedimentation. Critical areas shall be identified and shall receive special attention and protection. Critical areas include but are not limited to cut and fill slopes, streams and wetlands.

iii. Erosion and sediment controls used throughout all phases of construction and details of permanent stabilization methods to be used at completion.

iv. Provisions for maintenance of erosion and sediment controls and periodic inspections for effectiveness of controls.

C. Submittal, Review and Approval Procedures:

(1) CBMPP shall be submitted with application material required for Planning Commission review.

(2) No land disturbance shall take place prior to review and approval of the project CBMPP.

D. Modifications to the CBMP Plan:

(1) Major modification, such as relocation of detention facility, to the CBMPP shall be submitted to the Department of Community Development and shall be processed and approved, or disapproved, by the Environmental Programs Manager or designee of the Building Official and the Director of Community Development or his/her designee. Where deemed necessary by the Director of Community Development, approval for such modification may be required upon Planning Commission review.

(2) Minor modifications, such as the addition of additional silt fence, to the CBMPP may be addressed on site as needed to ensure compliance with the provisions outlined.

E. Design Requirements:

Erosion control practices, and sediment control practices, shall meet the design criteria set forth in the most recent version of the Alabama Handbook for Erosion and Sediment Control and shall be adequate to prevent transportation of sediment from the site to the satisfaction of the Environmental Programs Manager or designee of the Building Official.

(1) Clearing and Grading:

i. Clearing and grading of natural resources, such as wetlands, waterways, and watercourses, shall not be permitted, except where in compliance with all other sections of this Land Use and Development Ordinance and as permitted by the United States Army Corps of Engineers, if applicable.

ii. Clearing techniques that retain natural vegetation and natural drainage patterns are strongly encouraged.

iii. Phasing shall be required in accordance with provisions provided in *Article 18, Drainage and Stormwater Management Facilities and Erosion/Sediment Control*, Section 3(g) Phasing and Platting, on all sites seventeen and one half (17.5) acres or greater, with the size of each phase to be no more that seventeen and one half (17.5) acres.

iv. Clearing, except as necessary to establish sediment basin and other sediment control devices, shall not begin until all sediment control devices have been installed.

v. Cut and fill slopes shall be no greater than three to one (3:1), except as approved by the City of Daphne to meet other community or environmental objectives.

F. Erosion Control:

(1) Soils must be stabilized within thirteen (13) days of clearing or inactivity in construction.

(2) If vegetative erosion control methods, such as seeding, have not become established within four (4) weeks, the City of Daphne may require that the site be reseeded, or that a non-vegetative option be employed.

(3) On steep slopes or in drainage ways, special techniques that meet design criteria outlined in the Alabama Handbook shall be used to ensure stabilization.

(4) Soil stockpiles are consider part of the site disturbance and therefore must be temporarily stabilized within thirteen (13) days of clearing or inactivity in construction.

(5) Techniques shall be employed to prevent the blowing of dust or sediment from the site onto adjacent properties.

(6) Appropriate techniques shall be employed to divert upland runoff past disturbed slopes.

G. Sediment Controls:

(1) Sediment controls shall be provided in the form of sediment basins or sediment traps and perimeter controls.

(2) Where possible, sediment basins shall be designed in a manner that allows adaptation to provide long term stormwater management. Permanent stormwater controls can be retrofitted to serve as sediment controls during construction.

(3) Adjacent properties shall be protected by the use of a vegetated buffer strip, in combination with perimeter controls.

H. Waterways and Watercourses:

(1) When a watercourse must be crossed regularly during construction, a temporary stream crossing shall be provided, and an approval obtained from the United States Army Corps of Engineers. The letter of permission or the permit from the USCOE must be submitted to the City prior to issuance of the Site Disturbance Permit.

(2) When in-channel work is conducted, the channel shall be stabilized after work is completed.

(3) All on-site stormwater conveyance channels shall be designed according to the criteria outlined in the Alabama Handbook.

(4) Outlets of all pipes and paved channels shall have adequate stabilization to prevent erosion. Riprap may be required for stabilization if vegetative measures prove to be ineffective at controlling erosion in waterways or watercourses.

I. Construction Site Access:

(1) A stabilized construction access shall be required in order to ensure sediment is not tracked on to public streets.

(2) If sediment tracking occurs on public streets and/or right-of-ways, the contractor will be required to remove accumulated sediments from streets and ditches.

J. ADEM *"303(d)"* Listed Streams:

Any site which discharges directly or indirectly to an ADEM 303(d) Listed Stream segment shall submit an enhanced CBMPP to minimize to the maximum extent practical the release of the listed pollutant to the stream. The enhanced CBMPP shall include enhanced BMPs and other measures which may include but not be limited to a water sampling component of the sites discharge for the 303(d) listed pollutant.

K. Other Provisions Related to Construction and/or Site Disturbance:

(1) *Burning:* No open burning associated with property clearing is allowed during the months of May through October per State regulations. During certain permissible months, open burning is not allowed unless a smoke curtain or incinerator is used and permitted per the current City of Daphne Fire Code.

(2) *Spill Prevention Control Counter-Measures Plan Requirement*: Sites that store onsite fuel, chemicals or other pollutants shall prepare implement and maintain a Spill Prevention, Control and Countermeasures Plan (SPCCP), as a separate document or as a component of the Erosion and Sediment Control Plan (CBMPP) for the site.

(3) *Washout Areas*: A concrete washout area shall be designated on all sites during installation of drainage structures and in the residential construction phase.

(4) *BMPs*: The placement of BMPs in/on City right-of-way is prohibited unless express written permission is granted by the City Engineer.

(5) *Construction Debris*: CBMPP shall include measures to address construction debris during all phases of construction at the site.

(6) *Sanitary Waste*: CBMPP shall include measures to address public health and safety in regards to restroom usage during all phases of construction.

L. Site Inspections:

The owner or contractor shall make daily inspections of all control measures throughout the construction process to ensure the overall effectiveness of the CBMPP; however, any permitted site shall be subject to at least the following inspections by the Site Containment Officer and/or Environmental Programs Manager:

(1) Immediately after erosion and sediment controls are in place and prior to commencement of site clearing and grading;

(2) After installation of stormwater detention/retention management facilities;

(3) After clearing and grading has been completed;

(4) After remaining drainage has been installed;

(5) After streets and curb and gutter have been completed; and/or,

(6) Before construction completion.

M. Enforcement of Erosion and Sediment Control Provisions:

(1) Environmental Programs and/or the City Engineer (where applicable) shall serve as a line of communication between the permit holder and the City in regard to permit compliance.

(2) The City of Daphne may issue a stop work order and/or suspend or revoke the site disturbance permit where Environmental Programs or the City Engineer has found the following:

i. Violation(s) of the terms of the permit or site development which may adversely affect the health, welfare, or safety of persons residing or working in the neighborhood.

ii. Site development that is detrimental to the public welfare or injurious to property or improvements in the neighborhood.

(3) Compliance with Erosion Control/Sedimentation Requirements:

i. If compliance cannot be achieved through the normal inspection process, the City may issue a Notice of Violation.

(4) Notice of Violation:

i. General:

Whenever the development is determined to be in non-compliance, the owner shall be notified of the violations and/or deficiencies. Upon notification, the owner shall have forty eight (48) hours to bring the site into compliance. The City may, at its discretion, allow the owner additional time as deemed appropriate for the corrective work to be performed. If the site fails to come into compliance, the owner may be found in violation of the Ordinance and guilty of a misdemeanor. Any person who violates this Ordinance shall, upon conviction thereof, be fined not more than five hundred dollars ($500), and in addition shall pay all costs and expenses involved in the case. Each day during which any violation of any of the provisions of this Ordinance is committed, continued, or permitted shall constitute a separate offense. Nothing herein contained shall prevent the City of Daphne from taking such other lawful actions as are necessary to prevent or remedy any violation.

ii. Sediment Impact Violations:

Whenever the City of Daphne determines that significant sedimentation is occurring as a result of a land disturbing activity, despite application and maintenance of protective practices, the person conducting the land disturbing activity or the person responsible for maintenance will be required to take additional protective action. Furthermore, if it is determined that sedimentation has occurred off site onto right-of-way, in-stream, or into stormwater drainage systems, the sediments shall be removed. The owner, builder, or engineer shall be notified by a certified Notice of Violation.

iii. The Notice of Violation shall detail the non-compliance and shall give the violator fourteen (14) days to submit a restoration plan to the Environmental Programs Manager (EPM). This plan shall include measures to mitigate any offsite sediment and measure including but not limited to stabilization measure for the impacted area. Upon receipt and review of the restoration plan, the Environmental Programs Manager at his or her discretion shall require the plan to be submitted to the Planning Commission, United States Corps of Engineers, and/or the Alabama Department of Environmental Management for further review and approval. Upon approval of the plan by the City and other regulatory agencies the violator shall have thirty (30) days to implement and complete the plan. Upon completion of the plan, the Environmental Programs Manager or his/or her designee shall perform a follow-up inspection. If the site is compliant, then the violation shall be resolved.

iv. Intentional Circumvention of the Drainage, Stormwater Management Facilities and Erosion/Sediment Control provisions:

When an owner, builder or design engineer is found to have intentionally circumvented any provision of *Article 18*, the following steps shall be taken:

a. The owner, builder, or engineer shall be notified of such by a certified Notice of Violation.

b. The Notice of Violation shall detail the non-compliance and shall give the violator fourteen (14) days to submit a corrective action plan to the Director of Community Development for review of the applicable City inspector/complainant.

c. Upon receipt and review of the corrective action plan. Director of Community Development at his/her discretion may require the plan to be submitted to the Planning Commission for further review and approval.

d. Upon approval of the plan the violator will have thirty (30) days to implement and complete the plan.

e. If the completion of the plan requires more than thirty days, the owner, builder, or engineer may formally request by letter a thirty (30) day extension from the Director of Community Development. Once the corrective action is complete, the Director of Community Development designee shall inspect the site for compliance with *Article 18, Drainage, Stormwater Management Facilities and Erosion/Sediment Control provisions*.

f. If the site is compliant then the violation will be resolved. However, if the violation is not resolved during the allotted time the owner, builder, or engineer will be notified by a second (2^{nd}) certified Notice of Violation stating that the Planning Commission shall consider a making a recommendation to City Council that said violator's city business license be revoked for a one year period the owner.

18-7 COMPLETION OF CONSTRUCTION ACTIVITIES, FINAL INSPECTION AND/OR CERTIFICATE OF OCCUPANCY REQUESTS

A. All open channels and ditches shall be permanently vegetated with perennial vegetation upon final inspection. Seed and mulch shall not be accepted. If sod is used on slopes, corners will need to be pinned per the Alabama Handbook.

B. Common areas, such as detention basins, shall be permanently stabilized upon final inspection with perennial vegetation. Seed and mulch shall not be accepted.

C. All construction waste and debris, silt fences, hay bales, inlet protection, and other temporary BMPs shall be removed prior to final inspection.

D. All final inspection submissions shall include the following:

(1) Signed set of as-built engineered drawings and an electronic version of the drawings compatible with ArcMap (10.1 –10.9) or ArcGIS Pro 2.8 or the most current version thereof: Projected Coordinate System: NAD_1983_State Plane_Alabama_West_FIPS_0102_Feet.

(2) Letter of acceptance from the City Engineer, Environmental Programs, Fire Marshall, Daphne Utilities, all applicable public utility providers, and applicable State/Federal agencies.

(3) Letter of completion from the project engineer.

(4) Letter of completion from the project landscape architect.

(5) Copy of all recorded drainage or right of entry easements.

(6) Maintenance bonds for streets and drainage, and any other applicable bonds.

ARTICLE XI
MINIMUM STANDARDS AND REQUIRED IMPROVEMENTS FOR SUBDIVISIONS AND COMMERCIAL SITE DEVELOPMENTS

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City Engineer's recommended changes: add reference to Flood Prevention Ordinance
Clarify standard for streets and pavement
Retaining wall

11-1 SUITABILITY OF LAND

The Planning Commission shall not approve the subdivision of land or site development plans 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 Baldwin County Health Department requirements and proof thereof shall be submitted. All improvements shall be designed and sealed by a licensed professional engineer. The engineer shall carry Errors and Omissions Insurance at a minimum coverage of at least one million dollars ($1,000,000).

11-2 LAND SUBJECT TO FLOODING

Land subject to flooding or inadequately served by drainage facilities shall not be acceptable for subdivision unless the subdivider 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. The use of staining materials shall be prohibited in fill activity within coastal bluff areas or flood zones.

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

All developments whether commercial, residential, institutional, public or semi-public, shall comply with the provisions of Ordinance 2019-10, Flood Prevention Ordinance, as may be amended, and all development plans shall denote the flood zone on the construction plan cover/title sheet.

All proposed developments located within a Special Flood Hazard Area (SFHA) shall obtain written approval from the Flood Plain Administrator before issuance of a Site Disturbance permit.

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 Daphne or Baldwin County, whichever is more restrictive.

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

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11-4 PENALTIES

The developer, owner, or agent of the owner of any land to be subdivided in the corporate limits or 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 Baldwin 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 Daphne, 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 SUBDIVISION EXCEPTIONS AND EXEMPTIONS

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

(a) Modifications/Waivers:

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

(b) Subdivision Exemptions:

The sale or exchange of lots or parcels of land or the relocation of an interior lot line within the city limits between adjoining property owners may be exempt from the subdivision regulations by the director of Community Development, provided that (1) no additional lots are created and (2) none of the lots affected by the sale, exchange or relocation of interior lines 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 as outlined in the applicable sections of this ordinance.

(c) Extraterritorial Jurisdiction Subdivision Exceptions and/or Exemptions:

A request for an Exempt Subdivision Letter and supporting documentation to substantiate any claim of exemption shall be submitted to the Department of Community Development director along with a copy of the Exempt Subdivision Letter from the Baldwin County Engineer.

Subdividers shall not be required to submit a plat to the Daphne Planning Commission unless deemed appropriate by the director. The director may grant an exemption unless he/she deems the request appropriate for the Planning Commission's review. Exemption from the requirement for Planning Commission approval does not constitute exemption from the requirements of other applicable regulations including but not limited to state, county, or municipal law, zoning ordinances, Health Department requirements, or highway construction setbacks. Any subdivider who is found circumventing the intent and substance of these regulations shall be required to submit a plat for review and approval by the Daphne Planning Commission.

The following is a list of qualifying subdivision exceptions/exemptions for property located outside of the city limits and in the extraterritorial jurisdiction of Baldwin County.

1. Subdivision by testamentary or intestate provisions;

2. Subdivision by court order including, but not limited to, judgments of

foreclosure;

3. Sale, deed or transfer of land by the owner to an immediate family member. Each parcel shall have its own ingress/egress and utility access of not less than required by Baldwin County Subdivision Regulations;

4. The public acquisition by gift or purchase of strips or parcels of land for the widening or opening of streets or for other public uses;

5. Subdivision in which the size of each resulting lot equals or exceeds twenty (20) acres, inclusive of adjacent public rights-of-way, and for which no streets are required to be constructed to provide access to each subdivided lot. Each lot shall have at least 200 feet of frontage on an existing publically maintained road or shall have access to a publicly maintained road pursuant to a private easement, at least 60 feet in width, which provides rights of ingress and egress and the right to install utilities sufficient to serve such subdivided lots;

6. Subdivisions in which the size of each resulting lot equals or exceeds ten (10) acres, inclusive of adjacent public rights-of-way, and for which no streets are required to be constructed to provide access to each subdivided lot. Each parcel declared to be exempt pursuant to this subparagraph shall have at least 150 feet of frontage on an existing publicly maintained road.

7. A one-time split of a single parcel into two resultant parcels, if, and only if, the parcel existed and *has not been* divided since February 1, 1984.

8. The relocation of a common property line between two parcels where no new parcels are created. Revised parcels shall meet the minimum zoning lot size and width requirements. The owner of each parcel approved as exempt under this section shall be required to submit, as a condition to approval, either an affidavit executed by such owner attesting, under oath, that there exist no restrictive covenants of record in the Office of the Judge of Probate of Baldwin County, Alabama which would prohibit the subdivision of the parcel for which an exemption is sought pursuant to this subparagraph. In the event a parcel is approved as exempt under this subparagraph and it is later determined that such subdivision was prohibited by valid restrictive covenants recorded as of the date of such approval, the Community Development director, or designee thereof, shall have the authority to revoke such exempt subdivision approval.

In the case of an exemption involving a lot or lots which are included within a previously recorded subdivision plat, a resubdivision and a new plat will be required to reflect the resubdivision of lots, and such new plat shall be recorded in the Office of the Judge of Probate of Baldwin County. The new plat reflecting the resubdivision of such lot or lots shall contain the certifications prescribed by Baldwin County Subdivision Regulations Appendix.

11-6 MINIMUM STREET REQUIREMENTS

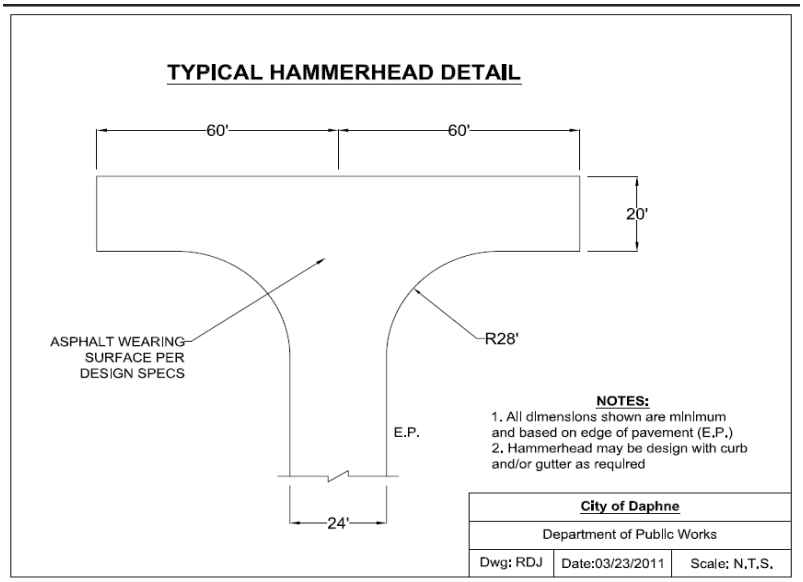
	Major Street	Collector Street	Local Street	Cul-de-Sac[1] (Turn around)	Cul-de-Sac[1] (Turn around w/ 20-ft island)	Hammer Head Turnaround	Alley
Minimum Right-of-Way:	100’	60’	50’	60’ (120’ diam.)	70’ (140’ diam.)	120’	30’
Minimum Asphalt Width (ft)[2]:	12’ per lane	12’ per lane	22’	48’ (93’ diam.)	56.5’ (113’ diam.)	20’	20’
Maximum Grade[3]:	5%	10%	15%	3%	3%	3%	10%
Minimum Angle of Intersection:	80◦	60◦	60◦	60◦	60◦	90◦	60◦
Minimum Intersection Offset	150’	150’	150’	150’	150	n/a	150’
Minimum Curb Radius at Intersection:	40’	30’	25’	25’	25’	28’	20’
Minimum Horizontal Curve Radius:	300’	250’	100’	100’	120’	0’	100’
Minimum Reverse Curve Tangent:	100’	100’	100’	120’	120’	0’	100’

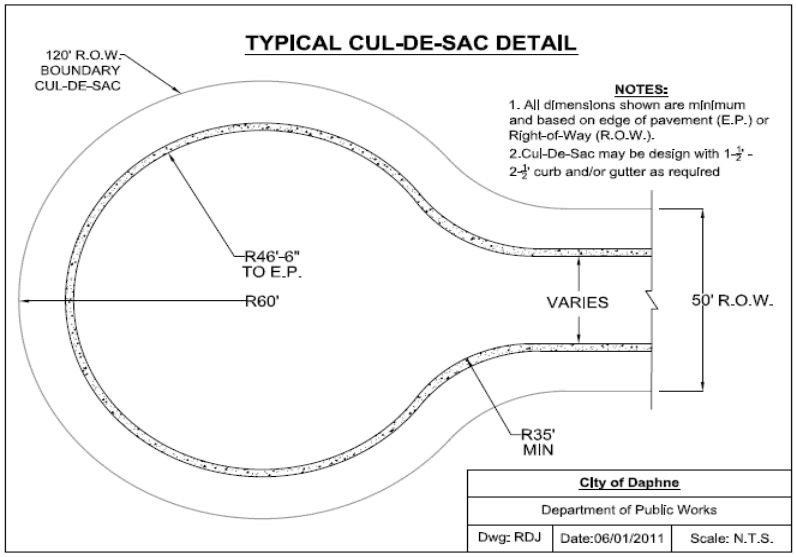
[1] Cul-de-sacs shall not be longer than one thousand three hundred twenty (1320) feet measured from the intersecting street to the center of the turnaround.

[2] Measured from toe of curbing. Minimum twenty-four (24) feet combination curb and gutter or twenty-four (24) feet valley gutter. Other curb types must be submitted to the City Engineer for approval.

[3] May vary with topography subject to Planning Commission approval based on recommendation of the City Engineer and Director of Community Development.

11-7 TYPICAL ILLUSTRATIONS





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11-8 IMPROVEMENT STANDARDS FOR STREETS

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 Director of Community Development or her/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. The minimum Roadway Build-up is as follows based on roadway classification:

(j) Major and Collector Street:[1, 2]

(1) 429-A Improved Bituminous concrete wearing surface layer, one-half (1/2) inch maximum aggregate size mix, ESAL Range B (110 lb/sy), one-hundred and ten pounds per square yard.
(2) 405-A Tack coat, spread rate of 0.10 gal/sy.
(3) 429-B Improved bituminous concrete binder layer, three-quarter inch maximum aggregate size mix, ESAL, Range B 220 lb/sy.
(4) 401-A Bituminous Treatment type "A" (0.25 gal/sy).
(5) 301-A Compacted Granular Soil Base Course (sand/clay) type "A" minimum of ~~2~~two ~~-~~4 ~~feet~~ inch lifts (8-inch total) ~~-~~of compacted thickness; or,
(6) 301-B Crushed aggregate base course (limestone) type "B" minimum 6-inch compacted thickness (if using this method, delete 401-A treatment.

(k) Local Street, Cul-De-Sac, ~~-~~and Hammerhead Turnaround:[1, 2]

(1) 429-A Improved Bituminous concrete wearing surface layer, one-half (1/2) inch maximum aggregate size mix, ESAL Range B (110 lb/sy), one-hundred and ten pounds per square yard.
(2) 405-A Tack coat, spread rate of 0.10 gal/sy.
(3) 429-B Improved bituminous concrete binder layer, three-quarter inch maximum aggregate size mix, ESAL, Range B 165 lb/sy.
(4) 401-A Bituminous Treatment type "A" (0.25 gal/sy).
(5) 301-A Compacted Granular Soil Base Course (sand/clay) type "A" minimum of two 4 inch lifts (8-inch total) ~~2-4 feet lifts~~ of compacted thickness; or,
(6) 301-B Crushed aggregate base course (limestone) type "B" minimum 6-inch compacted thickness (if using this method, delete 401-A treatment.

(l) Alley~~:~~[1, 2]

(1) 429-A Improved Bituminous concrete wearing surface layer, (3/4), three-quarter inch maximum aggregate size mix, ESAL Range B (~~165~~ 220 lb/sy), ~~one~~ two hundred twenty ~~hundred sixty five~~ pounds per square yard.
(2) 401-A Bituminous Treatment type "A" (0.25 gal/sy).
(3) 301-A Compacted Granular Soil Base Course (sand/clay) type "A" minimum of two 4 inch lifts (8-inch total) ~~2-4 feet lifts~~ of compacted thickness; or,
(4) 301-B Crushed aggregate base course (limestone) type "B" minimum 6-inch compacted thickness (if using this method, delete 401-A treatment.

Notes

[1]Base design shall be based upon the in-situ soil conditions.

[2]Other pavement designs may be submitted for Planning Commission approval. Such options shall be contingent upon the Director of Community Development and the City Engineer.

If curbs and gutters are required, they must be in conformance with approved City, 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 with a minimum of 2 (two) inches of top soil and permanently stabilized with ground cover in a manner that will enhance the appearance of the environment. The shoulder at the edge of pavement or at back of curbing shall be stabilized with a minimum of two (2) courses of sod for the entire length of the roadway. A grading plan shall be required as provided in Section 11-14(j).

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.

In order for the City of Daphne to provide regular maintenance of street lighting, said lighting shall be purchased through and installed by Riviera Utilities. Regular maintenance does not include replacement of lamps, luminaries or standards which are damaged or destroyed due to vandalism or any other cause beyond the utility's control. Such facilities damaged or destroyed under such circumstances shall be replaced by the utility company at the property owner's expense.

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

Community Development 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 or site plan by the Planning Commission.

Where applicable, any and all state and/or federal permits for construction related activities shall be obtained and submitted to the City prior to issuance of the site disturbance permit. The owner or developer shall provide to the Department of Community Development, the appropriate signed application form, a certified cost estimate for site work, the fee for a site disturbance permit as enumerated in *Article 34, Schedule of Fees*, and proof of the contractor's Daphne business license.

Whenever a major development, one which is five (5) acres or more, or any project deemed appropriate by the Director of Community Development, is proposed within the corporate limits, the developer or his/her authorized engineer should contact the Planning Coordinator to arrange a Pre-construction conference. Said meeting shall occur after site plan approval and prior to the issuance of a site disturbance permit. Participants shall include the developer, the project engineer and the contractors, the representatives from the Departments of Community Development, Building Inspections, Environmental Programs, the City Engineer; Riviera Utilities, Daphne Utilities, any other applicable public or private utility company, local, state, and/or federal agency. At the Pre-construction conference, participants will discuss details related to permitting, construction safety, general expectations during construction, final inspection protocol, etc.

11-10 CONSTRUCTION, TESTING AND INSPECTION OF STREETS

An independent testing laboratory shall conduct all the necessary tests to determine if the streets are installed to minimum design standards. Results shall be furnished to the Department of Community Development prior to final subdivision plat approval. These tests shall be conducted at the expense of the developer/owner.

(a) Testing:

All testing shall be conducted by an independent testing laboratory approved in writing by the City Engineer. The testing laboratory shall have the proper equipment and personnel necessary to perform said testing of required improvements and shall be certified by the Alabama Department of Transportation. Proof of certification must be submitted to the City Engineer, prior to said approval.

The City Engineer shall determine which tests shall be scheduled and performed. A schedule of proposed testing must be submitted to him/her for approval at the time of the Pre-construction conference. The tests normally consist of, but are not limited to:

(1) Soil gradation;

(2) Optimum moisture content tests on embankment, subgrade and base material;

(3) Soil compaction test on subgrade and base material;

(4) In-place asphalt density analysis of road building materials;

(5) Twenty-eight (28) day compressive strength of concrete;

(6) Hydro-static test of water and pressurized sewer system as required by utility provider;

(7) Air test of gravity sewer line as required by utility provider.

The developer shall notify the City Engineer, twenty-four (24) hours prior to any required tests. Copies of all test reports are to be provided to him/her before additional construction occurs. In the event problems exist that require remedial actions or design, the developer shall be required to submit revised engineering plans to the City Engineer before construction will be allowed to proceed.

(b) Clearing and Grubbing:

All rights-of-way shall be cleared of all vegetation, trees, stumps, rocks and other objectionable or unsuitable material prior to grading or filling unless otherwise approved, in writing, by the City Engineer.

(c) Embankment Sections:

The City Engineer will have the right to approve all borrow sources; however, this does not relieve the developer from full responsibility for the quality of material used. Roadway fill or embankment of earth material shall be placed in uniform layers, full width, and not exceeding six (6) inch thickness (loose measurement). Each layer shall be compacted so that a uniform specified density is obtained. Compaction tests shall be run at the frequency and location as directed by the City Engineer. Additional layers of fill shall not be added until directed by the City Engineer. For all density requirements refer to the current Alabama Department of Transportation "Standard Specifications for Highway Construction".

(d) Subgrade:

The subgrade shall be compacted and properly shaped prior to the placing of base materials. The top six (6) inches of the roadbed shall be modified, with the work being performed under Section 230 Roadbed Processing, of the current Alabama Department of Transportation "Standard Specifications for Highway Construction". It shall be full width of regular section and extend eighteen (18) inches outside of curb sections or thirty (30) inches from the edge of asphalt,

whichever is greater. The embankment or subgrade shall be inspected by proof rolling, under the supervision of the City Engineer, with a fully loaded (minimum 20 CY) tandem axle dump truck to check for soft or yielding areas. Any unstable materials shall be removed and replaced with a suitable material compacted to a density as required.

(e) Base:

Base course shall meet the requirements according to the current Alabama Department of Transportation "Standard Specifications for Highway Construction". Base course shall have a minimum thickness as required by *Section 11-8, Improvement Standards for Streets,* of these regulations and shall extend twelve (12) inches outside of curb sections or twenty four (24) inches from the edge of asphalt, whichever is greater. The density requirements for compaction shall be in accordance with the current Alabama Department of Transportation "Standard Specifications for Highway Construction". Developer/Engineer may submit an alternate base design method for approval by the City Engineer. Design shall be based on a proven and accepted engineering test or method for the site conditions that exist.

(f) Roadway Pavement:

All roads and/or streets shall be paved and comply with the following:

(1) All roads shall be improved according to the standards outlined in *Section 11-8, Improvement Standards for Streets,* of these regulations;

(2) Prior to the placement of pavement, a bituminous treatment A (prime) shall be placed and inspected by the City Engineer;

(3) The finished wearing surface shall be uniform and free of defects. The City Engineer may require additional density tests in areas that appear questionable.

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

11-11 SIDEWALKS

(a) It is the intent of this section to require the installation of concrete or asphalt sidewalks on both sides of the street in residential and commercial ~~subdivisions~~ developments in order to encourage vehicular and pedestrian connectivity within the City of Daphne. It is also the intent of this section to require the installation of sidewalks in commercial and industrial site developments in order to connect gaps between existing or planned sidewalk circulation systems within the city.

Sidewalks are counted toward the improvement standards of all streets and shall be installed prior to the issuance of a Certificate of Occupancy unless an agreement for future installation has been presented by the developer. In no case shall the City of Daphne be responsible for the installation of sidewalks within any subdivision or other type development.

(b) Construction of sidewalks, shall comply with the following standards:

(1) All sidewalks shall be in accordance with current ADA (Americans with Disabilities Act) requirements.

(2) Sidewalks shall be constructed with reinforced concrete that has a minimum twenty eight (28) day compressive strength of three thousand pounds per square inch (3000 psi), and shall be in accordance with City specifications and these regulations, unless otherwise approved by the Planning Commission.

(3) All organic material shall be removed from the sidewalk subgrade before installation of said sidewalk.

(4) Type of Subdivision –or Development — Sidewalk Width

Low Density Residential	4 feet
High Density Residential	5 feet
Commercial or Industrial	6 feet
Mixed Use Development	6 feet

(5) Sidewalks shall be a minimum of 4 inches thick, except that sidewalks shall be 6 inches thick wherever vehicular loads are anticipated or where adjacent to a traversable curb or gutter.

(c) Sidewalks shall provide pedestrian traffic and design shall encourage safe means of access eliminating conflicts between vehicles and pedestrians. Innovative design measures which would encourage the use of pervious material may be considered by the Planning Commission in lieu of typical sidewalk installation; however, ADA compliance is required where applicable. Sidewalks shall be installed in the following locations:

(1) Along the perimeter of all developments where adjacent to City right-of-way.

(2) Along the right-of-way where adjacent to the perimeter of any common area within the development; except where walking trails/paths are incorporated into the design for formal/recreational open space as provided in Section 11-14, Special Provisions herein. Final plat shall not be approved until this provision is satisfied.

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(3) Along the right-of-way within each residential subdivision development.

(4) New sidewalks shall connect to any adjacent sidewalks and/or bike paths and shall be interconnected within said development to allow for sufficient pedestrian access.

(d) Restrictive covenants and the final subdivision plat, as required in Article 17, Subdivision Review, shall provide for the installation sidewalks by individual home owners or the developer:

The Planning Commission may, at its discretion, approve a final plat prior to the installation of sidewalks upon receipt of an agreement to install sidewalks, a cost estimate for sidewalk installation and a surety in the amount of two hundred percent (200%) of the estimated cost and shall not expire within a twenty-four (24) month period.

(e) Additional Provisions:

(1) Subdividers may also be required to provide access through greenways and common areas.

(2) Trail design shall be reviewed and approved by the Planning Commission. Trail width shall be at least ten (10) feet.

(3) Walkways, with the exception of dedicated trail, shall be maintained by the adjacent property owners.

(4) Pedestrian crosswalks, not less than ten (10) feet wide, shall be required where deemed necessary to provide circulation or access to schools, playgrounds, shopping centers, bus stops, and other community facilities. Pedestrian crosswalks should be provided wherever sidewalks connect with an existing or planned signalized intersection. Crosswalk shall be designed in accordance with applicable MUTCD guidelines.

(f) Exemptions:
The developer may submit on the appropriate form a request for an exemption to the sidewalk provisions listed herein above. An exemption shall be granted upon receiving an affirmative supermajority vote of the Planning Commission and a favorable recommendation from the City Engineer.

11-12 WATER CONNECTIONS

(a) Connection to Public or Private Water System:

Developments, individual lots, or parcels shall be properly connected to a public or private community water system where such system borders the development, lot line, or is available and the appropriate utility has the capacity to provide service. The lines for both domestic use and fire protection shall be approved by a public or private community water supplier 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 Baldwin County Health Department requirements.

If a well is to serve more than one lot, a public community water system acceptable by and properly permitted by ADEM shall be required.

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

All developments shall have adequate potable water and adequate water for fire protection. In all cases, the developer, property owner, or agent shall submit written documentation verifying that the public or private water provider is willing and able to provide service to the development. Said documentation shall be on the utility company's letter head addressed to the Department of Community Development.

When all water lines and connections are installed, the developer/owner shall call for final inspection prior to final plat approval or prior to the issuance of the Certificate of Occupancy. The appropriate utility provider representative shall inspect the site to determine if the required improvements are satisfactorily installed according to the plans and specifications presented to the Planning Commission.

11-13 SEWER CONNECTIONS

(a) Connection to Sanitary Sewer System Requirements:

(1) A centrally connected sanitary system shall be constructed and installed and connected to a public sanitary sewer system where such system is reasonably available. A public sanitary sewer system is considered to be reasonably available if the system is located within an easement or right-of-way adjacent to or within five hundred (500) feet of the development or where such sanitary sewer system borders the development, individual lots, or parcels and the appropriate entity has the capacity to provide the service.

(2) Sanitary sewer collection systems for multiple customers shall be gravity systems. Low pressure systems, i.e., multiple grinder pumps, shall not be acceptable within the City of Daphne or its planning jurisdiction except with the approval of the Planning Commission. Consideration will be given to areas where access for proper maintenance to sewer mains is impractical and cost prohibitive as determined by the City or Daphne Utilities. The project design engineer shall provide written certification to

justify the need for a multi-customer low pressure system. When approved as an acceptable system in lieu of a gravity system, low pressure systems shall be constructed to provide flow conditions that will minimize the development of corrosive and odor conditions from H2S and to prevent the development of sewage BOD5 (biochemical oxygen demand) concentrations greater than three hundred and fifty (350) mg/l.

(b) Regulation of Septic Tanks:

The Board of Health of Baldwin County or its duly authorized representatives being specifically empowered and directed by state law, are hereby empowered and directed by the City to making such inspections and investigations of and to take such legal steps as may be necessary to regulate and control the type, construction, reconstruction, location, use and maintenance of all septic tanks and all appurtenances thereto or used in connection therewith in the City.

(c) Inspection of Septic Tanks:

All septic tanks within the City shall be subject to inspection or investigation by the Board of Health or its duly authorized representative(s) at all reasonable times and the Board of Health or its representative(s) shall have the right to enter upon or into all property, premises or building for such purposes.

(d) Permit for Construction and Maintenance of Septic Tank:

It shall be unlawful and an offense against the City for any person to construct a septic tank on any property within the City without first having obtained a permit from their County Board of Health or its duly authorized representative.

(e) Low Pressure Systems also known as Grinder Pumps:

(1) Except as noted above, low pressure systems may only be installed with the approval of the Planning Commission. Construction of low pressure sanitary sewer systems, selection and installation of individual grinder pumps shall conform to the Utilities Board of the City of Daphne's Standard Constructed Specifications, latest edition, which is hereby adopted by reference.

(2) The Building Official or designee thereof or City Engineer shall have the authority to determine if selection and installation of grinder pumps meets the minimum requirements of these specifications.

11-14 SPECIAL PROVISIONS

(a) Utility Placement:

All 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 uses; 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, no less than five (5) feet to accommodate normal runoff. Said right-of-way shall be at a location one (1) foot above established high water or flood elevation.~~

(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 five hundred (500) 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 of Daphne.

(d) Location of Street Lighting:

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

If the City of Daphne is to provide regular maintenance of street lighting, said lighting shall be purchased through and installed by Riviera Utilities. Regular maintenance does not include replacement of lamps, luminaries or standards which are damaged or destroyed due to vandalism or any other cause beyond the utility's control. Such facilities damaged or destroyed under such circumstances

shall be replaced by the utility company at the property owner's expense.

(e) Placement of Street Signage for Subdivisions and Developments:

Proper signage in accordance with the latest edition of the "Manual of Uniform Traffic Control Devices" (MUTCD) as adopted by Alabama Department of Transportation (ALDOT) shall be installed prior to receiving final plat approval and maintained in all subdivisions until such time as roads are dedicated and accepted for maintenance by the City Council resolution. All proposed signage shall be shown and detailed on the construction plans. The following minimum standards shall be adhered to:

(1) R1-1 Stop Sign:

High intensity prismatic-minimum 0.080 inch thick, thirty (30) inches for all internal street intersections; thirty-six (36) inches for all intersections with existing city, county, state and federal roads.

(2) Street Name Sign:

Nine (9) inch aluminum extruded blade, high intensity prismatic, six (6) inch tall all-capital lettering on green background for streets proposed to be public; six (6) inch tall white all-capital lettering on blue background for streets proposed to remain private. Brackets: Vulcan type VS-8 vandal proof or an approved equivalent.

(3) All other signs, engineering grade or better:

Minimum 0.080 inch thick.

(4) Post for Street Signs:

Minimum ten (10) foot long, two and three eighth (2-3/8th) inch galvanized round post. Street signs must be mounted on separate post from the stop sign, unless approved by the City Engineer. If street signs and stop signs are approved to share the same post, in no case shall the street sign be attached directly to the stop sign. Stop signs shall be attached using a flanged bracket such as Vulcan Part #222491-501 or equivalent.

(5) Post for all Other Signs:

#3 Galvanized U-channel of appropriate height embedded not less than three (3) feet below the finished grade elevation.

(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 (½) 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 and are served by a public community water and sanitary sewer system of the Utilities Board of the City of Daphne, shall be required to annex into the City of Daphne prior to approval of said subdivision, if it is deemed by the Planning Commission to be in the best interest of the City.

(h) Common Open Space and Recreation Provisions:

Common open space and recreation area set asides shall include formal recreation areas and/or natural open space areas. There are two types of formal recreation areas: passive and active.

Passive recreation areas may include but shall not be limited to: open areas that include arranged plantings, gardens, gazebos or similar structures, fountains, sculptures, and other forms of public art, pedestrian walk ways, dog parks, picnic areas, general landscaped areas, flower gardens, and other uses typical for passive recreation. Active recreation uses may include but shall not be limited to: playground or park for local or neighborhood use with swing sets, ball fields, tennis courts, jogging trails, clubhouses, swimming pools, including accompanying accessory structures, and any other similar use suitable for the common enjoyment of the residents.

Natural open space areas that preserve and conserve the natural condition and hydrology of the property should be included as well as tree groves, wetlands, associated wetland buffers, rock outcrops, pastoral areas, floodplains, lakes, streams, rivers, wildlife habitat, utility and conservation easements, and scenic vistas and trails. Detention ponds and related storm water facilities, especially low impact development measures, may also be included.

(1) Applicability:

Ten percent of each proposed single family or multifamily residential development shall be set aside for common open space and recreation area. Common Open Space and Recreation Provisions shall apply to each residential development within the corporate limits and extraterritorial jurisdiction of the City of Daphne except as exempted below.

(2) Exemptions:

Common Open Space and Recreation Provisions shall not apply in the following cases:

(a) Where a unified planned single family residential development (i.e., under single ownership and planned in multiple phases) is five acres (5 ac) or less in total area and the minimum lot size exceeds twenty thousand square feet (20,000 sq. ft.); or,

(b) Where the entire subdivision is zoned R-1, Low Density Single Family Residential.

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(4) Phasing/Implementation:

A common open space and recreation area plan shall be a provided as a component of the subdivision master plan for single family or multi-family residential subdivision development, except where herein exempted.

Upon preliminary plat submission for the first phase of the development an agreement shall be established for the implementation of the common open space and recreation area plan. The agreement shall be made using appropriate forms as provided by the city and shall include:

(a) The proposed common open space and recreation area plan;

(b) A cost estimate of all work associated with the common open space and recreation area plan improvements (this excludes land and/or utility costs), and;

(c) A renewable surety bond valid for two years in the amount of one hundred and ten percent (110%) of the cost estimate or a letter of credit drawn on an Alabama based bank.

(5) Performance Standards:

The following factors shall be considered to determine the location for common open space and recreation areas.

(a) Where possible and appropriate, common open space and recreation areas shall be readily accessible and useable by property owners.

(b) To the maximum extent practical, a portion of the common open space and recreation area should provide focal points for the development.

(c) Common open space and recreation areas shall have at least one direct access to a public right-of-way.

(d) The common open space and recreation areas shall be compact and contiguous unless the land is used as a continuation of or link to an existing or planned adjacent open space resource or where specific natural or topographic features require a different configuration.

(e) In all developments, due regard shall be shown for all natural features such as large trees, heritage trees, water courses, historical spots, and similar community assets which, if preserved, will add attractiveness and value to the overall development.

(i) Retaining Wall Design:

Any retaining wall over 4 feet in height, measured from the top of the wall to the adjacent ground surface shall be designed and sealed by a professional engineer with prior experience designing retaining walls.

(j) Grading Plans:

All new subdivisions shall require an overall grading plan which shall include the finished floor elevation (FFE) plan for each lot. The FFE is defined as the elevation of the top of the concrete slab or the top of the first floor foundation to which flooring finishes and materials are to be applied except that for terrazzo, mortar bed set ceramic and quarry tile, and other materials requiring a depressed slab, finished floor elevation means the top surface of the installed materials and the slab shall be depressed as required for the appropriate setting bed~~the final grade of the site after excavating or filling which shall conform to the approved~~

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~~final grading plan~~. The finished floor elevations for each lot shall be stated on the grading plan and on the subdivision plat.

All lots within a subdivision should be graded to drain to the right of way or to a drainage easement(s) in a designated common area.

(k) Drainage Easements and Utility Easements:

(1) 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, a drainage way, a channel or a stream, there shall be provided a stormwater or a drainage right-of way of adequate width, no less than ~~five~~ twenty (~~5~~20) feet to accommodate normal runoff. Said right-of-way shall be at a location one (1) foot above the established high water or flood elevation.

(2) Rear lot drainage easements shall be placed in common areas and shall not be located on residential lots.

a. Rear lot common areas must not be obstructed by development such as structures and fences.

b. All rear lot common areas shall be maintained by the land owner.

c. The City of Daphne shall not be responsible for the maintenance of common areas and it reserves the right to require the maintenance of all private drainage facilities to prevent potential flooding and/or eliminate public health and safety threats or nuisance caused by said drainage facilities.

d. The minimum grade of swales/ditches in drainage easements shall be a minimum of one percent (1%).

(3) Common areas that contain drainage easements or drainage conveyance facilities shall be at least 20-ft wide.

~~(m)~~(l) Parking Lots:

(1) 429-A Improved Bituminous concrete wearing surface layer, (3/4), three-quarter inch maximum aggregate size mix, ESAL Range B (~~165~~ 220 lb/sy), ~~one hundred sixty five~~two hundred twenty pounds per square yard.

~~(5)~~a. A lesser asphalt wearing surface thickness may be utilized if designed and approved by a professionally licensed geotechnical engineer based on the expected traffic loading over the life of the pavement. ~~.~~

~~(6)~~(2) 401-A Bituminous Treatment type "A" (0.25 gal/sy).

~~(7)~~(3) 301-A Compacted Granular Soil Base Course (sand/clay) type "A" minimum of two 4 inch lifts (8-inch total) of compacted thickness; or,

~~(8)~~(4) 301-B Crushed aggregate base course (limestone) type "B" minimum 6-inch compacted thickness (if using this method, delete 401-A treatment.

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[1]Base design shall be based upon the in-situ soil conditions.

[2]Other pavement designs ~~may be~~shall be contingent upon the recommendation of the City Engineer; however, gravel parking lots shall not be permitted where the general public is intended to park and required by the City of Daphne Land Use and Development Ordinance.

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ARTICLE XVIII

DRAINAGE, STORM WATER MANAGEMENT FACILITIES AND EROSION/SEDIMENT CONTROL

Make drainage easements consistent size, address easements/common areas, etc.

18-1 GENERAL

A. Purpose:

The purpose of this section is to provide a guide for development wherein the ecological impacts to the environment are minimized through appropriate design, landscaping, erosion control, stormwater management, and proper planning. The intent of the City of Daphne is to protect valuable natural resources, the natural environment and the quality of life for all its citizens. In order to preserve the integrity, stability and the value of land, the City encourages the use of innovative, LEED-certified (Leadership in Energy and Environmental Design) and/or other "green" practices in development design. Where such methods/practices are proposed for a development said practices shall be designed in accordance with Appendix O, The Low Impact Development and Green Infrastructure Project application and certified by a credentialed professional in his/her design field.

B. Applicability and Use:

The following requirements shall apply to uses and developments in each overlay district and zoning district within the Daphne corporate limits, except where noted herein. As a general policy the objective of each drainage system design shall be the safety and protection of the traveling public, the environment, the City of Daphne and private property.

C. Jurisdiction:

All projects which fall under the inspection, permitting, or extraterritorial planning jurisdiction of the City, on items related to stormwater management and site development within the corporate limits of the City.

D. Permitting:

No land disturbing activity shall take place on any site prior to the issuance of a Site Disturbance Permit in accordance with *Article 15, Procedures for Site Plan Review in Section 15-4(d), Special Provisions and Article 17, Procedures for Subdivision Review, Section 17-3(e), Preliminary Plat Application,* of this Ordinance. All permitted sites within the city limits shall post a waterproof Site Disturbance Permit Identification Sign on site during construction. This sign shall identify the permit number, permit holder, contractor and contact phone number. Any and all state/federal permits for such activities shall be obtained and submitted to the City prior to issuance of the site disturbance permit.

E. Technical Reference:

The current version of the Alabama Handbook for Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas is hereby adopted as a reference and shall be considered a part of the Land Use and Development Ordinance as an expansion of erosion control provisions not listed. Herein, the book shall be referred to as the "Alabama Handbook for Erosion Control."

F. Professional Civil Engineer:

All engineering plans and specifications submitted for review and/or approval shall be prepared by and under the direct supervision of a registered professional civil engineer, licensed in the State of Alabama. Said professional engineer shall carry Errors and Omissions Insurance at a minimum coverage of one million dollars ($1,000,000). All plans and specifications shall meet the minimum standards and requirements of the City and other applicable local, state or federal authorities.

(1) Plan, profile and special drawing sheets for a project submitted for review shall bear a legible stamp and signature of the professional design engineer in charge. If the name or license number is not clear, the signature and number shall be added.

(2) The professional design engineer shall be qualified in the area of drainage as per the State of Alabama engineering registration laws.

(3) Upon completion of the project, an inspection of the site and drainage facilities shall be conducted by the design engineer. Correspondence in the form of a letter along with a set of as-built final plan sheets and an electronic version in a format deemed acceptable by the City shall thereafter be submitted to the Department of Community Development from the design engineer certifying that all drainage and related facilities have been installed in accordance with approved plans and specifications.

G. Liability:

Use of the information contained herein for placement of any structure or use of land, shall not constitute a representation, guarantee, or warranty of any kind by the City, its offices or employees, of the practicability, adequacy or safety and shall not create liability upon or cause action against any such public body, office, or employee for any damage that may result pursuant thereto.

(1) Any liability associated with the design, performance and operation of the drainage, stormwater management or erosion and sediment control facilities remains with the developer/owner and the project design engineer.

(2) Stormwater management facilities shall be designed in accordance with good engineering practice. The design criteria establish minimum elements of design which must be implemented with good engineering and good workmanship.

H. Pre-Design Conference:

The developer and the design engineer are encouraged to contact the City for a pre-design conference at the conceptual stage of the project. Such conference would be mutually beneficial to outline the complexity and scope of design, applicability of criteria and elimination of possible items of conflict during the review process. Subsequent conferences, during the preparation of plans may be arranged by the design engineer or the developer to obtain preliminary, informal decisions on items in need of clarification.

I. Letter of Transmittal:

In order to facilitate review of plans, all projects shall be submitted with a letter of transmittal which shall include the name of the project, name and address of the owner and/or developer, telephone number of the engineer, and clarification as to the purpose of submittal.

18-2 DRAINAGE AND STORMWATER MANAGEMENT ENGINEERING PLAN CONTENTS

A. General Requirements:

For all developments affecting city rights-of-way and for all proposed subdivisions and site development plans, the developer or the professional design engineer shall submit signed and sealed detailed drainage plans and drainage computations to the City for review and approval. Said drainage plans shall contain a map, narrative and supplemental items as follows:

(1) Map Information:

i. Existing and proposed contours in 1 (one) foot increments (topography shall be based upon the NAVD 88 datum;

ii. Location of existing improvements including roads, parking areas and building footprints along with their proposed finished floor elevations;

iii. Existing drainage system, including but not limited to, pipes, culverts, inlets, ditches, and ponds with data providing invert elevations, slopes, permanent water elevation and other related dimensional data;

iv. Flood zone designation and certification;

v. Elevation of the regulatory lowest floor level, including basement, of all proposed structures;

vi. Elevation to which any non residential structures will be flood proofed;

vii. Drainage basin boundaries, showing direction of flow, including total tributary drainage areas entering the improved area, taking into account any off-site runoff being routed through or around the project in its undeveloped condition;

viii. Size, location, slopes, inverts, types and general configuration of all primary drainage facilities required to route, collect, treat and dispose of stormwater runoff, generated by or passing through the development;

ix. Location of on-site water bodies, ephemeral streams and/or wetlands with details of size and vegetative cover to include normal water elevation, side slopes, and depths of water bodies and for wetlands, the general surface elevation and the wet season water elevation;

x. CBMPP (Construction Best Management Practices Plan) in accordance with the *Erosion Control provisions stated in Section 18-6* below;

xi. Reference the 100 (one hundred) year flood elevation if applicable;

xii. All final plats shall have a section that details that the City reserves the right to require the owners of all drainage facilities to perform needed maintenance to prevent potential flooding hazards.

(2) Narrative:

i. Proposed project including its size, percent pervious versus impervious land usage, total wetlands within site boundaries, and a breakdown of wetland acreage preserved, by type, and acreage removed, by type.

ii. All acres solely for water management purposes shall be noted and the legal method to ensure areas remain devoted.

iii. Times of concentration, intensity, runoff coefficients used for determining runoff for all tributary areas and areas within the development at pre- and post-construction rates.

iv. Discharge rate in cubic feet second (cfs), discharge velocity in feet per second (fps), and any other additional hydraulic data needed to establish that the drainage system will safely convey the flow to an adequate outlet without eroding any property or the channel of flow. Armoring of the receiving channel shall be required where velocities exceed the scour velocity for the given soil

conditions. Discharge and runoff coefficients should be based on full or ultimate build out of the parcel and contributing watershed.

v. Proposed start and completion date for the project.

vi. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, if applicable.

(3) Supplemental Information:

i. Design storms used including depth, duration, and distribution;

ii. Staged storage calculations for the project and stage discharge computations for the outfall structure(s);

iii. Differential runoff evaluation consists of determination of rates of runoff before and after development, determination of required volume of retention/detention and verification of adequacy of discharge and control structures.

iv. Runoff routing calculations showing discharges, elevations and volumes retained/detained during applicable storm events;

v. Draw down calculations for detention;

vi. Base flood elevation data for all proposed developments greater than 50 (fifty) lots or 5 (five) acres, whichever is less; if not established refer to the Flood Damage Prevention Ordinance No. 2009-01;

vii. Calculations required for determination of minimum building floor and road elevations;

viii. Calculations for flood plain encroachment, if applicable;

ix. Copies of all federal and state permit applications for the activity.

(4) Acreage in a tabular format:

Sample Table

	Existing		Proposed	
	Acres	%	Acres	%
Total Area				
Building				
Pavement				
Impervious total				
Pervious total				
Wetlands				
Common area				
Recreation area				

B. Provision for Additional Engineer's Review:

The intent of this provision is to protect and improve water quality and stream conditions within the City of Daphne, particularly those on the ADEM 303(d) List of Impaired Streams. The purpose of this provision is to mitigate the impact of potential or future development in support of the Daphne MS4 permit program and to uphold the provisions of this article.

Where deemed appropriate by the Planning Commission, any drainage and stormwater management plan submitted for review by the Planning Commission that could impact a stream listed on the ADEM 303(d) Impaired Streams list, may be subject to an additional review by a qualified professional civil engineer with experience in stormwater management (consultant engineer). The applicant/developer/owner may be required to modify stormwater and drainage plans to accommodate the recommendations of the consultant engineer.

All costs incurred for this additional engineer's review shall be paid by the developer/owner/ applicant.

18-3 DRAINAGE AND STORMWATER MANAGEMENT

A. General Requirements:

(1) Each subdivision plat and site plan submitted for review shall make adequate provisions for stormwater or flood water runoff channels or basins. Storm drains and drainage structures shall be designed and installed as required herein and in accordance with current good engineering practices and standards. The responsible professional design engineer shall submit signed and sealed design computations with said plans.

(2) The professional engineer shall make certain that any spring or surface water that may either exist prior to or as a result of the proposed subdivision or site development design shall be carried away by vegetative swale, pipe, open concrete paved ditch, or any alternate drainage facility certified by the design engineer and subsequently approved by the Planning Commission. Drainage conveyance structures may be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width. Said drainage conveyance structures shall be constructed in accordance with the Alabama Department of Transportation (ALDOT) Standard Specifications.

(3) Where a public storm drainage system is accessible, the professional engineer shall design stormwater drainage facilities to connect thereto. Storm drainage provisions for each development shall be subject to the specifications and calculations submitted by the design engineer. If no outlets are within a reasonable distance then adequate provisions shall be made for the disposal of stormwater.

(4) Where a public storm drainage system is not accessible, the subdivider shall install all drainage structures necessary to convey the water to a location acceptable to the City and obtain all required easements thereto.

(5) If, in a phased development, a connection to a public storm drainage system will be provided in a future phase of construction then a phasing plan for the project, a master storm drainage plan for the overall development and a bond in the amount of 150% of the cost of installing the appropriate facilities as enumerated in *Article 17, Procedures for Subdivision Review,* Section 4(a) Final Plat Application, shall be submitted upon application for final plat approval. Said master drainage plan shall show the arrangements anticipated for future stormwater disposal.

(6) No development shall be approved unless adequate drainage is provided to the natural drainage watercourse or an existing drainage facility.

i. For all developments, upstream drainage areas shall be accommodated and considered in designing drainage facilities. A culvert, pipe, or other drainage facility, shall in any case, be of sufficient size to accommodate potential stormwater runoff from its upstream drainage area, whether inside or outside the subdivision or development site boundary. The design engineer shall determine the necessary size of the facility based on drainage calculations and provisions of the construction standards and specifications.

ii. For all developments, downstream drainage areas shall be considered in designing drainage facilities. The design engineer shall review the effect of each development on existing downstream drainage facilities outside the area of the development. These drainage studies, together with such other studies as shall be appropriate, may serve as a guide to needed improvements and shall be incorporated into the drainage report to be submitted with the development application.

iii. Stormwater drainage facility design shall note the calculation of a runoff coefficient by measuring the total area of each sub-drainage basin within the project and the areas of each land use which will occur in each basin after construction is complete. These areas shall include off site drainage onto the site as well as the development area. These calculations should also consider future development or build-out on the upstream contributing area based on current land use or zoning.

(7) Where it is anticipated that additional runoff incidental to the development will overload an existing downstream drainage facility, approval of the development may be: denied, delayed, or withheld until provisions have been made to prevent and/or remedy such occurrence by the developer/owner submitting of an Off-Site Impact Bond, as provided in *Article 15, Procedures for Site Plan Review, and Article 17, Procedures for Subdivision Review,* prior to preliminary plat or site plan approval.

(8) The City of Daphne reserves the rights to enforce all Federal and State water quality regulation, as amended

(9) In a site plan review, the Planning Commission may require additional water quality enhancement through the use of stormwater treatment measures such may include, but shall not be limited to oil/gas/grease separators.

B. Flood Prevention:

(1) All proposed developments shall provide adequate storm drainage facilities.

(2) All proposed developments shall meet standards established in the Flood Prevention Ordinance 2009-01, as amended.

(3) Any areas subject to periodic flooding or flooding caused by poor drainage facilities will not be accepted unless the developer or subdivider makes necessary provisions to eliminate such flooding in conformity with the National Flood Insurance Program.

(4) The floor elevations of houses or buildings shall be high enough to be above the regulatory flood.

(5) The floodway 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.

(6) Fill may not be used to raise land in areas subject to flood and/or excessive erosion unless permitted by the Flood Plain Manager in accordance with the Flood Prevention Ordinance and provisions provided herein.

(7) If fill is permitted to raise land in areas subject to flood and/or in areas of excessive erosion, said fill shall be subject to the following requirements:

i. Fill shall not restrict the natural flow of water,

ii. Fill shall not advance erosion,

iii. Fill shall not unduly increase flood heights,

iv. Fill shall not be comprised of staining materials, e.g., red clay.

C. Easements:

Easements shall meet all specifications provided herein and shall be labeled on the record plat and/or site development plan.

(1) Where topography or other conditions are such as to make impractical the inclusion of drainage conveyance structures/facilities within road rights-of-way, perpetual unobstructed easements for such drainage conveyance structure/facilities shall be, a minimum of twenty (20) feet in width and located across said property, outside the road lines and with satisfactory access to the road. Drainage easements shall be carried from the road to the natural watercourse or to other drainage facilities.

(2) Where a subdivision or development of land is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such water course, and of such width and construction or both as shall be adequate.

(3) The subdivider shall dedicate by easement land in its natural state on both sides of any existing stream, of an adequate width and to a distance that is adequate to discharge flood waters without cumulatively increasing the water surface elevation more than one foot. Per *Section 18-3(d) Streams and Wetland Buffers,* the easement shall be at least fifty (50) feet wide.

(4) Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication shall be preserved and retained in their natural state as drainage ways, except where improvements are warranted and deemed necessary by the design engineer and subsequently approved by the Planning Commission. Said low-lying areas shall be appropriately delineated on the record plat.

D. Stream and Wetland Buffers Zones:

(1) For any flowing or ephermal water body, a fifty (50) ft wide vegetated non-disturbed buffer zone shall be provided on both sides of the stream from the bank. These buffer zones shall be shown on the plat, field verified by the design engineer, flagged prior to project implementation and protected by appropriate measures during all construction phases.

(2) For any delineated wetland area, a thirty (30) ft wide vegetated non-disturbed buffer zone shall be provided around the wetlands. These buffers shall be shown on the plat/site plan, field verified by the design engineer, flagged prior to project implementation and protected during all construction phases.

(3) When wetlands border, abut, and/or adjoin a stream, the undisturbed buffer zone must extend a minimum of fifty (50) ft from each stream bank and a minimum of thirty (30) ft from the delineated wetland boundary. The wetland buffer is not applicable where the U.S. Army Corps of Engineers has permitted wetland fill for a linear transportation crossing or utility crossing. However, the wetland and/or stream buffer requirements are still applicable to areas adjacent to the permitted activity.

(4) Modifications to the stream or wetland buffers shall be approved by the Planning Commission on a case by case basis. If a modification is requested, the design engineer shall demonstrate through safety or design specifications the need for the modification.

(5) Existing subdivisions platted, prior to the acceptance of this ordinance, are grandfathered from the buffer requirements.

(6) Individual property owners within existing subdivisions shall be responsible for compliance with US Army Corp of Engineers 404 Wetland Regulations. *At any time during or prior to site disturbance, if it is determined by the City of Daphne or a consultant thereto that the parcel potentially has wetlands,* the City shall require a wetland delineation of the parcel.

E. Operations in Lakes or Natural Watercourses:

Land-disturbing activity in connection with construction, in, on, over, under a lake, or natural watercourse shall be planned and conducted in such a manner as to minimize the extent and duration of disturbance of the stream channel. Any and all state and federal permits for such activities shall be obtained and submitted to the City prior to issuance of the Site Disturbance Permit.

F. Permanent Downstream Protection of Stream Banks and Channels:

Provision shall be made for the permanent protection of off-site stream banks and channels from the erosive effects of increased velocity and volume of stormwater runoff resulting from certain land-disturbing activities.

G. Phasing and Platting:

The effective acreage for a project is not limited to a fractional part of the total concept, rather if a project is developed in phases of small plats, the total acreage of the conceptual project shall be considered. Phasing is required on all site disturbance areas of seventeen and one half (17.5) acres, i.e., seven hundred-fifty thousand square feet (750, 000 sq. ft.) or more. The size of each phase will be limited to 17.5 acres or as deemed appropriate by the Planning Commission. The Planning Commission may allow exceptions to the phasing requirement on a case by case basis. In such case, the design engineer shall provide enhanced construction best management practices to ensure maximum mitigation to prevent off-site and water quality impacts.

H. Borrow and Waste Areas:

(1) When the person conducting the land-disturbing activity is also the person conducting borrow or waste disposal activities, areas from which borrow is obtained shall be considered as part of the land-disturbing activity where the borrow material is being used or from which the waste material originated.

(2) When the person conducting the land-disturbing activity is not the person obtaining borrow and/or disposing waste, these areas shall be considered a separate land-disturbing activity.

I. Access and Haul Roads:

Temporary access and haul roads, other than public roads, constructed or used in connection with any land-disturbing activity shall be considered a part of such activity.

18-4 STORMWATER MANAGEMENT FACILITY DESIGN

A. Conveyance Systems:

(1) Culverts:

i. Culverts under arterial roadways shall accommodate a minimum 50 (fifty) year, 24 (twenty four) hour storm frequency design storm unless conditions dictate that 100 (one hundred) year frequency design storm must be accommodated. Design storm criteria will be used by the design engineer based on the site specific conditions that warrant life and property protection.

ii. All culverts within City road rights-of-way must be approved by the City of Daphne and shall conform to Alabama Department of Transportation (ALDOT) standards.

iii. All culverts within State road rights-of-way must be approved and permitted by the ALDOT. In conjunction with the required subdivision or site plan application material, the developer/engineer shall submit a conceptual approval letter from ALDOT to the Department of Community Development for Planning Commission review. A copy of the official ALDOT permit must be submitted to the City prior to final inspection or issuance of the Certificate of Occupancy.

iv. Concrete box culverts shall be designed and constructed according to the latest edition of the Standards and Specifications for Road and Bridge construction, ALDOT.

v. Culvert head walls shall be required on pipe culverts and shall be reinforced concrete.

vi. Special types of head walls may be required by the City when deemed necessary for erosion control.

vii. Riprap may be required at the upstream and downstream end of culverts and shall be placed at these locations based on the velocities at that location.

viii. All roadway cross drain pipes or side drain pipes shall be made of reinforced concrete and shall have a minimum diameter of eighteen (18) inches or greater.

ix. Any pipe proposed within a City right-of-way or drainage easement shall be made of reinforced concrete and be silt tight with either a mastic joint material or a rubber gasket. ~~.~~ If other piping is installed therein, said road right-of-way or drainage easement dedication shall not be favorably recommended by the Planning Commission and may not be accepted by the City Council except where deemed appropriate by the City Engineer. Any pipe constructed within the City right of way or drainage easement shall be inspected by City staff prior to burial below grade.

x. Any pipe within City right-of-way or drainage easement shall have a minimum grade of 0.3% and is 0.5% preferred. Minimum cover for pipe shall be 1-ft below grade or 1-ft below pavement structure (including base material).

~~ix.~~xi. No pipe or drainage structure within City right-of-way or drainage easement shall be designed to be permanently surcharged unless approved in writing by the City Engineer.

(2) Bridges:

Bridges shall accommodate a minimum one hundred (100) year, 24 (twenty-four) hour frequency design storms. Design storm criteria will be used by the design engineer based on the site specific conditions that warrant life and property protection. All bridges shall be designed and constructed according to the latest edition of the Standards and Specifications for Road and Bridge construction, ALDOT.

(3) Open Channels and Ditches:

i. Storm drain pipes, open channels, open ditches or swales may be implemented when properly engineered based on site conditions. Open channels and ditches shall be designed to safely accommodate traffic and to prevent hazardous erosion.

ii. The maximum side slope shall be 3:1 (three to one) ratio for all open channels and ditches, unless approved by the Planning Commission upon recommendation of the City Engineer. Drainage calculations shall show the volume and velocity for each separate ditch section. Adequate ditch lining shall be determined based on the ditch calculations. Where two open channels converge, some form of energy dissipation, such as riprap, shall be provided.

iii. Where a driveway or ingress/egress easement must cross an existing or proposed ditch, the design engineer shall note upon the plat, the required culvert size(s) necessary to accommodate said crossing(s).

iv. Headwalls and end-walls shall be installed on street culverts.

v. Within any public right-of-way, flared headwalls or slope paved headwalls with a 4:1 (four to one) slope or flatter shall be used.

vi. The recommended maximum flow velocities shall be in accordance with the ranges recommended in the latest edition of the ALDOT Hydraulics Manual.

vii. All open channels and ditches shall be permanently vegetated upon final inspection. Neither seed, mulch, nor a combination thereof will be accepted as vegetation or as a substitute for permanent vegetation. Where sod is used on slopes or around corners, it shall be pinned as specified in the Alabama Handbook for Erosion Control.

(4) Street & Inlets:

i. Inlets shall be provided so that surface water is not carried across any intersection, or carried for a distance of more than five hundred (500) feet in the gutter. When calculations indicate curb capacities are exceeded at a point, catch basins shall be used to intercept flow at that point. The minimum pipe diameter of each storm drain shall be eighteen (18) inches. The stormwater drainage system shall be separate and independent of any sanitary sewer system. In no case shall stormwater empty into the sanitary sewer system.

ii. Profile grades and typical roadway sections shall be submitted with all construction drawings.

(5) Clean Out Access:

Clean out accesses shall be provided at least every three hundred (300) feet for continuous pipes of twenty-four (24) inches in diameter or less and at least every four hundred (400) feet for larger continuous pipes if required. Clean out accesses shall be provided at each angle point and at each change in grade.

B. Stormwater Drainage Detention/Retention Facilities:

(1) General Requirements:

i. Developments which produce an increase in the amount of stormwater runoff shall be required to construct stormwater detention /retention ponds or other approved types of detention devices.

ii. The developer/engineer shall submit, detailed engineering plans to the City including historical runoff, developed runoff, detention/retention pond details, method of discharge, and other information as required for review.

iii. Stormwater detention/retention facilities shall meet all specifications provided herein and shall be labeled as a lot on the record plat and/or site development plan as common area.

(2) Minimum Requirements for Stormwater Management Detention/Retention Facilities:

i. Differential runoff is the difference in rate and volume of stormwater runoff from a parcel or project in its undeveloped natural condition and its developed condition. Post-development release rates shall not exceed pre-development rates. Where practical, the differential runoff should be less.

ii. Detention basins shall detain the first flush from a storm event and release the subsequent runoff water at a pre-development rate for sites twenty (20) acres or less based on the rational method or modified rational method. For sites larger than twenty (20) acres, the pre- and post- calculations shall be based on the Natural Resource Conservation Service (NRCS) Curve Number Method or other accepted engineering methodology. There should also be adequate sizing of the detention basin to store an accumulation of one-half inch (½") sediment during construction of the infrastructure. The first flush volume for any stormwater detention structure must be contained and then slowly released over a minimum time period of 24 (twenty- four) hours and maximum time period of 72 (seventy-two) hours.

iii. The purpose of installing detention structures is to slow or attenuate the peak flows downstream by controlling the release rate. The post-development peak outflow rate shall be limited to the pre-development peak outflow rate as the basis of detention design.

iv. All stormwater detention structures must attenuate the post-development peak flow rates from the 2 year, 5 year, 10 year, 25 year, 50 year and 100 year 24 hour design storms to release a graduated discharge at or below pre development peak flow rates.

v. The following conditions and limitations should be observed in location, selection and use of the method of detention:

a. Detention facilities shall be located within the parcel limits of the project under consideration.

b. No detention or ponding shall be located within public road rights-of-way.

c. Location of detention facilities immediately upstream or downstream of the project may be considered by special request if proper documentation is submitted with reference to practicality, feasibility and proof of ownership or right-of-use of the area proposed.

vi. During construction of a residence, allowances for silting under denuded soil conditions for a period not less than one (1) year is recommended.

vii. All permitted site development projects shall incorporate stormwater detention and first flush treatment as part of the design. Stormwater detention is not required in the following two situations:

a. The project discharges stormwater runoff directly into a tidally influenced water body. This does not include discharges of stormwater runoff that flows through a public drainage system or across a downstream property boundary prior to entering the tidal water body.

b. Where stormwater detention for a project site is either unwarranted or impractical, the design engineer shall submit complete hydrologic and hydraulic computations to support this conclusion. This conclusion must be affirmed by the Department of Community Development. Typically this might occur in the very lowest downstream reaches of a major watershed, if it can be proved that un-detained stormwater should be discharged quickly to avoid peak discharge timing for the entire watershed. The hydrologic analysis should include more than one representative downstream location for comparing hydrographs.

c. Even if stormwater detention is waived by the Planning Commission for the above two situations, the site development must still provide first flush treatment, oil/gas/grease separation, and/or any other filtration system deemed appropriate in order to protect water quality.

viii. All detention basin slopes shall be permanently stabilized with a perennial vegetative cover prior to final inspection. Seed and mulch will not be accepted.

ix. Detention facilities are to be built prior to storm drainage installation and prior to any building or roadway construction and/or grading. Since these facilities are intended to control increased runoff, they must be fully operational prior to any clearing of the vegetation.

x. In accordance with *Article 11, Minimum Standard and Required Improvements, Section 14(h), Special Provisions*, dry detention facilities shall be located on common grounds within the development; however, detention facilities shall not be considered to be a part of the informal open space area, unless otherwise approved by the Planning Commission. Wet detention/retention facilities also known as lakes may be considered as part of the formal open space/ recreational areas.

xi. Projects developed under these procedures shall establish, in the recorded plat, maintenance and access easements for the detention facilities and include provisions for maintenance in the restrictive covenants or Trust Indentures.

xii. The hydraulic elevations of the drainage system shall not adversely affect adjoining properties.

xiii. All common ground areas, including but not limited to stormwater facilities, recreational spaces and open spaces must be permanently stabilized upon final inspection. Seed and mulch will not be accepted at final inspection.

xiv. Wetland areas shall not be used for the purpose of stormwater detention.

(3) Dry Detention Basins:

i. Dry detention basins provide limited pollutant removal benefits and are not intended for water quality treatment. Detention-only facilities must be used in conjunction with other structural controls that provide stormwater treatment.

ii. Seventy-five (75) acres is the maximum contributing drainage area to be served by a single dry detention basin. Routing calculations must be used to demonstrate that the storage volume is adequate.

iii. Vegetated embankments shall be no more than twenty (20) feet in height and shall have a maximum side slope of a three to one (3:1) ratio. Riprap protected embankments shall have a maximum slope of a two to one (2:1) ratio. Geotechnical slope stability analysis is required for embankments greater than ten (10) feet in height. The detention basin shall be setback such that the outfall is at least twenty ~~five~~ (~~25~~20) feet from the property line.

iv. Areas above the normal high water elevations of the detention facility should be sloped toward the basin to allow drainage and to prevent standing water.

v. Inflow channels shall be stabilized with flared riprap aprons, or the equivalent thereof. A sediment forebay sized to 0.1 (one tenth) inches per impervious acre of contributing drainage shall be provided for dry detention basins that are part of the treatment process.

vi. The outlet structure shall be sized based on hydrologic routing calculations and may consist of a weir, orifice, outlet pipe, combination outlet, or other acceptable control structure which would achieve the required graduated discharge.

vii. Riprap, plunge pools or pads, or other energy dissipaters must be placed at the end of the outlet to prevent scouring and erosion.

viii. An emergency spillway shall be included in the stormwater pond design to safely pass the extreme flood flow. The spillway must prevent pond water levels from overtopping the embankment and causing structural damage. A minimum of one foot of freeboard must be provided, measured from the top of the water surface elevation for the extreme flood, to the lowest point of the dam embankment not counting the emergency spillway. Special consideration for smaller basins may be considered as long as the design engineer can show that the practice is warranted.

(4) Stormwater Ponds:

i. Stormwater ponds also known as wet ponds, retention ponds, and or permanent lakes are constructed stormwater retention basins that have a permanent pool of water throughout the year. Runoff from each rain event shall be detained and treated in the pool through gravitational settling and biological uptake until it is displaced by runoff from the next storm. The permanent pool must protect deposited sediments from re-suspension. Above the permanent pool level, additional temporary storage shall be provided for runoff quantity control. The upper stages of a stormwater pond shall be designed to provide extended detention of the two year, twenty-four (24) hour storm event for downstream channel protection, as well as normal detention of larger storm events.

ii. Channel protection may be achieved by releasing the two (2) year, twenty-four (24) hour storm runoff volume over twenty-four (24) hours. A stormwater pond shall provide the required storage above the permanent pool and meet the specified graduated allowable release. Where required, stormwater ponds shall also be used to provide detention to control the one hundred (100) year storm event. Where this is not required, said pond structure shall be designed to safely pass extreme storm flows.

iii. Minimum setback requirements for stormwater pond facilities:

a. Twenty ~~five~~ (~~25~~20) feet from property line to outward toe of berm;

b. One hundred (100) feet from private wells;

c. Fifty (50) feet from a septic system tank/leach field;

d. Five hundred (500) feet from public well.

iv. The stormwater pond shall consist of a permanent pool of water, the overlying zone in which runoff control volumes are stored, and a shallow littoral zone along the edge of the permanent pool that acts as a biological filter. All stormwater pond designs shall include a sediment forebay at the inflow to the

basin to allow heavier sediments to drop out of suspension before the runoff enters the permanent pool. Additional pond design features include an emergency spillway, maintenance access, safety bench, pond buffer and appropriate native landscaping.

v. Proper geometric design shall be implemented to prevent hydraulic short-circuiting. The minimum length-to-width ratio for the permanent pool shape is one and one-half to one (1.5:1), and should ideally be greater than three to one (3:1) to avoid short-circuiting. In addition ponds should be wedge-shaped when possible so that flow enters the pond and gradually spreads out, improving the sedimentation process.

vi. To avoid stratification and anoxic conditions, the maximum depth of the permanent pool shall generally not exceed eight (8) feet. Minimum depth for the pond bottom shall be three (3) feet.

vii. Side slopes to the pond shall not exceed three to one (3:1) without the use of safety precautions. Side slopes to the pond shall not exceed three to one (3:1) if mowing is anticipated. Said should terminate on a safety bench. The safety bench requirement may be waived if slopes are four to one ratio (4:1) or gentler.

viii. The perimeter of all deep pool areas should be surrounded by two benches: safety and aquatic. For larger ponds, the safety bench shall extend approximately fifteen (15) feet outward from the normal water edge to the toe of the pond side slope. The maximum slope of the safety bench should be sixteen to one or six percent (16:1 or 6%). An aquatic bench should extend inward from the normal pool edge, fifteen (15) feet on average, and should have a maximum depth of eighteen (18) inches below the normal pool water surface elevation.

ix. The sediment forebay should consist of a separate cell, formed by an acceptable barrier. The forebay must be sized to contain 0.1 (one tenth) inches per impervious acre of contributing drainage. A fixed vertical sediment depth marker shall be installed in the forebay to measure sediment deposition over time. The bottom of the forebay may be hardened to make sediment removal easier. Inflow channels are to be stabilized with flared riprap aprons, or the equivalent. Exit velocities from the forebay must be non- erosive.

x. Flow control from a stormwater pond is typically accomplished with the use of a concrete or corrugated metal riser and barrel. The riser should be located within the maintenance easement for access, safety and aesthetics. Higher flows should pass through openings or slots protected by trash racks further up on the riser. After entering the riser, flow is conveyed through the barrel and discharged downstream. Anti-seep collars should be installed on the outlet barrel to reduce the potential for pipe failure.

xi. Riprap, plunge pools or pads, or other energy dissipaters must be placed at the end of the outlet to prevent scouring and erosion. If pond daylights to a channel with dry weather flow, care should be taken to minimize tree clearing along the downstream channel, and to re-establish a forested riparian zone in the shortest possible distance.

xii. An emergency spillway shall be included in the stormwater pond design to safely pass the extreme flood flow. The spillway must prevent pond water levels from overtopping the embankment and causing structural damage. A minimum of 1 foot of freeboard must be provided, measured from the top of the water surface elevation for the extreme flood, to the lowest point of the dam embankment not counting the emergency spillway. Special consideration for smaller basins may be considered as long as the design engineer can show that the practice is warranted.

xiii. A maintenance right-of-way or easement must be provided to a pond from a public or private road. Maintenance access should be at least ~~fifteen~~ twenty (~~15~~20) feet wide, having a maximum slope of no more than fifteen percent (15%) and be appropriately stabilized to withstand maintenance equipment and vehicles. The maintenance access must extend to the forebay, safety bench, riser, and outlet and, to the extent feasible, be designed to allow vehicles to turn around.

xiv. The principal spillway opening should not permit access by small children, and end walls above pipe outfalls greater than forty-eight (48) inches in diameter should be fenced to prevent access. Warning signs should be posted near the pond to prohibit swimming and fishing in the facility.

(5) Other Methods of Stormwater Drainage Detention/Retention:

i. Other methods of detention such as seepage pits, French drains, etc., may be considered. If these methods are proposed, proper documentation of soils data, percolation, geological features, shall be provided for review and consideration.

ii. The use of underground detention shall consist of the following elements designed in accordance with acceptable engineering practices:

a. An outlet structure with emergency release provisions;

b. An emergency spillway;

c. Maintenance access;

d. Maintenance schedule; and

e. Sediment trap on inflow structure.

i. Parking Lot Detention:

a. Detention within parking lots is only permitted within overflow parking areas the maximum depth of said detention shall be eight (8) inches. In no case should the maximum limits extent of ponding be designed closer than twenty (20) feet from a building unless water proof of the building and pedestrian accessibility is properly documented on plans.

b. The minimum freeboard from the maximum ponding elevation to the lowest sill elevation shall be one (1) foot.

(6) Stormwater Management Detention/Retention Control Structures:

i. Detention facilities shall be provided with obvious and effective control structures. Plan view and sections of the structure with adequate detail shall be included in plans.

ii. Sizing the low-flow pipe shall be by inlet control or hydraulic gradient requirements.

iii. Low-flow pipes shall not be smaller than eight (8) inches in diameter to minimize maintenance and operating problems, except in parking lot and roof retention where minimum size of opening shall be designed specifically for each condition.

iv. The overflow opening or spillway shall be designed to accept the total peak runoff of the improved tributary area.

v. Proper engineering judgment shall be exercised in analysis of secondary routing of discharge of greater intensity than the basic design storm in order to avoid economic losses or damage downstream.

(7) Stormwater Management Detention/Retention Discharge Systems:

i. Sizing of the system located below the control structure shall be based upon the total improved peak runoff tributary to the structure with no allowance for detention.

ii. When existing downstream pipe sizing, outside the developers control jurisdiction, is inadequate, an evaluation for under sizing of pipes may be undertaken by the City upon receipt of written request from the engineer specifying the run or runs desired to be undersized.

iii. Requests for under sizing shall be accompanied by plans and profiles of the entire undersized system downstream if less than five hundred (500) feet in length or a minimum of five hundred (500) feet.

iv. When hydraulic gradients of the proposed undersize system affect the performance or capacity of structures maintained by the City, no under-sizing will be allowed.

18-5 VERIFICATION OF ADEQUATE DESIGN, EASEMENTS AND MAINTENANCE

A. Verification of Adequacy:

Analysis of all elements of design shall be performed by the registered professional design engineer. The following outline is provided to ascertain that critical elements of design are in workable compliance with the aims of design:

(1) Volume of retention for the total project;

(2) Tributary (Q) peak runoff to basin;

(3) Balanced maximum outflow rate from the low-flow structure;

(4) Ratios of inflow to outflow;

(5) Sizing of the overflow facilities;

(6) Permeability rates, and geotechnical data where applicable;

(7) Stability of dikes;

(8) Safety features; and

(9) Maintenance features.

For projects up to two hundred (200) acres, routing calculations for all ponds shall be submitted in legible tabulated form with documented verification of adequacy according to scope and complexity of design. Proof of adequacy of volume of retention and sizing computations for low-flow structures shall also be submitted and certified by the design engineer. Features of stability and safety may also need to be documented if the scope of the project requires special attention in this area of design.

B. Stormwater Management Detention/Retention Easements:

Two (2) types of easements shall be provided in plans for stormwater detention/retention facilities.

(1) Maintenance Easement:

i. All stormwater management facility reservoirs, with the exception of parking lot and roof detention, shall be enclosed by a maintenance easement. The limits of the said easement shall extend ten (10) feet beyond the top elevation of the reservoir.

ii. When a stormwater management facility is adjacent to a public right-of-way, the limits of the easement shall extend twenty ~~five~~ (~~25~~20) feet beyond the elevation of the reservoir on the public right-of-way side.

(2) Drainage Easement:

A minimum ~~fifteen~~ twenty (~~15~~20) feet wide drainage easement shall be provided within the reservoir area connecting the tributary pipes and the discharge system along the best possible routing of a piping system for possible future elimination of managed stormwater.

C. Maintenance of Stormwater Detention/Retention Facilities and Liability:

(1) All final plats shall have a section that details that the City reserves the right to require the owners of all drainage facilities to perform needed maintenance to prevent potential flooding hazards.

(2) Operation and maintenance of any existing and future stormwater management facility (detention or retention basin) is the responsibility of the property owner(s).

(3) Any liability associated with the design, performance and operation of the facility remains with the owner and the project design engineer. The project design engineer shall be responsible for disclosing information regarding and instructing the owner of required operation and maintenance of the facility(s). Prior to final plat approval by the Planning Commission, a completed *Stormwater Management Indemnification Form* (Appendix) shall be submitted to the City. Said agreement shall require among other things that the landowner, its successors, and, or assigns or any property owner who discharges to or benefits from the maintenance or improvements to the real property shall, annually, inspect the stormwater facility and submit said inspection report to the Environmental Programs Manager or designee of the Building Official. The landowner, its successors, and , or assigns of any property owner within the subdivision who discharges to or benefits from the maintenance or improvement to the real property shall have a Qualified Credential Professional (QCP) inspect the facility at least once every three years. Upon completion of the inspection the QCP shall submit to the City of Daphne in report form a copy of said inspection detailing but not limited to the following items: facility as-built engineered floor elevation, existing floor elevation, sedimentation, vegetative cover, debris, fencing (if required), outlet structure and inlets. The facility shall be subject to at least an annual inspection by the City to ensure that it functions in accordance with its original design criteria and to follow up on submitted inspection and/or respond to citizen complaints. Entry to the stormwater management facility shall be granted by the owner, developer or property owners association.

(4) Any defects discovered by the City during the annual inspection process shall be furnished to the owner of the stormwater management facility in writing by the City. The notice shall be in the form of Certified Mail-Return Receipt Required, through the United States Postal Service. The owner shall have fifteen (15) business days from the date of mailing of said notice by the City to submit a written plan detailing the actions that will be instituted to correct noted defects and thirty (30) business days thereafter to implement a corrective plan. If said repairs involve engineered practices, then the plan shall be signed by an engineer licensed in the State Alabama. Also, if the repair plan results in land disturbance greater than one thousand (1,000 sq. ft.) square feet, a City of Daphne Land Disturbance Permit (Ordinance # 2008-54) shall be required. The City may, at its discretion, allow the owner additional time as deemed appropriate for the corrective work to be performed. Failure by the owner to perform the corrective action may result in enforcement by the City which may include, but not be limited to, the issuance of a Municipal Offense Citation and or the declaration of the facility as a public nuisance.

D. Abatement of Detention/Retention Facility Public Nuisance:

It shall be unlawful for any person to maintain a public or private nuisance upon any public or private property.

(1) Resolution of Abatement:

Whenever any such public nuisance occurs, the City Council may, by resolution, declare the same to be a public nuisance and order its abatement. The resolution shall refer to the street by the name under which it is commonly known, describe the property upon which, or in front of which, the public nuisance exists, by giving a legal description thereof and no other description of the property shall be required. Any number of streets, sidewalks or parcels of property may be included in one and the same resolution.

(2) Notice of Declaration:

i. After the passage of the resolution, notice of a public hearing on the matter shall be given by certified mail, return receipt requested, mailed a minimum of thirty (30) days prior to the date of the public hearing and shall inform the owner of the time, date and place of the public hearing and reason therefore. The notice shall be mailed to the owner of the property as it appears of record in the Baldwin County Revenue Commissioner's office.

ii. Notice shall also be given by publication in a local newspaper of general circulation once a week for two (2) consecutive weeks. The first notice shall be

published at least fourteen (14) days prior to the date of the scheduled public hearing.

iii. In addition thereto, signs shall be conspicuously posted at sixty-foot intervals along the frontage of the property. The caption of the signs shall not be less than one (1) inch in height and shall be in substantially the same form as expressed in the public notice.

iv. The notice shall be posted at least seven (7) days prior to the time of the hearing of the City Council.

(3) Hearing on Nuisance Declaration:

If objections are filed with the City Clerk's office prior to the time stated in the notice, the City Clerk's office shall hear and consider all evidence, objections and protests regarding the proposed compliance issues. The council may continue the assessment hearing from time to time, as needed. Upon the conclusion of an assessment hearing, the Council, by resolution, shall decide whether a public nuisance exists and, if so, shall order it to be removed or abated with respect to any property or part thereof described. The City Council, by passage of the resolution, shall be deemed to have acquired jurisdiction to proceed and either to perform or have performed the work of removal or abatement with respect to such property or part thereof. The decision of the governing body on the matter shall be deemed final and conclusive.

(4) Order for Abatement:

i. After the Council passes the resolution finding the conditions of the property to be a public nuisance and ordering its abatement, all employees and duly authorized agents of the City are hereby expressly authorized to enter upon private property for that purpose.

ii. The City may, at its option, engage and authorize city employees and/or private contractors, companies, enterprises or individuals to abate and remove the nuisance. The Council, by resolution, shall designate the City employees and/or private contractors, companies, enterprises or individuals who may perform the work.

iii. Any property owner shall have the right to abate any public nuisance at his own expense, providing the same is done prior to the time City employees or agents commence work.

(5) Liability Insurance:

Private contractors engaged by the City in accordance with this article shall be required to provide proof of liability insurance in the amounts routinely required by the City for similar projects and will accept responsibility for any damages to subject lots and surrounding areas which may occur during the cutting/cleaning of subject property. The insurance policy shall contain an endorsement that the same shall not be canceled without giving to the City ten (10) days written notice.

(6) Billing and Collection:

i. The City shall keep an account of the cost of abating each nuisance in front of or on each separate lot or parcel of land where work is completed by it or its employees, or by a duly authorized private contractor, company, enterprise or individual, and shall render a written itemized report to the City Council showing the cost of removing a particular public nuisance; provided that before the report is submitted to the governing body, a copy of the same shall be posted for at least five (5) days prior thereto on or near the chamber door of the City Council, together with a notice of the time when the report shall be submitted to the City Council for confirmation.

ii. Prior to the time fixed for the City Council to receive and consider the report, the administrative appeal process of filing, hearing and ruling upon complaints and objections shall have been completed. Contested assessments shall be appealed to the City Council, at the property owner's request upon filing a timely notice with the City Clerk at least seven (7) days prior to the time fixed by the City Council to receive and consider the report.

iii. The cost of abating such nuisance in front of or upon the various parcels of land mentioned in the report shall constitute a special assessment and as thus made and confirmed shall constitute a lien on the property for the total amount of such assessment along with any administrative costs, respectively. After confirmation of the report, the City shall attempt to collect the lien. If this attempt by the City proves futile, a copy of the lien confirmation report will be turned over to the Baldwin County Revenue Commissioner who, under the "optional method of taxation," is charged with the collection of the City's municipal taxes pursuant to Code of Alabama, Sections 11-51-40 through 11-51-74, (1975). It shall be the duty of the Baldwin County Revenue Commissioner to add the amount of the respective lien to the next regular bill for taxes levied against the respective lots and parcels of land, and thereafter the amounts shall be collected at the same time and in the same manner as ordinary municipal ad valorem taxes are collected and shall be subject to the same penalties and the same procedure under

foreclosure and sale in case of delinquency pursuant to Code of Alabama, Sections 11-51-40 through 11-51-74 (1975).

18-6 EROSION AND SEDIMENT CONTROL

A. Purpose:

During the construction process, soil is most vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates repair of sewers and ditches, and the dredging of watercourses. In addition, clearing and grading during construction causes the loss of native vegetation necessary for terrestrial and aquatic habitat, and to provide a healthy living environment for the citizens of Daphne.

B. General Requirements:

(1) Construction Best Management Practices Plan (CBMPP) shall be designed by a qualified credentialed professional (QCP as defined in *Article 8, Definition of Terms*) such as a professional engineer.

CBMPP map shall include the following:

i. Identify topography, natural features such as watercourses, waterways, and wetlands and proposed construction areas.

ii. Identify critical areas which are subject to severe erosion and off-site areas which are especially vulnerable to damage from erosion and/or sedimentation. Critical areas shall be identified and shall receive special attention and protection. Critical areas include but are not limited to cut and fill slopes, streams and wetlands.

iii. Erosion and sediment controls used throughout all phases of construction and details of permanent stabilization methods to be used at completion.

iv. Provisions for maintenance of erosion and sediment controls and periodic inspections for effectiveness of controls.

C. Submittal, Review and Approval Procedures:

(1) CBMPP shall be submitted with application material required for Planning Commission review.

(2) No land disturbance shall take place prior to review and approval of the project CBMPP.

D. Modifications to the CBMP Plan:

(1) Major modification, such as relocation of detention facility, to the CBMPP shall be submitted to the Department of Community Development and shall be processed and approved, or disapproved, by the Environmental Programs Manager or designee of the Building Official and the Director of Community Development or his/her designee. Where deemed necessary by the Director of Community Development, approval for such modification may be required upon Planning Commission review.

(2) Minor modifications, such as the addition of additional silt fence, to the CBMPP may be addressed on site as needed to ensure compliance with the provisions outlined.

E. Design Requirements:

Erosion control practices, and sediment control practices, shall meet the design criteria set forth in the most recent version of the Alabama Handbook for Erosion and Sediment Control and shall be adequate to prevent transportation of sediment from the site to the satisfaction of the Environmental Programs Manager or designee of the Building Official.

(1) Clearing and Grading:

i. Clearing and grading of natural resources, such as wetlands, waterways, and watercourses, shall not be permitted, except where in compliance with all other sections of this Land Use and Development Ordinance and as permitted by the United States Army Corps of Engineers, if applicable.

ii. Clearing techniques that retain natural vegetation and natural drainage patterns are strongly encouraged.

iii. Phasing shall be required in accordance with provisions provided in *Article 18, Drainage and Stormwater Management Facilities and Erosion/Sediment Control*, Section 3(g) Phasing and Platting, on all sites seventeen and one half (17.5) acres or greater, with the size of each phase to be no more that seventeen and one half (17.5) acres.

iv. Clearing, except as necessary to establish sediment basin and other sediment control devices, shall not begin until all sediment control devices have been installed.

v. Cut and fill slopes shall be no greater than three to one (3:1), except as approved by the City of Daphne to meet other community or environmental objectives.

F. Erosion Control:

(1) Soils must be stabilized within thirteen (13) days of clearing or inactivity in construction.

(2) If vegetative erosion control methods, such as seeding, have not become established within four (4) weeks, the City of Daphne may require that the site be reseeded, or that a non-vegetative option be employed.

(3) On steep slopes or in drainage ways, special techniques that meet design criteria outlined in the Alabama Handbook shall be used to ensure stabilization.

(4) Soil stockpiles are consider part of the site disturbance and therefore must be temporarily stabilized within thirteen (13) days of clearing or inactivity in construction.

(5) Techniques shall be employed to prevent the blowing of dust or sediment from the site onto adjacent properties.

(6) Appropriate techniques shall be employed to divert upland runoff past disturbed slopes.

G. Sediment Controls:

(1) Sediment controls shall be provided in the form of sediment basins or sediment traps and perimeter controls.

(2) Where possible, sediment basins shall be designed in a manner that allows adaptation to provide long term stormwater management. Permanent stormwater controls can be retrofitted to serve as sediment controls during construction.

(3) Adjacent properties shall be protected by the use of a vegetated buffer strip, in combination with perimeter controls.

H. Waterways and Watercourses:

(1) When a watercourse must be crossed regularly during construction, a temporary stream crossing shall be provided, and an approval obtained from the United States Army Corps of Engineers. The letter of permission or the permit from the USCOE must be submitted to the City prior to issuance of the Site Disturbance Permit.

(2) When in-channel work is conducted, the channel shall be stabilized after work is completed.

(3) All on-site stormwater conveyance channels shall be designed according to the criteria outlined in the Alabama Handbook.

(4) Outlets of all pipes and paved channels shall have adequate stabilization to prevent erosion. Riprap may be required for stabilization if vegetative measures prove to be ineffective at controlling erosion in waterways or watercourses.

I. Construction Site Access:

(1) A stabilized construction access shall be required in order to ensure sediment is not tracked on to public streets.

(2) If sediment tracking occurs on public streets and/or right-of-ways, the contractor will be required to remove accumulated sediments from streets and ditches.

J. ADEM *"303(d)"* Listed Streams:

Any site which discharges directly or indirectly to an ADEM 303(d) Listed Stream segment shall submit an enhanced CBMPP to minimize to the maximum extent practical the release of the listed pollutant to the stream. The enhanced CBMPP shall include enhanced BMPs and other measures which may include but not be limited to a water sampling component of the sites discharge for the 303(d) listed pollutant.

K. Other Provisions Related to Construction and/or Site Disturbance:

(1) *Burning:* No open burning associated with property clearing is allowed during the months of May through October per State regulations. During certain permissible months, open burning is not allowed unless a smoke curtain or incinerator is used and permitted per the current City of Daphne Fire Code.

(2) *Spill Prevention Control Counter-Measures Plan Requirement*: Sites that store onsite fuel, chemicals or other pollutants shall prepare implement and maintain a Spill Prevention, Control and Countermeasures Plan (SPCCP), as a separate document or as a component of the Erosion and Sediment Control Plan (CBMPP) for the site.

(3) *Washout Areas*: A concrete washout area shall be designated on all sites during installation of drainage structures and in the residential construction phase.

(4) *BMPs*: The placement of BMPs in/on City right-of-way is prohibited unless express written permission is granted by the City Engineer.

(5) *Construction Debris*: CBMPP shall include measures to address construction debris during all phases of construction at the site.

(6) *Sanitary Waste*: CBMPP shall include measures to address public health and safety in regards to restroom usage during all phases of construction.

L. Site Inspections:

The owner or contractor shall make daily inspections of all control measures throughout the construction process to ensure the overall effectiveness of the CBMPP; however, any permitted site shall be subject to at least the following inspections by the Site Containment Officer and/or Environmental Programs Manager:

(1) Immediately after erosion and sediment controls are in place and prior to commencement of site clearing and grading;

(2) After installation of stormwater detention/retention management facilities;

(3) After clearing and grading has been completed;

(4) After remaining drainage has been installed;

(5) After streets and curb and gutter have been completed; and/or,

(6) Before construction completion.

M. Enforcement of Erosion and Sediment Control Provisions:

(1) Environmental Programs and/or the City Engineer (where applicable) shall serve as a line of communication between the permit holder and the City in regard to permit compliance.

(2) The City of Daphne may issue a stop work order and/or suspend or revoke the site disturbance permit where Environmental Programs or the City Engineer has found the following:

i. Violation(s) of the terms of the permit or site development which may adversely affect the health, welfare, or safety of persons residing or working in the neighborhood.

ii. Site development that is detrimental to the public welfare or injurious to property or improvements in the neighborhood.

(3) Compliance with Erosion Control/Sedimentation Requirements:

i. If compliance cannot be achieved through the normal inspection process, the City may issue a Notice of Violation.

(4) Notice of Violation:

i. General:

Whenever the development is determined to be in non-compliance, the owner shall be notified of the violations and/or deficiencies. Upon notification, the owner shall have forty eight (48) hours to bring the site into compliance. The City may, at its discretion, allow the owner additional time as deemed appropriate for the corrective work to be performed. If the site fails to come into compliance, the owner may be found in violation of the Ordinance and guilty of a misdemeanor. Any person who violates this Ordinance shall, upon conviction thereof, be fined not more than five hundred dollars ($500), and in addition shall pay all costs and expenses involved in the case. Each day during which any violation of any of the provisions of this Ordinance is committed, continued, or permitted shall constitute a separate offense. Nothing herein contained shall prevent the City of Daphne from taking such other lawful actions as are necessary to prevent or remedy any violation.

ii. Sediment Impact Violations:

Whenever the City of Daphne determines that significant sedimentation is occurring as a result of a land disturbing activity, despite application and maintenance of protective practices, the person conducting the land disturbing activity or the person responsible for maintenance will be required to take additional protective action. Furthermore, if it is determined that sedimentation has occurred off site onto right-of-way, in-stream, or into stormwater drainage systems, the sediments shall be removed. The owner, builder, or engineer shall be notified by a certified Notice of Violation.

iii. The Notice of Violation shall detail the non-compliance and shall give the violator fourteen (14) days to submit a restoration plan to the Environmental Programs Manager (EPM). This plan shall include measures to mitigate any offsite sediment and measure including but not limited to stabilization measure for the impacted area. Upon receipt and review of the restoration plan, the Environmental Programs Manager at his or her discretion shall require the plan to be submitted to the Planning Commission, United States Corps of Engineers, and/or the Alabama Department of Environmental Management for further review and approval. Upon approval of the plan by the City and other regulatory agencies the violator shall have thirty (30) days to implement and complete the plan. Upon completion of the plan, the Environmental Programs Manager or his/or her designee shall perform a follow-up inspection. If the site is compliant, then the violation shall be resolved.

iv. Intentional Circumvention of the Drainage, Stormwater Management Facilities and Erosion/Sediment Control provisions:

When an owner, builder or design engineer is found to have intentionally circumvented any provision of *Article 18*, the following steps shall be taken:

a. The owner, builder, or engineer shall be notified of such by a certified Notice of Violation.

b. The Notice of Violation shall detail the non-compliance and shall give the violator fourteen (14) days to submit a corrective action plan to the Director of Community Development for review of the applicable City inspector/complainant.

c. Upon receipt and review of the corrective action plan, Director of Community Development at his/her discretion may require the plan to be submitted to the Planning Commission for further review and approval.

d. Upon approval of the plan the violator will have thirty (30) days to implement and complete the plan.

e. If the completion of the plan requires more than thirty days, the owner, builder, or engineer may formally request by letter a thirty (30) day extension from the Director of Community Development. Once the corrective action is complete, the Director of Community Development designee shall inspect the site for compliance with *Article 18, Drainage, Stormwater Management Facilities and Erosion/Sediment Control provisions*.

f. If the site is compliant then the violation will be resolved. However, if the violation is not resolved during the allotted time the owner, builder, or engineer will be notified by a second (2^{nd}) certified Notice of Violation stating that the Planning Commission shall consider a making a recommendation to City Council that said violator's city business license be revoked for a one year period the owner.

18-7 COMPLETION OF CONSTRUCTION ACTIVITIES, FINAL INSPECTION AND/OR CERTIFICATE OF OCCUPANCY REQUESTS

A. All open channels and ditches shall be permanently vegetated with perennial vegetation upon final inspection. Seed and mulch shall not be accepted. If sod is used on slopes, corners will need to be pinned per the Alabama Handbook.

B. Common areas, such as detention basins, shall be permanently stabilized upon final inspection with perennial vegetation. Seed and mulch shall not be accepted.

C. All construction waste and debris, silt fences, hay bales, inlet protection, and other temporary BMPs shall be removed prior to final inspection.

D. All final inspection submissions shall include the following:

(1) Signed set of as-built engineered drawings and an electronic version of the drawings compatible with ArcMap (10.1 –10.9) or ArcGIS Pro 2.8 or the most current version thereof: Projected Coordinate System: NAD_1983_State Plane_Alabama_West_FIPS_0102_Feet.

(2) Letter of acceptance from the City Engineer, Environmental Programs, Fire Marshall, Daphne Utilities, all applicable public utility providers, and applicable State/Federal agencies.

(3) Letter of completion from the project engineer.

(4) Letter of completion from the project landscape architect.

(5) Copy of all recorded drainage or right of entry easements.

(6) Maintenance bonds for streets and drainage, and any other applicable bonds.

CITY OF DAPHNE, ALABAMA
RESOLUTION 2022-45

2022-W-POLICE VEHICLE EQUIPMENT

WHEREAS, The City of Daphne is required under section 41-16-20 of the Code of Alabama to secure competitive bids for items in excess of $15,000; and

WHEREAS, The City of Daphne acknowledges that the cost for the Police Vehicle Equipment will exceed this amount; and

WHEREAS, Staff has reviewed the bids for the Police Vehicle Equipment and determined that the bid as presented is reasonable; and

WHEREAS, Staff recommends the bid for the Police Vehicle Equipment be awarded to ProLogic ITS LLC.

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE CITY COUNCIL OF THE CITY OF DAPHNE, hereby accept the bid of ProLogic ITS LLC for unit cost as follows:

Emergency Equipment for PD 2022 Tahoe Silcktop Patrol						
Manufacturer	**Model Number**	**Product Description**		**QTY**	**UNIT $ /Ea**	**EXTENDED PRICE**
Federal	SIFMJS-TAH21-P2	SpectraLux ILS, Low Profile, Center Focused, Front Model, Split, Dual Color, Blue/White with Take Down and Full Scene Capabilities, FS Join, 2021+ Tahoe	Windshield	1	765.93	765.93
Federal	SIFMJH-TAH21-P2	SpectraLux ILS, Low Profile, Center Focused, Rear Model, Dual Color, Blue/Amber with SignalMaster Capabilities, FS Join, 2021+ Tahoe	Rear Glass	1	765.93	765.93
Federal	CNSM8JF-P2C	CN SignalMaster, 8 Head, Front Model, Dual Color, Blue/White	PB Crossmember	1	610.29	610.29
Federal	SLB-002	L-Bracket Kit, Short	PB Crossmember	2	23.40	46.80
Federal	MPSW9X-BW	MicroPulse Ultra, Wide Angle, Dual Color, Blue/White	Undermirror	2	156.18	312.36
Federal	MPSMW9-TAH21	Undermirror Mounting Kit, 2021+ Tahoe	Undermirror	1	45.04	45.04
Federal	MPS62UX-BW	MicroPulse Ultra, 600 Series, Dual Color, Blue/White	4 Top Channel, 2 Side PBX, 2 per Running Board, 2 Tag, 2 OEM Front & Rear Bumper	16	89.07	1,425.12
Federal	XSM2X-BRW-US	Xstream, Dual Head, Dual Color, Blue/White	Cargo	2	296.57	593.14
Federal	MPSM6U-FPIU20SMW	20 Degree Wedge Kit, MicroPulse Ultra	Running Board	2	10.53	21.06
Federal	MPSM6U-SPACRKT	20 Degree Wedge Kit, MicroPulse Ultra	Running Board	1	16.96	16.96
Federal	416300X-B	Flush Mount LED, Single Color, Blue	2 Rear OEM Bumper Facing Rear, 2 Open Hatch	4	66.68	266.72
Federal	416302	Hatch Mounting Kit, 2021+ Tahoe	Open Hatch	1	11.70	11.70
Federal	COMINT-W	White Compartment Light	Hatch	1	20.47	20.47
Federal	PF200S17B	Pathfinder 17 Button Light/Siren Controller		1	1,095.45	1,095.45
Federal	OBDCABLE20-GMCAM	20 Foot OBD Integration Cable, 2021+ Tahoe		1	113.00	113.00
Federal	ES100C	100W Siren Speaker		1	200.83	200.83
Federal	ESB-U	Universal Speaker Bracket		1	24.83	24.83
Federal	EXPMOD24	24 Port Expansion Module		2	206.06	412.12
Federal	RBKIT-2	Dual Rumbler Woofer Kit		1	336.93	336.93
Federal	RB-TAH21	Rumbler Mounting Kit, 2021+ Tahoe		1	40.36	40.36
Federal	PFSYNC-1	Pathfinder Sync Module		1	201.81	201.81
Federal	PBX-08	Push Bumper, Center Section, 2021+ Tahoe		1	559.43	559.43
Federal	PBX-TC4L-4	4 Light Channel, MicroPulse		1	28.72	28.72

Manufacturer	Model Number	Product Description		QTY	UNIT $ /Ea/	EXTENDED PRICE
Jotto	425-6678	Chevy Tahoe Integrated Printek Brother Contour Console with Locking Lid Storage - (2021+)		1	502.42	502.42
Jotto	425-1849	Side Mount Arm Rest		1	78.63	78.63
Jotto	425-3704	ABS Dual Cup Holder Faceplate Mount (4")		1	37.01	37.01
Jotto	425-0150/4138	MAMBA Mount with A-MOD Desktop		1	540.25	540.25
Jotto	425-3692	Microphone Bracket		3	10.68	32.04
Magnetic Mic	MMSU-1	Magnetic Mic, Single Kit		3	37.50	112.50
Jotto	475-1657	Chevy Tahoe (2021+) Space Creator Vehicle Partition Featuring Bidirectional Recessed Housing (HS/HV Window Option)		1	667.23	667.23
Jotto	475-1674	High Security Extension Panel for Chevy Tahoe (2021+) VP9 Space Creator Vehicle Partition - Two Piece Steel HSEP		1	96.38	96.38
Jotto	475-1682	Cargo Barrier (CB4) - Chevy Tahoe PPV (2021+)		1	431.37	431.37
Jotto	475-1719	Tahoe (2021+) Secure Grid Window Armor (OEM or ABS Doors)		1	207.58	207.58
Jotto	475-2010	Gun Rack - Dual Weapon, Partition Mounted, Vertical (GR9-ZRT-AR BLM/870)		1	388.34	388.34
Estes AWS	SUV39-2-000-M	SUV Locker, 2.0 – Manual Entry		1	653.76	653.76
Estes AWS	Riser-2021 Tahoe	Riser for SUV Locker 2.0, 2021+ Tahoe		1	222.82	222.82
Estes AWS	ET36-S-000	Electronics Tray, 2021+ Tahoe		1	204.11	204.11
			Total for Tahoe Slicktop Patrol (Section A)			**12,089.44**

Emergency Equipment Package for PD 2021 Admin Tahoe						
Manufacturer	**Model Number**	**Product Description**		**QTY**	**UNIT $ /Ea/**	**EXTENDED PRICE**
Federal	SIFMJS-TAH21-P2	SpectraLux ILS, Low Profile, Center Focused, Front Model, Split, Dual Color, Blue/White with Take Down and Full Scene Capabilities, FS Join, 2021+ Tahoe	Windshield	1	765.93	765.93
Federal	SIFMJH-TAH21-P2	SpectraLux ILS, Low Profile, Center Focused, Rear Model, Dual Color, Blue/Amber with SignalMaster Capabilities, FS Join, 2021+ Tahoe	Rear Glass	1	765.93	765.93
Federal	MPS62UX-BW	MicroPulse Ultra, 600 Series, Dual Color, Blue/White	2 Grill, 2 Per RB, 2 Tag	8	114.07	912.56
Federal	MPSM6U-SPACRKT	5 Degree Wedge Kit, MicroPulse	RB	1	16.96	16.96
Federal	MPSM6U-FPIU20SMW	20 Degree Wedge Kit, MicroPulse	RB	1	10.53	10.53
Federal	XSM2X-BRW-US	Xstream, Dual Head, Dual Color, Blue/White	Cargo	2	296.57	593.14
Federal	416300-B	Flush Mount LED, Single Color, Blue	Hatch	2	66.68	133.36
Federal	416302	Under Hatch Mounting Kit, 2021+ Tahoe	Hatch	1	11.70	11.70
Federal	COMINT-W	White Compartment Light	Hatch	1	20.47	20.47
Federal	PF200H	Pathfinder Siren/Light Controller, Handheld Model		1	1,026.32	1,026.32
Federal	ES100C	100W Siren Speaker	Grill bracket	1	200.83	200.83
Federal	ESBL2-TAH21ND	No Drill Grill Bracket, Mounts (2) MPS Series Light Heads and ES100 Speaker	Grill	1	24.83	24.83
Federal	RBKIT-2	Dual Rumbler Woofers		1	336.93	336.93
Federal	RB-TAH21	Rumbler Mounting Kit, 2021+ Tahoe		1	40.36	40.36
Federal	OBDCABLE20-GMCAN	20 Foot OBD Interface Cable, 2021+ Tahoe		1	113.00	113.00
Federal	EXPMOD24	24 Port Expansion Module		1	206.06	206.06
Federal	PFSYNC-1	Pathfinder Sync Module		1	201.81	201.81
American Aluminum	Up_Vault_2021+ Tahoe	Up Vault, 2021+ Tahoe		1	1,220.30	1,220.30
			Total for Admin Tahoe (Section B)			**6,601.02**

Grand Total for Section A & B	**18,690.46**

NOTE: Bidder added Escalation Clause to the bid submittal:

Escalation Clause: ***All pricing increases or decreases will require a letter or notice from the manufacturer verifying the amount of the requested price adjustment. If the Contractor believes that market changes require a price increase, it shall be the Contractor's responsibility to send written notification to the City of any requested price increase at least thirty (30) days prior. The City reserves the right to deny any request.***

as specified in BID SPECIFICATION NO. 2022-W-POLICE VEHICLE EQUIPMENT.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____day of _____, 2022.

_____
Robin LeJeune, Mayor

ATTEST:

_____
Candace G. Antinarella, CMC, City Clerk

CITY OF DAPHNE, ALABAMA
RESOLUTION 2022-46

2022-Y-PARK CHEMICALS

WHEREAS, The City of Daphne is required under section 41-16-20 of the Code of Alabama to secure competitive bids for items in excess of $15,000; and

WHEREAS, The City of Daphne acknowledges that the cost for the park chemicals will exceed this amount; and

WHEREAS, Staff has reviewed the bids for the park chemicals and determined that the bid as presented is reasonable; and

WHEREAS, Staff recommends the bid for the park chemicals be awarded to SiteOne Landscape Supply LLC.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that the City hereby accept the bid of SiteOne Landscape Supply LLC for unit cost as follows

PRODUCT	UNIT	UNIT PRICE
Fertilizer		
18-24-12 50%MOP / Lesco	50 pound	$ 29.90
24-2-11 40% PPSCU 6FE/ Lesco	50 pound	$ 45.34
32-0-08 Fertilizer	50 pound	NO BID
RPM 422-Turkey Compose / Sustane bolster G4-4-4	50 pound	44.54
630 Mal Organic/ Lesco		16.84
Insecticide		
Acephate 90 Prill	5 pound	$ 59.34
Top Choice ***	50 pound	$ 79.99
Herbicide		
Revolver *** / Agency	87 OZ	$ 674.24
Monument *** / Agency	5 X 5 packets	$ 275.00
Drive 75DF / Drive XLR8	64 oz	$ 66.42
MSMA 6.6	2.5 gallon	$ 93.36
Prosecutor Pro/ Lesco	2.5 gallon	$ 108.99
Three Way Selective/ Lesco	2.5 gallon	$ 81.02
Coastal	2.5 gallon	$ 356.25
Drive XLR8	.5 gallon	$ 66.42
Miscellaneous		
Turface/ Lesco	50 pound	$ 10.90
Spreader Sticker, Non-ionic/ Lesco	2.5 gallon	$ 65.58
Tracker Dye/ Lesco	2.5 gallon	$ 51.25
Athletic Field Marking Chalk	50 lb	$ 10.31
Tribune	2.5 gallon	$ 217.50

PRODUCT	UNIT	UNIT PRICE
Fertilizer		
18-0-18 50%PPSCU/ Lesco	50 pound	$ 29.46
Insecticide		
Advion	**25 pound**	$ 310.20
Crosscheck Plus/ Lesco	96 oz	$ 42.58
Herbicide		
M & M / MSM 60DF	8 ounce	$ 37.47
Supter / Scepter 70 WDG T&O	11.43 oz	$ 135.21
Certainty	1.25 ounce	$ 99.45
Tribute Total WDG / Agency	6 oz	$ 389.70
Mansion	2 oz	$ 22.02
Quin-Way 1.5 L/ Lesco	64 oz	$ 40.07
Fusilade II	32 oz	$ 101.70
Quinclorac 1.5L	64 oz	NO BID
Stonewall 65 WDG/ Lesco	10 pound	$ 128.03
Pre-M Aquacup/ Lesco	2.5 gallon	$ 101.07
Princep Simazine	2.5 gallon	$ 78.46
Speedzone	2.5 gallon	$ 177.50
Stonewal 4 L	2.5 gallon	$ 275.63
Fungicide		
Subdue / Agency	1 gallon	$ 571.00
Spectator / Lesco	1 gallon	$ 87.50
Miscellaneous		
Double Eagle Blend Rye Grass Seed/ Lesco	50 pound	$ 134.10
Chelated Iron Liquid/ Lesco	2.5 gallon	$ 33.74
Dolomitic Lime (pelletized)	50 pound	$ 9.50
Recede Antifoam/ Lesco	16 oz	$ 71.92
Dispatch	2.5 gallon	$ 272.50

As specified in BID SPECIFICATION NO. 2022-Y-PARK CHEMICALS.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ day of _____, 2022.

_____

Robin LeJeune, Mayor

ATTEST:

_____

Candace G. Antinarella, CMC, City Clerk

CITY OF DAPHNE, ALABAMA
ORDINANCE 2022-55

AN ORDINANCE CONSENTING TO THE SALE BY THE UTILITES BOARD OF THE CITY OF DAPHNE OF CERTAIN SURPLUS PERSONAL PROPERTY

WHEREAS, the Utilities Board of the City of Daphne ("Daphne Utilities") is required to receive the consent of the City of Daphne before it sells property under the provisions of Ala. Code §11-50-314(a)(10); and

WHEREAS, the management of Daphne Utilities has determined that it is in the best interest of Daphne Utilities to sell the personal property described in Exhibit "2022-A"; and

WHEREAS, the Board of Directors of Daphne Utilities has approved the sale of the personal property described in Exhibit "2022-A".

NOW, THEREFORE, BE IT ORDAINED that the City Council of the City of Daphne does hereby consent to the sale by Daphne Utilities of the personal property described in Exhibit "2022-A".

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA on this _____ day of _____, 2022.

_____
Robin LeJeune, Mayor

ATTEST:

_____
Candace G. Antinarella, CMC, City Clerk

MEMO

DAPHNE UTILITIES
WATER • NATURAL GAS • SEWER

TO: Daphne Utilities Board

FROM: Marinda Turner, Buyer

DATE: July 19, 2022

RE: surplus property

The WRF took delivery of a new vehicle this last week and will no longer need Truck 08-05 / VIN 1FTSX20588EE28487 / Ford F250 / ID 01203. Request the truck be declared surplus property and subsequently sold through GovDeals.

DAPHNE
UTILITIES
(251) 626-2628
EASEMENT MACHINE UNIT
08-05
DAPHNE
UTILITIES
(251) 626-2628

CITY OF DAPHNE, ALABAMA
ORDINANCE 2022-56

AN ORDINANCE TO REPEAL AND REPLACE THE CITY OF DAPHNE'S LODGING TAX ORDINANCE 2014-06, AS ADOPTED BY THE CITY COUNCIL ON FEBRUARY 17, 2014

WHEREAS, the City Council of the City of Daphne has adopted an Ordinance to Impose Lodging Taxes, as Ordinance No. 2014-06; and

WHEREAS, the City Council has determined an additional occupancy fee shall be added to the existing lodging tax Ordinance, which is currently in effect; and

WHEREAS, the City Council deems that an additional fee included with the lodging tax and the allocation to the Lodging Tax Fund, are in the best interest of the citizens of the City of Daphne.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA as follows:

SECTION 1. DEFINITIONS

Unless the context clearly indicates a different meaning, the words, terms and phrases used in this Ordinance shall have the following respective meanings:

"City" shall mean the City of Daphne, State of Alabama.

"Finance Director" shall mean the finance director duly hired by the Mayor.

"Revenue Officer" shall mean the revenue officer of the City.

"Person" shall mean any person, firm, corporation, partnership, association, administrator, trustee, or other fiduciary.

"Transient" shall mean a person to whom rooms or lodging are Rented for a period of less than 180 continuous days.

"Fiscal year" shall mean the period commencing on October 1 of any calendar year and ending on September 30 of the then next succeeding calendar year.

SECTION 2. LEVY OF LODGING TAX

There is hereby levied and imposed, in addition to all other taxes of every kind, now imposed by law, a privilege or license tax upon every person engaging within the City in:

(a) The business of renting or furnishing any room, lodgings or accommodations to transients in any

hotel, motel, inn, tourist camp, tourist cabin, short term rental, or any other place in which rooms or lodgings are regularly furnished to transients for a consideration, said tax to be in an amount equal to six percent (6%) of the charge of such room, rooms, lodgings, or accommodations, including the charge for use or rental of personal property and services furnished in such rooms plus two dollars ($2.00) per night per room; provided, however that charges for property sold or services furnished which are required to be included in the computation of the tax levied by Alabama Sales Tax Statutes, shall not be included in computing the tax herein levied; or

(b) The business of renting or furnishing space for accommodation of trailers for a consideration, said tax to be in an amount equal to six percent (6%) of the charge for such trailer space; provided, however, that charges made by persons in the business of renting trailer space for use of washing machines, electric power, garbage collection, water supply, and other such charges shall not be included in the measure of said tax, but only the charge for trailer space proper shall be so included.

The tax herein levied shall not apply to rooms, lodgings, or accommodations supplied for a period of 180 continuous days, or longer in any place; or to any additional exemptions stated in ALA. CODE §40-26-1.

SECTION 3. DUE DATE OF TAXES AND MONTHLY REPORTS

The taxes levied under the provisions of this Ordinance, except as otherwise provided, shall be due and payable in monthly installments on or before the 20th day of the month next succeeding the month in which the tax accrues. On or before the 20th day of each month every person on whom the taxes herein levied are imposed, shall render to the Revenue Officer on a form prescribed by the Revenue Officer, a true and correct statement showing the gross proceeds of the business subject to said tax for the then next preceding month, together with such other information as the Revenue Officer may demand and require, and at the time of making such monthly report the taxpayer shall compute the taxes due and shall pay to the Revenue Officer the amount of taxes shown to be due.

SECTION 4. CREDIT COLLECTIONS

Any person subject to the taxes herein levied who conducts business on a credit basis may defer reporting credit rental and charges until after their collection, and in the event so defers reporting them, they shall thereafter include in each monthly report all credit collections made during the then proceeding month and shall pay the amount of taxes measured thereby at the time of filing such report.

SECTION 5. MAINTENANCE OF RECORDS

It shall be the duty of every person engaging or continuing in any business subject to the taxes herein levied to keep and preserve suitable records of the gross proceeds of such business and such other books or accounts as may be necessary to determine the amount of tax for which he/she is liable under the provisions of this Ordinance. Such records shall be kept and preserved for a period of two (2) years and shall be open for examination at any time by the Revenue Officer or other duly authorized representative of the City.

SECTION 6. OATHS

The monthly reports herein required to be made are not required to be made on oath; but the annual returns provided for in Section 5 hereof shall be sworn to by the taxpayer or his agent before some officer authorized to administer oaths; and any false statement of a material fact made with intent to defraud shall

constitute perjury, and upon conviction thereof the person so convicted shall be punishable as provided by law.

SECTION 7. VIOLATION OF THIS ORDINANCE

Any person subject to the provisions of this Ordinance who fails for any reason to make the reports as herein required, or who fails to keep the records as herein required, shall be guilty of a misdemeanor and upon conviction shall be fined not less than $25.00 nor more than $100.00 for each offense. Each month of such failure shall constitute a separate offense.

Any person subject to the provision of this Ordinance who willfully refuses to make the reports herein required or who refuses to permit the examination of his or its records by the Revenue Officer, or other duly authorized agent of the City, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than $50.00 nor more than $100.00 for each offense, and in addition may be imprisoned in the municipal jail for a period not to exceed six (6) months. Each month of failure to make such report shall constitute a separate offense, and each refusal of a written demand of the Revenue Officer to examine, inspect or audit such records shall constitute a separate offense.

SECTION 8. PENALTY AND INTEREST

Any person who fails to properly and timely file any return required hereunder on or before the date prescribed shall be assessed as penalty pursuant to ALA CODE §40-2A-11a (as amended), which at the time of the adoption of this Ordinance, is equal to the greater of ten percent (10%) of the tax due or $50.00. Such penalty shall be assessed and collected as part of the tax.

Any person who fails to fully and timely pay any tax required hereunder on or before the date prescribed shall be assessed a penalty pursuant to ALA CODE §40-2A-11b (as amended), which at the time of the adoption of this ordinance, is equal to ten percent (10%) of the unpaid tax amount. Such penalty shall be assessed and collected as part of the tax.

Any person who fails to fully and timely pay any tax required hereunder on or before the date prescribed shall be assessed interest equal to one percent (1%) per month or any part thereof.

SECTION 9. USE OF PROCEEDS

A. The proceeds collected from the six percent (6%) lodging taxes which are collected described in Section 2(a) and 2(b) are hereby divided as follows:

(1) Ten percent (10%) shall be paid at least quarterly and used for the purpose of providing funding to the Industrial Development Board for the action items, implementation of strategies, and tactics included in the then current Strategic Economic Development Plan as approved and adopted by the City Council.

(2) Five percent (5%) shall be paid at least quarterly and used for the action items, implementation of strategies and purpose of providing funding for the Downtown Redevelopment Authority as approved by the City Council.

(3) Thirty-two percent (32%) shall be used for the purpose of continued bay front uses such as acquisitions, development, and maintenance along with the service of debt incurred through the acquisition of bay front property.

(4) The remainder of the lodging tax proceeds (53%) shall be used for the purpose of ground related capital for recreation, which does not include such items as trucks or the maintenance of fields.

B. The proceeds collected from the two-dollar ($2.00) per night per room occupancy fee described in Section 2(a) shall be deposited into the Lodging Tax Fund to be appropriated by the City Council pursuant to applicable law.

SECTION 10. SEVERABILITY

The provisions of this Ordinance are severable. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 11. EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after January 1, 2023, and publication as required by law.

SECTION 12. INFORMATION MAY NOT BE DIVULGED

It shall be unlawful for any person connected with the administration of this Ordinance to divulge any information obtained by him/her in the course of inspection and examination of the books of account, invoices, bank statements, sales tax records, state and federal income tax records, or other reports and memoranda or the taxpayer made pursuant to the provisions hereof, except to the Mayor, the City Council, the Finance Director, the Revenue Officer, the City Attorney, and those representatives connected with the administration of this Code, or pursuant to court order or judicial process.

SECTION 13. REPEALER

Ordinance Nos. 1995-15, 1997-28, 2000-25, 2000-34, 2009-28, 2009-55, 2010-09, 2012-48, 2014-06, and 2016-52 are hereby repealed in their entirety. All other City Ordinances or parts thereof in conflict with the provision of this Ordinance, in so far as they conflict, are hereby repealed.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ DAY OF _____, 2022.

ATTEST: **Robin LeJeune, Mayor**

Candace G. Antinarella, CMC, City Clerk

CITY OF DAPHNE, ALABAMA
ORDINANCE 2022-57

AN ORDINANCE AMENDING ORDINANCE 2021-66 AND AUTHORIZING THE EXECUTION OF A FIRST AMENDMENT TO LAND EXCHANGE AGREEMENT WITH TARGET CORPORATION TO CONVEY CERTAIN MUNICIPAL PROPERTY IN EXCHANGE FOR CERTAIN REAL PROPERTY NEEDED FOR RIGHT-OF-WAY ACQUISITION RELATED TO THE LAVENDER LANE PROJECT

WHEREAS, the City of Daphne, in conjunction with the Alabama Department of Transportation, has proposed a roadway extension project for Lavender Lane on the east side of Highway 98, just north of the Daphne Justice Center (the "Project"); and

WHEREAS, a certain portion of real property owned by Target Corporation ("Target") containing approximately 0.34 ± acres (the "Roadway Parcel") must be acquired by the City in order to complete the Project; and

WHEREAS, as consideration for Target's conveyance to the City of the Roadway Parcel, the City wishes to convey to Target the following described portion of real property containing approximately 0.02 ± acres (the "Sign Parcel") which will enable Target to remove its existing monument sign perpendicular to Highway 98 and install a new freestanding monument sign near the intersection of Lavender Lane with Highway 98; and

WHEREAS, there being no monetary compensation in connection with the proposed conveyances of property, the City Council of the City of Daphne adopted Ordinance 2021-66 on December 20, 2021, authorizing the execution and delivery of a certain Land Exchange Agreement (the "Agreement") between the City and Target, a copy of which is attached hereto as Exhibit 1, to memorialize the terms agreed upon therein; and

WHEREAS, since entering into the Agreement, the City determined it is necessary to revise the location of a portion of the Sign Parcel to prevent it from cutting off other parcels of land from being contiguous to US Highway 98 under the provisions of the City's Land Use and Development Ordinance; and

WHEREAS, the revised location of the Sign Parcel is acceptable to Target, as it will not affect the location of Target's sign placement; and

WHEREAS, the City and Target wish to enter into a First Amendment to Land Exchange Agreement, to substitute certain exhibits setting forth the legal description for the subject parcels of land being conveyed.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, as follows:

1. Ordinance 2021-66 is hereby amended to delete in its entirety the legal description set forth in Section 1 thereof, and replace the same with the following, for which it is hereby

established and declared that such real property of the City of Daphne, Alabama, is no longer needed for public or municipal purposes, to wit:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 3B, BAKER SUBDIVISION A RESUBDIVISION OF LOT 3, AS SHOWN IN MAP OR PLAT, RECORDED IN SLIDE 1970-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; RUN THENCE SOUTH 89°48'59" EAST, A DISTANCE OF 1.0 FEET; THENCE RUN SOUTH 00°43'53" WEST, A DISTANCE OF 100.45 FEET; THENCE RUN ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 121.09 FEET, AN ARC LENGTH OF 131.75 FEET, (CHORD BEARS SOUTH 32°39'42" WEST, A DISTANCE OF 125.35 FEET); THENCE RUN ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 117.00 FEET, AN ARC LENGTH OF 26.90 FEET, (CHORD BEARS SOUTH 72°43'04" WEST, A DISTANCE OF 26.84 FEET); THENCE RUN ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 18.00 FEET, AN ARC LENGTH OF 6.98 FEET, (CHORD BEARS NORTH 89°34'42" WEST, A DISTANCE OF 6.94 FEET); THENCE RUN NORTH 78°27'41" WEST, A DISTANCE OF 45.27 FEET; THENCE RUN SOUTH 89°45'48" WEST, A DISTANCE OF 104.31 FEET; THENCE RUN NORTH 00°14'12" WEST, A DISTANCE OF 19.02 FEET; THENCE RUN NORTH 89°45'48" EAST, A DISTANCE OF 11.01 FEET; THENCE RUN SOUTH 00°14'12" EAST, A DISTANCE OF 8.51 FEET; THENCE RUN SOUTH 89°45'48" WEST, A DISTANCE OF 10.00 FEET; THENCE RUN SOUTH 00°14'12" EAST, A DISTANCE OF 9.51 FEET; THENCE RUN NORTH 89°45'48" EAST, A DISTANCE OF 103.41 FEET; THENCE RUN SOUTH 78°27'41" EAST, A DISTANCE OF 45.37 FEET; THENCE RUN ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 17.00 FEET, AN ARC LENGTH OF 6.60 FEET, (CHORD BEARS SOUTH 89°34'42" EAST, A DISTANCE OF 6.56 FEET); THENCE RUN ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 116.00 FEET, AN ARC LENGTH OF 26.65 FEET, (CHORD BEARS NORTH 72°43'21" EAST, A DISTANCE OF 26.59 FEET); THENCE RUN ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 120.09 FEET, AN ARC LENGTH OF 130.63 FEET, (CHORD BEARS NORTH 32°39'31" EAST, A DISTANCE OF 124.29 FEET); THENCE RUN NORTH 00°43'53" EAST, A DISTANCE OF 100.43 FEET TO A 3/8 INCH CAPPED REBAR; SAID REBAR BEING THE POINT OF BEGINNING. TRACT CONTAINS 0.02 ACRES OR 887.77 SQUARE FEET.

2. The Mayor and the City Clerk are hereby authorized and directed to execute and attest, respectively, for and on behalf of the City of Daphne, a statutory warranty deed, a copy of which shall be on file in the office of the City Clerk, whereby the City shall convey the premises described in Section 1 hereof to Target Corporation for and in consideration of Target's conveyance of the Roadway Parcel to the City.

3. The Mayor and the City Clerk are hereby authorized and directed to execute and attest, respectively, for and on behalf of the City of Daphne, the First Amendment to Land Exchange Agreement in the form attached hereto as Exhibit 2, and the Mayor is further authorized to execute any and all other documents and instruments reasonably necessary to complete the exchange of real property contemplated in the Land Exchange Agreement as requested by Target and approved by the City Attorney.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ DAY OF SEPTEMBER, 2022.

_____
Robin LeJeune, Mayor

ATTEST:

_____
Candace G. Antinarella, CMC, City Clerk

EXHIBIT 1

LAND EXCHANGE AGREEMENT
dated as of December 20, 2021, by and between the City of Daphne and Target Corporation

(attached)

EXHIBIT 2

FIRST AMENDMENT TO LAND EXCHANGE AGREEMENT

(attached)

CITY OF DAPHNE, ALABAMA
ORDINANCE 2022-58__

AN ORDINANCE AMENDING THE CITY OF DAPHNE'S LAND USE AND DEVELOPMENT ORDINANCE 2011-54, AS ADOPTED BY THE CITY COUNCIL ON JULY 18, 2011

ARTICLE IX, DISTRICT PROVISIONS
ARTICLE XII, ESTABLISHMENT OF DISTRICTS
ARTICLE XIII, DISTRICT REQUIREMENTS
ARTICLE XIV, OLDE TOWNE DAPHNE DISTRICT
ARTICLE XVI, PARKING REQUIREMENTS FOR ALL DISTRICTS
ARTICLE XXVIII, FIXED DWELLING PROVISIONS
ARTICLE XXXV, THE TABLE OF PERMITTED USED AND CONDITIONS
ARTICLE XXXVI, VILLAGE OVERLAY DISTRICT

WHEREAS, the City Council of the City of Daphne, after due consideration, believes that certain revisions to the City of Daphne Land Use & Development Ordinance are necessary for the proper administration of said Ordinance; and

WHEREAS, at the City of Daphne Planning Commission regular meeting on June 23, 2022, the Commission considered certain proposed amendments to the City of Daphne Land Use & Development Ordinance, Ordinance 2011-54 (as previously amended), and set forth a favorable recommendation to the City Council of the City of Daphne; and

WHEREAS, due notice of said proposed amendment has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on August 15, 2022.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA as follows:

SECTION 1. AMENDMENT TO ARTICLE IX, DISTRICT PROVISIONS

Section 9-10 of Article IX of the Land Use and Development Ordinance is hereby repealed and replaced in its entirety with the following:

9-10 PRINCIPAL BUILDINGS PER LOT

(a) Every residential building, hotel, motel, condominium single family and multi-family dwelling, and duplex hereafter erected or moved shall be located on a lot.

(b) The following zoning districts shall allow one principal residential building per lot:
   i. R-1, Low Density Single Family Residential;
   ii. R-2, Medium Density Single Family Residential;
   iii. R-3, High Density Single Family Residential;
   iv. R-4, High Density Single Family Residential; and
   v. R-6(G), Garden/Patio Home

(c) In any district where multi-family structures, motels, hotels, or two (2) or more residential structures may be permitted on a lot, no building shall be located closer to another building on the same lot than a distance equal to half the sum of the heights of both buildings.

(d) In Flood Hazard areas identified on the National Flood Insurance Rate Maps, the height of a building shall be measured from the floor level of the first habitable story for purposes of this section. In addition, the front or rear of any building may be no closer to the front or rear of any other building than forty (40) feet. The side of any building shall be no closer to the side, front, or rear of any other building than thirty (30) feet.

(e) R-4 (High Density Single and High Density Multi-Family Residential District) shall allow one principal residential dwelling on a lot unless the property is to be developed as a Fixed Dwelling Development.

SECTION 2. AMENDMENT TO ARTICLE XII, ESTABLISHMENT OF DISTRICTS

Section 12-3(d) of Article XII of the Land Use and Development Ordinance is hereby repealed and replaced in its entirety with the following:

(d) R-4, High Density Single and High Density Multi-Family Residential District:

The intent of this district is to provide opportunity for high density residential development in specified areas.

All land heretofore delineated as an R-4 district prior to the enactment of Ordinance 2011-54 shall remain in R-4 status as it relates to allowable density, except that R-4, High Density Single and High Density Multi-Family Residential District, shall allow one principal residential building on a lot unless the property is to be developed as a Fixed Dwelling Development as provided in Article 28, Fixed Dwelling Provisions. However, all existing R-4, High Density Single and Multi-Family Residential Districts shall be developed in accordance with the standards provided wherein duplexes shall be developed in R-6(D), Duplex District; garden/patio homes shall be developed in R-6(G), Garden/Patio Home District; apartment complexes shall be developed in R-7(A); Apartment District; mid-rise condominiums shall be developed in R-7(M), Mid-Rise Condominium District; and, townhouse developments shall be developed in R-7(T), Townhouse District.

SECTION 3. AMENDMENT TO ARTICLE XIII, DISTRICT REQUIREMENTS

Section 13-9 of Article XIII of the Land Use and Development Ordinance is hereby repealed and replaced in its entirety with the following:

13-9 MINIMUM DISTRICT REQUIREMENTS

The following fixed dwelling minimum requirements shall apply in districts as outlined below, except in overlay districts.

Fixed Dwelling Minimum Requirements	**R-7(A) Apartments**	**R-7(T) Townhouse**	**R-7(M) Mid Rise Condo**
Minimum Acreage	4 ac	4 ac	4 ac
Minimum Lot Width	None	None	None
Maximum Density	10 units/acre	10 units/acre	10 units/acre
Maximum Height	50 feet or 3 stories	35 feet or 2 ½ stories	50 feet or 4 stories
Minimum Building Setback Lines Front/rear/side/corner	50 feet	50 feet	50 feet
Minimum Distance between Buildings -facing front to back	100' (25' minimum from back of curb)	100' (25' minimum from back of curb)	100' (25' minimum from back of curb)
-facing back to back	100'	100'	100'
-side to side	½ the sum of the height of both building	½ the sum of the height of both building	½ the sum of the height of both building
Maximum Lot Coverage Impervious surfaces **Buildings/structures**	30%	30%	30%
Greenbelt Area Width Along Perimeter Roadway In addition to minimum setback	25 ft	25 ft	25 ft
Width on Remaining Project Boundary(s) Greenbelt may be located within setbacks	25 ft	25 ft	25 ft
Minimum Landscaping See Article 19			
Minimum Parking Spaces per dwelling unit	2	**2 exterior spaces plus required visitor parking spaces (see Section 16-3(j))**	2
Additional Provisions See Article 28, Fixed Dwelling Provisions			

SECTION 4. AMENDMENT TO ARTICLE XIV, THE OLDE TOWNE DAPHNE DISTRICT

(A) Section 14-2(b) of Article XIV of the Land Use and Development Ordinance is hereby repealed and replaced in its entirety with the following:

(b) Mixed-Use Developments in the Olde Towne Daphne District

It is the intent of the City to encourage mixed-use developments in the Olde Towne Daphne District. Zoning districts that will allow mixed-use developments by right include MU, Mixed Use; B-1, Local Business; B-2, General Business; and B-3, Professional Business. The residential density of any mixed use development shall not exceed 14 units per acre and shall require a minimum of 1.5 parking spaces per residential unit in addition to the minimum required number of parking spaces.

Said mixed-use development may have a vertical configuration, meaning the primary business is located on the ground floor and the secondary use is located on an upper floor, or may otherwise meet the provisions of an accessory dwelling unit as provided in section (c) below.

(B) Section 14-10 of Article XIV of the Land Use and Development Ordinance is hereby repealed and replaced in its entirety with the following:

14-10 PARKING REQUIREMENTS

Any mixed-use development in the Olde Towne district shall provide a minimum of one and one-half (1.5) parking space per residential unit in addition to the minimum required number of parking spaces. Any business development located within the Olde Towne Daphne District with a lot frontage of fifty (50) feet shall require a minimum of four (4) parking spaces, with a lot frontage of twenty-five feet shall require a minimum of two (2) parking spaces, and shall also comply with the minimum design and improvements standards as otherwise outlined in this Ordinance and ADA requirements.

Off-street parking for multi-use buildings or mixed use developments shall be located in the rear of the building(s) adjacent to the street unless an alternative location is approved by the Planning Commission.

For any use for which the above referenced parking requirement cannot be met due to the unique conditions of a particular parcel of property as documented on the site plan, off-street parking spaces of the public type may be considered toward the requirements necessary to comply with the Article upon determination of the Director of Community Development and approval of the Planning Commission.

SECTION 5. AMENDMENT TO ARTICLE XVI, PARKING REQUIREMENTS FOR ALL DISTRICTS

(A) Section 16-1 of Article XVI of the Land Use and Development Ordinance is hereby repealed and replaced in its entirety with the following:

16-1 GENERAL

(a) Off-street automobile storage or parking space shall be provided with vehicular access to a street or alley and shall be equal to the minimum requirements for the specific land use set forth as otherwise provided herein.

(b) In the case of fractional results in calculating parking requirements, the required number shall be rounded up to the nearest whole number.

(c) Except as otherwise provided herein, building gross floor area shall be used to calculate parking space requirements.

(d) The required number of parking spaces for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use at the same time, except that portion of the parking space required for an existing church whose peak attendance will be at night or on Sunday, may be assigned to a use which will be closed at night or on Sunday.

(e) Areas reserved for off-street parking in accordance with the requirements of this Ordinance shall not be reduced in area or changed to any other use unless the permitted use which it serves is discontinued or modified, except where equivalent parking space is provided to the satisfaction of the Planning Commission.

(f) Off-street parking in existence prior to the enactment of this Ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use.

(g) For existing commercial uses in any business district and other similar areas desiring to expand, but unable for good and sufficient reason to provide parking at the standard required in the following schedule, the Board of Zoning Adjustment may grant relaxation of the strict application of these requirements on appeal, subject to the regulations governing appeals and variances.

(h) Where business and multi-family unit developments require large numbers of parking spaces, such spaces may be accommodated in parking decks provided that no such parking deck shall exceed three (3) levels above ground or twenty-five (25%) percent of the height of the principal structure, whichever is greater.

(i) A parking deck design shall be compatible with the design of the principal structure and shall be submitted as a part of the overall site plan. The parking deck shall comply with the minimum requirements of this Ordinance.

(j) Off-site Commercial Parking Lots shall be subject to the following provisions:

i. An off-site commercial parking lot may be constructed for the purpose of providing for employee and/or patron parking upon approval of the Planning Commission in certain zoning districts as per Article 35, Table of Permitted Uses and Conditions.

ii. Site Plan approval by the Planning Commission is required, except in a C/I, Commercial/Industrial district. In a C/I district an off-site commercial parking lot may be approved through the Administrative Site Plan review process.

iii. It shall be the responsibility of the owner to maintain in a neat and adequate manner, the parking spaces, access ways, striping, landscaping, and required walls or screening.

iv. All off-site commercial parking lots shall be screened from street view by a fence, landscaping, landscape berm and/or wall with landscaping. Berms and/or walls (including retaining walls) shall be a minimum of three (3) feet in height on the parking lot side, and no higher than four and one-half (4.5) feet in height on the street side. For the purposes of this section, parking areas as used herein shall include all parking spaces, drive aisles and maneuvering areas.

v. Off-site commercial parking lots shall be connected to a public street by a paved driveway which affords safe and reasonably convenient ingress and egress. The permissible location and minimum width of driveways shall be as specified in Section 11-6, Minimum Street Requirements.

vi. Required parking spaces for a given C/I use in a C/I district may be located on a different lot within the same commercial park/subdivision provided that a formal agreement between the land owners or with proof that both properties are under common ownership is submitted to the City.

(B) The Parking Schedule table displayed as Section 16-2 of Article XVI of the Land Use and Development Ordinance is hereby amended by adding the following row under subsection (a) Dwellings:

8)	Multiple families, Senior Independent Living	One and one-half (1.5) spaces per unit plus required Visitor parking spaces (see 16-3j).

(C) Section 16-3 of Article XVI of the Land Use and Development Ordinance is hereby amended by adding the following after subsection (i):

(j) Visitor and Accessory Parking Provisions

(1) Number of Spaces

i. One to 10 units: one-half parking space per unit;

ii. Eleven or more units: five spaces plus one-fourth additional parking space for each unit over ten.

(2) Placement within the Development

i. Visitor and Accessory Parking shall be placed in common areas within the development in clusters that are reasonably dispersed throughout the development.

SECTION 6. AMENDMENT TO ARTICLE XXVIII, FIXED DWELLING PROVISIONS

The first paragraph of Section 28-1 of Article XXVIII of the Land Use and Development Ordinance is hereby amended to state the following, with each subsection (a) through (j) below said paragraph remaining unaltered:

> Fixed Dwelling Developments, including but not limited to duplexes, apartments, townhouses, mid-rise condominiums and high rise condominiums, are subject to the approval of the Planning Commission and compliance with the following provisions:

SECTION 7. AMENDMENT TO ARTICLE XXXV, THE TABLE OF PERMITTED USED AND CONDITIONS

The Table of Permitted Use displayed as Section 35-3 of Article XXXV of the Land Use and Development Ordinance is hereby amended by adding the following row:

Parking lot, commercial	C/I By Right	B-1, B-1(a), B-2, B-2(a), B-3, C-2, M-U By Planning Commission Approval

SECTION 8. AMENDMENT TO ARTICLE XXXVI, THE VILLAGE OVERLAY DISTRICT

(A) Section 36-2(b) of Article XXXVI of the Land Use and Development Ordinance is hereby repealed and replaced in its entirety with the following:

(b) Mixed-Use Developments in the Village Overlay District

It is the intent of the City to encourage mixed-use developments in the Village Overlay District. Zoning districts that will allow mixed-use developments by right include MU, Mixed Use; B-1, Local Business; B-2, General Business; and B-3, Professional Business. The residential density of any mixed use development shall not exceed 14 units per acre and shall require a minimum of 1.5 parking spaces per residential unit.

Said mixed-use development may have a vertical configuration, meaning the primary business is located on the ground floor and the secondary use is located on an upper floor, or may otherwise meet the provisions of an accessory dwelling unit as provided in section (c) below.

(B) Section 36-9 of Article XXXVI of the Land Use and Development Ordinance is hereby repealed and replaced in its entirety with the following:

36-9 PARKING REQUIREMENTS

Any mixed-use development in the Village Overlay District shall provide a minimum of one and one-half (1.5) parking space per residential unit. Any other business development

located within the Village Overlay District with a lot frontage of fifty (50) feet shall require a minimum of four (4) parking spaces, with a lot frontage of twenty-five (25) feet shall require a minimum of two (2) parking spaces, and shall also comply with the minimum design and improvements standards as otherwise outlined in this Ordinance and ADA requirements.

Off-street parking for multi-use or mixed use developments shall be located in the rear of the building(s) adjacent to the street unless an alternate location is approved by the Planning Commission.

For any use for which the above referenced parking requirement cannot be met due to the unique conditions of a particular parcel of property, off-street parking spaces of the public type may be considered toward the requirements necessary to comply with the Article upon determination of the Director of Community Development and approval of the Planning Commission.

SECTION 9. CONFLICT WITH OTHER ORDINANCES

Any Ordinance heretofore adopted by the City Council of Daphne, Alabama, which is in conflict with this Ordinance, is hereby repealed to the extent of such conflict.

SECTION 10. SEVERABILITY

The provisions of this Ordinance are severable. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 11. EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne and publication as required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ DAY OF _____, 2022.

ATTEST: Robin LeJeune, Mayor

Candace G. Antinarella, CMC, City Clerk

COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM

Daphne
ALABAMA

DATE: June 27, 2022

TO: Office of the City Clerk

FROM: Adrienne Jones, AICP, Director of Community Development AJ4

SUBJECT: Proposed Amendments to the Land Use and Development Ordinance, Article 9, District Provisions, Article 12, Establishment of Districts, and Article 28, Fixed Dwelling Provisions

At the June 23, 2022 regular meeting of the City of Daphne Planning Commission, eight members were present. The motion carried unanimously to set forth a favorable recommendation to the City Council to amend Article 9, District Provisions, Article 12, Establishment of Districts, and Article 28, Fixed Dwelling Provisions.

Attached please find the appropriate documentation and action of the Daphne Planning Commission.

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda to set a public hearing.

Thank you,
ADJ/jv

Attachment

cc: file

Section 4.
AMENDMENTS RELATING TO BUILT-TO-RENT DEVELOPMENTS

THE CURRENT ORDINANCE DOES NOT EXPRESSLY ALLOW A BUILT-TO-RENT DEVELOPMENT

Built-to-Rent (BTR) developments are residential subdivisions where single family houses are constructed to be rented out rather than sold to individual owners for occupancy. Built to Rent development is an emerging trend in rental housing. Typically one would think of an apartment complex, duplexes or townhouse development when contemplating rental units.

Such development would be best developed through the Planned Unit Development process.

THE INTENT OF THIS AMENDMENT IS TO ESTABLISH THAT THE ZONING DISTRICT KNOWN AS "R-4, HIGH DENSITY SINGLE & HIGH DENSITY MULTI-FAMILY RESIDENTIAL" IS TO BE EITHER A FIXED DWELLING COMPLEX OR A RESIDENTIAL SUBDIVISION.

9-10 PRINCIPAL BUILDINGS PER LOT

(a) Every residential building, hotel, motel, condominium single family and multi-family dwelling, and duplex hereafter erected or moved shall be located on a lot.

(b) The following zoning districts shall allow one principal residential building per lot:

i. R-1, Low Density Single Family Residential;
ii. R-2, Medium Density Single Family Residential;
iii. R-3, High Density Single Family Residential;
iv. R-4, High Density Single Family Residential; and
v. R-6(G), Garden Patio Home

(c) In any district where multi-family structures, motels, hotels, or two (2) or more residential structures may be permitted on a lot, no building shall be located closer to another building on the same lot than a distance equal to half the sum of the heights of both buildings.

(d) In Flood Hazard areas identified on the National Flood Insurance Rate Maps, the height of a building shall be measured from the floor level of the first habitable story for purposes of this section. In addition, the front or rear of any building may be no closer to the front or rear of any other building than forty (40) feet. The side of any building shall be no closer to the side, front, or rear of any other building than thirty (30) feet.

(e) R-4 (High Density Single and High Density Multi-family Residential District, shall allow one principal residential dwelling on a lot unless the property is to be developed as a Fixed Dwelling Development.

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Deleted: and in no case shall there be more than one (1) principal residential building on a lot except as follows:¶

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(c) R-3. High Density Single Family Residential District:

This district is provided to afford the opportunity for moderately higher density of single family residences on smaller lots than those allowed in the R-1. Low Density Single Family Residential. and R-2. Medium Density Family Residential. districts.

(d) R-4. High Density Single and High Density Multi-Family Residential District:

The intent of this district is to provide opportunity for high density residential development in specified areas.

Deleted: Within this district it is also considered suitable to include other uses of a type deemed to be compatible with a good, high density living environment by providing for needed community services.

All land heretofore delineated as an R-4 district prior to the enactment of Ordinance 2011-54 shall remain in R-4 status as it relates to allowable density, except that R-4, High Density Single and High Density Multi-family Residential district, shall allow one principal residential building on a lot unless the property is to be developed as a Fixed Dwelling Development as provided in Article 28, Fixed Dwelling Provisions. However, all existing R-4, High Density Single and Multi-Family Residential Districts shall be developed in accordance with the standards provided wherein duplexes shall be developed in R-6(D), Duplex District; garden patio homes shall be developed in R-6(G), Garden Patio Home District; an apartment complex shall be developed in R-7(A); Apartment District; mid-rise Condominiums shall be developed in an R-7(M), Mid-rise Condominium District; and, townhouse developments shall be developed in an R-7(T), Townhouse District.

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ARTICLE XXVIII
Clarification re: applicability

FIXED DWELLING PROVISIONS

28-1 MINIMUM PROVISIONS

Fixed Dwelling Developments including but not limited to d~~D~~uplexes, apartments, townhouses, ~~and~~ mid-rise condominiums and high rise condominiums are subject to the approval of the Planning Commission and compliance with the following provisions:

9-10 PRINCIPAL BUILDINGS PER LOT

(a) Every residential building, hotel, motel, condominium single family and multi-family dwelling, and duplex hereafter erected or moved shall be located on a lot.

(b) The following zoning districts shall allow one principal residential building per lot:

i. R-1, Low Density Single Family Residential;
ii. R-2, Medium Density Single Family Residential;
iii. R-3, High Density Single Family Residential;
iv. R-4, High Density Single Family Residential; and
v. R-6(G), Garden/Patio Home

(c) In any district where multi-family structures, motels, hotels, or two (2) or more residential structures may be permitted on a lot, no building shall be located closer to another building on the same lot than a distance equal to half the sum of the heights of both buildings.

(d) In Flood Hazard areas identified on the National Flood Insurance Rate Maps, the height of a building shall be measured from the floor level of the first habitable story for purposes of this section. In addition, the front or rear of any building may be no closer to the front or rear of any other building than forty (40) feet. The side of any building shall be no closer to the side, front, or rear of any other building than thirty (30) feet.

(e) R-4 (High Density Single and High Density Multi-family Residential District, shall allow one principal residential dwelling on a lot unless the property is to be developed as a Fixed Dwelling Development.

9-11 ACCESSORY USES

(a) General:

Any use may be established as an accessory use to any permitted principal use in any district provided:

(1) Is customarily incidental to and is maintained and operated as a part of the principal use.

(2) Is not hazardous to and does not impair the use or enjoyment of nearby property in a greater degree than the principal use with which it is associated.

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Deleted: and in no case shall there be more than one (1) principal residential building on a lot except as follows:¶

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(c) R-3, High Density Single Family Residential District:

This district is provided to afford the opportunity for moderately higher density of single family residences on smaller lots than those allowed in the R-l, Low Density Single Family Residential, and R-2, Medium Density Family Residential, districts.

(d) R-4, High Density Single and High Density Multi-Family Residential District:

The intent of this district is to provide opportunity for high density residential development in specified areas.

All land heretofore delineated as an R-4 district prior to the enactment of Ordinance 2011-54 shall remain in R-4 status as it relates to allowable density, except that R-4, High Density Single and High Density Multi-family Residential district, shall allow one principal residential building on a lot unless the property is to be developed as a Fixed Dwelling Development as provided in Article 28, Fixed Dwelling Provisions. However, all existing R-4, High Density Single and Multi-Family Residential Districts shall be developed in accordance with the standards provided wherein duplexes shall be developed in R-6(D), Duplex District; garden/patio homes shall be developed in R-6(G), Garden/Patio Home District; an apartment complex shall be developed in R-7(A); Apartment District; mid-rise Condominiums shall be developed in an R-7(M), Mid-rise Condominium District; and, townhouse developments shall be developed in an R-7(T), Townhouse District.

Deleted: Within this district it is also considered suitable to include other uses of a type deemed to be compatible with a good, high density living environment by providing for needed community services.

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Deleted: within this Ordinance wherein R-6(D), R-6(G), R-7(A), R-7(M), R-7(T) shall be respectively considered for all proposed duplexes, garden/patio homes, apartments, mid-rise condominiums, and townhouses zoning requests.

(e) R-5, Mobile Home Residential District:

The intent of this district is to provide space at appropriate locations consistent with community objectives for the establishment of mobile home parks and subdivisions which provide for the establishment of permanent mobile homes and for the amenities conducive to an adequate living environment. Public or private community water and sewer facilities are required except where lots are equal to Baldwin County Health Department requirements for private wells and individual septic systems.

(f) R-6(D), Duplex-Two Family District:

This district is provided to afford the opportunity for medium density two family uses in an urban residential environment consisting of duplex residences on lots of a moderate size. R-6(D) shall replace the R-4 Two Family designation.

(g) R-6(G), Garden or Patio Homes District:

ARTICLE XXVIII
Clarification re: applicability

FIXED DWELLING PROVISIONS

28-1 MINIMUM PROVISIONS

Fixed Dwelling Developments including but not limited to duplexes, apartments, townhouses, mid-rise condominiums and high rise condominiums are subject to the approval of the Planning Commission and compliance with the following provisions:

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(a) There shall be no more than eight (8) continuous dwelling units built in a row with the same front line.

(b) The end of the building in any grouping shall conform to the side yard requirements of the district.

(c) No more than thirty (30) percent of the lot area shall be occupied by buildings.

(d) Insofar as practicable, off-street parking facilities shall be located under habitable floors of the buildings or grouped in bays either adjacent to streets or in the interior of blocks. No off-street parking shall be more than one hundred (100) feet by the most direct pedestrian route from a door of the dwelling unit it intends to serve.

(e) All complexes shall be required to connect to a public or private water and sanitary sewer system operating under the conditions of an NPDES (National Pollutant Discharge Elimination System) permit from ADEM. No other means of waste disposal shall be permitted.

(f) All other requirements within the district in which the apartments, townhouses, or condominiums are located shall prevail.

(g) The total area which may be covered by buildings shall be compatible with the total area requirements of the zoning district in which the development is to occur.

(h) The maximum height of buildings shall be compatible with the maximum building height requirements of the zoning district for which the development is to occur.

(i) Greenbelt areas and landscaping shall be designed in accordance with *Article 19, Landscaping and Tree Protection* provisions except where provided herein.

(j) See *Article 13, District Provisions, Section 8, Fixed Dwellings,* for additional requirements.

COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM

Daphne
ALABAMA

DATE: June 27, 2022

TO: Office of the City Clerk

FROM: Adrienne Jones, AICP, Director of Community Development

SUBJECT: Proposed Amendments to the Land Use and Development Ordinance, Article 13, District Requirements, and Article 16, Parking Requirements for All Districts

At the June 23, 2022 regular meeting of the City of Daphne Planning Commission, eight members were present. The motion carried unanimously to set forth a favorable recommendation to the City Council to amend Article 13, District Requirements, and Article 16, Parking Requirements for All Districts, of the Land Use and Development Ordinance regarding multi-family dwellings.

Attached please find the appropriate documentation and action of the Daphne Planning Commission.

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda to set a public hearing.

Thank you,
ADJ/jv

Attachment

cc: file

Section 1.
AMENDMENTS RELATING TO THE MULTI-FAMILY MORATORIUM

UPON COMPLETION OF THE ENVISION DAPHNE 2042 PLAN MORE AMENDMENTS MAY BE NEEDED. THOSE WILL BE PRESENTED IN THE FUTURE.

THE INTENT OF THIS AMENDMENT IS TO ENSURE SUFFICIENT PARKING IN:

- TOWNHOUSE DEVELOPMENTS
  - ⇨ 2 EXTERIOR PARKING SPACES PER UNIT + APPROPRIATE VISITOR/ACCESSORY PARKING

THE INTENT OF THIS AMENDMENT IS TO ENSURE SUFFICIENT PARKING IN:

- SENIOR LIVING APARTMENT DEVELOPMENTS
  - ⇨ 1.5 PARKING SPACES PER UNIT + APPROPRIATE VISITOR/ACCESSORY PARKING

13-9 MINIMUM REQUIREMENTS FOR FIXED DWELLINGS

The following fixed dwelling minimum requirements shall apply in districts as outlined below, except in overlay districts.

Fixed Dwelling Minimum Requirements	R-7(A) Apartments	R-7(T) Townhouse	R-7(M) Mid Rise Condo
Minimum Acreage	4 ac	4 ac	4 ac
Minimum Lot Width	None	None	None
Maximum Density	10 units/acre	10 units/acre	10 units/acre
Maximum Height	50 feet or 3 stories	35 feet or 2 ½ stories	50 feet or 4 stories
Minimum Building Setback Lines Front/rear/side/corner	50 feet	50 feet	50 feet
Minimum Distance between Buildings -facing front to back	100' (25' minimum from back of curb)	100' (25' minimum from back of curb)	100' (25' minimum from back of curb)
-facing back to back	100'	100'	100'
-side to side	½ the sum of the height of both building	½ the sum of the height of both building	½ the sum of the height of both building
Maximum Lot Coverage Impervious surfaces **Buildings/structures**	30%	30%	30%
Greenbelt Area Width Along Perimeter Roadway In addition to minimum setback	25 ft	25 ft	25 ft
Width on Remaining Project Boundary(s) Greenbelt may be located within setbacks	25 ft	25 ft	25 ft
Minimum Landscaping See Article 19			
Minimum Parking Spaces per dwelling unit	2	2 exterior spaces plus required visitor parking spaces (see Section 16-3(j))	2
Additional Provisions See Article 28, Fixed Dwelling Provisions			

(j) Visitor and Accessory Parking Provisions

(1) Number of Spaces

i. One to 10 units: one-half parking space per unit;

ii. Eleven or more units: five spaces plus one-fourth additional parking space for each unit over ten.

(2) Placement within the Development

i. Visitor and Accessory Parking shall be placed in common areas within the development in clusters that are reasonably dispersed throughout the development.

16-2 PARKING SCHEDULE

LAND USE	PARKING REQUIREMENTS
(a) Dwellings	
1) One and two families:	Two (2) spaces for each dwelling unit.
2) Multiple families:	Two (2) spaces for each unit.
3) Hotels without restaurants, lounges, or banquet facilities:	One (1) space for each bedroom.
4) Hotels with in-house restaurants, banquet facilities, or convention/meeting capabilities:	One and one-half (1.5) spaces for each bedroom.
5) Motels, Tourist Courts, and Tourist Homes:	One and one-half (1.5) spaces for each guest bedroom.
6) Mobile Home Courts and Parks:	Two (2) spaces per unit.
7) Boarding, Rooming Houses and Dormitories:	One (1) space for each guest bedroom.
8) Multiple families, Senior Independent Living	One and one-half (1.5) spaces per unit plus required Visitor parking spaces (see 16-3j) .

13-9 MINIMUM REQUIREMENTS FOR FIXED DWELLINGS

The following fixed dwelling minimum requirements shall apply in districts as outlined below, except in overlay districts.

Fixed Dwelling Minimum Requirements	**R-7(A) Apartments**	**R-7(T) Townhouse**	**R-7(M) Mid Rise Condo**
Minimum Acreage	4 ac	4 ac	4 ac
Minimum Lot Width	None	None	None
Maximum Density	10 units/acre	10 units/acre	10 units/acre
Maximum Height	50 feet or 3 stories	35 feet or 2 ½ stories	50 feet or 4 stories
Minimum Building Setback Lines Front/rear/side/corner	50 feet	50 feet	50 feet
Minimum Distance between Buildings -facing front to back	100' (25' minimum from back of curb)	100' (25' minimum from back of curb)	100' (25' minimum from back of curb)
-facing back to back	100'	100'	100'
-side to side	½ the sum of the height of both building	½ the sum of the height of both building	½ the sum of the height of both building
Maximum Lot Coverage Impervious surfaces **Buildings/structures**	30%	30%	30%
Greenbelt Area Width Along Perimeter Roadway In addition to minimum setback	25 ft	25 ft	25 ft
Width on Remaining Project Boundary(s) Greenbelt may be located within setbacks	25 ft	25 ft	25 ft
Minimum Landscaping See Article 19			
Minimum Parking Spaces per dwelling unit	2	**2** exterior spaces plus required visitor parking spaces (see Section 16-3(j))	2
Additional Provisions See Article 28, Fixed Dwelling Provisions			

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16-2 PARKING SCHEDULE

LAND USE	PARKING REQUIREMENTS
(a) Dwellings	
1) One and two families:	Two (2) spaces for each dwelling unit.
2) Multiple families:	Two (2) spaces for each unit.
3) Hotels without restaurants, lounges, or banquet facilities:	One (1) space for each bedroom.
4) Hotels with in-house restaurants, banquet facilities, or convention/meeting capabilities:	One and one-half (1.5) spaces for each bedroom.
5) Motels, Tourist Courts, and Tourist Homes:	One and one-half (1.5) spaces for each guest bedroom.
6) Mobile Home Courts and Parks:	Two (2) spaces per unit.
7) Boarding, Rooming Houses and Dormitories:	One (1) space for each guest bedroom.
8) Multiple families, Senior Independent Living	One and one-half (1.5) spaces per unit plus required Visitor parking spaces (see 16-3i) .
(b) Public Assembly	
1) Churches or Other Places of Worship:	One (1) space for each four (4) seats in the main auditorium or sanctuary.
2) Private Clubs, Lodges and Fraternal Buildings, (not providing overnight accommodations):	One (1) space for each hundred (100) square feet of building under roof.
3) Theaters, Auditoriums, Coliseums, Stadiums, and Similar Places of Assembly:	One (1) space for each four (4) seats.
4) Libraries, Museums:	One (1) space for each five hundred (500) square feet of gross floor area.
5) Schools, including Kindergartens, Play-schools, and Day Care Centers:	One (1) space for each four (4) seats in assembly hall, or one (1) space for each employee, including teachers and administrators, whichever is greater, plus five (5) spaces per classroom for high school and

(i) Storage and Parking of Trailers and Vehicles:

(1) No more than one commercial vehicle per dwelling shall be permitted. In no case shall a commercial vehicle be used for hauling explosives, gasoline, or liquefied petroleum products.

(2) Travel trailers or motor homes, hauling trailers or boat trailers shall be permitted if parked or stored behind the front building setback line.

(3) A travel trailer shall not be occupied either temporarily or permanently while it is parked or stored in any area, except in a recreational vehicle park as authorized in *Article 27, Recreational Vehicle Park Provisions*.

(4) A wrecked or disabled vehicle which cannot be moved under its own power shall not be permitted on or near lots with dwelling units. The vehicles shall be classified as junked vehicles and shall be removed to a junk yard at the owner's expense.

(j) Visitor and Accessory Parking Provisions

(1) Number of Spaces

i. One to 10 units: one-half parking space per unit;

ii. Eleven or more units: five spaces plus one-fourth additional parking space for each unit over ten.

(2) Placement within the Development

i. Visitor and Accessory Parking shall be placed in common areas within the development in clusters that are reasonably dispersed throughout the development.

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COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM

Daphne
ALABAMA

DATE: June 27, 2022

TO: Office of the City Clerk

FROM: Adrienne Jones, AICP, Director of Community Development

SUBJECT: Proposed Amendments to the Land Use and Development Ordinance, Article 14, Olde Towne Daphne District, and Article 36, The Village Overlay District

At the June 23, 2022 regular meeting of the City of Daphne Planning Commission, eight members were present. The motion carried unanimously to set forth a favorable recommendation to the City Council to amend Article 14, Olde Towne Daphne District, and Article 36, The Village Overlay District, of the Land Use and Development Ordinance regarding mixed-use developments in commercial and mixed-use zones.

Attached please find the appropriate documentation and action of the Daphne Planning Commission.

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda to set a public hearing.

Thank you,
ADJ/jv

Attachment

cc: file

Section 2.

AMENDMENTS RELATING TO MIXED USE DEVELOPMENTS

THE CURRENT ORDINANCE DOES NOT ADDRESS THE ALLOWABLE DENSITY OF MIXED USE DEVELOPMENTS IN COMMERCIAL BUSINESS DISTRICTS.

THE INTENT OF THIS AMENDMENT IS TO ESTABLISH DENSITY STANDARDS IN OLDE TOWNE DAPHNE FOR RESIDENTIAL DWELLINGS IN B-1, B-2, B-1(A), B-2(A), & B-3 ZONING DISTRICTS

- 14 UNITS PER ACRE
- 1.5 PARKING SPACES PER RESIDENTIAL UNIT (IN ADDITION TO # OF REQUIRED COMMERCIAL PARKING SPACES)

THE INTENT OF THIS AMENDMENT IS TO ESTABLISH DENSITY STANDARDS IN THE VILLAGE OVERLAY DISTRICT FOR RESIDENTIAL DWELLINGS IN B-1, B-2, B-1(A), B-2(A), & B-3 ZONING DISTRICTS

- 14 UNITS PER ACRE
- 1.5 PARKING SPACES PER RESIDENTIAL UNIT (IN ADDITION TO # OF REQUIRED COMMERCIAL PARKING SPACES)

(b) Mixed-Use Developments in the Olde Towne Daphne District.

It is the intent of the City to encourage mixed-use developments in the Olde Towne Daphne District. Zoning districts that will allow mixed-use developments by right include MU, Mixed Use; B-1, Local Business; B-2, General Business; and B-3, Professional Business. **The residential density of any mixed use development shall not exceed 14 units per acre and shall require a minimum of 1.5 parking spaces per residential unit in addition to the minimum required number of parking spaces.**

14-10 PARKING REQUIREMENTS

Any mixed-use development in the Olde Towne district shall provide a minimum of one and one-half (1.5) parking space per residential unit in addition to the minimum required number of parking spaces. Any business ~~use~~development located within the Olde Towne Daphne District with a lot frontage of fifty (50) feet shall require a minimum of four (4) parking spaces, with a lot frontage of twenty-five feet shall require a minimum of two (2) parking spaces, and shall also comply with the minimum design and improvements standards as otherwise outlined in this Ordinance and ADA requirements.

Off-street parking for multi-use buildings or mixed use developments shall be located in the rear of the building(s) adjacent to the street unless an alternative location is approved by the Planning Commission.

For any use for which the above referenced parking requirement cannot be met due to the unique conditions of a particular parcel of property as documented on the site plan, off-street parking spaces of the public type may be considered toward the requirements necessary to comply with the Article upon determination of the Director of Community Development and approval of the Planning Commission.

(b) Mixed-Use Developments in the Village Overlay District

It is the intent of the City to encourage mixed-use developments in the Village Overlay District. Zoning districts that will allow mixed-use developments by right include MU. Mixed Use: B-1. Local Business: B-2. General Business: and B-3. Professional Business. The residential density of any mixed use development shall not exceed 14 units per acre and shall require a minimum of 1.5 parking spaces per residential unit.

Said mixed-use development may have a vertical configuration. meaning the primary business is located on the ground floor and the secondary use is located on an upper floor. or may otherwise meet the provisions of an accessory dwelling unit as provided in section (c) below.

36-9 PARKING REQUIREMENTS

Any mixed-use development in the Village Overlay district shall provide a minimum of one and one-half (1.5) parking space per residential unit. Any other business development located within the Village Overlay District with a lot frontage of fifty (50) feet shall require a minimum of four (4) parking spaces. with a lot frontage of twenty-five feet shall require a minimum of two (2) parking spaces. and shall also comply with the minimum design and improvements standards as otherwise outlined in this Ordinance and ADA requirements.

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Off-street parking for multi-use or mixed use developments shall be located in the rear of the building(s) adjacent to the street unless an alternate location is approved by the Planning Commission.

14-2 USES PERMITTED

(a) General

The following zoning districts provided herein established and most specifically defined in Article 12, Establishment of Districts: B-1, Local Business, B-1(a) Limited Local Business District; B-2, General Business, B-3, Professional Business, R-4, Single Family and Multi-Family Residential, and MU, Mixed Use. Article 35, the Table of Permitted Uses and Conditions, outlines the restrictions for each district, except with regard to mixed-uses as provided in the following subsections. (See also Article 12, Establishment of Districts).

The Planning Commission shall no longer consider zoning or rezoning amendments for B-2, General Business or R-4 zoning districts. All existing B-2, General Business and R-4, High Density Single and Multi-Family Residential Districts shall be developed in accordance with the standards provided herein. For any new request, the following districts shall be considered in lieu of R-4: R-6(G) for all garden/patio homes developments; and, R-6(D) for duplexes.

(b) Mixed-Use Developments in the Olde Towne Daphne District.

It is the intent of the City to encourage mixed-use developments in the Olde Towne Daphne District. Zoning districts that will allow mixed-use developments by right include MU, Mixed Use; B-1, Local Business; B-2, General Business; and B-3, Professional Business. **The residential density of any mixed use development shall not exceed 14 units per acre and shall require a minimum of 1.5 parking spaces per residential unit in addition to the minimum required number of parking spaces.**

Said mixed-use development may have a vertical configuration, meaning the primary business is located on the ground floor and the secondary use is located on an upper floor, or may otherwise meet the provisions of an accessory dwelling unit as provided in section (c) below.

14-10 PARKING REQUIREMENTS

Any mixed-use development in the Olde Towne district shall provide a minimum of one and one-half (1.5) parking space per residential unit in addition to the minimum required number of parking spaces. Any business development located within the Olde Towne Daphne District with a lot frontage of fifty (50) feet shall require a minimum of four (4) parking spaces, with a lot frontage of twenty-five feet shall require a minimum of two (2) parking spaces, and shall also comply with the minimum design and improvements standards as otherwise outlined in this Ordinance and ADA requirements.

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Off-street parking for multi-use buildings or mixed use developments shall be located in the rear of the building(s) adjacent to the street unless an alternative location is approved by the Planning Commission.

For any use for which the above referenced parking requirement cannot be met due to the unique conditions of a particular parcel of property as documented on the site plan, off-street parking spaces of the public type may be considered toward the requirements necessary to comply with the Article upon determination of the Director of Community Development and approval of the Planning Commission.

14-11 SIGNAGE

The maximum allowable square footage established in each zoning designation and/or overlay district shall apply as provided in each district. Said allowable area shall not be exceeded. In the event that channel letters, as defined in Article 8, Definitions, are proposed, then the maximum allowable square footage shall be calculated at a rate of eighty percent (80%) in lieu of the standard rate of one hundred percent (100%).

(a) Nonconformance:

Any sign in existence on the date of the adoption of this Ordinance that is not in conformance shall be considered a nonconforming sign and shall be permitted to continue to exist, subject to the conditions and prohibitions set forth in the provisions of Article 33, Sign Provisions.

(b) Single-Use Building (A commercial building with one commercial tenant):

Signs indicating the name of a business or retail use permitted in this District with a single-use building shall have one (1) sign not to exceed fifteen (15) square feet in area per face, five (5) feet in height, of the ground sign or pylon type, and have two (2) faces.

Each establishment of a business or retail use permitted in this District with a single-use building may acquire an additional permit for a wall-mounted sign

Planning Commission shall no longer consider zoning or rezoning amendments for an R-4 zoning district. All existing R-4, High Density Single and Multi-Family Residential Districts shall be developed in accordance with the standards provided herein; however, R-6(G), R-6(D), R-7(A), R-7(M) and R-7(T) shall be respectively considered for all garden/patio homes, duplexes, apartments and townhouses, and mid-rise condominiums requests.

(b) Mixed-Use Developments in the Village Overlay District

It is the intent of the City to encourage mixed-use developments in the Village Overlay District. Zoning districts that will allow mixed-use developments by right include MU, Mixed Use; B-1, Local Business; B-2, General Business; and B-3, Professional Business. The residential density of any mixed use development shall not exceed 14 units per acre and shall require a minimum of 1.5 parking spaces per residential unit.

Said mixed-use development may have a vertical configuration, meaning the primary business is located on the ground floor and the secondary use is located on an upper floor, or may otherwise meet the provisions of an accessory dwelling unit as provided in section (c) below.

(c) Accessory Dwelling Units (ADU) in the Village Overlay District shall adhere to the following provisions.

1. Detached accessory dwelling is defined as a dwelling unit separate from the principal structure. The dwelling shall be clearly subordinate in size, height, and purpose to the principal structure, it shall be located on the same lot as the principal structure, but may be served by separate utility meter(s), and is detached from the principal structure if approved by the Building Official. A detached accessory dwelling may be an independent structure, a dwelling unit above a garage, or attached to a workshop or other accessory structure on the same lot as the principal structure.

2. It is the intent of this ordinance to allow, where deemed appropriate by the Planning Commission, accessory dwelling units that maintain an appropriate proportional relationship to the adjacent principal structure(s) on the same site.

3. The accessory dwelling unit may function as purely residential use or as a mixed use building that allows separate commercial and residential usage.

4. While these provisions apply to detached accessory dwelling units, the provisions do not supersede or override applicable life safety standards found in the applicable codes adopted by the city.

36-9 PARKING REQUIREMENTS

Any mixed-use development in the Village Overlay district shall provide a minimum of one and one-half (1.5) parking space per residential unit. Any other business development located within the Village Overlay District with a lot frontage of fifty (50) feet shall require a minimum of four (4) parking spaces, with a lot frontage of twenty-five feet shall require a minimum of two (2) parking spaces, and shall also comply with the minimum design and improvements standards as otherwise outlined in this Ordinance and ADA requirements.

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Off-street parking for multi-use or mixed use developments shall be located in the rear of the building(s) adjacent to the street unless an alternate location is approved by the Planning Commission.

For any use for which the above referenced parking requirement cannot be met due to the unique conditions of a particular parcel of property, off-street parking spaces of the public type may be considered toward the requirements necessary to comply with the Article upon determination of the Director of Community Development and approval of the Planning Commission.

36-10 SIGNAGE

The maximum allowable square footage established in each zoning designation and/or overlay district shall apply as provided in each district. Said allowable area shall not be exceeded. In the event that channel letters, as defined in *Article 8, Definitions*, are proposed, then the maximum allowable square footage shall be calculated at a rate of eighty percent (80%) in lieu of the standard rate of one hundred percent (100%).

(a) Nonconformance:

Any sign in existence on the date of the adoption of this Ordinance that is not in conformance shall be considered a nonconforming sign and shall be permitted to continue to exist subject to the conditions and prohibitions set forth in the provisions of *Article 33, Sign Provisions*.

(b) Single-Use Building (A commercial building with one tenant):

Signs indicating the name of a business or retail use permitted in this District with a single-use building shall have one (1) sign not to exceed fifteen (15) square feet in area per face, five (5) feet in height, of the ground sign or pylon type, and have two (2) faces.

Each establishment of a business or retail use permitted in this District with a single-use building may acquire an additional permit for a wall-mounted sign of a size not to exceed ten percent (10%) of the surface frontal area of its building or portion of the building. Signs mounted on mansards, marquees, windows, and awnings are deemed to be wall signs.

COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM

Daphne
ALABAMA

DATE: June 27, 2022

TO: Office of the City Clerk

FROM: Adrienne Jones, AICP, Director of Community Development AJ3

SUBJECT: Proposed Amendments to the Land Use and Development Ordinance, Article 16, Parking Requirements for All Districts, and Article 35, Table of Permitted Uses

At the June 23, 2022 regular meeting of the City of Daphne Planning Commission, eight members were present. The motion carried unanimously to set forth a favorable recommendation to the City Council to amend Articles 16, Parking Requirements for All Districts, and Article 35, Table of Permitted Uses, of the Land Use and Development Ordinance regarding commercial parking lots.

Attached please find the appropriate documentation and action of the Daphne Planning Commission.

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda to set a public hearing.

Thank you,
ADJ/jv

Attachment

cc: file

Section 3.
AMENDMENTS RELATING TO COMMERCIAL PARKING LOTS

THE CURRENT ORDINANCE DOES NOT EXPRESSLY ALLOW A COMMERCIAL PARKING LOT AS A PRIMARY LAND USE

THE INTENT OF THIS AMENDMENT IS TO ESTABLISH A COMMERCIAL PARKING LOT BY ADDING IT TO THE TABLE OF PERMITTED USE & SETTING MINIMUM STANDARDS.

SECTION 35-3 PERMITTED USES & CONDITIONS	By Right	Planning Commission Approval	Special Exception BZA Approval
Paper supplies, wholesale	B-2, C/I		
Parking lot, commercial	C/I	B-1, B-1(a), B-2, B-2(a), B-3, C-2, M-U	

(j) Off-site Commercial Parking Lots shall be subject to the following provisions:

i. An off-site commercial parking lot may be constructed for the purpose of providing for employee and/or patron parking upon approval of the Planning Commission in certain zoning districts as per Article 35, Table of Permitted Uses and Conditions.

ii. Site Plan approval by the Planning Commission is required, except in a C/I, Commercial/Industrial district. In a C/I district an off-site commercial parking lot may be approved through the Administrative Site Plan review process.

iii. It shall be the responsibility of the owner to maintain in a neat and adequate manner, the parking spaces, access ways, striping, landscaping, and required walls or screening.

iv. All off-site commercial parking lots shall be screened from street view by a fence, landscaping, landscape berm and/or wall with landscaping. Berms and/or walls (including retaining walls) shall be a minimum of three (3) feet in height on the parking lot side, and no higher than four and one-half (4.5) feet in height on the street side. For the purposes of this section, parking areas as used herein shall include all parking spaces, drive aisles and maneuvering areas.

v. Off-site commercial parking lots shall be connected to a public street by a paved driveway which affords safe and reasonably convenient ingress and egress. The permissible location and minimum width of driveways shall be as specified in Section 11-6, Minimum Street Requirements.

vi. Required parking spaces for a given C/I use in a C/I district may be located on a different lot within the same commercial park/subdivision provided that a formal agreement between the land owners or with proof that both properties are under common ownership is submitted to the City.

SECTION 35-3 PERMITTED USES & CONDITIONS	By Right	Planning Commission Approval	Special Exception BZA Approval
Paper supplies, wholesale	B-2, C/I		
Parking lot, commercial	C/I	B-1, B-1(a), B-2, B-2(a), B-3, C-2, M-U	
Pawn Shop	B-2		B-1
Pet shop	B-2	B-2(a), C/I	B-1, B-1(a)
Photographic studio and/or processing	B-1, B-1(a) B-2, B-2(a)	C/I	
Picture framing and/or mirror silvering	B-2	C/I	B-1, B-1(a), B-2(a)
Planned Unit Development, fixed dwelling		R-1, R-2, R-3, R-4	
Planned Unit Development, mobile home		R-5	
Plastic fabrication	C/I	B-2	
Plumbing shop	B-1, B-2, C/I	B-2(a)	
Police substation, including Highway Patrol		R-1, R-2, R-3 R-4, R-5	
		B-1, B-2 B-2(a), B-3, C/I	
		C-2, GC	
Post office		R-1, R-2, R-3 R-4, R-5	
		B-1, B-1(a), B-2 B-2(a), B-3, C/I	
		C-2, GC	
Printing, blueprinting, bookbinding, photostating, lithographing and publishing establishment.	B-1, B-2 B-2(a), B-3, C/I	B-1(a)	

ARTICLE XVI
PARKING REQUIREMENTS FOR ALL DISTRICTS

Proposed Changes: Add provisions for an off-site commercial parking lot
Add Senior Apartment Development parking provisions
Add Visitor/Accessory Parking Provisions

16-1 GENERAL

(a) Off-street automobile storage or parking space shall be provided with vehicular access to a street or alley and shall be equal to the minimum requirements for the specific land use set forth as otherwise provided herein.

(b) In the case of fractional results in calculating parking requirements, the required number shall be rounded up to the nearest whole number.

(c) Except as otherwise provided herein, building gross floor area shall be used to calculate parking space requirements.

(d) The required number of parking spaces for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use at the same time, except that portion of the parking space required for an existing church whose peak attendance will be at night or on Sunday, may be assigned to a use which will be closed at night or on Sunday.

(e) Areas reserved for off-street parking in accordance with the requirements of this Ordinance shall not be reduced in area or changed to any other use unless the permitted use which it serves is discontinued or modified, except where equivalent parking space is provided to the satisfaction of the Planning Commission.

(f) Off-street parking in existence prior to the enactment of this Ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use.

(g) For existing commercial uses in any business district and other similar areas desiring to expand, but unable for good and sufficient reason to provide parking at the standard required in the following schedule, the Board of Zoning Adjustment may grant relaxation of the strict application of these requirements on appeal, subject to the regulations governing appeals and variances.

(h) Where business and multi-family unit developments require large numbers of parking spaces, such spaces may be accommodated in parking decks provided that no such parking deck shall exceed three (3) levels above ground or twenty-five (25%) percent of the height of the principal structure, whichever is greater.

(i) A parking deck design shall be compatible with the design of the principal

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structure and shall be submitted as a part of the overall site plan. The parking deck shall comply with the minimum requirements of this Ordinance.

(j) Off-site Commercial Parking Lots shall be subject to the following provisions:

i. An off-site commercial parking lot may be constructed for the purpose of providing for employee and/or patron parking upon approval of the Planning Commission in certain zoning districts as per Article 35, Table of Permitted Uses and Conditions.

ii. Site Plan approval by the Planning Commission is required, except in a C/I, Commercial/Industrial district. In a C/I district an off-site commercial parking lot may be approved through the Administrative Site Plan review process.

iii. It shall be the responsibility of the owner to maintain in a neat and adequate manner, the parking spaces, access ways, striping, landscaping, and required walls or screening.

iv. All off-site commercial parking lots shall be screened from street view by a fence, landscaping, landscape berm and/or wall with landscaping. Berms and/or walls (including retaining walls) shall be a minimum of three (3) feet in height on the parking lot side, and no higher than four and one-half (4.5) feet in height on the street side. For the purposes of this section, parking areas as used herein shall include all parking spaces, drive aisles and maneuvering areas.

v. Off-site commercial parking lots shall be connected to a public street by a paved driveway which affords safe and reasonably convenient ingress and egress. The permissible location and minimum width of driveways shall be as specified in Section 11-6, Minimum Street Requirements.

vi. Required parking spaces for a given C/I use in a C/I district may be located on a different lot within the same commercial park/subdivision provided that a formal agreement between the land owners or with proof that both properties are under common ownership is submitted to the City.

CITY OF DAPHNE, ALABAMA
ORDINANCE 2022-59

ADOPTING THE FISCAL YEAR 2023 BUDGET

WHEREAS, the Mayor of the City of Daphne has submitted to the City Council a budget for Fiscal Year 2023 which begins October 1, 2022 and ends September 30, 2023 (the "FY23 Operating Budget"); and

WHEREAS, the City Council has reviewed and considered such proposed budget; and

WHEREAS, the City Council believes that the attached proposed budget is a viable spending plan for the City during the next fiscal year;

WHEREAS, the City's procedures require the adoption of the budget by Ordinance; and

WHEREAS, if the amounts budgeted for departmental operating items or purposes are not required to be utilized for such items or purposes, then upon written approval by the Mayor or the Finance Director, these amounts may be expended for other departmental items or purposes, provided that the total amount of the adopted operating budget is not exceeded; and

WHEREAS, the Mayor is authorized to approve all applications for grants during the fiscal year with the understanding that grant awards requiring an additional appropriations will be presented to Council for approval.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that the *FY2023 Budget* in which the General Fund revenues exceed appropriations in the amount of $7,087 *(All Funds - $569,472)* which includes total new Personnel and Personnel upgrades of $669,730 and Capital $5,163,398 (*All Funds - $5,943,474*) as attached hereto and made a part hereof;

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS __ day of _____, 2022.

_____
Robin LeJeune, Mayor

ATTEST:

_____
Candace G. Antinarella, CMC, City Clerk

Summary of FY 2023 Capital Budget Requests - MAYOR Approved

Description	Acquisition Type	Total Cost	FY 2022 Cost	Source of Funds
Executive:				
Centennial Celebration for 2027 - 1 of 5 down payment	Purchase	25,000	25,000	General Fund
Public Safety:				
Police				
(6) Tahoes Equipment Outfit (Tahoes appropriated in FY 2022 Budget)	Purchase	66,000	66,000	General Fund
Training Room Equipment and Upgrade at Justice Center	Purchase	30,000	30,000	General Fund
Automated License Plate Reader System	Purchase	49,200	49,200	General Fund
Jail Speaker and Locking System (Court to pay 2/3) - Police	Purchase	37,038	37,038	General Fund
Court				
Jail Speaker and Locking System (Court to pay 2/3) - Court	Purchase	74,076	74,076	Municipal Court
Fire				
(18) Self Contained Breathing Apparatus	Purchase	215,000	215,000	General Fund
Mini Pumper	Purchase	270,000	270,000	General Fund
Mini Pumper Volunteer Fire Contribution	Purchase	(250,000)	(250,000)	General Fund
Fire Training Center - Reroof	Purchase	10,000	10,000	General Fund
Fire Station #4 Remodel	Purchase	150,000	50,000	General Fund
Public Works				
Solid Waste:				
Automated Truck - Recycle - Automatic Rotation - Replace V#1700	Lease	390,000	80,000	General Fund
F150 Crew Cab Truck - Recycle - Replace V#775	Purchase	45,000	45,000	General Fund
Administration:				
Update ADA Compliance Plan	Purchase	75,000	75,000	General Fund
Streets:				
F450 Crew Cab Truck - Fleet Expansion	Purchase	90,000	90,000	General Fund
Vemeeer Skid Steer	Purchase	65,000	65,000	General Fund
Grounds:				
CAT 305 Mini Excavator (Fleet Expansion in Grounds) - Annual Lease	Purchase	19,000	19,000	General Fund
Landscape Dump Truck	Purchase	55,000	55,000	General Fund
Mowing:				
Outfront Mower - Automatic Rotation	Purchase	45,000	45,000	General Fund
Outfront Mower - Automatic Rotation	Purchase	45,000	45,000	General Fund
F150 Crew Cab w Arrow Board	Purchase	40,000	40,000	General Fund
RC Slope Mower	Purchase	70,000	70,000	General Fund
John Deere Gator - Replacement of #1376	Purchase	15,000	15,000	General Fund
1605 JD Lawnmower	Purchase	82,000	82,000	General Fund
PW Facilities:				
Parking Lot Expansion at Public Works	Purchase	45,000	45,000	General Fund
Pole Barn/Weather Shed	Purchase	57,000	57,000	General Fund
Mechanical Barn:				
Replacement of Rollup Doors at Mechanical Barn	Purchase	43,000	43,000	General Fund
IT:				
2023 Ford Explorer	Purchase	35,000	35,000	General Fund
Recreation:				
Equipment				
(2) John Deere Gators	Purchase	29,000	29,000	General Fund
(5) Portable Pitching Mounds	Purchase	15,000	15,000	General Fund
(2) John Deere Z950R Z Trak Mower	Purchase	23,000	23,000	General Fund
Toro Versa Verticut Machine	Purchase	50,000	50,000	General Fund
Toro Procure Soil Reliever Aerator	Purchase	44,000	44,000	General Fund
Facilities Upgrades				
Football/Soccer Fields Parking Lot at Trione Park - Clean, Seal Coat and Stripe	Purchase	26,000	26,000	General Fund
Banners/Pole Arms	Purchase	30,000	30,000	General Fund
New Fencing and Gates at Trione Football Fields	Purchase	110,000	110,000	General Fund
Artificial Turf at Sports Complex	Purchase	500,000	500,000	General Fund
Senior Center/Library:				
(4) Sail Shades for Sr. Center/Library Plaza	Purchase	38,000	38,000	General Fund

Summary of FY 2023 Capital Budget Requests - MAYOR Approved

Description	Acquisition Type	Total Cost	FY 2022 Cost	Source of Funds
Library:				
Rotunda Interior Upgrade for Pamphlet and Poster Area	Purchase	5,000	5,000	General Fund
Public Restroom Upgrade	Purchase	15,000	15,000	General Fund
Civic Center				
Replacement of Tables	Purchase	9,500	9,500	General Fund
EventPro Software (One Time Charge $5400 then $730/mth subscription)	Purchase	14,160	14,160	General Fund
Infrastructure				
Hwy 98 Lighting - Phase 2	Purchase	125,000	125,000	General Fund
FY 23 Road Resurfacing	Purchase	1,000,000	850,000	General Fund
FY 23 Road Resurfacing	Purchase		150,000	Ten Cent Gas Fund
FY 23 Sidewalk Plan	Purchase	556,000	556,000	Capital Reserve
Private Rd Resurfacing	Purchase	140,000	140,000	General Fund
Corte to Friendship Road Extension (City Portion for $2.5 million project)	Purchase	250,000	250,000	General Fund
Lavendar Lane Improvement Project	Purchase	450,000	450,000	General Fund
Pollard Road/Hwy 64 Improvement Project	Purchase	450,000	450,000	General Fund
20% on Tranporation Improvement Plan (Total $50,000)	Purchase	10,000	10,000	General Fund
Daphne Sports Complex Pavement Failure Repair	Purchase	40,000	40,000	General Fund
Facilities:				
Citywide HVAC Replacements	Purchase	75,000	75,000	General Fund
Ruff Wilson Roof Replacement - Gym	Purchase	87,000	87,000	General Fund
Clean Air Duct System at City Hall	Purchase	40,000	40,000	General Fund
Replace/reseal roof at Library	Purchase	120,000	120,000	General Fund
Upgrade Parking Lot Lights to LED at Civic Center, Rec, Library	Purchase	37,000	37,000	General Fund
Renovate Restroom Facilities - Village Point Park	Purchase	7,500	7,500	General Fund
Renovate Restroom Facilities - May Day Park	Purchase	7,500	7,500	General Fund
Renovate Restroom Facilities - Park City Park	Purchase	7,500	7,500	General Fund
Fire Training CPAT Facility Sitework and Parking	Purchase	150,000	150,000	General Fund
Total New Capital Requests:		**6,353,474**	**5,943,474**	

SOURCE OF FUNDS	
General Fund	5,163,398
Capital Reserve	556,000
Municipal Court	74,076
Ten Cent Gas	150,000
	5,943,474

Summary of FY 2023 New Personnel Upgrade Requests

Description	Grade & Step	Increase Total Annual Salary	Total Annual Taxes and Benefits	Increase Total Annual Cost	FUNDED Hire Date	FUNDED FY 2023 Cost
Police Department:						
Upgrade Patrol Officer to Sergeant	19 to 25	9,610	1,748	11,358	10/6/2022	11,358
Upgrades for 3 FT and 3 PT Dispatcher	($.10 to $.54/hr)	4,262	717	4,979	10/6/2022	4,979
Fire Department:						
Upgrade Firefighter to Medic	12 to 14	6,233	1,112	7,345	1/1/2023	5,509
Uprade (3) Lieutenants to (3) Captains	19 to 22	19,374	3,456	22,830	10/6/2022	22,830
Increase (15) Fire/Medic to (15) Driver	12/14 to 16	84,240	15,030	99,270	10/6/2022	99,270
Recreation:						
Upgrade Field Maintenance I to Irrigation Specialist	6 to 15	14,421	2,936	17,357	10/6/2022	17,357
Public Works:						
Upgrade Facility Maintenance I to Fac Maint II	13 to 15	3,952	740	4,692	10/6/2022	4,692
Senior Center:						
Upgrade Part-Time Admin Asst to Full Time	PT to FT	8,688	18,212	26,900	10/6/2022	26,900
Upgrade: Senior Center Manager to Senior Center Director		5,900	600	6,500	10/6/2022	6,500
Building Inspections:						
Upgrade Part-Time Admin Asst to Full Time	PT to FT	12,228	18,489	30,717		
Library:						
AV Technician to Operations Coordinator	14 to 20	4,202	743	4,945	10/6/2022	4,945
Technician to Special Collections Librarian	9 to 19	12,043	2,131	14,174	10/6/2022	14,174
Technician to Cataloger I	9 to 16	4,160	736	4,896	10/6/2022	4,896
Catalog Supervisor to Cataloger II	17 to 19	5,470	968	6,438	10/6/2022	6,438
Planning:						
Planning Coordinator - Grade 12 to 14	12 to 14	4,888	761	5,649	10/6/2022	5,649
Admin Support Specialist II to Admin Assistant	10 to 13	4,790	746	5,536	10/6/2022	5,536
IT:						
Systems Administrator - Non Exempt to Exempt		-	-	-	10/6/2022	-
Total Personnel Costs - ALL FUNDS		**204,461**	**69,125**	**273,586**		**241,033**

Summary of FY 2023 New Personnel Requests

Description	Grade		Total Annual Salary	Total Annual Taxes and Benefits	Total Annual Cost	One-Time Costs	Total Cost	FUNDED Hire Date	FUNDED FY 2023 Cost
Public Safety:									
Police Department:									
Communications Officer	13	Full Time	40,082	23,370	63,452	-	63,452	10/1/2022	63,452
(3) Police Cadets	8	Part Time	56,160	5,139	61,299	-	61,299		
SRO for High School	19	Full Time	48,387	24,593	72,980	18,000	90,980	10/1/2022	90,980
Less: BCBE Contribution			(50,000)	-	(50,000)	-	(50,000)	10/1/2022	(50,000)
Fire Department:									
Deputy Fire Marshall	25	Full Time	51,626	25,660	77,286	42,500	119,786	1/1/2023	100,465
Operations Chief w/ New Vehicle	33	Full Time	70,138	28,964	99,102	42,500	141,602		
Training Captain	22	Full Time	52,189	25,760	77,949	-	77,949		
Recreation:									
Deputy Director	32	Full Time	67,746	29,613	97,359	-	97,359	1/1/2023	73,019
Building Inspection:									
Building Inspector I - Part Time	20	Part Time	24,779	4,201	28,980	-	28,980		
Marketing:									
Tourism Events Coordinator	19	Full Time	48,276	23,966	72,242	-	72,242		
Public Works:									
Admin									
Transportation Coordinator	27	Full Time	62,028	26,108	88,136	50,000	138,136		
Safety Coordinator w/New Vehicle	20	Full Time	49,558	24,166	73,724	50,000	123,724		
Janitorial									
Custodian w/New Vehicle	4	Full Time	28,600	21,807	50,407	40,000	90,407		
Custodian	4	Full Time	28,600	21,807	50,407		50,407		
Building Maintenance									
Facility Maintenance Technician	13	Full Time	40,406	24,018	64,424	-	64,424		
Facility Maintenance Technician w/vehicle	13	Full Time	40,406	24,018	64,424	55,000	119,424		
Solid Waste									
Solid Waste Worker 1 (Eliminate Temp Worker)	6	Full Time	31,231	22,299	53,530	(46,000)	7,530		
Administative Assistant Specialist II	10	Full Time	36,471	22,129	58,600	-	58,600		
Mechanical Barn									
Mechanic	13	Full Time	40,406	23,787	64,193	-	64,193	10/1/2022	64,193
Mechanic	13	Full Time	40,406	23,787	64,193	-	64,193		
Mechanic	13	Full Time	40,406	23,787	64,193	-	64,193		
Grounds									
Landscape Maintenance Worker I	6	Full Time	31,231	22,802	54,033	-	54,033	10/1/2022	54,033
Landscape Maintenance Worker I	6	Full Time	31,231	22,802	54,033	-	54,033		
Landscape Maintenance Worker II	11	Full Time	37,775	24,133	61,908	-	61,908		
Crew Leader	14	Full Time	41,710	24,934	66,644	-	66,644		
Mowing									
Equipment Operator	13	Full Time	40,406	24,704	65,110	-	65,110	3/1/2023	32,555
Equipment Operator	13	Full Time	40,406	24,704	65,110	-	65,110		
Mowing Maintenance Worker II	11	Full Time	37,775	24,167	61,942	-	61,942		
Mowing Maintenance Worker II	11	Full Time	37,775	24,167	61,942	-	61,942		
Mowing Maintenance Worker I	6	Full Time	31,231	22,830	54,061	-	54,061		
Mowing Maintenance Worker I	6	Full Time	31,231	22,830	54,061	-	54,061		
Total Personnel Costs - ALL FUNDS			**1,208,672**	**687,052**	**1,895,724**	**252,000**	**2,147,724**		**428,697**