

**CITY OF DAPHNE  
ORDINANCE NO. 2018-25**

**AN ORDINANCE AMENDING THE CITY OF DAPHNE, ALABAMA  
LAND USE AND DEVELOPMENT ORDINANCE 2011-54, AS ADOPTED BY THE  
CITY COUNCIL ON JULY 18, 2011**

**ARTICLE XVII, SECTION 17-4, PROCEDURES FOR SUBDIVISION REVIEW, FINAL PLAT  
APPLICATION, (b) MAINTENANCE BONDS**

**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 April 26, 2018 the Commission considered certain proposed amendments to the City of Daphne Land Use & Development Ordinance, Ordinance 2011-54, and any amendments to the same and set forth a unanimous 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 June 18, 2018; and,

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA** as follows:

**SECTION I: THIS SECTION HEREBY AMENDS THE LAND USE AND DEVELOPMENT ORDINANCE TO REPEAL ARTICLE XVII, SECTION 17-4, PROCEDURES FOR SUBDIVISION REVIEW, FINAL PLAT APPLICATION, (b) MAINTENANCE BONDS AND REPLACE SAID SECTION AS FOLLOWS:**

(b) Maintenance - Bonds:

(1) Street Maintenance Bond. The developer/owner shall submit to the Department of Community Development a Street Maintenance Bond payable to the City of Daphne which shall be valid for a period of two (2) years. The bond shall be in an amount equal to twenty percent (20%) of the total street, utility, and drainage improvements in the subdivision. Said bond shall be required as a condition to dedication and acceptance of any new streets within the corporate limits. The Director of Community Development or Director of Public Works or other administrative official as designated by the City Council shall determine the adequacy of said bond and security thereon.

The Street Maintenance Bond period shall begin upon the acceptance of the street and drainage improvements by resolution of the City Council. No less than thirty (30) calendar days prior to the expiration of said maintenance bond, an inspection shall be conducted by the Department of Public Works and the Environmental Programs Manager or Site Containment Officer to ensure that the improvements are in satisfactory condition prior to acceptance.

The Planning Commission, upon the recommendations of the Department of Public Works or designee thereof and the Environmental Programs Manager or designee thereof, may release or extend a street maintenance obligation. An extension of the Street Maintenance Bond shall be for a period of time no greater than one year. Upon approval of an extension of the original Street Maintenance Bond period,

the developer/owner or assign thereof shall submit to the Department of Community Development sufficient proof of the extended bond, and the Director of Community Development or Director of Public Works or other administrative official as designated by the City Council shall determine the adequacy of said extended bond and security thereon.

(2) Sidewalk Installation Bond. If applicable, the developer/owner shall submit to the Department of Community Development a Sidewalk Installation Agreement, a cost estimate for all undeveloped portions of the planned sidewalk network certified by the project civil engineer, and a financial guarantee of performance to be used by the City of Daphne which shall be valid for a period of two (2) years. The Sidewalk Installation Bond shall be in an amount equal to two hundred percent (200%) of the cost of the required sidewalk improvements for the applicable phase of the subdivision. The Director of Community Development or Director of Public Works or other administrative official as designated by the City Council shall determine the adequacy of said bond and security thereon.

The developer/owner may request renegotiation of the Sidewalk Installation Agreement with the City once fifty percent (50%) of the planned sidewalk network has been constructed. If the planned sidewalk network is not fully installed prior to the expiration date of the Sidewalk Obligation Bond period, or any extension thereof, the city shall cause the sidewalk network to be completed using the funds from the bond.

Prior to the original expiration date of the Sidewalk Obligation Bond period, the developer/owner or assign thereof may submit a request to the Director of Community Development for an extension of the original sidewalk obligation. The sidewalk obligation may be extended beyond the originally specified period with sufficient cause as documented by the developer or assign as follows:

- i. Small Subdivisions Any recorded subdivision or subdivision phase with less than one thousand linear feet of sidewalk shall not qualify for an extension.
- ii. Medium Subdivisions Any recorded subdivision or subdivision phase with over one thousand linear feet of sidewalk but less than five thousand linear feet of sidewalk shall be eligible for a 12-month extension.
- iii. Large Subdivisions Any recorded subdivision or subdivision phase with over five thousand linear feet of sidewalk shall be eligible for a 24-month extension.

Upon approval of an extension of the original Sidewalk Obligation Bond period, the developer/owner or assign thereof shall submit to the Department of Community Development sufficient proof of the extended bond, and the Director of Community Development or other administrative official as designated by the City Council shall determine the adequacy of said bond and security thereon.

The Planning Commission, upon the recommendations of the Department of Public Works or designee thereof and the Environmental Programs Manager or designee thereof, may release any Sidewalk Installation Bond obligation or portion thereof.

## **SECTION II: CONFLICT WITH OTHER ORDINANCES**

That any Ordinance heretofore adopted by the City Council of Daphne, Alabama, which is in conflict with this Ordinance, be and is hereby replaced to the extent of such conflict.

**SECTION III: 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.

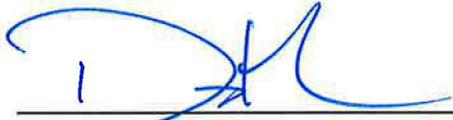
**SECTION IV: EFFECTIVE DATE**

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 2<sup>nd</sup> DAY OF July, 2018.**

**AN ALABAMA MUNICIPAL CORPORATION**

Attest:

  
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Dane Haygood, Mayor

Candace G. Antinarella, City Clerk