

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2022-62**

**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 XI, MINIMUM STANDARDS AND REQUIRED IMPROVEMENTS FOR
SUBDIVISIONS AND COMMERCIAL SITE DEVELOPMENTS**

**ARTICLE XVIII, DRAINAGE, STORM WATER MANAGEMENT FACILITIES AND
EROSION/SEDIMENT CONTROL**

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 August 25, 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, and a public hearing was held before the City Council on October 17, 2022.

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

SECTION 1. AMENDMENTS TO ARTICLE XI, MINIMUM STANDARDS AND REQUIRED IMPROVEMENTS FOR SUBDIVISIONS AND COMMERCIAL SITE DEVELOPMENTS

(A) Section 11-2 of Article XI of the Land Use and Development Ordinance is hereby amended by inserting the following after the second paragraph thereof:

All developments, whether commercial, residential, institutional, public, or semi-public, shall comply with the provisions of Ordinance 2019-10, Flood Prevention Ordinance, as the same may be amended from time to time, 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.

(B) Section 11-8 of Article XI of the Land Use and Development Ordinance is hereby amended by repealing and replacing subsections (a), (b) and (c) thereof with the following:

(a) 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).
- (b) 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) 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).
- (c) Alley:^{1,2}
- (1) 429-A Improved Bituminous concrete wearing surface layer, (3/4), three-quarter inch maximum aggregate size mix, ESAL Range B, two hundred twenty pounds per square yard (220 lb/sy).
 - (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).

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 or 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.

(C) Section 11-11 of Article XI of the Land Use and Development Ordinance is hereby amended by repealing and replacing subsections (a) and (b) with the following:

- (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 or 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 of 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) <u>Type of Subdivision or Development</u>	<u>Sidewalk Width</u>
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.

(D) Section 11-14 of Article XI of the Land Use and Development Ordinance is hereby amended by repealing subsection (b) therefrom in its entirety and, in order to maintain subsequent numbering and cross-references to other subsections therein, replacing subsection (b) with the following designation:

(b) [Repealed]

(E) Section 11-14 of Article XI of the Land Use and Development Ordinance is hereby further amended by repealing and replacing subsection (d) with the following:

(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.

(F) Section 11-14 of Article XI of the Land Use and Development Ordinance is hereby further amended by adding new subsections (k), (l), (m) and (n) as follows:

(k) 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.

(l) 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 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 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.

(m) 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 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-feet wide.
- (n) Parking Lots:^{1,2}
 - (1) 429-A Improved Bituminous concrete wearing surface layer, (3/4), three-quarter inch maximum aggregate size mix, ESAL Range B, two hundred twenty pounds per square yard (220 lb/sy).
 - 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 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.

SECTION 2. AMENDMENT TO ARTICLE XVIII, DRAINAGE, STORM WATER MANAGEMENT FACILITIES AND EROSION/SEDIMENT CONTROL

(A) Section 18-4 of Article XVIII of the Land Use and Development Ordinance is hereby amended by repealing and replacing subsections (A)(1)(viii) and (A)(1)(ix) with the following:

- 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.

(B) Section 18-4 of Article XVIII of the Land Use and Development Ordinance is hereby further amended by adding new subsections (A)(1)(x) and (A)(1)(xi) as follows:

- 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-foot below grade or 1-foot below pavement structure (including base material).

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

(C) Section 18-4 of Article XVIII of the Land Use and Development Ordinance is hereby further amended by repealing and replacing subsection (B)(3)(iii) with the following:

- 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.

(D) Section 18-4 of Article XVIII of the Land Use and Development Ordinance is hereby further amended by repealing and replacing subsection (B)(4)(iii)(a) with the following:

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

(E) Section 18-4 of Article XVIII of the Land Use and Development Ordinance is hereby further amended by repealing and replacing subsection (B)(4)(xiii) with the following:

- 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.

(F) Section 18-5 of Article XVIII of the Land Use and Development Ordinance is hereby amended by repealing and replacing subsection (B)(1)(ii) with the following:

- 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.

(G) Section 18-5 of Article XVIII of the Land Use and Development Ordinance is hereby further amended by repealing and replacing subsection (B)(2) with the following:

(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.

SECTION 3. 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 4. SEVERABILITY

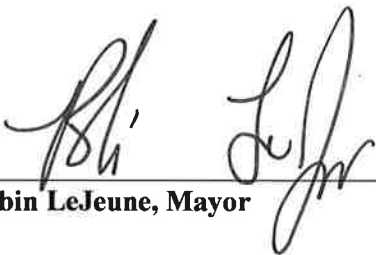
The provisions of this Ordinance are severable. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. 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 7th DAY OF November, 2022.

ATTEST:



Robin LeJeune, Mayor



Candace G. Antinarella, CMC, City Clerk