

# **SUBDIVISION REGULATIONS**



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## **ARTICLE I. GENERAL PROVISIONS**

### **A. Authority**

These Subdivision Regulations are adopted under the authority of Chapter 52, Sections 11-52-30 through 11-52-54 inclusive, of the 1975 Code of Alabama, as amended.

### **B. Short Title**

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

### **C. Statement of Policy**

1. Orderly Development. It is hereby declared to be the policy of the Auburn Planning Commission to consider the subdivision of land the initial and principal step in carrying out the general purpose of the Comprehensive Plan: to guide and accomplish a coordinated, adjusted and harmonious development of the land within the planning jurisdiction which will, in accordance with existing and future needs, best promote the public health, safety, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development.

2. Public Safety and Services. Land to be subdivided should be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace. Land should not be subdivided until or unless adequate provision is made for drainage, water supply, sanitary sewage, fire protection, and access, as well as other improvements required by these regulations; and unless adequate community facilities, including schools, parks, and recreation areas, are available in reasonable proximity to the subdivision.

3. Correlation with Other Development Measures. A proposed subdivision should be correlated with the Comprehensive Plan and with capital budgets and public improvements programs of the governing body of the City of Auburn. It is intended that these regulations shall supplement the provisions and standards contained in the building, housing and related codes, zoning ordinance; and other measures governing development.

### **D. Purposes**

In fulfillment of the policies stated in Section I-C, these regulations shall be applied in such a manner as to accomplish the following purposes:

1. Future Growth. To guide the future growth and development of the land within the planning jurisdiction in accordance with the Comprehensive Plan.

2. Health and Safety. To provide for adequate light, air and privacy; to secure safety from fire, flood and other danger; and to prevent the overcrowding of land and undue congestion of population.

3. Social and Economic Stability. To protect the character and the social and economic stability of all parts of the area within the planning jurisdiction.

4. Land Uses. To protect and conserve the value of land and the value of buildings and improvements on the land; and, through subdivision design, to minimize conflicts among the uses of land and buildings.
5. Public Services and Facilities. To encourage residential development where public services and community facilities are available or will be available when the subdivision is ready for occupancy.
6. Circulation. To provide an efficient relationship between development and the circulation of traffic, having particular regard to the avoidance of congestion; to expedite circulation and the protection of land use values through the separation of local and through traffic; and to make adequate provision for traffic through the proper location and width of streets, including major streets set out in the Comprehensive Plan for future construction.
7. Environment. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources in order to preserve the integrity, stability and beauty of the community and the value of the land.
8. Natural Features. To preserve the natural beauty of the land, and to utilize as elements of the urban environment the physiographic features of land and water.
9. Open Space. To provide open space through efficient design and layout of subdivisions; to encourage the setting aside as permanent open space land that is subject to flooding or has soils unsuited to urban development.
10. Innovative Design. To encourage innovative subdivision design that will produce attractive, efficient, and convenient arrangements of housing and neighborhood environments affording a choice of lifestyles.

#### **E. Area of Jurisdiction**

These regulations shall be applied to and shall govern the subdivision of land within the planning jurisdiction of the City of Auburn. Such jurisdiction is defined in accordance with Chapter 52, Section 11-52-30 of the 1975 Code of Alabama, as amended; and, as such, includes all land within the Corporate Limits of the City of Auburn plus unincorporated land within one and one-half (1.5) miles of the Corporate Limits.

Subdivisions located within the planning jurisdiction, outside of the corporate limits shall be subject to that certain Interlocal Agreement, as amended by the City Council and the Lee County Commission from time to time. The Interlocal Agreement can be found in the Appendix of these regulations.

#### **F. Subdivision Exemptions**

1. Purpose. The City of Auburn provides that certain divisions of land, which would otherwise constitute subdivisions, are exempt from local subdivision review and approval.
2. General Requirements. The following land divisions do not fall within the Subdivision Regulations, and therefore, are exempt from the City subdivision regulations and review:

- a. Subdivision of land by court order including, but not limited to, judgments of foreclosure or probated family estates.
- b. Family Subdivisions per Alabama State Code Section 11-52-30 (b)(2) located within the planning jurisdiction and outside of the corporate limits. However, any transaction resulting in the direct sale, deed, or transfer of that land within 24 months of the excepted transfer shall be subject to the City subdivision regulations.

Each Family Subdivision submittal must include an affidavit from the property owner providing information and acknowledging that the subdivided lots are only to be transferred, sold or conveyed to an individual who may be eligible to inherit that land from the owner under Article 3 of Chapter 8 of Title 43 of the Code of Alabama (1975). City reserves the right to request from the applicant such other documentation as may be needed to determine whether a submittal qualifies as a Family Subdivision.

In addition, the subdivision plat must include the following note:

“AL Code § 11-52-30 (2022) (b)(2) Within a municipal planning jurisdiction outside of the corporate limits of the municipality, municipal subdivision regulations shall not be applied to any transaction resulting in the direct sale, deed, or transfer of land by the owner to any individual who may be eligible to inherit that land from the owner under Article 3 of Chapter 8 of Title 43, relating to intestate succession. Notwithstanding the foregoing, any transaction relating in the direct sale, deed, or transfer of that land occurring within 24 months of the excepted transfer shall be subject to municipal subdivision regulations.”

#### **G. Application of Regulations**

From and after the date of these Subdivision Regulations, every plat of land that is a subdivision, as defined herein, shall be prepared, presented for approval, and recorded as required herein.

No building permit and no certificate of occupancy shall be issued for any parcel of land created by subdivision, as defined herein, unless a Final Plat of such subdivision has been approved and recorded as required by these regulations. No excavation of land and no construction of any public or private improvements shall take place or be commenced in a subdivision except in conformity with these regulations.

## **ARTICLE II. DEFINITIONS**

### **A. Purpose**

Certain terms used in these regulations shall have the meanings defined by this Article. In the event that a term is not listed in this Article; or is not defined elsewhere in the Zoning Ordinance of the City of Auburn, the Auburn City Code, or Sections 11-52-30 through 11-52-36 of the 1975 Code of Alabama, as amended; then the conventional meaning of such term shall apply.

### **B. Interpretation**

The Planning Director of the City of Auburn is hereby authorized to make a final determination of any term used in these regulations. In case of a dispute over such interpretation a written appeal of the Planning Director's determination may be filed with the Planning Commission. Such appeal must be filed within 15 days of such determination.

### **C. Use of Words**

In the interpretation of these regulations, the provisions and rules of this Section shall be observed and applied, except where the context clearly requires otherwise.

Words used or defined in one tense or form shall include other tenses and derivative forms.

Words in the singular number shall include the plural number; and words in the plural number shall include the singular number.

The masculine gender shall include the feminine; and the feminine gender shall include the masculine.

The word "shall" is mandatory. The word "may" is permissive.

The word "person" includes an individual, firm, association, organization, partnership, trust, company, or corporation.

In case of any conflict between the text of these regulations and any caption, illustration, figure, or other graphic material, the text shall govern.

### **D. Terms Defined**

For the purposes of these Regulations, certain words and phrases used herein are defined as follows:

**Agriculture:** The use of land for farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry; and the usual and necessary accessory facilities for packing, treating and storage of the produce of such activities. None of these uses shall include the commercial feeding of offal or garbage to swine.

**Alley (public):** A public right-of-way, not less than 25 feet wide, either used or shown on any recorded description of the subject parcel(s) which affords only a secondary means of access to abutting property.

**Applicant:** One (1) individual, entity or agency that is legally authorized to submit subdivision plats for review and apply for any form of subdivision approval or waiver with respect to a development site.

**Application for Development:** The application forms and all accompanying documents required by these regulations or other regulations for the approval of a subdivision plat or site plan.

**Block:** A tract or parcel of land entirely surrounded by streets, streams, railroad right-of-way, parks, or other public spaces, or by a combination thereof.

**Building Footprint:** The outline of the total area that a building covers.

**Building Line:** A line shown on a plat indicating the minimum allowable distance between any structure and a lot line, as established by requirements of the developer and/or the City of Auburn Zoning Ordinance and these Regulations.

**Building Setback:** The line, generally parallel to a lot line or road right-of-way line, indicating the minimum horizontal distance between the lot line and the face of the building, as required by the Zoning Ordinance. In those cases where the Building Line and the Building Setback are not identical, the greater of the two shall take precedence. Platting required building setback lines is discouraged as they may change with amendments to the Zoning Ordinance; thereby complicating enforcement. In the case of a setback or building line represented on a recorded plat which is less restrictive than that required by the current Zoning Ordinance, the setback required by the Zoning Ordinance shall prevail.

**City:** The City of Auburn, Alabama.

**City Attorney:** The licensed attorney designated by the City Council to furnish legal assistance in the administration and enforcement of these regulations.

**City Council:** The City Council of the City of Auburn, Alabama.

**City Engineer:** The registered engineer designated by the City Manager to furnish engineering assistance in the administration and enforcement of these regulations.

**Concept Plan:** A generalized plan showing the entire development site of a conservation subdivision and meeting the requirements of Article VI, Section F.

**Conservation Area:** Any parcel or area of undeveloped land conserved in its natural state for perpetuity through deeds or other legal means.

**Conservation Subdivision:** A development design technique that concentrates buildings on a part of the site to allow the remaining land to be used for open space or preservation of environmentally sensitive areas. The open space may be owned by either a private or public entity.

**Conservation Easement:** A legally enforceable agreement of a holder in real property that restricts the manner in which the land may be developed in an effort to protect natural, scenic, or open space values of real property.

**Comprehensive Plan:** A composite of the plans (including the latest adopted version of the City's Land Use Plan, Major Street Plan, Plan for Sewer Service, Plan for Water Distribution Facilities, Bikeway Plan, Greenways Plan, and Capital Improvements Program), maps, official reports and explanatory material adopted by the Planning Commission and/or City Council for the guidance of the growth and development of the City of Auburn.

**Cul-De-Sac:** A local street with one outlet, and having an appropriate terminal for safe and convenient reversal of traffic movement.

**Dedication:** The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee-simple interest or of a less than fee interest, including an easement.

**Density:** The number of dwelling units per acre of land, usually expressed in units per gross acre.

**Developer:** The legal or beneficial owner(s) of a lot or parcel or any land proposed for inclusion in a development, including the holder of an option, contract to purchase, or a lease.

**Development:** The division of a parcel of land into two (2) or more parcels (See Subdivision); the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land or any clearing, grading, or other movement of land, for which an approved development plan is required pursuant to these Regulations or other codes and ordinances of the City.

**Development Phase:** A portion, part or geographical area within a development site that constitutes a stage of the development project with each stage being capable of existing independently of the other stages.

**Drainage Facilities:** Structural and nonstructural elements designed to collect stormwater runoff and convey it away from structures and through the roadway right-of-way in a manner which adequately drains sites and roadways and minimizes the potential for flooding and erosion.

**Easement:** Authorization by a property owner of the use by another and for a specified purpose of any designated part of his property. No easement shall be recognized under these Regulations that has not been created through valid legal instruments and recorded in the Office of the Judge of Probate of Lee County, except those established by the City through continuous and historic use.

**Easement, Public:** An easement intended to accommodate utilities and/or drainage facilities; or to provide public access to pedestrian ways, bikeways, greenways, public parks and other public facilities. Such easements shall be accepted for dedication by resolution of the City Council.

**Engineering Plan:** Plans prepared by a registered engineer showing details of the design and construction of required improvements in a proposed subdivision.

**Erosion:** The wearing away of the ground surface as a result of the movement of wind, water, and/or ice.

**Erosion Control:** Measures and actions which are to be taken to control potential erosion and sedimentation problems.

**Family Subdivision:** Division of land by the property owner resulting in a sale, deed, or transfer of land to any individual who may be eligible to inherit that land from the owner under Article 3 of Chapter 8 of Title 43 of the Alabama State Code (1975), relating to intestate succession.

**Final Plat Approval:** The official action of the Auburn Planning Commission taken on a preliminarily approved plat, after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements installed, or guarantees properly posted for their completion; or approval conditioned upon the posting of such guarantees.

**Final Plat:** The map or plan or record of all or a portion of a subdivision, and any accompanying materials presented for final approval and recording as required in these regulations.

**Flag Lot:** Any lot, that is, generally, in the shape of a flag extended at the end of a pole, wherein the pole portion of the lot serves to provide the required street frontage, and the flag portion of the lot serves to provide the buildable area of the lot. Any lot which narrows to a dimension of less than 50% of the lot width at any point between a street and the front building line shall be considered a flag lot.

**Grade:** The slope of land or a built feature such as a street, specified in percentage terms.

**Grand Tree:** Any tree, whether on public or private property which has a diameter at breast height (DBH) of thirty-two (32) inches or greater, or a circumference at four and one half (4 ½) feet above ground level of one hundred (100) inches or more.

**Greenway:** Interconnected linear corridors of natural land, preserved as open space, which follow natural, water, or man-made features. They connect people and places together, and when they include trails, they provide routes for alternative non-motorized transportation; a specific type of greenspace.

**Health Department:** The Lee County and State of Alabama Health Departments.

**Homeowners' Association:** An incorporated nonprofit organization operating under recorded land agreements in which individual owners share common interests and responsibilities for open space, landscaping, or facilities.

**Horticulture:** The use of land for the growing of fruits, vegetables, flowers, or ornamental plants and trees.

**Impervious Surface Ratio (ISR):** A measure of the intensity of land use, which is determined by dividing the total area of all impervious surfaces on the development site by the total area of the site.

**Improvement:** Any built or constructed immovable item which becomes part of, placed upon, or is affixed to, real estate.

**Interlocal Agreement:** Written agreement between Lee County and City of Auburn providing joint review of subdivision activity in the City of Auburn's Planning Jurisdiction.

**Lot:** A parcel of land occupied by, or designated to be developed for one (1) or more buildings or principal uses and the accessory buildings or uses customarily incidental to such building, use or development, including such open spaces and yards as are designed and arranged or required by these Regulations for such building, use, or development.

**Lot Area:** The area contained within the boundary lines of a lot.

**Lot, Corner:** A lot abutting two (2) or more streets at their intersection. If the two (2) streets form an angle of more than 135 degrees, as measured at the point of intersection of their center lines, the lot shall not be considered a corner lot.

**Lot Depth:** The distance between the midpoints of the front and rear lot lines.

**Lot, Double Frontage:** A lot, other than a corner lot, which has frontage on more than one street.

**Lot Frontage:** Lot width measured at the street lot line. When a lot has more than one street lot line, lot width shall be measured at each such line.

**Lot Layout:** A design prepared for review and initial comment at a pre-application meeting.

**Lot Line:** A line bounding a lot which divides one lot from another or from a street or any other public or private space.

**Lot Line, Front:** In cases where the lot fronts on only one street, the lot line adjacent to the street. For corner lots, the side meeting minimum width requirements. For double frontage lots and corner lots meeting width requirements on both frontages, the property owner may choose one as the front lot line for the purposes of setbacks and placement of accessory structures.

**Lot Line, Rear:** That lot line which is parallel to and most distant from the front lot line of the lot. In the case of an irregular, triangular, or gore-shaped lot, a line twenty (20) feet in length, entirely within the lot, parallel to and at the maximum possible distance from, the front line shall be considered to be the rear lot line.

**Lot Line, Side:** Any lot line other than a front or rear lot line.

**Lot of Record:** Any validly recorded lot which complies with all currently applicable laws, ordinances, and regulations. (See also Nonconforming Lot of Record)

**Lot Width:** The horizontal distance between side lot lines measured at the right-of-way.

**Major Street Plan:** A component of the Comprehensive Plan showing the general location of existing and proposed major streets in the City of Auburn and its planning jurisdiction.

**Monument:** A permanent object serving to indicate a limit to or mark a boundary.

**Nonconforming Lot of Record:** Any lot, validly recorded in the public records of Lee County, which complied with all applicable laws, ordinances, and regulations in effect on the recording date, but does not conform to current applicable regulations. (See also Lot of Record).

**Open Space:** Any lot or area of land or water, either publicly or privately owned, set aside, dedicated, designated, or reserved for the private use or enjoyment of owners or occupants of land adjoining such open space, or for the public at large

**Open Space (Conservation Subdivision):** Any parcel or area of land or water that is a portion of the Conservation Subdivision and has been set aside for permanent protection. Activities within the Open Space shall be restricted in perpetuity through use of a legal instrument.

**Owner:** The person or persons having legal title to a lot or parcel of land.

**Outlot:** A lot or remnant parcel of land left over after platting or other division of land that does not meet standards of the zoning ordinance or the subdivision regulations. Such a lot is unbuildable and no permits to construct upon or improve an outlot may be issued, except that it may be used for public improvements, such as water, sewer, power, gas, and communications, or for cemeteries.

**Planned Greenway:** A public greenway as identified in the City of Auburn Greenspace and Greenways Master Plan.

**Planning Commission:** The Auburn Planning Commission created by the City of Auburn under the authority of Chapter 52, Article 1, of the Code of Alabama, 1975, as amended.

**Planning Jurisdiction:** All land located within the corporate limits of the City of Auburn and within one and one half (1.5) miles thereof, and not located within the corporate limits of any other city or within the planning jurisdiction of any other city having a planning commission, in accordance with Chapter 52, Article 2, Section 11-52-30 of the Code of Alabama, 1975, as amended.

**Pre-application Meeting:** An initial review of any proposed development in which information is exchanged and preliminary guidance concerning the development process is provided by designees of the Planning, Engineering Services, Water Resource Management Departments, and any other relevant departments to a subdivider, developer, or his or her representatives.

**Preliminary Plat Approval:** The conferral of certain rights prior to final approval after specific elements of a development plan have been agreed upon by the Planning Commission and the applicant.

**Preliminary Plat:** A map and related materials indicating the proposed layout of a development submitted for preliminary approval in accordance with these regulations.

**Private Access Drive:** A driveway or drive, under common ownership, that provides shared vehicular access to multiple residential/nonresidential units and has at least one connection to a public street.

**Probate Judge:** The Judge of Probate for Lee County, Alabama.

**Public Improvement:** Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs as: vehicular and pedestrian circulation systems, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services.

**Public Open Space:** An open space area conveyed or otherwise dedicated to the City or another public body or agency for recreational or conservation purposes for the public at large.

**Purpose Statement:** A general statement indicating the reason for which a subdivision or resubdivision of property is necessary.

**Recreation, Active:** Leisure activities, usually performed with others, often requiring equipment and taking place at prescribed places, sites, or fields including but not limited to swimming, court games, sports fields, bicycle paths, golf and playground activities.

**Recreation, Passive:** Activities that are less intensive, involve existing natural resources such as hiking, walking trails, fishing, and picnicking, and generally do not require a development site.

**Registered Engineer:** An engineer properly licensed and registered in the State of Alabama.

**Registered Land Surveyor:** A land surveyor properly licensed and registered in the State of Alabama.

**Reserve Strip:** A strip of land, smaller than a lot, and retained in private ownership as a means of controlling access to land dedicated or intended to be dedicated to street or other public use.

**Restrictive Covenant:** A written agreement imposed in a deed by the seller upon the buyer of real estate to do, or refrain from doing, certain things. Such restrictive covenant is recorded in the public record and run with the land and is binding upon the property owners, his successors, and assignees

**Resubdivision:** A combination, recombination, or splitting of previously recorded lots or tracts of contiguous land for the purpose of creating additional lots or enlarging existing ones.

**Right-of-Way:** A strip of land used or intended to be used for passage of the general public, and occupied or intended to be occupied by a street, road, bicycle path, pedestrian way, crosswalk, utilities, railroad or similar facility; and dedicated to public use through acceptance by the City Council in fee simple, or by other legal means such as prescription.

**Roadway:** The portion of a right-of-way intended for use by vehicular and bicycle traffic.

**Sidewalk:** A paved path provided for pedestrian use, and typically located at the side of a road and within the street right-of-way.

**Silviculture:** The art and science of controlling the establishment, growth, composition, health, and quality of forests and woodlands, to meet the diverse needs and values of landowners and society on a sustainable basis.

**Special Flood Hazard Area (SFHA):** The area that will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year. The 1-percent annual chance flood is also referred to as the base flood or 100-year flood.

**Street:** Any street, avenue, boulevard, road, parkway, viaduct, drive, or other right-of-way provided for vehicular traffic and travel.

**Street Hierarchy:** The classification of public streets based upon their individual function, as follows:

**Arterial Road:** A facility that serves as a primary artery of the City intended to mainly carry through traffic and to connect major activity centers in the City and its planning jurisdiction. Its function is the move intra-city and intercity traffic. The streets that are classified as arterials may also serve abutting property; however, their primary purpose is to carry traffic. Arterials should not be bordered by uncontrolled strip development. Access to these facilities should be carefully managed to ensure the capacity of the facility is not compromised by driveways. Arterials vary in width and parking on street is prohibited. Arterial roads are shown on the City's Major Street Plan.

**Collector:** A street whose primary function is to collect traffic from an area and move it to the arterial street system while also providing substantial service to abutting land uses. A collector roadway will generally have lower design speeds than arterial roadways but higher than local street. Collector roads are shown on the City's Major Street Plan.

**Residential Collector:** A street whose primary function is to provide direct access to residential properties as well as residential subdivisions. Typically, residential collector streets collect traffic from local streets in residential neighborhoods and channel it to the arterial and collector system. Residential Collector roads are shown on the City's Major Street Plan.

**Local Commercial:** All minor streets, marginal access streets and cul-de-sacs serving primarily commercial developed property.

**Local Residential:** All minor streets, marginal access streets and cul-de-sacs serving primarily residential property.

**Marginal Access:** A street that runs parallel to a major street, generally an arterial, with the purpose of separating through traffic from local traffic, and to provide access to abutting properties. A service road in commercial/business areas intended to remove traffic from arterials would be considered a marginal roadway. An access street in residential areas intended to remove local traffic from arterials and to buffer abutting residential lots from the effects of highway traffic as well as limit the number of direct driveway accesses to arterials for safety purposes is also considered a marginal roadway.

**Cul-de-sac:** A local street with one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

**Alley:** A public right-of-way primarily designed to provide a secondary access to the side or rear of properties.

**Street, Loop:** A circular or semi-circular road designed around landscaped greenspace or a rain garden, with outlets that begin and end on the same road. A one-way loop street can be used as an alternative to the cul-de-sac.

**Structure:** Anything constructed or erected that requires rigid and permanent location on or attachment to the ground; including, but not limited to, buildings, signs, towers, monuments, statues, and walls; but not including telephone and other utilities poles, overhead wires, retaining walls and terrace walls, wire fences, and any other thing less than three feet in height.

**Subdivider:** Any person who, having an interest in land, causes it directly or indirectly, to be divided into a subdivision as defined herein.

**Subdivision:** Any division, redivision, or consolidation of tracts, parcels, or lots of land by means of mapping, platting, conveyance, change, or rearrangement of boundaries. All subdivisions, including land condominiums, are also developments. (See Development).

**Subdivision Administrator:** The official of the City of Auburn charged with the responsibility of administering and enforcing these regulations.

**Subdivision Regulations:** The Subdivision Regulations of the City of Auburn, Alabama.

**These Regulations or Standards:** The Auburn Subdivision Regulations together with all applicable design and construction requirements, all of which constitute the comprehensive development regulations of the City of Auburn, Alabama.

**Tree:** All wooded vegetation, whether occurring naturally or planted, which has one erect perennial stem or trunk at least nine and one half (9 ½) inches in circumference at a point four and one half (4 ½) feet above ground level.

**Water Supply:** The system made up of water sources, treatment, and conveyance systems to provide potable water to the community.

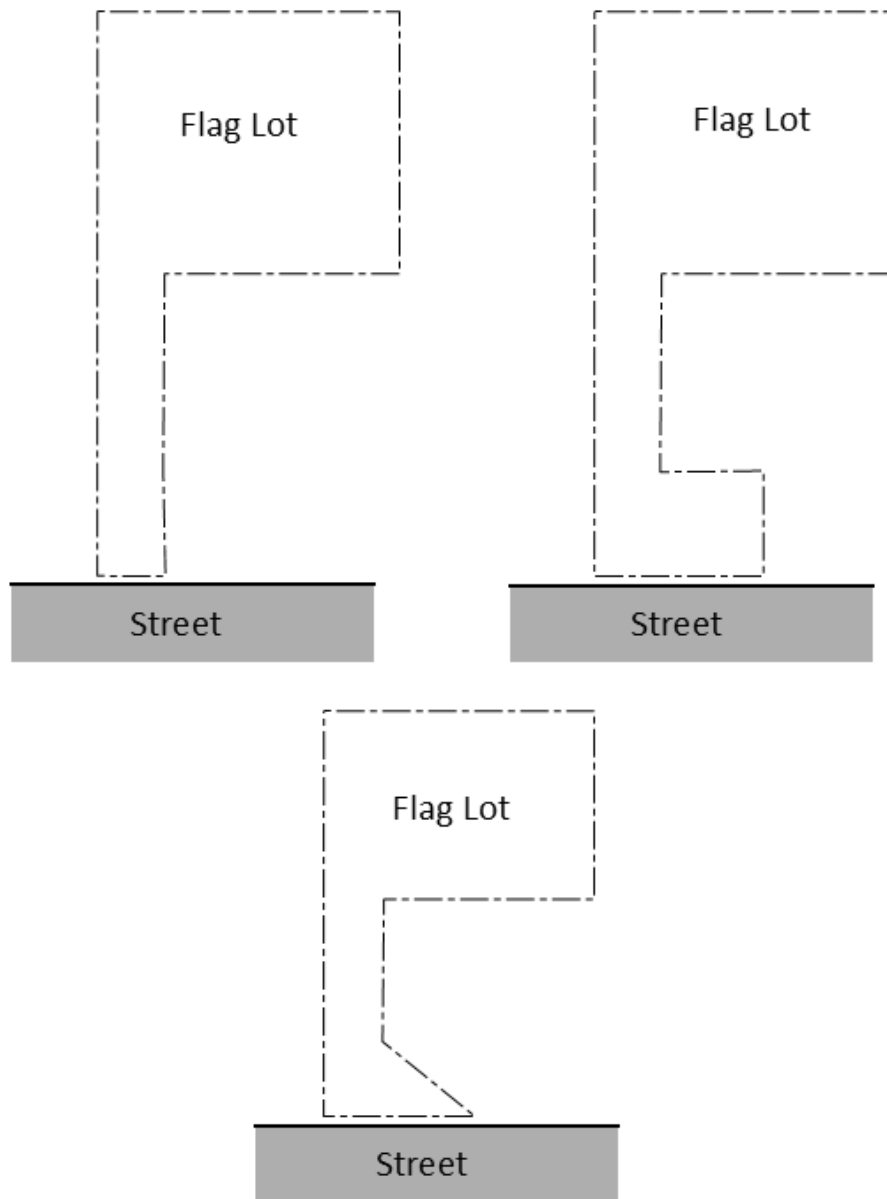
**Watershed:** The area of land, due to its natural drainage pattern, that collects precipitation and drains or seeps into a marsh, stream, river, lake, or groundwater. Topography is the key element affecting this area of land. The boundary of a watershed is defined by the highest elevations surrounding the stream. A drop of water falling outside this boundary will drain to another watershed.

**Zoning Ordinance:** The Zoning Ordinance of the City of Auburn, Alabama.

## APPENDIX A: Flag Lot Examples

Per Article II of these regulations, a Flag Lot is:

Any lot, that is, generally, in the shape of a flag extended at the end of a pole, wherein the pole portion of the lot serves to provide the required street frontage, and the flag portion of the lot serves to provide the buildable area of the lot. Any lot which narrows to a dimension of less than 50% of the lot width at any point between a street and the front building line shall be considered a flag lot.



## **ARTICLE III. APPLICATION PROCEDURES**

### **A. Purpose**

The purpose of this article is to establish an orderly and expeditious procedure for reviewing and acting upon applications for subdivision approval in accordance with these regulations.

### **B. Subdivision Approval Required**

No person or entity being the owner or agent of the owner of any land located within a subdivision, shall transfer, sell or agree to sell any land by reference to or exhibition of or by other use of a plat of subdivision, before such plat has been approved as set forth herein. A description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from requiring subdivision approval as set forth above.

### **C. Pre-application Meeting/Lot Layout**

For any subdivision proposed within the jurisdiction of these regulations, resulting in greater than six (6) buildable lots at complete build-out, the subdivider or developer shall contact the Planning Department of the City of Auburn, via email, and request a pre-application meeting so as to discuss the potential development with members of the Planning, Engineering Services, and Water Resource Management departments. In this way the developer can obtain the advice and assistance of these departments and other City departments, as needed, and facilitate the subsequent preparation and review of the preliminary subdivision plat. A pre-application meeting will be scheduled within 14 days of the request.

The subdivider must present a Lot Layout containing all information listed below. An electronic copy (pdf) of the Lot Layout shall be submitted to the Planning Department prior to the pre-application meeting.

- a. A vicinity map, showing the location of the proposed subdivision and its relationship to the surrounding area.
- b. The title or name of the proposed subdivision and the name and address of the owner or owners.
- c. Notations giving the scale of the drawing(s) and true north arrow.
- d. The location of existing streets, buildings, railroads, bridges, sanitary sewers, drainage facilities, water mains, and any public utility easements on both the land being subdivided and on the adjoining land. Aerial photos, the City's digital files and similar sources may be used to determine the location of these facilities and structures.
- e. The names and/or Lee County Road Numbers, locations, right-of-way widths and other dimensions of existing streets and/or alleys (public and/or private), easements, open spaces, and reservations.
- f. Lot lines, lot numbers, and area of each lot.
- g. Sites to be reserved or dedicated for parks, recreation areas, schools or other public uses; sites, if any, for multi-family dwellings, commercial uses, churches, industry, or other uses exclusive of single-family dwellings.
- h. Implementation of any portion of the Comprehensive Plan, including but not limited to, the Major Street Plan, Water and/or Sewer Plans planned by public authorities for construction on or adjacent to the tract.

The pre-application meeting is intended to serve as an initial step in the subdivision process. Comments by staff at this meeting are preliminary in nature and are subject to change as the project evolves and develops. Subsequent meetings may be called between City staff and the developer to discuss required corrections, impacts and/or issues resulting from the proposed subdivision. This step is included in the review process because it allows the subdivider and local officials to discuss the proposed subdivision in an informal setting, and to correct any design errors and/or problems during the early stages of the project.

Following the conclusion of the pre-application meeting, the subdivider may proceed to prepare the preliminary plat for the subdivision. However, neither the subdivider nor the Planning Commission shall be bound by the lot layout; and it is expressly understood that favorable consideration by the Planning Department at the pre-application stage of the process shall under no circumstances be construed as preliminary or tentative approval.

#### **D. Preliminary Plat**

1. Purpose. The purpose of the Preliminary Plat is to provide a basis for plans for the construction of the subdivision and its improvements. To this end, during preparation of the Preliminary Plat the Subdivider should consult with the Planning Department, the City Engineer, and other officials and agencies concerned with the subdivision of land and the improvements placed thereon.

2. Filing and Review. The Subdivider shall file with the Planning Director, via the City's permit portal, an electronic copy (pdf) and AutoCAD file of the Preliminary Plat together with the Attendant Items required herein, with written application for approval at least sixteen (16) days prior to the Planning Commission meeting at which it is to be considered. Alternatively, subdivider may file hardcopies of the preliminary plat and application with the Planning Department within the same time as above.

If a pre-application meeting was not held prior to submission of the preliminary plat, the Planning Director may withhold the preliminary plat from the Planning Commission agenda until such time a pre-application can occur.

Prior to Planning Commission review, the Preliminary Plat shall be reviewed by the Planning Director and will be referred for review and report to the City Engineer; Water Resource Management, Environmental Services and Public Safety Departments; the County Health Officer and County Engineer, as appropriate; and other appropriate officials. The review shall take into consideration, in addition to the requirements set out in these regulations, conformance of the subdivision design to the Comprehensive Plan and the particular requirements and conditions affecting installation of improvements.

3. Information Required. The preliminary plat shall be drawn at a scale of one-inch equals one hundred (100) feet, or other appropriate scale as approved by the Subdivision Administrator; and the sheet size shall not be larger than 24 inches by 36 inches. Where necessary the plat may be presented on several sheets accompanied by an index sheet showing the entire subdivision. **In addition to all information required for the Lot Layout, the plat shall also include:**

- a. A purpose statement.
- b. Names of adjoining subdivisions; and the names and mailing address of the owners or record of the adjoining parcels of land as they appear on the current tax records in the Office of the Tax Assessor of Lee County.

- c. A completed application and a deed and/or completed Authorization to Act as Applicant Form.
- d. Tabulations stating gross and net acreage of the subdivision, acreage of existing and proposed public areas within the subdivision, number of residential lots, and area of each lot.
- e. The location of all streams, rivers, lakes, special flood hazard areas, wetlands if available or known, waters of the United States, stream buffers, wooded areas, buildings, or structures, and other significant natural and built features on the tract.
- f. Potential connections of open space with existing and planned greenspace, trails, and open space on adjacent properties.

For projects having a gross site area of one acre or more, the applicant must submit a Project Engineer's Statement in lieu of the utility plans specified in the preceding paragraph. This statement shall be signed and sealed by a registered professional engineer in the State of Alabama. It shall attest to the adequacy of available utilities to service the subdivision, and declare that stormwater runoff from the site can and will be managed in accordance with City of Auburn regulations. The City Engineer shall furnish blank copies of the Project Engineer's Statement upon request; the wording of such statement shall not be altered in any way by the applicant.

4. City Specifications. All sanitary sewers, storm sewers and drainage facilities, water lines, street grading and paving, fire protection and related improvements shall be designed by a registered engineer to meet the requirements of the City of Auburn, Alabama.

5. Notice and Hearing. Preliminary plats shall be considered by the Planning Commission at a public hearing. Notice of the time and place at which a preliminary plat will be considered shall be sent to the subdivider and to the person(s) identified on the plat as the owner(s) of the land. The owners of all abutting property shall also be notified by certified mail of the hearing at least five (5) days prior to such hearing.

6. Preliminary Plat Approval. The Planning Commission shall approve, approve conditionally, or disapprove such Preliminary Plat within thirty (30) days after the submission thereof. If approved conditionally the conditions and reasons therefore shall be stated; and if necessary the Planning Commission may require the Subdivider to submit a revised Preliminary Plat. If any of the requirements are modified or waived, the reasons for such shall be specified. If the Planning Commission should disapprove the Preliminary Plat, the reasons for such action shall be stated and, if possible, recommendations made on the basis of which the proposed Subdivision would be approved. One (1) copy of the Preliminary Plat as acted upon by the Planning Commission shall be retained in its office, one (1) copy forwarded to the City Engineer, and one (1) copy returned to the Subdivider.

7. Effect of Approval. Approval of a Preliminary Plat shall not constitute acceptance of the plat of the proposed subdivision but shall be deemed only as an expression of approval of the plan submitted as a guide to preparation of the Final Plat, which Final Plat will be submitted for approval and recorded upon fulfillment of the requirements of these regulations and the conditions of tentative approval. Approval of a Preliminary Plat shall be effective for 18 months, unless, upon application by the Subdivider, the Planning Commission grants an extension. If the Final Plat has not been submitted for final approval within this time limit, the Preliminary Plat shall again be filed for tentative approval. However, if Engineering plans have been approved and construction of infrastructure is underway and progressing accordingly, the preliminary plat will remain valid for an additional 18 months from the date of original expiration.

Approval of the Preliminary Plat and Engineering Plan and receipt of a permit from the Engineering Services Department shall constitute authorization, subject to obtaining the necessary State and Federal permits, that the subdivider may proceed with the construction of any improvements in accordance with applicable City codes, regulations and specifications approved by the City's Engineering Division; and with the staking of the lots in preparation for the Final Plat. The subdivider shall not begin any construction without first notifying the City Engineer, Planning Director, Water Resource Management Director, and the County Engineer if appropriate.

## **E. Engineering Plans**

Engineering Plans are required after approval of a Preliminary Plat and prior to the construction and installation of any improvements. The Engineering Plan shall be submitted to the City Engineer via the City's permit portal for review by the Development Review Team (DRT) and the plans shall be prepared in accordance with the regulations, requirements, and specifications of Section 1.0 – General Information, of the Auburn Engineering Design and Construction Manual.

## **F. Final Plat**

- 1. Purpose.** The purpose of the final plat, together with all the information and attendant items required herein, is to provide an accurate record of street and property lines and other elements being established on the land, and the condition of their use. The final plat shall conform substantially to the preliminary plat as approved **and shall be reflective of all comments noted in the preliminary plat staff report.**
- 2. Submission and Review.** The final plat shall be drawn on sheets measuring no more than twenty-four (24) by thirty-six (36) inches; and at a scale of one inch equals one hundred (100) feet or other appropriate scale as approved by the subdivision administrator. Where necessary the final plat may consist of several sheets, accompanied by an index sheet showing the entire subdivision. One electronic (pdf) copy and AutoCAD file shall be submitted to the Planning Department via the City's permit portal. Alternatively, the subdivider may file hardcopies of the final plat and application with the Planning Department.
- 3. Information Required.** The Final Plat shall contain the following information:
  - a.** A vicinity map showing the general location of the subdivision.
  - b.** Primary control points approved by the City Engineer or County Engineer, as appropriate; or description and ties to such control points; to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
  - c.** Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way; property lines of lots and other sites with accurate dimensions; bearings, tangent distances, radii, central angles, arc lengths, chord lengths, and degrees of all curves; and the location and description of all monuments. All survey data shall be according to the *Minimum Technical Standards for Land Surveying in the State of Alabama*, latest edition as published by the Alabama Society of Professional Land Surveyors. At least two (2) corners of the subdivision shall be referenced to the State Plane Coordinate System if an established and proven point is within one half (1/2) mile of the subdivision.
  - d.** Title, scale, north point, and date.

- e. Name and right-of-way width of each existing and proposed street (public and/or private) or other public right-of-way. Proposed street names must be unique and in accordance with Chapter 17, Article III, House Numbering and Street Names, of the City Code.
- f. Numbers to identify each block and lot; and the area of each lot.
- g. The location, dimensions, and purpose of any easements.
- h. The purpose for which sites other than residential lots may be used.
- i. Names of owners of record of adjoining land.
- j. Owner's signature block certifying the title showing the applicant is the owner of the land within the subdivision.
- k. Statement by the owner dedicating street rights-of-way and any sites for public use.
- l. Registered land surveyor's signature block certifying the plat meets the requirements of the Minimum Technical Standards for Land Surveying in the State of Alabama, latest edition as published by the Alabama Society of Professional Land Surveyors.
- m. Signature block for the Planning Director, the City Engineer, and, if appropriate, the County Engineer certifying approval of plat.
- n. Signature block for Mayor certifying the acceptance by the City Council of any land, right-of-way, or easements dedicated to the City.
- o. Signature block for the County Health Officer when individual sewage disposal and/or water systems are to be installed.
- p. Existing structures shall be located on the plat and fully dimensioned so that conformance with any applicable regulations can be verified.
- q. Note prohibiting structures, ungated fences, and trees on easements. The note shall read "No permanent structures may be constructed or placed on easements. Fences may be erected perpendicularly across the easement provided there is a minimum twelve (12) foot wide access gate installed. If the gate is to be locked there must be a City approved lock installed in conjunction with the owners lock. No canopy trees shall be planted within ten (10) feet of utilities."
- r. Indemnity note for obstructions placed in easements. The note shall read: "By placing obstructions within or encroaching onto the easement, the property owner(s) does for itself, its successors, and assigns agree to indemnify, hold harmless and defend the City of Auburn, its officials, representatives, agents, servants and employees from and against all liability and loss which may be sustained as a result of claims, demands, costs or judgments arising out of the location of the obstruction within the easement including its reasonable costs in defending against any such claims and further agrees to release and discharge the City of Auburn from any damages to the obstruction arising from utility maintenance work within the easement or any damages to the obstruction resulting from its placement in the easement."

- s. All lots with finished grade elevations that are less than 12-inches above the nearest upstream sanitary sewer manhole rim elevation shall be individually identified on the final plat as having potential sewer backflow issues and the following note shall be added to the plat:

“The indicated lots have potential sewer backflow issues due to the finished grade elevation being less than 12-inches above the nearest upstream sanitary sewer manhole rim elevation. These lots are required to have backflow prevention devices installed on the customer’s sewer service line if the finished floor elevation is less than 12-inches above the nearest upstream sanitary sewer manhole rim elevation. The property owner, successors, and assigns for each lot of record as indicated shall be fully responsible for the maintenance and repair of this backflow prevention device and shall indemnify, hold harmless, and defend the City of Auburn for any backflows that occur due to improper maintenance, use, or omittance of this device.”

- t. Delineation of all wetlands and stream buffers, including each buffer zone in accordance with the City of Auburn Zoning Ordinance. Include a note that stream types are subject to change.
- u. Gross and net acreage of the property and number of lots proposed.
- v. Property owners, successors, and assigns for each of lot of record that borders a stream shall comply with the COA stream buffer regulations to prevent encroachment within stream buffers.
- w. If the subdivision contains common open space, private access drives, detention or retention ponds, or other amenities for the use of the residents of the subdivision, provisions shall be made for a homeowner or residents association or other means for maintaining the common open space, private access drives, detention or retention ponds, or other amenity.
- x. Note regarding a homeowners’ or residents’ association being the responsible party of owning and maintaining private sanitary sewer infrastructure, if applicable.

4. Attendant Items. The Final Plat shall be accompanied by the following items, as appropriate:

- a. A statement signed by the City Engineer that the subdivider has complied in full with one of the following alternatives:
  - 1. All streets shown on the plat have been graded and improved; and all sewage, water, lighting, and drainage facilities have been installed in accordance with the requirements of these regulations, with the action of the Planning Commission in giving tentative approval to the subdivision, and in accordance with City specifications.
  - 2. An engineering estimate of the costs of any required improvements yet to be constructed must be submitted and approved by the City Engineer prior to the submission of the bond instrument.
  - 3. A performance bond with commercial surety in an amount equal to one hundred twenty-five percent (125%) of the costs outlined in the engineer’s estimated cost of all improvements, approved as to form by the City Attorney and with surety satisfactory to the Planning Commission, securing the design and installation of these improvements, utilities, and facilities within the period fixed by the Planning Commission.

4. An irrevocable letter of credit drawn on an approved bank and payable to the City, in an amount equal to one hundred twenty-five percent (125%) of the costs outlined in the engineer's estimate, adequate for the completion of all improvements, utilities, and facilities. When the City is considering the acceptance of a bank letter of credit as security for any debt owed to the City or any contingent debt owed to the City, the Finance Director/Treasurer shall review the proposed issuing bank's credit rating, the terms of the letter of credit agreement and any additional criteria to the extent warranted by the terms of the transaction at hand and the conditions of the then-existing credit markets and economy to determine whether or not the City will accept the letter of credit from the financial institution. Additional terms and conditions needed for the acceptance shall be as outlined in Resolution No. 11-22 adopted by the City Council of the City of Auburn on February 15, 2011.
  5. A bank certificate of deposit issued by a bank covered by FDIC insurance in an amount equal to one hundred twenty-five percent (125%) of the costs outlined in the engineer's estimate, adequate for the completion of all improvements, utilities, and facilities. The certificate of deposit must be titled in the name of the City.
  6. An assessment petition, approved by the City Attorney, whereby the City is placed in an assured position to make these improvements and to install these utilities and facilities at any time and without any cost to the City.
- b. Receipt of a certificate from a registered land surveyor that permanent monuments of suitable size and material have been placed for each lot corner in the subdivision, and that a satisfactory survey defines such permanent monuments in relation to located section corners or fractional corners of the Survey of Public Lands.
- c. The initial Subdivision Completion Bond, as described in items a.3 through a.5 above, may remain valid throughout subsequent phases of the development, provided the following requirements are met:
1. Upon request for approval of a plat for an addition to the development, the developer must request an inspection be performed and submit a revised engineer's estimate of unfinished improvements from the previous phase and improvements that are planned for the new phase.
  2. A new bond amount will be computed based on the engineer's estimated total cost of all unfinished improvements and planned improvements.
  3. The new total will be compared to the amount of the original bond amount and a difference determined.
  4. An amended letter of credit, surety, or bank certificate of deposit must be submitted to cover the total of the amount outstanding from the previous development plus the new development. The expiration date of the new letter of credit, surety, or bank certificate of deposit will be at least 12 months from the date issued.
  5. During the bond renewal process, the City will inspect the development to determine if substantial progress has been made. If the City determines at the time of inspection that no contributing factors prevent the developer from completing the bonded items, the City will allow the bond to be renewed for only 12 months. During this bond renewal process, the City will consider the acceptance of the Letter of Credit as outlined in (b)4 above. If at the end of the bonding period the development has not been substantially completed, the City may liquidate the bond, letter of credit, or bank certificate of deposit to pay for the cost of making the improvements.

6. No phase of a subdivision will be permitted to carryover outstanding improvements for more than 4 years after the date of issuance of the bond instrument. If at the end of 4 years the improvements have not been substantially completed as determined by the City Engineer, the City of Auburn may liquidate the bond and/or letter of credit to pay the cost of making the improvements in that phase.
  7. If the Subdivision Completion Bond is not renewed or amended by its expiration date, requests for approval of plats for subsequent phases of the development will not be considered until such time as the bond is renewed or amended.
  8. In cases where ownership of a subdivision is transferred, the City of Auburn will continue to hold the bonds and/or letters of credit of the original developer until a bond is received from the new owner, at which time the City of Auburn will release the original owner's bonds and/or letters of credit to the original owner.
  9. Under exceptional circumstances and after receiving a written request from the owner, the City of Auburn will consider a one time only reduction in the bond amount, even though not all improvements have been made. The amount of the reduced bond must be sufficient to cover the unfinished improvements.
- d. For a development on which the City holds a bond that was approved prior to March 11, 2021, the City may elect to extend the bonding period for up to four (4) years as outlined in d6 above.
  - e. A Pump Station Completion and Warranty Bond shall be required in accordance with Section 3.5, Sanitary Sewer Pump Station and Force Main Design of the Auburn Water Resource Management Design and Construction Manual for any subdivision that includes a sanitary sewer pump station.

#### **G. Action on Final Plat**

Final approval of the plat will be given upon (1) fulfillment of all conditions attached to, and in conformance with, the Preliminary Plat; and (2) certification of the proper installation of the improvements and compliance with Articles IV and V of these Regulations. The Planning Commission shall act upon the Final Plat within thirty (30) days of its submission, and shall communicate in writing to the subdivider the action taken.

Failure of the Planning Commission to take action on the Final Plat within thirty (30) days after its submission shall be deemed to be approval of such Final Plat. If the Final Plat is disapproved the grounds for disapproval shall be stated in the minutes of the Planning Commission, and in the Resolution setting forth the Planning Commission's action, a copy of which shall be transmitted to the applicant.

Approval of the Final Plat by the Planning Commission shall not be deemed to constitute or affect an acceptance by the public of the dedication of any street or other proposed public ways or lands shown on the Final Plat and located within the corporate limits of the City of Auburn. In such cases, acceptance of dedicated lands by the City Council must occur prior to recording the Final Plat.

#### **H. Recording of Final Plat**

Approval of the Final Plat by the Planning Commission shall be null and void if such Final Plat is not recorded in the office of the Judge of Probate of Lee County within eighteen (18) months after the date of approval, unless an application for an extension of time is made in writing and is granted by the Planning Commission during this eighteen (18) month period.

## **I. Copies of Recorded Plat**

The applicant shall file with the Planning Department, via the City's permit portal one (1) electronic copy (pdf) and AutoCAD file of the Final Plat as recorded in the Office of the Judge of Probate of Lee County. Alternatively, subdivider may file hardcopies of the recorded plat with the Planning Department. In addition, an as-built drawing of the subdivision on CD in an AutoCAD-compatible format shall be filed with the Water Resource Management Department in accordance with Section 1.0 – General Information of the Auburn Engineering Design and Construction Manual.

## **J. Combined Preliminary and Final Plat**

A subdivider may submit a combined request for both Preliminary Plat and Final Plat approval. In such cases all requirements for both Preliminary and Final Plat approval must be met.

## **K. Administrative Subdivision**

- 1. Purpose.** For the purposes of this section an administrative subdivision is a resubdivision involving not more than six (6) contiguous lots fronting on an existing street, and which requires no new streets; and when in the opinion of the City Engineer no engineering service is required. Except as otherwise specified the resubdivision and the plat thereof shall conform to all the requirements of these regulations.
- 2. Submission and Review.** Preliminary Plat or Engineering Plans are not required to be submitted for an administrative subdivision. The plat shall be drawn on sheets measuring no more than twenty-four (24) by thirty-six (36) inches; and at a scale of one inch equals one hundred (100) feet or other appropriate scale as approved by the subdivision administrator. One electronic (pdf) copy and AutoCAD file shall be submitted to the Planning Department via the City's permit portal. Alternatively, subdivider may file hardcopies of the final plat and application with the Planning Department.
- 3. Information Required.** The administrative plat shall contain the following information:
  - a. A vicinity map showing the general location of the subdivision.
  - b. Primary control points approved by the City Engineer or County Engineer, as appropriate; or description and ties to such control points; to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
  - c. Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way; property lines of lots and other sites with accurate dimensions; bearings, tangent distances, radii, central angles, arc lengths, chord lengths, and degrees of all curves; and the location and description of all monuments. All survey data shall be according to the Minimum Technical Standards for Land Surveying in the State of Alabama, latest edition as published by the Alabama Society of Professional Land Surveyors. At least two (2) corners of the subdivision shall be referenced to the State Plane Coordinate System if an established and proven point is within one-half mile of the subdivision.
  - d. Title, scale, north point, and date. New title names are permitted but a reference to the parent plat (or property) must be included in the new name. When property is to be developed in a subdivision that is between two existing subdivisions, either parent name can be retained, or a new name developed.

- e. Name and right-of-way width of each street or other public right-of-way. All right-of-way or boundary features should include appropriate deed references and/or notes identifying source of information.
- f. Numbers to identify each block and lot (Lot number revisions must be accompanied by "A", "1" or other designation indicating a revision; and the area of each lot.), gross acreage of the subdivision.
- g. The location, dimensions, and purpose of any easements.
- h. The purpose for which sites other than residential lots may be used.
- i. Names of owners of record of adjoining land with the tax parcel ID number.
- j. Owner's signature block certifying title showing the applicant is the owner of the land within the subdivision.
- k. Statement by the owner dedicating street rights-of-way and any sites for public use.
- l. Registered land surveyor's signature block certifying the plat meets the requirements of the Minimum Technical Standards for Land Surveying in the State of Alabama, latest edition as published by the Alabama Society of Professional Land Surveyors.
- m. Signature blocks for the Planning Director, the City Engineer, and, if appropriate, the County Engineer certifying plats approval.
- n. Signature block for the Mayor certifying acceptance by the City Council of any land, right-of-way, or easements dedicated to the City.
- o. Signature block for the County Health Officer when individual sewage disposal and/or water systems are to be installed.
- p. Existing structures shall be located on the plat and fully dimensioned so that conformance with any applicable regulations can be verified.
- q. Note prohibiting structures, un-gated fences, and trees on easements. The note shall read "No permanent structures may be constructed or placed on easements. Fences may be erected perpendicularly across the easement provided there is a minimum twelve (12) foot wide access gate installed. If the gate is to be locked there must be a City approved lock installed in conjunction with the owners lock. No canopy trees shall be planted within ten (10) feet of utilities."
- r. Indemnity note for obstructions placed in easements. The note shall read: "By placing obstructions within or encroaching onto the easement, the property owner(s) does for itself, its successors, and assigns agree to indemnify, hold harmless and defend the City of Auburn, its officials, representatives, agents, servants and employees from and against all liability and loss which may be sustained as a result of claims, demands, costs or judgments arising out of the location of the obstruction within the easement including its reasonable costs in defending against any such claims and further agrees to release and discharge the City of Auburn from any

damages to the obstruction arising from utility maintenance work within the easement or any damages to the obstruction resulting from its placement in the easement."

- s. The applicant shall be responsible for indicating the likely presence/absence and approximate extent(s) of all regulated waters including: Waters of the United States, Waters of the State of Alabama, and/or waters that may be subject to the applicability of the City of Auburn Stream Buffer Ordinance within the property boundaries. For administrative plats, the applicant may use National Wetlands Inventory data and/or City of Auburn GIS data in lieu of a jurisdictional area delineation and survey to show the approximate boundaries of regulated waters on the subject property. The following note shall be included with all administrative plats in which regulated waters are present: "The stream and wetland buffers as shown are for illustrative purposes only. An actual delineation may be required upon application for development approval." Wetland delineations and/or stream and wetland buffers are not required to be shown on a remnant parcel. Applicants wishing to apply for development plat approval shall include a jurisdictional area delineation by a qualified professional and a survey of all regulated waters completed by a registered land surveyor in the State of Alabama.
  - t. Remnant property less than 20 acres shall be accounted for and given a lot number and comply with all such requirements for lots. Large remnant property (more than 20 acres) shall be referenced in the notes by deed reference outlining the source property acreage and the remaining property acreage.
  - u. Purpose statement.
  - v. Implementation of any portion of the Comprehensive Plan, including but not limited to the Major Streets, Water and/or Sewer Plans planned by public authorities for construction on or adjacent to the tract.
4. Approval. Authority to grant final approval to subdivision plats complying with paragraph K(1) above, pursuant to Section 52, Title 11, Code of Alabama 1975, shall be vested in the Planning Director and City Engineer. Formal approval can be granted by the Planning Director and the City Engineer, in which case such action shall be reported at the next regular meeting of the Planning Commission. However, the Planning Director may require that an administrative subdivision be presented to the Planning Commission for consideration for approval and dedication.

The Subdivision Administrator shall have the authority to approve and accept easement dedications, and shall have the same authority with regard to right-of-way dedications for the widening of existing streets. However, plats establishing new roads or extending existing roads within the city limits or owned/maintained by the City of Auburn shall be submitted for Planning Commission approval and dedication.

The procedure for approval is as follows:

1. Applicant submits application, deed, and an electronic (pdf) copy and AutoCAD file of the proposed subdivision to the Planning Department, via the City's permit portal, for review by City staff. Alternatively, subdivider may file hardcopies of the plat and application with the Planning Department.
2. Planner will post comments and marked copy of proposed subdivision, if applicable, to the permit portal for applicant's review.

3. After revisions are made, the applicant uploads revised subdivision plat to the permit portal.
4. The plat is routed to City staff to verify comments have been resolved/addressed.
5. Three (3) hardcopies of the plat are submitted to the Planning Department and routed for signatures by the City Engineer, Planning Director, and Mayor, if necessary.
6. The plat is returned to the applicant for recording.
7. The recorded electronic copy (pdf) and AutoCAD file is uploaded to the permit portal.

#### **L. Recording of Administrative Plat**

Approval of the Administrative Plat by the staff shall be null and void if such Administrative Plat is not recorded in the Office of the Judge of Probate of Lee County within eighteen (18) months after the date of the approval, unless an application for an extension of time is made in writing and is granted by the Planning Director and City Engineer during this eighteen (18) month period.

#### **M. Copies of Recorded Plat**

The applicant shall file with the Planning Department, via the City's permit portal electronic copy (pdf) and AutoCAD file, of the Administrative Plat as recorded in the Office of the Judge of Probate of Lee County. Alternatively, subdivider may file hardcopies of the recorded plat with the Planning Department.

## ARTICLE IV. DESIGN STANDARDS

### A. General Requirements

1. Conformance to Regulations. All subdivisions shall conform to all applicable Federal, State and Local regulations.

2. Land Subject to Flooding. Land within the special flood hazard area shall be clearly marked on all subdivision plats. Such areas shall not be developed in any way which reduces the floodplain's capacity to store and convey stormwater.

Reference is made to Section 1.0 – General Information, of the Auburn Engineering Design and Construction Manual for when base flood elevation data shall be provided.

3. Natural Features. Consideration shall be given to the natural scenic features of the land, such as streams, and the design of the subdivision should protect and utilize such natural scenic features.

4. Trees. Because of their value in soil conservation, health, and community appearance, grand trees shall be preserved wherever possible. No tree shall be planted within the site triangle at a street intersection and shall conform to the guidelines established in Section 5.0 – Roadway Design, of the Auburn Engineering Design and Construction Manual.

Street trees placed within the public right-of-way shall not obstruct vision. No such trees shall be planted unless approved by the Landscape & Sustainability Division Manager, who shall determine whether they pose a threat to public safety or the efficient use of public facilities. Trees shall not be placed in any location where they may damage or impede access to buried utility lines, sidewalks or streets.

5. Names. The name of the subdivision and new street names shall not duplicate nor closely approximate phonetically the name of any other subdivision or street in Lee County. Street names shall be subject to approval by the Planning Commission, and in accordance with Chapter 17, Article III of the Auburn City Code. In the Planning Jurisdiction streets shall also be numbered in accordance with the Lee County Street Numbering System.

### B. Streets and Circulation

1. Street Layout. The street layout of a subdivision shall provide for the continuation and connection of streets between adjacent properties whenever such continuation and connection is necessary for the convenient movement and circulation of traffic, effective police and fire protection, access by public service vehicles, and efficient provision of utilities; and in accordance with the policies of the Comprehensive Plan.

Existing streets that abut a subdivision shall be continued, and the continuations shall be at least as wide as the existing streets unless a reduction in width is approved by the Planning Commission, and in alignment with them. The subdivision street layout shall also provide stub-outs for the future continuation into unsubdivided lands adjoining a sufficient number of streets to meet the purposes stated above.

If the adjacent property is undeveloped, the right-of-way of a street to be continued shall be extended to the property line. A temporary turnaround, or a T or L shaped turnabout, shall be provided, with a notation on the subdivision plat that land outside the normal right-of-way shall revert to the abutting properties whenever the street is continued and connected to the adjacent property. The Planning Commission may

limit the length of such temporary dead-end streets in accordance with the design standards of these regulations.

Stub-out streets are intended to allow continuity in street patterns and connectivity among residential and nonresidential districts. In determining the number and location of such stub-outs, the Commission shall take into account the terrain and natural features of the adjoining undeveloped property, and the potential streets system as presented in the City's Major Street Plan.

Stub-out streets shall be built to the same standards as the rest of the streets in the subdivision and be extended to the property line with the adjoining vacant land. In addition, a permanent marker shall be installed at the property line indicating that the stub-out will be connected to any development on the adjoining property, and easements and utilities extended as necessary, at some time in the future. If the Planning Commission requires that the stub-out be provided with a temporary turnaround, such turnaround shall comply with Section 5.2.4.1 of the Engineering Design and Construction Manual.

2. Street Classification. The streets in a subdivision shall be classified according to their function, and shall conform to the criteria set out in the Major Street Plan. These criteria define major streets and local streets. Major streets consist of arterials, collectors, residential collectors and local commercial. All other streets are local streets, cul-de-sacs, or alleys.

3. Major Streets. Wherever a subdivision abuts or contains a major street, as shown on the Major Street Plan, such major street shall be platted in the general location and of the width called for by the Major Street Plan; and, to the extent that the right-of-way for such major street is embraced within such subdivision, shall be dedicated for public use.

4. Restriction of Access. Where a subdivision abuts or contains an existing or proposed major street, the Planning Commission may prohibit direct access, require marginal access streets, or specify such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. On all roads within the City of Auburn, curb cuts must meet the requirements set forth within the Auburn Engineering Design and Construction Manual Section 5.0– Roadway Design.

### **C. Street and Sidewalk Design**

Street widths, street grades, vertical curves, horizontal curves, property line radii, driveway curb cuts and alleys shall be designed and constructed in accordance with Section 5.0– Roadway Design of the Auburn Engineering Design and Construction Manual.

1. Additional Width on Existing Streets. Subdivisions that adjoin existing streets shall dedicate additional right-of-way as necessary to meet the minimum standards. When any part of the subdivision is on both sides of the existing street the entire additional right-of-way (ROW) shall be provided. When the subdivision is located only on one side of an existing street, one half of the required right-of-way (ROW), measured from the center line of the existing right-of-way (ROW), shall be provided. In rolling or hilly terrain, construction easements may be required to ensure that appropriate front and back slopes are developed.

2. Intersections. Reference is made to Section 5.0 – Roadway Design of the Auburn Engineering Design and Construction Manual for information concerning street intersections and street jogs.

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

4. Easements. Reference is made to Section 1.0, General Information, of the Auburn Engineering Design and Construction Manual concerning easements.

5. Driveway Curb Cuts. Corner and double frontage lots shall take access from the minor streets unless otherwise approved by the City Engineer. Where narrow street widths are allowed, the City Engineer will require wider driveway radii to avoid lane encroachment by entering or exiting vehicles.

6. Alleys. An alley shall afford only a secondary means of access to abutting property. A public alley does not constitute "frontage" or "street" as specified in Article V, Section E.

7. Bikeways. In any subdivision that includes a portion of a planned bikeway, the developer shall place such portion within a public right-of-way. In addition, unless deemed unnecessary by the Planning Commission, the developer shall also provide a right-of-way that provides adequate public access to such bikeway.

8. Greenways. In any subdivision that includes a portion of a Planned Greenway, the developer shall place such portion within a public right-of-way or easement. The width of such greenway shall be equal to the width as determined, required by and set forth within Section 413.04 of the City of Auburn Zoning Ordinance, with a minimum maintained trail width of 20 feet. In addition, unless deemed unnecessary by the Planning Commission, the developer shall also provide adequate public access to such greenway. Where an existing sanitary sewer easement or other public utility easement exists near a planned greenway, such utility easement may be utilized in place of the portion of the planned greenway as shown in the subdivision; so long as accommodations are made to connect the sewer easement back to the greenway locations at adjoining properties. Also, required public access may instead be provided on the existing sanitary sewer easement or other public utility easement.

#### **D. Blocks**

1. Size and Shape of Blocks. The lengths, widths and shapes of blocks shall be determined with consideration of the limitations and opportunities of topography; the provision of building sites suitable to the intended uses; and the need for convenient access, circulation, control of, and safety from street traffic. In general, block lengths shall not exceed 1,200 feet and shall not be less than 300 feet; except where site conditions make longer blocks necessary or desirable.

2. Block Width. Blocks shall be wide enough to provide a minimum of two tiers of lots of minimum depth, except where abutting upon major streets, limited access streets, or railroads, or where other situations make this requirement impracticable.

Where the proposed subdivision is adjacent to or contains a major street, the long dimensions of the blocks should wherever feasible be parallel, or approximately parallel, to the major street.

3. Blocks for Commercial or Industrial Use. Blocks intended for commercial or industrial use shall be designed specifically for such use, with consideration of off-street loading and unloading, and off-street parking facilities, and access thereto.

## E. Lots

1. Size and Shape. Size and Shape. The size, shape, and orientation of lots shall be determined with consideration of the need for convenient access, circulation, control of, and safety from street traffic. Lot dimensions shall be determined by the requirements of the City of Auburn Zoning Ordinance unless the lot is designated as an outlot meeting the requirements of the City of Auburn Subdivision Regulations. The Lee County Subdivision Regulations require a 60-foot width at the public right-of-way; therefore, this width is required in the Planning Jurisdiction.

Lots fronting upon a cul-de-sac shall have a minimum width at road frontage of twenty-five (25) feet.

2. Lots on a Curve. In cases where lots front on a curved right-of-way, the minimum width at road frontage shall be 75% of the normal minimum width requirement when the street centerline radius is within the follow range found in table below:

**Centerline Radius**

| Type of Street | Center Line Radius |
|----------------|--------------------|
| Local          | 200 ft to 300 ft   |
| Collector      | 350 ft to 525 ft   |
| Arterial       | 550 ft to 825 ft   |

3. Minimum Lot Area.

- a. The minimum lot size property within the City Limits shall be set by the Zoning Ordinance.
- b. The minimum lot size for any subdivision within the Planning Jurisdiction which is not served by a public sewage collection and treatment system shall be one (1) acre.
- c. The minimum lot size for any subdivision within the Planning Jurisdiction and CompPlan 2030 Optimal Boundary that is not served by a public sewage collection and treatment system shall be three (3) acres.
- d. The minimum lot size for any subdivision located within the Lake Ogletree watershed or the Martin Marietta Quarry which is not served by a public sewage collection and treatment system shall be three (3) acres.
- e. Lots designated as outlots meeting the requirements of the City of Auburn Subdivision Regulations are exempt from this requirement.

| Minimum Lot Area              |                                |                                                 |                                                        |                                                                                   |
|-------------------------------|--------------------------------|-------------------------------------------------|--------------------------------------------------------|-----------------------------------------------------------------------------------|
|                               | Inside City Limits             | Outside City Limits BUT INSIDE Optimal Boundary | Outside City Limits BUT INSIDE Lake Ogletree Watershed | Outside City Limits AND Outside Optimal Boundary                                  |
| WITH Public Sanitary Sewer    | Determined by Zoning Ordinance | 3 Acres                                         | 3 Acres                                                | Determined by Lee County Subdivision Regulations and Lee County Health Department |
| WITHOUT Public Sanitary Sewer |                                |                                                 |                                                        | 1 Acre                                                                            |

4. Lot to Abut on a Street. Every lot shall abut upon a dedicated public street, unless the lot is designated as an outlot meeting the requirements of the City of Auburn Subdivision Regulations.

In some cases, the City is amenable to lots being subdivided off of a private access drive. When a lot is proposed to abut a private access drive, all of the following conditions must be met:

- a. The property must be within the city limits.
- b. The subdivision is wholly self-contained and does not have the potential for connecting to adjacent properties.
- c. The subdivider must own the property on which the proposed subdivision and private access drive(s) are contained.
- d. Subdividing off a private access drive is allowed for nonresidential uses and all residential uses, except single-family detached.
- e. The subdivision does not contain any street as shown on the Major Street Plan or is adjacent to stub out connection, as identified in Article IV(B).
- f. In most cases, sidewalks will be required on at least one side of the proposed private access drive.
- g. Sanitary sewer is to be privately maintained within the development.

An alley, either public or private, may not be used as a means to meet any lot frontage requirements contained in these Regulations.

5. Property Lines at Corners. Where necessary by reason of curb radii, property lines at street intersection corners shall be arcs having radii of at least twenty (20) feet, or shall be chords of such arcs. The corners of property lines may be chamfered if approved by the City Engineer.

6. Side Lines of Lots. Side lines of lots shall be approximately at right angles or radial to the street line.

7. Double Frontage Lots. Double frontage lots will be permitted only where necessary to provide separation of residential development from major streets or to overcome specific disadvantages of topography and orientation. A planting strip at least 10 feet wide and across which there shall be no right of access shall be provided along the line of lots abutting such major street or disadvantageous use.

8. Flag Lots. Flag lots, as defined in Article II, shall be permitted subject to the following conditions:

- a. A flag lot may be permitted within a subdivision to better utilize irregularly shaped properties or areas with resource limitations.
- b. A flag lot may be permitted within a subdivision to provide a lot fronting on an arterial or collector road with access to an internal subdivision street. In such cases, vehicular access to the lot from the arterial or collector road shall be prohibited.
- c. Except as provided in this paragraph, flag lots accessing arterial or collector roads shall be prohibited. A nonconforming lot of record having no frontage on any public right-of-way may be established as a flag lot connecting to an arterial or collector road if:

- 1. No other lot is rendered nonconforming by size and/or width through loss of property to create a flag access stem/pole;

2. No hazardous situation is created due to traffic volumes, curves or changes in elevation in the road;
  3. All other requirements of this Section are met; and
  4. In the opinion of the Planning Commission (or the Planning Director for administrative subdivisions), there is no alternative which is in greater harmony with the intent of these Regulations.
- d. If located within the city limits, the minimum lot area for flag lots shall be at least twice that of the minimum lot requirement in the zoning district in which the flag lot is located.
  - e. Flag lot stems (or poles) shall be at least 30 feet in width as measured at the road frontage. The land area within the flag lot stem (or pole) shall not count toward any required minimum lot size.
  - f. The maximum length of the pole portion of the lot shall be no more than three times the lot width measured where the terminus of the stem abuts the rear of the adjacent lot(s) between it and the right-of-way. This may be greater in the Rural (R) zone or in the Planning Jurisdiction.
  - g. The stem of the flag lot cannot be reduced between the right-of-way and the front setback line.
  - h. Where otherwise consistent with the provisions of this Section, flag lots may be created in groups not exceeding two (2). In such cases, the flag stem/pole shall be adjacent to each other and form a total width of 60 feet. Non-adjacent flag lot stems/poles on the same side of the road shall be separated by a distance of 500 feet. All stems/poles shall be at least 50 feet from an intersection.
  - i. No more than ten (10) percent of the lots in a subdivision may be flag lots. Subdivisions approved administratively under Section III-K of these regulations shall be excluded from this limitation.
  - j. The front, side and rear yard requirements of a flag lot shall be met on the lot excluding the stem (or pole) portion of the lot.
  - k. If located within the city limits, city services (if available) shall be provided at the public right-of- way.
9. Outlots. Outlots, as defined in Article II, shall be permitted subject to the following conditions:
- a. An outlot below the minimum lot size remaining after subdividing a tract must be designated on the plat for a permitted use under the zoning ordinance. Such allowable uses include cemeteries and the following utilities: water, sewer, power, gas, and communications.
  - b. No habitable structures shall be built on an outlot.
  - c. Outlots shall be permitted only where the subdivider or developer makes provisions for appropriate ownership and maintenance of the parcel.
  - d. Where an outlot does not have road frontage, a minimum 15-foot platted ingress/egress easement will be required.

## ARTICLE V. IMPROVEMENTS REQUIRED

### A. General Requirements

General requirements for the installation of streets, utilities and other improvements in a subdivision and the construction plans and as-built plans for such improvements shall be in accordance with Section 1.0 – General Information, of the Auburn Engineering Design and Construction Manual.

No construction activity of any kind, including grading, clearing, removal of trees, grubbing, installation of improvements, and buildings, shall begin on any land subject to these Regulations until a preliminary plat has been approved by the Planning Commission, all required ADEM and/or COE permits and clearances have been obtained, construction plans and erosion control plans have been approved, and an Engineering Permit issued.

### B. Required Improvements

1. Street and curb and gutter improvements shall be designed and constructed in accordance with the regulations, requirements and specifications of Section 5.0– Roadway Design of the Auburn Engineering Design and Construction Manual.

2. Water supply improvements shall be designed and constructed in accordance with the regulations, requirements and specifications of Section 2.0 – Water Design and Construction of the Auburn Water Resource Management Design and Construction Manual.

3. Sanitary Sewage. Sanitary sewer improvements shall be designed and constructed in accordance with the regulations, requirements and specifications of Section 3.0 – Sewer Design and Construction of the Auburn Water Resource Management Design and Construction Manual.

4. Storm Sewers and Drainage. Storm sewers and drainage improvements shall be designed and constructed in accordance with the regulations, requirements and specifications of Section 7.0, Drainage Section of the Auburn Engineering Design and Construction Manual.

5. Monuments. ¾-inch diameter iron pipe, 18 inches long or according to the latest edition of the Minimum Technical Standards for Land Surveying in the State of Alabama shall be set at all street corners and at all points where the street lines intersect the exterior boundaries of the subdivision. All other lot corners shall be marked with iron pipe not less than ¾-inch in diameter and 18 inches long and driven so as not to be more than three (3) inches above finished grade.

6. Street Name Markers. Street name markers shall be placed at the corners of all street intersections both inside and outside the corporate limits of the City. Said markers shall be of a standard design in current use, approved by the Engineering Services Director, and placed at locations the City Engineer or another duly authorized agent of the City may direct. The cost of such markers shall be borne solely by the developer. Refer to Section 5.0, Roadway Design of the Auburn Engineering Design and Construction Manual for specific information.

7. Utility Easements. Easements shall be provided for public utilities and shall be at least 20 feet wide. The width of easements shall be increased, or they shall be extended, where necessary, to provide space for utility pole bracing or other construction. Utility easements can be combined with drainage easements subject to approval by the City Engineer. Refer to Section 1.0, General Information, of the Auburn Engineering Design and Construction Manual for specific information.

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

9. Erosion Control. Construction Best Management Practices Plan (CBMPP) shall be submitted in the construction plans as specified in Section 5 – Stormwater Quality, Erosion, and Sediment Control of the Auburn Water Resource Management Design and Construction Manual.

### **C. Dedications**

1. Streets and Alleys. The rights-of-way for existing and new streets, including that part of major streets shown on the Major Street Plan, which is embraced within the subdivision, and the rights-of-way for public alleys shall be platted to the minimum widths called for by these regulations and dedicated for public use.

2. Major Streets. The rights-of-way for existing and for new major streets shown on the Major Street Plan which are embraced in whole or in part by the subdivision shall, to the extent of that part which is embraced by the subdivision, be platted to the minimum widths called for by these regulations or by the Major Street Plan, and dedicated.

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

4. Open Space. Whenever a subdivision includes open space, either as a part of the overall design or in conformance with the provisions of the Zoning Ordinance, such open space shall be platted and dedicated for public use.

## ARTICLE VI. CONSERVATION SUBDIVISION

### A. Purposes of Conservation Subdivision

1. To promote efficient uses of the land to protect and preserve environmentally sensitive areas and Auburn's portable water supply source.
2. To preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, watersheds, woodlands and wildlife habitat.
3. To permit clustering of buildings and structures on less environmentally sensitive soils in order to reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development.
4. To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development.
5. To promote interconnected greenways and corridors throughout the community.
6. To provide flexibility to allow for creativity in developments.
7. To encourage a more efficient form of development that consumes less open land and conforms to existing topography and natural features.
8. To protect water quality in the Lake Ogletree Subwatershed.
9. To reduce cost associated with infrastructure (roads, sidewalks, and utilities) and land preparation required by compact conservation designs (Mohamed, 2006; Fowler & Wenger, 2001; Arendt, 1996).

### B. General Regulations

1. Applicability of Regulations. From and after the effective date of the Conservation Subdivision Regulations, all divisions of land in the subdivision jurisdiction which lie within the Lake Ogletree Subwatershed that are ten (10) acres or more, and where the division creates more than four lots, shall have the option of being prepared and presented for approval in accordance with these regulations. These regulations shall also be available as an option in other areas of the planning jurisdiction. Land within the corporate limits must be zoned as Conservation Overlay District (COD) to apply the conservation subdivision regulations (See the City of Auburn Zoning Ordinance, Section 518, Conservation Overlay District). Applicant shall comply with all other provisions of the zoning ordinance in zoned areas and all other applicable laws, except those that are incompatible with the provisions contained herein.
2. Minimum Land Area for a Conservation Subdivision. The minimum land area for a conservation subdivision is 10 contiguous acres. The Planning Commission and/or City Council may consider smaller parcels, greater than or equal to five acres but less than 10 acres, if the applicant can demonstrate one of the following: (1) the proposed Open Space provides a connection between unconnected existing open space, greenspace, or other protected natural resource areas and will not result in isolated fragments of open space; or (2) the proposed Conservation Subdivision would ensure a unique natural or historical significant area will be protected.

3. Housing Density Determination. The maximum number of lots in the Conservation Subdivision shall be determined by the density of the underlying zoning district or by dividing the gross area of the proposed conservation subdivision by the minimum lot size allowed for a subdivision within the Planning Jurisdiction or the watershed as set forth in Article IV, Section E (2) of these regulations.

The maximum density for property zoned as Limited Development District (LDD) within the Lake Ogletree Subwatershed shall be based on conventional residential standards (See Table 4-2 of the City of Auburn Zoning Ordinance).

### **C. Application Requirements**

1. Site Analysis Map. Prior to the submission of a Concept Plan, the applicant shall prepare and submit a Site Analysis Map to the Planning Department for review and approval in accordance with these regulations. The purpose of the Site Analysis Map is to ensure that important site features have been adequately identified prior to the creation of the site design, and that the proposed Open Space will meet the requirements of this article. The following information shall be included on the Site Analysis Map.

- a. Delineation of Primary Conservation Areas (see Section D(1) of this Article) by type including acreage. The source of this information shall also be indicated.
- b. Delineation of Secondary Conservation Areas (see Section D(1) of this Article) by type including acreage. The source of this information shall also be indicated.
- c. Items (b), (c), (d), (e), (f), and (g) of Article III, Section B, Lot Layout.

Information included on the site analysis map must be based on existing data sources (i.e. USGS maps, FIRM maps, etc.) and field inspections. All data shown on the Site Analysis Map shall be certified by a professional engineer.

2. Concept Plan. A Concept Plan, as described herein, shall be submitted and approved by the Planning Director prior to the submission of a preliminary plat.
3. Open Space Maintenance Plan. An open space maintenance plan, as described herein, shall be prepared and submitted prior to the initial final plat approval.
4. Instrument of Permanent Protection. An instrument of permanent protection, such as a conservation easement or permanent restrictive covenant, and as described in Section E (5) and approved by the City Attorney, shall be placed on the Open Space prior to the filing of the initial preliminary plat.
5. Other Requirements. Applicant shall adhere to all other applicable requirements of any underlying zoning and the Auburn Subdivision Regulations.

### **D. Open Space**

1. Standards for Determining and Designing the Open Space

- a. The minimum Open Space shall comprise at least 50% of the gross area of the Conservation Subdivision.

- b. Primary Conservation areas are environmentally sensitive areas such as wetlands and floodplains regulated by state and federal law. Primary conservation areas form the core of the open space to be protected. These areas are required to be included as open space. These areas must be covered by some provision for permanent protection. The following are considered Primary Conservation Areas and shall be included within the Open Space, unless the strict application of these standards would be counter to the purposes of these regulations:
  - i. The 100-year floodplain
  - ii. Stream buffer zones along all perennial and intermittent streams
  - iii. Slopes above 15% of at least one-acre contiguous area
  - iv. Wetlands and associated buffers that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act
  - v. Existing and proposed greenways that connect the conservation subdivision to neighboring areas
- c. Secondary conservation areas include unprotected elements of the natural landscape such as mature woodlands, prime farmland, meadows, and scenic views. Secondary conservation areas consist of undeveloped but buildable land and protected land. These areas are recommended and desirable for conservation open space and may be covered by the provisions for permanent protection.

Secondary conservation areas shall include any vegetated areas adjacent to or in close proximity to Primary Conservation areas.

- d. Lots not adjoining the Open Space shall be provided with safe, convenient access to the Open Space.
- e. Pedestrian access to the open space should be provided wherever possible and reasonable. The Open Space shall have access to one or more public right-of-way via a pedestrian trail. See Item G, Design Standards, for recommended trail standards.
- f. All Open Space shall be a part of a larger, continuous and integrated open space system within the development site. Whenever possible, open space shall connect with existing open space or designated greenways on adjacent parcels.
- g. All facilities and improvements proposed for construction or installation by the developer in the designated Open Space must be completed and available for use within a time frame determined by the Planning Commission. Such determination shall be based upon completion of a defined percentage of the total dwelling units in the development or by development phases as delineated on the Concept Plan and/or indicated in the written report.
- h. If the Conservation Subdivision is divided into development phases, all required Open Space shall be identified on the initial preliminary and final plat.

## 2. Exclusions from Designated Open Space Requirements

Excluded from meeting the minimum open space requirement are the following (Also see what constitute primary and secondary conservation areas):

- a. Residential yards
- b. Required bufferyards where such bufferyards are located inside residential lots.
- c. Areas that have been cleared of vegetation, excavated, filled, or otherwise altered from their natural states unless such alteration is consistent with the permitted use of the open space parcel.
- d. No existing lake, pond, or other permanent water body shall constitute more than 25 percent of the total open space requirement for the development site.
- e. Impervious surfaces in recreation areas, except as specified in Section D (3)(e).
- f. Land devoted to public or private streets or driveways or any land that has been, or is to be, conveyed to a public agency via a purchase agreement for such uses as parks, schools, or other public facilities.

## 3. Permitted Uses of Open Space

- a. Conservation of natural, archeological or historical resources;
- b. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
- c. Walking or bicycle trails, provided they are constructed of pervious materials;
- d. Passive recreation areas, such as open fields (See Definitions, passive recreation);
- e. Active recreation areas provided that they are limited to no more than 10% of the total required Open Space and are not located within Primary Conservation Areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside the designated required Open Space (See Definitions, active recreation);
- f. Existing agriculture, horticulture, silviculture or pasture uses, as of the date of the conservation subdivision application, provided that all applicable Best Management Practices are used to minimize environmental impacts, and such activities are not conducted within Primary Conservation Areas. Planning Commission may consider a waiver if the proposed agricultural, horticulture or silviculture use is located and designed in such a way that the impact of the use upon the natural resources is substantially minimized;
- g. Easements for drainage, access, and underground utility lines;
- h. Other conservation-oriented uses compatible with the purposes of these regulations and approved by the Planning Commission.

All permitted uses of the Open Space shall be clearly noted on all subdivision plats and legal documents.

#### 4. Ownership of Open Space

Open space within a conservation subdivision shall be owned and administered by one or a combination of any of the following methods.

- a. *Homeowners' Association.* The protected open space shall be held in common ownership in perpetuity by a homeowners' association representing all owners of the Conservation Subdivision. Membership in the association shall be mandatory and automatic for all property owners of the subdivision and their successors. The homeowners' association shall have lien authority to ensure the collection of dues and special assessments from all members. The responsibility for maintaining the Open Space and any facilities located thereon shall be borne by the homeowners' association.

The homeowners' association bylaws or the declaration of covenants of the homeowners' association shall contain the following information:

1. The legal description of the common land including any working agricultural uses as appropriate.
2. A description of common facilities.
3. The restrictions placed upon the use and enjoyment of the lands or facilities in accordance with the Conservation Subdivision regulations.
4. Persons or entities entitled to enforce the restrictions.
5. A mechanism to assess and enforce the common expenses for the land or facilities including upkeep and maintenance expenses, real estate taxes, and insurance premiums.
6. The conditions and timing of the transfer of ownership and control of land and facilities to the association.
7. A provision for amendments to the restrictions placed on the Open Space only with permission from the City of Auburn and by majority vote of the property owners. Amendments shall be filed with the City of Auburn and recorded with the Judge of Probate of Lee County.
8. Any other matter the developer deems appropriate.

The applicant shall provide the City with a copy of the Certificate of Incorporation from the Alabama Secretary of State for the homeowners' association, including its by-laws. The Certificate shall be included with the Open Space Maintenance Plan.

- b. *Transfer to a Private Conservation Organization.* The owner of the conservation subdivision may transfer the open space to a private, nonprofit organization among whose purpose it is to conserve open space and/or natural resources, provided that:
1. The organization is a bona fide conservation organization with perpetual existence;
  2. The conveyance contains provisions agreed to between the owner and the organization.
- c. *An individual or trust.* The protected open space may be held by an individual or trust through fee simple title to the land. The individual or trust must use the land for open space purposes as provided by a conservation easement.

- d. *Dedication to the City.* The protected open space may be offered to the City of Auburn as a public land dedication. Dedication shall take the form of a fee simple ownership. The initial final plat shall not be considered approved until the Auburn City Council approves a resolution accepting the dedication of the conservation area or areas.

The City of Auburn may, but is not required to accept protected open space. If the City declines the offer of dedication, then one of the other forms of ownership must be provided. If the City agrees to accept the dedication, the City must be provided access to the Open Space in order to maintain such land. In addition, such land shall be accessible to all residents of the City of Auburn.

## 5. Legal Instrument for Permanent Protection

- a. The Open Space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one of the following:
  1. A permanent conservation easement in favor of either:
    - i. A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; *or*
    - ii. A governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance, and if the entity accepting the easement is not the City of Auburn, then a third right of enforcement favoring the City of Auburn shall be included in the easement.
  2. A permanent restrictive covenant for conservation purposes in favor of a governmental entity.
  3. An equivalent legal tool that provides permanent protection, subject to approval by the City Attorney.
- b. The instrument for permanent protection shall (1) include the boundaries of the property by survey and metes and bounds legal description; (2) clearly delineate primary and secondary conservation areas; (3) clearly list restrictions on use of the Open Space, including all restrictions contained in these regulations, as well as any further restrictions the applicant chooses to place on use of the Open Space; (4) specify how the property may be transferred as in the case of dissolution of the organization (i.e. homeowners association and conservation organization); and (5) provide for maintenance of the property.

## 6. Maintenance of Open Space

Applicant shall submit a Plan for maintenance of Open Space and common facilities that:

- a. Designates the ownership of the Open Space and common facilities in accordance with Section D(4) of this Article.
- b. Establishes and allocates regular and periodic operation and maintenance responsibilities of the Open Space (including signage) and any common facilities located thereon.

- c. Establishes and estimates the on-going funding and funding source for the operation and maintenance of the Open Space and common facilities.
- d. Includes a long-term management plan for common open space lands. The Maintenance Plan shall include a narrative describing:
  - 1. Existing conditions of all natural, cultural, historic, and scenic elements in the Open Space.
  - 2. Proposed modification and improvement of natural features in accordance with requirements specified in this subsection.
- e. Provides for implementation of the Maintenance Plan.

Natural features shall generally be maintained in their natural condition, but may be modified to improve their appearance, or restore their overall condition and natural processes, as recommended by natural resource professionals and in compliance with an approved vegetation restoration plan, as described in Section 413.12 of the City of Auburn Zoning Ordinance or found in the Appendix. Any modifications to the natural features shall be designed to ensure that the purpose of the Conservation Subdivision continues to be met. Permitted modifications may include:

- (1) Woodland management.
- (2) Reforestation.
- (3) Meadow/Pasture management.
- (4) Wetlands management.
- (5) Stream bank management
- (6) Trails management

In the event the ultimate owner responsible for maintenance of the Open Space fails to maintain all or any portion in reasonable order and condition, the City of Auburn may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. All costs of such maintenance shall be charged to the owner, or to the individual property owners that make up the homeowners' association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.

## 7. Tax Assessment of Open Space

Once a legal instrument for permanent protection has been placed upon the Open Space, the Lee County Tax Assessor shall be notified of the reduction in development rights of the Open Space in order to initiate reassessment of the Open Space at a value that reflects its permanent limited uses.

## **E. Approval Process**

The procedures for considering a conservation subdivision shall be the same as those for preliminary and final plats, except for the following:

- (1) No Lot Layout plan shall be required; instead, the applicant shall submit a Site Analysis Map (See Section C(1)).
- (2) A Concept Plan shall be submitted and approved by the Planning Director prior to the submission of any preliminary plats (See Section F below).

#### **F. Concept Plan**

A Concept Plan is a generalized plan that depicts the layout of lots, buildings, streets, Stormwater management appurtenances, and open space of the proposed conservation subdivision. The Concept Plan must be submitted prior to an initial preliminary plat for the conservation subdivision. Using the information provided in the Site Analysis Plan and applying the design standards specified in this Article for conservation subdivision, the applicant shall submit a Concept Plan containing the following information:

1. Subdivision name, boundaries, name of the owner and/or developer and registered land surveyor or engineer, date of the plan, a north arrow and scale.
2. A vicinity map showing the general location of the property, development and any incorporated city boundaries within 3 miles of the development.
3. Outer boundary lines or perimeter of the overall development site.
4. Proposed sizes of the various types of lots or parcels to be developed (acreage or square footage).
5. Approximate building footprint of all dwelling units and other structures.
6. Location and acreage of all primary and secondary conservation areas and labeled accordingly.
7. Location and acreage of all active and passive recreation areas including access.
8. The location of existing streets, buildings, railroads, bridges, sanitary sewers, drainage facilities, water mains, and any public utility easements on both the land being subdivided and on the adjoining land.
9. Location and percentage of impervious surfaces.
10. Overall gross density for the development site, as well as density for each individual stage or phase.
11. Survey data showing the dimensions and bearings of the boundaries of the subdivision; section and corporate lines; and contours at five (5) foot intervals based on City of Auburn Datum or National Geodetic Survey Sea Level Datum, unless required by the City Engineer to submit contours at lesser intervals. In some cases, the City Engineer may require spot elevations in sufficient number to provide necessary drainage information.
12. Name or numbering of phases.

The Concept Plan shall be accompanied by a written report describing the following:

- (a) Total acreage of the development site;
- (b) Total acreage and percentage of Open Space;
- (c) Acreage and percentage of the total land that will be retained as primary conservation areas;
- (d) Acreage and percentage of the total land that will be retained as secondary conservation areas;
- (e) Acreage and percentage of Open Space used as active recreation (See Section D (1)(e) of this Article);
- (f) Acreage and percentage of Open Space used as passive recreation (See Section D (1)(d) of this Article);
- (g) Acreage and percentage of Open Space that qualifies as greenspace in accordance with the City of Auburn Greenspace Plan;
- (h) Proposed use and improvements in the Open Space such as trails, agriculture, etc.
- (i) A narrative describing the ownership and method of protecting the Open Space. If the Open Space shall be owned by more than one entity, state the total acreage that shall be allocated to each entity;
- (j) Total number of buildable lots;
- (k) Average lot sizes;
- (l) Minimum front yard setbacks;
- (m) Average size of dwellings (including ISR tabulation);
- (n) Area of impervious streets, sidewalks, and trails;
- (o) Where pervious materials will be used;
- (p) Overall projected impervious surface ratio (ISR) for the development site;
- (q) Maximum ISR per lot; and
- (r) Development Schedule, indicating the approximate date when construction of the various development phases will begin and end.

Upon filing of an initial application, the Planning Department staff in conjunction with staff from Water Resource Management and Engineering Services shall review the application and concept plan. Staff from other appropriate departments, including the City Attorney, may also be requested by the Planning Director to review the application. The Planning staff and other pertinent staff shall make the determination whether the Concept Plan is acceptable and meets all the requirements set forth in this Article. The staff shall also schedule a site visit to review the natural features of the development site as shown on the concept plan. Upon completion of the concept plan review, the Planning Director shall issue comments to the applicant to be addressed on the Preliminary Plat.

## **G. Design Standards for Conservation Subdivisions**

### **1. Dimensional Standards:**

Each lot shall have frontage on a public street.

Minimum Lot Area: The minimum lot size is as follows:

#### *Within the Watershed:*

##### *Option 1: Conservation Subdivision*

Minimum lot size for lots without sewer-- 1.5 acres

Minimum lot size for lots with sewer --- 10,890 square feet

##### *Option 2: Conventional Subdivision*

Minimum lot size for lots without sewer-- 3 acres

Minimum lot size for lots with sewer --- Same as the minimum lot size for specified the underlying zoning district.

#### *Outside the Watershed:*

There is no minimum lot size requirement outside the watershed area. However, the density allowed by the underlying zoning district or specified in these regulations limits the maximum site density.

Minimum Lot Width: 50 feet

Minimum Yards:

Front / Side Street: 20 feet (*porch is included*)

Side: 10 feet

Rear: 20 feet

### **2. Maximum Impervious Surface:**

The overall impervious surface ratio (ISR) of a conservation subdivision in the Lake Ogletree Subwatershed should not exceed 10 percent of the gross area. If the ISR must exceed 10 percent, then appropriate stormwater Best Management Practices (BMPs) shall be incorporated on the development site outside the required Open Space (See Item 8 under this section).

Outside the watershed areas, the overall ISR shall be determined by the underlying zoning district. If the development site is located outside the watershed but within the planning jurisdiction, there shall be no ISR requirement.

### **3. Street Design:**

Street Width: Minimum right-of-way (ROW) widths, measured from lot line to lot line; and minimum street width, measured from back-of-curb to back-of-curb, shall be as follows:

| <b>Design Factor*</b>     | <b>Alley (one way)</b> | <b>Local</b>       | <b>Cul-de-Sac</b>  | <b>Residential Loop One Way/Two Way</b> |
|---------------------------|------------------------|--------------------|--------------------|-----------------------------------------|
| B/C to B/C Width          | Not Required           | 26 feet            | 26 feet            | 15 feet/27 feet                         |
| Pavement Width            | 11 feet                | 22 feet            | 22 feet            | 11 feet/22 feet                         |
| ROW                       | 25 feet                | 50 feet            | 50 feet            | varies                                  |
| Minimum centerline radius | 100 feet               | 200 feet           | 200 feet           | 100 feet                                |
| Maximum Grade             | 15%                    | 5%/15%             | 5%/15%             | 5%/15%                                  |
| Design Speed              | 15 mph                 | 25 mph             | 25 mph             | 15 mph                                  |
| Sidewalk Location         | Not Required           | Optional/ Pervious | Optional/ Pervious | Optional/ Pervious                      |
| Public/Private            | Public/Private         | Public             | Public             | Public                                  |

\*Curb and gutter required where profile grades exceed 5%

All other street classifications shall conform to design requirements found in Article IV, Section C.

Street Layout: The use of interconnected streets and alleys shall be used throughout the development site. Street design such as loop streets is preferred to the use of cul-de-sacs.

#### 4. Cul-de-Sac Streets:

Cul-de-sacs shall be permitted where topographic features or configuration of property boundaries prevent street connections. In such cases, a planter island shall be incorporated in the center of the terminus. The planter island shall have a minimum radius of 20 feet and shall be reinforced with a mountable rolled curb, at a minimum. Other alternatives to the cul-de-sac shall include an eyebrow or crescent with an island and a one-way loop (See Figure 1).

#### 5. Shared Driveway:

Common/shared driveways are encouraged to reduce impervious surface. All shared driveways must be constructed in accordance with standards approved by the City Engineer.

#### 6. Sidewalk/Trail System:

Sidewalks shall be installed along one side of the street within a conservation subdivision. Pedestrian trails shall also be permitted in a conservation subdivision. Sidewalks or trails must provide pedestrian access to all existing and planned bicycle and/or greenway networks that run through and adjacent to the development site.

Trails shall be planned, designed and constructed to avoid or minimize degradation of natural resources. Trails shall be soft-surface except where necessary to prevent erosion and/or resource damage. To the extent possible, trails shall provide for pedestrian, bicycle, and/or other nonmotorized uses.

All trails and sidewalks shall be designed in accordance with current American Association of State Highway & Transportation Officials (AASHTO) standards. Sidewalks and trails may be constructed of pervious concrete and other porous materials provided the runoff through the material will not be directed towards the subgrade of the traveled lane portion of a roadway. Sidewalks shall be no less than four feet in width.

The City may consider the installation of an alternating sidewalk/trail system in lieu of sidewalks. Such system must incorporate well-connected sidewalks and trails that link each residential lot with on-site open space, recreational facilities, and other amenities within the development site. A sidewalk/trail plan for the entire development site must be submitted to the City Engineer for approval. The plan shall include a map depicting the proposed location of all sidewalks and trails throughout the development site. The plan shall be submitted with initial set of construction plans for the proposed development site.

7. Other Design Standards: See Article IV, Design Standards, for other street, sidewalk, block and lot standards.

8. Stormwater Treatment Design Standards.

Within the Lake Ogletree Subwatershed, each development site overall impervious surface ratio (ISR) should not exceed 10 percent of the gross area. Stormwater Best Management Practices (BMPs) shall be required for water quality control if the total ISR is projected to exceed 10 percent for the development site. For development sites with an ISR above 10 percent, stormwater treatment BMPs shall be designed and installed in a manner to achieve the targeted pollutant removal efficiencies found in the Auburn Water Resource Management Design and Construction Manual.

Outside the watershed areas, the overall ISR shall be determined by the underlying zoning district. If the development site is located outside the watershed but within the planning jurisdiction, there shall be no ISR requirement.

The applicant shall submit a Stormwater Management Plan if the total ISR for the development site is projected to exceed 10 percent. The focus of this plan is to describe how the site will be developed in order to achieve the pollutant target removal efficiencies found in manual. The project engineer shall prepare the stormwater plan that includes a water quality/water quantity report, a water quality site development analysis, the location of all structural and nonstructural stormwater treatment BMPs, procedures for implementing non-structural stormwater treatment practices along with a proper maintenance plan. All stormwater management measures shall be incorporated into the design of the conservation subdivision. Stormwater BMP measures shall be designed in accordance with standards outlined in the Auburn Water Resource Management Design and Construction Manual. The manual includes design standards and target pollutant removal efficiencies for a variety of stormwater BMPs. See of the manual for further details on BMP design guidelines.

The maintenance plan shall contain specific preventative maintenance tasks and an inspection schedule of all stormwater management techniques installed on the development site. The name of a person or persons responsible for preventative and corrective maintenance (including replacement) of the stormwater BMP techniques shall be stated in the maintenance plan. If the maintenance plan identifies a person other than the developer as having the responsibility for maintenance, the plan shall include documentation of such person's agreement to assume this responsibility. Responsibility for maintenance shall not be assigned or transferred to an owner of individual property within a conservation subdivision development, unless such owner owns the entire development.

The Stormwater Management Plan shall be reviewed as a part of the subdivision plat review process and must be submitted with the construction plans.

## APPENDIX B-1: How to Design a Conservation Subdivision

### How to Design a Conservation Subdivision

A conservation subdivision should be designed in accordance with the following suggested process:

1. Identify all Potential Conservation Areas.

Determine which areas will be designated as primary and secondary conservation areas and note these areas as permanent open space. This delineation will help identify where the areas for development are located on the development site.

2. Location of House Sites.

Draw the house footprint outside the conservation area(s) based on the permitted density calculation. House sites should generally be located to enjoy views of the conservation areas but should not be in close proximity to pose negative impacts on these areas. As a general rule, house sites should be at least 100 feet from any Primary Conservation Areas.

3. Alignment of Streets and Trails.

Streets should be designed to provide vehicular access to each house and bear a logical relationship to topographical conditions. Streets should be designed outside the conservation area(s); however, trails can be located within these areas [See Section E (3)(c)].

4. Drawing the Lot Lines.

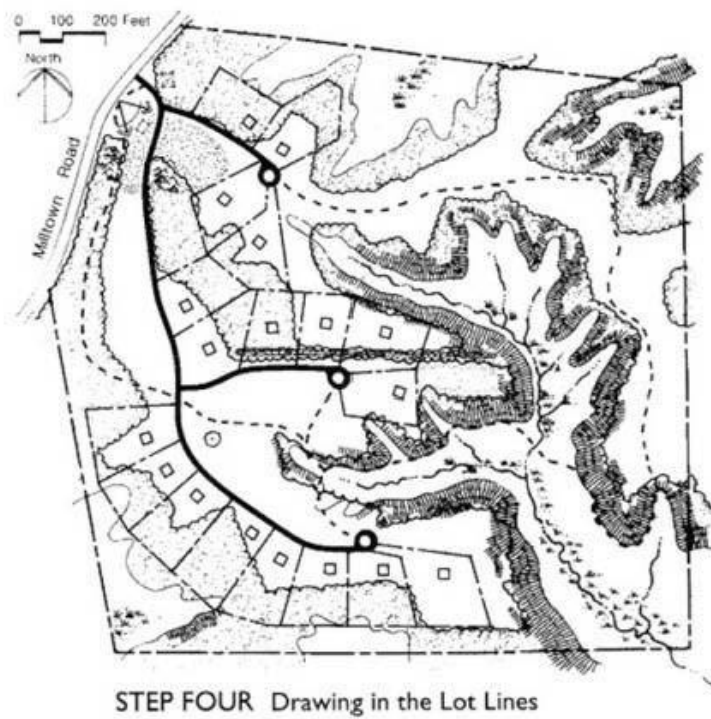
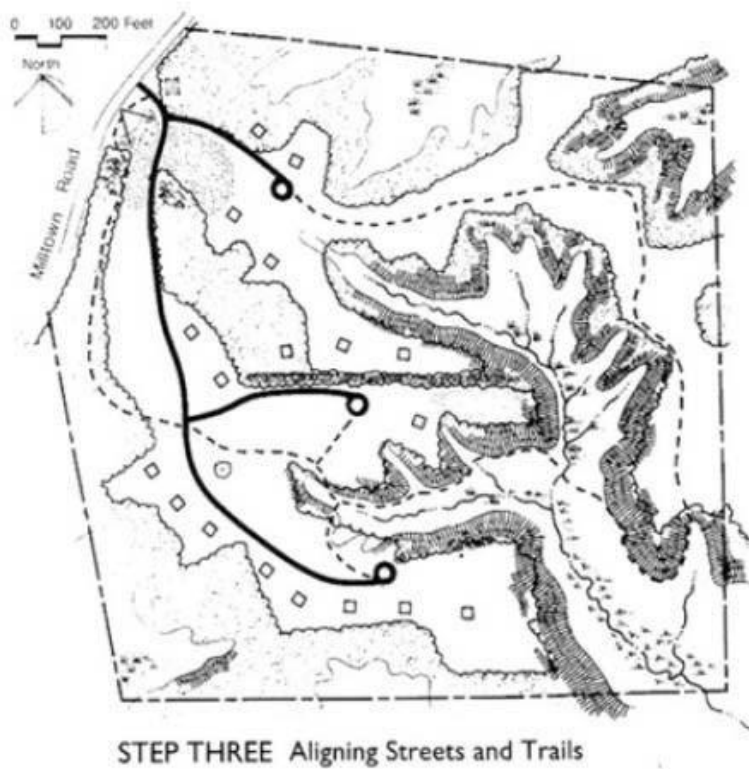
The final step of the process is to draw the lot lines.

**Figure 1** on the following pages, is an illustration of the four-step conservation subdivision design process.

APPENDIX B-2: Figure 1



APPENDIX B-2: Figure 1 (continued)



## **ARTICLE VII. ADMINISTRATION**

### **A. General Provisions**

These Subdivision Regulations shall be administered by the Auburn Planning Commission. The Planning Director of the City of Auburn shall be the official responsible for such administration.

### **B. Penalties**

Any person violating any of the provisions of these Regulations shall, upon conviction, be punished by a fine of not more than \$500, or by imprisonment in the City jail for not more than six (6) months, or by both such fine and imprisonment, and also assessed court costs for each offense. Each day such violation continues shall constitute a separate offense.

### **C. Application Fees**

A schedule of application fees for all approvals and public hearings required under these regulations shall be established by separate resolution. This fee schedule shall be computed so as to recover all costs incurred by the City in reviewing and processing subdivision-related requests, and shall be revised as necessary by the City Council.

After filing an application with the Planning Commission for review, if the applicant, engineer, and/or owner requests withdrawal of the subdivision application at any time before the application is acted on by the Planning Commission, and if said application is withdrawn from consideration before being acted on by the Planning Commission, any subsequent requests by the applicant, engineer, and/or owner for review of the same or similar application will be treated as a new application; therefore, the fee schedule as set out above will apply as if it were a new application; provided, however, that the foregoing shall not apply to withdrawal requests made by the Planning Commission.

The testing of materials and workmanship shall be done under the direction of the City. The developer will provide to the City tests as requested by the City performed by a duly licensed engineer or testing laboratory approved by the City. The cost of such testing shall be borne solely by the Developer.

### **D. Amendments**

These regulations may from time to time be amended by the Auburn Planning Commission. Such amendments shall be published as provided by law for the publication of ordinances. Before the adoption of any amendment, the Planning Commission shall hold at least one public hearing thereon, notice of time and place of which shall be given by publication in a newspaper of general circulation in the City. The adoption of any such amendment shall be by resolution of the Planning Commission carried by the affirmative votes of not less than six (6) members of the Planning Commission. An attested copy of the amendment shall be certified to the City Council and to the Probate Judge of Lee County, Alabama.

### **E. Requirements Held Minimum**

In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements for the promotion of the public health, safety, and general welfare. More stringent provision may be required if it is demonstrated that different standards are necessary to promote the public health, safety, and welfare.

## **F. Modifications**

In cases where the strict application of any of these regulations would result in peculiar and practical difficulties or exceptional and undue hardship, the Planning Commission may modify the application of the regulations to relieve such difficulty or hardship. The difficulty or hardship must be inherent in the exceptional topographic or other extraordinary or exceptional characteristics of the tract proposed to be subdivided and shall not be the result of actions of the Subdivider. No modification shall be made that will produce a conflict with the Comprehensive Plan or with the intent and purposes of these regulations, and any modification shall be the minimum modification that will make possible the reasonable subdivision of the land.

Applications for any waiver shall be submitted in writing by the developer at the time the preliminary plat is filed for consideration by the Planning Commission. The application shall state in full the grounds upon which the waiver is being requested and present the facts upon which the petitioner is relying; and shall be supplemented with such maps, plans, and other data which may assist the Planning Commission in consideration of the request.

No waiver shall be granted unless the Planning Commission shall find that due to special circumstances or conditions, the strict application of these regulations would deprive the applicant of reasonable use of the land.

## **G. Conflicting Provisions**

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule, regulation, statute, or other provision of law. Whenever any provision of these regulations imposes restrictions different from those imposed by any other provision or law, whichever provisions are the more restrictive or impose higher standards shall prevail.

## **H. Severability**

The requirements and provision of these regulations are severable. Should any provision, section, or article be held by a court of competent jurisdiction to be invalid or unconstitutional, the decision of such court shall not affect the validity of these regulations as a whole or any part or section thereof other than the part or section so declared to be unconstitutional or invalid.

## **I. Effective Date and Repeal**

These regulations shall take effect beginning September 12, 2024. Upon adoption of these regulations according to law, the Revised Subdivision Regulations of the City of Auburn, Alabama, adopted July 15, 1976, as amended, are hereby repealed to the extent necessary to give these regulations full force and effect.

  
Nonet Reese, Chairman

  
Dana Camp, Secretary