

# **SUBDIVISION REGULATIONS**

for the

**City of Mobile, Alabama**



Administered By:

**The Planning Section**

of the

**Urban Development Department**

**(251) 208-5895**

With Amendments Through  
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# **SUBDIVISION REGULATIONS**

## **City of Mobile, Alabama**

### **SECTION I. GENERAL PROVISIONS**

#### **A. AUTHORITY**

These Subdivision Regulations are adopted under authority of Section 11-52-30, et. seq., of the Code of Alabama, 1975, as amended.

#### **B. STATEMENT OF POLICY**

1. Orderly Development. It is hereby declared to be the policy of the Mobile City 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 subdivision 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 shall 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, and land shall not be subdivided until or unless adequate provision is made for drainage, water supply, sanitary sewerage and access, as well as other improvements required by these regulations, and unless adequate community facilities, including schools and park and recreation areas, are available in reasonable proximity to the subdivision.
3. Correlation with Other Development Measures. A proposed subdivision shall be correlated with the Comprehensive Plan and with capital budgets and public improvements programs of the governing bodies of the City of Mobile and the County of Mobile and their agencies having responsibility for public improvements. It is intended that these regulations shall supplement the provisions and standards contained in the building, housing and related codes, zoning ordinances and other measures governing development.

#### **C. PURPOSES**

In pursuit of this policy, these regulations shall be so applied as to accomplish the following purposes:

1. Future Growth. To guide the future growth and development of the land within the subdivision 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 subdivision jurisdiction.
4. Land Uses. To protect and conserve the value of land and the value of buildings and improvements on the

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land and, through subdivision design, to minimize the 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 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 flood or has soils unsuited to urban development.
10. Innovative Design. To encourage innovative subdivision design that will produce attractive and convenient arrangements of housing and neighborhood environment, affording a variety of lifestyles.

### **D. AREA OF JURISDICTION**

These regulations shall govern all subdivisions of land within the subdivision jurisdiction, as defined herein, of the Mobile City Planning Commission.

### **E. 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.

## **SECTION II. DEFINITIONS**

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

**ALLEY.** A public right-of-way less than twenty-one feet in width between rear or side property lines, which provides access to adjacent properties.

**BLOCK.** A parcel of land entirely surrounded by streets, streams, railroad rights-of-way, parks or other public spaces or by a combination thereof.

**BLOCK FACE.** One side of a block.

**BUFFER.** An area along the external boundaries of a lot, a minimum of 10-feet in width, planted with vegetation in sufficient density and of sufficient height (but in no case less than six feet high at the time of planting) to afford protection to adjacent properties from glare of lights, blowing papers, dust and debris, visual encroachment, and to effectively reduce the transmission of noise. A buffer may also include a minimum of a six-foot wooden privacy fence (maintained in good repair) or a combination of the aforementioned fence and vegetation.

**BUFFER ZONE.** The area within 100 feet of a public drinking water source; within 50 feet of perennial streams and their associated wetlands; and within 25 feet of natural drainage features and their associated wetlands.

**BUILDING SETBACK LINE.** The line indicating the minimum horizontal distance between the street line and the face of buildings.

**BUSINESS CENTER.** An area zoned, designed or used for school, commercial or industrial uses.

**CITY COUNCIL.** The governing body of the City of Mobile.

**CIVIC SPACE.** Civic spaces are open spaces that are strategically placed to serve a community function. Civic spaces may be used for active or passive activities, and commonly include manicured green spaces, naturalistic green spaces, parks, squares, hard-scaped plazas, playgrounds, or community gardens. Civic Buildings may be located within civic spaces.

**CLOSED-END STREET.** A short street having one end open to traffic and being terminated at the other end with a vehicular turnaround.

**COLLECTOR STREET.** A street, existing or planned, which serves or is intended to serve as a secondary trafficway, collecting traffic from minor streets and feeding it into major streets or to important generators of traffic.

**COMPREHENSIVE PLAN.** The comprehensive plan made and adopted by the Mobile City Planning Commission, as provided by law, for the physical development of the City of Mobile and surrounding area; the term includes any unit or component part of such plan and any amendment to such plan or part thereof when adopted.

**CROSSWALKWAY.** A public right-of-way between property lines, which provides pedestrian access but no vehicular access to adjacent properties.

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**DEVELOPMENT.** The act of installing site improvements and building structures.

**EASEMENT.** A grant by the owner of the use of a strip of land by others for specific purposes.

**ENGINEERING PLANS.** The drawings on which the proposed subdivision improvements are shown and which, if approved, will be used for construction of the improvements.

**FINAL PLAT.** The final map or drawing on which the subdivision plan is submitted to the Planning Commission technical staff for final approval.

**IMPROVEMENTS.** Street surfacing, curb and gutter, sidewalks, water mains, sanitary sewers, storm sewers, utilities, monuments, and other appropriate items.

**LOT.** A portion of a subdivision intended as a unit for transfer of ownership or for development.

**MAJOR STREET.** A street, existing or planned, which serves or is intended to serve as a principal trafficway and which is designated on the Major Street Plan as a limited access highway, major street, parkway or other term to identify those streets comprising the basic structure of the street system.

**MAJOR STREET PLAN.** The component part of the Comprehensive Plan showing the general locations of principal thoroughfares.

**MARGINAL ACCESS STREET (SERVICE ROAD).** A street running parallel to and adjacent to or in the immediate vicinity of another street and which has as its principal purpose the relief of such other street from the local service of abutting properties.

**MINOR STREET.** A street of limited continuity which serves or is intended to serve the local needs of a neighborhood.

**MUNICIPAL OR MUNICIPALITY.** The City of Mobile and, where appropriate to the context, that area lying within the corporate limits of such city as such corporate limits exist or may exist in the future.

**PLANNING COMMISSION OR COMMISSION.** The City Planning Commission of the City of Mobile, as such Commission was created heretofore by ordinance adopted by the City Council of the City of Mobile, pursuant to Title 37, Chapter 16, of the Code of Alabama, 1940, as amended.

**PRELIMINARY PLAN.** The preliminary map or drawing on which the proposed layout of a subdivision is submitted to the Planning Commission for consideration and tentative approval.

**PRIVATE STREET.** Any privately owned street, drive, or roadway which provides vehicular and pedestrian access to adjacent properties as allowed in Section VIII. of these Regulations.

**ROADWAY.** The portion of a street available for vehicular traffic; where curbs are laid, the portion between curbs.

**SIDEWALK.** The portion of a street or crosswalkway, paved or otherwise surfaced, intended for pedestrian use only.

**STREET.** A public right-of-way which provides vehicular and pedestrian access to adjacent properties.

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**STREETSCAPE.** The appearance or view of the street including trees, lighting fixtures, and street furnishings such as benches and trash receptacles.

**SUBDIVIDER.** Any person, group or corporation acting as a unit, or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision as defined herein.

**SUBDIVISION.** The division of a lot, tract, or parcel of land into two or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale or of building development. It includes a resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territories subdivided.

**SUBDIVISION JURISDICTION.** All land located in the corporate limits of the City of Mobile and its extraterritorial jurisdiction as defined by the State Code, and not located within the corporate limits of any other municipality or within the subdivision jurisdiction of any other municipality having a planning commission.

**TENTATIVE APPROVAL.** The approval by the Planning Commission of the Preliminary Plan as such approval is required by these regulations.

**TRADITIONAL CENTER DISTRICT (TCD).** Overlay districts that contain site development requirements to enable and encourage traditional, walkable village and neighborhood centers within the City of Mobile.

**TRADITIONAL CENTER DISTRICT (TCD) REGULATING PLAN.** The TCD regulating plans identify the location of the TCD sub-districts, primary and secondary frontages for all properties, and proposed new streets located within the TCD.

**TRADITIONAL NEIGHBORHOOD DEVELOPMENT.** Generally a large-scale development, comprehensively incorporating mixed uses, mixed densities, relatively small lots, a rectilinear street layout and pedestrian-oriented design.

**WALKABLE STREET.** A street that provides amenities for pedestrians as well as vehicles. Common amenities include sidewalks, shading devices (such as awnings, colonnades, second-floor balconies, or street trees), and on-street parking.



## **SECTION III. PROCEDURES**

### **A. GENERAL PROCEDURE**

The procedure for review and approval of a subdivision by the Planning Commission consists of three consecutive steps as follows:

- 1. Preliminary Plan.** Preparation and filing for review and tentative approval of a Preliminary Plan, together with the Attendant Items required herein. To develop a general design on which to base the Preliminary Plan and thus to avoid having to revise the Preliminary Plan to make it conform to the Comprehensive Plan and to relate it to surrounding development, it is suggested that the Subdivider consult with the Planning Commission staff and other appropriate administrative officials prior to actual preparation of the Preliminary Plat.
- 2. Engineering Plans.** Preparation and filing for review and approval by appropriate authorities of Engineering Plans for the construction of improvements.
- 3. Final Plat.** Preparation and submission for review and final approval of a Final Plat, together with the Attendant Items required herein. In no event shall the Preliminary Plan be considered as a submission of a plat for approval or disapproval as required by Title 37, Chapter 16, Section 799, but only the Final Plat shall be so considered.

### **B. CORRELATION**

It is the intent of the procedure established in this section to correlate and expedite the submission, review, and action on proposed subdivisions. At the same time, it is recognized that the development process requires review and approval of several different officials and agencies such as: the City and County Engineers, the County Health Officer, the Board of Water and Sewer Commissioners, and in some instances, the State Highway Department, the Mobile County School Board, the U. S. Corps of Engineers, and others concerned with the improvements and other aspects of land subdivision.

In this situation, the responsibility for correlating and expediting the subdivision approval process is centered by these regulations in the office of the Director of the Urban Development Department, or his agent (hereinafter referred to as the Director). The Subdivider is encouraged to consult directly with officials and agencies having jurisdiction, but the reports, recommendations, approvals and disapprovals of such officials and agencies shall be made to the Director, or his/her agent. He/She shall then be responsible for correlating them so that information is furnished to the Planning Commission and the Subdivider clearly and promptly.

To insure that the required information and documentation are furnished in proper form and as simply as possible, all applications shall be made on forms furnished by the Director.

It is the further intent of these regulations that when land subdivision is in connection with planned unit development, special exception or other review required by the Zoning Ordinance, the review and approval processes be carried out as nearly simultaneously as feasible. Insofar as is practicable, plans required for such zoning action shall be submitted in a form that will satisfy the requirements of these Subdivision Regulations.

### **C. PRELIMINARY PLAN**

1. **Purpose.** The purpose of the Preliminary Plan is to provide a basis for plans for the construction of the subdivision and its improvements. To this end, during preparation of the Preliminary Plan, the Subdivider should consult with the Planning Commission's technical staff, with the City Engineer, and with other officials and agencies concerned with the subdivision and the improvements.
2. **Filing and Review.** The Subdivider shall file with the Planning Commission technical staff seven (7) copies of the Preliminary Plan, together with the Attendant Items required herein, with written application for tentative approval according to the deadline schedule established year to year by the Urban Development Department. The Preliminary Plan shall be reviewed by the Planning Commission and will be referred for review and report to the City Engineer or County Engineer, as appropriate, the Board of Water and Sewer Commissioners, the County Health Officer, 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. **Action on Preliminary Plan.** Notice of the time and place at which a Preliminary Plan will be considered shall be sent by the Planning Commission to the Subdivider and to the person whose name and address appears upon the plan as the owner of the land. At the next regular meeting following the filing of a Preliminary Plan, the Planning Commission shall communicate in writing to the Subdivider its tentative approval or its disapproval. In the case of tentative approval, the Planning Commission may state the specific changes, if any, required to be made in the Preliminary Plan. In the case of disapproval, the Planning Commission shall state the grounds of disapproval.
4. **Effect of Approval.** Tentative approval of a Preliminary Plan 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 of the Director, or his/her agent, and for recording upon fulfillment of the requirements of these regulations and the conditions of tentative approval. Tentative approval of a Preliminary Plan shall be effective for a maximum time of one year, 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 Plan shall again be filed for tentative approval; provided, however, that if a Final Plat of a part of the subdivision shall have been submitted and approved within the one year period, the tentative approval of the Preliminary Plan shall be automatically extended for a period of one year from the date of approval of such Final Plat of part of the subdivision, and the same automatic extension shall govern in subsequent cases of submission of a Final Plat of part of the subdivision; provided, further, that at any time after the expiration of the initial one year period during which the Preliminary Plan approval is effective, the Planning Commission may notify the Subdivider of changes it will require to meet new or changed conditions. A corrected preliminary plan with all conditions fulfilled, shall be submitted to the Director or his/her agent, prior to the construction or installation of any improvements.

### **D. ENGINEERING PLANS**

1. **Purpose.** The purpose of the Engineering Plans is to provide information, including drawings and specifications, for the construction or installation of the improvements. To this end, the Subdivider and his engineer or land surveyor should consult with the City Engineer or County Engineer, as appropriate, and with other officials and agencies concerned with construction or installation of improvements. The Engineering Plans may include only the portion of the approved Preliminary Plan which the Subdivider

proposes to develop at the time.

2. **Filing and Review.** After approval of the Preliminary Plan and prior to the construction or installation of any of the improvements, the Subdivider shall prepare and submit to the City Engineer or County Engineer, as appropriate, or to other officials or agencies concerned, the necessary copies of the Engineering Plans. The Engineering Plans shall be reviewed by the appropriate authorities, and the review shall take into consideration, in addition to the requirements set out in these regulations, conformance of the plans with the applicable standards and regulations of the City of Mobile or the County of Mobile, as appropriate, and of other agencies concerned.
3. **Action on Engineering Plans.** The City Engineer or County Engineer, as appropriate, and other officials and agencies concerned shall notify the Subdivider of the approval or disapproval of the Engineering Plans. In the case of approval, specific changes, if any, required to be made shall be stated; in the case of disapproval, the grounds for such disapproval shall be stated.

### **E. FINAL PLAT**

1. **Purpose.** The purpose of the Final Plat, together with the 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 conditions of their use. The Final Plat shall be based upon the Preliminary Plan, together with the required changes, but it may include only the portion of the approved Preliminary Plan which the Subdivider proposes to develop at the time.
2. **Submission and Review.** The Subdivider shall submit to the Planning Commission six copies of the Final Plat, together with the Attendant Items required herein. The Final Plat, together with the Attendant Items required herein, shall be reviewed by the Director, or his/her agent, and may be referred for review and report to the City Engineer or County Engineer, as appropriate, the Board of Water and Sewer Commissioners, the County Health Officer, and other appropriate officials. The review shall take into consideration conformance to the approved Preliminary Plan and fulfillment of any conditions of such approval and the proper installation of improvements in conformance with the requirements of these regulations.
3. **Action on Final Plat.** Final approval of the plat will be given upon: (1) fulfillment of all conditions attached to, and conformance with the preliminary plan; and, (2) certification of the proper installation of the improvements and compliance with the requirements of Section VI of these Regulations. The Director, or his/her agent, shall act upon the Final Plat within 30 days of its submission and shall communicate to the subdivider the action taken. In the case of approval, the Director, or his/her agent, shall enter such approval upon the Final Plat by the signature of the Secretary of the Planning Commission. In the case of disapproval, the Director, or his/her agent, shall state the grounds for disapproval.
4. **Recording of Plat.** Approval of the Final Plat by the Planning Commission shall be null and void if the plat is not recorded in the Office of the Judge of Probate of Mobile County within 12 months after the date of approval unless application for an extension of time is made in writing and granted by the Planning Commission during such twelve month period.
5. **Copies of Final Plat.** The applicant shall file with the Director, or his/her agent seven (7) copies of the final plat as recorded in the Office of the Judge of Probate of Mobile County.

### **F. SMALL RESUBDIVISIONS**

1. **Purpose.** The purpose of this procedure for small resubdivisions is to simplify the preparation and expedite the processing of the plats of such resubdivisions. Except as otherwise specified, the resubdivision and the plat thereof shall conform to all the requirements of these regulations. For the purpose of this section, a small resubdivision is one in which not more than five lots are being created from one or more land parcels constituting an existing subdivision and containing an aggregate of not more than four acres and in which every lot will face an existing dedicated street.
2. **Submission and Review.** No Preliminary Plan or Engineering Plans are required to be submitted for a small resubdivision, but the Subdivider should consult with the Planning Commission's technical staff and with other Officials and agencies concerned with the resubdivision prior to preparation of the Final Plat. The Subdivider shall file with the Planning Commission seven (7) copies of the Final Plat, with written application for final approval. The Final Plat shall be reviewed by the Planning Commission and shall take into consideration conformance with the requirements of these regulations and other applicable standards and regulations.
3. **Action on Final Plat.** Action on the Final Plat shall be in accordance with the procedure prescribed herein for other Final Plats.

## **SECTION IV. DOCUMENTS**

### **A. SPECIFICATIONS FOR PRELIMINARY PLAN**

1. **General Form.** The Preliminary Plan shall show accurately and in sufficient detail for construction of the subdivision and its improvements the design of the proposed subdivision in relation to existing conditions and its surroundings. It shall be drawn to a standard engineering scale and of sufficient size to accommodate proper review of the required information. Where necessary, the plan may be on several sheets accompanied by an index sheet showing the entire subdivision.
2. **Information to be Shown.** The Preliminary Plan shall contain the following information:
  - a) Location Map. A diagram showing the location of the proposed subdivision.
  - b) Survey Data. The boundary lines of the subdivision with length and bearings of lines; section and corporation lines; contours at intervals of 2 feet, based on City of Mobile Standard Datum; where contours will not provide adequate information for drainage determinations, spot elevations in sufficient number to show drainage conditions shall be given.
  - c) Miscellaneous Data. Present tract designation according to the records of the Office of the Judge of Probate of Mobile County; the title or name under which the proposed subdivision is to be recorded, with name and address of the Owner and the Subdivider; notations giving scale, (true) north arrow, datum, benchmarks, date of survey and name of the registered Professional Engineer or Land Surveyor.
  - d) Streets. The name, right-of-way width, and location of streets and other public ways on and adjacent to the tract; the type, width, and elevation of surfacing; and legally established center line elevations; walks, curbs, gutters, culverts, and similar features; the name, right-of-way width, and location of

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proposed streets, with their approximate grades and gradients, and similar data for alleys, if any.

- e) Lots and Blocks. Lot lines, lot numbers, tabulations stating gross and net acreage of the subdivision, acreage of existing and proposed public areas within the tract, number of residential lots, typical lot size, and lineal feet of proposed streets.
- f) Non-Residential Sites. Sites to be reserved or dedicated for parks, recreation areas, schools, or other public uses; sites, if any, for multi-family dwellings, shopping centers, churches, industry or other non-public uses exclusive of single-family dwellings.
- g) Easements. The location, width and purpose of existing and proposed easements.
- h) Adjoining Land. The approximate direction and gradient of the around slope; the character and location of buildings, railroads, power lines, towers, and other nearby non-residential land uses or adverse influences; and names of recorded subdivision plats of adjoining platted land by record name, date, and number and the names and addresses of all record owners of adjoining unsubdivided land, as such names appear upon the plats in the Mobile County Tax Assessors Office and such addresses appear in the directory of the City of Mobile or on the tax records of Mobile County.
- i) Other Existing Conditions. The locations of water courses, marshes, wooded areas, buildings or structures and other significant features on the tract.
- j) Proposed Public Improvements. Where information is available, highways or other major public improvements planned by public authorities for future construction on or adjacent to the tract.

### **B. SPECIFICATIONS FOR ENGINEERING PLANS**

- 1. **General Form.** The Engineering Plans shall show accurately and in sufficient detail, for their construction or installation, the design of the subdivision improvements.
- 2. **Information to be Shown.** The Engineering Plans Shall contain the following information:
  - a) Streets. Profiles showing existing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision; typical cross sections of the proposed grading, roadways and sidewalks; locations, species and sizes of existing trees within street rights-of-way.
  - b) Utilities. The location, sizes, and invert elevations of existing and proposed sanitary sewerage and storm water drainage lines; the location and sizes of existing and proposed water lines; any other data on utilities that may be necessary to complete the installations.
  - c) Subsurface Conditions Report. Location and results of soil percolation tests if individual sewage disposal systems are proposed.

### **C. SPECIFICATIONS FOR FINAL PLAT**

- 1. **General Form.** The Final Plat shall show accurately the subdivision as established on the ground and in relation to its surroundings. It shall be drawn to a standard engineering scale and of sufficient size to

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accommodate proper review for the required information. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions, the Final Plat may be submitted for approval progressively in sections satisfactory to the Planning Commission.

**2. Information to be Shown.** The Final Plat shall contain the following information:

- a) Location Map. A diagram showing the location of the proposed subdivision.
- b) Survey Data. Primary control points approved by the City Engineer or County Engineer, as appropriate, or descriptions and ties to such control points, to which all dimensions, angles, bearings and similar data on the plat shall be referred; the boundary lines of the subdivision, right-of-way lines of streets, easements, and other rights-of-way, and property lines of residential lots and other sites, with accurate dimensions, bearings or deflection angles, radii, arcs, and central angles of all curves; the location and description of monuments, according to state law; and statement of the closure error.
- c) Miscellaneous Data. Notations giving scale, (true) north arrow, and date of Final Plat.
- d) Streets. The name and rights-of-way width of each street or other public way.
- e) Lots and Blocks. Identification of each block and of each lot.
- f) Non-Residential Sites. The purpose for which sites, other than residential lots, are intended.
- g) Utilities. The location and dimensions of any utility rights-of-way or easements.
- h) Easements. The location, dimensions, and purpose of any other easements.
- i) Building Setback Line. Minimum building setback line on all lots and other sites.
- j) Certificate of Owner. Notarized certification by the land owner of the adoption of the plat and the dedication of streets and other public areas.
- k) Certificate of Survey. Certification by the registered Professional Engineer or Land Surveyor that the plat represents a survey made by him, that the monuments shown thereon actually exist as located and that all dimensional and other data are correct.
- l) Approvals. Space for certificates of approval of the Planning Commission and the City Engineer or County Engineer, as appropriate.

**3. Attendant Items.** The Final Plat shall be accompanied by the following items:

- a) Protective Covenants. The Protective Covenants, if any, as they are to be recorded. If the subdivision contains common open space or other amenity for the use of the residents of the subdivision only, protective covenants shall provide for a homes association or other means of maintaining the common open space or other amenity.
- b) Statement of Improvements. A statement signed by the City Engineer or County Engineer, as appropriate, that the Subdivider has complied with one of the following alternatives:
  - 1) All improvements have been installed in accord with the requirements of these regulations and with the action of the Planning Commission in giving tentative approval of the Preliminary

Plan.

- 2) A bond or certified check or other acceptable surety has been posted, which is available to the City of Mobile or the County of Mobile, as appropriate, and in sufficient amount to assure such completion of all required improvements.
- 3) A lien on the property comprising the subdivision has been furnished by the City of Mobile or the County of Mobile as appropriate, in sufficient amount to assure such completion of all required improvements.

### **D. SMALL RESUBDIVISIONS**

1. **General Form.** The Final Plat of a small resubdivision shall conform to the requirements for other Final Plats.
2. **Information to be Shown.** The Final Plat of a small resubdivision shall contain items of information required to be shown on other Final Plats if such items are applicable.
3. **Attendant Items.** The Final Plat of a small resubdivision shall be accompanied by the Attendant Items required to accompany other Final Plats if such Attendant Items are applicable.

## **SECTION V. DESIGN STANDARDS**

### **A. PRINCIPLES OF ACCEPTABILITY**

1. **Conformance to Comprehensive Plan.** In general, the subdivision shall conform to the adopted Comprehensive Plan for the City of Mobile and to the Zoning Ordinance, and other applicable ordinances or regulations. If a suggested plan for the neighborhood in which the land to be subdivided is located has been made by the Planning Commission, the layout of the subdivision shall be in general conformance thereto.
2. **Provision for Future Subdivision.** If a tract is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged to allow the opening of future streets and logical further streets and logical future subdivision.
3. **Land Subject to Flooding.** Land subject to periodic flooding and land deemed by the Planning Commission to be uninhabitable shall not be platted for residential occupancy nor for any use that may increase danger to health, life, or property or aggravate the flood hazard, but such land within the tract to be subdivided shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory or insanitary or unhealthful living conditions.

If the land to be subdivided is located in an area having poor drainage or other physical impairment or is subject to flooding (as determined by the City or County Engineering Department), the Planning Commission may approve the subdivision, provided the subdivider agrees to make such improvements as are necessary to render the area substantially safe for residential use, or, in lieu of the improvements, shall furnish a surety bond or a certified check covering the cost of the required improvements, as provided herein and any necessary permits from applicable federal, state and local agencies.

4. **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.
5. **Environmental and Watershed Protection.** In any watershed which contains a public drinking water source, including, but not necessarily limited to, the J. B. Converse Watershed, no field lines or septic tanks may be constructed or maintained within a “flood prone area” as designated by FEMA, or within a “Buffer Zone” as defined in Section II. Within any such watershed, storm water detention facilities are required in any Subdivision. Detention criteria shall comply with the highest applicable adopted standard, which currently requires a minimum detention capacity to accommodate the volume of a 50 year post development storm, with a maximum release rate equivalent to the 10 year storm pre-development rate. A licensed Professional Engineer must certify that the design of the Subdivision and its storm water detention features are designed in accord with these requirements. Any storm water detention facility must be shown in the plans and on the recorded subdivision plat as a common area not maintained by the City of Mobile, Mobile County or the State of Alabama.

The geographic area defined by the city of Mobile and its planning jurisdiction, may contain Federally-listed threatened or endangered species as well as protected non-game species. Development within the Planning Jurisdiction must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.

All Subdivisions shall use “Best Management Practices” for water quality protection as identified in The Use of Best Management Practices (BMPs) in Urban Watersheds - EPA

6. **Trees.** Because of their value in soil conservation, health, and community appearance, large trees shall be preserved wherever possible. Street trees placed within the public right-of-way shall not be of a low, bushy, species that might obstruct vision. No tree shall be planted in the neutral ground within 40 feet of the intersecting property lines at a street intersection.
7. **Reserve Strips.** There shall be no reserve strips controlling land dedicated or intended to be dedicated to street or other public use except where their control is placed in the appropriate governing body under conditions approved by the Planning Commission.
8. **Buffer Planting Strips or Privacy Fence.** Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed multi-family, commercial or industrial subdivision, including the provision of extra depth in parcels adjoining existing or potential residential development. In such cases the provision of a buffer consisting of landscaping, a six-foot wooden privacy fence, or when necessary due to negative impacts a combination thereof, is required.
9. **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 Mobile County. Street names shall be subject to approval of the Planning Commission. In general, the use of names associated with the history and development of the City of Mobile and the State of Alabama is desirable. The Subdivider should check proposed subdivision and street names with the City or County Engineer, as appropriate, prior to preparation of a Final Plat.

### **B. STREETS**

1. **Street Layout.** The street layout shall be devised for the most advantageous development of the entire



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neighborhood or neighborhoods in which the land to be subdivided is located. Existing streets that abut the subdivision shall be continued, and the continuations shall be at least as wide as the existing streets and in alignment with them. The street layout shall also provide for the future projection into unsubdivided lands adjoining of a sufficient number of streets to provide convenient circulation.

2. **Major Street.** Wherever a subdivision embraces a major street, as shown on the Major Street Plan component of the Comprehensive 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.
3. **Marginal Access Streets.** Where a subdivision has frontage on a major or collector street, as shown on the Major Street Plan, a marginal access street may be required if a need for such marginal access street is determined by the Planning Commission. Within the right-of-way of the marginal access street, a separation strip at least 10 feet wide shall be provided. In any event, to the extent that the right-of-way for such marginal access street and separation strip shall be embraced within the subdivision, such right-of-way shall be dedicated for public use.
4. **Collector Streets.** Collector streets shall be provided to collect traffic from minor streets and feed it into major streets or to important generators of traffic, such as schools and shopping centers.
5. **Minor Street.** Minor streets shall be so arranged that their use by through traffic will be discouraged. Four-way intersections of minor streets shall be avoided.
6. **Closed-End Streets.** Ordinarily, closed-end streets (cul-de-sacs) shall not be longer than 600 feet and shall be provided at the closed end with a turnaround. Where the closed-end street is expected to be continued in the future into unsubdivided land, the turnaround may be a temporary one.
7. **Private Streets.** Private Streets shall be allowed in accordance with Section VIII.
8. **Alleys.** In general, alleys will not be approved for residential districts of subdivisions, except as part of an acceptable Traditional Neighborhood Development.
9. **Streets at Business Centers.** Adjacent to school sites and adjacent to areas zoned or designed for commercial or industrial uses, the street width of a minor street, a collector street (except a collector street for which a marginal access street is required), or a closed-end street, shall be increased on the side or sides on which the land for the school or for commercial or industrial use is located by at least 15 feet to allow for the free flow of traffic without interference by vehicles entering or leaving parking areas. In the case of commercial or industrial uses, the roadway width for at least 150 feet on each side of an entrance or exit driveway also shall be increased by at least 15 feet. (This is not a parking space requirement and shall not affect requirements by Zoning Ordinance or otherwise for off-street parking facilities; neither shall fulfillment of this requirement and its acceptance by the Planning Commission be deemed approval or endorsement of any amendment to the Zoning Ordinance necessary for such commercial or industrial uses.)
10. **Half Streets.** No new half street shall be platted. Where a tract of land to be subdivided abuts upon an existing half street, the other half of the street shall be platted.
11. **Intersections.** Street intersections shall be at right angles or nearly so. Where, for topographic or other reasons, an intersection cannot be at right angles, the intersection shall be so designed as to ensure safety. There shall be a minimum number of intersections of minor streets with major streets. Street jogs with centerline offsets less than 125 feet shall be avoided.

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**12. Curvature of Streets.** The minimum radius of curvature of streets on the centerline shall be:

Major Street .....	600 feet
Collector Street .....	300 feet
Minor Street .....	100 feet
Closed-End Street .....	100 feet

Between reversed curves on major streets, collector streets, and minor streets there shall be a tangent at least 100 feet long.

**13. Street Grades.** Street grades shall conform in general to the terrain and shall be sufficient for adequate surface drainage. They shall not be less than 0.5% nor more than 5% for major streets and not less than 0.5% nor more than 10% for other streets.

**14. Right-of-Way Widths.** The minimum right-of-way widths for streets, alleys, and crosswalkways shall be:

Major Street .....	100 feet
<i>(Except where a greater or lesser width is called for by the Major Street Plan or by a federal or state highway requirement.)</i>	
Marginal Access Street .....	40 feet
Collector Street .....	70 feet
Minor Street .....	50 feet
Minor Street (not provided with Curb & Gutter) .....	60 feet
Closed-End Street .....	50 feet
<i>(Turnaround right-of-way diameter..... 120 feet)</i>	
Alley.....	20 feet
Crosswalkway .....	6 feet

**15. Roadway and Sidewalk Widths.** The minimum roadway widths for streets and alleys and the minimum sidewalk widths for streets and crosswalkways shall be:

Major Street.....	<i>(As called for by the Major Street Plan or otherwise determined by the governing body or agency responsible for construction.)</i>
Marginal Access Street .....	20 feet
Collector Street .....	36 feet
<i>(If a divided street, two 18-foot roadways)</i>	
Minor Street .....	26 feet
Closed-End Street .....	26 feet
<i>(Turnaround roadway diameter..... 96 feet)</i>	
Alley.....	20 feet
Collector Street Sidewalk.....	5 feet
Other Sidewalk.....	4 feet

**16. Curb Radii.** Curb radii shall be not less than 20 feet. Where an angle of intersection of less than 60 degrees is permitted, curb radii shall be increased as necessary to ensure safety.

### **C. BLOCKS**

**1. Size and Shape of Blocks.** The lengths, widths, and shapes of blocks shall be determined with

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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 block lengths shall not be less than 500 feet; provided, however, that where site conditions make longer blocks necessary or desirable, such blocks may be as long as 1,600 feet.

2. **Crosswalkways.** Pedestrian crosswalkways shall be provided across blocks longer than 1,200 feet. Crosswalkways shall also be provided where necessary for convenient access to schools, playgrounds, shopping centers and other community facilities.
3. **Blocks on Major Streets.** Where the proposed subdivision is adjacent to or contains a major street, the long dimensions of the blocks shall be parallel, or approximately parallel, to the major street.
4. **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.

### **D. LOTS**

1. **Size and Shape of Lots.** The size, width, depth, shape, and orientation of lots and the minimum building setback lines shall be compatible and appropriate to the location of the subdivision and the type of development and use contemplated. Every lot shall contain a suitable building site.

Panhandle or flag lots shall generally not be allowed, but may be permitted only in those locations where varied and irregularly-shaped lot designs are common and the informality of design is consistent with other lots in the vicinity; or, where unusual circumstances such as an odd shaped lot exists; or, separate disparate uses exist on a single lot; or, where there are natural or pre-existing man-made barriers which may cause an undue hardship on the land owner; or in the case of a family division. Requests for panhandle or flag lots shall be accompanied by evidence showing that each panhandle or flag lot is necessary to allow the site owner reasonable use of the site or to alleviate a situation that would otherwise cause extreme hardship.

Where panhandle or flag lots are permitted, the “pole”, “handle” or “stem” shall be a minimum of 25’ in width for its entirety. If the panhandle or flag shaped lot is large enough to potentially be resubdivided, the “pole”, “handle” or “stem” shall be of a width adequate to allow for dedication and construction of a public road. The building site area of each panhandle or flag lot shall be exclusive of the “pole”, “handle” or “stem”.

Multiple panhandle or flag lots shall not be allowed as an alternative to road construction.

2. **Minimum Dimensions.** Lots for residential use shall be at least 60 feet wide at the building setback line, exclusive of drainage easements, and shall contain at least the following areas:

Where served by the public or an approved private water supply system and sanitary sewerage system..... 7,200 square feet.

Where served by the public or an approved private water supply system but not by the public or an approved private sanitary sewerage system.....15,000 square feet

Where served by neither the public or an approved private water supply system nor sanitary sewerage system.....40,000 square feet

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For the purpose of this regulation, individual wells and individual sewage disposal systems are not considered to be approved private water supply and approved private sanitary sewerage systems.

Upon submission by the subdivider of evidence that the provision of a minimum lot area of 7,200 square feet would be impractical or if the proposed lots are part of an acceptable Traditional Neighborhood Development, the Planning Commission may permit lots having an area of less than 7,200 square feet.

3. **Maximum Depth.** In general, the maximum depth of any lots, exclusive of unusable land, shall not be more than 3.5 times the width of the lot at the building setback line.
4. **Lot to Abut on a Street.** Except for lots on private streets as allowed by Section VIII., every lot shall abut a dedicated and maintained public street.
5. **Corner Lots.** Corner lots for residential use shall be increased in width over the minimum specified herein so that front yard distance can be provided on both streets, and the building setback line shall be so located.
6. **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 10 feet or shall be chords of such arcs.
7. **Side Lines of Lots.** Side lines of lots shall be approximately at right angles or radial to the street line.
8. **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 buffer park strip, at least 10 feet wide and across to which there shall be no right of access, shall be provided along the line of lots abutting such major streets or disadvantageous use.
9. **Minimum Front Yard Setback.** A minimum front yard setback of 25 feet from the front property line shall be provided on every lot, and the setback line shall be shown on the final plat. Where a lot abuts a future major street, the front yard setback shall be measured from the right-of-way line of such future major street as established by the Major Street Plan of the City of Mobile.

### **E. PUBLIC SPACES**

1. **Parks, Recreation Areas, and School Sites.** Wherever a subdivision embraces a park, a combination playground and elementary school site, a combination playfield and junior high school site, or a combination athletic field and senior high school site, as shown on the Comprehensive Plan, such park, recreation area, or school site shall be platted in the general location and of the size called for by the Comprehensive Plan.
2. **Utility Easements.** Easements provided for public utilities, and placed on rear property lines, shall be at least 15 feet wide, 7 1/2 feet on each side of the property lines of lots. The width of easements shall be increased, or they shall be extended, where necessary, to provide space for utility pole bracing or other construction. No new half easement for utilities shall be platted adjacent to an existing subdivision which has not provided the other half of such easement.
3. **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 or construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection with open drainage ways in front of lots.

## **SECTION VI. IMPROVEMENTS**

### **A. GENERAL REQUIREMENTS**

Street, utility, and other improvements shall be installed in each new subdivision in accordance with the standards and requirements specified herein.

### **B. ENGINEERING REQUIREMENTS**

Improvements required by these regulations shall be made in accordance with the engineering specifications and under the supervision of the City Engineer, or County Engineer, as appropriate, the Board of Water and Sewer Commissioners, the County Health Officer, and other appropriate authorities.

### **C. REQUIRED IMPROVEMENTS**

- 1. Monuments.** Lot corners shall be marked with iron pipes at least 1/2 inch in diameter and 16 inches long. Angle points, points of curves in streets, the out-boundary corners of the subdivision, block corners, and intermediate points as required by the City Engineer shall be marked with concrete monuments 4 inches square and 30 inches long. Marks shall be provided with center points.
- 2. Roadways.** Roadways, except roadways of major streets, shall be surfaced for their entire width and those within the City of Mobile shall have curb and gutter edge, in accordance with the engineering specifications of the City Engineer or County Engineer, as appropriate. The construction of the roadway of a major street shall not be the responsibility of the Subdivider; the construction of the roadway of a collector street for which a marginal access street is required shall not be the responsibility of the Subdivider.
- 3. Drainage.** Necessary facilities for drainage of roadways that are for drainage of surface water in the subdivision shall be installed. Surface water shall be emptied into the storm sewer system where such system is reasonably accessible. These facilities shall be in conformity with the plans and standards of the City Engineer or County Engineer, as appropriate.
- 4. Sidewalks.** Sidewalks shall be provided on both sides of streets of a subdivision simultaneously with construction of buildings therein. Sidewalks along or contiguous to common areas or "non-lotted" areas within a proposed subdivision shall be installed prior to recording a final plat. Sidewalks shall be 4 feet wide and shall be located in the street right-of-way one foot from the property line. Crosswalkways shall be provided with paved walks 4 feet wide; sidewalks and paved walks of crosswalkways shall be concrete at least 4 inches thick.
- 5. Water Supply.** Where a public water supply is reasonably accessible, as determined by the Board of Water and Sewer Commissioners, and the County Health Officer, may require the subdivider to construct a water supply system with a water stub-out for each lot in the proposed subdivision. To avoid cutting pavement or roadway when connections are made, stub outs shall extend from the main two points outside the roadway.
- 6. Sanitary Sewerage.** Where a public sanitary sewer is reasonably accessible, as determined by the Board of Water and Sewer Commissioners, and the County Health Officer, the Subdivider to install a sanitary

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system with a stub-out for each lot in the proposed subdivision and shall connect such system to the public sanitary sewer. To avoid cutting pavement or roadway when connections are made, stub-outs shall extend from the sewer line to points outside the roadway.

- 7. Street Signs.** Each intersection shall have signs identifying the streets which form the intersection. Construction and installation of street signs shall be in accordance with the requirements of the City Engineer or County Engineer, as appropriate.

### **D. GUARANTEES OF PERFORMANCE**

- 1. Completion of Improvements.** The Planning Commission shall not approve the Final Plat of any subdivision unless the improvements required by these regulations have been installed in accordance with the standards and specifications of the appropriate officials and agencies and their approval has been certified to the Planning Commission or a surety bond or lien has been furnished as required herein.
- 2. Surety Bond.** In lieu of completing the improvements prior to the submission of the Final Plat for approval, the Subdivider may post a bond or certified check or other acceptable surety providing for and securing the City of Mobile or the County of Mobile, as appropriate, the actual construction and installation of such improvements within a specified period.
- 3. Lien.** In lieu of the completion of improvements prior to the submission of the Final Plat for approval or the posting of a bond or certified check or other acceptable surety as provided herein, the Subdivider may furnish a lien on the property comprising the subdivision providing for and securing to the City of Mobile or the County of Mobile, as appropriate, the actual construction and installation of such improvements within a specified period.

## **SECTION VII. DEDICATIONS**

### **A. RIGHTS-OF-WAY**

- 1. Streets and Crosswalkways.** 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 new crosswalkways 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 minimum regulations or by the Major Street Plan and dedicated. The rights-of-way for secondary streets for which marginal access streets are required to the extent that such rights-of-way or secondary street are embraced in whole or in part by the subdivision shall be similarly platted and dedicated.

### **B. EASEMENTS**

- 1. Utilities.** Easements for utilities shall be provided as required herein, together with the right of ingress and

egress.

2. **Drainage.** Easements for drainage shall be provided as required herein, together with the right of ingress and egress.

### **C. PARKS, RECREATION AREAS AND SCHOOL SITES**

1. **Proposed Sites.** Where a proposed park, recreation area or school site shown on the Comprehensive Plan is located in whole or in part in a subdivision, the Planning Commission may require the reservation and platting of such area within the subdivision in those cases in which the Planning Commission deems such requirement to be reasonable.
2. **Large Scale Development.** Where deemed essential by the Planning Commission, upon consideration of the particular type of development proposed in the subdivision, and especially in large scale neighborhood unit developments not anticipated in the Comprehensive Plan, the Planning Commission may require the reservation of such other areas or sites of a character, extent, and location suitable to the needs created by such development for parks, recreation, schools, and other neighborhood purposes.

## **SECTION VIII. MODIFICATIONS**

Subdivisions considered under this section may be approved if they demonstrate unusual difficulties or innovative design.

### **A. OBJECTIVES**

The purpose of this section is to allow for exception to the strict application of the Subdivision Regulations in order to allow for innovative design or unusual difficulty of proposed subdivisions. Subdivisions considered under this provision may be approved if they demonstrate unusual difficulties, promote innovative design or are a family subdivision, (as defined in Sections VIII.B., C. or D.) and follow the standards set out in Section VIII.E.

### **B. UNUSUAL DIFFICULTIES**

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.

### **C. INNOVATIVE DESIGN**

In pursuit of the purposes of these regulations, the Planning Commission may modify their application in the

case of a proposed subdivision of innovative or unconventional design. For the purposes of this Section, an innovative subdivision can include a single-family residential project such as a cluster or Traditional Neighborhood Development subdivision or a subdivision designed for townhouses, terrace houses, or patio homes; a multiple-family residential project; or other building groups such as a shopping center, office park, or industrial park.

### **D. FAMILY SUBDIVISION**

In order to allow for the family division of land, a private street subdivision consisting of five (5) lots or fewer, where the purpose of the subdivision is to divide the property amongst family members, may be considered.

### **E. CRITERIA/STANDARDS**

All subdivisions of land within the jurisdiction should adhere to the requirements of these Regulations. If the proposed subdivision is deemed to contain unusual difficulties or innovative design, or is a family subdivision as defined above, private streets may be allowed subject to the following criteria and standards.

#### **1. Criteria.**

- a) Privately maintained streets in single-family residential subdivisions shall be permitted only as closed end streets serving the immediate development. However, subdivisions designed for townhouses, terrace houses or patio homes; a multiple-family residential project; or other building groups such as a shopping center, office park, or industrial park shall be subject to site-specific review to ensure the adequate circulation of traffic and so that the purposes of these Regulations are achieved. Other streets, whether minor, marginal access, collector or arterial, shall be for public maintenance and shall be public thoroughfares. Areas and frontages for lots shall be determined by the requirements of Section V. of these regulations, without regard to whether or not the street is privately maintained.
- b) Subdivisions in which Private Streets are allowed shall not be adjacent to large undeveloped potentially landlocked tracts of property where a street stub would be required.
- c) All Private Streets shall have direct access to a standard public street.
- d) Private Streets shall not be approved if the roadway is presently needed, or is likely to be needed for extension to adjacent property or to be utilized for public road purposes in the normal development of the area.

#### **2. Standards.**

- a) Adequate facilities to control surface drainage and to prevent excessive runoff onto adjacent property shall be installed. Adequate measures shall be provided to prevent runoff and siltation onto adjacent areas during and after construction. Developers shall conform to all Federal, State and Local laws and regulations affecting stormwater control. The design of stormwater drainage facilities for every subdivision shall be such that post development runoff and velocity shall be equal to or less than that of predevelopment. The design engineer shall provide the appropriate regulating body with design calculations and the storm frequency upon which his design is based. The Commission may, for good cause, require design based upon a greater storm frequency.



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- b) Where sufficient evidence of unusual difficulties is presented to the Commission, curb and gutter requirements may be waived if the developer provides an engineered drainage plan acceptable to the City or County Engineer as appropriate. In such case, however, ribbon curb shall be required adjacent to pavement edges to prevent pavement deterioration.
- c) Private streets constructed with two lanes shall have a minimum right-of-way of 50 feet and a minimum pavement width of 18 feet with two 2' paved wings 150 pounds per square yard of 416 mix over an 8" granular soil base compacted in two 4" thick layers (minimum County standards for a residential street). For single lanes separated by a median, which shall be landscaped, each lane shall have a minimum pavement width of ten feet. (under Criteria in Section VIII.B., the Planning Commission may modify the 50' right-of-way requirement)
- d) There shall be designated on the plat utility easements acceptable to the appropriate provider of utility services within the subdivision.
- e) There will be no public right-of-way.
- f) Presentation of a legal document to run as a covenant with the land, providing for continuing maintenance of the street by an owners' association or other entity, granting right of ingress and egress for emergency and utility maintenance vehicles, saving harmless the governing body from damages to any owner within the association arising or which may arise out of the existence of such private street, said document shall be approved by the City Attorney or his designee as to form and legality and shall be properly executed and recorded simultaneously with the plat in the Probate Records of Mobile County, Alabama.
- g) Each and every owner of property abutting upon and with legal access to the proposed private street shall be a party to such document and agreement.
- h) The Plat of Record shall contain a prominent notation to the effect that streets are privately maintained and not dedicated to the public.
- i) A sign shall be posted and maintained at the entrance to the Private Street(s) with the street name and identifying it as a Private Street. Signage shall be made to City standards. Street names must be approved by the City Engineer.
- j) A note on the Final Plat and clearly stated in the legal document referenced above that if the Private Street(s) is not constructed and maintained to the appropriate city or county standard, and is ultimately dedicated for public use and maintenance, 100 percent of the cost of the improvements required to bring the street up to the prevailing standard shall be assessed to the property owners at the time the Private Street(s) is dedicated. Said assessment will run with the land to any subsequent property owners.
- k) A letter bearing the seal of a registered land surveyor or civil engineer certifying all the aforementioned Criteria and Standards have been complied with must be submitted with the Final Plat. The original letter to be recorded with the Final Plat and a copy of the recorded letter to remain on file in the Office of Urban Development.

## **F. PROCEDURES**

An application for review and approval of a subdivision approved under Section VIII shall be subject to the procedures for review and approval of a subdivision as set forth in Section III of these regulations.

## **G. TRADITIONAL CENTER DISTRICT (TCD).**

- 1. Purpose and Intent.** The Traditional Center Districts (TCD) establish land development requirements that enable and encourage traditional, walkable village and neighborhood centers, and bring a balance between vehicular and pedestrian-oriented design. The street standards enable walkable village and neighborhood center development within the defined TCD areas by establishing street standards conducive to traditional, walkable districts, including the regulation of lane width, street edge, street tree plantings and sidewalks, as well as interconnectivity of the street network.
- 2. Applicability.** The regulations and criteria set forth in this section are applicable to the areas within a TCD. A property owner may elect to Subdivide or Resubdivide a property under the applicable regulations of the TCD by filing a written statement of justification when submitting application for Subdivision or Resubdivision; unless that election is made, each respective property will be governed by the existing non-TCD regulations set forth in the Subdivision Regulations. If an owner elects to Subdivide or Resubdivide under TCD, except where explicitly provided to the contrary, whenever the requirements of these regulations are in conflict with the requirements of the Subdivision Regulations for the City of Mobile, Alabama, the requirement within this section shall supersede. However, the underlying requirements remain applicable where this section remains silent.
- 3. Graphics and Illustrations.** In case of conflict between any figure and any text in this section, the text shall apply and supersede the graphic or illustration.
- 4. Principles of Acceptability.**
  - a) Trees. Within the TCD street trees shall be located a minimum of fifteen (15) feet from the radius of a curb at street intersections.
- 5. Street Standards.** The following standards shall be followed for all new or improved streets in the TCD:
  - a) Street Layout. Connectivity of the street grid throughout the TCD is regulated by these regulations. The conceptual locations of proposed new streets within the TCD are identified in the TCD regulating plans. Proposed new streets located on the regulating plans are permitted, but not required. At the time of development or redevelopment of a property, the inclusion of a new street is at the discretion of the property owner. Reconfigurations or adjustments to the proposed street locations are subject to the following:
    - (1) Proposed streets. Proposed streets shown on the regulating plans may be moved. The intent of the TCD is to increase street connectivity and provide a small, walkable block network.
    - (2) Additional streets. Additional streets may be added to the regulating plans to create a smaller block pattern.
  - b) Walkable Streets. All new or improved streets within the TCD shall be designated as Walkable Streets. The Walkable Street requirements of this section shall supersede all applicable street requirements, including those for Major Streets, Collector Streets, and Minor Streets, contained in the Subdivision Regulations.

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- c) Closed-End Streets. Closed-end streets shall not be permitted in the TCD.
- d) Public or Private Streets. New streets may be public or private.
- e) Alley rights-of way. Alleys shall be permitted within the TCD. The following requirements shall be met:
  - (1) A continuous network of rear and side alleys is encouraged on all new or redeveloped lots to serve as the primary means of vehicular ingress and egress in the TCD. Rear alleys shall be required for all new or redeveloped parcels narrower than 65 feet, subject to the following:
    - (a) A property internal to a block that redevelops prior to its neighbors is not required to construct an alley; however, the plat shall reflect rear or side setbacks that provide enough room for the future connection when neighboring properties do redevelop, either via an alley or rear parking drive aisle connection.
    - (b) An exception to the requirement of an alley may be granted upon receipt of agreements with neighboring properties granting vehicular cross access through existing drives or parking lots.
  - (2) Alleys shall be a minimum of twenty (20) feet wide.
  - (3) Alleys shall connect to existing streets or other alleys.
  - (4) Alleys shall remain under private ownership.
- f) Streets at Business Centers. The requirements of streets at business centers shall not be applicable in the TCD.
- g) Intersections. Street jogs with centerline offsets less than 125' shall be permitted for Walkable Streets.
- h) Curvature of Streets. The minimum radius of curvature of streets on the centerline of a Walkable Street shall be 100 feet.
- i) Walkable Street Standards.
  - (1) There shall be no minimum width for rights-of-way and roadways for Walkable Streets; instead, such streets shall be regulated by assembling the appropriate sizes/dimensions of the following components: lane width, street edge, street tree plantings and sidewalks. The standards for these components shall be as stated in the following table; these dimensions supersede all other applicable standards of the Subdivision Regulations:

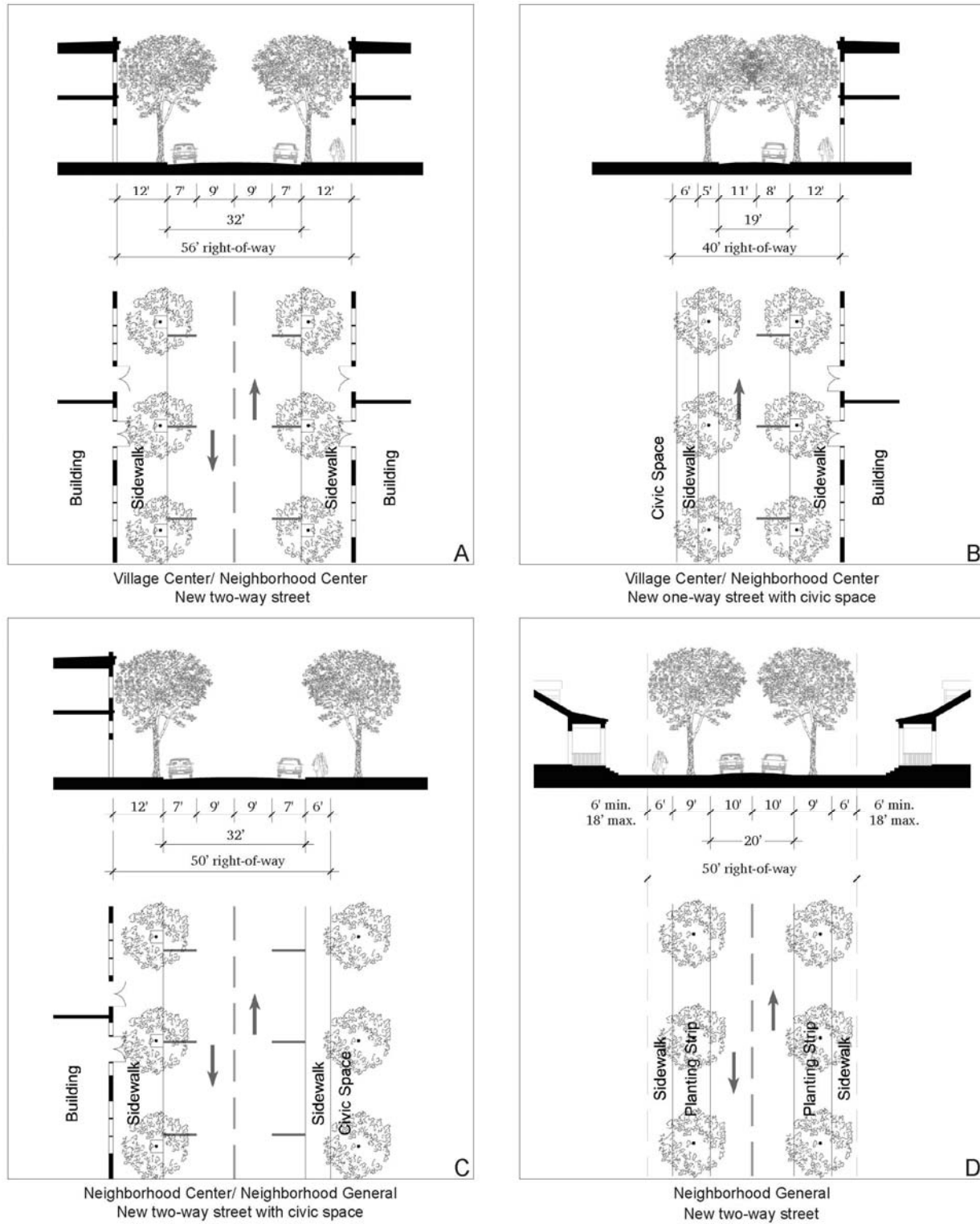
## SUBDIVISION REGULATIONS

TABLE INSET:

<b>Streetscape Standards</b>		Sub-districts		
		<i>Village Center</i>	<i>Neighborhood Center</i>	<i>Neighborhood General</i>
<b>Lane Width:</b>				
	<i>Travel Lane</i>	9' to 11' <sup>1</sup>	9' to 11' <sup>1</sup>	8' to 10'
	<i>Turning Lane</i>	9' to 11'	9' to 11'	no turning lanes
	<i>Parking Lane</i>	parallel – 7' to 8' angle – 15' to 18'	parallel – 7' to 8' angle – 15' to 18'	parallel – 7' to 8' angle – 15' to 18'
<b>Street Edge:</b>				
	<i>Type</i>	raised curb	raised curb	raised curb or open swale
	<i>Corner radius<sup>2</sup></i>	10' to 15'	10' to 20'	10' to 25'
	<i>Corner radius<sup>3</sup></i>	5' max.	5' max.	5' max.
<b>Street trees:</b>				
	<i>Type</i>	tree wells	tree wells or planting strip	planting strip
	<i>Width</i>	4' min. wells	4' min. wells; 6' to 12' strips	6' min. strips
	<i>Tree spacing</i>	Approx. 30' on center	Approx. 30' on center	Approx. 30' on center
	<i>Tree diversity</i>	single species per block	single species per block	alternating species allowed
<b>Sidewalk:</b>				
	<i>Type</i>	sidewalk required	sidewalk required	sidewalk required
	<i>Width</i> □	12' min.	12' min.	6' min.
<p>1 A 12' wide travel lane may be used, only when reconfiguring an existing right-of-way to retain existing curb to curb dimensions, or for one-way roadways.</p> <p>2 These radius standards supersede those contained in Section V.B.16 of the Subdivision Regulations, and apply to:</p> <ul style="list-style-type: none"> <li>• swales (measured to edge of pavement);</li> <li>• raised curbs if both on-street parallel parking and curb bulbs (curb extensions) are provided (measured to vertical face of curb); and</li> <li>• raised curbs if on-street parallel parking is not provided (measured to vertical face of curb).</li> </ul> <p>The standards for curb bulbs may be adjusted by the City Engineer based on a technical analysis using AutoTurn or turning templates.</p> <p>3 This radius standard supersedes those contained in Section V.B.16 of the Subdivision Regulations, and apply to raised curbs if on-street parallel parking is provided without curb extensions (measured to vertical face of curb).</p> <p>4 These minimum sidewalk requirements apply to sidewalks which enfront building parcels. All sidewalks that enfront civic spaces may be 6' min.</p>				

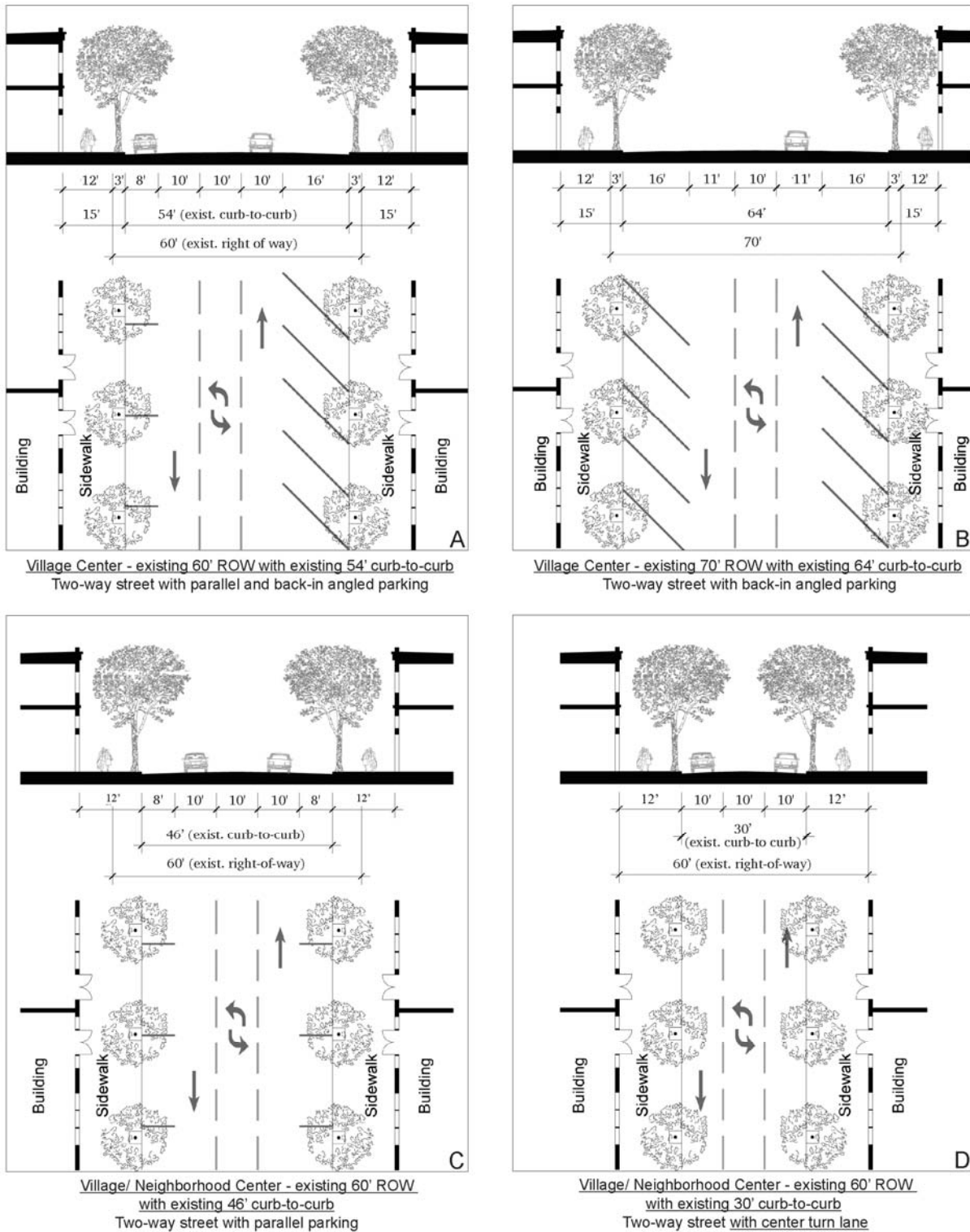
- (2) Sample Street Sections. Sample new and improved street section assemblies using the street standards for Walkable Streets in the TCD are shown in Figures 1 - 2.

Figure 1: Sample New Street Sections



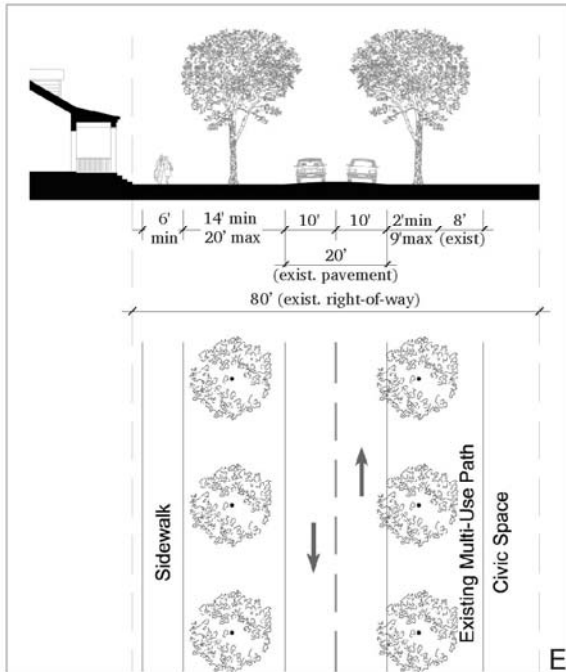
## SUBDIVISION REGULATIONS

Figure 2: Sample Improved Street Sections

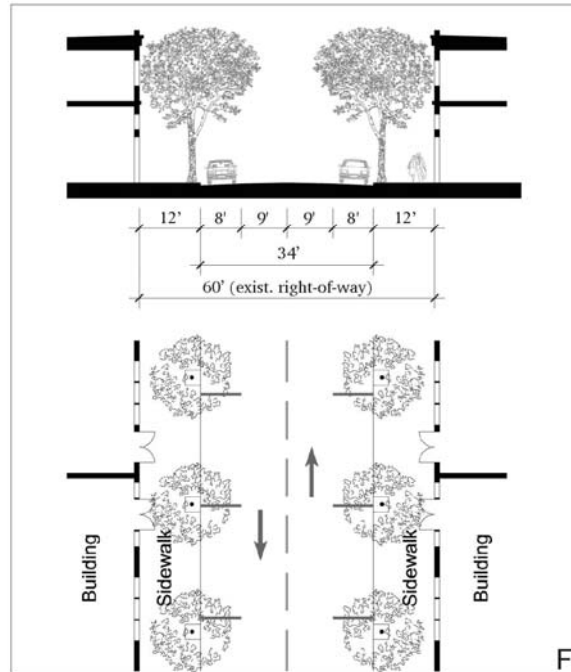


## SUBDIVISION REGULATIONS

Figure 2: Sample Improved Street Sections (continued)



Neighborhood Center/ Neighborhood General - existing 80' ROW with existing 20' curb-to-curb  
Two-way street with civic space



Neighborhood Center - existing 60' ROW with existing 34' curb-to-curb  
Two-way street with parallel parking both sides

- j) Sidewalk and Streetscape Improvements. At the time of development or redevelopment, sidewalk and/or streetscape improvements required by these regulations shall be constructed adjacent to the parcel.

### **6. Blocks.**

- a) Size and Shape of Blocks. Except as otherwise provided herein, block perimeters may not exceed 1,600 linear feet as measured along the inner edges of each street right-of-way. Blocks may also be broken by a civic space provided that space is at least 50 feet wide and will provide perpetual pedestrian access between the blocks and to any lots that front the civic space. Block perimeters may exceed this limit, up to a maximum of 2,000 linear feet, only if one or more of the following conditions apply:
- (1) The block contains a parking facility mid-block that serves a mixture of uses.
  - (2) The block contains valuable natural features that should not be crossed by a street.
- b) Crosswalkways. Any single block face longer than five hundred (500) feet must include a crosswalkway at least eight (8) feet in width that connects to another street. Upon redevelopment, individual lots with over two hundred (200) feet of frontage shall meet this requirement within their lot, unless already satisfied within their block face.

### **7. Lots.**

- a) Minimum Dimensions. There shall be no minimum dimensions for lots within the TCD where served by a public or an approved private water supply system and sanitary sewage system.
- b) Maximum Depth. There shall be no maximum depth for individual lots within the TCD; however, the maximum block size of section V.G.6 of the Subdivision Regulations shall be maintained.
- c) Minimum Front Yard Setback. The minimum setbacks shall be as set in the TCD.

## **SECTION IX. ADMINISTRATION AND AMENDMENTS**

### **A. GENERAL PROVISIONS**

These Subdivisions Regulations shall be administered by the Mobile City Planning Commission. The Director of the Urban Development Department, or his/her agent shall be the officer in charge of such administration.

### **B. PENALTIES**

As prescribed in Section 800 of Title 37, Chapter 16 of the Code of Alabama, 1975, as amended, whoever, being the owner or agent of the owner of any land located within a subdivision, transfers or sells or agrees to sell any land by reference to or exhibition of or by other use of a plat of a subdivision, before such plat has been approved by the Planning Commission and recorded in the records of the Office of Judge of Probate of Mobile County, shall forfeit and pay a penalty of one hundred dollars for each lot or parcel so transferred or sold or agreed or negotiated to be sold; and the 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 such penalties or from the remedies herein provided. The City of Mobile may enjoin such transfer or sale or



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## SUBDIVISION REGULATIONS

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agreement by action for injunction brought in any court of equity jurisdiction or may recover the same penalty by a civil action in any court of competent jurisdiction.

### **C. FEES**

Upon submission of a subdivision application for tentative approval, the applicant shall pay to the Mobile Urban Development Department an initial filing fee of \$50.00 to partially cover the cost of review and approval. In addition, a fee of \$10.00 per lot for the first 10 lots, and \$5.00 per lot thereafter and the amount of certified postage for notification letters, shall also be paid upon submission. A fee of \$25.00 will be required upon submission of an application for extension of approval of a previously approved subdivision. A flat fee of \$100.00 per request will be required upon submission of an application for sidewalk waiver.

After filing an application with the Urban Development Department 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 or the City Council. Furthermore, an application may receive a maximum of one (1) holdover request at the request of the applicant, and the applicant shall be responsible for any costs incurred for re-notification of property owners. Any additional requests for holdover shall be deemed a new application, requiring a new submission, including all application and mailing fees.

### **D. AMENDMENT POLICY**

These Subdivision Regulations are based on comprehensive planning studies and on the need for uniform standard of design and construction of subdivision and improvements to carry out the objective of a sound, stable, and desirable development. It is recognized that casual change or amendment to the regulations would be detrimental to the achievement of that objective, and it is therefore declared to be the policy of the Planning Commission to amend these regulations only when one or more of the following conditions prevail:

1. **Error.** There is a manifest error in the regulations.
2. **Change in Conditions.** Changed or changing conditions in a particular area, or in the subdivision jurisdiction generally, making a change in the regulations necessary and desirable.

### **E. AMENDMENT PROCEDURE**

Amendments to these Subdivision Regulations may be requested by any person concerned with or affected by the application of the regulations. A request for amendment shall state the name, address, and interest of the person requesting the amendment, the nature and purpose of the amendment requested, and the need therefore.

### **F. ADOPTION OF AMENDMENTS**

The adoption of any amendment to these Subdivision Regulations shall be by resolution of the Planning Commission carried by the affirmative votes of a majority of the members of the Commission.

## **SECTION X. INTERPRETATION, VALIDITY, AND EFFECTIVE DATE**

### **A. INTERPRETATION**

In interpreting and applying the provisions of these regulations they shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. Whenever the provisions of these regulations require higher standards than are required in any other applicable statute, ordinance or regulation, the provisions of these regulations shall govern; whenever other applicable statutes, ordinances or regulations require higher standards than the provisions of these regulations, such other applicable statutes, ordinances or regulations shall govern.

### **B. VALIDITY**

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

### **C. EFFECTIVE DATE**

These regulations shall take effect upon adoption and publication as required by law.

**ADOPTED THE 18th DAY OF SEPTEMBER 2008**

**MOBILE CITY PLANNING COMMISSION**

**/s/ Terry Plauche, Chairman**

**ATTEST:**

**/s/ William DeMouy, Secretary**

I, **William DeMouy**, being the duly elected and acting Secretary of the Mobile City Planning Commission, do hereby certify that the above and foregoing is a true and correct copy of the original Subdivision Regulations adopted by the Mobile City Planning Commission on March 8, 1962, and recorded on March 21, 1962, in Real Property Book 315, page 259, and as amended on April 7, 1988, and recorded on May 19, 1988, in Real Property Book 3268 page 455 of the records in the office of the Probate Court of Mobile, Alabama, and as amended on January 17, 1991 in Real Property Book 3671 Page 556, and as amended on October 15, 1998 in Real Property Book 4674 Page 200 of the records in the office of Probate Court of Mobile County, Alabama, and as amended on March 7, 2002, April 3, 2008, and last amended on September 18, 2008 and recorded on \_\_\_\_\_, 2008 in Real Property Book \_\_\_\_\_ Page \_\_\_\_\_.

**William DeMouy, Secretary**

This instrument was prepared by: John Lawler , 160 Dauphin Street, Mobile, AL