



N McKenzie St



TECHNICAL DESIGN MANUAL

ENGINEERING & ENVIRONMENTAL STANDARDS



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ARTICLE I

GENERAL REGULATIONS

1-1 TITLE & PURPOSE

1-1.1 Title

This ordinance shall hereafter be known, cited, and referred to as the City of Foley Technical Design Manual and may be referred to herein as the “Manual”.

1-1.2 Purpose

The City of Foley, Alabama, pursuant to the authority granted by the *Code of Alabama*, hereby ordains and enacts into law an official Technical Design Manual in accordance with the laws of the State of Alabama.

This Manual is established in order to:

- Promote the health, safety, convenience, order, prosperity, and general welfare of the residents;
- Lessen congestion in the streets and promote connectivity for pedestrians and automobiles;
- Secure safety from fire, panic, and other dangers;
- Provide adequate light and air;
- Facilitate the adequate provision of transportation, water, sewerage, parks, and other public requirements.
- Mitigate negative impacts of downstream properties and waterways by requiring storm water quality and quantity improvements

In their interpretation and application, the provisions of this Manual shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed to neither limit nor repeal any other powers granted under state statutes.

1-2 AUTHORITY & JURISDICTION

1-2.1 Authority

The rules and regulations set forth herein are hereby adopted in accordance with the Code of Alabama. Manual authority is specifically contained in Code of Ala. 1975, § 11-45-7.

1-2.2 Jurisdiction

Effective upon adoption of the Foley City Council, this Manual shall govern all land development activities, as defined herein, located within the corporate limits of the City of Foley, as well as subdivision developments outside the corporate limits but within the City's Planning Jurisdiction (PJ), except where a separate or subsequent agreement between the City of Foley and the Baldwin County Commission provides otherwise. This Manual shall not be construed to impair or invalidate any permit, approval, or application formally accepted as completed by the City prior to the effective date of this Manual.

1-2.3 Modifications

Where there are practical difficulties involved in carrying out the provisions of this code, the Department shall have the authority to grant modifications in accordance with Sections 1-2.3.1 or 1-2.3.2.

1-2.3.1 Individual Cases

The Department shall have the authority to grant modifications for individual cases, provided that the Department shall first find that the special individual reason makes the strict letter of the section(s) impractical and the modification is in compliance with the intent and purpose of this manual and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the file of the agency.

1-2.3.2 Natural Disasters

In preparation for, during and after a natural disaster event, as determined by the Department, the Department shall have the authority to issue written policies, procedures or rules that that modify this manual as necessary to protect life and property. Such policies, procedures or rules shall be made available to the public and shall include start and end dates, which can be extended at the Department's discretion.

1-3 SEVERABILITY

If any section, clause or portion of these regulations shall be held by a court of competent jurisdiction to be invalid or unconstitutional, such findings shall not affect any other section, clause or portion of these regulations.

1-4 ENFORCEMENT & PENALTIES

A. Stop Work Orders

A Stop Work Order shall be issued for any land-disturbing activity that occurs without a valid permit, if BMPs are found to be insufficient for erosion and sediment control, or as deemed appropriate to gain compliance with this Manual.

B. Inspection and Compliance Notices

Upon inspection, if violations of this Manual are identified, a written warning may be issued to the site contact listed on the permit. The warning shall require corrective action and compliance within seventy-two (72) hours of the notice or as soon as safe conditions allow, as determined by the City.

C. Off-Site Sedimentation

If the Department determines that sedimentation has occurred off-site (onto a right-of-way, into a stream, or into a storm water management facility) the responsible party shall remove or stabilize the sediment as soon as practicable, but in no event later than seventy-two (72) hours after notice from the City, unless the City determines that additional time is warranted due to weather conditions, the need for state or federal permits, or other circumstances beyond the responsible party's reasonable control. All remediation shall be completed within the timeframe established by the Department, which shall consider the scope and complexity of the required corrective action.

D. Withholding of Approvals and Certificates

1. The Department may refuse approval of a final plat or final site plan for any subdivision that fails to maintain compliance with approved design specifications.
2. Any developments that have not met design and construction standards may not receive a Certificate of Occupancy until all deficiencies have been corrected and compliance has been verified by the City.

E. Violations and Stop Work Order Enforcement

Failure to comply with any provision of this Manual shall constitute a violation. Such violations may result in the City of Foley, through a Code Enforcement Officer, Engineering Department, or Environmental Department, issuing an order to suspend all work (a "Stop Work Order") on the land-disturbing site until satisfactory corrective measures are taken. If a Stop Work Order is violated or repeated violations occur, a municipal offense ticket will be issued. Any person aggrieved by the issuance of a Stop Work Order or other enforcement action under this Manual may appeal to the City Engineer, or designee, by filing a written request within ten (10) business days of the enforcement action. The City Engineer shall issue a written decision within fifteen (15) business days of receiving the appeal. Further appeal shall be to a court of competent jurisdiction.

F. Penalties and Recovery of Costs

Any person who violates or continues to violate this Manual shall be subject to penalties as specified in Section 1-8 of the Foley Municipal Code of Ordinances. Each day a violation continues shall constitute a separate offense.

G. Stalled Sites

Sites that are inactive for 7 days or longer, with exposed soils, shall be provided with acceptable cover or appropriate temporary stabilization. If land-disturbing activities cease or are suspended for a period of six (6) months or more, the permittee or property owner shall implement permanent stabilization measures. All exposed soil surfaces shall be stabilized with permanent vegetation sufficient to prevent erosion, sediment transport, and degradation of adjacent properties or waters.

H. Working Without a Permit

When work for which a permit is required has commenced prior to obtaining a permit, the applicant shall be required to pay a permit fee equal to double the normal fee, which reflects the City's additional administrative costs associated with after-the-fact permit review, inspection, and compliance verification. Payment of the double fee shall not relieve any person from compliance with applicable regulations and codes, nor from penalties including suspension or termination of work. In addition to double permit fees, violations shall be subject to penalties as specified in Section 1-8 of the Foley Municipal Code of Ordinances, including a fine of \$150 for the first offense and \$300 for the second offense (along with a citation requiring a court appearance).

1-5 MEANS OF APPEAL

1-5.1 General.

In order to hear and decide appeals of orders, decisions or determinations made by the Department relative to the application relative to the application and interpretation of this manual, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Department.

1-5.2 Limitations on Authority.

An application for appeal shall be based on a claim that the true intent of the code or rules legally adopted thereunder have been incorrectly interpreted, the provisions of this manual do not fully apply or an equivalent or better form of construction is proposed. The board shall not have authority to waive requirements of this Manual. The board shall, however, have authority to grant a modification from the strict application of a provision of this Manual where the

appellant demonstrates, and the board finds, that: (1) special conditions or practical difficulties particular to the property or the proposed construction make strict application of the provision impractical; (2) the modification conforms to the intent and purpose of this Manual; (3) the modification grants no special privilege that is denied to other similarly situated properties; and (4) the modification does not lessen any health, life-safety, or fire-safety requirement, and does not authorize any activity prohibited by applicable local, state, or federal law. In granting a modification, the board may attach reasonable conditions necessary to secure the objectives of the provision being modified. The details and justification for any action granting a modification shall be entered in the record and provided in writing to the appellant, with a duplicate copy to the Department.

1-5.3 Qualifications. The board shall consist of members who are qualified by experience and training on matters pertaining to the provisions of this manual. The board shall consist of five (5) voting members.

1-6 PERMIT LIFECYCLE SUMMARY CHART

Permit Type	Application Term & Info	Permit Term	Extension Term
Land Development Permit (LDP)	6 months from submission before inactivity closure if corrective documents are not uploaded	1 year from issuance	Up to 180 days (written request prior to expiration; subject to City Engineer approval)
Right-of-Way Utility Permit	Application must be submitted at least 10 days prior to planned work	1 year from issuance	Not specifically defined (case-by-case administrative discretion)
Annual Minor Right-of-Way Permit	Applied for in advance for qualifying minor work	1 year	Renewable annually
Driveway Permit	Application must be submitted at least 10 business days prior to construction	180 days from issuance	Not specifically defined (case-by-case administrative discretion)
Erosion & Sediment Control	Required prior to land disturbance on residential lots	1 year from issuance	180-day extension available upon request &
Riparian Permit	Required prior to construction or major repair (>50%	1 year from issuance	180-day extension upon written request & approval

ARTICLE II

PERMIT REQUIREMENTS

2-1 LAND DEVELOPMENT PERMIT

2-1.1 General

Before any land disturbance or site work begins for the development of commercial, multi-family, or subdivision projects within the corporate limits of the City of Foley, or for subdivision developments within the City's Planning Jurisdiction (PJ), the developer (or the individual responsible for the project) must apply to the Department and obtain a Land Development Permit (LDP) authorizing such activity in accordance with this Manual.

1. All development activities must be conducted under the supervision of a professional civil engineer licensed in the State of Alabama. No construction or land disturbance shall occur on the property until an LDP has been properly issued.
2. All construction work shall be performed by an Alabama-licensed contractor qualified in the applicable field specialties necessary to complete the work.

Ultimately, any formal interpretations of this Manual will be conducted by the City Engineer, or their designee.

2-1.2 Application

A developer desiring to engage in development, as herein defined, shall make application for a Land Development Permit (LDP) to the Department after fulfilling the pre-design meeting requirements. The application shall be complete, signed, and provide all information (including design plans, necessary reports and construction best management practices plan) and the appropriate permit fee, as required. A complete application shall be submitted at least thirty (30) days prior to any planned development activity. The Department shall complete its initial review and provide written comments within thirty (30) business days of receiving a complete application. An application will be considered incomplete if any part of the land development plan or its supporting documents are found to be insufficient, or if revisions or additional details are required by the Engineering or Environmental Departments during the review process. If necessary, the Department may suspend the review until all information is provided.

After all applicable Departments complete their review of the submitted LDP application and plans, comments will be provided to the engineer of record. If, following a third review of the permit package, deficiencies or incomplete documents remain, the permit will be disapproved, and the applicant will be required to submit a new application along with applicable fees.

2-1.3 **Applicability to Existing Development and Infill Sites**

Major Improvements shall comply with the applicable requirements of this Manual as determined by the nature and extent of the proposed development.

Minor Improvements and Infill Developments shall not be required to bring the entire existing site into compliance with all current Technical Design Manual standards solely as a condition of approval. Compliance shall be limited to the proposed improvements and those existing site conditions directly affected by the proposed work.

Notwithstanding the above, the City Engineer may require reasonable improvements necessary to address an existing or anticipated condition directly affected or materially increased by the proposed development, including drainage, traffic safety, access, utility capacity, fire access, or impacts to public infrastructure.

Nothing in this section shall exempt a development from requirements of the Zoning Ordinance, Subdivision Regulations, Building Code, Fire Code, floodplain regulations, or other applicable local, state, or federal requirements.

2-1.4 **Exceptions**

A Land Development Permit (LDP) shall not be required for the following activities:

1. **Emergency Repairs:** Temporary emergency repairs on public or private property that are necessary to preserve life, health, or property, and where obtaining a permit prior to commencement would be impossible or impracticable.
2. **Utility Work:** Temporary excavation or other work performed to install, maintain, or repair any public street, public utility facility, or utility service line.
3. **Agricultural Operations:** Activities directly related to the cultivation of crops, raising of livestock, aquaculture, silviculture, or other farming practices, including necessary land preparation, planting, harvesting, and associated infrastructure for bona fide agricultural purposes.
4. **Previously Approved Lots:** Any residential lot within a subdivision or planned unit development that has received final plat approval and/or valid site plan approval in accordance with applicable subdivision regulations and zoning ordinances, and has been approved by the Department.
5. **Driveways:** Construction of driveways or driveway approaches, provided a separate driveway permit is obtained in accordance with the provisions

of this Manual. Refer to the Right of Way Ordinance for additional driveway permitting and construction guidance.

6. **Single-Family Development & Modifications:** Development activity on a lot for a single-family dwelling unit, provided the structure is not located within a designated flood hazard area. Also, modifications, alterations, or additions to an existing single-family dwelling.

2-1.5 **Application Term & Permit Term**

Application Term

The Land Development Permit (LDP) application shall be valid for a period of six (6) months from the date of submission. If required permit fees are not paid, or if (after staff comments are issued) the applicant fails to upload corrective plans, reports, or other required documents addressing those comments into the City's permit management system within six (6) months of the date the comments are returned, the LDP application shall be deemed inactive and the LDP file shall be closed.

Any future Land Development Permit submission for the property shall require a new application, payment of all applicable fees, and compliance with all regulations in effect at the time the new application is submitted.

Permit Term

The Land Development Permit (LDP) shall be effective for a time length of one (1) year from the date of permit issuance. Prior to expiration, the applicant may request an extension of up to 180 days. The extension request shall be submitted to the Department prior to the expiration of the Land Development Permit (LDP). The extension may be denied based on noncompliance with applicable regulations or lack of progress, as deemed by the Department.

2-1.6 **Permit Specifications**

The permit shall ensure that all development and construction comply with the requirements of this Manual. Where applicable, all delineated wetlands, wetland buffers, and stream buffers shall be clearly flagged prior to the issuance of the permit.

2-1.7 **Permit Inspections and Termination of Permit**

The Department may perform periodic or random compliance inspections throughout the construction phase of the development. Any identified deficiencies shall be documented in writing (per Section 1-4(B)), and promptly corrected by the applicant. Upon completion of all construction activities and final site stabilization:

1. Final Inspection(s) shall be requested.

2. A certification of substantial completion and stabilization from the Professional Engineer of Record shall be provided.
3. An As-Built Engineering Plan shall be provided from the Professional Engineer of Record to ensure all infrastructure is installed per the design prior to termination of the permit.

2-2 MISCELLANEOUS PERMITS

2-2.1 Right-Of-Way Utility Permit

2-2.1.1 General

A Right-of-Way Permit is required for all work performed in a public right-of-way in the City of Foley. Nothing in this article is intended to impair the legal obligation of any contract, franchise, or easement previously granted by the city. Compliance with the permitting requirements of this article shall not excuse any person from complying with all other requirements of law, including holding a valid franchise of the city. This article shall apply to all land within the corporate limits of the city as such corporate limits exist or may exist in the future. The Department shall have authority over the Right-of-Way Permit.

A. Purpose

The purpose of this section is to establish uniform requirements for construction and other activities within public rights-of-way in the City of Foley to protect public infrastructure, ensure safety, and maintain compliance with applicable laws and standards.

B. Applicability

This section shall apply to all land located within the corporate limits of the City of Foley, as such limits currently exist or may exist in the future.

A Right-of-Way Permit is required for any work conducted within a public right-of-way in the City of Foley.

Nothing in this section shall be construed to impair the legal obligations of any contract, franchise, or easement previously granted by the City. Entities holding current Franchise Agreements with the City of Foley are exempt from this permit requirement.

Compliance with the permitting requirements established in this section does not relieve any person or entity from complying with other applicable laws, including the requirement to hold a valid franchise issued by the City.

C. Prohibited Activities

It shall be unlawful for any person to dig up, open, excavate, construct, or cause to be dug up, opened, excavated, or constructed any street, alley, sidewalk, drainage ditch, or other public right-of-way within the City without first obtaining a Right-of-Way Utility Permit.

D. Emergency Work

When work must begin immediately due to an emergency, the permittee shall comply with all applicable specifications and obtain a permit as soon as practicable thereafter.

E. Exemptions

No Right-of-Way Permit shall be required for the following activities:

1. Installation or repair of facilities by or for the City of Foley, the Alabama Department of Transportation (ALDOT), or the Baldwin County Highway Department; and
2. Installation of landscaping materials that do not, and will not, exceed eighteen (18) inches in height.

F. Annual Permit Option

The Department may authorize an applicant to obtain, in advance, an annual permit for minor projects located outside roadway limits or for small projects involving minimal excavation. The City Engineer shall have full authority and oversight over the Right-of-Way Permit process.

2-2.1.2 Application

An application for a right-of-way permit shall be submitted to the Department. The application shall be complete with exact locations, depth, extent, timeline, nature and purpose of the work, and appropriate permit fee, as required. A complete application shall be submitted at least ten (10) days prior to any planned project. Construction may begin once the Department has reviewed and approved the permit. The owner/contractor is responsible for obtaining all utility locates associated with the work.

The contractor shall be required to furnish a bond in the form and amount required by the current Right-of-Way Ordinance, thereby assuming full responsibility for the work performed. City ordered work of installing range boxes, surveying monuments, adjusting manhole rings and service boxes, or any similar work shall require a permit on a “No Fee” basis.

2-2.1.3 Permit Specifications

The permit shall ensure that all land disturbance within the City of Foley rights-of-way meet the requirements within this Manual and specifically including the following Articles: Site Design & Development Standards and Environmental Protection. All areas disturbed shall be permanently stabilized immediately upon work completion.

2-2.1.4 Permit Term, Inspections and Termination

The right-of-way permit shall expire one (1) year after permit issuance by the

Department. During construction, the Department may conduct periodic inspections for compliance with the specifications of the permit. All deficiencies will be communicated in writing to the applicant. The applicant shall request termination of the permit when all construction is complete and the area is permanently stabilized.

The permit ensures that all land disturbance within the City of Foley rights-of-way complies with the requirements of the ROW Ordinance and the embedded Articles on Site Design & Development Standards and Environmental Protection in this Manual. All disturbed areas shall be permanently stabilized immediately upon completion of work.

2-2.2 Driveway Permit

2-2.2.1 General

All construction work on driveways across the curb or sidewalk shall be done in conformance with the city standard specifications for sidewalks and driveways serving one and two family dwellings. A driveway permit shall be required for any driveway across a curb or sidewalk and adjoining the City of Foley right-of-way. This permit may not be required for driveways within platted subdivisions approved after January 1, 1988. Authority for the driveway permit is the City Engineer.

The permit shall not allow decorative structures placed in the right-of-way or beside driveways. Decorative rocks, landscaping, or structures placed within the right-of-way are subject to damage and destruction during routine maintenance activities by the city. The city is not responsible for the repair or replacement due to damage or destruction, and reserves the right to remove these at the owner's expense.

2-2.2.2 Application

An application for a driveway permit shall be submitted to the Department. The application shall be completed, signed and shall provide all information, including the appropriate permit fee. A complete application shall be submitted at least ten business (10) days prior to any planned driveway construction. Construction may begin once the Department has reviewed and approved the driveway permit.

2-2.2.3 Permit Specifications

All construction work on driveways across the curb or sidewalk shall be done in conformance with the city standard specifications for sidewalks and driveways as follows:

- Minimum widths of sidewalks across driveways shall be five (5) feet wide and minimum six inch thickness.
- Concrete Driveways: Concrete shall be a minimum 28 day

compressive strength of 3000 psi.

- Asphalt Driveways: Asphalt shall consist of a minimum of a 1.5” asphalt course layer.
- Transverse expansion joints will be required where the concrete driveway intersects with the concrete sidewalk.
- Headwalls shall consist of an approved concrete or masonry structure securely connected to an appropriately sized drainage pipe, founded on stable subgrade, aligned with ditch flow to maintain full hydraulic capacity, protected against erosion, and free of safety hazards or clear-zone obstructions.
- All driveway entrances shall be constructed in conformance with the specifications herein and shall have a minimum radius of at least three (3) feet at the edge of pavement.
- If the work is done by contract, the contractor shall have a city business license and the property owner’s approval.
- All sidewalks shall be ADA-compliant meaning they comply with the Americans with Disabilities Act and its applicable accessibility standards, as amended, including the ADA Standards for Accessible Design as published by the U.S. Department of Justice and as may be amended from time to time.
- During construction, the permit holder is responsible for retaining sediment on-site. If the driveway area is inactive for a period of seven (7) days or greater, then the exposed soils will need to be temporarily stabilized. The Alabama Soil and Water Conservation Committee published the following handbook that can serve as guidance, the *Alabama Handbook for Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas* (as defined in Article VI).

2-2.2.4 Permit Term, Inspections and Termination

The driveway permit shall expire 180 days after permit approval from the Department. During construction, the Department may conduct inspections for compliance with the specifications of the permit. All deficiencies will be communicated in writing to the applicant. The applicant shall request termination of the driveway permit when all construction and stabilization is complete.

2-2.3 Erosion & Sediment Control Permit

2-2.3.1 General

Prior to any land disturbing activity or exposing of soils on a one or two family residential lot, an Erosion & Sediment Control Permit shall be required. No

person, firm, business or corporation shall engage in any land disturbing activity associated with construction, including but not limited to lot grubbing and creating building pads, prior to obtaining the Erosion & Sediment Control Permit from the City of Foley. The authority for the Erosion & Sediment Control Permit is the Environmental Department.

2-2.3.2 Application

A contractor/owner desiring to engage in construction of a one or two family residential development as herein defined shall make application for an Erosion & Sediment Control Permit to the Department. The application shall be complete, signed, and the appropriate fee shall be provided.

2-2.3.3 Permit Term

The Erosion & Sediment Control Permit shall be effective for a time length of one (1) year from the date of approval. An 180 day extension may be requested prior to the permit expiration.

2-2.3.4 Permit Specifications

The permit shall ensure that all applicable development and construction meets the requirements specified within this Manual and shall specifically include compliance with Articles (IV & V): Environmental Protection and Landscaping, Tree Protection, & Lighting.

2-2.3.5 Permit Inspections and Termination of Permit

The Department will conduct random compliance inspections during the construction process. All deficiencies will be communicated in writing to the applicant. The applicant shall request termination of the permit when all activities are complete and the disturbed areas are permanently stabilized.

2-2.4 Riparian Permits

2-2.4.1 General

Riparian Permits are required for construction and repair of structures (including, but not limited to: piers, docks, marginal docks, boathouses, retaining walls, bulkheads and wharves) on properties adjacent to waterways and drainage ways. A Riparian Permit shall be required for new construction activities, as defined above. Repairs to existing structures that have been damaged greater than fifty percent shall also require a Riparian Permit. The Environmental Department has authority over the Riparian Permits.

2-2.4.2 Application

A contractor or owner desiring to construct or repair a structure, as defined above, shall make application to the Department. The application shall include a site plan

with location of the activity, copies of all required state and federal permits, a No Rise Certification if in a flood zone, and the appropriate fee. Once approved, the applicant shall receive a Riparian Permit placard to be displayed visibly at the permitted property.

2-2.4.3 Permit Term

The permits shall be valid for a period of one (1) year from date of issuance. Extensions may be granted upon written request for six (6) additional months.

2-2.4.4 Permit Specifications

The permit shall ensure all development and construction meets the requirements within this Manual and specifically including the following Article: Environmental Protection.

2-2.4.5 Permit Inspections and Termination of Permit

The Department will conduct random compliance inspections during the construction. All deficiencies will be communicated in writing to the applicant. These inspections are intended as a supplement to state and federal requirements for environmental impacts. Furthermore these inspections will in no way examine construction requirements in relation to building codes. The applicant shall request termination of the permit when all activities are complete and the area is permanently stabilized.

2-3 FEE SCHEDULE

Land Development Permit Fee (Major Improvement)	\$1000 + \$20 per acre for developments over 5 acres (exclusive of lands placed into conservation easements)
Land Development Permit Fee (Minor Improvement/Infill)	\$500
Right-of-Way Permit Fee	Refer to Current ROW Ordinance
Annual Minor Right-of-Way Permit Fee	Refer to Current ROW Ordinance
Driveway Permit Fee	\$50.00
Erosion & Sediment Control Permit Fee	\$75.00
Riparian Permit Fee	\$75.00

ARTICLE III
SITE DESIGN & DEVELOPMENT STANDARDS

3-1 GENERAL PROVISIONS

3-1.1 Jurisdiction

This article shall apply to the design and development of site improvements located within the corporate limits of the city of Foley and within the Planning Jurisdiction for subdivisions, unless a separate or subsequent agreement between the city of Foley and the Baldwin County Commission states otherwise.

3-1.2 Responsibility

The City of Foley Engineering Department, Environmental Department and Fire Department shall have the authority to enforce this Article.

3-2 CONSERVATION AREAS

3-2.1 Provisions

Conservation areas shall include formal open space and conservation easements that may be used for active or passive recreational uses or for resource protection purposes. Each common area shall be designated as such on the subdivision plat and shall not be assigned a lot number. Notes shall be placed on the plat indicating ownership of open space areas and shall reference subdivision restrictive covenants by instrument number as recorded in the Baldwin County Probate Records. A note shall also be provided on the plat indicating that the City of Foley shall not maintain any conservation areas. Conservation areas shall have at least one direct access to a public right-of-way for maintenance and/or access.

3-2.2 Conservation Open Space

3-2.2.1 General

Open spaces are commonly owned green spaces that are strategically placed to serve a specialized community function. Active open spaces may be configured as described in the Subdivision Regulations.

3-2.3 Conservation Easements

Developments may enter into a conservation easement in lieu of the conservation open space, but only if formally approved by the Department. The easement shall be at a minimum 15% of the overall development and shall not include the

stormwater management facilities and common areas. The conservation easement's purposes will vary depending on the character of the particular property, the goals of the land trust or City, and the needs of the landowners.

The easement objective might include any one or more of the following:

- Maintain and improve water quality;
- Perpetuate and foster the growth of healthy forest;
- Maintain and improve wildlife habitat and migration corridors;
- Protect scenic vistas visible from roads and other public areas; or
- Ensure that lands are managed so that they are always available for sustainable agriculture and forestry.

The conservation easement shall forbid subdivision and other real estate development. Proposed conservation easements shall be discussed at the pre-design meeting.

3-3 STORMWATER DRAINAGE DESIGN & CONSTRUCTION STANDARDS

3-3.1 Design Engineer Requirements

All engineering plans and specifications submitted for review and/or approval shall be prepared by and under the direct supervision of a registered professional civil engineer, licensed in the State of Alabama, in good standing with the state licensure board. All plans and specifications shall meet the minimum standards and requirements of the City and other applicable local, state and federal authorities. Plans shall not be accepted for review without the engineer of record's stamp and signature.

Upon completion of the project, an inspection of the site and drainage facilities shall be conducted by the design engineer of record. The design engineer shall submit a certification letter to the Department, along with final as-built plan sheets and an electronic version in a City-approved format, confirming that all drainage and related facilities have been installed in accordance with the approved plans and specifications.

3-3.2 Drainage Report and Site Plan

A Drainage and Grading Plan, prepared and certified by a Professional Civil Engineer licensed in the State of Alabama, shall be submitted to Engineering Department.

A Natural Resources Inventory (NRI) shall accompany the plan and document existing site conditions prior to development, including soils, topography, forest cover, wetlands, floodplains, surface waters, stream buffers, and other environmental setbacks as defined in Article IV –

Environmental Protection. Environmentally sensitive features that affect site design shall be clearly identified.

At a minimum, the plan shall include:

- Drainage narrative summarizing pre- and post-development runoff basin areas and discharge volumes, first-flush/LID treatment, design storm elevations, emergency overflow, and berm elevations
- Existing and proposed contours at one-foot intervals
- Locations of roads, parking areas, buildings, and minimum pad and finished floor elevations
- FEMA flood zones, base flood elevations, and regulatory lowest floor elevations
- Floodproofing elevations for nonresidential structures, where applicable
- Drainage basin boundaries, flow directions, tributary areas, and downstream discharge points
- Size, location, and configuration of stormwater conveyance and treatment facilities
- On-site water bodies and wetlands, including size and elevations
- First-flush and sediment forebay sizing calculations
- Trees (greater than 24 inches DBH), identified by species, size, and location
- Areas dedicated to water management and the legal mechanism for preservation
- Proposed project start and completion dates
- Description of any watercourse alteration or relocation
- Design storm criteria and supporting hydrologic and hydraulic calculations
- Stage-storage, stage-discharge, runoff routing, and detention drawdown calculations (maximum 72 hours)
- Calculations supporting minimum building and roadway elevations
- Floodplain encroachment analysis, where applicable

- Yearly operational and maintenance costs for future entities (i.e. POAs) of the stormwater facilities. This will include routine maintenance of landscaping, sediment / debris removal, periodic outfall maintenance, at a minimum. In the event the stormwater management area does not outfall to a publicly maintained right of way, the cost will include routine maintenance to ensure the downstream easement area is properly maintained to ensure adequate drainage flow is not hindered by undergrowth, debris, destabilization, etc.
- Acreages in the following format:

	Existing (acres/%)	Proposed (acres/%)
Total Area	_____	_____
Impervious	_____	_____
Pervious	_____	_____
Wetlands	_____	_____
Non-Stormwater Open Space	_____	_____
LID Area	_____	_____
Trad. Stormwater Mngt. Areas	_____	_____

3-3.3 Design and Construction of Stormwater Management Areas

3-3.3.1 Analysis of Upstream and Downstream System

- A. Upstream: Stormwater flowing from upstream of the proposed development may not be routed through the proposed development's stormwater detention area. Stormwater discharges from a developed site must be routed to an existing natural or manmade stormwater channel with adequate capacity. Calculations must be submitted that show the capacity of the receiving stormwater channel to handle the required design storms for both the pre-development and post-development stormwater conditions. The routing calculations may be required to extend at least as far as the second downstream street crossing or to a named water body. Routing calculations must extend even further downstream, if the City Engineer has reasonable concern about the capacity of a downstream stormwater channel based on scientific or engineering evidence. Structures within 500' downstream and adjacent to the flow path of the outfall must

be included in the drainage report, indicating structure type, finished floor elevation, and distance from the outfall to the structure along the flow path.

- B. Downstream: All stormwater detention / retention areas that do not outfall directly to a public right of way shall have adequate permanent drainage easements with the downstream property owner(s), until the stormwater outfall facility reaches public right of way. If the public right of way is greater than 300 feet from the outlet along the flowpath, the easement shall extend a minimum of 300 feet from the outlet of the stormwater facility, and the development's drainage report shall demonstrate that stormwater discharge beyond the easement terminus will not cause adverse impacts to downstream properties. The permanent drainage easement shall clearly state the requirement of the maintenance entity to routinely inspect and remove any blockages and debris that may hinder the downstream stormwater flow. These easements shall be recorded in probate prior to completion of the project and identified on the final plat.

3-3.3.2 Detention Design and Construction

A. Approved Hydrologic Modeling Methodologies

1. The NRCS TR-55 method ("NRCS TR-55" means the Natural Resources Conservation Service Technical Release 55 - Urban Hydrology for Small Watersheds, current edition), or equivalent third-party software, shall be utilized for modeling pre- and post-development runoff hydrographs.
2. The City Engineer is authorized to approve a dynamic, multi-facility stormwater management model that analyzes the tributary watershed in addition to the on-site stormwater management area for the proposed development.
3. The Rational Method and Modified Rational Method are not acceptable design methodologies for stormwater detention or retention pond design.

B. Use of Existing Wetlands

Non-jurisdictional Grady pond wetlands shall not be designated as stormwater management facilities without proper engineering design demonstrating compliance with all requirements of these regulations.

C. Post-Development Volume Reduction Requirements

1. All development and qualifying redevelopment projects shall incorporate stormwater management design and first flush treatment design to:
 - Reduce flooding potential
 - Preserve or improve water quality
 - Meet the requirements of this Manual
2. Post-development stormwater runoff volume shall achieve a minimum ten percent (10%) reduction for all required design storms when compared to pre-development conditions.
3. The required design storm interval includes:
 - 2-year, 24-hour event
 - Through 100-year, 24-hour event
4. The volume reduction requirements in items 1 through 3 of this subsection C shall apply to areas not located within a FEMA-designated flood zone and not located in the Downtown Urban Core Area. Sites within FEMA-designated flood zones shall comply with subsection (D) below, and sites within the Downtown Urban Core Area shall comply with subsection (F) below.

D. Flood Zone Design Requirements

1. For sites located within FEMA-designated flood zones (other than unshaded Zone X):
 - a. Stormwater pond slopes, fill slopes, and slope tie-ins to natural ground shall not encumber the 100-year water surface elevation.
 - b. Slopes shall be armored to prevent erosion and scour up to the 500-year water surface elevation.
2. Flood elevations shall be based on the most current FEMA flood map information.
3. The Engineer of Record is encouraged to explore and present innovative designs that meet the intent and requirements of these regulations.

E. Tidal Water Discharge Exception

1. Stormwater detention may not be required where discharge flows directly into a tidally influenced water body located no more than 500 feet from the stormwater outlet.
2. In such cases, the development shall:
 - a. Retain the first one (1) inch of runoff from post-development impervious areas.
 - b. Control discharge velocities to less than 2.5 feet per second (fps).
 - c. Ensure stormwater bays meet, at minimum, the 10-year, 24-hour design storm requirements.
 - d. Achieve at least a 10% reduction in post-development discharge rates below pre-development conditions.
3. Even if detention is waived under this section, first flush treatment of the Water Quality Volume (WQV) shall still be required.

F. Downtown Urban Core Standards

1. For new development and exterior site modifications outside the existing building footprint within the Downtown Urban Core Area, the required attenuation design storm may be reduced to the 25-year, 24-hour event.
2. The Downtown Urban Core Area is defined as:
 - Berry Avenue to Michigan Avenue along Alabama Highway 59
 - Juniper Street to Cedar Street along US Highway 98
3. Traditional open-surface stormwater facilities are prohibited within this area.
4. The Engineer of Record shall utilize current and innovative design techniques to meet stormwater requirements, emphasizing soft-site Low Impact Development (LID) techniques and minimizing underground stormwater management infrastructure.

G. Alternative Infrastructure for Large Residential Lots

1. For residential lots located in suburban and rural neighborhoods, as classified in the 2025 Comprehensive Plan, that are at least one (1) acre in size:
 - a. The City Engineer may consider alternative stormwater management infrastructure methods.
2. The design engineer shall submit a drainage report in accordance with this Manual clearly identifying and requesting approval of alternative infrastructure methods.

H. Developments Without Positive Public Outfall

1. For developments lacking positive drainage outfalls to publicly maintained rights-of-way:
 - a. The City Engineer may require up to a twenty percent (20%) reduction in stormwater volume for each design storm event below pre-development conditions to mitigate downstream impacts.
2. This determination shall be made by the City Engineer based upon:
 - Land Development Permit application review
 - Historical land use knowledge
 - Historical field evidence
 - Knowledge of past, current, and future capital projects
 - Private development activity
3. In all cases, the first one (1.0) inch of impervious runoff shall be intercepted and treated on-site using Low Impact Development (LID) techniques.
4. Acceptable LID techniques include those identified in the ADEM LID Handbook. Alternative techniques may be submitted to the Engineering and Environmental Departments for review and consideration.

3-3.3.3 Dry Detention Basins

A. Geotechnical Analysis and Infiltration Requirements

A geotechnical analysis prepared by an Alabama-licensed professional engineer specializing in geotechnical engineering is required to verify infiltration suitability. Dry detention basins shall fully infiltrate within 72 hours following a rainfall event. Construction plans shall demonstrate methods to achieve this requirement in accordance with the geotechnical engineer's recommendations.

B. Maximum Drainage Area and Storage Verification

The maximum contributing drainage area to be served by a single dry detention basin is 25 acres. Routing calculations must be used to demonstrate that the storage volume is adequate.

C. Basin Geometry, Slopes, and Setbacks

Pond side slopes shall be solid sodded, have no side slopes steeper than 3H:1V, and pond depths shall be less than 10 feet deep. The detention basin shall be setback a minimum 25' from the berm toe to the property line in fill conditions, and 25' from the top of bank to the property line in a cut condition. A low flow or pilot channel across the facility bottom from the inlet to the outlet is required to convey low flows and prevent standing water. Detention ponds shall have minimum 0.5% slopes along bottom to the outlet.

D. Inflow Stabilization and Sediment Control

Inflow channels are to be stabilized with scour velocity reducing materials. A sediment forebay may be allowable in conjunction with LID techniques outside of the detention area, but are not permitted as standalone sediment catch basins. The design engineer must include sediment stabilization and collection devices, phasing plans, and other necessary requirements by the Engineering and Environmental Departments outside of the footprint of the detention pond area in order for the pond volume to not be compromised with construction sediment.

E. Outlet Structure and Discharge Requirements

The outlet structure shall consist of a weir, orifice, outlet pipe, level spreader, riprap, combination outlet, or other acceptable control structure that achieves the required graduated discharge. Where stormwater ponds do not discharge directly to maintained public rights of way, a combination of level spreaders, stilling basins, riprap, and energy dissipation walls may be required to mimic pre-development sheet flow

discharge depths and volumes. Discharge velocity from ponds shall be limited to a maximum of 2.5 fps, and a depth of no greater than 2” at the nearest property line or right of way line. The design engineer of record is required to show and certify in the drainage report that these conditions are met and no negative downstream impacts are a result of the development.

F. Emergency Spillway and Freeboard

An emergency spillway is to be included in the stormwater pond design to safely pass the extreme flood flow. A minimum of 1 foot of freeboard must be provided, measured from the top of the water surface elevation for the 1% (100-year) event, to the bottom of the emergency spillway. The top of the pond berm is separate and above the bottom of the emergency spillway elevation.

G. Maintenance Access Requirements

A maintenance common area must be provided to a pond from a public or private road for residential developments. Specific unencumbered ingress and egress drainage maintenance easements may be allowed for commercial developments, if approved by the City Engineer. Maintenance access shall be at least 15 feet wide, having a maximum slope of no more than 6% and be appropriately permanently stabilized to withstand maintenance equipment and vehicles. The maintenance access must extend to the forebay, safety bench, riser, and outlet and, to the extent feasible, be designed to allow vehicles to turn around.

3-3.3.4 Retention Ponds

A geotechnical analysis prepared by a Licensed Professional Geotechnical Engineer in Alabama shall be required to ensure proper retention and design.

Minimum setback requirements for retention ponds shall be the same as detention pond facilities, minimum of 25’ from the property line, but shall also include:

- 100 feet from private wells
- 50 feet from a septic system tank/leach field

In order to avoid short circuiting the water quality component of the retention pond, outlet structures must be at least ½ the diagonal distance of the pond’s longest dimension from the nearest pond inlet to the outlet location unless approved by the City Engineer.

Maximum depth of the permanent pool shall not exceed 8 feet to avoid stratification and anoxic conditions. Minimum depth for the pond bottom shall be 4 feet below the permanent water surface elevation. Retention ponds less than 5 feet depth will require a non-permeable liner approved by the geotechnical engineer of record.

Side slopes to the pond shall not exceed 3:1. All pond slopes shall be solid sodded from the top of bank to the normal pool elevation.

A maintenance common area must be provided to a pond from a public or private road for residential developments. Specific unencumbered ingress and egress drainage maintenance easements may be allowed for commercial developments, if approved by the City Engineer. Maintenance access shall be at least 15 feet wide, having a maximum slope of no more than 6% and be appropriately permanently stabilized to withstand maintenance equipment and vehicles. The maintenance access must extend to the forebay, safety bench, riser, and outlet and, to the extent feasible, be designed to allow vehicles to turn around.

3-3.4 Regional Stormwater Control Facilities

The use of regional stormwater control facilities may be allowed for commercial developments in order to treat multiple lots which are subject to the provisions of this article. Regional facilities may be allowed as joint ventures between private entities and/or public and private entities. Determination of allowance will be made by the Engineering Department.

3-3.5 Dual-purpose Stormwater Civic Open Spaces

Stormwater facilities may count as civic open space only if designed to meet Design and Location Standards and the following requirements:

- Facilities must be typically dry and designed to infiltrate, percolate, or exfiltrate stormwater within 12 hours following a typical rain event;
- Grading and sub-base must support drainage functionality such as underdrains, gravel beds, or amended soils where infiltration is limited;
- In accessible areas, facilities shall not exceed a maximum 5:1 slope and 30-inch depth;
- Fifty (50) percent of the perimeter shall front public space;
- A six-foot-wide perimeter path is required.

3-3.6 Drainage Common Areas

Drainage common areas shall be recorded on the plats for all stormwater management facilities.

Drainage common areas with a minimum width of fifteen (15) feet shall be provided within the stormwater management area connecting the discharge system (pipes, open ditches, etc.) along the most suitable routing for elimination of the stormwater. Drainage common areas can be utilized to meet the LID requirements. Also drainage common areas shall be required for areas traversed by an existing waterway and may be required for areas traversed by an existing watercourse. Drainage common areas are also required on the rear lot lines and where rear lots abut side lots.

3-3.7

Low Impact Development (LID) Techniques and Green Infrastructure (GI) in Development and Redevelopment

The use of LID techniques is required and is to be determined from an entire site development perspective by the engineer of record for the project, however LID measures shall be used to mitigate impervious areas created by the development. The design and integration of LID techniques shall promote the health, safety and general welfare of the community and shall be designed to work in a complementary fashion with the drainage plan for the proposed development. Redevelopments with exterior modifications to the site area away from the building(s) footprint are subject to the requirements for LID implementation.

Practices shall be designed in accordance with the Alabama LID Handbook (www.aces.edu/lid) and certified by a credentialed professional in his/her design field. LID techniques selected shall consider local rainfall data, soils, slopes, wetlands, and other natural features. Other LID techniques from neighboring city, county, and state governmental entities with comparable soils and rainfall patterns may be considered.

The design engineer shall work closely with the Engineering and Environmental Departments for consideration of site constraints and LID technique selection to achieve a “best-fit” solution to design, construct and maintain stormwater management practices that manage rainfall on-site, and prevent the offsite discharge of the first 1.0 inches of stormwater. This objective must be achieved by practices that infiltrate, evapotranspire and/or harvest and reuse rainwater.

The development plans shall include inspection and maintenance schedules, costs, and details for each technique selected. Prior to the City’s final inspection, the design engineer shall provide certification that each technique was constructed as designed.

3-4 TRAFFIC ANALYSIS REQUIREMENTS

3-4.1 General Purpose and Policy

The purpose of the traffic analysis is to require that development within the City of Foley is supported by an adequate roadway network to accommodate the continuing growth and development of the City. Acquisition of new rights-of-way for off-site, abutting and internal streets to support new development is necessary and desirable. The City requires that:

- Development impacts from new developments are mitigated through contributions of street rights-of-way and/or improvements to existing and new roadways; and
- Adequate infrastructure for new development is adequately evaluated and addressed.

There must be a rough proportionality between traffic impacts created by a new development and the requirements placed on the property owner or applicant for a new development to dedicate and improve off-site and abutting City streets. The City will evaluate the project and determine what dedications, if any, are required to address both the nature and the extent of the impact that results from the proposed development. The City desires to assure both that development impacts are mitigated through contributions of transportation system improvements. It is the City's intent to institute a procedure to assure that mandatory street construction requirements are proportional to the traffic demands created by the new development. Prior to conditioning any approval on the dedication of property or the construction of improvements, the City Engineer shall prepare and provide to the applicant a written determination documenting the individualized assessment of the nature and extent of traffic impacts attributable to the proposed development and demonstrating rough proportionality between those impacts and the required dedications or improvements.

3-4.2 Applicability

3-4.2.1 Site Applicability

The requirement shall apply to existing and future transportation networks associated with land development activities within the City. Any application for site development in accordance with this Ordinance must comply with these standards. However, applicability shall not include minor subdivisions or exempt subdivisions.

3-4.2.2 Traffic Impact Study

The City Engineer may require the developer of any residential, multifamily, commercial or industrial development within the City limits and its planning jurisdiction to conduct a Traffic Impact Study (TIS) if

there is reasonable expectation that the development may cause one or more of the following conditions:

- Produce trip generations during the peak hour in excess of 50 vehicles per hour, or
- A change in land use which may increase the trip generation during the peak hour in excess 50 vehicles per hour, or
- A rezoning application where the proposed zoning may result in trip generation during the peak hour in excess of 50 vehicles per hour, or
- An additional access by an existing facility to a City of Foley roadway that the City Engineer does not consider to be necessary for safe and efficient movement of traffic, or
- Any new development that the City of Foley determines may impact the transportation network by increasing congestion, lowering the level of service of the roadway and nearby intersection(s), safety concerns, or
- Any new development that the City Engineer determines, based on engineering judgment and site-specific conditions, shall be coordinated with adjacent developments.

3-4.2.3 Traffic Impact Study Requirements

The referenced threshold requirements for a Traffic Impact Study are included in the Traffic Impact Study Requirements and shall be the guideline for developing the TIS.

3-4.2.4 Project Phases

Where project development may take place in multiple phases, the developer shall submit a development plan that includes the proposed development plans for all subsequent phases. That is, an overall development plan shall be submitted along with the initial phase development plan. The intention is to enable adequate evaluations of the traffic impact anticipated when all phases of the development are complete.

3-4.3 City Evaluation and Actions

3-4.3.1 Evaluation

The City Engineer shall evaluate the adequacy of the Traffic Impact Study prepared by the applicant's design engineer of record. Based upon such evaluation, the City Engineer shall determine:

- Whether the applicant may be approved in the absence of dedication of

rights-of-way or construction of improvements to each affected thoroughfare; or

- The extent of the applicant's obligations to make such dedications or improvements.

The application for which a Traffic Impact Study is being conducted shall not be approved until the City Engineer is satisfied with the financial arrangements related to the required transportation improvements.

3-4.3.2

Conditions

Street classifications are determined by the Transportation Continuity Plan, current edition. The City Engineer shall condition the approval of the development application on one or more of the following acts by the applicant:

- Delay or phasing of development until thoroughfares with adequate capacity or intersection improvements are constructed;
- Reduction in the density or intensity of the proposed development sufficient to ensure that the roadway and nearby intersections have adequate capacity to accommodate the additional traffic to be generated by the development in addition to the anticipated future traffic growth;
- Dedication or construction of thoroughfares or traffic control and intersection improvements needed to mitigate the traffic impacts generated by the proposed development in addition to the anticipated future traffic growth.
- Construction of acceleration and deceleration turn lanes are required for streets of collector or arterial functional classification.

3-5 ROAD & RIGHT-OF-WAY DESIGN STANDARDS

3-5.1 General Requirements

The technical design, arrangement, character, contextual placement, extent, and location of all streets, alleys, corridors, and pathways shall conform to an acceptable plan and shall be integrated with all existing and planned streets, alleys, pedestrian pathways, and corridors in order to create multi-modal corridors in collaboration with the current Comprehensive Plan, Strategic Plan, Safety Action Plan, and Subdivision Regulations. These technical design standards are intended to promote walkable, connected, and functional neighborhoods and developments that support a mix of transportation modes, enhance public safety, promote and protect the environment and wildlife population, and reinforce community character.

3-5.2 Minimum Design Requirements for Roadway, Alleyways, and Parking Area

Construction

All new roadways, alleyways, pathways, and parking areas, public or privately maintained, shall be constructed by the developer at their cost. All roadways, whether public or privately maintained, shall meet the minimum City of Foley requirements for construction and support the imposed load of a 75,000 lb. fire apparatus. Additional improvements may be required per the Geotechnical Engineer's recommendations, City Engineer's requirements, roadway classification per the adopted Transportation Continuity Plan, and Subdivision Regulation requirements.

Asphalt paved roadways shall meet the following minimum standards:

- Alabama Department of Transportation Standard Specifications for Highway Construction, current edition;
- 1.5" minimum asphalt pavement binder layer thickness combined with a 1.5" minimum wearing layer to produce a minimum 3" total asphalt compacted thickness.
- Tack coat is required between all asphalt surfaces (ALDOT Section 405);
- Bituminous surface treatment required for all roads with granular soil base course materials;
- 8" minimum compacted granular soil base course (ALDOT Section 301) or 6" compacted crushed stone aggregate base (ALDOT Section 825); Compaction of base materials and subgrade materials shall be per the Geotechnical report recommendations
- Removal and replacement of unsuitable sub-grade material, as per Geotechnical report recommendation;
- Solid sod in good condition surrounding paving, minimum 4' width, with permanent vegetation to the property line;
- Slopes steeper than 6H:1V shall be solid sodded. In residential areas, sod shall be same species as adjacent property grass.
- One foot of clearance between the bottom of the base to the seasonal high groundwater elevation as provided in the geotechnical report;
- Streets to be constructed within an area subject to flood shall be constructed at a minimum of 2 feet above base flood elevation. Crushed aggregate shall be used for base material in these areas (ALDOT Section 825). Any required subgrade fill material within the roadbed must not exceed a maximum of 15% fines passing the #200 sieve in these locations
- Minimum roadway cross slope shall be 2.0% not to exceed 2.5%;
- The full width of the right of way shall be fully graded and permanently stabilized prior to final completion of the project:

- All crosswalks and stop bars shall be thermoplastic material unless approval is received for concrete or brick pavers used to represent crosswalks and stop bars.
- Secondary fire department access roads shall be paved to the aforementioned minimum asphalt standards.

Brick Paver roadway surfaces are allowable for roadways, pedestrian paths, and parking spaces, however ADA stalls and ADA loading zones shall be concrete or asphalt material. The intent of the use of bricks pavers is to promote traffic calming, lower long term public works' maintenance costs, and to promote Low Impact Development when designed as part of a stormwater improvement plan. Brick pavers are allowed, but not limited to, areas within the right-of-way along pedestrian crossings, pedestrian pathways, intersections, parking areas, and along roadways. The design engineer shall clearly define the brick paver areas and percentages on the construction plans.

- For residential and mixed use developments less than 30 lots, the total square footage of minimum brick paver requirements shall be at least 10% of the impervious surface area within the right of way.
- For residential and mixed use developments greater than 30 lots, brick pavers shall be required for a minimum of 25% of the impervious surfaces within the right of way, not including alleyways and mailbox kiosk areas. For residential and mixed use developments that provide a greater percentage of brick pavers than the minimum requirements, the City Engineer may choose to recommend impact fee credits for the development to the City of Foley Impact Fee Committee.
- For neighborhoods where alleys will be constructed, green alleyways or permeable brick paver drainage systems will be required to satisfy the LID requirements in Section 3-3.7 of this Manual. Alleys may be constructed with surfaces including brick pavers or geoblock pavers that include gravel and promote infiltration.
- Parking areas routinely consist of traditional square or rectangular parking "lots" but also include on-street angled and parallel parking areas. Parking areas are suitable candidates to provide substantial water quality treatment, as well as provide water quantity treatment when connected to stormwater infrastructure, ultimately reducing the footprint of open surface stormwater ponds and traditional downsite stormwater management areas.

For this reason commercial developments shall utilize permeable brick paver drainage systems and / or geoblock grid pavers for a minimum of 20% of their permitted parking area, exclusive of required ADA stalls and loading bays. Residential and mixed-use developments are allowed to use the LID permeable brick paver systems and other infiltration promoting surfaces along parking areas and will be considered by the City Engineer

for approval.

- Mailbox kiosk parking areas shall utilize either brick pavers or geoblock grid parking infrastructure, except for ADA stalls and loading bays.
- Industrial zoned developments may substitute brick pavers for alternative LID infrastructure that supports appropriate light duty vehicle traffic.

3-5.3 Functional Design of Stormwater Drainage Systems

All roadway side drain and swales shall accommodate a minimum of the 10 year frequency design storm event. All piping beneath the roadway prism shall be reinforced concrete with a minimum diameter of 15", or equivalent arch size, and all joints shall be wrapped with geotextile filter fabric. Alternate pipe materials may be approved by the City Engineer outside the roadway prism on a case-by-case basis. The minimum cover for drainage pipes shall be according to the pipe manufacturer specifications.

Roadway cross-drains for all local streets shall be designed for a 25-year frequency storm, providing that the roadway is not overtopped by the 100-year frequency storm and that no structures are flooded by the 100-year frequency storm.

Roadway cross-drains for collector and arterial streets, or higher street classification, shall be designed for a 50-year frequency storm, providing that the roadway is not overtopped by the 100-year frequency storm and that no structures are flooded by the 100-year frequency storm.

The minimum internal diameter of manholes or junction boxes shall be 48 inches. Manholes and junction boxes greater than 4' depth shall have steps cast into the structure per standard ALDOT details

3-5.4 Design of Open Channels

Front slopes within the right-of-way adjacent to the travel lane shall be no steeper than 4H:1V with a maximum backslope of 3H:1V unless a variation is approved by the City Engineer. Where proposed lots gain access across an existing or a proposed ditch, calculations shall be submitted that shows the required size of future driveway culverts to ensure the proposed access is not overtopped nor will the adjacent travel lanes be impacted by the access. The City Engineer may require these pipe(s) and headwalls to be installed with the land development permit.

Headwalls and endwalls shall be installed on all street culverts with the use of flared headwalls or slope paved headwalls (4:1 slope or flatter) used within any public right-of-way.

3-5.5 Design of Curb and Gutter and Inlets

Storm drainage systems that include curb inlets shall be designed so that surface water shall not be carried across any intersections nor for a distance of more than five hundred (500) feet in the gutter or valley. Inlets shall be located at uphill corners of each street intersection to prevent sheet flow of stormwater through the intersection. Along local roadway edges that contain closed drainage system designs, combination Neenah type hood/grate inlets, or approved equivalent, shall be the permitted inlet type when inlets are part of the stormwater design to be used to convey stormwater from the roadway to the storm drain system, unless an alternative inlet design is specifically approved by the City Engineer. Spacing of these inlets shall result in no more than half the lane width of each travel lane being inundated with stormwater up to the 25 year event, and the inlet top not being inundated in the 100 year event. Low Impact Development (LID) stormwater design methods can be used in conjunction with hood / grate inlet combinations. Roadways of collector or arterial status shall utilize traditional ALDOT S-inlets for stormwater conveyance. In addition, double-wing inlets shall be placed at all vertical sags in the roadway of collector and above functional classification roadways.

Inlets in open swales, roadside ditches, LID areas, etc. away from the roadway edges may consist of multiple inlet types including weir inlets, median inlets, and dome grate inlets.

Curb inlets shall each have a storm drain marker installed with the language “No Dumping, Drains to Waterways.”

3-5.6 Intersections and Roadway Alignment

Intersections shall be approximately at right angles to meet the intent of the requirements of street connectivity and block layout in the Subdivision Regulations. Intersections shall not include more than four (4) basic street legs or approaches which do not include merging lanes, deceleration lanes, “Y” intersections, and traffic circles.

3-5.6.1 Horizontal Curve Design Standards

Minimum radii of horizontal curves shall not be less than 400 feet on Arterial Streets, 200 feet on Collector Streets and 100 feet on Local Streets for standard street applications. For intentional traffic calming designs, the horizontal curve radius on local streets may be reduced to 50 feet, if approved by the City Engineer. There shall be a minimum tangent of 100 feet provided between all reverse curves on arterial and collector streets and a minimum of 50 feet on local streets. Alternative designs may be approved by the City Engineer.

3-5.6.2 Intersection Grade and Drainage Requirements

Intersections shall be designed with a relatively flat grade, but must always be designed to drain stormwater away from the driving surface to prevent ponding.

3-5.6.3 Rotary Intersection Design and Impact Fee Considerations

Traditional roundabouts, mini-roundabouts, traffic circles, and other rotary intersection designs are encouraged by the City. The developer may submit a proposal to modify the intersection of the proposed street to an existing street, or a nearby existing intersection to support a rotary-type intersection design to improve roadway and intersection capacity or provide enhanced pedestrian safety and connectivity. The City Engineer will evaluate the proposal to determine the applicability to the City's Impact Fee credit allowance. If the proposal warrants impact fee credit recommendation, the City may elect to credit developmental impact fees to the intersection improvement(s) associated with the rotary-type design for the improvements associated with governmental infrastructure.

3-5.6.4 Curb Radii and Vehicle Accommodation Standards

Minimum curb radius at all intersections for commercial developments shall be at least fifty (50) feet. Residential radius lengths shall be consistent with traffic calming standards as described in the Traffic Calming section of this Manual, with a maximum allowable radius of 25'. All radii shall be designed to allow ingress and egress of fire trucks, school buses, and delivery trucks. Accommodations for these larger vehicles may be satisfied by non-traditional design methods such as paved / concrete curb returns to accommodate off-tracking of trailers and school buses. Alternative engineered designs to curbs and/or gutters may be approved by the City Engineer subject to analysis of drainage control on the roadways.

3-5.6.5 Access Management for Arterial and Collector Roadways

Developments that contain multiple lots that are adjacent to or have frontage along roadways classified as collector or arterial functional classification are required to present driveway connectivity plans that do not result in each and every lot having immediate and direct access to the collector or arterial roadway.

3-5.6.6 Roadway Design Near Watercourses, Wetlands, and Flood-Prone Areas

For roadways and developments that are near watercourses, wetlands, and flood zones, additional design and construction phasing techniques shall be incorporated to reduce sediment loss and to prevent soil erosion. Roadway alignments must be phased and constructed such that limits of disturbance and fill are limited to areas between roadway high points, per section of road. Additional disturbed areas along the roadway corridor can proceed to clearing, excavation, and backfill stages once the previous corridor area between high points is

stabilized with either crushed stone base or one minimum layer of asphalt binder layer and the remaining right of way area in the section of corridor is temporarily stabilized.

3-5.7 Cul-de-Sac and Dead End Roadways

Permanent dead end roads are discouraged by the *2025 Comprehensive Plan* and Subdivision Regulations in general. Permanent dead end roadways shall not exceed 250 feet in length without specific approval from the City Engineer. All permanent dead end roadways shall be designed with consideration of the International Fire Code, Appendix D.

Temporary dead-end streets (streets planned to be under construction within one year of the date of Land Development Permit approval) greater than 150 feet in length are required to have a temporary turnaround constructed of a paved surface capable of supporting a 75,000 lb. vehicle load. Said temporary turnaround shall be graded properly to drain, and be maintained by the developer until the roadway is continued. If adjacent property is not owned by the developer or no other preliminary plat is approved at the time of final inspections, a permanent dead end road shall be implemented.

3-5.8 Right-of-Way

Minimum widths of rights-of-way are as follows:

Street Classification	Minimum Right-of-Way Width	Notes / Reference
Alley	20 ft	Typical service access for rear-loaded lots or utility corridors.
Local Street	Refer to Subdivision Regulations	Width varies based on neighborhood design standards and context.
Collector Street	100 ft	Designed to carry traffic from local streets to arterial networks.
Arterial / Commercial / Industrial Street	120 ft	Intended for higher traffic volumes and major transportation corridors.

3-5.9 Roadway Name and Signage

The cost to provide all traffic signs and/or signals is the responsibility of the owner/developer. All traffic signs and/or signals shall be in accordance with the most recent version of the Manual on Uniform Traffic Control Devices. All signals shall be designed with either radar detection or camera detection equipment. Signals must be capable of network connectivity via either cellular connectivity or fiber optic installation into ALDOT's current Intelligent Traffic Systems (ITS) network.

Street signs shall be installed prior to final plat approval. All intersections require roadway name signs in accordance with the City of Foley Public Works Department, standard font and color.

3-5.10 Pedestrian Pathways

Pedestrian Paths shall be included in all Major Improvements requiring a Land Development Permit and certain Minor Improvements where adjacent pedestrian pathways exist, in alignment with the Comprehensive Plan, and/or proximity to public facilities and schools - as determined by the City Engineer. Concrete sidewalks shall be 5' minimum width, obtain minimum 28 day compressive strength of 3000 psi, and be constructed over minimum 4" compacted base material (ALDOT 301 or 825 Sections), however the thickness shall be increased to minimum 6" along driveways and turnouts.

Brick Pavers shall meet the requirements in Appendix E for pedestrian traffic buildup. Paths shall be located on both sides of the roadway

within the right-of-way, except for State and County rights of way in which the sidewalks will be required inside an easement within the development. All paths shall be ADA compliant. Sidewalks/bike path/multiuse path shall be required on the exterior of developments along adjacent streets for connectivity to infrastructure (existing and future) in the area. Pedestrian Path widths are defined in the Subdivision Regulations however shall not be less than 5 feet in width. Shared use paths shall be a minimum of 8 feet width.

3-6 STREET & PARKING LOT LIGHTING

3-6.1 Applicability

This section applies to street lighting, parking lot lighting and retail, commercial and industrial uses that adjoin any residential use.

3-6.2 Street Lighting

The following standards shall be followed for street lighting:

- All new developments shall install street lighting that meets Riviera Utilities or Baldwin EMC standards (based on service area). Corridors adjacent to developments (other than state highways) shall be lit by the developer if street lighting is not present, per the requirements for new streets. Decorative street lighting meeting Riviera Utilities or Baldwin EMC standards shall apply for all new lighting.
- The cost of the required lighting shall be solely paid by the developer prior to final plat approval.
- All utilities shall be underground.
- All intersections lit with maximum pole spacing 200' staggered array.
- Lighting shall be installed at all intersections, curves, and cul-de-sacs.
- If existing utility poles are present that adequately support street lighting, the City will consider allowing these poles to be utilized to support adjacent street lighting requirements for the perimeter and surrounding areas of the subdivision.

3-7 FIRE CODE REQUIREMENTS FOR DEVELOPMENTS

3-7.1 General Purpose

The purpose of the fire code requirements is to require that development within

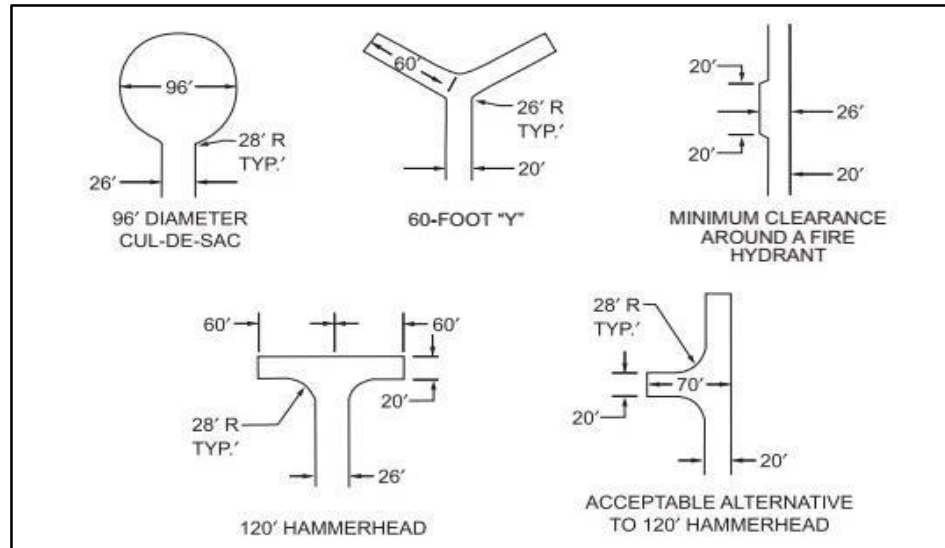
the City of Foley may be adequately accessed by emergency services, including but not limited to fire service.

3-7.2

Incorporation of International Fire Code, 2024 Edition

The City of Foley has adopted the International Fire Code (2024) and Appendices A, B, C, D, F, H, and I. Adherence to this code is critical to ensure adequate site access, site water (fire flow), and effective fire protection.

Figure 3-7a: Dead-End Fire Apparatus Access Road Turnaround



3-8

UTILITIES REQUIREMENTS & EASEMENTS

3-8.1

General Provisions

All utilities shall be designed and installed during the appropriate construction phases. All underground utilities with conduit located within the public right-of-way shall be installed prior to asphalt placement. Boring of newly constructed roadways is prohibited and will only be allowed in rare cases of unforeseen conditions, subject to approval by the Department.

The developer shall obtain written acceptance or approval from each utility provider confirming that installation is complete and meets design requirements. These statements shall be submitted to the Department. Final plat approval and final City acceptance shall not be granted until all required utility approvals have been received.

The developer is responsible for coordinating with all utility providers, including sewer, water, electric, gas, fiber, and telecommunications, and for paying all associated fees, service charges, and installation costs. Water, wastewater, and electric service shall be provided by Riviera Utilities, unless Riviera Utilities

declines to provide such service in writing within thirty (30) days of the developer's request, consistent with the procedures established in Sections 3-8.2 and 3-8.4.

All utilities serving commercial and industrial developments shall be installed underground. All utilities serving single-family subdivisions and multi-family developments shall be installed entirely underground, except for:

- Power transmission circuits operating at 20 kilovolts (kV) or greater, and
- Power distribution feeder circuits with a capacity exceeding 500 amperes.

All utility installations shall comply with the utility provider's standards and all applicable City requirements, including building codes, right-of-way regulations, and development ordinances.

3-8.2 Sanitary Sewer

3-8.2.1 Sanitary Sewer Design Standard Requirements

The Riviera Utilities Design Standards, current edition, shall apply to all sanitary sewer design and development within the City of Foley Corporate Limits and Planning Jurisdiction. Sewer lateral lines shall be laid to the setback line of the lot. Riviera Utilities' sanitary sewer service shall be requested prior to the pre-application meeting. Riviera Utilities shall have the "right of first refusal" on all sanitary sewer services.

A gravity fed sanitary sewer system shall be required unless a low pressure pump system is specifically approved by the City Engineer and meets Riviera Utilities Standards. The project design engineer shall provide a written certification to justify the need for a low pressure system for review of technical infeasibility, not financial infeasibility, of traditional gravity sewer. If approved as an acceptable system in lieu of a gravity system by the City Engineer and Riviera Utilities, low pressure systems shall be constructed to provide flow conditions that will minimize the development of sewage BOD5 (biochemical oxygen demand) concentrations greater than three hundred fifty (350) mg/L. Coordination with the utility shall be the responsibility of the Developer.

3-8.2.2 Septic Tanks

The Alabama Department of Public Health, Baldwin County has sole authority on the approval, installation and inspection of septic tanks. Septic tanks are prohibited unless Riviera Utilities sanitary sewer service is unavailable and the developer has obtained a permit from the Health Department. The minimum lot size for septic tank consideration is 40,000 square feet.

3-8.3

Water

Developments, individual lots or parcels shall be properly connected to a public or private community water system where such system borders the development, lot line or is available and the appropriate utility has the capacity to provide service. The lines for both domestic use and fire protection shall be approved by a public or private community water supply and constructed in a manner as to adequately serve all of the lots located within the subdivision. If a well is required for each lot, the location, construction and use of such well shall also meet the Alabama Department of Public Health, Baldwin County requirements. Fire protection flow must be connected to a public or private community water system.

All developments shall have adequate potable water and adequate water for fire protection. In all cases, the developer's engineer, property owner or agent shall submit written documentation verifying that the public or private water provider is willing and able to provide service to the development and provide calculations to show adequate service for potable water and fire protection are available. These calculations shall be reviewed by the City Engineer, Fire Chief, and Riviera Utilities to determine adequacy. When all water lines and connections are installed, the developer/owner shall call for final inspection by the utility provider. All water service laterals shall be laid to the setback line. The approval by the utility provider shall be submitted to the Engineering Department prior to final plat approval.

3-8.4

Natural Gas Service

3-8.4.1

Natural Gas Service Requirements

Riviera Utilities' natural gas service shall be requested prior to the pre-application meeting and/or pre-design meeting. To promote energy resilience, ensure adequate utility availability, and support public safety during emergency conditions, natural gas infrastructure shall be provided in all residential developments, unless the City Engineer approves an alternative energy plan demonstrating that adequate utility service will be provided to the development. If Riviera Utilities declines to provide natural gas service to a development, the developer shall submit an alternative energy plan for City Engineer review, and the City Engineer shall not unreasonably withhold approval of such plan. Riviera Utilities will provide natural gas service directly adjacent to the building where a meter will be placed by the utility provider and further coordination with the plumber will be conducted as needed. Riviera Utilities shall have the "right of first refusal" on all natural gas services. Upon request by the developer, Riviera Utilities shall provide written notice to the developer and the Department within thirty (30) days indicating whether it will provide natural gas service to the development. If Riviera Utilities declines to provide service or fails to respond within the thirty (30) day period, the developer may proceed with an alternative energy plan subject to City Engineer approval under this Section. Written

confirmation from Riviera Utilities that gas infrastructure has been installed and meets design requirements, or a written declination from Riviera Utilities together with a copy of the City Engineer's approved alternative energy plan, shall be submitted to the Department prior to final plat approval or issuance of a Certificate of Occupancy.

Coordination with the utility shall be the responsibility of the Developer.

3-8.5 Utility Easements

In subdivisions, utility easements in abutting side lots may be a maximum of 10 feet in width (5 feet on each side). The utility easement shall contain all necessary utilities, to include sewer, water, gas, power, phone and cable as service laterals and connections, however utility mains that connect one point of infrastructure to another (example is connection of a sewer main, whether gravity or force main, to a lift station or between manholes) shall be outside of lots, within manageable common areas.

The first 15 feet of a lot adjacent to each street shall be reserved for utility easement purposes where needed. The owner shall dedicate any and all necessary easements for water and sanitary sewer lines which are installed on private property. Such easements shall be shown on the application for Certificate of Occupancy, shall be in the actual location of the installed line, and shall be dedicated for perpetual use by the installed utility company. As-builts shall be required for all utility installations.

3-9 INSPECTION & TESTING REQUIREMENTS

3-9.1 General Inspection Requirements

All public and private developments are subject to the requirements of Article III.

3-9.1.1 Pre-Construction Conference

It shall be required for the developer/contractor/design engineer to schedule and coordinate a Pre-Construction Conference with all involved parties, a minimum of two weeks prior to planned construction commencement.

3-9.1.2 Notification of Work

The Department shall be notified, in writing by the engineer of record, at each phase of subdivision development as specified below.

- It shall be the duty and responsibility of the engineer of record to give written notice to the City Engineer or his /her designee, and City

Environmental Manager two working days prior to starting any phase of construction.

- The engineer of record shall also notify the Department in writing the day work is resumed after a delay of more than five working days.
- This includes all phases of construction; clearing & grading, drainage and utility infrastructure, base, surfacing and any work that pertains to the street or road development.
- After all BMPs have been installed and/or constructed, but before any other construction takes place, the contractor shall notify the Department to inspect the BMPs as indicated on the Construction Best Management Practices Plan.

Failure to provide proper notification as specified shall be grounds for an issuance of a stop-work order and non-acceptance of roadways by the City of Foley.

3-9.1.3 Embankment Services

Roadway fill or embankment of earth material shall be placed in uniform layers, full width, as per the Geotechnical report recommendations. Each layer shall be compacted so that a uniform specified density is obtained. Compaction tests shall be run at the frequency and location as directed by the City Engineer or his/her designee. For all density requirements refer to Section 210 and Section 306 of the "Alabama Department of Transportation Standard Specifications for Highway Construction."

3-9.1.4 Subgrade

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

3-9.1.5 Base

Base course shall meet the requirements according to the "Alabama Department of Transportation Standard Specifications for Highway Construction." Base course shall have a minimum thickness as required by Section 3-5.2 of these

regulations and shall extend eighteen (18) inches outside of curb sections or twenty-four (24) inches from the edge of asphalt, whichever is greater. The density requirements for compaction shall be in accordance with Section 306 of the “Alabama Department of Transportation Standard Specifications for Highway Construction.” Design shall be based on a proven and accepted engineering test or method for the site conditions that exist, based on the approved geotechnical report.

3-9.1.6 Final Inspection

It shall be the duty and responsibility of the engineer of record to give written notice to the Department once the subdivision infrastructure is installed and areas have been permanently stabilized with healthy vegetation for final acceptance. Prior to a joint final inspection, the design engineer shall submit a completed punch list to the City Engineer for review. The punch list requires all infrastructures are complete and signs, permanent striping, lighting, and utility connections have been installed according to the approved construction plans. Furthermore all temporary BMPs such as silt fences shall be removed except those BMPs placed for lot development. All vegetative cover shall be installed and maintained according to the most current edition of the Alabama Handbook for Erosion and Sediment Control. All disturbed locations shall be permanently stabilized with a healthy stand of vegetation. The Department may require additional permanent vegetation application. The cost shall be covered by the developer.

As builts shall be submitted and approved by the Department prior to final plat approval. As-built shall include an evaluation and certification of the stormwater facilities to include pond volume, embankment size and elevations, invert size and elevations, and spillway elevations, field surveyed by a Professional Land Surveyor. It shall be the engineer of record’s responsibility to verify the design and as-builts are consistent prior to requesting recording of the final plat or Certificate of Occupancy.

3-9.2 Testing

All testing shall be conducted by an independent testing laboratory with a licensed professional Geotechnical Engineer licensed in Alabama. The testing laboratory shall have the proper equipment and personnel necessary to perform the said testing of the required improvements and shall be certified by the Alabama Department of Transportation. Proof of certification may be required to be submitted to the Department, prior to approval. A schedule of proposed testing must be submitted to the Department for approval at the time of the Pre-Construction Conference. The tests shall, at a minimum, consist of:

- Soil Gradation
- Moisture Content

- Soil Compaction including subgrade and base materials
- In-place asphalt density analysis of road building materials.
- Pipe bedding compaction for storm and sanitary sewers.
- Trench backfill compaction for storm and sanitary sewers.

The developer shall notify the Department forty-eight (48) hours prior to any required tests. Copies of all test reports shall be provided to the Department before additional construction occurs. In the event problems exist that require remedial actions or design, the design engineer shall be required to submit appropriate engineering plans to the Department for review before construction will be allowed to proceed. The engineer of record shall certify in writing that all deficiencies have been resolved.

ARTICLE IV

ENVIRONMENTAL PROTECTION

4-1 GENERAL PROVISIONS

4-1.1 Jurisdiction

This article shall apply to the design and development of improvements located within the corporate limits of the City of Foley and within the extra-territorial jurisdiction for subdivisions, unless a separate or subsequent agreement between the city of Foley and the Baldwin County Commission states otherwise.

4-1.2 Responsibility

The City of Foley Environmental Department and Engineering Department shall have the authority to review and enforce this Article.

4-2 PROTECTED RESOURCES

4-2.1 Wetlands

A parcel of land to be subdivided that contains delineated jurisdictional wetlands shall be subject to Local, State and Federal regulations concerning fill material disposal into said wetlands. Lots shall only be platted where sufficient upland areas exist to provide a building site for the principal structure and necessary ancillary facilities. Lots that are 1 acre and less shall not be created that contain greater than 10% wetlands. Lots that are greater than 1 acre shall not be created that contain greater than 25% wetlands, except where the lot is placed in a permanent conservation easement. Fill is only allowable where necessary to provide access to lots where approval for such fill has been received from the U.S. Army Corps of Engineers and the Alabama Department of Environmental Management. All permits and certifications for wetland fill shall be submitted to the Department.

4-2.1.1 Wetlands and Stream Delineation Requirements

Where a proposed development contains wetlands or streams, or is located within fifty (50) feet of wetlands or streams as identified on the Generalized Wetland Map ("Generalized Wetland Map" means the City of Foley's official map identifying known or potential wetland areas, maintained by the Environmental Department and available for public inspection), the Applicant shall provide a wetland and/or stream delineation for the subject property.

The delineation shall:

- Identify all jurisdictional and non-jurisdictional wetlands and/or streams within the development boundaries.
- Be prepared by a qualified Professional Wetland Delineator ("Professional Wetland Delineator" means an individual qualified to conduct wetland delineations, including but not limited to certified professionals in wetland science, professional engineers, professional geologists, or other professionals with demonstrated expertise in wetland identification and delineation methodologies as accepted by the U.S. Army Corps of Engineers).
- Be approved by the United States Army Corps of Engineers (USACE) in the form of an official Jurisdictional Determination.
- Include a site map depicting:
 - All wetland and/or stream boundaries
 - A minimum of one (1) upland and one (1) wetland sampling point for each distinct wetland area shown on the Generalized Wetland Map
- Include corresponding wetland and upland determination data forms for each sampling point.
- Clearly identify jurisdictional wetland boundaries in the field using flagging or tape.

4-2.1.2 Permitting Requirements

If jurisdictional wetlands are identified and are proposed to be filled for development access or construction:

- Such impacts shall comply with Section 404(b)(1) of USACE Guidelines governing discharge of fill material into jurisdictional wetlands.
- A USACE permit shall be required.
- A USACE Jurisdictional Determination shall be submitted with the development application.
- Preliminary Plat approval shall be contingent upon receipt of all applicable USACE permits.

4-2.1.3 Coastal Area Requirements

For developments located within the coastal area of Alabama:

- An ADEM Coastal Area Management Program permit (Ala. Admin. Code Division 335-8) may be required.
- Preliminary Plat approval shall be contingent upon receipt of any required ADEM permit.

Wetlands located wholly or partially within the coastal area of Alabama are subject to ADEM Administrative Code 335-8-2-.02, including wetlands determined to be non-jurisdictional by USACE.

For purposes of this section, the “coastal area of Alabama” generally includes waters and adjacent shorelands lying seaward of the continuous ten (10) foot contour.

Applicants are responsible for coordinating with ADEM to determine coastal jurisdiction applicability.

4-2.1.4 Alternative Delineation Review

When a USACE Jurisdictional Determination is required under this section, the Environmental Department may accept, for review purposes only, a second wetland delineation prepared by an independent Professional Wetland Delineator not affiliated with the original consultant.

- The combined maximum extent of jurisdictional wetlands identified by both delineations shall be used for subdivision review.
- The Applicant shall acknowledge that only the USACE Jurisdictional Determination establishes the official wetland boundary where permitting is required.

If the Department determines that significant discrepancies exist between site conditions and submitted delineations, a formal USACE Jurisdictional Determination shall be required.

4-2.1.4.1 Existing Stormwater Features

Where a proposed development includes existing stormwater management areas — including but not limited to:

- Non-jurisdictional wetlands

- Hydric soil areas
- Natural water features
- Ditches

These features shall not be filled unless:

- Equivalent or improved stormwater management capacity is provided, and
- Such replacement is approved by the City Engineer.

4-2.1.4.2 Jurisdictional Wetlands

All jurisdictional wetlands, as acknowledged by the Army Corps of Engineers, shall remain in an undisturbed natural state. Category 1 wetlands are defined as wetlands adjacent to rivers, creeks and tidally influenced waterbodies. These require a minimum of a seventy-five (75) foot natural undisturbed buffer inland from the edge of the delineated wetland line. Category 2 wetlands are defined as all other jurisdictional wetlands. These require a minimum of fifty (50) foot natural undisturbed buffer inland from the edge of the delineated wetland line. These buffers shall be permanently marked with signage every one hundred feet denoting the area as a natural buffer area prohibiting disturbance. All required wetland buffers shall be marked with permanent signage a minimum of 6" x 9" with the wording "Wetland Boundary Buffer, No Disturbance Allowed." Signs must be installed and verified through Environmental staff field inspections with the Contractor prior to any land disturbance permit issuance or site work activity.

Exemptions:

- A. Lots of record that acquire all federal and state permits and that meet one or more of the following conditions shall be exempt from the prohibition of filling wetlands to create a buildable area and the corresponding natural buffer requirements:-
 1. Fill approved by a USACE Nationwide 18 permit ("Nationwide 18 permit" means a type of general permit issued by the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act authorizing minor discharges of dredged or fill material into waters of the United States for minor road activities, including access roads and boat ramps).
 2. The minimum wetland fill required or minimum wetland 50-foot natural buffer encroachment for access (including an internal road) to a lot when no other access to a public road or easement is available, or

3. Fill or encroachment into the natural buffer necessary to create a maximum of 1/10-of-an-acre of buildable uplands on residential lots where insufficient uplands are available. If uplands already exist on the lot, those existing uplands shall be applied toward the 1/10th acre maximum.

The requirements for the performance of a wetland assessment, delineation, and/or jurisdictional determination are not exempt.

- B. Pile supported Marine accessory uses installed for recreational use shall be exempt from the wetland and/or stream 75-foot natural buffer requirements (so long as no wetland fill occurs beyond the individual pile supports) and assessment, delineation, and/or jurisdictional determination requirements of this Manual, so long as no pollutants (including sediments) are released into surrounding wetlands or streams. The Applicant is still required to obtain a Riparian Permit and shall obtain all necessary state and federal permits.
- C. Bulkheads, retaining walls, fences, pile supported stairs and similar structures shall be exempt from the wetland and/or stream 50-foot/75-foot natural buffer requirements of this Manual only, so long as no pollutants (including sediments) are released into surrounding wetlands or streams. The Applicant may still be required to obtain a Riparian permit and shall obtain all necessary state and federal permits. The requirements for the performance of a wetland assessment, delineation, and/or jurisdictional determination are not exempt.
- D. Recreational walking trails shall be exempt from the wetland and/or stream 50-foot and and 75-foot natural buffer requirements of this Manual only, so long as no pollutants (including sediments) are released into surrounding wetlands or streams. The Applicant may still be required to obtain a land disturbance permit and shall obtain all necessary state and federal permits. The requirements for the performance of a wetland assessment, delineation, and/or jurisdictional determination are not exempt.
- E. Agricultural uses as defined shall be exempt from this Section.
- F. Forestry land management practices, including harvesting; provided, however, that the Alabama's Best Management Practices for Forestry are followed, and a Forest Management Plan is in place. Based on guidance from the Alabama Forestry Commission, the plan must be authored or approved by a State of Alabama Registered Forester.

G. Major Projects defined herein, clearing of invasive species, underbrush, and trees with a maximum diameter of six (6) inches within the outer 30 feet of the applicable wetland and/or stream natural buffer is allowed if the all of the following conditions are met:

- Hand Clearing,
- Mechanical clearing on mats if no land disturbance including stump removal or rutting occurs,
- Tree debris and mulch cannot be left if considered a fill by the USACE and/or ADEM and
- Any incidental disturbance must be restored and planted.

The addition of native plant species to the 50-foot wetland and/or stream natural buffer is allowed as long as the only land disturbance allowed is associated with the planting of the plants. Any incidental disturbance must be restored.

4-2.2 Waterways and Watercourses

Any existing watercourses or waterways shall be maintained at all property boundaries. If land being subdivided contains a waterway, or portion thereof, the responsibility for safe maintenance of the waterway shall be such that it will not become a City responsibility.

No activity shall be permitted in close proximity to a natural watercourse or waterway unless a buffer zone is provided along the boundary to prevent construction activities from affecting the natural characteristics of the waterway or watercourse. If a stream is within a gully, the top of the bank is the top of the gully. Waterways that drain to an Outstanding Alabama Water, as defined by the ADEM, shall remain in an undisturbed natural state and shall have a minimum buffer width of one hundred (100) feet from top of each bank. All other waterways shall remain in an undisturbed natural state and shall have a minimum buffer width of fifty (50) feet from the top of each bank. These buffers shall be permanently marked with signage every one hundred (100) feet denoting the area as a natural buffer area prohibiting disturbance.

Activity in connection with construction in, on, over, or under a natural watercourse or waterway shall be planned and conducted in such a manner as to minimize the extent and duration of disturbance of the watercourse or waterway.

The permanent alteration of a waterway, where relocation is an essential part of the proposed activity, shall be planned and executed so as to minimize changes in

the water flow characteristics, except when justification for significant alteration to flow characteristic is provided, as well as, US Army COE permits.

Relocation and/or activity within a waterway shall require submission to the Environmental Department of appropriate permits as required by the U.S. Army Corps of Engineers, ADEM, Alabama Department of Conservation and Natural Resources and any other governmental agencies.

4-2.3

Floodplains and Floodways

Areas subject to periodic flooding caused by poor drainage facilities will not be accepted unless the developer/owner makes necessary provisions to eliminate such flooding in conformity with the National Flood Insurance Program. Construction within flood hazard areas shall refer to the Flood Damage Prevention Ordinance for Non Coastal Communities, most current adoption, for specific details.

Fill may not be used to raise land in areas subject to flood and/or experience excessive erosion, unless the fill proposed does not restrict the natural flow of water, advance erosion, unduly increase flood heights or unnaturally redirect stormwater to adjacent properties.

4-2.4

Well Head Protection

The Well Head Protection Area is established to protect the public health, safety and welfare through the protection of public water supplies from the dangers of water pollution and contamination. The area is defined by public water utilities (including Riviera Utilities and Orange Beach Water Authority) as areas that have potential to cause water quality degradation due to pollutant loadings within aquifer recharge areas.

It is the responsibility of the developer/owner to show proof of compliance with all requirements prior to land use changes within a Well Head Protection Area. Land uses that have the potential to contribute to groundwater degradation shall meet with the Department and public water utility affected to assure that the site development plan minimizes risk of contamination. The following table shall be followed at a minimum for setbacks from a public well.

Proposed Structure	Setback from Public Well
Storm sewer drain	50'
Sanitary sewer manhole, main, connection	100'
Sanitary sewer lift station or related	200'
Septic system, tank or drain field receiving <8000 gallons/day	500'
Cemetery or Stormwater Management Facility (Retention or Detention)	500'
Land application of waste or wastewater; Septic tanks receiving >8000 gallons/day	1000'
Any solid waste storage or processing facility; Fuel storage tanks; Pesticide or fertilizer handling/storage facilities	1200'

4-3 CONSTRUCTION POLLUTION CONTROL

4-3.1 Construction Best Management Practices Plan

For the purposes of this Manual, the following are the minimum requirements for the Construction Best Management Practices Plan (CBMPP):

- The CBMPP shall be designed by a Qualified Credentialed Professional (QCP).
- At a minimum the site's CBMPP shall meet all conditions and qualifications of the ADEM NPDES Construction General Permit, and BMP design should be based on the guidance in the Alabama Handbook (most current edition).
- Best Management Practices (BMPs) shall be required for all land disturbing activities. It shall be the sole responsibility of the owner/contractor to promptly implement effective BMPs in accordance with the CBMPP prior to commencing any land disturbance. The owner/contractor shall be solely responsible for ensuring that all BMPs are implemented and maintained for the entire duration of the Land Disturbing Activity. The owner/contractor shall also be solely responsible for ensuring that the BMPs are in accordance with established industry standards, good engineering practices, and all standards as set out in the Alabama Handbook (most current edition).
- A map shall be included that identifies topography, watercourses and wetlands (jurisdictional and non-jurisdictional).
- Jurisdictional wetlands and wetland/stream buffers shall be flagged prior to any land disturbing activity.

- Sediment basins shall be designed to treat for sediment. Stormwater management facilities may be modified to function as a sediment basin only if all design criteria for a sediment basin are met. These basins shall be constructed prior to any other land disturbance activities. These are designed to take drainage from the site and shall be installed and permanently stabilized prior to any other construction. Solid sod species shall be utilized and shall be the same as adjacent (existing) properties in residential areas. The permittee shall provide written notification to the Environmental Department no less than twenty-four (24) hours prior to the commencement of any dewatering activities at the site. No water resulting from dewatering activities shall be discharged from the site unless it has been appropriately treated and all pollutants, including sediment, have been removed prior to release in accordance with applicable water quality standards and permit requirements. No discharges from the site shall result in turbidity increases above the allowable limit of 50 NTUs or substantial visible contrast from background condition.
- The owner/contractor shall ensure proper onsite containment and disposal of all construction building materials, supplies, trash, debris, fertilizers, pesticides, herbicides, detergents, sanitary waste and any other solid waste.
- The owner/contractor shall ensure proper onsite containment and disposal of any pollutants resulting from equipment and vehicle washing, concrete, paint and other washout water.
- The owner/contractor shall minimize the discharge of any pollutants resulting from a spill or leak from, including but not limited to vehicles, mechanical equipment, and chemical or fuel storage.
- The owner/contractor shall stabilize all construction entrances and exits to minimize off-site tracking of sediment from vehicles. Street sweepers shall be employed when sediment escapes onto public rights-of-way and removal of sediment buildup from curbs and inlets within a 48 hours of release
- The owner/contractor shall minimize the generation of dust during construction and may be required to employ water trucks to reduce dust emissions.
- The owner/contractor shall minimize the disturbance of steep slopes (greater than 3:1), unless infeasible.

- The owner/contractor shall minimize the amount of soil exposure and compaction during construction activity. At no time shall a project expose more than twenty-five (25) acres of bare ground at one time. Sequencing and phasing shall be used to minimize exposed soils.
- The owner/contractor shall temporarily stabilize disturbed areas immediately whenever work has temporarily ceased on any portion of the site and will not resume for a period exceeding seven (7) calendar days.
- The owner/contractor shall provide the necessary measures to ensure that drainage structures important to overall Storm Water Management and control are not adversely affected by clearing, grading, or any other land disturbing activities and shall permanently stabilize any right-of-ways disturbed during construction.
- All onsite areas disturbed during construction shall be permanently stabilized prior to final inspection. Lots to be developed within 60 days may be allowed to be temporarily stabilized, based on a written request and acceptance.
- The owner/contractor shall, with property owner permission, remove any offsite sediments from adjacent properties and stabilize any areas disturbed during the removal. If the removal involves streams or wetlands, proper Federal and State permits shall be required prior to removal. Streets that have sedimentation from runoff or tracking of vehicles shall be swept immediately and remove the accumulation of sediment from streets, curbs, and inlets due to safety concerns.
- The owner/contractor shall ensure all construction waste and debris, silt fences, wattles, inlet protection, and other temporary BMPs shall be removed prior to final inspection.
- The owner/contractor shall ensure proper implementation, daily observation, regular inspection and continual maintenance of effective BMPs to prevent offsite impacts and impacts to downstream water quality.
- In the event the BMP (s) are found to be in need of maintenance or improvements, the owner/contractor shall commence and implement all necessary maintenance and corrective measures to the BMP (s) within two (2) working days of notice unless prevented by unsafe weather conditions.

- Activity that has continued compliance issues and/or offsite impacts may be issued a Stop Work Order; ceasing all activity except BMP installation and maintenance and remediation in affected buffer zones. At that time the owner/contractor may be required to submit an updated CBMP Plan prepared by a Qualified Credentialed Professional (QCP).

4-3.2 CBMPP Submittal, Review and Approval

The CBMPP shall be submitted with the Land Development Permit. No land disturbance shall take place prior to review and approval of the CBMPP. Modifications may be required to meet the minimal requirements prior to approval. Approval will be communicated to the owner and QCP.

4-3.3 Implementation of CBMPP

The approved CBMPP shall be implemented once construction is initiated. Random routine inspections will be conducted to ensure compliance with the CBMPP. If inspections reveal the BMPs to be ineffective, an update of the CBMPP will be required to provide adequate, effective BMPs.

4-3.4 Other Pollution Prevention Provisions

- No open burning is allowed during the months of May through October per ADEM regulations. Any other burning must meet the requirements as set forth by the Foley Fire Department.
- Sites that store onsite fuel, chemicals or other hazardous pollutants shall prepare, implement and maintain a Spill Prevention, Control and Countermeasures (SPCC) Plan. This plan shall be submitted with the CBMPP for review.
- A concrete washout area shall be designed on all sites during installation of drainage structures and in the residential construction phase.
- Placement of BMPs in/on City rights-of-way is prohibited unless given written permission by the City Engineer.
- Sanitary waste shall be routinely managed on site to prevent spillage and contamination of stormwater. Avoid placement of portables on stormwater inlets.
- Dumpsters shall be installed on all construction sites for placement of garbage and waste. Dumpsters shall be emptied regularly to prevent trash from littering sites and neighboring properties.

4-4 POST DEVELOPMENT STORMWATER MANAGEMENT FOR NEW DEVELOPMENT & REDEVELOPMENT

4-4.1 Operation and Maintenance of Stormwater Facilities

All stormwater management facilities shall be restored to original approved design upon construction completion, including removal of sediment deposits occurring during construction. All stormwater management facilities shall be inspected and certified by the design engineer prior to final plat approval. Any liability associated with the design, performance and operation of the facility remains with the owner and the owner's engineer. All final plats shall have a section that details that the City reserves the right to require the owners of all drainage facilities to perform needed maintenance operations .

Operation and maintenance of the stormwater management facility(s) is the responsibility of the property owner. The design engineer shall be responsible for developing an Operation and Maintenance Plan for each stormwater management facility. This document shall be included in the subdivision restrictive covenants. The O&M should include a schedule of inspections, quarterly, annual, severe rain event, etc. The engineer of record shall provide an inspection to verify that existing stormwater infrastructure is functioning as designed prior to approval of new phases and/or transfer of common areas from the developer to POA. Prior to Final Plat approval, a completed Stormwater Facility Maintenance Agreement with the operation and maintenance plan shall be submitted to the Environmental & Engineering Department(s) for future owner(s) maintenance responsibility. Transfer of the common area(s) to another entity (i.e. Homeowner's association) shall not occur until maintenance operations have restored the facility to the design specifications.

4-4.2 Operations and Maintenance Plan

An Operation and Maintenance Plan for the long-term operation and maintenance of all common areas including stormwater management infrastructures, retention and detention facilities, and LID practices shall be recorded in the Probate Office and submitted with the Final Plat application. The plan shall include:

1. The approved as-built drainage plan;
2. The chain of responsibility for maintenance of all drainage structures or systems along with a copy of the proposed instrument of organization for the Property Owners Association
3. Continued Inspection and Maintenance. The long-term maintenance plan within the O&M Agreement contains the inspection priorities and schedule for the stormwater facilities and LID facilities.
 - The Owner is responsible for inspecting these features every five (5) years and documenting that inspections have

been completed and necessary maintenance has been performed.

- The first inspection report is due December 31 of the third year after construction has been completed.
- Inspection reports are then due by December 31 of every fifth year following submittal of the first report.
- Inspection reports are to be submitted to the Environmental Department to maintain compliance.

4-4.3 Inspections of Stormwater Management Facilities

Inspections of stormwater management facilities shall be conducted by the owner (developer or homeowner's association) in accordance with the schedule established in the Operation and Maintenance Plan under Section 4-4.2, with the first inspection report due by December 31 of the third year after construction completion and subsequent reports due by December 31 of every fifth year thereafter. The inspection shall follow an approved inspection checklist detailing issues, maintenance needs and a timeline for maintenance actions. The inspection reports shall be provided to the Department upon request.

Inspections of stormwater management areas and outfalls may be conducted by the City. These inspections shall note the condition of the detention/retention basin and outfall integrity, maintenance, erosion, or sedimentation. The owner, developer, or homeowners association shall grant entry to the stormwater facilities upon reasonable notice by the City; refusal to grant access shall constitute a violation of this Manual and may be grounds for enforcement action under Section 1-4. In the event access is refused, the City may seek an administrative inspection warrant or other legal remedy. Deficiencies of the stormwater facilities will be communicated to the owner, developer, or property owners association and those deficiencies shall be corrected within thirty days or as practicable as conditions may allow. This includes removal of any sediment and vegetation in order to restore the pond's designed volume. Failure to maintain the design standards may result in a public nuisance violation.

Every 5 years upon completion, the City will require a professional engineer's inspection of the stormwater management facility(s) in accordance with Section 4-4.2. This requirement shall be included in the Operations and Maintenance Plan. The inspection shall include structural integrity of inflow pipes, outfall pipes and any control mechanisms such as weirs. It shall also include any maintenance needs. The inspection shall be submitted to the Department.

4-4.4 Escrow Account for Stormwater Facilities Maintenance

All stormwater management facilities that are developed to be owned by multi member entities such as homeowner's associations, property owners associations or similar entities shall establish and contribute annually to a Stormwater

Facilities Maintenance Escrow Account. This account shall be considered a full amount once the funds equal half the initial construction costs for the stormwater management system.

Prior to final plat submittal, the owner/developer shall establish an escrow account in the amount of twenty percent of the initial construction cost of the stormwater management system, which shall be used to maintain, operate, repair, inspect or reconstruct the stormwater management system. The initial construction cost shall be certified by the design engineer of record based on actual or contracted construction costs and supported by documentation acceptable to the Department. Escrow account details shall be provided in the subdivision covenants. The Department shall review and approve the amount projected for the escrow account. Documentation showing proof of the escrow account shall be submitted with the final plat package.

Once the developer transfers the common areas and stormwater facilities to another entity (ie. home owner's association) for management, the entity shall contribute annually to the Stormwater Facilities Maintenance Escrow Account in the amount of five percent of the initial construction cost of the stormwater management system until such time that the full amount is reached.

A Maintenance Request shall be submitted to the Department for approval. This maintenance may be based on annual inspections by the entity or a city inspection. Withdrawals from the escrow account may occur for the purpose of maintenance, operation, repair, inspection or reconstruction of the stormwater management system. Once all work is completed, it will be inspected for compliance. If the maintenance cost is less than the requested funds, any excess funds shall be deposited back into the escrow account. Any funds drawn down from the escrow account shall be replaced in accordance with the initial funding of the account within two years of the maintenance work.

If the HOA/Maintenance Authority fails to ensure adequate funding for stormwater maintenance needs, the City reserves the right, after providing thirty (30) days' written notice to the responsible party (or without notice in the event of an imminent threat to public health, safety, or welfare), to enter the stormwater management area to perform necessary maintenance to protect the health, safety and welfare of the public, and to seek financial reimbursement for all costs incurred from the HOA, managing authority, and/or individual property owners, including the right to impose liens on the benefited properties in accordance with applicable law.

ARTICLE V

LANDSCAPING, TREE PROTECTION, & LIGHTING

5-1 GENERAL PROVISIONS

5-1.1 Jurisdiction

This article shall apply to the design and development of improvements located within the corporate limits of the city of Foley and within the planning jurisdiction (PJ) for subdivisions, unless a separate or subsequent agreement between the city of Foley and the Baldwin County Commission states otherwise.

5-1.2 Responsibility

The City of Foley Engineering Department and Environmental Department shall have the authority to enforce this Article.

5-2 TREE REQUIREMENTS

5-2.1 Applicability

A landscape plan is required for all new developments and any re-developments that require a Land Development Permit. Review the city's Zoning Ordinance and Subdivision Regulations for additional requirements.

5-2.2 General Standards

A landscaping plan shall be submitted as part of the Land Development Permit. Existing landscaping on sites with existing structures or areas suitable for landscaping shall not be reduced below the landscape requirements established in the Subdivision Regulations, Zoning Ordinance, and in this section. The landscape plan must show the proposed location, placement, and spacing of the required trees. A landscape plan is required for developments that are adjacent to residential locations and for developments that are greater than five lots.

5-2.3 Additional Requirements

The following are the minimum requirements for the landscape plan:

- A. The plan shall have a minimum density of ten (10) native trees per acre of open space, common area and commercial area within the development, and sixty percent (60%) of those trees shall be overstory trees to provide canopy. Palm trees and invasive exotic trees are

excluded from and do not count towards the minimum requirements. The plan shall have no more than 20% of one species and no more than 40% of one genus.

- B. The tree density may include all preserved and planted trees, as well as, trees located in buffers, parking areas, site perimeter and common areas.
- C. All disturbed areas not covered by structures and infrastructure shall include 100% vegetative cover that accomplishes permanent stabilization.
- D. Irrigation shall be required for all landscaped areas within commercial developments. Appropriate methods of irrigation may be accomplished with an adequate water supply from hose bibs and/or automatic or manual irrigation systems and/or any other approved methods.

5-3 TREE SURVEY, PROTECTION & CREDITS

5-3.1 Tree Survey

5-3.1.1 Applicability

A tree survey is required for all new developments. If the site contains no trees, the survey is not required, but that must be stated on the landscape plan.

5-3.1.2 General Tree Survey Requirements

The tree survey shall be submitted to the Environmental Department as part of the Land Development Permit. Surveys may be conducted by the landscape plan designer.

5-3.1.3 Detailed Survey Requirements

The following are the minimum requirements to be included on the survey:

- Survey shall include date, scale, north arrow, title, and names and contact information for property owner(s) and surveyor.
- All reasonable steps shall be taken to preserve heritage trees.
- Prior to removing any heritage trees, a Heritage Tree Removal Permit must be applied for and received from the Environmental Department.
- Native trees in floodplains and wetlands shall be left in a natural state unless otherwise directed or permitted by state or federal agencies.

- The survey shall identify trees over 18 in Diameter Breast Height (DBH) with type, location, size and preservation or removal.
- Wetlands, buffers and conservation green spaces are not required to be surveyed if trees are not needed to count towards minimum tree requirements. These areas should be indicated as preservation areas with a square footage and estimate of canopy coverage.

5-3-2 Tree Protection & Credits

5-3-2.1 General Standards

Tree protection methods shall be included on the landscape plan or tree survey if trees will be preserved on site. Large areas of preservation such as buffers or conservation green spaces shall include tree protection fencing and signage.

5-3-2.2 Tree Credits

Preservation of existing native trees included can be credited toward the tree planting requirements of this Article according to the following ratio:

- The number of credited trees is determined by measuring the DBH of each preserved tree and dividing the sum by 6.
- To be included in the computation for credit for preserved trees, each preserved tree must be at least 8 inches DBH.

ARTICLE VI

Definitions

For the purpose of these regulations, certain numbers, abbreviations, terms and words used herein shall be used, interpreted and defined as set forth in this section. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense words used in the plural number include the singular number; the word “herein” means “in these regulations”; the word “regulations” means this “City of Foley, Land Development Ordinance.” The term “shall” is always mandatory.

- **ADEM:** The Alabama Department of Environmental Management.
- **ADEM NPDES Construction General Permit:** the permit administered by ADEM through the NPDES program for construction sites equal to or greater than one acre or sites less than one acre but part of a common plan of development or sites designated by ADEM.
- **Alabama Handbook:** the latest edition of the Alabama Handbook for Erosion Control, Sediment Control, and Stormwater Management on Construction Sites and Urban Areas. A copy of the latest edition can be found on the Alabama Soil and Water Conservation Committee’s web page (www.swcc.state.al.us). **Alley:** A public right-of-way primarily designed to serve as a secondary access to the side or rear of properties whose principal frontage is on another street.
- **Alley:** A public right-of-way primarily designed to serve as a secondary access to the side or rear of properties whose principal frontage is on another street.
- **Arterial Street:** A street that collects and distributes traffic to and from collector streets, connecting areas which produce large numbers of trip generations. An arterial functions to move traffic and to provide access to land uses, particularly high trip generating commercial activities.
 - **Freeways and Expressways:** Multi-lane controlled access roadways with directional travel lanes and are typically separated by a physical barrier. Access points are, like interstates, limited to on-off ramp locations, although limited access via at-grade intersections is allowed. These roadways, similar to interstates, focus on mobility versus access.
 - **Principal Arterials:** Provide major vehicle mobility to major center of a region. Typically access includes at-grade intersections and limited direct access to property to improve through movement traffic flows. Provide mobility between important centers of activity, along interzonal trips (entering and then leaving an area), and through the area. Principal Arterials have a subcategory of urban and rural.
 - **Minor Arterials:** Provide interconnection with and supplements principal arterial. Includes at-grade intersections and direct access to property.

Provide mobility between important centers of activity, along interzonal trips (entering and then leaving an area), and through the area. Principal Arterials have a subcategory of urban and rural.

- **Major and Minor Collectors:** Provide balance between land access and traffic flows within residential neighborhood and commercial and industrial areas. Collect Traffic from local roadways and funnel to the arterial streets. Includes at-grade intersections and direct access to property.
- **Local:** Account for the largest percentage of all roadways in terms of mileage. Typically provides connectivity at the end of the origin or destination end of the trip.
- **As-Built Engineering Plan:** A post-construction record giving details of construction and locations of improvements and utilities as they were built or installed.
- **BMP:** Best Management Practice(s) are measures or practices used to reduce the amount of pollution entering surface waters, air, land or ground waters. BMPs may take the form of a process, activity or physical structure. There are two main types of BMPs for construction sites, those that prevent erosion and those that capture sediment.
- **Buffer:** An area of land recorded as common area of the Final Plat dedicated as area of preservation. A buffer physically separates and protects one area from human disturbance or encroachment. Soil shall not be disturbed however vegetation may be managed by mowing, planting and trimming trees.
- **Caliper:** The diameter or thickness of the main stem of a young tree or sapling as measured
- **Circumference:** The distance around the periphery of a tree at 4 ½ feet above existing grade.
- **City:** The City of Foley, Alabama.
- **City Engineer:** The duly appointed Professional Engineer of the City of Foley for technical assistance on construction and engineering matters and assistance in the enforcement and administration of these regulations.
- **Clearing:** Any activity that removes the vegetative surface cover.
- **Collector Street:** A collector street has the primary function of collecting traffic from local streets and moving it to the arterial street system while also providing substantial service to the abutting land use.
- **Common Area:** An area of development shared by all owners and managed by either the subdivider/developer or a home owner's association. This area includes

recreation facilities, stormwater management area, buffers and other landscaped areas.

- **Conservation Easement:** A power invested in a qualified private land conservation organization (often called a "land trust") or government (municipal, county, state or federal) to constrain, as to a specified land area, the exercise of rights otherwise held by a landowner so as to achieve certain conservation purposes. The conservation easement "runs with the land," meaning it is applicable to both present and future owners of the land. As with other real property interests, the grant of conservation easement is recorded in the local land records; the grant becomes a part of the chain of title for the property.
- **Conservation Open Space:** An open area with trees, shrubs, grass and other vegetation within a development. Areas may include but are not limited to common areas and landscaped islands. This does not include stormwater management facilities. This land shall be designated as being permanently undeveloped and used for recreation, conservation or preservation.
- **CBMPP or Construction Best Management Practices Plan:** the plan that includes research, planning considerations, systems, procedures, processes, activities and practices implemented for the prevention and/or minimization of pollutants in stormwater to the maximum extent practicable, and collection, storage, treatment, handling, transport, distribution, land application or disposal of construction stormwater and onsite management of construction waste generated by the land disturbing activity, and to comply with the requirements of the City of Foley.
- **Cul-de-sac:** A minor street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
- **Detention Basin:** An artificial flow control structure that is used to contain flood water for a limited period of time.
- **Department:** Unless a specific department is identified by name in this Manual, the "Department" means the Engineering Department acting through the City Engineer or their designee, in coordination with the Environmental Department and Code Enforcement Department as applicable to the subject matter.
- **Developer:** The owner or his legally designated representative of land proposed to be subdivided or otherwise developed.
- **Development:** Includes but is not limited to the design work of lot layout and the construction of infrastructure and structures. Developments include subdivisions, multi-family, commercial, and industrial facilities.

- **Dewatering:** The removal, pumping, draining, diversion, or discharge of accumulated surface water, groundwater, stormwater, or other standing water from a construction site, excavation, trench, structure, or other work area. Water generated through dewatering activities shall be considered construction or industrial wastewater and may contain sediment, silt, and other pollutants requiring appropriate treatment prior to discharge.
- **Diameter Breast Height:** The diameter, in inches, of a tree trunk measured at 4 ½ feet above existing grade. DBH is also referred to as the diameter of a tree.
- **Drainage Common Area:** A common area for the collection and transport of stormwater, runoff and surface waters within a development. The area is shared by all owners and managed by either the subdivider/developer or a homeowner's association.
- **Easement:** A grant by a property owner for the use of land for a specified purpose or purposes by the general public or a corporation, or person; or as created by operation of law. (No title to real property is conveyed.)
- **Final Plat:** A plat or a tract of land which meets the requirements of the City of Foley Subdivision Regulations and is in proper form for recording in the Office of the Probate Judge of Baldwin County, Alabama.
- **Final Stabilization:** The application and establishment of the permanent ground cover (vegetative, pavements of erosion resistant hard or soft material or impervious structures) planned for the site to permanently eliminate soil erosion to the maximum extent practicable. Established vegetation will be considered final if 100% of the soil surface is uniformly covered in permanent vegetation. Final Stabilization applies to each phase of construction.
- **Flood or Flooding:** A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - o the overflow of inland or tidal waters;
 - o the unusual and rapid accumulation of runoff of surface waters from any source.
- **Floodplain:** any land area susceptible to being inundated by water from any source.
- **Floodway:** the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
- **Grady Pond Wetland:** An artificial pond created by excavating and/or diking dry land to collect and retain water and which are used presently or in the past exclusively for such purposes as stock watering, irrigation or settling basins.

These areas are typically non jurisdictional wetlands but the soils have poor percolation rates and therefore may not be used for detention purposes.

- **Green Infrastructure (GI):** Systems and practices that use or mimic natural processes to infiltrate, evapotranspire, or reuse stormwater or runoff on the site where it is generated.
- **Heritage Tree:** A healthy, protected native tree and its root system with a diameter at breast height equal to or greater than 30” or 7’-10” circumference, whichever dimension is less. Also redbuds and dogwoods with a diameter at breast height equal to or greater than 10” or 30” circumference, whichever dimension is less.
- **Impervious:** Surfaces that prohibit the natural movement of water from the land surface into the underlying soils. Examples include rooftops, asphalt and concrete.
- **Jurisdictional Wetland:** A wetland area that meets the definitional requirements for wetlands to include the hydrology, hydric soil types and wetland vegetation as determined by the U. S. Army Corps of Engineers, 1987 Federal Wetland Delineation Manual.
- **Land Disturbing Activity:** Any and all activities which results in more than five hundred (500) square feet of land disturbance and/or change to the existing storm water drainage characteristics of land.
- **Local Street:** A local street is one whose primary function is to service abutting land use and to discourage through traffic. This includes cul-de-sacs, and residential access streets.
- **Lot:** A tract, plot or portion of a recorded subdivision intended as a unit for the purpose, whether immediate or future, of transfer of ownership, lease or rental, or for building development and has its principal frontage on a public street.
- **Low Impact Development (LID):** An approach to the maintenance of predevelopment hydrology in land development (or re-development) that works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat stormwater as a resource rather than a waste product.
- **Major Improvement:** Any development, redevelopment, expansion, reconstruction, or modification of an existing developed site that materially increases the intensity of development or substantially alters the site's buildings, impervious area, stormwater characteristics, access, utilities, or other infrastructure. A project shall be considered a Major Improvement when one or more of the following occurs:

1. The project increases the existing building footprint or total impervious area of the site by fifteen percent (15%) or more;
 2. The project disturbs, reconstructs, replaces, or modifies fifteen percent (15%) or more of the developed portion of the site;
 3. The project creates 6,500 square feet or more of new or reconstructed impervious surface;
 4. The project requires substantial modification or expansion of the site's stormwater management system, public street connection, utility infrastructure, or other public infrastructure; or
 5. The City Engineer determines, based upon documented engineering considerations, that the proposed improvements are reasonably expected to create a significant impact on drainage, traffic, public infrastructure, or an adjacent property.
- **Major Project:** A development project that, due to its scale, scope, or proximity to environmentally sensitive features, requires an enhanced level of review as determined by the City Engineer or Environmental Department. For purposes of Section 4-2.1.4.2, a Major Project is one that disturbs one (1) or more acres of land, or that is located within or immediately adjacent to jurisdictional or non-jurisdictional wetlands, streams, or waterways as identified on the Generalized Wetland Map.
 - **Manual:** The City of Foley Technical Design Manual, as adopted and as may be amended from time to time.
 - **Minor Improvement/ Infill Development:** Development or redevelopment of an existing developed parcel that does not constitute a Major Improvement and that generally utilizes existing public infrastructure, access, utilities, and drainage facilities without creating a substantial additional demand upon those systems. Minor Improvements may include small building additions, redevelopment of individual infill lots, minor parking modifications, accessory improvements, and similar improvements to existing developed sites.
 - **Multifamily Development:** A development with more than two separate housing units on a single site or within a single structure.
 - **Operation and Maintenance Plan:** The plan shall provide guidance for the operation and maintenance of the stormwater management system to include all designed facilities. It shall provide information on preventative maintenance schedules, specific best management practices for each stormwater management facility and the inspection checklist.
 - **Overstory Tree:** A tree which, at maturity, comprises the canopy of a natural forest and which are generally greater than fifty (50) feet at mature height.
 - **Owner:** Any person, group of persons, firm or firms, corporation or corporations or any other legal entity having legal title to or sufficient proprietary interest in

the land sought to be subdivided or otherwise developed under these regulations.

- **Permanent Stabilization:** See the definition for Final Stabilization.
- **Pervious:** Surfaces that allow water to enter or percolate slowly into the earth.
- **Planning Commission:** The City of Foley Planning Commission.
- **Pollutant:** Any substance, material, waste, or discharge that causes or contributes to pollution or the degradation of water quality and natural resources. Pollutants include, but are not limited to, sediment and silt; paints, varnishes, and solvents; petroleum products and automotive fluids; solid and liquid wastes; yard waste; refuse, rubbish, garbage, litter, and other discarded materials; floatable debris; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, pathogens, and fecal coliform; dissolved and particulate metals; animal waste; construction-related wastes and residues; and any other noxious, offensive, or deleterious matter.
- **Preliminary Plat:** A tentative plan of the complete proposed subdivision submitted to the City Planning Commission for its consideration.
- **Privately Maintained Streets:** Streets that shall meet the minimum design requirements for road construction, but are not accepted for maintenance by the City of Foley.
- **Qualified Credentialed Professional:** a Professional Engineer, Certified Professional in Erosion and Sediment Control (CPESC), registered landscape architect, registered land surveyor, Professional Geologist, registered forester, Registered Environmental Manager, or a Certified Professional Soil Scientist. The QCP shall be able to document requirements regarding proven training, relevant experience, and continuing education. The QCP shall be in good standing with the authority granting the registration or designation.
- **Retention Basin:** An area used to contain stormwater and runoff from the drainage area. It is an artificial lake with vegetation around the perimeter, and includes a permanent pool of water in its design. Retention basins are frequently used for water quality improvement, groundwater recharge, flood protection, aesthetic improvement or any combination of these.
- **Spill, Prevention, Control and Countermeasures Plan (SPCC):** plan that is federally required for facilities that store, transfer, use or consume oil or oil products, such as diesel fuel, gasoline, lube oil, hydraulic oil, adjuvant oil, crop oil, vegetable oil or animal fat; and store more than 1,320 U.S. gallons in total of all aboveground containers (only count containers with 55 gallons or greater storage capacity) or more than 42,000 gallons in completely buried containers; and could reasonably be expected to discharge oil to navigable waters of the U.S. or adjoining shorelines, such as lakes, rivers and streams.

- **State:** The state of Alabama.
- **Stormwater Facility Maintenance Agreement:** A formal agreement between the Owner and the City that includes the owner's responsibilities concerning maintenance of the stormwater management facilities. The agreement is a covenant running with the land and is binding to the owner and any successors including homeowner's associations. See Appendix #1
- **Stormwater Facility Maintenance Escrow Account:** Established by the developer prior to final submittal, this account is set up for stormwater facility maintenance activities to retain the designed characteristics. The account shall be initially funded in the amount of twenty percent (20%) of the initial construction cost of the stormwater management system. Activities funded by this account may include, but are not limited to the following: removing accumulated sediment, re-establishing vegetation, forestry mowing overgrowth, replacing hardened structures and addressing catastrophic failures due to weather events. This account shall be considered full when it reaches fifty percent (50%) of the initial construction costs for the stormwater management system.
- **Stormwater Management:** The process of ensuring that the magnitude and frequency of stormwater runoff do not increase the hazards associated with flooding and that water quality protected or improved by the treatment of stormwater runoff.
- **Stormwater Management Facilities:** Structures constructed to address post construction stormwater management to include retention ponds, detention ponds, swales, rain gardens, bio-retention areas and the infrastructure associated (infall pipes and outfall pipes)
- **Streets:** The full right-of-way of a thoroughfare which affords the principal means of access to abutting property.
- **Subdivision:** The development and division of a lot, tract or parcel of land into two or more lots, plats, sites or otherwise for the purpose of establishing or creating a subdivision through the sale, lease or building development. Development includes, but is not limited to, the design work of lot layout, the construction of drainage structures, the construction of buildings or public use areas, the planning and construction of public streets and public roads, and the placement of public utilities. A subdivision does not include the construction or development of roads or buildings on private property to be used for agricultural purposes.
- **Temporary BMPs:** Temporary best management practices are designed to remain effective for a relatively short duration of time, usually only until the construction site is complete and permanent BMPs have been established. Temporary BMPs are only effective if they are installed correctly and maintained. These include but are not limited to silt fences, hay bales and mulch.

- **Temporary Stabilization:** the application and establishment of temporary ground cover (vegetative, pavements of erosion resistant hard or soft materials or impervious structures) for the purpose of temporarily reducing raindrop impact and sheet erosion in areas where permanent stabilization cannot be established due to project phasing, seasonal limitations or other project related restrictions.
- **Turbidity:** A measure of water clarity based on suspended particles, including sediment, silt, clay, organic matter, or other materials that scatter or absorb light. Turbidity indicates sediment pollution and is typically expressed in Nephelometric Turbidity Units (NTUs). No discharges from the site shall result in turbidity increases above the allowable limit of 50 NTUs or substantial visible contrast from background condition.
- **Understory Tree:** A tree which, at maturity, comprises the sub-canopy of a natural forest. These are generally less than fifty (50) feet at a mature height.
- **Utility Easement:** A grant by a property owner for the use of land for utilities installation and maintenance. The easement shall be recorded on the Final Plat. (No title to real property is conveyed.)
- **Water Quality Volume (WQV):** The first one inch (1”) of runoff from impervious areas of a site, also referred to herein as first flush.
- **Watercourses and Waterways:** Any depression serving to give direction to a flow of water, having a bed and well-defined banks and which shall, also include other generally or specifically designated areas where flooding may occur. The flow of water need not be on a continuous basis, but may be intermittent, resulting from the surface runoff of precipitation.
- **Watershed:** The geographic area of land that drains runoff to a shared destination.
- **Wetland:** Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions as delineated by the U.S. Army Corps of Engineers. Wetlands include swamps, marshes, bogs, grady ponds, and other similar areas.

APPENDIX A STORMWATER FACILITY MAINTENANCE AGREEMENT

CITY OF FOLEY, ALABAMA
STORMWATER FACILITY MAINTENANCE AGREEMENT

THIS AGREEMENT, made and entered into this ____ day of _____, 20____, by and between

(Insert Full Name of Owner) _____
hereinafter called the "Landowner", and the City of Foley, hereinafter called the "City".

WITNESSETH, that

WHEREAS, the Landowner is the owner of certain real property described as (Tax Map/Parcel Identification Number) _____ as recorded by deed in the land records of Baldwin County, Alabama, Deed Book _____ Page _____, hereinafter called the "Property".

WHEREAS, the Landowner is proceeding to build on and develop the property; and

WHEREAS, the Site

Plan/Subdivision Plan known as _____, (Name of Plan/Development) hereinafter called the "Plan", which is expressly made a part hereof, as approved or to be approved by the

City, provides for detention of stormwater within the confines of the property; and

WHEREAS, the City and the Landowner, its successors and assigns, including any homeowners association, agree that the health, safety, and welfare of the residents of Foley, Alabama, require that on-site stormwater management facilities be constructed and maintained on the Property; and

WHEREAS, the City has authority under the City of Foley Technical Design Manual and applicable provisions of the Code of Alabama to require, inspect, and enforce maintenance of stormwater management facilities; and

WHEREAS, the City requires that on-site stormwater management facilities as shown on the Plan be constructed and adequately maintained by the Landowner, its successors and assigns, including any homeowners association.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

1. The on-site stormwater management facilities shall be constructed by the Landowner, its successors and assigns, in accordance with the plans and specifications identified in the Plan.
2. The Landowner, its successors and assigns, including any homeowners association, shall adequately maintain the stormwater management facilities. This includes all pipes, channels or other conveyances built to convey stormwater to the facility, as well as all structures, improvements, and vegetation provided to control the quantity and quality of the stormwater. Adequate maintenance is herein defined as good working condition so that these facilities are performing their design functions. The Landowner, its successors and assigns, shall, at a minimum: (a) remove accumulated sediment from forebays, basins, and outfall structures as needed to restore design volume; (b) maintain all vegetated areas in a healthy, established stand of cover consistent with the approved design; (c) inspect and clear all infall and outfall pipes, weirs, and control structures of debris and blockages; (d) maintain all access roads and maintenance easements in passable condition; and (e) repair or replace any structural component

that has deteriorated below design standards. Failure to maintain any of the foregoing shall constitute a violation of this Agreement and of the City of Foley Technical Design Manual.

3. The Landowner, its successors and assigns, shall inspect the stormwater management facility and submit an inspection report in accordance with the schedule established in the Operation and Maintenance Plan required under Section 4-4.2 of the City of Foley Technical Design Manual. The purpose of the inspection is to assure safe and proper functioning of the facilities. The inspection shall cover the entire facilities, berms, outlet structure, pond areas, access roads, etc. Deficiencies shall be noted in the inspection report.

4. The Landowner, its successors and assigns, hereby grant permission to the City, its authorized agents and employees, to enter upon the Property and to inspect the stormwater management facilities at any time during normal daylight hours, and at any time in the event of an emergency or imminent threat to public health, safety, or welfare. The purpose of inspections may include, without limitation, routine compliance inspections, follow-up on reported deficiencies, response to citizen complaints, and verification of required maintenance. The City shall provide the Landowner, its successors and assigns, copies of the inspection findings and a written directive to commence with any required repairs. Refusal to grant access shall constitute a violation of this Agreement and of Section 1-4 of the City of Foley Technical Design Manual, and the City may seek an administrative inspection warrant or other available legal remedy.

5. In the event the Landowner, its successors and assigns, fails to maintain the stormwater management facilities in good working condition acceptable to the City, the City shall provide the Landowner with written notice specifying the deficiencies and requiring corrective action within thirty (30) days (or such shorter period as the City Engineer determines is necessary to prevent an imminent threat to public health, safety, or welfare). If the Landowner fails to complete corrective action within the specified period, the City may enter upon the Property and take whatever steps necessary to correct the identified deficiencies, and may charge all actual costs, including administrative overhead not to exceed fifteen percent (15%) of direct costs, to the Landowner, its successors and assigns. This provision shall not be construed to allow the City to erect any structure of permanent nature on the land of the Landowner outside of the easement for the stormwater management facilities. It is expressly understood and agreed that the City is under no obligation to routinely maintain or repair said facilities, and in no event shall this Agreement be construed to impose any such obligation on the City.

6. The Landowner, its successors and assigns, will perform the work necessary to keep these facilities in good working order as appropriate. In the event a maintenance schedule for the stormwater management facilities (including sediment removal) is outlined on the approved plans or in the Operation and Maintenance Plan required under Section 4-4.2 of the City of Foley Technical Design Manual, the schedule will be followed. Upon completion of any scheduled or corrective maintenance, the Landowner shall submit written documentation to the City confirming the nature and date of work performed, and attesting that the facilities have been restored to design specifications. The City may require photographic documentation of pre- and post-maintenance conditions.

7. In the event the City pursuant to this Agreement, performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Landowner, its successors and assigns, shall reimburse the City upon demand, within thirty (30) days of receipt thereof for all actual costs incurred by the City hereunder. Failure to reimburse the City within the specified period shall result in interest accruing on the outstanding balance at the maximum rate permitted under Alabama law. The City may pursue collection of

unreimbursed amounts through any available legal remedy, including the filing of a lien against the Property to the extent authorized by applicable Alabama law, or through a public nuisance abatement action under Code of Alabama, Section 11-47-140.

8. This Agreement imposes no liability of any kind whatsoever on the City for the design, construction, operation, or maintenance of the stormwater management facilities, which remain the sole responsibility of the Landowner, and the Landowner agrees to defend, indemnify, and hold the City harmless from and against any and all claims, damages, losses, costs, and expenses (including reasonable attorneys' fees) arising from or related to the design, construction, operation, maintenance, or failure of the stormwater management facilities.

9. This Agreement shall be recorded among the land records of Baldwin County, Alabama, and shall constitute a covenant running with the land, and shall be binding on the Landowner, its administrators, executors, assigns, heirs and any other successors in interests, including any homeowners association.

10. Default and Remedies. Any failure by the Landowner, its successors and assigns, to comply with the obligations of this Agreement shall constitute a default. Upon default, and following written notice and the applicable cure period set forth herein, the City may pursue any one or more of the following remedies, which shall be cumulative and not exclusive: (a) perform necessary maintenance and seek reimbursement of all costs as provided in Paragraph 7; (b) impose a lien on the Property for unreimbursed costs to the extent authorized by applicable Alabama law; (c) pursue a public nuisance abatement action under Code of Alabama, Section 11-47-140; (d) seek injunctive or other equitable relief in any court of competent jurisdiction; or (e) pursue any other remedy available under the City of Foley Technical Design Manual, the City of Foley Municipal Code of Ordinances, or applicable law. The City's election to pursue any one remedy shall not be construed as a waiver of any other remedy. Venue for any legal action arising under this Agreement shall be in the Circuit Court of Baldwin County, Alabama.

11. Amendment; Assignment. This Agreement may not be amended, modified, or terminated except by a written instrument executed by both the City and the then-current owner of the Property, and approved as to form by the City Attorney. This Agreement shall run with the land and shall be binding upon and inure to the benefit of the parties and their respective heirs, successors, assigns, and any homeowners or property owners association to which the Property or any portion thereof is transferred. Prior to the transfer of any portion of the Property, the Landowner shall provide written notice to the City of the identity of the transferee and shall ensure that the transferee receives a copy of this Agreement and acknowledges in writing its obligations hereunder.

WITNESS the following signatures and seals:

Company/Corporation/Partnership Name (Seal)

By: _____

(Type Name and Title)
STATE OF ALABAMA
COUNTY OF _____

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that
_____, whose name as

_____ of _____, a
_____[corporation/partnership/LLC/individual], is signed to the
foregoing instrument, and who is known to me, acknowledged before me on this day that, being
informed of the contents of said instrument, he/she/they executed the same voluntarily on the day
the same bears date, in his/her/their capacity as aforesaid, and as the act of said entity.

Given under my hand and official seal this _____ day of _____, 20____.

Notary Public, State of Alabama
My Commission Expires: _____
[SEAL]

My Commission Expires: _____

CITY OF FOLEY, ALABAMA

By: _____

(Type Name and Title)
STATE OF ALABAMA
COUNTY OF BALDWIN

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that
_____, whose name as
_____ of the City of Foley, Alabama, a municipal corporation, is
signed to the foregoing instrument, and who is known to me, acknowledged before me on this
day that, being informed of the contents of said instrument, he/she executed the same voluntarily
on the day the same bears date, in his/her capacity as aforesaid, and as the act of said municipal
corporation.

Given under my hand and official seal this _____ day of _____, 20____.

Notary Public, State of Alabama
My Commission Expires: _____
[SEAL]

Approved as to Form:

City Attorney Date

**APPENDIX B
TRAFFIC IMPACT STUDY
(RESERVED)**

APPENDIX C

TRAFFIC CALMING MANUAL

TRAFFIC CALMING PROCESS SUMMARY

Traffic calming is an engineering strategy to reduce speeds and minimize vehicular traffic on local neighborhood streets, within new commercial developments (as required by the city engineer), and in strategic locations along collector streets. Citizen input and support in neighborhood traffic management activities is strongly encouraged. This section is intended to aid citizens in resolving traffic problems in both traditional residential areas and also neighboring commercial development locations with both vehicular and pedestrian traffic. In the City of Foley, traffic calming techniques are encouraged on local and collector streets. A *local residential street* is defined as all minor streets primarily serving residential property.

The following procedures are considered typical for receiving, responding to, and managing citizens' requests for residential traffic management on streets in and around neighborhoods. Variations in this process may be approved by the City Council when deemed appropriate due to unique circumstances, as presented by the City Engineer. The City of Foley may elect to construct traffic calming measure(s) along city streets as part of the capital improvement plan in order to promote the health, safety, welfare, and quality of life of the citizens and visitors of Foley.

STEP 1: When a representative contacts the City of Foley Engineering Department to discuss traffic problems or concerns, the representative will be asked to complete a **Traffic Calming Request Form** and submit it to the City Engineering office. A Traffic Calming Request Form is provided in Appendix C-1 and is also available online or from the City Engineer's Office. Once the application has been submitted, the City Engineer will discuss the request with other City Staff including the City Planner, Police and Fire Chiefs, and Public Works Director to evaluate the need for a traffic calming technique and, if one is warranted, will determine the type of technique to be installed. Additional traffic information gathering, such as speed studies and traffic count collection may be needed to determine the necessary steps forward.

STEP 2: If physical traffic calming measures are warranted based on the outcome of Step #1 internal review, the Engineering Department will notify the neighborhood representative and may require the representative to circulate a **petition** (see Appendix C-1) within the "affected area" as part of the public input process. The "affected area" is defined as those properties along streets expected to receive traffic calming techniques, those streets whose access is substantially dependent upon the streets to be calmed, and any streets expected to receive significant increases in traffic volume or type as a result of the traffic calming technique installation. The City Engineer shall be responsible for final approval of the affected area to be petitioned. The petition is intended to solicit community input and shall be considered by the City Engineer, but shall not constitute a binding prerequisite to City action. The City Engineer retains full discretionary

authority to recommend or decline traffic calming measures regardless of petition results, based on engineering judgment, safety findings, and the public interest.

STEP 3: Once the completed petition reflecting a positive response has been returned to the City Engineer, the City Engineer will make the final recommendation to the Infrastructure and Development Executive Director and City Administrator. The City Engineer will place the item on the agenda(s) for consideration by the Planning Commission and the City Council if the traffic calming items require capital funding. If approved by both the Planning Commission and City Council, the project will be scheduled for construction by the City Engineer.

EXISTING CONDITION ANALYSIS

The City Engineer will coordinate with City Staff to perform any necessary data collection and analysis to assess and quantify the traffic and safety conditions in the neighborhood. The City Engineer will identify the tentative study area, collect preliminary information from files and other potentially affected agencies, and complete any needed traffic analysis. While there are no absolute minimum criteria or warrants established for use of traffic calming techniques, staff will refer to the following guidelines when evaluating the magnitude of traffic and safety problems, potential for improvement using traffic calming techniques, and establishment of priorities for project implementation including any necessary funding mechanisms.

Functional Classification. Traffic volumes on residential and collector streets will determine the appropriate traffic calming measures as follows:

- Residential Streets: Education; Enforcement; Increased police enforcement for traffic violations (i.e. speeding); and physical traffic calming techniques. Speed limits of 30mph or less normally apply to residential streets. Right of Way cross-section, pedestrian connectivity, driveway spacing, and neighborhood character will be taken into consideration to determine the appropriate solution
- Collector Streets: Education; Enforcement; Increased police enforcement for traffic violations (i.e. speeding); strategic traffic calming measures, if applicable, corresponding to the posted speed limit which is typically 35 mph or greater.

Cut Through Traffic

A vehicle that detours through a neighborhood, of which the driver is not a resident of, for the convenience of decreasing the amount of time it takes to reach a destination is known as cut through traffic. The volume of cut through traffic is typically quantified by estimating the expected traffic generated by a neighborhood based on the Institute of Transportation Engineers (ITE) *Trip Generation* Land Use 210 – Single Family Housing. The expected daily volume is divided by the actual daily traffic volume to calculate the percent of cut through traffic. The acceptable and not acceptable percentages of cut through traffic are as follows:

TABLE 2Cut Through Traffic

Classification	Acceptable	Not Acceptable
Local Street	0% - 25%	$\geq 25\%$
Collector Street	0% - 50%	$\geq 50\%$

Accidents

Traffic accidents are dynamic and take careful study, investigation, and recreation of the events and setting that led to the event. In particular, recurring accident locations and accidents that involve pedestrians are problematic and are a safety priority.

RESULTS OF TRAFFIC CALMING ANALYSIS

Utilizing the information gathered from analysis and speed studies, the City Engineer will determine the type of technique to be installed.

Table 3 “Recommended Traffic Calming Techniques” is a listing of speed requirements and recommended devices that could be used to address speeding. These techniques are in order from less intrusive to more intrusive. Traffic calming measures are generally not recommended for any collector or arterial street or any street with a traffic volume of over four thousand (4,000) vehicles per day, however staff may consider alternative methods if established accident history is available.

TABLE 3Recommended Traffic Calming Techniques

85th Percentile Speed above posted speed limit	Traffic Calming Technique Recommended
0 – 5 mph	Not recommended
5 – 10 mph	Appropriate signage, education, and enforcement. Consideration of strategic traffic calming methods per this manual.
10 mph and above	Education, enforcement, signage. Consideration of speed limit appropriateness and evaluation must be taken into consideration prior to any implementation of traffic calming methods

Examples of various traffic calming measures are provided in Appendix C-2 of this Manual.

NEIGHBORHOOD PETITIONS AND COST SHARE

When a proposed technique is approved by the City Engineer, the City Engineer may require the Applicant to circulate a petition. The petition will include the name and address of each of the property owners in the affected area as well as the description and detail of the proposed technique. The City Engineer will coordinate with the Applicant to define the limits of the affected area.

It is the responsibility of the representative to circulate the petition within the affected area. The petition must be delivered (in a legally acceptable manner) or offered to all property

owners in the affected area. The results of the petition shall be submitted to the City Engineer within three (3) months of receipt of the petition package by the Applicant. Petition results shall be considered by the City Engineer as one factor in evaluating community support for the proposed technique. A positive response from seventy-five percent (75%) or more of the total number of properties within the boundary of the affected area shall be given significant weight by the City Engineer in favor of proceeding with design and implementation. However, the City Engineer retains full authority to recommend approval or denial of any traffic calming measure based on engineering judgment, safety findings, traffic data, and the public interest, regardless of whether the petition threshold is met. Any decision by the City Engineer to proceed without meeting the petition threshold shall be documented in writing with supporting engineering and safety justification.

The installation cost of calming techniques may be shared with the City and the neighborhood requesting the technique.

Standard Landscaping

A standard island may contain either drought tolerant landscaping or hardscape. A tree(s) approved by the City Horticulturist may be positioned in the island but may not hinder vehicular and pedestrian visibility in any way. Vegetation will be installed as designated by the City Horticulturist. A water spigot may be included as standard landscaping for maintenance of vegetation. Any necessary, property dedication or a landscape maintenance agreement shall be completed prior to final project design.

Exceptions – Special Material/Landscaping Requests

Should a neighborhood prefer a more decorative final product, a request of the design preferences shall be made to the City Engineer. The request will be reviewed by the City Engineer for safety and maintenance issues. If decorative or non-standard measures are desired, the neighborhood will incur the additional cost above the City's standard construction cost for the specialty items, as estimated by the City Engineer. The additional cost allocated to the neighborhood shall be documented in a written cost-sharing agreement between the City and the property owners association or homeowners association representing the affected area, approved by the City Council. Such agreement shall identify the total estimated cost, the City's share, the neighborhood's share, the payment schedule, and the entity authorized to execute the agreement on behalf of the neighborhood. No individual property owner shall be bound by a cost-sharing obligation under this section unless that property owner has separately executed a written acknowledgment of their proportionate share. The agreement may also include a maintenance element if the association elects to maintain the landscaping, in which case the agreement shall include indemnification and insurance provisions as required by the City Attorney.

REVIEW AND ANALYSIS OF APPLIED SOLUTIONS

All installations will be monitored and evaluated by City Engineering Staff for desired effectiveness. The City will perform a review to evaluate the effectiveness of the applied technique after the residents and motorists have had adequate time to adjust to the change over the period of one year. Evaluation of the project includes resident and motorist reaction, field

observation, traffic counts, speed studies, and other data collection as needed. If the project has not met its objectives within the monitoring period, the City Engineer will provide additional information to the City Administrator.

Removal

Removal of a traffic calming device shall be within the sole authority of the City Engineer, subject to approval by the City Council. Removal will generally not be considered until at least one (1) year after installation, unless the City Engineer determines that field conditions, safety data, or emergency circumstances justify earlier action. A property owner or neighborhood representative may submit a written request for removal to the City Engineer at any time after one (1) year of installation. The request shall include a statement of the grounds for removal. A removal petition signed by eighty percent (80%) or more of the property owners within the affected area shall be given significant weight by the City Engineer in evaluating the request, but shall not constitute a binding prerequisite to City action. The City Engineer shall issue a written determination within sixty (60) days of receiving a complete removal request. Removal may also be initiated by the City Engineer independently, without petition, if field conditions, accident data, or engineering judgment support removal, subject to City Council approval. Nothing in this section shall limit the City's authority to immediately remove a traffic calming device that poses an imminent threat to public safety.

Re-Evaluation

The re-evaluation of a previously denied request may only be reviewed after a period of one (1) Year with the submission of a new application. The applicant must present evidence of significant changes that have resulted since the time of the previous denial.

CONSTRUCTION

When a traffic calming project has received the necessary petition support and/or approval by City Administration and/or City Council, the City Engineer will schedule design and implementation of the project within budgetary constraints. Depending upon the number of traffic calming requests received, a project may be placed on a waiting list and prioritized based on relative need. Certain techniques may be installed for a "test period" while others may be installed in a permanent fashion.

Material Submittal

Specifications are required to be submitted for all decorative elements requested by the applicant. Installation of requested material is based on the approval of the City Engineer. In general, the City will follow material and specifications as identified in the Alabama Department of Transportation Standard Specifications for Highway Construction, Current Edition, the ALDOT Standard and Special Drawings, Current Edition, the ALDOT Speed Management Manual, Current Edition, and the ALDOT Access Management Manual, Current Edition. The City may consider additional resources from nearby states, municipalities, and governmental entities.

Test Requirements

Inspection

The subdivision/home owners association will be responsible for the costs incurred for all inspection services required for non-standard, decorative elements through the neighborhood cost share program.

Maintenance

Maintenance of traffic calming techniques will be the responsibility of the City, unless a subdivision or homeowners association has a written agreement with the City to maintain the area. Any such maintenance agreement shall be approved by the City Council and shall include: (a) a clear description of the specific improvements to be maintained by the association; (b) maintenance standards and inspection schedules acceptable to the City Engineer; (c) a requirement that the association maintain commercial general liability insurance in an amount acceptable to the City, naming the City as an additional insured, for the duration of the agreement; (d) an indemnification provision under which the association agrees to defend, indemnify, and hold the City harmless from and against any and all claims, damages, losses, costs, and expenses, including reasonable attorneys' fees, arising from or related to the association's maintenance, failure to maintain, or negligent maintenance of the traffic calming improvements; and (e) a provision allowing the City to terminate the agreement and assume maintenance responsibility upon thirty (30) days' written notice if the association fails to maintain the improvements to the City's standards.

Appeals

Any property owner or applicant aggrieved by a decision of the City Engineer under this Appendix, including a denial of a traffic calming request, a denial of a removal request, or the imposition of a traffic calming condition as part of a development approval, may appeal to the City Council by filing a written notice of appeal with the City Clerk within thirty (30) days of the written decision. The notice of appeal shall state the specific grounds for the appeal. The City Council shall hear the appeal at a regularly scheduled meeting and may affirm, modify, or reverse the City Engineer's decision. The filing of an appeal shall not stay any City Engineer determination unless the City Council grants a stay upon a showing of good cause.

Rough Proportionality for Development Conditions

Where traffic calming improvements are imposed as a condition of development approval, such conditions shall comply with the rough proportionality requirements of Section 3-4 of this Manual. Prior to conditioning any approval on the construction or funding of traffic calming improvements, the City Engineer shall prepare and provide to the applicant a written determination documenting the individualized assessment of the nature and extent of traffic impacts attributable to the proposed development and demonstrating rough proportionality between those impacts and the required improvements. No traffic calming condition shall be imposed that exceeds the proportionate share of traffic impacts reasonably attributable to the proposed development.

Appendix C-1. Traffic Calming Request Form



Engineering Department
508 E. Section Avenue
Foley, AL 36535

Traffic Calming Request Form

The online form can also be found at: www.cityoffoley.org/engineering/

Please complete the following information:

Date: _____

Name: _____

Address: _____

Home Phone: _____

Work Phone: _____

Email: _____

Major Issue: (Circle one) Speeding Cut-through Traffic Accident History

Please describe the area where the major issue(s) above is most evident in your opinion. List specific streets and intersections, time of day, weather conditions, weekday / weekends, etc. Please also include an approximate timeframe of residing along the street. If you currently hold, or have held a POA / HOA / Neighborhood Watch position in the last 4 years, please include that timeframe and title. Please include any maps or drawings that you believe may better assist the City in understanding your stated issue.

(Example: Traffic on Street A between Street B and Street C travels at speeds that make it unsafe for residents leaving their driveways.)

(Signature)

If you have any questions, please call Raven Roberts, Deputy City Engineer, at 251.970.1104, or email [**rroberts@cityoffoley.org**](mailto:rroberts@cityoffoley.org)

APPENDIX C-2. Examples of Traffic Calming Measures

Generally, traffic calming involves two (2) types of constructible methods to influence vehicle operation and driver behavior: 1) Vertical in-lane methods, such as speed humps, bumps, or speed cushions; and 2) Horizontal methods, or street narrowing, such as chicanes, pinch points, traffic circles, and median islands. Applicability of vertical methods include low volume, low speed locations such as alleyways and parking lots. Vertical methods may limit emergency response time, cause additional maintenance costs on all vehicles over extended time periods, and increase vehicle and road noise. Therefore, vertical methods are limited to said alleyways, parking lots, and similar locations. Vertical methods are not to be implemented on streets, other than raised intersections and pedestrian crossings that are designed by a licensed Professional Engineer and approved by the City Engineer. The traffic calming examples below are not all-inclusive of the permissible measures by the City of Foley. Other traffic calming measures may be considered that have been implemented by other municipalities, entities, or state DOTs. Additionally, landscaping can be designed and implemented as a form of traffic calming and this method can be considered for implementation.

Speed Humps / Speed Tables

Speed bumps, humps, cushions are raised areas placed perpendicular to the travel way. They are generally ten (10) to fourteen (14) feet long, and are three (3) to four (4) inches high. These profiles can be circular, parabolic, or sinusoidal. They are often tapered as they reach the curb on each end to allow unimpeded drainage.

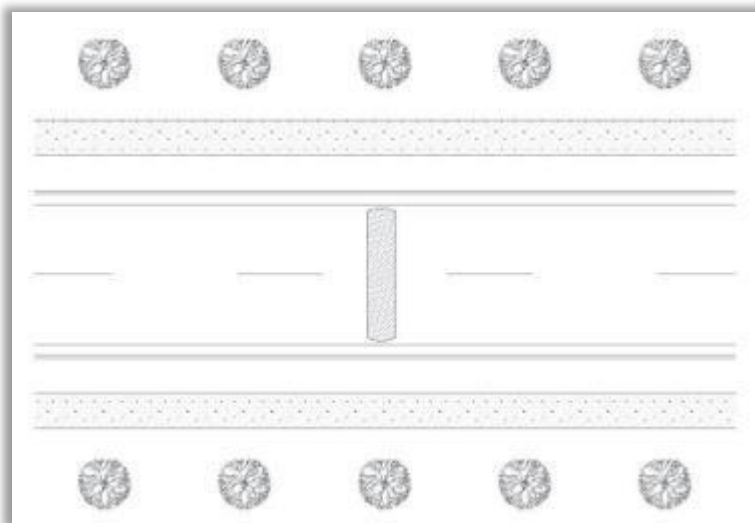


FIGURE 1
Example of a Speed Hump

Speed tables are flat-topped speed humps often constructed with brick or other textured materials on the flat section. Speed tables are typically long enough for the entire wheelbase of a passenger car to rest on the flat section. Their long flat fields give speed tables higher design speeds than Speed Humps. The brick or other textured materials improve the appearance of

speed tables, draw attention to them, and may enhance safety and speed-reduction. Speed tables are good for locations where low speeds are desired but a somewhat smooth ride is needed for larger vehicles, or where flat surface is needed to function as a raised crosswalk.

Textured Pavements / Surface Roughing

Textured pavements, or surface roughing, are traffic calming measures consisting of a change in typical roadway surface material with the use of brick, concrete pavers, stamped asphalt/concrete, or rumble strips. This treatment can be used on the entire footprint of a roadway, an intersection, or on individual raised or at-grade crosswalks. A textured treatment has the effect of increasing driver awareness to the idea that vehicles share the space with pedestrians and bicyclists. Textured pavements are also associated with reduced travel speeds. This type of traffic calming measure is useful in areas where the loss of on-street parking would be unacceptable.

Pinch Points

Pinch points are curb extensions at intersections or in mid-block areas that reduce the roadway width from curb to curb. They create a pedestrian-friendly environment by shortening crossing distances for pedestrians. When applied at intersections, they also tighten the curb radii at the corners, reducing the speeds of turning vehicles.

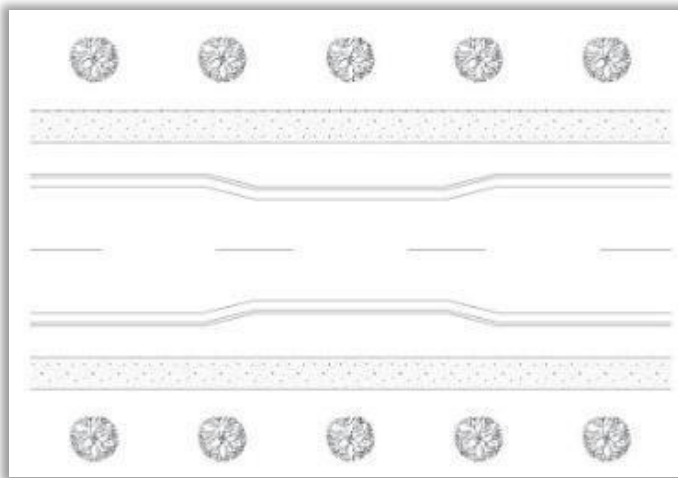


FIGURE 2
Example of a Pinch Point

Chicanes

Chicanes are mid-block curb extensions that alternate from one side of the street to the other, forming S-shaped curves. Chicanes can also be created by alternating on-street parking, either diagonal or parallel, between one side of the street and the other. Each parking bay can be created either by restriping the roadway or by installing raised, landscaping islands at the ends of each parking bay. This technique is also suitable for use with pairs off-set T-intersections.

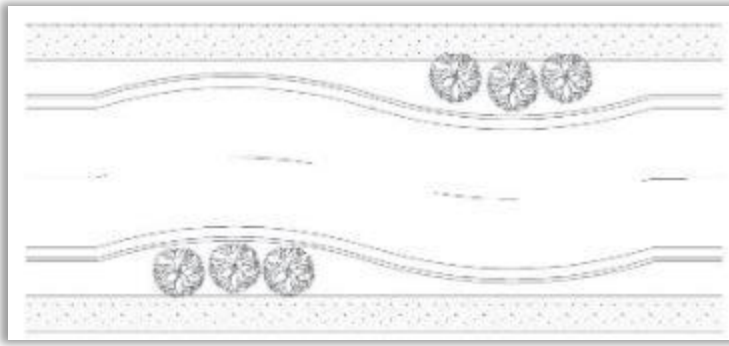


FIGURE 3
Example of a Chicane

Traffic Circles

Traffic circles are raised islands, placed in intersections, around which traffic circulates. Traffic circles, or mini-roundabouts, reduce the number of conflict points in an intersection and physically reduce speeds.

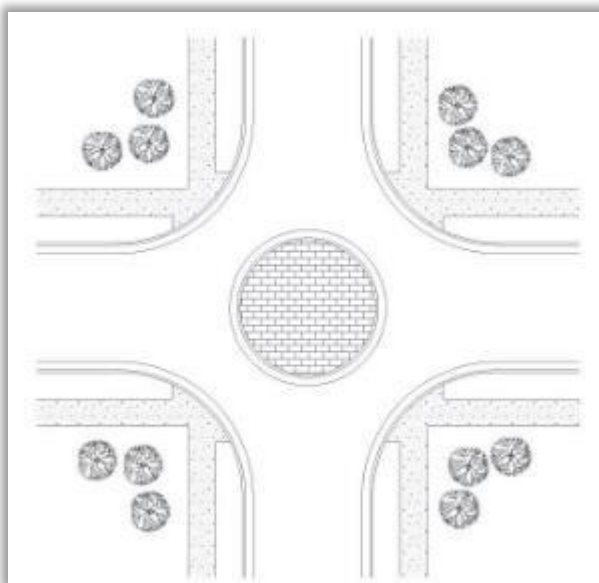


FIGURE 4
Example of a Traffic Circle

Median Islands

A median island is a raised barrier located along the centerline of a street that narrows the travel lanes at that location. When placed at the entrance to a neighborhood, it can provide positive indication that a driver is entering a residential area. If designed well, median islands can have positive aesthetic value, providing a landscaping opportunity.

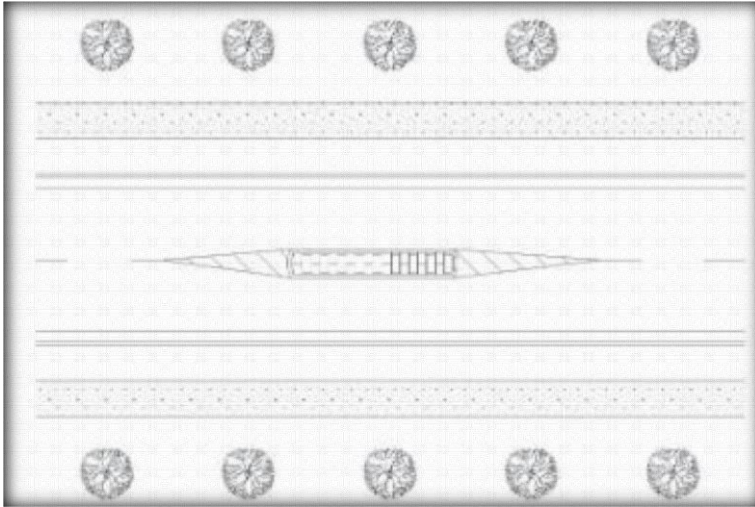


FIGURE 5
Example of a Median Island

Cut Through Closures

Partial or full road closures are often used to address the issue of cut through traffic. Full street closures can include landscaped islands, walls, gates, or bollards or any other type obstruction constructed in existing roadways to prevent the passage of vehicles. Barriers can also be constructed diagonally across an intersection to divert traffic and prohibit the through movement across the intersection. These options can be considered along streets away from intersections.

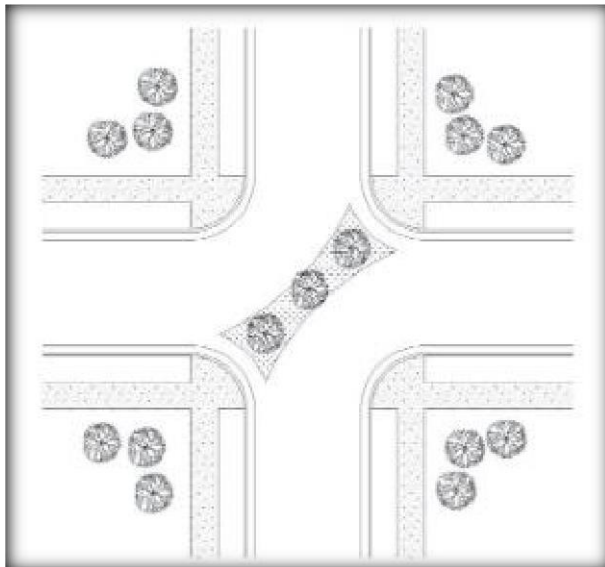


FIGURE 6
Example of a Full Road Closure

Partial or half closures are barriers that restrict traffic to one-way travel for a distance approaching or departing an intersection.

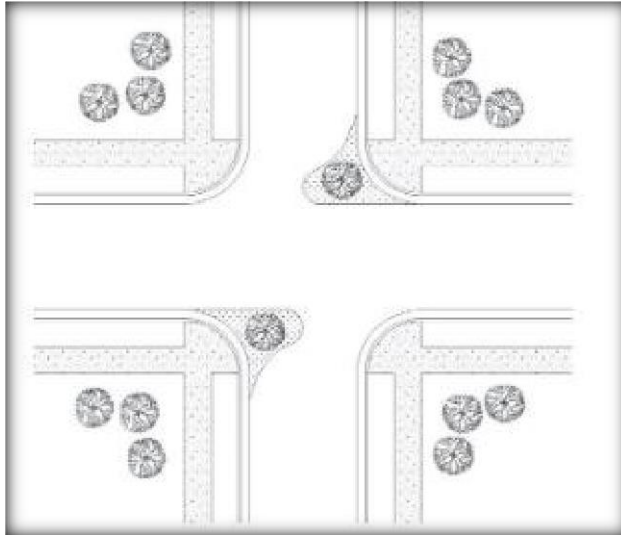


FIGURE 7
Example of a Partial Road Closure

APPENDIX D

BOARD OF APPEALS

D101 Scope

A board of appeals shall be established within the jurisdiction for the purpose of hearing applications for modification of the requirement of this code pursuant to the provisions of Section 1-5. The board shall be established and operated in accordance with this section, and shall be authorized to hear evidence from appellants and The Department pertaining to the application and intent of this code for the purpose of issuing orders pursuant to these provisions.

D102 Application for Appeal.

Any person shall have the right to appeal a decision of The Department to the board. Any application for appeal shall be based on a claim that the intent of this manual or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from The Department within 10 days after the notice was served.

D102.1 Limitations of Authority

The board shall not have authority to waive requirements of this Manual. The board shall, however, have authority to grant a modification from the strict application of a provision of this Manual where the appellant demonstrates, and the board finds, that: (1) special conditions or practical difficulties particular to the property or the proposed construction make strict application of the provision impractical; (2) the modification conforms to the intent and purpose of this Manual; (3) the modification grants no special privilege that is denied to other similarly situated properties; and (4) the modification does not lessen any health, life-safety, or fire-safety requirement, and does not authorize any activity prohibited by applicable local, state, or federal law. In granting a modification, the board may attach reasonable conditions necessary to secure the objectives of the provision being modified. The details and justification for any action granting a modification shall be entered in the record and provided in writing to the appellant, with a duplicate copy to the Department.

D102.2 Stays of Enforcement

Appeals of notice and orders, other than Imminent Danger notices, shall stay the enforcement of the notice and order until the appeal is heard by the board.

D103 Membership of the Board

The board shall consist of five voting members appointed by the chief appointing authority of the jurisdiction. Each member shall serve for 5 years or until a successor has been appointed. The board member's terms shall be staggered at intervals, so as to provide continuity. The City Engineer shall be an ex officio member of said board but shall not vote on any matter before the board.

D103.1 Qualifications

The board shall consist of members who are qualified by experience and training to pass on matters pertaining to civil engineering, stormwater, environmental protection, public utilities, or transportation.

D103.2 Vacancies

Vacancies shall be filled for an unexpired term in the same manner in which original appointments are required to be made.

D103.3 Chairperson

The board shall annually select one of its members to serve as chairperson.

D103.4 Secretary

The chief appointing authority shall designate a qualified clerk to serve as secretary to the board. The secretary shall file a detailed record of all proceedings, which shall set forth the reasons for the board's decision, the vote of each member, the absence of a member and any failure of a member to vote.

D103.5 Conflict of Interest

A member with any personal, professional or financial interest in a matter before the board shall declare such interest and refrain from participating in discussions, deliberations and voting on such matters.

D103.6 Removal from the Board

A member shall be removed from the board prior to the end of their terms only for cause. Any member with continued absence from regular meetings of the board may be removed at the discretion of the chief appointing authority.

D104 Rules and Procedures

The board shall establish policies and procedures necessary to carry out its duties consistent with the provisions of this manual and applicable state law. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be presented.

D105 Notice of Meetings

The board shall meet upon notice from the chairperson within 10 days of the filing of an appeal or at stated periodic intervals.

D105.1 Open Hearing

All hearings before the board shall be open to the public. The appellant, the appellant's representative, The Department and any person whose interests are affected shall be given the opportunity to be heard.

D105.2 Quorum

Three members of the board shall constitute a quorum.

D105.3 Postponed Hearing

When five members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request postponement of the hearing.

D106 Legal Counsel

The jurisdiction shall furnish legal counsel to the board to provide members with general legal advice concerning matters before them for consideration. Members shall be represented by legal counsel at the jurisdiction's expense in all matters arising from service within the scope of their duties.

D107 Board Decision

The board shall only modify or reverse the decision of The Department by concurring vote of three or more members.

D107.1 Resolution

The decision of the board shall be by resolution. Every decision shall be promptly filed in writing in the office of The Department within three days and shall be open to the public for inspection. A certified copy shall be furnished to the appellant or the appellant's representative and to The Department.

D107.2 Administration

The Department shall take immediate action in accordance with the decision of the board.

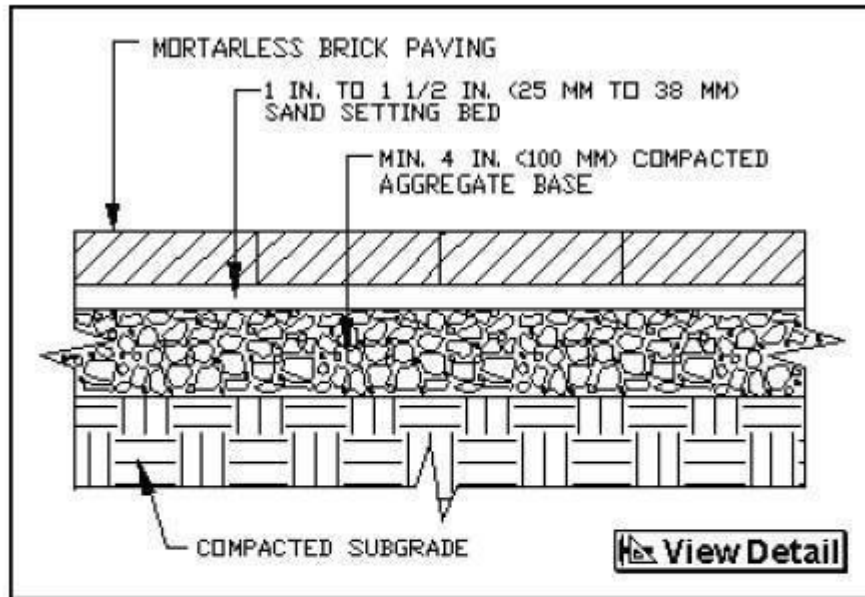
D107.3 Appeal

Any appeal of a decision of this board shall be made to the City Council.

APPENDIX E

BRICK PAVER SYSTEMS

Mortarless Brick Paving - Aggregate Base

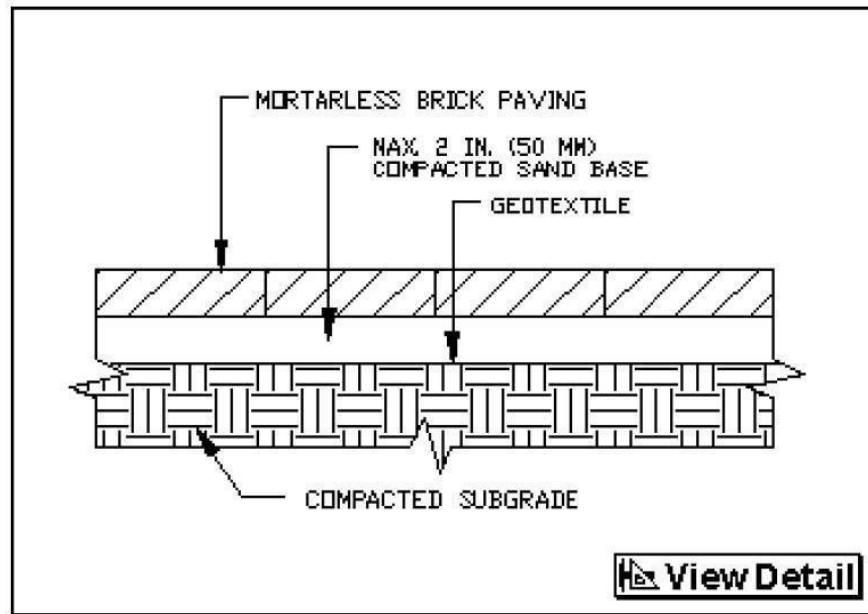


Mortarless Brick Paving

Aggregate Base

Mortarless brick pavers with compacted aggregate base are required for commercial developments and subdivisions with 30 lots or greater. Typical ASTM D698/1557 compaction requirements will be required unless a specific compaction and materials spec is recommended by the Geotechnical Engineer of record and approved by the City Engineer.

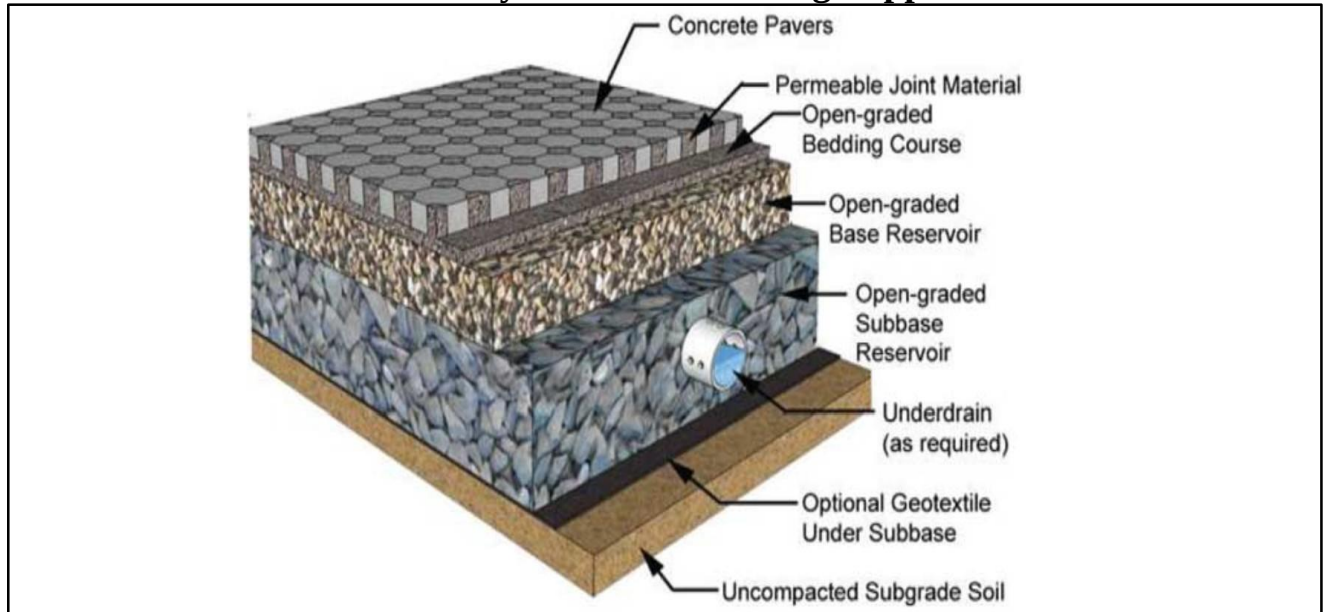
Mortarless Brick Paving - Sand Base



Mortarless Brick Paving Sand Base

Mortarless brick pavers with compacted sand base may be allowable in pedestrian locations and for residential developments of less than 30 lots, however the City Engineer may require the heavier duty aggregate base detail to be implemented. Where storm drains cross beneath the brick pavers, a minimum width of 18" beyond the pipe trench width will require compacted aggregate base material to be placed in similar fashion to the aggregate base detail above. This is to ensure proper compaction occurs around the pipe and pipe trench. Typical ASTM D698/1557 compaction requirements will be required unless a specific compaction and materials spec is recommended by the Geotechnical Engineer of record and approved by the City Engineer.

Permeable Paver System - LID-Drainage Applications

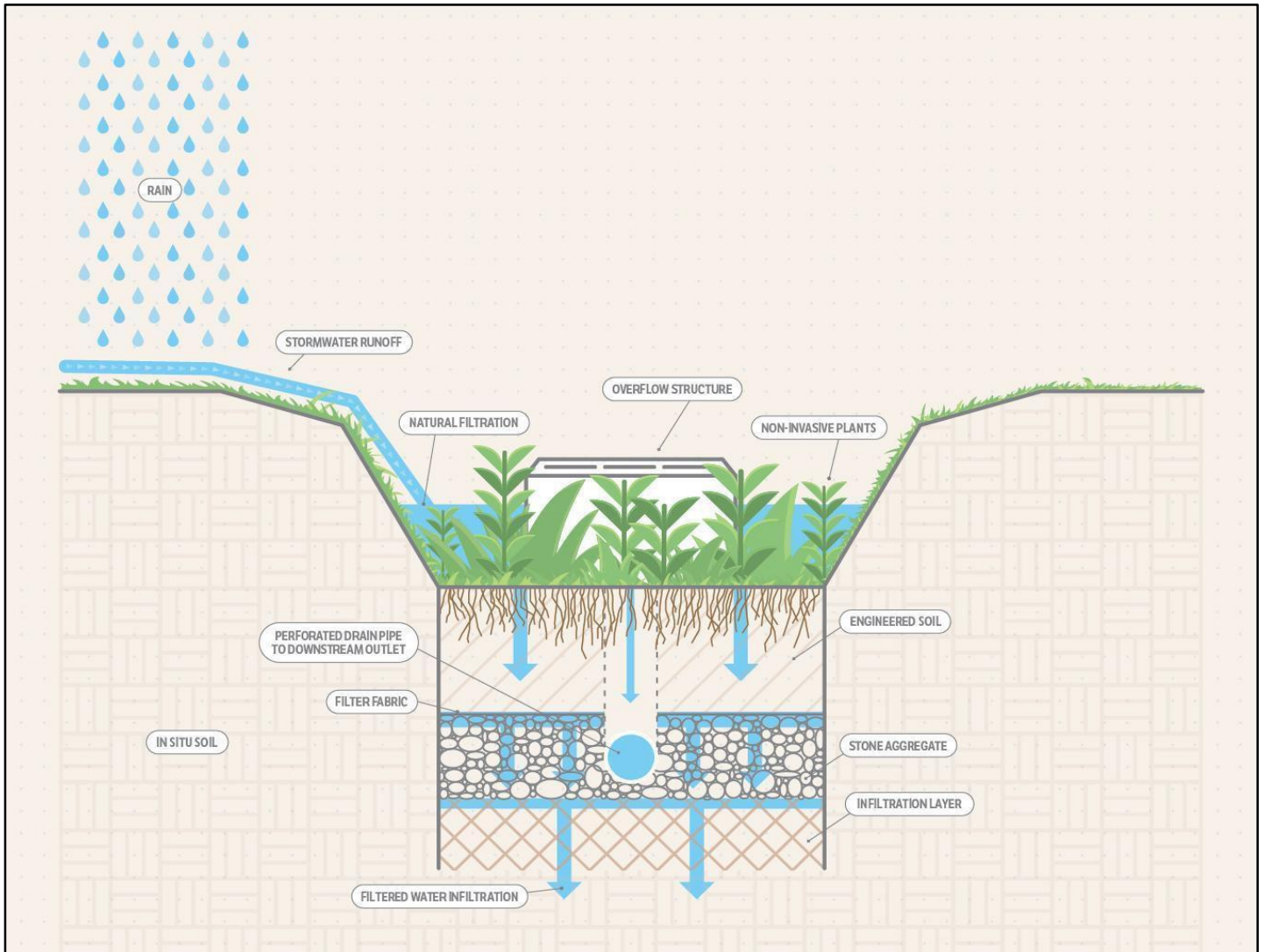


For LID and drainage purpose applications, brick and concrete paver systems are designed to limit runoff of water via infiltration. These pavers allow rainwater to penetrate into the ground at a specific site. Permeable pavers are an integral part of a larger, permeable paver system. These permeable systems combine pavers, joint material, underlying stone, reservoir, and other components.

Permeable concrete paver systems are professionally designed and engineered on a site-specific basis. There is no one-designed system that will work for all applications. Rainfall, soil conditions, and permeability requirements will all factor into the final design.

APPENDIX F

DUAL CIVIC STORMWATER DESIGN



MODIFICATIONS INVENTORY

April 6, 2026	Completely overhauled the document formerly known as the Land Development Ordinance & named it the Technical Design Manual.
July 6, 2026	Added the Traffic Calming Appendix
September 21, 2026	Added Modifications and Board of Appeals in Article I, Added major/minor LDP language in Article II, and Added the Board of Appeals Appendix.