

# Subdivision Regulations

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# Subdivision Regulations

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## Section 1 General Provisions

- A. Authority. These Subdivision Regulations are adopted under Authority of Section 11-52-30, et. of the Code of Alabama, 1975, as amended.
- B. Statement of Policy.
1. Orderly Development. It is hereby declared to be the policy of the Mobile City Planning Commission to consider the Subdivision of land the initial and principal step in carrying out the general purpose of the Comprehensive Plan.
  2. Public Safety and Services. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace, and land shall not be subdivided until or unless adequate provision is made for drainage, water supply, sanitary sewerage and access, as well as other improvements required by these regulations.
  3. Correlation with Other Development Measures. A proposed Subdivision shall be correlated with the Comprehensive Plan and with capital budgets and public improvements programs of the governing bodies of the City of Mobile and the County of Mobile and their agencies having responsibility for public improvements. It is intended that these regulations shall supplement the provisions and standards contained in the building, housing and related codes, zoning ordinances and other measures governing development

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

1. Future Growth. To guide the future growth and development of the land within the Subdivision Jurisdiction in accordance with the Comprehensive Plan.
2. Health and Safety. To provide for adequate light, air and privacy, to secure safety from fire, flood and other danger, and to prevent the overcrowding of land and undue congestion of population.
3. Social and Economic Stability. To protect the character and the social and economic stability of all parts of the area within the Subdivision Jurisdiction.
4. Public Services and Facilities. To encourage residential development where public services and community facilities are available or will be available when the Subdivision is ready for occupancy.
5. Circulation. To provide an efficient relationship between development and the circulation of traffic, having particular regard to the avoidance of congestion; to expedite circulation and the protection of land use values through the separation of local and through traffic; and to make adequate provision for traffic through the proper location and width of streets, including major streets set out in the Comprehensive Plan for future construction.
6. Environment. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources in order to preserve the integrity, stability and beauty of the community and value of the land.

7. Natural Features. To preserve the natural beauty of the land, and to utilize as elements of the urban environment, the physiographic features of land and water.
  8. Open Space. To provide open space through efficient design and layout of Subdivisions; to encourage the setting aside as permanent open space land that is subject to flood or has soils unsuited to urban development.
  9. Innovative Design. To encourage innovative Subdivision design that will produce attractive and convenient arrangements of housing and neighborhood environment, affording a variety of lifestyles.
- D. Area of Jurisdiction. These Regulations shall govern all Subdivisions of land within the Subdivision Jurisdiction of the Mobile City Planning Commission as defined herein.
- E. Application of Regulations
1. From and after the date of these Subdivision Regulations, every plat of land that is a Subdivision, as defined herein, shall be prepared, presented for approval, and recorded as required herein.
  2. No certificate of occupancy shall be issued for any parcel of land created by Subdivision, as defined herein, unless a Final Plat of such Subdivision has been approved and recorded as required by these Regulations. No excavation of land and no construction of any public or private improvements shall take place or be commenced in a Subdivision except in conformity with these Regulations.

## **Section 2 Definitions**

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

<b>Alley</b>	A right-of-way located between rear or side property lines, which provides access to adjacent properties. New alleys shall only be private.
<b>Applicant</b>	Any person, group or corporation acting as a unit, or any agent thereof, dividing or proposing to divide land so as to constitute a Subdivision as defined herein.
<b>A-Street</b>	Those thoroughfares within the Downtown Development District that either have pre-existing pedestrian supportive qualities, or future importance regarding pedestrian connectivity. See “B-Street.”
<b>B-Street</b>	Those thoroughfares within the Downtown Development District that lack pedestrian supportive qualities by virtue of their use, location or absence of pre-existing pedestrian supportive infrastructure. See “A-Streets.”
<b>Block</b>	A parcel of land entirely surrounded by streets, streams, railroad rights-of-way, parks or other public spaces or by a combination thereof.
<b>Block Face</b>	One side of a block.
<b>Building Setback Line</b>	The line indicating the minimum horizontal distance between the street line and the face of buildings.
<b>City Council</b>	The governing body of the City of Mobile.
<b>Civic Space</b>	Open Spaces that are strategically placed to serve a community function. Civic Spaces may be used for active or passive activities, and commonly include manicured green spaces, naturalistic green spaces, parks, squares, hard-scaped plazas, playgrounds or community gardens. Civic Buildings may be located within Civic Spaces.
<b>Closed-End Street</b>	A short street having one end open to traffic and being terminated at the other end with a vehicular turnaround.
<b>Common Area</b>	Land within a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and may include complementary structures and improvements, including stormwater facilities. Maintenance of such areas is the responsibility of the property owners and is not the responsibility of the City of Mobile.
<b>Comprehensive Plan</b>	The comprehensive plan made and adopted by the Mobile City Planning Commission, as provided by law, for the physical development of the City of Mobile and surrounding area; the term includes any unit or component part of such plan and any amendment to such plan or part thereof when adopted. The “Comprehensive Plan” refers the documents titled “Map for Mobile” as adopted by the Planning Commission on November 15, 2015, as amended, and for purposes of the Zoning Regulations, the “Future Land Use Plan” as adopted by the Planning Commission on May 18, 2017, as amended.
<b>Crosswalkway</b>	A private right-of-way between property lines, which provides pedestrian access but no vehicular access to adjacent properties
<b>Development</b>	The act of installing site improvements and Building Structures, or all improvements and Building Structures located on a site.
<b>Director</b>	The Director of the Planning Department or their designee.
<b>Easement</b>	A grant by the property owner of the use of a portion of land by others for specific purposes.
<b>Engineering Plans</b>	The drawings on which the proposed Subdivision improvements are shown and which, if approved, will be used for construction of the improvements.
<b>Final Plat</b>	The final drawing on which the Subdivision is submitted to the Planning Commission technical staff for final approval.
<b>Improvements</b>	Street surfacing, curb and gutter, sidewalks, water mains, sanitary sewer drainage systems, storm sewers, utilities, monuments, and other appropriate items.
<b>Lot</b>	Any piece or parcel of land or a portion of a Subdivision, the boundaries of which are established by some legal instrument of record that is recognized and intended as a unit for the purpose of transfer of Ownership.
<b>Major Street</b>	Any street with a designated functional classification as depicted on the Major Street Plan.

<b>Major Street Plan</b>	The component part of the Comprehensive Plan showing the general locations of designated major streets.
<b>Minor Street</b>	Any street lacking a designated functional classification as depicted on the Major Street Plan.
<b>Minor Subdivision</b>	A subdivision of land into not more than six (6) contiguous lots, including remnant parcels, fronting on an existing publicly maintained street, and which requires no new streets or installation of main sewer and/or water lines; and when in the decision of the City staff no engineering service is required for any drainage or public improvements, except sidewalks.
<b>Municipal or Municipality</b>	The City of Mobile and, where appropriate to the context, that area lying within the corporate limits of such city as such corporate limits exist or may exist in the future.
<b>One-Lot Subdivision</b>	The creation of a legal lot of record in compliance with these Regulations.
<b>Planning Commission or Commission</b>	The Planning Commission of the City of Mobile, as such Commission was created heretofore by ordinance adopted by the City Council of the City of Mobile, pursuant to Title 11, Chapter 52, of the Code of Alabama.
<b>Preliminary Plan</b>	The preliminary map, plat or drawing on which the proposed layout of a Subdivision is submitted to the Planning Commission for consideration and Tentative Approval.
<b>Private Street</b>	Any privately owned street, drive, or roadway which provides vehicular and pedestrian access to adjacent properties as allowed in Section VIII. of these Regulations.
<b>Regulating Plan</b>	Zoning maps or set of maps that show the zoning sub-districts and Street hierarchy(s) associated with form based overlays such as the Village of Spring Hill or the Downtown Development District.
<b>Roadway</b>	The portion of a street available for vehicular traffic.
<b>Sidewalk</b>	The portion of a street intended for pedestrian use only.
<b>Street</b>	A public right-of-way or private easement subject to vehicular and/or pedestrian traffic that provides direct or indirect access to property
<b>Streetscape</b>	The appearance or view of the street including trees, lighting fixtures, and street furnishings such as benches and trash receptacles.
<b>Subdivision</b>	The division of a lot, tract, or parcel of land into two or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale, of lease, or of building development. It includes a resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territories subdivided.
<b>Subdivision Jurisdiction</b>	All land located in the corporate limits of the City of Mobile, as those corporate limits now exist or may hereafter exist.
<b>Tentative Approval</b>	The approval by the Planning Commission of the Preliminary Plan as such approval is required by these regulations.
<b>Walkable Street</b>	A street that provides amenities for pedestrians as well as vehicles. Common amenities include sidewalks, shading devices (such as awnings, colonnades, second-floor balconies, or street trees), and on-street parking.

## Section 3 Minor Subdivision

### A. Minor Subdivisions consist of

1. The subdivision of land into not more than six (6) contiguous lots, including common areas, or a reduction of the number of lots in an existing subdivision, whether for residential or commercial purposes; and

2. That do not require any public improvements, the dedication of a public way, or the expenditure of any public funds; and
  3. That do not conflict with the Comprehensive Plan, official zoning map, any zoning ordinance, or any other subdivision regulations.
- B. Submittal Requirements. The Applicant shall file with the Planning Staff an application and a Preliminary Plan, together with required documentation in an acceptable digital format, along with the required fees and the cost of required notifications, all of which shall be nonrefundable.
- C. Completeness Review
1. All Applications will first be reviewed for completeness. If the Application is not complete, the Applicant will be notified of those parts of the Application that are incomplete.
  2. An Application is not considered complete until all required items are submitted.
  3. Review of Applications for completeness is solely to determine whether preliminary information required for submission is sufficient to allow further processing. It does not constitute a decision as to whether an Application complies with this Chapter.
  4. Incomplete Applications will not be processed.
- D. Notice. Upon acceptance of a complete application, notice will be provided to the owners of all property immediately adjoining or directly across the street from the property.

1. The notice will state the purpose of the application, indicate that the Application and Preliminary Plan are on file for public review at the offices of the Planning staff, and state the manner in which public comment may be received.
2. Public comment will be accepted for fourteen (14) calendar days, from date of notice, during normal business hours.
3. Failure of any owner to receive notice shall not invalidate the application.

E. **Administrative Review.** The Application will be reviewed according to the following criteria:

1. The proposed subdivision contains no more than six (6) lots or a reduction of the number of lots in an existing subdivision, whether for residential or commercial purposes, not requiring any public improvements, the dedication of a public way, or the expenditure of any public funds.
2. The proposed subdivision does not conflict with the City of Mobile Comprehensive Plan, official Zoning Map, any Zoning Ordinance, or any other Subdivision Regulations.
3. Whether all lots in the proposed subdivision are in conformance with the Unified Development Code.
4. Whether all proposed lots will have adequate water and wastewater if available from existing facilities or providers.
5. Whether all lots front a dedicated public right-of-way.
6. Whether the proposed subdivision involves the dedication of existing or new streets or rights-of-way.



7. Whether joint access driveways as may be required by the Director or City Traffic Engineering Director shall be designated on the plat.
8. All existing structure(s) must be shown on the plat, if there is a question of setback compliance as determined by the Director.
9. Flag lots shall not be allowed as a Minor Subdivision.

F. **Decision.** Upon completion of the administrative review, the Applicant shall be notified of one of the following actions:

1. The Application is approved, or approved with conditions, and will be processed for recording in accordance with Section 4 of the Regulations.
2. The Application is not approved as submitted with reason for disapproval specifically noted.

G. **Appeal of Decision.**

1. An aggrieved party may appeal the decision to the Planning Commission by filing a written notice of appeal within thirty (30) days of the decision.
  - (a) The notice of appeal shall be filed with the Director, and must include a detailed statement of the grounds of the appeal.
  - (b) The appellant is responsible for all associated fees and costs for the appeal.

H. **Recording.**

1. The Applicant shall record the Final Plat in the Office of the Judge of Probate of Mobile County. A digital copy of the recorded document shall be provided to the Director.
2. Approval of the Final Plat shall be null and void if the plat is not recorded in the Office of the Judge of Probate of Mobile County within 12 months

after the date of approval unless application for an extension of time is made in writing and granted during such twelve (12) month period.

## **Section 4 Procedures**

- A. General Procedure. The Procedure for review and approval of a Subdivision by the Planning Commission may consist of three consecutive steps as follows:
1. Preliminary Plan. Preparation and filing for review and tentative approval of a Preliminary Plan, together with the required documentation in an acceptable digital format.
  2. Engineering Plans. If applicable, preparation and filing for review and approval by appropriate authorities of Engineering Plans for the construction of improvements.
  3. Final Plat. Preparation and submission for review and final approval of a Final Plat, together with the required documentation in an acceptable digital format. In no event shall the Preliminary Plan be considered as a submission of a plat for approval or disapproval as required by Alabama Code Title 11, Chapter 52, Section 32, but only the Final Plat shall be so considered.
- B. Correlation.
1. It is the intent of the procedures established in this Section to correlate and expedite the submission, review, and action on proposed Subdivisions. The development process may require review and approval of several different officials and agencies outside of the Subdivision process, for example: the County Health Officer, the Board of Water and

Sewer Commissioners, the Alabama Department of Transportation and the U. S. Army Corps of Engineers.

2. All Subdivision applications shall be made on forms furnished by the Director.
3. When a Subdivision is proposed in connection with other applications requiring Planning Commission the review and approval processes must be carried out as nearly simultaneously as feasible.

### C. Preliminary Plan

1. Purpose. The purpose of the Preliminary Plan is to provide plans for the layout and construction of the Subdivision and its improvements.
2. Filing and Review. The Subdivider shall file with the Planning staff a Preliminary Plan, together with the required documentation in an acceptable digital format, with an application for Tentative Approval according to the deadline schedule established year to year as adopted by the Planning Commission.
  - (a) The Preliminary Plan shall be reviewed by the Planning Commission and will be referred for review and report to the City Engineer, Traffic Engineering Director, Fire Department and other appropriate officials.
  - (b) The review shall take into consideration, in addition to the requirements set out in these Regulations, conformance of the Subdivision design to the Comprehensive Plan and the particular requirements and conditions affecting installation of improvements.
3. Action on Preliminary Plan.
  - (a) Notice of the time and place at which a public hearing will be conducted by the Planning Commission shall be sent to the Applicant and to the record owner of the property.

- (b) Notice of the public hearing shall also be provided to the owners of all property immediately adjoining or directly across the street from the property.
- (c) The Applicant will be notified in writing of the Planning Commission's approval, approval subject to modifications, approval with contingencies, or denial of the Subdivision.

4. Effect of Approval.

- (a) Tentative Approval of a Preliminary Plan shall not constitute acceptance of the proposed Subdivision, but shall be deemed only as an expression of approval of the plan submitted as a guide to preparation of the Final Plat, which will be submitted for approval of the Director, or his/her agent, and for recording upon fulfillment of the requirements of these regulations and the conditions of tentative approval.
- (b) Tentative Approval of a Preliminary Plan shall be effective for a maximum time of one (1) year, unless, upon request by the Applicant, the Planning Commission grants an extension.
  - (1) If the Final Plat has not been submitted for final approval before the approval of the Preliminary Plan expires, the Preliminary Plan shall again be filed for Tentative Approval.
- (c) If a Final Plat of a part of the Subdivision is submitted and approved within the one year period, the Tentative Approval of the Preliminary Plan shall be automatically extended for a period of one year from the date of approval of such Final Plat of part of the Subdivision, and the same automatic extension shall govern in subsequent cases of submission of a Final Plat of part of the Subdivision.
  - (1) At any time after the expiration of the initial one-year period during which the Preliminary Plan approval is effective, the Planning

Commission may notify the Applicant of changes it will require to meet new or changed conditions. A corrected Preliminary Plan with all conditions fulfilled, shall be submitted to the Director or his/her agent, prior to the construction or installation of any improvements.

#### D. Engineering Plans

1. Purpose. The purpose of the Engineering Plans is to provide information, including drawings, for the construction or installation of the improvements.
  - (a) The Applicant, engineer or land surveyor should consult with the City Engineer and other officials or agencies as appropriate regarding construction or installation of improvements.
  - (b) The Engineering Plans may include only the portion of the approved Preliminary Plan which the Applicant proposes to develop.
2. Filing and Review. After approval of the Preliminary Plan but prior to the construction or installation of any of the improvements, the Applicant shall prepare and submit to the City Engineer or other officials or agencies concerned, the necessary copies of the Engineering Plans.
  - (a) The Engineering Plans shall be reviewed by the appropriate authorities, and the review shall take into consideration, in addition to the requirements set out in these Regulations, conformance of the plans with the applicable standards and regulations of the City of Mobile or the County of Mobile, as appropriate, and of other agencies concerned.
3. Action on Engineering Plans. The City Engineer or other officials and agencies concerned, shall notify the Applicant of the approval or disapproval of the Engineering Plans. In the case of approval, specific changes, if any, required to be made shall be stated; in the case of disapproval, the grounds for such disapproval shall be stated.

## E. Final Plat

1. Purpose. The purpose of the Final Plat, together with the required documentation in an acceptable digital format, is to provide an accurate record of street and property lines and other elements being established on the land and the conditions of their use.
  - (a) The Final Plat shall be based upon the Preliminary Plan, together with the required changes.
  - (b) When the Preliminary Plan will be developed in phases, the Final Plat may depict only the phase being developed.
2. Submission and Review. The Applicant shall file with the Planning Staff a proposed Final Plat, together with all required documentation in an acceptable digital format.
  - (a) The digital Final Plat will be reviewed by the Planning staff and referred for review and report to the City Engineer, Traffic Engineering Director, Fire Department and other appropriate officials.
  - (b) The review shall take into consideration conformance to the approved Preliminary Plan and fulfillment of any conditions of such approval and the proper installation of improvements in conformance with the requirements of these regulations.
3. Action on Final Plat. The Director shall approve or disapprove the Final Plat within 30 days of its submission.
  - (a) The Director shall approve the Final Plat by the signature of the Secretary of the Planning Commission:
    - (1) If the Final Plat complies with the terms of the Planning Commission's approval;

- (2) Upon fulfillment of all conditions attached to, and conformance with the preliminary plan; and
    - (3) Certification of the proper installation of the improvements and compliance with the requirements of Section 7 of these Regulations.
  - (b) If the Final Plat is not compliant with the terms of the Planning Commission's approval, the Director shall state the grounds for disapproval.
4. Recording of Plat.
- (a) The Applicant shall record the Final Plat in the Office of the Judge of Probate. A digital copy of the recorded document shall be provided to the Director.
  - (b) Approval of the Final Plat by the Planning Commission shall be null and void if the plat is not recorded in the Office of the Judge of Probate of Mobile County within 12 months after the date of approval unless application for an extension of time is made in writing and granted by the Planning Commission during such twelve (12) month period.

## **Section 5 Documents**

### **A. Specifications for Preliminary Plan**

- 1. General Form.
  - (a) The Preliminary Plan shall accurately show, in sufficient detail for construction of the subdivision and its improvements, the design of the proposed subdivision in relation to existing conditions and its surroundings.
  - (b) It shall be drawn to a standard engineering scale and of sufficient size to be legible and clearly convey all required information for proper review.

- (c) Where necessary, the plan may be on several sheets accompanied by an index sheet showing the entire subdivision.
- 2. Information to be Shown. The Preliminary Plan must contain the following information:
  - (a) Location Map. A diagram showing the location of the proposed subdivision.
  - (b) Survey Data showing:
    - (1) The boundary lines of the subdivision with length and bearings of lines;
    - (2) Section and corporation lines;
    - (3) contours at intervals of one (1)-foot, based on City of Mobile Standard Datum;
    - (4) Where contours will not provide adequate information for drainage determinations, spot elevations in sufficient number to show drainage conditions shall be given.
  - (c) Miscellaneous Data. The following information must also be included:
    - (1) Present tract designation according to the records of the Office of the Judge of Probate of Mobile County;
    - (2) The title or name under which the proposed subdivision is to be recorded;
    - (3) The name and address of the Owner and the Applicant;
    - (4) Notations giving scale, including graphic depiction;
    - (5) North arrow (true);
    - (6) Datum;



- (7) Benchmarks;
  - (8) Date of survey; and
  - (9) Name of the registered Professional Engineer or Land Surveyor.
- (d) Streets. The following information must also be included:
- (1) The street or alley name (labeled as public or private) and right-of-way width;
  - (2) Location of streets and other public ways on and adjacent to the tract;
  - (3) Typical section of the proposed roadways;
  - (4) Existing walks, curbs, gutters, culverts, and similar features;
  - (5) Linear feet of proposed streets.
- (e) Lots and Blocks. The following information must also be included:
- (1) Lot lines;
  - (2) Lot numbers;
  - (3) Total subdivision size in square feet and acres;
  - (4) Lot size for each individual lot in square feet and acres;
  - (5) A statement in square feet of the largest and smallest lot; and
  - (6) Total number of lots.
- (f) Common Areas. Areas to be used as common areas shall be designated with a notation indicating their use, and include information regarding the size in square feet and acres.

- (g) Easements. The location, width and purpose of existing and proposed easements, and recording data if available.
- (h) Adjoining Land. The names of recorded subdivision plats of adjoining platted land by record name and recording data.
- (i) Other Existing Conditions. The following information is required:
  - (1) The locations of water courses, marshes and wooded areas;
  - (2) The locations of buildings or structures if within ten (10) feet of a proposed lot line; and
  - (3) The locations of other significant features on the tract.
- (j) Proposed Public Improvements. Where information is available, highways or other major public improvements planned by public authorities for future construction on or adjacent to the tract.

## **B. Specifications for Engineering Plans**

- 1. General Form. The Engineering Plans shall show accurately and in sufficient detail, for their construction or installation, the design of the subdivision improvements.
- 2. Information to be Shown. The Engineering Plans shall contain the following information:
  - (a) Streets.
    - (1) Labeled as public or private.
    - (2) Profiles showing existing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision;

- (3) Typical sections of the proposed roadways, alleys and sidewalks;
  - (4) Drainage profiles of existing and proposed stormwater drainage;
  - (5) Roadway cross-sections; and
  - (6) Locations, species and sizes of existing trees within street rights-of-way.
- (b) Utilities.
- (1) The location, sizes, and invert elevations of existing and proposed sanitary sewerage and storm water drainage lines;
  - (2) The location and sizes of existing and proposed water lines; and
  - (3) Any other data on utilities that may be necessary to complete the installations.
- (c) Subsurface Conditions Report.
- (1) Location and results of soil percolation tests if individual sewage disposal systems are proposed.

## C. Specifications for Final Plat

### 1. General Form.

- (a) The Final Plat shall accurately show the Subdivision as established on the ground and in relation to its surroundings.
- (b) It shall be drawn to a standard engineering scale and of sufficient size to accommodate proper review for the required information.
  - (1) Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire Subdivision.

- (c) For large subdivisions that have been approved to be developed in phases, the Final Plat may be submitted for recording in phases as approved by the Planning Commission.
2. Information to be Shown. The Final Plat shall contain the following information:
- (a) Location Map. A diagram showing the location of the proposed Subdivision.
  - (b) Survey Data showing:
    - (1) Primary control points approved by the City Engineer or descriptions and ties to such control points to which all dimensions, angles, bearings and similar data on the plat shall be referred;
    - (2) The boundary lines of the subdivision;
    - (3) Right-of-way lines of streets, easements, and other rights-of-way;
    - (4) Property lines of residential lots and other sites, with accurate dimensions, bearings or deflection angles, radii, arcs, and central angles of all curves;
    - (5) Provision of all information required by the Alabama State Board of Licensure for Professional Engineers and Land Surveyors, including the location and description of monuments; and
    - (6) Statement of the closure error.
  - (c) Miscellaneous Data. Notations giving scale, (true) north arrow, and date of Final Plat.
  - (d) Streets. The name and rights-of-way width of each street or other public way. Each street shall be labeled as private or public.

- (e) Lots and Blocks. Identification of each block and of each lot.
  - (f) Common Areas. The location and dimensions of all Common Areas.
  - (g) Utilities. The location and dimensions of any utility rights-of-way or easements.
  - (h) Easements. The location, dimensions, and purpose of any other easements.
  - (i) Building Setback Line. Minimum building setback line on all lots and other sites.
  - (j) Certificate of Owner. Notarized certification by the land owner of the adoption of the plat and the dedication of streets and other public areas.
  - (k) Certificate of Survey. Certification by the Registered Professional Engineer or Land Surveyor that the plat represents a survey made by him, that the monuments shown thereon actually exist as located and that all dimensional and other data are correct.
  - (l) Approvals. Space for certificates of approval of the Planning Commission and the City Engineer.
3. Additional Required Documents. The Final Plat shall be accompanied by the following items:
- (a) Restrictive Covenants.
    - (1) The restrictive covenants, if any, as they or will be recorded.
    - (2) If the subdivision contains common open space or other amenity for the use of the residents of the subdivision only, restrictive covenants shall provide for a homeowners association or other means of maintaining the common open space or other amenity.

## **Section 6 Design Standards**

## A. Principles of Acceptability

1. Conformance to Comprehensive Plan.
  - (a) In general, the Subdivision shall conform to the adopted Comprehensive Plan for the City of Mobile and to the zoning requirements, any associated area or neighborhood plans, and other applicable ordinances or regulations.
2. Provision for Future Streets and Subdivisions. The subdivision of large tracts of land shall be arranged to allow for future streets and future subdivisions.
3. Land Subject to Flooding. Development of land in areas subject to periodic flooding shall be in accordance with local, state and federal laws.
4. Natural Features. Consideration shall be given to the natural scenic features of the land, such as streams, and the design of the Subdivision should protect and utilize such natural scenic features.
5. Trees. Because of their value in soil conservation, health, and community appearance, trees shall be preserved in compliance with local and state tree protection laws, including but not limited to Chapter 65 of the City Code.
6. Names.
  - (a) The name of the Subdivision and new street names shall not duplicate nor closely approximate phonetically the name of any other Subdivision or street in the City of Mobile.
  - (b) The Applicant should check proposed subdivision and street names with the City Engineer prior to preparation of a Final Plat.

## B. Streets

1. Street Layout.
  - (a) New streets connecting to existing streets shall align with and be at least as wide as the existing streets.
  - (b) The street layout should where practicable provide for the future projection into unsubdivided lands.
2. Major Street Plan. Wherever a subdivision abuts or encompasses a street depicted on the Major Street Plan, such street shall be platted in the general location and of the width called for by the Major Street Plan, and, to the extent that the right-of-way for such street abuts or is within such subdivision, said right-of-way shall be dedicated for public use.
3. Closed-End Streets. Ordinarily, closed-end streets shall not be longer than 600 feet and shall be provided at the closed end with a turnaround. Where the closed-end street is expected to be continued in the future into unsubdivided land, the turnaround may be a temporary one, approved by the City Engineer and the Mobile Fire Rescue Department for compliance with the currently adopted International Fire Code.
4. Private Streets. Private Streets shall be allowed in accordance with Section 9.
5. Alleys. New public alleys will not be considered; except that new private alleys may be considered as part of an approved Planned Development or an approved Neighborhood Overlay.
6. Intersections. Street intersections shall be at right angles or nearly so. Street jogs with centerline offsets less than 200 feet shall be avoided.
7. Curvature of Streets. The minimum radius of curvature of streets on the centerline shall be a minimum of 100-feet or as required by the design speed.

8. Street Grades. Street grades shall conform in general to the terrain and shall be sufficient for adequate surface drainage. They shall not be less than 0.5% nor more than 5% for major streets and not less than 0.5% nor more than 10% for other streets.
9. Right-of-Way Widths. The minimum right-of-way widths for streets, shall be:

For streets listed on the Major Street Plan right of way widths shall be in accordance with the Plan.

For streets not listed on the Major Street Plan right of way widths shall be in accordance with below:

Minor Street with curb and gutter ..... 50 feet

Minor Street without curb and gutter ..... 60 feet

Closed End Streets - right-of-way diameter as determined by the City Engineer and in compliance with the most recently adopted International Fire Code

Alley (new, private) ..... 20 feet

10. Roadway Pavement Widths. The minimum roadway pavement widths (back of curb to back of curb if applicable) for streets and alleys shall be:

Major Street - *As called for by the Major Street Plan or otherwise determined by the City Engineer, Traffic Engineering Director and the design speed.*

Minor Street (not on the Major Street Plan) ..... 26 feet  
Closed-End Street as determined by the City Engineer and in compliance with the most recently adopted International Fire Code.

Alley ..... 20 feet



11. Sidewalk width shall be in accordance with City Code Chapter 57, or as may otherwise be provided by an adopted Neighborhood Plan, Overlay or District as referenced in Section 9.
12. Curb Radii. Curb radii as measured from the face of curb, shall not be less than 20 feet or as approved by the City Engineer.

### C. Lots

1. Size and Shape of Lots. The size, width, depth, shape, and orientation of lots and the minimum building setback lines shall be compatible and appropriate to the location of the Subdivision and the type of development and use contemplated.
2. Minimum Dimensions.
  - (a) Lot Area.
    - (1) Minimum lot area shall be as defined in the Unified Development Code except in the following instances:
      - a. Where served by the public or an approved private water supply system but not by the public or an approved private sanitary sewerage system 15,000 square feet.
      - b. Where served by neither the public or an approved private water supply system nor sanitary sewerage system 40,000 square feet.
      - c. For the purpose of this Regulation, individual wells and individual sewage disposal systems are not considered to be approved private water supply and approved private sanitary sewerage systems
  - (b) Lot Width.

- (1) For properties located in the Downtown Development District, Property Width Restrictions shall be as defined in the Unified Development Code, Appendix A.
  - (2) Residential lots located within an area designated as Suburban in the Unified Development Code shall be at least (sixty) 60 feet wide at the building setback line, exclusive of drainage easements.
  - (3) Residential lots located within an area designated as Urban in the Unified Development Code shall be at least fifty (50) feet wide at the building setback line, exclusive of drainage easements.
  - (4) Unless otherwise stated in the Unified Development Code, the lot width of Commercial, Maritime and Industrially zoned properties shall be a minimum of sixty (60) feet wide at the building setback line, exclusive of drainage easements.
3. Maximum Depth. In general, the maximum depth of any lot exclusive of unusable land, shall not be more than 3.5 times the width of the lot at the building setback line.
4. Lot to Abut on a Street. Except for lots on private streets as allowed by Section 9, every lot shall abut a dedicated and maintained public street.
5. Corner Lots. In order to provide adequate building area, lot width should take into account the street setback requirements of the Unified Development Code.
6. Property Lines at Corners. Property lines at street intersection corners shall be arcs having radii of at least 25-feet or as approved by the City Engineer and the Traffic Engineering Director.
7. Double Frontage Lots. Double frontage lots are discouraged and access shall be limited to one street for the entire block face.

8. Minimum Front Yard Setbacks. Minimum front yard setbacks along any street shall be as required in the Unified Development Code and shall be illustrated on every lot on the Final plat.
  - (a) Where a lot abuts a future major street, the front yard setback shall be measured from the right-of-way line of such future major street as established by the Major Street Plan of the City of Mobile.
9. Flag Shaped Lots.
  - (a) Flag shaped lots shall generally not be allowed, but may be permitted only:
    - (1) Where there are natural or pre-existing man-made barriers which may cause an undue hardship on the land owner;
    - (2) Where unusual circumstances such as an odd shaped lot exists;
    - (3) Where disparate uses exist on a single lot; or
    - (4) Where varied and irregularly-shaped lot designs are common and the lot design is consistent with other lots in the vicinity.
  - (b) Requests for flag shaped lots shall be accompanied by evidence showing that each flag lot is necessary to allow the site owner reasonable use of the site or to alleviate a situation that would otherwise cause extreme hardship.
  - (c) Where flag lots are permitted, the “pole” portion shall be a minimum of twenty-five (25) feet in width for its entirety. If the flag shaped lot is large enough to potentially be resubdivided, the “pole” shall be of a width adequate to allow for dedication and construction of a public road.
  - (d) The building site area of each panhandle or flag lot shall be exclusive of the “pole” portion.
  - (e) Multiple panhandle or flag lots shall not be allowed as an alternative to road construction.

## D. Easements

1. Utility Easements. Easements provided for public utilities shall be appropriately sized and coordinated with the corresponding utilities and placed along property lines. The width of easements shall be increased, or they shall be extended, where necessary, to provide space for utility pole bracing or other construction.
2. Drainage Easements. Easements for water courses, drainage ways or streams shall conform substantially with the lines of such water course and shall have such further width or construction, or both, as will be adequate for the purpose; to be coordinated with and approved by the City Engineer.

## Section 7 Improvements

- A. General Requirements. Street, utility, and other improvements shall be installed in each new Subdivision in accordance with the standards and requirements specified herein.
- B. Engineering Requirements. Improvements required by these Regulations shall be made in accordance with the engineering specifications and under the supervision of the City Engineer, the Traffic Engineering Director, Fire Department and other appropriate officials.
- C. Required Improvements.
  1. Monuments shall be provided in accordance with requirements of the Alabama State Board of Licensure for Professional Engineers and Land Surveyors and the City Engineer.

2. Roadways. Roadways shall be constructed in accordance with the engineering specifications of the City Engineer and any conditions imposed by the Planning Commission.
3. Drainage. Necessary facilities for drainage of roadways that are for drainage of surface water in the subdivision shall be installed. Surface water shall be emptied into the storm sewer system where such system is reasonably accessible. These facilities shall be in conformity with the plans and standards of the City Engineer.
4. Sidewalks. Sidewalks shall be provided on both sides of streets of a Subdivision simultaneously with construction of buildings therein. Sidewalks along or contiguous to common areas or “non-lotted” areas within a proposed subdivision shall be installed prior to recording a Final Plat. Sidewalk width shall be in accordance with City Code Chapter 57, or as may otherwise be provided by an adopted Neighborhood Plan, Overlay or District as referenced in Section 9.
5. Water Supply. Where a public water supply is available and reasonably accessible as determined by the Chief Plumbing Inspector and the appropriate water authority, the Applicant shall construct a water supply system with a water stub-out for each lot in the proposed subdivision. Stub outs shall extend from the main connection to points outside the roadway.
6. Sanitary Sewerage. Where a public sanitary sewer system is available and reasonably accessible as determined by the Chief Plumbing Inspector and the appropriate sewerage authority, the Applicant shall construct a sewer system with a sewer stub-out for each lot in the proposed subdivision. Stub outs shall extend from the main connection to points outside the roadway.

7. Street Signs. Each intersection shall have signs identifying the streets which form the intersection. Construction and installation of street signs shall be in accordance with the requirements of the Traffic Engineering Director and include stop signs, yield signs, speed limit signs, warning signs, etc.
8. Traffic Calming. The developer shall design and configure local streets in a manner to discourage excessive or speeding traffic, and/or shall install traffic calming devices in accord with the general principles published by the Federal Highway Administration. The location and design of particular systems shall be approved by the City Engineer, Traffic Engineering Director and the Mobile Fire Rescue Department.

#### D. Completion of Required Improvement

1. Certification. The Planning Commission shall not approve the Final Plat of any subdivision unless the improvements required by these Regulations have been installed in accordance with the standards and specifications of the appropriate officials and agencies and their approval has been certified by the Professional Land Surveyor or Professional Engineer of Record to the Planning Commission or a performance guarantee has been furnished as required below.
2. Performance Guarantee. In lieu of completing the improvements prior to the submission of the Final Plat for approval, the Applicant may post a surety bond, certified check, or other acceptable performance guarantee providing for and securing the City of Mobile for the cost of construction and installation of such improvements within a specified period. The amount and form of the performance guarantee shall be subject to approval by the City Engineer and City Attorney.

## **Section 8 Dedications**

## A. Rights-of-Way

1. Streets. The rights-of-way for existing and new streets, including that part of major streets shown on the Major Street Plan, which are located in or abut the subdivision, shall be platted to the minimum widths called for by these regulations or the Major Street Plan and dedicated for public use.
2. Crosswalkways and Private Alleys. The rights-of-way for existing and new crosswalkways and private Alleys located within the subdivision shall be platted to the minimum widths called for by these Regulations.
3. Major Streets. Wherever a subdivision abuts or encompasses a street depicted on the Major Street Plan, such street shall be platted in the general location and of the width called for by the Major Street Plan, and, to the extent that the right-of-way for such street abuts or is within such subdivision, said right-of-way shall be dedicated for public use.

## B. Easements

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

# Section 9 Modifications

## A. Procedures

1. An application for review and approval of a subdivision approved under this Section shall be subject to the procedures for review and approval of a subdivision as set forth in Section 4 of these Regulations.

## B. Objectives

1. The purpose of this section is to allow for exception to the strict application of the Subdivision Regulations in order to allow for innovative design or unusual difficulty of proposed subdivisions.

## C. Criteria

### 1. Undue Hardship

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

### 2. Innovative Design

- (a) In pursuit of the purposes of these Regulations, the Planning Commission may modify their application in the case of a proposed subdivision of innovative or unconventional design. For the purposes of this Section, an innovative subdivision can include a single-family residential project such as a cluster or Traditional Neighborhood Development subdivision or a subdivision designed for townhouses, terrace houses, or patio homes; a



multiple-family residential project; or other building groups such as mixed use development, a shopping center, office park, or industrial park.

3. Family Subdivision

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

D. Private Street

- 1. All subdivisions that include Private Streets must adhere to the requirements of these Regulations. If the proposed subdivision is deemed to contain unusual difficulties or innovative design, or is a family subdivision as defined above, private streets may be allowed subject to the following criteria and standards.

- (a) Criteria

- (1) All privately maintained streets in single-family residential subdivisions shall be permitted only as closed end streets serving the immediate development. However, subdivisions designed for townhouses, terrace houses or patio homes; a multiple-family residential project; or other building groups such as a shopping center, office park, or industrial park shall be subject to site-specific review to ensure the adequate circulation of traffic and so that the purposes of these Regulations are achieved. Other streets shall be for public maintenance and shall be public thoroughfares. Areas and frontages for lots shall be determined by the requirements of Section 6 of these Regulations, without regard to whether or not the street is privately maintained.

- (2) All Private Streets shall have direct access to a standard public street.

(b) Standards.

- (1) Adequate facilities to control surface drainage and to prevent excessive runoff onto adjacent property shall be installed. Adequate measures shall be provided to prevent runoff and siltation onto adjacent areas during and after construction. Developers shall conform to all Federal, State and Local laws and regulations affecting stormwater control. The design of stormwater drainage facilities for every Subdivision shall be such that post development runoff and velocity shall be equal to or less than that of predevelopment. The design engineer shall provide the appropriate regulating body with design calculations and the storm frequency upon which his design is based. The Commission may, for good cause, require design based upon a greater storm frequency.
- (2) Where sufficient evidence of unusual difficulties is presented to the Commission, curb and gutter requirements may be waived if the developer provides an engineered drainage plan acceptable to the City Engineer. In such case, however, ribbon curb shall be required adjacent to pavement edges to prevent pavement deterioration.
- (3) Private street construction shall be of a design and installation approved by the City Engineer and Traffic Engineer, and in compliance with the currently adopted International Fire Code.
- (4) There shall be designated on the plat utility easements acceptable to the appropriate provider of utility services within the Subdivision.
- (5) There will be no public right-of-way.
- (6) Presentation of a legal document to run as a covenant with the land, providing for continuing maintenance of the street by an owners' association or other entity, granting rights of ingress and egress for emergency and utility maintenance vehicles, saving harmless the City

from damages to any owner within the Subdivision arising or which may arise out of the existence of such private street, said document shall be approved by the City Attorney or his designee as to form and legality and shall be properly executed and recorded simultaneously with the plat in the Probate Records of Mobile County, Alabama. Each and every owner of property abutting upon and with legal access to the proposed private street shall be a party to such document and agreement.

- (7) The Plat of Record shall contain a prominent notation to the effect that streets are privately maintained and not dedicated to the public.
- (8) A sign shall be posted and maintained at the entrance to the Private Street(s) with the street name and identifying it as a Private Street, per MUTCD standards with blue background, white legend. Signage shall be made to City standards. Street names must be approved by the City Engineer.
- (9) A note on the Final Plat and clearly stated in the legal document referenced above that if the Private Street(s) is not constructed and maintained to the appropriate city or county standard, and is ultimately dedicated for public use and maintenance, 100 percent of the cost of the improvements required to bring the street up to the prevailing standard shall be assessed to and paid by the property owners at the time the Private Street(s) is dedicated. Said assessment will run with the land to any subsequent property owners.
- (10) A letter bearing the seal of a licensed civil engineer certifying all the aforementioned Criteria and Standards have been complied with must be submitted with the Final Plat. The original letter to be recorded with the Final Plat and a copy of the recorded letter to remain on file in the Planning Department.

## E. Unified Development Code Overlays

1. **Applicability.** The Regulations and criteria set forth in this Section are applicable to the areas within the respective Overlays. Except where explicitly provided to the contrary, whenever the requirements of this sub-section are in conflict with any other requirements of these Regulations, the requirements within this sub-section shall supersede. However, the underlying requirements remain applicable where this sub-section remains silent.
2. **Graphics and Illustrations.** In case of conflict between any figure and any text in this section, the text shall apply and supersede the graphic or illustration.
3. **Overlays and Standards.**

### (a) AFRICATOWN

- (1) **Purpose and Intent.** The Africatown Overlay as approved by the Planning Commission in April 2016, establishes an overall strategy for improving the Africatown community in ways that will encourage sustained reinvestment, enhance economic opportunity and provide a better quality of life for residents.
- (2) **Applicability.** This sub-section shall apply to the Africatown Overlay, the boundaries of which are depicted on the official Zoning Map. Properties developed or redeveloped within the Africatown Overlay shall comply with the regulations of the Africatown Overlay, all applicable requirements of the Uniform Development Code, and all other applicable requirements of the City Code.
- (3) **Streetscaping Standards for Commercial Districts**

- a. Sidewalk and Streetscape Improvements. At the time of development or redevelopment, sidewalk and/or streetscape improvements required by this Article shall be constructed adjacent to the parcel.
- b. Minimum Sidewalk Width. A sidewalk width shall be maintained along the existing primary frontage to allow ample space for sidewalks to accommodate pedestrians, as follows:
  - 1. Sidewalks shall have a minimum width of five (5) feet.
  - 2. If the minimum sidewalk width cannot be met within the existing right-of-way:
    - i the remaining required sidewalk width shall be dedicated to the City, and
    - ii the minimum Front Yard is measured from the back edge of the sidewalk.
- c. Street Trees. Street trees adjacent to the lot frontage shall be provided by the Applicant and shall be spaced as required by the Approved Plant List.

**(b) THE PENINSULA**

- (1) Purpose and Intent.** The Peninsula Overlay establishes criteria for development, re-development and improvements, and requires utilization of conservation development standards in compliance with Articles 2, 3 and 12 of the Unified Development Code, resulting in improved aesthetics, stormwater reduction, a reduction in flooding, and an increased awareness of the unique environmental location.
- (2) Applicability.** This sub-section shall apply to the Peninsula, the boundaries of which are depicted on the official Zoning Map.

Properties developed or redeveloped within the Peninsula shall comply with the regulations of the Peninsula Overlay, all applicable requirements of the Uniform Development Code, and all other applicable requirements of the City Code.

**(3) Streetscaping Standards for Commercial Districts**

- a. Sidewalk and Streetscape Improvements. At the time of development or redevelopment, sidewalk and/or Streetscape improvements required by this Article shall be constructed adjacent to the parcel.
- b. Minimum Sidewalk Width. A sidewalk width shall be maintained along the existing primary frontage to allow ample space for sidewalks to accommodate pedestrians, as follows:
  - 1. Sidewalks shall have a minimum width of five (5) feet.
  - 2. If the minimum sidewalk width cannot be met within the existing right-of-way:
    - i the remaining required sidewalk width shall be dedicated to the City; and
    - ii the minimum Front Yard is measured from the back edge of the sidewalk.
- c. Street Trees. Street trees adjacent to the lot frontage shall be provided by the Applicant and shall be spaced as required by the Approved Plant List.

- (4) Residential Subdivisions.** All residential subdivisions, except for those subject to Minor Subdivision provisions of the Subdivision Regulations, shall utilize conservation development site design of Articles 2 and 3 of the Unified Development Code.

(c) SPRING HILL

- (1) Purpose and Intent. The Spring Hill Overlay (SHO) establishes land development requirements that enable and encourage traditional, walkable village and neighborhood centers, and bring a balance between vehicular and pedestrian-oriented design. The street standards enable walkable village and neighborhood center development within the defined SHO areas by establishing street standards conducive to traditional, walkable districts, including the regulation of lane width, street edge, street tree plantings and sidewalks, as well as interconnectivity of the street network.
- (2) Applicability. The requirements of this sub-section apply only to the following sub-districts within the Spring Hill Overlay as depicted on the City's Zoning Map:
  - a. Village Center
  - b. Neighborhood Center
  - c. Neighborhood General
- (3) Principles of Acceptability.
  - a. Trees. Within the SHO street trees shall be located a minimum of fifteen (15) feet from the radius of a curb at street intersections.
  - b. Street Standards. The following standards shall be followed for all new or improved streets in the SHO:
    1. Street Layout. Connectivity of the street grid throughout the SHO is regulated by these regulations. The conceptual locations of proposed new streets within the SHO are identified in the SHO regulating plans. Proposed new streets

located on the regulating plans are permitted, but not required. At the time of development or redevelopment of a property, the inclusion of a new street is at the discretion of the property owner. Reconfigurations or adjustments to the proposed street locations are subject to the following:

- i** Proposed streets. Proposed streets shown on the regulating plans may be moved. The intent of the SHO is to increase street connectivity and provide a small, walkable block network.
  - ii** Additional streets. Additional streets may be added to the regulating plans to create a smaller block pattern.
- 2.** Walkable Streets. All new or improved streets within the SHO shall be designated as Walkable Streets. The Walkable Street requirements of this sub-section shall supersede all applicable street requirements contained in these Regulations.
- 3.** Closed-End Streets. Closed-end streets shall not be permitted in the SHO.
- 4.** Public or Private Streets. New streets may be public or private.
- 5.** Alley rights-of way. Private alleys shall be permitted within the SHO. The following requirements shall be met:
  - i** A continuous network of rear and side alleys is encouraged on all new or redeveloped lots to serve as the primary means of vehicular ingress and egress in the SHO. Rear alleys shall be required for all new or



redeveloped parcels narrower than 65 feet, subject to the following:

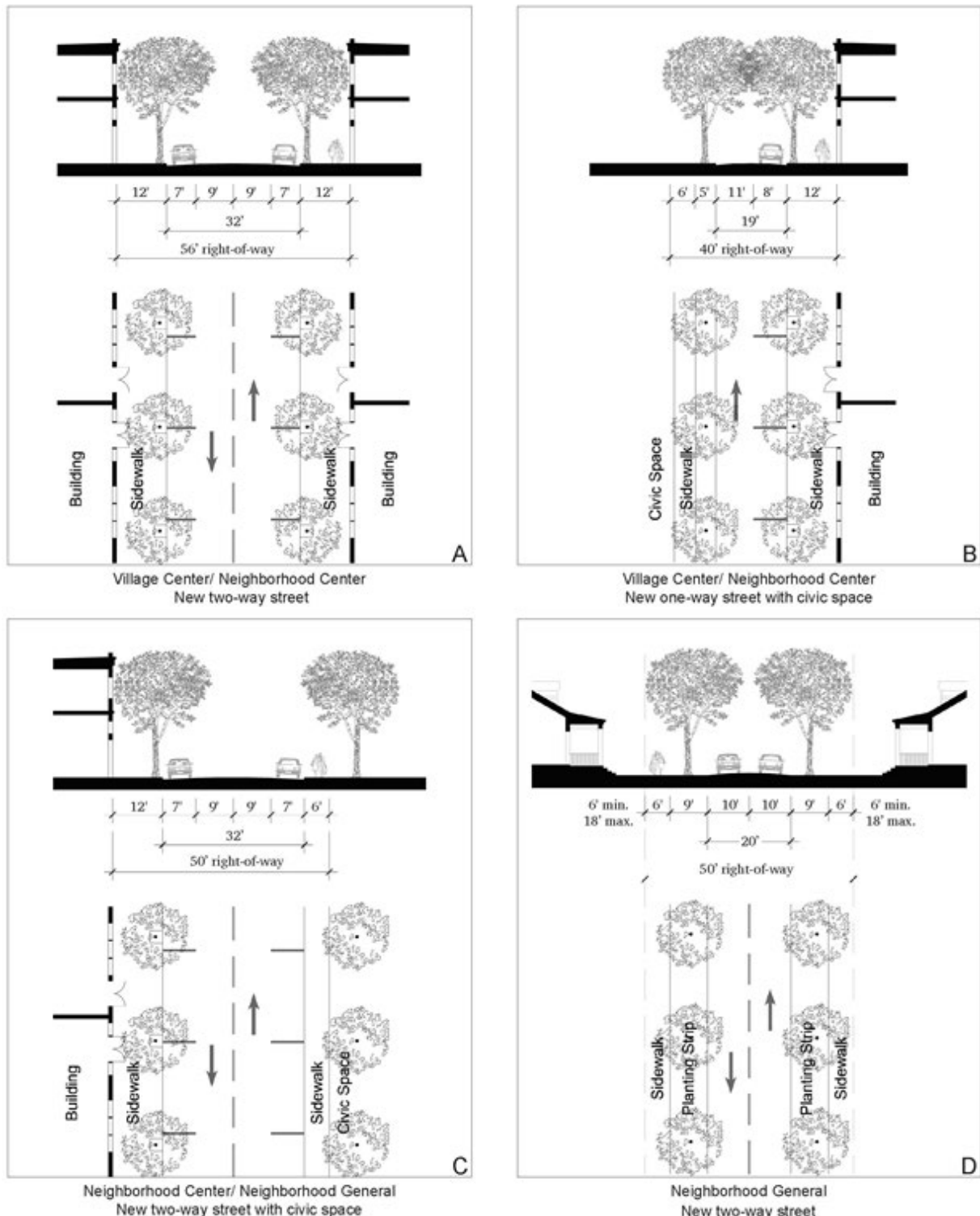
- ii** A property internal to a block that redevelops prior to its neighbors is not required to construct an alley; however, the plat shall reflect rear or side setbacks that provide enough room for the future connection when neighboring properties do redevelop, either via an alley or rear parking drive aisle connection.
  - iii** An exception to the requirement of an alley may be granted upon receipt of WRITTEN agreements with neighboring properties granting vehicular cross access through existing drives or parking lots.
  - iv** Alleys shall be a minimum of twenty (20) feet wide.
  - v** Alleys shall connect to existing streets or other alleys on each end.
  - vi** Alleys shall remain under private ownership and maintenance.
- 6.** Intersections. Street jogs with centerline offsets less than 125' shall be permitted for Walkable Streets.
- 7.** Curvature of Streets. The minimum radius of curvature of streets on the centerline of a Walkable Street shall be 100 feet.
- 8.** Walkable Street Standards.
  - i** There shall be no minimum width for rights-of-way and roadways for Walkable Streets; instead, such streets shall be regulated by assembling the

appropriate sizes/dimensions of the following components: lane width, street edge, street tree plantings and sidewalks. The standards for these components shall be as stated in the following table; these dimensions supersede all other applicable standards of the Subdivision Regulations.

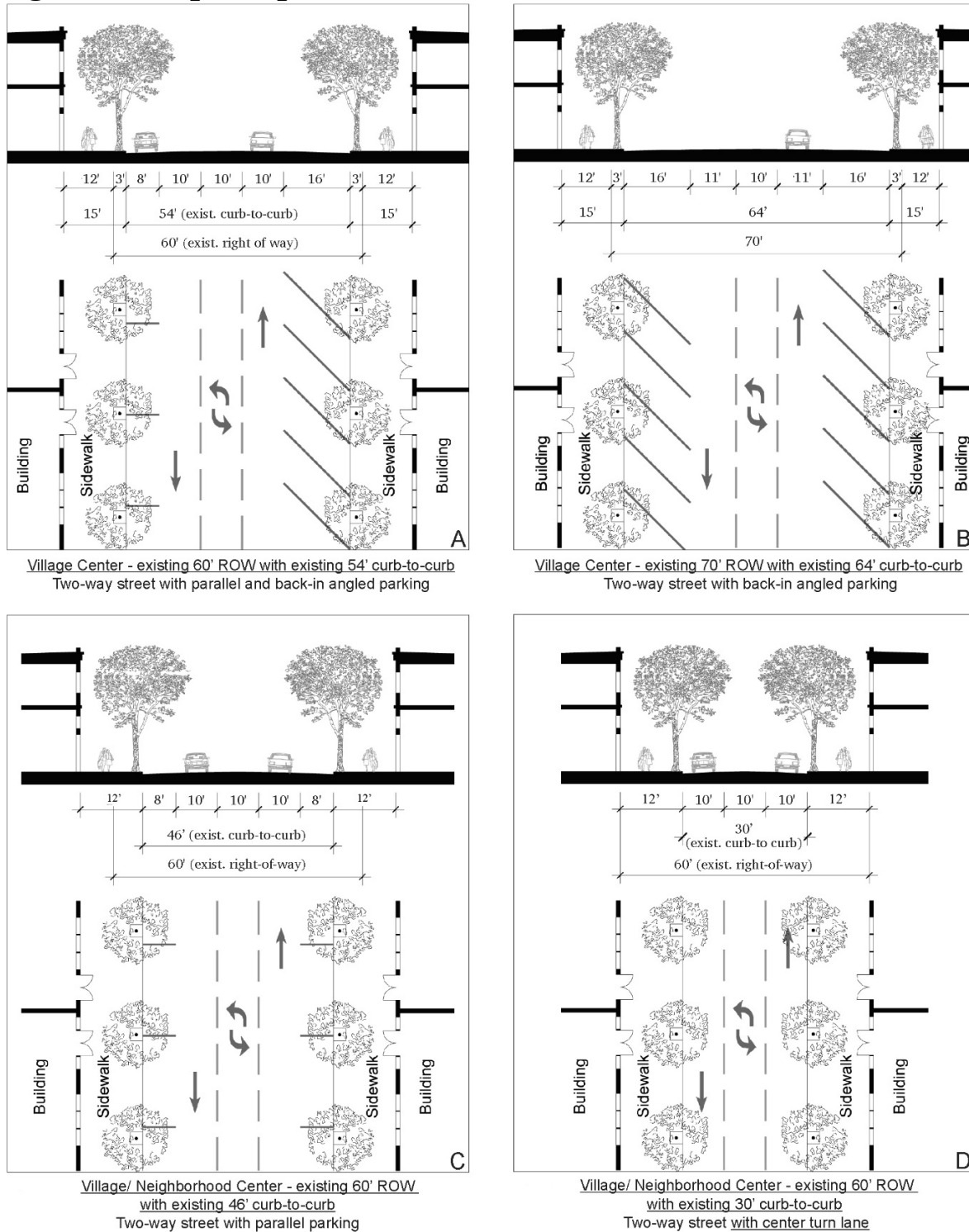
<b>Streetscape Standards</b>	Sub-districts			
	<i>Village Center</i>	<i>Neighborhood Center</i>	<i>Neighborhood General</i>	
<b>Lane Width:</b>				
<i>Travel Lane</i>	9' to 11' <sup>1</sup>	9' to 11' <sup>1</sup>	8' to 10'	
<i>Turning Lane</i>	9' to 11'	9' to 11'	no turning lanes	
<i>Parking Lane</i>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

- ii** Sample Street Sections. Sample new and improved street section assemblies using the street standards for Walkable Streets in the SHO are shown in Figures 1 – 2.

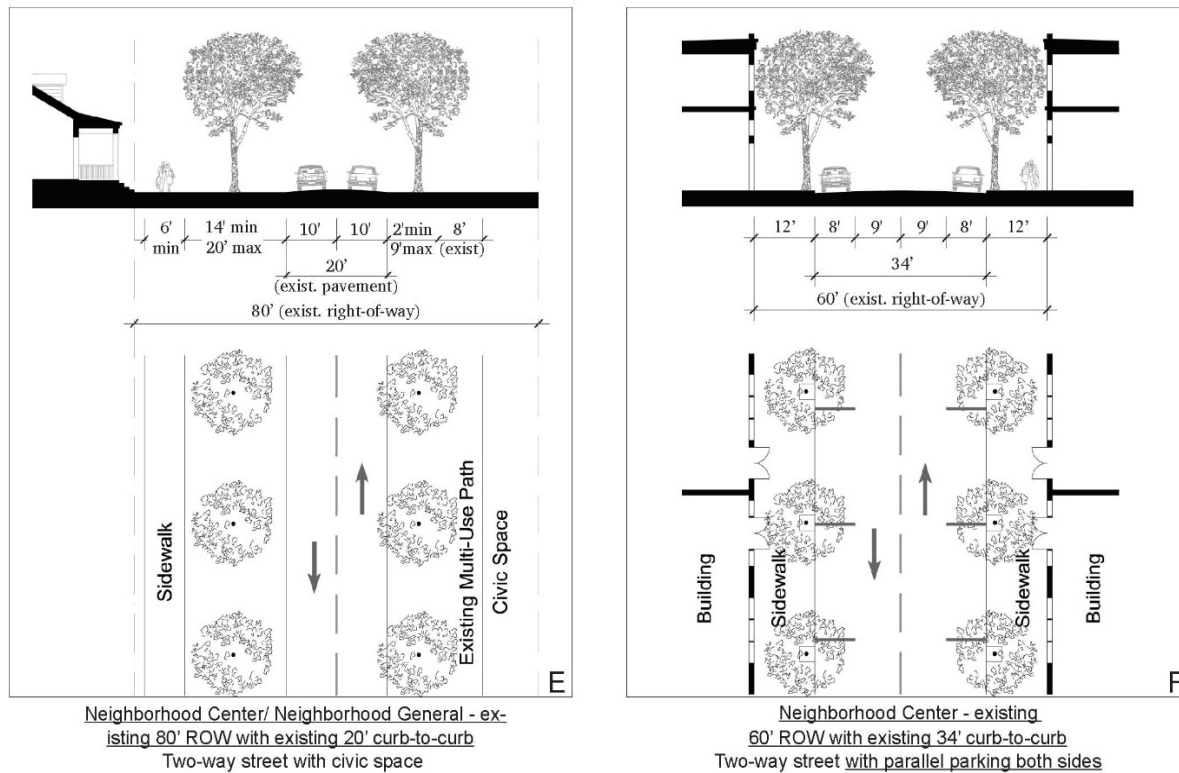
**Figure 1: Sample New Street Sections**



**Figure 2: Sample Improved Street Sections**



**Figure 2: Sample Improved Street Sections (continued)**



9. Sidewalk and Streetscape Improvements. At the time of development or redevelopment, sidewalk and / or streetscape improvements required by this sub-section shall be constructed adjacent to the parcel.

c. Blocks

1. Size and Shape of Blocks. Except as otherwise provided herein, block perimeters may not exceed 1,600 linear feet as measured along the inner edges of each street right-of-way. Blocks may also be broken by a civic space provided that space is at least 50 feet wide and will provide perpetual pedestrian access between the blocks and to any lots that front the civic space. Block perimeters may exceed this

limit, up to a maximum of 2,000 linear feet, only if one or more of the following conditions apply:

- i** The block contains a parking facility mid-block that serves a mixture of uses.
- ii** The block contains valuable natural features that should not be crossed by a street.

- 2.** Crosswalkways. Any single block face longer than five hundred (500) feet must include a crosswalkway at least eight (8) feet in width that connects to another street. Upon redevelopment, individual lots with over two hundred (200) feet of frontage shall meet this requirement within their lot, unless already satisfied within their block face.

**d. Lots**

- 1.** Minimum Dimensions. There shall be no minimum dimensions for lots within the SHO where served by a public or an approved private water supply system and sanitary sewage system.
- 2.** Maximum Depth. There shall be no maximum depth for individual lots within the SHO; however, the maximum block size requirements of Sub-Section c above, shall be maintained.
- 3.** Minimum Front Yard Setback. The minimum setbacks shall be as set in the Article 13, Spring Hill Overlay, of the UDC.

**(d) HISTORIC DISTRICT**



(1) Purpose and Intent. The Historic Overlay establishes criteria for development, re-development and improvements, in locally designated Historic Districts.

(2) Applicability. This sub-section shall apply to properties located in locally designated Historic Districts, the boundaries of which are depicted on the official Zoning Map. Properties developed or redeveloped within locally designated Historic Districts shall comply with all applicable requirements of the Uniform Development Code, and all other applicable requirements of the City Code.

(e) HISTORIC AVENUE OVERLAY

(1) Purpose and Intent. The Historic Avenue Overlay establishes an overall strategy for improving the community by encouraging sustained reinvestment, in-fill development, new residential development, enhanced economic opportunity, and better quality of life for residents, while maintaining the historic fabric of the neighborhoods and the rhythm and continuity of the existing streetscapes.

(2) Applicability. This sub-section applies to residential properties within the Historic Avenue Overlay, the boundaries of which are depicted on the official Zoning Map. Properties developed or redeveloped within the Historic Avenue Overlay shall comply with the regulations of this subsection.

(3) Dimensional Standards.

a. Applications to create new legal lots of record shall comply with the requirements of this Overlay.

b. When subdividing an existing lot into one (1) or more lots, no new lot shall be smaller in area than 2,000 square feet, or narrower in

width than 20 feet.

<b>Lot Area</b>	No minimum lot area required; however, for newly created lots the minimum lot area shall be 2,000 square feet.
<b>Lot Width</b>	For newly created lots, no new lots shall be narrower in width than 20 feet.
<b>Coverage (max)</b>	For lots less than 6,000 sq. ft. building site coverage may go up to 75% including an ADU. Otherwise, underlying district requirements apply.
<b>Height (max)</b>	35 -feet
<b>Front Yard (min-max)</b>	The Front Yard setback shall be a minimum of five (5) feet. The maximum setback shall be no greater than the setback of any existing structure on the same side of the street within the same block face, but in no event more than 25-feet.
<b>Side Yard (min)</b>	<p>Side Yards must be in compliance with all applicable building and fire codes (exclusive of right-of-way). Additions to an existing Structure may align with the existing building.</p> <p>For attached homes such as townhomes (i.e. zero-lot line), the side yard setback for lots adjoining lots outside the development must provide a minimum three (3) foot side yard setback.</p> <p>For corner lots, the side street setback shall be at least five (5) feet; however, additions to an existing dwelling may align with said dwelling.</p>
<b>Rear Yard (min)</b>	5 feet

## F. Downtown Development District

1. Purpose and Intent. The Downtown Development Code is intended to implement the purposes and objectives of the City's Comprehensive Plan, including the New Plan for Mobile; guide the siting, form and use of private property and buildings to support walkability, safe streets and safe public spaces; guide building siting and form to vary by context and intensity in coordination with community identity and preferences; and to build on the work of the Mobile Historic Development Commission in protecting and enhancing the historic and cultural heritage of the City's historic downtown.
2. Applicability. The provisions of the Downtown Development District Code (“DDD”) shall be the complete zoning code for the Downtown Development District. Where the DDD is in conflict with engineering ordinances, with the exception of the Storm Water Management and Flood Control Ordinance, the DDD shall govern. Where the District Development District Code is silent on engineering issues, engineering ordinances shall govern. Where the DDD is in conflict with lot sizes allowed by the Subdivision Regulations, the DDD shall govern. The DDD applies to all properties located within the Downtown Development District as depicted on the adopted Zoning Map.

### 3. Street Standards

- (a) Appendix A of the Unified Development Code establishes the Downtown Development District. As part of Appendix A, all streets are assigned either an A Street or a B Street designation as depicted on the adopted Zoning Map. Refer to Definitions in Section 2.
- (b) Right-of-Way Width.
  - (1) Existing Streets. A and B streets shall be limited to the existing right-of-way width unless otherwise required by the City Engineer or Traffic Engineering Director.
  - (2) New Streets. New streets shall be designated as A or B streets, and shall be assigned a right-of-way width in coordination with the City Engineer, Traffic Engineering Director, Alabama Department of Transportation (ALDOT) and compliant with the currently adopted International Fire Code.
  - (3) Corner and Curb Radii. Provision of additional corner or curb radii as part of a subdivision application shall be at the determination of the City Engineer, Traffic Engineering Director and Alabama Department of Transportation (ALDOT).

### 4. Property Standards

- (a) Frontage. The portion of a property abutting a right-of-way is assigned a primary frontage or secondary frontage as follows:
  - (1) Properties abutting more than one (1) street shall designate a primary frontage. The primary frontage shall be an A street if one (1) is abutted.

- (2) Elements of the built environment within the front Setback are subject to all the requirements of Appendix A of the UDC, Property Width Restrictions.
- (b) Property Width Restrictions. Newly platted properties, subdivisions of existing properties and newly assembled properties shall comply with the following property width restrictions as measured along their primary frontage:
  - (1) T-3: Forty (40) feet minimum, one hundred twenty (120) feet maximum.
  - (2) T-4: Eighteen (18) feet minimum, one hundred twenty (120) feet maximum.
  - (3) T-5.1 & T-5.2: Fourteen (14) feet minimum, one hundred eighty (180) feet maximum.
  - (4) T-6: Fourteen (14) feet minimum, no maximum.
  - (5) In any sub-district, a property that exceeds the maximum property size as set forth above and existing as of the effective date of the original adoption of the Downtown Development District (May 13, 2014), may be developed as one (1) property.
- (c) Property Assembly. Properties may be assembled with Planning Commission approval according to the following:
  - (1) Where multiple properties to be assembled into a single property are within more than one (1) transect sub-district, the assembly requires a regulating plan amendment.
- (d) Setbacks and Number of Buildings per lot. The Setback and number of buildings per lot shall comply with the standards found in the Unified Development Code which are incorporated herein by reference.

## **Section 10      Administration and Amendments**

### **A.    General Provisions**

1.    These Subdivision Regulations shall be administered by the Planning Commission. The Director shall be the officer in charge of such administration.

### **B.    Penalties**

1.    As prescribed in Section 11-52-33 of the Code of Alabama, as amended, if the owner or agent of the owner of any land located within a Subdivision conveys, transfers, leases, or sells any land by reference to or exhibition of or by other use of a Plat of a Subdivision before the Plat has been approved by the Planning Commission and recorded or filed in the Office of the Judge of Probate of Mobile County, the owner or agent shall forfeit and pay a penalty of one hundred dollars (\$100) for each lot or parcel so transferred and the description of the lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from the penalties or from the remedies provided in this Section.
2.    The City of Mobile may enjoin the conveyance, transfer, lease, or sale by a civil action for injunction brought in any court of competent jurisdiction or may recover the same penalty provided in this section by a civil action in any court of competent jurisdiction.
3.    Nothing in this Section shall impair, impede, or prohibit any person or entity from entering into any otherwise valid and enforceable contract for the purchase or sale of any lot within any proposed Subdivision prior to its approval.

### C. Fees and Costs

1. Fees for Subdivision applications and other filings required by these Regulations are set by the Mobile City Council. The Director maintains a schedule of applicable fees .
2. After filing an application for review, if the Applicant or the Applicant's agent requests withdrawal of the Subdivision application at any time before the application is acted on by the Planning Commission, and if said application is withdrawn from consideration before being acted on by the Planning Commission, any subsequent requests by the Applicant or Applicant's agent for review of the same or similar application will be treated as a new application and the fee schedule will apply as if it were a new application.
3. An application may be heldover one time at the request of the Applicant, and the Applicant shall be responsible for any costs incurred for issuance of required notifications.
  - (a) Additional requests for holdover shall be deemed a new application, requiring a new submission, including all applicable fees.

### D. Amendment Policy

1. These Subdivision Regulations are based on comprehensive planning studies and on the need for uniform standards of design and construction of subdivisions and improvements, in order to carry out the objectives of sound, stable, and desirable developments. It is recognized that casual change or amendment to the Regulations would be detrimental to the achievement of that objective, and it is therefore declared to be the policy of the Planning Commission to amend these Regulations only when one or more of the following conditions prevail:
  - (a) Error. There is a manifest error in the Regulations.

- (b) Change in Conditions. Changed or changing conditions that make a change in the Regulations necessary.

#### E. Amendment Procedure

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

#### F. Adoption of Amendments

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

## **Section 11 Interpretation, Validity, and Effective Date**

#### A. Interpretation

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

#### B. Validity



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

C. Effective Date

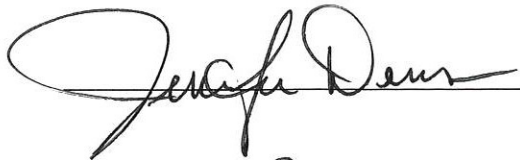
1. These Regulations shall take effect March 1, 2023 after being published as required by law.

**ADOPTED THE 19th DAY OF January 2023**

**MOBILE CITY PLANNING COMMISSION**

Inst. # 2023005100 Pages: 1 of 56 Doc: REST  
I certify this instrument filed on 2/1/2023 2:57 PM  
Don Davis, Judge of Probate  
Mobile County, AL. Rec: \$143.00

Clerk: JHANCOCK

 \_\_\_\_\_, **Jennifer Denson, Secretary**

I, Jennifer Denson, **SECRETARY**, being the duly elected and acting Secretary of the Mobile City Planning Commission, do hereby certify that the above and foregoing is a true and correct copy of the original Subdivision Regulations adopted by the Mobile City Planning Commission on March 8, 1962, and recorded on March 21, 1962, in Real Property Book 315, page 259, and as amended on April 7, 1988, and recorded on May 19, 1988, in Real Property Book 3268 page 455 of the records in the office of the Probate Court of Mobile, Alabama, and as amended on January 17, 1991 in Real Property Book 3671 Page 556, and as amended on October 15, 1998 in Real Property Book 4674 Page 200 of the records in the office of Probate Court of Mobile County, Alabama, and as amended on March 7, 2002, April 3, 2008, and as amended on September 18, 2008, and acknowledged and reaffirmed on July 21, 2011, recorded on March 27, 2012 via Instrument # 2012017656 (amendments of March 7, 2002, April 3, 2008 and September 18, 2008, acknowledged and reaffirmed July 21, 2011) and as amended on September 6, 2018 and recorded via Instrument # 2018604314.