City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Signature Copy

Ordinance: 17-2039-ORD

File Number: 17-0444 **Enactment Number: 17-2039-ORD**

Amendments to the Manual for Design and Construction Standards Ordinance

WHEREAS, the City deems it necessary to amend standards from Ordinance #1008-07 for design and construction requirements, guidelines, details and standards for the design, development and construction relating to residential, commercial or industrial development within the jurisdiction.

BE IT ORDAINED that the Foley City Council as follows:

Section 1. Rescinds Ordinance # 1008-07 and adopts the amended Manual for Design and Construction Standards as reviewed by Planning Commission and is made a part of this ordinance upon its adoption.

Section 2. "The terms and provisions of this ordinance are severable. If any part or portion of this ordinance is declared invalid, void, or unconstitutional, that portion shall be deemed severed, and the remaining portions of the ordinance shall remain in full force and effect."

Section 3. All ordinances or parts of ordinances, in any manner conflicting herewith are hereby repealed.

Section 4. This ordinance shall become effective upon its publication as required by law.

PASSED, APPROVED AND ADOPTED this 5th day of September, 2017.

President's Signature _____ **Date** _____

Attest by City Clerk _____ **Date** _____

Mayor's Signature _____ **Date** _____

Manual for Design and Construction Standards

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Article One – General Provisions

1.1 Title

This manual shall hereafter be known, cited, and referred to as the Manual for Design and Construction Standards.

1.2 Scope of Manual

This manual covers design and construction requirements, guidelines, details, and standards for the design, development, and construction relating to residential, commercial, or industrial development within the jurisdiction of this manual, including public or private subdivision of property.

1.3 Jurisdiction

This manual for design and construction standards 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, unless a separate or subsequent agreement between the City of Foley and the Baldwin County Commission states otherwise.

1.4 Applicable References

The following references should be considered as a minimum standards manual. Whenever the provisions of this manual impose more restrictive standards than are required in or under any other ordinance, regulation, or applicable construction manual, the provisions herein contained prevail. Whenever the provisions of any other ordinance, regulation, or applicable construction manual are more restrictive standards than are required herein, the requirements of such prevail.

1.5 City of Foley, Alabama Subdivision Regulations

The Subdivision Regulations shall be used to govern public and private developments, to include the application and approval procedure, the minimum construction standards, and the guarantee for completion and associated bonds. The Manual for Design and Construction Standards shall function in conjunction with the Subdivision Regulations, the Environmental Permit Ordinance, the Flood Damage Prevention Ordinance for Non Coastal Communities, Traffic Impact Ordinance and the Land Disturbance Ordinance.

1.6 Compliance with Applicable Regulations

The owner/developer shall be solely responsible to ensure compliance with all Local, State, and Federal rules, requirements, regulations, and guidelines for all design and construction related to developments. The absence of a reference to any applicable regulations in this manual does not relieve the owner/developer of his responsibility to conform to all applicable rules and regulations related to the type of development intended.

1.7 Enforcement

Failure to comply with any section of this Ordinance is hereby deemed a violation and shall be sufficient cause for the City of Foley, through Code Enforcement, Environmental Department and/or Engineering Department, to issue an order suspending all work ("Stop Work Order") on the site until satisfactory measures are taken to comply with this Ordinance. Any person that has violated or continues to violate this Ordinance shall be liable to criminal prosecution to the fullest extent of the law, and be punished by a fine of not less than one hundred dollars ($100.00), but not more than five hundred dollars ($500.00), or imprisonment not to exceed one hundred eighty days (180) or both. The City may recover all attorneys' fees, court costs and other expenses associated with enforcement of this Ordinance.

Article Two – 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, Alabama Manual for Design and Construction Standards." The term "shall" is always mandatory.

1. Abutting Property: Any property that is immediately adjacent to, touching or separated from such a common border by a right-of-way, alley or easement. This does not include land touching corner to corner for purposes of statutory annexation.

2. ADEM: The Alabama Department of Environmental Management.

3. ALDOT: The Alabama Department of Transportation.

4. 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.

5. 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.

6. As-Built Engineering Plan: A post-construction record giving details of construction and locations of improvements and utilities as they were built or installed.

7. 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.

8. 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.

9. City: The City of Foley, Alabama.

10. City Council: The Foley City Council.

11. 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.

12. 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.

13. 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.

14. Community Development Department: The City of Foley Community Development Department

15. Construction Best Management Practices Plan(CBMPP): 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 in collection, storage, treatment, handling, transport, distribution, land application disposal of construction stormwater and onsite management of construction waste generated by the construction activity, and to comply with the requirements of the Environmental Permit. The CBMPP shall be prepared and certified, and when necessary updated by a qualified credentialed professional in accordance with the Alabama Department of Environmental Management.

16. 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.

17. Conservation Green 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.

18. County: Baldwin County, Alabama

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

20. Detention Basin: An artificial flow control structure that is used to contain flood water for a limited period of time.

21. Developer: The owner or his legally designated representative of land proposed to be subdivided or otherwise developed.

22. 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.

23. 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 home owner's association.

24. 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.)

25. 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.

26. 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.

27. Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

    a. the overflow of inland or tidal waters;
    b. the unusual and rapid accumulation of runoff of surface waters from any source.

28. 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.

29. Green Infrastructure (GI): Systems and practices that use or mimic natural processes to infiltrate, evapotranspirate, or reuse stormwater or runoff on the site where it is generated.

30. Impervious Surfaces: Surfaces that prohibit the natural movement of water from the land surface into the underlying soils. Examples include rooftops, asphalt and concrete.

31. 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.

32. 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.

33. 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.

34. 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.

35. 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.

36. Pervious Surfaces: Surfaces that allow water to enter or percolate slowly into the earth.

37. Planning Commission: The City of Foley Planning Commission.

38. Preliminary Plat: A tentative plan of the complete proposed subdivision submitted to the City Planning Commission for its consideration.

39. Privately Maintained Streets: Streets that meet the minimum design requirements for road construction, but are not accepted for maintenance by the City of Foley.

40. 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.

41. Riparian Buffer Zone: An area of trees, usually accompanied by shrubs and other vegetation, along a stream, river or shoreline that is managed to maintain the integrity of the waterway, to reduce pollution and to provide food, habitat and thermal protection for fish and wildlife.

42. State: The state of Alabama.

43. 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

44. 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.

45. Streets: The full right-of-way of a thoroughfare which affords the principal means of access to abutting property.

46. 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.

47. 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.

48. 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.)

49. Water Quality Volume (WQV): The first 1.25" of runoff from a site, also referred to herein as first flush.

50. Watercourse: 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.

51. Watershed: The geographic area of land that drains runoff to a shared destination.

52. Waterway: Any body of water over which boats may travel.

53. 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.

Article Three – General Design Standards

3.1 Land Disturbance and Buffers in Water Sensitive Areas

3.1.1 Wetlands

A parcel of land to be subdivided that contains delineated jurisdictional wetlands shall be subject to 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% jurisdictional wetlands. Lots that are greater than 1 acre shall not be created that contain greater than 25% jurisdictional wetlands. Fill may be used only where necessary to provide access to lots where approval for such fill has been received from the Army Corps of Engineers and the Alabama Department of Environmental Management. All permits and certifications for wetland fill may require submittal to the Environmental Department, upon request.

All jurisdictional wetlands as acknowledged by the Army Corps of Engineers shall remain in an undisturbed natural state and shall have a minimum buffer width of thirty (30) feet.

3.1.2 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. All named 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.

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 relocation 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.

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

3.2 Sanitary Sewer Design Standards

The Riviera Utilities Design Standards, current edition, shall apply to all sanitary sewer design within the City of Foley Corporate Limits. Subdivisions within the Planning Jurisdiction of the City of Foley shall also comply with the Riviera Utilities Design Standards, current edition. A gravity fed sewer system shall be required unless a temporary grinder pump system is specifically approved by the City Engineer. Coordination with the utility shall be the responsibility of the Developer.

3.3 Conservation Areas

3.2.1 Conservation Green Space

Developments shall be designed acknowledging the existing natural conditions and features including drainage courses within and from offsite. Adverse environmental impacts shall be minimized in the design. All developments shall have a minimum of fifteen (15) percent landscaped areas and/or green space, exclusive of stormwater management areas, setbacks and jurisdictional wetlands, upon completion.

3.2.2 Conservation Easements

Developments may enter into a conservation easement in lieu of the conservation green space. The easement shall be at a minimum fifteen (15) percent 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. For example, 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.

Article Four – Stormwater Drainage Design and Construction Standards

4.1 – Erosion and Sediment Control

Developments shall adhere to the Environmental Permit Ordinance current edition for the design of the Construction Best Management Practices Plan and the implementation, maintenance and inspection of adequate, effective Best Management Practices for the control of erosion and sedimentation.

4.2 – Drainage Report and Site Plan

A drainage and grading plan, prepared and certified by a Professional Engineer licensed in the State of Alabama, shall be submitted to the Engineering Department prior to the issuance of a Land Disturbance Permit. A Natural Resources Inventory shall be completed. A written or graphic inventory of the natural resources at the site and surrounding area as it exists prior to the commencement of the project. This description should include a discussion of soil conditions, forest cover, topography, wetlands, and other native vegetative areas on the site as well as the location and boundaries of other natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers and other setbacks(e.g., drinking water well setbacks, septic setbacks, etc,) Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for development. The plan shall be reviewed by the Engineering Department, Environmental Department and City Floodplain Administrator. The plan shall include the following information as a minimum:

- Drainage narrative
- Existing and proposed contours in 1 foot increments;
- Locations of roads, parking areas and building footprints along with their proposed finished floor elevations;
- Flood Zone Designation;
- Traffic Impact Study;
- Elevation of the regulatory lowest floor level, including basement, of all proposed structures;

- Elevation to which any non residential structures will be flood proofed;

- Drainage basin boundaries, showing direction of flow and including total tributary drainage areas entering the improved area and taking into account any off site runoff being routed through or around the project in its undeveloped condition;

- Size, location, slopes, inverts, types and general configuration of all primary drainage facilities required to route, collect, treat and dispose of stormwater runoff, generated by or passing through the development;

- Location of onsite water bodies and wetlands with details of size and vegetative cover to include normal water elevation, side slopes, and depths of water bodies and for wetlands, the general surface elevation and the wet season water elevation;

- Calculations for sizing of basin to collect first flush and sediment forebay. Heritage trees (defined as trees exceeding 30" in diameter breast height (DBH)) identified by name, location and DBH;

- All acres solely for water management purposes shall be noted and the legal method to ensure areas remain devoted;

- Proposed start up and completion date for the project;

- Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, if applicable;

- Design storms used including depth, duration, and distribution;

- Stage storage calculations for the project and stage discharge computations for the outfall structure(s);

- Runoff routing calculations showing discharges, elevations and volumes retained/detained during applicable storm events;

- Draw down calculations for detention;

- Base flood elevation data for all proposed developments greater than 50 lots or 5 acres, whichever is less; if not established refer to the Flood Damage Prevention; Ordinance No. 643-00 Article 4, Section C for requirements

- Calculations required for determination of minimum building floor and road elevations;

- Calculations for flood plain encroachment, if applicable;

- Acreages in the following format:

	Existing (acres/%)	Proposed (acres/%)
Total Area	_____	_____
Impervious	_____	_____
Pervious	_____	_____
Wetlands	_____	_____

- Plans and drainage report shall be signed and sealed by a professional engineer with a current license to practice in the State of Alabama

Upon development completion, a hard copy and electronic as-builts shall be submitted to the Engineering Department A final inspection shall be scheduled and performed by the City Engineer prior to Final Plat or Certificate of Occupancy application.

4.3 – Design and Construction of Stormwater Management Areas

4.3.1 – General Design Criteria

The NRCS TR-55 method (or equivalent third-party software) shall be utilized for modeling pre- and post-runoff hydrographs. Grady pond wetlands shall not be designated as stormwater management facilities.

4.3.2 – Functional Design of Stormwater Drainage Systems

The drainage system shall at a minimum accommodate peak flows from at least a 25 year frequency design storm.

All roadway cross drain and side drain pipe shall be the equivalent of the minimum size of fifteen (15) inches in diameter. All piping within the ROW shall be reinforced concrete 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 and collector 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 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.

Minimum design velocities for storm drainage systems shall be at least 3 feet per second to ensure that the system has some capability for self-cleaning.

The minimum internal diameter of manholes or junction boxes shall be 48 inches.

4.3.3 – Design of Open Channels

Front slopes within the ROW shall be 4:1 maximum. A maximum of 3:1 side slopes and flat bottom ditch is required otherwise, unless the approval is received by the City Engineer for a variation. 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.

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.

The applicant/owner shall be required to carry away by pipe or open ditch any spring or surface water that may exist either previously to, or as a result of, the development. Such drainage facilities shall be located in the road right-of-way.

4.3.4 – Design of Curb and Gutter and Inlets

For curb and gutter application on proposed roadways, inlets shall be spaced such that flow from a 25 year design storm does not result in ponding water covering more than ½ the width of the outermost traveling lane.

Curb inlets shall be designed so that surface water shall not be carried across any roadways 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 In addition, double-wing inlets shall be placed at all vertical sags in the roadway.

4.3.5 – Analysis of Upstream and Downstream System

The layout shall include an appropriate conveyance of offsite flows that does not pass through required detention areas. 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. The routing calculations must 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.

Analysis of the downstream system shall include flow capacity and velocity for existing and proposed flow conditions, using Manning's equation at a minimum.

4.3.6 – Detention Design and Construction

All site development projects requiring a Land Disturbance Permit shall incorporate stormwater detention and first flush treatment, to reduce flooding potential and preserve or improve water quality. The first flush (WQV) shall be treated, infiltrated, or reused onsite to the maximum extent practicable using LID techniques. Stormwater detention is not required in the following two situations:

- The project discharges stormwater runoff directly into a tidally influenced water body. This does not

include discharges of stormwater runoff that flows through a public drainage system or across a downstream property boundary.

- Stormwater detention for a project site is either unwarranted or impractical. The design engineer shall submit complete hydrologic and hydraulic computations to support this conclusion. This conclusion must be affirmed by the City Engineer. Typically this might occur in the very lowest downstream reaches of a major watershed, if it can be proved that undetained stormwater should be discharged quickly to avoid peak discharge timing for the entire watershed. The hydrologic analysis should include more than one representative downstream location for comparing hydrographs.

Even if stormwater detention is waived for the above two situations, the site development must still provide first flush treatment of the WQV in order to protect water quality.

If LID techniques are not employed due to site constraints, the detention basin shall detain the first 1.25 inch of runoff (Rational Method) from a storm event and release the subsequent runoff water at a predevelopment rate. There should also be adequate sizing of the detention basin to store an accumulation of ½" sediment during construction. The first flush volume for any stormwater detention structure must be contained and then slowly released over a minimum time period of 24 hours and maximum time period of 72 hours.

All stormwater detention structures must attenuate the post development peak flow rates from the 2 year, 5 year, 10 year, 25 year, 50 year and 100 year 24 hour design storms to release a graduated discharge at or below pre development peak flow rates.

Outfalls of detention areas shall be installed at least 25 feet from any property line to allow velocity dissipaters to be installed if necessary for the prevention of offsite erosion. Exceptions may be approved by the Planning Commission for outfalls to approved drainage features such as an encased storm sewer system.

4.3.7 – Dry Detention Basins

The maximum contributing drainage area to be served by a single dry detention basin is 75 acres. Routing calculations must be used to demonstrate that the storage volume is adequate.

Vegetated embankments shall be less than 20 feet in height and shall have no side slopes steeper than 3:1. Riprap protected embankments shall be no steeper than 2:1. Geotechnical slope stability analysis is required for embankments greater than 10 feet in height. The maximum depth of the basin should not exceed 10 feet. The detention basin shall be setback such that the outward toe of the berm is a minimum of 25 feet from the property line.

A low flow or pilot channel across the facility bottom from the inlet to the outlet required to convey low flows and prevent standing water.

Inflow channels are to be stabilized with flared riprap aprons, or the equivalent. A sediment forebay sized to 0.1 inches per impervious acre of contributing drainage shall be provided for dry detention basins that are part of the treatment process during construction activities.

The outlet structure shall be sized based on hydrologic routing calculations and can consist of a weir, orifice, outlet pipe, combination outlet, or other acceptable control structure that achieves the required graduated discharge.

Riprap, plunge pools or pads, or other energy dissipaters are to be placed at the end of the outlet to prevent scouring and erosion.

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 extreme flood, to the lowest point of the dam embankment not counting the emergency spillway.

4.3.8 –Retention Ponds

Geotechnical analysis shall be required to ensure proper retention and design.

A retention pond shall also provide the required storage above the permanent pool and meet the specified graduated allowable release. Stormwater ponds shall also be used to provide detention to control the required events. Where this is not required, the pond structure shall be designed to safely pass extreme storm flows.

Minimum setback requirements for stormwater pond facilities:

- 10 feet from property line to outward toe of berm
- 100 feet from private wells
- 50 feet from a septic system tank/leach field

Proper geometric design is essential to prevent hydraulic short-circuiting which results in failure of the pond to achieve adequate levels of pollutant removal. The minimum length-to-width ratio for the permanent pool shape is 1.5:1, and should ideally be greater than 3:1 to avoid short-circuiting. In addition ponds should be wedge-shaped when possible so that flow enters the pond and gradually spreads out, improving the sedimentation process. Baffles, pond shaping or islands can be added within the permanent pool to increase the flow path.

Maximum depth of the permanent pool should generally not exceed 8 feet to avoid stratification and anoxic conditions. Minimum depth for the pond bottom shall be 4 feet.

Side slopes to the pond shall not exceed 3:1.
The perimeter of all 5' deep or greater pool areas should be surrounded by two benches: safety and aquatic. For larger ponds, a safety bench extends approximately 15 feet outward from the normal water edge to the toe of the pond side slope. The maximum slope of the safety bench should be 6%. An aquatic bench extends inward from the normal pool edge (15 feet on average) and has a maximum depth of 18 inches below the normal pool water surface elevation.

Riprap, plunge pools or pads, or other energy dissipaters are to be placed at the outlet of the barrel to prevent scouring and erosion. An emergency spillway is to be included in the stormwater pond design to safely pass the extreme flood flow. The emergency spillway must be located so that downstream structures will not be impacted by spillway discharges. A minimum of 1 foot of freeboard must be provided, measured from the top of the water surface elevation for the extreme flood to the lowest point of the dam embankment, not counting the emergency spillway.

A maintenance right-of-way must be provided to a pond from a public or private road. Maintenance access shall be at least 15 feet wide, having a maximum slope of no more than 15% and be appropriately stabilized to withstand maintenance equipment and

vehicles. The maintenance access must extend to the forebay, safety bench, riser, and outlet and, to the extent feasible, be designed to allow vehicles to turn around.

The principal spillway opening shall not permit access by small children, and endwalls above pipe outfalls greater than 48 inches in diameter shall be fenced to prevent access. Warning signs should be posted near the pond to prohibit swimming and fishing in the facility.

4.4 - Operation and Maintenance of Stormwater Facilities

All stormwater management facilities shall be restored to original approved design upon construction completion. 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.

Operation and maintenance of the stormwater management facility(s) is the responsibility of the property owner. The design engineer shall be responsible for instructing the owner in the proper operation and maintenance of the facility(s). Prior to Final Plat approval, a completed Stormwater Facility Maintenance Agreement (Appendix 1) shall be submitted to the Environmental Department for future maintenance responsibility. Transfer of the common area(s) to another entity (i.e. Homeowner's association) shall not occur until maintenance operations have restored facility(s) to the design specifications.

Annual inspections shall be conducted by the City of stormwater management areas and outfalls within the City of Foley. These inspections shall note the condition of the detention/retention basin and outfall integrity, maintenance, erosion, or sedimentation. Entry to the stormwater facilities shall be granted by the owner, developer, or property owners association. Deficiencies of the stormwater facilities will be communicated to the owner, developer, or property owners association and those deficiencies shall be corrected within fourteen days or as practicable as conditions may allow.

4.5 – Drainage and Maintenance Common Areas

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

4.5.1 - Maintenance Common Areas

All stormwater management areas with the exception of parking lots shall be included as part of the common area of the development. The limits of the common area shall extend ten (10) feet beyond the maximum anticipated ponding area for a base flood event.

4.5.2 – Drainage Common Areas

Drainage common areas with a minimum width of fifteen (15) feet shall be provided within the stormwater management area connecting the tributary pipes and the discharge system along the most suitable routing for elimination of the stormwater. 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.

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

4.6.1 – 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.

4.6.2 - 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. Said 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.

4.6.3 - The design engineer shall work closely with the Foley Engineering and Environmental Departments for consideration of site constraints and LID technique selection to achieve a "best-fit" solution. The City Engineer has the authority to exempt these requirements for developments with extenuating circumstances based on site constraints. Economic constraints shall not be considered. Water quality and quantity shall still be addressed to the maximum extent practicable.

4.6.4 Design, construct and maintain stormwater management practices that manage rainfall on-site, and prevent the offsite discharge of the first 1.25 inches of stormwater.

This objective must be achieved by practices that infiltrate, evapotranspirate and/or harvest and reuse rainwater.

4.6.5 The designs shall demonstrate through hydrologic and hydraulic analysis that the increase of stormwater discharges volume from pre-construction to post construction for the two year storm is infiltrated on site.

4.6.6 Redevelopment sites that modify over 30% of the valuation (value of improvement divided by Baldwin County Probate most current property appraisal for the parcel or structure, whichever is most restrictive) shall be required to achieve the capture and retaining of the first 1.25 inches of stormwater runoff from impervious areas through the LID and GI practices including infiltration, evapotranspiration or reuse on site.

4.6.7 The development plans shall include inspection and maintenance schedules and details for each technique selected.

4.6.8 Prior to the City's final inspection, the design engineer shall provide certification that each technique was constructed as designed.

Article Five – Road Design Standards

5.1 – General Requirements

The arrangement, character, extent, location and grade of all streets shall conform to an acceptable plan and shall be integrated with all existing and planned streets. All lots must front on an improved public or private right-of-way. Developments shall propose streets that discourage through traffic. The number of streets converging upon any one point which would tend to promote congestion shall be held to a minimum.

If deemed appropriate by the Planning Commission, streets may be extended by dedication to the boundary of the adjoining property. A temporary turn around, as defined in design standards for street cul-de-sac, and in compliance with the fire code shall be provided.

The Planning Commission shall determine the classification of City streets.

5.2 – Minimum Design Requirements for Roadway Construction

All new roadways, public or private, shall be constructed by the subdivider/developer at his cost. It shall be the responsibility of the licensed professional engineer to certify that the road buildup accommodates the site specific conditions. A Geotechnical Analysis completed by a Licensed Engineer in the State of Alabama shall be required on all new roadways. All new public and private roadways shall be asphalt paved, at a minimum, to the guidelines of the City of Foley, Alabama, which include, but are not limited to, the following requirements:

a) Alabama Department of Transportation Standard Specifications for Highway Construction, current edition;
b) 1 ½ ” minimum asphalt paving binder layer thickness combined with a 1” minimum wear overlay; asphalt as described in the current edition of the Alabama Department of Transportation Standard Specifications for Highway Construction;
c) Bituminous surface treatment required for all roads with sand/clay base;
d) 8” minimum compacted sandy clay base thickness or 6” compacted crushed stone aggregate base;
e) removal and replacement of unsuitable sub-grade material, as per Geotechnical recommendation;
f) 20’ minimum asphalt paving width for local streets or 24’ minimum asphalt paving width for collector and arterial streets;
g) 2 strips of solid sod surrounding paving with permanent vegetation to the property line;

h) No right of way shall be accepted for maintenance by the City until permanent vegetation is established;
i) One foot of clearance between the bottom of the base to the seasonal high groundwater elevation as provided in the geotechnical report;
j) 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. Drainage openings shall be so designed as not to restrict the flow of flood waters or increase flood heights;
k) Minimum roadway cross slope shall be 2.0% not to exceed 2.5%;
l) The full width of the roadway cross-section, from the extents to which the proposed slopes tie to existing ground, shall be fully graded and permanently stabilized prior to final plat approval;
m) Tack coat is required between all asphalt surfaces.

5.3 - Curbs and Gutters

Curbs and/or gutters may be required by the City Engineer. The curbs and gutters shall be designed with a twenty-four (24") inch curb and gutter or thirty (30") inch valley gutter. Minimum curb radius at all intersections shall be at least twenty-five (25) feet for residential applications and fifty (50) feet for commercial applications. All radi shall be designed to allow ingress and egress of fire trucks 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.

5.4 – Intersection, Tangents, and Horizontal Curves

Intersections shall be approximately at right angles, and shall not be less than 75° at any intersection. 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.

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. There shall be a tangent of 100 feet provided between all reverse curves on arterial and collector streets and shall be 50 feet on local streets. Alternative designs may be approved by the City Engineer.

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.

Deceleration and/or acceleration lanes shall be required where necessary to maintain a safe flow of traffic on existing or proposed streets. This requirement

shall be determined by the City Engineer after a traffic study has been performed by the professional engineer.

5.5 – Cul-de-Sac and Dead End Roadways

Permanent dead end roadways shall not exceed 500 feet in length without specific approval from the City Engineer. All permanent dead end roadways shall be provided with a cul-de-sac having the following specifications:

(a) Type: Circular, Circular-Offset; Circular-All Paved or other turn around design approved by the City Engineer
(b) Radius: Shall meet current fire code standards

Temporary dead-end streets greater than 200 feet in length are required to have a temporary turnaround constructed of an all-weather surface and also have a right-of-way at least 100 feet in diameter. 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 cul-de-sac shall be required.

5.6 – Right-of-Way

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

Street Classification	Minimum Right-of-Way Width
Alley	20 feet
Local	50 feet
Collector	60 feet
Arterial or Commercial/Industrial	80 feet
Designated Highways	100 feet
Cul-de-Sac	50 feet (Radius)

5.7 – Common Driveways

Maximum number of lots that may be served by a common driveway shall be 2. Maximum length of a common driveway shall be 330 feet. Common driveways shall be contained within a private ingress/egress easement labeled as such on the final plat. Said easement shall be a minimum width of 30 feet to contain the common driveway and provide adequate ingress/egress. All subdivisions using common driveways shall provide for a Homeowners Association to be responsible for the maintenance of the common driveway.

5.8 – Roadway Name and Signage

All new roadways shall have a name which is not used elsewhere within the City of Foley, nor which is so similar to another name already in use to cause confusion.

Roadway naming shall be consistent with the directional line of the streets as follows:

East-West----------Avenues
North-South----------Streets
Cul-de-Sac----------Lane
Circular Roads----------Circles
Northeast-Southwest or
Northwest-Southeast----------Drives

The cost to provide all traffic signs and/or signals is the responsibility of the subdivider/developer. All traffic signs and/or signals shall be in accordance with the most recent version of the Alabama Manual on Uniform Traffic Control Devices. All traffic signals shall be black with LED bulbs. All signals shall be designed with radar detection. 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.

5.9 – Sidewalks

Sidewalks shall be included in all subdivisions. Sidewalks shall be constructed of concrete that has a minimum 28 day compressive strength of 3000 psi, and shall be at a minimum width of 4 feet. Sidewalks shall be located on one or both sides of the roadway within the right-of-way. All sidewalks shall be ADA compliant.

5.10 – Minimum Lighting Requirements

The subdivider/developer shall install or have installed street lighting meeting Riviera Utilities or Baldwin EMC standards. The cost of which shall be solely paid by the subdivider/developer. All utilities shall be underground. All intersections lit with maximum pole spacing 200’ staggered array.

The subdivider of property on an unlighted dedicated right-of-way (other than a State Highway) is required to light the rights-of-way as if included in the subdivision.

Article Six –Inspection and Testing Requirements

6.1 – General Inspection Requirements

6.1.1 – Pre-Construction Conference

It shall be the duty and responsibility of the developer and/or contractor to schedule and coordinate a Pre-Construction Conference with all involved parties, a minimum of one week prior to planned construction commencement. Once this requirement has taken place and all other permits and requirements have been met, including ADEM and Corps permits, construction may begin by written notice of City engineer.

6.1.2 – Notification of Work

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

(a) It shall be the duty and responsibility of the engineer of record to give written notice to the City Engineer or his /her designee, two working days prior to starting any phase of construction.
(b) The engineer of record shall also notify the Engineering Department in writing the day work is resumed after a delay of more than five working days.
(c) 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.
(d) After all BMPs have been installed and/or constructed, but before any other construction takes place, the contractor shall notify the Environmental Department to inspect the BMPs as indicated on the Construction Best Management Practices l 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.

6.1.3 – Embankment Sections

Roadway fill or embankment of earth material shall be placed in uniform layers, full width, and not exceeding six inch thickness (loose measurement). 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. Additional layers of fill shall not be added until directed by the City Engineer. For all density requirements refer to Section 210 and Section 306 of the

"Alabama Department of Transportation Standard Specifications for Highway Construction."

6.1.4 – 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 Engineering 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.

6.1.5 – 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 4.2 of these regulations and shall extend eighteen (12) inches outside of curb sections or 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.

6.1.6 – Roadway Pavement

All roads and/or streets shall be paved and comply with the following:

(a) All roads shall be improved according to the standard outlined in Section 5.2 of these regulations.

(b) The finished wearing surface shall be uniform and free of defects. The Engineering Department may require additional density tests in areas that appear questionable. Costs associated with these tests shall be paid for by the owner/developer.

6.1.7 – Final Inspection

It shall be the duty and responsibility of the engineer of record to give written notice to the Engineering Department once the subdivision infrastructure is installed and areas have been permanently stabilized with healthy vegetation for final acceptance. The inspection requires all infrastructures are complete and signs, lighting, and utility connections have been installed according to the approved Preliminary Plat. 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 Engineering Department may require additional permanent vegetation application. The cost shall be provided by the developer. The final inspection shall be requested a minimum of 15 days prior to deadline for the Planning Commission. As builts shall be submitted and approved by the Engineering Department prior to final plat approval.

6.2 – Testing Requirements

All testing shall be conducted by an independent testing laboratory with a licensed professional Geotechnical Engineer licensed in Alabama approved in writing by the Engineering Department. 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 must be submitted to the Engineering Department, prior to said approval. A schedule of proposed testing must be submitted to the Engineering Department for approval at the time of the Pre-Construction Conference. The tests normally consist of, but are not limited to:

1. Soil Gradation
2. Moisture Content
3. Soil Compaction
4. In-place asphalt density analysis of road building materials.
5. Pipe bedding compaction for storm and sanitary sewers.
6. Trench backfill compaction for storm and sanitary sewers.

The developer shall notify the Engineering Department twenty-four (24) hours prior to any required tests. Copies of all test reports shall be provided to the Engineering Department before additional construction occurs. In the event problems exist that require remedial actions or design, the developer shall be required to submit appropriate engineering plans to the Engineering 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 Seven – Utilities Requirements and Easements

7.1 – Utilities

All utilities shall be designed for and installed during the appropriate construction phases. All underground utilities having conduit within the right-of-way shall be installed prior to asphalt placement. Borings of newly constructed roadways shall not be considered except for the rare case of unforeseen conditions, as approved by the Engineering Department. The developer shall secure and provide the Engineering Department with an acceptance or approval statement from each and every utility when design installation is satisfactory and complete. The final plat shall not be approved without these written statements. Final City acceptance will not be given until all statements are submitted.

The developer shall be responsible for coordinating with the sewer, water, power, fiber phone, gas, and other utilities to provide service for the development, and shall pay any and all fees, service charges, or other costs levied by the utilities and associated with the installation of the same.

Power, phone, gas and other utilities providing service to commercial and industrial developments shall locate these services underground if viable or above ground at the discretion of the provider, but not in conflict with other areas of this manual. Utilities providing service within subdivisions of single family residences and developments of multi family dwelling units shall locate these services entirely underground; except existing or new power transmission circuits having a three-phase Voltage of twenty (20) kilovolts or more, and existing or new power distribution feeder circuits having a capacity of more than five hundred (500) Amperes shall be excluded from these regulations. The installation shall be in accordance with the respective utilities specifications and procedures and shall meet all requirements of the building codes and development ordinances otherwise applicable within the City of Foley.

7.2 – Utility Easements

All utility easements shall be a minimum width of 15 feet. All utilities located between lots shall be in common areas of minimum 15’ width. The utility easement shall contain all necessary utilities, to include sewer, water, gas, power, phone and cable.

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.

Appendices

Appendix 1

City of Foley
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 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.
3. The Landowner, its successors and assigns, shall inspect the stormwater management facility and submit an inspection report annually. 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 whenever the City deems necessary. The purpose of inspection is to follow-up on reported deficiencies and/or to respond to citizen complaints. The City shall provide the Landowner, its successors and assigns, copies of the inspection findings and a directive to commence with the repairs if necessary.
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 may enter upon the Property and take whatever steps necessary to correct deficiencies identified in the inspection report and to charge the costs of such repairs 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, the schedule will be followed.
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, City attorney fees, costs and

expenses of collection 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.
8. This Agreement imposes no liability of any kind whatsoever on the City and the Landowner agrees to hold the City harmless from any liability in the event the stormwater management facilities fail to operate properly. The Landowner also agrees to indemnify the City for any alleged liability under this agreement or in regard to the 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.

WITNESS the following signatures and seals:

_____
Company/Corporation/Partnership Name (Seal)
By: _____
_____
(Type Name and Title)
The foregoing Agreement was acknowledged before me this ____ day of _____, 20___, by _____.

_____
NOTARY PUBLIC
My Commission Expires: _____
COUNTY OF _____, ALABAMA
By: _____
_____
(Type Name and Title)
The foregoing Agreement was acknowledged before me this ____ day of _____, 20___, by _____.

_____
NOTARY PUBLIC
My Commission Expires: _____
Approved as to Form:

_____ _____
City Attorney Date