

**CITY OF DAPHNE  
ORDINANCE NO. 2017-21**

**AN ORDINANCE AMENDING THE CITY OF DAPHNE, ALABAMA  
LAND USE AND DEVELOPMENT ORDINANCE 2011-54, AS ADOPTED BY THE  
CITY COUNCIL ON JULY 18, 2011**

**ARTICLE XVII, PROCEDURES FOR SUBDIVISION REVIEW  
SIDEWALK INSTALLATION AGREEMENT & SIDEWALK BOND PROVISIONS**

**WHEREAS**, the City Council of the City of Daphne, after due consideration believes that certain revisions to the City of Daphne Land Use & Development Ordinance are necessary for the proper administration of said Ordinance; and,

**WHEREAS**, at the City of Daphne Planning Commission regular meeting on January 26, 2017 the Commission considered certain proposed amendments to the City of Daphne Land Use & Development Ordinance, Ordinance 2011-54, and any amendments to the same and set forth a unanimous favorable recommendation to the City Council of the City of Daphne; and,

**WHEREAS**, due notice of said proposed amendment has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on March 6, 2017; and,

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA** as follows:

**SECTION I: THIS SECTION HEREBY AMENDS THE LAND USE AND DEVELOPMENT ORDINANCE ARTICLE XVII, PROCEDURES FOR SUBDIVISION REVIEW, TO ADD SIDEWALK INSTALLATION AGREEMENT & SIDEWALK BOND PROVISIONS AS FOLLOWS:**

**17-2 MASTER PLAN SUBMITTAL**

Any subdivision or development which is to be developed in phases or units shall require a master plan of the proposed subdivision or development which shall be submitted to the Planning Commission for approval prior to submitting a preliminary plat application.

The sub-divider shall submit to the Department of Community Development, a written request for review and approval by the Planning Commission and a copy of said master plan. The master plan shall be of sufficient detail to show the proposed street, sidewalk and lot layout, drainage, utilities, detention, common, recreational, and landscaped areas.

**17-4 FINAL PLAT APPLICATION**

(a) Financial Guarantee of Performance in Lieu of Full Installation of Minimum Improvements:

1. The sub-divider shall be responsible for the full installation of all required

minimum improvements except sidewalks in the proposed subdivision prior to the submission of a final plat application to the Planning Commission or after no less than ninety percent (90%) of the minimum improvements have been installed, the sub-divider may issue a financial guarantee with surety to the City of Daphne that the remaining minimum improvements shall be completed.

2. As such, one (1) or more of the following may be accepted as financial guarantee with surety payable to the City of Daphne: a letter of credit or certified check from an Alabama lending institution in an amount not to exceed one hundred and fifty percent (150%) of the cost of the required improvements remaining.
3. A cost estimate for any remaining civil improvements shall be certified and submitted by the design engineer with the application for final plat approval; a cost estimate of any remaining landscaping improvements must be certified and submitted by the professional landscape architect with the application for final plat approval and the financial guarantee.
4. Sidewalks around all common areas shall be installed prior to final plat approval. A surety for remaining sidewalk improvements shall be determined as provided in Section (b) Maintenance Bonds subsection (2) provided herein.

(b) Maintenance - Bonds:

1. The developer/owner shall submit to the Department of Community Development a street maintenance bond payable to the City of Daphne which shall be valid for a period of two (2) years. The bond shall be in an amount equal to twenty percent (20%) of the total street, utility, and drainage improvements in the subdivision. Said bond shall be required as a condition to dedication and acceptance of any new streets within the corporate limits. The Director of Community Development or Director of Public Works other administrative official as designated by the City Council shall determine the adequacy of said bond and security thereon.

The street maintenance bond period shall begin upon the acceptance of the street and drainage improvements by resolution of the City Council. No less than thirty (30) calendar days prior to the expiration of said maintenance bond, an inspection shall be conducted by the Department of Public Works and the Environmental Programs Manager or Site Containment Officer to ensure that the improvements are in satisfactory condition prior to acceptance.

2. If applicable, the developer/owner shall submit to the Department of Community Development a sidewalk installation agreement, a cost estimate for all undeveloped portions of the planned sidewalk network certified by the project civil engineer and a financial guarantee of performance to be used by the city to install said sidewalks. Said bond shall be payable to the City of Daphne which shall be valid for a period of two (2) years. The bond shall be in an amount equal to (200%) two hundred percent of the cost of the required sidewalk improvements for the applicable phase of the subdivision.

The developer/owner may request renegotiation of the sidewalk installation agreement with the city once fifty percent (50%) of the planned sidewalk network has been constructed.

The Planning Commission, upon the recommendations of the Department of Public Works or designee thereof, and the Environmental Programs Manager or designee thereof, may release or extend a street maintenance obligation and may also release any sidewalk installation bond obligation or portion thereof.

An extension of the maintenance bond shall be for a period of time no greater than one year. The sidewalk obligation shall not be extended beyond the originally specified period. The city shall cause the sidewalk network to be completed using the funds from the bond.

## **SECTION II: CONFLICT WITH OTHER ORDINANCES**

That any Ordinance heretofore adopted by the City Council of Daphne, Alabama, which is in conflict with this Ordinance, be and is hereby replaced to the extent of such conflict.

## **SECTION III: SEVERABILITY**

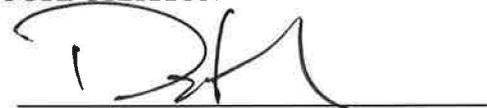
The provisions of this Ordinance are severable. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

## **SECTION IV: EFFECTIVE DATE**

This Ordinance shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne and publication as required by law.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS 20<sup>TH</sup> DAY OF MARCH, 2017.**

**AN ALABAMA MUNICIPAL CORPORATION**

  
\_\_\_\_\_  
**Dane Haygood, Mayor**

**ATTEST:**

  
\_\_\_\_\_  
**Rebecca A. Hayes, City Clerk**