

AUTAUGA COUNTY

SUBDIVISION REGULATIONS

Adopted April 22, 1999

Including
Alabama Department of Transportation
County Road Design Policy &
Autauga County Flood Damage Prevention
Ordinance

**AUTAUGA COUNTY SUBDIVISION
REGULATIONS**

ADOPTED APRIL 22, 1999

RESOLUTION
(Adoption of Subdivision Regulations)

WHEREAS, the Alabama Legislature passed enabling legislation to strengthen Alabama's subdivision regulation law aimed at strengthening the county's authority to regulate subdivisions, and

WHEREAS, after careful review by the Autauga County Commission and various citizens of Autauga County of the enabling legislation and the proposed subdivision regulations as drafted by the Association of County Engineers of Alabama in conjunction with the Association of County Commissions of Alabama, and

WHEREAS, the Autauga County Commission has determined it to be in the best interest of the citizens of Autauga County that regulations be imposed for the construction of subdivisions within the County,

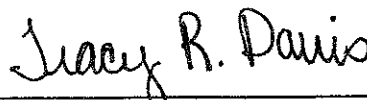
NOW, THEREFORE BE IT RESOLVED by the Autauga County Commission that by authority of Code of Alabama, 1975, § 11-24-1(b) it does hereby adopt Subdivision Regulations as attached and made a part of this Resolution,

BE IT FURTHER RESOLVED by the Autauga County Commission that these regulations shall apply to the development of any subdivision or rental park within the county's subdivision jurisdiction presented after the date of this Resolution and to any subdivision or rental park previously proposed to the Autauga County Commission which has not commenced construction within one (1) year from the date hereof.

DATED this the 22nd day of April, 1999.


W. O. PACE
Chairman

ATTEST:



TRACY DAVIS
County Administrator

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ARTICLE I

PURPOSE, POLICY, AND TITLE

- 1-1 PURPOSE
- 1-2 POLICY
- 1-3 TITLE
- 1-4 EFFECTIVE DATE

SECTION 1-1. PURPOSE

The Subdivision Regulations set out herein have been adopted pursuant to authority granted by Code of Alabama 1975, § 11-24-1(b) to establish procedures and standards for the design and development of proposed subdivisions or additions to existing subdivisions within the subdivision jurisdiction of Autauga County, Alabama, as defined by Article II, Section 2-2 of these Subdivision Regulations. These regulations shall be applicable to the development of any subdivision within the County's subdivision jurisdiction, and shall include, at minimum, the minimum size of lots, the planning and construction of all public streets and roads, drainage structures, and proper placement of public utilities to be located in a subdivision. [Authority: Code of Alabama 1975, § 11-24-1(b).] Additionally, unless waived by the Autauga County Commission, these regulations shall also apply to the County's plat approval for developments within the territorial jurisdiction of a municipal planning commission. [Authority: Code of Alabama 1975, § 11-52-30(b).]

It is not the purpose of these regulations to govern the acceptance of roads or streets for maintenance by the County Commission. The current policy for acceptance of roads and bridges by the Autauga County Commission is available at the office of the County Commission or the County Engineer. See Appendix V for additional information.

SECTION 1-2. POLICY

- a. It is hereby declared to be the policy of Autauga County to consider the subdivision of land and the subsequent development of the subdivided land as subject to the control and regulation of the Autauga County Commission pursuant to the authority granted to the County by Code of Alabama 1975, § 11-24-1 et seq.
- b. 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. Except as exempted by these regulations, no land shall be subdivided until proper provision has been made for drainage, sewerage disposal, and streets, and approval has been granted in accordance with the procedures prescribed by Code of Alabama 1975, § 11-24-1 et seq., and set out in these regulations.
- c. Prior to the actual sale, offering for sale, transfer, or lease of any lots for the purpose of creating, establishing, or modifying a subdivision, any owner or developer of land which

lies within the area of the County's subdivision jurisdiction shall submit the plat of the proposed subdivision to the Autauga County Commission for approval in accordance with the procedures prescribed by Code of Alabama 1975, § 11-24-1 et seq., and as set out in these regulations.

- d. No owner or developer may proceed with construction improvements in a subdivision until the proposed plans and specifications have been given a preliminary review by the County Engineer or his or her designee and approval by the County Commission. Upon favorable review, notification will be given to the owner or developer by the County Engineer, or his or her designee, that the submitted plans and specifications, to the best of their belief, meets the rules and regulations for the minimum size of lots; the planning of public streets, public roads, and drainage structures; and the placement of public utilities. This preliminary review and notification does not relieve the owner or developer, their engineer, and their surveyor from their responsibility to meet the adopted rules and regulations in accordance with the Code of Alabama 1975, § 11-24-1(b) and § 11-24-3 et seq. and set out in these regulations.
- e. No subdivider shall proceed with the sale of lots, lease of lots, or erection of buildings, excluding public utility structures, within a subdivision until such subdivision plat has been granted Final Plat Approval entered in writing on the plat and signed by the Chairman of the Autauga County Commission and the Autauga County Engineer and recorded in the office of the Probate Judge of Autauga County in accordance with the procedures prescribed by Code of Alabama 1975, § 11-24-1 et seq., and set out in these regulations.
- f. Any violations of this policy may subject the owner or developer to penalties as set out in Article II, Section 2-3 of these regulations and Code of Alabama 1975, § 11-24-3.
- g. No owner or developer may proceed with construction improvements in a subdivision if he or she has not commenced said construction within one year from the date of preliminary plat approval unless said owner or developer shall comply with all subdivision requirements existing at the commencement of construction.

SECTION 1-3. TITLE

The regulations shall hereafter be known, cited and referred to as the Subdivision Regulations of Autauga County, Alabama.

SECTION 1-4. EFFECTIVE DATE

The regulations set out herein shall be in force and applicable to the development of all subdivisions in the subdivision jurisdiction of the Autauga County Commission from and after the date of adoption by resolution. Subdivision Regulations previously in place in Autauga County are hereby repealed and rescinded.

Adopted by resolution this the 22nd day of April, 1999.

ARTICLE II

AUTHORITY, JURISDICTION AND AMENDMENTS

- 2-1 AUTHORITY**
- 2-2 JURISDICTION**
- 2-3 ENFORCEMENT**
- 2-4 AMENDMENTS**
- 2-5 BOARD OF DEVELOPERS**

SECTION 2-1. AUTHORITY

By Authority of Resolution No. 99-04 of the Autauga County Commission, adopted pursuant to the powers and jurisdiction granted by Code of Alabama 1975, § 11-24-1 et seq., the Autauga County Commission does hereby exercise the power and authority to review, approve, and disapprove plats for all subdivisions within the subdivision jurisdiction of Autauga County, Alabama. The Autauga County Commission further does hereby exercise the authority to inspect any development within its subdivision jurisdiction to ensure that there are no violations of its rules and regulations and to charge fees for said inspection as set out in Article IV, Section 4-5-2 of these regulations and Code of Alabama 1975, § 11-24-3.

SECTION 2-2. JURISDICTION

From and after the effective date set out in Article I, Section 1-4, these regulations shall govern each and every subdivision of land in all unincorporated areas of Autauga County, unless otherwise exempted by these regulations. For subdivisions within the territorial jurisdiction of any existing or future municipal planning commission organized pursuant to the procedures set out in Code of Alabama 1975, § 11-52-1 et seq., the County's jurisdiction shall be in accordance with and limited to the provisions of Code of Alabama 1975, § 11-52-30 (b) regarding approval of plats.

SECTION 2-3. ENFORCEMENT

It shall be the duty of the County Engineer to enforce the regulations and notify the Autauga County Commission of any violations or lack of compliance with these regulations.

2-3-1. PROPERTY INSPECTION

In its effort to monitor compliance with these regulations, the Autauga County Commission may employ inspectors to ensure that these rules and regulations are not violated and that all plans and specifications of the owner or developer are not in conflict with these rules and regulations. The County may charge inspection fees as provided in Article IV,

Section 4-5-2 of these regulations and Code of Alabama 1975, § 11-24-3, to be paid by the owners of the property inspected.

2-3-2. VIOLATIONS/ PENALTIES

Pursuant to Code of Alabama 1975, § 11-24-3, any owner or developer who violates any provision of Code of Alabama 1975, § 11-24-1 et seq. or any of the regulations set out herein shall be subject to a fine of not less than two hundred and fifty dollars (\$ 250) but not to exceed one thousand dollars (\$1000) per lot that has been sold, offered for sale, transferred, or leased to the public.

The Autauga County Commission is authorized to bring a civil action in any court of competent jurisdiction to enjoin any action of an owner or developer which is in violation of the provisions of Code of Alabama 1975, § 11-24-1 et seq., or any of the regulations set out herein. In such action, the County Commission shall be entitled to seek an injunction and may recover penalties as set out in these regulations and Code of Alabama 1975, § 11-24-3.

SECTION 2-4. AMENDMENTS

The Autauga County Commission may adopt amendments or make changes to these regulations by majority vote of the County Commission.

SECTION 2-5. BOARD OF DEVELOPERS

As provided in Code of Alabama 1975, § 11-24-1(c), the Autauga County Commission may establish a Board of Developers to make suggestions to the Commission regarding the contents of the Subdivision Regulations, suggest revisions to the Subdivision Regulations, and assist in resolving disputes between developers and the Commission. If such a Board is established, its procedures, policies, and authority shall be added as an amendment to the Subdivision Regulations of Autauga County.

ARTICLE III

DEFINITIONS

3-1 USAGE

3-2 DEFINITION OF TERMS

SECTION 3-1. USAGE

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; the word "herein" means "in these regulations"; the word "regulations" means "these regulations".

A "person" includes a corporation, a partnership, and an incorporated association of persons such as a club; "shall" is always mandatory; a "building" includes a "structure" and includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

Any reference to a manual or publication refers to the current or latest edition.

SECTION 3-2. DEFINITION OF TERMS

- 3-2-1 **ACCESS:** Deeded portion of property or lot that provides travelway to a public City, County, or State road. All access must have twenty (20) foot minimum width from the City, County, or State road to the building site. [In Section 3-2-56(d) excluded parcels must have a minimum of sixty (60) foot access.]
- 3-2-2 **ADT (AVERAGE DAILY TRAFFIC):** total volume of vehicles during a given time period, in whole days, as measured during a non-holiday weekday.
- 3-2-3 **ALLEY:** A public right-of-way primarily designed to serve as a secondary access to the side or rear of those properties whose principal frontage is on some other street.
- 3-2-4 **APPLICANT:** The owner of land proposed to be subdivided or a person designated in writing by the legal owner as his or her representative.
- 3-2-5 **ARTERIAL:** A road or street which connects areas that produce a large amount of trip generation. Arterials have a dual function to move traffic and to provide access to land uses, particularly the high trip-generating commercial activities.
- 3-2-6 **BLOCK:** A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-way, shorelines of waterways or other boundary lines.

- 3-2-7 **BUILDING:** Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and includes any structure.
- 3-2-8 **BUILDING SETBACK LINE:** A line parallel to the property over which no structure may be erected.
- 3-2-9 **COLLECTOR STREET:** A route whose primary function is to collect traffic from an area and move it to the arterial street system while also providing substantial service to abutting land use, and which typically does not have extensive continuity.
- 3-2-10 **CONSTRUCTION PLANS:** Plans detailing the design and requirements for the construction of public improvements. These plans shall detail such items as the location of all existing and proposed roads, plan and profiles of all roads, curve data, hydraulic data, etc. (See Section 4-4-5 for complete list of items required.)
- 3-2-11 **CORNER LOT:** A lot which occupies the interior angle at the intersection of street lines.
- 3-2-12 **COUNTY:** The County of Autauga, Alabama.
- 3-2-13 **COUNTY ADMINISTRATOR:** The duly designated Administrator or Clerk of Autauga County, Alabama.
- 3-2-14 **COUNTY COMMISSION:** The County Commission of the County of Autauga, Alabama.
- 3-2-15 **COUNTY ENGINEER:** The duly designated Engineer of the County of Autauga, Alabama.
- 3-2-16 **COUNTY SPECIFICATIONS:** All construction specifications which have been adopted by the County Commission or as required by the County Engineer and all utility departments.
- 3-2-17 **CUL-DE-SAC:** A minor street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
- 3-2-18 **DAY:** A calendar day.
- 3-2-19 **DEDICATION:** The transfer of property from private to public ownership.
- 3-2-20 **DEVELOPER:** The owner of land proposed to be subdivided or a person designated in writing by the legal owner as his or her representative.
- 3-2-21 **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 utilities.

- 3-2-22 **DEPTH OF LOT:** The mean horizontal distance between the front and rear lot lines.
- 3-2-23 **DOUBLE FRONT LOT:** A lot having frontage on two (2) non-intersecting streets as distinguished from a corner lot.
- 3-2-24 **EASEMENT:** A grant by the property owner of use, by the public, a corporation, or person(s) of a strip of land for specified purposes or as created by operation of law.
- 3-2-25 **EXPRESSWAY OR FREEWAY:** Facilities that accommodate a high volume of traffic through the prohibiting of ingress and egress except at controlled intervals. Freeways involve complete control of access while expressways permit at grade intersections at infrequent intervals. The expressway or freeway has only one function - to carry traffic.
- 3-2-26 **ENGINEERING PLAN:** A post construction record giving details of construction and locations of improvements as they were built or installed.
- 3-2-27 **FINAL PLAT:** A plat of a tract of land which meets the requirements of these regulations and is in form for recording in the Office of the Probate Judge of Autauga County, Alabama.
- 3-2-28 **FLOODPROOFING:** Any combination of structural or nonstructural additions, changes, or adjustments which reduce or eliminate flood damage to real property, or improved real property, water supply and sanitary sewer facilities, electrical systems, and structures and their contents.
- 3-2-29 **FLOODWAY:** The stream channel and the portion of the adjacent floodplain which is normally reserved for the passage of flood-waters in order to prevent an increase in upstream flood heights of more than one (1) foot above the predevelopment conditions. For the purpose of these regulations, floodways shall be defined as follows:
1. The floodways as identified in the Flood Insurance Study for Autauga County, Alabama.
 2. Along small streams and Watercourses: All lands lying within twenty-five (25) feet of the top of the bank of the channel (measured horizontally), unless the developer demonstrates to the satisfaction of the County Engineer that a lesser distance is adequate based on the watershed characteristics and probable storm runoff for the 100-year flood projections for the area.
- 3-2-30 **LAND SUBJECT TO FLOODING:** For the purpose of these regulations, land subject to flooding shall be defined as follows:
1. The lands identified as having special flood hazards by the Office of Federal Insurance and Hazard Mitigation. The lands identified as subject to inundation by the 100-year flood projections and all lands lying below the 100-year flood elevations as demonstrated by the maps and charts contained in the Flood Insurance Study for Autauga County, Alabama, as prepared by the Federal

Emergency Management Agency (FEMA), Office of Federal Insurance and Hazard Mitigation, and all subsequent revisions thereto, which are made a part of these regulations.

2. Along Small Streams and Watercourses: All lands lying within one hundred (100) feet of the top of the bank of the channel (measured horizontally) unless the developer demonstrates to the satisfaction of the County Engineer that the property in question is free from the danger of inundation by the 100-year flood projections or that adequate remedial measures have been taken to allow the watercourse to safely accommodate the 100-year flood projections.

- 3-2-31 FLOOD, ONE HUNDRED (100) YEAR: A flood that has, on the average, a one (1) percent chance of being equaled or exceeded in any given year.
- 3-2-32 FLOOD, TEN (10) YEAR: A flood that has, on average, been equaled or exceeded at a frequency of once every ten (10) years.
- 3-2-33 FLOOD, TWENTY-FIVE YEAR: A flood that has on average been equaled or exceeded at a frequency of once every twenty-five (25) years.
- 3-2-34 HARDSHIP: An unusual situation on the part of an individual property owner which will not permit the full utilization of property. A hardship exists only when it is not self-created.
- 3-2-35 HEALTH DEPARTMENT: Alabama State Department of Public Health or Autauga County Health Department.
- 3-2-36 IMMEDIATE FAMILY MEMBER: Includes the owner's husband, wife, children, brothers, sisters, parents, stepparents, step children, grandchildren, step grandchildren and grandparents or spouse's brothers, sisters, parents, stepparents, step children, grandchildren, step grandchildren and grandparents.
- 3-2-37 LICENSED ENGINEER: An engineer properly licensed and registered in the State.
- 3-2-38 LICENSED LAND SURVEYOR: A land surveyor properly licensed and registered in the State.
- 3-2-39 LOT: A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership, lease or rental, or for building development.
- 3-2-40 MARGINAL ACCESS: A service road or other treatment used to provide adequate protection of properties in cases where an arterial runs through or near a subdivided area.
- 3-2-41 MAJOR SUBDIVISION: See Section 3-2-57(a), Subdivision Categories.
- 3-2-42 MINOR ROAD OR STREET: A route used to connect collector roads in a road system and service only to the residents of that road.

- 3-2-43 **MINOR SUBDIVISION:** See Section 3-2-57(b), Subdivision Categories.
- 3-2-44 **MONUMENT:** A permanent object serving to indicate a limit or to mark a boundary.
- 3-2-45 **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 under these regulations.
- 3-2-46 **OWNER'S ENGINEER:** The engineer or land surveyor registered and in good standing with the State Board of Registration of Alabama who is the agent in his professional capacity of the owner of land which is proposed to be subdivided or which is in the process of being subdivided.
- 3-2-47 **PERMANENT REFERENCE POINTS:** The Minimum Technical Standards set out and required by the Alabama Society of Professional Land Surveyors.
- 3-2-48 **PRELIMINARY PLAT:** A tentative plan of the proposed subdivision as submitted to the County Engineer as detailed in Section 1-2(d) and Section 4-4 of these subdivision regulations.
- 3-2-49 **PROBATE JUDGE:** The Judge of Probate of Autauga County, Alabama.
- 3-2-50 **RESUBDIVISION:** A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.
- 3-2-51 **ROAD OR STREET:** A public right-of-way for vehicular traffic that affords the principal means of access to abutting property.
1. **CITY ROAD:** Public road maintained by the city.
 2. **COUNTY ROAD:** Public road maintained by the county.
 - a. **DEEDED:** A road deeded to and accepted by the county.
 - b. **DEDICATED:** A road dedicated or deeded to the county for public use and **ACCEPTED BY THE COUNTY** as a public road.
 - c. **PRESCRIPTIVE:** An open, defined roadway in continuous use by the public as a highway without let or hindrance for a period of twenty (20) years. This is a factual determination taking into consideration things such as use by the public and as a mail or school bus route, maintenance by the county, length of use, etc. Prescriptive road is a county road even though it has not been constructed or formally accepted by the county.
 3. **PUBLIC ROAD:** Street or road that has been

- a. Constructed for public use;
 - b. Established by statutory proceedings; or
 - c. Dedicated to and accepted by the County for public use.
4. PRIVATE ROAD: Road not owned or maintained by the City, County, or State whether or not it has public access.
5. STATE ROAD: Public road owned or maintained by the State of Alabama.

3-2-52 SETBACKS: A setback is synonymous to "building setback line". See Section 3-2-8.

3-2-53 SINGLE TIER LOT: A lot which backs upon a street, a railroad, a physical barrier, or a residential or non-residential use, and to which access from the rear of the lot is usually prohibited.

3-2-54 SKETCH PLAN: The sketch plan is drawn prior to the preparation of the Preliminary Plans (or Final Plat in cases of minor subdivisions) to enable the applicant to save time and expense in reaching general agreement with the County Engineer as to the form of the plat and the objectives of these regulations.

3-2-55 SUBDIVIDER: Any person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2), directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel, site, unit, or plat in a subdivision, or who (3) is employed by or directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.

3-2-56 SUBDIVISION: The development and division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites, or otherwise for the purpose of establishing or creating a subdivision through the sale, lease, or building development. Statutory definition found in Code of Alabama 1975, § 11-24-1(a)(4).

EXCLUSIONS: A subdivision shall not include any of the following:

- a. The construction or development of roads or buildings on private property to be used for agricultural purposes. See, Code of Alabama 1975, § 11-24-1(a)(4);
- b. Property divided by probated family estates;
- c. Property divided between immediate family members. See Code of Alabama 1975, § 11-24-2(c);
- d. The division of land into parcels greater than ten (10) acres which meets all of the following criteria and are submitted to the County Engineer for approval by the County Commission.

- (1) Frontage on roads (either public or private) of each parcel is at least 60 feet, and
 - (2) Information must be provided to the County Engineer demonstrating no adverse effect to stormwater runoff, and
 - (3) A preliminary plat showing proposed lots and streets or a declaration of covenants. Both shall include the following minimum items:
 - (a) A legal description by metes and bounds showing the area of the proposed development, and
 - (b) A statement that all roads located within the proposed development will be private (not public) roads which will not be dedicated to the public or accepted for maintenance by Autauga County, and
 - (c) A statement that each landowner within the proposed development must enter into a mutually binding road maintenance agreement, and
 - (d) A statement that the lots cannot be further divided into lots less than ten (10) acres in size with a minimum frontage on existing roads of at least 60 feet, and
 - (4) That the preliminary plat or declaration of covenants shall be recorded in the Office of the Judge or Probate, Autauga County, Alabama, and
 - (5) That the above is to be presented to the Autauga County Commission for their approval prior to any parcels being sold from the subject property.
- e. Parcels which qualify for exemptions from subdivision criteria and rules and regulations imposed by the State Board of Health pursuant to Code of Alabama 1975, § 22-26-7 provided they also meet all of the criteria set out in (d) above;
- f. The public acquisition by purchase of strips of land for the widening or opening of streets.

3-2-57 SUBDIVISION CATEGORIES:

- a. SUBDIVISION, MAJOR : All subdivisions not classified as a minor subdivision.
- b. SUBDIVISION, MINOR: Any subdivision with parcels or lots ten (10) acres or less fronting on an existing county road that, in the opinion of the county engineer, does not involve any new street (or road) or the extension of public facilities, does not require the creation of any public improvements, does not

adversely affect the remainder of the parcel or adjoining property, and does not create adverse storm water runoff conditions.

- 3-2-58 **SUBDIVISION JURISDICTION:** All areas outside the corporate limits of any municipality in Autauga County. If dual regulations exist, the most stringent will apply.
- 3-2-59 **SURETY:** Any bond, certificate of deposit, irrevocable letter of credit, cashier check, or other acceptable guarantee as approved by the County Commission or their authorized agent.
- 3-2-60 **TERRITORIAL JURISDICTION OF MUNICIPAL PLANNING COMMISSION:** All land located in the municipality and all land lying within five miles of the corporate limits of the municipality and not located in any other municipality. In the case of any such nonmunicipal land lying within five miles of more than one municipality having a planning commission, the jurisdiction shall terminate at a boundary line equidistant from the respective corporate limits of such municipalities.
- 3-2-61 **VARIANCE:** Permission to depart from the literal requirements of these subdivision regulations by virtue of unique hardship due to special circumstances regarding property to be developed. A waiver of the strictest letter of the regulations upon substantial compliance without sacrificing the spirit and purpose of the regulations.
- 3-2-62 **WATERCOURSE:** Any depression serving to give direction to a flow of water, having a bed and defined banks. The definition 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.
- 3-2-63 **WIDTH OF LOT:** The mean horizontal distance between the two side lot lines.

ARTICLE IV

APPROVAL OF SUBDIVISION PLATS

- 4-1 APPROVAL OF SUBDIVISION PLATS REQUIRED
- 4-2 PRE-APPLICATION PROCEDURE
- 4-3 GENERAL REQUIRED PROCEDURES FOR APPROVAL OF PLATS
- 4-4 PRELIMINARY REVIEW/PLAT
- 4-5 SUBMISSION OF THE FINAL PLAT

SECTION 4-1. APPROVAL OF SUBDIVISION PLATS REQUIRED

From and after thirty (30) days from the date of the County's filing a certified copy of these regulations with the Probate Judge, no subdivision plat of land within the platting jurisdiction, as defined in Article III of these regulations, shall be filed or recorded nor shall any lots be sold or leased until the plat has been submitted to and approved by the County Commission pursuant to Code of Alabama 1975, § 11-24-1 et seq. The Probate Judge, upon receipt of a copy of these regulations, the County Commission's Resolution, and a letter from the County Commission Chairman, shall not thereafter file or record a plat of a subdivision of land located within the County's subdivision jurisdiction, as defined herein, without the approval of such plat in accordance with these regulations. No street or road shall be accepted and maintained by the County, nor shall any utilities or county services be extended to the subdivision, unless and until the requirements set forth in these regulations have been complied with and the subdivision has been approved by the County Commission.

It is the responsibility of the developer to apply for subdivision approval unless the development meets one of the exclusions to these regulations pursuant to the definition of subdivision set out in Section 3-2-56. The developer shall be responsible for the construction, maintenance, and repair of all such development until and unless the roads are accepted by the County pursuant to the laws of this State.

SECTION 4-2. PRE-APPLICATION REVIEW

Whenever the subdivision of a tract of land is proposed within the jurisdiction of these regulations, the subdivider is urged to consult early and informally with the County Engineer. The subdivider may submit sketch plans and data showing existing conditions within the site and in its vicinity, and the proposed layout and development of the subdivision. The purpose of this pre-application review is to afford the subdivider an opportunity to avail himself of the advice and assistance of the County Engineer in order to facilitate the subsequent preparations and approval of plans. Developer must contact County Engineer prior to any construction commencing.

SECTION 4-3. GENERAL REQUIRED PROCEDURES FOR APPROVAL OF PLATS

Following the pre-application review or in the event the subdivider does not submit to a pre-application review, the subdivider shall proceed as set out below:

If the proposed plat is for a Minor Subdivision as defined in Section 3-2-57(b), engineering plans will not be required. However, the subdivider shall comply with each of the following:

- (1) The final plat procedures set forth in Section 4-5;
- (2) The design standards set out in Section 5-4; and
- (3) The required improvements set out in Article VII.

If the plat is for a Major Subdivision as defined in Section 3-2-57(a), the subdivider shall comply with each of the following:

- (1) The preliminary review procedures set out in Section 4-4;
- (2) The final plat procedures set out in Section 4-5;
- (3) The design standards set out in Section 5-4; and
- (4) The required improvements set out in Article VII.

SECTION 4-4. PRELIMINARY REVIEW/PLAT

In accordance with the policy of the County Commission, no construction improvements or utility improvement may be started until the proposed plans and specifications have been given a preliminary review by the County Engineer or his or her designee.

It is further the policy of the County Commission that the construction improvements or utility improvements must be commenced by the owner or developer within one year of the preliminary plat approval unless said owner or developer shall comply with all subdivision requirements existing at the commencement of construction.

4-4-1 APPLICATION PROCEDURE

The developer shall submit an application for preliminary review to the County Engineer at least 15 days prior to the anticipated date of presentation to the County Commission. The application shall include each of the following:

- (1) A letter stating that the preliminary plans are being submitted for review;
- (2) Application for Preliminary Plan Review (Appendix II);

- (3) At least four (4) copies of the proposed preliminary plat prepared in accordance with the requirements of the subdivision regulations;
- (4) Construction Plans for all required improvements;
- (5) Any applications for variances.

4-4-2 CONSTRUCTION PLAN FORMAT

All construction plans shall meet the minimum standards of design and general requirements for the construction of public improvements as set forth in these regulations. These plans shall be drawn at a horizontal scale not less than one (1) inch equals fifty (50) feet. Sheet size shall be 24" x 36" or less. Construction plans shall be prepared by a Licensed Engineer.

4-4-3 PRELIMINARY REVIEW NOTICE

The County Engineer, or his or her designee, will notify the owner or developer, in writing, that the submitted plans and specifications have been reviewed and, to the best of his or her belief, meets or does not meet the rules and regulations of these Subdivision Regulations. Notification that the plans and specifications do meet the rules and regulations does not relieve the owner or developer, their engineer, or their surveyor from their responsibility to meet the current adopted rules and regulations in accordance with the Code of Alabama 1975, § 11-24-1(b) and § 11-24-3 et seq., the County Subdivision Regulations, and the Minimum Technical Standards for Surveying in the State of Alabama.

4-4-4 PRELIMINARY PLAT REQUIREMENTS

The Preliminary Plat shall be prepared by a licensed land surveyor and shall be clearly and legibly drawn at a convenient scale of not less than one (1) inch equals one hundred (100) feet, and the sheets shall be numbered in sequence if more than one (1) sheet is used. The sheet size shall be of such size as is acceptable for filing in the Office of the Probate Judge. The Preliminary Plat shall show the following:

- (1) Name and addresses of owners of record;
- (2) Proposed name of subdivision, date, north point, scale and location;
- (3) Name, signature and seal of licensed land surveyor;
- (4) Vicinity map showing location of the subdivision;
- (5) Exact boundaries of the tract of land being subdivided, shown with bearings and distances;
- (6) Names and addresses of the owners of land immediately adjoining the tract of land being subdivided, as their names appear on the plats in the County Tax Assessor or Revenue Commissioner's office;

- (7) Wooded areas, marshes, and any other conditions affecting the site;
- (8) The location of existing streets, buildings, water courses, railroads, transmission lines, drainage structures, public utilities, jurisdiction lines, and any public utility easements on and adjacent to the tract being subdivided;
- (9) Proposed rights-of-way or easements including locations, widths, purposes, and street numbers (Section 7-1-7 requires a minimum fifteen (15) foot wide utility easement.);
- (10) Proposed lot lines with bearings and distances and lot and block numbers;
- (11) Proposed minimum building setback lines;
- (12) Proposed parks, school sites, or other public open spaces, if any;
- (13) Site data:
 - a. Acreage in total tract;
 - b. Smallest lot size;
 - c. Total number of lots;
 - d. Linear feet in streets;
- (14) Any area within or adjacent to the proposed subdivision subject to inundation by the 100-year flood projections as defined herein, or subject to periodic inundation by storm drainage overflow or ponding, shall be clearly shown and identified on the plat.
- (15) The following endorsements and certificates shall be placed on the Preliminary Plat (see Appendix I for sample certificates):
 - a. Certificate of Engineering Design by a Professional Engineer.
 - b. Names and addresses of all utilities that are involved or affected by this subdivision.

4-4-5 CONSTRUCTION PLANS:

At the time of submission of the Preliminary Plat, the applicant shall also submit Construction Plans for all required improvements. All plans shall meet the minimum standards of design and general requirements for the construction of public improvements as set forth in these regulations. Construction Plans shall be drawn at a scale of not less than one (1) inch equals fifty (50) feet, and map sheets shall be of the same size as the Preliminary Plat. Construction Plans shall be prepared by a licensed engineer. The construction plans shall include:

- (1) Street plan containing the following information:

- a. Location of all proposed and existing streets or rights-of-way in or adjacent to the subdivision;
- b. Width of existing and proposed rights-of-way and easements;
- c. Road numbers/names;
- d. Plan and profile of all proposed streets, showing natural and finished grades drawn to a scale of not less than one (1) inch equals one hundred (100) feet horizontal and one (1) inch equals ten (10) feet vertical;
- e. Cross sections of proposed streets at a minimum of 100' stations or as required by the County Engineer;
- f. Curve data for the centerline of each street: Delta, Tangent, and Radius;
- g. Location of all proposed utilities.
- h. Size of side drains (driveway pipe) required for each lot.

(2) Storm Drainage Plan containing the following information:

- a. Location of proposed drainageways, streams, and ponds in the subdivision;
- b. Topography at suitable contour intervals, as approved by the County Engineer, to show proposed drainage;
- c. Location, size, and invert elevations of proposed drainage structures including culverts, bridges, pipes, drop inlets, and top elevations of head walls, etc., showing details on Drainage Plan, including conduit schedule;
- d. Show construction details of typical manholes, connections, and other drainage structures proposed;
- e. Area of land contributing run-off to each drainage structure along with run-off calculations and applicable coefficients depending on method used [i.e. Rational method: runoff coefficient (C), rainfall intensity (I), catchment area (A), and the discharge at the structure (Q)]. All drainage structures shall be designed using a twenty-five year design minimum.
- f. Location of easements and rights-of-way for drainageways and maintenance access thereof;
- g. Typical cross-sections of each drainageway;

h. Direction of water flow throughout subdivision and compatibility with existing drainage.

- (3) Certificate or letter of approval from the State and/or County Health Department indicating their approval of the proposed water supply and/or wastewater disposal facilities. Not required if accessing public utility.
- (4) Sanitary Sewer Plan, if applicable, containing the location of all existing and proposed sewers, location of sewer laterals, location of each manhole and other sewage system appurtenances including lift stations, oxidation ponds, and treatment plants, and the plan and profile of the sewage system. Construction details of typical manholes, connections, and other proposed sewage structures should also be shown.
- (5) Water Distribution Plan containing the location and size of water distribution system including pipes, valves, fittings, hydrants, high-pressure pumping equipment, etc.

4-4-6 COMMENCEMENT OF CONSTRUCTION

All construction improvements or utility improvements must be commenced by the owner or developer within one year of the preliminary plat approval. If not, then the owner or developer shall be required to re-submit his development as provided under the subdivision regulations in existence at the time the owner or developer re-submits his development to the County Commission for approval.

SECTION 4-5. SUBMISSION OF THE FINAL PLAT

In accordance with the policy of the County Commission, no lot may be sold, no utilities extended to, or connected with, any minor or major subdivision of land, as defined herein until the Final Plat has been approved by the County Commission.

4-5-1 APPLICATION PROCEDURE AND REQUIREMENTS:

Following the review of the Preliminary Plans and concurrence from the County Engineer, where required, and complete construction of the subdivision, the applicant shall file with the County Commission an application for approval of the Final Plat (Appendix II). The application shall:

- (1) Be accompanied by a letter stating that the final plat is being submitted for approval;
- (2) Be accompanied by the original tracing, and three (3) black or blue line prints of the plat;

- (3) Comply in all respects with the Preliminary Plans, as reviewed, except for minor modifications not altering the design of the subdivision;
- (4) Be presented to the County Engineer at least thirty (30) calendar days prior to a regularly scheduled meeting of the County Commission to allow compliance with Code of Alabama 1975, § 11-24-2(b);
- (5) Be accompanied by a maintenance bond, if required by the County, in a form meeting the County's requirements, and in an amount set by the County Engineer.
- (6) Be accompanied by the fees provided for in Section 4-5-2 and Code of Alabama 1975, § 11-24-3, payable to Autauga County.

4-5-2 INSPECTION FEES FOR FINAL PLAT

One copy of the Final Plat shall be submitted to the County Administrator or Clerk of the County Commission along with a fee authorized in Code of Alabama 1975, § 11-24-3 of \$100.00 plus \$10.00 per lot or the actual cost of construction inspection, whichever is less.

4-5-3 FINAL PLAT APPROVAL

After the County Engineer, or his or her designee, has reviewed the Final Plat and engineering plans, the County Engineer shall certify to the County Commission whether the plat meets the County's regulations. If the proposal meets the regulations, it shall be approved by the County Commission. If the County Engineer determines that the plat is deficient in any regard, the County Engineer shall detail the deficiency to the County Commission along with a recommendation that the development be disapproved. Notice of the recommendation of the County Engineer, to approve or disapprove, shall be sent to the owner or developer, adjoining land owners, and any utilities involved, as shown on the submitted plat as required in Section 4-4-4 (1), (6), and (15), by registered or certified mail at least seventeen (17) days before the recommendation is presented to the County Commission for action. This mailing is to be done by the developer or his/her engineer with the notice provided by the County Engineer. One copy of the proposed Final Plat shall be returned to the applicant with the date of approval, conditional approval, or disapproval and the reasons therefore accompanying the plat. One copy each shall be retained for the County Commission (optional), County Engineer, County Health Department and the Natural Resources Conservation Service. Approval of the final plat shall not be deemed as acceptance of the subdivision roads or streets for county maintenance. The current policy for acceptance of roads or streets by the Autauga County Commission is available at the office of the County Commission and County Engineer. (See Appendix V for additional information). The subdivider will be responsible for contacting each utility and providing plans, if required, to each utility.

4-5-4 SIGNING AND RECORDING OF FINAL PLAT

- (1) Signing of Plat

All plats shall be approved by the County Commission prior to recording in the Probate Office. The County Engineer shall note and date the approval on the plat and sign said plat in

his or her official capacity as required in Code of Alabama 1975, § 11-52-30(b).

- a. When installation of improvements is required, the signing of the plat shall take place after all conditions have been satisfied and all improvements completed to the satisfaction of the County Engineer.

(2) Recording of Plat

Once a plat has been approved and such approval evidenced by the County Engineer's notation on the plat, it shall be recorded in the Office of Probate after final approval has been given by the County Commission in accordance with the Code of Alabama 1975, § 11-24-2.

4-5-5 FINAL PLAT REQUIREMENTS

The Final Plat shall be prepared by a registered land surveyor and shall be clearly and legibly drawn at a convenient scale of not less than one (1) inch equals one hundred (100) feet. The Final Plat, as submitted for approval, shall be prepared on a suitable permanent mylar reproducible. The sheet size shall be of such size as is acceptable for filing at the Office of the Probate Judge.

The Final Plat shall show the following:

- (1) Name of subdivision, north point, scale, and location;
- (2) The relation of the land so platted to the Government Survey of Autauga County. The "Point of beginning" as referred to in the written description shall be so indicated;
- (3) Sufficient data to determine readily and reproduce on the ground the location, bearing, and length of every street line, lot line, boundary line, and block line, whether straight or curved. This shall include the radius, central angle, point of tangency, tangent distance, and arcs and chords;
- (4) The names and locations of adjoining subdivisions and streets, with reference to recorded plats by record name;
- (5) Streets and alleys, rights-of-way, and street numbers;
- (6) The location of easements, including location, widths, and purposes;
- (7) Lot lines and lot and block numbers;
- (8) Parks, school sites, or other public open spaces, if any;
- (9) Size of required side drains (driveway pipes) for each lot;

The following endorsements, dedications, and certificates shall be placed on the Final Plat (See Appendix I for sample certificates):

- (1) Licensed Land Surveyor's Certificate and Description of Land Platted;
- (2) Licensed Engineer's Certificate of Engineering Design and Construction;
- (3) Dedication by owner;
- (4) A notary's Acknowledgment of the Dedication Certificate referred to in "3";
- (5) A Certificate of Approval by the appropriate electric utility distributor;
- (6) A Certificate of Approval by the appropriate water and/or sewer utility;
- (7) A Certificate of Approval by the County Engineer of Autauga County;
- (8) A Certificate of Approval by the Autauga County Health Department (if septic tanks and/or wells are necessary).
- (9) A Certificate of Approval by the Autauga County Emergency Management Agency

The above certificates shall be lettered or typed on the Final Plat in such a manner as to insure that said certificates will be legible on any prints made therefrom.

4-5-6 ENGINEERING PLAN

At the time of Final Plat approval, the applicant shall also submit an engineering plan giving details of construction and locations of the improvements as they were built or installed. The primary purpose of the engineering plan is to provide the County with a record of the location, size, and design of underground utilities.

ARTICLE V

DEVELOPMENT STANDARDS

- 5-1 MINIMUM STANDARDS**
- 5-2 GENERAL REQUIREMENTS**
- 5-3 ROAD OR STREET PLAN**
- 5-4 DESIGN STANDARDS**
- 5-5 BLOCKS**
- 5-6 LOTS**

SECTION 5-1. MINIMUM STANDARDS

In addition to the requirements established herein, the following minimum requirements are established for all subdivision plats:

- (1) All applicable statutory provisions;
- (2) The special requirements and rules of the Autauga County Health Department and/or appropriate state agencies;
- (3) The rules and standards of the Alabama Department of Transportation if the subdivision or any lot contained therein abuts a state highway ;
- (4) The rules and standards of the Alabama Department of Environmental Management (ADEM) and any other appropriate state or federal agencies;
- (5) The standards and regulations adopted by all Boards, Commissions, Agencies, and Officials of Autauga County;
- (6) The standards, specifications and rules of appropriate utility companies.

Plat approval may be withheld if the subdivision is not in conformity with the above guidelines or the policy and purpose of these regulations as established in Article I of these regulations.

SECTION 5-2. GENERAL REQUIREMENTS

5-2-1 CHARACTER OF THE LAND

Land or construction within any Floodway or Special Flood Hazard area (100 year flood plain) must adhere to Autauga County's Flood Plain Ordinance. Ordinance available at Autauga County Commission Office and Autauga County Emergency Management Agency.

5-2-2 SUBDIVISION NAME

The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The County Engineer shall have final authority to reject the name of the subdivision. Such rejection shall be made at the Preliminary Plan Review stage.

5-2-3 WATERBODIES AND WATERCOURSES

If a tract being subdivided contains a water body, or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the water body among adjacent lots. The County Commission may approve an alternative plan provided the ownership of and responsibility for, safe maintenance of the water body is so placed that it will not become a County responsibility. No public roadways will be approved which provide access across dams nor will any part of a lake dam be allowed on the public road right-of-way, unless suitable safety measures are provided.

SECTION 5-3. ROAD OR STREET PLAN

The arrangement, character, extent, location, and grade of all roads shall be laid out according to good land planning principles and shall be integrated with all existing and planned roads. Consideration for the planning of new roads shall include topographical conditions, orientating to vistas, public convenience and safety, and the proposed uses of land to be served by them. All lots must have access as defined in Section 3-2-1 to a City, County, or State road.

5-3-1 CONTINUATION OF ADJOINING ROAD SYSTEM

Proposed new roads shall extend existing roads or their projections at the same or greater width, but in no case less than the minimum required width, unless for reasons of topography or design, the County Commission approves a variance.

5-3-2 MARGINAL ACCESS ROADS

Where, in the opinion of the County Commission, development which abuts or has included within the proposed subdivided area any arterial, the County Commission may require a marginal access road or other treatment which may be necessary to provide for the adequate protection of properties, and to afford separation of through and local traffic.

5-3-3 ADDITIONAL WIDTH ON EXISTING ROADS:

Subdivisions that adjoin existing streets with inadequate right-of-way shall dedicate additional right-of-way to meet the minimum street width requirements.

- (1) The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing street.
- (2) When the subdivision is located on only one side of an existing street, a minimum of one-half (1/2) of the required right-of-way, measured from the centerline of the existing street, shall be provided.

5-3-4 ROAD NUMBERS/ NAMES

Proposed roads, which are obviously in alignment with others existing and numbered, shall bear the assigned number of the existing roads. The County Engineer and/or the Autauga County E911 Board shall assign Road numbers or names.

5-3-5 VACATING A ROAD OR EASEMENT

Vacation of a road or easement shall be in accordance with the procedures set out in Code of Alabama 1975, § 23-4-1 et seq., if by the County, and Code of Alabama 1975, § 23-4-20 et seq., if by abutting land owners.

5-3-6 FRONTAGE ON IMPROVED ROADS

No subdivision shall be approved unless the area to be subdivided shall have frontage on, and access from:

- (1) an existing State, County or City road or
- (2) public road shown upon an approved plat recorded in the Autauga County Probate Judge's office. Such street or highway must be suitably improved as required by the rules, regulations, specifications, or orders, with the width and right-of-way required by these subdivision regulations.

5-3-7 TOPOGRAPHY AND ARRANGEMENT

- (1) All proposed roads shall be properly integrated with the existing system of roads.
- (2) All arterials shall be properly related to special traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities, and to the pattern of existing and proposed land uses.
- (3) Minor roads as defined in Section 3-2-42 shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.

- (4) The rigid rectangular gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets, cul-de-sacs, or U-shaped roads shall be encouraged where such use will result in a more desirable layout.
- (5) Proposed roads shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the County Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision or with the existing layout of the most advantageous future development of adjacent tracts.
- (6) In business and industrial developments, the roads and other accessways shall be planned in connection with the grouping of buildings, location of rail and port facilities, and the provision of alleys, truck loading and maneuvering area, and walks and parking areas so as to minimize conflict of movement among the various types of traffic, including pedestrian.

5-3-8 ACCESS TO ARTERIALS

Where a subdivision borders on or contains an existing or proposed arterial, the County Commission may require that access to such arterial be limited by one of the following means:

- (1) The subdivision of lots so as to back onto the arterial and front onto a parallel minor road; with no access to be provided from the arterial, and screening to be provided by a strip of land along the rear property line of such lots;
- (2) A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such parallel street, with the rear lines of their terminal lots backing onto the arterial;
- (3) A marginal access or service road (separated from the arterial by a planting or grass strip and having access thereto at suitable points).

5-3-9 EXCESS RIGHT-OF-WAY OR EASEMENTS

Right-of-way or easement widths in excess of the standards designated in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of three horizontal to one vertical.

5-3-10 RAILROADS, ARTERIALS, AND MAJOR THOROUGHFARES

Railroad rights-of-way, arterials, and expressways where so located as to affect the subdivision of adjoining lands shall be treated as follows:

- (1) In residential districts, a buffer strip at least 30 feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-way, arterial, or expressway. This strip shall be part of the

platted lots and shall be designated on the plat with the statement, "This strip is reserved for screening. The placement of structures hereon is prohibited";

- (2) In areas proposed for business, commercial, or industrial uses, the nearest road extending parallel or approximately parallel to the railroad shall, wherever practical, be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial sites;
- (3) Roads parallel to the railroad when intersecting a road that crosses the railroad at grade shall, to the extent practical, be at a distance of at least 150 feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

5-3-11 CUL-DE-SACS

Dead end roads shall be provided with a turnaround having a roadway diameter of at least eighty (80) feet and a right-of-way diameter of at least one hundred and twenty (120) feet.

5-3-12 INTERSECTIONS

Road intersections shall be laid out as follows:

- (1) Adequate sight distance shall be provided at all intersections. For Average Daily Traffic (ADT) less than 2500, the Alabama Department of Transportation's (hereinafter "ALDOT") "County Road Design Policy" shall be used. [Example: A 35 mph design speed for the through road would translate into 355 feet of required sight distance.] For roads with ADT over 2500, the American Association of State Highway and Transportation Officials (AASHTO) "A Policy on Geometric Design of Highways and Streets" shall be used. [Example: A 35 mph design speed for the through road would need 400 feet of required sight distance.]
- (2) Roads shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new roads at an angle of less than seventy-five (75) degrees shall not be acceptable. An oblique road should be curved approaching an intersection and should be approximately at right angles for at least fifty (50) feet therefrom. Not more than two (2) roads shall intersect at any one point unless specifically approved by the County Commission;
- (3) Proposed new intersections along one side of an existing road shall, wherever practical, coincide with any existing intersections on the opposite side of such street. Road jogs with centerline offsets of less than 125 feet shall not be permitted except where the intersected road has separated dual drives without median breaks at either intersection. Where minor roads intersect collector or arterials, their alignment shall be continuous. Intersections of arterials shall be at least eight hundred (800) feet apart. Where a road intersects a State

highway, the design standards of the Alabama Department of Transportation shall apply;

- (4) Minimum curb radius at the intersection of two (2) minor roads shall be at least twenty (20) feet; and minimum curb radius at an intersection involving a collector road shall be at least thirty-five (35) feet;
- (5) Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a five percent (5%) grade at a distance of twenty (20) feet, measured from the nearest edge line of pavement of the intersecting road;
- (6) The cross-slopes on all roads, including intersections, shall be five percent (5%) or less;
- (7) Property lines at road intersections shall be rounded with a minimum radius of twenty (20) feet.

SECTION 5-4. DESIGN STANDARDS

Regardless of whether or not the developer intends to seek County acceptance of roads in the subdivision, the following design standards shall be considered minimum requirements for all subdivisions. It is the responsibility of the developer to communicate and schedule with the County Engineer prior to initiating any and all steps of the roadbuilding process. In addition to other penalties prescribed by law and by these regulations, any road construction performed without the knowledge and inspection of the County Engineer will not be considered for acceptance by the County. Refer to Section 5-4-4(1) for notification of work requirements and Appendix V regarding acceptance of roads and streets for County maintenance.

If the County establishes separate requirements for non-residential subdivisions, they shall be such as the County Commission deems appropriate, but shall in no event be less than the requirements of residential subdivisions, unless the developer is granted a variance under the procedures set out in Article IX.

5-4-1 RIGHT-OF-WAY WIDTHS

Minimum street right-of-way widths shall be not less than sixty (60) feet.

5-4-2 PAVEMENT WIDTHS

All roads shall have a minimum pavement width of twenty (20) feet with a minimum shoulder width of four (4) feet. If curb is used, a minimum pavement width of thirty (30) feet from back of curb to back of curb with a minimum shoulder width of two (2) foot back of curb is to be used.

5-4-3 GEOMETRIC DESIGN

(1) TYPICAL SECTIONS

Standard Section (Ditch) – See Appendix VI
Curb Section- See Appendix VI

(2) ROADS WITH LESS THAN 2500 ADT

All streets shall be designed to conform to the Alabama Department of Transportation "County Road Design Policy, Design Criteria for New and Reconstructed Roadways and Bridges with less than 2,500 ADT".

(3) ROADS WITH GREATER THAN OR EQUAL TO 2500 ADT

All streets shall be designed to conform to AASHTO's "A Policy on Geometric Design of Highways and Streets".

Any specifications for geometric design not covered by these regulations shall be governed by the applicable publication listed above.

5-4-4 ROAD CONSTRUCTION REQUIREMENTS

Construction of all roads shall meet the following minimum requirements and conform to the Alabama Department of Transportation's "Standard Specifications for Highway Construction". Best Management Practices for erosion control shall be used throughout construction and development. The developer shall be responsible for all erosion control in accordance with ADEM regulations and for securing any required permits by ADEM.

- (1) Notification of Work: It shall be the duty and responsibility of the developer or contractor to give written notice to the County Engineer or his authorized agent, one working day prior to starting any phase of construction. The developer or contractor shall notify the County Engineer or his authorized agent in writing the day work is resumed after a delay of more than five (5) working days. This includes all phases of construction, clearing, grading, drainage, gutters, inlets, base, surfacing and any work that pertains to the street, road or development. **FAILURE TO NOTIFY AS SPECIFIED MAY BE GROUNDS FOR NONACCEPTANCE.**

- (2) Testing: The County Engineer shall determine which tests shall be scheduled and performed and shall notify the developer. The County may require the following tests:

subgrade - compaction test	98%
base - compaction test	100%
proof rolling	

- (3) All testing shall be charged/billed to the developer and shall be conducted by an independent testing laboratory approved by the County Engineer. Copies of all test reports are to be provided to the County Engineer before additional construction occurs.
- (4) Clearing and Grubbing: All roads shall be graded to their full right-of-way width. All areas shall be cleared of all vegetation, trees, stumps, large rocks and other objectionable or unsuitable material prior to grading or filling unless otherwise approved, in writing, by the County Engineer;
- (5) Slope Paving: Slope paving shall be required in ditches over 6% grade or as determined necessary by the County Engineer. Other alternatives may be approved by the County Engineer;
- (6) Embankment Sections: The County Engineer will have the right to approve all borrow sources, however this does not relieve the developer from full responsibility for the quality of material used. Roadway fill or embankment of earth material shall be placed in uniform layers, full width, and not exceeding eight 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 County Engineer. Additional layers of fill shall not be added until directed by the County engineer. For other than fill sections of earth material refer to Section 210 and Section 306 of the "Alabama Department of Transportation Standard Specifications for Highway Construction";
- (7) 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 two (2) feet outside of curb and gutter and/or valley gutter sections. The sections are twenty-eight (28) feet in width. The embankment or subgrade may be inspected by proofrolling, under the supervision of the County Engineer or his/her designee, with a fully loaded 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 density requirements in accordance with Section 5-4-4(2) of these regulations. Suitable material shall be determined by the County Engineer.
- (8) Base: Base course shall meet the requirements for aggregate base as set forth in section 301 of the Alabama Department of Transportation Standard Specifications for Highway Construction. Base course shall have a minimum thickness of six (6) inches compacted thickness, full width of regular section and shall extend two (2) feet outside of curb sections. The density requirements for compaction shall be in accordance with Section 306 of the Alabama Department of Transportation Standard Specifications for Highway Construction.

- (9) Roadbed Width: The minimum roadbed width shall be twenty-eight (28) feet for standard sections and thirty-four (34) feet for curb sections.
- (10) Roadway Pavement: All roads and/or streets shall be paved and comply with the following:
- (a) The minimum pavement width shall be not less than twenty (20) feet on standard sections and twenty-six (26) feet for curb sections. Type of curb to be used shall be approved by the County Engineer.
 - b. A bituminous pavement shall be constructed on a suitable base as approved by the County Engineer. Minimum requirements for the bituminous pavement shall be two hundred pounds per square yard (200 LBS/ SY) of Bituminous Concrete Plant Mix, Wearing Surface either type 416 or 429. The mix shall be approved by the County Engineer and be covered in the latest memorandum of recommendation from the office of the ALDOT County Transportation Engineer or as specified by the ALDOT Standard Specifications for Highway Construction, latest edition. The placement of this minimum required bituminous pavement does not relieve the developer of meeting the current policy for acceptance of roads and streets by the Autauga County Commission. As covered in Section 1-1, the current policy is available from the office of the County Commission or the County Engineer. (Also Appendix V.)
- (11) Storm Drainage: An adequate storm drainage system based on a minimum twenty-five (25) year design storm including curb, pipes, culverts, headwalls, and ditches shall be provided for the drainage of surface water. All crossdrains shall have sufficient length for required typical section and shall be installed according to ALDOT specifications. Minimum diameter of cross drain pipes shall be eighteen (18) inches. Cross drains shall be concrete class II or asphalt coated corrugated metal (equal strength) to class II concrete pipe and shall meet or exceed the current ALDOT specifications.
- (12) Installation of Utilities: After grading is completed and approved by the County Engineer and before any roadbed processing of the subgrade is performed all of the underground utilities within the roadway prism shall be installed completely and approved by the County Engineer throughout the length of the street and across the section. Once pavement is placed, it shall not be open cut except with written permission of the County Engineer. Any utility desiring to cross the road shall go over the road or dry bore under the road. All water lines located under pavement shall be encased. Services shall be encased or "K" copper. Backfill placed in utility trenches shall be as covered in Section 5-4-4 (6) of these regulations.

- (13) Signage of Subdivision: Proper signage in accordance with the "Manual of Uniform Traffic Control Devices" (MUTCD) and Section 7-1-8 of these regulations shall be required and maintained in all subdivisions.
- (14) Topsoil and Grassing: When all construction is completed, all slopes and shoulders shall be covered with a sufficient amount of topsoil and shall have a stand of permanent grass to prevent undue erosion, either by sprigging or seeding and mulch.

SECTION 5-5. BLOCKS

- (1) Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to expressways, arterials, railroads, or waterways where single-tier lots are required to separate residential development from through vehicular traffic or non-residential uses;
- (2) Blocks shall not exceed fifteen hundred (1500) feet nor be less than five hundred (500) feet in length except as approved by the County Engineer or County Commission as a variance;
- (3) In long blocks, the County Engineer may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic.
- (4) Pedestrianways or crosswalks, not less than ten (10) feet wide, may be required by the County Engineer through the center of blocks more than eight hundred (800) feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities.
- (5) Blocks designed for industrial uses shall be of such length and width as may be determined suitable by the County Engineer for prospective use.

SECTION 5-6. LOTS

Residential lots shall comply with the following requirements:

- (1) The minimum lot size shall conform to current Health Department Regulations.

- (2) The subdivision plat shall provide each lot with satisfactory access as defined in Section 3-2-1;
- (3) Where land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future roads and logical further resubdivision;
- (4) Depth and width of properties reserved for commercial and industrial purposes shall be adequate to provide for off-road parking and loading for the use contemplated;
- (5) Double frontage lots shall be avoided, except where essential to provide separation of residential development from traffic arteries, or to overcome specific disadvantages to topography and orientation;
- (6) Each lot in a subdivision shall meet Autauga County's Flood Prevention Ordinance.
- (7) Minimum frontage on the road is 60 feet. (culdesac may have exception)
- (8) Flag lots will not be allowed.

ARTICLE VI

INSTALLATION OF PERMANENT REFERENCE POINTS

6-1 PERMANENT REFERENCE POINTS

SECTION 6-1. PERMANENT REFERENCE POINTS

Prior to the approval of the Final Plat, permanent reference points shall have been placed in accordance with the following requirements and the Minimum Technical Standards for Land Surveying in the State of Alabama:

6-1-1 SUBDIVISION CORNER TIE

At least one corner of the subdivision shall be designated by course and distance (tie) from an accepted corner of the Government Survey of Autauga County. The subdivision corner shall be marked with a monument and shall appear on the map with a description of bearings and distances from the Government Survey corner.

6-1-2 MONUMENTS

Concrete monuments four (4) inches in diameter or four (4) inches square and two (2) feet long with a flat top shall be set at all exterior corners of the subdivision and on the right of way lines at the point of curvature (PC) and point of tangency (PT). The top of the monument shall have identifying cap of surveyor.

6-1-3 PROPERTY MARKERS

All lot corners not marked with a monument shall be marked with an iron pin not less than one-half ($1/2$) inch in diameter or in width, and eighteen (18) inches long, and driven so as to be flush with the finished grade. The top of the marker shall have identifying cap of surveyor.

ARTICLE VII

REQUIRED IMPROVEMENTS

7-1 IMPROVEMENTS

SECTION 7-1. IMPROVEMENTS

Final Plat approval shall be granted subject to the installation of the improvements and utilities hereinafter designated and satisfactorily completed in accordance with Autauga County construction specifications and standards.

7-1-1 STREETS AND ROADS

See Section 5-4 Design Standards

7-1-2 CURBS AND GUTTERS; DITCH SECTIONS

See Appendix VI for details

Where a drainage ditch construction is acceptable refer to the typical cross section in Section 5-4-3 and Appendix VI. Developers shall be made aware that in a subdivision with streets or roads designed on a ditch cross section, developers or owners will not be able to install side drain pipes in the ditch section except to provide a driveway access to each lot. Driveway side drains shall be a minimum of twenty-four (24) feet long and a maximum of thirty-two (32) feet long with a minimum diameter of fifteen (15) inches. Pipe sizes shall be determined by the Design Engineer and placed on the final plat. No more than two (2) drive side drains will be allowed per lot. Where a lot has two (2) drive side drains, they must be separated by at least thirty (30) feet. (Exceptions may be approved by the County Engineer)

7-1-3 SIDEWALKS

None required

7-1-4 WATER SYSTEM

The design and specifications of the water distribution system shall meet the appropriate public water system requirements. Water mains shall be extended the full length or width of the pavement. If a well is required for each lot, the location, construction, and use of such a well shall meet Health Department specifications. All new or replacement water supply systems together with attendant facilities, proposed to be located within an area subject to flood shall be designed and constructed to minimize or eliminate flood damage.

7-1-5 DRIVEWAYS

Developer or property owner should obtain a driveway permit from the County Engineer's office before installing a driveway pipe.

7-1-6 SANITARY SEWERS

The applicant shall install sanitary sewer facilities in a manner prescribed by the sewer utility construction standards and specifications. Sanitary sewers shall be provided where a public sanitary sewerage system is reasonably accessible as determined by the County Health Department and the appropriate sewer utility. Individual disposal systems shall be used in instances where no public sanitary sewerage system is available provided approval is received from the State and/or County Health Department. All new or replacement sanitary sewer systems together with attendant facilities, proposed to be located within an area subject to flood, shall be designed and constructed to minimize or eliminate flood damage.

7-1-7 UTILITIES

The applicant is encouraged to place all utilities underground. All utility facilities existing and proposed throughout the subdivision shall be shown on the Preliminary Plat. Easements shall be provided for utilities (private and public), and such easements shall be at least fifteen (15) feet wide. (Or as approved by the County Engineer.) Proper coordination shall be established between the applicant and the applicable utility companies for the establishment of utility easements.

7-1-8 STREET SIGNS

As provided in Section 5-4-4(13), the Developer will be responsible for the placement and maintenance of proper signage of new streets or roads until and unless the road is accepted into the County road system. A signage plan shall be submitted to the County Engineer for approval prior to the installation of any street signs. Regulatory and Warning Signs shall be in accordance with the Manual of Uniform Traffic Control Devices (MUTCD).

Additionally, the developer or owner of the subdivision is required to install a sign of reasonable size at the entrance of the subdivision stating "NOT COUNTY MAINTAINED PRIVATE ROAD" and it is the responsibility of the developer or owners of the subdivision to maintain this sign until and unless the road is accepted by the County. It is also required that the plat and deeds have a statement printed on them stating that the streets are private.

7-1-9 WIDENING AND REALIGNMENT OF EXISTING ROADS

Where a subdivision borders an existing road with a right-of-way less than that specified in these regulations, the applicant shall be required to dedicate such additional areas for widening or realignment of such roads. The applicant shall dedicate existing substandard roads to the full width as required by these subdivision regulations.

7-1-10 DRAINAGE EASEMENTS

Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction as will be adequate for the purpose.

ARTICLE VIII

GUARANTEE OF COMPLETION OF IMPROVEMENTS

None allowed at this time.

ARTICLE IX

VARIANCES

9-1 GENERAL

9-2 CONDITIONS

SECTION 9-1. GENERAL

A variance may be granted in circumstances where the developer demonstrates that extraordinary hardships or practical difficulties, such as commercial development, may result from strict compliance with these regulations. The initial application shall be made to the County Engineer as part of the application for preliminary review set out in Section 4-4-1. The County Engineer shall review the application and the circumstances, and make a recommendation in writing to the County Commission, with a copy provided to the developer, as to whether or not the variance should be granted. The County Engineer's report shall set out in detail the basis for the recommendation.

If the County Engineer recommends that the variance be granted, he or she may recommend that it be conditioned upon the developer complying with special requirements as set out in the approval. Where the County Engineer has recommended to grant the variance, the County Commission shall vote on the request prior to any construction of the development.

If the County Engineer recommends that the request for variance be denied, the developer may appeal that recommendation to the County Commission, which shall consider the issue at the next regularly scheduled County Commission meeting following notice of the recommendation. The County Engineer, or his or her designee, shall be present at the County Commission meeting and shall present his or her reasons for recommending that the variance not be granted. The developer shall also be given an opportunity to be heard. A decision to grant or deny the variance shall be made by recorded vote and shall require a majority of the membership of the County Commission.

In determining whether to grant the variance, the County Engineer and the County Commission shall make findings based upon the evidence presented to it in each specific case that:

- (a) The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property;
- (b) The conditions for which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;
- (c) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;

- (d) The variance will not in any manner vary the provisions of other adopted policies and regulations of Autauga County.

SECTION 9-2. CONDITIONS

In approving variances, the County Commission may require such conditions as will, in its judgment, secure substantially the objectives, standards or requirements of these regulations.

The County Commission shall not grant any variance within the floodway unless the developer submits a study prepared by a registered professional engineer certifying that no increase in the 100-year flood level would result from the proposed development.

Within other areas subject to flooding, variances shall only be issued upon a determination by the County Commission that the relief granted is the minimum necessary considering the flood hazard and approved by FEMA and Corp. of Engineers.

ARTICLE X

CONFLICT WITH PUBLIC AND PRIVATE PROVISIONS

10-1 PUBLIC PROVISIONS

10-2 PRIVATE PROVISIONS

SECTION 10-1. PUBLIC PROVISIONS

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule, regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, the provisions which are more restrictive or impose higher standards shall control.

SECTION 10-2. PRIVATE PROVISIONS

These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction; provided, however, that where the provision of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. To the extent that any easement, covenant, or private agreement is not inconsistent with these regulations or any determinations made by the County Commission in approving a subdivision or in enforcing these regulations, such private provisions shall be operative and supplemental to these regulations and any determinations made thereunder.

ARTICLE XI

LEGAL PROVISIONS

11-1 SEVERABILITY

11-2 SAVINGS PROVISION

11-3 INCORPORATION BY REFERENCE

SECTION 11-1. SEVERABILITY

If any part or provision of these regulations is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined to its terms and shall not affect or impair the validity of the remainder of these regulations or their application to other persons or circumstances.

SECTION 11-2. SAVINGS PROVISION

Except as expressly provided in these regulations, these regulations shall have prospective application only and shall not be construed as abating, modifying, or altering any action, including any penalty, pending under any subdivision regulations in existence on the effective date of these regulations. These regulations shall not affect the rights or liability of any person, firm, or corporation, nor operate as a waiver of any right of the County under any section or provision existing at the time of adoption of these regulations. Notwithstanding the foregoing, any application for plat approval made after the County Commission's adoption of these regulations which is pending on the effective date of these regulations shall be reviewed, approved, or disapproved in accordance with these regulations, provided that the owner or developer was given written notice at the time of application that these regulations would be utilized in the approval of the subdivision's design and development.

SECTION 11-3. INCORPORATION BY REFERENCE

Code of Alabama 1975, § 11-24-1 et seq. and Code of Alabama 1975, § 11-52-1 et seq. are attached hereto as Appendix IV, and are hereby specifically incorporated by reference and made a part of these regulations.

APPENDIX I

SAMPLE CERTIFICATES AND APPLICATIONS

Example A

(Preliminary Plat)

CERTIFICATE OF ENGINEERING DESIGN BY A PROFESSIONAL ENGINEER

I, _____, a professional engineer licensed in the State of Alabama, License Number _____, do hereby certify that the streets and drainage system for _____ Subdivision have been designed under my supervision.

I further certify that the drainage system has been designed to meet the _____ year storm criteria. This design will ensure that all drainage waters occurring during a storm of less than _____ year storm magnitude will flow within the rights-of-way or drainage easements indicated as such on the official plat for this subdivision.

I further certify that the streets are designed for a design speed of _____ to meet applicable design criteria for safety, geometry, profile, and typical sections according to the Alabama Department of Transportation's "County Road Design Policy."**

NAME _____

P.E.# _____

TITLE _____

FIRM _____

DATE _____

** Refer to Section 5-4-3 for correct design criteria depending on ADT.

Example B

(Final Plat)

SURVEYOR'S CERTIFICATE AND DESCRIPTION OF LAND PLATTED

STATE OF ALABAMA)

COUNTY OF _____)

I, (name of surveyor), a Licensed Professional Land Surveyor in the State of Alabama, for (Survey Company) state that this is a plat of an actual field survey of lots _____ through _____, inclusive of (Name of Subdivision), more particularly described as follows:

DESCRIPTION
(Outboundary Description)

I further state that this survey and plat meets the Minimum Technical Standards as set forth by the Alabama State Board of Licensure for Professional Engineers and Land Surveyors in Rule 330-X-14-.05 (G) on March 31, 1990 (or most current revised rule) to the best of my knowledge, information and belief.

This the _____ day of _____, _____.

_____(Signature of Surveyor)_____

_____(Typed Name of Surveyor) _____

Alabama License # _____

Note: One of the following notary's acknowledgments must appear for each Surveyor's Certificate (see example E-1 and E-2). Surveyor's name should be used in the Acknowledgment.

Example C

(Final Plat)

ENGINEER' S CERTIFICATE OF ENGINEERING DESIGN AND CONSTRUCTION

I, _____, a professional engineer licensed in the State of Alabama, License Number _____, do hereby certify that the streets and drainage system for _____ Subdivision have been designed and constructed under my supervision in accordance with the construction plans submitted to the County Engineer.

I further certify that the drainage system has been designed and constructed to meet the _____ year storm criteria. This design will ensure that all drainage waters occurring during a storm of less than _____ year storm magnitude will flow within the rights-of-way or drainage easements indicated as such on the official plat for this subdivision.

I further certify that the streets are designed and constructed for a design speed of _____ to meet applicable design criteria for safety, geometry, profile, and typical sections according to the Alabama Department of Transportation' s "County Road Design Policy." **

I further certify that I have checked all test reports and that all base material, concrete, and asphalt have been installed in accordance with the typical sections, profiles and plan details and meet minimum requirements as set out in the most current edition of the State of Alabama Department of Transportation' s Standard Specifications for Highway Construction.

I further certify that all Federal and State permits required for construction of the subdivision were obtained and complied by during construction.

NAME _____

P.E.# _____

TITLE _____

FIRM _____

DATE _____

** Refer to Section 5-4-3 for correct design criteria depending on ADT.

Example D

(Final Plat)
DEDICATION

I, _____, the owner(s) of said lands surveyed by _____, do hereby certify that title was and is vested in said owner(s) and join in the foregoing statement made by said _____, and as stated in Code of Alabama 1975, Section 35-2-50 et seq., do hereby certify that it was and is my (our) intention to divide said lands into lots as shown by said plat and do hereby dedicate, grant, and convey for public use the streets, alleys and public grounds as shown on said plat.

Signed and sealed in the presence of:

Property Owner

Note: One of the following notary's acknowledgments must appear for each Dedication Certificate (see example E-1 and E-2). Owner's name should be used in Acknowledgment.

In cases where a subdivision is to remain private, the above dedication (Example D) shall state that the "streets, alleys, and public grounds shall remain private grounds as shown on said plat."

Example of (E-1)

ACKNOWLEDGMENT

STATE OF ALABAMA)
COUNTY OF _____)

I, _____, Notary Public in and for said County, in said State, hereby certify that (corporate officer's name), whose name as (title) of the (corporation name), is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the content of the instrument, he/she as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

GIVEN under my hand and official seal this _____ day of _____, _____.

NOTARY PUBLIC

Example of (E-2)

ACKNOWLEDGMENT

STATE OF ALABAMA)
COUNTY OF _____)

I, _____, Notary Public in and for said County, in said State, hereby certify that (owner's or surveyor's name), whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the content of the instrument, executed the same voluntarily.

GIVEN under my hand and official seal this _____ day of _____, _____.

NOTARY PUBLIC

Example F

(Final Plat)

CERTIFICATE OF APPROVAL BY THE (insert name of electric utility)

The undersigned, as authorized by the (name of electric utility) hereby approved the within plat for the recording of same in the Probate Office of _____ County, Alabama, this _____ day of _____, _____.

(Electric utility authorized signature)

Example G

(Final Plat)

**CERTIFICATE OF APPROVAL BY THE
(insert name of water and sewer, if available, utility)**

The undersigned, as authorized by the (name of water and sewer utility) hereby approved the within plat for the recording of the same in the Probate Office of _____ County, Alabama, this the _____ day of _____, _____.

(water and sewer utility authorized signature)

Example H

(Final Plat)

CERTIFICATE OF APPROVAL BY THE COUNTY ENGINEER

The undersigned, as County Engineer of the County of _____, Alabama, hereby certifies that the _____ County Commission approved the within plat for the recording of same in the Probate Office of _____ County, Alabama, this _____ day of _____, _____.

County Engineer
County of _____, Alabama

Example I

(Final Plat)

CERTIFICATE OF APPROVAL BY THE COUNTY COMMISSION

The within plat of (Subdivision Name), _____ County, Alabama, is hereby approved by the County Commission of _____ County, Alabama, this the _____ day of _____, _____.

COUNTY COMMISSION OF THE
COUNTY OF _____, ALABAMA

Chairman

Example J

(Final Plat)

**CERTIFICATE OF APPROVAL BY THE _____ COUNTY HEALTH
DEPARTMENT**

The undersigned, as authorized by the _____ County Health Department, Alabama, hereby certifies this subdivision meets the approval of the _____ County Health Department subject to certain conditions of approval and/or lot deletions on file with the said health department, which conditions are made a part of this approval as if set out hereon. I hereby approve the within plat for the recording of same in the Probate Office of _____ County, Alabama, this _____ day of _____, _____.

Health Officer

Example K

(Final Plat)

**CERTIFICATE OF APPROVAL BY THE AUTAUGA COUNTY
EMERGENCY MANAGEMENT**

The undersigned, as authorized by the _____ County Commission, Alabama, hereby certifies this subdivision meets the approval of the _____ County Emergency Management Agency of _____ County, Alabama, this _____ day of _____, _____.

Director Emergency Management

APPENDIX II
SAMPLE APPLICATIONS

APPLICATION FOR PRELIMINARY REVIEW

DATE: _____

1. Name of Subdivision _____

2. Name of Applicant _____ Phone _____

Address _____

3. Owner of Record _____

Address _____

4. Engineer _____ Phone _____

Address _____

5. Land Surveyor _____ Phone _____

Address _____

6. Attorney _____ Phone _____

Address _____

7. Subdivision Location: _____

8. Total Acreage _____ Number of Lots _____

9. Has this plan been before the Commission in the past? _____ If yes, have any changes been made since this plan was last before the Commission? _____ If so, describe the changes _____

10. List all adjacent property owner(s) name and addresses.

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

11. Attach four (4) copies of proposed preliminary plans/plat.

12. Attach two (2) copies of construction plans.

APPLICATION FOR FINAL PLAT APPROVAL

DATE: _____

1. Name of Subdivision _____

2. Name of Applicant _____ Phone _____

Address _____

3. Owner of Record _____

Address _____

4. Engineer _____ Phone _____

Address _____

5. Land Surveyor _____ Phone _____

Address _____

6. Attorney _____ Phone _____

Address _____

7. Subdivision Location: _____

8. Total Acreage _____ Number of Lots _____

9. Has the Commission granted any variance to the subdivision regulations concerning this property? _____ If so, describe _____

10. Date of preliminary plan review _____

11. Have any changes been made since the preliminary plans have been reviewed? _____

12. Attach the original tracing of the final plat and three (3) black or blue line prints with all required signatures except the signature of the County Engineer and the Chairman of the _____ County Commission.

APPENDIX III

AMENDMENTS

Autauga County Road Department

511 West Fourth St.
Prattville, Alabama 36067

DAVID M. BUFKIN
COUNTY ENGINEER

PHONE: 334-361-3761
FAX: 334-361-3762

August 17, 2005

To: All Developers, Engineers, and Builders

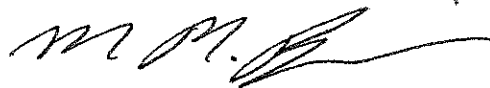
Re: Addendum to Autauga County
Subdivision Regulations

On August 2, 2005, Autauga County Commission voted to extend the warranty period on subdivisions to be maintained by Autauga County. Any subdivision final plat that is not approved by August 2, 2005 will be governed by these regulations.

The warranty period for a subdivision is two years from date of Final Plat or 70% of the lots have been built or (completed) whichever occurs last. The warranty is to be extended to five years on "Dry Retainage Ponds." "Wet Retainage Ponds" to be the responsibility of the Home Owners Association.

When the warranty period is completed, an application must be made to the County Commission to accept the roads for county maintenance. All roads must meet current standards. Upon approval and acceptance by the County Commission the roads will become County Roads.

Sincerely,



David M. Bufkin, P.E.
Autauga County Engineer

DMB/dm

APPENDIX IV

APPLICABLE STATE LAWS

(This Appendix is not intended to provide an exhaustive list of all applicable state laws, but is only provided as a convenience to the use of these Subdivision Regulations.)

CITATION

Ala.Code 1975 § 11-24-1

Ala.Code 1975 § 11-24-2

Ala.Code 1975 § 11-24-3

Ala.Code 1975 § 11-24-4

Ala.Code 1975 § 11-24-5

Ala.Code 1975 § 11-24-6

Ala.Code 1975 § 11-24-7

TITLE

Definitions; regulation of lots, streets, drainage, utilities, etc.; developer to reimburse utility for uneconomical placement.

Developer to conform with chapter, post bond, submit plat for approval, etc.; county engineer and utility to review plat before approval.

Fines; county to enjoin action, employ inspectors and charge inspection fees.

Chapter not to impair utilities right of eminent domain, etc.

No jurisdiction within that of organized municipal planning commission.

County and municipality agreement as to exercise of jurisdiction.

Chapter cumulative; not to repeal any local laws.

Ala.Code 1975 § 11-24-1

**CODE OF ALABAMA
TITLE 11. COUNTIES AND
MUNICIPAL CORPORATIONS.
SUBTITLE 1. PROVISIONS
APPLICABLE TO COUNTIES
ONLY.
CHAPTER 24. REGULATION OF
SUBDIVISIONS.**

Current through End of 1998 Reg. Sess.

§ 11-24-1. Definitions; regulation of lots, streets, drainage, utilities, etc.; developer to reimburse utility for uneconomical placement.

(a) When used in this chapter, the following words shall have the following meanings:

(1) **COUNTY.** A political subdivision of the state created by statute to aid in the administration of government.

(2) **COUNTY COMMISSION.** The chief administrative or legislative body of the county.

(3) **STREETS.** Streets, avenues, boulevards, roads, lanes, alleys, viaducts, and other roads.

(4) **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.

(b) The county commission or like governing body of each county in the state shall be authorized to regulate the minimum size of lots, the planning and construction of all public streets, public roads, and drainage structures and require proper placement of public utilities to be located in proposed subdivisions of land or in proposed additions to subdivisions of land existing at the time of the enactment of this chapter where the subdivisions are situated outside the corporate limits of any municipality in the county. The placement of public utilities shall not be inconsistent with the requirements of the Southern Standard Building Code, state and federal laws, and regulations of state and federal regulatory agencies. If the county commission or like governing body of any county shall require the placement of public utility facilities in any subdivision or addition thereto in a manner which is other than the most economical method available from an engineering standpoint, then the developer of the subdivision or addition shall reimburse the utility for the difference in cost between the method so required by the county governing body and the most economical method available.

*15223 (c) The county commission or like governing body of each county in the state may establish a board of developers to make suggestions to the commission regarding the development and division of subdivisions. The board may advise the commission on the contents of the regulations, revisions that need to be made to the regulations, and assist in resolving disputes between the commission and developers.

(Acts 1979, No. 79-553, p. 1002, § 1; Acts 1997, No. 97-422, p. 718, § 1.)

HISTORICAL NOTES

The 1997 amendment, effective August 1, 1997, redesignated the existing provisions as subsection (b); added subsections (a) and (c); and in subsection (b), as so redesignated, substituted "subdivision or addition thereto

Ala.Code 1975 § 11-24-1, Definitions; regulation of lots, streets, drainage, utilities, etc.; developer to reimburse utility for uneconomical placement.

Page 2

in" for "such subdivision or addition thereto in such", substituted "the county. The" for "said county, provided, however, that such", substituted "agencies. If" for "agencies, and, provided further, that it", substituted "the" for "such" in two places, and made nonsubstantive changes.

REFERENCES

COLLATERAL REFERENCES

62 C.J.S. Municipal Corporations, § 224-228.

101 C.J.S. Zoning, §§ 1-14.

82 Am. Jur. 2d, Zoning and Planning, §§ 163-168, 343.

Enforceability, by landowner, of subdivision developer's oral promise to construct or improve roads. 41 A.L.R.4th 573.

ANNOTATIONS

CASENOTES

1. The legislature intended that no county exercise jurisdiction under this section within the jurisdiction

of a municipal planning commission

The legislature intended that no county exercise jurisdiction under this section within the jurisdiction of a municipal planning commission organized and functional as of that date. *City of Robertsdale v. Baldwin County*, 538 So. 2d 33 (Ala. Civ. App. 1988).

Where the evidence showed that city did not actually issue building permits until 1982, but there was undisputed evidence that its municipal planning commission was organized and functional as of 1978; thus, that body was presently organized and functional at the time the legislature enacted § 11-24-5 and the county was precluded from exercising jurisdiction pursuant to this section over any area within the jurisdiction of city's municipal planning commission, and the trial court erred in holding otherwise. *City of Robertsdale v. Baldwin County*, 538 So. 2d 33 (Ala. Civ. App. 1988).

2. Nothing in chapter 24 of Title 11 authorizes a county to regulate any construction outside a "proposed subdivision"

Nothing in chapter 24 of Title 11 authorizes a county to regulate any construction outside a "proposed subdivision" and the trial court erred in determining that § 11-24-5, grants the county superior authority to issue building permits in all the territory located outside the city's corporate limits but inside its police jurisdiction. *City of Robertsdale v. Baldwin County*, 538 So. 2d 33 (Ala. Civ. App. 1988).

Ala.Code 1975 § 11-24-2

**CODE OF ALABAMA
TITLE 11. COUNTIES AND
MUNICIPAL CORPORATIONS.
SUBTITLE 1. PROVISIONS
APPLICABLE TO COUNTIES
ONLY.
CHAPTER 24. REGULATION OF
SUBDIVISIONS.**

Current through End of 1998 Reg. Sess.

§ 11-24-2. Developer to conform with chapter, post bond, submit plat for approval, etc.; county engineer and utility to review plat before approval.

(a) It shall be the duty of the owner and developer of each subdivision to have all construction completed in conformity with this chapter. The county commission or like governing body of each county in the state shall be authorized to require the filing and posting of a reasonable surety bond with the county commission by the developers of the proposed subdivisions or proposed additions to guarantee the actual construction and installation are in accordance with approved plans for public streets, public roads, drainage structures, and public utilities before the actual sale, offering for sale, transfer, or lease of any lots from the subdivision or addition to the public. The county commission shall also require the owner or developer of all proposed subdivisions or proposed additions to existing subdivisions of land situated outside the corporate limits of any municipality in the county to submit the plat of the proposed subdivision or addition to the county commission of the county for approval before the actual sale, offering for sale, transfer, or lease of any lots from the subdivision or addition to the subdivision to the public. After approval has been granted, the submitted plat shall be filed for record or received for filing in

the office of the judge of probate.

(b) No plat shall be approved or disapproved by the county commission without its first being reviewed by the county engineer or his or her designee. Following such review, the county engineer or his or her designee shall certify to the commission whether the plat meets the county's regulations. If the proposal meets the regulations, it shall be approved by the commission. Should the plat be determined by the county engineer to be deficient in any regard, the county engineer shall detail the deficiency to the county commission along with a recommendation that the development be disapproved. Notice of the recommendation of the engineer shall be sent to the owner or developer whose name and address appears on the submitted plat by registered or certified mail at least 10 days before the recommendation shall be presented to the county commission for action. A similar notice shall be mailed to the owners of land immediately adjoining the platted land as their names appear upon the plats in the office of the county tax assessor and their addresses appear in the directory of the county or on the tax records of the county and to each utility affected thereby. Each utility notified in writing by the commission shall be given at least 10 days to review the proposed plat and submit a written report to the commission as to whether all provisions affecting the service to be provided by the utility are reasonable and adequate. If any utility affected by the plat is not properly notified then the approval or disapproval of the plat by the county commission shall not be valid until the affected utility has been given at least ten days' notice prior to such approval or disapproval as provided by this subsection.

***15225 (c)** Notwithstanding the provisions of subsections (a) and (b), this section shall not apply to the sale, deed, or transfer of land by the owner to an immediate family member.

(Acts 1979, No. 79-553, p. 1002, § 2; Acts 1997, No.

Ala.Code 1975 § 11-24-2, Developer to conform with chapter, post bond, submit plat for approval, etc.; county engineer and utility to review plat before approval.

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97-422, p. 718, § 1.)

HISTORICAL NOTES

The 1997 amendment, effective August 1, 1997, designated the first three sentences of the existing subsection as subsection (a); designated the final sentence as subsection (b); substituted "the" for "such" throughout; in subsection (a), as so designated, in the second sentence substituted "are in accordance with approved plans for" for "of such approved" and substituted "actual sale, offering for sale, transfer, or lease" for "or offering for sale", and in the third sentence substituted "shall also require the owner

or developer" for "may require the developers", substituted "the" for "said" following "commission of" and substituted "the actual sale, offering for sale, transfer, or lease of any lots from the subdivision or addition to the subdivision to the public. After approval has been granted, the submitted plat shall be" for "such plat is"; in subsection (b), as so designated, inserted "or disapproved", substituted "without its first being reviewed by the county engineer or his or her designee." for "until", inserted the present second through sixth sentences, substituted "Each utility" for "each utility affected thereby shall have been", substituted "shall be" for "and", and added the final sentence; added subsection (c); and made nonsubstantive changes.

Ala.Code 1975 § 11-24-3

**CODE OF ALABAMA
TITLE 11. COUNTIES AND
MUNICIPAL CORPORATIONS.
SUBTITLE 1. PROVISIONS
APPLICABLE TO COUNTIES
ONLY.
CHAPTER 24. REGULATION OF
SUBDIVISIONS.**

Current through End of 1998 Reg. Sess.

§ 11-24-3. Fines; county to enjoin action, employ inspectors and charge inspection fees.

Any owner or developer violating any provision of this chapter or any rule or regulation made pursuant to this chapter shall be fined not less than two hundred fifty dollars (\$250) nor more than one thousand dollars (\$1000) per lot that has been sold, offered for sale, transferred, or leased to the public. The

county commission shall have the right to enjoin action of the developer or owner by a civil action for the injunction brought in any court of competent jurisdiction and the county commission may recover the penalty as provided by this section in any court of competent jurisdiction. The county commission may employ inspectors to see that its rules and regulations are not violated and that the plans and specifications for the minimum size of lots, the planning and construction of public streets, public roads, and drainage structures, and the placement of public utilities are not in conflict with the rules and regulations of the county. The county commission may charge inspection fees, not to exceed actual costs, to be paid by the owners of the property inspected.

(Acts 1979, No. 79-553, p. 1002, § 3; Acts 1997, No. 97-422, p. 718, § 1.)

HISTORICAL NOTES

The 1997 amendment, effective August 1, 1997, rewrote this section.

Ala.Code 1975 § 11-24-4

**CODE OF ALABAMA
TITLE 11. COUNTIES AND
MUNICIPAL CORPORATIONS.
SUBTITLE 1. PROVISIONS
APPLICABLE TO COUNTIES
ONLY.
CHAPTER 24. REGULATION OF
SUBDIVISIONS.**

Current through End of 1998 Reg. Sess.

**§ 11-24-4. Chapter not to impair utilities
right of eminent domain, etc.**

This chapter shall not be construed to impair the right of eminent domain granted heretofore or hereafter by the laws of this state to utilities, whether public or private, or their right to exercise authority conferred by statutes, franchises, certificates of convenience and necessity, licenses or easements.

(Acts 1979, No. 79-553, p. 1002, § 4.)

Ala.Code 1975 § 11-24-5

**CODE OF ALABAMA
TITLE 11. COUNTIES AND
MUNICIPAL CORPORATIONS.
SUBTITLE 1. PROVISIONS
APPLICABLE TO COUNTIES
ONLY.
CHAPTER 24. REGULATION OF
SUBDIVISIONS.**

Current through End of 1998 Reg. Sess.

**§ 11-24-5. No jurisdiction within that of
organized municipal planning
commission.**

No county shall exercise jurisdiction under provisions of this chapter within the jurisdiction of any municipal planning commission presently organized and functional or which shall become organized and functional within six months of the date the county assumes such jurisdiction by publishing and adopting notice thereof.

(Acts 1979, No. 79-553, p. 1002, § 5.)

ANNOTATIONS

CASENOTES

1. The legislature intended that no county exercise jurisdiction under § 11-24-1 within the jurisdiction of a municipal planning commission

The legislature intended that no county exercise jurisdiction under § 11-24-1 within the jurisdiction of a municipal planning commission organized and functional as of that date. *City of Robertsdale v. Baldwin County*, 538 So. 2d 33 (Ala. Civ. App. 1988).

Where the evidence showed that city did not actually issue building permits until 1982, but there was undisputed evidence that its municipal planning commission was organized and functional as of 1978; thus, that body was presently organized and functional at the time the legislature enacted this section and the county was precluded from exercising jurisdiction pursuant to § 11-24-1 over any area within the jurisdiction of city's municipal planning commission, and the trial court erred in holding otherwise. *City of Robertsdale v. Baldwin County*, 538 So. 2d 33 (Ala. Civ. App. 1988).

2. Nothing in chapter 24 of Title 11 authorizes a county to regulate any construction outside a proposed subdivision

Nothing in chapter 24 of Title 11 authorizes a county to regulate any construction outside a proposed subdivision and the trial court erred in determining that this section, grants the county superior authority to issue building permits in all the territory located outside the city's corporate limits but inside its police jurisdiction. *City of Robertsdale v. Baldwin County*, 538 So. 2d 33 (Ala. Civ. App. 1988).

*15229 City's municipal planning commission assumed jurisdiction over subdivisions within the city's police jurisdiction when it became organized and functional in 1978 and that jurisdiction was exclusive and this section does not divest the commission of jurisdiction and the trial court erred in invoking this section. *Robertsdale v. Baldwin County*, 538 So. 2d 33 (Ala. Civ. App. 1988).

Cited in *Town of Orange Beach v. Baldwin County*, 491 So. 2d 945 (Ala 1986); *City of Robertsdale v. Baldwin County*, 538 So. 2d 31 (Ala 1988).

Ala.Code 1975 § 11-24-6

**CODE OF ALABAMA
TITLE 11. COUNTIES AND
MUNICIPAL CORPORATIONS.
SUBTITLE 1. PROVISIONS
APPLICABLE TO COUNTIES
ONLY.
CHAPTER 24. REGULATION OF
SUBDIVISIONS.**

Current through End of 1998 Reg. Sess.

**§ 11-24-6. County and municipality
agreement as to exercise of jurisdiction.**

It is the intent of the legislature that all proposed subdivisions be subject to regulation, and counties and municipalities affected by provisions of this chapter shall have authority to reach and publish agreement as to exercise of jurisdictional authority over proposed subdivisions, which agreement shall be published once a week for two consecutive weeks in a newspaper of general circulation in the county and affected municipality and such agreement shall thereafter have the force and effect of law.

(Acts 1979, No. 79-553, p. 1002, § 6)

Ala. Code 1975 § 11-24-7

Current through End of 1998 Reg. Sess.

**CODE OF ALABAMA
TITLE 11. COUNTIES AND
MUNICIPAL CORPORATIONS.
SUBTITLE 1. PROVISIONS
APPLICABLE TO COUNTIES
ONLY.
CHAPTER 24. REGULATION OF
SUBDIVISIONS.**

**§ 11-24-7. Chapter cumulative; not to
repeal any local laws.**

The provisions of this chapter are cumulative and shall not repeal any local law or general law of local application granting similar or additional duties and authority to any county commission.

(Acts 1979, No. 79-553, p. 1002, § 7.)

Ala.Code 1975 § 11-52-30

**CODE OF ALABAMA
TITLE 11. COUNTIES AND
MUNICIPAL CORPORATIONS.
SUBTITLE 2. PROVISIONS
APPLICABLE TO MUNICIPAL
CORPORATIONS ONLY.
CHAPTER 52. PLANNING,
ZONING, AND SUBDIVISIONS.
ARTICLE 2. CONTROL OF
SUBDIVISIONS GENERALLY.**

Current through End of 1998 Reg. Sess.

§ 11-52-30. Territorial jurisdiction of municipal and county planning commissions and county commissions as to subdivisions; approval of maps or plats of subdivisions.

(a) The territorial jurisdiction of any municipal planning commission over the subdivision of land shall include all land located in the municipality and all land lying within five miles of the corporate limits of the municipality and not located in any other municipality; except that, in the case of any such nonmunicipal land lying within five miles of more than one municipality having a planning commission, the jurisdiction of each such municipal planning commission shall terminate at a boundary line equidistant from the respective corporate limits of such municipalities; provided further, that in all counties having a population of 600,000 or more according to the 1950 federal census or any succeeding decennial federal census, the county planning and zoning commission shall be invested with such authority, except and unless the municipality or municipalities in question is/are actively exercising zoning jurisdiction and control within said police and/or five mile jurisdiction or, in the case of a municipality subsequently incorporated, within 180 days from the date of its incorporation;

provided, further, that in all counties having a population of 600,000 or more inhabitants according to the 1950 federal census or any succeeding decennial federal census, the county commission of such county shall have the right and power to establish minimum specifications and regulations governing the lay-out, grading and paving of all streets, avenues and alleys and the construction or installation of all water, sewer or drainage pipes or lines in any subdivision lying wholly or partly in areas outside the corporate limits of any municipality in such counties and relating to subdivisions lying within the corporate limits of any municipality in such counties which has declined or failed to exercise zoning jurisdiction and control as provided in this section.

(b) No map or plat of any subdivision shall be recorded, and no property shall be sold referenced to such map or plat, until and unless it has been first submitted to and approved by the county engineer or, in his absence, by the acting county engineer of such county, who shall examine same for compliance with the specifications and regulations of the county commission of such county and, if it is in compliance, shall note his approval on such map or plat by noting thereon "approved," giving the date of such approval and signing same in his official capacity.

*17729 Where any subdivision lies within the extraterritorial planning jurisdiction of any municipality having exercised said extraterritorial jurisdiction, the requirement for approval of improvements in said subdivision by the county engineer shall in no way diminish, waive or otherwise lessen the requirements of such municipality. The more strict requirements, whether of the municipality or of the county, must be complied with by the developer. Approval by the county engineer shall in no way constitute approval in lieu of or on behalf of any municipality with respect to subdivisions lying within its extraterritorial planning jurisdiction. All such maps or plats

Ala. Code 1975 § 11-52-30, Territorial jurisdiction of municipal and county planning commissions and county commissions as to subdivisions; approval of maps or plats of subdivisions.

Page 2

must be first submitted to and approved by the municipal planning commission or other appropriate municipal agency exercising jurisdiction over any subdivision lying within the extraterritorial planning jurisdiction and, following such approval by such municipal planning commission, must then be approved by the county engineer or, in his absence, by the acting county engineer.

(Acts 1935, No. 534, p. 1126; Code 1940, T. 37, § 797; Acts 1949, No. 421, p. 597; Acts 1959, No. 296, p. 868, § 1.)

ANNOTATIONS

CASENOTES

1. The territorial jurisdiction of a municipal planning commission

The territorial jurisdiction of a municipal planning commission includes all the land within that municipality's police jurisdiction. *Robertsdale v. Baldwin County*, 538 So. 2d 33 (Ala. Civ. App. 1988).

2. Although this section and § 11-52-31 may be used to require the reservation of streets

Although this section and § 11-52-31 may be used to require the reservation of streets according to a major street plan as a prerequisite for the approval of a subdivision plat, there are limitations to the extent of such authority. When the proposed future street is located outside the proposed subdivision, the proper procedure is found in §§ 11-52-50 through 11-52-54. *Arnett v. City of Mobile*, 449 So. 2d 1222 (Ala. 1984).

3. Subsection (b) grants the county the authority to approve plats within the extraterritorial jurisdiction of a municipal planning commission

Subsection (b) grants the county the authority to approve plats within the extraterritorial jurisdiction of a municipal planning commission; but after the plat has been approved, the municipal planning commission has exclusive jurisdiction over development of the subdivision, pursuant to § 11-52-36 and a regulation requiring issuance of building permits falls within the authority of the municipal planning commission to adopt regulations governing the subdivision of land within its jurisdiction. *City of Robertsdale v. Baldwin County*, 538 So. 2d 33

(Ala. Civ. App. 1988).

4. "Zoning" and "planning" distinguished

"Zoning" and "planning" distinguished. "Zoning" and "planning" are not synonymous, though they are sometimes so used. "Planning" and "zoning" include some common objectives, but most authorities agree that they are separate and distinct. Broadly speaking, "planning" relates to the systematic and orderly development of a community with particular regard for streets, parks, industrial and commercial undertakings, civic beauty and other kindred matters properly within the police power. "Zoning" is primarily concerned with the regulation of the use of property, to structural and architectural designs of buildings and the character of use to which the property or the buildings within classified or designated districts may be put. *Roberson v. City of Montgomery*, 285 Ala. 421, 233 So. 2d 69 (1970).

*17730 5. City's planning commission cannot enforce zoning ordinances outside corporate limits

City's planning commission cannot enforce zoning ordinances outside corporate limits. Although a city's planning commission has all the powers, duties and responsibilities of city and regional planning and zoning commissions as provided in this chapter, it does not have the authority to enforce its zoning ordinances on the use of parcels outside its corporate limits under the provisions of this section and §§ 11-52-8 and 11-52-11. *Roberson v. City of Montgomery*, 285 Ala. 421, 233 So. 2d 69 (1970).

While the legislature has given to municipalities certain extraterritorial control in the "planning" statutes, the general powers of a municipality to "zone" are contained in article 4 of this chapter. *Roberson v. City of Montgomery*, 285 Ala. 421, 233 So. 2d 69 (1970).

6. Exclusive and final zoning authority not vested

Exclusive and final zoning authority not vested. This section does not vest in the planning and zoning commission exclusive and final zoning authority over all land lying within five miles of a corporate municipality, and not located within any other municipality. *Fleetwood Dev. Corp. v. City of Vestavia Hills*, 282 Ala. 439, 212 So. 2d 693 (1968).

Cited in *Holt Civic Club v. City of Tuscaloosa*, 439 U.S. 60, 99 S. Ct. 383, 58 L. Ed. 2d 292 (1978); *City of Mobile v. Waldon*, 429 So. 2d 945 (Ala 1983).

Ala.Code 1975 § 22-26-7, Certain land subdivided for single-family residences and not having access to public sewer not subject to subdivision regulations of State Board of Health.

Page 1

Ala.Code 1975 § 22-26-7

CODE OF ALABAMA
TITLE 22. HEALTH, MENTAL
HEALTH AND ENVIRONMENTAL
CONTROL.
SUBTITLE 1. HEALTH AND
ENVIRONMENTAL CONTROL
GENERALLY.
CHAPTER 26. SEWAGE
COLLECTION, TREATMENT AND
DISPOSAL FACILITIES.

Current through End of 1998 Reg. Sess.

§ 22-26-7. Certain land subdivided for single-family residences and not having access to public sewer not subject to subdivision regulations of State Board of Health.

(a) Land subdivided for single-family residential purposes into lots of not less than three acres in size shall not be subject to the subdivision criteria and the rules and regulations imposed by the State Board of Health upon development where said lots do not have access to public sewer system where:

(1) There is a plat restriction that the land will not be further divided into parcels of less than three acres in size until such lots have access to a public sewer system;

(2) Where the bedrock elevation is of sufficient depth below ground elevation to install a septic tank of sufficient capacity, header line and adequate field line system leading from said septic tank;

(3) Where the standard, residential percolation test times shall not exceed 60 minutes per inch, without additional information; and

(4) Where the water table elevation is not within five feet of ground elevation.

(b) At such time that all such adjoining lots have access to a public sewer system, the property may be further subdivided into lots of less than three acres in size for residential and other purposes, provided the residences and other structures designed for human habitation on the property use such public sewer system.

(c) Where said land is subdivided into parcels containing any tracts five acres in size and larger, such tracts shall not be subject to the provisions of subdivision (3) of subsection (a) of this section.

(Acts 1978, No. 776, p. 1133; Acts 1980, No. 80-399, p. 557.)

REFERENCES

RESEARCH REFERENCES

Am Jur:

83 Am Jur 2d, Zoning and Planning §§ 163-168.

Annotations:

Liability insurance coverage for violations of antipollution laws. 87 A.L.R.4th 444.

Corpus Juris Secundum:

*30509 101A CJS, Zoning and Land Planning §§ 49, 123.

ANNOTATIONS

CASENOTES

Cited in *Turner v. Clutts*, 565 So. 2d 92 (Ala. 1990).

CITATION

Ala.Code 1975 § 23-4-1
Ala.Code 1975 § 23-4-2
Ala.Code 1975 § 23-4-3
Ala.Code 1975 § 23-4-4
Ala.Code 1975 § 23-4-5
Ala.Code 1975 § 23-4-6
Ala.Code 1975 § 23-4-20

TITLE

Application.
Procedure.
Contest by interested persons.
Recordation of report by commissioners; payment of costs and damages.
Appeals.
Article deemed cumulative.
Vacation of street or alley.

Ala. Code 1975 § 23-4-1

**CODE OF ALABAMA
TITLE 23. HIGHWAYS, ROADS,
BRIDGES, AND FERRIES.
CHAPTER 4. CLOSING AND
VACATING STREETS, ALLEYS
AND HIGHWAYS.
ARTICLE 1. COUNTIES OR
MUNICIPALITIES.**

Current through End of 1998 Reg. Sess.

§ 23-4-1. Application.

Streets, alleys and other highways, or portions thereof, may be closed and vacated upon the application of the municipality in which they are situated and, where not situated in a municipality, upon the application of the county in which they are situated in the manner provided for in this article.

(Acts 1931, No. 49, p. 62; Code 1940, T. 56, § 26.)

REFERENCES

CROSS REFERENCES

As to payment of fair market value of land acquired upon vacation of public street, see § 11-49-6.

ANNOTATIONS

CASENOTES

1. Strict construction of vacation statutes

Strict construction of vacation statutes. There is a common law prohibition against the vacation of public ways. Therefore, the vacation statutes are in derogation of the common law prohibition against the vacation of public ways and must be strictly construed. *Bownes v. Winston County*, 481 So. 2d 362 (Ala. 1985).

Public streets, alleys, or highways can be closed and vacated by counties or municipalities in accordance with this section through § 23-4-6, or by "abutting landowners" in accordance with § 23-4-20. However, there is a common-law prohibition against the vacation of public ways. Thus, the vacation statutes are in derogation of the

common-law prohibition against the vacation of public ways and must be strictly construed. *Fordham v. Cleburne County Comm'n*, 580 So. 2d 567 (Ala. 1991).

2. Determination of whether road is public or private

Determination of whether road is public or private. A trial court's determination of whether a road is public or private might affect not only the rights of the individual litigants but also the rights of members of the public to use the road, the duty of the county to maintain it, and the liability of the county for failure to maintain it; therefore, the county must be joined as a party, since if not joined, neither it nor other members of the public are bound by the trial court's ruling. *Boles v. Autery*, 554 So. 2d 959 (Ala. 1989).

***31337 3. A public road may be abandoned and thus lose its public character in one of several ways**

A public road may be abandoned and thus lose its public character in one of several ways. *Floyd v. Industrial Dev. Bd.*, 442 So. 2d 927 (Ala. 1983); *Walker v. Winston County Comm'n*, 474 So. 2d 1116 (Ala. 1985).

4. Nonuse for a period of 20 years

Nonuse for a period of 20 years will operate as a discontinuance of a public road. *Floyd v. Industrial Dev. Bd.*, 442 So. 2d 927 (Ala. 1983); *Walker v. Winston County Comm'n*, 474 So. 2d 1116 (Ala. 1985); *Bownes v. Winston County*, 481 So. 2d 362 (Ala. 1985).

5. Abandonment of a public road may be effected by a formal, statutory action

Abandonment of a public road may be effected by a formal, statutory action. *Floyd v. Industrial Dev. Bd.*, 442 So. 2d 927 (Ala. 1983); *Walker v. Winston County Comm'n*, 474 So. 2d 1116 (Ala. 1985).

6. The statutory method of abandonment was inapplicable

The statutory method of abandonment was inapplicable where county did not apply to close and vacate the road, and the failure of county authorities to keep the road in repair did not work an abandonment. *Auerbach v. Parker*, 544 So. 2d 943 (Ala. 1989).

7. Construction of a new highway replacing an old road

Construction of a new highway replacing an old road may, under the right circumstances and after an appropriate length of time, result in an abandonment of the old road. *Floyd v. Industrial Dev. Bd.*, 442 So. 2d 927 (Ala. 1983).

There can be an abandonment by nonuse for a period

short of the time of prescription when there has been the construction of a new highway replacing an old road. *Bownes v. Winston County*, 481 So. 2d 362 (Ala. 1985).

8. The obstruction of public road, depriving the public of the use of public convenience, is public nuisance

The obstruction of public road, depriving the public of the use of public convenience, is public nuisance, and an action to abate such a nuisance may be maintained by an individual on behalf of the public, if he has a special interest in the road. *Barber v. Covington County Comm'n*,

466 So. 2d 945 (Ala. 1985).

***31338 9. Opening of a cut-de-sac**

Opening of a cut-de-sac, by connecting it to a nearby road, did not constitute a vacation of a street or road as contemplated by this section. *Carroll v. City of Gardendale*, 612 So. 2d 469 (Ala. Civ. App. 1992).

Cited in *Smith v. Gamble*, 344 So. 2d 749 (Ala 1977); *Turner v. Hoehn*, 494 So. 2d 28 (Ala 1986).

Ala.Code 1975 § 23-4-2

**CODE OF ALABAMA
TITLE 23. HIGHWAYS, ROADS,
BRIDGES, AND FERRIES.
CHAPTER 4. CLOSING AND
VACATING STREETS, ALLEYS
AND HIGHWAYS.
ARTICLE 1. COUNTIES OR
MUNICIPALITIES.**

Current through End of 1998 Reg. Sess.

§ 23-4-2. Procedure.

(a) The governing body of the municipality where the street, alley or highway, or portion thereof, to be closed and vacated is situated in a municipality and, in other cases, the county commission of the county in which the street, alley, highway, or portion thereof, is situated shall, after causing to be published in a newspaper once a week for three consecutive weeks in the county a notice which shall describe the street, alley, highway or portion thereof proposed to be closed and vacated and also give the date of the hearing, first adopt a resolution to the effect that it is in the public interest that such street, alley, highway or portion thereof be closed and vacated; and thereafter, such governing body may file in the office of the judge of probate in the county in which such street, alley or highway, or portion thereof, is located, its petition requesting the closing and vacating of such street, alley or highway, or such portion thereof.

(b) The petition shall describe with accuracy the street, alley or highway, or portion thereof, to be closed and vacated and shall give the names of the owner or owners of the abutting lots or parcels of land and also the owner or owners of such other lots or parcels of land, if any, which will be cut off from access thereby over some other reasonable and convenient way. The petition shall further set forth that it is in the interest of the public that such street, alley or highway, or portion thereof, be closed and

vacated, and that a resolution to that effect has been adopted by the governing body of the municipality or county, as hereinbefore set forth.

(c) Thereupon, the probate court shall set the petition for hearing and shall issue notice of the pendency of the petition to the persons named in the petition. Such notice shall be served upon the said abutting owner or owners and also the person or persons, if any, named in the petition whose access will be affected, resident in this state as civil process is now served, not less than 10 days prior to the hearing of the petition. In case of a nonresident owner or owners or parties in interest or unknown defendants, the probate court shall cause to be published in a newspaper published in the county said notice, which shall contain the nature of the petition and in which shall be described the street, alley or highway, or portion thereof, proposed to be closed and vacated, and all such persons shall be required to appear upon the hearing thereof and to either assent to the granting of the petition or contest the same as they may see fit. Such notice shall be published once a week for three consecutive weeks prior to the date set for the hearing of the petition and shall give the date on which the hearing is to be had.

*31340

(Acts 1931, No. 49, p. 62; Code 1940, T. 56, § 27.)

ANNOTATIONS

CASENOTES

1. A public road may be abandoned and thus lose its public character in one of several ways

A public road may be abandoned and thus lose its public character in one of several ways. One example is nonuse for a period of 20 years which will operate as a discontinuance of a public road. Likewise, an abandonment of a public road may be effected by a formal, statutory action. *Floyd v. Industrial Dev. Bd.*, 442 So. 2d 927 (Ala. 1983); *Walker v. Winston County Comm'n*, 474 So. 2d 1116 (Ala. 1985).

2. The county planning commission does not have the power to actually vacate a public street

The county planning commission does not have the power to actually vacate a public street. *McClendon v. Shelby County*, 484 So. 2d 459 (Ala. Civ. App. 1985), cert. denied, 484 So. 2d 465 (Ala.); 479 U.S. 815, 107 S. Ct. 68, 93 L. Ed. 2d 26 (1986).

3. Construction of a new highway replacing an old road

Construction of a new highway replacing an old road may, under the right circumstances and after an appropriate length of time, result in an abandonment of the old road. *Floyd v. Industrial Dev. Bd.*, 442 So. 2d 927 (Ala. 1983).

4. Where the county commission did not adopt a clear and unequivocal resolution closing the road

Where the county commission did not adopt a clear and unequivocal resolution closing the road, the commission did not meet the strict standards set out in §§ 23-4-2 and 23-4-20. The trial court's holding that the commission had not vacated the road and its injunction against property owner's interference with the road were based on findings that were well supported by the record. *Fordham v. Cleburne County Comm'n*, 580 So. 2d 567 (Ala. 1991).

Cited in *Smith v. Gamble*, 344 So. 2d 749 (Ala. 1977).

Ala.Code 1975 § 23-4-3

CODE OF ALABAMA
TITLE 23. HIGHWAYS, ROADS,
BRIDGES, AND FERRIES.
CHAPTER 4. CLOSING AND
VACATING STREETS, ALLEYS
AND HIGHWAYS.
ARTICLE 1. COUNTIES OR
MUNICIPALITIES.

Current through End of 1998 Reg. Sess.

§ 23-4-3. Contest by interested persons.

Upon the hearing of the petition, any person or persons owning lands, or any interest therein, which abut on such street, alley or highway, or any portion thereof, and also the owner or owners of such other lots or parcels of land which will, by the proposed closing and vacating, be cut off from access thereby over some other reasonable and convenient way, may appear and assent in writing to the granting of the petition, or contest the same or suffer the same to be taken in default against him or them; but the resolution of the municipality or county that it is to the public interest that such street, alley or highway, or portion thereof, be closed and vacated shall be prima facie to that effect. If upon the hearing the court shall deny the petition, it shall so order and dismiss the petition. If, on the other hand, the court upon the hearing shall grant the petition, it shall so order, and thereupon, it shall appoint three commissioners, who shall be residents of the

county or municipality in which the property is located and freeholders, to assess the damages of the owner or owners of the abutting lands which will result from the closing and vacating of the street, alley or highway, or portion thereof, and also the owner or owners, if any, of such other lots or parcels of land which will be cut off from access thereby over some other reasonable and convenient way who fail to assent to the granting of the petition. Such commissioners shall be duly sworn by the probate judge faithfully to discharge their duties and shall view the lands and hear any evidence which the parties may offer bearing on the damages which will result by such closing or vacating. The commissioners shall submit their report in writing within 10 days after qualification, which report shall assess the damages of the respective nonassenting landowners and shall describe the several tracts as to which such damages are assessed. The commissioners shall each receive \$3.00 per day for their services, to be taxed as part of the cost of the proceeding.

(Acts 1931, No. 49, p. 62; Code 1940, T. 56, § 28.)
*31342

ANNOTATIONS

CASENOTES

Cited in *Smith v. Gamble*, 344 So. 2d 749 (Ala 1977); *Floyd v. Industrial Dev. Bd.*, 442 So. 2d 927 (Ala 1983); *Terry Properties, Inc. v. Standard Oil Co.*, 799 F.2d 1523 (11th Cir 1986).

Ala.Code 1975 § 23-4-4

**CODE OF ALABAMA
TITLE 23. HIGHWAYS, ROADS,
BRIDGES, AND FERRIES.
CHAPTER 4. CLOSING AND
VACATING STREETS, ALLEYS
AND HIGHWAYS.
ARTICLE 1. COUNTIES OR
MUNICIPALITIES.**

Current through End of 1998 Reg. Sess.

**§ 23-4-4. Recordation of report by
commissioners; payment of costs and
damages.**

Upon the coming in of the report of the
commissioners, the probate court shall cause the
same to be recorded among its records and the
petitioner may, within 30 days after the making
of such report, pay, or cause to be paid, the cost
of the proceeding and the damages assessed by

the commissioners; and upon such payment, the
street, alley or highway, or portion thereof,
ordered to be closed and vacated shall be closed
and vacated and all interest of the public therein
shall cease and determine.

(Acts 1931, No. 49, p. 62; Code 1940, T. 56, § 29.)

REFERENCES

COLLATERAL REFERENCES

Laws prohibiting or regulating
"escort services," "outcall
entertainment," or similar services
used to carry on prostitution. 15
A.L.R.5th 900.

ANNOTATIONS

CASENOTES

Cited in *Smith v. Gamble*, 344 So.
2d 749 (Ala 1977); *Floyd v.*
Industrial Dev. Bd., 442 So. 2d 927
(Ala 1983).

Ala.Code 1975 § 23-4-5

**CODE OF ALABAMA
TITLE 23. HIGHWAYS, ROADS,
BRIDGES, AND FERRIES.
CHAPTER 4. CLOSING AND
VACATING STREETS, ALLEYS
AND HIGHWAYS.
ARTICLE 1. COUNTIES OR
MUNICIPALITIES.**

Current through End of 1998 Reg. Sess.

§ 23-4-5. Appeals.

Either the petitioner or any contesting landowner may appeal within 30 days from the order of the probate court closing and vacating the street to the circuit court of the county in which the lands are situated, and upon such appeal, the proceeding shall be tried de novo, either party having the right to demand trial by jury when and as such demand is authorized in

civil actions in such court. In case the appeal is taken by any landowner, the appeal shall not suspend the effect of the proceeding in the probate court if the petitioner shall pay into the probate court the damages assessed to such landowner, together with the cost of the proceeding, and shall give bond in double the amount of such assessment, with sureties, to be approved by the probate judge, conditioned upon paying such damages as may be assessed to such landowner upon appeal. From the judgment of the circuit court, an appeal may be taken within 42 days by either party to the Court of Civil Appeals or the Supreme Court in accordance with the Alabama Rules of Appellate Procedure.

(Acts 1931, No. 49, p. 62; Code 1940, T. 56, § 30.)

ANNOTATIONS

CASENOTES

Cited in *Floyd v. Industrial Dev. Bd.*, 442 So. 2d 927 (Ala 1983).

Ala.Code 1975 § 23-4-6

§ 23-4-6. Article deemed cumulative.

**CODE OF ALABAMA
TITLE 23. HIGHWAYS, ROADS,
BRIDGES, AND FERRIES.
CHAPTER 4. CLOSING AND
VACATING STREETS, ALLEYS
AND HIGHWAYS.
ARTICLE 1. COUNTIES OR
MUNICIPALITIES.**

The provisions of this article shall not be held to repeal any existing statute relating to the closing, changing or vacating of streets and highways, but shall be cumulative.

(Acts 1931, No. 49, p. 62; Code 1940, T. 56, § 31.)

ANNOTATIONS

CASENOTES

Current through End of 1998 Reg. Sess.

Cited in *Floyd v. Industrial Dev. Bd.*, 442 So. 2d 927 (Ala 1983).

Ala. Code 1975 § 23-4-20

**CODE OF ALABAMA
TITLE 23. HIGHWAYS, ROADS,
BRIDGES, AND FERRIES.
CHAPTER 4. CLOSING AND
VACATING STREETS, ALLEYS
AND HIGHWAYS.
ARTICLE 2. ABUTTING
LANDOWNERS.**

Current through End of 1998 Reg. Sess.

§ 23-4-20. Vacation of street or alley.

(a) Any street or alley may be vacated, in whole or in part, by the owner or owners of the land abutting the street or alley or abutting that portion of the street or alley desired to be vacated joining in a written instrument declaring the same to be vacated, such written instrument to be executed, acknowledged and recorded in like manner as conveyances of land, which declaration being duly recorded shall operate to destroy the force and effect of the dedication of said street or alley or portion vacated and to divest all public rights, including any rights which may have been acquired by prescription, in that part of the street or alley so vacated; provided, that if any such street or alley is within the limits of any municipality, the assent to such vacation of the city council or other governing body of the municipality must be procured, evidenced by a resolution adopted by such governing body, a copy of which, certified by the clerk or ministerial officer in charge of the records of the municipality must be attached to, filed and recorded with the written declaration of vacation; and if any such street or alley has been or is being used as a public road and is not within the limits of any municipality, the assent to such vacation of the county commission of the county in which such street or alley is situated must be procured, evidenced by resolution adopted by such board or court, a copy of which, certified by the head thereof, must be attached to, filed and recorded with the declaration of vacation. Such vacation

shall not deprive other property owners of such right as they may have to convenient and reasonable means of ingress and egress to and from their property, and if such right is not afforded by the remaining streets and alleys, another street or alley affording such right must be dedicated.

(b) The provisions of this section shall not be held to repeal any existing statute relating to the vacation of streets or alleys or parts thereof.

(Acts 1939, No. 69, p. 110; Code 1940, T. 56, § 32.)

***31347 REFERENCES**

CROSS REFERENCES

As to payment of fair market value of land acquired upon vacation of public street, see § 11-49-6.

As to vacation of right-of-way fee, see § 11-49-6.

ANNOTATIONS

CASENOTES

1. Strict construction of vacation statutes

Strict construction of vacation statutes. There is a common law prohibition against the vacation of public ways. Therefore, the vacation statutes are in derogation of the common law prohibition against the vacation of public ways and must be strictly construed. *Bownes v. Winston County*, 481 So. 2d 362 (Ala. 1985).

Public streets, alleys, or highways can be closed and vacated by counties or municipalities in accordance with § 23-4-1 through 23-4-6, or by "abutting landowners" in accordance with this section. However, there is a common-law prohibition against the vacation of public ways. Thus, the vacation statutes are in derogation of the common-law prohibition against the vacation of public ways and must be strictly construed. *Fordham v. Cleburne County Comm'n*, 580 So. 2d 567 (Ala. 1991).

There is a common law prohibition against the vacation of public ways; therefore, vacation statutes are in derogation of the common law and must be strictly construed. *Holland v. City of Alabaster*, 624 So. 2d 1376 (Ala. 1993).

2. This section and § 35-2-54 should be strictly construed

This section and § 35-2-54 should be strictly construed so

that such statutes cannot be instruments of oppression or be misused and abused. Therefore, all procedural requirements under such statutes must be met. *Hammond v. Phillips*, 516 So. 2d 707 (Ala. Civ. App. 1987).

3. Statutes interpreted to protect interests of nonconsenting property owners

Statutes interpreted to protect interests of nonconsenting property owners. Statutes in derogation of the common-law prohibition against the vacation of public ways will be interpreted to protect the property interests of nonconsenting property owners affected by the proposed closing, subject only to the rule of remoteness; not only is this a rule of reason but it is mandated by the most basic application of constitutional due process. *Gwin v. Bristol Steel & Iron Works, Inc.*, 366 So. 2d 692 (Ala. 1978).

*31348 4. Abandonment by nonuse

Abandonment by nonuse. A public way or easement of passage which the public has in respect to a highway may be abandoned and thus lose its public character in one of two ways. Nonuse for a period of 20 years will operate as a discontinuance of a public road. Likewise, there can be an abandonment by nonuse for a period short of the time of prescription when there has been the construction of a new highway replacing an old road. *Bownes v. Winston County*, 481 So. 2d 362 (Ala. 1985).

5. Requirement of payment of fair market value of land prior to giving assent to vacation by municipality not authorized

Requirement of payment of fair market value of land prior to giving assent to vacation by municipality not authorized. Even though the section provides that the city council must give its assent to vacate a street or alley, there is no specific or implied authority in the section that permits a city to require payment of the fair market value of the land to be vacated, before giving its assent. *Overton v. Scott Co.*, 356 So. 2d 134 (Ala. 1978).

6. County must be joined as party where determination of whether road is public or private

County must be joined as party where determination of whether road is public or private. A trial court's determination of whether a road is public or private might affect not only the rights of the individual litigants but also the rights of members of the public to use the road, the duty of the county to maintain it, and the liability of the county for failure to maintain it; therefore, the county must be joined, as a party, since if not joined, neither it nor other members of the public are bound by the trial court's ruling. *Boles v. Autery*, 554 So. 2d 959 (Ala. 1989).

7. An individual may bring an action to enjoin the obstruction of a public road if he suffers an injury

An individual may bring an action to enjoin the obstruction of a public road if he suffers an injury different in kind and degree from that suffered by the general public. *Williams v. Norton*, 399 So. 2d 828 (Ala. 1981).

An individual, as an owner of land which abuts a public road, suffers a special injury if an obstruction of that road denies him convenient access to a nearby waterway or forces him to take a more circuitous route to the outside world. *Williams v. Norton*, 399 So. 2d 828 (Ala. 1981).

*31349 8. Injunction upheld

Injunction upheld. Summary judgment enjoining the University of Alabama at Birmingham, as an abutting landowner, and the city of Birmingham from vacating and closing a city public street and including the vacated area in the campus of UAB without resorting to condemnation procedures was proper, where the district court found that the plaintiffs' properties abutted the street in question in the vicinity of the proposed vacation and that the diversion of through traffic from said street would diminish the value of these properties. *Henley v. Herring*, 779 F.2d 1553 (11th Cir 1986).

9. Where the county commission did not adopt a clear and unequivocal resolution closing the road

Where the county commission did not adopt a clear and unequivocal resolution closing the road, the commission did not meet the strict standards set out in § 23-4-2 and this section. The trial court's holding that the commission had not vacated the road and its injunction against property owner's interference with the road were based on findings that were well supported by the record. *Fordham v. Cleburne County Comm'n*, 580 So. 2d 567 (Ala. 1991).

10. Due process guarantee

Due process guarantee. The constitutional guarantee of due process requires that vacation statutes will be interpreted to protect the property interest of nonconsenting property owners affected by the proposed closing, subject only to the rule of remoteness. *Holland v. City of Alabaster*, 624 So. 2d 1376 (Ala. 1993).

11. Holding that intervening easement prevents lot adjacent to street from abutting street

Holding that intervening easement prevents lot adjacent to street from abutting street. To hold that the presence of an easement of right-of-way, such as a walkway or sidewalk along the boundary between a lot and the street, prevents a lot adjacent to a street from "abutting" that street would contradict the clear intent of subdivision (a). *Town of Dauphin Island v. Point Properties, Inc.*, 620 So. 2d 602 (Ala. 1993).

12. Resolution of assent not sufficient unless all requirements are met

Resolution of assent not sufficient unless all requirements are met. When a city is vacating a street, a resolution of assent is not sufficient unless it follows all the requirements of the statute. *Holland v. City of Alabaster*, 624 So. 2d 1376 (Ala. 1993).

***31350 13. Owners of property along street**

Owners of property along street were "abutting landowners" with respect to portion of street right-of-way

to be vacated on other side of street, and, thus, statute requiring consent of abutting landowner before street or alley could be vacated applied, even though street ran through center of right-of-way and strip to be vacated lay on side of highway away from property of landowners claiming that their consent was required; parcel adjoining street abuts right-of-way for entire width. *Scott & Scott, Inc. v. City of Mountain Brook*, 682 So. 2d 42 (Ala. 1996).

Cited in *Smith v. Gamble*, 344 So. 2d 749 (Ala 1977); *Holland v. City of Alabaster*, 566 So. 2d 224 (Ala 1990).

APPENDIX V

ACCEPTANCE OF ROADS AND STREETS FOR COUNTY MAINTENANCE

All streets and roads accepted for maintenance by the County Commission must be accepted by a separate resolution of the County Commission.

The minimum standards for Subdivision public roads (not private) and the minimum development standards for acceptance of roads for County maintenance are the same.

A maintenance period is required from the developer after final plat approval has been given. In this instance the developer must maintain the road for a period of time (usually one year) and correct all deficiencies which appear. The County Commission then accepts the roads or streets for maintenance by resolution.

APPENDIX VI

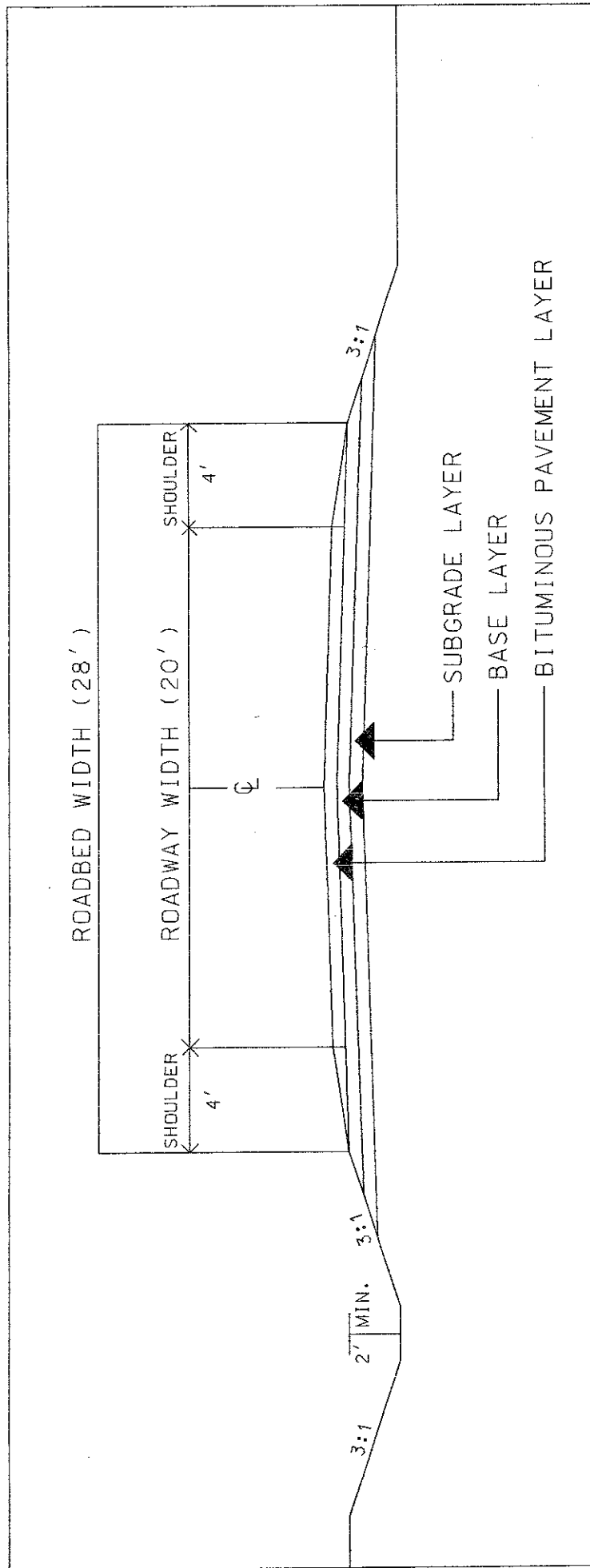
TYPICAL SECTIONS



REQUIRED 4" THICK CONCRETE
(3000PSI) WITH 6X6-10X10
W.W.M. REINFORCEMENT OR
EQUIVALENT

STANDARD (DITCH) SECTION

RIGHT-OF-WAY (60')



APPENDIX VII

MOBILE HOME REGULATIONS (RENTAL)

MOBILE HOME REGULATIONS

One or more rental trailers on an individual's property constitutes a mobile home park and is considered a commercial business. The following regulations must be followed and information submitted to the County Engineer for approval by the County Commission.

- A) An Engineer, licensed by the State of Alabama, is required for all mobile home park submittals.
- B) Minimum lot size shall conform to current Health Department Regulations.
- C) An application package containing the following information must be submitted to the County Engineer at least 21 days before approval by the County Commission.
 - 1) A notarized statement signed by the property owner stating that the property will not be subdivided or lots sold.
 - 2) A site plan with the layout of all streets, parking areas, utilities, easements, drainage ditches and dwelling locations.
 - 3) Total acreage or square footage of the property.
 - 4) A notice to all adjacent property owners and utilities must be sent out by certified mail at least 17 days prior to approval by the County Commission. The County Engineer will provide the notice, and the developer will mail out the notices.
 - 5) All drainages leaving the property shall have a drainage agreement.
- D) All roads shall be private and shall be maintained by the developer.
- E) The subject property shall not be sold except as a whole if it is to be used as a mobile home park.