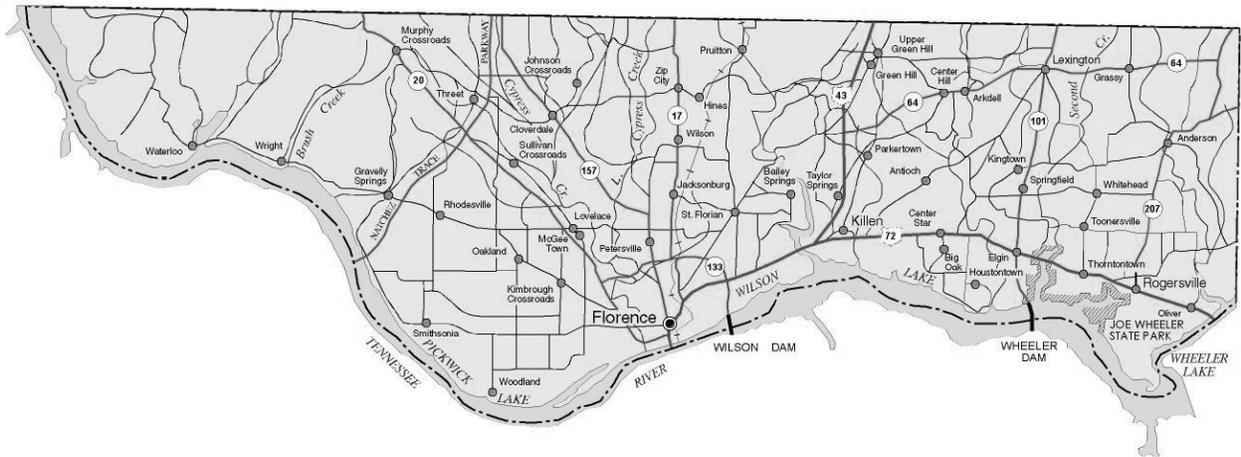


SUBDIVISION REGULATIONS



LAUDERDALE COUNTY, ALABAMA

FOREWORD

A subdivision is defined as 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 of the lot or lots**. Further explanation of the definition and any exemptions from these subdivision regulations can be found in Section 2-1-60 of these regulations.

Any individual who plans to develop and/ or divide a parcel of land in the County should consult with the County Engineer early in the planning phase of the development to assure compliance with these regulations.

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ARTICLE I

PURPOSE AND POLICY

- 1-1 PURPOSE AND POLICY**
- 1-2 TITLE**
- 1-3 FEES**
- 1-4 ENFORCEMENT AND VIOLATIONS**
- 1-5 AMENDMENTS**

SECTION 1-1 PURPOSE AND POLICY

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 Lauderdale County, Alabama. These regulations shall be applicable to the development of any subdivision within the county's subdivision jurisdiction, and shall include the planning and construction of all public streets, roads, and drainage structures. Additionally, unless waived by the Lauderdale County Commission, these regulations shall also apply to the county's plat approval for developments within the territorial jurisdiction of a municipal planning commission; provided, however, that in such instance, the County's approval shall be limited to the approval required in Code of Alabama 1975, § 11-52-30(b) regarding approval of plats, and shall not include enforcement.

By Resolution of the Lauderdale County Commission, adopted on the 14th day of March, 2011 and pursuant to the powers and jurisdiction granted by Code of Alabama 1975, § 11-24-1 *et seq.*, the Lauderdale County Commission does hereby set a policy to exercise the power and authority to review, approve, and disapprove plats for all subdivisions within the subdivision jurisdiction of Lauderdale County, Alabama. The Lauderdale 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, to charge fees for said inspection as set out in Section 1-3 of these regulations and authorized under Code of Alabama 1975, § 11-24-3, and to enforce these regulations as provided in Section 1-4 and authorized in Code of Alabama 1975, § 11-24-3.

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

These regulations shall be in effect and shall apply to the development of any subdivision within the subdivision jurisdiction of Lauderdale County as defined in Section 2-1-60 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 street or road shall be accepted and maintained by the County unless and until the requirements set forth in these regulations have been complied with and the subdivision has been

given final approval by Lauderdale County.

The current policy for acceptance of roads and bridges for maintenance by the Lauderdale County Commission is in Appendix V.

SECTION 1-2 TITLE

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

SECTION 1-3 FEES

Lauderdale County has established the following schedule of fees, as authorized under Code of Alabama 1975 Section 11-24-3, to cover costs associated with the inspection and review of subdivision developments. The developer is responsible for **all** charges, including inspection and testing, incurred by the County during the subdivision approval process. The fee schedule is as follows:

- (1) Permit to Develop: A permit fee of \$25; and
- (2) Subdivision Inspection Fee: \$200 plus \$10 per lot/ site.

SECTION 1-4 ENFORCEMENT AND VIOLATIONS

Pursuant to authority granted under Code of Alabama 1975, § 11-24-3(d), the Lauderdale County Commission shall enforce the provisions of these regulations by the issuance of citations issued by a county license inspector appointed by the Lauderdale County Commission to enforce these regulations. Acting under authority granted in Code of Alabama 1975, § 11-24-3(d) and § 40-12-10, the county license inspector may issue a citation for the failure to properly obtain the permit to develop required under Section 3-6 and/or for any other violations of these regulations or of Code of Alabama 1975, § 11-24-1 *et seq.*

As authorized by Code of Alabama 1975, § 11-24-3(a), the fine for noncompliance of any provisions of these regulations shall be \$1000 per lot that has been sold, offered for sale, transferred, or leased. A separate citation shall be issued for each violation.

All fines shall be paid to the office of the judge of probate within thirty (30) days of the issuance of a citation by the county license inspector, and all fines shall be doubled upon the failure to remit the fine within thirty (30) days of the issuance of the citation.

In addition to the issuance of citations for violation of these regulations, the Lauderdale County Commission retains the right to seek an injunction against any developer or owner who fails to comply with these regulations as provided in Code of Alabama 1975, § 11-24-3(b), and may bring action against a developer or owner to compel compliance with these regulations in the event that work on the subdivision has been completed in violation of these regulations and the requirements of Code of Alabama 1975, § 11-24-1 *et seq.*

No provision of this section shall apply to subdivisions lying within the Territorial Jurisdiction of Municipal Planning Commissions.

SECTION 1-5 AMENDMENTS

The Lauderdale County Commission may adopt amendments to these regulations. Procedures to adopt amendments are detailed in Section 10-4.

ARTICLE II

DEFINITIONS

2-1 DEFINITION OF TERMS

SECTION 2- 1 DEFINITION OF TERMS

- 2-1-1 **ACCESS:** Deeded portion of property or lot that provides travel way to a city, county, state or other public road. All access must have thirty (30) foot minimum width from the city, county, state or other public road to the building site.
- 2-1-2 **ADT (AVERAGE DAILY TRAFFIC):** total volume of vehicles during a given time period, in whole days, as measured during a non-holiday weekday.
- 2-1-3 **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.
- 2-1-4 **APPLICANT:** The owner of land proposed to be subdivided or a person designated in writing by the legal owner as his or her representative.
- 2-1-5 **APPLICATION ASSEMBLY:** The packet of materials that the developer is required to submit with his or her application for proposed plat approval.
- 2-1-6 **ARTERIAL:** A term used to describe a road or street whose primary purpose is to connect areas that produce a large amount of trip generation. These routes have a dual function to move traffic and to provide access to land uses, particularly the high trip-generating commercial activities. In terms of counties, major and minor collector routes, as classified by the Federal Highway Administration, may require treatment as this type of route even though they are termed collector roads.
- 2-1-7 **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.
- 2-1-8 **BUILDING:** Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and includes any structure.
- 2-1-9 **BUILDING SETBACK LINE:** A line parallel to the property over which no structure may be erected.
- 2-1-10 **COLLECTOR:** 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.

- 2-1-11 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 4-2 for complete list of items required.)
- 2-1-12 CORNER LOT: A lot which occupies the interior angle at the intersection of street lines.
- 2-1-13 COUNTY: The County of Lauderdale, Alabama.
- 2-1-14 COUNTY ADMINISTRATOR: The duly designated Administrator of Lauderdale County, Alabama.
- 2-1-15 COUNTY COMMISSION: The County Commission of the County of Lauderdale, Alabama.
- 2-1-16 COUNTY ENGINEER: The duly designated Engineer of the County of Lauderdale, Alabama.
- 2-1-17 COUNTY SPECIFICATIONS: All construction specifications which are included in these regulations and any special specifications required by the County Engineer or other state or local entity based upon the particular development.
- 2-1-18 CUL-DE-SAC: A minor street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
- 2-1-19 DAY: A calendar day.
- 2-1-20 DEDICATION: The transfer of property from private to public ownership.
- 2-1-21 DEVELOPER: The owner of land proposed to be subdivided or a person designated in writing by the legal owner as his or her representative.
- 2-1-22 DEVELOPMENT: 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, and any other applicable construction or improvement required or included in a certain subdivision project.
- 2-1-23 DEPTH OF LOT: The mean horizontal distance between the front and rear lot lines.
- 2-1-24 DOUBLE FRONT LOT: A lot having frontage on two (2) non-intersecting streets as distinguished from a corner lot.
- 2-1-25 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.

- 2-1-26 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.
- 2-1-27 ENGINEERING PLAN: A post construction record giving details of construction and locations of improvements as they were built or installed.
- 2-1-28 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 Lauderdale County, Alabama.
- 2-1-29 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.
- 2-1-30 FLOODWAY: The stream channel and the portion of the adjacent floodplain which must be reserved solely 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 and governed by the County's Flood Damage Prevention Ordinance.
- 2-1-31 LAND SUBJECT TO FLOODING: For the purpose of these regulations, land subject to flooding shall be defined in the County's Flood Damage Prevention Ordinance.
- 2-1-32 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.
- 2-1-33 FLOOD, TEN (10) YEAR: A flood that has, on average, been equaled or exceeded at a frequency of once every ten (10) years.
- 2-1-34 FLOOD, TWENTY-FIVE YEAR: A flood that has on average been equaled or exceeded at a frequency of once every twenty-five (25) years.
- 2-1-35 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.
- 2-1-36 HEALTH DEPARTMENT: Alabama State Department of Public Health or Lauderdale County Health Department.
- 2-1-37 IMMEDIATE FAMILY MEMBER: As defined in *Black's Law Dictionary*, a person's parents, spouse, children, and siblings.
- 2-1-38 LICENSED ENGINEER: An engineer properly licensed and registered in the State of Alabama in good standing with the Alabama State Board of Licensure for Professional Engineers and Land Surveyors.

- 2-1-39 LICENSE INSPECTOR: The person or persons appointed by the County Commission to enforce the county's subdivision regulations pursuant to Code of Alabama 1975, § 11-24-3, utilizing the authority granted to a license inspector under Code of Alabama 1975, § 40-12-10.
- 2-1-40 LICENSED LAND SURVEYOR: A land surveyor properly licensed and registered in the State of Alabama in good standing with the Alabama State Board of Licensure for Professional Engineers and Land Surveyors.
- 2-1-41 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.
- 2-1-42 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.
- 2-1-43 OMIT
- 2-1-44 MINOR ROAD OR STREET: A route used to connect collector roads in a road system and service only the residents of that road.
- 2-1-45 OMIT
- 2-1-46 MONUMENT: A permanent object serving to indicate a limit or to mark a boundary.
- 2-1-47 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.
- 2-1-48 OWNER'S ENGINEER: The licensed engineer who is the agent of the owner or developer of land which is proposed to be subdivided or which is in the process of being subdivided.
- 2-1-49 PERMANENT REFERENCE POINTS: As defined by the Minimum Technical Standards set out and required by the Alabama Society of Professional Land Surveyors.
- 2-1-50 PERMIT FEE: The fee assessed to obtain the permit to develop required in Section 3-6.
- 2-1-51 PERMIT TO DEVELOP: An instrument issued by the County Engineer following the approval of a proposed plat by the County Commission and which authorizes the developer to proceed with the development of the subdivision.

- 2-1-52 PROPOSED PLAT: A plan for a subdivision of land which is submitted for approval to develop the subdivision as required in Section 3 of these subdivision regulations and Code of Alabama 1975, § 11-24-2.
- 2-1-53 PROBATE JUDGE: The Judge of Probate of Lauderdale County, Alabama.
- 2-1-54 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.
- 2-1-55 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 which has been accepted into the county road system through construction by the county, dedication and formal acceptance by the county commission, or prescription and is maintained by the county. A road which has been dedicated to the public and is used by the public is not a county road, unless it has been accepted into the county road system through construction, acceptance or prescription as set out herein.
 3. PUBLIC ROAD: A street or road that has been constructed for public use, established by statutory proceedings, or dedicated for public use. A public road may or may not be a county road.
 4. PRIVATE ROAD: Road which has not been dedicated to the public and is 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.
- 2-1-56 SETBACKS: A setback is synonymous to "building setback line". See Section 2-1-9.
- 2-1-57 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.
- 2-1-58 SKETCH PLAN: Drawing submitted prior to the preparation of the Proposed Plat 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.
- 2-1-59 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.

2-1-60 SUBDIVISION: As defined in Code of Alabama 1975, § 11-24-1(a)(4), 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 of the lot or lots.

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. The public acquisition by purchase or donation of strips of land for the widening or opening of streets;
- c. Property divided between immediate family members as provided in Code of Alabama 1975, § 11-24-2(d);
- d. The division of property within the subdivision jurisdiction of Lauderdale County along existing county, city, state or federal roads, streets or highways where no new roads are planned and where no alterations to existing roads or drainage structures will occur.
- 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
- f. A division, sale, deed or other transfer of land between adjoining property owners.

2-1-61 OMIT

2-1-62 SUBDIVISION JURISDICTION: All areas outside the corporate limits of any municipality in Lauderdale County, except areas within the territorial jurisdiction of a municipal planning commission.

2-1-63 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.

2-1-64 TERRITORIAL JURISDICTION OF MUNICIPAL PLANNING COMMISSION: As provided in Code of Alabama 1975, § 11-52-30(a), all land located in the municipality and all land lying within up to five miles of the corporate limits of the municipality and not located in any other municipality.

2-1-65 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. It is a waiver of the strictest letter of the regulations upon substantial compliance without sacrificing the spirit and purpose of the regulations.

2-1-66 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.

2-1-67 WIDTH OF LOT: The mean horizontal distance between the two side lot lines.

ARTICLE III

APPROVAL OF SUBDIVISION PLATS

- 3-1 APPROVAL OF SUBDIVISION PLATS
- 3-2 SKETCH PLAN
- 3-3 PROPOSED PLAT SUBMISSION
- 3-4 REVIEW BY COUNTY ENGINEER
- 3-5 COUNTY COMMISSION APPROVAL OF PLAT
- 3-6 PERMIT TO DEVELOP
- 3-7 CONSTRUCTION OF SUBDIVISION
- 3-8 FINAL PLAT APPROVAL
- 3-9 PRIVATE SUBDIVISIONS

SECTION 3-1 APPROVAL OF SUBDIVISION PLATS

This section details the **general** steps necessary to achieve approval of a subdivision in Lauderdale County. A flow chart is included in Appendix II further outlining this process.

SECTION 3-2 SKETCH PLAN

Whenever the subdivision of a tract of land is proposed within the jurisdiction of these regulations, the developer, or 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 along with the proposed layout and development of the subdivision. The purpose of this sketch plan 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.

SECTION 3-3 PROPOSED PLAT SUBMISSION

Following sketch plan review or in the event the subdivider does not submit a sketch plan for review; the subdivider shall submit a **complete** Application Assembly to the County Engineer for review of the proposed plat. The application shall be submitted at least 30 days prior to any consideration for proposed plat approval by the County Commission. The Proposed Plat Application Assembly shall include each of the following:

- (1) A letter stating that the proposed plat is being submitted for review. This letter shall state the developer's intent as to the final ownership of any new roads included on the proposed plat. (The developer is reminded to refer to Appendix V for the

County's Road Acceptance Policy);

- (2) Application for Proposed Plat Review (Appendix II);
- (3) Four (4) copies of the proposed plat **prepared in accordance with the requirements** detailed in Section 4-1 of these regulations. (Additional copies may be required);
- (4) Two (2) copies of the construction plans for all required improvements **prepared in accordance with the requirements** detailed in Section 4-2 of these regulations;
- (5) Any variances requested accompanied by detailed supporting documentation;
- (6) The names and addresses of each adjoining landowner and utility entitled to notice pursuant to Code of Alabama 1975, §11-24-2(b); and
- (7) Application for Permit to Develop Land (Appendix II) along with a permit fee in the amount of \$25.

Failure to submit a complete Proposed Plat Application Assembly initially shall delay the consideration of such plat for approval by the County Engineer and the County Commission.

SECTION 3-4 REVIEW BY COUNTY ENGINEER

The County Engineer shall use this **minimum** thirty (30) day period to review the submitted Application Assembly and ensure its compliance with these regulations. In the event the Application Assembly does not meet these regulations, the County Engineer shall notify the developer that it is deficient. No further action will be taken by the County Commission or County Engineer until and unless the developer shall correct the deficiencies and resubmit the corrections to the County Engineer for his approval.

If upon completion of the review the County Engineer determines that the Application Assembly complies with these regulations, he or she shall notify the developer in writing to that effect. The County Engineer shall also send proper notice of his/her recommendation for approval, as required in Code of Alabama 1975, § 11-24-2(b), to each of the adjoining landowners and the affected utilities submitted by the developer.

SECTION 3-5 COUNTY COMMISSION APPROVAL OF PROPOSED PLAT

Once the County Engineer verifies that the Application Assembly meets the County Regulations the Proposed Plat shall be submitted to the County Commission for their approval at a regularly scheduled County Commission meeting. Pursuant to Code of Alabama 1975, § 11-24-2(b), the County Commission shall approve the proposed plat in the event that the County Engineer has

determined that the proposed plat meets these regulations.

SECTION 3-6 PERMIT TO DEVELOP

Following the approval of the Proposed Plat by the County Commission, the County Engineer shall issue a Permit to Develop for the Proposed Plat. The Permit to Develop allows the developer to proceed with construction of the development in compliance with these regulations. Additionally, the developer may **offer** lots in the proposed subdivision for sale, transfer, or lease ; **provided, however, that no sale, transfer, or lease may be completed or recorded until after the final plat has been recorded in office of the Probate Judge pursuant to the requirements of Code of Alabama 1975, § 11-24-2(c).**

SECTION 3-7 CONSTRUCTION OF SUBDIVISION

Once the permit to develop has been issued, the developer of a subdivision may proceed with construction of the proposed subdivision in accordance with these regulations. The developer should refer to Article V for detailed requirements pertaining to construction.

The developer shall have one (1) year from the date of issuance of the permit to develop to begin substantial work on the proposed development. If work does not begin within the one (1) year time frame, the proposed plat must be resubmitted to the County Engineer and County Commission for approval as if the plat had never been submitted.

If any changes in the development plans of the approved proposed plat are required for any reason, the developer shall submit the proposed changes to the County Engineer **prior** to construction or implementation of the proposed changes. Approval of the County Engineer shall be required before any changes are constructed. Any changes or deviations from the approved proposed plans prior to the County Engineer's approval shall be in violation of these regulations and shall be subject to removal or correction at the expense of the developer.

Changes to the proposed subdivision construction plans that do not change the overall layout of the subdivision may be reviewed and approved by the County Engineer without the requirement of the proposed plat having to be resubmitted for approval by the County Commission. Any changes that do change the overall layout of the subdivision shall require the proposed plat to be resubmitted for approval by the County Commission.

SECTION 3-8 FINAL PLAT APPROVAL

A final plat shall be submitted to the County Engineer for approval of the proposed subdivision once all infrastructure items are complete.

At the point that the final plat is submitted for approval, the developer shall comply with each of the following:

- (1) Remit all inspection fees as required under Section 1-3 of these regulations as authorized in Code of Alabama 1975, § 11-24-3;
- (2) A final as-built set of plans including all applicable test reports;
- (3) Two (2) copies of the Final Plat as approved by the County Engineer prepared on a suitable permanent reproducible mylar;

Final plat approval does not include the acceptance of roads. If the developer desires to have the roads accepted into the county road system, he or she shall comply with the procedures for road acceptance set out in Appendix V.

Once the final plat has been signed and recorded pursuant to these regulations and Code of Alabama 1975, § 11-24-2(c), the developer may proceed with the actual sale, transfer, or lease of any lots, sites, etc. No building development shall take place until the final plat has been recorded in the office of the Judge of Probate pursuant to these regulations and Code of Alabama 1975, § 11-24-2(c).

SECTION 3-9 PRIVATE SUBDIVISIONS

Private Subdivisions may be allowed provided they meet all requirements of these regulations. Private Subdivisions shall have the following note placed on the plat and all deeds:

This is a Private Subdivision Development and Lauderdale County and its agents accept no responsibility or liability for the maintenance of any feature associated with this subdivision.

A gate may be established after construction of a private subdivision to limit access.

If a private subdivision is recorded in Lauderdale County Probate Office and all of the property owners (100%) at some future date desire to eliminate it and substitute in its place a public subdivision with county-maintained roads, the owners must petition the Lauderdale County Commission in writing for tentative approval. If the Lauderdale County Commission gives tentative approval of the petition, the owners shall submit subdivision plans to the Lauderdale County Commission including improvements and repairs that are required to be made by the owners according to Lauderdale County Subdivision Regulations and other County specifications effective on the date of the petition. The subdivision shall then be subject to the procedures for approval as contained in these regulations.

No private subdivision roads will be accepted for county maintenance, which do not join a state, city or county road.

ARTICLE IV

PLAT AND PLAN REQUIREMENTS

4-1 PROPOSED PLAT REQUIREMENTS

4-2 CONSTRUCTION PLAN REQUIREMENTS

4-3 FINAL PLAT REQUIREMENTS

SECTION 4-1 PROPOSED PLAT REQUIREMENTS

The Proposed 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 Proposed Plat shall include the following:

- (1) Name and addresses of owners of record;
- (2) Proposed name of subdivision, date, north point, scale and location;
- (3) Name 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) 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, including the radius, central angle, point of tangency, tangent distance, and arcs and chords; the relation of the land so platted to the Government Survey of Lauderdale County; and "Point of beginning" as referred to in the written description;
- (7) Names and addresses of the owners of land immediately adjoining the tract of land being subdivided, as the names appear on the plats in the County Tax Assessor or Revenue Commissioner's office;
- (8) Wooded areas, marshes, and any other conditions affecting the site;
- (9) 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;

- (10) The names and locations of adjoining subdivisions and streets, with reference to recorded plats by record name;
- (11) Proposed rights-of-way or easements including locations, widths, purposes, and street numbers;
- (12) Proposed lot lines with bearings and distances and lot and block numbers;
- (13) Proposed minimum building setback lines;
- (14) Existing or proposed parks, school sites, or other public open spaces, if any;
- (15) Size of required side drains for each lot;
- (16) Site data, which includes:
 - a. Acreage in total tract;
 - b. Smallest lot size;
 - c. Total number of lots;
 - d. Linear feet in streets;
- (17) Any area within or adjacent to the proposed subdivision subject to inundation by the 100-year flood projections as defined by the County Flood Damage Prevention Ordinance;
- (18) The following endorsements and certificates shall be submitted with and placed on the Proposed Plat (see Appendix I for sample certificates):
 - a. Signed Certificate of Engineering Design by a Professional Engineer (Proposed Plat);
 - b. Certificate of Approval by the Lauderdale County Commission (Proposed Plat);
 - c. Certificate of Approval by the Lauderdale County Engineer (Proposed Plat);
 - d. Signed Licensed Land Surveyor's Certificate and Description of Land Platted;
 - e. Signed Dedication by owner;
 - f. A Notary's Acknowledgment of the Dedication Certificate referred to in "e";
 - g. Signed Certificate of Approval by the Lauderdale County 911 Board;
 - h. Signed Certificate of Approval by the Lauderdale County Flood Management Director.

SECTION 4-2 CONSTRUCTION PLAN REQUIREMENTS

At the time of submission of a Subdivision Proposed Plat, the applicant shall also submit Construction Plans for all required improvements as part of the Proposed Plat Application Assembly required under Section 3-3. 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 prepared by a licensed engineer. The following construction plans shall be included:

- (1) Street plan containing all of 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 50' 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 and location of proposed side drains required for each lot.
- (2) Storm Drainage Plan containing all of the following information:
 - a. Location of proposed drainage ways, streams, and ponds in the subdivision;
 - b. Topography at two foot contour intervals 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. 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)].
- f. Location of easements and rights-of-way for drainage ways and maintenance access thereof;
 - g. Typical cross-sections of each drainage way;
 - h. Direction of water flow throughout subdivision and compatibility with existing drainage.
- (3) 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.
 - (4) Water Distribution Plan containing the location and size of water distribution system including pipes, valves, fittings, hydrants, high-pressure pumping equipment, etc.
 - (5) Electric Distribution Plan containing the location of all poles or subsurface facilities as necessary to serve each lot or parcel of land within the subdivision.
 - (6) Gas Distribution Plan, if applicable, containing the location of all above ground and subsurface facilities as necessary to serve each lot or parcel of land in the subdivision.

SECTION 4-3 FINAL PLAT REQUIREMENTS

The following endorsements and certificates shall be submitted with and placed on the Final Plat (see Appendix I for sample certificates):

- (1) Signed Certificate of Engineering Design by a Professional Engineer (Final Plat);
- (2) Certificate of Approval by the Lauderdale County Engineer (Final Plat);
- (3) Signed Licensed Land Surveyor's Certificate and Description of Land Platted;
- (4) Signed Dedication by owner;
- (5) A Notary's Acknowledgment of the Dedication Certificate referred to in "(4)";
- (6) Signed Certificate of Approval by the Lauderdale County 911 Board;

- (7) Signed Certificate of Approval by the Lauderdale County Flood Management Director;
- (8) Certificate of Approval by the Lauderdale County Health Department;
- (9) Certificate of Approval by the Lauderdale County Judge of Probate.

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 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 or federal 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 Lauderdale County;
- (6) The standards, specifications and rules of appropriate utility companies.
- (7) The standards, specifications and rules of any territorial jurisdiction of any municipal planning commission as defined in Section 2-1-64, insofar as said standards or parts of standards are more stringent than the requirements of Lauderdale County.

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

Development of any land within the floodplain shall be governed by the Lauderdale County Flood Damage Prevention Policy. This policy shall supplement these regulations to govern floodplain/floodway issues.

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 Proposed Plat 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 Engineer 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 to a city, county, or state road as defined in Section 2-1-1 or access to any public road shown upon an approved plat recorded in the Lauderdale County Probate Judge's office.

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 Engineer deems variations necessary.

5-3-2 MARGINAL ACCESS ROADS

Where, in the opinion of the County Engineer, development which abuts or has included within the proposed subdivided area any arterial, the County Engineer 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

The Lauderdale County 911 Board shall assign road numbers and approve all proposed road 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 access from:

- (1) an existing state, county or city road; or
- (2) existing public road shown upon an approved plat recorded in the Lauderdale County Probate Judge's office. **Subdivisions located off roads not maintained by the state, county or any city shall only be approved as a Private Subdivision as defined in Section 3-9.**

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 2-1-44 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 Engineer, 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 access ways 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 in 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 a 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 major thoroughfares 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 25 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 major thoroughfare. 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 sixty (60) feet and a right-of-way diameter of at least one hundred (100) feet [eighty (80) feet for roadways with curb and gutter].

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", latest edition, shall be used;
- (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 normally be approximately at right angles for at least one hundred (100) 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. Where minor roads intersect collector or arterials, their alignment shall be continuous.

Intersections of arterials shall be at least eight hundred (500) feet apart. Where a road intersects a state highway, the design standards of the Alabama Department of Transportation shall apply;

- (4) Minimum curb or edge-of-pavement radius at the intersection of two (2) minor roads shall be at least twenty (20) feet; and minimum curb or edge-of-pavement radius at an intersection involving a collector road shall be at least twenty-five (25) 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 decision 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 road building 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.

5-4-1 RIGHT-OF-WAY WIDTHS

Minimum street right-of-way widths shall be not less than sixty (60) feet. A minimum right-of-way width of fifty (50) feet may be approved on subdivisions constructed with curb and gutter as shown in Appendix VI. No right-of-way obstructions such as fences, buildings, non-breakaway mailboxes, etc. shall be allowed.

5-4-2 PAVEMENT WIDTHS

All roads shall have a minimum pavement width of twenty (20) feet with a minimum shoulder width of three (3) feet. If curb and gutter is used, a minimum pavement width of twenty-two (22) feet from front of curb section to front of curb shall 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”, latest edition, Design Criteria for New and Reconstructed Roadways and Bridges with less than 2,500 ADT”. Developers are encouraged, where practical, to design to a 45 mph design speed. Where local conditions warrant, design speeds as low as 25 mph may be approved.

(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”, latest edition. A design speed of 45 mph shall be required.

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”, latest edition. Best Management Practices for erosion control shall be used throughout construction and development. The developer shall be solely 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 road 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 streets, roads or development. **FAILURE TO NOTIFY AS SPECIFIED MAY BE GROUNDS FOR NONACCEPTANCE.**
- (2) Testing: The tests required normally consist of, but are not limited to: gradation, moisture, compaction, and asphalt analysis of road building materials. As a minimum, developers will be required to determine modified proctor density data for approved road building materials.
- (3) Payment and scheduling for all testing shall be the responsibility of 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 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 embankment or subgrade may be inspected by proof rolling, 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(6) of these regulations. Suitable material shall be determined by the County Engineer.
- (8) Base: Base course shall meet the requirements for crushed aggregate 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-six (26) feet for standard sections and twenty-eight (28) feet minimum 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 twenty (20) feet on standard sections and twenty-two (22) 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, Binder Layer, and one hundred pounds per square yard (100 LBS/ SY) of Bituminous Concrete Plant Mix, Wearing Surface. The mix shall be approved by the County Engineer and be covered in the latest recommendation from the office of the ALDOT County Transportation Engineer, ALDOT Materials Engineer or as specified by the ALDOT Standard Specifications for Highway Construction, latest edition. Local approved limestone may be used in lieu of the siliceous aggregate requirement.
- (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 cross drains 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 Class III concrete pipe and shall meet or exceed the current ALDOT specifications.

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 (20) feet long and a maximum of thirty-two (32) feet long [forty (40) foot maximum for businesses]. Minimum diameter of side drain pipes shall be fifteen (15) inches. Side drains shall be either Class III concrete pipe, corrugated metal (14 gauge minimum) or HDPE pipe. 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 ten (10) feet.

- (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. Backfill placed in utility trenches shall be as covered in Section 5-4-4 (6) of these regulations. Temporary easements for utility installation are covered in Section 4-2-1 (g). Easements for utilities shall be a minimum of ten (10) feet wide. The developer is encouraged, but not required, to place all utilities underground. All utility facilities existing and proposed throughout the subdivision shall be shown on the

Proposed Plat. Proper coordination shall be established between the applicant and the applicable utility companies for the establishment of utility easements.

- (13) Signage of Subdivision: Proper signage in accordance with the "Manual of Uniform Traffic Control Devices" (MUTCD) shall be required and maintained in all subdivisions. 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 all entrances of the subdivision stating "PRIVATE ROAD" and it is the responsibility of the developer or owners of the subdivision to maintain these signs until and unless the roads are accepted by the county.

- (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.
- (15) Drainage Easements: Where a subdivision is traversed by a watercourse, drainage way, 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.

SECTION 5-5 BLOCKS

- (1) Blocks should normally have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width may 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 should normally not exceed fifteen hundred (1500) feet nor be less than five hundred (500) feet in length.
- (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) Pedestrian ways 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 where public water and/ or sewer are not provided shall be determined by the regulations of the Lauderdale County Health Department;
- (2) The subdivision plat shall provide each lot with satisfactory access as defined in Section 2-1-1;
- (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 contain a flood-free building site as defined in the County's Flood Damage Prevention Ordinance.

ARTICLE VI

INSTALLATION OF PERMANENT REFERENCE POINTS

6-1 PERMANENT REFERENCE POINTS

SECTION 6-1 PERMANENT REFERENCE POINTS

Prior to the signing 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 Lauderdale 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 a minimum of two exterior corners of the subdivision. Additional monuments may be required by the County on large or irregularly shaped subdivisions. The top of the monuments shall have an identifying cap of the 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

ARTICLE VIII

VARIANCES

8-1 GENERAL

8-2 CONDITIONS

SECTION 8-1 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 for variance shall be made to the County Engineer as part of the application for proposed plat approval. 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.

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 variance approval. Where the County Engineer has recommended granting the variance, the County Commission shall vote on the request along with proposed plat approval.

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 a 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 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, as distinguished from a mere inconvenience, would result 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 Lauderdale County.

SECTION 8-2 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 his registered professional engineer certifying that no increase in the 100-year flood level would result from the proposed development and said variance has been approved by the Lauderdale County Flood Plain Review Board.

ARTICLE IX

CONFLICT WITH PUBLIC AND PRIVATE PROVISIONS

9-1 PUBLIC PROVISIONS

9-2 PRIVATE PROVISIONS

SECTION 9-1 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 of which are more restrictive or impose higher standards shall control.

SECTION 9-2 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; provided, however, that neither the County Commission nor the County Engineer shall be responsible for enforcing, regulating, or ensuring compliance with any such easement, covenant, or other private agreement or restriction.

ARTICLE X

LEGAL PROVISIONS

10-1 SEVERABILITY

10-2 SAVINGS PROVISION

10-3 INCORPORATION BY REFERENCE

10-4 AMENDMENT PROCEDURE FOR COMMISSION

SECTION 10-1 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 10-2 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 10-3 INCORPORATION BY REFERENCE

Code of Alabama 1975, § 11-24-1 et seq., Code of Alabama 1975, § 11-52-30, and Code of Alabama 1975, § 40-12-10 are attached hereto as Appendix IV, and are hereby specifically incorporated by reference and made a part of these regulations.

SECTION 10-4 AMENDMENT PROCEDURE FOR COMMISSION

The County Commission may adopt amendments to these regulations at a regularly scheduled meeting of the County Commission. In addition, the amendments shall not take effect for thirty (30) days after the action of the County Commission. Amendments adopted by the County Commission shall not apply to any plat submitted prior to the date that the amendments take effect.

APPENDIX I
SAMPLE CERTIFICATES

Example A

(Proposed 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 A-1

(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 B

(Proposed Plat)

CERTIFICATE OF APPROVAL BY THE COUNTY COMMISSION

The undersigned, as authorized by the Lauderdale County Commission, Alabama, hereby approved the within plat for the recording of same in the Probate Office of Lauderdale County, Alabama, this _____ day of _____, 20____.

LAUDERDALE COUNTY COMMISSION

Chairman

Example C-1

(Proposed Plat)

CERTIFICATE OF APPROVAL BY THE COUNTY ENGINEER

The undersigned, as County Engineer of the County of Lauderdale, Alabama, hereby authorizes construction of the improvements as reflected on this plat, this _____ day of _____, 20____.

County Engineer
County of Lauderdale, Alabama

Example C-2

(Final Plat)

CERTIFICATE OF APPROVAL BY THE COUNTY ENGINEER

The undersigned, as County Engineer of the County of Lauderdale, Alabama, hereby certifies approval of this plat for the recording of same in the Probate Office of Lauderdale County, Alabama, this _____ day of _____, 20____.

County Engineer
County of Lauderdale, Alabama

Example D

(Proposed and Final Plat)

SURVEYOR'S CERTIFICATE AND DESCRIPTION OF LAND PLATTED

STATE OF ALABAMA
COUNTY OF LAUDERDALE

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

(Out boundary 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 _____, 20__.

(Signature of Surveyor)

(Typed Name of Surveyor)

Alabama License # _____

Example E

(Proposed and 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, § 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 F-1 and F-2). Owner's name should be used in Acknowledgement.

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

Example of (F-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 _____, 20____.

NOTARY PUBLIC

Example of (F-2)

ACKNOWLEDGMENT

STATE OF ALABAMA)
COUNTY OF _____)

I, _____, Notary Public in and for said County, in said State, hereby certify that (owner'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 _____, 20____.

NOTARY PUBLIC

Example G

(Proposed and Final Plat)
CERTIFICATE OF APPROVAL BY THE E911 BOARD

The undersigned, as authorized by the Lauderdale County 911 Board, Alabama, hereby approved the within plat for the recording of same in the Probate Office of Lauderdale County, Alabama, this _____ day of _____, 20____.

E911 Director

Example H

(Proposed and Final Plat)
**CERTIFICATE OF APPROVAL BY THE LAUDERDALE COUNTY FLOOD
MANAGEMENT DEPARTMENT**

The undersigned, as authorized by the Lauderdale County Flood Management Department, Alabama, hereby approved the within plat for the recording of same in the Probate Office of Lauderdale County, Alabama, this _____ day of _____, 20____.

Lauderdale County Flood Management Director

Example I

(Final Plat)

CERTIFICATE OF APPROVAL BY THE LAUDERDALE COUNTY HEALTH DEPARTMENT

The lots on this plat are subject to approval or deletion by the Lauderdale County Health Department. The approvals may contain certain conditions pertaining to the onsite wastewater treatment system(s) that could restrict the use of lots or obligate owners to special maintenance and reporting requirements. These conditions are on file with the said health department and are made a part of this plat as set out hereon.

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

Health Officer

Example J

(Final Plat)

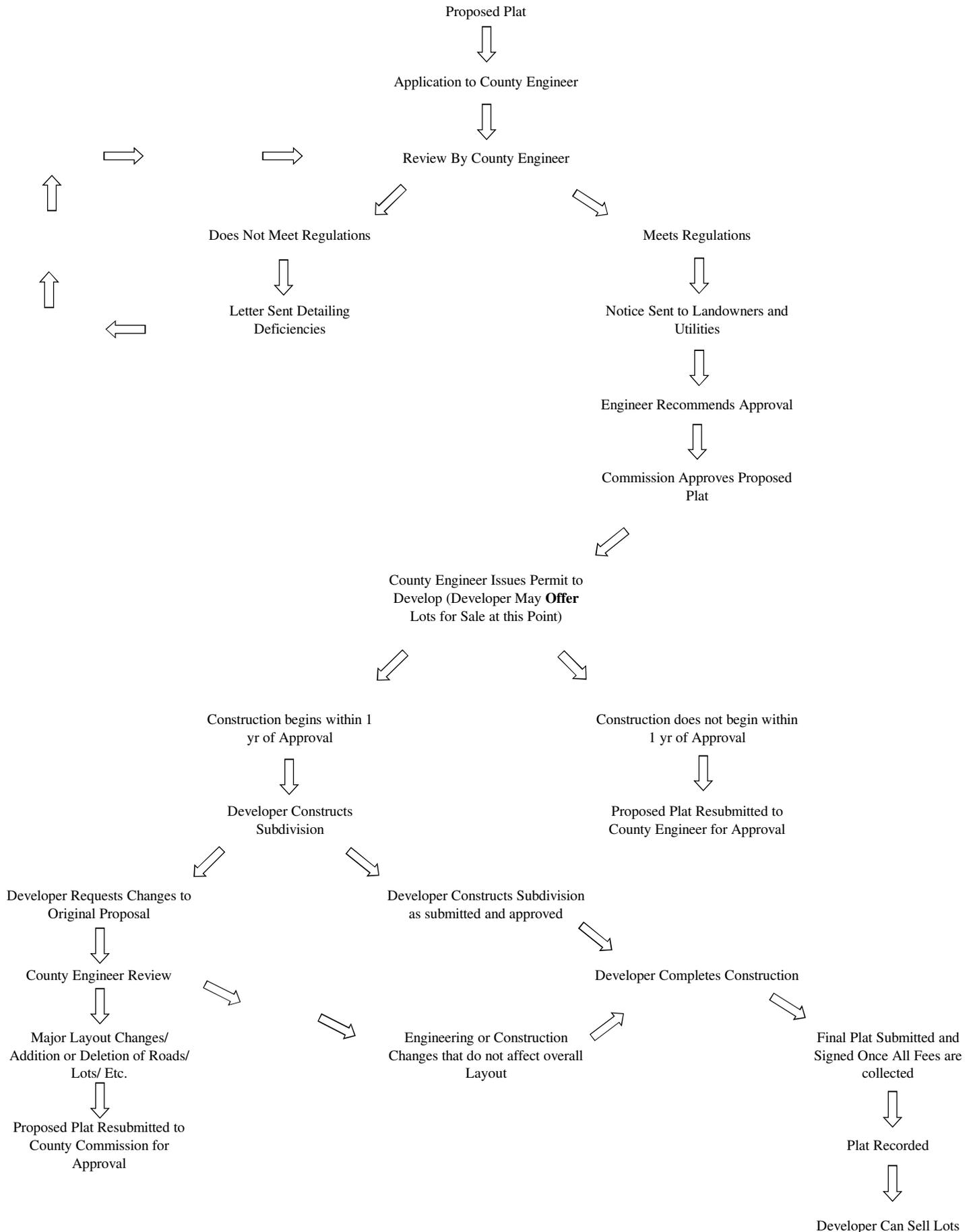
CERTIFICATE OF RECORDING BY THE LAUDERDALE COUNTY PROBATE JUDGE

I, (name), Probate Judge of Lauderdale County, Alabama hereby certify that the annexed plat of (name of subdivision) was filed in this office for recording and was duly recorded in Plat Book _____, on Page _____; this the _____ day of _____, 20____.

(name)
Probate Judge

APPENDIX II
SUBDIVISION FLOWCHART
SAMPLE FORMS

SUBDIVISION FLOWCHART



**LAUDERDALE COUNTY
APPLICATION FOR PROPOSED PLAT 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 plans was last before the Commission? _____

If so, describe the changes _____

10. List all adjacent utilities and property owner(s) names with addresses.

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

11. Attach four (4) copies of proposed plat.

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

APPLICATION
for
PERMIT TO DEVELOP LAND

(Must Attach Proposed Plat)

Lauderdale County _____ Date _____

Subdivision Name _____

Location _____

No. Proposed Lots _____

Total Length Proposed Road(s) _____

Owner(s)/Developer(s) _____

Mailing Address _____

Phone No. _____

Fax No. _____

Email _____

.....

Upon approval of this permit application I (we) hereby agree to comply with all state laws and local regulations as applies to the subdividing and/or development of land. I (we) understand the permit will be valid for 12 months from the issuance date and may be revoked for non-compliance at anytime by the County Engineer or his designee.

Owner(s)/Developer(s) Signature

Date

APPENDIX III

AMENDMENTS

12-10-2007 by Resolution of the Lauderdale County Commission

Revised the following Sections: 1-4; 2-1-1; 2-1-60 (d) (iii); 2-1-60 (f); 2-1-61 (b); 4-1-18; 4-3; 5-3-11; 5-4-1; 5-4-4 (11); 5-6-1; Appendix 1, EX. A; A-1; C-1; C-2; D; E; F-1; F-2; G; H; I; J; and Appendix V

03-14-2011 by Resolution of the Lauderdale County Commission

Eliminated provisions dealing with Minor Subdivisions and changes to design standards.

APPENDIX IV

APPLICABLE STATE LAWS

COUNTY SUBDIVISION REGULATIONS LAW

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

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

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

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

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

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

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

TERRITORIAL JURISDICTION OF MUNICIPAL PLANNING COMMISSION

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

VACATION OF ROADS

§ 23-4-1 -- Application.

§ 23-4-2 -- Procedure.

§ 23-4-5 -- Appeals.

§ 23-4-6 -- Article deemed cumulative.

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

County License Inspector

§ 40-12-10 – License inspectors generally

APPENDIX V

ACCEPTANCE OF ROADS AND STREETS FOR COUNTY MAINTENANCE

After one year from Final Plat approval, the subdivider may petition the Lauderdale County Commission, in writing, for the roads to be accepted into the Lauderdale County Road System. The County Engineer or his designee will re-inspect the subdivision and the developer will be notified in writing of any deficiencies that need to be corrected. After all corrections have been addressed, the County Engineer will notify the County Commission and have the roads placed on the agenda for consideration. No road will be accepted for maintenance into the Lauderdale County Road System that does not conform to these provisions with regard to design and construction.

EXISTING ROADS - NOT COUNTY MAINTAINED

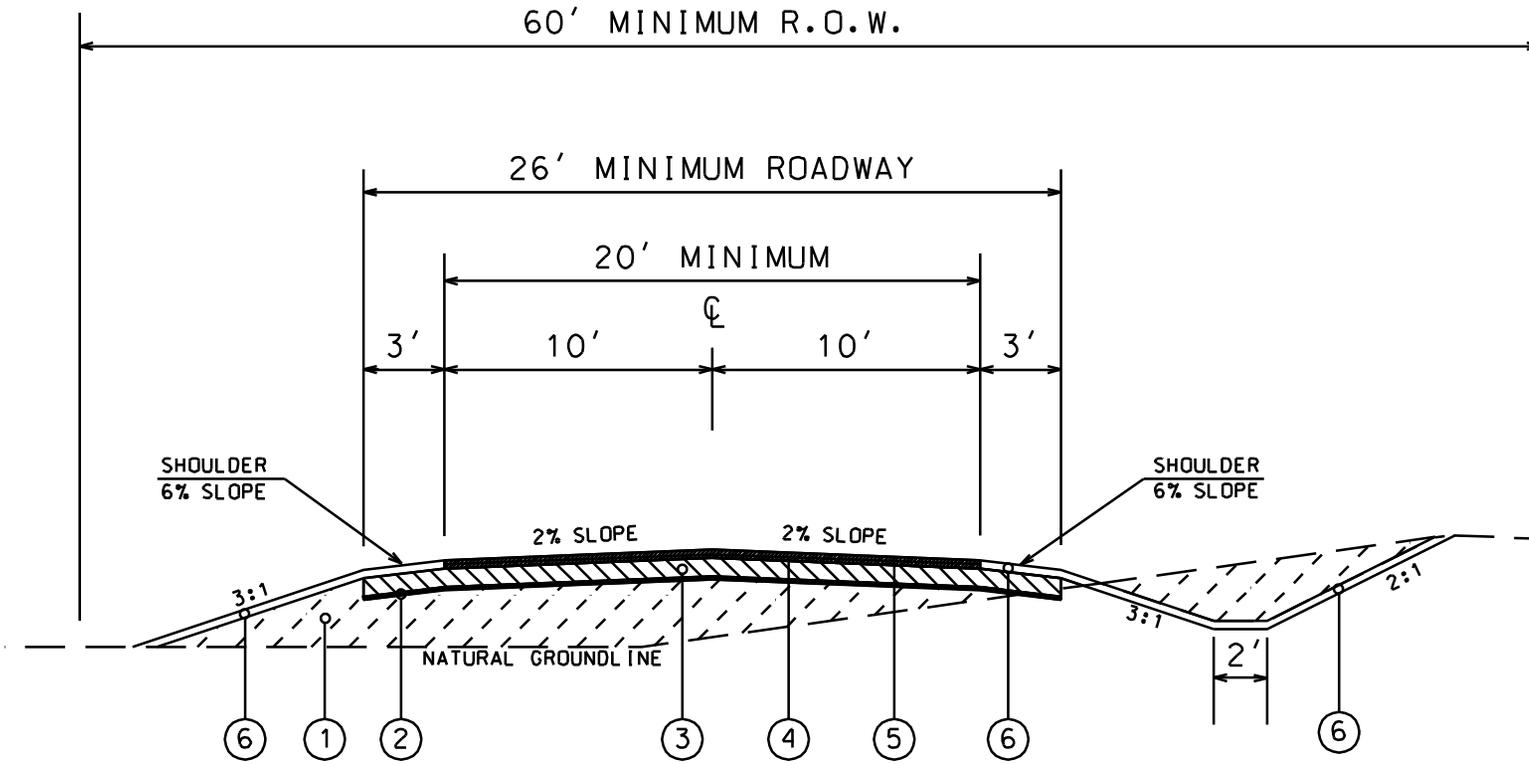
The County Commission shall not accept any roads (whether in a subdivision or not) that were in existence prior to the adoption of these regulations for maintenance, except as outlined in Section 10-2, unless all of the following criteria are met.

- (1) The roads shall benefit the general public as an access, as determined by the County Commission.
- (2) A dedicated right-of-way shall be provided at a width required by the standards herein stated.
- (3) The roads shall be constructed in the same manner as contained herein for subdivision roads including, design, approvals and inspections.

APPENDIX VI

TYPICAL SECTIONS

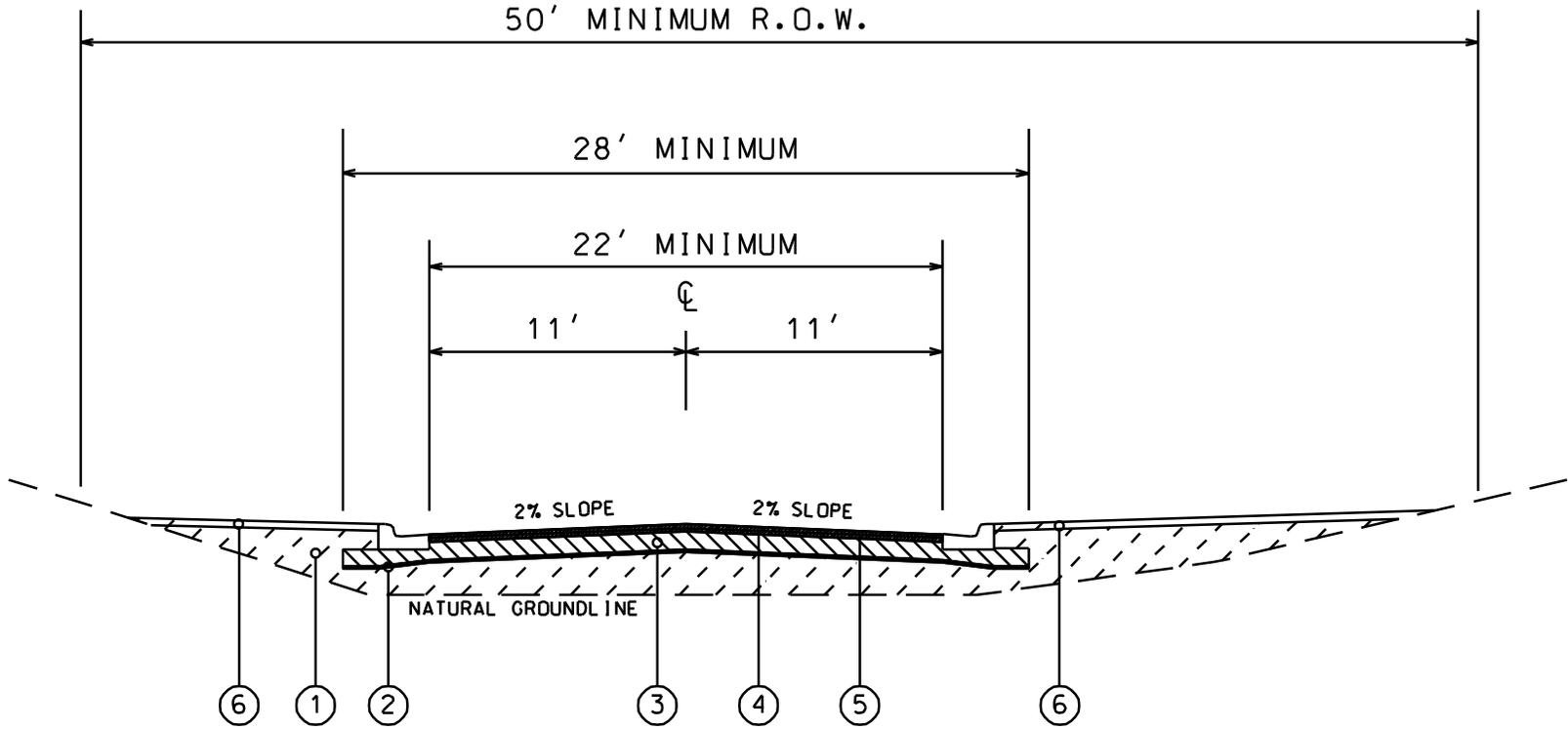
TYPICAL SECTION



NOTE: SHOULDERS AND FRONT SLOPES SHALL BE GRASSED

- ① APPROVED BORROW MATERIAL
- ② ROADBED PROCESSING
- ③ 6" MINIMUM COMPACTED CRUSHED AGGREGATE BASE (FULL WIDTH OF ROADWAY)
- ④ BITUMINOUS CONCRETE PLANT MIX, BINDER LAYER (200 LBS/SY)
- ⑤ BITUMINOUS CONCRETE PLANT MIX, WEARING SURFACE (100 LBS/SY)
- ⑥ TOPSOIL

TYPICAL SECTION CURB



NOTE: SHOULDERS AND FRONT SLOPES SHALL BE GRASSED

- ① APPROVED BORROW MATERIAL
- ② ROADBED PROCESSING
- ③ 6" MINIMUM COMPACTED CRUSHED AGGREGATE BASE (FULL WIDTH OF ROADWAY)
- ④ BITUMINOUS CONCRETE PLANT MIX, BINDER LAYER (200 LBS/SY)
- ⑤ BITUMINOUS CONCRETE PLANT MIX, WEARING SURFACE (100 LBS/SY)
- ⑥ TOPSOIL