

SUBDIVISION REGULATIONS



**Dale County, Alabama
August 12, 2013**

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 2-1-61 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

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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 Dale County, Alabama. These regulations shall be applicable to the development of any subdivision within the county's subdivision jurisdiction, and shall include, at a 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. Additionally, unless waived by the Dale 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 # 2013-08-12-01 of the Dale County Commission, adopted on the 12th day of August, 2013, and pursuant to the powers and jurisdiction granted by Code of Alabama 1975, § 11-24-1 et seq., the Dale 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 Dale County, Alabama. The Dale 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 Dale County Commission from and after the date of adoption by resolution. Subdivision regulations previously in place in Dale 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 Dale 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, 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 given final approval by Dale County.

It is not the purpose of these regulations to govern the acceptance of roads or streets for maintenance by the County Commission. Refer to Appendix V for the current policy for acceptance of roads and bridges by the Dale County Commission.

SECTION 1-2 TITLE

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

SECTION 1-3 FEES

Dale 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 total fee is dependent on the type of subdivision (as defined in Section 2-1-61) and is a **guide** as to the charges that will be incurred by the developer. 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) Minor Subdivision Fee: \$ 0 plus \$ 0 per lot/ site in the development; or
- (3) Major Subdivision Fee: \$ 0 plus \$ 0 per lot/ site plus \$ 0.00/ linear foot on new road to be constructed.

SECTION 1-4 ENFORCEMENT AND VIOLATIONS

Pursuant to authority granted under Code of Alabama 1975, § 11-24-3(d), the Dale County Commission shall enforce the provisions of these regulations by the issuance of citations issued by a county license inspector appointed by the Dale 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 Dale 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.*

SECTION 1-5 AMENDMENTS

The Dale 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, or state road. All access must have thirty (30) foot minimum width from the city, county, or state road to the building site. [Parcels excluded in Section 2-1-60(d) must have a minimum of sixty (60) foot access along with any lot in a subdivision of land covered by these regulations which has the ability to be further divided to provide additional building sites/ lots.]
- 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 Dale, Alabama.
- 2-1-14 COUNTY ADMINISTRATOR: The duly designated Administrator or Clerk of Dale County, Alabama.
- 2-1-15 COUNTY COMMISSION: The County Commission of the County of Dale, Alabama.
- 2-1-16 COUNTY ENGINEER: The duly designated Engineer of the County of Dale, 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 Dale 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 Dale 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 MAJOR SUBDIVISION: See Section 2-1-61(a), Subdivision Categories.
- 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 MINOR SUBDIVISION: See Section 2-1-61(b), Subdivision Categories.
- 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 Dale County, Alabama.
- 2-1-54 RETURN FREQUENCY: A flood event which is used in storm drainage design (10, 25, or 100 year)
- 2-1-55 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.

- 2-1-56 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.
- 2-1-57 SETBACKS: A setback is synonymous to “building setback line”. See Section 2-1-9.
- 2-1-58 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.
- 2-1-59 SKETCH PLAN: Drawing submitted prior to the preparation of the Proposed Plat (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.
- 2-1-60 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.
- 2-1-61 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 land into parcels greater than five (5) acres wherein all of the following criteria are met and shown on a plat to be filed in the judge of probate with a certificate on the plat stating that all criteria are met:
 - (i) frontage on existing roads of each parcel is at least 60 feet,
 - (ii) the extension of public utilities is not required , and
 - (iii) in the opinion of the developer's licensed engineer, there will be no additional storm water runoff created.
- 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)(i), (ii), and (iii) above;

2-1-62 SUBDIVISION CATEGORIES:

- a. SUBDIVISION, MAJOR: All subdivisions not classified as a minor subdivision.
- b. SUBDIVISION, MINOR: Any subdivision with parcels or lots five (5) acres or less fronting on an existing county road that does not involve any new street (or road) or the extension of public facilities, does not require the creation of any public improvements, and does not, in the opinion of the developer's licensed engineer with the concurrence of the County Engineer, create any additional storm water runoff.

2-1-63 SUBDIVISION JURISDICTION: All areas outside the corporate limits of any municipality in Dale County, except areas within the territorial jurisdiction of a municipal planning commission presently organized and functional or which shall become organized and functional within six months of the date Dale County first assumes such jurisdiction by publishing and adopting notice of these regulations.

2-1-64 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.

2-1-65 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 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.

- 2-1-66 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.
- 2-1-67 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.
- 2-1-68 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 MAJOR SUBDIVISION
- 3-8 FINAL PLAT APPROVAL

SECTION 3-1 APPROVAL OF SUBDIVISION PLATS

This section details the **general** steps necessary to achieve approval of a subdivision in Dale 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 thirty (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, if applicable. (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) At least four (4) copies of the proposed plat **prepared in accordance with the requirements** detailed in Section 4-1 of these regulations;
- (4) Construction Plans for all required improvements **prepared in accordance with the requirements** detailed in Section 4-2 of these regulations (Major Subdivisions only);
- (5) A letter from the Health Department detailing field review by the Health Department for the general lot layout has been completed;
- (6) Any variances requested accompanied by detailed supporting documentation;
- (7) The names and addresses of each adjoining landowner and utility entitled to notice pursuant to Code of Alabama 1975, §11-24-2(b); and
- (8) A permit fee of \$ 25, paid to the Probate Judge.

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.

In the event the proposed subdivision is a major subdivision, the County Engineer shall require the developer to submit a detailed construction estimate covering all proposed infrastructure for approval. Once the County Engineer receives and approves this detailed construction estimate, the **developer** shall be required to provide an acceptable surety to Dale County equal to 150% of the estimated cost of installing all improvements, including, but not limited to, grading, paving of the streets, and installation of all required utilities and fees encountered during execution of improvements.

SECTION 3-5 COUNTY COMMISSION APPROVAL OF PROPOSED PLAT

Once the County Engineer verifies that the Application Assembly meets the County Regulations and, if applicable, the developer provides the required surety, the Proposed Plat shall be submitted to the County Commission for their approval at the next 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 for a fee of \$25. 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 MAJOR SUBDIVISION

Once the permit to develop has been issued, the developer of a major 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 of a minor subdivision shall proceed in accordance with the requirements set out in Section 3-8 of these regulations.

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 as follows:

- (1) Once infrastructure construction is complete for a major subdivision (*or an acceptable surety bond is provided as decided by the county in section 3-4, construction must be completed by one (1) year in the event that a surety is provided in lieu of construction*);
- (2) Immediately following approval of the proposed plat for minor subdivisions.

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

- (1) Remit all testing and inspection charges 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;
- (3) Four (4) copies of the Final Plat as approved by the County Engineer; and
- (4) A letter from the Health Department certifying the compliance of the subdivision with their regulations.

Final plat approval does not include the acceptance of roads. If the developer desires to have the roads accepted into the county road system by the county commission, he or she shall comply with the procedures for road acceptance set out in Appendix V. The surety bond required for proposed plat approval shall be retained pending final acceptance of all roads. Developers of major subdivisions whose infrastructure has been constructed to be privately owned and maintained shall have their surety bond released following the signing of the final plat.

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).

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) State purpose of subdivision, either residential or non-residential;
- (4) Name and seal of licensed land surveyor;
- (5) Vicinity map showing location of the subdivision;
- (6) Exact boundaries of the tract of land being subdivided, shown with bearings and distances;
- (7) 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 Dale County; and "Point of beginning" as referred to in the written description;
- (8) The exact position of the permanent monuments shall be indicated on the plat;
- (9) 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;
- (10) Names and addresses of utility owners involved;
- (11) Wooded areas, marshes, soil types in the area, and any other conditions affecting the site;

- (12) 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;
- (13) The names and locations of adjoining subdivisions and streets, with reference to recorded plats by record name;
- (14) Proposed rights-of-way or easements including locations, widths, purposes, and street names. Street names will be assigned by the Dale County 911 Board;
- (15) Proposed lot lines with bearings and distances and lot and block numbers;
- (16) Proposed minimum building setback lines;
- (17) Proposed parks, school sites, or other public open spaces, if any;
- (18) Size of required drains for each lot;
- (19) Site data, which includes:
 - a. Acreage in total tract;
 - b. Smallest lot size;
 - c. Total number of lots;
 - d. Linear feet in streets;
- (20) 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;
- (21) Copies of any off-premises drainage easements that may be required as specified in Section 5-4-4-16 shall be submitted with the preliminary plat;
- (22) The following endorsements and certificates shall be submitted with and placed on the Proposed Plat (see Appendix I for sample certificates):
 - a. Licensed Land Surveyor's Certificate and Description of Land Platted;
 - b. Licensed Engineer's Certificate of Engineering Design and Construction (Proposed Plat Statements);
 - c. Dedication by owner;
 - d. A notary's Acknowledgment of the Dedication Certificate referred to in "c";
 - e. A Certificate of Approval by the appropriate electric utility distributor;
 - f. A Certificate of Approval by the appropriate water and sewer utility;
 - g. A Certificate of Approval by the County Engineer of Dale County;

- h. Certificate of Approval by the Dale County Commission;
- i. A Certificate of Approval by the Dale County Health Department (if septic tanks and/or wells are necessary).

SECTION 4-2 CONSTRUCTION PLAN REQUIREMENTS

At the time of submission of a Major 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 drawn at a scale of not less than one (1) inch equals one hundred (100) feet, and map sheets shall be of the same size as the Proposed Plat. 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 100' stations or as required by the County Engineer;
 - f. Curve data for the centerline of each street: Delta, Tangent, Length of Curve, Superelevation, and Radius;
 - g. Location of all required sidewalks and crosswalks;
 - h. Location of all proposed utilities.
 - i. Size and location of 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 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. 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) Street Signing Plan containing all of the following information:
- a. Show the type, size, grade and location of all street signs required in accordance with the Manual of Uniform Traffic Control Devices, latest edition (see Section 5-4-4-13).
- (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.
- (6) 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. Any street lighting plan must be coordinated with the appropriate power supplier and the county will not maintain street lights.
- (7) 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 final plat shall be identical to the proposed plat with the exception of the certificate detailed in Section 4-1-22(b) which is for proposed plat submission. This certificate shall be replaced with the appropriate certificate for final plat submission found in Appendix I.

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 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 Dale 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 within the Floodway shall not be platted for residential occupancy or building sites. Land outside the floodway but subject to flood may be platted for residential occupancy provided each lot contains a building site that may reasonably lend itself to construction of a floor level above flood elevation, or for such other uses which will not increase the danger to health, life, and property. Fill may not be used to raise land in the floodway (see Section 2-1-30 for definition of

floodway). In other areas subject to flood, fill may be used providing the proposed fill does not restrict the flow of water and unduly increase flood heights.

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.

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.

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

Proposed roads, which are obviously in alignment with others existing and numbered, shall bear the assigned number of the existing roads. The Dale County 911 Board shall assign Road names and/or numbers and inform the County Engineer of all additions and changes.

5-3-5 HALF STREETS

Half streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations. Where the County Engineer finds it will be practicable to require the dedication of the other half when adjoining property is subdivided, the other half of the street shall be platted within such tract.

5-3-6 VACATING A ROAD OR EASEMENT

No street or easement may be vacated unless such action is submitted to, and approved by, the County Engineer. 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.

5-3-7 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 publicly maintained road in Dale County or
- (2) public road shown upon an approved plat recorded in the Dale County Probate Judge's office.

Any such street or highway must be suitably improved with the width and right-of-way required by these subdivision regulations or be secured by an improvement guarantee required under these subdivision regulations.

5-3-7 TOPOGRAPHY AND ARRANGEMENT

- (1) Land subject to flooding, improper drainage, or erosion, or which is for topographical, geological, or other reasons unsuitable for residential use shall not be platted for residential use nor for any other uses that will continue to increase the danger to health, safety, or property destruction unless the hazards can be and are corrected.
- (2) All proposed roads shall be properly integrated with the existing system of roads.

- (3) 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.
- (4) 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.
- (5) 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.
- (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 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 20 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

All dead end roads shall be provided with a turnaround having a pavement diameter of at least eighty (80) feet and a right-of-way diameter of at least one hundred (100) 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 one hundred (100) feet therefrom. Not more than two (2) roads shall intersect at any one point unless specifically approved by the County Engineer;
- (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 or pavement radius at intersecting roads 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 fifty (50) feet, measured from the nearest edge line of pavement of the intersecting road;
- (6) The cross-slopes on all roads, including intersections, shall be a minimum of two percent (2%) and a maximum of five percent (5%);
- (7) The street right-of-way flare at street intersections shall be at least fifty (50) feet. Where the angle of street intersection is less than (90) degrees, a longer flare may be required.
- (8) Islands, medians, brick signs or any structures of a non-breakaway construction shall not be permitted in areas to be dedicated as public right-of-way.
- (9) Deceleration, acceleration, and left turn lanes may be required if deemed necessary to maintain a safe flow of traffic on existing or proposed streets.

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 Section 1-1 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 Engineer 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 XIII.

5-4-1 RIGHT-OF-WAY WIDTHS

Minimum street right-of-way widths shall be not less than sixty (60) feet for ditch section roadways and fifty (50) feet for streets with curb and gutter. Right-of-way in excess of this may be required in accordance with the recommendations of the County Engineer for the reasons as set forth above. All street or road cuts/fills and drainage structures shall be within the dedicated right-of-way.

An additional fifteen (15) feet utility easement on each side of right-of-way shall be required for the placement of all utilities.

5-4-2 PAVEMENT WIDTHS

(1) CURB SECTIONS

All streets shall have a minimum pavement width of twenty-eight (28) feet from back of curb to back of curb with a minimum shoulder width of two (2) feet back of curb. Slopes adjacent to shoulder are not to exceed three (3) horizontal to one (1) vertical.

(2) DITCH SECTIONS

All roads shall have a minimum pavement width of twenty-two (22) feet with a minimum shoulder width of six (6) feet. Slopes adjacent to shoulder are not to exceed three (3) horizontal to one (1) vertical. Ditches shall have a three (3) feet flat bottom.

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” or the County Engineer shall have the authority to reject material or suspend work. 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 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 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 density, base material analysis, base density, asphalt density, concrete tests, miscellaneous material testing, and other material test as required by the County Engineer.
- (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 as determined necessary by the County Engineer. At a minimum, all ditches with slopes less than one (1) percent or greater than six (6) percent shall include slope paving. Other alternatives must 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 one (1) foot outside of curb and gutter and/or valley gutter sections. The total section is thirty-four (34) feet in width for curb 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(5) of these regulations. Suitable material shall be determined by the County Engineer.

- (8) Base: Base course shall meet the requirements as set forth in Section 301 of the Alabama Department of Transportation Standard Specifications for Highway Construction. Base course may be either granular soil or crushed aggregate, refer to Section 821 and Section 825 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 one (1) feet outside of curb sections. The total section is thirty-four (34) feet in width. 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 thirty-four (34) feet for ditch sections and thirty-two (32) 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-two (22) feet on ditch sections and twenty-seven (27) feet for curb sections. Type of curb to be used shall be approved by the County Engineer.
 - b. Curb and gutters, if used, shall be the regular six (6) inch curbs with eighteen (18) inch gutters with a minimum over-all width of twenty-four (24) inches.
 - c. A bituminous pavement shall be constructed on a suitable base as approved by the County Engineer. The wearing surface shall be approved by the County Engineer and be covered in the latest memorandum 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 Dale County Commission. As covered in Section 1-1, the current policy is available from the office of the County Commission or the County Engineer. Minimum requirements for the bituminous pavement shall be as follows:
 1. A double bituminous surface treatment of AKG or AJG as covered in Section 401 of the ALDOT Standard Specifications for Highway Construction (for ditch sections only).
 2. One hundred and sixty-five pounds per square yard (165 LBS/ SY) of Bituminous Concrete Plant Mix, Wearing Surface either type 424 or 429 as covered in Section 410 of the ALDOT Standard Specifications for Highway Construction.
- (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.

All drainage structures shall be Class III or 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 thirty (30) feet long and a maximum of thirty-four (34) feet long. 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.

In computing storm water run-off, the developer's engineer shall consider the effect of possible future development of the watershed above the area being developed. Dependent upon the storm water requirements in the area of the proposed subdivision, storm water detention may be required. The storm water detention system must assure that post-development discharge rates do not exceed pre-development runoff rates

- (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 and all service connections related thereto 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 (h). Easements for utilities shall be a minimum of at least fifteen (15) 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 also 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 "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 in such a development.

- (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 good stand of permanent grass to prevent undue erosion, either by sprigging or seeding. The developer shall implement Best Management Practices to prevent erosion.

If final plat approval is requested prior to the establishment of a permanent stand of grass, the developer shall provide the County Commission a grassing bond of a sufficient amount before submission of the final plat.

- (15) 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.
- (16) 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.
 - a. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements at least fifteen (15) feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.
 - b. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured by the applicant and indicated on the plat. Copies of these drainage easements as specified in Section 5-4-4-16 shall be submitted with the preliminary plat.
 - c. The applicant shall dedicate, either in fee or by drainage or conservation easement, land on both sides of existing water courses, to a distance to be determined by the County Engineer.
 - d. Low-lying lands along water courses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained as drainageways.

SECTION 5-5 OMIT

SECTION 5-6. LOTS

Residential lots shall comply with the following requirements:

- (1) The minimum lot size shall be determined by the regulations of the 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.
- (7) Where all lots have a minimum road frontage of one hundred and twenty-five (125) feet, the developer shall not be required to construct curb and gutter. However, a wider right-of-way shall be required to accommodate the open ditch drainage system. The minimum right-of-way for this type of development shall be sixty (60) feet.
- (8) Lots which are located within a cul-de-sac shall be exempt from the 60' access requirement. A minimum access for these type lots shall be 30' provided the proposed lot cannot be further subdivided for the purpose of providing an additional building site. A note shall be required on the plat restricting the further subdivision of lots meeting this exemption.

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 Dale 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 twenty-four (24) 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

GUARANTEE OF CONSTRUCTION

- 7-1 SURETY
- 7-2 CONSTRUCTION, INSPECTION AND CERTIFICATION
- 7-3 RELEASE OF GUARANTEE

SECTION 7-1 SURETY

The developer or subdivider shall be responsible for all required infrastructure construction related to the subdivision. The developer shall be required to complete the full installation of all required infrastructure prior to the signing of the Final Plat along with providing financial guarantee of performance under conditions set out in these regulations prior to approval of the Proposed Plat.

The guarantee of performance by the subdivider shall be a surety in a form approved by the County Engineer and in the amount detailed in Section 3-4 of these regulations. If within twelve (12) months after filing said surety, the subdivider has not completed all necessary construction or if, in the opinion of the County Engineer, said construction have not been satisfactorily installed, the County may take such steps as may be necessary to require performance under the bond.

SECTION 7-2 CONSTRUCTION, INSPECTION AND CERTIFICATION

The County Engineer or his designee shall monitor and periodically inspect for defects in the construction of the required improvements. The developer shall pay to the County and authorized by Code of Alabama 1975, § 11-24-3, and the County Engineer shall not sign the final plat unless such fees have been paid at the time of application for final plat approval. If the County Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the County's adopted construction standards and specifications, the developer shall be responsible for correcting any deficiencies prior to final plat approval. Wherever the cost of improvements is covered by a surety, the developer and the Surety Company shall be severally and jointly liable for completing or paying the cost of the improvements according to specifications.

Upon completion of the improvements, the applicant shall file with the County Engineer a statement stipulating the following:

- (1) That all required infrastructure construction is complete;
- (2) That these improvements are in compliance with the minimum standards specified by the County and the County Engineer for their construction;
- (3) That the developer knows of no defects in these improvements; and
- (4) That these improvements are free and clear of any encumbrances or liens.

SECTION 7-3 RELEASE OF GUARANTEE

Upon satisfactory completion of all improvements and approval by the County Engineer, the County Commission shall authorize the release of the improvement surety bond.

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. The 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 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 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 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 Dale 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 by a registered professional engineer certifying that no increase in the 100-year flood level would result from the proposed development.

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 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
(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 # _____

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 Acknowledgement.

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, § 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 Acknowledgement.

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 DALE

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 (E-2)

ACKNOWLEDGMENT

STATE OF ALABAMA
COUNTY OF DALE

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 _____, 20__.

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 Dale County, Alabama, this _____ day of _____, 20____.

(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 Dale County, Alabama, this the _____ day of _____, 20____.

(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 Dale, Alabama, hereby certifies approval of this plat for the recording of same in the Probate Office of Dale County, Alabama, this _____ day of _____, 20____.

County Engineer
County of Dale Alabama

Example I

(Final Plat)

CERTIFICATE OF APPROVAL BY THE DALE COUNTY HEALTH DEPARTMENT

The undersigned, as authorized by the Dale County Health Department, Alabama, hereby certifies this subdivision meets the approval of the Dale 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 Dale County, Alabama, this ____ day of _____, 20__.

Health Officer

Example J

(Final Plat)

CERTIFICATE OF APPROVAL BY THE E-911 Board

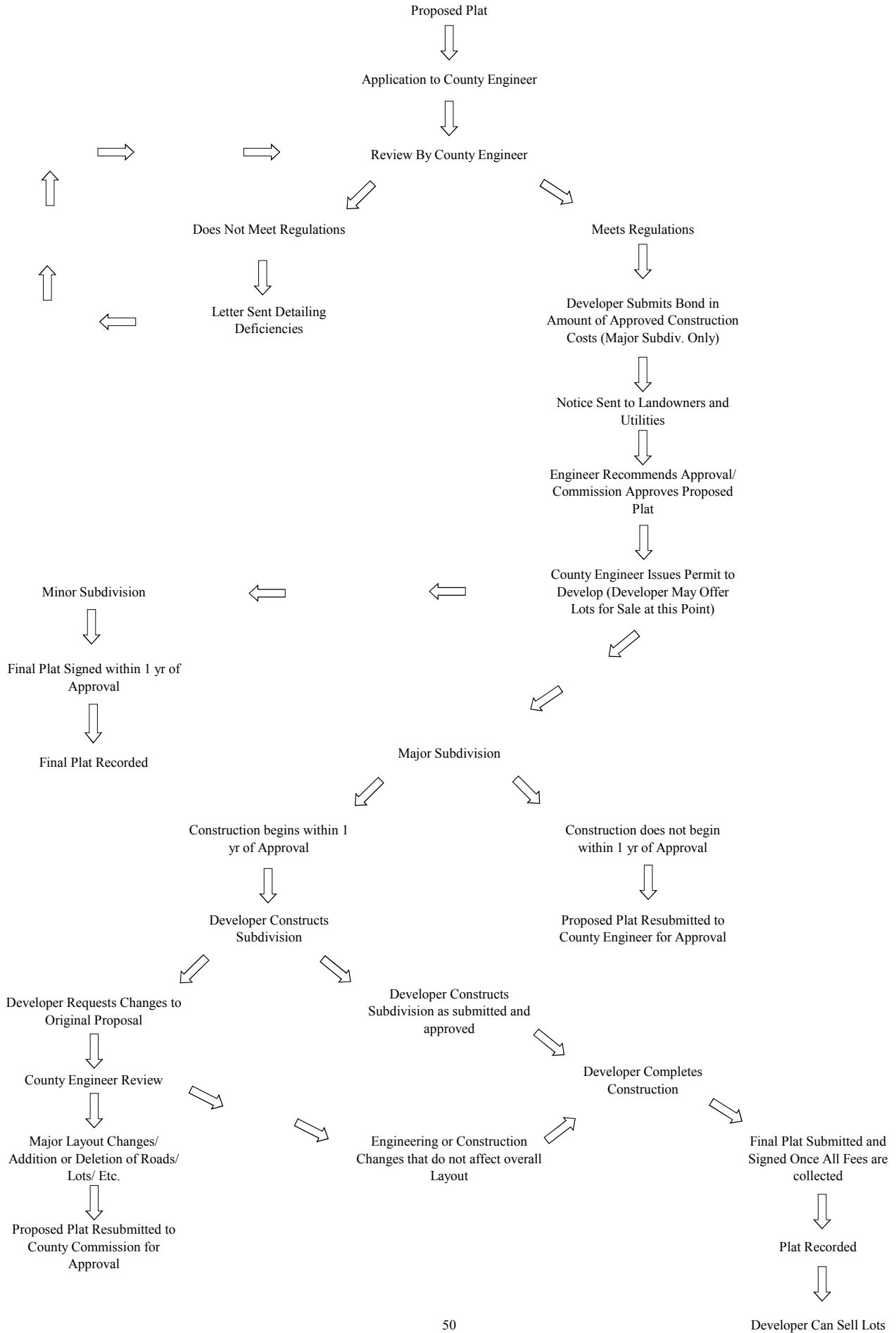
The within plat of _____, Dale County, Alabama, is hereby approved by the E-911 Board of Dale County, Alabama, this ____ day of _____, 20__.

E-911 Chairman

APPENDIX II

***SUBDIVISION FLOWCHART
APPLICATION FOR PROPOSED PLAT REVIEW***

SUBDIVISION FLOWCHART



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: _____

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. Attach list of all adjacent property owner(s) name and addresses.

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

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

APPENDIX III
AMENDMENTS

APPENDIX IV
APPLICABLE STATE LAWS

COUNTY SUBDIVISION REGULATIONS LAW

(1)§ 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.

(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.

(2)§ 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 and, prior to beginning any construction or development, to submit the proposed plat to the county commission for approval and obtain a permit to develop as required in this section. The permit to develop shall be obtained before the actual sale, offering for sale, transfer, or lease of any lots from the subdivision or addition to the public, it must include a plan to deliver utilities including water, and shall only be issued upon

approval of the proposed plat by the county commission. As a condition for the issuance of a permit, the county commission may require any of the following for approval of the proposed plat:

(1) 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.

(2) The names and addresses of each adjoining landowner and utility subject to the notice as provided in subsection (b).

(3) A permit fee, which shall not exceed twenty-five dollars (\$25).

(b) No proposed plat shall be approved or disapproved by the county commission without first being reviewed by the county engineer or his or her designee. Following the review, the county engineer or his or her designee shall certify to the commission whether the proposed plat meets the county's regulations. If the proposed plat meets the regulations, it shall be approved by the commission. Should the proposed 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 it 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 proposed 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 proposed plat is not properly notified then the approval or disapproval 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.

(c) In addition to the foregoing, once 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 has met all requirements of the county's regulations, he or she shall submit the final plat of the developed subdivision or addition to existing subdivision to the county engineer for signature verifying that the subdivision or additions to existing subdivision meets the county's regulations. After the final plat has been signed by the county engineer, it shall be filed for record or received for filing in the office of the judge of probate. Subject to the penalties set out in Section 11-24-3, it shall be a violation of this chapter for the developer to file or to have filed any plat, deed, property description, or document of property transfer without full compliance with this section.

(d) Notwithstanding the provisions of subsections (a), (b), and (c), this section shall not apply to

the sale, deed, or transfer of land by the owner to an immediate family member, except that, in the event that there is any sale, deed, or transfer of land by the owner or an immediate family member to someone other than an immediate family member, this chapter shall then apply to any subdivision of property as defined in subdivision (4) of Section 11-24-1.

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

(a) Any owner or developer failing to comply with the permitting requirement or otherwise violating this chapter or any rule or regulation made pursuant to this chapter shall be fined one thousand dollars (\$1,000) per lot that has been sold, offered for sale, transferred, or leased to the public.

(b) In the event that the developer or owner fails to comply with this chapter, 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 or, in the event that work on the subdivision has been completed, to bring action to compel the developer or owner to comply with this chapter. In addition to injunction, the county commission may recover the penalty as provided by this section in any court of competent jurisdiction.

(c) The county commission may employ inspectors and may request the county license inspector 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.

(d) This chapter may be enforced by the county license inspector under Section 40-12-10, including issuing citations as provided in subsection (j) of Section 40-12-10 for failure to properly obtain the permit to develop required pursuant to subsection (a) of Section 11-24-2. The license inspector may issue subsequent citations for failure to properly obtain a permit to develop if, after 30 days following the issuance of the previous citation for the same violation, the owner or developer of the subdivision has not made proper application for a permit pursuant to the requirements of this chapter. The applicable fines set out in subsection (a) shall be doubled and separately assessed against the owner or developer of the subdivision for each subsequent citation issued by the license inspector as provided herein."

(4)§ 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.

(5)§ 11-24-5 -- No jurisdiction within 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.

(6)§ 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.

(7)§ 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.

TERRITORIAL JURISDICTION OF MUNICIPAL PLANNING COMMISSION

(8)§ 11-52-30 -- Territorial jurisdiction of municipal/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.

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 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.

VACATION OF ROADS

(9)§ 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.

(10)§ 23-4-2 -- Procedure.

(a) Whenever the governing body of a municipality or county proposes to vacate a public street, alley, or highway, or portion thereof, the governing body shall schedule a public hearing prior to taking final action and shall publish notice of the proposed hearing on the vacation in a newspaper of general circulation in the portion of the county where the street, alley, or highway lies once a week for four consecutive weeks in the county prior to deciding the issue at a regularly scheduled meeting of the governing body. A copy of the notice shall be posted on a bulletin board at the county courthouse and shall also be served by U.S. mail at least 30 days prior to the scheduled meeting on any abutting owner and on any entity known to have facilities or equipment such as utility lines, both aerial or buried, within the public right-of-way of the street, alley, or highway to be vacated. The notice shall describe the street, alley, highway, or portion thereof proposed to be vacated and also give the date, time, and location of the meeting of the governing body at which the proposed vacation is scheduled to be addressed. Any citizen alleging to be affected by the proposed vacation may submit a written objection to the governing body or may request an opportunity to be heard at the public hearing held as required herein.

(b) If the governing body elects to vacate, it shall adopt a resolution which shall describe with accuracy the street, alley, or highway, or portion thereof, to be 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 resolution shall further set forth that it is in the interest of the public that such street, alley, or highway, or portion thereof, be vacated and shall be filed in the probate court of the county. In counties which elect the members of the county commission by single-member districts, the motion to approve the vacation shall be made by the commissioner in whose district the portion of the public street, alley, or highway to be vacated is located. The vacation shall not deprive other property owners of any right they may have to convenient and reasonable means of ingress and egress to and from their property, and if that right is not afforded by the remaining streets and alleys, another street or alley affording that right must be dedicated. The filing of the resolution as required herein shall operate as a declaration of the governing body's vacation and shall divest all public rights and liabilities, including any rights which may have been acquired by prescription, in that part of the public street, alley, or highway vacated. Title and all public rights, including the right to close the street, alley, or highway vacated, shall vest in the abutting landowners. Entities with utility lines, equipment, or facilities in place at the time of vacation, shall have the right to continue to maintain, extend, and enlarge their lines, equipment, and facilities to the same extent as if the vacation had not occurred. Notice of the governing body's action shall be published once in a newspaper in the county no later than 14 days after its adoption.

(11)§ 23-4-5 -- Appeals.

Any party affected by the vacation of a street, alley, or highway pursuant to this chapter may appeal within 30 days of the decision of the governing body 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 demand is authorized in civil actions. The appeal shall not suspend the effect of the decision of the governing body unless the appealing party shall give bond, with sureties, in an amount to be determined by the circuit judge. 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.

(12)§ 23-4-6 -- Article deemed cumulative.

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.

(13)§ 23-4-20 -- Vacation of street or alley.

(a) Subject to the conditions set out in this subsection, 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 by following the procedures set out herein. The owner or owners of the land abutting the street or alley to be vacated shall join in a written petition requesting that the street or alley be vacated and shall file the petition with the governing body with jurisdiction over the street or alley, or portion thereof, requesting the governing body's approval of the vacation. Following receipt of the written request for assent, the governing body shall act upon the request applying the same notice, hearing, voting, and appeal procedures as set forth in Sections 23-4-2 and 23-4-5, and if the governing body approves the vacation, it shall have the same effect as provided therein, including that the vacation shall not deprive other property owners of any right they may have to convenient and reasonable means of ingress and egress to and from their property, and if that right is not afforded by the remaining streets and alleys, another street or alley affording that right must be dedicated.

(b) The provisions of this section shall not be held to repeal any existing statute relating to the vacation of roads, streets, or alleys, or parts thereof, and shall not be held to limit or expand any civil causes of action available under the law.

(14)COUNTY LICENSE INSPECTOR

§ 40-12-10 -- License inspectors generally; when taxes due and payable; collection and distribution of penalties and citation fees on delinquent licenses.

- (a) The county commission of each county is hereby authorized and empowered to appoint a license inspector.
- (b) It shall be the duty of the license inspector to scrutinize the records and stubs kept in the office of the probate judge and also to examine the license records of each city or town located in the county or counties of which he has been appointed license inspector; and, if it shall be reported to any license inspector or come to his knowledge that any person, persons, firms, or corporations have failed or refused to take out a license for a business or occupation for which a license is required by the state or have failed or refused to take out a license for operating any motor vehicle or trailer for which a license is required by law, the license inspector shall thereupon cite such delinquent to appear before the license inspector at the courthouse of the county in which such citation is issued and to show cause why the license or privilege tax required by law has not been paid and, at the same time, shall file with the probate judge of the county a copy of such citation showing service on the delinquent.
- (c) If the license inspector shall discover any motor vehicle being operated without a proper or legal license, he shall cite the operator of the motor vehicle; and, in filing copy of such citation with the probate judge, he shall show on such citation the particular motor vehicle operated without legal license, as well as the operator thereof.
- (d) The probate judge must in all cases, in addition to the other penalties required to be collected by him, collect the citation fee, if any, before issuing any license; and, in case of a motor vehicle where a license is taken out in the name of person not cited, the citation fee shall be collected if the citation filed shows the motor number of such vehicle. When any license is due the license inspector shall cause the delinquent to appear before the probate judge of the county and take out the same, but such probate judge shall not have the authority to determine the liability of such delinquent for such license and shall in each case issue a license to the applicant upon the payment by him of the amount or amounts prescribed by this title. If such delinquent shall fail or refuse to take out a license, the license inspector shall institute or cause to be instituted criminal proceedings against such delinquent before any court having jurisdiction of such offense. In case of emergency the license inspector must commence the criminal proceedings in the first place.
- (e) All license taxes levied by this title, except as otherwise provided, shall be due and payable as of October 1 of each year and shall be delinquent November 1 thereafter. Where any license issuable by the probate judge or commissioner of licenses shall be delinquent, the same shall be subject to a penalty of 15 percent of the amount of the license, which penalty must be collected by the probate judge or commissioner of licenses when the license is taken out together with interest at six percent from the date of delinquency; provided, that the penalty for delinquency in payment of motor vehicle licenses shall in no case be less than \$1.50.
- (f) It shall be unlawful for any probate judge or other officer to fail to collect such penalties when issuing such license.
- (g) The probate judge, in remitting such penalties, shall file report with the county commission, Comptroller, and with the Department of Revenue showing the amount of such penalties

collected, from whom, and for what collected, and he shall remit to the county general fund all penalties collected. The probate judge shall remit to the county general fund all citation fees collected where the citation was served by the license inspector or his deputy.

(h) If a criminal prosecution shall be commenced either by affidavit and warrant, or information or indictment, 44 percent of the fine or penalty thereafter imposed in the case shall be paid to the county general fund. The remainder shall be paid to the Treasury of the state.

(i) The county commission may appoint deputy license inspectors, and the acts of such deputies shall be recognized as the acts of the license inspector.

(j) All citations to delinquents shall be served by any lawful officer or by the license inspector or his deputy for which a fee of \$1.50 for each citation served shall be taxed against the delinquent.

(k) License inspectors shall have the same power to arrest persons violating the revenue laws of the state as is now vested in the sheriffs of the state and shall receive the same fees for such service.

(l) The Department of Revenue shall keep a record by counties in which, each month, shall be entered the number of licenses issued by the probate judge for each and every business or occupation for which a state license tax is required, and such record may be compared each month with the number of licenses issued by cities and towns for the same business or occupation.

(m) The license inspector shall be required to report to the Department of Revenue the reason for the failure to collect any licenses due the state which may be evidenced by the comparison of the report of the probate judge and the report made of licenses issued by cities or towns.

(n) It shall be the duty of the county commissions of the several counties to supply the license inspector with necessary citation blanks and other necessary forms to be paid for by the county.

(o) The county commission shall fix and pay the salary of the license inspector and his deputies and the expenses of his office.

(p) The provisions of this section shall not repeal, modify, or prohibit any presently existing or future local act or general act of local application affecting the office of license inspector or which establishes any office or position which encompasses the duties of license inspector in any county.

APPENDIX V

ACCEPTANCE OF ROADS AND STREETS FOR COUNTY MAINTENANCE

APPENDIX V

ACCEPTANCE OF ROAD AND STREETS FOR COUNTY MAINTENANCE

As stated in Section 1-1, the purpose of these regulations is not to provide acceptance of roads into the county maintenance system, but rather to provide approval of the design and layout of a proposed subdivision as required by Code of Alabama 1975, 11-24-1.

The Dale County Commission, by adoption of these regulations, has adopted the road design standards of these Subdivision Regulations as part of their acceptance policy for roads and streets.

In addition, the roadway pavement layer shall be one hundred and sixty-five pounds per square yard (165 LBS/SY) of bituminous concrete plant mix type, wearing surface, 429 or 424, or a double bituminous surface treatment of AKG or AJG.

After the Subdivision receives Final Plat approval, all construction is complete, and the roadway pavement meets these acceptance requirements, the developer or owner may request, in writing, to the County Engineer for the start of a maintenance period (Submission of the required surety shall be deemed a request by the developer). After Final Plat approval, the developer shall maintain this road(s) for the maintenance period. The maintenance period shall be defined as a period of two (2) years or shall be the period of time that seventy (70) percent of home construction is complete in the subdivision, whichever is greater. If 70% of home construction is not complete after two (2) years, the maintenance period shall be extended for a maximum of one year. At the end of this maintenance period, the County Engineer shall conduct an inspection of the roadway and any deficiencies shall be corrected by the developer.

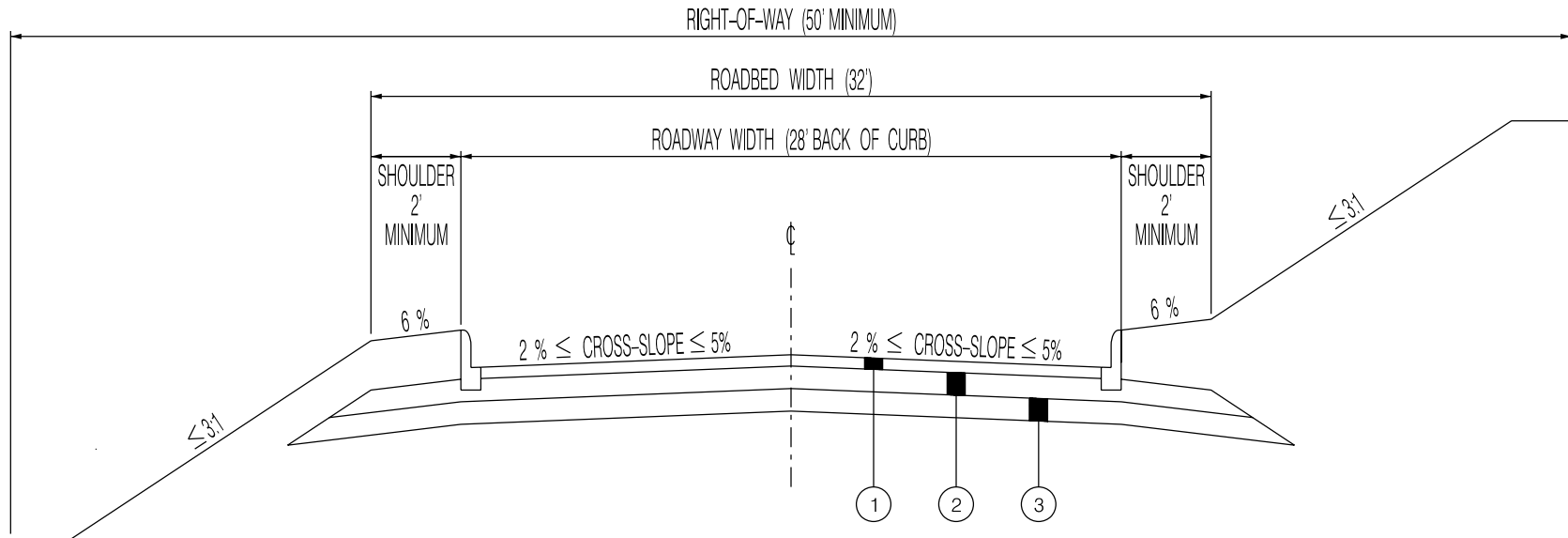
Subdivisions seeking County acceptance for infrastructure shall be required to submit an acceptable performance bond or surety in the amount of one hundred and fifty percent (150%) of the cost of any improvements not in place at the time of final plat application and an acceptable surety in the amount of five percent (5%) of the total construction costs to serve as a maintenance bond. Estimates for bond calculation shall be submitted and approved by the County Engineer prior to bond submittal.

By adoption of this policy, the County Engineer shall determine when the subdivision roads meet the County's acceptance policy and qualify for County maintenance.

APPENDIX VI
TYPICAL SECTIONS

CURB SECTION

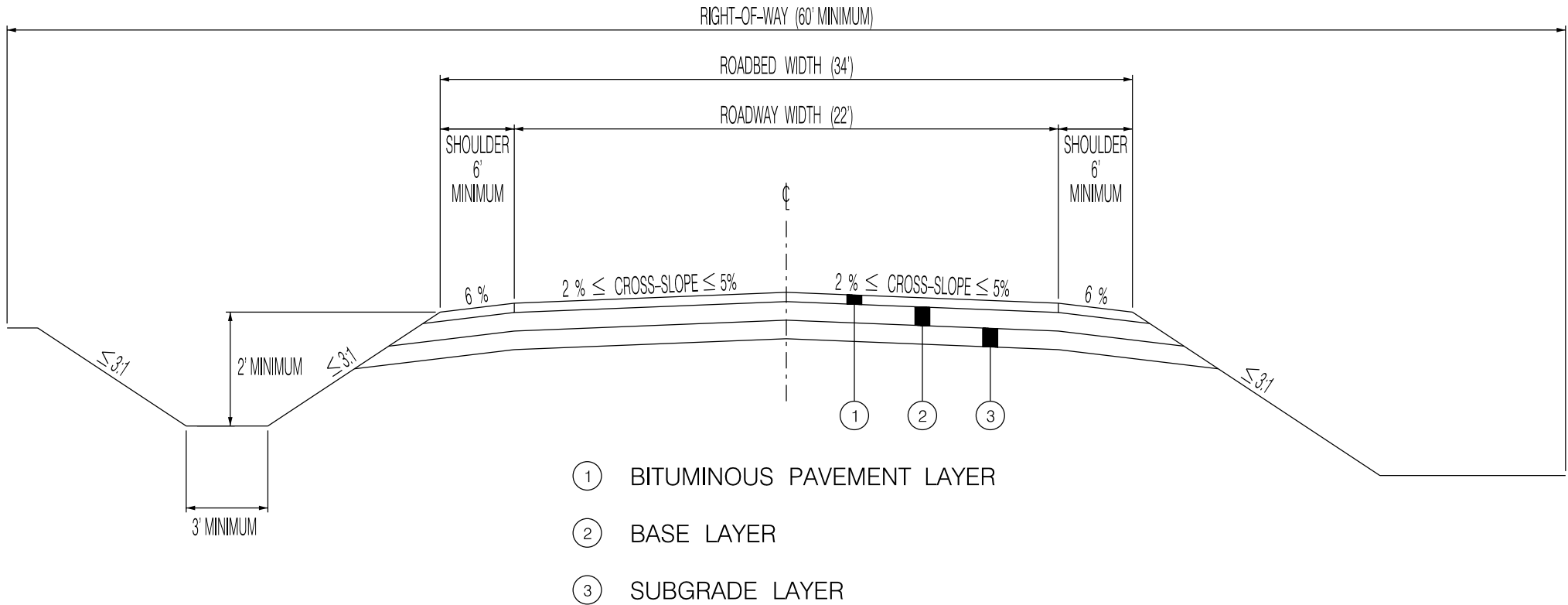
NOT TO SCALE



- ① BITUMINOUS PAVEMENT LAYER
- ② BASE LAYER
- ③ SUBGRADE LAYER

DITCH SECTION

NOT TO SCALE



APPENDIX VII

County Road Design policy

ALABAMA

Department of Transportation

County Road Design Policy

Proposed by ACEA:

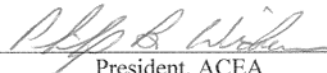
Adopted by the Alabama County Engineers Association on

12/15/2006
Date

Adopted by the Alabama County Commission Association on

12/7/2006
Date

Recommended for Approval:



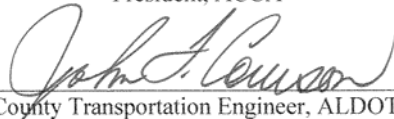
President, ACEA

12/15/2006
Date



President, ACCA

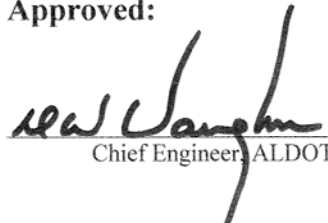
12/26/2006
Date



County Transportation Engineer, ALDOT

12/26/2006
Date

Approved:



Chief Engineer, ALDOT

12/26/2006
Date

DESIGN POLICIES

The design of new and reconstructed roadways with design traffic counts of 2,500 ADT or more will be based on the AASHTO publication, *A Policy on Geometric Design of Highways and Streets, 2001 Edition*. Chapter V will apply to all local roads and streets; Chapter VI will apply to all collector roads. Other sections of this book are also applicable to these projects.

New and reconstructed projects having less than 2,500 design year ADT will be based on the *Alabama Department of Transportation County Road Design Policy* (see pages 9.5 to 9.22). All design criteria will be based on the future (i.e., 20 year) ADT.

Transportation Research Board (TRB) *Special Report 214* shall be used as a guide for 3R projects designed for 50 MPH or greater. If the recommended minimum geometric design values contained in TRB 214 are met, and the accident history and traffic counts are documented, then no design exception is required.

3R projects designed for 45 MPH or less shall refer to Chapter 2 of *Alabama Department of Transportation County Road Design Policy*. Design for 3R projects shall be based on 10 year ADT with the exception of ESAL calculations which will be based on 20 year ADT.

Any feature not meeting the above standards must be approved by the Chief Engineer as a design exception.

CLEAR ZONE

The following is given as guidance for clear zones and treatment for slope and drainage structure protection for different type projects:

NEW AND RECONSTRUCTED ROADWAYS WITH DESIGN TRAFFIC COUNTS BELOW 2,500 ADT.

The suggested clear zone width is as shown in the *Alabama Department of Transportation County Road Design Policy*, Design Criteria for New and Reconstructed Roadways and Bridges with less than 2,500 ADT.

NEW AND RECONSTRUCTED ROADWAYS WITH DESIGN TRAFFIC COUNTS OF 2,500 ADT OR MORE.

The suggested clear zone width is as shown in the American Association of State Highway and Transportation Officials publication, *A Policy on Geometric Design of Highways and Streets*.

SCOPE OF WORK REVIEW REQUIREMENTS

The Division County Transportation Engineer or representative is required to conduct a scope of work review in company with the County Engineer or representative for **all projects excluding bridge replacement projects with minor or no approach work**. The Division County Transportation Engineer should make recommendations for design and safety requirements. The following should be addressed, if applicable:

1. Provide a brief project description including limits of the project, scope of work review date, persons attending, and tentative letting date.
2. Indicate the design speed and the clear zone requirements of the section to be reviewed.
3. Provide the number and location of the existing horizontal and vertical curves that will not accommodate the design speed. The design speed of the existing sub-standard curves must also be included. The proposed improvements for these sub-standard curves must be indicated.
4. Include the accident data of the section to be reviewed. Also, show the present and future traffic counts and truck percentage.
5. State the width and type of the existing and proposed pavement. The general condition of the existing pavement must also be addressed. Indicate whether patching is needed and if leveling is required for cross slope correction.
6. The widths and types of the existing and proposed shoulders must be shown. Indicate what type of work will need to be done to the shoulders (i.e., machine grading shoulders, additional borrow needed, etc.)
7. Indicate the width and condition of all existing bridges. Provide the bridge identification number (BIN) and bridge stations. **NOTE: Guardrail related items are addressed in "GUARDRAIL REQUIREMENTS" as shown below.**
8. Provide a general statement concerning the length and condition of existing culverts and crossdrain pipes. Any relocation or replacement of sidedrain pipes and headwalls must also be indicated.
9. Indicate if intersection improvements are required.
10. Include recommendations for eliminating any unusual condition that may be considered extremely hazardous.
11. Indicate any environmental considerations (e.g., wetland impact, stormwater permit, etc.). Indicate if erosion or sedimentation control items are needed.

12. Clearly define the work to be performed by the contractor and work performed by the county.
13. State the existing row width and whether row will be required.
14. Indicate any utility conflicts.

The scope of work, as prepared by the division, shall be furnished to the county allowing ample time for preparing the categorical exclusion, if applicable; completing the plans; conducting the PS&E review; and having the plans received by the division and sent to the Bureau of County Transportation at least 16 weeks prior to the anticipated letting date.

GUARDRAIL REQUIREMENTS

Any project utilizing federal aid funds **shall** require guardrail and end anchor protection at existing and proposed bridge and culvert structures in accordance with the following guidelines:

For County projects with **design speeds of 45 mph or less and design year traffic of 2,500 ADT or less**, the **length of need* requirement is waived and the approach guardrail length is dictated by the type anchors used, applicable drawings, and warranty criteria.

For County projects with **design speeds greater than 45 mph or design year traffic greater than 2,500 ADT**, a 75 foot **length of need* is applicable.

Note: The "Length of Need" is defined as the total length of a longitudinal barrier needed to shield an area of concern.

The Scope of Work review should include the following guardrail related items.

1. Indicate the areas of proposed guardrail and/or end anchor placement such as on bridges or at bridge ends, culverts, and at other hazardous locations. Indicate whether there is any in place guardrail or end anchors that will need to be removed and what type, if known.
2. For bridges requiring guardrail work, indicate what type of barrier is across the structure (i.e., class A or class B steel beam guardrail, concrete rail, etc.). Also, provide the post spacing and the bridge clear width (curb to curb). Indicate whether the guardrail is blocked out properly or if the blockouts are to be reconfigured. A project detail sketch should be added to the plans if blockouts are to be reconfigured. For projects where steel beam guardrail across a structure is to be replaced, the review should include the condition of the existing bolts and whether bolts are to be retained or replaced.

3. For culverts requiring guardrail and/or end anchor work, provide the length of parapet wall (station to station), final proposed shoulder width, distance from the outside edge of the proposed shoulder to the first edge of the parapet wall, and the approximate slope from the outside edge of the final shoulder to the first edge of the parapet wall.
4. Guardrail should be considered for all slopes and structures within the clear zone that do not satisfy clear zone requirements.

RESURFACING, RESTORATION, AND REHABILITATION (3R) PROJECTS

1. Retain current slopes (without steeping side slopes) when widening lane and shoulders, unless warranted by special circumstances.
2. Crossdrain pipes and culverts will only be extended as required to provide the width for the pavement and shoulders. Headwalls will be retained on existing crossdrain structures that will not require adjustment to obtain the width for the pavement and shoulders.
3. Sidedrain pipe will be relocated as required to obtain the width for the pavement and shoulders, and slope paved headwalls provided. Headwalls will not be replaced on existing sidedrain pipe that will remain in place. Consideration will be given to replacing large vertical headwalls that are close to the pavement and are a potential hazard.

A detailed scope of work is essential with these 3R guidelines and should include recommendations for eliminating any unusual condition which may be considered extremely hazardous.

These design criteria have been approved by the State of Alabama Department of Transportation for county roads for projects which qualify for and are actually funded through the Alabama Department of Transportation.

All projects approved by and funded through the Alabama Department of Transportation must be designed and constructed according to these criteria.

These criteria shall not apply to any roads not funded through the Alabama Department of Transportation.

Industrial Access Projects must meet the minimum cross sections of 1600-2500 ADT regardless of actual design ADT, unless the design ADT is greater than 2500, then AASHTO criteria will apply.

Table of Contents

Chapter 1 Design Criteria for New and Reconstructed Roadways and Bridges with Traffic Volumes less than 2,500 ADT

Design speed for this chapter shall be defined by AASHTO's *A Policy of Geometric Design of Highways and Streets*.

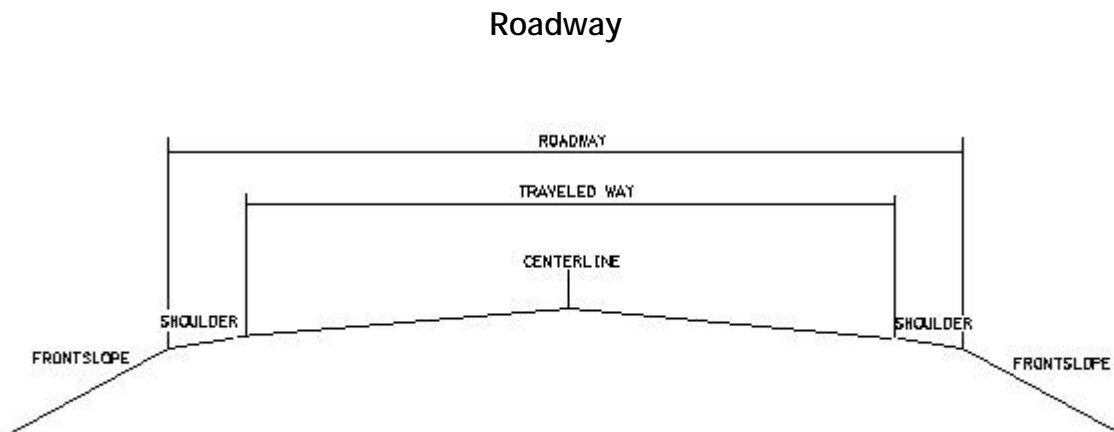
Chapter 2 Design Criteria for Resurfacing, Restoration and Rehabilitation (RRR) of Existing County Roadways and Bridges for all Traffic Volumes with design speed of 45 MPH or less

Design speed for 3R projects shall be defined as the selected speed for the roadway determined by analyzing factors such as average speed, posted speed, or roadway geometric features along with a review of accident data.

Chapter 1

Design Criteria for New and Reconstructed Roadways and Bridges with Traffic Volumes less than 2,500 ADT

Typical Roadway Cross Section



Typical Design Speed ¹

Type of Terrain	1 - 99 ADT (mph)	100 - 399 ADT (mph)	400 - 1599 ADT (mph)	1600 - 2500 ADT (mph)
Level	20	25	30	40
Rolling	15	20	25	30
Mountainous	10	15	20	25

¹ Design speeds, for some roads, may be a lower or higher speed based on its functional classification. For county road design projects involving traffic volumes greater than 2,500 ADT, consult *AASHTO, A Policy on Geometric Design of Highway and Streets*.

Minimum Hydrology

Side Drain	10 year flood
Cross Drain	25 year flood

Typical Bridge Width and Loading Design ²

24' Minimum or Traveled Way + 4 ft. Which ever is greater	HS - 20
--	---------

² Bridge widths, for some roads, may need additional width based on its functional classification. For county road design projects involving traffic volumes greater than 2,500 ADT, consult *AASHTO, A Policy on Geometric Design of Highway and Streets*.

Roadway Design Criteria for 1 - 99 ADT

Design Speed (mph)	Traveled Way Width (ft)	Shoulder Width (ft)	Clear Zone ³ (ft)
10	18	2	2
15	18	2	2
20	18	2	2
25	18	2	2
30	18	2	2
35	18	2	2
40	18	2	2
45	20	2	4

³Clear Zone: The area adjacent to the traveled way that is clear of obstructions and having a slope no steeper than 3 horizontal to 1 vertical foreslopes.

Roadway Design Criteria for 100 - 399 ADT

Design Speed (mph)	Traveled Way Width (ft)	Shoulder Width (ft)	Clear Zone ³ (ft)
15	18	2	2
20	18	2	2
25	18	2	2
30	18	2	2
35	18	2	4
40	18	2	4
45	20	2	6

³Clear Zone: The area adjacent to the traveled way that is clear of obstructions and having a slope no steeper than 3 horizontal to 1 vertical foreslopes.

Roadway Design Criteria for 400 - 1599 ADT

Design Speed (mph)	Traveled Way Width (ft)	Shoulder Width (ft)	Clear Zone ³ (ft)
20	18	2	2
25	18	3	4
30	20	3	4
35	20	3	4
40	20	3	6
45	22	3	6

³ Clear Zone: The area adjacent to the traveled way that is clear of obstructions and having a slope no steeper than 3 horizontal to 1 vertical foreslopes.

Roadway Design Criteria for 1600 - 2500 ADT

Design Speed (mph)	Traveled Way Width (ft)	Shoulder Width (ft)	Clear Zone ³ (ft)
25	20	4	4
30	22	4	4
35	22	4	6
40	22	5	6
45	22	5	8

³ Clear Zone: The area adjacent to the traveled way that is clear of obstructions and having a slope no steeper than 3 horizontal to 1 vertical foreslopes.

Superelevation

Note: With design speeds of 20 mph or less, conditions may warrant the elimination of superelevation.

COUNTY ROAD DESIGN POLICY SUPERELEVATION CHART FOR 2-LANE ROADWAY

R of curve (ft)	DESIGN SPEED (MPH)									
	20	25	30	35	40	45	50	55	60	65
	e%	e%	e%	e%	e%	e%	e%	e%	e%	e%
23,000	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC
20,000	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC
17,000	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC
14,000	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC
12,000	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC
10,000	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC
8,000	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC
6,000	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC
5,000	NC	NC	NC	NC	NC	RC	RC	RC	RC	RC
4,000	NC	NC	NC	NC	NC	RC	RC	RC	RC	RC
3,500	NC	NC	NC	NC	NC	RC	RC	RC	RC	RC
3,000	NC	NC	NC	NC	NC	RC	RC	RC	RC	RC
2,500	NC	NC	NC	NC	NC	RC	RC	RC	RC	RC
2,000	NC	NC	NC	NC	NC	RC	RC	RC	RC	RC
1,800	NC	RC	RC	RC	RC	RC	RC	RC	RC	RC
1,600	RC	RC	RC	RC	RC	RC	RC	RC	RC	RC
1,400	RC	RC	RC	RC	RC	RC	RC	RC	RC	RC
1,200	RC	RC	RC	RC	RC	RC	RC	RC	RC	RC
1,000	RC	RC	RC	RC	RC	RC	RC	RC	RC	RC
900	2.6%	3.5%	4.5%	5.1%	6.0%	6.8%	7.5%	8.0%	8.0%	8.0%
800	2.9%	3.9%	4.9%	5.5%	6.4%	7.2%	7.8%	8.0%	8.0%	8.0%
700	3.2%	4.3%	5.3%	5.9%	6.8%	7.6%	8.0%	8.0%	8.0%	8.0%
600	3.5%	4.8%	5.8%	6.4%	7.2%	7.9%	8.0%	8.0%	8.0%	8.0%
500	4.1%	5.3%	6.4%	7.0%	7.8%	8.0%	8.0%	8.0%	8.0%	8.0%
450	4.4%	5.6%	6.7%	7.3%	8.0%	8.0%	8.0%	8.0%	8.0%	8.0%
400	4.8%	6.0%	7.1%	7.7%	8.0%	8.0%	8.0%	8.0%	8.0%	8.0%
350	5.2%	6.4%	7.5%	8.0%	8.0%	8.0%	8.0%	8.0%	8.0%	8.0%
300	5.6%	6.8%	7.8%	8.0%	8.0%	8.0%	8.0%	8.0%	8.0%	8.0%
250	6.1%	7.4%	8.0%	8.0%	8.0%	8.0%	8.0%	8.0%	8.0%	8.0%
200	6.7%	7.9%	8.0%	8.0%	8.0%	8.0%	8.0%	8.0%	8.0%	8.0%
150	7.5%	8.0%	8.0%	8.0%	8.0%	8.0%	8.0%	8.0%	8.0%	8.0%

Note - STL lengths as shown are based on 12' lanes, 2% NCS, and rotation about centerline of roadway. For lane widths less than 12', refer to Drawing SSEC 1 (Index No. 807) for STL calculations.

Crest and Sag Vertical Curves

US Customary

Design Speed (mph)	Crest Vertical Rate, K^4	Sag Vertical Rate, K^4
10	2	5
15	3	10
20	7	17
25	12	26
30	19	37
35	29	49
40	44	64
45	61	79

⁴ Rate of vertical curvature, K , is the length of curve per percent of algebraic difference in intersecting grades (A). $K=L/A$

Maximum Percent Grade

Design Speed (mph)	Percent Grade ⁵ %
10	18
15	17
20	16
25	15
30	14
35	13
40	13
45	12

⁵ For roadway grade less than 1000 ft (300 m) in length, the maximum grade may be increased by 2 percent.

Stopping and Passing Sight Distances

US Customary

Design Speed (mph)	Stopping Sight Distance (ft)	Passing Sight Distance (ft)
10	47	480
15	85	585
20	115	710
25	155	900
30	200	1090
35	250	1280
40	305	1470
45	360	1625

Intersection Sight Distance

US Customary

Design Speed (mph)	Distance for Left Turn Maneuver from Stop ⁶
10	115
15	170
20	225
25	280
30	335
35	390
40	445
45	500

⁶ Intersection Sight distance is measured from a point on the minor road 15 ft. from the edge of the major road pavement and measured from an eye height of 3.5 ft. on the minor road to an object height of 3.5 ft. on the major road. Guidance in determining additional sight distances is provided in AASHTO, *Policy on Geometric Design of Highways and Streets*.

Chapter 2

Design Criteria for Resurfacing, Restoration and Rehabilitation (RRR) of Existing County Roadways and Bridges for all Traffic Volumes with Design Speeds 45 MPH or Less

Significant improvements in safety should be systematically designed into each county roadway RRR project. Designers should seek opportunities specific to each project and apply sound safety and traffic engineering principles. Attention to safety, along with documentation of the design process improve design decisions. County agencies should incorporate the following recommendations.

Assess Current Conditions

Recommendation 1: Designers should assess existing physical and operational conditions affecting safety:

- Conduct and document a thorough site inspection of all physical elements and geometry within the roadway limits that are maintained by your agency.
- Analyze existing roadway users, functional classification, ADT, and design criteria (see page 9.6).
- Analyze crash data, to include field inspection, and concerns expressed by the public.

Determine Project Scope

Recommendation 2: In addition to pavement repairs, the designers should consider, where appropriate, to incorporate; intersection, roadside, and traffic control improvements that may enhance safety. Based on recommendation #1 the designer should:

- Determine site-specific locations where physical elements should be replaced or improved. The designer should field review the roadway for; driveways hidden because of roadway geometry, especially if the driveway is used by large trucks or farm machinery, intersections with limited sight distance, sharp horizontal or vertical curves, narrow bridge, drainage areas close to the pavement, headwalls, obstructions within the right-of-way, etc.
- Determine site-specific locations where crash data indicates the need for additional improvements. The designer should review crash data information and may develop collision diagrams.

Determine Lane and Shoulder Width

Recommendation 3: The following values should be considered:

US Customary

Design Year ADT ^a	Design Speed ^b (mph)	< 10% Trucks/ Machinery ^c		≥ 10% Trucks/ Machinery ^c	
		Lane Width	Shoulder Width	Lane Width	Shoulder Width
1 - 750	≤45	9 ft	2 ft	10 ft	2 ft
751 - 2000	≤45	10 ft	2 ft	10 ft	2 ft
2000 >	≤45	11 ft	3 ft	12 ft	3 ft

^a Design Year ADT should be based on a 10 year projection

^b Design speed for 3R projects shall be defined as the selected speed for the roadway determined by analyzing factors such as average speed, posted speed, or roadway geometric features along with a review of accident data. Projects with design speeds exceeding 45 MPH shall refer to the TRB 214.

^c Some types of vehicles may require additional roadway widths.

Determine Normal Pavement Crown

Recommendation 4: The designer should develop consistent procedures for evaluating the existing pavement crown, with the following objectives:

- The pavement overlay should match new construction normal crown policies for your agency. Typically 2 - 2.5 % cross slope.
- The shoulder cross slope should allow rainfall to drain the roadway. Typically 4 - 6 % cross slope.

Determine Horizontal Curvature and Superelevation

Recommendation 5: The designer should review each horizontal curve to determine the appropriate action that may be required.

- The designer should adjust the existing cross section with increased superelevation to match the average speed of vehicles.
- It is acceptable for the designer, when evaluating curves with low average vehicle speeds, <45 mph, to resurface without changing the existing curve geometry and cross section if the nominal design speed of the curve is within 15 mph of the average vehicle speeds, and if there is no clear evidence of a site-specific safety problem associated with the curve.
- The designer, when evaluating curves with high average vehicle speeds, 45 mph and higher, should consider reconstruction when the nominal design speed of the existing curve is more than 15 mph below the average vehicle speeds, and the projected traffic volume is greater than 1000 ADT, or if there is a site-specific safety problem associated with the curve.
- Acceptable substitutes for curve reconstruction include measures to reduce speed (signing, pavement markings, rumble strips, traffic control devices, etc.), measures to improve the roadside (clearing slopes, flattening steep side-slopes, removing, relocating, or shielding obstacles, etc.), or measures to improve the roadway (widening lane width, widening shoulder width, paving shoulders, etc.).

Determine Vertical Curvature and Stopping Sight Distance

Recommendation 6: The designer should review each vertical curve to determine the appropriate action that may be required.

- It is acceptable for the designer, when evaluating curves with low average vehicle speeds, **<45 mph**, to resurface without changing the existing curve geometry if the nominal design speed of the curve is within **20 mph** of the average vehicle speeds, and if there is no clear evidence of a site-specific safety problem associated with the curve.
- The designer, when evaluating curves with high average vehicle speeds, **45 mph and higher**, should consider reconstruction when the design speed of the existing curve is more than **20 mph** below the average vehicle speeds, and the projected traffic volume is greater than 1000 ADT, or there is a site-specific safety problem associated with the curve.
- Acceptable substitutes for curve reconstruction include measures to reduce speed (signing, traffic control devices, etc.) and/ or measures to improve the roadside (removing, relocating, or shielding driveways, intersections, sharp horizontal curves, narrow bridge, etc.).
- Sag vertical curves typically do not create sight restrictions and do not have to be reconstructed, unless there is a site-specific safety problem.

Determine Bridge Width

Recommendation 7: The designer should evaluate bridge replacement or widening if the bridge is less than 100 ft. long and the usable width of the bridge is less than:

Design Year ADT ^a	Design Speed (mph)	Usable Bridge Width ^{b, c, d}
1 - 1000	≤45	Width of approach lanes
1001 - 4000	≤45	Width of approach lanes plus 2 ft
4000 >	≤45	Width of approach lanes plus 3 ft

^a Design Year ADT should be based on a 10 year projection

^b If the roadway width (lane plus shoulder) is paved, the bridge should be equal in width

^c Bridge usage by trucks, farm machinery, or recreational vehicles should be considered in determining the appropriate width

^d Existing bridges may remain in place without widening unless there is evidence of a site-specific safety problem

Determine Side Slopes and Clear Zones

Recommendation 8: The designer should develop consistent procedures for evaluating and improving roadside features with the following objectives:

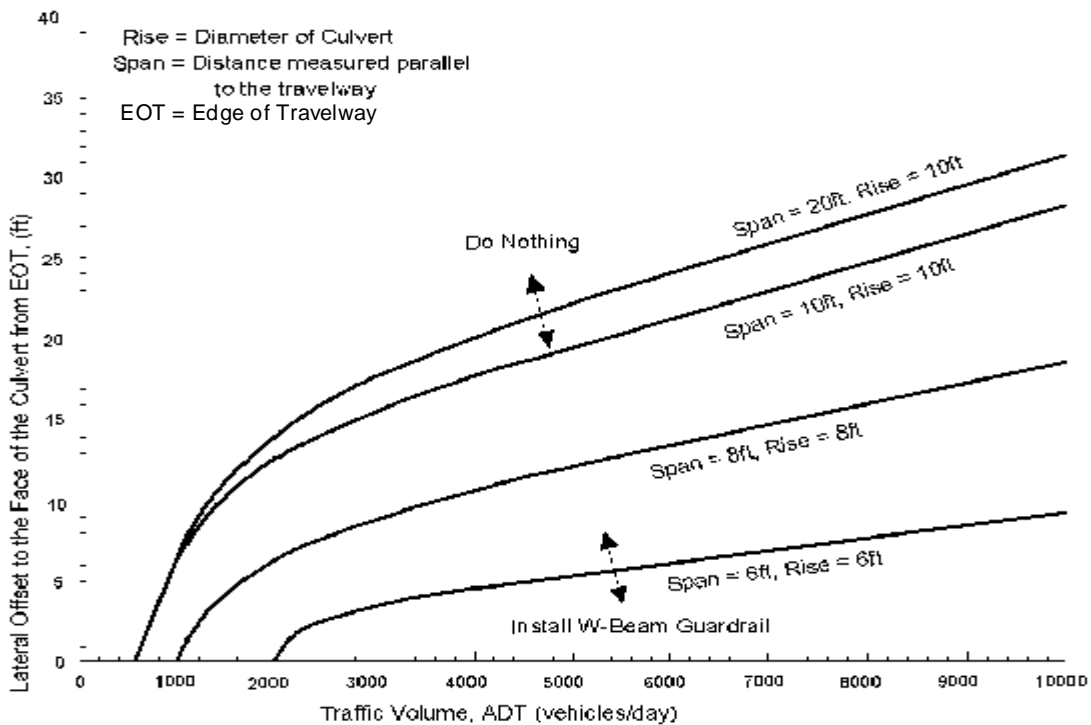
- A clear zone of any width should provide some contribution to safety. Thus, where clear zones can be provided at little or no additional cost, their incorporation in design should be considered. A 2 - 3 ft. shoulder is recommended.
- Retain current slopes (without steepening side slopes) when widening lane and shoulders, unless warranted by special circumstances.
- Flatten side slopes steeper than 3:1 at site-specific locations where there is evidence of safety problems.
- Remove, relocate, or shield isolated roadside obstacles.
- Where constraints of; cost, terrain, right-of-way, or potential social / environmental impacts make the provision for a clear recovery area impractical, clear recovery areas less than desired may be used.

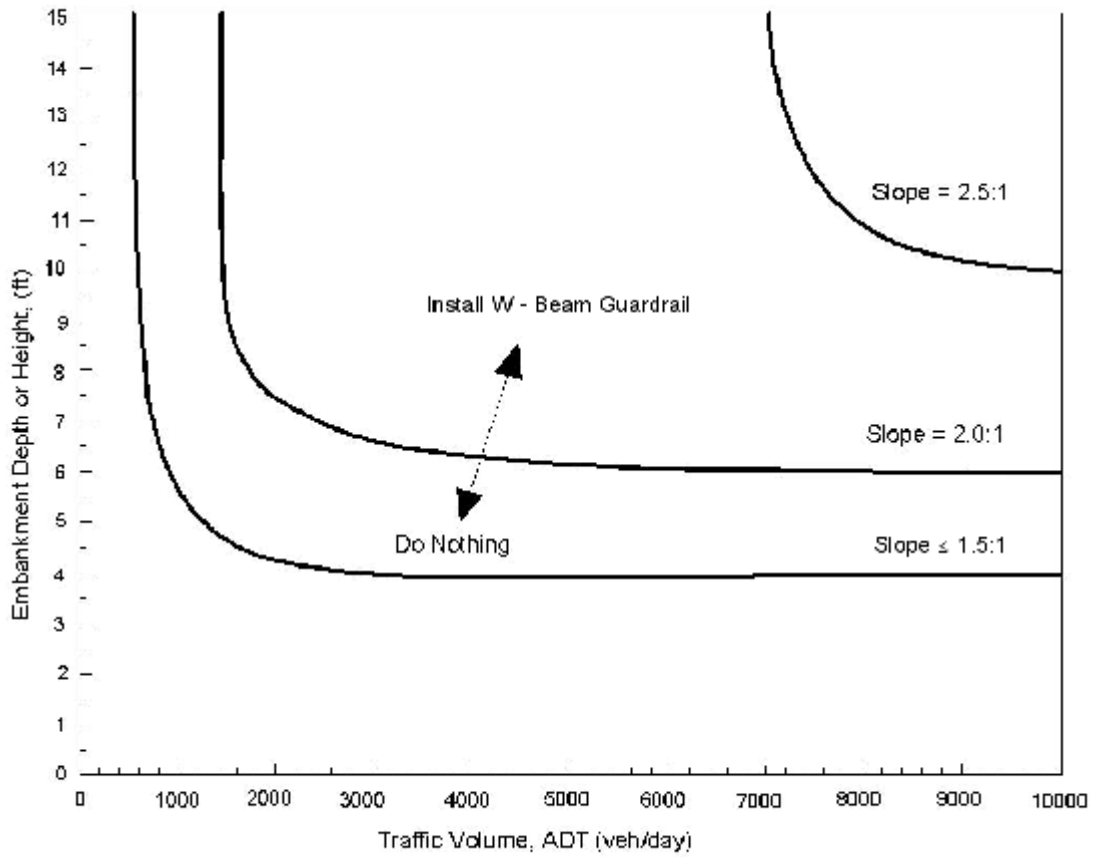
Determine Guardrail Need for Embankments and Culverts

Recommendation 9: The designer should develop consistent procedures for evaluating the need for guardrail, with the following considerations:

- Examining the shoulder slopes and culvert sizes.
- Identifying site-specific safety locations.
- Clear zone encroachments

The following charts are guidelines intended to be used as tools to aid the designer in the decision making process. These curves are intended to eliminate the need for conducting benefit-cost analysis. These charts may be used if the slope or culvert is within the clear zone as recommended in chapter 1 of this policy, or if there is a site-specific safety problem.





Determine Pavement Edge Drop and Shoulder Type

Recommendation 10: The designer should develop consistent procedures for evaluating pavement edge drop problems and the type of shoulder construction, with the following objective:

- Selectively pave shoulders at points where there is site-specific safety problems (outside or inside of horizontal curves, across from intersecting roads, etc.).

Determine Intersection Improvements

Recommendation 11: The designer should develop consistent procedures for evaluating intersection improvements, with the following:

- Collision diagrams showing vehicle paths, time of occurrence, and weather conditions.
- Condition diagrams showing important physical features that affect traffic movements.
- Field review of the intersection to detect hazards not apparent from collision and condition diagrams.
- Designer should consider intersection improvements to site-specific safety problem areas.
- Improvements may be organized on three primary design objectives: reduction of potential conflicts (traffic signals, turn lanes, etc.), improve driver decision-making (longer lines of sight, lane markings, etc.), and improve the braking capability of the vehicle (warning signs, increased pavement skid resistance, etc.).

Document the Design Process

Recommendation 12: Before developing construction plans and specifications, designers shall prepare a safety and design report based on the above 11 recommendations. Additional information regarding specific elements, not mentioned above, may be included in this report.

This document shall be submitted to Alabama Department of Transportation with the project design plans for review and approval. The format of the document will be established by the Alabama Department of Transportation.

Any waivers of the design criteria shall be submitted to and approved by the Alabama Department of Transportation.