

COUNTY OF GENEVA
Office of County Engineer
586 COUNTY ROAD 41
HARTFORD, ALABAMA 36344

Phone (334) 684-3450

Fax (334) 684-9776

January 6, 2022

TO: Engineers, Land Surveyors, Real Estate Developers, Realtors and Attorneys
FROM: Geneva County Engineer's Office
SUBJECT: Geneva County Subdivision Regulations

The purpose of this letter is to let you know about the updating of Geneva County's Subdivision Regulations and to point out other requirements the County has concerning subdivisions in general.

The State Subdivision Law made some substantial changes in the way counties regulate subdivisions in the State. Please note that the law includes civil penalties up to \$1000.00 per lot "that has been sold, offered for sale, transferred, or leased to the public" in violation of the law or regulation made pursuant to the law.

The Geneva County Commission first passed subdivision regulations in 1988. Minor amendments were incorporated over time with substantial changes this past November. The newly passed regulations went into effect **January 1, 2022**. Copies of these regulations are available at our office and on our website at <https://genevacountyal.gov/road-bridge/>.

The division of lots into parcels greater than three (3) acres fronting existing county, state, or city maintained roads or a "strip subdivision" does not, at this time, require a plat be submitted for County approval so long as the following criteria are met:

- (i) frontage on existing roads of each parcel is at least sixty (60) feet with no more than two (2) sixty (60) foot sections adjacent to each other,
- (ii) no public improvements are required,
- (iii) the extension of public utilities is not required,

- (iv) said sixty (60) foot Road Frontage shall not be subject to any easement, license, shared uses, shared driveway, or other agreements, that in the sole professional judgment and discretion of the County Engineer may be equivalent to the establishment of a shared use driveway, easement for joint use, or license for joint use,
- (v) each lot shall have a separate driveway to the County, State, or City maintained road and shall not share a joint access or driveway by easement, license or other use with any other lot, and
- (vi) any division of land excluded from the requirements of the regulations pursuant to Section 2-1-60(d) shall NOT have therein any lot that is separated from said County, State, or City maintained road by any more than one (1) lot, parcel, site or part of lot, parcel or site.

However, I would encourage you to develop plats for all of these type subdivisions and submit them for approval and filing with the Probate Office. As you know, a good plat simplifies the process of selling lots and eliminates a lot of land line disputes.

The Code of Alabama 1975, § 11-24-1(a)(4) defines a subdivision 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.” Two (2) exemptions are allowed:

- Division for agricultural purposes, and
- Division of land by the owner to an immediate family member.

This definition would include subdividing involving the sale of a single lot on an existing County, State, or City maintained road if it were to be used for development. However, as noted above, the Commission has elected to exempt the sale of these lots from the requirement to submit a plat for approval so long as they qualify for exclusion as stated in Section 2-1-60 of the County’s Subdivision Regulations.

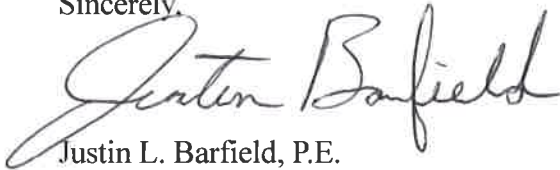
A recurring deficiency on lots along existing dirt roads involves the required right-of-way to be provided by the owner. All lots which front existing County or City maintained dirt roads must be staked out with front corners a minimum of thirty (30) feet from the dirt road centerline. This is to comply with Section 2-1-60(d)(i) of the County’s Subdivision Regulations and should not be confused with the existing prescriptive easement location. Also, lots at intersections of dirt roads must provide a minimum of fifty (50) feet flares as required by Section 5-3-12(7) of the County’s Subdivision Regulations. Drainage easements should also be shown and addressed as required by Section 5-7 of the County’s Subdivision Regulations.

Another recurring deficiency of the initial 1988 County Subdivision Regulations adopted by resolution of the County Commission involves easements, shared use, shared driveway, or other similar agreements for joint access. **These are not allowed in subdivisions and are subject to civil penalties.** Hopefully, the new regulations and this letter will remedy this problem.

Subdivisions with lots three (3) acres or less **or** lots that do not qualify for exclusions in Section 2-1-60 of the County's Subdivision Regulations require a plat approved by the County Commission.

Your cooperation and assistance is greatly appreciated. If you have any questions or we can be of any assistance, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink that reads "Justin Barfield". The signature is written in a cursive style with a large, sweeping initial "J".

Justin L. Barfield, P.E.
Geneva County Engineer