

SUBDIVISION REGULATIONS
FOR
GENEVA COUNTY
ALABAMA



Prepared by the
GENEVA COUNTY ENGINEER'S OFFICE

Adopted by the
GENEVA COUNTY COMMISSION

November 8, 2021

EFFECTIVE

JANUARY 1, 2022

FOREWORD

A subdivision is defined as the development and division of a lot, tract, or parcel of land into **two (2) or more lots, plats, sites**, or otherwise for the purpose of establishing or creating a subdivision through the **sale, lease, or building development of the lot or lots**. Further explanation of the definition and any exemptions from these subdivision regulations can be found in Section 2-1-60 of these regulations.

Any individual who plans to develop and/ or divide a parcel of land in the County should consult with the County Engineer, County Health Department and all other regulatory agencies 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 Geneva 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 Geneva 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 118 of the Geneva County Commission, adopted on the 8th day of November, 2021, and pursuant to the powers and jurisdiction granted by Code of Alabama 1975, § 11-24-1 et seq., the Geneva 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 Geneva County, Alabama. The Geneva 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 Geneva County Commission from and after the effective date shown on page 1. Subdivision regulations previously in place in Geneva County are hereby repealed and rescinded.

It is not the purpose of these regulations to govern the acceptance of roads or streets for maintenance by the County Commission. The policy for acceptance of roads and bridges by the Geneva County Commission is found in Appendix IV.

SECTION 1-2 TITLE

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

SECTION 1-3 FEES

Geneva 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). The fee schedule is as follows:

- (1) Minor Subdivision Fee: \$100; or
- (2) Major Subdivision Fee: \$500, plus \$ 0.25 per linear foot of 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 Geneva County Commission may enforce the provisions of these regulations by the issuance of citations issued by a county license inspector appointed by the Geneva 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 Geneva 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. In addition to injunction, the County Commission may recover the fines as provided by this section in any court of competent jurisdiction.

SECTION 1-5 AMENDMENTS

The Geneva County Commission may adopt amendments that will tend to increase the effectiveness of these regulations or expedite the approval of subdivision plats. These regulations and amendments thereto may be changed or amended by the Geneva County Commission.

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.
- 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 OMIT
- 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 Geneva, Alabama.
- 2-1-14 COUNTY ADMINISTRATOR: The duly designated Administrator or Clerk of Geneva County, Alabama.
- 2-1-15 COUNTY COMMISSION: The County Commission of the County of Geneva, Alabama.
- 2-1-16 COUNTY ENGINEER: The duly designated Engineer of the County of Geneva, 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 Geneva 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. For the purpose of these regulations, floodproofing shall be defined and governed by the County's Flood Damage Prevention Ordinance.
- 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 Geneva 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 Geneva County, Alabama.
- 2-1-54 RESUBDIVISION: A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.
- 2-1-55 ROAD OR STREET: A public right-of-way for vehicular traffic that affords the principal means of access to abutting property.
1. CITY ROAD: Public road maintained by the city.
 2. COUNTY ROAD: Public road which has been accepted into the county road system through construction by the county, dedication and formal acceptance by the county commission, or prescription and is maintained by the county. A road which has been dedicated to the public and is used by the public is not a county road, unless it has been accepted into the county road system through construction, acceptance or prescription as set out herein.
 3. PUBLIC ROAD: A street or road that has been constructed for public use, established by statutory proceedings, or dedicated for public use. A public road may or may not be a county road.
 4. PRIVATE ROAD: Road which has not been dedicated to the public and is not owned or maintained by the city, county, or state whether or not it has public access.
 5. STATE ROAD: Public road owned or maintained by the state of Alabama.
- 2-1-56 SETBACKS: A setback is synonymous to “building setback line”. See Section 2-1-9.
- 2-1-57 SINGLE TIER LOT: A lot which backs upon a street, a railroad, a physical barrier, or a residential or non-residential use, and to which access from the rear of the lot is usually prohibited.
- 2-1-58 SKETCH PLAN: Drawing submitted prior to the preparation of the Proposed Plat (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.

- 2-1-59 SUBDIVIDER: Any person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2), directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel, site, unit, or plat in a subdivision, or who (3) is employed by or directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.
- 2-1-60 SUBDIVISION: As defined in Code of Alabama 1975, § 11-24-1(a)(4), the development and division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites, or otherwise for the purpose of establishing or creating a subdivision through the sale, lease, or building development of the lot or lots.

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

- a. The construction or development of roads or buildings on private property to be used for agricultural purposes. See, Code of Alabama 1975, § 11-24-1(a)(4);
- b. The public acquisition by purchase or donation of strips of land for the widening or opening of streets;
- c. Property divided between immediate family members as provided in Code of Alabama 1975, § 11-24-2(d);
- d. The division of land into parcels greater than three (3) acres wherein all of 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 these 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;

- e. A one time exclusion for the sale of a lot less than three (3) acres out of the same lot by the same seller provided it has sixty (60) foot frontage on a County maintained road, no public improvements are required, the extension of public utilities are not required, and the sixty (60) foot road frontage is not subject to any easements;
- f. 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) thru (d)(vi) above;
- g. Any development for the purpose of establishing or creating lots that are to be leased or rented only, provided the development has a sixty (60) foot deeded access for ingress and egress to a County, State, or City maintained road.

2-1-61 SUBDIVISION CATEGORIES:

- a. SUBDIVISION, MAJOR: All subdivisions not classified as a minor subdivision.
- b. SUBDIVISION, MINOR: Any subdivision with parcels or lots three (3) [(see section 2-1-60(d)] acres or less fronting on an existing County, State, or City maintained road that does not involve any new street (or road) or the extension of public facilities, and does not require the creation of any public improvements.

2-1-62 SUBDIVISION JURISDICTION: All areas outside the corporate limits of any municipality in Geneva 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 Geneva County first assumes such jurisdiction by publishing and adopting notice of these regulations.

2-1-63 SURETY: Any bond, certificate of deposit, irrevocable letter of credit, cashier check, or other acceptable guarantee as approved by the County Commission or their authorized agent.

2-1-64 TERRITORIAL JURISDICTION OF MUNICIPAL PLANNING COMMISSION: As provided in Code of Alabama 1975, § 11-52-30(a), all land located in the municipality.

2-1-65 VARIANCE: Permission to depart from the literal requirements of these subdivision regulations by virtue of unique hardship due to special circumstances regarding property to be developed. A waiver of the strictest letter of the regulations upon substantial compliance without sacrificing the spirit and purpose of the regulations.

2-1-66 WATERCOURSE: Any depression serving to give direction to a flow of water, having a bed and defined banks. The definition shall also include other generally or specifically designated areas where flooding may occur. The flow of water need not be on a continuous basis, but may be intermittent resulting from the surface runoff of precipitation.

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

ARTICLE III

APPROVAL OF SUBDIVISION PLATS

- 3-1 APPROVAL OF SUBDIVISION PLATS
- 3-2 SKETCH PLAN
- 3-3 PROPOSED PLAT SUBMISSION
- 3-4 REVIEW BY COUNTY ENGINEER
- 3-5 COUNTY COMMISSION APPROVAL OF PROPOSED 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 Geneva County. A flow chart is included in Appendix II further outlining this process.

SECTION 3-2 SKETCH PLAN

Whenever the subdivision of a tract of land is proposed within the jurisdiction of these regulations, the developer, or subdivider, is urged to consult early and informally with the County Engineer. The subdivider may submit sketch plans and data showing existing conditions within the site and in its vicinity along with the proposed layout and development of the subdivision. The purpose of this sketch plan review is to afford the subdivider an opportunity to avail himself of the advice and assistance of the County Engineer in order to facilitate the subsequent preparations and approval of plans.

SECTION 3-3 PROPOSED PLAT SUBMISSION

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

- (1) A letter stating that the proposed plat is being submitted for review. This letter shall state the developer's intent as to the final ownership of any new roads included on the proposed plat, if applicable. (The developer is reminded to refer to Appendix IV for the County's Road Acceptance Policy);

- (2) At least five (5) copies of the proposed plat **prepared in accordance with the requirements** detailed in Section 4-1 of these regulations;
- (3) At least two (2) copies of the Construction Plans for all required improvements **prepared in accordance with the requirements** detailed in Section 4-2 of these regulations (Major Subdivisions only);
- (4) Any variances requested accompanied by detailed supporting documentation;
- (5) A letter from the developer stating the name and contact information of the Licensed Professional Engineer, retained by the developer, who will be inspecting all construction of the required improvements and executing the “Engineer’s Certificate of Construction” on the Final Plat (Major Subdivisions only);
- (6) A letter from the developer certifying that all Federal and State permits required for construction of the subdivision shall be obtained prior to beginning construction; and
- (7) Copies of any off-premises drainage easement that may be required as specified in Section 5-6.
- (8) A permit fee of \$ 25 shall be paid to the Geneva County Commission at the County Engineer’s Office upon issuance of the Permit to Develop.

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

SECTION 3-4 REVIEW BY COUNTY ENGINEER

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

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

SECTION 3-5 COUNTY COMMISSION APPROVAL OF PROPOSED PLAT

Once the County Engineer verifies that the Application Assembly meets the County Regulations the Proposed Plat shall be submitted to the County Commission for their approval at 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. 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;
- (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 inspection and review fees required under Section 1-3 of these regulations as authorized in Code of Alabama 1975, § 11-24-3;
- (2) Five (5) copies of the Final Plat as approved by the County Engineer; and
- (3) A maintenance surety, if required, as detailed in Article VII.

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 IV. Developers of major subdivisions whose infrastructure has been constructed to be privately owned and maintained shall not be required to submit a maintenance surety as stated above.

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, when required, a licensed engineer. The Proposed Plat 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, graphic scale and location;
- (3) Name of the licensed land surveyor and, when required, the licensed engineer;
- (4) Vicinity map showing location of the subdivision;
- (5) Exact boundaries of the tract of land being subdivided, shown with bearings and distances;
- (6) Sufficient data to determine readily and reproduce on the ground the location, bearing, and length of every street line, lot line, boundary line, and block line, whether straight or curved, including the radius, central angle, point of tangency, tangent distance, and arcs and chords; the relation of the land so platted to the Government Survey of Geneva County; and "Point of beginning" as referred to in the written description;
- (7) Names and addresses of the owners of land immediately adjoining the tract of land being subdivided, as the names appear on the plats in the County Tax Assessor or Revenue Commissioner's office;
- (8) Names and addresses of all utility owners involved;
- (9) Wooded areas, marshes, and any other conditions affecting the site;

- (10) 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;
- (11) The names and locations of adjoining subdivisions and streets, with reference to recorded plats by record name;
- (12) Proposed rights-of-way or easements including locations, widths, purposes, and street numbers. Street numbers will be assigned by the E911 Director;
- (13) Proposed lot lines with bearings and distances and lot and block numbers;
- (14) Proposed minimum building setback lines;
- (15) Proposed parks, school sites, or other public open spaces, if any;
- (16) Site data, which includes:
 - a. Acreage in total tract;
 - b. Smallest lot size;
 - c. Total number of lots;
 - d. Linear feet in streets;
- (17) Any area within or adjacent to the proposed subdivision subject to inundation by the 100-year flood projections as defined by the County Flood Damage Prevention Ordinance;
- (18) The following endorsements and certificates shall be submitted with and placed on the Proposed Plat (see Appendix I for sample certificates):
 - a. A Certificate of Proposed Plat Approval by the Geneva County Commission;
 - b. A Certificate of Engineering Design by a Professional Engineer (if a major subdivision);
 - c. A Surveyor's Certificate of Proposed Plat;
 - d. A Certificate of Proposed Plat Approval by the Geneva County Health Department.

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 as assigned by the Geneva County E911 Director;
- 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;
- h. Cross sections of proposed streets at a minimum of 50' stations or as required by the County Engineer;
- i. Curve data for the centerline of each street: Delta, Tangent, Length of Curve and Radius;
- j. Location of all proposed sidewalks and crosswalks;
- k. Location of all proposed utilities.

(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 2 foot contour intervals for lots less than 2 percent slope, topography at 5 foot contour intervals for lots between 2 percent and 10 percent slope, topography based on USGS maps is acceptable for lots greater than 10 percent slope;
- 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;
- 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 of each area and drainage calculations for each drainage structure and drainage ditch;
- 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.

SECTION 4-3 FINAL PLAT REQUIREMENTS

The final plat shall be prepared by a registered land surveyor and shall be clearly and legibly drawn at a convenient scale of not less than one (1) inch equals one hundred (100) feet. The sheet size shall be of such size as is acceptable for filing at the Office of the Probate Judge, but shall not exceed twenty-four by thirty-six (24 x 36) inches. The Final Plat shall show the following:

- (1) Name of subdivision, date, north point, scale, and location;
- (2) Sufficient data to determine readily and reproduce on the ground the location, bearing, and length of every street line, lot line, boundary 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 Geneva County; and "Point of Beginning" as referred to in the written description;
- (3) 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;
- (4) The names and locations of adjoining subdivisions and streets, with reference to recorded plats by record name;
- (5) The exact position of the permanent monuments shall be indicated on the plat;
- (6) Rights-of-way or easements including locations, widths, purposes, and street numbers. The following note shall be placed on all plats which have drainage easements shown:

All drainage easements, spillage easements, and detention ponds as shown on this plat are to be maintained by the owner(s) of the lot(s) or land in which the drainage easement, spillage easement and/or detention pond is located. Geneva County shall not be responsible for maintaining such easements unless the lack of maintenance is affecting the structural integrity or safety of a county-maintained road.

- (7) Lot lines with bearings and distances and lot numbers;
- (8) Minimum building setback lines;
- (9) Parks, school sites, or other public open spaces, if any;
- (10) 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;
- (11) The following endorsements, dedications and certificates shall be placed on the Final Plat (see Appendix I for sample certificates):
 - a. Surveyor's Certificate and Description of Land Platted;
 - b. Engineer's Certificate of Engineering Design (if a major subdivision);
 - c. Engineer's Certificate of Construction (if a major subdivision);
 - d. Dedication;
 - e. A notary's Acknowledgement of the Dedication Certificate referred to in "d";
 - f. A Certificate of Approval by the appropriate electric utility distributor;
 - g. A Certificate of Approval by the appropriate water and sewer utility;
 - h. A Certificate of Approval by the County Engineer of Geneva County;
 - i. A Certificate of Approval by the Geneva County Health Department (if septic tanks and/or wells are necessary).

ARTICLE V

DEVELOPMENT STANDARDS

- 5-1 MINIMUM STANDARDS
- 5-2 GENERAL REQUIREMENTS
- 5-3 ROAD OR STREET PLAN
- 5-4 DESIGN STANDARDS
- 5-5 LOTS
- 5-6 PRIVATE SUBDIVISIONS
- 5-7 DRAINAGE AND INUNDATION

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 Geneva 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

Development of any land within the floodplain shall be governed by the Geneva County Flood

Damage Prevention Ordinance. This ordinance shall supplement these regulations to govern floodplain/ floodway issues.

5-2-2 SUBDIVISION NAME

The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The County Commission 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 Commission may approve an alternative plan provided the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a County responsibility. No roadways will be approved which provide access across dams nor will any part of a lake dam be allowed on the 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 road or street as defined in Section 2-1-55.

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.

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 right-of-way widths as specified in section 5-4-1. If the existing street is paved, the right-of-way shall be measured from the centerline of the existing

street. If the existing street is unpaved, the right-of-way shall be measured from a designed centerline approved by the County Engineer.

- (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 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 Geneva County 911 Board shall assign Road numbers.

5-3-5 VACATING A ROAD OR EASEMENT

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

5-3-6 FRONTAGE ON IMPROVED ROADS

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

- (1) an existing state, county, or city road or
- (2) public or private road shown upon an approved plat recorded in the Geneva 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.

5-3-7 TOPOGRAPHY AND ARRANGEMENT

- (1) All proposed roads shall be properly integrated with the existing system of roads.
- (2) All arterials shall be properly related to special traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities, and to the pattern of existing and proposed land uses.
- (3) Minor roads as defined in Section 2-1-44 shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary

to provide convenient and safe access to property.

- (4) The rigid rectangular gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets, cul-de-sacs, or U-shaped roads shall be encouraged where such use will result in a more desirable layout.
- (5) 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 may 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 subdivisions, a buffer strip at least 100 feet in depth in addition to the normal depth of the lot required in the subdivision 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";

- (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 there from 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 250 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;
- (4) No new roads shall be constructed which cross railroad right-of-way.

5-3-11 CUL-DE-SACS

Dead end roads shall be provided with a turnaround having a roadway diameter of at least sixty (60) feet and a right-of-way diameter of at least one hundred (100) feet.

5-3-12 INTERSECTIONS

Road intersections shall be laid out as follows:

- (1) Adequate sight distance shall be provided at all intersections. The Alabama Department of Transportation's (hereinafter "ALDOT") "County Road Design Policy" shall be used;
- (2) Roads shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new roads at an angle of less than seventy-five (75) degrees shall not be acceptable. An oblique road should be curved approaching an intersection and should 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;
- (3) Proposed new intersections along one side of an existing road shall, wherever practical, coincide with any existing intersections on the opposite side of such street. Road jogs with centerline offsets of less than 125 feet shall not be permitted except where the intersected road has separated dual drives without median breaks at either intersection. Where minor roads intersect collector or arterials, their alignment shall be continuous. Intersections of arterials shall be at least eight hundred (800) feet apart. Where a road intersects a state highway, the design standards of the Alabama Department of Transportation shall apply;
- (4) Minimum curb radius at the intersection of two (2) minor roads shall be at least thirty-five (35) feet; and minimum curb radius at an intersection involving a collector road shall be at least fifty (50) feet;

- (5) Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a five percent (5%) grade at a distance of twenty (20) feet, measured from the nearest edge line of pavement of the intersecting road;
- (6) The cross-slopes on all roads, including intersections, shall be two percent (2%) or ¼ inch per foot of pavement width;
- (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 ninety (90) degrees, a longer flare may be required;
- (8) Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the applicant shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.

SECTION 5-4 DESIGN STANDARDS

The following design standards shall be considered minimum design 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.

5-4-1 RIGHT-OF-WAY WIDTHS

Minimum street right-of-way widths shall be not less than eighty (80) feet for streets without curb and gutter and sixty (60) 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 herein.

5-4-2 PAVEMENT WIDTHS

All streets shall have a minimum pavement width of twenty-eight (28) feet from back of curb to back of curb, if curb and gutter is used. If curb and gutter is not used, a minimum pavement width of twenty (20) feet will be required with a minimum shoulder width of four (4) feet. Greater roadway pavement and shoulder widths shall be required where projected traffic volumes warrant such wider facilities.

5-4-3 GEOMETRIC DESIGN

(1) TYPICAL SECTIONS

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

(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,” latest edition. 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: Scheduling and cost of all testing shall be the responsibility of the developer and shall be done by an independent testing laboratory approved by the County Engineer. The County Engineer will determine the number and types of tests to be submitted. Copies of all test reports are to be sent to the County Engineer.
- (3) 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.
- (4) Slope Paving: Slope paving shall be required in ditches over 7% grade or as determined necessary by the County Engineer. Other alternatives must be approved by the County Engineer;
 - (5) Embankment Sections: 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. Embankment material shall be in accordance with Section 210 of the "Alabama Department of Transportation Standard Specifications for Highway Construction," latest edition.
 - (6) 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," latest edition. It shall be full width of regular section and extend two (2) feet outside of curb and gutter and/or valley gutter sections. The embankment or subgrade may be inspected by proof rolling, under the supervision of the County Engineer or his/her designee, with a fully loaded tandem axle dump truck to check for soft or yielding areas. Any subgrade failures shall be repaired and inspected again by proof rolling.
 - (7) Base: Base course shall meet the requirements for granular soil or soil aggregate as set forth in section 301 of the Alabama Department of Transportation Standard Specifications for Highway Construction, latest edition. Base course shall have a minimum thickness of six (6) inches compacted thickness, full width of regular section. The density requirements for compaction shall be in accordance with Section 306 of the Alabama Department of Transportation Standard Specifications for Highway Construction, latest edition.
 - (8) Roadway Pavement: All roads and/or streets shall be paved and comply with the following:
 - a. The minimum pavement width shall be not less than twenty (20) feet on standard sections and twenty-four (24) feet for curb and gutter sections. Curb and gutters, if required, shall be the regular six (6) inch curbs with eighteen (18) inch gutters with a minimum overall width of twenty-four (24) inches.
 - b. A bituminous pavement shall be constructed on a suitable base as approved by the County Engineer. Minimum requirements for the bituminous pavement shall be one hundred sixty-five pounds per square yard (165 LBS/ SY) of Bituminous Concrete Plant Mix, Wearing Surface. The mix shall be approved by the County Engineer and be as specified in the latest edition of the ALDOT

Standard Specifications for Highway Construction.

- (9) Storm Drainage: An adequate storm drainage system based on a minimum twenty-five (25) year design storm including curb, pipes, culverts, headwalls, and ditches shall be provided for the drainage of surface water. All cross drains shall have sufficient length for required typical section and shall be installed according to ALDOT specifications. Minimum diameter of cross drain pipes shall be eighteen (18) inches. Cross drains shall be corrugated aluminized culvert pipe (CACP) 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 and/or lot owners shall be responsible for the installation of all driveway side drain pipes during the maintenance period defined in section 7-1. Prior to the installation of any driveway side drain pipe the applicant must receive a permit from the County Engineer's Office and must comply with the following:

- (a) Driveway side drain pipe shall be a minimum of thirty (30) feet long and a maximum of one hundred (100) feet long.
- (b) Side drain pipe greater than one hundred (100) feet in length shall be designed with an inlet structure for surface water intake and clean-out access. The distance between inlets must be no more than one hundred (100) feet.
- (10) Installation of Utilities: After grading is completed and approved by the County Engineer and before any roadbed processing of the subgrade is performed all of the underground utilities within the roadway prism shall be installed completely and approved by the County Engineer throughout the length of the street and across the section. Once pavement is placed, it shall not be open cut. Any utility desiring to cross the road shall go over the road or dry bore under the road. All utilities shall be placed in accordance with the ALDOT Utility Manual. Backfill placed in utility trenches shall be as covered in Section 5-4-4 (5) of these regulations. All utility facilities and easements, 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.
- (11) Signage of Subdivision: All street signs shall be acquired and erected by the County Engineer's Office. The Developer shall reimburse Geneva County the cost of said sign materials. The labor and equipment to install all traffic signs shall be at no cost to the Developer.
- (12) Topsoil and Grassing: When all construction is completed, all slopes and shoulders shall be covered with a sufficient amount of topsoil and shall have a stand of permanent grass to prevent undue erosion, either by sprigging or seeding.
- (13) 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.

SECTION 5-5. LOTS

Residential lots shall comply with the following requirements:

- (1) The minimum lot size shall be as required by the State and/or County Health Department;
- (2) The subdivision plat shall provide each lot with a minimum of 60 feet fronting (Road Frontage) an existing county-maintained public street or a proposed public street. The said Road Frontage **shall not** be subject to any easement, license, shared uses, shared driveway or other agreements. Each lot **shall** have a separate driveway to the said street and shall not share a joint access or driveway by easement, license or other use with any other lot;
- (3) 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;
- (4) Each lot in a subdivision shall contain a flood-free building site as defined in the County's Flood Damage Prevention Ordinance.

SECTION 5-6. PRIVATE SUBDIVISIONS

Improvements within proposed private subdivisions shall meet regular subdivision standards and the private status shall not be effective until final plat recording.

The developer or owners of the subdivision is required to install a sign of reasonable size at the entrance of the subdivision stating "PRIVATE ROAD NOT COUNTY MAINTAINED" and it is the responsibility of the developer or owners of the subdivision to maintain this sign.

The private status of the subdivision shall be clearly stated on the recorded Final Plat. As long as the subdivision remains private, the developer and/or property owners shall maintain the roads, structures and drainage. This shall be clearly stated to those who purchase parcels within the subdivision and shall be stated in writing on each property deed.

If a private subdivision is recorded in the Geneva County Probate Office and **all** of the property owners (100%) at some future date desire to eliminate the private subdivision status and redesignate it as a county-maintained subdivision, the owners must petition the Geneva County Commission for tentative approval. If the Geneva County Commission gives tentative approval of the petition, the owners shall submit subdivision plans to the County Engineer including improvements and repairs that may be required according to the Geneva County Subdivision Regulations effective on the date of the petition. It shall be the responsibility of the owners to prepare a revised Final Plat according to Geneva County Subdivision Regulations for approval and recording at the Geneva County Probate Office. Before approval of the revised Final Plat the owners shall submit a Maintenance Surety as required in Article VII. See Appendix IV Policy for Accepting Roads for County Maintenance for further requirements.

SECTION 5-7. DRAINAGE AND INUNDATION

A Drainage Plan shall be made for the subdivision by the owner's engineer. This plan shall take into consideration the ultimate or saturated development of the tributary area in which the proposed subdivision is located. Adequate provisions shall be made to provide drainage easements needed within the subdivision, taking into consideration the saturated development of the tributary area.

The storm and sanitary sewer plans shall be worked out prior to the development of the other utility plans. Engineering considerations shall give preferential treatment to these gravity flow improvements, as opposed to other utilities and improvements. Off-premises drainage easements and improvements shall be required to handle the runoff of the subdivision into a natural drain. Such easements shall contain language that will indemnify the County of any current or future erosion control problems. Any such easement shall be submitted along with the proposed plat. Under no conditions shall storm drainage be emptied into the sanitary sewer system or vice versa.

The County Commission or County Engineer may require whatever additional engineering information it deems necessary to make a decision on subdivisions and other development which contains an area of questionable drainage.

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 Standards of Practice 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 Geneva 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 OMIT

6-1-3 PROPERTY MARKERS

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

ARTICLE VII

GUARANTEE OF MAINTENANCE

- 7-1 MAINTENANCE PERIOD
- 7-2 MAINTENANCE SURETY
- 7-3 FAILURE TO PERFORM MAINTENANCE
- 7-4 RELEASE OF MAINTENANCE SURETY

SECTION 7-1 MAINTENANCE PERIOD

The developer or subdivider shall be responsible for all required maintenance of the newly constructed infrastructure and improvements related to the subdivision for a period of two (2) years after the date of Final Plat approval by the County Engineer.

SECTION 7-2 MAINTENANCE SURETY

The applicant shall provide a maintenance surety in order to assure the satisfactory condition and maintenance of the required improvements during the maintenance period specified above. This surety shall be submitted and approved prior to Final Plat approval by the County Engineer and shall meet the following requirements:

- (1) ACCEPTANCE OF SURETY: The surety must be in a form approved by the County Attorney;
- (2) VALUE OF SURETY: The surety shall be of an amount equal to \$20.00 per linear foot of newly constructed roadway.

SECTION 7-3 FAILURE TO PERFORM MAINTENANCE

The County Engineer or his designee shall monitor and periodically inspect for defects in the construction or maintenance needs of the required improvements during the maintenance period. If the County Engineer finds upon inspection that maintenance is required or 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 and performing any needed maintenance during the maintenance period.

If the developer or subdivider fails to correct the deficiencies or perform the required maintenance in a timely manner, the County may take such steps as may be necessary to require performance under the maintenance surety.

SECTION 7-4

RELEASE OF MAINTENANCE SURETY

Ninety (90) days prior to the end of the required maintenance period as specified in section 7-1, the developer **shall** submit a letter to the County Engineer requesting a final inspection of the Subdivision. If the County Engineer finds upon inspection that maintenance is not required and all of the required improvements are satisfactory, he or she shall present the Subdivision Roads to the County Commission for acceptance. If, upon inspection by the County Engineer, maintenance of the required improvements is required, the developer shall perform such maintenance within thirty (30) days. If maintenance is not performed within said thirty (30) days, the County Engineer will call upon the surety to perform the required maintenance.

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 may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal. The County Commission may approve Variances to these subdivision regulations so that such Variance shall not have the effect of nullifying the intent and purpose of these regulations. An application for a variance shall be submitted in writing by the developer at the time when the Proposed Plat is filed for the consideration of the County Commission. The application shall state fully the grounds for the Variance and all of the facts relied upon by the developer. The Variance, if approved by the County Commission, shall become part of the official record of the County Commission and shall be noted on the Final Plat.

In determining whether to grant the variance, 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 Geneva 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 III, and are hereby specifically incorporated by reference and made a part of these regulations.

APPENDIX I
SAMPLE CERTIFICATES

(Proposed Plat)

CERTIFICATE OF PROPOSED PLAT APPROVAL BY THE COUNTY COMMISSION

In that all the requirements of Proposed Plat Approval have been fulfilled, this subdivision plat was given Proposed Plat Approval by the Geneva County Commission on _____, 20___. The Proposed Plat Approval does not constitute approval of the Final Plat. This Certificate of Proposed Plat Approval shall expire and be null and void on _____, 20___.

(Insert name), COUNTY ENGINEER

(Insert name), COUNTY CHAIRMAN

(Proposed Plat)

SURVEYOR'S CERTIFICATE OF PROPOSED PLAT

I, _____, a licensed surveyor in the State of Alabama, license number _____, do hereby certify that I have prepared this Proposed Plat for _____ Subdivision in accordance with the Subdivision Regulations of Geneva County.

(typed name of surveyor)

(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."**

(typed name of engineer)

Alabama License # _____

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

(Proposed Plat)

CERTIFICATE OF PROPOSED PLAT APPROVAL BY THE GENEVA COUNTY HEALTH DEPARTMENT

I certify that the general lot layout shown on this Proposed Plat has been approved by the Geneva County Health Department for development of the Final Plat this _____ day of _____, 20____.

(Insert name), Environmentalist

(Final Plat)

SURVEYOR'S CERTIFICATE AND DESCRIPTION OF LAND PLATTED

STATE OF ALABAMA
COUNTY OF GENEVA

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 all parts of this survey and plat have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief.

This the _____ day of _____, 20____.

(typed name of surveyor)

Alabama License # _____

(Final 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."**

(typed name of engineer)

Alabama License # _____

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

(Final Plat)
ENGINEER'S CERTIFICATE OF 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 constructed under my supervision in accordance with the construction plans submitted to the County Engineer.

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 State of Alabama Department of Transportation's Standard Specifications for Highway Construction, latest edition.

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

(typed name of engineer)

Alabama License # _____

(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 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 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 GENEVA

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 GENEVA

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

(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 Geneva County, Alabama, this _____ day of _____, 20____.

(Electric utility authorized signature)

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

(water and sewer utility authorized signature)

(Final Plat)
CERTIFICATE OF APPROVAL BY THE COUNTY ENGINEER

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

County Engineer

(Final Plat)

CERTIFICATE OF APPROVAL BY THE GENEVA COUNTY HEALTH DEPARTMENT

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

(Insert name), Environmentalist

APPENDIX II
SUBDIVISION FLOWCHART

APPENDIX III
APPLICABLE STATE LAWS

APPENDIX IV

ACCEPTANCE OF ROADS AND STREETS FOR COUNTY MAINTENANCE

POLICY FOR ACCEPTING ROADS FOR COUNTY MAINTENANCE
GENEVA COUNTY COMMISSION

The following procedure shall be followed in order for the County Commission to accept a road into the Geneva County Maintenance System:

Any road being considered for acceptance must have been built in full accordance with the current Geneva County Subdivision Regulations. Said roads will not be considered by the Commission until maintenance of the road has been performed in full compliance with Article VII of said Geneva County Subdivision Regulations. Any maintenance occurring during the maintenance period must be performed in accordance with the Alabama Department of Transportation Standard Specifications for Highway Construction, latest edition, and meet the satisfaction of the County Engineer.

APPENDIX V
TYPICAL SECTIONS