

SUBDIVISION REGULATIONS
MOBILE COUNTY, ALABAMA

Adopted

December 13 , 2004

Amended

April 26, 2005

Prepared by

The Mobile County Engineering Department

CONTENTS

	Page
Section 1. General Provisions	2
1.1_ Authority.....	2
1.2_ Jurisdiction.....	2
1.3_ Purpose.....	2
1.4_ Policy.....	2
1.5_ Application of Regulations.....	3
1.6_ Interpretation.....	3
1.7_ Validity.....	3
1.8_ Effective Date.....	3
Section 2. Definitions.....	4
2.1 Usage.....	4
2.2 Words and Phrases Defined.....	4-9
Section 3. Procedures for Plat Approval.....	10
3.1 General.....	10
3.2 Preliminary Conference.....	10
3.3 Preliminary Plat and Engineering Plan Review.....	11
3.4 Final Plat.....	13
3.5 Minor Subdivisions.....	14
Section 4. Design Guidelines.....	14
4.1 General Requirements.....	14
4.2 Streets.....	15
4.3 Blocks.....	17
4.4 Lots.....	17
4.5 Drainage Easements.....	18
Section 5. Improvements.....	18
5.1 General Requirements.....	18
5.2 Engineering Requirements.....	18
5.3 Maintenance Bond.....	18
5.4 Formal Acceptance of Public Rights-of-Way.....	19
Section 6. Modifications.....	19
Section 7. Private Subdivisions.....	19
7.1 Policy.....	19
7.2 General Requirements.....	19
7.3 Geometric Design.....	20
7.4 Structural Requirements for Roadways in Private Road Subdivision.....	20
7.5 Design Requirements.....	20
Section 8. Special Watershed Protections.....	20
8.1 Detention Requirements.....	20
8.2 Maintenance.....	21
Section 9. Administration, Enforcement and Amendment.....	21
9.1 Administration.....	21
9.2 Enforcement.....	21
9.3 Amendment.....	22
9.4 Appeal Process.....	22

SECTION 1. GENERAL PROVISIONS

1.1_ Authority

Pursuant to authority granted under Title 11, Chapter 24, Sections 1 through 9, Code of Alabama, 1975 and 1986 Cumulative Supplement, the Mobile County Commission does hereby exercise the power and authority to review, approve and disapprove plats for subdivisions within the subdivision jurisdiction of Mobile County, Alabama, as set forth in these Regulations.

1.2 Jurisdiction

From and after the date of adoption, these Regulations shall govern each and every subdivision of land in all unincorporated areas of Mobile County that do not lie within the planning jurisdiction of any municipal planning commission presently organized and functional or which shall become organized and functional within six months of the date the Mobile County Commission assumes such jurisdiction by publishing and adopting notice thereof.

1.3 Purpose

The purpose of these Regulations is to establish procedures and guidelines for the development of subdivisions or proposed additions to existing subdivisions within the subdivision jurisdiction of Mobile County, Alabama, in order to regulate the minimum size of lots, the planning and construction of all streets, roads and drainage features, and to require the proper installation of water and sewer facilities as required by the Board of Health.

1.4 Policy

1.41 Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until proper provision has been made for drainage, potable water, sewerage disposal and access.

1.42 Any owner of land, which lies within the area of jurisdiction of the Mobile County Commission, who wishes to subdivide or re-subdivide such land into two (2) or more lots, parcels, plats, or other divisions of land for the purpose, whether immediate or future, of sale or of building development, shall submit to the County Engineer and County Health Department, if individual septic tanks are to be used for approval, a plat of the subdivision which shall conform to the minimum requirements set forth in these Regulations.

1.43 No subdivider shall proceed with any improvements or with the installation of utilities in a subdivision until such subdivision plat shall have been reviewed and

the Construction Plans administratively approved by the County Engineer and written approval by the Mobile County Health Department, if individual septic tanks are to be used.

1.44 No subdivider shall proceed with the sale of lots or the erection of buildings, excluding required public improvements and utility structures, within a subdivision until such subdivision plat shall have been granted Final Plat approval entered in writing on the plat and signed by the County Engineer and recorded in the Office of the Probate Judge of Mobile County by the Developer.

1.5 Application of Regulations

From and after the date of filing a certified copy of these Regulations with the Probate Judge, no subdivision plat of land within the planning jurisdiction of these Regulations shall be filed or recorded, nor shall any lots be sold until the plat shall have been submitted to and approved by the County Engineer and County Health Department if individual septic tanks are to be used and recorded with the Probate Judge. The Probate Judge, upon receipt of a copy of these Regulations, shall not thereafter file or record a plat of a subdivision of land located within the County's subdivision jurisdiction, as defined herein, without the approval of such plat in accordance with these Regulations.

1.6 Interpretation

In their interpretation and application, the provisions of these Regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

Where any provision of these Regulations impose restrictions different from those imposed by any other provision of these Regulations, or any other ordinance, rule or regulation, or other provisions of law, whichever provisions are more restrictive or impose higher standards shall control.

1.7 Validity

The requirements and provisions of these Regulations are severable, and should any section or part thereof be declared by any court of competent jurisdiction to be unconstitutional or invalid, the decision of the court shall not affect the validity of the Regulations as a whole or any section or part thereof other than the section or part so declared to be unconstitutional or invalid.

1.8 Effective Date

These Regulations shall take effect six months from the date of adoption and publication as required by law.

Adopted: December 13, 2004

SECTION 2. DEFINITIONS

2.1 Usage

For the purpose of these Regulations, certain words and phrases used herein are defined in this section. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; the plural number includes the singular number; shall is always mandatory.

2.2 Words and Phrases Defined

ACCESSORY BUILDING/STRUCTURE

A detached, subordinate building or structure, located on the same building site with the main structure, the use of which is incidental to that of the main structure.

ALLEY

A public right-of-way primarily designed to serve as a secondary access to the side or rear of properties whose principal frontage is on some other street.

ARTERIAL

A road or street which connects areas that produce a large amount of trip generation. Arterials have dual function to move traffic and to provide access to land uses, particularly the high trip-generating commercial activities.

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.

BUILDING

Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or moveable property of any kind.

BUILDING SETBACK LINE

A line generally parallel to and measured from the front property line in front of which no structure may be erected.

BUFFER ZONE

The area: Within 100 feet of a public drinking water source; within 50 feet of perennial streams and their associated wetlands; and within 25 feet of natural drainage features and their associated wetlands. This zone only applies to Section 8 of these regulations.

BUILDING SITE

The land occupied or to be occupied by a principal structure and any accessory structures including open spaces, required yards and parking.

COLLECTOR STREET

A route whose primary function is to collect traffic from an area and move it to the arterial street system while also providing substantial service to abutting land use, and which typically does not have extensive continuity.

CORNER LOT

A lot which occupies the interior angle at the intersection of two (2) street lines.

COUNTY

Mobile County, Alabama.

COUNTY ADMINISTRATOR

The duly designated Administrator of Mobile County, Alabama.

COUNTY COMMISSION

The Mobile County Commission or its assigns.

COUNTY ENGINEER

The duly designated Engineer of Mobile County, Alabama.

COUNTY SPECIFICATIONS

All construction specifications which have been adopted by the County Commission or as approved by the County Engineer.

CUL-DE-SAC

A minor street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

DEDICATION

The transfer of property from private to public ownership.

DEPTH OF LOT

The mean horizontal distance between the front and rear lot lines.

DEVELOPER

The owner or his designated representative of land proposed to be subdivided. Consent shall be required from the legal owner of the premises.

DOUBLE FRONTAGE LOT

A lot having a frontage on two (2) non-intersecting streets as distinguished from a corner lot.

DWELLING

Any covered structure intended for the shelter, housing or enclosure of persons.

EASEMENT

A grant by a property owner of the use of land for a specified purpose or purposes by the general public or a corporation, or person(s); or as created by operation of law.

ENGINEER

An engineer properly licensed in the State of Alabama.

ENGINEERING PLANS

The drawings on which the proposed subdivision improvements are shown and which, if approved, will be used for construction of the improvements.

FINAL PLAT

A plat of a tract of land which meets the requirements of these Regulations and is in proper form for recording in the Office of the Probate Judge of Mobile County, Alabama.

FLOOD WAY

The stream channel and the portion of the adjacent flood plain 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 pre-development conditions.

For the purpose of these Regulations, flood ways shall be defined as follows:

The flood ways as identified or delineated in the Flood Insurance Study for Mobile County, Alabama.

Reference is hereby directed to Section 4.11 of this Regulation.

HEALTH DEPARTMENT

The Mobile County Health Department.

HUNDRED (100) YEAR FLOOD

A flood which has, on the average, a one (1) percent chance of being equaled or exceeded in any given year.

IMPROVEMENTS

Street surfacing, curb and gutter, water mains, sanitary sewers, storm sewers, utilities, monuments, and other appropriate items.

LAND SURVEYOR

A land surveyor properly licensed in the State of Alabama.

LOT

A tract, plot, or portion of land in a subdivision or other parcel of land intended as a unit separated from other parcels by description, for the purpose, whether immediate or future, of transfer of ownership or for building development.

LOT OF RECORD

A lot which is part of a subdivision, the plat of which has been recorded in the Office of the Probate Judge of Mobile County.

MAJOR LOCAL ROAD

A street that serves as a link to communities or significant areas. Links streets of equal or higher functional classification. Access to abutting property is moderate.

MAJOR SUBDIVISION

A subdivision not classified as a minor subdivision, including but not limited to subdivisions of six (6) or more lots, or any size subdivision requiring any new streets or extension of the local governmental facilities, or the creation of any public improvements.

MINOR LOCAL ROAD

A street that serves as a link to an isolated area and typically is the only access road from a higher functional classification street. Access to abutting property is moderate to high.

MINOR SUBDIVISION

A subdivision containing not more than five (5) acres nor more than five (5) contiguous lots fronting on an existing street, not involving any new street or road or the extension of public facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property.

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.

PRELIMINARY PLAT

A tentative plan of the proposed subdivision submitted to the County Engineer and County Health Department if individual septic tanks are to be used.

PRIVATE ROAD

Road not owned or maintained by County, Municipal, State or Federal Agency, whether or not it has public access.

PRIVATE ROAD SUBDIVISION

A Subdivision, as defined herein, in which no roadway, drainage structure or other

infrastructure is dedicated to, accepted by, or maintained by the County.

PROBATE JUDGE

The Judge of Probate of Mobile County, Alabama.

RESERVE STRIP

A strip of land retained for private ownership for the purpose of controlling access to land dedicated or intended to be dedicated for a street or other public use.

RESIDENTIAL STREET

A street that serves to link residential areas to streets of a higher functional classification, or may be part of an internal grid of residential streets serving as the only access to residential properties.

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.

ROAD OR STREET

A public right-of-way for vehicular traffic that affords the principal means of access to abutting property.

ROADWAY

The portion of a street available for vehicular traffic; where curbs are laid, the portion between curbs; an open ditch section would include the travelway and shoulders. A roadway does not include a private driveway serving an individual lot or a private driveway serving more than one lot, all of which are not located in a subdivision.

SKETCH PLAN

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

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, and who (3) is directly or indirectly controlled by, or under direct, or indirect, common control with any of the foregoing.

SUBDIVISION

The division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites, or other division of land for the purpose, whether immediate or future, of sale or of building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory being subdivided. It shall include all divisions of land involving the dedication of a new street or a change in existing streets. However, the following shall not be included within this definition or be subject to the requirements thereof:

1. Property that is divided by a court order.
2. The division of land into parcels of five (5) acres or more where no new street or roadway access to the lots is involved.
3. The public acquisition by gift or purchase of strips or parcels of land for the widening or opening of streets or for other public uses.
4. The sale, deed or transfer of land by owner to an immediate family member within the meaning of *Code of Alabama (1975), Section 11-24-2(c)*.
5. The construction or development of roads or buildings on private property to be used for agricultural purposes within the meaning of *Code of Alabama (1975), Section 11-24-1(a)(4)*.

SUBDIVISION JURISDICTION

The territorial jurisdiction of the Mobile County Commission over the subdivision of land including all unincorporated areas of the county except areas within the jurisdiction of any organized and functional municipal planning commission.

SURETY

Any surety bond, certificate of deposit, cashiers check, or other acceptable surety as approved by the County Engineer.

TRAVELWAY

The portion of the roadway that is used for the movement of vehicles, exclusive of the shoulders, curb and gutter or asphalt wing.

WATERCOURSE

Any depression serving to give direction to a flow of water, having a bed and well-defined banks and which shall, upon the rule or order of the County Commission 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.

WIDTH OF LOT

The mean horizontal distance between the two side lot lines.

SECTION 3. PROCEDURES FOR PLAT APPROVAL

3.1 General

The procedures for review and approval of subdivision plats by the County consist of the following steps.

- 3.11 Preliminary Conference The subdivider or his agent may present a sketch plat for review and consultation with the County Engineer to obtain information, advice and assistance or may submit a preliminary plat for review and approval before incurring the costs associated with the Final Plat. This will enable him to become familiar with the County Subdivision Regulations and other requirements which might affect the proposed subdivision. During this review, the subdivision will be classified as a major or minor development in compliance with the definitions in Section 2.2.
- 3.12 Engineering Plan Review The subdivider or his agent shall present the Preliminary Plat to the County Health Department if individual septic tanks are to be used and Engineering Plans to the County Engineer for administrative review and approval. The Preliminary Plat and required construction plans shall conform to these Regulations unless special conditions exist which justify any modification of these requirements.
- 3.13 Final Plat The subdivider or his agent shall present the Final Plat of the development for official staff review. Staff approval is indication that the subdivision has been constructed in compliance with approved Engineering Plans and then signed by the County Engineer and recorded by the Developer in Probate Court.

3.2 Preliminary Conference (Optional)

- 3.21 Purpose The purpose of the Preliminary Conference is to enable the subdivider to become familiar with the County Subdivision Regulations and to obtain advice and assistance from the County Engineer's office on his sketch plat prior to incurring the expense of preparing the Preliminary and/or Final Plat. Subdivisions shall be classified as major or minor during this review.
- 3.22 Filing and Review The subdivider shall contact the County Engineer's office to make an appointment for the Conference and sketch review of the proposed development. The sketch plan shall be reviewed by the staff with the applicant and/or his agent at the appointed time. During the review, the applicant shall be advised regarding existing regulatory requirements and ensuing procedures leading to subdivision approval. Developments classified as major subdivisions shall comply with procedures required in Sections 3.3 and 3.4 of these Regulations. Developments classified as minor subdivisions shall be expedited through the abbreviated review procedures detailed in Section 3.5 of these Regulations.

- 3.23 Documents Documents required include the sketch plat which shall be drawn at an approximate scale of one inch to 100 feet and shall show the proposed street layout, ROW width, lot sizes and arrangement, approximate location and sizes of nearest water and sewer lines, existing structures, adjoining streets, north arrow, and proposed use of the land.
- 3.24 Effect of Review The Preliminary Conference should enable the subdivider to proceed with the preparation of a Preliminary Plat and Engineering Plans that will be approvable under the County Regulations.
- 3.25 Time Table for Approval Process County Engineer shall provide approval, or all recommended changes or revisions of the preliminary plat within fourteen (14) calendar days from date of submission. Date of submission receipt required.

3.3 Preliminary Plat and Engineering Plan Review

- 3.31 Purpose The purpose of the Engineering Plan Review is to provide the preliminary plat and detailed plans and specifications in compliance with the requirements of these Regulations and the detailed construction specifications and engineering requirements to the County. This will enable the County Engineer, with input from other officials and agencies concerned, to hear, administratively review and act on the proposed development.
- 3.32 Filing and Review The subdivider shall provide the County Engineer's office two (2) copies of the Preliminary Plat and the required Engineering Plans. The Preliminary Plat and Engineering Plans shall be evaluated for accuracy and compliance with these Regulations and the detailed specifications obtained from the County Engineer's Office, by the staff of the Engineering Department. The documents may also be reviewed by other local officials and agencies with jurisdiction governing the development.
- 3.33 Specifications for Preliminary Plat
1. Name of owner(s) of record;
 2. Proposed name of subdivision, date, north arrow, scale, and vicinity map;
 3. Name of Land Surveyor;
 4. Vicinity map showing location of the subdivision;
 5. Boundaries of the tract of land being subdivided shown with bearings and distances;
 6. Wetland areas;

7. The location of existing right-of-ways and or easements of record, water courses, on or abutting to the tract being subdivided;
8. Proposed rights-of-way or easements, including locations, widths, purposes, and street names;
9. Proposed lot lines with approximate bearings and approximate distances and lot and block numbers;
10. Site data:
 - a. Acreage in total tract;
 - b. Smallest lot size;
 - c. Total number of lots;
 - d. Linear feet in streets.
11. A flood hazard notation indicating the zone(s) in which the property lies according to the latest Flood Insurance Rate Map (FIRM) for the area shall also be annotated on the plat.

3.34 Specifications for Engineering Plans

Detailed construction specifications and engineering requirements may be obtained from the County Engineer's Office.

3.35 Approval Duration

Approval of the Preliminary Plat and Construction Plans authorizes the applicant to proceed with the construction of the improvements and development of the subdivision within the limitations and conditions set forth in the approval, subject to other required permits from appropriate federal, state and local agencies.

Preliminary Plat and Construction Plan approval shall be effective for one (1) year, unless, upon application in writing, the subdivider requests an extension and the same is granted for one (1) year period of time by the County Engineer. Any plat not receiving final approval within the specified time period shall be null and void, and the applicant shall be required to resubmit a new plat for preliminary approval subject to all subdivision regulations in effect at that time.

Final Plat approval during the period of validity of a Preliminary Plat of any phase or part of a subdivision shall automatically extend the Preliminary Plat approval for the rest of the subdivision for a period of one year from the date of such Final Plat approval of the phase or part of the subdivision, and the same automatic extension shall govern in subsequent cases of submission of a Final Plat of any part of the subdivision. However, any time after the expiration of the initial one-year period during which the Preliminary Plat approval is effective, the County Engineer may notify the subdivider of changes that will be required to meet new or changed

conditions, and a corrected Preliminary Plat (and revised Construction Plans, if applicable) complying with such changes and conditions shall be submitted by the subdivider to the County Engineer prior to the construction or installation of any improvements. Should subdivision be under construction within one (1) year of initial approval, no further extension nor changes in approved plans and specifications shall be required.

3.36. Time Table for Approval Process

County Engineer shall provide approval, or recommend changes or revisions of the construction plans within fourteen (14) calendar days from date of submission of the plans and County Health Department approval if individual septic tanks are to be used. Date of submission receipt required.

3.4 Final Plat

3.41 Purposes The Final Plat shall be based on the approved Preliminary Plat with any required conditions and changes, and shall provide an accurate record of the subdivision as constructed. It shall contain all required signatures and be suitable for recording by the Probate Judge.

3.42 Filing and Review The subdivider shall file with the County Engineer's office an original reproducible Final Plat. The review shall be accomplished by the County Engineer or his designee and shall involve a site inspection and evaluation of the constructed improvements. The review shall take into consideration conformance to the approved Preliminary Plat and Construction Plans, and fulfillment of any conditions of such approval.

3.43 Specifications for Final Plat

The Final Plat shall conform in all respects with the approved Preliminary Plat, including all conditions and required changes. In addition, the Final Plat shall contain:

1. A notarized certification by the land owner of the adoption of the plat and the dedication of streets and easements.
2. A certification by a Land Surveyor that the plat represents a survey made by him, that the monuments shown on the plat actually exist as located, and that all dimensional and other data are correct. The plat shall conform to the *Standards of Practice for Surveying in the State of Alabama*.
3. A certification that the Final Plat has been approved for recording. Such certification shall have a space for the signature of the County Engineer.

3.44 Effect of Review Upon satisfactory review, site inspection and evaluation of improvements, Final Plat approval shall be given within 14 calendar days. In such

case, the County Engineer shall sign the plat. If the review is unsatisfactory due to discrepancies in the preliminary plat as approved and construction plans as approved, the County Engineer shall disapprove the plat and state the grounds for disapproval and the conditions under which it may be resubmitted for reconsideration. An approved Final Plat shall be recorded in the Office of the Probate Judge of Mobile County within twelve (12) months of the date of approval, and within 14 calendar days of acceptance of the roads for County Maintenance by the County Commission; otherwise, such approval shall be null and void.

3.5 Minor Subdivisions

- 3.51 Purpose The purpose of this section is to simplify the preparation and to expedite the review of plats for minor subdivisions. A minor subdivision is one containing not more than five contiguous lots where every lot fronts on an existing public roadway and which development does not require any improvements or the extension of any public facilities.

- 3.52 Filing and Review The subdivider shall consult with the County Engineer to determine eligibility for filing under this section prior to having a plat prepared. Upon concurrence of the County Engineer, the subdivider shall prepare and submit an original reproducible of a Final Plat to the County Engineer’s office. Review of the plat shall be accomplished by the County Engineer or his designee and shall take into consideration conformance with the requirements of these Regulations and other applicable standards and requirements.

- 3.53 Specifications for Final Plat The Final Plat shall conform in all respects and details with the specifications for Final Plats in Section 3.43.

- 3.54 Effect of Review Upon satisfactory review and site inspection (if necessary), Final Plat approval shall be given within 14 calendar days. In all other respects, the effect of review for Final Plats in Section 3.44 shall apply to minor subdivisions.

SECTION 4. DESIGN GUIDELINES

4.1 General Requirements

Detailed construction specifications and engineering requirements may be obtained from the County Engineering Department.

- 4.11 Land Subject to Flooding Subdivision and other new construction that encroaches upon a federally-designated special flood hazard area as delineated on the most currently adopted Mobile County Federal Insurance Rate Maps shall conform to the Mobile County Flood Damage Prevention Ordinance.

- 2. Subdivision Review
Delineation of the Flood Zone shall be shown on a subdivision plat by

elevation.

3. Fill and/or Excavation is Prohibited Unless a FLOOD WAY is Designated. Administration of floodplain regulations will include the prohibition of new construction, substantial improvements, or other development (including fill) within “A” zones until a FLOOD WAY is delineated. This fill will include on-site sewage disposal systems with mound designs. Fill in this case will also include fill used for bulkheads and pier construction that includes a design with any form of siding or other surface area that may result in a hydraulic impedance such as a boat house. Any fill in an “A” zone will require a permit from the Building Inspection Services Department and/or a detailed flood way analysis or no-impact certification from an Alabama licensed professional engineer. Waivers to the regulation are not allowed, except by the County Engineer.
4. Tide/Storm Surge Influenced Areas
Areas under possible influence of tides or storm surge require case-by-case consideration. An analysis for a flood way determination will use a 1% chance (100-year) storm and mean high tide conditions. Some conditions may warrant approval with the submission of a certification from a Professional Engineer stating that in his opinion no impact to the base flood elevation or floodplain width is possible from the proposed design.

4.12 Natural Features The design of subdivisions shall be such as to protect streams or other water bodies. All other appropriate Federal and State permits must be acquired. A written statement that all applicable Federal and State permits have been acquired shall be provided to the County Engineer prior to approval of the Construction Plans.

4.13 Names The names of subdivisions and proposed new streets shall not duplicate nor phonetically closely approximate existing names of subdivisions or streets in Mobile County. The subdivider shall check the proposed subdivision and street names with the County Engineer prior to preparing the Preliminary Plat. Street names shall be subject to approval of the County Engineer.

4.2 Streets

4.21 Frontage on Improved Roads Proposed subdivision developments shall have frontage on and access from an existing federal, state or county highway; or a proposed new street shown on a Preliminary Plat submitted for approval. All new streets shall be paved and constructed to guidelines obtained from the County Engineer. Where a subdivision borders on or contains an existing or proposed arterial or collector, the County may require that access to such arterial or collector street be limited by use of the following means:

1. Lots shall be laid out so as to back onto the arterial and front on a parallel minor street; no access shall be provided from the arterial or collector street

directly to the lots.

2. The subdivision shall be designed with a series of cul-de-sacs, short loops, or U-shaped streets entered from and designed generally at right angles to such parallel street, with the rear lines of their terminal lots backing onto the arterial or collector street.

4.22 Intersections Street intersections shall be at right angles or nearly so. Where, for topographic or other reasons, an intersection cannot be at right angles, it shall be so designed as to insure safety. There shall be a minimum number of intersections of minor streets with arterials or collectors. Street jogs with centerline offsets less than 150 feet should be avoided if practical.

4.23 Construction Specifications All streets in any subdivision, whether such streets shall be private or dedicated for public use, shall be paved, and constructed to County requirements. Detailed construction specifications and engineering requirements may be obtained from the County Engineer's office.

The following guidelines shall apply:

	Arterial Street	Collector Street	Major Local	Minor Local	Residential	Cul-de-Sac (Turnaround)	Private Road
Minimum Right-of-Way	100'	80'	60'	50'	50'	(100' diam.)	50'
Minimum Travelway	Note ¹	Note ¹	22'	20'	20'	(80' diam.)	18'
Maximum Grade	Note ¹	Note ¹	10%	12%	16%	10%	16%
Minimum Angle of Intersection	Note ¹	Note ¹	75°	75°	75°	75°	
Minimum Intersection Offset	Note ¹	Note ¹	150'	150'	150'		150'
Minimum Curb Radius at Intersection	Note ¹	Note ¹	25'	25'	20'	20'	20'
Minimum Horizontal Curve Radius	Note ¹	Note ¹	Note ¹	Note ¹	100'	100'	100'
Minimum Reverse Curve Tangent	Note ¹	Note ¹	Note ¹	Note ¹	100'		100'

Note¹: Refer to Design Criteria in current AASHTO Policy

4.3 **Blocks**

The lengths, widths and shapes of blocks shall be determined with due consideration of the limitations and opportunities of topography, the provision of building sites suitable to the intended uses, and the need for convenient access, circulation, safety, and control of traffic. Blocks shall normally have two tiers of lots of appropriate depths, although single-tier lots may be permitted in blocks adjacent to expressways, arterials, collector streets, railroads and watercourses to separate residential development from non-residential uses and through vehicular traffic.

4.4 **Lots**

4.41 **Size and Shape of Lots** The size, shape and orientation of lots shall be appropriate to the location of the subdivision and to the type of development and use contemplated.

4.42 **Minimum Dimensions** Minimum lot sizes shall be as follows or as required by the Board of Health:

1. Where served by an approved public or private water supply and sanitary sewer system, lots shall be a minimum of 6,000 square feet in area and not less than 25 feet wide at the right-of-way line. Innovative subdivisions with lots less than the minimum square feet as specified above may be acceptable and approved.
2. Where served by an approved public or private water supply but not by an approved public or private sanitary sewer system, lots shall be a minimum of 15,000 square feet in area and not less than 25 feet wide at the right-of-way line.
3. Where approved public or private water and sewer services are not provided, lots shall be a minimum of 20,000 square feet in area and not less than 25 feet wide at the right-of-way line.

4.43 **Setbacks** Front building setbacks shall be a minimum of 25 feet.

4.44 **Corner Lots** Corner lots intended for residential use shall have adequate width and depth to provide front setbacks for structures to face either street.

4.45 **Side Lot Lines** Side lot lines shall be approximately at right angles or radial to Street lines.

4.46 **Street Access** Every lot in a subdivision shall abut on and have adequate access to an existing street or to a proposed new subdivision Street that will be constructed to

County requirements. All subdivision streets, except Private Roads, shall be dedicated for public use at the time of Final Plat approval.

4.5 Drainage Easements

Whether it be by means of open ditches, closed storm drains, or curbs and gutters, the subdivision shall have an adequate storm water collection system. Easements for the maintenance and repair of the drainage system shall be reflected on the Preliminary and Final Plats, as well as the Construction Plans.

SECTION 5. IMPROVEMENTS

5.1 General Requirements

Street, utility, and other improvements shall be installed in each new subdivision in accordance with the standards and requirements of these Regulations and the detailed construction specifications and engineering requirements. Approval of the Final Plat shall be subject to the proper installation of such improvements, as determined by the County Engineer, or the posting of a surety or irrevocable letter of credit in such form and amount as approved by the County Engineer, such amount not to exceed 125% of the estimated cost of completion, to secure the actual construction of such improvements.

5.2 Engineering Requirements

5.21 Improvements shall be made in accordance with good engineering practices and in compliance with the requirements of these Regulations and the detailed construction specifications and engineering requirements, and any other applicable agency requirements.

5.22 Water Supply Where a public water supply is reasonably accessible, as determined by the Board of Health, the subdivider shall construct a water supply system connected to such public water supply with a stub-out for each lot in the subdivision.

5.23 Sanitary Sewers Where a public sanitary sewer is reasonably accessible, as determined by the Board of Health, the subdivider shall construct a sewer collection system and connect to such public sewer system with a stub-out for each lot in the subdivision.

5.3 Maintenance Bond

Upon approval by the County Engineer and prior to the acceptance by the County of any improved street or roadway intended for dedication to public use, the owner may be required to post a maintenance bond with the County in an amount considered adequate by the County Engineer to assure the satisfactory construction of the improvements for a period of time to be set by the County.

5.4 Formal Acceptance of Public Rights-of-Way

The platting of streets, approval of plats by the County, recording of plats in the Probate Judge's Office, and dedication on plats of public rights-of-way do not constitute acceptance by the County Commission for public ownership and maintenance of any rights-of-way or other areas intended for public use shown on the plats. The County Commission accepts streets or other areas for public ownership and maintenance only by formal resolution specifying the street names and segments upon recommendation by the County Engineer.

SECTION 6. MODIFICATIONS

In cases where the strict application of any of these Regulations would result in peculiar and practical difficulties that are not self-imposed, the County may modify the application of the Regulations to relieve such difficulty. The difficulty must be inherent in the exceptional topographic or other extraordinary or exceptional characteristics of the tract proposed to be subdivided and shall not be the result of actions of the subdivider. No modification shall be made that will produce a conflict with the intent and purposes of these Regulations, and any modification shall be the minimum modification that will make possible the reasonable subdivision of the land.

SECTION 7. PRIVATE SUBDIVISIONS

7.1 Policy

No Subdivisions with unpaved roads, whether private or public, will be permitted. Private Road Subdivisions will be allowed. All such Private Road Subdivisions must be paved but may be constructed to a lesser standard than that required of publicly maintained Subdivisions as is more fully set out herein. It is the policy of the Mobile County Commission not to impose any paving standards on private driveways. Nothing contained herein shall be construed to restrict or prohibit a private driveway serving a single lot or a private driveway serving more than one lot.

7.2 General Requirements

7.21 Plats All roadways, drainage structures and other infrastructure shall be plainly marked and identified on all Private Subdivision Plats as "Private - Not To Be Maintained By The State of Alabama Or By Mobile County."

7.22 Licensed Professional Engineer All Private Road Subdivision plans must bear the signature and seal of a Licensed Professional Engineer who designed the Subdivision. Upon completion of construction of the Subdivision, the Licensed Professional Engineer must certify to Mobile County that all work has been done in accordance with the plans and specifications.

7.3 Geometric Design

Depending on the size of the Private Subdivision and anticipated traffic volume, the minimum design standards for “Residential or Single Purpose Local Street Subdivision” or “Two Directional One Lane Residential or Single Purpose Local Street Subdivision” shall be used.

7.31 Residential or Single Purpose Local Street Subdivision
Design for this Category of Private Subdivision will follow Chapter 3 of the *Mobile County Commission Design Policy for Paving Dirt Roads*, Current Edition.

7.32 Two Directional One Lane Residential or Single Purpose Local Street Subdivision
Design for this Category of Private Subdivision will follow Chapter 4 of the *Mobile County Commission Design Policy for Paving Dirt Roads*, Current Edition.

7.4 Structural Requirements For Roadways In Private Road Subdivisions

Over an improved subgrade, a minimum of six (6) inches of granular soil base must be constructed, overlaid by a minimum of 135 pounds per square yard of hot mix asphalt (HMA).

7.5 Design Requirements

Good engineering practice, judgment and criteria shall be employed to control storm water runoff, and water detention shall be employed where required by such good engineering practice, judgment and criteria. Best management practices (BMP) shall be used during construction.

SECTION 8. SPECIAL WATERSHED PROTECTIONS

8.1 Detention Requirements

In any watershed which contains a public drinking water source, including, but not necessarily limited to, the J. B. Converse Watershed, no field lines or septic tanks may be constructed or maintained within a “flood prone area” as defined in *Code of Alabama (1975), Section 11-19-1(3)* or within a “Buffer Zone” as defined herein. Within any such watershed, storm water detention facilities are required in any Subdivision whether a Private Subdivision or a subdivision which will be accepted by the County. Detention criteria shall include a maximum release rate equivalent to the 10 year storm pre-development rate. The minimum detention capacity shall accommodate the volume of a 50 year post development storm. The licensed Professional Engineer must certify that the design of the Private Road Subdivision and its storm water detention features are designed in accord with these Regulations. Any storm water detention facility must be shown in the plans and on the recorded subdivision plat as a common area not maintained by Mobile County or the State of Alabama.

8.2 Maintenance

The Licensed Professional Engineer must submit a plan for maintenance of any drainage easements not maintained by the County and storm water detention facilities. The owner of any subdivision must provide a signed acknowledgment as to who will own and maintain any such storm water detention facilities and easements, and such owner must covenant that the maintenance responsibility will run with the land and is enforceable by any person or entity damaged by an owner's failure to maintain such facilities. Where the maintenance responsibility is vested in a property owners' association, articles of incorporation for such property owners' association must be submitted which must state that such association has perpetual maintenance responsibility for any such storm water detention facilities and easements, and that such maintenance responsibility constitutes a covenant that will run with the land and is enforceable by any person or entity damaged by an owner's failure to maintain such facilities. Such signed acknowledgments and articles of incorporation must be recorded of record with the Judge of Probate of Mobile County.

Each five years after initial submission of a plan for maintenance and immediately upon any change in ownership, the owner of the subdivision storm water detention facilities shall re-submit the maintenance plan with a professional engineer's statement affirming the current operation of the facilities related to the initial and ongoing intended purpose. If any deficiency exists, the statement shall describe the correcting actions and schedule for completing these actions.

SECTION 9. ADMINISTRATION, ENFORCEMENT AND AMENDMENT

9.1 Administration

The County Engineer is appointed by the Mobile County Commission and acts as their authorized agent in the interpretation and enforcement of the plans, specifications and requirements of these Regulations. The County Engineer or his authorized agent, shall determine the amount, quality, and acceptability of the work as specified in these Regulations.

9.2 Enforcement

General It shall be the duty of the County Engineer to enforce these Regulations and to bring to the attention of the County Commission and County Attorney any violations or lack of compliance with these Regulations.

9.21 Violations No owner, or agent of the owner, of any lot located within a subdivision may transfer title of any land by reference to or exhibition of or by other use of a plat of a subdivision, before such plat has been given Final Plat approval by the County Engineer and recorded with the County Probate Judge. The description of such a lot or parcel by metes and bounds in the instrument of transfer or other document used in

the process of selling or transferring shall not exempt the transaction from any penalties or remedies herein prescribed.

9.22 Enforcement Enforcement of these regulations shall be in the manner provided by *Code of Alabama, Section 11-24-3*, as amended. Any owner or developer violating any these regulations shall be fined not less than two hundred fifty dollars (\$250) nor more than one thousand dollars (\$1,000) per lot that has been sold, offered for sale, transferred, or leased to the public. The County Commission shall have the right to enjoin action of the developer or owner by a civil action for the injunction brought in any court of competent jurisdiction in the county commission may recover the penalty set out above in any court of competent jurisdiction.

9.3 Amendment

For the purposes of providing for the public health, safety and general welfare, the County Commission may from time to time amend the provisions imposed by these Regulations. Any article, section, subsection, or provision of these Subdivision Regulations proposed for amendment shall be subject to a public hearing. Said public hearing shall be advertised a minimum of fifteen (15) days prior to the date of the hearing. Notice of the public hearing shall be published in a newspaper of general circulation published in the County and shall contain the time, place of the hearing, and description of the proposed amendment.

9.4 Appeal Process

Subdivider, owner, or its agent, may appeal any administrative decision made by County Engineer or his designee to the Mobile County Commission for its review and approval or may take further action through the appropriate judicial process.