

MADISON COUNTY

SUBDIVISION REGULATIONS

Madison County Department of Public Works
266-C Shields Road
Huntsville, Alabama 35811



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ARTICLE I
PURPOSE, POLICY, TITLE AND EFFECTIVE DATE

Section 1.1. Purpose.

1. The Subdivision Regulations set out herein have been adopted pursuant to authority granted by Code of Alabama, § 11-24-1(b) (1975), as amended, to establish procedures and standards for the regulation of the minimum size of Lots, the planning and construction of all public streets, public roads and drainage structures and the proper placement of public utilities to be located in proposed subdivisions of land or in proposed additions to subdivisions of land existing within the Subdivision Jurisdiction of Madison County, Alabama (the “County”), as defined by Article II, Section 2.2 of these Subdivision Regulations.

2. These Regulations shall be applicable to any Subdivision as defined herein and in Code of Alabama, § 11-24-1(a)(4) (1975), as amended, within the Subdivision Jurisdiction of the County.

Section 1.2. Policy.

1. It is hereby declared to be the policy of the County to consider the subdivision of land and the subsequent development of the subdivided land as subject to the control and regulation of the Madison County Commission (the “Commission”) pursuant to the authority granted to the County by Code of Alabama, § 11-24-1, et seq. (1975), as amended.

2. Land to be subdivided shall be of such character that it can be used safely for development purposes without danger to health, safety or welfare. Except as exempted by these Regulations, no land shall be subdivided until proper provision has been made for drainage, utilities and streets, and approval has been granted in accordance with the procedures prescribed by Code of Alabama, § 11-24-1, et seq. (1975), as amended, and set out in these Regulations.

3. Prior to the actual sale, offering for sale, transfer or lease of any Lots as defined herein for the purpose of creating, establishing or modifying a Subdivision as defined herein, any Owner or Developer of a Subdivision which is not exempt from such requirements, as described in Section 2.4 below, which lies within the Subdivision Jurisdiction of the County shall either:

a. Submit the Proposed Plat of the proposed Subdivision or proposed additions to an existing Subdivision to the Commission and obtain for approval of the Proposed Plat in accordance with the procedures prescribed by Code of Alabama, § 11-24-1, et seq. (1975), as amended, and set out in these Regulations; or

b. Obtain authorization from the County Engineer to secure pre-sale agreements from prospective buyers of property included in a proposed subdivision development by providing to the satisfaction of the County Engineer:

i. Sketch Plan showing to the satisfaction of the County Engineer that the proposed development is likely to be approved under these Regulations.

ii. Letter of Explanation noting the reasons for requesting authorization to secure pre-sale agreements.

4. Upon receiving authorization from the County Engineer for the Owner or Developer to secure pre-sale agreements as provided in Section 1.2.3.b, the Owner or Developer shall notify the County Engineer in writing when financing has been obtained for the proposed subdivision development. If no such notification is received within six (6) months of the date the authorization is granted, the authorization shall be revoked and further efforts on part of the Developer to secure pre-sale agreements shall be a violation of these Regulations. The Owner or Developer may request from the County Engineer an extension of the time set forth herein for notification in order to allow the Owner or Developer additional time to secure pre-sale agreements; provided that no pre-sale agreements may be entered into following the six-month time period until and unless an extension has been granted.

5. Any pre-sale agreements executed without the developer obtaining authorization to pursue such agreements as provided herein shall be a violation of this Section and Code of Alabama 1975, § 11-24-1.1. Such violation shall be punishable by fines as set out in Section 2.3.2 and Code of Alabama 1975, § 11-24-3. Additionally, Madison County may revoke any authorization granted to the Developer to secure pre-sale agreements in the event there is any failure to comply with these Regulations.

6. The authorization to secure pre-sale agreements from prospective buyers of property included in a proposed subdivision development prior to obtaining a Permit to Develop as provided in these Regulations shall in no way affect the Owner or Developer's requirement to comply with all other requirements of these Regulations.

7. No Owner or Developer of a Subdivision shall proceed with improvements or installation of any utilities in a Subdivision which is not exempt from such requirements, as described in Section 2.4 below, until the Proposed Plat has been granted approval by the Commission in accordance with the procedures prescribed by Code of Alabama, § 11-24-1, et seq. (1975), as amended, and set out in these Regulations. No Variance in the terms or requirements of these Regulations shall be granted other than as provided for in Article X hereof.

8. No Owner or Developer shall proceed with the erection of Buildings, excluding public utility structures, within a Subdivision which is not exempt from such requirements, as described in Section 2.4 below, until such Subdivision plat has been granted Final Plat Approval entered in writing on the plat and signed by the Madison County Engineer (the "County Engineer"), the Chairman of the Commission and recorded in the Office of the Judge of Probate for Madison County, Alabama (the "Office of the Probate Judge") in accordance with the procedures prescribed by Code of Alabama, § 11-24-1, et seq. (1975), as amended, and set out in these Regulations.

9. No Building Permit will be issued for any construction within a Subdivision which is not exempt from such requirements, as described in Section 2.4 below, subject to these Regulations prior to construction and approval by the County Engineer of an all-weather road (base layer) providing access to the location of the building for which a Building Permit is sought. No Building Permit will be issued for construction other than that of a Townhouse, as defined herein, on any Lot designated on the Proposed or Final Plat as a "Townhouse Lot." No Certificate of Occupancy for any construction shall be issued to any person or entity by the County until all improvements, including all streets, utilities, drainage structures and other required installations are completed as required by these Regulations.

10. Any violations of the proceedings or regulations described herein may subject the Owner or Developer to penalties as set out in Article II, Section 2.3 of these Regulations and/or any applicable state law.

11. All documents, data and other information submitted with, in support of or in opposition to any Subdivision shall be a matter of public record. Upon reasonable notice, a subdivision file may be reviewed at the Office of the Madison County Engineer during the hours of 7:30 a.m. until 2:30 p.m., Monday through Friday, exclusive of legal holidays. Any request for copies of file materials must be made in writing with reasonable particularity as to the documents requested. Most requests will be accommodated within forty-eight hours. The cost for reproduction of 8.5" x 11" documents is 25/100 Dollars (\$0.25) per page with a Five Dollar (\$5.00) minimum. Copies of plans (24" x 36") are available for a charge of Five Dollars (\$5.00) per sheet.

12. These regulations apply to all subdivisions as defined in Section 3.2 regardless of the need for construction or addition of public improvements.

Section 1.3. Title. The Regulations shall hereafter be known, cited and referred to as the Madison County Subdivision Regulations.

Section 1.4. Effective Date. The amended Regulations set out herein shall be in force and applicable to all Subdivisions in the Subdivision Jurisdiction of the County effective September 1, 2017.

ARTICLE II AUTHORITY, JURISDICTION, ENFORCEMENT AND EXCEPTIONS

Section 2.1. Authority. Pursuant to the powers and jurisdiction granted by Code of Alabama, § 11-24-1, et seq. (1975), as amended, the Commission does hereby exercise the power and authority to review, approve and disapprove plats for all Subdivisions within the Subdivision Jurisdiction of the County. The Commission further does hereby exercise the authority to inspect any Subdivision within its Subdivision Jurisdiction to ensure that there are no violations of its rules and regulations and to charge fees for said inspection as set out in Article II, Section 2.3 of these Regulations.

Section 2.2. Jurisdiction. From and after the effective date set out in Article I, Section 1.4 above, these Regulations and all design and construction standards of the County shall uniformly govern each and every Subdivision of land in all unincorporated areas of the County, unless otherwise exempted by these Regulations. Any owner of land within the limits of this jurisdiction wishing to engage in the subdivision of land, as defined herein, shall submit to Madison County such plats of the Subdivision, applications, plans and other required documents which shall conform at least to the minimum requirements set forth in these Regulations. For Subdivisions within the territorial jurisdiction of any existing or future municipal planning commission organized pursuant to the procedures set out in Code of Alabama, § 11-52-1, et seq. (1975), as amended, the County's jurisdiction shall be limited to the provisions of Code of Alabama, § 11-52-30, et seq. (1975), as amended, regarding approval of plats, and the municipal planning commission shall have exclusive jurisdiction over the development of the Subdivision.

Section 2.3. Enforcement. It shall be the duty of each Owner and Developer of each Subdivision, as defined herein, to have all Subdivisions completed in conformance with these Regulations and Code of Alabama, § 11-24-1, et seq. (1975), as amended. It shall be the duty of the County Engineer to enforce the regulations and bring to the attention of the Commission any violations or lack of compliance with these Regulations.

2.3.1 Property Inspection. In its effort to enforce compliance with these Regulations, the Commission may employ inspectors to ensure that these Regulations are not violated and that all plans and specifications of the Owner or Developer are not in conflict with these rules and regulations. A representative of the Engineer of Record shall be present at all required inspections. Madison County

may charge inspection and re-inspection fees to be paid by the Owner or Developer of the property inspected. A schedule of such fees may be obtained from the County Engineer.

2.3.2 Violations/Penalties. Any Owner or Developer who violates any provision of Code of Alabama, § 11-24-1, et seq. (1975), as amended, or any of the Regulations set out herein shall be subject to a fine, as provided by Code of Alabama, § 11-24-3, et seq. (1975), as amended. The County is also authorized to initiate a civil action in any court of competent jurisdiction to enjoin any action of an Owner or Developer which is in violation of the provisions of Code of Alabama, § 11-24-1, et seq. (1975), as amended, or any of the regulations set out herein. In such action, the County shall be entitled to seek an injunction and may recover fines as set out in these Regulations and Code of Alabama, § 11-24-3, et seq. (1975), as amended.

Section 2.4. Exemptions.

2.4.1 Immediate Family Members. A division, sale, conveyance or other transfer of land in accordance with the requirements of Article XIII of these Regulations among or between immediate family members, as defined herein, shall be exempt from the requirements contained in Articles IV through IX of these Regulations.

2.4.2 Single Lot Conveyances. A division, sale, conveyance or other transfer of land into no more than two (2) lots, plats or sites by an owner of such land who has owned such land for a period of at least two (2) years preceding such division, sale, conveyance or other transfer of land and who has not divided, sold, deeded or otherwise transferred any part of such land within the previous twelve (12) month period, shall be exempt from the requirements contained in Articles IV through IX of these Regulations. This exception is not applicable to any land, property, or Lot of which any portion has previously been included within the boundary of a recorded Subdivision.

ARTICLE III DEFINITIONS

Section 3.1. Usage. For the purpose of these Regulations, certain numbers, abbreviations, terms and words used herein shall be used, interpreted and defined as set forth in this section. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word herein means “in these Regulations;” the word “regulations” means “these Regulations.”

A “person” includes a corporation, a partnership and an unincorporated association of persons such as a club; “shall” is always mandatory; a “Building” includes a “structure” and includes any part thereof; “used” or “occupied” as applied to any land or Building shall be construed to include the words “intended, arranged or designed to be used or occupied.”

Section 3.2. Definition of Terms.

AASHTO: American Association of State Highway Transportation Officials.

ACCESS: A deeded or dedicated portion of property or Lot that provides travelway to a City, County or State Road. All Access must have thirty (30) foot minimum width from the City, County or State Road to the Building site.

ALLEY: A public Right-of-Way primarily designed to serve as a secondary access to the side or rear of those properties which have principal frontage on some other street.

APPLICANT: The Owner of land proposed to be subdivided or a designated representative. Written consent shall be required from the legal Owner of the premises.

ARTERIALS: Those streets and/or roads designated as Arterials on the Madison County Major Street Plan.

BLOCK: A designated 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, equipment or any other movable property of any kind.

BUILDING SETBACK LINE: A line parallel to the property line in front of which no structure may be erected and which defines the minimum horizontal distance to be provided between a Building and the adjacent property line or Right-of-Way boundary.

CERTIFICATE OF OCCUPANCY: The instrument issued by the Madison County Building Inspection Department (the "Inspection Department") when a Building has been inspected and found to satisfy County codes, ordinances, regulations and resolutions relating to construction. Such certificate authorizes occupancy of said Building.

CITY STREET OR ROAD: A public road maintained by any city.

COLLECTOR STREET: A Street or highway that has a primary function to collect traffic from an area and move it to the Arterial Street system while also providing substantial service to abutting land use. Typically, Collector Streets should not have extensive continuity, or they may be used undesirably as Arterials. Development of Collector Streets in new growth areas is dependent upon whether the Subdivision is residential in nature, or a planned commercial, office or industrial development.

COMMON AREA: Property or area(s) included within the boundary of a proposed Subdivision that is not designated as a Lot and is designed, planned, or intended to be owned by a collective or management association.

CORNER LOT: A Lot which occupies the interior angle at the intersection of two (2) Street lines. The Street line forming the least frontage shall be deemed the front of the Lot except where the two (2) Street lines are equal, in which case the Owner shall be required to specify which is the front.

COUNTY: Madison County, Alabama.

COUNTY COMMISSION: The County Commission of Madison County, Alabama.

COUNTY ENGINEER: The duly designated Engineer of Madison County, Alabama.

COUNTY ROAD: A public road maintained by the County.

COUNTY SPECIFICATIONS: All construction specifications and plans (for example, the Madison County Road Plan) which have been adopted by the Commission or as required by the County Engineer, all utility departments and the Inspection Department.

CUL-DE-SAC: A Minor Street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

DAY: A calendar day.

DEDICATION: The transfer and acceptance of an interest in property to public use. Such Dedication may be express, where the transfer is formally declared, or by implication arising by operation of law from the Owner's conduct and the surrounding facts and circumstances.

DEVELOPER: The Owner of land proposed to be subdivided or a designated representative. Written consent shall be required from the legal Owner of the premises.

EASEMENT: A grant by the property Owner of use, by the public, a corporation or person(s) of a designated portion of land for specified purposes or as created by operation of law.

ENGINEER OF RECORD: The civil engineer registered and in good standing with the State Board of Registration for Professional Engineers and Land Surveyors of Alabama and licensed and permitted to practice in Madison County, and who is responsible for coordinating and certifying as to the completeness and correctness of all information collected (by his/her efforts or those of his/her agents and/or subcontractors) and submitted for approval on behalf of the Owner or Developer. In the event that the original Engineer of Record should change, all subsequent engineers of record shall be required to re-certify all previously submitted documents and thereby accept responsibility for completeness and correctness of same. Should any subsequent Engineer of Record refuse to accept said responsibility, all applicable documents shall be deemed null and void and shall be required to be resubmitted with proper certification as outlined in these Regulations.

EROSION: The wearing away of the ground surface as a result of the movement of wind, water, ice or other material.

ESTATE LOT SUBDIVISION: A subdivision as defined in these Regulations which contains only Lots in excess of three (3) acres in area and which otherwise complies with all requirements of these Regulations, with the exception of curb and gutter.

EXPRESSWAY: Facilities that accommodate a high volume of traffic through the prohibiting of ingress and egress except at controlled intervals.

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.

FLOOD, ONE HUNDRED (100) YEAR: A flood, or temporary inundation of normally dry land, which has, on the average, a one (1) percent chance of being equaled or exceeded in any given year.

FLOOD, TEN (10) YEAR: A flood or temporary inundation of normally dry land which has, on the average, a ten percent (10%) chance of being equaled or exceeded in any given year.

FLOOD, TWENTY-FIVE (25) YEAR: A flood or temporary inundation of normally dry land which has, on the average, a four percent (4%) chance of being equaled or exceeded in any given year.

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 pre-development conditions. For the purpose of these Regulations, Floodway shall be defined as follows:

The Floodway as identified in the Flood Insurance Study for the County, as prepared by the Federal Emergency Management Agency (FEMA), Office of Federal Insurance and Hazard Mitigation and all subsequent revisions thereto which are made a part of these Regulations. Along small streams and Watercourses which are not identified on any FEMA Flood Insurance Study: All lands lying within twenty-five (25) feet of the top of the bank of the channel (measured horizontally), unless the Developer demonstrates to the satisfaction of the County Engineer that a lesser distance (but not less than fifteen (15) feet) is adequate based on the watershed characteristics and probable storm runoff for the 100-Year Flood projections for the area.

HEALTH DEPARTMENT: Alabama State Department of Public Health.

IMMEDIATE FAMILY MEMBER: The Owner's husband, wife, children, brothers, sisters, parents, step-parents, step-children, grandparents, grandchildren, step-grandchildren and grandparents or spouse's brothers, sisters, parents, step-parents, step-children, grandchildren, step-grandchildren and grandparents.

LICENSED PROFESSIONAL ENGINEER: An engineer whose experience or training is in the practice of civil engineering and who is properly licensed as a professional engineer in the State of Alabama.

LICENSED PROFESSIONAL LAND SURVEYOR: A land surveyor properly licensed in the State of Alabama as a professional land surveyor.

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.

LOT LINE: The boundary of any Lot which must be radial or perpendicular to any Right-of-Way or Street.

MAINTENANCE BOND: A written agreement by a Subdivider, Developer or Surety with the County guaranteeing the maintenance of the physical improvements in a Subdivision.

MAJOR ARTERIAL: A Street or highway of great continuity designed to accommodate the highest traffic volumes and longest trips wherein access to abutting land uses is subordinate to provision of travel service to major traffic movements.

MINOR STREET: Low traffic volume Streets which have the primary use of providing access to abutting land and which do not serve as a route for through traffic.

MONUMENT: A permanent object serving to indicate a limit or to mark a boundary.

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 land sought to be subdivided under these Regulations.

OWNER'S ENGINEER/LAND SURVEYOR: The Licensed Professional Engineer or Licensed Professional Land Surveyor who is the agent in his professional capacity of the Owner of land which is proposed to be subdivided or which is in the process of being subdivided.

PERMIT TO DEVELOP: A written authorization issued by the Commission which authorizes the Owner or Developer of the Subdivision to proceed with the Subdivision based on approval of the Proposed Subdivision Plat by the Commission.

PRE-SALE AGREEMENT: An agreement between a developer and a prospective purchaser evidencing interest in purchasing a lot within a subdivision development in the event the proposed subdivision plan is approved by the county pursuant to Code of Alabama 1975, § 11-24-1 et seq. and these regulations. A pre-sale agreement is not a contract to purchase and shall clearly state that no final sale of the property shall take place until and unless the developer fulfills the requirements set out in Code of Alabama 1975, § 11-24-2.

PRIVATE STREET: Any street, road, alley, lane or thoroughfare which affords the principal means of access to abutting property and which has not been formally dedicated to or accepted by the County and is not maintained by the County. Private Streets shall meet the minimum standards for Public Streets and any additional requirements contained herein.

PROPOSED PLAT: A tentative plan of the completed proposed Subdivision submitted to the Commission for approval.

PROBATE JUDGE: The Judge of Probate of Madison County, Alabama.

PUBLIC STREET: A dedicated and accepted public Right-of-Way for vehicular traffic that affords the principal means of access to abutting property.

RECORD DRAWING: A drawing prepared by a Licensed Professional Engineer or Land Surveyor showing the horizontal location and vertical elevations of all completed construction within the boundary of the Subdivision. The drawings shall contain: storm sewer pipe and structures; curb and gutter (top and gutter); roadway centerline and edge of paving (at 100' intervals and at all high and low points); cross section of all ditch lines (at 100' intervals); utilities, including: potable water lines, valves, meters, fire hydrants, and related infrastructure; sanitary sewer lines, manholes, forcemain, pump stations, and related infrastructure; electric utility boxes, transformers, and street light poles; gas lines and valves. All information shown on the Record Drawing shall conform to the Alabama State Plane coordinate system and vertical datum noted on the Subdivision's Final Plat.

RESUBDIVISION: A change in a plat of an approved or recorded Subdivision 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.

RIGHT-OF-WAY: A strip of land occupied or intended to be occupied by a Street, off-street pedestrian walkway, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term "Right-of-Way" for land platting purposes shall mean that every Right-of-Way hereafter established and shown on a Final Plat is to be separate and distinct from the Lots or parcels adjoining such Right-of-Way and not included within the dimensions or areas of such Lots or parcels. Rights-of-Way intended for Streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such Right-of-Way is established.

SKETCH PLAN: An informal sketch which may be submitted prior to the preparation of the Proposed Plat to enable the Applicant to save time and expense in reaching general agreement with the County Engineer as to the form of the plat and the objectives of these Regulations.

STATE ROAD: A public road maintained by the state.

SUBDIVIDER: Any person(s), firm(s) or corporation(s) 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 development and/or 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 of establishing or creating a Subdivision through sale, lease or Building development. Development includes, but is not limited to, the design work of Lot layout, the construction of drainage structures, the construction of Buildings or public use areas, the planning and construction of public Streets and public roads and the placement of public utilities. A Subdivision does not include the construction or development of roads or Buildings on private property to be used for agricultural purposes. The public acquisition of land for the widening or opening of Streets or other public purposes shall not be included within this definition or subject to the requirements of these Regulations.

SUBDIVISION JURISDICTION: The jurisdiction of the Commission is composed of all areas outside the corporate limits of any municipality in the County.

SURETY: Any bond, certificate of deposit, irrevocable letter of credit, cashier check or other acceptable guarantee as approved by the Commission or their authorized agent constituting an agreement with the County for the amount of the estimated construction costs, as approved by the County Engineer, guaranteeing the completion or maintenance of the physical improvements according to plans and specifications with the time prescribed by these Regulations.

TOWNHOUSE: A building divided vertically by common walls into two or more attached single dwelling units, with each unit situated on its own lot, abutting a street, and having a separate entrance, front yard and rear yard.

TOWNHOUSE LOT: A Lot created for a single Townhouse dwelling as part of a larger Townhouse dwelling group. A Townhouse Lot is not subject to any minimum Lot area or requirement for side Easements.

WATERCOURSE: Any depression serving to give direction to a flow of water, having a bed and defined banks, including 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.

WETLANDS: Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, generally including swamps, marshes, bogs and similar areas.

ARTICLE IV
APPROVAL OF SUBDIVISION PLATS

Section 4.1. Approval of Subdivision Plats Required. From and after the effective date of these Regulations, no Subdivision plat of land within the Subdivision Jurisdiction, as defined in Article II of these Regulations, shall be filed or recorded until the Final Plat has been submitted to and approved by the Commission and the Final Plat has been recorded in the Office of the Probate Judge. The Probate Judge shall not file or record a Final 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. No Street, road or other public improvement shall be accepted pursuant to these Regulations by the County unless and until the requirements set forth in these Regulations have been satisfied and the Final Plat has been approved by the Commission and recorded in the Office of the Probate Judge.

Section 4.2. Pre-Application Procedure. Whenever the Subdivision of a tract of land is proposed within the jurisdiction of these Regulations, the 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, and the proposed layout and development of the Subdivision. The purpose of this pre-application review is to afford the Subdivider the advice and assistance of the County Engineer in order to facilitate the subsequent preparations and approval of plans.

Section 4.3. Proposed Plat Approval/Permit to Develop. In accordance with the policy of the Commission, no improvements, including utilities, shall be constructed, extended to or connected with any Subdivision of land, as defined herein, until the Proposed Plat has been approved by the Commission or its designee. Such approval shall constitute the Permit to Develop referred to herein. Once the Owner or Developer has obtained the Permit to Develop, he or she may offer lots in the proposed Subdivision for sale, transfer, or lease. However, no sale, transfer, or lease may be completed and no plat, deed, property description, or document of property transfer shall be filed or recorded until after the Final Plat has been recorded in the office of the Probate Judge under the provisions of Code of Alabama 1975, § 11-24-2(c).

4.3.1 Application Procedure. Following the pre-application review, if applicable, of a proposed Subdivision, a Proposed Plat of the Subdivision at a scale no smaller than one (1) inch equals one hundred (100) feet shall be submitted to the County Commissioner(s) for the District(s) in which the proposed Subdivision is located and to the Office of the Madison County Engineer located at 266-C Shields Road; Huntsville, Alabama. The Commissioner(s) for the District(s) in which the Subdivision is to be located shall review the Proposed Plat and acknowledge notice of the proposed Subdivision by signature on the Proposed Plat. This signature does not constitute approval of the Proposed Plat, but solely indicate that the Commissioner have been informed of the proposed Subdivision. The Proposed Plat, construction plans, any required report from or to the Alabama Department of Environmental Management, proof of application for permitting to the Alabama Department of Environmental Management regarding the discharge of stormwater from construction sites (when applicable), a Phase I Report from the Madison County Office of the Alabama Department of Public Health or documentation satisfactory to the County Engineer confirming a Phase I Report is not required, a copy of all drainage calculations (signed and stamped by the Engineer of Record), a fee in accordance with the current fee schedule and any requested variance shall thereafter be submitted to the County Engineer for review, together with the application for proposed plat approval. The Proposed Plat and construction plans shall be reviewed with the Engineer of Record for the Subdivision. Following this review, the County Engineer or his designee shall conduct a site visit with the Engineer of Record for the Subdivision. All proposed roads or Streets in the Subdivision shall be clearly and accurately marked to allow the County Engineer or his designee to assess the location of the proposed roads as such would relate to the surrounding topography and other appropriate consideration. No Proposed Plat shall be approved by the Commission without first being reviewed by the County Engineer. At the time the Proposed Plat is

submitted to the Commission for consideration, the County Engineer shall certify to the Commission whether the Proposed Plat meets the requirements of these Regulations. If the Proposed Plat meets the requirements in all manners, the Proposed Plat shall be approved by the Commission, and a Permit to Develop shall be issued by the Commission.

4.3.2 Construction Plans. Construction plans must be submitted at the time of submission of the Proposed Plat. All construction plans shall meet the minimum standards of design and general requirements for the construction of public improvements as set forth in these Regulations. These plans shall be drawn to a horizontal scale not less than one (1) inch equals one hundred (100) feet. Sheet size shall be twenty-four by thirty-six (24 x 36) inches or less. Construction plans shall be prepared by a Licensed Professional Engineer, who shall include both his signature and seal on the plans. Any proposed modification to approved construction plans must be submitted to the Office of the County Engineer on twenty-four by thirty-six (24 x 36) inch sheets and must include the signature and seal of the Owner or Developer's Engineer of Record, date, revision number and a space for the Madison County approving agent to sign and date.

4.3.3 Fees. Application fees, inspection fees, re-inspection fees and all other fees will be charged to the Owner or Developer. These fees must be paid at the time of submission of the Proposed Plat to the County Engineer. A fee schedule may be obtained at the Office of the County Engineer. All fees must be paid prior to any scheduled inspection.

4.3.4 Informational Meeting. An informational meeting must be conducted before the Proposed Plat is submitted to the Commission for approval. The informational meeting will be conducted at 7:30 a.m. Central Standard Time at the Office of the Madison County Engineer on the Wednesday prior to the date that the Commission will consider the Proposed Plat. The informational meeting must be attended by the Engineer of Record for the Subdivision. The Engineer of Record shall have available at the information meeting all plans, permits, calculations and other data needed to answer questions that may arise during the meeting. Failure of the Engineer of Record to attend or be prepared will result in substantial delay in the approval of the proposed plat and issuance of a development permit.

Notice of the informational meeting and the recommendation of the County Engineer shall be sent to the Owner or Developer whose name and address appears on the Proposed Plat by registered or certified mail at least ten (10) days prior to the scheduled informational meeting. A notice in the form provided in Appendix I shall be mailed by the Owner or Developer of the Subdivision to the owner or owners of any land immediately adjoining the proposed subdivision as their names appear on the records of the Office of the Madison County Tax Assessor or other publicly available listings. The Owner or Developer shall provide sufficient proof of delivery of such mailings to the Office of the County Engineer at least twenty-four (24) hours prior to the scheduled informational meeting.

4.3.5 Proposed Plat Approval. The Proposed Plat shall be submitted to the Commission for consideration after the County Engineer or his or her designee has reviewed the Proposed Plat and construction plans, conducted the site visit, met with the engineer for the Subdivision and conducted the informational meeting. Such submittal to the Commission may be conditioned upon the Developer and/or Owner providing adequate proof to the County Engineer of any necessary approval or permit from the Corp of Engineers, the Alabama Department of Environmental Management or any other agency of the United States or the State of Alabama. If Wetlands or any other conditions significantly affecting the Subdivision are present, then the Owner or Developer shall provide a Statement of Jurisdiction and approval from any agency of the United States or the State of Alabama exercising jurisdiction over such condition.

The County Engineer or his or her designee shall certify to the Commission whether the Proposed Plat meets the County's regulations. If the Proposed Plat meets the regulations, it shall be approved by the Commission. If the Proposed Plat shall be determined by the County Engineer to be deficient in any regard at the time it is submitted to the Commission for consideration, the County Engineer shall detail the deficiency to the Commission along with a recommendation that the Proposed Plat be disapproved.

4.3.6 Effective Period of Proposed Plat Approval. The approval of a Proposed Plat shall be effective for a period of one (1) year, at the end of which time final approval of the Subdivision must have been obtained from the Commission. Any plat not receiving final approval within the period of time set forth herein shall be null and void, and the Applicant shall be required to resubmit a plat for Proposed Plat approval subject to all Subdivision regulations and filing fees applicable at the time of resubmittal.

4.3.7 Proposed Plat Requirements. The Proposed Plat shall be prepared by a Licensed Professional 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. Each separate page or sheet shall be numbered in sequence if more than one (1) page or sheet is used. A signature block for the Madison County Engineer shall be provided. The sheet size shall be of such size as is acceptable for filing in the Office of the Probate Judge, but shall not exceed twenty-four by thirty-six (24 x 36) inches. The Proposed Plat shall show the following:

1. Name, phone number(s) and address(es) of Owner(s) of record.
2. Name, phone number(s) and address(es) of Developer(s).
3. Proposed name of Subdivision, date of submission of plat, north indicator and scale.
4. Names and original seal of Licensed Professional Land Surveyor.
5. Vicinity map showing location of the Subdivision.
6. Exact boundaries of the tract of land being subdivided, shown with bearings to the nearest second of an arc and distances to the nearest one hundredth of a foot.
7. Topography at suitable contour intervals to show proposed drainage as approved by the County Engineer. If the topography shown is not the result of field work by the Licensed Professional Land Surveyor of record, the source of the topography shall be noted.
8. Names and addresses of the current owners and reference to the plat book or deed book, and page, evidencing such ownership, of all land immediately adjoining the tract of land being subdivided, including any owners of land separated from the tract of land being subdivided by a Right-of-Way, Easement or other man-made or natural boundary, such as a ditch, stream or river, as the owners' names appear in the records in the Office of the Madison County Tax Assessor (the "Office of the Tax Assessor") or the Office of the Probate Judge.
9. A delineation of Wetlands and any other conditions significantly affecting the site.

10. The location, dimensions and names or other identifying information of existing Streets, Buildings, water courses, lakes, ponds, railroads, cemeteries, transmission lines, drainage structures, public utilities, jurisdiction lines (including the location of any city, county or state boundaries crossing or bordering the property being subdivided) and any public utility or private Easements on, immediately adjacent to or contiguous to the property being subdivided.

11. Proposed Rights-of-Way, Streets (including proposed names of Streets), buffers (non-access) or Easements including locations, widths and purposes.

12. Proposed Lot Lines with bearings to the nearest second and distances to the nearest one hundredth of a foot and Lot and Block numbers.

13. All proposed front minimum Building Setback Lines are not to be less than thirty-five (35) feet in width. The aforementioned Building Setback Lines do not apply if the Lot will be served by an approved sanitary sewer system and located on a Street other than a Collector Street or an Arterial. In that case, only front minimum Building Setback Lines must be a minimum of twenty-five (25) feet from the property boundary. If the Lot is a Corner Lot, the minimum front setback line must be thirty-five (35) feet from the property boundary, and the minimum side setback line must be twenty-five (25) feet from the property boundary. If a Lot is located on a Collector or Arterial, as per the classification of the roadway shown on the Alabama Department of Transportation Highway Functional Classification Map, latest edition;, the minimum front building setback shall be fifty (50) feet.

14. Proposed public parks, public school sites or other public open spaces within or adjacent to the land being subdivided.

15. Site data:

- a. Total acreage of land being subdivided.
- b. Total number of Lots within proposed Subdivision.
- c. Total number of linear feet of each proposed Street within the proposed Subdivision.
- d. Total number of linear feet of all Streets within the proposed Subdivision.
- e. Site area in square footage of smallest Lot within the Proposed Subdivision.
- f. Total number and location of Townhouse Lots, if any, within the Proposed Subdivision.

16. Any area within or adjacent to the proposed Subdivision subject to inundation by the 100-Year Flood projections as defined herein, or subject to periodic inundation by storm drainage overflow or ponding, shall be clearly shown and identified on the Proposed Plat. All areas within the proposed Subdivision subject to periodic inundation from drainage overflow or ponding and all areas within the Floodway as defined herein must be included within a designated and dedicated public Easement.

17. The following permits, endorsements and certificates shall be placed on the Proposed Plat (see Appendix I for sample permits, endorsements, and certificates):

- a. Permit to Develop.
- b. Certificate of Utility Availability of all utilities that are involved in or affected by this Subdivision.
- c. Certificate of Flood Hazard Designation.
- d. Certificate of Approval by County Commission.
- e. Acknowledgement by the District Commissioner(s).

18. The location and dimension of all proposed utility and drainage easements in accordance with Section 5.2.16.

19. A notation that all required sidewalks must be satisfactorily constructed prior to the maintenance inspection being performed.

20. A Storm Drainage Plan may be required when additional information or improvements are required to confirm or ensure the adequate conveyance of stormwater runoff or as deemed necessary by the County Engineer. The Plan shall comply with all applicable design and construction requirements noted in these Regulations.

4.3.8 Construction Plans. At the time of submission of the Proposed Plat, the Applicant shall also submit Construction Plans for all required improvements. 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 shall be of the same size as the Proposed Plat. Construction Plans shall be prepared by a Licensed Professional Engineer. A digital copy of the approved Construction Plans in PDF format shall be submitted to the Office of the County Engineer. The following construction plans shall be included:

1. Street plan containing 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 or Street names as approved by the County.
 - d. Plan and profile of all Streets, showing natural and finished grades drawn to a scale of not less than one (1) inch equals one hundred (100) feet horizontal and one (1) inch equals ten (10) feet vertical.
 - e. Cross sections of proposed Streets at a minimum of one hundred (100)-foot stations.
 - f. Horizontal curve data for the centerline of each Street, including the Delta, Angle, Tangent and Radius.

- g. Location of all proposed sidewalks, crosswalks and handicap ramps.
- h. Location of proposed water and sanitary sewer utility infrastructure.
- i. Size of Class III, reinforced concrete driveway pipe if required for each Lot.
- j. Location, description and elevation of all required vertical or horizontal references, including, but not limited to any control reference necessary for construction layout.

2. Storm Drainage Plan containing the following information:

a. Location of proposed and existing drainageways, streams, ponds and detention and/or retention basins within and/or bordering the Subdivision. All proposed drainage structures shall be designed based on the following design storm criteria:

i. Ten (10) year design storm for all Minor Streets and roadside open ditches, if applicable, within the Subdivision.

ii. Twenty-Five (25) year design storm for all other Streets, roads, drainage structures and open channels.

iii. Open channel ditches, if applicable, shall be designed with good engineering practice and with appropriate Erosion and sedimentation control measures so as to minimize the effects of Erosion and sedimentation. Open channels that have a slope of less than seventy-five one-hundredths of a percent (.75%) must be appropriately designed and be constructed of concrete.

iv. Detention and/or retention structures shall be designed to accommodate the ten (10) year, 24 (twenty-four) hour, type II storm event with post development flows no greater than predevelopment flows. Provisions shall be made to pass the one hundred (100) year design flow within a controlled section. Consideration shall be given to existing and proposed structures adjacent to detention and/or retention facilities to protect such structures from the one hundred (100) year discharge from the detention and/or retention facility.

v. All berms, swales, ditches, detention and retention ponds shall be sodded.

vi. All slope paved headwall and/or drainage grates to be used in conjunction with roadside ditches with pipes greater than twenty-four (24) inches in diameter shall be designed using the specifications provided by the Alabama Department of Transportation.

b. Topography at suitable contour intervals to show proposed drainage as approved by the County Engineer.

c. Location, size and invert elevations of proposed drainage structures including culverts, bridges, pipes, drop inlets and peak design flow at each such structure with the return period indicated by subscript shown on the storm drainage plan.

d. Construction details of typical manholes, connections, headwalls (required on all pipe openings) and other drainage structures proposed.

e. Area of land contributing stormwater run-off to each drainage structure along with drainage calculations indicating the information used to determine the flows, such as curve numbers, runoff coefficients, time of concentration, rainfall intensity and other pertinent information used in determining the peak runoff rates.

f. Location and dimensions of Easements and Rights-of-Way for drainageways and maintenance access thereof.

g. Typical cross-sections of each drainageway.

h. Design flows, velocities and depth of flow of water throughout Subdivision and compatibility with existing drainage.

i. If required by the Madison County Flood Damage Prevention Ordinance, as last revised, the elevation of (1) all known high water marks or flood lines (2) base flood levels and (3) all proposed structures, including minimum finished floor elevations of proposed Buildings.

j. The location, description and details of all temporary and permanent Erosion and sedimentation control measures to be utilized including, but not limited to, silt fences, silt dikes, hay bale dikes, construction entrances, siltation ponds and permanent ground cover. The plan must also include a schedule of all Erosion and sedimentation control measures for construction of temporary and permanent control measures and final stabilization.

3. Sanitary Sewer Plan for Subdivisions containing a private or public sanitary sewer collection and treatment system (the County does not own, operate or accept for maintenance private sanitary sewer collection or treatment systems), identifying the location of all existing and proposed sewers, location of sewer laterals, location of each manhole and other sewage system appurtenances including lift stations, oxidation ponds and treatment plants, and the plan and profile of the sewage system. Construction details of typical manholes, connections and other proposed sewage structures shall also be shown. Suitable evidence of all required permits or approvals from state or federal regulatory agencies must also be provided in a form satisfactory to the County Engineer.

4. Water Distribution Plan containing the location and size of water distribution system components including pipes, valves, fittings, hydrants, high-pressure pumping equipment, etc. Suitable evidence of all required permits or approvals from state or federal regulatory agencies must also be provided in a form satisfactory to the County Engineer. The Owner or Developer shall be responsible for providing construction plans, if required, to each utility.

5. The following permits, endorsements and certificates shall be placed on the Construction Plans (see Appendix I for sample permits, endorsements, and certificates):

a. Certificate noting that the intersection sight distance and geometric design in conjunction with this Subdivision meets specifications set forth in the prevailing AASHTO Standards.

Section 4.4. Submission of the Final Plat. In accordance with Section 1.2.5 of these Regulations, no Lot may be sold, leased or transferred until the Final Plat has been approved by the Commission and recorded in the Office of the Judge of Probate.

4.4.1 Application Procedure and Requirements. Following the approval of the Proposed Plat, the Applicant, if he/she wishes to proceed with the Subdivision, shall submit any required

fee in accordance with the current fee schedule (including a street light and a street sign fee) and the following documents to the Office of the County Engineer:

1. Application for Final Plat approval in a form satisfactory to the County Engineer.
2. The proposed Final Plat in such size as is acceptable for filing in the Office of the Probate Judge, but shall not exceed twenty-four by thirty-six (24 x 36) inches..
3. A digital copy of the Proposed Final Plat in DWG or DXF format.
4. The Final Plat shall:
 - a. Comply in all respects with the previously approved Proposed Plat.
 - b. Be presented to the County Engineer at least seven (7) days prior to a regularly scheduled meeting of the Commission.
 - c. Be submitted within one (1) year of the date of Proposed Plat approval. Any Final Plat submitted after one (1) year following Proposed Plat approval will not be considered until the Owner or Developer resubmits a Proposed Plat for approval and obtains such approval under any Regulations in effect at the time that the Proposed Plat is resubmitted.
 - d. Be accompanied by a Surety bond meeting the requirements of these Regulations.
 - e. Be accompanied by a written "Title Opinion" certified by a licensed attorney confirming that all names shown on the plat include all Owners of the property being subdivided as of the date of signing and that the Owners of the property are the same persons as those signing the plat.
5. Phase I Report regarding the proposed Subdivision from the Alabama Department of Public Health.

4.4.2 Final Approval. After the County Engineer or his or her designee has reviewed the Final Plat and engineering plans, the County Engineer shall certify to the Commission whether the plat meets the County's regulations. If the Subdivision meets the regulations, it shall be approved by the Commission.

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 as defined herein. 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).

Approval of the Final Plat shall not be deemed as acceptance of the Subdivision for County maintenance. The approval signifies the beginning of the required maintenance period if and only if all phases of construction have been completed and have been approved by the County Engineer. County maintenance will only occur (1) after the Developer has notified the County Engineer that he or she completed the period of maintenance to the satisfaction of the Owner or Developer's engineer and (2) after approval of the construction by the County Engineer. The maintenance period does not begin until the Office of the County Engineer has performed an inspection and received a request from the Owner or

Developer's engineer requesting that the maintenance period begin and all other requirements of these Regulations have been satisfied. The Developer or Owner will be responsible for contacting each utility and providing Record Drawings, if required, to each utility.

4.4.3 Signing and Recording of Final Plat.

1. Signing of Plat

a. When a Surety bond is required, the Chairman of the Commission shall endorse approval on the Final Plat after the bond has been approved by the Commission and all the conditions pertaining to the plat have been satisfied.

b. When installation of improvements is required and no Surety bond is provided, the Chairman of the Commission shall endorse approval on the Final Plat only after all conditions have been satisfied, all improvements satisfactorily completed and approved by the County Engineer, and a maintenance Surety meeting the requirements of these Regulations has been submitted.

2. Recording of Plat

a. After the Final Plat has been approved by the Commission and the approval endorsed on the plat, the plat will be returned to the surveyor that submitted the Final Plat for approval. The plat shall be recorded in the Office of the Probate Judge within thirty (30) Days following approval by the Commission.

b. After recording of the plat in the Office of the Probate Judge, the owner or developer, or the owner's or developer's surveyor or engineer, must provide the County Engineer with four (4) copies of the recorded plat, including one (1) 11" x 17" size copy of the plat. If the plat is not recorded in the Office of the Judge of Probate within this period, the plat is null and void, and the acceptance of the plat by the Commission will be deemed to have expired.

4.4.4 Final Plat Requirements. The Final Plat shall be prepared by a Licensed Professional 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 Final Plat, as submitted for approval, shall be prepared in ink on paper of quality suitable for reproduction. The Final Plat shall also be submitted in digital format acceptable to the County. 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, north point, scale and location.

2. The relation of the land so platted to the Government Survey of the County. The "Point of beginning" as referred to in the written description shall be so indicated.

3. Alabama State Plane Coordinates on all outside boundary corners. All bearings shown on the plat must be referenced to the Alabama State Plane Datum.

4. A permanent elevation within the Subdivision referenced to a known and generally accepted elevation datum (for subdivisions that are within the boundary of a Special Flood Hazard Area).

5. Sufficient data to readily determine and reproduce on the ground the location, bearing and length of every Street line, Lot Line, boundary line, Easement boundary and Block line, whether straight or curved. This shall include the radius, central angle, point of tangency, tangent distance, and arcs and chords.

6. The names and locations of adjoining Subdivisions and Streets, with reference to recorded plats by record name.

7. Streets and Right-of-Ways.

8. The location of Easements, including length, widths and purposes, in accordance with the requirements contained in Section 5.2.16.

9. Lot Lines, Lot and Block numbers and any appropriately designated "Townhouse Lots."

10. Parks, school sites, cemeteries or other public open spaces, if any.

11. The following endorsements, Dedications, statements and certificates shall be placed on the Final Plat and shall be lettered or typed on the Final Plat in such a manner as to insure that the endorsements, Dedications, statements and certificates will be legible on any prints made therefrom (see Appendix I):

a. Licensed Professional Land Surveyor's Certificate and reference to deed book and page of the parent tract.

b. Certification of Dedication of all Easements, Right-of-Ways and public improvements.

c. A Notary's Acknowledgment of the Dedication Certificate referred to in "b" above.

d. A Certificate of Approval by the appropriate electric utility distributor.

e. A Certificate of Approval by the appropriate water and/or sewer utility.

f. A Certificate of Approval by the County Engineer.

g. A Certificate of Approval by the Commission.

h. A Certificate for Recording by Judge of Probate

i. If applicable, a statement that "The recording of this Subdivision Plat in no way constitutes approval or disapproval of the use of on-site sewage disposal systems by the Alabama Department of Public Health. The Subdivision and Lots are subject to certain conditions of construction which are available for review and should be consulted through the Madison County Office of the Alabama Department of Public Health."

j. A statement that all drainage pipes beneath driveways which are not installed at the time of final approval shall be installed either by the Applicant or any subsequent Lot Owner in accordance with the approved Storm Drainage Plan. If all drainage pipes beneath driveways are not installed at the time of final approval, a Certificate of Driveway Pipe Schedule by a Licensed

Professional Engineer listing the size of all drainage pipes beneath driveways shall be placed on the Final Plat.

k. A statement that no Certificate of Occupancy for any construction shall be issued to any person or entity by the County until all improvements, including all Streets, utilities, drainage structures and other required installations are completed to the satisfaction of the County Engineer as required by these Regulations.

l. The name, address and phone number of Developer, Owner, and Licensed Professional Land Surveyor.

m. A Certificate of Flood Hazard Designation by Licensed Professional Engineer or Land Surveyor, as applicable.

n. A statement of identification of the place of filing of Articles of Incorporation of any homeowners' association or other similar entity owning or maintaining any "common" area or similar property within the Subdivision.

o. A summary table indicating the linear feet of each Street or road constructed or to be constructed within the Subdivision, the total number of Lots within the Subdivision, together with a notation of the Lot having the smallest total area in square feet, and the total square footage of all utility and drainage easements being dedicated to Madison County.

12. A reference indicating the names and addresses of the current owners and reference to the plat book or deed book and page, evidencing such ownership of all land immediately adjoining the tract of land being subdivided, as such names appear in the records in the Office of the Tax Assessor and the Office of the Probate Judge.

13. A notation that any privacy fences, storage buildings, dog enclosures, or other structures constructed, located, or maintained within any utility and drainage easement may be subject to removal at the owner's expense if the structure impedes the intended legal use of the easement.

14. A notation that, with an approved guarantee of completion, all required sidewalks must be satisfactorily constructed within a period of two (2) years from the end of the maintenance period and acceptance of the Subdivision by Madison County.

15. Record Drawings. The Applicant shall also submit record, or "as-built", drawings at the time of final plat approval or before final inspection, giving details of construction and locations of the improvements which have been installed. If installation of improvements is completed under a bond, the Applicant shall submit the Record Drawings to the County upon request of final inspection. The Record Drawings shall be submitted both on a paper copy and in digital format before any final inspection of the Subdivision. Digital files shall be submitted in PDF file format.

ARTICLE V DEVELOPMENT STANDARDS

Section 5.1. Minimum Standards. The following planning and design standards shall be complied with, except where, because of exceptional and unique conditions of topography, location, shape, size, drainage or other physical features of the site, minimum standards specified herein would not reasonably protect or provide for public health, safety or welfare. In addition to the requirements established herein, all Subdivision plats shall comply with the following laws, rules and regulations:

1. All applicable statutory provisions.
2. Any special requirements and rules of the Madison County Office of the Alabama Department of Public Health and/or appropriate state or federal 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 the County.
6. The standards, specifications and rules of appropriate utility companies.
7. Proposed and Final Plat approval may be withheld if Subdivision is not in conformity with the above laws, rules and regulations or the policy and purpose of these Regulations established in Article I of these Regulations.

Section 5.2. General Requirements.

5.2.1 Character of the Land. Land which the Commission finds to be unsuitable for Subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse soil formations or topography, utility Easements or other features which will reasonably be harmful to the safety, health and general welfare of the present or future inhabitants of the Subdivision and or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the Applicant and approved by the Commission, upon recommendation of the County Engineer, to remedy the unsuitable land conditions.

Land within any Floodway shall not be platted for residential occupancy or Building sites. All areas within any Floodway within the proposed Subdivision must be included within a designated drainage Easement. Land outside the Floodway may be platted for residential occupancy in accordance with the provisions of the Madison County Flood Damage Prevention Ordinance.

5.2.2 Subdivision and Street Names. The proposed name of any Subdivision or street located within a proposed Subdivision shall not duplicate, or too closely approximate phonetically, the name of any other Subdivision or Street in the County. The Commission shall have final authority to designate the name of Subdivisions and Streets, which shall be determined at the Proposed Plat approval stage.

5.2.3 Waterbodies and Watercourses. If property 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 the fees of adjacent Lots. The Commission may approve an alternative plan whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a County responsibility. Where a Watercourse separates the buildable area of a Lot from the Street by which it has access, provisions shall be made for installation of a culvert or other structure approved by the County Engineer. No public roadways will be approved which provide access across dams.

5.2.4 Street Plan. The arrangement, character, extent, location and grade of all Streets shall be designed and constructed according to good engineering and land planning principles and shall be integrated with all existing and planned Streets. Consideration for the planning of new Streets shall include topographical conditions, public convenience and safety, and the proposed uses of land to be served by such Streets. All Lots must have access to a City, County or State Street or Road (See Section 3.2).

5.2.5 Continuation of Adjoining Road System. Proposed Streets shall extend existing Streets or their projections, specifically including extension of curb and gutter from an existing Street to a new Street at the same or greater width, but in no case less than the minimum required width, unless the Commission for reasons of topography or design deems variations necessary.

5.2.6 Access to Adjacent Properties. The Commission may require the Developer to provide for road access to an adjoining property by extending roads by Dedication to the boundary of such property. During the design of the Subdivision, the Developer and the Developer’s engineer must consider topography and other conditions on adjacent property and the feasibility of extensions of Streets to and across adjacent properties.

5.2.7 Marginal Access Roads. Where, in the opinion of the Commission, development which abuts or has included within the proposed subdivided area any Arterial, the Commission 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.

5.2.8 Private Reserve Strips. Private reserve strips (“spite strips”) controlling access to Streets are prohibited.

5.2.9 Additional Width on Existing Roads. Developers of Subdivisions that adjoin existing Roads or Streets with inadequate Rights-of-Way shall dedicate additional Right-of-Way to meet the minimum Right-of-Way requirements noted in these regulations or per the table shown below, whichever is greater, and as per the classification of the roadway shown on the Alabama Department of Transportation Highway Functional Classification Map, latest edition; or, if not provided for otherwise, as determined by the County Engineer.

Roadway Type/Classification	Minimum Right-of Way Width
Alley	25’
Local (With Curb and Gutter)	50’
Local (Without Curb and Gutter)	60’
Collector (Minor)	60-80’
Collector (Major)	80-100’
Arterial (Minor)	120’
Arterial (Major)	120-300’

Developers of Subdivisions that adjoin existing Roads or Streets with inadequate pavement widths shall be required to make improvements to the roadway to meet the requirements of these regulations, or, if not provided for otherwise, as determined by the County Engineer.

1. The entire Right-of-Way and/or roadway width shall be dedicated and/or 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 and/or roadway width, measured from the centerline of the existing Street, shall be dedicated and/or provided.

5.2.10 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 dedicated, improved and maintained Street or Road.

2. Such State, County or City Street or Road must be suitably improved to provide adequate and safe access to the subdivision. Such factors as, for example but without limitation, the predevelopment and post-development traffic count and the effect of the subdivision on traffic flow and site distance shall be considered in determining the appropriate level of improvement. All improvements must be constructed prior to approval of the Final Plat or be secured by an improvement guarantee required under these Subdivision regulations.

5.2.11 Topography and Arrangement. Streets shall be related appropriately to the topography.

1. All proposed Streets shall be properly integrated with the existing system of Streets.

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 Streets shall be designed to conform as much as possible to the topography, to discourage 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. Proposed Streets shall be extended to the boundary lines of the property to be subdivided unless, in the opinion of the County Engineer, such extension is not necessary or desirable for the coordination of the layout of the Subdivision or with the existing layout of the most advantageous future development of adjacent tracts.

5.2.12 Access to Arterials. Where a Subdivision borders on or contains an existing or proposed Arterial, the 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 Street with the requirement that no access shall be provided from the Arterial, and screening such as plantings or fencing shall be provided in an Easement 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 Street or Road (separated from the Arterial by a planting or grass strip and having access thereto at suitable points).

5.2.13 Excess Right-of-Way Easements. Right-of-Way or Easement widths in excess of the minimum standards designated in these Regulations shall be required whenever, due to topography or sound engineering practice, additional width is necessary. Easement or Right-of-Way slopes shall not be in excess of three (3) horizontal to one (1) vertical.

5.2.14 Cul-De-Sacs. Dead end Streets shall be provided with a turnaround having a roadway diameter, if curb and gutter is utilized, of at least fifty (50) feet and a Right-of-Way diameter of at least one hundred (100) feet (see Appendix II). If curb and gutter is not utilized, the turnaround shall have a roadway diameter of at least sixty (60) feet and a Right-of-Way diameter of at least one hundred twenty (120) feet. A Cul-De-Sac may extend up to a maximum of one thousand, two hundred (1,200) feet.

5.2.15 Temporary Turnarounds. Dead end Streets as a result of the planned or anticipated phasing of a proposed development or required access to an adjacent property and extend more than three hundred feet (300') in length along the centerline to the nearest intersecting Street and/or exceed eight (8) consecutive Lots shall be provide with a temporary turnaround. The turning area shall be a T-type turnaround per the standard detail provided in these Regulations. A 5' all-inclusive easement shall be provided on either side of the right-of-way. A visual barrier shall be provided at the dead end portion of the street by means of three diamond-shaped reflectors (OM4-3) mounted on a signpost. The reflectors shall be evenly spaced across the width of the street pavement. A No Parking Anytime sign (R7-1) shall be attached to the center signpost.

At the time the development continues into adjacent property, the temporary turnaround shall be removed entirely and the roadway, curb and gutter, and sidewalk shall be extended through the former temporary turnaround and all areas disturbed shall be properly graded and vegetated at the expense of the developer of the adjacent property.

5.2.16 Intersections. Street intersections shall be designed as follows:

1. The intersection sight distance and geometric design of any roadway constructed in conjunction with this Subdivision meets specifications set forth in the prevailing AASHTO Standards.

2. Streets shall be configured so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new Streets at an angle of less than seventy-five (75) degrees shall not be acceptable. An oblique Street shall be curved approaching an intersection and shall be approximately at right angles for at least one hundred (100) feet therefrom. Not more than two (2) Streets shall intersect at any one point unless specifically approved by the Commission.

3. Proposed new intersections along one side of an existing Road or Street shall, wherever practical, coincide with any existing intersections on the opposite side of such Street. Roads or Streets with centerline offsets of less than one hundred twenty-five (125) feet shall not be permitted except where the intersected road has separated dual drives without median breaks at either intersection. Where Minor Streets intersect Collectors or Arterials, their alignment shall be continuous. Intersections of Minor Streets with Arterials shall be separated by a distance of at least four hundred (400) feet. Where a road or street 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 or streets shall be at least twenty-five (25) feet; and minimum curb radius at an intersection involving a Collector shall be at least thirty (30) 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. Where any Road or Street intersection will involve earth banks or existing vegetation that would create a traffic hazard by limiting visibility, the Applicant shall remove 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.

5.2.17 Minimum Required Easement Width.

Perimeter of Subdivision - Fifteen (15) Feet

Side Lot Line - Five (5) Feet

Rear Lot Line - Five (5) Feet

Adjacent to any Right-of-Way - Ten (10) Feet

Perimeter of Temporary Turnaround - Five (5) Feet (All-Inclusive)

These minimum required easement widths for Side Lot Lines do not apply to Townhouse Lots as defined herein.

5.2.18 Blocks.

1. Blocks shall have sufficient width to provide for two (2) tiers of Lots of appropriate depths. Exceptions to this prescribed Block width shall be permitted in Blocks adjacent to Expressways, Arterials, railroads or waterways where single-tier Lots are required to separate residential development from through vehicular traffic or non-residential uses.

2. Blocks shall not exceed two thousand, two hundred (2,200) feet.

3. Pedestrianways or crosswalks, not less than ten (10) feet wide, may be required by the Commission through the center of Blocks where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation or other community facilities.

5.2.19 Lots. Lots shall comply with the following requirements:

1. The size, width, depth, shape and orientation of Lots shall be such as the Commission deems appropriate for the location of the Subdivision types of development and use contemplated.

2. For the limited purpose of assignment of a "house number," each Lot shall have a minimum of thirty (30) feet of Street frontage along a public Street unless such lot is a Townhouse lot as defined herein. In such case the lot shall have a minimum of twenty-five (25) feet of street frontage along a Public Street.

3. Depth and width of properties reserved for commercial and industrial purposes shall be adequate to provide for off-road parking and loading for the use contemplated.

4. 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.

5. Side Lot Lines should be at right angles to roads, except on curves where side Lot Lines should be radial.

6. Each Lot in a Subdivision shall contain a flood-free Building site a minimum of one (1) foot above the elevation of the 100-Year Flood projection as defined in these Regulations, and outside the limits of any existing Easement or the Building Setback Lines. Base flood elevation data shall be provided for subdivision proposals greater than fifty (50) lots or five (5) acres, whichever is less, in accordance with the Madison County Flood Damage Prevention Ordinance.

7. Each Lot in a Subdivision shall be a minimum of sixty (60) feet in width as measured from Side Lot Line to Side Lot Line at the Building Setback Line.

5.2.20 Estate Lot Subdivisions. All Estate Lot Subdivisions shall comply with the following requirements:

1. Estate Lot Subdivisions may not be re-subdivided for a period of three (3) years from the date of the plat recording.

2. Sidewalks and underground utilities are required in all Estate Lot Subdivisions.

3. Curb and gutter is not required for an Estate Lot Subdivision.

5.2.21 Private Streets. A Private Street is a private vehicular access way shared by and serving two or more Lots, which is not dedicated to the public and is not publicly maintained. Private Streets and Alleys may be established only under the terms of these Regulations. Private Streets shall meet the following requirements:

1. These Regulations and all other County Regulations and applicable federal, state and local laws as they relate to the development of Streets and utilities will apply to all such Private Street developments. All plans concerning Private Streets are subject to review and approval by the Commission as provided herein.

2. The definitions of a "Subdivision" and a "Street" as contained in these Regulations will apply to all Subdivisions or Streets whether public or private.

3. Design and Construction Standards - Private Streets shall conform to the same standards regulating the design and construction of Public Streets.

4. The County may prohibit the creation of any Private Street if, in the County's judgment, the Private Street would negatively impact traffic circulation on Public Streets or impair access to property either on-site or off-site to the Subdivision, impair access to or from public facilities, including schools, parks and libraries or delay the response time of emergency vehicles.

5. Property Associations Required - Subdivisions developed with Private Streets and/or Alleys must have a mandatory Property Owners' Association, which includes all Property served by Private Streets. The Association shall own and be responsible for the maintenance of Private Streets, parks and other Property Owners' Association appurtenances. The Association shall own and be

responsible for the maintenance of Streets and other improvements. The Association documents shall be reviewed by the County Attorney and subject to approval by the County to ensure they conform to this and other applicable laws. The documents shall be filed of record in the Office of the Madison County Judge of Probate prior to the approval of the Final Plat of the Subdivision. No portion of the Association documents pertaining to the maintenance of the Private Streets and Alleys and assessments therefor may be amended without the written consent of the County.

6. Private Street Lot - Private Streets and Alleys must be constructed with a separate Lot owned by the Property Owners' Association. This Lot must conform to the County's standards for Public Streets and Alleys. An Easement covering the Street Lot shall be granted to Madison County providing unrestricted use of the Street Lot for utilities and storm drainage systems and the maintenance of the same. This right shall extend to all utility providers, including telecommunication companies, operating within the County. The Easement shall also provide the County with the right of access for any purpose related to the exercise of a governmental service or function, including but not limited to, fire and police protection, inspection and code enforcement. The Easement shall permit the County to remove any vehicle or obstacle within the Street Lot that impairs emergency access.

7. Construction and Maintenance Costs - The County shall not pay for any portion of the costs of construction or maintaining a Private Street.

8. Utilities - Water, sewer and drainage facilities placed within the Private Street and Alley Lot shall be installed to the County standards and dedicated to the County as part of the approval of the Final Plat of the Subdivision.

9. Lighting and Signage - Street lights and signs shall be installed and maintained by the Homeowners' Association subject to approval by the County.

10. Plans and Inspections - Developments proposed with Private Streets must submit to the County the same plans and engineering information required to construct Public Streets and utilities. Requirements pertaining to inspection and approval of improvements prior to the issuance of Building Permits shall apply. Inspection fees charged for these services shall also apply.

11. Waiver of Services - The Subdivision Final Plat and Property Owners' Association documents shall note that certain County services may not be provided on Private Streets. All private traffic regulatory signs shall conform to the Alabama manual on Uniform Traffic Control Devices. Depending on the characteristics of the proposed development, other services may not be provided.

12. Hold Harmless - On any Subdivision Plat which indicates that the Subdivision includes Private Roads, a provision shall be included whereby the Property Owners' Association, as owner of the Private Streets and appurtenances, agrees to release, indemnify, defend and hold harmless the County, any governmental entity and any public utility for damages to the Private Street occasioned by the reasonable use of the Private Street by the governmental entity or public utility; for damages and injury (including death) arising from the condition of said Private Street; for damages and injury (including death) arising from the use of the Private Street by any governmental entity or public utility; and for damages and injury (including death) arising from the use of the Subdivision by any governmental entity or public utility. Further, such language shall provide that all owners of all Lots shall release the County and any public utility for such damages and injuries. The indemnifications contained in this paragraph apply regardless of whether or not such damages and injuries (including

death) are caused by the negligent act or omission of the County or of its respective officers, employees or agents.

Section 5.3. Design Standards. All design standards shall be considered minimum requirements. It is the responsibility of the Developer and his or her engineer to communicate and schedule with the County Engineer prior to initiating any and all inspection of road construction process. Any road construction performed without the knowledge and inspection of the County Engineer will not be considered for acceptance by the County.

5.3.1 Right-of-Way Widths. Minimum Street Rights-of-Way shall not be not less than sixty (60) feet in width unless the proposed road is constructed with curb and gutter. In the event of curb and gutter, the minimum Right-of-Way width shall not be less than fifty (50) feet. In no event shall the minimum Right-of-Way width be less than that indicated on any master road plan adopted by the Commission. The Right-of-Way width for any approved alley shall not be less than twenty-five (25) feet.

5.3.2 Roadway Widths. All Roads or Streets which do not utilize curb and gutter shall have a minimum pavement width of twenty-four (24) feet with a minimum shoulder width of six (6) feet. If curb and gutter is used, the pavement width must be at least twenty-six (26) feet. The minimum distance between the back of the curbs on each side of the Street must be at least thirty (30) feet. A minimum of two (2) feet behind the curb must be graded to a level surface extending from the back of the curb (see Appendix II). Pavement width for any approved alley shall not be less than fifteen (15) feet.

5.3.3 Geometric Design. All Streets or roads within the Subdivision must meet the construction standards of the County and must conform to the design standards of these Regulations and applicable AASHTO geometric design policy in regard to acceleration, deceleration and site distance.

5.3.4 Drainage and Inundation. A Drainage Plan shall be provided for such Subdivision by the Owner's or Developer's engineer. The Drainage Plan shall take into consideration the ultimate 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, including sufficient area to allow access to any drainage structures, ditches, etc., for purposes of maintaining said structures, ditches, etc., taking into consideration the saturated development of the tributary area. The design of the stormwater drainage systems shall insure the adequate handling of stormwater runoff and the adequate control of Erosion and sedimentation through the use of properly sized and positioned drainage structures and facilities. Off-premises drainage Easements and improvements may be required to accommodate the drainage of stormwater from the Subdivisions into a natural drainage channel.

Land within any designated Floodway shall not be platted for residential occupancy or Building sites. Any such land must be included within a designated easement as shown on the Proposed and Final Plats. Fill may not be used to raise land within the Floodway. All Subdivisions of land must comply in all aspects with the Madison County Flood Damage Protection Ordinance, as amended.

Fill shall consist of soil or rock materials only and shall be compacted to prevent excessive settlement and shall be protected from Erosion. Fill slopes shall be not steeper than one (1) foot vertical to three (3) feet horizontal unless steeper slopes are justified and approved by the County Engineer. Fill shall be used only to the extent that it does not adversely affect adjacent properties.

The County Engineer may require additional engineering information deemed necessary to make a decision on Subdivisions and other development that contains an area of questionable drainage.

Lakes, ponds and similar facilities utilized to assist in the control of stormwater runoff from proposed development must be designed to control the ten (10) year storm event with a minimum freeboard of eighteen (18) inches. Adequate outlet structures shall be provided to allow for the safe, non-erosive passage for the one hundred (100) year flow. Design of the facilities should take into consideration sedimentation during the construction of the project by providing additional storage either through over excavation of the pond or basin for collection of this material or by some other means acceptable to the County Engineer. All lakes, ponds, and similar facilities utilized to assist in the control of stormwater runoff from proposed development must be included within a designated easement, including those within a designated Common Area.

All lakes, ponds, and similar facilities utilized to assist in the control of stormwater runoff shall be included within a designated Common Area in all Subdivisions that include any Common Area, Lot, or other property to be owned by a collective or management association.

All best management practices shall be designed and/or installed per the “Alabama Handbook for Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas”, latest edition.

5.3.5 Minimum Grade on Roadways. All roads or streets shall have a minimum grade of three quarters of one percent (0.75%).

5.3.6 Design Speed for Roadways. The design speed for all roads and streets shall be twenty-five (25) miles per hour.

Section 5.4. Construction Requirements. Construction of all roads shall meet the minimum requirements of these Regulations and conform to the latest published edition of the Alabama Department of Transportation’s “Standard Specifications for Highway Construction.” All best management practices shall be designed and/or installed per the “Alabama Handbook for Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas”, latest edition. The Developer shall be responsible for all Erosion control in accordance with ADEM guidelines. The Developer shall be responsible for securing any required permits by ADEM. The Developer shall provide proof to the County prior to Proposed Plat approval that all required permits or approvals from ADEM have been appropriately requested and supported.

5.4.1 Testing: If required by the Subdivision design, topography or soil conditions, all testing shall be at the expense 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 character of tests to be performed and scheduled. Copies of all test reports are to be provided to the County Engineer.

5.4.2 Clearing and Grubbing: All roads shall be graded to their full Right-of-Way width. All such Right-of-Way width areas shall be cleared of all vegetation, trees, stumps, large rocks and other objectionable or unsuitable material prior to grading or filling unless otherwise specifically approved by the County Engineer.

5.4.3 Slope Paving: Slope paving shall be required as determined necessary by the County Engineer. Any other alternatives must be approved by the County Engineer.

5.4.4 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.

5.4.5 Subgrade: Roadway subgrade shall be compacted and properly shaped prior to the placing of base material. The subgrade shall be full width of regular section (edge of pavement to edge of pavement) and extend two (2) feet outside of curb and gutter. If curb and gutter is not used, the subgrade shall be full width (edge of pavement to edge of pavement) plus a minimum of six (6) feet beyond the edge of pavement. The embankment or subgrade must be inspected by proofrolling or other acceptable compaction testing under the supervision of the County Engineer or his/her designee unless other methods of inspection are approved by the County Engineer. The roadbed shall be proofrolled or compaction tested with a fully loaded (minimum load of twenty-two (22) tons with approved proof of load weight by weight ticket) tandem axle dump truck (furnished by the Developer).

5.4.6 Base: Base course shall meet the requirements for crushed aggregate as set forth in the Alabama Department of Transportation Standard Specifications for Highway Construction (latest edition). Base course shall have a minimum thickness of five (5) inches compacted thickness for the full width of regular pavement section, unless otherwise required by sound, generally accepted engineering practice as determined by the County Engineer. The base must be inspected by proofrolling or other acceptable compaction testing under the supervision of the County Engineer or his/her designee unless other methods of inspection are approved by the County Engineer. The roadbed shall be proofrolled with a fully loaded (minimum load of twenty-two (22) tons with approved proof of load weight by weight ticket) tandem axle dump truck (furnished by the Developer).

5.4.7 Roadway Pavement: All roads and/or Streets shall be paved and comply with the following:

1. The minimum pavement width shall be not less than twenty-four (24) feet on standard sections and twenty-six (26) feet for curb sections. Type of curb to be used shall be approved by the County Engineer (see Appendix II). The minimum pavement width shall not be less than fifteen (15) feet for alleys (see Appendix III attached hereto for a typical alley section).

2. A bituminous pavement layer shall be constructed on a suitable base as approved by the County Engineer. A bituminous Binder Layer at a minimum rate of two hundred twenty-four (224) pounds of approved asphalt plant mix per square yard and a minimum compaction thickness of two (2) inches shall be the minimum initial pavement placed. The Subdivider shall be required to place a minimum of one hundred sixty-five (165) pounds of approved plant mix per square yard at a minimum thickness of one and one-half (1 ½) inches as a wearing surface over, as defined in Section 424 of the latest published edition of the Alabama Department of Transportation Standard Specifications, the Binder layer, as defined in Section 424 of the latest published edition of the Alabama Department of Transportation Standard Specifications for Highway Construction.

5.4.8 Storm Drainage: An adequate storm drainage system including curb, pipes, culverts, headwalls and ditches shall be provided for the drainage of surface water. All drainage pipe shall be class III reinforced concrete pipe. All drainage structures must be designed in accordance with Section 4.3.7 of these Regulations. All drainage ditches shall be stabilized with sod of a suitable type to establish full coverage of the slopes. All drainage ditches, swales, detention ponds and retention ponds shall be stabilized with sod of a suitable type to establish full coverage of the slopes from the top of the bank of any such swale, ditch or pond to the top of the opposite bank. All drainage structures installed in traffic areas shall be backfilled with stone per the applicable standard detail(s) provided in these regulations. At the request of the Owner or Developer, the County Engineer may approve alternate erosion control methods consistent with sound engineering practice such as, but not limited to, hydro seed or fiber netting erosion control with Bermuda seed in lieu of sod. Any such request must be in writing directed to the County Engineer and must reference this Section of these Regulations. The request must indicate the basis for the request and must include certification from the Owner or Developer's engineer

that any proposed alternative erosion control method is consistent with sound engineering practice. Merely indicating an alternative method of erosion control on the Proposed Plat or construction plans does not constitute a sufficient request or approval of the Proposed Plat and does not waive the requirement for sod.

5.4.9 Installation of Utilities: After grading is completed and approved by the County Engineer and before any roadbed processing of the subgrade is performed, all underground utilities within the Street or road Right-of-Way shall be installed completely and approved by the County Engineer throughout the length of the Street and across the section. Pavement will not be open cut for installation of utilities. Any utility desiring to cross an existing Street or road shall dry bore under the Street or road. All utilities located under pavement shall be backfilled with suitable aggregate material as required by the County Engineer.

5.4.10 Topsoil and Grassing: When all construction of Subdivision improvements is completed, all slopes and shoulders shall be covered with a sufficient amount of topsoil which shall be adequately protected from erosion by sod of a suitable type to establish full coverage.

ARTICLE VI INSTALLATION OF PERMANENT REFERENCE POINTS

Prior to the approval of the Final Plat, permanent reference points shall have been erected or installed in accordance with the following requirements and the latest edition of the Standards for Practice for Land Surveying in the State of Alabama:

Section 6.1. 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 the County. The Subdivision corner tie shall appear on the Plat with coordinates, bearings, and distances referenced to the Alabama State Plane Datum.

Section 6.2. Subdivision Corner Coordinates. Coordinates referenced to the Alabama State Plane Datum shall be shown on the Final Plat for all corners of the Subdivision.

Section 6.3. Property Markers. All Lot corners shall be marked with an iron pin not less than one-half (1/2) inch in diameter 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.

Section 6.4. Benchmark. Final plats shall provide the location, description, elevation and datum of the benchmark to be used to establish the required floor elevation. The elevation must be referenced to a known published datum.

ARTICLE VII REQUIRED IMPROVEMENTS

Section 7.1. Completion of Improvements. Approval of the Final Plat shall be subject to the installation of the improvements and utilities hereinafter designated to the satisfaction of the County Engineer or his designee or the posting of a Surety bond with sufficient Surety to secure the construction and installation of such improvements and utilities.

Section 7.2. Streets. On all Streets within the jurisdiction of these Regulations, an approved hard surfaced permanent type of pavement shall be constructed in accordance with these Regulations. The County Engineer shall approve finished grade, cross-section and profile.

Section 7.3. Curbs and Gutters. Curbs and gutters and/or valley gutters, as applicable, are mandatory in all Subdivisions unless such Subdivision is an Estate Lot Subdivision as defined herein.

Section 7.4. Sidewalks. Construction of sidewalks is required for every Subdivision unless otherwise provided herein. All required sidewalks shall be constructed in accordance with the design detail provided in Appendix II. The sidewalks shall be shown on the Street or road plans and drainage plans, shall be constructed in accordance with these Regulations and shall include appropriate ramps for use by the handicapped. The construction of sidewalks shall be coordinated to minimize damage to the sidewalk during construction of other improvements within the Subdivision. The requirements for sidewalks do not apply if a Subdivision will result in solely lots that have frontage on a public road that existed prior to the date of the application for proposed plat approval, and sidewalks do not exist as of the date of the application on the properties adjacent to the property being subdivided. The construction of all required sidewalks must be completed prior to the maintenance inspection being performed.

Section 7.5. Water System. If a public water supply system is reasonably accessible as determined by the County Engineer and the appropriate water supply utility, then necessary action including obtaining all necessary approvals, permits and Easements or other required property rights shall be taken by the Applicant to extend the public water supply system capable of providing domestic water use. The design and specifications of the water distribution system shall meet the appropriate public water system requirements. Water mains shall be extended the full length or width of the pavement. If a well is required for each Lot, the location, construction and use of such a well shall meet State of Alabama Department of Public Health specifications. All new or replacement water supply systems together with attendant facilities, proposed to be located within an area subject to flood shall be designed and constructed in compliance with the Madison County Flood Damage Prevention Ordinance to minimize or eliminate flood damage.

Section 7.6. Driveways. All driveways and drainage pipes beneath driveways shall be Class III reinforced concrete pipe installed in accordance with the approved drainage plan and shall not adversely impact existing drainage structures or facilities. The construction of all required drainage pipes beneath driveways must be completed prior to the maintenance inspection being performed.

Section 7.7. Sanitary Sewers. Sanitary sewers may be provided where a public sanitary sewerage system is reasonably accessible as determined by the County Engineer and the appropriate sewer utility. On site disposal systems shall be used in instances where no public sanitary sewerage system is available providing approval is received from the Alabama Department of Public Health and/or the Alabama Department of Environmental Management. The phase one report of the Alabama Department of Public Health must be provided to the Office of the Madison County Engineer at the time of submittal of the Proposed Plat for approval. All new or replacement sanitary sewer systems together with attendant facilities, proposed to be located within an area subject to flood, shall be designed and constructed in compliance with the Madison County Flood Damage Prevention Ordinance to minimize or eliminate flood damage. All new or replacement sanitary sewers placed within an existing public Right-of-Way or easement shall comply with the Madison County policy concerning sewer lines within public Rights-of-Way. All sanitary sewer structures installed in traffic areas shall be backfilled with stone.

All new sanitary sewer collection system infrastructure which flows by gravity (manholes and main) shall be installed within the limits and along the centerline of the proposed right-of-way. No other new sanitary sewer collection or transmission infrastructure may be installed within any proposed public right-of-way or easement and shall be installed within an easement dedicated to the sanitary sewer owner and/or operator with a minimum width of ten (10) feet. Sanitary Sewer infrastructure owned and operated by water, sewer, and fire protection authorities and governmental entities may be installed within proposed public rights-of-way and easements of the Subdivision.

Section 7.8. Utilities. All electric, gas, cable and other suited utility services must be installed underground. All new or replacement utility systems together with attendant facilities, proposed to be located within an area subject to flood, shall be designed and constructed in compliance with the Madison County Flood Damage Prevention Ordinance to minimize or eliminate flood damage. A fee for each street light will be assessed. A schedule of fees is available from the Office of the County Engineer.

Section 7.9. Street Signs. The Owner or Developer is responsible for the cost of all proper signage as determined by the County Engineer. The cost will be provided to the Owner or Developer by the County Engineer based on the signage required within the Subdivision.

Section 7.10. 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 Right-of-Way for widening or realignment of such roads.

Section 7.11. Drainage Easements. Where a Subdivision is traversed by a Watercourse, drainageway, channel or stream, there shall be provided a storm water Easement or drainage Right-of-Way conforming substantially to the lines of such Watercourse, and of such width and construction, or both, as will be adequate for the purpose of constructing and/or maintaining any needed drainage structures, ditches, etc., as required by the County Engineer.

1. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road Rights-of-Way, perpetual unobstructed Easements at least fifteen (15) feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage Easements shall be carried from the road to a natural Watercourse or to other drainage facilities.

2. When an Owner/Developer chooses not to utilize either detention or retention to maintain pre-development flow conditions and when a proposed drainage system will carry water across, or place additional burden on, private property outside the Subdivision, either in an existing drainageway, Watercourse, channel or stream or where no existing drainageway, Watercourse, channel or stream exists across such private property, appropriate drainage rights must be secured by the Owner or Developer and indicated on the plat. Copies of these drainage Easements shall be submitted with the Preliminary Plat.

ARTICLE VIII GUARANTEE OF COMPLETION OF IMPROVEMENTS

Section 8.1. Installation of Required Improvements. The Subdivider shall be responsible for the installation of all required improvements to the Subdivision. This may be accomplished by either the full installation of all required improvements by the Owner or Developer at the time the Final Plat is to be submitted to the Commission, or, in the case of improvements other than those improvements which may be necessary for the safe and secure progression of the development (such as detention and/or retention and traffic control) by the provision of a financial guarantee of performance. At the time of completion of all improvements, the Owner or Developer shall provide Record Drawings meeting the requirements of these Regulations..

8.1.1 Subdivision Improvement Bond. The guarantee of performance by the Subdivider shall be in the form of an acceptable Surety and shall meet the following requirements:

1. **Acceptance of Surety:** The Surety must be approved by the Commission and the County Attorney.

2. **Value of Surety:** The Surety shall be either Five Thousand Dollars (\$5,000) or one hundred twenty percent (120%) of the estimated cost of installing all remaining, incomplete, or unfinished improvements proposed, including, but not limited to, the installation, construction, and completion of: grading and earthwork, storm drainage infrastructure, base and paving of the Streets, sidewalks, required utilities, and fees or other costs encountered during execution of improvements, whichever is greater. Estimated costs shall be provided by the Developer's engineer and approved by the County Engineer.

8.1.2 Failure to Complete Work. If, within twenty-four (24) months after filing said Surety, or sooner if conditions warrant, the Subdivider has not completed all necessary improvements or if, in the opinion of the Commission, said improvements have not been satisfactorily installed, the bond may be used by the County to complete the improvements in satisfactory fashion, the County may take such steps as may be necessary to require performance under the bond or the County may pursue any other available remedy.

8.1.3 Certificate of Occupancy. Although Lots within the proposed Subdivision may be sold prior to full completion of all improvements, no Certificate of Occupancy will be issued prior to satisfactory completion of all required public improvements.

8.1.4 Guarantee of Driveway Pipes. In subdivisions where curb and gutter is not required, a performance surety or other approved guarantee is required for proposed driveway pipes in the amount of one hundred twenty percent (120%) of the cost of the required improvements in the Subdivision or five thousand dollars (\$5,000), whichever is greater. The term of the guarantee shall be for 24 months. The guarantee will be released upon a satisfactory final inspection of the driveway pipes and receipt of an "as-built" survey showing the location of the pipes, a profile of the ditches, and any other drainage structures or features. If the guarantee has not been released within 24 months, the guarantee shall be forfeited to the County.

Section 8.2. Improvements, Inspection and Certification. The County Engineer or his designee shall inspect the construction of the required improvements (the final inspection). The Applicant shall pay to the County a fee in the amount established by the Commission, and the Chairman of the Commission shall not sign the final Subdivision plat unless such fee has been paid at the time of application for Proposed Plat approval. The fee shall be due and payable upon demand of the County. If the County Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the County's adopted construction standards and specifications, the Applicant shall be responsible for completing the improvements. Such improvements must be completed within twenty-one (21) days following the date of the final inspection. If the improvements are not completed within this time, an additional inspection shall be required, and the cost of such shall be paid by the applicant. Wherever the cost of improvements is covered by a Surety, the Applicant and the Surety Company shall be severally and jointly liable for completing the improvements according to specifications.

Upon completion of the improvements, the owner or engineer of record as indicated shall file with the Commission a statement (see Appendix I) stipulating the following:

1. That all required improvements are complete (Engineer).
2. That these improvements are in compliance with the minimum standards specified by the Commission and the County Engineer for their construction (Engineer and Owner).
3. That the Applicant knows of no defects from any cause in those improvements (Engineer and Owner).

4. That these improvements are free and clear of any encumbrances or liens (Owner).

5. That all public improvements, including but not limited to, Streets, curbs and gutters, storm drainage structures and appurtenances, and sanitary sewer systems, if any, are located in dedicated Rights-of-Way and/or Easements (Engineer).

Section 8.3. Release of Guarantee. Upon inspection by the County Engineer or his or her designee and satisfactory completion of all required improvements in accordance with these Regulations, the Commission shall authorize the release of the remaining portion of the improvement guarantee.

Section 8.4. Maintenance of Improvements. The Applicant shall be required to file a maintenance Surety with the County Commission prior to the beginning of the maintenance period. The Surety shall be in the amount of Five Thousand Dollars (\$5,000) or twenty-five percent (25%) of the total cost of all improvements, including, but not limited to: grading and earthwork, storm drainage infrastructure, base and paving of the Streets, sidewalks, and all required utilities, in the Subdivision, whichever is greater, in a form satisfactory to the County Attorney in order to ensure the satisfactory condition of the required improvements for a minimum period of two (2) years after the date of acceptance by the Commission and Dedication of same to the County. If the guarantee has not been released within 24 months, the guarantee shall be forfeited to the County. The Applicant may request a maintenance inspection after 21 months from the date of the beginning of the maintenance period. At the end of the 23rd month the maintenance inspection shall have been completed or scheduled, otherwise the Applicant shall be considered in default and the maintenance surety shall be forfeited to the County by the end of the 24-month maintenance period.

The maintenance period shall not begin until a written request by the Owner or Developer's Engineer is submitted to and approved by the Madison County Engineer. The request should be in the form shown in Appendix I. The maintenance Surety will be returned to the Applicant only upon inspection and final acceptance or maintenance by the County Engineer. During this maintenance period, a Developer or Owner may be required to enter into easements or rights-of-way to construct, repair, replace or maintain public improvements.

Section 8.5. Guarantee of Completion of Sidewalks. If the installation of all sidewalks shown on the Construction Plans has not been completed prior to the maintenance inspection being performed, the Applicant shall be required to file a sidewalk Surety with the County Commission. The Surety shall be in the amount of Five Thousand Dollars (\$5,000) or an amount equal to \$25 per linear foot of sidewalk that remains to be constructed in the Subdivision, whichever is greater, in a form of a letter of credit in order to ensure the satisfactory completion of all sidewalks in the Subdivision within a period of two (2) years from the end of the maintenance period and acceptance of the Subdivision by Madison County. If the guarantee has not been released within 24 months, the guarantee shall be forfeited to the County.

ARTICLE IX VARIANCES

Section 9.1. General. Where the Commission finds that extraordinary hardships may result from strict compliance with these Regulations and/or the purposes of these Regulations may be served to a greater extent, the Commission may approve variances to these Regulations so that substantial justice may be done and the public interest served, provided that any such variance shall not have the effect of nullifying the intent and purpose of these Regulations. The Applicant shall submit an application for a variance in writing to the Madison County Engineer at the time when the Proposed Plat is filed for the consideration of the Commission or within a reasonable time, not to exceed fifteen (15) days, after the facts giving rise

to the request for variance arise. The application shall be in the form provided in Appendix I and shall state fully the grounds for the variance and all of the facts relied upon by the Applicant. A copy of the application must be provided by the applicant to the Commissioner of the District where the Subdivision is located within a reasonable time after the application is submitted to the County Engineer. The application must be accompanied by a fee as provided for in the Schedule of Fees available from the Office of the County Engineer. In addition, all owners and occupants of any property adjoining the Subdivision or otherwise affected must be notified by certified mail of the variance request and provided the contact information for the Office of the Madison County Engineer. Proof of receipt of such notice by all adjoining or affected property owners shall be presented to the County Engineer prior to any consideration of the request by the Commission. The variance, if approved by the Commission, shall become part of the official record of the Commission and shall be noted on the Final Plat. The Commission shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:

1. The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to any other property.
2. The conditions for which the variance is requested are unique to the property for which the variance is sought and are not applicable generally to other property.
3. Because of the physical surroundings, shape, topographical conditions or other characteristics of the specific property involved, a particular and extraordinary hardship to the Owner would result, as distinguished from a mere inconvenience, if the strict intent of these Regulations are enforced.
4. The variance will not in any manner vary the provisions of other adopted policies and regulations of the County.

Section 9.2. Conditions. In approving variances, the Commission may require such conditions as will, in its judgment, secure the objectives, standards or requirements of these Regulations.

The Commission shall not grant any variance within the Floodway unless the Developer submits: (1) a study prepared by a registered professional engineer certifying that no increase in the 100-Year Flood level would result from the proposed development and that the proposed development satisfies all FEMA, state and local regulations regarding development in flood designated areas, and (2) satisfactory notice of approval from FEMA and any other state or local regulatory agency or official having jurisdiction over developments within flood designated areas.

ARTICLE X SPECIAL REQUIREMENTS FOR NON-RESIDENTIAL SUBDIVISIONS

Section 10.1. General Procedural Requirements. It is recognized that the Applicant, in creating non-residential Subdivisions, may encounter unique problems of Lot design not normally encountered in residential Subdivisions. For this reason, the initial emphasis of the Commission shall be upon Street layout and Block arrangement. Generally, the procedural requirements shall be for the Applicant to follow the regular procedure outlined in Article IV and to show the entire tract to be subdivided with necessary improvements and as many parcels as he cares to show, but must include at least two parcels. Any further subdivision of parcels must comply with the requirements contained herein.

Section 10.2. Other Special Requirements. In addition to the principles and standards in these Regulations which are appropriate to the planning of all Subdivisions, the Applicant shall demonstrate to

the satisfaction of the Commission that the Street, parcel and Block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

1. Proposed non-residential Street layout, Blocks and parcels shall be suitable in area and dimensions to the types of development anticipated.
2. Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas, nor connected to Streets intended for predominantly residential traffic, but shall be connected insofar as is possible to Expressways, Arterials or Collector Streets in such a way that the number of intersections with such Expressways, Arterials or Collectors shall be minimized.
3. Street Rights-of-Way and pavement construction shall be adequate and in accordance with Section 5.4 to accommodate the type and volume of traffic anticipated to be generated thereon. Curb radii at driveway intersections shall be at least twenty-five (25) feet.
4. The Applicant shall insure that the non-residential Subdivision as a whole may be self-sufficient with regard to providing necessary off-Street parking. The Applicants may make parking self-sufficiency a requirement of individual Lots.
5. With respect to physical improvements, special requirements may be imposed by the Commission with the advice of the County Engineer within the non-residential Subdivision.

ARTICLE XI CONFLICT WITH PUBLIC AND PRIVATE PROVISIONS

Section 11.1. Public Provisions. These Regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute or other provision of law. Where any provision of these Regulations imposes restrictions different from those imposed by any other provision of these Regulations or any other ordinance, rule or regulation or other provision of law, whichever provision is more restrictive or imposes higher standards shall control.

Section 11.2. Private Provisions. These Regulations are not intended to abrogate any Easement, covenant or any other private agreement or restriction, provided that where the provision of these Regulations is more restrictive or imposes higher standards or regulations than such Easement, covenant or other private agreement or restriction, the requirement of these Regulations shall govern. Where the provision of the Easement, covenant or private agreement or restriction imposes duties and obligations more restrictive, or higher standards than the requirements of these Regulations, or the determinations of the Commission in approving a Subdivision or in enforcing these Regulations, and such private provisions are not inconsistent with these Regulations or determination thereunder, then such private provisions shall be operative and supplemental to these Regulations and determination made thereunder.

ARTICLE XII LAND CONVEYANCE AMONG IMMEDIATE FAMILY MEMBERS

Section 12.1. Definitions. For the purposes of this Article, Immediate Family Member shall mean husband, wife, children, brothers, sisters, parents, step-parents, step-children, grandparents, grandchildren, step-grandchildren and grandparents or spouse's brothers, sisters, parents, step-parents, step-children, grandchildren, step-grandchildren and grandparents.

Section 12.2. General Requirements. The following documents must be presented to the County Engineer in order to qualify for consideration as land conveyance among Immediate Family Members:

1. A signed statement certifying to the family relationship of the parties involved in the land conveyance.
2. A drawing of the property being transferred, stamped and sealed by a Licensed Professional Land Surveyor. The deed book and page number of the parent tract to be shown on said drawing.
3. A copy of a recorded deed for all necessary Rights-of-Way and Easements as required by the County Engineer.

ARTICLE XIII LEGAL PROVISIONS

Section 13.1. 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 13.2. Saving 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 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 13.3. Incorporation by Reference. Code of Alabama, § 11-24-1 et seq. (1975), as amended, is attached hereto as Appendix III, and is hereby specifically incorporated by reference and made a part of these Regulations.

Section 13.4. Amendments. The Commission may from time to time amend the provisions imposed by these Subdivision regulations.

Section 13.5. Resubdivisions. For any change in a plat of an approved or recorded Subdivision plat, if such change effects any Street layout shown on such plat or area reserved thereon for public use or any Lot Line, such parcel shall be approved by the Commission by the same procedure, rules and regulations as for Subdivisions.

ARTICLE XIV EFFECTIVE DATE

These Subdivision Regulations shall take effect and be in force as follows:

Subdivision Regulations heretofore are hereby rescinded.

- Adopted on May 27, 2005, Effective beginning August 1, 2005

- Revised August 17, 2007, Effective Date of Revisions: October 1, 2007
- Revised August 14, 2009, Effective Date of Revisions: August 14, 2009
- Revised August 13, 2010, Effective Date of Revisions: August 13, 2010
- Revised May 31, 2012, Effective Date of Revisions: June 4, 2012
- Revised April 4, 2014, Effective Date of Revisions: April 9, 2014
- Revised December 10, 2014, Effective Date of Revisions: December 17, 2014
- Revised August 9, 2017, Effective Date of Revisions: September 1, 2017

APPENDIX I

SAMPLE CERTIFICATES AND APPLICATIONS

**Certificate of Flood Hazard Designation
(Proposed and Final Plat)**

I, _____, the engineer/surveyor of record, certify that the Subdivision shown hereon is within flood hazard area _____ as shown on the most current Federal Emergency Management Agency Flood Insurance Rate Maps for the County. I further certify that the Subdivision show hereon complies in all respects with the Madison County Flood Damage Prevention Ordinance, as last revised.

Firm Panel # _____
Dated _____

(Required on Final Plat only.) Based on the current designation of Floodway and flood fringe, the minimum finished floor elevation shall be _____.

(Signature and Seal)

**Permit to Develop
(Proposed Plat)**

I, _____, the County Engineer for Madison County, Alabama, hereby authorize construction of public improvements as reflected hereon.

(Signature)

(Date)

**Certificate of Utility Availability
(Proposed Plat)**

The _____ has reviewed the required submission material for the proposed Subdivision in sufficient detail to determine that service can be made available.

(Signature)

(Date)

**Certificate of Driveway Pipe Schedule
(Final Plat)**

I, _____, the engineer of record, certify that the schedule of driveway pipe sizes for the noted Lots listed below meet the applicable requirements of the Madison County Subdivision regulations and are of sufficient size to adequately convey stormwater runoff at the designated location.

Lot or Tract No.	Required Size, In.

(Signature and Seal)

**Surveyor's Certificate of Land Platted
(Final Plat)**

STATE OF ALABAMA)
COUNTY OF MADISON)

I, _____, 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). I further state that the land described in this survey is a portion of the land described in the deed recorded at Book _____ and Page _____ in the Office of the Judge of Probate of Madison County, Alabama.

I further state that this survey and plat meet the Standards of Practice as set forth by the Alabama Society of Professional Land Surveyors and/or the Alabama State Board of Licensure for Professional Engineers and Land Surveyors to the best of my knowledge, information and belief. It is further certified that said plat is a true plat of the lands reflected herein, giving the length and bearings of the boundaries of each Block and Lot and Block number; showing the Streets, Alleys and public grounds; giving the bearings, length, width and name of each Street; showing the relationship of the lands to the government survey; and that Monuments shown hereon shall be installed at all Lot corners and curve points prior to final inspection by the Madison County Engineer or his designee.

This the _____ day of _____, _____.

(Signature of Surveyor)
(Typed Name of Surveyor)
Alabama License #: _____

**Engineer's Certificate of Completion of Subdivision with Public Improvements
(Final Plat)**

(Your Letterhead)

(Date)

Mr. Richard Grace, P.E.
Madison County Engineering Department
266-C Shields Road
Huntsville, AL 35811

RE: (Subdivision Name)

Dear Mr. Grace:

I, (Name of Engineer, PE, Subdivision Name), hereby certify to the following items under Section 8.2 of the Madison County Subdivision Regulations:

All required public improvements are complete or, if not complete, guaranteed by a surety approved by Madison County.

The public improvements are in compliance with the minimum standards specified by The County Engineer for construction.

After reasonable inquiry, I have no knowledge of defects from any cause in any public improvements.

The public improvements, including, but not limited to, streets, curbs and gutters, storm drainage structures and appurtenances, are located in dedicated rights-of-way and/or easements.

This certification is based on inspections and investigations of this engineer and shall not constitute any express or implied warranty or guarantee of the improvements, to the best of my knowledge, information, and belief.

Pursuant to Section 8.2 of the Madison County Subdivision Regulations, I, (Name of Developer, Subdivision Name) hereby certify as follows:

The public improvements are in compliance with the minimum standards specified by Madison County and the County Engineer for their construction.

I know of no defects from any cause in any public improvements within the Subdivision.

The public improvements within the Subdivision are free and clear of any encumbrances or liens.

We hereby request a final inspection with your office at your earliest convenience. Please feel free to contact our office with any questions regarding this matter.

Respectfully submitted,

By: (Signature of Engineer, Date) By: (Signature of Developer, Date)

NAME: _____
P.E.#: _____
TITLE: _____
FIRM: _____
DATE: _____

**Dedication
(Final Plat)**

I/We, _____ (Land Owner or Developer, address), have caused the land embraced in the within plat to be surveyed, laid out and platted to be known as (Subdivision Name), a part of (Section Call Out), Madison County, Alabama, and that the public improvements, including streets, easements, rights-of-way, drainage facilities, etc. as shown on said plat are hereby dedicated to the use of the public. I/We also certifies (certify) that he (she, they, it) is (are) the Owner(s) of said lands and that the same are not subject to any mortgage.

Signed and sealed in the presence of:

Property Owner

Witness

Date

Acknowledgment

STATE OF ALABAMA)
COUNTY OF _____)

I, _____, Notary Public in and for said County, in said State, hereby certify that (individual'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

Acknowledgment

STATE OF ALABAMA)
COUNTY OF _____)

I, _____, Notary Public in and for said County, in said State, hereby certify that (Owner's name), whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the content of the instrument, executed the same voluntarily.

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

NOTARY PUBLIC

**Certificate of Approval by the County Engineer
(Final Plat)**

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

County Engineer
County of Madison, Alabama

**Acknowledgement of County Commissioner
(Proposed Plat)**

Commissioner District

**Certificate of Approval by the County Commission
(Final and Proposed Plat)**

The within plat of (Subdivision Name), Madison County, Alabama, is hereby approved by the Madison County Commission this the ____ day of _____, 20____.

MADISON COUNTY COMMISSION

Chairman

**Certificate for Recording by Judge of Probate
(Final Plat)**

State of Alabama
Madison County

I, _____, Judge of Probate of the County and State Aforesaid, certify that the within plat of (Subdivision Name), Madison County, Alabama, was filed for record in this office on the ____ day of _____, 20____, at ____ : ____ M and duly recorded as the document number shown below.

Document Number: _____

Judge of Probate

Application for Variance

Date Application Prepared: _____

Fee: _____

A variance is a modification of the strict terms of the relevant regulations where such modifications will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the results of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

Applicant Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____ Telephone: _____

Location of property under consideration (address and/or description): _____

Nature of variance required (describe generally the nature of the variance): _____

Justification of Variance: On a separate sheet, please attach a statement explaining why the variance from requirements of the subdivision regulation is required. Include such items as:

- a. Exceptional topographical or other conditions peculiar to this particular parcel or land.
- b. Why the strict interpretation of the regulations would deprive the applicant of rights enjoyed by other property owners.
- c. That the peculiar conditions do not result from previous actions of the applicant.
- d. That the required variance is the minimum variance that will allow a reasonable division of the land.
- e. A sketch of the area showing the location and characteristics of the requested variance.

I certify that all information contained in this application and its supplements is true and correct.

Date: _____ Signature: _____

(For Official Use Only)

Date Application Received: _____

Description of Action: _____

Fee Received: No _____ Yes _____ Amount _____

Comments: _____

Maintenance Letter

This is to notify you that the Final Inspection has been performed at _____ and that the items on the attached punch list have been resolved. I hereby request that the _____ Year Maintenance Period begin on this date.

Engineer

Date

Approved: _____
Madison County Engineering Department

Notification Letter

(To be sent Certified Mail)

(Insert Name and Address)

Re: (Insert Name of Subdivision)

To Whom It May Concern:

Because you are an adjoining property owner, you are hereby notified that the Madison County Engineer will recommend approval of the above-referenced Subdivision to the Madison County Commission on (insert date of Commission meeting). You are invited to attend an informational meeting that will be held at (insert date and time of informational meeting) at the office of the Madison County Engineer located at 266-C Shields Road; Huntsville, Alabama 35811. For further information, contact the Madison County Engineer's office at (256) 746-2925.

Signature of Developer's or Owner's Representative

Certification of Improvements

(Your Letterhead)

(Date)

Mr. Richard Grace
Madison County Engineering Department
266-C Shields Road
Huntsville, Alabama 35811

Re: (Subdivision Name)

Dear Mr. Grace:

I, (Name of Engineer, PE, Subdivision Name) hereby certify to the following items under Section 8.2 of the Madison County Subdivision Regulations:

All required public improvements are complete or, if not complete, guaranteed by a surety approved by Madison County.

The public improvements are in compliance with the minimum standards specified by the County Engineer for construction.

After reasonable inquiry, I have no knowledge of defects from any cause in any public improvements.

The public improvements, including, but not limited to, streets, curbs and gutters, storm drainage structures and appurtenances, are located in dedicated right-of-ways and/or easements.

Pursuant to Section 8.2 of the Madison County Subdivision Regulations, I, (Name of Developer, Subdivision Name) hereby certify as follows:

The public improvements are in compliance with the minimum standards specified by Madison County and the County Engineer for their construction.

I know of no defects from any cause in any public improvements within the Subdivision.

The public improvements within the Subdivision are free and clear of any encumbrances or liens.

We hereby request a final inspection with your office at your earliest convenience. Please feel free to contact our office with any questions regarding this matter.

Respectfully submitted,

By: (Signature of Engineer, Date)

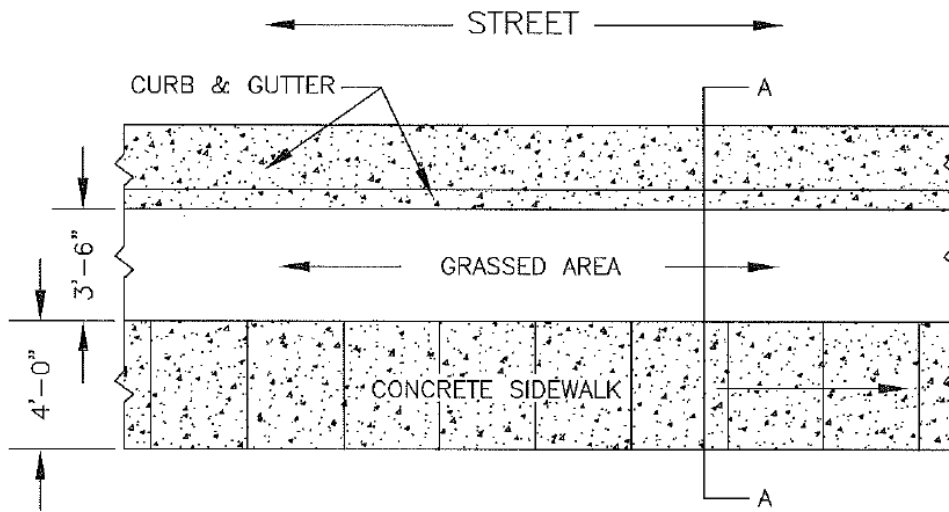
By: (Signature of Developer, Date)

APPENDIX II
STANDARD DETAILS

The following standard details are included:

- Concrete Sidewalk
- Cul-de-Sac (50' ROW)
- Cul-de-Sac (60' ROW)
- Curb and Gutter
- Backfill for Storm Sewer in Non-Traffic Area
- Backfill for Storm Sewer in Traffic Area
- Temporary Turnaround
- Typical Section – Roadway with Curb and Gutter
- Typical Section – Roadway with Roadside Ditches

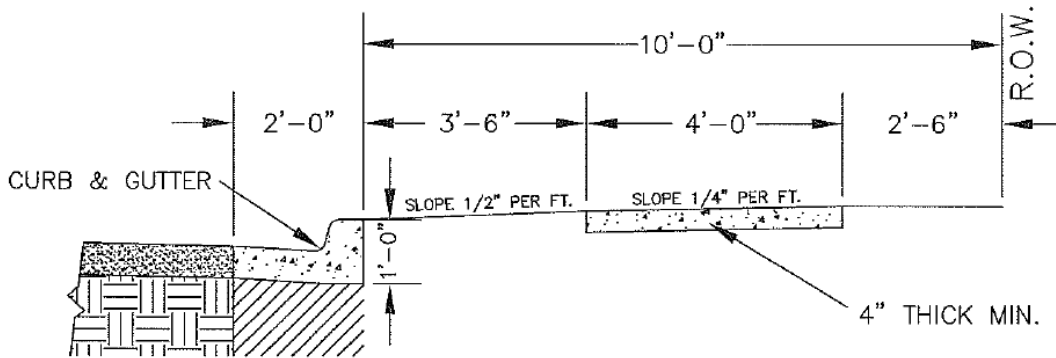
DETAIL FOR STANDARD CONCRETE SIDEWALK



1/2" PREMOLDED EXPANSION JOINT (BITUMINOUS)
 USE NEXT TO BUILDINGS, STRUCTURES AND CURBS
 SPACING AT 75 FT. INTERVALS. ALL EDGES AND
 JOINTS TO BE ROUNDED TO 1/4" RADIUS

CONSTRUCTION JOINTS MAY BE FORMED BY 1/8"
 METAL PLATES. REMOVE AFTER FINISHING, OR BY
 CUTTING SLAB AT 25 FT. INTERVALS TO 1/3 OF
 FULL DEPTH. ROUND ALL EDGES WITH 1/4" RADIUS
 GROOVE FINISHING TOOL.

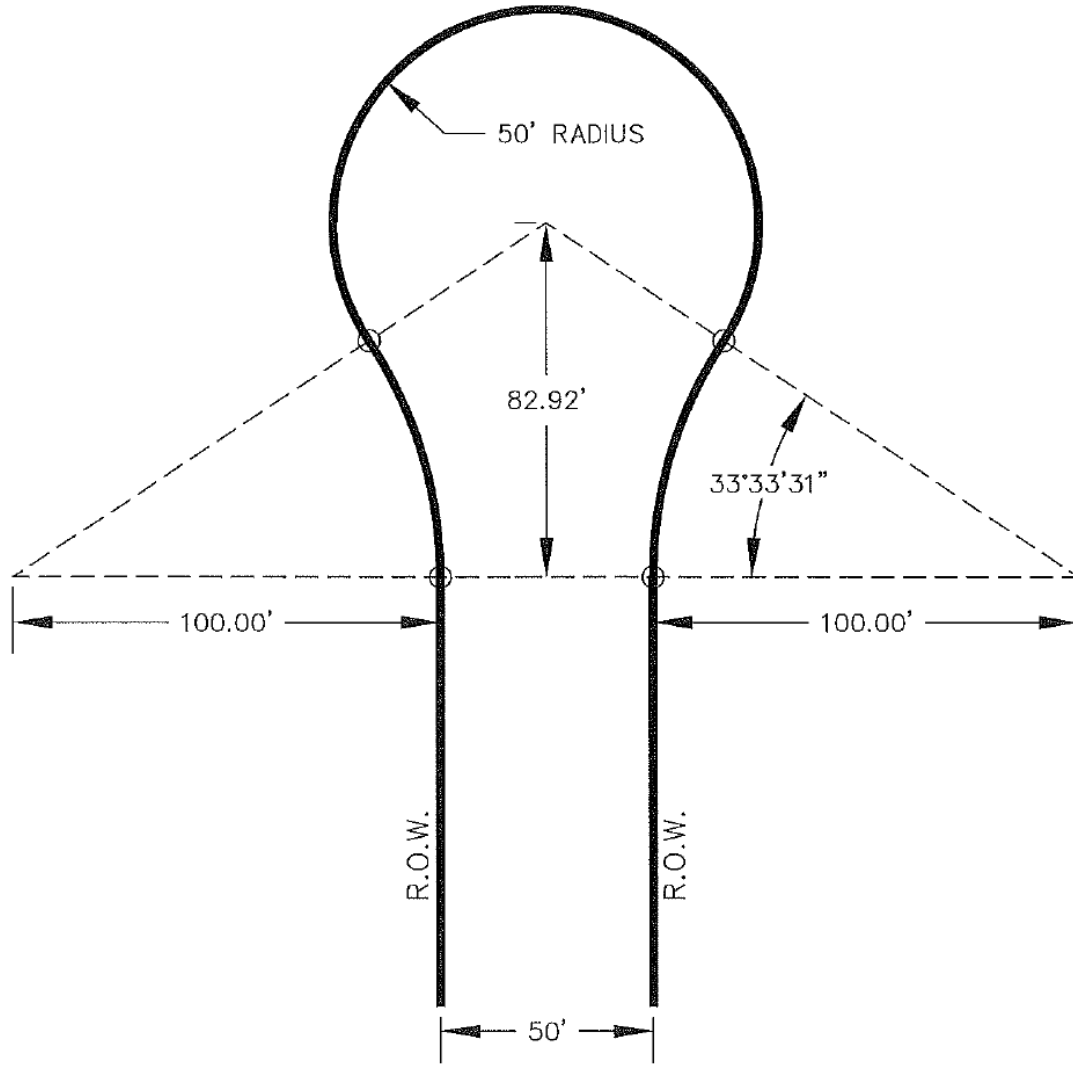
PLAN
 NOT TO SCALE



SECTION A--A
 NOT TO SCALE

REVISIONS	DETAIL FOR STANDARD CONCRETE SIDEWALK	
	DRAWN BY: PLR	CHECKED BY: BHM
	DATE: JULY, 2011	

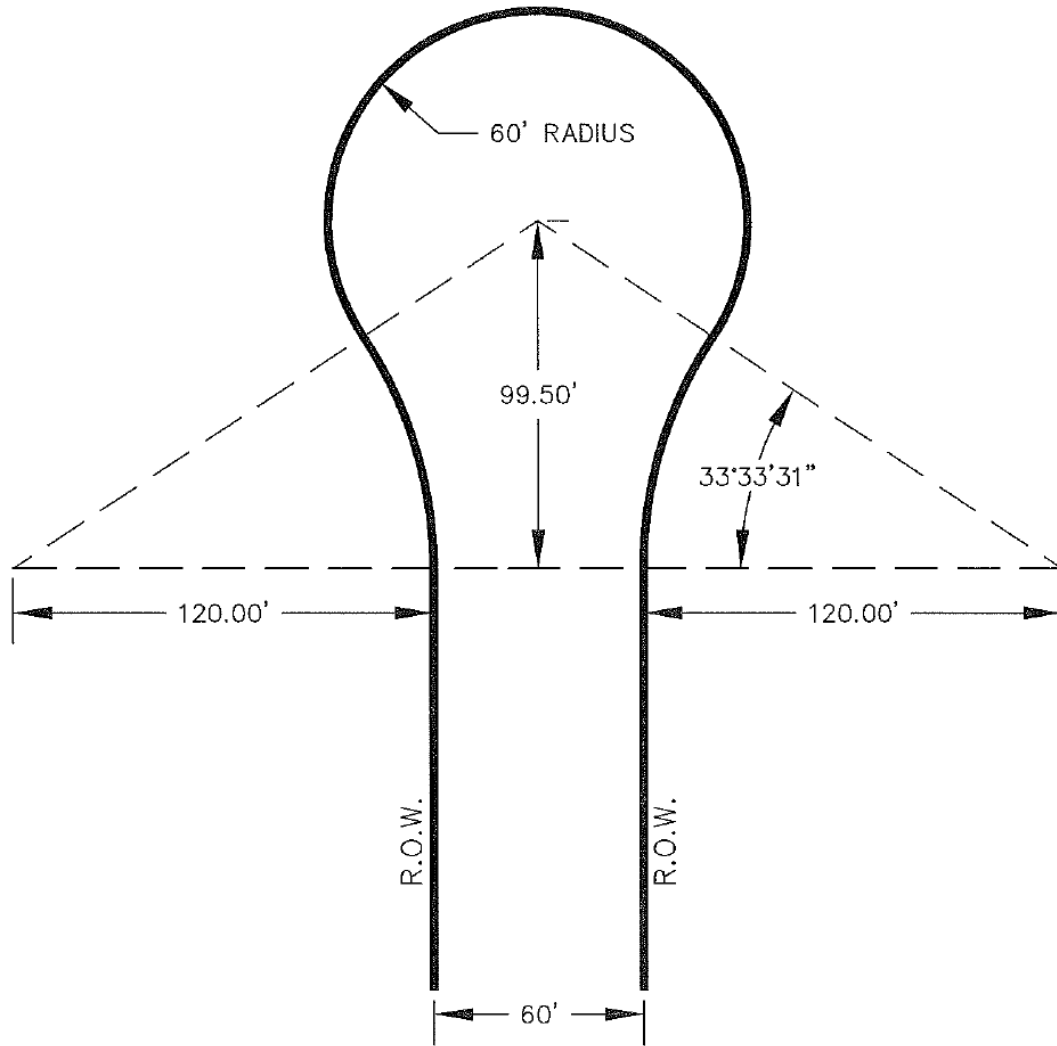
STANDARD CUL-DE-SAC DETAIL
(50' R.O.W.)



NOT TO SCALE

REVISIONS	STANDARD CUL-DE-SAC DETAIL FOR 50' R.O.W.	
	DRAWN BY: PLR	CHECKED BY: BHM
	DATE: JULY, 2011	

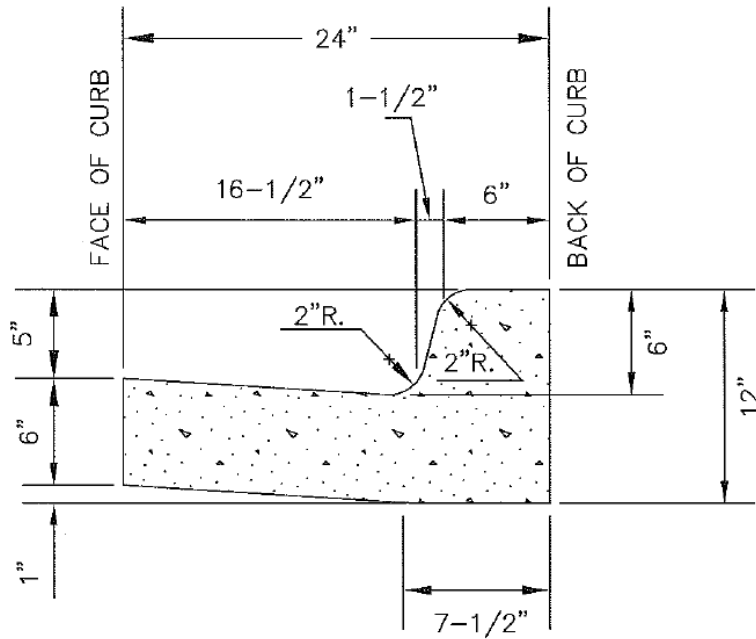
STANDARD CUL-DE-SAC DETAIL
(60' R.O.W.)



NOT TO SCALE

REVISIONS	STANDARD CUL-DE-SAC DETAIL FOR 60' R.O.W.	
	DRAWN BY: PLR	CHECKED BY: BHM
	DATE: JULY, 2011	

STANDARD CURB AND GUTTER

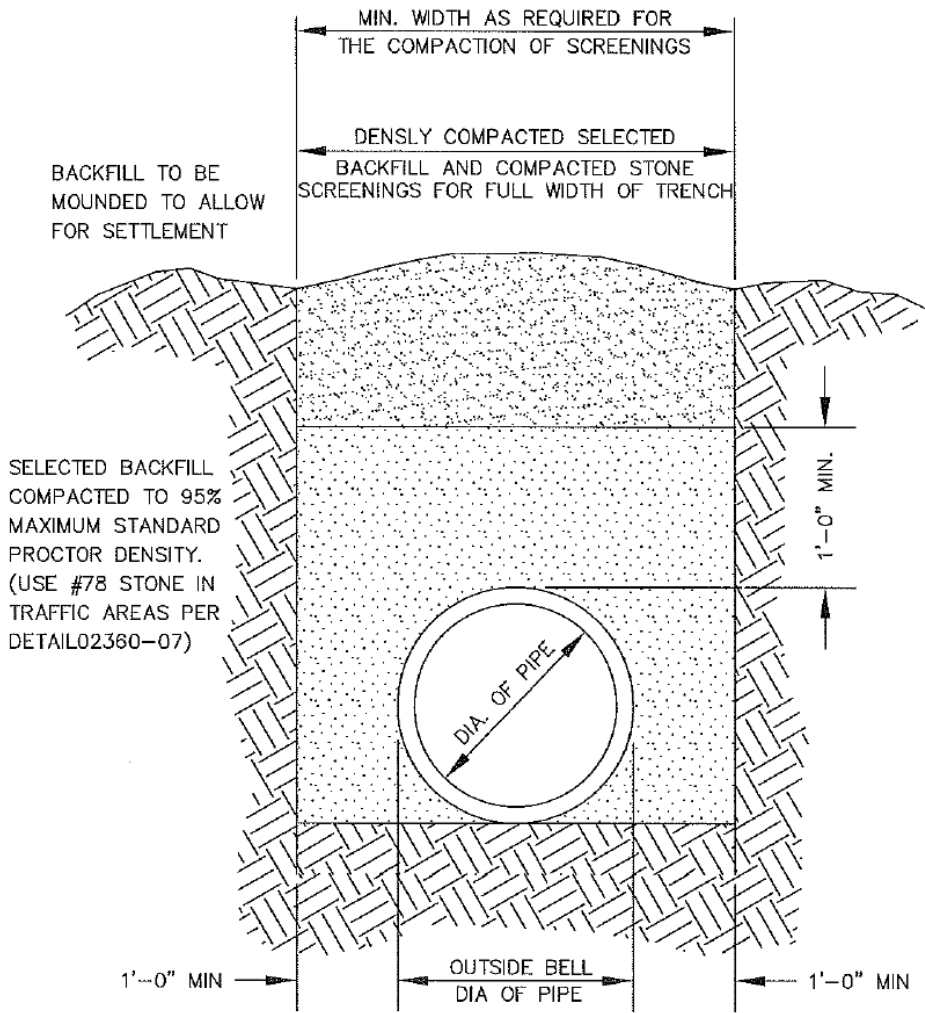


- NOTES: -EXPANSION JOINTS REQUIRED AT 75' INTERVALS
 -CONSTRUCTION JOINTS REQUIRED AT 25' INTERVALS
 -3000 p.s.i. CONCRETE

NOT TO SCALE

REVISIONS	STANDARD CURB AND GUTTER	
	DRAWN BY: PLR	CHECKED BY: BHM
	DATE: JULY, 2011	

BACKFILL FOR STORM SEWER IN NON TRAFFIC AREA

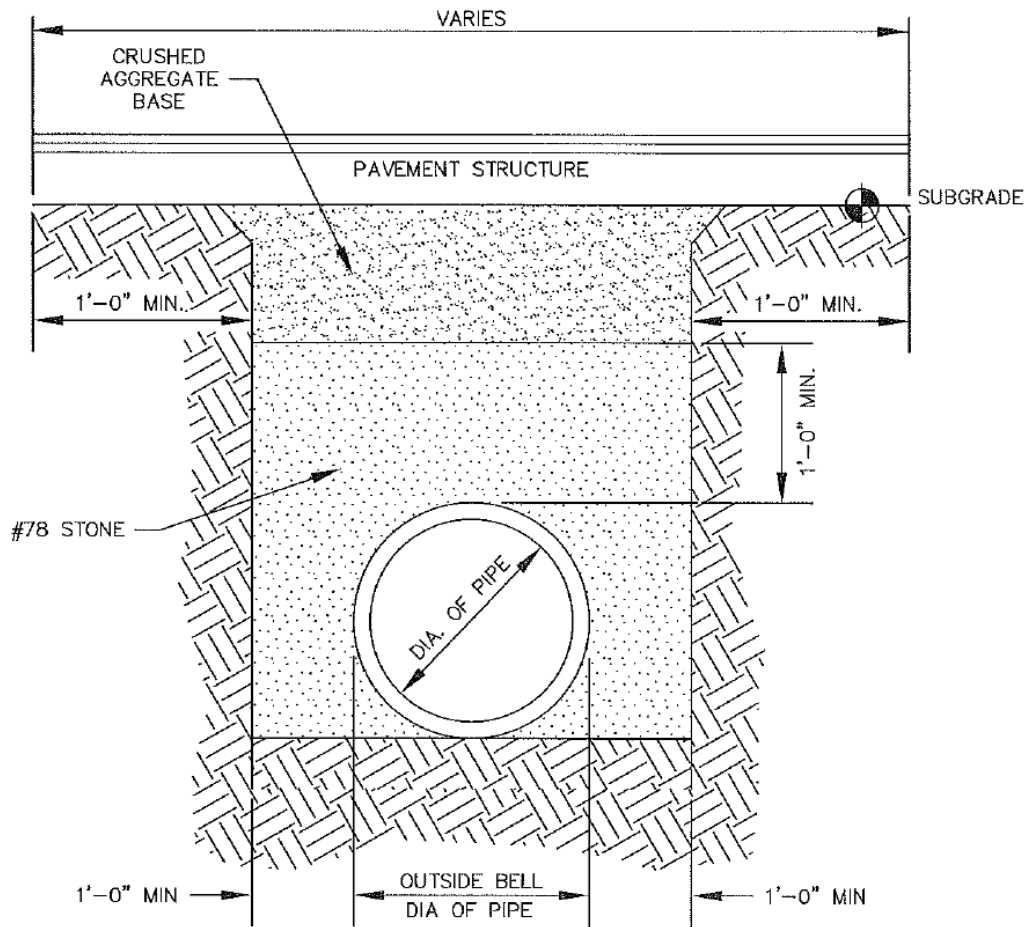


NOTE: DETAIL APPLICABLE TO REINFORCED CONCRETE PIPE ONLY.

NOT TO SCALE

REVISIONS	BACKFILL FOR STORM SEWER IN NON-TRAFFIC AREA	
5/11/2012		
	DRAWN BY: PLR	CHECKED BY: BHM
	DATE: JULY, 2011	

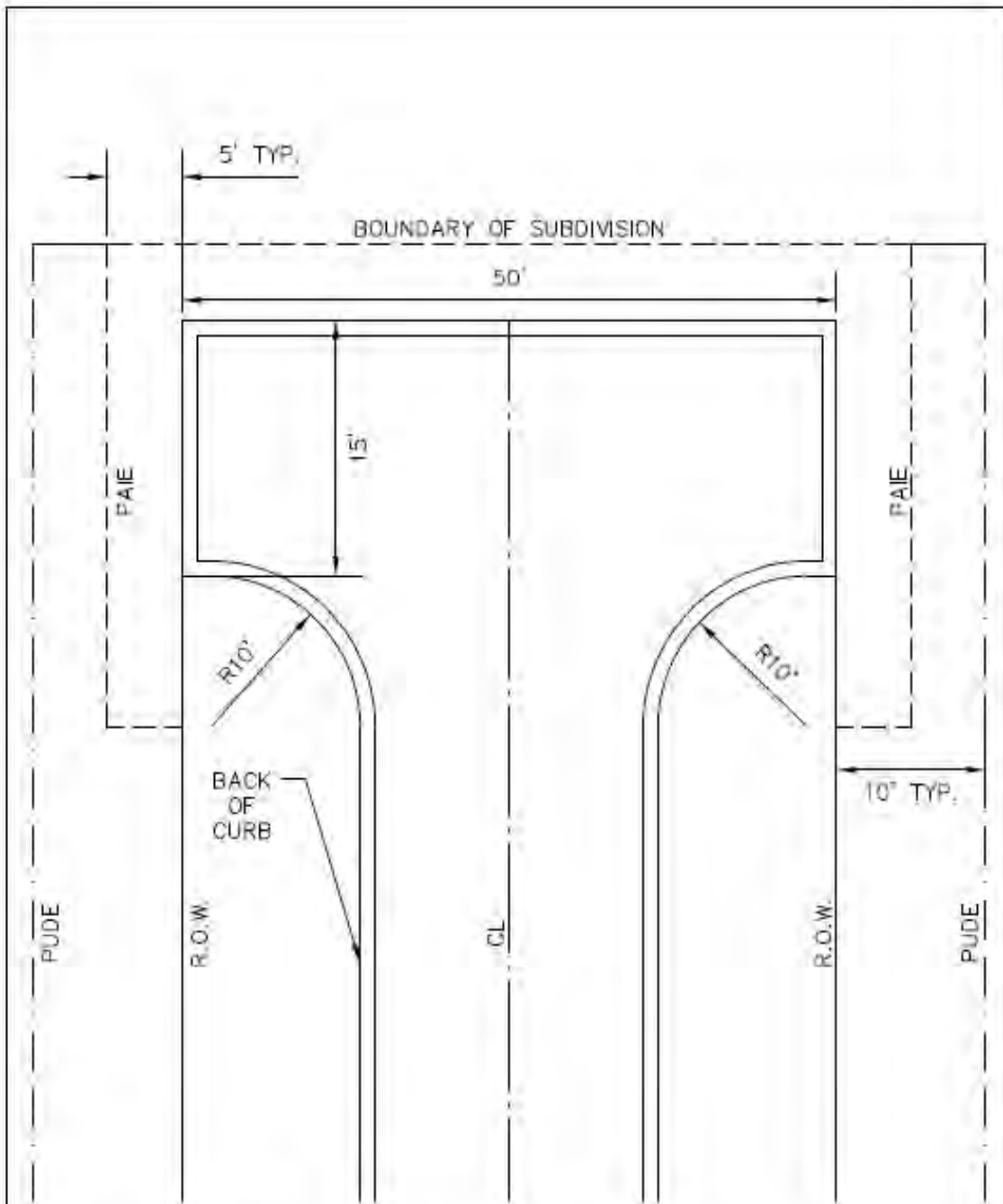
BACKFILL FOR STORM SEWER IN TRAFFIC AREA



NOTE: DETAIL APPLICABLE TO REINFORCED CONCRETE PIPE ONLY.

NOT TO SCALE

REVISIONS	BACKFILL FOR STORM SEWER IN TRAFFIC AREA	
5/11/2012	DRAWN BY: PLR	CHECKED BY: BHM
	DATE: JULY, 2011	



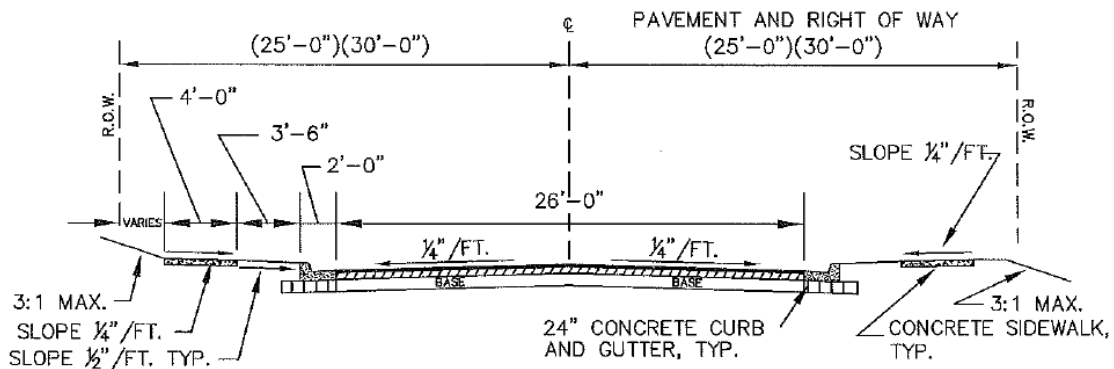
PUDE: PUBLIC UTILITY & DRAINAGE EASEMENT
 PAIE: PUBLIC ALL-INCLUSIVE EASEMENT



STANDARD TURN AROUND DETAIL

DRAWN BY: KSM	CHECKED BY: BHM
DATE: JULY 7, 2017	

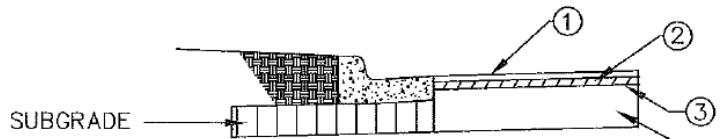
TYPICAL SECTION LOCAL STREET



TOP 6" OF SUBGRADE IS TO BE COMPACTED TO 100% PROCTOR DENSITY, BELOW TOP 6" IS TO BE COMPACTED TO 95% PROCTOR DENSITY AS DETERMINED BY AASHTO T-99 COMPACTION TEST. SEE SPECIFICATIONS FOR ADDITIONAL INFORMATION.

FULL SECTION

NOT TO SCALE



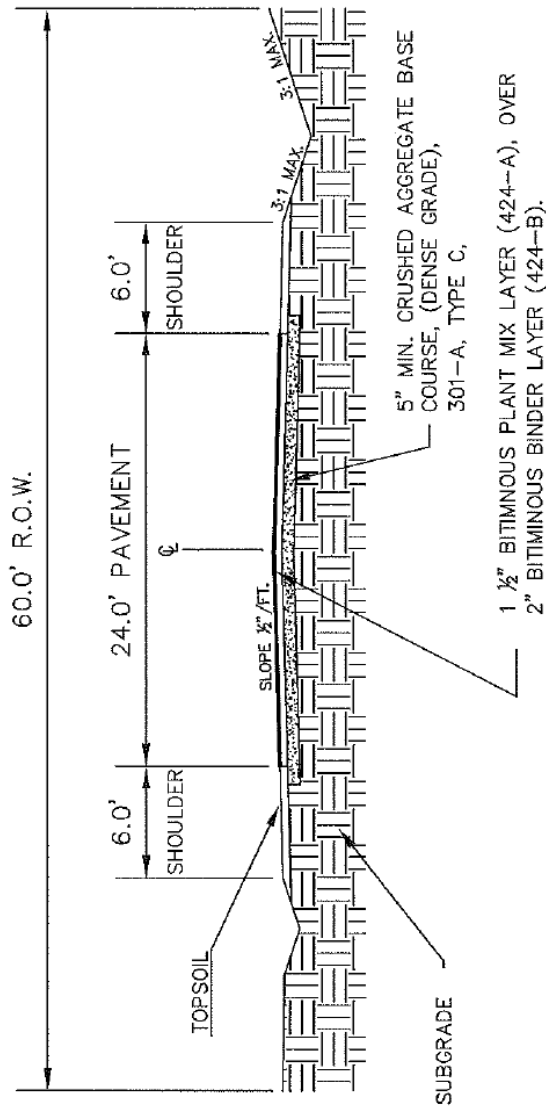
PAVEMENT SECTION

NOT TO SCALE

MINIMUM REQUIREMENTS

- ① 165 LBS./S.Y.(1 1/2") BITUMINOUS WEARING COURSE ALA. HIGHWAY DEPT., REF. 424A OF SPECIFICATIONS (NON-SILICEOUS AGGREGATE)
- ② 224 LBS./S.Y.(2") HOT BITUMINOUS CONCRETE BINDER COURSE, ALA. HIGHWAY DEPT., REF. 424B OF SPECIFICATIONS
- ③ 0.10 GAL./S.Y. EMULSIFIED ASPHALT OR 0.07 GAL./S.Y. TACK COAT. ALL MATERIALS ARE TO BE IN ACCORDANCE WITH SECTION 405 OF THE ALA HIGHWAY DEPT. SPECIFICATIONS
- ④ 5" LAYER MIN. OF DENSE GRADED LIMESTONE BASE COURSE, ALA. HIGHWAY DEPT., REF. 301 OF SPECIFICATIONS. ALL MATERIALS SHALL BE IN ACCORDANCE WITH SECTION 825, TYPE "B", COMPACTION TO 100% PROCTOR DENSITY.

REVISIONS	TYPICAL SECTION LOCAL STREET	
	50' and 60' RIGHT-OF-WAY	
	DRAWN BY: PLR	CHECKED BY: BHM
	DATE: JULY, 2011	



TYPICAL ROADWAY SECTION
NOT TO SCALE

REVISIONS

TYPICAL ROADWAY SECTION

DRAWN BY: PLR

CHECKED BY: BHM

DATE: JULY, 2011

APPENDIX III

LEGISLATION

Code of Ala. § 11-24-1

Titles 1-44 current through the end of the 2017 Regular Session, except Acts 2017, Nos. 17-348, 17-375, 17-382, 17-397, 17-422, 17-433, 17-442, and 17-466.

§ 11-24-1. Definitions — Powers of county commission.

(a) When used in this chapter, the following words shall have the following meanings:

(1) **County.** — A political subdivision of the state created by statute to aid in the administration of government.

(2) **County commission.** — The chief administrative or legislative body of the county.

(3) **Streets.** — Streets, avenues, boulevards, roads, lanes, alleys, viaducts, and other roads.

(4) **Subdivision.** — The development and division of a lot, tract, or parcel of land into two or more lots, plats, sites, or otherwise for the purpose of establishing or creating a subdivision through the sale, lease, or building development. Development includes, but is not limited to, the design work of lot layout, the construction of drainage structures, the construction of buildings or public use areas, the planning and construction of public streets and public roads, and the placement of public utilities. A subdivision does not include the construction or development of roads or buildings on private property to be used for agricultural purposes.

(b) The county commission or like governing body of each county in the state shall be authorized to regulate the minimum size of lots, the planning and construction of all public streets, public roads, and drainage structures and require proper placement of public utilities to be located in proposed subdivisions of land or in proposed additions to subdivisions of land existing at the time of the enactment of this chapter where the subdivisions are situated outside the corporate limits of any municipality in the county. The placement of public utilities shall not be inconsistent with the requirements of the Southern Standard Building Code, state and federal laws, and regulations of state and federal regulatory agencies. If the county commission or like governing body of any county shall require the placement of public utility facilities in any subdivision or addition thereto in a manner which is other than the most economical method available from an engineering standpoint, then the developer of the subdivision or addition shall reimburse the utility for the difference in cost between the method so required by the county governing body and the most economical method available.

(c) The county commission or like governing body of each county in the state may establish a board of developers to make suggestions to the commission regarding the development and division of subdivisions. The board may advise the commission on the contents of the regulations, revisions that need to be made to the regulations, and assist in resolving disputes between the commission and developers.

Code of Ala. § 11-24-2

Titles 1-44 current through the end of the 2017 Regular Session, except Acts 2017, Nos. 17-348, 17-375, 17-382, 17-397, 17-422, 17-433, 17-442, and 17-466.

§ 11-24-2. Developers and owners; requirements.

(a) It shall be the duty of the owner and developer of each subdivision to have all construction completed in conformity with this chapter and, prior to beginning any construction or development, to submit the proposed plat to the county commission for approval and obtain a permit to develop as required in this section. The permit to develop shall be obtained before the actual sale, offering for sale, transfer, or lease of any lots from the subdivision or addition to the public, it must include a plan to deliver utilities including water, and shall only be issued upon approval of the proposed plat by the county commission. As a condition for the issuance of a permit, the county commission may require any of the following for approval of the proposed plat:

(1) The filing and posting of a reasonable surety bond with the county commission by the developers of the proposed subdivisions or proposed additions to guarantee the actual construction and installation are in accordance with approved plans for public streets, public roads, drainage structures, and public utilities.

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

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

(b) No proposed plat shall be approved or disapproved by the county commission without first being reviewed by the county engineer or his or her designee. Following the review, the county engineer or his or her designee shall certify to the commission whether the proposed plat meets the county's regulations. If the proposed plat meets the regulations, it shall be approved by the commission. Should the proposed plat be determined by the county engineer to be deficient in any regard, the county engineer shall detail the deficiency to the county commission along with a recommendation that it be disapproved. Notice of the recommendation of the engineer shall be sent to the owner or developer whose name and address appears on the submitted proposed plat by registered or certified mail at least 10 days before the recommendation shall be presented to the county commission for action. A similar notice shall be mailed to the owners of land immediately adjoining the platted land as their names appear upon the plats in the office of the county tax assessor and their addresses appear in the directory of the county or on the tax records of the county and to each utility affected thereby. Each utility notified in writing by the commission shall be given at least 10 days to review the proposed plat and submit a written report to the commission as to whether all provisions affecting the service to be provided by the utility are reasonable and adequate. If any utility affected by the proposed plat is not properly notified then the approval or disapproval by the county commission shall not be valid until the affected utility has been given at least ten days' notice prior to such approval or disapproval as provided by this subsection.

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

(d) Notwithstanding the provisions of subsections (a), (b), and (c), this section shall not apply to the sale, deed, or transfer of land by the owner to an immediate family member, except that, in the event that there is any sale, deed, or transfer of land by the owner or an immediate family member to someone other than an immediate family member, this chapter shall then apply to any subdivision of property as defined in subdivision (4) of *Section 11-24-1*.

Code of Ala. § 11-24-2.1

Titles 1-44 current through the end of the 2017 Regular Session, except Acts 2017, Nos. 17-348, 17-375, 17-382, 17-397, 17-422, 17-433, 17-442, and 17-466.

§ 11-24-2.1. Developers and owners; pre-sale agreements.

(a) Notwithstanding the provisions of *Section 11-24-2*, the developer may obtain authorization from the county engineer to secure pre-sale agreements from prospective buyers of property included in a proposed subdivision development prior to obtaining the permit to develop if the developer establishes to the satisfaction of the county engineer that: (1) the developer has a preliminary plan for the subdivision development that is likely to be approved under the county's subdivision regulations and (2) the developer has explained to the satisfaction of the county engineer the reasons for requesting authorization to secure pre-sale agreements.

(b) Upon receiving authorization from the county engineer for the developer to secure pre-sale agreements as provided in subsection (a), the developer shall notify the county engineer in writing when

financing has been obtained, and if no such notification is received within six months of the date the authority is granted, the authority shall be revoked by the operation of law and any further efforts on the part of the developer to secure pre-sale agreements shall be a violation of this chapter punishable by fines as set out in *Section 11-24-3*. The developer may request from the county engineer an extension of the time set forth herein for notification in order to allow the developer additional time to secure pre-sale agreements; provided that no pre-sale agreements may be entered into following the six-month time period until and unless an extension has been granted.

(c) Any pre-sale agreements secured by the developer under authority of this section shall clearly state that any final sale of the property shall not take place until and unless the developer has obtained a permit to develop pursuant to the requirements of *Section 11-24-2*. Any pre-sale agreements executed in violation of this chapter shall be punishable by fines as set out in *Section 11-24-3*. Additionally, the failure to comply with this section shall result in the county

engineer revoking the authority granted to secure pre-sale agreements for the proposed development.

(d) The authorization to secure pre-sale agreements from prospective buyers of property included in a proposed subdivision development prior to obtaining the permit to develop as provided in this section shall in no way affect the developer's requirement to comply with the county's subdivision regulations and, in particular, to obtain the permit to develop as provided in *Section 11-24-2* prior to the actual sale, offering for sale, transfer, or lease of any lots from the subdivision except as specifically authorized in this section.

Code of Ala. § 11-24-3

Titles 1-44 current through the end of the 2017 Regular Session, except Acts 2017, Nos. 17-348, 17-375, 17-382, 17-397, 17-422, 17-433, 17-442, and 17-466.

§ 11-24-3. Enforcement.

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

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

(c) The county commission may employ inspectors and may request the county license inspector to see that its rules and regulations are not violated and that the plans and specifications for the minimum size of lots, the planning and construction of public streets, public roads, and drainage structures, and the placement of public utilities are not in conflict with the rules and regulations of the county. The county commission may charge inspection fees, not to exceed actual costs, to be paid by the owners of the property inspected.

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

Code of Ala. § 11-24-4

Titles 1-44 current through the end of the 2017 Regular Session, except Acts 2017, Nos. 17-348, 17-375, 17-382, 17-397, 17-422, 17-433, 17-442, and 17-466.

§ 11-24-4. Public utility powers not impaired.

This chapter shall not be construed to impair the right of eminent domain granted heretofore or hereafter by the laws of this state to utilities, whether public or private, or their right to exercise authority conferred by statutes, franchises, certificates of convenience and necessity, licenses or easements.

Code of Ala. § 11-24-5

Titles 1-44 current through the end of the 2017 Regular Session, except Acts 2017, Nos. 17-348, 17-375, 17-382, 17-397, 17-422, 17-433, 17-442, and 17-466.

§ 11-24-5. Jurisdiction of county; restrictions. [Repealed]

Repealed Acts 2012, No. 12-297, § 4, effective October 1, 2012.

Code of Ala. § 11-24-6

Titles 1-44 current through the end of the 2017 Regular Session, except Acts 2017, Nos. 17-348, 17-375, 17-382, 17-397, 17-422, 17-433, 17-442, and 17-466.

§ 11-24-6. Jurisdiction of county; agreements with municipalities.

It is the intent of the legislature that all proposed subdivisions be subject to regulation, and counties and municipalities affected by provisions of this chapter shall have authority to reach and publish agreement as to exercise of jurisdictional authority over proposed subdivisions, which agreement shall be published once a week for two consecutive weeks in a newspaper of general circulation in the county and affected municipality and such agreement shall thereafter have the force and effect of law.

Code of Ala. § 11-24-7

Titles 1-44 current through the end of the 2017 Regular Session, except Acts 2017, Nos. 17-348, 17-375, 17-382, 17-397, 17-422, 17-433, 17-442, and 17-466.

§ 11-24-7. Cumulative nature of provisions.

The provisions of this chapter are cumulative and shall not repeal any local law or general law of local application granting similar or additional duties and authority to any county commission.