

Subdivision Regulations

Mobile County, Alabama



Adopted June 26th, 2023

Effective July 31st, 2023

Repeals and Rescinds Previous Subdivision Regulations

Adopted December 13th, 2004 and Amended April 26th, 2005

Recorded in Book 5793, Page 1256 of the Probate Court

FOREWORD

A subdivision is defined as the development and/or division of a lot, tract, or parcel of land into **two (2) or more lots, plats, sites**, or otherwise for the purpose of establishing or creating a subdivision through the **sale, lease, or building development of the lot or lots**. Further explanation of the definition and any exemptions from these subdivision regulations can be found in Article II Section 2-1-94 of these regulations. See also Code of Alabama 1975, §11-24-1(a) (4).

Any individual who plans to develop and/or divide a parcel of land in the County should consult with the County Engineer early in the planning phase of the Development to assure compliance with these regulations.

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ARTICLE I

PURPOSE AND POLICY

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SECTION 1-1 PURPOSE AND POLICY

The subdivision regulations set out herein have been adopted pursuant to authority granted by Code of Alabama 1975, § 11-24-1 *et seq.* to establish procedures and standards for the design and development of proposed subdivisions or additions to existing subdivisions within the subdivision jurisdiction of Mobile County, Alabama. These regulations shall be applicable to the development of and/or extension(s) of any subdivision within the county's subdivision jurisdiction, and shall include, at a minimum, the minimum size of lots, the planning and construction of all public streets and roads, drainage structures, and proper placement of public utilities to be located in a subdivision. Additionally, unless waived by the Mobile County Commission, these regulations shall also apply to the county's plat approval for developments within the extra territorial jurisdiction of a municipal planning commission; provided, however, that in such instance, the County's approval shall be limited to the approval required in Code of Alabama 1975, § 11-52-30 *et seq.* regarding approval of plats, and shall not include enforcement.

By adoption by the Mobile County Commission, adopted on the 26th day of June , 2023, and pursuant to the powers and jurisdiction granted by Code of Alabama 1975, § 11-24-1 *et seq.*, the Mobile County Commission does hereby set a policy to exercise the power and authority to review, approve, and disapprove plats for all subdivisions within the subdivision jurisdiction of Mobile County, Alabama. The Mobile County Commission further does hereby exercise the authority to inspect any development within its subdivision jurisdiction to ensure that there are no violations of its rules and regulations, to charge fees for said inspection as set out in Article I Section 1-3 of these regulations and authorized under Code of Alabama 1975, § 11-24-3, and to enforce these regulations as provided in Article I Section 1-4 and authorized in Code of Alabama 1975, § 11-24-3 and § 40-12-10 .

The regulations set out herein shall be in force and applicable to the development of all subdivisions in the subdivision jurisdiction of the Mobile County Commission after the adoption of the regulations by the County Commission and after thirty (30) days from the date of the County filing a certified copy of these regulations with the Probate Judge. Subdivision regulations previously in place in Mobile County are hereby repealed and rescinded.

These regulations shall be in effect and shall apply to the development of any subdivision within the subdivision jurisdiction of Mobile County as defined in Article II Section 2-1-96. No street or road shall be accepted and maintained by the County, nor shall any utilities or county services be extended to the subdivision, unless and until the requirements set forth in these regulations have been complied with and the subdivision has been given final approval by Mobile County.

It is not the purpose of these regulations to govern the acceptance of roads or streets for maintenance by the County Commission. The current policy for acceptance of roads and bridges by the Mobile County Commission is available at the office of the County Commission or the County Engineer.

SECTION 1-2 TITLE

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

SECTION 1-3 FEES

Mobile County has established the following schedule of fees, as authorized under Code of Alabama 1975 § 11-24-3, to cover costs associated with the inspection and review of the construction of new and/or extension(s) to Subdivisions within the jurisdiction of the County Commission. The total fee is dependent on the type of subdivision (as defined in Article II Section 2-1-95) and is a **guide** as to the charges that will be incurred by the Developer. The Developer is responsible for **all** charges, including inspection and testing, incurred by the County during the subdivision approval process. The fee schedule is as follows:

- (3) Permit to Develop: A permit fee of \$25; and
- (4) Minor Subdivision Fee: Fees are based on the current fee schedule adopted by the County Commission; or
- (5) Major Subdivision Fee: Fees are based on the current fee schedule adopted by the County Commission; and
- (6) Signage Fee: Fees are based on the current fee schedule adopted by the County Commission; and
- (7) Recording Fee: Actual cost; and
- (8) Notification Fee: Fees are based on the current schedule adopted by the County Commission.

SECTION 1-4 ENFORCEMENT AND VIOLATIONS

Pursuant to authority granted under Code of Alabama 1975, § 11-24-3(d), the Mobile County Commission may enforce the provisions of these regulations by the issuance of citations issued by a County License Inspector appointed by the Mobile County Commission. Acting under authority granted in Code of Alabama 1975, § 11-24-3(d) and § 40-12-10, the County License Inspector may issue a citation for the failure to properly obtain the permit to develop required under Article III Section 3-6 and/or for any other violations of these regulations or of Code of Alabama 1975, § 11-24-1 *et seq.*

As authorized by Code of Alabama 1975, § 11-24-3(a), the fine for noncompliance of any provisions of these regulations shall be \$1000 per Lot that has been sold, offered for sale, transferred, or leased. A separate citation shall be issued for each violation.

All fines shall be paid to the office of the Mobile County Commission within thirty (30) days of the issuance of a citation by the County License Inspector, and all fines shall be doubled upon the failure to remit the fine within thirty (30) days of the issuance of the citation.

In addition to the issuance of citations for violation of these regulations, the Mobile County Commission retains the right to seek an injunction against any Developer or Owner who fails to comply with these regulations as provided in Code of Alabama 1975, § 11-24-3(b), and may bring action against a Developer or Owner to compel compliance with these regulations in the event that work on the Subdivision has been completed in violation of these regulations and the requirements of Code of Alabama 1975, § 11-24-1 *et seq.*

SECTION 1-5 AMENDMENTS

The Mobile County Commission may adopt amendments to these regulations. Procedures to adopt amendments are detailed in Article X Section 10-4.

ARTICLE II

DEFINITIONS

SECTION 2- 1 DEFINITION OF TERMS

NOTE: The singular use of each term is defined below. It shall be understood that the plural use of each term has the same meaning.

- 2-1-1 **ACCEPTANCE FOR MAINTENANCE:** The date when the Mobile County Commission has accepted the public road rights-of-way constructed within the development or subdivision into the county road system at a regular County Commission meeting.
- 2-1-2 **ACCESS:** Deeded, or dedicated by plat, portion of property or lot that provides travel way to a state, county, municipal, or private road. Adequate access width is as determined by the County Engineer.
- 2-1-3 **ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (ADEM):** The agency created by the State Legislature that is assigned to assure for all citizens of the state a safe, healthful, and productive environment.
- 2-1-4 **ALABAMA ENVIRONMENTAL PERMITTING AND COMPLIANCE SYSTEM (AEPACS):** The electronic reporting to ADEM of a notice of intent to discharge pollutants into the waters of the state by persons seeking coverage under a NPDES permit. *AEPACS is an electronic system that allows facilities to apply for and maintain permits as well as submit other required applications, registrations, and certifications.*
- 2-1-5 **ALLEY:** A public right-of-way primarily designed to serve as a secondary access to the side or rear of those properties whose principal frontage is on some other street.
- 2-1-6 **AMERICAN WITH DISABILITIES ACT (ADA):** A civil rights law, passed by Congress, that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public.
- 2-1-7 **APPLICANT:** The Owner of land proposed to be subdivided or a person designated, in writing, by the legal Owner as his or her representative. *See also DEVELOPER, OWNER, SUBDIVIDER*
- 2-1-8 **APPLICATION ASSEMBLY:** The packet of materials that the Developer is required to submit with his or her application for proposed plat approval.
- 2-1-9 **ARTERIAL:** A term used to describe a road or street whose primary purpose is to connect areas that produce a large amount of trip generation. These routes have a dual function to move traffic and to provide access to land uses, particularly the high trip-generating commercial activities. In terms of counties, major and minor collector routes, as classified by the Federal Highway Administration (FHWA), may require treatment as this type of route even though they are termed collector roads.
- 2-1-10 **AS-BUILT/RECORD DRAWING:** A post-construction record giving details of construction

and locations of improvements as they were built or installed.

- 2-1-11 AVERAGE DAILY TRAFFIC (ADT): The total volume of vehicles during a given time period, in whole days, as measured during a non-holiday weekday.
- 2-1-12 BLOCK: A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-way, shorelines of waterways or other boundary lines.
- 2-1-13 BUFFER: An area along the external boundaries of a lot, a minimum of 10-feet in width, planted with vegetation in sufficient density and of sufficient height (but in no case less than six feet high at the time of planting) to afford protection to adjacent properties from glare of lights, blowing papers, dust and debris, visual encroachment, and to effectively reduce the transmission of noise. A buffer may also include a minimum of a six-foot wooden (or equivalent) privacy fence (maintained in good repair) or a combination of the aforementioned fence and vegetation.
- 2-1-14 BUFFER ZONE: The area within one hundred (100) feet of a public drinking water source; within fifty (50) feet of perennial streams and their associated wetlands; and within twenty-five (25) feet of natural drainage features and their associated wetlands. A buffer zone may also include an area designated to separate one land use from another (see BUFFER). Applicable within the County MS4 boundary, 303.d watersheds, and drinking water sources (Big Creek Lake watershed). See 6-3-1.2
- 2-1-15 BUILDING: Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and includes any structure.
- 2-1-16 BUILDING SETBACK LINE: A line generally parallel to the property line over which no portion of any structure may be erected.
- 2-1-17 BUSINESS DAY: Monday through Friday from 8:00 AM CST to 5:00 PM CST except legally recognized federal, state, or local holidays. Business day does not include Saturday or Sunday.
- 2-1-18 CLUSTER/COMMUNITY MAILBOX UNIT (CBU): A centralized grouping of individually locked and keyed mailbox compartments, such as a wall-mounted unit in an apartment building or a free-standing neighborhood delivery and collection box unit. The postal carrier can generally access the individual compartments at one time by using a special key to unlock a facing or rear flat panel (front or back loading) or, for vertical boxes, (top loading) an entire row of boxes that swing away from the wall to expose the tops of each box.
- 2-1-19 COLLECTOR: A route whose primary function is to collect traffic from an area and move it to the Arterial street system while also providing substantial service to abutting land use, and which typically does not have extensive continuity.
- 2-1-20 COMMON AREA: Areas in common ownership and/or used by owners and/or residents of condominiums, subdivisions, or planned unit developments.
- 2-1-21 CONSTRUCTION PLANS: Plans detailing the design and requirements for the construction of public improvements. These plans shall detail such items as the location of all existing and proposed roads, plan and profiles of all roads, curve data, hydraulic data, etc. (See Article IV Section 4-2 for complete list of items required.) Completion of 10% of pay items included in these plans shall be considered Substantial Work in accordance with

section 3-7.

- 2-1-22 CORNER LOT: A lot, which occupies the interior angle at the intersection of street lines.
- 2-1-23 COUNTY: The County of Mobile, Alabama.
- 2-1-24 COUNTY ADMINISTRATOR: The duly designated County Administrator of Mobile County, Alabama.
- 2-1-25 COUNTY COMMISSION: The County Commission of the County of Mobile, Alabama.
- 2-1-26 COUNTY ENGINEER: The duly designated County Engineer of the County of Mobile, Alabama.
- 2-1-27 CONSTRUCTION SPECIFICATIONS: All construction specifications which are included in these regulations and any special specifications required by the County Engineer or other state or local entity based upon the particular development.
- 2-1-28 CROSSWALK: A marked portion of a road or street where pedestrians have a right-of-way to cross.
- 2-1-29 CUL-DE-SAC: A minor street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
- 2-1-30 CURB RAMP: A ramp built into the curb to provide access to the road or street, which may be used by pedestrians, persons with disabilities, or individuals using non-motorized modes of transportation.
- 2-1-31 DAY: A calendar day.
- 2-1-32 DEDICATION: The transfer of property from private to public ownership. This does not necessarily constitute acceptance for maintenance.
- 2-1-33 DEVELOPER: The Owner of land proposed to be subdivided or a person designated, in writing, by the legal Owner as his or her representative. *See also APPLICANT, OWNER*
- 2-1-34 DEVELOPER'S ENGINEER: (see OWNER'S ENGINEER)
- 2-1-35 DEVELOPMENT: A change in the characteristics of a parcel of land, which could be expected to lead to human habitation. 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 or private streets and roads, and the placement of public utilities, and any other applicable construction or improvement required or included in a certain subdivision project.
- 2-1-36 DEPTH OF LOT: The mean horizontal distance between the front and rear lot lines.
- 2-1-37 DETENTION/RETENTION: The act of holding something back. In the case of stormwater, detention means holding water for a short period of time before it is allowed to be released; retention means maintaining a pool of water throughout the year and holding stormwater runoff following storms.

- 2-1-38 DETENTION AREA MAINTENANCE PLAN (DAMP): A plan developed by the Owner's Engineer to maintain the detention area that may include, but not be limited to, periodic scheduled inspections, vegetation management (mowing on a regular basis), erosion control (repairing areas where there is a loss of soil or vegetation), debris removal (removing obstructions in and around the detention area), and mechanical or structural repairs (such as valve or pump repair and/or replacement or inlet and outlet repairs and/or replacement).
- 2-1-39 DOUBLE FRONTAGE LOT: A lot having frontage on two (2) non-intersecting streets as distinguished from a corner lot.
- 2-1-40 EASEMENT: A grant by the property owner of use, by the public, a corporation, or person(s), of a strip of land for specified purposes or as created by operation of law.
- 2-1-41 ELEVATION: The height referenced to an accepted vertical datum measured in U.S. customary units (feet).
- 2-1-42 FINAL PLAT: A plat of a tract of land, which meets the requirements of these regulations and is in an acceptable form for recording in the Office of the Probate Judge of Mobile County, Alabama.
- 2-1-43 FLOOD DAMAGE PREVENTION ORDINANCE: An ordinance that has been adopted by the Mobile County Commission to promote the public health, safety, and general welfare of the citizens of Mobile County and to minimize public and private losses due to flood conditions in specific areas.
- 2-1-44 FLOOD INSURANCE RATE MAP (FIRM): The official map of a community on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).
- 2-1-45 FLOODPROOFING: Any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- 2-1-46 FLOODWAY: The stream channel and the portion of the adjacent floodplain which must be reserved solely for the passage/discharge of flood-waters in order to prevent a cumulative increase in flood elevations more than a designated height above the predevelopment conditions. For the purpose of these regulations, Floodways shall be defined and governed by the most current Mobile County Flood Damage Prevention Ordinance adopted by the Mobile County Commission.
- 2-1-47 FLOOD, ONE HUNDRED (100) YEAR: A flood that has, on the average, a one percent (1%) chance of being equaled or exceeded in any given year.
- 2-1-48 FLOOD, TEN (10) YEAR: A flood that has, on average, a ten percent (10%) chance of being equaled or exceeded in any given year.
- 2-1-49 FLOOD, TWENTY-FIVE (25) YEAR: A flood that has on average, a four percent (4%) chance of being equaled or exceeded in any given year.
- 2-1-50 FUNCTIONAL CLASSIFICATION: The framework for identifying the particular role of a

roadway in moving vehicles through a network of highways. It also characterizes the roadway design relating to speed, capacity and the relationship to existing and future land development.

- 2-1-51 GREEN BOOK: The publication by the American Association of State Highway and Transportation Officials (AASHTO) titled, *A Policy on Geometric Design of Highways and Streets*, current edition adopted by the appropriate governing agency.
- 2-1-52 HARDSHIP: An unusual situation on the part of a property owner, which will not permit the full utilization of property. A hardship exists only when it is not self-created and should not be purely financial.
- 2-1-53 HEALTH DEPARTMENT: Alabama State Department of Public Health or Mobile County Health Department.
- 2-1-54 IMMEDIATE FAMILY MEMBER: The term "immediate family member," as used in Code of Alabama 1975 § 11-24- 2(d), includes a person's spouse, parent, child, and sibling. A stepchild and adopted child is an immediate family member. See AG Opinion 2007-010.
- 2-1-55 INNOVATIVE SUBDIVISION: A subdivision that is designed to provide the Developer with the flexibility to use various lot sizes, setbacks, and frontage within the development to preserve open space and critical water and natural resources.
- 2-1-56 INTERNATIONAL BUILDING CODE (IBC): The model building code developed by the International Code Council containing regulations pertaining to practices used in commercial construction.
- 2-1-57 INTERNATIONAL RESIDENTIAL CODE (IRC): A comprehensive, stand-alone residential code developed by the International Code Council that creates minimum regulations for one and two-family dwellings of three stories or less. It brings together all building, plumbing, mechanical, fuel gas, energy and electrical provisions for one and two-family residences.
- 2-1-58 LAND SUBJECT TO FLOODING: For the purpose of these regulations, land subject to flooding shall be defined in the current Mobile County Flood Damage Prevention Ordinance adopted by the Mobile County Commission.
- 2-1-59 LICENSED ENGINEER: An engineer properly licensed in the State of Alabama in good standing with the Alabama State Board of Licensure for Professional Engineers and Land Surveyors.
- 2-1-60 LICENSE INSPECTOR: The person(s) appointed by the County Commission to enforce the county's subdivision regulations pursuant to Code of Alabama 1975, § 11-24-3, utilizing the authority granted to a license inspector under Code of Alabama 1975, § 40-12-10.
- 2-1-61 LICENSED LAND SURVEYOR: A land surveyor properly licensed in the State of Alabama in good standing with the Alabama State Board of Licensure for Professional Engineers and Land Surveyors.
- 2-1-62 LOT: A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership, lease or rental, or for building development.

- 2-1-63 LOW IMPACT DESIGN: An innovative land planning and design approach, which seeks to maintain a site's predevelopment ecological and hydrological function through the protection, enhancement, or mimicry of natural processes.
- 2-1-64 MAINTENANCE BOND: A type of surety bond purchased by the Owner that protects Mobile County of a completed construction project for a specified time period against defects and faults in materials, workmanship, and design of a subdivision that could arise later if the project was done incorrectly.
- 2-1-65 MARGINAL ACCESS: A service road or other treatment used to provide adequate protection of properties in cases where an arterial runs through or near a subdivided area.
- 2-1-66 MAJOR ROAD PLAN: A plan adopted by the Mobile County Commission that assigns right-of-way requirements based on road functional classification, volume, existing and planned road and multi-modal improvements and existing and future land development.
- 2-1-67 MAJOR SUBDIVISION: See Article II Section 2-1-95(a), SUBDIVISION CATEGORIES.
- 2-1-68 MINOR ROAD OR STREET: A route used to connect collector roads in a road system and service only the residents of that road.
- 2-1-69 MINOR SUBDIVISION: See Article II Section 2-1-95(b), SUBDIVISION CATEGORIES.
- 2-1-70 MONUMENT: A permanent object serving to indicate a limit or to mark a boundary.
- 2-1-71 MULTIUSE PATH: A form of infrastructure that is physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent right-of-way and is commonly designed for two-way travel.
- 2-1-72 MUNICIPALITY: A local governmental body either incorporated under the general laws of the state or by special acts of the state legislature, having corporate status and limited self-governance rights, and serving a specific political unit with defined boundaries.
- 2-1-73 MUNICIPAL SEPARATE STORMWATER SEWER SYSTEM (MS4): A system operating under a NPDES that requires a permittee to develop and implement a comprehensive Storm Water Management Program (SWMP) that must include pollution prevention measures, treatment or removal techniques, monitoring, use of legal authority, and other appropriate measures to control the quality of storm water discharged to the storm drains and thence to the waters of the United States. An MS4 is a conveyance or system of conveyances that is:
- owned by a state, city, town, village, or other public entity that discharges to waters of the U.S.,
 - designed or used to collect or convey stormwater (e.g., storm drains, pipes, ditches),
 - not a combined sewer, and
 - not part of a sewage treatment plant, or publicly owned treatment works (POTW).
- 2-1-74 NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES): The national program for issuing, modifying, revoking and reissuing, terminating, monitoring and

enforcing permits for the discharge of pollutants into waters of the state. Permit program addresses water pollution by regulating point sources that discharge pollutants to waters of the United States.

- 2-1-75 OWNER: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations. *See also APPLICANT, DEVELOPER*
- 2-1-76 OWNER'S ENGINEER: The Licensed Engineer who is the agent of the Owner or Developer of land which is proposed to be subdivided or which is in the process of being subdivided.
- 2-1-77 PERMANENT REFERENCE POINTS: As defined by the Standards of Practice set out and required by the Alabama Society of Professional Land Surveyors.
- 2-1-78 PERMIT FEE: The fee assessed to obtain the permit to develop required in Article III Section 3-6.
- 2-1-79 PERMIT TO DEVELOP: An instrument issued by the County Engineer or his/her designee following the approval of a proposed plat by the County Commission and which authorizes the Developer to proceed with the development of subdivision.
- 2-1-80 PLANNING JURISDICTION: As provided in Code of Alabama 1975, § 11-52-30 as amended by the State Legislature. Generally, that area, within and/or outside the municipal limits, where a municipality has a planning commission that exercises authority over the subdivision of land.
- 2-1-81 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.
- 2-1-82 PRIVATE DRIVE: Single access that serves three (3) or fewer residences. Access points that serve more than three (3) residences are no longer private drives and fall under 2-1-88.4
- 2-1-83 PROBATE JUDGE: The Judge of Probate of Mobile County, Alabama.
- 2-1-84 PROPOSED PLAT: A plan for a subdivision of land which is submitted for approval to develop the subdivision as required in Article III Section 3 of these subdivision regulations and Code of Alabama 1975, § 11-24-2.
- 2-1-85 PROWAG – The public rights-of-way accessibility guidelines (PROWAG) established by the Architectural and Transportation Barriers Compliance Board to comply with the ADA. These guidelines ensure that sidewalks, pedestrian street crossings, pedestrian signals, and other facilities for pedestrian circulation and use constructed or altered in the public right-of-way are readily accessible to and usable by pedestrians with disabilities.

- 2-1-86 RESUBDIVISION: A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.
- 2-1-87 RIGHT-OF-WAY: A general term denoting land, property or interest therein, usually in a strip, acquired for or devoted to transportation purposes.
- 2-1-88 ROAD OR STREET: A public right-of-way for vehicular traffic that affords the principal means of access to abutting property.
- (1) MUNICIPAL ROAD: Public road maintained by a municipality.
 - (2) COUNTY ROAD: Public road, which has been accepted into the county road system through construction by the county, dedication and formal acceptance by the County Commission, or prescription and is maintained by the county. A road, which has been dedicated to the public and is used by the public is not a county road, unless it has been accepted into the county road system through construction, acceptance or prescription as set out herein.
 - (3) PUBLIC ROAD: A road that has been constructed for public use, established by statutory proceedings, or dedicated for public use. A public road may or may not be a county maintained road.
 - (4) PRIVATE ROAD: A road, whether or not it has been dedicated to the public, that is not owned or maintained by the state, county, or municipality whether or not it has public access. *SEE 5-5-1*
 - (5) SERVICE ROAD: A local road that runs parallel to a main road and provides access to property.
 - (6) STATE ROAD: Public road owned or maintained by the State of Alabama, acting by and through the Alabama Department of Transportation.
- 2-1-89 SETBACKS: A prescribed distance from an external property line within which structures are prohibited. See Article II Section 2-1-16, and Article V Section 5-6-2(4).
- 2-1-90 SIDEWALK: A path with a hard surface, usually along the side of a street, which may be used by pedestrians, persons with disabilities, or individuals using non-motorized modes of transportation.
- 2-1-91 SINGLE TIER LOT: A lot, which backs upon a street, a railroad, a physical barrier, or a residential or non-residential use, and to which access from the rear of the lot is usually prohibited.
- 2-1-92 SPECIAL FLOOD HAZARD AREA (SFHA): That portion of land in the floodplain subject to inundation by the base flood and/or flood related erosion hazards as shown on a FIRM or other such map defined in the Mobile County Flood Damage Prevention Ordinance and containing one or more of the following zones: A, A1-30, AE, AH, AO, AR, AR/A, AR/AO, AR/AH, AR/A1-30, A99, VO, V1-30, V, or VE. The SFHA is the area where the National Flood Insurance Program's floodplain management regulations must be enforced and may also include areas whereby a governmental agency or private party has notified the Federal

Emergency Management Agency (FEMA) of changes by submitting a Letter of Map Revision with the supporting technical or scientific data. SFHA's are defined and governed by the most current Mobile County Flood Damage Prevention Ordinance adopted by the Mobile County Commission.

- 2-1-93 SUBDIVIDER: Any person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2), directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel, site, unit, or plat in a subdivision or who (3), is employed by or directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing. *See also, APPLICANT, DEVELOPER, OWNER*
- 2-1-94 SUBDIVISION: the development and division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites, or otherwise for the purpose of establishing or creating a subdivision through the sale or building development of the lot or lots.

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

- (1) The construction or development of roads on private property to be used for agricultural purposes. See, Code of Alabama 1975, § 11-24-1(a)(4);
- (2) The public acquisition by purchase or donation of strips of land for the widening or opening of streets:
- (3) Property conveyed between Immediate Family Members as provided in Code of Alabama 1975, § 11-24-2(d); any lot conveyed outside of the immediate family at any time will cause the lot to fall under the authority of these regulations.
- (4) The division of land into parcels greater than five (5) acres wherein all of the following criteria are met and shown on a plat to be filed in the Judge of Probate Office with a certificate on the plat stating that all criteria are met:
 - a. frontage on existing roads of each parcel is at least fifty (50) feet,
 - b. the extension of public utilities or other public infrastructure is not required, and
 - c. in the opinion of the Developer's Engineer or Owner's Engineer, there will be no additional storm water runoff created.
- (5) Parcels which qualify for exemptions from subdivision criteria and rules and regulations imposed by the State Board of Health pursuant to Code of Alabama 1975, § 22-26-7 provided they also meet all of the criteria set out in (4)(a), (b), and (c) above.
- (6) Parcels divided by Court Order, where the parcels are explicitly described.

2-1-95 SUBDIVISION CATEGORIES:

- (1) SUBDIVISION, MAJOR: A subdivision of six (6) or more lots, or any size subdivision requiring any new streets or extension of the local governmental facilities, or the creation of any public improvements.

(2) SUBDIVISION, MINOR: A subdivision containing not more than five (5) acres nor more than five (5) contiguous lots fronting on an existing street, not involving any new street or road or the extension of public facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property. Minor subdivision may also include a reduction of the number of lots in an existing subdivision.

2-1-96 SUBDIVISION JURISDICTION: All areas outside the corporate limits of any municipality in Mobile County, except areas within the Planning Jurisdiction of a municipal planning commission presently organized and functional.

2-1-97 SURETY: Any bond, certificate of deposit, irrevocable letter of credit, cashier check, or other acceptable guarantee as recommended by the County Engineer and approved by the County Commission.

2-1-98 TRAVELWAY: The portion of the roadway that is used for the movement of vehicles, exclusive of the shoulders, curb and gutter, or asphalt wing.

2-1-99 WAIVER: Permission to depart from the literal requirements of these regulations by virtue of unique hardship due to special circumstances regarding property to be developed without sacrificing the spirit and purpose of the regulations.

2-1-100 WATERCOURSE: Any depression serving to give direction to a flow of water, having a bed and well-defined banks. The definition shall also include other generally or specifically designated areas where flow of water may occur. The flow of water need not be on a continuous basis, but may be intermittent resulting from the surface runoff of precipitation.

2-1-101 WIDTH OF LOT: The mean horizontal distance between the two side lot lines.

ARTICLE III

APPROVAL OF SUBDIVISION PLATS

- 3-1 APPROVAL OF SUBDIVISION PLATS
- 3-2 PRELIMINARY CONFERENCE
- 3-3 PROPOSED PLAT SUBMISSION
- 3-4 REVIEW BY COUNTY ENGINEER
- 3-5 COUNTY COMMISSION APPROVAL OF PLAT
- 3-6 PERMIT TO DEVELOP
- 3-7 CONSTRUCTION OF MAJOR SUBDIVISION
- 3-8 FINAL PLAT APPROVAL

SECTION 3-1 APPROVAL OF SUBDIVISION PLATS

This section details the general steps necessary to achieve approval of a subdivision within the subdivision jurisdiction of Mobile County. A flow chart is available from the County Engineer's office further outlining this process. Except as specifically provided in Article III Section 3-1.1, no lots within a proposed subdivision may be offered to the public for sale, transfer, or lease before the proposed plat approval has been granted and a permit to develop has been obtained as set out in Article III Section 3-6.

It shall be a violation of these regulations and Code of Alabama 1975, § 11-24-1 *et seq.* for the Developer to file or have filed any plat, deed, property description, or document of property transfer without full compliance with these regulations and Code of Alabama 1975, § 11-24-2.

SECTION 3-1.1 AUTHORITY FOR PRE-SALE AGREEMENTS

As provided in Code of Alabama 1975, § 11-24-2.1, the County Engineer may authorize a Developer to secure pre-sale agreements from prospective buyers of property included in a proposed subdivision prior to obtaining the permit to develop required in Article III Section 3-6 under the following circumstances:

- (1) The Developer submits a preliminary plan for the proposed subdivision as set out in Article III Section 3-2,
- (2) The County Engineer is satisfied that the Developer's preliminary plan is likely to be approved under these regulations, and
- (3) The Developer has explained to the satisfaction of the County Engineer the reason(s) for requesting authorization to secure pre-sale agreements.

Any pre-sale agreements entered into between the Developer and a prospective buyer pursuant to authorization granted under this section shall clearly state that any final sale of property shall not take place until and unless the Developer has fulfilled all the requirements of Code of Alabama 1975, § 11-24-2 and § 11-24-2.1.

Any Developer who obtains authority to pursue pre-sale agreements prior to receiving proposed plat approval and the permit to develop shall notify the County Engineer in writing once financing for the subdivision project has been secured. The Developer shall then comply with the process for approval of the proposed plat and obtaining a permit to develop as required in these regulations and Code of Alabama 1975, § 11-24-1 *et seq.* No final sale of property that is the subject of a pre-sale agreement authorized under this section shall take place until and unless the Developer has complied with all the requirements in Code of Alabama 1975, § 11-24-2 and § 11-24-2.1.

The authorization to pursue pre-sale agreements shall be revoked by operation of law six months after the date granted by the County Engineer unless the Developer requests an extension of time. No pre-sale agreements may be entered into following the expiration of the six-month period until and unless extended by the County Engineer.

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, § 11-24-2.1. Such violation shall be punishable by fines as set out in Article I Section 1-4 and Code of Alabama 1975, § 11-24-3. Additionally, the County Engineer may revoke any authorization granted to the Developer to secure pre-sale agreements in the event there is any failure to comply with this section.

SECTION 3-2 PRELIMINARY CONFERENCE (Optional)

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

SECTION 3-3 PROPOSED PLAT SUBMISSION

The Subdivider shall submit a **complete** application assembly to the County Engineer for review of the proposed plat. The application should be submitted at least thirty (30) days prior to any consideration for proposed plat approval by the County Commission. The proposed plat application assembly shall include each of the following:

- (1) A letter stating that the proposed plat is being submitted for review and **identifying all parts of the Application Assembly included in the transmittal**. This letter shall state the Developer's intent as to the final ownership of any new roads included on the proposed plat, if applicable.
- (2) Application for Proposed Plat Review;
- (3) At least two (2) copies of the proposed plat and one (1) additional copy with contours **prepared in accordance with the requirements** detailed in Article IV Section 4-1 of these regulations and signed and sealed by the professional preparing the plat;

- (4) CONSTRUCTION PLANS for all required improvements **prepared in accordance with the requirements** detailed in Article IV Section 4-2 of these regulations (Major Subdivisions only);
- (5) A digital copy of the proposed plat in an acceptable CAD format (dwg, dgn, dxf) and digital copies of all supporting documentation (pdf).
- (6) Any waivers requested accompanied by detailed supporting documentation;
- (7) The names and addresses of each Applicant(s), Developer(s), and licensed professional preparing the plat application, adjoining landowner and utility entitled to notice pursuant to Code of Alabama 1975, §11-24-2(b); and
- (8) Any fees in accordance with the fee schedule adopted by the County Commission.

Failure to submit a complete proposed plat application assembly initially may delay the consideration of such plat for approval by the County Engineer and the County Commission.

SECTION 3-4 REVIEW BY COUNTY ENGINEER

The County Engineer or his/her designee shall use this minimum thirty (30) day period to administratively review the submitted application assembly and ensure its compliance with these regulations. In the event the application assembly does not meet these regulations, the County Engineer or his/her designee shall notify the Developer's licensed professional that it is deficient, detailing the deficiencies. No further action will be taken by the County Commission or the County Engineer until and unless the Developer shall correct the deficiencies and resubmit the corrections to the County Engineer for his/her approval.

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

SECTION 3-5 COUNTY COMMISSION APPROVAL OF PROPOSED PLAT

Once the County Engineer verifies that the application assembly meets the County Regulations and, if applicable, the Developer provides the required surety, the proposed plat should be submitted to the County Commission for their approval at the next regularly scheduled County Commission meeting. Pursuant to Code of Alabama 1975, § 11-24-2(b), the County Commission shall approve the proposed plat in the event that the County Engineer has determined that the proposed plat meets these regulations.

SECTION 3-6 PERMIT TO DEVELOP

Following the approval of the proposed plat by the County Commission, the County Engineer will issue a permit to develop. The permit to develop is required in order for the Developer to proceed with construction of the infrastructure for the development in compliance with these regulations. A land disturbance permit may be required in addition to the Permit to Develop prior to beginning

construction.

SECTION 3-7 CONSTRUCTION OF MAJOR SUBDIVISION

Once the permit to develop has been issued, the Developer of a major subdivision may proceed with construction of the proposed subdivision in accordance with these regulations. The Developer should refer to Article V for detailed requirements pertaining to construction. The Developer of a minor subdivision shall proceed in accordance with the requirements set out in Article III Section 3-8 of these regulations.

The Developer shall have one (1) year from the date of issuance of the permit to develop to begin substantial work on the proposed development unless, upon submitting a request for a time extension for a period not to exceed one (1) additional year has been approved by the County Engineer and assent given by the County Commission. If work does not begin within the specified time frame, the proposed plat application assembly shall be null and void and must be resubmitted to the County Engineer and County Commission for approval, subject to all subdivision regulations in effect at that time, as if the proposed plat application assembly had never been submitted.

Final plat approval during the period of validity of a proposed plat of any phase or part of a subdivision shall automatically extend the proposed plat approval for the rest of the subdivision for a period of one year from the date of such final plat approval of the phase or part of the subdivision, and the same automatic extension shall govern in subsequent cases of submission of a final plat of any phase or part of the subdivision. However, any time after the expiration of the initial one-year period during which the proposed plat approval is effective, the County Engineer may notify the Developer of changes that will be required to meet new or changed conditions, and a corrected proposed plat (and revised construction plans, if applicable) complying with such changes and conditions shall be submitted by the Developer to the County Engineer prior to the construction or installation of any improvements.

If any changes in the development plans of the approved proposed plat are required for any reason, the Developer shall submit the proposed changes to the County Engineer **prior** to construction or implementation of the proposed changes. Any changes or deviations from the approved proposed plans prior to the County Engineer's approval shall be in violation of these regulations and may be subject to removal or correction at the expense of the Developer.

Changes to the proposed subdivision construction plans that do not change the overall layout of the subdivision may be administratively reviewed and approved by the County Engineer without the requirement of the proposed plat having to be resubmitted for approval by the County Commission. Any changes that do change the overall layout of the subdivision shall require the proposed plat to be resubmitted for approval by the County Commission.

SECTION 3-8 FINAL PLAT APPROVAL

Once the Developer has met all requirements of these regulations, he or she shall submit the final plat to the County Engineer for signature verifying the subdivision meets these regulations.

A final plat shall be submitted to the County Engineer for approval of the proposed subdivision as follows:

- (1) Once infrastructure construction is complete and all required documentation is submitted for a major subdivision;
- (2) Immediately following approval of the proposed plat for minor subdivisions.

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

- (1) Request, in writing, County personnel to schedule a final inspection of all infrastructure requested to be accepted by the County for maintenance.
- (2) Remit all testing and inspection charges required under Article I Section 1-3 of these regulations as authorized in Code of Alabama 1975, § 11-24-3, or any charges as adopted by the Mobile County Commission in a fee schedule;
- (3) Submit a final as-built set of plans;
- (4) Submit a final plat as approved by the County Engineer prepared on a reproducible media;
- (5) Submit electronic copies of all documents and the proposed final plat in an acceptable format.
- (6) Any other requirements as listed in the checklist (provided by the County Engineer's office upon request).

After the final plat has been signed by the County Engineer, it shall be recorded in the Office of the Judge of Probate by the County Engineer or his/her designee.

ARTICLE IV

PLAT AND PLAN REQUIREMENTS

- 4-1 PROPOSED PLAT REQUIREMENTS**
- 4-2 CONSTRUCTION PLAN REQUIREMENTS**
- 4-3 FINAL PLAT REQUIREMENTS**

SECTION 4-1 PROPOSED PLAT REQUIREMENTS

The proposed plat shall be prepared by a Licensed Land Surveyor and shall be clearly and legibly drawn at a convenient scale of not less than one (1) inch equals one hundred (100) feet, unless approved by the County Engineer, and the sheets shall be numbered in sequence if more than one (1) sheet is used. The proposed plat should conform to the Standards of Practice for surveying in the State of Alabama and include the following:

- (1) Name(s) and addresses of owners of record;
- (2) Proposed name of subdivision, date, north point, scale, and section, township and range information. The name of the subdivision is subject to approval by the County Engineer so as to not duplicate nor phonetically closely approximate existing names of subdivisions in Mobile County;
- (3) Name and seal of the Licensed Land Surveyor;
- (4) Vicinity map showing location of the subdivision to an appropriate scale;
- (5) Exact boundaries of the tract of land being subdivided, shown with bearings and distances;
- (6) Sufficient data to determine readily and reproduce on the ground the location, bearing, and length of every street line, lot line, boundary line, whether straight or curved, including the radius, central angle, point of tangency, tangent distance, and arcs and chords; the relation of the land so platted to the Government Survey of Mobile County; and "point of beginning" as referred to in the written description; particularly proposed lot lines with bearings and distances and lot and block numbers;
- (7) Names and addresses of the owners of land immediately adjoining the tract of land being subdivided, as the names appear on the plats in the County Revenue Commissioner's office;
- (8) Wetland boundaries, water courses, and any other conditions affecting the site;
- (9) The location of existing streets, railroads, transmission lines, jurisdiction lines, and any public utility and/or drainage easements on and adjacent to the tract being subdivided;
- (10) The names and locations of adjoining subdivisions and streets, with reference to recorded plats by record name;

- (11) Proposed rights-of-way or easements including locations, widths, purposes, and street numbers and/or names, provided that right-of-way dedication shall be in accordance with the functional classification of the road; road names should not duplicate nor phonetically closely approximate existing names of roads in Mobile County;
- (12) *OMIT*
- (13) Proposed minimum building setback lines;
- (14) Proposed parks, school sites, detention/retention areas, common areas, or other public open spaces, if any;
- (15) Site data, which includes:
 - a. Acreage in total tract;
 - b. Smallest lot size;
 - c. Total number of lots;
 - d. Linear feet of proposed streets;
- (16) Any area within or adjacent to the proposed subdivision subject to a special flood hazard area according to the latest FEMA Flood Insurance Rate Map; and inundation by the 100-year flood projections as defined by the Mobile County Flood Damage Prevention Ordinance; the BFE where established, and any freeboard and/or finished floor requirements.
- (17) The following endorsements and certificates shall be submitted with the proposed/final plat, if applicable (contact County Engineer's office for sample certificates):
 - a. Certificate of Engineering Design by a Licensed Engineer (with proposed plat);
 - b. Licensed Land Surveyor's Certificate and description of land platted (on plat);
 - c. Licensed Engineer's Certificate of Engineering Design and Construction (with final plat, see section 4-3);
 - d. Dedication by Owner (on plat);
 - e. A notary's acknowledgment of the dedication certificate referred to in "d" (on plat);
 - f. Letter of Approval and Acceptance by Water and/or Sewer Utility; or a Capacity Acknowledgment from the same;
 - g. A Certificate of Approval by the County Engineer of Mobile County (on plat);
 - h. *OMIT*
 - i. Right-of-way warranty deed

- j. A written statement that all applicable federal and/or state permits have been acquired, along with copies of the permits, shall be provided to the County Engineer prior to the approval of the construction plans.
- k. Statement of Approval by the Mobile County Commission (on plat);

SECTION 4-2 CONSTRUCTION PLAN REQUIREMENTS

At the time of submission of a major subdivision proposed plat, the Applicant shall also submit construction plans for all required improvements as part of the proposed plat application assembly required under Article III Section 3-3. All plans shall meet the minimum standards of design and general requirements for the construction of public improvements as set forth in these regulations. Construction plans should be drawn at a minimum scale of one (1) inch equals fifty (50) feet, and map sheets should be of the same size as the proposed plat. Construction plans shall be prepared by a Licensed Engineer and signed and sealed. The following shall be included in the Construction plans:

- (1) Street plan containing all of the following information:
 - a. Location of all proposed and existing streets or rights-of-way in or adjacent to the subdivision;
 - b. Width of existing and proposed rights-of-way and easements;
 - c. Road numbers/names;
 - d. Plan and profile of all proposed streets, showing natural and finished grades drawn to a minimum scale of one (1) inch equals one hundred (100) feet horizontal and one (1) inch equals ten (10) feet vertical; any scale used shall be a standard scale size.
 - e. Cross sections of proposed streets at a minimum of fifty (50) foot stations or as required by the County Engineer;
 - f. Curve data for the centerline of each street: Delta, Tangent, and Radius;
 - g. Location of all required sidewalks and crosswalks;
 - h. Location of all proposed utilities.
 - i. Size and location of side drains required for each lot (for open ditch roadway sections only).
- (2) Storm Drainage Plan containing all of the following information:
 - a. Location of proposed drainage ways, streams, and ponds in the subdivision;
 - b. Topography at suitable contour intervals, as approved by the County Engineer, to show proposed drainage;

- c. Location, size, and invert elevations of proposed drainage structures including culverts, bridges, pipes, drop inlets, and top elevations of head walls, etc., showing details on drainage plan, including conduit schedule;
 - d. Construction details of typical manholes, connections, and other drainage structures proposed;
 - e. Area of land contributing run-off to each drainage structure along with run-off calculations and applicable coefficients depending on method used [i.e. Rational method: runoff coefficient (C), rainfall intensity (I), catchment area (A), and the discharge at the structure (Q)].
 - f. Location of easements and rights-of-way for drainage ways and maintenance access thereof;
 - g. Typical profile and cross-sections of each drainage way;
 - h. Direction of water flow throughout the subdivision and compatibility with existing drainage.
- (3) Sanitary Sewer Plan, if applicable, containing the location of all existing and proposed sewers, location of sewer laterals, location of each manhole and other sewage system appurtenances including lift stations, oxidation ponds, and treatment plants, and the plan and profile of the sewage system. Construction details of typical manholes, connections, and other proposed sewage structures should also be shown.
- (4) Water Distribution Plan containing the location and size of water distribution system including pipes, valves, fittings, hydrants, high-pressure pumping equipment, etc.

SECTION 4-3 FINAL PLAT REQUIREMENTS

The final plat shall be substantially similar to the proposed plat and complies with Article IV, Section 4-1; unless an exception is approved by the County Engineer.

ARTICLE V

DEVELOPMENT STANDARDS

- 5-1 MINIMUM STANDARDS
- 5-2 GENERAL REQUIREMENTS
- 5-3 ROAD OR STREET PLAN
- 5-4 DESIGN AND CONSTRUCTION CRITERIA
- 5-5 GEOMETRIC DESIGN FOR PRIVATE ROAD SUBDIVISIONS
- 5-6 BLOCKS AND LOTS

SECTION 5-1 MINIMUM STANDARDS

In addition to the requirements established herein, the following minimum requirements are established for all subdivision plats:

- (1) All applicable statutory provisions, including but not limited to the Standards of Practice for Surveying in the State of Alabama;
- (2) The special requirements and rules of the Health Department 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), including the requirements of the MS4 permit, and any other appropriate state or federal agencies;
- (5) The standards and regulations adopted by all boards, commissions, agencies, and officials of Mobile County;
- (6) The standards, specifications and rules of appropriate utility companies.

Plat approval may be withheld if the subdivision is not in conformity with the above guidelines or the policy and purpose of these regulations as established in Article I of these regulations.

SECTION 5-2 GENERAL REQUIREMENTS

5-2-1 CHARACTER OF THE LAND

Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace. Development of any land within the floodplain shall be governed by the Mobile County Flood Damage Prevention Ordinance. This ordinance shall supplement these regulations to govern floodplain/floodway and coastal issues.

5-2-2 SUBDIVISION NAME

The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The County Engineer shall have final authority to reject the name of the subdivision. The Subdivider should check the proposed subdivision name with the County Engineering Department prior to submitting the proposed plat.

5-2-3 WATERBODIES AND WATERCOURSES

If a tract being subdivided contains a water body, or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the water body among adjacent Lots. The County Engineer may approve an alternative plan provided the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a County responsibility. No public roadways will be approved which provide access across dams nor will any part of a dam used to retain any body of water, be allowed on the public road right-of-way.

5-2-4 CONSIDERATION FOR ADJACENT USES

Every effort shall be made to protect adjacent residential areas (developments designed under the IRC) from potential nuisance from a potential multi-family, commercial or industrial subdivision (developments designed under the IBC). In such cases the provision of a buffer consisting of landscaping, a six-foot wooden (or equivalent) privacy fence, or when necessary due to negative impacts, a combination thereof, is required.

SECTION 5-3 ROAD OR STREET PLAN

The arrangement, character, extent, location, and grade of all roads shall be laid out according to good land planning principles and shall be integrated with all existing and planned roads. Consideration for the planning of new roads shall include topographical conditions, public convenience and safety, and the proposed uses of land to be served by them. All lots must have access, as defined in Article II Section 2-1, to a state, county, or municipal road or paved private road.

5-3-1 CONTINUATION OF ADJOINING ROAD SYSTEM

Proposed new roads shall extend existing roads or their projections at the same or greater width, but in no case less than the minimum required width, unless for reasons of topography or design, the County Engineer deems variations are reasonable.

5-3-2 MARGINAL ACCESS ROADS

Where, in the opinion of the County Engineer, development that abuts or has included within the proposed subdivided area any arterial, the County Engineer may require a marginal access road or other treatment, which may be necessary to provide for the adequate protection of properties, and to afford separation of through and local traffic.

5-3-3 ADDITIONAL ROW WIDTH ON EXISTING ROADS:

Subdivisions that adjoin existing streets with inadequate right-of-way shall dedicate additional right-of-way to meet the minimum ROW width requirements in accordance with the functional classification of the roadway. Reference is made to Section 4-1(11).

- (1) The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing street.
- (2) When the subdivision is located on only one side of an existing street, a minimum of one-half (1/2) of the required right-of-way, measured from the centerline of the existing street, shall be provided.
- (3) Additional ROW may be required to comply with the Major Road Plan

5-3-4 ROAD NAMES

Proposed roads, which are obviously in alignment with others existing and numbered, shall bear the assigned name of the existing roads. The proposed name(s) of the road(s) shall not duplicate, or too closely approximate phonetically, the name of any other road in Mobile County. The County Engineer shall have final authority to reject the name of the road(s). The Subdivider should check the proposed road name(s) with the County Engineering Department prior to submitting the proposed plat.

5-3-5 VACATING A ROAD OR EASEMENT

Vacation of a road or easement shall be in accordance with the procedures set out in Code of Alabama 1975, § 23-4-1 et seq., if by the county, and Code of Alabama 1975, § 23-4-20 et seq., if by abutting landowners. Vacation of a road or easement may also be accomplished as authorized in Code of Alabama 1975, § 11-3-10, § 35-2-53 to § 35-2-55, or § 35-2-58 to § 35-2-60.

5-3-6 FRONTAGE ON IMPROVED ROADS

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

- (1) an existing state, county, municipal maintained road or paved private road or
- (2) a proposed new street shown on the proposed plat.

Any such road must be suitably improved with the width and right-of-way required by these regulations.

5-3-7 TOPOGRAPHY AND ARRANGEMENT

- (1) All proposed roads shall be properly integrated with the existing system of roads.
- (2) All arterials and collectors shall be properly related to special traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities, and to the pattern of existing and proposed land uses.

- (3) Minor roads as defined in Article II Section 2-1-68 shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.
- (4) The rigid rectangular gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets, cul-de-sacs, or U-shaped roads shall be encouraged where such use will result in a more desirable layout.
- (5) Proposed roads shall be constructed to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or 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.
- (6) In business and industrial developments, the roads and other access ways shall be planned in connection with the grouping of buildings, location of rail and port facilities, and the provision of alleys, truck loading and maneuvering area, and walk and parking areas so as to minimize conflict of movement among the various types of traffic, including pedestrian.

5-3-8 ACCESS TO ROADS

Where a subdivision borders on or contains an existing or proposed road classified as a collector or arterial, the County Commission may require that access to such road classified as a collector or arterial be limited by one of the following means:

- (1) The subdivision of lots so as to back onto the collector or arterial road and front onto a parallel minor road; with no access to be provided from the collector or arterial road, and screening to be provided in a strip of land along the rear property line of such lots;
- (2) A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the road or street;
- (3) A marginal access or service road (separated from the arterial by a planting or grass strip and having access thereto at suitable points).

5-3-9 EXCESS RIGHT-OF-WAY OR EASEMENTS

Right-of-way or easement widths in excess of the standards designated in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Slopes shall not be steeper than three horizontal to one vertical (3:1) to remain in the dedicated right-of-way. Fill slopes of eight horizontal to one vertical (8:1) or flatter may be used in lieu of dedicating additional right-of-way.

5-3-10 CUL-DE-SACS

Dead end roads shall be provided with a turnaround having a travelway diameter of at least ninety-six (96) feet and a right-of-way diameter of at least one hundred-twenty (120) feet.

5-3-11 INTERSECTIONS

Road intersections shall be laid out as follows:

- (1) Adequate sight distance shall be provided at all intersections in accordance with the chapter on intersections of the Green Book;
- (2) Roads shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new roads at an angle of less than seventy-five (75) degrees shall not be acceptable. An oblique road should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet therefrom. Not more than two (2) roads shall intersect at any one point without the provision of suitable improvements and approved by the County Engineer;
- (3) Proposed new intersections along one side of an existing road shall, wherever practical, coincide with any existing intersections on the opposite side of such street. Road jogs with centerline offsets of less than 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 roads intersect collectors or arterials, their alignment shall be continuous. Intersections of arterials or collectors shall be at least eight hundred (800) feet apart. Where a road intersects a state highway, the design standards of the Alabama Department of Transportation shall apply;
- (4) Minimum curb radius at the intersection of two (2) minor roads shall be at least twenty five (25) feet; and minimum curb radius at an intersection involving an arterial and/or collector road shall be at least thirty-five (35) feet or as recommended by current AASHTO Policy;
- (5) Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a five percent (5%) grade at a distance of twenty (20) feet, measured from the nearest edge line of pavement of the intersecting road;
- (6) The cross-slopes on all roads, including intersections, shall be five percent (5%) or less;
- (7) Property lines at road intersections shall be rounded with a minimum radius of twenty five (25) feet or equivalent chord providing an appropriate corner clip.

5-3-12 CLUSTER/COMMUNITY MAILBOX UNITS (CBU)

Cluster/community mailbox units (CBU) shall comply with the U.S. Postal Service publication, *USPS National Delivery Planning Guide for Builders & Developers*, current edition. This publication can be found at <https://about.usps.com/what-we-are-doing/current-initiatives/delivery-growth-management/welcome.htm>. The Developer's Engineer shall coordinate the location of the CBU within the boundaries of the development with the County Engineer as well as the U.S. Postal Service.

The CBU shall be located within a common area to be maintained by the residents of the development and shall meet the following:

- (1) Accessibility shall meet all ADA guidelines;
- (2) The location of the CBU shall not be located in an area that will impede the flow of traffic coming into or out of the development.

SECTION 5-4 DESIGN AND CONSTRUCTION CRITERIA

All streets in any subdivision, whether such streets shall be private or dedicated for public use, shall be paved, and constructed to county requirements. Detailed construction specifications and engineering requirements may be obtained from the County Engineer's office. Design guidelines are found in the following table:

	Arterial Street	Collector Street	Major Local	Minor Local	Residential	Cul-de-Sac (Turnaround)	Private Road
Minimum Right-of-Way**	120'	80'	60'	50'	50'	(120' diam.)	50'
Minimum Travelway	Note ¹	Note ¹	22'	20'	20'	(96' diam.)	18'
Maximum Grade	Note ¹	Note ¹	10%	12%	16%	10%	16%
Minimum Angle of Intersection	Note ¹	Note ¹	75°	75°	75°	75°	
Minimum Intersection Offset	Note ¹	Note ¹	150'	150'	150'		150'
Minimum Curb Radius at Intersection	Note ¹	Note ¹	25'	25'	25'	25'	25'
Minimum Horizontal Curve Radius	Note ¹	Note ¹	Note ¹	Note ¹	100'	100'	100'
Minimum Reverse Curve Tangent	Note ¹	Note ¹	Note ¹	Note ¹			

Note¹: Refer to Design Criteria in current AASHTO Policy

** Additional ROW may be required in accordance with the Major Road Plan

SECTION 5-5 GEOMETRIC DESIGN FOR PRIVATE ROAD SUBDIVISIONS

5-5-1 POLICY

No subdivisions with unpaved privately maintained roads will be permitted. Private road subdivisions will be allowed. All such private road subdivisions must be paved, but may be constructed to a lesser standard than that required of publicly maintained subdivisions as is more fully set out herein. It is the policy of the County Commission not to impose any paving standards on private driveways (outside of public rights of way). Nothing contained herein shall be construed to restrict or prohibit a private driveway serving a single lot or a private driveway serving more than one, but not more than 3, lots.

5-5-2 GENERAL REQUIREMENTS

- (1) Plats: All roadways, drainage structures and other infrastructure shall be plainly marked and identified on all private subdivisions plats as "Private – Not to be Maintained by the State of Alabama or by Mobile County".
- (2) Licensed Engineer: All private road subdivision construction plans must bear the signature and seal of a licensed engineer who designed the subdivision. Upon completion of construction of the subdivision, the licensed engineer must certify to Mobile County that all construction work has been done in accordance with the plans and specifications.

5-5-3 GEOMETRIC DESIGN

Geometric design will depend on the size of the private subdivision and anticipated traffic volume, and shall be in accordance with "Mobile County Commission Design Guidelines for Improving Existing Unpaved Local Roads, Current Edition." These minimum design standards may be obtained from the office of the County Engineer.

5-5-4 STRUCTURAL REQUIREMENTS FOR ROADWAYS IN PRIVATE ROAD SUBDIVISIONS

Over an improved subgrade, a minimum of eight (8) inches of granular soil base or four (4) inches of crushed aggregate base must be constructed, overlaid by a minimum of 165 pounds per square yard of hot mix asphalt (HMA). Testing should be conducted and appropriate reports submitted in support of the Engineer's Certification.

5-5-5 DESIGN REQUIERMENTS

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

SECTION 5-6 BLOCKS AND LOTS

5-6-1 BLOCKS

The lengths, widths, and shapes of blocks shall be determined with due consideration of the limitations and opportunities of topography, the provision of building sites suitable to the intended uses, and the need for convenient access, circulation, safety, and control of traffic. Blocks shall normally have two tiers of lots of appropriate depths, although single-tier lots may be permitted in blocks adjacent to exterior boundaries of subdivisions, expressways, arterials, collector streets, railroads and watercourses to separate residential development from non-residential uses and through vehicular traffic. The minimum dimensions shown in Section 5-6-2 (3) may not be adequate under extreme lot conditions. The developer's engineer shall insure the minimum lot size is in compliance with the regulations issued by the Board of Health.

5-6-2 LOTS

- (1) Size and Shape of Lots: The size, shape, and orientation of lots shall be appropriate to the location of the subdivision and to the type of development and use contemplated. Side lot lines shall be approximately at right angles or radial to street lines. 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.
- (2) Corner Lots: Corner lots shall have adequate width and depth to provide for full front building setback distances from any adjacent right-of-way.
- (3) Minimum Dimensions: Minimum lot sizes shall be as follows or as required by the Board of Health:
 - a. Where served by an approved public or private water supply and sanitary sewer system, lots shall be a minimum of 6,000 square feet in area and not less than fifty (50) feet wide at the right-of-way line or such width to adequately provide access from the road to the residence. Innovative Subdivisions with lots less than the minimum square feet as specified above may be acceptable and approved.
 - b. Where served by an approved public or private water supply but not by an approved public or private sanitary sewer system, lots shall be a minimum of 15,000 square feet in area and not less than fifty (50) feet wide at the right-of-way line or such width to adequately provide access from the road to the residence.
 - c. Where approved public or private water and sewer services are not provided, lots shall be a minimum of 40,000 square feet in area and not less than fifty (50) feet wide at the right-of-way line or such width to adequately provide access from the road to the residence.
- (4) Setback Lines:
 - a. Front building setback shall be a minimum of twenty-five (25) feet.
 - b. Side and rear building setback shall be a minimum of five (5) feet or width of the easement, whichever is greater.
 - c. All lots that are adjacent to any right-of-way shall have a twenty-five (25) foot minimum building setback from the property line that is adjacent to the right-of-way.
- (5) Double Frontage Lots: Double frontage lots should be avoided, except where essential to provide separation of residential development from traffic arteries, or to overcome specific disadvantages to topography and orientation.
- (6) Compliance with Mobile County's Flood Damage Prevention Ordinance: Each lot in a subdivision should contain a flood-free building site as defined in the Mobile County Flood Damage Prevention Ordinance, or otherwise will require certification by a licensed engineer that the design complies with the Mobile County Flood Damage Prevention Ordinance prior to the issuance of any permits. The building site, where by any new construction and/or substantial improvements, shall be constructed with materials and utility equipment resistant to flood damage as defined in the Mobile County Flood Damage Prevention Ordinance.

ARTICLE VI

SPECIAL WATERSHEDS PROTECTION

- 6-1 DETENTION REQUIREMENTS
- 6-2 MAINTENANCE
- 6-3 BUFFER REQUIREMENTS

SECTION 6-1 DETENTION REQUIREMENTS

In any watershed which contains a public drinking water source, including, but not necessarily limited to, the J. B. Converse Watershed, any stream listed as a Clean Water Act Section 303(d) list of impaired waters or any area within the MS4 designation in Mobile County, no field lines or septic tanks may be constructed or maintained within a "flood prone area" as defined in *Code of Alabama (1975), Section 11-19-1(3)* or within a "Buffer Zone" as defined herein. Within any such watershed, storm water detention facilities are required in any subdivision whether a private subdivision or a subdivision which will be accepted by the County. Detention criteria shall include a maximum release rate equivalent to the 10 Year storm pre-development rate. The minimum detention capacity shall accommodate the volume of a 100 Year post-development storm. The Licensed Engineer must certify that the design of the subdivision and its storm water detention features are designed in accordance with these regulations. Any storm water detention facility must be shown in the plans and on the recorded subdivision plat as a common area not maintained by Mobile County or the State of Alabama.

SECTION 6-2 MAINTENANCE

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

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

SECTION 6-3 BUFFER REQUIREMENTS

The buffer requirements listed below have been developed to preserve the water quality prior to any development. Nothing in this section shall be construed as superseding the Mobile County Flood Damage Prevention Ordinance. In the case of conflicts, the more stringent condition shall apply, as determined by the County Engineer.

6-3-1 PURPOSE

- (1) To promote public health, safety, and welfare of the citizens of Mobile County.
- (2) To preserve the water quality and environmental integrity of the J. B. Converse Watershed, any MS4 area, any 303(d) impacted watershed (by land development), and any other potable water sources in Mobile County.
- (3) To mitigate future threats to public health associated with diminished water quality.

6-3-2 BUFFER REQUIREMENTS

- (1) The buffer requirements shall consist of land within fifty (50) feet of the perennial stream bank.
- (2) Buffer requirements shall consist of land within 100' of waterways that feed Big Creek Lake or other public drinking water source.
- (3) Buffer requirements shall consist of land within twenty five (25') feet of natural drainage features and wetlands.
- (4) Buffer zones shall be shown on the preliminary and final plat.

6-3-3 BUFFER ZONES

- (1) The function of the buffer zone is to protect the water quality, physical and ecological integrity of the stream ecosystem.
- (2) The buffer zone will begin at the stream bank of the active channel and extend a minimum of fifty (50) feet for the affected waterways.
- (3) Allowable uses within this zone shall be as allowed by the US Army Corps of Engineers (USACE) and the Alabama Department of Conservation and Natural Resources (ADCNR).

ARTICLE VII

GUARANTEE OF CONSTRUCTION

7-1 CONSTRUCTION, INSPECTION, AND CERTIFICATION

7-2 BONDS

SECTION 7-1 CONSTRUCTION, INSPECTION, AND CERTIFICATION

The Developer's Engineer of Record or their designee shall monitor and inspect the construction of all improvements and infrastructure in accordance with the approved construction plans as required in Article IV Section 4-2. The County Engineer or his/her designee may monitor and inspect the construction of the required improvements. If the County Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the County's adopted design and construction criteria, the Developer shall be responsible for correcting any deficiencies prior to final plat approval. Wherever the cost of improvements is covered by a surety, the Developer and the surety company shall be severally and jointly liable for completing or paying the cost of the improvements according to specifications.

Upon completion of the improvements, the Developer's Engineer of Record shall file with the County Engineer a statement stipulating the following:

- (1) That all required infrastructure construction is complete. This should be signed by the Developer's Engineer of Record using the appropriate certificate;
- (2) That these improvements are in compliance with the County Design and Construction Criteria;
- (3) That the Developer's Engineer of Record knows of no defects in these improvements;
- (4) That these improvements are free and clear of any encumbrances or liens, or list said encumbrances and liens and provide release documents from appropriate signatory; and
- (5) The subdivision meets the requirements of the Board of Health, if applicable.
- (6) That all essential utilities have been installed in accordance with appropriate standards and the utility companies have agreed to maintain them.
- (7) That all the test reports provided for materials and workmanship comply with the Alabama Department of Transportation Standard Specifications.

In accordance with Act 2009-384, the satisfactory completion of an administrative review by the County Engineer or his or her designee of all closing documents submitted by the Developer's Engineer of Record, including the Certificate of Construction for Acceptance of the Subdivision in Mobile County, shall serve as verification in accordance with Section 11-24-2c, Code of Alabama 1975.

SECTION 7-2 BONDS

The Developer shall be responsible for all required infrastructure construction related to the subdivision. Prior to the signing of the final plat, the Developer or Subdivider may be required to provide financial guarantees of performance under conditions set out in these regulations.

- (1) GRASSING BOND: This bond shall be in an amount equal to 150% of the estimated cost to insure a permanent stand of grass is established. The estimated cost will be based on a minimum value of \$2,000.00 per acre (or as directed by the County Engineer) within the right-of-way of any street or road constructed as part of the subdivision which the Developer requests the County to maintain upon acceptance for maintenance.
- (2) DRAINAGE PIPE BOND: This bond shall be in an amount equal to 150% of the cost to install any drainage structure constructed as part of the subdivision which the Developer requests the County to maintain upon acceptance for maintenance.
- (3) ASPHALT/PAVING BOND: This bond shall be in an amount equal to 150% of the estimated cost to reconstruct the pavement build-up for that part of the roadway that was constructed as part of the subdivision which the Developer requests the County to maintain upon acceptance for maintenance. The estimated cost will be based on the County's annual bid for asphalt and the current equipment and labor rates established by the County.
- (4) MAINTENANCE BOND: This bond shall be in an amount equal to 150% of the estimated cost to resurface the roadway constructed as part of the subdivision which the Developer requests the County to maintain upon acceptance for maintenance. The estimated cost will be based on the County's annual bid for asphalt and the current equipment and labor rates established by the County.

The minimum bond amount is 150% of the estimated cost but may be increased at the discretion of the County Engineer. Bond duration is at the discretion of the County Engineer and as appropriate to the development and current conditions.

ARTICLE VIII

WAIVERS

8-1 GENERAL

8-2 CONDITIONS

8-3 ADMINISTRATIVE WAIVERS

8-4 ADMINISTRATION & APPEALS

SECTION 8-1 GENERAL

A waiver may be granted in circumstances where the Developer demonstrates that extraordinary hardships or practical difficulties may result from strict compliance with these regulations. The initial application for a waiver shall be made to the County Engineer as part of the application for proposed plat application assembly approval.

The County Engineer or his/her designee shall review the submitted application assembly and any request for waiver prior to submitting it to the County Commission. The County Engineer shall indicate whether or not he/she has any objection to the request for waiver to these regulations.

In determining whether to grant the waiver, the County Engineer and the County Commission may consider but not be limited to the following in their decision making process:

- (1) The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;
- (2) The conditions for which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property; and
- (3) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular Hardship to the Owner, as distinguished from a mere inconvenience, would result if the strict letter of these regulations are carried out.

The waiver will not in any manner vary the provisions of other adopted policies and regulations of Mobile County.

SECTION 8-2 CONDITIONS

In approving waivers, the County Commission may require such conditions to insure substantial compliance with these regulations. If the County Engineer recommends that the waiver be granted, he/she may recommend that it be conditioned upon the Developer complying with special requirements as set out in the waiver approval.

The County Commission shall not grant any waiver within the floodway that does not comply with the currently adopted Mobile County Flood Damage Prevention Ordinance.

SECTION 8-3 ADMINISTRATIVE WAIVERS

The County Engineer may at his/her discretion administratively approve a waiver for a plat that does not violate the spirit or intent of the subdivision regulations. These waivers may include, but are not limited to, one or more of the following:

- (1) A lot line adjustment between two lots;
- (2) Lot sizes, based on proposed use or Innovative Subdivision design,
- (3) A minor subdivision with no new development or public improvements;
- (4) Dedication of right of way; or
- (5) An adjustment to the building setback line.

The County Engineer may attach such conditions to the granting of the waiver(s) as he/she deems necessary to further the purpose of these Subdivision Regulations and to meet the spirit and intent of these regulations.

Administrative waivers do not preclude approval by the Mobile County Commission, but constitute a condition under which the County Engineer may recommend approval of a plat that does not strictly comply or adhere to these regulations.

SECTION 8-4 ADMINISTRATION & APPEALS

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

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

ARTICLE IX

CONFLICT WITH PUBLIC AND PRIVATE PROVISIONS

9-1 PUBLIC PROVISIONS

9-2 PRIVATE PROVISIONS

SECTION 9-1 PUBLIC PROVISIONS

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule, regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, the provisions of which are more restrictive or impose higher standards shall control.

SECTION 9-2 PRIVATE PROVISIONS

These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction; provided, however, that where the provision of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. To the extent that any easement, covenant, or private agreement is not inconsistent with these regulations or any determinations made by the County Commission in approving a subdivision or in enforcing these regulations, such private provisions shall be operative and supplemental to these regulations; provided, however, that neither the County Commission nor the County Engineer shall be responsible for enforcing, regulating, or ensuring compliance with any such easement, covenant, or other private agreement or restriction.

ARTICLE X

LEGAL PROVISIONS

- 10-1 SEVERABILITY**
- 10-2 SAVINGS PROVISION**
- 10-3 INCORPORATION BY REFERENCE**
- 10-4 AMENDMENT PROCEDURE FOR COMMISSION**

SECTION 10-1 SEVERABILITY

If any part or provision of these regulations is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined to its terms and shall not affect or impair the validity of the remainder of these regulations or their application to other persons or circumstances.

SECTION 10-2 SAVINGS PROVISION

Except as expressly provided in these regulations, these regulations shall have prospective application only and shall not be construed as abating, modifying, or altering any action, including any penalty, pending under any subdivision regulations in existence on the effective date of these regulations. These regulations shall not affect the rights or liability of any person, firm, or corporation, nor operate as a waiver of any right of the County under any section or provision existing at the time of adoption of these regulations. Notwithstanding the foregoing, any application for proposed plat approval made after the County Commission's adoption of these regulations which is pending on the effective date of these regulations shall be reviewed, approved, or disapproved in accordance with these regulations, provided that the Owner or Developer was given written notice at the time of application that these regulations would be utilized in the approval of the subdivision's design and development.

SECTION 10-3 INCORPORATION BY REFERENCE

Code of Alabama 1975, § 11-3-10, Code of Alabama 1975, § 11-24-1 et seq., Code of Alabama 1975, § 11-52-30, Code of Alabama 1975, § 35-2-50 et seq., and Code of Alabama 1975, § 40-12-10 are hereby specifically incorporated by reference and made a part of these regulations.

SECTION 10-4 AMENDMENT PROCEDURE FOR COMMISSION

The County Commission may adopt amendments to these regulations at a regularly scheduled meeting of the County Commission subject to a public hearing. Notice of the public hearing shall be published in a newspaper of general circulation published in the County and shall contain the time, place of the hearing, and procedure for obtaining copies of the amendments. Notice of the public hearing may also be published on the County Commission website. In addition, the amendments shall not take effect for thirty (30) days after the action of the County Commission and a certified copy has been filed with the Judge of Probate of Mobile County. Amendments adopted by the County Commission shall not apply to any plat submitted prior to the date that the amendments take effect.