

The most significant is a change from our adopted Subdivision Regulations to a format that closely follows the Model Subdivision Regulations from the ACCA.

1-3 Fees have not been charged before.

The fee schedule has a bare minimum of fees, generally trying to cover costs currently absorbed by the County Commission. There are excessive review cycle fees to encourage surveyors and engineering to make complete submittals.

2-1 Several definitions have been added to bring the current Subdivision Regulations up to date.

2-1 94 clarifies the criteria under which divisions of land are exempt from Subdivision Regulations – there were often misunderstandings.

#### **SUBDIVISION**

**The division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites, or other division of land for the purpose, whether immediate or future, of sale or of building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory being subdivided. It shall include all divisions of land involving the dedication of a new street or a change**

**in existing streets. However, the following shall not be included within this definition or be subject to the requirements thereof:**

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

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.

3-3 Review/Submittal time – This change modified the 14 day approval window to update to the requirements set by state law. Provided explicit submittal requirements to help surveyors make complete submittals to expedite full review cycles. Provides a more concrete window for when submittals should be made.

3.25 **Time Table for Approval Process** County Engineer shall provide approval, or all recommended changes or revisions of the preliminary plat within fourteen (14) calendar days from date of submission. Date of submission receipt required.

- 3.31 **Purpose** The purpose of the Engineering Plan Review is to provide the preliminary plat and detailed plans and specifications in compliance with the requirements of these Regulations and the detailed construction specifications and engineering requirements to the County. This will enable the County Engineer, with input from other officials and agencies concerned, to hear, administratively review and act on the proposed development.
- 3.32 **Filing and Review** The subdivider shall provide the County Engineer's office two (2) copies of the Preliminary Plat and the required Engineering Plans. The Preliminary Plat and Engineering Plans shall be evaluated for accuracy and compliance with these Regulations and the detailed specifications obtained from the County Engineer's Office, by the staff of the Engineering Department. The documents may also be reviewed by other local officials and agencies with jurisdiction governing the development.

### 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.

#### 4-1 Proposed Plat Requirements

Previously was only a section 3.33 with specifications. Provide more explicit information to both 1) comply with state law and 2) to address previously incomplete submittals. Allows our office to refer to the professional standards as part of our review.

##### 3.33 Specifications for Preliminary Plat

1. Name of owner(s) of record;
2. Proposed name of subdivision, date, north arrow, scale, and vicinity map;
3. Name of Land Surveyor;
4. Vicinity map showing location of the subdivision;
5. Boundaries of the tract of land being subdivided shown with bearings and distances;
6. Wetland areas;

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

## 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);

Construction Plan Requirements – This was expanded from a redirection to provide some actual requirements. Section 4-2 lists some very general requirements.

- 3.34 **Specifications for Engineering Plans**  
Detailed construction specifications and engineering requirements may be obtained from the County Engineer's Office.

Buffering – there has never been specific consideration for adjacent uses – this version adds a buffering requirement for any uses not covered by the International Building Code that is adjacent to any property developed under the International Residential Code (for 1 and 2 family developments).

#### 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.

CBU (Community Mailbox Unit) added to our requirements to comply with current USPS policy.

#### 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.



ROW Required and Reference to the Major Road Plans. Arterial streets have a higher ROW dedication requirement. It also references the Major Road Plan to bring any future projects into consideration.

## 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 <sup>1</sup>	Note <sup>1</sup>	22'	20'	20'	(96' diam.)	18'
Maximum Grade	Note <sup>1</sup>	Note <sup>1</sup>	10%	12%	16%	10%	16%
Minimum Angle of Intersection	Note <sup>1</sup>	Note <sup>1</sup>	75°	75°	75°	75°	
Minimum Intersection Offset	Note <sup>1</sup>	Note <sup>1</sup>	150'	150'	150'		150'
Minimum Curb Radius at Intersection	Note <sup>1</sup>	Note <sup>1</sup>	25'	25'	25'	25'	25'
Minimum Horizontal Curve Radius	Note <sup>1</sup>	Note <sup>1</sup>	Note <sup>1</sup>	Note <sup>1</sup>	100'	100'	100'
Minimum Reverse Curve Tangent	Note <sup>1</sup>	Note <sup>1</sup>	Note <sup>1</sup>	Note <sup>1</sup>			

Note<sup>1</sup>: Refer to Design Criteria in current AASHTO Policy

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

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

The following guidelines shall apply:

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

Note<sup>1</sup>: Refer to Design Criteria in current AASHTO Policy

Lot Requirements were changed significantly. Instead of 25' width minimum, the new minimum width at the ROW is 50'. This is to accommodate the drainage MCPW is asked to install. Lot size for no water and no sewer is updated to current MCHD requirements. Due to numerous complaints about encroachments, a minimum side and rear setback are instituted for the first time.

#### 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.

#### **4.4 Lots**

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

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

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

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

Special Watershed Protections section is expanded to include MS4, 303(d) impacted watersheds and include requirements from our MS4 permit. Reporting becomes annual instead of every 5 years and requirements are increased to accommodate 100 year storm instead of the 50 year storm.

## **SECTION 8. SPECIAL WATERSHED PROTECTIONS**

### **8.1 Detention Requirements**

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

---

### **8.2 Maintenance**

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

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

## **SECTION 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.

The previously minimal appeals process has been fleshed out significantly to indicate conditions under which a waiver is appropriate. A section granting the County Engineer the right to grant administrative waivers has been added.

### **9.4 Appeal Process**

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

## **ARTICLE VIII**

### **WAIVERS**

#### **8-1 GENERAL**

#### **8-2 CONDITIONS**

#### **8-3 ADMINISTRATIVE WAIVERS**

##### **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.