

**JEFFERSON COUNTY**  
**SUBDIVISION &**  
**CONSTRUCTION**  
**REGULATIONS**



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# ARTICLE 1 GENERAL PROVISIONS

## SECTION 101 AUTHORITY AND JURISDICTION

**101.01 Authority.** Under the provisions of Sections 954 through 960 of Title 2 of Subdivision 27 of the Volume 14 Appendix to the Code of Alabama, which provisions are made a part hereof, the following regulations governing the subdivision of land are hereby adopted by the Jefferson County Planning & Zoning Commission, and the regulations governing the construction and development of land are hereby adopted by the Jefferson County Commission. (Amended 9/11/2003.)

**101.02 Jurisdiction.** On and after January 6, 1981, these regulations shall govern each and every subdivision or development of land within the unincorporated limits of Jefferson County, Alabama, as now or hereafter established, and within such territory as shall now or hereafter be within its jurisdiction. With the exception of existing regulatory provisions applicable to building permits, and with the exception of provisions in this ordinance applicable to haul road connections to public rights-of-way, nothing in this ordinance is intended to apply, nor shall it be construed to apply, to any activity or operation which is subject to the regulations of the Alabama Water Improvement Commission, the Alabama Surface Mining Reclamation Commission or their successors; to any activity or operation which is subject to regulation by the Office of Surface Mining Reclamation, the U.S. Department of Interior or its successor; or to silvicultural, agricultural and horticulture activities, including those which are incidental to, or part of, mining operations as specified above.

## SECTION 102 PURPOSES

These regulations are adopted for the following purposes:

To protect and provide for the public health, safety and general welfare of the citizenry of Jefferson County;

To guide the further growth and development of Jefferson County in conjunction with the zoning maps, official map and/or land use plan;

To provide for adequate light, air and privacy to secure safety from fire, flood and other danger, and to prevent overcrowding of the land and undue congestion of population;

To protect the character, social and economic stability of all parts of Jefferson County, and to encourage the orderly and beneficial development of the unincorporated area of Jefferson County;

To protect and conserve the value of land throughout the County, and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of the land and buildings;

To guide public and private policy and action in order to provide adequate and efficient transportation, streets, water, sewage, schools, parks, playgrounds, recreations, and other public requirements and facilities;

To provide the most beneficial relationship between the uses of land and buildings and the circulations of traffic throughout the County, having particular regards to avoidance of congestion in the streets and highways and, where applicable, the pedestrian traffic movement appropriate to various uses of land and buildings;

To provide for the proper location and width of streets and building lines;

To establish reasonable standards of design and procedures for subdivisions, re-subdivision, commercial and industrial development in order to further the orderly lay-out and use of land, and ensure proper legal descriptions and monumenting of subdivided land;

To ensure that public facilities are available and will have sufficient capacity to serve the proposed development;

To assure the adequacy of drainage facilities, to safeguard the water table, to preserve the natural beauty and topography of Jefferson County, and to ensure appropriate development with regards to these natural features; and,

To provide for open spaces through the most efficient designs and lay-outs of the land, including the use of average density in providing for minimum width and area of lots while preserving the density of land as established in the Zoning Resolution of Jefferson County, Alabama.

## **SECTION 103 APPLICATION OF REGULATIONS**

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

**103.02 Conflict.**

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

**b. Private Provisions.** These regulations are not intended to abrogate any easement, covenant, or any other private agreement or restriction, provided that where the provisions 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. Where the provision of the easement, covenant, or private agreement or restriction imposes duties and obligations that are more restrictive, or standards that are higher than the requirements of these regulations; than the determinations of the Planning & Zoning Commission in approving a subdivision; or than the County Commission in enforcing these regulations; and such private provisions are not inconsistent with these regulations or determination thereunder; then such private provisions shall be operative and supplemental to these regulations and determination made thereunder. (Amended 9/11/2003.)

**103.03 Severability.** If any part or provision of these regulations, or application thereof to any person or circumstance, is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered, and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. Both the Planning & Zoning Commission and the County Commission hereby declare that they would have enacted the remainder of these regulations even without any such part, provision, or application. (Amended 9/11/2003.)

**103.04 Saving Provision.** These regulations shall not be construed as abating any action now pending under, or currently pending by virtue of, prior existing subdivision regulations; nor shall they be construed as discontinuing, abating, modifying, or altering any penalty occurring, or about to occur, to any person, firm or corporation pursuant to any existing subdivision regulations, or as otherwise affecting the liability of any such person, firm, or corporation in any way. Furthermore, these regulations shall not be construed as waiving any right of the County under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the County, except as shall be expressly provided for in these regulations.

## **SECTION 104 ADMINISTRATION**

**104.01 Administrative Authority of the Planning & Zoning Commission.** The Jefferson County Planning & Zoning Commission is responsible for the establishment and administration of the subdivision regulations in Jefferson County. Furthermore, all subdivision plats/record maps submitted for the purpose of dividing or re-dividing land and/or property in the unincorporated portion of Jefferson County, Alabama, including re-surveys, shall hereafter be submitted to the Jefferson County Planning & Zoning for

approval or disapproval; and no plat of any subdivision of land within the unincorporated territory of Jefferson County, Alabama, shall be filed or recorded unless and until it has been approved by the Jefferson County Planning & Zoning Commission.

(Amended 9/11/2003.)

**104.02 Administrative Authority of the Director of the Department of Roads & Transportation.** The Director of the Jefferson County Department of Roads & Transportation is appointed by the Jefferson County Commission to be responsible for the development and administration of the Subdivision and Construction Regulations in Jefferson County. The Director is responsible for the review and approval of subdivision development plans and acts as the authorized agent of the Commission in the interpretation and enforcement of the plans, specifications and regulations; and he or his authorized agent shall determine the amount, quantity, acceptability and fitness of the work as specified in the plans, specifications and/or regulations. In addition, the Director shall have the authority to grant special relief from construction standards or regulations in specific situations; furthermore, the Director or his authorized agent shall at all times have access to the work both during and following construction.

(Amended 9/11/2003, 4/8/2004.)

**104.03 Amendments.** For the purpose of providing for the public health, safety, and general welfare, the Planning & Zoning Commission and/or the County Commission may from time to time amend the provisions imposed by the subdivision and construction regulations. Public hearing on all proposed amendments shall be held by the appropriate Commission in the manner prescribed by law.

(Amended 9/11/2003.)

**104.04 Conditions.** Regulation of the subdivision of land and the attachment of reasonable conditions to the development of land is an exercise of valid police power delegated by the State to this County. The developer has the duty of compliance with reasonable conditions laid down by the County Commission for design, dedication, improvement, and restrictive use of the land so as to conform to the physical and economical development of the unincorporated areas of the County, and to promote the safety and general welfare of future property owners.

## SECTION 105 ENFORCEMENT AND PENALTIES

**105.01 General.** It shall be the duty of the authorized agent of the County Commission to enforce these regulations, and to bring to the attention of the Jefferson County District Attorney any violations or lack of compliance herewith.

**105.02 Subdivision Approval Required.** No owner, or agent of the owner, of any lot located within a proposed subdivision, shall transfer, sell, agree to sell, or negotiate to sell any land by reference to or exhibition of a plat of a subdivision, or by any other use of a plat of subdivision, before such plat has been approved by the Jefferson County Planning & Zoning Commission and recorded with the County Probate Judge.

(Amended 9/11/2003.)

- 105.03 Zoning Approval/Building Permit Required.** No construction of any building or structure shall be permitted without prior issuance of a zoning approval and building permit; and no zoning approval shall be issued (for a building permit) to construct any building or structure located on a lot or parcel subdivided or sold in violation of the provision of these regulations.
- 105.04 Penalties.** Any owner, or agent of an owner, found to be in violation of these regulations as set forth hereinabove, shall forfeit and pay a penalty of \$100.00 for each lot or parcel involved; and the description of any such a lot or parcel by metes and bounds, in the instrument of transfer or other document used in the process of selling or transferring such lot or parcel, shall not exempt the transaction from the penalties or remedies stated herein. The County Commission may also institute an injunction against such transfer or sale or through any court of equity jurisdiction or may recover the same penalty by civil action in any court, pursuant to Section 957 of Title II of Subdivision 27 of the Appendix, Volume 14, Code of Alabama.
- 105.05 Civil Enforcement.** Appropriate action and proceedings may be taken by law or in equity in case any building or structure is, or is proposed to be, erected, constructed, reconstructed, altered, maintained, used or occupied; or any land is, or is proposed to be, used or occupied in violation of the subdivision, the State law, or of any regulation or provision of any resolution, or amendment thereof, enacted or adopted by the County Commission or the Planning & Zoning Commission of Jefferson County under the authority granted to said Commissions by State law. In addition to other remedies provided by law, the Jefferson County Commission or the authorized agent can institute injunction, mandamus, abatement or any other appropriate proceeding necessary to prevent, enjoin, abate or remove such unlawful erection, construction, alteration, maintenance, use or occupancy, pursuant to Section 981 of Title II of Subdivision 27 of the Appendix, Volume 14, Code of Alabama. (Amended 9/11/2003.)

## **SECTION 106 DEFINITIONS**

Except as otherwise provided herein, all words shall have the customary dictionary meaning. The present tense includes the future tense. The singular number includes the plural, and the plural includes the singular. The word “person” includes a firm, corporation, association, organization, trust or partnership. The word “lot” includes plot or parcel. The word “building” includes structure. The word “shall” is mandatory, and the word “may” is permissive.

**Alley:** A public right-of-way primarily designed to serve as a secondary access to the side or rear of abutting properties, and not intended for general traffic circulation.

**Applicant:** The owner of land proposed to be subdivided, or his or her representative; and/or any person, firm, corporation, or public body which makes application for a permit.

**Authorized Agent:** The person appointed by the Jefferson County Commission to administer and enforce all provisions of these regulations.

**Block:** A tract or parcel of land entirely surrounded by public streets other than alleys.

**Building:** Any structure built for the support, shelter and/or enclosure of persons, animals, chattel or movable property of any kind. (The word ‘building’ also includes ‘structure’).

**Building Development:** The development of multiple lots, tracts, parcels or sites in such a manner that roadway, drainage or other improvements in a public right-of-way are required. This term shall not include the establishment of one (1) single family residence or mobile home, and/or any allowable accessory structures, on a lot, tract, parcel or site under family ownership as set forth in Section 201.04(b)(2) of these Regulations (“family” being as defined herein). Neither shall this term apply to lots, tracts, parcels or sites of ten (10) acres or more for agricultural or residential use, and where road, drainage or other improvements within a public right-of-way are not required. (Adopted 4/14/2011.)

**Building Setback Line:** A line parallel to the property line, in front of which no structure may be erected.

**Carrier:** Pipe directly enclosing a transmitted fluid (liquid or gas).

**Casing:** A larger pipe enclosing a carrier.

**Closure:** Complete blocking of flow of traffic on a street or road when detour is required.

**Conduit or Duct:** An enclosed tubular runway for protecting wires or cables.

**Construction Plan:** A plan showing details of construction and design for subdivisions and other improvements, prepared in a manner meeting the requirements of these regulations.

**County Commission:** The Jefferson County (Alabama) Commission.

**Cover/Bury:** Depth of top of casing (if cased), or of carrier pipe (if uncased), below surface grade.

**Crosswalk:** A public right-of-way ten (10) feet or more in width between property lines, which provides pedestrian access to adjacent properties.

**Designated Plat Representative:** The authorized agent for a subdivision case, who may or may not be the actual owner of the property, but who shall nevertheless be the party responsible for all proceedings and matters relating to the subdivision on the owner’s and/or developer’s behalf. Any and all County correspondence, communications, transactions, etc., relating to the case will be directed to the Designated Plat Representative. (NOTE: to facilitate consistency throughout these Regulations, the terms ‘Designated Plat Representative’, ‘subdivider’ and ‘applicant’ shall be considered as referencing the same person or party.) (Adopted 9/11/2003.)

**Easement:** A grant, by the property owner, of use by the public, a corporation or a person, of a strip of land for specified reasons, or as created by operation of law.

**Emergency:** A situation where the safety or convenience of the traveling public or the general public, or the structural integrity of the roadway itself, is placed in jeopardy.

**Encasement:** Structural element surrounding a pipe.

**Family:** One or more persons occupying a dwelling and living as a single housekeeping unit, all but two (2) of whom are related to each other by birth, adoption or marriage, as distinguished from a group occupying a boarding house, rooming house, or hotel. Furthermore, the following relationships to the owner of a property, or to the spouse of the owner of a property, as established by blood, marriage, re-marriage, legal adoption or guardianship, shall constitute family membership: child, step-child, parent, step-parent, brother, sister, step-brother, step-sister, grandparent, grandchild, aunt, uncle, niece, nephew, and legal ward. However, notwithstanding the preceding definition, a family shall also be deemed to include up to three (3) unrelated persons occupying a dwelling unit and living as a single, non-profit housekeeping unit, if any one or more of said three (3) unrelated occupants is handicapped as defined in Title VIII of the Civil Rights Act of 1968 as amended by the "Fair Housing Act Amendments of 1988" and the "Alabama Fair Housing Law," Code of Alabama 24-8-1, et seq. Such unrelated individual(s) shall have the right to occupy a dwelling unit in the same manner and to the same extent as any family unit as first defined herein. (Adopted 3/10/2005.)

**Floating Slab:** Slab between, but not contacting, pipe or pavement.

**Floodplain District:** A district, delineated by Federal Flood Insurance Program floodplain and floodway boundary maps and documents, as being subject to inundation by floods.

**Hardship:** An unusual situation affecting an individual property owner such that it will not permit him/her to enjoy the full utilization of the property as is given to others within the County. A hardship exists only when it is not self-created, and when it is not economic in nature.

**High Pressure:** Internal pressure exceeding 160 PSIG (pounds per square inch gauge).

**Land Planning & Development Services Department:** A department of Jefferson County to which certain administrative and technical functions, related to these regulations, have been assigned by the authorized agent.

**Lot:** A portion of a subdivision or any other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.

**Lot, Corner:** A lot which occupies the interior angle at the intersection of two street lines. The street line forming the least frontage shall be deemed the front of the lot except where the two street lines are approximately equal, in which case the owner shall be required to specify which is the front.

**Lot, Depth:** The mean horizontal distance between the front and rear lot lines.

**Lot, Double Front:** A lot having frontage on two non-intersecting streets.

**Lot, Width:** The mean horizontal distance between the two side lot lines.

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

**Normal Maintenance:** That work required to keep the existing facility in a state of good repair without adding to its physical makeup or changing its functional capacity.

**Preliminary Plat:** A tentative plat, usually of the complete proposed subdivision, submitted to the Planning & Zoning Commission for consideration. Any proposed subdivision of property, approved prior to or concurrently with corresponding construction plans, shall be considered a preliminary plat; and as such, shall be binding on the subsequent development of said property unless and until a subsequent subdivision plat shall have been submitted and approved by the Planning & Zoning Commission. Preliminary plats need not be submitted on mylar; only the final plat or record map of any subdivision is required to be on mylar. Furthermore, for the purpose of these Regulations, full engineering and construction plans are *not required* in conjunction with a preliminary plat; however, whether such plat is being submitted as a “conceptual plan” for a rezoning case, or in any other situation in which a preliminary plat is to be considered, developers are encouraged to conduct sufficient study such that the conditions of “Substantial Conformance” may be met with respect to the final plat. (NOTE: In many of the existing sections of the Jefferson County Subdivision and Construction Regulations, the preliminary plat is referred to as a “preliminary plan”: these terms shall accordingly be considered interchangeable.)

(Amended 9/11/2003.)

**Pressure:** Relative internal pressure in PSIG (pounds per square inch gauge).

**Public Works Department:** Former Jefferson County Department, comprised of what are currently the separate departments of Land Planning & Development Services, Roads & Transportation, Inspection Services and Environmental Services.

**Registered Engineer:** An engineer properly licensed and registered in the State of Alabama.

**Resurvey or Re-subdivision:** The division of any parcel in a recorded document into two or more parcels, or any change in the information of a recorded plat.

**Right-of-Way:** A general term denoting land, property, or an interest therein, usually in a strip, acquired for or devoted to transportation or other purposes.

**Roadway:** The portion of a right-of-way, including shoulders, for vehicular use. (A divided highway has two or more roadways.)



**Staff:** An employee, or employees, working under the direction authorized agent, and generally being employees of the Land Planning & Development Services Department.

**Street or Road:** A dedicated and accepted public right-of-way for vehicular traffic. Various classifications of streets are as follows:

**Expressway:** A facility which accommodates a high volume of traffic through prohibiting ingress and egress except at controlled intervals, and which do not provide access to abutting property.

**Arterial:** A major street carrying heavy traffic volumes and providing cross-town connections between areas of heavy traffic generation. Arterials have a dual function, in that they to move traffic and provide access to adjoining land uses.

**Collector:** A street whose primary function is to collect traffic within a limited area and move it to the arterial street system. Collector streets also provide access to adjoining properties.

**Minor Street:** A street whose primary function is to provide access to adjoining land uses, and which should be designed to discourage through or heavy traffic volumes.

**Cul-de-sac:** A minor street designed to have one end permanently closed by a vehicular turn-around.

**Marginal Access Street:** A minor street which parallels and is immediately adjacent to an expressway or arterial street, and which provides access to abutting property.

**Subdivision:** The division of a lot, tract, or parcel of land into two or more lots, plats, sites, tracts, or other divisions of land for the purpose, whether immediate or future, of sale or of building development. It includes re-subdivision and, when appropriate to the context, relates to the process of subdividing, and to land or territory subdivided.

(Amended 4/14/2011 pursuant to Volume 14, Subdivision 27, Title 2, Section 944, Code of Alabama)

**Subdivision Case:** An application for hearing by the Jefferson County Planning & Zoning Commission with regard to a proposed subdivision, re-subdivision or re-survey of property. Such applications may involve either a preliminary plat or a final plat/record map. (Adopted 9/11/2003.)

**Subdivision Plat:** A preliminary plat, final plat or record map that depicts the subdivision of land (as defined herein). (Adopted 9/11/2003.)

**Substantial Conformance:** Criteria used to evaluate a final subdivision plat or record map against a preliminary plat that was previously approved by the Planning & Zoning Commission. In cases where the final plat is determined to substantially conform to the approved preliminary plat, no further review or public hearing by the Planning & Zoning Commission will be required; however, in cases where the final plat does not satisfy the criteria of substantial conformance, the new plat must be submitted for hearing and approval as a new subdivision case. (Adopted 9/11/2003.)

**Surety:** Any surety bond, certificate of deposit, irrevocable letter of credit, cashier check, or other acceptable sureties as approved by the County Commission or its authorized agent.

**Typical Lot:** A schematic representation of how an average lot in the proposed development can be expected to be laid out. However, such representations are conceptual only, and are intended to illustrate the type, style and general character of the subdivision that is being proposed; and for the purposes of these Regulations, a typical lot shall not be considered binding with regard to the actual construction on any specific lot in any such subdivision. (Adopted 9/11/2003.)

**Utility:** All public and private utilities, such as electric power, telephone, telegraph, water, gas, oil, petroleum, steam, chemicals, sewage, drainage, irrigation, etc., which have lines that are to be located, adjusted or relocated within the rights-of-way of streets or roads under the jurisdiction of the County. Such utilities may involve underground, surface or overhead facilities, either singularly or in combination.

**Variance Case:** Any application for hearing by the Jefferson County Board of Zoning Adjustment requesting relief from the literal application of the Zoning Regulations, but usually consisting of a request to relax or waive one or more of the requirements pertaining to the use, area and/or dimensional requirements applicable to a specific property. (Adopted 9/11/2003.)

**Zoning Case or Rezoning Case:** An application for hearing by the Jefferson County Planning & Zoning Commission, and subsequently by the Jefferson County Commission, regarding a proposed change of zoning on any property. (Adopted 9/11/2003.)

## **ARTICLE 2 SUBDIVISION**

### **SECTION 201 GENERAL PROCEDURES AND REQUIREMENTS FOR SUBDIVISION**

(Amended/Adopted 9/11/2003, except where noted otherwise.)

**201.01 Planning & Zoning Commission Approval Required.** All subdivision plats/record maps submitted for the purpose of dividing or re-dividing land and/or property in the unincorporated portion of Jefferson County, Alabama, including re-surveys, shall hereafter be submitted to the Jefferson County Planning & Zoning for approval or disapproval in accordance with the provisions of this Article. No plat of any subdivision of land within the unincorporated territory of Jefferson County, Alabama, shall be filed or recorded unless and until it has been approved by the Jefferson County Planning & Zoning Commission.

**201.02 Resurvey/Re-Subdivision of Land.**

- a. Procedure for Re-Survey/Re-Subdivision.** For any change in a map of any approved or recorded subdivision plat, if such change affects any street layout shown on such maps; any area reserved thereon for public use; any lot line beyond the scope of substantial conformance (as set forth in Section 204.04.a of this Article) with respect to the current plat; or any map or plan legally reached prior to the adoption of any regulation controlling subdivisions; such change must be approved by the Jefferson County Planning & Zoning Commission in accordance with the same procedures, rules and regulations set forth in this Article for a (new) subdivision.
- b. Procedures for Subdivisions where Future Subdivision is Indicated.** Whenever a parcel of land is to be subdivided, and the subdivision plat shows one or more lots which contain more than one acre of land, and there are indications that such lots will eventually be re-subdivided into smaller building sites, the Planning & Zoning Commission may require the plat be amended such that said parcel of land will allow for the future opening of streets, and/or the ultimate extension of adjacent streets.

**201.03 Public Hearing of Subdivisions.**

- a. Public Hearing Required.** The Jefferson County Planning & Zoning Commission shall take no action on any subdivision until it shall first have held a public hearing thereon. The Planning & Zoning Commission shall hold its hearing on a subdivision case at the first regularly-scheduled meeting following proper submission of a formal application for same in the Department of Land Planning & Development Services, in accordance with the hearing and application deadline dates adopted by resolution of the Jefferson County Commission.

(Original amendment amended 3/11/2004.)

- b. **Notice of Public Hearing.** For each subdivision case to be heard by the Planning & Zoning Commission, the Department of Land Planning & Development Services shall send notices to the Designated Plat Representative; the owners of land immediately adjoining the platted property; and/or the owners of land (as shown by the records of the Tax Assessor of Jefferson County) immediately adjoining the larger “original” parcel(s) out of which the platted land is being subdivided. Such notices shall specify the time and place of the public hearing to be held by the Planning & Zoning Commission, and shall be sent by registered and first-class mail no less than seven (7) days prior to said public hearing.

However, in the event that a case is continued or “carried over” for re-hearing at a later date, in accordance with the procedures set forth in Sections 202.03 and 204.02.e.4 of this Article); and the date of that subsequent hearing is specified in the hearing for which the required registered notices have been sent; the Department of Land Planning & Development Services shall send notices of said subsequent hearing by first-class mail only.

- c. **Public Hearing Agenda.**

- 1. **Placement of Subdivision Cases on the Public Hearing Agenda.** The subdivision agenda of the Planning & Zoning Commission will be considered “set” upon the mailing of the public hearing notices to the adjoining property owners. Any case for which notices are mailed shall be considered to have been formally placed on the agenda; conversely, any case for which notices are not mailed at the appointed time shall not be placed on the Planning & Zoning Commission’s agenda.
- 2. **Hearing of Subdivision Cases Simultaneously with Rezoning Cases.** Generally, the subdivision cases will be listed and heard on a distinct and separate Subdivision Agenda. However, in situations where a subdivision case has been filed simultaneously with a rezoning case (for the purpose of being considered simultaneously with the rezoning application), the subdivision case will be listed on the *Zoning* Agenda, where it will be heard and considered simultaneously with the zoning case with which it is associated. The Planning & Zoning Commission will then issue separate rulings for the two cases – one on the zoning matter, and one on the preliminary plat – in order to maintain clear and proper records of all actions affecting the property in question. (Original amendment amended 8/12/2004.)

#### **201.04 Exemptions.**

- a. The following are exempt from the requirements of these Regulations, provided that while the below-listed exemptions shall be sufficient to allow the division of property or land into lots, tracts or similar smaller parcels, it is hereby stipulated that such exemptions shall in no way entitle the owner of any resulting lot, tract or parcel to a building permit. All structures will be permitted separately and

individually, and only upon determination that both the proposed structure itself and the property on which it is to be located comply with all applicable requirements of these and *all* other applicable regulations, codes and ordinances.

(Adopted 3/11/2004, amended 4/14/2011.)

1. divisions of property by testamentary or intestate provisions; and,
  2. divisions of property upon court order, including but not limited to judgments of foreclosure or probated family estates.
- b. Where the context of the following divisions of land is such that there is no purpose of building development (as defined in these Regulations), such divisions shall not be considered “subdivisions” within the meaning of these Regulations. However, should the standard subdivision procedures not be followed, the petitioner must submit a plot plan, signed and sealed by surveyor registered in the State of Alabama, mapping out all lots, parcels or tracts created off of the original lot, parcel or tract, as well as the remainder of the original lot, parcel or tract itself, and containing all other appropriate notes and information. Said plot plan shall be reviewed administratively by County staff according to the criteria of Section 205.06 of this Article; and upon approval by all reviewing departments, said plan must be recorded with the deed in the appropriate probate office as “[Name] Plot Plan” before any building permit can be issued on the affected properties. In these cases, public hearing by the Planning & Zoning Commission will not be required.
1. divisions of land where all resulting parcels are ten (10) acres or larger in size, including the remainder of the original parcel;
  2. divisions of land for conservation purposes (i.e., not for development), including preservation of flood prone areas, conveyance to land or water conservation trusts, etc.; and,  
(Adopted 4/14/2011.)
  3. a division of property for the purpose of allowing a family member to improve or build on for residential use only. Provided, however, that this exemption shall apply only to lots, parcels or tracts established at the time of this amendment (March 10, 2005); that there shall be no more than two (2) such divisions per such existing lot, parcel or tract; that said existing lot, parcel or tract is not already included in a recorded subdivision; and that all resulting lots, parcels or tracts shall comply with all applicable requirements of the Zoning Resolution of Jefferson County, Alabama.  
(Adopted 3/10/2005, amended 4/14/2011.)

In all other situations, a subdivision plat must be submitted, and the procedures and requirements of these Regulations must be followed and fully complied with in order to subdivide, re-subdivide or resurvey any land in Jefferson County.

**201.05 Exceptions.** If, in the determination of the Planning & Zoning Commission, the literal enforcement of one or more provisions of these Regulations is impracticable or will

exact undue hardship because of peculiar conditions pertaining to the land in question, said Commission shall have the power to grant such exceptions to the requirements for subdivision approval as may be reasonable and in keeping with the general purpose and intent of the provisions governing subdivision review and approval (as set forth in these Regulations).

However, it is the primary responsibility of the Planning & Zoning Commission to apply these Regulations equitably and objectively to all properties. And it shall be the express duty of said Commission, in the course of hearing, considering and ruling on such matters, to ensure that exceptions are granted only when such can be demonstrated to be in harmony with the purpose, spirit and intent of these Regulations; that the exceptions will not be contrary to the public interest, or be considered in any way to be injurious or detrimental to the neighborhood or to the general/public welfare; and where, owing to special conditions or circumstances unique to a specific property, a literal enforcement of the requirements for subdivision review and approval will result in an unnecessary hardship on the property owner. Therefore, the authority granted to the Commission in this Section shall be strictly governed by the following provisions:

- a. Applicability.** The Planning & Zoning Commission shall have the authority to exercise this power only when acting upon applications where all of the following apply:

  1. the proposed subdivision of land contains no more than four (4) lots, including the remainder of the original parcel;
  2. the proposed subdivision does not involve any new street construction or expansion, and no street or roadway improvement or addition is required or otherwise deemed necessary by the Department of Roads & Transportation;
  3. the proposed subdivision does not involve the extension of a public utility or other public facility;
  4. the proposed exception(s) will not adversely affect the reasonable development of any adjoining property; will not conflict with the road plan of Jefferson County; and will not conflict with any pending, proposed or planned public projects of any kind; and,
  5. the proposed exception(s) will not create any substandard lots.
- b. Conditions of the Property.** In determining the extent to which special conditions or circumstances are involved, the Commission must establish that there are extraordinary and exceptional conditions which are peculiar to the particular piece of property in question – such as its size, shape, topography or

other similarly-limiting factors – that are not generally applicable to other land or property.

Furthermore, the Commission must be satisfied that the extraordinary and exceptional circumstances referred to hereinabove are not the results of the actions of the applicant (i.e., a self-imposed hardship); neither shall the contention, whether presumed or submitted as fact, that an exception would increase the financial return from the land be considered sufficient grounds for the approval of same.

- c. **Conditions on Exceptions.** In all cases, the Commission shall consider only the minimum exception necessary to make possible the proper and legal use of the land in question. (Adopted 3/11/2004.)

#### **201.06 Subdivision Policies With Regard To Rezoning.**

- a. **Proper Zoning and Compliance Required.** Any property for which a subdivision plat is submitted for hearing must be properly zoned before it can be placed on the Planning & Zoning Commission’s agenda; provided, however, that a zoning case may be filed and heard *concurrently with* the subdivision case (see Item (b) below). No subdivision will be placed on the public hearing agenda unless and until it complies with the zoning requirements applicable to the property that is being subdivided.

- b. **Concurrent Zoning Cases.** A subdivision case shall be required in conjunction with any application for rezoning that proposes or entails the division of land and/or property for the purpose of development. The subdivision case may be filed at the same time as the rezoning case, or an applicant may wait and file the subdivision case after the rezoning process has been completed.

(Original amendment amended 8/12/2004.)

1. If the subdivision case is to be filed simultaneously with the rezoning case, separate rezoning and subdivision applications will be required; however, the two cases will be reviewed and heard by the Planning & Zoning Commission concurrently, and the proposed subdivision plat shall constitute the required site plan for the rezoning request. If the subdivision plat is approved by the Planning & Zoning Commission, that plat shall also be considered the preliminary plat governing the subsequent development of the property in question.

See Item 201.06.c below for additional procedures regarding subdivision cases submitted simultaneously with rezoning cases.

2. If the subdivision case is to be filed after the rezoning case has been concluded, the application for *rezoning* must include a site plan that approximates a “preliminary plat” in terms of the information presented, and the manner in which it is presented.

See Item 201.06.d below for additional procedures regarding subdivision cases submitted after their respective rezoning cases.

- c. **Complications Arising From Conflicting Zoning Decisions.** The approval of any subdivision case by the Planning & Zoning Commission, heard simultaneously in conjunction with a concurrent zoning case, shall establish the plat so approved as the preliminary plat of record.

If, however, pursuant to the Jefferson County Commission's subsequent hearing of the zoning case, the applicant is approved to develop a subdivision that is *not* in substantial conformance to the preliminary plat previously approved by the Planning & Zoning Commission; and the applicant intends to develop said subdivision in such manner – that is, not in substantial conformance to the preliminary plat approved by the Planning & Zoning Commission; the applicant must file a new subdivision (case) application for hearing by the Planning & Zoning Commission.

Upon filing of such new subdivision application, the original subdivision case shall be voided with no fees due; however, payment of the Application/Review Fee for the *new* subdivision case *shall* be required at the time the new subdivision application is submitted.

(Original amendment amended 8/12/2004.)

- d. **Complications Arising From Conflicts Between Site Plans and Preliminary Plats.** Whenever a required subdivision case is not heard, by the Planning & Zoning Commission, simultaneously with a concurrent rezoning case, it shall be understood that any subsequent recommendation of said Commission to rezone the property in question shall have been based on the site plan (required in accordance with Item 201.06.b.2 above) of record at the time of the Planning & Zoning Commission's hearing.

Therefore, the Jefferson County Planning & Zoning Commission shall in no way be obligated or compelled to approve any subdivision plat, submitted as part of a subdivision application filed after a rezoning application has already been heard, if said plat does not substantially conform to the site plan of record at the time of the Planning & Zoning Commission's hearing of the related rezoning application.

(Adopted 8/12/2004.)

## **201.07 Subdivision Policies With Regard To Variances.**

- a. **Variances Must Be Approved Prior to Subdivision Hearing.** Any variances that are necessary in order to allow the recording of a subdivision plat/record map must be approved by the Jefferson County Board of Zoning Adjustment prior to the presentation of said subdivision/map to the Planning & Zoning Commission for hearing. No subdivision will be placed on the public hearing agenda unless and until it complies with the zoning requirements applicable to the property that is being subdivided, or until any necessary variances have been approved.



Furthermore, if any variance is necessary in order to allow a property to be developed as depicted on a preliminary plat submitted for rezoning, or contained within a submitted set of construction plans, such variance(s) must be approved by the Jefferson County Board of Zoning Adjustment prior to the presentation of such plat to the Planning & Zoning Commission for hearing.

- b. Concurrent Variance Cases.** Any subdivision case application submitted concurrently with a related petition for hearing by the Board of Zoning Adjustment (i.e., a variance case) shall be withheld from the public hearing agenda of the Planning & Zoning Commission until after the Board of Zoning Adjustment has ruled on the variance case. Furthermore, failure of the Board of Zoning Adjustment to approve all of the variances necessary in order to permit the development of a pending subdivision shall preclude the placement of the subdivision case on the Planning & Zoning Commission's agenda until such time as the proposed subdivision is revised to comply with the applicable zoning requirements (as adjusted by whatever variances may have been approved).

#### **201.08 Subdivision Policies With Regard To Construction Plans.**

- a. Preliminary Plat Approval Required.** When any construction plans submitted to the Plans Review office of the Department of Roads & Transportation depict development that includes, involves or otherwise entails any subdivision, platting or other delineation of new parcels or lots on any given property; propose a development, the boundaries of which do not correspond to any established subdivision, parcel, lot or property lines of record; or depict or imply development of only a portion of a larger tract or parcel, where any other portion is intended or expected to be sold to, or developed by, persons other than those owning or developing the submitted project; the inclusion of a preliminary plat and its filing as a subdivision case shall be required. The construction plans themselves may be reviewed concurrently with the processing of the subdivision case, but Department of Land Planning & Development Services will not issue any approval on those plans until the corresponding preliminary plat has been duly heard and approved by the Planning & Zoning Commission.
- b. Consistency Between Preliminary Plat and Construction Plans.** When construction plans have been submitted concurrently with a proposed subdivision plat, or a preliminary plat is otherwise required in conjunction with a set of construction plans that has already been submitted (as set forth in Item (a) above), those plans must meet the criteria set forth below before the subdivision case can be placed on the Planning & Zoning Commission's agenda for public hearing.
  1. The construction plans must depict development that matches the subdivision plat with which they are associated; and,

2. The construction plans must be compliant with all applicable requirements, regulations and restrictions of all reviewing departments and agencies, at least to the extent that any revisions that may subsequently be required (on the construction plans) would not necessitate a change in the subdivision plat itself.

**201.09 Pre-Application Conference.** Prior to formal application for subdivision approval, the subdivider or his/her agent is encouraged to meet with County staff to discuss the requirements, any necessary improvements, permitted uses, and any other issues, problems or concerns that may be involved with the proposed subdivision.

**201.10 Vacation of Plat or Map.** Any plat or map, whether or not executed and recorded as provided in this article, may be vacated by the owner, his executor, administrator or guardian of the lands at any time before the sale of any lot therein by a written instrument declaring the same to be vacated, executed, acknowledged and recorded in like manner as conveyances of land which declaration, being duly recorded, shall operate to destroy the force and effect of the recording of the plat or map so vacated and to divest all public rights in the streets, alleys and public grounds and all dedications laid out or described in such plat or map. When lots have been sold, the plat or map may be vacated, in the manner herein provided by all the owners of lots in such plat or map joining in the execution of such writing. (Code of Alabama 1896, Para. 3902; Code 1907, Para. 6031; Code 1923, Para. 10360; Code 1940, T.56, Para. 16.)

## SECTION 202 PRELIMINARY PLAT

(Amended/Adopted 9/11/2003, except where noted otherwise.)

**202.01 Preliminary Plat Approval Required.** Approval of a preliminary plat by the Jefferson County Planning & Zoning Commission shall be required in conjunction with any proposed rezoning involving the subdivision or resurvey of property; and with any development or construction plans proposing the subdivision or resurvey of any property that may already be zoned for the intended use. However, preliminary plat approval may be necessary or required in other situations as well. In seeking approval of a preliminary plat, the Designated Plat Representative (i.e., the subdivider or his/her authorized agent) shall file formal application with the Planning & Zoning Commission in accordance with the procedure set forth in this Section.

**202.02 Application Procedure and Processing.**

- a. **Application.** Application for a subdivision shall be made on a form supplied by the Department of Land Planning & Development Services, and shall be accompanied by a preliminary plat prepared in conformance with the requirements of Section 202.04 of this Article. Upon proper submission of a proposed subdivision/preliminary plat, and the accompanying application for

hearing by the Planning & Zoning Commission, Land Planning & Development Services will establish a subdivision case and file number under which all further actions and correspondence on that proposed subdivision will be conducted.

- b. Payment of Fees.** The appropriate application/review fees, as set forth in Section 205.01 of this Article, will be assessed upon acceptance of the application and establishment of a case file.
- c. Distribution of the Plat.** Upon establishment of a subdivision case file, the Department of Land Planning & Development Services will distribute copies of the plat and the application form to certain other departments and agencies, including but not necessarily limited to Roads & Transportation/Plans Review (County Drainage Engineer); Roads & Transportation/Traffic Engineering; Environmental Services (sanitary sewer); and the Jefferson County Health Department (on-site sewage disposal systems). State agencies, utility companies, local fire departments and other such entities may also be consulted.
- d. Review of the Plat.** Once a subdivision case has been distributed to the various reviewing departments, Land Planning & Development Services staff will coordinate the interdepartmental review and reporting on the plat, and shall serve as the County's single point of contact for the parties to the application. Land Planning & Development Services staff shall review the plat and application information for issues relative to planning, zoning and flood zones.
- e. Reports to the Planning & Zoning Commission.** Upon receipt and review of all other departments' and/or agencies' review comments, Land Planning & Development Services will conclude its own research, analysis and evaluation. Land Planning & Development Services will then prepare a written report to the Planning & Zoning Commission on each case, including all findings, comments and recommendations received from the other reviewing departments, authorities and agencies.
- f. Follow-Up with the Designated Plat Representative.** Land Planning & Development Services will make every effort to notify an applicant of any problems or questions arising during the review of any given subdivision case, and to assist the applicant in the resolution of said problems or questions. However, due to the timeframe imposed by the public hearing notice requirements, it may not always be possible to notify an applicant of problems before the hearing date.
- g. Amendments to a Submitted Plat.** In the event that the review process uncovers only minor errors in a proposed subdivision (yet errors that nevertheless would prevent its approval as submitted); that said errors are easily correctable; and that such corrections can be made, and the plat resubmitted and re-reviewed by all departments prior to the mailing of the public hearing notices; Land Planning & Development Services will attempt to coordinate such resubmission and re-review

in order to provide the Planning & Zoning Commission with an “approvable” plat. However, such opportunity for amendment cannot and shall not be guaranteed, and should not be construed as being the right of any applicant: by the filing of a subdivision application, the Designated Plat Representative assumes full responsibility for the quality and compliance of his/her submission.

**202.03 Planning & Zoning Commission Action.** The Jefferson County Planning & Zoning Commission shall approve or disapprove a preliminary plat within thirty (30) days of the date of notice of public hearing in which such plat is to be considered; otherwise, such plat shall be deemed to have been approved.

However, a case representative (i.e., the Designated Plat Representative, property owner, or other responsible or similarly-authorized party attending the public hearing for the purpose of representing the case) may waive this requirement, and consent to an extension of such period (see Item 202.03.d below).

- a. Approval.** In cases where a subdivision plat has been submitted as the required site plan for a concurrent rezoning request, the approved plat shall govern the subsequent development of the property in question; and further, any subsequently or concurrently submitted construction plans, regardless of whether or not there was a rezoning issue, must also be governed by the approved plat. Approvals shall be valid for one (1) year, and may be extended automatically to allow for the phasing of a development, as long as construction is initiated within the stated one-year period, and continues to be in progress in any section thereof.
- b. Disapproval.** The grounds of disapproval of any subdivision shall be stated upon the records of the Jefferson County Planning & Zoning Commission, and shall be issued by letter to the Designated Plat Representative within three (3) days of such decision. A new subdivision case application will accordingly need to be filed in order for any further subdivision activity on the property to be considered.
- c. Conditional Approval.** There is no provision for the Planning & Zoning Commission to “conditionally approve” a subdivision. However, if a reviewing department, agency or authority determines that there are one or more technical deficiencies on a given plat, but that:
  1. those defects are not anything that should prevent the Commission from approving, as submitted, the portion(s) of the plat document that the Planning & Zoning Commission is specifically concerned with; and
  2. any revisions that may subsequently be required would not necessitate a change in said same portion(s) of said plat;

then that department shall state such in its report to Land Planning & Development Services. The Commission may then approve that plat – assuming it is also found to be satisfactory in all other respects within the Commission’s

review authority – with the understanding that all such technical deficiencies will be corrected before the aforementioned department, agency or authority will approve/sign any final plat or record map for the subdivision.

However, if in the course of making those required corrections, the portions of the plat that were approved by the Commission are changed beyond the scope of substantial conformance (as set forth in Section 204.04.a), a new hearing by the Planning & Zoning Commission will be required (in conjunction with the filing of a new subdivision case).

- d. Continuance.** The Planning & Zoning Commission may request that an applicant allow his/her subdivision case to be “carried over” to a subsequent meeting in order to allow the Commission to conduct further study of the proposal; to allow one or more reviewing department or authority additional time to study the plat; or to allow the applicant the opportunity to correct deficiencies or make changes to the plat without having to file a new case. A case may also be carried over at the applicant’s request, subject to agreement by the Planning & Zoning Commission.

In the event that a reviewing department has requested additional time to review a proposed subdivision, or the Planning & Zoning Commission believes it to be in the best interest of the general public or the applicant to carry over his/her case for specific reasons, the Chairman shall ask the case representative to agree to a continuance. If the representative consents to such continuance, the case will be carried over to the following month’s meeting (unless another date is specifically stated at that time). Land Planning & Development Services shall subsequently notify the Designated Plat Representative in writing as to purpose of the continuation, and any additional requirements or issues that the Commission has requested be addressed prior to that next hearing.

However, the Designated Plat Representative (or property owner, or other responsible or similarly-authorized party attending the public hearing for the purpose of representing the case) must consent to any extension of the prescribed time period for the Commission’s rendering of a decision on a submitted subdivision plat. If the applicant does not consent to allowing the case to be carried over, the Planning & Zoning Commission shall vote to either approve or disapprove the plat. If the Commission determines that it cannot, in good conscience, approve the proposed subdivision *as submitted*; or, if the Commission believes there exists issues that will prevent any other reviewing authority from approving the proposed subdivision *as submitted*; the Commission will be compelled, in the best interest of the citizens of Jefferson County, to *disapprove* the plat – thereby necessitating full re-application (i.e., submission of a new subdivision case) before any further consideration can be given to the subdivision of the property in question.

## 202.04 Submission Requirements.

- a. **General Requirements.** A preliminary plat shall constitute a conceptual development plan for the property in question. Such plat must show sufficient information for the Planning & Zoning Commission to determine the extent to which the subdivision will comply with any applicable regulations and requirements; the potential impacts of the proposed subdivision on the surrounding area in terms of existing and planned development, infrastructure, utilities, etc.; and the suitability of the proposed development for the property itself.
- b. **Administrative Review and Pre-Emptive Authority.** If, at any time following the submission of a subdivision application, the plat or any information related thereto is determined to be either inaccurate or insufficient for the holding of a proper public hearing thereon; or to be deficient or inaccurate to the extent that it cannot satisfactorily fulfill its purpose as set forth in Item 202.04.a above; the Director of Land Planning & Development Services shall have the authority to postpone that case to the following month.
- c. **Information Requirements.** The items listed below shall be the minimum standard requirements for information that should be provided on a preliminary plat. However, the Planning & Zoning Commission, upon hearing of an application or petition, shall have the authority to waive or relax certain aspects of these requirements in cases where specific circumstances of the property and/or the proposed subdivision so warrant; where the Commission has determined that the submitted plat, in combination with other factual information, sufficiently achieves the purposes of Section 202.04.a above; and provided that such action in no way compromises or contradicts the spirit and intent of these Regulations.

### 1. Standard Requirements for All Preliminary Plats.

- a) **Format Requirements.** All plats must be large enough such that all dimensions and other notations can be clearly read, and all graphic representations can be easily seen and understood. All maps shall be submitted in such a form (e.g., size of paper, scale, colors, etc.) that all required information is clearly presented, legible and adequately depicts the nature and character of the proposed development. All original drawings submitted must be prepared using a standard engineer/architect scale. The maximum allowable size of any preliminary plat shall be 24"x 36".
- b) **Inclusiveness.** Plats should depict full development of the property or properties in question; any anticipated phasing of such development; and sufficient dimensions so as to allow a clear understanding of the final layout of the site and its proposed use(s)/development.

- c) **Standard Information Required On Preliminary Plats.** As a minimum standard site plan requirement, each application for hearing shall be accompanied by a dimensioned drawing of the subject property (or properties) showing the information specified herein below. However, it should be understood that all items listed below may not be applicable in all cases.
- 1) name and address of a Designated Plat Representative, to whom the notice of hearing and decision letter shall be sent;
  - 2) names and addresses of the owners of land immediately adjoining the platted land;
  - 3) parcel identification number and legal description;
  - 4) a graphic scale, or equivalent dimensioning to demonstrate the extent to which all existing and proposed uses, structures and/or other improvements comply with all applicable requirements;
  - 5) all existing property, parcel and lot lines, and the location of any easements;
  - 6) a survey of the land or lots as proposed to be platted, with adequate and accurate documentation sufficient to determine the proposed subdivision's compliance with minimum area and dimensional requirements, regulations regarding the provision of proper access, and compliance with any other applicable requirements of any reviewing department or authority;
  - 7) a dimensioned representation of the larger overall or original parcel(s) out of which the platted land is being subdivided.
  - 8) the elevation and description of the bench mark used and a north arrow;
  - 9) all existing buildings and structures, their type (i.e., house, mobile home, garage, storage building, commercial building, etc.), size and orientation, and how they are to be used;
  - 10) lot and yard areas (e.g., setback areas), and how they are to be used;
  - 11) the location and dimensions of all existing and proposed street and alley rights-of-way; the location of driveways and any other points of access to existing public rights-of-way; and a statement of road ownership (i.e., public or private);

- 12) statements identifying the proposed source of water (e.g., well, public or private system) and method of sanitary sewage disposal (e.g., septic tank system, or public or private sewer);

**d. Additional Requirements For Larger Subdivisions.** In addition to the Standard Information requirements specified in Section 202.04.c.1(c) above, the following information shall also be required on preliminary plats proposing subdivision or other development involving five (5) or more lots and/or dwelling units; and with any subdivision being proposed for non-residential uses. Again, all items listed below may not be applicable in all cases.

- 1) a topographic map with the proposed development (i.e., street, lot and – for all non-single family developments – building layout) superimposed thereon;
- 2) floodplain, floodway and water features, if any, and the applicable Flood Insurance Rate Map (FIRM) Panel number;
- 3) means of access, driveway access point(s), and access points for parking lot(s) or parking area(s), as applicable;
- 4) typical lot dimensions, including proposed building setbacks, for each type or kind of lot, unit or use proposed;
- 5) a typical lot layout, including structures, driveway and parking area;
- 6) for multi-family, townhouse and all non-residential developments, parking lot location and anticipated capacities of parking areas;
- 7) a statement of water availability with specific regard to the number of lots and/or type and scale of development proposed;
- 8) a letter from any affected Fire District certifying coverage of the development;
- 9) the location of proposed and/or existing fire hydrants such that the nearest setback line on each proposed lot shall be within 1,000 feet of a fully functional and operating hydrant. (Adopted 3/11/2004.)
- 10) the location and “size” or type – i.e., information conveying the number of individual mailboxes in each structure, or the number of homes/addresses to be assigned to each structure – of each/all Cluster Box Units as required by the United States Postal Service and/or local postmaster. (Adopted 4/13/2006.)



- 11) tabular information listing the gross site area, the proposed total number of lots (and dwelling units, if different); the overall average lot size; and the minimum lot and house/unit sizes.
- 12) a statement of the ownership and maintenance responsibilities for roads, common areas, open spaces, etc.;
- 13) a statement of the operational characteristics of any proposed business, office, industrial, institutional or utility operations, or of any other commercial or non-residential endeavor, such as may be necessary to fully identify the nature of the use(s) in question.

## SECTION 203 CONSTRUCTION PLAN

- 203.01 Construction Plan Approval Required.** Prior to the disturbance of any property with the intent to install improvements relating to the development of any subdivision for which a preliminary plat is required; or for the development or expansion of any non-residential use, multi-family use or townhouse dwellings; approval of construction plans will be required, in accordance with the procedure set forth herein below. Furthermore, such plans must be prepared in accordance with requirements of this Section (and particularly those of Section 203.05 below), and should depict the development in its entirety; or, in the case of larger developments, may be allowed to depict sections thereof. (Amended 9/11/2003.)
- 203.02 Preparation of Construction Plans.** All construction plans shall be prepared and submitted by an Alabama registered engineer.
- 203.03 Time Limit.** The construction plan shall be submitted within one year after approval of the preliminary plat, unless an extension of the preliminary approval is in force, in which event the construction plan shall be submitted within the time of the extension.
- 203.04 Staff Action.** Upon receipt of the construction plans, the Director of the Department of Roads & Transportation/County Engineer shall take action on behalf of the County Commission, and shall notify the subdivider in writing within thirty days of his action. The action of said Director/County Engineer shall take one of the following forms:
- a. Approval.** The plan may be approved as submitted. All necessary approvals shall be obtained from the Director of Roads & Transportation/County Engineer before improvements may be installed. Such approvals issued shall be valid for one year, and extensions of approval and renewals of approved plans may be granted by said Director/County Engineer.
  - b. Conditional Approval.** The plan may be approved conditionally and the subdivider may be required to submit amendments to the plan before receiving full approval. If the subdivider does not submit an acceptable amended plan

within ninety days of submission of the original plan, the plan shall be deemed to be disapproved by the Director of Roads & Transportation/County Engineer.

- c. **Disapproval.** The plan may be disapproved and the Director of Roads & Transportation/County Engineer shall state in writing his reasons for disapproval. The subdivider must then submit a new construction plan if he/she wishes to create the subdivision.

#### **203.05 Submission Requirements.**

- a. **Format and Materials.** The construction plan shall be drawn on paper, cloth or plastic film on standard engraved sheets (22"x 36"), federal aid sheets (23"x 36"), or standard plan and profile sheets (24"x 36"). Three (3) complete sets of prints of the plan shall be submitted to the Department of Roads & Transportation.
- b. **General Information.** The construction plan shall include:
  - 1. A key map, showing the relative location of the proposed subdivision to the nearest existing public street intersection.
  - 2. A title block, showing the title of the subdivision; the name and address of the owner; the name and address of the subdivider; the name and address of the engineer or engineering firm preparing the plan; the date of preparation; the scale; and the date of all revisions.
- c. **Approved Preliminary Plat.** The construction plan shall include a copy of the approved preliminary plat.
- d. **Complete Drainage Plan.** The construction plan shall include a complete drainage plan showing all improvements, including all proposed streets, easements, parks, storm sewers, ditches, reserved areas, lot drainage and existing drainage areas designated in acres contiguous to the subdivision. This plan shall bear the engineer's seal and signature.
- e. **Plan View and Profile.** The construction plan shall include a plan view and profile of all streets, paved rights-of-way and special ditches, and details of all drainage structures which are part of the physical improvements in the subdivision. The plan view and profile shall include as many sheets as are necessary to adequately show all improvements. Each sheet shall contain a plan view on the top half and a profile on the bottom half of the page, and it shall show the page number and the number of pages. Each sheet shall contain the engineer's seal and signature.
  - 1. The plan view shall show:
    - a) the title of the subdivision;
    - b) the north point;
    - c) the latest revision date;
    - d) the name and width of each street;

- e) the centerline of each proposed street, with stationing to the nearest foot at points of intersection, points of tangents, points of curves and street intersection; together with deflection angles, radii of curves, sub-tangent lengths and lengths of curves;
- f) all proposed drainage structures, including manholes, catch basins, junction boxes, pipe storm drains, ditches and other drainage facilities, including headwalls;
- g) the size, type and location of existing and proposed easements;
- h) location of bench marks with elevations referred to USGS sea level datum;
- i) a typical section of road;
- j) adjoining street, drainage ways, or drainage structures affecting the design of the subdivision; and,
- k) details of structures requiring special design and sounding if necessary.

2. The profile shall show:

- a) proposed road grades, designated by solid lines, with percent of grade and length of vertical curves;
- b) the elevations of proposed road grades to tenths of a foot every 100 feet on uniform grades, every fifty feet on vertical curves, and at the center of all street intersections. Sight distance shall be computed per traffic volume and speed design;
- c) the elevations and grades, or typical cross-sections, of proposed roadway ditches not conforming to road grades;
- d) the elevations, lengths and grades of other existing and proposed ditches, drainage structures, manholes, catch basins, junction boxes, pipe storm drains, and other drainage facilities, including headwalls;
- e) stationing, to be shown along the bottom of each sheet;
- f) the original ground and final grade elevations, lettered at the proper station along the bottom of each sheet;
- g) the profile and stationing of adjoining roads, and all pertinent information on the alteration of all existing ditches or drainage; and,
- h) cross-sections of proposed ditches.

- f. **Traffic Control Plan.** The traffic control plan shall include the developer's plans for handling traffic through highway or street work zones associated with subdivision construction. The degree of detail of the traffic control plan will depend on the project complexity and the relationship of traffic to construction

activity. The traffic control plan will consider, but will not necessarily be limited to, the following items:

1. signing;
2. construction schedule and hours of work;
3. flagging;
4. methods and devices for delineation and channelization;
5. placement and design of barriers and barricades;
6. storage of equipment and materials;
7. geometrics of detours;
8. roadway lighting;
9. movement of construction equipment;
10. length of project under construction at any one time;
11. speed limits and enforcements; and,
12. surveillance and inspection.

**203.06 Engineer's Inspection Certificate.** Following inspection of all improvements as built, the engineer shall, when required by the Director of Roads & Transportation/County Engineer, mark any major deviations on the original tracing of the construction plan; certify it as built; and submit the revised construction plan to the Director of Roads & Transportation/County Engineer for approval.

**203.07 Special Provision for Subdivisions In Remote Areas.** The County staff may make a recommendation to the County Engineer and, with his approval, alternative minimum roadway standards may be approved as provided in the Appendix to the Jefferson County Subdivision & Construction Regulations, Page v. Such consideration shall be given only upon request, and such recommendation made only after a complete review of the situation, with special emphasis on the following:

- a. type of soil;
- b. size of drainage areas;
- c. topography;
- d. type of development;
- e. size of lots; and,
- f. economics of areas.

**SECTION 204**  
**RECORD MAP/FINAL PLAT**

(Amended/Adopted 9/11/2003, except where noted otherwise.)

**204.01 Record Map or Final Plat Required.** Before transferring title to any portion of any subdivision, the subdivider shall obtain approval of a record map/final plat, and shall have recorded same in the office of the Judge of Probate of Jefferson County, Alabama. Such approval shall take place in accordance with the procedure set forth herein below.

**204.02 Application Procedure and Processing.**

**a. Application.** The subdivider shall file formal application with the Planning & Zoning Commission in accordance with the procedure set forth in this Section. Application shall be made on a form supplied by the Department of Land Planning & Development Services, and shall be accompanied by a record map/final plat, prepared by an Alabama registered land surveyor, in conformance with the requirements of this Section (and particularly those of Section 204.03 below) as follows:

1. If the required public hearing has already been held on the subdivision in question, and the Jefferson County Planning & Zoning Commission has duly approved same (as a preliminary plat), the final plat/record map may be submitted on mylar. (However, it will be the responsibility of the applicant to ensure that the final plat/record map meets all of the requirements of this Section, and of any other applicable requirements, before submitting any such plat or map on mylar. Any mylar drawing that does not meet all of the requirements for all signatures necessary for the recording thereof shall be rejected.)
2. If the required public hearing has not previously been held on the subdivision in question, the applicant shall submit seven (7) copies of the proposed final plat/record map on paper; no mylar shall be accepted for any subdivision that is yet subject to public hearing and approval by the Jefferson County Planning & Zoning Commission.

Upon proper submission of a such materials, Land Planning & Development Services will establish a subdivision case and file number under which all further actions and correspondence on that proposed subdivision will be conducted.

(Amended 7/14/2005.)

**b. Payment of Fees.** The appropriate application/review and/or recording fees, as set forth in Section 205.01 of these Regulations, will be assessed upon acceptance of the application; or upon receipt of a final plat/record map that substantially conforms to an approved preliminary plat (as set forth in Item (c) above).

- c. Distribution of the Plat.** Upon receipt of a final plat/record map on mylar, and following Land Planning & Development Services's confirmation of substantial conformance to the approved preliminary plat, Land Planning & Development Services will circulate the mylar for signatures as follows: Department of Environmental Services; Department of Roads & Transportation; Department of Land Planning & Development Services. Paper copies of a proposed final plat/record map, submitted in conjunction with the establishment of a new subdivision case file, will be distributed to certain other departments, authorities and agencies as set forth in Section 2.22.c of this Article (Distribution of the [Preliminary] Plat).  
(Amended 7/14/2005.)
- d. Processing of the Plat.** Land Planning & Development Services will review each mylar final plat for conformity to the approved preliminary plat in accordance with Section 204.04 below, and will thereafter coordinate the signing and subsequent recording of all properly submitted and conforming plats. For final plats that are being submitted as new subdivision cases, Land Planning & Development Services will conduct and coordinate the review process as set forth in Section 2.22.d of this Article (Review of the [Preliminary] Plat).  
(Amended 7/14/2005.)
- e. Record Maps/Final Plats With No Corresponding Preliminary Plat.** If a preliminary plat was not previously processed for the subdivision in question, the record map will be processed in accordance with the procedure set forth herein below, as well as with the public hearing procedures established in Section 201.03 of this Article. Furthermore, in all cases where a final plat/record map is being submitted without a preliminary plat having first been duly heard and approved, said submission is not to be made on mylar: instead, the applicant shall submit seven (7) paper copies of the proposed final plat for review by the various departments and the Planning & Zoning Commission. No mylar will be accepted for any subdivision on which a public hearing has not previously been held.  
(Amended 7/14/2005.)
- 1. Reports to the Planning & Zoning Commission.** Upon receipt and review of all other departments' and/or agencies' review comments, Land Planning & Development Services will conclude its own research, analysis and evaluation. Land Planning & Development Services will then prepare a written report to the Planning & Zoning Commission on each plat, including all findings, comments and recommendations received from the other reviewing departments, authorities and agencies.
  - 2. Follow-Up with the Designated Plat Representative.** Land Planning & Development Services will make every effort to notify an applicant of any problems or questions arising during the review of any given subdivision case, and to assist the applicant in the resolution of said problems or questions. However, due to the timeframe imposed by the public hearing

notice requirements, it may not always be possible to notify an applicant of problems before the hearing date.

3. **Amendments to a Submitted Plat.** In the event that the review process uncovers only minor errors in a proposed subdivision (yet errors that nevertheless would prevent its approval as submitted); that said errors are easily correctable; and that such corrections can be made, and the plat resubmitted and re-reviewed by all departments prior to the mailing of the public hearing notices; Land Planning & Development Services will attempt to coordinate such resubmission and re-review in order to provide the Planning & Zoning Commission with an “approvable” plat. However, such opportunity for amendment cannot and shall not be guaranteed, and should not be construed as being the right of any applicant: by the filing of a subdivision application, the Designated Plat Representative assumes full responsibility for the quality and compliance of his/her submission.
4. **Planning & Zoning Commission Action.** The Jefferson County Planning & Zoning Commission shall approve or disapprove a subdivision/plat within thirty (30) days of the date of notice of public hearing in which such plat is to be considered; otherwise, such plat shall be deemed to have been approved. However, a case representative (i.e., the Designated Plat Representative, property owner, or other responsible or similarly-authorized party attending the public hearing for the purpose of representing the case) may waive this requirement, and consent to an extension of such period (see Item (d) below).

The Planning & Zoning Commission’s action shall take one of the following forms:

- a) **Approval.** Approval by the Planning & Zoning Commission shall constitute said Commission’s finding that the plat in question has satisfied that Commission’s criteria for approval (as set forth in Section 205.06). The Chairman shall accordingly certify such approval on the face of the plat so that, upon similar certification from all other reviewing departments, authorities and agencies, it may be recorded in the office of the Judge of Probate of Jefferson County.
- b) **Disapproval.** The grounds of disapproval of any subdivision shall be stated upon the records of the Jefferson County Planning & Zoning Commission, and shall be issued by letter to the Designated Plat Representative within three (3) days of such decision. A new subdivision case application will accordingly need to be filed in order for any further subdivision activity on the property to be considered.

- c) **Conditional Approval.** There is no provision for the Planning & Zoning Commission to “conditionally approve” a subdivision. However, if a reviewing department, agency or authority determines that there are one or more technical deficiencies on a given plat, but that (1) those defects are not anything that should prevent the Commission from approving, as submitted, the portion(s) of the plat document that the Planning & Zoning Commission is specifically concerned with; and (2) any revisions that may subsequently be required would not necessitate a change in said same portion(s) of said plat; then that department shall state such in its report to Land Planning & Development Services. The Commission may then approve that plat – assuming it is also found to be satisfactory in all other respects within the Commission’s review authority – with the understanding that all such technical deficiencies will be corrected before the aforementioned department, agency or authority will certify its respective approval of the plat.

However, if in the course of making those required corrections, the portions of the plat that were approved by the Commission are changed beyond the scope of substantial conformance (as set forth in Section 204.04.a), a new hearing by the Planning & Zoning Commission will be required (in conjunction with the filing of a new subdivision case).

In addition, in cases where there has been no preliminary plat previously considered, the Planning & Zoning Commission may “approve” the submitted map as a preliminary plat – *not* as a final plat or record map. In such cases, all provisions of these Regulations that are relevant to the submitted map as a preliminary plat, including but not limited to Sections 201.08.b (any subsequent construction plans must be consistent with the approved preliminary plat) and 204.04.a (any subsequently-submitted final plat/record map must be in substantial conformance to the approved preliminary plat), will then immediately become applicable.

- d) **Continuance.** The Planning & Zoning Commission may request that an applicant allow his/her subdivision case to be “carried over” to a subsequent meeting in order to allow the Commission to conduct further study of the proposal; to allow one or more reviewing department or authority additional time to study the plat; or to allow the applicant the opportunity to correct deficiencies or make changes to the plat without having to file a new case. A case may also be carried over at the applicant’s request, subject to agreement by the Planning & Zoning Commission.



In the event that a reviewing department has requested additional time to review a proposed subdivision, or the Planning & Zoning Commission believes it to be in the best interest of the general public or the applicant to carry over his/her case for specific reasons, the Chairman shall ask the case representative to agree to a continuance. If the representative consents to such continuance, the case will be carried over to the following month's meeting (unless another date is specifically stated at that time). Land Planning & Development Services shall subsequently notify the Designated Plat Representative in writing as to purpose of the continuation, and any additional requirements or issues that the Commission has requested be addressed prior to that next hearing.

However, the Designated Plat Representative (or property owner, or other responsible or similarly-authorized party attending the public hearing for the purpose of representing the case) must consent to any extension of the prescribed time period for the Commission's rendering of a decision on a submitted subdivision plat. If the applicant does not consent to allowing the case to be carried over, the Planning & Zoning Commission shall vote to either approve or disapprove the plat. If the Commission determines that it cannot, in good conscience, approve the proposed subdivision *as submitted*; or, if the Commission believes there exists issues that will prevent any other reviewing authority from approving the proposed subdivision *as submitted*; the Commission will be compelled, in the best interest of the citizens of Jefferson County, to *disapprove* the plat – thereby necessitating full re-application (i.e., submission of a new subdivision case) before any further consideration can be given to the subdivision of the property in question.

5. **Submission of Mylar.** Once the subdivision has been duly heard and approved by the Jefferson County Planning & Zoning Commission, and all necessary corrections and/or adjustments have been made thereto, the applicant may then submit the mylar record map/final plat for processing in accordance with the other requirements of this Section. (Adopted 7/14/2005.)

### 204.03 Submission Requirements.

- a. **Administrative Review and Pre-Emptive Authority.** If, at any time following the submission of a subdivision application, the plat or any information related thereto is determined to be either inaccurate or insufficient for the holding of a proper public hearing thereon; or to be deficient or inaccurate to the extent that it cannot satisfactorily fulfill the purpose set forth for a preliminary plat in Section 202.04.a of this Article; the Director of Land Planning & Development Services shall have the authority to postpone that case to the following month.

- b. Format and Materials.** All final plats are to be on mylar sheet sizes of 11” x 17”, 18” x 24”, or 24” x 36” only, drawn at a scale of not more than one hundred (100) feet to the inch in black waterproof ink, with a font size no smaller than 0.1” (1/10 of an inch). If more than one sheet is required, a plat key and match lines shall be shown on all sheets.

However, the mylar final copy should be submitted only after the required public hearing(s), and only after the surveyor has made all necessary corrections. The first submittal should be made on paper, seven (7) copies, to allow for simultaneous review by the various affected departments and agencies.

All plats are to be submitted to the Department of Land Planning & Development Services.

(Amended 7/14/2005.)

- c. Legend, Title Block and General Information.** All drawings must include a subdivision title; quarter-section, section, township and range; north arrow; written and graphic scale; legal tie to the U.S. Public Land Survey corner(s) and type of corner found (open pipe, rebar, etc.); and recording information of all adjacent existing subdivisions.

The drawing must be fully and completely dimensioned, with all linear dimensions expressed in feet and decimals of a foot (except where referencing other source documents, in which instance the measuring unit used must be stated), and all lot angles and/or bearings provided such that all recorded lines can be plotted.

If a plat is for a Resurvey, the record map/final plat must include a statement as to the “Purpose of the Resurvey”. If a plat is an Amended Map, it must be the original signed plat with a new signature line for the Director of Roads & Transportation and a statement as to the “Purpose of the Amendment”.

(Amended 7/14/2005.)

- d. Map Information.** The record map/final plat shall show the location and description of all permanent monuments, set at such critical points, and so interconnected and dimensioned, that any registered land surveyor can lay out lots or streets in the subdivision correctly by referring to the plat alone, without any additional information.

(Amended 7/14/2005, except as noted otherwise below.)

The record map/final plat shall contain a notation designating that all such monuments have been set, as denoted by small open circles shown on the plat, and shall further show the following basic mapped information:

1. The boundaries of the property proposed for subdivision, including all bearings (or internal angles) and dimensions as determined by an accurate survey in the field;

2. The location and description of all adjoining property;
3. Lot numbers, lot lines and front building lines, all fully dimensioned with angles (or bearings) and distances of non-parallel lot lines;
4. The area of each proposed/resulting lot, tract or parcel in square feet, provided that, where any such lot, tract or parcel is greater than 2 acres, that area can be stated in acreage;
5. Common areas/designated open space, labeled and individually identified by sequential letters (e.g., "Common Area A"), with the respective area of each provided in square feet (except that acreage may be given where such an area is greater than 2 acres); and, (Adopted 7/14/2005.)
6. The 100-Year Floodplain and any Floodway affecting the platted property, along with the FEMA/FIRM panel number(s) from which that information was obtained, and the date of issuance of same. Furthermore, if any portion of the platted property is in either of these designated flood zones, the respective boundaries of each applicable zone must be delineated on the plat, and the Base Flood Elevation for each lot affected by the 100-Year Floodplain must be provided. (Adopted 7/14/2005.)

**e. Easements, Streets and Public Areas.** The record map/final plat shall show the names, location, and width of all streets and other areas to be dedicated for public use, and the location and purpose of all existing and proposed easements. All such easements, streets and public areas shall be tied to the property by dimension, angle and/or bearing, and shall be fully dimensioned showing angles of intersection; the radii, chords, point of tangency, sub-tangent lengths and central angles for all curvilinear streets and easements; and the radii of all rounded corners. The record map/final plat shall also contain:

(Amended 7/14/2005, except as noted otherwise below.)

1. **Notations** concerning the dedication/ownership, reservation and use of such public areas, streets and easements; the recording information for all existing streets and easements; and the location, names and width of all adjoining streets and easements.
2. **Right-Of-Way Dimensions and Deed Information:** All street right-of-ways must meet the minimum width requirements of these Regulations, and must be properly delineated on the record map/final plat. All new/additional right-of-way, exterior to the internal roadways of the proposed subdivision, required to serve the subdivision, must be dedicated by deed to Jefferson County prior to record map/final plat approval, and the recording information for all such right-of-ways must be shown on the record map/final plat. Internal subdivision streets may be accepted for dedication by Jefferson County, no less than one year after recording of the record map/final plat, by deed referencing the recorded map/final plat,

if all improvements are in accordance with the Subdivision Regulations and are acceptable to the County Engineer. (Adopted 7/14/2005.)

**3. Easement Notes:**

a) Record maps/final plats shall bear the following verbiage for the dedication of easements:  
*“Unless otherwise shown or stated, all easements shown hereon are for storm sewers, sanitary sewers, public utilities, or ingress and egress, and are to serve property both within and without this subdivision.”*

b) If any sewer easement extends beyond the survey boundary, the following note must also be included on the final plat/record map:  
*“The undersigned warrant and covenant that they are seized in fee simple of the land and premises shown hereon, including those easements and or rights of way within or without the boundaries of the subdivision, lots or lot depicted and designated for sanitary sewer easements and rights of way, and have a good right and title to convey and do hereby, grant, bargain, sell, and convey to Jefferson County, Alabama, all sanitary sewer and other utility easements shown hereon that may be used for sanitary sewer pipelines and all other sanitary sewer uses associated therewith. The undersigned further warrant and covenant that Jefferson County or its contractors or agents shall have the unqualified property right to at all times to enter upon, disturb, excavate, build, and/or construct and maintain a sanitary sewer pipeline and all other necessary sanitary sewer works and or fixtures etc., associated therewith within easements and rights of way shown hereon. In consideration of the approval of this map or plat, the sufficiency of which is herewith acknowledged, the undersigned do further agree and acknowledge that neither they nor any of their contractors, agents, servants, or employees shall place any spoil, fill dirt, heavy equipment or heavy objects on, over, across or upon said easement or right of way without the express written permission of Jefferson County, Alabama.”*

**f. Special Requirements and Notes.** Where certain conditions or circumstances apply, the record map/final plat shall contain additional information and/or notations as identified below: (Adopted 7/14/2005.)

**1. Private Road Elements.**

a) If any portion of a subdivision is to be served by a private road(s), the plat must include an Engineer’s Statement, Private Road Notes, Covenants, a “Private Road” stamp, and Private Access Easement Note.

- b) If sanitary sewers are involved in a “private roads plat”, the following note must also be included:

*“RESERVATION OF SANITARY SEWER EASEMENT*

*As a condition for approval of these plans, Jefferson County, a political subdivision of the state of Alabama reserves a sanitary sewer easement within the entirety of the private roadways shown herein to enter upon, keep clear, cross over and under for the purpose of installing, maintaining and repairing a sanitary sewer pipeline, manholes and all appurtenances thereto within said easement. In the event that the private roadways shown herein shall become public roads in the future, the easement reserved herein shall not be altered, destroyed or revert to the fee owners, but shall remain in full force and effect. This reservation shall not affect any other sanitary sewer easement more specifically described herein nor is it intended to create a public roadway easement in the private roads by the county or any municipality. The sole purpose of this reservation is to reserve a sanitary sewer easement in the private roadways shown herein.”*

**2. Zoning Requirements or Conditions.**

- a) If the subdivision contains more than one zoning classification, the zoning district boundary lines must be drawn on the final plat/record map;
- b) All zoning variances related to the subdivision and/or subsequent development of the platted property shall be cited by Case Number.
- c) The final plat/record map must contain a restatement of any covenants filed in conjunction with the current zoning(s) of property, and/or any conditions attached to any variances granted on the property, that could affect how any subsequent property owner can use, develop, build on or access any portion of the subdivision in question (including the case number(s) from which those covenants/conditions are drawn); and,
- d) On any plat where any of the foregoing zoning-related information is included, the following statement is also required:  
*“All zoning information is certified to be accurate as of the date of this recording.”*

- 3. The record map/final plat shall include any additional notes as may be required by the Jefferson County Health Department or the Department of Environmental Services.

- g. Certificates and Signatures.** The record map/final plat shall contain the following:

(Amended 7/14/2005, except as noted otherwise below.)

1. A standard “Certification by Surveyor and Owner” block, with a correct mortgage statement, as set forth herein below.

a) Where a property is not subject to any mortgage, the text of the “Certification by Surveyor and Owner” block must be verbatim as follows:

*“State of Alabama  
Jefferson County*

*The undersigned, \_\_\_\_\_ (name) \_\_\_\_\_ registered land surveyor, State of Alabama, and \_\_\_\_\_ (name) \_\_\_\_\_ owner(s), hereby certify that this plat or map was made pursuant to a survey made by said surveyor and that said survey and this plat or map were made at the instance of said owner(s); that his plat or map is a true and correct map of land shown therein and known as or to be known as “ \_\_\_\_\_ (plat name) \_\_\_\_\_ ”; showing subdivision into which it is proposed to divide said lands; giving the length and the angles of the boundaries of each lot and its number; showing the streets, alleys, and public grounds; giving the length, width, and name of each street, as well as the number of each lot and block; also showing the relations of the lands to the government survey; and that iron pins have been installed at all lot corners and curve points as shown and designated by small open circles on said plat or map. Said owner(s) further certify that they are the owners of said property and that the same is not subject to any mortgage.*

*“I hereby certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the standards of practice for surveying in the State of Alabama to the best of my knowledge, information, and belief.”*

b) Where a property is subject to a mortgage, the text of the “Certification by Surveyor and Owner” block must be verbatim as follows:

*“State of Alabama  
Jefferson County*

*The undersigned, \_\_\_\_\_ (name) \_\_\_\_\_ registered land surveyor, State of Alabama, and \_\_\_\_\_ (name) \_\_\_\_\_ owner(s), hereby certify that this plat or map was made pursuant to a survey made by said surveyor and that said survey and this plat or map were made at the instance of said owner(s); that his plat or map is a true and correct map of land shown therein and known as or to be known as “ \_\_\_\_\_ (plat name) \_\_\_\_\_ ”; showing subdivision into which it is proposed to divide said lands; giving the length and the angles of the boundaries of each lot and its number; showing the streets, alleys, and public grounds; giving the length, width, and name of each street, as well as the number of each lot and block; also showing the relations of the lands to the government survey; and that iron pins have been installed at all lot corners and curve points as shown and designated by small open circles on said plat or map. Said*

*owner(s) further certify that they are the owners of said property and that the property is subject to a mortgage held by\_ (name of mortgage co.)\_. "I hereby certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the standards of practice for surveying in the State of Alabama to the best of my knowledge, information, and belief."*

(Adopted 7/14/2005.)

2. Certifying signatures and related information as set forth below, with each signature to be made in black, permanent ink, directly on the original mylar, and each to be notarized separately with a raised (embossed) seal or inked stamp (also directly on the mylar), all before submission of the mylar for approval:

- a) surveyor's signature and date, plus surveyor's seal, printed name, address, telephone number and registration number;
- b) owner's signature and date; and,
- c) if the property is subject to a mortgage, the mortgage company's authorized representative's signature and date.

3. Approval signatures and related verbiage:

a) The words, "*Approved In Format Only*" must appear in the approving signature block in such a manner that it clearly applies to all underlying signatures.

(Adopted 7/14/2005.)

b) A signature and date line shall be provided for each of the following:

- 1. the Jefferson County Department of Health or the Director of Environmental Services (whichever is applicable);
- 2. the Director of Roads & Transportation/County Engineer;
- 3. the Chairman of the Jefferson County Planning and Zoning Commission;
- 4. the Director of Land Planning & Development Services;
- 5. other appropriate public officials if the subdivision is in two or more jurisdictions, such other signatures to be obtained before submission of the mylar to the County.

c) Signature lines should be a minimum of 3.5" (three and one-half inches) long, with 1" (one inch) between signature lines and separate date lines adjacent to the signature lines. Signatures are to be made in black, permanent ink and must be made directly on the original mylar.

(Adopted 7/14/2005.)

- d) The following note must be included beneath the signature line for the Director of Environmental Services:

*“Environmental Services Department approval indicates that this document has been reviewed for provision of future or existing sanitary sewers; however this does not mean sanitary sewers have been built or will be built in the future. Any change in the Right-of-Way or Easement boundaries after this date may void this approval.”*

(Adopted 7/14/2005.)

**204.04 Special Provisions for Subdivisions with an Approved Preliminary Plat.** If a preliminary plat has been previously heard and duly approved by the Planning & Zoning Commission, no further hearing by the Planning & Zoning Commission will be required (to allow the recording of the final plat) *if* the final plat is determined to be in substantial conformance to the approved preliminary plat. All subsequent review and processing of such final plat will be conducted as an extension of the subdivision case originally filed for the preliminary plat so approved.

**a. Determination of Substantial Conformance.** Substantial conformance, as used in the context of this sub-section, shall be defined as being inclusive of *all* of the following:

1. any differences are strictly minor in nature, and will result in no changes in the overall concept or character of the subdivision as originally approved;
2. there will be no increase in the total number of lots;
3. there will be no decrease in the overall average lot size;
4. there will be no change in the general location or direction of any street, driveway, alley or parking area, nor in the relationship thereof to any property, street or parking areas outside of the subdivision;
5. there is no conflict with any requirement, restriction or condition of any kind, or of any reviewing authority that may have been a party to the approval of the preliminary plat; and,
6. the Director of Land Planning & Development Services determines that there is no public interest to be served by the holding of an additional public hearing on the subdivision in question.

**b. Record Maps In Substantial Conformance.** When a preliminary plat has previously been approved by the Planning & Zoning Commission, and Land Planning & Development Services has determined that the record map substantially conforms to said approved preliminary plat, all (other) reviewing departments, authorities and agencies must still approve and sign that map (in



accordance with the procedures set forth in this Section) before it can be recorded in the office of the Judge of Probate of Jefferson County, Alabama; however, no such reviewing entity shall sign any plat unless and until it shall comply with all respective requirements, regulations and restrictions of each such entity (as provided in Section 204.07 below).

- c. **Record Maps Not In Substantial Conformance.** If it should be determined that a final plat does not substantially conform to the approved preliminary plat (as set forth hereinabove), the final plat will be considered a new subdivision requiring a new hearing and approval by the Planning & Zoning Commission. A new application must therefore be filed accordingly, a new subdivision case established, and an additional public hearing held by the Planning & Zoning Commission before the Commission can approve the (new) record map/final plat.

**204.05 Sanitation Approval Required.** Any proposed subdivision must obtain approval from the Jefferson County Department of Health or the Jefferson County Sanitary Engineer before approval of the record map/final plat. Whenever Health Department approval is required, such signature must be obtained prior to submitting the final plat/record map to Land Planning & Development Services.

(Amended 7/14/2005.)

**204.06 Fire Hydrants.** No record map/final plat shall be considered for approval by the Planning & Zoning Commission until fire hydrants meeting I.S.O. design standards have been properly installed in accordance with the requirements of these Regulations.

(Adopted 3/11/2004.)

**204.07 Cluster Mailbox Units.** In subdivisions where the United States Postal Service and/or local postmaster has required the use of Cluster Box Units, and all such Units have not already been installed at the time the final plat/record map is submitted for recording, the CBU information required on the preliminary plat (Section 202.04(d)(10)) must be included on the record map/final plat as well.

(Adopted 4/13/2006.)

**204.08 Final Determinations on Record Maps/Final Plats.** The approval of any proposed subdivision by the Planning & Zoning Commission shall neither supercede nor overrule the disapproval of any other reviewing department or authority, nor shall it compel any other reviewing agency, authority or department to approve such subdivision. Conversely, the approval of all other reviewing departments, agencies and authorities shall neither supercede nor overrule the disapproval of the Planning & Zoning Commission, nor shall it compel said Commission to approve such subdivision. The consensual approval of *all* reviewing departments, agencies and authorities, *and* the Planning & Zoning Commission, shall be required before any subdivision may be recorded.

Therefore, following the approval of any record map or final plat by the Planning & Zoning Commission, all (other) reviewing departments, authorities and agencies must still certify their respective approvals on the face of that final plat/record map (in accordance with the procedures set forth in this Section) before it can be recorded in the office of the Judge of Probate of Jefferson County, Alabama; however, no such

reviewing entity shall execute such certification on any plat unless and until it shall comply with all respective requirements, regulations and restrictions of each such entity, as provided herein.

- a. Approval.** Upon notification of approval from all reviewing departments, agencies and/or authorities, Land Planning & Development Services will obtain the required signatures (certifications) on the original (mylar) plat, and record the map in the office of the Judge of Probate of Jefferson County, Alabama.
- b. Failure to Receive All Necessary Approvals.** If any reviewing entity should be unable to approve the record map for reason of noncompliance with any applicable regulation, requirement or restriction, Land Planning & Development Services will notify the Designated Plat Representative, and coordinate the resubmission and re-review of the plat in an attempt to effect all changes necessary to allow it to be recorded. However, that plat and its associated subdivision case will be deemed disapproved, and the filing of a new subdivision case will be required (prior to any further consideration of any subdivision of the property in question), under the following circumstances:
  1. Failure of the subdivider to submit a corrected and acceptable amended plat with ninety (90) days of being notified of the deficiencies in the submitted plat; or,
  2. If, in the course of making any required corrections, the plat is changed beyond the scope of substantial conformance (as set forth in Section 204.04.a of this Article).

**204.09 Performance Bond or Surety Requirement.** Before the Planning & Zoning Commission shall give final approval to a record map/final plat, the subdivider shall have completed all improvements as shown on the construction plans approved by the Director of the Department of Roads & Transportation/County Engineer; or shall have executed and delivered to the County Commission a surety, in an amount to be determined by said Director of the Department of Roads & Transportation/County Engineer, to assure the installation of all required improvements and reference monuments (in accordance with the approved construction plans) within two (2) years.

A certificate of deposit, as surety for all incomplete road work, shall be required on all subdivisions requiring road work. The plat cannot be approved until these funds as surety are placed with Jefferson County. The amount of the surety shall generally be 110-115% of the estimated cost of construction, but in no case shall be less than fair market value (i.e., the amount it would cost Jefferson County to complete said work should the developer default). However, the amount of the bond/surety shall not be computed to include the cost of utilities as described in Article 6 of the Jefferson County Subdivision & Construction Regulations.

Upon completion of all major improvements and approval of the as-built plan (when required), the subdivider shall be released from his surety; however, the County Commission may require a substitute surety to assure completion of any remaining improvements.

(Amended 7/14/2005.)

**SECTION 205**  
**GENERAL PROVISIONS REGARDING ALL SUBDIVISIONS**

(Amended/Adopted 9/11/2003, except where noted otherwise.)

**205.01 Subdivision Fees.**

- a. Fee Amounts.** The following fees shall be assessed for applications proposing the subdivision or re-surveying of land in the unincorporated area of Jefferson County, and shall be collected in the Department of Land Planning & Development Services.
- 1. Application/Review Fee** of \$50.00, plus \$7.50 for each lot, made payable to the Jefferson County Treasurer.
  - 2. Notification Fee** of \$6.00 for each adjoining lot, parcel or tract, made payable to the Jefferson County Treasurer.  
(Original amendment amended 8/12/2004, 4/14/2011.)
  - 3. Recording Fee** of \$14.00 for the first twenty lots shown, plus \$ .50 per lot for each additional lot over the initial twenty, made payable to the Judge of Probate.
  - 4. Amendments to Recorded Plats** shall be assessed a review and processing fee of \$20.00 per page, made payable to the Jefferson County Treasurer, which shall include two (2) copies of each recorded page. The processing fee shall be increased by \$10.00 for each additional copy requested.  
(Adopted 4/14/2011.)
- b. Payment of Fees.** Each submission to the Planning & Zoning Commission, including any re-subdivision or resurvey of previously approved or disapproved subdivisions, will be considered a distinct and separate application; and as such, will be assessed the same Application, Notification and Recording fees as if it were an original subdivision. The Recording Fee, however, shall only be assessed for final plats/record maps, and must be submitted as a distinct and separate payment from the Application/Review Fee and the Notification Fee. Unless otherwise stated herein below, all subdivision fees will be due upon filing of an application for hearing.  
(Original amendment amended 8/12/2004.)
- 1. For Final Plats/Record Maps Without A Preliminary Plat.** If a final plat/record map is being submitted without a preliminary plat having previously been processed, all Subdivision Fees set forth in Section 205.01.a above shall be collected at the time of application (prior to the hearing held by the Planning & Zoning Commission).
  - 2. For Final Plats/Record Maps Following A Preliminary Plat.** If the Application/Review and Notification Fees have already been collected in conjunction with a preliminary plat submission for the same subdivision,

only the Recording Fee shall be collected upon submission of the final plat/record map.

**3. For Preliminary Plats Submitted In Conjunction With Construction Plans.** If a subdivision case is being submitted simultaneously with construction plans, only the Application/Review Fee and Notification Fee shall be collected at the time of application; the Recording Fee will be collected upon submission of the final plat/record map.

**4. For Preliminary Plats Submitted With A Rezoning Application.** If a subdivision case is being submitted simultaneously with a rezoning application, for the purpose of being heard and considered simultaneously with the rezoning case, the Application/Review Fee and the Notification Fee associated with the subdivision plat shall be deferred until such time as the rezoning process has been completed; only the Notification Fee and the fees associated with the rezoning case shall be collected at the time of those original applications. However, both the Application/Review Fee and the Recording Fee will be collected upon submission of the final plat/record map, following rezoning and construction plan approval.

(Original amendment amended 8/12/2004.)

**5. For Preliminary Plats Submitted Separately From A Rezoning Application.** For any subdivision case being submitted such that it can not or will not be heard and considered simultaneously with the rezoning case, the Application/Review Fee and Notification Fee shall be collected at the time of application; the Recording Fee will be collected upon submission of the final plat/record map.

(Adopted 8/12/2004.)

**6. For Amendments To Recorded Plats.** For amendments being made to a previously-recorded plat, both the Processing Fee and the Recording fee shall be collected upon submission of the new final plat/record map.

(Adopted 4/14/2011.)

**c. General Provision on Subdivision Fees.** The Application/Review Fee shall not be conditioned upon, or in any way related to, any action taken by the Planning & Zoning Commission, and shall become non-refundable fourteen (14) days before the first scheduled hearing date. The Notification Fee shall become non-refundable upon Land Planning & Development Services's mailing of the hearing notification letters to adjoining property owners.

**d. Effect of Disapproval by the Planning & Zoning Commission.** If a subdivision is not approved following the Planning & Zoning Commission's hearing on the matter, no Recording Fee shall be collected; however, the Application/Review Fee and the Notification Fee shall be retained by the County.

**e. Special Provision for Recording Fees.** In all instances where a Recording Fee has been collected, but the final plat/record map fails to be approved by any

reviewing department, agency or authority – including the Planning & Zoning Commission – and subsequently cannot be recorded in the office of the Judge of Probate of Jefferson County, Alabama, Land Planning & Development Services shall return only the Recording Fee.

**205.02 Provisions Governing Re-Application.** Any prior disapproval of a proposed subdivision shall not preclude re-submission under a separate, subsequent application. Such re-application shall be assigned a new subdivision case number and assessed the appropriate fees, just as if it were an original case. However, no such case so filed shall be placed on the public hearing agenda of the Planning & Zoning Commission unless, in the determination of the Director of Land Planning & Development Services, there has been substantial effort made to satisfactorily address the reasons for which the prior application was disapproved.

**205.03 Separate Applications Required For Each Subdivision or Re-Surveying Action.** Any interim subdivision or re-subdivision proposals – i.e., plats submitted between the approval of the ‘first’ plat submitted and the ‘ultimately-final’ plat, or as “successive” final plats – shall also be considered separate and distinct subdivision proposals requiring the filing of individual applications (and payment of separate fees) as well.

**205.04 Provisions Regarding Cases Not Placed On An Agenda.** No subdivision case for which application has been accepted by the Department of Land Planning & Development Services, but which has not met the criteria for placement on the Subdivision Agenda of the Planning & Zoning Commission (Sections 202.04.b and 204.03.a), shall be retained as an active case for more than three (3) consecutive available hearing dates following the original date of application.

Any such case shall be terminated immediately following the passing of the third opportunity for hearing, and the Designated Plat Representative shall be notified accordingly. Furthermore, if such action is executed by Land Planning & Development Services, the Application/Review Fee shall be retained by the County; and Land Planning & Development Services will only refund the Notification Fee if there was no mailing of any notices to any adjoining property owners (regarding a public hearing on the subdivision in question).

**205.05 Provisions Governing Departmental Requests For Additional Review Time.** If a reviewing department, agency or authority is unable to carry out a satisfactory review of a proposed subdivision, that department’s written report to Land Planning & Development Services should state same; shall express the need for additional time in order for the department, agency or authority to complete their review; shall include the amount of time necessary, if more than thirty (30) days; and shall provide an explanation as to why the additional time is necessary. Land Planning & Development Services will then include this information in its report to the Planning & Zoning Commission for the Commission’s consideration.

However, any decision to request the continuance of any hearing on any subdivision shall lie with the Planning & Zoning Commission, whether such review is to be conducted by the Commission itself, or by other reviewing departments, agencies or authorities. Assuming the case meets the criteria for inclusion on the agenda, it will still be considered in the scheduled public hearing – at which time the Commission will determine that the request for additional time is valid and/or warranted. It will then be incumbent upon said Commission to request the permission of the applicant to allow the case to be carried over (for the stated purposes).

**205.06 Review Criteria of the Planning & Zoning Commission.** In addition to considering the extent to which a proposed subdivision complies with all applicable regulations, requirements and restrictions as may be considered germane to the duties and responsibilities of the Planning & Zoning Commission of Jefferson County, the Commission shall also evaluate each proposed subdivision with regard to the following:

- a. conflict with the harmonious development of the County, as formally established by the Land Use Plan of Jefferson County, Alabama;
- b. coordination of roads or streets within subdivisions with other existing or planned roads or streets;
- c. coordination of roads or streets within subdivisions with other features of the master plan;
- d. avoidance of population congestion;
- e. avoidance of such scattered or premature subdivision of land as would involve danger or injury to health, safety or prosperity by reason of the lack of water supply, sanitation, drainage, transportation or other public services; and,
- f. avoidance of such scattered or premature subdivision of land as would necessitate an excessive expenditure of public funds for the supply of the services listed above (Item e).

## ARTICLE 3

### COMMERCIAL AND INDUSTRIAL SUBDIVISION DEVELOPMENT

- 3.00 Procedure.** When applying to the Jefferson County Department of Land Planning & Development Services for approval of an improvement plan for the development of any tract of land other than a single-family residence, the following procedure shall be followed.
- 1. Major Subdivision Development** is any proposed new structure or addition to an existing structure which constitutes a change in the topography of the proposed site, paving or parking areas, or the installation of storm water drainage structures, open ditches or swales to remove storm water from the site or where the possibility exists of an adverse affect to adjacent properties.
  - 2. Minor Subdivision Development** is any new structure on an existing site with other existing buildings or an addition to an existing structure to be erected on the site with no major alterations to the surrounding topography or existing improvements such as driveways, drainage ditches, parking areas and etc., except for the excavation of the foundation itself.
  - 3. Industrial and Commercial** subdivisions shall conform to all sections of these regulations pertaining to development of land.
  - 4. Condominium, Multiple-Family and Townhouse Dwellings**
    - a.** Condominiums, Multiple Dwellings and Townhouses must comply with the procedure for a major development under this Article.
    - b.** Townhouses--The development of Townhouses on a lot in a subdivision shall also follow the procedures for a major development and the pertaining sections of Article 2 of these regulations. Upon satisfying this section, a record map of intent must be recorded with the Judge of Probate before a building permit will be issued. Upon completion of construction and prior to transfer of title of any lots within this subdivision an as-built record plat, that is in compliance with Article 2, Section 204, must be recorded with the Judge of Probate.
- 3.10 Applications for Approvals.** No person, firm, or corporation shall develop, alter or modify any tract of land where a subdivision of property has taken place within unincorporated areas of Jefferson County or property adjacent to any roadway maintained by Jefferson County within all the incorporated limits of municipalities in Jefferson County, without first securing the approval of the improvement plans required by these regulations, nor shall any person, firm or corporation undertake such work or cause the

same to be undertaken without first obtaining the required approval or permits from the Department of Land Planning & Development Services of Jefferson County.

**3.20 Easements/Dedications.** Where development or construction will require easements and right-of-way dedications, no approval of improvement plans for single lot development will be granted until guarantee of or verification of the recording of all easements and right-of-way dedications has been received.

**3.30 Major Development Plan Requirements.** Improvement plans for all aspects of the site development shall be prepared by a Professional Engineer registered in Alabama, and four (4) copies shall be submitted for review to the Department of Land Planning & Development Services. The improvement plans shall be any scale from one (1) inch equals ten feet (1" = 10') through one (1) inch equals one hundred feet (1" = 100'), so long as the scale is an increment of ten (10) feet and is sufficiently clear in reflecting the details of the proposed construction. Improvement plans shall be prepared on exhibits twenty-four (24) inches by thirty-six (36) inches and shall generally consist of the following:

1. The site plan.
2. Complete drainage plan.
3. Grading plan.
4. Traffic control plan.

**3.40 Site Plan.** The site plan shall be used as the cover sheet for all improvement plans submitted for approval under this section. Specific details shall be included but not limited to the following:

1. Title block.
2. Legal tie, quarter-quarter section, township and range.
3. Scale.
4. Vicinity map and north arrow.
5. Boundary and dimension of property.
6. Location of existing and proposed structures in relation to all property lines.
7. Off-street parking as per Article 12 of the Jefferson County Zoning Regulations.
8. Name and location of adjacent roads.
9. Sight distance at the intersection of a driveway with an existing roadway.
10. Sanitation approval from appropriate authority.

**3.50 Roadway Construction Detail Sheets.** All construction details pertaining to the roadway improvements (e.g. pavement widening, curbing, sidewalk, unpaved areas, entrances, etc.) shall be shown on typical section and in plan and profile in accordance with Articles 8 & 9 of these regulations.

**3.60 Drainage Plan.** All drainage, existing and proposed, shall be prepared in accordance with Article 10 of these regulations. Specific details shall include but not be limited to the following:



1. Topography extended onto adjacent property.
2. Drainage structures (size, drainage areas, "Q" (cfs), velocities (fps).
3. Location and size of adjacent drainage structures.
4. Location of channels, swales, surface drainage and direction of flow.
5. Differential runoff calculation and details of storm water detention facilities when required.
6. Letter or report from Alabama Registered Engineer as to the effect of drainage onto adjacent property.
7. Engineer's seal.

**3.70 Grading.** All grading details pertaining to the site development shall be shown in plan or cross section sheets. Specific details shall include but not be limited to the following:

1. Existing and proposed contours.
2. Existing and finish grades.

**3.80 Certificate of Occupancy.** Occupancy permits shall not be issued until the site has been constructed as shown on the site plan or an adequate surety has been posted to assure the same.

**3.90 Traffic Control Plan.** The Traffic Control Plan shall include the developer's plans for handling traffic through highway or street work zones associated with commercial and industrial construction. The degree of detail of the traffic control plan will depend on the project complexity and the relationship of traffic with the construction activity. The Traffic Control Plan will consider, but not necessarily be limited to, the following items:

1. Signing
2. Construction Schedule & hours of work
3. Flagging
4. Methods and devices for delineation and channelization
5. Placement and design of barriers and barricades
6. Storage of equipment and materials
7. Geometries of detours
8. Road lighting
9. Movement of construction equipment
10. Length of project under construction at any one time
11. Speed limits and enforcement
12. Surveillance and inspection

**3.100 Minor Development Plan Requirements.** Improvement plans for all aspects of the site development shall be prepared and four (4) copies shall be submitted for review to the Department of Land Planning & Development Services. The improvement plans shall be any scale from one (1) inch equals ten feet (1" = 10') through one (1) inch equals one hundred feet (1" = 100'), so long as the scale is an increment of ten (10) feet and is sufficiently clear in reflecting the details of the proposed construction. Improvement

plans shall be prepared on exhibits twenty-four (24) inches by thirty-six (36) inches and shall generally consist of the following.

1. Title block
2. Legal tie, quarter-quarter section, township and range
3. Scale
4. Vicinity map and north arrow
5. Boundary and dimension of property
6. Location of existing and proposed structures in relations to all property lines
7. Off-street parking as per Article 12 of the Jefferson County Zoning Regulations
8. Name and location of adjacent roads
9. Sight distance at the intersection of a driveway with an existing roadway
10. Sanitation approval from appropriate authority

## ARTICLE 4

### SURETIES FOR COMPLETION & MAINTENANCE OF IMPROVEMENTS

#### 4.00 General Provision.

- a. The term surety shall mean any surety bond, certificate of deposit, irrevocable letter of credit, cashier check, or other acceptable sureties as approved by the County Commission or their authorized agent (Director of Roads and Transportation/County Engineer).
- b. In new subdivisions, for work in Public Rights-of-Way, the subdivider shall post a surety with Jefferson County equal to the cost of all work within the Public Rights-of-Way, and said surety shall include, but shall not be limited to, the following items: grading, sub-base, base, surfacing, drainage structures.
- c. When deemed necessary by the Director of Roads and Transportation/County Engineer or his authorized agent, the contractor or owner may be required to post a surety to remain in effect for a time determined by the Director of Roads and Transportation /County Engineer or his authorized agent to cover any construction which is in a doubtful condition as to compliance with these specifications and regulations.
- d. Jefferson County may require a surety for all work in Public Rights-of-Way where it is the duty and responsibility of the County to maintain said Public Rights-of-Way after completion of the work.
- e. No work shall commence on any existing Public Rights-of-Way until the required surety is posted with Jefferson County.

#### 4.10 Improvement and Performance Surety.

**4.11 Completion of Improvements.** Before the plat is approved and signed, all applicants shall be required to complete, in accordance with and to the satisfaction of the Director of Roads and Transportation/County Engineer, all the streets, sanitary sewer, and other improvements of the subdivision, as required in these regulations, specified in the construction plans, and as approved by the Director of Roads and Transportation/County Engineer, and to dedicate same to Jefferson County, free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

#### 4.12 Performance Surety.

- a. The County Commission or their authorized agent in its discretion may waive the requirement that the applicant complete and dedicate all public improvements

prior to the signing of the subdivision plat, and that, as an alternative, the applicant post a surety at the time of application for final subdivision approval in an amount estimated by the County Commission or their authorized agent as sufficient to secure to Jefferson County the satisfactory construction, installation, and dedication of the incomplete portion of required improvements.

- b.** Such performance surety shall comply with all statutory requirements and shall be satisfactory to the Jefferson County attorney as to form, sufficiency, and manner of execution as set forth in these regulations. The period within which required improvements must be completed shall be specified by the County Commission or their authorized agent in the approval of the final subdivision plat and shall be incorporated in the surety and shall not, in any event, exceed two (2) years from date of final approval.
- c.** Such surety shall be approved by the Director of Roads and Transportation/County Engineer or his authorized agent as to amount and conditions satisfactory to the County Commission. The Director of Roads and Transportation /County Engineer may, upon proof of difficulty, recommend to the County Commission an extension of the completion date set forth, as such, for a maximum period of one (1) additional year. The County Commission may at any time during the period of such surety accept a substitution of principal or sureties on the surety upon recommendation by the Director of Roads and Transportation/County Engineer.

**4.13 Temporary Improvement.** The applicant shall build and pay for all costs of temporary improvements required by the County Commission or their authorized agent and shall maintain same for the period specified by the County Commission or their authorized agent. Prior to construction of any temporary facility or improvement, the developer shall file with Jefferson County a separate suitable surety for temporary facilities, which surety shall insure that the temporary facilities will be properly constructed, maintained, and removed.

**4.14 Cost of Improvements.** All required improvements shall be made by the applicant, at his expense, without reimbursement by Jefferson County or any improvement district therein.

**4.15 Failure to Complete Improvement.** For subdivisions for which no performance surety has been posted, if the improvements are not completed within the period specified by the County Commission, or their authorized agent, the approval of the plat shall be deemed to have expired. In such cases where a performance surety has been posted and required improvements have not been installed within the terms of such performance surety, the Jefferson County Commission may thereupon declare the surety to be in default and require that all the improvements be installed regardless of the extent of the building development, at the time the surety is declared to be in default.

**4.16 Inspection of Improvements.** When the Director of Roads and Transportation/County Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the Jefferson County construction standards and specifications, the developer shall be held responsible for completing the improvements. Wherever the cost of improvement is covered by a surety, the applicant and the surety company shall be severally and jointly liable for completing the improvements according to the specifications. If the surety is defaulted, the surety company will complete the improvements or pay the cost for completion of the same.

**4.17 Release or Reduction of Performance Surety.**

- 1. Letter of Acceptance.** The County Commission will not accept dedication of required improvements, release a performance surety, until the Director of Roads and Transportation/County Engineer or his authorized agent has submitted a letter stating that all required improvements have been satisfactorily completed and are accepted.
- 2. Reduction of Performance Surety.** A performance surety may be reduced upon actual improvements and then only to the ratio that the public improvement completed compares to the total public improvements for the plat. In no event shall a surety be reduced below ten percent (10%) of the principal amount.
- 3.** The developer may be required to file a maintenance surety with the County Commission or their authorized agent, prior to dedication, or after completion of improvement, in an amount considered adequate by the Director of Roads and Transportation/County Engineer and in a form satisfactory to the Jefferson County Attorney, in order to assure the satisfactory condition of the required improvements, of one (1) year after the date of their acceptance by Jefferson County and/or dedication of same to Jefferson County.

**4.20 Deferral or Waiver of Required Improvements.**

- 1.** The County Commission or their authorized agent may defer or waive at the time of final construction approval, subject to appropriate conditions, the provision of any or all such improvements as, in their judgment, are not requisite in the interest of the public health, safety, and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.
- 2.** Whenever it is deemed necessary by the County Commission or their authorized agent to defer the construction of any improvement required herein because of incompatible grades, future planning, inadequate or lack of connecting facilities, or for other reason, the developer may, when deemed necessary, be required to pay his share of the costs of the future improvements to Jefferson County prior to signing of the final subdivision plat, or the applicant may post surety insuring completion of said improvements upon demand of Jefferson County.

#### **4.30 Issuance of Certificates of Occupancy.**

- 1.** Where a performance surety has been required for a subdivision, no certificate of occupancy for any building the subdivision shall be issued prior to vehicular access of the improvements and dedication of same to Jefferson County.
- 2.** The extent of street improvement shall be adequate for vehicular access by the prospective occupant and by police and fire equipment prior to the issuance of an occupancy permit.

**ARTICLE 5**  
**STREETS**  
**DESIGN AND GENERAL REQUIREMENTS**

**5.00 Street.** Any public way or legally created private way for vehicular traffic used as a means of access to lots abutting thereon, and including the following:

**5.10 General Provisions.**

- a. Streets.** All streets shall be platted along contour elevations which will result in minimum grades and greatest visibility wherever practicable, with consideration given to the anticipated use of the land.
- b.** The proposed street layout shall be made according to good land planning for the type of development proposed. All streets must provide for the continuation or appropriate projection of principal streets in surrounding areas and provide reasonable means of ingress and egress for surrounding acreage tracts.
- c.** Reserve strips under certain conditions may be permitted.
- d.** Spite strips or strips for unspecified or unacceptable purposes are prohibited.
- e.** Sidewalks may be required where deemed necessary for public safety by the Director of Roads and Transportation/County Engineer.
- f.** Public utilities where available shall be installed prior to acceptance by the Director of Roads and Transportation/County Engineer and shall comply with Article 6 of these regulations.
- g. Bridges.** Bridges of primary benefit to the applicant, as determined by the County Commission, shall be constructed at the full expense of the applicant without reimbursement from Jefferson County. The sharing of the expense for the construction of bridges or roadways not of primary benefit to the applicant, as determined by the Director of Roads and Transportation/County Engineer, may be arranged by special agreement between the County Commission and the applicant.

**5.20 Standards of Design for Subdivisions.**

- a. Streets.** All new streets located in or adjoining any subdivision of land hereafter proposed shall conform to the following standards of design:
  - 1. Location.** New streets shall be so related to the topography and to existing streets so as to promote the public convenience and safety and to facilitate

the proper use of the land they are constructed to serve. Street jogs with centerline offset of less than 150 feet should be avoided. New minor streets shall be so located that their use by through traffic will be discouraged.

2. **Names.** A street which is obviously a continuation of an existing street shall bear its name. No street name shall duplicate or closely approximate the name of an existing street in the County.
3. **Alignment.** The alignment of all streets shall be related to the centerline and shall be as follows (unless a different alignment is required by the Director of Roads and Transportation/County Engineer because of special topographical considerations or sound engineering practices):
  - a) **Primary and Secondary Arterials.** The radius of all horizontal curves shall be at least 575 feet, and horizontal curves shall have a minimum stopping sight distance of 275 feet.
  - b) **Collectors.** The radius of all horizontal curves shall be at least 500 feet and horizontal curves shall have a minimum stopping distance of 175 feet based on design speed.
  - c) **Minor Streets.** All minor streets shall be related to the topography of the subdivision and shall generally tend to discourage fast or through traffic.
  - d) **Ending.** No street shall end more than 750 feet beyond the nearest intersection or intermediate turnaround. Except in the case of marginal access streets or streets having no lots fronting on them, all streets shall end in an intersection with another street or in a cul-de-sac or stub at the property line of the subdivision.
4. **Street Intersections.** All new street intersections located in or adjoining any major subdivision of land hereafter proposed shall conform to the following standards of design:
  - a) **Number of Approaches.** Intersections involving more than four basic street legs or approaches shall be prohibited. Merging lanes, deceleration lanes, "Y" intersections, and traffic circles are not included in this prohibition but are considered as being parts of one street leg or approach.
  - b) **Deceleration and/or acceleration lanes.** May be required by the Director of Roads and Transportation/County Engineer if deemed necessary to maintain a safe flow of traffic on existing or proposed new streets.



- c) **Angle of Intersection.** For a tangent distance of at least one hundred feet, measured from the intersection of right-of-way lines, all streets shall intersect at an angle of ninety degrees, where practical, but in no case shall the angle be less than seventy-five degrees.
  - d) **Intersection Offset.** Streets entering opposite sides of another street should be laid out either directly opposite one another or with a minimum offset of one hundred fifty feet between their centerlines.
  - e) **Intersection Spacing.** All minor streets intersecting with and entering the same side of other collector, local or minor streets should be located at least two hundred feet apart, measured from centerline to centerline. All other streets intersecting with and entering the same side of any other street shall be located at least five hundred feet apart, measured from centerline to centerline, unless a closer spacing is expressly approved by the Director of Roads and Transportation/ County Engineer to promote public convenience and safety and to facilitate the proper use of the surrounding land.
  - f) **Grades at Intersection.** Where the grade of any street at the approach to an intersection exceeds three percent, a leveling area shall be provided, having not greater than a three percent grade for a distance of fifty feet from the intersection of the street centerline. Any deviation from this design must be approved by the Director of Roads and Transportation/County Engineer.
  - g) **Corner Radii.** The minimum radii at the pavement edge, or the back of the curb where required, shall be twenty feet for all street intersections unless a different figure is expressly approved by the Director of Roads and Transportation/ County Engineer because of special topographical considerations or sound engineering practices. The minimum radii at the property line shall be fifteen feet for all street intersections, unless a different figure is expressly approved by the Director of Roads and Transportation/County Engineer because of special topographical considerations or sound engineering practices.
- b. **Blocks.** All new blocks created by any major subdivision of land hereafter proposed shall conform to the following standards of design:
- 1. **Residential Blocks.** Intersecting streets, which determine the length and width of blocks, shall conform to Article 8 hereof and shall be provided at

such intervals as are necessary to facilitate safe and convenient vehicular and pedestrian traffic. Except in the case of superblocks of more than two tiers of lots, all residential blocks shall be no less than five hundred feet and no more than sixteen hundred feet in length and shall be sufficiently wide to allow two tiers of lots of appropriate depth under the applicable zoning regulations, unless another length or width is expressly approved by the Director of Roads and Transportation/County Engineer because of special topographical or traffic considerations.

2. **Non-Residential Blocks.** Pedestrian mid-block sidewalks may be required within blocks, where necessary, to improve pedestrian circulation by providing a more convenient access to schools, shopping centers, etc., than is possible with sidewalks within the street right-of-way. Such crosswalks shall have a right-of-way width of at least ten feet.
3. **Mid-Block Walkways.** When blocks are over 1,000 feet in length, a mid-block walkway dedicated to public use not less than ten feet wide may be required to provide proper access to schools, playgrounds, shopping centers and other facilities.

c. **Lots.** All new lots created by any subdivision of land hereafter proposed shall conform to the minimum requirements of the applicable zoning regulations and shall also conform to the following standards of design:

1. **Shape of Lots.** Excessive depth in relation to width should be avoided, with a proportion of 2 to 1 normally being considered as a desirable maximum for lot widths of sixty feet or greater. Pointed or very irregular shaped lots should be avoided where possible. Additional depth may be required on lots which back up to railroads, major streets, or other conflicting land uses.
2. **Access.** All lots for detached houses shall abut a public street and comply with the Code of Zoning Regulations of Jefferson County, Alabama.

### 5.30 General Requirements.

a. **Frontage on or Access to Improved Roads/Streets.** No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from an existing street on the Official Map, or, if there be no Official Map, unless such street is:

An existing state, county, municipality, or township highway; or a street shown upon a plat approved by the Director of Roads and Transportation/County Engineer and recorded in the County Judge of Probate office. Such street or highway must be suitably improved as required by the development rules, regulations, specifications, or orders, or be secured by

a surety as required under these subdivision regulations, with the width and right-of-way required by these subdivision regulations, or as stipulated by the Director of Roads and Transportation/County Engineer.

Wherever the area to be subdivided is to utilize existing road/street frontage, such road/street shall be suitably improved as provided hereinabove.

- b. Grading and Improvement Plan.** Roads/streets shall be graded and improved and conform to the Jefferson County construction standards and specifications and shall be approved as to design and specifications by the Public Works Director/County Engineer, in accordance with the construction plans required to be submitted prior to final plat approval.
- c. Arrangement.**

  - 1.** Minor streets 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.
  - 2.** The rigid rectangular gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets, cul-de-sacs, or U-shaped streets shall be encouraged where such use will result in a more desirable layout.
  - 3.** Proposed streets shall be extended 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 Director of Roads and Transportation/County Engineer such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or for the most advantageous future development of adjacent tracts.
  - 4.** In business and industrial developments, the streets and other accessways shall be planned in connection with the grouping of buildings, location of rail facilities, the provision of alleys, of required truck loading and maneuvering areas, walks, and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.
  - 5. Access to Primary Arterials And Expressways.** Where a subdivision borders on or contains an existing or proposed primary arterial or expressway, the Director of Roads and Transportation/County Engineer may require that access to such streets be limited by one of the following means:

- a) The subdivision of lots, so as to back onto the primary arterial and front onto a parallel local street; no access shall be provided from the primary arterial, and screening, when deemed necessary, shall be provided by a strip of land along the rear property line of such lots.
- b) 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 major arterial.
- c) A marginal access or service road (separated from the primary arterial by a planting or grass strip and having access thereto at suitable points).
- d) **Reserve Strips.** The creation of reserve strips shall not be permitted adjacent to a proposed street in such a manner as to deny access from adjacent property to such street.

**d. Construction of Roads and Dead-End Roads.**

- 1. **Construction of Roads.** The arrangement of streets shall provide for the continuation of principal streets between adjacent properties, when such continuation is necessary for the convenient movement of traffic, effective fire protection, for the efficient provision of utilities, or where such continuation is in accordance with the official Map. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line. A temporary T- or L-shaped turnabout shall be provided on all temporary dead-end streets, with the notation on the subdivision plat that land outside the normal street right-of-way shall revert to abutters whenever the street is continued. The Director of Roads and Transportation/County Engineer may limit the length of temporary dead-end streets in accordance with the design standards of these regulations.
- 2. **Dead-End Roads/Streets (Permanent).** Where a road/street does not extend to the boundary of the subdivision and its continuation is not required by the Director of Roads and Transportation/County Engineer for access to adjoining property, its terminus shall normally not be nearer to such boundary than fifty (50) feet. However, the Director of Roads and Transportation/County Engineer may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turnaround shall be provided at the end of a permanent dead-end road/street in accordance with Jefferson County construction standards and specifications. For greater convenience to traffic and more effective police and fire protection, permanent dead-end

roads/streets shall, in general, be limited in length in accordance with the design standards of these regulations.

#### 5.40 Design Standards.

- a. **Road/Street Surfacing and Improvements.** After sewer, water, or other underground utilities have been installed, the applicant shall construct curbs and gutters and/or valley gutters where applicable and shall base and surface or cause to be based and surfaced, all pertinent roadways/streets to the width prescribed in these regulations or as approved by the Director of Roads and Transportation/County Engineer. Said surfacing shall be of such character as is suitable for the expected traffic and in harmony with similar improvements in the surrounding areas. Types of pavement shall be as determined by the Director of Roads and Transportation/County Engineer. Adequate provision shall be made for culverts, drains, and bridges for proper protection of the roadway or street.
- b. All roadway pavement, shoulders, drainage improvements and structures, curbs, turnarounds, and sidewalks shall conform to all construction standards and specifications adopted by the County Commission and shall be incorporated into the construction plans required to be submitted by the developer for approval.
- c. **Excess Right-of-Way.** Right-of-Way widths in excess of the standards designated in these regulations may be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of two feet horizontal to one vertical.
- d. **Railroads and Limited Access Highways.** Railroad rights-of-way and limited access highways where so located as to affect the subdivision of adjoining lands shall be treated as follows:
  1. In residential districts a buffer strip at least 25 feet in depth in addition to the normal zoning setback of the lot required in the district should be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the plat: "this strip is reserved for screening. The placement of a residential structure thereon is prohibited."
  2. In districts zoned for business, commercial, or industrial uses the nearest street extending parallel or approximately parallel to the railroad shall, wherever practicable, be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial sites.
  3. Streets parallel to the railroad when intersecting a street which crosses the railroad at grade shall, to the extent practicable, be at a distance of at least 150 feet from the railroad right-of-way. Such distance shall be determined

with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

#### **5.50 Road Dedications and Reservations.**

- a. New Perimeter Streets.** Street systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-streets. When an existing half-street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the subdivider. The Director of Roads and Transportation/County Engineer may authorize a new perimeter street where the subdivider improves and dedicates the entire required street right-of-way width within his own subdivision boundaries.
- b. Widening and Realignment of Existing Roads.** Where a subdivision borders an existing narrow road or when the Master Plan, Official Map, or zoning setback regulations indicate plans for realignment or widening a road that would require use of some of the land in the subdivision, the applicant shall be required to improve and dedicate at his expense such areas for widening or realignment of such roads. Such frontage roads and streets shall be improved and dedicated by the applicant at his own expense to the full width as required by these subdivision regulations. Land reserved for any road/street purposes may not be counted in satisfying yard or area requirements of the Zoning Ordinance where the land is to be dedicated to the County in fee simple.

#### **5.60 Road and Street Inspection.**

- a.** It shall be the duty and responsibility of the developer or contractor to give notification to the Director of Roads and Transportation/County Engineer, or his authorized agent, 24 hours prior to starting each phase of construction, grading, sub-base, base, surfacing and drainage or any other pertinent work that pertains to the development of the subdivision.
- b.** The purpose of this notification is to provide adequate inspection of each phase of the work.
- c.** All subdivision improvements must be inspected by the Jefferson County Land Planning & Development Services Division.
- d.** In all cases in which the Director of Roads and Transportation/County Engineer has reasonable doubt concerning the stability or proper construction of any street he may require that after installation of the one inch binder course that the one inch seal course of bituminous pavement be delayed for a period of a minimum of six (6) months.
- e.** The Director of Roads and Transportation/County Engineer, or his authorized agent, shall provide a copy of each inspection to the contractor of any

unacceptable work. Failure of the contractor or developer to notify the Director of Roads and Transportation/County Engineer or his authorized agent of the start of each phase of the construction may be grounds for non-acceptance of the work.

- f. The developer shall be required to make all necessary tests required by Jefferson County to assure compliance with the specifications. Said tests shall be made by an Alabama registered engineer and all cost associated with the test shall be paid for by the developer. Jefferson County shall be provided with a certified copy of all tests.

#### **5.70 Road and Street Acceptance Procedure.**

- a. The developer or contractor shall notify the Director of Roads and Transportation/County Engineer in writing when all work has been completed and shall request that inspection be made of the completed work. The developer or contractor shall indicate in writing what streets or roads are to be inspected.
- b. If the roads are rejected by the Director of Roads and Transportation/ County Engineer, a detailed report of the reasons for rejection shall be sent to the developer and contractor.
- c. If the work is found to be acceptable, the Director of Roads and Transportation/County Engineer shall direct that a partial maintenance letter be sent to the developer for the completed work.

Partial maintenance is defined as the acceptance by Jefferson County for all maintenance of the streets, or roads, except for the actual repair of the street or road, curbs, gutters, sidewalks, drainage, surfacing, base, and other maintenance which the contractor or developer is directly responsible for. The period of partial maintenance will be one (1) year.

- d. The Director of Roads and Transportation/County Engineer, or his authorized agent, shall again inspect those streets, approximately nine (9) months after the partial maintenance inspection and shall notify the developer or contractor in writing of any deficiency. After the deficiencies have been corrected, at the developer's and/or contractor's expense, another inspection shall be made, and, if the streets or roads are satisfactory, the Director of Roads and Transportation/County Engineer shall notify the County Commission in writing that the streets or roads have been repaired satisfactorily and have been accepted for full street or road maintenance.
- e. Full street or road maintenance is defined as acceptance by Jefferson County for all repair and maintenance to the street or road.
- f. Jefferson County will not accept any street or road for full maintenance after the one (1) year period if the deficiencies in the street and/or road which were

detected and where reported to the developer or contractor, were not corrected during this one (1) year period.

- g.** If, after the one (1) year period, no deficiencies can be detected, then Jefferson County will notify, in writing, the developer or contractor that Jefferson County will accept full street or road maintenance.

**5.80 Closing of Streets and Roads Not Necessitated by Emergency.**

- a.** All road closures not necessitated by emergency must be approved and authorized by resolution by the County Commission prior to closing.
- b.** The developer or contractor shall make proper application to Jefferson County stating what public road is to be closed, the period of closure, and the purpose for the closure.
- c.** The developer or contractor shall submit a detailed Traffic Control Plan to the County Traffic Engineer at the time of the application for approval prior to the road closure. The Traffic Control Plan shall include the developer's or contractor's plans for handling traffic during the road closure and shall include, but not be limited to, the following items:
  - 1.** Signing.
  - 2.** Construction schedule and hours of work.
  - 3.** Flagging.
  - 4.** Methods and devices for delineation and channelization.
  - 5.** Placement and design of barriers and barricades.
  - 6.** Storage of equipment and materials.
  - 7.** Geometrics of detours.
  - 8.** Roadway lighting.
  - 9.** Movement of construction equipment.
  - 10.** Length of project under construction at any one time.
  - 11.** Speed limits and enforcements.
  - 12.** Surveillance and inspection.
- d.** The developer or contractor shall provide, at his own expense, all necessary signs, barricades, warning lights, and other necessary traffic control devices as specified in the Traffic Control Plan and the latest edition of the *Alabama Manual on Uniform Traffic Control Devices*.
- e.** The developer or contractor shall notify the appropriate fire protection district, police, sheriff, and local ambulance service of the exact location of closure and period of closure. This notification by the developer or contractor shall take place only after the request for closure has been approved by the County.



**5.90 Closing of Street and Road Necessitated by an Emergency.**

- a.** Prior to road closure necessitated by an emergency, notice must be given to the Director of Roads and Transportation/ County Engineer before beginning work.
- b.** The developer or contractor shall provide, at his expense, all necessary signs, barricades, warning lights, and necessary traffic control devices as specified in the latest edition of the *Alabama Manual on Uniform Traffic Control Devices*.
- c.** The developer or contractor shall notify the appropriate fire protection district, police, sheriff, and local ambulance service of the exact location of closure and period of closure.
- d.** Upon completion of emergency repair, all cuts must be backfilled with incompressible backfill material (sand, slag, crushed stone or gravel) and paved with not less than two (2) inches of plant mix immediately.
- e.** Application for a permit must be filed with the Department of Roads and Transportation as soon as possible.

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## **ARTICLE 6**

### **UTILITY PLACEMENT WITHIN COUNTY RIGHTS-OF-WAY AND PROPOSED RIGHTS-OF-WAY**

(Amended 7/9/2002)

#### **6.0 Introduction.**

##### **a. General.**

1. The Jefferson County Commission has the legal authority and responsibility to regulate the placement of all utilities on highways under County jurisdiction, and to designate and to control the use made of rights-of-way acquired for public highway purposes to preserve the integrity, operational safety and function of the highway facility. The Jefferson County Commission has delegated the responsibility to the Jefferson County Department of Roads and Transportation to administer this responsibility.
2. Utilities have the right to install their lines and facilities on the rights-of-way of public roads and streets and like the County, their authorities depend upon State laws and regulations.
3. The County has formally adopted the Alabama Department of Transportation standards for accommodating Utilities on Highway Rights-of-Way as a part of the County Standards for all Federal Aid Projects authorized after November 29, 1968.
4. It is intended that this Article 6 shall govern the installation of utilities on all County road rights-of-way and/or proposed rights-of-way. The design, location and manner in which utilities use and occupy county roads right-of-way shall conform to the policies and standards of the Roads and Transportation Department.
5. These Standards should be uniformly interpreted and administered by representatives of both the utility owners and the County but in no instance shall they be interpreted to cause any unnecessary hardship or to deny a utility their right to occupy public rights-of-way, but are designed, as the result of the County's responsibility under law, to regulate such use for the protection of the traveling public and the public's investment in the highway itself. These Standards should be interpreted and applied consistently with the utilities' right to use or occupy the highway rights-of-way.

**b. Application.**

These Standards apply to all public and private utilities, including electric power, telephone, telegraph, water, gas, oil, petroleum, steam, chemical, sewage, drainage, irrigation, and similar lines that are to be located, adjusted or relocated within the rights-of-way of highways under the jurisdiction of the County. Such facilities may involve underground, surface or overhead facilities, either singularly or in combination.

**c. Scope.**

These standards are provided for use by representatives of the County for regulating the location, design and methods for installing, adjusting, accommodating, and maintaining utilities on highway rights-of-way. They do not alter current regulation or authority for installing utilities nor for determining financial responsibility for replacing or adjusting utilities. They are limited to matters which are the responsibility of the County for preserving the integrity of the highway and its safe operation. Where laws or orders of the Alabama Public Service Commission, Alabama Department of Environmental Health (ADEM), Storm Water Management Authority, Inc., Alabama Department of Health, industry or governmental codes or municipalities prescribe a higher degree of protection than provided by these standards, then the higher degree of protection shall prevail.

**6.10 Responsibilities.**

**a. Jefferson County Commission's Responsibility.**

1. To review and determine the feasibility of plans for the types of installation by utilities, the amount of surety if required, and any other special conditions which may be necessary for the installation of the utility.
2. To prescribe and enforce all reasonable rules and regulations as to the construction, repairs or maintenance of the poles, wires and lines of such telegraph, telephone, community antenna television systems or power companies and pipelines of gas districts, gas, water, sewers or other pipeline companies so as to insure the safety of the traveling public in using the roads, bridges and highways in this County; and to include regulation or permits granted for construction on rights-of-way necessary for the protection of the traveling public and for the prevention of injury to highways and bridges.
3. To prescribe and enforce any reasonable rules and regulations so as to prevent unnecessary trespassing upon or injury to any of the public roads, bridges or highways maintained by the County.

4. To request utilities to relocate their facilities when such facilities are in conflict with road or street construction. Responsibility for the cost of relocation shall be determined by State law in effect at the time of such relocation. The Roads and Transportation Department will require each utility company to list the date construction begins, estimated time frame required for relocation of the utility and the completion date, which will be coordinated with the highway construction project.
5. To notify all affected property owners and utilities at least sixty (60) days prior to surfacing or resurfacing any roadway. An additional sixty (60) days may be granted if extenuating circumstances can be shown. Any utility company proposing to do capital improvements of its facilities should coordinate work with the Roads and Transportation Department before resurfacing of roadway begins.

**b. Utilities Responsibility.**

1. Relocate utility facilities that are in conflict with road or street construction when requested to do so by the Jefferson County Commission. Responsibility for the cost of relocation shall be determined by State Law in effect at the time of such relocation. Relocation work shall be performed in a timely manner and within time frames stated on paragraph 6.10 (A)(4).
2. Obtain a permit from the Jefferson County Commission for construction on highway rights-of-way as required by paragraph 6.30 of this Article. Failure to obtain a permit will result in a penalty of \$250.00 for refusal to comply with this requirement.
3. Notify the county's Roads and Transportation Department – Utility Section of any emergency work performed as soon as possible and any applicable permit requirements of this Article shall be conformed to on the next scheduled work day.
4. It is the responsibility of the utility company to maintain a full time or part time inspector on any major relocation work or new installation within road right-of-way.

**c. Contractors Responsibility.**

1. Obtain a permit or cause a permit to be obtained from the County for construction on highway rights-at-way as required by paragraph 6.30 of this Article. Failure to obtain a permit will result in a penalty as stated in Paragraph 6.10 (B)(2).

2. Notify the County of any emergency work performed as soon as possible and any applicable permit requirements of this Article 6 shall be conformed to on the next scheduled work day.

**d. Miscellaneous Responsibilities:**

1. In the event that an Applicant does not install a facility covered by a permit within 180 days of the written authorization to proceed with such installation, said permit agreement is revoked and a new authorization must be obtained from the County. Such permit may be renewed upon notification by the Applicant.
2. The Applicant shall notify the County a minimum of 24 hours prior to beginning work on any installation covered by a permit. When the Applicant desires to work on highway rights-of-way on weekends “Sundays excluded” and/or holidays the Applicant shall notify the County a minimum of 24 hours in advance of the County's last work day preceding the planned weekend or holiday work, except in cases of emergency repair. Sunday work is prohibited unless authorized by the County.
3. The County does not in any way assume responsibility for any utility facilities or for the maintenance of any such utilities. The retention and/or relocation of the utility facilities hereunder and any and all work performed by the Applicant or under its direction or control in connection therewith is the sole work of the Applicant and any damage or injury resulting therefrom must be responded to by Applicant in accordance with law. Neither the County nor its officials nor its employees shall be responsible in any manner for any damage or injury done to any person or any property.
4. Whenever any person, firm or corporation making any excavation in the street, highway, or alley fails to refill in the proper manner as required by Appendix of these specifications, or fails to maintain the same for a period of one (1) year, then the Department of Roads and Transportation shall cause the work to be done and the cost thereof shall be charged against the surety as required and as stipulated in Article 4 of these regulations.

**6.20 Utility Installations on Existing County Rights-Of-Way**

**a. General Conditions.**

1. The Applicant is responsible for the design of the utility facility to be installed within the highway rights-of-way or attached to a highway structure. The County is responsible for review and approval of the Applicant's proposal with respect to the location of the utility facilities to

be installed and the manner of attachment. This includes the measures to be taken to preserve the safe and free flow of traffic, structural integrity of the roadway or highway structure, ease of highway maintenance, appearance of the highway and the integrity of the utility facility.

- 2.** Utility installations on, over or under the rights-of-way of County highways and the utility attachments to highway structures shall, as a minimum, meet the following requirements:
  - a)** Electric power and communication facilities shall conform with the current applicable National Electric Safety Code and similar county codes.
  - b)** Water lines shall conform with the current applicable specifications of the American Water Works Association and similar county codes.
  - c)** Pressure pipe lines shall conform with the currently applicable sections of ANSI Standard Code for Pressure Piping of the American National Standards Institute and applicable industry codes, including:
    - 1)** Power Piping, ANSI B31.1.0
    - 2)** Petroleum Refinery Piping, ANSI B31.3
    - 3)** Liquid Petroleum Transportation Piping Systems, ANSI B31.4
    - 4)** Code of Federal Regulations, Part 192-Transportation of Natural and other Gas by Pipeline; Minimum Federal Safety Standards.
  - d)** Liquid petroleum pipelines shall conform to the currently applicable recommended practice of the American Petroleum Institute for Pipeline Crossings under Railroads and Highways and any applicable similar county codes.
  - e)** In no case shall the cover in the rights-of-way be less than 30 inches in depth unless otherwise approved in writing by the Roads and Transportation Department Director/County Engineer.
- 3.** On new installations or adjustments of existing utility facilities, provisions should be made for known or planned expansion of the utility facility, particularly those located underground or attached to bridges. It is essential that these facilities be compatibly designed and operated with consideration of the potential impact on highway structure. They shall be planned so as to minimize hazards and interference with highway traffic

when additional overhead or underground lines are installed at some future date.

4. In all cases, full consideration will be given to the measures, reflecting sound engineering principles and economic factors, necessary to preserve and protect the integrity and visual quality of the highway, its maintenance efficiency and the safety of highway traffic.

**b. Underground Facilities.**

**1. General.**

- a) Where feasible, pedestals or other above-ground utility appurtenances installed as part of buried utility facilities shall be located at or just inside the right-of-way line.
- b) All proposed locations and utility designs will be reviewed by the County to insure that the proposed construction will not cause avoidable interference with the existing or planned highway or other public facilities or with highway operation or maintenance.
- c) On both cased and uncased installations, particularly on crossing of the highway, consideration will be given for placing spare conduit or duct to accommodate known or planned expansion of such underground facilities.
- d) An applicant may be allowed to plow in a utility facility provided it is able to maintain reasonable controls to insure that the horizontal installation can be made within a reasonable tolerance of the approved location and that the stipulated minimum cover can be obtained and maintained in this type of installation. Notification by the Applicant and approval by the County is required before plowing operations begin. The Applicant is required to have a full time inspector at the job site throughout plowing operations. It is the Applicant's responsibility to provide the County with a recommended procedure of restoring the highway right-of-way to its original state with an acceptable condition in accordance restoration methods approved by the County.
- e) Permits will be issued allowing for either open cut or bore road crossing when the Applicant provides the County with acceptable construction plans that insure the maintenance of the integrity of both the subsurface and surface restoration work on said crossing. Boring by water jetting shall not be performed. However, boring of



the highway by acceptable methods is encouraged for road crossings.

- f)** Open cut of highway paving must be approved by the County before construction begins. If open cut is allowed, it must be saw cut with uniform smooth pavement edges. The backfill shall consist of incompressible backfill material (sand, slag, crushed stone or gravel in a suitable mixture to fill voids) compacted in six (6) inch lifts and paved with a minimum of two (2) inches asphalt immediately. A county inspector must be present during backfill and paving of open cuts. The Roads and Transportation Department shall be notified in advance of such construction and arrangements made to have an inspector present during operations. Permanent paving or final seal must be performed within thirty (30) days of open cut and approved by County. Backfill of trench lines outside of paving shall be compacted in six (6) inch lifts with suitable material approved by the County. If the utility is installed longitudinal within the pavement the utility company shall be required to resurface all lanes of traffic within constructed area. Before final seal the County may require additional leveling or milling of the pavement to prepare surface for seal coat.
- g)** Permanent markers identifying the location of the underground facility shall be placed where appropriate by the utility owner within such highway rights-of-way indicating the location of the underground utility crossing and/or showing an accurate offset to a longitudinal utility installation. Such markers shall be placed at agreed-upon spacing, depending upon the type of installation and its hazard to the highway user, the highway structure, the highway right-of-way, or the facility itself. Where curb and gutter type of highways are involved, suitable markers may be in the form of a metal plate or disk affixed to the curb. Vent pipes may serve as a marker for crossings. A marker referring to the Alabama Line Location Center shall meet the requirements of this paragraph. Compliance with applicable federal standards shall satisfy the requirements of this paragraph. All non-metallic lines shall be accompanied by a trace wire, metallic tape or other method of effectively locating and marking underground lines.
- h)** Before any utility installation the contractor shall call the Alabama One Call Center for notification of work as required by the Underground Damage Prevention Legislation Alabama Act 94-487.

**2. Depth, Location and Alignment.**

- a) All underground facilities shall be installed in accordance with the minimum cover requirements at the applicable safety codes set forth in paragraph 6.20 (A) (2).
- b) On longitudinal installations, locations parallel to the pavement at or adjacent to the right-of-way line and on a uniform alignment are preferable so as to minimize interference with highway drainage, the structural integrity of the traveled way, shoulders and embankment, and the safe operation of the highway. Where practical, installations should be within the outer portion of the right-of-way, or, if this is not practicable, then a minimum of four (4) feet from the edge of any existing pavement. No installation shall be closer than four (4) feet from the existing pavement unless approved by the County. Any installation closer than four (4) feet shall be backfilled with suitable material and compacted in six (6) inch lifts.
- c) Where less than minimum bury is made necessary because at other utilities, water table, ordinances, or similar reason, the facility shall be re-routed or else protected with a casing or concrete slab not in contact with the facility or use shall be made of other suitable measures allowed under the applicable safety codes set forth in paragraph 6.20 (A) (2).

**3. Cased and Uncased Construction.**

- a) Except as provided in paragraph 6.20 (B) (3) (c) hereof, anytime an electric or communications utility line, or plastic high-pressure pipeline is to be installed underneath a paved road way, a plastic or other suitable casing, conduit or duct designed to support the load of the highway and super imposed loads thereon shall be used.
- b) Where crossings of underground facilities are encased or in protective casing, the encasement or casing shall extend a suitable distance beyond the slope or ditch line to allow installation and/or maintenance of the same without disrupting the drainage facility or endangering the roadway structure. On curbed sections, it shall be extended outside the outer curb.
- c) Where it is acceptable to both the utility and the County, underground communication line cables crossing the road or street may be installed without protective casing, conduit or duct provided the utility agrees not to open cut to maintain said facility except in extreme emergency. Normally, such installation will be

limited to open trench construction or to small bores for wire or cable facilities, where soil conditions permit installation by boring a hole about the same diameter as the cable and pulling the cable through. On uncased construction the carrier pipe should conform to the material and design requirements of utility industry and governmental codes and specifications.

**4. Surety Requirements.**

- a) For surety requirements see paragraph 6.20 (E) (7).

**c. Overhead Power and Communication Lines.**

**1. Type of Construction.**

- a) Only one longitudinal pole line will be allowed on each side of the roadway, except where additional poles may be required to provide adequate street or highway lighting.
- b) Joint use single pole construction is encouraged.

**2. Vertical Clearance.**

The minimum vertical clearance for overhead power and communication lines above the highway and the lateral and vertical clearances from bridges shall conform with the National Electrical Safety Code. However, in no instance should an aerial crossing have vertical clearance less than eighteen (18) feet over a roadway or twenty-five (25) feet over a bridge.

**3. Location.**

- a) Except as provided in paragraphs 6.20 (C) (3) (b-f), on and along conventional highways in rural areas, poles and related facilities will be located as near as practical to the right-of-way line, normally within five (5) feet of the outer edge of the right-of-way; provided, however, that poles for street lighting purposes shall not be required to be located more than sixteen (16) feet from the edge of the pavement.
- b) In keeping with the nature and extent of roadside development along conventional highways in urban areas, such facilities shall be located at or as near as practical to the right-of-way line. Where there are curbed sections, the utilities may be located six (6) feet minimum behind the face of the curb, or where the roadway has a curb and gutter section and parking adjacent to the curb, overhead utilities may be located four (4) feet back of the back of the curb.

- c) Location of overhead utility installations on highways with narrow rights-of-way or subdivision streets with closely abutting improvements are special cases which must be resolved in a manner consistent with the prevailing limitations and conditions. (i.e. Placement of poles and guys behind guard rails, beyond deep drainage ditches, or the toe or top of steep slopes, retaining walls, or other similar protected location).
- d) Guy wires to ground anchors located within the highway right-of-way shall be marked to help prevent their being cut during roadside grass cutting operation or prevent personal injury to maintenance personnel running into such guys. Guy wires inside the highway right-of-way shall be avoided wherever it is feasible to do so.
- e) Where irregular shaped portions of the right-of-way extend beyond the normal right-of-way limits, variances in the location from the right-of-way line will be allowed as necessary to maintain a reasonably uniform alignment for longitudinal overhead and underground installations so long as they do not adversely affect the maintenance operations of the right-of-way.
- f) Longitudinal installations of poles, guys, or other related facilities will not be located in a highway median, except as follows:
  - 1) Poles and other appurtenances for highway lighting if other alternatives are determined to be impractical or where suitable protection is provided to the highway user.
  - 2) Supporting structure for aerial crossing where protection is provided for the facility and the highway user.
  - 3) Extension or revision of an existing facility.
- g) For surety requirements see paragraph 6.20 E. 7.

**d. Installation on Highway Structures.**

- 1. Where it is feasible and reasonable to locate utility lines elsewhere, attachments to highway structures will be avoided.
- 2. Utility lines may be attached to a highway structure where the County agrees that it is in the overall public interest. Where such attachments are allowed, they shall conform to the following:

- a) All utility attachments to bridge structures shall be adequately supported and free to expand independently of the structure.
    - b) No utility facility will be allowed in a location where it could be damaged or ruptured by a traffic accident and thus becoming a traffic hazard.
  - 3. Underground communication and electric power line attachments shall be suitably insulated, grounded, and preferably carried in protective conduit or pipe from the point of exit from the ground to re-entry. Preferably the cable should be carried to a manhole or other terminal location beyond the back wall of the structure. Carrier pipe and casing pipe shall be suitably insulated from electric power line attachments.
  - 4. The plan for any requests to attach to a bridge structure shall clearly indicate the type of transmittant, the design working pressure, and the actual working pressure for which permission is being requested, and the total weight of the facility being added, or, in the case of electric power line attachments, the maximum design voltage for which permission is being requested shall be stipulated. Any changes in the transmittant, working pressure, or voltage outside that reviewed and approved in the original installation will be subject to an additional review and approval or authorization from the Roads and Transportation Department Director/County Engineer.
  - 5. For surety requirements see paragraph 6.20 E.7.
- e. Miscellaneous.**
- 1. **Preservation, Restoration, and Clean Up.**
    - a) When the County determines that the Applicant's construction is causing erosion that may damage the highway rights-of-way, adjacent property, or streams, it may order the Applicant to perform and maintain temporary erosion control methods until such time as the restoration and clean-up of the right-of-way can be satisfactorily accomplished. However, at all times installation must comply with the Storm Water Management Authority, Inc., Erosion Sedimentation Control Ordinance. Appropriate erosion control devices shall be placed before construction begins.
    - b) In no instances will the contractor be allowed to open up more than 500 feet of ditch lane before temporary clean up begins.
    - c) The condition of the right-of-way at any time during or after the completion of an Applicant's installation or maintenance operation

is subject to the approval of the County. Where drainage ditches must be obstructed, they shall be restored to a passable state at the end of each construction day. Care should be taken to avoid disturbing existing highway or private drainage facilities.

**2. Stockpiling of Excavated Material.**

- a) Stockpiling of excavated material on the traveled roadway shall be avoided where possible. All stockpiled material shall be removed from the traveled roadway at the end of each day's operation, and shall not remain on the traveled roadway after dark.
- b) The Applicant shall be required to re-gravel all areas of graveled roads where stockpile material has been placed. The County shall determine the depth and location of the required graveling needed to make the necessary repairs.

**3. Cleated Equipment on Roadways.**

- a) Cleated or tracked equipment shall not be permitted on asphalt or concrete surfaced roadways unless properly moved over mats or approved pads.
- b) Cleated or tracked equipment shall avoid work on gravel roads where possible.

**4. Hazardous Condition.**

Open trenches or cuts or other hazardous conditions located within road rights-of-way shall not be permitted to remain open or left unprotected overnight or on weekends unless approved, in writing, by the Roads and Transportation Department Director/County Engineer or his authorized agent. They shall be backfilled, covered, delineated or barricaded in accordance with the county's utility accommodation policy. The degree of protection shall be in accordance with the *Alabama Manual on Uniform Traffic Control Devices*.

**5. Closing of Streets and Roads Not Necessitated by Emergency.**

- a) All road closures not necessitated by emergency must be approved and authorized by resolution by the County Commission prior to closing.
- b) The developer or contractor shall make proper application to Jefferson County stating what public road is to be closed, the period of closure, and the purpose for the closure.

- c) The applicant shall submit a detailed Traffic Control Plan to the County Traffic Engineer at the time of the application for approval prior to the road closure. The Traffic Control Plan shall include the developer's or contractor's plans for handling traffic during the road closure and shall include, but not be limited to, the following items:
  - 1) Signing
  - 2) Construction schedule and hours of work
  - 3) Flagging
  - 4) Methods and devices for delineation and channelization
  - 5) Placement and design of barriers and barricades
  - 6) Storage of equipment and materials
  - 7) Geometrics and detours
  - 8) Roadway lighting
  - 9) Movement of construction equipment
  - 10) Length of project under construction at any one time
  - 11) Speed limits and enforcements
  - 12) Surveillance and inspection
- d) The applicant shall provide, at his own expense, all necessary signs, barricades, warning lights, and other necessary traffic control devices as specified in the Traffic Control Plan and the latest edition of the *Alabama Manual on Uniform Traffic Control Devices*.
- e) The applicant shall notify the appropriate fire protection district, police, sheriff, and local ambulance service of the exact location of closure and period of closure. This notification by the developer or contractor shall take place only after the County has approved the request for closure.

**6. Closing of Street and Road Necessitated by an Emergency.**

- a) Prior to road closure necessitated by an emergency, notice must be given to the Roads and Transportation Department Director/County Engineer before beginning work.
- b) The developer or contractor shall provide, at his expense, all necessary signs, barricades, warning lights, and necessary traffic control devices as specified in the latest edition of the *Alabama Manual on Uniform Traffic Control Devices*.

- c) The developer or contractor shall notify the appropriate fire protection district, police, sheriff, and local ambulance service of the exact location of closure and period of closure.
- d) Upon completion of emergency repair, all cuts must be backfilled with incompressible backfill material (sand, slag, crushed stone or gravel) and paved with not less than two (2) inches of plant mix immediately.
- e) Application for a permit must be filed with the Roads and Transportation Department as soon as possible.

**7. Surety Requirements.**

- a) A surety may be required by the County in some cases to assure recovery of damages to County rights-of-way during installation of utilities.
- b) A surety sufficient to recover any damages to Jefferson County property may be required on all work within County rights-of-way.
- c) The Roads and Transportation Department Director/County Engineer or his authorized agent, after review of the application, shall calculate the amount of surety required and shall inform the applicant of said amount.
- d) The sufficient surety, when deemed necessary, may be required to remain in force for one (1) full year after construction is completed and accepted by Jefferson County.
- e) No work shall commence until the required surety is furnished and accepted by Jefferson County.

**6.30 Permits For Utility Installation On County Rights-Of-Way.**

- a. Any person, firm, individual or corporation wishing to place a utility facility within Jefferson County road rights-of-way shall make application to the Jefferson County Roads and Transportation Department on the prescribed utility permit form.
- b. Permits shall be required for relocation or new installations of utility facilities when such installation requires the physical disturbance of the surface or sub-surface of the right-of-way.
- c. Permits shall not be required where there is no physical disturbance of the surface or sub-surface of the right-of-way in connection with the following activities:



1. Aerial service connections not requiring additional supporting structure within the right-of-way on highways;
  2. Normal maintenance operations;
  3. Substituting or adding wires, or accessory equipment to existing poles or supporting structures on highways; or
  4. Passing through or in such conduits or pipe encasements already in place.
- d.** The Applicant shall furnish the following minimum information with his application and on a map of sufficient scale folded to 8½" x 11", for review by the Roads and Transportation Department:
1. Applicant's name, address and phone number.
  2. Road number and/or address in which facility will be located.
  3. Location of facility in the right-of-way.
  4. Depth of facility (minimum 30 inches).
  5. Type of facility.
  6. Type of facility material (P.S.I. where applicable).
  7. Construction schedule and method of construction.
  8. Name of person making application if different from Applicant's name (need signature).
  9. General contractors name, address and telephone number (and emergency telephone number).
  10. Other pertinent information necessary for proper review and consideration of the application as requested by the Director of Roads and Transportation/County Engineer or his authorized agent.
- e.** Detailed engineering plans are required on large or complex projects in order to clearly show the location and details of the proposed installation, and shall be submitted if requested by the Roads and Transportation Director/County Engineer.
- f.** The Applicant shall notify the County when the Applicant considers the work to be complete. The Roads and Transportation Department Director/County Engineer or his representative shall inspect the work promptly and either accept or reject the work. When the Roads and Transportation Department Director/County Engineer or his representative considers the restoration and cleanup of the right-of-way and other features of the work to be satisfactory, he shall notify the Applicant in writing.
- g.** Upon acceptance of the work by the Roads and Transportation Department Director /County Engineer as provided in paragraph 6.30 (F), the Applicants

responsibility for the work shall remain in effect one (1) year from the date of acceptance.

- h.** At any time during the progress of the work or at any time after completion at the work, if the provisions under which the permit was issued are not complied with or the provisions of any applicable ordinance are not complied with, County may (1) revoke said permit and issue a Cease and Desist order; and (2) if Applicant fails to comply therewith including the correction of such work after such order, then County may pursue its remedies against the Applicant and Applicant's sureties for correction of the work. The County through its Director is empowered to order the removal of the utility which has been installed without permit or agreement, or which has been installed improperly. If the utility fails to remove such facility and restore right-of-way satisfactorily, the County may choose to remove the facility and require compensation from the utility.
- i.** A bond is required of any applicant for a permit to excavate in any public easement or right-of-way. The permit is limited to the interests and rights of Jefferson County in and to the area involved without warranty. This permit, if granted, shall constitute an agreement and warranty on the part of the applicant that all work required will be done in a good and workmanlike manner to be approved by the County and at the sole expense of the applicant. A copy of the Applicant's bond shall be on file in the Roads and Transportation Department Utility Section at all times.
- j.** A copy of the permit must be kept on the job while work is in progress.
- k.** A permit fee, calculated according to the following schedule, shall be required on all permit applications for excavations in roadways both dedicated to and accepted for maintenance by the County.

**1.** Inspection fee required for all roadway excavations:

<b>Linear Feet</b>	<b>Fee</b>	<b>Approximate Cost Per Foot</b>
0-50'	\$20.00	\$ .20
51'-5,000'	\$20.00 + \$.025 per foot	\$ .025
over 5,000'	\$145.00 + \$.01 per foot	\$ .01

- 2.** In addition to the fee required under 1., fees for cuts to be made in the paved portion of a new subdivision or newly constructed or newly resurfaced asphalt roadway, except that these fees shall not apply to emergency cuts with the approval of the Jefferson County Commission, shall conform to the following schedule.

<b>Period After Construction or Resurfacing</b>	<b>Fee</b>
1st year	\$2,500 per open cut
2nd year	\$2,000 per open cut
3rd year	\$1,500 per open cut
4th year	\$1,000 per open cut
5th year	\$500 per open cut
Over 5 years	No additional fee Still requires approval for cut

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## ARTICLE 7

### RIGHTS-OF-WAY AND EASEMENTS

- 7.10 Width.** All rights-of-way shall be of adequate dedication width for the classified street and shall adhere to the general provisions, requirements and design standards for streets as stated in Article 5 and Article 8 of these Regulations and shall conform to the typical design standards as outlined in the Appendix of these regulations.
- 7.20 Accessibility.** Where a proposed subdivision has no frontage on an existing public road, or right-of-way, the subdivider must provide, and dedicate to the County, a suitable right-of-way for ingress and egress. This connecting road becomes part of the street system of the proposed subdivision and is subject to all regulations regarding streets.
- 7.30 Improvements.** Before a subdivider or developer commences to grade or pave streets or roads within a subdivision, he shall consult the Director of Roads and Transportation/County Engineer and obtain his approval of the proposed grades, type of paving, size of drainage structures, and any or all other engineering problems involved therein. This information shall be submitted in adherence to Article 2 hereof.
- 7.40 Easements.** Easements shall be provided throughout the subdivision and shall be of a sufficient width for egress and ingress for public utilities, sanitary sewer, storm sewer, storm ditches, and shall be for such purposes to serve property both within and without the subdivision.

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## ARTICLE 8

### GEOMETRIC DESIGN REQUIREMENTS & CONSTRUCTION PROCEDURES

#### 8.10 Horizontal Alignment.

- a. The safety of the traveling public depends on the proper selection of horizontal alignment of roads. The selection of the horizontal alignment should depend on the amount of traffic, natural terrain features, design speed and type of road.
- b. In general roads/streets are to intersect at right angles. The maximum deviation from a right angle shall not exceed 15 degrees and any deviation from a right angle intersection must be approved by the Director of Roads and Transportation/County Engineer.
- c. Opposing intersections shall be placed opposite each other where practical or placed at a minimum of 150 feet apart. Not more than two (2) new roads shall intersect at anyone point.

#### 8.20 Sight Distance.

- a. The horizontal alignment shall provide for the minimum sight distance for the design speed at all points including curves.
- b. The minimum stopping sight distance is the distance required by the driver of the vehicle traveling at a given speed to bring his vehicle to a complete stop after an object in the road ahead becomes visible. Stopping sight distance is measured from the driver's eyes, which are assumed to be 3.75 feet above the road surface, to an object 6 inches high on the road surface ahead.
- c. The following are minimum stopping sight distances for design of all two-lane roads:

Design Speed (mph)	Minimum Stopping Sight Distance (ft)
25	175
30	200
35	230
40	275
45	310
50	350
55	415

- d. Where any road/street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide adequate corner sight distance. Corner sight distance is measured from a point of the minor road 15.0 feet from the edge of the major road pavement and measured from a height of 3.75 feet on the minor road to an object 4.5 feet above the surface of the major road.
- e. The following are minimum corner sight distances for design of all roads:

<b>Design Speed (mph)</b>	<b>Minimum Corner Sight Distance (ft)</b>
25	250
30	300
35	350
40	400
45	450
50	500
55	550

**8.30 Passing Sight Distance.**

- a. Passing sight distance is the minimum sight distance that enables a driver to safely pass another vehicle without interfering with oncoming traffic traveling at the designed speed. The sight distance available for passing is the longest distance at which a driver whose eyes are 3.75 feet above the roadway can see the top of an object 4.5 feet above the roadway surface ahead.
- b. The following passing sight distance shall be used for design of all two-lane roads:

<b>Design Speed (mph)</b>	<b>Minimum Sight Distance (ft)</b>
25	900
30	1100
35	1300
40	1500
50	1800
55	1900



**8.40 Curvature.**

- a. All roads shall be designed to provide the following minimum radius of curvature. Larger curvature radius should be provided where economically feasible.

<b>Design Speed (mph)</b>	<b>Minimum Radius (ft)</b>
25	175
30	250
35	375
40	550
50	850
55	1000

- b. The proposed design speed of the road shall be approved by the Director of Roads and Transportation/County Engineer.
- c. A design speed of less than 25 M.P.H. is not desirable and should be avoided if possible.
- d. It is not desirable to end curves at bridges and this should be avoided if possible.
- e. Cul-de-sac streets must be provided with a minimum pavement radius of 40 feet or more and shall not exceed 750 feet length.

**8.50 Vertical Alignment.**

- a. Vertical curves shall be used at all changes of grade exceeding one percent (1%).
- b. The grades for all roads shall not exceed 15% maximum and 1% minimum unless approved by the Director of Roads and Transportation/County Engineer.

<b>Street Classification</b>	<b>Maximum Street Grade</b>
Arterial	8%
Collector	12%
Minor	15%

- c. Minor deviations from the above grades shall be permitted only after written approval is received from the Director of Roads and Transportation/County Engineer.

- d. The minimum vertical slope shall not be less than 0.3% in order to provide adequate drainage.
- e. Proper drainage shall be provided at the low point in vertical curves.
- f. Vertical curves shall generally be designed with equal tangents.

**8.60 Geometric Cross Sections.**

The geometric cross sections shall conform to those shown on the typical sections in the Appendix contained herein.

**8.70 Roadway Cross Slope.**

- a. On roads in tangent alignment the high point of the road shall be at the center of the pavement.
- b. On Portland cement concrete surfaced roads the cross slope from the center shall be 1.5%, on asphaltic concrete roads the cross slope from the center shall be 2.0%, and on asphaltic treated seal coats the cross slope from the center of slopes or crown shall be 2.5%, and on all other roads the cross slope from the center shall be 3.0%.

**8.80 Superelevation.**

Superelevation shall normally be used on curves to aid the vehicle in negotiating the curve. The maximum rate of superelevation cross slope shall not exceed 8%. The centerline of the road shall normally be used for the axis of rotation. Care shall be taken to avoid drainage pockets in the low points of the superelevation. The transition from a crown slope to superelevation shall be determined by standard engineering practice.

**8.90 Typical Design Standards** are found in the Appendix hereof.

## ARTICLE 9

### GRADING, EXCAVATION, BASE AND PAVING

#### 9.01 Construction Plan Approval Required.

Prior to any disturbance of land, including the clearing of any vegetation, for which a permit from either the Alabama Department of Environmental Management (ADEM) or the local Storm Water Management Authority (SWMA) is required, a property owner must first obtain Construction Plan Approval from Jefferson County in accordance with Section 1118 of the Zoning Resolution of Jefferson County, Alabama (in addition to said permit(s) from ADEM and SWMA).

It shall be unlawful to commence or continue to conduct, or for a property owner to allow the commencement or continuance of, any land-disturbing activity without first obtaining Construction Plan Approval as required herein, unless specifically exempted under Section 1118.04 of the Zoning Regulations. A separate Approval shall be required for each site and/or project, and/or for each phase of a project, as determined by the scope of the plans submitted.

Failure to obtain any required Construction Plan Approval prior to commencing a land-disturbing activity, or to operate in accordance with either such approval plans or the requirements of Section 1118 of the Zoning Resolution, shall constitute a violation of the Jefferson County Subdivision & Construction Regulations.

(Adopted 5/10/2005)

#### 9.10 Clearing and Grubbing.

- a. All areas, which will receive fill material, shall have all vegetation, trees, tree stumps, large rocks, and other objectionable material removed within the limits of the fill prior to placing the fill. All unsuitable material shall be removed to a minimum depth of 12 inches below the original ground surface.
- b. Material not suitable for embankment purposes shall be disposed of off the County rights-of-way.
- c. The Director of Roads and Transportation/County Engineer or his designated agent shall determine what material is suitable for embankment.

#### 9.11 Embankment.

- a. The natural ground area over which the embankment shall be placed shall be thoroughly compacted prior to placing the embankment. Sheep foot rollers, vibratory rollers, or other types of acceptable rollers shall be used to compact the natural ground.

- b.** Embankment material shall be placed in loose uniform lifts of 10 inches or less and shall be compacted by an acceptable type of roller.
- c.** The moisture content of the embankment material shall normally be within 3%, more or less, of optimum moisture.
- d.** The finished grade shall be maintained in a smooth and compacted condition and shall be properly sloped to drain.
- e.** Frozen or other unsuitable material shall not be used for embankment nor shall any embankment be placed on frozen or soft ground.
- f.** Areas which become soft due to excess moisture, traffic conditions, or other causes shall be removed and replaced with suitable compacted material.
- g.** The grading operations shall be conducted in such a manner that will minimize dust conditions. Wetting of haul roads and the embankment area shall be necessary if adverse dust conditions exist.
- h.** The developer or contractor shall take all proper precautions for the protection of utilities or other private and public installations. It shall be the responsibility of the developer or contractor for locating and safeguarding utilities and other public and private facilities and notify Alabama Line Control.
- i.** The embankment shall be placed to the lines and grades as shown on the plans unless specific permission is acquired in writing from the Director of Roads and Transportation/ County Engineer or his authorized agent.

**9.12 Excavation.**

- a.** Prior to start of excavation the ground shall be properly cleared and grubbed. All suitable excavated material shall be used in the embankment. Unsuitable material shall be disposed of off County rights-of-way.
- b.** Excavated areas under the roadway shall be thoroughly compacted to a depth of 6 inches. Wet or unsuitable material shall be removed and replaced with suitable compacted material.

**9.13 Subdrains.**

- a.** In areas of high water table or in seep areas it may be necessary to place under drains to properly control the moisture under the roadway. The developer or contractor shall submit detailed subdrain plans to the Director of Roads and Transportation/County Engineer for review and approval prior to starting any roadway work.

- b. The Director of Roads and Transportation/County Engineer or his authorized agent shall determine if a subdrain system is required.

**9.20 Subgrade and Base.**

**9.21 Subgrade.**

- a. Finish grade shall conform to the lines, grades and cross section as shown on the plans approved by the Director of Roads and Transportation/County Engineer.
- b. Excavation and/or embankment shall follow the procedures as delineated in Sections 9.11 and 9.12 of this Article.
- c. The subgrade where Portland cement concrete paving is to be used shall be brought to a firm and unyielding condition with a uniform density of 95% Proctor. All soft and yielding material and other portions of the subgrade that will not compact readily when rolled or tamped shall be removed and replaced with suitable material.

**9.22 Base.**

- a. In general, no special base shall be required for Portland cement concrete surfaced roads. Base material for asphalt surfaced roads shall conform to the lines, grades, cross sections and thicknesses as shown on the plans approved by the Director of Roads and Transportation/County Engineer and prior to placing any base the subgrade shall have been prepared and approved.
- b. Base material shall consist of hard, durable particles of stone, gravel, or crushed rock or other approved material and shall contain a filler of sand or other fine mineral matter. Base material shall be free from vegetation or other unsuitable matter and when placed and compacted shall produce a firm unyielding foundation. The testing of any material used as a base material may be required on the construction site or at its origin as deemed necessary by the Director of Roads and Transportation/County Engineer.
- c. Base material shall be spread without segregation in a loose maximum 6 inch lift and shall be compacted by vibratory, steel wheel rollers or other approved rollers to a maximum density of 95% Proctor.
- d. Wetting of the base may be required to achieve the proper mixing and density.
- e. Base material shall not be placed on soft or frozen material.
- f. The minimum thickness of the base shall be six inches or as designated by the Director of Roads and Transportation/County Engineer.

- g.** The developer, contractor, or other responsible party when required shall submit to the Director of Roads and Transportation/County Engineer for review and approval detailed computations concerning the required base thickness prior to starting any base construction. These detailed computations shall be based on material test of the proposed base.
- h.** The base shall be inspected and installed under the direction of a County inspector and no paving shall be installed until the base course is approved by the Director of Roads and Transportation/County Engineer or his authorized agent.

**9.30 Surfacing.**

A permanent type paving shall be applied to all streets in a proposed or recognized subdivision by the subdivider or developer. The type of paving shall be approved by the Director of Roads and Transportation/County Engineer before any work is started.

**9.31 Asphalt Surfacing.**

- a.** The following shall be held as the minimum requirements for paving of subdivisions streets and shall in no way limit the Director of Roads and Transportation/County Engineer from requiring that a more stringent design be adhered to when deemed necessary and conform to Alabama Department of Transportation specifications.
- b.** Before any type of surfacing is placed on an approved base, a prime coat shall be applied when required.

**1. Plant Mix**

**a) Binder:**

- 1)** A minimum of a 1 inch hot bituminous plant mixed binder layer shall be placed on a prepared base only after approval to do so by the Director of Roads and Transportation/County Engineer or his authorized agent.

**b) Seal:**

- 1)** A minimum of a 1 inch hot bituminous wearing surface shall be placed on the approved binder layer after approval of same by Director of Roads and Transportation/County Engineer or his authorized agent.
- 2)** The Director of Roads and Transportation/County Engineer may require that a slag-type bituminous wearing surface

plant mix be used instead of the regular stone-type plant mix, when deemed necessary for safety reasons.

- 3) In all cases in which the Director of Roads and Transportation/County Engineer has reasonable doubt concerning the stability or proper construction of any streets, he may require that after installation of the one inch binder course that the one inch seal course of bituminous pavement be delayed for a period of a minimum of six months.

## **2. Bituminous Surface Treatment.**

- a) A triple surface treatment type paving may be used when approved by the Director of Roads and Transportation/County Engineer in lieu of plant mix binder and seal.
- b) This type surfacing shall consist of and be placed according to the following procedure: First a prime coat shall be applied to the approved base, then a seal coat followed by the aggregate, followed by a second application of seal and aggregate which shall be followed by the third application of seal and aggregate.
- c) After each application of aggregate the surface shall be rolled with a steel wheel roller and broomed or swept clean of excess loose aggregate.
- d) The type and rate of application for the prime, seal and aggregate shall be approved by the Director of Roads and Transportation/County Engineer and shall conform to the latest edition of Alabama State Highway Department Regulations and Specifications.

## **9.32 Portland Cement Concrete Pavement.**

- a. The following shall be held as the minimum requirements for paving of subdivision streets and shall in no way limit the Director of Roads and Transportation/County Engineer from requiring that a more stringent design be adhered to when deemed necessary.
- b. A minimum of a six (6) inch Portland cement concrete pavement without reinforcement shall be constructed in one course on a prepared subgrade (no base required) only after approval to do so by the Director of Roads and Transportation/County Engineer or his authorized agent.

- c. The Portland cement concrete shall meet the requirements of ASTM C94. The concrete mixture shall contain at least 500 pounds of cement per cubic yard and shall have an entrained air content of between 4% and 7%. All concrete shall have a minimum compressive strength of 3,000 psi at 28 days, and a maximum slump of 4½ inches for non-vibrated placement and 3 inches for vibrated placement.
- d. The surface finish of the concrete pavement shall have a light broomed or burlap drag texture. If a burlap drag is used, it shall be laid on the pavement surface and dragged in the direction which the pavement is being placed. If a broom is used, brooming shall be parallel to transverse joints by drawing a stiff-bristled broom from the center to the edge of the pavement to produce surface corrugations of uniform appearance approximately 1/16 inch in depth.
- e. After texturing, the entire pavement surface shall be covered with a liquid membrane curing compound complying with ASTM C309 at the rate specified by the manufacturer, or by a 3-day coverage with waterproof paper or polyethylene sheeting (white) complying with ASTM C171.
- f. Transverse contraction joints shall be constructed at intervals not exceeding 20 feet, and shall be equal to at least ¼ of the slab depth. Contraction joints may be sawed, hand-formed, or made by an approved insert. Sawing of the joints shall begin as soon as the concrete has hardened sufficiently to permit sawing without excessive raveling (usually 4 to 18 hours), and before the formation of uncontrolled cracking.
- g. Isolation (expansion) joints must be full depth and shall be used *only* where specifically shown on the Plans.
- h. All longitudinal joints may be construction joints at the contractor's option. Transverse construction joints shall be installed whenever the placing of the concrete is suspended a sufficient length of time that the concrete may begin to harden.
- i. In general, joints do not require sealing.
- j. Curbs shall be constructed at locations shown on the Plans and shall be formed to the cross-section shown in the Appendix. The curbs shall be constructed integrally with the pavement, whenever practical, or a separate curb-and-gutter shall be constructed.

### 9.33 Materials/Sources.

- a. All materials shall be of an approved type and shall be from an approved plant that has been designated as such by the Director of Roads and Transportation/ County Engineer.



- b. At any time when the Director of Roads and Transportation/County Engineer has reasonable doubt concerning the materials used for surfacing the developer and/or contractor shall furnish the Director of Roads and Transportation/County Engineer with all test results that are deemed necessary before approval of the roadway or street.

#### **9.40 Curb & Gutter, Valley Gutter and Sidewalks.**

##### **9.41 Location.**

Curb & gutter, valley gutter, and sidewalk, where applicable, shall be provided on both sides of a street or road where specified by the Director of Roads and Transportation/County Engineer and shall conform to the line and grade as shown on the approved plans.

##### **9.42 Construction.**

- a. Curb & gutter, valley gutter, and sidewalk shall be constructed of Portland cement concrete constructed on a prepared subgrade and shall conform to the cross-section shown in the Appendix.
- b. The Portland cement concrete shall meet the requirements of ASTM C94. The concrete mixture shall contain at least 500 pounds of cement per cubic yard, shall have an entrained air content of between 4% and 7%, and shall have a maximum slump of 4½ inches for non-vibrated placement and 3 inches for vibrated placement.
- c. The surface finish of the concrete shall have a light broomed or burlap drag texture. Edges shall be smoothed with a radius type tool.
- d. After texturing, the surface shall be covered with a liquid membrane curing compound complying with ASTM C309 at the rate specified by the manufacturer or by a 3-day coverage with waterproof paper or polyethylene sheeting (white) complying with ASTM C171.
- e. Transverse contraction joints shall be constructed at intervals not exceeding 15 feet in curbs-and-gutters and valley gutters. Joint depth shall be ¼ of the cross-section of the concrete. Contraction joints may be sawed, hand-formed, or made by ⅛-inch-thick division plates in the formwork. Sawing shall be done early after the concrete has set to prevent the formation of uncontrolled cracking.
- f. Expansion joints shall be constructed at right angles to the curb line *only* at immovable structures and at points of curvature for short-radius curves. Filler material for expansion joints shall conform to requirements of ASTM D994, D1751, or D1752 and shall be furnished in a single ¾-inch-thick piece for the full depth and width of the joint.

- g. Construction joints may be either butt- or expansion-type joints.
- h. Curbs or combined curbs and gutters constructed adjacent to concrete pavement shall have the same type of joints as in the concrete pavement, with matched spacing.
- i. No curb and gutter, valley gutter or sidewalk shall be placed on frozen, soft, or otherwise unsuitable subgrade.

**9.50 Traffic Control.**

- a. Prior to the issuance of a permit by Jefferson County, a Traffic Control Plan must have been submitted by the contractor/developer and approved. The Traffic Control Plan will consider those items as stated in Section 3.90 of Article 3.
- b. Traffic control devices shall conform to Alabama Statutes and to the latest *Alabama Manual on Uniform Traffic Control Devices*.
- c. All necessary signs and barricades shall be in place prior to starting any work, and shall be removed when work is completed.
- d. Flagmen shall be provided at all sites when necessary for the safety of the traveling public.

**9.60 Driveway Access.**

**9.61 General Requirements.** Application for all new accesses to Jefferson County streets/roads or streets/roads within the corporate limits of the municipalities within Jefferson County that are maintained by Jefferson County shall be made to the Department of Roads and Transportation. The proposed location, width, drainage structure, traffic condition, site distance, and surfacing shall be included with the access application. The Director of Roads and Transportation/County Engineer may field check each new access site to determine if the location is acceptable.

**9.62 Residential Entrances.** Entrances shall be located at points affording maximum sight distances and minimum grades. Entrance shall not be less than ten (10) feet nor more than twenty (20) feet in width, measured at the right-of-way line. Entrances shall be so located that the curb openings are a minimum of five (5) feet from the nearest edge of a street drainage ditch and 50 feet from the corner radius.

**9.63 Commercial & Industrial Entrances.**

- a. Entrances shall be located in accordance with the site plan requirements of Section 3.40 of Article 3 of these regulations. Entrances shall not be more than thirty-five (35) feet nor less than twenty-four (24) feet in width measured at the right-of-way line. The radius to increase the opening shall not be less than fifteen

(15) but not more than twenty-five (25) feet. Larger radius to accommodate truck traffic may be required by the Director of Roads and Transportation/County Engineer.

- b. The number of entrances for each site shall be limited on the basis of street frontage as follows:

<b>Frontage (feet)</b>	<b>Maximum Number of Entrances</b>
Less than 300	two (2)
300-500	three (3)
500-1000	four (4)
More than 1000	five (5)

- c. Property which has frontage on two or more streets may be allowed entrances on each street in accordance with the above criteria.
- d. The distance between openings shall be 150 feet or as approved by the Director of Roads and Transportation/County Engineer.
- e. The distance from opening to corner radius shall be 50 feet.
- f. Pavement widening at approaches to the entrances to provide safe turning movements may be required at the expense of the developer if deemed necessary by the Director of Roads and Transportation/County Engineer.
- g. All construction within the right-of-way of Jefferson County roadways shall comply with the construction and design requirements of these regulations.

**9.70 Roadway/Street Damage.**

- a. Any homeowner, firm, corporation, developer, home building contractor, or general contractor who, through willful negligence, causes or directs to be caused, the destruction or damage of an accepted and/or maintained street or roadway shall be held duly responsible and shall repair or pay for such repair as may be needed to restore the damaged roadway or street. This is to include but not limited to mud, limbs, or any other debris or objectionable material.
- b. No cleated or metal tracked machinery shall be permitted on the paved roads or streets unless properly moved on mats or street pads.
- c. The responsible party whose name appears on the building permit for any lot shall be duly responsible to see that the portion of public ways in front of the lot are

free from any obstruction which would or may cause damage to the traveling public.

- d.** Continued negligence and/or failure to correct and repair the damaged roadway or street shall be held as grounds to refuse a certificate of occupancy, revocation of the respective permit and/or denial of future permits until said repairs have been completed.

## ARTICLE 10

### DRAINAGE

**10.10 General Policy.** The main objective of drainage design shall be the safety of the traveling public with the protection of County and private property consistent with good engineering practice as determined by the Director of Roads and Transportation/County Engineer and within economic boundaries set by the County Commission.

#### **10.20 Drainage and Storm Sewers.**

- a. General Requirements.** The Director of Roads and Transportation/County Engineer or his authorized agent shall not recommend for approval any plat of subdivision which does not appear to make adequate provision for storm or flood water runoff channels or basins. The storm water drainage system shall be separate and independent of any sanitary sewer system. Storm sewers, where required, shall be designed by the Rational Method, or other methods as approved by the Director of Roads and Transportation/County Engineer, and a copy of basic design computations shall be submitted along with plans. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than 600 feet in the gutter unless approved by the Director of Roads and Transportation/County Engineer or his authorized agent. When calculations indicate that curb capacities are exceeded at a point, catch basins shall be used to intercept flow at that point.
- b. Nature of Storm Water Facilities.**

  - 1. Location.** The applicant may be required by the Director of Roads and Transportation/County Engineer to carry away by pipe or open ditch any spring or surface water that may exist either previously to, or as a result of, the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the construction standards and specifications.
  - 2. Accessibility to Public Storm Sewers.**

    - a)** Where a public storm sewer is accessible, the applicant may be required to install storm sewer facilities, or, if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of storm waters, subject to the specifications of the Director of Roads and Transportation/County Engineer. Inspection of facilities shall be conducted by the Director of Roads and Transportation/County Engineer or his authorized agent.

- b) If a connection to a public storm sewer will be provided eventually, as determined by the Director of Roads and Transportation/County Engineer, the developer shall make arrangements for future storm water disposal by a storm sewer system at the time the plat receives final approval. Provision for such connection shall be incorporated by inclusion in the performance surety required for the subdivision plat.
3. **Accommodation of Upstream Drainage Areas.** A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Director of Roads and Transportation/County Engineer or his authorized agent will review the necessary size of the facility, based on the provisions of the construction standards and specifications.
4. **Effect on Downstream Drainage Areas.** The Director of Roads and Transportation/ County Engineer or his authorized agent shall also review the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. These drainage studies, together with such other studies as shall be appropriate, shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Director of Roads and Transportation/County Engineer may withhold approval of the subdivision until provision has been made for the improvement of said potential condition in such sum as the Director of Roads and Transportation/County Engineer shall determine. No subdivision shall be approved unless adequate drainage will be provided to the natural drainage watercourse or an existing facility.
5. **Areas of Poor Drainage.** Whenever a plat is submitted for an area which is subject to flooding, the Director of Roads and Transportation/County Engineer may approve such subdivision provided that the applicant fills the affected area of said subdivision to an elevation sufficient to place the elevation of streets and lots at a minimum of 2 feet and/or as defined in the adopted Jefferson County Flood Plain Ordinance, above the 100 year flood elevation and provided the fill does not infringe into the 100 year floodway and conforms with Federal Food Insurance Program guidelines. Such information as shall be deemed necessary for this review shall be provided by the Engineer for the development. The plat of such subdivision shall provide for an overflow zone along the bank of any stream or watercourse in a width which shall be sufficient in times of high water to contain or move the water, and no fill shall be placed in the 100 year floodway nor shall any structure be erected or placed therein. The boundaries of the floodway district will be those defined by Federal Flood

Insurance Program flood plain and floodway boundary maps and documents.

6. **Flood Plain District.** The Director of Roads and Transportation/County Engineer may when he deems it necessary for the health, safety, or welfare of the present and future population of the area and when necessary to the conservation of water, drainage, and sanitary facilities, prohibit the subdivision of any portion of the property which lies within the flood plain of any stream or drainage course. These flood plain areas shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps, except at the discretion of the Director of Roads and Transportation/County Engineer.

### 10.30 Dedication of Drainage Easements.

- a. **General Requirements.** Where a subdivision or development of land is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such water course, and of such width and construction or both as will be adequate for the purpose.
- b. **Drainage Easements.**
  1. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements at least fifteen (15) feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the record plat. Drainage easements shall be carried from the road to the natural water-course or to other drainage facilities.
  2. The applicant may be required to dedicate, either in fee or by drainage or conservation easement of land, on both sides of existing watercourses to a distance to be determined by the Director of Roads and Transportation/County Engineer.
  3. Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainageways, except where improvements are warranted as may be deemed necessary by the Director of Roads and Transportation/County Engineer.

### 10.40 Drainage. General Provisions.

- a. All subdivisions, commercial and industrial developments shall be provided with adequate storm drainage facilities. Any areas subject to periodic flooding caused

by poor drainage facilities will not be accepted by the Director of Roads and Transportation/County Engineer unless the developer or subdivider makes necessary provisions to eliminate such flooding.

- b.** A complete drainage plan and contour map showing the pipe sizes, their locations and the areas to be drained, shall be submitted along with the profile grades and typical roadway section for approval.
- c.** All existing drainage structures shall be shown on the preliminary plat, contour map, and construction plans.
- d.** All off project drainage, draining onto the subdivision, shall be shown on contour maps and/or construction plans showing the areas in acres that the subdivision will have to accommodate.
- e.** In subdivisions all proposed pipes shall extend past the building set back line of the proposed residences and/or to the extent deemed necessary by the Director of Roads and Transportation/County Engineer to tie said system to the natural system.
- f.** On any single drainage structure requiring 20 square feet or more of end area, a special design drawing will be required for approval.
- g.** Masonry and/or reinforced concrete drainage structures shall be constructed in accordance with standard drawings and specifications and shall be inspected and approved by the Jefferson County Department of Roads and Transportation prior to placement of backfill material.
- h.** No oil drums or unacceptable pipe shall be used. All roadway cross drain pipe shall be a minimum size of 18 inches. Only pipe that meets specifications equaling Alabama Department of Transportation Specifications shall be acceptable. These specifications are as follows:
  - 1.** Driveway and side drain pipe. Non-reinforced concrete pipe or 14 gauge uncoated galvanized corrugated metal pipe. Reinforced concrete and stronger metal pipe may be required when deemed necessary by the Director of Roads and Transportation/County Engineer.
  - 2.** Cross drain and culvert pipe. Reinforced concrete pipe or 14 gauge bituminous coated corrugated metal for pipe up through 36" (12 gauge for pipe through 60" pipe). Heavier gauges and paved inverts may be required where deemed necessary by the Director of Roads and Transportation/County Engineer.



3. Storm drains and culvert pipe. Non-reinforced concrete pipe through 24" and 14 gauge uncoated metal pipe through 60 inches may be used outside roadway.
4. Where lighter gauge pipe is desired, pipe shall conform to Alabama Department of Transportation Standards and be approved, in writing, by the Director of Roads and Transportation/County Engineer.
  - i. Where the subdivider has open ditches a minimum of 2 to 1 front slope and flat bottom ditch is required; the width of the ditch shall be determined by existing conditions and approved by the Director of Roads and Transportation/County Engineer or his authorized agent. V-bottom ditches or other special designs will be permitted in special cases and only by written permission of Director of Roads and Transportation/County Engineer.
  - j. These provisions apply to all developers or subdividers. (For the purpose of these regulations, a subdivision shall be as specifically stated in Article 2.)

#### **10.50 Engineering Plans.**

The developer or contractor shall submit detailed drainage plans to the Director of Roads and Transportation/County Engineer for review and approval for all developments affecting County rights-of-way. Said plans shall be prepared by a Professional Engineer registered in the State of Alabama and shall contain the following information.

- a. Topography map of proposed developed areas.
- b. Existing and proposed contours at sufficient intervals, usually 2 feet if not over 5%.
- c. Existing drainage system.
- d. Proposed drainage system, including onsite and offsite drainage areas.
- e. Structure location, type and size, and slope.
- f. Discharge quantities, existing and proposed cfs.
- g. Other pertinent information necessary for review of the drainage plans as may be required by the Director of Roads and Transportation/County Engineer or his authorized agent.

#### **10.60 Culverts.**

- a. Culverts under arterial roadways shall normally accommodate a minimum of 25 year frequency design storm.
- b. Culverts under all other roadways shall normally accommodate a minimum of a 10 year storm.
- c. Culverts Specifications.

- 1.** Bituminous coated, corrugated steel pipe and pipe arch, aluminum pipe and reinforced concrete pipe are acceptable materials for culverts within the rights-of-way of public roads. All other types of culvert material must be approved by the Director of Roads and Transportation/County Engineer.
  - 2.** However corrugated steel pipe and aluminum pipe, pipe arch and non-reinforced concrete pipe may be used to extend drainage systems in easements.
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- d.** Bituminous coated corrugated steel pipe, aluminum pipe and pipe arches shall conform to the requirements of AAS14 to M167 and AASHTO M-196 respectively, and comply with the Alabama Department of Transportation Standards and Specifications.
  - e.** Reinforced concrete Pipes shall conform to the requirements of AASHTO M-170 for circular pipe and AASHTO M-206 for arch pipe.
  - f.** Culverts shall be placed in excavated trench to the line and grade shown on the plans. The maximum width of the excavated trench shall not exceed the outside diameter of the pipe by more than 1.5 feet on either side of the pipe.
  - g.** Material used for backfilling culvert trenches shall consist of small diameter uniform material and shall be free of large rock or frozen material or other unsuitable material. The backfill material shall be placed in uniform 8 inch lifts and mechanically compacted to 95% of relative density. The backfill shall be placed uniformly on each side of the pipe and all pipe shall be laid in the presence of the Director of Roads and Transportation/County Engineer or his authorized agent and shall not be covered until approved.
  - h.** A minimum of 12 inches cover shall be placed over each culvert pipe 48 inches or less in diameter and 24 inches or more of cover shall be placed on all larger diameter pipes.
  - i.** When a battery of pipes are used, a clear spacing of  $\frac{1}{2}$  the pipe diameter shall be provided between adjacent pipes.
  - j.** The maximum cover allowed, pipe gauge, and strength requirement shall be in accordance with the manufacturer's recommendation and shall be approved by the Director of Roads and Transportation/County Engineer.
  - k.** The velocity of the flow in culverts shall be calculated using acceptable engineering standards. When Mannings formula is used, the following "n" values are suggested or recommended.

<b>Materials</b>	<b>Manning's "n"</b>
Corrugated Steel Pipe	0.027
RCP	0.013
Concrete	0.013 to 0.020

- l.** The minimum size culvert permitted is 18 inches in diameter under public roadways or streets.

**10.70 Open Channels and Ditches.**

- a.** Open channels and ditches shall be designed so as not to create a traffic hazard or create hazardous erosion.
- b.** The minimum flow line slope for paved ditches shall be 0.3% and shall be 1% for unpaved ditches, or as approved by the Director of Roads and Transportation/County Engineer.
- c.** The following are recommended maximum velocities:

<b>Channel Material</b>	<b>Recommended Manning's "n"</b>	<b>Maximum Permissible Velocity (ft/s)</b>
Silt	.025	2.0
Smooth, stiff clay	.025	4.0
Fine Gravel	.035	3.5
Coarse Gravel	.040	4.5
Small, sharp-edged rocks	.070	6.0
Cobbles and shingles	.060	6.0
Shales and hardpans	.030	6.0

- d.** Manning's equation  $\left( V = \frac{1.486}{n} R^{\frac{2}{3}} S^{\frac{1}{2}} \right)$  or acceptable hydraulic formula shall be used to estimate flow velocities.
- e.** Clean out accesses shall be provided at least every 200 feet for continuous pipes of 24 inches in diameter or less and at least every 300 feet for larger continuous pipes if required by the Director of Roads and Transportation/County Engineer. Clean out accesses may also be required at each angle point and at each change in grade.

**10.80 Storm Runoff Estimates.**

- a. The developer, contractor, or other responsible party shall submit basic design data or calculations to the Director of Roads and Transportation/County Engineer.
- b. The method of determining storm runoff shall be approved by the Director of Roads and Transportation/County Engineer and shall be based on acceptable engineering practice.
- c. For small basins, up to 200 acres, the Rational Method ( $Q = cia$ ) may be used.

$Q =$  estimated peak discharge in cubic feet per second.

$c =$  runoff coefficient (to be taken from the table).

$i =$  rainfall intensity in inches per hour for a storm equal to the time of concentration runoff  $a$

$a =$  area in acres

<b>RECOMMENDED "C" VALUES</b>	
<b>FLAT OR ROLLING TERRAIN</b>	
Farmland	0.20 to 0.40
Barren	0.40 to 0.60
Irrigated	0.60 to 0.70
<b>STREETS AND PARKING LOTS</b>	
Unpaved	0.60 to 0.80
Paved	0.70 to 1.0
<b>IMPROVEMENTS</b>	
Buildings	0.75 to 0.95
Lawns	0.10 to 0.40

**10.90 Special Construction.**

**10.91 Concrete Box Culverts.**

Concrete box culverts used as culverts shall be designed and constructed according to the latest edition of the Standards and Specifications for Road and Bridge Constructions, Alabama Department of Transportation.

### **10.92 Headwalls and Riprap.**

- a.** Culvert headwalls shall be required on pipe culverts and shall be placed and constructed where and when directed by the Director of Roads and Transportation/County Engineer.
- b.** Special types of headwalls may be required by the Director of Roads and Transportation/County Engineer or his authorized agent when deemed necessary for erosion control.
- c.** Riprap may be required at the upstream and downstream ends of culverts and shall be placed at these locations based on the velocities and these locations and/or when directed to do so by the Director of Roads and Transportation/County Engineer.

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## ARTICLE 11

### STORM WATER DETENTION

#### 11.00 General.

- a. Developments which produce an increase in the amount of storm water runoff may be required to construct storm water detention ponds or other approved types of detention devices.
- b. When required, the developer shall submit detailed engineering plans to the Director of Roads and Transportation/County Engineer including historical runoff, developed runoff, detention pond details, method of discharge, and other information as required for review. The developer shall also include the method of maintenance for the detention pond after the development is completed.
- c. Minimum Requirements for Stormwater Detention and Design Criteria. Among the consequences of growth and development, two are of great relevance to stormwater management. Increased runoff created by the change of the nature and properties of the surface of the ground velocity of discharge of this increased runoff.

The natural condition of the land before development is in relative balance with the natural capacity of the receiving streams. The undeveloped conditions provide greater permeability and longer time of concentration. By modification of the surface from the irregular, pervious, and with vegetation, the areas are changed to more impervious, more effectively drained and in most cases denuded of vegetation. It is the intent of this section to alert the developers to possible harmful effects from any Land Planning & Development Services project on properties downstream and provide a guideline for evaluation and control of the elements related to stormwater which affect the welfare and safety of Jefferson County citizens.

In order to provide some control of these possible harmful elements of development and reduce economic losses due to erosion and flooding, the criteria of differential runoff and stormwater detention are hereby established.

The terms of this design criteria shall become effective for all projects under direct jurisdiction of the Department of Roads and Transportation.

**Jurisdiction.** All projects which fall under the inspection, permitting, or plan review jurisdiction of the Department of Roads and Transportation, on items related to storm water management, sanitary sewers and site development within the unincorporated Jefferson County, or projects which by contract or request of a Municipality become the jurisdiction of the Department of Roads and Transportation, may be subject to these criteria and requirements.

**Liability.** The design criteria establishes minimum elements of design which must be implemented with good engineering and good workmanship. Use of the information contained herein for placement of any structure or use of land, shall not constitute a representation, guarantee, or warranty of any kind by Jefferson County, offices or employees, of the practicability, adequacy or safety and shall not create liability upon or cause action against any such public body, office or employee for any damage that may result pursuant thereto.

**Engineer's Seal.** All plans and specifications submitted for review and/or approval shall be prepared by, or under the direct supervision of a registered professional engineer, licensed in the State of Alabama, and shall meet the minimum standards and requirements of the Department of Roads and Transportation, and other applicable authorities. Each of the plan, profile and special drawing sheets for a project shall bear a legible stamp of the Professional Engineer in charge. If the name or license number is not clear the signature and number shall be added.

**Pre-Design Conference.** The developer and the consulting engineer are encouraged to contact the Department of Roads and Transportation for a pre-design conference at the conceptual stage of a project. Such conferences would be mutually beneficial to outline the complexity and scope of design, applicability of criteria and elimination of possible items of conflict during the review process.

Subsequent conferences, during the preparation of plans, may be arranged by the consulting engineer or the developer to obtain preliminary, informal decisions on items in need of clarification.

**Letter of Transmittal.** In order to facilitate review of plans, all projects shall be submitted with letter of transmittal which shall include the name of project, name and address of owner or developer, name, address and telephone number of engineer and clarification as to the purpose of submittal.

Documents left in the office without a Letter of Transmittal will be returned to the owner or engineer (if proper identification can be made).

**Differential Runoff.** The difference in rate and volume of stormwater runoff from a parcel or project in its undeveloped natural condition, and its developed condition is known as the Differential Runoff.

**Developments Affected.** Detention requirements are directly related to permitted land use in the Zoning Ordinance of Jefferson County. The permitted densities and minimum lot areas are important factors in the anticipated runoff. Projects of small acreage may be required to provide detention if conditions in the receiving system are inadequate, or harmful effects can be anticipated if detention is not implemented.

**Phasing and Platting.** The effective acreage for a project is not limited to a fractional part of the total concept, rather if a project is developed in phases or small plats, the total acreage of the conceptual project will be considered.



**Method of Evaluation.** Differential runoff evaluation consists of determination of rates of runoff before and after development, determination of required volume of detention and verification of adequacy of discharge and control structures. Design should be based on 25 year storm or greater for industrial, commercial, apartments and townhouses. This shall be based on sound engineering criteria and computation shall be submitted to the Department of Roads and Transportation for review.

**Method of Detention.** The following conditions and limitation should be observed in selection and use of method of detention.

1. **General Location.** Detention facilities shall be located within the parcel limits of the project under consideration.

No detention or ponding will be permitted within public road rights-of-way.

Location of detention facilities immediately upstream or downstream of the project, will be considered by special request if proper documentation is submitted with reference to practicality, feasibility and proof of ownership or right-of-use of the area proposed. Conditions for general location of detention facilities according to zoning districts shall be as follows:

- a) **Common Ground Projects.** It is preferred that detention facilities be always located in common ground. Projects developed under these procedures shall establish (in the recorded plat) maintenance and access easements for the detention facilities and include provisions for maintenance in the Trust Indentures.
- b) **Industrial Districts.** Detention areas in industrial zoned districts I-1, I-2, I-2(A), I-3, I-3(S), HW, and I-4 will be permitted provided that maintenance and access easements are established and recorded when required by the Director of Roads and Transportation/County Engineer.
- c) **Commercial and Institutional Districts.** Detention areas in commercial zoned districts C-P, C-N, C-1, C-2, C-3, C-4 and C-5 and in institutional zoned districts INST-1, INST-2 and INST-3 will be permitted provided that maintenance and access agreements are established and recorded when required by the Director of Roads and Transportation/County Engineer.
- d) **Multiple Residential.** Detention areas in multiple family residential zoning districts R-T, R-4, R-5(B), & R-7 may be required provided that maintenance and access easements are

established and those areas are under common ownership or maintenance obligations by deed restriction or trust indenture.

- e) **Straight Residential.** Detention areas in residential zoned districts, A-1, E-MF, E-1, E-2, R-R,R-1, R-2, R-3, R-G, R-5(A), R-6 & R-7 may be required if deemed necessary by the Director of Roads and Transportation/County Engineer. In such cases a Trust Indenture shall be recorded to provide maintenance responsibility and funding. The recorded plat shall be clearly marked with the legend "Detention Maintenance Easement."

Sub-surface detention is permitted with adequate verification of structural adequacy.

**Dry Reservoirs.** Wet weather ponds or dry reservoirs shall be designed with proper safety, stability and ease of maintenance features, and shall not exceed four (4) feet in depth. Maximum side slopes for grassed reservoirs shall not exceed one (1) foot vertical for three (3) foot horizontal (3: 1) unless adequate measures are included to provide for the above noted features. In no case shall the limits of maximum ponding elevation be closer than thirty (30) feet horizontally from any building and less than two (2) feet vertically below the lowest sill elevation. The entire reservoir area shall be seeded, fertilized and mulched, sodded or paved prior to release of surety if required by Director of Roads and Transportation/County Engineer.

Any area susceptible to, or designed as, overflow by higher design intensity rainfall (25 year frequency) shall be sodded or paved.

**Open Channels.** Normally permitted open channels may be used as detention areas provided that the limits of the maximum ponding elevation are not closer than thirty (30) feet horizontally from any buildings, and less than two (2) feet below the lowest sill elevation of any building. No ponding will be permitted within public road rights-of-way. Maximum depth of detention in open channels shall be four (4) feet. Minimum flowline grade shall be 0.5% for grassed or untreated bottoms or 0.2% for paved channels.

For trapezoidal sections, the maximum side slopes of the detention area of the channel shall not exceed one (1) foot vertical for three (3) feet horizontal (3: 1). For design of other typical channel sections the features of safety, stability and ease of maintenance shall be observed.

The entire reservoir area of the open channel shall be seeded, fertilized and mulched, sodded, paved, or lined prior to release of escrows.

The hydraulic elevations resulting from channel detention shall not affect adversely adjoining properties.

**Permanent Lakes.** Permanent lakes with fluctuating volume controls may be used as detention areas provided that the limits of maximum ponding elevations are no closer than thirty (30) feet

horizontally from any building and less than two (2) feet below the lowest sill elevation of any building.

Maximum side slopes for the fluctuating area of permanent lakes shall be one (1) foot vertical to three (3) feet horizontal (3:1) unless proper provisions are included for safety, stability, and ease of maintenance.

Maximum fluctuation from permanent pool elevation to maximum ponding elevation shall be three (3) feet.

Special consideration is suggested to safety and accessibility to small children in design of permanent lakes in residential areas.

Viability of the permanent impoundment shall be considered. An acceptable guideline is to make the area of the permanent pool no greater than one tenth the size of the tributary drainage area. It is suggested that the minimum depth of twenty-five percent (25%) of the permanent pool area be no less than eight (8) feet. Allowances for silting under denuded soil conditions (during construction) for a period no less than one year is also recommended.

The entire fluctuating area of the permanent reservoir shall be seeded, fertilized and mulched, sodded or paved prior to release of surety if required by Director of Roads and Transportation/County Engineer. Any area susceptible to or designed as overflow by higher design intensity rainfall (25 year frequency) shall be sodded or paved.

**Parking Lots.** Detention is permitted in parking lots to maximum depth of 8 inches. In no case should the maximum limits of pending be designed closer than ten (10) feet from a building unless water proofing of the building pedestrian accessibility are properly documented.

The minimum freeboard from the maximum ponding elevation to the lowest sill elevation shall be one (1) foot.

**Other Methods.** Other methods of detention such as seepage pits, french drains, etc. are discouraged. If other methods are proposed proper documentation of soils data, percolation, geological features, etc. will be needed for review and consideration.

**Verification of Adequacy.** Analysis of all elements of design is always performed by the engineer. The following outline is provided to ascertain that certain critical elements of design are in workable compliance to the aims of design:

- a. volume of retention for the total project
- b. tributary (Q) peak runoff to basin
- c. balanced maximum outflow rate from the low-flow structure
- d. ratios of inflow to outflow rates
- e. sizing of the overflow facilities
- f. stability of dikes

- g.** safety features
- h.** maintenance features

For projects up to 200 acres, routing calculations shall be submitted in legible tabulated form. Proof of adequacy of volume of retention and sizing computations for low-flow structure shall also be submitted. Features of stability and safety may also need to be documented if the scope of the project requires special attention in this area of design.

Projects over 200 acres in area shall provide documented verification of adequacy according to scope and complexity of design.

**Control Structures.** Detention facilities shall be provided with obvious and effective control structures. Plan view and sections of the structure with adequate detail shall be included in plans.

Sizing the low-flow pipe shall be by inlet control or hydraulic gradient requirements.

Low-flow pipes shall not be smaller than eight (8) inches in diameter to minimize maintenance and operating problems, except in parking lot and roof retention where minimum size of opening shall be designed specifically for each condition. The low-flow pipe shall be provided with a bar-screen on a minimum 2:1 slope to reduce blockage by debris.

The overflow opening or spillway shall be designed to accept the total peak runoff of the improved tributary area.

Proper engineering judgment shall be exercised in analysis of secondary routing of discharge of greater intensity than the basic design storm in order to avoid economic losses or damage downstream. Review with twenty-five (25) and fifty (50) year frequency or greater is recommended.

**Discharge systems.** Sizing of the system below the control structure shall be for the total improved peak runoff tributary to the structure with no allowance for detention.

When existing downstream pipe sizing, outside the developers control jurisdiction, is inadequate an evaluation for under-sizing of pipes will be undertaken by the Department of Roads and Transportation upon receipt of written request from the engineer specifying the run or runs wished to undersize.

Request for under-sizing shall be accompanied by plans and profiles of the entire undersized system downstream if less than five hundred (500) feet in length or a minimum of five hundred (500) feet.

When hydraulic gradients of the proposed undersized system affect the performance or capacity of structures maintained by the Jefferson County Department of Roads and Transportation, no under-sizing will be allowed.

**Easements.** Two types of easements shall be provided in plans for detention facilities.

- a. Maintenance Easement.** All detention reservoirs with the exception of parking lot and roof detention shall be enclosed by a maintenance easement for public use. The limits of the easement for public use shall extend ten (10) feet beyond the maximum anticipated ponding area.
- b. Drainage Easement.** A minimum fifteen (15) feet wide drainage easement shall be provided within the reservoir area, connecting the tributary pipes and the discharge system, along the most possible routing of a piping system for possible future elimination of detention.

**Maintenance.** Detention facilities when mandatory, are to be built in conjunction with the storm sewer installation and/or grading. Since these facilities are intended to control increased runoff they must be partially or fully operational soon after the clearing of the vegetation. Silt and debris connected with early construction shall be removed periodically from the detention area and control structure in order to maintain close to full storage capacity.

The responsibility of maintenance of the detention facilities in subdivision projects, if such has been required, shall remain with the developer until such time as applicable escrows are released. Upon release of escrows the maintenance responsibility shall be vested in the Trustees of the subdivision, by virtue of the Trust Indenture. The indenture of trust shall clearly indicate resident responsibility for maintenance in cases of projects without common ground.

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## ARTICLE 12

### SURVEYS

**12.10 General Requirements.** All survey work performed involving subdivision of land shall be performed or supervised by a Registered Land Surveyor, and shall comply with Alabama Statutes.

**12.20 Monument Locations and Type.**

- a.** A monument shall be placed at all lot corners of a subdivision and at all changes of direction or a public rights-of-way including the beginning and end of a curve or radius.
- b.** Said monuments placed at each lot corner along public rights-of-way shall be in place and visible when the road or street is accepted by the County. Lost or destroyed monuments shall be replaced at the developer's expense.

**12.30 Survey Records.** The developer or contractor shall submit to the Director of Roads and Transportation/County Engineer a plat showing location of all monuments and their ties prior to final acceptance of any road or street. The location of all monuments found or set shall appear on the record plat. The monuments shall be denoted on all record plats by small open circles.

**12.40 Construction layout.** All construction layout on public rights-of-way shall be performed or supervised by a Registered Land Surveyor or Registered Professional Engineer.

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## ARTICLE 13

### EROSION AND SEDIMENTATION

#### 13.10 General.

All persons engaged in any land-disturbing activities shall take all reasonable measures to protect all public and private property, including roadways and waterways, from damage by such activities. However, that notwithstanding, there are certain specific measures that must be taken any time there is significant disturbance of the land; and the following provisions set forth the requirements that shall accordingly be imposed on persons engaged in land disturbing activities which necessitate planning and implementation of effective erosion and sedimentation controls for development sites.

The following provisions and requirements will not apply to activities listed as being exempt in Section 13.22 of this Article.

#### 13.11 Authority and Jurisdiction Specific to this Article.

Whereas ADEM, pursuant to the authority delegated to it under the Clean Water Act, 33 u.s.c. Section 1251, *et seq.*, has required the County to obtain a NPDES permit for storm water discharges from the MS4, effective March 1, 1995, the County is subject to the federal storm water laws and regulations contained in 33 U.S.C. 1342 (P) and 40 C.F.R. 122.26, and is required to adopt a local erosion control ordinance. Act No. 95775 of the Alabama State Legislature (Code of Alabama 1975, § 11-89C 1-14) and other provisions of the Code of Alabama 1975 grant the authority to adopt such ordinances to the governing bodies of counties.

#### 13.12 Definitions.

For the purposes of this Article, the following words and terms shall have the meaning assigned to them in this section.

**Accidental Discharge** - a discharge prohibited by this Article into the MS4 or community water which occurs by chance and without planning or consideration prior to occurrence.

**Adverse Impact** - any deleterious effect on waters or wetlands, including their quality, quantity, surface area, species composition, aesthetics or usefulness for human or natural uses which are or may potentially be harmful or injurious to human health, welfare, safety or property or to biological productivity, diversity or stability, or which would unreasonably interfere with the enjoyment of life or property.

**Agriculture** - activities undertaken on land for the production of plants, crops, and animals which are useful to man.

**Alabama Department of Environmental Management** (herein abbreviated as "**ADEM**") - the State of Alabama regulatory agency, created under Code of Alabama 1975, § 22-22A-1, *et seq.*, responsible for administering and enforcing the storm water laws of the United States of America and the State of Alabama.

**Applicant** - any person, firm, corporation or agency who executes the necessary forms to procure approval of an erosion and sedimentation control plan from the County.

**Best Management Practices** (herein abbreviated as "**BMPs**") – activities, prohibitions of practices, maintenance procedures and management practices designed to prevent or reduce the pollution of waters to the MS4. Best Management Practices also include treatment requirements, operating procedures and practices to control facility site runoff, spillage or leaks, sludge or waste disposal or drainage from raw material storage and construction sites.

**Clean Water Act** (herein abbreviated as "**CWA**") - the federal act (33 U.S.C. § 1251 through § 1387) which was formerly referred to as the Federal Water Pollution Control Act and Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 6-483 and Public Law 97-117, 33 U.S.C. § 1251-1387.

**Clearing** - the removal from the land of trees, shrubs, grass, brush and/or other varied ground cover and vegetation which, in its undisturbed state, is useful for windbreaks, water retention and the maintenance of topsoil (but not including the ordinary mowing of grass or the maintenance of cleared areas).

**Community Waters** - any or all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wetlands, wells and other bodies of natural or artificial surface or subsurface water into which the MS4 outfalls flow.

**Contour** - a line of equal elevation above a specified datum, usually mean sea level.

**Contour Line** - a line joining points having or representing equal elevations.

**Department, The** – the Department of Inspection Services of Jefferson County, Alabama.

**Director, The** – the Director of the Department of Inspection Services of Jefferson County, Alabama.

**Discharge** - the passing of water or other liquid through an opening or along a pipe, conduit or channel; the rate of flow of water, silt, or other mobile substance which emerges from a pipe, conduit or channel, usually expressed as cubic feet per second, gallons per minute or million gallons per day.

**Drainage** - the removal of surface water from a given area either by gravity or by pumping; commonly applied to surface water and groundwater.

**Drainage Area** - that area contributing runoff to a single point measured in a horizontal plane, which is enclosed by a ridge line; the area of a drainage basin or watershed, expressed in acres, square miles or other unit of area.

**Engineer** - a person currently licensed by the Alabama State Board of Registration for Professional Engineers and Land Surveyors to provide engineering services.

**Erosion** - wearing away of land surfaces as a result of the movement of wind or water.

**Erosion Control** - the application of measures to reduce erosion of land surfaces.

**Erosion and Sedimentation Control Plan** - documentation prepared by an applicant, usually submitted in conjunction with construction plans, depicting the manner in which the requirements of this Article – to address issues associated with storm water for purposes such as preventing pollution, improving water quality, keeping pollutants out of runoff, and implementing Best Management Practices – will be met.

**Grading** - any act by which soil is cleared, stripped, stockpiled, excavated, scarified or filled, or any combination thereof.

**Illicit Connection** - any man-made conveyance connecting an illicit discharge directly to the MS4.

**Illicit Discharge** - any discharge that is not composed entirely of storm water, except discharges pursuant to a NPDES permit and discharges which are specifically excepted from this Article.

**Land Disturbing Activity** - any change to a property that may result in soil erosion or the movement of sediment, or cause an increase or change of direction in water run-off or drainage, including but not limited to the clearing, dredging, grading, compaction, excavating, transporting or filling of land.

**Maximum Extent Practicable** – full implementation and regular maintenance of available industry-standard technology and effective management practices – such as those contained in the latest edition of the *Alabama Handbook for Erosion Control, Sediment Control, and Stormwater Management on Construction Sites and Urban Areas*, Alabama Soil and Water Conservation Committee (ASWCC), being used by ADEM – designed to prevent and/or minimize discharges of pollutants and ensure protection of groundwater and surface water quality.

**Minor Extension** - an addition to an existing utility pipeline or other utility line in which the land disturbed consists of fewer than 7,500 linear feet.

**MS3 - Municipal Separate Storm Sewer** - a conveyance or conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels and storm drains), owned or operated by a city, town or county or other public body (created by, or pursuant to, State law) having jurisdiction over storm water.

**MS4 - Municipal Separate Storm Sewer System** - a system of municipal separate storm sewers, each meeting the definition of MS3 above.

**NPDES** - National Pollutant Discharge Elimination System.

**Outfall** - a point source (meaning any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged, but not including return flows from irrigated agriculture or agricultural water runoff) at the point of a discharge to Waters of the United States of America.

**Pollutant** - includes, but is not limited to, the pollutants specified in Code of Alabama 1975, § 22-22-1 (b) (3) and any other effluent characteristics specified in a permit.

**Pollutant Loading** - the amount of a pollutant entering the MS4.

**Qualified Credentialed Professional** - a Professional Engineer, an Alabama Natural Resources Conservation Service professional designated by the State Conservationist, or a Certified Professional In Erosion And Sediment Control (CPESC). A QCP includes a registered landscape architect, a registered land surveyor, a Professional Geologist, a registered forester, a Registered Environmental Manager as determined by the National Registry of Environmental Professionals (NREP), and a Certified Professional Soil Scientist (CPSSc) as determined by ARCPACS, and other ADEM-accepted professional designations, certifications, and/or accredited university programs that can document requirements regarding proven training, relevant experience, and continuing education, that enable recognized individuals to prepare CBMPPs, to make sound professional judgments regarding Alabama NPDES rules, the requirements of this Article, planning, design, implementation, maintenance, and inspection of construction sites, receiving waters, BMPs, remediation/cleanup of accumulated offsite pollutants from the regulated site, and reclamation or effective stormwater quality remediation of construction associated land disturbances, that meet or exceed recognized technical standards and guidelines, effective industry standard practices, and the requirements of this Article. The QCP shall be in good standing with the authority granting the registration or designation.

**Registration** - filing, with the Jefferson County Department of Inspection Services, of any approved plan(s) issued pursuant to, or otherwise in association or conjunction with, this Article.

**Sediment** - solid material settled from suspension in a liquid that has been transported and deposited from its site of origin by air, water, ice or gravity as a product of erosion and has come to rest on the earth's surface either above or below a water surface, usually, inorganic or organic particles originating from weathering, chemical precipitation, or biological activity.

**Silviculture** - the care and cultivation of forest trees, including site preparation, planting, pruning, thinning and harvesting.

**Site** - any tract, lot or parcel of land or combination of contiguous tracts, lots or parcels of land to be developed as a unit, subdivision or project.

**Stabilization** - the prevention of soil movement by any of various vegetative and/or structural means.

**Storm Water** - the excess water running off from the surface of a drainage area during and immediately after a period of rain; i.e., that portion of the rainfall and resulting surface flow that is in excess of what can be absorbed through the infiltration capacity of the surface of the basin.

**Storm Water Management** - the incorporation of a variety of activities and equipment into a plan (the erosion and sedimentation control plan) to address concerns associated with storm water for the purpose of preventing pollution, improving water quality, keeping pollutants out of runoff, and the implementation of Best Management Practices.

**Stream** - areas where surface waters produce a defined channel or bed that demonstrates clear evidence of the passage of water and includes, but is not limited to, bedrock, channels, gravel beds, sand and silt beds, and defined-channel swales. The channel or bed need not contain water year-round. This definition is not meant to include artificially-created irrigation ditches, canals, storm or surface water runoff devices, or other artificial water courses unless they are used by salmonid or created for the purposes of stream mitigation.

**Structural Controls** - measures incorporated into existing storm water drainage systems or newly constructed systems to prevent or minimize the discharge of pollutants for the purpose of maintaining and/or improving water quantity and quality management; quantitative control by a system of vegetative and structural measures that control the increased volume and rate of surface runoff caused by man-made changes to the land; and qualitative control by a system of vegetative, structural and other measures that reduce or eliminate pollutants that might otherwise be carried by surface runoff.

**Turbidity** - a measure of fine suspended matter in liquids assessing the condition of water or wastewater wherein the presence of suspended matter results in the scattering and absorption of light rays, and/or causes substantial visible contrast with the natural appearance of waters or interferes with any beneficial uses which they serve.

**Utility** - a business or service which is engaged in regularly supplying the public with some commodity or service which is of public consequence and need, such as electricity, gas, water, telephone service and telegraph service.

**Variance** - any reduction or relaxation of the minimum requirements of this Article in situations where, owing to exceptional circumstances or conditions peculiar to a specific site, strict adherence to the provisions of this Article would be unnecessary or result in undue hardship; provided, however, that the granting of such variance shall not result in any condition, or in any other way be, contrary to the spirit and intent of this Article.

**Wetland** - areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

### **13.20 Administration.**

The Department of Inspection Services (The Department) shall be responsible for the enforcement of the provisions of this Article throughout the territorial jurisdiction of the County, under the oversight of its Director and/or Chief Civil Engineer.

### **13.21 Registration Required.**

Before the commencement of any land-disturbing activity that is not exempted from the requirements of this Article, the owner of the land on which such activity shall be conducted – or his/her duly authorized agent – must register an erosion and sedimentation control plan with the Jefferson County Department of Inspection Services.

### **13.22 Exceptions.**

Land-disturbing activities that shall be exempt from the registration requirements of this Article include those that follow below. However, the persons conducting these activities shall nevertheless remain responsible for compliance with any other applicable law.

1. Agriculture.
2. Silviculture.
3. Gardens, landscaping, home repairs, home maintenance work, minor house additions, and other related or similar activities which result in only minor soil erosion, including the construction, maintenance or repair of accessory structures, on individual residential lots containing an existing, established residence.
4. Minor activities on single- or two-family residential properties, such as individual connections for utility services and sewer services, and minor grading for driveways, yard areas and sidewalks.
5. Minor maintenance, minor repair, and the minor extension of any existing underground public utility lines; provided, that the utility company which owns such lines has received approval of a general erosion and sedimentation control plan for such maintenance, repair, and extension; and provided further, that any utility company making a minor extension (as defined in Section 13.12 of this Article) disturbing more than 1,000 linear feet of land must give the Department written notice of such prior to the commencement of the activity.
6. The construction, repair or rebuilding of railroad tracks.
7. Minor subsurface exploratory excavations under the direction of soils engineers or engineering geologists.
8. The opening of individual burial sites in property which has been approved for such use by all necessary governmental authorities.
9. Digging of water wells or environmental monitoring wells.

### **13.30 Application and Registration Procedures.**

- a. All erosion and sedimentation control plans shall be prepared by a Qualified Credentialed Professional, except those plans related to the construction of individual single-family residences. The erosion and sedimentation control plan shall be a part of all construction plans filed with the Department prior to the commencement of any land-disturbing activity on the site. The plan will be reviewed by the Department, in conjunction with the County's review of the construction plan set as a whole, for compliance with the latest edition of the *Alabama Handbook for Erosion Control, Sediment Control, and Stormwater Management on Construction Sites and Urban Areas*, Alabama Soil and Water Conservation Committee (ASWCC), being used by ADEM (as well as with the provisions of this Article); the review will be conducted in accordance with the fee and time schedules established for construction plan review by the Jefferson County

Commission and the Department respectively; and any subsequent approval of such construction plans shall be understood to include and constitute acceptance of the erosion and sedimentation plan as well.

- b.** For erosion and sedimentation control plans not submitted as part of a complete construction plan set, each application for registration of a land disturbing activity shall be accompanied by a nonrefundable fee in accordance with the Fee Schedule adopted by the Jefferson County Commission.

In those cases, the Department shall review the plan as described in Item a. above, and either accept or reject the erosion and sedimentation control plan within fourteen (14) days of filing. If the erosion and sedimentation control plan is rejected, the Department shall provide the applicant with written notice of the reasons for its rejection. Any resubmissions shall be processed in the same manner.

- c.** If the Department determines, either upon review of such plan or on inspection of the site, that a significant risk of off-site sedimentation or erosion exists, it will require a revised plan be considered by the preparing Qualified Credentialed Professional.
- d.** Erosion and sedimentation control plans shall contain architectural and engineering drawings, maps, assumptions, calculations, and narrative statements as needed to describe adequately the proposed development of the site and the measures planned to meet the Basic Control Objectives set forth in Section 13.31. Plan content may vary to meet the needs of specific site conditions.
- e.** In no case shall any proposed land-disturbing activity be commenced prior to the acceptance of an erosion and sedimentation plan by the Department, and its registration with same. Neither shall such registration excuse the owner from the responsibility for obtaining any other required permits or licenses.
- f.** All applications for registration of an erosion and sedimentation control plan shall include the property owner's or owners' written consent for Jefferson County, or the designated agent of Jefferson County, to enter upon the property or properties in order to abate any and all violations of this Article, or of the registered erosion and sedimentation control plan, as provided for in Sections 13.51 and 13.60 of this Article.
- g.** The Department must be notified immediately upon any change in ownership of property for which an erosion and sedimentation control plan has been registered, and/or any change in the person or persons responsible for ensuring compliance with the provisions of this Article.
- h.** Whenever there is a conflict between federal, state, or local laws, ordinances, rules and regulations, orders or decrees, the more restrictive provision shall apply.

### 13.31 Basic Control Objectives.

The basic control objectives which should be considered in developing and implementing an erosion and sedimentation control plan are to:

- a. **Identify Critical Areas.** On-site areas which are subject to severe erosion, and off-site areas which are especially vulnerable to damage from erosion and/or sedimentation caused from increased run-off are to be identified and receive special attention.
- b. **Limit Exposed Areas.** All land-disturbing activities should be planned and conducted to minimize the size of the area to be exposed at any one time.
- c. **Limit Time of Exposure.** To the maximum extent practicable, all land-disturbing activities should be planned and conducted to limit exposure to the shortest feasible time.
- d. **Control Surface Water.** Surface water runoff originating upgrate of exposed areas should be controlled to reduce erosion and sediment loss, to the maximum extent practicable, during the period of exposure.
- e. **Control Sedimentation.** All land-disturbing activities should be planned and conducted so as to prevent offsite sedimentation damage.
- f. **Manage Storm Water Runoff.** When the increase in storm water volumes, peak rates and/or velocity of storm water runoff resulting from a land-disturbing activity is sufficient to cause damaging accelerated erosion of the receiving ditch or channel stream, plans should include measures to help control the velocity and/or rate of release so as to minimize accelerated erosion and increased sedimentation of the ditch or stream channel. This may include the use of outlet energy dissipaters, detention methods, ditch or in-stream channel measures or engineered controls.
- g. **Low Impact Development Techniques.** Erosion and sedimentation control plans should seek to incorporate low impact development and environmental site design techniques, such as infiltration and capture/re-use of storm water, to the maximum extent practicable.

### 13.32 Mandatory Standards for the Erosion and Sedimentation Control Plan.

All erosion and sedimentation control plans shall include, incorporate or otherwise account for or address the elements listed below.

- a. No land-disturbing activity shall be permitted in proximity to a lake, natural watercourse, or adjacent property where applicable unless a buffer zone is provided along the boundary of sufficient width to confine siltation and/or prevent erosion, to the maximum extent practicable, provided that the land-disturbing activity is not in connection with the construction of facilities to be located on, over, or under a lake, natural watercourse, or adjacent property.
- b. The angle for graded slopes and fills shall be no greater than the angle which can be retained by vegetative cover or other adequate erosion control devices or structures. In any event, slopes left exposed will, within the shortest feasible time of final grading



(though not to exceed 14 days, per Section 13.40(d)), be planted or otherwise provided with ground cover, devices, or structures sufficient to restrain erosion.

**c. Design and Performance Standards.**

1. Structural erosion and sedimentation control measures shall be so planned, designed, and constructed as to provide control from the calculated peak rates of runoff from a ten-year frequency storm. Runoff rates may be calculated using the procedures in the USDA, Soil Conservation Service's "National Engineering Field Manual for Conservation Practices," or other acceptable calculation procedures. Runoff computations shall be based on rainfall data published by the National Weather Service for the area.
2. Structural controls shall be designed and maintained as required so as to minimize erosion and pollution to the maximum extent practicable. All surface water flowing toward the construction area shall, to the maximum extent practicable, either be passed through the site in a protected channel or diverted by using berms, channels, pipes or sediment traps, as necessary.
3. Erosion and sediment control measures shall be designed, based on the size and slope of the disturbed areas or drainage areas, to minimize erosion and to control sediment to the maximum extent practicable. Sediment in runoff water must be minimized by using the appropriate BMPs.
4. Discharges from sediment basins and traps must be conducted in a manner consistent with good engineering practices. Sediment-laden or otherwise polluted water discharged to the MS4 must be addressed in a manner consistent with good engineering practices and the requirements of this ordinance.
5. The erosion and sedimentation control plan shall include measures to reduce erosion and other adverse impacts to MS4 drainage system which would result from an increase in the volume of water and the rate of runoff of water during land-disturbing activities.

**d. Additional Standards Regarding Lakes and Natural Watercourses, Stream Banks and Channels.**

1. Land-disturbing activity in connection with construction in, on, over, or under a lake or natural water course shall be planned and conducted, to the maximum extent practicable, in such a manner as to minimize the extent and duration of disturbance of the stream channel.
2. The relocation of a stream, where relocation is an essential part of the proposed activity, shall be planned and executed so as to minimize changes in the stream flow characteristics, except when justification for significant alteration to flow characteristic is provided. Furthermore, the U.S. Army Corps of Engineers must approve the relocation of any stream or waterway prior to acceptance of such plan by the Department, and documentation of such approval provided to the Department as part of the plan submission.

3. Provision may be required for the permanent protection of on-site or adjacent stream banks and channels from the erosive effects of increased velocity and volume of storm water runoff resulting from certain land-disturbing activities.
  - (a) A combination of storage and controlled release of storm water runoff may be required.
  - (b) Detention storage and controlled release will not be required in those instances where the person planning to conduct the activity can demonstrate that the storm water release will not cause an increase in accelerated erosion or sedimentation of the receiving ditch, stream channel, or other drainage facility, taking into consideration any anticipated development of the watershed in question.

**e. Standards Pertaining to Related Off-Site Activities.**

1. **Borrow and Waste Areas.** When the person conducting the land-disturbing activity is also the person conducting the borrow or waste disposal activity, areas from which borrow is obtained shall be considered as part of the land-disturbing activity where the borrow material is being used or from which the waste material originated, and must be included in the erosion and sedimentation control plan. When the person conducting the land-disturbing activity is not the person obtaining the borrow and/or disposing of the waste, these areas shall be considered a separate land-disturbing activity.
2. **Access and Haul Roads.** Temporary access and haul roads (other than public roads) constructed or used in connection with land-disturbing activity shall be considered a part of such activity.

**13.33 Application Requirements.**

All applications for registration of an erosion and sedimentation control plan must include the following information:

- a. Name of applicant, with telephone numbers, email address, facsimile machine number, and/or other information by which the applicant can be contacted.
- b. Address where applicant, or other local contact person who can furnish information about the land-disturbing activity, can be reached.
- c. Names, addresses, telephone numbers, email addresses, facsimile machine numbers, etc., of:
  1. the owner of the project;
  2. the owner of the property on which the project is to be located; and,

3. the ground lessee of the property, if any, on which the land-disturbing activity is to be conducted if the applicant is not the owner of the project and such property.
- d. Legal description and address, if any, of the property upon which the land-disturbing activity is to be conducted.
- e. Names, addresses, telephone numbers, email addresses, facsimile machine numbers, etc., of all contractors and subcontractors who shall implement any portion of the erosion and sedimentation control plan; provided, however, that if the contractor and the subcontractors have not been selected when the application for registration is filed, the applicant shall furnish such information to the Department within five (5) days of the day or days on which the contractor and/or subcontractors are selected.
- f. Name of the Qualified Credentialed Professional who has prepared/approved the erosion and sedimentation control plan, with telephone number, email address, facsimile machine number, and/or other information by which said Professional can be contacted (except for land-disturbing activities related solely to the construction of individual single-family residences).
- g. A written description of the BMPs which are shown on the plan, details of said BMPs, and a schedule of their implementation during land-disturbing activities and construction; a projected time schedule for the commencement and completion of the land-disturbing activity itself; and specifications for BMP maintenance both during and after completion of the project.
- h. A description of the existing site conditions and adjacent topographical features; the information necessary to determine the erosion qualities of the soil on the site; potential problem areas of soil and erosion and sedimentation; soil stabilization specifications and storm water management considerations;
- i. A description of, and procedures for, proper storage, handling and disposal of construction materials stored on-site which could contribute to the pollutant loading to the MS4.
- j. A vicinity map.
- k. A scaled drawing or drawings, as required by Articles 9, 10 and 11 of the Jefferson County Subdivision & Construction Regulations, prepared by a Qualified Credentialed Professional and clearly depicting the methods, manner, activities, equipment, and any and all other elements to be used in the accomplishment of the erosion and sedimentation control plan, at a sufficient size and in sufficient detail as to be commensurate with the size of the project; the severity of the site condition and its potential for off-site damage; and to sufficiently document satisfaction of the standards set forth hereinabove, as well as achievement of the Basic Control Objectives of Section 13.31.

- l.** Signature of the applicant, property owner, project manager or other responsible party attesting to the following: “I certify, under penalty of law, that this document and all attachments were prepared under my direction or supervision and that I have personally examined, and I am familiar with, the information in this document and such attachments. Based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and civil penalty.”
- m.** The property owner’s or owners’ written consent for Jefferson County, or the designated agent of Jefferson County, to enter upon the property or properties in accordance with Section 13.30(f) of this Article.

**13.40 Commencement of Land-Disturbing Activities:  
Responsibilities of the Property Owner/Developer.**

No land-disturbing activity subject to the provisions and requirements of this Article shall be undertaken except in accordance with the following mandatory processes and procedures. Persons conducting land-disturbing activities shall take all reasonable measures referred to, or provided for, in this Article to protect all public and private property from damage caused by such activities, and to reduce storm water pollution to the maximum extent practicable.

- a.** A copy of the accepted erosion and sedimentation control plan shall be on file at the job site. Copies of all monthly reports and all accidental discharge reports submitted to ADEM must also be kept on-site and available for inspection by the Director or his/her designee.
- b.** The person(s) proposing to conduct any land-disturbing activity or an agent, contractor or other representative of such person must contact the Department at least five (5) business days before commencement of the land-disturbing activity to advise the Director or his/her designee of the commencement of such land-disturbing activity; unless, for good cause shown, the Director or his/her designee permits such person, contractor, agent or other representative to contact him nearer to the date of the commencement of such land-disturbing activity.
- c.** Other than land-clearing activities required to install the appropriate BMPs, all measures required by the erosion and sedimentation control plan shall be in place and functional before any clearing or earthmoving operations begin, and shall be constructed and maintained throughout the construction period. Temporary measures may be removed at the beginning of the workday, but shall be replaced at the end of the workday (unless conditions, such as a rain event, require them to be replaced earlier.)
- d.** The angle for graded slopes and fills shall be no greater than the angle which can be retained by vegetative cover or other adequate erosion control devices or structures. Any slope or fill which has been graded shall, within fourteen (14) days of the completion of such grading or the completion of any phase of grading, be planted or otherwise provided

with ground cover, materials, devices or structures sufficient to restrain erosion. The BMPs shall remain in place in accordance with the erosion and sedimentation control plan until the graded slope or fill is stabilized.

- e. Adequate protective measures shall be provided for the containment of hazardous substances and any other materials which may pollute the MS4, including petroleum products, lubricants and paint.
- f. The person engaged in or conducting the land-disturbing activity shall be responsible for maintaining all temporary and permanent erosion and sedimentation measures and facilities during the development of a site. The responsibility for maintaining all permanent erosion and sedimentation control measures and facilities after site development is completed shall lie with the landowner, until such time as adequate vegetative cover and site stabilization is achieved as determined by the Director or his/her designee.
- g. Control measures shall be maintained as an effective barrier to sedimentation and erosion in accordance with the provisions of this ordinance. All control measures shall be checked, and repaired as necessary, monthly in dry periods and within twenty-four (24) hours after any precipitation at the site of 0.75 inches or greater in any 24-hour period. During prolonged rainfalls, daily checking and, if necessary, repairing shall be done. The registrant of the erosion and sedimentation control plan shall maintain written records of such checks and repairs, which records shall be subject to inspection by Department personnel at any reasonable time.
- h. There shall be no distinctly visible floating scum, oil or other matter contained in the storm water discharge. The storm water discharge to an MS4 must not cause any color (except dyes or other substances discharged to an MS4 for the purpose of environmental studies and which do not have a harmful effect on the bodies of water within the MS4) or odor in the community waters that does not occur naturally from normal ecological or biological processes in the environment. The storm water discharge to the MS4 must result in no materials in concentrations sufficient to be hazardous or otherwise detrimental to humans, livestock, wildlife, plant life or fish and aquatic life in the community waters.
- i. A ground cover sufficient to restrain erosion shall be planted or otherwise provided within fourteen (14) days on that portion of any tract upon which further active construction is not being undertaken; provided, that this activity shall not apply to cleared land forming the basin of a reservoir later to be inundated.
- j. When the land-disturbing activity is finished and stable vegetation or other permanent controls have been established on all remaining exposed soil, the owner of the land where the land-disturbing activity was conducted, or his authorized agent, shall notify the Department of these facts, and request a final inspection.

**k. Accidental Discharges.**

1. In the event of any discharge of a hazardous substance or a significant spill of a hazardous substance to the MS4 which could constitute a threat to human health or the environment, the owner or operator of the site shall give notice to the Department and the Jefferson County Emergency Management Authority in the same manner, and within the same time, as is required by State regulations for notice to ADEM.
2. The owner or operator of such property shall take all reasonable steps to minimize any adverse impact to the community waters caused by discharges to the MS4, including such improved or additional monitoring as may be necessary to determine the nature and impact of the discharge. Absent a compelling public interest to the contrary, it shall not be a defense for the owner or operator in an enforcement action that it would have been necessary to halt or reduce the business or activity of the site, or any project or facility thereon, to maintain water quality and minimize any adverse impact that the discharge may cause.

**13.50 Monitoring and Inspection of Land-Disturbing Activities:  
Authority of the Department of Inspection Services**

- a. The Director or his/her designee, bearing proper identification, may enter and inspect all land-disturbing activities for regular periodic inspections, investigations, monitoring, observations, measurements, enforcement, sampling and/or testing to verify compliance with the provisions of this ordinance, and to confirm the implementation and maintenance of any erosion and sedimentation control plan approved for such land-disturbing activities.
- b. It is hereby further provided that any site undergoing land-disturbing activity shall be inspected when the Director or his/her designee believes, as a result of complaints or monitoring activity, that land-disturbing activities on the site are causing a substantial pollutant loading which threatens the MS4; or if the Director or his/her designee has reasonable cause to believe that discharges from a land-disturbing activity to the MS4 may cause an imminent threat to human health or the environment. Such inspections may take place at any time and without notice.
- c. Whenever the Department determines that significant sedimentation is occurring as a result of a land-disturbing activity, despite application and maintenance of protective practices, the person conducting the land-disturbing activity or the person responsible for maintenance will be required to take additional protective action, and to furnish this information to the Department.
- d. The Director or his/her designee shall inspect the site within five (5) working days after receipt of notice that the land-disturbing activity is finished, and stable vegetation or other permanent controls have been established on all remaining exposed soil, and may require additional measures to stabilize the soil and control erosion and sedimentation. If additional measures are so required, written notice of the requirement for such additional

measures shall be delivered to the owner, and the owner shall continue to be covered by the original registration issued until a final inspection approves the project as having been satisfactorily completed. The Director or his/her designee shall provide to the owner, within ten (10) days of the date of such approval, a certification of completion showing that the requirements of the erosion and sedimentation control plan registration have been fulfilled.

### **13.51 Surety Requirements.**

- a. Prior to commencement of land disturbing activities.** In order for the Department to issue a Zoning Approval allowing land disturbing and/or construction activities to begin, and except as noted in Section 13.51(c) below, the registrant/property owner must submit an irrevocable letter of credit or other form of surety acceptable to the Director, styled in favor of the Jefferson County Treasurer, in such amount as specified herein to assure that the work – if not completed or if not done in accordance with the approved plans and specifications – will be corrected in order to eliminate and/or prevent hazardous conditions, or erosion and/or sedimentation problems, to the maximum extent practicable, pending final approval of the work as set forth in Section 13.50(d) above.

The surety shall:

1. contain, or have attached to it as an exhibit, a legal description of the site and/or a valid 911 address;
2. remain in effect for such reasonable period of time as may be required by the Director or his/her designee (pending final inspection and approval of the work as set forth in Section 13.50(d) above);
3. be set to \$3,000.00 per acre, or portion thereof;
4. be set to double the amount determined by Item 3 above where clearing or earthwork is performed in areas designated as floodways, floodplains or areas susceptible to landslides; and,
5. must be issued by a bank having a branch in Jefferson County.

- b. Following completion of land disturbing activities.** In the event a Certificate of Occupancy is requested prior to complete stabilization of a property, the Director or his/her designee shall require a surety – in accordance with the terms and conditions set forth in Section 13.51(a) above, but to be separate and apart from any surety required prior to the land disturbing activity – in order to assure the necessary work to properly stabilize the property is accomplished.

- c. Exceptions to the surety requirements of this Article.** In cases where an erosion and sedimentation control plan is related to the construction of an individual single-family residence, the requirement for a surety prior to the commencement of the land disturbing activity (Section 13.51(a)) may be waived as follows:

1. Registrants who possess current certification as a Qualified Credentialed Inspector through the Homebuilders Association of Alabama, or is otherwise certified through a Department-sponsored or Department-approved training program, shall not be required to post the surety of Section 13.51(a) above (i.e., prior to the commencement of the accepted land disturbing activities).
2. Provided, however, that the Director shall have the right to require any registrant/owner who was initially not required to post a surety under this Section, but who subsequently has had any action taken against him/her by the Department for failure to comply with the requirements of this Article and/or an accepted erosion and sedimentation control plan, to post the surety of Section 13.51(a) above prior to the Department's issuance of any further Zoning Approvals to said individual.

### **13.60 Enforcement and Abatement**

- a. **Unauthorized Discharges.** Any discharge of storm water made in violation of this ordinance, or of any condition of an erosion and sedimentation control plan registered pursuant to this ordinance, shall be subject to correction and/or abatement in accordance with applicable law; provided, however, that the following direct or indirect discharges into the MS4 are allowable under the terms of this ordinance (unless determined by the Director or his/her designee to be a source of contamination to the community water): landscape irrigation; uncontaminated water from foundation and footing drains; discharges from springs; lawn watering; and discharges from fire fighting activities.
- b. **Immediate Threats to Public Health or Welfare.** Notwithstanding any other provision in this ordinance to the contrary, in the event of an immediate threat to the public health or welfare, the Director may take any and all appropriate measures to remove or alleviate such threat.
- c. **Enforcement Authority.** The Director or his/her designee shall have the authority to issue notices of violation and citations, and to designate those persons who have enforcement authority. In exercising that authority, the persons enforcing the requirements of this Article shall follow the policies and procedures outlined herein below.
  1. **Written Notice.** Whenever an authorized employee of the Department finds that a registrant, or any other person discharging storm water, has violated or is violating this Article or the erosion and sedimentation control plan registered hereunder, the Department shall serve upon such person written notice of the violation. Within ten (10) days of such notice, the permit registrant/property owner shall submit to the Department a written explanation of the violation and a plan for the satisfactory correction and prevention thereof, including the specific action(s) to be taken. However, submission of said plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the notice of violation.



2. **Consent Orders.** The Director or his/her designee is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the person to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to Items 4 and 5 below.
3. **Show Cause Hearing.** The Director or his/her designee may order any person who violates this Article, or any erosion and sedimentation control plan registered hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the person, specifying the time and place for the meeting; the proposed enforcement action and the reasons for such action; and a request that the violator show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally, or by registered or certified mail (return receipt requested), at least ten (10) days prior to the hearing.
4. **Compliance Order.** When an authorized employee of the Department finds that any person has violated or continues to violate this Article, or any erosion and sedimentation control plan registered hereunder, the Director or his/her designee may issue an order to the violator directing that, following a specified time period, there must be adequate structures, devices, and/or procedures installed and/or implemented, and properly operated thereafter. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the construction of appropriate structures, installation of devices, self-monitoring, and management practices.
5. **Elimination of Illicit Discharges.** Any illicit discharge (as defined in this Article) shall be eliminated as expeditiously as possible, and any improper disposal practices ceased immediately upon identification of, and notice to, the responsible parties. Where elimination of an illicit discharge within ten (10) working days is not possible, the responsible party shall submit an expeditious schedule for removal of the discharge; and in the interim, shall take all reasonable and prudent measures to minimize the discharge of pollutants to the MS4.
6. **Cease and Desist Orders.** When an authorized employee of the Department finds that any person has violated or continues to violate this Article, or any erosion and sedimentation control plan registered hereunder, the Director or his/her designee may issue an order to cease and desist all activity declared to be in violation of this Article, and direct those persons in noncompliance to:
  - (a) comply forthwith with all requirements of this Article, and any erosion and sedimentation control plan registered pursuant hereto; and/or
  - (b) take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

7. **Stop Work Orders.** Failure to promptly undertake and complete, in a timely manner, whatever remedial and/or preventive actions are necessary, ordered or otherwise required in order for a work site to be brought into full compliance with this Article, or with the relevant erosion and sedimentation control plan, shall subject the registrant, property owner and/or developer to issuance of an order requiring all work on the site – land disturbing activities, demolition, construction, etc. – to be immediately halted pending the necessary corrective action.
8. **Further Action.** The Jefferson County Department of Inspection Services shall monitor all land-disturbing activities, including those approved under an ADEM NPDES permit, for compliance with the BMP/erosion and sedimentation control plan, and with all other applicable conditions or requirements as may have been made a part of said permit. The Department shall also be authorized to take whatever enforcement action may be necessary to bring a work site into compliance with said permit, as well as with all applicable requirements of this Article, to the fullest extent allowed by law. And, in any case where the Director determines that a non-compliant condition cannot or will not be satisfactorily addressed by the responsible parties, that enforcement action shall include the right for Jefferson County, or a designated agent of said County, to enter upon such non-compliant property (as provided in Section 13.30(f)); to carry out the work necessary to eliminate and/or prevent hazardous conditions, or erosion and/or sedimentation problems (as provided in Section 13.51); and to assess whatever penalties as may be deemed appropriate (under Section 13.61) by a court of law.

### **13.61 Penalties.**

- a. Any person who shall commit any act declared unlawful under this Article; who violates any provision of this Article; who violates the provisions of any erosion and sedimentation control plan registered pursuant to this Article; or who fails or refuses to comply with any lawful communication or notice from the County to abate or take corrective action, shall be guilty of a criminal offense.
- b. Notwithstanding the foregoing, the owner(s) of any property upon which a violation of this Article, or of a registered erosion and sedimentation control plan, has been cited by the Department shall be deemed ultimately responsible for the condition of, or the conditions being caused by, the land disturbing activity taking place on their property. And as such, said property owner(s) shall accordingly be subject to the penalties of this Section in the event such penalties cannot be levied against the person(s) actually committing the offense.
- c. Under the authority provided in Alabama Code § 11-45-9, Jefferson County declares that any person violating the provisions of this Article may be fined an amount not less than \$50.00 and not more than \$500.00 per day, and may be imprisoned or sentenced to hard

labor for a period not to exceed six months, for each day of each violation. Each day of violation shall constitute a separate violation.

- d. The County shall have the right and authority to recover:
  - 1. all damages proximately caused by the violator to the County, which may include any reasonable expenses incurred in investigating violations of, and enforcing compliance with, this Article, or any other actual damages caused by the violation; and,
  - 2. the costs of the County's maintenance of storm water facilities when the user of such facilities fails to maintain them as required by this Article.
- e. The County may bring legal action to enjoin the continuing violation of this Article. The existence of any other remedy, at law or equity, shall be no defense to any such actions.
- f. The remedies set forth in this section shall be cumulative, not exclusive. It shall not be a defense to any action, civil or criminal, that one or more of the remedies set forth herein has been sought or granted.

### **13.62 Appeals of Penalties.**

Any person aggrieved by the imposition of a civil penalty or damage assessment, as provided by this Article, may appeal said penalty or damage assessment to the Flood Hazard Appeal Board, as so authorized in Section 13.70 of this Article. Appeals of the penalties set forth herein above shall be processed as follows

- a. The appeal shall be in writing and filed with the Department within 15 days after the civil penalty and/or damage assessment is served in any manner authorized by law.
- b. Upon receipt of an appeal, the Flood Hazard Appeal Board shall hold a public hearing within 30 days, giving ten (10) days prior notice of the time, date, and location of said hearing by publication in a daily newspaper of general circulation. Ten (10) days prior notice by registered mail shall also be provided to the aggrieved party, such notice to be sent to the address provided by the aggrieved party at the time of appeal.
- c. The decision of the Flood Hazard Appeal Board shall be final.

### **13.70 Establishment and Authority of the Flood Hazard Appeal Board.**

The Jefferson County Commission established a board of five (5) members known as the Flood Hazard Appeal Board in conjunction with the adoption of the Floodplain Management Ordinance on September 19, 2006. The composition of the Board, and the powers and duties of the members of the Board with respect to the Floodplain Management Ordinance, are set forth in Article 5 of said Ordinance. However, having already established said Board in order to review and hold hearings in consideration of variances to Jefferson County's floodplain regulations; and

having determined that matters of erosion and sedimentation control are very closely related to matters addressed by the floodplain regulations; the Jefferson County Commission hereby, upon adoption of this Article, establishes and empowers the Flood Hazard Appeal Board to also review and hold hearings in the consideration of variances to the regulations and requirements of this Article as well, as provided herein below.

### **13.71 Appeals of the Requirements of this Article.**

The Flood Hazard Appeal Board (“Board”), as established by the Jefferson County Commission in conjunction with the adoption of the Floodplain Management Ordinance on September 19, 2006, shall have the following powers and duties with respect to this Article 13 of the Jefferson County Subdivision and Construction Regulations:

- a. Administrative Review.** The Board shall hear and decide the following:
  1. appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Director of Inspection Services/Chief Civil Engineer in the enforcement or administration of this Article; or,
  2. requests for the interpretation of the provisions of this Article.
  
- b. Variances.** The Board shall issue variances from the terms, provisions or requirements of this Article only in accordance with the following criteria:
  1. Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the intent of this Article is met; no reasonable alternative exists; and that development on and around the affected property is protected by methods that minimize erosion, sedimentation and storm water run-off, creating no threats to public safety, private property, the MS4 or the environment.
  2. In reviewing such requests, the Board shall consider all technical evaluations, relevant factors, and all standards specified in this and other Articles and Sections of the Jefferson County Subdivision and Construction Regulations.
  3. A variance shall be issued only when there is a finding of good and sufficient cause, and either:
    - (a) a determination that failure to grant the variance would result in exceptional hardship; or
    - (b) a determination that strict adherence to certain requirements of this Article is unnecessary due to the location, topography or other circumstances or factors pertaining to the proposed site.

In evaluating both (a) and (b) above, the granting of a variance must not result in increased erosion, sedimentation, storm water run-off, or any other aspects of drainage beyond the parameters established by this Article; nor will such variance pose any threats to public safety, cause extraordinary public expense, create a

nuisance, cause fraud on or victimization of the public, or conflict with any existing local laws or ordinances.

4. Any deviation from the standards of this Article must be weighed carefully. Variances shall only be issued upon a determination that the variance is the minimum necessary to afford appropriate relief.
- c. In exercising the above mentioned powers, the Board may reverse or affirm, wholly or in part; may modify the order, requirement, decision, or determination appealed from; and/or may make such order, requirement, decision, or determination as ought to be made; and, to that end, shall have all the powers of the Director of Inspection Services/Chief Civil Engineer, from whom the appeal is taken.
- d. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Director of Inspection Services/Chief Civil Engineer certifies to the Board that such action could cause imminent peril to life or property, or substantial damage to the environment. However, this provision shall not be construed as authorizing the approval or registration of any erosion and sedimentation control plan, nor any construction plans based thereon, which do not fully comply with the requirements of this Article prior to the hearing and granting of relief from the Board.

#### **13.72 Appointments, Meetings and Procedures of the Flood Hazard Appeal Board.**

- a. The appointments to and composition of the Board, and its meeting format, rules and procedures shall be in accordance with the relevant Section(s) of the Floodplain Management Ordinance for Jefferson County, Alabama.
- b. The Department shall maintain the records of all appeal actions, including justification for any variances granted.
- c. Any person aggrieved by an order issued by the Director or his/her designee under the authority of this Article; by an interpretation of the provisions of this Article made by the Director; or by the strict application of any requirements or provisions of this Article; may appeal such to the Flood Hazard Appeal Board for hearing and review. A written notice of any such appeal must be filed with the Board through the Department, said notice to set forth, with particularity, the order complained of and/or relief sought
- d. The Board shall meet at calls of the chairman, or in any event the Board shall meet within thirty (30) days after the filing of a written notice of appeal.
- e. All hearings of the Board shall be open to the public. Written notice of the public hearing shall be given to all owners of properties adjoining the affected site.
- f. The Board shall render a decision on an appeal within thirty (30) calendar days after hearing the petition, except a decision may be postponed where additional information is required by the Board – whether of the appellant or County staff – provided that a

decision may be postponed no more than sixty (60) calendar days. The Board shall reconvene to consider the additional information and render a final decision.

- g.** All decisions of the Board shall state the basis and conditions upon which the decision was made and the reason therefore.

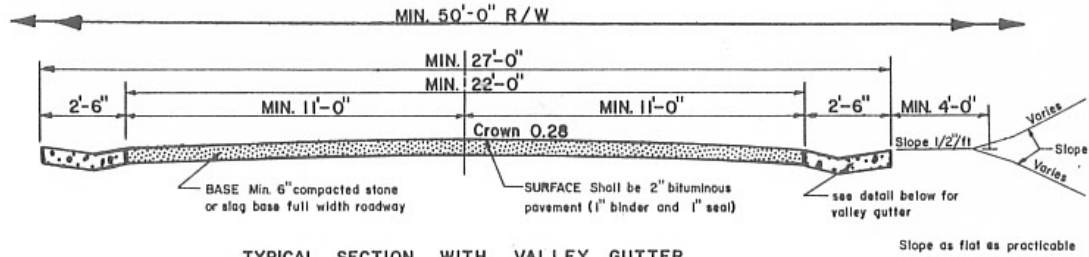
### **13.80 Repeal of Existing or Prior Ordinances, Regulations and Requirements.**

Upon adoption of this Article, these regulations shall immediately and thereafter govern land-disturbing activities, and all matters pertaining to erosion and sedimentation control, within the unincorporated limits of Jefferson County, Alabama, as now or hereafter established; and within such territory as shall now or hereafter be within its jurisdiction; with the exceptions as specified herein. Any and all ordinances previously adopted, and associations established in conjunction therewith, are hereby repealed.

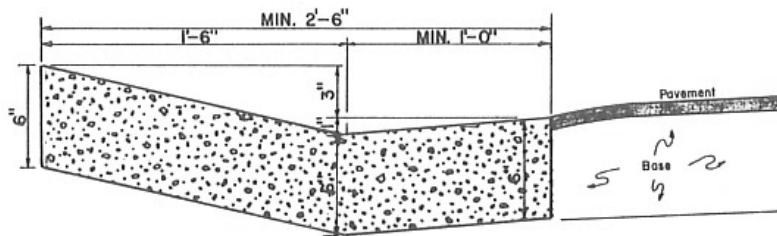
(Entire Article Amended and Adopted 12/8/2009)

## **APPENDIX**

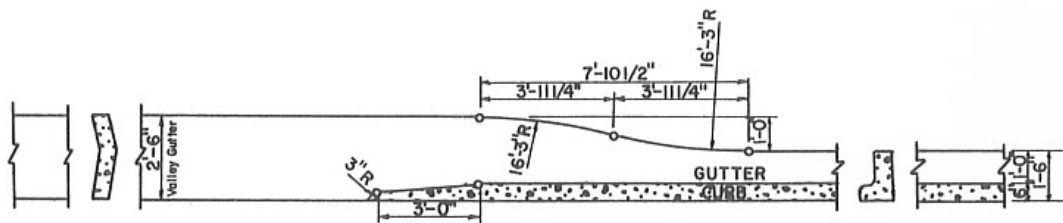
RESIDENTIAL STREET  
VALLEY GUTTER SECTION



TYPICAL SECTION WITH VALLEY GUTTER



DETAIL OF CONCRETE VALLEY GUTTER



TRANSITION FROM 2'-6" VALLEY GUTTER TO 1'-6" CURB AND GUTTER

**NOTE:**

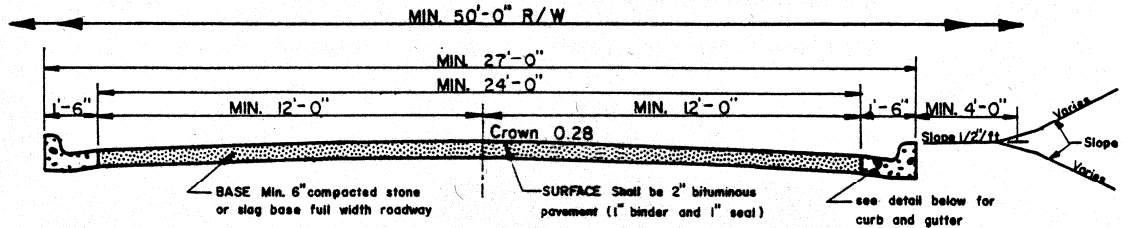
1. Subgrade shall be compacted and shaped, total roadway width prior to application of base materials.
2. Any deviation from this shall be with written permission of the P.W.D./C.E.

REVISIONS		JEFFERSON COUNTY PUBLIC WORKS DEPARTMENT
DATE	SUBJECT	
		RESIDENTIAL STREET VALLEY GUTTER SECTION
		APPROVED: <i>Richard C. Street</i>

JANUARY 1981

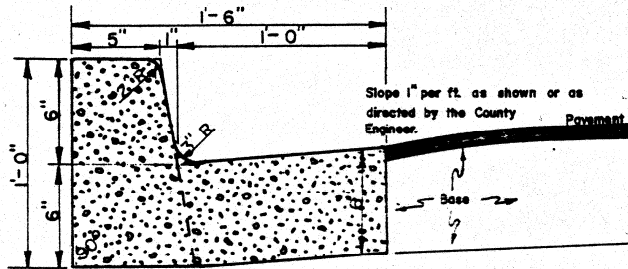


**RESIDENTIAL STREET  
CURB AND GUTTER SECTION**

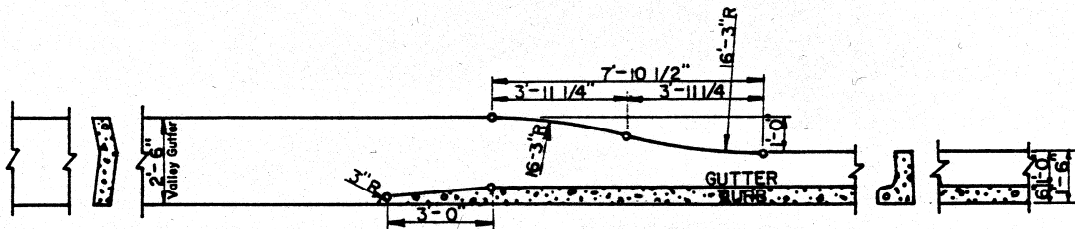


**TYPICAL SECTION WITH CURB AND GUTTER**

Slope as flat as practicable



**DETAIL OF CONCRETE CURB AND GUTTER**



**TRANSITION FROM 2'-6" VALLEY GUTTER TO 1'-6" CURB AND GUTTER**

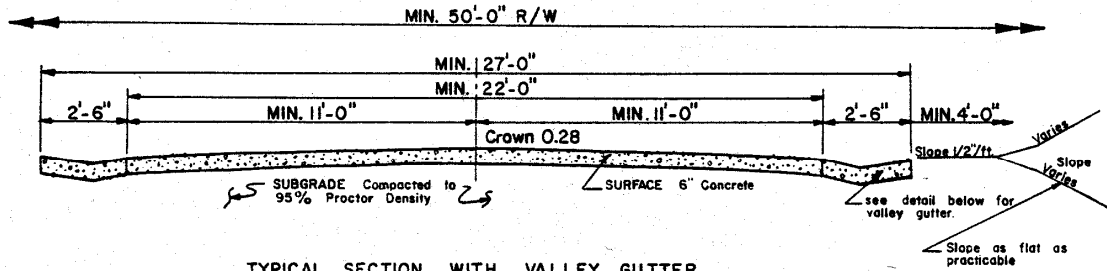
**NOTE:**

1. Subgrade shall be compacted and shaped, total roadway width prior to application of base materials.
2. Any deviation from this shall be with written permission of the R.W.D./C.E.

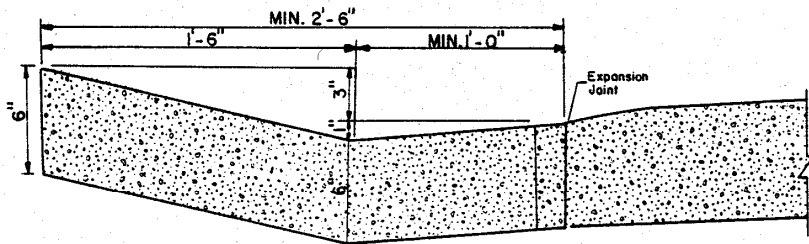
REVISIONS		JEFFERSON COUNTY PUBLIC WORKS DEPARTMENT
DATE	SUBJECT	
		RESIDENTIAL STREET CURB AND GUTTER SECTION
APPROVED:		<i>Richard L. Smith</i>

JANUARY 1981

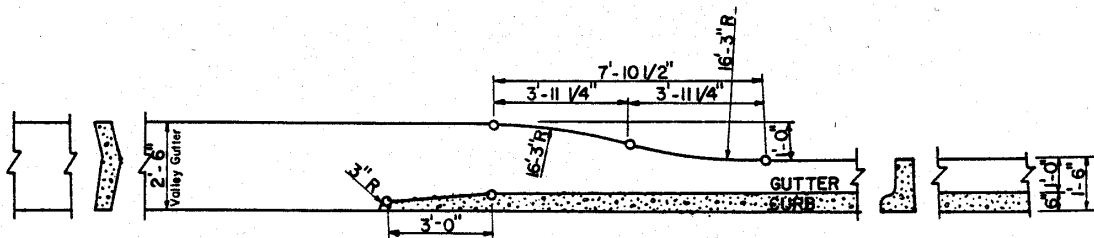
RESIDENTIAL STREET  
VALLEY GUTTER SECTION



TYPICAL SECTION WITH VALLEY GUTTER



DETAIL OF CONCRETE VALLEY GUTTER



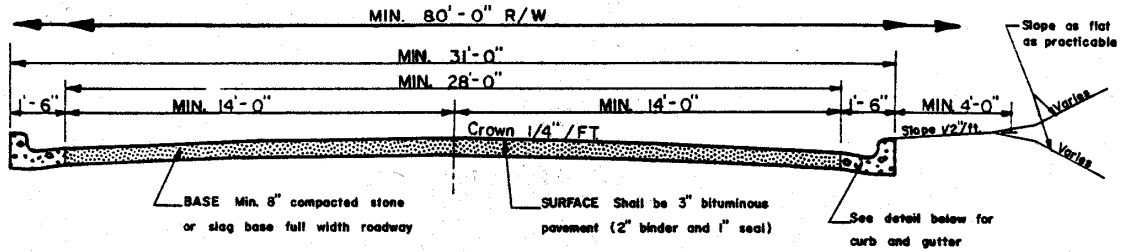
TRANSITION FROM 2'-6\" VALLEY GUTTER TO 1'-6\" CURB AND GUTTER

NOTE: Any deviation from this shall be with written permission of the P.W.D./C.E.

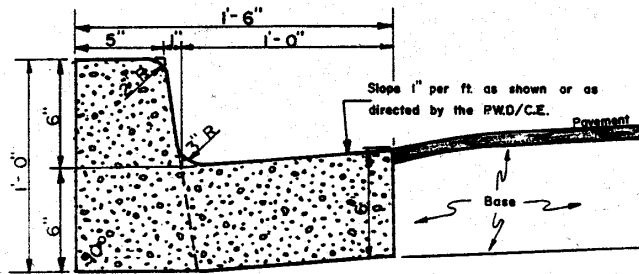
REVISIONS		JEFFERSON COUNTY PUBLIC WORKS DEPARTMENT
DATE	SUBJECT	
		RESIDENTIAL STREET VALLEY GUTTER SECTION
		APPROVED: <i>Richard L. Hunt</i>

JANUARY 1981

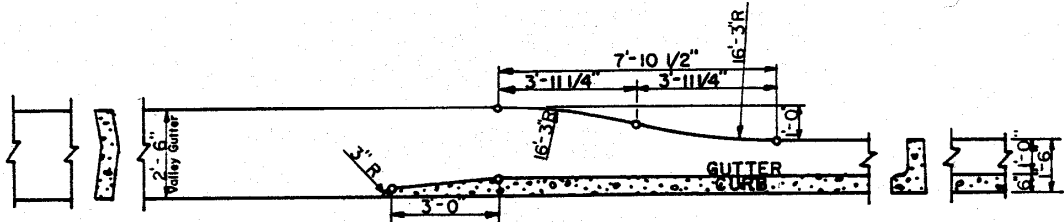
**INDUSTRIAL STREETS  
AND  
MAIN THOROUGHFARES**



**TYPICAL SECTION WITH CURB AND GUTTER**



**DETAIL OF CONCRETE CURB AND GUTTER**



**TRANSITION FROM 2'-6" VALLEY GUTTER TO 1'-6" CURB AND GUTTER**

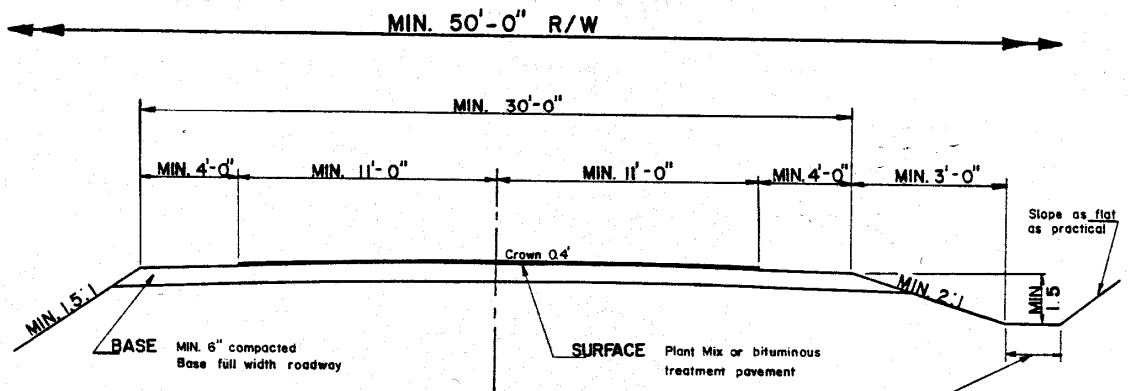
**NOTE:**

1. Subgrade shall be compacted and shaped, total roadway width prior to application of base
2. Any deviation from this shall be with written permission of the PWD/C.E.

JANUARY 1981

REVISIONS		JEFFERSON COUNTY PUBLIC WORKS DEPARTMENT INDUSTRIAL STREETS AND MAIN THOROUGHFARES
DATE	SUBJECT	
		APPROVED: <i>Robert L. Hunt</i>

SERVICE AND RURAL  
DEVELOPEMENT  
SUBDIVISION ROADS

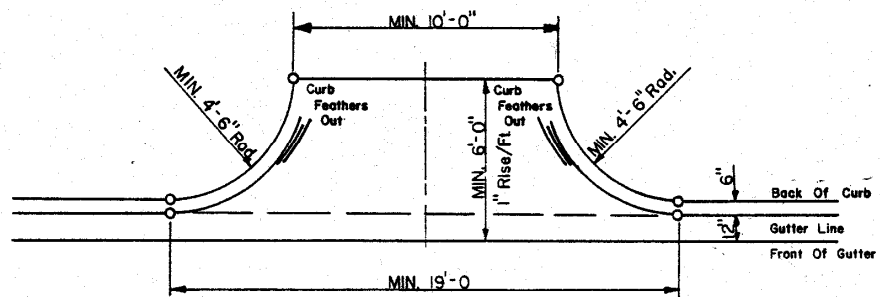


NOTE: Width of flat bottom ditch shall be governed by drainage conditions and shall be approved by the P.W.D./C.E.

NOTE: Any deviation from this shall be with written permission of the P.W.D./C.E.

REVISIONS		JEFFERSON COUNTY PUBLIC WORKS DEPARTMENT
DATE	SUBJECT	
		SERVICE AND RURAL DEVELOPMENT SUBDIVISION ROADS
		APPROVED: <i>Robert L. Hunt</i>

JANUARY 1981



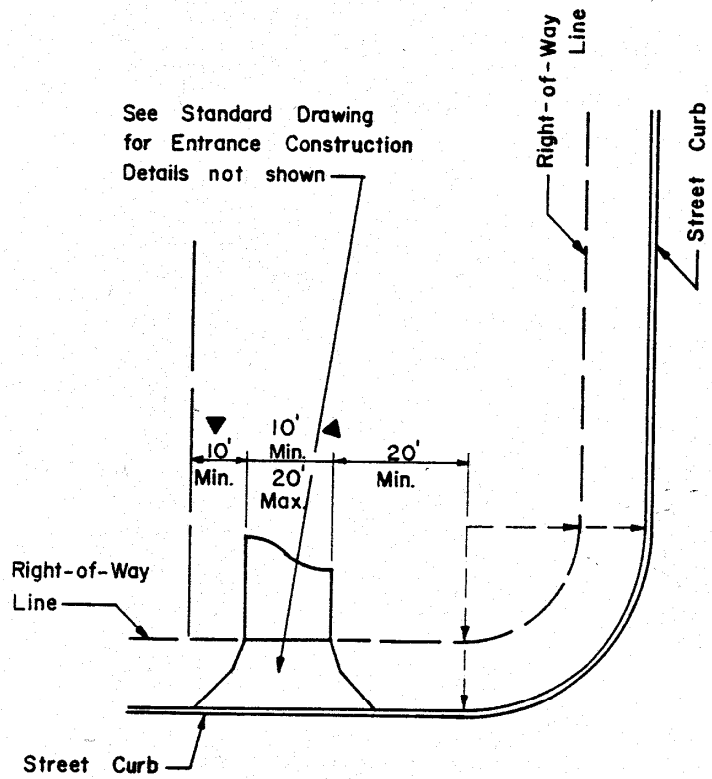
**STANDARD DRIVEWAY  
(RESIDENTIAL)**

**NOTE:**

All Driveways To Be Constructed  
With 3,000 Lb. Concrete, Min. 6  
Thick.

REVISIONS		JEFFERSON COUNTY PUBLIC WORKS DEPARTMENT
DATE	SUBJECT	
		STANDARD DRIVEWAY (RESIDENTIAL)
		APPROVED: <i>Robert L. Stewart</i>

JANUARY 1981

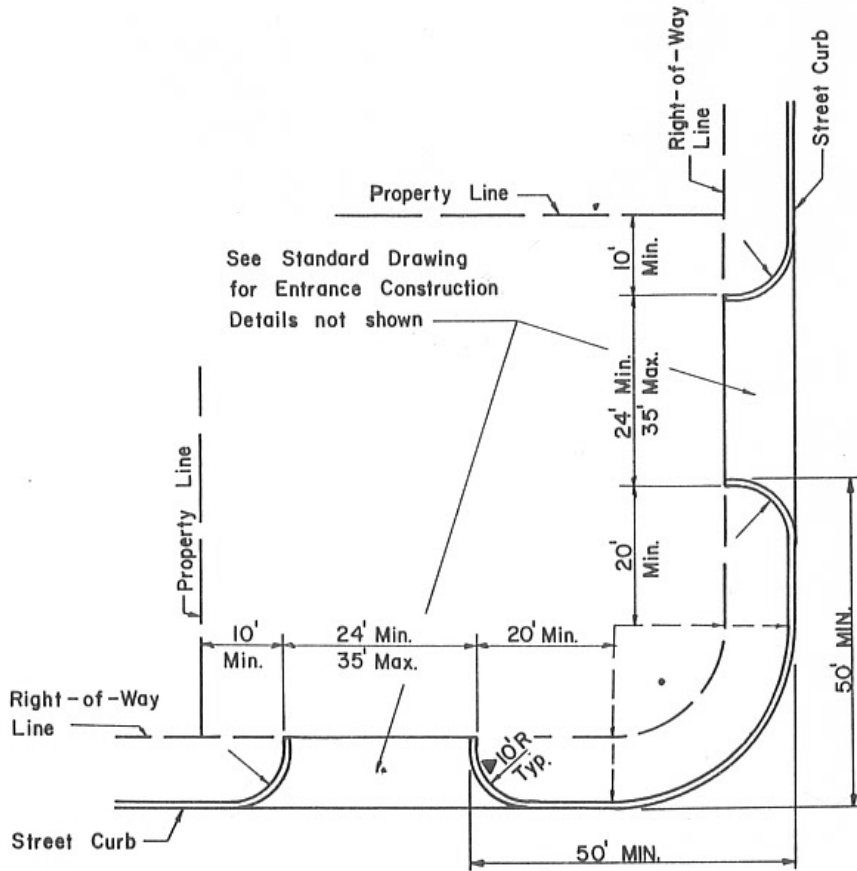


► May be varied to conform to type of entrance construction in approved subdivisions.

TYPE I PRIVATE ENTRANCES  
(RESIDENTIAL)

REVISIONS		JEFFERSON COUNTY	
DATE	SUBJECT	PUBLIC WORKS DEPARTMENT	
		TYPE I PRIVATE ENTRANCES (RESIDENTIAL)	
		APPROVED: <i>[Signature]</i>	

JANUARY 1981

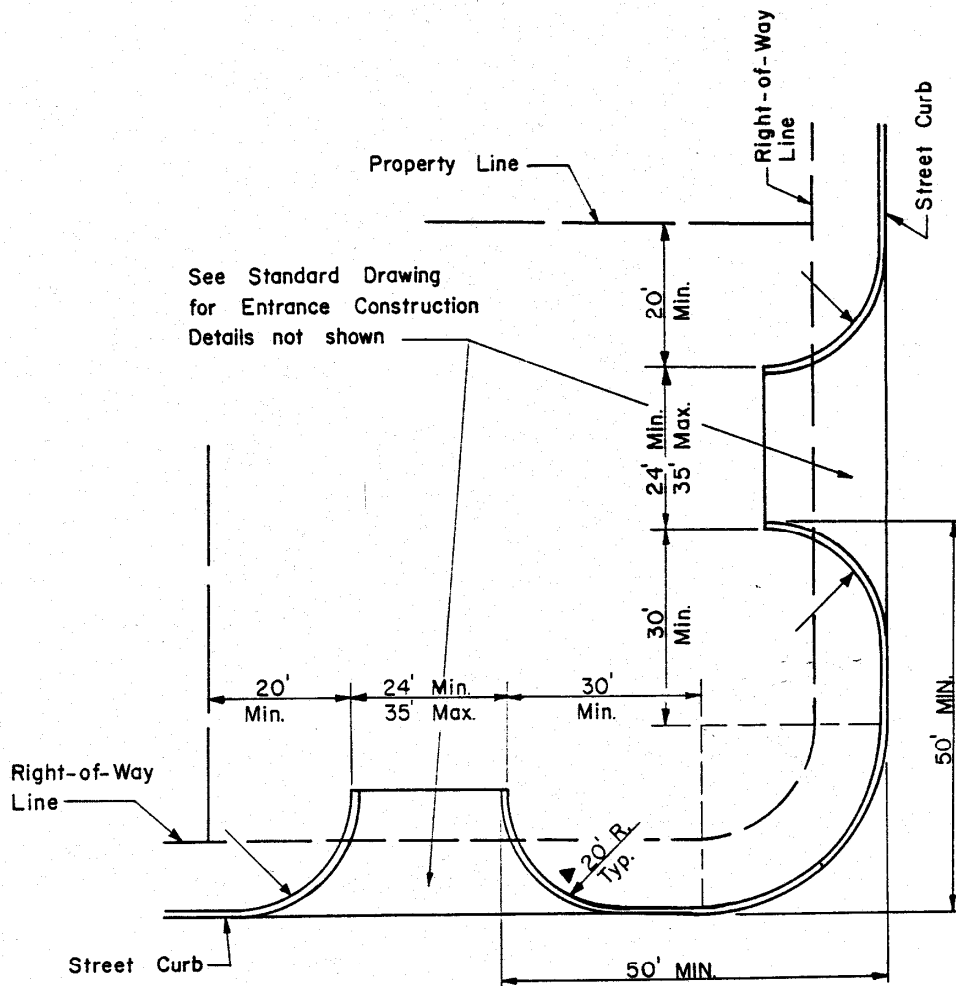


**TYPE I SPECIAL COMMERCIAL ENTRANCES**

- ▶ Entrance radii may be increased as determined by the Land Development Division to provide for high traffic volumes or movement of large trucks.

REVISIONS		JEFFERSON COUNTY PUBLIC WORKS DEPARTMENT
DATE	SUBJECT	
		TYPE I SPECIAL COMMERCIAL ENTRANCES
		APPROVED: <i>Richard L. Grant</i>

JANUARY 1981



TYPE 2 SPECIAL COMMERCIAL ENTRANCES

► Entrance radii may be increased as determined by the Land Development Division to provide for high traffic volumes or movement of large trucks.

REVISIONS		JEFFERSON COUNTY PUBLIC WORKS DEPARTMENT
DATE	SUBJECT	
		TYPE 2 SPECIAL COMMERCIAL ENTRANCES
		APPROVED: <i>Robert L. Strand</i>



PARKING TABLE

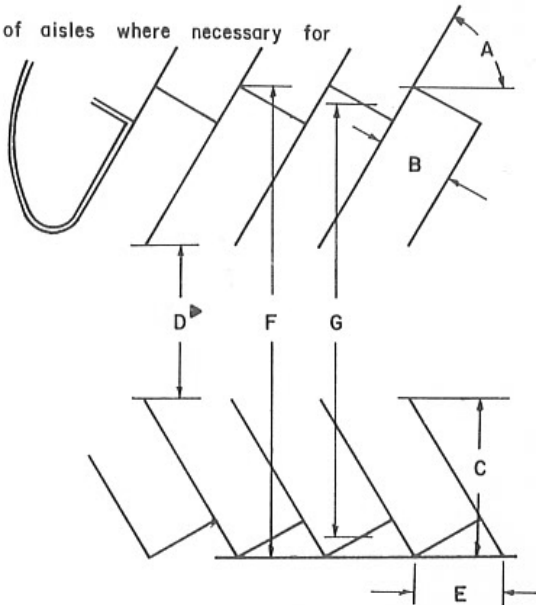
A	B	C	D	E	F	G
45°	10'-0"	20.5'	13.0'	14.1'	54.0'	46.9'
60°	10'-0"	21.5'	18.0'	11.5'	61.0'	56.0'
90°	10'-0"	20.0'	22.0' ▶	10.0'	62.0'	—

PARALLEL PARKING

On site parallel parking stalls shall be 9.0' x 22.0' adjacent to a 22' two way lane or 15' one way lane.

Curbed Islands are required at ends of aisles where necessary for traffic control and/or drainage.

- A Parking Angle
- B Stall Width
- C 20' Min. Stall to Curb
- D Aisle Width
- E Curb Length Per Car
- F } Center to Center Width of Double Row with
- G } Aisle Between
- F Curb to Curb
- G Stall Center

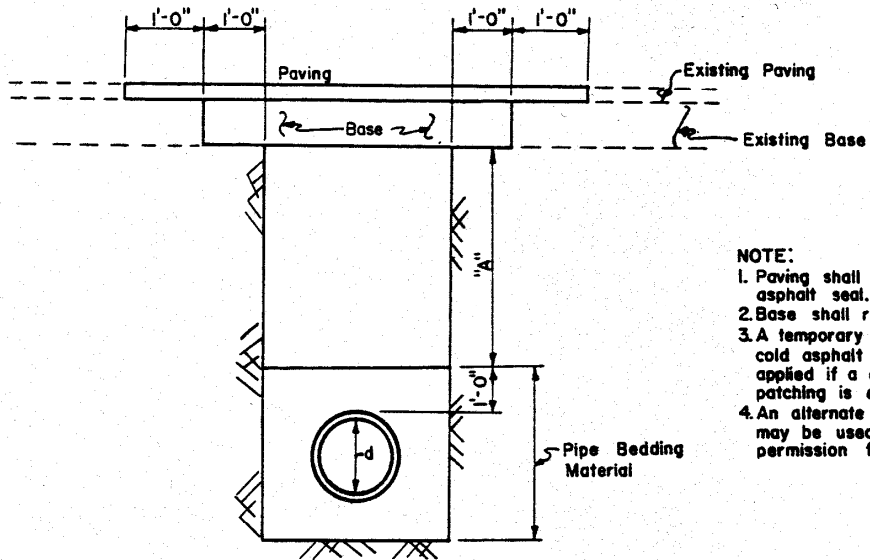


▶ Additional width may be required where the aisle serves as the principal means of access to on site buildings or structures.

REVISIONS		JEFFERSON COUNTY PUBLIC WORKS DEPARTMENT
DATE	SUBJECT	
		PARKING TABLE
APPROVED:		<i>Robert L. Strub</i>

JANUARY 1981

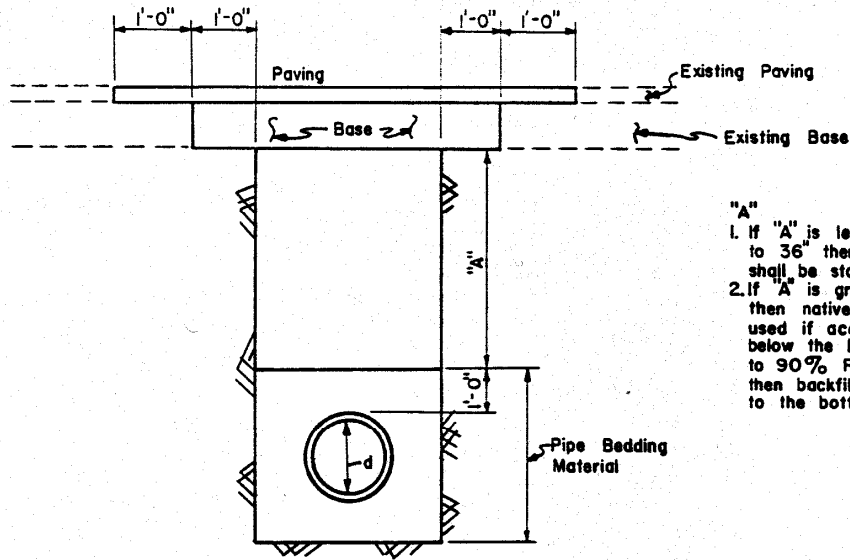
## TYPICAL ROAD CUT REPAIR SECTION



**NOTE:**

1. Paving shall be 2" hot mix asphalt seal.
2. Base shall be replaced in kind.
3. A temporary patch of hot or cold asphalt mix shall be applied if a delay in final patching is encountered.
4. An alternate repair section may be used with written permission from PWD/CE

## TRANSVERSE CUT



**"A"**

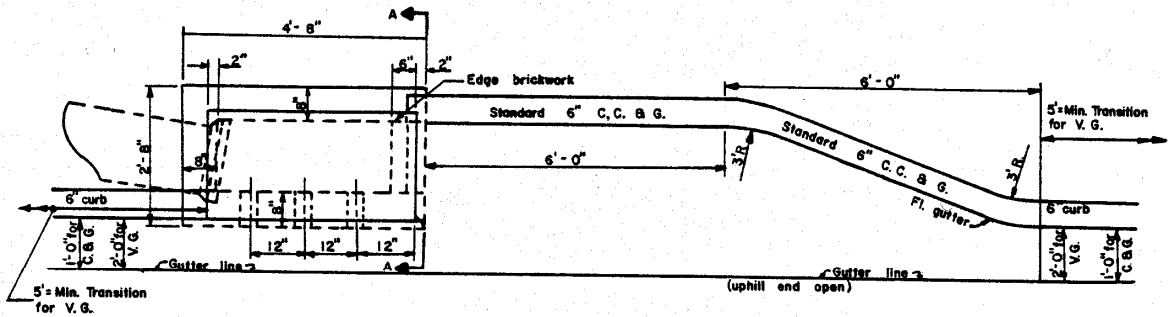
1. If "A" is less than or equal to 36" then the "A" dimension shall be stone backfill.
2. If "A" is greater than 36" then native material may be used if acceptable up to 36" below the base and compacted to 90% Proctor Density and then backfilled with stone up to the bottom of the base.

## LONGITUDINAL CUT

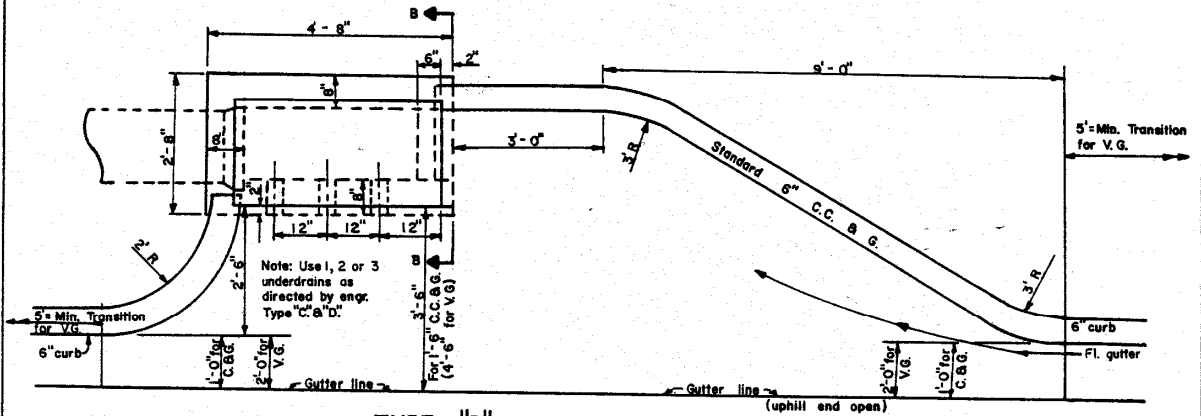
REVISIONS		JEFFERSON COUNTY PUBLIC WORKS DEPARTMENT
DATE	SUBJECT	
		TYPICAL ROAD CUT REPAIR SECTION
		APPROVED: <i>[Signature]</i>

JANUARY 1981

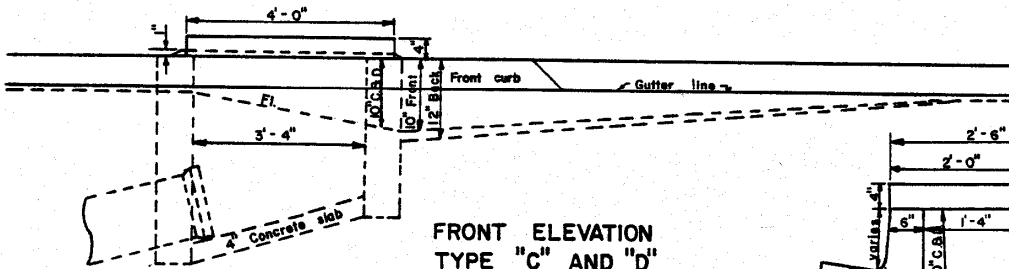
## INLETS - TYPE "C" AND "D"



### TYPE "C" INLET - NOT RECESSED

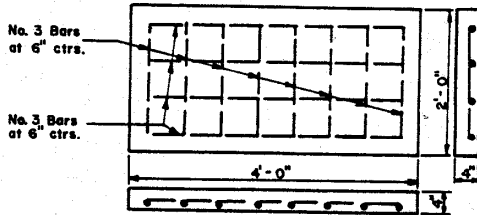


### TYPE "D" INLET - RECESSED

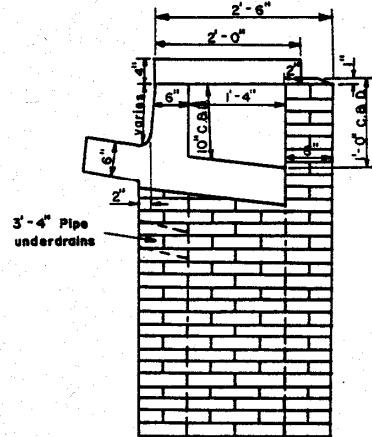


### FRONT ELEVATION TYPE "C" AND "D"

Note: Where the direction of flow is from both sides of the inlet, side wing opening (as shown on one side only on this drawing) shall be built on both sides of the inlet.



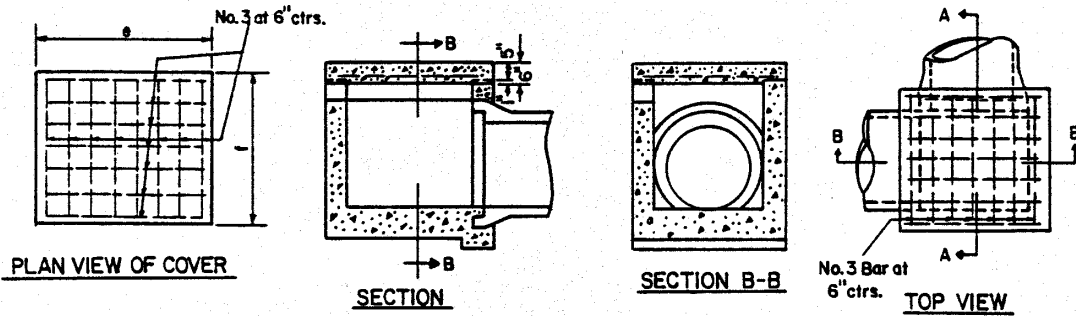
CONCRETE COVER TYPE "C" AND "D"



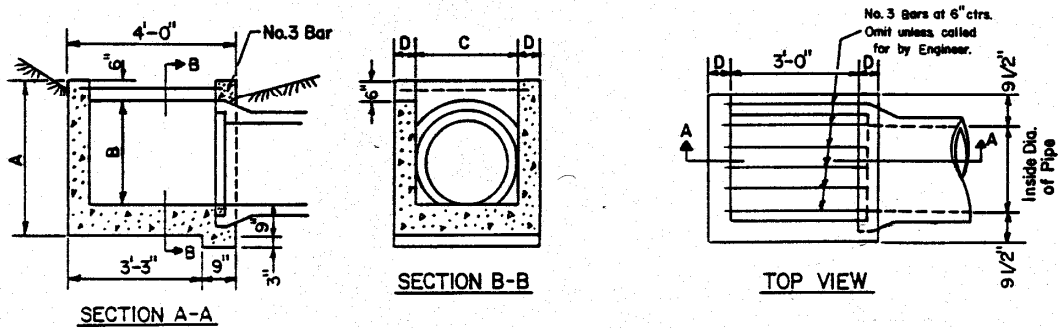
SEC. A-A TYPE "C"  
SEC. B-B TYPE "D"

JANUARY 1981

APPROVED: *Paul Frank*



**CONCRETE COVER FOR HEADWALL INLETS**



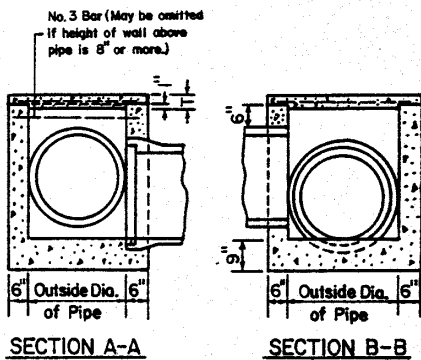
**HEADWALL INLETS FOR PIPE CULVERTS FLAT DITCHES**

**GENERAL NOTES FOR JUNCTION BOX & HEADWALL INLETS.**

Where practicable inlet pipe should be placed at least 4" in elevation higher than outlet pipe.  
 All reinforcing should be no. 3 deformed.  
 The thickness of slab "T" should be 4" for pipes up to 48" in diameter and 6" for pipes 48" and larger.  
 Inlets should be constructed so that the openings will take the natural flow of water. If necessary opening may be placed on back side of inlet.  
 Where necessary 2" weep holes should be constructed in inlets to facilitate sub-grade drainage.  
 Inlet covers should not be used unless existing conditions require their use.

APPROVED: *[Signature]*

JANUARY 1981

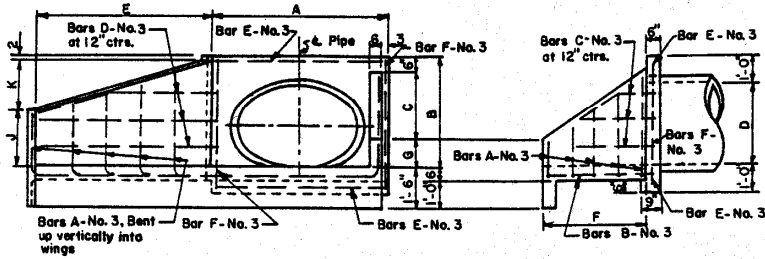


**DETAIL OF JUNCTION BOX**

CONCRETE COVERS FOR INLETS				
INSIDE DIAMETER OF PIPE	DIMENSIONS		CU. YDS. CONCRETE CLASS 'A'	POUNDS DEFORMED BAR REINF.
	e	f		
15"	4'-0"	2'-10"	0.21	17
18"	4'-0"	3'-1"	0.23	18
21"	4'-0"	3'-4"	0.25	20
24"	4'-0"	3'-7"	0.27	21
30"	4'-0"	4'-1"	0.30	22
36"	4'-0"	4'-7"	0.34	25

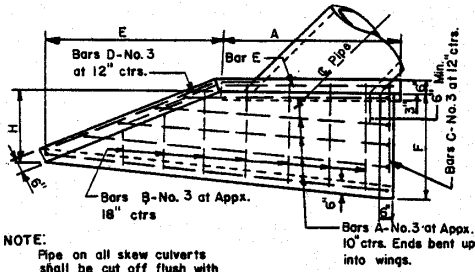
INLET QUANTS.		
INS. DIA.	CONC.	STEEL
15"	1.25	17
18"	1.41	18
21"	1.56	20
24"	1.79	22
30"	2.28	34
36"	2.83	45

INSIDE DIAMETER OF PIPE	DIMENSIONS				CU. YDS. CONCRETE ONE INLET	CU. YDS. PER FT. ADD. HT.
	A	B	C	D		
15"	3'-0"	1'-9"	1'-10"	0'-6"	0.77	0.22
18"	3'-3"	2'-0"	2'-1"	0'-6"	0.87	0.23
21"	3'-6"	2'-3"	2'-4"	0'-6"	0.97	0.23
24"	3'-9"	2'-6"	2'-7"	0'-6"	1.07	0.24
30"	4'-3"	3'-0"	3'-1"	0'-6"	1.28	0.26
36"	4'-9"	3'-6"	3'-7"	0'-6"	1.51	0.28
42"	5'-3"	4'-0"	4'-1"	0'-6"	1.74	0.30
48"	5'-9"	4'-6"	5'-1"	0'-6"	1.95	0.32
54"	6'-3"	5'-0"	5'-7"	0'-6"	2.28	0.34



**END ELEVATION**

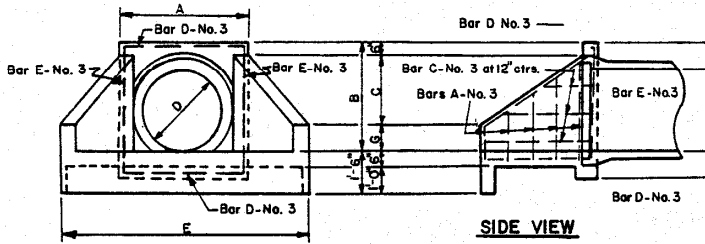
**SIDE VIEW**



NOTE:  
Pipe on all skew culverts shall be cut off flush with face of headwall.

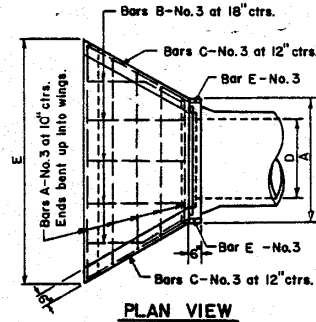
**PLAN VIEW**

Where Concrete Headwalls are used all reinforcing bars be No.3 deformed.  
Inlets should be constructed so that the opening will take the natural flow of water.  
Culverts generally should follow slope of stream and the minimum slope should be 2%.  
The minimum fill height over pipe should be 18" to finished sub-grade.



**END ELEVATION**

**SIDE VIEW**



**PLAN VIEW**

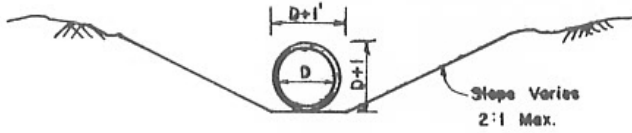
BILL OF DEFORMED BAR REINFORCEMENT 2 HWLS.													
INS. DIA. OF PIPE	BARS A		BARS B		BARS C		BARS D		BARS E		BARS F		
	NO.	LENGTH	NO.	LENGTH	NO.	LENGTH	NO.	LENGTH	NO.	LENGTH	NO.	LENGTH	
15"	6	8'-9"	8	2'-0"	4	2'-0"	4	4'-0"	4	3'-9"	4	3'-0"	
18"	6	9'-9"	8	2'-0"	4	2'-0"	4	5'-0"	4	4'-1"	4	3'-3"	
21"	6	10'-6"	10	2'-5"	4	2'-3"	4	5'-0"	4	4'-5"	4	3'-6"	
24"	6	11'-9"	10	2'-5"	4	2'-3"	4	5'-6"	4	4'-9"	4	3'-9"	
30"	8	13'-6"	12	3'-3"	6	3'-0"	6	6'-0"	4	5'-6"	4	4'-3"	
36"	10	15'-3"	14	4'-0"	6	3'-0"	6	7'-3"	4	6'-2"	4	4'-9"	
DIMENSIONS FROM 30° THRU 45°											QUANTS. 2 HWLS.		
D	A	B	C	E	F	G	H	J	K	CONC.	STEEL		
15"	4'-0"	2'-3"	1'-3"	3'-2"	1'-10 1/2"	0'-6"	1'-3 3/4"	1'-2 1/2"	0'-10 1/4"	1.38	44		
18"	4'-4"	2'-6"	1'-3"	3'-7 1/2"	1'-10 1/2"	0'-9"	1'-6"	1'-4"	1'-0"	1.60	50		
21"	4'-8"	2'-9"	1'-6"	4'-0 7/8"	2'-3"	0'-9"	1'-8 1/4"	1'-5 1/4"	1'-1 1/2"	1.88	56		
24"	5'-0"	3'-0"	1'-6"	4'-3 3/8"	2'-3"	1'-0"	1'-10 1/2"	1'-7"	1'-3"	2.14	60		
30"	5'-9"	3'-6"	2'-0"	5'-5 1/8"	3'-0"	1'-0"	2'-3"	1'-10"	1'-6"	2.86	90		
36"	6'-5"	4'-0"	2'-6"	6'-4"	3'-9"	1'-0"	2'-7 1/2"	2'-1"	1'-9"	3.64	118		

**HEADWALLS FOR ROADWAY PIPE CULVERTS  
SKEWS FROM 30° THRU 45°**

BILL OF DEFORMED BAR REINFORCEMENT 2 HWLS.													
INS. DIA. OF PIPE	BARS A		BARS B		BARS C		BARS D		BARS E				
	NO.	LENGTH	NO.	LENGTH	NO.	LENGTH	NO.	LENGTH	NO.	LENGTH			
15"	6	6'-4"	6	2'-2"	8	2'-0"	4	2'-8"	4	3'-0"			
18"	6	7'-0"	6	2'-2"	8	2'-0"	4	2'-11"	4	3'-3"			
21"	6	7'-10"	6	2'-2"	8	2'-0"	4	3'-2"	4	3'-6"			
24"	6	8'-6"	8	2'-6"	8	2'-3"	4	3'-5"	4	3'-9"			
30"	8	10'-6"	8	3'-3"	12	3'-3"	4	3'-11"	4	4'-3"			
36"	10	11'-3"	10	4'-0"	12	4'-0"	4	4'-5"	4	4'-9"			
DIMENSIONS FROM 0° THRU 30°											QUANTS. 2 HWLS.		
D	A	B	C	E	F	G	CONC.	STEEL					
15"	2'-11"	2'-3"	1'-3"	5'-1"	1'-10 1/2"	0'-6"	0.96	34					
18"	3'-2"	2'-6"	1'-3"	5'-4"	1'-10 1/2"	0'-9"	1.08	36					
21"	3'-5"	2'-9"	1'-3"	5'-7"	1'-10 1/2"	1'-0"	1.18	40					
24"	3'-8"	3'-0"	1'-6"	6'-3"	2'-3"	1'-0"	1.44	44					
30"	4'-2"	3'-6"	2'-0"	7'-8"	3'-0"	1'-0"	2.00	68					
36"	4'-8"	4'-0"	2'-6"	9'-0"	3'-9"	1'-0"	2.64	90					

**HEADWALLS FOR ROADWAY PIPE CULVERTS  
SKEWS FROM 0° THRU 30°**

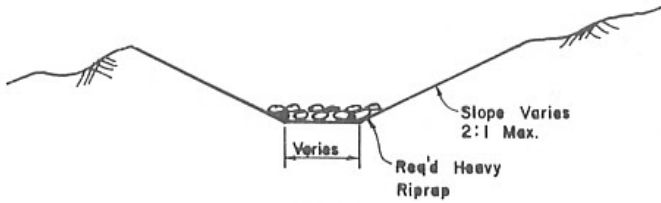
TYPICAL DITCH SECTIONS



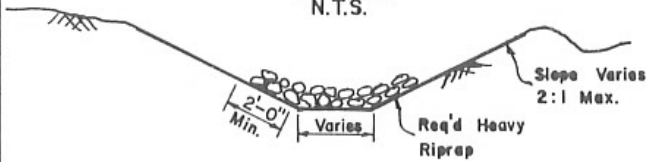
TYPE I  
N.T.S.

**NOTES:**

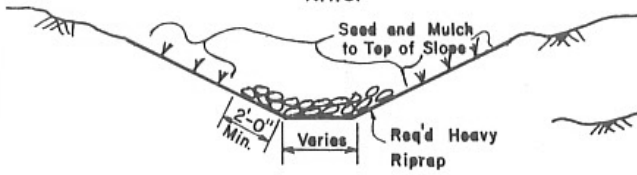
1. Ditch Side Slope Shall Be A Maximum of 2H:1V
2. Riprap Shall Be At Least 50 Pound Cobbles or Larger
3. Concrete For Slope Paving Shall Have A Minimum Strength of 3000 PSI At 28 Day Test



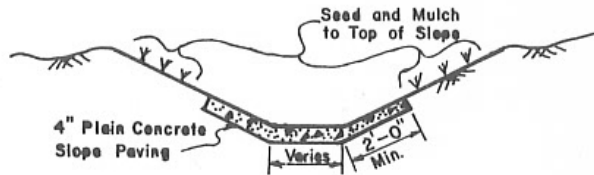
TYPE II  
N.T.S.



TYPE III  
N.T.S.

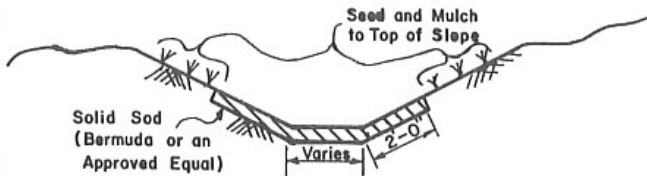


TYPE IV  
N.T.S.



SLOPE PAVED DITCH  
N.T.S.

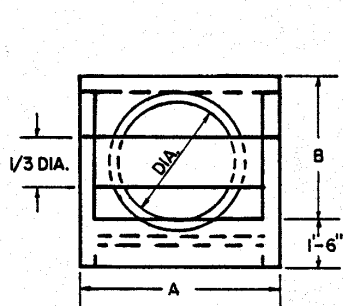
(Section To Be Used As Directed  
By The Public Works Director/  
County Engineer)



SOLID SOD DITCH  
N.T.S.

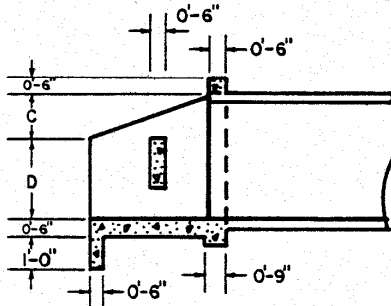
(Section To Be Used As Directed  
By The Public Works Director/  
County Engineer)

REVISIONS		JEFFERSON COUNTY PUBLIC WORKS DEPARTMENT
DATE	SUBJECT	
		TYPICAL DITCH SECTIONS
		APPROVED: <i>Paul J. Smith</i>



END ELEVATION

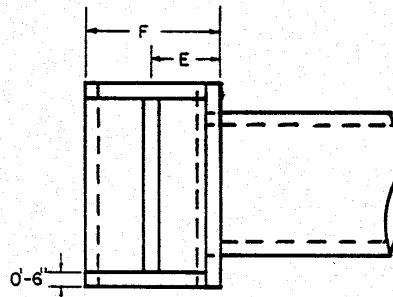
N.T.S.



CROSS SECTION

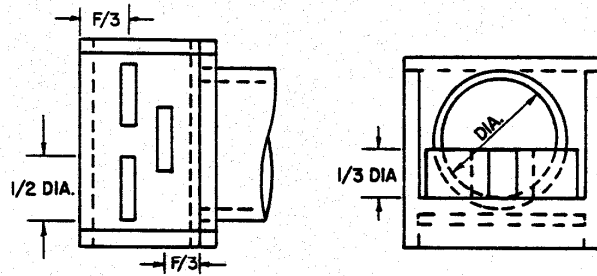
N.T.S.

DIMENSIONS FOR HEADWALL						
DIA.	A	B	C	D	E	F
15"	3'-3"	1'-11"	0'-7"	1'-4"	0'-11 1/4"	1'-10 1/2"
18"	3'-7"	2'-2"	0'-8"	1'-6"	0'-11 1/4"	1'-10 1/2"
24"	4'-2"	2'-8 1/2"	0'-10 1/2"	1'-10 1/2"	1'-11 1/2"	2'-3"
30"	4'-9"	3'-3 1/4"	1'-11 1/4"	2'-2 1/4"	1'-6"	3'-0"
36"	5'-4"	3'-9 1/2"	1'-3 1/2"	2'-6"	1'-10 1/2"	3'-9"
42"	5'-11"	4'-4"	1'-6"	2'-10"	2'-3"	4'-6"
48"	6'-6"	4'-10 1/2"	1'-8 1/2"	3'-2 1/2"	2'-7 1/2"	5'-3"
54"	7'-2"	5'-5 1/2"	1'-11 1/2"	3'-6"	3'-0"	6'-0"
60"	7'-9"	6'-0"	2'-2"	3'-10"	3'-4 1/2"	6'-9"



PLAN VIEW

N.T.S.



ALTERNATE APPROVED FOR USE

WITH 15", 18", & 24"

N.T.S.

ALL BLOCKS TO BE DOWELED INTO APRON OF THE HEADWALL

ALL CONCRETE SHALL CONFORM TO THE CURRENT ALABAMA HIGHWAY DEPARTMENT SPECIFICATIONS FOR HEADWALLS

ALL REINFORCING BARS SHALL BE NO. 3 DEFORMED AND SHALL BE SPACED ON 6" CENTER IN BOTH DIRECTIONS

**DISSIPATOR HEADWALL**

JANUARY 1981

XVI

REVISIONS		JEFFERSON COUNTY PUBLIC WORKS DEPARTMENT
DATE	SUBJECT	
		DISSIPATOR HEADWALL
APPROVED:		<i>Kenneth J. Smith</i>