

REGULATIONS CONCERNING SUBDIVISIONS IN
TALLAPOOSA COUNTY, ALABAMA

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ARTICLE I

AUTHORITY AND SCOPE

1-1 AUTHORITY

The Legislature of the State of Alabama, on July 30, 1979, adopted Act No. 79553 authorizing the County Commission of each of the several counties to regulate the minimum size of lots, the planning and construction of all public streets, public roads and drainage structures and require proper placement of public utilities to be located in proposed subdivisions of land situated outside the corporate limits of any municipality. Consistent with this act, the Tallapoosa County Commission adopts the regulation as guidelines to be followed and requirements to be enforced by the governing body and its agents.

1-2 SCOPE OF APPLICATION.

This Regulation:

- A. Defines and clarifies pertinent commonly used terms.
- B. Sets forth operating policies of the governing body and procedures to be followed by landowners, developers, and the governing body of its agents.
- C. Sets forth standards and specifications, which streets, roads, drainage ditches, easements and other land development activities must meet to be approved.

ARTICLE II

POLICY AND PROCEDURE

2-1 POLICY

It is not the intent of these regulations to in any way discourage our unduly restrict the development of land in Tallapoosa County for residential or commercial purposes. In their interpretation and application, the provisions herein shall be held to the minimum necessary for the promotion of public health, safety and general welfare.

- 2-1-1 The division of a parcel of land is a concern of these regulations only in so far it involves public streets, public roads, drainage structures, waterways, or placement public utilities.
- 2-1-2 Minimums placed on lot size where buildings are to be erected shall be no more restrictive than those set forth in Alabama State Health Department regulations.
- 2-1-3 This directive does not in any way regulate the transfer of ownership of land from on individual to another, nor does it modify in any way land transfer legal procedures set forth in other official directives.
- 2-1-4 The primary purpose of these regulations shall be to ensure the orderly development of subdivisions containing more than five lots on which buildings are to be erected. However, in subdivisions containing five lots or less this regulation should still apply if additional dedicated streets are to be developed.
- 2-1-5 The recording of the standard legally recognized subdivision plat shall form the basis for regulations. All subdivisions requiring regulation as described in 2-1-4 above shall be platted regardless of size of individual lots.
- 2-1-6 The developer of a subdivision containing 5 lots or less may record a plat for the subdivision if he so desires even if it is not required under this directive.
- 2-1-7 Procedures for platting and the required documentation are set forth in section IV of this regulation. All plats must be approved by the County Engineer and County Commission before being recorded
- 2-1-8 DEDICATED ROADS AND STREETS – Section 5-4 of this regulation sets forth the design and construction standards to which roads and streets must conform to be deeded to the County. The developer shall pave all

dedicated streets; no unpaved streets will be accepted for maintenance by the County.

2-1-9 INITIAL RESPONSIBILITY OF DEVELOPER

- A. DISCLOSURE – Any owner of land which lies within the jurisdiction who intends to divide or subdivide such land into two (2) or more parcels on which commercial or residential buildings are to be erected, unless specifically excluded by Section 2-1-12 below, shall make his full intentions known to the County Commission, and when required by these regulations shall submit for approval, a plat of the subdivision which shall conform to the minimum requirements as set forth herein.
- B. BEGINNING CONTRUCTION – No developer shall proceed with construction of land improvements or installation of utilities in a platted subdivision until such subdivision plat shall have been granted Preliminary Plat approval by the County Commission. (As per Alabama Code 11-24-1 through 11-24-3).
- C. MARKETING – It shall be the responsibility of the developer and/or developer to obtain approval of a Preliminary Plat before representing the development as a subdivision for marketing purposes. Failure to do so may result in charges of fraud, court injunctions, or other such legal confrontations between developer and authorities of the public.

2-1-10 SALES RESTRICTIONS – No developer shall finalize the sale of lots INCLUDED ON a plat until such plat shall have been granted Final Plat approval entered in writing on the plat and signed by the Chairman of the County Commission and recorded in the Office of the Probate Judge of Tallapoosa County. In no case shall reference to an unrecorded plat be used as a legal description of a parcel of land in the recorded document, which transfers ownership.

2-1-11 PRIVATE SUBDIVISION – Properly designed and constructed streets, roads and drainage systems, which are accepted and maintained by Tallapoosa County, are preferred, but if the developer wishes, he may propose a privately maintained subdivision. Approval for this subdivision must be obtained prior to marketing lots. (See Section 2-1-9(c) of these regulations). The approval by the Tallapoosa County Engineer and County Commission is for plat recording only and in no ways obligates Tallapoosa County to any responsibility of the roads, streets, or drainage. Approval for a privately maintained subdivision will be based on the following criteria:

- A. A final plat of the subdivision containing the information set forth in Article IV of this regulation shall be recorded in the Tallapoosa

County Courthouse.

- B. A legally enforceable maintenance agreement acceptable to the County Attorney shall be submitted with the Final Plat making the landowners within the subdivision fully responsible for the repair and maintenance of the roads and drainage throughout the subdivision. A copy of an agreement may be contained from the County Commission Office at the Courthouse.
- C. A 60 ft. right-of-way for the roads shall be deeded to the corporation of homeowners. The Final Plat must contain a statement to the effect that the roads, streets, and drainage within the subdivision are not deeded to or maintained by Tallapoosa County.
- D. The development must be identified to the public as a private subdivision during the marketing efforts.
- E. A sign shall be placed at the entrance by the developer stating the following, "This is a privately maintained subdivision." This sign shall be maintained under the terms of the maintenance agreement as set forth in paragraph 1 of this section.
- F. For private roads serving more than 5 possible lots, all requirements of Article IV including the Preliminary Plat, construction plans, and Final Plat are required. All requirements of 2-1-11-2 through 2-1-11-6 apply. The development standards for this privately maintained subdivision will meet all requirements of Section V.
- G. For private roads serving 5 or less possible lots, all requirements of Article IV including the Preliminary Plat, construction plans, and Final Plat are required. All requirements of 2-1-11-2 through 2-1-11-6 apply. The development standards for this privately maintained subdivision will meet all requirements of Section V except:
 - 1. 5-4-1
 - 2. 5-4-5c, d, e, & f
 - 3. 5-4-6
 - 4. 5-4-7
- H. Should the Homeowner's Association/land owner wish to dedicate a privately maintained road to Tallapoosa County for maintenance the Association/land owner shall:
 - 1. Employ an Engineer to study the requirements to bring the road into compliance with all current County design standards.

2. The Engineer will develop construction plans to bring roads into compliance and submit them to the Tallapoosa County Engineer.
3. The Tallapoosa County Engineer will review the plans; make recommendations to the Tallapoosa County Commission for approval/disapproval.
4. Should approval be given, all construction work will be completed in accordance with plans, specifications and Section VII.
5. Upon completion of construction, a final plan assembly, certification of the Engineer and required bonds along with proper legal documents to dedicate the road to Tallapoosa County Commission for approval.

2-1-12 EXCLUSIONS – The following shall be excluded from the requirements of this directive; the requirements of the Health Department and other regulating agencies shall still apply.

- A. The division of a parcel of land into a total of no more than five lots, regardless of lot size, for the purpose of sale or the placement of buildings, resulting lots to face on and existing county road with deeded right-of-way, with no additional road or road extension required or intended.
- B. When only the division of the land is involved and no road or building construction intended:
 - (1) for the purpose of a bonafide gift
 - (2) under a will or interstate succession
- C. Public acquisition for public use.

2-2 PROCEDURE

2-2-1 To facilitate the processing of subdivision applications, the Tallapoosa County Commission shall use the following descriptive devices:

- A. **SKETCH PLAN.** (Optional) An informal sketch or map, plus attachments, used by applicant in his initial contact with the County Engineer to disclose his plans for subdividing and/or developing. Desired contents are listed in Article IV of his regulation.
- B. **PRELIMINARY PLAT.** A complete set of plans and specifications for proposed subdivision submitted to the County Commission for review, acceptance modification, or rejection. Approval shall be required before construction of improvements begin. Article IV of this

regulation sets forth the details of Preliminary Plat preparation.

- C. FINAL SUBDIVISION PLAT. Conforms substantially to the Preliminary Plat as approved, if desired by the sponsor, it may constitute only that portion of the approved Preliminary Plat which he proposed to record and develop at the time. When approved, the Final Plat shall be recorded in the office of the Probate Judge. Details of Final Plat preparation are contained in Article IV.

ARTICLE III

DEFINITIONS

3-1 USAGE

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

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

3-2 WORDS AND TERMS DEFINED.

- 3-2-1 ALLEY – A public right-of-way primarily designed to serve as a secondary access to the side or rear of those properties whose principal frontage is on some other street.
- 3-2-2 APPLICANT – The owner of land proposed to be subdivided or a designated representative. Consent shall be required from legal owner of the premises.
- 3-2-3 ARTERIAL – See STREET, ARTERIAL (3-2-42-b).
- 3-2-4 BLOCK – A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroads right-of-way, shore-lines of waterways, or other boundary lines.
- 3-2-5 BUILDING – Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and includes any structure.
- 3-2-6 BUILDING SETBACK LINE – A line parallel to the property in front of which no structure can be erected.
- 3-2-7 COLLECTOR STREET – See STREET, COLLECTOR (3-2-42-c)”
- 3-2-8 CORNER LOT – A lot, which occupies the interior angle at the intersection of two (2) street lines. The street line forming the least frontage shall be deemed the front of the lot except where the two (2) street lines are equal, in which case the owner shall be required to specify

which is the front.

- 3-2-9 COUNTY – The County of Tallapoosa, Alabama.
- 3-2-10 COUNTY CLERK/ADMINISTRATOR – The duly designated Clerk of the County of Tallapoosa, Alabama.
- 3-2-11 COUNTY COMMISSION – The County Commission of the County of Tallapoosa, Alabama.
- 3-2-12 COUNTY ENGINEER – The duly designated Engineer of the County of Tallapoosa, Alabama.
- 3-2-13 COUNTY SPECIFICATIONS – All construction specifications, which have been adopted by the County Commission or as, required by the County Engineer and all utility departments.
- 3-2-14 CUL-DE-SAC – A minor street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
- 3-2-15 DEDICATION – The transfer of property from private to public ownership.
- 3-2-16 DEVELOPER – The owner of land proposed to be subdivided or a designated representative. Consent shall be required from legal owner of the premises.
- 3-2-17 DEPTH OF LOT – The mean horizontal distance between the front and rear lot lines.
- 3-2-18 DOUBLE FRONT LOT – A lot having frontage on two (2) non-intersecting streets as distinguished from a corner lot.
- 3-2-19 EASEMENT – A grant by the property owner of use, by the public, a corporation, or person(s) of a strip of land or specified purposes or as created by operation of law.
- 3-2-20 EXPRESSWAY – See STREET, EXPRESSWAY (3-2-42-a)
- 3-2-21 FINAL PLAT – A plat of a tract of land which meets the requirements of these regulations and showing final measurements, bearing and other required data in final form for recording in the office of the Probate Judge of Tallapoosa County, Alabama.

- 3-2-22 FLOODPROOFING – Any combination of structural or non-structural additions, changes, or adjustments which reduce or eliminate flood damage to real estate or improved real property, water supply and sanitary sewer facilities, electrical systems, and structures at their contents.
- 3-2-23 FLOODWAY – The stream channel and the portion of the adjacent floodplain which must be reserved solely for the passage of floodwaters in order to prevent an increase in upstream flood heights of more than (1) foot above the pre-developed conditions.
- A. For the purpose of these regulations, flood ways shall be defined as follows:
- B. A long Small Streams and Water courses. All lands lying within twenty-five (25) feet of the top of the bank of the channel (measured horizontally), unless the developer demonstrates to the satisfaction of the County Commission that a lesser distance (but not less than fifteen (15) feet is adequate based on the watershed characteristics and probable storm runoff for the 100-year flood).
- 3-2-24 LAND SUBJECT TO FLOOD – For the purpose of these regulations, subject to flood shall be defined as follows:
- A. A long all named rivers, streams, creeks, and unnamed tributaries. The Lands identified as having special flood hazards by the Office of Federal Insurance and Hazard Mitigation. The lands identified as subject to inundation by the 100-year flood elevations as demonstrated by the maps and charts contained in the Flood Insurance Study for Tallapoosa County, Alabama, as prepared by the Federal Insurance and Hazard Mitigation and all subsequent revisions thereto, which are made a part of these regulations.
- B. A long Small Steams and Water courses. All lands lying within one Hundred (100) feet of the top of the bank of the channel (measured horizontally) unless the developer demonstrates to the satisfaction of the County Commission that the property in question is free from danger of inundation by the 100-year flood or that adequate remedial measures have been taken to allow the water course to safely accommodate the 100-year flood. The developer shall submit such data or studies based on the watershed characteristics, probable runoff, and other topographic and hydraulic data prepared by the registered professional engineer as the County Commission may reasonably require to adequately make its determination of the flood susceptibility of the property.

- 3-2-25 ON HUNDRED (100) YEAR FLOOD – A flood, which has, on the average a one (1) percent chance of being equaled or exceeded in any given year.
- 3-2-26 HARDSHIP – An annual situation on the part of an individual owner, which will not permit the full utilization of property, which is given to others within the County. A hardship exists only when it is not self-created.
- 3-2-27 HEALTH DEPARTMENT – Tallapoosa County Health Department.
- 3-2-28 LOT – A tract, plot, or portion of a subdivision or other parcel of land intended as unit for the purpose, whether immediate or future, of transfer of ownership or for building development.
- 3-2-29 MINOR STREET – See STREET, MINOR (3-2-42-d).
- 3-2-30 MONUMENT – A permanent object serving to indicate a limit or to mark a boundary.
- 3-2-31 NONRESIDENTIAL SUBDIVISION – A subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of these regulations.
- 3-2-32 OWNER – Any person, group or persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.
- 3-2-33 OWNERS ENGINEER – Shall mean the engineer or land surveyor registered and in good standing with the State Board of Registration of Alabama who is the agent of the owner of land, which is proposed to be subdivided under these regulations.
- 3-2-34 PRELIMINARY PLAT – Shall mean a tentative plan of the complete proposed subdivision submitted to the County Commission for its consideration.
- 3-2-35 PROBATE JUDGE – Shall mean that Judge of Probate of Tallapoosa County, Alabama.
- 3-2-36 REGISTERED ENGINEER – An engineer properly licensed and registered in the State.

- 3-2-37 REGISTERED LAND SURVEYOR – A land surveyor properly licensed and registered in the State.
- 3-2-38 RESUBDIVISION – A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.
- 3-2-39 SETBACK – The distance between a building and the street line nearest thereto.
- 3-2-40 SINGLE TIER LOT – A lot, which backs upon a street, a railroad, a physical barrier, a residential or non residential use, and to which access from the rear of the lot is usually prohibited.
- 3-2-41 SKETCH PAD – An informal descriptive sketch depicting full disclosure of plans for the subdivision; facilitates the decision process; enables the applicant to save time and expense in reaching general agreement with the County Commission and other regulating authorities.
- 3-2-42 STREET – A dedicated and accepted public right-of-way for vehicular traffic, which affords the principal means of access to abutting property.
- A. EXPRESSWAY OR FREEWAY – Facilities which accommodate a high volume of traffic through the prohibiting of ingress and egress except at controlled intervals. Freeways involve complete control of access while expressways permit access to grade intersections at frequent intervals. The expressway or freeway has only one function – to carry traffic.
- B. ARTERIALS – Connect areas, which produce a large amount of trip generation. Arterials have a dual function; to move traffic and provide access to land uses, particularly the high-generating commercial activities. The traffic and access functions of the arterials conflict with each other and this is one of the major problems with planning.
- C. CONNECTORS – These routes are important streets whose primary function is to collect traffic from an area and move it to the arterial street systems while also providing substantial service to abutting land use. Typically, they should not have extensive continuity, or they may be used as undesirable arterials. Their development in new growth areas is usually dependent upon the form taken by land subdivision, whether the subdivision is residential in nature, or a planned commercial, office, or industrial development.

- D. MINOR STREETS – Minor streets comprise the remainder of the street system and have the primary function of servicing abutting land use. Through traffic should be stringently discouraged on these streets.
- 3-2-43 SUBDIVIDER – Any person who, having an interest in land, cause it, directly or indirectly, to become a subdivision.
- 3-2-44 SUBDIVISION – Shall mean the division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites, or other division of land for the purpose whether immediate or future, of sale or of building development. It includes re-subdivision and, when appropriate to context, relates to the process of subdividing or to the land territory being subdivided.
- 3-2-45 SUBDIVISION JURISDICTION – The territorial jurisdiction of the Tallapoosa County Commission over the subdivision of land.
- 3-2-46 SURETY – 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.
- 3-2-47 WATERCOURSE – Any depression serving to give direction to a flow of water, having a bed and well-defined banks and that it shall, upon the rule of order of the County Commission, also include other generally or specifically designated areas where flooding may occur. The flow of water need not be on a continuous basis, but may be intermittent resulting from the surface runoff of precipitation.
- 3-2-48 WIDTH OF LOT – The mean horizontal distance between the two side lot lines.

ARTICLE IV

SUBDIVISION PLATS

4-1 PURPOSE OF SUBDIVISION PLATS

- 4-1-1 SKETCH PLAN – Provides the information on which platting, road requirements, and classification will be based. Full disclosure by the applicant is critical.
- 4-1-2 PRELIMINARY PLAT – Forms the basis for the Final Plat and must therefore contain the complete technical detail needed for specific decision by the county Engineer and the County Commission. Approval is required before development construction is begun. (See 4-3 below).
- 4-1-3 FINAL PLAT – Confirms that all technical requirements set forth in the Preliminary Plat have been or will be satisfied and when approved and recorded constitutes the legal public document which sets the subdivision apart as a legal entity. May not be referred to in a legal description until the final plat is approved and recorded in the Office of the Probate Judge.

4-2 SUBMISSION OF SKETCH PLAN

- 4-2-1 SKETCH PLAN REQUIREMENTS – A sketch Plan shall be drawn at an approximate scale of one inch to 100 feet and shall show lot arrangements, the location of the nearest water and sewer lines (if any), water courses, existing structures, total acres, approximate number of lots, adjoining streets, north point, tract boundary, proposed use of land, legal description, and name and address of owner.

4-3 SUBMISSION OF PRELIMINARY PLAT & CONSTRUCTION PLANS

- 4-3-1 PROCEDURE – A minimum of two sets of blue-line prints of the preliminary plat and construction plans meeting the requirements of these regulations shall be submitted to the County Commission at a regular meeting. Plans maybe previously submitted to the County Engineer but will be dated as being received at the next regular meeting.
- 4-3-2 PRELIMINARY APPROVAL – After the County Commission and the County Engineer have reviewed the Preliminary Plat and construction Plans, the applicant shall be advised of any required changes and/or Additions. One (1) copy of the proposed Preliminary Plat shall be returned to the applicant with the date of approval, condition of approval, Or disapproval and the reasons therefore accompanying the plat. One (1) Copy shall be retained by the County Commission. The approval of the Preliminary Plat shall not be deemed final acceptance, but rather an

Expression of approval of the Layout submitted on the Preliminary Plat.

4-3-3 EFFECTIVE PERIOD OF PRELIMINARY APPROVAL – The approval of a Preliminary Plat shall be effective for a period of one (1) year at the end of which time final approval on the subdivision must have been obtained from the County Commission, although the plat need not yet be signed and filed with the Probate Judge. Any plat not receiving final approval within the period of time set forth herein shall be null and void, and the applicant shall be required to resubmit a new plat for preliminary approval subject to all new subdivision regulations and filing fees, unless otherwise agreed to by the County Commission.

4-3-4 RESUBMISSION OF PRELIMINARY PLAT. (Reserved)

4-3-5 PRELIMINARY PLAT REQUIREMENTS – The Preliminary Plat shall be prepared by a registered land surveyor and shall be clearly and legibly drawn at a convenient scale of not less than one (1) inch equals one hundred (100) feet, and the sheets shall be numbered in sequence if more than one sheet is used. The sheet sized shall be of such size as is acceptable for filing in the Office of the Probate Judge, but shall not exceed twenty-four by thirty-six (24 x 36) inches. The Preliminary Plat shall show the following unless specifically deleted by the County Engineer.

1. Name of owners of record;
2. Proposed name of subdivision, date, north point, scale, and location;
3. Name and seal of registered land surveyor
4. Vicinity map showing location of the subdivision.
5. Exact boundaries of the tract of land being subdivided, shown with approximate distance;
6. Wooded areas, marshes, and any other conditions affecting the site;
7. The location of existing streets, buildings, water courses, railroads, transmission lines, drainage structures, public utilities, jurisdiction lines, and any public utilities easements on and adjacent to the tract being subdivided.
8. Proposed right-of-ways or easements including location, widths, purposes, and street names;
9. Proposed lot lines with approximately distances and lot and block numbers;
10. Proposed minimum buildings setback lines;
11. Proposed parks, school sites, or other public open spaces, if any;
12. Site data:
 - a. Acreage in total tract;

- b. Smallest lot size;
- c. Total number of lots;
- d. Linear feet in streets.

13. Any area within or adjacent to the proposed subdivision subject to inundation by the 100-year flood as defined herein, or subject to periodic inundation by storm drainage overflow or ponding, shall be clearly shown and identified on the plat.

4-3-6 CONSTRUCTION PLANS – In conjunction with the Preliminary Plat, the applicant shall also submit Construction Plans for all required land improvements. All plans meet the minimum standards of design and general requirements for the construction of public improvements as set forth in these regulations. Construction Plans shall be drawn at a scale of not less than one (1) inch equals 100 feet, and map sheets shall be of the same size of the Preliminary Plat. Construction Plans shall be prepared by a registered Civil Engineer.

The following construction plans shall be included, unless specifically deleted by the County Engineer.

1. Street Plan containing the following information
 - a. Location of all proposed and existing streets or right-of-ways in or adjacent to the subdivision.
 - b. Width of existing and proposed right-of-way and easements;
 - c. Street names;
 - d. Plan and profile of all streets, showing natural and finished grades drawn to scale or not less than one (1) inch equals one hundred (100) feet horizontally and one (1) inch equals ten (10) feet vertical;
 - e. Cross sections of the proposed streets at minimum of 100 foot stations;
 - f. Curve data for the centerline of each street: Delta, Tangent, and Radius;
 - g. Location for all required sidewalks and crosswalks.
2. Storm Drainage Plan containing the following information:
 - a. Location of proposed drainage ways, streams, and ponds in subdivision;
 - b. Topography at a contour interval sufficient to show existing proposed drainage but not to exceed maximum contour interval of five (5) feet on lots 0 acres to 3 acres. On lots larger than 3 acres, contours may be waived provided that 3 drainage courses are located and easements shown;

- c. Location, size, and invert elevations of proposed drainage structures including culverts, bridges, pipes, drop inlets, and top elevations of head walls, etc., showing details of Drainage Plan, including conduit schedule;
 - d. Show construction details of typical manholes, connections, and other drainage structures proposed;
 - e. Area of land contributing run-off to each drainage structure along with run-off calculations of each area and drainage calculations for each drainage structure and drainage ditch;
 - f. Location of easements and right-of-ways for drainage ways and maintenance access thereof;
 - g. Typical cross sections of each drainage way;
 - h. Direction of water-flow throughout subdivision and compatibility with existing drainage.
 - i. Size of driveway pipe.
3. Sanitary Sewer Plan, if applicable, containing the following information:
 - a. Location and size of all existing and proposed sewers in the subdivision and tie-points of the subdivision. Location and sewer laterals;
 - b. Direction of flow of each sewer line;
 - c. Location of each man hole and other sewage system appurtenances including lift stations oxidation ponds, and treatment plants, if any;
 - d. Show construction details of typical manholes, connections, and other sewage structures proposed;
 - e. Plan and profile of sewage system.
 4. Water Distribution Plan containing the following information:
 - a. Location and size of water distribution system including pipes, valves, fittings, hydrants, high-pressure pumping equipment, etc.
 5. A copy of a letter submitting the proposed plat and construction plans to the appropriate electrical and telephone companies for their assessments as to whether they will be able to supply their services.

4-3 ACTUAL CONSTRUCTION.

Upon approval for the preliminary plat and construction plans, construction may begin.

An Engineer firm shall be employed, at the cost of the developer, to monitor, test material and inspect the construction on a routine basis.

4-4 SUBMISSION OF THE FINAL PLAT.

- 4-5-1 APPLICATION PROCEDURE AND REQUIREMENTS – The applicant shall submit a final plat upon completion of preliminary plat requirements as otherwise agreed to by the Commission in those instances where a surety is to be posted.

The Final Plat:

- A. Should be accompanied by Engineer's certificate.
- B. Be accompanied by reproducible tracing drawn in black ink on permanent mylar and two (2) black or blue-line prints of the plat.
- C. Comply in all respects with the Preliminary Plat, as approved, except for minor modifications not altering the design of the subdivision.
- D. Be presented in the County Engineer at least fifteen (15) calendar days prior to a regularly scheduled meeting of the County Commission.
- E. Be accompanied by the original copy of a surety in a form satisfactory to the County Attorney and in an amount satisfactory to the County Commission to ensure a stand of grass and maintenance for one year.

4-5-2 SIGNING AND RECORDING OF FINAL PLAT.

Signing of Plat:

- A. The Chairman of the County Commission shall endorse the Final Plat after approval by the County Commission and upon receipt of appropriate surety and all the conditions pertaining to the plat have been satisfied.
- B. When installation of improvements is required, the Chairman of the County Commission shall endorse approval on the Final Plat after all conditions have been satisfied and all improvements satisfactorily completed and approved by the County Engineer.

- 4-5-3 FINAL PLAT REQUIREMENTS. The final plat shall be prepared by a registered land surveyor and shall be clearly and legibly drawn at a convenient scale of not less than one (1) inch equals one hundred (100) feet. The final plat, as submitted for approval, shall be prepared in black ink on permanent mylar reproducible. The sheet size be of such size as is acceptable for filing in the Office of Probate Judge, but shall not exceed twenty-four by thirty-six (24 x 36) inches.

The final plat shall show the following, unless specifically deleted by the County Engineer:

1. Name of subdivision, north point, scale, and location;
2. The relation of the land so platted to the Government Survey of Tallapoosa County;
3. Sufficient data to determine readily and reproduced on the ground the location, bearing, and length of every street line, lot line, boundary line, and block line, whether straight or curved. This shall include the radius, central angle, point of tangency, tangent distance, and arc and chords;
4. The Names of locations of adjoining subdivision and streets, with reference to recorded plats by record name;
5. The exact position of the permanent monuments shall be indicated on the plat by a small circle "o";
6. Streets and alleys, right-of-ways, and street names;
7. The locations of easements, including location, widths, and purposes;
8. Lots lines and lot block numbers;
9. Parks, school sites, or other public open spaces, if any;
10. All dimensions should be to the nearest one-hundredth (1/100) of a foot and angles within plus or minus five (5) seconds;
11. The Following endorsements, dedications, and certificates shall be placed on the Final Plat (see Appendix I for sample certificates):
 - a. Registered Surveyor's Certificate and Description of Land Platted;
 - b. Dedication;
 - c. A notary's Acknowledgement of the Dedication Certificate referred to in "b";
 - d. A Certificate of Approval by the appropriate electric utility distributor;
 - e. A Certificate of Approval by the appropriate water and sewer utility;
 - f. A Certificate of Approval by the County Engineer of Tallapoosa County;
 - g. A Certificate of Approval by the Tallapoosa County Commission;
 - h. A Certificate of Approval by the Tallapoosa County Health Department (if septic tanks and/or wells are necessary).
 - i. A Certificate of Approval by 911 Board.

12. The above certificates shall be lettered or typed on the Final Plat in such a manner as to ensure that said certificates will be legible on any prints made there from;
13. In addition to all the above, the Subdivider shall also submit to the County Commission copies of all Federal and State permits required for construction of the development shown on the plat.

4-5-4 ENGINEER PLAN – At the time of the Final Plat approval, the applicant all also submit an engineering plan, or “as built” plan, giving details of construction and locations of the improvements which have been installed. The primary purpose of the engineering plan is to provide the County with a record of the location, size, and design of the underground utilities for the County’s use in the course of maintaining such improvements. If the installation of improvements is completed under a surety, the engineering plan shall be submitted to the County upon request of release of the surety by the applicant.

ARTICLE V

DEVELOPMENT STANDARDS

5-1 MINIMUM STANDARDS.

The Following planning and design standards shall be complied with, and no higher standard may be required by the County Commission, except where because of exceptional and unique conditions of topography, location, shape, size, drainage, or other physical features of the site, minimum standards specified herein would not reasonably protect or provide for public health, safety, or welfare. Any higher standard required shall be reasonable and shall be limited to the minimum additional improvements necessary to protect the public health, safety, or welfare. In addition to the requirements established herein, all subdivision plats shall comply with the following laws, rules, and regulations:

- A. All applicable statutory provisions;
- B. The special requirements and rules of the Tallapoosa County Health Department and/or appropriate state agencies;
- C. The rules and standards of the Alabama Department of Transportation if the subdivision or any lot contained therein abuts a state highway;
- D. The standards and regulations adopted by all boards, commissions, agencies, and officials of Tallapoosa County;
- E. Plat approval may be withheld if a subdivision is not in conformity with the above guides or policy and purpose of these regulations.

5-2 GENERAL REQUIREMENTS

5-2-1 PLATS STRADDLING JURISDICTIONAL BOUNDARIES – Whenever access to the subdivision is required across land in another local government, the County Commission has to request assistance from the County Engineer, Attorney, or other appropriate official, that the access road is adequately improved, or that surety has been duly executed and is sufficient in amount to assure the construction of the access road. In general, lot lines should be laid out so far as not to cross jurisdictional boundary lines.

5-2-2 TREES AND NATURAL RESOURCES – Reasonable requirements for the preservation of outstanding natural features may be specified by the County Commission. These include large trees or groves, water courses, exceptional views, and similar irreplaceable assets.

- 5-2-3 CHARACTER OF LAND – Land shall not developed unless adequate methods are formulated by the applicant and approved by the County Commission upon recommendation by the County Engineer, to resolve problems created by development.
- 5-2-4 SUBDIVSION NAME – The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The County Commission shall have final authority to approve the name of the subdivision, which shall be determined at Preliminary Plat approval.
- 5-2-5 WATERBODIES AND WATERCOURSES – If a tract being subdivided contains a water body, or portion thereof, lot lines shall be so drawn as to distribute entire ownership of the water body among the fees of adjacent lots. The County Commission may approve an alternate plan whereby the ownership of and responsibility for, safe maintenance of the water body is so placed that it will not become a County responsibility. Where a water course separates the build able area of a lot from the installation of a culvert or other structure of design approved by the County Engineer. No public roadways will be approved which provide access across dams.

5-3 STREET PLAN

The arrangement, character, extent, location, and grade of all streets shall be laid out according to good land planning principles and shall be integrated with all existing and planned streets. New streets shall consider topography conditions, orientation to vistas, public convenience and safety, and the proposed means of land to be served by them.

- 5-3-1 CONTINUATION OF ADJOINING STREET SYSTEM – Proposed new streets shall extend existing streets or their projections at the same or greater width, but in no case less than the minimum required width, unless variations are deemed necessary by the County Commission for reasons for topography or design.
- 5-3-2 ACCESS TO ADJACENT PROPERTIES – Reserved.
- 5-3-3 MARGINAL ACCESS STREETS – Where, in the opinion of the County Commission, development which abuts or has included within the proposed subdivided area any arterial, the County Commission may require a marginal access street or other treatment which may be necessary to provide for the adequate protection of properties, and to afford separation of through and local traffic.
- 5-3-4 STREET NAMES – Proposed streets, which are obviously in alignment with others existing and named, shall bear the assignment name of the

existing streets. In no case shall the names of proposed sheets duplicate or be phonetically similar to existing street names, irrespective of the use of the suffix, street, avenue, boulevard, drive, place, court, etc. Street names are subject to the approval of the County Commission.

- 5-3-5 NEW HALF STREETS AND HALF ALLEYS. No new Half-streets or half-alleys shall be platted.
- 5-3-6 VACATING A STREET OR EASEMENT. No street or easement may be vacating unless such action is submitted to, and approved by the County Commission.
- 5-3-7 FRONTAGE ON IMPROVED ROADS. No subdivision shall be approved unless the area to be subdivided shall have frontage on or access from:
 - A. An existing State or County highway or road; or
 - B. A street upon a plat approved by the County Commission and recorded in the Tallapoosa County Probate Judge's Office. Such street or highway must be suitably improved as required by rules, regulations, specifications, or orders, or be secured by an improvement guarantee required under these subdivision regulations with the width and right-of-way required by these subdivision regulations.
- 5-3-8 TOPOGRAPHY AND ARRANGEMENT.
 - A. Roads shall be related approximately to the topography. Minor streets shall be curved wherever possible to avoid conformity of lot appearance. All streets shall be arranged as to obtain as many as possible of the building sites at, or above, the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided. Specific standards are contained in the Designed Standards (Section 5-4) of these regulations.
 - B. All proposed streets shall be properly integrated with the existing system of streets.
 - C. All arteries shall be properly related to special traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed land uses.
 - D. 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.

- E. The rigid rectangular grid iron 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.
- F. In business and industrial developments, the streets and other access Ways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys truck loading and maneuvering areas, and walks and parking areas so as minimize conflict of movement among the various types of traffic, including pedestrian.

5-3-9 ACCESS TO ARTERIALS – Where a subdivision borders on or contains an existing or proposed arterial, the County Commission may require the access to such arterial be limited by (1) of the following means:

- A. The subdivision of lots so as to back onto the arterial and front onto parallel minor street; no access shall be provided from the arterial, and screening shall be provided on 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 arterial.

5-3-10 EXCESS RIGHT-OF-WAY OR EASEMENTS – Right-of-way or easement widths in excess of the standards designated in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of two to one.

5-3-11 RAILROADS, ARTERIALS, AND MAJOR THROUGHFARES – Railroad right-of-ways, arterials, and expressways where so located as to affect the subdivision of adjoining lands shall be treated as follows:

- A. In residential districts, a buffer strip at least 25 feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-way, arterial, or expressway. 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 structures hereon is prohibited”;

- B. In areas proposed for business, commercial, or industrial uses, the nearest street extended parallel or approximately parallel to the railroad shall, wherever practical, be at a sufficient distance there from to ensure suitable depth for commercial or industrial sites.
 - C. Streets parallel to the railroad when intersecting a street, which crosses the railroad at grade, shall, to the extent practical, be at a distance of at least 150 feet from the railroad right-of-way. Such distance determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.
- 5-3-12 CUL-DE-SACS – Permanent and temporary streets shall be provided with a turnaround having a roadway diameter of at least eighty (80) feet and a right-of-way diameter of at least one hundred (100) feet.
- 5-3-13 INTERSECTIONS. Street intersections shall be laid out as follows:
- A. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle or less than seventy-five (75) degrees shall not be acceptable. An oblique street should be curved approaching an intersection and should be approximately at any one point unless specifically approved by the County Commission.
 - B. Proposed new intersections along one side of an existing street shall, wherever practical, coincide with any existing intersections on the opposite sides of such street. Street jogs with centerline offsets of less than 125 feet shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. Where minor streets intersect collector or arterials shall be at least eight hundred (800) feet apart. Where a street intersects a state highway, the design standards of the Alabama Department of Transportation shall apply.
 - C. Minimum curb radius at the intersections of two (2) minor streets shall be at least twenty (20) feet; and minimum curb radius at an intersection involving a collector street shall be at least twenty-five (25) feet;
 - D. Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having no greater than a five percent (5%) grade at a distance of fifty (50) feet, measured from the nearest right-of-way line of the intersecting street.

- E. Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the applicant 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 an adequate sight distance.
- F. The cross slopes on all streets, including intersections, shall be five percent (5%) less.
- G. Property lines at street intersections shall be rounded with a minimum radius of twenty (20) feet.

5-3-14 PERIMETER STREETS – Street systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-streets. Where an existing half-street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the applicant. The County Commission may authorize a new perimeter street where the applicant improves and dedicated the entire street right-of-way width within his own subdivision boundaries.

5-3-15 STREET ELEVATIONS – The County Commission may require, where necessary, profiles and elevations of streets for areas subject to flood. No street shall be approved for construction within an area subject to flood that is proposed to be constructed more than two (2) feet below the elevation of the 100-year flood, as defined in these regulations. Fill may be used for streets. Drainage openings shall be so designed as to not restrict the flow of flood waters or increase upstream flood heights.

5-3-16 DRAINAGE EASEMENTS – Where a water Course, drainage way, traverses a subdivision 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. It is desirable that the drainage be piped wherever feasible.

- A. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road right-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 carried from the road to a natural water course or to other drainage facilities.
- B. When a proposed drainage system will carry water across private land outside of the subdivision, appropriate drainage rights must be secured

by the applicant and indicated on the plat.

- C. The applicant shall dedicate, either in fee or by drainage or conservation easement, land on either sides or existing water courses, to a distance to be determined by the County Engineer.
- D. Low-lying lands along water courses 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 drainage ways.

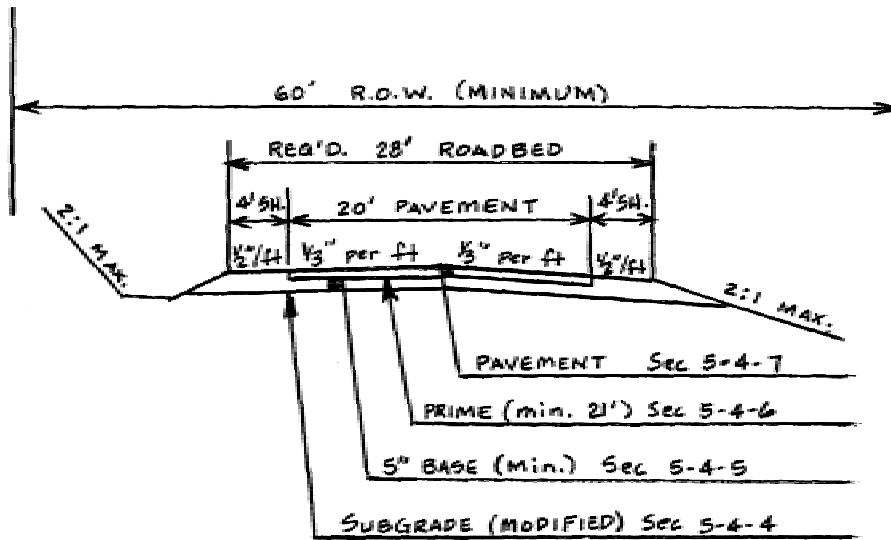
5-4 DESIGN STANDARDS.

The following design standards shall be considered minimum requirements and shall specifically apply to residential subdivisions. The requirements for non-residential subdivisions shall be such as the County Commission deems appropriate for the type of development and use contemplated but in no event be less than the requirements of residential subdivisions.

5-4-1 RIGHT-OF-WAY

- A. Minimum of 60 feet where open ditch sections are used.
- B. Minimum of 50 feet where curb and gutter is used.
- C. If the subdivision is located along an existing County road;
 - 1. If the Subdivider owns property on both sides of the existing County road, a 60 foot wide right-of-way, as approved by the County Engineer shall be shown on the final plat and deeded to Tallapoosa County.
 - 2. If the Subdivider owns property only on one side of the existing County road, a 30 foot wide strip measured from the center of the alignment approved by the County Engineer shall be shown on the final plat and deeded to Tallapoosa County.

5-4-2 (a) TYPICAL SECTION.



Typical Roadway Section

5-4-3 EMBANKMENT. The embankment shall be constructed to Alabama Department of Transportation standard specifications, 210.01.

5-4-4 SUBGRADE.

A. MIXING – Subgrade shall be modified as set forth in section 230.01 of Alabama Department of Transportation standard specifications.

B. TESTING

1. Test required:

- a. CBR. One test per each 10,000 feet to design pavement build-up. This test is to be run prior to submission of preliminary map and construction plans.
- b. Proctor Density and Optimum Moisture. One each 2,000 feet or at each material change.
- c. Compaction Test.

(1) One per each foot of fill.

(2) One per each foot of fill in backfill of drainage structures, and other structures in roadway.

(3) One per each 500 feet of finished roadway both in cuts and fills.

2. Testing shall be preformed by reliable testing firm using the standard testing methods as approved by Alabama Department of Transportation. Cost of all testing shall be borne by Subdivider. Copies of all test reports passing and failing shall be submitted to County Engineer prior to placing overlaying layer.

C. INSPECTION. County Engineer or representative shall inspect subgrade prior to placing overlaying layer.

5-4-5 BASE.

A. Thickness. Base thickness shall be determined by CBR Test. Minimum thickness is 5 inches.

B. Base course quality shall meet Alabama Department of Transportation specifications for granular soil aggregate. Commercial material, black base or plant mixed dense grade aggregate may be used.

C. Base shall be road mixed according to Alabama Department of Transportation or shall be from an approval plant.

D. Base course compaction shall conform to current Alabama Department standards, 100% of Proctor Density and +2% optimum moisture.

E. Testing.

1. Test Required

- a. Soils analysis minimum each 500 feet.
- b. Proctor Density and optimum moisture one each 2,000 foot section.
- c. Compaction test. One each 500 feet.

2. Testing shall be done by reliable testing firm using standard testing Methods as approved by Alabama Department of Transportation. Cost of all testing shall be borne by Subdivider.

F. Inspection. County Engineer or his representative shall inspect and approve base prior to placement of overlaying layer.

5-4-6 PRIME. A bituminous surface treatment type A shall be placed from curb to curb or 6 inches wider on both sides of pavement if curbs are not used. Material and rates shall be as specified in Alabama Department of Transportation standard specifications.

5-4-7 PAVEMENT.

A. Thickness shall be determined from CBR Testing prior to submission of plans but shall not be less than 150 lbs./sq.yd. for plant mix (411 or 416).

B. A bituminous surface treatment type "JG" shall be permitted for low volume streets and ditch sections unless for technical reasons for the County Engineer considers it unacceptable.

5-4-8 DRAINAGE.

A. Roadway and Drainage Ditches

1. All roadway and surface drainage ditches with grades greater than 6% shall have surface paved with concrete (2500 P.S.I.). Ditches having lesser grades may require paving at the instruction of the County Engineer.
2. Maximum use shall be made of rip-rap, solid sod, hay bales, etc. to control erosion during construction and upon completion of work.

B. Drainage Structures.

1. Size. Sizes shall be determined using rational method. All information shall be shown on construction plans. The minimum size of roadway structures shall be 18” or equivalent.
2. Material. Roadway pipe shall be class 3 reinforced concrete. Material must meet Alabama Department of Transportation standards specifications and a vendors certificate or test report must be furnished to the County Engineer.
3. Pipe shall be laid and backfilled in accordance with Alabama Department of Transportation specifications and procedures.
4. Boxes, headwall, etc. will be constructed of 3000 P.S.I. concrete. Construction plans shall show details of all boxes and headwalls. All pipe ends shall require headwalls or boxes. Slope paves headwalls may be used.

5-4-9 GRASS. A stand of permanent grass is required prior to final acceptance.

- A. Seeding – Subdivider may elect to use seeding method.
 1. Seed-Type and proposed pounds per acre should be shown on construction plans.
 2. Fertilizer-Type and proposed pounds per acre should be shown on plans.
- B. Sprigging – my be preformed to obtain a stand of permanent grass. Proposed sprigging and pounds of fertilizer should be shown on plans.

5-4-10 SIGNS. Proposed placement of signs shall be shown on construction plans.

- A. Stop. Stop signs meeting current design standards for size and reflectivity shall be used.
- B. Speed Limit. Design speed shall determine speed limit.
- C. Street Names. Street shall be named and signed by the Subdivider.

5-4-11 ALIGNMENT.

- A. Horizontal Alignment.
 1. Design of horizontal curves shall be in accordance with AASHTO-Geometric Design of Highways and Streets Manual (1984).
 2. Minimum radius for a horizontal curve is 100 feet.
 3. Super elevation is required as set forth in AASHTO Design Manual.
- B. Vertical Alignment.

1. Minimum roadway grade is 0.5%.
2. Maximum roadway grade is 15%.
3. Vertical curves shall be designed using AASHTO-Geometric Design for Highways and Streets (1984). As a minimum, a stop sight distance of 200 feet shall be used.

5-5 LOTS

Residential lots shall comply with the following requirements:

- A. The size, shape, and orientation of lots shall be such, as the County Commission deems appropriate for the types of development and use contemplated.
- B. Minimum lot size shall be as follows: *
 1. Where public water and sewer is not provided, said lot shall be a minimum of twenty thousand (20,000) square feet in area.
 2. Where public water only is provided, said lot shall be a minimum of fifteen thousand (15,000) square feet in area.
 3. Subdivision plat shall provide each lot with satisfactory access to an existing public street or to a subdivision street that will be deeded to public use at the time of Final Plat approval. In special cases, the access may be via a private road. (Section 5-3-7).
 4. Where land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical further re-subdivision.
 5. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for off-street parking and loading for the use contemplated.
 6. Double frontage lots shall be avoided, except where essentials to provide separation of residential development from traffic arteries, or to overcome specific disadvantages to topography and orientation.
 7. Side lot lines shall be at right angles to streets, except curves where they shall be radial.
 8. Excessive depth in relation to width shall be avoided. A proportion of 2 to 1 will normally be considered maximum.
 9. Each lot in a subdivision shall contain a flood-free building side a minimum of one (1) foot above the elevation of the 100-year flood as defined in these regulations.

*Additional lot areas may be required by the County Health Department.

5-6 DRAINAGE AND INUNDATION.

A Drainage Plan shall be made for such subdivision by the owner's engineer, which plan shall take into consideration the ultimate or saturated development of the tributary area in which the proposed subdivision is located. Adequate provisions shall be made to provide drainage easements needed within the subdivision, taking into consideration the saturated development of the tributary area.

The storm and sanitary sewer plans shall be worked out prior to the development of the other utility plans. Engineering considerations shall give preferential treatment to these gravity flow improvements. Under certain circumstances, drainage improvements may be required off premises to handle the runoff of the subdivision.

The County Commission shall not approve the subdivision of land if, from adequate investigations conducted by all public agencies concerned, it has been determined that in the best interest of the public, the site is not suitable for platting and development purposes of the kind proposed.

Development within designated Flood Hazard Zones shall comply with the provisions of Tallapoosa County's "Flood Damage Prevention Ordinance".

The County Commission may require whatever additional engineering information it deems necessary to make a decision on subdivision and other development, which contains an area of questionable drainage. Lakes, ponds, and similar areas will be accepted to maintenance only if sufficient land is dedicated as public recreation area, or if such areas constitute a necessary part of the drainage control system. Such park land will be subject to approval by the County Commission.

ARTICLE VI

INSTALLATION OF PERMANENT REFERENCE POINTS

6-1 PERMANENT REFERENCE POINTS.

Prior to the approval of the Final Plat, permanent reference points shall have been placed in accordance with the following requirements:

6-1-1 SUBDIVISION CORNER TIE. At least on corner of the subdivision shall designed by the course and distance (tie) from an accepted corner shall be marked with a monument and shall appear on the map with description of bearings and distances from the Government Survey corner, to an accuracy of 1:7,500.

6-1-2 MONUMENTS. Concrete marker four (4) inches in diameter of four (4) inches square and three (3) feet long with a flat top shall be set at all exterior corners of the subdivision. The top of the monument shall have an indented mark to properly identify the location, and shall be set flush with the finished grade.

6-1-3 PROPERTY MARKERS. All lot corners not marked with a monument shall be marked with an iron pin not less than one-half (1/2) inch in diameter or in width, and eighteen (18) inches long, and driven so as to be flush with the finished grade.

6-2 ACCURACY

Land surveys shall be at an accuracy of 1:7,500.

ARTICLE VII

COMPLETION OF IMPROVEMENTS

7-1 IMPROVEMENTS, INSPECTION, AND CERTIFICATION

- 7-1-1 COUNTY ENGINEER. The County Engineer or representative shall, randomly and as called for in these regulations, inspect construction of the required improvements. If the County Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the County's adopted standards and specifications, the Subdivider shall be responsible for the bringing the improvements into compliance. Upon completion of the construction, the County Engineer shall furnish the Commission a certificate that the improvements meet County standards or he will list the deficiencies.
- 7-1-2 DEVELOPER OR SUBDIVIDER. The Subdivider, upon completion of all work, shall furnish the County Commission with a letter certifying the following:
- A. That all required improvements are complete;
 - B. That these improvements are in compliance with minimum standards specified by the County Commission and the County for their construction;
 - C. That the applicant knows of no defects from any cause in their improvements;
 - D. That these improvements are free and clear of any encumbrances or lien, and
 - E. The applicant shall also file with the County Commission an agreement dedicating said improvements to the proper authorities.
- 7-1-3 ENGINEER. An engineering firm employed by the Subdivider shall:
- A. Be responsible for notifying the County Engineer upon completion of subgrade, or base, and before paving as specified in 5-1.
 - B. Supervise and monitor all construction activities to insure that improvements are made according to plans and specifications. He shall insure that all testing is accomplished as specified.

- C. Upon completion of construction furnish the County Engineer a certificate stating that construction was accomplished in accordance with plans, regulations, and specifications of Tallapoosa County.

7-2 MAINTENANCE OF IMPROVEMENTS.

The applicant shall be required to file a maintenance surety with the County Commission, prior to dedication, in an amount considered adequate by the County Engineer and in a form satisfactory to the County Attorney, in order to assure the satisfactory condition of the required improvements for a period of two (2) years after the date of their acceptance by the County Commission and dedication of same to the County.

ARTICLE VIII

CONFLICT WITH PUBLIC AND PRIVATE PROVISIONS

8-1 PUBLIC PROVISIONS.

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule, or regulation, status, 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 another any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

8-2 PRIVATE PROVISIONS.

These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provision of these regulations or more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restrictions 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 more restrictive, or higher standards than the requirements of these regulations, or the determinations of the County Commission in approving a subdivision or in enforcing these regulations or determination there under, then such private provisions shall be operative and supplemental to these regulations and determination made there under.

ARTICLE IX

LEGAL PROVISIONS

9-1 SEVERABILITY.

If any part of provision of these regulations of application there of to any person of circumstances 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 circumstances. The County Commission hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application.

9-2 SAVING PROVISION.

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or 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 in these regulations.

ARTICLE X

AMENDING REGULATIONS

For the purpose of providing for the public health, safety, and general welfare, the County Commission may from time to time amend the provisions imposed by these regulations. Following its adoption, the amendment shall be published as provided by law for the publication of ordinances. A copy of the amendment shall be certified by the County Commission to the Probate Judge of Tallapoosa County.

ARTICLE XI

ADMINISTRATION AND ENFORCEMENT

11-1 GENERAL.

Regulations of the subdivision of the 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, and improvement of the land so as to conform to the physical and economical development of the unincorporated areas of the County and to the safety and general welfare of future property owners.

11-2 ADMINISTRATION.

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

11-3 ENFORCEMENT.

11-3-1 GENERAL It shall be the duty of the County Engineer to enforce these regulations and to bring to the attention of the Tallapoosa County Commission any violations or lack of compliance with these regulations for Action the Commission deems appropriate.

11-3-2 VARIANCE. The design, structural standards and administrative requirements set forth in these regulations are considered to be the minimum necessary to insure the health safety and well being for the general public and shall not be waived or reduced for any reason. However, in judging individual subdivision cases, the Tallapoosa County Commission, or its agent, may for good and justifiable reasons permit substitutions, modifications, and technical variations considered to be the equivalent of the state requirements. Variances shall:

- A. Be submitted in writing by the applicant at the time when the Preliminary Plat is filed; and
- B. State fully the grounds for the variance and all the facts relied upon by the applicant.

The County Engineer shall review the request for variance and may stipulate conditions for the approval of the variance. The County

Engineer's recommendation, and special conditions if any, shall be provided to the County Commission prior to the time a decision is reached on the variance.

All written materials related to the variance shall become a part of the permanent file maintained on the subdivision.

- 11-3-3 **FILING A PLAT.** The Probate Judge is directed not to file a subdivision plat for recording unless it has been previously approved by the Tallapoosa County Commission as indicated by notation and signature of the Chairman.

ARTICLE XII

EFFECTIVE DATE

These Subdivision Regulations shall take effect and be in force from and after the date of adoption.

ADOPTED THIS THE 10TH DAY OF FEBRUARY 1997.

COUNTY COMMISSION FOR THE COUNTY OF TALLAPOOSA, ALABAMA

BY: /s/ _____
CHAIRMAN

APPENDIX I

SAMPLE CERTIFICATES

Example of (a)

SURVEYOR'S CERTIFICATES AND DESCRIPTION OF LAND PLATTED STATE
OF ALABAMA COUNTY OF TALLAPOOSA

I, (name of surveyor), a registered Surveyor of Tallapoosa County, Alabama hereby certify that I have surveyed the property of the (name of company or property owner), situated in Tallapoosa County, Alabama and described as follows:

(Insert Legal Description)

And that the plat or map contained hereon is a true and correct map showing the subdivision into which the property described is divided giving the length and bearings of the boundaries of each lot and easements and its number and showing the streets alleys and public grounds and giving the bearings, length, width, and name of the streets, said map further shows the relation of the land so platted to the Government Survey, and the permanent monuments have been placed at points marked thus (0) as hereon shown.

WITNESS my hand this _____ day of _____ 19_____.

(Name of Surveyor)

Registration No. _____

Example of (b)

DEDICATION

I/We (Land Owner or developer, address), as proprietor(s), have caused the land embraces in the within plat to be surveyed, laid out and platted to be known as (Subdivision Name), a part of (Section Call Out), Tallapoosa County, Alabama, and that the (Streets, Drives, Alleys, Easements, etc.) as shown on said plat are hereby dedicated to the use of the public.

Sign and seal in presence of:

Witness

Property Owner

Witness

Property Owner

Commentary

In any case that the developer and the land owner are not one and the same, two or more Dedication Certificates may appear on the plat in order to allow for the owner's signature to be fixed to said Plat, in which case one of the following notary's acknowledgements must appear for each Dedication Certificate (See examples c-1 and c-2).

Example of (c-1)

ACKNOWLEDGEMENT

STATE OF ALABAMA
COUNTY OF TALLAPOOSA

I, _____, Notary Public in and for said County, in said State, hereby, certify that (individuals name), whose name as (title) of the (corporation name), is signed to the foregoing instrument, and who is known to me, acknowledged before on this day that, being informed of the contents of the instrument, and as such officer and with full authority, executed the same voluntarily for an as the act of said corporation.

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

NOTARY PUBLIC

Example of (c-2)

ACKNOWLEDGEMENT

STATE OF ALABAMA
COUNTY OF TALLPOOSA

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

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

NOTARY PUBLIC

Example of (d)

CERTIFICATE OF APPROVAL BY THE (insert name of electric utility)

The undersigned, as authorized by the (name of the electric utility) hereby approved the within plat for the recording of it in the Probate Office of Tallapoosa County, Alabama, this _____ day of _____, 20_____.

(Electric utility authorized signature)

Example of (e)

CERTIFICATE OF APPROVAL BY THE
(insert name of water, sewer, if available, utility)

The undersigned, as authorized by the (name of water and sewer utility) hereby approved the within plat for the recording of the same in the Probate Office of Tallapoosa, County, Alabama, this the _____ day of _____, 20 ____.

(water and sewer utility authorized signature)

Example of (f)

CERTIFICATE OF APPROVAL BY THE COUNTY ENGINEER

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

County Engineer
County of Tallapoosa, Alabama

Example of (g)

CERTIFICATE OF APPROVAL BY THE COUNTY COMMISSION

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

COUNTY COMMISSION OF THE COUNTY OF
TALLAPOOSA, ALABAMA

Chairman

Example of (h)

CERTIFICATE OF APPROVAL BY THE TALLAPOOSA COUNTY HEALTH
DEPARTMENT (if sewerred)

The approval of the Tallapoosa County Health Department is not required for this
subdivision, this the _____ day of _____, 20 _____.

Health Officer

CERTIFICATE OF APPROVAL BY THE TALLAPOOSA COUNTY HEALTH
DEPARTMENT (If individual sewage disposal systems required)

This subdivision meets the approval of the Tallapoosa County Health Department subject
to certain conditions of approval and/or lot deletions on file with the said health
department, which conditions are made a part of this approval as if set out hereon, this the
_____ day of _____, 20 _____.

Health Officer

Example of (i)

CERTIFICATE OF APPROVAL BY 911 BOARD

The undersigned, as authorized by the 911 board of Tallapoosa County, Alabama, hereby approved the within plat for the recording of it in the Probate Office of Tallapoosa County, Alabama, this the _____ day of _____, 20_____.

Chairman of Coordinator, 911 Board