

Subdivision Regulations  
Town of Mentone, Alabama

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TABLE OF CONTENTS

<u>ARTICLE/SECTION</u>	<u>PAGE</u>
<u>ARTICLE I PURPOSE AND TITLE</u> .....	1
PURPOSE	1
TITLE	1
<u>ARTICLE II AUTHORITY AND JURISDICTION</u> .....	1
AUTHORITY	1
JURISDICTION	1
ADMINISTRATION	2
<u>ARTICLE III DEFINITIONS</u> .....	2
<u>ARTICLE IV PROCEDURE FOR PLAT APPROVAL</u> .....	4
GENERAL	4
PRELIMINARY PLAT APPROVAL	4
FINAL PLAT	6
<u>ARTICLE V SPECIFIC DESIGN STANDARDS</u> .....	8
STREETS	9
STORM DRAINAGE	11
UTILITIES	12
SUBDIVISION OF LAND	13
<u>ARTICLE VI INSPECTION</u> .....	14
<u>ARTICLE VII COMPLETION OF IMPROVEMENTS</u> .....	14
<u>ARTICLE VIII EROSION AND SEDIMENTATION</u> .....	15
<u>ARTICLE IX VARIANCES</u> .....	19
<u>ARTICLE X PENALTIES FOR TRANSFERRING LOT IN UNAPPROVED SUBDIVISION</u> .....	20
<u>ARTICLE XI SEPARABILITY</u> .....	20
<u>ARTICLE XII AMENDING REGULATIONS</u> .....	20
<u>ARTICLE XIII EFFECTIVE DATE</u> .....	21
<u>APPENDIX STREET SECTIONS</u> .....	22

**ARTICLE I  
PURPOSE AND TITLE**

**SECTION 1 - PURPOSE**

The purpose and intent of these regulations is to establish objective, community-wide standards for public improvements, and the subdivision of land within Mentone. These regulations are based upon the following elements:

1. Proper subdivision design criteria
2. The impact of development upon adjacent property
3. The definition of public and private development responsibility
4. Concern for the health, safety and welfare of Mentone
5. Encouragement of an orderly and efficient development pattern
6. Coordination with other applicable ordinances and plans

These regulations also recognize the responsibility of Mentone to maintain public improvements. Proper and timely maintenance is essential to preserve the required improvements through their designed life.

**SECTION 2 - TITLE**

These regulations shall be known as the "Official Subdivision Regulations of the Town of Mentone, Alabama, 1992".

**ARTICLE II  
AUTHORITY AND JURISDICTION**

**SECTION 1 - AUTHORITY**

Authority for municipal control of subdivisions within the corporate limits is granted in Title 11, Subtitle 2, Chapter 52, Articles 2 and 3 of the Code of Alabama, 1975.

**SECTION 2 - JURISDICTION**

From and after the effective date hereof, these regulations shall govern the subdivision and development of all land and construction of public improvement in the Town of Mentone, Alabama.

Any owner of land within the corporate limits of Mentone, wishing to subdivide land shall submit to the Town of Mentone, a plat of the subdivision which shall conform to the minimum requirements set forth in these regulations. No plat of a subdivision lying within such territory or part thereof, shall be filed or recorded in the Office of the Probate Judge, and no subdivider may proceed with improvement or sale of lots in a subdivision, until such subdivision plat is approved by the Town of Mentone, and said plat is filed for record in the Office of the Judge of Probate of DeKalb County, Alabama.

### **SECTION 3 - ADMINISTRATION**

The Mentone Planning Commission is hereby authorized and directed to administer and coordinate these regulations. Acceptance and vacation of public improvements shall be the responsibility of the Town Council as prescribed by law. The Administrator and Town Engineer are hereby authorized and directed to enforce these subdivision regulations.

### **ARTICLE III DEFINITIONS**

When used in these regulations, the following words and phrases shall have the meaning given in this section:

ALLEY: A minor public way affording secondary access to abutting property.

BLOCK: A tract or parcel of land entirely surrounded by public streets.

BUILDING SETBACK LINE: That line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal structure must be erected or placed.

DOUBLE FRONT LOT: A lot having frontage on two (2) non-intersecting streets as distinguished from a corner lot.

EASEMENT: A grant of rights by the property owner for use of a strip of land for specified purposes.

FINAL PLAT: A plat of a tract of land which meets the requirements of these regulations and is in form for recording in the Office of the Probate Judge of DeKalb County, Alabama.

HALF STREET: A street which does not meet the minimum right-of-way widths set forth in these regulations.

HEALTH DEPARTMENT: The DeKalb County Department of Health, and State of Alabama Health Department.

LOT: A parcel of land established by plat, subdivision or as otherwise permitted by law, intended for transfer of ownership or for building development, which shall be comprised of land area or a combination of land area and water surface area, except that each lot shall be comprised of land area in an amount equal to or greater than the minimum lot area required in the zoning district in which it is located. Each lot shall abut a public street or have access to a public street by means of a recorded access easement or right-of-way.

LOT, CORNER: A lot or parcel of land abutting upon two or more streets at their intersection.

OWNER'S ENGINEER: The engineer or land surveyor registered and in good standing with the State Board of Registration of Alabama who is the agent in his professional capacity of the owner of land which is proposed to be subdivided or which is in the process of being subdivided.

PLANNING COMMISSION: The Planning Commission of the Town of Mentone, Alabama.

PRELIMINARY PLAT: A plan of a proposed subdivision submitted to the Mentone Planning Commission for consideration.

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

SIDEWALK: A walkway constructed for use by pedestrians.

STREET, COLLECTOR: A street which carries traffic from local streets to the system of arterial or major roads.

STREETS, MINOR: A street used primarily to provide access from abutting properties to collector streets.

SUBDIVIDER: The person(s), firm(s), or corporation(s) engaged in the process of creating a subdivision or having completed a subdivision of said land.

SUBDIVISION: The division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, for sale or building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

TOWN: The Town of Mentone, Alabama.

TOWN CLERK: The duly designated Clerk of the Town of Mentone, Alabama.

TOWN COUNCIL: The Town Council of the Town of Mentone, Alabama.

TOWN ENGINEER: The duly designated Engineer of the Town of Mentone, Alabama.

ZONING ORDINANCE: The official Zoning Ordinance of the Town of Mentone, Alabama.

#### ARTICLE IV PROCEDURE FOR PLAT APPROVAL

##### SECTION 1 - GENERAL

The procedure for review and approval of a subdivision plat consists of two (2) separate steps. The initial step is the preparation and submission to the Planning Commission of a preliminary plat of the proposed subdivision. The second step is the preparation and submission to the Planning Commission of a final plat, together with required certificates. This final plat becomes the instrument to be recorded in the Office of the Probate Judge.

Proposed subdivisions which do not contain public improvements shall require the submission and approval of a final plat only.

##### SECTION 2 - PRELIMINARY PLAT APPROVAL

The application for preliminary plat approval, including five (5) prints of the subdivision plan, shall be submitted to the Planning Commission at least twenty-one (21) days prior to the Planning Commission meeting.

The Planning Commission prior to its review at the public hearing, shall transmit prints of the preliminary plat to the Administrator, Fire Department, and any other Town or County department for review and recommendations.

Notice of the public hearing shall be sent to all adjoining land owners as their names appear upon the plats in the county Tax Assessor's Office. Such notice shall be sent at least five (5) days prior to the date of the Planning Commission meeting.

The preliminary plat, which shall meet the minimum standards of design and the general requirements for the construction of public improvements set forth in these regulations, shall contain the following information:

Preliminary Plan of the subdivision at a scale of not more than one inch equals 100 feet, showing the following:

1. Name and location of the subdivision
2. Names of owner and designer
3. North point, graphic scale, and date
4. Amount of acreage to be subdivided
5. Topography at ten foot contour intervals
6. Street Plan which includes:
  - a. Location of all existing and proposed streets within the subdivision and adjacent to it
  - b. Widths of existing and proposed rights-of-way
  - c. Clear identification of right-of-way location and width of any street which is considered part of the street plan
  - d. Street names which are subject to approval by the Planning Commission
  - e. Plan and profile of all streets
  - f. Typical cross-section of proposed streets
  - g. Complete curve data for the center-line of each street
7. Blocks and lots with dimensions shown for all lot lines
8. Proposed building setback lines along each street
9. Plans of proposed utility layouts showing feasible connections to existing or proposed utility systems. When such connections are not practical, all proposed individual water supply and/or sewage disposal systems shall meet the approval of the County Department of Health.
10. Location and size of all proposed culverts, storm sewers and inlets
11. Location, width and purpose of all easements

12. Any portion of the land in the subdivision subject to periodic inundation by storm drainage, overflow, or ponding shall be clearly shown and identified on the plat.
13. A fire protection plan showing the size and location of all existing and proposed fire hydrants

Within thirty (30) days after the meeting of the Planning Commission at which the preliminary plat is introduced, the Planning Commission shall review the plat and indicate its approval, disapproval, or approval subject to any required modifications. If a plat is disapproved, the reasons for such disapproval shall be stated in writing. If approved subject to modifications, the nature of the required modifications shall also be indicated in writing. Failure of the Planning Commission to consider any preliminary plat within these thirty (30) days shall be considered as approval of same as submitted.

One (1) copy of the preliminary plat shall be retained in the Town files, and one (1) copy shall be returned to the subdivider at the time of approval or disapproval, with the specific notations of any changes or modifications required.

Approval of the preliminary plat by the Planning Commission shall not constitute acceptance of the final plat.

Approval of the preliminary plat shall lapse unless a final plat in substantial conformance therewith is submitted within twelve (12) months from the date of such approval, unless an extension of time is specifically applied for by the subdivider and expressly granted by the Planning Commission.

### **SECTION 3 - FINAL PLAT**

The final plat shall conform substantially to the preliminary plat as approved; and, if desired by the subdivider, approval may be phased; provided, however, that each phase conforms to all of the requirements of these regulations.

At least five (5) days prior to the meeting at which it is to be considered, the subdivider shall submit the original drawing of the plat, done in black drawing ink, along with five (5) copies, together with any street profiles or other plans which may be required by the Planning Commission.

The plat shall be drawn to a scale of not more than one (1) inch equals one hundred (100) feet. The final plat shall contain the following information:



1. Vicinity Sketch Map at a scale in relation to it's surroundings. The map submitted with the preliminary plat may be used.
2. Final plan of the subdivision including the following:
  - a. Name and location of the subdivision
  - b. Name of owner and designer
  - c. North point, graphic scale and date
  - d. Location, width, and name of all streets, roads and other rights-of-way
  - e. Location of all blocks and lot lines with all lot numbers in numerical order
  - f. Building setback lines along each street
  - g. Sufficient data to determine readily and reproduce on the ground; the location, bearing, and length of every road line, lot line, boundary line, block line, and building line, whether curved or straight; including the radius, central angle, and tangent distance, and the length of curve for the center line of all curved roads and property lines which are not the boundary of the property being subdivided. The length of all dimensions shall be the nearest one tenth (.10) of one (1) foot, and bearing of all angles to the nearest one (1) minute.
  - h. Location, dimensions, and purpose of all easements
  - i. Location and description of all monuments and pins
  - j. Name and location of adjoining subdivisions and roads

The following certifications shall be presented along with the final plat:

1. Certification that the applicant is the legal owner of the land, and formal dedication of streets, rights-of-way, and any other sites for public use.
2. Certification by a registered surveyor of the accuracy of the survey plat, and the placement of all required monuments.

3. Certification of approval by the County Department of Health, where individual sewage disposal or water systems are to be installed.
4. Certification by the Town Engineer that the subdivider has complied with one of the following alternatives:
  - a. Installed all improvements according to the requirements of these regulations, or:
  - b. Posted a surety bond, certificate of deposit or irrevocable letter of credit, in an amount sufficient to assure the completion of all required improvements.
5. Certification of approval to be signed by the Chairperson of the Planning Commission, Town Clerk, Town Engineer and DeKalb County Engineer.

When the final plat has been approved by the Planning Commission, one (1) copy with the approval of the Planning Commission certified thereon shall be returned to the subdivider to be used for filing with the Probate Judge as the official plat of record. The original tracing containing all required certifications shall be returned to the subdivider for his records, and one (1) copy shall be retained in the records of the Planning Commission. The Planning Commission must consider a final plat within thirty (30) days after the meeting at which the final plat is introduced. Failure of the Planning Commission to act on a final plat within these thirty (30) days shall be considered an approval of same. If the plat is disapproved, grounds for such disapproval shall be stated in writing in the official minutes of the Planning Commission.

Approval of the final plat by the Planning Commission shall not constitute acceptance by the public of the dedication of any street or other public way or ground. After approval of the final plat and the construction of streets shown thereon, the Town Engineer may recommend to the Town Council that it accept the proposed public improvements and take over their perpetual maintenance.

#### ARTICLE V SPECIFIC DESIGN STANDARDS

This Article sets forth the design standards and engineering criteria for the subdivision of land and construction of public improvements.

## SECTION 1 - STREETS

Where a proposed subdivision, addition or extension of existing subdivision or development has no frontage on an existing public road, the subdivider must provide and dedicate to the Town, suitable improved rights-of-way for access. This connecting road becomes part of the street system of the proposed subdivision or development, subject to these regulations.

1. All streets shall be aligned or plotted along contour elevations which will result in minimum grades and safe horizontal visibility wherever practicable, with adequate consideration given to future land use.
2. All streets must provide for the continuation or projection of principal streets in surrounding areas and provide reasonable means of access to surrounding or adjacent land. Spite strips are prohibited.
3. A typical roadway section with design grades shall be submitted for approval along with a drainage plan to the Town Engineer.
4. Rights-of-way for all streets in the Town shall have a minimum width of sixty (60) feet, except minor streets with curb and gutter which may have a minimum right-of-way width of fifty (50) feet. All streets shall be constructed in compliance with these regulations, including Appendix I which shows cross sections for Minor and Collector Streets.
5. Streets designed to have one end permanently closed shall be provided at the closed end with a cul-de-sac having a minimum right-of-way radius of sixty (60) feet or fifty (50) feet for minor streets with curb and gutter, and a minimum pavement radius of forty (40) feet.
6. Bituminous or concrete paving type and materials shall be approved by the Town Engineer before construction.
7. Subgrade shall be compacted and properly shaped prior to placing of base course materials. Improved roadbed or subgrade modification of the top six (6) inches may be required. The base course shall have a compacted thickness (full width) of no less than six (6) inches and additional thickness may be required where, in the opinion of the Town Engineer, such additional base is needed. All base course materials shall be approved by

the Town Engineer as to quality and durability before hauled to the project. The Town Engineer shall be notified prior to construction of the base course.

8. The layers of embankment up to the bottom layer of Improved Roadbed (if Improved Roadbed is required) shall be compacted to not less than 95 percent of maximum density as established by AASHO Test T-99. In place density will be determined by AASHO Method T-147. The Improved Roadbed (if required) shall be constructed of the last six (6) inches of subgrade and shall be compacted to not less than 100 percent of maximum density as established by AASHO Test T-99. In place density will be determined by AASHO Method T-147. If Improved Roadbed is not required on construction, the Town Engineer may require that a modification of the top six (6) inches of subgrade be made by ripping, remixing and recompacting to the requirements of Improved Roadbed.  
  
Subbase and base course layers of local material shall be placed in successive layers not to exceed six (6) inches per layer and compacted to not less than 95 percent of AASHO T-180 Method A, maximum density for material from one quarter inch down and not less than 100 percent of AASHO T-180 Method C for material from three quarters of an inch down. All testing shall be the responsibility of the developer and shall be done by an approved testing laboratory. The number and types of tests to be submitted will be determined by the Town Engineer.
9. Street grades over fifteen (15) percent will not be permitted unless specifically approved by the Planning Commission.
10. Public utilities shall be installed in compliance with the Alabama Highway Department Standards for utility installation, and whenever possible, utilities shall be installed prior to acceptance of the streets for maintenance.
11. Sidewalks and/or pavement marking may be required where deemed necessary for the public safety.
12. Adequate warning signs are required as part of the street development.

13. Alleys are not permitted unless front access cannot be attained because of abnormal lay of the land in relation to the street, or where there is an existing alley in an adjoining subdivision.
14. No street will be accepted as a municipal improvement until finally approved by the Town Engineer and accepted by the Town Council.

## SECTION 2 - STORM DRAINAGE

All subdivisions, additions or extensions thereof, shall be provided with adequate storm drain facilities, constructed at designated locations determined by plans for the area under development. The plans submitted shall indicate the number of acres involved in each drainage area and the developer's engineer shall show the recommended size structure designed to fit the area. (Talbot's Formula may be used for this, using a coefficient of 0.8 to 1.0.) The Town Engineer will review the drainage plan and require any modifications which may be necessary to comply with these regulations.

Any areas subject to periodic flooding caused by inadequate design of drainage facilities will not be accepted by the Town unless the subdivider takes remedial measures to eliminate such flooding.

A complete drainage plan and contour map showing all pipe sizes and length, their location, size of drainage area for each pipe in acres, and other pertinent data shall be submitted with the preliminary plat, subject to the following minimum standards:

1. Any existing drainage pipe or structure shall be shown on the preliminary plat and contour map with pertinent notes as to area in acres served and condition thereof.
2. All off-project drainage (drainage onto the subdivision) shall be shown on contour maps indicating the area in acres that the subdivision will have to accommodate in it's storm drainage design.
3. A special drawing will be required on any drainage structure having twenty (20) square feet or larger opening.
4. Masonry and/or concrete drainage structures, such as catch basins, inlets, junction boxes, as well as curb and gutter and valley gutters shall be constructed in accord with standards required by the Town Engineer.

5. Catch basins and/or drop inlets shall be constructed if deemed necessary by the Town Engineer.
6. Concrete valley gutter or combination concrete curb and gutter may be required by the Town Engineer, depending upon grade steepness or on long grades where cross drain pipes to divert the water seems unfeasible. Concrete valley gutter or curb and gutter shall be approved by the Town Engineer as to width and thickness.
7. Only pipe which meets specifications equaling Alabama State Highway Department Specifications shall be acceptable.
8. All roadway cross drain pipe shall be a minimum size of eighteen (18) inches and all side drain pipe shall be a minimum size of fifteen (15) inches.
9. Driveway and side drain pipe may be unreinforced concrete pipe or sixteen gauge uncoated galvanized corrugated metal pipe. Reinforced concrete pipe or stronger metal pipe may be required when deemed necessary by the Town Engineer.
10. Cross drain and culvert pipe shall be reinforced concrete pipe or sixteen gauge uncoated galvanized corrugated metal pipe up to thirty six (36) inches in diameter, fourteen gauge uncoated metal pipe up to forty eight (48) inches in diameter, and twelve gauge uncoated metal pipe up to sixty (60) inches in diameter.
11. The Town Engineer shall be notified prior to backfilling of drainage structures having twenty (20) square feet or larger opening, and all concrete drainage structures.
12. No drainage structure will be accepted as a municipal improvement until finally approved by the Town Engineer and accepted by the Town Council.

### SECTION 3 - UTILITIES

1. Easements across lots or centered on rear or side lot lines shall be provided for utilities and drainage where necessary, and shall not be less than fifteen (15) feet wide, unless otherwise approved by the engineering department of the specific utility.
2. All underground improvements shall be installed in a sequence which prevents cutting of the pavement of any street, sidewalk or other improvement.

3. The design and specifications of the water distribution system shall meet the applicable public water system requirements.

#### SECTION 4 - SUBDIVISION OF LAND

1. The lot size, width, depth, shape, orientation and building setback line shall comply with the Zoning Ordinance.
2. Lot dimensions shall conform to the requirements of the DeKalb County Health Department. In cases where requirements of the various levels of government conflict, the most strict requirement shall apply.
3. Each lot shall have access to a public street, in order to facilitate access by public safety and other vehicles.
4. Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries, or to overcome specific disadvantages of topography and orientation.
5. Blocks shall be wide enough to allow two tiers of lots of appropriate depth.
6. Where a subdivision is traversed by an existing or proposed water course, drainage, channel or stream, there shall be provided a storm drainage easement or right-of-way conforming substantially with the lines of such existing or planned drainage. The width of such drainage easement or right-of-way shall be sufficient to contain the ultimate channel and maintenance way for the tributary area upstream.
7. Lots and easements shall be arranged to eliminate unnecessary easement jogs or off-sets, and to facilitate the use of easements.
8. All property line corners shall be marked with iron pipe not less than three-fourths inches in diameter and twenty four (24) inches long, and driven so as to be flush with the finished grade. All lot pins and markers shall be established on the ground prior to final approval of the final plat.

## ARTICLE VI INSPECTION

The subdivider shall furnish the Town Engineer all plans and information necessary for engineering considerations and approval for the construction of the proposed streets and drainage. The plans and information shall be furnished along with a preliminary plat and vicinity sketch certified by a registered civil engineer or land surveyor.

1. All subdivisions and improvements must be inspected by the Town Engineer and approved by the Planning Commission. Construction may not commence until the Preliminary Plat has been approved by the Planning Commission.
2. The Town Engineer shall be notified prior to the construction of each phase of the streets or drainage improvements.
3. No bituminous or concrete paving shall be performed until approval of the type, width and material to be used is obtained from the Town Engineer. The Town Engineer shall be notified prior to the placing of the type pavement approved.
4. Drainage structures having twenty (20) square feet or more of end area shall not be backfilled until inspected by the Town Engineer.

## ARTICLE VII COMPLETION OF IMPROVEMENTS

The Town of Mentone will not construct any street, install any drainage pipe or structure, do any paving or patching or do any maintenance work in any subdivision until the subdivision has been duly accepted by the Town Council as a municipal public improvement.

The subdivider shall be responsible for the provision of all required improvements to the subdivision. This may be accomplished by either installation of all required improvements by the developer at the time the final plat is to be submitted to the Planning Commission, or by the provision of a financial guarantee of performance.

1. The financial guarantee shall be in the form of a bond, certificate of deposit or irrevocable letter of credit, which must be approved by the Town Council. The guarantee must be of an amount sufficient to cover the cost of installing all improvements including grading,



paving of streets, installation of all required drainage improvements and utilities and fees encountered during execution of the improvements.

2. If within twelve (12) months after filing said guarantee the subdivider has not completed all necessary improvements, or if in the opinion of the Planning Commission the improvements have not been satisfactorily installed, the guarantee shall be used by the Town to complete the improvements in satisfactory fashion, or the Town may take such steps as may be necessary to require performance under the guarantee.
3. Final approval of street improvements shall be granted and streets accepted for maintenance by the Town, only in accordance with one of the following provisions:
  - a. In any case in which the Planning Commission and/or the Town Council may have reasonable doubt concerning the stability or proper construction of any improvement required herein, the Town Council may require a one year maintenance bond. This bond shall be in cash or made by a surety company authorized to do business in the State of Alabama.
  - b. The Town Clerk shall secure from all developers, an agreement to maintain backfill to the level of finished grade and to maintain improvements located thereon or therein of any excavation or fill which have been made in connection with the installation of improvements; and such agreement shall be binding on the developer for a period of one (1) year after the acceptance of such improvements by the Town Council.


#### ARTICLE VIII EROSION AND SEDIMENTATION

The Town of Mentone surrounds Little River, which is one of the Town's most valuable resources. Maintenance of the high standard of water quality in the River is essential to the economic vitality of Mentone. Degradation of the River's water quality from erosion, sedimentation and other causes would also have a serious negative impact on the value of property in Mentone. For these reasons, Mentone shall enforce strict regulations to minimize the negative impact of land disturbing activity.

Although erosion and sedimentation can be controlled, the Town realizes that it cannot be eliminated during construction nor

after stabilization. The following provisions are intended to alleviate as much of the negative impact of land disturbing activity as possible within the framework of economic feasibility.

1. An erosion and sedimentation control plan shall be a part of the construction plans and filed with the Town Engineer prior to commencement of any land disturbing activity except that associated with agriculture, horticulture and silvaculture.
2. Persons engaged in land disturbing activity shall take all reasonable measures to protect public and private property from damage by such activity.
3. Whenever there is conflict between Federal, State or local laws, ordinances, rules and regulations, the most restrictive provision shall apply.
4. The Erosion and Sedimentation Control Plan shall be based upon the following objectives:
  - a. On-site areas which are subject to severe erosion, and off-site areas which are especially vulnerable to damage from erosion and/or sedimentation, are to be identified and receive special attention.
  - b. All land disturbing activities shall be planned and conducted to minimize the size of the area to be exposed at any one time.
  - c. All land disturbing activities shall be planned and conducted to limit exposure to the shortest feasible time.
  - d. Surface water runoff originating upgrate of exposed areas shall be controlled to reduce erosion and sediment loss during the period of exposure.
  - e. All land disturbing activities shall be planned and conducted so as to minimize off-site sedimentation damage.
  - f. When the increase in the peak rates and velocity of storm water runoff resulting from land disturbing activity is sufficient to cause damaging accelerated erosion of the receiving ditch or stream channel, plans should include measures to control both the velocity and rate of release so as to minimize accelerated erosion and increased sedimentation of the ditch or stream channel.

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5. No land disturbing activity shall be permitted in proximity to the River, a lake, natural watercourse, or adjacent property where applicable, unless a buffer zone is provided along the boundary, of sufficient width to confine visible siltation and/or prevent erosion, provided that the land disturbing activity is not in connection with the construction of facilities to be located on, over, or under the River, a lake, natural watercourse, or adjacent property.
  6. The angle for graded slopes 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, be planted or otherwise provided with ground cover, devices, or structures sufficient to restrain erosion.
  7. Whenever land disturbing activity is undertaken on a tract comprising more than one acre, if more than one contiguous acre is uncovered, a ground cover sufficient to restrain erosion shall be planted or otherwise provided within thirty (30) days on that portion of the 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.
  8. Erosion and sedimentation control measures, structures, and devices shall be so planted, 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 accepted calculation procedures. Runoff computations shall be based on rainfall data published by the National Weather Service for the area.
  9. Provision may be required for the permanent protection of off-site stream banks and channels from the erosive effects if 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 for highway construction and developments of ten (10) acres or more.

- 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.
10. 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 part of the land disturbing activity where the borrow material is being used or from which the waste material originated. 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.
11. Temporary access and haul roads, other than public roads, constructed or used in connection with any land disturbing activity shall be considered a part of such activity.
12. Land disturbing activity in connection with construction, in, on, over, or under the River, a lake or natural watercourse shall be planned and conducted in such a manner as to minimize the extent and duration of disturbance of the water body. 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 significant alteration to flow characteristics, except when justification for significant alteration to flow characteristics is provided.
13. 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 adequate vegetative cover and site stabilization is achieved as determined by the Town Engineer.

14. Persons engaged in planning, designing, installing and maintaining sedimentation control measures may use generally accepted references on the subject following standard engineering and/or agricultural practices. All plans will be subject to review by the Town Engineer.
15. Whenever the Town Engineer determines that significant sedimentation is occurring as a result of a land disturbing activity, despite application and maintenance of protective practices, the person responsible for maintenance will be required to take additional protective action.
16. Whenever the area to be disturbed comprises more than one (1) acre, a copy of the plan shall be filed with the Town Engineer a minimum of thirty (30) days prior to beginning any land disturbing activity. A copy of the plans shall also be on file at the job site. If the Town Engineer determines, either upon review of such plan or on inspection of the job site, that a significant risk of off-site sedimentation or erosion exists, it will require a revised plan be prepared. Pending the preparation of the revised plan, the work shall be either suspended or continued under conditions outline by the Town Engineer.
17. Erosion and sediment 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 plan objectives. Plan content may vary to meet the need of specific site conditions.

#### ARTICLE IX VARIANCES

Where the Planning Commission finds that unusual hardship may result from strict compliance with these regulations due to unusual topographic or other physical conditions relating to the land, that are beyond the control of the subdivider, it may vary regulations so that substantial justice may be done and the public interest secured. However, such variation shall not have the effect of nullifying the intent or purpose of the Subdivision Regulations or Zoning Ordinance. Any variance thus authorized is required to be entered in writing in the minutes of the Planning Commission and the reason which justified the departure to be set forth.

**ARTICLE X  
PENALTIES FOR TRANSFERRING LOT IN UNAPPROVED SUBDIVISION**

Whoever, being the owner or agent of the owner of any land located within a subdivision, transfers or sells any land by reference to or exhibition of or by other use of a plat of a subdivision, before such plat has been approved by the Town and recorded or filed in the Office of the Probate Judge, may be enjoined from such transfer or sale or agreement by action for injunction brought in any court or equity jurisdiction or may recover the same penalty by a civil action in any court of competent jurisdiction.

**ARTICLE XI  
SEPARABILITY**

That each and every provision of these regulations is hereby declared to be an independent provision and the holding of any provision thereof to be void or invalid for any reason shall not effect any other provision thereof. It is hereby declared that the other provisions of these regulations would have been enacted regardless of any provisions which might have been invalid.

All ordinances or part of ordinances inconsistent herewith at the time these regulations take effect are hereby repealed.

**ARTICLE XII  
AMENDING REGULATIONS**

Any article, section, sub-section, or other provision of these Subdivision Regulations proposed for amending shall be published as provided by law for the publication of ordinances. Before adoption, a public hearing, as described by law, shall be held thereon. Following its adoption, a copy of the amendment shall be certified by the Planning Commission to the Probate Judge of DeKalb County.

**ARTICLE XIII  
EFFECTIVE DATE**

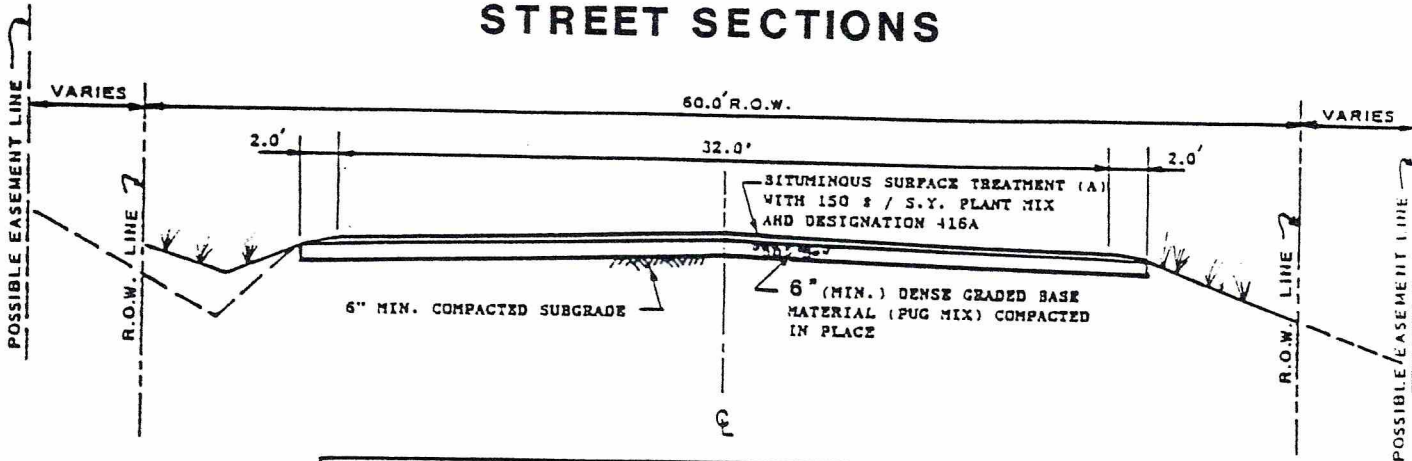
These Subdivision Regulations shall take effect and be in force from and after the date of their adoption.

Adopted this the 23rd day of April, 1992.

Planning Commission for the  
Town of Mentone, Alabama

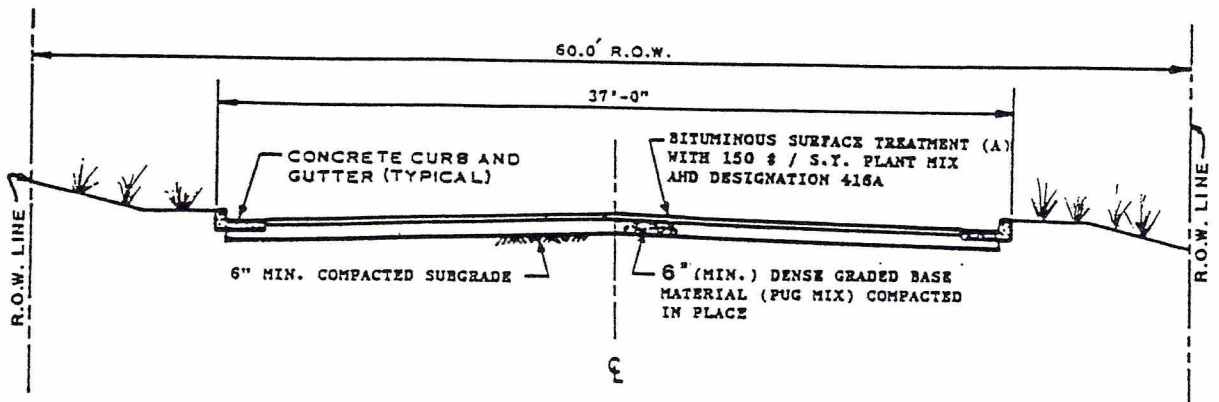
By: \_\_\_\_\_  
Mr. James Wright, Chairperson

# APPENDIX STREET SECTIONS



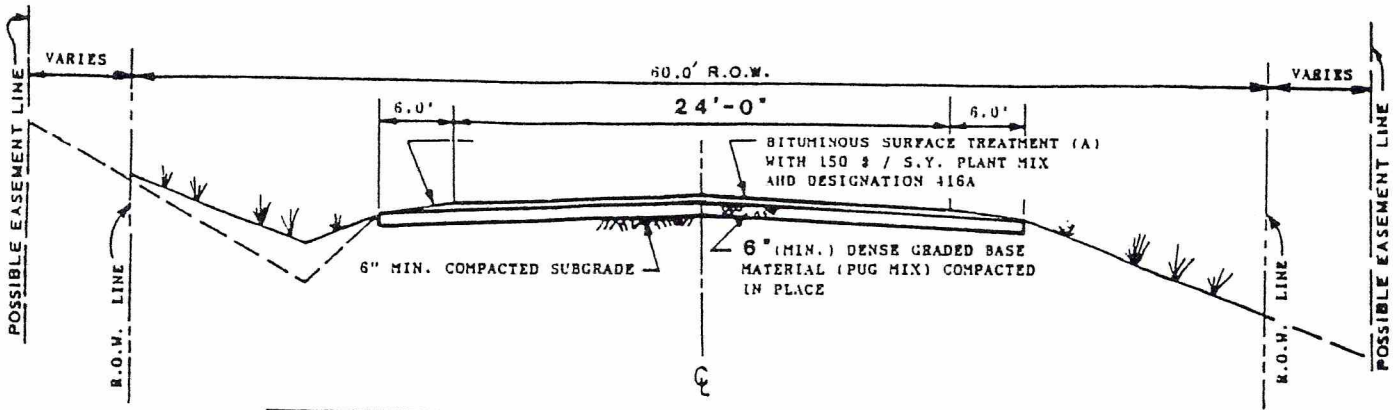
NOTE: ADDITIONAL EASEMENTS MAY BE REQUIRED FOR DRAINAGE AND UTILITIES DEPENDING ON THE TOPOGRAPHY, CROSS SECTIONS OR PROFILE OF THE STREET.

COLLECTOR STREET WITHOUT CURB AND GUTTER



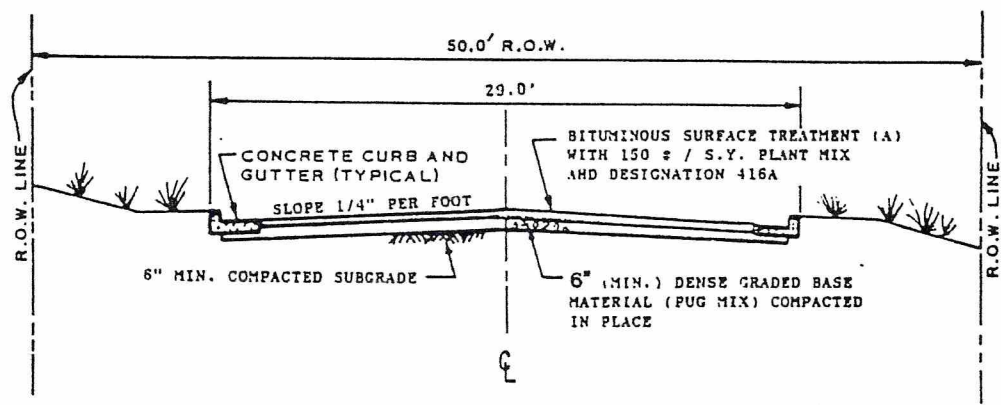
COLLECTOR STREET WITH CURB AND GUTTER



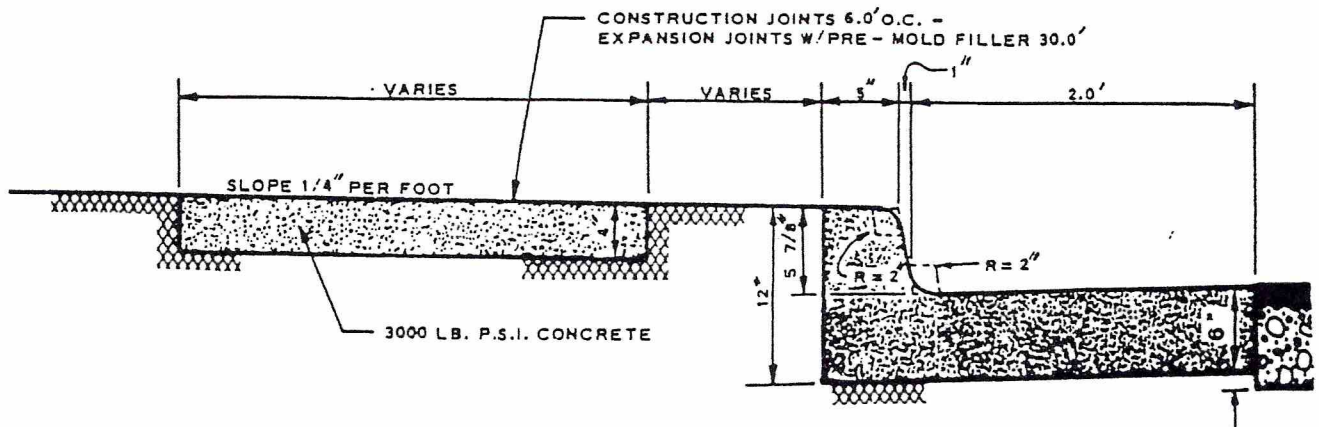


NOTE: ADDITIONAL EASEMENTS MAY BE REQUIRED FOR DRAINAGE AND UTILITIES DEPENDING ON THE TOPOGRAPHY, CROSS SECTIONS OR PROFILE OF THE STREET

MINOR STREET WITHOUT CURB AND GUTTER



MINOR STREET WITH CURB AND GUTTER



NON-MOUNTABLE CURB AND GUTTER WITH SIDEWALK