

ARTICLE III. APPLICATION PROCEDURES

A. Purpose

The purpose of this article is to establish an orderly and expeditious procedure for reviewing and acting upon applications for subdivision approval in accordance with these regulations. To this end, during preparation of any part of this process the Plat development the Subdivider should consult with the Planning Commission, the Town Engineer, Elmore County Engineer, Water Authorities, telephone company, power suppliers, natural gas providers, cable companies and other officials and agencies concerned with the subdivision of land and the improvements placed thereon.

B. Sketch Plan

Whenever a subdivision is proposed within the jurisdiction of these regulations, resulting in 25 or more lots at complete build-out, the subdivider or developer shall contact the Town Clerk of the Town of Elmore and submit a Sketch Plan in accordance with these regulations. When subdivision is proposed to be constructed in phases and the entirety of such phases will result in 25 or more lots, a Sketch Plan is required. The Planning Commission may require consultation with other officials with regard to engineering and provision of water and sewer. In this way the developer can obtain the advice and assistance of the Planning Commission and other officials, and facilitate the subsequent preparation and review of the preliminary subdivision plat.

The subdivider must present a Sketch Plan containing all information listed below. Eight (8) copies of the Sketch Plan shall be submitted to the Town Clerk. Copies may be distributed to other officials to obtain comments and suggestions.

- a. A completed application and a deed and/or completed Authorization to Act as Applicant Form.
- b. A vicinity map, to scale, showing the location of the proposed subdivision and its relationship to the surrounding area.
- c. Survey data showing the dimensions and bearings of the boundaries of the subdivision; section and corporate lines; and contours at ten (10) foot intervals based on Town of Elmore or National Geodetic Survey Sea Level Datum, unless required by the Engineer to submit contours at lesser intervals. In some cases the Engineer may require spot elevations in sufficient number to provide necessary drainage information.
- d. The title or name under which the proposed subdivision is to be recorded; the name and address of the owner or owners; and the name and seal of the registered land surveyor or engineer responsible for the plat.
- e. Notations giving the scale of the drawing(s), true north arrow, datum, benchmarks, bearing base, and date.
- f. The location of existing streets, buildings, railroads, bridges, sanitary sewers, drainage facilities, water mains, and any public utility easements on both the land

being subdivided and on the adjoining land. Aerial photos, the County's digital files and similar sources may be used to determine the location of these facilities and structures.

g. The names and/or County Road Numbers, locations, right-of-way widths and other dimensions of proposed streets, alleys, easements, open spaces, and reservations.

h. Lot lines, lot numbers, and tabulations stating gross and net acreage of the subdivision, acreage of existing and proposed public areas within the subdivision, number of residential lots, and area of each lot.

i. The location of water courses, 100-year floodplains, wetlands, waters of the United States, wooded areas, buildings or structures, and other significant natural and built features on the tract.

j. Sites to be reserved or dedicated for parks, recreation areas, schools or other public uses. Sites, if any, for multi-family dwellings, commercial uses, churches, industry, or other uses exclusive of single-family dwellings.

k. Implementation of any portion of the Major Streets, Water and/or Sewer Plans planned by public authorities for construction on or adjacent to the tract.

l. Preliminary plans of proposed drainage, storm water management, and utility layouts along with approximate locations of valves and fire hydrants and similar facilities; and showing feasible connections, when possible, to existing and proposed utility and drainage systems.

The Sketch Plan is intended to serve as an initial step in the subdivision process. Subsequent meetings may be called between Town staff and the developer to discuss required corrections, impacts and/or issues resulting from the proposed subdivision. This step is included in the review process because it allows the subdivider and local officials to discuss the proposed subdivision in an informal setting, and to correct any design errors and/or problems during the early stages of the project.

The Subdivision Committee or other duly authorized official shall be allowed a review period for Sketch Plans of not less than fourteen (14) days prior to the regular submission date for preliminary plats to be considered by the Planning Commission.

Upon receiving favorable consideration by the Subdivision Committee the subdivider may proceed to prepare the preliminary plat for the subdivision. However, neither the subdivider nor the Subdivision Committee shall be bound by the Sketch Plan; and it is expressly understood that favorable consideration by the Subdivision Committee at the Sketch Plan stage of the process shall under no circumstances be construed as preliminary or tentative approval.

C. Preliminary Plat

1. Purpose. The purpose of the Preliminary Plat is to provide a basis for plans for the construction of the subdivision and its improvements. To this end, during preparation of the Preliminary Plat the Subdivider should consult with the Planning Commission, the Town Engineer, Elmore County Engineer, Water Authorities and other officials

and agencies concerned with the subdivision of land and the improvements placed thereon.

2. Filing and Review. The Subdivider shall file with the Town Clerk eight (8) copies of the Preliminary Plat together with the all other items and documentation required herein, with written application for approval at least thirty (30) days prior to the Planning Commission meeting at which it is to be considered. Prior to Planning Commission review, the Preliminary Plat shall be reviewed by the Subdivision Committee and will be referred for review and report to the Town Engineer; Water & Sewer, Environmental Services and Public Safety Departments; the County Health Officer and County Engineer, as appropriate; and other appropriate officials. The review shall take into consideration, in addition to the requirements set out in these regulations, conformance of the subdivision design to the Land Use Plan and the particular requirements and conditions affecting installation of improvements.

3. Information Required. The preliminary plat shall be drawn at a scale of one-inch equals one hundred (100) feet (or less), or other appropriate scale as approved by the Subdivision Committee; and the sheet size shall not be larger than 24 inches by 36 inches. Where necessary the plat may be presented on several sheets accompanied by an index sheet showing the entire subdivision. In addition to all information required for the Sketch Plan, the plat shall provide names of adjoining subdivisions; and the names and mailing address of the owners of record of the adjoining parcels of land as they appear on the current tax records in the Office of the Tax Assessor of Elmore County.

For projects having a gross site area of one acre or more, the applicant may submit a Project Engineer's Statement in lieu of the utility plans specified in the preceding paragraph. This statement shall be signed and sealed by a registered professional engineer in the State of Alabama. It shall attest to the adequacy of available utilities to service the subdivision, and declare that storm water runoff from the site can and will be managed in accordance with Town of Elmore regulations. The Town shall furnish blank copies of the Project Engineer's Statement upon request; the applicant shall not alter the wording of such statement in any way.

In those cases where a request for reduced street improvements is being made in accordance with Section V-B-2, profiles of all proposed streets, and such other information as required by the Town Engineer to determine whether or not the proposed development meets the requirements of Section V-B-2.

4. Town Specifications. All sanitary sewers, storm sewers and drainage facilities, water lines, street grading and paving, fire protection and related improvements shall be designed by a registered engineer to meet the requirements of the Town of Elmore, Alabama.

5. Notice and Hearing. The Planning Commission at a public hearing shall consider preliminary plats. Notice of the time and place at which a preliminary plat will be considered shall be sent to the subdivider and to the person(s) identified on the plat as the owner(s) of the land. The owners of all abutting property shall also be notified by certified mail of the hearing at least five (5) days prior to such hearing.

6. Preliminary Plat Approval. The Planning Commission shall approve, approve conditionally, or disapprove such Preliminary Plat within thirty (30) days after the submission thereof. If approved conditionally the conditions and reasons therefore

shall be stated; and if necessary the Planning Commission may require the Subdivider to submit a revised Preliminary Plat. If any of the requirements are modified or waived, the reasons for such shall be specified. If the Planning Commission should disapprove the Preliminary Plat, the reasons for such action shall be stated and, if possible, recommendations made on the basis of which the proposed Subdivision would be approved. One (1) copy of the Preliminary Plat as acted upon by the Planning Commission shall be retained in its office, one (1) copy forwarded to the Town Engineer, and one (1) copy returned to the Subdivider.

7. Effect of Approval. Approval of a Preliminary Plat shall not constitute acceptance of the plat of the proposed subdivision but shall be deemed only as an expression of approval of the plan submitted as a guide to preparation of the Final Plat, which Final Plat will be submitted for approval and recorded upon fulfillment of the requirements of these regulations and the conditions of tentative approval. Approval of a Preliminary Plat shall be effective for 18 months, unless, upon application by the Subdivider, the Planning Commission grants an extension. If the Final Plat has not been submitted for final approval within this time limit, the Preliminary Plat shall again be filed for tentative approval; provided, however, that if a Final Plat of a part of the subdivision shall have been submitted and approved within the 18-month period, the tentative approval of the Preliminary Plat shall automatically be extended for a period of 18 months from the date of approval of such Final Plat of part of the subdivision, and the same automatic extension shall govern in subsequent cases of submission of a Final Plat of part of the subdivision; provided, further, that at any time after the expiration of the initial 18-month period during which the Preliminary Plat approval is effective, the Planning Commission may notify the Subdivider of changes it will require to meet new or changed conditions. A corrected Preliminary Plat with all conditions fulfilled shall be submitted prior to the construction or installation of any improvements.

Approval of the Preliminary Plat and Engineering Plan and receipt of a permit from the Elmore County Engineer shall constitute authorization, subject to obtaining the necessary State and Federal permits, that the subdivider may proceed with the construction of any improvements in accordance with applicable Town codes, regulations and specifications approved by the Town's Engineer; and with the staking of the lots in preparation for the Final Plat. The subdivider shall not begin any construction without first notifying the Town Engineer, Subdivision Committee, Director of Water & Sewer, and the County Engineer if appropriate.

D. Engineering Plan

1. Purpose. The purpose of the Engineering Plan is to provide information, including drawings and specifications, for the construction or installation of the improvements. To this end, the Subdivider should consult with the Town Engineer and with other officials and agencies concerned with construction or installation of improvements.

2. Filing and Review. After approval of the Preliminary Plat and prior to the construction or installation of any of the improvements, the Subdivider shall prepare and submit, to the Town Engineer and to other officials or agencies concerned, the necessary copies of the Engineering Plan. The Engineering Plan shall be reviewed by the appropriate authorities, and the review shall take into consideration, in addition to the requirements set out in these regulations, conformance with the applicable standards and regulations of the Town of Elmore and of other agencies concerned.

Prior to any development, copies of the ADEM and Army Corps of Engineers letters of approval shall be made available to the Town Engineer and accompany the filing of the final Engineering Plans. If the property to be developed does not fall within the jurisdiction of the Corps of Engineers, a letter from that agency or a Qualified Credentialed Professional to this effect must be filed with the Engineering Plan. See the list of Qualified Credentialed Professionals adopted by the Town Council.

3. General Form. The Engineering Plan shall show accurately, and in sufficient detail for their construction or installation, the design of all proposed improvements in the subdivision. At a minimum it shall provide the following information:

- a. Profiles showing existing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision.
- b. Typical cross-sections of the proposed grading, roadways, and sidewalks.
- c. The location, sizes, and invert elevations of existing and proposed sanitary sewer and drainage facilities; the location and sizes of existing and proposed water lines; and any other data relating to utilities and drainage facilities that may be necessary to complete their installation.
- d. The location and results of soil percolation tests if individual sewage disposal systems are proposed.
- e. An acceptable erosion and sedimentation control plan.
- f. An over all grading plan and/or drainage calculations may be required.

4. Action on Engineering Plan. The Town Engineer and other officials and agencies concerned shall notify the Subdivider of the approval or disapproval of the Engineering Plan. In the case of approval, specific changes, if any, required to be made shall be stated. In the case of disapproval, the grounds for such disapproval shall be stated.

E. Final Plat

1. Purpose. The purpose of the final plat, together with all the information and attendant items required herein, is to provide an accurate record of street and property lines and other elements being established on the land, and the condition of their use. The final plat shall conform substantially to the preliminary plat as approved.

2. Submission and Review. The Subdivider shall file with the Town Clerk eight (8) copies of the Final Plat together with the all other items and documentation required herein, with written application for approval at least ten (10) days prior the meeting of the Sub-division Committee (Meeting will be held on the 2nd and 4th Tuesday of each month) at which it is to be considered. Prior to Planning Commission review, the Final Plat shall be reviewed by the Subdivision Committee and will be referred for review and report to the Town Engineer; Water & Sewer, Environmental Services and Public Safety Departments; the County Health Officer and County Engineer, as appropriate; and other appropriate officials.

The review shall take into consideration, in addition to the requirements set out in these regulations, conformance of the subdivision design to the Land Use Plan and the particular requirements and conditions affecting installation of improvements.

The final plat shall be drawn upon paper, on sheets measuring no more than twenty-four (24) by thirty-six (36) inches; and at a scale of one inch equals one hundred (100) feet or other appropriate scale as approved by the Subdivision Committee. Where necessary the final plat may consist of several sheets, accompanied by an index sheet showing the entire subdivision. Five (5) prints shall be submitted.

3. Information Required. The Final Plat shall contain the following information:

- a. A diagram to scale showing the general location of the subdivision.
- b. Primary control points approved by the Town Engineer or County Engineer, as appropriate; or description and ties to such control points; to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
- c. Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way; property lines of lots and other sites with accurate dimensions; bearings, tangent distances, radii, central angles, arc lengths, and degrees of all curves; and the location and description of all monuments. All survey data shall be according to the Minimum Technical Standards for Land Surveying in the State of Alabama, October 26, 1990, or latest edition as published by the Alabama Society of Professional Land Surveyors. At least two (2) corners of the subdivision shall be referenced to the State Plane Coordinate System if an established and proven point is within one half (1/2) mile of the subdivision.
- d. Title, scale, north point, and date.
- e. Name and right-of-way width of each street or other public right-of-way.
- f. Numbers to identify each block and lot and the area of each lot.
- g. The location, dimensions, and purpose of any easements.
- h. The purpose for which sites other than residential lots may be used.
- i. Names of owners of record of adjoining land.
- j. Certification of title showing that the applicant is the owner of the land within the subdivision.
- k. Statement by the owner dedicating street rights-of-way and any sites for public use.
- l. Statement by a registered land surveyor certifying that the plat meets the requirements of the Minimum Technical Standards for Land Surveying in the State of Alabama, October 26, 1990, or latest edition, as published by the Alabama Society of Professional Land Surveyors.
- m. Space for certificate of approval by the Planning Commission; the Town Engineer; and the County Engineer.

- n. Certificate of acceptance by the Town Council of any land, right-of-way, or easements dedicated to the Town.
- o. Certificate by the Town Engineer that the subdivision meets all the requirements for required street and utility improvements.
- p. Certificate by the County Health Officer when individual sewage disposal and/or water systems are to be installed.
- q. Existing structures shall be located on the plat and fully dimensioned so that conformance with any applicable regulations can be verified.
- r. Note prohibiting structures on easements. Ungated fences shall not restrict access.

4. Attendant Items. The Final Plat shall be accompanied by the following items, as appropriate:

a. A copy of the protective covenants, if any, as they are to be recorded. If the subdivision contains common open space, retention ponds or other amenities for the use of the residents of the subdivision, provisions shall be made for a homeowner or residents association or other means for maintaining the common open space or other amenity.

b. A statement signed by the Town Engineer that the subdivider has complied in full with one of the following alternatives:

1. All streets shown on the plat have been graded and improved final surface completed; and all sewage, water, and drainage facilities have been installed in accordance with the requirements of these regulations, with the action of the Planning Commission in giving tentative approval to the subdivision, and in accordance with Town specifications.

2. An engineering estimate of the costs of any required improvements yet to be constructed must be submitted prior to the submission of the performance bond.

3. A performance bond with commercial surety in an amount equal to one and one-half times the estimated cost of all improvements, approved as to form by the Town Attorney and with surety satisfactory to the Planning Commission, securing the design and installation of these improvements, utilities, and facilities within the period fixed by the Planning Commission. In addition, a Maintenance Bond in an amount equal to one and one-half times the estimated cost of all improvements, approved as to form by the Town Attorney and with surety satisfactory to the Planning Commission, securing the design and installation of these improvements, utilities, and facilities for a two (2) year period.

4. An irrevocable letter of credit drawn on an approved bank and payable to the Town, in an amount adequate for the completion of all improvements, utilities, and facilities.

5. An assessment petition approved by the Town Attorney, whereby the Town is placed in an assured position to make these improvements and to install these utilities and facilities at any time and without any cost to the Town.

a. Receipt of a certificate from a registered land surveyor that permanent monuments of suitable size and material have been placed for each lot corner in the subdivision, and that a satisfactory survey defines such permanent monuments in relation to located section corners or fractional corners of the Survey of Public Lands.

F. Action on Final Plat

Final approval of the plat will be given upon (1) fulfillment of all conditions attached to, and in conformance with, the Preliminary Plat; and (2) certification of the proper installation of the improvements and compliance with Articles IV and V of these Regulations. The Planning Commission shall act upon the Final Plat within thirty (30) days of its submission, and shall communicate in writing to the subdivider the action taken.

Failure of the Planning Commission to take action on the Final Plat within thirty (30) days after its submission shall be deemed to be approval of such Final Plat. If the Final Plat is disapproved the grounds for disapproval shall be stated in the minutes of the Planning Commission, and in the Resolution setting forth the Planning Commission's action, a copy of which shall be transmitted to the applicant.

Approval of the Final Plat by the Planning Commission shall not be deemed to constitute or affect an acceptance by the public of the dedication of any street or other proposed public ways or lands shown on the Final Plat and located within the corporate limits of the Town of Elmore. In such cases, acceptance of dedicated lands by the Town Council must occur prior to recording the Final Plat.

G. Recording of Final Plat

Approval of the Final Plat by the Planning Commission shall be null and void if such Final Plat is not recorded in the office of the Judge of Probate of Elmore County within eighteen (18) months after the date of approval, unless an application for an extension of time is made in writing and is granted by the Planning Commission during this eighteen (18) month period.

H. Copies of Recorded Plat

The applicant shall file with the Town Clerk one (1) paper, eight (8) blue lines or sepia paper copies and an electronic copy on a diskette or CD in the jpeg format, of the Final Plat as recorded in the Office of the Judge of Probate of Elmore County. In addition, an as-built drawing of the subdivision on diskette or CD in an AutoCAD-compatible format shall be filed with the Town Clerk. As-built drawing shall also be submitted to the County Engineer in the format(s) of his choice.

I. Combined Preliminary and Final Plat

A subdivider may submit a combined request for both Preliminary Plat and Final Plat approval. In such cases all requirements for both Preliminary and Final Plat approval must be met.

J. Administrative Subdivision

1. Purpose. For the purposes of this section an administrative subdivision is a resubdivision involving not more than four (4) contiguous lots fronting on an existing

street, and which requires no new streets; and when in the opinion of the Town Engineer no engineering service is required. Except as otherwise specified the resubdivision and the plat thereof shall conform to all the requirements of these regulations.

2. Submission and Review. No Preliminary Plat or Engineering Plans are required to be submitted for an administrative subdivision. However, the subdivider should consult with the Town Engineer and Subdivision Committee, and with other appropriate officials, prior to preparation of the final plat.

A Final Plat shall be submitted for an administrative subdivision, which conforms to all the requirements and provides all the information specified for a Final Plat as described in Sections E through I above.

3. Approval. Authority to grant final approval to subdivision plats complying with paragraph J (1) above, pursuant to Section 52, Title 11, Code of Alabama 1975, shall be vested in the Planning Commission and Town Engineer. Formal approval can be granted by the Planning Commission and the Town Engineer, in which case such action shall be reported at the next regular meeting of the Planning Commission.

The Planning Commission shall have the authority to approve and accept easement dedications, and shall have the same authority with regard to right-of-way dedications for the widening of existing streets. However, plats establishing new roads or extending existing roads shall be submitted for Town Council approval and dedication.

K. Exceptions

If it is the intent of the landowner in subdividing his property to convey only one lot and retain the remainder of his larger tract, then a subdivision is not created and the conveyance as herein described is not subject to the subdivision requirements. Said single lot will, however, be subject to criteria set out in the Elmore Zoning Ordinance and any other applicable regulations or ordinance. A copy of the plat or legal description of the aforementioned single lot subdivision as recorded in the Elmore County Court House must be provided to the Town of Elmore in order that appropriate map changes can be made. Additionally, at such time as additional lots or tracts are created, they will be subject to these and all other applicable regulations.

These regulations do not apply when the division of land is for the purpose of a bonafide gift to a family member, or is the result of distribution of property by testamentary or intestate provisions, provided no road construction or building construction is intended. Said land divisions will, to the extent possible, be subject to criteria set out in the Elmore Zoning Ordinance and any other applicable regulations.