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## **ARTICLE I. GENERAL PROVISIONS**

### **A. Purpose**

The intent of these regulations is to protect the public health, safety, and welfare by providing for the orderly growth and development of the Town of Pike Road. These regulations also promote the goals of the Town of Pike Road Comprehensive Plan. These regulations help advance The Comprehensive Plan through the following:

- **Future Growth.** To guide the future growth and development of the land within the subdivision jurisdiction in accordance with the Land Use Plan.
- **Health and Safety.** To provide for adequate light, air and privacy; to secure safety from fire, flood and other danger; and to prevent the overcrowding of land and undue congestion of population.
- **Social and Economic Stability.** To protect the character and the social and economic stability of all parts of the area within the subdivision jurisdiction.
- **Land Uses.** To protect and conserve the value of land and the value of buildings and improvements on the land; and, through subdivision design, to minimize conflicts among the uses of land and buildings.
- **Public Services and Facilities.** To encourage residential development where public services and community facilities are available or will be available when the subdivision is ready for occupancy.
- **Circulation.** To provide an efficient relationship between development and the circulation of traffic, having particular regard to the avoidance of congestion; to expedite circulation and the protection of land use values through the separation of local and through traffic; and to make adequate provision for traffic through the proper location and width of streets.
- **Environment.** To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources in order to preserve the integrity, stability and beauty of the community and the value of the land.
- **Natural Features.** To preserve the natural beauty of the land, and to utilize as elements of the urban environment the physiographic features of land and water.
- **Open Space.** To provide open space through efficient design and layout of subdivisions; to encourage the setting aside as permanent open space land that is subject to flooding or has soils unsuited to urban development.
- **Innovative Design.** To encourage innovative subdivision design that will produce attractive, efficient, and convenient arrangements of housing and neighborhood environments affording a choice of lifestyles.

### **B. Statement of Policy**

1. **Orderly Development.** It is hereby declared to be the policy of the Pike Road Planning Commission to consider the subdivision of land the initial and principal step in carrying out the general purpose of the Land Use Plan: to guide and accomplish a coordinated, adjusted and harmonious development of the land within the subdivision jurisdiction which will, in

accordance with existing and future needs, best promote the public health, safety, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development.

2. **Public Safety and Services.** Land to be subdivided should be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace. Land should not be subdivided until or unless adequate provision is made for drainage, water supply, sanitary sewage, fire protection, and access, as well as other improvements required by these regulations; and unless adequate community facilities, including schools, parks, and recreation areas, are available in reasonable proximity to the subdivision.
3. **Correlation with Other Development Measures.** A proposed subdivision should be correlated with the Land Use Plan and with capital budgets and public improvements programs of the governing body of the Town of Pike Road. It is intended that these regulations shall supplement the provisions and standards contained in the building, housing and related codes, Pike Road Design and Construction Standards, zoning ordinance; and other measures governing development.

### **C. Authority**

These regulations are enacted in accordance with the authority granted to the Pike Road Planning Commission by the Legislature of the State of Alabama in Title 11, Chapter 52, Code of Alabama, 1975, as amended. A copy of these regulations shall be certified to the Probate Judge of Montgomery County, Alabama. These Subdivision Regulations shall be known, and may be cited, as the Subdivision Regulations of the Town of Pike Road.

From and after the date of these Subdivision Regulations, every plat of land that is a subdivision, as defined herein, shall be prepared, presented for approval, and recorded as required herein.

No building permit and no certificate of occupancy shall be issued for any parcel of land created by subdivision, as defined herein, unless a Final Plat of such subdivision has been approved and recorded as required by these regulations. No excavation of land and no construction of any public or private improvements shall take place or be commenced in a subdivision except in conformity with these regulations.

### **D. Area of Jurisdiction**

These regulations shall be applied to and shall govern the subdivision of land within the subdivision jurisdiction of the Town of Pike Road. Such jurisdiction is defined in accordance with Chapter 52, Section 11-52-30 of the 1975 Code of Alabama, as amended; and, as such, includes all land within the Corporate Limits of the Town of Pike Road plus unincorporated land within five (5) miles of the Corporate Limits.

### **E. Interpretation**

In their interpretation and application, the provisions of these regulations shall be held to be the established requirements for the protection of our traditional agricultural character and promotion of the public health, safety, and general welfare of our citizens. Where any provision of these regulations

impose restrictions different from those imposed by any other provision of these regulations, or any other ordinance, rule or regulation, or other provisions of law, whichever provisions are more restrictive or impose higher standards shall control.

**F. Vested Rights**

In order to preserve an applicant's investment in a subdivision as originally conceived and designed, any subdivision that has received preliminary subdivision plat approval and has received a permit related to the development of the subdivision, shall be subject to the rules and regulations that apply to the property at the time of such approval.

## **ARTICLE II. DEFINITIONS**

### **A. Purpose**

Certain terms used in these regulations shall have the meanings defined by this Article. In the event that a term is not listed in this Article; or is not defined elsewhere in the Zoning Ordinance of the Town of Pike Road, the Pike Road Town Code, or Sections 11-52-30 through 11-52-36 of the 1975 Code of Alabama, as amended; then the conventional meaning of such term shall apply.

### **B. Interpretation**

The Town Clerk of the Town of Pike Road is hereby authorized to make a final determination of any term used in these regulations. In case of a dispute over such interpretation, a written appeal of the Town Clerk's determination may be filed with the Planning Commission. Such appeal must be filed within 15 days of such determination.

### **C. Use of Words**

In the interpretation of these regulations, the provisions and rules of this Section shall be observed and applied, except where the context clearly requires otherwise.

Words used or defined in one tense or form shall include other tenses and derivative forms.

Words in the singular number shall include the plural number; and words in the plural number shall include the singular number.

The masculine gender shall include the feminine; and the feminine gender shall include the masculine.

The word "shall" is mandatory. The word "may" is permissive.

The word "person" includes an individual, firm, association, organization, partnership, trust, company, or corporation.

In case of any conflict between the text of these regulations and any caption, illustration, figure, or other graphic material, the text shall govern.

### **D. Terms Defined**

For the purposes of these Regulations, certain words and phrases used herein are defined as follows:

**Alley.** A thoroughfare either used or shown on any recorded description of the subject parcel(s) which is not more than thirty (30) feet wide and which affords only a secondary means of access to abutting property.

**Applicant.** One (1) individual, entity or agency that is legally authorized to submit subdivision plats for review and apply for any form of subdivision approval or waiver with respect to a development site.

**Application for Development.** The application forms and all accompanying documents required by these regulations or other regulations for the approval of a subdivision plat or site plan.

**Block.** A tract or parcel of land entirely surrounded by streets, streams, railroad right-of-way, parks, or other public spaces or by a combination thereof.

**Building Line.** A line shown on a plat indicating the minimum allowable distance between any structure and a lot line, as established by requirements of the developer and/or the Town of Pike Road Zoning Ordinance and these Regulations.

**Building Setback.** The line, generally parallel to a lot line or road right-of-way line, indicating the minimum horizontal distance between the lot line and the face of the building, as required by the Zoning Ordinance. In those cases where the Building Line and the Building Setback are not identical, the greater of the two shall take precedence. Platting of required building setback lines is discouraged as they may change with amendments to the Zoning Ordinance thereby complicating enforcement.

**Comprehensive Plan.** A composite of the plans, maps, official reports and explanatory material adopted by the Planning Commission and/or Town Council for the guidance of the growth and development of the Town of Pike Road.

**Commercial.** Shopping area that provides a full range of retail sales and services to the surrounding neighborhood, such as medium-sized grocery stores, drug stores, coffee shops, customer service offices, or medical/dental facilities. Building types are single-purpose commercial structures, multi-story mixed use and residential structures.

**Construction Standards.** The construction standards for the Town of Pike Road.

**Cul-de-sac.** A local street with only one outlet, and having the closed end terminated by a vehicular turn-around.

**Dedication.** The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee-simple interest or of a less than fee interest, including an easement.

**Developer.** The legal or beneficial owner(s) of a lot or parcel or any land proposed for inclusion in a development, including the holder of an option, contract to purchase, or a lease.

**Development.** The division of a parcel of land into two (2) or more parcels (See Subdivision); the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land or any clearing, grading, or other movement of land, for which an approved development plan is required pursuant to these Regulations or other codes and ordinances of the Town.

**Drainage Facilities.** Structural and nonstructural elements designed to collect storm water runoff and convey it away from structures and through the roadway right-of-way in a manner that adequately drains sites and roadways and minimizes the potential for flooding and erosion.

**Easement.** Authorization by a property owner of the use by another and for a specified purpose of any designated part of his property. No easement shall be recognized under these Regulations that has not been created through valid legal instruments and recorded in the Office of the Judge of Probate of Lee County, except those established by the Town through continuous and historic use.

**Engineering Plan.** Plans prepared by a registered engineer showing details of the design and construction of required improvements in a proposed subdivision.

**Erosion.** The wearing away of the ground surface as a result of the movement of wind, waters, and/or ice.

**Erosion Control.** Measures and actions which are to be taken to control potential erosion and sedimentation problems.

**Final Plat Approval.** The official action of the Pike Road Planning Commission taken on a preliminarily approved plat, after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements installed, or guarantees properly posted for their completion; or approval conditioned upon the posting of such guarantees.

**Final Plat.** The map or plan or record of all or a portion of a subdivision, and any accompanying materials presented for final approval and recording as required in these regulations.

**Flag Lot.** A lot with two distinct parts: 1. The flag, which is the only building site; and is located behind another lot; and 2. The pole, which connects the flag to the street; provides the only street frontage for the lot.

#### **FLOOD STANDARDS BY YEAR**

**25** - A flood which has, on the average, one quarter (.25) of a percent chance of being equaled or exceeded in any given year.

**50** - A flood which has, on the average, half (.50) of a one percent chance of being equaled or exceeded in any given year.

**100** - A flood which has, on the average, of one (1) percent chance of being equaled or exceeded in any given year.

**200** - A flood which has, on the average, of two (2) percent chance of being equaled or exceeded in any given year.

**Grade.** The slope of land or a built feature such as a street, specified in percentage terms.

**Health Department.** The Montgomery County and State of Alabama Health Departments.

**Hundred (100) Year Flood.** Flood created by a 100-year storm event, a storm having a one percent chance of being equaled or exceeded in any given year.

**Hundred (100) Year Floodplain.** The area of land inundated as a result of the 100-year rainfall event.

**Improvement.** Any built or constructed immovable item that becomes part of, placed upon, or is affixed to, real estate.

**Industrial.** Manufacturing, commercial uses, subject to some limits, high impact uses as a conditional use, institutional uses in existing buildings, entertainment uses other than adult, transportation and utility services, and salvage and recycling uses.

**Land Use Plan.** A plan developed and adopted that documents current land use, projects future land use, and sets out goals and objectives to guide the future development of the Town of Pike Road.

**Lot.** A parcel of land occupied by, or designated to be developed for, one (1) building or principal use and the accessory buildings or uses customarily incidental to such building, use or development, including such open spaces and yards as are designed and arranged or required by these Regulations for such building, use, or development.

**Lot Area.** The area contained within the boundary lines of a lot.

**Lot, corner.** A lot abutting two or more streets at their intersection. If the two streets form an angle of more than 135 degrees, as measured at the point of intersection of their centerlines, the lot shall not be considered a corner lot.

**Lot depth.** The distance between the midpoints of the front and rear lot lines.

**Lot, double frontage.** A lot, other than a corner lot, which has frontage on more than one street.

**Lot frontage.** Lot width measured at the street lot line. When a lot has more than one street lot line, lot width shall be measured at each such line.

**Lot Line.** A line bounding a lot which divides one lot from another or from a street or any other public or private space.

**Lot line, front:** In cases where the lot fronts on only one street, the lot line adjacent to the street. For corner lots, the side meeting minimum width requirements. For double frontage lots and corner lots meeting width requirements on both frontages, the property owner may choose one as the front lot line for the purposes of setbacks and placement of accessory structures.

**Lot line, rear.** That lot line, which is parallel to and most distant from the front lot line of the lot. In the case of an irregular, triangular, or gore-shaped lot, a line twenty (20) feet in length, entirely within the lot, parallel to and at the maximum possible distance from, the front line shall be considered to be the rear lot line.

**Lot line, side.** Any lot line other than a front or rear lot line.

**Lot of record.** Any validly recorded lot that complies with all currently applicable laws, ordinances, and regulations. (See also Nonconforming Lot of Record)

**Lot Width.** The distance between side lot lines measured at the right-of-way.

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

**Multifamily:** is a classification of housing where multiple separate housing units for residential (non-commercial) inhabitants are contained within one building. The major types of new development will be apartments, duplexes, townhouses, and garden apartments. These housing types are intended to be compatible with houses in the adjacent residential developments.

**Nonconforming lot of record:** Any lot validly recorded in the public records of Montgomery County, which complied with all applicable laws, ordinances, and regulations in effect on the recording date. (See also Lot of Record).

**Open Space.** Any parcel or area of land or water, either publicly or privately owned, set aside, dedicated, designated, or reserved for the private use or enjoyment of owners or occupants of land adjoining such open space, or for the public at large.

**Owner.** The person or persons having legal title to a lot or parcel of land.

**Planning Commission.** The Pike Road Planning Commission created by the Town of Pike Road under the authority of Chapter 52, Article 1, of the Code of Alabama, 1975, as amended.

**Planned Unit Development (PUD).** A type of development approved through a special process designed to allow flexibility and to encourage innovative land use and development. A PUD may include varied and compatible land uses, such as housing, recreation, and commercial centers within one defined development or subdivision.

**Preliminary Plat Approval.** The conferral of certain rights prior to final approval after specific elements of a development plan have been agreed upon by the Planning Commission and the applicant.

**Preliminary Plat.** A map and related materials indicating the proposed layout of a development submitted for preliminary approval in accordance with these regulations.

**Private Road.** With respect to Private Roads, the following shall apply:

1. Identified as separate, dedicated easement and recorded as a parcel
2. Ownership of dedicated easement is noted on plat
3. Owner is responsible for maintenance of Private Road
4. Easement on plat must meet the minimum dimensions as Street Standards in Section 4
5. Does not have to be paved
6. Proper runoff and drainage must be installed if impacting Watersheds. See section 4 for details.

**Probate Judge.** The Judge of Probate for Montgomery County, Alabama.

**Public Improvement.** Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs as: vehicular and pedestrian circulation systems, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services.

**Public Open Space.** An open space area conveyed or otherwise dedicated to the Town or another public body or agency for recreational or conservation purposes for the public at large.

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

**Registered Land Surveyor.** A land surveyor properly licensed and registered in the State of Alabama.

**Re-plat.** A subdivision that results in the creation of no additional lots, requires no new streets, right-of-way, or utility mains, and where all lots conform to all applicable ordinances and regulations; i.e. lot line adjustment.

**Reserve Strip.** A strip of land, smaller than a lot, and retained in private ownership as a means of controlling access to land dedicated or intended to be dedicated for street or other public use.

**Resubdivision.** A combination, recombination, or splitting of previously recorded lots or tracts of contiguous land for the purpose of creating additional lots or enlarging existing ones.

**Right-of-Way.** A strip of land used or intended to be used for passage of the general public, and occupied or intended to be occupied by a street, road, bicycle path, crosswalk, utilities, railroad or similar facility; and dedicated to the governing body in fee simple, or by other legal means such as prescription.

**Roadway.** The portion of a right-of-way intended for use by vehicular traffic.

**Sidewalk.** A paved path provided for pedestrian use, and usually located at the side of a road and within the street right-of-way.

**Single Family Residential Development (SFRD).** Areas typified by detached single family structures on lots compatible with the character of single family neighborhoods. Building type is a single dwelling unit, or with one single-family structure and one accessory unit within the same structure. More than six lots before it is considered SFRD.

**Street.** Any street, avenue, boulevard, road, parkway, viaduct, drive, or other right-of-way provided for vehicular traffic and travel.

**Street Hierarchy.** A systematic approach to street design based on classifying streets according to function. All streets that are not designated as “Local Streets” shall be considered to be “Major Streets” within the community. The classifications include Main Streets, Avenues, Boulevards, Parkways, and Local Streets.

**Main Streets** -- Main Streets are “destination streets”. They provide access to and function as centers of civic, social, and commercial activity. Main Streets contain a mixture of uses, and are comfortable for pedestrians. These streets are currently rare in the Town of Pike Road, but they will become more prevalent as identified “Town Centers” develop.

**Avenues** – Avenues provide access from neighborhoods to commercial areas, between major destinations and, in some cases, through neighborhoods. Avenues function in a wide variety of land use contexts. They carry significant automobile traffic, but are also designed for pedestrian and bicycle comfort.

**Boulevards** - Boulevards are designed to move larger numbers of vehicles (as through traffic) from one part of the Town to another and to other lower level streets in the network. Therefore, maintaining vehicular movement is a higher priority than with an Avenue. Land uses along Boulevards can vary, but development will usually be set back farther from the street than on Avenues.

**Parkways** - \_ Parkways are the most auto-oriented of the street types. A Parkway's primary function is to move motor vehicle traffic efficiently through the Town and to provide access to major destinations. Therefore, design decisions will typically favor the automobile mode over other modes.

**Local Streets** - Local Streets provide access to residential, industrial, or commercial districts, as well as to mixed-use areas. Speeds and motor vehicle traffic volumes are low, providing a safe and comfortable environment for pedestrians and bicyclists. Local Streets serve a wide variety of development contexts, therefore, specific cross-sections for a variety of different Local Street types are available.

**Street, Alley.** A narrow right-of-way and street not intended for general traffic circulation and affording a secondary means of access to abutting properties; typically at the side or rear of the lot.

**Street, Cul-de-sac.** A short street designed to have one end permanently closed; the closed end terminated by a vehicular turn-around.

**Street, Dead-end.** A short street that is permanently closed at one end.

**Street, Stub.** A portion of a street for which a future extension has been proposed or required. Stub streets may be permitted in phased developments to access future building areas or be planned or required to provide access to future development areas.

**Structure.** Anything constructed or erected that requires rigid and permanent location on or attachment to the ground; including, but not limited to, buildings, signs, towers, monuments, statues, and walls; but not including telephone and other utilities poles, overhead wires, retaining walls and terrace walls, wire fences, and any other thing less than three feet in height

**Subdivision.** This term shall have the meaning ascribed to it in § 11-52-1 of the Alabama Code (1975), as the same shall hereafter be altered, amended or otherwise replaced.

**Subdivision, Major.** A major subdivision not classified as a minor subdivision, including but not limited to subdivisions of five (5) or more lots, including remnant parcels, or any size subdivision requiring any new street, drainage, or other public improvement.

**Subdivision, Minor.** A subdivision of four (4) or fewer lots where no new streets, right-of-way, or utility mains are required. Properties zoned for Multi-family and non-residential uses shall not be considered as minor subdivisions. With respect to roads and utilities, the following will apply:

1. Creation of a new Private Road or extension of an existing Private Road shall be paid for and maintained by landowners, sub-dividers or developers;
2. Does not involve any new Public Road;
3. Does not involve the extension of public wastewater or water lines;
4. Does not land lock or prevent development of the remainder of the parcel or Adjacent Property;
5. Does not create any new or residual parcels that do not comply with the requirements of this ordinance or other applicable state or local regulations;

6. Is not located, wholly or substantially, in a flood hazard area.

**Subdivision Committee.** A committee of two or more members of the Planning Commission appointed to review subdivision plats for compliance with all regulations of the Town of Pike Road and to report their findings and recommendations to the Planning Commission.

**Subdivision Jurisdiction.** All land located within the corporate limits of the Town of Pike Road and within five (5) miles thereof, and not located within the corporate limits of any other municipality or within the subdivision jurisdiction of any other municipality having a planning commission, in accordance with Chapter 52, Article 2, Section 11-52-30 of the Code of Alabama, 1975, as amended.

**Subdivision Administrator.** The official of the Town of Pike Road charged with the responsibility of administering and enforcing these regulations.

**Subdivision Regulations.** The Subdivision Regulations of the Town of Pike Road, Alabama.

**These Regulations or Standards.** The Pike Road Subdivision Regulations together with all applicable design and construction requirements, all of which constitute the comprehensive development regulations of the Town of Pike Road, Alabama.

**Town.** The Town of Pike Road, Alabama.

**Town Attorney.** The licensed attorney designated by the Town Council to furnish legal assistance in the administration and enforcement of these regulations.

**Town Council.** The Town Council of the Town of Pike Road, Alabama.

**Town Engineer.** The registered engineer designated by the Mayor to furnish engineering assistance in the administration and enforcement of these regulations.

**Tree.** All wooded vegetation, whether occurring naturally or planted, which has one erect perennial stem or trunk at least nine and one half (9 ½) inches in circumference at a point four and one half (4 ½) feet above ground level.

**Water Supply.** The system made up of water sources, treatment, and conveyance systems to provide potable water to the community.

**Watershed.** The land area from which surface water runoff flows and ultimately drains to a particular watercourse or body of water.

**Zoning Ordinance.** The Zoning Ordinance of the Town of Pike Road, Alabama.

## **ARTICLE III. PROCEDURE FOR PLAT APPROVAL**

### **A. General Requirements**

Proposed subdivisions shall meet the requirements of all applicable codes and laws, and shall be prepared in conformity with the standards of professional practice. No plat or description of land subdivided within the jurisdiction of these Regulations shall be filed in the Montgomery County Probate Office until the plat has been finally approved by the Town of Pike Road Planning Commission, according to these procedures.

1. The procedure for review and approval of a subdivision plat generally consists of three separate steps – pre-application meeting, a preliminary plat, and a final plat.
2. Minor Subdivisions. For platting of four (4) or fewer lots, where there are no new streets or rights-of-way and no new utility mains required, application for simultaneous preliminary and final approval may be made to the Planning Commission. Submittals shall in all other respects meet the minimum requirements of these regulations.
3. Re-plat. Lot line adjustments may be approved administratively by a Re-plat approved by the Planning Director and/or his/her authorized agent without review by the Planning Commission, provided that no new lots are thereby created and that no lot is reduced below the minimum size otherwise required by the provisions herein or by provisions of the Zoning Ordinance. A re-plat shall require the submission of a sketch plan as specified in Article III, Section B., except that the location and dimension of lot lines, and existing facilities shall be exact.

### **B. Pre-application Meeting**

The applicant is encouraged to consult early and informally with the Planning Director and/or his/her authorized agent to obtain advice and assistance before preparation of the preliminary plat. This meeting will enable the developer to become familiar with the comprehensive plan and other rules which may affect the development. A pre-application conference with the Planning Director and/or his/her authorized agent may be scheduled at the mutual convenience of both parties. At the pre-application meeting, the applicant may provide a sketch plan, drawn to a scale of not more than 1:200. A sketch plan shall include the following information:

1. Name, address, and phone number of the applicant and the agent preparing the sketch plan;
2. Graphic scale and north arrow;
3. Proposed land uses;
4. Current zoning and district lines;
5. Total acreage of the site;
6. Proposed lot lines and approximate dimensions;
7. Proposed utility and street locations with approximate dimensions;

8. Proposed parcels for open space or public use with approximate dimensions;
9. Approximate topography;
10. Any existing facilities on or adjacent to and within 200 feet of the parcel, including streets, utilities, or parks;
11. Any other information essential to the purpose for which the sketch plan will be used.

### C. Preliminary Plat

Submission requirements shall be submitted to the Town Clerk not later than the date and time specified in the commission's official agenda schedule for the particular meeting at which application is to be considered.

1. Submission Requirements. Applications for a preliminary plat shall include the preliminary plat and all plans for staff review demonstrating compliance with these Regulations, The Town of Pike Road Construction Standards, and The Town of Pike Road Zoning Ordinance. Six (6) copies of the preliminary plat and two copies of all plans shall be submitted for staff review. Submittals shall include the following information, plans, and forms:
  - a. The Preliminary Plat application form supplied by the Town Clerk
  - b. The Preliminary Plat including:
    - 1) A vicinity map.
    - 2) Name and location of the proposed subdivision, and names and location of any adjacent subdivisions. The name of the proposed subdivision shall not duplicate or closely approximate the name of any other subdivision covered by these regulations. The Commission shall have the final authority to designate the name of the subdivision.
    - 3) Names and addresses of owner, designer, applicant and all associated investors, as well as record owners of lands immediately adjacent to subdivision.
    - 4) North point, graphic scale, and date.
    - 5) Contour map at two-foot interval.
    - 6) Blocks and lots with dimensions.
    - 7) Location and dimensions of lands to be dedicated or reserved for parks, open space or other public use.
    - 8) The existing zoning classification of the subdivision and all contiguous lands, where zoning exists. Where there is no zoning in effect, the proposed use of the lots shall be shown on the plat.
    - 9) Plans shall include a site data box including, but not limited to, the total acreage of the site, the acreage of common area, the number of lots, the square footage for each lot, the site density, and the number of units proposed.
    - 10) Applicants shall provide site data and all applicable permits relative to items such as soils, wetlands, flooding, drainage, natural features and potential archeological features.

- 11) Maximum drawing sizes and scale shall be limited to 24"x 36" and 1:100, respectively. Where necessary the plat may be presented on several sheets accompanied by an index sheet showing the entire subdivision.
  - 12) Applicant shall also submit all plans on a digital copy in AutoCAD and Adobe PDF format.
- c. A Street Plan including but not limited to:
    - 1) The location of existing and proposed streets within and adjacent to the subdivision
    - 2) Widths and purpose of existing and proposed rights-of-way and easements
    - 3) Clear identification of right-of-way and location of any street which is part of the Master Plan
    - 4) Proposed street names
    - 5) Typical section for proposed streets
  - d. A Landscape Plan meeting the landscape requirements of the Zoning Ordinance and the Town of Pike Road Design and Construction Standards
  - e. An Open Space Plan meeting the requirements of the Zoning Ordinance and the Town of Pike Road Design and Construction Standards
  - f. A Tree Preservation Plan meeting the requirements of the Zoning Ordinance and the Town of Pike Road Design and Construction Standards
  - g. A Tree Replacement Plan meeting the requirements of the Zoning Ordinance and the Town of Pike Road Design and Construction Standards
  - h. Declaration of protective covenants, if applicable
  - i. Letters from water and sanitary sewer utility owners stating they will provide adequate service to the subdivision
  - j. A drainage concept, including proposed method of storm water detention and means of controlling erosion during construction. Any portion of the land in the proposed subdivision subject to periodic inundation by storm drainage, overflow or ponding shall be clearly identified on the plat. Lands lying within the flood plain, V or A Zones, shall be clearly identified on the plat. Storm-water detention facilities shall be shown in the plans and calculations provided.
  - k. Where a phased development is proposed, the preliminary plat shall include all phase lines and a master plan showing the continuity of development proposed for the entire project. Each phase shall satisfy the requirements of these regulations individually.
  - l. Traffic Data and Traffic Study – A traffic study shall be required for all applications that will generate 100 single-family residential lots or more or an average daily traffic (ADT) count of 1,000 trips or more. An agent selected by the Town, or selected by the applicant and approved by the Town, and paid for by the applicant shall perform the traffic study. The traffic study shall be used to determine what on-site and off-site street or traffic improvements may be necessary due to the development. The traffic study shall also indicate what street types shall be allocated within the subdivision based upon traffic volumes. The Planning Commission may condition the approval of the application on the applicant paying for or constructing those improvements or portions of improvements that are needed due to the traffic impact of the application

based on all potential land uses. The traffic study shall include the following data along with an analysis of the data:

- 1) Estimates of trip generation for the proposed development showing projected inbound and outbound vehicle trips for morning and evening peak periods to identify the maximum combined hourly traffic volume associated with the peaking characteristics of the site development combined with the adjacent street traffic.
  - 2) Projected traffic impact and trip distribution on existing and planned streets within the development and at major signalized and unsignalized intersections within ½ mile of the project site (study area) areas likely to be impacted by the development. Intersections of particular concern to the Town may be added or omitted from the traffic study at the direction of the Planning Director;
  - 3) Assignment of trips generated by the proposed development on existing and planned streets within the development and areas likely to be impacted by the development and within the project study area;
  - 4) Intersection turning movements and traffic counts on all existing and planned intersections likely to be impacted by the proposed development. Traffic counts must be less than 3 years old to be used as base volumes for the traffic analysis;
  - 5) Corresponding intersection levels of services shall be calculated for the peak periods for the intersections within the study area, utilizing the Highway Capacity Software (HCS) latest version, or Synchro traffic software, for the existing conditions and opening year of the project site. Intersections shall be considered deficient if Level of Service (LOS) D is exceeded, and improvements to meet this LOS threshold shall be identified;
  - 6) Site access volumes and major unsignalized intersections within the study area shall be evaluated using the Manual on Uniform Traffic Control Devices (MUTCD) to demonstrate the need for installation of a traffic control signal,
  - 7) Auxiliary turn lane requirements shall be evaluated at the site access points to identify if right turn and left turn ingress lanes are needed. Site access points that generate 40 or more right turns in one hour will be required to construct a right turn ingress lane. The need for constructing a left turn ingress lane shall be considered based on the Appendix criteria for left turn lane warrants;
  - 8) Potential mitigating measures or trip reduction options.
- m. List of Name(s) and address(es) of a person to whom notice of a hearing shall be sent, and the names and addresses of all owners of land immediately adjoining the proposed subdivision as their names appear upon the plats in the county tax assessor's office, which will be certified or otherwise verified by the County, on the tax records of the County.
  - n. In the case of applications for a preliminary plat outside the Town limits but within the jurisdiction of these regulations, the applicant shall be required to submit evidence in writing that plans for the subdivision shall have been received by the County Engineer for his/her review.
  - o. Filing fee as specified in the Town's most recent schedule of fees.

2. Approval Procedures.

- a. Staff review – Applicants for a preliminary plat shall first submit the preliminary plat and plans to the Town Clerk for review by staff. The Planning Director or his/her designee shall determine if the submittals meet all of the requirements of Section C.1 above. Incomplete, partial, or inaccurate submittals will not be accepted, but will be returned to applicant for re-submission for a later hearing. Staff shall review the application and provide comments to the applicant. Following staff review and comments, the applicant shall submit revised drawings for review by staff and the Planning Commission. The revised plans submitted shall reflect staff's initial review comments.
- b. Planning Commission Hearing and Review – Complete formal applications will be placed on the next available Planning Commission agenda for submittal to the Planning Commission and a public hearing and review by the Planning Commission. Notice shall be sent to the applicant and owners of land immediately adjoining the platted land stating the time and place of the hearing. The applicant shall post on any specific property, which is the subject of the application, on a sign facing each adjacent public street. The sign shall be furnished to the applicant by the Town at least 21 days prior to the hearing. The sign shall be posted no later than 15 days prior to the hearing before the Planning Commission. It is the sole responsibility of the applicant to post the sign in accordance with these regulations. Failure to post this sign may result in nullification of the subdivision application and approval.
- c. Planning Commission Decision – After review of the proposed preliminary plat by the Planning Commission, the Planning Commission may:
  - 1) Approve the preliminary plat;
  - 2) Approve the preliminary plat with conditions;
  - 3) Deny the preliminary plat with stated reason(s) for denial; or
  - 4) Table the application for further study and additional information.

Upon the decision rendered by the Planning Commission, the Planning Department will issue a letter to the applicant regarding the official decision of the Planning Commission. If approved conditionally the conditions and reasons therefore shall be stated; and if necessary the Planning Commission may require the applicant to submit a revised Preliminary Plat. 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 applicant.

- d. 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. The Final Plat will be submitted for approval and recorded upon fulfillment of the requirements of these regulations and the conditions of preliminary approval. Approval of a Preliminary Plat shall be effective for 18 months, unless, upon application by the applicant, 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 preliminary 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 applicant 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.

3. Additional Considerations.

- a. The Preliminary Plat may also be reviewed by other local City, County, State or Federal officials and agencies with jurisdiction governing the proposed subdivision. Any reviews required by other entities must be completed prior to Planning Commission consideration. Findings and recommendations of these outside entities and agencies may be made conditions of approval by the Planning Commission.
- b. The Planning Commission shall not consider for a period of twelve (12) months a Preliminary Plat which has been disapproved by the Pike Road Planning Commission.
- c. Upon submission of a subdivision application, no additional subdivision applications shall be accepted for the subject property until the original application has been withdrawn or the Planning Commission has rendered its final decision and all applicable time limits have expired.
- d. Preliminary plat approval shall not constitute final acceptance of the subdivision and the approval shall not be endorsed upon the plat. As provided by state law, these regulations require tentative or preliminary approval of a subdivision before installation of streets and utilities.
- e. Upon approval of the preliminary plat, the sub-divider may apply for a Preconstruction Conference and install all required improvements in substantial conformity of all requirements of the regulations, applicable codes, and laws, and apply for final plat approval.

**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 Preliminary Plat improvements. To this end, the applicant 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 applicant 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 Pike Road and of other agencies concerned. Copies of the ADEM and Army Corps of Engineers letters of approval must 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 overall grading plan and/or drainage calculations may be required.
  - g. A street lighting plan.
  - h. If any state right-of-way or any improvement thereon is proposed to be changed or modified, a detailed Highway Improvements Plan, with the written approval of the responsible official of the Alabama Highway Department, showing all existing features within the rights-of-way and all proposed changes, including, but not limited to, changes in traffic patterns, markings, signs, curbs and barriers, neutral zones, signals, warnings, plantings and landscaping. There shall be submitted with and as a part of the Plan a written statement setting forth means proposed for traffic control and safety during construction and for restoration of the site. All of the foregoing shall also apply to rights-of-way controlled by the County, except that the County Engineer's approval shall appear on the Plat to be reviewed by the Planning Commission.
4. Action on Engineering Plan. The Town Engineer and other officials and agencies concerned shall notify the applicant 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. Approval of the Preliminary Plat and Engineering Plan and receipt of a permit from the Montgomery County Engineer shall constitute authorization, subject to obtaining the necessary State and Federal permits, that the applicant 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 applicant shall not begin any construction without first notifying the Town Engineer, Subdivision Committee, Director of Water & Sewer, and the County Engineer if appropriate.

#### **E. Pre-construction Conference**

An onsite pre-construction conference with the Town Engineer is required prior to initiation of any land disturbance activities. Construction of said improvements shall in no way obligate the Commission to grant Final Approval of the Plat, nor shall it obligate the Town Council to accept such improvements for public maintenance. No owner or developer shall proceed with any site work under authority of preliminary plat approval until the completion of the preconstruction conference. Any substantial deviation from the approved submittals during construction or failure to provide for traffic control, safety, environmental protection controls and/or best management practices and restoration of the site shall be grounds for the immediate suspension of the Preliminary Plat Approval and/or issuance of a stop work order. The Planning Commission shall have the power to reinstate Preliminary Approval when it is satisfied that conditions resulting in suspension have been mitigated.

#### **F. Final Plat**

1. Purpose. The purpose of the final plat 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. Prior to expiration of preliminary plat approval, the applicant may submit six (6) copies of the Final Plat to the Planning Commission staff for review and, if in compliance with the approved Preliminary Plat and submission requirements, placement on the Commission agenda.
2. Submission Requirements. The staff shall not place any proposed Final Plat on the agenda for review until staff has received the following items:
  - a. Either a financial guaranty (in the form of a maintenance bond) in an amount and form acceptable to the Town Council as a guarantee for the installation of required improvements or the determination of the Town Engineer that all required improvements have been installed to the Town's requirements.
  - b. Final Plat and Final Plans showing all information required by and meeting requirements of Article III, Section C.1 and the following additional information:
    - 1) A diagram to scale showing the general location of the subdivision.
    - 2) 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.
    - 3) 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.
- 4) Name and right-of-way width of each street or other public right-of-way.
  - 5) Where streets stubs are provided, said stubs shall provide access to abutting properties. The applicant shall include a note on the plat providing notice that said stub shall provide future access to abutting properties.
  - 6) Numbers to identify each block and lot and the area of each lot.
  - 7) The location, dimensions, and purpose of any easements.
  - 8) The purpose for which sites other than residential lots may be used.
  - 9) Names of owners of record of adjoining land.
  - 10) Certification of title showing that the applicant is the owner of the land within the subdivision.
  - 11) Statement by the owner dedicating street rights-of-way and any sites for public use.
  - 12) 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.
  - 13) Space for certificate of approval by the Planning Director; the Town Engineer; and, if appropriate, the County Engineer.
  - 14) Certificate of acceptance by the Town Council of any land, right-of-way, or easements dedicated to the Town.
  - 15) Certificate by the Town Engineer that the subdivision meets all the requirements for required street and utility improvements.
  - 16) Certificate by the County Health Officer when individual sewage disposal and/or water systems are to be installed.
  - 17) Signature blocks for all utility providers.
  - 18) Plans shall include a site data table box including, but not limited to, the total acreage of the site, the acreage of the common area, the number of lots, the density, the gross floor area for buildings, and the number of units proposed.
  - 19) A copy of the protective covenants associated with the homeowners association shall be submitted with the final plat. If the subdivision contains common open space, retention ponds or other amenities for the use of the residents of the subdivision, a homeowner or residents association must be established for maintaining the common open space or other amenity.
  - 20) A Maintenance Plan for maintenance of detention facilities during development and documents providing for continued maintenance after completion of development and sale of all lots, such documents running as a covenant with the lands.
  - 21) Existing structures shall be located on the plat and fully dimensioned so that conformance with any applicable regulations can be verified.

- 22) Note prohibiting structures on easements. Ungated fences shall not restrict access.
- 23) The engineer shall perform the supervision of construction, the final plat shall have the following engineer's certification:

“ENGINEER’S CERTIFICATE”

“I, the undersigned, a Registered Engineer in the State of Alabama holding Certificate Number \_\_\_\_\_, hereby certify that I have designed the within improvements in conformity with applicable codes and laws and with the principals of good engineering practice. I further certify that I have observed the construction of the within improvements, that the same conforms to my design, that the within is a true and accurate representation of improvements as installed and that said improvements are hereby recommended for acceptance by the Town of Pike Road, Alabama.

\_\_\_\_\_  
Project Engineer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Project to which the Certificate Applies  
Plans which are certified consist of Page \_\_\_\_\_ thru \_\_\_\_\_, each of which bears by seal and signature.”

3. Approval Procedures.

- a. Staff Review – Applicants for a final plat shall first submit the final plat and plans to the Planning Director and/or his/her authorized agent for staff's review. The Director shall determine if the submittals meet all of the requirements of Section F.2 above. Incomplete, partial, or inaccurate submittals will not be accepted, but will be returned to the applicant for re-submission for a later hearing. Staff shall review the application and provide comments to the applicant. Following staff review and comments, the applicant shall make a formal application for submittal to and review by the Planning Commission.
- b. Final Inspections – Applicants shall submit a letter of verification prepared by the Applicant's engineer certifying that all punch list items from the final inspections have been satisfactorily completed.
- c. Planning Commission Submission and Review – Complete applications will be placed on the next available Planning Commission agenda. On the date of the scheduled meeting, the application will be submitted to the Planning Commission for review. Final plats in substantial conformity with an approved preliminary plat may be approved by the Planning Commission.
- d. Planning Commission Decision – After review of the proposed final plat by the Planning Commission, the Planning Commission shall:
  - 1.) Approve the final plat;
  - 2.) Approve the final plat with conditions; or
  - 3.) Deny the final plat with stated reason for denial.

If the plat is disapproved, the reason(s) for such disapproval shall be noted in the minutes of the Commission and a letter shall be transmitted to the applicant stating the reasons for disapproval.

The Planning Commission may table the final plat for further investigation, discussion, and reconsideration.

Upon the decision rendered by the Planning Commission, the Planning Director will issue a letter to the applicant regarding the official decision of the planning commission regarding the site proposed.

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 Pike Road. In such cases, acceptance of dedicated lands by the Town Council must occur prior to recording the Final Plat.

- e. Recording – The applicant is responsible for recording the approved Plat, and approval shall be null and void if the Plat is not recorded in the office of the Judge of Probate of Montgomery County within six (6) months after the date of final approval. The Commission may, on finding of good cause, extend that six-month period. The applicant shall provide a copy of the recorded plat; failure to do so shall result in the denial of the issuance of the building permits within the subdivision. The applicant shall file with the Town Clerk one (1) mylar, five (5) blue line 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 Montgomery 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.

#### **G. Combined Preliminary and Final Plat**

An applicant may submit a combined request for both Preliminary Plat and Final Plat approval if the proposed subdivision meets the requirements of a minor subdivision. In such cases all requirements for both Preliminary and Final Plat approval must be met.

#### **H. Re-Plat**

The Planning Director may administratively approve a re-plat without review by the Planning Commission, provided that no new lots are thereby created and that no lot is reduced below the minimum size otherwise required by the provisions herein or by provisions of the Zoning Ordinance. A re-plat shall require the submission of a sketch plan as specified in Article III, Section B, except that the location and dimension of lot lines, and existing facilities shall be exact. Once the sketch plan is reviewed by staff, a final plat may be submitted that incorporates any changes requested by staff during the pre-application meeting phase.

## **ARTICLE IV. STANDARDS**

### **A. General Requirements**

The provisions of these Regulations shall apply to all land within the Town limits of Pike Road, Alabama now and in the future, and to all within the planning jurisdiction of the Town of Pike Road, as authorized by the Code of Alabama, Title 11, Chapter 52 and Article I of these Regulations.

### **B. Approval Standards**

Consistency with Plans, Regulations and Laws - The Planning Commission shall not approve the subdivision of land if the Commission makes a finding that such land is not suitable for platting and development as proposed, due to any of the following:

1. The proposed subdivision is not consistent with the Town's Comprehensive Plan, and/or the Town's Zoning Ordinance, where applicable;
2. The proposed subdivision is not consistent with the Town's Comprehensive Plan or any other plan or program for the physical development of the Town including but not limited to a Major Street Plan, an Open Space Plan, a Trails Plan, a Pedestrian Plan, or the Capital Improvements Program;
3. The proposed subdivision is not consistent with these Regulations;
4. The proposed subdivision is not consistent with other applicable state or federal laws and regulations; or
5. The proposed subdivision otherwise endangers the health, safety, welfare or property within the planning jurisdiction of the Town.

### **C. Design and Construction Standards**

The Pike Road adopted Design and Construction Standards shall be followed in the design, construction and development of land.

## ARTICLE V. ADMINISTRATIVE

### **A. General Provisions**

These Subdivision Regulations shall be administered by the Pike Road Planning Commission.

### **B. Penalties**

As prescribed in Section 33, Title 11, Code of Alabama, 1975, as amended, whoever being the owner or agent of the owner of any land located within a subdivision, transfers or sells or agrees to sell 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 Planning Commission and recorded in the records of the Office of the Judge of Probate of Montgomery County, shall forfeit and pay a penalty of 100 dollars for each lot or parcel so transferred or sold or agreed or negotiated to be sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided. The Town of Pike Road may enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction or may recover the same penalty by a civil action in any court of competent jurisdiction.

It shall be the duty of the Subdivision Committee of the Town of Pike Road to enforce the provisions of these Regulations, and to bring to the attention of the Pike Road Planning Commission any violations of, or lack of compliance with, these Regulations.

### **C. Application Fees**

A schedule of application fees for all approvals and public hearings required under these regulations shall be established by separate resolution. This fee schedule shall be computed so as to recover all costs incurred by the Town in reviewing and processing subdivision-related requests, and shall be revised as necessary by the Town Council.

After filing an application with the Planning Commission for review, if the applicant, engineer, and/or owner requests withdrawal of the subdivision application at any time before the application is acted on by the Planning Commission, and if said application is withdrawn from consideration before being acted on by the Planning Commission, any subsequent requests by the applicant, engineer, and/or owner for review of the same or similar application will be treated as a new application; therefore, the fee schedule as set out above will apply as if it were a new application; provided, however, that the foregoing shall not apply to withdrawal requests made by the Planning Commission.

The testing of materials and workmanship shall be done under the direction of the Town. The developer will provide to the Town tests as requested by the Town performed by a duly licensed engineer or testing laboratory approved by the Town. The cost of such testing shall be borne solely by the Developer.

#### **D. Amendments**

These regulations may from time to time be amended by the Pike Road Planning Commission. Such amendments shall be published as provided by law for the publication of ordinances. Before the adoption of any amendment, the Planning Commission shall hold at least one public hearing thereon, notice of time and place of which shall be given by publication in a newspaper of general circulation in the Town. The adoption of any such amendment shall be by resolution of the Planning Commission carried by the affirmative votes of not less than six (6) members of the Planning Commission. An attested copy of the amendment shall be certified to the Town Council and to the Probate Judge of Montgomery County, Alabama.

#### **E. Requirements Held Minimum**

In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements for the promotion of the public health, safety, and general welfare. More stringent provisions may be required if it is demonstrated that different standards are necessary to promote the public health, safety, and welfare.

#### **F. Modifications**

In cases where the strict application of any of these regulations would result in peculiar and practical difficulties or exceptional and undue hardship, the Planning Commission may modify the application of the regulations to relieve such difficulty or hardship. The difficulty or hardship must be inherent in the exceptional topographic or other extraordinary or exceptional characteristics of the tract proposed to be subdivided and shall not be the result of actions of the Applicant. No modification shall be made that will produce a conflict with the Comprehensive Plan or with the intent and purposes of these regulations, and any modification shall be the minimum modification that will make possible the reasonable subdivision of the land.

Applications for any waiver shall be submitted in writing by the developer at the time the preliminary plat is filed for consideration by the Planning Commission. The application shall state in full the grounds upon which the waiver is being requested and present the facts upon which the petitioner is relying; and shall be supplemented with such maps, plans, and other data which may assist the Planning Commission in consideration of the request.

No waiver shall be granted unless the Planning Commission shall find that due to special circumstances or conditions, the strict application of these regulations would deprive the applicant of reasonable use of the land.

#### **G. Conflicting Provisions**

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule, regulation, statute, or other provision of law. Whenever any provision of these regulations imposes

restrictions different from those imposed by any other provision or law, whichever provisions are the more restrictive or impose higher standards shall prevail.

**II. Severability**

The requirements and provisions of these regulations are severable. Should any provision, section, or article be held by a court of competent jurisdiction to be invalid or unconstitutional, the decision of such court shall not affect the validity of these regulations as a whole or any part or section thereof other than the part or section so declared to be unconstitutional or invalid.

**I. Effective Date and Repeal**

These regulations shall take effect upon their adoption and publication as required by law.

ADOPTED THIS THE 23 DAY OF Sept., YEAR 2014

Planning Commission Chairman: Chris DeLuca

Attested  
Town Clerk: Charlene Fabron

