

ARTICLE VI. ADMINISTRATION

A. General Provisions

These Subdivision Regulations shall be administered by the Elmore 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, 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 Elmore 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 Elmore 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 Elmore to enforce the provision of these Regulations, and to bring to the attention of the Elmore 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application at any time before the application is acted on by the Planning Commission, and if said application is withdrawn from consideration before being acted on by the Planning Commission, any subsequent requests by the applicant, engineer, and/or owner for review of the same or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 Elmore 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 Elmore 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 provision 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 Subdivider. No modification shall be made that will produce a conflict with the Land Use 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, negate, 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.

H. Severability

The requirements and provision 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 _____ DAY OF _____, 2007.

ELMORE PLANNING COMMISSION

_____, Chairman

ATTEST: _____, Town Clerk