

ENTERPRISE

SUBDIVISION REGULATIONS

Recommended to the
City of Enterprise



ENTERPRISE SUBDIVISION REGULATIONS

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ENTERPRISE SUBDIVISION REGULATIONS

ARTICLE I: GENERAL PROVISIONS

Section 1. Authority

These Subdivision Regulations are adopted under the authority of Chapter 52, Article 2, of the 1975 Code of Alabama, as amended.

Section 2. Short Title

These Subdivision Regulations shall be known, and may be cited, as the Subdivision Regulations of the City of Enterprise.

Section 3. Statements of Policy

It is hereby declared to be the policy of the Enterprise Planning Commission to consider the subdivision of land to be an initial and principal step in carrying out the general purposes of the Enterprise Comprehensive Plan; and to guide and accomplish a coordinated, adjusted and harmonious development of the land within the city's 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.

Section 4. Statements of Purpose

To implement the policy stated in Section 3 above, these Regulations shall be administered in such a manner as to accomplish the following purposes:

1. Any proposed subdivision should be correlated with the Comprehensive Plan and with capital budgets and public improvements programs of the City Council. It is intended that these regulations shall supplement the provisions and standards contained in the building, housing and related codes, zoning ordinance; and other measures governing development.
2. 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.
3. All subdivisions should be designed to protect and conserve the value of land and the value of buildings and improvements on the land; to minimize conflicts among the uses of land and buildings; and to encourage residential development where public services and community facilities are available or will be available when the subdivision is ready for occupancy.
4. To provide an efficient relationship between development and the circulation of traffic, and minimize congestion all subdivisions should be designed to expedite circulation and maintain continuity throughout the overall street system; to protect land values through the separation of local and through traffic; and to make adequate provision for traffic through the proper location and width of streets, including major streets as set out in the Comprehensive Plan for future construction.

5. All subdivisions should be designed 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.
6. Through efficient design and layout all subdivisions should encourage the setting aside as permanent open space land that is subject to flooding or has soils unsuited to intensive development; and incorporate the physiographic features of the natural setting into the built environment.
7. Innovative subdivision design that will produce attractive, efficient, and convenient arrangements of housing and neighborhood environments affording a choice of lifestyles will be encouraged.

Section 5. Area of Jurisdiction

These regulations shall be applied to and shall govern the subdivision of land within the subdivision jurisdiction of the City of Enterprise. 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 City of Enterprise.

Section 6. Application of Regulations

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.

All development within the subdivision jurisdiction of the City of Enterprise, including land-lease developments and condominiums, whether or not plats or deeds are to be recorded, and including the construction of two or more buildings or primary structures, together with the necessary drives and ways of access, that may or may not be subdivided into customary lots, blocks and streets, shall be subject to the provisions of these Regulations. Plans for all such development shall be submitted to for review and approval of the Planning Commission.

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 grading, excavation, or other disturbance of land; and no construction of any public or private improvements for the purpose of constructing a subdivision shall take place or be commenced except in conformity with these regulations.

No subdivider, proposing to make or having made a subdivision, shall proceed with any construction work on the proposed subdivision, including grading, before obtaining Preliminary Plat approval and shall not convey title to any lot before obtaining from the Planning Commission a Certificate or Notice of Final Plat Approval and acceptance of the plat.

ARTICLE II: DEFINITIONS

Section 1. 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 City of Enterprise, the Enterprise City 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.

Section 2. Interpretation

The Building Official of the City of Enterprise 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 Building Official's determination may be filed with the Planning Commission. Such appeal must be filed within fifteen (15) days of such determination.

Section 3. 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.

Section 4. Terms Defined

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

Alley. A minor permanent public service way used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

Applicant. Anyone who is duly authorized to submit subdivision plats for review and apply for any form of subdivision approval with respect to a development site. An applicant may be the property owner, an attorney representing the property owner, or any person having written authority from the property owner. Where a development site has more than one property owner, the applicant shall obtain written authority from all other owners to act on their behalf. This written authority shall be provided in any form that the Building Official determines to be appropriate. The applicant shall inform the Building Official of the identities of all property owners involved in the request or the corporate name if owned by a corporation.

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.

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.

City. The City of Enterprise, Alabama.

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

City Council. The City Council of the City of Enterprise, Alabama.

City Engineer. The registered engineer designated by the City Council to furnish engineering assistance in the administration and/or enforcement and/or consulting of these regulations.

Comprehensive Plan. A formal plan for the future development of Enterprise, including all accompanying maps, charts, and explanatory material adopted by the Planning Commission and City Council.

County. The county in which the subdivision is located.

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*) including land-lease developments and condominiums, whether or not plats or deeds are to be recorded; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; any condominium development; 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 City. Excluded from this definition are areas to be cleared of trees and other vegetation not exceeding one (1) acre in size, provided that no more than one such area is created on any lot of record.

Drainage Facilities. Structural and nonstructural elements designed to collect stormwater runoff and convey it away from structures and through the roadway right-of-way in a manner, which 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 that owner's property. This Ordinance shall recognize only those easements created through valid legal instruments and recorded in the Office of the Judge of Probate and those established by the City through continuous and historic use.

Engineering Plan. Plans prepared by an engineer registered in the State of Alabama 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, water, and/or ice.

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

Final Plat Approval. The official action of the Enterprise 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, which is presented for final approval as required in these regulations.

Flag Lot. Any lot, established after the effective date of these Regulations, which does not comply with the definition of Lot Width provided in these Regulations.

Frontage Road. A street parallel to and adjacent to a major highway or thoroughfare that provides access to abutting properties.

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

Health Department. The county health department and State of Alabama Health Department.

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 that would be inundated as a result of the 100-year flood.

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

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 this Regulation 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 center lines, 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 that divides one lot from another or from a street or any other public or private space.

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 front setback line. Lot width shall not be measured at the building line where such line establishes a yard, which exceeds the minimum requirements. In cases where side lot lines are not parallel and the lot fronts on a curved right-of-way, minimum width at road frontage shall be as follows:

Curved right-of-way: seventy-five percent (75%) of normal width requirement.

Cul-de-sac: sixty percent (60%) of normal width requirement.

Width at road frontage shall be measured along a straight line connecting the furthestmost points of side lot lines.

Major Thoroughfare Plan. The component element of the Comprehensive Plan showing the general location of existing and proposed major streets in the City of Enterprise.

Monument. A permanent object serving to mark a boundary.

Nonconforming Lot of Record: Any lot, validly recorded in the public records, which complied with all applicable laws, ordinances, and regulations in effect on the recording date, but does not conform to these Regulations. (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 the right of legal title to, beneficial interest in, or a contractual right to purchase a lot or parcel of land.

Planning Commission. The Enterprise Planning Commission created by the City of Enterprise under the authority of Sections 11-52-2 and 3 of the Code of Alabama, 1975, as amended.

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.

Probate Judge. The Judge of Probate for the county in which the subdivision is located.

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 City 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.

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 to 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 City of Enterprise 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.

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

Street Hierarchy. The classification of streets based upon their individual function, as follows:

Arterial. A major street intended mainly to carry through traffic and to connect major activity centers.

Collector. A street intended to carry traffic from local streets to arterial streets.

Local. A street intended mainly to provide access to adjoining property and uses, providing access to and from individual lots.

Marginal Access Street. A service road that runs parallel to an arterial street. Its purpose is to separate through from local traffic, and to provide controlled access to abutting properties.

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

Subdivider. Any person who, having an interest in land, causes it directly or indirectly, to be divided into a subdivision as defined herein.

Subdivision. Any subdivision or redivision of a subdivision, tract, parcel, or lot of land into two (2) or more parts by means of mapping, platting, conveyance, change, or rearrangement of boundaries, including land-lease developments and condominiums

, whether or not plats or deeds are to be recorded. All subdivisions are also developments. See *Development*.

Subdivision Jurisdiction. All land described in Article I, Section 5 of these Subdivision Regulations.

Subdivision Regulations. The Subdivision Regulations of the City of Enterprise, Alabama.

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

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

Watershed. The land area from which surface water runoff flows into a river, creek or other watercourse.

Zoning Ordinance. The Zoning Ordinance of the City of Enterprise, Alabama.

ARTICLE II: APPLICATION PROCEDURES

Section 1. 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 assure that the city's natural resources and infrastructure as considered in the Enterprise Comprehensive Plan are accounted for through implementation of the Enterprise Subdivision Regulations the following priority order for subdivision planning and design process shall be clearly demonstrated by the applicant at initial presentation of a preliminary plat to the Planning Commission:

- Enterprise Comprehensive Plan—major development patterns and densities
- Green Infrastructure—the factors, location and interrelationships
- Stormwater—how much, how intense, how often, and proposed response
- Open space and natural areas to be maintained
- Accessibility to be provided and/or enhanced
- Blocks and lots and their interrelationships

To assure that these priorities are properly and appropriately considered in the subdivision and/or development process, the Planning Commission shall assure itself through demonstration by the applicant that the following are accounted for:

The street, parcel and block pattern of all proposed subdivisions and developments are adapted appropriately to the uses anticipated, and that the prospective physical impact on adjacent areas has been taken into account.

A proposed phasing plan provides for continuity of development through phases of reasonable proportions. The Planning Commission may, without further cause, reject single-lot final plats and plats that would create discontinuity within or adjacent to the development.

Lot and block size, shape and orientation are appropriate for the zoning of the subdivision and its included and adjacent green infrastructure as identified in the Comprehensive Plan and for the type of development and use anticipated.

When land is subdivided into parcels larger than ordinary building lots, such parcels are arranged and designed so as to allow for the opening of future streets that conform to the Subdivision Regulations and to provide access to adjacent areas not presently served by streets.

The proposed street layout will be appropriate for the type of development proposed and properly and appropriately integrated with the street system in the area adjoining the subdivision.

The proposed street layout conforms substantially to a development pattern for the subject and surrounding area that will be in accord with the Enterprise Comprehensive Plan, as interpreted by the Planning Commission.

Where community or public facilities, existing or proposed, are to be located in whole or in part in a proposed subdivision or development, reservation of the area(s) necessary to accommodate such facilities has been provided.

Land subject to flooding, inadequate drainage, and erosion, and land deemed by the Planning Commission to be unsuitable for the use proposed is not platted or to be built upon, but rather is to be set aside within the property for such development or conservation purposes as may be approved by the Planning Commission.

Section 2. Pre-Application

Whenever the subdivision or development of land is proposed within the jurisdiction of these Regulations, the subdivider or developer is required to consult early and informally with the Building Official and City Engineer. In this way the developer can obtain the advice and assistance of the City Engineer and City departments, and facilitate the subsequent preparation and approval of the subdivision plat or development plan.

The subdivider shall present a lot layout sketch. This sketch shall be drawn to scale. The information submitted shall include the location of the proposed subdivision in relation to the surrounding area; existing features such as railroads, highways, drainage facilities, lake, woodland; other significant natural and built features; the general topography of the site; and the proposed pattern of streets, lots, and blocks. The lot layout sketch shall be submitted to the Building Official. Copies may be distributed to other City departments to obtain comments and suggestions.

The lot layout sketch is intended to serve as an initial step in the subdivision process. This is included in the review process to allow the subdivider and local officials to discuss the proposed subdivision in an informal setting, and to deal with issues and correct design errors and/or problems during the early stages of the project.

Upon completing the pre-application meeting, the applicant may proceed to prepare the preliminary plat for the subdivision. However, neither the applicant nor the City shall be bound by the pre-application review; and it is expressly understood that favorable consideration by the City at the pre-application stage of the process shall under no circumstances be construed as preliminary or tentative approval, or dined either party.

Section 3. Preliminary Plat

The purpose of the Preliminary Plat is to provide a basis for plans for the construction of the subdivision or development and its improvements. To this end, during preparation of the Preliminary Plat, the subdivider should consult with the Planning Commission, the City Engineer, and other officials and agencies concerned with the subdivision of land and the improvements placed thereon.

The subdivider shall file with the City Engineer six (6) copies of the Preliminary Plat together with twelve (12) reduced copies(11"x17") and the attendant items required herein, with written application for approval, at least fifteen (15) business 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 City Engineer and will be referred for review and report to other City departments and 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 Comprehensive Plan and the particular requirements and conditions affecting installation of improvements.

The preliminary plat shall be drawn at a scale of one inch equals one hundred (100) feet, or other appropriate scale as approved by the City Engineer; and the sheet size shall not be larger than twenty-two (22) inches by thirty-four (34) inches. Where necessary the plat may be presented on

several sheets accompanied by an index sheet showing the entire subdivision. The plat shall provide the following information. A complete application and a deed and/or complete authorization to act as applicant must accompany the plat.

1. A vicinity map, to scale, showing the location of the proposed subdivision and its relationship to the surrounding area.
2. Survey data showing the dimensions and bearings of the boundaries of the subdivision; section and corporate lines; and contours at five (5) foot intervals based on City of Enterprise Datum or National Geodetic Survey Sea Level Datum, unless required by the City Engineer to submit contours at lesser intervals. In some cases the City Engineer may require spot elevations in sufficient number to provide necessary drainage information. All digital coordinates must conform to the Alabama East State Plan (0101) Coordinate system referenced to the NAD83 Datum. All measurements must be recorded in the US survey feet (Northing & Easting).
3. The title or name under which the proposed subdivision is to be recorded; the name and address of the owner or owners;
4. The name and seal of the registered land surveyor responsible for the plat.
5. Notations giving the scale of the drawing(s), true north arrow, datum, benchmarks, bearing base, and date. (minimum 1"= 100')
6. The location of existing streets, buildings, railroads, bridges, sanitary sewers, drainage facilities, water mains, and any public utility easements on the land being subdivided and on the adjoining land; the names of adjoining subdivisions.
7. 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.
8. The names, locations, right-of-way widths and other dimensions of proposed streets, alleys, easements, parks, open spaces, and reservations.
9. A letter of street name approval from the E-911 Coordinator.
10. Lot lines, lot numbers, building setback lines; 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.
11. The location of watercourses, 100-year floodplains, wetlands, wooded areas, buildings or structures, and other significant natural and built features on the tract.
12. Information about highways or other major public improvements planned by public authorities for future construction on or adjacent to the tract.
13. Sites to be reserved or dedicated for parks, recreation areas, schools or other public uses; sites, if any, for multi-family dwellings, shopping centers, churches, industry, or other uses exclusive of single family dwellings.

14. Preliminary plans of proposed drainage and utility layouts.
15. Preliminary approval by the Count Health Department.
16. Preliminary Survey Accuracy Certificate.
17. Certificate of Owner
18. Certificate of Preliminary Plat Approval

All sanitary sewers, storm sewers and drainage facilities, street grading and paving, fire protection and related improvements shall be designed by a registered engineer to meet the requirements of the City of Enterprise, Alabama. Water lines shall be designed to meet the standards of the water system in which they are located.

Preliminary plats shall be considered by the Planning Commission at a public hearing. 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.

The Planning Commission shall approve, approve conditionally, or disapprove such Preliminary Plat within thirty (30) days after the public hearing thereon. 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 within the minutes of the Planning Commission.

One (1) copy of the approved plat shall be returned to the subdivider.

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 a maximum time of eighteen (18) months, unless, upon application by the subdivider prior to the approval deadline, 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 eighteen (18) month period, the tentative approval of the Preliminary Plat shall automatically be extended for a period of eighteen (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 eighteen (18) month period during which the Preliminary Plat approval is effective, the Planning Commission may notify the subdivider of changes it will require in order 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.

Receipt of the approved copy of the Preliminary Plat by the subdivider is authorization, subject to obtaining the necessary permits, that the subdivider may proceed with the construction of any improvements in accordance with applicable City codes, regulations and specifications approved by the City 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 City Engineer, other City departments, and the County Engineer, as appropriate; and obtaining proper approval.

Section 4. Engineering Plan

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 City Engineer and with other officials and agencies concerned with construction or installation of improvements. The Engineering Plans may include only the portion of the approved Preliminary Plat, which the subdivider proposes to develop at the time.

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 City Engineer six (6) sets of black or blue line prints of the Construction 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 City of Enterprise and of other agencies concerned.

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; and profiles of all sanitary and storm sewer lines.
- 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.

The Construction Plan shall be signed and sealed by Professional Engineer registered in the State of Alabama.

The City Engineer 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.

A pre-construction conference shall be held prior to any development of the land. This conference will be held by the City at a time requested by the Developer or his designated representative. The purpose of this conference will be to review the requirements of these regulations, establish special test or inspections to be required, and to insure that all parties understand the procedures and requirements of these regulations. The Developer or his representative is responsible to set up the conference which will be held in the City Engineering office.

All construction shall be inspected by a Registered Professional Engineer retained by the Developer. All testing required by the City under these regulations or by the City Standard Specifications shall be conducted, approved, and/or reviewed by the Developers Engineer. Upon

completion of all required improvements, the Engineer will execute the Certificate of Engineering Accuracy on the Final Plat.

The City may inspect any or all improvements associated with the subdivision and may direct work not done in accordance with the approved plans or these regulations be removed or corrected. Failure to do so by the Developer or his Contractor may result in a disapproval of the Final Plat.

Section 5. Final Plat

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. All inspections and testing must be completed and the construction approved by the City Engineer and other appropriate officials prior to the final plat being placed on the agenda for Planning Commission action.

The subdivider shall file with the City Engineer six (6) Final Plats with twelve (12) reduced copies (11"x17"); a completed application provided by the City Engineer and other attendant items required herein within fifteen (15) business days prior to the Planning Commission meeting at which it is to be considered.

The final plat shall be drawn upon on sheets measuring no more than twenty-two (22) by thirty-four (34) inches; and at a scale of one inch equals one hundred (100) feet or other appropriate scale as approved by the City. Where necessary the final plat may consist of several sheets, accompanied by an index sheet showing the entire subdivision.

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 City 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*, 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. Addresses as approved by the E-911 Coordinator.

- h. The location, dimensions, and purpose of any easements.
- i. The purpose for which sites other than residential lots may be used.
- 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 Land Surveyor registered in the State of Alabama certifying that the plat meets the requirements of *Minimum Technical Standards for Land Surveying in the State of Alabama*, latest edition, as published by the Alabama Society of Professional Land Surveyors. .
- m. Space for certificate of approval by the City Engineer; and, if appropriate, the County Engineer.
- n. Certificate by the County Health Officer when individual sewage disposal and/or water systems are to be installed.
- o. Existing structures shall be located on the plat and fully dimensioned so that conformance with any applicable regulations can be verified.
- p. Certification by the Planning Commission that the plat has been approved for recording by the Probate Judge.

The Final Plat shall be accompanied by the following items, as appropriate:

- 1. A complete application and fees
- 2. Digital format.
- 3. Three (3) set of “As-Built” drawings
- 4. 12 reduced copies on 11”x17” paper..
- 5. 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.
- 6. A certified check or letter of credit, drawn on an approved bank and payable to the City, in an amount adequate for the completion of all improvements, utilities, and facilities.
- 7. An assessment petition, approved by the City Attorney, whereby the City 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 City.
- 8. Receipt of a certificate from a Land Surveyor registered in the State of Alabama 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.

Section 6. 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 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 hearing 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 City of Enterprise. In such cases, acceptance of dedicated lands by the City Council must occur prior to recording the Final Plat.

Section 7. 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, within sixty (60) days 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 sixty (60) day period.

Section 8. Copies of Recorded Plat

The applicant shall file with the Planning Commission two (2) of the Final Plat as recorded in the Office of the Judge of Probate.

Section 9. 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.

Section 10. Administrative Subdivision

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 City 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.

No Preliminary Plat or Engineering Plans are required to be submitted for an administrative subdivision. However, the subdivider should consult with the City Engineer 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 above.

Authority to grant final approval to subdivision plats under this Section shall be vested in the City Engineer. Formal approval can be granted by the City Engineer, in which case such action shall be reported at the next regular meeting of the Planning Commission. Such approval shall include the authority to approve and accept public easements. However, the City Engineer may require that an administrative subdivision be presented to the Planning Commission for consideration for approval.

Section 11: Warranty

When the Planning Commission has approved the Final Plat, the Commission at its discretion may official accept any or all of the streets, water and sewer system, and drainage improvements. If accepted, the Subdivider shall guarantee all improvements and provide the maintenance of all improvements for one year from the date of the Final Plat.

ARTICLE IV. DESIGN STANDARDS

Section 1. General Requirements

All subdivisions shall conform to all applicable State and local regulations.

Land within the hundred-year floodplain shall be clearly marked on all subdivision plats. Such areas shall not be developed in any way, which reduces the floodplain's capacity to store and convey stormwater.

Consideration shall be given to the natural scenic features of the land, such as streams, and the design of the subdivision should protect and utilize such natural scenic features.

Because of their value in soil conservation, health, and community appearance, grand trees shall be preserved wherever possible. No tree shall be planted in the neutral ground within forty (40) feet of the intersecting property lines at a street intersection.

Street trees placed within the public right-of-way shall not be of allowed. No such trees shall be planted unless approved by the City Engineer, who shall determine whether they pose a threat to public safety or the efficient use of public facilities. Trees shall not be placed in any location where they may damage or impede access to buried utility lines, sidewalks or streets.

The name of the subdivision and new street names shall not duplicate nor closely approximate phonetically the name of any other subdivision or street within the subdivision jurisdiction. Street names shall be subject to approval by the Planning Commission upon approval by the E-911 Coordinator.

Section 2. Streets and Circulation

The street layout of a subdivision shall provide for the continuation and connection of streets between adjacent properties whenever such continuation and connection is necessary for the convenient movement and circulation of traffic, effective police and fire protection, access by public service vehicles, and efficient provision of utilities; and in accordance with the policies of the Comprehensive Plan.

Existing streets that abut a subdivision shall be continued, and the continuations shall be at least as wide as the existing streets unless a reduction in width is approved by the Planning Commission, and in alignment with them. The subdivision street layout shall also provide stub-outs for the future continuation into unsubdivided lands adjoining a sufficient number of streets to meet the purposes stated above.

If the adjacent property is undeveloped, the right-of-way of a street to be continued shall be extended to the property line. A turnaround, or a T or L shaped turnabout, shall be provided, with a notation on the subdivision plat that land outside the normal right-of-way shall revert to the abutting properties whenever the street is continued and connected to the adjacent property. The Planning Commission may limit the length of such dead-end streets in accordance with the design standards of these regulations.

The paving or improvement of right-of-way to the boundary with the adjoining property may not be required. The intention is that the paving and utilities be extended far enough to serve the lots in the subdivision; and the right-of-way and/or easements extended so that the streets and utilities can be extended into the adjoining property as needed.

The streets in a subdivision shall be classified according to their function, and shall conform to the criteria set out in the Major Thoroughfare Plan. These criteria define major streets and local streets. Major thoroughfares consist of arterials and collectors. All other streets are local streets.

Wherever a subdivision embraces a major street, as shown on the Major Thoroughfare Plan, such major street shall be platted in the general location and of the width called for by the Major Thoroughfare Plan; and, to the extent that the right-of-way for such major street is embraced within such subdivision, shall be dedicated for public use.

Where a subdivision abuts or contains an existing or proposed major street, the Planning Commission may prohibit direct access, require marginal access streets, or specify such other treatment as may be necessary for adequate protection of adjoining properties and to afford separation of through and local traffic.

Collector streets shall be provided to collect traffic from local streets and feed it into major streets or to important generators of traffic, such as schools and shopping centers.

Local streets shall be so arranged that their use by through traffic will be discouraged. Four-way intersections of local streets shall be avoided wherever possible.

Wherever there exists a dedicated or platted half-street or half-alley adjacent to the tract to be subdivided, the other half shall be platted. Hereafter, no new half-streets or half-alleys shall be platted.

Section 3. Street and Sidewalk Design

Minimum right-of-way (ROW) widths, measured from lot line to lot line; and minimum street width, measured from back-of-curb to back-of-curb (B/C) and sidewalks, shall be as follows:

<i>Street and Sidewalk Configurations</i>				
Classification	B/C to B/C Width	Pavement Width	ROW	Sidewalk Location
Alley	20	16	30	n/a
Cul-de-sac		50 radius	***	*
Local	30	26	50	*
Collector**	35	31	50	*
Collector	31	27	60	*
Collector @ Intersection	40	36	60	*
Arterial	52	48	80-120	*
* Planning Commission shall determine need for and location of sidewalk.				
** Permitted at the option of the Planning Commission .				
*** Ten feet outside curb				

Subdivisions that adjoin or include existing streets shall dedicate additional right-of-way as necessary to meet the minimum standards specified in Section 2. When any part of the subdivision is on both sides of the existing street the entire additional ROW shall be provided. When the subdivision is located only on one (1) side of an existing street, one half (1/2) of the required ROW, measured from the centerline of the existing ROW, shall be provided. In rolling or hilly terrain, construction easements may be required to ensure that appropriate front and back slopes are developed.

In general streets shall be designed to conform to the topographical conditions of the site and to provide adequate surface drainage. The maximum grade for streets shall be as follows:

<i>Type of Street</i>	<i>Maximum Grade</i>
Minor Arterial	6 percent
Collector	8 percent
Local	10 percent

Street grades shall be a minimum of one (1) percent. The maximum street grade from the centerline intersection of two streets shall be five (5) percent for a minimum distance of one hundred (100) feet.

Every change in grade of a street shall be connected by a vertical curve constructed in accordance with the current standards established by the American Association of State Highway and Transportation Officials. Profiles of all streets showing natural and finished grades drawn to a scale of not less than one (1) inch equals one hundred (100) feet horizontally and one (1) inch equals ten (10) feet vertically shall be required.

The minimum radius of curvature of streets on the center line shall be as follows:

<i>Type of Street</i>	<i>Minimum Radius</i>
Arterial	500 feet*
Collector	300 feet*
Local	100 feet
*Superelevation where in the opinion of the City Engineer the radius warrants it.	

A tangent of at least one hundred (100) feet in length shall be introduced between curves on all streets.

Street intersections shall be at right angles, or as close to right angles as possible. Where, for topographic or other reasons acceptable to the Planning Commission, an intersection cannot be at right angles, such intersection shall be so designed to ensure safety; shall be as close to right angles as possible; and in no case shall be less than eighty five (85) degrees.

Street corners shall have a radius of not less than ten (10) feet at the property line and not less than fifteen (15) feet at the curb line. To permit the construction of a curb having a desirable radius without curtailing the sidewalks at a street corner to less than normal width, the property line at such street corner shall be reduced or otherwise set back sufficiently to permit such construction.

Street jogs with centerline offsets of less than one hundred and twenty five (125) feet shall not be permitted.

Cul-de-sacs and dead end streets shall be subject to review and approval by the planning commission and shall reflect consideration for traffic, fire protection, utilities, topography and surrounding development.

Streets designed to be extended at a future date shall provide a paved turnaround ,
Where the design of a development includes a street or a roadway across a dam, the City of Enterprise will not accept any maintenance responsibility or liability for such street or roadway from the point where the dam begins to the point where it ends on the other side. All plats

containing such a street or roadway across a dam shall clearly indicate where the City's responsibility begins and ends and must state who will maintain the area not included.

All new dams constructed as a part of a development must be designed by a registered engineer in accordance with the latest standards. Any existing dams incorporated into a new development must be inspected and approved by the developer's engineer. The above must be certified to the Commission prior to final plat approval.

Reserve strips controlling access to streets, alleys, and public grounds shall not be permitted unless their control is placed with the City Council under conditions approved by the Planning Commission.

Except where alleys are provided for the purpose, easements with a minimum width of twenty (20) feet -- ten (10) feet on each side of rear lot lines and side lot lines -- shall be provided for utilities and sewers (sanitary and storm) as needed and as determined by the City.

Driveway curb cuts and turnouts shall be a minimum of ten feet wide and a maximum of fifty (50) feet wide. At street intersections, no curb cuts shall be located closer than fifty (50) feet from the intersection point of the right-of-way or property lines involved, or such lines extended in the case of a rounded corner, unless approved by the City. All driveway curb cuts shall be constructed in accordance with standards approved by the City. Corner and double frontage lots shall take access from the minor streets unless otherwise approved by the City Engineer. Where narrow street widths are allowed, the City will require wider driveway radii to avoid lane encroachment by entering or exiting vehicles.

Section 4. Blocks

The lengths, widths and shapes of blocks shall be determined with consideration of the limitations and opportunities of topography; the provision of building sites suitable to the intended uses; and the need for convenient access, circulation, control of, and safety from street traffic. In general, block lengths should not exceed 1,320 feet and shall not be less than 300 feet; except where site conditions make longer blocks necessary or desirable. For blocks longer than 800 feet the Planning Commission may require one or more improved through-block cross walks each with a minimum width of ten (10) feet.

Blocks shall be wide enough to provide a minimum of two (2) tiers of lots of minimum depth, except where abutting upon major streets, limited access streets, or railroads, or where other situations make this requirement impracticable.

Where the proposed subdivision is adjacent to or contains a major street, the long dimensions of the blocks should wherever feasible be approximately parallel, to the major street.

Blocks intended for commercial or industrial use shall be designed specifically for such use, with consideration of off-street loading and unloading, and off-street parking facilities, and access thereto.

Section 5. Lots

The size, shape, and orientation of lots shall be determined with consideration of the need for convenient access, circulation, control of, and safety from street traffic.

Where individual septic tanks are used, the County Health Department and the State Department of Health shall prescribe lot sizes to conform to health standards.

Every lot shall abut upon a dedicated street. (public or private)

Where necessary by reason of curb radii, property lines at street intersection corners shall be arcs having radii of at least twenty (20) feet, or shall be chords of such arcs.

Side lines of lots shall be approximately at right angles or radial to the street line.

Double frontage lots will be permitted only where necessary to provide separation of residential development from major streets or to overcome specific disadvantages of topography and orientation.

Section 6. Public Use and Service Areas

Subdividers shall give due consideration to the allocation of areas suitably located and of adequate size for playgrounds and parks for local or neighborhood use, as well as for other public service areas.

Where a school, neighborhood park or recreation area or other public use shown on an official map or in a plan adopted by the Planning Commission is located in whole or part within a subdivision the Planning Commission may require the reservation of such open space with the proposed subdivision. Such reservation shall remain in effect only during the duration of the preliminary proposal to afford the appropriate government agency the opportunity to coordinate its acquisition of such area with the development of the proposed subdivision.

Upon recommendation of the City Engineer, the Planning Commission may require public easement for poles, wires, conduits, storm and sanitary sewers, gas and water lines, and similar public services and utilities. Such easements shall not in general exceed twenty (20) feet in width unless additional area is needed, and shall as far as possible be centered on lot lines.

Subdividers shall pay due regard to all natural features such as grand trees, water courses, historical sites, and similar features which, if preserved, will add to the attractiveness and value of both the property in question and the community as a whole.

Section 7. Limitations Upon Subdividing

The Planning Commission shall not approve the subdivision of land if on the basis of studies conducted by the public agencies concerned it is determined that the site is not suitable for platting and development for the purposes proposed.

Land subject to flooding and land deemed topographically unsuitable shall not be platted for residential occupancy or for such other uses as may cause danger to public health, or will aggravate erosion or flood hazards. Such land within a subdivision shall be set aside for uses that will not be endangered by periodic inundation or shall not result in unsafe living conditions.

When land is subdivided into parcels larger than normal, building lots shall be designed so as to allow for future resubdivision and extension of future streets.

A large scaled development including the construction of two (2) or more buildings, together with the necessary drives and ways of access, which is not subdivided into customary lots, blocks and

streets, may be approved by the Planning Commission, if in the opinion of the Commission a departure from these rules and regulation can be made consistent with the intent of these rules and regulations. Plans for all such developments shall be submitted to and approved by the Commission whether or not such plat is to be recorded, and no building permits shall be issued unless such approval has been given.

ARTICLE V: IMPROVEMENTS REQUIRED

Section 1. General Requirements

Streets, utilities, and other improvements shall be installed in each subdivision in accordance with the standards and requirements specified, or referred to, herein. Improvements required by these Regulations shall be made in accordance with the specifications of the City and other appropriate authorities as determined by the City Engineer.

It shall be the responsibility of the subdivider to have a complete set of construction plans prepared by an engineer registered in the State of Alabama. A set of such plans on mylar-sepia, shall be furnished to the City Engineer. Such plans shall include profiles, cross-sections, specifications, and other supporting data for the hereinafter required public improvements. No construction activity of any kind, including grading, installation of improvements, and buildings, shall begin on any land subject to these Regulations without prior approval of the Preliminary Plat by the Planning Commission and issuance of all required Building and Engineering Permits.

All improvements required under these Regulations shall be constructed in accordance with City of Enterprise construction specifications and under the supervision of the Engineer or other duly authorized agent retained by the Subdivider. All testing required by the City under these regulations or by the City Standard Specifications shall be conducted, approved, and/or reviewed as required by Subdivider's Engineer. Upon completion of all required improvements, Subdividers Engineer will execute the Certificate of Engineering Accuracy on the Final Plat. Work complete which will not convey to the City (such as electrical, telephone, cable, etc...) must be performed in accordance with the approved plans and be installed satisfactorily to the Engineer and the City. Agreement shall be reached between the subdivider and the City Engineer in providing for the inspection of the various public improvements as they are being constructed.

Upon completion but before acceptance of the streets and easements by the City Council of Enterprise, three (3) sets of "as built" set of plans shall be supplied to the City Engineer. These plans shall include the final location and size of all sanitary sewer mains and service laterals; drainage facilities; street paving; water mains and services.

Section 2. Required Improvements

All roadway pavements shall be constructed to meet the specifications of the City, and shall be approved by the City Engineer. All such roadways shall be surfaced for their entire width; shall be provided with twenty four inch (24") curb and gutter at each edge and shall be provided with all necessary catch basins and cross drains. Sidewalks may be required by the Planning Commission.

Where a public water supply is within 1320 feet of any point of the development, the subdivider shall provide a water supply system consisting of appropriate mains and a stub-out for each lot in the proposed subdivision. To avoid cutting the paved roadway when connections are made, stub-outs shall extend from the main to convenient points outside the paved roadway. Water mains shall meet or exceed the following standards:

- a. The minimum diameter for a water main with a fire hydrant shall be six (6) inches.
- b. Water mains shall be of sufficient size to provide at least one (1) standard fire hydrant within a 800 feet fire hose lay of each residence and/or other structure.

- c. The water system shall furnish adequate fire flow to provide basic protection based on actual subdivision design. Where structures are one (1) and two (2) family residences not more the three (3) stories in height, the fire flows shall be available to hydrant at a minimum of 500 gal/min.
- d. Residual pressure shall be not less than twenty (20) pounds per square inch during the required fire flow.
- e. All hydrants shall be of three (3) way design with at least one (1) four (4) inch or larger discharge. All discharges shall be fitted with NST threads.
- f. All water valves and services shall be etched in the curb with a "V" or "W" as appropriate.

These requirements presume ordinary construction, noncombustible roofs, and no extraordinary environmental or access conditions. Unusual finishes or construction materials or techniques; or changes in a subdivision, as from residential to nonresidential uses; might require additional fire flows as required by the Enterprise Fire Department.

When a public water supply is beyond a reasonable distance, or will not be accessible within a reasonable period of time, the subdivider may provide a central water system according to standards set forth by the City Engineer and approved by the Alabama Department of Environmental Management. Such a system shall comply with all the standards set forth herein for domestic and fire fighting use.

Where a public sanitary sewer is within 1320 feet of any point of the subdivision, the Subdivider shall connect with such sanitary sewer and provide a sewer service connection to the property line for each lot. Location of each sewer service lateral shall be scribed or imprinted on the curb at the proper location with an "S" and the end of each sewer lateral shall be marked by a two (2) inch creosote post.

Where a public sanitary sewer is not reasonably accessible, the developer may provide a private sewage collection and disposal system in accordance with the requirements of the U.S. Environmental Protection Agency, the Alabama Department of Environmental Management, the Alabama Health Department and the specifications of the City. Such a system must at least meet the following standards:

- a. The minimum diameter of a public sewer shall be eight (8) inches, except in certain cases when the City Engineer can approve stub-outs and special runs of pipe of six (6) inch diameter.
- b. All sanitary sewers shall be designed to carry peak flows of 300 gallons per capita per day with a minimum velocity of flow of two (2) feet per second.
- c. The maximum distance between manholes shall be 400 feet.

As an alternative the subdivider may, by restrictions, require the disposal of sewage by the installation of septic tanks or similar on-site systems, which are designed and installed in accordance with the standards of the State Department of Health and the County Department of Health.

Treatment and disposal of sanitary waste through use of septic systems and filter fields shall be subject to approval of the City Engineer. Percolation test reports approved by the health

department shall be provided to the City Engineer for review and approval of appropriateness of the soils for receipt of septic system effluent, and to assure that the disposal system is correlated with the topography of the lot(s).

Special provisions may be made for conservation subdivisions to be served by septic tanks and common filter fields, subject to approval by the City Engineer.

All septic systems shall include a backup filter field and clearance sufficient to permit access for septic tank system maintenance, which information shall be so noted on the final plat.

Storm sewers, drains, and catch basins shall be provided in each subdivision to carry not less than the storm water from a rainfall expected to occur once in ten (10) years. These storm drains shall be connected to or spilled into existing drains or ditches as approved by the City Engineer. Routing or rerouting of ditches, and filling of depressions and wetlands, shall not be allowed unless permitted by the appropriate federal and state agency and approved by the City Engineer.

Culverts and bridges shall be constructed by the subdivider over all watercourses and be approved by the appropriate federal, state and City agencies. Whenever and wherever conditions, caused or aggravated by reason of the subdivision of land hereunder, adversely affect the proper drainage of streets, pedestrian ways, slopes, or natural watercourses; or adversely affect the public health, safety, or welfare; the following improvements shall be required and shall be installed by the subdivider:

- a. Drainage structures necessary for the proper drainage of streets, pedestrian ways, slopes, or natural watercourses, or for the public safety;
- b. Necessary erosion and/or sedimentation control measures.

Monuments consisting of 0.75 inch diameter iron pipe, eighteen (18) inches long or according to the latest edition of the Minimum Technical Standards for Land Surveying in the State of Alabama shall be set at all street corners and at all points where the street lines intersect the exterior boundaries of the subdivision. All other lot corners shall be marked with iron pipe not less than 0.75 inches in diameter and eighteen (18) inches long and driven so as not to be more than three (3) inches above finished grade.

Street name markers shall be placed at the corners of all street intersections by the City upon approval of the Final Plat. Said markers shall be of a standard design in current use within the City and placed at locations the City Engineer or another duly authorized agent of the City may direct.

Easements shall be provided for public utilities, and shall be at least twenty (20) feet wide, ten (10) feet on each side of the property lines of lots. The width of easements shall be increased, or they shall be extended, where necessary, to provide space for utility pole bracing or other construction. Utility easements can be combined with drainage easements subject to approval by the City Engineer.

Easements for water courses, drainage ways or streams shall conform substantially to the lines of such water course and shall have such further width for construction, maintenance, or both, as will be adequate for the purpose. Drainage easements can be combined with utility easements subject to approval by the City Engineer.

An erosion and sediment control Best Management Practices (BMP) plan shall be submitted in the construction plans to the City Engineer. Erosion and sediment control measures shall be installed and inspected prior to work beginning. Measures shall be maintained throughout the development

and be the responsibility of the developer.

Section 3. Dedications

The rights-of-way for existing and new streets, including that part of major streets shown on the Major Thoroughfare Plan, which is embraced within the subdivision, and the rights-of-way for public alleys shall be platted to the minimum widths called for by these regulations and dedicated for public use.

The rights-of-way for existing and for new major streets shown on the Major Thoroughfare Plan which are embraced in whole or in part by the subdivision shall, to the extent of that part which is embraced by the subdivision, be platted to the minimum widths called for by these regulations or by the Major Thoroughfare Plan, and dedicated.

Easements for utilities, drainage, or other purpose shall be provided as required herein; and shall be dedicated with the right of access.

ARTICLE VI: ADMINISTRATION

Section 1. General Provisions

These Subdivision Regulations shall be administered by the Enterprise Planning Commission. The Building Official of the City of Enterprise shall be the official responsible for such administration.

Section 2. 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, 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 City 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 Building Official of the City of Enterprise to enforce the provision of these Regulations, and to bring to the attention of the Enterprise Planning Commission any violations of, or lack of compliance with, these Regulations.

Section 3. Application Fees

A schedule of application fees for all approvals and public hearings required under this Ordinance shall be established by separate resolution. This fee schedule shall be computed so as to recover all costs incurred by the City in reviewing and processing subdivision-related requests, and shall be revised as necessary by the City 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 developer will provide to the City tests as requested by the City and performed by an engineer registered in the State of Alabama or by a testing laboratory approved by the City.

Section 4. Amendments

These regulations may from time to time be amended by the Enterprise 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 City. 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 City Council and to the Probate Judge.

Section 5. 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.

Section 6. Planned Developments

For a subdivision in a Planned Development District as prescribed in the Enterprise Zoning Ordinance, the development as authorized under such provisions shall be subject to all conditions imposed by the approved Development Plan, and shall be excepted from provisions of these regulations only to the extent specified therein.

Section 7. Variances

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 Comprehensive Plan or with the intent and purposes of these regulations, and any modification shall be the minimum modification necessary to make possible the reasonable subdivision of the land.

Applications for any variance 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 variance 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 variance 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. Approval of such variance shall require a two-thirds (2/3) vote of the regular membership of the Planning Commission.

Section 8. 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.

Section 9. 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.

Section 10. Effective Date and Repeal

These regulations shall take effect upon their adoption and publication as required by law. Upon adoption of these regulations according to law, all Subdivision Regulations of the City of Enterprise, Alabama, adopted previously and as amended, are hereby repealed to the extent necessary to give these regulations full force and effect.

ADOPTED THIS THE ____ DAY OF _____, 2006

ENTERPRISE PLANNING COMMISSION

_____, Chairman ATTEST: _____, Secretary

PRELIMINARY PLAT CERTIFICATES

PRELIMINARY SURVEY ACCURACY CERTIFICATE

I, _____, a Registered Land Surveyor in the State of Alabama, hereby certify that this proposed preliminary plat correctly represents a survey completed by me or under my supervision on _____, _____, and that the boundary lines shown hereon correspond with the description in the deeds cited in the above property are correctly described and located.

_____ (stamp)

Alabama Registered Land Surveyor No _____

Date of Execution: _____, _____

CERTIFICATE OF OWNER

I, (We), the undersigned, owner(s) of the real estate shown and described herein, do hereby request to lay off, plat and subdivide the real estate in accordance with this plat. I (We) have read and understand the Enterprise Subdivision Regulations and agree to abide by the Regulations in subdividing this land.

Date of Execution: _____, _____

I, _____, Notary Public in and for the County of _____ and State of Alabama, hereby certify that _____, to me personally known as the owner(s) of above real estate, appeared before me on the _____ day of _____ and made the above oath.

Notary Public

My Commission expires _____.

Source of Title: D.R. _____, Page _____

CERTIFICATE OF PRELIMINARY PLAT APPROVAL

All the requirements of Preliminary Approval having been fulfilled, this subdivision plat is given Preliminary Approval by the City of Enterprise Planning Commission on _____. This Preliminary Approval shall be in effect for twelve months.

_____ Date _____
Chairman, Planning Commission

FINAL PLAT CERTIFICATES

CERTIFICATE OF SURVEY ACCURACY

I, _____, a Registered Land Surveyor in the State of Alabama, hereby certify that this plat is a correct representation of the land subdivided and has been prepared in conformity with the Minimum Technical Standards and requirements of law; that all monuments shown hereon actually exist and their location, size, type and material are correctly shown; and that all requirements of the Enterprise Subdivision Regulations regarding layout and lot size have been fully complied with.

_____ (stamp)

Alabama Registered Land Surveyor No _____

Date of Execution: _____, _____

CERTIFICATE OF OWNER

I, (We), the undersigned, owner(s) of the real estate shown and described herein, do hereby certify that we have laid off, platted and subdivided said real estate in accordance with the attached Final Plat. I (We) further guarantee and warrant all improvements dedicated to the City for a period of one year from the date of approval by the Planning Commission of this Plat.

Date of Execution: _____, _____

I, _____, Notary Public in and for the County of _____ and State of Alabama, hereby certify that _____, to me personally known as the owner(s) of above real estate, appeared before me on the _____ day of _____, _____, and made the above oath.

Notary Public

My Commission expires _____.

Source of Title: D.R. _____, Page _____

CERTIFICATE OF ENGINEERING ACCURACY

I, _____, a Registered Professional Engineer in the State of Alabama, hereby certify that all improvements made on the land represented in this plat are in accordance with the Plans and Specifications approved by the City and are in compliance with the City of Enterprise Subdivision Regulations.

_____ (stamp)

Alabama Registered Professional Engineer No _____

Date of Execution: _____, _____

I have reviewed the representations made above and agree that improvements are in accordance with City regulations.

_____ Date
_____ City Engineer

CERTIFICATE OF FINAL APPROVAL

Pursuant to the Enterprise Subdivision Regulations, this document was given approval by the Enterprise Planning Commission at a meeting held _____, _____. All of the conditions of approval having been completed, this document is hereby accepted, and this certificate executed under the authority of such Regulations.

_____ Date _____
Chairman, Enterprise Planning Commission

CERTIFICATE OF RECORDING

This document, Number _____, filed for record on _____, _____, in Plat Book _____, Page _____.

(signed)

(Name) Clerk