

The background image shows a close-up of a person's hands pointing at architectural blueprints on a desk. A laptop is visible in the background, and the scene is lit with soft, natural light. The overall tone is professional and collaborative.

Subdivision Regulation Amendments

September 5, 2024

Creation of Planning Commission

ARTICLE 26 ZONING AND PLANNING. ^

PART 1 CONSTRUCTION SETBACKS. v

PART 2 PLANNING AND ZONING COMMISSION. ^

DIVISION 1 ESTABLISHMENT. ^

SECTION 45-2-261 CREATION OF THE COUNTY PLANNING AND ZONING COMMISSION. ^

There is created a planning and zoning commission for Baldwin County, Alabama, which commission shall be appointed as provided and shall have responsibilities and duties as stated in this subpart. The commission shall be known as the Baldwin County Planning and Zoning Commission hereinafter referred to as the "planning commission." The planning commission shall adopt bylaws to administer the provisions of this subpart. The planning commission shall elect its chair and create and fill other offices as it may determine. The term of the chair shall be for one year, with eligibility for reelection. The planning commission shall hold at least one regular meeting each month and shall keep a record of its resolutions and actions, all of which shall be a public record. A majority of the members on the planning commission shall be required to constitute a quorum to transact the business of the planning commission.

(Act 91-719, p. 1389, §1; Act 98-665, p. 1455, §1.)

Jurisdiction of Planning Commission

PART 2 PLANNING AND ZONING COMMISSION. ^

DIVISION 1 ESTABLISHMENT. ^

SECTION 45-2-261 CREATION OF THE COUNTY PLANNING AND ZONING COMMISSION. v

SECTION 45-2-261.01 APPOINTMENT OF MEMBERS AND PERSONNEL OF THE BALDWIN COUNTY PLANNING AND ZONING COMMISSION. v

SECTION 45-2-261.02 JURISDICTION OF THE PLANNING COMMISSION. ^

The jurisdiction of the planning commission for planning and zoning by district pursuant to Section 45-2-261.07 shall apply to all unincorporated areas of Baldwin County. The planning commission shall not have authority over removal of natural resources growing on, placed on, or naturally existing on or under private lands or properties. Provided further, that any owner of record of real property upon the date of the adoption by the Baldwin County Commission of the zoning ordinance for the district in which the property is located shall automatically obtain a variance, if needed, for a single family dwelling notwithstanding the type of dwelling to be placed or constructed on the property. Notwithstanding any provisions, rules, or regulations to the contrary, no application called for or required by the ordinances and zoning regulations promulgated hereunder may be rejected solely on the grounds that the applicant is not the record owner of the subject land, provided that such applicant maintains or owns an interest in the real property made the subject of the application and is seeking to exercise the applicant's rights in such property. The Baldwin County Commission may enter into agreements with municipalities for planning purposes with the extraterritorial planning jurisdiction of the municipalities. The county commission may designate the planning commission to administer subdivision regulations adopted pursuant to the provisions of Sections 11-19-1 to 11-19-24, inclusive, and 11-24-1 to 11-24-7, inclusive, and §45-2-260.1.

(Act 91-719, p. 1389, §3; Act 98-665, p. 1455, §1; Act 2010-719, p. 1782, §1.)

Preparation of Master Plan

PART 2 PLANNING AND ZONING COMMISSION. ^

DIVISION 1 ESTABLISHMENT. ^

SECTION 45-2-261 CREATION OF THE COUNTY PLANNING AND ZONING COMMISSION. v

SECTION 45-2-261.01 APPOINTMENT OF MEMBERS AND PERSONNEL OF THE BALDWIN COUNTY PLANNING AND ZONING COMMISSION. v

SECTION 45-2-261.02 JURISDICTION OF THE PLANNING COMMISSION. v

SECTION 45-2-261.03 PREPARATION OF MASTER PLAN. ^

In availing itself of the powers conferred by this subpart, the Baldwin County Commission shall appoint the planning commission to make and maintain in an up-to-date manner, a master plan for the physical development of the unincorporated areas of Baldwin County. The master plan with the accompanying maps, plats, charts, and descriptive material shall show the planning commission's recommendations for the use and development of the unincorporated areas of Baldwin County. The planning commission shall make a preliminary report and hold a public hearing thereon. The master plan recommended thereunder shall be presented in a final report to the Baldwin County Commission. The Baldwin County Commission shall not hold a public hearing and take action until it has received the final report of the planning commission. After a public hearing by the Baldwin County Commission, the master plan may be approved or amended by the Baldwin County Commission, or remanded to the planning commission for further revision. The master plan shall not be effective until adopted by the Baldwin County Commission. The planning commission may prepare and the Baldwin County Commission may adopt the master plan as a whole or in successive parts corresponding with planning districts as provided in Section 45-2-261.05 or with functional sections of the subject matter of the master plan.

(Act 91-719, p. 1389, §4; Act 98-665, p. 1455, §1.)

Adopting & Amending Ordinances & Regulations

PART 2 PLANNING AND ZONING COMMISSION. ^

DIVISION 1 ESTABLISHMENT. ^

SECTION 45-2-261 CREATION OF THE COUNTY PLANNING AND ZONING COMMISSION. v

SECTION 45-2-261.01 APPOINTMENT OF MEMBERS AND PERSONNEL OF THE BALDWIN COUNTY PLANNING AND ZONING COMMISSION. v

SECTION 45-2-261.02 JURISDICTION OF THE PLANNING COMMISSION. v

SECTION 45-2-261.03 PREPARATION OF MASTER PLAN. v

SECTION 45-2-261.04 PROCEDURE FOR ADOPTION AND AMENDMENT OF ORDINANCES AND REGULATIONS. ^

(a) The Baldwin County Commission may adopt ordinances and regulations as necessary to effect the provisions of this subpart. The ordinances or regulations shall be made in accordance with a master plan and designed to lessen congestion in the streets, to secure safety from fire, panic, and other dangers, to promote health and general welfare, to provide adequate light and air, to prevent overcrowding of land, to avoid undue concentration of population and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. The ordinances and regulations shall be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses and with the view of conserving the value of the buildings and encouraging the most appropriate use of land throughout the district. For the purpose of promoting the health, safety, morals, and general welfare of the community, the county commission may regulate and restrict the height, number of stories, and size of buildings or structures, the percentage of lots that may be occupied, the size of yards, courts, and other open spaces, the density of population and the location and use of buildings, structures, and land for trade, industry, residences, or other purposes.

Adopting & Amending Ordinances & Regulations

(b) Prior to the adoption of a proposed ordinance or regulation, or amendment thereto, pursuant to this subpart, notice that an ordinance or regulation, or amendment thereto, will be considered shall be published for three consecutive weeks in the legal section of a newspaper of general circulation in the county. In addition, a notice shall be published at least five days prior to the date of the public hearing in the regular section of the newspaper which shall be in the form of at least one quarter page advertisement. The notice shall state that an ordinance or regulation, or amendment thereto, will be considered by the Baldwin County Commission pursuant to this subpart and that a copy of the proposed ordinance or regulation, or amendment thereto, is available for public inspection at the nearest county courthouse or the nearest county courthouse satellite office which locations shall be clearly published in the notice. The notice required to be published by this subpart shall also state the time and place and location where all persons may be heard in opposition to or in favor of the ordinance or regulation or amendment thereto. The regulation, ordinance, or amendment thereto, shall not become effective until adoption by the Baldwin County Commission after a public hearing thereon, at which parties in interest and citizens shall have an opportunity to be heard. If a parcel of property may be rezoned by a proposed amendment, a conspicuously located sign advising the general public of the proposed amendment shall be posted on the property no less than three weeks prior to the date of the hearing.

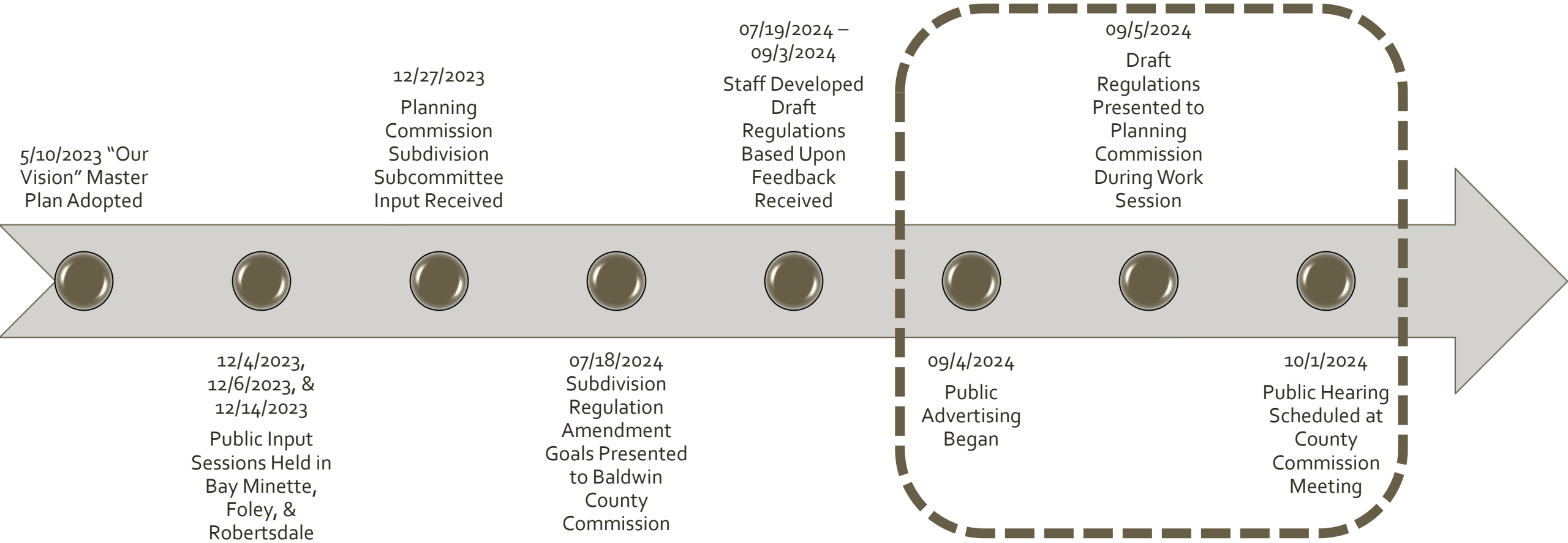
(Act 91-719, p. 1389, §5; Act 98-665, p. 1455, §1.)

Subdivision Regulations Article 12 – Amending Regulations

Article 12 Amending Regulations

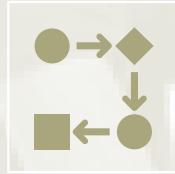
Section 12.1 Amendment Procedure

For the purpose of providing for the public health, safety and general welfare, the County Commission may from time to time amend these regulations. Any proposed amendment of these Subdivision Regulations shall be subject to a public hearing. Notice of said public hearing published once a week for three consecutive weeks in a newspaper of general circulation in Baldwin County, with the first notice being published not less than a minimum of eighteen (18) days prior to the date of the public hearing. In addition, a notice shall be published at least five days prior to the date of the public hearing in the regular section of the newspaper which shall be in the form of at least one quarter page advertisement. The notice shall state that an ordinance or regulation, or amendment hereto, will be considered by the Baldwin County Commission pursuant to this article and that a copy of the proposed ordinance or regulation, or amendment hereto, is available for public inspection at the nearest county courthouse or the nearest county courthouse satellite office which locations shall be clearly published in the notice. The notice required to be published by this article shall also state the time and place and location where all persons may be heard in opposition to or in favor of the ordinance or regulation or amendment hereto. A copy of the proposed amendments shall be made available to any interested person before said public hearing. A copy of the amendment shall be certified by the County Commission to the Probate Judge of Baldwin County.



Amendment Timeline & Process

Goals



Strengthen
Regulations while
Streamlining Process



Stormwater
Management
Requirements



Open Space and
Landscaping
Requirements

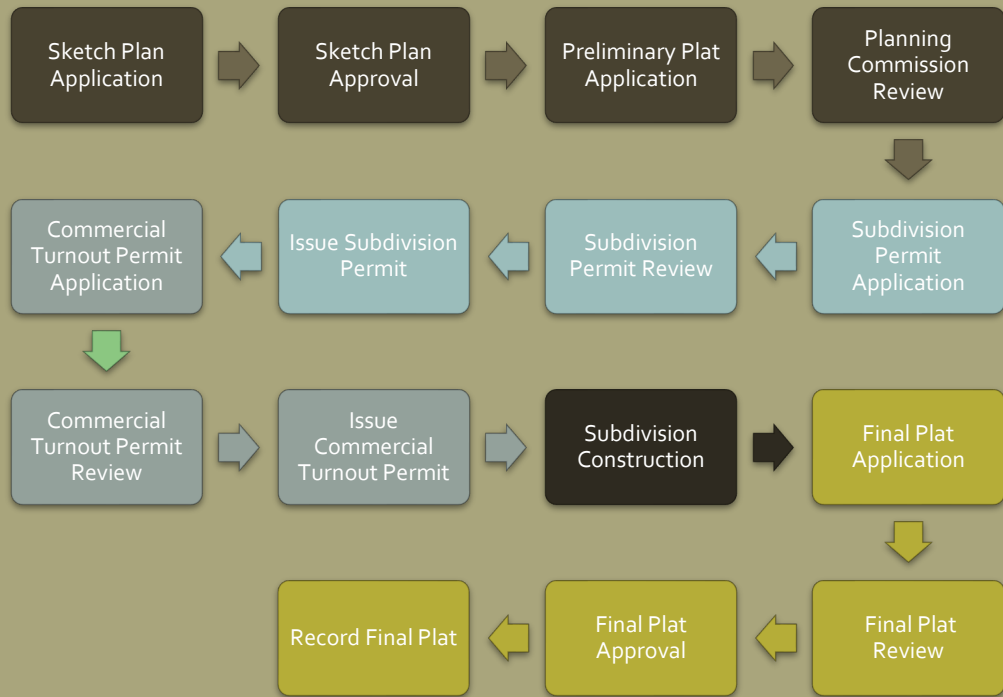


Traffic Management
and Circulation
Requirements

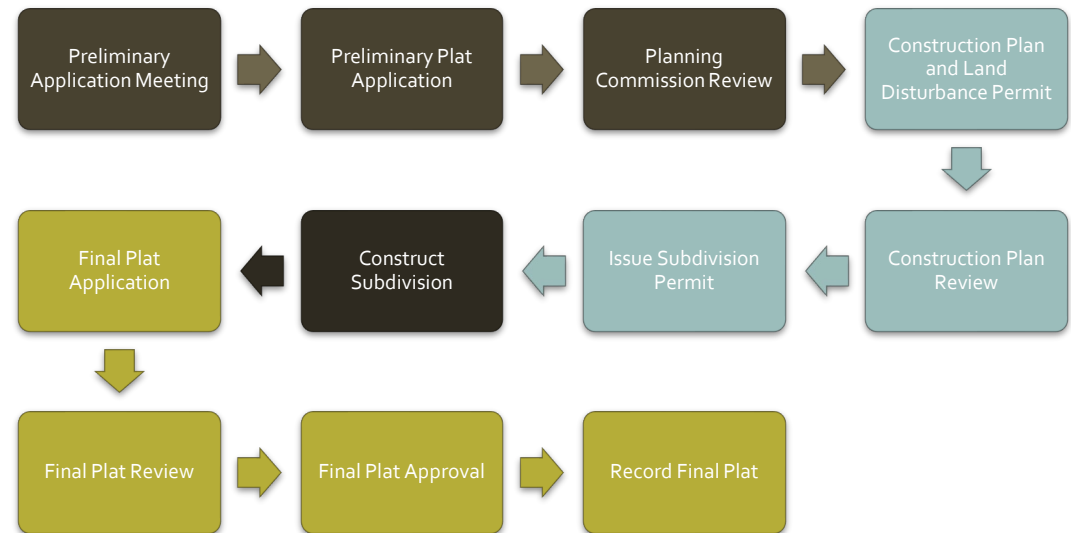


General Text "Clean-
Up"

Current Process



Proposed Process Example



Section 4.2 – Exceptions to Required Approvals

(a) Types of exemptions:

(i) Family divisions. In accordance with and subject to the provisions of *Alabama Code* § 11-24-2 (1975), as amended, the sale, deed, or transfer of land (including transfers made pursuant to a will or the laws of intestate succession) by the owner to a person or persons, all of whom are members of the owner's immediate family (see definition of *Family Division* in *Section 3.2*). **Deeds for each new parcel must include a restriction that prohibits the sale of the parcel to anyone who is not an immediate family member as defined in these regulations for twenty-four (24) months after the approval of the exemption.**

(iv) Common property line move. The relocation of a common property line between two or more parcels where no new parcels are created. The revised parcels shall meet the minimum lot size and width requirements of *Section 5.4(a)*. **For common line moves that result in minor changes to a recorded plat, a revised plat as described in *Section 4.2(d)* shall be recorded with the Exemption Verification Letter and deed.**

(v) Thirty-five acre. **The division of one (1) parcel into two (2) resultant parcels if each resulting parcel is equal to or greater than thirty-five (35) acres in size. Each parcel which is subdivided pursuant to this subparagraph shall have its own ingress/egress and utility access or easement that runs with the land of not less than 60 feet in width. This section moved ~~An exemption under this paragraph shall not apply to a proposed subdivision or resubdivision that will result in a "Major Change" an approved and recorded Final Plat or Final Site Plan.~~**

4.5.1 – Preliminary Plat Application Procedure & Requirements

(h) Be accompanied by documentation that the proposed plat was submitted to each utility company providing a required utility (see *Section 5.1.1* for required utilities) along with a written report from each documenting its ability and willingness to serve said development. Documentation of the following will be required in the written report to verify the ability to serve said development. For specific utility requirements, see *Section 5.2.5*. Applicant will supply any additional information that may be required by Baldwin County Design Standards.

(i) Sewer:

1. Location, type, and size of sanitary sewer main adjacent to the proposed development;
2. Receiving wastewater treatment facility information including: ADEM Permit Number, permitted capacity, and previous 12 months of Daily Discharge Flows as reported to ADEM;

3. If sewer is not currently adjacent to the site, provide engineered plans showing the proposed sewer main extension required to serve the proposed development;
4. If this information is not sufficient to determine the provider's ability to serve the proposed development, the Planning Director, County Engineer, or their designee reserves the right to require a detailed engineering study to evaluate the ability to adequately serve the proposed development.

(ii) Water:

1. Location, type, and size of water main adjacent to the proposed development.
2. Hydrant flow test at the nearest existing fire hydrant that includes Flow (GPM), Static Pressure, Residual Pressure, and Calculated Fire Flow at 20PSI.
3. For subdivisions with more than 25 lots, provide design calculations that show projected pressure and flow of the most interior proposed hydrant within the development.
4. If water is not currently adjacent to the site, provide engineered plans showing the proposed water main extension required to serve the proposed development.
5. If this information is not sufficient to determine the provider's ability to serve the proposed development, the Planning Director, County Engineer, or their designee reserves the right to require a detailed engineering study to evaluate the ability to adequately serve the proposed development.

(d) Each resulting lot shall have frontage and continuous access from either:

- (i) An existing publicly maintained road; or
- (ii) A minimum 60-foot wide, unless otherwise approved by the County Engineer per *Baldwin County Design Standards for New Road Construction*, private ingress and egress easement. Lots shall front on the easement and not be bisected by it. The width of frontage along the easement shall meet the requirements of *Section 5.1.1* in unzoned areas or the *Zoning Ordinance* where zoning has been adopted;

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- (iii) If more than two (2) lots will be accessed by the same ingress and egress easement, a commercial turnout permit may be required. When required, the Applicant shall submit a Preliminary Plat application instead of a Concurrent Preliminary/Final Plat application.

4.5.8 - Special Requirements for Large Acre Subdivisions

4.6.1 Pre-Application Procedure and Requirements

Before applying for Final Plat:

- (a) Obtain and submit a *Letter of Completion* from the Planning Director, County Engineer or their designee;
- (b) The Design Engineer shall submit an *Itemized Engineer's Cost Estimate* to the County Engineer or his/her designee. The County Engineer will review the *Itemized Engineer's Cost Estimate* and once approved, the Applicant may proceed with filing with the Baldwin County Planning Director an application for approval of the Final Plat.

- (j) If the development contains **stormwater retention** facilities or common areas, a recorded copy of the instrument creating a property owners' association for the subdivision **and a copy of the Operation and Maintenance (O&M) Plan as recorded in the Office of the Judge of Probate of Baldwin County, Alabama;**

4.6 – Submission of Final Plat

FINAL PLAT CHECKLIST continued	
	(s) Flood elevation data
	(i) Finished floor elevations shall be labeled for each lot. Finished floor elevations shall adhere to base flood elevation requirements established by FEMA and must be a minimum of 1 foot above finished lot grade
	(ii) Base flood elevation data shall be provided for subdivision proposals and all other proposed developments, including manufactured home parks and subdivisions greater than five (5) acres
	(t) The following endorsements, dedications, and certificates shall be placed on the Final Plat as applicable (see Appendix 1 for sample certificates)
	1. Licensed Surveyor's Certificate and Description of Land Platted

5.1.1 – Minimum Design Standards

Minimum Standards for Subdivisions									
Lot Size*	Required Utilities	Roadway Type	Minimum Lot Width	Curb and Gutter	Sidewalk†	Broadband Connect.	Building Front Setback ††	Building Rear Setback ††	Building Side Setback ††
≥ 40,000 SF (minimum 40,000 SF contiguous uplands)	Overhead power	BCDS**	120 feet	No	No	§ 5.2.5(c) shall not apply	30	30	10
20,000 SF to < 40,000 SF	Overhead power, either water or sewer	BCDS**	120 feet	No	No	§ 5.2.5(c) shall not apply	30	30	10
20,000 SF to < 40,000 SF	Underground power, either water or sewer	BCDS**	80 feet	Yes, if new roads proposed	Yes, if new roads proposed	§ 5.2.5(c) shall apply if new roads proposed	30	30	10
7,500 SF to < 20,000 SF	Underground power, streetlights, water, and sewer	BCDS**	80 60 feet	Yes, if new roads proposed	Yes, if five lots or more	§ 5.2.5(c) shall apply if new roads proposed	30	30	10
7,500 SF to < 20,000 SF	Underground power, streetlights, water, gravity sewer, LID techniques	BCDS**	60 feet	Yes, if new roads proposed	Yes, if five lots or more	§ 5.2.5(c) shall apply if new roads proposed	30	30	10

* The stricter minimum lot size between Section 5.4(a) and this table shall apply

** Baldwin County Design Standards for New Road Construction

† Sidewalk Options:

1. Sidewalk on each side – minimum 5-foot wide.
2. Sidewalk on one side – minimum 8-foot wide.
3. Pedestrian lane on road – minimum 8-foot wide.

†† In zoned areas of Baldwin County, the setbacks of the *Baldwin County Zoning Ordinance* shall apply. For non-residential subdivisions in unzoned areas see Section 5.4(g).

(b) *Sanitary Sewer System.*

1. Connection to a sanitary sewer system is required when necessary to meet the lot size requirements of *Section 5.4(a)* and when necessary to comply with the utility requirements as specified in *Table 5.1, Section 5.1.1* of these regulations. When sanitary sewer is installed, sewer stub-outs shall be provided for each lot and shall extend to the property line of the said lot.
2. Sanitary sewer collection systems for developments containing more than 50 units should be gravity systems. Low pressure systems, i.e. multiple grinder pumps, are discouraged. Where gravity sewer is impractical, the Design Engineer will submit a statement justifying the need for a low pressure system. A waiver must be approved by the Planning Commission.
3. Where subdivisions meet the lot size requirements of *Section 5.4(a)* and comply with the utility requirements as specified in *Table 5.1 in Section 5.1.1* of these regulations, and are served by gravity systems and LID techniques, the minimum lot width may be reduced to 60 feet.

5.2.5 – Utilities – Sanitary Sewer System

4. If no sanitary sewer system is provided, on-site disposal systems may be used after approval is received from the Health Department. Where neither public water nor public sewer is available, lots may be platted only where a minimum of 40,000 SF of contiguous uplands exist, unless the purpose of the lot is for conservation and no development or building shall occur.

(c) *Provision of Broadband Service.*

If required in *Table 5.1* in *Section 5.1.1* of these regulations, the Applicant shall ensure that reliable, high-speed broadband connectivity (minimum 25 megabits per second download speed and 25 megabits per second upload speed) is made available at each lot in the development.

1. The requirements of this section can be accomplished during the Preliminary Plat approval by provision of a letter from a broadband provider certifying that they are willing and able to provide marketable service at the minimum required speeds to each lot in the subdivision. ~~Upon a showing by the Applicant that 1) no broadband providers are willing to provide service to the proposed subdivision or 2) that costs associated with the provision of the broadband service are unreasonable, the Planning Commission may waive the requirements of this section.~~
2. In the event broadband cannot be installed, the Developer shall install conduit for future installation of broadband prior to issuance of Final Plat approval.
3. ~~The requirements of this section can be accomplished during the Final Plat approval by provision of a letter from a broadband provider certifying that marketable broadband service, at the minimum required speeds, is available to the subdivision. The Applicant shall act in good faith to coordinate with the broadband provider for the installation of the required infrastructure during the construction phase. Upon a showing by the Applicant that the broadband provider failed to install the required broadband infrastructure or failed to provide the required letter, despite the good faith efforts of the Applicant, the Planning Director may waive the requirements of this section as it relates to the Final Plat approval. A letter from the Applicant explaining the need for the waiver shall be made part of the file.~~

5.2.5 – Utilities – Broadband

5.2.6 – Cluster/ Community Mailbox Unit (CBU)

5.2.6 Cluster/Community Mailbox Units (CBU)

Cluster/Community mailbox units (CBU) shall comply with the *USPS National Delivery Planning Guide for Builders and Developers*. The Developer shall coordinate the location of the CBU within the boundaries of the development with the County Engineer as well as the U.S. Postal Service. The CBU shall be located within a common area to be maintained by the residents of the development and shall meet the following:

- (i) Accessibility shall meet all A.D.A guidelines;
- (ii) The location of the CBU shall not impede the flow of traffic into or out of the development.

Section 5.4 Lots

Lots shall comply with the following requirements:

- (a) The minimum lot size and lot width for non-exempt subdivisions shall be as provided in *Table 5.1 in Section 5.1.1*. The minimum lot size and width for exempt subdivisions are as follows except in cases where additional lot area or width is required by the *Baldwin County Zoning Ordinance* or County Health Department;
1. Where public water and centralized wastewater collection and treatment are not provided, said lot shall be a minimum of 40,000 square feet in area with a minimum lot width of 120 feet. **Each lot shall provide a minimum of 40,000 SF of contiguous uplands unless the purpose of the lot is for conservation and no development or building shall occur.**
 2. Where a lot is served by either public water or a centralized wastewater collection and treatment system, but not both, said lot shall be a minimum of 20,000 square feet in area with a minimum lot width of 80 feet.
 3. Where public water and centralized wastewater collection and treatment are provided, said lot shall be a minimum of 7,500 square feet in area **with a minimum lot width of 80 feet.**
- (h) In accordance with Act No. 94-572 of the Legislature of Alabama enacted April 21, 1994, the following construction setbacks shall apply to any state or county road or highway:
1. Principal arterials require a 125-foot setback from the centerline of the right-of-way;
 2. Minor arterials require a 100-foot setback from the centerline of the right-of-way;
 3. Major collectors require a 75-foot setback from the centerline of the right-of-way;
 4. Minor collectors require a 50-foot setback from the centerline of the right-of-way;
 5. All other paved roads require a 40-foot setback from the centerline of the right-of-way;
 6. Unpaved roads require a 30-foot setback from the margin of the right-of-way.

To minimize requests for highway construction setback appeals, where lots are 20,000 SF or smaller, no lots shall be platted where more than 25% of the side yard or 10% of the front or rear side yard is in the road/highway construction setback.

5.4 – Lots

5.5.7 Frontage on Improved Roads

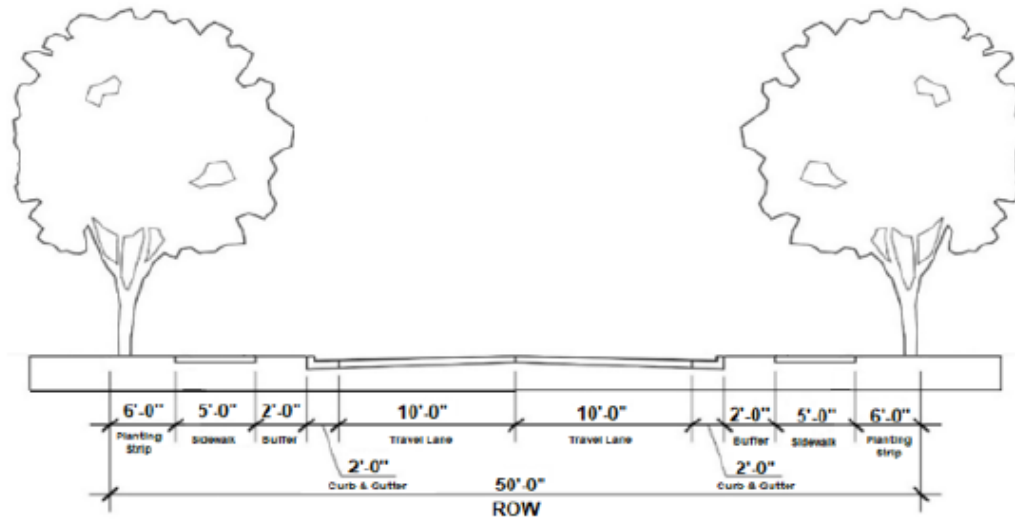
- (a) No subdivision shall be approved unless all resultant lots have frontage on, and continuous access from:
1. an existing paved street, either publicly or privately maintained, with suitable asphalt width and right-of-way as required by the *Baldwin County Design Standards for New Road Construction*; or
 2. a proposed paved street upon a plat approved by the Baldwin County Planning Commission or municipal planning commission to be recorded in the Office of the Probate Judge. Such street or highway shall be suitably improved as required by these regulations or be secured by an improvement guarantee as provided for by *Section 7.2* of these regulations.
- (b) Subdividers proposing subdivision developments that obtain access from existing publicly maintained roads which do not have adequate asphalt and/or right-of-way widths will be required to make improvements to the existing roadways and provide additional rights-of-way to adhere to the standards of the *Baldwin County Design Standards for New Road Construction*;
- (c) For developments with 50 or more lots where lots will be adjacent to an unpaved road, the unpaved road must be paved the length of the proposed lots that will abut the road;
- (d) If a proposed subdivision is proposed to gain access from a privately maintained street, with suitable asphalt width and right-of-way as required by the *Baldwin County Commission Design Standards for New Road Construction*, the Applicant shall provide a letter from the entity responsible for maintaining the private street as evidence of the approval of such owner. Also, see *Section 5.5.1* for private street provisions.
- (e) Any improvements to, or alterations of, an unimproved County right-of-way shall require a license agreement approved by the Baldwin County Commission.

5.5 – Minimum Development Standards

- (d) Multiple road accesses may be required by the Baldwin County Planning Director or County Engineer, or designee, to improve traffic safety and circulation. Subdivisions or developments with fifty (50) or more lots or units shall have a minimum of two accesses with adequate right-of-way and pavement width as defined in the Baldwin County Commission Design Standards for New Road Construction.
1. The accesses shall be on different roads where possible.

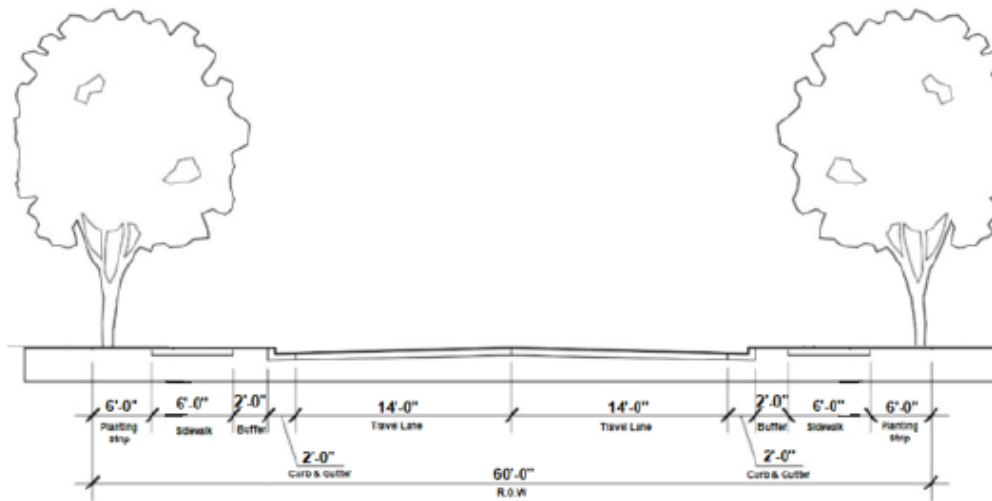
2. If two accesses are located on the same road, they shall be placed a minimum of 500 feet apart unless a waiver for closer spacing is approved by the Planning Director or County Engineer.

FIGURE 5.1



TYPICAL RESIDENTIAL STREET SECTION

FIGURE 5.2



ALTERNATIVE RESIDENTIAL STREET SECTION

5.6 – Street Design Standards

5.11 – Stormwater Management

(f) *Effect on Downstream Drainage Areas.* The Design Engineer shall review the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the County Engineer or his/her designee may withhold approval of the subdivision until provision has been made for the necessary downstream improvements.

The layout shall include an appropriate conveyance of offsite flows that does not pass through required detention areas. Stormwater discharges from a developed site must be routed to an existing natural or manmade stormwater channel with adequate capacity. Calculations must be submitted that show the capacity of the receiving stormwater channel to handle the required design storms. The routing calculations must extend, at a minimum, as far as the second downstream street crossing or to a named water body. Routing calculations must extend further downstream if the County Engineer has reasonable concerns about the capacity of a downstream stormwater channel based on scientific or engineering evidence. Analysis of the downstream system shall include flow capacity and velocity for existing and proposed flow conditions.

(g) *First Flush Stormwater Treatment.* Design, construct, and maintain stormwater management practices that manage rainfall on-site, and prevent the offsite discharge of the first 1.25 inches of stormwater. This objective must be achieved by practices that infiltrate, evapotranspire and/or harvest and reuse rainwater.

(h) *Pre & Post Developments.* Post-development discharge from stormwater facilities shall be equal to or less than pre-development conditions for a 2-, 5-, 10-, 25-, 50- & 100-year storm event. In no case shall the discharge from a drainage basin exceed the hydraulic capabilities of the downstream drainage structures and facilities.

(i) *Stormwater Outfalls.* Stormwater management facility outfalls shall be installed 25 feet from the property line and shall include velocity dissipaters as required by the County Engineer to prevent offsite erosion and allow for future maintenance. Exceptions may be approved by the County Engineer.

5.11 – Stormwater Management

~~5.11.3 Drainage Systems~~ **5.11.3 Low Impact Development Techniques (LID) and Green Infrastructure**
The use of Low Impact Development Techniques (LID) and Green Infrastructure (GI) is encouraged for new developments and shall be designed by the Engineer of Record for the project. Where implemented, the design and integration of LID techniques shall promote the health, safety, and general welfare of the community and shall be designed to work in a complementary fashion with the proposed development drainage plan.

- (a) When LID techniques are used in conjunction with the requirements of *Section 5.1.1* of these regulations, a Developer may qualify for reduced lot widths of 60 feet.
- (b) The use of LID techniques is encouraged and, if implemented, is to be designed from an entire site development perspective by the Engineer of Record for the project. The design and integration of LID techniques shall promote the health, safety and general welfare of the community and shall be designed to work in a complementary fashion with the drainage plan for the proposed development.
- (c) Practices shall be designed in accordance with the *Alabama LID Handbook* (www.aces.edu/lid) and certified by a credentialed professional in his/her design field. LID

techniques selected shall consider local rainfall data, soils, slopes, wetlands, and other natural features.

- (d) The Design Engineer shall work closely with the Baldwin County Planning & Zoning and Highway Departments for consideration of site constraints and LID technique selection to achieve a “best-fit” solution. The County Engineer, or his/her designee, has the authority to exempt these requirements for developments with extenuating circumstances based on site constraints. Economic constraints shall not be considered. Water quality and quantity shall still be addressed to the maximum extent practicable.
- (e) The development plans shall include inspection and maintenance schedules and details for each technique selected. Prior to the County’s final inspection, the Design Engineer shall provide certification that each technique was constructed as designed. The inspection and maintenance schedule shall be included in the development’s recorded O&M Plan.

~~Sections 5.11.4 Drainage System Plan Requirements~~ – moved to 5.12.4

~~Sections 5.11.5 Drainage System Construction Requirements~~ – moved

~~5.11.6 Dedication of Drainage System Easements~~ – moved

5.11 – Stormwater Management

- (iv) In locations where the discharge from a development will flow into a tidally influenced body of water, the development will retain the first 1.25 inches of stormwater runoff and control velocities of stormwater leaving the site.
- (f) Common Areas. Retention/detention facilities and open swales (ditches) along with access to those facilities shall always be in common areas. Projects developed under these procedures shall establish (in the recorded plat) common areas for the retention/detention facilities and include provisions for maintenance in the covenants and restrictions. All drainage swales, detention ponds, ditches, or similar stormwater conveyances shall receive solid sod and shall be fully established and stabilized before Final Plat approval. Common areas outside of the drainage system that do not discharge offsite can be seeded and mulched with an ALDOT-approved seeding mix. The seeds shall be germinating and the area moving towards permanent stabilization.
- (g) The entire reservoir area of the open channel shall be sodded, paved, or lined prior to Final Plat approval. Landscaping requirements may be located within common areas at the top of berms and provide access for ease of maintenance. Any landscaping within drainage features shall not impede flow paths or storage.
- (h) The hydraulic elevations resulting from channel retention/detention shall not adversely affect adjoining properties.
- (i) All stormwater culverts within Baldwin County right-of-way shall not be permanently surcharged (submerged).

5.12.4 Stormwater Management Preliminary Application Plan Sheet Requirements

A generalized drainage plan must be submitted at the time of Preliminary Plat application and shall at a minimum:

- (a) Be on a sheet the same size as that submitted at the time of Preliminary Plat application and be at the same scale;
- (b) Show the layout of the proposed lots and common areas;
- (c) **When applicable, show the Finish Floor Elevations for lots;**
- (d) Show the existing one (1) foot contours of the subject property and all adjacent rights-of-way;
- (e) Show the location of all existing drainage structures within one hundred (100) feet of proposed development;
- (f) Show the proposed flow direction of all stormwater;
- (g) Show the proposed location of a stormwater management facilities **and proposed LID techniques;**
- (h) **Detail the stormwater facility's pre-construction and post construction development calculations and stormwater facility sizing;**
- (i) Show design Q at each outfall structure;
- (j) Show FEMA flood zones;

(k) Show all wetlands and label as jurisdictional and non-jurisdictional.

(l) **Show or detail any additional information that the County Engineer deems necessary to review the application.**

5.12.4 – Stormwater Management Preliminary Application Plan Sheet Requirements

(h) As part of the subdivision design for lots less than 40,000 SF in area, or when deemed necessary by the County Engineer, the Design Engineer shall set a finished floor elevation and ground elevations at the adjoining lot lines for each lot in the subdivision which shall be approved by the County based upon the subdivision drainage plans. These elevations shall be adhered to when the lots are developed unless higher elevations are required due to flood zone requirements

(i) Master Lot Grading Plan (when required) - A plan drawn to a scale not less than 1:100 showing the overall drainage, grading, house type, etc. in a plan of subdivision. This plan must also show the directions of the minor and major storm flows within the limits of the development. Master lot grading plans shall show existing roadway centerlines and grade elevations, the proposed elevation of the lowest floor, proposed driveway material and location, proposed drainage culvert size and location if applicable, swale locations and an indication of the proposed drainage flow directions of the site including outfall locations from the property. Elevations must be based on the NAVD 88 datum. If roof gutters are to be utilized to control roof runoff, the location of the downspouts must be indicated on the lot grading plan. For projects that lie within a designated floodplain, the lot grading plan must depict the location and zoned designation of the special flood hazard area(s), the elevation of the proposed lowest floor in AE zones, or the elevation of the proposed lowest horizontal structural member and V zone certification in VE zones. Additional information may be required, such as topographic and wetland information as warranted by specific site conditions and project characteristics;

(j) Other pertinent information necessary for review of the drainage plans as may be required by the County Engineer, or his/her designee.

5.12.5 – Stormwater Management Construction Plan Sheet Requirements

(c) Operation and Maintenance Plan for the long term operation and maintenance of all common areas including stormwater management infrastructures, retention and detention facilities, and LID practices shall be recorded in the Probate Office and submitted with the Final Plat application.

The plan shall include:

- (i) The approved as-built drainage plan;
- (ii) The chain of responsibility for maintenance of all drainage structures or systems along with a copy of the proposed instrument of organization for the property owners / homeowners association
- (iii) Continued Inspection and Maintenance. The long-term maintenance plan within the O&M Agreement contains the inspection priorities and schedule for the stormwater facilities and LID facilities.
 1. The owner is responsible for inspecting these features and submitting reports to the Planning and Zoning Department every five (5) years to document that inspections have been completed and necessary maintenance has been performed.
 2. The first inspection report is due December 31 of the third year after construction has been completed.
 3. Inspection reports are then due by December 31 of every fifth year following submittal of the first report.
 4. The Planning Director or his authorized representative must be notified of any change in ownership. Failure to file the five-year inspection reports and perform required maintenance activities could result in enforcement action.

5.12.8 – Maintenance

5.13 – Construction Best Management Practices (CMBPP)

Section 5.13 Construction Best Management Practices (CBMPP) Erosion and Sedimentation

5.13.1 General

It is the purpose of this section of the *Subdivision Regulations* to further the maintenance of safe and healthful conditions, prevent and control water pollution, prevent and control soil erosion, protect spawning grounds, protect fish and aquatic life, control building sites, control placement of structures and land uses, preserve ground cover and scenic beauty, and promote sound economic growth. This will be done by minimizing the amount of sediment and other pollutants carried by runoff or discharged from land disturbing construction activity.

5.13.2 General Requirements

(a) Construction Best Management Practices Plan

The Design Engineer shall submit an ADEM-approved Construction Best Management Practices Plan. Said plan shall be prepared by a Professional Engineer licensed in the State of Alabama. The CBMPP shall be in the form of the ADEM CBMPP Template. If the County Engineer or his/her designee determines, upon review of such plan, that additional erosion control items are required, the Applicant shall include such requested items on the erosion control sheets in the Construction Plans.

- (i) Best Management Practices (BMPs) shall be required for all land disturbing activities. It shall be the sole responsibility of the contractor or permittee to promptly implement effective BMPs in accordance with the Permittee's Construction Permit and submitted Construction Best Management Practices Plan prior to commencing the Land Disturbing Activity. The Permittee shall be solely responsible for ensuring that all BMPs are implemented and maintained for the duration of the Land Disturbing Activity. The Permittee shall also be solely responsible for ensuring that the BMPs are shown and detailed in the plan in accordance with established industry standards, good engineering practices, and all standards as set out in the *Alabama Handbook*.
- (ii) *Design Criteria.* All best management practices including but not limited to erosion and sediment control measures, shall meet the design criteria, standards and specifications given in the most current version of the *Alabama Handbook for Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas*. The CBMPP shall be a part of the Construction Plans and shall meet the requirements of ADEM General NPDES Permit prior to the commencement of any land-disturbing activity including but not limited to tree cutting and root removal. In Priority Construction Sites as determined by ADEM, the County Engineer, at his/her discretion, may require stricter standards.
- (iii) *Protection of Stormwater Structures.* The Permittee shall provide the necessary measures to ensure that drainage structures important to overall Stormwater

5.16 – Special Requirements for Recreational Vehicle Parks/Campgrounds

Section 5.16 Special Requirements for Recreational Vehicle Parks/Campgrounds

The following standards are applicable to recreational vehicle (RV) parks and campgrounds that are to remain under unified ownership and control. Applicants will proceed through the Planned Unit Development (PUD) application and review process outlined in Article 9. If individual sites within the proposed RV park or campground are to be sold as a condominium form of ownership, the Applicant shall also satisfy the condominium requirements of Section 5.17(k). RV and campground sites shall not be sold as fee simple lots. Where other sections of these regulations conflict with the requirements of Section 5.16, Section 5.16 shall govern.

- (a) *Density/Number of Sites /Units.* Recreational vehicle parks and campgrounds located within zoned districts of the County shall meet the applicable density requirements of the *Zoning Ordinance*. RV parks and campgrounds located in unzoned districts shall meet the following requirements in regards to number of site/units:
1. Where sanitary sewer is provided, the maximum number of sites/units for RV parks and campgrounds shall be 15 sites/units per acre to allow for adequate site/unit size and spacing.
 2. Where sanitary sewer is not provided, the maximum number of sites/units for RV parks and campgrounds shall be 6 sites/units per acre.
- (b) *Access.* RV parks and campgrounds shall have direct access to a paved County, City, State or Federal highway or roadway ~~that has a minimum width (edge of pavement to edge of pavement) of twenty four (24) feet within 300 feet of the recreation vehicle park entrance, in each direction.~~ The Applicant shall adhere to Section 5.5.3 in regard to existing roadways. To ensure that adjacent roads are adequate for the proposed development, an approved commercial turnout permit must be submitted with the PUD application.

5.16 – Special Requirements for Recreational Vehicle Parks/ Campgrounds

1. **The internal roadways** Recreational vehicle pads and standard vehicle parking spaces must be improved with a suitable asphalt or concrete surface approved by the County Engineer.
2. For RV parks or campgrounds with fewer than 25 sites, the internal roads may be compacted gravel with acceptable containment. For RV parks and campgrounds with 25 or more sites, the internal roads must be improved with a suitable asphalt or concrete surface approved by the County Engineer.

3. The internal roadways shall be maintained by the Developer/Owner and will not be maintained by Baldwin County. The following note shall be placed on the Final Site Plan:

The internal rights-of-way, roads, easements, and drainage facilities are private and will be maintained by the Developer/Owner. The internal rights-of-way, roads, easements, and drainage facilities will not be maintained by Baldwin County. If individual ~~lots,~~ sites, units, etc., are to be sold, the developer/owner shall be required to meet the current Baldwin County Subdivision Regulations in effect at that time, and the property shall be brought into compliance with those regulations prior to such sale or attempted sale.

- (d) **Stormwater Management.** RV parks and campgrounds shall meet the stormwater requirements of the *Baldwin County Subdivision Regulations*.
- (e) **Utilities.** Utilities shall be provided for the proposed development in accordance with *Section 5.2.5* of these regulations, except that RV parks with a density of five units or less shall not be required to connect to public water unless already available adjacent to the property. **Where public water is not available, spacing between RV pads must be increased to twenty (20) feet.** The Applicant shall provide proof from the appropriate utility companies and/or Health Department that the proposed utilities are adequate for the development. Powerlines should be placed underground.
- (f) **Setbacks.** RV parks and campgrounds ~~located within zoned districts of the County shall meet the applicable setbacks in the Zoning Ordinance. RV parks and campgrounds located in unzoned districts~~ shall meet the following setbacks:
1. A minimum thirty-foot building setback shall be required from any exterior property line, ~~and reserved between~~ development phases, ~~or jurisdictional wetland~~. No sites, buildings, or other non-stormwater structures shall be constructed within the required thirty-foot setback. **In zoned districts of the County where the required front and rear setbacks exceed 30 feet, the wider setback will be required.**
 2. **A minimum thirty-foot natural buffer shall be required around all jurisdictional wetlands.**
 3. Structures constructed in RV parks and campgrounds must be separated from each other and from RV pads by at least ten (10) feet. **Where public water is not available, spacing between structures shall be increased to 20 feet.**

street.

- (j) **Garbage collection – Indicate centralized waste collection system and reflect method of dumpster screening where necessary.**

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- (k) **Open space and landscape requirements - Open space requirements in *Section 6.2* and landscape buffer requirements in *Section 6.3* shall apply to all developments under this section, regardless of the number of sites. In zoned districts, the buffer requirements of the *Zoning Ordinance* shall apply;**

Section 5.17 Special Requirements for Apartments/Condominiums/Townhomes

The following standards are applicable to apartments, condominiums, and townhomes that are to remain under unified ownership and control. Applicants will proceed through the Planned Unit Development application and review process outlined in Article 9. If individual sites within the proposed development are to be sold as a condominium form of ownership, the Applicant shall also satisfy the condominium requirements of Section 5.17(k). If proposed units will be on land to be sold as fee simple lots, the development must proceed through the Preliminary and Final Plat application and review process under Article 4 and shall comply with all applicable

Subdivision Regulations. Where other sections of these regulations conflict with the requirements of Section 5.17, Section 5.17 shall govern.

(f) **Utilities** – Utilities shall be provided for the proposed development and shall be adequate for the number of sites/units. The Applicant shall provide proof from the appropriate utility companies and/or Health Department that the proposed utilities are adequate for the development. **Multi-dwelling structures must be served by sanitary sewer and public water.** Powerlines should be placed underground.

(g) **Setbacks.** Apartments, condominiums and townhomes located within zoned districts of the County shall meet the applicable setbacks in the *Zoning Ordinance*. Apartments, condominiums, and townhomes located in unzoned districts shall meet the following setbacks:

1. The setbacks for apartments, condominiums and townhomes shall be a minimum of 30 feet front, 30 feet rear, and 10 feet sides. **If adequate fire flows do not exist and cannot be provided, the minimum setbacks must be increased to comply with the current ISO Fire Suppression Rating Schedule.**
2. In addition to the 10-foot minimum side setback, **1 foot of side setback shall be added for every 1 foot of building height greater than 35 feet.**
3. A minimum 30-foot natural buffer setback shall be required around all jurisdictional wetlands.
4. Refer to Section 5.4 (h) of these regulations for Highway Construction Setback requirements.

(h) **Minimum Lot Size.** Apartments, condominiums, and townhomes shall require a minimum lot size of 22,000 sq. ft.

(i) **Garbage collection.** Indicate centralized waste collection system and reflect method screening where necessary.

(j) **Open space and landscape requirements.** Open space requirements in Section 6.2 and landscape buffer requirements in Section 6.3 shall apply to all developments under this section, regardless of the number of sites/units. In zoned planning districts, the width of road and perimeter buffers will comply with the *Zoning Ordinance*;

(k) **Condominium requirements.** Additional requirements for Condominiums pursuant to §35-8 of the *Code of Alabama* include but are not limited to the following:

1. Provide a draft of the condominium declaration with the Planned Unit Development application;
2. The development name must include the word "condominium" or be followed by the words "a condominium;"
3. Plans or a narrative description of the property must include sufficient detail to identify common elements, limited common elements, and private elements;

4. Each unit shall be identified by a distinctive letter, number, or other means of identification by which it may be separately identified from the other units;

5. A copy of the bylaws and any amendments thereto shall be recorded in the same public records as the site plan, condo declaration, and amendments thereto.

5.17 – Special Requirements for Apartments/Condominiums/Townhomes

Section 5.18 Special Requirements for Manufactured Housing Parks

The following standards are applicable to manufactured home parks that are to remain under unified ownership and control. Applicants will proceed through the Planned Unit Development (PUD) process outlined in *Article 9*. If the proposed manufactured home units will be sold as a condominium form of ownership, the Applicant shall provide draft Condominium Documents along with the PUD application (see *Section 5.16(k)*). If individual sites within proposed manufactured housing parks are to be sold as fee simple lots, the development must proceed through the Preliminary and Final Plat standard subdivision review process under *Article 4* and shall comply with all applicable Subdivision Regulations. Where other sections of these regulations conflict with the requirements of *Section 5.18*, *Section 5.18* shall govern.

development.

- (f) Setbacks – Mobile home and manufactured housing parks shall meet the following setbacks:
 - (i) A minimum thirty-foot building setback shall be required from any exterior property line, and reserved between development phases. In zoned districts of Baldwin County where the required front and rear setbacks exceed 30 ft, the wider setback will be required. No sites, buildings, or other non-stormwater structures shall be constructed within the required thirty-foot setback.
 - (ii) A 30-foot natural buffer is required around all jurisdictional wetlands.
 - (iii) Structures constructed or located on manufactured home sites/units must be separated from each other by at least ten (10) feet. If adequate fire flows do not exist and cannot be provided, the minimum setbacks must be increased to comply with the current ISO Fire Suppression Rating Schedule.
 - (iv) Refer to *Section 5.4(h)* of these regulations for Highway Construction Setback requirements.

5.18 – Special Requirements for Manufactured Housing Parks

- (g) Minimum Lot Size - The minimum lot size for a manufactured home park shall be one (1) acre.
- (h) Parking - Each manufactured home site shall have off-street parking for two vehicles. The minimum dimensions of an off-street parking space is 9' x 19'.
- (j) Open space and landscape requirements - Open space requirements in *Section 6.2* and landscape buffer requirements in *Section 6.3* shall apply to all developments under this section, regardless of the number of sites. In zoned districts, the buffer requirements of the *Zoning Ordinance* shall apply;
- (l) Recreational Vehicles – Except where approved or legally existing prior to May 15, 2018, in

5.19 – Additional Regulations Applicable to Flood Prone Areas

5.19.1 Development Within Floodways and Flood Prone Areas

- (a) Land within Floodways and Flood Prone Areas may be subdivided only in compliance with the *Baldwin County Flood Damage Prevention Ordinance*, these regulations, and all applicable federal, state, and local regulations.
- (b) Land within any floodway, as identified in the latest edition of the Flood Insurance Rate Maps prepared by the Federal Insurance Administration, shall be reserved for the unimpeded passage of floodwaters. For lots less than 40,000 SF, land within any floodway shall not be platted for residential occupancy or building sites. Fill may not be used to raise land within a floodway. For lots 40,000 SF or greater, the building setback lines shall be outside the floodway.
- (c) Land outside the floodway but subject to flooding may be platted for residential occupancy if filled such that each lot contains a building site of a minimum floor level of one (1) foot above base flood elevation or one (1) foot above lot grade, whichever is greater. Fill may be used provided it does not endanger life or property, restrict the flow of floodwaters, or result in increased flood heights.

6.2.1 General Requirements

The following regulations are intended to create within new developments, private recreation areas as illustrated in *Figure 6.1*, for the purpose of meeting the informal recreational needs of its residents.

- (a) All new developments, or new phases of existing developments, having a total of twenty-five (25) or more lots/units with lot sizes of 30,000 SF or less, shall provide open space consistent with these regulations.
- (b) For developments having less than twenty-five (25) lots or units, the Planning Commission may, at its discretion and if appropriate for a particular subdivision, require that open space be provided in similar quantity and quality as herein referenced.
- (c) All developments under *Section 5.16*, *Section 5.17*, and *Section 5.18* of these regulations shall meet the open space requirements, regardless of the number of sites/units.

6.2.2 Area and Use Requirements



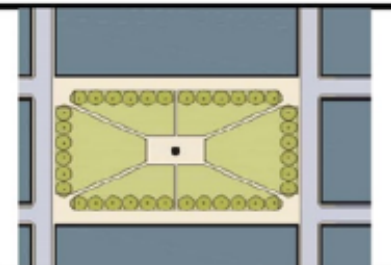
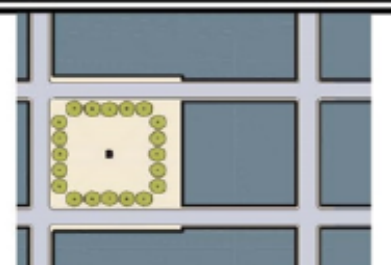

(a) Minimum Area

(i) Subdivisions. Subdivisions meeting the requirements specified above shall provide a minimum of ten (10) percent of the gross land area of the subdivision as open space. The land shall be labeled as open space on the plat, and adequate provision shall be made for the ownership and maintenance of such areas.

(ii) Planned Unit Developments. Planned Unit Developments (PUDs) meeting the requirements specified above shall provide a minimum of twenty (20) percent of the gross land area of the development as open space. The land shall be labeled as open space on the site plan and adequate provision shall be made for the ownership and maintenance of such areas.

Article 6 – Open Space, Landscaping, & Buffers

FIGURE 6.1

<p>a. Park: A natural preserve available for unstructured recreation. A park may be independent of surrounding building Frontages. Its landscape shall consist of Paths and trails, meadows, water bodies, woodland and open shelters, all naturalistically disposed. Parks may be linear, following the trajectories of natural corridors. The minimum size shall be 8 acres. Larger parks may be approved by Warrant as Special Districts in all zones.</p>	
<p>b. Green: An Open Space, available for unstructured recreation. A Green may be spatially defined by landscaping rather than building Frontages. Its landscape shall consist of lawn and trees, naturalistically disposed. The minimum size shall be 1/2 acre and the maximum shall be 8 acres.</p>	
<p>c. Square: An Open Space available for unstructured recreation and Civic purposes. A Square is spatially defined by building Frontages. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares shall be located at the intersection of important Thoroughfares. The minimum size shall be 1/2 acre and the maximum shall be 5 acres.</p>	
<p>d. Plaza: An Open Space available for Civic purposes and Commercial activities. A Plaza shall be spatially defined by building Frontages. Its landscape shall consist primarily of pavement. Trees are optional. Plazas should be located at the intersection of important streets. The minimum size shall be 1/2 acre and the maximum shall be 2 acres.</p>	
<p>e. Playground: An Open Space designed and equipped for the recreation of children. A Playground should be fenced and may include an open shelter. Playgrounds shall be interspersed within Residential areas and may be placed within a Block. Playgrounds may be included within parks and greens. There shall be no minimum or maximum size.</p>	

Article 6 – Open Space, Landscaping, & Buffers

6.2.3 Design Requirements

(a) To be credited toward the minimum open space requirement, designated open space areas should:

- (i) To the extent practicable, be centrally located and designed as an integral part of the development;
- (ii) Be of appropriate dimensions to accommodate active and passive recreational activities;

(iii) Be accessible to the largest practicable number of lots or units within the development. Lots or units should face or be adjacent to open space. Non-adjoining lots or units shall be provided with safe and convenient pedestrian access to open space;

(i) Depending on the size of the development, provide sidewalks and/or trails through the open space area;

(v) Connect to adjacent open space areas to provide a network of open space throughout the community.

(b) Usable Open Space. A minimum of fifty (50) percent of the required open space shall be usable and accessible for passive or active recreation purposes such as parks, recreational facilities, or pedestrian ways. The remainder may be approved as natural areas such as jurisdictional wetlands, natural wetland buffers, and other undisturbed natural areas.

(i) The following shall not be counted as open space: Steep slopes, internal street rights-of-way, driveways, off-street parking areas, off-street loading areas, or other areas considered "unusable."

(ii) Land utilized for drainage and stormwater management shall not be counted as open space unless the Applicant demonstrates, to the satisfaction of Planning Commission staff, that such land can be utilized as an amenity. Areas where LID stormwater management techniques are utilized may count as open space.

(i) Landscaped buffers shall be counted as open space, but not as usable open space unless the Applicant demonstrates, to the satisfaction of Planning Commission staff, that such land can be utilized for recreation.

(c) Phasing. For developments where phasing is proposed, a proportional amount of open space shall be provided for each phase of construction. The above design requirements shall apply to each phase unless a deviation is approved by the Planning Commission.

Article 6 – Open Space, Landscaping, & Buffers

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- (i) **Road buffers.** A minimum ten (10) foot wide buffer shall be provided between the subdivision and adjacent roads. Where subdivision lots front on adjacent roads rather than internal subdivision streets, road buffers are not required.
1. Buffers shall be planted in common areas and outside any public rights-of-way.
 2. Buffers shall extend the full length of the subdivision along the adjacent roads.
- (ii) **Street trees.** Canopy trees (as defined in *Section 6.3.2*) shall be planted on both sides of new streets in an alternating pattern approximately one hundred (100) feet apart in the locations shown in the residential street typical section (Figure 5.2).
1. Street trees shall not be of a low, bush species that might obstruct vision. They shall be pruned to remove foliage, limbs, or other obstructions between existing grade and a height of eight (8) feet at maturity;
 2. At planting, be a minimum height of eight (8) feet and a minimum two (2) inch caliper measured at six (6) inches above grade level;
 3. Tree planting wells shall be as large as possible to allow ample growing space and prevent damage, and shall not impede access to utilities, sidewalks, or streets;
 4. Variations in the placement of street trees may be necessary due to the location of driveways, street corners, sidewalks, topography, and planting conditions. Minimum distances between street trees and other improvements are as follows:
 - 25 feet from a street intersection
 - 30 feet from a stop sign or other traffic signs
 - 5 feet from a fire hydrant
 - 2 feet from property lines
- (iii) **Lakes and retention/detention areas.** Lakes and retention/detention facilities shall be landscaped with three (3) canopy or understory trees per one hundred (100) feet around the perimeter of the lake or retention/detention area and be designed as natural features by including native deep-rooted shoreline plantings to stabilize soil, slow run-off, facilitate infiltration, and decrease erosion. Plantings for these areas shall allow access for maintenance.

Article 6 – Open Space, Landscaping, & Buffers

6.3.3 Landscape Plans

When the provisions of this section apply, a landscaping plan shall be submitted for review with an application for Preliminary Subdivision Plat or Planned Unit Development as herein provided.

- (a) To the extent practicable, native vegetation shall be used. Landscape plans shall identify plants that are native species. See the Recommended Species List in *Appendix 4*;
- (b) Plans must be prepared by a registered landscape architect, architect, engineer, or a state certified landscape designer.
- (c) Plans must be drawn to scale, with a narrative and any necessary calculations, and include the following:
 - 1. Dimensions and north point;
 - 2. Preserved trees;
 - 3. Locations of proposed signs and lighting;
 - 4. Locations of proposed sidewalks or other paths and ingress and egress locations and widths;
 - 5. Proposed location and spacing of all required plantings;
 - 6. Overhead and underground utilities existing and proposed;
 - 7. Identify all open space areas required by this Section and show which areas are to be used for active recreational activities;
 - 8. Where applicable, subject property zoning and adjoining property zoning.
 - 9. Include a maintenance plan.
- (d) Trees preservation. Wherever possible, existing trees shall be preserved and integrated into the landscape plan. No lot or parcel may be cleared without the issuance of a permit. Preserved high value trees (live oak, magnolia, cypress) may be eligible for credits toward the planting requirements of this section in accordance with the Tree Preservation Schedule below:

Tree Preservation Schedule	
DBH of Preserved Tree	Max. No. of Tree Credits That May Be Earned Per Tree
36 inches or greater	7
30-35 inches	6
26-29 inches	5
20-25 inches	4
13-19 inches	3
8-12 inches	2
2-7 inches	1

Article 6 – Open Space, Landscaping, & Buffers

7.4.2 – Maintenance Surety Documents

7.4.2 Maintenance Surety Document

The maintenance surety document is a financial guarantee of materials and workmanship of the roadway and drainage improvements within the public rights-of-way, is in an acceptable form, and shall without limitation meet the following requirements:

- (a) *Acceptance of Maintenance Surety Document.* The surety document must first be reviewed by the County Engineer and Chief Legal Counsel, and then accepted and approved by the County Commission;
- (b) *Value of Maintenance Surety Document.* The maintenance surety document shall be of an amount equal to or greater than 40 percent of the cost (*Itemized Engineer's Cost Estimate*) of the full construction of the required roadway and drainage improvements, including but not limited to, grading, paving of the streets, **street trees permanent stabilization and landscaping of common areas and buffers, and installation of stormwater structures. The County Engineer reserves the right to require additional measures to ensure the site is permanently stabilized prior to release of surety.** When the County Engineer identifies potential problems, conditions, or reasons for further protection of the County and public funds a greater amount may be required by the County Engineer;

9.2 – Planned Unit Developments

Section 9.2 Definitions

Words and phrases used in this section shall have the meanings as set forth in this section. Words and phrases not defined in this section but defined elsewhere in the *Subdivision Regulations* shall be given the meanings as set forth in such regulations. All other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise.

Large Scale Planned Unit Developments: A Planned Unit Development occupying ~~1000~~ 250 contiguous acres or more, that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages.

Small Scale Planned Unit Developments: A Planned Unit Development occupying at least ~~five (5)~~ three (3) acres, but less than 250 ~~1000~~ contiguous acres that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. A subdivision containing 2 units is exempt from this provision.

13.3 – Enforcement

13.3.2 Violations

No owner, or agent of the owner, of any lot located within a subdivision may transfer, sell, or lease any property by reference to or exhibition of or by other use of a plat of a subdivision, before such plat has been approved by the Baldwin County Planning and Zoning Commission and recorded with or filed with the County Probate Judge. The description of such a lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling, transferring, or leasing shall not exempt the transaction from any penalties or remedies herein prescribed.

Whenever a violation of these regulations is identified or is alleged to have occurred, any person aggrieved may notify the Planning and Zoning Department of the potential issue. Such notice shall fully state the cause and basis thereof and shall be filed with the Planning and Zoning Department as a complaint.

Whenever the Planning and Zoning Director or his/her designee has knowledge of a violation or an alleged violation, a thorough investigation may be initiated. After such investigation, and upon the finding of a violation, the violation procedures contained in this Article shall be initiated.

In the event that any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or in the event that any building, structure, or development is in violation of these regulations, the Planning and Zoning Director may institute or cause the institution of any appropriate action or proceeding to:

- (a) Prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, or maintenance, ~~or use~~ of the building, structure, or land.
- (b) Prevent the occupancy of the building, structure, or land.
- (c) Restrain, correct, or abate the violation.

13.3.3 Persons in Violation

Any person(s), whether owner, lessee, principal, agent, employee, or occupant of any land or part thereof, and any architect, engineer, builder, contractor, agent or other person who: (a) violates any provision of these regulations, (b) permits, participates, assists, directs, creates or maintains any such violation, (c) fails to comply with any of the requirements hereof, including conditions, stipulations, or safeguards attached to any approval, permit, or the like, or (d) who

Recommendation:

Staff Recommends Approval of
Subdivision Regulation Text
Amendments as Presented

