



Baldwin County Planning & Zoning Department

Staff Report

Case No. STA24-01
Subdivision Regulation Text Amendments
January 7, 2025
Submitted by: Jay Dickson, AICP

Background

On October 1, 2024, the Baldwin County Commission held a public hearing on the draft amendments to the Baldwin County Subdivision Regulations. During this public hearing multiple citizens requested more time to review the proposed amendments. Citizens also requested the County Commission receive comments and hold a workshop to discuss the proposed amendments before adopting any amendments. The Baldwin County Commission passed a motion to table the Subdivision Regulation Amendments until the January 7, 2025 Baldwin County Commission meeting and requested Planning & Zoning Staff open a public comment period and schedule a work session to discuss comments received. The public comment period opened on October 2, 2024, and closed on October 31, 2024. The work session with the Baldwin County Commission was held on November 14, 2024. The presentation that was given at the November 14th work session that includes the summary of public comments received and staff responses is attached for reference. After hearing the presentation and receiving additional public comment during the November 14th work session, the Baldwin County Commission instructed Planning and Zoning Staff to proceed with updating the proposed Subdivision Regulation Amendments with the comments addressed as presented.

The updated amendments to the Baldwin County Subdivision Regulations were re-advertised and a public hearing is scheduled for January 7, 2025 as required by Section 12.1 of the Baldwin County Subdivision Regulations and Section 45-2-261.04 of the Code of Alabama.

Summary of Comments Addressed

The following is a summary of the comments that were addressed and included in the draft Subdivision Regulation amendments:

Page 25: Section 4.2(a) Family Exemptions – Family divisions will remain as currently adopted in accordance with the Code of Alabama. Clarification was added in the definitions that grandparent and grandchild are considered “immediate family”.

Page 32: Section 4.5.1 Plat Application Procedures – Utility information needed to determine ability to serve and level of service available (location and size of lines, and permitted and available capacity, etc.) remain in the regulations. However, the requirement of gravity sewer for developments over 50 lots has been removed.

Page 36: Section 4.5.4 Effective Period of Preliminary Plat – To obtain a preliminary plat extension the applicant must have applied for subdivision permit (construction plan review) and state that the project has been delayed for reasons beyond the control of the applicant.

Page 39: Section 4.6.1 Final Plat Pre-Application Requirements – As requested during the public comment period and work session, a 14 business day timeframe in which No Deficiency Letter must be issued and a 14 business day timeframe in which the Engineers Cost Estimate must be approved has been included.

Page 43: Section 4.6.5 Final Plat Review – As requested during the public comment period and work session, a 30 business day timeframe in which final plats must be approved has been included.

Page 47: Table 5.1 Minimum Standards for Subdivisions – Gravity sewer requirements were removed. Clarification that the “Alternative Street Section” (wider street) is required for streets that have lots that are less than 80 feet wide. This provides the clarification requested during the public comment period and work session.

Pages 48 & 49: Section 5.2.2 Wetlands and Streams – As requested during the public comment period and work session, the discretionary language was removed and clarification provided that properly places the approval of wetland boundaries on the Corps of Engineers and not the County.

Page 53: Section 5.2.5(c) Sanitary Sewer System – Gravity sewer requirement for subdivisions containing more than 50 lots has been removed.

Page 53: Section 5.2.5(d) Provisions for Broadband Service – Broadband service requirement will remain as currently adopted. The requirement of installing conduit in developments where broadband service is not currently available has been removed.

Page 57: Section 5.4(g) Highway Construction Setbacks – Clarifications were made to align with Code of Alabama and remove text that was more stringent than the state law (i.e. pools and fences will no longer be prohibited within highway construction setback).

Page 60: Section 5.5.7(c) Frontage on Improved Roads – Updated based upon comments received. Developments that abut an unpaved road are only required to pave the adjacent road to the last access point to the development. However, the buffer requirement along any remaining unpaved road will be increased to 20 feet.

Page 62: Section 5.5.9 Access to Adjoining Roads – Clarification was added based upon comment received. Second access to developments of over 50 lots is not required to be in place at the time of the 50th lot. However, the phasing plan shall indicate when the second access will be constructed and no more than 100 lots can be developed prior to constructing the second access.

Page 66: Section 5.6 Street Design Standards – Clarification was added to state the “alternate street section” is required for streets with lots less than 80 feet in width.

Page 72: Section 5.11.3 Low Impact Development – As requested by development community we clarified what is required to meet LID standards: 1” run-off rate reduction, 80% of Total Suspended Solids removal, and 50% of nutrient loading removal is required to meet LID standards.

The designers can chose how they want to document this (we presented some options during the presentation) as long as it is documented in accordance with the Alabama LID Handbook.

Page 74: Section 5.12.2(d) Method of Calculation for Stormwater Facilities – Method of calculation updated as requested during the public comment period and work session.

Page 77: Section 5.12.2(f) Common Areas and Stabilization – Clarification was added as requested to allow a fully established stand of permanent vegetation in lieu of solid sod as requested during the public comment period and work session.

Page 78: Section 5.12.2(i) Stormwater Culverts – Clarification was added as requested to allow submerged culverts in new drainage systems with County Engineer approval as requested during the public comment period and work session.

Page 80: Section 5.12.3 (d) Method of Calculation for Stormwater Conveyance – Method of calculation updated as requested during the public comment period and work session.

Pages 82, 83, & 84: Section 5.12.5 Stormwater Management Construction Plan Requirements – Updated as requested during the public comment period and work session to clarify lot grading plan requirements.

Pages 87 – 90: Construction Best Management Practices Plan – Updated to provide the clarification requested during the public comment period and work session.

Page 93: Project Close-Out Procedure – Updated to add the 14 day approval timeframe requirement as requested during the public comment period and work session.

Page 94: Section 5.16 Special Requirements for RV Parks – Updated as requested during the public comment period and work session to remove commercial turnout permit requirement for PUD application. Text was added to require of a plan sheet that shows adjacent roadways and intersections (including asphalt widths and turn radii) to verify the ability of the design vehicle to safely access the site.

Pages 104 & 105: Section 6.1.2 Open Space Requirements – As requested during the public comment period and work session, the method of calculating open space requirement to tie calculation to lot size and density was updated. However, PUDs and PRDs will continue to have the 20% requirement as currently adopted so the new calculation method will only apply to standard subdivisions.

Page 106: Section 6.1.4 Open Space Design Requirements – Design requirements were updated and reduced as requested during public comment period and work session.

Page 107: Section 6.2 Landscaping & Buffers – As requested during the public comment period and work session, the landscaping requirements were updated to remove street tree requirements and tree preservation credits.

Pages 142 – 146: Administration and Enforcement – Update based upon public comments received to clarify that violation enforcement cannot be based upon a complaint or accusation and can only begin once the violation has been confirmed by the County.

Staff Recommendation

Staff recommends approval of the Baldwin County Subdivision Regulation amendments as published.