



## COUNTY COMMISSION

BALDWIN COUNTY  
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MEMBERS  
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2. MATTHEW P. McKENZIE  
3. BILLIE JO UNDERWOOD  
4. CHARLES F. GRUBER

**2165387**



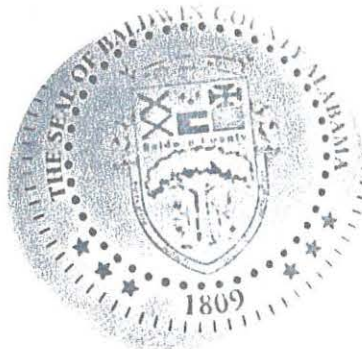
BALDWIN COUNTY, ALABAMA  
HARRY D'OLIVE, JR. PROBATE JUDGE  
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### CERTIFICATION

I, Matthew P. McKenzie, Chairman of the County Commission of Baldwin County, Alabama, and as authorized by the Baldwin County Commission in Regular Session duly assembled on January 7, 2025, hereby certify to the Office of the Judge of Probate of Baldwin County, Alabama, that the foregoing instrument, Resolution #2025-001 of the Baldwin County Commission, is a true and correct copy of a resolution adopted by the County Commission of Baldwin County, Alabama, during its Regular Session held on the 7<sup>th</sup> day of January 2025, at the County Seat in Bay Minette, Alabama.

WITNESS, my hand under the Seal of the County Commission of Baldwin County, Alabama, on this the 7<sup>th</sup> day of January 2025.

Matthew P. McKenzie, Chairman  
County Commission of Baldwin County, Alabama



STATE OF ALABAMA )

COUNTY OF BALDWIN )

**RESOLUTION #2025-001**

**AMENDING THE BALDWIN COUNTY SUBDIVISION REGULATIONS**

**WHEREAS**, for the purpose of providing for public health, safety, and general welfare, and consistent with Section 11-24-1, et. seq., Code of Alabama (1975) and Section 45-2-260.01 Code of Alabama (1975), without limitation, the Baldwin County Commission desires, at this time, to amend the Baldwin County Subdivision Regulations; and

**WHEREAS**, the regulation of subdivisions is a valid exercise of police power delegated by the Alabama Legislature to the Baldwin County Commission; and

**WHEREAS**, further in order to amend said Baldwin County Subdivision Regulations, the Baldwin County Commission complied with Article 12 of said Baldwin County Subdivision Regulations and Section 45-2-261, et. seq., Code of Alabama (1975); and

**WHEREAS**, the Baldwin County Commission held a public hearing on January 7, 2025, at its regular meeting with the required public notice of said public hearing given in a newspaper of general circulation in the time prescribed in Article 12 of the Baldwin County Subdivision Regulations and Section 45-2-261, et. seq., Code of Alabama(1975).

**BE IT RESOLVED, BY THE BALDWIN COUNTY COMMISSION, IN REGULAR SESSION ASSEMBLED**, that to provide for the public health, safety, and general welfare, and consistent with Section 11-24-1, et. seq., Code of Alabama (1975) and Section 45-2-261, et. seq., Code of Alabama (1975), without limitation, and, furthermore, in compliance with Article 12 of the current Baldwin County Subdivision Regulations are hereby amended to read as set forth in Exhibit "A" attached hereto.

**FURTHER BE IT RESOLVED**, that said amended Baldwin County Subdivision Regulations, as set forth in Exhibit "A" attached hereto, shall become effective upon adoption on January 7, 2025.

**FURTHER BE IT RESOLVED**, that the Chairman of the Baldwin County Commission is hereby authorized to certify, on behalf of the Baldwin County Commission, to the Judge of Probate of Baldwin County, Alabama, said amended Baldwin County Subdivision Regulations.

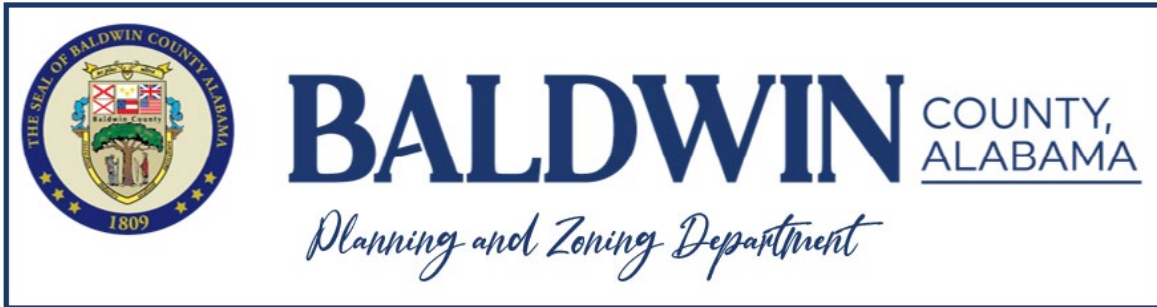
DONE, Under the Seal of the County Commission of Baldwin County, Alabama, on this the **7th** day of **January** **2025**.

  
Commissioner Matthew P. McKenzie, Chairman

ATTEST:

  
Roger H. Rendleman, County Administrator





# **BALDWIN COUNTY SUBDIVISION REGULATIONS**

**BALDWIN COUNTY COMMISSION**

**January 7, 2025**

# SUBDIVISION REGULATIONS

## OF

# BALDWIN COUNTY, ALABAMA

|   |   |
|---|---|
| Adopted by the Baldwin County Planning and Zoning Commission: | February, 1984                              |
| Amended:  | March, 1985                                 |
| Amended:  | February, 1988                              |
| Amended:  | July, 1993                                  |
| Amended:  | August, 1994                                |
| Ratified and Adopted by the Baldwin County Commission:        | July 2, 1996, Resolution No. 96-39          |
| Amended by the Baldwin County Commission:                     | May 6, 1997, Resolution No. 97-22           |
| Amended by the Baldwin County Commission:                     | April 6, 1999 Resolution No. 99-47          |
| Amended by the Baldwin County Commission:                     | Sept. 7, 2004 Resolution No. 004-118        |
| Amended by the Baldwin County Commission:                     | Oct. 5, 2004, Resolution No. 2005-04        |
| Amended by the Baldwin County Commission:                     | June 20, 2006, Resolution No. 2006-117      |
| Amended by the Baldwin County Commission:                     | December 4, 2007, Resolution No.2008-37     |
| Amended by the Baldwin County Commission:                     | July 1, 2008, Resolution No. 2008-121       |
| Amended by the Baldwin County Commission:                     | October 16, 2012, Resolution No. 2013-004   |
| Amended by the Baldwin County Commission:                     | May 19, 2015, Resolution No. 2015-058       |
| Amended by the Baldwin County Commission:                     | May 15, 2018, Resolution No. 2018-076       |
| Amended by the Baldwin County Commission:                     | August 6, 2019, Resolution No. 2019-127     |
| Amended by the Baldwin County Commission:                     | October 6, 2020, Resolution No. 2021-006    |
| Amended by the Baldwin County Commission:                     | September 21, 2021, Resolution No. 2021-130 |
| Amended by the Baldwin County Commission:                     | December 5, 2022, Resolution No. 2023-027   |
| Amended by the Baldwin County Commission:                     | September 19, 2023, Resolution No. 2023-177 |
| Amended by the Baldwin County Commission:                     | January 7, 2025, Resolution No. 2025-001    |



**Baldwin County Commission**

Hon. James E. Ball; District 1  
Hon. Matthew P. McKenzie; District 2  
Hon. Billie Jo Underwood; District 3  
Hon. Charles F. Gruber; District 4

**Baldwin County Planning and Zoning Commission**

Hon. Billie Jo Underwood, Ex Officio Member  
Steven Pumphrey, Chair  
Brandon Bias, Vice-Chair  
Diane Burnett  
Robert Davis  
Michael Fletcher  
Reid Key  
Michael Mullek  
Glenn Seale  
Greg Seibert  
Scott Shamburger  
Jamie Strategier  
George Watters

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## **Article 1 Purpose, Policy, Title, and Interpretation**

### **Section 1.1 Purpose**

The purpose of these regulations is to establish procedures and standards for the development of subdivisions or proposed additions to existing subdivisions within the subdivision jurisdiction of Baldwin County, Alabama, to regulate the minimum size of lots, the planning and construction of all public streets, public roads, drainage structures, and to require the proper placement of public utilities.

### **Section 1.2 Policy**

#### **1.2.1**

It is hereby declared to be the policy of the Baldwin County Commission to consider subdivisions subject to the control of the Baldwin County Commission pursuant to the authority granted to the County by Alabama Law (see Section 2.1). The Baldwin County Commission has chosen to delegate the authority to approve subdivisions of property within the unincorporated areas of Baldwin County to the Baldwin County Planning and Zoning Commission. Pursuant to the powers granted by Alabama law, the authority to revise, adopt, rescind, or amend these regulations shall remain exclusively with the Baldwin County Commission.

#### **1.2.2**

Property on which no habitable improvements are intended to be constructed may be subdivided pursuant to these regulations without approval from the Baldwin County Health Department. Property on which habitable improvements are intended to be constructed shall not be subdivided until proper provision has been made for drainage, water, sewerage disposal and streets, and approval has been granted in accordance with the procedures prescribed in these regulations.

#### **1.2.3**

Any owner of land, which lies within the area of jurisdiction of the Baldwin County Commission, who wishes to develop, subdivide, or resubdivide such land into two (2) or more lots, plats, sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or of building development shall submit to the Baldwin County Planning Director and County Health Department (if individual septic tanks are to be installed) for approval, a plat of the subdivision, which shall conform to the minimum requirements set forth in these regulations. In accordance with Alabama Code §11-24-2, the Baldwin County Engineer has designated the Baldwin County Planning Director to review, approve, or disapprove proposed subdivision plats, to issue notices and certifications, and to exercise the authority granted to the Baldwin County Engineer in Alabama Code §11-24-2.



Notwithstanding the foregoing, in unincorporated areas where the citizens have not voted to come under the zoning jurisdiction of the Baldwin County Commission, the construction or placement of two or less primary structures or buildings on a single parcel of property shall not constitute a subdivision that is subject to these regulations. The placement of three or more dwellings, buildings, units, or structures intended for occupancy on a single parcel shall constitute a subdivision that must comply with these regulations.

#### **1.2.4**

No Subdivider shall proceed with any construction improvements or with the installation of utilities in a subdivision until such subdivision plat shall have been reviewed and granted Preliminary Plat approval and approval by the Baldwin County Health Department (if individual septic tanks are to be installed), and a Subdivision Permit has been issued by the Baldwin County Engineer or Planning and Zoning Director.

#### **1.2.5**

No Subdivider shall proceed with the sale or lease of lots or the erection of buildings, excluding required public improvements and utility structures, within a subdivision until such subdivision plat shall have been granted Final Plat approval entered in writing on the plat and signed by the Baldwin County Engineer and the Baldwin County Planning Director and recorded in the Office of the Probate Judge of Baldwin County in accordance with the procedures prescribed in these regulations.

### **Section 1.3 Title**

These regulations shall hereafter be known, cited, and referred to as the Subdivision Regulations of Baldwin County, Alabama.

### **Section 1.4 Interpretation**

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

## **Article 2 Authority and Jurisdiction**

### **Section 2.1 Authority**

Baldwin County regulates subdivisions within unincorporated areas pursuant to both the grant of general authority to all Alabama Counties and the grant of specific authority directly to Baldwin County by the Alabama State Legislature. Those authorities are, without limitation, as follows:

1. 1973 Ala. Acts 1094, as amended
2. Ala. Code 1975 § 45-2-261.02, as amended
3. Ala. Code 1975 § 11-19-1 to 11-19-24, as amended
4. Ala. Code 1975 § 11-24-1 to 11-24-7, as amended
5. Ala. Code 1975 § 11-52-30, et seq., as amended

Further, the authority granted in Act No. 91-719, State of Alabama, 1991 as amended, is invoked and by the terms of that act the Baldwin County Commission does hereby designate the Baldwin County Planning and Zoning Commission to administer the provisions of these regulations, except as otherwise provided or retained.

### **Section 2.2 Jurisdiction**

From and after the date of adoption, these regulations shall govern each and every subdivision development in all unincorporated areas of Baldwin County in the same manner and to the same extent as other subdivision development governed by the County's subdivision regulations; provided, however, in the case of any subdivision over which a Municipal Planning Commission properly exercises jurisdiction pursuant to an agreement with Baldwin County authorized by Alabama Code § 11-24-6, and/or pursuant to Alabama Code § 11-52-30, et seq., Baldwin County's regulation of such subdivision shall be limited to the terms and conditions of such agreement and any other applicable law.

## Article 3 Definitions

### Section 3.1 Usage

For the purpose of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this section. *The meaning of terms not defined in this article shall be as defined in A Planners Dictionary (Davidson & Dolnick, 2004, American Planning Association). All remaining words used are intended to have the commonly accepted definitions contained in the Merriam-Webster Dictionary.* Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular number; the word "herein" means "in these regulations;" the word "regulations" means "these regulations."

A "person" includes a corporation, a partnership, and an incorporated association of persons such as a club; "shall" and "must" are always mandatory; "should" and "may" are suggestive; a "building" includes a "structure" and includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

### Section 3.2 Words and Terms Defined

*Accessory structure.* A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

*ADEM.* The Alabama Department of Environmental Management.

*Alabama Handbook.* The latest edition of the *Alabama Handbook for Erosion Control, Sediment Control, and Stormwater Management on Construction Sites and Urban Areas*. A copy of the latest edition can be found on the Alabama Soil and Water Conservation Committee (ASWCC) web page ([www.swcc.state.al.us](http://www.swcc.state.al.us)).

*Agriculture/agricultural uses.* The use of land for agricultural purposes as defined by the Code of Federal Regulations (33 CFR 323.4(a)(1), including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and related accessory uses.

*ALDOT.* The Alabama Department of Transportation.

*Alley.* A public right-of-way or private easement primarily designed to serve as a secondary access to the side or rear of properties whose principal frontage is on some other street.

*Applicant.* The Owner or designated representative of land proposed to be subdivided. Consent shall be required from the legal owner of the premises.

*Area and dimensional regulations.* Numerical standards established in these Regulations for a lot, yard, or building.

*Arterial.* Roadway designed to carry large volumes of traffic and providing for efficient vehicular movement between population centers. Refer to the *Baldwin County Highway Functional Classification System Map* by the U.S. Federal Highway Administration and the Alabama Department of Transportation (ALDOT) for roadways classified as Arterial.

*As-built.* A post-construction record giving details of construction and locations of improvements and utilities as they were built or installed.

*Baldwin County Hydric Potential Map.* Refers to the National Wetland Inventory (NWI) Map, the Baldwin County Digital Revenue Map Wetland layer, and any other digital data depicting the general locations of wetlands and hydric soils and their degree of functionality within the jurisdiction of Baldwin County. Also referred to as the *Generalized Wetland Map*.

*Base flood.* A flood having a one percent (1%) chance of being equaled or exceeded in any given year.

*Base flood elevation.* The elevation of surface water resulting from a flood that has a one percent (1%) chance of being equaled or exceeded in any given year.

*Best management practice (BMP).* Structural or non-structural measures, practices, techniques, or devices employed to avoid or minimize soil, sediment, or pollutants carried in runoff to waters of the state.

*Block.* A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or other boundary lines.

*Buffer.* Land which is maintained in either a natural or landscaped state and is used to screen and/or mitigate the impacts of development on surrounding areas, jurisdictional wetlands, properties, or rights-of-way.

*Buffer, Natural.* Area of existing vegetation that is maintained in such a way as to promote species diversity, provide ecosystem services, and native species habitat. The area should not be cleared except to allow for the removal of invasive, dangerous, or non-native species, in which case the area shall be replanted with a diversity of native species.

*Building.* Any structure attached to the ground and intended for shelter, housing, or enclosure for persons, animals, or chattels.

*Building height.* The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, and the mean height between eaves and ridge or top for gable, hip, mansard, and gambrel roofs. In X-zones, as defined herein, building height will be measured from the lowest finished floor

elevation. In V-zones, as defined herein, building height will be measured from the bottom of the lowest supporting girder.

*Building line.* (See *Setback line*).

*Building site.* The land occupied or to be occupied by a structure and its accessory structures including open spaces, required yards and parking.

*Clearing.* Any activity that removes the vegetative surface cover.

*Cluster development.* A site planning technique that concentrates buildings and structures in specific areas on a lot, site, or parcel to allow the remaining land to be used for recreation, open space, and/or preservation of features and/or structures with environmental, historical, cultural, or other significance. The techniques used to concentrate buildings may include, but shall not be limited to, reduction in lot areas, setback requirements, and/or bulk requirements, and with the resultant open space being devoted by deed restrictions for one or more reasons.

*Coastal construction line (CCL).* A line in coastal Alabama determined by the Alabama Coastal Area Management Plan (ACAMP) seaward of which no construction is permitted.

*Coastal high hazard areas (V-zones).* Areas that are subject to high velocity waters caused by, but not limited to, hurricane wave wash.

*Common driveway.* A private driveway located to provide a single access to multiple lots from a publicly maintained street.

*Construction Best Management Practices Plan or "CBMP Plan."* A plan that includes research, planning considerations, systems, procedures, processes, activities, and practices implemented for the prevention and/or minimization of pollutants in stormwater to the maximum extent practicable; and collection, storage, treatment, handling, transport, distribution, land application or disposal of construction stormwater and onsite management of construction waste generated by the land disturbing activity, and to comply with the requirements of Baldwin County.

*Construction site.* An area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan.

*County.* Baldwin County, Alabama.

*County Commission.* The Baldwin County Commission.

*County Engineer.* The Engineer of Baldwin County, Alabama, as designated by the Baldwin County Commission.



*County specifications.* All construction specifications which have been adopted by the Baldwin County Commission or as required by the Baldwin County Engineer and all utility departments.

*Dedication.* The transfer of property from private to public ownership.

*Design Engineer.* A registered professional engineer in the State of Alabama, qualified by education and experience to perform services of design in the area of their expertise. For these regulations, the Design Engineer is the consultant who is responsible for the design of the development and is retained by and/or is an agent for the Owner/Developer. Any Design Engineer who submits plans to the Baldwin County Commission shall have and maintain professional liability insurance with limits not less than \$1,000,000.00. Upon request the Design Engineer may be requested to show evidence of professional liability insurance as required herein through the date of the issuance of Final Plat approval.

*Developer.* The Owner or designated representative of land proposed to be subdivided. Consent shall be required from the legal owner of the premises.

*Development.* Includes, but is not limited to, the design work of lot layout, the construction of drainage structures, the construction of buildings and public use areas, the planning and construction of public streets and public roads, and the placement of public utilities.

*Differential runoff.* The difference in rate of stormwater runoff from a parcel or project in its existing condition and its developed condition.

*Discharge Hydrograph.* A graph showing the rate of flow (discharge) of water with respect to time. See Figure 5.3.

*Double frontage lot.* (See *Lot, through*).

*Dwelling.* A building or portion thereof used exclusively for residential purposes, including single-family, two-family, and multiple-family dwellings, but not including hotels, boarding houses, rooming houses, lodging houses, or dormitories.

*Easement.* A grant by a property owner of the use of land for a specified purpose or purposes by the general public or a corporation, or person(s); or as created by operation of law.

*Engineering plan.* Plans and specifications for the works to be constructed.

*Erosion.* The process by which the land's surface is worn away by the action of wind, water, ice, or gravity.

*Erosion and sediment control plan.* A plan developed to address pollution caused by soil erosion and sedimentation during land disturbing construction activity.

*Excavation.* Any mechanical removal of rock, sand, gravel, or other unconsolidated materials from a location.

*Expressway.* ~~(See Baldwin County Design Standards for New Road Construction).~~ A high-speed divided highway for through traffic with access partially or fully controlled. Refer to *Baldwin County Highway Functional Classification System Map* by the U.S Federal Highway Administration and the Alabama Department of Transportation for roadways classified as Expressway.

*Family division.* A division in accordance with the Code of Alabama 1975, 11-24-2(d) among the following designated legally related immediate family members: An owner's spouse, parent, grandparent, child, grandchild, and/or sibling. Adopted or step-related individuals of the same status of an owner are also the owner's immediate family members.

*Final Plat.* A plat of a tract of land which meets the requirements of these regulations and is in proper form for recording in the Office of the Probate Judge of Baldwin County, Alabama.

*Final Stabilization.* The application and establishment of the permanent ground cover (vegetative, erosion resistant hard or soft material or impervious structures) planned for the site to permanently eliminate soil erosion to the maximum extent practicable. Established vegetation will be considered final if 100% of the soil surface is uniformly covered in permanent vegetation with a density of 85% or greater. Permanent vegetation shall consist of permanent grasses, planted trees, shrubs, landscaped flower beds, and perennial vines. Final stabilization applies to each phase of construction.

*Flood insurance rate map (FIRM).* An official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazard and the risk premium zones applicable to a community.

*Floodplain.* Those areas defined by the U.S. Geological Survey or the U.S. Army Corps of Engineers (USACE) as subject to flooding once in 100 years, based on topography.

*Flood-Prone Area.* Those areas within the boundaries of the most recent Flood Insurance Rate Map (FIRM) established by FEMA as a Special Flood Hazard Area (100-year flood).

*Floodway.* The channel of a river or other watercourse and the adjacent land areas that must be reserved to discharge the base flood without cumulatively increasing the water surface more than a designated height. For the purpose of these regulations, floodways shall be defined as designated in the Flood Insurance Rate Map (FIRM) for Baldwin County, Alabama.

*Generalized Wetland Map.* Refers to the National Wetland Inventory (NWI) Map, the Baldwin County Digital Wetland layer, and/or any other digital data depicting the general locations of wetlands and hydric soils and their degree of functionality within the jurisdiction of Baldwin County. Also referred to as the Baldwin County Hydric Potential Map.

*Grading.* Adding or removing of earthen materials to ensure a level base or specific slope.

*Grubbing.* Shallow digging of surface soil, generally to clear away roots, stumps, and similar subsurface vegetation.

*Half-Street or Half-Alley.* A street or alley along the perimeter of a development where only a portion of the required width is constructed. The intent is that the other portion of said street or alley will be constructed at some later date by an abutting property owner if the abutting property is developed.

*Hardship.* An unusual situation which will not permit utilization of property. A hardship exists only when it is not self-created.

*Health Department.* The Baldwin County Health Department.

*Jurisdictional determination.* An official, written statement or map signed by the U.S. Army Corps of Engineers (USACE).

*Jurisdictional Stream.* A stream that is determined as such by the U.S. Army Corps of Engineers (USACE).

*Jurisdictional wetland.* A wetland area that is determined as such by the U.S. Army Corps of Engineers (USACE) and/or the Alabama Department of Environmental Management (ADEM) Coastal Program.

*Land Disturbance.* The disturbance of soils associated with grubbing, grading, excavating, filling of land, or other similar activities which may result in soil erosion.

*Licensed Engineer.* An engineer registered in the State of Alabama.

*Licensed Land Surveyor.* A land surveyor registered in the State of Alabama.

*Lot.* A tract, parcel, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership, lease, or rental, or for building development.

*Lot area.* The total horizontal area within the lot lines of a lot.

*Lot, corner.* A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of a street which form an interior angle of less than 135 degrees. The point of intersection of the street lines is the corner.

*Lot depth.* The mean (average) horizontal distance between the front and rear lot lines, measured at right angles to the street lines.

*Lot, flag.* A lot with access provided to the bulk (wide portion) of the lot by means of a narrow corridor. The full length of the corridor must be a minimum of 60 feet wide and shall not be longer than 800 feet from the street to the bulk of the lot. The lot access corridor shall not contain obstructions or natural features that would prevent access to the bulk of the lot. The front building setback must be in the bulk of the lot, and no structures shall be in the narrow corridor.

*Lot, interior.* A lot other than a corner lot.

*Lot line.* The boundary line of a lot.

*Lot line, front.* On an interior lot, the lot line abutting a street; on a corner lot, the shorter lot line abutting a street; on a through lot, the lot line abutting the street providing the primary means of access to the lot; on a flag lot, the interior lot line most parallel to and nearest to the street from which access is obtained; or on a waterfront lot, the lot line abutting the water.

*Lot line, rear.* The lot line opposite and most distant from the front lot line.

*Lot line, side.* Any lot line other than a front or rear lot line. A side lot line of a corner lot separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot is called an interior lot line.

*Lot of record.* A lot which is part of a recorded plat or a plot described by metes and bounds, the map and/or description of which has been recorded according to Alabama Law.

*Lot, through.* A lot, but not a corner lot, that abuts upon two streets, the frontages being noncontiguous.

*Lot width.* The horizontal distance between side lot lines, measured at the minimum front setback line, as required by either the *Baldwin County Subdivision Regulations*, or the *Baldwin County Zoning Ordinance*. "Minimum Lot Width at Street Line" in the *Baldwin County Zoning Ordinance* shall not apply to flag lots.

*Low Impact Development (LID).* A land development approach that aims to minimize the environmental impacts of a site by mimicking natural processes to manage stormwater runoff. LID systems and practices use or mimic natural processes that result in the infiltration, evapotranspiration, or use of stormwater to protect water quality and associated aquatic habitat

*Manufactured housing.* Single family detached housing that is built to the National Manufactured Housing Construction and Safety Standards Act of 1974 and shall include structures known as manufactured homes or mobile homes. Manufactured housing must be certified by the Alabama Manufactured Housing Commission prior to being occupied.

*Master plan.* The master plan for the physical development of the unincorporated areas of Baldwin County as adopted by the Baldwin County Commission. [Also known as the Comprehensive Land Use Plan].

*Minor street.* (See *Baldwin County Design Standards for New Road Construction*).

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

*NAVD Datum 88.* The North American Vertical Datum of 1988 is the **vertical control datum** established in 1991 by the minimum-constraint adjustment of the Canadian-Mexican-United States leveling observations.

*Navigable Waters (CFR 329.4).* Navigable Waters of the United States are those waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. A determination of navigability, once made, applies laterally over the entire surface of the waterbody, and is not extinguished by later actions or events which impede or destroy navigable capacity.

*Nonresidential subdivision.* A subdivision ~~whose~~ **with an** intended use that is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of these regulations. Recreational vehicle parks where individual **lots/units** are not sold shall be considered a non-residential subdivision.

*Open space.* **Land not covered by parking areas, rights-of-way, roadways, or buildings other than recreational structures, which is landscaped or left in a natural state and which is intended for natural or scenic preservation and/or active or passive recreational purposes.**

*Open Space, Usable.* Open space that is held in common ownership and provides community gathering areas that are usable and accessible for passive or active recreation purposes such as parks, recreational facilities, or pedestrian ways.

*Owner.* Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land to be subdivided under these regulations.

*Permittee.* Any person who obtains a Permit from the Baldwin County Planning and Zoning Department.

*Planned Unit Developments.* (See Article 9 of these regulations).

*Planning Commission.* The Baldwin County Planning and Zoning Commission.

*Pollutant.* Anything which causes or contributes to pollution. Pollutants may include, but are not limited to paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquids and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; sediment, solid wastes and other residues that result from constructing a permitted development; and/or noxious or offensive matter of any kind.



*Preliminary Plat.* The plat which, when approved by the Planning Commission, shall be the “permit to develop” pursuant to § 11-24-2 of the Code of Alabama (1975) and the enabling legislation referenced in *Section 2.1* of these regulations.

*Principal structure.* A building in which the primary use of the lot is conducted.

*Probate Judge.* The Judge of Probate of Baldwin County, Alabama.

*Professional Wetland Delineator.* A professional who has adequate training in identifying wetlands and their boundaries and has at least three years’ experience working with wetlands including wetland delineations; wetland assessments; and preparation of US Army Corps of Engineer approved Jurisdictional Determinations, wetland fill permits, and wetland mitigation project permits. The Professional Wetland Delineator may utilize the assistance of an individual who lacks the experience required to qualify as a Professional Wetland Delineator, so long as the qualifying professional signs and takes responsibility for the final work product. The qualifications of a Professional Wetland Delineator must only be submitted to the Planning and Zoning Department if requested by the ~~Zoning Administrator~~ **Planning Director or designee**.

*Priority construction site.* Any site that discharges to a waterbody which is listed on the most recently EPA approved 303(d) list of impaired waters for turbidity, siltation, or sedimentation, any waterbody for which a TMDL has been finalized or approved by EPA for turbidity, siltation, or sedimentation, any waterbody assigned the Outstanding Alabama Water use classification in accordance with ADEM Admin. Code, 335-6-10-.09, and any waterbody assigned a special designation in accordance with ADEM Admin. Code, 335-6-10-.10.

*Record plat.* A Plat of a proposed subdivision meeting the conditions of the Final Plat approval, if any; and containing signatures on all the required certifications and signature blocks.

*Resubdivision.* A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

***Sediment.* Settleable solid material that is transported by runoff, suspended within runoff, or deposited by runoff away from its original location.**

***Sedimentation.* The process by which eroded material is transported and deposited by the action of wind, water, ice and/or gravity.**

*Setback line.* A line defining the limits of a yard in which no building or structure, other than an accessory structure, may be located.

*Single tier lot.* A lot which backs upon a street, a railroad, a physical barrier, **gulf, bay**, or a residential or nonresidential use, and to which access from the rear of the lot is usually prohibited.

*Site.* The entire area included in the legal description of the land on which land disturbing construction activity is proposed in a permit application.

*Site plan.* The development plan for one or more lots, *sites, or units* on which is shown the existing and/or proposed conditions of the lot(s).

*Sketch plan.* The preliminary subdivision layout and associated information as required by *Section 4.4* of these regulations.

*Special flood hazard areas.* Land in the floodplain as per the latest adopted FEMA Flood Insurance Rate Maps.

*Stabilize.* The application and establishment of ground cover (vegetative, erosion resistant hard or soft material, or impervious structures) planned for the site to eliminate soil erosion to the maximum extent practicable.

*Stabilize, Temporary.* The application and establishment of temporary ground cover (vegetative, erosion resistant hard or soft materials, or impervious structures) for the purpose of temporarily reducing raindrop impact and sheet erosion in areas where final stabilization cannot be established due to project phasing, seasonal limitations, or other project related restrictions.

*Stormwater management.* The process of ensuring that the magnitude and frequency of stormwater runoff do not increase the hazards associated with flooding and that water quality is not compromised by untreated stormwater flow.

*Steep slopes/grades.* Topography where slopes or grades exceed 20 percent.

*Stream, Jurisdictional.* (See definition for *Jurisdictional Streams*).

*Stream, Perennial.* A stream that has surface water flowing continuously year-round.

*Street.* (See *Baldwin County Design Standards for New Road Construction*).

*Structure.* A building or structure having walls and a roof, whether or not it is erected or set upon an individual foundation or slab constructed base which is designed or used for the housing, shelter, enclosure, or support of persons, animals, or property of any kind. This definition includes manufactured homes.

*Structure, permanent.* A building or structure placed on the land for the foreseeable future that is anchored to a permanent foundation.

*Subdivider.* Any person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2) directly or indirectly sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease or development, any interest, lot, parcel, site, unit, or plat in a subdivision, or who (3) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

*Subdivision.* The development and division of a lot, tract, or parcel of land into two or more lots, plats, sites, or otherwise for the purpose of establishing or creating a subdivision through the sale, lease (regardless of the term of lease), or building development. Development includes, but is not limited to, the design work of lot layout, the construction of drainage structures, the construction of buildings or public use areas, the planning and construction of public streets and public roads, and the placement of public utilities. A subdivision does not include the construction or development of roads or buildings on private property to be used for agricultural purposes.

*Subdivision jurisdiction.* The territorial jurisdiction of the Baldwin County Commission over the subdivisions including all unincorporated areas of the County.

*Subdivision Permit.* The permit to be issued by the Baldwin County Engineer or designee pursuant to *Section 4.5.7* of these regulations which, upon issuance, permits the Developer to commence construction of subdivision improvements.

*Surety.* Any surety bond, certificate of deposit, irrevocable letter of credit, cashier's check, or other acceptable surety as accepted and approved by the Baldwin County Commission.

*V-zone.* (See *Coastal high hazard areas*).

*Water(s).* Includes, but is not limited to, water on or beneath the surface of the ground, including natural or artificial watercourses, streams, rivers, lakes, ponds, or diffused surface water and water percolating, standing, or flowing beneath the surface of the ground.

*Watercourse.* Any depression serving to give direction to a flow of water.

*Waterway.* Any body of water, including any creek, canal, river, stream, lagoon, lake, bay or gulf, natural or artificial.

*Watershed.* An area that, because of topographic slope, contributes water to a specific surface water drainage system, such as a bay or river. An area confined by a topographic divide that drains a given bay or river.

*Watershed Study.* A study that is performed to gain an understanding of how land use changes affect a particular watershed.

*Watershed Study Map.* A map depicting the boundary of the watershed being studied.

*Watershed Study Model.* A system that is developed to "model" the current conditions of the watershed and determine how different land use changes affect the watershed.

*Wetlands.* Wetlands are areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

*Wetland and/or Stream Natural Buffer.* An area adjacent to an Alabama Department of Environmental Management Coastal Program or U.S. Army Corps of Engineers (USACE) designated jurisdictional wetland and/or stream that is left in its natural state.

*Wetland and/or Stream Delineation.* A wetland and/or stream delineation shall be conducted by a Professional Wetland Delineator and approved by the United States Army Corps of Engineers (USACE) in the form of an approved jurisdictional determination and includes a site map with property and all wetland and/or stream boundaries, and mapped location of at least one upland and one wetland sampling point for each separate wetland area. The delineation shall ~~should~~ also include wetland and upland ~~determination data forms worksheets~~ for the sampling points. The jurisdictional wetland boundary lines shall ~~should~~ be flagged on the site with tape and/or flags so that Planning and Zoning Staff can verify the ~~accuracy location~~ of the boundaries if necessary.

*Wetland, Jurisdictional.* (See definition for *Jurisdictional Wetland*).

*X-zone.* (See *FEMA flood map regulations*).

*Yard, front.* An open, unoccupied space on the same lot with the principal building, extending the full width of the lot and situated between the right-of-way line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front lines of the building and the right-of-way line. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension. ~~For lots fronting on a navigable waterway as defined by the Code of Federal Regulations (33CFR Part 329), the front yard shall be considered from the front line of the building to the waterfront property line.~~

*Yard, rear.* An open space on the same lot with the principal building, such space being unoccupied except possibly by an accessory building, extending the full width of the lot between the rear line of the main building projected to the side lines of the lot and the rear lot line. On all corner lots the rear yard shall be at the opposite end of the lot from the front yard.

*Yard, side.* An open, unoccupied space on the same lot with the principal building, situated between the side line of the building and the adjacent side line of the lot extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the rear boundary of the side yard shall be the rear line of the lot. On corner lots, the side yard shall be considered as parallel to the street upon which the lot has its greatest dimension.

## Article 4 Approval of Subdivision Plats

### Section 4.1 Approval of Subdivision Plats Required

From and after the date of filing a certified copy of these regulations with the Probate Judge, no subdivision plat within the authority and jurisdiction of the Baldwin County Commission, as defined in *Article 2* of these regulations, shall be filed or recorded, nor shall any lots be sold or leased until the plat or exemption request (See *Section 4.2*) shall have been submitted to and approved by the Baldwin County Planning and Zoning Commission and recorded by the Probate Judge. The Probate Judge, upon receipt of a copy of these regulations, shall not thereafter file or record a plat of a subdivision located within the County's subdivision jurisdiction, as defined herein, without the approval of such plat in accordance with these regulations.

**General Requirements.** Except as otherwise provided herein, applications for approval of all subdivisions shall require the issuance of a Preliminary Plat by the Baldwin County Planning Commission and Final Plat approval by the County Engineer and Baldwin County Planning Director. For developments with 100 or more lots/units, Baldwin County shall require third-party review of drainage, traffic, and utilities. Depending on the specific characteristics related to the proposed development, additional requirements may apply.

- (a) *Sketch Plan Application and Review.* A Sketch Plan application and review (See *Section 4.4*) are required for all subdivisions which are proposed to include both 1) six or more lots and 2) new infrastructure (roads or drainage facilities).
- (b) *Concurrent Preliminary and Final Plat Submittals.* Applicants who seek subdivision approval for a non-exempt subdivision containing ~~ten (10)~~ **five (5)** lots or less within the subdivision jurisdiction of the Baldwin County Commission may apply directly for Preliminary Plat and Final Plat approval at the same time provided that the following conditions are met: 1) the construction or development of the subdivision lots will **not** require installation or construction **of infrastructure including but not limited to roads, utilities, drainage facilities, and common driveways**, and 2) each lot in the proposed subdivision adjoins a private road or public right-of-way which provides access for existing utilities to connect with each proposed lot without requiring the construction of additional infrastructure or utilities to connect with the boundaries of each proposed lot. (Note: The Applicant for approval of a non-exempt subdivision containing ~~ten (10)~~ **five (5)** lots or less which meets the requirements set forth above shall be required to pay the application fee for Final Plat approval only.)
- (c) *Large Lot Subdivisions.* Applicants who seek subdivision approval for a non-exempt subdivision with each of the lots being a minimum of twenty (20) acres or greater in area, within the subdivision jurisdiction of the Baldwin County Commission may bypass the requirements for obtaining Sketch Plan approval and apply directly for Preliminary Plat and Final Plat Approval at the same time in accordance with the special requirements set forth in *Section 4.5.8*. **The maximum number of lots that can be created under this section is ten (10) ~~five (5)~~ lots. The creation of more than ten (10) ~~five~~**



~~(5) lots will require a Preliminary Plat application. Moved - provided that the following condition is met: (1) each lot in the proposed subdivision adjoins a public right of way, or a minimum 60 feet wide, unless otherwise approved by the County Engineer per Appendix 4. Baldwin County Design Standards for New Road Construction, ingress, and egress easement. (Note: The Applicant for approval of a non-exempt subdivision which meets the requirements set forth above shall be required to pay the application fee for Final Plat Approval only.)~~

#### **4.1.1 General Procedures and Requirements for All Applications**

##### **(a) Application Form**

The Planning and Zoning Director is granted broad authority to establish and update the forms for applications subject to these regulations to ensure that applications include all documents and information necessary to complete a full technical review. The Planning and Zoning Director may require the use of electronic submittals when appropriate and available.

When applying, an Applicant may voluntarily elect to waive the registered mail notice requirements set forth in the Alabama Code as it relates to required communication to the Applicant and elect to receive notice by email instead. An applicant who elects not to waive the notification by registered mail elects, in the alternative, to communicate exclusively by US mail for all items related to the application.

##### **(b) Application Submittal Deadlines**

- (i)* Preliminary Plat, Conceptual Site Plan, and Final Site Plan applications to be heard by the Baldwin County Planning Commission shall be submitted no later than noon on the Monday that is six (6) full weeks prior to the meeting where the application is to be heard.
- (ii)* Subdivision Variance applications shall be submitted no later than noon on the Monday that is four (4) full weeks prior to the meeting where the application is to be heard.
- (iii)* Sketch Plan applications for a development that will ultimately be presented to the Planning Commission for approval, shall be submitted no later than noon on the Monday that is four (4) weeks prior to the application deadline for the subsequent Preliminary Plat application or Final Site Plan application.
- (iv)* The Baldwin Planning and Zoning Department will publish, at least annually, a schedule listing the application deadlines for each meeting.

##### **(c) Intake Review of Applications Prior to Acceptance**

All applications submitted to the Baldwin County Planning and Zoning Department will go through an intake review to determine whether all necessary documents and information have been submitted for Department Staff to complete a full technical review. For

applications timely submitted for an upcoming Planning Commission meeting, Planning and Zoning Staff shall have until noon on the Friday following the application deadline to complete the intake review and reject an application as incomplete by issuing email notice, unless the Applicant has chosen to receive notification by US Mail. Applications not rejected by email prior to the deadline shall be automatically accepted to begin the full technical review.

#### (d) Technical Review

The Planning and Zoning Department and Highway Department will strive to complete their first technical review and provide a first complete set of review comments within 21 days of accepting an application as complete. In the event the Baldwin County Planning Director or County Engineer determines that a submitted application is deficient in any regard, they shall detail the deficiencies to the Applicant through email (see 4.1.1(a)). The Applicant shall respond to comments from each review and rereview with a single response package that includes the following:

1. A disposition of comments with a singular response to each listed deficiency;
2. Revised Plat or Site Plan with, if requested by Staff, revision clouds noting changes;
3. All responsive documents reflecting the requested changes or resolving the noted deficiencies.

County Staff will not review partial or incomplete responses. Unless modified elsewhere herein, if an Applicant fails to submit a complete response package within sixty (60) days of receiving review or rereview comments, the application shall be administratively denied. A new application and fee will be required before the property is reconsidered for subdivision development. An Applicant may request a 60-day time extension variance, with the appropriate variance application fee, which shall be administratively approved by Staff. Multiple variances may be requested throughout the life of a project. However, time extension variances shall not be available 300 days after provision of the first complete set of review comments to the Applicant from the County.

In no case shall an application proceed to the Baldwin County Planning Commission with a single major deficiency or more than four minor deficiencies. Major deficiencies include, but are not limited to:

1. Unapproved drainage plan;
2. Unapproved traffic study;
3. Failure to comply with the applicable wetland requirements;
4. Failure to comply with applicable utility requirements;
5. Setback or buffer encroachments; and
6. Any other deficiency, the correction of which will impact the previously listed items.

Minor deficiencies are those items that are required for public policy and informational reasons but will not impact the proper functioning of the proposed development.

If, fourteen (14) calendar days prior to the Planning Commission meeting, an application is found to have at least one unresolved major deficiency or four unresolved minor deficiencies the application shall automatically be rescheduled to a later Planning Commission meeting. Planning and Zoning Staff shall notify the Applicant via email (see 4.1.1(a) that consideration of the application has been postponed and provide a date by which deficiencies must be resolved to be scheduled for consideration at a future meeting.

(e) Recommendation to the Planning Commission

After the Baldwin County Planning Director and County Engineer or their designees have reviewed the application documents, the Baldwin County Planning Director and County Engineer or designee, shall make a recommendation of approval or denial to the Baldwin County Planning Commission. If the proposed development complies with the requirements of these *Subdivision Regulations*, it shall be approved by the Baldwin County Planning Commission.

If the Baldwin County Planning Director, the County Engineer, or their designees recommend denial of a proposed development, said recommendation, with a list of deficiencies, shall be provided to the Applicant by email ~~unless an Applicant has elected to communicate exclusively through by US Mail~~ (see 4.1.1(a) at least ten (10) days before the recommendation is to be presented to the Baldwin County Planning Commission for action.

## Section 4.2 Exceptions to Required Approval

Notwithstanding the preceding paragraph, and provided that all subdivided lots comply with the minimum lot size provisions as set forth in *Section 5.4(a)* hereof for unzoned parcels, or the underlying zoning classification where zoning has been adopted, the following subdivisions are exempt from the provisions of these regulations. Any Subdivider who applies for an exemption to circumvent the intent and substance of these regulations shall be required to submit a plat for review and approval by the Baldwin County Planning Commission and shall be subject to the penalties under *Section 13.3* of these regulations.

An exemption under this ~~paragraph~~ section shall not apply to a proposed subdivision or resubdivision that will result in a "Major Change," as defined in *Section 4.8*, to a recorded plat. Major changes require approval by the Planning Commission.

(a) Types of exemptions:

1. 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~~). 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 30 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.~~

Prior to creating a family subdivision within the unincorporated areas of Baldwin County subject to these regulations, a landowner must apply for an **Exempt Subdivision Verification Letter** from the Planning and Zoning Department. The Planning Director or designee shall not issue an Exempt Subdivision Verification Letter without first requiring the following documents to verify that each proposed grantee is an immediate family member:

- (i) An affidavit executed by each proposed grantee certifying their relationship as an immediate family member to the owner/grantor, and
  - (ii) A copy of a birth certificate or equivalent document verifying the family relationship between the grantee and the grantor.
2. Public acquisition. The public acquisition by gift or purchase of strips or parcels of land for the widening or opening of streets or for other public uses;
  3. "One-time" split. A single parcel may be split into two (2) resultant parcels only if the parcel existed and has not been divided since February 1, 1984. Sufficient documentation of property status as of February 1, 1984, must be submitted along with the request for exemption. Each resulting parcel shall meet the minimum lot size and width requirements of *Section 5.4(a)*. The owner of each parcel approved as exempt under this subparagraph shall submit, as a condition to such approval, a copy of the deed to the property as it was titled on February 1, 1984, together with an affidavit executed by such owner attesting, under oath, that the parcel which is sought to be divided has not been subdivided at any time since February 1, 1984. Any Applicant receiving an exempt subdivision approval pursuant to this subparagraph acknowledges that any further subdivision of the divided parcel or the master parcel from which the subdivided parcel was divided shall not be permitted except in compliance with these regulations. ~~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. 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.~~

5. 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.~~

(b) *Deed restrictions.* The owner of each parcel approved as exempt under this section shall be required to submit, as a condition to such approval, an affidavit executed by such owner attesting, under oath, that there exist no restrictive covenants of record in the Office of the Probate Judge which would prohibit the subdivision of the parcel for which an exemption is sought pursuant to this subparagraph.

In the event a parcel is approved as exempt under this subparagraph, and it is later determined that such subdivision was prohibited by valid restrictive covenants recorded as of the date of such approval, the County Engineer, Planning Director, or designee shall have the authority to revoke such exempt subdivision approval and to assess the cost of such approval and revocation on the party who executed the affidavit required hereby.

(c) *Exempt Subdivision Verification Letter.* An application for Exempt Subdivision Verification and supporting documentation to substantiate any claim of exemption shall be submitted to the Planning Director. Owners of exempt subdivisions shall not be required to submit a plat to the Baldwin County Planning Commission nor pay any of the required fees. Exemption from the requirement for approval to subdivide does not constitute exemption from the requirements of other applicable regulations including but not limited to State law, zoning ordinances, Health Department requirements or highway construction setbacks.

(d) *Recording.* An Exempt Subdivision Verification Letter does not create a subdivision. The letter only certifies the proposed division is exempt on the date the letter is issued. Transfers to approved recipients must be evidenced by recording an appropriate deed in the records of the Probate Judge of Baldwin County, Alabama, within ~~thirty (30)~~ **ninety (90)** days of issuance of the Exempt Subdivision Verification Letter to create the proposed exempt subdivision. If the owner fails to record such deeds within ~~thirty (30)~~ **ninety (90)** days, the Exempt Subdivision Verification Letter is no longer valid, and the exempt division will no longer be exempt. Additionally, if regulations impacting the property change prior to the Owner recording such deeds, the proposed exempt subdivision may no longer be exempt.

(e) *Revised plats.* In the case of an exemption involving a lot or lots which are included within a previously recorded subdivision plat, a resubdivision and a new plat will be required to reflect the resubdivision of the lots, and such new plat shall be recorded in the Office of the Probate Judge of Baldwin County. The new plat reflecting the

resubdivision of such lot or lots shall contain the following dedication and certificates (see Appendix 1 for sample certificates):

1. Licensed Surveyor's Certificate and Description of Land Platted;
2. Notarized Owner's Dedication;
3. Certificate of Approval by the Subdivision Property Owners Association (if applicable);
4. Certificate of Approval by the County Engineer of Baldwin County;
5. Certificate of Approval by the Baldwin County Planning Director.

The above certificates shall be lettered or typed on the Final Plat in such a manner as to ensure that said certificates will be legible on any copies made therefrom. Additional certificates may be required if the subdivision lies within the planning jurisdiction of a Municipality.

~~These sections moved An Exempt Subdivision Verification Letter and supporting documentation to substantiate any claim of exemption shall be submitted to the Planning Director. Owners of exempt subdivisions shall not be required to submit a plat to the Baldwin County Planning and Zoning Commission nor pay any of the required fees. Exemption from the requirement for approval to subdivide does not constitute exemption from the requirements of other applicable regulations including but not limited to state law, zoning ordinance, Health Department requirements or highway construction setbacks. Any subdivider who is circumventing the intent and substance of these Regulations shall be required to submit a plat for review and approval by the Baldwin County Planning and Zoning Commission and shall be subject to the penalties under Section 13.3 of these Regulations.~~

~~An Exempt Subdivision Verification Letter does not create a subdivision. The letter only certifies the proposed division is exempt on the date the letter is issued. Transfers to approved recipients must be evidenced by recording an appropriate deed in the records of the Judge of Probate of Baldwin County, Alabama, within thirty (30) days of issuance of the Exempt Subdivision Verification Letter to create the proposed exempt subdivision. If the owner fails to record such deeds within 30 days, the Exempt Subdivision Verification Letter is no longer valid, and the exempt division will no longer be exempt. Additionally, if regulations impacting the property change prior to the owner recording such deeds, the proposed exempt subdivision may no longer be exempt.~~

#### **Section 4.3 Municipal Planning Jurisdictions**

These *Subdivision Regulations* shall apply to any subdivision lying within the planning jurisdiction of a Municipality Planning Commission unless the Baldwin County Commission has entered into a planning jurisdiction agreement under Alabama Code §11-52-30, the terms and conditions of which provide that the Municipal Planning Commission shall be responsible for the regulation and enforcement of subdivisions within the planning jurisdiction. If the County, Municipality, and Municipal Planning Commission have properly entered into a planning jurisdiction agreement under §11-52-30, the terms and conditions of the planning jurisdiction agreement shall govern the applicability of these *Subdivision Regulations* to the proposed

subdivision. Copies of planning jurisdiction agreements may be obtained by contacting the Baldwin County Planning and Zoning Department.

## **Section 4.4 Sketch Plan ~~Approval and~~ Pre-Application Meeting**

### **4.4.1 Sketch Plan Purpose**

Any Applicant who seeks Preliminary Plat approval or Final Site Plan approval within the subdivision jurisdiction of the Baldwin County Commission for a development which is proposed to include both 1) ten (10) or more lots and 2) new infrastructure (roads or drainage facilities), shall first apply for a pre-application Sketch Plan meeting with the Baldwin County Planning Director or designee to consider the proposed development and ~~provide the Applicant a tentative staff recommendation based on the provisions of these regulations. Sketch Plan approval. After accepting a complete Sketch Plan application for review, Planning and Zoning staff will review the Sketch Plan and schedule a pre-application meeting to discuss issues that will need to be addressed for the forthcoming Preliminary Plat or Final Site Plan submission~~ A Sketch Plan application is not required for a Planned Development in a zoned area that has already received a Planned Residential Development (PRD) zoning overlay approval. The PRD Final Site Plan approved for the zoning overlay shall stand in the place of the Sketch Plan.

### **4.4.2 Sketch Plan Application Procedure and Requirements**

A complete Application for Sketch Plan review shall:

- (a) ~~Be made on Sketch Plan application forms available from~~ submitted to the offices of the Baldwin County Planning Director ~~in the currently accepted format~~;
- (b) Be accompanied by the Sketch Plan application fee according to the current schedule of fees established by the Baldwin County Commission for the particular category of application;
- (c) Contain the name and address of the Owner of all parcels proposed to be subdivided;
- (d) Contain the name and address of the Applicant seeking Sketch Plan review, if such Applicant is not the owner of the property to be subdivided;
- (e) Contain the Tax Identification Number and Personal Property Identification Number (PPIN) of each parcel proposed to be subdivided, as such identification numbers are maintained by the Baldwin County Revenue Commissioner;
- (f) Be accompanied by an electronic file of the proposed subdivision layout that includes the information in the **Sketch Plan Checklist** below.
  - 1. The legal description of the property and the total acreage of the parcel to be subdivided;
  - 2. The location and proposed numbering scheme of all lots, units, spaces, etc.;

3. The size of all lots measured in square feet and the length of all proposed lot lines;
4. The estimated width and location of all front, side, rear, and jurisdictional wetland natural buffer setbacks;
5. The estimated size and location of all proposed stormwater management areas;
6. The width and location of all drainage and utility easements, together with the identification of all utilities proposed for overhead construction;
7. The width and location of all streets within the development, together with the name of all existing public roads adjacent to the property to be subdivided or developed;
8. A statement from the Owner/Applicant as to whether curb and gutter will be installed, and a statement as to whether streets will be privately maintained or County maintained;
9. The width and location of all proposed sidewalks;
10. The identification of the zoning district applicable to the property to be subdivided if such property lies within an area subject to the Baldwin County Zoning Regulations;
11. The estimated location of all jurisdictional wetlands known by the Owner/Applicant to exist on the property to be subdivided;
12. The location of any Municipal planning jurisdiction boundary which crosses any portion of the property to be subdivided

Upon receipt of a complete Sketch Plan application, the Baldwin County Planning Director shall review such application and determine if the proposed subdivision complies with these regulations. ~~If the Baldwin County Planning Director determines that the submitted Sketch Plan complies with the regulations, the Baldwin County Planning Director shall approve the application for Sketch Plan approval and deliver a copy of such approval notice to the owner/applicant.~~ The Baldwin County Planning Director shall notify the Owner/Applicant of deficiencies that must be addressed before submitting a Preliminary Plat or Final Site Plan application. This is a preliminary review and does not imply approval for the proposed development.

~~Any applicant who has received a denial of Sketch Plan approval may resubmit such application to the Baldwin County Planning Director, without the payment of additional fees, within sixty (60) days from the date of such denial. Any resubmission of an application for Sketch Plan approval submitted more than sixty (60) from the date of denial shall be accompanied by the payment of all fees required by the Baldwin County Commission as of the date of such resubmission.~~

~~Any applicant whose Sketch Plan application has been approved by the Baldwin County Planning Director may submit an application to the Baldwin County Planning and Zoning Commission for a Preliminary Plat (by submitting such application to the Baldwin County~~



~~Planning Director). Such Sketch Plan approval shall be subject to modification, which may be required by engineering and drainage provisions of these regulations.~~

## **Section 4.5 Preliminary Plat Application**

An Applicant who has had a Sketch Plan meeting may apply for a Preliminary Plat in accordance with the reviewed Sketch Plan. Major revisions to the plan may require another Sketch Plan meeting. The procedure for obtaining a Preliminary Plat is as follows. No Preliminary Plat application will be considered by the Baldwin County Planning Commission until all the following requirements have been submitted.

### **4.5.1 Application Procedure and Requirements**

The Applicant shall file an application for a Preliminary Plat with the Baldwin County Planning Commission by filing such application with the Baldwin County Planning Director. A complete application shall:

- (a) ~~Be submitted Be made forms available at~~ to the offices of the Baldwin County Planning Director ~~in the currently accepted format;~~
- (b) Be accompanied by the Preliminary Plat application fee according to the current schedule of fees established by the County Commission for the particular category of application;
- (c) ~~Be accompanied by two full-size sets of black or blue-line prints of the proposed Subdivision Plat (the Baldwin County Planning Director, at his or her discretion, may deem the submittal of printed plats unnecessary, as long as long as applied uniformly for all applicants);~~ Be accompanied by digital files of the proposed Subdivision Plat in a suitable format (currently PDF and DWG). The Applicant will be notified if printed copies are required;
- (d) Be accompanied by a generalized stormwater management plan in accordance with *Section 5.12.4*, and a written narrative that describes in detail the existing and proposed drainage patterns and characteristics of the proposed development as well as the proposed method of stormwater management to be used. If a full stormwater management plan is not required, please submit a written narrative explaining why a full drainage plan is not required;
- (e) Be submitted to the Baldwin County Planning Director by the deadline established in *4.1.1(b)* to be placed on a regularly scheduled meeting of the Baldwin County Planning Commission;
- (f) Be accompanied by a current (within 60 days from date of application) title policy, title opinion, title commitment, or title report that verifies current ownership and lists all easements, rights-of-way, mortgages, liens, or other encumbrances for a period of no less than 30 years;

- (g) For subdivision developments proposing to utilize on-site septic systems, include a copy of documentation provided to the Baldwin County Health Department (usually a Notice of Intent and Preliminary Site Development Plan) or a letter stating the reasons the development is exempt from Health Department requirements;
- (h) Be accompanied by documentation that the proposed plat was submitted to each utility company providing a required utility (see *Table 5.1* in *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.

1. Sewer:

- (i) Location, type, and size of sanitary sewer main adjacent to the proposed development;
- (ii) Receiving wastewater treatment facility information including: ADEM Permit Number, permitted capacity, and previous 12 months of Daily Discharge Flows as reported to ADEM;
- (iii) If sewer is not currently adjacent to the site, provide engineered plans showing the proposed sewer main extension required to serve the proposed development;
- (iv) If this information is not sufficient to determine the provider's ability to serve the proposed development, the Planning Director, County Engineer, or designee reserves the right to require a detailed engineering study to evaluate the ability to adequately serve the proposed development.

2. Water:

- (i) Location, type, and size of water main adjacent to the proposed development.
- (ii) Hydrant flow test at the nearest existing fire hydrant that includes Flow (GPM), Static Pressure, Residual Pressure, and Calculated Fire Flow at 20PSI.
- (iii) 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.
- (iv) If water is not currently adjacent to the site, provide engineered plans showing the proposed water main extension required to serve the proposed development.
- (v) If this information is not sufficient to determine the provider's ability to serve the proposed development, the Planning Director, County Engineer, or

designee reserves the right to require a detailed engineering study to evaluate the ability to adequately serve the proposed development.

- (i) Be accompanied by a Traffic Study with an approved scope of work by the Planning Director, County Engineer, or their designee, and other information as required by *Section 5.5.14*;
- (j) Be accompanied by a completed Subdivision Plat Application Submittal Checklist, and by a transmittal letter listing all the drawings, letters, calculations, attachments, and other information submitted for the application;
- (k) Be accompanied by documentation from E-911 Addressing approving all proposed street names;
- (l) Be accompanied by a wetland delineation and/or USACE Jurisdictional Determination as defined in *Article 3*, if required pursuant to *Section 5.2.2*.
- (m) Be accompanied by a phasing plan (if applicable) showing the number of lots/units, stormwater management facilities, open space, roads, and other relevant information for each proposed phase.
- (n) Be accompanied by a letter from the solid waste provider indicating the willingness to serve, and method that will be utilized to serve the proposed development.

#### **4.5.2 Preliminary Plat Requirements ~~Review and Approval of Applications for Preliminary Plat~~**

The proposed Subdivision Plat shall be prepared by a Licensed Professional Engineer or Land Surveyor registered in the State of Alabama and shall be clearly and legibly drawn at a convenient scale of not less than one (1) inch equals 100 feet, and the sheets shall be numbered in sequence if more than one (1) sheet is used. All text shall be a minimum of 1/10 of an inch in height. The sheet size shall not exceed 24 x 36 inches.

The Subdivision Plat shall include the information in the Preliminary Plat Checklist below:

- (a) Name and address of Owner(s) of record and Subdivider, along with the tax parcel ID number, on each parent parcel that is part of the development;
- (b) Proposed name of subdivision, date, north point, and scale;
- (c) Name, address, and phone number of responsible Licensed Professional Engineer and/or Land Surveyor registered in the State of Alabama;
- (d) Vicinity map showing location of the subdivision;
- (e) Exact boundaries of the tract of land being subdivided shown with bearings and distances;

- (f) Names, addresses, and tax parcel ID #s for the owners of land immediately adjoining the tract of land being subdivided as their names appear upon the plats in the Office of the County Revenue Commissioner and as their addresses appear in the directory of the County or on the tax records of the County;
- (g) Wooded areas, streams, cultural resources, and any other conditions affecting the site;
- (h) The location of existing streets, buildings, water courses, railroads, transmission lines, drainage structures, public utilities, jurisdiction lines, and any public utility easements on the tract being subdivided and on adjacent land within 100 feet of the tract being subdivided;
- (i) The location of dams and water impoundments including the limits of the top of such impoundment structure or embankment, the location of any related spillway(s) and/or outlet control structures;
- (j) Existing and proposed rights-of-way or easements including location, widths, purposes, and street widths and names;
- (k) Proposed lot lines with bearings and distances, square footage or acreage of each lot, and lot and block numbers;
- (l) Proposed minimum building setback lines shown for each lot and clearly labeled on the plan view;
- (m) Proposed Open Space Plan in accordance with *Section 6.1* ~~including parks, school sites, or other public open spaces~~, if applicable;
- (n) Landscape Plan in accordance with *Section 6.2*, if applicable;
- (o) Site data:
  - 1. Acreage in total tract;
  - 2. Smallest lot size;
  - 3. Total number of lots;
  - 4. Linear feet of streets;
  - 5. Minimum building setbacks;
  - 6. Zoning District and Zoning Classification (if applicable).
  - 7. Density (lots or units per acre)
  - 8. Open space: Total acreage and usable acreage
  - 9. Wetland/stream buffers
- (p) Any area within the proposed subdivision subject to inundation by the 100-year flood as defined herein, or subject to periodic inundation by storm drainage overflow or ponding, shall be clearly shown and identified on the plat;

- (q) Special flood hazard areas (100-year flood) and/or coastal high hazard areas as indicated on the latest Flood Insurance Rate Map (FIRM) for the area, along with a statement to that effect;
- (r) All wetlands and streams and their required buffers. All wetlands (jurisdictional and non-jurisdictional) to be filled shall be labeled as "To be filled." Label jurisdictional wetlands to be filled with the applicable USACE permit number;
- (s) The name of each utility company proposed to provide service;
- (t) Topography, showing existing contours at 1-foot intervals of the entire property and full width of all adjacent rights-of-ways based on the NAVD 88 datum. Elevations must be field verified. Greater intervals may be allowed, if approved by the Baldwin County Planning Director or designee;
- (u) 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;
- (v) Highway construction setback lines shown as required by *Section 5.4(h)* hereof.
- (w) Proposed phase lines if applicable.

#### **4.5.3 Preliminary Plat Review and Approval ~~Effective Period of Preliminary Plat~~**

The Preliminary Plat Application shall be processed and reviewed in the manner described in *Section 4.1.1*. A notice with the recommendation of approval or denial shall be mailed to the owners of land immediately adjoining the land proposed to be subdivided as their names appear upon the plats in the Office of the County Revenue Commissioner and as their addresses appear in the directory of the County or on the tax records of the County. Though not required, a sign giving notice of the proposed subdivision may be posted on the land proposed to be subdivided. The application for approval of a Preliminary Plat shall be heard by the Planning Commission in conjunction with a public hearing scheduled for that purpose.

No Preliminary Plat shall be approved by the Baldwin County Planning Commission until each utility which is to provide service to the proposed subdivision has been given at least ten (10) days to review the proposed plat and submit a written report to the Baldwin County Planning Director as to whether all provisions affecting the service to be provided by the utility are reasonable and adequate.

#### **4.5.4 Effective Period of Preliminary Plat ~~Resubmission of Application for Preliminary Plat~~**

The approval of a Preliminary Plat shall be effective for a period of two (2) years ~~from the date of approval by the Baldwin County Planning Commission~~, at the end of which time Final Plat approval of the subdivision must have been obtained from the Baldwin County Planning Director and County Engineer or Municipal Planning Commission, although the plat need not

yet be signed and filed with the Probate Judge (See *Section 4.6.6 Recording of Final Plat*). Any plat not receiving final approval within the period of time set forth herein shall be null and void, and the Applicant shall be required to resubmit a new application for Preliminary Plat subject to all Subdivision Regulations and filing fees. ~~However, upon written request from the applicant stating the reasons for such request,~~

The Baldwin County Planning and Zoning Commission, upon advice from the Baldwin County Planning Director or designee, may extend the effective period of the Preliminary Plat up to twenty-four additional months (two (2) one-year extensions) upon written request from the Applicant. ~~To request an extension:~~

- ~~(a) A complete Subdivision Permit application must be submitted before the original approval for the Preliminary Plat expires.~~
- ~~(b) The extension request shall be submitted in writing at least thirty (30) calendar days before the Preliminary Plat expires.~~
- ~~(c) The request must state the reasons an extension is being requested. Extensions may be granted only upon a demonstration to the satisfaction of the Baldwin County Planning and Zoning Commission, that the need for an extension results from an event that the Developer could not have anticipated and controlled, which event or effect makes the commencement or continuation impossible or impracticable.~~

#### **4.5.5 Resubmission of Application for Preliminary Plat ~~Subdivision Plat Requirements~~**

The Baldwin County Planning Commission shall not reconsider, for a period of four (4) months, an application for Preliminary Plat which has been disapproved by the Baldwin County Planning Commission. If, after 4 months, the Applicant has complied with the Baldwin County Planning Commission's required changes and/or additions, a new application for Preliminary Plat approval may be submitted. This submittal shall be in accordance with *Section 4.5: Application for Preliminary Plat*.

#### **4.5.6 Construction Plans**

Prior to commencement of construction pursuant to Preliminary Plat approval, the Applicant shall submit to the Baldwin County Engineer one set of construction plans for the required improvements, the construction plan review fee, and engineering calculations prepared in accordance with these regulations. These plans and calculations will be reviewed by the County Engineer for compliance with these regulations. Any deficient items will be detailed in a letter to the Applicant and corrected plans and calculations shall be submitted. A Subdivision Permit will not be issued until the Construction Plans have been approved by the County Engineer or designee.

All plans shall meet the minimum standards of design and general requirements for the construction of public improvements as set forth in these regulations. Construction plans shall be drawn at a scale of not less than one (1) inch equals fifty (50) feet and map sheets shall be of

the same size as the Subdivision Plat. Construction plans shall be prepared by a Licensed Professional Engineer registered in the State of Alabama. The following construction plans shall be included:

(a) Street Plan containing the following information:

1. Locations of all proposed and existing streets or rights-of-way in or adjacent to the subdivisions;
2. Width of existing and proposed rights-of-way and easements;
3. Street names and location of street signs;
4. Plan and Profile of all streets, showing natural and finished grades drawn to scale of not less than one (1) inch equals 100-feet horizontal and one (1) inch equals 10 feet vertical;
5. Typical Roadway Section detail;
6. Cross sections of proposed streets at a minimum of 100-foot stations;
7. Curve data for the centerline of each street: Delta, Tangent, and Radius;
8. Location of all proposed sidewalks and crosswalks.

(b) Storm Drainage Plans showing plans and specifications that describe the measures proposed to manage stormwater runoff (see *Section 5.11: Stormwater Management* and *Section 5.12: Stormwater Management Facilities*). This shall include an overall drainage plan and documents containing all supporting drainage calculations.

(c) Construction Best Management Practices Plan showing plans and specifications that describe the measures and best management practices proposed to control erosion, sediment, concrete washout, trash, etc. during and after construction (see *Section 5.13*).

(d) Utility Plans showing plans and specifications for the proposed water supply, sewage disposal and fire protection as applicable (see *Section 5.2.5: Utilities*). This shall include an overall utility plan.

(e) Traffic Control Plans showing plans and specifications for the proposed permanent and temporary traffic control devices.

(f) Any required local, state, or federal permits for jurisdictional wetland fill, etc.

#### **4.5.7 Approvals and Beginning of Construction**

No development may proceed until all required local, state, and federal permits have been received and submitted to the County Engineer or designee including but not limited to: NPDES permit; Section 401 and 404 Clean Water Act permit; Coastal Area Management Program permit; Alabama Department of Transportation access permit, and; Baldwin County Industrial/Commercial Right-of-Way Access and Drainage Impact Permit.

**NO CLEARING OR LAND DISTURBANCE OF THE SITE AND NO CONSTRUCTION OF SUBDIVISION IMPROVEMENTS SHALL COMMENCE UNTIL A SUBDIVISION PERMIT HAS BEEN**

ISSUED. Anyone constructing required subdivision improvements without a valid Subdivision Permit shall be subject to penalties as allowed by law.

A Subdivision Permit shall be issued by the Baldwin County Engineer or designee after the following:

1. Construction Plans approval;
2. All necessary permits have been submitted to the County Engineer for verification;
3. All conditions of Preliminary Plat approval have been satisfied;
4. Road Construction Inspection Fee has been paid to the County Engineer;
5. Any required performance bonds have been submitted;
6. A Pre-construction conference has been conducted

#### **4.5.8 Special Requirements for Large Acre Subdivisions**

The following standards are applicable to non-exempt subdivisions **with ten (10) lots or less where** each of the lots being a minimum of twenty (20) acres or greater in area. In the event of a conflict between the requirements set forth in this section and the requirements for Preliminary Plat set forth in *Section 4.5*, the requirements for Final Plat set forth in *Section 4.6*, or the Development Standards set forth in *Article 5*, the Special Requirements for Large Acre Subdivisions set forth in *Section 4.5.8* shall govern.

- (a) Stormwater management plan is not required for subdivision approval, unless otherwise required by the County Engineer, provided that any further development of the lots meets applicable regulations at that time.
- (b) Copy of the current deed to the property shall be submitted. A current title policy, title opinion, or title report will be between the seller and buyer;
- (c) Wetland delineation and U.S. Army Corps of Engineers (USACE) Jurisdictional Determination may be required by the Planning Director if the proposed subdivision appears to contain jurisdictional wetlands. In lieu of a wetland delineation and USACE Jurisdictional Determination, the Planning Director may allow the Applicant to display on the plat those wetlands from the Generalized Wetland Map (provided by the Baldwin County Planning and Zoning Department) along with a fifty-foot **natural buffer**, and the following plat note:

*“All future development or subdivision of lots shall comply with the wetland requirements of the Subdivision Regulations applicable at the time of such future subdivision, which may include completing a wetland delineation and/or USACE Jurisdictional Determination.”*

- (d) Each resulting lot shall have frontage and continuous access from either:
  1. An existing publicly maintained road **that meets the requirements of Section 5.5.7;**
  - or



2. 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.

- (i) 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;
- (ii) The existing or proposed easement must be in uplands; or, if wetland crossings are required for access, the USACE permit must be submitted at the time of application.
- (iii) No more than five (5) lots can be accessed by the same ingress and egress easement.
- (iv) 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.

(a) No utilities are required for the subdivision, but the access required by *Section 4.5.8(d)* shall accommodate future installation of utilities.

#### **Section 4.6 Submission of Final Plat**

The procedure for obtaining Final Plat approval is as follows. No subdivision Final Plat application will be considered by the Baldwin County Planning Director until all the following requirements have been met.

##### **4.6.1 Pre-Application Procedure and Requirements**

Before applying for Final Plat:

- (a) Obtain and submit a *No Deficiency Letter* from the County Engineer or designee. A *No Deficiency Letter* shall be issued within fourteen (14) business days of verification by the County Engineer or designee that there are no remaining deficiencies;
- (b) The Engineer of Record shall submit an *Itemized Engineer's Cost Estimate* which must include all required improvements specified in the construction plans approved with the Subdivision Permit and/or Commercial Turnout Permit to the County Engineer or designee who will review the *Itemized Engineer's Cost Estimate*. The County Engineer or designee shall approve the *Itemized Engineer's Cost Estimate* within fourteen (14) business days of a complete and accurate submittal. *Once* approved, the Applicant may proceed with filing an application for approval of the Final Plat.

#### 4.6.2 Application Procedure and Requirements

Following approval of the Preliminary Plat, the Applicant shall file with the Baldwin County Planning Director an application for approval of the Final Plat. A complete application shall:

- (a) ~~Be submitted Be made on Final Plat application to forms available at~~ to the offices of the Baldwin County Planning Director ~~in the currently accepted format;~~
- (b) Be accompanied by the Final Plat application fee according to the current schedule of fees established by the County Commission for the particular category of application;
- (c) Be accompanied by ~~digital files of the Final Plat in a suitable format (currently PDF and DWG). The Applicant will be notified if printed copies are required;~~~~5 full size black or blue line prints of the proposed Final Plat, one 11"x17" copy of the proposed Final Plat, one 8 1/2"x11" copy of the proposed Final Plat, 2 sets of;~~
- (d) ~~a digital file of the proposed Final Plat, in suitable format to the Baldwin County Planning Director;~~ As-built plans ~~and in digital format;~~ as per Section 4.6.4~~5~~, and ~~2 sets of~~ Test Reports as per Section 5.14~~5~~
- (e) Comply in all respects with the Preliminary Plat, as approved, except for minor modifications not altering the design of the subdivision as may be approved by the Baldwin County Planning Director;
- (f) Be submitted within two (2) years of the date of Preliminary Plat approval;
- (g) Unless previously submitted with the Preliminary Plat application, be accompanied by a current (within 60 days from date of application) title policy, title opinion, or title report verifying ownership. Said title document shall cover a period of no less than 30 years;
- (h) For developments proposing to utilize on-site septic systems, include the Baldwin County Health Department Certificate of approval on the final plat;
- (i) Be accompanied by a final copy of restrictive covenants and/or deed restrictions, ~~if applicable;~~
- (j) If the development contains ~~stormwater~~ facilities or common areas, include a ~~recorded~~ copy of the instrument for creating a Property Owners Association for the subdivision ~~and a copy of the Operation and Maintenance (O&M) Plan to be recorded in the Office of the Judge of Probate;~~
- (k) If required improvements are not complete, be accompanied by a surety as required by *Section 7.2.1* of these regulations;
- (l) Be accompanied by a written report from each utility company which is to provide service to the proposed subdivision documenting their ability to serve said development unless previously submitted with the Preliminary Plat application;

- (m) Be accompanied by a completed Final Plat Application Submittal Checklist and a transmittal letter listing all of the drawings, letters, attachments, and other information submitted for the application.
- (n) Be accompanied by all items as required by *Section 7.4 Maintenance of Roadways and Drainage Systems*;
- (o) Be accompanied by a wetland delineation and Jurisdictional Determination if required pursuant to *Section 5.2.2* **unless it was submitted with the Preliminary Plat**. If wetlands were filled, a copy of any required permits.

#### **4.6.3 Final Plat Requirements ~~Resubmission of Final Plat~~**

The Final Plat shall be prepared by a Professional Land Surveyor registered in the State of Alabama and shall be clearly and legibly drawn at a convenient scale of not less than one (1) inch equals 100 feet and the sheets shall be numbered if more than one (1) sheet is used. All text shall be a minimum of 1/10 of an inch in height. The sheet shall be of such size as is acceptable for filing in the Office of the Probate Judge but shall not exceed 24 x 36 inches. The Subdivision Plat shall include the information in the Final Plat Checklist below:

- (a) Name and address of owner(s) of record displayed, along with the tax parcel ID number, on each parent parcel that is part of the development;
- (b) Name of subdivision, date, north point, and scale;
- (c) Names, addresses, and phone numbers of the responsible Licensed Professional Engineer and/or Land Surveyor registered in the State of Alabama;
- (d) Vicinity map showing location of the subdivision;
- (e) The relation of the land so platted to the Government Survey of Baldwin County. The “point of beginning” as referred to in the written description shall be so indicated;
- (f) Sufficient data to determine readily and reproduce on the ground the location, bearing, and length of every street line, lot line, boundary line, and block line, whether straight or curved. This shall include the radius, central angle, point of tangency, tangent distance, and arc and chord distances;
- (g) The names and locations of adjoining subdivisions and streets, with reference to recorded plats by record name (**slide or instrument number**);
- (h) The exact position of the permanent monuments and property markers shall be indicated on the plat;
- (i) Existing rights-of-way, alleys, or easements including location, widths, purposes, street names and recording information;

- (j) Proposed rights-of-way, alleys, or easements including location, widths, purposes, and street names;
- (k) Lot lines, square footage and acreage of each designated lot, parcel and common area and indicate all proposed lot and block numbers. Lots and blocks shall be uniquely identified in consecutive numerical or alpha-numerical order;
- (l) Proposed minimum building setback lines shown for each lot and clearly labeled on the plan view;
- (m) Site data:
  - 1. Acreage in total tract;
  - 2. Smallest lot size;
  - 3. Total number of lots;
  - 4. Linear feet of streets;
  - 5. Minimum proposed building setbacks;
  - 6. Wetland/stream buffers, if applicable
  - 7. Zoning District and Zoning Classification (if applicable);
  - 8. Density (lots or units per acre)
  - 9. Open space: Total acreage and usable acreage
- (n) Common areas, parks, school sites, or other public open spaces, if any;
- (o) All dimensions shall be to the nearest one-hundredth (1/100) of a foot and angles within plus or minus 5-seconds;
- (p) Special flood hazard areas (100-year flood) and/or coastal high hazard areas as indicated on the latest Flood Insurance Rate Map (FIRM) for the area, along with a statement to that effect;
- (q) All wetlands and streams and required 30-foot ~~wetland building setback with the included fifteen foot natural buffers for jurisdictional wetlands~~. All wetlands to be filled shall be labeled as "To be filled" and shall be labeled with the applicable USACE permit number.
- (r) The name of each utility company proposed to provide service;
- (s) Flood elevation data;
  - 1. 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 one foot above finished lot grade;
  - 2. 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;
2. Owner's Dedication;
3. Notary's Acknowledgment of the Dedication Certificate referred to in "2".
4. Mortgagee's Acceptance (if applicable);
5. Notary Acknowledgement of Mortgagee's Acceptance referred to in "4";
6. Certificate of Approval by the affected utility providers;
7. Certificate of Approval by the Baldwin County E-911 Addressing;
8. Certificate of Approval by the Baldwin County Coastal Area Program (if applicable);
9. Certificate of Approval by the County Engineer of Baldwin County;
10. Certificate of Approval by the appropriate Municipal Planning Commission (if applicable);
11. Certificate of Approval by the Baldwin County Health Department (if applicable);
12. Certificate of Approval by the Baldwin County Planning Director; and
13. Certificate of Approval by the Baldwin County Planning and Zoning Commission (if applicable)

The above certificates shall be lettered or typed on the Final Plat in such a manner as to ensure that said certificates will be legible on any prints made therefrom. Prior to the recording of the Final Plat, the Subdivider or Developer shall submit to the Baldwin County Planning Director a Certification of Improvements form in accordance with the provisions of *Section 7.3*.

#### **4.6.4 As-Built Plans ~~Engineering Plans and Test Reports~~ Final Plat Requirements**

At the time of Final Plat submittal, the Applicant shall also submit all test reports and record drawings, or "As-Built" plans, signed by the Engineer of Record and giving details of construction and locations of the improvements which have been installed. This shall be submitted as blue or blackline drawings and in a digital format suitable to the County Engineer. If the installation of improvements is completed under a surety (See *Section 7.2*), the engineering plan and test reports shall be submitted to the County upon request of release of the bond by the Applicant. The "As-Built" plans shall include at a minimum, geometric roadway plans, plan/profiles of all roads, overall drainage plan, overall utility plan (including but not limited to water, sewer, phone, electrical), overall erosion control plan (permanent erosion control only) and details as required for construction plans. When printed, "As-Built" plans shall be on a sheet that is no larger than 24" x 36" and shall be at a scale of no larger than 1" = 50'.

#### **4.6.5 Final Plat Review ~~Engineering Plans and Test Results~~**

If the Final Plat complies with these *Subdivision Regulations*, it shall be approved by the Baldwin County Planning Director and County Engineer. Should the Final Plat be deficient in any regard, the Applicant shall be notified of the deficiencies. A resubmitted Final Plat may be approved by the Baldwin County Planning Director and County Engineer after all deficiencies have been corrected. A Final Plat with no outstanding deficiencies shall be approved and authorized to

obtain required certification signatures within thirty (30) business days of a complete Final Plat application.

#### **4.6.6 Recording of Final Plat**

- (a) Upon determination that the Final Plat should be approved and that the installation of all required improvements has been satisfactorily completed in accordance with County specifications and approved by the County Engineer, or that an acceptable financial guarantee has been provided for the satisfactory completion of all required improvements, the original Final Plat tracing shall be signed by the persons whose certificates are required by *Section 4.6.3* of these *Subdivision Regulations*. The original Final Plat tracing shall then be submitted to the offices of the County Engineer for his/her signature.
- (b) The Subdivider shall submit a copy of the approved Final Plat in digital format or other approved media, to the offices of the Baldwin County Planning Director. CADD/CAM files shall be submitted in an acceptable format. The digital file(s) shall be accompanied by a transmittal letter which lists the files being submitted, a description of the data in each file, a level/layer schematic of each design file, and a statement conveying rights to the Baldwin County Commission for the data to be used for GIS purposes. Text, parcels, and roads must be grouped together on separate layers. A separate miscellaneous layer may be used for other information. All data submitted shall use NAD 1983 Alabama West Zone Coordinates in US Survey Feet. Digital files must display, by text, said state plane coordinates for all points specified in *Section 5.20.2: Monuments*.
- (c) Following signature, the original Final Plat tracing will be returned to the Subdivider for recording at the Office of the Probate Judge. Once recorded, the Subdivider shall provide recording information to the Baldwin County Planning Director. Failure to record a Final Plat or Final Site Plan within 90 days of approval shall result in an automatic revocation of the approval and the Applicant shall be required to submit a new Final Plat application and fee.

#### **Section 4.7 Appeals**

Any party aggrieved by a final decision of the Planning Commission may appeal the final decision to the Circuit Court of Baldwin County, Alabama, in accordance with applicable law.

#### **Section 4.8 Modifications to an Approved Plat**

Any Applicant wishing to revise, amend, alter, or otherwise change an approved Preliminary or Final Plat shall first submit a request to the Baldwin County Planning Director detailing the proposed modification. The request for modification shall be supported by a written narrative and by the proposed revised Plat. The Baldwin County Planning Director will determine if the proposed modification is a major change or a minor change.

- (a) A major change is considered any modification which affects the intent and/or character of the development, the location or dimensions of major streets, or similar substantial changes. These major changes shall require resubmittal in accordance with Section 4.5 or 4.6 and require approval by the Baldwin County Planning Commission.

Major changes include, but are not limited to, the following:

- Overall, external boundary change
- Relocation of major streets
- Creation of additional lots or density increase
- Building height increase
- Redesign or relocation of stormwater ~~detention~~ facilities
- A reduction in open space below the minimum required by these regulations or by more than 5% from what was originally approved.

- (b) A minor change is considered any modification which does not affect the intent or character of the development. These minor changes may be reviewed and approved by the Baldwin County Planning Director administratively.

Minor changes include, but are not limited to, the following:

- Change in alignment, location, direction, or length of minor streets
- Reorientation or slight shifts in building or lot locations
- Decrease in building height or overall number of units

- (c) Upon approval of any Plat modification, the modified Plat shall be recorded and shall be considered the approved Plat. Any future modification or changes will be reviewed as set forth herein.

## Article 5 Design Standards

### Section 5.1 Minimum Standards

All Applicants seeking subdivision approval shall comply ~~The following planning and design standards shall be complied~~ with the following planning and design standards, and no higher standard may be required by the Baldwin County Planning Commission. In addition to the requirements established herein, all subdivision plats shall comply with the following laws, rules, and regulations:

- (a) All applicable statutory provisions;
- (b) The special requirements and rules of the Baldwin County Health Department and/or appropriate State agencies;
- (c) Current editions of the *Alabama Department of Transportation Specifications and Standard Drawings*;
- (d) The standards and regulations adopted by all boards, commissions, and agencies of Baldwin County;
- (e) Plat approval may be withheld if a subdivision is not in conformity with the above guides or with the policy and purpose established in *Article I* of these regulations;
- (f) *Manual on Uniform Traffic Control Devices* (MUTCD).
- (g) *Baldwin County Access Management Policy*

#### 5.1.2 Minimum Design Standards

All non-exempt subdivisions approved pursuant to these regulations shall adhere to the requirements set forth in the matrix made a part of this section. See *Table 5.1*



| 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<br>(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 <del>60</del> 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, LID techniques*, alternative street section (Fig. 5.2), and sewer | 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

† LID techniques must meet the requirements of Section 5.11.3

† 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, minimum setbacks and area of the Baldwin County Zoning Ordinance shall apply. For non-residential subdivisions in unzoned areas see Section 5.4(f).

TABLE 5.1

## Section 5.2 General Requirements

### 5.2.1 Plats Straddling Jurisdictional Boundaries

Whenever access to a subdivision is required across land in another local government planning jurisdiction, the Baldwin County Planning Commission may request assurance from the County Engineer or designee, or other appropriate official, that the access road is adequately improved as per *Section 5.5.7*, or that surety has been duly executed and is sufficient in amount to assure the construction of the access road.

### 5.2.2 Wetlands and Streams

Lots may be platted only where sufficient upland areas exist to provide a building site for the principal structure and necessary ancillary facilities, unless the purpose of the lot is for conservation and no development or building shall occur. Fill may be used only where necessary to provide access to lots where approval for such fill has been received from the USACE and other appropriate governmental agencies.

- (a) *Wetland and/or Stream Delineation.* If a proposed subdivision contains wetlands or a stream, or is within thirty feet of wetlands or a stream, as shown on the *Generalized Wetland Map*, the Applicant must perform a wetland and/or stream delineation showing jurisdictional and non-jurisdictional wetlands and/or streams within the subdivision boundaries. The wetland delineation shall be **conducted by a Professional Wetland Delineator and approved by the United States Army Corps of Engineers (USACE) in the form of an approved jurisdictional determination and include a site map of the property with all wetland and/or stream boundaries, and mapped locations of at least one upland and one wetland sampling point for each separate wetland area as shown on the *Generalized Wetland Map*. The delineation shall also include wetland and upland determination data forms-worksheets for the sampling points. The jurisdictional wetland boundary lines shall be flagged on the site with tape and/or flags so that Planning and Zoning Staff can verify the location of the boundaries if necessary.**

- (b) *Jurisdictional Determination and ADEM Permitting*

1. *Jurisdictional Determination and USACE 404 Permit.* If jurisdictional wetlands are identified in the required delineation and proposed to be filled to provide necessary access to lots, the wetlands shall be subject to Section 404(b)(1) guidelines concerning fill material disposal into jurisdictional wetlands and a USACE permit shall be required. A USACE Jurisdictional Determination shall be submitted with the application, and Preliminary Plat approval shall be contingent on receipt of the applicable USACE permits.
2. Alabama Department of Environmental Management (ADEM) Permitting

- (i) In coastal areas, an ADEM Coastal Area Management Program (Division 335-8) permit may also be required. If an ADEM permit is required, Preliminary Plat approval shall be contingent on receipt of the applicable permit.
- (ii) Wetlands contained on any parcel located wholly or partially in the coastal area of Alabama are subject to the regulatory requirements of ADEM Admin. Code 335-8-2-.02 including those wetlands determined to be “non-jurisdictional” by the USACE. The term “coastal area of Alabama” generally means the waters and adjacent shorelands lying seaward of the continuous 10-foot contour. Applicants are responsible for communicating with ADEM to determine whether a proposed development lies within the coastal area of Alabama.

~~3. If wetland fill and/or stream modification is not proposed, the Baldwin County Planning Director may, at his/her discretion, require the Applicant to submit a USACE Jurisdictional Determination after documenting the following:~~

- ~~(i) A site visit by a Baldwin County Planning and Zoning Staff member reveals potential wetlands on the site that differ significantly from the delineation supplied by the Applicant;~~
- ~~(ii) A review of the Generalized Wetland Map reveals potential wetlands on the site that differ significantly substantially from the delineation supplied by the Applicant; or~~
- ~~(iii) Knowledge of historic stormwater problems in and around the site area.~~

When a wetland delineation Jurisdictional Determination is deemed necessary in this subsection (iii), the Planning Director may, in lieu of a USACE Jurisdictional Determination, accept a second wetland delineation prepared by a professional wetland delineator who is not affiliated with the specialist responsible for the original delineation ~~to allow the subdivision review process to proceed. The maximum extent of Jurisdictional Wetlands of the combined delineations shall be deemed the wetland boundary for subdivision review purposes. However, the applicant shall acknowledge the official wetland boundary will be determined only by the USACE Jurisdictional Determination when a USACE permit is required. If, during a site visit, the Baldwin County Planning Director or designee determines there is a significant difference in the potential wetlands on the site and the delineation provided by the Applicant, the Baldwin County Planning Director shall require a USACE Jurisdictional Determination to be submitted by the Applicant.~~

- (c) *Filling of Existing Stormwater Management Areas.* Where a proposed subdivision contains existing stormwater management areas, which may include non-jurisdictional wetlands, hydric soil areas, existing water features, ditches, etc., that contribute to the stormwater management of the site, the existing stormwater management areas shall

not be filled unless comparable and equivalent stormwater management is provided as part of the development and approved by the County Engineer.

The Planning and Zoning Department shall not regulate or protect non-jurisdictional wetlands when comparable and equivalent stormwater management is to be provided.

(d) Display of Wetlands and Existing Stormwater Management Areas on Plat or Site Plan:

1. For jurisdictional wetlands not proposed to be filled, the Applicant shall display a thirty-foot ~~wetland building setback, within which a minimum 15-foot~~ natural buffer ~~shall be provided~~ upland of all jurisdictional wetlands ~~labeled as a "30-foot natural buffer;"~~
2. ~~Jurisdictional~~ wetlands to be filled shall be displayed as "To be filled" along with the USACE permit number;
3. Existing stormwater management areas ~~which may include non-jurisdictional wetlands, hydric soil areas, existing water features, ditches~~ as defined above (Section c) that contribute to the stormwater management of the site and are not proposed to be replaced with comparable and equivalent stormwater management shall be protected with a 5-foot natural buffer and a note indicating that the area shall not be filled or modified.
4. ~~Existing stormwater management areas as defined above (Section c) that will be filled and replaced with comparable and equivalent stormwater management shall be displayed and labeled as "To be filled." The replacement stormwater management areas shall be shown on the plat and grading and drainage plan, and stormwater calculations shall account for pre-development storage that exists on the site.~~

(e) In a concurrent ~~minor~~ subdivision (~~ten (10) five~~ lots or less with no infrastructure) ~~where no development is proposed~~, in lieu of a wetland and/or stream delineation and USACE Jurisdictional Determination, the Planning Director may allow the Applicant to display on the plat those wetlands from the *Generalized Wetland Map* (provided by the Baldwin County Planning and Zoning Department) along with a 50-foot ~~natural wetland/stream building setback~~ buffer (in zoned areas, the *Zoning Ordinance* may require a larger stream buffer) and the following plat note:

*"Any future subdivision or development of lots shall comply with the wetland requirements of the Subdivision Regulations or Zoning Ordinance applicable at the time of such future subdivision or development, which may include completing a wetland delineation and USACE Jurisdictional Determination."*

(f) Display of Waterways on the Plat or Site Plan. For jurisdictional streams, the Applicant shall display a thirty-foot minimum natural buffer from top of bank on both sides of the waterway. When wetlands are adjacent to a stream, the stricter (most protective) of the

two buffer requirements shall apply. These natural buffers shall be flagged prior to project implementation and protected by appropriate measures during all construction phases. No development other than for recreational purposes shall take place within the waterway natural buffer.

- (g) Wetlands and/or streams delineated as jurisdictional and not permitted for fill shall be set aside as common area or shall be deed protected, except in concurrent subdivisions where no infrastructure is proposed or in subdivisions where all lots are 30,000 SF or larger. Said common area or easement shall include a minimum 30-foot natural buffer. Maintenance responsibility shall be vested in the Property Owner or Property Owners Association.
- (h) All required wetland buffers in common areas shall be marked with permanent signage. Signs must be installed and verified through staff field inspection with the Contractor prior to any land disturbance permit issuance or sitework activity. Placement is required every 100 feet. Signs must be permanent in nature using a steel post with concrete added to the footer.

### **5.2.3 Subdivision Name**

The proposed name of the subdivision shall not duplicate nor too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The Baldwin County Planning Commission shall have final authority to designate the name of the subdivision which shall be determined at the time of Preliminary Plat approval. Any changes to the Subdivision Name after Preliminary Plat approval shall require approval by the Municipal or Baldwin County Planning Commission.

### **5.2.4 Maintenance of Waterbodies, Watercourses, and Impoundments**

- (a) If a tract being subdivided contains a waterbody, or portion thereof, the ownership of and responsibility for safe maintenance of the waterbody shall not become the responsibility of Baldwin County. A note to that effect shall be added to the Plat or Site Plan. No public roadways will be approved which provide access across dams.
- (b) Dams or impoundments including impoundment embankments and the entire spillway and outlet structure, along with access at least 20 feet in width around the perimeter to each end of the embankment and outlet structure, shall be retained in a common area. Maintenance of such structures shall be the responsibility of the Developer or Property Owners Association. Under no circumstances shall Baldwin County assume such maintenance responsibility. A note to that effect shall be added to the Plat or Site Plan.

### **5.2.5 Utilities**

All existing and proposed utility facilities throughout the subdivision shall be shown on the Construction Plans required by Section 4.5.6 of these regulations. All pressurized underground utility lines located under pavement shall be encased, except for service lines less than 2" in

diameter. Minimum cover must be provided over all utility lines as required by the County Engineer. All proposed utilities shall comply with the provisions of the *Baldwin County Highway Department Utility Manual*, as amended.

(a) *Water System and Fire Protection*

~~1. Subdivisions with Density Greater than 2 Units per Acre. Every subdivision with lot density greater than 2 units per acre shall connect to an existing public water supply system capable of providing both domestic water use and fire protection when the existing system borders the subdivision, or the system is within one half mile of the subject property and the utility has submitted a statement that they are willing and able to provide service.~~

~~2. Subdivisions with Density of Less than or Equal to 2 Units per Acre. Every subdivision with lot density less than or equal to 2 units per acre shall connect to an existing public water supply system capable of providing both domestic water use and fire protection when the existing system borders the subdivision, and the utility has submitted a statement that they are willing and able to provide service.~~

1. *Connection to public water.* When necessary to meet the lot size requirements of *Section 5.4(a)* or to comply with the utility requirements as specified in *Section 5.1.1* of these regulations, every subdivision shall connect to an existing public water supply system capable of providing both domestic water use and fire protection.

2. *Fire protection.* Where public water service exists, or is installed, fire protection shall be provided for all proposed lots less than 40,000 SF. The water supply volumes and pressures shall be sufficient to serve the subdivision. The Design Engineer shall submit a written report and calculations that include recent flow rate tests of the existing water system that verify the adequacy of the fire protection being provided. A letter must be submitted from the local fire protection authority, indicating that the proposed volumes and pressures are sufficient. If adequate fire flows do not exist and cannot be provided, the minimum lot size must be increased as though public water is not being provided as per *Section 5.4(a)*, or building setbacks/spacing must be increased to comply with the current ISO Fire Suppression Rating Schedule.

3. The following standards shall apply to the fire protection system:

- Fire hydrants shall be spaced no more than 500 feet apart along each street;
- A fire hydrant shall be located within 500 feet of all proposed lots;
- A fire hydrant shall be provided within 100 feet of where all new roads intersect with existing county roads;
- All fire hydrants shall have a minimum barrel size of 5 inches;

- The water system shall meet all requirements of the current ISO Fire Suppression Rating Schedule Paragraph 340, 614 and 620.A to obtain full credit.

*(c) 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. 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 meet LID standards established in *Section 5.11.3*, the minimum lot width shall be allowed to be reduced to 60 feet.
3. 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.

*(d) 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. 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.

(e) *Easements*

An easement, a minimum of 15 feet wide on the **external** rear and/or side lot lines **and 10 feet wide on the interior rear and/or side lot lines** shall be provided for utilities as required by the utility providers and/or the Baldwin County Planning Commission. Proper coordination shall be established between the Applicant and the applicable utility companies for the establishment of utility easements. Utility and drainage easements should generally be indicated on Preliminary Plats and Final Plats exclusively with a note like the following:

**DRAINAGE/UTILITY EASEMENTS**

EXTERNAL REAR AND SIDE BOUNDARY LOT LINES: 15 FEET

INTERIOR REAR AND SIDE LOT LINES: ~~7.5~~ **10 FEET**

Unless requested by a utility company or by Planning and Zoning Staff for clarity purposes, drainage and utility easement boundary lines generally **should not** be displayed in the plan view on Preliminary Plats and Final Plats.

**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:

- (a) Accessibility shall meet all A.D.A guidelines;
- (b) The location of the CBU shall not impede the flow of traffic into or out of the development.
- (c) The minimum dimensions of an off-street parking space is 9' x 19'.
- (d) Off-street parking requirements for CBUs shall be:



| Number of Mailboxes | Parking Spaces Required   |
|---------------------|---|
| 0-20                | 1   |
| 21-60               | 2   |
| 61-80               | 3   |
| 81-100              | 4   |
| 101+                | 1 additional space for each 50 mailboxes or portion thereof above 100 |

### Section 5.3 Blocks

Where a lot and block layout is proposed the following criteria shall be used:

- (a) Blocks shall have sufficient width to provide for two (2) tiers of lots. Exceptions to this prescribed block width shall be permitted in blocks adjacent to expressways, arterials, railroads, or waterways where single tier lots are required to separate residential development from through vehicular traffic or nonresidential uses;
- (b) Blocks shall not exceed ~~1500~~ 1000 feet in length nor be less than 200 feet in length ~~nor be less than 500 feet in length on any side~~;
- (c) For those blocks which exceed ~~800~~ 600 feet in length, the Baldwin County Planning Commission may require the reservation of an easement, not to exceed 50 feet in width, through the block to accommodate utilities, drainage facilities, or pedestrian traffic;
- (d) Pedestrian ways or crosswalks not less than 10 feet wide may be required by the Baldwin County Planning Commission through the center of blocks more than ~~800~~ 600 feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities. Blocks designed for ~~non-residential industrial~~ uses shall be of such length and width as may be determined suitable by the Baldwin County Planning Commission for prospective use.

### 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. Where subdivisions meet the lot size requirements of Section 5.4(a) and comply with the utility requirements as specified in Table 5.1 of these regulations, and meet LID standards established in Section 5.11.3, the minimum lot width shall be reduced to 60 feet.**
- (b) The final subdivision plats shall establish that each lot has satisfactory access to a street as provided in *Section 5.5.7: Frontage on Improved Roads*;
- (c) Where land is subdivided into parcels larger than 10 acres, other than ordinary building lots, such parcels shall be arranged to allow for the opening of future streets and logical further resubdivision;
- ~~Lot sizes of properties reserved or laid out for commercial and industrial purposes shall provide for off-street parking and loading for the use contemplated;~~
- (d) Double frontage lots shall be avoided, except where essential to provide separation of residential development from traffic arterials, or to overcome specific disadvantages of topography or orientation;
- (e) Side lot lines should be at right angles to streets, except on curves where they should be radial;
- (f) In areas which have elected to come within the zoning authority of the Baldwin County Commission, minimum setbacks from property lines shall meet or exceed the applicable setbacks established by the *Baldwin County Zoning Ordinance*.

In residential subdivisions outside the zoning authority of the Baldwin County Commission, the minimum setbacks from property lines shall be as set forth in **Table 5.1, Section 5.1.1** of these regulations.

In non-residential subdivisions outside the zoning authority of the Baldwin County Commission, the minimum setback from property lines shall be: 25 feet from the front and rear lots line; 10 feet from the side lot lines; 20 feet from the side which abuts a street;

(g) In accordance with ~~Code of Alabama 45-2-260 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.

No permanent structure shall be erected or constructed within the designated construction setback. ~~The following is a non-exhaustive list of items that are either exempt or not considered permanent structures under the Highway Construction Setback law.~~

- ~~1. Billboards~~
- ~~2. Utility structures such as poles, utility lines, and other utility structures~~
- ~~3. Non permanent structures permitted within the required construction setback~~
- ~~4. Signs~~
- ~~5. Access drives or roads~~
- ~~6. Overflow parking in excess of required parking spaces~~
- ~~7. Landscaping~~
- ~~8. Fences~~
- ~~9. Portable accessory structures such as a yard shed~~
- ~~10. Sidewalks & bike paths~~

The following ~~items is a non-exhaustive list of permanent structures that~~ are prohibited within the required construction setback.

- ~~(i) Permanent structures not specifically permitted above.~~
- (ii) Buildings
- (iii) Houses
- ~~(iv) Decks or porches~~ Manufactured homes
- ~~(v) Below ground swimming pools~~ Drainage detention or retention structures
- (vi) Septic tanks
- (vii) ~~Fuel Gas~~ pumps
- (viii) Underground storage tanks
- (ix) Required parking spaces
- (x) Vehicle charging stations

To minimize requests for highway construction setback appeals, where lots are 30,000 SF or less, no lots shall be platted where more than 25% of the side yard or 10% of the front or rear yard is in the road/highway construction setback.

(h) A nonconforming lot or parcel is a lot or parcel which fails to meet the dimensional requirements (i.e., minimum lot area, width, frontage, etc.) of these *Subdivision Regulations* (or the *Zoning Ordinance* for zoned areas) but was lawfully created according to Alabama Law or was otherwise a lot of record prior to the effective date of the *Subdivision Regulations* or amendments thereto.

1. Any nonconforming lot or parcel may be used as a building site.
2. A nonconforming lot or parcel in a zoned area must comply with permitted uses and other standards as described in the *Zoning Ordinance*.

No portion of a lot shall be sold or subdivided in a manner which does not comply with the lot width and area requirements established by these *Subdivision Regulations* (or the *Zoning Ordinance* for zoned areas). A nonconforming lot may be increased in size even if such increase does not allow the lot to meet the minimum lot width and lot area requirements established by these *Subdivision Regulations* (or the *Zoning Ordinance* for zoned areas). Furthermore, the adjoining lot or lots from which the land is removed to create the increase to the subject lot shall not become nonconforming or increase in nonconformity.

Should a government agency obtain, after the effective date of this amendment, a portion of a conforming lot for public purposes and thereby create a nonconforming lot, it may be possible to erect or construct, on said lot, the principal and accessory structures otherwise authorized provided that all other requirements of these *Subdivision Regulations* (or the *Zoning Ordinance* for zoned areas) are met.

## **Section 5.5 Minimum Development Standards**

The following provisions shall govern street layout in all non-exempt subdivisions:

### **5.5.1 Privately Maintained Streets**

- (a) Privately maintained streets may be approved only by the Baldwin County Commission provided that:
1. They are constructed according to the standards of these regulations;
  2. ~~prior to the issuance of a Preliminary Plat, (1)~~ The Baldwin County Planning and Zoning Commission has otherwise approved the issuance of a Preliminary Plat;
  3. The County Engineer has advised the Baldwin County Commission that private streets are appropriate for the subdivision under consideration.

- (b) If the application for a Preliminary Plat for any subdivision proposing to contain private streets otherwise complies with the requirements of these *Subdivision Regulations*, such application shall be approved by the Baldwin County Planning Commission, subject to subsequent approval by the Baldwin County Commission. If the application for a Preliminary Plat is approved by the Baldwin County Planning Commission, the Baldwin County Planning Director or Baldwin County Engineer will prepare a Commission Agenda Item and shall certify to the Baldwin County Commission whether the application meets the submittal requirements as specified in this article. No Preliminary Plat shall be issued or effective for any subdivision proposing to contain private streets until the construction of such private streets has been approved by the Baldwin County Commission.

In the event that the Baldwin County Commission does approve a private street, the Developer shall install, at a minimum, street signs in accordance with *Section 5.9 Signage for Subdivisions*.

The following statement shall be shown on the Final Plats:

*"All roads and rights-of-way shown on this plat are PRIVATE, and are not subject to maintenance by Baldwin County, and the owners of all lots shall bear the expense of maintaining all private streets."*

#### **5.5.2 Private Reserve Strips**

Private reserve strips controlling access to streets shall be prohibited, unless approved by the County Engineer or designee or the Baldwin County Commission to limit access to Collectors or Arterials in accordance with the procedures established in *Section 5.5.1* of these regulations.

#### **5.5.3 ~~Additional Width on Existing Roads~~ Reserved for future use**

~~Subdivisions that adjoin existing streets with inadequate rights-of-way or inadequate pavement width as would otherwise be required by these regulations or inadequate construction standards shall, as a condition to subdivision approval, modify such adjoining streets to comply with these regulations.~~

#### **5.5.4 Street Names**

Proposed streets, which are obviously in alignment with others existing and named, shall bear the assigned name of the existing streets. All proposed streets shall be given a name. In no case shall the names of proposed streets duplicate or be phonetically similar to existing street names, as listed in the *Baldwin County E-911 Address Database*, irrespective of the use of the suffix street, avenue, boulevard, drive, place, court, etc. Street names are subject to the approval of E-911 Addressing. All applications involving new streets shall be accompanied by a letter from the E-911 Addressing Office indicating the approved street names.

### **5.5.5 New Half-Streets and New Half-Alleys**

No new half-streets or half-alleys shall be platted.

### **5.5.6 Reserved for future use**

### **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 adjacent to an unpaved road that contain 50 or more lots, the unpaved road must be paved to the last point of access to the development. Any remaining unpaved road adjacent to the development can either be paved the length of the proposed development, or a 20-foot landscape buffer must be planted in a common area within the development between the unpaved road and adjacent lots;
- (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.

### **5.5.8 Topography and Arrangement**

- (a) Street standards are contained in the *Baldwin County Design Standards for New Road Construction*.

- (b) All proposed streets shall be properly integrated with the existing system of streets.
- (c) All arterials shall be properly related to specific traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed land uses.
- (d) Local streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.
- (e) In business and industrial developments, the streets and other access ways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and sidewalks and parking areas to minimize conflict of movement among the various types of traffic, including pedestrian.

#### **5.5.9 Access to Adjacent Roads**

- (a) If a subdivision or proposed development contains lots adjacent to interior streets, such lots shall only be accessed by those adjacent interior streets. Access from such lots to exterior streets shall not be granted when access is provided by adjacent interior streets.

~~If a subdivision or proposed development contains lots adjacent to interior streets, such lots shall only be accessed by those adjacent interior streets. Access from such lots to exterior streets shall not be granted when access is provided by adjacent interior streets. (this section was duplicated above)~~

- (b) Where a subdivision borders on existing collectors or arterials or contains proposed collectors or arterials, access to such collectors or arterials shall be limited by one or more of the following means to provide for the protection of properties, and to afford separation of through and local traffic:
  1. Where the rear lot line of a subdivided lot is adjacent to a collector or arterial, no access to the lot shall be permitted from the collector or arterial. In such cases, the primary means of access to the lot shall be from a local interior street;
  2. A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed at right angles to such a parallel street, with the rear lines of such lots being adjacent to the collector or arterial;
  3. A marginal access or service road (separated from the collector or arterial by a planting or grass strip and having access thereto at suitable points);

- (c) A common driveway as per *Section 5.5.17 Common Driveways* and the *Baldwin County Access Management Policy*.
- (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.**
  3. **For subdivisions built in multiple phases, the phasing plan shall indicate the phase in which the second access will be constructed. No more than 100 lots or sites can be developed prior to the construction of a second entrance.**

#### ***5.5.10 Excess Right-of-Way or Easements***

Right-of-way or easement widths in excess of the standards designated in these regulations shall be required whenever, due to topography and in the opinion of the County Engineer or designee, additional width is necessary to accommodate excess fill slopes or cut slopes.

#### ***5.5.11 Railroads, Arterials, and Major Thoroughfares***

Railroad rights-of-way, arterials, and expressways where so located as to affect the subdivision of adjoining lands shall be treated as follows:

- (a) In residential developments, a buffer strip at least 25 feet in depth, ~~in addition to the normal depth of the lot required~~, shall be provided adjacent to the railroad right-of-way, arterial, or expressway and shall be designated on the plat: "This strip is reserved for screening. The placement of structures hereon is prohibited."
1. **For subdivisions with lots less than 30,000 SF, the buffer strip shall be placed in a common area.**
  2. **For subdivisions with lots greater than 30,000 SF, the lot depth or width along the railroad, arterial, or expressway shall be increased by 25 feet;**
- (b) In areas proposed for ~~non-residential development business, commercial, or industrial uses~~, the nearest street extending parallel or approximately parallel to the railroad shall, wherever practical, be at a sufficient distance therefrom to ensure suitable depth for ~~non-residential development commercial or industrial~~ sites;



- (c) Streets parallel to the railroad when intersecting a street which crosses the railroad at grade shall, to the extent practical, be at a distance of at least 150 feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

#### **5.5.12 Cul-de-sacs**

- (a) Permanent dead-end streets shall not exceed 1,320 feet (1/4 mile) in length.
  - 1. Permanent dead-end streets with a pavement width of 20 feet or less shall be provided with a turnaround having a roadway diameter of at least 70 feet and a right-of-way diameter of at least 100 feet.
  - 2. Permanent dead-end streets with a pavement width of more than 20 feet shall be provided with a turnaround having a roadway diameter of at least 80 feet and a right-of-way diameter of at least 100 feet.
  - 3. If medians and/or islands are proposed in the cul-de-sacs, a minimum of 25-foot-wide driving surface shall be maintained at all points around said cul-de-sac. (See *Section 5.8*)
- (b) Temporary dead-end streets greater than 200 feet in length are required to have a temporary turnaround constructed of an all-weather surface at least 70 feet in diameter and have an easement or right-of-way at least 100 feet in diameter. Said temporary turnaround shall be graded properly to drain and be maintained by the Developer until the roadway is continued. If adjacent property is not owned by the Developer or no other Preliminary Plat is approved at the time of final inspection, a permanent cul-de-sac shall be required.
- (c) For roads stubbed out to adjacent property not providing access to lots and less than 200 feet in length, no turn-around is required, unless deemed necessary by the County Engineer or designee. Appropriate traffic control devices, as per the latest edition of the MUTCD, are required and barricades may be required by the County Engineer or designee.

#### **5.5.13 Intersections**

Street intersections shall be laid out as follows:

- (a) Streets shall be laid out to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than 75 degrees shall not be acceptable. An oblique street shall be curved approaching an intersection and should be approximately at right angles for at least 100-feet therefrom. Not more than two (2) streets shall intersect at any one point;

- (b) Proposed new intersections within a subdivision shall be aligned with streets on the opposite side of the intersecting street. Street jogs with centerline offsets of less than 125 feet shall not be permitted. Subdivision entrance street intersections shall be as follows:
1. Where a proposed entrance street is a local street, no centerline offsets of less than 125 feet shall be allowed.
  2. Where a proposed entrance street is a minor or major collector street, no centerline offsets of less than 800 feet shall be allowed.
  3. Intersections with minor arterial streets require offsets of at least 1300 feet.
  4. Where a street intersects a State highway, the design standards of the Alabama Department of Transportation shall apply.
- (c) In residential subdivisions, minimum edge of pavement (curb) radii at the intersection of two local streets shall be at least 20 feet; and minimum edge of pavement (curb) radii at an intersection involving a collector street shall be at least 35 feet. In non-residential subdivisions, minimum edge of pavement (curb) radii at the intersection of two streets shall be at least 40 feet;
- (d) Intersections shall be designed to drain stormwater away from the driving surface to prevent ponding. At the approach to an intersection having a stop condition, a leveling area shall be provided having a grade not greater than 5 percent at a distance of 50 feet, measured along the centerline from the nearest right-of-way line of the intersecting street;
- (e) Where any street intersection will involve the construction of, or be located adjacent to, earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the Applicant shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide a sufficient sight distance;
- (f) Property lines at street intersections shall be rounded with a minimum radius of 25 feet;
- (g) For each proposed intersection with an existing State or County maintained roadway, proposed sight distances shall be provided on plan/profile sheets. Distances provided shall meet those required by the latest version of the *Baldwin County Design Standards for New Road Construction*;
- (h) The minimum distance between centerline offsets at street jogs shall be 125 feet.

#### **5.5.14 Traffic Study Requirements**

For proposed subdivisions (a) containing 50 lots or more, (b) phases or additions that increase the total number of lots within a subdivision to 50 or more, or (c) which in the opinion of the County Engineer will generate Average Daily Traffic of 500 trips or more, the Applicant shall have a traffic study performed for the proposed development.

- (a) After consultation with the Planning Director, the County Engineer will define the scope of the traffic study. The County Engineer shall determine the improvements required to be made by the Developer along with the other subdivision improvements.
- (b) The Developer will perform the Traffic Study using the services of a qualified **Professional Engineer licensed in the State of Alabama with sufficient traffic engineering experience and** preapproved by the County Engineer. This study will be submitted simultaneously with the subdivision application.
- (c) All studies shall be in accordance with the *Baldwin County Traffic Impact Study Requirements* and the ***Baldwin County Access Management Policy***. All recommendations of the study will be considered as the minimum conditions required for the subdivision to be approved. However, the County Engineer reserves the right to require improvements within the County right-of-way that the study indicates are not warranted.
- (d) At all times, the Applicant can choose to bypass the study and accept the improvements required by the County as conditions of subdivision approval.
- (e) For subdivision developments containing less than 50 lots the Applicant may be required to submit current (within 12 months) traffic counts of the links adjacent to the proposed development. Deceleration, acceleration, and/or left-turn lanes or other roadway improvements may be required by the County Engineer.
- (f) If turn lanes are required or otherwise proposed the standards from the current *Alabama Department of Transportation Permit Manual* shall be used as a minimum.

#### **5.5.15 Perimeter Streets**

Street systems in new subdivisions shall be laid out to eliminate or avoid new perimeter half-streets. Where an existing half-street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the Applicant.

#### **5.5.16 Street Elevations**

No street shall be approved for construction within a Flood-Prone Area that is proposed to be constructed more than two (2) feet below the elevation of the base flood, as defined in these regulations, unless approved by the Baldwin County Planning Commission in accordance with *Article 8. Variances*.

Drainage openings shall be designed so as not to restrict the flow of flood waters or increase upstream flood heights.

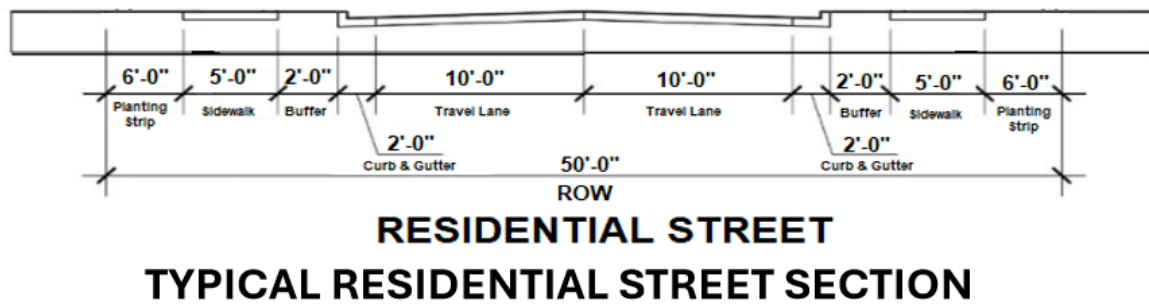
#### **5.5.17 Common Driveways**

- (a) Where lots will access an existing publicly maintained road that is classified as a collector or an arterial, common driveways shall be used to minimize the number of curb cuts, driveways, or other accesses required, unless an alternate access under 5.5.9(b) is approved by the County Engineer. *Spacing between driveways along all road classifications shall be in accordance with the Baldwin County Access Management Policy.*
- (b) The maximum number of lots that may be served by a common driveway shall be two (2).
- (c) Common driveways shall be contained within a private ingress/egress easement labeled as such on the Final Plat. Said easement shall be of sufficient width (minimum of 30 feet) to contain the common driveway and provide ingress and egress.
- (d) The Final Plat of a subdivision in which common driveways are utilized shall contain the following notation: "The portion of the common driveway outside the public right-of-way as shown hereon is private and will not be maintained by Baldwin County."
- (e) If common driveways are proposed or required, they shall be installed by the Developer prior to the Final Plat being signed by the County Engineer for recording. *Section 7.2 Financial Guarantee of Performance* will not be allowed for this construction. An "Industrial/Commercial/Residential Multiunit Right-of-Way Access and Drainage Impact Permit" is required prior to construction.
- (f) Maintenance of common driveways located on private property shall be the responsibility of all property owners whose property is served thereby.

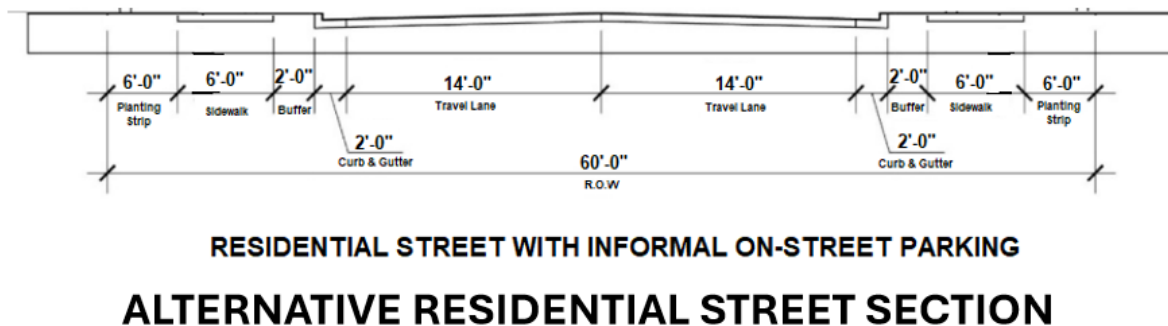
#### **Section 5.6 Street Design Standards**

All streets within the jurisdiction of these regulations shall be constructed in accordance with the *Baldwin County Design Standards for New Road Construction*. Typical roadway sections and profiles shall be approved by the County Engineer or designee and shall be shown in the construction plans. *See Figure 5.1 for the "Typical Residential Street Section."* *For streets that contain lots that are less than 80 feet wide (excluding lots around cul-de-sac or curves), the "Alternative Residential Street Section" is required (see Figure 5.2).*

**FIGURE 5.1**



**FIGURE 5.2**



### Section 5.7 Sidewalks

- (a) Sidewalks shall be located within the right-of-way or within an easement of sufficient width adjacent to the right-of-way.
- (b) Construction of sidewalks shall be in accordance with County specifications and these regulations. Sidewalks shall be a minimum of five (5) feet wide and constructed with reinforced concrete that has a minimum 28-day compressive strength of 3000 psi. **Control joints shall be installed every five (5) feet and expansion joints every twenty (20) feet and shall comply with the latest ALDOT standard.**
- (c) New sidewalks shall connect to any adjacent sidewalks and/or bike paths and shall be interconnected within said development to allow for sufficient pedestrian access.
- (d) The surety to be posted by the Developer pursuant to *Sections 7.1 and 7.2* of these regulations shall, in addition to all other anticipated construction expenses, cover the cost of all proposed sidewalks.
- (e) All sidewalks which are to be located within the subdivision shall be constructed prior to Final Plat approval. No Certificate of Occupancy shall be issued for a structure situated

upon a lot until the portion of any required sidewalk adjacent to such lot has been completed or repaired and approved by the County Engineer or designee.

(f) All sidewalks shall be in accordance with current Americans with Disabilities Act (ADA) requirements. **The maximum cross slope allowed by the ADA is 2%.**

(g) All sidewalk crossings shall be installed by the Developer prior to Final Plat approval and shall be inspected for compliance with ADA requirements.

### **Section 5.8 Medians/Islands**

Medians and islands may be used, provided that vehicular travel is not hindered or restricted and that the effective centerline meets all geometric requirements. Medians and islands shall:

- (a) Be completely surrounded by curbing to protect the areas from vehicular encroachment.
- (b) Be graded to provide positive drainage to either a storm inlet or to the roadway surface.
- (c) If intended to be landscaped or provide some other decorative or recreational function shall be recorded on the Final Plat as Common Area.
- (d) In all cases, a clear zone of at least six (6) feet must be provided from the edge of pavement. Clear zones must be maintained at all roadway intersections and be in accordance with the Baldwin County Design Standards for New Road Construction. Striping and additional signage may be required to maintain safe traffic circulation.

### **Section 5.9 Signage for Subdivisions**

Proper signage in accordance with the latest edition of the *Manual of Uniform Traffic Control Devices* (MUTCD) as adopted by ALDOT shall be installed prior to receiving Final Plat approval, and maintained in all subdivisions, until such time as roads are accepted for maintenance by the Baldwin County Commission. All proposed signage shall be shown and detailed on the Construction Plans. The following minimum standards shall be adhered to:

#### **(a) Stop Signs (R1-1)**

- 1. Sign. Diamond grade. Minimum 0.080" thick, 36"x36" sign fastened with two 3/8" cadmium bolts, nuts, and washers for all intersections.**
- 2. Signposts. Minimum length 14 feet, 2-1/4" x 2-1/4" galvanized square post with predrilled holes. Signposts shall not be embedded in concrete;**

#### **(b) Street Name Signs**

- 1. Sign. 9" Aluminum extruded blade, High Intensity Prismatic.**

2. **Public street lettering.** 6" tall white capital and 5" tall lower-case lettering on green background. ~~for streets proposed to be public~~
  3. **Private street lettering.** 6" tall white capital, and 5" tall lower-case lettering on blue background. ~~for streets proposed to remain private~~
  4. Brackets. Vulcan type VS-8 vandal-proof or approved equivalent;
  5. Posts. Name signs should be mounted on top of the stop sign with proper mounting brackets. If not posted on a stop sign, street signs shall be placed on a 12-foot long #2 galvanized U-channel post
  6. ~~Street signs must be mounted on a post separate from the stop sign, unless approved by the County Engineer or designee~~ Decorative sign posts may be permitted if approved by the County Engineer. No decorative sign posts shall be permitted unless the application is accompanied by a written statement from the Property Owners Association agreeing to maintain such decorative sign posts, and to replace the same if destroyed. Any damaged or destroyed decorative sign post may be replaced by the County, and in such event, the County may install a 2 3/8" galvanized round post. **Signposts shall not be embedded in concrete;**
- (c) **Speed limit signs.** Signs must be 24" x 30" and posted inside the entrances of the subdivision in a clearly visible location.
- (d) **All other signs.**
1. Sign. High Intensity Prismatic or better, minimum 0.080" thick;
  2. Posts. ~~#2 galvanized U-channel (minimum length 12 feet) of appropriate height~~ Minimum length 14 feet, 2-1/4" x 2-1/4" galvanized square post with predrilled **holes** embedded not less than 3 feet below the finished grade elevation, complying with minimum 7-foot clearance between grade level and the bottom of the sign. **Signposts shall not be embedded in concrete.**

## **Section 5.10 Bridge Standards**

All bridges, both vehicular and pedestrian, within the jurisdiction of these regulations shall be designed and constructed in accordance with this section and the current ALDOT *Standard Specifications and Standard Drawings*. Any structures (including a battery of pipes, box culverts, etc.) that span 20 feet or more along the centerline of the road shall be considered a bridge. The County Engineer or designee shall have authority to approve or disapprove all bridge components and materials.

The Developer shall perform any needed geotechnical testing using the services of a qualified geotechnical engineer preapproved by the County Engineer.

### **5.10.1 Design Criteria**

- (a) For basic design requirements, see the *Baldwin County Design Standards for New Road Construction*.
- (b) A pre-submittal design conference with the County Engineer or designee is mandatory.
- (c) All bridge components must be constructed of reinforced concrete construction unless otherwise approved by the County Engineer or designee. If pipes are used, they must be constructed of reinforced concrete. No precast box culverts are allowed.
- (d) All bearing pads must be elastomeric, unless otherwise approved by the County Engineer or designee.
- (e) All bridge submittals other than pipes or cast-in-place box culverts must meet the *Baldwin County Highway Department Bridge Design & Guidelines* (attached as Appendix 3).

### **5.10.2 Construction, Testing, and Inspections**

- (a) The bridge contractor must be on the ALDOT pre-approved bidders list.
- (b) The Developer shall employ a certified bridge inspector (CBI) to observe and inspect all bridge construction activity.
- (c) A static or dynamic load test will be allowed to determine bearing capacity of pilings. The Baldwin County Engineer or designee must be present for all load testing. A minimum of three (3) days' notice must be given to the Baldwin County Engineer or designee by the Contractor for this testing.
- (d) The Contractor shall provide pile driving hammer data at the time of the Pre-construction Conference (See *Section 5.14(a)*).
- (e) Pile driving hammers must be approved by a Geotechnical Engineer and by the County Engineer or designee prior to mobilization.

## **Section 5.11 ~~Drainage Systems~~ Stormwater Management**

### **5.11.1 General ~~Policy~~**

The main objective of drainage design shall be the safety of the traveling public with the protection of County and private property consistent with good engineering practice.



### 5.11.2 General Requirements *Drainage System Standards*

The responsible Design Engineer shall not submit any plat of a subdivision which does not make provision for stormwater runoff as required by these regulations. The stormwater drainage system shall be separate and independent of any sanitary sewer system.

The Applicant shall submit a design narrative, *delineated drainage maps, summary table*, and complete drainage calculations, including but not limited to assumptions, maps, and computations for each inlet, pipe, or ditch section. The design data and calculations shall be prepared, sealed, and submitted by a Professional Engineer licensed in the State of Alabama. The design narrative shall summarize the assumptions, calculations, and results of the design for the whole project as well as each drainage basin. The Design Engineer shall submit the design calculations in the format as described in the *Baldwin County Highway Department Stormwater Calculations, Submittal Requirements (Appendix 2)*

- (a) *Restriction of Stormwater Flow*. Fill may be used to alter the existing grades, provided that proposed fill does not restrict the flow of water from adjacent properties or unnaturally redirect stormwater to adjacent properties.
- (b) *Securing Drainage Rights*. When a proposed new drainage system will *increase runoff rate or point intensity* ~~divert water~~ into an unnatural water system or onto private land adjacent to the subdivision, drainage rights must be secured by the Applicant and indicated on the Final Plat.
- (c) *Accommodations for Spring or Surface Water*. The Applicant shall be required to carry away by pipe or open ditch any spring or surface water that exists either previous to, or as a result of, the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in common areas with perpetual unobstructed drainage easements of sufficient width (see *Section 5.12.6(b)*).
- (d) *Disposal of Stormwater*. Provision shall be made for the disposal of stormwater into existing channels, pipes, or waterbodies.
- (e) *Accommodation of Upstream Drainage Areas*. The method used to accommodate potential development from the upstream properties must be identified in the design calculations.
- (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 designee may withhold approval of the subdivision until provision has been made for the necessary downstream improvements.

*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 one (1) inch 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.

### **5.11.3 Low Impact Development Techniques (LID) and Green Infrastructure ~~Drainage Systems~~**

The use of Low Impact Development Techniques (LID) and Green Infrastructure (GI) is encouraged for new developments. 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) Where LID techniques are used in conjunction with the requirements of *Section 5.1.1* of these regulations, a Developer will qualify for reduced lot widths of 60 feet. The Applicant must verify that the proposed LID techniques retain the first one (1) inch of stormwater runoff, reduce suspended solids by 80%, and reduce nutrient loading by 50% to qualify for reduced lot widths.
- (b) Where implemented, LID techniques must be designed from an entire site development perspective by the Engineer of Record for the project. Practices shall be designed in accordance with the current *Alabama LID Handbook* and certified by a credentialed design professional. Selected LID techniques shall consider local rainfall data, soils, slopes, wetlands, and other natural features.
- (c) 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.

- (d) 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 to 5.12.7~~

~~5.11.6 Dedication of Drainage System Easements—moved to 5.12.6~~

## **Section 5.12 Stormwater ~~Detention/Retention~~ Management Facilities**

### **5.12.1 General**

Developments which produce an increase in the amount of stormwater runoff will be required to construct stormwater management facilities. The Design Engineer shall submit detailed engineering calculations and plans to the Baldwin County Engineer including historical runoff, developed runoff, developed runoff with detention/retention, stormwater facility details, method of discharge, and other information as required for review. Post development release rates shall not exceed pre-development rates.

The Developer and Design Engineer shall also include the method of **Operation and Maintenance (an O&M Plan)** for the stormwater management **facilities** and all LID methods with the Final Plat application ~~detention/retention pond after the development is completed~~. Retention/detention facilities shall be owned, operated, and maintained by development entities and shall not be accepted for maintenance by the Baldwin County Commission. Provisions shall be made to address 100-year storm events to ensure that retention/detention facilities survive such events.

The County has begun a series of studies to better understand how land use changes affect the entire watershed, not just the adjacent property. The County has completed studies of the Fish River watershed, Magnolia River watershed, and Wolf Bay watershed. Any development which is proposed within the area of these watershed studies shall be subject to additional guidelines and requirements applicable to such area as shown in *Section 5.12.2(d)*. Maps of these watersheds are attached to these regulations and marked as *Appendix 5*. As studies are completed for additional watersheds in Baldwin County, those areas shall be subject to additional requirements imposed by this chapter.

### **5.12.2 Minimum Requirements for Stormwater **Facilities** (Detention/Retention) and Design Criteria**

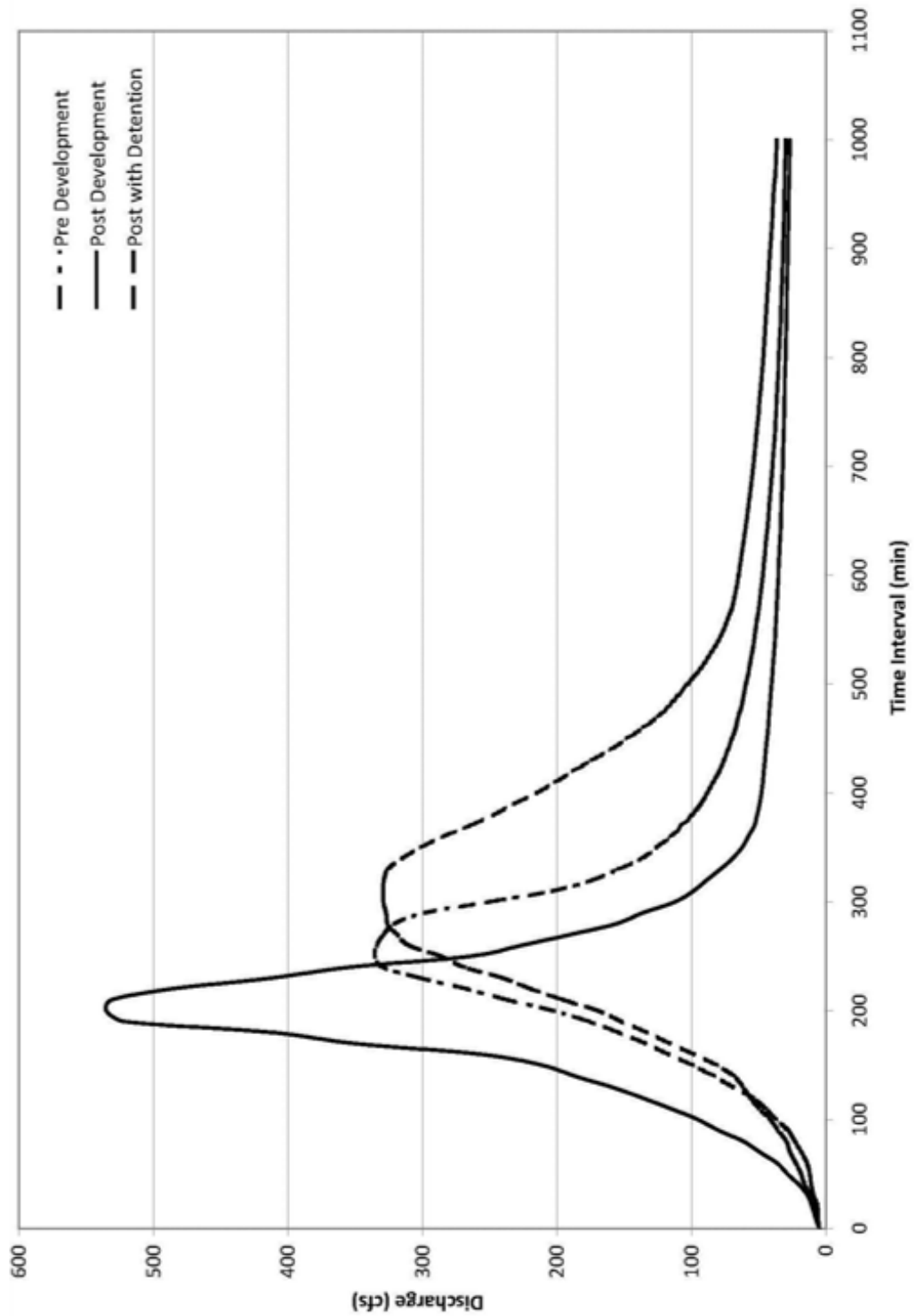
- (a) *Liability*. The design criteria establish minimum elements of design which must be implemented with good engineering and good workmanship. Use of the information

contained herein for placement of any structure or use of land shall not constitute a representation, guarantee, or warranty of any kind by Baldwin County Commission, its offices or employees, of the practicability, adequacy or safety, and shall not create liability upon or cause action against any such public body, office, or employee for any damage that may result pursuant thereto.

- (b) *Engineer's Seal.* All plans, specifications, and calculations submitted for review and/or approval shall be prepared and signed by a licensed engineer and shall meet the minimum standards and requirements of the County, and other applicable authorities. Each of the plan, profile, and special drawing sheets for a project shall bear a legible stamp of the Professional Engineer in charge. If the name or license number is not clear, the signature and number shall be added. It is imperative that the professional Design Engineer be qualified in the area of drainage per the State of Alabama registration laws.
- (c) *Pre-Design Conference.* The Developer and Design Engineer are ~~encouraged~~ **required** to contact the County for a pre-design conference at the conceptual stage of the project. Such conference would be mutually beneficial to outline the complexity and scope of design, applicability of criteria, and elimination of possible items of conflict during the review process. Subsequent conferences during the preparation of plans may be arranged by the Consulting Engineer or the Developer to obtain preliminary, informal decisions on items in need of clarification.
- (d) *Method of Calculation.* **For drainage basins less than 20 acres, the Engineer shall use the Rational Method for determining sizing of stormwater facilities, inlet spacing, roadway spread, and the sizing of opened and closed pipe network and collection basins. For drainage basins 20 acres or greater, the Engineer shall use Regression Equations (rural or urban) or SCS Method only. ~~The SCS Method will be the only accepted method used to determine the sizing of stormwater detention/retention areas for stormwater runoff from drainage areas of 200-20 acres or greater. The Rational Method will not be permitted for such use for stormwater runoff from drainage areas up to 200-20 acres.~~** See Figure 5.3 for an example of a Discharge Hydrograph.

FIGURE 5.3

### DISCHARGE HYDROGRAPH



1. Areas Outside of Watershed Studies:

Differential runoff evaluation consists of determination of runoff rates before and after development, determination of required volume of retention/detention, and verification of adequacy of discharge and control structures. Design shall be based on at least the worst-case scenario of runoff up to and including a 100-year, 24-hour rainfall event. This shall be based on sound engineering criteria and computations shall be submitted to the County Engineer for review. Post-development discharge from retention/detention 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.

2. Areas within the Fish River Watershed:

North of the red line delineated on the County Fish River Watershed Map (Appendix 5) and in the Fairhope area shall follow the same requirements of 5.12.2(d)(1). For areas south of the red line, until the regional ponds are constructed, each land use change shall be modeled in the Fish River Study Model at the discretion of the County Engineer or designee and designed to detain the 2-, 5-, 10-, and 25-year events and withstand the 100-year event. Some areas may be required to detain the 100-year event after the regional ponds are constructed. The area south of the red line will only detain 2-, 5-, 10-, and 25-year events.

3. Areas within the Wolf Bay Watershed:

Areas north of the red line delineated on the Wolf Bay Watershed Map (Appendix 5) shall be subject to the same requirements as set forth in *Section 5.12.2(d)(1)*. For areas south of the red line, until the regional detention ponds are constructed, each proposed subdivision in the Wolf Bay watershed shall be modeled according to the Wolf Bay Study Model at the discretion of the County Engineer or designee, and shall be designed to detain the 2-, 5-, 10-, and 25-year events and withstand the 100 year event. Some areas may be required to detain the 100-year event after the regional ponds are constructed. The area south of the red line will only detain 2-, 5-, 10-, and 25-year events.

(e) General Location. Retention/detention facilities shall be located within the parcel limits of the project under consideration.

1. No retention/detention or ponding will be permitted within public road rights-of-way or within the Highway Construction Setback Line as per Act No. 94-572 of the Legislature of Alabama. Location of retention/detention facilities off-site will be considered by special request if proper documentation is submitted with reference to practicality, feasibility, and proof of ownership or right-of-use of the area proposed.

2. No retention/detention facility shall be located in jurisdictional wetlands.
  3. Any existing onsite areas that currently retain stormwater shall be preserved within common areas and in their current state. If approved by the County Engineer, a Developer may fill in said areas if there are no jurisdictional wetlands involved, and if similar storage capacity is provided onsite and in the same drainage basin. *See Section 5.2.2(d) regarding the display of fill and required notes for Plats and Site Plans.*
  4. In locations where the discharge from a development will ~~be directly~~ flow into a tidally influenced body of water, ~~the County Engineer may consider waiving the stormwater management requirement, upon request by the design engineer. The County Engineer has the sole discretion of whether or not this will be allowed. This will not alleviate the developer from any erosion/sedimentation control requirements or requirements of other governmental agencies. However,~~ The development will retain the first one (1) inch of stormwater runoff and ~~The development will~~ be required to control velocities of stormwater leaving the site.
- (f) Common Areas *and Stabilization.* Stormwater management facilities ~~It is required that retention/detention~~ 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 ~~Trust Indentures~~ covenants and restrictions.
1. All drainage swales, detention and retention ponds, ditches, or similar stormwater conveyances shall receive solid sod and shall be fully established and stabilized before Final Plat approval.
  2. On wet ponds, sod shall be placed on the slope to the water level.
  3. On dry ponds, sod shall be placed on the entire slope.
  4. An established solid stand of permanent vegetation may be accepted in lieu of solid sod if it is documented that fully established permanent vegetation and stabilization has been achieved.
  5. Disturbed 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 ~~seeded, fertilized and mulched~~ 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 existing stormwater culverts within Baldwin County right-of-way shall not be permanently surcharged (submerged). Proposed stormwater systems can be pressurized and contain surcharged culverts and pipes if approved by the County Engineer. The volume of the surcharged culverts and pipes cannot be used to meet stormwater detention requirements. *Conditional approval of surcharged systems may be required depending on site conditions and specifics of the proposed design.*
- (j) *Permanent Ponds/Lakes.* Permanent ponds (wet ponds) or lakes with fluctuating volume controls may be used as retention/detention areas provided that the limits of maximum ponding elevations are no closer than 30 feet horizontally from any building and less than 2 feet below the lowest sill elevation of any building.
1. Maximum side slopes for the fluctuating area of permanent ponds/lakes shall be one (1) foot vertical to three (3) feet horizontal (3:1) unless proper provisions are included for safety, stability and ease of maintenance.
  2. Special consideration is suggested to safety and accessibility for children in design of permanent ponds/lakes in residential areas.
  3. Viability of the permanent impoundment shall be considered. An acceptable guideline is to make the area of the permanent pool no greater than one-tenth the size of the tributary drainage area. It is suggested that the minimum depth of 25 percent of the permanent pool area be no less than eight (8) feet. Allowances for silting under denuded soil conditions (during construction) for a period no less than one year, is also recommended.
  4. The entire fluctuating area of the permanent reservoir shall be sodded or paved prior to ~~release of surety if required by the County~~ **Final Plat approval**. Any area susceptible to or designed as overflow by higher design intensity rainfall, as indicated previously, shall be sodded or paved.
- (k) Other Methods. Other methods of retention/detention such as seepage pits, french drains, etc. are subject to approval by the County Engineer **and State and Federal permitting**. If other methods are proposed, the Design Engineer shall submit documentation, including but not limited to soils data, percolation data, geological features, maintenance procedures, etc. for review and consideration.
- (l) Verification of Adequacy. Analysis of all elements of design is always performed by the Design Engineer. The following outline is provided to ascertain that certain critical elements of design are in workable compliance with the aims of design:
1. Proof of adequacy of volume of retention for each drainage basin
  2. Tributary (Q) peak runoff to basin



3. Balanced maximum outflow rate from the low-flow structure
4. Ratios of inflow to outflow
5. Sizing of the overflow facilities
6. Stability of dikes
7. Safety features
8. Maintenance features
9. Routing calculations in legible tabulated form
10. Pre-development, Post-development, and Post-development with detention intensity/duration graphic shall be submitted to illustrate compliance. See Figure 5.3.
11. Projects involving complexity of design may require more documented verification.

Calculations shall be submitted that demonstrate adequacy of system for a 2-, 5-, 10-, 25-, 50- & 100-year storm event. Features of stability and safety may also need to be documented if the scope of the project requires special attention in this area of design.

(m) Control Structures. Retention/detention facilities shall be provided with obvious and effective control structures. Plan view and sections of the structure with details shall be included in plans. In no case shall the discharge from a drainage basin exceed the hydraulic capabilities of the downstream drainage structures and facilities. Care should be taken in evaluating the following items ~~(i-iii)~~ in the design of the outlet control structure.

1. The maximum overflow opening or emergency spillway shall be designed to accept the total peak runoff of the improved tributary area during the base flood.
2. Proper engineering judgment shall be exercised in analysis of secondary routing of discharge of greater intensity than the basic design storm to avoid economic losses or damage downstream. Review of the maximum probable precipitation event is recommended.
3. When existing downstream pipe sizing, outside the Developer's control jurisdiction, is inadequate, an evaluation for undersizing of pipes may be performed by the Developer and evaluated by the County Engineer. In no case shall the discharge from a drainage basin exceed the hydraulic capabilities of the downstream drainage structures and facilities.

### **~~5.12.3 Stormwater Detention/Retention Plan Sheet Requirements-Management Conveyance Structures~~**

- (a) Inlets shall be provided so that surface water is not carried across any intersection, or for a distance of more than 600 feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, catch basins shall be used to intercept flow at that point. The spread of surface water carried in the gutter shall not exceed ½ of the design

lane width. For storm event criteria, see the *Baldwin County Commission Design Standards for New Road Construction*.

- (b) For storm event criteria for drainageways, drainage systems, bridges and box culverts, see the *Baldwin County Commission Design Standards for New Road Construction*. In all cases the Design Engineer must analyze the backwater that is produced and verify that no upstream property is being flooded or otherwise adversely affected.
- (c) Where the proposed subdivision has open ditches, a maximum of 3:1 side slopes and flat bottom ditch is required. V-bottom ditches or other special designs will be permitted in special cases as approved by the County Engineer or designee. Calculations shall show the volume and velocity for each different ditch section. Ditch lining shall be designed based on the stormwater velocity calculations. The longitudinal grade shall not be less than 0.3%.

Where proposed lots will gain access across an existing or a proposed roadside ditch, calculations shall be submitted that show the required size of future driveway culverts. These culvert sizes must be shown on the Final Plat.

- (d) The method of determining stormwater runoff shall be as follows: **for drainage basins less than 20 acres**, the Engineer shall use the Rational Method for determining sizing of stormwater facilities, inlet spacing, roadway spread, and the sizing of opened and closed pipe network and collection basins. ~~The Kirpich Equation shall be the only method which may be used to determine the time of concentration. For areas greater than 200 acres~~ **For drainage basins 20 acres or greater**, the Engineer may use Regression Equations (rural or urban) or SCS Method only.
- (e) Calculations shall include a scale map of the off-site and on-site drainage areas; and the slope, type, size, flow, velocity, and the headwater and tailwater elevations for each pipe and structure.
- (f) *Headwalls and Riprap*. A minimum 3:1 concrete sloped paved headwall shall be required on all pipe culverts; 4:1 concrete sloped paved headwalls are required on pipe culverts that are parallel to traffic flow. Special types of headwalls, riprap, and other materials may be required by the County Engineer or designee when deemed necessary for erosion control, protection of existing downstream drainage facilities, and roadside safety. All headwalls and riprap installed pursuant to these regulations shall comply with the standards imposed by ALDOT ~~the Alabama Department of Transportation~~.
- (g) **When utilizing the Rational Method ( $Q=cia$ ) for small basins (up to 20 acres), recommended values for "c" may be found in the *Alabama Department of Transportation Hydraulics Manual*; rainfall intensity, "i", for a design storm derived from the time of concentration ( $t_c$ ) can be obtained from the Intensity Duration-Frequency curve for Mobile produced by the National Weather Service: time of concentration ( $t_c$ ) shall be calculated as specified in the *Alabama Department of Transportation Hydraulic Manual*.**

#### **5.12.4 ~~Maintenance~~ 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;~~ Show the existing one (1) foot contours of the subject property and all adjacent rights-of-way;
- (d) Show the location of all existing drainage structures within one hundred (100) feet of proposed development;
- (e) Show the proposed flow direction of all stormwater;
- (f) Show the proposed location of a stormwater management facilities and proposed LID techniques;
- (g) Detail the stormwater facility's pre-construction and post construction development calculations and stormwater facility sizing;
- (h) Show design Q at each outfall structure;
- (i) Show FEMA flood zones;
- (j) Show all wetlands and label as jurisdictional and non-jurisdictional.
- (k) Show or detail any additional information the County Engineer deems necessary to review the application.

#### **5.12.5 Stormwater Management Construction Plan Requirements**

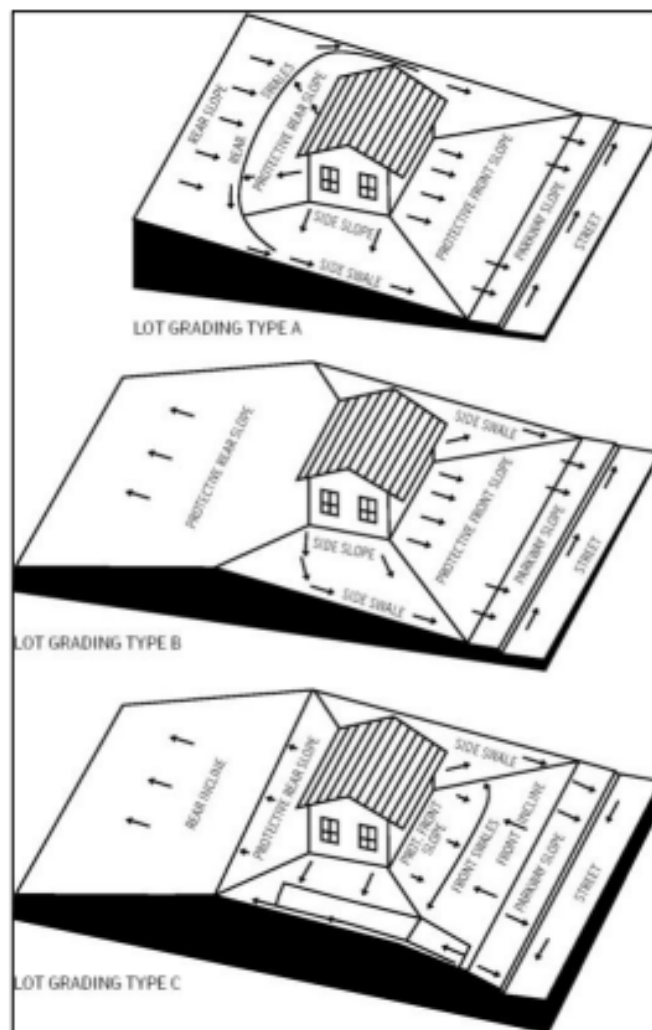
The Design Engineer shall submit detailed drainage plans and calculations to the County for review and approval. Said plans and calculations shall be prepared, signed and sealed by a Professional Engineer licensed in the State of Alabama and shall contain the following information:

- (a) ~~Topography map of the proposed retention/detention facility area(s)~~ Topographic map of proposed developed areas showing existing and proposed contours at 1-foot intervals of the entire property and full width of all adjacent rights-of-way. Topographic information shall be based on the NAVD 88 datum. Elevations must be field verified. Greater intervals may be allowed, if approved by the County Engineer or designee;

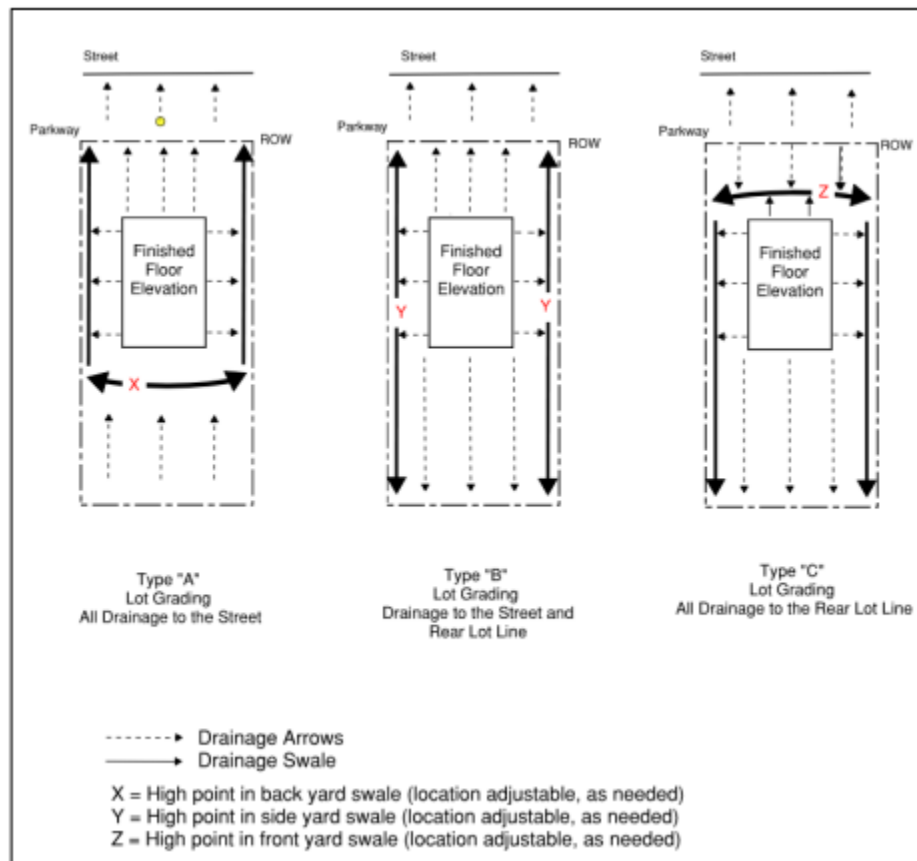
- (b) Existing drainage system, including, but not limited to pipes, culverts, inlets, ditches, and ponds;
- (c) ~~All proposed pipes, control structures, headwalls, riprap, junction boxes, including location, size, and flow line elevations~~ Proposed drainage ~~system~~ facilities, structures, and conveyances, including pipes, culverts, junction boxes, inlets, ditches, retention/detention facilities, and an outline of the on-site drainage areas for each inlet and ditch cross-section. All proposed pipes, culverts, junction boxes and inlets shall be labeled and presented in tabular form on the overall drainage plan, and the plan view of all Plan/Profile sheets;
- (d) Structure location, type, and size of all drainage structures, and the Inlet and Outlet Flowline Elevation;
- (e) Cross-section of each ditch section;
- (f) Detailed drawings of the control structure(s);
- (g) ~~Cross~~ Typical sections of each stormwater facility;
- (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 proposed overall drainage and grading in a plan of subdivision. This plan must show:
  - 1. Directions of stormwater flows within the limits of the development;
  - 2. Existing and/or proposed roadway centerlines and grade elevations;
  - 3. Proposed minimum elevation of the lowest floor;
  - 4. Proposed drainage culvert size and location, if applicable;
  - 5. Swale locations and an indication of the proposed drainage flow directions of the site including outfall locations from the property;
  - 6. Elevations must be based on the NAVD 88 datum;
  - 7. Each lot must be labeled to identify one of the grading types shown in Figure 5.4 and Figure 5.5;

8. Finished floor elevations must be labeled for each lot and note when elevation certificate is required. Finished floor elevations must be a minimum of twelve (12) inches above the finished lot grade as shown in Figure 5.6;
9. For projects 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 minimum lowest floor in AE zones, or the elevation of the proposed lowest horizontal structural member and V zone certification in VE zones;
10. Additional information may be required, such as topographic and wetland information as warranted by specific site conditions and project characteristics;
11. Other pertinent information necessary for review of the drainage plans as may be required by the County Engineer, or designee.

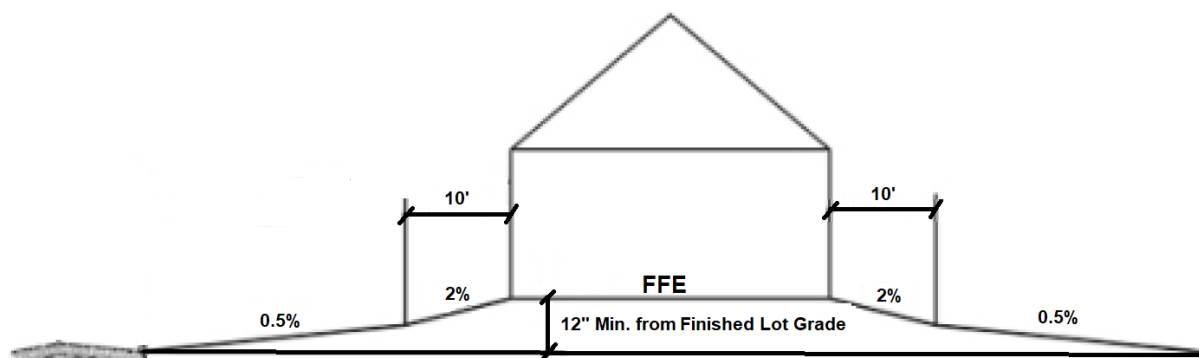
**FIGURE 5.4**



**FIGURE 5.5**



**FIGURE 5.6**



**ELEVATION VIEW**

### **5.12.6 Dedication of Stormwater Management Easements**

- (a) *General Requirements.* Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a stormwater or drainage easement conforming substantially to the lines of such water course, and of such width and construction or both as will be necessary for the purpose as determined by the County Engineer or designee. Easement width must allow for maintenance access.
- (b) *Drainage Easements.*
1. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, common areas with perpetual unobstructed easements at least 20 feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road.
  2. All existing and proposed easements shall be clearly indicated in the plan view of the proposed subdivision as depicted in the application for Preliminary Plat and Final Plat. Such easements will vary in width according to depth of structure.
  3. Where drainage facilities are adjacent to public rights-of-way or public property, no fence, hedgerow or other obstruction may be placed in such a manner as to obstruct access to the drainage facilities from such public right-of-way or public property.
  4. A note shall be added to the Final Plat that specifies the maintenance responsibilities of any drainage easements and common areas. The note shall also include a statement that Baldwin County will not be responsible for maintenance of said common areas or drainage easements.
- (c) *Side and Rear Lot Lines.* A minimum 15-foot (total width) drainage easement along all exterior side and rear lot lines, and a minimum 10-feet on each side along interior side and rear lot lines shall be provided to allow for the proper drainage of stormwater from both rear yards and off-site areas. ~~The required 15-foot easement width on interior lot lines may be achieved by splitting the required width between both sides of an interior line so long as a total width of 15 feet is maintained.~~ Drainage easements should generally be indicated on Preliminary Plats and Final Plats exclusively with a note similar to the following:

#### **DRAINAGE/UTILITY EASEMENTS**

EXTERNAL REAR AND SIDE BOUNDARY LOT LINES: 15 FEET

INTERIOR REAR AND SIDE LOT LINES: ~~7.5~~ 10 FEET

Unless requested by Planning and Zoning Staff for clarity purposes, drainage and utility easement boundary lines generally **should not** be displayed in the plan view on Preliminary Plats and Final Plats.

### 5.12.7 Stormwater Conveyance Construction Requirements

- (a) All pipes shall be placed in excavated trenches to the line and grade shown on the plans.
- (b) All methods and materials used to construct and install all drainage pipes and structures shall adhere to current ALDOT *Specifications and Standard Drawings*. Structures proposed under traffic must be poured in place or precast concrete as per ALDOT Standard Drawings.
- (c) Plastic pipe with less than 24" of cover will require anchor details.
- (d) For cross drain pipes, common driveway culvert pipes, or other stormwater pipes located under the driving surface or curbing, and for all other side drain pipes and pipes located outside of the right-of-way, a junction box suitable for maintenance and inspection access shall be provided at least every 300 feet and at each angle point and at each change in grade. All roadway cross drain pipes and common driveway culvert pipes shall be reinforced concrete and have a minimum size of 18 inches in diameter, or an equivalent arch pipe. Only pipe that meets specifications equaling ALDOT *Specifications or Baldwin County Highway Department Standards* will be acceptable. Pipes outside the travel way may be other ALDOT approved materials.
- (e) Where type "S" inlets are used in conjunction with valley gutters, construction plans must show a smooth and gradual transition from gutter to inlet not less than 60 inches.
- (f) Unless otherwise approved by the County Engineer, all junction boxes shall be poured-in-place concrete or pre-cast concrete as per ALDOT *Standard Drawings*.

### 5.12.8 Maintenance

- (a) ~~Retention/detention~~ Stormwater management facilities, conveyances, and LID features are to be built in conjunction with the storm sewer installation and/or grading. *Since these facilities are intended to control increased runoff, they must be partially or fully operational prior to the clearing of the vegetation and subsequent construction.* Silt and debris connected with early construction shall be removed periodically from the retention/detention area and control structure to maintain design storage capacity.
- (b) Responsibility for maintenance of the ~~retention/detention~~ stormwater management facilities, conveyances, and other drainage structures within designated drainage easements shall remain with the Developer until such time as responsibility is transferred to a property/homeowners association. The Developer (and after the transfer or responsibility, the Property Owners Association) shall keep such stormwater ~~retention/detention~~ facilities free of silt, debris, undergrowth and any vegetation which would interfere with the proper function thereof. The association shall clearly and explicitly accept responsibility for maintenance. These maintenance requirements do not imply that any drainage structures or systems are, or will become, the maintenance responsibility of Baldwin County Commission. ~~This section moved A letter from the~~



~~owner/developer indicating 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' /home owners' association shall be submitted with the Final Plat submittal.~~

- (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:

1. The approved as-built drainage plan;
2. 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 Association
3. 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.
  - (i) 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.
  - (ii) The first inspection report is due December 31 of the third year after construction has been completed.
  - (iii) Inspection reports are then due by December 31 of every fifth year following submittal of the first report.
  - (iv) The Planning Director or 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.

## **Section 5.13 Construction Best Management Practices Plan (CBMPP) ~~Erosion and Sedimentation~~**

### **5.13.1 General**

During construction accelerated erosion may occur during storm water runoff with a proportionate increase in visible erosion, scour and siltation both within and outside of the construction site. The following provisions ~~impose~~ include requirements on persons engaged in land disturbing activities which require planning and implementation of effective sedimentation controls for subdivision development sites.

### **5.13.2 Periodic Inspections and Maintenance General Requirements**

#### **(a) Construction Best Management Practices Plan**

The Design Engineer or Qualified Credentialed Professional (QCP) shall submit an ADEM-approved Construction Best Management Practices Plan (CBMPP). 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 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.

- 1. 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 CBMPP 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 current *Alabama Handbook*.**
- 2. Design Criteria.** All best management practices including but not limited to erosion and sediment control measures, concrete washout, trash, etc. during and after construction 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.
- 3. Protection of Stormwater Structures.** The Permittee shall provide the necessary measures to ensure that drainage structures important to overall stormwater management and control are not adversely affected by clearing, grading, or any other land disturbing activities and shall permanently stabilize with solid sod any rights-of-way disturbed during construction.
- 4. Site Stabilization.** All drainage swales, detention and retention ponds, ditches, or similar stormwater conveyances shall receive solid sod and shall be fully established and stabilized before Final Plat approval. On wet ponds, sod should be placed on the slope to the water level. On dry ponds, sod will be placed on the entire slope. An established solid stand of permanent vegetation may be accepted in lieu of solid sod if it is documented that fully established permanent vegetation and stabilization has been achieved. Disturbed 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.

- (b) *ADEM NPDES General Permit.* Land disturbance that results in a total land disturbance of one (1) acre or greater shall have permit coverage under the ADEM NPDES Construction General Permit prior to the issuance of the Subdivision Construction Permit.
- (c) *Protection of Property.* Persons engaged in land-disturbing activities shall take all measures to protect all public and private property, including roadways, from damage by such activities.
- (d) *More Restrictive Rules Shall Apply.* Whenever there is a conflict between Federal, State, or local laws, ordinances, rules and regulations, orders, and decrees the more restrictive provision shall apply.

### **5.13.3 Periodic Inspections and Maintenance**

- (a) *Notification.* The Applicant shall notify the County Engineer or designee as soon as the initial BMPs have been installed so that an inspection of the BMPs can be made. Such inspection shall be made within two (2) working days of said notice. No land disturbing activities, except those necessary to install the BMPs shall take place until after the inspection is completed and approved.
- (b) *Inspection.* The Permittee shall ensure proper implementation, daily observation, regular inspection, and continual maintenance of effective Best Management Practices to prevent offsite impacts and impacts to downstream water quality.

The County may perform periodic inspections of the BMPs on the job site. Upon finding that erosion and sedimentation is taking place; or that the proposed BMPs are not installed, installed incorrectly, or not operating properly, the Applicant will be notified verbally and in writing that all work affecting the BMPs in question shall be suspended until functioning BMPs are installed. ADEM monitoring reports may be requested by the County Engineer from time to time.

- (c) *Responsibility for maintenance.* ~~The person engaged in or conducting the land-disturbing activity~~ The Permittee shall be responsible for maintaining all temporary and permanent best management practices ~~erosion and sedimentation measures and facilities~~ during the development of the site. ~~The responsibility for maintaining all permanent erosion and sedimentation control measures and facilities after site development is completed shall lie with the landowner, until such time vegetative cover and site stabilization is achieved. Maintenance of these facilities lies with the landowner until assumed by other parties.~~

In the event the Best Management Practices are found to be in need of maintenance or improvements, the Permittee shall commence and implement all necessary

maintenance and corrective measures to the Best Management Practices within forty-eight (48) hours of notice unless prevented by unsafe weather conditions.

- (d) *Non-compliance.* Any permitted site that has continued compliance and/or offsite impacts issues (more than three CBMPP compliance violations within a 60-day period) may be issued a Stop Work Order per *Section 13.5.1*, ceasing all activity except BMP installation and maintenance. At that time the Permittee may be required to submit an updated CBMP Plan prepared by a Qualified Credentialed Professional.

#### **Section 5.14 ~~Special Requirements for Nonresidential Subdivisions Construction Requirements~~**

~~In addition to the principles and standards in these Regulations which are applicable to the planning of all subdivisions, the Applicant shall demonstrate to the satisfaction of the Baldwin County Planning and Zoning Commission and the County Engineer that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:~~

- ~~(a) Proposed nonresidential street layout, blocks, and parcels shall be suitable, in area and dimensions, for the types of development anticipated.~~
- ~~(b) Streets carrying nonresidential traffic, especially truck traffic, shall not be extended to the boundaries of adjacent existing or potential residential areas, nor connected to streets intended for predominantly residential traffic, but shall be connected insofar as is possible to expressways, arterial, or collector streets in such a way that the number of intersections with such expressways, arterial, or collectors shall be minimized.~~
- ~~(c) Street rights-of-way and pavement shall be in accordance with *the Baldwin County Design Standards for New Road Construction*, to accommodate the type and volume of traffic anticipated to be generated thereon.~~
- ~~(d) The Applicant shall ensure that the nonresidential subdivision be self-sufficient with regard to providing necessary off-street parking. The Applicant may make parking self-sufficiency a requirement of individual lots.~~
- ~~(e) With respect to physical improvements, special requirements may be imposed by the Baldwin County Planning and Zoning Commission with the advice of the County Engineer, or his/her designee, within the nonresidential subdivision.~~
- ~~(f) Every effort shall be made to protect adjacent residential areas from potential nuisances from nonresidential subdivisions, including the provision of extra depth in parcels backing up on existing or potential residential developments and provision for a permanently landscaped buffer strip when.~~
- ~~(g) Nonresidential subdivisions shall adhere to *Section 5.11 Drainage Systems*, *Section 5.12 Stormwater Detention/Retention Management* and *Section 5.13 Construction Best*~~

~~Management Practices. The Applicant may make drainage self-sufficiency a requirement of individual lots.~~

Construction of all roads and bridges shall meet the following minimum requirements and conform to the current ALDOT *Standard Specifications for Highway Construction*. Best Management Practices for erosion control shall be used throughout construction and development. The Developer shall be responsible for all erosion control in accordance with ADEM regulations and for securing any permits required by ADEM.

**A Subdivision Permit is required from the County Engineer before the site may be cleared or the construction of any improvements can begin.**

- (a) Pre-Construction Conference: It shall be the duty and responsibility of the Developer or Contractor to schedule and coordinate a Pre-Construction Conference with all involved parties prior to the beginning of construction. Once this conference has taken place and all requirements have been met, the County Engineer or designee will issue the Subdivision Permit and construction may begin. All Contractors must be properly licensed in the State of Alabama. A copy of the current Alabama General Contractor's License of the prime contractor shall be provided to the Baldwin County Engineer or designee at the Pre-Construction Conference.
- (b) Notification of Work: It shall be the duty and responsibility of the Developer or Contractor to give written notice to the County Engineer or designee, one working day prior to starting any phase of construction. The Developer or Contractor shall notify the County Engineer or authorized agent in writing the day work is resumed after a delay of more than five (5) working days. This includes all phases of construction, clearing, grading, drainage, gutters, inlets, base, surfacing, and any work that pertains to the street, road or development. After all BMPs have been installed and/or constructed, but before any other construction takes place, the Contractor shall notify the County Engineer to inspect the required BMPs in accordance with *Section 5.13.2(a)* of these regulations.

**FAILURE TO PROVIDE PROPER NOTIFICATION AS SPECIFIED SHALL BE GROUNDS FOR NON-ACCEPTANCE OF ROADWAYS BY THE BALDWIN COUNTY COMMISSION.**

- (c) Testing: All testing shall be conducted using the services of a qualified Geotechnical Engineer preapproved by the County Engineer. The tests normally consist of, but are not limited to:
  - 1. Soil Gradation;
  - 2. Optimum Moisture Content tests on embankment, subgrade, and base material;
  - 3. Soil Compaction Test on subgrade and base material;
  - 4. In-place asphalt density analysis of road building materials;
  - 5. 28-day compressive strength of concrete;

6. Hydro-static test of water and pressurized sewer system as required by utility provider;
7. Air test of gravity sewer line as required by utility provider.
8. For bridge testing, see *Appendix 3*.
9. Video inspection of stormwater system. Submit time/date-stamped video of all storm drains, piping, and structures to ensure drainage structures are undamaged and free of debris and sediment.

The Developer shall notify the County Engineer or designee, twenty-four (24) hours prior to any required tests. Copies of all test reports are to be provided to the County Engineer before additional construction occurs. In the event problems exist that require remedial actions or design, the Developer shall be required to submit revised engineering plans to the County Engineer before construction will be allowed to proceed.

- (d) Clearing and Grubbing: All rights-of-way shall be cleared of all vegetation, trees (unless approved to remain), stumps, rocks and other objectionable or unsuitable material prior to grading or filling unless otherwise approved, in writing, by the County Engineer or designee.
- (e) Embankment Sections: The County Engineer will have the right to approve all borrow sources. However, this does not relieve the Developer from full responsibility for the quality of material used. Roadway fill or embankment of earth material shall be placed in uniform layers, full width, and not exceeding six-inch thickness (loose measurement). Each layer shall be compacted so that a uniform specified density is obtained. Compaction tests shall be run at the frequency and location as directed by the County Engineer or designee. Additional layers of fill shall not be added until directed by the County Engineer. For all density requirements refer to the current *ALDOT Standard Specifications for Highway Construction*.
- (f) Subgrade: Auger borings shall be done every 300 feet measured along the centerline of roadway with a minimum of one auger per roadway. Hand auger will be acceptable. The subgrade shall be compacted and properly shaped prior to the placing of base material. Roadbed processing shall be performed in accordance with *Section 230* of the current *ALDOT Standards Specifications for Highway Construction*. The subgrade shall be full width and extend twelve (12) inches outside of base. The subgrade shall be proof rolled, under the supervision of the County Engineer or designee, with a fully loaded (minimum 20 cy) tandem axle dump truck to check for soft or yielding areas. Any unsuitable material shall be removed and replaced with a suitable material compacted to required density.
- (g) Base: Base course shall meet the requirements according to the current *ALDOT Standard Specifications for Highway Construction*. Base course shall have a minimum thickness as required by the *Baldwin County Design Standards for New Road Construction* and shall extend twelve (12) inches outside of curb sections or twenty-four (24) inches from the

edge of asphalt, whichever is greater. The density requirements for compaction shall be in accordance with the current ALDOT *Standard Specifications for Highway Construction*. The Developer/Engineer may submit an alternate base design method for approval by the County Engineer. Design shall be based on a proven and accepted engineering test or method for the site conditions that exist.

(h) Roadway Pavement: All roads and/or streets shall be paved and comply with the following:

1. All roads shall be improved according to the standards outlined in the *Baldwin County Design Standards for New Road Construction*.
2. Prior to the placement of pavement, a bituminous treatment A (prime) shall be placed and inspected by the County Engineer or designee.
3. The finished wearing surface shall be uniform and free of defects. The County Engineer or designee may require additional density tests in areas that appear questionable.

#### **Section 5.15 Project Close-out Procedure ~~Construction Requirements~~**

##### **Procedure for requesting a final inspection**

- (a) All improvements shall be installed and the site fully stabilized with permanent vegetation as required by Sections 5.12 and 5.13.
- (b) The Planning and Zoning Department will schedule a final walkthrough, and a Municipal planning jurisdiction representative will participate if applicable. A *No Deficiency Letter* shall be issued by the Planning and Zoning Department within fourteen (14) days of a satisfactory final walkthrough in which no outstanding deficiencies are found. Once the site has obtained a *No Deficiency Letter* from the Planning and Zoning Department regarding the *Subdivision Regulations* and *Zoning Ordinance* (where applicable), the Applicant may submit a Final Plat Application.

#### **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 density requirements:

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 5.5.7* in regard to existing roadways. ~~To ensure that adjacent roads are adequate for the proposed development, A plan sheet showing the asphalt width and turning radii of the roadway and nearest intersections utilized for access to the RV park must be submitted. The plan sheet must include turning movements for the design vehicle that will be accessing the RV park.~~

A traffic study shall be performed in accordance with *Section 5.5.14* of these regulations for (a) developments containing 50 or more sites/units, (b) phases that increase the overall number of sites/units to 50 or more, or (c) as required by the County Engineer. Approval of a recreation vehicle park without the required traffic study shall not be granted unless a variance has been approved by the Planning Commission.

(c) *Internal Roadways*. The internal roadways for RV parks and campgrounds shall be built by the Developer and shall provide safe travel for the residents and emergency responders. The internal roadways must be a minimum of 24 feet wide for two-way streets and 20 feet wide for one-way streets.

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 **per acre** 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 shall be placed underground.**
- (f) *Setbacks and spacing.* 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 **and spacing**:
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.**
  4. Refer to *Section 5.4 (h)* of these regulations for Highway Construction Setback requirements.
- (g) *Minimum Lot Size.* The minimum lot size for RV parks and campgrounds shall be three (3) acres.
- (h) *Design Requirements for Recreational Vehicle Site*
1. Parking

- (i) Each recreational vehicle site shall have off-street parking for at least one recreational vehicle and one standard passenger vehicle.
- (ii) Additional parking spaces shall be provided throughout the RV park to accommodate employee and guest parking. The number of additional parking spaces shall equal 0.25 spaces per recreational vehicle site rounded up to the nearest whole number. The minimum dimension of an off-street parking space is 9' x 19'.

2. Each recreational vehicle site must be a minimum of 1,600 square feet in area.

3. Each recreational vehicle site shall abut on at least one (1) street within the boundaries of the recreational vehicle park, and access to the site shall be only from such internal street.

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

(j) *Open space and landscape requirements.* Open space requirements in *Section 6.1* and landscape buffer requirements in *Section 6.2* shall apply to all developments under this section, regardless of the number of sites. In zoned planning districts, the width of road and perimeter landscape buffers will comply with the *Zoning Ordinance*.

(k) *Manufactured Homes.* Except where approved or legally existing prior to May 15, 2018, in the unzoned portions of Baldwin County, a recreational vehicle park approved under the provisions of *Article 9* shall not include sites for use by standard manufactured homes or park model homes.

## **Section 5.17 Special Requirements for Apartments/Condominiums/**Duplexes**/Townhomes**

The following standards are applicable to apartments, condominiums, **duplexes**, 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.**

(a) *Density/Units.* Apartments, condominiums, **duplexes**, and townhomes located within zoned districts of the County shall meet the applicable density requirements of the *Zoning Ordinance*. Apartments, condominiums, and townhomes located in unzoned districts shall meet the following requirements in regard to number of units:

1. The maximum number of dwelling units ~~for apartments, condominiums, and townhomes~~ shall be twelve (12) units per acre to allow for adequate unit size, access, open space, and parking.
  2. The Applicant shall provide proof that electricity, water, sewer, and fire protection are provided, either with onsite facilities or from a public provider, and are sufficient for the proposed development
- (b) *Access.* Apartments, condominiums, duplexes, and townhomes shall have direct access to a paved County, City, State or Federal highway or roadway. The Applicant shall adhere to *Section 5.5.37* in regard to existing roadways.

A traffic study shall be performed in accordance with *Section 5.5.14* of these regulations for (a) developments containing 50 or more sites/units, (b) phases that increase the overall number of sites/units to 50 or more, or (c) as required by the County Engineer.

- (c) *Internal Roadways.* The internal roadways for apartments, condominiums, duplexes, and townhomes shall be built by the Developer and shall provide safe travel for the residents and emergency responders. The internal roadways shall meet the requirements of the *Baldwin County Commission Design Standards for New Road Construction*.

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.*

- (d) *Parking.* Parking for apartments, condominiums, duplexes, and townhomes shall be provided. Apartments, condominiums, and townhomes located within zoned districts of the County shall meet the applicable parking requirements in the *Zoning Ordinance*. Apartments, condominiums, and townhomes located in unzoned districts shall provide a minimum of one (1) parking space per bedroom, but not fewer than two (2) parking spaces per dwelling unit.
- (e) *Stormwater Management.* Apartments, condominiums, duplexes, and townhomes shall meet the stormwater requirements of the *Baldwin County Subdivision Regulations*.
- (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 with more than two (2) units must be served by sanitary sewer and public water. Powerlines shall be placed underground.

(g) *Setbacks and spacing.* Apartments, condominiums, **duplexes**, 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, **duplexes** and townhomes shall be a minimum of 30 feet front, 30 feet rear, and 10 feet side. **Spacing between buildings shall comply with the current ISO Fire Suppression Rating Schedule based on the available fire flow.**
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 ~~including a minimum of 15 feet of a natural buffer.~~
4. Refer to *Section 5.4 (h)* of these regulations for Highway Construction Setback requirements.

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

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

(j) *Open space and landscape requirements.* **Open space requirements in *Section 6.1* and landscape buffer requirements in *Section 6.2* 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 landscape 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.**

## Section 5.18 Special Requirements for Manufactured Housing Parks

The following standards are applicable to manufactured housing parks 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 the proposed manufactured housing units will 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 5.18*, *Section 5.18* shall govern.

- (a) *Density/Number of Sites/Units*. Manufactured housing parks located within zoned districts of the County shall meet the applicable density requirements in the *Zoning Ordinance*. Manufactured housing parks located in unzoned districts shall meet the following requirements in regard to the number of sites/units:
  - 1. The maximum number of sites/units for manufactured housing parks shall be six (6) sites/units per acre to allow for adequate site/unit size and spacing.
  - 2. The Applicant shall provide proof that electricity, water, sewer, and fire protection are provided, either with onsite facilities or from a public provider, and are sufficient for the proposed development.
- (b) *Access*. Manufactured housing parks shall have direct access to a paved County, City, State or Federal highway or roadway. The Applicant shall adhere to *Section 5.5.37* in regard to existing roadways.

A traffic study shall be performed in accordance with *Section 5.5.14* of these regulations for (a) developments containing 50 or more sites/units, (b) phases that increase the overall number of sites/units to 50 or more, or (c) as required by the County Engineer.
- (c) *Internal Roadways*. The internal roadways for manufactured housing parks shall be built by the Developer and shall provide for safe travel for the residents and emergency responders. The internal roadways shall meet the requirements of the *Baldwin County Commission Design Standards for New Road Construction*.
  - 1. For manufactured housing parks with fewer than 25 sites, the internal roads may be compacted gravel with acceptable containment. For manufactured housing parks with 25 or more sites, the internal roads must be improved with a suitable asphalt or concrete surface approved by the County Engineer.
  - 2. 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.* Manufactured housing parks shall meet the stormwater requirements of the *Baldwin County Subdivision Regulations*.
- (e) *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. **Powerlines shall be placed underground.**
- (f) *Setbacks **and spacing.*** Manufactured housing parks located within zoned districts of the County shall meet the applicable setbacks in the Zoning Ordinance. Manufactured housing parks located in unzoned districts shall meet the following setbacks:
  - 1. A minimum thirty-foot building setback shall be required from any exterior property line ~~or jurisdictional wetland~~ **and be reserved between development phases. In zoned districts of Baldwin County where the required front and rear setbacks exceed 30 feet, the wider setback will be required. No sites, buildings, or other non-stormwater structures shall be constructed within the required thirty-foot setback.**
  - 2. A 30-foot **natural** buffer is required around all jurisdictional wetlands.
  - 3. Structures constructed or located on manufactured housing 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~~ spacing must be increased to comply with the current ISO Fire Suppression Rating Schedule.**
  - 4. Refer to *Section 5.4(h)* of these regulations for Highway Construction Setback requirements.
- (g) *Minimum Lot Size.* The minimum lot size for a manufactured housing park shall be one (1) acre.
- (h) *Parking.* **Each manufactured housing site shall have off-street parking for two vehicles. The minimum dimension of an off-street parking space is 9 ft x 19 ft.**
- (i) *Open space and landscape requirements.* **Open space requirements in Section 6.1 and landscape buffer requirements in Section 6.2 shall apply to all developments under this**

section, regardless of the number of sites. In zoned planning districts, the width of road and perimeter landscape buffers will comply with the *Zoning Ordinance*.

- (j) *Recreational Vehicles*. Except where approved or legally existing prior to May 15, 2018, in the unzoned portions of Baldwin County, manufactured housing parks approved under the provisions of *Article 9* shall not include sites for use by recreational vehicles.

## **Section 5.19 Additional Regulations Applicable in Flood-Prone Areas**

This section is applicable only in flood-prone areas within the County. Flood-prone areas shall include those areas within the boundaries of the Flood Insurance Rate Map (FIRM) established by FEMA as a Special Flood Hazard Area (100-year flood). The determination of whether a subdivision is subject to this section shall be made based on the map(s) in effect at the time of the submittal of the initial application.

### **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.
- (d) Variances in floodways and flood-prone areas are subject to the provisions of *Section 8.3*. Any plat approving the subdivision of land within a Floodway or Flood-Prone Area shall contain the following statement:

*All or part of the property contained within this subdivision lies in a Floodway or Flood-Prone Area as determined by the Federal Emergency Management Agency's Federal Insurance Rate Map. Purchasers of property within this subdivision are advised that the construction of improvements may be subject to additional insurance requirements and building regulations.*



### **5.19.2 Development in Flood-Prone Areas**

Subdivisions constructed in Flood-Prone Areas shall be subject to the following regulations, which are in addition to other applicable provisions of these regulations:

- (a) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;
- (d) Base flood elevation data shall be provided for subdivision proposals and all other proposed developments, including manufactured housing parks and subdivisions greater than five (5) acres.

Flood-prone areas along existing watercourses shall be preserved and retained in their natural state within a common area or drainage easement, except where improvements are warranted as may be proposed by the Applicant and approved by the Baldwin County Planning Commission.

### **Section 5.20 Permanent Reference Points**

Prior to the approval of the Final Plat, permanent reference points shall have been placed in accordance with the following requirements:

#### **5.20.1 ~~6.1.1~~ Subdivision Corner Tie**

At least one corner of the subdivision shall be designated by course and distance (tie) from an accepted corner of the Government Survey of Baldwin County. The subdivision corner shall be marked with a monument and shall appear on the map with a description of bearings and distance from the Government Survey corner.

#### **5.20.2 ~~6.1.2~~ Monuments**

Concrete monuments must have a capped iron pin or stamped cap identifying the surveyor/firm and must be 4 inches in diameter or 4 inches square and 3 feet long with a flat top and shall be set at a minimum of 2 exterior corners of all subdivisions. The top of the monument shall have an indented mark to identify properly the location and shall be set flush with the finished grade. Elevation based on the NAVD 88 datum shall be established on a permanent benchmark at a minimum of one (1) corner of the said concrete monuments and shall be shown on the Final Plat and construction plans.



#### **5.20.3 ~~6.1.3~~ Property Markers**

All lot corners not marked with a monument shall be marked with an iron pipe or iron pin not less than ½ inch in diameter or in width, and 24 inches long, and driven to be flush with the finished grade. Each marker shall be identified with a durable cap bearing the Alabama Registration Number of the land surveyor in responsible charge or the company Certificate of Authorization Number.

#### **5.20.4 ~~6.1.4~~ Accuracy**

Each and every Final Plat submitted for review shall conform to a level of accuracy in accordance with the current Standards of Practice for Land Surveying in the State of Alabama.

## **Article 6 ~~Installation of Permanent Reference Points~~ Open Space, Landscaping, and Buffers**

### **Section 6.1 Reservation of Land for Public Purposes Open Space**

~~The Planning Director, County Engineer, or their designee may require that the Applicant reserve open spaces for schools, fire stations, rights-of-way, or any other use the Planning Commission deems essential to the welfare of the community.~~

#### **6.1.1 Open Space General Requirements**

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

- (a) All new developments, or new phases of existing developments that have not received Preliminary Plat approval, that meet the following requirements shall provide open space consistent with these regulations: a total of twenty-five (25) or more lots/units, and lot/unit sizes of 30,000 SF or less.
- (b) ~~For developments having fewer 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. All~~ planned unit developments under *Article 9, Section 5.16, Section 5.17, or Section 5.18* of these regulations shall meet the open space requirements, regardless of the number of sites/units.

#### **6.1.2 Area and Use Requirements**

##### **(a) Calculating open space**

- 1. Subdivisions. Subdivisions meeting the requirements specified in Section 6.1.1(a) shall set aside open space according to the formula below. 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 (See *Section 6.1.3*).

- TOTAL open space = 1,000 SF per lot
- USABLE open space (a portion of the total open space above)
  - For lots 15,000 square feet or smaller, set aside 600 square feet per lot
  - For lots 15,001 - 30,000 square feet, set aside 400 square feet per lot

EXAMPLE: A 120-lot subdivision has 60 lots that are 15,000 SF or smaller, and 50 lots between 15,001 and 30,000 square feet.

120 lots x 1,000 = 120,000 SF Total Open Space

(60 lots x 600 = 36,000 SF) + (50 lots x 400 = 20,000 SF) = 56,000 SF of the 120,000 SF Total Open Space shall be usable

2. **Planned Unit Developments.** Planned Unit Developments (PUDs) shall provide a minimum of twenty (20) percent of the gross land area of the development as open space. A minimum of fifty percent (50%) of required open space must be usable and accessible for passive or active recreation purposes such as parks, recreational facilities, and/or pedestrian ways. Areas where LID techniques are being utilized will NOT be counted toward the required Open Space within planned developments. 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 (See *Section 6.1.3*).

(b) *Use and division.* Designated open spaces shall not be converted to another use without the prior approval of the Baldwin County Planning Commission and all property owners within the development or, where applicable, the Property Owners Association. If it is determined to be beneficial to residents of the development, the Planning Commission may approve the division of required open space into more than one site.

### **6.1.3 Ownership and Maintenance**

(a) *Ownership.* Open space shall be held in common ownership or by a Property Owners Association that shall assume full responsibility for its maintenance and prevent its development and subsequent use for purposes other than open space.

(b) *Conservation.* Any open space set aside for conservation shall be subjected to deed restrictions or a conservation easement granted to a qualified land trust, conservation organization, or government agency. Such conservation easement shall be in legal form satisfactory to the County Attorney.

(c) *Maintenance plan.* For all developments proposing the creation of common open spaces or facilities, the Applicant shall submit a Maintenance and Operation (O&M) Plan that:

1. Establishes the common ownership or Property Owners Association, and explains ownership and membership requirements;
2. Establishes Articles of Incorporation and bylaws;
3. Lists items owned in common including but not limited to roads, recreation facilities, parking, open space, stormwater management facilities, and utilities;
4. Allocates responsibility and provides guidelines for the maintenance and operation of the common open space and facilities, including provisions for ongoing maintenance and for long-term capital improvements;

5. Specifies the time at which the Developer will turn responsibility over to the Owners or Property Owners Association;
6. Provides that any changes to the plan be approved by the Planning Director or designee;
7. Provides for enforcement of the plan.

(d) *Compliance.* Open spaces are subject to code enforcement activities (*Section 13*)

#### **6.1.4 Design Requirements**

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



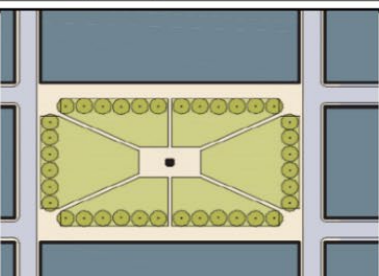
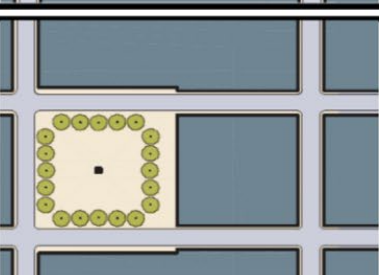

1. Shall provide centrally located community gathering areas and play spaces that are integral to the livability of the development;
2. Be of appropriate size as illustrated in Figure 6.1 to accommodate active and passive recreational activities;
3. Be accessible to all lots or units within the development. Lots or units should face or be adjacent to open space. Non-adjointing lots or units shall be provided with safe and convenient pedestrian access to open space;

(b) *Types of Open Space*

1. *Usable Open Space.* A portion of the total open space as calculated in Section 6.1.2 shall be usable and accessible for passive or active recreation purposes such as parks, recreational facilities, or pedestrian ways as illustrated in Figure 6.1.
2. The following will be counted as open space, but NOT usable: highway construction setbacks, landscape buffers, jurisdictional wetlands, and natural wetland buffers.
3. The following will NOT be counted as open space: internal street rights-of-way, driveways, off-street parking areas, off-street loading areas, or other impervious surfaces that are not designed for recreational use
4. Land utilized for drainage and stormwater management shall NOT be counted as open space unless the stormwater management area is a wet pond and contains amenities such as walking paths that will safely activate the area. Areas where LID stormwater management techniques meeting the standards of Section 5.11.3 are utilized will count as open space, but not usable open space.

(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.

**FIGURE 6.1**

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

## **Section 6.2 Landscaping and Buffers**

These regulations establish minimum standards for the provision, protection, installation, and maintenance of landscape plantings.

### **6.2.1 General Requirements**

- (a) All new developments, or new phases of existing developments that have not received Preliminary Plat approval, that meet the following requirements shall provide landscaping consistent with these regulations: a total of fifty (50) or more lots/units, and lot sizes of 30,000 SF or less.
- (b) All developments under *Article 9, Section 5.16, Section 5.17, and Section 5.18* of these regulations shall meet the landscaping requirements, regardless of the number of sites/units.

### **6.2.2 Types of Required Landscaping and Buffers**

#### **(a) Landscaping requirements for Subdivisions**

- 1. *Road and adjacent parcel landscape buffers.* A minimum ten (10) foot wide landscape buffer shall be provided between the subdivision and adjacent roads and parcels. In zoned planning districts, the width of road and adjacent parcel buffers will comply with the *Zoning Ordinance*. Where subdivision lots front on adjacent roads rather than internal subdivision streets, road buffers are not required.
  - (i) Landscape buffers shall be planted in common areas and outside any public rights-of-way.
  - (ii) *Landscape buffers* shall extend the full length of the subdivision along the adjacent roads and parcels.
- 2. *Lakes and stormwater ponds.* Lakes and stormwater ponds shall be landscaped with three (3) canopy or understory trees per one hundred (100) feet around the perimeter of the lake or stormwater pond 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.

#### **(b) Landscaping requirements for Planned Unit Developments:**

- 1. *Road landscape buffers.* A minimum ten (10) foot wide landscape buffer shall be provided between the development and adjacent roads.
  - (i) Landscape buffers shall be provided in common areas and outside of any public rights-of-way.

- (ii) Landscape buffers shall extend the full length of the development along the adjacent roads.
- 2. **Adjacent parcel buffers.** A minimum ten (10) foot wide landscape buffer shall be provided between the development and adjoining properties.
  - (i) Landscape buffers shall be provided in common areas and outside of any public rights-of-way.
  - (ii) Landscape buffers shall extend the full length of the development along the adjacent properties.
- 3. **Lakes and stormwater ponds.** Lakes and stormwater ponds shall be landscaped with three (3) trees per one hundred (100) feet around the perimeter of the lake or stormwater pond 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.

### **6.2.3 Design and Materials**

#### **(a) Definitions**

1. **Canopy/Overstory Trees.** A canopy tree species has an average mature crown spread of fifteen (15) feet or greater when growing in Baldwin County and a trunk(s) that at maturity can be maintained in a clean condition, clear of lateral woody growth between existing grade and a height of eight (8) feet.
  - (i) At planting, canopy tree species shall be a minimum height of eight (8) feet with a minimum two (2) inch diameter (caliper).
  - (ii) Trees having an average mature crown spread of less than fifteen (15) feet may be grouped to create the equivalent of a fifteen (15) foot crown spread.
  - (iii) A grouping of three (3) large growing palms will be equivalent to one (1) required canopy tree. All trees shall be located no closer than three (3) feet from the edge of any designated planting area.
2. **Understory trees.** An understory tree species shall be a minimum height of four (4) feet with a minimum one (1) inch diameter (caliper) at planting.
3. **Shrubs.** A shrub is any self-supporting woody evergreen or flowering species generally growing or maintained at a height of five (5) feet or less. At planting, shrubs shall be a minimum of twenty-four (24) inches in height and planted a maximum of thirty-six (36) inches on center.

(b) Plant and Structure Location

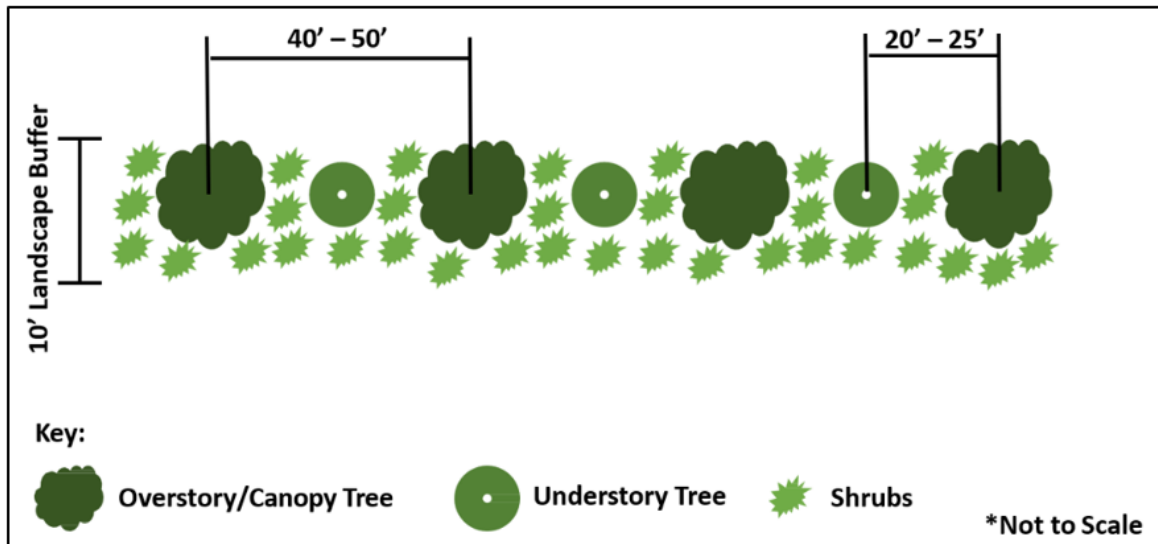
1. Required plantings should generally be in an irregular line and spaced at random intervals to achieve maximum growth for each plant and tree species.
2. To avoid powerline conflicts, vegetation that exceeds a height of twenty-five (25) feet at maturity shall not be within thirty (30) feet of the vertical plane of an existing powerline.
3. Buffers should be planted in accordance with one of the following standards:
  - (i) A minimum of one canopy or understory tree and multiple shrubs for every 25 linear feet (See *Figure 6.2*). Multiple alternating rows of plantings may be necessary to achieve the required buffer width (See *Figure 6.3*); or,
  - (ii) Preserve existing vegetation where native or non-invasive exotic species of varying heights provide the desired buffer protection. Additional plantings may be required to enhance the natural vegetation; or,
  - (iii) Staggered rows of evergreen plantings that will grow into a nearly impervious visual barrier within three years;
  - (iv) Additional plantings and/or buffer width may be required at the discretion of the Planning Commission to address site-specific buffering needs.

(c) Use of Landscape Buffers

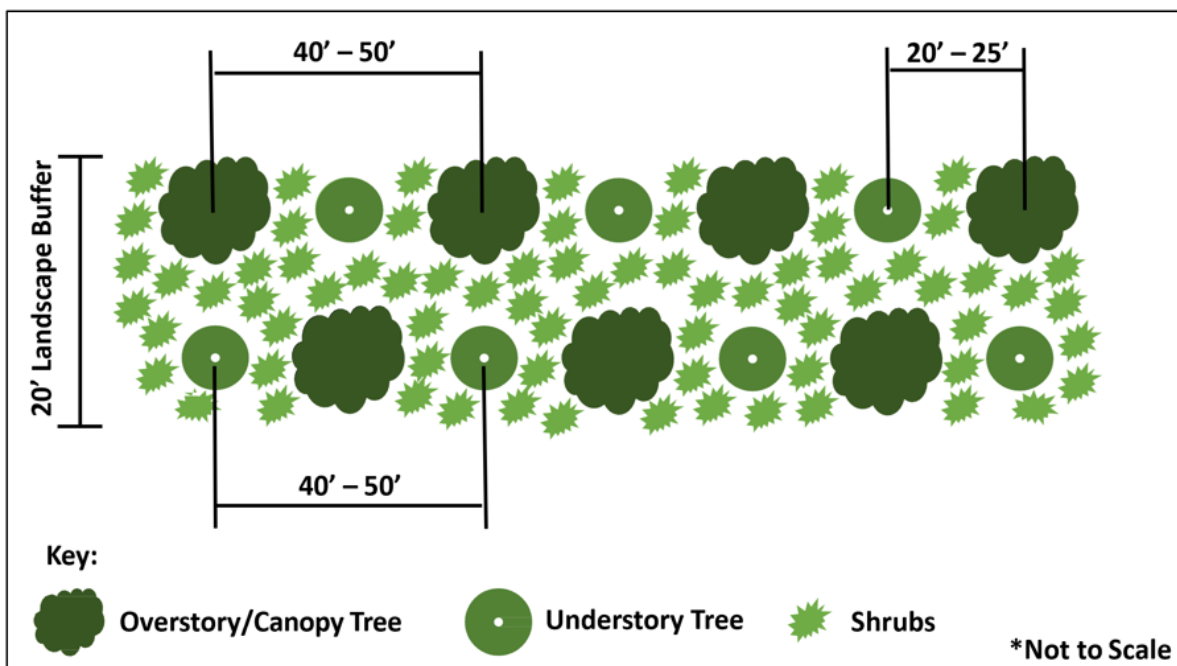
1. The following uses shall not be permitted in landscaped buffers:
  - (i) Playfields, stables, swimming pools, tennis courts, parking lots and vehicular use areas, dumpsters, equipment storage and other open storage, buildings or overhangs.
  - (ii) Stormwater retention/detention facilities shall not encroach into landscaped buffers.
2. The following uses are permitted in landscaped buffers:
  - (i) Ingress and egress to the proposed use and utilities may cross the buffer provided they minimize the amount of buffer devoted to this use.
  - (ii) Lighting, fences, walls and identification signs may be located within the required buffer.
  - (iii) Sidewalks, walkways, and paths may be allowed within the required buffer, provided that the width of the buffer is maintained and all other requirements of these regulations are met.



**FIGURE 6.2**



**10 FT LANDSCAPE BUFFER**



**20 FT LANDSCAPE BUFFER**

#### **6.2.4 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 Site Plan 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.

#### **6.2.5 Maintenance and Responsibility**

Landscape buffers shall be the maintenance responsibility of the Owners or Property Owners Association. Dead or dying trees or shrubs shall be replaced as soon as practicable to provide the intended screening and buffering effect. If Planning Commission Staff determines that dead or dying trees or shrubs are present during the 2-year maintenance bond period, the property owner will be notified and the trees or shrubs must be replaced. Prior to the issuance of Final Plat or Site Plan approval, or Certificate of Occupancy (CO) where applicable, the Planning and Zoning Department shall conduct an inspection to ensure buffers are installed as required.

## **Article 7 Completion and Maintenance of Improvements**

### **Section 7.1 Installation of Required Improvements**

The Developer shall be responsible for the construction of all required improvements to the subdivision. This may be accomplished by either the full installation of all required improvements by the Developer at the time the Final Plat is submitted, or by the full installation of all sidewalks as outlined in *Table 5.1* in *Section 5.1.1* and provision of a financial guarantee of performance for all other improvements not completed.

### **Section 7.2 Financial Guarantee of Performance**

If a Developer wishes to record a Final Plat prior to the completion of all required improvements, he/she may request that the Baldwin County Commission accept a financial guarantee of performance for the improvements not completed and approved.

#### ***7.2.1 Subdivision Improvement Surety***

The financial guarantee of performance by the Developer shall be in the form of an acceptable surety and shall meet the following requirements:

- (a) *Acceptance of Surety.* The surety must be reviewed by the County Engineer and Chief Legal Counsel and be accepted and approved by the County Commission.
- (b) *Value of Surety.* The surety shall be of an amount equal to 150 percent of the cost (as estimated by an independent source and approved by the County Engineer or designee) of installing all required improvements, including but not limited to grading, paving of the streets, installation of stormwater structures, installation of all required utilities, and fees encountered during construction of improvements. If a utility provider agrees to accept a surety for required improvements related to its utility, the Baldwin County Commission may reduce the amount of required surety by said amount. A surety must be valid for a period of at least 15 months from the date of acceptance by the County Commission.

#### ***7.2.2 Failure to Complete Work***

If by the expiration date of the approved Preliminary Plat, the Developer has not completed all necessary improvements or if in the opinion of the County Engineer or designee said improvements have not been satisfactorily installed, a recommendation shall be prepared and submitted to the County Commission for approval to take such steps as may be necessary to require performance under the surety. If the construction of all required improvements is not completed by the expiration date of the approved Preliminary Plat, the Developer may request that an extension be granted (see *Section 4.5.4*). This must be done in writing **thirty (30) days** before the expiration date. Before granting an extension, the County Commission may require that the amount of the surety be increased to reflect the current value of the required

improvements. The surety validation period must also be extended for the requested extension time frame.

### ***7.2.3 Release of Guarantee***

Upon inspection and approval by the County Engineer, submittal of certified As-builts and Final Test Reports, and in accordance with these regulations, the County Commission shall authorize the release of the financial guarantee of performance.

### ***Section 7.3 Certification of Improvements***

The Applicant is required to retain the services of a Licensed Engineer to perform regular inspections during the construction process of the required improvements. Upon completion of the improvements the Licensed Engineer and the Applicant shall complete, sign, and submit to the County Engineer a Certification of Improvements form stipulating the following:

- (a) That all required improvements are complete;
- (b) That these improvements are in compliance with the minimum standards specified for their construction;
- (c) That the Applicant knows of no defects from any cause in these improvements; and,
- (d) That these improvements are free and clear of any encumbrance or lien.

### ***Section 7.4 Maintenance of Roadways and Drainage Improvements***

The purpose of this section is to provide a defined methodology for the Baldwin County Commission to accept subdivision roadways and drainage improvements within dedicated public rights-of-way for maintenance once constructed by a subdivision developer and to further protect the interest of the citizens of Baldwin County, and to identify the parties responsible for maintenance of developments with rights-of-way that are to remain private. For subdivision developments containing dedicated public rights-of-way, Baldwin County will require a maintenance surety document to warrant the materials and workmanship of said required roadway and drainage improvements by the Owner, Developer and/or Contractor for a period of twenty-four (24) months.

#### ***7.4.1 Submittal Requirements***

The Owner shall submit the following items ~~in order~~ for the County Commission to consider accepting maintenance of roadway and drainage improvements within a subdivision. These items shall not be submitted until after all required improvements have been completed and approved, and before the financial guarantee of performance is released (if applicable) as per Section 7.2.3.

- (a) A completed *Subdivision Roadway and Drainage Improvement Acceptance Agreement* form completed and signed by the Owner, Developer and Contractor and including all necessary Exhibits; or
- (b) For developments with roadway and drainage improvement not dedicated as public, the Developer must complete and submit a *Private Maintenance of Subdivision Roadways and Drainage Improvement* form.

#### **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 ~~within the public rights-of-way~~ including but not limited to grading, paving of the streets, ~~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;
- (c) *Term of Maintenance Surety Document.* A maintenance surety document must state that it is "valid for a period of time" as prescribed in the *Subdivision Roadway and Drainage Improvement Acceptance Agreement*. A twenty-four (24) month warranty period will begin to run upon the occurrence of both of the following (a) the County Commission votes in the affirmative to accept for maintenance the roadway and drainage improvements, within the public rights-of-way; and (b) the maintenance surety document in acceptable form is delivered to the Baldwin County Commission.

Notwithstanding the above requirements, this warranty period shall be automatically extended in the event that an invoice has been sent to the Owner and the time of the subject invoice conflicts with, or the necessary repairs extend beyond, the final date of the twenty-four (24) month warranty period. In such event, said maintenance surety document shall remain in full effect until the Baldwin County Commission releases said surety document following the fulfillment of all obligations to the Baldwin County Commission as required by the *Subdivision Roadway and Drainage Improvement Acceptance Agreement*.

### 7.4.3 Review and Acceptance Procedure Guidelines

- ~~• Prior to submitting the necessary maintenance surety document, the design engineer shall submit the *Itemized Engineer's Cost Estimate* to the County Engineer. The County Engineer will review the *Itemized Engineer's Cost Estimate* and either make comments accordingly or contact the Owner to coordinate receipt of said maintenance surety document and the *Subdivision Roadway and Drainage Improvement Acceptance Agreement*.~~
- (a) Obtain authorization from the Baldwin County Planning and Zoning Department and/or County Engineer, as applicable, to circulate the Final Plat for signatures. Once all signatures are obtained, the Final Plat and all required documents shall be recorded in the Office of the Judge of Probate.
- ~~• Once the said maintenance surety document and the complete *Subdivision Roadway and Drainage Improvement Acceptance Agreement* is received and accepted by the County Engineer, he/she will sign the original plat and copies and return to the Owner for recording.~~
- (b) Once recorded the Owner must ~~return five (5) copies of the recorded plat with~~ submit the Final Plat recording information to the Baldwin County Planning Director.
- ~~• Once recorded the Owner must return five (5) copies of the recorded plat with recording information to the Baldwin County Planning Director.~~
- (c) Submit the complete *Subdivision Roadway and Drainage Improvement Acceptance Agreement* reflecting the Final Plat recording information to the County Engineer or designee and/or Baldwin County Planning and Zoning Department as applicable.
- (d) The County Engineer will then submit a Commission Agenda Item to the County Commission for them to consider accepting maintenance of the roadway and drainage improvements in the public rights-of-way subject to the terms of the *Subdivision Roadway and Drainage Improvement Acceptance Agreement*.
- (e) The County Commission may take action to accept or reject the roadways and drainage improvement for maintenance subject to the terms of the *Subdivision Roadway and Drainage Improvement Acceptance Agreement*.
- (f) If accepted, the Baldwin County Highway Department will begin maintaining the said roadways and drainage improvement within the public rights-of-way.
- (g) These provisions are meant to be minimum guidelines for the Applicant and are in no way meant to restrict the County from making other necessary requirements as the situation may warrant.

#### **7.4.4 Maintenance Procedure**

- (a) If maintenance is necessary as determined by the County Engineer and it is determined that the necessary repairs are urgent, the repairs may be made by the Baldwin County Highway Department or other entity as determined by Baldwin County. ~~T~~~~and the~~ Owner (as identified in the *Subdivision Roadway and Drainage Improvement Acceptance Agreement*) will be sent an itemized invoice of the said repairs and then given the opportunity to immediately reimburse the County Commission for the cost of said repairs. If the said Owner does not reimburse the County Commission for said repairs within thirty (30) days from the date of the invoice, then the County Engineer will take the necessary actions to collect from the surety.
- (b) If maintenance is necessary as determined by the County Engineer and it is determined that the necessary repairs are **not** urgent, the Owner (as identified in the *Subdivision Roadway and Drainage Improvement Acceptance Agreement*) will be sent a notice and given 15 days from the date of receipt of such notice to make the necessary repairs. The Contractor will be required to obtain a License Agreement from the Baldwin County Highway Department, prior to making such repairs. If the said Owner does not make the necessary repairs then said repairs may be made by the Baldwin County Highway Department or other entity as determined by Baldwin County, and the Owner (as identified in the *Subdivision Roadway and Drainage Improvement Acceptance Agreement*) will be sent an itemized invoice of the said repairs and then given the opportunity to immediately reimburse the County Commission for the cost of said repairs. If the said Owner does not reimburse the County Commission for said repairs within 30 days from the date of the invoice, then the County Engineer will take the necessary actions to collect from the surety.

#### **7.4.5 Release of Guarantee**

If the County Engineer considers the roadways and drainage improvements within the subject rights-of-way **to be** in good repair at the end of the twenty-four (24) month warranty period, then the County Engineer will recommend that the Baldwin County Commission release the maintenance surety document.

## Article 8 Variances

### Section 8.1 General

Where it is found that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, the Baldwin County Planning Commission may approve variances to these *Subdivision Regulations* so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations. The variance, if approved, shall be noted on the Final Plat. A variance shall not be approved unless there are findings based upon the evidence presented in each specific case that:

- (a) The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property;
- (b) The conditions upon which the request for a variance is based are unique to the property for which the variance is sought;
- (c) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the Owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;
- (d) The variance will not in any manner vary the provisions of other adopted policies and regulations of the Baldwin County Commission;
- (e) Inconvenience, financial concerns, or self-imposed conditions shall not be considered as a hardship for the purpose of granting the variance.

#### **8.1.1 Variance Requests for “Remnant” Parcels**

Remnant parcels do not exist under the *Subdivision Regulations*. Every resulting parcel of a subdivision is subject to these regulations. However, when a subdivision results in a large outparcel that is greater than 20-acres, the Applicant may submit a variance request which, if granted by the Planning Commission, would allow the outparcel to be excluded from some or all the requirements of the *Subdivision Regulations*. If approved, the following note shall be placed on the portion of the outparcel displayed on the plat.

*“Remnant Parcel - not intended to be included as part of this subdivision. A variance request to exclude the remnant from this subdivision was approved during the \_\_\_/\_\_\_/20\_\_ Planning Commission meeting and thus, the remnant parcel has been excluded from the legal description. This parcel shall be subject to all applicable requirements of the Subdivision Regulations and/or Zoning Ordinance when developed or subdivided in the future.”*



## **Section 8.2 Submission of Variance Requests**

Any Subdivider wishing to obtain a variance from these regulations shall follow the following procedure. No Subdivision Variance Request will be placed on the agenda of the Baldwin County Planning Commission meeting until all the following requirements have been submitted.

An Applicant ~~should~~ ~~may~~ simultaneously submit a variance request with an application for a Preliminary Plat, Exemption Verification, Final Plat, or Site Plan to the Planning Commission. However, the variance shall be heard first, and a denial of the variance shall result in an automatic denial of the proposed subdivision, exemption, or planned development.

### **8.2.1 Application Procedure and Requirements**

The Applicant shall file with the Baldwin County Planning Director (to be acted upon by the Baldwin County Planning Commission) an application for approval of the Subdivision Variance. A complete application shall:

- (a) Be submitted to ~~made on Subdivision Variance forms available at the~~ office of the Baldwin County Planning Director ~~in the currently accepted format~~;
- (b) Be accompanied by the Subdivision Variance application fee according to the current schedule of fees established by the County Commission;
- (c) Be accompanied by a scale drawing in digital format, if the nature of the variance requested is something that can be visibly demonstrated on such drawing;
- (d) Be submitted to the Baldwin County Planning Director by the deadline established in 4.1.1(b) to be placed on a regularly scheduled meeting of the Baldwin County Planning Commission;
- (e) Be accompanied by a written narrative explaining the variance being requested as well as the extraordinary hardships or practical difficulties that exist and how strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal.

### **8.2.2 Subdivision Variance Review**

After the Baldwin County Planning Director or designee has reviewed the Subdivision Variance Request and other information, the Baldwin County Planning Director shall make a recommendation to the Baldwin County Planning Commission whether the Subdivision Variance should be granted. Should the County Engineer or designee determine that the granting of the proposed Subdivision Variance will cause a public safety or road maintenance problem, the Baldwin County Planning Commission shall not grant the request for the Subdivision Variance.

Notice of the recommendation of the Baldwin County Planning Director shall be sent to the Owner or Developer whose name and address appear on the submitted Subdivision Variance application by registered or certified mail at least ten (10) days before the recommendation shall be presented to the Baldwin County Planning Commission for action. A similar notice shall be mailed to the owners of land immediately adjoining the platted land as their names appear upon the plats in the office of the Baldwin County Revenue Commissioner and as their addresses appear in the directory of the County or on the tax records of the County.

### ***8.2.3 Resubmission of Subdivision Variance***

The Baldwin County Planning Commission shall not consider a Subdivision Variance which has been resubmitted for approval after Baldwin County Planning Commission disapproval, for a period of twelve (12) months, unless site conditions have changed, or the Applicant has significantly revised the Subdivision Variance request. Applications for approval of a Subdivision Variance which have been previously disapproved shall be submitted in accordance with *Section 8.2.1: Application Procedure and Requirements*.

### **Section 8.3 Conditions**

In approving variances, the Baldwin County Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives, standards, or requirements of these regulations.

The Baldwin County Planning Commission shall not grant any variance within a Floodway unless the Developer submits a study approved by FEMA and prepared by a licensed professional engineer certifying that no increase in the base flood level would result from the proposed development. Within Floodways and Flood-Prone Areas, variances shall be issued only upon a determination that the relief granted is the minimum necessary considering the flood hazard.

## Article 9 Planned Unit Developments

### Section 9.1 Purpose

The regulations established in this article are intended to provide optional methods of subdividing which are characterized by a unified building and site development program providing for coordinated open space and ~~to provide~~ a mechanism for the development of multi-family (multi-unit) projects in zoned and unzoned areas of unincorporated Baldwin County.

#### 9.1.1 Municipal Planning Jurisdiction

The provisions of this section shall apply to any subdivision, including Planned Unit Developments, lying within the planning jurisdiction of a Municipality unless the Baldwin County Commission has entered into a planning jurisdiction agreement under Alabama Code §11-52-30 providing that the Municipal planning commission shall be responsible for the regulation and enforcement of subdivisions within their planning jurisdiction. If the County, Municipality, and Municipal Planning Commission have properly entered into a planning jurisdiction agreement under §11-52-30, the terms and conditions of the planning jurisdiction agreement shall ~~be governed~~ the applicability of *Article 9* to the proposed subdivision. Copies of planning jurisdiction agreements may be obtained by contacting the Baldwin County Planning and Zoning Department. In the event the proposed subdivision is subject to Municipal subdivision regulations but lies within a planning district that has voted to come under the zoning jurisdiction of the Baldwin County Commission, such proposed subdivision shall comply with the subdivision regulations of the Municipality and the *Zoning Ordinance* of Baldwin County.

### 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 two (2) units is exempt from this provision.

*Unit:* A unit is any leasehold, fee simple, or similar interest in real property, intended for occupancy.

## **Section 9.3 Planned Unit Developments, General**

### **9.3.1 Unified Control**

Until such time as the Final Plat is approved and recorded, the parcel or parcels of land for a Planned Unit Development shall be in unified control and shall be owned or controlled by a single person, corporation, agency, group of individuals, or like organization. The Applicant shall provide the County with the necessary documents to indicate ownership. No application shall be considered until this section is fully complied with. An application must be filed by the Owner or authorized agent of all property included in the project. In the case of multiple ownerships, the approved final development plan shall be binding on all owners and any successors. The Developer shall maintain and provide for unified control of the Planned Unit Development until the project is complete. The entity designated to provide unified control shall ensure that all conditions of development are met. Individual properties may be sold after appropriate approvals have been granted (*see Section 9.5.7*), and the Site Plan and required documents have been recorded to ensure the continuance of the Planned Unit Development as approved. Responsibility for unified control may be assigned to an individual or entity such as a homeowners association which shall provide for the maintenance of any common property and improvements.

### **9.3.2 Development Standards for Planned Unit Developments**

A Planned Unit Development shall meet the minimum development standards specified in *Article 5: Development Standards* except as provided below. In the event of a conflict between the Development Standards for Planned Unit Developments set forth in this *Section 9.3.2* and the Special Requirements for Recreational Vehicle Parks/Campgrounds set forth in *Section 5.16*, the Special Requirements for Apartments/Condominiums/~~Duplexes~~/Townhomes set forth in *Section 5.17* and the Special Requirements for Manufactured Home Parks set forth in *Section 5.18*, the standards set forth in *Sections 5.16, 5.17 and 5.18* shall govern.

- (a) *Development area.* A Planned Unit Development shall have a minimum development area of ~~five (5)~~ **three (3)** contiguous acres.
- (b) *Open space reservation and landscaping.* In addition to the ~~other~~ provisions contained in this article, the open space reservation **and landscaping** requirements ~~in this Article 9 Article 6~~ shall apply to Planned Unit Developments. ~~in the unincorporated areas of Baldwin County which have elected to come within the planning and zoning authority of the Baldwin County Commission:~~

~~following The open space reservation requirements shall apply to Planned Unit Developments. in the unincorporated areas of Baldwin County which have elected to come within the planning and zoning authority of the Baldwin County Commission:~~

~~A minimum of 20% of the gross land area of the Planned Unit Development shall be set aside for permanent open space.~~

~~a. Steep slopes, internal street rights-of-way, driveways, off-street parking areas, and off-street loading areas or similar uses shall not be counted in determining open space.~~

~~b. A minimum of 50% of the required open space must be usable and accessible for passive or active recreation purposes such as parks, recreational facilities, pedestrian ways, and/or for conserving sensitive elements of the environment. The usable open space shall not include steep slopes, streams, ponds, watercourses, jurisdictional wetlands, floodways and/or floodplains.~~

~~1. The required open space shall be owned in common by the residents of the development or a trust, government entity or similar mechanism designed to ensure the perpetual intended use of the open space. Any open space set aside for conservation shall be subjected to a conservation easement granted to a qualified land trust, conservation organization or government agency. Such conservation easement shall be in legal form satisfactory to the County Attorney.~~

(c) *Lot size.* No minimum lot sizes are required so that housing can be clustered or otherwise concentrated or arranged in planned locations on the site to take advantage of its natural features; provided that the design shall not result in an increased density of lots that would otherwise result from a development based on the lot requirements described in *Section 5.4(a)* of these regulations;

(d) *Building Setbacks and Spacing*

1. Individual Lots. An Applicant may request a waiver from the minimum building setbacks outlined in *Table 5.1* in *Section 5.1.1* and in *Section 5.4(h)*. Such waiver to these requirements may be approved to provide for better site design, clustering of units/dwelling, or otherwise to meet the purpose as described in *Section 9.1* above; provided that such reduced setbacks will not threaten, compromise, or create undo health or safety conditions or constitute a hazard to life, property, or natural resources.

2. Multi-family/multi-unit structures. The required setback from the property line or from other buildings shall be 20 feet for up to a building height of 35 feet and shall be increased one (1) foot for each 10 feet of building height in excess of 35 feet. Spacing between buildings **must comply with the current ISO Fire Suppression Rating Schedule.**

(e) In approving a Planned Unit Development, the Baldwin County Planning and Zoning Commission and the Baldwin County Commission may, upon advice and consent of the County Engineer, reduce the pavement width of any streets that would otherwise be

required by the *Subdivision Regulations* and/or may waive the installation of curbs, gutters, and/or sidewalks if it finds that the reduction and/or waiver will:

1. Improve site design;
  2. Protect the natural features of the site;
  3. Maintain harmony with neighboring uses;
  4. Promote the objectives and purpose of the master plan;
  5. Promote the intent and purpose of these regulations.
- (f) An Applicant who desires to reduce the pavement width of streets and/or obtain a waiver of the installation of curbs, gutters, and/or sidewalks as provided in *Section 9.3.2(e)* shall submit a statement of justification for the reduction and/or waiver along with the Site Plan application.

## **Section 9.4 Large Scale Planned Unit Development Procedures**

Large Scale Planned Unit Developments are required to obtain Conceptual Site Plan approval from ~~both~~ the Baldwin County Planning and Zoning Commission and, **for developments in zoned districts**, the Baldwin County Commission. The following procedure must be completed to obtain approval of a Large Scale Planned Unit Development.

### **9.4.1 Conceptual Site Plan Application**

The Applicant shall file an application for approval of a Conceptual Site Plan with the Baldwin County Planning Director. No Conceptual Site Plan application will be considered by the Baldwin County Planning and Zoning Commission or the Baldwin County Commission until all the following requirements have been met.

- (a) ~~Submit the~~ ~~Be made on~~ Conceptual Site Plan ~~application to forms or available at the~~ offices of the Baldwin County Planning Director **in the currently accepted format**;
- (b) Be accompanied by the required application fee according to the current schedule of fees established by the County Commission for the particular category of application;
- (c) Be accompanied by a boundary survey at a suitable scale indicating property lines, topography, existing buildings, water courses, transmission lines, sewer lines, water lines and any public utility easements;
- (d) ~~Be accompanied by one (1) full-size set of black or blue line prints of the proposed a digital file of the proposed Conceptual Site Plan as outlined below, one (1) 11" x 17" copy of said proposed Conceptual Site Plan and seven (7) copies of the overall site plan to send to other agencies, in a suitable format to the Baldwin County Planning Director. The Applicant will be notified if printed copies are required;~~
- (e) Be submitted with a Utility Service Plan as outlined below;
- (f) Be submitted with a Conceptual Written Summary;

- (g) Be submitted to the Baldwin County Planning Director by the deadline established in *4.1.1(b)* to be placed on a regularly scheduled meeting of the Baldwin County Planning and Zoning Commission;
- (h) Be accompanied by a transmittal letter listing all drawings, letters, attachments, and other information submitted for the application; and
- (i) Be accompanied by a traffic study consistent with the requirements of *Section 5.5.14* of these regulations.

#### **9.4.2 Conceptual Site Plan Review**

After review of the Conceptual Site Plan and supporting information, the Baldwin County Planning Director, County Engineer, or their designee shall certify to the Baldwin County Planning and Zoning Commission whether the Site Plan meets the submittal requirements as specified in this article. If it is determined by the Baldwin County Planning Director or County Engineer that the Conceptual Site Plan is deficient in any regard, it will not be considered by the Baldwin County Planning and Zoning Commission. All deficiencies will be detailed and sent along with an accompanying letter to the Applicant stating that the Conceptual Site Plan will not be placed on the Baldwin County Planning and Zoning Commission Agenda until the deficiencies have been corrected.

If the proposed Conceptual Site Plan complies with the requirements of these regulations, it shall be placed on the Baldwin County Planning Commission Agenda and recommended for approval. Should the site plan be determined to be deficient in any regard, **after notice of such deficiencies to the Applicant with an opportunity to cure the same**, the deficiency will be presented to the Baldwin County Planning and Zoning Commission along with a recommendation that the Conceptual Site Plan be disapproved. Notice of the recommendation shall be sent to the Owner or Developer whose name and address appears on the submitted Site Plan by registered or certified mail at least ten (10) days before the recommendation shall be presented to the Baldwin County Planning Commission for action. A similar notice shall be mailed to the owners of land immediately adjoining the property as their names appear upon the plats in the office of the Baldwin County Revenue Commissioner and as their addresses appear in the directory of the County or on the tax records of the County **and to each utility affected thereby**.

If the Conceptual Site Plan is in a zoned district, the Baldwin County Planning Director or designee will prepare a Commission Agenda Item and shall certify to the Baldwin County Commission whether the site plan meets the submittal requirements as specified in this article. The Conceptual Site Plan will be discussed at a Commission Workshop prior to a public hearing and formal consideration by the Baldwin County Commission for action. Notice of the recommendation of the Baldwin County Planning Director, County Engineer, or their designees shall be sent to the Owner or Developer whose name and address appears on the submitted site plan by registered or certified mail at least ten (10) days before the recommendation shall be presented to the Baldwin County Commission for action. A similar notice shall be mailed to

the owners of land immediately adjoining the property as their names appear upon the plats in the office of the Baldwin County Revenue Commissioner and as their addresses appear in the directory of the County or on the tax records of the County ~~and to each utility affected thereby~~. No Conceptual Site Plan shall be effective until such plan is approved by the Baldwin County Commission.

#### **9.4.3 Effective Period of Conceptual Site Plan Approval**

- (a) Conceptual Site Plan approval shall be effective for a period of two (2) years from the date of approval by the Baldwin County ~~Planning~~ Commission ~~for developments in unzoned planning districts, and the Baldwin County Commission for developments in zoned districts~~. A Final Site Plan according to ~~Section 9.5, or a Preliminary Plat according to Section 4.5~~, for the first phase shall be submitted for approval within this two (2) year period. ~~Final Site Plans or Preliminary Plats for each successive phase must be submitted within two (2) years of the approval of the previous phase.~~

~~The Baldwin County Planning Commission, upon advice from the Baldwin County Planning Director or designee, may extend the effective period of the Conceptual Site Plan up to twenty four (24) ~~thirty six (36)~~ additional months (two one-year extensions) upon written request from the Applicant. A maximum of two (2) ~~three (3)~~ one-year extensions may be granted. If an extension is granted, the proposed development must conform to the Subdivision Regulations in place at the time when the extension is granted. If no extension is requested the Conceptual Site Plan approval is automatically revoked. To request an extension:~~

- ~~1. A complete Subdivision Permit application must be submitted before the original approval for the Conceptual Site Plan has expired.~~
  - ~~2. The extension request should be submitted in writing at least thirty (30) calendar days before the Conceptual Site Plan expires.~~
  - ~~3. The request must state the reasons an extension is being requested. Extensions may be granted only upon a demonstration to the satisfaction of the Baldwin County Planning Commission, that the need for extension results from an event that the Developer could not have anticipated and controlled, which event or effect makes the commencement or continuation impossible or impracticable.~~
- (b) The Developer shall submit a written report to the Baldwin County Planning Director each year after the initial date of approval and until all phases of development are complete. The report shall be submitted no later than thirty (30) days after the month and date of initial approval. If not submitted as required, then all permits and approvals will be withheld, until properly submitted. The report shall be considered an attachment to the original Planned Unit Development application. The report shall include at a minimum the following:



1. General project status;
2. Total number of lots platted or buildings constructed;
3. Total number of units constructed;
4. Infrastructure improvements complete to date;
5. Completion of phases;
6. Status of future phases if appropriate;
7. Anticipated commencement of construction of future phases.

#### **9.4.4 Resubmission of Conceptual Site Plan**

The Baldwin County Planning and Zoning Commission shall not reconsider, for a period of four (4) months, a Planned Unit Development Site Plan which has been disapproved by the Baldwin County Planning and Zoning Commission or the Baldwin County Commission. If after four (4) months the Applicant has complied with the required changes and/or additions, a new application for a Conceptual Site Plan may be resubmitted. This submittal shall be in accordance with 9.4.1: *Conceptual Site Plan Application* and 9.4.2: *Conceptual Site Plan Review*. This provision shall not apply to a resubmitted application containing material modifications as compared to the original application previously denied by the Baldwin County Planning and Zoning Commission.

#### **9.4.5 Modification of Conceptual Site Plan**

Any Applicant wishing to revise, amend, alter, or otherwise change an approved Conceptual Site Plan shall first submit a request to the Baldwin County Planning Director detailing the proposed modification. The request for modification shall be supported by a written narrative and by revised Conceptual Site Plans. The Baldwin County Planning Director will determine if the proposed modification is a major change or a minor change.

- (a) A major change is considered any modification which affects the intent and/or character of the development, the location or dimensions of arterial streets, or similar substantial changes. These major changes shall require resubmittal in accordance with 9.4.1: *Conceptual Site Plan Application* and 9.4.2: *Conceptual Site Plan Review* and require approval by the Baldwin County Planning and Zoning Commission as well as the Baldwin County Commission.

Major changes include, but are not limited to, the following:

- Overall boundary changes
- Relocation of major streets
- Overall density increase
- Building height increase
- A reduction in open space below the minimum required by these regulations or by more than 5% from what was originally approved

- (b) A minor change is considered any modification which does not affect the intent or character of the development. These minor changes may be reviewed and approved by the Baldwin County Planning Director.

Minor changes include, but are not limited to, the following:

- Change in alignment, location, direction, or length of local streets
- Reorientation or slight shifts in building or lot locations
- Decrease in building height or overall number of units

- (c) Upon approval of any Conceptual Site Plan modification, said Conceptual Site Plan shall be considered the approved Conceptual Site Plan. Any future modification or change will be reviewed as set out herein.

#### ***9.4.6 Conceptual Site Plan Requirements***

The Conceptual Site Plan must be drawn at a suitable scale for review and include the following:

- (a) Proposed land uses, housing types, or building types by generalized area;
- (b) Proposed common areas and open space, showing proposed uses (i.e., recreation, retention/detention, park, school, church, etc.);
- (c) Proposed pedestrian pathways and bicycle paths;
- (d) The proposed location of the internal major and minor street system, the adjacent external street system and connections to the adjacent external street system, and typical sections of proposed streets;
- (e) The location, type, and total gross square footage of buildings to be used primarily for nonresidential uses;
- (f) Sequence and location of development phases, if any;
- (g) Plans for traffic and circulation inside and outside the development in the immediate vicinity.

#### ***9.4.7 Conceptual Plan Written Summary***

A Conceptual Plan written summary shall include the following:

- (a) Narrative that generally describes the entire project;
- (b) Statement of the present ownership and a legal description of the property;
- (c) Proposed land uses and development standards, density, height, yard requirements, typical lot configurations, and proposed restrictive covenants;

- (d) Tables showing the maximum number, type, and density of units proposed for each phase or site and land use;
- (e) Statement regarding proposed dedication or reservation of land for public use, including streets, easements, parks, and school sites;
- (f) Statement regarding water, sewer, electrical, telephone, fire protection, and solid waste collection service for the proposed development;
- (g) Statement regarding the general method proposed for stormwater management and erosion control;
- (h) Traffic study shall be performed and submitted with written summary. The study shall cover an area of influence from the proposed development to the nearest north-south major arterials and east-west major arterials;
- (i) Statement indicating the type of legal instrument that will be created to provide for the management of common areas;
- (j) Statement from the local law enforcement authority having jurisdiction in said development, stating they are capable of providing law enforcement for the development as proposed;
- (k) Statement from the Baldwin County School Board outlining all potential impacts on the County School system.

#### **9.4.8 Utility Service Plan Requirements**

A Utility Service Plan shall include the following:

- (a) Generalized Utility Plan indicating the location and size of existing electrical, telephone, gas, water and sewer lines, as well as any proposed offsite utility upgrades;
- (b) Statement of Utility Service Commitment for the water, sewer, electric, and telephone utility providers. This Statement of Commitment must include that the utility provider is willing and financially capable of providing service to the development at present and in the future. The statement shall indicate the location of the treatment facility, the current capacity of said treatment facility, the current flow to the treatment plant, the current number of customers serviced by the treatment facility, the number of unconnected sewer services committed to by the sewer provider for said facility. It shall also make reference to any immediate or future infrastructure upgrades that will be required due to said development, and at what stage of development these upgrades will be necessary;
- (c) Letter from the fire chief of the fire district that will serve the development, stating that the department is capable of providing fire protection for the development and that the utilities, general layout, and building types will not negatively impact the current ISO

rating of the citizens in that fire district. If a new fire district is to be created, then a similar letter from the responsible individual who intends to create such fire district is required. Proof of the creation of said fire district is required prior to Final Site Plan approval;

#### **9.4.9 Phasing**

Development of a Large Scale Planned Unit Development may be done in phases, in which case all the property to be included in the Planned Unit Development shall be submitted as a Conceptual Site Plan. All phasing must be shown on the submitted plan. Prior to the receipt of a Subdivision Permit for any phase, the Applicant must submit construction plans and all outside agency permits to the Baldwin County Engineer.

#### **9.4.10 Future Approvals for Large Scale Planned Unit Development**

If the Conceptual Site Plan is approved, then an Application for Final Site Plan approval must be submitted and obtain approval as outlined herein.

Submittals of all subsequent Final Site Plans and Final Plats shall be in accordance with the approved Conceptual Site Plan.

### **Section 9.5 Small Scale Planned Unit Development Procedures**

Small Scale Planned Unit Developments must obtain approval from the Baldwin County Planning and Zoning Commission according to the following procedure. *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 typically will proceed through the Preliminary and Final Plat process under Article 4 and shall comply with all applicable Subdivision Regulations.*

#### **9.5.1 Final Site Plan Application**

The Applicant shall file an application for approval of a Final Site Plan. No Final Site Plan application will be considered by the Baldwin County Planning Commission until all the following requirements have been met. A complete application shall:

- (a) Be submitted to ~~made on forms available at~~ the offices of the Baldwin County Planning Director *in the currently accepted format*;
- (b) Be accompanied by the required application fee according to the current schedule of fees established by the County Commission for the particular category of application;
- (c) Be accompanied by digital files of the proposed Final Site Plan in a suitable format (currently PDF and DWG). The Applicant will be notified if printed copies are required;

- (d) Be submitted to the Baldwin County Planning Director by the deadline established in *4.1.1(b)* to be placed on a regularly scheduled meeting of the Baldwin County Planning Commission;
- (e) Be accompanied by a current (within 60 days from date of application) title policy, title opinion, **title commitment**, or title report, that verifies current ownership **and lists all easements, rights-of-way, mortgages, liens, or other encumbrances** for a period of no less than thirty (30) years
- (f) Be accompanied by the Traffic Study **with an approved scope of work by the Planning Director, County Engineer, or their designee** and other information as required by *Section 5.5.14*;
- (g) Be accompanied by a generalized stormwater management plan in accordance with *Section 5.12.4*, and written narrative that describes in detail the existing and proposed drainage patterns and characteristics of the proposed development as well as the proposed method of stormwater management to be used;
- (h) **Be accompanied by documentation from E-911 Addressing approving all street names;**
- (i) **Be accompanied by a wetland delineation and/or Jurisdictional Determination as defined in Article 3, if required pursuant to Section 5.2.2.**
- (j) **Be accompanied by a final copy of restrictive covenants and/or deed restrictions, if applicable;**
- (k) **If the development contains stormwater facilities or common areas, include a copy of the instrument creating a Property Owners Association and a copy of the Operation and Maintenance (O&M) Plan to be recorded in the Office of the Probate Judge;**
- (l) 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.**

**1. Sewer:**

- (i) Location, type, and size of sanitary sewer main adjacent to the proposed development;**
- (ii) Receiving wastewater treatment facility information including: ADEM Permit Number, permitted capacity, and previous 12 months of Daily Discharge Flows as reported to ADEM;**

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

## 2. Water:

- (i) Location, type, and size of water main adjacent to the proposed development.
  - (ii) Hydrant flow test at the nearest existing fire hydrant that includes Flow (GPM), Static Pressure, Residual Pressure, and Calculated Fire Flow at 20PSI.
  - (iii) 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.
  - (iv) If water is not currently adjacent to the site, provide engineered plans showing the proposed water main extension required to serve the proposed development.
  - (v) If this information is not sufficient to determine the provider's ability to serve the proposed development, the Planning Director, County Engineer, or designee reserves the right to require a detailed engineering study to evaluate the ability to adequately serve the proposed development.
- (m) For condominiums, satisfy the requirements of *Section 5.17(k)*.
  - (n) If applicable, comply in all respects with the Conceptual Site Plan, as approved, except for minor modifications as outlined in *Section 9.4.5 Modification of Conceptual Site Plan*;
  - (o) If applicable, be submitted within the Effective Period of Approval as per *Section 9.4.3 Effective Period of Conceptual Site Plan Approval*;
  - (p) Be accompanied by a transmittal letter listing all the drawings, letters, attachments, and other information submitted for the application.

### **9.5.2 Final Site Plan Review**

After the Baldwin County Planning Director and County Engineer or designee has reviewed the Site Plan and supporting information, the Baldwin County Planning Director and County Engineer or designee shall certify to the Baldwin County Planning and Zoning Commission whether the Site Plan meets the submittal requirements as specified in this article. If it is determined by the Baldwin County Planning Director or County Engineer that the Site Plan is deficient in any regard, it will not be considered by the Baldwin County Planning and Zoning Commission. All deficiencies will be detailed and sent along with an accompanying letter to the

Applicant stating that the Site Plan will not be placed on the Baldwin County Planning and Zoning Commission Agenda until the deficiencies have been corrected.

Should the Site Plan be determined by the Baldwin County Planning Director or County Engineer or designee to remain deficient in any regard, after notice of such deficiencies to the Applicant with an opportunity to cure the same, the Baldwin County Planning Director and County Engineer or designee shall detail the deficiency to the Baldwin County Planning and Zoning Commission along with a recommendation that the Site Plan be disapproved. Notice of the recommendation of the Baldwin County Planning Director and County Engineer or designee shall be sent to the Owner or Developer whose name and address appear on the submitted Site Plan by registered or certified mail at least ten (10) days before the recommendation shall be presented to the Baldwin County Planning and Zoning Commission for action. A similar notice shall be mailed to the owners of land immediately adjoining the property as their names appear upon the plats in the office of the Baldwin County Revenue Commissioner and as their addresses appear in the directory of the County or on the tax records of the County ~~and to each utility affected thereby.~~

### ***9.5.3 Effective Period of Final Site Plan Approval***

Final Site Plan approval shall be effective for a period of two (2) years ~~from the date of approval by the Baldwin County Planning Commission. A Preliminary Plat (for typical subdivisions) or a Building Permit (for non-typical subdivisions, i.e., condominiums, apartments, etc.) for the first phase shall be submitted within this two (2) year period. Each successive phase must be submitted within two (2) years of the approval of the previous phase.~~ All required improvements must be installed before the Final Site Plan approval expires.

~~The Developer shall have (30) calendar days from the date of expiration to file for a one (1) year extension file a request a one (1) year extension a minimum of thirty (30) calendar days before the date of expiration~~

The Baldwin County Planning Commission, upon advice from the Baldwin County Planning Director or designee, may extend the effective period of the Final Site Plan up to twenty-four (24) additional months (two one-year extensions) upon written request from the Applicant. A maximum of two (2) one-year extensions may be granted. ~~If an extension is granted, the proposed development must conform to the Subdivision Regulations in place at the time when the extension is granted.~~ If no extension is requested the Final Site Plan approval is automatically revoked.

To request an extension:

- (a) A complete Subdivision Permit application must be submitted before the original approval for the Final Site Plan has expired.
- (b) The extension request should be submitted in writing at least thirty (30) calendar days before the Final Site Plan expires.

- (c) **The request must state the reasons an extension is being requested.** Extensions may be granted only upon a demonstration to the satisfaction of the Baldwin County Planning Commission, that the need for extension results from an event that the Developer could not have anticipated and controlled, which event or effect makes the commencement or continuation impossible or impracticable.

#### ***9.5.4 Resubmission of Final Site Plan***

The Baldwin County Planning and Zoning Commission shall not reconsider, for a period of four (4) months, a Planned Unit Development Site Plan which has been disapproved by the Baldwin County Planning and Zoning Commission. If after four (4) months the Applicant has complied with the required changes and/or additions, a new application for a Conceptual Site Plan may be resubmitted. This submittal shall be in accordance with *Section 9.5.1: Final Site Plan Application*. This provision shall not apply to a resubmitted application containing material modifications as compared to the original application previously denied by the Baldwin County Planning and Zoning Commission.

#### ***9.5.5 Modification of Final Site Plan***

Any Applicant wishing to revise, amend, alter, or otherwise change an approved Final Site Plan shall first submit a request to the Baldwin County Planning Director detailing the proposed modification. The request for modification shall be supported by a written narrative and by revised Final Site Plans. The Baldwin County Planning Director will determine if the proposed modification is a major change or a minor change.

- (a) A major change is considered any modification which affects the intent and/or character of the development, the location or dimensions of arterial streets, or similar substantial changes. These major changes shall require resubmittal in accordance with *Section 9.5.1 Final Site Plan Application* and require approval by the Baldwin County Planning and Zoning Commission.

Major changes include, but are not limited to, the following:

- Overall boundary changes
- Relocation of major streets
- Overall density increase
- Building height increase
- **A reduction in open space below the minimum required by these regulations or by more than 5% from what was originally approved**

- (b) A minor change is considered any modification which does not affect the intent or character of the development. These minor changes may be reviewed and approved by the Baldwin County Planning Director.

Minor changes include, but are not limited to, the following:

- Change in alignment, location, direction, or length of local streets
- Reorientation or slight shifts in building or lot locations



- Decrease in building height or overall number of units/lots
- (c) Upon approval of any Final Site Plans modification, said Final Site Plan shall be considered the approved Final Site Plan. Any future modification or changes will be reviewed as set out herein.

#### **9.5.6 Final Site Plan Requirements**

The Final Site Plan shall be prepared by a licensed engineer and shall be clearly and legibly drawn at a convenient scale of not less than one (1) inch equals 100 feet, and the sheets shall be numbered in sequence if more than one (1) sheet is used. All text shall be a minimum of 1/10 of an inch in height. The sheet shall not exceed 24 x 36 inches. Multiple sheets may be necessary. If the Applicant submits a plan set for review as the Final Site Plan, the entire submitted plan set will need to be recorded as the Final Site Plan. The Final Site Plan shall show the following:

- (a) Name and address of Owner(s) of record displayed, along with the tax parcel ID number, on each parent parcel that is part of the development;
- (b) Proposed name of Planned Unit Development, date, north point, scale, and location;
- (c) Name, address, and phone number of the responsible Licensed Professional Engineer and/or Land Surveyor registered in the State of Alabama;
- (d) Vicinity map showing the location of the Planned Unit Development;
- (e) Exact boundaries of the site shown with bearings and distances;
- (f) Names, addresses, and tax parcel ID #s for the Owners of land immediately adjoining the site as their names appear upon the plats in the office of the Baldwin County Revenue Commissioner and as their addresses appear in the directory of the County or on the tax records of the County;
- (g) Wooded areas, wetlands, streams, cultural resources, and any other conditions affecting the site;
- (h) The location of dams, existing stormwater management areas, and water impoundments including the limits of the top of such impoundment structure or embankment, the location of any related spillway(s) and/or outlet control structures;
- (i) The location of existing streets, buildings, water courses, railroads, transmission lines, drainage structures, public utilities, jurisdiction lines, and any public utility easements on the site and on adjacent land within 100 feet of the site;
- (j) The location of dams and water impoundments including the limits of the top of such impoundment structure or embankment, the location of any related spillway(s) and/or outlet control structures;

- (k) Proposed and existing rights-of-way or easements including location, widths, purposes, and street names;
- (l) The location and size of all lots/sites;
- (m) Proposed minimum building setback lines shown for each lot and clearly labeled on the plan view;
- (n) Proposed or existing parks, school sites, or other public open spaces, if any, that are within 100 feet of the proposed Planned Unit Development. All proposed uses in each common area must be identified separately by indicating the area (in sq. ft.) of each different use;
- (o) Site data (in tabular form):
- Acreage in total tract;
  - Smallest lot size;
  - Total square feet of each lot or unit (residential or non-residential);
  - Total number of lots or units;
  - Linear feet of streets;
  - Number of parking spaces;
  - Amount of impervious surface;
  - Density (**lots or units per acre**);
  - Total square feet of all areas reserved for open space
  - Total square feet of all areas reserved for useable open space
  - **Wetland/stream buffers**
- (p) Any area adjacent to or within 100 feet of the proposed Planned Unit Development subject to inundation by the base flood as defined herein, or subject to periodic inundation by storm drainage overflow or ponding, shall be clearly shown and identified on the Site Plan;
- (q) Special flood hazard areas and/or coastal high hazard areas as indicated on the latest Flood Insurance Rate Map (FIRM) for the area, along with a statement to that effect;
- (r) **All jurisdictional and non-jurisdictional wetlands and their required buffers.** The requirements of *Section 5.2.2* shall apply to Planned Unit Developments.
- (s) The name of each utility company proposed to provide water, sewer, electrical, and telephone service;
- (t) Proposed land uses and the location of proposed buildings and other structures including walls and fences;
- (u) Number and location of parking spaces;

- (v) Sequence and location of development phases, if any;
- (w) Topography, showing existing contours at 1-foot intervals of the entire property and full width of all adjacent rights-of-way. Topographic information shall be based on the NAVD 88 datum. Elevations must be field verified. Greater intervals may be allowed, if approved by the Baldwin County Planning Director or designee.
- (x) The method proposed to maintain private common open areas, buildings, or other facilities, including copies of all legal documents necessary to accomplish this.
- (y) Highway construction setback lines shown as required by *Section 5.4(h)*.

The endorsements, dedications, and certificates set forth in 4.6.3.

#### **9.5.7 Future Approvals for Small Scale Planned Unit Development**

Once the Final Site Plan and required submittals are approved by the Baldwin County Planning and Zoning Commission, the Applicant must then submit:

- (a) An application for Preliminary Plat (for typical subdivisions *with fee simple lots*) in accordance with *Section 4.5* for each phase of the project; OR ~~or a Building Permit (for non-typical subdivisions, i.e., condominiums, apartments, etc.)~~.
- (b) For developments not requiring a Preliminary Plat, construction plans, required permits and approvals ~~must be submitted~~ in accordance with *Sections 4.5.6* and *4.5.7* and approved by the County Engineer or designee, and the approved Final Site Plan shall be recorded in the Probate Office *after the installation of all improvements and* prior to application for a Building Permit.

Submittals of all applications for Preliminary Plats, Final Plats, and Building Permits shall be consistent with the approved Final Site Plan.

#### **Section 9.6 Approvals**

The approved Final Site Plan, with attendant documentation, shall thereafter be binding upon the Owner, his/her heirs, successors, and assigns, shall limit and control the issuance and validity of permits and certificates and shall restrict and limit the use and operation of all land and structures within the Planned Unit Development to all conditions and limitations specified in such plan and the approval thereof.

#### **Section 9.7 Subdivision Approval Following Approval of Final Site Plan**

Once a development has received Final Site Plan Approval, no construction may begin until a ~~Preliminary Plat Subdivision Permit~~ has been issued by the Baldwin County Planning and Zoning Commission pursuant to the provisions of *Section 4.5* of these *regulations*.

## **Section 9.8 Commencement of Construction**

Construction may not commence until the Baldwin County Planning and Zoning Commission has issued a Preliminary Plat or Final Site Plan approval and until all required local, State and Federal permits have been received and submitted to the County Engineer or designee including but not limited to: NPDES permit; Section 401 and 404 Clean Water Act permit; Coastal Area Management Program permit; Alabama Department of Transportation access permit; and, Baldwin County Industrial/Commercial Right-of-Way Access and Drainage Impact Permit.

**NO CLEARING OR LAND DISTURBANCE OF THE SITE AND** NO CONSTRUCTION OF IMPROVEMENTS SHALL COMMENCE UNTIL A SUBDIVISION PERMIT HAS BEEN ISSUED (See also *Section 4.5.7* and *5.12*). Once a Final Site Plan is approved, Final Construction Plans (as per *Section 4.5.6*) must be submitted to the County Engineer along with all necessary permits (as per *Section 4.5.7*) for review, verification, and approval. Once construction plans have been reviewed and approved, all conditions of approval have been met, and the Inspection Fee has been paid to the County Engineer, a Subdivision Permit will be issued by said County Engineer. Any violation of this provision will be subject to penalties as allowed by law.

## **Section 9.9 Planned Unit Developments in Planning Districts which have elected to come within the Planning and Zoning authority of the Baldwin County Commission**

In Planning Districts which have elected to come within the planning and zoning authority of the Baldwin County Commission, Planned Unit Developments shall be subject to the applicable provisions of the *Baldwin County Zoning Ordinance*.

## **Article 10 Conflict with Public Provisions**

### ***10.1.1 Public Provisions***

In the event that any provision of these regulations includes terms or restrictions in conflict with those imposed by any other provision, ordinance, rule, easement, regulation, or other provision of law, then the provision, ordinance, rule, regulation, or law which is either more restrictive and/or imposes higher standards shall control.

## **Article 11 Legal Provisions**

### ***11.1.1 Severability***

If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The County Commission hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application.

## 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 shall be 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 a regulation, or amendment hereto, will be considered by the Baldwin County Commission pursuant to this article and that a copy of the proposed 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 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.

## **Article 13 Administration and Enforcement**

### **Section 13.1 General**

Regulation of subdivisions is an exercise of valid police power delegated by the State of Alabama to the Baldwin County Commission. The Developer has the duty of compliance with conditions laid down by the Baldwin County Commission for design, dedication, and improvement of the land so as to conform to the physical and economic development of the unincorporated areas of the County and to the safety and general welfare of future property owners.

### **Section 13.2 Administration**

The County Engineer is appointed by the Baldwin County Commission and acts as its authorized agent in the interpretation and enforcement of the plans, specifications, and requirements of these regulations. The County Engineer or designee shall determine the amount, quality, and acceptability of the work as specified in these regulations.

### **Section 13.3 Enforcement**

#### ***13.3.1 General***

It shall be the duty of the County Engineer, County Planning Director, or County Building Official to enforce these regulations and to bring to the attention of the Chief Legal Counsel and the County Commission any violations or lack of compliance with these regulations.

#### ***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 the Planning and Zoning Director or designee has knowledge of a violation or an alleged violation, a thorough investigation shall 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 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 erects, constructs or reconstructs any building or structure in violation of any written statement or plan submitted and approved pursuant to these regulations, shall be in violation.

Any person(s) in violation of these regulations shall be held responsible for such violation and be subject to the penalties and remedies as provided herein and as provided by law.

#### ***13.3.4 Separate Violation***

Each and every person who commits, permits, participates in, assists, directs, creates or maintains a violation may be found individually in violation of a separate offense. Each day that any violation continues to exist shall constitute an additional and separate violation.

#### ***13.3.5 Structures in Violation***

Any structure or lot erected, constructed, altered, or occupied contrary to any provision(s) of these regulations or other applicable regulations, stipulation, condition, and approvals shall be declared to be unlawful.

### **Section 13.4 Notice of Violation**

#### ***13.4.1 Issuance***

The Planning and Zoning Director or designee shall issue a written notice of violation upon receipt of a complaint or knowledge of violation to all persons in violation. The Notice of Violation can only be served after confirmation by the Planning and Zoning Director or designee that there is a violation of these regulations. The Notice of Violation may be served by certified mail, return receipt requested, or pursuant to Alabama Rules of Civil Procedure. The Notice of Violation shall allow a reasonable time to correct or abate such violation.

#### ***13.4.2 Notice Requirements***

The Notice of Violation ("Notice") shall clearly identify the property and particular violation

involved, the action necessary to correct it, the time permitted for such correction, and penalties for failure to comply. The Notice shall include but not be limited to:

- (a) A description of the location of the property involved, either by street address or by legal description;
- (b) A statement indicating the nature of the violation;
- (c) A statement showing the time within which all necessary remedial action must be accomplished, which time may not be less than 10 days nor more than 90 days from the date of such written Notice;
- (d) The name of the person(s) upon whom the Notice of Violation is served;
- (e) A statement advising that upon the failure to comply with requirements of the Notice, such enforcement procedure as may be required under these regulations shall be taken.

#### ***13.4.3 Violations Threatening Health, Safety and Welfare***

The Planning and Zoning Director may shorten or eliminate the time period to correct a violation if he/she determines that the alleged violation presents an imminent and serious threat to the public health, safety, or welfare, or the violation is irreparable or irreversible. The Notice of Violation shall, in such case, state that an imminent and serious threat to public health, safety, or welfare exists or the violation is irreparable or irreversible, along with the allowed time period for correction if any.

#### ***13.4.4 Noncompliance***

When the Planning and Zoning Director or designee determines that the violation has not been corrected or abated by end of the prescribed time period, he/she shall issue a written notice forwarding the matter to the County Legal Department and/or the Baldwin County District Attorney's Office for further action.

#### ***13.4.5 Compliance***

Upon the submission by the violator of evidence of compliance deemed adequate by the Planning and Zoning Director, the Director may deem the violation to be resolved and compliance achieved.

#### ***13.4.6 Diligent Efforts to Comply***

When, after issuance of a Notice of Violation but prior to commencement of any judicial proceedings, the Planning and Zoning Director determines that the person in violation is making a diligent effort to comply with the requirements of the Notice, the Planning and Zoning Director may issue a written stay of further enforcement actions pending full compliance. The stay shall list the diligent efforts to comply and should be provided to the violator(s). No enforcement actions shall be stayed longer than ninety (90) days.

#### **13.4.7 Repeat Violations**

When any Notice of Violation is issued to any person for substantially the same violation for which a previous Notice of Violation on the same property has been issued to such person, no period shall be allowed for correction or abatement of the violation. Rather, in such event, the Planning and Zoning Director shall immediately cause the matter to be forwarded to the County Legal Department and/or the Baldwin County District Attorney's Office for further action.

#### **13.4.8 Fines**

Any person(s) violating any of the provisions herein shall be fined not more than \$150.00 for each separate violation, plus all costs of court, with each day such violation continues constituting a separate violation (see 13.3.4, above). The fines provided for herein shall commence and accrue upon receipt of the Notice of Violation or the expiration of the allowed period for correction, whichever is later. Said fines shall continue to accrue until paid but shall not accrue on days during which the violation is properly on appeal.

When a violation results from a person's failure to obtain a permit or approval required by these regulations, and the person subsequently submits an application for the required permit, the Planning Director may waive the daily fee and shall instead require double the normally required permit application fee as a reduced fine.

### **Section 13.5 Additional Penalties**

Conviction under *Section 13.3.2: Violations* of these regulations shall result in forfeiture and payment of a penalty of \$1,000.00 for each lot or parcel so transferred, sold, or leased. The County Commission may also institute an injunction against such transfer, sale, or lease in any court of equity jurisdiction, or may recover the same penalty through civil action in any court pursuant to authority granted by the Code of Alabama. Further, no streets will be accepted for maintenance by the County nor shall any utilities be extended to any subdivision found in violation of these regulations.

#### **13.5.1 Stop Work Order**

The Planning and Zoning Director may issue, or cause to be issued, a Stop Work Order on a premises, lot, or parcel that is in violation of any provision of these regulations or is being maintained in a dangerous or unsafe manner. A Stop Work Order may be issued in place of or in conjunction with any other actions and procedures identified in these regulations. Such Order shall be in writing and shall be given to the Owner of the property or to his/her agent, or to the person doing the work, and shall state conditions under which work may be resumed. Upon receipt of a Stop Work Order, all work associated with the violation shall immediately cease. Any person who continues to work shall be in violation of these regulations and subject to penalties and remedies contained herein.

### ***13.5.2 Cease and Abate Orders***

The Planning and Zoning Director may issue, or cause to be issued, a Cease and Abate Order to any person(s) maintaining any condition, or engaged in any activity or operation, which violates these regulations. Such Order shall be in writing and shall be given to the Owner of the property, or to the person maintaining such condition or engaged in such activity and operation. Upon receipt of a Cease and Abate Order, all conditions, activities and operations associated with the violation shall immediately cease and be abated. Any person who continues or fails to abate such condition, activity or operation shall be subject to penalties and remedies contained herein.

### ***13.5.3 Revocation of Permits***

The Planning and Zoning Director may revoke, or cause the revocation of, permits or approvals in those cases where an administrative determination has been duly made that false statements or misrepresentations of material fact(s) were made in the application or plans upon which the permit or approval was based.

### **Section 13.6 ~~13.4~~ Tolling Provision**

If subsequent to the filing of an application/petition, the Applicant/Petitioner is enjoined by order of a court of competent jurisdiction from commencing or continuing construction, the time from the entry of such order against Applicant/Petitioner until such time as the order is lifted or becomes final and unappealable, shall not be counted toward or against the effective approval period as defined herein.

## Article 14 Effective Date

### Section 14.1 Adoption by the Baldwin County Commission

These Subdivision Regulations were ratified and adopted by the Baldwin County Commission on the 2nd day of July 1996. They shall take effect and be in force from and after the date of adoption.

|   |   |
|---|---|
| Adopted by the Baldwin County Planning and Zoning Commission: | February, 1984  |
| Amended:  | March, 1985   |
| Amended:  | February, 1988  |
| Amended:  | July, 1993  |
| Amended:  | August, 1994  |
| Ratified and Adopted by the Baldwin County Commission:        | July 2, 1996 Resolution No. 96-39                                       |
| Amended by the Baldwin County Commission:                     | May 6, 1997 Resolution No. 97-22  |
| Amended by the Baldwin County Commission:                     | April 6, 1999 Resolution No. 99-47                                      |
| Amended by the Baldwin County Commission:                     | Sept. 7, 2004 Resolution No. 004-118                                    |
| Amended by the Baldwin County Commission:                     | Oct. 5, 2004 Resolution No. 2005-04                                     |
| Amended by the Baldwin County Commission:                     | June 20, 2006 Resolution No. 2006-117<br>Effective January 1, 2007      |
| Amended by the Baldwin County Commission:                     | December 4, 2007 Resolution No. 2008-37<br>Effective January 1, 2008    |
| Amended by the Baldwin County Commission:                     | July 1, 2008 Resolution No. 2008-121<br>Effective July 14, 2008         |
| Amended by the Baldwin County Commission:                     | October 16, 2012 Resolution No. 2013-004<br>Effective November 1, 2012  |
| Amended by the Baldwin County Commission:                     | May 19, 2015 Resolution No. 2015-058<br>Effective June 1, 2015          |
| Amended by the Baldwin County Commission:                     | May 15, 2018 Resolution No. 2018-076<br>Effective June 1, 2018          |
| Amended by the Baldwin County Commission:                     | August 6, 2019 Resolution No. 2019-127<br>Effective September 6, 2019   |
| Amended by the Baldwin County Commission:                     | October 6, 2020 Resolution No. 2021-006<br>Effective October 6, 2020    |
| Amended by the Baldwin County Commission:                     | September 21, 2021 Resolution No. 2021-130<br>Effective October 1, 2021 |
| Amended by the Baldwin County Commission:                     | December 5, 2022 Resolution No. 2023-027                                |
| Amended by the Baldwin County Commission:                     | January 7, 2025 Resolution No. 2025-001                                 |

## APPENDIX 1 - Sample Certifications

### SURVEYOR'S CERTIFICATE AND DESCRIPTION OF PROPERTY

#### STATE OF ALABAMA COUNTY OF BALDWIN

I, (name of surveyor), a licensed Surveyor of \_\_County, Alabama, hereby certify that I have surveyed the property of the (name of company or proprietor), a (Corporation or proprietor), situated in Baldwin County, Alabama, and described as follows:

(Insert Legal Description)

And that the plat or map contained hereon is a true and correct map showing the subdivision into which the property described is divided giving the length and bearings of the boundaries of each lot and easement and its number and showing the streets, alleys and public grounds and giving the bearings, length, width and names of the streets, said map further shows the relation of the land so platted to the Government Survey, and that permanent monuments have been placed at points marked thus (o) as hereon shown. I further certify that all parts of this survey and drawing have been completed in accordance with the requirements of the Minimum Technical Standards for the practice of land surveying in the State of Alabama to the best of my knowledge, information, and belief.

WITNESS my hand this \_\_day of \_\_, 20\_\_.

Surveyor \_\_\_\_\_

Alabama license # \_\_\_\_\_

### LICENSED ENGINEER'S CERTIFICATION OF IMPROVEMENTS

I, \_\_\_\_\_, a licensed Professional Engineer in the State of Alabama with a license number of \_\_, hereby certify that I have designed the within improvements in conformity with applicable codes and laws and with the principles of good engineering practice including the drainage design requirements of the *Baldwin County Subdivision Regulations*. I further certify that I have provided oversight of the construction to my design, and that to the best of my knowledge and belief the within is a true and accurate representation of improvements as installed.

\_\_\_\_\_  
Engineer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Firm

## OWNER'S DEDICATION

I/We (land owner or developer, address), as proprietor(s), have caused the land embraced in the within plat to be surveyed, laid out and platted to be known as (Subdivision Name), a part of (Section Call Out), Baldwin County, Alabama, and that the (Streets, Drives, Alleys, Easements, etc.) as shown on said plat are hereby dedicated to the use of the public.

\_\_\_\_\_  
Property Owner

Signed and sealed in the presence of:

\_\_\_\_\_  
Witness

## ACKNOWLEDGMENT

### STATE OF ALABAMA COUNTY OF BALDWIN

I, \_\_\_\_\_, Notary Public in and for said County, in said State, hereby certify that (individual's name), whose name as (title) of the (corporation name), is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the content of the instrument, and as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

GIVEN under my hand and official seal this \_day of \_\_, 20\_.

\_\_\_\_\_  
NOTARY PUBLIC

**OR**

## ACKNOWLEDGMENT

### STATE OF ALABAMA COUNTY OF BALDWIN

I, \_\_\_\_\_, Notary Public in and for said County, in said State, hereby certify that (Owner's name), whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, executed the same voluntarily for and as the act of said corporation.

GIVEN under my hand and official seal this \_day of \_\_, 20\_.

\_\_\_\_\_  
NOTARY PUBLIC

## **MORTGAGEE'S ACCEPTANCE**

In witness whereof, (insert name of authorized representative) of (insert name of financial institution), the Owners of the mortgage on the attached described property, has caused this instrument to be executed by the undersigned officer(s), thereunto duly authorized on this this \_day of \_\_, 20\_.

Mortgagee: (Insert name of financial institution)

By: \_\_\_\_\_

As Its: \_\_\_\_\_

## **CERTIFICATION BY NOTARY PUBLIC**

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

I, \_\_, Notary Public in and for said County, in said State, hereby certify that (individual's name), whose name as (title) of the (financial institution), is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the content of the instrument, and as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

GIVEN under my hand and official seal this \_day of \_\_, 20\_.

\_\_\_\_\_  
NOTARY PUBLIC

## **CERTIFICATE OF APPROVAL BY THE (insert name of electric, water, or sewer utility)**

The undersigned, as authorized by the (name of electric, water, or sewer utility) hereby approves the within plat for the recording of same in the Probate Office of Baldwin County, Alabama, this \_day of \_\_, 20\_.

\_\_\_\_\_  
(authorized signature)

## **CERTIFICATE OF APPROVAL BY THE COUNTY ENGINEER**

The undersigned, as County Engineer of Baldwin County, Alabama, hereby approves the within plat for the recording of same in the Probate Office of Baldwin County, Alabama, this \_day of \_\_, 20\_.

\_\_\_\_\_  
County Engineer



**CERTIFICATE OF APPROVAL BY THE  
BALDWIN COUNTY PLANNING AND ZONING COMMISSION**

The undersigned, as \_\_\_\_\_ of Baldwin County Planning and Zoning Commission, hereby certifies that, at its meeting of \_\_\_\_\_, \_\_\_\_\_ the Baldwin County Planning and Zoning Commission approved the within plat for the recording of the same in the Probate Office of Baldwin County, Alabama, this \_day of \_\_, 20\_.

Baldwin County Planning and Zoning Commission

By: \_\_\_\_\_

Its: \_\_\_\_\_

**CERTIFICATE OF APPROVAL BY THE  
BALDWIN COUNTY HEALTH DEPARTMENT**

The lot(s) on this plat are subject to approval or deletion by the Baldwin County Health Department. No representation is made that any lot on this plat will accommodate an Onsite Sewage System (OSS). The appropriateness of a lot for wastewater sewage treatment and disposal shall be determined when an application is submitted. If permitted, the lot approval may contain certain conditions which restrict the use of the lot or obligate the Owners to special maintenance and reporting requirements, and these are on file with said health department and are made a part of this plat as set out hereon. Signed this \_\_\_\_day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Authorized Signature

**OR**

The lot(s) on this plat meet the allowed exemptions to the Large-Flow Development Rules as provided in **420-3-1-14** of the Onsite Sewage Treatment and Disposal Regulations, and the herein plat is approved for recording, this the \_\_\_\_\_day of \_\_\_\_\_20\_\_\_\_. The signature affixed hereon does not imply an approval for any existing or future onsite sewage treatment system.

\_\_\_\_\_  
Authorized Signature

**CERTIFICATE OF APPROVAL BY THE  
BALDWIN COUNTY E-911 ADDRESSING**

The undersigned, as authorized by the Baldwin County E-911 Board, hereby approves the road names as depicted on the within plat and hereby approves the within plat for the recording of same in the Probate Office of Baldwin County, Alabama, this the day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Authorized Signature

**CERTIFICATE OF APPROVAL BY THE COASTAL AREA PROGRAM**

The undersigned, as Director of the Baldwin County Coastal Area Program, hereby approves the within plat for the recording of same in the Probate Office of Baldwin County, Alabama this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Coastal Program Director

**CERTIFICATE OF APPROVAL BY THE BALDWIN COUNTY PLANNING DIRECTOR**

The undersigned, as Director of the Baldwin County Planning and Zoning Department, hereby approves the within plat for the recording of same in the Probate Office of Baldwin County, Alabama this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Planning Director

## APPENDIX 2 - Baldwin County Highway Department: Stormwater Calculations & Submittal Requirements

The Design Engineer shall submit a design narrative summarizing the assumptions, calculations, and results of the design for the whole project as well as each drainage basin in the format as described:

### Design narrative summary

- Location of project
- Existing drainage conditions
- Proposed Drainage Concepts
- Topography
- Scale map of the on & off-site drainage areas

### Evaluations of Pre & Post Differential runoff

- Drainage area of site (Pervious & Impervious)
- Weighted coefficients (c factors, curve numbers, etc.)
- Time of Concentration values
- Rainfall Intensities
- Total allowable discharge 2, 5, 10, 25, 50, 100-year storm
- Hydrograph graphics of Pre & Post development curves

### Evaluations of required

#### Retention/Detention Ponds

- Pond drainage area
- Storage Capacity (required volume, provided volume)
- Elevations (pond bottom, water elevation per storm event, pond top)
- Outfall structure (type, sizing, discharge rate, elevations)

- Verification of adequacy of discharge (Post verse Pre dev. Rates)

Pond Routing calculations in legible tabulated form

(a) Ratios of inflow to outflow

Inlets & Gutters

(b) Basin areas

(c) Time of Concentration

(d) Intensities

(e) Peak Flow rates

(f) Captured Inlet flows & bypass flows

(g) Spacing's

(h) Hydraulic Grade Line

### Culvert Pipes

- Locations
- Types
- Sizes
- Slopes
- Flows
- Velocities
- Head and Tailwater elevations

### Open Channel Drainage Systems

- Flows
- Velocities
- Slopes
- Pipe sizing for future driveway culverts

## APPENDIX 3 - Baldwin County Highway Department: Bridge Design & Guidelines

- **Plan Sets**

1. Title Sheet with Vicinity Map
2. Index to Sheets
3. Typical Section
4. Project Notes
5. Summary of Quantities
6. Summary of Quantities Box Sheet
7. Land-Profile Sheet
  - 7.32 Bench Mark Locations and Elevations
  - 7.33 Utility Owners
8. General Plan and Elevation Sheet
  - 8.32 Pile Tip Elevation Table
    - 8.32.1 Pile Location
    - 8.32.2 Minimum Pile Tip Elevation
  - 8.33 Peak Discharge and Downstream Stages
    - 8.33.1 Recurrence Interval
    - 8.33.2 Discharge (CFS)
    - 8.33.3 Downstream (WSEL)

- 8.34 Overtopping Flood Design
  - 8.34.1 Upstream Stage
  - 8.34.2 Opening Size
  - 8.34.3 Velocity in FT/S

9. Pile Layout
  - 9.32 Pile Numbering System
  - 9.33 Test Pile Location

10. Typical Bridge Section

11. Abutment and Bent Details
  - 11.32 Elevations
  - 11.33 Quantities

12. Guardrail Details

13. Soil Boring Logs

- **Construction Records**

- A. Test Pile Records Certified by Professional Engineer
- B. Pile Driving Records Certified by Professional Engineer
- C. Diving Records (if applicable)
- D. Test Reports from the Manufacturer Will Be Required For All Materials

## APPENDIX 4 - Recommended Plant Species for Landscape Plans

### Shrubs (deciduous)

Aesculus pavia (red Buckeye)

Aronia arbutifolia (red Chokeberry)

Asimina triloba (pawpaw)

Alnus serrulata (smooth alder)

Amelanchier arborea (downy serviceberry, shadbush, Juneberry)

Amorpha fruticosa (false indigo, Indigo bush)

Baccharis halimifolia (sea myrtle, groundsel bush)

Callicarpa americana (American beautyberry, French mulberry)

Calycanthus floridus (Carolina allspice, sweet shrub)

Castanea pumila (chinquapin)

Ceanothus americanus (New Jersey tea, red root)

Cephalanthus occidentalis (buttonbush)

Chionanthus virginicus (fringetree)

Clethra alnifolia (summer sweet)

Cornus alternifolia (pogoda dogwood, alternate-leaved dogwood)

Dirca palustris (leatherwood, ropebark)

Erythrina herbacea (coral bean)

Euonymus americana (strawberry bush, brook euonymus, hearts-a-bustin')

Euonymus atropurpurea (wahoo, burning bush)

Forestiera acuminata (swamp privet)

Fothergilla major (witch alder)

Fothergilla milleri (dwarf witch hazel)Frangula caroliniana (Carolina buckthorn)

Hamamelis virginiana (witch hazel)Hibiscus coccineus (wild red mallow)

Hydrangea arborescens (wild hydrangea)

Hydrangea quercifolia (oakleaf hydrangea)

Hypericum hypericoides ssp. hypericoides (St. Andrew's cross)

Hypericum prolificum (shrubby St. John's wort)

Ilex verticillata (winterberry, black alder)

Itea virginica (Virginia willow, sweetspire, tassel-white)

Lindera benzoin (spicebush)

Lycium carolinianum (Christmas berry, matrimony vine)

Lyonia ligustrina (male-berry, male-blueberry)

Physocarpus opulifolius (ninebark)

Rhododendron alabamense (Alabama azalea)

Rhododendron arborescens (sweet azalea)

Rhododendron austrinum (Florida flame azalea)

Rhododendron canescens (wild, piedmont, or sweet azalea)

Rhododendron colemanii (red hills azalea)

Rhododendron serrulatum (hammock sweet azalea)

Rhododendron viscosum (swamp azalea)

Rhododendron arborescens (smooth azalea)

Rhus copallinum (dwarf or winged sumac)

Rhus glabra (smooth sumac)

Rosa carolina (Carolina rose)

Sambucus canadensis (elderberry, common elder)

Sassafras albidum (sassafras)

Sideroxylon lanuginosum ssp. lanuginosum (chittamwood, gum elastic tree)

Staphylea trifolia (bladdernut)

Stewartia malacodendron (silky camellia)

Styrax americanus (American silverbells)

Vaccinium corymbosom (highbush blueberry)

Vaccinium stamineum (deerberry)

Vaccinium virgatum (rabbit eye blueberry)

Viburnum acerifolium (maple leaf viburnum)

Viburnum dentatum (southern arrowwood)

Viburnum nudum (possumhaw viburnum)

Viburnum nudum var. cassinoides (wild raisin)

Viburnum prunifolium (black haw, nanny berry)

Viburnum rufidulum (southern or rusty black haw)

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### Shrubs (evergreen)

Cartrema americana (american olive)

Ilex glabra (inkberry, bitter gallberry)

Ilex vomitoria (yaupon holly)

Illicium floridanum (Florida anise tree)

Juniperus communis (common juniper)

Kalmia latifolia (mountain laurel)

Leucothoe axillaris (coast leucothoe)

Lyonia lucida (shining fetterbush)

Morella cerifera (wax myrtle)

Myrica cerifera (wax myrtle, southern bayberry, candleberry)

Rhapidophyllum hystrix (needle palm)

Sabal minor (dwarf palmetto)

Serenoa repens (saw palmetto)

Vaccinium arboreum (sparkleberry, farkleberry)

Vaccinium darrowii (darrow's blueberry)

Vaccinium myrsinites (shiny blueberry)

**Trees (deciduous)**

Acer barbatum (Florida maple, southern sugar maple)  
 Acer leucoderme (chalk maple)  
 Acer negundo (box elder)  
 Acer rubrum (red maple)  
 Acer saccharum (sugar maple)  
 Aesculus glabra (Ohio buckeye, horse chestnut)  
 Aesculus pavia var. pavia (red buckeye)

Betula nigra (river birch)  
 Carpinus caroliniana (blue beech, hornbeam, muscle wood)  
 Carya alba (mockernut hickory)  
 Carya cordiformis (bitternut, swamp hickory)  
 Carya illinoensis (pecan)  
 Carya ovata (shagbark hickory)  
 Celtis laevigata (sugarberry, hackberry)  
 Celtis occidentalis (hackberry, sugarberry)  
 Cercis canadensis (redbud)  
 Chionanthus virginicus (fringe tree, old man's beard)  
 Cladrastis kentuckea (yellowwood)  
 Cornus florida (flowering dogwood)  
 Cotinus obovatus (smoke tree)  
 Crataegus mollis (downy hawthorn)  
 Crataegus crus-galli (cockspur hawthorn)  
 Cyrilla racemiflora (leatherwood, yiti)  
 Diospyros virginiana (persimmon)  
 Fagus grandifolia var. caroliniana (beech)  
 Fraxinus americana (white ash)  
 Fraxinus pennsylvanica (green ash)  
 Gleditsia triacanthos (honey locust)

Halesia diptera (American snowdrop tree, two-winged silverbell)  
 Halesia tetraptera (Carolina silverbell)

Ilex cassine (dahoon holly)  
 Ilex decidua (possum-haw, deciduous holly)  
 Ilex opaca (american holly)

Juglans nigra (black walnut)  
 Juniperus virginiana (red cedar)  
 Liquidambar styraciflua (sweet gum)  
 Liriodendron tulipifera (tulip tree)  
 Magnolia acuminata (cucumber tree)  
 Magnolia grandiflora (southern magnolia)  
 Magnolia pyramidata (pyramid magnolia)  
 Magnolia virginiana (sweetbay, swampbay)  
 Malus angustifolia (southern crabapple, wild crabapple)  
 Morus rubra (red mulberry)  
 Nyssa sylvatica (black gum, tupelo)  
 Ostrya virginiana (ironwood, hop hornbeam)

Oxydendrum arboreum (sourwood)  
 Pinus glabra (spruce pine)  
 Platanus occidentalis (sycamore, plane-tree)  
 Populus deltoides (eastern cottonwood)  
 Prunus americana (wild plum)  
 Prunus angustifolia (chickasaw plum)  
 Prunus mexicana (Mexican plum)  
 Prunus serotina (black cherry)  
 Prunus umbellata (flatwoods plum)  
 Ptelea trifoliata (wafer ash, common hop tree)  
 Quercus alba (white oak)  
 Quercus bicolor (swamp white oak)  
 Quercus coccinea (scarlet oak)  
 Quercus falcata (southern red oak, Spanish oak)  
 Quercus hemisphaerica (darlington oak)  
 Quercus laurifolia (laurel oak)  
 Quercus lyrata (overcup oak)  
 Quercus macrocarpa (bur oak)  
 Quercus marilandica (blackjack oak)  
 Quercus michauxii (swamp chestnut oak)  
 Quercus muhlenbergii (chinkapin oak, chestnut oak)  
 Quercus phellos (willow oak)

Quercus rubra (red oak)  
 Quercus shumardii (shumard oak)  
 Quercus stellata (post oak)  
 Quercus virginiana (live oak)  
 Quercus velutina (black oak)  
 Salix nigra (black willow)

Taxodium ascendens (pond cypress)  
 Taxodium distichum (bald cypress)  
 Ulmus americana (American elm)  
 Ulmus rubra (red elm, slippery elm)  
 Zanthoxylum clava-herculis (toothache tree)

**Trees (evergreen)**

Chamaecyparis thyoides (white cedar)  
 Ilex opaca (American holly, Christmas holly)  
 Juniperus virginiana (eastern red cedar)  
 Magnolia grandiflora (southern magnolia)  
 Pinus echinata (shortleaf pine)  
 Pinus elliotii (slash, pitch, or yellow slash pine)  
 Pinus glabra (spruce pine)  
 Pinus palustris (longleaf pine)  
 Pinus taeda (loblolly pine)  
 Pinus virginiana (Virginia pine)  
 Prunus caroliniana (cherry laurel)  
 Quercus virginiana (live oak, coastal live oak, southern live oak)

## APPENDIX 5 - Watershed Study Maps

