

STATE OF ALABAMA
COUNTY OF BALDWIN

BALDWIN COUNTY, ALABAMA
HARRY D'OLIVE, JR. PROBATE JUDGE
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TOTAL \$ 0.00
9 Pages

2036979



RESOLUTION #2023-027

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 at its December 5, 2022, 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) a copy of said public notice attached as Exhibit "B" hereto; now therefore

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, we hereby amend the Baldwin County Subdivision Regulations, and the 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 immediately effective upon adoption on December 5, 2022.

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 Baldwin County, Alabama, as affixed on this the 5th day of December 2022.



Charles F. Gruber
Commissioner Charles F. Gruber, Chairman
Baldwin County Commission

Ronald J. Cink
Ronald J. Cink
Budget Director/Interim County Administrator

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.

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.

Differential runoff. The difference in rate of storm water 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.

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

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

Family division. A division in accordance with the Code of Alabama 1975, Chapter 11-24-2(d) among the following designated legally related immediate family members: An owner's spouse, parent, child, and/or sibling. A stepchild or adopted child of an owner; is also the owner's immediate family member. ~~spouse, children, siblings, parents, grandparents, grandchildren, or step-related individuals of the same status.~~

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.

Flood insurance rate map (FIRM). An official map of a community on which the Federal Emergency Management Agency 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 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 in order 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 the floodways as designated in the Flood Insurance Rate Map (FIRM) for Baldwin County, Alabama.

(a) (a) 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, which shall include an owner's spouse, parent, child, and/or sibling. A stepchild or adopted child of an owner, is also the owner's immediate family member.

Each parcel which is subdivided pursuant to this subparagraph (a) shall have its own ingress/egress and utility access or easement that runs with the land of not less than 30 feet in width. An exemption under this paragraph shall not apply to a proposed subdivision or resubdivision that will result in a "Major Change" to an approved and recorded Final Plat or Final Site Plan.

Prior to creating a family subdivision within the unincorporated areas of Baldwin County, that are subject to Baldwin County's Subdivision Regulations, a landowner must apply for an Exempt Subdivision Verification Letter from the Planning and Zoning Department. The Planning Director or his/her 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:

1. An affidavit executed by each proposed grantee certifying their relationship as an immediate family member to the owner/grantor, and
1. A copy of a birth certificate or equivalent document verifying the family relationship between the grantee and the grantor;

(b) 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;

(c) A "one-time" split of a single parcel into two resultant parcels, if, and 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 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 be required to 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. An exemption under this paragraph shall not apply to a proposed subdivision or resubdivision that will result in a "Major Change" to an approved and recorded Final Plat or Final Site Plan;

(d) The relocation of a common property line between two parcels where no new parcels are created. The revised parcels shall meet the minimum lot size and width requirements of Section 5.4(a). An exemption under this paragraph shall not apply to the proposed relocation of a common lot line if the relocation will result in a "Major Change" to an approved and recorded Final Plat or Final Site Plan;

(e) The division of a single parcel into two resultant parcels if each resulting parcel is equal to or greater than thirty-five (35) acres in size. An exemption under this paragraph shall not apply to a proposed subdivision or resubdivision that will result in a "Major Change" to an approved and recorded Final Plat or Final Site Plan;

The owner of each parcel approved as exempt under this Section 4.2 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 Judge of Probate of Baldwin County, Alabama 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, the Planning Director, or their designees, 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.

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 Judge of Probate 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. A Notarized Owner's Dedication;
3. A Certificate of Approval by the Subdivision Property Owner's Association (if applicable);
4. A Certificate of Approval by the County Engineer of Baldwin County;
5. A 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.

An ~~Request for an Exempt Subdivision~~ Verification Letter and supporting documentation to substantiate any claim of exemption shall be submitted to the ~~County Engineer~~ 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: Enforcement* 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.

§ 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

**Planning and Zoning
Department**

Memo

To: Anu Gary

From: DJ Hart

Date: 11/23/2022

Re: STA-22001, Text Amendments to the Baldwin County Subdivision Regulations
Proof of Advertisement for the Baldwin County Commission Public Hearing on 12/5/2022

Anu:

Attached is the original Proof of Publication for the Baldwin County Commission public hearing for case STA-22001, Text Amendments to the Baldwin County Subdivision Regulations

The County Commission public hearing is scheduled for **Monday, December 5, 2022**

Please let me know if you have any questions.

Thank You,

DJ Hart

GULF COAST MEDIA

PO Box 1677 • Sumter, SC 29150
GulfCoastMedia.com

The Courier, The Islander
The Onlooker & The Baldwin Times
Office: 251-943-2151 • Legals: 251-345-6805

PROOF OF PUBLICATION STATE OF ALABAMA • BALDWIN COUNTY

Before me, the undersigned authority in and for said County, in said State, personally appeared April M. Perry who, by me duly sworn, deposes and says that: she is the Legal Representative of the following newspaper listed below, a newspaper of GENERAL CIRCULATION, PUBLISHED and PRINTED in Baldwin County, Alabama, and that there was published in The Courier, The Islander, The Onlooker, & or The Baldwin Times in the issue/s of:

11/09/2022, 11/16/2022, 11/23/2022

a legal notice, a copy of which is hereto attached. The sum charged by the Newspaper for said publication does not exceed the lowest classified rate paid by commercial customers for an advertisement of similar size and frequency in the same newspaper(s) in which the public notice appeared.

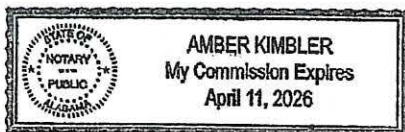
There are no agreements between the Newspaper and the officer or attorney charged with the duty of placing the attached legal advertising notices whereby any advantage, gain or profit accrued to said officer or attorney.

X

April M. Perry
April M. Perry, Legal Ad Representative

X

Amber Kimbler
Amber Kimbler, Notary Public
Baldwin County, Alabama
My commission expires April 11, 2026



Sworn and subscribed to on 11/23/2022.

BC PLANNING & ZONING- LEGAL
Acct#: 983695
Ad#: 340605
Subdivision Hearing
Amount of Ad: \$395.78
Legal File# Sub. Hearing



NOTICE OF PUBLIC HEARING AMENDMENTS TO BALDWIN COUNTY SUBDIVISION REGULATIONS

NOTICE IS HEREBY GIVEN that the Baldwin County Commission, during its December 5, 2022, regular meeting, will consider approving amendments to the Baldwin County Subdivision Regulations after a Public Hearing, pursuant to Article 12 of the Baldwin County Subdivision Regulations. The December 5, 2022, regular meeting of the Baldwin County Commission will be held in the County Commission Chambers at the Baldwin County Administration Building located at 322 Courthouse Square in Bay Minette, Alabama. The Baldwin County Commission meeting begins at 10:00 a.m. If you wish to be heard in opposition to or in favor of the proposed amendments during the Public Hearing, please be in attendance by 10:00 a.m.

The Baldwin County Commission will consider proposed amendments to the Baldwin County Subdivision Regulations. Copies of the proposed amendments are available for viewing at the following locations:

1. Baldwin County Highway Department, 3rd Floor, Baldwin County Central Annex II Building, 22070 State Highway 59, Robertsdale, Alabama,
2. Baldwin County Commission Office, Baldwin County Administration Building, 322 Courthouse Square, Bay Minette, Alabama,
3. Baldwin County Commission Office, Fairhope Satellite Courthouse, 1100 Fairhope Avenue, Fairhope, Alabama,
4. Baldwin County Commission Office, Baldwin County Central Annex Building, 22251 Palmer Street, Robertsdale, Alabama,
5. Baldwin County Planning and Zoning Department, Baldwin County Central Annex Building, 22251 Palmer Street, Robertsdale, Alabama,
6. Baldwin County Commission Office, Foley Satellite Courthouse, 201 East Section Avenue, Foley, Alabama,
7. Baldwin County Planning and Zoning Department, Foley Satellite Courthouse, 201 East Section Avenue, Foley, Alabama; and
8. Baldwin County Courthouse, 312 Courthouse Square, Bay Minette, Alabama

Public participation is solicited without regard to race, color, national origin, sex, age, religion, disability, or family status. Persons who require special accommodations under the Americans with Disabilities Act or those requiring language translation services should contact Ronald Cink, Interim County Administrator, at (251) 580-2550 or rcink@baldwincountyal.gov.

If you have any questions, please contact the Baldwin County Planning and Zoning Department at (251) 580-1655.
November 9-16-23, 2022

GULF COAST MEDIA

Printer Affidavit:

This is to certify the attached advertisement

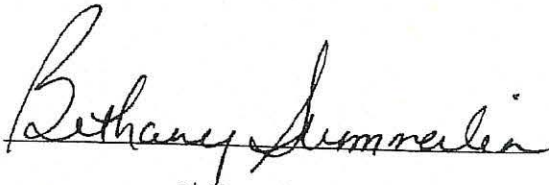
Appeared in The Courier, The Islander & The Onlooker Issue of Gulf Coast Media.

Publication Date(s):

November 16, 2022

Account # 987101 PO # _____

Cost \$ 496.13 Ad # 287801



Bethany Summerlin
Sales Representative

Bill To:

Baldwin County Planning

Mail payments to:

Gulf Coast Media PO Box 1677- Sumter, SC 29151

Sworn to and subscribe before me

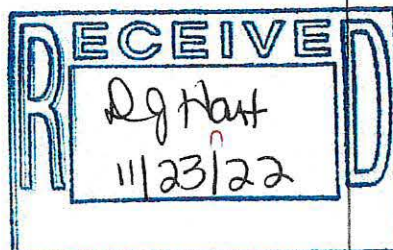
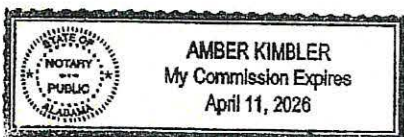
This 16th day of November, 20 22

Amber Kimbler

Amber Kimbler

Notary Public for Alabama

My commission expires on April 11, 2026



Sports



Josh Gunther was one of three baseball signees honored at Bayside Academy's Nov. 9 ceremony as part of National Signing Day. Gunther will head to North Carolina to join the Wake Forest Demon Deacons.



Bayside Academy seniors Jake DeValk (South Alabama), Josh Gunther (Wake Forest) and Jack Woods (Delta State) were joined by Admiral head baseball coach Matt Limbaugh in celebrating National Signing Day Wednesday, Nov. 9, at the high school.

Bayside Academy baseball trio signs with college teams on National Signing Day

BY COLE MCNANNA
Sports Editor
clem@coastmedia.com

A trio of baseball players from Bayside Academy signed with their future college teams during a ceremony at the high school Nov. 9 as part of National Signing Day.

Jake DeValk will stay in state and head to South Alabama to become a Jaguar.

Josh Gunther is heading to North Carolina to join the Wake Forest Demon Deacons and Jack Woods inked his commitment to the Delta State Statesman and will take his talents to Mississippi.

Those three athletes helped their squad to the Class 3A state quarterfinals last season after a state runner-up campaign in 2021. They also extended

the Admiral baseball squad's playoff streak to 18 consecutive seasons.

Because of those top finishes, Bayside Academy was promoted to Class 4A for the 2022 season after the Alabama High School Athletic Association's Competitive Balance Factor. This season, the Admirals will square off with Orange Beach, St. Michael Catholic and UMIS-Wright to fight

for the top spot in Area 1.

DeValk, listed as a 6' 4", 210-pound pitcher and third baseman, earned a Perfect Game grade of 9 which is reserved for the highest-level college prospect.

He was named to the all-tournament team from March's high school showdown at the Hoover Met, then over the summer competed in the PG 17U National Elite Championship and the WVBAA 17U National Championship. DeValk registered a top fastball and infield velocity of 91 mph at separate events in June, 2021.

Similarly, Gunther — a 6', 200-pound pitcher, first, second and third baseman

— has also earned a Perfect Game grade of 9 after he participated in the same two national championships this past summer. He was named to the all-tournament team for the WVBAA 17U tournament where his fastball recorded a personal-best 91 mph.

Woods is listed as a 6' 2", 185-pound outfielder with a top exit velocity of 88 mph, hand speed of 24.6 mgg, bat speed of 72.5 mph and a 90-yard dash time of 7.29 seconds according to Prep Baseball Report. At this summer at PBR's Alabama All-State Games, he added an outfield velocity of 78 mph, a top speed of 19.2 mph and a jump power of 1,555.

The Bayside Academy trio also earned slots in all three Baldwin County All-Star teams as awarded by the Mobile Baseball Connection. DeValk was one of three Admirals on the first team, Gunther was a second-team representative, and Woods was named to the third team.

Gunther also represented Bayside Academy at the AHSSA North-South All-Star game over the summer where he started Game 2 on the mound and pitched two-plus innings and allowed five hits, two runs, one earned run and struck out three batters.

NOTICE OF PUBLIC HEARING

The City Council of the City of Robertsdale will conduct a public hearing on Monday, November 21, 2022, at 8:00 a.m. at Robertsdale City Hall, to consider the following amendment to the Zoning Ordinance and map of the City of Robertsdale:

An Ordinance to amend Ordinance No. 02-10 adopted by the City Council of the City of Robertsdale, Alabama, September 23, 2002.

Be it ordained by the City Council of the City of Robertsdale, Alabama as follows:

That the Zoning Ordinance and official Zoning Map, as amended, be further amended to rezone the following described property:

FROM L-2 & R-1A TO L-2

Tract 3, according to the final subdivision plat for Carpenter, Vaughn, Overstreet Property, said plat being recorded in Slide 2494-C, as recorded in the Probate Office of Baldwin County, Alabama.

Land more particularly described as follows:

Begin at the Southeast corner of Tract 3, Carpenter, Vaughn, Overstreet Property, as shown in map or plat thereof recorded in Slide 2494-C, Probate Records, Baldwin County, Alabama; thence run South 89°56'59" West, a distance of 486.49 feet; thence run North 00°11'58" East, a distance of 1293.48 feet; thence run North 89°39'12" East, a distance of 473.96 feet; thence run North 89°48'18" East, a distance of 275.44 feet; thence run South 00°11'16" West, a distance of 587.79 feet; thence run South 89°56'59" West, a distance of 263.00 feet; thence run South 00°11'55" West, a distance of 709.00 feet to the Point of Beginning.

Tract contains 18.00 acres, more or less, and lies in Section 07, Township 6 South, Range 4 East, Baldwin County, Alabama.

Commencing at the purported southwest corner of the South half of the Southwest Quarter of Section 7, Township 7 South, Range 4 East, Baldwin County, Alabama; thence run N00°17'14"E, along the West line of the Southwest Quarter of said Section 7, a distance of 410.00 feet, more or less, to a point; thence run N89°56'59"E, a distance of 40.0 feet to a 5/8" capped rebar on the East right-of-way of County Road 85 for the Point of Beginning; thence run N00°17'14"E, along said East right-of-way, a distance of 890.88 feet to a 1/2" capped rebar; thence run S89°46'07"W, departing said East right-of-way, a distance of 165.20 feet to a 1/2" capped rebar; thence run N89°39'12"E, a distance of 659.75 feet to a 5/8" capped rebar at the Northwest corner of Tract 3, Carpenter, Vaughn, Overstreet Property, as shown in map or plat thereof recorded in Slide 2494-C, Probate Records, Baldwin County, Alabama; thence run S00°11'55"W, along the West line of said Tract 3, a distance of 1293.48 feet to a point on the North right-of-way of County Road 48; thence run S89°56'59"W, along said North right-of-way, a distance of 424.87 feet to a point being the Southeast corner of a parcel previously conveyed and recorded in instrument #1904720, Probate Records, Baldwin County, Alabama; thence run N00°00'26"W, along the East line of said parcel, a distance of 400.00 feet; thence run S89°56'59"W, along the North line of said parcel, a distance of 400.00 feet to the Point of Beginning.

Tract contains 20.81 acres, more or less, and lies in Section 07, Township 6 South, Range 4 East, Baldwin County, Alabama.

Be it further ordained that the official Zoning Map, as amended, be further amended to reflect this change.

The purpose of the hearing is to gain information prior to making a final decision concerning this rezoning. The request for rezoning is from Cathy Burnett with Dewberry, on behalf of Shirley Carpenter and Tony Overstreet for the property located on the north side of County Road 48 approximately 1,300 feet west of Highway 59, Robertsdale AL 36567.

During the hearing interested persons will be given an opportunity to make comments concerning the proposed rezoning. Written comments should be addressed to: Shannon J. Burdett, City Clerk, P.O. Box 429, Robertsdale AL 36567.

CHARLES H. MURPHY, MAYOR
CITY OF ROBERTSDALE

NOTICE OF PUBLIC HEARING

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