

*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
4. ~~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