



**BALDWIN** COUNTY,  
ALABAMA

*Planning and Zoning Department*

SUB REG AMENDMENTS  
COUNTY COMMISSION WORK SESSION

# SUBDIVISION REGULATION AMENDMENTS

- **First of Several Amendments in the Next 12 Months**
- **Optional Courtesy Stakeholder Meetings (2<sup>nd</sup> Meeting)**
- **Goals:**
  - Create Clarity & Promote Accountability
  - Remove Unnecessary Requirements
  - Modernized Regulations



# MODERNIZATION

- **Application Forms and Intake Process**
- **Exempt Subdivision Changes**
- **Broadband Requirements**
- **Wetland Regulations**
- **Pre-Existing Stormwater Management Facilities**
- **Stream Protections**
- **Sidewalks**
- **Open Space Requirements**
- **Recreational Vehicle Parks**



# BROADBAND REQUIREMENTS (THRESHOLD MATRIX)

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.

Minimum Standards for Subdivision									
Lot Size*	Required Utilities	Roadway Type	Minimum Lot Width	Curb and Gutter	Side-walk <sup>+</sup>	Approval Body Broadband Connectivity	Building Front Setback <sup>++</sup>	Building Rear Setback <sup>++</sup>	Building Side Setback <sup>++</sup>
≥ 40,000 SF	overhead power	BCDS**	120 feet	no	no	Baldwin County Commission § 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, street lights, water 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 more strict minimum lot size between Section 5.4(a) and this table shall apply. Minimum lot size shall be subject to Section 5.4(a)



# BROADBAND REQUIREMENTS (OPTION 1)

## Option 1: Fiber Conduit

1) Requirements. All subdivisions involving the creation of new streets, alleys, or roadways, or subdivisions identified in table 5.1.1 shall include, as part of their development and the costs thereof, the professional design, construction, and installation of fiber optic network duct bank which shall consist of a minimum of four (4) one-inch (1”) conduits/inner ducts to carry fiber optic cable. The development shall also include installation and construction of proper appurtenances and attendant facilities thereto, which shall be located parallel to the nearest public street or roadway and meet or exceed specifications of emerging industry standards for provision of high-speed broadband service, with the exact locations of such infrastructure and the specifications of which to be determined by the County Engineer or his or her designee in reliance on such industry standards. The following additional requirements shall apply:

# BROADBAND REQUIREMENTS (OPTION 2)

## Option 2: Treat Like a Required “Utility”

If required 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. 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. 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 at each lot in the subdivision.

# BROADBAND REQUIREMENTS (OPTION 2- NEW)

If required 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. 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. A letter from the Applicant explaining the need for the waiver shall be made part of the file.

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 at at least one lot in 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 fiber 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 related to the Final Plat approval. A letter from the Applicant explaining the need for the waiver shall be made part of the file and shall be made part of the record under Old Business in a forthcoming Planning Commission meeting.

The Planning Commission shall have broad discretion in determining whether the granting of a waiver above is appropriate.





# SIDEWALKS

(e) All sSidewalks which are to be located within the subdivision ~~adjacent to common areas and not adjacent to residential or commercial lots~~ shall be constructed prior to final plat approval. ~~Sidewalks which are to be located adjacent to residential or commercial lots shall may be constructed before after the issuance of 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.

## Latest Revision:

(e) All sSidewalks which are to be located within the subdivision ~~adjacent to common areas and not adjacent to residential or commercial lots~~ shall be constructed prior to final plat approval. ~~Sidewalks which are to be located adjacent to residential or commercial lots shall may be constructed before after the issuance of 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 his/her designee.





# OPEN SPACE REQUIREMENTS

## § 5.20 Open Space Requirements

(a) *Open space reservation.* Exclusive of the Open Space provisions for Planned Unit Developments contained in Article 9, the following open space reservation requirements shall apply to all subdivision lots that require installation or construction of streets:

- 15% of Gross Land Area Set Aside for Open Space
- 50% of Open Space Usable for Passive/Active Recreation



# OPEN SPACE REQUIREMENTS

(1) A minimum of 15% of the gross land area of the subdivision development shall be set aside for permanent open space.

a. Steep slopes (greater than 4:1), 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 the following passive or active recreation purposes: parks, recreational and social facilities, multi-use paths, and similar improved areas. The usable open space shall not include retention or detention facilities, swales, ditches, constructed wetlands, steep slopes, streams, ponds, watercourses, jurisdictional wetlands, floodways and/or floodplains.

c. Open space set aside for passive and active recreation should be centrally located within the develop as a design feature.

(2) 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.~~

