



Baldwin County Commission Work Session  
Meeting Minutes

Tuesday, September 20, 2021  
8:30 AM

Baldwin County Administration Building, County Commission Meeting Chambers  
322 Courthouse Square, Bay Minette, Alabama 36507

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**Commissioner's present:**

District 1 – Commissioner James E. Ball  
District 2 – Commissioner Joe Davis, III  
District 3 – Commissioner Billie Jo Underwood  
District 4 – Commissioner Charles F. Gruber

**Commissioners absent:**

None.

**Staff present:**

Brian Peacock, CIS Director  
Cian Harrison, Clerk Treasurer  
Joey Nunnally, County Engineer  
Ron Cink, Budget Director  
Deidra Hanak, Personnel Director  
Matthew Brown, Planning Director  
Ann Simpson, BRATS Director  
Zach Hood, EMA Director  
Wayne Dyess, County Administrator  
Eddie Harper, Building Official  
Anu Gary, Administrative Services Manager  
Barbara Pate, Commission Executive Assistant  
Sherry-Lea Bloodworth Botop, Director of Public/Government Affairs  
Lisa Sangster, Chief Administrative Assistant  
Felisha Anderson, Director Archives & History/Special Historic Project Coordinator  
Kelly Childress, Council on Aging Coordinator  
Wanda Gautney, Purchasing Director

**Also present:**

Brad Hicks, County Attorney  
Hope Hicks, Legal Counsel  
Wiley Blankenship, Coastal Alabama Partnership  
Allan Chason, Point Clear Property Owners Association

After the welcome, invocation and pledge of allegiance, the following agenda items were reviewed and/or discussed:

## **A ADOPTION OF MINUTES**

September 2, 2021, Special Meeting (BOE Tax Election)

September 7, 2021, Regular Meeting

No discussion.

## **B ACTION ITEMS**

### **BA ADMINISTRATION**

- BA1** Appointed Contract Employees - Considerations Related to Employment Contracts **21-1318**

Moved to September 21, 2021, regular meeting, Consent.

- BA2** City of Spanish Fort - Annexation Notification **21-1303**

Moved to September 21, 2021, regular meeting, Consent.

- BA3** Purchase of Baldwin County Promotional Items **21-1345**

Moved to September 21, 2021, regular meeting, Consent.

- BA4** Request to Use Byrnes Lake Landing and the Bicentennial Park Grounds for Overnight Camping and a Movie Screening Event "On Set Cinema" - Event Date Change **21-1314**

Moved to September 21, 2021, regular meeting, Consent.

- BA5** Space Allocation in County Facilities - Allocation of Space at the E-911 Building in Robertsedale, Alabama and Adoption of Resolution #2021-123 **21-1230**

Moved to September 21, 2021, regular meeting, Consent.

### **BC ARCHIVES AND HISTORY**

- BC1** Alabama Humanities Alliance - FY 2021 Recovery Grant Acceptance **21-1310**

Felisha Anderson, Director of Archives and History/Special Historic Project Coordinator, discussed the grant award of \$10,000 from the Alabama Humanities Alliance, which will be used to recuperate monies lost during COVID.

Moved to September 21, 2021, regular meeting, Consent.

**BD BALDWIN REGIONAL AREA TRANSIT SYSTEM (BRATS)**

- BD1** Extension and Amendment of Contract for Professional Services with Via Mobility, LLC for Provision of Innovative Software Services for BRATS **21-1348**

Moved to September 21, 2021, regular meeting, Consent.

**BE BUDGET/PURCHASING**

- BE1** Competitive Bid #WG21-44 - Purchase of IP Telephone Sets for the Baldwin County Commission **21-1308**

Moved to September 21, 2021, regular meeting, Consent.

- BE2** Competitive Bid #WG21-49 - Provision of Regular Unleaded Gasoline and No. 2 Diesel Fuel for the Baldwin County Commission **21-1264**

Moved to September 21, 2021, regular meeting, Consent.

- BE3** Expansion of Baldwin County Magnolia Landfill Gas System Phase IV Located in Summerdale, Alabama for the Baldwin County Commission **21-1326**

Moved to September 21, 2021, regular meeting, Consent.

- BE4** Alabama Department of Youth Services Agency Grant Agreement for Fiscal Year 2021 - 2022 **21-1204**

Moved to September 21, 2021, regular meeting, Consent.

- BE5** Resolution #2021-126 - Appropriation of Commission Discretionary Funds for the USS Alabama Battleship Commission **21-1271**

Moved to September 21, 2021, regular meeting, Consent.

- BE6** Appropriation Agreements Aligned to the Baldwin County Fiscal Year 2021-2022 Budget **21-1291**

Moved to September 21, 2021, regular meeting, Consent.

**BH COMMUNICATIONS/INFORMATION SYSTEMS (CIS)**

**BH1** Microsoft Volume Licensing Agreement **21-1280**

Wayne Dyess, County Administrator, noted at the request of Brian Peacock, CIS Director, Item BH1 will be pulled from the agenda at this time.

Pulled from the agenda, will be brought back to a future meeting.

**BI COUNCIL ON AGING**

**BI1** Fiscal Year 2021-2022 Title III Older Americans Act Contract with South Alabama Regional Planning Commission (SARPC) **21-0991**

Moved to September 21, 2021, regular meeting, Consent.

**BJ ELECTED OFFICIALS**

**BJ1** Extension of Memorandums of Understanding with Hughes Funeral Home and Mack Funeral Home for Baldwin County Coroner's Office **21-1336**

Moved to September 21, 2021, regular meeting, Consent.

**BJ2** Fiscal Year 2021-2022 Agreement for Community Traffic Safety Program Grant Participation **21-1333**

Commissioner Davis noted Item BJ2 has been removed and will be brought back to the October 5, 2021 meeting.

Pulled from agenda, will be brought back to a future meeting.

**BJ3** Law Enforcement Services for the Town of Magnolia Springs, Alabama **21-1340**

Commissioner Ball asked what needs to be done with the law enforcement service contract with the Town of Magnolia Springs, to which Brad Hicks, County Attorney, replied the contract has already been reviewed, it is the same the contract as before.

Moved to September 21, 2021, regular meeting, Consent.

**BJ4** Tri-Party Agreement for Housing of Prisoners at the Baldwin County Corrections Center for the City of Bay Minette, Alabama **21-1341**

Moved to September 21, 2021, regular meeting, Consent.

**BJ5**    Tri-Party Agreement for Housing of Prisoners at the Baldwin County  
Corrections Center for the Town of Loxley, Alabama                      **21-1342**

Moved to September 21, 2021, regular meeting, Consent.

**BK    EMERGENCY MANAGEMENT AGENCY (EMA)**

**BK1**    Resolution #2021-131 - Fiscal Year 2021 Budget Amendment #6                      **21-1290**

Commissioner Gruber asked if a vehicle was purchased in this budget which is a replacement for the one that was damaged by hail, to which Ron Cink, Budget Director replied yes, a replacement vehicle has been budgeted.

Moved to September 21, 2021, regular meeting, Consent.

**BK2**    Fiscal Year 2022 Alabama Department of Public Health Strategic National  
Stockpile Grant Agreement                      **21-1302**

Moved to September 21, 2021, regular meeting, Consent.

**BL    ENVIRONMENTAL MANAGEMENT**

**BL1**    Annual Christmas Tree Recycling Program - 2021                      **21-1278**

Moved to September 21, 2021, regular meeting, Consent.

**BL2**    Baldwin County Solid Waste Department - 2021 Holiday Schedule                      **21-1277**

Moved to September 21, 2021, regular meeting, Consent.

**BL3**    Mandatory Garbage Fees - Low Income Exemption Applications - 2021                      **21-1338**

Moved to September 21, 2021, regular meeting, Consent.

**BL4**    Mandatory Garbage Fees - Social Security Exemption Applications - 2021                      **21-1337**

Moved to September 21, 2021, regular meeting, Consent.

## **BN HIGHWAY**

**BN1** Case No. S-16045 - Fairhope Falls, Phase 2 - Release Maintenance Bond **21-1297**

Moved to September 21, 2021, regular meeting, Consent.

**BN2** Case No. S-19010 - River Place - Road Acceptance **21-0967**

Moved to September 21, 2021, regular meeting, Consent.

**BN3** State Expenditure Plan #13: Longevity, Stability and Water Quality Improvements, Bon Secour Dredge Material Disposal Area (DMDA) - Covenant of Purpose, Use and Ownership Document **21-1292**

Moved to September 21, 2021, regular meeting, Consent.

## **BQ PERSONNEL**

Wayne Dyess, County Administrator, noted Item BQ5 will be pulled from the agenda due to the applicant declining to accept the position.

**BQ1** Approval of Updated Organizational Charts and Position Descriptions **21-1339**

Moved to September 21, 2021, regular meeting, Consent.

**BQ2** Finance and Accounting Department - Creation of One (1) Grants Administrator Position **21-1319**

Moved to September 21, 2021, regular meeting, Consent.

**BQ3** Building Maintenance Department - Employment of Two (2) Building Maintenance Engineer II Positions **21-1321**

Moved to September 21, 2021, regular meeting, Consent.

**BQ4** Communication and Information Systems Department - Employment of One (1) Operations Support Specialist II Position **21-1346**

Moved to September 21, 2021, regular meeting, Consent.

**BQ5** Communication and Information Systems Department - Employment of One (1) Systems Administrator Position **21-1353**

Removed from the agenda.

**BQ6** Probate Office - Employment of One (1) License Revenue Officer I Position and One (1) Recording Officer Position **21-1323**

Moved to September 21, 2021, regular meeting, Consent.

**BQ7** Revenue Commission (Personal Property) - Personnel Change **21-1324**

Moved to September 21, 2021, regular meeting, Consent.

**BQ8** Baldwin Regional Area Transit System Department - Promotion of Employee **21-1320**

Moved to September 21, 2021, regular meeting, Consent.

**BQ9** Solid Waste Department (Collections) - Promotion of Employee **21-1325**

Moved to September 21, 2021, regular meeting, Consent.

**BQ10** Solid Waste Department (Collections Administration) - Promotion of Employee **21-1334**

Moved to September 21, 2021, regular meeting, Consent.

**BQ11** Personnel Department - Health and Dental Insurance Rates for 2022 **21-1328**

Moved to September 21, 2021, regular meeting, Consent.

**BQ12** Personnel Department - Safety Incentive Discount Program for ACCA Self-Insurance Fund **21-1322**

Moved to September 21, 2021, regular meeting, Consent.

**BR PLANNING AND ZONING**

- BR1** 2021-2026 Municipal Separate Storm Sewer Systems (MS4) Permit Renewal Signature Update **21-1352**

Moved to September 21, 2021, regular meeting, Consent.

- BR2** Planning Jurisdiction Agreement with the City of Bay Minette **21-1355**

Hope Hicks, Legal Counsel, discussed the Planning Jurisdiction Agreements sent to each municipality within the county. Agreements have been received back from Bay Minette and Perdido Beach; the Commission should approve them at this time.

Moved to September 21, 2021, regular meeting, Consent.

- BR3** Planning Jurisdiction Agreement with the Town of Perdido Beach **21-1356**

Moved to September 21, 2021, regular meeting, Consent.

**C PRESENTATIONS**

**CA GENERAL**

- CA1** Coastal Alabama Partnership - Beyond Green Travel - Eco-Tourism Plan Presentation **21-1256**

Mr. Wiley Blankenship, with Coastal Alabama Partnership, updated the Commission regarding Beyond Green Travel Team's Eco-Tourism Plan which includes creating a brand and a marketing plan for the entire region. Mr. Blankenship discussed the company's plans to look at the area to see what is there, visiting several land-based sites and returning to see the water-based sites. This is a 10-month project and Mr. Blankenship will be in contact with the Commissioners for their input on the project.

No item moving forward.

- CA2** Adoption of the Baldwin County Fiscal Year 2021-2022 Budget **21-1269**

Wayne Dyess, County Administrator, stated Ron Cink, Budget Director, will present the 2021-2022 Fiscal Year Budget during the regular Commission meeting.

Moved to September 21, 2021, regular meeting, Presentations.



## **D PUBLIC HEARINGS**

Wayne Dyess, County Administrator, said there are several public hearings on the agenda tomorrow.

### **DR PLANNING AND ZONING**

**DR1** Case No. S-20069 - Hookbone RV Park Appeal from the Baldwin County Zoning Administrator Denial of Final Site Plan Application **21-1335**

Wayne Dyess, County Administrator, discussed the Hookbone RV Park appeal case and noted the Commissioners will need to vote to affirm, reverse, or modify this request during the Commission meeting tomorrow.

Moved to September 21, 2021, regular meeting, Public Hearings.

**DR2** Case No. Z-21027 - Leech Property Rezoning **21-1298**

Moved to September 21, 2021, regular meeting, Public Hearings.

**DR3** Case No. Z-21028 - Weaver Property Rezoning **21-1329**

Moved to September 21, 2021, regular meeting, Public Hearings.

**DR4** Case No. TA - 21002 - Amendment to Baldwin County Zoning Ordinance to Incorporate Site Plan Approvals for Certain Developments and Removal of Section 19.7, Agricultural Land **21-1343**

Mr. Allan Chason, on behalf of the Point Clear Property Owners, commented on the current Zoning Ordinance in District 26 and said there is an oversight on tourist homes. Mr. Chason discussed the description of a tourist home and the type of neighborhood that would best suit this kind of development. Mr. Chason said District 26 amended its current ordinance about a year ago which states no lodging houses or boarding houses allowed. Mr. Chason asked the Commission to change the zoning ordinance and not allow tourist homes in District 26.

Matthew Brown, Planning and Zoning Director, explained District 26 amended its local provision but for some reason left Bed and Breakfast and Tourist Homes as an available use in the district. This would have to go back to the Planning Commission for a local provision change.

Moved to September 21, 2021, regular meeting, Public Hearings.

Mr. Allan Chason, on behalf of the Point Clear Property Owners, discussed issues regarding family subdivision regulations and the opportunities to fix them. Mr. Chason suggested that a family subdivision exemption be offered for a set period of time to ensure the regulations are not abused. Mr. Chason offered the assistance of the Point Clear Property Owners Board to work with the County Attorney and Planning Director on this matter.

The Commissioners further discussed an email from Mr. Chason related to the Subdivision Regulations. The Commissioners said holding off on the amendment at this point because of the changes to family subdivision could negatively affect the entire county. The County is bound by state laws and Act 2021-297.

Commissioner Davis requested Matthew Brown, Planning Director, and Brad Hicks, County Attorney, meet with Mr. Chason to discuss this issue, review some options and develop a timeline.

Mr. Hicks stated this is an issue that the County is aware of; it is a question of risk that the Commission needs to decide if they want to take. There are not many cases recorded on family subdivision cases so the Baldwin County Commission does not know what would happen if a case was judicially tested.

Mr. Brown handed out the [proposed amendments to the Baldwin County Zoning Ordinances](#) and the [General Subdivision Flow Chart](#) to the Commissioners and discussed the documents.

Commissioner Ball asked how often Mr. Brown sees people abusing the family subdivision regulations, to which Mr. Brown replied at least once a week.

Moved to September 21, 2021, regular meeting, Public Hearings.

## **E COMMITTEE REPORTS**

### **EA FINANCE/ADMINISTRATION DIVISION**

#### **EA1** Payment of Bills

**21-1300**

No discussion.

#### **EA2** Notification of Interim Payments Approved by Clerk/Treasurer as Allowed Under Policy 8.1

**21-1299**

No discussion.

## **F DISCUSSION ITEMS**

None.

## **G COMMISSIONER REQUESTS**

Commissioner Underwood asked if the County is still under a State of Emergency for Hurricane Ida, to which Zach Hood, EMA Director replied yes; the County is still under the State of Local Emergency. Mr. Hood said he was not sure why it has not been lifted or when it will be lifted. The major damage from the storm was erosion to the beaches, but the County will most likely not meet financial threshold requirements to apply for federal assistance.

Joey Nunnally, County Engineer, explained most of the damage was at County Road 9 at Pole Cat Branch, which has been repaired.

Commissioner Davis said he would like staff to do a growth comparison of the county population versus the number of Baldwin County Commission employees from ten years ago to today. Commissioner Davis said he believes the comparison will show that the county has grown in size, but the Baldwin County Commission has not increased at the same rate in the number of employees; therefore, as a government the County is working better with the resources it has.

## **H ADDENDA**

### **HA1 Highway Department (Pre-Construction) - Promotion of Employee into Right-of-Way Technician I Position 21-1359**

Joey Nunnally, County Engineer, said this is a standard promotion.

Moved to September 21, 2021, regular meeting, Consent.

### **HA2 Personnel Act 21-1364**

Commissioner Gruber discussed the Personnel Act, questioning why the Baldwin County Commission has ten appointed directors while most counties in the state have two or three. Commissioner Gruber said he is asking the Commission to look at the Act and consider changing it; the decision to appoint this many directors was made many years ago and was politically driven.

The Commissioners discussed the current structure of the Baldwin County appointed employees, the possibility of changing the structure, the importance of open communication between the Commissioners and Directors, supporting the needs of the Directors, and allowing them to do their jobs as well as job accountability. Further discussion took place regarding why the suggestion of changing the existing structure had never been brought up to past Commissions and concerns that there are current staff members talking to those Commissioners who are currently in favor of changing the structure and the possibility there are unhappy employees who are worried about their jobs.

No item moving forward.

Motion by Commissioner Ball, seconded by Commissioner Underwood, to adjourn the September 20, 2021, Baldwin County Commission work session.

Wayne Dyess, County Administrator, said Hope Hicks, Legal Counsel, is here to talk about Planning Jurisdiction Agreements.

## **I ADMINISTRATIVE REPORT**

None.

## **J COUNTY ATTORNEY'S REPORT**

Hope Hicks, Legal Counsel, gave an update on each municipality in the County related to the Planning Jurisdiction Agreements with the County Commission. Ms. Hicks reported the Town of Elberta does not want to enter into a new agreement. Ms. Hicks asked the Commission to authorize a letter to the Town of Elberta stating the Baldwin County Commission will maintain its existing coverage for the Town of Elberta outside its corporate limits.

Moved to September 21, 2021, regular meeting, Consent.

## **K PUBLIC COMMENTS**

None.

## **L PRESS QUESTIONS**

None.

## **M COMMISSIONER COMMENTS**

None.

## **N ADJOURNMENT**

Motion by Commissioner Ball, seconded by Commissioner Underwood, to adjourn the September 20, 2021, Baldwin County Commission work session at 9:58 a.m.

The motion passed by the following vote:

Aye: 4 - James E. Ball, Joe Davis III, Billie Jo Underwood, and Charles F. Gruber

Nay: 0

Absent: 0

Abstain: 0

The meeting adjourned at 9:58 a.m.

A handwritten signature in black ink, appearing to read "James E. Ball". The signature is stylized with a large, looped initial "J" and a prominent "E".

DRY

(d) *Storage and parking.* Recreational vehicles may be parked or stored in residential districts as provided in *Section 15.3.9: Storage and parking of trailers and commercial vehicles.*

(e) *Maximum density.*

1. High Density: 15 campsites per acre where sanitary sewer is provided.
2. Low Density: 6 campsites per acre where sanitary sewer is not provided

(f) *Land area.* The minimum land area of a recreational vehicle park shall be three (3) acres.

(g) *Use.* Use of spaces in recreational vehicle parks is limited to recreational vehicles.

(h) *Water and sewer facilities.*

1. *Water.* Each recreational vehicle park shall be served with a public/private water supply system capable of providing domestic water use and fire protection.
2. *Sewer.* Each recreational vehicle park shall be served with sanitary sewer facilities meeting all requirements of the Baldwin County Health Department.

(i) *Setbacks.*

- ~~1. No space shall be so located that any part intended for occupancy for sleeping purposes shall be within 30 feet of any property line.~~
- ~~2. Recreational vehicles must be separated from each other and from other structures by at least 10 feet.~~
- ~~4. A minimum thirty-foot building setback shall be required from any exterior property line, development phase boundary line, or jurisdictional wetland. No recreational vehicle sites, buildings, or other non-stormwater structures shall be constructed within the required thirty-foot setback.~~
- ~~5. Structures constructed or located on recreational vehicle parks and campground sites / units must be separated from each other by at least ten (10) feet.~~
- ~~6. Refer to Section 5.4 (h) of the Subdivision Regulations for Highway Construction Setback requirements.~~

(j) *Access.*

- ~~1. No recreational vehicle park shall be located except with direct access to a paved county, state or federal highway, with a minimum lot width of not less than 50 feet for the portion used for entrance and exit. Recreational Vehicle 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.

2. No entrance or exit shall be through an existing residential subdivision.

3. Access drives must be a minimum of 24 feet wide for a two-way street and 12 feet wide for a one-way street and must be improved with a suitable hard surface permanent type of pavement such as asphalt, concrete, limestone or other similar surface approved by the Planning Commission. The internal roadways for RV parks and campgrounds shall be built by the developer and, at a minimum, 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. The internal roadways, recreational vehicle pads, and standard vehicle parking must be improved with a suitable asphalt or concrete surface approved by the County Engineer.

(k) *Accessory uses.* Management headquarters, recreational facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to the operation of a recreational vehicle park are permitted as accessory uses.

**(l) Sites.—Design Requirements for Recreational Vehicle Site —**

1. ~~1.~~ Each recreational vehicle site must be at least 1,600 square feet in area. **Parking**

a. Each recreational vehicle site shall have off-street parking for at least one recreational vehicle and one standard passenger vehicle.

b. Additional parking spaces shall be provided throughout the recreational vehicle park to accommodate employee and guest parking. The number of additional parking spaces shall equal 0.25 spaces per recreational vehicle site rounded to the nearest whole number. The minimum dimension of an off-street parking space is 9' x 19'.

2. ~~Each recreational vehicle site must contain a parking pad improved with a suitable all-weather surface.~~ Each recreational vehicle site must be at least 1,600 square feet in area.

3. ~~3.~~ Each recreational vehicle site must contain at least one (1) off-street parking space improved with a suitable all-weather surface. 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.



(a) *Application form.* The application shall be submitted on forms to be provided by the Zoning Administrator.

(b) *Application Submittal Documents.* Each application for ~~a land use certificate site plan approval~~ shall be accompanied by documents as applicable:

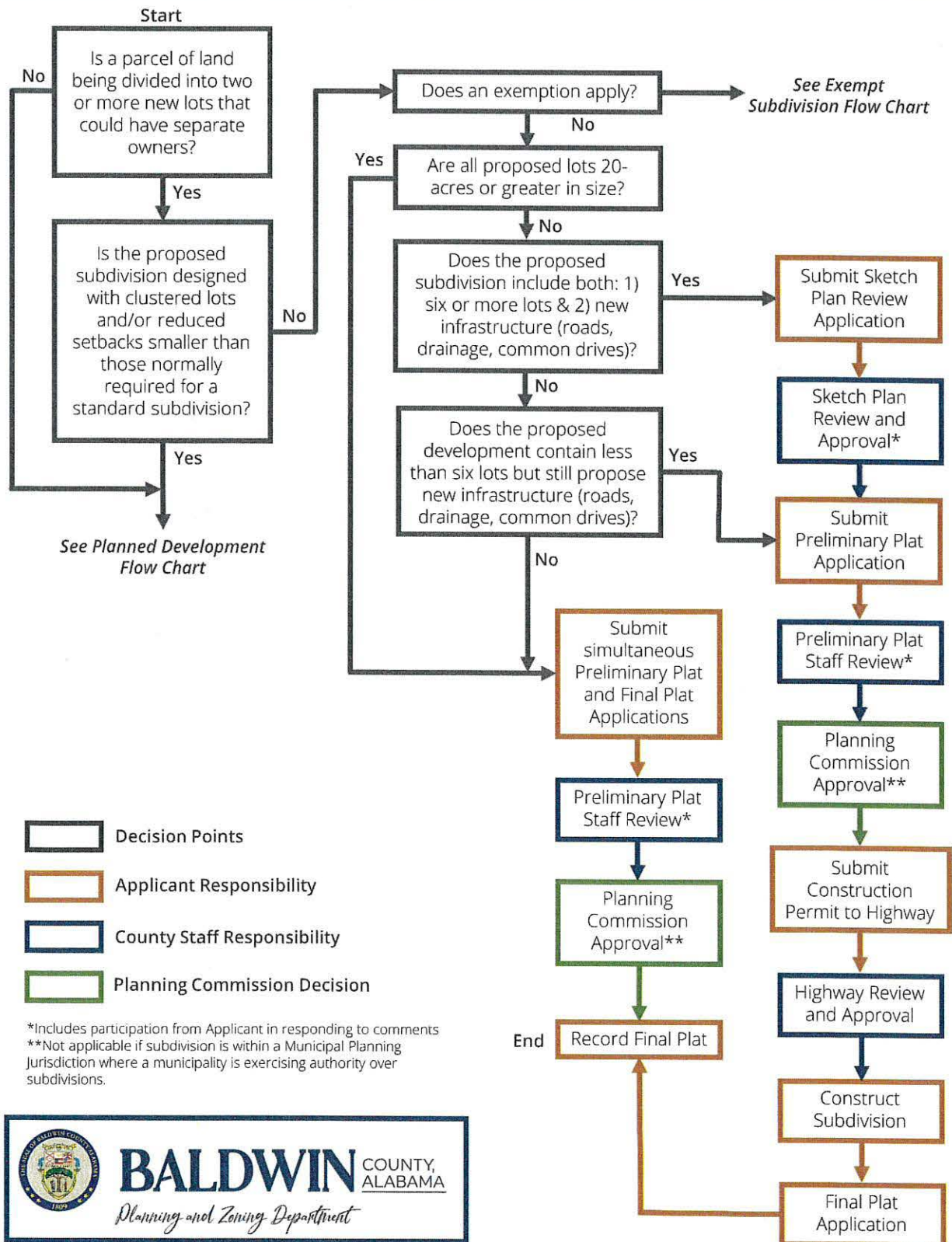
- an accurate site plan drawn to scale showing:
  - the actual shape, dimensions and size of the lot to be built upon;
  - the size, shape, height, floor area and location of the buildings to be erected;
  - dimensions and locations of existing buildings;
  - width of front, side and rear yards;
  - highway construction setback
  - existing and proposed parking;
  - ingress to, and egress from, the site; and
- such other information as may be reasonably requested to determine compliance with these zoning ordinances including but not limited:
  - landscaping plan (with applicable landscape buffers),
  - erosion control plan,
  - approved stormwater management plan, and
  - utilities plan.
  - ~~Covenant/Restrictions Document: Applicant shall submit a signed document indicating that no covenants or deed restrictions will be violated by the proposed use.~~

~~Plans and specifications. Each application for conditional use Commission site plan approval shall be accompanied by an accurate site plan drawn to scale showing: the actual shape, dimensions and size of the lot to be built upon, the size, shape, height, floor area and location of the buildings to be erected; dimensions and locations of existing buildings; width of front, side and rear yards; existing and proposed parking; ingress to and egress from the site; and such other information as may reasonably be requested to determine compliance with these zoning ordinances including but not limited to a landscaping plan, erosion control plan, stormwater management plan, and utilities plan.~~

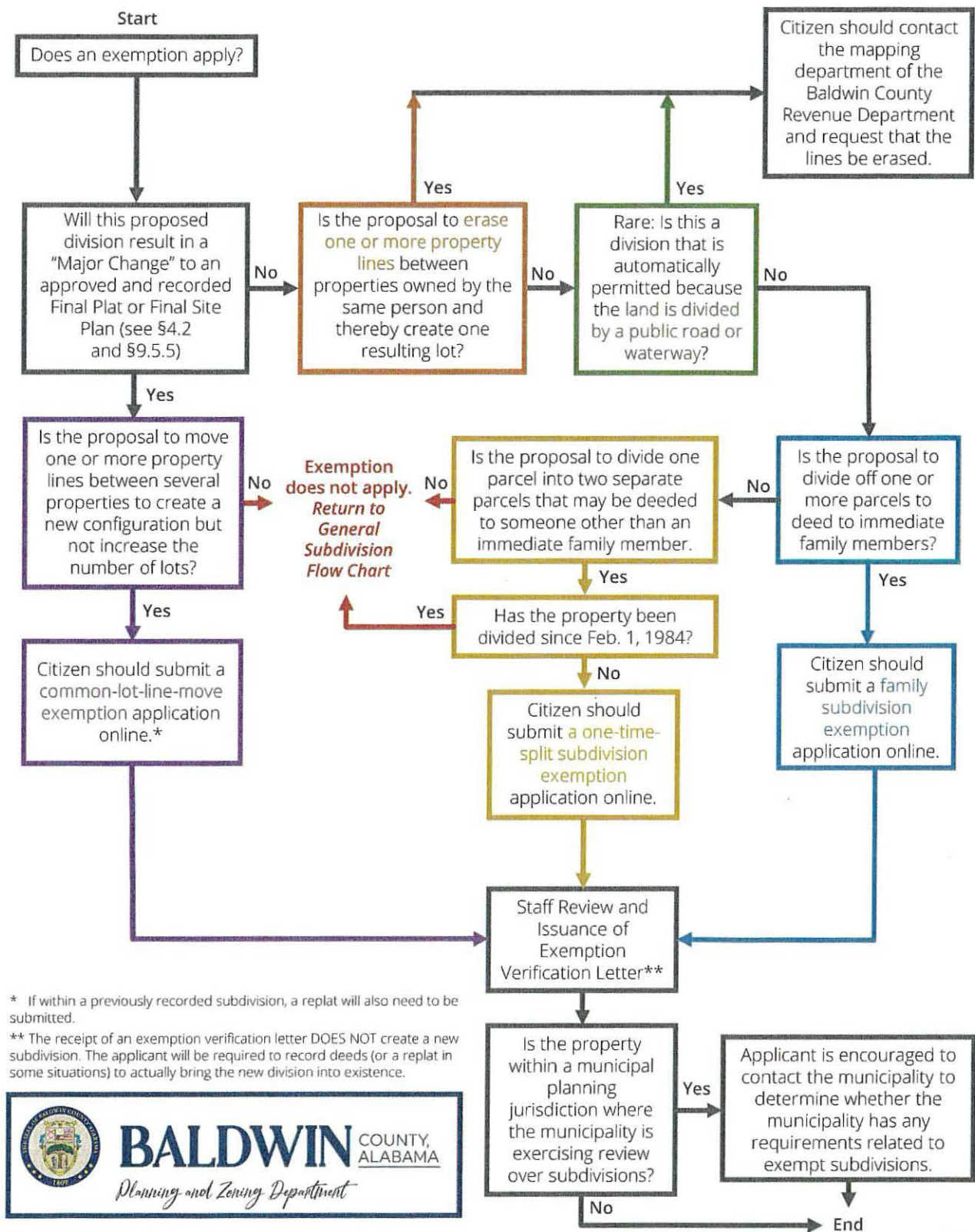
(c) *State and Federal permits.* Written evidence of applications for all required permits showing compliance with regulations of the Corps of Engineers, Alabama Department of Environmental Management, Alabama Coastal Area Management Program and Baldwin County Health Department shall accompany the application for conditional use approval, and the conditional use may be conditioned upon the actual receipt of said permits by the applicant.



## General Subdivision Flow Chart

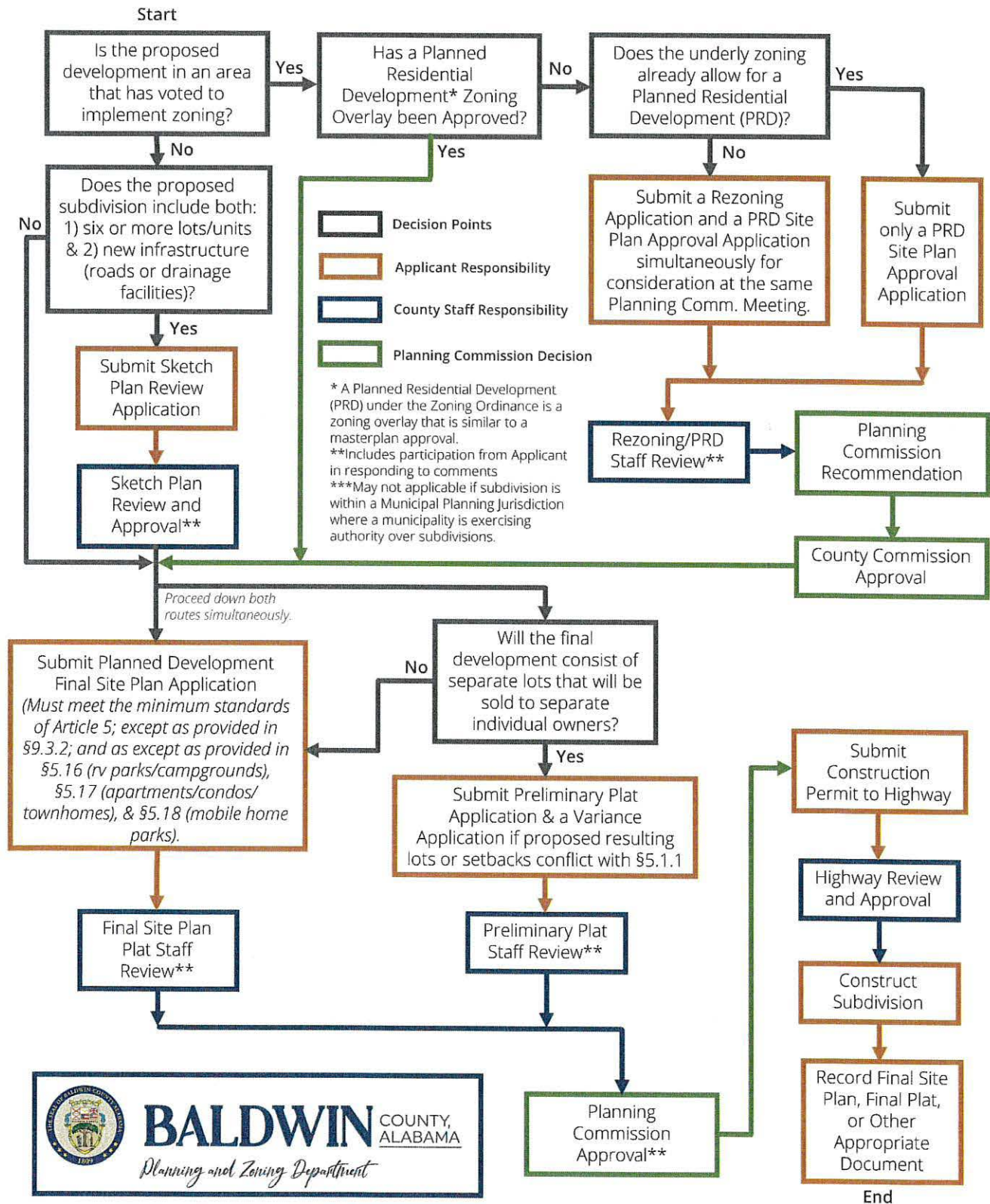


## Exempt Subdivision Flow Chart





## Planned Development Flow Chart





#### Section 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 application 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 requirement communication to the Applicant and elect to instead receive notice by email. 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) Applications Submittal Deadlines

- (i) Preliminary Plat, Final Plat, Conceptual Site Plan, & 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 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 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 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 documents and information have been submitted that are necessary for Department staff to complete a full technical review of the application. 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 to the Applicant. 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 its 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 determine that a submitted application is deficient in any regard, the Baldwin County Planning Director or County Engineer or their designees shall detail the deficiencies to the applicant through email, unless an applicant has elected to communicate exclusively through US Mail in 4.1.1(a) above. 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; and



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 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 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 and Zoning 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 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 (unless an applicant has elected to communicate exclusively through US Mail in 4.1.1(a) above) 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 their designees shall make a recommendation of approval or denial to the Baldwin County Planning and Zoning Commission. If the proposed development complies with the requirements of these Subdivision Regulations, it shall be approved by the Baldwin County Planning and Zoning Commission.

If the Baldwin County Planning Director, the County Engineer, or their designees recommend denial of 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 US Mail in 4.1.1(a) above) at least ten days before the recommendation is to be presented to the Baldwin County Planning and Zoning Commission for action.

## **§ 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, the following subdivisions are exempt from the provisions of these regulations:



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 extraterritorial planning jurisdiction of a municipality.

A Request for an Exempt Subdivision Letter and supporting documentation to substantiate any claim of exemption shall be submitted to the County Engineer. 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.

#### § 4.3 Municipal Extraterritorial Planning Jurisdictions

These Subdivision Regulations shall apply to any subdivision lying within the extraterritorial 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, to the extent that the Baldwin County Planning and Zoning Commission has jurisdiction over such subdivision pursuant to Section 11-52-30, et seq. of the Code of Alabama (1975).

#### § 4.4 Application for Sketch Plan Approval and Pre-Application Meeting

~~Except as otherwise provided in these Subdivision Regulations, a~~Any applicant who seeks the approval of a non-exempt subdivision or Planned Development 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) six or more lots and 2) new infrastructure (roads or drainage facilities), shall first file an application with the Baldwin County Planning Director for 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. The procedure for obtaining a Sketch Plan Approval is set forth below.

#### Section 4.4.1 Application Procedure and Requirements



- (c) Be accompanied by two<sup>7</sup> 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 applied uniformly for all applicants) ~~(only 3 copies if located within a municipal ETJ) and one 11"x17" copy of the proposed Subdivision Plat;~~
- (d) Be accompanied by a digital file of the proposed Subdivision Plat, in suitable format to the Baldwin County Planning Director;
- (e) Be accompanied by a generalized drainage plan in accordance with Section 5.11.7, 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 (if a full drainage plan is not required, please submit a written narrative explaining why a full draining plan is not required);
- (f) Be submitted to the Baldwin County Planning Director by the deadline established in 4.1.1(b) to be placed on a calendar 30 days prior to a regularly scheduled meeting of the Baldwin County Planning and Zoning Commission;
- (g) 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 ~~Said title document shall cover~~ a period of no less than 30 years;
- (h) 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. ~~Be accompanied by documentation from the Baldwin County Health Department that Phase 2 of the Site Preparation Plan process is complete. (for developments proposing to utilize on-site septic systems);~~
- (i) 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 affected utility company (water, sewer, electric, and telephone) documenting their ability and willingness to serve said development;
- (j) Be accompanied by the Traffic Study and other information as required by Section 5.5.14;
- (k) Be accompanied by a completed Subdivision Plat Application Submittal Checklist, and by a transmittal letter listing all of the drawings, letters, calculations, attachments, and other information submitted for the application;
- (l) Be accompanied by documentation from E-911 Addressing approving all street names.
- (m) Be accompanied by a wetland delineation and Jurisdictional Determination if required pursuant to Section 5.2.2.

#### § 4.5.2 Review and Approval of Applications for ~~Development Permit~~ Preliminary Plats

The Preliminary Plat Application shall be processed and reviewed in the manner describe in Section 4.1.1. After the Baldwin County Planning Director and County Engineer or his/her designee has reviewed the proposed Subdivision Plat, application for Development Permit Preliminary Plat and supporting



4. Mortgagee's Acceptance (if applicable);
5. Notary Acknowledgment of Mortgagee's Acceptance referred to in "4";
6. A Certificate of Approval by the affected utility providers;
7. Certificate of Approval by the Baldwin County E-911 Addressing;
8. A Certificate of Approval by the Baldwin County Coastal Area Program (if applicable);
9. A Certificate of Approval by the County Engineer of Baldwin County;
10. A Certificate of Approval by the appropriate municipal planning commission (if applicable);
11. —A Certificate of Approval by the Baldwin County Health Department (if applicable);
10. A Certificate of Approval by the Baldwin County Planning Director; and
11. A 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 insure that said certificates will be legible on any prints made therefrom. Prior to the recordation 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 § 7.3.

#### § 4.6.5 Engineering Plan and Test Reports

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. "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'.

#### § 4.6.6 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 4.6.4(r) 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 on CD, DVD, 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 6.1.2: Monuments*.



(A) In addition to installing fiber optic network conduit, the developer shall install such vaults, manholes, hand holes and other appurtenances and facilities as are necessary or needed to accommodate installation and connection of fiber optic cable within the fiber optic network conduit.

(B) All construction and installation required in this Subsection shall be accomplished according to construction standards adopted by the County Engineer. Such standards shall be adopted with due consideration given to existing and anticipated technologies and industry standards.

(C) All fiber optic network conduit and facilities and appurtenances installed by the developer pursuant to this Section shall be conveyed and dedicated to the County either with or as part of the dedication and conveyance of the public street and/or right of way to the County or otherwise.

(D) All construction and installation costs shall be the responsibility of the developer.

2) Use by Broadband Service Providers. Whenever fiber optic network conduit installed, or to be installed, under this Subsection is available, or will become available, within a newly constructed public street or right of way, all broadband service providers thereafter locating fiber optic cable, wire or lines within or along such street or right of way may locate their cable, wire, or lines within such fiber optic network conduit. Fiber optic network conduit capacity shall be allocated to broadband service providers on a first come, first serve basis so long as the broadband service provider using the conduit provides a reliable, high-speed broadband option for purchase to each lot in the development. The County may also reserve capacity within such conduits for its own use.

#### Provision of Broadband Service

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 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 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.



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

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

1. Any permanent structure not specifically permitted above.
2. Buildings
3. Houses
4. Decks or porches
5. Mobile homes
6. Below-ground swimming pools
7. Drainage detention or retention structures
8. Septic tanks
9. Gas pumps
10. Underground storage tanks
11. Required parking spaces

(i) 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 any amendments thereto and has been determined to be

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 ordinances.

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 Regulation (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 Regulation (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 Regulation (or the Zoning Ordinance for zoned areas) are met.

## **§ 5.5 Minimum Development Standards**

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

(e) ~~All s~~Sidewalks 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.

(f) All sidewalks shall be in accordance with current A.D.A. requirements.

(g) All sidewalk crossings shall be installed by the developer prior to final plat approval and shall be inspected for compliance with A.D.A. requirements.

### § 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. All medians or islands shall be completely surrounded by curbing to protect the areas from vehicular encroachment. Medians and islands shall be graded to provide positive drainage to either a storm inlet or to the roadway surface. Medians and islands intended to be landscaped or provide some other decorative or recreational function shall be recorded on the Final Plat as Common Area. In all cases, a clear zone of at least 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 (attached as Appendix 4). Striping and additional signage may be required in order to maintain safe traffic circulation.

### § 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 the 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:

1. R1-1 Stop Sign - Diamond grade- Minimum 0.080" thick  
36" for all intersections;
2. Street Name Sign – 9" Aluminum Extruded Blade, High Intensity Prismatic,  
6" tall white capital and 5" tall lower case lettering on green background - for streets  
proposed to be public  
6" tall white capital, and 5" tall lower case lettering on blue background – for streets  
proposed to remain private  
Brackets - Vulcan type VS-8 vandal proof or approved equivalent;
3. All other signs – High Intensity Prismatic or better – Minimum 0.080" thick;
4. Posts for street signs – min. 12' long – 2 3/8" galvanized round posts; street signs must be mounted on a post separate from the stop sign, unless approved by County Engineer or his/her designee. In no case shall the street sign be attached directly to the stop sign, but instead must be attached to the post of the stop sign if approved by the County Engineer or his/her 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



1. All roads shall be improved according to the standards outlined in the *Baldwin County Design Standards for New Road Construction* (attached as Appendix 4).
2. Prior to the placement of pavement, a bituminous treatment A (prime) shall be placed and inspected by the County Engineer or his/her designee.
3. The finished wearing surface shall be uniform and free of defects. The County Engineer or his/her designee may require additional density tests in areas that appear questionable.

#### § 5.16 Special Requirements for ~~RV~~Recreational Vehicle Parks / Campgrounds

If individual lots within proposed ~~Recreational Vehicle~~RV parks and campgrounds are to be sold, the development must proceed through the standard subdivision review process and shall comply with all applicable subdivision regulations. The following standards are applicable to RV parks and campgrounds which are to remain under unified ownership and control:

(a) Density/Number of Sites / Units – ~~Recreational Vehicle~~RV parks and campgrounds located within zoned districts of the County shall meet the applicable density requirements in the Zoning Ordinance. RV parks and campgrounds located in unzoned districts shall meet the following requirements in regards to number of site/units:

1. ~~Where sanitary sewer is provided, the~~ maximum number of sites/units for RV parks and campgrounds shall be 15 sites/units per acre in order 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 8 sites/units per acre.~~
1. ~~The applicant shall provide proof that electricity, water, sewer and fire protection, if available, are provided, either with onsite facilities or from a public provider, and are sufficient for the proposed development.~~

(b) Access – ~~RV~~Recreational Vehicle 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 5.5.3 in regards 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 or (b) phases that increase the overall number of sites / units to 50 or more, or 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, at a minimum, 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+2~~ 20 feet wide for one-way streets. ~~The internal roadways, recreational vehicle pads, and standard vehicle parking must be improved with a suitable hard surface such as asphalt or concrete, limestone or other similar surface approved by the County Engineer.~~ 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:

- (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 home 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 and Zoning Commission.

[Section 5.20 will be postponed to consideration on a future subdivision regulation amendment]

#### § 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 subdivisions that require installation or construction of streets:

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

a. Areas sloped (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 development 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 deemed 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.



and a denial of the variance shall result in an automatic denial of the proposed subdivision 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 and Zoning Commission) an application for approval of the Subdivision Variance. A complete application shall:

- (a) Be made on Subdivision Variance forms available at the office of the Baldwin County Planning Director;
- (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 one 11"x17" scale drawing and 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 at least 30 days prior to a regularly scheduled meeting of the Baldwin County Planning and Zoning 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 his/her designee has reviewed the Subdivision Variance Request and other information, the Baldwin County Planning Director shall make a recommendation to the Baldwin County Planning and Zoning Commission whether in his/her opinion the Subdivision Variance should be granted. Should the County Engineer or his/her designee determine that the granting of the proposed Subdivision Variance will cause a public safety or road maintenance problem, the Baldwin County Planning and Zoning 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 appears 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 and Zoning 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 and to each utility affected thereby.

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

The Baldwin County Planning and Zoning Commission shall not consider a Subdivision Variance which has been resubmitted for approval after Baldwin County Planning and Zoning Commission disapproval, for a period of 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

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 of the following requirements have been met.

A complete application shall:

- (a) Be made on Conceptual Site Plan forms available at the offices of the Baldwin County Planning Director;
- (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 Conceptual Site Plan as outlined below, one (1) 11"x17" copy of the said proposed Conceptual Site Plan and seven (7) copies of the overall site plan to send to other agencies;
- (e) Be accompanied by a digital file of the proposed Conceptual Site Plan, in suitable format to the Baldwin County Planning Director;
- (f) Be submitted with a Utility Service Plan as outlined below;
- (g) Be submitted with a Conceptual Written Summary;
- (h) Be submitted to the Baldwin County Planning Director **by the deadline established in 4.1.1(b) to be placed on a at least 30 days prior to** a regularly scheduled meeting of the Baldwin County Planning and Zoning Commission;
- (i) Be accompanied by a transmittal letter listing all of the drawings, letters, attachments, and other information submitted for the application; and
- (j) 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 the Baldwin County Planning Director or his/her designee has reviewed the site plan and supporting information, the Baldwin County Planning Director and County Engineer or his/her 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 any deficiency exists, the subdivision will not be considered by the Baldwin County Planning and Zoning Commission. If any deficiency exists, such deficiencies will be detailed and sent along with an accompanying letter to the applicant stating that the subdivision 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 Subdivision Regulations, it shall be approved by the Planning Commission. Should the site plan be determined by the Baldwin



- (c) Be accompanied by one (1) full-size set of black or blue-line prints of the proposed Final Site Plan as outlined below, one (1) 11"x17" copy of the said proposed Final Site Plan and seven (7) copies of the overall site plan to send to other agencies;
- (d) Be accompanied by a digital file of the proposed Final Site Plan, in suitable format to the Baldwin County Planning Director;
- (e) 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;
- (f) Be accompanied by the Traffic Study and other information as required by Section 5.5.14;
- (g) 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*;
- (h) Be submitted to the Baldwin County Planning Director ~~by the deadline established in 4.1.1(b) to be placed on a at least 30 days prior to~~ regularly scheduled meeting of the Baldwin County Planning and Zoning Commission;
- (i) Be submitted within the Effective Period of Approval as per Section 9.4.3 *Effective Period of Conceptual Site Plan Approval*;
- (j) Be accompanied by a generalized drainage plan in accordance with Section 5.11.7, 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;
- (k) Be accompanied by a transmittal letter listing all of 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 his/her designee has reviewed the site plan and supporting information, the Baldwin County Planning Director and County Engineer or his/her 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, the site plan 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 his/her 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 his/her 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 his/her designee 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 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



**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), thereto duly authorized on this the \_\_\_\_\_ 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 the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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

**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 the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Coastal Program Director

**CERTIFICATE OF APPROVAL BY OF 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 the day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Planning Director