BALDWIN COUNTY, ALABAMA

Planning and Zoning Department

BALDWIN COUNTY

SUBDIVISION REGULATIONS

BALDWIN COUNTY COMMISSION

~~**October 6, 2020**~~
September 21, 2021

Draft for Public Hearing

SUBDIVISION REGULATIONS

OF

BALDWIN COUNTY, ALABAMA

Draft for Public Hearing

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BALDWIN COUNTY COMMISSION

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Hon. Billie Jo Underwood; District 3
Hon. Charles F. Gruber; District 4

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Article 1. Purpose, Policy, Title, and Interpretation

§ 1.1 Purpose

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

§1.2 Policy

§ 1.2.1

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

§ 1.2.2

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

§ 1.2.3

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

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

§ 1.2.4

No subdivider shall proceed with any construction improvements or with the installation of utilities in a subdivision until such subdivision plat shall have been reviewed and granted ~~Development~~

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~~Permit~~Preliminary Plat approval and approval by the Baldwin County Health Department (if individual septic tanks are to be installed), and a Subdivision Permit has been issued by the Baldwin County Engineer.

§ 1.2.5

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

§ 1.3 Title

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

§ 1.4 Interpretation

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

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Article 2. Authority and Jurisdiction

§ 2.1 Authority

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

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

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

§ 2.2 Jurisdiction

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

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Article 3. Definitions

§ 3.1 Usage

For the purpose of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this section. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular number; the word "herein" means "in these regulations"; the word "regulations" means "these regulations".

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

§ 3.2 Words and Terms Defined

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

ALDOT. The Alabama Department of Transportation.

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

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

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

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

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

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

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

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

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

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

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

Building line. (See *Setback line*).

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

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

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

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

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

County. Baldwin County, Alabama.

County Commission. The Baldwin County Commission.

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

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

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

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

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

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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.

~~*Development Permit*~~*Preliminary Plat*. The plat which, when approved by the Planning Commission, shall be the "permit to develop"~~permit to be approved or disapproved by the Baldwin County Planning and Zoning Commission~~ 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: 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.

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

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

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

Health Department. The Baldwin County Health Department.

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

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

Jurisdictional wetland. A wetland area that is determined as such by the U.S. Army Corps of Engineers and/or the Alabama Department of Environmental Management.

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

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

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

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

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

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

Lot, flag. A lot with access provided to the bulk of the lot by means of a narrow corridor.

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

Lot line. The boundary line of a lot.

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

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

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

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

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

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

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

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

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

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

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

Open space. An area open to the sky that is intended to provide light and air, and is designed for either environmental, scenic or recreation purposes. Open space may include, but is not limited to, lawns, landscaped areas, buffers, natural areas, wooded areas, unenclosed walkways, decks, patios, fountains and outdoor recreation uses. Streets, driveways, parking lots, buildings and structures that are roofed shall not be included as open space.

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

Planned Unit Developments. See Article 9 of these regulations.

Planning Commission. The Baldwin County Planning and Zoning Commission.

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

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

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

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

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

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

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

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

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

Sketch plan. The preliminary subdivision layout and associated information as required by Sections 4.4 and 4.4.1 of these regulations.

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

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

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

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

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Stream, Jurisdictional. See definition for Jurisdictional Streams.

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

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

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

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

Subdivision Permit. The permit to be issued by the Baldwin County Engineer pursuant to Section 4.5.7 of these Regulations, which, upon issuance, permits the developer to commence construction of subdivision improvements.

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

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

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

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

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

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

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

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

Wetland and/or Stream Delineation. A wetland and/or stream delineation includes a site map with property and all wetland and/or stream boundaries, and mapped location of at least one upland and one

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wetland sampling point for each separate wetland area. The delineation should also include wetland and upland worksheets for the sampling points. The jurisdictional wetland boundary lines should be flagged on the site with tape and/or flags so that Planning and Zoning staff can verify the accuracy of the boundaries if necessary.

Wetland, Jurisdictional. See definition for Jurisdictional Wetland.

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

Yard, front. An open, unoccupied space on the same lot with the principal building, extending the full width of the lot and situated between the right-of-way line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front lines of the building and the right-of-way line. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension. On waterfront lots the front yard shall be considered from the front line of the building to the waterfront property line.

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

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

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Article 4. Approval of Subdivision Plats

§ 4.1 Approval of Subdivision Plats Required

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

General Requirements:
Except as otherwise provided herein, applications for approval of all subdivisions shall require ~~Sketch Plan approval by the Baldwin County Planning Director,~~ the issuance of a ~~Development Permit~~Preliminary Plat by the Baldwin County Planning and Zoning Commission~~,~~ and Final Plat approval by the County Engineer and Baldwin County Planning Director. Depending on the specific characteristics related to the proposed development, additional requirements may apply.

Sketch Plan Reviews:
A Sketch Plan application, review, and approval (see Section 4.4) is required for all subdivisions which are proposed to include both 1) six or more lots and 2) new infrastructure (roads or drainage facilities).

Concurrent Preliminary and Final Plat Submittals:
Applicants who seek subdivision approval for a non-exempt subdivision containing five (5) lots or less within the subdivision jurisdiction of the Baldwin County Commission may ~~bypass the requirements for obtaining Sketch Plan approval and~~ apply directly for a ~~development permit~~Preliminary Plat and Final Plat Approval at the same time provided that the following conditions are met: (1) the construction or development of the subdivision lots will not require installation or construction of streets, and (2) each lot in the proposed subdivision adjoins a private road or public right-of-way which provides access for existing utilities to connect with each proposed lot without requiring the construction of additional infrastructure or utilities to connect with the boundaries of each proposed lot. (Note: The Applicant for approval of a non-exempt subdivision containing five (5) lots or less which meets the requirements set forth above shall be required to pay the application fee for Final Plat Approval only.)

Large Lot Subdivisions:
Applicants who seek subdivision approval for a non-exempt subdivision with each of the lots being a minimum of twenty (20) acres or greater in area, within the subdivision jurisdiction of the Baldwin County Commission may bypass the requirements for obtaining Sketch Plan approval and apply directly for a ~~development permit~~Preliminary Plat and Final Plat Approval at the same time in accordance with the special requirements set forth in Section 4.5.8 provided that the following condition is met: (1) each lot in the proposed subdivision adjoins a public right-of-way, or a minimum 60 feet wide, unless otherwise approved by the County Engineer per Appendix 4. Baldwin County Design Standards for New Road Construction, ingress, and egress easement. (Note: The Applicant for approval of a non-exempt subdivision which meets the requirements set forth above shall be required to pay the application fee for Final Plat Approval only.)

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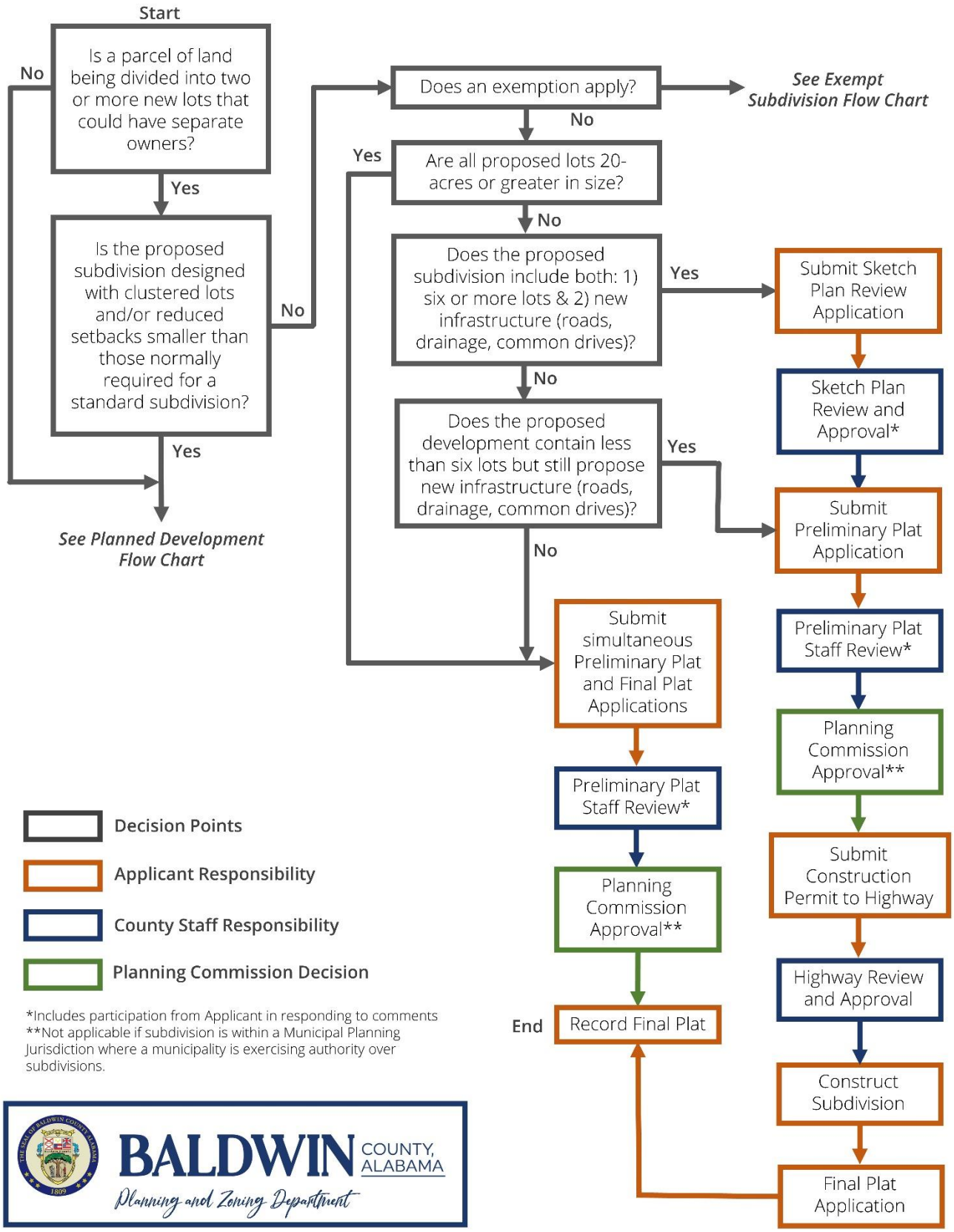
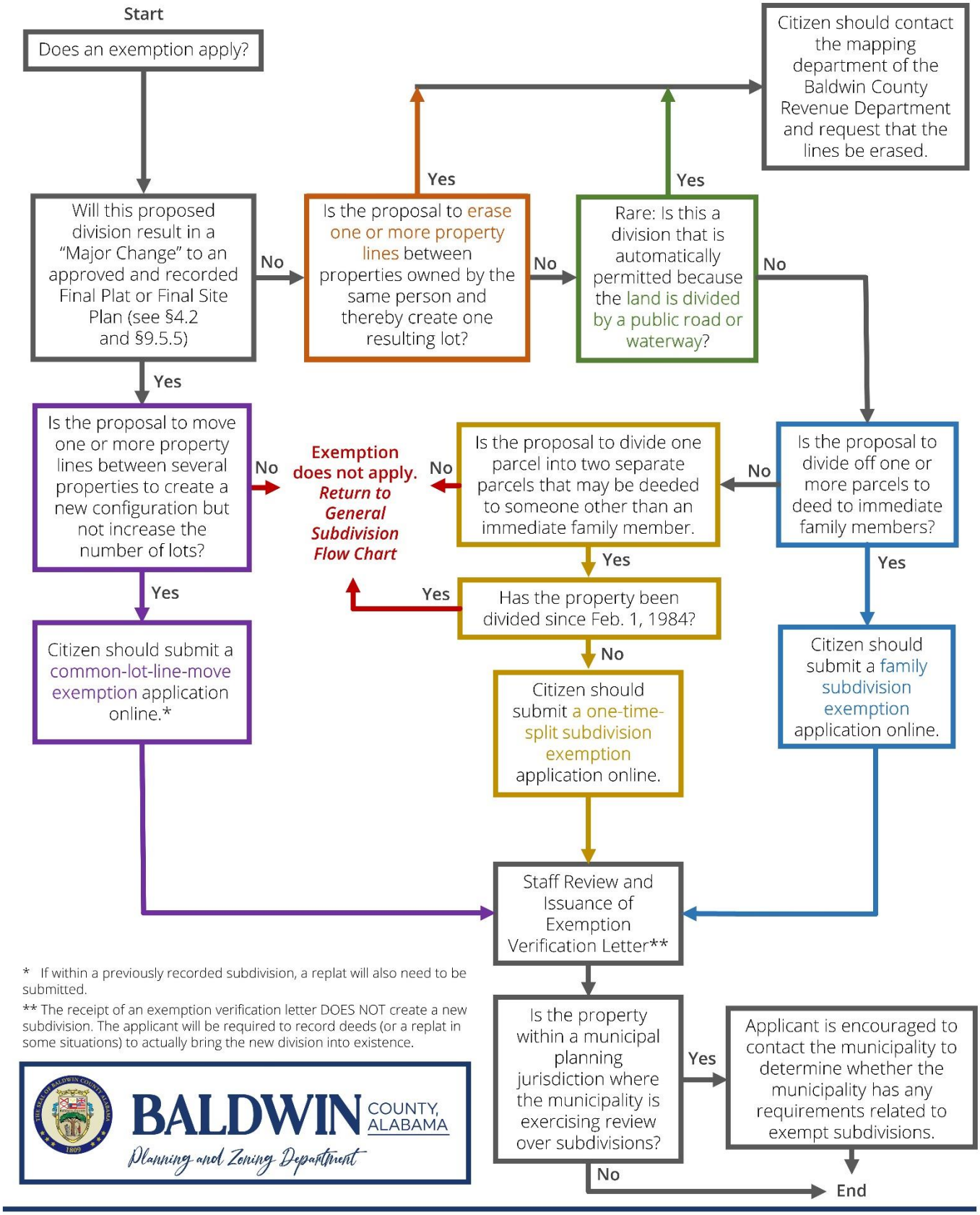
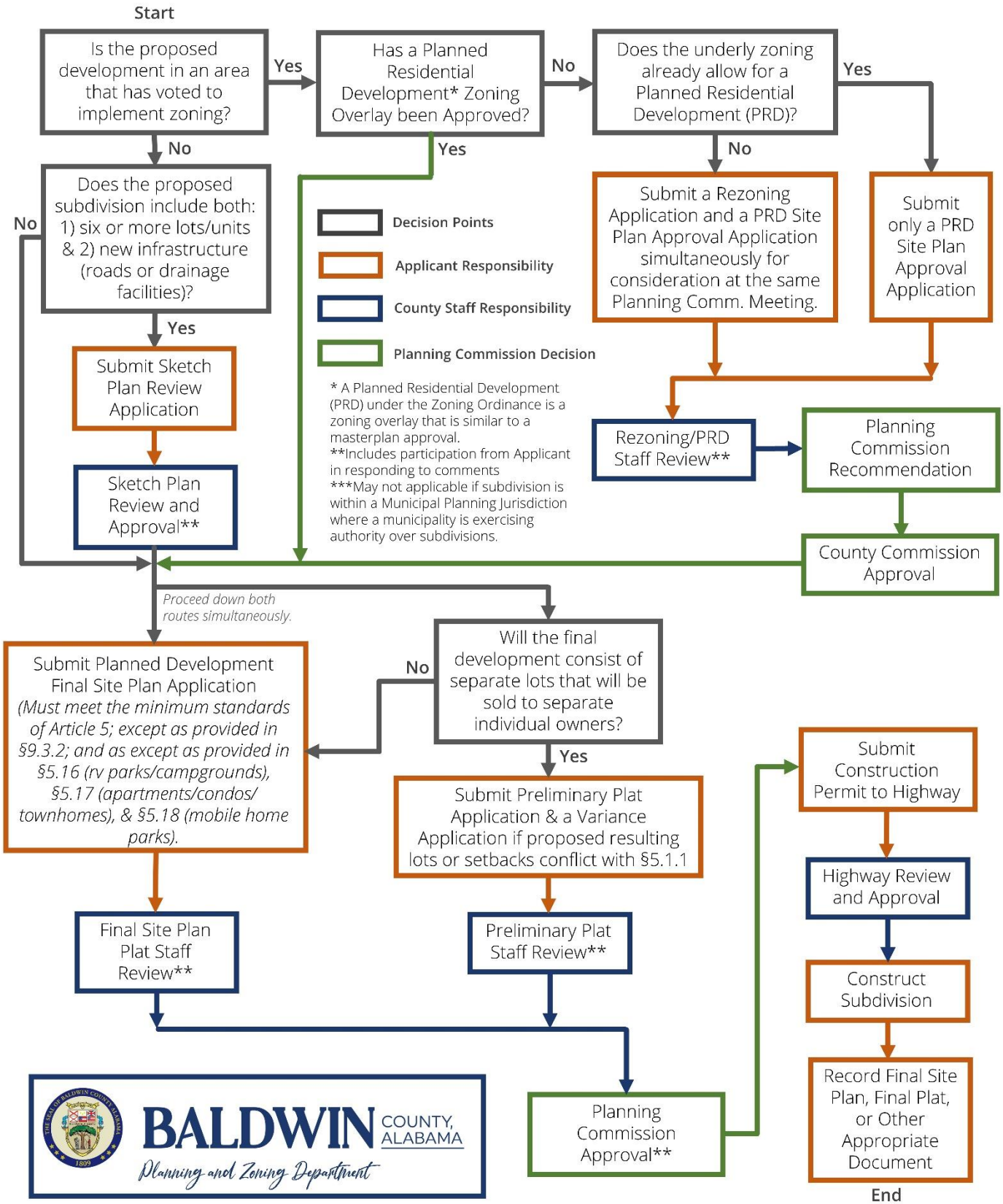
General Subdivision Flow Chart



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 by 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

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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:

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(a) ~~I~~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. 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;

(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~~his~~ 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):

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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

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A complete Application for Sketch Plan approval shall:

(a) Be made on Sketch Plan application forms available from the offices of the Baldwin County Planning Director;

(b) Be accompanied by the Sketch Plan application fee according to the current schedule of fees established by the Baldwin County Commission for the particular category of application;

(c) Contain the name and address of the owner of all parcels proposed to be subdivided;

(d) Contain the name and address of the applicant seeking Sketch Plan approval, if such applicant is not the owner of the property to be subdivided;

(e) Contain the Tax Identification Number and Personal Property Identification Number (PPIN) of each parcel proposed to be subdivided, as such identification numbers are maintained by the Baldwin County Revenue Commissioner;

(f) Be accompanied by 5 11" x 17"copies of the proposed subdivision layout, which shall include the following information:

(i) The legal description of the property and the total acreage of the parcel to be subdivided;

(ii) The location and proposed numbering scheme of all lots, units, spaces, etc.;

(iii) The size of all lots measured in square feet and the length of all proposed lot lines;

(iv) The estimated width and location of all front, side, rear, and jurisdictional wetlands setbacks;

(v) The estimated size and location of all proposed detention/retention areas;

(vi) The width and location of all drainage and utility easements, together with the identification of all utilities proposed for overhead construction;

(vii) The width and location of all streets within the development ~~subdivision~~, together with the name of all existing public roads adjacent to the property to be subdivided or developed;

(viii) A statement from the owner/applicant as to whether curb and gutter will be installed, and a statement as to whether streets will be privately maintained or County maintained;

(ix) The width and location of all proposed sidewalks;

(x) The identification of the zoning district applicable to the property to be subdivided, if such property lies within an area subject to the Baldwin County Zoning Regulations;

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(xi) The estimated location of all j~~J~~urisdictional ~~W~~wetlands known by the owner/applicant to exist on the property to be subdivided;

(xii) The location of any municipal ~~extraterritorial~~ planning jurisdiction boundary which crosses any portion of the property to be subdivided.

Upon receipt of a properly completed application for Sketch Plan approval, the Baldwin County Planning Director shall review such application and determine if the proposed subdivision complies with these regulations. If the Baldwin County Planning Director determines that the submitted Sketch Plan complies with these regulations, the Baldwin County Planning Director shall approve the application for Sketch Plan approval and deliver a copy of such approval notice to the owner/applicant. If the Baldwin County Planning Director determines that the submitted Sketch Plan does not comply with these regulations, the Baldwin County Planning Director shall deny such application and shall deliver to the owner/applicant a notice of denial, with reference to all deficiencies contained on the application for Sketch Plan approval.

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

Any applicant whose Sketch Plan application has been approved by the Baldwin County Planning Director may submit an application to the Baldwin County Planning and Zoning Commission for a ~~Development Permit~~Preliminary Plat (by submitting such application to the Baldwin County Planning Director). Such Sketch Plan approval shall be subject to modification, which may be required by engineering and drainage provisions of these regulations.

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§ 4.5 Application for ~~Development Permit~~Preliminary Plat

Any person who has previously applied for and received Sketch Plan approval may submit an application for a ~~Development Permit~~Preliminary Plat in accordance with the approved Sketch Plan. The procedure for obtaining a ~~Development Permit~~Preliminary Plat is as follows. No ~~Development Permit~~Preliminary Plat application will be considered by the Baldwin County Planning and Zoning Commission until all of the following requirements have been submitted.

§ 4.5.1 Application Procedure and Requirements

The applicant shall file an application for a ~~Development Permit~~Preliminary Plat with the Baldwin County Planning and Zoning Commission (by filing such application with the Baldwin County Planning Director). A complete application shall:

(a) Be made on ~~Development Permit~~Preliminary Plat application forms available at the offices of the Baldwin County Planning Director;

(b) Be accompanied by the ~~Development Permit~~Preliminary Plat application fee according to the current schedule of fees established by the County Commission for the particular category of application;

(c) Be accompanied by two~~7~~ full-size sets of black or blueline prints of the proposed Subdivision Plat (the Baldwin County Planning Director, at his or her discretion, may deem the submittal of printed plats unnecessary, as long as long as applied uniformly for all applicants) ~~(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 ~~at least 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~~ying~~ current ownership and lists all easements, rights-of-way, mortgages, liens, or other e~~i~~ncumb~~e~~rances 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~~ its 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~~

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~~documentation, the Baldwin County Planning Director and County Engineer or his/her designee shall certify to the Baldwin County Planning and Zoning Commission whether the proposed application complies with these Subdivision Regulations. If the proposed Subdivision Plat and application for Development Permit~~Preliminary Plat ~~complies with the requirements of these Subdivision Regulations, it shall be approved by the Baldwin County Planning and Zoning Commission.~~

~~In the event the Baldwin County Planning Director and County Engineer should determine that the application for a Development Permit~~Preliminary Plat ~~is deficient in any regard, 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 application for Development Permit~~Preliminary Plat ~~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 application for Development Permit~~Preliminary Plat ~~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 with the recommendation of approval or denial shall be mailed to the owners of land immediately adjoining the land proposed to be subdivided as their names appear upon the plats in the office of the County Revenue Commissioner and as their addresses appear in the directory of the County or on the tax records of the County ~~and to each utility affected thereby~~. Though not required, a sign giving notice of the proposed subdivision may be posted on the land proposed to be subdivided. The application for approval of a Preliminary Plat shall be heard by the Planning Commission in conjunction with a public hearing scheduled for that purpose.

§ 4.5.3 Effective Period of ~~Development Permit~~Preliminary Plat

The approval of a ~~Development Permit~~Preliminary Plat shall be effective for a period of 2 years, at the end of which time final approval of the subdivision must have been obtained from the Baldwin County Planning Director and County Engineer or municipal planning commission, although the plat need not yet be signed and filed with the Probate Judge (See *Section 4.6.6 Recording of Final Plat*). Any plat not receiving final approval within the period of time set forth herein shall be null and void, and the applicant shall be required to resubmit a new application for ~~Development Permit~~Preliminary Plat subject to all subdivision regulations and filing fees. However, upon written request from the applicant stating the reasons for such request, the Baldwin County Planning and Zoning Commission, upon advice from the Baldwin County Planning Director or his/her designee, may extend the effective period of the ~~Development Permit~~Preliminary Plat up to twenty-four additional months.

§ 4.5.4 Resubmission of Application for ~~Development Permit~~Preliminary Plat

The Baldwin County Planning and Zoning Commission shall not reconsider, for a period of 4 months, an application for ~~Development Permit~~Preliminary Plat which has been disapproved by the Baldwin County Planning and Zoning Commission. If, after 4 months, the applicant has complied with the Baldwin County Planning and Zoning Commission's required changes and/or additions, a new application for approval of a ~~Development Permit~~Preliminary Plat may be resubmitted. This submittal shall be in accordance with *Section 4.5: Application for ~~Development Permit~~Preliminary Plat*. ~~This provision shall not apply to a resubmitted application containing corrected deficiencies or material modifications as compared to the original application previously denied by the Baldwin Planning and Zoning Commission.~~

§ 4.5.5 Subdivision Plat Requirements

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

(a) Name and address of owner(s) of record and subdivider displayed, along with the tax parcel ID number, on each parent parcel that is part of the development;

(b) Proposed name of subdivision, date, north point, and scale~~, and location~~;

(c) Name, address, and phone number of responsible Licensed Professional Engineer and/or Land Surveyor registered in the State of Alabama;

(d) Vicinity map showing location of the subdivision;

(e) Exact boundaries of the tract of land being subdivided shown with bearings and distances;

(f) Names, ~~and~~ addresses, and tax parcel ID #s for ~~of~~ the owners of land immediately adjoining the tract of land being subdivided as their names appear upon the plats in the office of the County Revenue Commissioner and as their addresses appear in the directory of the County or on the tax records of the County;

(g) Wooded areas, ~~jurisdictional wetlands,~~ streams, cultural resources, and any other conditions affecting the site;

(h) The location of existing streets, buildings, water courses, railroads, transmission lines, drainage structures, public utilities, jurisdiction lines, and any public utility easements on the tract being subdivided and on adjacent land within 100 feet of the tract being subdivided;

(i) The location of dams and water impoundments including the limits of the top of such impoundment structure or embankment, the location of any related spillway(s) and/or outlet control structures;

(j) Existing and proposed rights-of-way or easements including location, widths, purposes, and street widths and names;

(k) Proposed lot lines with bearings and distances, square footage or acreage of each lot and lot and block numbers;

(l) Proposed minimum building setback lines shown for each lot and clearly labeled on the plan view;

(m) Proposed parks, school sites, or other public open spaces, if any;

(n) Site data:

1. Acreage in total tract;
2. Smallest lot size;
3. Total number of lots;
4. Linear feet in streets;
5. Minimum building setbacks;
6. Zoning District and Zoning Classification (if applicable).

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(o) Any area within the proposed subdivision subject to inundation by the 100 year flood as defined herein, or subject to periodic inundation by storm drainage overflow or ponding, shall be clearly shown and identified on the plat;

(p) Special flood hazard areas (100 year flood) and/or coastal high hazard areas as indicated on the latest Flood Insurance Rate Map (FIRM) for the area, along with a statement to that effect;

(q) ~~U.S. Army Corps of Engineers jurisdictional wetlands~~ All wetlands. The required thirty-foot wetland building setback (with the included fifteen-foot natural buffer), for jurisdictional wetlands. All wetlands to be filled shall be labeled as "To be filled."~~determination if the proposed subdivision contains jurisdictional wetlands or is within 100 feet of a jurisdictional wetland as required by the Baldwin County Planning Director or his/her designee, from the Generalized Wetland Map; or through a site visit by County Staff;~~

(r) The name of each utility company proposed to provide service;

(s) Topography, showing existing contours at 1 foot intervals of the entire property and full width of all adjacent rights-of-ways. Topographic information shall be based on the NAVD 88 datum. Elevations must be field verified. Greater intervals may be allowed, if approved by the Baldwin County Planning Director or his/her designee;

(t) Highway construction setback lines shown as required by Section 5.4(h) hereof.

§ 4.5.6 Construction Plans

Prior to commencement of construction pursuant to ~~Development Permit~~Preliminary Plat approval, the applicant shall submit to the Baldwin County Engineer 1 set of construction plans for the required improvements, the construction plan review fee and engineering calculations prepared in accordance with these regulations. These plans and calculations will be reviewed by the County Engineer for compliance with these regulations. Any items being deficient will be detailed in a letter to the applicant and corrected plans and calculations shall be submitted. A Subdivision Permit will not be issued until the Construction Plans have been approved by the County Engineer or his/her designee.

All plans shall meet the minimum standards of design and general requirements for the construction of public improvements as set forth in these regulations. Construction plans shall be drawn at a scale of not less than one (1) inch equals fifty (50) feet and map sheets shall be of the same size as the Subdivision Plat. Construction plans shall be prepared by a Licensed Professional Engineer registered in the State of Alabama. The following construction plans shall be included:

(a) Street Plan containing the following information:

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

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

(c) Erosion Control Plans showing plans and specifications that describe the measures and best management practices which are proposed to control site erosion during and after construction (see *Section 5.13: Erosion and Sedimentation*). This shall include an overall erosion control plan.

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

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

(f) Any required permits if jurisdictional wetlands are to be filled.

§ 4.5.7 Approvals and Beginning of Construction

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

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

NO CONSTRUCTION OF SUBDIVISION IMPROVEMENTS SHALL COMMENCE UNTIL A SUBDIVISION PERMIT HAS BEEN ISSUED (See also Section 5.15). Once a ~~Development Permit~~Preliminary Plat has been approved, the Construction Plans are approved, all necessary permits have been submitted to the County Engineer for verification, all conditions of approval have been met, and the Road Construction Inspection Fee has been paid to the County Engineer, a Subdivision Permit shall be issued by the Baldwin County Engineer, or his/her designee. Anyone constructing required subdivision improvements without a valid Subdivision Permit shall be subject to penalties as allowed by law.

§ 4.5.8 Special Requirements for Large Acre Subdivisions

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

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(a) A stormwater management plan is not required for subdivision approval, unless otherwise required by the County Engineer, provided that any further development of the lots meets applicable regulations at that time.

(b) A copy of the current deed to the property shall be submitted. A current title policy, title opinion, or title report will be between the seller and buyer;

(c) A wetland delineation and U.S. Army Corps of Engineers Jjurisdictional ~~wetlands~~ Dd~~d~~etermination may be required by the Planning Director if the proposed subdivision appears to contain jurisdictional wetlands. In lieu of a wetland delineation and USACE Jurisdictional Determination, the Planning Director may allow the Applicant to display on the plat those wetlands from the Generalized Wetland Map (provided by the Baldwin County Planning and Zoning Department) along with a fifty-foot wetland building setback, and the following plat note: "All future subdivision of lots shall comply with the wetland requirements of the subdivision regulation applicable at the time of such future subdivision, which may include completing a wetland delineation and USACE Jurisdictional Determination.";

(a) Each resulting lot shall have frontage and continuous access from either:

1. An existing publicly maintained road; or
2. A minimum 60 feet wide, unless otherwise approved by the County Engineer per Appendix 4. Baldwin County Design Standards for New Road Construction, private ingress and egress easement;

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

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§ 4.6 Submission of Final Plat

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

§ 4.6.1 Application Procedure and Requirements

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

(a) Be made on Final Plat application forms available at the offices of the Baldwin County Planning Director;

(b) Be accompanied by the Final Plat application fee according to the current schedule of fees established by the County Commission for the particular category of application;

(c) Be accompanied by 5 full-size black or blueline prints of the proposed Final Plat, one 11”x17” copy of the proposed Final Plat, one 8 ½”x11” copy of the proposed Final Plat, 2 sets of As-built plans and in digital format, as per Section 4.6.5, and 2 sets of Test Reports as per Section 5.15(c);

(d) Be accompanied by a digital file of the proposed Final Plat, in suitable format to the Baldwin County Planning Director;

(e) Comply in all respects with the ~~Development Permit~~Preliminary Plat, as approved, except for minor modifications not altering the design of the subdivision as may be approved by the Baldwin County Planning Director;

(f) Be submitted within two (2) years of the date of ~~Development Permit~~Preliminary Plat approval;

(g) Unless previously submitted with the ~~Development Permit~~Preliminary Plat application, be accompanied by a current (within 60 days from date of application) title policy, title opinion, or title report verifying ownership. Said title document shall cover a period of no less than 30 years;

(h) For developments proposing to utilize on-site septic systems, include the Baldwin County Health Department Certificate of approval on the final plat~~Be accompanied by documentation from the Baldwin County Health Department that the Site Preparation Plan is approved (for developments proposing to utilize on-site disposal systems)~~;

(i) Be accompanied by a final copy of restrictive covenants and/or deed restrictions and, if the development contains retention facilities or common areas, a recorded copy of the instrument creating a property owner’s association for the subdivision;

(j) If required improvements are not complete, be accompanied by a surety as required by Section 7.2 of these regulations;

(k) Be accompanied by a written report from each utility company which is to provide service to the proposed subdivision documenting their ability to serve said development unless previously submitted with the ~~Development Permit~~Preliminary Plat application;

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(l) Be accompanied by a completed Final Plat Application Submittal Checklist, and be accompanied by a transmittal letter listing all of the drawings, letters, attachments, and other information submitted for the application.

(m) Be accompanied by all items as required by Section *7.4 Maintenance of Roadways and Drainage Systems*.

(o~~O~~) Be accompanied by a wetland delineation and Jurisdictional Determination if required pursuant to Section 5.2.2. If wetlands were filled, a copy of any required permits.

§ 4.6.2 Final Plat Review

If the Final Plat complies with these Subdivision Regulations, it shall be approved by the Baldwin County Planning Director and County Engineer. Should the Final Plat be determined by the Baldwin County Planning Director or County Engineer, or his/her designee, to be deficient in any regard, the Baldwin County Planning Director and County Engineer, or his/her designee, shall detail the deficiency to the applicant along with a notice that the Final Plat is disapproved. Notice of the determination 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 Final Plat by registered or certified mail. 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.

§ 4.6.3 Resubmission of Final Plat

The Baldwin County Planning Director and County Engineer may reconsider a Final Plat which has been previously disapproved. Such resubmitted Final Plat may be approved by the Baldwin County Planning Director and County Engineer if all deficiencies have been corrected.

§ 4.6.4 Final Plat Requirements

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

(a) Name and address of owner(s) of record displayed, along with the tax parcel ID number, on each parent parcel that is part of the development;

(b) Name of subdivision, north point, and scale~~, and location~~;

(c) Names, addresses, and phone numbers of the responsible Licensed Professional Engineer and/or ~~the~~ Land Surveyor registered in the State of Alabama;

(d) Vicinity map showing location of the subdivision;

(e) The relation of the land so platted to the Government Survey of Baldwin County. The "point of beginning" as referred to in the written description shall be so indicated;

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(f) Sufficient data to determine readily and reproduce on the ground the location, bearing, and length of every street line, lot line, boundary line, and block line, whether straight or curved. This shall include the radius, central angle, point of tangency, tangent distance, and arc and chord distances;

(g) The names and locations of adjoining subdivisions and streets, with reference to recorded plats by record name;

(h) The exact position of the permanent monuments and property markers shall be indicated on the plat;

(i) Existing rights-of-way, alleys, or easements including location, widths, purposes, street names and recording information;

(j) Proposed rights-of-way, alleys, or easements including location, widths, purposes, and street names;

(k) Lot lines, square footage or acreage of each designated lot, parcel and common area and indicate all proposed lot and block numbers. Lots and blocks shall be uniquely identified in consecutive numerical or alpha-numerical order;

(l) Proposed minimum building setback lines shown for each lot and clearly labeled on the plan view;

(m) Site data:

1. Acreage in total tract;
2. Smallest lot size;
3. Total number of lots;
4. Linear feet in streets;
5. Minimum proposed building setbacks;
6. Zoning District and Zoning Classification (if applicable);

(n) Common areas, Parks, school sites, or other public open spaces, if any;

(o) All dimensions shall be to the nearest one-hundredth (1/100) of a foot and angles within plus or minus 5-seconds;

(p) All wetlands. The required thirty-foot wetland building setback (with the included fifteen-foot natural buffer) for jurisdictional wetlands. All wetlands to be filled shall be labeled as "To be filled." All jurisdictional wetlands to be filled shall be labeled with the applicable USACE permit number. ~~U.S. Army Corps of Engineers jurisdictional wetlands determination if the proposed subdivision contains jurisdictional wetlands or is within 100 feet of a jurisdictional wetland as required by the County Engineer or his/her designee, from the Generalized Wetland Map; or through a site visit by County Staff;~~

(q) Special flood hazard areas and/or coastal high hazard areas as indicated on the latest Flood Insurance Rate Map (FIRM) for the area, along with a statement to that effect.

(r) The following endorsements, dedications, and certificates shall be placed on the Final Plat as applicable (see Appendix 1 for sample certificates):

1. Licensed Surveyor's Certificate and Description of Land Platted;
2. Owner's Dedication;
3. Notary's Acknowledgment of the Dedication Certificate referred to in "2".

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4. Mortgagee's Acceptance (if applicable);
5. Notary Acknowledgement of Mortgagee's Acceptance referred to in "4;;
~~4~~6. A Certificate of Approval by the affected utility providers;
~~5~~7. Certificate of Approval by the Baldwin County E-911 Addressing;
~~6~~8. A Certificate of Approval by the Baldwin County Coastal Area Program (if applicable);
~~7~~9. A Certificate of Approval by the County Engineer of Baldwin County;
~~8~~10. A Certificate of Approval by the appropriate municipal planning commission (if applicable);
~~9~~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*.

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(c) Following signature, the original Final Plat tracing will be returned to the subdivider for recording at the office of the Probate Judge of Baldwin County. Once recorded, the subdivider shall return five (5) copies of the recorded plat with recording information to the Baldwin County Planning Director. Failure to record a Final Plat or Final Site Plan within 90 days of approval shall result in an automatic revocation of the approval and the Applicant shall be required to submit and new final plat application and fee.

§ 4.7 Appeals ~~to Baldwin County Commission~~

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

~~The Applicant shall have the right to appeal the decision of the Baldwin County Planning and Zoning Commission regarding an application for preliminary or final plat approval, or a determination issued by the Baldwin County Planning Director or County Engineer, as permitted by these Regulations. Such appeal shall be heard by the Baldwin County Commission, which shall have the authority to affirm, reverse or modify the decision or determination from which such appeal is taken. Written notice of any appeal taken under this Article must be filed with the Baldwin County Planning Director within thirty (30) days from the date of such decision or determination in accordance with the provisions of this Article.~~

~~§ 4.7.1 Procedures~~

~~The following procedures shall govern all appeals to the Baldwin County Commission taken pursuant to §4. 7 of these regulations:~~

~~(a) The Applicant pursuing the appeal shall file written notice thereof with the Baldwin County Planning Director within thirty (30) days from the date of the decision or determination from which the appeal is taken. Such notice of appeal shall be accompanied by the payment of such fees which shall be required by the Baldwin County Commission from time to time for the administration of such appeals and a statement of the reasons or basis for the appeal.~~

~~(b) Within three (3) business days from receipt of the notice of appeal, the Baldwin County Planning Director shall distribute copies thereof to the Baldwin County Commission, the Chairman of the Baldwin County Planning and Zoning Commission, the County Attorney and County Engineer. Within three (3) business days from receipt of such notice, the Baldwin County Planning Director shall cause a copy of the entire file in the subject case to be delivered to the County Administrator.~~

~~(c) Such appeal shall be heard by the Baldwin County Commission at such regular or special meeting as the Baldwin County Commission shall determine, in its discretion.~~

~~(d) In the hearing of such appeals, the standard of review to be exercised by the Baldwin County Commission shall be de novo.~~

§ 4.8 Modifications to an Approved Plat

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

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(a) A major change is considered any modification which affects the intent and/or character of the development, the location or dimensions major streets, or similar substantial changes. These major changes shall require resubmittal in accordance with §§ 4.5 or 4.6 and require approval by the Baldwin County Planning and Zoning Commission. Major changes include, but are not limited to, the following:

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

(b) A minor change is considered any modification which does not affect the intent or character of the development. These minor changes may be reviewed and approved by the Baldwin County Planning Director administratively. Minor changes include, but are not limited to, the following:

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

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

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Article 5. Development Standards

§ 5.1 Minimum Standards

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

(a) All applicable statutory provisions;

(b) The special requirements and rules of the Baldwin County Health Department and/or appropriate State agencies;

(c) Current editions of the Alabama Department of Transportation Specifications and Standard Drawings;

(d) The standards and regulations adopted by all boards, commissions, and agencies of Baldwin County;

(e) Plat approval may be withheld if a subdivision is not in conformity with the above guides or with the policy and purpose established in Article I of these regulations;

(f) Manual on Uniform Traffic Control Devices.

§ 5.1.1 Minimum Design Standards

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

Minimum Standards for Subdivision									
Lot Size*	**Required Utilities**	**Roadway Type**	**Minimum Lot Width**	**Curb and Gutter**	**Side-walk†**	**~~Approval Body~~Broadband Connectivity**	**Building Front Setback††**	**Building Rear Setback††**	**Building Side Setback††**
≥ 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	~~No~~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)~~
** Baldwin County Design Standards for New Road Construction
† Sidewalk Options:
~~1. side walk on each side min. 5 feet wide~~
~~2. side walk on one side min. 8 feet~~
~~3. 8 feet road side side walk with striping~~
1. Sidewalk on each side - minimum 5-foot wide.
2. Sidewalk on one side - minimum 8-foot wide.

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3. Pedestrian lane on road - minimum 8-foot wide.

In zoned areas of Baldwin County, the setbacks of the Baldwin County Zoning Ordinance shall apply. For non-residential subdivisions in unzoned ~~ares~~areas see Section 5.4(g).

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§ 5.2 General Requirements

§ 5.2.1 Plats Straddling Jurisdictional Boundaries

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

§ 5.2.2 ~~Jurisdictional~~ Wetlands and Waterways

~~Unless approved by the U.S. Army Corps of Engineers, no development shall be approved that proposes to fill jurisdictional wetlands in order to create buildable lots. Where a parcel of land proposed to be subdivided contains an area of jurisdictional wetlands delineated as jurisdictional by the Army Corps of Engineers, said jurisdictional wetlands shall be subject to Section 404(b)(1) guidelines concerning fill material disposal into jurisdictional wetlands.~~ Lots may be platted only where sufficient upland areas exist to provide a building site for the principal structure and necessary ancillary facilities, unless the purpose of the lot is for conservation and no development or building shall occur. Fill may be used only where necessary to provide access to lots where approval for such fill has been received from the Corps of Engineers and other appropriate governmental agencies.

(a) Wetland and/or Stream Delineation - If a proposed subdivision contains wetlands or a stream or is within thirty feet of wetlands or a stream, as shown on the Generalized Wetland Map, the applicant must perform a wetland and/or stream delineation showing jurisdictional and non-jurisdictional wetlands and/or streams within the subdivision boundaries. The wetland delineation shall be performed by a~~n~~ professional wetland delineator ~~accredited wetland specialist~~.

(b) Jurisdiction Determination and ADEM Permitting

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

(ii) Alabama Department of Environmental Management Permitting

(1) In coastal areas, -an ADEM Coastal Area Management Program (Division 335-8) permit may also be required. If an ADEM permit is required, Preliminary Plat approval shall be contingent on receipt of the applicable permit.

(2) Wetlands contained on any property parcel located wholly or partially in the coastal area of Alabama are subject to the regulatory requirements of ADEM Admin. Code 335-8-2-.02 including those wetlands determined to be "non-jurisdictional" by the U.S. Army Corps of Engineers. The term "coastal area of Alabama" generally means the waters and adjacent shorelands lying seaward of the continuous 10-foot contour. Applicants are responsible for communicating with ADEM to determine whether or not a proposed development lies within the coastal area of Alabama.

(iii) If wetland fill and/or stream modification is not proposed, the Baldwin County Planning Director may, at his or her discretion, require the applicant to submit an USACE Jurisdictional Determination after documenting the following:

1. A site visit by a Baldwin County Planning and Zoning Staff member revealed potential wetlands on the site that differ significantly from the delineation supplied by the Applicant;
2. A review of the Generalized Wetland Map reveals potential wetlands on the site that differ substantially from the delineation supplied by the Applicant; or
3. Knowledge of historic stormwater problems in and around the site area.

When a jurisdictional determination is deemed necessary above in this subsection (ii), the Planning Director may, in lieu of a jurisdictional determination, accept a second wetland delineation prepared by a~~n~~ professional wetland delineator ~~accredited wetland specialist~~ who is not affiliated with the specialist responsible for the original delineation.

(c) Filling of Existing Stormwater Management Areas – Where a proposed subdivision contains existing stormwater management areas, which may include non-jurisdictional wetlands, hydric soil areas, existing water features, ditches, etc., that contribute to the stormwater management of the site, the existing stormwater management areas shall not be filled unless comparable and equivalent stormwater management is provided as part of the development and approved by the County Engineer.

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

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

(i) For jurisdictional wetlands not proposed to be filled, the Applicant shall display a thirty-foot wetland building setback~~The building setback line from jurisdictional wetlands shall be 30 feet~~, within which a minimum 15-foot natural buffer shall be provided upland of all jurisdictional wetlands. Wetlands to be filled shall be displayed as "To be filled" along with USACE permit number.

(ii) Existing stormwater management areas, which may include non-jurisdictional wetlands, hydric soil areas, existing water features, ditches, etc., that contribute to the stormwater management of the site and are not proposed to be replaced with comparable and equivalent stormwater management shall be protected with a 5-foot natural buffer and a note indicating that the area shall not be filled or modified.

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(e) In a minor subdivision (five lots or less with no infrastructure) where no development is proposed, in lieu of a wetland and/or stream delineation and USACE Jurisdictional Determination, the Planning Director may allow the Applicant to display on the plat those wetlands from the Generalized Wetland Map (provided by the Baldwin County Planning and Zoning Department) along with a 50-foot wetland building setback, and the following plat note: "Any future subdivision or development of lots shall comply with the wetland requirements of the Subdivision Regulations or Zoning Ordinance applicable at the time of such future subdivision or development, which may include completing a wetland delineation and USACE Jurisdictional Determination."

(f) Display of Waterways on the Plat or Site Plan – For jurisdictional streams, the Applicant shall display a thirty-foot minimum natural buffer from top of bank on both sides of the waterway. -When wetlands are adjacent to a stream, the stricter (most protective) of the two setback and/or buffer ~~b~~requirements shall apply~~ies.~~ These buffers shall be flagged prior to project implementation and protected by appropriate measures during all construction phases. No development other than for recreational purposes shall take place within the waterway natural buffer.

§ 5.2.3 Subdivision Name

The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The Baldwin County Planning and Zoning Commission shall have final authority to designate the name of the subdivision which shall be determined at the time of ~~Development Permit~~Preliminary Plat approval.

§ 5.2.4 Maintenance of Waterbodies, ~~and~~ Watercourses, and Impoundments

(a) If a tract being subdivided contains a water body, or portion thereof, the ownership of and responsibility for safe maintenance of the water body shall be such that it will not become a County responsibility. No public roadways will be approved which provide access across dams.

(b) Dams or impoundments including impoundment embankments and the entire spillway and outlet structure along with access at least 20 feet in width to each end of the embankment and outlet structure shall be retained in a common area. Maintenance of such structures shall be the responsibility of the developer or property owner's association. Under no circumstances shall Baldwin County assume such maintenance responsibility.

§ 5.2.5 Utilities

All existing and proposed utility facilities throughout the subdivision shall be shown on the Construction Plans required by Section 4.5.6 of these Regulations. All pressurized underground utility lines located under pavement shall be encased, except for service lines less than 2" in diameter. Minimum cover must be provided over all utility lines as required by the County Engineer. All proposed utilities shall comply with the provisions of the Baldwin County Highway Department Utility Manual, as the same may be amended.

(a) *Water System.*

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

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

(3) Where public water service exists, or is installed, fire protection shall be provided for all proposed lots. The water supply volumes and pressures shall be sufficient to serve the subdivision. The design engineer shall submit written report and calculations that include recent flow rate tests of the existing water system that verify the adequacy of the fire protection being provided. A letter must be submitted from the local fire protection authority, indicating that the proposed volumes and pressures are sufficient. If adequate fire flows do not exist and cannot be provided, the minimum lot size must be increased as though public water is not being provided as per Section 5.4(a). The following standards shall apply to the fire protection system:

- Fire hydrants shall be spaced no more than 500 feet apart along each street;
- A fire hydrant shall be located within 500 feet of all proposed lots;
- A fire hydrant shall be provided within 100 feet of where all new roads intersect with existing county roads;
- All fire hydrants shall have a minimum barrel size of 5 inches;
- The water system shall meet all requirements of the current ISO Fire Suppression Rating Schedule Paragraph 340, 614 and 620.A for obtaining full credit.

(b) *Sanitary Sewer System.*

1) Connection to a sanitary sewer system is required only when necessary to meet the lot size requirements of Section 5.4(a) and when necessary to comply with the utility requirements as specified in the Matrix shown in Section 5.1.1 of these regulations. When sanitary sewer is installed, sewer stub-outs, shall be provided for each lot and shall extend to the property line of the said lot.

(2) If no sanitary sewer system is provided, on-site disposal systems may be used after approval is received from the Health Department.

(c)

~~OPTION 1 - Fiber Optic Network 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:~~

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~~(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.

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(c) *Easements*. An easement, a minimum of 15 feet wide on the rear and/or side lot lines shall be provided for utilities as required by the utility providers and/or the Baldwin County Planning and Zoning Commission. Proper coordination shall be established between the applicant and the applicable utility companies for the establishment of utility easements. Unless otherwise required by a specific utility provider, ~~All existing and proposed~~ utility and drainage easements should generally be ~~shall be clearly~~ indicated on ~~in the plan view submitted with the application for Development Permit~~Preliminary Plats and Final Plats exclusively with a note similar to the following:~~.~~

DRAINAGE/UTILITY EASEMENTS
EXTERNAL REAR AND SIDE BOUNDARY LOT LINES: 15 FEET
INTERIOR REAR AND SIDE LOT LINES: 7.5 FEET

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

§ 5.3 Blocks

Where a lot and block layout is proposed the following criteria shall be used:
(a) Blocks shall have sufficient width to provide for 2 tiers of lots. Exceptions to this prescribed block width shall be permitted in blocks adjacent to expressways, arterials, railroads, or waterways where single-tier lots are required to separate residential development from through vehicular traffic or nonresidential uses;

(b) Blocks shall not exceed 1500 feet in length nor be less than 500 feet in length on any side;

(c) For those blocks which exceed 800 feet in length, the Baldwin County Planning and Zoning Commission may require the reservation of an easement, not to exceed 50 feet in width, through the block to accommodate utilities, drainage facilities, or pedestrian traffic;

(d) Pedestrian ways or crosswalks not less than 10 feet wide may be required by the Baldwin County Planning and Zoning Commission through the center of blocks more than 800 feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities. Blocks designed for industrial uses shall be of such length and width as may be determined suitable by the Baldwin County Planning and Zoning Commission for prospective use.

§ 5.4 Lots

Lots shall comply with the following requirements:

(a) ~~(a)~~ The ~~M~~minimum lot size and lot width for non-exempt subdivisions shall be as provided in Section 5.1.1.

The minimum lot size and width for exempt subdivisions are as follows except in cases where additional lot area or width is required by the *Baldwin County Zoning Ordinance* or County Health Department;

1. Where public water and centralized wastewater collection and treatment are not provided, said lot shall be a minimum of 40,000 square feet in area with a minimum lot width of 120 feet.

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2. Where a lot is served by either public water or a centralized wastewater collection and treatment system, but not both, said lot shall be a minimum of 20,000 square feet in area with a minimum lot width of 80 feet.

3. Where public water and centralized wastewater collection and treatment are provided, said lot shall be a minimum of 7,500 square feet in area with a minimum lot width of 60 feet.

(b) The final subdivision plats shall establish that each lot has satisfactory access to a street as provided in Section 5.5.7*: Frontage on Improved Roads;*

(c) Where land is subdivided into parcels larger than 10 acres, other than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical further resubdivision;

(d) Lot sizes of properties reserved or laid out for commercial and industrial purposes shall provide for off-street parking and loading for the use contemplated;

(e) Double frontage lots shall be avoided, except where essential to provide separation of residential development from traffic arterials, or to overcome specific disadvantages of topography or orientation;

(f) Side lot lines should be at right angles to streets, except on curves where they should be radial;

(g) In areas which have elected to come within the zoning authority of the Baldwin County Commission, minimum setbacks from property lines shall meet or exceed the applicable setbacks established by the Baldwin County Zoning Ordinance.
In residential subdivisions outside the zoning authority of the Baldwin County Commission, the minimum setbacks from property lines shall be as set forth in the Development Matrix contained in Section 5.1.1 of these Regulations.

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

(h) In accordance with Act No. 94-572 of the Legislature of Alabama enacted April 21, 1994, the following construction setbacks shall apply from any state or county road or highway:

1. Principal arterials require a 125 foot setback from the centerline of the right-of-way;

2. Minor arterials require a 100 foot setback from the centerline of the right-of-way;

3. Major collectors require a 75 foot setback from the centerline of the right-of-way and;

4. Minor collectors require a 50 foot setback from the centerline of the right-of-way;

5. All other paved roads require a 40 foot setback from the centerline of the right-of-way;

6. Unpaved roads require a 30 foot setback from the margin of the right-of-way.

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

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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 vested.~~

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:

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§ 5.5.1 Private Streets

Private streets may be approved only by the Baldwin County Commission provided that (a) they are constructed according to the standards of these regulations; and (b) prior to the issuance of a ~~Development Permit~~Preliminary Plat, (1) the Baldwin County Planning and Zoning Commission has otherwise approved the issuance of a ~~Development Permit~~Preliminary Plat and (2) the County Engineer has advised the Baldwin County Commission that private streets are appropriate for the subdivision under consideration. If the application for a ~~Development Permit~~Preliminary Plat for any subdivision proposing to contain private streets otherwise complies with the requirements of these Subdivision Regulations, such application shall be approved by the Baldwin County Planning and Zoning Commission, subject to subsequent approval by the Baldwin County Commission. If the application for a ~~Development Permit~~Preliminary Plat is approved by the Baldwin County Planning and Zoning Commission, the Baldwin County Planning Director or Baldwin County Engineer will prepare a Commission Agenda Item and shall certify to the Baldwin County Commission whether the application meets the submittal requirements as specified in this Article. No ~~Development Permit~~Preliminary Plat shall be issued or effective for any subdivision proposing to contain private streets until the construction of such private streets has been approved by the Baldwin County Commission.

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

The following statement shall be shown on the Final Plats:

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

§ 5.5.2 Private Reserve Strips

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

§ 5.5.3 Additional Width on Existing Roads

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

§ 5.5.4 Street Names

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

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§ 5.5.5 New Half-Streets and New Half-Alleys

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

§ 5.5.6

This section is intentionally omitted.

§ 5.5.7 Frontage on Improved Roads

(a) No subdivision shall be approved unless all resultant lots have frontage on, and continuous access from:

1. an existing paved street, either publicly or privately maintained, with suitable asphalt width and right-of-way as required by the Baldwin County Design Standards for New Road Construction, (attached as Appendix 4); or

2. a proposed paved street upon a plat approved by the Baldwin County Planning and Zoning Commission or municipal planning commission to be recorded in the Baldwin County Probate Judge's Office. Such street or highway shall be suitably improved as required by these regulations or be secured by an improvement guarantee as provided for by Section 7.2 of these subdivision regulations.

(b) Subdividers proposing subdivision developments that obtain access from existing publicly maintained roads which do not have adequate asphalt and/or right-of-way widths will be required to make improvements to the existing roadways and provide additional rights-of-way to adhere to the standards of the Baldwin County Design Standards for New Road Construction (attached as Appendix 4); or

(c) If a proposed subdivision is proposed to gain access from a privately maintained street, the applicant shall provide a letter from the entity responsible for maintaining the private street as evidence of the approval of such owner. Also, see Section 5.5.1 for private street provisions.

§ 5.5.8 Topography and Arrangement

(a) Street standards are contained in the Baldwin County Design Standards for New Road Construction (attached as Appendix 4).
(b) All proposed streets shall be properly integrated with the existing system of streets.

(c) All arterials shall be properly related to specific traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed land uses.

(d) Local streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.

(e) In business and industrial developments, the streets and other access ways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement among the various types of traffic, including pedestrian.

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§ 5.5.9 Access to Adjacent Roads

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

(b) Where a subdivision borders on existing collectors or arterials or contains proposed collectors or arterials, access to such collectors or arterials ~~may~~ shall be limited by one or more of the following means to provide for the protection of properties, and to afford separation of through and local traffic:

(1) Where the rear lot line of a subdivided lot is adjacent to a collector or arterial, no access to the lot shall be permitted from the collector or arterial. In such cases, the primary means of access to the lot shall be from a local interior street;

(2) A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed at right angles to such a parallel street, with the rear lines of such lots being adjacent to the collector or arterial;

(3) A marginal access or service road (separated from the collector or arterial by a planting or grass strip and having access thereto at suitable points);

(4) A common driveway as per Section 5.5.17 *Common Driveways*.

(c) Multiple road accesses may be required by the Baldwin County Planning Director or County Engineer, or his/her designee, to improve traffic safety and circulation.

§ 5.5.10 Excess Right-of-Way or Easements

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

§ 5.5.11 Railroads, Arterials, and Major Thoroughfares

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

(a) In residential developments, a buffer strip at least 25 feet in depth, in addition to the normal depth of the lot required, shall be provided adjacent to the railroad right-of-way, arterial or expressway. This strip may be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening. The placement of structures hereon is prohibited";

(b) In areas proposed for business, commercial, or industrial uses, the nearest street extending parallel or approximately parallel to the railroad shall, wherever practical, be at a sufficient distance there from to ensure suitable depth for commercial or industrial sites;

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

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§ 5.5.12 Cul-de-sacs

(a) Permanent dead-end streets shall not exceed 1,320 feet (1/4 mile) in length. Permanent dead-end streets with a pavement width of 20 feet or less shall be provided with a turnaround having a roadway diameter of at least 70 feet and a right-of-way diameter of at least 100 feet. Permanent dead-end streets with a pavement width of more than 20 feet shall be provided with a turnaround having a roadway diameter of at least 80 feet and a right-of-way diameter of at least 100 feet.

If medians and/or islands are proposed in the cul-de-sacs, a minimum of 25 foot wide driving surface shall be maintained at all points around said cul-de-sac. (See Section 5.8)

(b) Temporary dead-end streets greater than 200 feet in length are required to have a temporary turnaround constructed of an all-weather surface at least 70 feet in diameter and have an easement or right-of-way at least 100 feet in diameter. Said temporary turnaround shall be graded properly to drain, and be maintained by the developer until the roadway is continued. If adjacent property is not owned by the developer or no other ~~Development Permit~~Preliminary Plat is approved at the time of final inspection, a permanent cul-de-sac shall be required.

(c) For roads stubbed out to adjacent property not providing access to lots and less than 200 feet in length, no turn-around is required, unless deemed necessary by the County Engineer or his/her designee. Appropriate traffic control devices, as per the latest edition of the MUTCD, are required and barricades may be required by the County Engineer or his/her designee.

§ 5.5.13 Intersections

Street intersections shall be laid out as follows:

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

(b) Proposed new intersections within a subdivision shall be aligned with streets on the opposite side of the intersecting street. Street jogs with centerline offsets of less than 125 feet shall not be permitted.

Subdivision entrance street intersections shall be as follows:

Where a proposed entrance street is a local street, no centerline offsets of less than 125 feet shall be allowed. Where a proposed entrance street is a minor or major collector street, no centerline offsets of less than 800 feet shall be allowed. Intersections with minor arterial streets require offsets of at least 1300 feet. Where a street intersects a state highway, the design standards of the Alabama Department of Transportation shall apply.

(c) In residential subdivisions, minimum edge of pavement (curb) radii at the intersection of 2-local streets shall be at least 20-feet; and minimum edge of pavement (curb) radii at an intersection involving a collector street shall be at least 35 feet. In non-residential subdivisions, minimum edge of pavement (curb) radii at the intersection of 2 streets shall be at least 40 feet;

(d) Intersections shall be designed to drain stormwater away from the driving surface to prevent ponding. At the approach to an intersection having a stop condition, a leveling area shall be provided having a

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grade not greater than 5 percent at a distance of 50 feet, measured along the centerline from the nearest right-of-way line of the intersecting street;

(e) Where any street intersection will involve the construction of or be located adjacent to earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the applicant shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an sufficient sight distance;

(f) Property lines at street intersections shall be rounded with a minimum radius of 25 feet;

(g) For each proposed intersection with an existing State or County maintained roadway, proposed sight distances shall be provided on plan/profile sheets. Distances provided shall meet those required by the latest version of the Baldwin County Design Standards for New Road Construction;

(h) The minimum distance between centerline offsets at street jogs shall be 125 feet.

§ 5.5.14 Traffic Study Requirements

For proposed subdivisions (a) containing 50 lots or more, (b) phases or additions that increase the total number of lots within a subdivision to 50 or more, or (c) which in the opinion of the County Engineer will generate Average Daily Traffic of 500 trips or more, the applicant shall have a traffic study performed for the proposed development. After consultation with the Planning Director, the County Engineer will define the scope of the traffic study. The County Engineer shall determine the improvements required to be made by the developer along with the other subdivision improvements. The Developer will perform the Traffic Study using the services of a qualified traffic engineer preapproved by the County Engineer. This study will be submitted simultaneously with the subdivision application. All studies shall be in accordance with the *Traffic Impact Study Requirements* of Baldwin County Commission. See Appendix 6 or latest approved version. All recommendations of the study will be considered as the minimum conditions required for the subdivision to be approved. However, the County Engineer, reserves the right to require improvements within the County Right-Of-Way that the study indicates are not warranted. At all times the applicant can choose to bypass the study and accept the improvements required by the County as conditions of subdivision approval.

For subdivision developments containing less than 50 lots the applicant may be required to submit current (within 12 months) traffic counts of the links adjacent to the proposed development. Deceleration, Acceleration and/or Left-turn lanes or other roadway improvements may be required by the County Engineer.

If turn-lanes are required or otherwise proposed the standards from the current Alabama Department of Transportation Permit Manual shall be used as a minimum.

§ 5.5.15 Perimeter Streets

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

§ 5.5.16 Street Elevations

No street shall be approved for construction within a Flood Prone Area that is proposed to be constructed more than 2 feet below the elevation of the base flood, as defined in these regulations, unless approved by

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the Baldwin County Planning and Zoning Commission in accordance with *Article 8. Variances*. Drainage openings shall be so designed as not to restrict the flow of flood waters or increase upstream flood heights.

§ 5.5.17 Common Driveways

(a) Where lots will access an existing publicly maintained ~~street~~road that is classified as a collector or an arterial, common driveways shall be used to minimize the number of curb cuts, driveways, or other accesses required, unless an alternate access under § 5.5.9(b) is approved by the County Engineer.

(b) The maximum number of lots that may be served by a common driveway shall be 2.

(c) Common driveways shall be contained within a private ingress/egress easement labeled as such on the Final Plat. Said easement shall be of sufficient width (minimum of 30 feet) to contain the common driveway and provide ingress and egress.

(d) The Final Plat of a subdivision in which common driveways are utilized shall contain the following notation: "The portion of the common driveway outside the public right-of-way as shown hereon is private and will not be maintained by Baldwin County."

(e) If common driveways are proposed or required, they shall be installed by the developer prior to the Final Plat being signed by the County Engineer for recording. (*Section 7.2 Financial Guarantee of Performance* will not be allowed for this construction.) An "Industrial/Commercial/Residential Multiunit Right-of-Way Access and Drainage Impact Permit" is required prior to construction.
(f) Maintenance of common driveways located on private property shall be the responsibility of all property owners whose property is served thereby.

§ 5.6 Street Design Standards

All streets within the jurisdiction of these regulations shall be constructed in accordance with the Baldwin County Design Standards for New Road Construction (Appendix 4). Typical roadway sections and profiles shall be approved by the County Engineer, or his/her designee, and shall be shown in the construction plans.

§ 5.7 Sidewalks

(a) Sidewalks shall be located within the right-of-way or within an easement of sufficient width adjacent to the right-of-way.

(b) Construction of sidewalks shall be a minimum of 5 feet wide and shall be constructed with reinforced concrete that has a minimum 28 day compressive strength of 3000 psi, and shall be in accordance with County specifications and these regulations.

(c) New sidewalks shall connect to any adjacent sidewalks and/or bike paths and shall be interconnected within said development to allow for sufficient pedestrian access.

(d) The surety to be posted by the Developer pursuant to Sections 7.1 and 7.2 of these regulations shall, in addition to all other anticipated construction expenses, cover the cost of all proposed sidewalks.

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(e) All s~~S~~idewalks 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

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property owner's association agreeing to maintain such decorative sign posts, and to replace the same if destroyed. Any damaged or destroyed decorative sign post may be replaced by the County, and in such event, the County may install a 2 3/8" galvanized round post;

5. Posts for all other signs – #2 galvanized U-channel (minimum length 12 feet) of appropriate height embedded not less than 3 feet below the finished grade elevation, complying with minimum 7 foot clearance between grade level and the bottom of the sign.

§ 5.10 Bridge Standards

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

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

§ 5.10.1 Design Criteria

(a) For basic design requirements, see the *Baldwin County Design Standards for New Road Construction* (attached as Appendix 4) .

(b) A Pre-submittal design conference with the County Engineer or his designee is mandatory.

(c) All bridge components must be constructed of reinforced concrete construction unless otherwise approved by the County Engineer or his/her designee. If pipes are used, they must be constructed of reinforced concrete. No precast box culverts are allowed.

(d) All bearing pads must be elastomeric, unless otherwise approved by the County Engineer or his/her designee.

(e) All bridge submittals other than pipes or cast-in-place box culverts must meet the "Baldwin County Highway Department Bridge Design & Guidelines" (attached as Appendix 3).

§ 5.10.2 Construction, Testing and Inspections

(a) The bridge contractor must be on the ALDOT pre-approved bidders list.

(b) The developer is required to employ a certified bridge inspector (CBI) to observe and inspect all bridge construction activity.

(c) A static or dynamic load test will be allowed to determine bearing capacity of pilings. The Baldwin County Engineer or his designee must be present for all load testing. A minimum of 3 days notice must be given to the Baldwin County Engineer or his/her designee by the contractor for this testing.

(d) The contractor shall provide pile driving hammer data at the time of the Pre-construction Conference. [see Section 5.15(a)].

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(e) Pile driving hammers must be approved by a geotechnical engineer and by the County Engineer or his/her designee prior to mobilization.

§ 5.11 Drainage Systems

§ 5.11.1 General Policy

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

§ 5.11.2 Drainage System Standards

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

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

Fill may be used to alter the existing grades, provided that proposed fill does not restrict the flow of water from adjacent properties or unnaturally redirect stormwater to adjacent properties.

When a proposed new drainage system will divert water into an unnatural water system or on private land adjacent to the subdivision, drainage rights must be secured by the applicant and indicated on the Final Plat.

The applicant shall be required to carry away by pipe or open ditch any spring or surface water that exists either previously to, or as a result of, the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in common areas with perpetual unobstructed drainage easements of sufficient width, (see Section 5.11.6(b).

Provision shall be made for the disposal of storm waters into existing channels, pipes, or body of water.

(b) *Accommodation of Upstream Drainage Areas.* The method used to accommodate potential development from the upstream properties must be identified in the design calculations.

(c) *Effect on Downstream Drainage Areas.* The Design Engineer shall review the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the County Engineer, or his/her designee, may withhold approval of the subdivision until provision has been made for the necessary downstream improvement.

§ 5.11.3 Drainage Systems

(a) Inlets shall be provided so that surface water is not carried across any intersection, or for a distance of more than 600 feet in the gutter. When calculations indicate that curb capacities are exceeded at a point,

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catch basins shall be used to intercept flow at that point. The spread of surface water carried in the gutter shall not exceed ½ of the design lane width. For storm event criteria, see the Baldwin County Design Standards for New Road Construction.

(b) For storm event criteria for drainageways, drainage systems, bridges and box culverts, see the *Baldwin County Design Standards for New Road Construction* (attached as Appendix 4). In all cases the design engineer must analyze the backwater that is produced and verify that no upstream property is being flooded or otherwise adversely affected.

(c) All roadway cross drain pipes and common driveway culvert pipes shall be reinforced concrete and have a minimum size of 18 inches in diameter, or an equivalent arch pipe. Only pipe that meets specifications equaling Alabama Department of Transportation Specifications or Baldwin County Highway Department Standards will be acceptable. Pipes outside the travelway may be other ALDOT approved materials.

(d) Where the proposed subdivision has open ditches, a maximum of 3 to 1 side slopes and flat bottom ditch is required. V-bottom ditches or other special designs will be permitted in special cases as approved by the County Engineer, or his/her designee. Calculations shall show the volume and velocity for each different ditch section. Ditch lining shall be designed based on the stormwater velocity calculations. The longitudinal grade shall not be less than 0.3%.

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

(e) The method of determining stormwater runoff shall be as follows: for areas less than 200 acres, the engineer may use the Rational Method for determining inlet spacing, roadway spread, and the sizing of opened and closed pipe network and collection basins. The Kirpich Equation shall be the only method which may be used to determine the time of concentration. For areas greater than 200 acres, the engineer may use Regression Equations (rural or urban) or SCS Method only.

(f) Calculations shall include a scale map of the off-site and on-site drainage areas; and the slope, type, size, flow, velocity, and the headwater and tailwater elevations for each pipe and structure.

(g) *Headwalls and Riprap.* A minimum 3:1 concrete sloped paved headwall shall be required on all pipe culverts. 4:1 concrete sloped paved headwalls are required on pipe culverts that are parallel to traffic flow. Special types of headwalls, rip-rap, and other materials may be required by the County Engineer or his/her designee when deemed necessary for erosion control, protection of existing downstream drainage facilities, and roadside safety. All headwalls and riprap installed pursuant to these regulations shall comply with the standards imposed by the Alabama Department of Transportation.

§ 5.11.4 Drainage System Plan Requirements

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

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

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(b) Existing drainage system, including, but not limited to, pipes, culverts, inlets, ditches, and ponds.

(c) Proposed drainage system, including pipes, culverts, junction boxes, inlets, ditches, retention/detention facilities, and an outline of the on-site drainage areas for each inlet and ditch cross-section. All proposed pipes, culverts, junction boxes and inlets shall be labeled and presented in tabular form on the overall drainage plan, and the plan view of all Plan/Profile sheets.

(d) Structure location, type and size of all drainage structures, and the Inlet and Outlet Flow line Elevation.

(e) Cross-section of each ditch section.

(f) Other pertinent information necessary for review of the drainage plans as may be required by the County Engineer, or his/her designee.

§ 5.11.5 Drainage System Construction Requirements

(a) All pipes shall be placed in excavated trenches to the line and grade shown on the plans.

(b) All methods and materials used to construct and install all drainage pipes and structures shall adhere to current ALDOT specifications and Standard Drawings. Structures proposed under traffic must be poured in place or precast concrete as per ALDOT Standard Drawings.

Plastic pipe with less than 24" of cover will require anchor details.

(c) For cross drain pipes, common driveway culvert pipes, or other stormwater pipes located under the driving surface or curbing, and for all other side drain pipes and pipes located outside of the right-of-way, a junction box suitable for maintenance and inspection access shall be provided at least every 300 feet and at each angle point and at each change in grade.

(d) Where type "S" inlets are used in conjunction with valley gutters, construction plans must show a smooth and gradual transition from gutter to inlet not less than 60 inches.

(e) —Unless otherwise approved by the County Engineer, all junction boxes shall be poured-in-place concrete or pre-cast concrete as per ALDOT Standard Drawings.

§ 5.11.6 Dedication of Drainage System Easements

(a) *General Requirements.* Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a stormwater or drainage easement conforming substantially to the lines of such water course, and of such width and construction or both as will be necessary for the purpose as determined by the County Engineer or his designee. Easement width must allow for maintenance access.

(b) *Drainage Easements.* Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, common areas with perpetual unobstructed easements at least 20 feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. All existing and proposed easements shall be clearly indicated in the plan view of the proposed subdivision as depicted in the application for ~~Development Permit~~Preliminary Plat and Final Plats. Such easements will vary in width according to depth of structure. Where drainage facilities are adjacent to public rights-of-way or public property, no

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fence, hedgerow or other obstruction may be placed in such a manner as to obstruct access to the drainage facilities from such public right-of-way or public property. A note shall be added to the Final Plat that specifies the maintenance responsibilities of any drainage easements and common areas. The note shall also include a statement that Baldwin County will not be responsible for maintenance of said common areas or drainage easements.

(c) *Side and Rear Lot Lines:* A minimum 15 foot (total width) drainage easement shall be provided along all side and rear lot lines to allow for the proper drainage of stormwater from both rear yards and off-site areas. The required 15-foot easement width on interior lot lines may be achieved by splitting the required width between both sides of an interior line so long as a total width of 15 feet is maintained. Drainage easements should generally be indicated on Preliminary Plats and Final Plats exclusively with a note similar to the following:

DRAINAGE/UTILITY EASEMENTS
EXTERNAL REAR AND SIDE BOUNDARY LOT LINES: 15 FEET
INTERIOR REAR AND SIDE LOT LINES: 7.5 FEET

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

§ 5.11.7 Drainage System Plan Sheet Requirements

A generalized drainage plan must be submitted at the time of ~~Development Permit~~Preliminary Plat application and shall at a minimum:

(a) Be on a sheet the same size as that submitted at the time of ~~Development Permit~~Preliminary Plat application and be at the same scale;
(b) Show the layout of the proposed lots and common areas;
(c) Show the existing one (1) foot contours of the subject property and all adjacent rights-of-way;
(d) Show the proposed flow direction of all stormwater;
(e) Show the proposed location of a stormwater management facilities;
(f) Show the location of all existing drainage structures within 100 feet of proposed development;
(g) Show design Q at each outfall structure;
(h) Show FEMA flood zones;
(i) Show all ~~jurisdictional~~ wetlands and label as jurisdictional and non-jurisdictional.

Section 5.12 Stormwater Detention/Retention Management

§ 5.12.1 General

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

The developer and design engineer shall also include the method of maintenance for the detention/retention pond after the development is completed. Retention/Detention facilities shall be owned, operated, and maintained by development entities and shall not be accepted for maintenance by the Baldwin County Commission. Provisions shall be made to address 100-year storm events to ensure that retention/detention facilities survive such events.

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

§ 5.12.2 Minimum Requirements for Stormwater Detention/Retention and Design Criteria

(a) *Liability*. The design criteria establish minimum elements of design which must be implemented with good engineering and good workmanship. Use of the information contained herein for placement of any structure or use of land, shall not constitute a representation, guarantee, or warranty of any kind by Baldwin County Commission, its offices or employees, of the practicability, adequacy or safety and shall not create liability upon or cause action against any such public body, office, or employee for any damage that may result pursuant thereto.

(b) *Engineer's Seal.* All plans, specifications, and calculations submitted for review and/or approval shall be prepared and signed by a licensed engineer, and shall meet the minimum standards and requirements of the County, and other applicable authorities. Each of the plan, profile and special drawing sheets for a project shall bear a legible stamp of the Professional Engineer in charge. If the name or license number is not clear, the signature and number shall be added. It is imperative that the professional design engineer be qualified in the area of drainage per the State of Alabama registration laws.

(c) *Pre-Design Conference*. The developer and Design Engineer are encouraged to contact the County for a pre-design conference at the conceptual stage of the project. Such conference would be mutually beneficial to outline the complexity and scope of design, applicability of criteria and elimination of possible items of conflict during the review process. Subsequent conferences, during the preparation of plans may be arranged by the consulting engineer or the developer to obtain preliminary, informal decisions on items in need of clarification.

(d) *Method of Calculation.* The SCS Method will be the only accepted method used to determine the sizing of stormwater detention/retention areas. The Rational Method will not be permitted for such use. See Figure 1 for an example of a Discharge Hydrograph.

(1) *Areas Outside of Watershed Studies:*

Differential runoff evaluation consists of determination of rates of runoff before and after development, determination of required volume of retention/detention and verification of adequacy of discharge and control structures. Design shall be based on at least the worst case scenario of runoff up to and including a 100 year, 24 hour rainfall event. This shall be based on sound engineering criteria and computations shall be submitted to the County Engineer for review. Post-development discharge from retention/detention facilities shall be equal to or less than pre-development conditions for a 2, 5, 10, 25, 50 & 100 year storm event. In no case shall the discharge from a drainage basin exceed the hydraulic capabilities of the downstream drainage structures and facilities.

(2) *Areas within the Fish River Watershed :*

North of the red line delineated on the County Fish River Watershed Map and in the Fairhope area shall follow the same requirements of (d)(1). Areas south of the red line and until the regional ponds are

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constructed, each land use change shall be modeled in the Fish River Study Model at the discretion of the County Engineer or his designee and designed to detain the 2, 5, 10, and 25 year events and withstand the 100 year event. Some areas may be required to detain the 100 year event after the regional ponds are constructed. The area south of the red line will only detain 2, 5, 10, and 25 year events.

(3) Areas within the Wolf Bay Watershed:

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

(e) *General Location.* Retention/detention facilities shall be located within the parcel limits of the project under consideration. No retention/detention or ponding will be permitted within public road rights-of-way or within the Highway Construction Setback Line as per Act No. 94-572 of the Legislature of Alabama. Location of retention/detention facilities off-site will be considered by special request if proper documentation is submitted with reference to practicality, feasibility and proof of ownership or right-of-use of the area proposed. No retention/detention facility shall be located in jurisdictional wetlands.~~, unless approved by the United States Army Corps of Engineers.~~

Any existing onsite areas that currently retain stormwater shall be preserved within common areas and in their current state. If approved by the County Engineer, a developer may fill in said areas if there are no jurisdictional wetlands involved, and if similar storage capacity is provided onsite and in the same drainage basin.

In locations where the discharge from a development will be directly into a tidally influenced body of water, the County Engineer may consider waiving the stormwater management requirement, upon request by the design engineer. The County Engineer has the sole discretion of whether or not this will be allowed. This will not alleviate the developer from any erosion/sedimentation control requirements or requirements of other governmental agencies. However, the development will be required to control velocities of stormwater leaving the site.

(f) *Common Area.* It is required that retention/detention ~~f~~acilities and open swales (ditches) along with access to those facilities shall always be located in common areas. Projects developed under these procedures shall establish (in the recorded plat) common areas for the retention/detention facilities and include provisions for maintenance in the Trust Indentures.

(g) The entire reservoir area of the open channel shall be seeded, fertilized and mulched, sodded, paved, or lined prior to Final Plat approval.

(h) The hydraulic elevations resulting from channel retention/detention shall not adversely affect adjoining properties.

(i) *Permanent Lakes.* Permanent lakes with fluctuating volume controls may be used as retention/detention areas provided that the limits of maximum ponding elevations are no closer than 30 feet horizontally from any building and less than 2 feet below the lowest sill elevation of any building.

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1. Maximum side slopes for the fluctuating area of permanent lakes shall be one (1) foot vertical to 3 feet horizontal (3:1) unless proper provisions are included for safety, stability and ease of maintenance.

2. Special consideration is suggested to safety and accessibility for children in design of permanent lakes in residential areas.

3. Viability of the permanent impoundment shall be considered. An acceptable guideline is to make the area of the permanent pool no greater than one-tenth the size of the tributary drainage area. It is suggested that the minimum depth of 25 percent of the permanent pool area be no less than 8 feet. Allowances for silting under denuded soil conditions (during construction) for a period no less than one year, is also recommended.

4. The entire fluctuating area of the permanent reservoir shall be ~~seeded, fertilized and mulched~~, sodded or paved prior to release of surety if required by the County. Any area susceptible to or designed as overflow by higher design intensity rainfall, as indicated previously, shall be sodded or paved.

(j) *Other Methods.* Other methods of retention/detention such as seepage pits, french drains, etc. are subject to approval by the County Engineer. If other methods are proposed, the design engineer shall submit documentation, including but not limited to, soils data, percolation data, geological features, maintenance procedures, etc. for review and consideration.

(k) *Verification of Adequacy.* Analysis of all elements of design is always performed by the Design Engineer. The following outline is provided to ascertain that certain critical elements of design are in workable compliance with the aims of design:

1. proof of adequacy of volume of retention for each drainage basin
2. tributary (Q) peak runoff to basin
3. balanced maximum outflow rate from the low-flow structure
4. ratios of inflow to outflow
5. sizing of the overflow facilities
6. stability of dikes
7. safety features
8. maintenance features
9. routing calculations in legible tabulated form
10. “Pre-development”, “Post-development” and Post-development with detention intensity/duration graphic shall be submitted to illustrate compliance. See Example Figure 1.
11. Projects involving complexity of design may require more documented verification

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

(l) *Control Structures.* Retention/detention facilities shall be provided with obvious and effective control structures. Plan view and sections of the structure with details shall be included in plans. In no case shall the discharge from a drainage basin exceed the hydraulic capabilities of the downstream drainage structures and facilities. Care should be taken in evaluating the following items (1-3) in the design of the outlet control structure.

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1. The maximum overflow opening or emergency spillway shall be designed to accept the total peak runoff of the improved tributary area during the base flood.

2. Proper engineering judgment shall be exercised in analysis of secondary routing of discharge of greater intensity than the basic design storm in order to avoid economic losses or damage downstream. Review with the maximum probable precipitation event is recommended.

3. When existing downstream pipe sizing, outside the developers control jurisdiction, is inadequate, an evaluation for undersizing of pipes may be performed by the developer and evaluated by the County Engineer. In no case shall the discharge from a drainage basin exceed the hydraulic capabilities of the downstream drainage structures and facilities.

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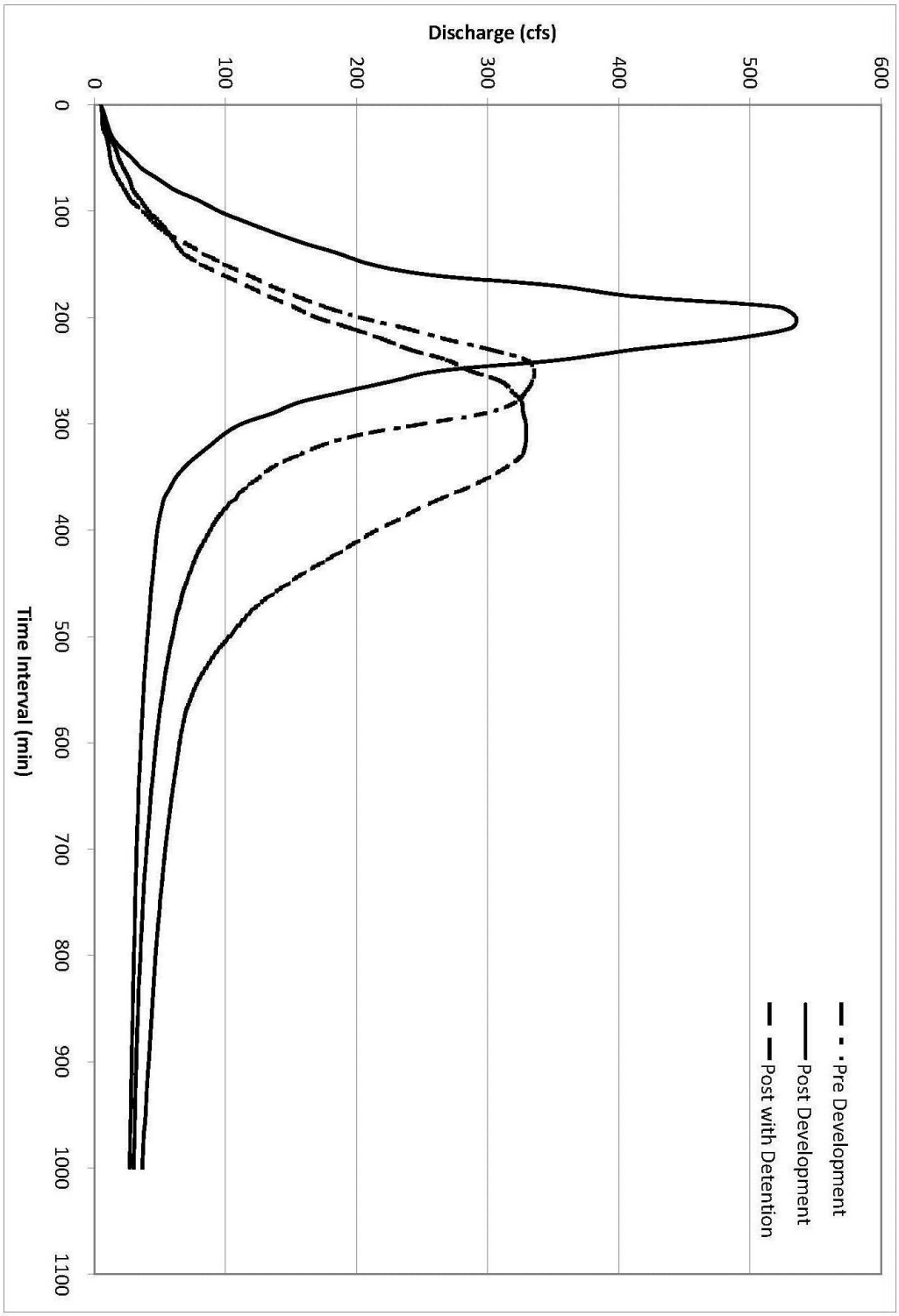

***Example (Figure** 1)*

§ 5.12.3 Stormwater Detention/Retention Plan Sheet Requirements

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

(a) Topography map of the proposed retention/detention facility area(s);

(b) Existing and proposed contour lines at 1 foot intervals of the entire property and full width of all adjacent rights-of-way. Topographic information shall be based on the NAVD 88 datum. Elevations must be field verified. Greater intervals may be allowed, if approved by the County Engineer or his/her designee;

(c) All proposed pipes, control structures, headwalls, riprap, junction boxes, including location, size, and flow line elevations;

(d) Detailed drawings of the control structure(s);

(e) Cross sections of each storm water facility.

§ 5.12.4 Maintenance

Retention/Detention facilities are to be built in conjunction with the storm sewer installation and/or grading. Since these facilities are intended to control increased runoff, they must be partially or fully operational prior to the clearing of the vegetation and subsequent construction. Silt and debris connected with early construction shall be removed periodically from the retention/detention area and control structure in order to maintain design storage capacity.

The responsibility for maintenance of the retention/detention facilities and drainage structures within designated drainage easements shall remain with the developer until such time as responsibility is transferred to a property owners'/home owners' association. The developer (and after the transfer or responsibility, the property owner's association) shall keep such retention/detention facilities free of silt, debris, undergrowth and any vegetation which would interfere with the proper function thereof. The association shall clearly and explicitly accept responsibility for maintenance. These maintenance requirements do not imply that any drainage structures or systems are or will become the maintenance responsibility of Baldwin County Commission. A letter from the owner/developer indicating the chain of responsibility for maintenance of all drainage structures or systems along with a copy of the proposed instrument of organization for the property owners'/home owners' association shall be submitted with the Final Plat submittal.

§ 5.13 Erosion and Sedimentation

§ 5.13.1 General

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

The Design Engineer shall submit an ADEM-approved Construction Best Management Practices Plan. Said plan shall be prepared by a Professional Engineer licensed in the State of Alabama. If the County

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Engineer determines, upon review of such plan, that additional erosion control items may be required, the applicant shall include such requested items on the erosion control sheets in the Construction Plans.

(a) *Construction Requirements.* The erosion and sedimentation control plan shall be a part of the construction plans and shall meet the requirements of ADEM prior to the commencement of any land-disturbing activity including but not limited to tree cutting and root removal. In P~~p~~riority Construction S~~s~~ites as determined by ADEM, the County Engineer, in his discretion, may require more strict standards.

(b) *Protection of Property.* Persons engaged in land-disturbing activities shall take all measures to protect all public and private property, including roadways, from damage by such activities.

(c) *More Restrictive Rules Shall Apply.* Whenever there is a conflict between Federal, State, or Local Laws, Ordinances, Rules and Regulations, Orders, and Decrees the more restrictive provision shall apply.

§ 5.13.2 Periodic Inspections and Maintenance

(a) *Notification.* The applicant shall notify the County Engineer or his/her designee as soon as the initial BMPs have been installed so that an inspection of the BMPs can be made. Such inspection shall be made within 2 working days of said notice. No land disturbing activities, except those necessary to install the BMPs, shall take place until after the inspection is complete and approved.

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

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

§ 5.14 Special Requirements for Nonresidential Subdivisions

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

(a) Proposed nonresidential street layout, blocks, and parcels shall be suitable, in area and dimensions, for the types of development anticipated.

(b) Streets carrying nonresidential traffic, especially truck traffic, shall not be extended to the boundaries of adjacent existing or potential residential areas, nor connected to streets intended for predominantly residential traffic, but shall be connected insofar as is possible to expressways, arterial, or collector streets in such a way that the number of intersections with such expressways, arterial, or collectors shall be minimized.

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(c) Street rights-of-way and pavement shall be in accordance with *the Baldwin County Design Standards for New Road Construction* (attached as Appendix 4), to accommodate the type and volume of traffic anticipated to be generated thereon.

(d) The applicant shall insure that the nonresidential subdivision as a whole may be self-sufficient with regard to providing necessary off-street parking. The applicant may make parking self-sufficiency a requirement of individual lots.

(e) With respect to physical improvements, special requirements may be imposed by the Baldwin County Planning and Zoning Commission with the advice of the County Engineer, or his/her designee, within the nonresidential subdivision.

(f) Every effort shall be made to protect adjacent residential areas from potential nuisances from nonresidential subdivisions, including the provision of extra depth in parcels backing up on existing or potential residential developments and provision for a permanently landscaped buffer strip when necessary.

(g) Nonresidential subdivisions shall adhere to *Section 5.11 Drainage Systems, Section 5.12 Stormwater Detention/Retention Management* and *Section 5.13 Erosion and Sedimentation*. The applicant may make drainage self-sufficiency a requirement of individual lots.

§ 5.15 Construction Requirements

Construction of all roads and bridges shall meet the following minimum requirements and conform to the current Alabama Department of Transportation's "Standard Specifications for Highway Construction". Best Management Practices for erosion control shall be used throughout construction and development. The developer shall be responsible for all erosion control in accordance with ADEM regulations and for securing any permits required by ADEM. **A Subdivision Permit is required from the County Engineer before the construction of any improvements can begin.**

(a) Pre-Construction Conference: It shall be the duty and responsibility of the developer or contractor to schedule and coordinate a Pre-Construction Conference with all involved parties prior to the beginning of construction. Once this conference has taken place and all requirements have been met, the County Engineer will issue the Subdivision Permit and construction may begin. All contractors must be properly licensed in the State of Alabama. A copy of the current Alabama General Contractor's License of the prime contractor shall be provided to Baldwin County Engineer or his/her designee at the Pre-Construction Conference.

(b) Notification of Work: It shall be the duty and responsibility of the developer or contractor to give written notice to the County Engineer or his/her designee, one working day prior to starting any phase of construction. The developer or contractor shall notify the County Engineer or his authorized agent in writing the day work is resumed after a delay of more than five (5) working days. This includes all phases of construction, clearing, grading, drainage, gutters, inlets, base, surfacing and any work that pertains to the street, road or development**.** After all BMPs have been installed and/or constructed, but before any other construction takes place, the contractor shall notify the County Engineer to inspect the required BMPs in accordance with Section 5.13.2(a) of these regulations. **FAILURE TO PROVIDE PROPER NOTIFICATION AS SPECIFIED SHALL BE GROUNDS FOR NON-ACCEPTANCE OF ROADWAYS BY THE BALDWIN COUNTY COMMISSION.**

(c) Testing: All testing shall be conducted using the services of a qualified geotechnical engineer preapproved by the County Engineer. The tests normally consist of, but are not limited to:

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1. Soil Gradation;
2. Optimum Moisture Content tests on embankment, subgrade and base material;
3. Soil Compaction test on subgrade and base material;
4. In-place asphalt density analysis of road building materials;
5. 28 day compressive strength of concrete;
6. Hydro-static test of water and pressurized sewer system as required by utility provider;
7. Air test of gravity sewer line as required by utility provider.
8. For bridge testing, see Appendix 3.

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

(d) Clearing and Grubbing: All rights-of-way shall be cleared of all vegetation, trees (unless approved to remain), stumps, rocks and other objectionable or unsuitable material prior to grading or filling unless otherwise approved, in writing, by the County Engineer or his/her designee.

(e) Embankment Sections: The County Engineer will have the right to approve all borrow sources; however this does not relieve the developer from full responsibility for the quality of material used. Roadway fill or embankment of earth material shall be placed in uniform layers, full width, and not exceeding six inch thickness (loose measurement). Each layer shall be compacted so that a uniform specified density is obtained. Compaction tests shall be run at the frequency and location as directed by the County Engineer or his/her designee. Additional layers of fill shall not be added until directed by the County Engineer. For all density requirements refer to the current Alabama Department of Transportation "Standard Specifications for Highway Construction".

(f) Subgrade: Auger borings shall be done every 300 feet measured along the center line of roadway with a minimum of one auger per roadway. Hand auger will be acceptable. The subgrade shall be compacted and properly shaped prior to the placing of base material. Roadbed processing shall be performed in accordance with section 230 of the current ALDOT Standards Specifications for Highway Construction. The subgrade shall be full width and extend twelve (12) inches outside of base. The subgrade shall be proof rolled, under the supervision of the County Engineer or his/her designee, with a fully loaded (minimum 20 cy) tandem axle dump truck to check for soft or yielding areas. Any unsuitable material shall be removed and replaced with a suitable material compacted to required density.

(g) Base: Base course shall meet the requirements according to the current Alabama Department of Transportation "Standard Specifications for Highway Construction". Base course shall have a minimum thickness as required by the *Baldwin County Design Standards for New Road Construction* (attached as Appendix 4), and shall extend twelve (12) inches outside of curb sections or twenty four (24) inches from the edge of asphalt, whichever is greater. The density requirements for compaction shall be in accordance with the current Alabama Department of Transportation "Standard Specifications for Highway Construction". Developer/Engineer may submit an alternate base design method for approval by the County Engineer. Design shall be based on a proven and accepted engineering test or method for the site conditions that exist.

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

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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, ~~T~~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 6 sites/units per acre.

~~1.~~

~~2. 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 regard~~s~~ 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~~12~~ 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~~ 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:

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The internal rights-of-way, roads, easements, and drainage facilities are private and will be maintained by the developer / owner. The internal rights-of-way, roads, easements, and drainage facilities will not be maintained by Baldwin County. If individual lots, sites, units, etc., are to be sold, the developer/owner shall be required to meet the current Baldwin County Subdivision Regulations in effect at that time, and the property shall be brought into compliance with those regulations prior to such sale or attempted sale.

(d) Stormwater Management - RV parks and campgrounds shall meet the stormwater requirements of the *Baldwin County Subdivision Regulations*.

(e) Utilities - Utilities shall be provided for the proposed development in accordance with § 5.2.5 of these regulations, accept that recreational vehicle parks with a density of five units or less shall not be required to connect to public water unless already available adjacent to the property. ~~and shall be adequate for the number of sites / units.~~ The applicant shall provide proof from the appropriate utility companies and/or Health Department that the proposed utilities are adequate for the development.

(f) Setbacks – RV parks and campgrounds located within zoned districts of the County shall meet the applicable setbacks in the Zoning Ordinance. RV parks and campgrounds located in unzoned districts shall meet the following setbacks:

1. ~~RV parks and campgrounds sites / units shall be located a~~A minimum ~~of~~ thirty- ~~(30)~~ fooeet 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.
2. Structures constructed or located on ~~RV~~ recreational vehicle parks and campground sites / units must be separated from each other by at least ten (10) feet.
3. Refer to Section 5.4 (h) of these regulations for Highway Construction Setback requirements.

(g) Minimum Lot Size - The minimum lot size for RV parks and campgrounds shall be three (3) acres.

(h) Design Requirements for Recreational Vehicle Site –

1. Parking

   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 be at least 1,600 square feet in area.

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

(i) Manufactured Homes – A recreational vehicle park ark which remains under unified ownership and control or is otherwise approved under the provisions of Article 9 shall not include sites for use by standard manufactured homes or park model

§ 5.17 Special Requirements for Apartments / Condominiums / Townhomes

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The following standards are applicable to apartments, condominiums, and townhomes:

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

1. The maximum number of units for apartments, condominiums and townhomes shall be twelve (12) units per acre in order to allow for adequate unit size, access, open space, and parking.
2. 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 – Apartments, condominiums and townhomes shall have direct access to a paved County, City, State or Federal highway or roadway. The applicant shall adhere to Section 5.5.3 in regard~~s~~ 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.

(c) Internal Roadways - The internal roadways for apartments, condominiums and townhomes shall be built by the developer and, at a minimum, shall provide safe travel for the residents and emergency responders. The internal roadways shall meet the requirements of the Baldwin County Commission Design Standards for New Road Construction. The internal roadways shall be maintained by the developer/owner and will not be maintained by Baldwin County. The following note shall be placed on the Final Site Plan:

> *The internal rights-of-way, roads, easements, and drainage facilities are private and will be maintained by the developer / owner. The internal rights-of-way, roads, easements, and drainage facilities will not be maintained by Baldwin County.*

(d) Parking – Parking for apartments, condominiums and townhomes shall be provided. Apartments, condominiums, and townhomes located within zoned districts of the County shall meet the applicable parking requirements in the Zoning Ordinance. Apartments, condominiums, and townhomes located in unzoned districts shall provide a minimum of 1 parking space per bedroom, but not to be fewer than 2 parking spaces per dwelling unit.

(e) Stormwater Management - Apartments, condominiums, and townhomes shall meet the stormwater requirements of the *Baldwin County Subdivision Regulations.*

(f) Utilities - Utilities shall be provided for the proposed development and shall be adequate for the number of sites / units. The applicant shall provide proof from the appropriate utility companies and/or Health Department that the proposed utilities are adequate for the development.

(g) Setbacks – Apartments, condominiums and townhomes located within zoned districts of the County shall meet the applicable setbacks in the Zoning Ordinance. Apartments, condominiums, and townhomes located in unzoned districts shall meet the following setbacks:

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1. The setbacks for apartments, condominiums and townhomes shall be a minimum of 30 feet front, 30 feet rear and 10 feet sides.
2. In addition to the 10-foot minimum side setback, 1 foot of side setback shall be added for every 1 foot of building height greater than 35 feet.
3. A minimum 30-foot setback is required from all jurisdictional wetlands, including a minimum of 15 feet of a natural buffer.
4. Refer to Section 5.4 (h) of these regulations for Highway Construction Setback requirements.

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

§ 5.18 Special Requirements for Mobile Home Parks

If individual lots within proposed mobile home parks 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 mobile home parks which are to remain under unified ownership and control:

(a)Density/Number of Sites / Units – Mobile home parks located within zoned districts of the County shall meet the applicable density requirements in the Zoning Ordinance. Mobile home parks located in unzoned districts shall meet the following requirements in regard~~s~~ to the number of sites / units:

1. The maximum number of sites/units for mobile home parks shall be 6 sites/units per acre in order to allow for adequate site/unit size and spacing.
2. 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 – Mobile home parks shall have direct access to a paved County, City, State or Federal highway or roadway. The applicant shall adhere to Section 5.5.3 in regard~~s~~ 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.
(c) Internal Roadways - The internal roadways for mobile home parks shall be built by the developer and, at a minimum, shall provide for safe travel for the residents and emergency responders. The internal roadways shall meet the requirements of the Baldwin County Commission Design Standards for New Road Construction. The internal roadways shall be maintained by the developer/owner and will not be maintained by Baldwin County. The following note shall be placed on the Final Site Plan:

> *The internal rights-of-way, roads, easements, and drainage facilities are private and will be maintained by the developer / owner. The internal rights-of-way, roads, easements, and drainage facilities will not be maintained by Baldwin County. If individual lots, sites, units, etc., are to be sold, the developer/owner shall be required to meet the current Baldwin County Subdivision Regulations in effect at that time, and the property shall be brought into compliance with those regulations prior to such sale or attempted sale.*

(d) Stormwater Management - Mobile home parks shall meet the stormwater requirements of the *Baldwin County Subdivision Regulations*.

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(e) Utilities - Utilities shall be provided for the proposed development and shall be adequate for the number of sites / units. The applicant shall provide proof from the appropriate utility companies and/or Health Department that the proposed utilities are adequate for the development.

(f) Setbacks – Mobile home parks located within zoned districts of the County shall meet the applicable setbacks in the Zoning Ordinance. Mobile home parks located in unzoned districts shall meet the following setbacks:

1. Mobile home sites / units shall be located a minimum of thirty (30) feet from any exterior property line or jurisdictional wetland.
2. Structures constructed or located on mobile home sites / units must be separated from each other by at least ten (10) feet.
3. Refer to Section 5.4 (h) of these regulations for Highway Construction Setback requirements.

(g) Minimum Lot Size - The minimum lot size for a mobile home park shall be one (1) acre.

(h) Recreational Vehicles – A Mobile Home Park which remains under unified ownership and control or is otherwise approved under the provisions of Article 9 shall not include sites for use by recreational vehicles.

§ 5.19 Additional Regulations Applicable in Flood Prone Areas

This section (5.19) is applicable only in flood prone areas within the County. Flood-prone areas shall include those areas within the boundaries of the Flood Insurance Rate Map (FIRM) established by FEMA as a Special Flood Hazard Area (~~100 year~~100-year flood). The determination of whether a subdivision is subject to this section shall be made based on the map(s) in effect at the time of the submittal of the initial application.

§ 5.19.1 Development Within Floodways and Flood Prone Areas

Land within Floodways and Flood Prone Areas may be subdivided only in compliance with the Baldwin County Flood Damage Prevention Ordinance, these regulations, and all applicable federal, ~~state~~state, and local regulations. Any plat approving the subdivision of land within a Floodway or Flood Prone Area shall contain the following statement:

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

§ 5.19.2 Development in Flood Prone Areas

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

(a) all subdivision proposals shall be consistent with the need to minimize flood damage;

(b) all subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

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(c) all subdivision proposals shall have adequate drainage provided to reduce exposure ~~to flood~~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 pospoted 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 subdivision lots 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. 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.~~

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Article 6. Installation of Permanent Reference Points

§ 6.1 Permanent Reference Points

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

§ 6.1.1 Subdivision Corner Tie

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

§ 6.1.2 Monuments

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

§ 6.1.3 Property Markers

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

§ 6.2 Accuracy

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

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Article 7. Completion and Maintenance of Improvements

§ 7.1 Installation of Required Improvements

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

§ 7.2 Financial Guarantee of Performance

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

§ 7.2.1 Subdivision Improvement Surety

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

(a) *Acceptance of Surety*. The surety must be reviewed by the County Engineer and Chief Legal Counsel~~,~~ and accepted and approved by the County Commission.~~;~~

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

§ 7.2.2 Failure to Complete Work

If by the expiration date of the approved ~~Development Permit~~Preliminary Plat, the developer has not completed all necessary improvements or if in the opinion of the County Engineer or his/her designee said improvements have not been satisfactorily installed, a recommendation shall be prepared and submitted to the County Commission for approval to take such steps as may be necessary to require performance under the surety. If the construction of all required improvements is not completed by the expiration date of the approved ~~Development Permit~~Preliminary Plat, the developer may request that an extension be granted. This must be done in writing before the expiration date. Before granting an extension, the County Commission may require that the amount of the surety be increased to reflect the current value of the required improvements. The surety validation period must also be extended for the requested extension time frame.

§ 7.2.3 Release of Guarantee

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

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§ 7.3 Certification of Improvements

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

(a) That all required improvements are complete;

(b) That these improvements are in compliance with the minimum standards specified for their construction;

(c) That the applicant knows of no defects from any cause in these improvements; and,

(d) That these improvements are free and clear of any encumbrance or lien.

§ 7.4 Maintenance of Roadways and Drainage Improvements

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

§ 7.4.1 Submittal Requirements

The owner shall submit the following items, prior to the Final Plat being signed by the County Engineer, in order for the County Commission to consider accepting maintenance of roadway and drainage improvements within a subdivision. These items shall not be submitted until after all required improvements have been completed and approved; however, they must be submitted before the Final Plat is signed by the County Engineer, and before the financial guarantee of performance is released as per section 7.2.3. No final plat shall be effective until such time as the maintenance surety document and financial guarantee of performance are received by the County Engineer;

(a) A completed *Subdivision Roadway and Drainage Improvement Acceptance Agreement* form completed and signed by the Owner, Developer and Contractor and including all necessary Exhibits

Or;

(b) For developments with roadway and drainage improvement not dedicated as public, the Developer must complete and submit a *Private Maintenance of Subdivision Roadways and Drainage Improvement* form;

§ 7.4.2 Maintenance Surety Document

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The maintenance surety document is a financial guarantee of materials and workmanship of the roadway and drainage improvements within the public rights-of-way, is in an acceptable form, and shall without limitation meet the following requirements:
(a) *Acceptance of Maintenance Surety Document.* The surety document must first be reviewed by the County Engineer and Chief Legal Counsel, and then accepted and approved by the County Commission;

(b) *Value of Maintenance Surety Document.* The maintenance surety document shall be of an amount equal to or greater than 40 percent of the cost (*Itemized Engineer's Cost Estimate*) of the full construction of the required roadway and drainage improvements within the public rights-of-way, including but not limited to, grading, paving of the streets, and installation of stormwater structures. When the County Engineer identifies potential problems, conditions or reasons for further protection of the County and public funds a greater amount may be required by the County Engineer;

(c) *Term of Maintenance Surety Document*. A maintenance surety document must state that it is "valid for a period of time" as prescribed in the *Subdivision Roadway and Drainage Improvement Acceptance Agreement*. A twenty-four (24) month warranty period will begin to run upon the occurrence of both of the following (a) the County Commission votes in the affirmative to accept for maintenance the roadway and drainage improvements, within the public rights-of-way; and (b) the maintenance surety document in acceptable form is delivered to the Baldwin County Commission.

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

§ 7.4.3 Review and Acceptance Procedure Guidelines

(a) Prior to submitting the necessary maintenance surety document, the design engineer shall submit the *Itemized Engineer's Cost Estimate* to the County Engineer. The County Engineer will review the *Itemized Engineer's Cost Estimate* and either make comments accordingly or contact the Owner to coordinate receipt of said maintenance surety document and the *Subdivision Roadway and Drainage Improvement Acceptance Agreement*.

(b) Once the said maintenance surety document and the complete *Subdivision Roadway and Drainage Improvement Acceptance Agreement* is received and accepted by the County Engineer, he/she will sign the original plat and copies and return to the Owner for recording.

(c) Once recorded the Owner must return five (5) copies of the recorded plat with recording information to the Baldwin County Planning Director.

(d) The County Engineer will then submit a Commission Agenda Item to the County Commission for them to consider accepting maintenance of the roadway and drainage improvements in the public rights-of-way subject to the terms of the *Subdivision Roadway and Drainage Improvement Acceptance Agreement*.

(e) The County Commission may take action to accept or reject the roadways and drainage improvement for maintenance subject to the terms of the *Subdivision Roadway and Drainage Improvement Acceptance Agreement*.

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(f) If accepted, the Baldwin County Highway Department will begin maintaining the said roadways and drainage improvement within the public rights-of-way.

(g) These provisions are meant to be minimum guidelines for the Applicant~~,~~ and are in no way meant to restrict the County from making other necessary requirements as the situation may warrant.

§ 7.4.4 Maintenance Procedure

(a) If maintenance is necessary as determined by the County Engineer and it is determined that the necessary repairs are urgent, the repairs may be made by the Baldwin County Highway Department or other entity as determined by Baldwin County and the Owner (as identified in the *Subdivision Roadway and Drainage Improvement Acceptance Agreement*) will be sent an itemized invoice of the said repairs and then given the opportunity to immediately reimburse the County Commission for the cost of said repairs. If the said Owner does not reimburse the County Commission for said repairs within 30 days from the date of the invoice, then the County Engineer will take the necessary actions to collect from the surety.

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

§ 7.4.5 Release of Guarantee

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

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Article 8. Variances

§ 8.1 General

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

(a) The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property;

(b) The conditions upon which the request for a variance is based are unique to the property for which the variance is sought;

(c) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is~~are~~ carried out;

(d) The variance will not in any manner vary the provisions of other adopted policies and regulations of the Baldwin County Commission.

(e) Inconvenience, financial concerns, or self-imposed conditions shall not be considered as a hardship for the purpose of granting the variance.

§ 8.1.1 Variance Requests for "Remnant" Parcels

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

"Remnant Parcel - not intended to be included as part of this subdivision. A variance request to exclude the remnant from this subdivision was approved during the / /20 Planning Commission meeting and thus, the remnant parcel has been excluded from the legal description. This parcel shall be subject to all applicable requirements of the subdivision regulations and/or zoning ordinance when developed or subdivided in the future."

§ 8.2 Submission of Variance Requests

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

An applicant may simultaneously submit a variance request with a Preliminary Plat approval application or Site Plan approval application to the Planning Commission. However, the variance shall be heard first

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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

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previously disapproved shall be submitted in accordance with *Section 8.2.1: Application Procedure and Requirements.*

§ 8.3 Conditions

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

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

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Article 9. Planned Unit Developments

§ 9.1 Purpose

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

§ 9.1.1 Municipal ~~Extraterritorial~~ Planning Jurisdiction:

The provisions of this ~~Chapter~~ Article 9 shall apply to any subdivision, including Planned Unit Developments, lying within the ~~extraterritorial~~ planning jurisdiction of a municipality ~~to the extent that~~unless the Baldwin ~~County Planning and Zoning~~ County Commission has entered into a planning jurisdiction agreement under Alabama Code §11-52-30 providing that the municipal planning commission shall be responsible for the regulation and enforcement of subdivisions ~~jurisdiction over the subdivision of such Planned Development~~ within the Planning Jurisdiction~~pursuant to Alabama Code §11-52-30, et seq~~. If the County, municipality, and municipal planning commission have properly entered into a planning jurisdiction agreement under §11-52-30, the terms and conditions of the planning jurisdiction agreement shall be governed applicability of Article 9 to the proposed subdivision. Copies of planning jurisdiction agreements may be obtained by contacting the Baldwin County Planning and Zoning Department. ~~Any Planned Development (both Large and Small Scale), located in the extraterritorial jurisdiction of a municipality and subject to the provisions of Alabama Code § 11-52-30 et seq., over which a municipal planning commission properly exercises exclusive subdivision jurisdiction, shall be submitted, by the developer, exclusively to the municipality and the Baldwin County Planning Director, or in his absence the acting Baldwin County Planning Director, in accordance with Alabama Code §§ 11-52-30(b) et seq~~. In the event the proposed subdivision is subject to municipal subdivision regulations~~,~~ but lies within ~~the zoning jurisdiction~~ a planning district that has voted to come under the zoning jurisdiction of the Baldwin County Commission, such proposed subdivision shall comply with the subdivision regulations of the municipality and the zoning ~~regulations~~ ordinance of Baldwin County.

§ 9.2 Definitions

Words and phrases used in this section shall have the meanings as set forth in this section. Words and phrases not defined in this section but defined elsewhere in the subdivision regulations shall be given the meanings as set forth in such regulations. All other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise.

Large Scale Planned Unit Developments: A Planned Unit Development occupying 1000 contiguous acres or more, that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages.

Small Scale Planned Unit Developments: A Planned Unit Development occupying at least 5 acres, but less than 1000 contiguous acres that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. A subdivision containing 2 units is exempt from this provision.

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

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§9.3.1 Unified Control

Until such time as the Final Plat is approved and recorded, the parcel or parcels of land for a Planned Unit Development shall be in unified control~~,~~ and shall be owned or controlled by either a single person, corporation, agency, group of individuals or like organization. The applicant shall provide the County necessary documents to indicate ownership. No application shall be considered until this section is fully complied with. An application must be filed by the owner or authorized agent of all property included in the project. In the case of multiple ownerships, the approved final development plan shall be binding on all owners and any successors. The developer shall maintain and provide for unified control of the Planned Unit Development until the project is complete. The entity designated to provide unified control shall ensure that all conditions of development are met. Individual properties may be sold after appropriate approvals and recordings have been completed and that proper recordings have been made which insures the continuance of the Planned Unit Development as approved. Responsibility for unified control may be assigned to an individual or entity such as a homeowner's association which shall provide for the maintenance of any common property and improvements.

§ 9.3.2 Development Standards for Planned Unit Developments

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

(a) *Development area.* A Planned Unit Development shall have a minimum development area of 5 contiguous acres.

(b) *Open space reservation.* In addition to the other provisions contained in this Article 9, the following open space reservation requirements shall apply to Planned Unit Developments in the unincorporated areas of Baldwin County which have elected to come within the planning and zoning authority of the Baldwin County Commission:

(1) A minimum of 20% of the gross land area of the Planned Unit Development shall be set aside for permanent open space. ~~for passive and/or active recreation such as parks, recreational facilities, pedestrian ways, and/or for conserving sensitive elements of the environment.~~

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

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

(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

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easement granted to a qualified land trust, conservation organization or government agency. Such conservation easement shall be in legal form satisfactory to the County Attorney.

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

(d) *Building Setbacks.*

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

(2) Multi-family/multi-unit structures. The required setback from the property line or from other buildings shall be 20 feet for up to a building height of 35 feet, and shall be increased one (1) foot for each 10 feet of building height in excess of 35 feet.

(e) In approving a Planned Unit Development, the Baldwin County Planning and Zoning Commission and the Baldwin County Commission may, upon advice and consent of the County Engineer reduce the pavement width of any streets that would otherwise be required by the *Subdivision Regulations* and/or may waive the installation of curbs, gutters, and/or sidewalks if it finds that the reduction and/or waiver will:

(1) improve site design;

(2) protect the natural features of the site;

(3) maintain harmony with neighboring uses;

(4) promote the objectives and purpose of the master plan;

(5) promote the intent and purpose of these regulations.

(f) An applicant who desires to reduce the pavement width of streets and/or obtain a waiver of the installation of curbs, gutters, and/or sidewalks as provided in *Section 9.3.2(e)* above shall submit a statement of justification for the reduction and/or waiver along with the site plan application.

§ 9.4 Large Scale Planned Unit Development Procedures

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

§ 9.4.1 Conceptual Site Plan Application

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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 blueline 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

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County Planning Director or County Engineer or his/her designee to be deficient in any regard, 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 Conceptual 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 names appear upon the plats in the office of the Baldwin County Revenue Commissioner and as their addresses appear in the directory of the County or on the tax records of the County and to each utility affected thereby.

If the Conceptual Site Plan is approved by the Baldwin County Planning and Zoning Commission, the Baldwin County Planning Director or his/her designee will prepare a Commission Agenda Item and shall certify to the Baldwin County Commission whether the site plan meets the submittal requirements as specified in this Article. The Conceptual Site Plan will be discussed at a Commission Workshop prior to a public hearing and formal consideration by the Baldwin County Commission for action. Notice of the recommendation of the Baldwin County Planning Director 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 Commission for action. A similar notice shall be mailed to the owners of land immediately adjoining the property as their names appear upon the plats in the office of the Baldwin County Revenue Commissioner and as their addresses appear in the directory of the County or on the tax records of the County and to each utility affected thereby. No Conceptual Site Plan shall be effective until such plan is approved by the Baldwin County Commission.

§ 9.4.3 Effective Period of Conceptual Site Plan Approval

(a) Conceptual Site Plan approval shall be effective for a period two (2) years from the date of approval by the Baldwin County Commission. A Final Site Plan for the first phase shall be submitted for approval within this two (2) year period. Each successive phase must be submitted within two (2) years of the approval of the previous phase.

The developer shall have thirty (30) calendar days from the date of expiration to file for an extension. If no extension is requested the Conceptual Site Plan approval is automatically revoked. A maximum of three (3) – one (1) year extensions may be granted. If an extension is granted the proposed development must conform to the Subdivision Regulations in place at the time when the extension is granted. Extensions may be granted only upon a demonstration to the satisfaction of the Baldwin County Planning and Zoning Commission, that the need for extension results from an event that the developer could not have anticipated and controlled, which event or effect makes the commencement or continuation impossible or impracticable.

(b) The developer shall submit a written report to the Baldwin County Planning Director each year after the initial date of approval and until all phases of development are complete. The report shall be submitted no later than thirty (30) days after the month and date of initial approval. If not submitted as required, then all permits and approvals will be withheld, until properly submitted. The report shall be considered an attachment to the original Planned Unit Development application. The report shall include at a minimum the following:

(1) General Project status;
(2) Total number of lots platted or buildings constructed;

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(3) Total number of units constructed;
(4) Infrastructure improvements complete to date;
(5) Status of future phases if appropriate;
(6) Completion of Phases;
(7) Anticipated commencement of construction of future phases.

§ 9.4.4 Resubmission of Conceptual Site Plan

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

§ 9.4.5 Modification of Conceptual Site Plan

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

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

Major changes include, but are not limited to, the following:
Overall Boundary changes
Relocation of Major streets
Overall Density Increase
Building Height Increase

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

Minor changes include, but are not limited to, the following:
Change in alignment, location, direction, or length of local street
Reorientation or slight shifts in building or lot locations
Decrease in building height or overall number of units

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

§ 9.4.6 Conceptual Site Plan Requirements

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

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

§ 9.4.7 Conceptual Plan Written Summary

A Conceptual Plan written summary shall include the following:

(a) A Narrative that generally describes the entire project;
(b) A statement of the present ownership and a legal description of the property;
(c) Proposed land uses and development standards, density, height, yard requirements, typical lot configurations, and proposed restrictive covenants;
(d) Tables showing the maximum number, type and density of units proposed for each phase or site and land use;
(e) Statement regarding proposed dedication or reservation of land for public use, including streets, easements, parks, and school sites;
(f) Statement regarding water, sewer, electrical, telephone, fire protection, and solid waste collection service for the proposed development;
(g) Statement regarding the general method proposed for stormwater management and erosion control;
(h) A traffic study shall be performed and submitted with written summary. The study shall cover an area of influence from the proposed development to the nearest north-south major arterial and east-west major arterial;
(i) A statement indicating the type of legal instrument that will be created to provide for the management of common areas;
(j) A statement from the local law enforcement authority having jurisdiction in said development, stating that they are capable of providing law enforcement for the development as proposed;
(k) A statement from the Baldwin County School Board outlining all potential impacts on the County School system.

§ 9.4.8 Utility Service Plan Requirements

A Utility Service Plan shall include the following:

(a) A Generalized Utility Plan indicating the location and size of existing electrical, telephone, gas, water and sewer lines, as well as any proposed offsite utility upgrades;
(b) A Statement of Utility Service Commitment for the water, sewer, electric and telephone utility providers. This Statement of Commitment must include that the utility provider is willing and financially capable of providing service to the development at present and in the future. The statement shall indicate the location of the treatment facility, the current capacity of said

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treatment facility, the current flow to the treatment plant, the current number of customers serviced by the treatment facility, the number of unconnected sewer services committed to by the sewer provider for said facility. It shall also make reference to any immediate or future infrastructure upgrades that will be required due to said development, and at what stage of development these upgrades will be necessary;

(c) A letter from the fire chief of the fire district that will serve the development, stating that the department is capable of providing fire protection for the development and that the utilities, general layout, and building types will not reflect negatively on the current ISO rating of the citizens in that fire district. If a new fire district is to be created, then a similar letter from the responsible individual who intends to create such fire district is required. Proof of the creation of said fire district is required prior to Final Site Plan approval;

§ 9.4.9 Phasing

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

§ 9.4.10 Future Approvals for Large Scale Planned Unit Development

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

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

§ 9.5 Small Scale Planned Unit Development Procedures

Small Scale Planned Unit Developments are required to obtain approval from the Baldwin County Planning and Zoning Commission. The following procedure must be completed in order to obtain approval of a Small Scale Planned Unit Development.

§ 9.5.1 Final Site Plan Application

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

A complete application shall:

(a) Be made on 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;

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(c) Be accompanied by one (1) full-size set of black or blueline 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 a~~ 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

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names appear upon the plats in the office of the Baldwin County Revenue Commissioner and as their addresses appear in the directory of the County or on the tax records of the County and to each utility affected thereby.

§ 9.5.3 Effective Period of Final Site Plan Approval

Final Site Plan approval shall be effective for a period of two (2) years. A ~~Development Permit~~Preliminary Plat (for typical subdivisions) or a building permit (for non-typical subdivisions, i.e. condominiums, apartments, etc.) for the first phase shall be submitted within this two (2) year period. Each successive phase must be submitted within two (2) years of the approval of the previous phase.

The developer shall have thirty (30) calendar days from the date of expiration to file for a one (1) year extension. If no extension is requested the Final Site Plan approval is automatically revoked. A maximum of two (2) - one (1) year extensions may be granted. If an extension is granted the proposed development must conform to the Subdivision Regulations in place at the time when the extension is granted. Extensions may be granted only upon a demonstration to the satisfaction of the Baldwin County Planning and Zoning Commission, that the need for extension results from an event that the developer could not have anticipated and controlled, which event or effect makes the commencement or continuation impossible or impracticable.

§ 9.5.4 Resubmission of Final Site Plan

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

§ 9.5.5 Modification of Final Site Plan

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

(a) A major change is considered any modification which affects the intent and/or character of the development, the location or dimensions arterial streets, or similar substantial changes. These major changes shall require resubmittal in accordance with Section *9.5.1 Final Site Plan Application* and require approval by the Baldwin County Planning and Zoning Commission.
Major changes include, but are not limited to, the following:
Overall Boundary changes
Relocation of Major streets
Overall Density Increase
Building Height Increase

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

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Minor changes include, but are not limited to, the following:
Change in alignment, location, direction, or length of local streets
Reorientation or slight shifts in building or lot locations
Decrease in building height or overall number of units/lots

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

§ 9.5.6 Final Site Plan Requirements

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

(a) Name and address of owner(s) of record displayed, along with the tax parcel ID number, on each parent parcel that is part of the development;

(b) Proposed name of P~~p~~lanned Unit D~~d~~evelopment, date, north point, scale, and location;

(c) Name, address, and phone number of the responsible Licensed Professional Engineer and/or Land Surveyor registered in the State of Alabama;

(d) Vicinity map showing the location of the P~~p~~lanned Unit D~~d~~evelopment;

(e) Exact boundaries of the site shown with bearings and distances;

(f) Names, ~~and~~ addresses, and tax parcel ID #s for ~~of~~ the owners of land immediately adjoining the site as their names appear upon the plats in the office of the Baldwin County Revenue Commissioner and as their addresses appear in the directory of the County or on the tax records of the County;

(g) Wooded areas, ~~marshes~~wetlands, streams, cultural resources, and any other conditions affecting the site;

(h) The location of dams, existing stormwater management areas, and water impoundments including the limits of the top of such impoundment structure or embankment, the location of any related spillway(s) and/or outlet control structures;

(i) The location of existing streets, buildings, water courses, railroads, transmission lines, drainage structures, public utilities, jurisdiction lines, and any public utility easements on the site and on adjacent land within 100 feet of the site;

(j) Proposed and existing rights-of-way or easements including location, widths, purposes, and street names;

(k) The location and size of all lots;

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(l) Proposed minimum building setback lines shown for each lot and clearly labeled on the plan view;

(m) Proposed or existing parks, school sites, or other public open spaces, if any, that are within 100 feet of the proposed Planned Unit Development. All proposed uses in each common area must be identified separately by indicating the area (in sq. ft.) of each different use;

(n) Site data (in tabular form):

1. Acreage in total tract;
2. Smallest lot size;
3. Total square feet of each lot or unit (residential or non-residential);
4. Total number of lots or units;
5. Linear feet in streets;
6. Number of parking spaces;
7. Amount of impervious surface;
8. Density;
9. Total square feet of all areas reserved for total open space
10. Total square feet of all areas reserved for useable open space

(o) Any area within or adjacent within 100 feet of the proposed Planned Unit Development subject to inundation by the base flood as defined herein, or subject to periodic inundation by storm drainage overflow or ponding, shall be clearly shown and identified on the site plan;

(p) Special flood hazard areas and/or coastal high hazard areas as indicated on the latest Flood Insurance Rate Map (FIRM) for the area, along with a statement to that effect;

(q) The requirements of Section 5.2.2 shall apply to Planned Unit Developments.
~~U.S. Army Corps of Engineers jurisdictional wetlands determination if the proposed subdivisioncontains jurisdictional wetlands or is within 100 feet of a jurisdictional wetland as determined from the Generalized Wetland Map;~~

(r) The name of each utility company proposed to provide water, sewer, electrical, and telephone service;

(s) Proposed land uses and the location of proposed buildings and other structures including walls and fences;

(t) Number and location of parking spaces;

(u) Sequence and location of development phases, if any;

(v) Topography, showing existing contours at ~~1 foot~~1-foot intervals of the entire property and full width of all adjacent rights-of-way. Topographic information shall be based on the NAVD 88 datum. Elevations must be field verified. Greater intervals may be allowed, if approved by the Baldwin County Planning Director or his/her designee.

(w) The method proposed to maintain private common open areas, ~~buildings~~buildings, or other facilities, including copies of all legal documents necessary to accomplish this.

(x) The endorsements, dedications, and certificates set forth in § 4.6.4(r).

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§ 9.5.7 Future Approvals for Small Scale Planned Unit Development

Once the Final Site Plan and required submittals are approved by the Baldwin County Planning and Zoning Commission, the applicant(s) must then submit either an application for ~~Development Permit~~Preliminary Plat (for typical subdivisions) in accordance with §4.5 for each phase of the project or a building permit (for non-typical subdivisions, i.e. condominiums, apartments, etc.). For developments not requiring a ~~Development Permit~~Preliminary Plat, construction plans, required permits and approvals must be submitted in accordance with Sections 4.5.6 and 4.5.7 and approved by the County Engineer or his/her designee, and the approved Final Site Plan shall be recorded in the Probate Office prior to application for a building permit.

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

§ 9.6 Approvals

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

§ 9.7 Subdivision Approval Following Approval of Final Site Plan

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

§ 9.8 Commencement of Construction

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

NO CONSTRUCTION OF IMPROVEMENTS SHALL COMMENCE UNTIL A SUBDIVISION PERMIT HAS BEEN ISSUED (See also Section 4.5.7 and 5.15). Once a Final Site Plan is approved, Final Construction Plans (as per Section 4.5.6) must be submitted to the County Engineer along with all necessary permits (as per Section 4.5.7) for review, ~~verification~~verification, and approval. Once construction plans have been reviewed and approved, all conditions of approval have been met, and the Inspection Fee has been paid to the County Engineer, a Subdivision Permit will be issued by said County Engineer. Any violation of this provision will be subject to penalties as allowed by law.

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

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

Draft for Public Hearing

Article 10. Conflict w~~W~~ith Public Provisions

§ 10.1 Public Provisions

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

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Article 11. Legal Provisions

§ 11.1 Severability

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

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Article 12. Amending Regulations

§ 12.1 Amendment Procedure

For the purpose of providing for the public health, safety and general welfare, the County Commission may from time to time amend these regulations.~~.~~ Any proposed amendment of these Subdivision Regulations shall be subject to a public hearing. Notice of said public hearing published once a week for three consecutive weeks in a newspaper of general circulation in Baldwin County, with the first notice being published not less than a minimum of eighteen (18) days prior to the date of the public hearing. In addition, a notice shall be published at least five days prior to the date of the public hearing in the regular section of the newspaper which shall be in the form of at least one quarter page advertisement. The notice shall state that an ordinance or regulation, or amendment hereto, will be considered by the Baldwin County Commission pursuant to this article and that a copy of the proposed ordinance or regulation, or amendment hereto, is available for public inspection at the nearest county courthouse or the nearest county courthouse satellite office which locations shall be clearly published in the notice. The notice required to be published by this article shall also state the time and place and location where all persons may be heard in opposition to or in favor of the ordinance or regulation or amendment hereto. A copy of the proposed amendments shall be made available to any interested person before said public hearing. A copy of the amendment shall be certified by the County Commission to the Probate Judge of Baldwin County.

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Article 13. Administration and Enforcement

§ 13.1 General

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

§ 13.2 Administration

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

§ 13.3 Enforcement

§ 13.3.1 General

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

§ 13.3.2 Violations

No owner, or agent of the owner, of any lot located within a subdivision may transfer, sell, or lease any property by reference to or exhibition of or by other use of a plat of a subdivision, before such plat has been approved by the Baldwin County Planning and Zoning Commission and recorded with or filed with the County Probate Judge. The description of such a lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling, transferring, or leasing shall not exempt the transaction from any penalties or remedies herein prescribed.

§ 13.3.3 Penalties

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

§ 13.4 Tolling Provision

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

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Article 14. Effective Date

§ 14.1 Adoption by the Baldwin County Commission

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

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

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Appendix 1. Sample Certifications

SURVEYOR'S CERTIFICATE AND DESCRIPTION OF PROPERTY

STATE OF ALABAMA
COUNTY OF BALDWIN

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

(Insert Legal Description)

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

WITNESS my hand this the_____day of_____, 20___.

Surveyor _____

Alabama license # _____

LICENSED ENGINEER'S CERTIFICATION OF IMPROVEMENTS

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

_____ _____
Engineer Date

_____
Firm

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OWNER'S DEDICATION

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

_____
Property Owner

Signed and sealed in the presence of:

_____
Witness

ACKNOWLEDGMENT

STATE OF ALABAMA
COUNTY OF BALDWIN

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

GIVEN under my hand and official seal this_____day of_____, 20____.

_____
NOTARY PUBLIC

OR

ACKNOWLEDGMENT

STATE OF ALABAMA
COUNTY OF BALDWIN

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

GIVEN under my hand and official seal this_____day of_____, 20____.

_____
NOTARY PUBLIC

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MORTGAGEE'S ACCEPTANCE

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

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CERTIFICATE OF APPROVAL BY THE
BALDWIN COUNTY PLANNING AND ZONING COMMISSION

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

Baldwin County Planning and Zoning Commission
By:_____
Its: _____

CERTIFICATE OF APPROVAL BY THE
BALDWIN COUNTY HEALTH DEPARTMENT

The lot(s) on this plat are subject to approval or deletion by the Baldwin County Health Department. The approvals may contain certain conditions pertaining to the onsite wastewater treatment system(s) that could restrict the use of the lot(s) or obligate owners to special maintenance and reporting requirements. These conditions are on file with the said health department and are made a part of this plat as if set out hereon. Signed this the _____day of _____, 20_____.

_____
Authorized Signature

Or

The lot(s) on this plat meet the allowed exemptions to the Large-Flow Development Rules as provided in 420-3-1-.17 of the Onsite Sewage Treatment and Disposal Regulations, and the herein plat is approved for recording, this the _____day of _____20_____. The signature affixed hereon does not imply an approval for any existing or future onsite sewage treatment system.

_____
Authorized Signature

CERTIFICATE OF APPROVAL BY THE
BALDWIN COUNTY E-911 ADDRESSING

The undersigned, as authorized by the Baldwin County E-911 Board, hereby approves the road names as depicted on the within plat and hereby approves the within plat for the recording of same in the Probate Office of Baldwin County, Alabama, this the day of _____, 20____.

_____
Authorized Signature

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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

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Appendix 2. Baldwin County Highway Department Stormwater Calculations & Submittal Requirements

Baldwin County Highway Department Storm Water Calculations & Submittal Requirements

The Design Engineer shall submit a design narrative summarizing the assumptions, calculations, and results of the design for the whole project as well as each drainage basin in the format as described:

- Design narrative summary
    - Location of project
    - Existing drainage conditions
    - Proposed Drainage Concepts
    - Topography
    - Scale map of the on & off site drainage areas
- Evaluations of Pre & Post Differential runoff
    - Drainage area of site (Pervious & Impervious)
    - Weighted coefficients (c factors, curve numbers, etc.)
    - Time of Concentration values
    - Rainfall Intensities
    - Total allowable discharge 2, 5, 10, 25, 50, 100 year storm
    - Hydrograph graphics of Pre & Post development curves
- Evaluations of required Retention/Detention Ponds
    - Pond drainage area
    - Storage Capacity (required volume, provided volume)
    - Elevations (pond bottom, water elevation per storm event, pond top)
    - Outfall structure (type, sizing, discharge rate, elevations)
    - Verification of adequacy of discharge (Post verse Pre dev. Rates)
- Pond Routing calculations in legible tabulated form
    - Ratios of inflow to outflow
- Inlets & Gutters
    - Basin areas
    - Time of Concentration
    - Intensities
    - Peak Flow rates
    - Captured Inlet flows & bypass flows
    - Spacing's
    - Hydraulic Grade Line
- Culvert Pipes
    - Locations
    - Types
    - Sizes
    - Slopes
    - Flows
    - Velocities
    - Head and Tailwater elevations

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- Open Channel Drainage Systems
    - Flows
    - Velocities
    - Slopes
    - Pipe sizing for future driveway culverts

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Appendix 3. Baldwin County Highway Department
Bridge Design & Guidelines

Baldwin County Highway Department Bridge Design & Guidelines

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2. Index to Sheets

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5. Summary of Quantities

6. Summary of Quantities Box Sheet

7. Plan-Profile Sheet
   A. Bench Mark Locations and Elevations
   B. Utility Owners

8. General Plan and Elevation Sheet
   A. Pile Tip Elevation Table
      1. Pile Location
      2. Minimum Pile Tip Elevation
   B. Peak Discharge and Downstream Stages
      1. Recurrence Interval
      2. Discharge (CFS)
      3. Downstream (WSEL)
   C. Overtopping Flood Design
      1. Upstream Stage
      2. Opening Size
      3. Velocity in FT/S

9. Pile Layout
   A. Pile Numbering System
   B. Test Pile Location

10. Typical Bridge Section

11. Abutment and Bent Details
    A. Elevations
    B. Quantities

12. Guardrail Details

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13. Soil Boring Logs

B. Construction Records

1 Test Pile Records Certified by Professional Engineer

2. Pile Driving Records Certified by Professional Engineer

3. Diving Records (if applicable)

4. Test Reports from the Manufacturer Will Be Required For All Materials

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Appendix 4. Baldwin County Design Standards for New Road Construction

BALDWIN COUNTY COMMISSION

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DESIGN STANDARDS FOR NEW ROAD CONSTRUCTION 2020

Design Standards for New Road Construction

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4.4 Drainage Criteria

4.41 Drainage Criteria

4.5 Slope Criteria

4.51 Front slopes and back slopes should match existing topography.

Chapter 5

5. Design Waiver

CHAPTER 1

1. General Elements for Design

The following information will be included in the design for the paving of dirt roads and new construction.

1.1 Design

The design of new and reconstructed roadways with design traffic counts of 2,500 ADT or greater will be based on the American Association of State Highway and Transportation Officials (AASHTO) publication, *A Policy Design of Highways and Streets, current edition*.

New and reconstructed projects having less than 2,500 design year ADT will be based on this document. All design criteria will be based on the future (i.e. , 10 year) ADT.

Any Project using State or Federal money must use ALDOT approved design criteria and documentation.

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Any feature not meeting the above standards must be approved by the County Engineer or designated representative as a design exception.

1.2 Clear Zone

The following is given as guidance for clear zones and treatment for slope and drainage structure protection for different type projects:

The area adjacent to the traveled way that is clear of obstructions, and having a slope no steeper than three horizontal to one vertical (3:1) foreslopes.

NEW AND RECONSTRUCTED ROADWAYS WITH DESIGN TRAFFIC COUNTS OF 2,500 ADT OR MORE.

The suggested clear zone width is as shown in the American Association of State Highways and Transportation Officials publication, *A policy on Geometric Design of Highways and Streets, current edition, and Roadside Design Guide, current edition*.

NEW AND RECONSTUCTED ROADWAYS WITH DESIGN TRAFFIC COUNTS BELOW 2,500 ADT.

The suggested clear zone width is as shown in this document design criteria for New and Reconstructed Roadways and Bridges with less that 2,500 ADT.

1.3 Guardrail

Any project shall require guardrail and end anchor protection at existing and proposed bridge and culvert structures in accordance with the following guidelines:

For projects with functional classification less than collector and design speeds of 45 mph or less and design year traffic of 2,500 ADT or less, the *length of need requirement is waived and the approach guardrail length is dictated by the type anchors used, applicable drawings, and warranty criteria.

For projects with functional classification of collector or greater and design speeds greater than 45 mph or design year traffic greater than 2,500 ADT, a minimum 75 foot *length of need is applicable.

**Note: the "Length of Need" is defined as the total length of a longitudinal barrier of needed to shield an area of concern*.

1.4 Roadway (Street)

Composition of the traveled way and shoulders.

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1.5 Traveled Way

The portion of the roadway that is used for the movement of vehicles, exclusive of the shoulders.

1.6 Typical Roadway Cross Section

Roadways for this policy may include the following cross section types:

Open – Ditch
Curb and Gutter
No – Crown

1.7 Drainage

Drainage for this policy includes the following:
Open Channels
Sidedrain or Lateral Systems
Crossing (Closed) Storm Sewer
Culvert (Open) Cross Drainage
Bridge or Bridge Culvert
Detention requirements (if required) shall conform to the *Baldwin County Subdivision Regulations, current edition* and all applicable, Alabama Department of Transportation, Special and Standard Drawings, Current Edition.

1.8 Traffic Control

All contracted projects shall include traffic control and will conform to the current edition approved by ALDOT of the MUTCD, *Manual on Uniform Traffic Control Devices, Part VI*.

1.9 Erosion Control

Projects shall include the current requirements of NPDES. Reference the *Alabama Handbook for Erosion Control, Sediment Control, and Stormwater Management on Construction Sites and Urban Areas, current edition* and all applicable, Alabama Department of Transportation, Special and Standard Drawings, Current Edition.

1.10 Specifications and Construction Standards

All new road construction shall follow *Alabama Department of Transportation Specifications, current edition*.

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CHAPTER 2

2. Functional Classification

The classification of local roadways into different functional classes is necessary for communication among engineers, local agencies, and the general public. Different classifications apply for different purposes in both the rural and urban environment. Functional classification, the grouping of streets / roads by the character of service they provide, is the main purpose in planning, design, meeting social needs, and to establish funding. The functional classification of roads and streets is an important management tool in the establishment for realistic improvements both for individual roadways and for the county road system as a whole. The idea is to combine adequacy with economy and to attain a rural road or urban street system giving the highest overall level of service per dollar of investment. A complete functional roadway system provides the motoring public with a series of distinct travel movements. From main movement at the national level, to the termination movement at an isolated location at the rural level, the function of each type of roadway should be designed and planned in a distinctly different manner.

According to the guidelines as established in *AASHTO, A Policy on Geometric Design of Highways and Streets, Current Edition,* the current concept of a complete highway system consists of six stages or movements. In most cases these stages are *main, transition, distribution, collection, access,* and *termination.* In some cases, the termination of a trip may exclude some of these movements.

Main movement involves the transportation of the highest volumes of vehicular traffic on *expressway* or *freeway* and primary arterial systems at national and state levels. Examples of this include roads like the Interstate System (I-10 and I-65), U.S. Highway system (U.S. Hwy 287, U. S. Hwy 98, and U. S. Hwy 90). This level requires the highest design standards for mobility and safety, while limiting access points throughout its entire system.

Transition movement is the first step in directing traffic from a national, state, or inter-county level roadway system to the local environment level. The transition movement includes *arterial* and *collector systems.* Examples of this include roads like State Hwy 59, and Foley Beach Express. Transition movement design requires the designer or planner to start allocating for the need of public access to property; however mobility at this level is still the primary focus.

Distribution movement consists of a broad spectrum of vehicular traffic trying to access a wide variety of *collector roads* and various *local roads* in a county-wide system. Examples of this include roads like CR 32, CR 48, CR 55, and CR 65. The demand for public access to property becomes varied and is the main focus in design. Mobility is restricted at different levels and for different purposes. The Collection movement, Access movement and Termination movement constitute the rest of the various local road systems. Transportation at this level involves the movement of a wide

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variety of vehicular types to and from a wide variety of destinations. Access is the main focus for design, yet still having to blend with the movement of vehicular traffic. Such movement can range from high density work or school traffic, to a single vehicle destined for a boat ramp on an isolated rural road (trail). The design of these roads may and will vary considerably.

The first step in developing road classifications is by determining its urban verses rural roadway area. *AASHTO, A Policy on Geometric Design of Highways and Streets, Current Edition,* defines urban areas as all areas which have a population greater than 5,000 or more, Urban areas are further subdivided into urbanized areas (population of 50,000 and over) and small urban areas (population between 5,000 and 50,000). All other areas which have a lesser population are rural. The Alabama Department of Transportation has established by code (Section 101 of Title 23, U. S. Code) the boundary of Baldwin County that has an urbanized area. In both the rural or urban areas all the vehicular movement levels occur, but the vehicular densities and the access to properties vary considerably. The quantity of vehicular traffic does not determine an urban area just as the use of land does not determine a rural area.

The next step in developing road classifications is by determining the general characteristics that the road has. Some of the general characteristics would include; linkage with other roads, the service it provides to the area, design speeds, access to property, truck usage, and level of service. The current roadway system, as recognized by NACE and defined by AASHTO, designates four basic classifications; *Primary Arterial, Minor Arterial, Collector (major and minor) and Local.*

	Urban Mileage (Percent)		**Rural Mileage (Percent)**
Principal Arterial Street	**5-10**	**Principal Arterial Roads**	**2-4**
Principal Arterial plus	**15-25**	**Principal Arterial plus**	**7-10**
Minor Arterial Streets		**Minor Arterial Roads**	
Collector Streets	**5-10**	**Collector Roads**	**20-25**
Local Streets	**65-85**	**Local Roads**	**65-75**

(Fig. 2)

2.1 Arterial and Collector Street / Road General Characteristics

2.11 Principal Arterial

A. Major link from State to State

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B. Provide high mobility for longer trips
C. Design speeds are high, 50-70 mph
D. Access is limited to other roads only and rarely to property
E. Truck usage is high and will accommodate the largest vehicle type
F. Level of Service B Desirable

2.12 Minor Arterial

A. Major link within state or county level
B. Serve as high traffic corridor to primary arterials
C. Provide high to moderate mobility for moderate trips
D. Design speeds are moderate to high, 35-70 mph
E. Access to abutting property should be limited and sometimes restricted
F. Truck usage is high with possible restrictions in vehicle type
G. Level of Service C Desirable

2.13 Collector

A. Major link within county
B. Serve as major traffic generator not directly served by arterials
C. Spaced at intervals that accumulate traffic for local road systems
D. Provide moderate mobility within county
E. Design speeds are moderate to low 20-60 mph
    a. Note: low speeds 20-30 mph should only be used in mountainous terrain.
F. Access to abutting property is minimal to limited
G. Truck usage is moderate with some restrictions in vehicle type
H. Level of Service C to D Desirable

The Local Street / Road functional classification is the next level and constitutes approximately 65-80%of the total roadway mileage. Based on AASHTO this classification has the same general design criteria characteristic. However, not all local streets or Roads have or should have the same characteristics in design, function, and environment. Because of the diversity in characteristics, the following local road classifications have been established by Baldwin County. (See Fig 2.1)

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2.2 Local Street / Road General Characteristics

Local Street / Road Functional Classification

	Urban Mileage (Percent)		Rural Mileage (Percent)
Major Local Streets	**8-15**	**Major Local Roads**	**20-25**
Minor Local Streets	**10-20**	**Minor Local Roads**	**20-30**
Residential Streets	**35-50**	**Residential Roads**	**10-20**
Single Purpose Streets	**2-5**	**Single Purpose Roads**	**5-10**
Access Lanes	**1-2**	**Access Lanes**	**1-2**

(Fig. 2.1)

2.21 Major Local Street / Road

The classification of roadway is the **highest local level** that links to equal or higher functional classification roadways at each end.

A. Links between equal or higher functional classification roadways
B. Serves as a link to communities or significant areas within a jurisdiction
C. Design speeds are moderate, 25-45 mph Urban
30-45 mph Rural
D. Access to abutting property is moderate
E. Right-of-way width should be a minimum of 60 ft., unless the environment which it serves restricts the acquisition to a lesser width.
F. Truck usage is moderate to high
G. This level of service provides moderate traffic flow except during times of heavy congestion and with no passing restrictions

2.22 Minor Local Street / Road

This classification of roadway links **isolated (developed or planned) areas** like subdivisions, industrial or recreational sites in urban areas or commercial farms, timberlands, small communities, residential areas, industrial or recreational sites in rural areas to higher functional classification roadways.

A. Links isolated areas to equal or higher functional classification roadways
B. Serves as typically the only access road from a higher classification roadway

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C. May loop into an isolated area and reconnect to the same type of roadway
D. Design speeds are low to moderate, 15-40 mph
E. Access to abutting property is moderate to high
F. Right-of-way width should be a minimum of 50 ft., unless the environment which is serves restricts the acquisition to a lesser width
G. Truck usage is low to moderate
H. This level of service provides minimal traffic flow with limited passing

2.23 Residential Local Street / Road

This classification of roadway links **developed or planned subdivisions** to higher functional classification roadways.

A. Links residential areas to higher functional classification roadways
B. May be a part of an internal grid of residential roadways or serve as the only access point
C. Urban geographical environment is city / urban community with small parcels of land and with a high density of population

Rural geographical environment is county / rural community, with possible large parcels of land and low density of population

D. Design speeds are low 10-30 mph
E. Access to abutting property is high (main function)
F. Right-of-way should be a minimum of 30 ft
G. Truck usage is low
H. This level of service provides slow traffic flow and may require stopping to allow opposing traffic to pass

2.24 Single Purpose Local Street / Road

This classification of roadway links **isolated areas** like a minimal number of houses, a recreational area or a scenic place to a higher functional classification roadway.

Single purpose street. A two-directional one-lane local street.
Access to a subdivision by means of a single purpose street is not permitted. Single Purpose Roads are not permitted to be used in a new subdivision. Single Purpose Roads are not permitted to be used for access to new commercial or industrial developments. Single Purpose Roads may be used in existing County Maintained Roadway network.

Characteristics:

Links isolated areas serving a minimal number of parcels, and has little potential for further development

A. Serves as only access
B. Design speeds are low, 15 mph

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C. Access to served property is main function
D. Right-of-way width should be a minimum of 30 ft
E. Truck or recreational usage would be determined based on the single use of the road
F. This level of service provides restricted traffic flow and may require stopping and backing to allow opposing traffic to pass

2.25 Access Lane

This classification of roadway links **isolated areas** with a minimal number of houses to a higher functional classification roadway.

A. Links isolated areas serving a minimal number of parcels, and has no potential for further development
B. Design speeds are very low, 10 mph
C. Access to served property is main function
D. Right-of-way width is typically the same as the roadway width, and may only include the prescriptive area of the roadway
E. Truck or recreational vehicle usage would not typically use this type of roadway
F. This level of service provides restricted traffic flow and will require stopping and backing to allow opposing traffic to pass

The roadway functional classification system should be developed at a local level by those individuals who have the knowledge about the distribution and location of the various environmental, industrial, residential, recreational, and commercial areas within their jurisdictional boundaries. In most cases this would be those having jurisdiction and control for design, construction and maintenance of the local roadway system. These local agencies should have good information as to the frequency and usage by the traveling public. The functional classification system as a management tool should be updated on an approximate five year cycle.

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CHAPTER 3

3. Elements of Design for Major or Minor Local Streets / Roads

The following roadway design criteria will be used for roads functionally classified as Local Streets/Roads (both Major and Minor), Residential, and Cul-de-sacs.

3.1 Minimum Roadway Design Criteria

1 – 750 ADT

Design Speed mph	Min. Traveled Way Width (a) Feet	Min. Shoulder Width (b/c) Feet	Min. Clear Zone (d) Feet
15	18	2	2
20	18	2	2
25	18	2	2
30	18	2	2
35	18	2	2
40	18	2	2
45	18	2	2

(a) Traveled way is defined as the portion of the roadway for the movement of vehicles, excluding Valley Gutters, Curb & Gutters, Shoulders, and Bicycle Lanes. The width of the traveled is determined above.
(b) 4 feet or wider shoulders should be used on open-ditch type roadway cross section, unless special constraints restrict their use.
(c) On some open-ditch type roadways 1-2 feet paved shoulder may be approved by Baldwin County. If approved, this paved area Would be sloped at the same rate as the traveled way, but would be considered as part of the shoulder width.
(d) The area adjacent to the traveled way with a curb and gutter cross section design or open ditch will have a minimum clear zone of 2 feet.

751 – 2500 ADT

Design Speed mph	Min. Traveled Way Width (a) Feet	Min. Shoulder Width (b/c) Feet	Min. Clear Zone (d) Feet
15	20	4	4
20	20	4	4
25	20	4	4
30	22	4	4
35	22	4	4
40	22	6	6
45	22	6	8

(a) Traveled way is defined as the portion of the roadway for the movement of vehicles, excluding Valley Gutters, Curb & Gutters, Shoulders, and Bicycle Lanes. The width of the traveled is determined above.
(b) 4 feet or wider shoulders should be used on open-ditch type roadway cross section, unless special constraints restrict their use.
(c) On some open-ditch type roadways 1-2 feet paved shoulder may be approved by Baldwin County. If approved, this paved area Would be sloped at the same rate as the traveled way, but would be considered as part of the shoulder width.
(d) The area adjacent to the traveled way with a curb and gutter cross section design or open ditch will have a minimum clear zone of 2 feet.

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3.2 Minimum Stopping and Intersection Sight Distance Criteria

3.21 Stopping Sight Distance and Adjustment for Grades (f)

Design Speed mph	Stopping Sight Distance (ft) For Level Roadway (e)	Stopping Sight Distance (ft) for Downgrades			Stopping Sight Distance (ft) for Upgrades		
MPH	0%	3%	6%	9%	3%	6%	9%
15	80	80	82	85	75	74	73
20	115	116	120	126	109	107	104
25	155	158	165	173	147	143	140
30	200	205	215	227	200	184	179
35	250	257	271	287	237	229	222
40	305	315	333	354	289	278	269
45	360	378	400	427	344	331	320
55	495	520	553	593	469	450	433

(e) Distance given is for level roadways and adjustment should be made based on grade.
(f) Stopping sight distance will be calculated on 3.5ft (Driver eye height) and 2 ft. (Object height).

3.22 Intersection Sight Distance (g)

Mph	Feet (h / i)
15	170
20	225
25	280
30	335
35	390
40	445
45	500
50	555
55	610

(g) Distances are for a passenger vehicle under stopped condition measured from a point on the minor road 15 (feet) from the edge of pavement of the major road making a left turn maneuver onto a main road with no stopping requirement and may require additional distance for a larger design vehicle. Speed shown (mph) is the speed the vehicle is traveling along the main road and the distance shown (feet) is from the side road to the vehicle on the main road. Intersections that do not meet minimum distance may require an advisory intersection and speed sign. Object 3.5 ft, Driver Eye Height 3.5 ft.

(h) Distances should be adjusted for grades more than 3%. New intersections shall meet at least minimum Intersection Sight Distance.

(i) Additional guidance may be found in *The Green Book*.

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3.3 Horizontal and Vertical Criteria

3.31 Horizontal Alignment:

$$R_{min} = \frac{V^2}{15\,(0.01e_{max} + f_{max})}$$

Normal Crown Cross Slope (%) **Minimum Centerline Radius (feet)**

Design Speed (mph)	20	25	30	35	40	45
f_{max}	.26	.22	.20	.18	.16	.15
-2.0	115	210	340	515	765	1,040
-2.2	115	215	345	520	775	1,060

3.32 Superelevation: emax = .06 (Urban Area)

emax = .08 (Rural Area)

Superelevation (%) **Minimum Centerline Radius (feet)**

Design Speed (mph)	20	25	30	35	40	45
f_{max}	.26	.22	.20	.18	.16	.15
8.0	80	140	220	320	450	590
7.0	85	145	225	330	465	615
6.0	85	150	235	345	490	645
5.0	90	160	245	360	510	680
4.0	90	165	255	375	535	715
3.0	95	170	265	390	565	755
2.5	95	175	270	400	580	775
2.2	100	175	275	410	590	790
2.0	100	180	280	415	595	800

Refer to the Alabama Department of Transportation "Standard and Special Drawings," current edition, index number 807 for more information.

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3.33 Vertical Alignment:

Design Speed mph	K Value for Crest Vertical Curves (I)	K Value for Sag Vertical Curves (I)
15	3	10
20	7	17
25	12	26
30	19	37
35	29	49
40	44	64
45	61	79

(I) Rate of vertical curvature, K, is the length of curve divided by the percent of algebraic difference in intersection grades (A).
K = L/A

3.34 Maximum Grade: 15%

3.35 Vertical Clearance Over Roadway: 18 ft.

3.36 Pavement Cross Slope: 2.0% - 2.5% Open- Ditch

2.0% - 2.5% Curb and Gutter

3.37 Grass Shoulder Cross Slope: 4% - 6%

3.38 Pavement Build-up:

ADT 1-750

- 424-A Superpave Bituminous Concrete Wearing Surface layer**,** ¾ inch Maximum aggregate size mix, ESAL Range B (220 lb/sy)
- 401-A Bituminous Treatment Type “A” (0.25 gal/sy)
- 301-A Compacted Granular Soil Base Course (sand/clay) Type “A” minimum of two 4” lifts of compacted thickness;
- **OR**
- 301-B Crushed Aggregate Base Course (limestone) Type “B” minimum 6 inch compacted thickness, (if used delete 401-A treatment)

ADT >750

- 424-A Superpave Bituminous Concrete Wearing Surface layer**,** ½ inch Maximum aggregate size mix, ESAL Range B (125 lb/sy)
- 405-A Tack Coat, Spread Rate of (0.10 gal/sy)

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- 424-B Superpave Bituminous Concrete Binder Layer, 1 inch Maximum aggregate sixe mix, ESAL Range B (220 lb/sy)
- 401-A Bituminous Treatment Type "A" (0.25 gal/sy)
- 301-A Compacted Granular Soil Base Course (sand/clay) Type "A" minimum of two 4" lifts of compacted thickness;
- **OR**
- 301-B Crushed Aggregate Base Course (limestone) Type "B" minimum 6 inch compacted thickness, (if used delete 401-A treatment)

3.4 Drainage Criteria

3.41 Side Drain or Lateral Storm Sewer: Minimum 10 yr. storm

3.42 Crossing (Closed) Storm Sewer: Minimum 25 yr. storm

3.43 Culvert (Open) Cross Drainage: Minimum 25 yr. storm*

3.44 Bridge or Bridge Culvert: Minimum 50 yr. storm*

*(FEMA Flood Zone Requirements may require 100yr Design and FEMA coordination)

(Structure greater than 20 feet of longitudinal length along roadway centerline, Requiring HS – 20 Structural Design)

3.45 Typical Bridge Width and Loading: Minimum 28 ft. Loading HS-20
(2-12 ft. lanes and 2-2 ft. shoulders)

(Bridge widths may need additional width based on functional classification. Where volume > 2500 ADT refer to *"The Green Book"*)

3.5 Slope Criteria

3.51 Front Slope: Maximum 3 : 1

3.52 Back Slope: Desirable 3 : 1
Maximum 1 : 1

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CHAPTER 4

4. Elements of Design for Single Purpose Local Street/Road using Existing Topography

The following roadway design criteria will be used for roads functionally classified as single Purpose using Existing Topography.

4.1 Minimum Roadway Design Criteria

Design Speed mph	Traveled Way Width feet	Shoulder Width (j) feet	Clear Zone feet
15	12	2	2

(j) The engineer will determine if shoulder width is possible, 2 feet preferred minimum, and shall be approved by Baldwin County Engineer.

4.2 Minimum Stopping and Intersection Sight Distance Criteria

4.21 Stopping Sight Distance and Adjustment for Grades (h)

Design Speed	Stopping Sight Distance (ft) for Level Roadway (e)	Stopping Sight Distance (ft) for Grades		
mph	0%	3%	6%	9%
15	160	160	164	170

(h) Stopping sight distance will be calculated on 3.5 ft. (Driver eye height) and 2 ft. (Object height).

4.22 Intersection Sight Distance (c)

Mph	feet (n)
15	170

(c) Distances are for a P design vehicle making a left turn maneuver onto a main road and may require additional distance for a larger design vehicle. Speed shown (mph) is the speed the vehicle is traveling along the main road and the distance shown (feet) is from the side road to the vehicle on the main road. Intersections that do not meet minimum distance may require an advisory intersection and speed sign.

(n) Distances should be adjusted for grades more than 3%...

4.3 Horizontal and Vertical Criteria

4.31 Horizontal Alignment (k):

Design Speed (mph)	Minimum Centerline Radius (ft)
15	50

(k) Curves may vary to match existing topography.

4.32 Vertical Alignment:

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Design Speed	K Value for Crest Vertical Curves (d)	K Value for Sag Vertical Curves (d)
mph	Feet	feet
15	12	27

(d) Rate of vertical curvature, K, is length of curve divided by the percent of algebraic difference in intersecting Grades (A). K = L/A
(i) Curves may vary to match existing topography.

4.33 Vertical Clearance Over Roadway: 16 ft.

4.34 Pavement Cross Slope: 0.0% - 4.0% No Crown

4.35 Grass Shoulder Cross Slope: Shoulder area to be determined by engineer and site conditions.

4.36 Pavement Build-up:

ADT 1-750

- 429-A Improved Bituminous Concrete Wearing Surface layer**,** ¾ inch Maximum aggregate size mix, ESAL Range B (220 lb/sy)
- 401-A Bituminous Treatment Type "A" (0.25 gal/sy)
- 301-A Compacted Granular Soil Base Course (sand/clay) Type "A" minimum of two 4" lifts of compacted thickness;
- **OR**
- 301-B Crushed Aggregate Base Course (limestone) Type "B" minimum 6 inch compacted thickness, (if used delete 401-A treatment)

4.4 Drainage Criteria

4.41 Drainage Criteria

Drainage should match existing topography. Additional drainage improvements to be determined by site by site basis.

4.5 Slope Criteria

4.51 Front slopes and back slopes should match existing topography.

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CHAPTER 5

5. Design Waiver

Design waivers shall be permitted in accordance with the following procedure. The engineer shall submit a written proposal which will detail the design change and outline the specific reasons and consequences of the change to the County Engineer. The County Engineer will submit the waiver with his recommendation to the County Commission for their consideration.

For clear zones, the criteria in this design policy should be treated as guidance and not as a county standard requiring a design exception if not numerically met.

References

1. AASHTO, *A Policy on Geometric Design of Highways and Streets*, “The Green Book”. Washington, D. C.: AASHTO, Current Edition.

2. U. S. Department of Transportation, Federal Highway Administration. *National Association of County Engineers Action Guide Series, Volume II-2*, Rural Transportation Planning. Washington, D. C.: 1995.

3. U. S. Department of Transportation, Federal Highway Administration. *National Association of County Engineers Action Guide Series, Volume II-4*, Rural Transportation Planning. Washington, D. C.: 1995.

4. Transportation Research Board, National Research Council. *Determination of Stopping Sight Distances, NCHRP Report 400*. Washington, D. C.: 1997.

5. Alabama Department of Transportation County Design Policy

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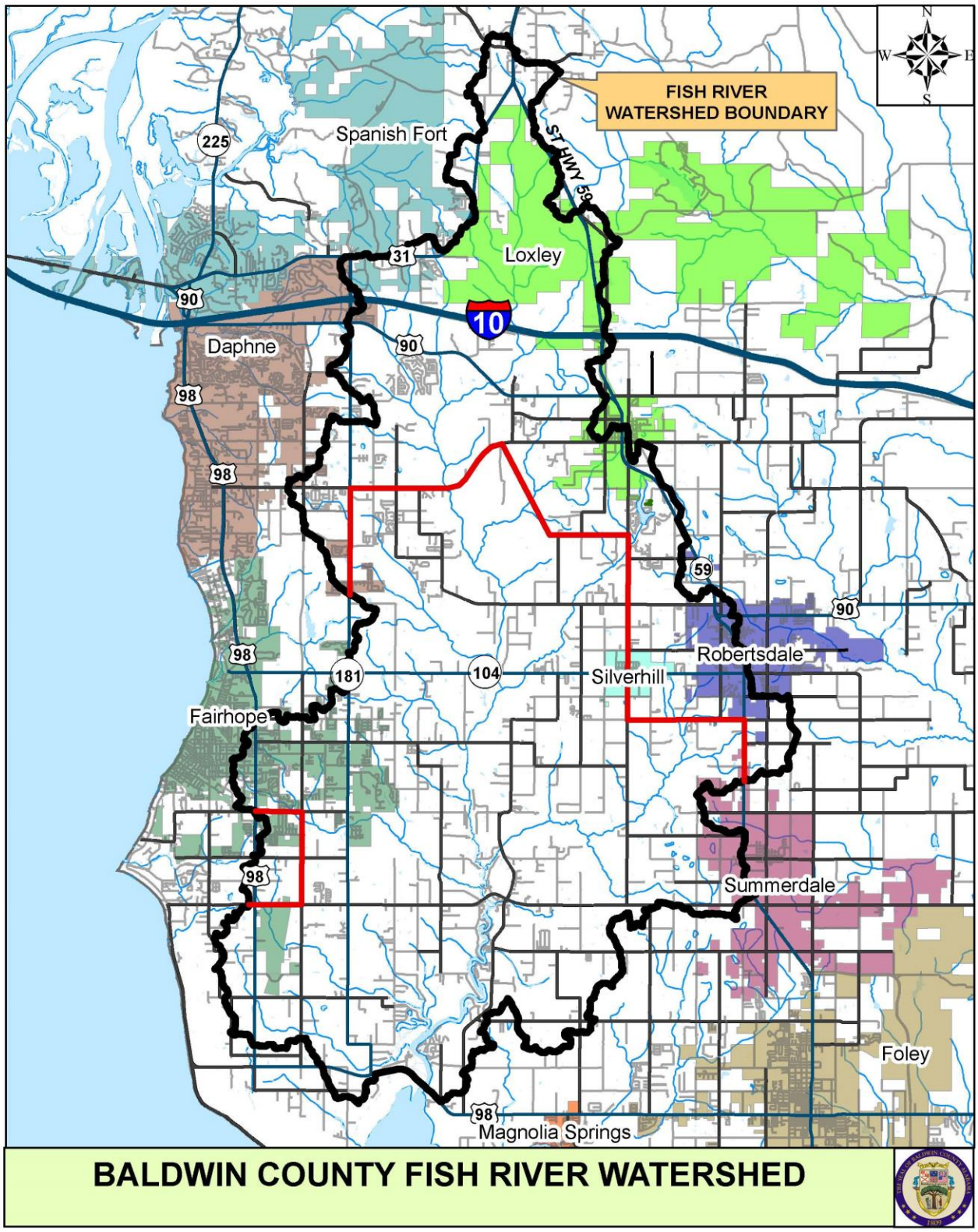
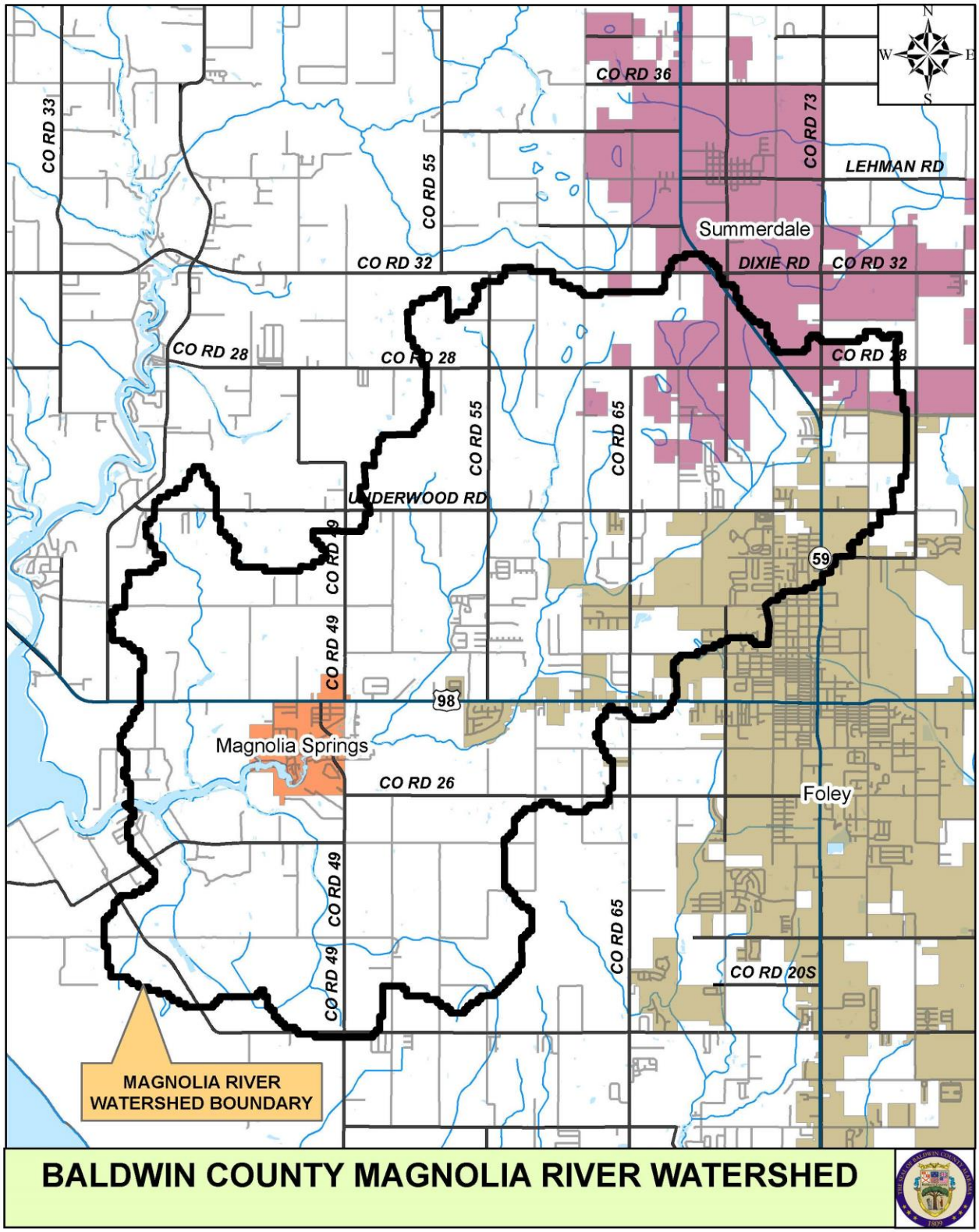
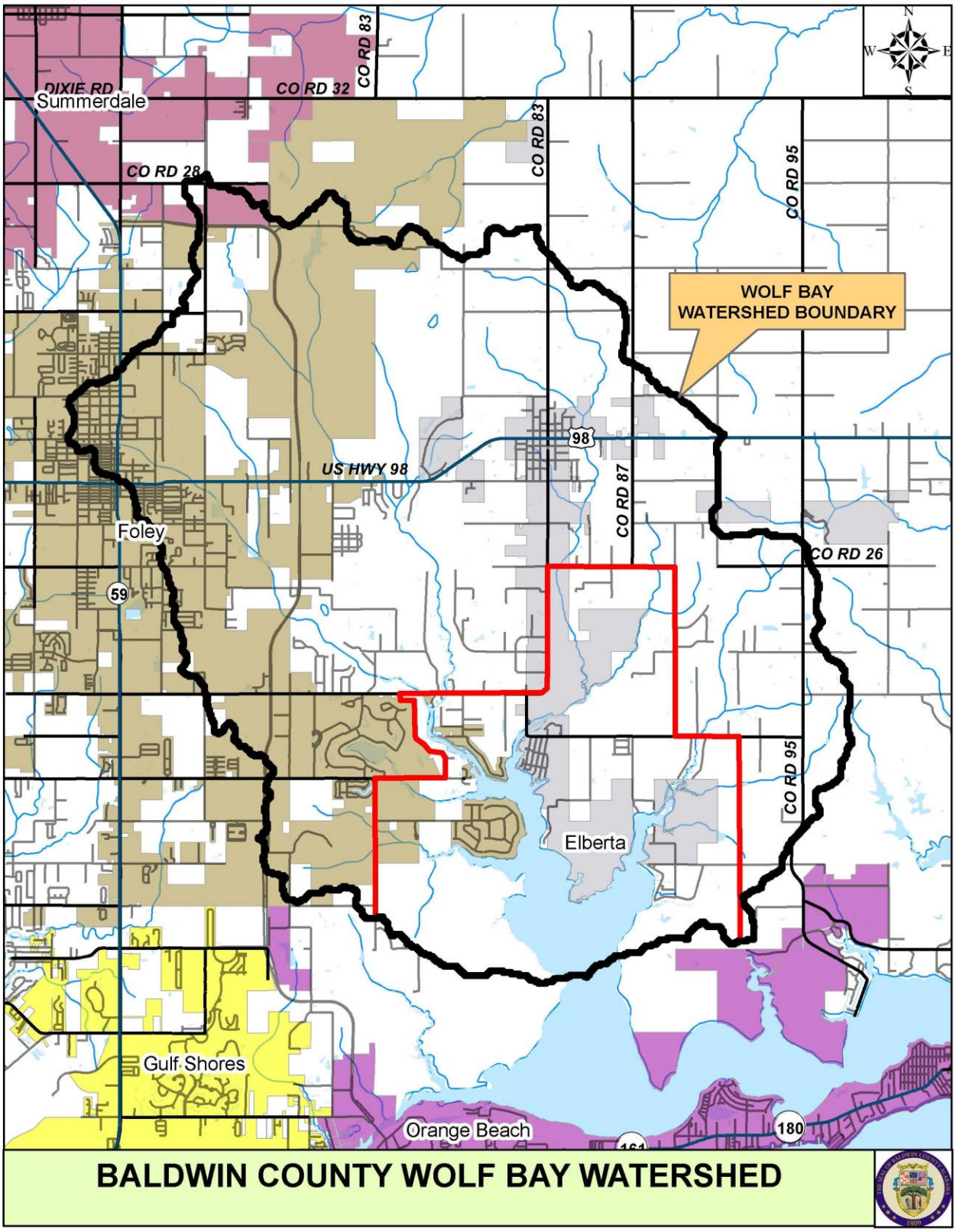
Appendix 5. Watershed Study Maps





BALDWIN COUNTY MAGNOLIA RIVER WATERSHED


DIXIE RD
Summerdale
CO RD 32
CO RD 83
CO RD 28
CO RD 83
CO RD 95
WOLF BAY
WATERSHED BOUNDARY
98
US HWY 98
CO RD 87
Foley
CO RD 26
59
CO RD 95
Elberta
Gulf Shores
Orange Beach
180
N
W
E
S
BALDWIN COUNTY WOLF BAY WATERSHED

Appendix 6. Baldwin County Traffic Impact Study Requirements

1. TRAFFIC IMPACT STUDY REQUIREMENTS

1.1 General

The transportation impact report shall identify the traffic impacts and potential problems to be generated by a proposed use, and improvements required to insure safe ingress and egress from a proposed development, maintain street capacity, and eliminate hazardous conditions. The following policies and guidelines have been established for the preparation of Traffic Impact Studies (TIS) for development proposals of all land use types. These policies exist to ensure consistent and proper traffic planning and engineering practices are followed when land use actions are being considered. The guidelines provide for a standard process, set of assumptions, set of analytic techniques, and a presentation format to be used in the preparation of the TIS.

1.2 Applicability

Developers and/or property owners shall be required to conduct traffic impact studies, as described herein, for all proposed development that meet any or all of the following:

a. When traffic generated by the proposed development would cause the daily or peak hour traffic volumes on adjacent streets that serve as access for the development to exceed acceptable levels as defined by Baldwin County;
b. Where a development proposes to take direct access to a collector or arterial roadway; or
c. In the opinion of the Baldwin County Engineer significant operational deficiencies and/or safety concerns currently exist or would be created as a result of the developments expected trip generation. Developers who are proposing developments are strongly encouraged to contact the Baldwin County Engineer to discuss traffic impact requirements prior to submitting a rezoning application or subdivision/site plans.

1.3 Applicant Responsibility

The responsibility for conducting a TIS and assessing the traffic impacts associated with an application for development approval rests with the Applicant. The assessment of these impacts shall be contained within a TIS report as specified herein. It shall be prepared under the supervision of, and sealed by, a Licensed Professional Engineer in Alabama with experience in traffic engineering and transportation planning/engineering.

For all State Highways within the study area, the Applicant is required to meet the requirements of the Alabama Department of Transportation (ALDOT) in addition to those of Baldwin County.

1.4 Capacity and Safety Issues

Development of property has a direct impact on transportation, including vehicular, transit, bicycle, and pedestrian traffic. In order to meet capacity and safety needs as they relate to the traffic generated from a particular land use, specific traffic circulation improvements should be made. The goal of the TIS is to address traffic related issues that result from new development and to determine the improvements required to address and mitigate those issues such that street maximum capacities are not exceeded and traffic and pedestrian safety is maintained. The competing objectives of vehicular movement, pedestrians, bicyclists, and others must be balanced in the development review process. The TIS will provide information and guidance as plans are developed and decisions made for the proposed development plan.

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1.4.1 Vehicular Traffic Improvements.

Examples of traffic capacity and safety improvements to mitigate development impacts include: road widening, turn lanes, deceleration lanes, intersection through lanes, traffic signals, stop signs, design speed adjustments, modifications to access points, roundabouts and other traffic calming techniques as approved by the County.

1.4.2 Pedestrian Traffic Considerations and Improvements.

Examples of street conditions that promote safe, comfortable and convenient pedestrian environments include: narrower roadways that promote shorter walking conditions; short blocks; lower prevailing travel speeds; sidewalks; well-defined crosswalks, median refuge areas and islands at street intersections. Walkway tunnels and overhead structures are examples of safety improvements that afford maximum protection for pedestrians.

1.4.3 Bicycle Traffic Improvements.

The addition of on-street bicycle lanes or off-street bicycle paths may be needed to achieve connectivity between the proposed project and the existing bikeway system.

2. TRAFFIC IMPACT STUDY PROCEDURES AND CRITERIA

2.1 Scoping Meeting/Telephone Conference

2.1.1 Purpose.

A scoping meeting/telephone conference prior to the submittal of a request for rezoning or site/development plan will be required and used to determine the study area, study parameters and documentation requirements for conducting a Traffic Impact Study (TIS) for specific development proposals. The parameters determined in the scoping meeting/telephone conference represent general agreement between the County and the Applicant's consulting engineer, but they may not be all-inclusive. The County retains the right to require additional information and/or analysis to complete an evaluation of the proposed development project.

2.1.2 Meeting/Telephone Conference Setup and Content.

The applicant is required to contact the County to arrange for a Scoping Meeting/telephone conference to discuss the TIS requirements and determine the base assumptions. It is incumbent upon the Applicant to discuss the following:

1. Previous TIS prepared for the site, if any;
2. Location of the site;
3. Proposed access and its relationship to adjacent properties and their existing/proposed access;
4. Preliminary estimates of the site's trip generation and trip distribution at buildout;
5. Identification of proposed year of build-out;
6. Anticipated roadway improvements required to mitigate development impact;
7. Phasing plan proposed; and
8. Special analysis needs.

2.1.3 Results of Meeting/Telephone Conference

The Scoping Meeting/telephone conference shall conclude with the County and Applicant in mutual agreement with regard to determining the level of detail and extent to which the TIS will need to address each of the following:

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1. Study area for the impact analysis;

2. Other developments within the study area;

3. Existing intersection counts;

4. Intersections and roadways to be studied in detail;

5. Existing traffic volume forecasts;

6. Location of the nearest bicycle and pedestrian facilities; and

7. Special analysis needs (non traditional peak hour volumes for some uses, neighborhood impacts, access management plans, etc.)

2.2. Evaluation Elements

The key elements of the project traffic impact assessment shall be specified by the County from the following list:

1. Conformity with the transportation related policies of Baldwin County, including any other adopted access plans.

2. Peak hour intersection and roadway level of service.

3. Appropriateness of access locations;

4. Location and requirements for turn lanes or deceleration lanes at accesses or intersections, including recommendations for taper lengths, storage length, deceleration lengths, and other geometric design requirements as required by the County or ALDOT.

5. Sight distance evaluations and recommendations (intersection, stopping, passing);

6. Continuity and adequacy of pedestrian and bike facilities;

7. Recommended traffic control devices for intersections which may include two way stop control, four way stop control or yield signs, school flashers, school crossing guards, crosswalks, traffic signals or roundabouts.

8. Traffic signal and stop sign warrants.

9. Other items as requested by the County Engineer and agreed to in the Scoping Meeting/telephone conference.

10. Neighborhood and public input issues.

2.3 Roadway Traffic Volumes/Traffic Counts

Current morning and afternoon commuter peak hour (7-9 A.M. and 4-6 P.M.) traffic counts as specified by the County Engineer shall be obtained for the roadways and intersections within the study area for one, non-holiday Tuesday, Wednesday, or Thursday. Each peak hour count shall be conducted over the designated hours (or as specified by the County Engineer) and shall include fifteen (15) minute count data to clearly identify the peak hours.

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Weekend counts and/or average daily counts may also be required where appropriate and when required by the County Engineer. ALDOT average weekday traffic (AWT) counts may be used when available. Pedestrian counts and bike usage should be obtained. Vehicle classification counts may be required.

In any case, these volumes shall be no more than one year old (from the date of application submittal). The source(s) of each of the existing traffic volumes shall be explicitly stated (ALDOT counts, new counts by Applicant, etc.). Summaries of current traffic counts shall be provided. Based on the impacts to daily and peak hour traffic volumes from Baldwin County Schools or immediately adjacent City Schools, the County will require the use of adjustment factors for data collected when either of these facilities is not in operation. Adjustment factors proposed for use in any TIS shall be submitted along with all supportive data to the County Engineer for review and approval. If in the opinion of the County Engineer, the proposed adjustment factors will not accurately reflect traffic conditions that would be in place during school operations, traffic count data will be accepted and require collection during those periods when the educational facilities are in operation.

In most cases, the actual completion of developments will occur at some time in the future. As part of the TIS, an annual growth rate of adjacent roadways and intersections will be developed. Growth rates utilized in the preparation of a TIS must be based on historical traffic growth, use of a regional travel demand model or other methods as approved by the County Engineer. Application of traffic growth shall be applied for buildout conditions and other interim development levels as required by and approved by the County Engineer.

2.4 Intersection Level of Service.

As a minimum, A.M. and P.M. peak hour intersection levels of service shall be determined for the existing signalized and unsignalized intersections at all study intersections and roadways. Additional intersections should be included in the analysis where post development conditions are considered by the County to be significant. The analysis shall use procedures as described in the latest edition of the Highway Capacity Manual. Capacity analyses for intersections shall be based on individual approach levels of service whereas impacts on roadways shall be based on daily traffic volumes and the specific roadway classification.

2.5 Trip Generation Rate.

Trip generation rates utilized for conducting traffic impact studies in Baldwin County should be taken from actual rates developed and generated from land uses in the area. When data is not available for a proposed land use or for a land uses unique to the Baldwin County area is proposed, the Applicant must conduct a local trip generation study following procedures prescribed in the ITE Trip Generation Manual and provide sufficient justification for the proposed generation rate. This rate must be approved by the County Engineer prior to its use in the TIS written study.

If, in the opinion of the Baldwin County Engineer, trip generation rates found in the latest edition of the Institute of Transportation Engineers' Trip Generation Manual or other industry publications accurately reflect the trip generation characteristics of a particular land use proposed, that trip generation rate may be used in forecasting traffic to be generated by a development.

2.6 Preliminary Land Use Assumptions.

The trip generation values contained in studies submitted prior to the establishment of a site-specific development plan shall be based on the maximum number of dwelling units permitted by the Baldwin County Zoning Ordinance for the approved land uses, and/or the maximum trip generation rates for the nonresidential development proposed land use action. When a TIS is being developed for a project with an established site-specific development plan, trip generation shall be based on actual dwelling unit counts and square footage(s) proposed on the final plan.

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2.7 Trip Generation Table.

The Applicant shall prepare a Trip Generation Table, listing at a minimum, each type of land use within the site at build-out, the size and unit of measure for each land use, trip generation rates (total daily traffic, A.M. and P.M. peaks), and the resultant total trips generated.

2.8 Trip Distribution.

The distribution of site generated traffic must be documented in the TIS. The procedures and rationale used in determining the trip distributions for proposed developments must be fully explained and documented. It is recommended the Applicant coordinate with the Baldwin County Engineer to establish an acceptable distribution pattern. Distribution patterns assumed for development shall be illustrated in graphic format and provided to the County Engineer prior to proceeding with the remainder of a traffic impact study.

2.9. Requirement for Additional Lanes

Within the study area of a TIS, as established by agreement between the County and the Applicant, additional lanes are may be required on streets where minimum levels of service are exceeded for existing cross sections based on post development conditions. If such additional lanes are required, as established as part of the TIS, they can include general purpose through lanes, left turn lanes and right turn lanes. Additional lanes, when determined by a TIS and in the opinion of the County Engineer of the need for such lanes is established, shall be provided by the Applicant. Such improvements must be designed and constructed to county or state standards. The cost of such improvements will be borne entirely by the Applicant.

During the design phase of providing additional lanes on public streets and roadways, if it is determined that additional right-of-way is required to construct such additional lanes; the Applicant shall provide additional right-of-way along their property frontage as directed by the County Engineer. If the construction of such additional lanes requires right-of-way beyond the property frontage of the Applicant, the Applicant shall work with the County to devise a method to provide the additional right-of-way and related roadway improvements or modify their development plan to remove the requirement for such additional lanes.

2.10. Intersection Delay

An A.M. and P.M. commuter peak hour intersection level of service analysis shall be conducted for each intersection analyzed in the TIS for existing conditions and those that reflect post development conditions. This analysis shall be based on procedures specified in the most recent release of the Highway Capacity Manual. In those areas adjacent to or in close proximity to County schools or adjacent City Schools, additional peak hour analyses shall be conducted for those afternoon hours which reflect the peaks for those facilities. The intent of this analysis is to establish the existing and post development intersection delays and related levels of service for comparison and determination of impacts on operations.

2.11. Driveway Access.

Driveway plan concepts for a development shall be submitted to the County for approval prior to development of construction plans. Because frequent curb cuts and driveways providing access to numerous adjoining properties are an impediment to the proper functioning of major streets, on-site circulation and cross-access agreements between lots are encouraged. Minimum spacing of driveways and other curb cuts shall conform to the minimum standards outlined in the Subdivision Regulation of Baldwin County.

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Where an intersection contains a left-turn stacking lane, any driveway opposite such lane shall not permit left turns into or from the driveway. Raised islands or other approved methods of restricting these movements will be required as approved by the County Engineer. Limitations on movements from driveways near intersections shall also apply to deceleration lanes.

Required distances between curb cuts and street corner property lines shall be measured from the edge of the curb cuts.

Various roadways in Baldwin County have center medians that have been constructed for both traffic safety and aesthetic considerations. Any alteration of existing or planned roadway medians shall be allowed at the discretion of the Baldwin County Council. Alterations to existing medians shall only be considered where such alternation is deemed by the County to be in the public interest. In those cases where medians are proposed for alternation as part of a development, it will incumbent on the Applicant to demonstrate through traffic operational analysis in the TIS that such alternation can be implemented and not comprise public safety.

On those routes maintained by the Alabama Department of Transportation, an access permit is required from that agency. The County shall be copied on all ALDOT permit applications within Baldwin County and its planning jurisdiction.

2.12. Traffic Signals.

2.12.1. Proposed and existing access points, proposed intersections, and existing intersections effected by the land use actions being analyzed in the report that have any potential for traffic signalization will be reviewed and discussed during the Scoping Meeting/telephone conference.

2.12.2 During the Scoping Meeting/telephone conference an outline of locations for signal warrant analysis will be agreed upon.

2.12.3 Signal Warrant Analysis for potential signal locations shall consist of a review of the applicable signal warrants contained in the Manual on Uniform Traffic Control Devices. On roadways controlled by the Alabama Department of Transportation, procedures for meeting traffic signal warrants as established by that Department shall be followed.

2.12.4 Alternatives to signalization at potential signal locations will be discussed in the Scoping Meeting/telephone conference and the TIS report. The alternatives to adding new intersections would include added access points, limited movements at access points, frontage roads, joint use access points, roundabouts and other such designs as required and / or approved by the County.

2.12.5 If any signal timing and/or phasing changes are proposed as a mitigation measure of a TIS, an appropriate analysis of the intersection where the signal exists shall be conducted to demonstrate the potential implications of the suggested modifications. Such modifications to existing traffic signals in Baldwin County shall require submittal of a request for such change with supportive documentation of analysis and findings and shall not be undertaken without approval from the County Engineer.

2.12.6 Sight distance concerns that are anticipated or observed which may impact driveway, intersection, or roadway operation and safety need to be discussed in the TIS. Recommendations regarding stopping sight distance, intersection sight distance, and passing sight distance needs should be provided by the Applicant's traffic engineer for detailing on the final development, site plan, or final construction plans. Intersection sight distances requirements shall meet the guidelines as established in Section 436 of the Baldwin County's Zoning Ordinance and / or AASHTO.

2.13 Mitigation Measures

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When a project's vehicular impacts are determined to not meet the minimum acceptable level of service standard, the TIS shall include feasible measures which would mitigate the project's impacts. An appropriate measure of traffic mitigation would be the ability of roadway, intersection and traffic control improvements to maintain acceptable levels of service for the impacted facility. In the case of interstate and arterial routes, a level of service of "D" for post development conditions would be required and a post level of service of "C" would be required on all other roadways and intersections. Mitigation measures could include the addition of added through lanes (roadway widening), left turn lanes, right turn lanes, improved traffic control, access management and other such measures as deemed appropriate by analysis and concurrence by the County.

2.14 Traffic Signal Operations Improvements

Traffic Signal Operational improvements shall include upgrading signals to include additional signal phases and timing plans, signalization of an unsignalized intersection and/or implementation of traffic signal systems. Signal improvements and/or installations on County streets must be approved by the County Engineer. Traffic signals recommended to be installed on ALDOT roadways shall be jointly approved by the State and County.

2.15 Street Widening and Other Physical Improvements

Mitigation measures, which include street widening, and other physical improvements must be demonstrated to be physically feasible and must meet minimum County standards and codes for both on-site and off-site improvements. As part of the basic TIS analysis, a determination of the need for left and right turn lanes as a result of development generated traffic should be undertaken. The analysis techniques utilized shall include procedures and methods outlined in the National Cooperative Highway Research Program (NCHRP) report 213 or other methodologies as approved by the County Engineer.

2.16 Geometric Improvements

The needs for turn lanes and other auxiliary lanes shall be determined based on the criteria as established by Baldwin County each development access and study intersection included in the TIS. The basis of design for such devices shall generally be ITE, AASHTO, ALDOT, or other nationally accepted standards as approved by the County. All proposed project entrances onto arterial and collector streets shall be evaluated as to whether they require deceleration lanes.

3. TRAFFIC IMPACT STUDY REPORT CONCLUSIONS

3.1 Recommended Improvements

The findings of the Traffic Impact Study should be provided in summary format, including the identification of any areas of significant impacts and recommended improvements/mitigation measures to achieve the maximum volume standards for all modes.

3.1.1 Geometric Improvements

The TIS shall include recommendations for all geometric improvements such as pavement markings, signs, adding through or turn lanes, adding project access and assorted turn lanes and changes in medians. Sufficient dimensions/data shall be identified to facilitate review. Anticipated right-of-way needs shall also be identified. This information shall be made available to the project civil engineer for use in preparing scaled drawings.

3.1.2 Responsibility

The Traffic Impact Study shall describe the location, nature and extent of all transportation improvements required to achieve the required post development levels of service within the study

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area. The responsibility for implementation of the post development mitigation measures shall rest with the Applicant.

4. TRAFFIC IMPACT STUDY REPORT OUTLINE

4.1 Introduction (Purpose of report and study objectives)

4.2 Proposed Development

A. Site Description (include small version of site plan in appendices)
B. Site Location (include site location map)
C. Zoning (Current and proposed)
D. Time Frame of Development (include any phasing of development which is anticipated)

4.3 Background Information

A. Background Traffic Growth Rate (include projected traffic growth rate for the development time frames included in the proposed development and include method for traffic growth projections)
B. Off-Site Developments (description of other significant development in the vicinity which could impact traffic conditions in the study area)
C. Planned and Programmed Roadway Improvements (description of any Planned or Programmed Roadway Improvements within the study area which could impact traffic conditions within the study area during the time frame for development of the proposed project)

4.4 Existing Traffic Conditions

A. Traffic Count Data (introduce and illustrate current traffic counts for the study area roadways and intersections)
B. Existing Conditions Capacity Analysis (evaluate study area roadways and/or intersections based upon industry standard capacity analysis methods)
C. Summary of Existing Traffic Conditions in the study area

4.5 Future Traffic Conditions

A. Background Traffic Growth (apply the background growth rate for the time frame for a give phase of development)
B. Inclusion of Planned or Programmed Improvements (in the event any of the Planned or Programmed improvements are to be included in the analysis of future traffic conditions, a status of the projects and time frame of the projects should be demonstrated)
C. Trip Generation Estimates (estimate trip generation potential for each level of development)
D. Trip Distribution (describe the anticipated routes for traffic expected to be generated by the proposed development and illustrate the findings in graphic format)
E. Traffic Assignment (assign traffic expected by the proposed development to the study area roadways based upon the distribution patterns established)
F. Future Conditions Capacity Analysis (evaluates the study area roadways and intersections as well as site accesses with post-development traffic volumes)
G. Identify Capacity Deficiencies (identify roadways and/or intersections in which capacity deficiencies are expected for future traffic conditions)
H. Recommended Roadway and Traffic Control Improvements (develop and test potential improvements for the study area roadways and intersections aimed at mitigation of traffic impacts resulting from development traffic)

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I. Internal Circulation (demonstrate the ability of the site's internal circulation pattern to handle site generated traffic)

J. Capacity Analysis with Recommended Improvements (demonstrate the effectiveness of Recommended Roadway and Traffic Control Improvements and resultant levels of service)

Note: These steps should be taken for each level of development within the corresponding time frame.

4.6 Summary and Conclusions (provide a summary of the findings of the study effort to include existing traffic conditions, future traffic conditions for each level of development, and the recommended improvements aimed at mitigating potential traffic impacts resulting from the proposed development for each level of development).

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