

**SUBDIVISION REGULATIONS**  
**CITY OF BAY MINETTE, ALABAMA**

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Prepared by:  
*The South Alabama Regional Planning Commission*  
110 Beauregard Street  
Mobile, Alabama 36602

**City of Bay Minette  
Subdivision Regulations**

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SUBDIVISION REGULATIONS

**Sec. 1. Authority.**

These subdivision regulations are adopted pursuant to the authority granted the Planning Commission of the City of Bay Minette by Section 11-52-30, et seq., of the Code of Alabama.

**Sec. 2. Purpose**

The purpose of these regulations is to promote the health, safety, convenience, order, prosperity, and general welfare of the residents; to lessen congestion in the street; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to facilitate the adequate provision of water, sewerage, and enhance the ecological and aesthetic environments of present and future residents and to effect the coordinated and efficient development of the City of Bay Minette, Alabama.

**Sec. 3. Application**

A subdivision of land is defined as the division of a lot, tract, or parcel of land into two (2) or more lots, tracts, or parcels or other divisions of land for the purpose of immediate or future sale or building development. The term subdivision includes the process of resubdividing land.

Every plat of land that is a subdivision shall be prepared, presented for approval and recorded as required by these regulations.

No building permit and no certificate of occupancy shall be issued for any parcel of land created by subdivision unless a final plat of such subdivision has been approved and recorded as required by these regulations. In addition, no excavation of land and no construction of any public or private improvements shall take place or be commenced in subdivision unless done in conformity with these regulations.

**Sec. 4. Jurisdiction.**

These regulations shall govern all subdivisions of land within the subdivision jurisdiction of the Planning Commission of the City of Bay Minette.

**Sec. 5. Definitions**

- 5.1 Adverse Affect: the potential for harm or damage to downstream areas where receiving systems and facilities are deemed inadequate to satisfactorily accommodate runoff from upstream development.

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- 5.2 Agent: a person, firm or corporation who is empowered to act for a principal on matters which come within the scope of designated activities.
- 5.3 Alley: a drive serving the rear or side of properties which also abut a street.
- 5.4 Arterial Street: a highway or street of considerable continuity which is used primarily for moving large volumes of traffic through or around the city; sometimes called a major street.
- 5.5 Block: a division or parcel of land entirely surrounded by public highways, streets, alleys, or other rights-of-way. Where platting is incomplete or disconnected, block outline may be determined by subdivider.
- 5.6 Building Setback Line: The minimum allowable horizontal distance between the street right-of-way line and the building, except for steps or terraces with no canopy, open fire escapes, roof overhangs, balconies, canopies or cornices projecting no more than two (2) feet beyond the main wall, offset or overlapping projections of second floors that project no more than three (3) feet beyond the main floor of the building.
- 5.7 City: The City of Bay Minette, Alabama.
- 5.8 City Council: the governing body of the City of Bay Minette, Alabama.
- 5.9 Collector Street: a street which carries traffic from minor or neighborhood streets to a system of arterial streets.
- 5.10 Comprehensive Plan: shall mean the entire collection of the master plan, land use maps and guidelines adopted by Bay Minette Planning Commission.
- 5.11 Corner Lot: a parcel of land abutting upon two or more streets at their intersection.
- 5.12 Crosswalk: a designated transverse right-of-way across a public street for the purpose of protection of pedestrians crossing to the other side of the street.
- 5.13 Cul-de-sac: a minor street designed to have one end permanently closed, the closed end being terminated with a vehicular turnaround.
- 5.14 Curb or Curbline: shall mean the vertical face of a concrete curb nearest the center of the street or, where no curb exists, the edge of the traveled way.
- 5.15 Differential Runoff: shall mean the difference between the rate and volume of stormwater runoff from a particular parcel or project in its undeveloped or natural condition and that of the same property after development.

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- 5.16 Double Frontage Lot: a lot which abuts a public way on both front and rear - a lot which extends all the way through the block.
- 5.17 Easement: shall mean a restricted area on privately owned land, the use of which is reserved for a specific purpose or public utility, such right of use to run with the land in perpetuity unless the governing body, by resolution, assents to the vacation of such easement upon a finding that there is no public need therefor.
- 5.18 Engineer: shall mean one who is licensed to practice as a Professional Engineer in his qualified field of expertise by the Alabama Licensing Board for Engineers and Land Surveyors. A qualified engineer undertaking the design and inspection of construction within subdivisions may be referred to herein as the Project Engineer.
- 5.19 Highway: a road or street that forms a part of the existing or projected Federal Aid Highway System, the State road system or the County road system.
- 5.20 Lot: a parcel of land intended as a unit for transfer of ownership or for building development, or both, which fronts upon a public right-of-way, exclusive of any part of the right-of-way.
- 5.22 Lot Width: the horizontal distance between side lines of the lot when measured parallel to the street right-of-way at the building set back line.
- 5.23 Major Street: see Arterial Street above.
- 5.24 Major Subdivision: A subdivision not classified as a minor subdivision, including but not limited to subdivisions of 6 or more lots, or any size subdivision requiring any new street or drainage improvements.
- 5.25 Minor Street: neighborhood street - a street used primarily to provide access to abutting property.
- 5.26 Minor Subdivision: A subdivision that creates not more than 5 lots, each lot fronting on an existing public road and does not involve any new street or drainage improvements.
- 5.27 Marginal Access Street: a minor street which is parallel and adjacent to a major street or highway and provides protected access to abutting properties.
- 5.28 Monument: a permanent object which serves to indicate a limit or to mark a boundary.
- 5.29 Official Maps and Plans: the maps and plans prepared as a part of the comprehensive plan.

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- 5.30 Parkway: a road or street that forms a part of an existing or proposed Parkway System.
- 5.31 Planning Commission: the Planning Commission of the City of Bay Minette, Alabama.
- 5.32 Planting Strip: that portion of the street right-of-way between curb and the property line exclusive of the area occupied by sidewalks.
- 5.33 Roadway, Traveled Way or Street Surface: that part of a street or highway available for use by vehicular traffic - the portion from face of curb to face of curb.
- 5.34 Secondary Street: see Collector Street above.
- 5.35 Sidewalk: a paved, surfaced or leveled area paralleling and usually separated from the street, used as a pedestrian walkway.
- 5.36 Specifications, State: shall mean the latest revision of the Alabama Highway Department Specifications for Roads and Bridges.
- 5.37 Street or Street Width: shall mean the entire right-of-way, the perpendicular or radial distance between the boundaries of property abutting either side of such street.
- 5.38 Subdivision: means the division of a lot, tract, or parcel of land, for the purpose of sale or of building development, into two or more lots, tracts, parcels, sites or other division of land, whereas any lot or parcel resulting from such division has a gross area of less than five acres. The term subdivision includes the process of resubdividing lands.
- 5.39 Surface Drainage: a stormwater drainage system consisting of gutters, culverts and open channels.

**Sec. 6 Word Interpretation**

The word may is permissive. The word shall is mandatory. The words building and structure are mutually inclusive. Words used in the present tense include the future tense and words used in the future tense include the present tense. Words used in the singular include the plural and words used in the plural include the singular.

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**Sec. 7. Procedure**

The procedure for review and approval of subdivision by the Planning Commission ultimately results in the approval and recording of a Preliminary/Final Plat (Minor Subdivisions) or a Final Plat (Major Subdivisions) of the subdivision. The applicant or the applicant's representative shall be present for all meetings and public hearings. The procedure for obtaining subdivision approval is as follows:

**7.1 Presentation and approval of the Sketch Plan (Major Subdivisions-Required)**

The Sketch Plan is intended to be a relatively simple "sketch" or "drawing" of the proposed subdivision, submitted so that the subdivider may begin the approval process by meeting with and discussing the feasibility of the proposal with the Planning Commission prior to incurring engineering and surveying costs. The Sketch Plan must contain at least a diagram showing the location and ownership of the land proposed to be subdivided, noting the location of all adjoining property, its ownership and the nature of its improvements, and the location and name of all existing public streets providing direct access to the land proposed to be subdivided.

The subdivider shall be present at the Planning Commission meeting either personally or through a representative in order to discuss, answer questions, and explain the submission. The requirements stated for preparation of the Sketch plan are minimal requirements.

**7.2 Presentation and approval of the Preliminary/Final Plat (Minor) or Preliminary Plat (Major)**

The Preliminary/Final Plat or the Preliminary Plat is intended to be a detailed presentation of the site; the Preliminary Plat shall include engineering plans for the construction of all improvements.

**7.2.1 Submission of Preliminary/Final or Preliminary Plat:**

The subdivider shall submit to the Planning and Zoning Administrator of the City of Bay Minette at least 3 copies of the proposed subdivision prepared in accordance with the plat requirements at least fifteen (15) working days prior to a regularly scheduled meeting.

**7.2.2 Filing and Advertising Fees**

In order to defray the City's costs in the course of review and approval and costs of revisions to maps and regulations, there shall be paid to the City upon submission of application the following sums:

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7.2.2.1 Minor Subdivisions

- a) The sum of one-hundred and fifty dollars plus ten dollars per lot (\$150.00 + \$10.00 per lot) shall accompany the preliminary/final plat to cover the administrative cost of the Planning Commission.
- b) The total of all postage for certified letters (\$10.00 each) to adjacent property owners.

7.2.2.2 Major Subdivisions

- a) The sum of two-hundred dollars plus ten dollars per lot (\$200.00 + \$10.00 per lot) shall accompany the preliminary plat to cover the administrative cost of the Planning Commission.
- b) The total of all postage for certified letters (\$10.00 each) to adjacent property owners.
- c) In the case that the planning and zoning administrator determines that the plat should be reviewed by the City's Contracted Engineer, the applicant will be required to cover the cost of the review.
- d) The sum of one-hundred dollars shall accompany the Final Plat to cover administrative cost of the Planning Commission.

7.2.2.3 Fees are not subject to refund or adjustment.

7.2.2.4 Applicants are responsible for recording their Approved Final Plat at the Baldwin County Probate and the cost that it incurs.

7.2.3 Public Hearing and Notices:

Prior to the Approval of the preliminary plat, the Planning Commission shall first hold a public hearing. Notice of such public hearing shall be sent to all adjoining landowners by registered mail as their names appear upon the plats of the Baldwin County Tax Assessor's Office.

Such notices shall be sent at least five (5) days prior to the date of the public hearing. Any plat submitted to the Planning Commission shall contain the name and address of all persons to whom notice of a public hearing shall be sent.

The applicant or the applicant's representative shall be present at the public hearing. Should the applicant choose to have a representative the applicant shall formally designate the representative by letter to be



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submitted to the planning and zoning administrator prior to the date of the public hearing. Should the applicant and/or their representative be absent the public hearing shall be postponed and an extension fee of one-hundred dollars and re-advertisement fee shall be paid before being placed back onto the planning commission agenda.

The Building Department shall place a sign with the statement: Notice of Subdivision Public Hearing, date, time and location shall be placed on the property 7 days prior to the date of the public hearing.

**7.2.4 Approval or Disapproval:**

The Planning Commission will review the plat and decide approval, disapproval, or approval subject to minor modifications. If the Planning Commission disapproves the preliminary plat, the reasons for such action shall be stated in writing upon the records of the Commission, and reference shall be made to the specific section(s) of the regulations with which the preliminary plat does not comply. If approved subject to modifications, the nature of the required modifications shall be indicated.

**7.2.5 Approval Within Thirty Days:**

The Planning Commission shall approve or disapprove a plat within thirty (30) days after the submission thereof to it, otherwise such plat shall be deemed to have been approved, and a certificate to that effect shall be issued by the Commission on demand; provided, however, that the applicant for the commission's approval may waive this requirement and consent to an extension of such period.

**7.2.6 Expression of Approval:**

The approval of the preliminary plat shall not be deemed final acceptance but rather an expression of approval of the layout as submitted on the preliminary plat. The Planning Commission files shall retain one copy of the Preliminary plat.

**7.2.7 Effective Period:**

Approval of the preliminary plat shall be effective for a period not to exceed one (1) year and shall thereafter expire and be considered null and void, unless a petition of an extension of time is submitted to and subsequently approved by the Planning Commission.

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7.2.8 Changes or Modifications:

Any change of modification to a preliminary plat shall be submitted to the Planning Commission for approval and may be subject to additional fees and a public hearing if deemed necessary by the Planning Commission.

7.2.9 Preliminary/Final Plat Content: Minor Subdivisions

The preliminary/final plat shall contain the following information.

1. Name and address of the owner of record and subdivider and name and registration number of surveyor.
2. Proposed name of subdivision and its acreage.
3. North Point, graphic scale of not less than 1 inch equals 50 feet and date.
4. Vicinity map showing location and acreage of the subdivision.
5. Exact boundary lines of the tract by bearing and distance.
6. Names and addresses of owners of record of adjoining land with their approximate acreage.
7. Existing streets, utilities and easements on and adjacent to the tract including the size and width of each.
8. Proposed subdivision layout using contours of vertical intervals of not more than five(5) feet and including streets, alleys and easements with both dimensions and proposed street names: lot lines; land to be reserved or dedicated for public uses; and any land to be used for purposes other than single family dwellings.
9. Block letters and lot numbers.
10. Indication of zoning district boundaries if such exists. Otherwise indicate the proposed use of all land within the subdivision as well as any restriction on the lots.
11. Minimum building front yard setback lines.
12. Certifications showing:
  - a. Notarized proof of ownership of the land.
  - b. Surveyor's attest to the accuracy of the survey.
  - c. Compliance with applicable Board of Health Codes and Ordinances.
  - d. Granting of all easements included in the plat.
  - e. Space on the plat for approval of the City of Bay Minette Planning Commission.
  - f. Provide lot restrictions or restrictive covenants when applicable.

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7.3 Preliminary Plat Content: Major Subdivisions

The preliminary plat shall contain the following information:

1. Name and address of the owner of record and subdivider and name and registration number of surveyor.
2. Proposed name of subdivision and its acreage.
3. North Point, graphic scale of not less than 1 inch equals ~~400~~ 50 feet and date.
4. Vicinity map showing location and acreage of the subdivision.
5. Exact boundary lines of the tract by bearing and distance.
6. Names and addresses of owners of record of adjoining land with their approximate acreage.
7. Existing streets, utilities and easements on and adjacent to the tract including the size and width of each.
8. Proposed subdivision layout using contours of vertical intervals of not more than five(5) feet and including streets, alleys and easements with both dimensions and proposed street names: lot lines; land to be reserved or dedicated for public uses; and any land to be used for purposes other than single family dwellings.
9. Block letters and lot numbers.
10. Indication of zoning district boundaries if such exists. Otherwise indicate the proposed use of all land within the subdivision as well as any restriction on the lots.
11. Preliminary sketch plans of proposed utility layouts (sewer, water, gas and electricity) including pipe sizes and the location of valves and fire hydrants, and showing feasible connections where possible to existing and proposed utility systems.
12. Preliminary plan of all drainage facilities.
13. Minimum building front yard setback lines.
14. Typical street cross-section and center-line profiles.
15. Location of streams, lakes, and swamps and land subject to flooding as determined from past history of flooding, and as delineated by the U.S.G.S or U.S. Corps of Engineers.
16. Location of land dedicated for a neighborhood park or open space area for subdivisions exceeding fifty (50) lots.
17. Soils in the area to be subdivided at a scale equal to that of the preliminary plat.
18. Any other information that may be considered necessary by the committee for full and proper consideration of the proposed subdivision.
19. Inscription saying "NOT FOR FINAL RECORDIING".

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7.4 Presentation and approval of the Final Plat

Within one (1) year of the date of preliminary plat approval, the subdivider shall submit to the commission the final plat for its approval in accordance with the following procedure:

7.4.1 The subdivider shall submit to the Secretary of the Planning Commission at least fifteen (15) days prior to a regularly scheduled meeting, the original tracing, and three (3) copies of the plat.

7.4.2 Prior to the approval of the final plat, a certificate must be obtained from the City Clerk showing that a corporate surety bond has been posted made available to the City and in sufficient amount to assure the completion of the required improvements if necessary.

7.4.3 The Planning Commission shall approve or disapprove a plat within thirty (30) days after such plat has been duly received by the Planning Commission; otherwise such plat shall be deemed approved unless the owner or his agent waives such requirement and consents to a time extension.

7.4.4 Final Plat Content. The final plat shall conform to the conditions of the tentatively approved preliminary plat. It shall show sufficient detailed data to readily determine and to accurately reproduce on the ground the location, bearing and length of every street line, lot line, boundary line, block line and building line. The plat shall be clearly drawn on any acceptable polyester or cloth tracing sheet (not larger than 24 x 36 inches in size) at a scale of not less than one hundred (100) feet to the inch and shall contain the following information:

1. Name and address of owner of record and subdivider and name and registration number of surveyor and/or engineer.
2. Name of subdivision, north point, graphic scale of not less than 1 inch equals 50 feet and date.
3. Vicinity map showing location and acreage of the subdivision.
4. Names of owners of record of adjoining land with their appropriate acreage.
5. Location of streams, lakes, and swamps and land subject to flood as determined from past history of flooding and as delineated by the US.G.S. or U.S. Army Corps of Engineers.
6. Bearings and distances to the nearest established street lines or official monuments; section lines accurately tied to the lines of the subdivision by distances and bearings, and bearing and distance to a section corner or to an immediately adjacent plat which is tied to a section corner.

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7. Municipal and county lines shall be accurately tied to the liens of the subdivision by distance and angles when such lines traverse or are reasonably close to the subdivision.
8. Location of land dedicated to a neighborhood park or open space area for subdivisions exceeding fifty (50) lots.
9. Exact boundary lines of the tract, determined by a field survey, giving distances to the nearest one-tenth (1/10) foot and angles to the nearest minute.
10. Exact location, widths, and names of all streets and alleys within and immediately adjoining the new subdivision.
11. Street right-of-way lines showing angles of deflection, angles of intersection, radii, and lines of tangents.
12. Location of all utilities and drainage facilities as well as easements for such facilities.
13. Lot lines with dimensions to the nearest one-tenth (1/10) foot and bearings to the nearest minute.
14. Lots numbered numerically and blocks lettered alphabetically.
15. Each lot shall have a house number.
16. Indication of zoning district boundaries if such exist. Otherwise indicate the proposed use of and restrictions on each lot within the subdivision. These restrictions to be recorded on or with the plat.
17. Location, dimensions, and purposes of any easements and any areas to be reserved or dedicated for the public use.
18. Accurate location, material, and description of all monuments and markers.
19. Minimum building front yard setback lines.
20. Certifications showing:
  - a. Notarized proof of ownership of the land.
  - b. Surveyor's attest to the accuracy of the survey.
  - c. Lot restrictions, trusteeships and/or protective covenants.
  - d. Dedication of streets, rights-of-way and other sites.
  - e. Compliance with applicable Board of Health Codes and Ordinances.
  - f. Granting of all easements included in the plat.
  - g. Engineer's attest that all improvements have been installed in accordance with the requirements of the subdivision regulations or that a bond in sufficient amount to assure the proper installation of such improvements has been accepted by the City of Bay Minette.
  - h. Space on the plat for approval of the City of Bay Minette Planning Commission and authorization for the recording of said plat by the judge of probate.

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**Sec. 8. - Subdivisions and resubdivisions not subject to the provisions of these regulations.**

8.1 – Exempt Subdivisions. Except as set forth in this Section 8, the provisions of these regulations shall not otherwise apply to the following exempt subdivisions:

- a) The resubdivision of land into six (6) or less lots, tracts, or parcels where each of the lots, tracts, or parcels established by the resubdivision fronts on an existing public road.
- b) Subdivision wherein the size of each and every resulting lot equals or exceeds ten (10) acres including existing public rights-of-way. Each parcel shall have frontage on publicly maintained road.
- c) The subdivision of property for the limited purpose of sale, deed or transfer of land 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 shall have deeded ingress/egress and utility access or easement that runs with the land of not less than 30 feet in width. A qualifying division hereunder is limited to a division among the following designated legally related immediate family members: spouse, children, siblings, parents, grandparents, grandchildren, nieces, nephews, or step-related individuals of the same status.

8.1.1 In addition to the requirements set forth above, the following requirements must be satisfied: each lot created hereunder shall comply with all minimum lot size and setback requirements otherwise specified by the provisions herein or by provisions of the Zoning Ordinance; maintenance of any easements, together with all improvements thereto, shall be the responsibility of all parties to which it is granted by (1) written agreement or (2) deed reference, and shall be noted on a recorded certified plat. Neither the City nor the County shall be responsible for any easement or improvements thereto. The property owner shall be responsible for the preparation of a certified plat, in form as approved by the Planning Commission, to be filed in the Baldwin County Probate records upon receiving approval hereunder. In the event the property to be divided is an existing lot (or lots) of record in a recorded subdivision, the applicant shall be required to cause a certified plat, in form as approved by the Planning Commission, to be recorded in the Baldwin County Probate records upon receiving an exemption hereunder.

8.1.2 For exempt subdivisions hereunder, no public hearing shall be required, but shall be subject to review and approval of the Planning Commission for compliance with the requirements contained in this Section 8. Upon

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consideration and approval by the Planning Commission, the Chairman shall be authorized to sign the plat on behalf of the Planning Commission.

8.1.3. - Official recording. No plat or description of land subdivided as set forth in Section 8.1, shall be filed in the probate records until such plat shall have been finally approved by the Planning Commission.

8.2 – Administrative Subdivisions. Except as set forth in this Section 8, the provisions of these regulations shall not otherwise apply to the following administrative subdivisions:

- a) An owner of a parcel of real property may convey a portion thereof to an adjoining owner without being subject to the provisions of these regulations provided that no new lots are thereby created.
- b) Subdivision wherein the size of each and every resulting lot equals or exceeds twenty (20) acres including existing public rights-of-way. Each parcel shall have access from an ingress/egress and utility easement of a minimum of thirty (30) feet in width.
- c) The public acquisition by purchase or donation of strips of land for the widening or opening of streets-" or for other public uses.
- d) A "one-time" split of a single parcel into two parcels, if, and only if, the parcel existed and has not been divided since July 1, 1991. Sufficient documentation of property status as of July 1, 1991 must be submitted along with request for exemption.
- e) Common property lines are being moved or reconfigured, where no new lots are being created.

8.2.1 In addition to the requirements set forth above, the following requirements must be satisfied: each lot created or modified hereunder shall comply with all minimum lot size, width and setback requirements otherwise specified by the provisions herein or by provisions of the Zoning Ordinance; maintenance of the easement, together with all improvements thereto, shall be the responsibility of all parties to which it is granted by (1) written agreement or (2) deed reference. Neither the City nor the County shall be responsible for any easement or improvements thereto.

8.2.2 For administrative subdivisions hereunder, no public hearing shall be required, but shall be subject to review and approval of the City Planner for compliance with the requirements contained in this Section 8. Administrative Subdivision applicants shall not be required to submit a plat to the City of Bay Minette Planning Commission. Applicants shall be required to submit to the

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Planning and Community Development Department, a completed Administrative Subdivision application; a plot plan or survey of the original parcel, drawn to scale, indicating any existing structures (with dimensions) and the setbacks from property lines; a plot plan or survey of the proposed parcel, drawn to scale, indicating any existing structures (with dimensions) and the setbacks from proposed property lines; and any additional documentation deemed necessary to complete the review.

8.2.3 Any subdivider who appears to the Planning & Community Development Department to be circumventing the intent and substance of these Regulations shall be required to submit a certified plat for review and approval by the Planning Commission.

8.3 No exempt or administrative subdivision shall: consist of more than six lots; contain any public improvements; or require the expenditure of any public funds.

8.4 Any property included as part of an exempt or administrative subdivision shall not be eligible for consideration for further subdivision as an exempt or administrative subdivision for a period of one (1) year from the date of the last exempt or administrative subdivision.

8.5 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 regulations, ordinances, Health Department requirements or, if located within the planning jurisdiction of the City, the regulations of Baldwin County.

**Sec. 9. Penalties.** Whoever, being the owner or agent of the owner of any land located within a subdivision, transfers or sells or agrees to sell any land by reference to or exhibition of or by other use of a plat of a subdivision, before such plat has been approved by the Planning Commission and recorded in the records of the office of the judge of probate of Baldwin County, shall forfeit and pay a penalty of five hundred dollars (\$500.00) for each lot or parcel so transferred to be sold or agreed or negotiated to be sold; and the description of such lot or by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided. The City of Bay Minette may enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction or may recover the same penalty by a civil action in any court of competent jurisdiction.

**Sec.10. Variances**

10.1 Variances, modifications and waivers may be granted under the following conditions:



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10.1.1 Hardship - Where the Planning Commission finds that extraordinary hardship may result from strict compliance with these regulations due to unusual topographic or other conditions beyond the control of the subdivider, it may vary the regulations so that substantial justice may be done and the interest secured; provided, however, that such variance will not have the effect of nullifying the purpose and intent of these regulations, the Zoning Ordinance or the Comprehensive Plan. Any variance granted must be entered upon the minutes and the reason for the variance specified therein.

10.1.2 Experimental Subdivisions - The Planning Commission may waive, vary or modify the standards and requirements of these regulations if, in its judgment, an unusual or experimental subdivision might prove of considerable merit toward:

1. The use of unusual materials in constructing required improvements, or:
2. A new or untried concept in the area which appears promising.

10.1.3 Conditions: In granting variances and modifications provided herein, the Commission may require such conditions that will, in its judgment, secure the objectives and interest of the City.

**Sec.11. Minimum designs standards and required improvements.**

11.1 Suitability of Land.

The Planning Commission shall not approve the subdivision of land if, from adequate investigations conducted by all public agencies concerned, it has been determined that in the best interest of the public the site is not suitable for platting and development purposes of the kind proposed. The design and improvements of all subdivisions and developments shall meet all state and county health department requirements and proof thereof shall be submitted.

11.2 Land Subject to Flooding.

Land subject to flooding or inadequately served by drainage facilities will not be acceptable for subdivision unless the subdivider agrees to make such improvements as will render the land fit for occupancy. Fill may not be used to raise land in areas subject to flood and/or excessive erosion, unless the fill proposed does not restrict the natural flow of water, advance erosion, and unduly increase flood heights.

11.2.1 To insure proper development in flood-prone areas, the commission shall require the subdivider to provide elevation and flood profiles sufficient to demonstrate that the sites will be free from the danger of flooding.

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11.2.2 If a waterway flows through or adjacent to the proposed subdivision, the plat shall provide for an easement or right-of-way for a floodway. The plat shall also provide for channel improvement to enable them to carry all reasonable floods within banks. The floor elevations of houses shall be high enough to be above the regulatory flood. The floodway easement shall be wide enough to provide for future enlargement of the floodway channel as adjacent areas become more highly developed and runoff rates are increased.

11.2.3 Approval will not be given for streets within subdivision, which would be subject to excessive inundation or flooding.

11.3 Conformance with Existing Plans.

Proposed improvements in all subdivision developments within the Bay Minette Planning jurisdiction shall be in conformance with existing approved plans, maps, ordinances, and design standards of the City of Bay Minette and/or the Bay Minette Planning Commission.

11.4 Planned Unit Developments.

A comprehensive group development including the large scale construction of housing units together with necessary drives and ways of access, may be approved by the Planning Commission although the design of the project does not include standard width of streets, lots and other subdivision arrangements if the departure from the required standards contained herein can be made without destroying their intent. A master plan for such comprehensive group development shall be submitted to the commission for approval, provided that approval of the master plan shall not constitute approval of individual plats for phased development of the master plan over a period of years.

11.5 Streets.

The proposed street layout shall be coordinated with the exiting street system of the surrounding area. Where possible, proposed streets shall be the extension of existing streets.

All proposed streets in any subdivision or PUD, including apartments, townhouses, condominiums, patio homes, etc., whether such streets shall be private or dedicated for public use, shall be paved and adequately drained. The subdivider shall construct streets in the subdivision in conformance with good engineering practices to the standards prescribed herein or by the state or county highway department, whichever is more restrictive. The Planning Commission may require the posting of a maintenance bond on all street improvements for a period of two (2) years. This bond shall be in an amount equal to ten (10) percent

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of the total street improvements in the subdivision or of specified street improvements in the subdivision.

11.5.1 Street Requirements.

	Major Street	Collector Street	Local Street	Cul-de-Sac <sup>1</sup> (Turnaround)	Alley
Minimum Right-of-Way	100'	50'	50'	50'	30'
Minimum Pavement	As required	35'	25'	25' (80' Diam.)	16'
Maximum Grade <sup>2</sup>	3%	3%	3%	3%	3%
Minimum Angle of Intersection	80	60	60	60	60
Minimum Intersection Offset	150'	150'	150'	150'	150'
Minimum Curb Radius at Intersection	40'	30'	15'	15'	15'
Curve Radius	300'	250'	100'	100'	100'
Minimum Reverse Curve Tangent	100'	100'	100'	100'	100'

- <sup>1</sup> Cul-de-sacs shall not be longer than 600 feet measured from the intersecting street to the center of the turnaround.
- <sup>2</sup> May vary with topography subject to Planning Commission approval based on recommendation of city engineer.

11.5.2 All materials used and construction methods employed for building streets shall comply with the requirements listed under Section 6.18 of the Standard Specifications for Highway Construction, 2002 of the Alabama Department of Transportation, or latest edition.

11.5.3 The full width of the right-of-way shall be graded including the subgrade of the areas to be paved. This requirement may be modified for the purpose of preserving the natural beauty of the area.

A base course consisting of at least eight (8) inches of sandclay mixture with one hundred (100) percent compaction shall be laid on a soundly prepared subgrade.

A prime coat shall be sprayed uniformly over the base course.

An approved type-wearing surface in conformance with State Highway Standard 429-A one and one-half (1 ½) inches thick compacted shall be laid over the prime coat.

11.5.4 A certified engineer designated by the City must determine if curbs and gutters should be required for subdivision. If such certified engineer designated by the City determines that curbs and gutters should be required, they must be in conformance with the Bay Minette City Standards for Roadway Improvements and Drainage. A curbless and

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gutterless street may be permitted if the designer can show that soils, terrain, on-street parking needs, and overall site design warrant such an approach.

11.5.5 If sidewalks are installed they shall comply with the following standards:

<i>Type of Subdivision</i>	<i>Sidewalk Width</i>	<i>Sidewalk Thickness</i>
Low Density Residential	4 feet	4 inches
High Density Residential	5 feet	4 inches
Commercial	8 feet	4 inches
Industrial	8 feet	4 inches

All materials used and construction methods employed for building sidewalks shall comply with the requirements listed under Section 6.18.

11.5.6 All grading in the subdivision shall be related to the topography and environmental features of the surrounding area. Unpaved areas within a dedicated street right-of-way shall be graded and seeded in a manner that will enhance the appearance of the environment.

11.6 Blocks.

Blocks shall be arranged to assure maximum use of the topographic features of the land.

11.6.1 Blocks shall not be less than four hundred (400) feet nor more than twelve hundred (1200) feet in length, except as the Planning Commission considers necessary to secure efficient use of land or desired features of street patterns. In blocks over eight hundred (800) feet in length, the Planning Commission may require one or more public cross walks of not less than ten (10) feet in width to extend entirely across the block at locations deemed necessary.

11.6.2 Blocks shall be wide enough to allow two (2) tiers of lots of minimum depth, except where fronting on major streets, limited access highways, railroads or where prevented by topographical conditions or size of the property, in which case the Planning Commission will approve a single tier of lots of minimum depth.

11.7 Lots.

The size, shape, and orientation of lots shall be such as the Planning Commission deems appropriate for the type of development and use contemplated and shall properly relate to the topography of the land and character of the surrounding development. Insofar as practical, side lot lines shall be at right angles to straight

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street lines or radial to curved street lines. Each lot must front upon an existing or proposed street or road which has a right-of-way not less than fifty (50) feet in width.

11.7.1 Where central water and sanitary sewer systems are reasonably accessible, the subdivider shall connect to such systems and provide connections to each lot. Where such systems are not accessible, alternate methods of water supply and sewage disposal must be used; provided that such systems meet all applicable public health regulations.

11.7.2 Size of properties reserved or laid out for commercial or industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated. Platting of individual lots should be avoided in favor of an overall design of the land to be used for such purposes.

11.8 Other Requirements.

Due consideration shall be given to the allocation of areas suitably located and of adequate size for playgrounds, parks for local or neighborhood use and other public service areas. In all subdivisions due regard shall be shown for all natural features such as large trees, water courses, historical spots, and similar community assets which, if preserved, will add attractiveness and value to the property.

11.8.1 In subdivisions of fifty (50) or more lots or twenty (20) or more acres in size, the subdivider shall provide suitable recreation land of at least (5) percent of the total area of land to be subdivided. In the event the subdivision is to be developed in sections, appropriate agreement shall be made with the Planning Commission to assure the dedication of the required land.

11.8.2 Where public sites have been set aside in the Bay Minette Comprehensive Plan or when such features are recommended as essential by the local governing body or Planning Commission, such sites shall be reserved in written agreement by the subdivision for acquisition by the proper public body by purchase or other means for a period of one (1) year from the date of the recording of the subdivision after which if the acquisition has not been accomplished, the reservation shall become null and void.

11.8.3 Reserve strips and/or easements controlling the access to streets shall be prohibited except where this control is definitely placed in the hands of the City of Bay Minette under conditions approved by the Planning Commission.

11.8.4 Easements having a minimum width of ten (10) feet and located along the side or rear lot lines shall be provided as is necessary for utility lines and

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underground mains and cables. Where subdivision is traversed by a watercourse, drainage way, channel or stream there shall be provided a stormwater or drainage right-of-way of adequate width to accommodate normal runoff.

- 11.8.5 Whether it is provided by means of open ditches, closed storm drains, or curbs and gutters, the subdivision shall have an adequate stormwater collection system.

Storm sewers and drainage structures shall be designed and installed as required in accordance with good engineering practice. The minimum pipe diameter of storm drains shall be fifteen (15) inches. In no case shall stormwater empty into the sanitary sewer system.

Where a storm sewer system is reasonably accessible to the subdivision, the subdivider shall connect with such network and install all drainage structures necessary to convey the water to the storm drainage system.

Where a storm drainage system is not accessible, the subdivider shall install all drainage structures necessary to convey the water to a location acceptable to the city. All open drainage ditches shall either be paved with a material acceptable to the city or be designed and stabilized in a manner acceptable to the city engineer.

- 11.8.6 Water, sewer, electric and gas utilities shall be installed underground in the street right-of-way by the subdivider before any street base is applied unless special conditions require otherwise.

- 11.8.6.1 Water mains for both domestic use and fire protection shall be properly connected with a central water system or with an alternate water supply approved by the county health officer. The line shall be constructed in such a manner as to serve adequately all lots shown on the subdivision plat.

Where a public water supply is within reasonable distance of the subdivision, as determined by the Planning Commission, the subdivider shall connect with same. The design and specifications of the distribution system shall meet the city water system requirements. If a well is required for each lot, the location, construction, and use of such well shall also meet the county health department requirements. If a well is to serve more than one lot, a public water system shall be required. The design and specifications of such distribution system shall meet the county health department specifications, and shall be installed under inspection of the utilities department.

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Fire hydrants shall be installed along each street at a maximum interval of six hundred (600) feet, or at the ends and center of each block. The water supply and pressure shall be sufficient to provide adequate fire protection as well as the future needs of the intended land use.

- 11.8.6.2 A public sanitary sewer system shall be installed when the cost of installing such a system does not exceed two hundred (200) percent of the cost of installing individual septic tanks on all lots in the subdivision. Where lots cannot be economically connected with a sewerage system, they must contain adequate area for the installation of septic tank and disposal fields as approved by the county health officer.

Where a public sanitary sewer system is not available, and a private system is installed, it shall be constructed in accordance with requirements of a public system and with appropriate permits from the Alabama Department of Environmental Management. If septic tanks are installed, special approval must be obtained from the county health department. Lot size shall not be less than the minimum standard and of satisfactory size for the proper installation of a septic tank sewage system as indicated by percolation tests.

- 11.8.6.3 When gas mains and/or electric lines are connected with central distribution systems, the lines shall be installed in such a manner as to serve adequately all lots shown on the subdivision plats.
- 11.8.7 Street lighting shall be installed at all intersections. If additional lighting consistent with safety and other community needs is deemed necessary, the Planning Commission may require the subdivider to present a street lighting plan developed in conjunction with the utility company having jurisdiction within the area.
- 11.8.8 Appropriate permanent type street name signs shall be placed at all intersections within the subdivision. The developer may select signs that will be in keeping with the theme of the development subject to approval of the building inspector.
- 11.8.9 Right-of-way and property line monuments shall be placed in each subdivision.
- 11.8.9.1 Concrete monuments three and one-half (3 ½) inches square and two (2) feet long shall be driven flush with the grade at the intersection of all street rights-of-way and radius points.

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11.8.9.2 Iron pins one-half (1/2) inch in diameter and two (2) feet long shall be driven flush with the grade at each lot corner and at each point where the property line changes direction.

**11.9 Inspection of Improvements.**

The subdivider is required to install or construct the improvements herein described prior to having released the bond or other surety which guarantees installation of such required improvements. All improvements required shall be constructed in accordance with the standards set forth in these regulations, or as required by the building inspector or his duly authorized representative, the state or county highway department, and the department of the respective utility.

All water mains, sanitary sewers and laterals, and storm sewers shall be installed as necessary to prevent the future cutting of the pavement of any street, sidewalk, or other required pavement.

When all required improvements are installed, the subdivider shall call for a final inspection. The building inspector or his duly authorized representative shall inspect the site to determine if the required improvements are satisfactorily installed according to the plans and specifications. To determine if the streets are installed to minimum design standards, the city shall select an independent testing laboratory to make the necessary tests. These tests shall be conducted at the expense of the subdivider.

**Sec. 12. Adoption of Amendments.**

The adoption of any amendment to these subdivision regulations shall be by resolution of the Planning Commission carried by the affirmative votes of a majority of the members of the commission.

**Sec. 13. Interpretation.**

In interpreting and applying the provisions of these regulations they shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. Whenever the provisions of these regulations require higher standards than are required in any other applicable statute, ordinance or regulation, the provisions of these regulations, such other applicable statutes, ordinances or regulations shall govern.

**Sec. 14. Validity.**

The requirements and provisions of these regulations are severable, and should any section or part thereof be declared by any court of competent jurisdiction to be unconstitutional or invalid, the decision of the court shall not affect the validity of the regulations as a whole or any section or part thereof other than the section or part so declared to be unconstitutional or invalid.



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**Sec. 15. Effective date.**

These regulations shall take effect upon adoption and publication as required by law.