

# SUBDIVISION REGULATIONS

## CITY OF BAY MINETTE, ALABAMA

Adopted by the Bay Minette Planning Commission  
October 13, 2022

[Amended by the Bay Minette Planning Commission](#)  
[June 13, 2024](#)

Effective  
~~October 24, 2022~~

***DRAFT VERSION***

*Presented for Discussion at the May 9, 2024 Planning Commission Meeting*

- 2.02.37** Lot Line, Front. The lot line contiguous to the street right-of-way line of the principal street on which the lot abuts.
- 2.02.38** Lot Line, Interior. A side lot line separating a lot from another lot is called an interior lot line.
- 2.02.39** Lot Line, Rear. The lot line opposite to and most distant from the front lot line.
- 2.02.40** Lot Line, Side. Any lot line other than a front or rear lot line.
- 2.02.41** Lot Line, Side Street. A side lot line of a corner lot separating a lot from a street is called a Side Street lot line.
- 2.02.42** 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.
- 2.02.43** Major Street. See Arterial Street above.
- 2.02.44** Major Subdivision. A subdivision not classified as a minor subdivision, including but not limited to subdivisions of 5 or more lots, or any size subdivision requiring any new street or drainage improvements, the extension of public facilities, or the creation of any public improvements.
- 2.02.45** **Marginal Access Street.** A service road or street which is parallel and adjacent to a major street or highway and provides protected access to abutting properties in cases where an arterial runs through or near a subdivided area.
- 2.02.46** **Minor Street.** A local or neighborhood street used primarily to provide access to abutting property.
- 2.02.47** **Minor Subdivision.** A subdivision that creates not more than 4 lots, each lot fronting on an existing, paved public road and does not involve any new street or drainage improvements, the extension of public facilities, nor the creation of any public improvements.
- 2.02.48** Monument. A permanent object which serves to indicate a limit or to mark a boundary.
- 2.02.49** Official Maps and Plans. The maps and plans prepared as a part of the comprehensive plan.
- 2.02.50** Parkway. A special scenic route or park drive abutting a park, green way, or conservation area where zoning or topography would prohibit development on at least one side of the roadway.
- 2.02.51** Planning Commission. Means the Planning Commission of the City of Bay Minette, Alabama. Interchangeable with “the Commission”
- 2.02.52** Planning Department. Unless specifically noted otherwise, “the Department” or “the Planning Department” specifically refers to the Planning and Community Development Services Department of the City of Bay Minette.
- 2.02.53** Planting Strip. That portion of the street right-of-way between curb and the property line exclusive of the area occupied by sidewalks.
- 2.02.54** Private Drive. A type of private access easement which serves as a common driveway for three or more dwelling units or structures, and which shall not be maintained by the City.

- 2.02.70** Street or Street Width. Shall mean the entire right-of-way, the perpendicular or radial distance between the boundaries of property adjoining either side of such street.
- 2.02.71** Stub Street or Stub Out. A street right-of-way or improvement which terminates abruptly without the provision for vehicular turn-around. Such a street is temporary, usually terminating at the boundary of a development and expected to continue to and through adjacent property in its subsequent future development.
- 2.02.72** Subdivider. A person, firm, corporation or any other legal entity who 1) proposes to divide, divides or causes to be divided, real property 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) commences proceedings under these Regulations to develop a subdivision. The terms “agent,” “applicant,” and “developer” will have corresponding meanings in these Regulations. This definition does not include a public agency or officer authorized by law to approve subdivisions.
- 2.02.73** Subdivision. The division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, of lease, or of building development. The term includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.
- 2.02.74** Subdivision, Exempt. A division of lots, parcels or tracts meeting the criteria in Section 3.17 herein, and not subject to the requirements of these Regulations.
- 2.02.75** Subdivision, Pre-Regulatory. A subdivision or lots of record that were recorded in the Office of the Judge of Probate, Baldwin County before October 19, 1989, the date of the implementation of Subdivision Regulations in the City of Bay Minette.
- 2.02.76** Subdivision, Regulatory. A subdivision or lots of record that were recorded in the Office of the Judge of Probate, Baldwin County ~~before~~ [after](#) October 19, 1989, the date of the implementation of Subdivision Regulations in the City of Bay Minette.
- 2.02.77** Surety. Any bond, certificate of deposit, irrevocable letter of credit, cashier check, or other acceptable guarantee as approved by the Planning Commission or their authorized agent.
- 2.02.78** Surface Drainage. A stormwater drainage system consisting of gutters, culverts and open channels.
- 2.02.79** Waiver. A request for the modification of a standard contained in these Regulations, granted at the discretion of the Planning Commission at the time of Preliminary Plat approval, and based on criteria unique to the specific site.

## SECTION 2.03 ACRONYMS AND ABBREVIATIONS

ADA	Americans with Disabilities Act of 1990
ADEM	Alabama Department of Environmental Management
ALDOT	Alabama Department of Transportation
CAD	Computer Aided Drafting
DWG	drawing file

## **ARTICLE 3 PROCEDURES FOR SUBDIVISION PLAT APPROVAL**

### **SECTION 3.01 APPROVAL OF SUBDIVISION PLATS REQUIRED**

No plat of a subdivision lying within the corporate limits or planning jurisdiction of the City shall be filed or recorded in the Office of the Judge of Probate of Baldwin County until a plat of such subdivision has received final approval by the Planning Commission and properly recorded in accordance with these Regulations. The procedure for the review and approval of a subdivision generally involves pre-application/Sketch Plat review, Preliminary Plat and Final Plat approval. The plat and preliminary design shall meet the requirements of all applicable codes and laws and shall be prepared in conformity with the standards of professional practice.

### **SECTION 3.02 CONSISTENCY WITH PLANS, REGULATIONS AND LAWS**

Proposed improvements in all subdivision developments within the planning jurisdiction of the City of Bay Minette Planning Commission shall be in conformance with existing approved plans, maps, ordinances, and design standards of the City of Bay Minette, including the Comprehensive Plan, Zoning Ordinance, Building Code, Flood Damage Prevention Ordinance and all other applicable laws of the City's jurisdiction. In addition to the requirements established herein, all subdivision plats shall comply with all applicable Federal, State and County laws and regulations.

### **SECTION 3.03 CLASSIFICATION OF SUBDIVISIONS**

Whenever any subdivision of land is proposed, before any contract is made for the sale of any part thereof, the subdividing owner or his authorized agent shall apply for and secure approval of such proposed subdivision in accordance with the procedures as herein established.

**3.03.01** Major Subdivisions. Applications for approval of a Major Subdivision shall consist of subdivisions not classified as a Minor Subdivision, including but not limited to subdivisions of 5 or more lots, or any size subdivision requiring any new street or drainage improvements, the extension of public facilities, or the creation of any public improvements. Major Subdivisions require a Pre-Application Conference and Sketch Plat. Upon receipt of the Commission's findings and recommendations on the Sketch Plat, the applicant may prepare and submit a Preliminary Plat application. The Preliminary Plat will be reviewed, and a public hearing held by the Commission on the Preliminary Plat application. Upon Commission approval of the Preliminary Plat, the Subdivider may proceed with posting of a Performance Bond and construction of the subdivision. Upon completion of improvements, the applicant may then submit a Final Plat application.

**3.03.02** Minor Subdivisions. Applications for approval of a Minor Subdivision shall consist of subdivisions that create not more than 4 lots, each lot fronting on an existing, paved public road and does not involve any new street or drainage improvements, the extension of public facilities, nor the creation of any public improvements. Minor Subdivisions do not require Preliminary Plat approval but must receive Final Plat approval. Prior to submitting a plat application for Commission consideration, a Pre-Application Conference is required with City Staff. If staff determines that no street, drainage or other improvements are required and that the proposed subdivision is in conformance with the Comprehensive Plan, Zoning Ordinance and these Regulations, the applicant may then prepare and

submit a Final Plat application. If City Staff determines that any improvements are necessary for the proposed subdivision to comply with these Regulations, the proposed subdivision is considered a Major Subdivision subject to review and approval as such.

### 3.03.03

Exception to Required Approvals. Except as set forth in Section 3.17, the following subdivisions are exempt from the provisions of these Regulations. No public hearing shall be required, but the subdivision shall be subject to review and approval by the Planning and Zoning Director for compliance with the requirements contained herein. Any subdivider or developer who appears to be circumventing the intent and substance of these Regulations may be required to submit a plat for review and approval by the Planning Commission and shall be subject to the penalties under Section 3.18.

1. Subdivision of land by testamentary or intestate provisions.
2. Subdivision of land by court order including, but not limited to, judgments of foreclosure.
3. The public acquisition by purchase or donation of strips of land for the widening or opening of streets or for other public uses.
4. Common property lines are being reconfigured where no new lots are being created **if the property is not within a previously recorded subdivision** and involves no street or other public improvements.
5. The subdivision of property into three (3) or less lots, tracts or parcels for the limited purpose of sale, deed or transfer of land by the owner to qualifying family member(s) and not within a previously recorded subdivision and involves no street or other public improvements. 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.

## SECTION 3.04 APPLICANT RESPONSIBILITIES

### 3.04.01

Applicants shall determine the appropriate track of approval based on their proposed development and shall be responsible for the full payment of all fees and charges required by these Regulations. The applicant or the applicant's representative shall be present for all meetings and public hearings.

### 3.04.02

The applicant is responsible for providing all engineering services, including plans and specifications in conformity with these Regulations and field inspections and construction supervision as is necessary to assure that improvements are installed in conformity with plans, City standards and the requirements herein. The subdivider shall provide the City with all engineering plans required for conformity with any applicable state, federal or local laws or regulations. Where the Commission deems additional or supplemental engineering data to be necessary for the purpose of assuring the City's interests are protected, the cost shall be borne by the applicant.

### 3.04.03

Applicants are responsible for recording their Approved Final Plat, deeds, and any other required documents at the Office of the Probate Judge of Baldwin County, Alabama, and the cost that it incurs.

**3.16.07.05** Upon receipt of Planning Commission's approval, it shall be the responsibility of the developer to:

1. Record the approved Final Plat within a period of one (1) year following the date of such approval.
2. Upon recording, the owner or developer shall furnish a copy of the recorded plat and recorded restrictive covenants.
3. Upon recording, the owner or developer shall furnish a copy of the Articles of Incorporation for the establishment of a property owner's association.

**3.16.08** Legal Status of Streets

The City of Bay Minette shall not accept, open, improve, maintain, grade or light any street right(s)-of-way and/or drainage and utility easement; authorize water mains, sanitary sewer, or connections to be made to any street, unless:

1. The street right(s)-of-way is a part of a subdivision plat approved by the Planning Commission; and,
2. Such street has been accepted or otherwise granted the legal status of a public street; and,
3. The right(s)-of-way corresponds with a street shown on or is compatible with the Comprehensive Plan; and,
4. Petition for acceptance and dedication of the street right(s)-of-way and drainage and utility easement(s) has been accepted and adopted by City Council Resolution.

## **SECTION 3.17 EXEMPTIONS**

As described herein, the following subdivisions and resubdivisions are not subject to the provisions of these Regulations.

**3.17.01** For exempt subdivisions hereunder, no public hearing shall be required, but the subdivisions shall be subject to review and approval of the City Planner for compliance with the requirements contained in this Section. Any subdivider or developer who appears to be circumventing the intent and substance of these Regulations may be required to submit a plat for review and approval by the Planning Commission and shall be subject to the penalties under Section 3.18 of these Regulations.

1. Subdivision of land by testamentary or intestate provisions.
2. Subdivision of land by court order including, but not limited to, judgments of foreclosure.
3. The public acquisition by purchase or donation of strips of land for the widening or opening of streets or for other public uses.
4. Common property lines are being reconfigured where no new lots are being created and involves no street or other public improvements

5. The subdivision of property into three (3) or less lots, tracts or parcels for the limited purpose of sale, deed or transfer of land by the owner to qualifying family member(s) and not within a previously recorded subdivision and involves no street or other public improvements. 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.

### 3.17.02 Procedures

3.17.02.01 For exemption requests herein, a public hearing is not required. Applicants shall be required to submit the following to the Planning and Development Department:

1. a completed **Administrative** Subdivision application and application fee in accordance with the current schedule of fees established by the City Council;
2. a plat or survey of the original parcel, drawn to scale, indicating any existing structures (with dimensions) and the setbacks from property lines;
3. a plat or survey of the proposed configuration, drawn to scale, indicating any existing structures (with dimensions) and the setbacks from proposed property lines;
4. Affidavit of Restrictive Covenants as detailed in subsection 3.17.06 herein;
5. a warranty deed for all parcels involved that includes an accurate description of the lots/parcels as proposed; and
6. any additional documentation deemed necessary to complete the review.

3.17.03 In addition to the requirements set forth above, the following standards must be satisfied:

3.17.03.01 **All The final configuration of all** exempt subdivisions shall consist of three (3) or less lots and shall not contain any public improvements, nor require the expenditure of any public funds.

3.17.03.02 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.

3.17.03.03 Maintenance of any easements, together with all improvements thereto, shall be the responsibility of all parties to which it is granted by written agreement or deed reference, and shall be noted on a recorded plat. Neither the City nor the County shall be responsible for any easement or improvements thereto.

3.17.04 In the event the property to be divided is an existing lot (or lots) of record in a Regulatory Subdivision, the applicant shall be required to cause a certified plat to be recorded in the Office of the Probate Judge of Baldwin County upon receiving an exemption hereunder. The new plat reflecting the resubdivision of such lot or lots shall contain the following dedication and certificates (see Appendix B for sample certificates):

1. Licensed Surveyor's Certificate and Description of Land Platted
2. A Notarized Owner's Dedication
3. A Certificate of Approval by the Subdivision Property Owner's Association (if applicable)
4. A Certificate of Approval by Baldwin County E-911
5. A Certificate of Approval by the City Planner.

- 3.17.04.01** Said plat shall be appropriately labeled and named as a resubdivision or replat of the Regulatory Subdivision or lots thereof, and all lots shall have a number and be numbered sequentially.
- 3.17.04.02** If approved by the City Planner, the plat shall be recorded in the Office of the Judge of Probate of Baldwin County, Alabama as a subdivision and receive a Slide Number.
- 3.17.05** In the event the property to be divided is an existing parcel (or parcels) from a Pre-Regulatory Subdivision, the applicant shall be required to cause a survey to be recorded in the Office of the Probate Judge of Baldwin County upon receiving an exemption hereunder. The survey shall detail parcel dimensions, reflect the existing configuration and proposed reconfiguration of the parcel(s), and any existing structures with setbacks.
- 3.17.05.01** Said survey shall be appropriately labeled and include an accurate legal description of all parcels involved with the Point of Beginning noted for each.
- 3.17.05.02** If approved by the City Planner, the survey shall be recorded in the Office of the Judge of Probate of Baldwin County, Alabama as a survey and receive a Survey Number. The deeds required to be filed to complete the Exempt Division shall include an accurate metes and bounds description of the parcel and a reference to the Survey and its assigned number.
- 3.17.06** The owner of each parcel approved as exempt under this Section 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 City Planner, or their designees, shall have the authority to revoke such exempt subdivision approval and to assess the cost of such approval and revocation on the party who executed the affidavit required hereby.
- 3.17.07** Official recording.
- 3.17.07.01** No plat or description of land subdivided as set forth in herein shall be filed in the Office of the Probate Judge, Baldwin County until such plat shall have been authorized for recording and signed by the City Planner.



- 3.17.07.02** The approved exemption letter, survey or certified plat and related deeds shall be recorded upon receipt of an exemption. If the required documentation has not been filed in the Office of the Probate Judge, Baldwin County within 90 days from the date of the exemption letter, the exemption shall be deemed null and void. The proposed subdivision will be required to submit a new request for exemption in accordance with this section.
- 3.17.08** Any subdivider who appears to the Planning 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.
- 3.17.09** Any property included as part of an exempt subdivision shall not be eligible for consideration for further subdivision as an exempt subdivision for a period of one (1) year from the date of the last exempt or administrative subdivision.
- 3.17.10** 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, other municipal ordinances, Health Department requirements or, where applicable, the regulations of Baldwin County Planning Department or Highway Department.

## **SECTION 3.18 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 one hundred dollars (\$100.00) 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.

## **SECTION 3.19 WAIVERS**

Where the Planning Commission finds that extraordinary hardship 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 Commission may approve waivers or modifications to these Regulations under the conditions specified herein. Any waiver granted shall be entered upon the minutes and the reason for the modifications specified therein.

### **3.19.01** Standards for the granting of a waiver or modification:

1. An unusual or experimental subdivision, which the Commission determines may prove of considerable merit toward the use of unusual materials in constructing required improvements, or a new or untried concept in the area which appears promising.

<b>TABLE 5-1 MINIMUM ROADWAY PAVING BUILD-UP</b>	
<b>Average Daily Traffic Count: 1-750 Vehicles</b>	
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;	
<b>OR</b>	
301-B Crushed Aggregate Base Course (limestone) Type “B” minimum 6-inch compacted thickness <sup>1</sup>	
<b>Average Daily Traffic Count: &gt;750 Vehicles</b>	
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)	
424-B Superpave Bituminous Concrete Binder Layer, 1-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	
<b>OR</b>	
301-B Crushed Aggregate Base Course (limestone) Type “B” minimum 6-inch compacted thickness <sup>1</sup>	
<sup>1</sup> If used, delete 401-A treatment	

- 5.01.03** Curbs and Gutters. All new roads constructed shall have a 24” curb & gutter, 24” valley gutter, or other type of curbing approved by the City Engineer. Standard approved type curbs and gutters are required along any street where sidewalks are to be installed. Where curbs and gutters are required, they must be placed on both sides of the street.
- 5.01.04** Street markings must be applied after the binder is installed and must comply with the latest edition of the MUTCD and must consist of reflective beading and thermoplastic application.
- 5.01.05** The Subdivider must install approved traffic control devices in accordance with the MUTCD, any additional requirements of the City and/or ALDOT and the approved traffic control plan.

**SECTION 5.02 PEDESTRIAN AND BICYCLE FACILITIES**

- 5.02.01** All major subdivisions shall provide for sidewalks adjacent to all new lots.
- 5.02.02** Sidewalks are to be installed within the dedicated non-pavement right-of-way of streets as required in [4.06 Pedestrian and Bicycle Facilities](#) [4.17 Sidewalks](#).
- 5.02.03** Sidewalks shall be a minimum of five (5) feet in width. In subdivision involving nonresidential and mixed-uses (other than industrial), sidewalks must be at least eight (8) feet wide. All sidewalks shall be constructed of reinforced concrete that has a minimum twenty-eight (28)-day compressive strength of 3,000 psi.
- 5.02.04** Sidewalks shall connect to any sidewalks and/or bike paths within a reasonable distance and shall be interconnected within said development to allow for sufficient pedestrian access.
- 5.02.05** Sidewalks shall be constructed by the developer prior to final plat approval.

**5.09.02** In order for the City of Bay Minette to provide regular maintenance of street lighting, said lighting shall be purchased through and installed by Alabama Power. Regular maintenance does not include replacement of lamps, luminaries or standards which are damaged or destroyed due to vandalism or any other cause beyond the utility's control. Such facilities damaged or destroyed under such circumstances shall be replaced by the utility company at the property owner's expense.

## **SECTION 5.10 COMMON OPEN SPACES AND FACILITIES**

**5.10.01** All subdivisions greater than twenty-four (24) lots shall be provided with open space.

**5.10.02** For every twenty-five (25) lots or fraction thereof, the developer shall provide an open space that is equal in size to one (1) average lot in the subject development.

**5.10.03** Said open space shall be provided in one location and all required open space shall be contiguous. This shall also apply to phased developments.

**5.10.04** Stormwater management facilities and narrow strips less than twenty feet (20') in width shall not be counted as the required open space.

**5.10.05** Open Spaces can be held by the developer, Homeowners' Association, or deeded to the city.

**5.10.06** For all subdivisions involving the creation of common open spaces or facilities, which may include subdivision entrances and signage, that are to be owned and maintained by the developer or a property owner association, the following apply:

**5.10.07**

**5.10.06.01** If not owned and maintained by the developer, an association representing the owners must own the common open space or facility in perpetuity. Membership in the association is mandatory and automatic for all owners of the subdivision or condominium and their successors. The association must have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the common open space and/or facilities is borne by the association.

**5.10.08**

**5.10.06.02** Management Plan. The applicant must submit a plan for management of open space and/or common facilities that:

1. Allocates responsibility and guidelines for the maintenance and operation of the common open space/facilities including ongoing maintenance and long-term capital improvements.
2. Estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the common open space/facilities and outlines the means by which funding will be secured.
3. Provides that any changes to the plan must be approved by the Commission; and
4. Provides for enforcement of the plan.

**5.10.09**

[5.10.06.03](#) In the event the party responsible for the common open space or facilities fails to maintain all or any portion in reasonable order and condition, the City may assume responsibility for its maintenance and may enter the premises and take corrective action, including extended maintenance. The costs of such maintenance may be charged to the association, or to the individual owners that make up the association and may include administrative costs and penalties. Costs may become a lien on all involved properties.

#### 5.10.10

[5.10.06.04](#) No decorative squares, tree, island, ornamental entrances, or any other obstruction to traffic shall be constructed or preserved with the right-of-way of a road dedicated to the public without the written permission of the Superintendent of Streets and Sanitation. If landscaping and/or irrigation are proposed within the right-of-way, the responsibility for maintenance of such facilities shall be borne by the developer or the Home Owner's Association (HOA).

### SECTION 5.11 PERMANENT REFERENCE MARKERS

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

1. Lots and Streets. All lot corners, points where street lines intersect the exterior boundary of the subdivision and intersections of curves and tangents along street lines must be marked.
2. 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 to an accuracy of 1:5,000.
3. Monuments. Concrete monuments four (4) inches in diameter or four (4) inches square and three (3) feet long with a flat top shall be set at all exterior corners of the subdivision. The top of the monument shall have an indented mark to identify properly the location and shall be set flush with the finished grade. Elevation from mean sea level datum shall be established on a permanent benchmark at the corner of the subdivision and at a distance no greater than 2,000' on perimeter.
4. Property Markers. All lot corners not marked with a monument shall be marked with an iron pipe or iron pin not less than one-half inch (1/2") in diameter or in width, and twenty-four inches (24") long, and driven so as to be flush with the finished grade.
5. Accuracy. The land survey shall be in accordance with the State of Alabama's Minimum Technical Standards for Land Surveyors.