

ARTICLE 1 GENERAL PROVISIONS

SECTION 1.01 AUTHORITY, PURPOSE, APPLICABILITY, JURISDICTION

1.01.01 Authority. The Subdivision Regulations of the City of Bay Minette are hereby enacted, pursuant to the authority granted by The Code of Alabama (1975) as set forth in Title 11, Chapter 52, as amended.

1.01.02 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.

1.01.03 Applicability. A subdivision of land is defined as 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.

1.01.04 Jurisdiction. These Regulations shall govern all subdivisions of land within the Corporate Limits of the City of Bay Minette as presently or hereinafter established, as well as all land lying within the planning jurisdiction of the City of Bay Minette as presently or hereinafter established.

Any owner of land within said jurisdiction wishing to subdivide shall submit to the Planning Commission a plat of the subdivision which shall conform to the minimum requirements set forth in these Regulations. No plat of a subdivision lying within such territory in whole or in part shall be filed or recorded in the Office of the Judge of Probate of Baldwin County until such approval is entered in writing on the plat by the Chairman of the Planning Commission. No subdivider may proceed with the improvement, transfer or sale of lots within a subdivision until a Final Plat of such subdivision has been approved by the Planning Commission and properly recorded in accordance with 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 by the Planning Commission and properly 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 a subdivision unless done in conformity with these Regulations.

SECTION 1.02 REPEALER AND ADOPTION OF AMENDMENTS

This is a comprehensive enactment of the City of Bay Minette Subdivision Regulations and all prior subdivision regulations are hereby superseded and repealed. The Planning Commission may adopt amendments to the Regulations herein to increase the effectiveness of these Regulations or expedite the approval of plats of subdivisions of land that conform to these Regulations and the Comprehensive Plan. These Regulations, and amendments thereto, may be changed or amended by resolution of the Planning Commission carried by the affirmative votes of a majority of the members

of the Commission. All regulations shall be published as provided by law for the publication of ordinances, and before adoption a public hearing shall be held thereon. A copy thereof shall be certified by the Chairman of the Planning Commission to the Probate Judge of Baldwin County.

SECTION 1.03 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.

SECTION 1.04 VALIDITY AND SEVERABILITY

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.

SECTION 1.05 CONFLICT WITH OTHER LAWS

Whenever the requirements of these Regulations are at variance with the requirements of any other lawfully adopted statutes, rules, regulations or ordinances, the more restrictive, or that imposing the highest standards, shall govern.

SECTION 1.06 DISCLAIMER OF LIABILITY

These Regulations shall not create liability on the part of the City of Bay Minette, the Bay Minette Planning Commission or any officer or employee thereof for any damages that may result from reliance on these Regulations, or any administrative decision lawfully made thereunder.

SECTION 1.07 EFFECTIVE DATE

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

SECTION 1.08 GENERAL ADMINISTRATION

- 1.08.01** Implementation and Administration. The Bay Minette Planning Commission shall be the implementing authority for these Regulations. The City Planner of the City of Bay Minette shall administer the provisions of these Regulations and it shall be the Planning and Community Development Services Department's responsibility to accept applications on behalf of the Commission and to keep records of all proceedings in accordance with these Regulations.
- 1.08.02** Enforcement. It shall be the duty of the municipality to enforce these Regulations in consultation with the Planning Commission and the City Planner.
- 1.08.03** Duties. All officials and employees of the City of Bay Minette charged with the duty or authorized to issue permits, utility connections, licenses or certificates shall conform to the provisions of these

Regulations. No permit, utility connection, license, or certificate for any use, building or purpose shall be issued if it conflicts with the provisions of these Regulations, and any such issuance shall be null and void.

- 1.08.04** Conducting Official Business. The Planning Commission shall hold at least one (1) regular scheduled meeting per month. The Planning Commission shall determine the date, time, and place of such meeting. Special meetings of the Planning Commission may be called by the Chairman upon the giving notice of such meetings as required by law.
- 1.08.04.01** Unless otherwise provided by statute, a majority of the members shall constitute a quorum for the conduct of business.
- 1.08.04.02** When the Planning Commission must hold a public hearing on any matter where its action is decisive, due notice shall be given as required by law. The public notice of such hearing may be published or posted, as required by law, by the City Clerk immediately upon notification from the City Planner regarding the date and time of said hearing.
- 1.08.04.03** The Chairman or in the event of his absence, the Acting Chairman shall be the person(s) authorized to sign documents testifying to action taken by the Planning Commission.
- 1.08.04.04** Robert's Rules of Order shall generally govern the order of business and conduct of meetings of the Planning Commission or any Committee of said Commission, in accordance with approved bylaws.
- 1.08.04.05** For each regular and/or special meeting of the Planning Commission, the Planning Department Staff shall prepare an agenda.
- 1.08.04.06** Applications for Subdivision Plats shall be filed and handled in accordance with the provisions hereinafter detailed in these Regulations.
- 1.08.04.07** The Planning Commission may defer action on any matter submitted to it at a regular meeting until the next regular meeting so that proper study of the matter may be made by the membership; provided, however, that the Commission shall take action on any matter submitted to it within the time limitation as required by law.
- 1.08.04.08** Appeals. 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.