

Bay Minette Planning Commission Agenda
Conference Room at City Hall
October 13, 2015
8:00 a.m.

1. Called to Order
2. Invocation and Pledge
3. Approval of Minutes for August 14, 2015 Regular Meeting
4. Approval of Minutest for September 8, 2015 Regular Meeting
5. Old Business:
 - Consideration of Amendment to the Subdivision Regulation to require Survey
6. New Business:
 - None
7. Reports:
 - A. Mayor/Council
 - B. Attorney
 - C. Commissioner's Comments
8. Adjourn

Bay Minette Planning Commission Regular Meeting Minutes

Minutes of August 14, 2015

Monthly Meeting No. 8

The Bay Minette Planning Commission met in Regular Session on Tuesday, August 14, 2015. The meeting was called to order by Chairman Stewart at 8:00 a.m., in the Conference Room located in Bay Minette City Hall, in Bay Minette, Alabama; this being the proper place, date and hour as advertised to hold such meeting.

IN ATTENDANCE At 8:00 a.m. the following members were present:

Todd Stewart, Chairman
Robert A. "Bob" Wills, Mayor
Danleigh Corbett, Council Member
Oscar Waters, Building Official
Ed Pepperman, Commission Member
John Peavy, Commission Member

Members Absent:

Karmen Still, Vice Chairperson
A.C. Ulmer, Commission Member
Robbie Strom, Commission Member

Other person in regular attendance:

Rita Findley, City Clerk
Scotty Lewis, City Attorney
Rhonda Akins, Building Department
Leslie Johnston, South Alabama Regional Planning

GUESTS Guest present:

None

**INVOCATION/
PLEDGE** Chairman Stewart offered the invocation and followed by the pledge.

ITEM 3. Chairperson Stewart asked the planning commission to review the minutes of the July 14, 2015 meeting. Commission Member Pepperman made a motion to approve the minutes for the July 14, 2015 meeting with correction. The motion was seconded by Commission Member Waters and the motion carried.

ITEM 4.

Chairperson Stewart introduced item 6, Old business:

- Discussion on Required Surveys for Subdivision Request. After much discussion, concerning the requirement of an exempt or non-exempt subdivision. Mr. Waters stated that the administration has always required a survey for subdivisions. Mr. Lewis was asked to draft language to amend the subdivision regulation to clarify Section 8.

ITEM 5.

Chairperson Stewart introduced Item 7: New Business:

- None

ITEM 8.

Reports:

A. Mayor/Council Report:

- Closing of Winn Dixie
- Changes in the Public Works Department

B. Attorney Report

- No Report

C. Commissioner's Report

- Chairman Stewart announced that the Education Coalition Task Force will be holding its third meeting.

ITEM 9.

With no further business, Chairperson Stewart adjourned the meeting at 9:00 a.m.

DONE THIS THE 11th DAY OF AUGUST 2015

Todd Stewart
Chairperson

ATTEST:

Rita Diedtrich
City Clerk

Bay Minette Planning Commission Regular Meeting Minutes

Minutes of September 8, 2015

Monthly Meeting No. 9

The Bay Minette Planning Commission met in Regular Session on Tuesday, September 8, 2015. The meeting was called to order by Chairman Stewart at 8:00 a.m., in the Conference Room located in Bay Minette City Hall, in Bay Minette, Alabama; this being the proper place, date and hour as advertised to hold such meeting.

IN ATTENDANCE At 8:00 a.m. the following members were present:

Todd Stewart, Chairman
Karmen Still, Vice Chairperson
Ed Pepperman, Commission Member

Members Absent:

Robert A. "Bob" Wills, Mayor
Danleigh Corbett, Council Member
Oscar Waters, Building Official
A.C. Ulmer, Commission Member
Robbie Strom, Commission Member
John Peavy, Commission Member

Other person in regular attendance:

Rita Findley, City Clerk
Scotty Lewis, City Attorney
Rhonda Akins, Building Department
Leslie Johnston, South Alabama Regional Planning

GUESTS Guest present:

None

**INVOCATION/
PLEDGE** Mr. Lewis offered the invocation and followed
by the pledge.

ITEM 3. Chairperson Stewart asked the planning commission to review the minutes of the August 14, 2015 meeting. Approval of these minutes will be moved to the October 13, 2015 meeting due to not having a quorum present.

ITEM 4. Chairperson Stewart introduced item 6, Old business:

- Discussion on Required Surveys for Subdivision Request. After some discussion, Mr. Lewis offer presented proposed draft language to amend the subdivision regulation to clarify Section 8.

ITEM 5.

Chairperson Stewart introduced Item 7: New Business:

- Discussion: Mr. Lewis spoke concerning changes in Title 11 and advised that the City may wish to enter into an agreement with the Baldwin County concerning enforcement issues.

ITEM 8.

Reports:

A. Mayor/Council Report:

- None

B. Attorney Report

- None

C. Commissioner's Report

- Baldwin County School Board has appointed a new Superintendent

ITEM 9.

With no further business, Chairperson Stewart adjourned the meeting at 8:25 a.m.

DONE THIS THE 8th DAY OF SEPTEMBER 2015

Todd Stewart
Chairperson

ATTEST:

Rita Diedrich
City Clerk

Administrative approval of exempt subdivisions or resubdivisions shall not be granted unless the application is accompanied by a plat containing exact boundary lines of each tract by bearing and distance and including a certification of a licensed Alabama surveyor attesting to the accuracy of the survey.

Article 4. Approval of Subdivision Plats

§ 4.1 Approval of Subdivision Plats Required

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

Applications for approval of all subdivisions shall require Sketch Plan approval by the Baldwin County Engineer, the issuance of a Development Permit by the Baldwin County Planning and Zoning Commission, and Final Plat approval by the County Engineer.

§ 4.2 Exceptions to Required Approval

Notwithstanding the preceding paragraph, and provided that all subdivided lots comply with the minimum lot size provisions as set forth in Section 5.4(a) hereof, and the maximum length/depth ratio as set forth in Section 5.4(g) hereof, the following subdivisions are exempt from the provisions of these regulations:

(a) In accordance with and subject to the provisions of *Alabama Code* § 11-24-2 (1975), as amended, the sale, deed or transfer of land (including transfers made pursuant to a will or the laws of intestate succession) by the owner to a person or persons, all of whom are members of the owner's immediate family. Each parcel which is subdivided pursuant to this subparagraph (a) shall have its own ingress/egress and utility access or easement that runs with the land of not less than 30 feet in width;

(b) The public acquisition by gift or purchase of strips or parcels of land for the widening or opening of streets or for other public uses;

(c) A "one-time" split of a single parcel into two resultant parcels, if, and only if, the parcel existed and has not been divided since February 1, 1984. Sufficient documentation of property status as of February 1, 1984 must be submitted along with request for exemption. Each resulting parcel shall meet the minimum lot size and width requirements of Section 5.4(a). The owner of each parcel approved as exempt under this subparagraph shall be required to submit, as a condition to such approval, a copy of the deed to the property as it was titled on February 1, 1984, together with an affidavit executed by such owner attesting, under oath, that the parcel which is sought to be divided has not been subdivided at any time since February 1, 1984. Any applicant receiving an exempt subdivision approval pursuant to this subparagraph acknowledges that any further subdivision of the divided parcel or the master parcel from which the subdivided parcel was divided shall not be permitted except in compliance with these regulations.

(d) The relocation of a common property line between two parcels where no new parcels are created. The revised parcels shall meet the minimum lot size and width requirements of Section 5.4(a).

The owner of each parcel approved as exempt under this Section 4.2 shall be required to submit, as a condition to such approval, an affidavit executed by such owner attesting, under oath, that there exist no restrictive covenants of record in the Office of the Judge of Probate of Baldwin County, Alabama which would prohibit the subdivision of the parcel for which an exemption is sought pursuant to this subparagraph. In the event a parcel is approved as exempt under this subparagraph, and it is later determined that such

subdivision was prohibited by valid restrictive covenants recorded as of the date of such approval, the County Engineer, or his designee, shall have the authority to revoke such exempt subdivision approval and to assess the cost of such approval and revocation on the party who executed the affidavit required hereby.

In the case of an exemption involving a lot or lots which are included within a previously recorded subdivision plat, a resubdivision and a new plat will be required to reflect the resubdivision of the lots, and such new plat shall be recorded in the Office of the Judge of Probate of Baldwin County. The new plat reflecting the resubdivision of such lot or lots shall contain the following dedication and certificates (see Appendix 1 for sample certificates):

1. Licensed Surveyor's Certificate and Description of Land Platted;
2. A Notarized Owner's Dedication;
3. A Certificate of Approval by the Subdivision Property Owner's Association (if applicable);
4. A Certificate of Approval by the County Engineer of Baldwin County;
5. ~~A Certificate of Approval by the Planning Director if all or part of the subdivision lies within a zoned area of Baldwin County.~~

The above certificates shall be lettered or typed on the Final Plat in such a manner as to ensure that said certificates will be legible on any copies made therefrom. Additional certificates may be required if the subdivision lies within the extraterritorial jurisdiction of a municipality.

A Request for an Exempt Subdivision Letter and supporting documentation to substantiate any claim of exemption shall be submitted to the County Engineer. Owners of exempt subdivisions shall not be required to submit a plat to the Baldwin County Planning and Zoning Commission nor pay any of the required fees. Exemption from the requirement for approval to subdivide does not constitute exemption from the requirements of other applicable regulations including but not limited to state law, zoning ordinance, Health Department requirements or highway construction setbacks. Any subdivider who is circumventing the intent and substance of these Regulations shall be required to submit a plat for review and approval by the Baldwin County Planning and Zoning Commission and shall be subject to the penalties under *Section 13.3: Enforcement* of these Regulations.

§ 4.3 Municipal Extraterritorial Jurisdictions

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

§ 4.4 Application for Sketch Plan Approval

Applicants who seek subdivision approval for a non-exempt subdivision containing five (5) lots or less within the subdivision jurisdiction of the Baldwin County Commission may bypass the requirements for obtaining Sketch Plan approval and apply directly for a development permit: (1) if the construction or development of the subdivision lots will not require installation or construction of streets, and (2) if each lot in the proposed subdivision adjoins a private easement or public right-of-way which provides access for existing utilities to connect with each proposed lot without requiring the construction of additional infrastructure or utilities to connect with the boundaries of each proposed lot. The procedure for obtaining a Development Permit is as follows. Any other applicant who seeks the approval of a non-exempt subdivision within the subdivision jurisdiction of the Baldwin County Commission shall first file an application with the Baldwin County Engineer for Sketch Plan approval.