



City of Bay Minette

Exempt Subdivision Application

OFFICE USE ONLY

ES- _____

Fee- \$200 + \$10 / per Lot

301 D'Olive Street · Bay Minette, Alabama 36507

Phone (251) 580-1650 · COBM_Planning@ci.bay-minette.al.us

Owner Name: _____

Phone Number: _____ Email: _____

Address: _____

Street / PO Box

City

State

Zip

Name of Applicant / Agent / Professional Land Surveyor, if other than owner:

Phone Number: _____ Email: _____

Name of Subdivision: _____

Subdivision Location: _____

Parcel/PPIN #: _____

Total Acreage: _____ # of Parcels Existing: _____

Lot Sizes: _____ # of Lots Proposed: _____

Reason for request: _____

Signature: _____ Date: _____

Fees

Application Fee: \$200.00

No. of Parcels: _____ X \$10 = \$ _____

Paid: Cash Credit Card

Total \$ _____

Check # _____

Submittal Requirements

_____ Application

_____ Agent Authorization Form (if applicant is not the owner)

_____ Fee

_____ Certification for Family Administrative Form (if applicable)

_____ Survey/ Certified Plat showing existing parcel(s)

_____ Survey showing proposed subdivision in accordance with Exempt Subdivision Regulations

*Exempt Subdivision Regulations are included with packet

- 2 Hard Copies; 1 with the original seal
- Electronic Copy sent to COBM_Planning@ci.bay-minette.al.us



City of Bay Minette

Subdivision Regulation Excerpt

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 three (3) or less lots, tracts, or parcels where each of the lots, tracts, or parcels established by the resubdivision fronts on an existing, paved public road.
- b) Subdivisions of land into five (5) or less lots, tracts or parcels 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 into five (5) or less lots, tracts or parcels 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 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.

(...)

8.3 All exempt and administrative subdivisions shall meet the following eligibility criteria:

- a) Consist of five or less lots
- b) Shall not contain any public improvements, nor require the expenditure of any public funds.
- c) Shall apply to residential uses only.

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, other municipal ordinances, Health Department requirements or, where applicable, the regulations of Baldwin County Planning Department or Highway Department.

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.