

TOWN OF ELBERTA
PROPOSED AMENDMENTS TO SUBDIVISION REGULATIONS
SUMMARY
MAY 19, 2022

Amend Section 2.2 – **Authority and Jurisdiction** – Delete info about extra territorial jurisdiction

Amend Section 4.2.2 – **Exception to Required Approval** – amend (c) regarding family division of land which was amended but the regulation book was not corrected to reflect changes and (i) amend common line movement to add the words: new, are created and deleting involved are to be sold

Amend Section 4.4.1 – **Application** – (b) 1. Increase filing fee

Amend Section 4.5.1 – **Application Procedure and Requirements** – (b) 1. Increase filing fee

Amend Appendix – **Official Forms** – (a) 2. Increase filing fee – Final Plat Minor Subdivision

(b) 2. Increase filing fee – Preliminary Plat Major Subdivision

(b) 3. Increase filing fee – Final Plat

Application for Preliminary Subdivision Plat - Add OR PRELIMINARY/FINAL IN HEADING

Application for Final Subdivision Plat – Add “plus \$15.00 per lot” to filing fee

Amend Appendix II. - Schedule of Fees –

(a) add \$25.00 per lot to preliminary plat filing fee; add “plus \$15.00 per lot” to final plat filing fee

(b) add “plus \$25.00 per lot to Minor Residential Subdivision filing fee

(c) add “plus \$25.00 per lot” to preliminary plat filing fee; add “plus \$15.00 per lot” to final plat filing fee

TOWN OF ELBERTA

Subdivision Regulations

the Chairman of the Town of Elberta Planning Commission and recorded in the Office of the Probate Judge of Baldwin County.

Section 1.3 Title

These regulations shall hereafter be known, cited and referred to as the Subdivision Regulations of Town of Elberta, Alabama.

Section 1.4 Interpretation

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

Article 2. Authority and Jurisdiction

Section 2.1 Authority

The rules and regulations herein set forth are hereby adopted in accordance with Title 11, Subtitle 2, Chapter 52, Articles 1 through 3 of the Code of Alabama, 1975 and 1986 Cumulative Supplement.

Section 2.2 Jurisdiction (amended 08/20/09, 05/19/2022)

These Regulations shall be in force and effect for the subdivision or development of all land which is situated inside the corporate limits of the Town of Elberta as presently or hereinafter established, ~~as well as of all land lying within the planning jurisdiction of the Town of Elberta as presently or hereinafter established except as noted below.~~

~~The Town of Elberta Planning Commission hereby declares that the current edition of the Baldwin County Subdivision Regulations and any future amendments thereto shall serve as the Subdivision Guideline for all zoned properties lying within the extra-territorial jurisdiction of the Town of Elberta subject to the following:~~

- ~~_____ Sketch Plat Reviews~~
- ~~_____ Plat requirements (must meet or exceed Town of Elberta's regulations)~~
- ~~_____ Town Engineer plan review and approval~~
- ~~_____ Planning Commission plan review and approval~~
- ~~_____ Administrative procedures and fees~~

~~Zoned properties lying within the extra-territorial jurisdiction shall receive Baldwin County Zoning approval for dimensional and geometric plat requirements prior to submitting an application to the Town of Elberta Planning Commission.~~

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for approval to subdivide does not constitute exemption from the requirements of other applicable regulations including but not limited to minimum zoning and health requirements. The Planning

Commission and/or Planning Commission staff may require documentation to substantiate any claim of exemption. The Planning and Zoning Administrator is hereby authorized to issue letters of exemption based on the following requests:

- (a) Subdivision of land by testamentary or intestate provisions.
- (b) Subdivision of land by court order including, but not limited to, judgments of foreclosure.
- (c) Sale, deed or transfer of land by the owner to an immediate family member (as defined under these regulations) ~~if the grantor has owned the lot or parcel for a continuous period of 2 years immediately preceding the division by conveyance of title and provided the subsequent subdivided lot(s) or parcel(s) is not further divided or transferred within 2 years from the date of division (conveyance of title).~~ Each parcel shall have a deeded ingress/egress and utility access of not less than 30 feet in width to a publicly maintained right-of-way. (Corrected 05/19/2022)
- (d) 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.
- (e) The division of land into parcels of three (3) acres or more where each parcel subdivided has a minimum of two hundred ten (210) feet frontage on an existing publicly maintained street which has a minimum sixty (60) foot right-of-way contiguous to the property being divided.
- (f) The division of land wherein the size of each and every resulting parcel of land equals or exceeds twenty (20) acres including public right-of-ways and involves no street or other public improvements. Each parcel shall have access from an ingress/egress and utility easement of a minimum of 50 feet in width.
- (g) The construction or development of roads or buildings on private property to be used for agricultural purposes.
- (h) A "one-time" split of a single parcel into two (2) resultant parcels, if, and only if, the parcel existed and has not been divided since November 20, 1991. Sufficient documentation of property status as of November 20, 1991 must be submitted along with request for exemption. Each resulting parcel shall meet the minimum lot size stated in applicable zoning regulations if property is zoned or Section 5.6 (b) of these regulations along with an adequate ingress/egress and utility easement of no less than 30 feet in width from a publicly maintained right of way.
- (i) Common lot line movements are exempt from these regulations provided that zoning requirements are met for each resulting parcel, ~~no new parcels are created involved are to be sold~~ and that adequate ingress/egress and utility easements of no less than 30 feet in width are provided to parcels from a publicly maintained right-of-way. If the lot line movement occurs within a platted subdivision, a new plat of the parcels involved in the movement must be recorded in the office of the Baldwin County Judge of Probate. If there is an active Homeowners' Association for a subdivision, approval from same must be

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submitted prior to exemption. No common lot line movements are allowed within a Planned Unit Development (PUD) (Amended and corrected 05/19/2022).

Section 4.3 Submission of Sketch Plat

The procedure for obtaining Sketch Plat concurrence is as follows:

§ 4-3-1 Discussion of Requirements (amended 08/20/09)

Before preparing the Sketch Plat for a subdivision or development, the applicant should discuss with the County Engineer or Town Planning and Zoning Official the procedure for approval of a subdivision plat and the requirements as to general layout of streets and for reservations of land, street improvements, drainage, sewerage, water and similar matters as well as the availability of existing services. The Town Planning and Zoning Official shall also advise the applicant, where appropriate, to discuss the proposed subdivision or development, with those County officials who must eventually approve those aspects of the subdivision plat coming within their jurisdiction.

§ 4-3-2 Application Procedure (amended 08/20/09)

Whenever any subdivision of a tract of land is proposed to be made, the applicant shall submit to the Planning and Zoning Department at least ten (10) working days prior to a regularly scheduled meeting, ten (10) large copies and 1 11x17 copy, all neatly folded, of a Sketch plat of the proposed subdivision together with a sketch vicinity map and any other data which will convey his intentions as to the proposed layout and type of development. The applicant shall appear at the regularly scheduled meeting of the Town Planning Commission to discuss the proposed subdivision or development and become familiar with the application of the regulations affecting the land to be subdivided. This procedure is mandatory but does not require a formal application or fee.

§ 4-3-3 Sketch Plat Requirements

A Sketch Plat shall be drawn at an approximate scale of one inch to 100 feet and shall show the tentative street layout, approximate right-of-way width, lot arrangements, the location of the nearest water and sewer lines (if any), water courses, existing structures, total acres, approximate number of lots, adjoining streets, north point, tract boundary, and proposed use of land.

§ 4-3-4 Classification

Tentative classification of the Sketch Plat shall be made at the time of review at the regularly scheduled meeting of the Town Planning Commission as to whether the subdivision is a major or minor subdivision as defined in Article III of these regulations. Subsequent to the approval by the Town Planning Commission, the applicant may proceed directly to the filing of an application for approval of a final subdivision plat, as provided, in these regulations, if classified as a minor subdivision; and if classified as a major subdivision, the applicant must first file an application for approval of a Preliminary Plat, as provided in these regulations before filing for Final Plat approval.

§ 4-3-5 Concurrence of Sketch Plat

After reviewing and discussing the Sketch Plat, the Town Planning Commission will advise the applicant of the specific changes or additions, if any, to be made in the layout and the character and extent of

improvements and reservations to be required as prerequisite to the approval of the subdivision plat. The Town Planning Commission may require additional changes as a result of further study of the subdivision in final form. Said approval shall constitute authorization to prepare and submit a Preliminary Plat in the case of a major subdivision or a Final Plat in the case of a minor subdivision.

Section 4.4 Submission of Preliminary Plat

The procedure for obtaining Preliminary Plat approval is as follows:

§ 4.4.1 Application. (amended 08/20/09, 05/19/2022)

The applicant shall file an application for approval of a Preliminary Plat. The application shall:

- (a) Be made on forms available at the Office of the Town Commission;
- (b) Be accompanied by the following fees made payable to the Town of Elberta Planning Commission: (Owners of exempt subdivisions shall not be required to pay these fees.)
 - 1. Filing Fee - One Hundred Fifty Dollars (\$150.00) plus \$25.00 per lot
 - 2. Public Hearing Fee - One Hundred Fifty Dollars (\$150.00)
 - 3. Actual costs of publications or notifications regarding the Subdivision (applicant to be billed by the Planning and Zoning Department)
 - 4. Actual costs for professional review of plans or professional inspections of the Subdivision (applicant to be billed by the Planning and Zoning Department)
- (c) Be accompanied by ten (10) sets and 1 11x17 copy, all neatly folded, of black or blue-line prints of the proposed subdivision prepared in accordance with the requirements of the subdivision regulations;
- (d) Be submitted to the Planning and Zoning Department at least thirty (30) days prior to a regularly scheduled meeting of the Town Planning Commission.

§ 4.4.2 Public Hearing.

The Town Planning Commission shall hold a public hearing on the Preliminary Plat. Notice of such public hearing shall be sent to all adjoining landowners by certified mail. Such notices shall be sent at least five (5) days prior to the date of the public hearing. Any Preliminary Plat submitted to the Town Planning Commission shall contain an application form with the names and addresses of all persons to whom notices of a public hearing shall be sent. Any change or modification to a Preliminary Plat shall be resubmitted to the Town Planning Commission for approval and may be subject to a second public hearing, if deemed necessary by the Town Planning Commission.

§ 4.4.3 Preliminary Plat.

After the Town Planning Commission, County Health Department and Town Engineer, have reviewed the Preliminary Plat and construction plans, the applicant shall be advised of any required changes and/or additions. One (1) copy of the proposed Preliminary Plat shall be returned to the applicant with the date

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Section 4.5 Submission of Final Plat

In accordance with the policy of the Town Planning Commission, no lot may be sold, or utilities extended to, or connected with, any subdivision of land, as defined herein until the Final Plat has been approved by the Town Planning Commission.

§ 4.5.1 Application Procedure and Requirements. (amended 08/20/09, 05/19/2022)

In the case of a minor subdivision or following approval of the Preliminary Plat in the case of a major subdivision, the applicant, shall file with the Town Planning Commission an application for approval of the Final Plat. The application shall:

(a) Be made on forms available at the Office of the Planning and Zoning Department.

(b) Be accompanied by the following fees made payable to the Town of Elberta:

1. Filing Fee – One Hundred Fifty Dollars (\$150.00) plus \$25.00 per lot
2. Public Hearing Fee – One Hundred Fifty Dollars (\$150.00) - applicable to Minor S/D only
3. Engineering Plan Review and Site Inspection Fees – Actual Cost (applicant to be billed by the Planning and Zoning Department)
4. Actual costs of publications or notifications regarding the Subdivision (applicant to be billed by the Planning and Zoning Department)

(c) Be accompanied by ten (10) black or blue line prints and 1 11x17 copy, all neatly folded, of the Final Plat;

(d) Comply in all respects with the Preliminary Plat, as approved, except for minor modifications not altering the design of the subdivision; contour lines may be excluded at the discretion of the Planning Commission in which case elevations shall be noted on the plat;

(e) Be submitted to the Planning and Zoning Department at least thirty (30) days for a minor subdivision and fifteen (15) business days for a major subdivision prior to a regularly scheduled meeting of the Town Planning Commission;

(f) Be submitted within two (2) years of the date of Preliminary Plat approval;

(g) Be accompanied by a surety bond, if required, in a form satisfactory to the Town Attorney and in an amount sufficient to guarantee the actual construction and installation of such approved public streets, roads, drainage structures and public utilities.

§ 4.5.2 Review, Approval, Signing and Recording of Final Plat (amended 08/20/09)

(a) Within thirty (30) days of submittal of a complete and accurate application, the Town Planning Commission shall determine whether the Final Plat should be approved or not approved based on whether the development conforms to the provisions of these Regulations and the approved Preliminary Plat and the conditions, if any, imposed during review.

Appendix I. Official Forms (amended 08/20/09; 05/19/2022)

**TOWN OF ELBERTA PLANNING COMMISSION
SUBDIVISION REGULATIONS
PROCEDURES FOR PLAT APPROVAL**

(a) Minor subdivisions (four (4) lots or less fronting on an existing street, and not involving any public improvements or adversely affecting the remainder of the parcel or adjoining property).

1. Sketch Plan Review – Step One (Sections 4.3)
 - Ten prints (10) and one (1) 11 x 17 copy (all neatly folded)
 - Ten (10) business days prior to the Town of Elberta Planning Commission meeting. (The Planning Commission meets regularly on the third (3rd) Thursday of each month)
 - No application for or fees required
2. Preliminary/Final Plan Review – Step One (Sections 4.4 and 4.5)
 - Ten (10) prints and One (1) 11 x 17 copy (all neatly folded) along with a PDF file on CD. Power point presentation system available for applicant if desired. With all required statements and signatures.
 - Thirty (30) days prior to the Town of Elberta Commission meeting. (The Planning Commission meets regularly on the third (3) Thursday of each month).
 - Adjacent property owners and their addresses listed
 - Filing and Hearing fee - \$300.00 plus \$25.00 per lot and actual costs of professional review of plans or professional inspections and publications or notifications regarding the subdivision (applicant to be billed by the Planning and Zoning Department)

(b) Major Subdivisions (all others not classified as minor subdivisions)

1. Sketch Plan Review – Step One (Section 4.3)
 - Ten (10) prints and One (1) 11 x 17 copy (all neatly folded).
 - Ten (10) Business days prior to Town of Elberta County Planning Commission meeting. (The Planning Commission meets regularly on the third (3rd) Thursday of each month).
 - No application for or fees required
2. Preliminary Plat Review – Step One (Section 4.4)
 - Ten (10) prints and One (1) 11 x 17 (all neatly folded) copy along with a PDF file on CD. Power point presentation system available for applicant if desired. With all required preliminary plat information
 - Thirty (30) days prior to the Town of Elberta Planning Commission meeting. (The Planning Commission meets regularly on the third (3) Thursday of each month).
 - Adjacent property owners and their addresses listed
 - Filing and Hearing fee - \$300.00 plus \$25.00 per lot and actual costs of professional review of plans or professional inspections and publications or notifications regarding the subdivision (applicant to be billed by the Planning and Zoning Department)
3. Final Plat Review – Step Two (Section 4.5)
 - Ten (10) prints and One (1) 11 x 17 (all neatly folded) copy along with a PDF file on CD. Power point presentation system available for applicant if desired.

With all required statements and signatures.

Fifteen (15) business days prior to the Town of Elberta Planning Commission meeting. (The Planning Commission meets regularly on the third (3rd) Thursday of each month.)

- Adjoining subdivisions and streets as recorded
- Within two (2) years of preliminary plat approval
- If required improvements are complete, signed statement to that effect and Filing fee of \$150.00 plus **\$15.00 per lot and** actual costs of professional inspections (to be billed by Planning and Zoning Department)
- If required improvements are not complete, Surety Bond or other guarantee of construction of improvements
- Copies of Federal and State permits, if required

(c) Appropriate application forms, checklists and other required documentation must be completed and submitted with the plat.

TOWN OF ELBERTA PLANNING COMMISSION
APPLICATION FOR PRELIMINARY **OR PRELIMINARY/FINAL** SUBDIVISION PLAT
(PUD) APPROVAL
(amended 08/20/09; **05/19/2022**)

Application Number _____ Date _____
Name of Subdivision (PUD) _____
Name of Applicant/Owner _____
Address _____
(Street or P.O. Box) (City) (State) (Zip)

Name of Local Agent/Engineer, if other than Applicant _____
Phone _____
Address _____
(Street or P.O. Box) (City) (State) (Zip)

Subdivision (PUD) Location _____
Total Acreage _____ Number of Lots (Units) _____ Average Lot Size _____
Water Source _____
Sewer Source _____
Date of Sketch Review _____

Owners of Land 100 feet Adjacent or Opposite: (Use back of page if more space is required).

<u>Name</u>	<u>Address</u>
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

Attached is a check in the amount of \$300.00 for a filing and hearing fee **plus \$25.00 per lot**. Actual costs for notifications or publications and professional plan review and inspections to be billed by the Planning and Zoning Department. TOTAL \$ _____

Signed _____
(Name of Applicant or Agent)

TOWN OF ELBERTA PLANNING COMMISSION
APPLICATION FOR FINAL SUBDIVISION PLAT (PUD) APPROVAL
(amended 08/20/09; 05/19/2022)

Application Number _____ Date _____
Name of Subdivision (PUD) _____
Name of Applicant/Owner _____
Address _____
(Street or P.O. Box) (City) (State) (Zip)

Name of Local Agent/Engineer, if other than Applicant _____
Phone _____
Address _____
(Street or P.O. Box) (City) (State) (Zip)

Subdivision (PUD) Location _____
Total Acreage _____ Number of Lots (Units) _____ Average Lot Size _____
Water Source _____
Sewer Source _____

Date of Approval of Preliminary Plat _____

Conditions, Restrictions or Other Requirements Placed on Preliminary Plat (Use back of page if more space is required) _____

Attached is a check in the amount of \$150.00 plus \$15.00 per lot for a filing fee. The actual costs for professional plan review and inspections to be billed by the Planning and Zoning Department.

TOTAL \$ _____

Appendix II. Schedule of Fees
(amended 08/20/09; 05/19/2022)

(Owners of exempt subdivisions shall not be required to pay any of these fees)

A. Major Residential Subdivisions and PUD's

Preliminary Plat*	
Filing Fee	<i>\$150.00 plus \$25.00 per lot</i>
Site inspection fee	<i>Actual Costs to be billed</i>
Public Hearing fee	<i>\$150.00</i>

Final Plat*	
Filing Fee	<i>\$150.00 plus \$15.00 per lot</i>
Site inspection fee	<i>Actual Costs to be billed</i>
Additional inspection by Engineer (if required)	<i>Actual Costs to be billed</i>

B. Minor Residential Subdivisions

Preliminary/Final Plat*	
Filing Fee/Public Hearing Fee	<i>\$300.00 plus \$25.00 per lot</i>
Site inspection fee	<i>Actual Costs to be billed</i>

C. Nonresidential Subdivisions

Preliminary Plat*	
Filing Fee	<i>\$150.00 plus \$25.00 per lot</i>
Site inspection fee	<i>Actual Costs to be billed</i>
Public Hearing fee	<i>\$150.00</i>

Final Plat	
Filing Fee	<i>\$150.00 plus \$15.00 per lot</i>
Site Inspection fee	<i>Actual Costs to be billed</i>
Additional inspection by Engineer (if required)	<i>Actual Costs to be billed</i>

*Full payment of all fees is required for resubmission of plats denied by the Planning Commission. Any resubmission of denied plats must be in compliance with the requirements of Section 4-4-5 of the Subdivision Regulations. Actual costs for publication / notification to adjacent property owners will be billed to applicant by the Planning Department.