



## BALDWIN COUNTY COMMISSION

| POLICY #9.23             |                                                                                                                                             |
|--------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Subject</b>           | Access Management Policy                                                                                                                    |
| <b>Date Adopted</b>      | March 18, 2025                                                                                                                              |
| <b>Agenda Item</b>       | CO1                                                                                                                                         |
| <b>Obsolete Versions</b> | All policies regarding this subject prior to the date adopted on this document.<br><br><u>Original adoption /previous revisions:</u><br>N/A |

### **POLICY STATEMENT**

The purpose of the Access Management Policy is to set out guidelines for managing access to and from the Baldwin County Public Road System.

### **PROCEDURAL REQUIREMENT**

In order to carry out this policy, the following steps must be taken:

1. Applicants must complete the commercial, agriculture, minor residential, or major residential driveway permit application online via the County's Citizenserve portal.
2. All Commercial driveways will be reviewed by Planning & Zoning and Highway Department personnel against the guidelines set forth in the *Alabama Department of Transportation's Access Management Manual, latest edition*.
3. Agriculture, Minor Residential and Major Residential driveways will be reviewed by Highway Department personnel against the guidelines set forth in Policy #9.23 *Access Management Policy* and Policy #9.17 *Procedure to Construct Driveway Turnout*.

### **SECTION 1.0 PURPOSE**

The Baldwin County Commission adopts the following access management policy. This policy is deemed necessary in order to accomplish the following objectives:

- 1) Baldwin County Commission, acting through its County Engineer, is charged with the responsibility to protect the traveling public in Baldwin County and maintain the public rights-of-way therein; The County Commission is also charged to protect the general welfare, health, and safety of its citizens and the traveling public using the public highways, roads, rights-of-ways and highway system within Baldwin County (hereinafter, and as defined in Section 2.2, the “Baldwin County Public Road System”); and
- 2) It is the responsibility of the Baldwin County Commission to ensure proper design, construction, maintenance, and operation of its streets, roads, utilities, driveways, highways, bridges, points of access thereto, and other associated user activities connecting to, using, and/or occurring within these public rights-of-ways; and
- 3) The Baldwin County Commission has and does hereby find that in order to protect and provide for the general welfare and safety of the traveling public and to protect the Baldwin County Public Road System, it is necessary to provide criteria and conditions which must be met by any person, firm, corporation, or entity seeking to access or connect roads, streets, highways, or any part thereof to the Baldwin County Public Road System and to prohibit any accesses or connections to the Baldwin County Public Road System that do not meet with and conform to proper engineering design and which do not have approval of the Baldwin County Engineer. When used within this policy, the term “County Engineer” shall include the County Engineer or his/her designee.
- 4) An important means of managing a roadway system is to maintain a clear understanding of how each roadway or individual segment of roadway is intended to function. This understanding is generally developed and maintained by having a functional classification system. The Alabama Department of Transportation maintains a functional classification system of the roadways within Baldwin County. The map depicting the functional classification of Baldwin County’s roadways can be found on the ALDOT website at:

<https://www.dot.state.al.us/maps/pdf/surveyMapping/HFC/regsw/2-Baldwin.pdf>

## **SECTION 2.0 DEFINITIONS**

### **Section 2.1 Usage**

For the purpose of this policy, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this section. The meaning of terms not defined in this policy shall be as defined in the current adopted version of the Baldwin County Subdivision Regulations and Baldwin County Zoning Ordinance. All remaining words used are intended to have the commonly accepted definitions contained in the *Mirriam-Webster Dictionary*. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense;

words used in the plural number include the singular number; the word "herein" means "in these regulations;" the word "regulations" means "these regulations."

A "person" includes a corporation, a partnership, and an incorporated association of persons such as a club; "shall" and "must" are always mandatory; "should" and "may" are suggestive; a "building" includes a "structure" and includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

## **Section 2.2 Words and Terms Defined**

*Access (Access Point).* Any driveway, street, turnout, or other means of providing for the movement of vehicles to or from the Baldwin County Public Road System and further defined as follows:

1. *Agriculture driveway.* Any driveway or access serving a farmyard, cultivated or uncultivated field, timberland, or undeveloped land not used for industrial, commercial, or residential purposes leading to or from a publicly maintained street.
2. *Commercial driveway.* Any private entrance, exit, ramp, tunnel, bridge, side road, or other vehicular passageway to any property used for commercial purposes or serving five or more residential lots/units leading to or from a publicly maintained street.
3. *Common driveway.* A private driveway located to provide a single access to two lots, with no more than four legally permitted dwelling units, leading to or from a publicly maintained street. Common driveways are considered Major Residential driveways and will meet all Major Residential driveway requirements.
4. *Minor Residential driveway.* A private driveway providing access to one single-family lot/unit with no more than two legally permitted dwelling units leading to or from a publicly maintained street.
5. *Major Residential driveway.* A driveway or access serving two or more but less than five residential lots/units that proposes to utilize a single drive leading to or from a publicly maintained street.

*Accessory structure.* A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

*Agriculture/agricultural uses.* The use of land for agricultural purposes as defined by the Code of Federal Regulations (33 CFR 323.4(a)(1), including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, animal and poultry husbandry, and related accessory uses.

*ALDOT.* The Alabama Department of Transportation.

*Alley.* A public right-of-way or private easement primarily designed to serve as a secondary access to the side or rear of properties whose principal frontage is on some other street.

*Applicant.* The Owner or designated representative of land proposed to be subdivided. Consent shall be required from the legal owner of the premises.

*Arterial.* Roadway designed to carry large volumes of traffic and providing for efficient vehicular movement between population centers. Refer to the *Baldwin County Highway Functional Classification System Map* by the U.S. Federal Highway Administration and the Alabama Department of Transportation (ALDOT) for roadways classified as Arterial.

*As-built.* A post-construction record giving details of construction and locations of improvements and utilities as they were built or installed.

*Baldwin County Public Road System.* The network of roads that are maintained by the Baldwin County Highway Department on behalf of the Baldwin County Commission and open to the public.

*Block.* A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or other boundary lines.

*Building.* Any structure attached to the ground and intended for shelter, housing, or enclosure for persons, animals, or chattels.

*Building line.* (See *Setback line*).

*Building site.* The land occupied or to be occupied by a structure and its accessory structures including open spaces, required yards and parking.

*Clearing.* Any activity that removes the vegetative surface cover.

*Construction site.* An area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan.

*County.* Baldwin County, Alabama.

*County Commission.* The Baldwin County Commission.

*County Engineer.* The Engineer of Baldwin County, Alabama, as designated by the Baldwin County Commission.

*County specifications.* All construction specifications which have been adopted by the Baldwin County Commission or as required by the Baldwin County Engineer and all utility departments.

*Dedication.* The transfer of property from private to public ownership.

*Design Engineer.* A registered professional engineer in the State of Alabama, qualified by education and experience to perform services of design in the area of their expertise. For these regulations, the Design Engineer is the consultant who is responsible for the design of the development and is retained by and/or is an agent for the Owner/Developer. Any Design Engineer who submits plans to the Baldwin County Commission shall have and maintain professional liability insurance with limits not less than \$1,000,000.00. Upon request, the Design Engineer may be requested to show evidence of professional liability insurance as required herein through the date of the issuance of Final Plat approval.

*Developer.* The Owner or designated representative of land proposed to be subdivided or developed. Consent shall be required from the legal owner of the premises.

*Development.* Includes, but is not limited to, the design work of lot layout, the construction of drainage structures, the construction of buildings and public use areas, the planning and construction of public streets and public roads, and the placement of public utilities.

*Double frontage lot.* (See *Lot, through*).

*Dwelling.* A building or portion thereof used exclusively for residential purposes, including single-family, two-family, and multiple-family dwellings, but not including hotels, boarding houses, rooming houses, lodging houses, or dormitories.

*Easement.* A grant by a property owner of the use of land for a specified purpose or purposes by the general public or a corporation, or person(s); or as created by operation of law.

*Engineering plan.* Plans and specifications for the works to be constructed.

*Expressway.* (See Baldwin County Design Standards for New Road Construction). A high-speed divided highway for through traffic with access partially or fully controlled. Refer to *Baldwin County Highway Functional Classification System Map* by the U.S Federal Highway Administration and the Alabama Department of Transportation for roadways classified as Expressway.

*Family division.* A division in accordance with the Code of Alabama 1975, 11-24-2(d) among the following designated legally related immediate family members: An owner's spouse, parent, grandparent, child, grandchild, and/or sibling. Adopted or step-related individuals of the same status of an owner are also the owner's immediate family members.

*Final Plat.* A plat of a tract of land which meets the requirements of these regulations and is in proper form for recording in the Office of the Probate Judge of Baldwin County, Alabama.

*Grading.* Adding or removing of earthen materials to ensure a level base or specific slope.

*Grubbing.* Shallow digging of surface soil, generally to clear away roots, stumps, and similar subsurface vegetation.

*Half-Street or Half-Alley.* A street or alley along the perimeter of a development where only a portion of the required width is constructed. The intent is that the other portion of said street or alley will be constructed at some later date by an abutting property owner if the abutting property is developed.

*Hardship.* An unusual situation which will not permit utilization of property. A hardship exists only when it is not self-created.

*Jurisdictional determination.* An official, written statement or map signed by the U.S. Army Corps of Engineers (USACE).

*Jurisdictional Stream.* A stream that is determined as such by the U.S. Army Corps of Engineers (USACE).

*Jurisdictional wetland.* A wetland area that is determined as such by the U.S. Army Corps of Engineers (USACE) and/or the Alabama Department of Environmental Management (ADEM) Coastal Program.

*Land Disturbance.* The disturbance of soils associated with grubbing, grading, excavating, filling of land, or other similar activities which may result in soil erosion.

*Licensed Engineer.* An engineer registered in the State of Alabama.

*Licensed Land Surveyor.* A land surveyor registered in the State of Alabama.

*Lot.* A tract, parcel, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership, lease, or rental, or for building development.

*Lot area.* The total horizontal area within the lot lines of a lot.

*Lot, corner.* A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of a street which form an interior angle of less than 135 degrees. The point of intersection of the street lines is the corner.

*Lot depth.* The mean (average) horizontal distance between the front and rear lot lines, measured at right angles to the street lines.

*Lot, flag.* A lot with access provided to the bulk (wide portion) of the lot by means of a narrow corridor. The full length of the corridor must be a minimum of 60 feet wide and shall not be longer than 800 feet from the street to the bulk of the lot. The lot access corridor shall not contain

obstructions or natural features that would prevent access to the bulk of the lot. The front building setback must be in the bulk of the lot, and no structures shall be in the narrow corridor.

*Lot, interior.* A lot other than a corner lot.

*Lot line.* The boundary line of a lot.

*Lot line, front.* On an interior lot, the lot line abutting a street; on a corner lot, the shorter lot line abutting a street; on a through lot, the lot line abutting the street providing the primary means of access to the lot; on a flag lot, the interior lot line most parallel to and nearest to the street from which access is obtained; or on a waterfront lot, the lot line abutting the water.

*Lot line, rear.* The lot line opposite and most distant from the front lot line.

*Lot line, side.* Any lot line other than a front or rear lot line. A side lot line of a corner lot separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot is called an interior lot line.

*Lot of record.* A lot which is part of a recorded plat or a plot described by metes and bounds, the map and/or description of which has been recorded according to Alabama Law.

*Lot, through.* A lot, but not a corner lot, that abuts upon two streets, the frontages being noncontiguous.

*Lot width.* The horizontal distance between side lot lines, measured at the minimum front setback line, as required by either the *Baldwin County Subdivision Regulations*, or the *Baldwin County Zoning Ordinance*. "Minimum Lot Width at Street Line" in the *Baldwin County Zoning Ordinance* shall not apply to flag lots.

*Manufactured housing.* Single family detached housing that is built to the National Manufactured Housing Construction and Safety Standards Act of 1974 and shall include structures known as manufactured homes or mobile homes. Manufactured housing must be certified by the Alabama Manufactured Housing Commission prior to being occupied.

*Minor street.* (See *Baldwin County Design Standards for New Road Construction*).

*NAVD Datum 88.* The North American Vertical Datum of 1988 is the vertical control datum established in 1991 by the minimum-constraint adjustment of the Canadian-Mexican-United States leveling observations.

*Nonresidential subdivision.* A subdivision whose with an intended use that is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of these regulations. Recreational vehicle parks where individual lots/units are not sold shall be considered a non-residential subdivision.

*Owner.* Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land to be subdivided under these regulations.

*Permittee.* Any person who obtains a Permit from the Baldwin County Planning and Zoning Department.

*Planning Commission.* The Baldwin County Planning and Zoning Commission.

*Preliminary Plat.* The plat which, when approved by the Planning Commission, shall be the “permit to develop” pursuant to § 11-24-2 of the Code of Alabama (1975) and the enabling legislation referenced in *Section 2.1* of the *Baldwin County Subdivision Regulations*.

*Principal structure.* A building in which the primary use of the lot is conducted.

*Probate Judge.* The Judge of Probate of Baldwin County, Alabama.

*Record plat.* A Plat of a proposed subdivision meeting the conditions of the Final Plat approval, if any; and containing signatures on all the required certifications and signature blocks.

*Resubdivision.* A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

*Setback line.* A line defining the limits of a yard in which no building or structure, other than an accessory structure, may be located.

*Single tier lot.* A lot which backs upon a street, a railroad, a physical barrier, gulf, bay, or a residential or nonresidential use, and to which access from the rear of the lot is usually prohibited.

*Site.* The entire area included in the legal description of the land on which land disturbing construction activity is proposed in a permit application.

*Site plan.* The development plan for one or more lots, sites, or units on which is shown the existing and/or proposed conditions of the lot(s).

*Sketch plan.* The preliminary subdivision layout and associated information as required by *Baldwin County Subdivision Regulations*.

*Stormwater management.* The process of ensuring that the magnitude and frequency of stormwater runoff do not increase the hazards associated with flooding and that water quality is not compromised by untreated stormwater flow.

*Stream, Jurisdictional.* (See definition for *Jurisdictional Streams*).

*Stream, Perennial.* A stream that has surface water flowing continuously year-round.

*Street.* (See *Baldwin County Design Standards for New Road Construction*).

*Structure.* A building or structure having walls and a roof, whether or not it is erected or set upon an individual foundation or slab constructed base which is designed or used for the housing, shelter, enclosure, or support of persons, animals, or property of any kind. This definition includes manufactured homes.

*Structure, permanent.* A building or structure placed on the land for the foreseeable future that is anchored to a permanent foundation.

*Subdivider.* Any person who (1) having an interest in land, causes it, directly or indirectly, to be divided 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) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

*Subdivision.* The development and division of a lot, tract, or parcel of land into two or more lots, plats, sites, or otherwise for the purpose of establishing or creating a subdivision through the sale, lease (regardless of the term of lease), or building development. Development includes, but is not limited to, the design work of lot layout, the construction of drainage structures, the construction of buildings or public use areas, the planning and construction of public streets and public roads, and the placement of public utilities. A subdivision does not include the construction or development of roads or buildings on private property to be used for agricultural purposes.

*Subdivision jurisdiction.* The territorial jurisdiction of the Baldwin County Commission over the subdivisions including all unincorporated areas of the County.

*Subdivision Permit.* The permit to be issued by the Baldwin County Engineer or designee pursuant to *Section 4.5.7* of the *Baldwin County Subdivision Regulations* which, upon issuance, permits the Developer to commence construction of subdivision improvements.

*Surety.* Any surety bond, certificate of deposit, irrevocable letter of credit, cashier's check, or other acceptable surety as accepted and approved by the Baldwin County Commission.

*Yard, front.* An open, unoccupied space on the same lot with the principal building, extending the full width of the lot and situated between the right-of-way line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front lines of the building and the right-of-way line. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension. For lots fronting on a navigable waterway as defined by the Code of Federal Regulations (*33CFR Part 329*), the front yard shall be considered from the front line of the building to the waterfront property line.

*Yard, rear.* An open space on the same lot with the principal building, such space being unoccupied except possibly by an accessory building, extending the full width of the lot between the rear line of the main building projected to the side lines of the lot and the rear lot line. On all corner lots the rear yard shall be at the opposite end of the lot from the front yard.

*Yard, side.* An open, unoccupied space on the same lot with the principal building, situated between the side line of the building and the adjacent side line of the lot extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the rear boundary of the side yard shall be the rear line of the lot. On corner lots, the side yard shall be considered as parallel to the street upon which the lot has its greatest dimension.

### **SECTION 3.0 COMMERCIAL ACCESS POLICY GUIDELINES**

The following policy guidelines are hereby set forth and adopted by the Baldwin County Commission to serve as the Baldwin County Access Management Policy for commercial access points. This policy shall be administered and interpreted by the Baldwin County Engineer or his/her designee. The policy is as follows:

- 1) All Commercial Accesses shall follow the guidelines set forth in the *Baldwin County Subdivision Regulations, as amended*, and the Alabama Department of Transportation's *Access Management Manual, latest edition*. The document can be downloaded at:

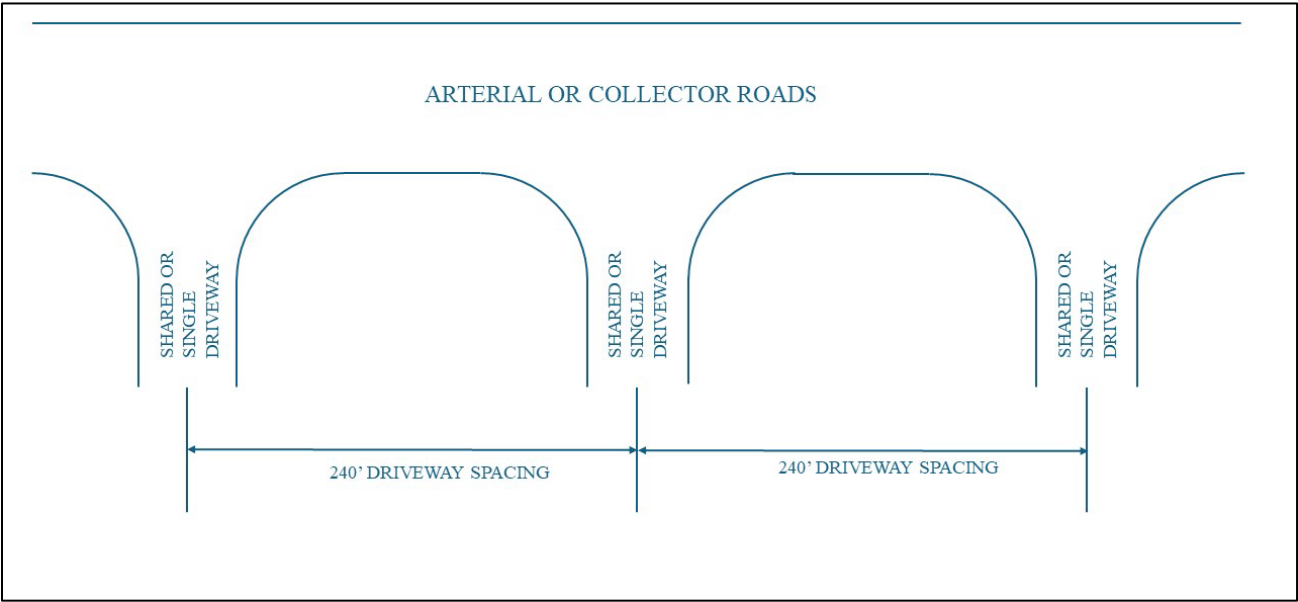
<https://www.dot.state.al.us/publications/Maintenance/pdf/Permits/AccessManagementManual.pdf>

- 2) Design and construction plans which show the proposed access and improvements must be submitted to the Baldwin County Engineer for review and approval. All such plans shall bear the signature and seal of a professional engineer licensed to practice in the State of Alabama;
- 3) Prior to approval of a Baldwin County Commercial Right-of-Way Access and Drainage Impact Permit, a certified engineer's estimate of all costs of the proposed improvements within the Baldwin County right-of-way shall be submitted by the applicant to the Baldwin County Planning and Zoning Department for review and approval; and upon approval of the estimate by the Baldwin County Engineer, a surety as defined in the Baldwin County Commercial Right-of-Way Access and Drainage Impact Permit must be made and posted by the access permit applicant with the Baldwin County Planning and Zoning Department to assure proper and timely completion of the improvements specified. Construction of any public improvement or any construction in the right-of-way must not commence until written approval has been granted by the Baldwin County Engineer. Construction notification and inspection requirements shall be in accordance and consistent with the Baldwin County Commercial Right-of-Way Access and Drainage Impact Permit;

### **SECTION 4.0 AGRICULTURE, MINOR & MAJOR RESIDENTIAL ACCESS POLICY GUIDELINES**

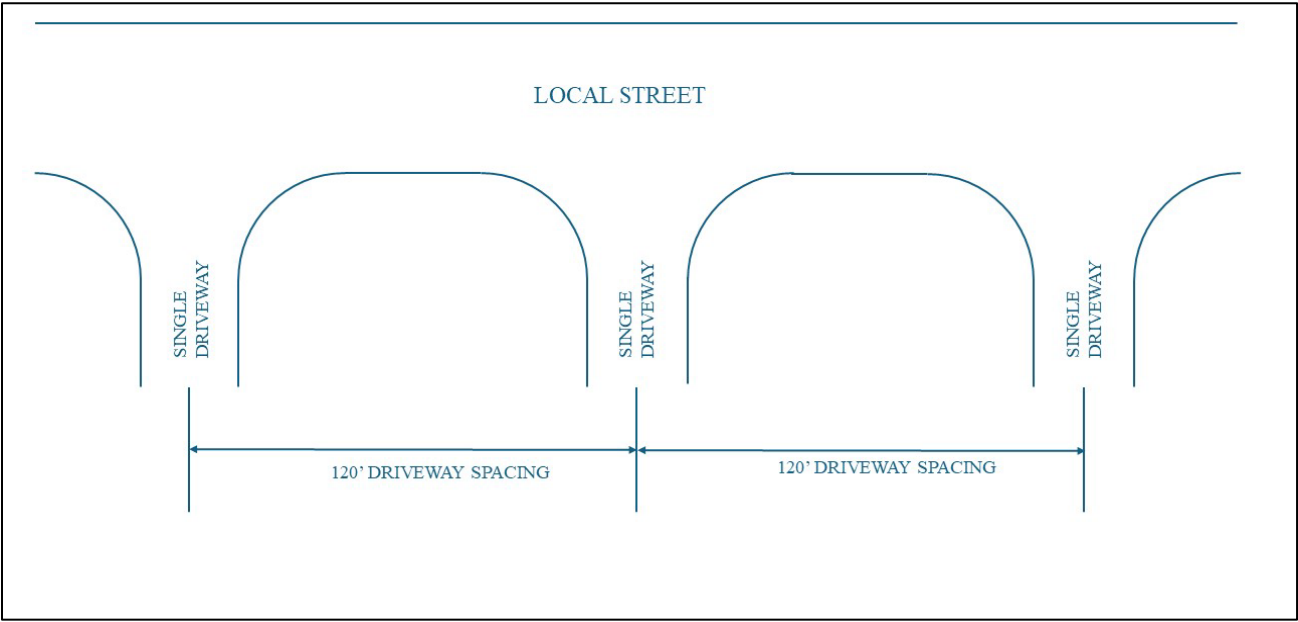
The following policy guidelines are hereby set forth and adopted by the Baldwin County Commission to serve as the Baldwin County Access Management Policy for agriculture, minor & major residential access points. This policy shall be administered and interpreted by the Baldwin County Engineer or his/her designee. The policy is as follows:

Access points fronting on collector or arterial routes shall be required to be spaced at two-hundred forty (240) foot intervals or greater. Incorporation of common driveways as shown in *Figure 1* may be required to accomplish these criteria;



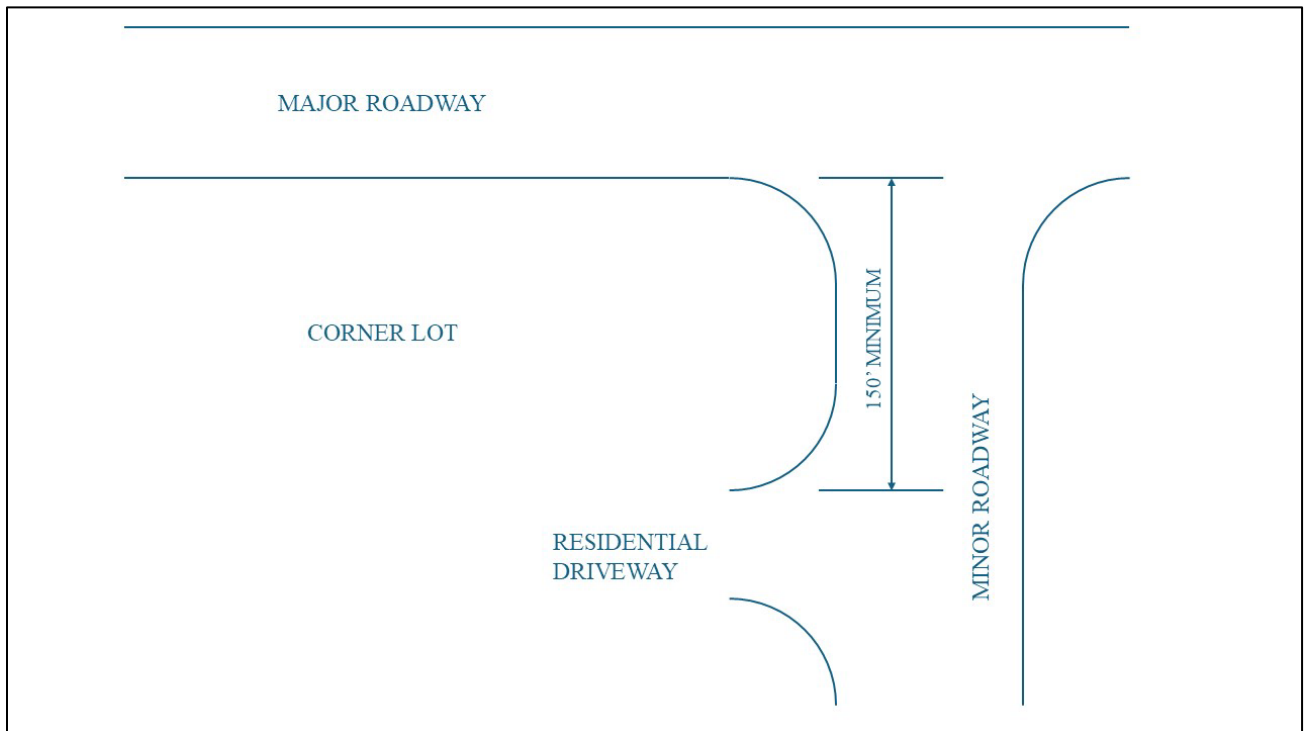
**Figure 1. Minimum Arterial or Collector Driveway Spacing**

- 1) Access points fronting on local roads that are not fully internal roads of isolated subdivisions shall be required to be spaced at one-hundred twenty (120) foot intervals or greater. Incorporation of common driveways as shown in *Figure 2* may be required to accomplish these criteria;



**Figure 2. Minimum Local Road Driveway Spacing**

- 2) Access points fronting on internal roads of isolated subdivisions with interior streets shall be based on lot widths in accordance with the *Baldwin County Subdivision Regulations*;
- 3) Agriculture, minor & major residential driveways shall be subject to stopping sight distance requirements based on the posted speed of the road and site conditions;
- 4) Connections to routes classified as arterials or collectors may be required to have limited access through service roads or equivalents;
- 5) Residential corner lots will be required to access the minor road and may be allowed limited access to the major road at the discretion of the County Engineer. Agriculture, minor & major residential driveway spacing from the intersection will be at minimum 150 feet measured from edge of through lane to nearest projected edge of driveway as shown in *Figure 3*. Full access driveways to newly platted lots will be discouraged within the length of existing turn lanes.



***Figure 3. Minimum Driveway Spacing for Corner Lot***

- 6) Driveway spacing from the intersection on internal roads of isolated subdivisions with interior streets shall be based on lot widths in accordance with the *Baldwin County Subdivision Regulations*;
- 7) New residential permit connections to existing lots (as of the dates of the adoption of this policy) that cannot conform to this policy shall be grandfathered or exempt from spacing requirement of Section 4.0 provided the lot configuration does not change. If a subdivision of the existing lot occurs or new lots are platted, the new lot(s) must meet the criteria set

out herein. However, minimum sight distance requirements shall still be applicable for any new connection permit, regardless of when the lot was created.

- 8) For special circumstances where it is infeasible to meet the minimum access management criteria set out in this policy, the applicant should submit a detailed description and explanation of variation to the County. The statement should address the constraining site conditions to which the application applies. Proposed variations will be evaluated according to the following criteria (including but not limited to):
- Denial of the requested variations will result in loss of reasonable access to the site.
  - The requested variations are reasonably necessary for the convenience and welfare of the public.
  - All reasonable alternatives that meet access requirements have been evaluated and determined to be infeasible.
  - The variations will not result in any disruption of existing public access.

The applicant must submit written justification for the requested variation including any associated traffic impact studies deemed applicable by the applicant or as required by the County. Restrictions and conditions on the scope of the permit will be imposed as required to keep potential hazards to a minimum. The permit may contain specific terms and conditions providing for the expiration of the variation if in the future the grounds for the variation no longer exist.

## **SECTION 5.0 GENERAL CONDITIONS**

- 1) No person, firm, corporation, or other entity, public or private, shall construct or cause to be constructed or allow any driveway, highway, road, alley, street, other roadway, or any aspect or part thereof, to connect to or otherwise access or allow motor vehicle traffic on or onto any part of the Baldwin County Public Road System without first applying for and obtaining an access permit from the Baldwin County Commission, acting by and through the Baldwin County Engineer;
- 2) All access and access permits to Baldwin County maintained roads shall be subject to approval by the Baldwin County Engineer. No access permit will be granted or approved which does not properly address drainage, sight distance, and other safety criteria including but not limited to proper lane widths, guardrail, front and back slopes, right-of-way encroachments, or pavement buildup to support anticipated future traffic on the Baldwin County Public Road System at affected points, as established and determined to be appropriate by the Baldwin County Engineer;
- 3) Compliance with all requirements of the access permit is the responsibility of the property owner, developer, or entity applying for the access. Construction and material requirements shall be consistent with the Baldwin County Design Standards for New Road Construction and/or Baldwin County permit requirements. All driveways connecting to a County maintained road must comply with these access procedures and requirements;

- 4) All subdivisions of real property and all developments, along, adjacent to, or accessing existing paved or unpaved Baldwin County public roads, and any person or entity seeking to connect a highway, street, alley, road, or other public or private way thereto, shall be required to improve and upgrade such existing public road and connecting roads, and associated drainage facilities, as determined by a Traffic Impact Study and/or to the extent required by the Baldwin County Engineer;
- 5) Existing drainage structures including culverts, bridges, and ditches, may be required to be upgraded or replaced as determined by the Baldwin County Engineer;
- 6) Any utility installation that is required to serve the subdivision or development or that must be relocated as a result of the required roadway or drainage improvement is the responsibility of the owner or developer thereof. Utility installation or relocation must be performed in accordance with the requirements of the Baldwin County Engineer, including obtaining a Utility Permit. All costs associated with the installation or relocation of utilities will be borne by the developer or owner;
- 7) Additional right-of-way may be required by Baldwin County to properly construct the required roadway and drainage improvements or utilities. The developer, owner, or applicant is responsible for all costs associated with acquiring additional right-of-way. The developer, owner, or applicant is not entitled to exclusive use of any excess capacity of the existing roadway or any right-of-way that may be available and suitable for construction;
- 8) If construction is not substantially commenced within one (1) year from the date of the issuance of an access permit, or if commenced and the applicant fails to continuously and satisfactorily work toward completion of the project according to the approved construction plans, the application and approval thereof will be void and application for an access permit must be resubmitted. Any resubmitted application for an access permit and approval or rejection thereof would take into consideration any additional improvements or change in construction or design based on conditions which the County Engineer deems necessary;
- 9) No building permits or development permits will be issued by Baldwin County without access approval from the Baldwin County Engineer in cases where the driveway or roadway providing ingress and egress accesses or connects to a Baldwin County maintained road;
- 10) Regardless of any provisions contained herein to the contrary, an individual seeking access for the purpose of ingress and egress to only one (1) single family residence shall be required to obtain an access permit to be issued by the County Engineer through the Highway Department allowing same, but shall not be required to present engineering studies and detailed construction plans unless the County Engineer determines that such is necessary due to particular safety, engineering, or other concerns associated with that specific point of intended access;
- 11) In the event any person or entity shall gain, establish, allow access to or otherwise connect or allow connection of any public or private highway, street, alley, road, or other public or

private way or facility to any part of the Baldwin County Public Road System in violation of any part of this resolution, the Baldwin County Engineer is authorized to place impassable barricades between the traveled portion of the county road or right-of-way and the point of such unauthorized access, thus preventing use of such unauthorized access for ingress and egress to the Baldwin County Public Road System. The County Engineer is also authorized to remove any items placed on the right-of-way that pose a safety threat to the traveling public;

- 12) Any person, firm, corporation or entity who or which violates any part or portion of this resolution or otherwise connects or allows the connection to the Baldwin County Public Road System in violation of the aforementioned requirements without first obtaining a written access permit to access the same as provided herein, shall in addition to all other remedies available to Baldwin County, including but not limited to injunction and assessment of damages, be subject to and liable for the payment of civil penalties and reimbursement to Baldwin County in an amount equal to all costs or damages incurred by the Baldwin County Commission in order to bring said access point and use of the Baldwin County Public Road System into compliance with the provisions hereof and the costs, including, but not limited to, the cost of design, construction, and installation of all necessary improvements to comply with the requirements herein, and for the cost of physically preventing ingress and egress to and from the Baldwin County Public Road System. Nothing contained herein shall, however, be interpreted to limit the Baldwin County Commission to any one or more available legal remedies, and the provisions herein providing for remedies shall be cumulative to all other remedies available under federal, state, or local law;
- 13) The requirements hereof shall be cumulative to any other legally imposed conditions or requirements provided by law or by the Baldwin County Commission and/or the Baldwin County Engineer;
- 14) The provisions of this policy are severable. If any portion hereof shall be declared invalid by any court of competent jurisdiction, such declaration shall not affect the remaining portions hereof;
- 15) The provisions hereof shall become effective immediately upon the adoption by the Baldwin County Commission, and all municipalities in Baldwin County shall be advised of the adoption hereof and be requested to withhold any and all permits for developments accessing the Baldwin County Public Road System until such Access Permits have been adopted and issued by Baldwin County acting by and through the Baldwin County Engineer.

## **ATTACHMENTS**

N/A