

- (a) The following transfers of land ownership may be accomplished without complying with platting or approval requirements herein:
- (1) Said land existed as a separate, distinct, single parcel prior to the adoption of these regulations. A building permit may be issued as to such existing tract only if said lot complies with the minimum health department sanitation requirements for the use intended and the minimum setback requirements of these regulations. A conveyance otherwise authorized shall not be refused transfer or building permit solely because of a utility or road right-of-way conveyance;
 - (2) A conveyance based upon a division of an existing tract such that the resulting tracts are all larger than ten acres, and all tracts have not less than 160 feet of public road frontage and there is no violation of minimum setback requirements;
 - (3) Any conveyance to a public body for public purposes;
 - (4) Said land is, or becomes a part of, a composite tract formed by a combination of properties that comply with one or more of the exceptions stated herein.
- (b) The following transfers of land ownership require compliance with the platting requirements of these regulations but do not require approval by county officials:
- (1) Said land is shown as a separate, distinct, single parcel on a plat being recorded in said clerk's office, having as a part thereof the surveyor's certificate required in O.C.G.A. § 15-6-67(d) together with the surveyor's certification that said parcel abuts upon a public roadway for not less than 80 feet, complies with applicable size and setback requirements; and does not result in a division such that any remainder tracts do not meet the public road access, minimum size and setback requirements herein.
 - (2) Said land is shown as a separate, distinct, single parcel on a plat prepared to depict said property as it existed on or before July 1, 1991, having as a part thereof a surveyor's certification that said plat is a true and correct representation of said parcel as it existed on or before July 1, 1991.
- (c) The following transfers of land ownership require compliance with the platting requirements of these regulations and require approval by the administrator, but are not subject to the "procedures" and "required public improvements" portions of these regulations, except as noted. These transfers would include the subdivision of property as defined in these regulations. Each such subdivision shall be shown on a plat in accordance with plat standards required by the administrator pursuant to the requirements of these regulations and shall be submitted in five (5) copies together with any fees established by the county to the administrator for review and approval. Upon approval, the administrator shall authorize the recording of the plat or final plat with the clerk of superior court of Baldwin County and grant the issuance of building permits pursuant to the codes and ordinances of the county. The administrator shall prepare a certification which shall be impressed upon plats that are recordable under this division and said plats shall be recordable if said certification is executed by the administrator. Plats submitted to the administrator for review which fulfill all of the conditions set forth under section 16-33(b) except the surveyor's certification shall be designated as recordable under that section.
- (1) *Recombinations*. The combination or re-combination of two or more buildable lots of record, where the total number of lots is not increased and the resultant lots or parcels are in compliance with this chapter shall be considered exempt. The owner and/or surveyor shall provide to the administrator such

information as is required for a determination of compliance as to the composite tract(s) formed and as to the remainder tracts.

- (2) *Minor subdivisions.* The division of a single tract into five or fewer lots with lots smaller than five acres, provided:
 - a. Each proposed lot complies with all requirements of this chapter, including minimum lot size, required setback lines, and public road access.
 - b. Each proposed lot abuts upon an existing paved public street for not less than the minimum distance required in these regulations, with not less than the lot width as required in section 16-72(a).
 - c. All slope and utility easements, as well as required street rights-of-way, as determined by the administrator based on the comprehensive plan, are provided at no cost to the county.
 - d. Each lot, thus created, may not be resubdivided as a minor subdivision under these regulations. Such resubdivisions shall be accomplished only through the procedures pertaining to major subdivisions contained in these regulations.
 - e. Each proposed lot shall comply with the requirements of the health department whose certification of approval shall be required prior to approval of the final plat by the administrator.
- (3) *Other subdivisions lots five acres, or greater.* The division of land for single-family residential use into nine lots or less with said lots having a minimum lot area of at least five acres, provided:
 - a. Each proposed lot shall provide at least 100 feet of frontage upon an existing paved public street, and shall provide not less than 200 feet of lot width at the building line and for an area which include any proposed structure and the septic system or not less than that width as required in section 16.72(a), whichever is greater.
 - b. All slope and utility easements as well as required street right-of-way, as determined by the administrator based on the comprehensive plan, are provided at no cost to the county.
 - c. Each lot, thus created, may not be resubdivided to less than five acres as a minor subdivision under these regulations. Such resubdivisions shall be accomplished only through the procedures pertaining to major subdivisions contained in these regulations.
 - d. Each proposed lot shall comply with the requirements of the health department whose certification of approval shall be required prior to approval of the final plat by the administrator.
 - e. If more than five lots are included, the owner shall provide minimum restrictive covenants as required for major subdivisions.
- (4) *Phased development.* In the event an owner or developer desires to develop only a portion of an entire tract and desires to convey only one or more lots in phases, he may do so through a phased development that will not require compliance with the major subdivision requirements for each lot or phase by complying with the following regulations:
 - a. Prior to approval of the first lot or phase under these regulations the owner shall submit to the administrator, a plat or copy of the current tax map showing the entire tract to be approved for phased development and shall supply all information required under preliminary plat specifications required by the administrator;
 - b. The development shall be assigned a name and minimum lot sizes determined, together with

minimum setback lines and a determination of a lot numbering system so that there shall be no duplication of lot numbers within the development;

- c. The developer shall submit a copy of one or more proposed restrictive covenants with clear designation on the plat or map of the areas to be subject to each restriction;
- d. The proposal shall be reviewed by the administrator and the county public works superintendent with regard to the public street system access and availability of utilities as required for major subdivisions;
- e. The administrator shall approve the phased development subject to such terms and conditions and the provision of such services as he shall deem appropriate consistent with the requirements of major subdivisions;
- f. After such approval, as each lot or phase is presented for approval, the developer shall provide evidence to the administrator of compliance with the overall development plan as approved and shall provide a certificate of the county health officer that each such lot is to be serviced by public water/sewer or is suitable to accommodate an individual septic system and that permits may be issued for each such lot under current regulations.

(5) Involuntary transfers on death resulting in a division of property into five or fewer tracts from a bequest in the will of a person, or a court ordered award of a year's support or a court ordered partition of property into five or fewer tracts passing by the laws of intestacy through a decedent's estate shall be exempt from the requirements of this code provided that:

- a. The resulting lots shall be one acre in size or more;
- b. The resulting lots shall in all other respects comply with the requirements of this code, including minimum widths at building lines, setback lines, health department, requirements, and other code requirements;
- c. Each tract shall be afforded not less than the minimum public road access as required in section 16-51(e). If that is not physically possible, the public road access shall be equally divided between the resulting lots;
- d. If the road frontage available is less than 20 feet per lot, then reciprocal easements for access shall be provided to all lots over the entire access area.
- e. The resulting lots shall not be subdivided without complying with all requirements of the Baldwin County Land Use Code.
- f. Sales by or through a decedent's estate are subject to all requirements of the Baldwin County Land Use Code and shall not be considered exempt by virtue of involving an estate.

(d) Agricultural exemption. Clearly agricultural uses, limited to the cultivation of the land, dairying or animal husbandry, are not intended to be governed by these regulations.

(e) All other subdivisions of property as defined in these regulations shall be subject to the platting and approval requirements as more fully set out beginning with section 16-45.