



Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Case No. TA25-01 Zoning Ordinance Amendment and Zoning Map Amendment March 6, 2025

Zoning Ordinance Amendment Information

The Planning and Zoning staff has developed amendments to the zoning ordinance pertaining to Local Provisions, Planned Development Districts, Overlay Districts, the Official Zoning Map and Ordinance, and additional general text clarifications. The proposed amendments include the removal of redundant and unnecessary provisions, as well as modifications to various requirements and provisions intended to improve the overall efficiency of the ordinance. These amendments will have a comprehensive impact on the entire ordinance, with the primary objective of producing a more concise and user-friendly document that aligns with the recently updated Subdivision Regulations.

A draft is included with this agenda item as Attachment "A". Deletions to the text are indicated by red strike throughs, and additions are indicated by red text.

Proposed amendments are included in the following summary:

Local Provisions

- **Planning District 14**
 - Clarify that the 100' stream buffers apply to major projects only.
- **Planning District 25**
 - Allow tandem parking for single family and two family dwellings.
 - Dune Walkover Standards: Correct and clarify that dune walkovers shall connect at the home within 3 feet of finished lot grade. Removed requirements that conflict with USF&WS permit (i.e. width and height over dune) and they shall comply with USF&WS permit & design standards.
 - Added wetland buffer requirements for interdunal swales.
- **Planning District 26**
 - Allow PRDs for projects that occupy a minimum of 250 acres and set aside 50% open space for recreational purposes and conservation of sensitive elements of the site.
 - Half the open space must include active and/or passive outdoor recreational uses.
- **Planning District 39**
 - Clarify that the 100' stream buffers apply to major projects only.

Zoning Districts

- **All Zoning Districts**
 - Take out the minimum lot width at street line.
- **RA – Rural Agriculture**
 - Added exemption to Zoning Site Plan /Zoning Land Disturbance requirements for Agriculture uses.
- **BCZ – Base Community Zoning**
 - Clarify that stream buffers apply to major projects only.
 - Remove the prohibition of “occupancy of a recreational vehicle as a dwelling other than as accessory dwelling to a standard single-family residence” and “occupancy of a manufactured home as an accessory dwelling when the primary dwelling is also a manufactured home.”
 - We already disallow an RV to be occupied as a dwelling when there is no primary dwelling located on a parcel
 - The provisions above from the adopted Zoning Ordinance contradict Code of Alabama 45-2-261.16 that states “The Baldwin County Planning and Zoning Commission shall have no jurisdiction over the type of single-family housing or dwelling to be placed or constructed on private property.”
- **RSF-3 – Single Family**
 - Amend lot width to 70’
 - Currently both RSF-2 & RSF-3 require 80’ min Lot width even though RSF-3 allows for 10,000 sf lots (vs 15,000 sf for RSF-2). This creates a gap in our regulations which effectively eliminated the use of RSF-3.
- **HDR – High Density Residential**
 - Added open space requirements to be in accordance with Article 17, Open Space, Landscaping, and Buffering.
- **B-1 & B-2– Commercial Districts**
 - Added open space requirements to be in accordance with Article 17, Open Space, Landscaping, and Buffering.

Planned Development Districts

- **Amend and clarify the method, purpose, minimum requirements, and design standards of PRDs**
- **Summary of Proposed Design Requirements**
 - PRDs larger than 25 acres should be designed as one or more neighborhoods that are oriented around an activity center(s) such as "village centers" or "neighborhood centers" that are designed as a functional & visual focus point within the development.
 - These centers will generally include higher density residential uses, parks, and a community center (recreational facility, church, school, daycare, etc.) at a minimum and may include other uses.
 - PRDs over 25 acres may be oriented around existing or planned rural crossroads centers, neighborhood centers, village centers, or urban mixed-use centers identified in the Master Plan so long as the PRD is completely within¼ mile of the center.

- For PRDs smaller than 25 acres, orientation around existing, adjacent activity centers, rural crossroads centers, neighborhood centers, village centers, or urban mixed-use centers are acceptable when the site is within ¼ mile of the center.
- PRDs shall include a range of housing choices to serve the needs and desires of different market segments.
- Arrangement & design of residences shall provide a sense of place with appropriate visual interaction between the street and/or public spaces and the private residences.
 - For example, front porches establish interaction with the street while also maintaining a physical transition between the public space of the street & sidewalk and the private space of the dwelling.
- Shall provide accommodations for walking & biking.
- Shall provide internal & external connectivity through a street network. Cul-de-sacs shall be avoided.
- Internal streets shall be designed as "complete streets" to accommodate automobiles, pedestrians & bicyclists, & the handicapped.
- **Summary of Proposed Submittal Requirements**
 - Traffic Impact Study will be required at PRD application
 - PRD master plan must include:
 - Proposed land use plan
 - Proposed circulation plan
 - Proposed open space plan with details of all proposed amenities.
 - Written narrative describing the proposed development, target markets, utility availability, and clearly specify any variations requested from the underlying zoning district.

Overlay Districts

- **Update the wetland and stream protection overlay district to clarify district boundaries and exemption criteria.**
 - Clarify that only the USACE JD officially determines the boundary of the wetland/stream overlay district.
 - If the owner chooses to waive their right to a USACE JD in lieu of waiting for the JD, they can voluntarily choose to fall within the boundary of the district based upon a Professional Wetland Delineator's delineation approved by the Planning Director.
 - Clarify the exemption for agriculture uses shall be required to meet definition of agriculture uses as defined in 33CFR323.4(a)1.
 - "Normal farming, silviculture, & ranching activities such as plowing, seeding, cultivating, minor drainage, & harvesting" & must be ongoing activities.
 - Exempt property that has obtained a Nationwide 18 permit from the USACE.

Zoning Ordinance and Text Amendments

- **Clarify rezoning review criteria**
 - Degree of compatibility with existing & allowable land uses in the vicinity.
 - Degree of conformance with the Master Plan (see scorecard)
 - Proximity of transportation and utility infrastructure.
 - Timing of the request and development trends of the area.
 - Impacts to environmental conditions of the vicinity or historic resources of the County.

- Impacts to the health, safety, & welfare of the County & vicinity.
- Other matters which may be appropriate.

- **Separate processes of Zoning Ordinance amendments and rezonings**
 - Any proposed change to the Zoning Ordinance text will continue with the current process of being heard by the Planning Commission with a recommendation to County Commission (County Commission continues to have the final vote)
 - Rezoning requests will go straight to a public hearing at the County Commission and within 60 days of a correctly completed application.
 - Rezoning staff reports must be complete within 45 days of a correctly completed application and will be sent to Planning Commission members so that the Planning Commission is aware of rezoning requests.
 - Notices of action will be sent to Planning Commission members for rezoning actions taken by the County Commission.
 - Commission Site Plans, Subdivisions, & Subdivision Variances will continue to be heard and acted upon by the Planning Commission.
 - Zoning Variances will continue to be heard and acted upon by the Board of Adjustments.

Map Amendment

Subject Property Information

Planning District: 37
General Location: The subject property is located northeast corner of State Hwy 104 and Saint Michael Way.
Parcel Numbers: 05-46-01-01-0-000-003.502
Existing Zoning: BCZ, Base Community Zoning
Proposed Zoning: RSF-2, Residential Single Family District
Existing Land Use: Vacant
Proposed Land Use: Residential
Acreage: 31.7 ± acres
Owner: Robert Randall, P.O. Box 151, Point Clear, AL 36564
Attachments: Within Report

	Adjacent Land Use	Adjacent Zoning
North	Agriculture	BCZ, Base Community Zoning
South	Agriculture	BCZ, Base Community Zoning
East	Residential	BCZ, Base Community Zoning
West	Agriculture	RA, Rural Agriculture

Summary

The subject property encompasses approximately 31.7 acres and is currently zoned as BCZ, Base Community Zoning District. A request has been made to change the designation to RSF-2, Residential Single Family District, for future residential use. The majority of the adjacent uses along this area of State Hwy 104 are designated for residential and agriculture uses.

Current Zoning Requirements

Section 3.4 BCZ, Base Community Zoning

3.4.1 Generally. This zoning district is designed to preserve the character and sense of place in Baldwin County's unique communities and natural resource areas. As a result, the district may be applied to a wide variety of lot sizes and uses located within rural and suburban communities. Thus, the Base Community Zoning District places an emphasis on ensuring changes from the existing state do not disrupt the character and quality of life in a rural or suburban community. The appropriate time to apply a Base Community Zoning designation will generally be at the inception of zoning in a new Planning District.

3.4.2 Permitted uses. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses shall be permitted:

- (a) The following general industrial uses: extraction or removal of natural resources on or under land.
- (b) The following transportation, communication, and utility uses: water well (public or private).
- (c) The following institutional uses: church or similar religious facility; school (public or private).

- (d) Agricultural uses.
- (e) On parcels that are three (3) acres or greater in size, up to two (2) single family dwellings.
- (f) On parcels that are less than three (3) acres in size, a single-family dwelling and one accessory dwelling with a gross floor area no greater than 60% of the gross floor area of the primary dwelling.
- (g) Accessory structures and uses including a residential accessory structure on a vacant parcel.
- (h) A Home Occupation that conforms with Section 13.3 of the Baldwin County Zoning Ordinance.
- (i) All existing uses, unless one of the following changes is proposed:
 1. A change that would trigger a Commission Site Plan Approval under *Section 18.9.3 Applicable Uses*.
 2. Any division of land except an exempt division of land under Section 4.2 of the Baldwin County Subdivision Regulations or a division where each resulting parcel meets the minimum area and dimension requirements for Residential Single Family Residential Estate (RSF-E) District under Section 4.1.5 herein.

Under Base Community Zoning, a use that has been abandoned for a period of five (5) years shall no longer be considered an existing use. The intent to abandon shall be presumed from the cessation of business or the removal of equipment, goods, structures, or other aspects of such nonconforming use of the property.

3.4.3 Special exceptions. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed as special exceptions: Not Applicable

3.4.4 Conditional Use Commission Site Plan Approval. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed by the site plan approval process: Not Applicable

3.4.5 Area and dimensional regulations. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, and unless a change is triggered by *Section 3.4.2(i)*, the area and dimensional ordinances set forth below shall be observed for new construction:

(a) Primary Structures:

Maximum Height of Structure 35-Feet
 Maximum Height in Habitable Stories 2 ½
 Minimum Front Yard 30-Feet
 Minimum Rear Yard 30-Feet
 Minimum Side Yards 10-Feet

(b) Accessory Structures are not permitted in the front yard and shall be a minimum of 5 feet from property when located within the side or rear yard.

(c) When a residential accessory structure is proposed on a vacant parcel, it shall meet the dimensional regulations applicable to a primary structure.

3.4.6 Minimum requirements for exempt subdivisions. Within the Base Community area and dimensional requirements of *Section 5.4(a) of the Baldwin County Subdivision Regulations* shall apply to exempt subdivisions.

3.4.7 Applicability of the Baldwin County Zoning Ordinances. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the remaining provisions of the Baldwin County Zoning Ordinances shall not apply to parcels within the Base Community Zoning District, unless a change under *Section 3.4.2(i)*, is proposed. In which case, the following shall apply:

- (a) A rezoning application under the provisions of *Article 19, Amendments to Official Zoning Map and Ordinances* shall be submitted. The evaluation of compatibility under *Section 19.6 Factors for Reviewing Proposed Amendments* shall consist of an examination of existing uses rather than existing zoning designations.
- (b) If a rezoning is approved by the Baldwin County Commission under subsection (a), the provisions of the Baldwin County Zoning Ordinances shall thereafter apply to the rezoned lot as applicable.

3.4.8 Land Disturbance Requirements. The Land Disturbance Ordinance for Flood Prone Areas or Territories with Probable Exposure to Flooding in Unincorporated Baldwin County, Alabama, shall apply to land disturbances within the Base Community Zoning District.

3.4.9 Uses Expressly Disallowed. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts, and Article 20, Nonconformities*, the following uses are expressly disallowed in the Base Community Zoning District:

- (a) On parcels that are less than three (3) acres in size, the occupancy of a recreational vehicle as a dwelling other than as an accessory dwelling to a standard single-family residence (non-recreational vehicle or nonmanufactured home).
- (b) On parcels that are less than three (3) acres in size, the occupancy of a manufactured home as an accessory dwelling when the primary dwelling is also a manufactured home.

3.4.10 Severability and Reversion. Should any phrase, sentence, paragraph, section or provision of this *Section 3.4 BCZ Base Community Zoning District* be declared by the courts to be unconstitutional or invalid, such that the intent of this Section cannot be carried out, individual parcels within the Base Community Zoning District shall automatically revert to Rural Agriculture (RA), Residential Single-Family Estate (RSF-E), Residential Single-Family (RSF-1), and Residential Single-Family (RSF-2) based on the land area of each parcel in relation to the minimum lot size of each district.

Proposed Zoning Requirements

Section 4.3 RSF-2, Single Family District

3.4.11 Generally. This zoning district is provided to afford the opportunity for the choice of a moderate density residential environment consisting of single family homes.

3.4.12 Permitted uses. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses shall be permitted:

- (a) The following general industrial uses: extraction or removal of natural resources on or under land.
- (b) The following transportation, communication, and utility uses: water well (public or private).
- (c) The following agricultural uses: Silviculture.
- (d) Single family dwellings including manufactured housing and mobile homes.
- (e) Accessory structures and uses.
- (f) The following institutional use: church or similar religious facility.
- (g) Agricultural uses, on RSF-2 zoned parcels that otherwise meet the minimum area and dimension requirements for Rural Agricultural District under Section 3.2.5 herein, agricultural uses shall be permitted uses, except that the minimum front yard for barns and other agricultural structures shall be 100 feet when constructed on an RSF-2 zoned parcel where no primary dwelling currently exists.

4.3.2 Conditional Use Commission Site Plan Approval. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed by the site plan approval process:

- (a) Outdoor recreation uses.
- (b) The following institutional uses: day care home; fire station; school (public or private).
- (c) The following general commercial uses: country club.
- (d) The following local commercial use: bed and breakfast or tourist home (see *Section 13.10: Bed and Breakfast Establishments*).

3.4.13 Special exception. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following use and structures designed for such use may be allowed as a special exception: Not Applicable

3.4.14 Area and dimensional ordinances. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, *Section 12.4: Height Modifications*, *Section 12.5: Yard Requirements*, *Section 12.6: Coastal Areas*, *Section 12.8: Highway Construction Setbacks*, *Section 18.4 Variances*, and *Article 20: Nonconformities*, the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure	35-Feet
Maximum Height in Habitable Stories	2 ½
Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	15,000 Square Feet
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	40-Feet
Maximum Ground Coverage Ratio	.35

Agency Comments

USACE, James Buckelew: Staff reached out but received no comments.

ADEM, Scott Brown: Staff reached out but received no comments.

Subdivisions, Shawn Mitchell: The property is subject to the Baldwin County Subdivision Regulations and the Baldwin County Zoning Ordinance. Any future development or subdivision of the property will be required to adhere to the adopted regulations that are current at the time of application for future development. A subdivision application may likely include, but not be limited to the following: a wetland delineation and/or wetland determination, a traffic study with the scope established by County staff, a subdivision preliminary plat to be considered by the Planning Commission, a subdivision permit depicting drainage and transportation improvements on subject property, a turnout or ROW permit depicting drainage improvements and transportation improvements in the public ROW, and any permits of other agencies such as the Alabama Department of Transportation (ALDOT), U.S. Army Corps of Engineers (USACE), U.S. Fish and Wildlife Service (USFWS), etc. Approval of a zoning change does not necessarily guarantee a subdivision will be approved on subject property.

Staff Analysis and Findings

The criteria for reviewing zoning amendments are outlined in Section 19.6 of the Baldwin County Zoning Ordinance. Staff carefully considered all of these factors during the evaluation of the application.

The subject property is situated in Planning District 37, which recently adopted a zoning map in July 2022. Following this adoption, there have been minimal changes in local conditions. The proposed amendment appears to be a logical expansion and aligns with the existing development patterns in the area, as most adjacent uses are agriculture and residential. The proposed RSF-2 zoning is provided to afford the opportunity for the choice of a moderate density residential environment consisting of single family homes. The subject property

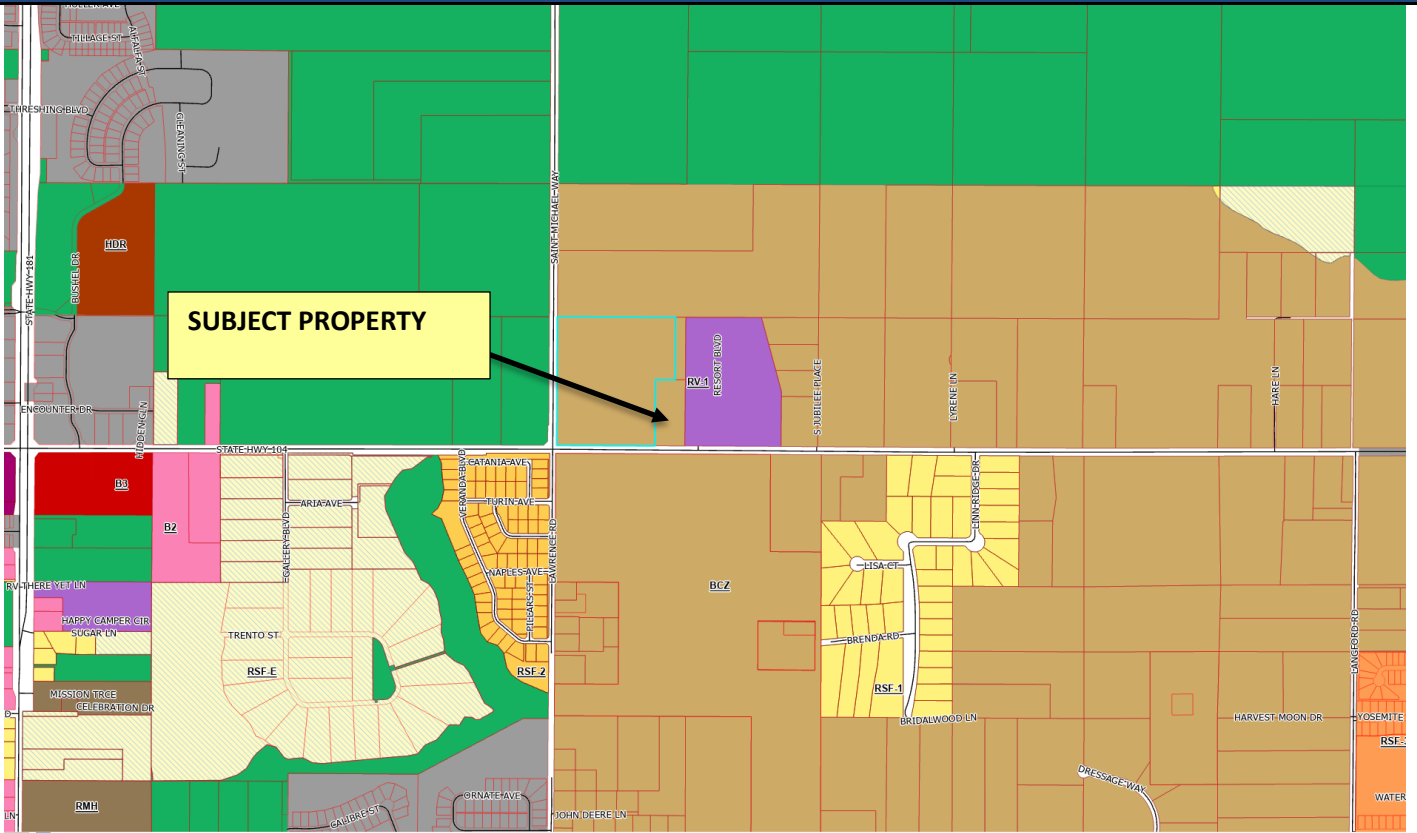
falls within a Mid-Density Development Potential area and is within the vicinity of an Urban Mixed- Use Center. The Mid-Density Development Areas supports residential zoning from RSF-3 to RTF-6 and also Professional Business and Neighborhood Business Districts.

Property Images





Locator Map



Site Map





LEGEND	
PLACE TYPES	NODE TYPES
IDEAL CONSERVATION/PRESERVATION	RURAL CROSSROADS CENTER
CONSERVATION DEVELOPMENT POTENTIAL	NEIGHBORHOOD CENTER
RURAL/AGRICULTURE/LID POTENTIAL	VILLAGE CENTER
MODERATE DEVELOPMENT POTENTIAL	URBAN MIXED-USE CENTER
MID-DENSITY DEVELOPMENT POTENTIAL	COMMERCIAL/INDUSTRIAL CENTER
HIGH-DENSITY DEVELOPMENT POTENTIAL	
MUNICIPAL JURISDICTIONS	

Staff Comments and Recommendation

This text amendment consists of two components: revisions to the text of the Zoning Ordinance and an amendment to the Official Zoning Map. As previously mentioned, the Planning and Zoning staff has developed updates to the zoning ordinance related to Local Provisions, Planned Development Districts, Overlay Districts, the Official Zoning Map and Ordinance, as well as additional general text clarifications. The proposed amendments aim to eliminate redundant and unnecessary provisions and processes while modifying various requirements to enhance the overall efficiency of the ordinance. These revisions are designed to have a comprehensive impact on the entire ordinance, primarily focusing on creating a more concise and user-friendly document that aligns current development trends and recently updated development Regulations and Policies. The map amendment entails rezoning 31.7 acres from Base Community Zoning (BCZ) to Residential Single Family

(RSF-2). Staff has thoroughly assessed all relevant factors concerning these amendments and recommends approval.

Unless information to the contrary is revealed at the public hearing, staff feels this text amendment, TA25-01, should be recommended for **APPROVAL**.*

**The Planning Commission will be making a recommendation to the County Commission.*