

BALDWIN COUNTY

ZONING ORDINANCE

As amended: November 14, 2023

DRAFT FOR BCC PUBLIC HEARING

Blue Highlights – Non-substantive text that is highlighted to remind staff of a needed final edit.

Green Highlights – Substantive Changes that are identical or nearly identical to provisions previously approved.

Yellow Highlights – Substantive Changes that differ to some degree from previously approved language.

DRAFT



BALDWIN COUNTY,
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Planning and Zoning Department

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Section 1.9 Adoption

The *Baldwin County Zoning Ordinances* were adopted by the Baldwin County Commission on the 6th day of April 1999 (Resolution No. 99-46). They shall take effect and be in force from and after the date of adoption. The zoning maps approved for each planning district that elects to come within the planning and zoning authority of the Baldwin County Commission are hereby adopted and made a part of these ordinances.

This ordinance was most recently amended by the Baldwin County Commission on the [redacted]th day of November, 2023 (Resolutions #2024-[redacted]).

DRAFT

County Commission Chairman

County Administrator

- ii. Five hundred (500) feet of a pre-existing commercial establishment that in any manner sells or dispenses alcohol for on-premises consumption.
- iii. Twenty-five hundred (2,500) feet of a pre-existing place of worship or related bookstore.
- iv. Twenty-five hundred (2,500) feet of a pre-existing education institution or public library.
- v. Twenty-five hundred (2,500) feet of a public park and/or playground.
- vi. Twenty-five hundred (2,500) feet from a residential use and areas zoned residential within the county.
- vii. Twenty-five hundred (2,500) feet of a day care center or day care home.
- viii. Twenty-five hundred (2,500) of a video arcade, skating rink or other places frequented by minors.

C. *Measurement of Distance.* All distance measurements shall be by radial distances determined by a straight line from the nearest property to line to nearest property line. Distance measurements shall be established by a surveyor licensed in the State of Alabama. A survey shall be provided at the time an Adult Use permit application is submitted to the County for consideration, such survey to be provided by the applicant and at applicant's expense.

D. Any performance or displays of merchandise or any other exhibit depicting adult uses, shall be conducted within the interior of buildings or premises and shall be arranged or screened to prevent public viewing from outside such buildings or premises.

2.3.13 **Planning District 13.** County zoning has not been instituted in this district.

2.3.14 **Planning District 14.** ~~County zoning has not been instituted in this district.~~

2.3.14.1 Effective Date

On June 6, 2023, a majority of qualified electors in Planning District 14 voted to institute County Zoning. On November 1, 2023, the County Commission adopted the Planning District Zoning Map and Ordinance.

2.3.14.2 District Boundaries

A legal description of the boundaries for Planning District 14 may be found under Appendix A.

2.3.14.3 Local Provisions for Planning District 14

(a) Solid Waste & Trash Management

1. Every resident is responsible for providing adequate storage for his or her solid waste in a manner consistent with the requirements of Baldwin County Solid Waste.
2. Storage systems for solid waste shall include containers of adequate size and strength, and in sufficient numbers, to contain all solid waste that each person generates in the period of time between collections or disposal. The following additional minimum requirements shall apply to Recreational Vehicle Parks, Manufactured Home Parks, and other multi-occupancy projects:
 - i. A Recreational Vehicle Park shall provide commercial solid waste containers of a size that accommodates 0.5 cubic yards of solid waste per RV space per week and shall have a collection frequency of no less than once per week.
 - ii. A Manufactured Home Park shall provide commercial solid waste containers of a size that accommodates 1 cubic yard of solid waste per manufactured home space per week and shall have a collection frequency of no less than once per week.
 - iii. Other multiple occupancy developments including apartment complexes, condominiums, etc., shall provide commercial solid waste containers of a size that accommodates 0.5 cubic yards of solid waste per bedroom, per week, and shall have a collection frequency of no less than once per week.
3. Notwithstanding the requirements of paragraph 2 above, the owner/operator of a Recreational Vehicle Park, Manufactured Home Park, or other multiple occupancy project, may arrange for collection services through individual solid waste carts in lieu of the commercial dumpster capacities established in (2)(i) through (2)(iii), so long as the owner/operator maintains overflow capacity of 2 cubic yards per 20 units or participates in a Baldwin County Solid Waste "monthly sweep".
4. On projects that meet the definition of a Major Project, the site plan shall display the solid waste container storage location. The storage location shall be enclosed on all sides with a gated, solid wood or masonry enclosure, a minimum of six feet in height. If visible from the road or an adjacent residentially used or zoned property, the enclosure shall be shielded with shrubs or similar landscaping.
5. Solid waste in any form, including construction debris or bulky items, shall not be stored in the vicinity of a road right-of-way except within seven calendar days of a verifiable, scheduled pick-up. The Baldwin County Planning and Zoning Department may pursue enforcement action under

Article 21 herein against the responsible party, including a property owner whose use of the land resulted in the wrongful disposal. Any such enforcement shall be in conjunction with, and in addition to, enforcement action taken by the Baldwin County Solid Waste Department.

(b) **Landscape Buffers for Major Projects Abutting Primary Roads** Except as modified in subsection (c) below, a Major Project which abuts a freeway/expressway, arterial, or collector shall maintain a minimum of fifteen (15) feet of the required setback as a buffer along the entire width of the property which abuts said freeway/expressway, arterial, or collector except where curb cuts provide ingress and egress. Said buffer shall be planted with native overstory trees, understory trees, shrubs, and grass so that an attractive appearance is presented as detailed in the required landscape plan.

(c) **Special Landscape Buffers for Intense Major Projects Abutting Public Roads** When any of the following uses abut a public road, the said use shall maintain a minimum of twenty (20) feet (can be part of the required setback) as a buffer along the entire width of the property which abuts said road except where curb cuts or driveways provide ingress and egress. Said buffer shall consist of a combination of native canopy trees, understory trees, and shrubs which shall be of sufficient height to create a visual barrier and so that an attractive appearance is presented as detailed in the required landscape plan.

1. Mini-warehouse
2. Recreational Vehicle Park
3. Manufactured Home Park
4. Hotel & Motel
5. Adult Uses
6. All Transportation, Communication, & Utility Uses
7. All Light & General Industrial Uses
8. A Subdivision that meets the requirements of a Major Project

(d) **Sidewalks Required for Major Projects** A Major Project (including a subdivision falling in this category) requiring a Commission Site Plan, Preliminary Plat, Final Site Plan, or similar approval from a Planning Commission and that abuts the following roads:

1. County Road 55 between Hoiles Ave and North Blvd ;
2. County Road 55 between South Blvd and County Road 48 (the location of a new school);
3. State Hwy 104 between County Road 49 and West Blvd; or
4. State Hwy 104 between East Blvd and the Robertsedale City Limits.

shall construct, as part of the project and to the extent that a sidewalk does not already exist, a minimum 5-foot sidewalk along the entire portion of the parcel fronting the listed road.

- (e) **Wetlands to be Set Aside in Common Areas.** Jurisdictional wetlands within any subdivision that meets the definition of a Major Project shall be set aside within a common area. The requirements of this provision shall not apply to man-made wetlands constructed in uplands.
- (f) **Stream Buffers.** Except as exempted by Section 10.4.7 of the Baldwin County Zoning Ordinance, in Planning District 14 development may not occur within 100 feet of any stream or river's top of bank on both sides of the waterway. When a stream is located within a gully, the top of bank shall be the top of the bank of the gully. The required buffer shall not be disturbed and shall be maintained in its natural state, except for the removal of invasive, exotic species. An owner shall be automatically exempt from these requirements for the construction of a single-family residence, only to the extent necessary to meet the minimum required building & highway construction setbacks of the zoning ordinance and shall not be required to obtain a variance. The requirements of this section shall apply to any Major Project unless granted a variance by the Board of Adjustments.
- (g) **Special Parking Requirements to Reduce Impacts of Impervious Areas.** To encourage the use of shared parking and reduce the impacts of large impervious parking areas, the requirements of Section 15.2 Parking Schedule, may be substituted by the requirements dictated in a Parking Study prepared by an Alabama Licensed Professional Engineer in accordance with the most recent edition of the ITE Parking Generation Manual. The Planning and Zoning Director may, if he or she determines that the ITE Parking Generation Manual data fails to represent local conditions, require the applicant to collect and use localized parking generation data from similar uses in preparing its parking study.
- (h) **High Intensity Commercial and Residential Development to be Clustered at Major Activity Nodes.** Single Family District (RSF-3), Single Family District (RSF-4), General Commercial (B-3), and Major Commercial (B-4) Districts shall be clustered at major activity nodes to reduce the spread of traffic congestion throughout the district and lessen the overall burden of commercial development and higher intensity residential development on infrastructure.
- An RSF-3, RSF-4, B-3, & B-4 rezoning application may only be submitted for parcels within the radial distances specified below for the various road intersections. A parcel's location within the prescribed radius does not guarantee approval of the requested zoning. Each application shall be reviewed against the factors proscribed in *Section 19.6 Factors for Reviewing Proposed Amendments*, in the same manner as any other rezoning application.

Intersection:	RSF-3 Permitted within:	RSF-4 Permitted within:	B-3 Permitted within:	B-4 Permitted within:
CR 9 & CR 32	Not permitted	Not permitted	0.25 miles	Not permitted
SR 104 & CR 49	0.50 miles	0.25 miles	0.1 miles	0.1 miles

When a parcel intersects the distance boundary specified above, only the parcel area within 500 feet from such boundary shall be permitted for the proposed rezoning.

In Planning District 14, Two Family District (RTF-4), Single Family District (RSF-6), Two Family District (RTF-6), Multiple Family District (RMF-6), High Density Residential (HDR), Light Industrial District (M-1), and General Industrial District (M-2) zoning districts shall not be available and all references in the zoning ordinance to such districts are deleted, except as to lots or parcels included in such districts as of November 1, 2023.

The aforementioned districts were made unavailable on the basis that the uses associated with these districts are best served by municipal governments that have the legal authority and operational capacity to provide for the health, safety, and welfare of citizens in relation to these higher intensity uses. Given the rural nature of Planning District 14, these uses are not appropriate at this time.

- (i) **Commercial Building Façade Requirements** The front façade of a proposed building within a Commercial District or for a proposed building that will be part of a Professional Service & Office Use or Commercial Use in a non-commercial district, which is visible from a public right-of-way, shall be constructed of masonry, wood, or other materials which will present a pleasing appearance, and which will be compatible with the surrounding area. It is the intent of this provision to prohibit the use of traditional steel panel siding as a front façade that is visible from the road on commercial uses. This provision shall not apply to the portions of a structure that are fully screened from view by a required, "visual barrier" landscape buffer.

(j) High-value Native Trees

1. Planning District 14 contains a variety of both native and non-native trees. Healthy trees reduce air and noise pollution, furnish habitat for wildlife, enhance aesthetics and property values, and are an important contributor

to community image and quality of life. Planning District 14 realizes that in order to protect and enhance their valuable tree resources, it is useful to view and manage trees as a cohesive unit. This tree preservation is primarily directed at providing protection for high value native trees.

2. High-value native trees include **Live Oak trees, Magnolia trees, & Cypress trees.**

3. On developments that meet the definition of a Major Project, the applicant shall perform and submit a tree survey that identifies all existing native, high-value trees that have a diameter at breast height (DBH) (note: DBH is measured at 4.5 feet above the ground) greater or equal to 25 inches (circumference of 6 feet, 6 inches). High-value trees meeting this minimum size criteria shall not be removed, cut, or harmed except as follows:

- i. Up to 25% of the high value trees identified in the tree survey may be removed at the owner's/developer's discretion so long as each of the removed, cut, or harmed trees are replanted with two high-value trees as required herein, or
- ii. Up to 50% of the high value trees identified in the tree survey may be removed with permission from the Planning Commission during the Commission Site Plan approval process, so long as each of the removed, cut, or harmed trees are replanted with two high-value trees as required herein.

4. A high-value tree is automatically deemed to be "removed, cut, or harmed" if development activity, including land disturbance, occurs within the critical root zone which shall be the circular area around the base of the tree, which area is formed by a circle with a diameter that is equal to 0.5 feet per inch in DBH.

5. Replanted trees shall meet the following minimum requirements:

- i. Trees selected for planting must be free from injury, pests, disease, nutritional disorders, or root defects.
- ii. Each replacement tree shall be from those listed as high-value native trees and shall be 2 ½" caliper (measured 6" off the ground) at planting.
- iii. All plantings shall occur from December to March. All plantings that die or are destroyed must be replaced within ninety days.

6. The requirements of this local provision shall not apply to agricultural and silvicultural operations unless those operations are in preparation

for the development of a Major Project, nor shall it apply to the removal of a tree that is damaged due to a tornado, storm, accident, flood, hurricane, or other act of nature.

7. The requirements of this section are in addition to all other landscape buffer requirements of this Zoning Ordinance.

(k) **Traffic Study Requirements** In addition to the traffic impact study requirements under the Baldwin County Subdivision Regulations, the following minimum standards for traffic studies shall apply in Planning District 14 for projects that meet the definition of a Major Project.

1. A Traffic Impact Study shall be required for the following developments:

- i. All developments with a trip generation during the peak hour in excess of 75 vehicles as determined by the developer's Traffic Engineer and approved by Baldwin County.
- ii. Any change in land use which would increase the trip generation during the peak hour in excess of 50 vehicles as determined by the developer's Traffic Engineer and approved by Baldwin County.
- iii. A rezoning application where the proposed zoning will increase the trip generation during the peak hour in excess of 75 vehicles as determined by the developer and approved by Baldwin County.
- iv. Any development that the County Engineer determines will impact the transportation network or any development that the County Engineer believes, due to health, safety, and welfare concerns, should be coordinated with adjacent developments.

2. A Traffic Impact Study shall include four-hour AM & PM Traffic Counts at each studied intersection. Generally, these counts shall be taken from 6 AM to 10 AM and from 2 PM to 6 PM, unless otherwise directed by the Planning Director or County Engineer.

3. A Traffic Impact Study shall include approach counts for roadways identified within the study area. Approach counts shall include a minimum of 24 continuous hours of count data.

4. A Traffic Impact Study shall include the projected traffic conditions related to the development horizon year (build out year) and future, post-development traffic volumes for five (5) future years from the build out year studied. Unless compelling reasons are provided by the traffic engineer and accepted by Baldwin County, the largest of the following shall be used for the growth rate in future-year calculations:

- i. The most recent available annual population growth rate for Baldwin County;
- ii. The annual population growth rate of the census tract (calculated from the most recently available US Census data) where the development is located;
- iii. The annual growth rate calculated from surrounding traffic data on similar roads; &
- iv. The annual growth rate as calculated from the Eastern Shore MPO travel demand model or other Baldwin County developed travel demand model.

5. When a Traffic Impact Study is required, in addition to intersections identified by the County Engineer's designee, the Applicant shall, at a minimum, study the first intersection of a collector (or higher) and arterial in each feasible travel direction within three miles of a proposed development's access points to the maintained road system.

(I) **Good Neighbor Stormwater Policies** One of the most significant opportunities for protecting our natural resources exists in governmental organizations adopting Good Neighbor Policies for stormwater management. These policies generally require that developments do not harm their neighbors. Four Good Neighbor regulatory recommendations recently emerged for Baldwin County through the Western Perdido Watershed Management Plan development process with reference to the Georgia Stormwater Management Manual. Though generated as part of the Western Perdido Watershed Management Plan, these principles were recommended for broader application throughout the County. These Good Neighbor policies are required in Planning District 14 for all Major Projects with the intent of reducing harm to downstream neighbors and the applicant shall demonstrate compliance as part of the Preliminary Plat application drainage submittal. The Georgia Stormwater Management Manual may be referenced as needed to carry out the requirements of these Good Neighbor stormwater policies.

1. Retain the first one inch of runoff during any rain event.

- i. *In Layperson Terms:* This means that the first inch of rain from any storm event will be retained on-site and will either evaporate into the air or percolate into the ground.
- ii. *The Benefit:* This requirement will help ensure that pollutants settle out in the development's stormwater pond and reduce the chances of those pollutants impacting downstream neighbors and ultimately reaching County streams and rivers.
- iii. *How this Differs from Current Requirements:* This requirement enhances the current requirements of the Baldwin County Subdivision Regulations which allows some of the first inch of rain to

leave the site without any treatment as long as the post-development discharge rate remains less than pre-development discharge rate.

2. If policy number 1 above cannot be achieved, treat the runoff from any 85th percentile, 24-hour storm (1.5 inches) by removing 80% of solids from the runoff associated with that event.

i. *In Layperson Terms:* Sometimes retention of the first inch of rain from any storm event is not achievable due to the high clay content of Baldwin County soils. Regardless of pond size, the soils will not infiltrate the water properly and, due to the potential frequency of storm events, evaporation is not a reasonable alternative. Policy number two provides an alternate (and arguably more stringent) option that a developer may elect to pursue. If policy number 1 above cannot be achieved, the site may be developed to treat the stormwater that would be generated from the most frequent storms (85th percentile) experienced within a region by incorporating nature-based stormwater solutions to ensure removal of 80% of solids from stormwater associated with this 85th percentile storm.

ii. *The Benefit:* In most cases, this requirement will result in the use of a wet pond instead of a dry pond for the development. Ultimately, this requirement will help ensure that pollutants settle out in a pond or other nature-based stormwater feature and reduce the chances of pollutants impacting downstream neighbors and ultimately reaching County streams and rivers.

iii. *How this Differs from Current Requirements:* This requirement, if applied due to the inability to achieve policy number one, enhances the current requirements of the Baldwin County Subdivision Regulations which allows stormwater from these frequent (85th percentile) events to immediately leave the site without any treatment so long as the post-development discharge rate remains less than pre-development discharge rate.

3. Protect the downstream channel by providing extended detention (24 hours) for any one-year, 24-hour rain event.

i. *In Layperson Terms:* Extended detention is the practice of draining a runoff volume over a specified period of time, typically 24 hours, and is used to meet channel protection criteria. Under this requirement, an applicant must demonstrate that the development's detention facilities will slowly release the volume of the one-year storm at an average rate of 1/24 the volume per hour.

ii. *The Benefit:* When the water level of a stream or river is at the top of its banks and any further rise would result in water moving into the flood plain, the river is said to be at bankfull flow condition. As an area urbanizes, bankfull flow conditions increase in frequency and duration and become a primary cause of streambank erosion,

including the widening and downcutting of stream channels. By storing and releasing stormwater runoff from storm events that cause bankfull flow conditions (these storms correspond approximately to the 1-year storm event) in a gradual manner, the erosive velocities and volumes of stormwater downstream can be reduced with a corresponding reduction in downstream channel erosion.

iii. *How this Differs from Current Requirements:* This requirement enhances the current requirements of the Baldwin County Subdivision Regulations which allows some of the one-year storm event to immediately leave the site at a rate that is greater than the predevelopment rate which will frequently cause a stream to erode under these new volume and velocity pressures produced by the development.

4. Demonstrate that flows are not increased at a downstream point in the drainage basin where the development's on-site drainage area represents 10% of the downstream drainage basin area.

i. *In Layperson Terms:* This means that a developer must look downstream to see how the stormwater volumes produced by the development might impact downstream neighbors and defines how far downstream the developer must look. The applicant will be required to confirm that the post-development peak flow at this downstream point is no more than the pre-development peak flow at this downstream point for the 1 through 100-year storm events.

ii. *The Benefit:* This requirement will help protect downstream ditches, streams, and rivers from increased degradation.

iii. *How this Differs from Current Requirements:* This requirement enhances the current requirements of the Baldwin County Subdivision Regulations which requires no adverse downstream impacts but fails to provide a standard for evaluating those potential downstream impacts.

An applicant is encouraged (but not required) to employ nature-based stormwater solutions to treat stormwater as close as possible to the location where rainfall actually impacts the ground. Low impact designs can reduce stormwater runoff and thereby reduce the size of infrastructure necessary to convey the runoff and ultimately decrease construction costs.

(m) *Public Safety Access Road in One- or Two-Family Residential Developments.* As recommended by the State Fire Marshall in the Alabama Administrative Code, the requirements of Section D107.1 of the 2021 International Fire Code shall apply to residential developments in Planning District 14 with thirty or more one- or two-family dwelling units as follows:

“Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads.”

(n) Incentivizing Certain Planned Residential Developments. There shall be a presumption of appropriateness and compatibility, and staff shall recommend approval as it relates to compatibility issues, for a proposed PRD with underlying RSF-1 zoning utilizing a net density calculation (based on a Net Developable Area that excludes roads, detention ponds, and 50% of wetlands or recreational retention ponds), but shall otherwise meet all other requirements of Article 9 and these local provisions.

(a)-

(o) Animal Husbandry Permitted in Residential Districts. The rearing, breeding, and raising of horses, cows, goats, sheep, and chickens (excluding roosters), shall be permitted in Single-Family Residential Districts less than three acres and in Base Community Zoning less than three acres so long as the underlying parcel meets the following minimum acreage requirements:

Animal	Minimum Acreage*	Maximum Number of Permitted
Cow (Cow/Calf Pair)	1.5	1 cow & 1 calf
Goat/Sheep	1	6
Horse	1.5	1
Chicken	0.5	8 hens per 0.5 acres

*When different animals are combined the required acreage shall be the sum of the minimum acreages required for each animal. Property owners will be responsible for confirming that animal husbandry is not otherwise disallowed by restrictive covenants. This limitation is not intended to restrict any agricultural uses otherwise already permitted by the Ordinance within the Rural or Residential Districts.

(b)(p) Special Allowance for Duplexes. In Planning District 14 on a vacant parcel that is one-acre or greater in size and zoned as either Base Community Zoning (BCZ), Rural Agriculture (RA), Rural District (RR), or a Residential District under Article 4, one duplex shall be permitted by right, with no additional primary or accessory dwelling units.

0.25.37 **Planning District 15.**

0.25.37.3 Effective Date

AM to 10 AM and from 2 PM to 6 PM, unless otherwise directed by the Planning Director or County Engineer.

3. A Traffic Impact Study shall include approach counts for roadways identified within the study area. Approach counts shall include a minimum of 24 continuous hours of count data.
4. A Traffic Impact Study shall include the projected traffic conditions related to the development horizon year (build out year) and future, post-development traffic volumes for five (5) future years from the build out year studied. Unless compelling reasons are provided by the traffic engineer and accepted by Baldwin County, the largest of the following shall be used for the growth rate in future-year calculations:
 - i. The most recent available annual population growth rate for Baldwin County;
 - ii. The annual population growth rate of the census tract (calculated from the most recently available US Census data) where the development is located;
 - iii. The annual growth rate calculated from surrounding traffic data on similar roads; &
 - iv. The annual growth rate as calculated from the Eastern Shore MPO travel demand model or other Baldwin County developed travel demand model.

(n) *Good Neighbor Stormwater Policies.* One of the most significant opportunities for protecting our natural resources exists in governmental organizations adopting Good Neighbor Policies for stormwater management. These policies generally require that developments do not harm their neighbors. Four Good Neighbor regulatory recommendations recently emerged for Baldwin County through the Western Perdido Watershed Management Plan development process with reference to the Georgia Stormwater Management Manual. Though generated as part of the Western Perdido Watershed Management Plan, these principles were recommended for broader application throughout the County. These Good Neighbor policies are required in Planning District 39 for all Major Projects with the intent of reducing harm to downstream neighbors and the applicant shall demonstrate compliance as part of the Preliminary Plat application drainage submittal. The Georgia Stormwater Management Manual may be referenced as needed to carry out the requirements of these Good Neighbor stormwater policies.

1. Retain the first one inch of runoff during any rain event.
 - i. *In Layperson Terms:* This means that the first inch of rain from any storm event will be retained on-site and will either evaporate into the air or percolate into the ground.

Section 3.4 BCZ Base Community Zoning District

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 18.9.2 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 Zoning district, the 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:

Article 23 Table of Permitted Uses

Section 23.1 Use of Land and Structures

Except as provided in *Section 2.3: Establishment of Zoning in Planning Districts*, no building, structure or land shall be used or occupied and no building or part thereof shall be erected, constructed, moved or altered except in conformity with the use ordinances specified in the table of permitted uses for the zoning district in which it is or is to be located.

Section 23.2 Permitted Uses

Uses in the table of permitted uses identified by (P) are permitted as of right, subject to the conditions specified in the Table or elsewhere in these ordinances. On September 21, 2021, the Zoning Ordinance was Amended to add the Conditional Use Commission Site Plan approval process. A permitted (P) use in the Table becomes a conditional (C) use Commission Site Plan Approval if it triggers the requirements of Section 18.9.2 of this Ordinance.

Section 23.3 Special Exceptions

Uses in the table of permitted uses identified by (S) are permitted upon special exception approval by the Board of Adjustment.

Section 23.4 Conditional Use Commission Site Plan Approval Uses

Uses in the table of permitted uses identified by (C) are permitted upon Conditional Use Commission Site Plan Approval by the Planning Commission.

Section 23.5 Prohibited Uses

Where any use or analogous use has blank spaces under any zones listed in the headings of the table of permitted uses, such use is specifically prohibited in such zones.

Section 23.6 Unlisted Uses

In any case where a requested use is not specifically provided, the Zoning Administrator shall determine the appropriate zoning classification by reference to the most clearly analogous use or uses that are specifically provided.

Figure 1: Table of Permitted Uses

	RR	RA	CR	DOZ	RSF-E	RSF-1	RSF-2	RSF-3	RSF-4	RTF-4	RSF-6	RTF-6	RMF-6	HDR	RMH	B-1	B-2	B-3	B-4	RV-1	RV-2	LB	LB	MR	OR	TR	M-1	M-2
RESIDENTIAL USES																												
Accessory structures and uses	P	P	P	<u>P</u>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	P	P		P	P
Boarding, rooming or lodging house, dormitory	C										C	C	C				P	P	P								P	P
Fraternity or sorority house	C										C	C	C				P	P	P								P	P
Mail order house	C																										P	P
Manufactured housing park															P													
Mobile home/ manufactured home	P	P	P	<u>P</u>	P	P	P	P	P	P	P	P	P	P	P									P				
Multiple family dwellings													P	P														
Single family dwelling, including mobile/manufactured home	P	P	P	<u>P</u>	P	P	P	P	P	P	P	P	P	P										P				

	RR	RA	CR	ECZ	RSF-E	RSF-1	RSF-2	RSF-3	RSF-4	RTF-4	RSF-6	RTF-6	RMF-6	HDR	RMH	B-1	B-2	B-3	B-4	RV-1	RV-2	LB	LB	MR	OR	TR	M-1	M-2
Two family dwelling										P		P	P	P														
AGRICULTURE USES																												
Agriculture	P	P	P	<u>P</u>	P																						P	P
Aquaculture	C	P		<u>P</u>													C	P	P					C		C	P	P
Animal raising	P	P	P	<u>P</u>	P																						P	P
Dairying	P	P	P	<u>P</u>	P																						P	P
Farming	P	P	P	<u>P</u>	P																						P	P
Floriculture	P	P	P	<u>P</u>	P																						P	P
Hatchery, poultry and fish	P	P	P	<u>P</u>	P																						P	P
Horticulture	P	P	P	<u>P</u>	P																						P	P
Pasturage	P	P	P	<u>P</u>	P																						P	P
Silviculture	P	P	P	<u>P</u>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	P	P	P	P	P
Stables	P	P	P	<u>P</u>	P																						P	P
Viticulture	P	P	P	<u>P</u>	P																						P	P

	RR	RA	CR	ECZ	RSF-E	RSF-1	RSF-2	RSF-3	RSF-4	RTF-4	RSF-6	RTF-6	RMF-6	HDR	RMH	B-1	B-2	B-3	B-4	RV-1	RV-2	LB	LB	MR	OR	TR	M-1	M-2	
INSTITUTIONAL USES																													
Ambulance/EMS Service	C	C	C															C	C								P	P	
Art gallery or museum	C	C	C															P	P			P	C				P	P	
Auditorium, stadium, coliseum	C	C	C															C	C								P	P	
Business school or college	C	C	C															P	P								P	P	
Cemetery (See Sections 2.3 and 13.7)	C	C/ P	C		P													P	P								P	P	
Church or similar religious facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P*	P*	P	P	P	P	P
City hall or courthouse	C	C	C															P	P								P	P	
Club or lodge	C	C	C													P	P	P	P			P	C				P	P	
College or university	C	C	C															C	C								P	P	
Convalescent or nursing home	C	C	C															C	C								P	P	

	RR	RA	CR	ECZ	RSF-E	RSF-1	RSF-2	RSF-3	RSF-4	RTF-4	RSF-6	RTF-6	RMF-6	HDR	RMH	B-1	B-2	B-3	B-4	RV-1	RV-2	LB	LB	MR	OR	TR	M-1	M-2
Correctional, detention, or penal institution		C	C															C	C								P	P
Child care center	P	C	C												C	P	P	P	P								P	P
Child care institution	P	C	C												C	P	P	P	P								P	P
Day care home	P	C	C		C	C	C	C	C	C	C	C	C	C										C				
Dog Pound	C	C	C															C	C								P	P
Fire station	C	C	C		C	C	C	C	C	C	C	C	C	C	C	P	P	P	P								P	P
Funeral home	C	C	C															P	P								P	P
Hospital	C	C	C															C	C								P	P
Library	P	C	C													P	P	P	P			P	C				P	P
Police station	C	C	C													P	P	P	P								P	P
Post office	P	C	C													P	P	P	P								P	P
Sanitarium																											P	P
School (public or private)	P	P	P	P	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P								P	P
Teen club or youth center	C	C	C															P	P								P	P
YMCA, YWCA	C	C	C															P	P								P	P
Zoo	C	C	C															C	C								P	P

	RR	RA	CR	BC	RSF-E	RSF-1	RSF-2	RSF-3	RSF-4	RTF-4	RSF-6	RTF-6	RMF-6	HDR	RMH	B-1	B-2	B-3	B-4	RV-1	RV-2	LB	LB	MR	OR	TR	M-1	M-2
Rug and/or drapery cleaning service	C																C	P	P								P	P
Seafood store	C																C	P	P								P	P
Skating rink	C																	P	P								P	P
Stone monument sales	C																	P	P								P	P
Taxidermy	C																	P	P								P	P

MAJOR COMMERCIAL USES																												
<u>Adult Use</u>																		<u>C</u>	<u>C</u>								<u>C</u>	<u>P</u>
Amusement park	C																	C	P								P	P
Auto convenience market	C																	P	P								P	P
Automobile parts sales	P																	C	P								P	P
Automobile repair (mechanical and body)	C																	C	P								P	P

	RR	RA	CR	ECZ	RSF-E	RSF-1	RSF-2	RSF-3	RSF-4	RTF-4	RSF-6	RTF-6	RMF-6	HDR	RMH	B-1	B-2	B-3	B-4	RV-1	RV-2	LB	LB	MR	OR	TR	M-1	M-2
Taxi terminal	C	C																C	C								P	
Telephone exchange	C	C																	C	C							P	P
Water plant	C	C																	C	C							P	P
Water storage tank	C	C															C	C	C						C		P	P
Water or sewage pumping station	C	C																	C	C							P	P
Water well (public or private)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Wireless telecommunication facilities (see Section 13.9)	C	C															C	C	C								P	P
LIGHT INDUSTRIAL USES																												
Automobile manufacture	C																										P	P
Bottling works	C																										P	P
Cabinet shop	C																C	C	C								P	P

	RR	RA	CR	ECZ	RSF-E	RSF-1	RSF-2	RSF-3	RSF-4	RTF-4	RSF-6	RTF-6	RMF-6	HDR	RMH	B-1	B-2	B-3	B-4	RV-1	RV-2	LB	LB	MR	OR	TR	M-1	M-2
GENERAL INDUSTRIAL USES																												
Automobile wrecking and salvage																												C
Concentrated animal feeding (CAFO)																												C
Electric power generating plant																												C
Extraction or removal of natural resources on or under land	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Junk yard																												C
Meat slaughtering and/or packing																												C
Shipbuilding and repair yard																												C
Stone cutting and processing																												C

section line to the Northwest corner of Section 6, Township 4 South, Range 4 East; run thence Eastwardly along the section lines to its intersection with Hollinger Creek; run thence Southwardly along the meanderings of Hollinger Creek to its intersection with the Eastern boundary of Range 4 East; run thence Southwardly along the Eastern Boundary of Range 4 East to the Southeast corner of the Northeast quarter of the Northeast quarter of Section 12, Township 6 South, Range 4 East; run thence Westwardly to the Southeast corner of the Northwest quarter of the Northeast quarter of Section 8, Township 6 South, Range 4 East; run thence Northwardly to the South right-of-way of U.S. Highway 90; thence meandering along the boundaries of Planning District 31 to the South right-of-way of County Road 54; run thence Southwardly to the Southern right-of-way of County Road 54; run thence Westwardly meandering along the corporate limits of Robertsedale to the Southwest corner of the Northwest quarter of the Southeast quarter of the Northwest quarter of Section 1, Township 6 South, Range 3 East, point of beginning. The planning district described herein shall exclude the corporate limits of all municipalities in Baldwin County as such corporate limits presently or may hereafter exist.

13. ***Planning District 13.***

County zoning has not been instituted in this district.

14. ***Planning District 14.***

[Forthcoming]

15. ***Planning District 15.***

Beginning at the intersection of U.S. Highway 90 and Eastern right-of-way State Highway 181; thence run Southwardly along the center State Highway 181 to the Southwest corner of the Section 11, Township 5 South, Range 2 East; thence run Eastwardly along Section lines to the Southeast corner of Section 7, Township 5 South, Range 3 East; thence run Northwardly along section lines to the Northwest corner of Section 5, Township 5 South, Range 3 East; thence run Eastwardly to the Northeast corner of Section 4, Township 5 South, Range 3 East; thence run Southwardly to the Southeast corner of the Northeast quarter of Section 4, Township 6, Range 3 East; thence run Westwardly to the Southwest corner of the Northwest quarter of Section 2, Township 6 South, Range 2 East; thence run Northwardly to the Northwest corner of the Southwest quarter of the Northwest quarter of Section 2, Township 6 South, Range 2 East; thence run S90 00' 00" W, 1225 feet to a point; thence run S 0 09' 09" E, 200 feet to a point; thence run S90 00' 00" W, 200 feet to a point; thence run N 0 09' 09" W, 200 feet to a point; thence run Westwardly to the Northwest corner of the Northeast quarter of the Southeast quarter of the Northwest quarter of Section 3, Township 6 South, Range 2 East; thence run Southwardly to the Southwest corner of the Southeast quarter of the Southeast quarter of the Northwest Quarter of Section 3, Township 6 South, Range