



Baldwin County Planning & Zoning Department

Baldwin County Commission Staff Report

Agenda Item

Case No. Z-19022

Hayes Property

Rezone RA, Rural Agricultural District to RV-1, Recreational Vehicle Park District

July 16, 2019

Subject Property Information

Planning District: 12
General Location: South side of County Road 68, West of County Road 71 N
Physical Address: N/A
Parcel Numbers: 05-41-03-08-0-000-012.000, 05-41-03-08-0-000-014.005 and 05-41-03-08-0-000-014.007
Existing Zoning: RA, Rural Agricultural District
Proposed Zoning: RV-1, Recreational Vehicle Park District
Existing Land Use: Agricultural/Residential
Proposed Land Use: Recreational Vehicle Park (110 sites)
Acreage: 26.93 acres, more or less
Applicant: Marvin D. Hayes, Jr.
28551 Rose Run Road
Robertsdale, Alabama 36567
Owner: Same
Lead Staff: Vince Jackson, Planning Director
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Agricultural/Residential	RA, Rural Agricultural
South	Agricultural/Residential	RA, Rural Agricultural
East	Agricultural/Residential	RA, Rural Agricultural
West	Undeveloped	RA, Rural Agricultural

Summary

This application involves three parcels, which together encompass approximately 26.93 acres. The current zoning is RA, Rural Agricultural District. The designation of RV-1, Recreational Vehicle Park District, has been requested for the purpose of developing a 110 site recreational vehicle (RV) park.

Section 3.2 RA Rural Agricultural District

3.2.1 *Generally.* This zoning district provides for large, open, unsubdivided land that is vacant or is being used for agricultural, forest or other rural purposes.

3.2.2 *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) Outdoor recreation uses.
- (d) The following general commercial uses: animal clinic and/or kennel; farm implement sales; farmers market/truck crops; nursery; landscape sales; country club.
- (e) The following local commercial uses: fruit and produce store.
- (f) The following institutional uses: church or similar religious facility; school (public or private).
- (g) Agricultural uses.
- (h) Single family dwellings including manufactured housing and mobile homes.
- (i) Accessory structures and uses.

3.2.3 *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:

- (a) The following general commercial uses: recreational vehicle park (see *Section 13.9: Recreational Vehicle Parks*).
- (b) The following local commercial uses: bed and breakfast or tourist home (see *Section 13.11: Bed and Breakfast Establishments*).

3.2.4 *Conditional uses.* 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 conditional uses:

- (a) Transportation, communication, and utility uses not permitted by right.
- (b) Institutional uses not permitted by right.

3.2.5 *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 18.6 Variances, and Article 20: Nonconformities*, the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure in Feet	35
Minimum Front Yard	40-Feet
Minimum Rear Yard	40-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	3 Acres
Minimum Lot Width at Building Line	210-Feet
Minimum Lot Width at Street Line	210-Feet

3.2.6 *Area and dimensional modifications.* Within the RA district, area and dimensional requirements may be reduced, as set forth below, where property is divided among the following legally related family members: spouse, children, siblings, parents, grandparents, grandchildren, or step-related individuals of the same status.

Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	40,000 Square Feet
Minimum Lot Width at Building Line	120-Feet
Minimum Lot Width at Street Line	120-Feet

Proposed Zoning Requirements

Section 5.5 RV-1, Recreational Vehicle Park District

5.5.1 *Purpose and intent.* The purpose of this section is to establish a zoning designation for recreational vehicle parks.

5.5.2 *Permitted uses.* The following uses are permitted as of right, or as uses accessory to permitted uses in the RV-1, Recreational Vehicle Park District:

- (a) Extraction or removal of natural resources on or under the land.
- (b) Water well (public or private).
- (c) Silviculture.
- (d) Recreational Vehicle Park.
- (e) Accessory structures and uses.
- (f) Church or similar religious facility.

5.5.3 *Density.* The maximum number of recreational vehicle sites developed under RV-1 shall be 15 sites per acre.

5.5.4 *Land Area.* The minimum land area shall be three (3) acres.

5.5.5 *Standards.* Recreational vehicle parks developed under the RV-1 designation shall meet all standards, procedures and requirements found in Section 13.8 of the zoning ordinance.

Section 13.8 Recreational Vehicle (RV) Parks

13.8.1 *Purpose.* The purpose of this section is to establish minimum standards for recreational vehicle parks.

13.8.2 *Procedures and standards.*

(a) *Land use certificate required.* All recreational vehicle parks are subject to the standards contained in this section and will be required to obtain a land use certificate prior to being granted a building permit.

(b) *Where permitted.* Except as provided in *Section 2.3.26.4(b)* and *Section 2.3.31.4*, recreational vehicle parks are permitted as follows:

1. High Density

- A. RV-1, B-4, M-1 and M-2 by right.
- B. B-3 by conditional use approval.
- C. RR, RA and CR by special exception approval.

2. Low Density

- A. RV-1, RV-2, B-4, M-1 and M-2 by right.
- B. B-2, B-3 and OR by conditional use approval.
- C. RR, RA and CR by special exception approval.

(c) *Occupancy.* A recreational vehicle shall not be occupied as a living quarter unless it is located in a recreational vehicle park as herein provided or as provided in *Section 12.2.2*. No recreational vehicle shall be used as a permanent dwelling. Continuous occupancy extending beyond 4 months in any 12 month period shall be considered permanent occupancy.

(d) *Storage and parking.* Recreational vehicles may be parked or stored in residential districts as provided in *Section 15.3.9: Storage and parking of trailers and commercial vehicles*.

(e) *Maximum density.*

- 1. High Density: 15 campsites per acre
- 2. Low Density: 6 campsites per acre

(f) *Land area.* The minimum land area of a recreational vehicle park shall be three (3) acres.

(g) *Use.* Use of spaces in recreational vehicle parks is limited to recreational vehicles.

(h) *Water and sewer facilities.*

1. *Water.* Each recreational vehicle park shall be served with a public/private water supply system capable of providing domestic water use and fire protection.
2. *Sewer.* Each recreational vehicle park shall be served with sanitary sewer facilities meeting all requirements of the Baldwin County Health Department.

(i) *Setbacks.*

1. No space shall be so located that any part intended for occupancy for sleeping purposes shall be within 30-feet of any property line.
2. Recreational vehicles must be separated from each other and from other structures by at least 10-feet.

(j) *Access.*

1. No recreational vehicle park shall be located except with direct access to a paved county, state or federal highway, with a minimum lot width of not less than 50-feet for the portion used for entrance and exit.
2. No entrance or exit shall be through an existing residential subdivision.
3. Access drives must be a minimum of 24-feet wide for a two-way street and 12-feet wide for a one-way street and must be improved with a suitable hard surface permanent type of pavement such as asphalt, concrete, limestone or other similar surface approved by the Planning Commission.

(k) *Accessory uses.* Management headquarters, recreational facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to the operation of a recreational vehicle park are permitted as accessory uses.

(l) *Sites.*

1. Each recreational vehicle site must be at least 1,600 square feet in area.
2. Each recreational vehicle site must contain a parking pad improved with a suitable all-weather surface.
3. Each recreational vehicle site must contain at least one (1) off-street parking space improved with a suitable all-weather surface.

(m) *Buffering.* In the event a recreational vehicle park is located adjacent to residentially zoned property, a landscaped buffer with a minimum width of 30-feet shall be provided. Said buffer shall consist of a combination of canopy trees, understory trees and shrubs which shall be of sufficient height to create a visual barrier. No buffer will be required if the recreational vehicle park is located adjacent to agricultural, commercial, industrial or recreational property.

(n) *Existing recreational vehicle parks.* Recreational vehicle parks which exist at the time of zoning adoption or amendment are grandfathered and may continue to operate lawfully provided that the operation is not discontinued for more than one (1) calendar year or 365 consecutive days. The owner of an existing RV park may conduct maintenance and repairs which may

include the replacement of accessory structures, hook-ups and utilities subject to the following conditions:

1. The cost of replacement shall not exceed 50 percent of the value of the park.
2. The recreational vehicle park shall not be expanded.
3. The footprints of accessory structures shall not be enlarged or moved.
4. The number of recreational vehicle spaces shall not be increased.

If the owner of an existing recreational vehicle park wishes to expand the recreational vehicle park, construct additional spaces and facilities or re-arrange spaces and facilities, the park shall at that time be brought into conformity with all requirements of this section.

Agency Comments

Baldwin County Highway Department:

Frank Lundy – The Maintenance Section does not have any comments to add.

Seth Peterson

From: Seth L. Peterson
Sent: Friday, May 17, 2019 12:59 PM
To: D Hart <DHart@baldwincountyal.gov>
Cc: Laurie Rumbaugh <LRUMBAUGH@baldwincountyal.gov>
Subject: RE: Z-19022

DJ,

If the rezoning is approved then the applicant will need to submit an application for Final Site Plan approval in accordance with the Subdivision Regulations.

Thanks,
Seth

From: D Hart
Sent: Friday, May 17, 2019 9:26 AM
To: Seth L. Peterson <SPETERSON@baldwincountyal.gov>
Cc: Laurie Rumbaugh <LRUMBAUGH@baldwincountyal.gov>
Subject: Z-19022

This case is scheduled for the June 6, 2019 Planning and Zoning Commission meeting.

Let me know if you have any comments.

Thanks,
DJ

DJ Hart, CFM
Planning Technician
Baldwin County Planning and Zoning Department
22070 Hwy 59
Robertsdale, Al. 36567

ADEM:

From: Brown, Scott [<mailto:jsb@adem.alabama.gov>]
Sent: Monday, May 20, 2019 11:51 AM
To: D Hart <DHart@baldwincountyal.gov>
Cc: USACE | S. Brad Crosson <steven.b.crosson@usace.army.mil>
Subject: <EXTERNAL> Z-19022, Z-19023, Z-19026

Good morning DJ:

Regarding Cases Z-19022 and Z-19026

From a desktop review, it appears that the subject properties contain wetlands. Wetlands are protected resources under §404 of the Clean Water Act. The applicants should consider having the respective properties evaluated for the presence of wetlands prior to conducting any construction related land disturbance. Prior authorization from the Mobile District U.S. Army Corps of Engineers is required for any wetlands fill activity.

v/r,
J. Scott Brown, Chief
Mobile Field Office
Alabama Department of Environmental Management
251.304.1176

From: D Hart <DHart@baldwincountyal.gov>
Sent: Friday, May 17, 2019 12:49 PM
To: Brown, Scott <jsb@adem.alabama.gov>
Subject: Z-19027, Z-19022

These cases are scheduled for the June 6, 2019 Planning and Zoning Commission meeting.
Let me know if you have any comments.

Thanks,
DJ

DJ Hart, CFM
Planning Technician
Baldwin County Planning and Zoning Department
22070 Hwy 59
Robertsdale, Al. 36567
251-580-1655 ext. 7230
dhart@baldwincountyal.gov

Municipality (Town of Loxley): No comments received.

Staff Analysis and Findings

The following factors for reviewing zoning amendments are found in Section 19.6 of the *Baldwin County Zoning Ordinance*. These factors are to be considered when an application is being reviewed for rezoning.

1.) Is the requested change compatible with the existing development pattern and the zoning of nearby properties?

The subject properties are currently occupied with a dwelling. The properties adjoin County Road 68 to the north. The adjoining properties are residential, agricultural and forested timberland.

2.) Has there been a change in the conditions upon which the original zoning designation was based? Have land uses or conditions changed since the zoning was established?

The zoning for Planning District 12 was approved by the Baldwin County Commission on November 7, 2006, with the most significant change being the construction and opening of the Baldwin Beach Express to the east of the subject properties. A number of parcels located adjacent to or near the intersection with I-10 have been rezoned to B-4, Major Commercial District.

3.) Does the proposed zoning better conform to the Master Plan?

The Baldwin County Master Plan, 2013, provides a future land use designation of Agricultural for the subject property. Approval of the rezoning will result in an amendment of the Future Land Use Map to Commercial.

4.) Will the proposed change conflict with existing or planned public improvements?

No conflicts.

5.) Will the proposed change adversely affect traffic patterns or congestion?

If the property is rezoned and developed there will be an impact on traffic patterns and congestion. The exact effect, however, will be difficult to ascertain until such time as the proposed development is constructed. It should be noted that trip generation manuals typically indicate a lower impact from a recreational vehicle park than would be found with a single family development.

6.) Is the proposed amendment consistent with the development patterns in the area and appropriate for orderly development of the community? The cost of land or other economic considerations pertaining to the applicant shall not be a consideration in reviewing the request.

See response to Standards Number 1 and Number 2.

7.) Is the proposed amendment the logical expansion of adjacent zoning districts?

There is no RV-1 zoning in the immediate vicinity. It should be noted that recreational vehicle parks may be constructed on the subject properties and the adjacent RA properties in accordance with the Special Exception approval of the Board of Adjustment.

8.) Is the timing of the request appropriate given the development trends in the area?

Timing is not a factor.

9.) Will the proposed change adversely impact the environmental conditions of the vicinity or the historic resources of the County?

It appears that there is a small area of jurisdictional wetlands along the west property line of parcel number 05-41-03-08-0-000-012.000.

Also, refer to ADEM comments from Scott Brown under agency comments listed above.

10.) Will the proposed change adversely affect the health, safety and welfare of the County and the vicinity?

Staff anticipates no adverse impacts.

11.) Other matters which may be appropriate.

As stated previously, if the rezoning is approved the applicant will need to submit an application for Final Site Plan approval in accordance with Section 5.16 of the *Baldwin County Subdivision Regulations*. This application, when submitted, will be considered by the Planning Commission.

Staff Comments and Recommendation

In conclusion, this rezoning application involves three parcels, which together encompass approximately 26.93 acres. The current zoning is RA, Rural Agricultural District. The designation of RV-1, Recreational Vehicle Park District, has been requested for the purpose of developing a 110 site recreational vehicle (RV) park.

The Planning Commission considered this case on June 6, 2019, and voted to recommend **APPROVAL** to the County Commission. The Commission should base its decision on the information obtained from the public hearing.*

**On rezoning applications, the County Commission will have the final decision.*

Proposed Site



Property Images





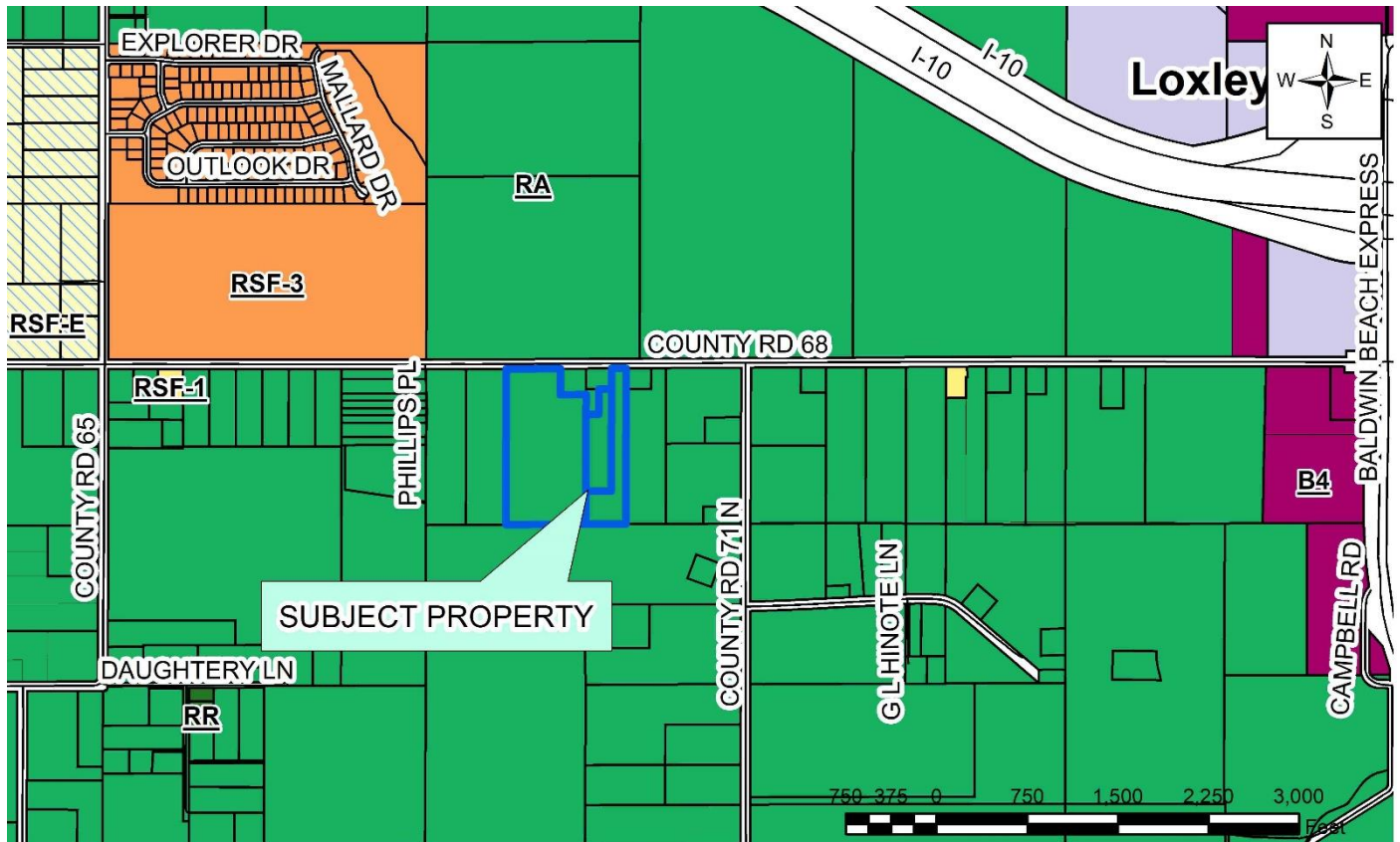




**ADJOINING PROPERTY
TO THE WEST**

04/23/2019

Locator Map



Site Map

