

TA-23002 Staff Report

Amendments to the Baldwin County
Zoning Ordinance to Add
Planning District 39
Zoning Maps and Local Provisions.

County Commission Public Hearing

July 18, 2023

This staff report is not necessarily a comprehensive listing of all proposed changes. All files related to the proposed amendment are available for viewing online:



<https://baldwincountyal.gov/departments/planning-zoning/meeting-agenda>

"Rule Books" Administered by the Planning & Zoning Department



*Today's Proposed
Amendment*

Zoning Ordinance



Subdivision Regulations



Unzoned Land
Disturbance Ordinance



Highway Construction
Setback



Architectural Review
Board Standards



Billboard Ordinance

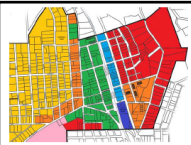
Overview

1. Process Timeline
2. Common Local Provisions
3. New Local Provisions & Priorities
4. Map
5. Full Ordinance Changes
6. Staff Recommendation
7. Public Hearing (Special Requests)



Process Timeline

- Citizen Driven Process
- Referendum Process Governed by Alabama Code 45-2-261.07
- Advisory Committee Process Governed by Alabama Code 45-2-261.08



BALDWIN COUNTY PLANNING & ZONING

Steps to Coming Under the Planning and Zoning Jurisdiction of Baldwin County

1. Citizen(s) sends a letter to the Baldwin County Commission expressing their desire to form a new zoning district and provides the proposed boundaries of the new district.
2. Planning and Zoning staff will review the proposal against the statutory requirements.
3. The Probate Judge will prepare a preliminary estimate of the number of registered voters in the proposed district.
4. Planning and Zoning staff will bring the citizen request to the County Commission for consideration at a regularly scheduled Commission meeting and the County Commission will consider the Citizen request and proposed boundary.
5. If accepted, Planning and Zoning staff will notify the Citizen(s) and provide petition forms for the collection of signatures.
6. The Citizen(s) will have 120 days to collect signatures from 10 percent of the registered voters in the newly proposed district.
7. The Probate Judge will have 45 days to certify or reject the accuracy of the petition.
 - If the number of signatures is not sufficient, the parties shall have another 60 days to complete the petition and have it certified.
 - If the petition is not certified, a petition for the proposed district may not be refiled for two years after the final denial of certification.
8. If the petition signatures are sufficient, the County Commission will instruct the Probate Judge to schedule an election within the district no later than 90 days after the signatures are approved.
9. Notice of the election will be published in the newspaper four times during the 30 days prior to the scheduled election.
10. Planning and Zoning staff will also mail a notice to all registered voters within the district. The notice will state the date of the election and the polling place(s). The judge of probate shall conduct the election.
11. If a simple majority of voters vote in the affirmative, then the district will become subject to the zoning and planning jurisdiction of the Baldwin County Commission.
12. The County Commission will appoint an advisory committee consisting of five registered voters from the district. The membership must reflect the diversity of the land use within the district as nearly as practical. Planning and Zoning staff will meet with the Advisory Committee to prepare a zoning map and draft text amendments to the ordinance for the new district.
13. The Advisory Committee will make a recommendation to the Planning Commission, which will make a recommendation to the County Commission. The County Commission will make the final approval decision.



Questions? Send an Email to:
planning@baldwincountyal.gov

Alabama Code Section 45-2-261.07

Procedure for exercising jurisdiction in each district.

The Baldwin County Commission shall not exercise its planning and zoning powers and jurisdiction in any district established hereunder until the majority of the qualified electors of the district voting in an election shall have voted their desire to come within the planning and zoning authority of the Baldwin County Commission. The election shall be held if 10 percent of the qualified electors in any district submit a written petition to the county commission expressing a desire to be subject to the planning and zoning jurisdiction of the Baldwin County Commission under authority of this subpart. For the purposes of the establishment of districts after June 1, 2010, a district shall correspond to a voting precinct or precincts in the county unless the county governing body determines that the use of voting precinct boundaries is not feasible. A party or parties seeking to file a petition shall notify the county governing body in writing that the parties will petition for the formation of a district and the proposed boundaries of the district. The judge of probate within 15 days shall give a preliminary estimate of the number of signatures needed to call the election. The county governing body shall notify the principal party in writing within 30 days of written notification by petitioners of intent to request a referendum, by United States mail, return receipt requested, that the proposed district is acceptable for planning, zoning, and voting purposes and shall furnish forms to the petitioner for use in seeking the number of signatures required to call an election. The parties shall have 120 days thereafter to obtain the necessary signatures and file the petition. The County Commission and the Judge of Probate of Baldwin County shall certify or

reject the accuracy of the petition no later than 45 days after receiving the petition. If the number of signatures is not sufficient, the parties shall have another 60 days to complete the petition and have it certified. If the petition is not certified, a petition for the proposed district may not be refiled for two year after the final denial of certification. Upon certification, the county commission shall then instruct the Judge of Probate of Baldwin County to provide for an election within that district no later than 90 days after the certification. Notice of the election shall be published four times during the 30-day period immediately preceding the date of the election in a newspaper of general circulation in Baldwin County. In addition, the county commission shall notify by U.S. mail each elector in a district of the election and the process to obtain additional information. The notification shall state the date of the election and the polling place or places for voting. The judge of probate shall conduct the election. All costs for the notification and election shall be paid from the General Fund of Baldwin County. If a majority of the qualified electors in a district vote in the negative in the election, then the district shall not be subject to the zoning and planning jurisdiction of the Baldwin County Commission, and the qualified electors of the district shall not be eligible to petition for another election until two years from the date of the last election. If a majority of the qualified electors in a district vote in the affirmative, then the district shall be subject to the zoning and planning jurisdiction of the Baldwin County Commission.

(Act 91-719, p. 1389, §8; Act 98-665, p. 1455, §1; Act 2006-609, p. 1672, §1; Act 2010-719, p. 1782, §1.)

Alabama Code Section 45-2-261.08

Appointment of advisory committees.

In each district wherein the qualified electors vote to become subject to the planning and zoning authority of the Baldwin County Commission as provided in Section 45-2-261.07, the Baldwin County Commission shall appoint an advisory committee from that district to work with and assist the planning commission in formulating and developing regulations, ordinances, and zoning measures for the district. Each advisory committee shall consist of five members who shall be qualified electors of the district and who shall reflect as nearly as practical the diversity of land use in a district. The members of each district advisory committee shall elect a chair. Upon the adoption of zoning ordinances and regulations for the district by the Baldwin County Commission pursuant to the terms of this subpart, the services of the district advisory committee shall terminate and the committee shall be abolished. In any district which is contiguous to one or more municipalities, a member of the municipal planning commission of each contiguous municipality shall serve in an ex officio capacity on the advisory committee.

(Act 91-719, p. 1389, §9; Act 98-665, p. 1455, §1; Act 2006-609, p. 1672, §1.)

Timeline

November 16, 2022

Accepted Petition
Signatures & Instructed
Judge of Probate to
Schedule Election no Later
than February 14, 2023

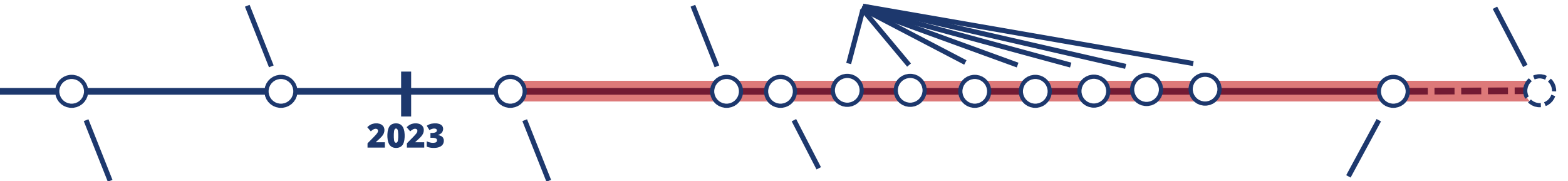
March 21, 2023

Appointment of
Advisory Committee

Remaining Meetings
with Unanimous
Recommendation on
May 18, 2023

July 18, 2023

Consideration by
County Commission



August 2, 2022

Accepted Citizen
Notice of Intent to
Pursue Zoning and
Accepted Boundaries

2023

February 7, 2023

Planning District 39 Election
437 Yes
306 No

March 30, 2023

First Advisory
Committee Meeting

June 6, 2023

Recommendation of
approval of Zoning
Ordinance by Planning
Commission



BALDWIN COUNTY,
ALABAMA

180 Moratorium—on all projects other than Single Family Dwellings and Family Subdivisions (Monday, August 7, 2023).

Overview

1. Process Timeline
2. Common Local Provisions



COMMON LOCAL PROVISIONS

(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.



COMMON LOCAL PROVISIONS

(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. All Transportation, Communication, & Utility Uses
6. All Light & General Industrial Uses
7. A Subdivision that meets the requirements of a Major Project



COMMON LOCAL PROVISIONS

(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 a functionally classified road shall construct, as part of the project, a minimum 5-foot sidewalk along the entire portion of the parcel fronting the functionally classified road if either of the following two conditions are met:

1. The development is within an activity node identified by these local provisions, or
2. The project immediately abuts a parcel or right-of-way where an existing public sidewalk currently terminates.



COMMON LOCAL PROVISIONS

(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.



COMMON LOCAL PROVISIONS

(f) *Stream Buffers.* Except as exempted by Section 10.4.7 of the Baldwin County Zoning Ordinance, in Planning District 39 development may not occur within 100 feet of any stream or river. 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 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.



COMMON LOCAL PROVISIONS

(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.



COMMON LOCAL PROVISIONS

- (i) *Density Limitations within Residential Manufactured Housing District.* Residential Manufactured Housing (RMH) zoning district shall only be available at a reduced density of four units per acre.
- (j) *Auto Convenience Markets.* Auto Convenience Markets shall be limited to Major Commercial (B-4) Districts.



COMMON LOCAL PROVISIONS

(k) *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.



Overview

1. Process Timeline
2. Common Local Provisions
3. New Local Provisions & Priorities



NEW LOCAL PROVISIONS - SOLID WASTE & TRASH MANAGEMENT.

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 developers 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.



NEW LOCAL PROVISIONS - SOLID WASTE & TRASH MANAGEMENT.

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.



NEW LOCAL PROVISIONS - SOLID WASTE & TRASH MANAGEMENT.

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.



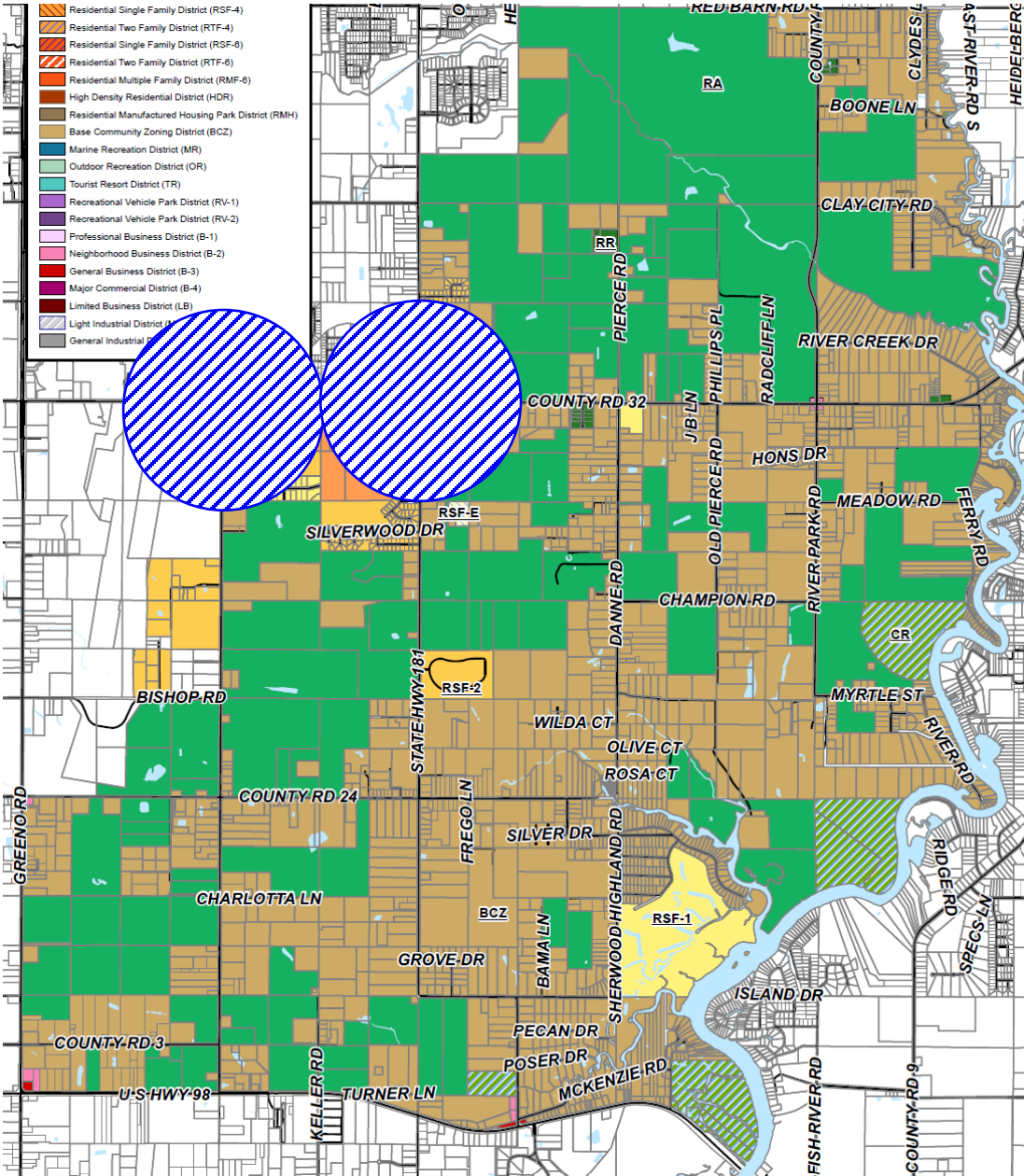
NEW LOCAL PROVISIONS – ACTIVITY NODES

<u>Intersection:</u>	<u>RSF-3 Permitted within:</u>	<u>RSF-4 Permitted within:</u>	<u>B-3 Permitted within:</u>	<u>B-4 Permitted within:</u>
<u>CR 13 & CR 32</u>	<u>0.50 miles</u>	<u>0.25 miles</u>	<u>0.1 miles</u>	<u>Not permitted</u>
<u>SR 181 & CR 32</u>	<u>0.50 miles</u>	<u>0.25 miles</u>	<u>0.25 miles</u>	<u>0.1 miles</u>
<u>US 98 & Greeno Rd</u>	<u>Not permitted</u>	<u>Not permitted</u>	<u>0.25 miles</u>	<u>0.1 miles</u>
<u>US 98 & Hwy. 181</u>	<u>Not permitted</u>	<u>Not permitted</u>	<u>0.1 miles</u>	<u>Not permitted</u>



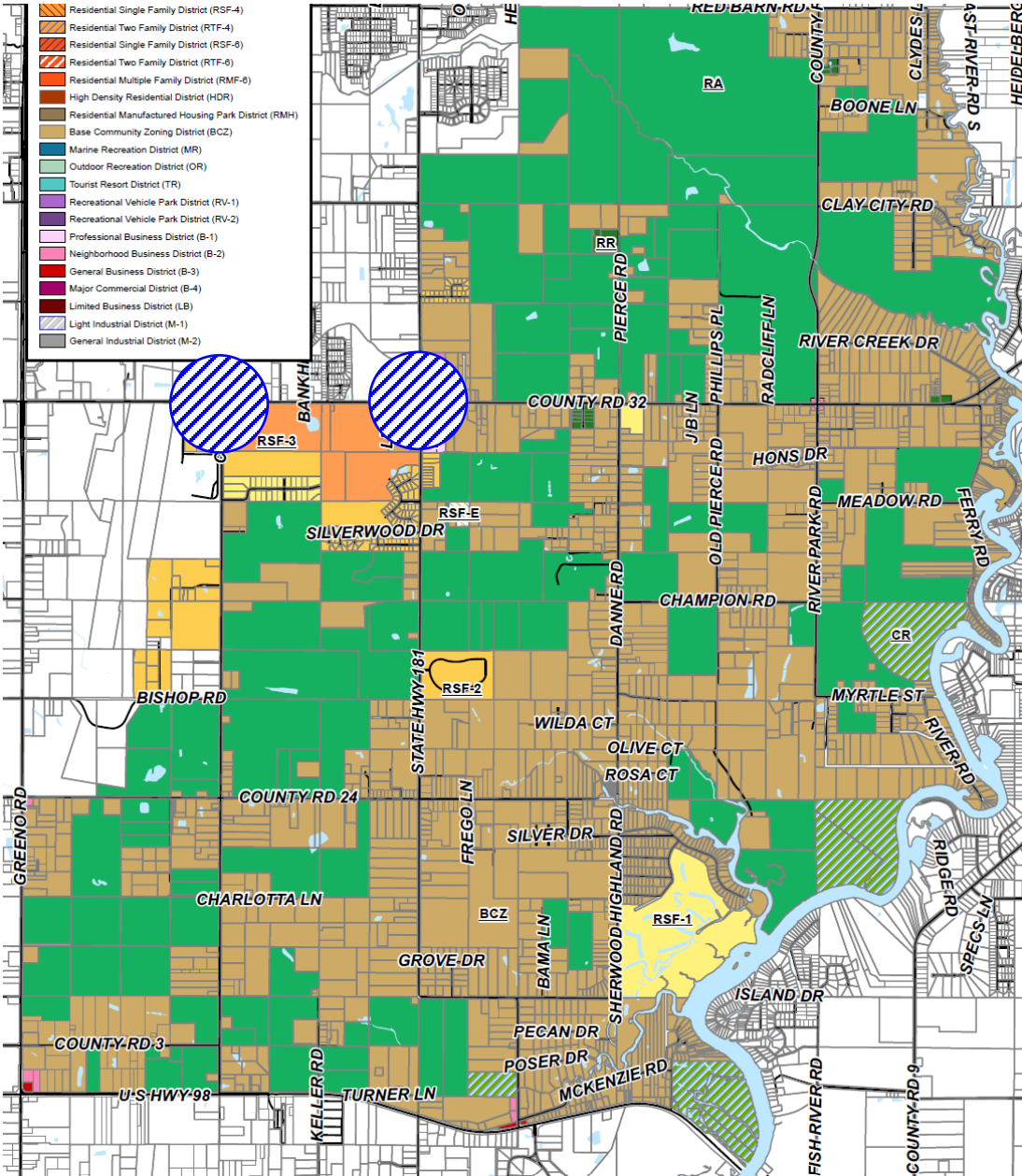
NEW LOCAL PROVISIONS – ACTIVITY NODES

RSF-3 may only be sought in the circles shown.



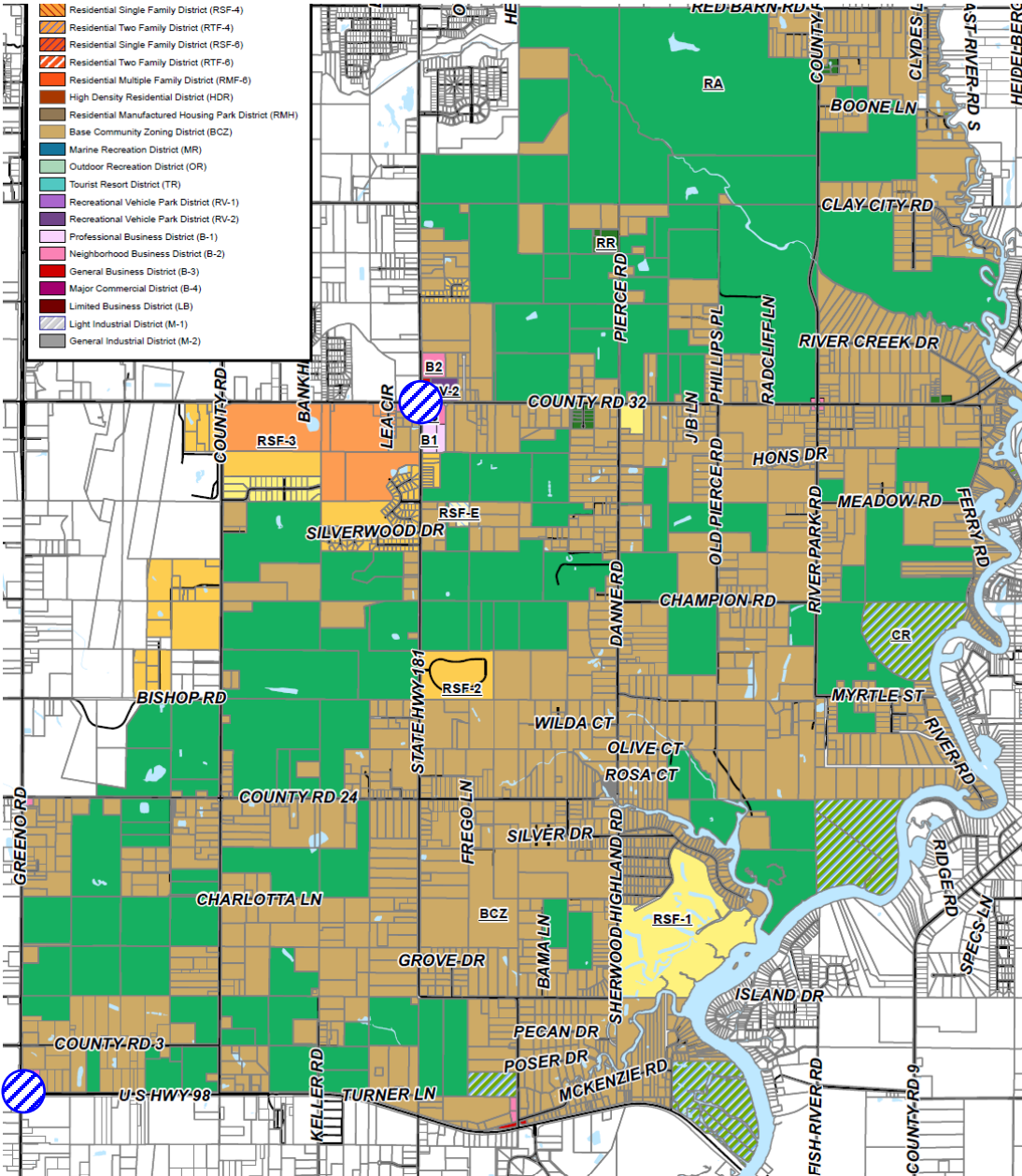
NEW LOCAL PROVISIONS – ACTIVITY NODES

RSF-4 may only be sought in the circles shown.



NEW LOCAL PROVISIONS – ACTIVITY NODES

B-4 may only be sought in the circles shown.



NEW LOCAL PROVISIONS – ACTIVITY NODES

In Planning District 39, 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 _____, 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 39, these uses are not appropriate at this time.



NEW LOCAL PROVISIONS – HIGH VALUE TREES

1. Planning District 39 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 39 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.



NEW LOCAL PROVISIONS – HIGH VALUE 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.



NEW LOCAL PROVISIONS – HIGH VALUE TREES

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.



NEW LOCAL PROVISIONS – HIGH VALUE TREES

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.



NEW LOCAL PROVISIONS – TRAFFIC STUDY REQUIREMENTS

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



NEW LOCAL PROVISIONS – TRAFFIC STUDY REQUIREMENTS

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.



NEW LOCAL PROVISIONS – TRAFFIC STUDY REQUIREMENTS

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.



NEW LOCAL PROVISIONS – STORMWATER REQUIREMENTS

5020 Engineering

2200 E Bay Dr. Unit 79
Daphne, AL 36526
251-402-4146
wade@5020eng.net

Matthew Brown

Planning and Zoning Director
Baldwin County, AL
2251 Palmer Street
Robertsdale, AL 36567

Dear Mr. Brown:

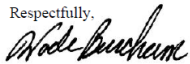
Across Mobile and Baldwin counties, local governments have recognized the need to manage stormwater and conserve natural habitats by updating regulations and ordinance stormwater management, natural resource protection, and coastal issues (e.g., shoreland). Reviews of regulatory drivers within a given watershed and completed as part of coastal management plan development and a formal review of existing laws and regulations at the state, and local levels for Mobile and Baldwin counties (including 27 city and county) have identified opportunities to improve regulations intended to protect natural resources.

These recent watershed planning efforts of the Mobile Bay National Estuary Program are practical, and implementable recommendations to protect our natural resources. If these recommendations, coined "Good Neighbor Policies," will reduce harm to downstream development.

I have attached my basis of the opinion that these policies apply to Baldwin County not expected to contradict the current requirements of the Subdivision Regulations.

Please do not hesitate to contact me if you have any questions or comments.

Respectfully,



Wade Burcham, P.E., LEED AP BD+C

(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 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.



NEW LOCAL PROVISIONS – STORMWATER REQUIREMENTS

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.



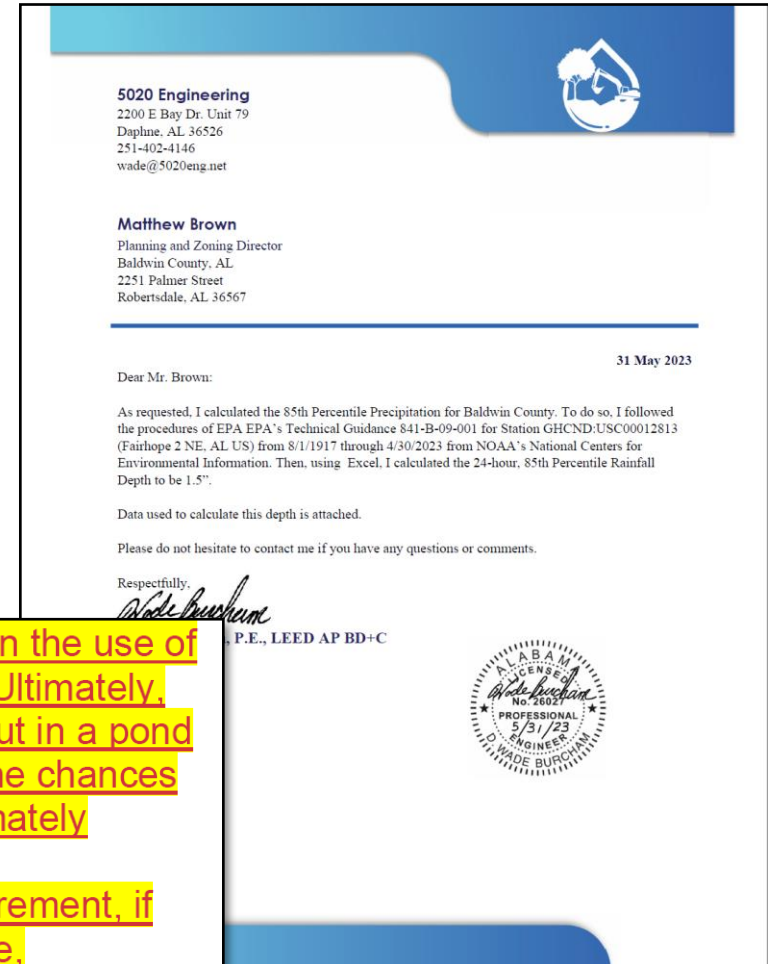
NEW LOCAL PROVISIONS – STORMWATER REQUIREMENTS

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.



BALDWIN COUNTY,
ALABAMA

NEW LOCAL PROVISIONS – STORMWATER REQUIREMENTS

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.



NEW LOCAL PROVISIONS – STORMWATER REQUIREMENTS

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.



NEW LOCAL PROVISIONS – STORMWATER REQUIREMENTS

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.



NEW LOCAL PROVISIONS – FIRE ACCESS ROADS

~~(a)~~(o) 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 39 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.”



NEW LOCAL PROVISIONS – RSF-1/PRD PRESUMPTION OF COMPATIBILITY

(p) *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.



NEW LOCAL PROVISIONS – PARCEL SPECIFIC ACCOMMODATIONS (AS PROVIDED WITHIN THE RESOLUTION)

2. That, as to parcel 56-01-02-0-001-028.501, Mini-Warehouses and Boat & RV Storage shall be a Permitted Use, subject to compliance with all other requirements for said use within the Ordinance.
3. That parcel 56-01-11-0-001-006.001 be accepted as a Planned Residential Development with an approved Final Site Plan as represented by the Laurelbrooke Subdivision Preliminary Plat approved by Baldwin County.

STATEMENT ON FUTURE PRIORITIES

1. Maintenance Requirements for Subdivision Stormwater Facilities.
2. Special Subdivision Requirement to Support Large-Lot Residential Subdivisions

Not part of these Zoning Ordinance amendments, but priorities expressed by the Citizens Advisory Committee that would be better addressed County-wide through amendments to the Subdivision Regulations.



Overview

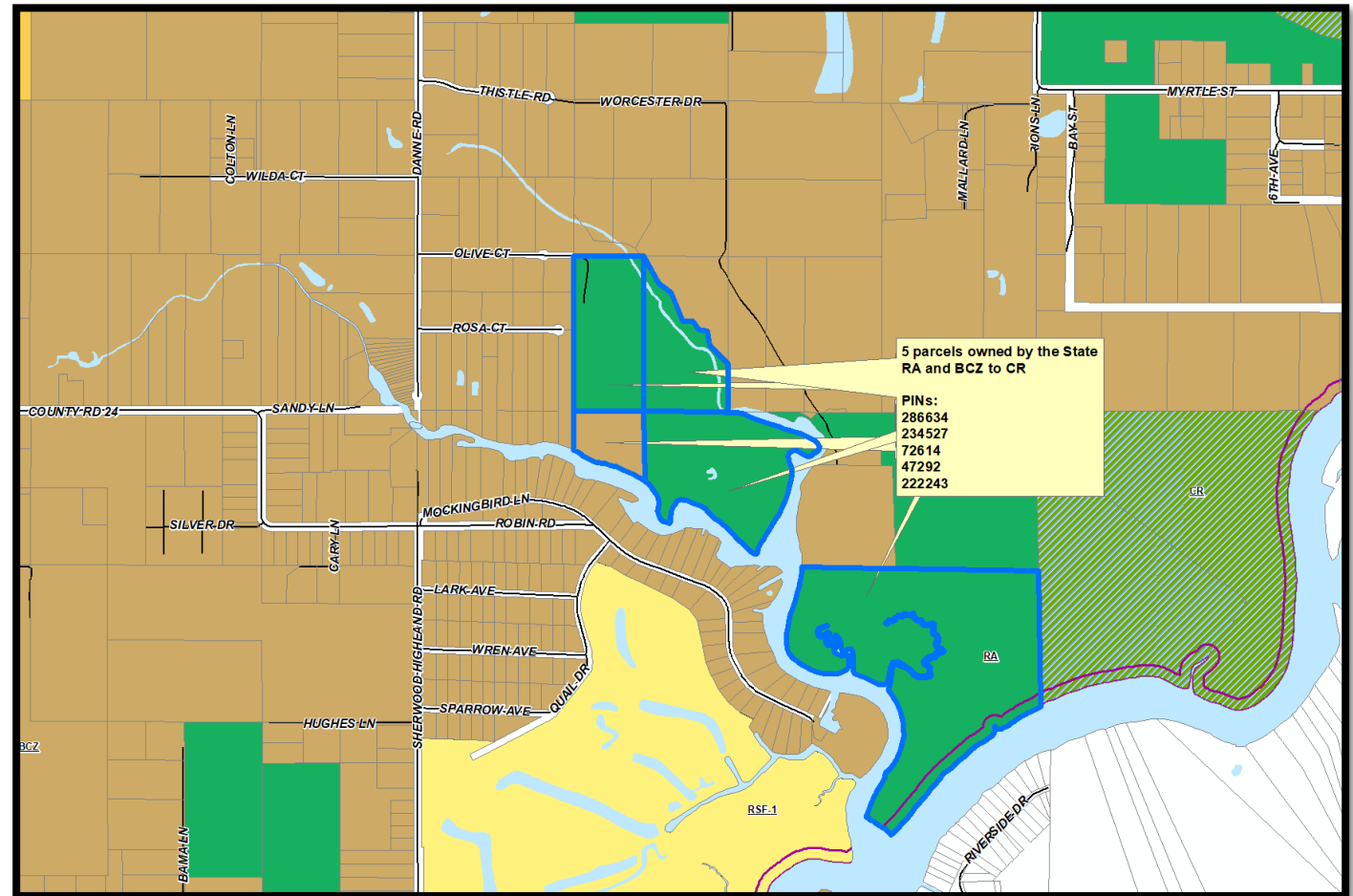
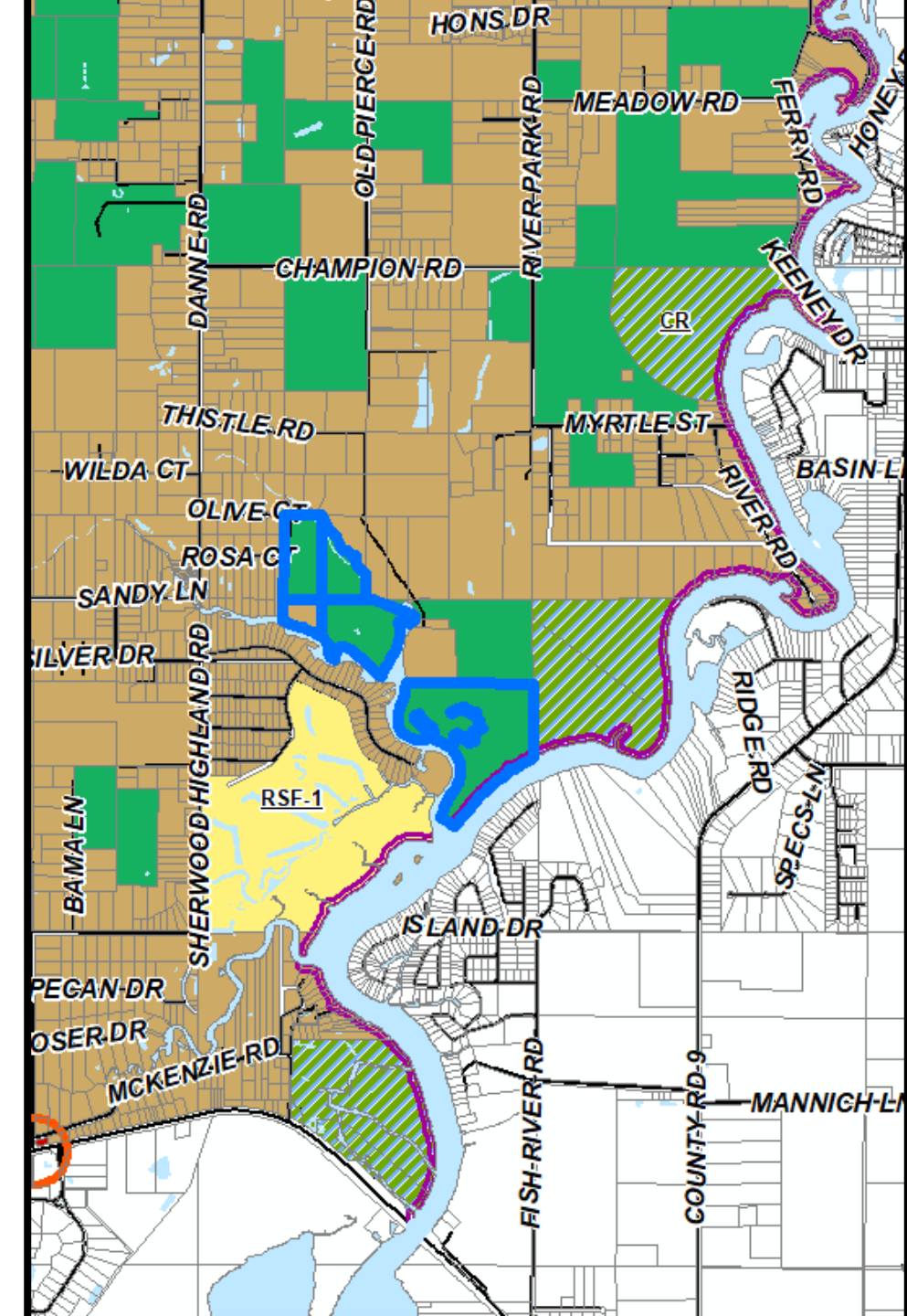
1. Process Timeline
2. Common Local Provisions
3. New Local Provisions & Priorities
4. Map

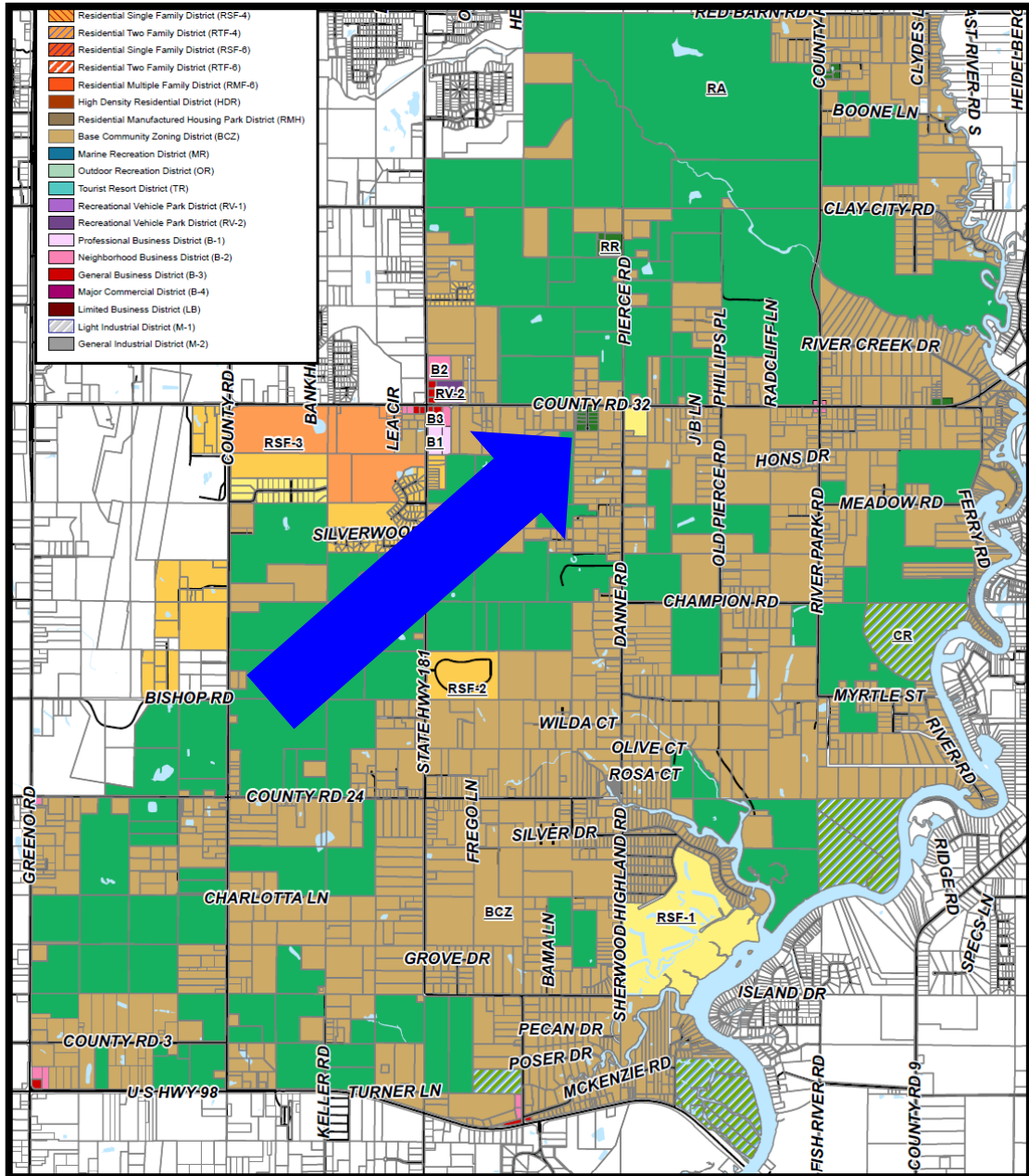


Proposed Change:

Additional State-Owned Lands: Zone as Conservation Resource (CR)

PPIN: 286634, 234527, 72614, 47292, 222243

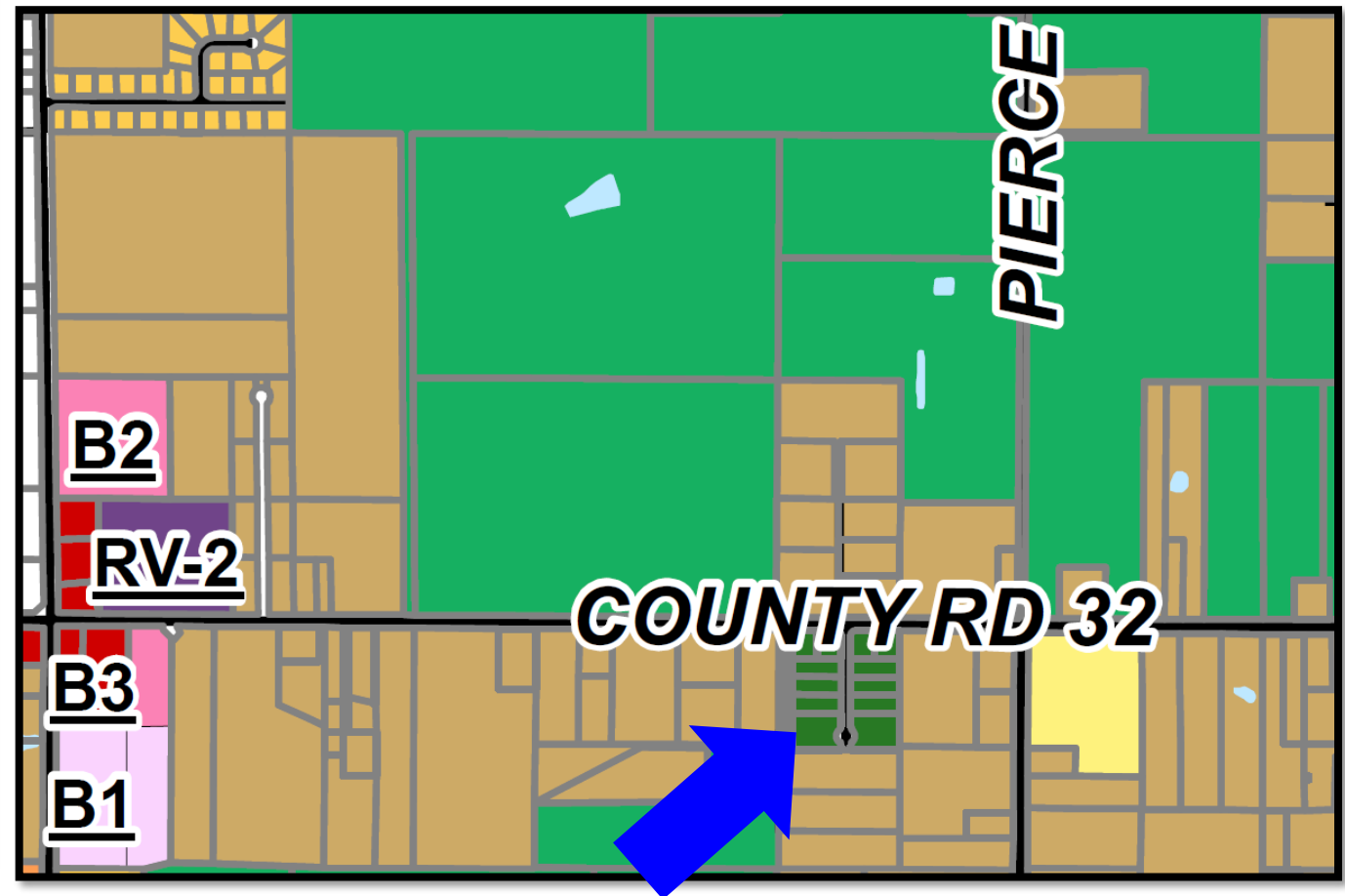


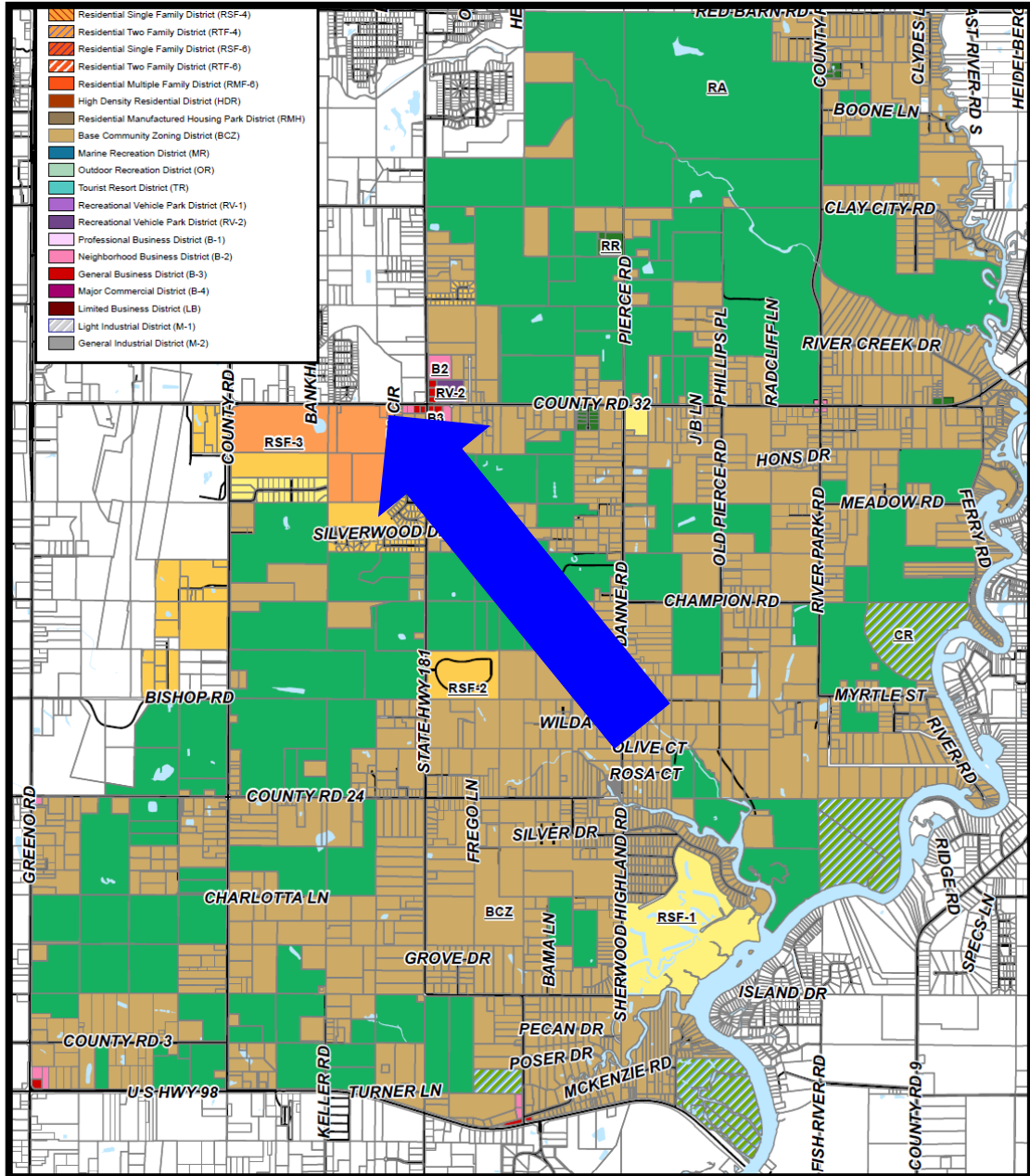


Proposed Change:

Highway 32 Business Park: RR to M-1 Slide 2361-A

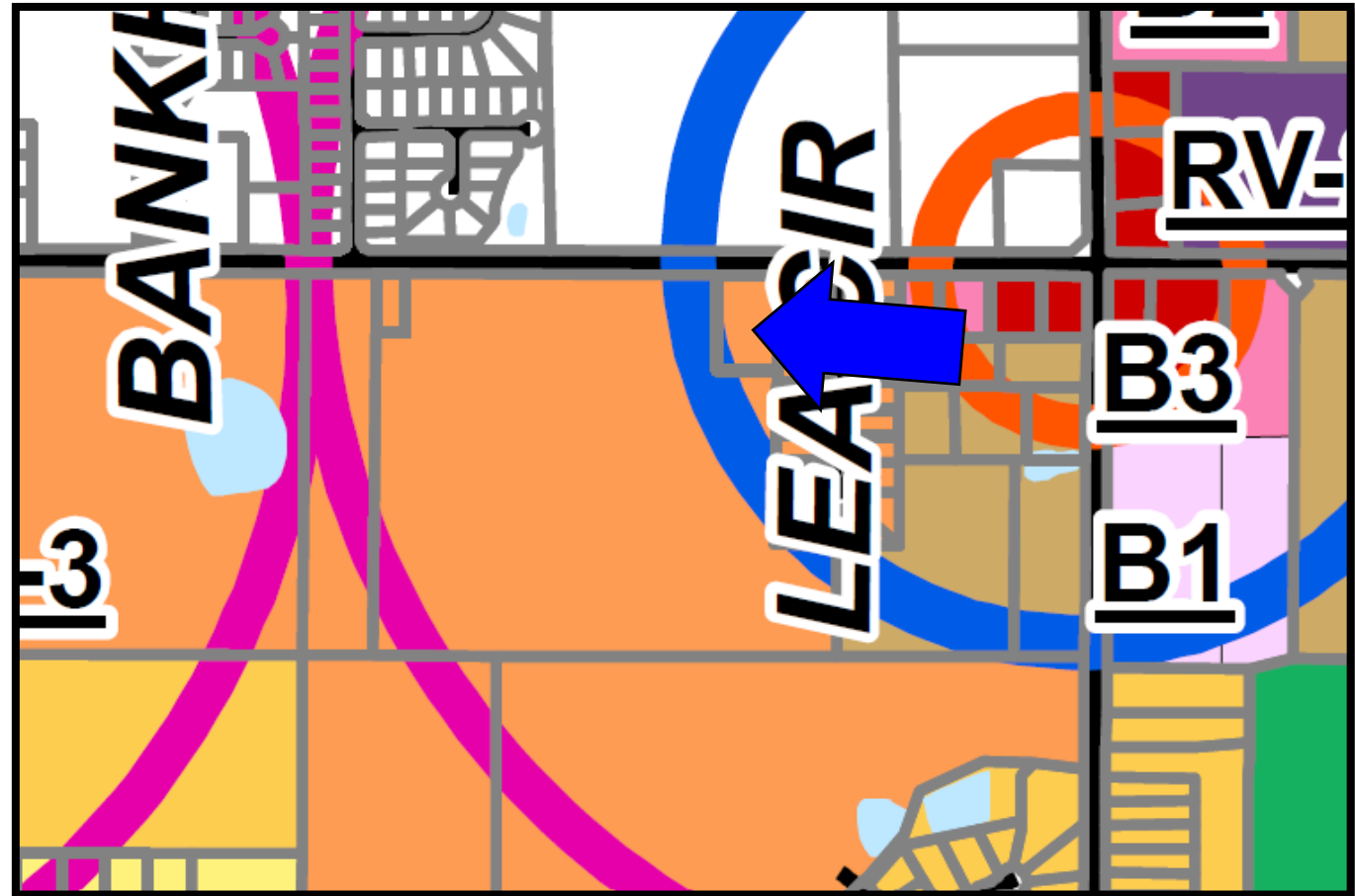
With special language for landscape buffers.





Proposed Change:

Existing Dollar General: RSF-3 to B-2
PPIN: 273593





(g) *Highway 32 Business Park*. The existing Highway 32 Business Park Subdivision, recorded on Slide 2361A with the Office of the Judge of Probate, shall be zoned M-1. To the extent that *17.2 Buffers of Unlike Uses and Zoning Designations* is applicable, developments within the Highway 32 Business Park shall only be required to install a 25-foot landscape buffer under 17.2.2(g) rather than the 75-foot landscape buffer generally required. The M-1 zoning of the Highway 32 Business Park Subdivision in no way creates an industrial development pattern in the vicinity of this Subdivision.

Overview

1. Process Timeline
2. Common Local Provisions
3. New Local Provisions & Priorities
4. Map
5. Full Ordinance Changes



FULL ORDINANCE CHANGES – BASE COMMUNITY ZONING

~~(g)~~(h) A Home Occupation that conforms with Section 13.3 of the Baldwin County Zoning Ordinance.

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.



FULL ORDINANCE CHANGES – RV PARK BUFFERING

(m) *Buffering*. In the event a recreational vehicle park is located adjacent to residentially zoned a property that is zoned or used for residential or agricultural purposes, a landscaped buffer with a minimum width of 30-feet shall be provided against the adjacent property. 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 property that is zoned for agricultural, commercial, or industrial use or recreational property, unless deemed necessary by the Planning Commission as part of the Commission Site Plan approval process.



FULL ORDINANCE CHANGES – COMMISSION SITE PLAN TRIGGERS

- (a) All multiple unit developments;
- (b) ~~Non-residential projects involving a combined total building square footage of 5,000 square feet or more, unless the expansion is for an accessory structure that will not increase the intensity of the use~~ Major Projects involving new construction when the total combined gross floor area of the new construction equals or exceeds 5,000 square feet (when numerous expansions below this threshold have occurred on a site within the previous five years, the Planning Director may include the gross floor area of those recent, previous expansions when determining the applicability of this threshold);



FULL ORDINANCE CHANGES – COMMISSION SITE PLAN TRIGGERS

- (c) ~~Non residential development within 200 feet of property that is either zoned or used as residential.~~ Major Projects within 200 feet of property that is either zoned or used as residential. If 18.9.2(c) is the only criteria necessitating a Commission Site Plan approval, the Planning Director may require a Commercial Site Plan approval in lieu of a Commission Site Plan approval if either 1) the Applicant agrees to accept a condition on approval limiting the operating hours of the business to between 8 AM to 5 PM on all days of the week, or 2) the project involves a change from one use to new permitted use and no increases in the cubic footage of structures;



FULL ORDINANCE CHANGES – COMMISSION SITE PLAN TRIGGERS

- (d) ~~Non-residential development~~ Major Projects where more than 30% of the lot (excluding the building) is impervious;
- (e) ~~All changes to existing structures, other than single family residences, that increase the gross floor area by thirty percent (30%) or more~~ Major Projects proposing to increase the gross floor area by thirty percent (30%) or more on a site with existing structures totaling, when considered in combination, 5000 square feet or more of existing gross floor area; or
- (f) All changes of use on non-residential properties, unless proposed use would be permitted with an administrative approval.



FULL ORDINANCE CHANGES – COMMISSION SITE PLAN TRIGGERS

Section 19.17 Speculative Rezoning

The use of rezonings as a strategy to increase speculative land value, where the applicant has no actual or immediate intent to develop in accordance with the rezoning, is discouraged. Rezoning are intended to grant the applicant an opportunity to exercise appropriate alternative development options in situations where development in compliance with existing zoning is not possible or practicable, as long as the proposed uses are consistent with the Comprehensive Plan and compatible with the character of the surrounding area. All rezonings are granted with a condition that the proposed development will occur in a timely manner. Therefore, when an applicant's rezoning request is approved, and the applicant fails to either 1) obtain a building permit (for a development where the property remains under unified ownership) or 2) record an approved final plat (for single-family subdivision developments), within **threefive (35)** years of the date upon which the rezoning is approved, the Baldwin County Commission may, after providing the notice and due process required under Article 19 of the Zoning Ordinance, and any applicable Alabama law, take any action necessary to institute the zoning district that existed on the parcel prior to the rezoning.



Overview

1. Process Timeline
2. Common Local Provisions
3. New Local Provisions & Priorities
4. Map
5. Full Ordinance Changes
6. Staff Recommendation



Staff Recommendation:

Staff recommends that the Planning Commission:

Recommends to the County Commission that it adopt a Resolution which approves the amendments to the Baldwin County Zoning Ordinance adding Planning District 39 and miscellaneous changes to the full Zoning Ordinance (includes all changes shown prior to this slide).



Overview

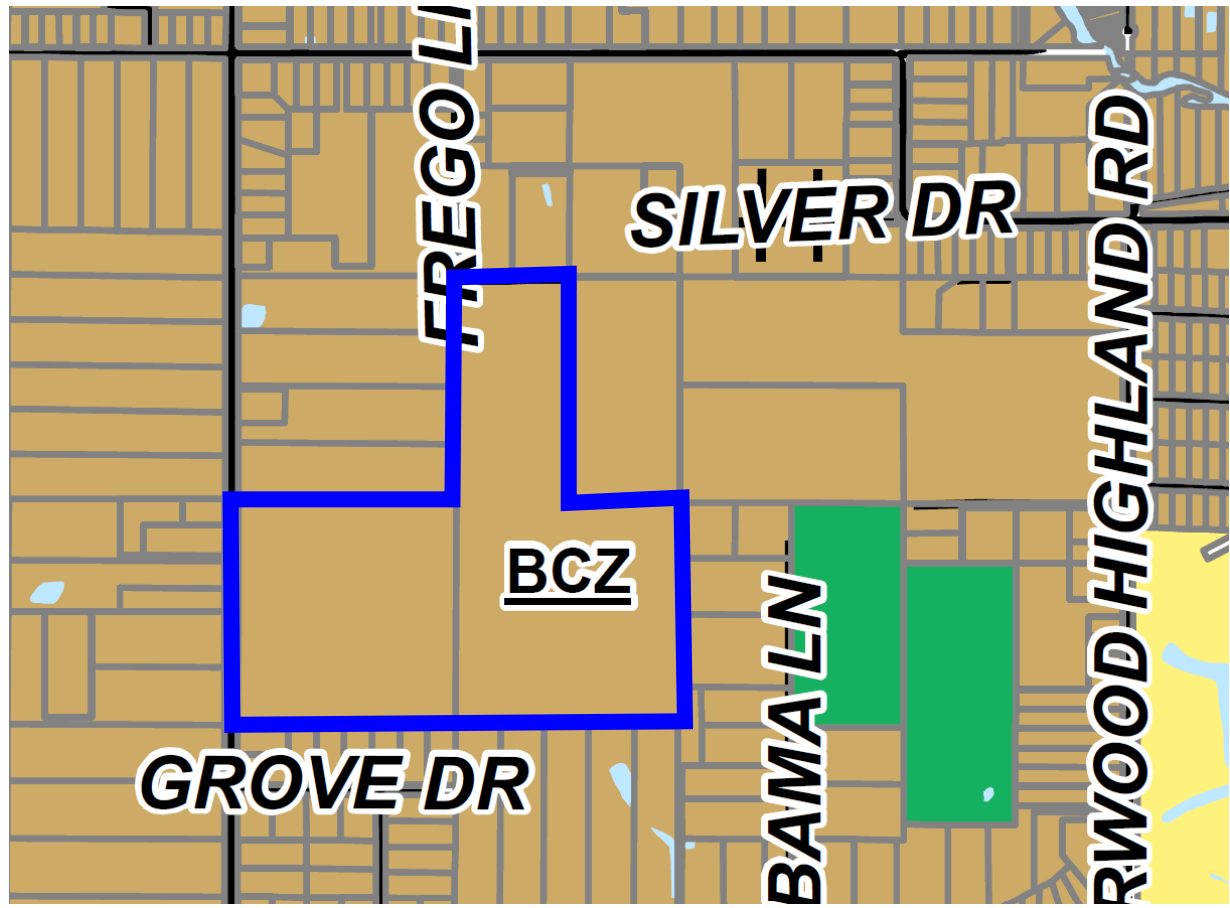
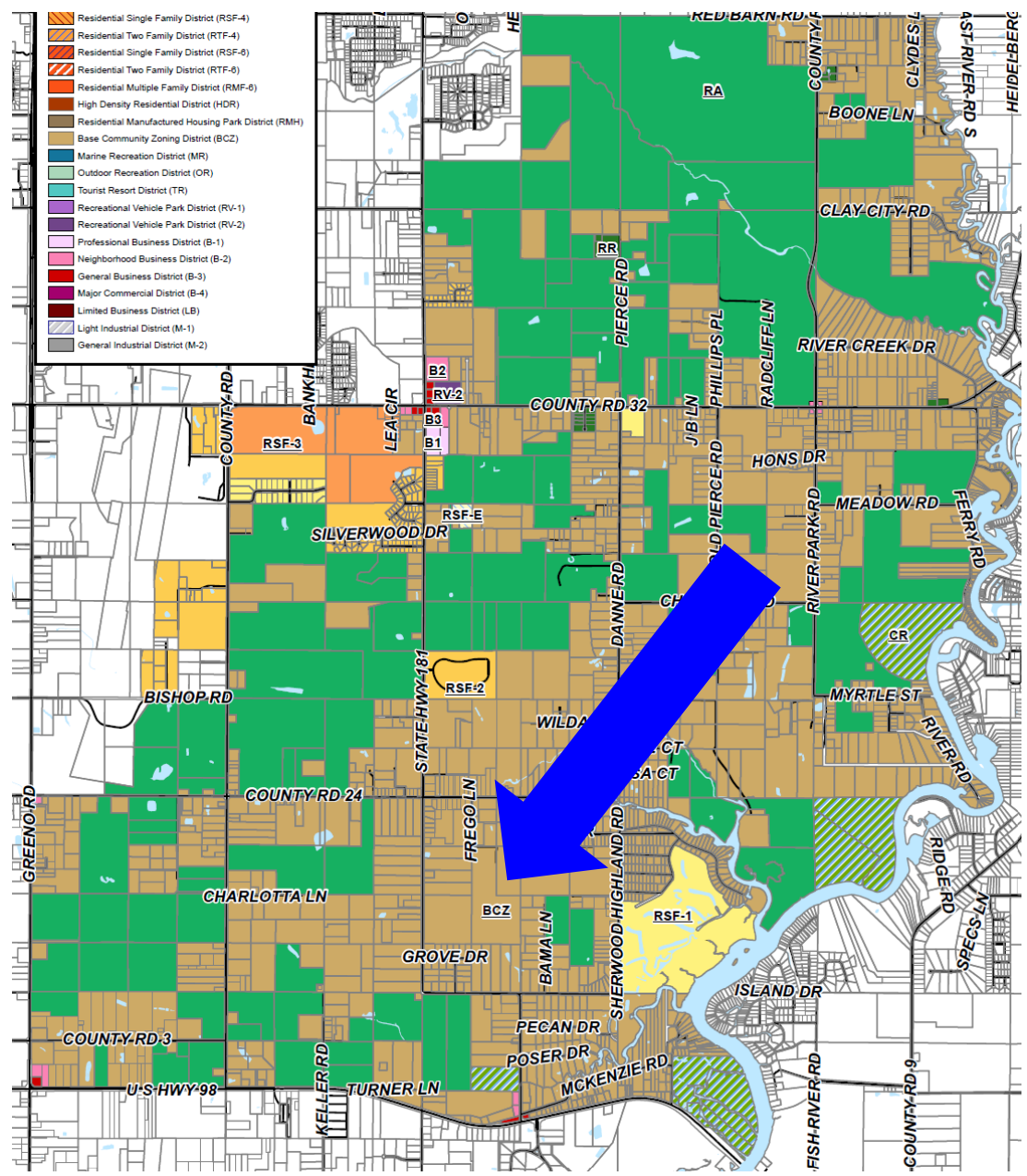
1. Process Timeline
2. Common Local Provisions
3. New Local Provisions & Priorities
4. Map
5. Full Ordinance Changes
6. Staff Recommendation
7. Public Hearing (Special Requests)



Requested Change:

Southbend Subdivision: BCZ to ?

PPINs: 14206 & 68998



South Bend Village Ph1-4 - Parcel #s 05-56-06-14-0-000-024.000; 05-56-06-14-0-000-011.000



Taylor Henseler <THenseler@drhorton.com>

To Matthew Brown

Cc Christopher M. Gill; William S Spriggs; Sarah Outlaw McLaughlin



Reply

Reply All

Forward



Thu 6/1/2023 1:47 PM

You replied to this message on 6/1/2023 1:53 PM.

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Matthew,

I am writing on behalf of D.R. Horton to object to the zoning designation that has been proposed for the South Bend Village Phases 1 through 4 property (Parcel #s: 05-56-06-14-0-000-024.000; 05-56-06-14-0-000-011.000). While we are not prepared at this time to present you with a request for what we believe is appropriate for this property, we will make that presentation to you prior to the commencement of any County Commission meetings regarding District 39.

Thank You,



Taylor Henseler
Land Manager
Baldwin County Division

D.R. HORTON
[25366 Profit Drive, Daphne, AL 36526](https://www.drhorton.com)
c: 251.300.7975
e: Thenseler@drhorton.com

Home for every stage in life. | D.R. Horton • Express • Emerald • Freedom

Special Requests:

Decisions for or against including property specific requests in the final recommendation:

1. Southbend Subdivision - PPINs 14206 & 68998 (TBD)



Recommendations:

Staff recommends that the County Commission:

Adopt Resolution 2023-134 which approves the amendments to the Baldwin County Zoning Ordinance adding Planning District 39 and miscellaneous changes to the full Zoning Ordinance, as presented with approved Special Requests incorporated.

Planning Commission Recommendation:

Unanimously recommended that the County Commission adopt a Resolution which approves the amendments to the Baldwin County Zoning Ordinance adding Planning District 39 and miscellaneous changes to the full Zoning Ordinance.

