

TA23-3 Staff Report

Amendments to the Baldwin County
Zoning Ordinance to Add
Planning District 14
Zoning Maps and Local Provisions.

Baldwin County Commission Public Hearing

November 21, 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

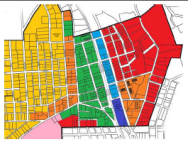
Overview

1. Process Timeline
2. Common Local Provisions
3. New or Modified 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@baldwincounty.al.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



BALDWIN COUNTY, ALABAMA

180 Moratorium—on all projects other than Single Family Dwellings and Family Subdivisions (December 4, 2023).

Overview

1. Process Timeline
2. Common Local Provisions

COMMON LOCAL PROVISIONS

- Solid Waste and Trash Management
- Landscape Buffers for Major Projects Abutting Primary Roads
- Special Landscape Buffers for Intense Major Projects Abutting Public Roads
- Wetlands to be Set Aside in Common Areas
- Stream Buffers
- Special Parking Requirements to Reduce Impacts of Impervious Areas
- Commercial Building Façade Requirements
- High-value Native Trees
- Traffic Study Requirements
- Good Neighbor Stormwater Policies
- Public Safety Access Road in One- or Two-Family Residential Developments
- Incentivizing Certain Planned Residential Developments.

These items are highlighted in **green** on the draft ordinance document.



Overview

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

NEW OR MODIFIED LOCAL PROVISIONS

Traffic Study Requirements

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.



NEW OR MODIFIED LOCAL PROVISIONS

- (q) ***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 acres 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.



NEW OR MODIFIED LOCAL PROVISIONS

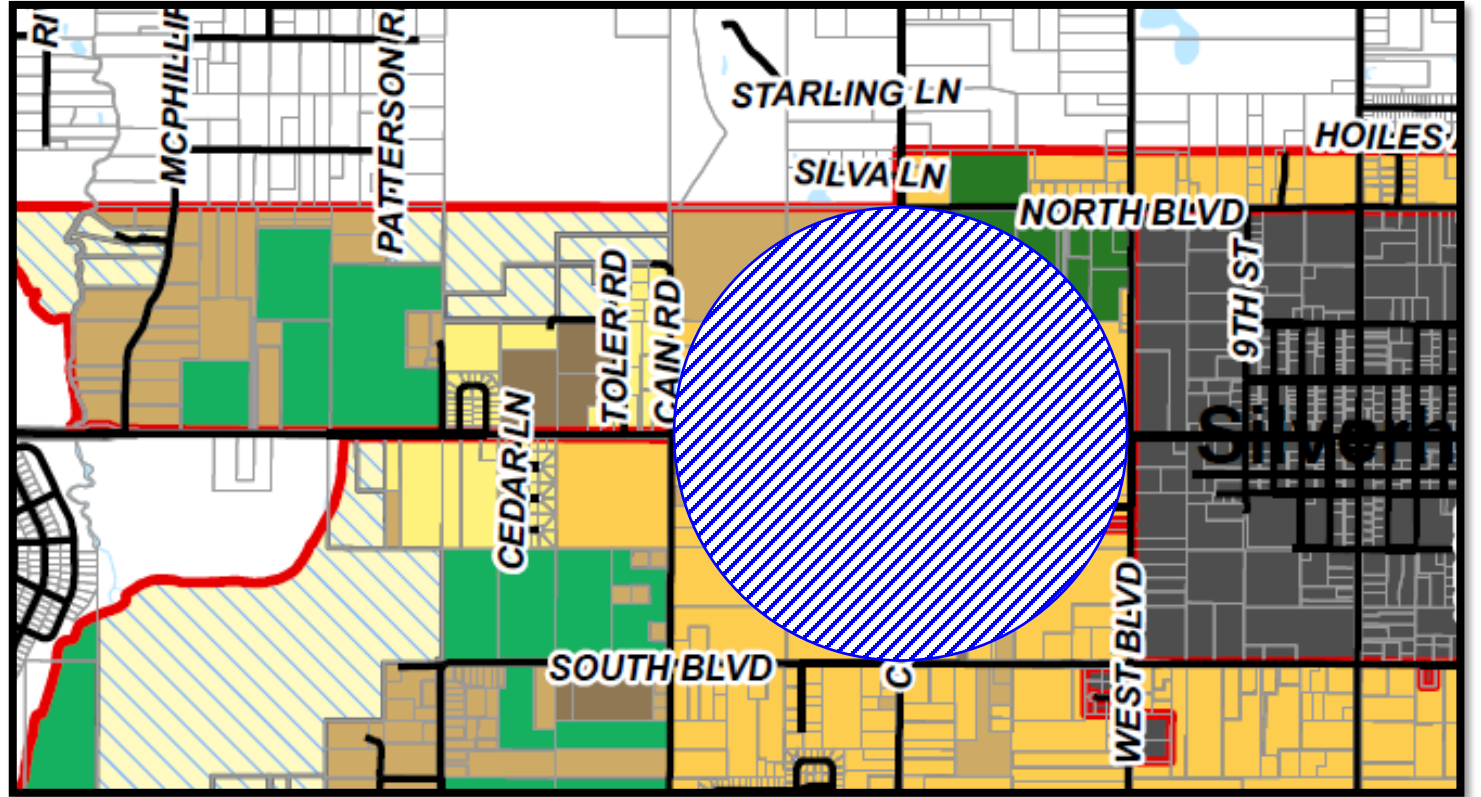
(p) *Special Allowance for Duplexes.* In Planning District 14 on a vacant parcel that is one-acre or greater in size and zoned as either Base Community Zoning (BCZ), Rural Agriculture (RA), Rural District (RR), or a Residential District under Article 4, one duplex shall be permitted by right, with no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

NEW OR MODIFIED LOCAL PROVISIONS – ACTIVITY NODES

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

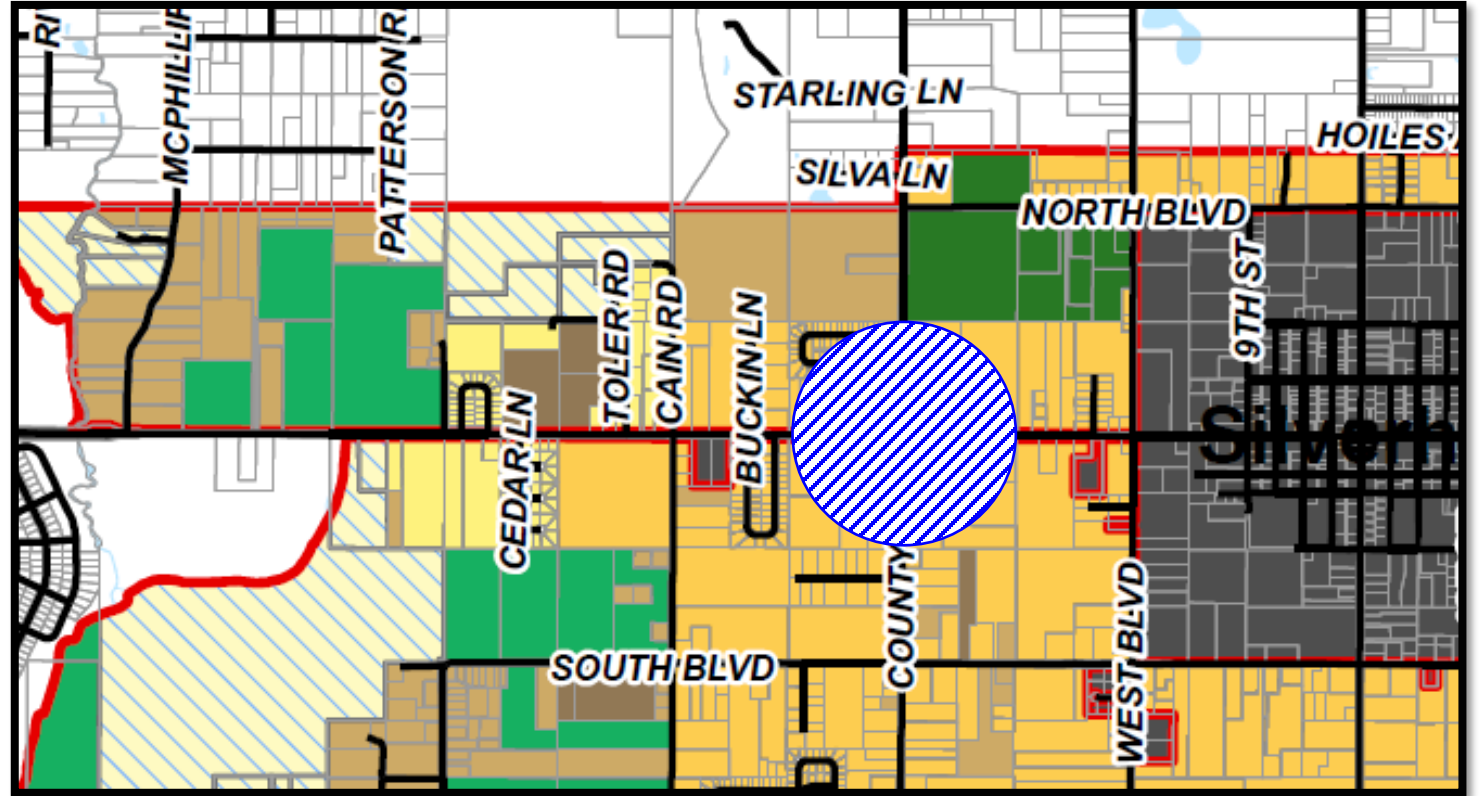
NEW LOCAL PROVISIONS – ACTIVITY NODES

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



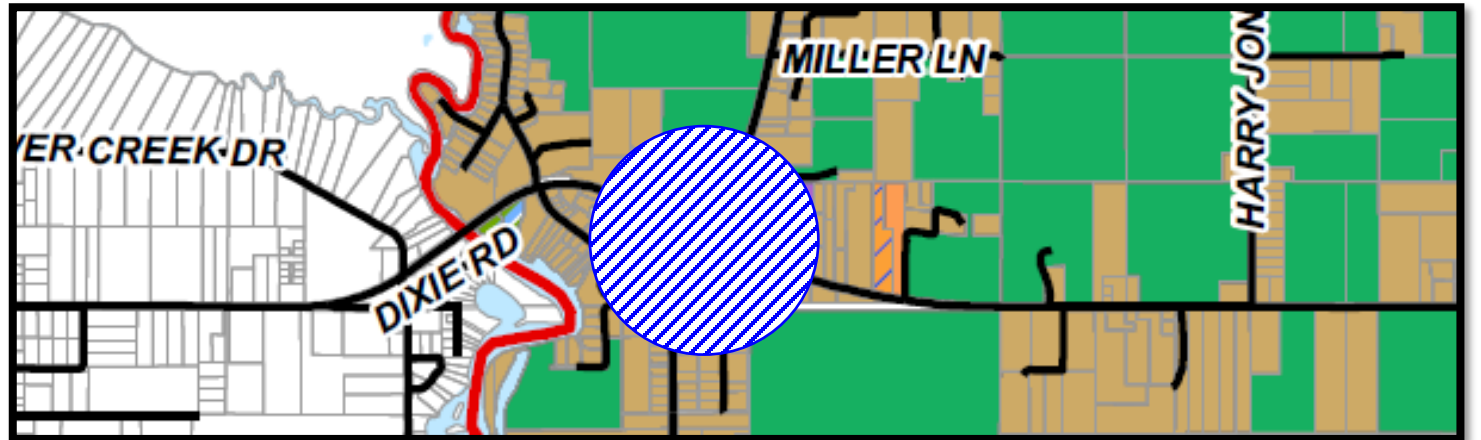
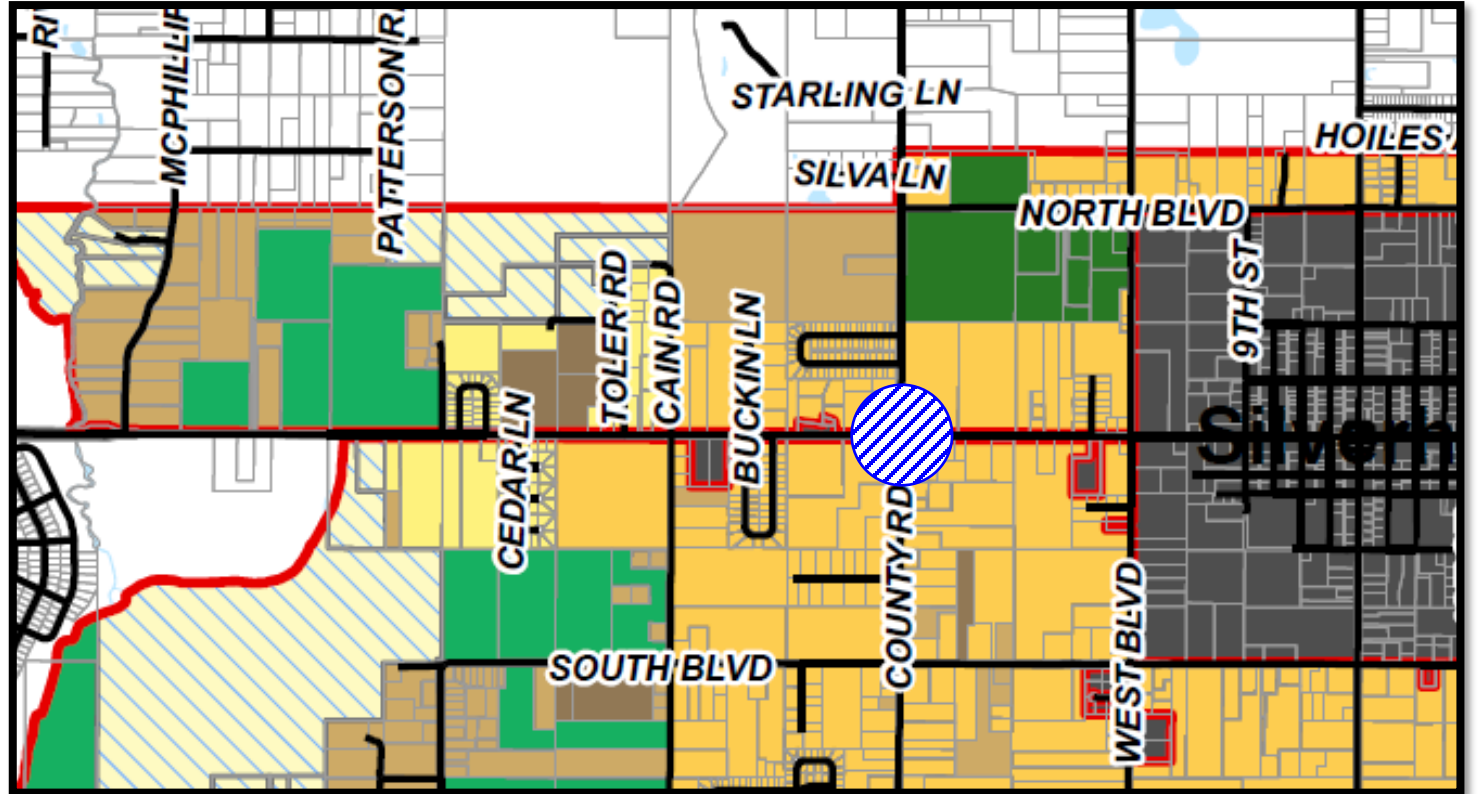
NEW LOCAL PROVISIONS – ACTIVITY NODES

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



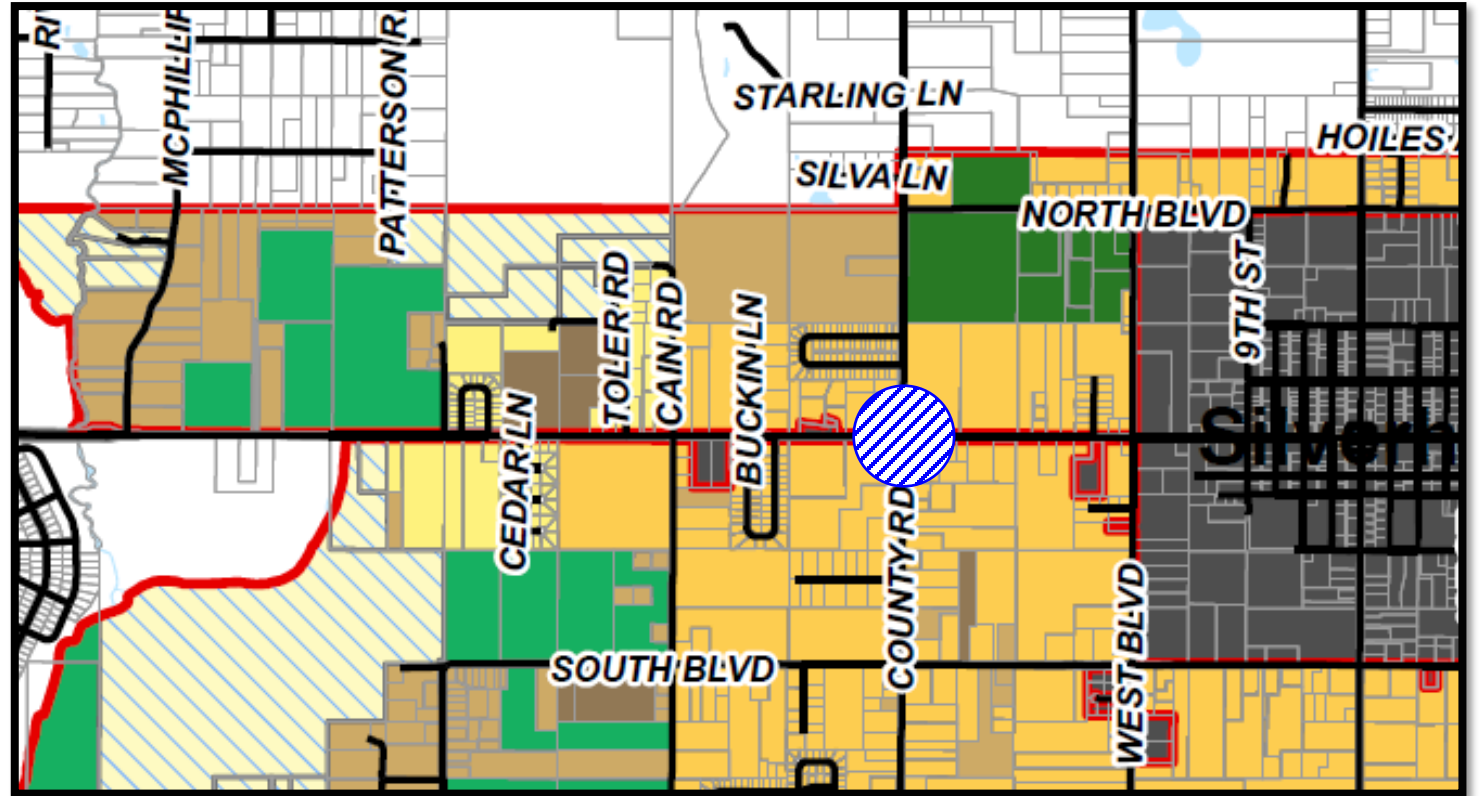
NEW LOCAL PROVISIONS – ACTIVITY NODES

B-3 may only be sought in the circle shown.



NEW LOCAL PROVISIONS – ACTIVITY NODES

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



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

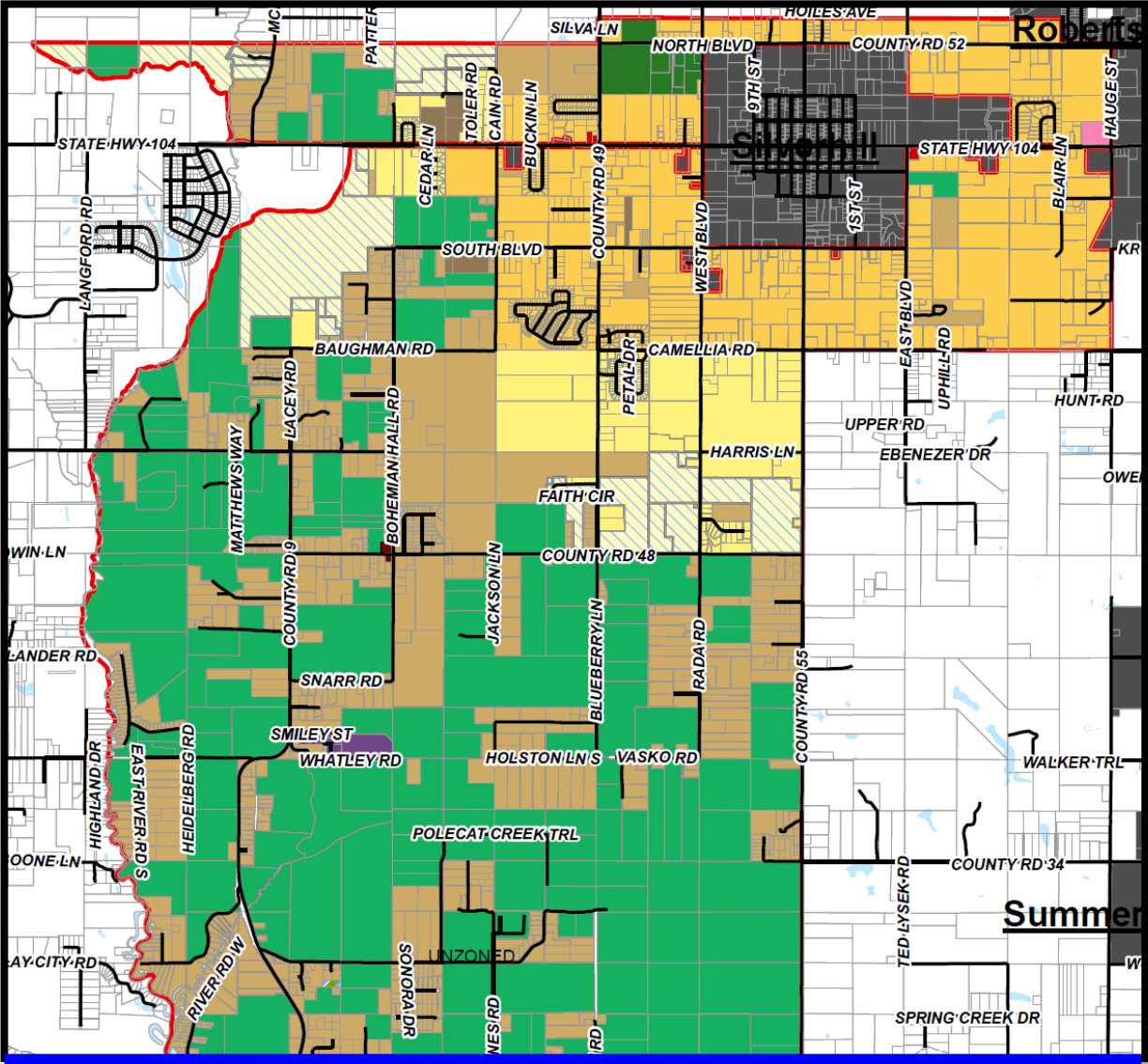
2. That, as to parcel 05-47-04-20-0-000-013.010, the undeveloped eastern portion of the parcel shall be permissible for development as an RV Park at a density consistent with the existing RV Park on the western portion of the parcel, subject to compliance with the Baldwin County Subdivision Regulations.
3. That parcels 05-55-02-04-0-000-019.119 & 05-55-02-04-0-000-019.001 be accepted as a Planned Residential Development with a maximum of 10 dwellings, subject to the use remaining a not-for-profit retreat for religious workers.



Overview

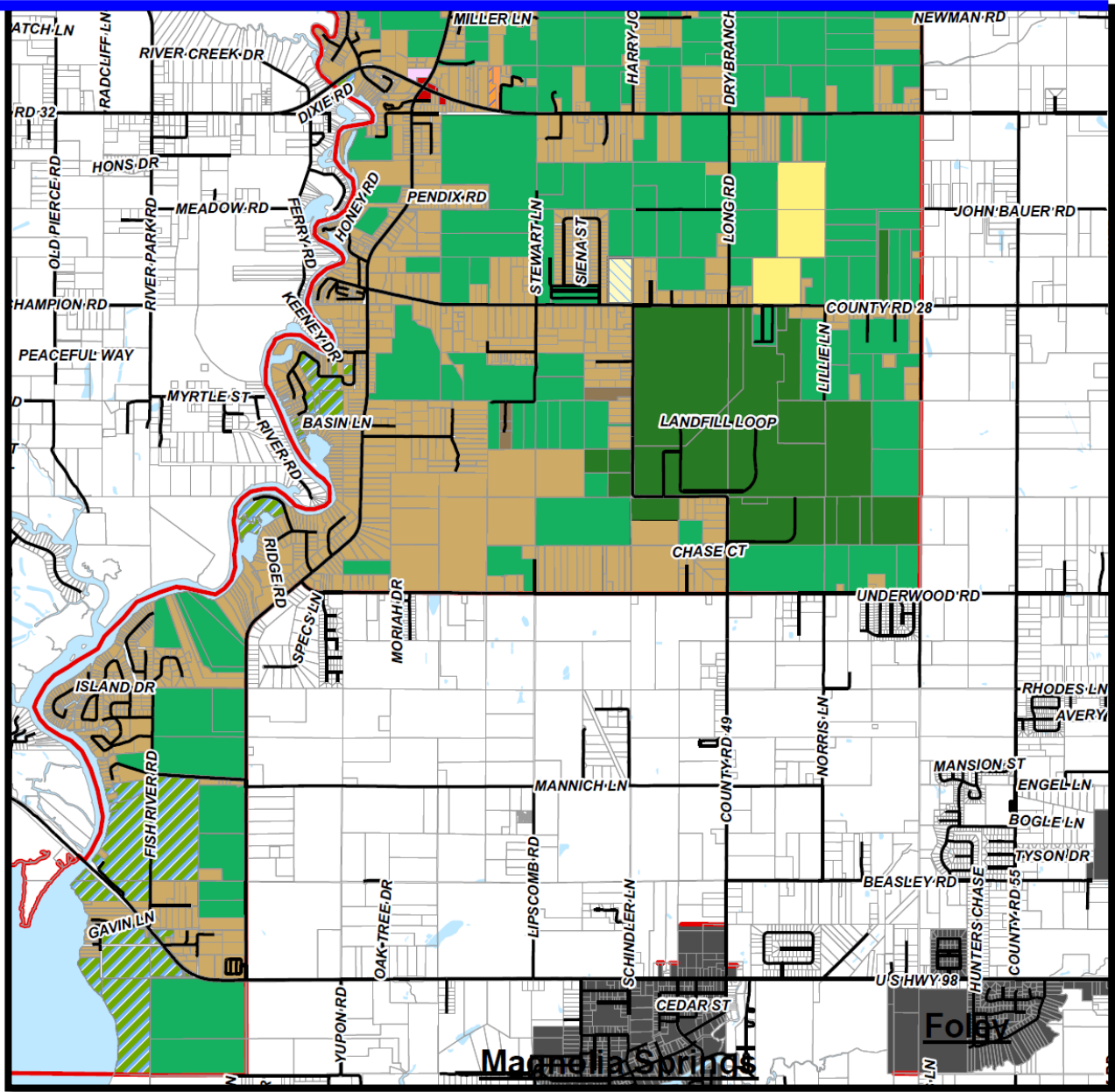
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4. Map

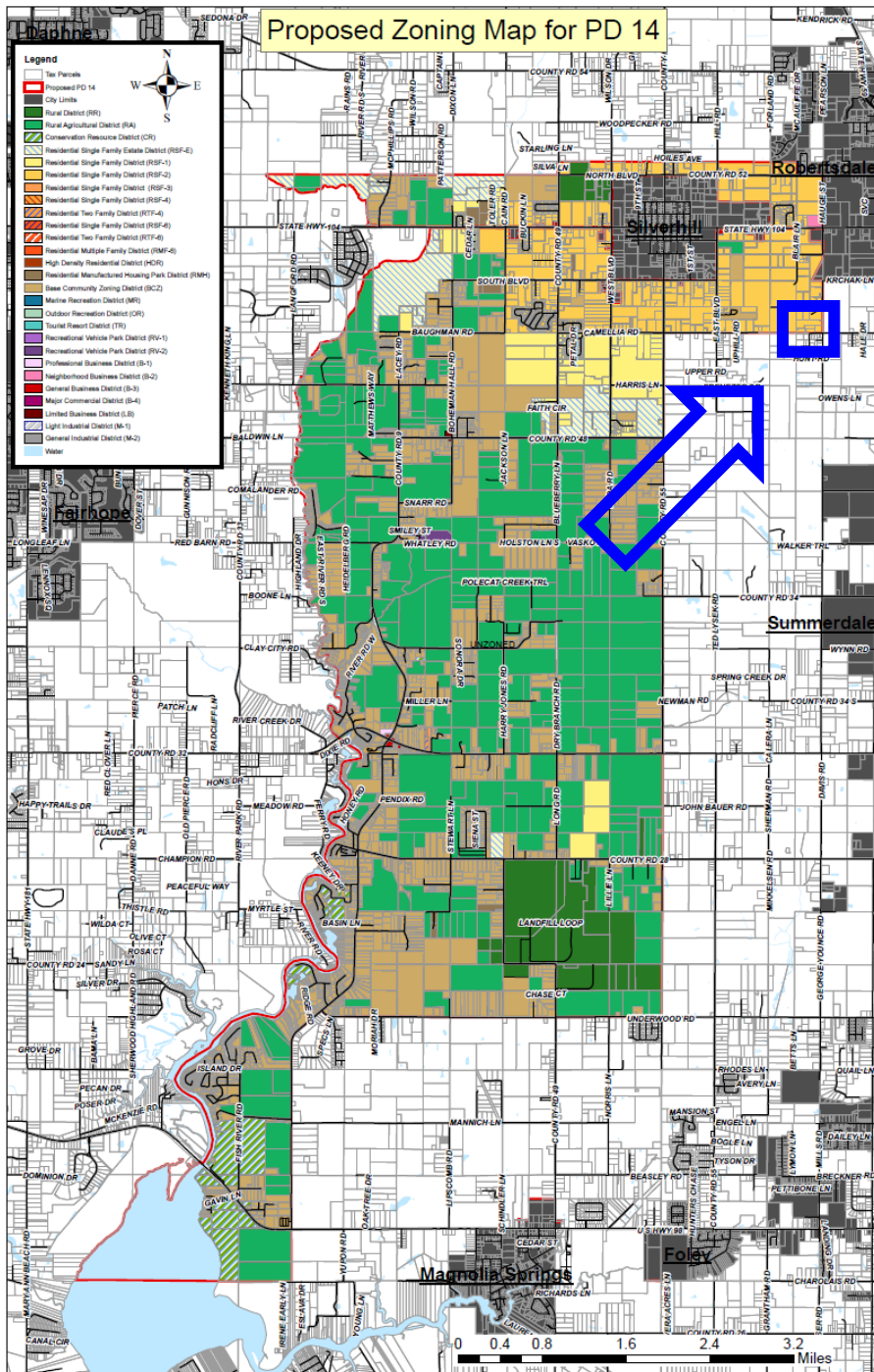
MAP



Match Line

Match Line



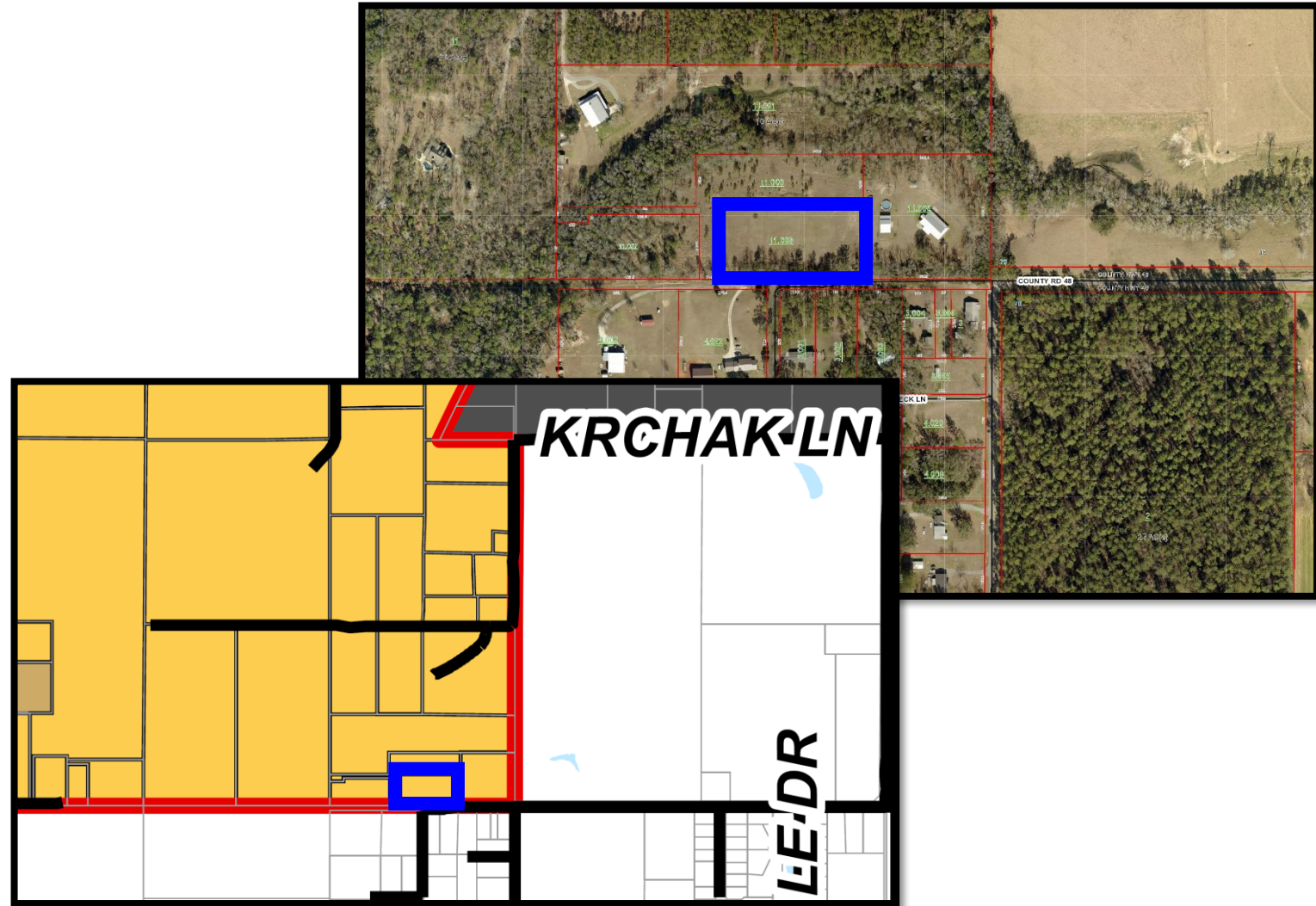


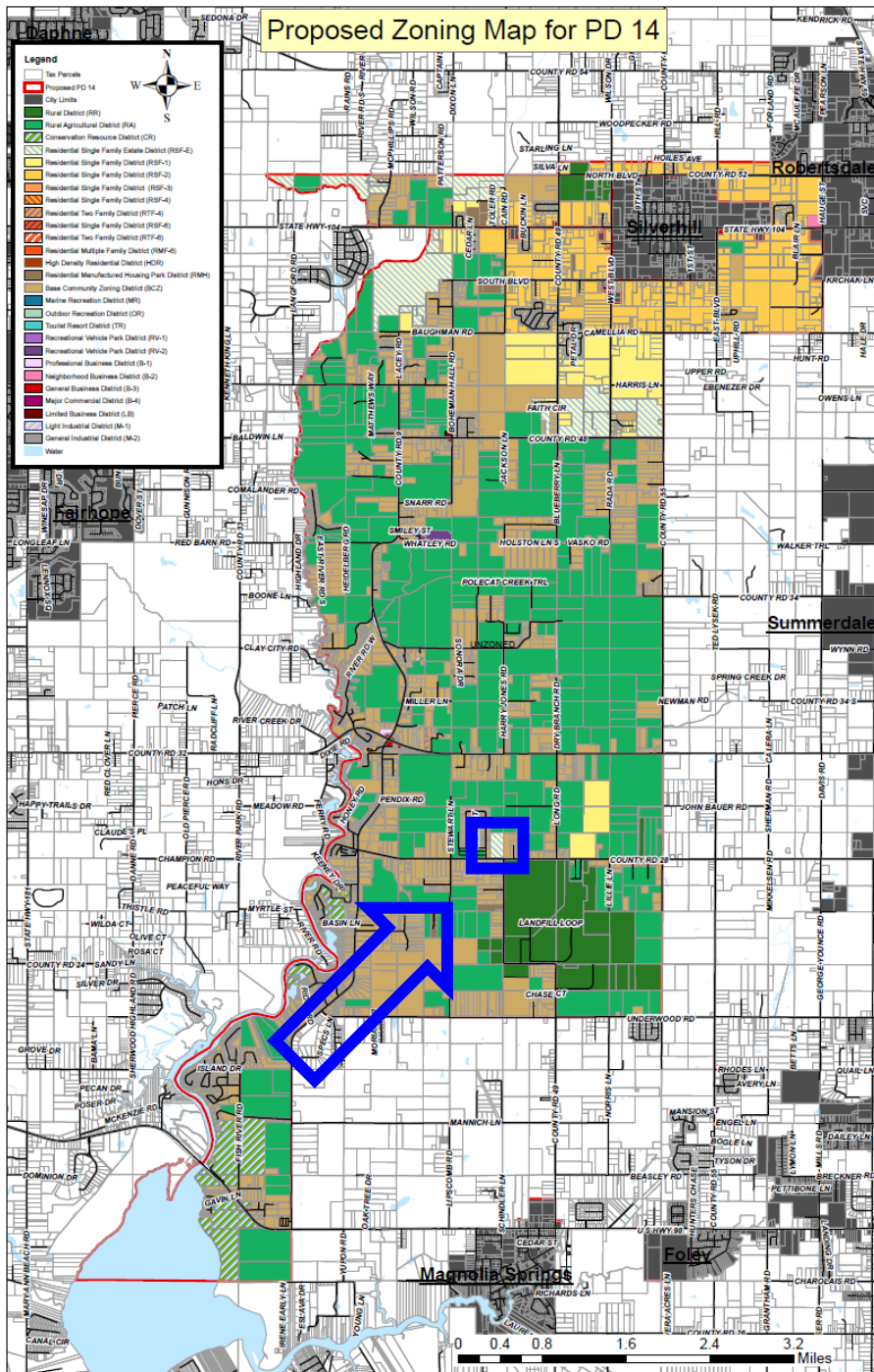
Request:

PPIN: 26949

Current: RSF-2

Request: RSF-E



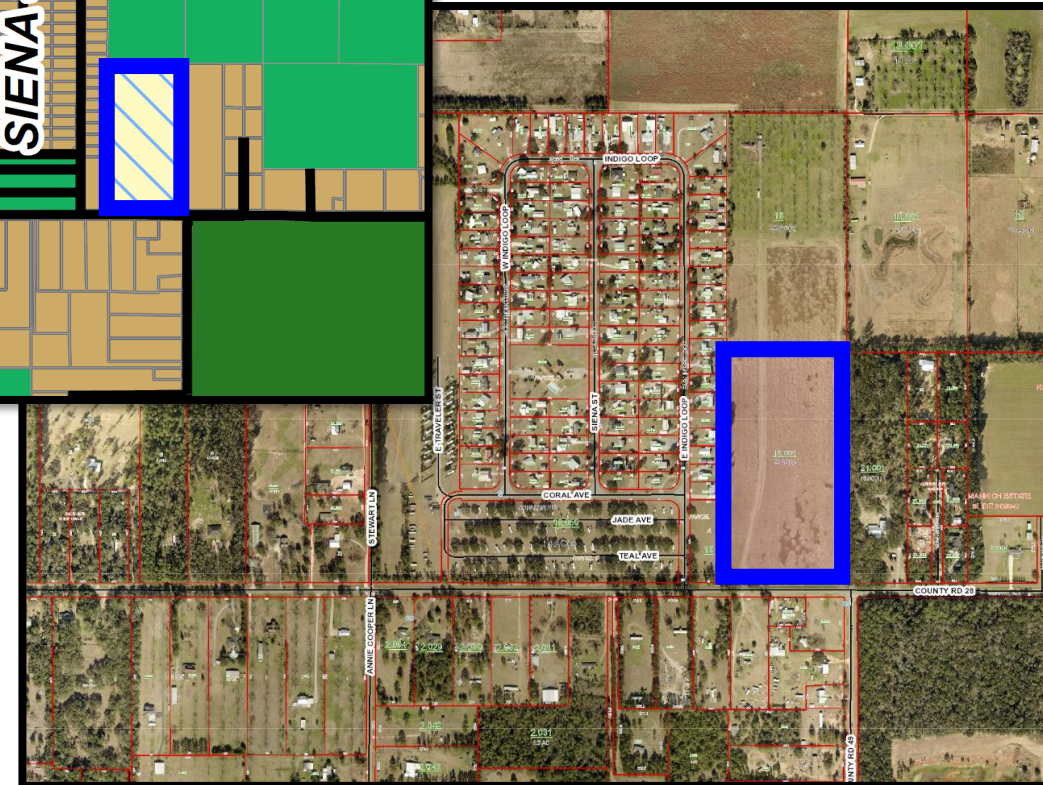
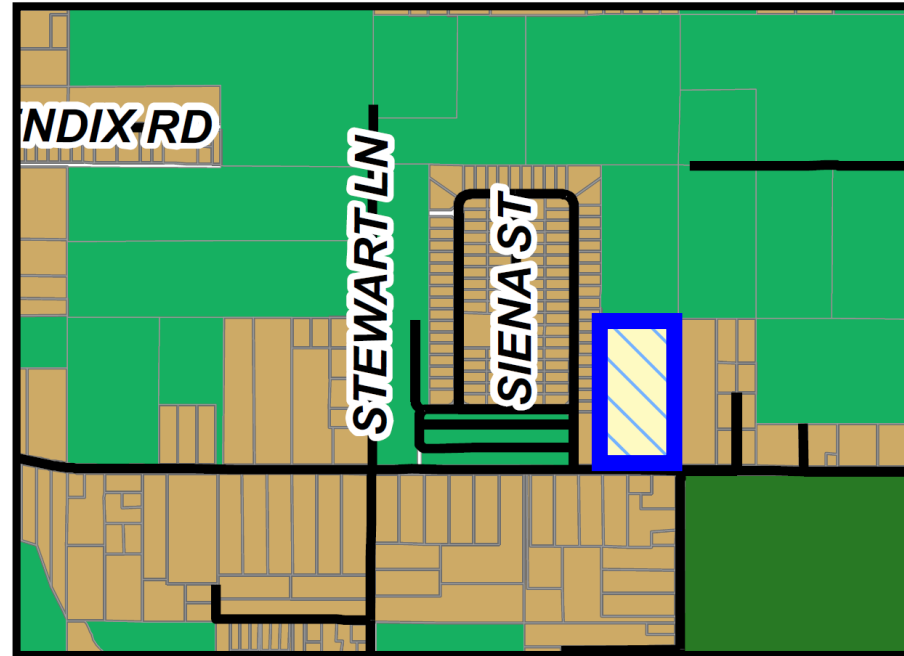


Request:

PPIN: 396731

Current: RSF-E

Request: RSF-1



Overview

1. Process Timeline
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4. Map
5. Full Ordinance Changes



FULL ORDINANCE CHANGES – BASE COMMUNITY ZONING

- (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 either 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.



FULL ORDINANCE CHANGES – MISC

- BCZ will be added to the table of permitted uses and yellow highlight areas on table represent uses that will be included as Permitted uses for BCZ.
- Clarification notes will be added to Article 23 clarifying that “P” designations become “C” designations if one of the factors in Section 18.9.2 of the Zoning Ordinance is triggered.
- Consideration of whether some common local amendments should be adopted into the full ordinance.

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6. Staff Recommendation



Staff & Planning Commission Recommendation:

Adopt Resolution #2024-017 which approves the amendments to the Baldwin County Zoning Ordinance adding Planning District 14 and miscellaneous changes to the full Zoning Ordinance (includes all changes shown prior to this slide and changed displayed within the draft ordinance document available in the public folder).



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