

BALDWIN COUNTY

ZONING ORDINANCE

As amended: _____

Draft for Baldwin County Commission Public Hearing



BALDWIN COUNTY, ALABAMA

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 18th day of October, 2022 (Resolutions #2023-001).

Draft for Baldwin County Commission Public Hearing

County Commission Chairman

~~Interim~~ County Administrator

2.3.39 Planning District 39.

2.3.39.1 Effective Date

On December 14, 2022, a majority of qualified electors in Planning District 39 voted to institute County Zoning. On _____, 2023, the County Commission adopted the Planning District Zoning Map and Ordinance.

2.3.39.2 District Boundaries

A legal description of the boundaries for Planning District 39 may be found under Appendix A.

2.3.39.3 Local Provisions for Planning District 39

(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 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.
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. All Transportation, Communication, & Utility Uses
6. All Light & General Industrial Uses
7. 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 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.
- (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 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.
- (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.

<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>

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 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.

- (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.

(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.

(l) High-value Native 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.
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.

(m) 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 39 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.

(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.

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.

(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.”

(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.

(q) *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.

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

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:

(a) A rezoning application under the provisions of *Article 19, Amendments to Official Zoning Map and Ordinances* shall be submitted. The evaluation of compatibility under *Section 19.6 Factors for Reviewing Proposed*

3. The internal roadways for RV parks and campgrounds shall be built by the developer and, at a minimum, shall provide safe travel for the residents and emergency responders. The internal roadways must be a minimum of 24 feet wide for two-way streets and 20 feet wide for one-way streets. The internal roadways, recreational vehicle pads, and standard vehicle parking must be improved with a suitable asphalt or concrete surface approved by the County Engineer.
- (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) *Design Requirements for Recreational Vehicle Site*

1. Parking

- A. Each recreational vehicle site shall have off-street parking for at least one recreational vehicle and one standard passenger vehicle.
 - B. Additional parking spaces shall be provided throughout the recreational vehicle park to accommodate employee and guest parking. The number of additional parking spaces shall equal 0.25 spaces per recreational vehicle site rounded to the nearest whole number. The minimum dimension of an off-street parking space is 9' x 19'.
2. Each recreational vehicle site must be at least 1,600 square feet in area.
 3. Each recreational vehicle site shall abut on at least one (1) street within the boundaries of the recreational vehicle park and access to the site shall be only from such internal street.

(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.

(n) *Existing recreational vehicle parks.* Recreational vehicle parks which exist at the time of zoning adoption or amendment are grandfathered and may

Section 18.7 Decisions of the Board of Adjustment

In exercising its authority, the Board of Adjustment may reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from and make such order, requirement, decision or determination as should be made and, to that end, shall have all the powers of the officer from whom the appeal is taken. The concurring vote of a majority of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant on any matter upon which it is required to act.

Section 18.8 Appeal from Decision of the Board of Adjustment

Any party aggrieved by a final judgment or decision of the Board of Adjustment may, within fifteen (15) calendar days thereafter, appeal the final judgment to the Circuit Court of Baldwin County, Alabama, by filing with the Circuit Court and the Board of Adjustment a written notice of appeal specifying the judgment or decision from which the appeal is taken. In case of such appeal, the Board of Adjustment shall cause a transcript of the proceedings and the action to be certified to the Court where the appeal is taken.

Section 18.9 Commission Site Plan Approval

Purpose. The purpose of Commission site plan approval is to allow the proper integration of uses into a community and zoning district. The Commission site plan approval process recognizes that certain uses, though technically permitted by zoning, are only suitable under certain conditions and at appropriate locations. Certain uses require special consideration so that the use may be properly located with respect to the objectives of this chapter and their effect on surrounding properties.

18.9.1 Authorization. The Planning Commission may, under the prescribed standards and procedures contained herein, authorize the construction or initiation of any use that is expressly permitted by the Conditional Use Commission Site Plan Approval process in a particular zoning district; however, the county reserves full authority to deny any request for Site Plan Approval, to impose conditions on the use, or to revoke approval at any time, upon finding that the permitted use will or has become unsuitable and incompatible in its location as a result of any nuisance or activity generated by the use.

18.9.2 Applicable Uses. In addition to the uses specified for the individual zoning designations as Conditional Uses, a Commission Site Plan Approval is required for all development which meets the following criteria:

- (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);

- (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 an no increases in the cubic footage of structures;
- (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.

Notwithstanding the above, the Planning Director may require a Commercial Site Plan approval or a Land Disturbance approval in lieu of a Commission Site Plan approval when the proposed work does not increase the number, gross floor area, or height of structures.

18.9.3 *Application procedure.* Unless otherwise adopted by the Planning Commission the application procedure and deadlines shall be as follows:

- (a) An application for Commission Site Plan Approval must be submitted to the Planning & Zoning Department at least forty-five (45) calendar days prior to the regularly scheduled meeting of the Planning Commission.
- (b) The Zoning Administrator shall, upon determination that the application complies with all applicable submission requirements, receive the application and schedule it for public hearing by the Planning Commission.

general circulation, in the County, in the legal notices for three consecutive weeks prior to the public hearing and one time in the regular section of the newspaper in the form of a ¼ page display advertisement at least 5 days prior to the public hearing. The public notice shall state that the proposed rezoning, amendment, supplement, modification, or repeal will be considered by the County Commission pursuant to Act No. 91-719 as amended.

The applicant shall be responsible for bearing the cost of newspaper publication. Failure to provide such payment to the Planning and Zoning Department prior to the publication deadline shall result in the case being held over to the next available County Commission meeting.

19.16.6 *Copies available.* A copy of the proposed rezoning, amendment, supplement, modification, or repeal shall be made available for public inspection at the nearest County Courthouse or satellite County Courthouse, which locations will be included in the notice. The notice shall also state the time, place, and location where persons may be heard in opposition to, or in favor of such proposed rezoning, amendment, supplement, modification, or repeal. No such amendment, supplement, modification, or repeal shall become effective until adopted by the Baldwin County Commission after a public hearing where all citizens and parties in interest shall have an opportunity to be heard.

19.16.7 The County Commission shall render a final decision on the proposed rezoning, amendment, supplement, modification, or repeal at the conclusion of the public hearing or within 60 days from the date of the public hearing if it is determined that action must be deferred in order to allow for additional input and review.

Section 19.17 Speculative Rezonings

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. Rezonings 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.