



Baldwin County Planning & Zoning Commission Agenda

Thursday, May 6, 2021

4:00 p.m.

Baldwin County Central Annex

Main Auditorium

22251 Palmer Street

Robertsdale, Alabama

www.planning.baldwincountyal.gov

1. **Call to order.**
2. **Invocation and prayer.**
3. **Pledge of Allegiance.**
4. **Roll call.**
5. **Approval of meeting minutes:**

April 1, 2021 meeting minutes
6. **Announcements/Registration to address the Commission.**
7. **Old Business:**

a.) Z-19009 Seaglade at St. Andrews Bay

Purpose: A request for extension of PRD Site Plan Approval.

Location: The subject property is located on the south side of Fort Morgan Road (State Highway 180), West of Triple Tail Lane, East of Pontoon Lane.

8. Consideration of Applications and Requests: Subdivision Cases

a.) Case S-21039 Fell Road Subdivision-Phase 1, Variance Request

Disclosure of Prior Outside Communication –Pursuant to Article VI, Section15(b), Planning Commission By-Laws

Purpose: The applicant is requesting a Variance approval from the Baldwin County Planning and Zoning Commission to allow the four lots of the proposed subdivision to front on a dirt road.

Location: The subject property is located on the south and east side of Fell Rd, west of Stucki Road in the Elberta area.

b.) Case S-21040 Fell Road Subdivision-Phase 2, Variance Request

Disclosure of Prior Outside Communication –Pursuant to Article VI, Section15(b), Planning Commission By-Laws

Purpose: The applicant is requesting a Variance approval from the Baldwin County Planning and Zoning Commission to allow the four lots of the proposed subdivision to front on a dirt road.

Location: The subject property is located on the south and east side of Fell Rd, west of Stucki Road in the Elberta area.

c.) HS-21001 Co Rd 48, Faulkner Division Highway Construction Setback Appeal

Purpose: The applicant is requesting an appeal from the Highway Construction Setback to allow a garage to remain in the existing location.

Location: The subject site is located on the south west corner of Co Rd 48 and Co Rd 9, in the Silverhill area.

d.) Case S-21046 Faulkner Division, Development Permit Approval

Disclosure of Prior Outside Communication –Pursuant to Article VI, Section15(b), Planning Commission By-Laws

Purpose: The applicant is requesting a Development Permit Approval for a 2-lot subdivision on 52 +/- acres.

Location: The subject site is located on the south west corner of Co Rd 48 and Co Rd 9, in the Silverhill area.

e.) Case S-21047 Blackwater Farms Subdivision, Development Permit Approval

Disclosure of Prior Outside Communication –Pursuant to Article VI, Section 15(b), Planning Commission By-Laws

Purpose: The applicant is requesting a Development Permit Approval for a 5-lot subdivision on 19.06 +/- acres.

Location: The subject property is located on the east side of County Road 85 approximately 0.25 miles south of US HWY 90 in the Elsanor Community near Robertsedale.

9. Consideration of Applications and Requests: Rezoning Cases

a.) Case P-21005, Boggy Branch LLC Property

Disclosure of Prior Outside Communication –Pursuant to Article VI, Section 15(b), Planning Commission By-Laws

Purpose: The applicant is requesting conditional use approval to allow expansion of an existing cell tower facility by 330 square feet, on 68.31 acres zoned RR, Rural District.

Location: West side of State Hwy 225 north of Lake Boulevard, in Planning District 10.

b.) Planning District 19 Zoning Map and Local Provisions

Disclosure of Prior Outside Communication –Pursuant to Article VI, Section 15(b), Planning Commission By-Laws

Purpose: The adoption of the Zoning map and Local Provisions for Planning District 19.

10. New Business:

11. Public Comments:

12. Reports and Announcements:

Staff Reports

Legal Counsel Report

Next Regular Meeting: **June 3, 2021**

13. Adjournment.



Baldwin County Planning & Zoning Department

Baldwin County Commission Staff Report

Agenda Item 7.a

Case Z-19009

Seaglade at St. Andrews Bay Property

Extension Approval for Planned Residential Development (PRD) Site Plan for Seaglade at St. Andrews Bay May 6, 2021

Subject Property Information

Planning Districts: 25

General Location: South side of Fort Morgan Road (State Highway 180), West of Triple Tail Lane, East of Pontoon Lane

Physical Address: N/A

Parcel Numbers: 05-69-08-01-0-002-008.000, 8.001, 8.002, 8.003, 8.004, 8.005, 8.006, 8.007, 8.008, 8.009, 8.010, 8.011, 8.012, 8.013, 8.014, 8.015, 8.016, 8.017, 8.018, 8.019, 8.020, 8.021, 8.022, 8.023, 8.024, 8.025, 8.026, 8.027, 8.028, 8.029, 8.030, 8.031, 8.032, 8.033, 8.034, 8.035, 8.036, 8.037, 8.038, 8.039, 8.040, 8.041, 8.042, 8.043, 8.044, 8.045, 8.046, 8.047, 8.048, 8.049, 8.050, 8.051, 8.052, 8.053, 8.054, 8.055, 8.056, 8.057, 8.058, 8.059, 8.060, 8.061, 8.062, 8.063, 8.064, 8.065, 8.066, 8.067, 8.068, 8.069, 8.070, 8.071, 8.072, 8.073, 8.074, 8.075, 8.076, 8.077, 8.078, 8.079, 8.080, 8.081, 8.082, 8.083, 8.084, 8.085, 8.086, 8.087, 8.088, 8.089, 8.090, 8.091, 8.092, 8.093, 8.094, 8.095, 8.096, 8.097 & 8.098

Existing Zoning: RSF-1, Single Family District, and RSF-4, Single Family District

Existing Land Use: Undeveloped

Proposed Land Use: Seaglade at St. Andrews Bay (PRD), 27 single family lots

Acreage: 10.53 acres, more or less

Applicant: Hutchinson, Moore & Rauch, LLC/Doug Bailey
P.O. Box 1127
Daphne, Alabama 36526

Owners: Ralph E. Capouya
2526 Wildwood Drive
Montgomery, Alabama 36111

Alabama Capital, LLC
P.O. Box 8048
Spanish Fort, Alabama 36577

Real Estate Inventories, LLC
15946 Keeney Drive
Fairhope, Alabama 36532

Lead Staff: Celena Boykin, Senior Planner
Attachments: *Within Report*

ADJACENT ZONING AND LAND USE

North: RTF-4, Two Family District, and RMF-6, Multiple Family District, Undeveloped

South: RSF-1, Single Family District, Residential and Undeveloped

East: RTF-4, Two Family District, Undeveloped

West: RTF-4, Two Family District, Undeveloped

Summary

The Planned Residential Development (PRD), Seaglade at St. Andrews Bay is currently undeveloped land is zoned RSF-1, Single Family District, and RSF-4, Single Family District. It adjoins State Highway 180 to the north, Triple Tail Lane to the east and Pontoon Lane to the west. The development includes 27 single family lots on approximately 10.53 acres. The largest lot would be 11,094 square feet, and the smallest would be 7,243 square feet.

On February 7, 2019, the Planning Commission voted to recommend approval of the Seaglade at St. Andrews Bay PRD Site Plan.

On March 19, 2019, the County Commission voted to table this request for 60 days, to be brought back before the Commission on May 7, 2019 and approved PRD request.

The PRD approval will expire on May 7, 2021. The applicant is asking for a 1-year extension of the PRD Approval. Section 9.10.2 of the Zoning Ordinance states that, "The approval of a final site plan shall be effective for a period of two (2) years. If no construction has commenced within two (2) years, the developer shall have thirty (30) calendar days from the date of expiration to file for a one (1) year extension. If no extension is requested the PRD site plan approval shall be automatically revoked."

Current Zoning Requirements

Section 4.2 RSF-1, Single Family District

4.2.1 Generally. This zoning district is provided to afford the opportunity for the choice of a low density residential environment consisting of single family homes on large lots.

4.2.2 Permitted uses. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses shall be permitted:

- (a) The following general industrial uses: extraction or removal of natural resources on or under land.
- (b) The following transportation, communication, and utility uses: water well (public or private).
- (c) The following agricultural uses: Silviculture.
- (d) Single family dwellings including manufactured housing and mobile homes.

(e) Accessory structures and uses.

(f) The following institutional use: church or similar religious facility.

4.2.3 Conditional uses. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed as conditional uses:

(a) Outdoor recreation uses.

(b) The following institutional uses: day care home; fire station; school (public or private).

(c) The following general commercial uses: country club.

4.2.4 Special exception. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following use and structures designed for such use may be allowed as a special exception:

The following local commercial use: bed and breakfast or tourist home (see *Section 13.10: Bed and Breakfast Establishments*).

4.2.5 Area and dimensional ordinances. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, *Section 12.4: Height Modifications*, *Section 12.5: Yard Requirements*, *Section 12.6: Coastal Areas*, *Section 12.8: Highway Construction Setbacks*, *Section 18.6 Variances*, and *Article 20: Nonconformities*, the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure in Feet	35-Feet
Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	30,000 Square Feet
Minimum Lot Width at Building Line	100-Feet
Minimum Lot Width at Street Line	50-Feet
Maximum Ground Coverage Ratio	.35

Section 4.5 RSF-4, Single Family District

4.5.1 Generally. This zoning designation is provided to afford the opportunity for the choice of a moderate density residential development consisting of single family homes.

4.5.2 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 agricultural uses: Silviculture.

(d) Single family dwellings including manufactured housing and mobile homes.

(e) Accessory structures and uses.

(f) The following institutional use: church or similar religious facility.

4.5.3 *Conditional uses.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed as conditional uses:

(a) Outdoor recreation uses.

(b) The following institutional uses: day care home; fire station; school (public or private).

(c) The following general commercial uses: country club.

4.5.4 *Special exception.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following use and structures designed for such use may be allowed as a special exception:

The following local commercial use: bed and breakfast or tourist home (see *Section 13.11: Bed and Breakfast Establishments*).

4.5.5 *Area and dimensional ordinances.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, *Section 12.4: Height Modifications*, *Section 12.5: Yard Requirements*, *Section 12.6: Coastal Areas*, *Section 12.8: Highway Construction Setbacks*, *Section 18.6 Variances*, and *Article 20: Nonconformities*, the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure in Feet	35
Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area per Dwelling Unit	7,500 Square Feet
Minimum Lot Width at Building Line	60-Feet
Minimum Lot Width at Street Line	30-Feet
Maximum Ground Coverage Ratio	.35

The PRD had a minor administrative amendment since the PRD was approved. The amendment included taking the roadway out of the northern section of the lots which was requested by the Baldwin County Highway Department.

Section 9.9 Plan Amendments

9.9.1 *Amendment of site plan.* Plan amendments may be requested at any time during the development process or life span of the development. The purpose of plan amendments is to provide flexibility with regard to site planning and design so as to address development issues that may arise as the implementation of a planned development occurs so long as the intent of the original approval is still met.

Minor Administrative Amendments may be allowed when the following criteria are met as determined by the Planning Director. Request for minor administrative amendments must be accompanied by written requests addressing each criterion along with accompanying information including original and proposed amendments to site plans. The following criteria shall be used to determine minor administrative amendments:

- a. There is no increase in the number of dwelling units; and
- b. There is no increase in the height of structures; and
- c. There are no changes to the boundaries of the planned development; and
- d. There is no change in the approved land uses intensities; and
- e. There is no reduction in the amount and quality of open space; and
- f. There is no substantial change to the approved land use patterns or the general location of streets and driveways; provided however, that “substantial changes” for the purpose of this section shall not include changes in locations of buildings, roads, streets, driveways or amenities required by a state, federal or judicial regulatory ruling issued after original approval of the subject Planned Development.

Changes that are not determined minor administrative amendments of the planned development are major changes in the approved conceptual site plan or final site plan and thus shall require approval through the PRD amendment process as set out herein.

9.9.2 *Amendment procedures.* Substantive changes in the conceptual or final site plan shall be considered amendments to the plan and shall be subject to the same procedures specified for approval of the planned development. In large scale planned developments, request for modifications may be requested for a phase of the development. Only the phase in which the modification is being requested shall be subject to the modification procedures.

Section 9.10 Approvals

9.10.1 *Conceptual site plan period of approval.* Conceptual site plan approval shall be effective for a period of four (4) years from the date of approval by the County Commission. In the case of a phased PRD development, the final site plan for the first phase shall be submitted for approval in order to start construction. Each successive phase must be submitted to the County and start construction within two (2) years of the completion of the previously approved phase.

9.10.2 The approval of a final site plan shall be effective for a period of two (2) years. If no construction has commenced within two (2) years, the developer shall have thirty (30) calendar days from the date

of expiration to file for a one (1) year extension. If no extension is requested the PRD site plan approval shall be automatically revoked. If the Planned Development was accompanied by a rezoning, the Commission may at their discretion take necessary action to re-institute the zoning district which was present on the subject property prior to Planned Development approval. A maximum of two (2) one (1) year extension may be granted. If an extension is granted the proposed development must conform to the zoning ordinances in place at the time the extension is granted.

9.10.3 Extensions. Extensions may be granted only upon a demonstration, to the satisfaction of the County, that the need for extension results from an event that the developer could not have anticipated or controlled which event or effect makes the commencement or continuation impossible or impractical.

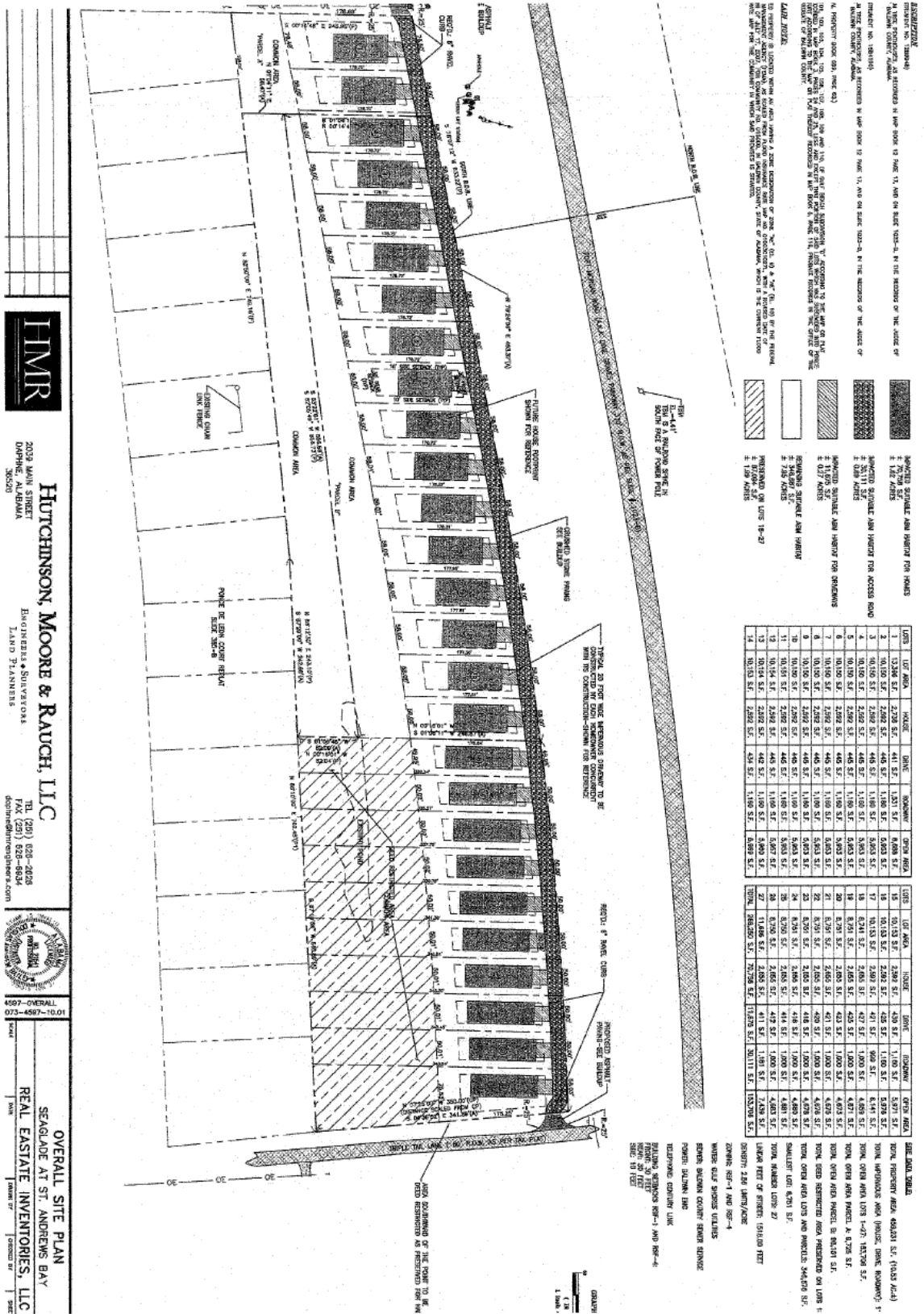
Staff Comments and Recommendation

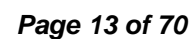
The applicant stated that there were several reasons why they were unable to begin construction, these being COVID -19, Hurricane Sally, and Fish and Wildlife approval. Staff feels that this is a reasonable request and that the applicant showed satisfactory reason why they couldn't began construction. With these comments in mind, staff recommends **APPROVAL** of the 1-year extension for Case Z-19009, Seaglade at St. Andrews Bay Planned Residential Development (PRD) Site Plan.

SEAGLADE AT ST. ANDREWS BAY

NARRATIVE

The purpose of this project is to create a new 27 Lot subdivision in unincorporated Baldwin County. The current property is split between 2 zoning classifications of RSF-4 and RSF-1 wherein Lots 1-17 will be zoned RSF-4 and Lots 18-27 will be Zoned RDF-1. The lots will all front on a proposed new private street that will tie into Pontoon Lane and Triple Tail Lane with no lots being allowed to direct tie a future driveway onto Dixie Graves Parkway/Fort Morgan Road. The private drive shall be maintained by the homeowner's association which will also be responsible for enforcing the beach mouse restrictive covenants. The small portions of the new road in the rights-of-way of Pontoon Lane and Triple Tail Lane shall be built to the build-up required for subdivision roads. The parcel is in the protected Alabama Beach Mouse habitat area which is driving the nature and content of the restrictive covenants including specifics pertaining to lighting, trash receptacles, landscaping and even the intrusiveness of construction. To comply with the federal beach mouse habitat preservation restrictions, the common area will have to, for the most part, be left in its current state. It is the intent of the developer to create for-sale owner/occupant single-family homes with the full understanding that each home will have to comply with the floodplain finished floor elevation requirements as each unit pulls their own individual building permit. These are currently planned to be tract homes and will be individually built and designed based on the preferences for each future owner. Utilities are currently immediately available and we do not foresee much land disturbance to accommodate those tie-ins.





New Plat with Minor Administrative Amendment

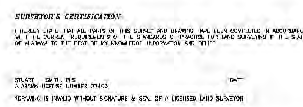


2060 Main Street
Daphne, AL 36526
T 251.828.2828
GMCNETWORK.COM

REAL ESTATE INVENTORIES
CITIES AND COUNTIES

SCALE: 1"=80'

C1.01

[illegible][illegible][illegible]

Property Images





ADJOINING PROPERTY
TO THE EAST

01/22/2019

Baldwin County Planning & Zoning Commission
Case No. HS- 21001 – Co Rd 48, Faulkner Division
Smith Clark & Associates, LLC - Highway Construction Setback Appeal
Staff Report for Planning Commission Meeting
May 6, 2021
Agenda Item 7.b

This report is prepared by the Baldwin County Planning & Zoning Department Staff to provide information to the Planning Commission to assist in making decisions on this application.

I. PUBLIC HEARINGS:

Planning Commission: May 6, 2021 Hwy Const. Setback Appeal Pending

Attachments: Vicinity Map
Site Map
Pictures of Existing Building
Section 45-2-260 from the Code of Alabama 1975

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Planning District: District 14, un-zoned

Location of Property: The subject site is located on the south west corner of Co Rd 48 and Co Rd 9, in the Silverhill area.

Parcel No: 05-47-04-17-0-000-033.000

Report Prepared By: DJ Hart, Planning Technician

III. GENERAL INFORMATION:

Acreage: ± 2.0 acres

Proposed Use: Allow an existing garage to remain within the 75' highway construction setback.

Applicant: Smith Clark & Associates, LLC
30941 Mill Lane, Ste G Box 258
Spanish Fort, AL 36527

Request: This is an appeal to the County administrative ruling concerning the enforcement of the Code of Alabama 1975 - [Section 45-2-260](#) *Regulation of setbacks* (a.k.a. - Act No. 94-572 Highway Construction Setback) submitted Smith Clark & Associates, LLC. The applicant is requesting an appeal from the Highway Construction Setback Legislation to allow an existing garage to remain in the highway construction setback.

IV. STAFF COMMENTS:

Items for consideration:

- The existing garage, which is 32 x 40, is currently within the Highway Construction Setback by approximately 3'5" (see attached).

Comments from the Baldwin County Highway Department:

Mary,

I do not see a need for a drainage report since most of the smaller site has the residence already built out on it. Any major expansion (Say they want to open a restaurant and need parking) would need to be reevaluated to not increase flowrates of runoff.

They should get a variance to let the building remain in the HCSB, I do not see any issue with the building affecting the roadways since they have been there for a while. The fencing can remain and does not need to be included in the variance.

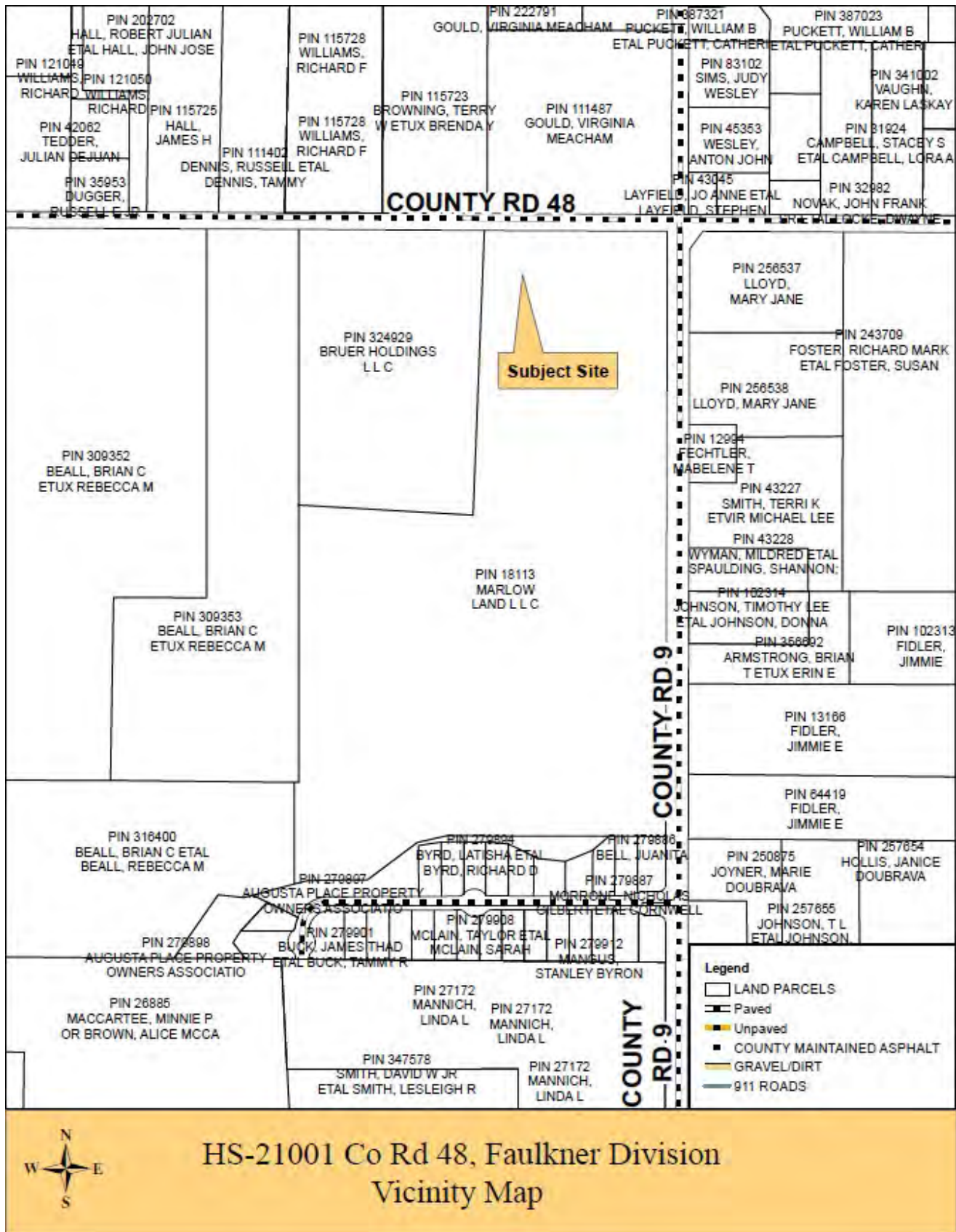
The driveways are existing, and I do not have record of any major problems with the drainage specifically at this location.

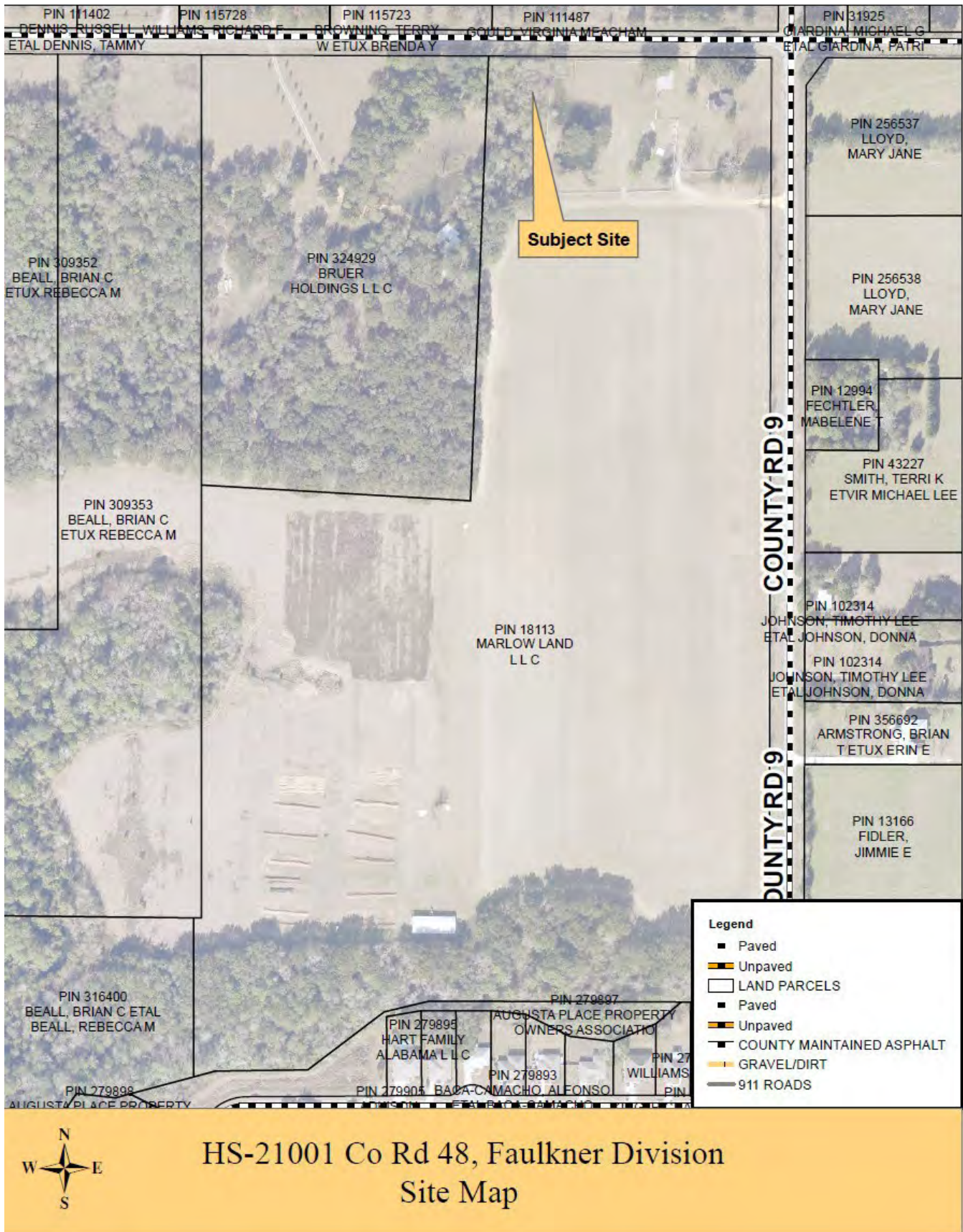
Thanks,

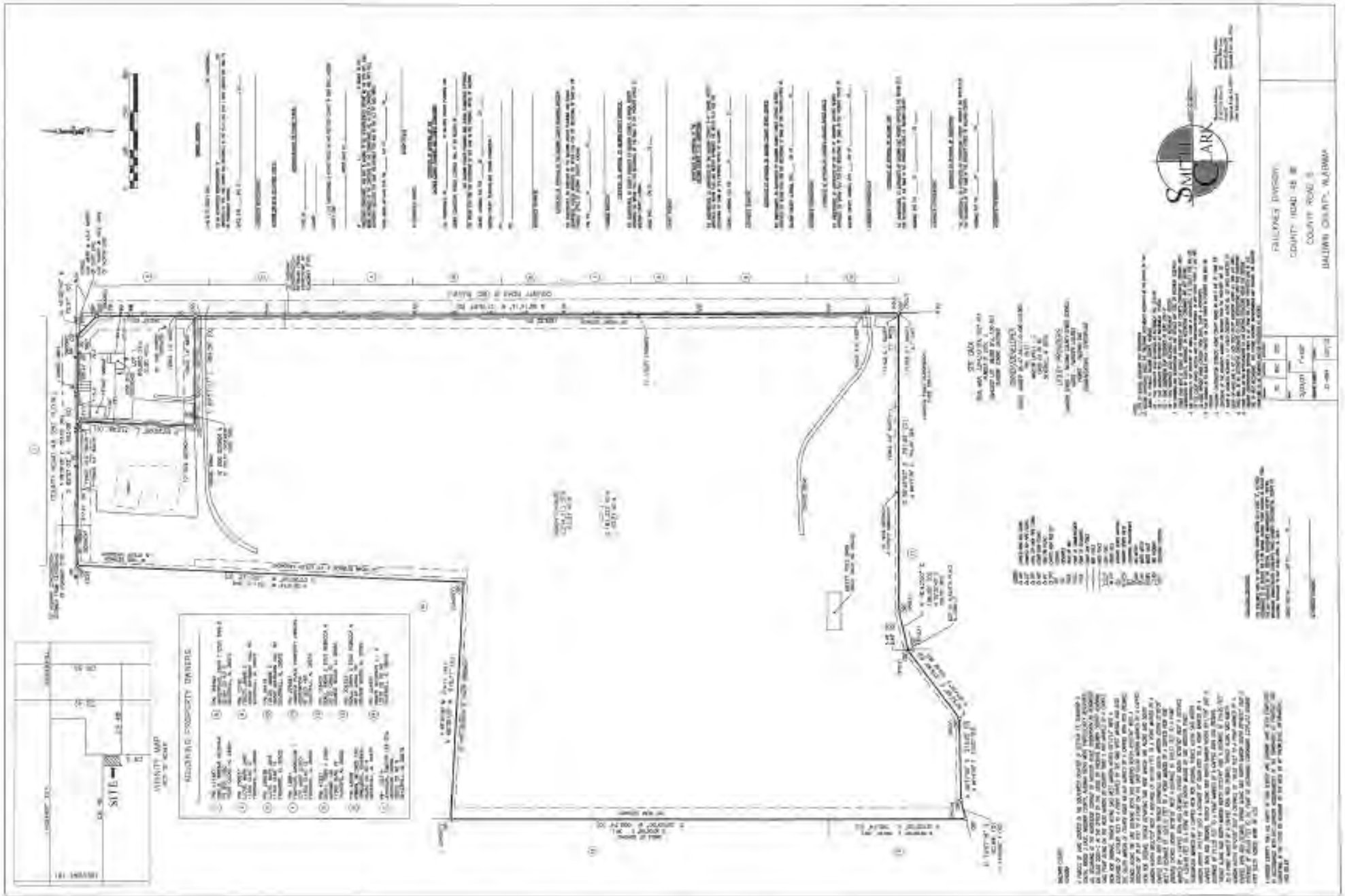
Weesie

V. RECOMMENDATIONS:

Highway Staff has reviewed this request and found that the building encroachment into the construction setback will likely not affect the roadways. Based on Highway's review, Planning and Zoning staff recommends the Planning Commission **APPROVE** the setback appeal for Case HS-21001 to allow the existing garage to remain approximately 3'5" into the Highway Construction Setback.











The Code of Alabama 1975

Title 45 LOCAL LAWS

Chapter 2 BALDWIN COUNTY

Article 26 Zoning and Planning

Part 1 Construction Setbacks

[Section 45-2-260](#) Regulation of setbacks

Section 45-2-260 - Regulation of setbacks

“HIGHWAY CONSTRUCTION SETBACK ENABLING LEGISLATION”

(a) This section shall apply only to Baldwin County.

(b) The Baldwin County Commission, through the county planning and zoning commission, shall regulate the construction setback from the centerline of any state or county public road or highway located outside the corporate limits of a municipality in Baldwin County.

(c) The provisions of this section do not apply to poles, facilities, structures, water, gas, sewer, electric, telephone, billboards, or utility lines or other facilities of public utilities.

(d) The construction setback from any state or county public road or highway shall vary according to the highway functional classifications submitted by the Baldwin County Commission and approved by the Federal Highway Administration for Baldwin County.

(e) The functional classifications and the construction setbacks required for each classification are established as follows:

(1) Principal arterials require a 125-foot setback from the centerline of the right-of-way.

(2) Minor arterials require a 100-foot setback from the centerline of the right-of-way.

(3) Major collectors require a 75-foot setback from the centerline of the right-of-way.

(4) Minor collectors require a 50-foot setback from the centerline of the right-of-way.

(f) No permanent structure shall be erected or constructed within the designated construction setback.

(g) Any landowner or other aggrieved party may appeal any decision made pursuant to this section by filing notice with the Baldwin County Planning and Zoning Commission within a reasonable time after such decision. On such appeal, the Baldwin County Planning and Zoning Commission shall have authority to grant such relief as it may deem appropriate to remedy a gross inequity or extreme economic hardship as may be occasioned by strict enforcement of this section or any determination made pursuant to it. From the decision of the Baldwin

County Planning and Zoning Commission, and within 30 days thereof, any party may appeal the decision to the Circuit Court of Baldwin County, Alabama, for trial, de novo.

(h) The county may institute an appropriate civil action to prevent an unlawful setback or to otherwise enforce this section.

(i) The provisions of this section are supplemental to any laws or any rules, regulations, or ordinances, state or local, relating to the right-of-way and the construction setback along or near any county or state public road or highway outside the corporate limits of a municipality in Baldwin County.

(Act 94-572, p. 1044, §§1-9.)

The following list of exempt, permitted and prohibited structures was adopted as policy by the Baldwin County Planning & Zoning Commission on September 1, 1999.

Structures exempt from provisions of the Act:

Billboards

Utility structures such as poles, utility lines, and other utility structures

Non permanent structures permitted within the required construction setback

Signs

Access drives or roads

Overflow parking in excess of required parking spaces

Landscaping

Fences

Portable accessory structures such as a yard shed

Sidewalks & bike paths

Permanent structures prohibited within the required construction setback:

Any permanent structure not specifically permitted above including:

Buildings

Houses

Decks or porches

Mobile homes

Swimming pools

Drainage detention or retention structures

Septic tanks

Gas pumps

Underground storage tanks

Required parking spaces

Baldwin County Planning and Zoning Commission
Case No. S-21039 – Fell Road Subdivision-Phase 1
Variance Request Approval
Staff Report for Planning and Zoning Commission Public Hearing
May 6, 2021
Agenda Item 8.a

This report is prepared by the Baldwin County Planning and Zoning Department Staff to provide information to the Baldwin County Planning and Zoning Commission to assist in making decisions on this application.

I. PUBLIC HEARINGS:

Planning Commission: May 6, 2021 Variance Request Approval Pending

Attachments: Vicinity Map
Site Map
Proposed Plat
Request Letter

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Planning District: District 22– Zoned RSF-E

Location of Property: The subject property is located on the south and east side of Fell Rd, west of Stucki Road in the Elberta area.

Parcel Number: 05-62-02-04-0-001-008.000

Report Prepared By: DJ Hart, Planning Technician

III. SUBDIVISION PROPOSAL:

Proposed number of Lots: 4

Linear Feet of Streets: N/A

Total Acreage: ±14.30 acres

Smallest Lot Size: ±3.25 acres

Owner/Developer: R & R Land, LLC/Dream Ranch, LLC
23477 Brooklyn Rd.
Andalusia, Al. 36421

Surveyor: David Lowery Surveying LLC
55284 Martin Ln.
Stockton, Al. 36579

Request: The applicant is requesting a Variance approval for the above-mentioned subdivision from the Baldwin County Planning and Zoning Commission to allow the four lots of the proposed subdivision to front on a dirt road.

IV. PUBLIC UTILITIES AND SITE CONSIDERATIONS:

Public Utilities Services: Water: Private Well
 Sewer: Septic
 Electricity: Baldwin EMC

Transportation: The proposed lots front Fell Road, a county-maintained dirt road. This dirt road does not meet the paved road standards of the subdivision regulations.

V. STAFF COMMENTS:

Items for consideration:

A variance shall not be approved unless there are findings based upon the evidence presented in each specific case that:

- (a) The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property.
- (b) The conditions upon which the request for a variance is based are unique to the property for which the variance is sought.
- (c) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;
- (d) The variance will not in any manner vary the provisions of other adopted policies and regulations of the Baldwin County Commission.
- (e) Inconvenience, financial concerns, or self-imposed conditions shall not be considered as a hardship for the purpose of granting the variance.

Highway Department Comments:

Mary,

I have discussed this with both and Highway recommends denial due to not meeting subdivision regulations.

The road can be improved through a subdivision permit, license agreement or citizen participation program, so there are options in their control to pave the road to meet the requirements of the regulations.

Let me know if you need anything else.

Thanks,

Weesie

VI. RECOMMENDATIONS:

- Fell Road is a county-maintained dirt road. The applicant is requesting a variance to allow the subdivision on a dirt road. The request does not meet the considerations listed above, hardship on the land, therefore, Staff recommends that the Variance for Case No. S-21039, Fell Road Subdivision, Phase 1, be **DENIED**.

To whom it may concern within the Baldwin County Planning Commission,

This letter is to request a variance for creating a subdivision off of Fell Road, which is an unpaved deeded County road in Baldwin County. Please consider the impact of not being able to subdivide this property which would in turn negatively affect the value.

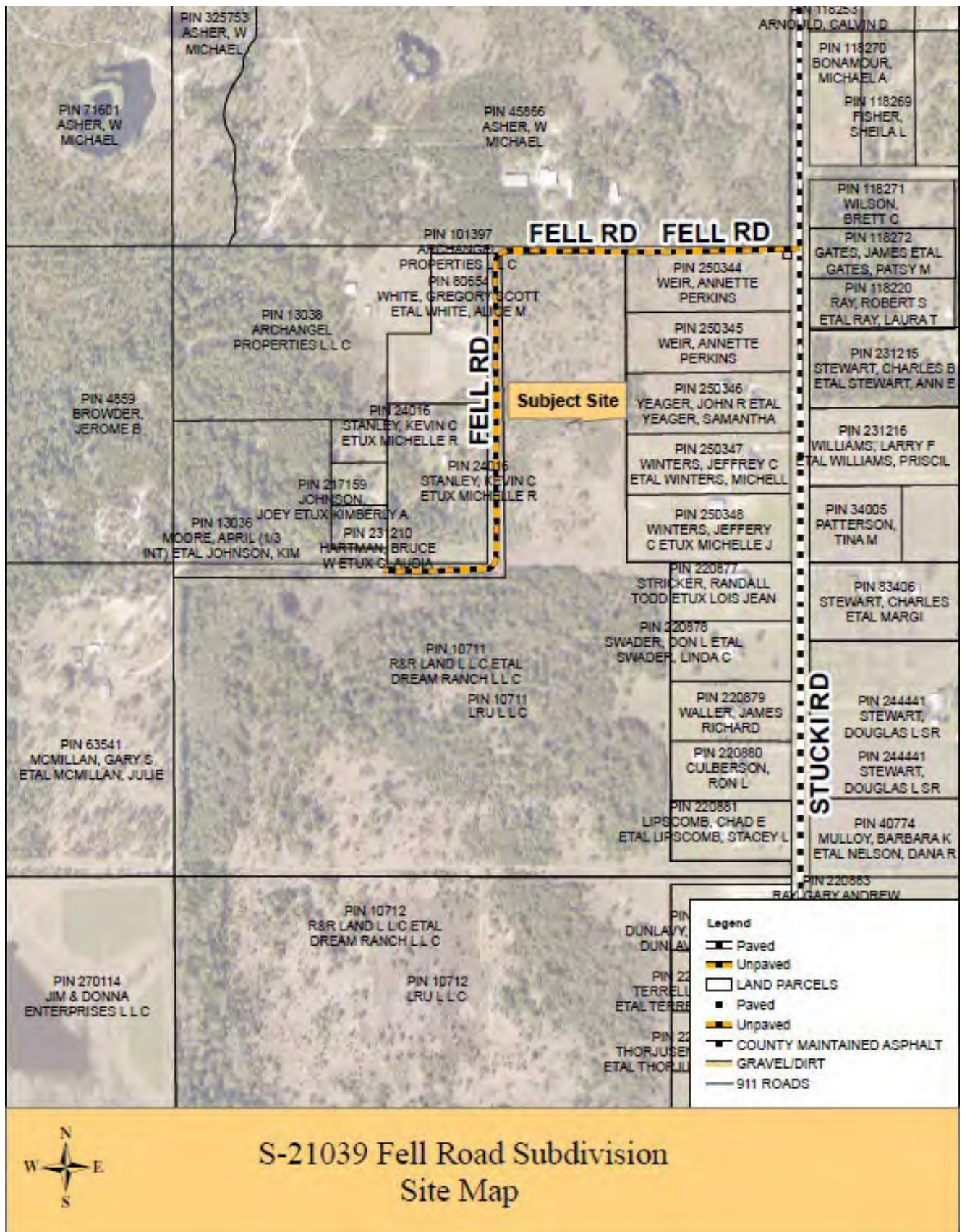
We continue to have existing residents along with new residents moving into the County that wish to have larger estate size lots and smaller acreage tracts. With the recent pandemic people want to distance themselves from their neighbors more now than in the past and we feel that these proposed subdivisions will fill a need by allowing affordable sized tracts appealing to these individuals. Unfortunately, as the private landowner, we don't have control over the surface of the road that has been deeded over to the County. Once the land was deeded it is out of our hands as to what the County decides to do with it. With the miles and miles of unpaved County roads in Baldwin County, it would seem necessary to have an avenue for any landowner in the County to divide his or her land in a way that does not negatively impact the adjacent land or the area.

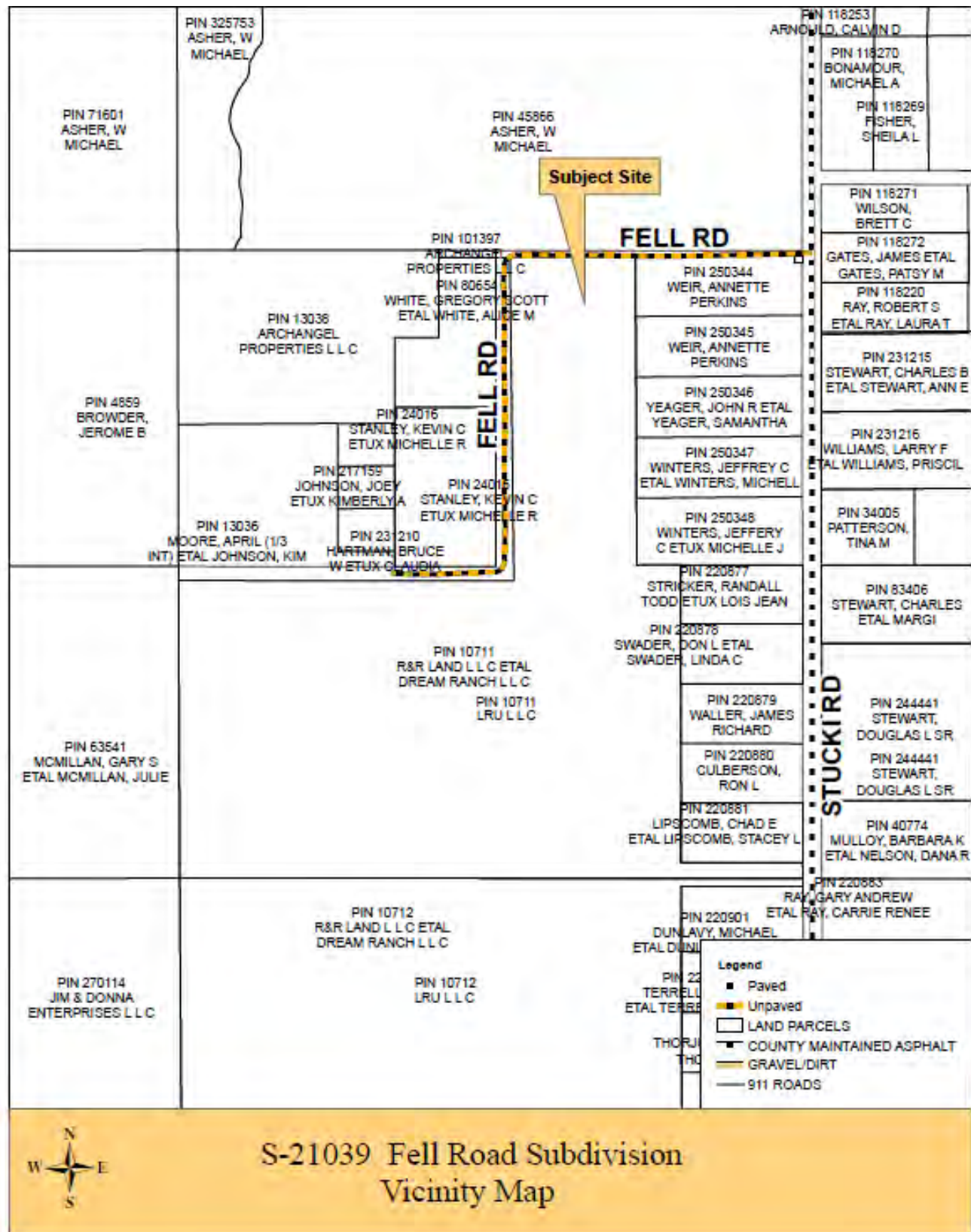
We are wanting to provide the opportunity for people to own a larger parcel of land in a desirable area to build a nice home and raise a family. Not everyone can afford 60 + acres and on the other hand not everyone wants to live on a 1/2 acre lot in a conventional subdivision with curbs and gutters. These Estate sized parcels will be a great compromise for those looking to get off the paved cul-de-sac.

Thank you for your consideration.



Rick Bourne, Owner





Baldwin County Planning and Zoning Commission
Case No. S-21040 – Fell Road Subdivision-Phase 2
Variance Request Approval
Staff Report for Planning and Zoning Commission Public Hearing
May 6, 2021
Agenda Item 8.b

This report is prepared by the Baldwin County Planning and Zoning Department Staff to provide information to the Baldwin County Planning and Zoning Commission to assist in making decisions on this application.

I. PUBLIC HEARINGS:

Planning Commission: May 6, 2021 Variance Request Approval Pending

Attachments: Vicinity Map
Site Map
Proposed Plat
Request Letter

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Planning District: District 22– Zoned RSF-E

Location of Property: The subject property is located on the south and east side of Fell Rd, west of Stucki Road in the Elberta area.

Parcel Number: 05-62-02-04-0-001-008.000

Report Prepared By: DJ Hart, Planning Technician

III. SUBDIVISION PROPOSAL:

Proposed number of Lots: 4

Linear Feet of Streets: N/A

Total Acreage: ±60.39 acres

Smallest Lot Size: ±12.78
acres

Owner/Developer: R & R Land, LLC/Dream Ranch, LLC
23477 Brooklyn Rd.
Andalusia, Al. 36421

Surveyor: David Lowery Surveying LLC
55284 Martin Ln.
Stockton, Al. 36579

Request: The applicant is requesting a Variance approval for the above-mentioned subdivision from the Baldwin County Planning and Zoning Commission to allow the four lots of the proposed subdivision to front on a dirt road.

IV. PUBLIC UTILITIES AND SITE CONSIDERATIONS:

Public Utilities Services: Water: Private Well
 Sewer: Septic
 Electricity: Baldwin EMC

Transportation: The proposed lots front Fell Road, a county-maintained dirt road. This dirt road does not meet the paved road standards of the subdivision regulations.

V. STAFF COMMENTS:

Items for consideration:

A variance shall not be approved unless there are findings based upon the evidence presented in each specific case that:

- (a) The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property.
- (b) The conditions upon which the request for a variance is based are unique to the property for which the variance is sought.
- (c) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;
- (d) The variance will not in any manner vary the provisions of other adopted policies and regulations of the Baldwin County Commission.
- (e) Inconvenience, financial concerns, or self-imposed conditions shall not be considered as a hardship for the purpose of granting the variance.

Highway Department Comments:

Mary,

I have discussed this with both and Highway recommends denial due to not meeting subdivision regulations.

The road can be improved through a subdivision permit, license agreement or citizen participation program, so there are options in their control to pave the road to meet the requirements of the regulations.

Let me know if you need anything else.

Thanks,

Weesie

VI. RECOMMENDATIONS:

- Fell Road is a county-maintained dirt road. The applicant is requesting a variance to allow the subdivision on a dirt road. The request does not meet the considerations listed above, hardship on the land, therefore, Staff recommends that the Variance for Case No. S-21040, Fell Road Subdivision, Phase 2, be **DENIED**.

To whom it may concern within the Baldwin County Planning Commission,

This letter is to request a variance for creating a subdivision off of Fell Road, which is an unpaved deeded County road in Baldwin County. Please consider the impact of not being able to subdivide this property which would in turn negatively affect the value.

We continue to have existing residents along with new residents moving into the County that wish to have larger estate size lots and smaller acreage tracts. With the recent pandemic people want to distance themselves from their neighbors more now than in the past and we feel that these proposed subdivisions will fill a need by allowing affordable sized tracts appealing to these individuals. Unfortunately, as the private landowner, we don't have control over the surface of the road that has been deeded over to the County. Once the land was deeded it is out of our hands as to what the County decides to do with it. With the miles and miles of unpaved County roads in Baldwin County, it would seem necessary to have an avenue for any landowner in the County to divide his or her land in a way that does not negatively impact the adjacent land or the area.

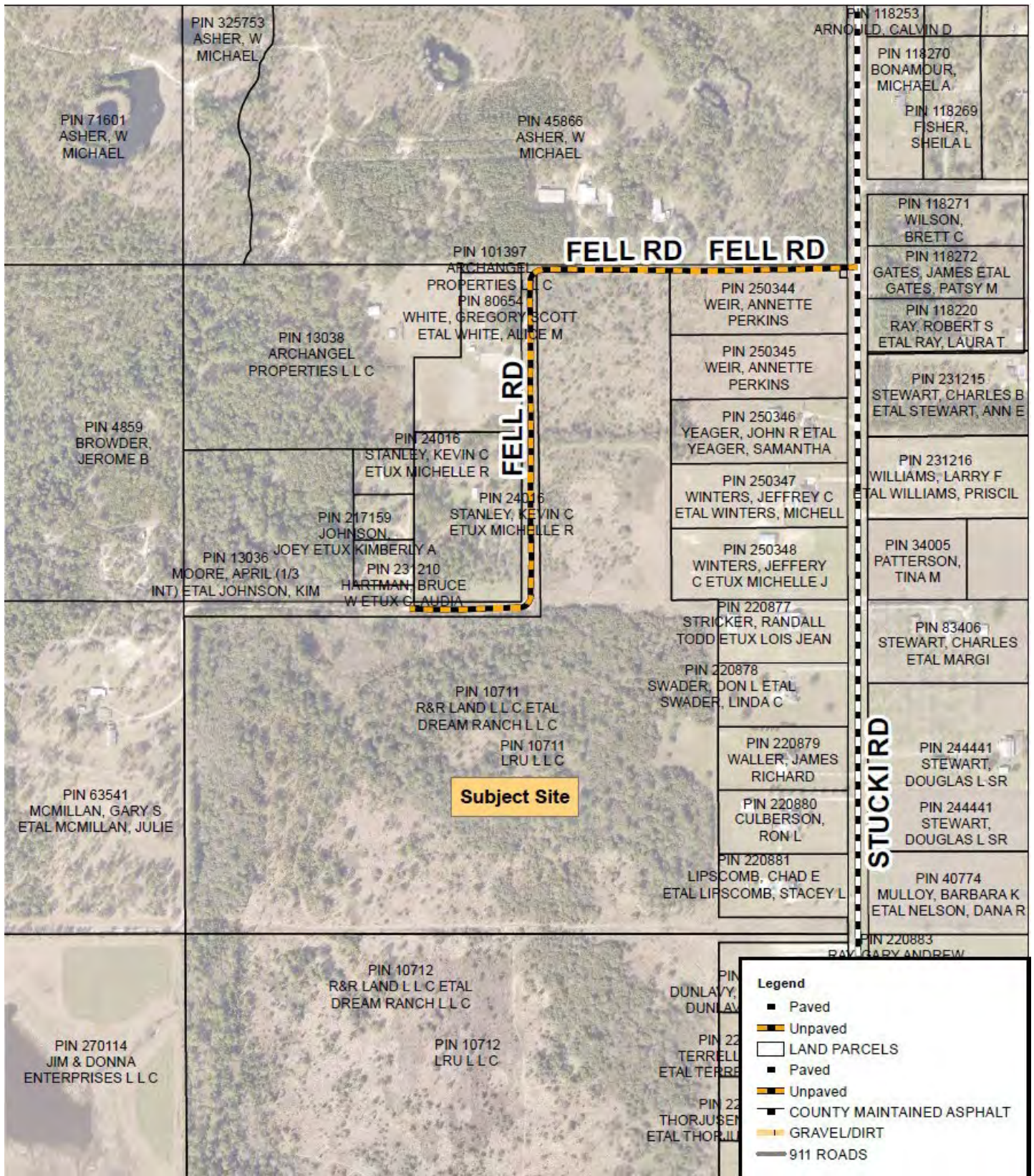
We are wanting to provide the opportunity for people to own a larger parcel of land in a desirable area to build a nice home and raise a family. Not everyone can afford 60 + acres and on the other hand not everyone wants to live on a 1/2 acre lot in a conventional subdivision with curbs and gutters. These Estate sized parcels will be a great compromise for those looking to get off the paved cul-de-sac.

Thank you for your consideration.

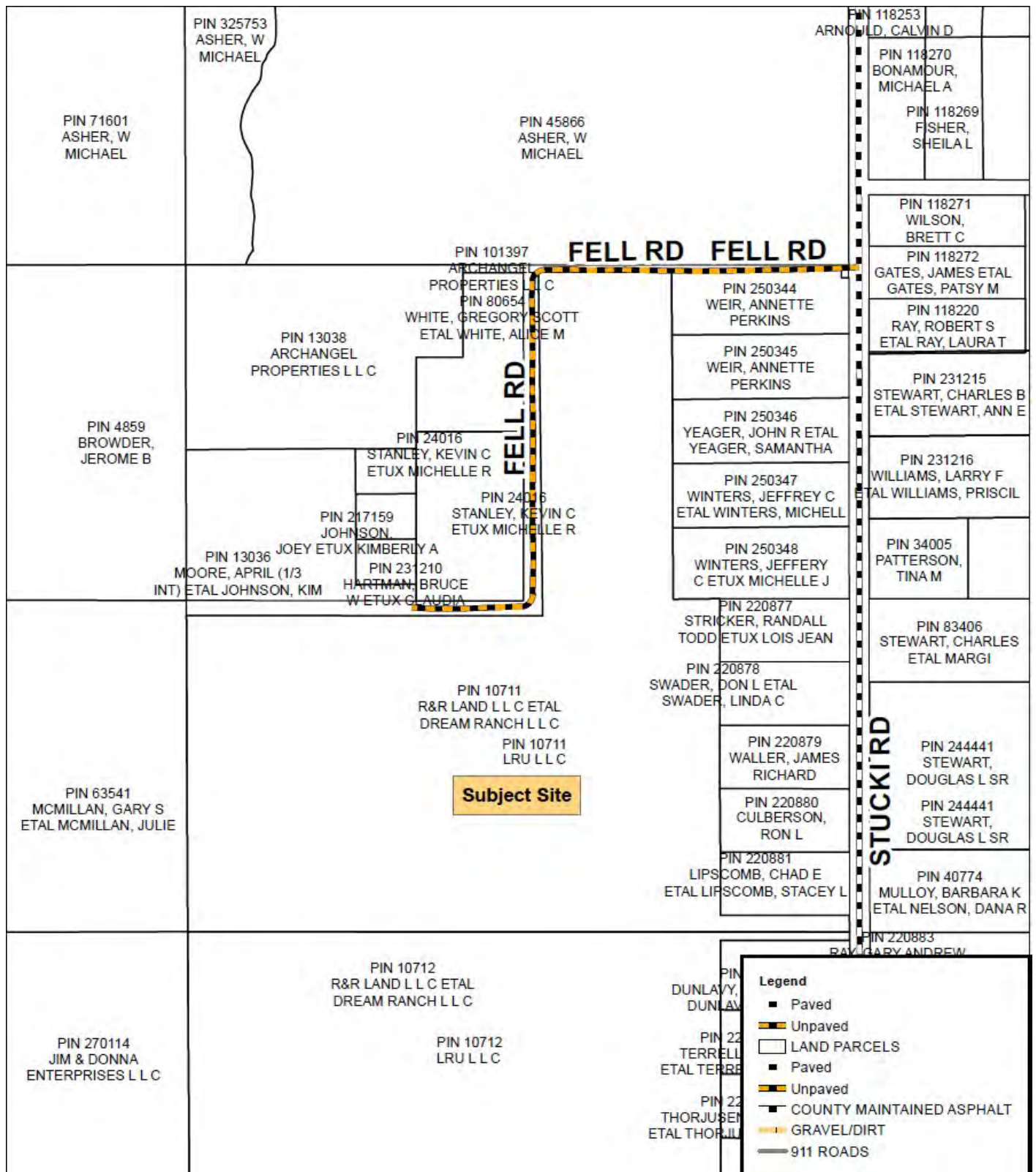


Rick Bourne, Owner





S-21040 Fell Road Subdivision Site Map



S-21040 Fell Road Subdivision Vicinity Map

Baldwin County Planning and Zoning Commission
Case No. S-21046 – Faulkner Division
Development Permit
Staff Report for Planning and Zoning Commission Public Hearing
May 6, 2021
Agenda Item 8.c

This report is prepared by the Baldwin County Planning and Zoning Department Subdivision Staff to provide information to the Baldwin County Planning and Zoning Commission to assist in making decisions on this application.

I. PUBLIC HEARINGS:

Planning Commission: May 6, 2021 Development Permit Approval Pending

Attachments: Vicinity Map
Site Map
Proposed Plat

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Planning District: District 14 – Un-zoned

Location of Property: The subject property is located on the south side of County Road 48 at the southwest corner of County Road 9 and County Road 48 approximately 0.5 miles west of Bohemian Hall Road

Parcel Number(s): 05-41-04-17-0-000-033.000

Report Prepared By: Mary Booth, Subdivision Coordinator

III. SUBDIVISION PROPOSAL:

Proposed number of Lots: 2

Linear Feet of Streets: N/A

Total Acreage: ± 52.21 acres

Smallest Lot Size: ± 2.0 acres

Owner/Developer: Marlow Land, LLC
13456 County Road 48
Silverhill, AL 36576

Surveyor/Engineer: Hunter Smith, PLS
Smith Clark and Associates
11111 U.S. HWY 31
Spanish Fort, AL 36527

Request: The applicant is requesting Development Permit approval for the above-referenced subdivision from the Baldwin County Planning and Zoning Commission.

IV. PUBLIC UTILITIES AND SITE CONSIDERATIONS:

Public Utilities Services:	Water:	Fairhope Public Utilities
	Sewer:	Baldwin County Sewer Service
	Electricity:	Baldwin EMC
	Communications:	CenturyLink

Transportation: The proposed lots will front on existing County Road 48, with street side access from County Road 9, both are existing paved and county-maintained roads (80' ROW each).

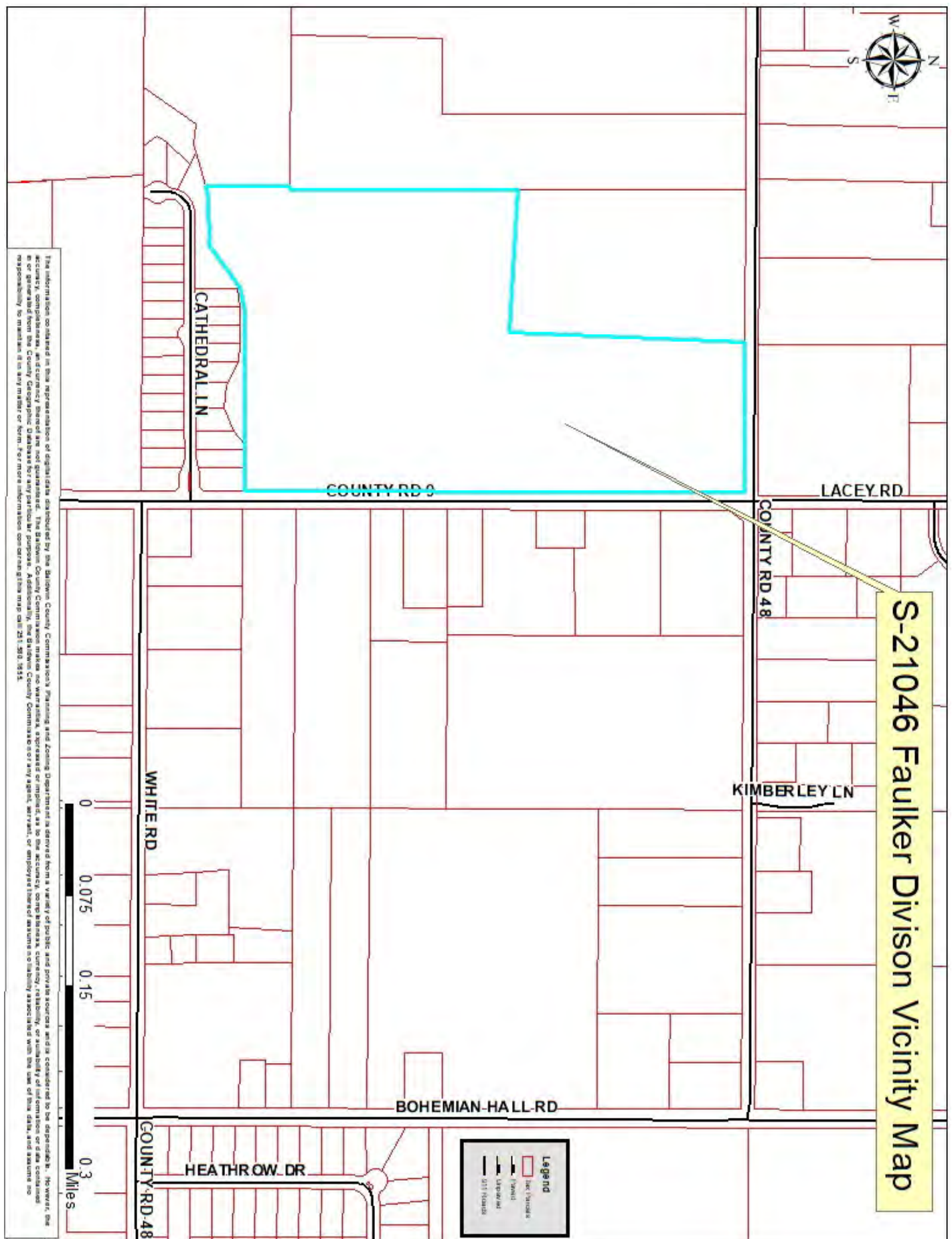
V. STAFF COMMENTS:

Items for consideration:

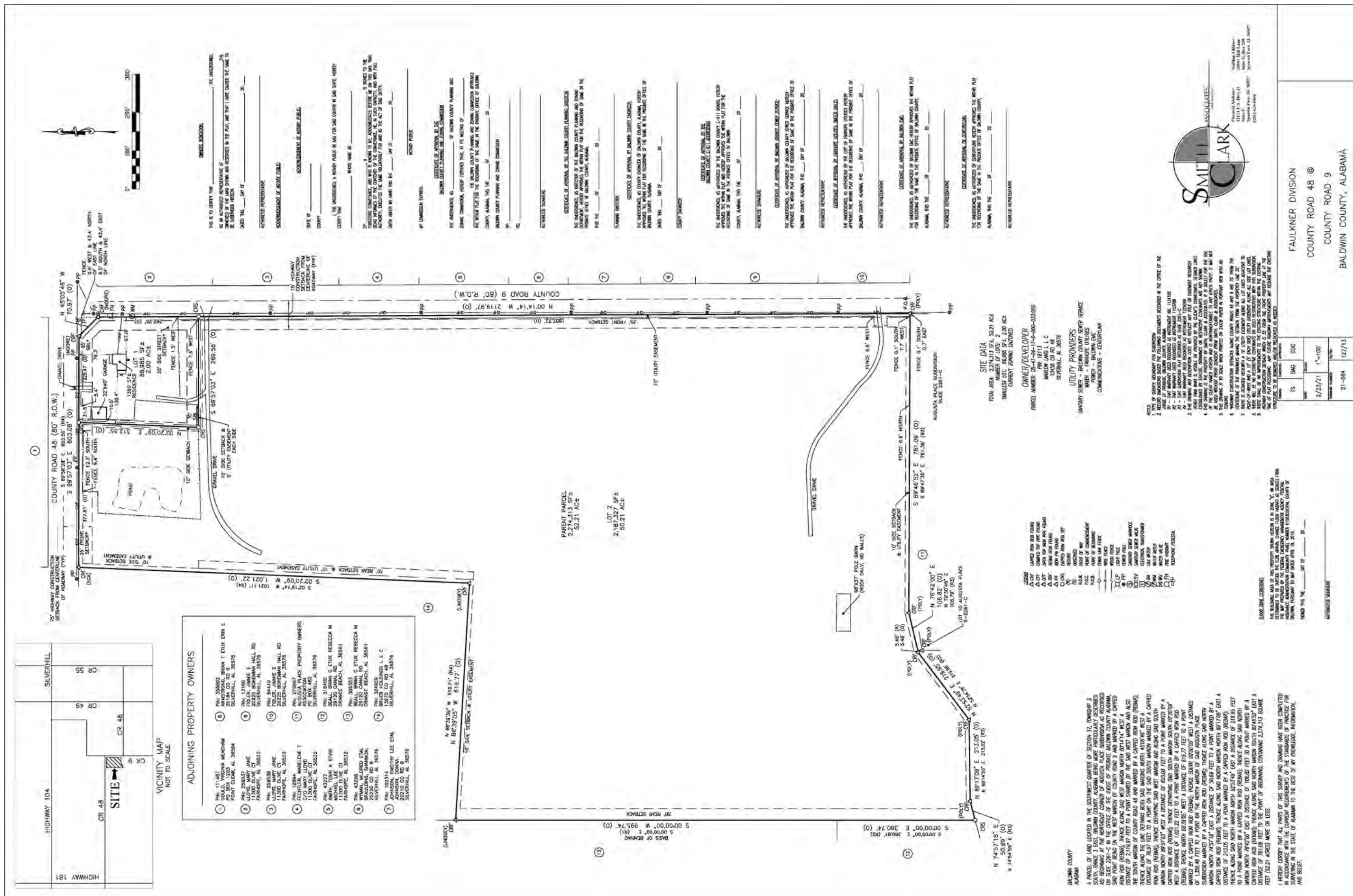
- Subject property is located with unzoned Planning District 14. Lot sizes and lot widths conform with the specifications for unzoned property as required by sections § 5.1.1 and § 5.4 of the *Baldwin County Subdivision Regulations*.
- The Baldwin County Highway Department provides the following comments:
 - A drainage report is not required for the site, however;
 - Any major expansion will require re-evaluation of the site so that stormwater flowrates and runoff are not increased.

VI. RECOMMENDATIONS:

Staff recommends that the Development Permit application for Case No. S-21046, Faulkner Division be **APPROVED** contingent upon approval of a Highway Construction Setback Variance to be separately considered by the Baldwin County Planning and Zoning Commission.







Baldwin County Planning and Zoning Commission
Case No. S-21047 – Blackwater Farms Subdivision
Development Permit

Staff Report for Planning and Zoning Commission Public Hearing

May 6, 2021

Agenda Item 8.d

This report is prepared by the Baldwin County Planning and Zoning Department Subdivision Staff to provide information to the Baldwin County Planning and Zoning Commission to assist in making decisions on this application.

I. PUBLIC HEARINGS:

Planning Commission: May 6, 2021 Development Permit Approval Pending

Attachments: Vicinity Map
Site Map
Proposed Plat

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Planning District: District 12 – Zoned RA/RSF-1

Location of Property: The subject property is located on the east side of County Road 85 approximately 0.25 miles south of US HWY 90 in the Elsanor Community near Robertsdale.

Parcel Number(s): 05-41-07-35-0-000-039.001

Report Prepared By: J. Buford King, MPA, LEED AP; Development Review Planner
Coordinator

III. SUBDIVISION PROPOSAL:

Proposed number of Lots: 5

Linear Feet of Streets: N/A

Total Acreage: ± 19.06 acres

Smallest Lot Size: ± 1.6 acres

Owner/Developer: BJ Blanchard
BJ's Residential Properties, LLC
1299 Greystone Crest
Birmingham, AL 35242

Surveyor/Engineer: David Shumer, PE
Barton and Shumer Engineering
3213 Midtown Park S.
Mobile, AL 36606

Request: The applicant is requesting Development Permit approval for the above-mentioned subdivision from the Baldwin County Planning and Zoning Commission.

IV. PUBLIC UTILITIES AND SITE CONSIDERATIONS:

Public Utilities Services: Water: East Central Baldwin Water Authority
Sewer: On-Site Septic
Electricity: Baldwin EMC

Transportation: The proposed lots will front on existing County Road 85, a paved and county-maintained road (80' ROW).

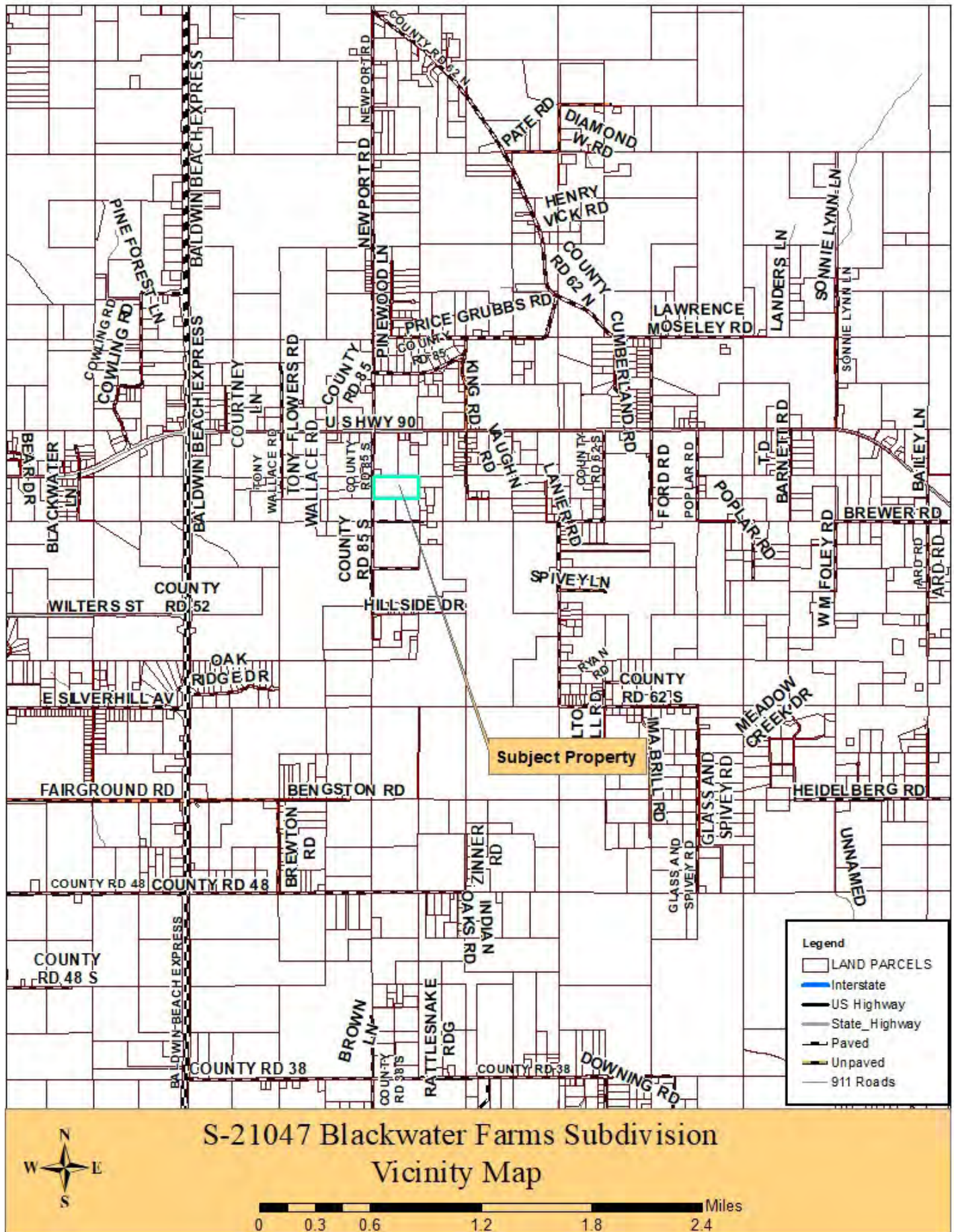
V. STAFF COMMENTS:

Items for consideration:

- Lots 1-4 are zoned RSF-1 and lot 5 is zoned RA, the proposed subdivision complies with these zoning classifications.
- The applicant included on the subdivision plat a certificate of approval for the Baldwin County Health Department for an on-site sewer treatment (septic) system. Additional permitting procedures may be required by the applicant to install the onsite septic systems.
- The Baldwin County Highway Department provides the following comments:
 - Application for residential driveway permits may be submitted on the new lots.
 - Any additional land use changes shall be reviewed for additional runoff at the time of land use certificate application.

VI. RECOMMENDATIONS:

Staff recommends that the Development Permit application for Case No. S-21047, Blackwater Farms Subdivision be **APPROVED**.





S-21047 Blackwater Farms Subdivision Site Map

0 0.075 0.15 0.3 0.45 0.6 Miles



Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 9.a
Case No. P-21005
Boggy Branch LLC Property
Conditional Use Approval
May 6, 2021

Subject Property Information

Planning District: 10
General Location: West side of State Hwy 225 north of Lake Boulevard
Physical Address: 34561 State Highway 225
Parcel Numbers: 05-32-03-43-0-000-002.000
Existing Zoning: RR, Rural District
Existing Land Use: Cell Tower
Proposed Land Use: Expand existing cell tower compound by 330 square feet
Acreage: 68.31 ± acres
Applicant: Jason Lillo on behalf of AT&T
809 Hodge Watson
Calhoun, LA 71225
Owner: Boggy Branch LLC
Rollins L Tindell, Jr.
400 Austill Place
Mobile, AL 36608
Lead Staff: Linda Lee, Planner
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Vacant	OR, Outdoor Recreation District
South	Vacant	RR, Rural District
East	Church/Forested	RA, Rural Agricultural District
West	Vacant	RR, Rural District

Summary and Recommendation

This is a request for Conditional Use approval to allow for the expansion of an existing wireless telecommunication facility compound on property zoned RR, Rural District. A wireless telecommunications facility may be allowed through the Conditional Use process, subject to the approval of the Planning Commission.

Staff recommends that Case P-21005, Boggy Branch LLC Property be **APPROVED*** subject to the conditions outlined at the end of this staff report.

**On Conditional Use applications, the Planning Commission makes the final decision.*

Section 3.1 RR, Rural District

3.1.1 *Generally.* This zoning district is provided to accommodate the rural areas of Baldwin County. Rural District ordinances are designed to protect the rural character of the area.

3.1.2 *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) Marine recreation uses.
- (d) Outdoor recreation uses.
- (e) The following general commercial uses: animal clinic and/or kennels; farm implement sales; farmer's market/truck crops; nursery; landscape sales.
- (f) Local commercial uses.
- (g) Professional service and office uses.
- (h) The following institutional uses: church or similar religious facility; child care center; child care institution; day care home; fire station; library; post office; school (public or private).
- (i) Agricultural uses.
- (j) Single family dwellings including manufactured housing and mobile homes.
- (k) Accessory structures and uses.

3.1.3 *Special exceptions.* Except as provided by Section 2.3: *Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed as special exceptions:

- (a) Light industrial uses.
- (b) General commercial uses not permitted by right, except race track.
- (c) Institutional uses not permitted by right, except correctional, detention, or penal institution and sanitarium.
- (d) Boarding house, rooming house, lodging house, or dormitory.
- (e) Fraternity or sorority house.

3.1.4 **Conditional use.** Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed as conditional uses:

Transportation, **communication, and utility uses not permitted by right.**

3.1.5 *Area and dimensional ordinances.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, *Section 12.4: Height Modifications*, *Section 12.5: Yard Requirements*, *Section 12.6: Coastal Areas*, *Section 12.8: Highway Construction Setbacks*, *Section 18.6 Variances*, and *Article 20: Nonconformities*, the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure in Feet	35
Minimum Front Yard	30-feet
Minimum Rear Yard	30-feet
Minimum Side Yards	10-feet
Minimum Lot Area	40,000 Square Feet
Minimum Lot Width at Building Line	120-feet
Minimum Lot Width at Street Line	120-feet

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

Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	20,000 Square Feet
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	80-Feet

Agency Comments

Permits/Subdivision Manager – Alfreda Jeffords:

From: Alfreda Jeffords <Weesie.Jeffords@baldwincountyal.gov>

Sent: Monday, April 26, 2021 10:46 AM

To: D Hart <DHart@baldwincountyal.gov>

Cc: Frank Lundy <FLundy@baldwincountyal.gov>; Mary Booth <MBOOTH@baldwincountyal.gov>; Tyler W. Mitchell <TMITCHELL@baldwincountyal.gov>; Joey Nunnally <JNunnally@baldwincountyal.gov>

Subject: RE: P-21005 Boggy Branch LLC Property

DJ,

The site has an existing driveway turnout via State Hwy 225.

Majority of the site where the tower/equipment room is located already is impervious and this proposed change would not cause additional drainage issues to the west (towards the Apalachee River) or adjacent properties.

Let me know if you need anything else for this case.

Thank you,

Weesie Jeffords

ADEM:

From: Smith, Michael <smithmi@dot.state.al.us>

Sent: Wednesday, April 21, 2021 4:59 PM

To: D Hart <DHart@baldwincountyal.gov>

Subject: RE: P-21005

Thanks, it doesn't appear to impact the access or cause need for access improvements, so I have no issue. Appreciate you reaching out.

MICHAEL SMITH

AREA PERMIT MNGR.

Staff Analysis and Findings

This is a request for Conditional Use approval to allow for the expansion of an existing wireless telecommunication facility compound on property zoned RR, Rural District. A wireless telecommunications facility may be allowed through the Conditional Use process, subject to the approval of the Planning Commission.

The following factors for reviewing Conditional Use approvals are found in Section 18.11.1 of the *Baldwin County Zoning Ordinance*.

Section 18.11.1 *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 as a Conditional Use in a particular zoning district; however, the county reserves full authority to deny any request for Conditional Use, 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.

Section 18.11.4 *Standards for approval*. A Conditional Use may be approved by the Planning Commission only upon determination that the application and evidence presented clearly indicate that all of the following standards have been met:

- (a) The proposed use shall be in harmony with the general purpose, goals, objectives and standards of the Baldwin County Master Plan, these ordinances, or any other official plan, program, map or ordinance of Baldwin County.**

The Baldwin County Master Plan – 2013 indicates a future land use designation of Agricultural for the subject property. The agricultural category is provided for agriculture, forestry and similar activities. Single family dwellings, institutional uses, recreational uses, limited commercial uses which are intended to serve a rural area and transportation, communication and utility uses are also included subject to the requirements found within the Zoning Ordinance. This category is designed to protect the essential open character of rural areas until it is timely to reclassify the land to appropriate residential, commercial, or industrial categories. Zoning designations may include RR, CR, RA, and RSF-E. The proposed use is consistent with the Master Plan as Communication Uses may be allowed subject to provisions of the Zoning Ordinance.



- (b) The proposed use shall be consistent with the community welfare and not detract from the public's convenience at the specific location.

The proposed use is consistent with this standard as the existing use was granted in July 2011. Staff does not anticipate significant traffic issues as the use is not changing. The applicant is proposing to expand the cell tower compound by 330 square feet (15x22) to add equipment for a co-location on the existing cell tower. Conditional Use approvals are site plan specific necessitating additional review and approval of the expansion.



(c) The proposed use shall not unduly decrease the value of neighboring property.

The current wireless telecommunications facility has been at this location since early 2012. The proposed use should not unduly decrease the value of neighboring property.

(d) The use shall be compatible with the surrounding area and not impose an excessive burden or have substantial negative impact on surrounding or adjacent uses or on community facilities or services.

The current wireless telecommunications facility has been at this location since early 2012. Therefore, staff does not anticipate any negative impacts on surrounding or adjacent uses.

Section 18.11.5 *Conditions and restrictions on approval.* In approving a Conditional Use, the Planning Commission may impose conditions and restrictions upon the property benefited by the Conditional Use approval as may be necessary to comply with the standards set out above, to reduce or minimize any potentially injurious effect of such conditional use upon the property in the neighborhood, and to carry out the general purpose and intent of the ordinances. In approving any Conditional Use, the Planning Commission may specify the period of time for which such approval is valid for the commencement of the proposed Conditional Use. The Planning Commission may, upon written request, grant extensions to such time allotments not exceeding 6 months each without written notice or hearing. Failure to comply with any such condition or restriction imposed by the Planning Commission shall constitute a violation of these ordinances. Those Conditional Uses which the Planning Commission approves subject to conditions shall have specified by the Planning Commission the time allotted to satisfy such conditions.

Staff Comments and Recommendation

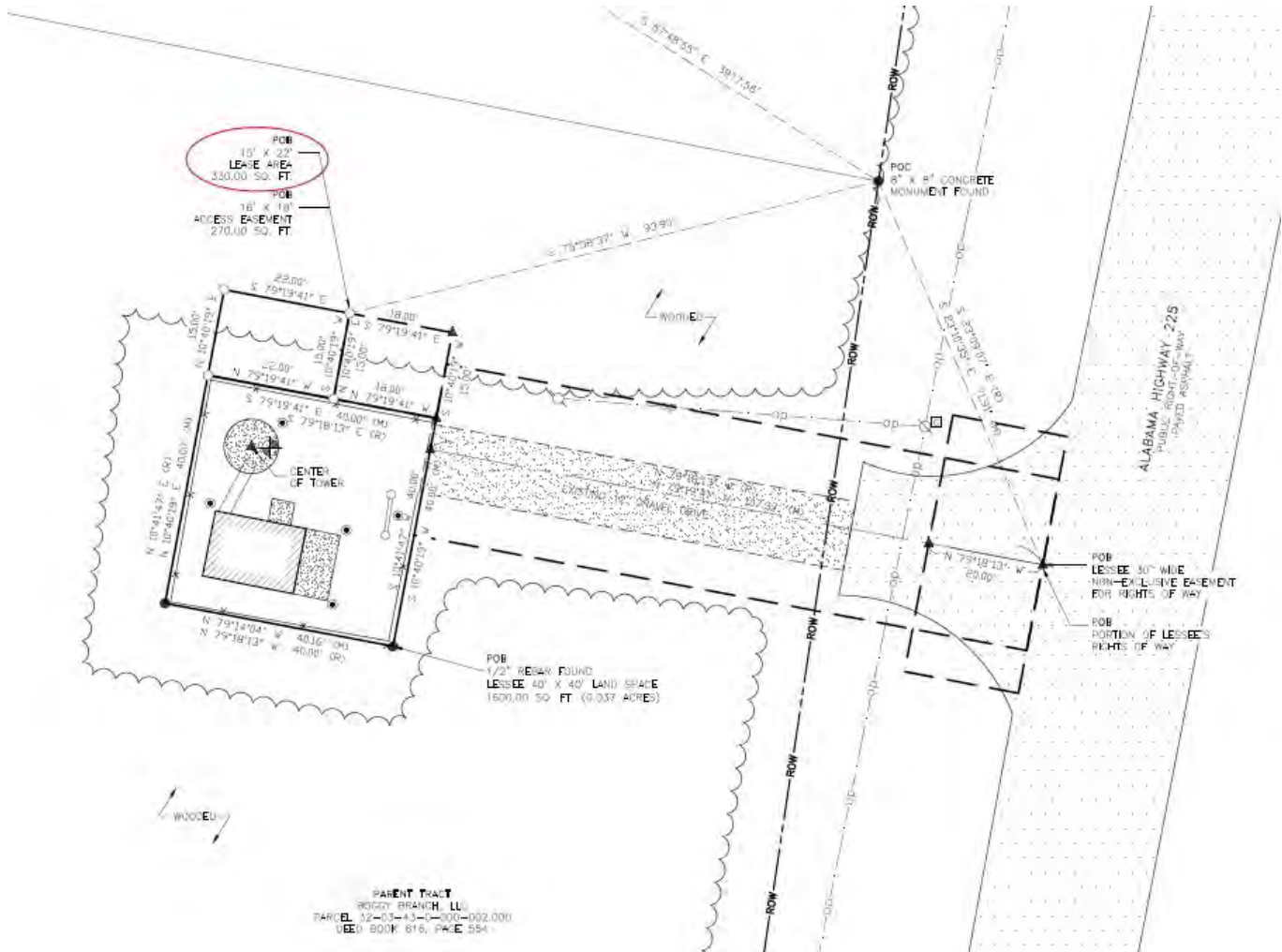
As stated previously, the applicant is requesting Conditional Use approval to allow for the expansion of an existing wireless telecommunication facility compound on property zoned RR, Rural District. A wireless telecommunications facility may be allowed through the Conditional Use process, subject to the approval of the Planning Commission.

Staff feels that this is a reasonable request and has no problem recommending **APPROVAL*** subject to the following conditions:

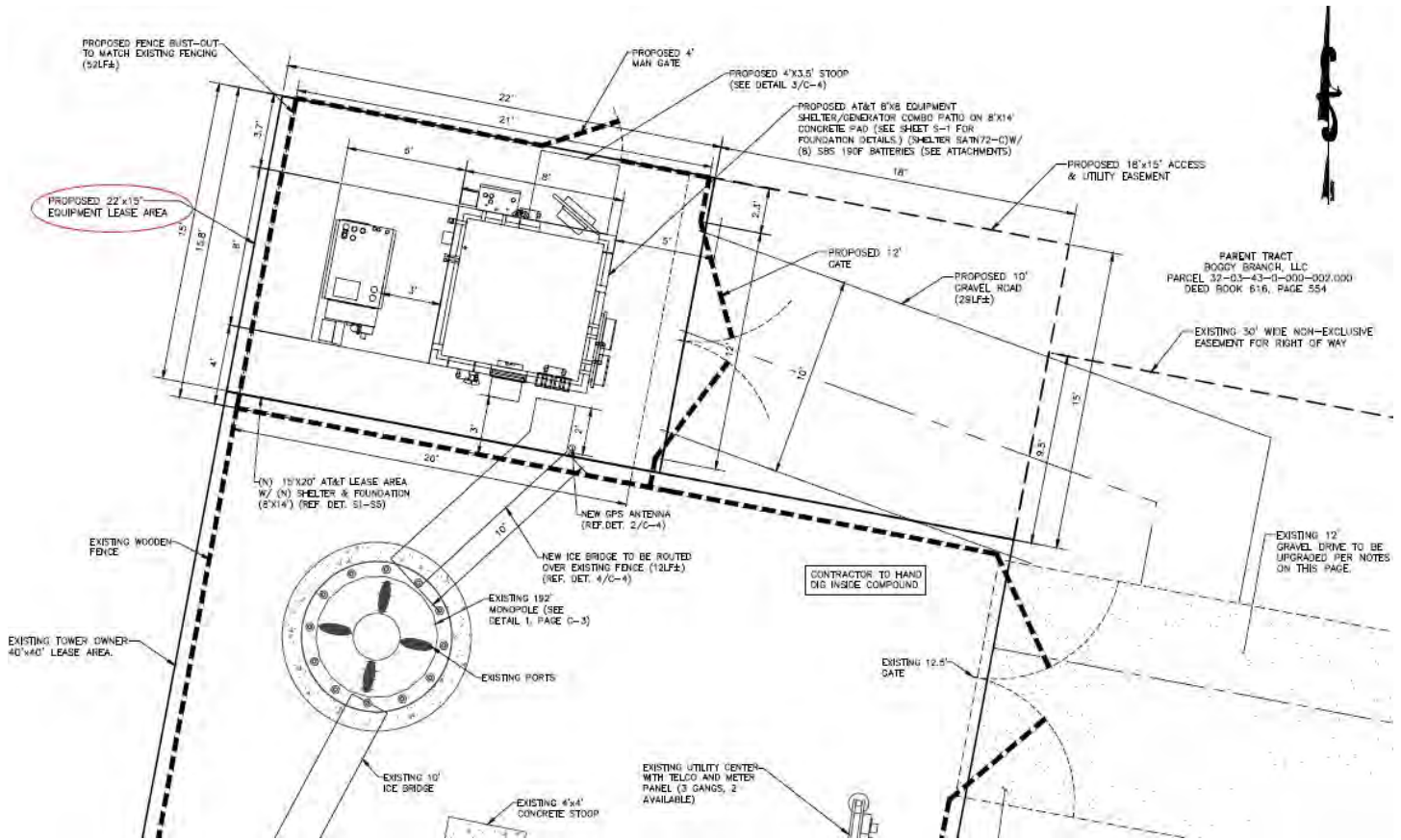
- Approval shall be for this location only.
- A Baldwin County Land Use Certificate shall be obtained no later than six (6) months from the date of Conditional Use approval. The Planning Commission may grant additional time if deemed necessary.
- Any major changes and/or additions shall result in further review and approval by the Planning Commission.

**On Conditional Use applications, the Planning Commission makes the final decision.*

PROPOSED SITE PLAN



COMPOUND LAYOUT



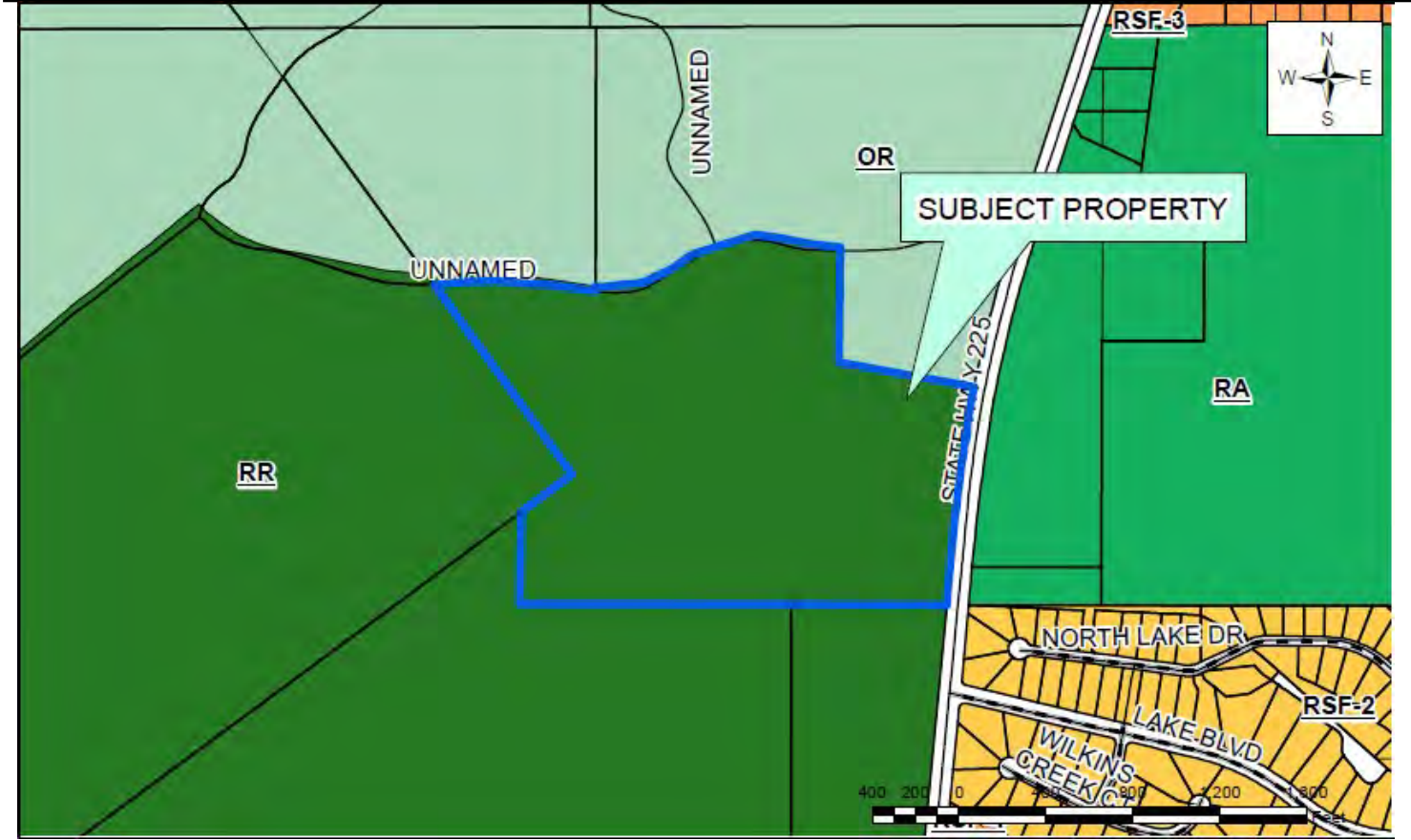
Property Images (Google Earth Image dated 11/18/2019)







Locator Map



Site Map



Site Map – Closeup of Existing Tower



Conditional Use Approval July 2011



BALDWIN COUNTY COMMISSION

PLANNING AND ZONING DEPARTMENT

BALDWIN COUNTY PLANNING & ZONING COMMISSION

NOTICE OF ACTION TAKEN

MEETING DATE: July 7, 2011

CASE NO.: P-11004

PARCEL IDENTIFICATION NO.: 05-32-03-43-0-000-002.000

LOCATION: West side of State Highway 225, north of North Lake Subdivision and approximately 5 miles north of I-10

PLANNING DISTRICT: 10

APPLICANT: Verizon Wireless, CMI Acquisitions
624 Ridgewood Road
Ridgeland, Ms. 39157

OWNER: Boggy Branch LLC
400 Austill Place
Mobile, Al. 36608

REQUEST: Conditional Use Approval to allow a wireless communication tower and substation on property designated as RR, Rural District

ACTION TAKEN: **Approved subject to the following conditions:**

Approval shall be for this applicant, this location and structures proposed only;

281 East Section Street, Foley, AL 36535 Telephone: 251.972.8523 Fax: 251.972.8520

Written approval from the Alabama Department of Transportation to allow access to the site off State Highway 225 must be provided;

No part of the turn-around/required parking area and substation shall be allowed within the 100 foot highway construction setback limits. The proposed setbacks shall be clearly identified on the site plan upon submittal for a Land Use Certificate and building permit;

Prior to commencement of construction, the applicant shall obtain a land use certificate and building permit in order to demonstrate compliance with all applicable zoning and building code requirements. All required approvals shall be obtained within six (6) months from the date of Conditional Use approval.

Nancy Mackey, Planner

July 8, 2011

201 East Section Street, Foley, AL 36535 Telephone: 251.972.8523 Fax: 251.972-8520



Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 9.b

Planning District 19 Zoning Map and Local Provisions May 6, 2021

District Information

Planning District:	19
General Location:	North side of County Rd 32, East of Scenic Planning District 26, and South of City of Fairhope
Area:	980.6 ± acres/1.53 sq miles
Zoning Referendum:	December 29, 2020
Advisory Committee:	Tracy Frost (Chair) Kate Fisher Willard Holliman Jamal Allen Paul Davis Clarice Hall-Black (Fairhope Planning Commission)
Lead Staff:	Matthew Brown, Interim Planning Director Celena Boykin, Senior Planner
Attachments:	<i>Within Report</i>

Summary

Planning District 19 began with a citizen driven interest in getting zoning in the area. The area in question is located south of the City of Fairhope and east of Planning District 26. In addition, the area was part of Planning District 17. The new district was approved by the County Commission on August 4, 2020.

The steps for exercising Planning and Zoning authority are found at Title 45, Chapter 2, Article 26, Part 2, Subpart 1 of the Code of Alabama and are listed as follows:

- 1) A party or parties seeking to file a petition shall notify the County Commission in writing that the parties will petition for the formation of a Planning District and the proposed boundaries of the district.
- 2) Within 15 days of notice to the County Commission, the Judge of Probate shall give a preliminary estimate of the number of signatures needed to call the election. Ten percent of the qualified electors residing within the proposed planning district will need to sign the petition. Planning and Zoning staff has received this information.
- 3) The County Commission shall notify the principal party in writing, within 30 days of written notification of intent to request a referendum, that the proposed district is acceptable for planning,

Baldwin County Commission shall furnish forms for use in seeking the required signatures.

4) The party or parties will have 120 days to gather the signatures and file the petition. Upon receipt, the County Commission and Judge of Probate will have 45 days to certify or reject the accuracy of the petition. If the number of signatures is not sufficient, the party or parties will have an additional 60 days in which to obtain signatures and have the petition certified.

5) Upon certification, the County Commission shall instruct the Judge of Probate to provide for an election within the district no later than 90 days after certification. If the petition is not certified, a new petition cannot be refiled for two years.

Based on information provided by the Probate Office and the Board of Registrars, 705 qualified electors reside within the boundaries of Planning District 19. As a result, 71 signatures (10 percent of the qualified electors) were needed for the petition. On August 17, 2020, the parties seeking a zoning referendum submitted a petition which included 256 signatures. Of the signatures submitted, 241 have been verified by the Probate Office. On this basis, the petition is accepted and certified. The Judge of Probate set the election for December 29, 2020, in which 296 voted yes and 28 voted no to zoning Planning District 19.

Once the zoning referendum passed, the Baldwin County Commission appointed an Advisory Committee. The purpose of the committee is to allow local input on the zoning plan for the district, so the five-person committee is made up of registered voters within the planning district. The committee worked to create a zoning map and textual ordinances for their planning district. The Planning District Advisory Committee has completed a draft of the zoning map and textual regulations (See Below).

Proposed Local Provisions

5. **2.3.19 *Planning District 19.*** ~~Abolished by action of the Baldwin County Commission (April 15, 2003).~~

2.3.19.1 Effective Date

On December 29, 2020, a majority of qualified electors in Planning District 19 voted to institute County Zoning. On June 1, 2021, the County Commission adopted the Planning District 19 Zoning Map and Ordinances.

2.3.19.2 District Boundaries

A legal description of the boundaries for Planning District 19 may be found under Appendix A.

2.3.19.3 Local Provisions for Planning District 19

a. One accessory dwelling per lot shall be permitted by right in Residential districts, provided the accessory dwelling does not exceed 60% of the size, in square feet, of the principal dwelling.

b. The following zoning districts shall not be available in Planning District 19, and all references in the zoning ordinance to such districts are deleted, except as to lots or parcels included in such districts as of June 1, 2021:

1. RSF-3, Single Family District
2. RSF-4, Single Family District
3. RTF-4, Two Family District
4. RSF-6, Single Family District
5. RTF-6, Two Family District
6. RMF-6, Multiple Family District
7. RMH, Residential Manufactured Housing Park District
8. HDR, High Density Residential District
9. B-3, General Business District
10. B-4, Major Commercial District
11. TR, Tourist Resort District
12. M-1, Light Industrial District
13. M-2, General Industrial District

c. The following uses shall not be allowed either as a Permitted Use, Conditional Use or Special Exception in any commercial district in Planning District 19:

1. Animal raising
2. Animal Clinic/Kennels
3. Animal Pound
4. Boarding, rooming or lodging house, dormitory
5. Convenience store, with more than four dispensing stations
6. Correctional, detention or penal Institution
7. Car wash
8. Cemetery
9. Dairying
10. Discount/variety store, greater than 4,000 square feet
11. Drug store, greater than 4,000 square feet
12. Hatchery, poultry, and fish
13. Laundry, self service
14. Landfill
15. Mini-warehouse
16. Neighborhood convenience store, greater than 4,000 square feet
17. Nightclub, bar, tavern
18. Radio and television transmitting towers
19. Recreational vehicle park
20. Restaurant, drive-in
21. Restaurant, fast food

d. In addition to the provisions and standards of Section 13.9, the following requirements shall be applicable to wireless telecommunications facilities in Planning District 19:

1. Wireless telecommunication facilities, as provided under Article 22, Table of Permitted Uses, shall be subject to the Conditional Use approval of the Baldwin County Planning Commission, unless located on an alternative support structure or co-located on an existing antenna support structure.
2. Maximum height shall be limited to 180-feet.
3. Only monopole structures are allowed.

4. No more than one tower shall be allowed on a given parcel.
5. To the greatest extent possible, concealment techniques shall be employed in order for towers to blend with the surrounding natural landscape.

Overlay District

Section 10.6 Family Heritage Overlay District

10.6.1 Purpose. The Family Heritage Overlay District is implemented to recognize and protect the cultural importance of communities with “heirs’ property,” and recognize that nonconforming uses play an important part in the cultural sustainability of these communities. This overlay district shall only apply in Planning District 19 in the area herein defined in Section 10.6.2.

10.6.2 Established boundaries. The Family Heritage Overlay District boundaries shall be as depicted on the Planning District 19 Official Zoning Map. Changes to said boundary shall constitute a zoning map amendment.

10.6.3 Applicability. The Family Heritage Overlay District is intended to apply to lots owned by natural persons or transferred to immediate family members of natural persons within the designated boundaries.

10.6.4 Automatic removal of overlay district. When a lot within the Family Heritage Overlay District is transferred to someone other than an immediate family member, or is transferred to an entity that is not a natural person, the Family Heritage Overlay District designation is automatically removed regardless of whether or not the Planning and Zoning Department is notified and the District 19 Zoning Map is updated. When the Zoning Administrator becomes aware, by any means, that the overlay district designation has been removed, the Zoning Administrator shall administratively amend the Planning District 19 Official Zoning Map to reflect the automatic change. After the Family Heritage Overlay District has been properly removed from a lot, it may not thereafter be reapplied to that lot for any reason.

10.6.5 Nonconformities within the Family Heritage Overlay District. The Nonconformities provisions of Article 20 are modified as follows for lots within the Family Heritage Overlay District.

(a) A nonconforming structure may be enlarged vertically or horizontally on the conforming sides so long as the conforming sides remain in conformity with these regulations. Those parts of a structure that are nonconforming may not be expanded either horizontally, or vertically.

(b) A nonconforming use may be moved in whole or in part to another portion of a lot or parcel occupied by such use at the effective date of adoption or amendments of the zoning ordinances, so long as the new location does not otherwise increase the nonconforming use or expand the nonconforming sides of the structure vertically or horizontally.

(c) Section 20.2.6, Destruction, repair or alteration of nonconforming use or structure, shall not apply.

(d) Section 20.2.10 Repairs and maintenance, shall not apply so long as nonconforming uses and structures are not increased.

(e) Immediate family member shall include spouse, children (natural born and adopted), siblings, parents, grandparents, grandchildren, descendent cousins, or step-related individuals of the same status.

1. Entities that are not natural persons, including but not limited to corporations, limited liability companies, and trusts, are not immediate family members for the purpose of this provision, unless the entity is entirely owned by immediate family members. Entities that are entirely owned by immediate family members shall be deemed “natural persons” as used in the language of the Family Heritage Overlay District provisions.

2. The estate of a deceased natural person shall be considered a natural person for the purpose of the Family Heritage Overlay District provisions.

3. Churches or places of worship included within the Family Heritage Overlay District as of the effective date of adoption of the zoning ordinances for District 19, are considered

natural persons for the purposes of the overlay district provisions until such time as the use of the property changes.

(f) A natural person who owns property in District 19 and wishes to rebuild, relocate, or enlarge a nonconforming structure or use that would otherwise be disallowed under the provisions of Article 20 were it not for these Family Heritage Overlay District provisions, shall submit with their land use application a notarized affidavit attesting to the successive transfers from and to immediate family members since the effective date of adoption of the zoning ordinances for District 19. Such affidavit shall be prima facie evidence of the applicability of Family Heritage Overlay District provisions and the Zoning Administrator may not disallow the application of Family Heritage Overlay District provisions without presenting evidence of transfers to entities or individuals other than immediate family members.

(g) Nothing herein shall be construed to excuse any owner, occupant or contractor from compliance with building codes; any other health or safety requirements imposed by local, state, or federal laws; or the requirement to obtain a land use certificate and other requirements under Article 18 of the Zoning Ordinance.

Proposed Zoning Map

See attached 11x17 map.

Staff Comments and Recommendation

Unless information to the contrary is revealed at the public hearing, staff recommends that Planning District 19 zoning map and text be recommended for **APPROVAL**.*

**The Planning Commission will be making a recommendation to the County Commission.*



PLANNING DISTRICT 19 PROPOSED ZONING MAP
4/20/21

Legend

- City Limits
- Family_Heritage_Overlay_District
- Planning_District_19
- Tax Parcels
- 911 STREETS

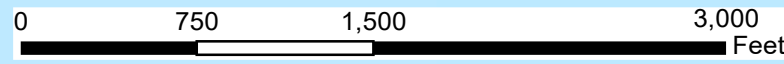
COUNTY MAINTAINED ROADS

- Paved
- Unpaved

Zoning

- Rural District (RR)
- Rural Agricultural District (RA)
- Conservation Resource District (CR)
- Residential Single Family Estate District (RSF-E)
- Residential Single Family District (RSF-1)
- Residential Single Family District (RSF-2)
- Residential Single Family District (RSF-3)
- Residential Single Family District (RSF-4)
- Residential Two Family District (RTF-4)
- Residential Single Family District (RSF-6)
- Residential Two Family District (RTF-6)
- Residential Multiple Family District (RMF-6)
- Residential Manufactured Housing Park District (RMH)
- Marine Recreation District (MR)
- Outdoor Recreation District (OR)
- Tourist Resort District (TR)
- Recreational Vehicle Park District (RV-1)
- Recreational Vehicle Park District (RV-2)
- Professional Business District (B-1)
- Neighborhood Business District (B-2)
- General Business District (B-3)
- Major Commercial District (B-4)
- Limited Business District (LB)
- Light Industrial District (M-1)
- General Industrial District (M-2)
- Water

PROPOSED



The information contained in this representation of digital data distributed by the Baldwin County Commission's Planning and Zoning Department is derived from a variety of public and private sources and is considered to be dependable. However, the accuracy, completeness, and currency thereof are not guaranteed. The Baldwin County Commission makes no warranties, expressed or implied, as to the accuracy, completeness, currency, reliability, or suitability of information or data contained in or generated from the County Geographic Database for any particular purpose. Additionally, the Baldwin County Commission or any agent, servant, or employee thereof assume no liability associated with the use of this data, and assume no responsibility to maintain it in any matter or form. For more information concerning this map call 251.580.1655.



Baldwin County Planning & Zoning Commission Agenda **ADDENDUM**

Thursday, May 6, 2021

4:00 p.m.

Baldwin County Central Annex

Main Auditorium

22251 Palmer Street

Robertsdale, Alabama

www.planning.baldwincountyal.gov

1. Re-Zoning

a.) **Case P-20013, Neat Property**

*Disclosure of Prior Outside Communication –Pursuant to
Article VI, Section 15(b), Planning Commission By-Laws*

Purpose: The applicant is requesting a 3-month extension of a previously approved Conditional Use for a Wedding/Event Venue.

Location: The parcel is located on the north side of US Hwy 98, east of Breman Road in, Planning District 22.

b.) **Planning District 19**

*Disclosure of Prior Outside Communication –Pursuant to
Article VI, Section 15(b), Planning Commission By-Laws*

Purpose: Full Redline copy of the proposed amendments to the Baldwin County Zoning Ordinances as it pertains to Planning District 19, local ordinance and map.



Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 8.d
Case No. P-20013
Neat Property
Conditional Use Approval Extension
May 6, 2021

Subject Property Information

Planning District: 22
General Location: North side of US Hwy 98, East of Breman Rd.
Physical Address: 27300 Schoen Rd, Elberta, AL 36530
Parcel Numbers: 05-53-05-22-0-000-008.000
Existing Zoning: RA, Rural Agriculture District
Existing Land Use: Residential/Agricultural
Proposed Land Use: Wedding and Event Venue
Acreage: 36.7 ± acres
Applicant: John and Karolyn Neat
27300 Schoen Rd
Elberta, AL 36530
Owner: Same
Lead Staff: Celena Boykin, Planner
Attachments: *Within Report*

Adjacent Land Use		Adjacent Zoning
North	Agriculture	RA, Rural Agriculture District
South	Residential and Agriculture	RA, Rural Agriculture District RMH, Residential Manufactured Housing Park
East	Agriculture	RA, Rural Agriculture District
West	Residential and Agriculture	RA, Rural Agriculture District

Summary and Recommendation

The applicant received Conditional Use approval on January 9, 2020 to allow for an event and wedding venue on the subject property and then on June 4, 2020 received an extension for the Conditional Use approval. In November 2020 the applicant asked for another Conditional Use approval due to changes on the previously approved site plan. Now the applicant is asking for an extension approval. Staff recommends that the

Baldwin County Land Use Certificate shall be obtained no later than three (3) months from the date of Conditional Use extension approval. The Planning Commission may grant additional time if deemed necessary.

Staff recommends that Case P-20013, Neat Property Conditional Use Extension be **APPROVED*** based on the information contained in this staff report.

**On Conditional Use applications, the Planning Commission makes the final decision.*

Current Zoning Requirements

Section 3.2 RA Rural Agricultural District

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

3.2.2 Permitted uses. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses shall be permitted:

- (a) The following general industrial uses: extraction or removal of natural resources on or under land.
- (b) The following transportation, communication, and utility uses: water well (public or private).
- (c) Outdoor recreation uses.
- (d) The following general commercial uses: animal clinic and/or kennel; farm implement sales; farmers market/truck crops; nursery; landscape sales; country club.
- (e) The following local commercial uses: fruit and produce store.
- (f) The following institutional uses: church or similar religious facility; school (public or private).
- (g) Agricultural uses.
- (h) Single family dwellings including manufactured housing and mobile homes.
- (i) Accessory structures and uses.

3.2.3 Special exceptions. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed as special exceptions:

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

3.2.4 *Conditional uses.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed as conditional uses:

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

3.2.5 *Area and dimensional ordinances.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, *Section 12.4: Height Modifications*, *Section 12.5: Yard Requirements*, *Section 12.6: Coastal Areas*, *Section 12.8: Highway Construction Setbacks*, *Section 18.6 Variances*, and *Article 20: Nonconformities*, the area and dimensional ordinances set forth below shall be observed.

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

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

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

Agency Comments

Baldwin County Highway Department – Tyler Mitchel, P.E.: No comment.

Mary Booth, Subdivision Coordinator: No comment.

ADEM: no comments received

Staff Analysis and Findings

As stated previously, the applicant is requesting Conditional Use approval extension.

From Original Staff Report:

The zoning ordinance does not include a listing for a party/event venue (See Article 23, Table of Permitted Uses). According to *Section 23.6*, “In any case where a requested use is not specifically provided, the Zoning Administrator shall determine the appropriate zoning classification by reference to the most clearly analogous use or uses that are specifically provided.” As a result, staff is comfortable with utilization of the Conditional

Use process for the proposed event/wedding venue. Furthermore, this process will enable the Planning Commission to impose conditions on the approval, if granted, to minimize possible impacts on adjacent property.

The following factors for reviewing Conditional Use approvals are found in Section 18.11.1 of the *Baldwin County Zoning Ordinance*.

Section 18.11.1 *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 as a Conditional Use in a particular zoning district; however, the county reserves full authority to deny any request for Conditional Use, 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.

Section 18.11.4 *Standards for approval*. A Conditional Use may be approved by the Planning Commission only upon determination that the application and evidence presented clearly indicate that all of the following standards have been met:

- (a) The proposed use shall be in harmony with the general purpose, goals, objectives and standards of the Baldwin County Master Plan, these ordinances, or any other official plan, program, map or ordinance of Baldwin County.**

The Baldwin County Master Plan – 2013 indicates the subject property as RA, Rural Agriculture District.

RA - Rural Agricultural District

This zoning district provides for large, open, unsubdivided land that is vacant or is being used for agricultural, forest or other rural purposes. Agricultural uses, single family dwellings, outdoor recreation uses, churches and limited commercial activities are among the uses allowed under this designation. The minimum lot size is three acres, and the density is one unit per three acres.

Due to the fact the proposed use is similar to use which may be allowed under the RA designation; it is consistent with the Zoning Ordinance as well as the Master Plan.

- (b) The proposed use shall be consistent with the community welfare and not detract from the public's convenience at the specific location.**

The subject property is currently occupied with a dwelling and an accessory structure. The property adjoins Schoen Road to the west. The adjoining properties are agricultural, residential, and forested timberland.

- (c) The proposed use shall not unduly decrease the value of neighboring property.**

As stated above, the area set aside for the venue will be confined to the northern side of the property. There will be a facility built for the venues and also an outside area for events. The subject property, which contains 36.93 acres, is mostly wooded which will serve as a natural buffer. The applicants currently live on the property and plan to build a new home on the subject property which will help keep better oversight of the events.

- (d) The use shall be compatible with the surrounding area and not impose an excessive burden or have substantial negative impact on surrounding or adjacent uses or on community facilities or services.

Staff anticipates no major burdens or impacts.

Section 18.11.5 *Conditions and restrictions on approval*. In approving a Conditional Use, the Planning

Commission may impose conditions and restrictions upon the property benefited by the Conditional Use approval as may be necessary to comply with the standards set out above, to reduce or minimize any potentially injurious effect of such conditional use upon the property in the neighborhood, and to carry out the general purpose and intent of the ordinances. In approving any Conditional Use, the Planning Commission may specify the period of time for which such approval is valid for the commencement of the proposed Conditional Use. The Planning Commission may, upon written request, grant extensions to such time allotments not exceeding 6 months each without written notice or hearing. Failure to comply with any such condition or restriction imposed by the Planning Commission shall constitute a violation of these ordinances. Those Conditional Uses which the Planning Commission approves subject to conditions shall have specified by the Planning Commission the time allotted to satisfy such conditions.

Staff Comments and Recommendation

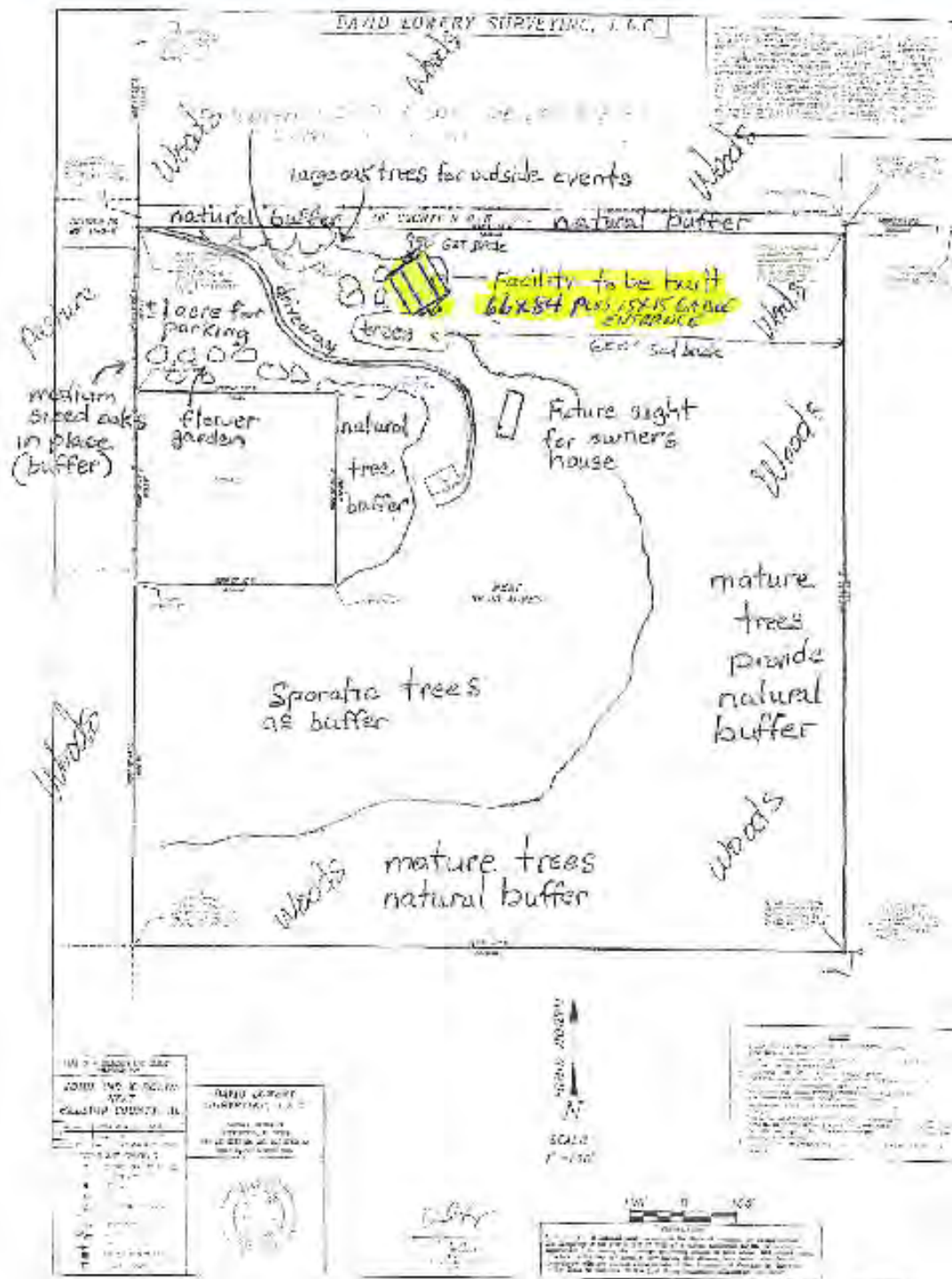
As stated previously, the applicant is requesting Conditional Use approval extension to allow event and wedding venue on the parcel. Staff feels this is a reasonable request and recommends the request be **APPROVED*** based on the conditions listed below.

If the Planning and Zoning Commission votes to approve the request the following conditions should be included:

- Approval shall be for this applicant and this location only.
- All off-street parking associated with the venue shall be located on the subject property and shall be confined to the area designated for parking on the submitted site plan. No parking along the right-of-way shall be permitted. Parking shall meet the requirements of Article 15 of the Baldwin County Zoning Ordinance.
- Any lighting, whether permanent or temporary, which might be installed in conjunction with the venue, shall be shielded and directed away from adjacent properties.
- A Baldwin County Land Use Certificate shall be obtained no later than three (3) months from the date of Conditional Use approval. The Planning Commission may grant additional time if deemed necessary.
- All signage must comply with Article 16 of the *Baldwin County Zoning Ordinance*.
- Any expansion of the proposed venue shall necessitate additional review and approval by the Planning Commission.
- The Planning Commission may impose additional conditions as it sees fit.

**On Conditional Use applications, the Planning Commission makes the final decision.*

Site Plan



Property Images





**ADJOINING PROPERTY
TO THE WEST**

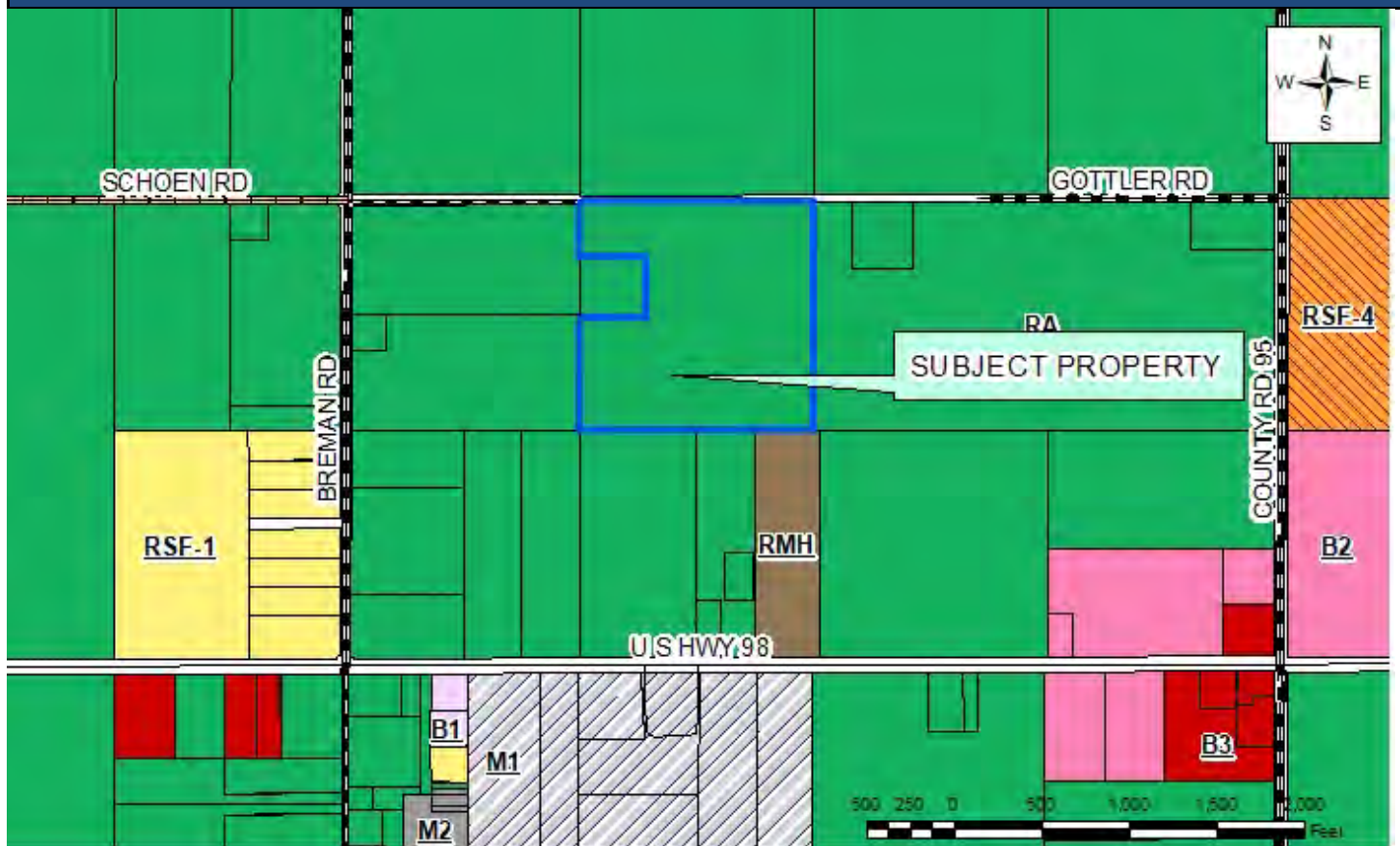
09/11/2020



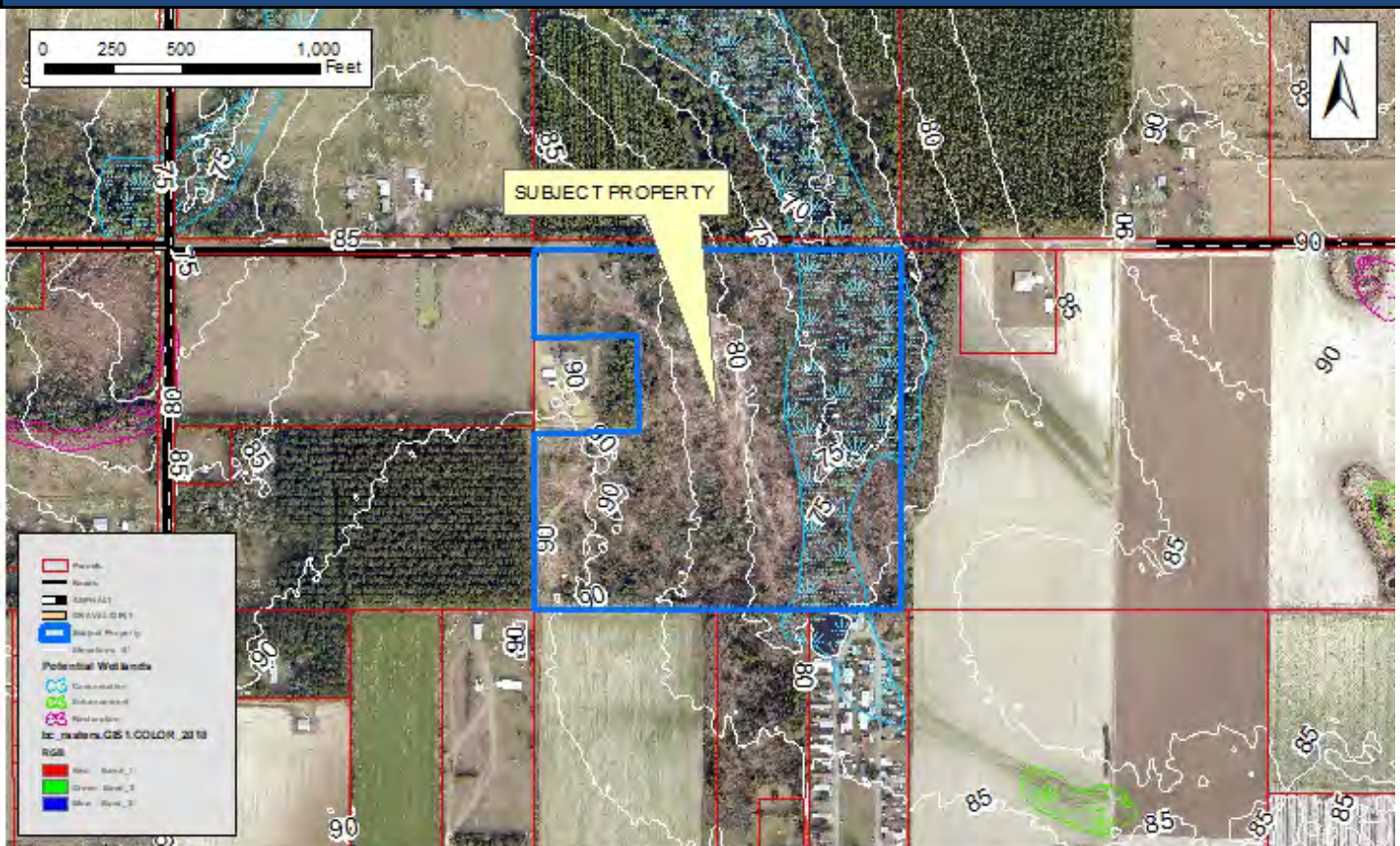
**ADJOINING PROPERTY
TO THE NORTH**

09/11/2020

Locator Map



Site Map



- (f) Accessory dwellings are permitted by right in the residential districts in Planning District 15 unless restricted by a property owners association and provided they are contained entirely within the structure of a single family dwelling and provided they do not exceed 60% of the size, in square feet, of the principal residence.
- (g) Cemeteries shall be allowed by right in the RA, Rural Agriculture District and the RSF-E, Residential Single Family Estate District.
- (h) Off premise signs are prohibited. For the purposes of this section an *off premise sign* is defined as a sign which directs attention to a business, commodity, service, or entertainment conducted, sold or offered at a location other than the premises on which the sign is located. However, exempt signs contained in *Section 16.3* are also exempt from this section.

2.3.16 **Planning District 16.**

2.3.16.1 Effective Date

On June 9, 1992, a majority of qualified electors in Planning District 16 voted to institute County Zoning. On March 4, 1993, the County Commission adopted the Planning District 16 Zoning Map and Ordinances.

2.3.16.2 District Boundaries

A legal description of the boundaries for Planning District 16 may be found under Appendix A.

2.3.16.2 Local Provisions

No local provisions.

2.3.17 **Planning District 17.** County zoning has not been instituted in this district.

2.3.18 **Planning District 18.** County zoning has not been instituted in this district.

2.3.19 **Planning District 19.**

2.3.19.1 Effective Date

On December 29, 2020, a majority of qualified electors in Planning District 19 voted to institute County Zoning. On June 1, 2021, the County Commission adopted the Planning District 19 Zoning Map and Ordinances.

2.3.19.2 District Boundaries

Deleted: Abolished by action of the Baldwin County Commission (April 15, 2003).

A legal description of the boundaries for Planning District 19 may be found under Appendix A.

2.3.19.3 Local Provisions for Planning District 19

(a) One accessory dwelling per lot shall be permitted by right in Residential districts, provided the accessory dwelling does not exceed 60% of the size, in square feet, of the principal dwelling.

(b) The following zoning districts shall not be available in Planning District 19, and all references in the zoning ordinance to such districts are deleted, except as to lots or parcels included in such districts as of June 1, 2021:

- 1) RSF-3, Single Family District
- 2) RSF-4, Single Family District
- 3) RTF-4, Two Family District
- 4) RSF-6, Single Family District
- 5) RTF-6, Two Family District
- 6) RMF-6, Multiple Family District
- 7) RMH, Residential Manufactured Housing Park District
- 8) HDR, High Density Residential District
- 9) B-3, General Business District
- 10) B-4, Major Commercial District
- 11) TR, Tourist Resort District
- 12) M-1, Light Industrial District
- 13) M-2, General Industrial District

(c) The following uses shall not be allowed either as a Permitted Use, Conditional Use or Special Exception in any commercial district in Planning District 19:

- 1.) Animal raising
- 2.) Animal Clinic/Kennels
- 3.) Animal Pound
- 4.) Boarding, rooming or lodging house, dormitory
- 5.) Convenience store, with more than four dispensing stations
- 6.) Correctional, detention or penal Institution
- 7.) Car wash
- 8.) Cemetery
- 9.) Dairying
- 10.) Discount/variety store, greater than 4,000 square feet
- 11.) Drug store, greater than 4,000 square feet
- 12.) Hatchery, poultry, and fish
- 13.) Laundry, self service
- 14.) Landfill

- 15.) Mini-warehouse
- 16.) Neighborhood convenience store, greater than 4,000 square feet
- 17.) Nightclub, bar, tavern
- 18.) Radio and television transmitting towers
- 19.) Recreational vehicle park
- 20.) Restaurant, drive-in
- 21.) Restaurant, fast food

(d) In addition to the provisions and standards of Section 13.9, the following requirements shall be applicable to wireless telecommunications facilities in Planning District 19:

- 1.) Wireless telecommunication facilities, as provided under Article 22, Table of Permitted Uses, shall be subject to the Conditional Use approval of the Baldwin County Planning Commission, unless located on an alternative support structure or co-located on an existing antenna support structure.
- 2.) Maximum height shall be limited to 180-feet.
- 3.) Only monopole structures are allowed.
- 4.) No more than one tower shall be allowed on a given parcel.
- 5.) To the greatest extent possible, concealment techniques shall be employed in order for towers to blend with the surrounding natural landscape.

2.3.20 Planning District 20.

2.3.20.1 Effective Date

On February 6, 2001, a majority of qualified electors in Planning District 20 voted to institute County Zoning. On April 2, 2002, the County Commission adopted the Planning District 20 Zoning Map and Ordinances.

2.3.20.2 District Boundaries

A legal description of the boundaries for Planning District 20 may be found under Appendix A.

2.3.20.3 Local Provisions for Planning District 20

- (a) No PRD development is allowed to exceed maximum height requirements by more than 10-feet.

(b) *PRD site plan minor changes.* Minor changes defined in Section 9.9.1 may be made to an approved PRD site plan.

(c) *PRD site plan substantial changes.* Substantial changes defined in Section 9.9.1 which requires PRD amendment or modification shall be subject to applicable maximum height ordinances of 8 habitable stories in Planning District 25.

(d) *PRD site plan approval period.* Site plan approval periods and extensions given in Section 9.10: Approvals, shall be in full force and effect in the overlay district. Expiration of a PRD site plan shall require subsequent site plans to be in full compliance with all applicable ordinances.

(e) *Compliance with ordinances.* The overlay district shall only relax the maximum building heights of 8 habitable stories in the area defined in Section 10.5.2. This section shall in no way remove, modify or supersede other applicable County ordinances which may apply.

Section 10.6 Family Heritage Overlay District

10.6.1 Purpose. The Family Heritage Overlay District is implemented to recognize and protect the cultural importance of communities with “heirs’ property”, and recognize that nonconforming uses play an important part in the cultural sustainability of these communities. This overlay district shall only apply in Planning District 19 in the area herein defined in Section 10.6.2.

10.6.2 Established boundaries. The Family Heritage Overlay District boundaries shall be as depicted on the Planning District 19 Official Zoning Map. Changes to said boundary shall constitute a zoning map amendment.

10.6.3 Applicability. The Family Heritage Overlay District is intended to apply to lots owned by natural persons or transferred to immediate family members of natural persons within the designated boundaries.

10.6.4 Automatic removal of overlay district. When a lot within the Family Heritage Overlay District is transferred to someone other than an immediate family member, or is transferred to an entity that is not a natural person, the Family Heritage Overlay District designation is automatically removed regardless of whether or not the Planning and Zoning Department is notified and the District 19 Zoning Map is updated. When the Zoning Administrator becomes aware, by any means, that the overlay district designation has been removed, the Zoning Administrator shall administratively amend the Planning District 19 Official Zoning Map to reflect the automatic change. After the Family Heritage Overlay District

has been properly removed from a lot, it may not thereafter be reapplied to that lot for any reason.

10.6.5 Nonconformities within the Family Heritage Overlay District. The Nonconformities provisions of Article 20 are modified as follows for lots within the Family Heritage Overlay District.

(a) A nonconforming structure may be enlarged vertically or horizontally on the conforming sides so long as the conforming sides remain in conformity with these regulations. Those parts of a structure that are non-conforming may not be expanded either horizontally, or vertically.

(b) A nonconforming use may be moved in whole or in part to another portion of a lot or parcel occupied by such use at the effective date of adoption or amendments of the zoning ordinances, so long as the new location does not otherwise increase the nonconforming use or expand the nonconforming sides of the structure vertically or horizontally.

(c) Section 20.2.6, Destruction, repair or alteration of nonconforming use or structure, shall not apply.

(d) Section 20.2.10 Repairs and maintenance, shall not apply so long as nonconforming uses and structures are not increased.

(e) Immediate family member shall include spouse, children (natural born and adopted), siblings, parents, grandparents, grandchildren, descendent cousins, or step-related individuals of the same status.

1. Entities that are not natural persons, including but not limited to corporations, limited liability companies, and trusts, are not immediate family members for the purpose of this provision, unless the entity is entirely owned by immediate family members. Entities that are entirely owned by immediate family members shall be deemed "natural persons" as used in the language of the Family Heritage Overlay District provisions.

2. The estate of a deceased natural person shall be considered a natural person for the purpose of the Family Heritage Overlay District provisions.

3. Churches or places of worship included within the Family Heritage Overlay District as of the effective date of adoption of the zoning ordinances for District 19, are considered

natural persons for the purposes of the overlay district provisions until such time as the use of the property changes.

(f) A natural person who owns property in District 19 and wishes to rebuild, relocate, or enlarge a nonconforming structure or use that would otherwise be disallowed under the provisions of Article 20 were it not for these Family Heritage Overlay District provisions, shall submit with their land use application a notarized affidavit attesting to the successive transfers from and to immediate family members since the effective date of adoption of the zoning ordinances for District 19. Such affidavit shall be prima facie evidence of the applicability of Family Heritage Overlay District provisions and the Zoning Administrator may not disallow the application of Family Heritage Overlay District provisions without presenting evidence of transfers to entities or individuals other than immediate family members.

(g) Nothing herein shall be construed to excuse any owner, occupant or contractor from compliance with building codes; any other health or safety requirements imposed by local, state, or federal laws; or the requirement to obtain a land use certificate and other requirements under Article 18 of the Zoning Ordinance.

Article 13 Design Standards

Section 13.1 Accessory Uses and Structures

13.1.1 *Generally.* Any use may be established as an accessory use to any permitted principal use in any district provided that such accessory use:

- (a) Is customarily incidental to and is maintained and operated as a part of the principal use.
- (b) Is not hazardous to and does not impair the use or enjoyment of nearby property in greater degree than the principal use with which it is associated.
- (c) Does not create levels of noise, odors, vibration and lighting, or degrees of traffic congestion, dust or pollutants, in a greater amount than customarily created by principal use.
- (d) Is not located in a required yard.

13.1.2 *Residential districts.* In residential districts an accessory use or structure will conform to the following requirements:

- (a) An accessory structure may be located in a rear or side yard but shall not be closer than 5-feet to any side or rear lot line.
- (b) An accessory structure may not be located in the front yard of a lot, except that on waterfront lots accessory structures may be located between the principal building and the waterfront property line but not within the required front yard setback.
- (c) An accessory structure may not exceed the height limit for the district in which it is located and may not occupy more than 30% of the rear yard.
- (d) No accessory structure, other than a pier and boathouse, may be located on a lot by itself.

13.1.3 *Accessory dwellings.* Accessory dwellings are permitted by right as follows: under residential zoning designations; in Planning Districts 12, 19, 20, 22, 26, 29, 30, 32, 33 and in the Spanish Cove Subdivision Development in Planning District 23, provided they do not exceed 60% of the size in square feet of the principal residence; in Planning Districts 10 and 15 unless restricted by a property owners association provided they are contained entirely within the structure of a single family dwelling and provided they do not exceed 60% of the size, in square feet, of the principal residence; in Planning District 24 provided they are contained entirely within the structure of a single family dwelling and provided they do not exceed 60% of the size, in square feet, of the principal residence; and in Planning District 21 provided they do not exceed 60% of the size, in square feet, of the principal residence up to a maximum of 1200 square feet..

13.1.4 *Observation towers.* An observation tower may be located above the main roof level of a single family or two family dwelling provided the finished floor area including

13.6.2 *Access.* Each principal building shall be placed on a lot or parcel which provides access to a public street. Subdivisions shall be provided with access as required by the *Baldwin County Subdivision Regulations*.

Section 13.7 Cemeteries

13.7.1 *Purpose.* The purpose of this section is to establish minimum standards for cemeteries (See [Section 2.3.19.3\(d\)](#), [Section 2.3.26.3\(e\)](#), and [Section 2.3.28.3](#)).

13.7.2 *Procedures and standards.*

- (a) Any new cemetery, except a family plot or church yard, shall be located on a site containing not less than 10 acres.
- (b) There shall be a buffer of 50-feet around the perimeter of the property and all structures, graves and burial lots shall be setback no less than 50-feet from any property line or right-of-way.
- (c) The entire cemetery property shall be landscaped and maintained.
- (d) The site proposed for a cemetery shall not interfere with the development of a system of streets or a highway in the vicinity of such site.

Section 13.8 Recreational Vehicle (RV) Parks

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

13.8.2 *Procedures and standards.*

- (a) *Land use certificate required.* All recreational vehicle parks are subject to the standards contained in this section and will be required to obtain a land use certificate prior to being granted a building permit.
- (b) *Where permitted.* Except as provided in [Section 2.3.26.4\(b\)](#) and [Section 2.3.31.4](#), recreational vehicle parks are permitted as follows:
 - 1. High Density
 - A. RV-1, B-4, M-1 and M-2 by right.
 - B. B-3 by conditional use approval.
 - C. RR, RA and CR by special exception approval.
 - 2. Low Density
 - A. RV-1, RV-2, B-4, M-1 and M-2 by right.
 - B. B-2, B-3 and OR by conditional use approval.
 - C. RR, RA and CR by special exception approval.
- (c) *Occupancy.* A recreational vehicle shall not be occupied as a living quarter unless it is located in a recreational vehicle park as herein provided or as provided in [Section 12.2.2](#). No recreational vehicle shall be used as a

incidental to the operation of a recreational vehicle park are permitted as accessory uses.

(l) *Sites.*

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

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

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

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

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

Section 13.9 Wireless Telecommunications Facilities

13.9.1 *Purpose.* The purpose of this section is to establish minimum standards for wireless telecommunications facilities. The Local Provisions of Districts 19 and 21 include additional criteria for wireless telecommunication facilities. The underlying principals of these standards are to: (1) achieve a balance among the number, height, and density of wireless telecommunications facilities that is appropriate for our communities; (2) encourage and maximize the use of existing and approved towers, buildings and other structures to accommodate new wireless telecommunications facilities; (3) ensure the compatibility of towers with, and avoid adverse impacts to, nearby properties; and (4) discourage the proliferation of towers throughout the

Article 20 Nonconformities

Section 20.1 Intent

In the County, there exists uses, structures and combinations of such which were lawful before the adoption of these ordinances or amendments thereto, but which would be prohibited, regulated or restricted under the terms of these ordinances or amendments thereto. It is the intent of this section to permit them to continue with restrictions until they are removed or destroyed, but not to encourage their survival. It is further the intent of these ordinances that such nonconformities shall not be enlarged, expanded or intensified, nor shall they be used as grounds for adding other structures. Changes in nonconformities other than their discontinuance shall be discouraged. Article 20 is modified as provided in Section 10.6 for structures, lots, and uses within the Family Heritage Overlay District. The Family Heritage Overlay District currently exists only in District 19.

Section 20.2 Rules Applicable to Nonconformities

20.2.1 Incompatibility and enlargement. Nonconforming uses are declared by these ordinances to be incompatible with permitted uses within the districts involved. A nonconforming use of a structure or a nonconforming use of a structure and land or water in combination, shall not be extended, enlarged or intensified except in conformance with these ordinances. No nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendments of the zoning ordinances. Replacement of nonconforming structures shall be prohibited.

20.2.2 Work in progress. To avoid undue hardship, nothing in these ordinances shall require a change in plans, construction or designed use of buildings on which a building permit has been properly issued prior to the adoption of these ordinances or amendments thereto. If actual construction has not begun under a permit properly issued before the adoption of these ordinances or amendments thereto, within six (6) months of the date of issuance of the permit, said permit shall become invalid and shall not be renewed except in conformity with the ordinances.

20.2.3 Nonconforming use of open land. Where open land is being used for a nonconforming use, such nonconforming use shall not be extended or enlarged either on the same or adjoining property.

20.2.4 Nonconforming use of buildings. Except as otherwise provided herein, the lawful use of a building existing at the effective date of these ordinances or amendments thereto may be continued although such use does not conform to the provisions contained herein.

20.2.5 *Discontinuance of nonconforming use.* No building or portion thereof, used in whole or in part, for a nonconforming use which is abandoned for more than one (1) calendar year or 365 consecutive days, shall be used except in conformity with these ordinances. 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.

20.2.6 *Destruction, repair or alteration of nonconforming use or structure.* Except as provided in Section 10.6.5(c):

(a) No building or structure which has been damaged, repaired or altered by any means to an extent of more than fifty percent (50%) of the fair market value of the building or structure immediately prior to damage, repair or alteration, shall be restored except in conformance with these ordinances, and all rights as a nonconforming use or structure are then terminated.

(b) If a building is damaged, repaired or altered by less than fifty percent (50%), such damage may be repaired to the size and use as before the time of damage, repair or alteration provided that such repair or reconstruction is complete within one (1) calendar year or 365 consecutive days of the date of such damage.

(c) Historic nonconforming structures or a nonconforming portion of an historic structure over 50 years old may be considered a valid nonconforming structure upon the determination of the Baldwin County Historical Development Commission that said structure is historic in nature and the respective Board of Adjustment confirms the valid nonconforming status. A valid nonconforming status shall permit reconstruction, repair, or alteration irrespective of the fifty percent (50%) rule as given in *Section 20.2.6(a)*.

(d) Upon the determination by the Planning Director that a structure is potentially damaged, being repaired or altered by more than fifty percent (50%) of the fair market value, the following method shall be employed to make a final determination:

1. An appraisal by a licensed appraiser shall be submitted to the Planning and Zoning Department.
2. A licensed contractor shall perform a cost estimate for repairs to the structure and submit it to the Planning and Zoning Department.
3. The Planning Director shall prepare a report with the appraisal and cost estimate and submit it to the Baldwin County Planning and Zoning Commission for a final determination.

4. The Baldwin County Planning and Zoning Commission shall make a determination or may request additional information as deemed appropriate to make a final determination.

5. Nothing herein shall be construed to excuse any owner, occupant or contractor from compliance with building codes, zoning ordinances or any other health or safety requirements imposed by local, state or federal laws, or ordinances in effect at the time of the repair or rebuilding.

6. The applicant shall be responsible for all costs associated with a determination.

20.2.7 Nonconforming lots. A nonconforming lot or parcel is a lot or parcel which fails to meet the dimensional requirements (i.e. minimum lot area, width, frontage etc.) of the zoning ordinances, but was lawfully created according to Alabama State Law and was a lot of record prior to the effective date of the zoning ordinances or any amendments thereto and has been determined to be vested.

(a) Any nonconforming lot or parcel may be used as a building site.

(b) A nonconforming lot or parcel must comply with permitted uses and other standards as described in the zoning ordinances.

20.2.8 Subdivision of lots. No portion of a lot shall be sold or subdivided in a manner which does not comply with the lot width and area requirements established by the zoning ordinances. A nonconforming lot may be increased in size even if such increase does not allow the lot to meet the minimum lot width and lot area requirements established by the zoning ordinances. Furthermore, the adjoining lot or lots, from which the land is removed to create the increase to the subject lot, shall not become nonconforming or does not increase in nonconformity.

20.2.9 Special treatment due to these ordinances or other government action. Should a government agency obtain, after the effective date of this amendment, a portion of a conforming lot for public purposes and thereby create a nonconforming lot, it may be possible to erect or construct, on said lot, the principal and accessory structures otherwise authorized provided that all other requirements of these ordinances are met.

20.2.10 Repairs and maintenance. Except as provided in Section 10.6.5(d), on any nonconforming structure or portion of a nonconforming structure or any structure containing a nonconforming use, work may be done on ordinary repairs, only to replace or repair, provided that the cubic content of the structure shall not be increased. Ordinary repairs may include painting, roofing, siding, re-paving of

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access roads and parking/loading areas, replacement of landscape elements and other like activities.

20.2.11 *Nonconforming structures unsafe due to lack of maintenance.* Any portion of a nonconforming structure that becomes physically unsafe or unlawful due to lack of repairs and maintenance, and which is declared unsafe or unlawful by a duly authorized county official, but which the owner wishes to repair, restore or rebuild, must be repaired, restored or rebuilt in conformance with the provisions of this chapter.

20.2.12 *Nonconforming accessory uses and structures.*

(a) No nonconforming accessory use or structure shall continue after the principal use or structure is terminated by abandonment, damage or destruction unless such accessory use or accessory structure is made to conform to the standards for the zoning district in which it is located.

(b) Any nonconforming accessory use or accessory structure shall be brought into conformity with these ordinances whenever a substantial improvement to, addition to or change in principal use or structure on the property is proposed or approved.

(c) Any part of a nonconforming accessory use or accessory structure which is destroyed to an extent of more than fifty percent (50%) of the fair market value of the building or structure immediately prior to damage, shall not be restored except in conformity with these ordinances, and all rights as a nonconforming use or structure are then terminated.

(d) No additional structure which does not conform to the requirements of these ordinances shall be erected in connection with a nonconforming use of land.

20.2.13 *Illegal uses and structures prohibited.* All of the foregoing provisions relating to nonconforming uses and structures shall apply to all nonconforming uses or structures existing or created on the effective date of these ordinances and to all uses and structures which become nonconforming by reason of any amendment thereof. The provisions shall not apply, however, to any use established, or structures erected or expanded, in violation regardless of the time of establishment or erection.

County zoning has not been instituted in this district.

18. **Planning District 18.**

County zoning has not been instituted in this district.

19. **Planning District 19.**

From the Point of Beginning at the intersection of the Northern right-of-way line of Battles Road and the East boundary of Planning District 26; run thence Northeasterly along the East boundary of Planning District 26 for 430 feet; run thence Easterly to the West line of Point Clear Court; run thence Southerly along the West line of Point Clear Court to the South right-of-way line of Battles Road; run thence Easterly along the South right-of-way line of Battles Road to the West right-of-way of Twin Beech Road South; run thence Southerly along the West right-of-way line of Twin Beech Road South to the North right-of-way of Battles Road; run thence East along the North right-of-way line of Battles Road to the Northeast intersection of Section Street and Old Battles Road; run thence South along the East right-of-way line of Section Street to the centerline of the right-of-way of Dairy Road; run thence East 1,260 feet along the centerline of Dairy Road; run thence South to the Northeast corner of The Meadows At Point Clear; run thence South along the East side of The Meadows At Point Clear to the Southeast corner of The Meadows At Point Clear; run thence East 110 feet to a point; run thence South to the North right-of-way line of County Road 32; run thence Westwardly along the North right-of-way line of County Road 32 to East line of Planning District 26; run thence Northwesterly and then Northeasterly along the East line of Planning District 26 to the Point of Beginning. The planning district described herein shall exclude the corporate limits of all municipalities in Baldwin County as such corporate limits presently or may hereafter exist.

Deleted: Abolished by action of the Baldwin County Commission (April 15, 2003).¶

20. **Planning District 20.**

Beginning at the Southwest corner of the Southeast quarter of Section 29, Township 7 South, Range 3 East; run thence Westwardly to the Shoreline of Weeks Bay; run thence Southwardly to the Southwest point of parcel 56-07-36-0-001-001.000; run thence Southeastwardly to the Northeast corner of parcel 56-07-40-0-001-002.002; run thence Southeastwardly to the Southwest corner of Parcel 60-03-37-0-000-001.000; thence run Northeast along the Southern boundary of said parcel to the Southeast corner; run thence Southeast along the Western boundary of Grant Section 32, Township 8 South, Range 3 East, to the Northwest corner of Parcel 60-03-32-0-000-008.001; run thence Northeast along the Northern boundary of said parcel to the Centerline of Lipscomb Road; run thence