



Baldwin County Planning & Zoning Commission Agenda

Thursday, July 8, 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:**

June 3, 2021 meeting minutes
6. **Announcements/Registration to address the Commission.**
7. **Consideration of Applications and Requests: Rezoning Cases**
 - a.) **Case Z-21019, Morris Property**

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

Purpose: The applicant is requesting to rezone 54+/- acres from RSF-1 to RA to allow an agricultural use of the property.

Location: Southwest corner of Archie Road and Shady Lane, in Planning District 32.

b.) b.) Case Z-21020, SUHS Property

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

Purpose: The applicant is requesting to rezone 3.07+/- acres from B-1 to B-3 to allow an office/warehouse for an electrical company.

Location: South side of County Road 64, east of Austin Road, in Planning District 15.

c.) Case Z-21022, McDonald Property

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

Purpose: The applicant is requesting to rezone 9.7+/- acres from RSF-3 to CR to allow development of a nursing home on the property.

Location: 27695 State Highway 181, in Planning District 15.

d.) Case P-21007, McDonald 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 development of a nursing home on 9.7+/- acres zoned CR.

Location: 27695 State Highway 181, in Planning District 15.

e.) Case Z-21023, Two Lakes LLC Property

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

Purpose: The applicant is requesting to rezone 39.97+/- acres from B-3 to RV-2 to allow development of a RV Park Subdivision.

Location: 5651 Roscoe Road, in Planning District 30.

f.) Case Z-21026, Two Lakes LLC Property (PRD Site Plan Approval)

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

Purpose: The applicant is requesting PRD Site Plan Approval for a 109 Unit RV Park Subdivision to be called Two Lakes LLC.

Location: 5651 Roscoe Road, in Planning District 30.

g.) Case Z-21025 Middleton Property

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

Purpose: The applicant is requesting to rezone 3.16+/- acres from RA to RR to allow auto repair, masonry equipment and office use on the property.

Location: 17702 Co Rd 64, in Planning District 12.

h.) Case TA-21002, Amendments to the Baldwin County Zoning Ordinance, Article 3,4,5,6,7,8,10,12,13,19,21,22 and 23

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

Purpose: A proposed Text Amendment to the Baldwin County Zoning Ordinance as it pertains to incorporation of site plan approvals for certain developments.

8. Consideration of Applications and Requests: Subdivision Cases

a.) Case S-21049 – Lillian Estates Subdivision, Development Permit

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

Purpose: The applicant is requesting Development Permit Approval to allow development of a 14-lot subdivision on 161.26 acres

Location: The subject property is located on the west side of County Road 91 approximately 1.5 miles north of US HWY 98.

b.) Case S-21051 – East Ninety Subdivision, Development Permit

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

Purpose: The applicant is requesting Development Permit Approval to allow development of a 2-lot subdivision on 24.14 acres.

Location: The subject property is located on the south side of US Hwy 90, west of Ard Road in the Elsanor area.

c.) Case S-21052 – Plantation RV Park Phase I, Final Site Plan Approval

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

Purpose: The applicant is requesting Final Site Plan Approval to allow development of a 48-site RV Park on 13.02 acres.

Location: The subject property is located on the west side of County Road 65 approximately 1.2 miles north County Road 12.

d.) Case S-21059 – Beetree Creek Subdivision, Variance Approval

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

Purpose: The applicant is requesting a variance request from the Baldwin County Subdivision Regulations to allow creation of proposed Lot 1 and allow the remaining property to be a “remnant parcel” not located within a recorded-plat subdivision.

Location: The subject property is located on the west side of County Road 87 approximately 1.6 miles south of County Road 112.

e.) Case S-21059 – Beetree Creek Subdivision, Development Permit

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

Purpose: The applicant is requesting Development Permit Approval to allow development of a 1-lot subdivision on 208 acres

Location: The subject property is located on the west side of County Road 87 approximately 1.6 miles south of County Road 112.

f.) Case S-21060 Re-subdivision of Lot 14 Tensaw Estates, Development Permit

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

Purpose: The applicant is requesting Development Permit Approval to allow development of a 2-lot subdivision on 20.04 acres

Location: The subject property is located on the west side of Anglers Trail approximately 0.26 miles west of State Highway 225 near Bay Minette.

g.) Case S-21062 Archie Acres Subdivision, Development Permit

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

Purpose: The applicant is requesting Development Permit Approval to allow development of a 2-lot subdivision on 6.1 acres.

Location: The subject property is located on the north side of Archie Road approximately 0.25 miles east of John Bloch Road near Elberta.

h.) Case S-21064 Stucki Road Subdivision, Development Permit

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

Purpose: The applicant is requesting Development Permit Approval to allow development of a 7-lot subdivision on 143.08 acres.

Location: The subject property is located on the south side of Fell Road and on the west side of County Road 87 (Stucki Road) approximately .25 miles north of County Road 20 near Elberta

I) Case S-21066 Parkside Eastern Shore, Final Site Plan Approval

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

Purpose: The applicant is requesting Final Site Plan Approval to allow development of a 288- unit apartment complex on 42.59 acres.

Location: The subject property is located on the north side of US 90 and Immediately east of the Historic Malbis Subdivision.

9. Old Business:

10. New Business:

11. Public Comments:

12. Reports and Announcements:

Staff Reports

Legal Counsel Report

Next Regular Meeting: **August 5, 2021**

13. Adjournment.



Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 7.a

Case No. Z-21019

Morris Property

Rezone RSF-1, Residential Single-Family District to RA, Rural Agricultural District

July 8, 2021

Subject Property Information

Planning District: 32
General Location: South side of Archie Road, west of Shady Lane
Physical Address: 10655 Shady Lane
Parcel Number: 05-62-01-01-0-001-001.005
Existing Zoning: RSF-1, Residential Single-Family District
Proposed Zoning: RA, Rural Agricultural District
Existing Land Use: Residential
Proposed Land Use: Agricultural Uses, truck farming.
Acreage: 54± acres
Applicant: James Floyd Morris
10655 Shady Lane
Elberta, AL 36530
Owner: Same
Lead Staff: DJ Hart, Planning Tech
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Residential	RA, Rural Agricultural District
South	Residential	RA, Rural Agricultural District
East	Residential	RSF-1, Residential Single-Family District
West	Agricultural	RA, Rural Agricultural District

Summary

The subject property is currently zoned RSF-1, Residential Single-Family District, and is currently occupied with one dwelling and accessory structures. The property adjoins Archie Road to the north and Shady Lane to the east. The adjoining properties are residential and agricultural. The requested zoning designation is RA, Rural Agricultural District. According to the submitted information, the purpose of this request is to allow agricultural use and truck farming.

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
Maximum Height in Habitable Stories	2 1/2
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 3.2 RA Rural Agricultural District

3.2.1 *Generally.* This zoning district provides for large, open, unsub divided 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, Alfreda Jeffords:

DJ,

Farm usage can access the existing driveway to Archie Rd.

Thanks,

Weesie

Baldwin County Subdivision: No Comments.

Staff Analysis and Findings

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

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

The subject property is currently zoned RSF-1, Residential Single-Family District, and is occupied with one dwelling and accessory structures. The requested zoning designation is RA, Rural Agricultural District. Most of the surrounding properties are zoned RSF-1 and RA and are used for residential and agricultural purposes, therefore the requested change is compatible with the existing development pattern and zoning of nearby properties.

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

Planning District 32 was zoned in September 1994. The subject property was re-zoned to RSF-1, Single Family District in 2007. The proposed purposed then was to match the subdivision adjacent to the east. The parcel was never developed, so the parcel has remained intact as one large, 54-acre, parcel. The size of the parcel far exceeds the RA zoning designation minimum lot area of 3 acres.

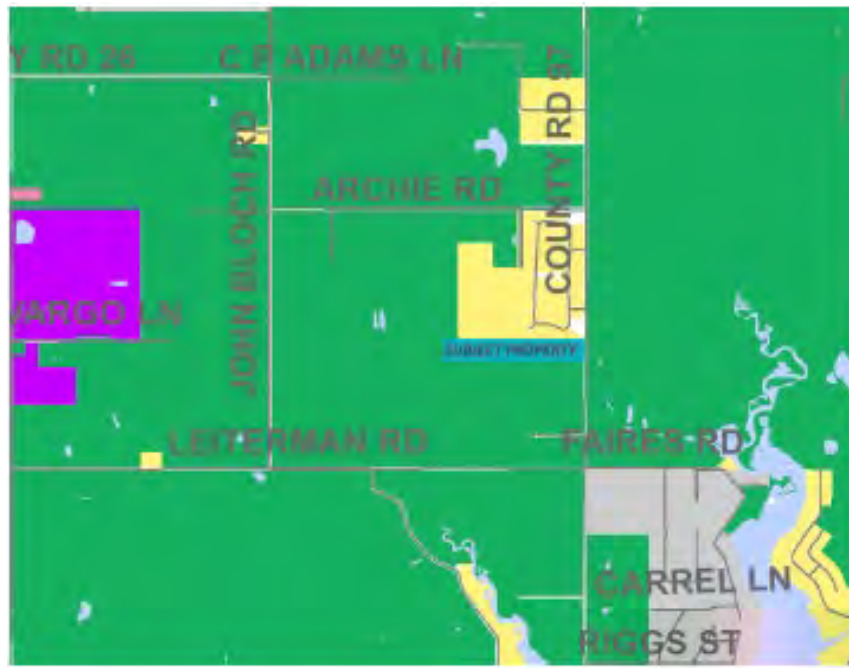
3.) Does the proposed zoning better conform to the Master Plan?

The Baldwin County Master Plan, 2013, provides future land use designations for properties located within the zoned areas of the County. These categories represent the recommendations for the physical development of the unincorporated areas of the County. They are intended for planning purposes only and do not represent the adoption of zoning designations for areas which have not voted their desire to come under the zoning authority of the Baldwin County Commission. Although not legally binding, the future land use designations are evaluated in conjunction with criteria found in the Baldwin County Zoning Ordinance (Zoning Ordinance),

the Baldwin County Subdivision Regulations, the Baldwin County Flood Damage Prevention Ordinance and any other ordinances and regulations which the County Commission may adopt.

A future land use designation of Residential has been provided for the subject property. This category is provided for residential dwelling units including single family dwellings, two family (duplex) dwellings, multiple family dwellings, manufactured homes, manufactured housing parks and Planned Residential Developments. Institutional uses, recreational uses and limited neighborhood commercial uses may be included subject to the provisions of the Zoning Ordinance. To the greatest extent possible, residential areas should be accessible to major thoroughfares connecting with work areas, shopping areas and recreational areas. Zoning designations may include RR, RA, CR, RSF-E, RSF-1, RSF-2, RSF-3, RSF-4, RSF-6, RTF-4, RTF-6, RMF-6, RMH and PRD.

Approval of the rezoning will result in an amendment of the Future Land Use Map to agricultural. Agriculture, forestry, and similar activities are included with this future land use category. 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.



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

Staff is unaware of any planned public improvements.

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

Archie Road is a county maintained paved road. Shady Lane is a private road. Staff does not anticipate any adverse effect to traffic patterns or congestion.

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

Yes, much of surrounding land uses in this area are rural. The established residential use will remain.

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

This area of Planning District 32 consists of both residential and agricultural zoning districts. The surrounding properties zoned RA are used for agricultural purposes, therefore the requested change is a logical expansion of adjacent zoning districts.

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

Timing is not a factor with this request.

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

Staff is not aware of any environmental conditions or historic resources which would be impacted by this request.

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

Staff anticipates no adverse impacts.

11.) Other matters which may be appropriate.

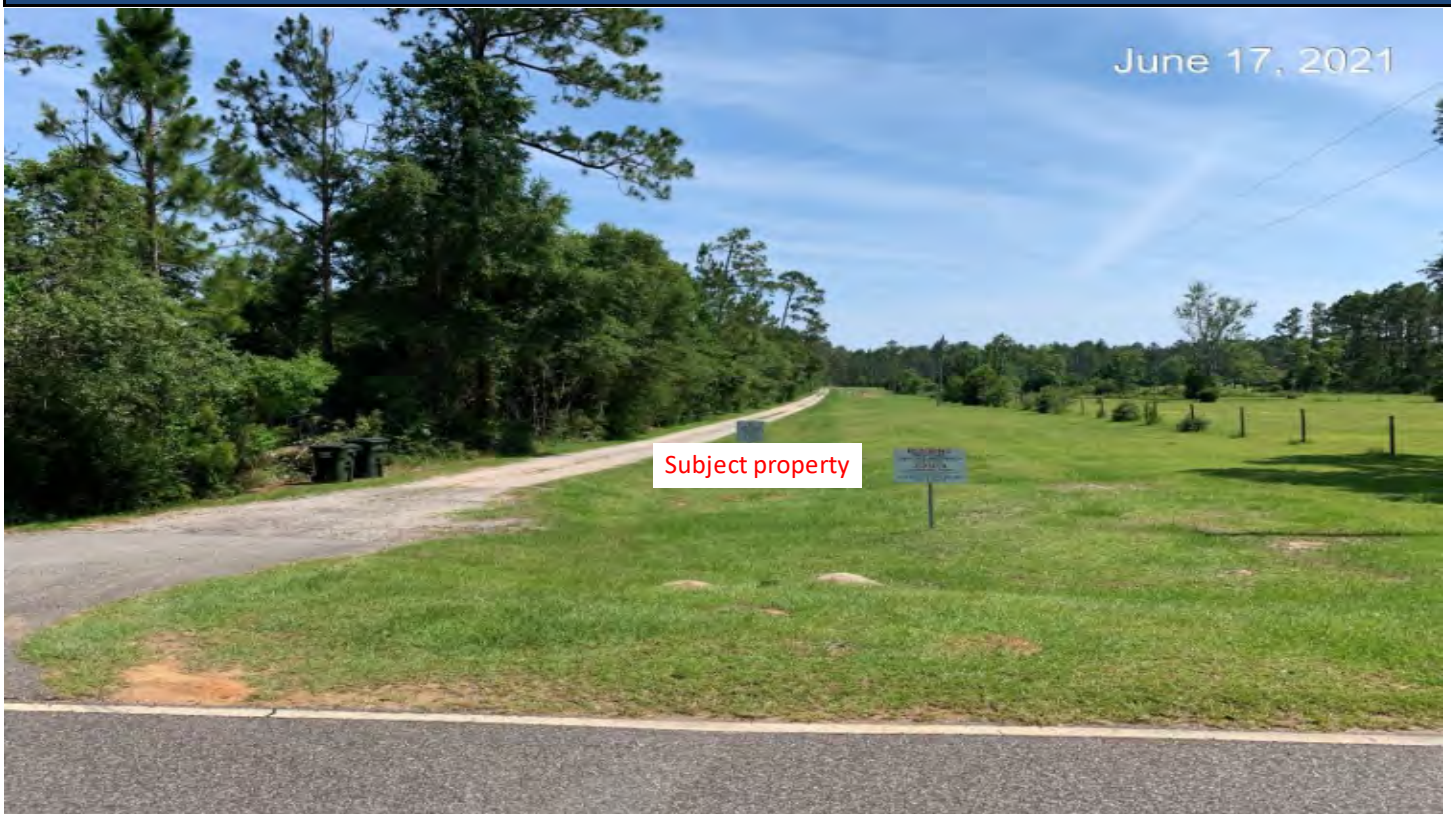
Staff Comments and Recommendation

As stated previously, the subject property is currently zoned RSF-1, Residential Single-Family District, and is currently occupied with one dwelling and accessory structures. The property adjoins Archie Road to the north and Shady Lane to the east. The adjoining properties are residential and agricultural. The requested zoning designation is RA, Rural Agricultural District. According to the submitted information, the purpose of this request is to allow for agricultural use of the property.

Unless information to the contrary is revealed at the public hearing, staff feels this rezoning application should be recommended for **APPROVAL**. *

**On rezoning applications, the Planning Commission will be making a recommendation to the County Commission.*

Property Images







Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 7.b

Case No. Z-21020

SUHS Properties LLC Property

Rezone B-1, Professional Business District to B-3, General Business District

July 8, 2021

Subject Property Information

Planning District: 15
General Location: South side of County Road 64 east of Austin Road
Physical Address: 10580 County Road 64
Parcel Number: 05-43-06-23-0-000-005.000
Existing Zoning: B-1, Professional Business District
Proposed Zoning: B-3, General Business District
Existing Land Use: Swimming Pool (Previously Southern Waters Aquatic Team)
Proposed Land Use: Office/Warehouse for Electrical Contracting Company
Acreage: 3.07± acres
Applicant: Thomas Larry Smith
880 Holcomb Boulevard, Suite 2F
Fairhope, AL 36532
Owner: SUHS Properties LLC
24050 Trowbridge Court
Daphne, AL 36526
Lead Staff: Linda Lee, Planner
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Residential/Agricultural	RA, Rural Agricultural District
South	Vacant	RSF-E, Single Family Estate District
East	Residential	RSF-E, Single Family Estate District
West	Commercial	B-2, Neighborhood Business District

Summary

The subject property is currently zoned B-1, Professional Business District, and occupied with one accessory structure. The property adjoins County Road 64 to the north. The adjoining properties are zoned residential, agricultural, and commercial. The requested zoning designation is B-3, General Business District. According to the submitted information, the purpose of this request is to allow for an office/warehouse facility for an electrical contracting company.

Section 5.1 B-1, Professional Business District

5.1.1 Purpose and intent. The B-1, Professional Business and Office District, is intended to allow a concentration of office type buildings and land uses that are most compatible with, and located near, residential areas. Most B-1 commercial, professional and business office districts will be placed in close proximity to residential areas, and therefore serve as a transitional zoning district between residential areas and higher intensity commercial zoning districts. The types of office uses permitted are those that do not have high traffic volumes throughout the day, which extend into the evening hours. They will have morning and evening short-term peak conditions. The market support for these office uses should be those with a localized basis of market support as opposed to office functions requiring inter-jurisdictional and regional market support. Because office functions have significant employment characteristics, which are compounded when aggregations occur, certain personal service uses shall be permitted, to provide a convenience to office-based employment. Such convenience commercial uses shall be made an integral part of an office building as opposed to the singular use of a building.

5.1.2 Permitted uses. The following uses are permitted as of right, or as uses accessory to permitted uses in the B-1, Professional Business and Office District:

- | | |
|---|--|
| (a) Accessory structures and uses | (k) Laboratory (scientific, medical or dental) |
| (b) Bank | (l) Library |
| (c) Barber shop or beauty parlor | (m) Office |
| (d) Child care center | (n) Optician |
| (e) Child care institution | (o) Police station |
| (f) Church or similar religious facility | (p) Post office |
| (g) Clinic or dentist office (medical, dental, psychiatric) | (q) School (public or private) |
| (h) Club or lodge | (r) Silviculture |
| (i) Extraction or removal of natural resources on or under land | (s) Studio for dance, music, photography, painting, etc. |
| (j) Fire station | (t) Water well (public or private) |

5.1.3 Conditional uses. The following uses are permissible as conditional uses in the B-1 Commercial Professional and Business Office District, subject to the standards and procedures established in *Section 18.11: Conditional Uses*:

- (a) Arboretum
- (b) Ball field
- (c) Golf course
- (d) Park or playground
- (e) Riding academy
- (f) Swimming pool (outdoor)
- (g) Tennis court (outdoor)
- (h) Wildlife sanctuary
- (i) Dwellings, in combination with commercial uses, subject to the standards listed under *Section 5.1.4: Mixed uses*

5.1.4 Mixed uses. Mixed residential and commercial uses may be permissible as conditional uses in the (B-1) commercial professional and Business office district, subject to the standards and procedures established in *Section 18.11: Conditional Uses*, and subject to the following criteria:

- (a) The commercial uses in the development may be limited in hours of operation, size of delivery trucks, and type of equipment;

- (b) The residential uses shall be designed so that they are compatible with the commercial uses;
- (c) Residential and commercial uses shall not occupy the same floor of a building;
- (d) Residential and commercial uses shall not share the same entrances;
- (e) The number of residential dwelling units shall be controlled by the dimensional standards of the B-1 district. A dwelling unit density of .5 (1/2) dwelling units per 1,000 square feet of the gross floor area devoted to commercial uses, may be allowed (structures with less than 2,000 square feet devoted to commercial uses shall be allowed one dwelling unit). In no case, however, shall the overall dwelling unit density for a mixed use project exceed 4 dwelling units per acre;
- (f) Building height shall not exceed three stories;
- (g) A minimum of 30 percent of the mixed use development shall be maintained as open space. The following may be used to satisfy the open space requirements: areas used to satisfy water management requirements, landscaped areas, recreation areas, or setback areas not covered with impervious surface or used for parking (parking lot islands may not be used unless existing native vegetation is maintained);
- (h) The mixed commercial/residential structure shall be designed to enhance compatibility of the commercial and residential uses through such measures as, but not limited to, minimizing noise associated with commercial uses; directing commercial lighting away from residential units; and separating pedestrian and vehicular access ways and parking areas from residential units, to the greatest extent possible, and;
- (i) Off-street parking spaces for the mixed residential and commercial uses shall be the sum total of the residential and commercial uses computed separately (See *Article 15: Parking and Loading Requirements*).

5.1.5 *Area and dimensional ordinances.*

Maximum Height of Structure in Feet	35
Maximum Height of Structure in Habitable Stories	2 1/2
Minimum Front Yard	30-Feet
Minimum Rear Yard	25-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	20,000 Square Feet
Maximum Impervious Surface Ratio	.60
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	60-Feet

5.1.6 *Lighting standards.* The maximum height of exterior lights shall be 25-feet. The intensity, location, and design of lighting shall be such that not more than one foot candle of light is cast upon adjacent property or public rights-of-way. Light fixtures shall be designed to cast light downward. Where necessary, cut-off devices shall be used to minimize glare off premises. No light shall be aimed directly toward a property designated residential, which is located within 200-feet of the source of the light.

5.1.7 *Distance between structures.* If there is a separation between any two principal structures on the same parcel, said separation shall be a minimum of 15-feet or a distance equal to one-half the sum of their heights, whichever is the greater.

5.1.8 *Landscaping and buffering.* All B-1, Professional Business and Office District, uses shall meet the requirements of *Article 17: Landscaping and Buffers*.

Section 5.3 B-3, General Business District

5.3.1 Purpose and intent. The purpose of this district is to provide for a variety of retail uses and services in free-standing parcels or shopping centers to serve the community's general commercial needs. This district shall only be applied at appropriate locations: to conveniently meet these needs; in conformance with the goals, objectives and policies and location criteria of the Comprehensive Plan; compatible with the surrounding land uses and zoning districts; where it will not adversely impact the facilities and services of the County; where it will not set a precedent for the introduction of inappropriate uses into an area; and so as not to encourage non-residential strip development along streets

5.3.2 Permitted uses. The following uses are permitted as of right, or as uses accessory to permitted uses in the B-3, General Business District:

- | | |
|--|--|
| (a) All uses permitted by right under the B-2 zoning designation | (cc) Funeral home |
| (b) Air conditioning sales and service | (dd) Golf course |
| (c) Amusement arcade | (ee) Golf driving range |
| (d) Animal clinic/kennel | (ff) Grocery store |
| (e) Arboretum | (gg) Landscape sales |
| (f) Auto convenience market | (hh) Marine store and supplies |
| (g) Automobile service station | (ii) Miniature golf |
| (h) Bakery, wholesale | (jj) Mini-warehouse |
| (i) Ball field | (kk) Night club, bar, tavern |
| (j) Bicycle sales and service | (ll) Nursery |
| (k) Bowling alley | (mm) Office equipment and supplies sales |
| (l) Business machine sales and service | (nn) Park or playground |
| (m) Business school or college | (oo) Pawn shop |
| (n) Butane gas sales | (pp) Pet shop |
| (o) Cemetery | (qq) Plumbing shop |
| (p) City hall or courthouse | (rr) Printing/publishing establishment |
| (q) Country club | (ss) Restaurant sales and supplies |
| (r) Department store | (tt) Riding academy |
| (s) Discount/variety store | (uu) Rug and/or drapery cleaning service |
| (t) Drug store | (vv) Seafood store |
| (u) Elevator maintenance service | (ww) Sign shop |
| (v) Exterminator service office | (xx) Skating rink |
| (w) Farmer's market/truck crops | (yy) Stone monument sales |
| (x) Firing range | (zz) Swimming pool (outdoor) |
| (y) Fitness center or gym | (aaa) Taxidermy |
| (z) Florist | (bbb) Teen club or youth center |
| (aa) Fraternity or sorority house | (ccc) Tennis court (outdoor) |
| (bb) Fruit and produce store | (ddd) Wildlife sanctuary |
| | (eee) YMCA, YWCA |

5.3.3 Conditional uses. The following uses are permissible as conditional uses in the B-3: General Commercial District, subject to the standards and procedures established in Section 18.11: Conditional Use:

- | | |
|-----------------------------------|--|
| (a) Airport | (g) Automobile repair (mechanical and body) |
| (b) Ambulance/EMS service | (h) Automobile storage (parking lot, parking garage) |
| (c) Amusement park | (i) Barge docking |
| (d) Armory | (j) Boat sales and service |
| (e) Auditorium, stadium, coliseum | (k) Broadcasting station |
| (f) Automobile parts sales | |

- | | |
|---|---|
| (l) Building materials | (bb) Marina |
| (m) Bus and railroad terminal facility | (cc) Motorcycle sales service and repair |
| (n) College or university | (dd) Movie theatre |
| (o) Convalescent or nursing home | (ee) Radio/television tower |
| (p) Correctional or penal institution | (ff) Railroad facility |
| (q) Dog pound | (gg) Recreational vehicle park |
| (r) Electric power substations | (hh) Recreational vehicle sales service, and repair |
| (s) Farm implements | (ii) Restaurant, drive-in |
| (t) Flea market | (jj) Restaurant, fast-food |
| (u) Freight depot, rail or truck | (kk) Sewage treatment plant |
| (v) Home improvement center | (ll) Taxi dispatching station |
| (w) Hotel or motel | (mm) Taxi terminal |
| (x) Hospital | (nn) Telephone exchange |
| (y) Landfill | (oo) Water or sewage pumping station |
| (z) Maintenance facility/storage yard for schools, government agencies, and telephone and cable companies | (pp) Water storage tank |
| (aa) Manufactured housing sales, service and repair | (qq) Wireless telecommunication facility |
| | (rr) Zoo |

5.3.4 *Area and dimensional ordinances.*

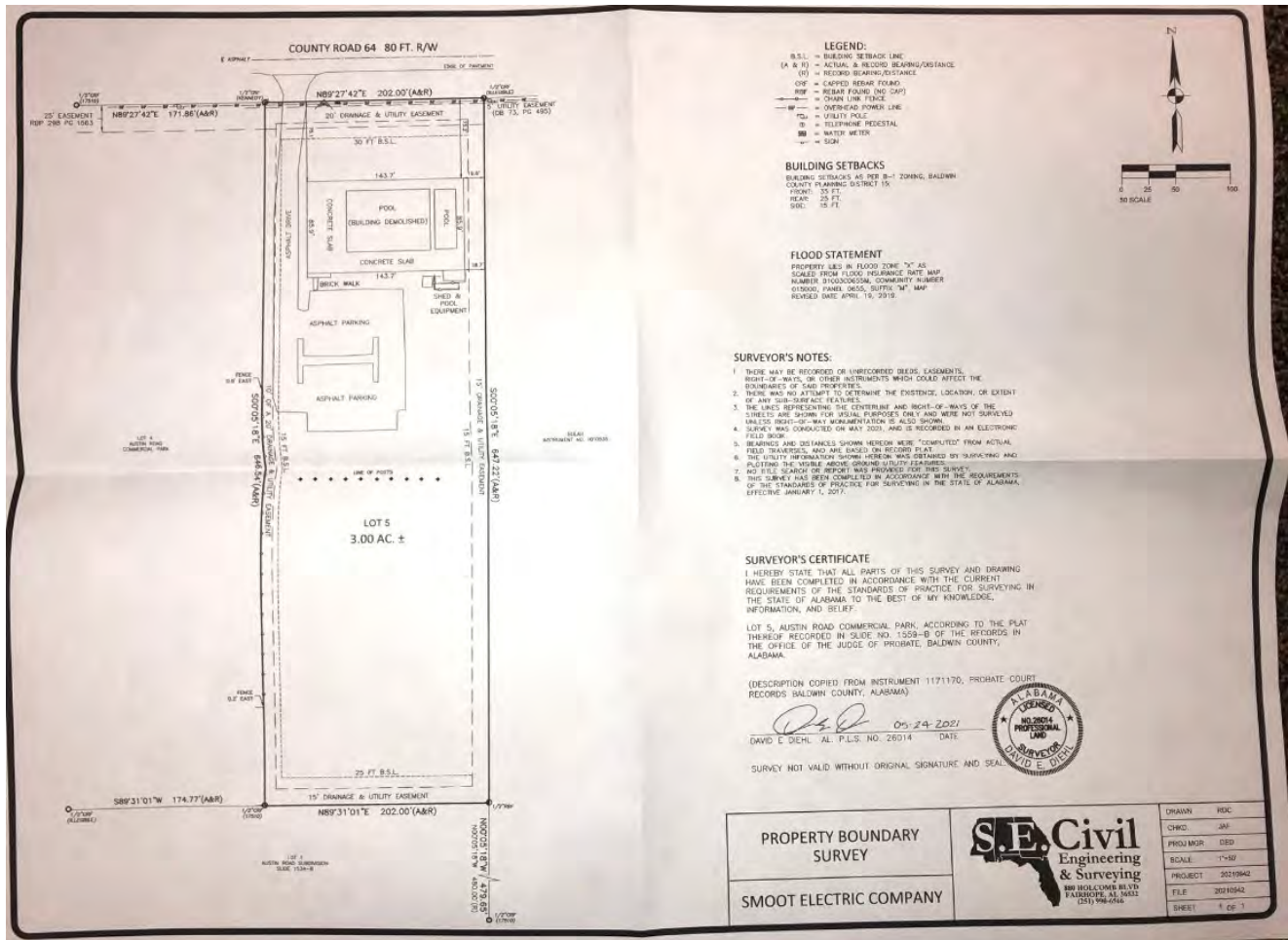
Maximum Height of Structure in Feet	40
Maximum Height of Structure in Habitable Stories	3
Minimum Front Yard	40-Feet
Minimum Rear Yard	25-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	20,000 Square Feet
Maximum Impervious Surface Ratio	.70
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	60-Feet

5.3.5 *Lighting standards.* The maximum height of exterior lights shall be 25-feet. The intensity, location, and design of lighting shall be such that not more than one foot candle of light is cast upon adjacent property or public rights-of-way. Light fixtures shall be designed to cast light downward. Where necessary, cut-off devices shall be used to minimize glare off premises. No light shall be aimed directly toward a property designated residential, which is located within 200-feet of the source of the light.

5.3.6 *Distance between structures.* If there is a separation between any two principal structures on the same parcel, said separation shall be a minimum of 15-feet or a distance equal to one-half the sum of their heights, whichever is the greater.

5.3.7 *Landscaping and buffering.* All B-3, General Business District, uses shall meet the requirements of *Article 17: Landscaping and Buffers*.

Survey Submitted



Agency Comments

Baldwin County Highway Department:

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

Sent: Monday, June 21, 2021 5:31 PM

To: D Hart <DHart@baldwincountyal.gov>

Cc: Joey Nunnally <JNunnally@baldwincountyal.gov>; Frank Lundy <FLundy@baldwincountyal.gov>; Buford King <Buford.King@baldwincountyal.gov>; Mary Booth <MBOOTH@baldwincountyal.gov>; Tyler W. Mitchell <TMITCHELL@baldwincountyal.gov>; Seth L. Peterson <SPETERSON@baldwincountyal.gov>

Subject: RE: Z-21020

DJ,

I have the following comments for this case:

1. Additional commercial development on this property will require a drainage review and commercial turnout permit application review.
2. The site was most recently a community pool (Eastern Shore Aquatic Center) as stated in the letter from the project engineer and change. I have not located an approved permit for the driveway that should have met commercial turnout requirements.
3. This section of CR 64 is classified as a minor arterial, so highway construction setback is 100ft from the centerline of ROW, and the roadway is maintained by Baldwin County Highway Department. CR 64 in this location is being considered for capacity improvements.

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

Thanks,
Weesie

Staff Analysis and Findings

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

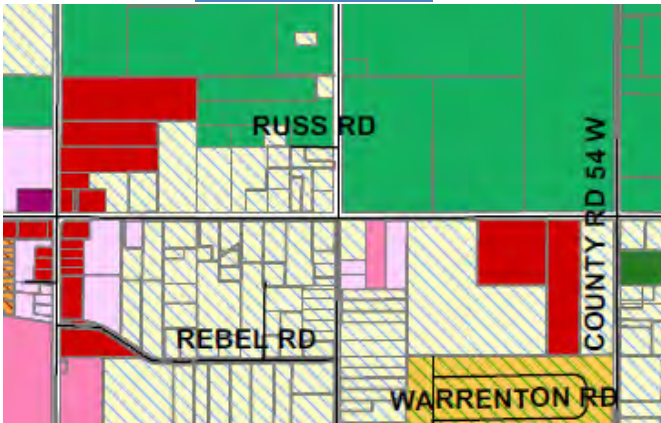
1.) Is the requested change compatible with the existing development pattern and the zoning of nearby properties?

The subject property is currently zoned B-1, Professional Business District, and occupied with one accessory structure. The property adjoins County Road 64 to the north. The adjoining properties are zoned residential, agricultural, and commercial. The requested zoning designation is B-3, General Business District. The requested change is compatible with the existing zoning designations in the area.

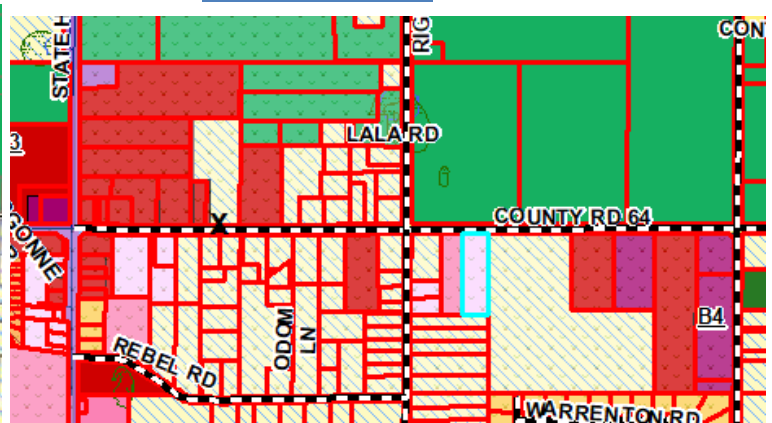
2.) Has there been a change in the conditions upon which the original zoning designation was based? Have land uses or conditions changed since the zoning was established?

The current zoning is the property's original designation since Planning District 15 was zoned in August 2006. Since that time, several parcels in the area have been rezoned from RSF-E to B-3 and one parcel from B-3 to B-4.

2007 Zoning Map



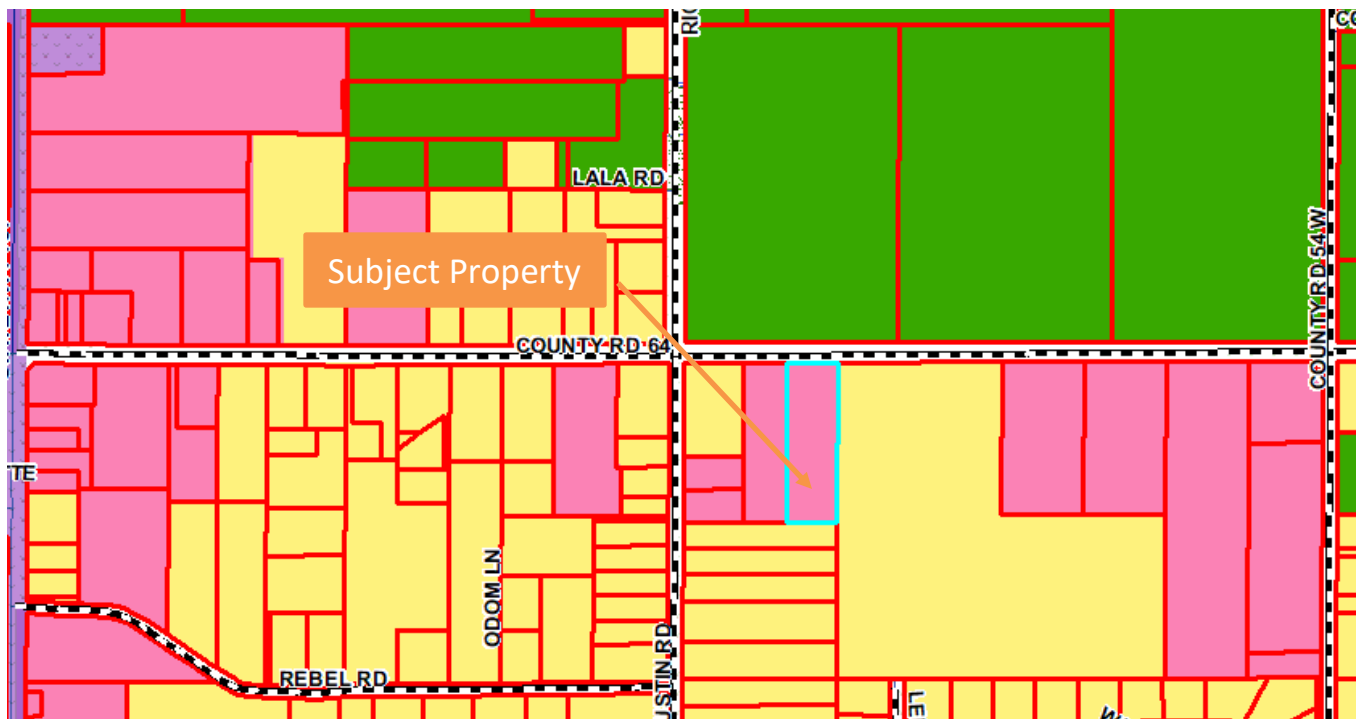
2021 Zoning Map



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

The Baldwin County Master Plan, 2013, provides future land use designations for properties located within the zoned areas of the County. These categories represent the recommendations for the physical development of the unincorporated areas of the County. They are intended for planning purposes only and do not represent the adoption of zoning designations for areas which have not voted their desire to come under the zoning authority of the Baldwin County Commission. Although not legally binding, the future land use designations are evaluated in conjunction with criteria found in the Baldwin County Zoning Ordinance (Zoning Ordinance), the Baldwin County Subdivision Regulations, the Baldwin County Flood Damage Prevention Ordinance and any other ordinances and regulations which the County Commission may adopt.

The Baldwin County Master Plan, 2013, provides a future land use designation of Commercial for the subject property. This category is provided for retail and wholesale trade facilities which offer convenience and other types of goods and services. Institutional uses, recreational uses, mixed-use developments and transportation, communication and utility uses may be included in accordance with the Zoning Ordinance. Multiple family developments may also be included. Commercial uses should be located on major streets so as to be accessible to the residential population. Zoning designations may include RR, B-1, B-2, B-3, B-4, MR and TR.



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

County Road 64 in this location is being considered for capacity improvements. Staff does not believe the proposed change would conflict with any planned public improvements.

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

Per the Federal Highway Administration, the functional classification of County Road 64 is major arterial. Arterials provide a high level of mobility and a greater degree of access control. Access to this site from County Road 64 would require approval from the Baldwin County Highway Department. Please see comments from the Highway Department and comments from applicant.

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

Several parcels in the area have been rezoned from RSF-E to B-3 and one parcel from B-3 to B-4. Staff believes the proposed amendment is consistent with the development patterns in the area.

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

The proposed amendment is the logical expansion of adjacent zoning districts as several parcels in this area have been rezoned to B-3 in recent years.

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

Timing is not a factor with this request.

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

Staff is unaware of any environmental conditions or historic resources that would be adversely impacted by this request. The Alabama Department of Environmental Management (ADEM) provided no comments.

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

Staff anticipates no adverse impacts.

11.) Other matters which may be appropriate.

The following landscaped buffers will be required.

Section 17.1 Landscaping Plan

A landscaping plan is required for all major projects. Such plan shall be submitted in conjunction with an application for a land use certificate as herein provided. The plan shall clearly show what existing trees, shrubbery, and other vegetation will be retained, and what trees, shrubbery, and other vegetation will be added to complete the landscaping of the property. The developers shall attempt to retain as many trees as possible on the property unless the trees are a safety hazard to pedestrians, property, or vehicular traffic, or that their removal is necessary to construct the proposed improvements. In such case, the landscape plan shall indicate replacement trees at least 6 feet tall and one inch in diameter for each indigenous tree of at least three (3) inches in diameter removed, unless the property already has a tree density which does not allow adequate space or light for additional trees. The landscape plan shall show the locations of the proper number of replacement trees. Replacement trees and other vegetation to be installed shall be native species or noninvasive exotics which are not likely to out-compete native vegetation and do not require excessive pesticides, fertilizer, or water to maintain growth.

(a) A major project which abuts a freeway/expressway, arterial or collector shall maintain a minimum of ten (10) feet of the required setback as a buffer along the entire width of the property which abuts said freeway/expressway, arterial or collector except where curb cuts provide ingress and egress. Said buffer shall be planted with trees, shrubs and grass or other ground cover so that an attractive appearance is presented as detailed in the required landscape plan.

Section 17.2 Buffers of Unlike Land Uses and Zoning Designations

17.2.1 *Purpose and intent.* Where unlike land uses or zoning designations occur, a buffer shall be required along the entire length of all such common boundaries. Said buffer shall be of the width specified below and shall be planted with canopy trees, understory trees and shrubs of sufficient density and of sufficient height (but in no case less than 8-feet high at the time of planting for canopy trees and 4-feet high at the time of planting for understory trees) to afford adequate sight, sound and debris protection. All screen planting shall be maintained in a clean and healthy condition.

17.2.2 *Buffer Requirements.* Landscaped buffers shall be located at the perimeter of the building site for any given use, and shall not be located in any portion of a public right-of-way. The required buffer widths are listed below. Additional information may be found at Appendix B:

(a) Multiple Family uses (RMF-6) when adjacent to a Rural District (RR, RA and CR), Residential Single Family Estate District (RSF-E) or Single Family District (RSF-1, RSF-2, RSF-3, RSF-4 and RSF-6) shall require a minimum buffer of **25-feet**.

(b) Multiple Family uses (RMF-6) when adjacent to a Two Family District (RTF-4 and RTF-6) or Professional Business District (B-1) shall require a minimum buffer of **10-feet**.

(c) Institutional uses, Professional Business uses (B-1), Neighborhood Business uses (B-2), General Business uses (B-3), Major Commercial uses (B-4) and Marine Recreation (MR) uses when adjacent to a Rural District (RR, RA and CR), Residential Single Family Estate District (RSF-E) or Single Family District (RSF-1, RSF-2, RSF-3, RSF-4 and RSF-6) shall require a minimum buffer of **25-feet**.

Staff Comments and Recommendation

As stated previously, the subject property is currently zoned B-1, Professional Business District, and occupied with one accessory structure. The property adjoins County Road 64 to the north. The adjoining properties are zoned residential, agricultural, and commercial. The requested zoning designation is B-3, General Business District. According to the submitted information, the purpose of this request is to allow for an office/warehouse facility for an electrical contracting company.

Staff feels this rezoning application should be recommended for **APPROVAL**.*

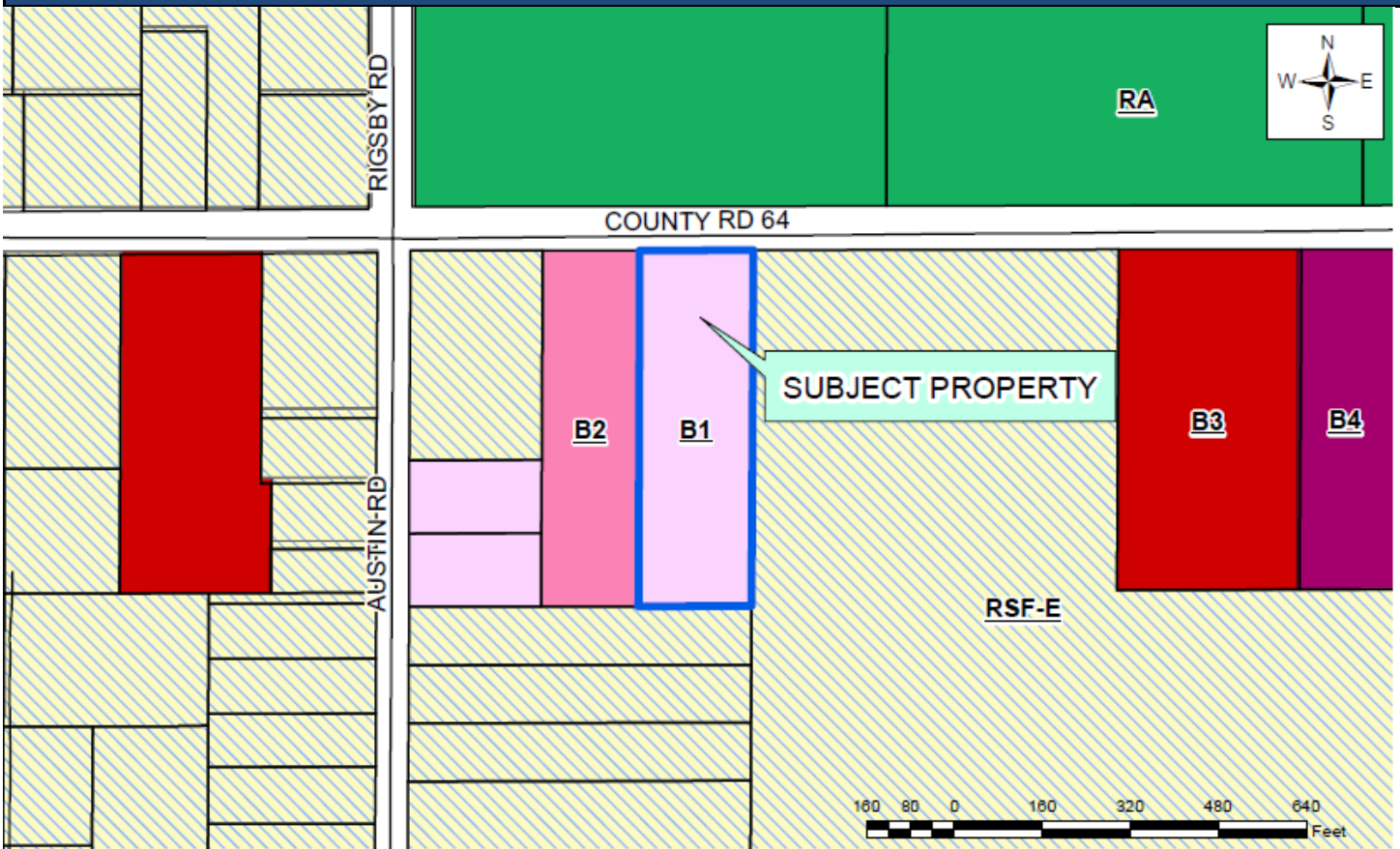
**On rezoning applications, the Planning Commission will be making a recommendation to the County Commission.*

Property Images





Locator Map



Site Map



Comments from Applicant



May 25, 2021

**Baldwin County Planning & Zoning
201 E Section Avenue
Foley, AL 36535**

**Re: Smoot Electric Rezoning
SE Civil Project No. 20210942**

To Whom it May Concern:

Attached is the rezoning application for the above referenced development. Below is a list of items being transmitted.

1. Baldwin County Rezoning Application
2. Application Fee - \$500
3. Agent Authorization Form
4. Complete Legal Description of the property to be rezoned
5. Survey with exact dimensions of property to be rezoned

Below are the factors that the Planning Commission and County Commissioners should consider when approving a re-zoning application along with our response:

- a) *Is the requested change compatible with the existing development pattern and zoning of nearby properties?* The nearby properties are zoned B1, B2, B3, and RSF-E. This section of CR 64 has been turning more commercial over the years. A buffer will be required against the residential zoning.
- b) *Has there been a change in the conditions upon which the original zoning designation was based? Has land uses or conditions changed since the zoning was established?* Over the years, this section of CR 64 has moved from agricultural uses to commercial/warehouse uses. In 1997, the only structures on that side of the road between Austin Road and CR 54 W are the Baldwin Heating and Air building, the former ESAC pool that used to be on this site, and a residence. The rest of the property was pecan orchard and farm land. By 2006 the church was constructed on the corner and Austin and CR64 along with some storage units closer to CR 54 W. By 2012 another residence was constructed. By 2017, additional storage units were constructed. By 2019 Sexton Landscaping Building and All Pro Auto Service was constructed.
- c) *Does proposed zoning better conform to the Master Plan?* Yes, the Master Plan shows this property with a FLU of Commercial. The proposed zoning would conform to the Master Plan and the commercial zonings in the area.
- d) *Will the proposed change conflict with existing or planned public improvements?* There are not any know improvements that this will conflict with.
- e) *Will the proposed change adversely affect traffic patterns or congestion?* The electric company that will be operating off of this site is not a significant source of traffic. The main vehicles coming and going are employees. Customers do not typically come to the office/shop.
- f) *Is the proposed amendment consistent with the development patterns in the area and appropriate orderly development of the community? The cost of land or other economic considerations*

880 Holcomb Blvd., Suite 2F

Fairhope, Alabama 36532

251-990-6566

pertaining to the applicant shall not be a consideration in reviewing the request. Yes, as demonstrated in item (b) this proposed amendment is consistent with the development patterns in this area.

- g) Is the proposed amendment the logical expansion of adjacent zoning districts?* Yes, the adjacent property is zoned B-2, to the east properties are zoned B-3 and B-4.
- h) Is the timing of the request appropriate given the development trends in the area?* Yes, this use will be similar to the Baldwin Heating and Air to the west and the Sexton Landscaping recently developed to the east.
- i) Will the proposed change adversely impact the environmental conditions of the vicinity or the historic resources of the County?* There are no known environmental conditions in the vicinity. At the time of development, the project will go through the land use certificate process along with the land disturbance process where stormwater run-off will be addressed. There are no known historic resources of the county.
- j) Will the proposed change adversely affect the health, safety and welfare of the County and the vicinity?* I do not foresee how this development would have an adverse effect.
- k) Other matters which may be appropriate.* I do not have any additional matters.

If you have any questions, please let me know.

Sincerely,



Larry Smith, PE
larry@secivil.pro

880 Holcomb Blvd., Suite 2F

Fairhope, Alabama 36532

251-990-6566



Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 7.c

Case No. Z-21022

McDonald Property

Rezone RSF-3, Single Family District to CR, Conservation Resource District

July 8, 2021

Subject Property Information

Planning District: 15
General Location: West side of State Hwy 181 south of Sommerset Drive
Physical Address: 27695 State Hwy 181
Parcel Number: 05-43-02-10-0-000-006.000
Existing Zoning: RSF-3, Single Family District
Proposed Zoning: CR, Conservation Resource District
Existing Land Use: Residential
Proposed Land Use: Convalescent or Nursing Home
Acreage: 9.70± acres
Applicant: Carillon Oaks Baldwin, LLC
5450 Rangeline Road
Mobile, AL 36619
Owner: Michael McDonald
10155 Rosewood Lane
Daphne, AL 36526
Lead Staff: Linda Lee, Planner
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Residential	RSF-2, Single Family District
South	Agricultural	B-2, Neighborhood Business District
East	Residential	Unzoned
West	Residential	City of Daphne (R3)

Summary

The subject property is currently zoned RSF-3, Single Family District, and is currently developed with a single-family dwelling and accessory structure. The property adjoins State Hwy 181 to the east. The adjoining properties are residential, timberland and agriculture. The requested zoning designation is CR, Conservation Resource District. According to the submitted information, the purpose of this request is to accommodate a convalescent or nursing home. The proposed use will also require Conditional Use approval from the Planning Commission.

Section 4.4 RSF-3, Single Family District

4.4.1 *Generally.* This zoning district is provided to afford the opportunity for the choice of a moderate density residential environment consisting of single family homes.

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

- (a) The following general industrial uses: extraction or removal of natural resources on or under land.
- (b) The following transportation, communication, and utility uses: water well (public or private).
- (c) The following 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.

4.4.3 *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.

4.4.4 *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*).

4.4.5 *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
Maximum Height in Habitable Stories	2 1/2
Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	10,000 Square Feet
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	40-Feet
Maximum Ground Coverage Ratio	.35

Section 3.3 CR Conservation Resource District

3.3.1 Generally. This zoning district provides for large, open, unsubdivided land which is environmentally constrained and that is vacant or is being used for agricultural, forest or other rural purposes.

3.3.2 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 local commercial uses: fruit and produce store.
- (e) The following institutional uses: church or similar religious facility; school (public or private).
- (f) Agricultural uses.
- (g) Single family dwellings including manufactured housing and mobile homes.
- (h) Accessory structures and uses.

3.3.3 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*).

3.3.4 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: Institutional uses not permitted by right.

3.3.5 Area and dimensional regulations. 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 regulations set forth below shall be observed.

Maximum Height of Structure in Feet	35
Minimum Front Yard	100-Feet
Minimum Rear Yard	100-Feet
Minimum Side Yards	50-Feet
Minimum Lot Area	5 Acres
Minimum Lot Width at Building Line	250-Feet
Minimum Lot Width at Street Line	250-Feet

Baldwin County Highway Department:

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

Sent: Tuesday, June 22, 2021 12:46 PM

To: D Hart <DHart@baldwincountyal.gov>

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

Subject: RE: Z-21022 and P-21007

DJ,

I have the following comments for the Rezoning and conditional use case:

1. Connection permit for the site will be through ALDOT. Traffic impact study may be required by the State.
2. Drainage improvements would be needed for the proposed building and additional pavement. The existing pond could be expanded or an additional retention or detention area could be constructed to mitigate the additional runoff onsite. Some area of the property appears to contain wetlands on the southern property line
3. The proposed front building setback is greater than the required highway construction setback of 100ft from HWY 181 ROW centerline.

Let me know if you need anything else for these cases.

Thank you,

Weesie Jeffords

Baldwin County Commission
Highway Department
Subdivision/Permit Manager

Alabama Department of Transportation:

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

Sent: Wednesday, June 16, 2021 1:56 PM

To: D Hart <DHart@baldwincountyal.gov>

Cc: Denton, Samantha H. <dentons@dot.state.al.us>

Subject: RE: Z-21022 and P-21007

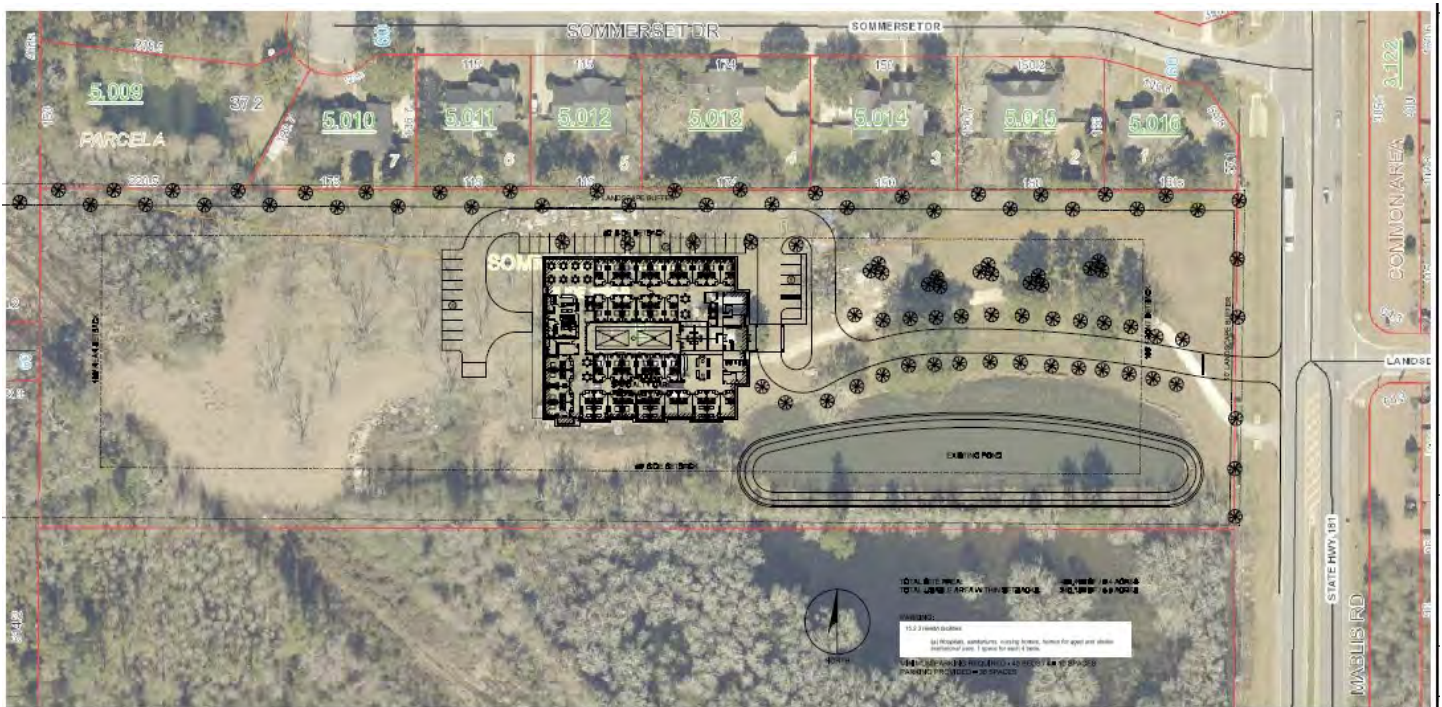
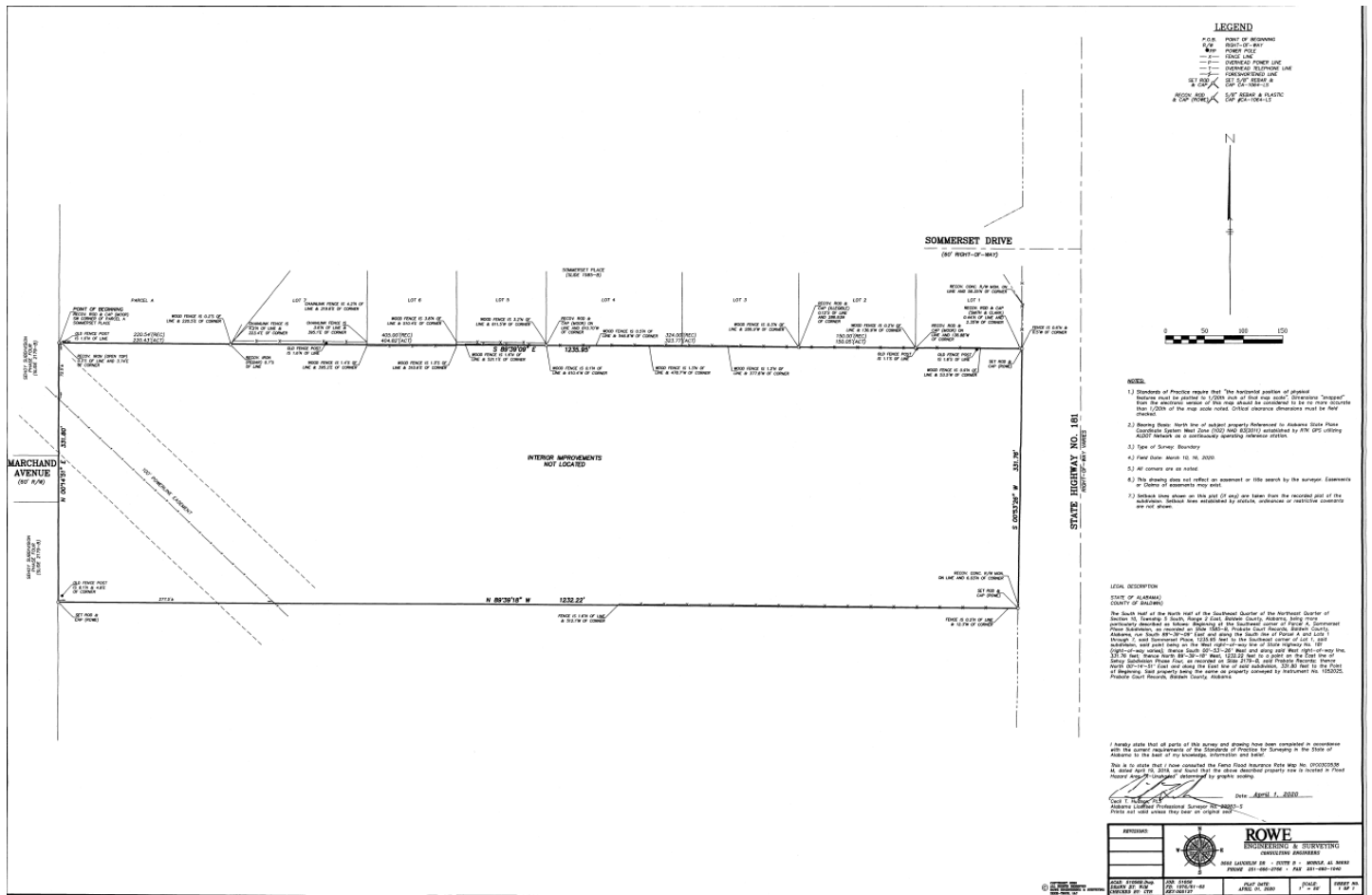
Good after DJ,

Thank you for the notice. I have the following comments, if they can be conveyed to the applicant and directed to ALDOT for permitting it would be appreciated. Thanks.

- The existing access cannot be used for this proposal and it must be removed from the ROW.
- A new commercial access would be required to be permitted and constructed that aligns with Landsdown Drive across SR 181.
- There would be work within the median required to construct a NB left turn lane into the new access as the area is currently hatched out for no use.

MICHAEL SMITH
AREA PERMIT MNGR.

Survey



Staff Analysis and Findings

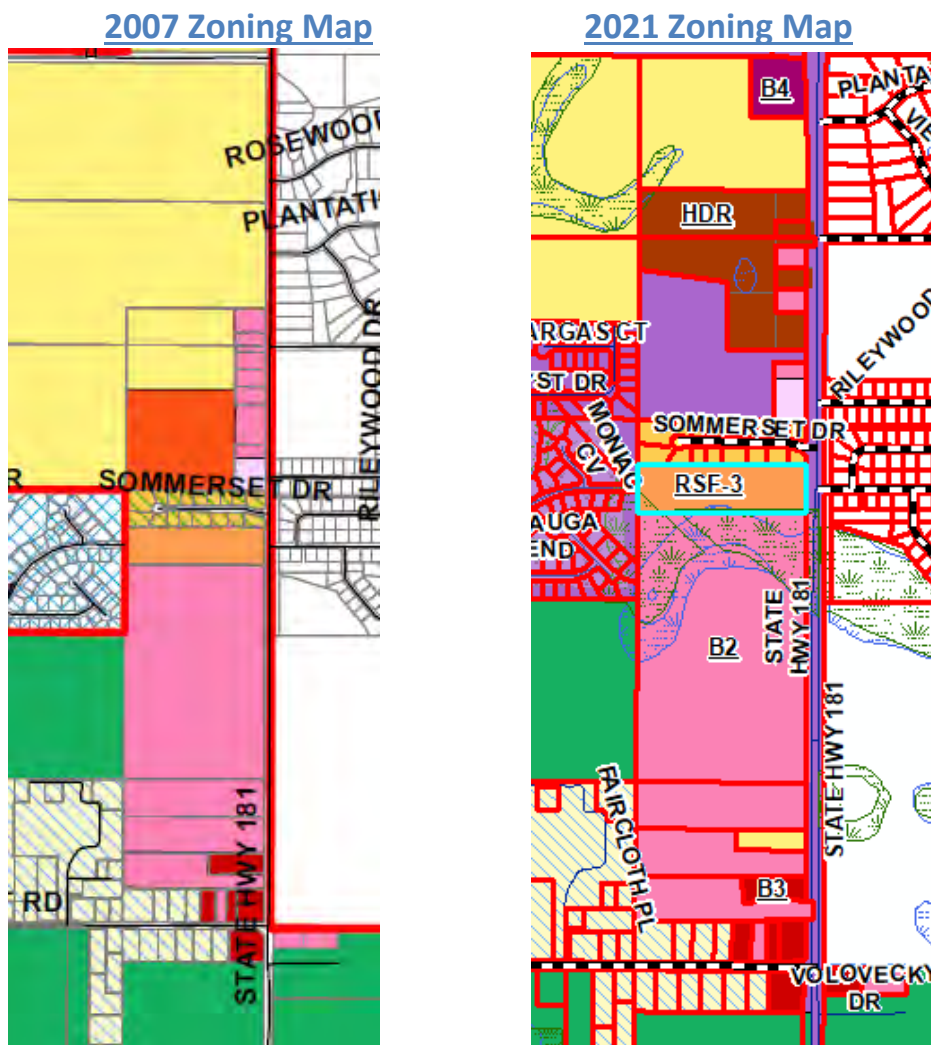
The following factors for reviewing zoning amendments are found in Section 19.6 of the *Baldwin County Zoning Ordinance*. These factors are to be considered when an application is being reviewed for rezoning.

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

The subject property is currently zoned RSF-3, Single Family District, and is developed with a single-family dwelling and accessory structures. The adjacent properties are zoned RSF-2, B-2, R-3 (Daphne). The property to the east is un-zoned. The adjacent uses are residential, timberland and agriculture. The requested change is a rural designation which allows institutional uses subject to conditional use approval. Staff believes the requested change is an acceptable transition between the residential subdivision to the north and the commercial zoning designations to the south.

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

Planning District 15 zoning map was adopted in August 2006. Since that time several properties have been rezoned to B-4, Major Commercial District (Z-15013), HDR, High Density Residential (Z-20012) and RSF-1, Single-Family District (Z-10027). The Padian at Daphne apartment complex was re-zoned from RSF-1 to RMF-6 in 2015. The apartments were built in 2016 and subsequently annexed into the city of Daphne. The Exchange at Daphne apartment complex is proposed for property zoned HDR.

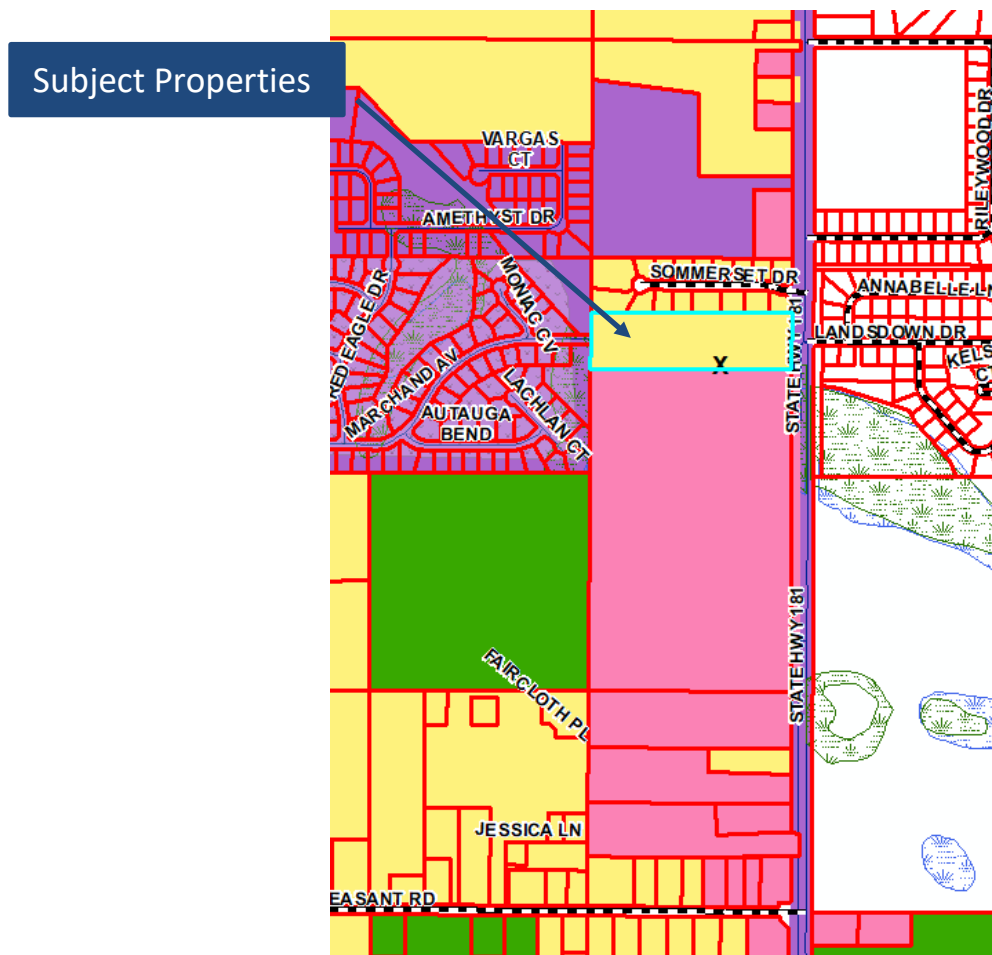


3.) Does the proposed zoning better conform to the Master Plan?

The Baldwin County Master Plan, 2013, provides future land use designations for properties located within the zoned areas of the County. These categories represent the recommendations for the physical development of the unincorporated areas of the County. They are intended for planning purposes only and do not represent the adoption of zoning designations for areas which have not voted their desire to come under the zoning authority of the Baldwin County Commission. Although not legally binding, the future land use designations are evaluated in conjunction with criteria found in the Baldwin County Zoning Ordinance (Zoning Ordinance), the Baldwin County Subdivision Regulations, the Baldwin County Flood Damage Prevention Ordinance and any other ordinances and regulations which the County Commission may adopt.

A future land use designation of Residential has been provided for the subject property. The residential category is provided for residential dwelling units including single family dwellings, two family (duplex) dwellings, multiple family dwellings, manufactured homes, manufactured housing parks and Planned Residential Developments. Institutional uses, recreational uses and limited neighborhood commercial uses may be included subject to the provisions of the Zoning Ordinance. To the greatest extent possible, residential areas should be accessible to major thoroughfares connecting with work areas, shopping areas and recreational areas. Zoning designations may include RR, RA, CR, RSF-E, RSF-1, RSF-2, RSF-3, RSF-4, RSF-6, RTF-4, RTF-6, RMF-6, RMH and PRD.

Approval of the rezoning will result in an amendment of the Future Land Use Map to agriculture. This 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.



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

Staff is unaware of any planned public improvements.

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

Per the Federal Highway Administration, the functional classification of State Highway 181 is major arterial. Arterials provide a high level of mobility and a greater degree of access control. According to the information provided, the proposed use is not a high traffic use. Access to this site from State Hwy 181 would require approval from ALDOT. Please see comments above from ALDOT. The applicant has submitted a revised site plan which addresses the access concern. ALDOT will also require a northbound left turn lane.

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

The CR zoning designation allows for residential and agricultural uses by right. The proposed convalescent/nursing home is an institutional use allowed with conditional use approval. Staff believes the proposed use is appropriate for orderly development of the community as it should not generate excessive noise or traffic.

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

This area of Planning District 15 consists mostly of residential and commercial zoning districts. Adjacent properties are zoned for residential and commercial uses. The properties to the north consist of residential uses and an apartment complex. Therefore, staff believes the proposed rezoning is an acceptable expansion of adjacent zoning districts to allow for the proposed institutional use.

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

Staff believes that timing is appropriate given development trends in the area.

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

Staff is unaware of any environmental conditions or historic resources that would be adversely impacted by this request. The Alabama Department of Environmental Management (ADEM) provided no comments.

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

Staff anticipates no adverse impacts. Access to this site would require approval from the Alabama Department of Transportation.

11.) Other matters which may be appropriate.

The Highway Construction Setback for State Highway 181 is 100 feet from the centerline of the right-of-way.

Staff Comments and Recommendation

As stated previously, the subject property is currently zoned RSF-3, Single Family District, and is currently developed with a single-family dwelling and accessory structure. The property adjoins State Hwy 181 to the east. The adjoining properties are residential, timberland and agriculture. The requested zoning designation is CR, Conservation Resource District. According to the submitted information, the purpose of this request is to accommodate a convalescent or nursing home.

Unless information to the contrary is revealed at the public hearing, staff feels this rezoning application should be recommended for **APPROVAL**.*

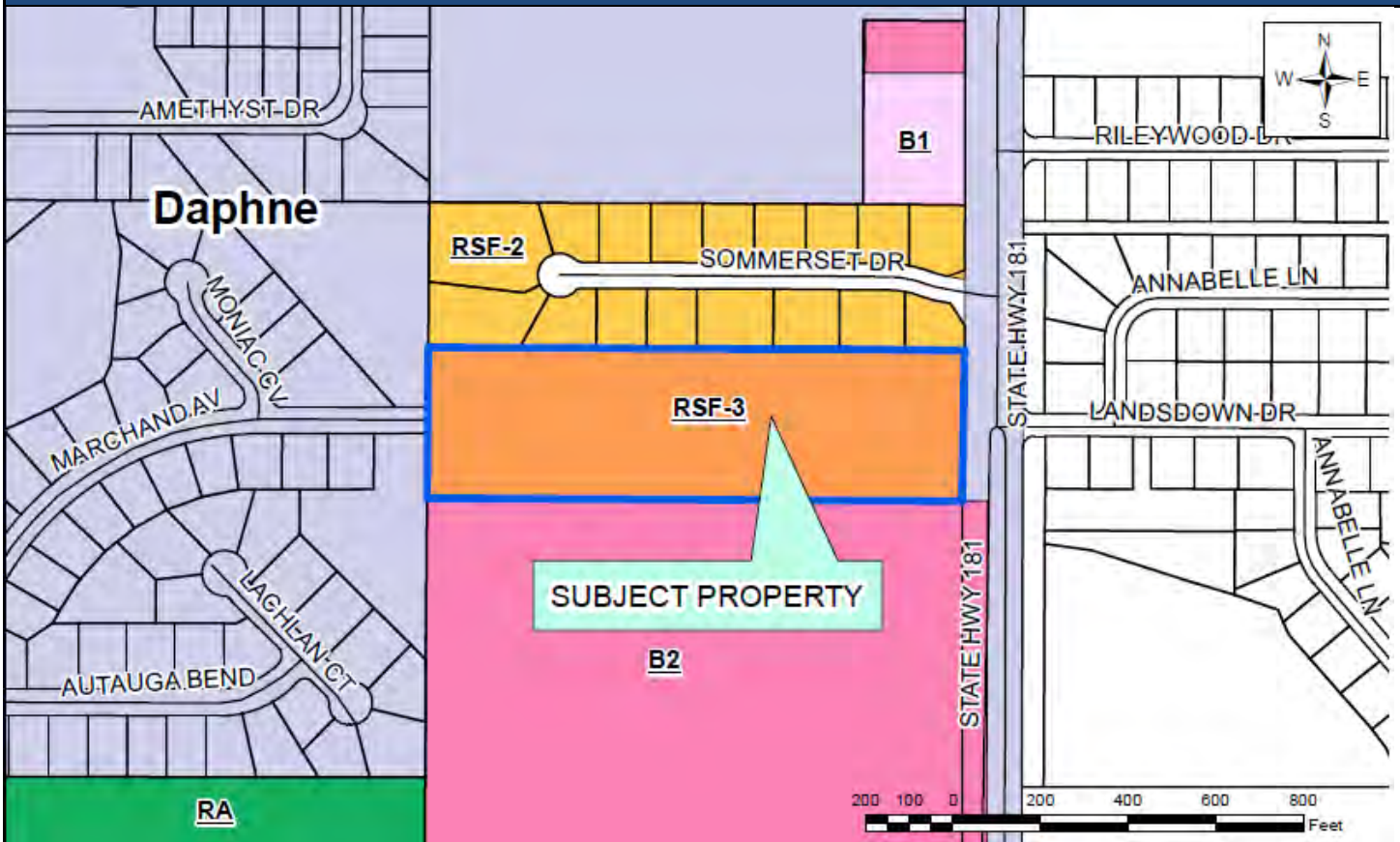
**On rezoning applications, the Planning Commission will be making a recommendation to the County Commission.*

Property Images

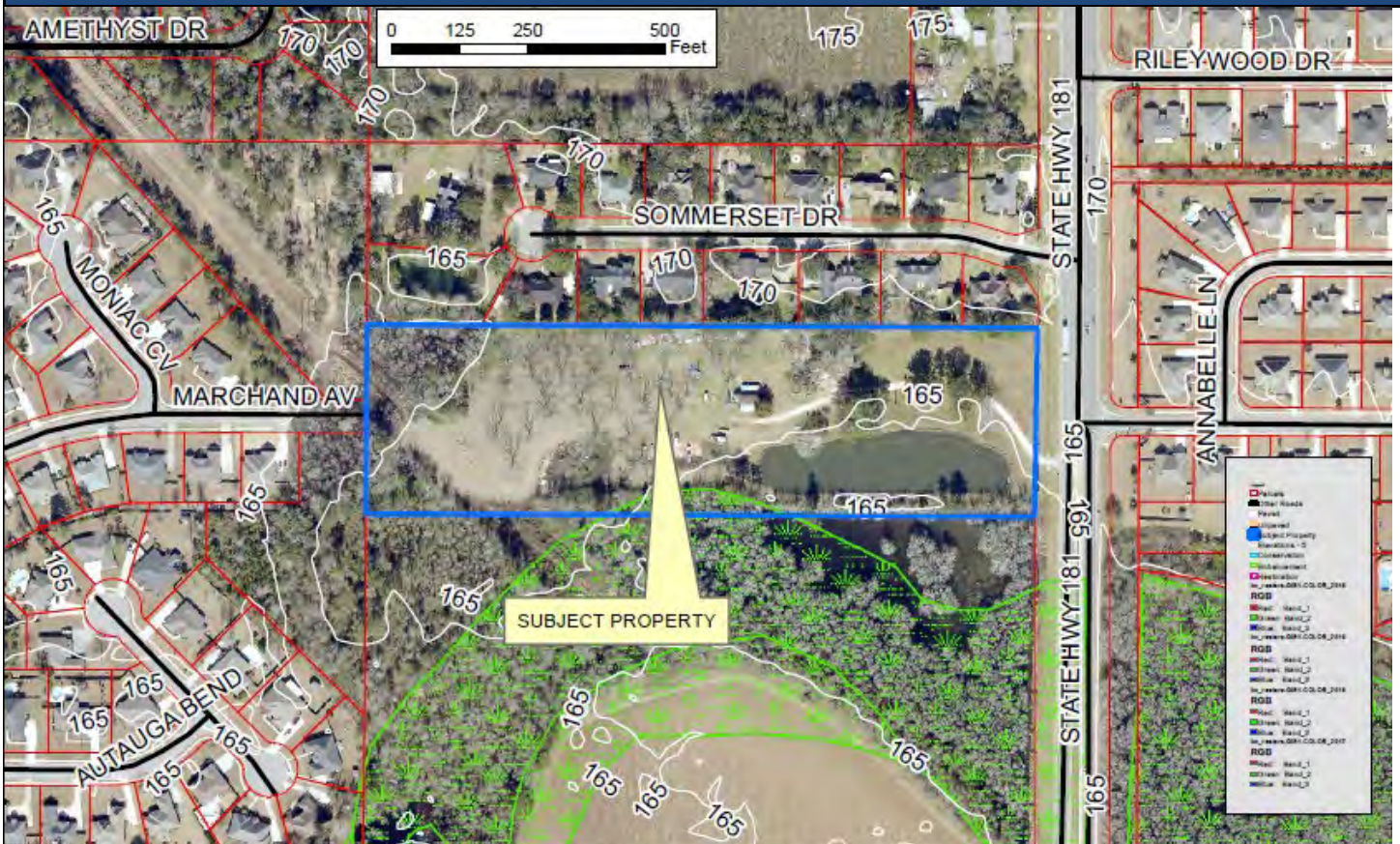




Locator Map



Site Map





Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 7.d

Case No. P-21007

Conditional Use Approval

July 8, 2021

Subject Property Information

Planning District: 15
General Location: West side of State Hwy 181 south of Sommerset Drive
Physical Address: 27695 State Hwy 181
Parcel Number: 05-43-02-10-0-000-006.000
Current Zoning: RSF-3, Single Family District
Existing Land Use: Residential
Proposed Land Use: Convalescent/Nursing Home
Acreage: 9.70 acres
Applicant: Carillon Oaks Baldwin, LLC
5450 Rangeline Road
Mobile, AL 36619
Owner: Michael McDonald
10155 Rosewood Lane
Daphne, AL 36526
Lead Staff: Linda Lee, Planner
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Residential	RSF-2, Single Family District
South	Agricultural	B-2, Neighborhood Business District
East	Residential	Unzoned
West	Residential	City of Daphne (R3)

Summary and Recommendation

The applicant is requesting Conditional Use approval to allow for a Convalescent/Nursing Home. On property zoned Conservation Resource District, a Convalescent/Nursing Home may be allowed through the Conditional Use process, subject to the approval of the Planning Commission.

Staff recommends that Case P-21007, McDonald Property be **APPROVED*** subject to the conditions outlined at the end of this staff report.

Section 4.4 RSF-3, Single Family District

4.4.1 *Generally.* This zoning district is provided to afford the opportunity for the choice of a moderate density residential environment consisting of single family homes.

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

- (a) The following general industrial uses: extraction or removal of natural resources on or under land.
- (b) The following transportation, communication, and utility uses: water well (public or private).
- (c) The following 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.

4.4.3 *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.

4.4.4 *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*).

4.4.5 *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
Maximum Height in Habitable Stories	2 1/2
Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	10,000 Square Feet
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	40-Feet
Maximum Ground Coverage Ratio	.35

Section 3.3 CR Conservation Resource District

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

3.3.2 *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 local commercial uses: fruit and produce store.
- (e) The following institutional uses: church or similar religious facility; school (public or private).
- (f) Agricultural uses.
- (g) Single family dwellings including manufactured housing and mobile homes.
- (h) Accessory structures and uses.

3.3.3 *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*).

3.3.4 ***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: **Institutional uses not permitted by right.**

3.3.5 *Area and dimensional regulations.* 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 regulations set forth below shall be observed.

Maximum Height of Structure in Feet	35
Minimum Front Yard	100-Feet
Minimum Rear Yard	100-Feet
Minimum Side Yards	50-Feet
Minimum Lot Area	5 Acres
Minimum Lot Width at Building Line	250-Feet
Minimum Lot Width at Street Line	250-Feet

Institutional uses. This group of uses includes: educational facilities (public or private); pre school and child care facilities; churches, temples, and similar religious facilities; **nursing homes**, residential care facilities, and halfway housing; cemeteries with or without funeral homes; hospitals; clubs; libraries; museums; emergency service activities such as buildings, garages, parking, and/or dispatch centers for ambulances, fire, police and rescue; and all other similar institutional uses.

Agency Comments

Baldwin County Highway Department:

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

Sent: Tuesday, June 22, 2021 12:46 PM

To: D Hart <DHart@baldwincountyal.gov>

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

Subject: RE: Z-21022 and P-21007

DJ,

I have the following comments for the Rezoning and conditional use case:

1. Connection permit for the site will be through ALDOT. Traffic impact study may be required by the State.
2. Drainage improvements would be needed for the proposed building and additional pavement. The existing pond could be expanded or an additional retention or detention area could be constructed to mitigate the additional runoff onsite. Some area of the property appears to contain wetlands on the southern property line
3. The proposed front building setback is greater than the required highway construction setback of 100ft from HWY 181 ROW centerline.

Let me know if you need anything else for these cases.

Thank you,

Weesie Jeffords

Baldwin County Commission
Highway Department
Subdivision/Permit Manager

Alabama Department of Transportation:

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

Sent: Wednesday, June 16, 2021 1:56 PM

To: D Hart <DHart@baldwincountyal.gov>

Cc: Denton, Samantha H. <dentons@dot.state.al.us>

Subject: RE: Z-21022 and P-21007

Good after DJ,

Thank you for the notice. I have the following comments, if they can be conveyed to the applicant and directed to ALDOT for permitting it would be appreciated. Thanks.

- The existing access cannot be used for this proposal and it must be removed from the ROW.
- A new commercial access would be required to be permitted and constructed that aligns with Landsdown Drive across SR 181.
- There would be work within the median required to construct a NB left turn lane into the new access as the area is currently hatched out for no use.

MICHAEL SMITH
AREA PERMIT MNGR.

Staff Analysis and Findings

The applicant is requesting Conditional Use approval to allow for a Convalescent/Nursing Home. On property zoned Conservation Resource District, a Convalescent/Nursing Home 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 Residential for the subject property. If the proposed rezoning to CR-Conservation Resource District is approved by the County Commission, the future land use designation would be changed to agriculture. This 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

[illegible]

(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 single-family dwelling and accessory structures. The adjoining properties are residential, and agricultural. The applicant is required to provide an access permit from ALDOT.

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

The proposed convalescent/nursing home 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.

Staff knows of no excessive burdens or negative impacts which would result from approval of this conditional use application.

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

Staff recommends that Case P-21006 be **APPROVED**, subject to the following conditions:

- ❖ Approval is contingent on the approval of the proposed rezoning to CR.
- ❖ Approval shall be for this applicant and this location only.
- ❖ The Applicant will be required to submit a subsequent land-use certificate application to the planning and zoning department, which must include a site plan that substantially conforms with the site plan that is part of this approval and meets all the requirements of the Zoning Ordinance, including landscape buffer requirements, setbacks, parking requirements, etc.
- ❖ A land use certificate shall be obtained within six (6) months from the date of approval.
- ❖ 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.*

Site Plan

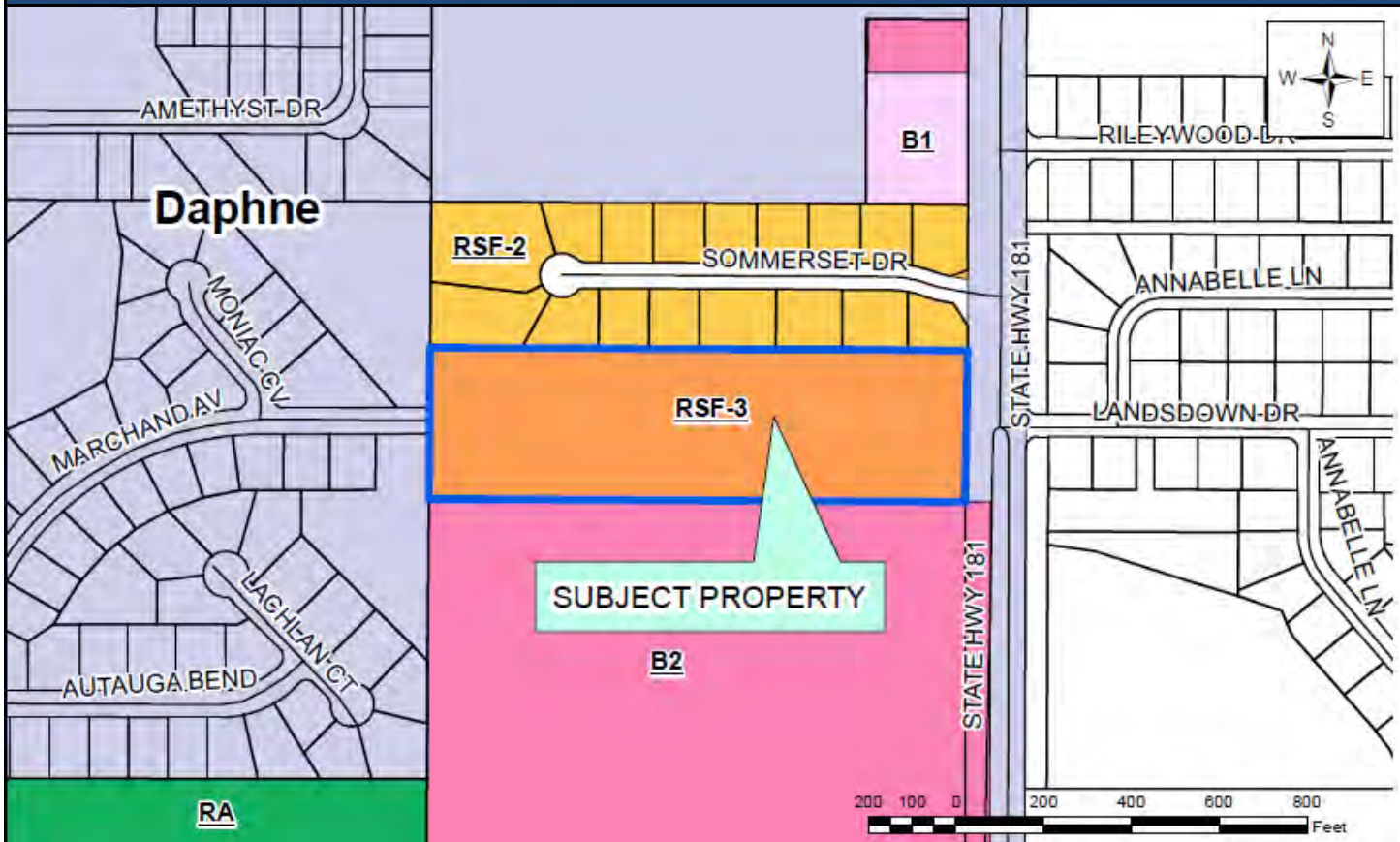


Property Images

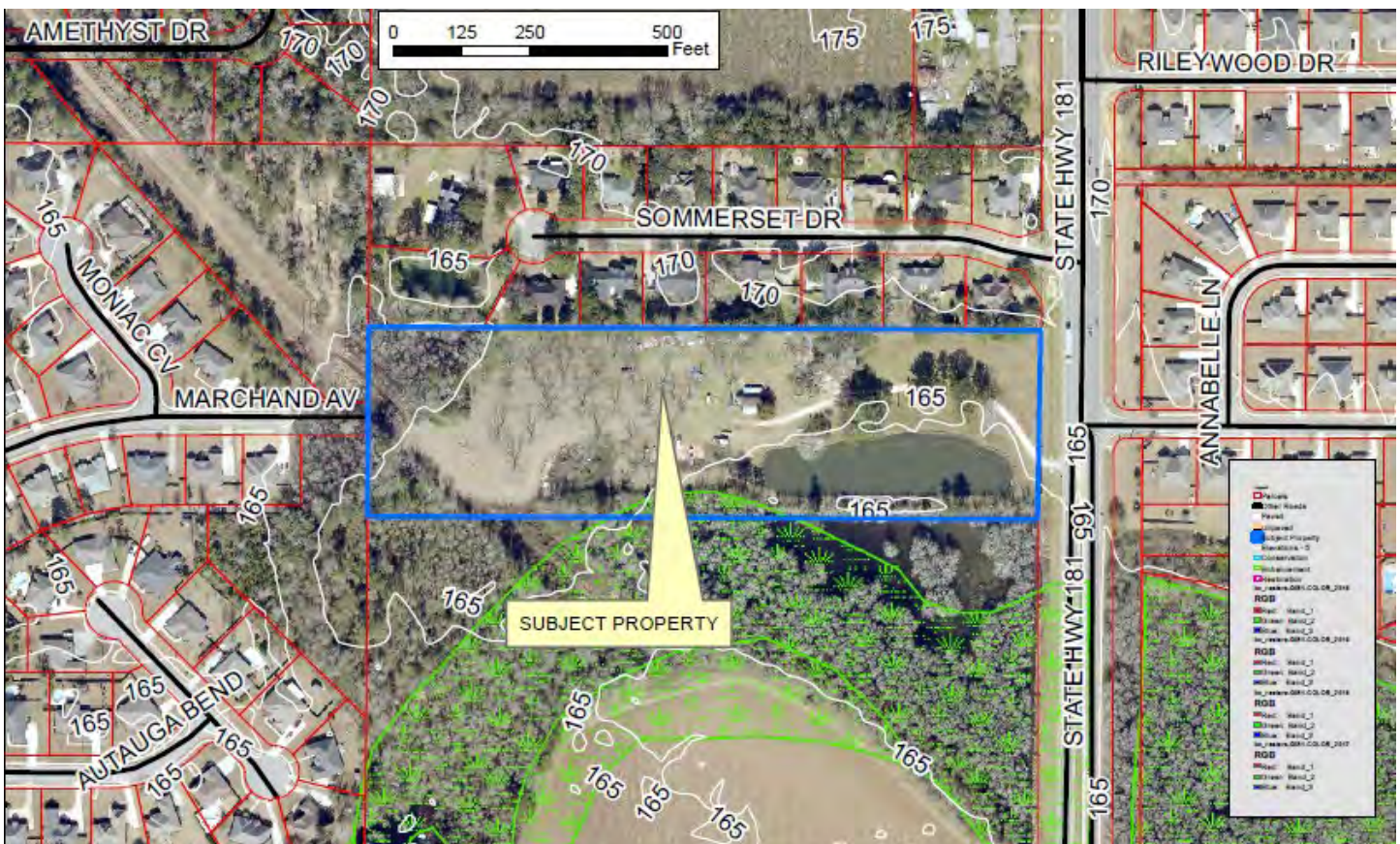




Locator Map



Site Map





Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 7.e

Case No. Z-21023

Two Lakes, LLC Property

Rezone B3, General Commercial Business District to RV-2, Recreational Vehicle Park District

July 8, 2021

Subject Property Information

Planning Districts: 30
General Location: West of Roscoe Rd.
Physical Address: 5651 Roscoe Rd
Gulf Shores, AL 36542
Parcel Numbers: 05-61-07-35-0-000-007.000
Existing Zoning: B-3, General Business District (Asking to Rezone to RV-2)
Existing Land Use: Vacant
Proposed Land Use: RV Park Subdivision
Acreage: 39.97 acres, more or less
Applicant: Raymond Lee
7883 Delta Woods
Daphne, Alabama 36507
Owners: Same
Lead Staff: Celena Boykin, Senior Planner
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Forested Timberland	RA, Rural Agriculture District
South	Residential	RA, Rural Agriculture District
East	Residential and Agriculture	Roscoe Rd., RA, Rural Agriculture District, City of Orange Beach
West	Forested Timberland	RA, Rural Agriculture District, RSF-1 Residential Single Family District

Summary

The subject property is currently zoned B-3, General Business District, and is vacant. The requested designation is RV-2, Recreational Vehicle Park District. According to the submitted information, the purpose of this request is to allow for a RV park subdivision. Each lot would be sold and the lots would be around 3,200 square feet. This property received conditional use approval in June of 2019 for a 118 lot RV park (phase 1 only).

Section 5.3 B-3, General Business District

5.3.1 Purpose and intent. The purpose of this district is to provide for a variety of retail uses and services in free-standing parcels or shopping centers to serve the community's general commercial needs. This district shall only be applied at appropriate locations: to conveniently meet these needs; in conformance with the goals, objectives and policies and location criteria of the Comprehensive Plan; compatible with the surrounding land uses and zoning districts; where it will not adversely impact the facilities and services of the County; where it will not set a precedent for the introduction of inappropriate uses into an area; and so as not to encourage non-residential strip development along streets

5.3.2 Permitted uses. The following uses are permitted as of right, or as uses accessory to permitted uses in the B-3, General Business District:

- | | |
|--|--|
| (a) All uses permitted by right under the B-2 zoning designation | (dd) Golf course |
| (b) Air conditioning sales and service | (ee) Golf driving range |
| (c) Amusement arcade | (ff) Grocery store |
| (d) Animal clinic/kennel | (gg) Landscape sales |
| (e) Arboretum | (hh) Marine store and supplies |
| (f) Auto convenience market | (ii) Miniature golf |
| (g) Automobile service station | (jj) Mini-warehouse |
| (h) Bakery, wholesale | (kk) Night club, bar, tavern |
| (i) Ball field | (ll) Nursery |
| (j) Bicycle sales and service | (mm) Office equipment and supplies sales |
| (k) Bowling alley | (nn) Park or playground |
| (l) Business machine sales and service | (oo) Pawn shop |
| (m) Business school or college | (pp) Pet shop |
| (n) Butane gas sales | (qq) Plumbing shop |
| (o) Cemetery | (rr) Printing/publishing establishment |
| (p) City hall or courthouse | (ss) Restaurant sales and supplies |
| (q) Country club | (tt) Riding academy |
| (r) Department store | (uu) Rug and/or drapery cleaning service |
| (s) Discount/variety store | (vv) Seafood store |
| (t) Drug store | (ww) Sign shop |
| (u) Elevator maintenance service | (xx) Skating rink |
| (v) Exterminator service office | (yy) Stone monument sales |
| (w) Farmer's market/truck crops | (zz) Swimming pool (outdoor) |
| (x) Firing range | (aaa) Taxidermy |
| (y) Fitness center or gym | (bbb) Teen club or youth center |
| (z) Florist | (ccc) Tennis court (outdoor) |
| (aa) Fraternity or sorority house | (ddd) Wildlife sanctuary |
| (bb) Fruit and produce store | (eee) YMCA, YWCA |
| (cc) Funeral home | |

5.3.3 Conditional uses. The following uses are permissible as conditional uses in the B-3: General Commercial District, subject to the standards and procedures established in *Section 18.11: Conditional Use*:

- | | |
|---------------------------|--------------------|
| (a) Airport | (c) Amusement park |
| (b) Ambulance/EMS service | (d) Armory |

- (e) Auditorium, stadium, coliseum
- (f) Automobile parts sales
- (g) Automobile repair (mechanical and body)
- (h) Automobile storage (parking lot, parking garage)
- (i) Barge docking
- (j) Boat sales and service
- (k) Broadcasting station
- (l) Building materials
- (m) Bus and railroad terminal facility
- (n) College or university
- (o) Convalescent or nursing home
- (p) Correctional or penal institution
- (q) Dog pound
- (r) Electric power substations
- (s) Farm implements
- (t) Flea market
- (u) Freight depot, rail or truck
- (v) Home improvement center
- (w) Hotel or motel
- (x) Hospital
- (y) Landfill
- (z) Maintenance facility/storage yard for schools, government agencies, and telephone and cable companies
- (aa) Manufactured housing sales, service and repair
- (bb) Marina
- (cc) Motorcycle sales service and repair
- (dd) Movie theatre
- (ee) Radio/television tower
- (ff) Railroad facility
- (gg) Recreational vehicle park
- (hh) Recreational vehicle sales service, and repair
- (ii) Restaurant, drive-in
- (jj) Restaurant, fast-food
- (kk) Sewage treatment plant
- (ll) Taxi dispatching station
- (mm) Taxi terminal
- (nn) Telephone exchange
- (oo) Water or sewage pumping station
- (pp) Water storage tank
- (qq) Wireless telecommunication facility
- (rr) Zoo

5.3.4 *Area and dimensional ordinances.*

Maximum Height of Structure in Feet	40
Maximum Height of Structure in Habitable Stories	3
Minimum Front Yard	40-Feet
Minimum Rear Yard	25-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	20,000 Square Feet
Maximum Impervious Surface Ratio	.70
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	60-Feet

5.3.5 *Lighting standards.* The maximum height of exterior lights shall be 25-feet. The intensity, location, and design of lighting shall be such that not more than one foot candle of light is cast upon adjacent property or public rights-of-way. Light fixtures shall be designed to cast light downward. Where necessary, cut-off devices shall be used to minimize glare off premises. No light shall be aimed directly toward a property designated residential, which is located within 200-feet of the source of the light.

5.3.6 *Distance between structures.* If there is a separation between any two principal structures on the same parcel, said separation shall be a minimum of 15-feet or a distance equal to one-half the sum of their heights, whichever is the greater.

5.3.7 *Landscaping and buffering.* All B-3, General Business District, uses shall meet the requirements of *Article 17: Landscaping and Buffers.*

Section 5.6 RV-2, Recreational Vehicle Park District

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

5.6.2 *Permitted uses.* The following uses are permitted as of right, or as uses accessory to permitted uses in the RV-2, Recreational Vehicle Park District:

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

5.6.3 *Density.* The maximum number of recreational vehicle sites developed under RV-2 shall be 6 sites per acre.

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

5.6.5 *Standards.* Recreational vehicle parks developed under the RV-2 designation shall meet all standards, procedures and requirements found in Section 13.8 of the zoning ordinance.

Section 13.8 Recreational Vehicle (RV) Parks

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

13.8.2 *Procedures and standards.*

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

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

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

- B. B-2, B-3 and OR by conditional use approval.
- C. RR, RA and CR by special exception approval.

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

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

(e) *Maximum density.*

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

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

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

(h) *Water and sewer facilities.*

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

(i) *Setbacks.*

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

(j) *Access.*

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

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

(l) *Sites.*

1. Each recreational vehicle site must be at least 1,600 square feet in area.

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

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

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

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

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

Agency Comments

Baldwin County Highway Department, Weesie Jeffords:

I have the following comments for the Zoning PRD and Re-Zoning cases:

1. The plans submitted to receive the nationwide permit differ from the ones submitted for the proposed site layout.
2. A traffic impact study will be needed for the site and a commercial turnout with the Highway Department will be required for the access onto Roscoe Road.
3. The roadway infrastructure is not compliant with the County's Design standards. Inverted roads are not an acceptable design for roads to access individual subdivision lots.
4. No proposed sidewalks are on the site plans although the proposed plan has smaller lots and amenities in common areas.
5. The drainage report and infrastructure would be reviewed at the time of construction plan review of the subdivision. One item not in the provided report is a routing map of the site to show which areas are being described and calculated.

Army Corps of Engineers: No comments received.

ADEM: No comments received.

Subdivision: No comments received.

Staff Analysis and Findings

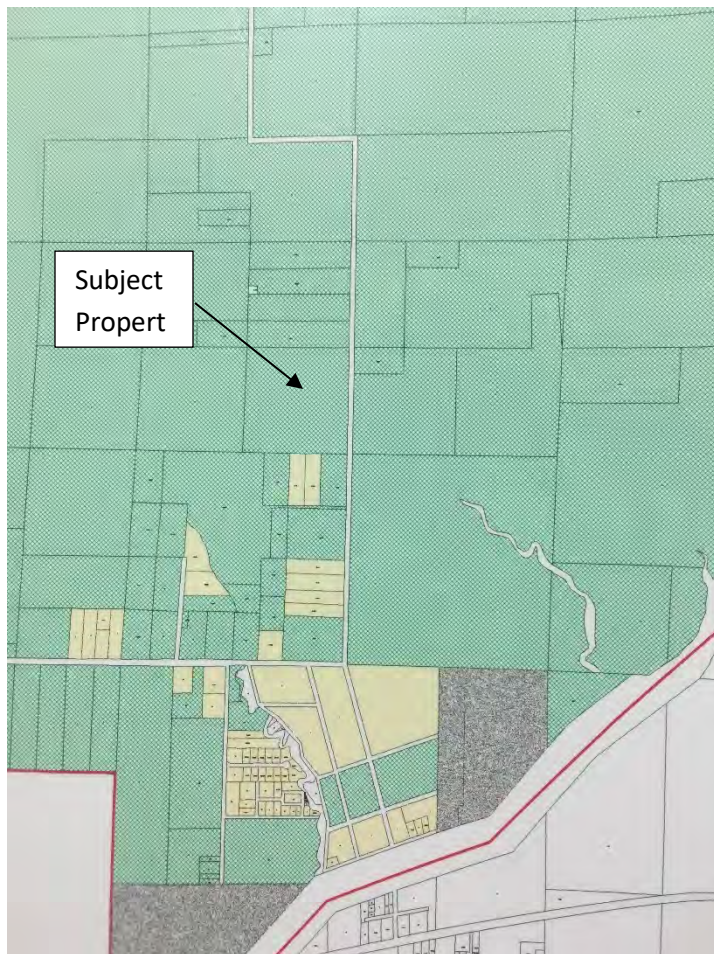
The following factors for reviewing zoning amendments are found in Section 19.6 of the *Baldwin County Zoning Ordinance*. These factors are to be considered when an application is being reviewed for rezoning.

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

The subject property is currently zoned B-3, General Business District. The requested designation is RV-2, Recreational Vehicle Park District. The subject property is currently vacant. The property adjoins Roscoe Rd to the east. The adjoining properties are residential, timberland, and agricultural.

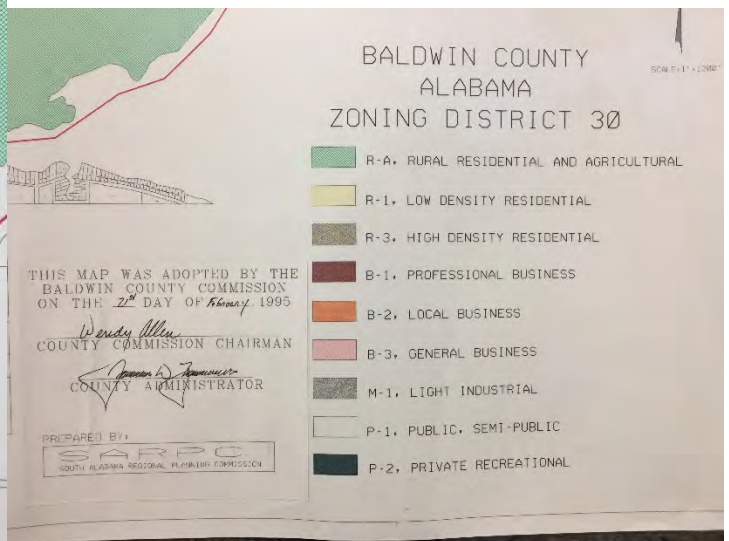
2.) Has there been a change in the conditions upon which the original zoning designation was based? Have land uses or conditions changed since the zoning was established?

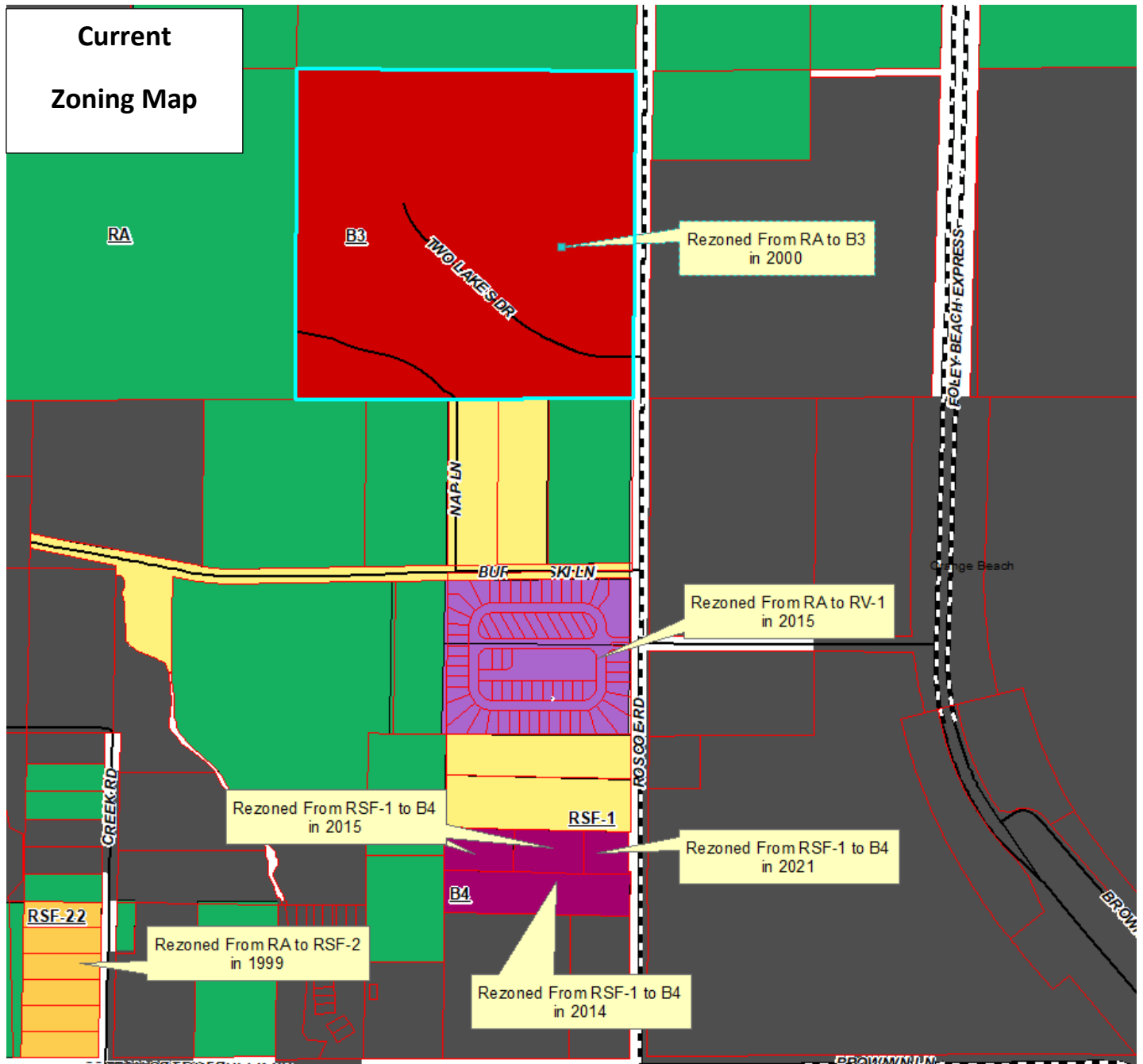
Planning District 30 was zoned in February 1995 and subject property was original zoned RA, Rural Agriculture District. In December of 2000 the property was rezoned to B-3. Since this time, more property is now within the municipal limits of Gulf Shores and Orange Beach and the Foley Beach Express was built. See the current zoning map below for all the rezonings in the immediate area.



Original Planning District 30

Zoning Map





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

The Baldwin County Master Plan, 2013, provides future land use designations for properties located within the zoned areas of the County. These categories represent the recommendations for the physical development of the unincorporated areas of the County. They are intended for planning purposes only and do not represent the adoption of zoning designations for areas which have not voted their desire to come under the zoning authority of the Baldwin County Commission. Although not legally binding, the future land use designations are evaluated in conjunction with criteria found in the Baldwin County Zoning Ordinance (Zoning Ordinance), the Baldwin County Subdivision Regulations, the Baldwin County Flood Damage Prevention Ordinance and any other ordinances and regulations which the County Commission may adopt.

A future land use designation of Commercial is provided for the subject property. If the rezoning is approved, the Future Land Use Map will remain as the designation of Commercial. This category provides for retail and wholesale trade facilities which offer convenience and other types of goods and services. Institutional uses, recreational uses, mixed-use developments and transportation, communication and utility uses may be included

in accordance with the Zoning Ordinance. Multiple family developments may also be included. Commercial uses should be located on major streets so as to be accessible to the residential population. Zoning designations may include RR, B-1, B-2, B-3, B-4, LB, RV-1, RV-2, MR and TR.

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

Staff is unaware of any planned public improvements along Roscoe Road.

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

Roscoe Road is not classified by ALDOT and is by default a Local Road with a 40-foot Highway Construction Setback. Local roads are designed specifically to have high accessibility and to connect to collector and arterial roads and are typically not used for through traffic. A commercial access to this site would be required from the Baldwin County Highway Department. A traffic impact study will be required when the development submits to Subdivisions.

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

There are a variety of land uses in this area; forested timberland, agricultural, residential, and commercial. Sugar Sands RV Resort that is about 700 ft south and is a similar development.



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

As Stated above, since zoning was implemented there have been multiple annexations and rezonings. A few parcels to the south is a similar development, a RV Park this is a subdivision, Sugar Sands.

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

Timing is not a factor with this request.

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

Staff does not anticipate any adverse impacts. The applicant has received an ADEM permit and a NWP from CORPS to fill a small amount of wetlands, 0.09 acres.

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

Staff will evaluate all submitted materials, including building plans, drainage plans, landscaping plans and site plans in order to ensure complete compliance with the requirements of the Zoning Ordinance and Subdivision Regulations.

Required landscaped buffers will help to mitigate the potential for adverse impacts (See below required buffering for RV Parks):

(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.

11.) Other matters which may be appropriate.

If the rezoning is approved the applicant will need to submit an application for Final Site Plan approval in accordance with the *Baldwin County Subdivision Regulations*. This application, when submitted, will be reviewed in-house by staff and by Gulf Shores.

Below in red are comments from the engineer addressing Highway Department's comments:

1. The plans submitted to receive the nationwide permit differ from the ones submitted for the proposed site layout. **Agreed. The updated plan (subdivision) has less impacts on the wetlands. I have added the new wetlands buffer line to the drawings attached.**
2. A traffic impact study will be needed for the site and a commercial turnout with the Highway Department will be required for the access onto Roscoe Road. **We will perform a traffic study when we pursue approval for Phase 2. Phase 1 is only 45 lots. We are obtaining a PRD for Phase 1 only.**
3. The roadway infrastructure is not compliant with the County's Design standards. Inverted roads are not an acceptable design for roads to access individual subdivision lots. **We will modify the drainage to meet the county standards with inlets in the gutters and a normal crown road. We will issue the updated drawings during the subdivision review.**
4. No proposed sidewalks are on the site plans although the proposed plan has smaller lots and amenities in common areas. **We are asking for no sidewalks as part of the PRD.**
5. The drainage report and infrastructure would be reviewed at the time of construction plan review of the subdivision. One item not in the provided report is a routing map of the site to show which areas are being described and calculated. **Noted. These areas will be in the report during the subdivision review.**

Staff Comments and Recommendation

As stated previously, the subject property is currently zoned B-3, General Business District, and is vacant. The requested designation is RV-2, Recreational Vehicle Park District. According to the submitted information, the purpose of this request is to allow for a RV park subdivision . Each lot would be sold and the lots would be around 3,200 square feet. This property received conditional use approval in June of 2019 for a 118 lot RV park (phase 1 only).

Unless information to the contrary is revealed at the public hearing, staff feels this rezoning application should be recommended for **APPROVAL**.*.

**On rezoning applications, the Planning Commission will be making a recommendation to the County Commission.*

Subject property

June 17, 2021



Subject property

6/17/21



Subject property



Adjoining property to the south



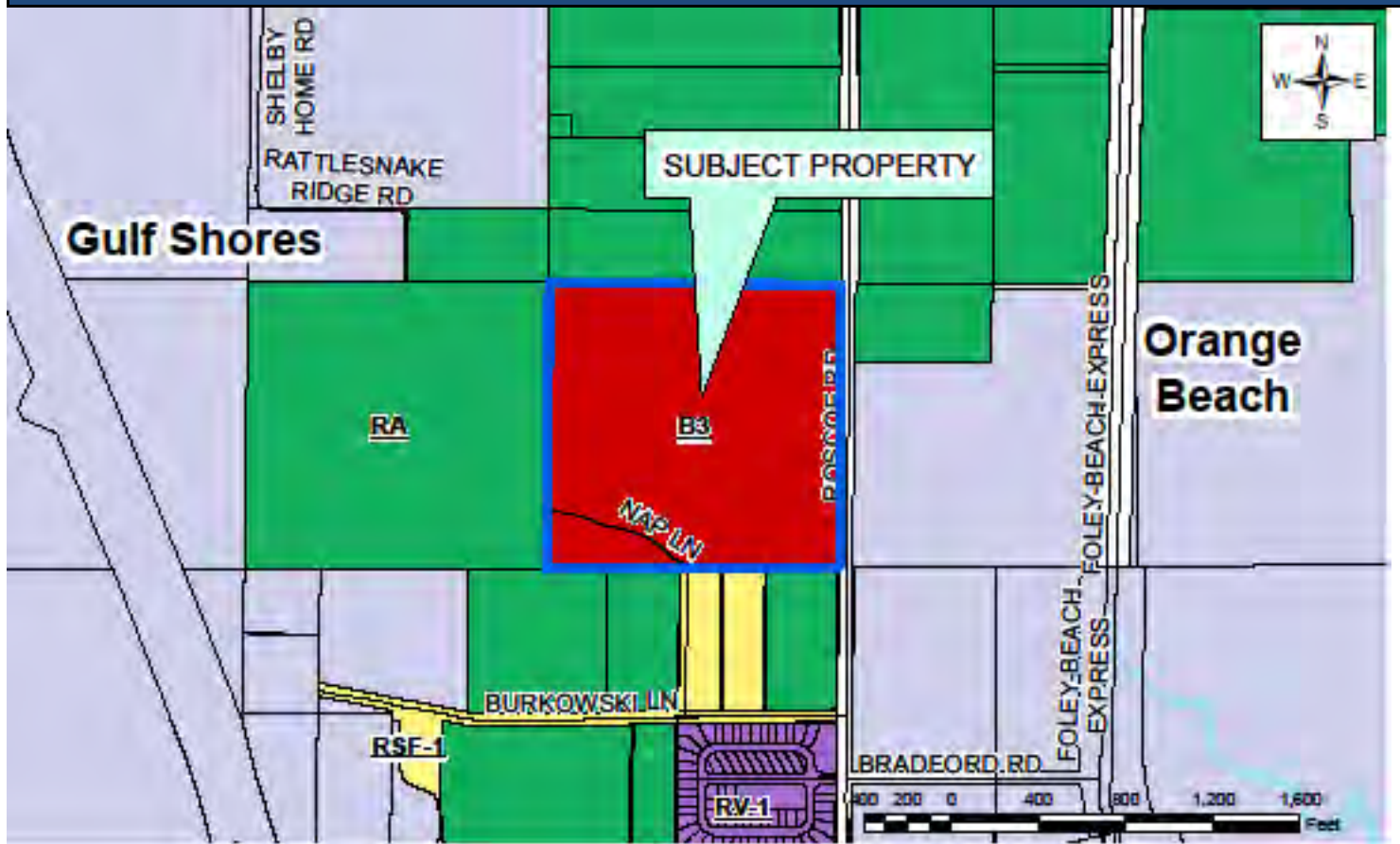
Adjoining property to the north



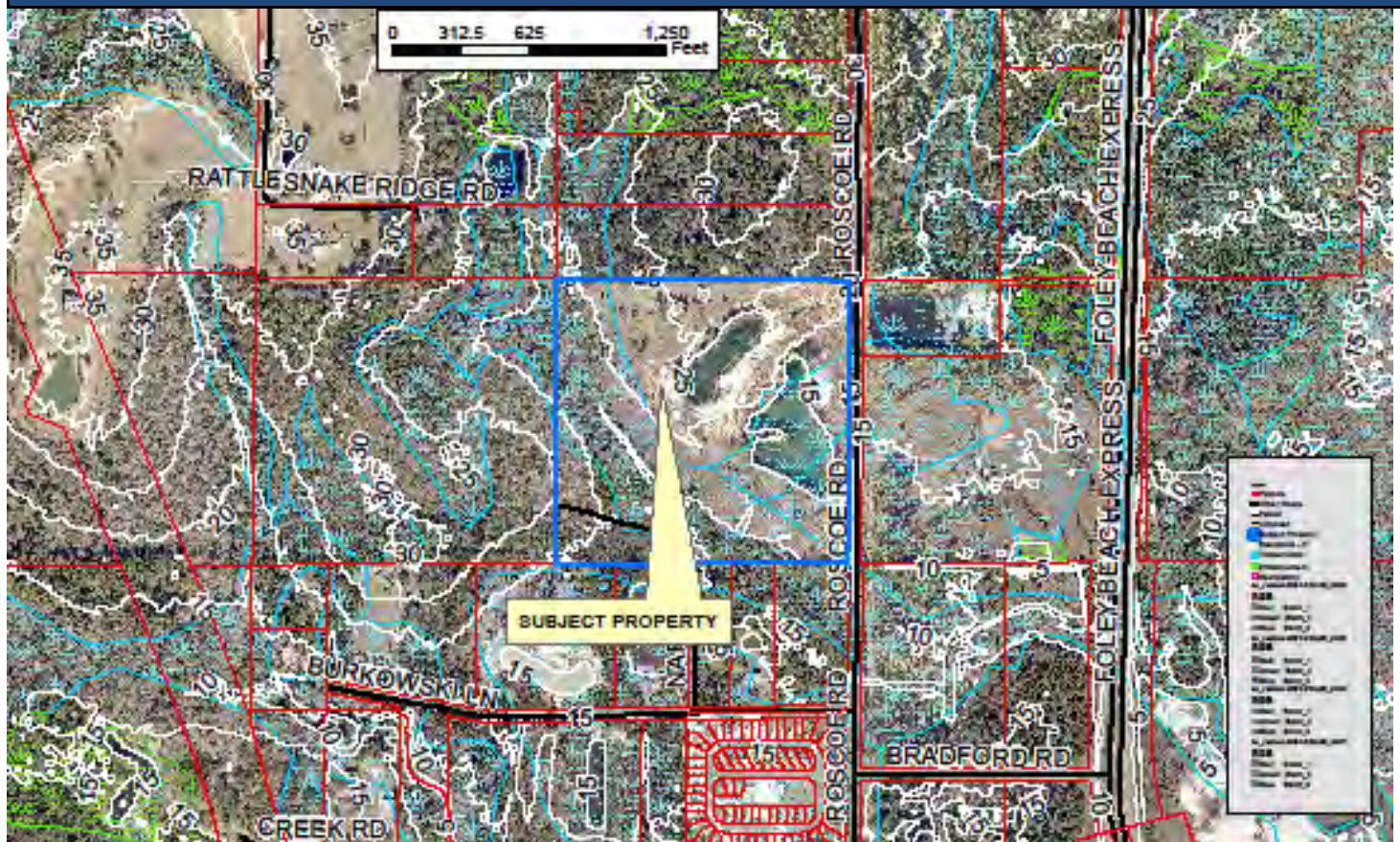
Property across the street



Locator Maps



Site Maps





Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 7.f

Case Z-2106

Two Lakes LLC Property

Approve Planned Residential Development (PRD) Site Plan for Two Lakes LLC Phase 1

July 8, 2021

Subject Property Information

Planning Districts: 30
General Location: West of Roscoe Rd.
Physical Address: 5651 Roscoe Rd
Gulf Shores, AL 36542
Parcel Numbers: 05-61-07-35-0-000-007.000
Existing Zoning: B-3, General Business District (Asking to Rezone to RV-2)
Existing Land Use: Vacant
Proposed Land Use: RV Park Subdivision
Acreage: 39.97 acres, more or less
Applicant: Raymond Lee
7883 Delta Woods
Daphne, Alabama 36507
Owners: Same
Lead Staff: Celena Boykin, Senior Planner
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Timberland	RA, Rural Agriculture District
South	Residential	RA, Rural Agriculture District
East	Residential and Agriculture	Roscoe Rd., RA, Rural Agriculture District, City of Orange Beach
West	Timberland	RA, Rural Agriculture District, RSF-1 Residential Single Family District

Summary

The proposed Planned Residential Development (PRD) is to be known as Two Lakes, LLC. The subject property is currently undeveloped and is zoned B-3, General Business District, but has been requested to be rezoned to RV-2 (Z-21023). It adjoins Roscoe Road to the east. If approved, the development would include 45 lots (Phase 1 only), for a density of 1.93 units per acre. The largest lot would be 3,613 square feet, and the smallest would be 3,200 square feet. The proposed open space would be 794,402 square feet (18.24 +/- acres).

Section 5.6 RV-2, Recreational Vehicle Park District

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

5.6.2 *Permitted uses.* The following uses are permitted as of right, or as uses accessory to permitted uses in the RV-2, Recreational Vehicle Park District:

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

5.6.3 *Density.* The maximum number of recreational vehicle sites developed under RV-2 shall be 6 sites per acre.

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

5.6.5 *Standards.* Recreational vehicle parks developed under the RV-2 designation shall meet all standards, procedures and requirements found in Section 13.8 of the zoning ordinance.

PRD Requirements

Article 9 Planned Development Districts

Section 9.1 Purpose

It is the purpose of this article to permit Planned Developments which are intended to encourage the development of land as planned communities, encourage flexible and creative concepts of site planning; preserve the natural amenities of the land by encouraging scenic and functional open areas; accomplish a more desirable environment than would be possible through the strict application of the minimum requirements of these ordinances; provide for an efficient use of land resulting in smaller networks of streets and utilities where access to regional systems is impractical and thereby lowering development and housing costs; and provide a stable environmental character compatible with surrounding areas.

Section 9.2 Planned Developments, Generally

9.2.1 *Unified control.* The parcel or parcels of land for a Planned Development shall be in unified control, and shall be owned or controlled by a single person, corporation, agency, or like organization. The applicant shall provide the county appropriate and necessary documents to indicate ownership. No application shall be considered until this section is fully complied with. An application must be filed by the owner or authorized agent of all property included in the project. In the case of multiple ownerships, the approved final development plan shall be binding on all owners and any successors. The developer shall maintain and provide for unified control of the Planned Development until the project is complete. The entity designated to provide unified control shall ensure that all conditions of development are met. Individual properties may be sold after appropriate approvals and recordings have been completed and that proper recordings have been made which insures the continuance of the Planned Development as approved. Responsibility for unified control may be assigned to an individual or entity such as a homeowner's association that will provide for the maintenance of any common property and improvements.

9.2.2 Specific variations in off-street parking and loading requirements, sign requirements, landscaping requirements and area and dimensional requirements, including lot sizes, lot widths, setbacks and building height, may be approved by the County Commission, upon recommendation by the Planning Commission, and shall be shown on the approved Final Site Plan.

9.2.3 Where a planned development involves the subdivision of land, a subdivision plat shall be approved in accordance with the procedures established in the *Baldwin County Subdivision Regulations*.

9.2.4 *Approval of a planned development.* Approval of a large scale Planned Residential Development conceptual plan, small scale Planned Residential Development and Planned Industrial Development final site plan shall constitute a zoning map amendment for the subject property. The zoning designation "PRD" or "PID" shall be assigned on the official zoning map for the respective planning district.

Section 9.3 Planned Residential Developments

9.3.1 *Permitted uses.* Within the "Planned Residential Development" districts, the following uses and structures designed for such uses may be permitted as shown on the approved site plan:

- (a) Single family dwellings including manufactured housing and mobile homes.
- (b) Two family dwellings.
- (c) Multiple family dwellings including townhouses.
- (d) Non-residential land uses in accordance with limitations and restrictions contained herein.
- (e) Maintenance facilities and utility facilities.
- (f) Accessory structures and uses.

9.3.2 *Required zoning districts.* A Planned Residential District may be established under the following zoning designations:

RA: Rural Agricultural District
RSF-E: Residential Single Family Estate District
RSF-1: Single Family District
RSF-2: Single Family District
RSF-3: Single Family District
RSF-4: Single Family District
RTF-4: Two Family District
RSF-6: Single Family District
RTF-6: Two Family District
RMF-6: Multiple Family District
RMH: Residential Manufactured Housing Park District
HDR: High Density Residential District
RV-1: Recreational Vehicle Park District
RV-2: Recreational Vehicle Park District

9.3.4 *Open space and common area reservation.* A minimum of 20% of the gross land area of the planned development shall be set aside for permanent open space for passive and/or active recreation such as parks, recreational facilities, pedestrian ways, and/or for conserving sensitive elements of the site.

(a) Unless constructed as an amenity, stormwater detention ponds, retention ponds, or similar holding basins for stormwater shall not be counted in determining open space. Steep slopes, internal street rights-of-way, driveways, off-street parking areas, and off-street loading areas or similar uses shall not be counted in determining open space.

(b) All jurisdictional wetlands located within the development shall be set aside in the required open space.

(c) A minimum of fifty (50) percent of the required open space must be usable for passive or active recreation purposes. The usable open space shall not include steep slopes, streams, ponds, watercourses, wetlands, floodways and/or floodplains.

9.3.4.1 The required open space may be owned in common by the residents of the development. Any open space set aside for conservation shall be subjected to a conservation easement granted to a qualified land trust, conservation organization or government agency. Such conservation easement shall be in legal form satisfactory to the County.

9.3.4.2 Open space, common area or recreational facilities shall be provided in a manner which coincides with each development phase of a project. The amount and type shall be adequate to serve the needs of the residents or users within each phase.

9.3.5 *Development density.* All provisions concerning maximum density permitted in the underlying zoning district are applicable to Planned Residential Developments therein and shall not be exceeded. Land reserved for non-residential uses shall not be included in the allowable development density. Land set aside for open space shall be included in the allowable development density. For mixed use buildings where the gross floor area used for non-residential uses exceeds ten (10) percent of the total gross floor area, the entire footprint shall be considered as land reserved for non-residential uses.

Agency Comments

Baldwin County Highway Department, Weesie Jeffords:

I have the following comments for the Zoning PRD and Re-Zoning cases:

1. The plans submitted to receive the nationwide permit differ from the ones submitted for the proposed site layout.
2. A traffic impact study will be needed for the site and a commercial turnout with the Highway Department will be required for the access onto Roscoe Road.
3. The roadway infrastructure is not compliant with the County's Design standards. Inverted roads are not an acceptable design for roads to access individual subdivision lots.
4. No proposed sidewalks are on the site plans although the proposed plan has smaller lots and amenities in common areas.
5. The drainage report and infrastructure would be reviewed at the time of construction plan review of the subdivision. One item not in the provided report is a routing map of the site to show which areas are being described and calculated.

Army Corps of Engineers: No comments received.

ADEM: No comments received.

Subdivision: No comments received.

Staff Analysis and Findings

The requirements and standards for review and approval of Planned Developments are found at Article 9 in the *Baldwin County Zoning Ordinance*. According to Section 9.1, It is the purpose of this article to permit Planned Developments which are intended to encourage the development of land as planned communities, encourage flexible and creative concepts of site planning; preserve the natural amenities of the land by encouraging scenic and functional open areas; accomplish a more desirable environment than would be possible through the strict application of the minimum requirements of these ordinances; provide for an efficient use of land resulting in smaller networks of streets and utilities where access to regional systems is impractical and thereby lowering development and housing costs; and provide a stable environmental character compatible with surrounding areas. Specific variations in off-street parking and loading requirements, sign requirements, landscaping requirements and area and dimensional requirements, including lot sizes, lot widths, setbacks and building height, may be approved by the County Commission, upon recommendation by the Planning Commission, and shall be shown on the approved Final Site Plan.

Planned Residential Development (PRD) approval requires the submission of a final site plan. The process works in much the same way as a rezoning, and the Planning Commission will make a recommendation to the County Commission as to whether or not the PRD site plan should be approved.

A PRD final site plan shall be prepared by a licensed engineer, architect or land surveyor. The requirements for the site plan are found at Section 9.5.5.2 of the zoning ordinance and are listed as follows:

(a) Name and address of owner(s) of record.

(b) Proposed name of the planned development, date, north point, scale, and location.

- (c) Name of licensed engineer, architect or land surveyor.
- (d) Vicinity map showing the location of the planned development.
- (e) Exact boundaries of the site shown with bearings and distances.
- (f) Names and addresses of the owners of land immediately adjoining the site as their names appear upon the plats in the office of the county tax assessor and their addresses appear in the directory of the county or on the tax records of the county.
- (g) Wooded areas, wetlands and any other conditions affecting the site.
- (h) The location of existing streets, buildings, water courses, railroads, transmission lines, drainage structures, public utilities, jurisdiction lines, and any public utility easements on the site and on adjacent land within 100-feet of the site.
- (i) Proposed rights-of-way or easements including location, widths, purposes, and street names.
- (j) The location and size of all lots.
- (k) Proposed minimum building setback lines shown and labeled on each lot.
- (l) Proposed parks, school sites, or other public open spaces, if any.
- (m) Site data:
 - 1. Acreage in total tract.
 - 2. Smallest lot size.
 - 3. Total number of lots.
 - 4. Linear feet in streets.
 - 5. Amount of impervious surface.
 - 6. Density.
- (n) Any area within or adjacent within 100-feet of the proposed planned development subject to inundation by the base flood as defined herein, or subject to periodic inundation by storm drainage overflow or ponding, shall be clearly shown and identified on the site plan.
- (o) Special flood hazard areas and/or coastal high hazard areas as indicated on the latest Flood Insurance Rate Map (FIRM) for the area, along with a statement to that effect.
- (p) An acceptable wetlands jurisdictional determination from a certified environmental consultant if the proposed planned development contains wetlands or if the Zoning Administrator or his/her

designee determines potential wetlands from the Generalized Wetland map as defined herein, or through a site visit by County Staff.

(q) The name of each utility company proposed to provide water, sewer, electrical, and telephone service.

(r) Proposed land uses and the location of proposed buildings and other structures including walls and fences (when appropriate).

(s) Number and location of parking spaces.

(t) The method proposed to maintain private common open areas, buildings or other facilities, including copies of all legal documents necessary to accomplish this.

(u) A schedule of development (when appropriate).

(v) Topography, including existing contours at intervals of 2-feet.

(w) When the final site plan is part of a large scale PRD, the phase of the project and its location shall be given on the final development site plan.

As stated previously, the proposed development is to be known as Two Lakes, LLC Phase 1. The project narrative states that the general purpose of the proposed development is to build a recreational vehicle park community with a club house and a pool. The general character of the proposed development is recreational vehicle park with lots surrounding two lakes. A vast majority of the wetlands on the property will be preserved in its natural condition. The lots will be clustered on the North East side of the development to leave over 1/3 of the property in its natural condition. A POA will be created and the covenants and restrictions and maintenance requirements given to the POA will be recorded with the subdivision plat to ensure all common elements are maintained.

The Baldwin County Master Plan, 2013, provides a future land use designation of Commercial for the subject property. If the rezoning is approved, the Future Land Use Map will remain as the designation of Commercial. This category provides for retail and wholesale trade facilities which offer convenience and other types of goods and services. Institutional uses, recreational uses, mixed-use developments and transportation, communication and utility uses may be included in accordance with the Zoning Ordinance. Multiple family developments may also be included. Commercial uses should be located on major streets so as to be accessible to the residential population. Zoning designations may include RR, B-1, B-2, B-3, B-4, LB, RV-1, RV-2, MR and TR. Furthermore, a development of the size would be classified as a small scale planned development due to the fact it occupies at least five acres but less than 1000 acres.

This development consists of 39.97 acres but the applicant is asking for PRD approval for phase 1 only. Phase 1 consist of 45 lots with the largest lot being 3,613 square feet and the smallest being 3,200 square feet. Copies of the site plan and supporting documents are included as attachments to this staff report. Copies of the site plan and supporting documents are included as attachments to this staff report.

Staff has reviewed the submittals and has found that the request meets the requirements as setout above. Please note that PRD site plan approval does not represent subdivision approval. Where a planned development involves the subdivision of land, a subdivision plat shall be approved in accordance with the procedures established in the *Baldwin County Subdivision Regulations*. Subdivision review will come at a later.

Below in red are comments from the engineer addressing Highway Department's comments:

1. The plans submitted to receive the nationwide permit differ from the ones submitted for the proposed site layout. **Agreed. The updated plan (subdivision) has less impacts on the wetlands. I have added the new wetlands buffer line to the drawings attached.**
2. A traffic impact study will be needed for the site and a commercial turnout with the Highway Department will be required for the access onto Roscoe Road. **We will perform a traffic study when we pursue approval for Phase 2. Phase 1 is only 45 lots. We are obtaining a PRD for Phase 1 only.**
3. The roadway infrastructure is not compliant with the County's Design standards. Inverted roads are not an acceptable design for roads to access individual subdivision lots. **We will modify the drainage to meet the county standards with inlets in the gutters and a normal crown road. We will issue the updated drawings during the subdivision review.**
4. No proposed sidewalks are on the site plans although the proposed plan has smaller lots and amenities in common areas. **We are asking for no sidewalks as part of the PRD.**
5. The drainage report and infrastructure would be reviewed at the time of construction plan review of the subdivision. One item not in the provided report is a routing map of the site to show which areas are being described and calculated. **Noted. These areas will be in the report during the subdivision review.**

Staff Comments and Recommendation

In conclusion, the proposed Planned Residential Development (PRD) is to be known as Two Lakes, LLC. The subject property is currently undeveloped and is zoned B-3, General Business District, but is asking the property to be rezoned to RV-2 (Z-21023). It adjoins Roscoe Road to the east. If approved, the development would include 45 lots (Phase 1 only), for a density of 1.93 units per acre. The largest lot would be 3,613 square feet, and the smallest would be 3,200 square feet. The proposed open space would be 794,402 square feet (18.24 +/- acres).

If the rezoning from B-3, General Business District to RV-2, Recreational Vehicle Park District is approved and unless information to the contrary is revealed at the public hearing, staff recommends **APPROVAL** of Case Z-21026, Two Lakes, LLC Phase 1 Planned Residential Development (PRD) Site Plan, to the Baldwin County Commission. *

** On PRD site plan requests, the Planning Commission will be making a recommendation to the County Commission.*

Two Lakes, LLC

NARRATIVE



1290 Main Street Suite E
Daphne, AL 36526
Phone: 251 978-9779

Owner/Applicant: Two Lakes, LLC, Ray Lee (Owner / Applicant)
7883 Delta Woods Drive, Bay Minette, AL 36507

Tax Parcel:
05-61-07-35-0-002-007.000

Address of Property:
5651 Roscoe Road,
Gulf Shores, AL 36542

PPIN:
16828

I. GENERAL INFORMATION

Request: Preliminary PRD Approval

Ray Lee, on behalf of Two Lakes, LLC, requests recommendation for PRD approval to rezone 39.97 acres from B-3 to RV-2 PRD (Planned Residential Development) for a RV Park development containing 45 Phase 1 RV lots.

Location: The property is located at 5651 Roscoe Road in Gulf Shores. The property will have access to Roscoe Road via a private right-of-way and roadway known as Two Lakes Drive.

Why is Planning Commission action required?

We are requesting lot sizes that are smaller than the minimum required in the zoning ordinance. We are also requesting that there be no sidewalks in the ROW.

- The general purpose of the proposed development is to build a recreational vehicle park community with a club house and a pool. The general character of the proposed development is recreational vehicle park with lots surrounding two lakes.
- The project is compatible with the developments in the vicinity as it exists.

Present Zoning: B-3

Present Use: Undeveloped



LIEB ENGINEERING
CORPORATE

1290 Main Street Suite E
Daphne, AL 36526
Phone: 251 978-9779

The following table summarizes the proposed PUD.

<i>Description</i>	<i>Cottages</i>
Number of Lots	45
Average Lot Size	3,320 SF
Minimum Lot Size	3,200 SF
Maximum Lot Size	3,613 SF
Average Lot Width	43 feet
Minimum Lot Width	40 feet
Maximum Lot Width	49 feet
Front Setback	0 feet
Rear Setback	0 feet
Side Setbacks	0 feet
Street Side Setback	-
Building Footprint	N/A
Gross Floor Area	N/A
Building Height	1 floors, 40 feet
Sleeping Rooms	0
Parking	1 per lot plus 13 spaces in the club house.
Right-of-Way Width	50 feet
Roadway Width	28 feet
Sidewalks	No

STANDARDS

II. PUD DESIGN STANDARDS

The Zoning Ordinance asserts that all PRD proposals shall achieve one or more of the following design standard objectives:

- A maximum choice in the types of environment; occupancy tenure, such as cooperatives, individual ownership, condominium and leasehold; housing type; lot sizes; and community facilities available to existing and potential residents at all economic levels.

The development will consist of smaller clustered lots to not exceed the maximum allowable density per the zoning ordinance.

- Better utilization of sites characterized by special features of geographic location, topography, size or shape. (Section 7.03, J.)



LIEB ENGINEERING
CONSULTANTS

1290 Main Street Suite E
Daphne, AL 36526
Phone: 251 978-9779

A vast majority of the wetlands on the property will be preserved in its natural condition. The lots will be clustered on the North East side of the development to leave over 1/3 of the property in its natural condition.

An POA will be created and the covenants and restrictions and maintenance requirements given to the POA will be recorded with the subdivision plat to ensure all common elements are maintained.

Subject property

June 17, 2021



Subject property

6/17/21





Adjoining property
to the south



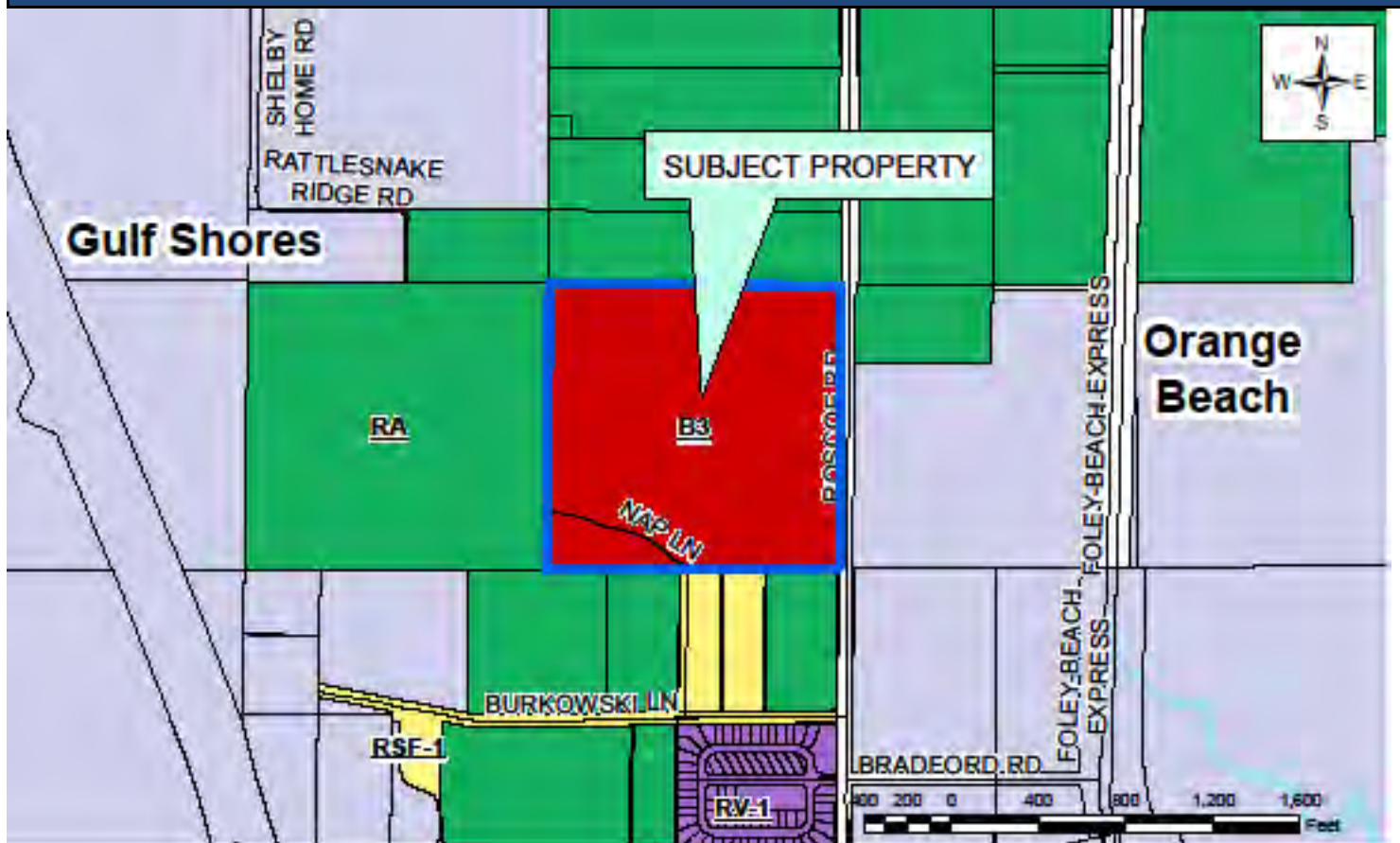
Adjoining property
to the north



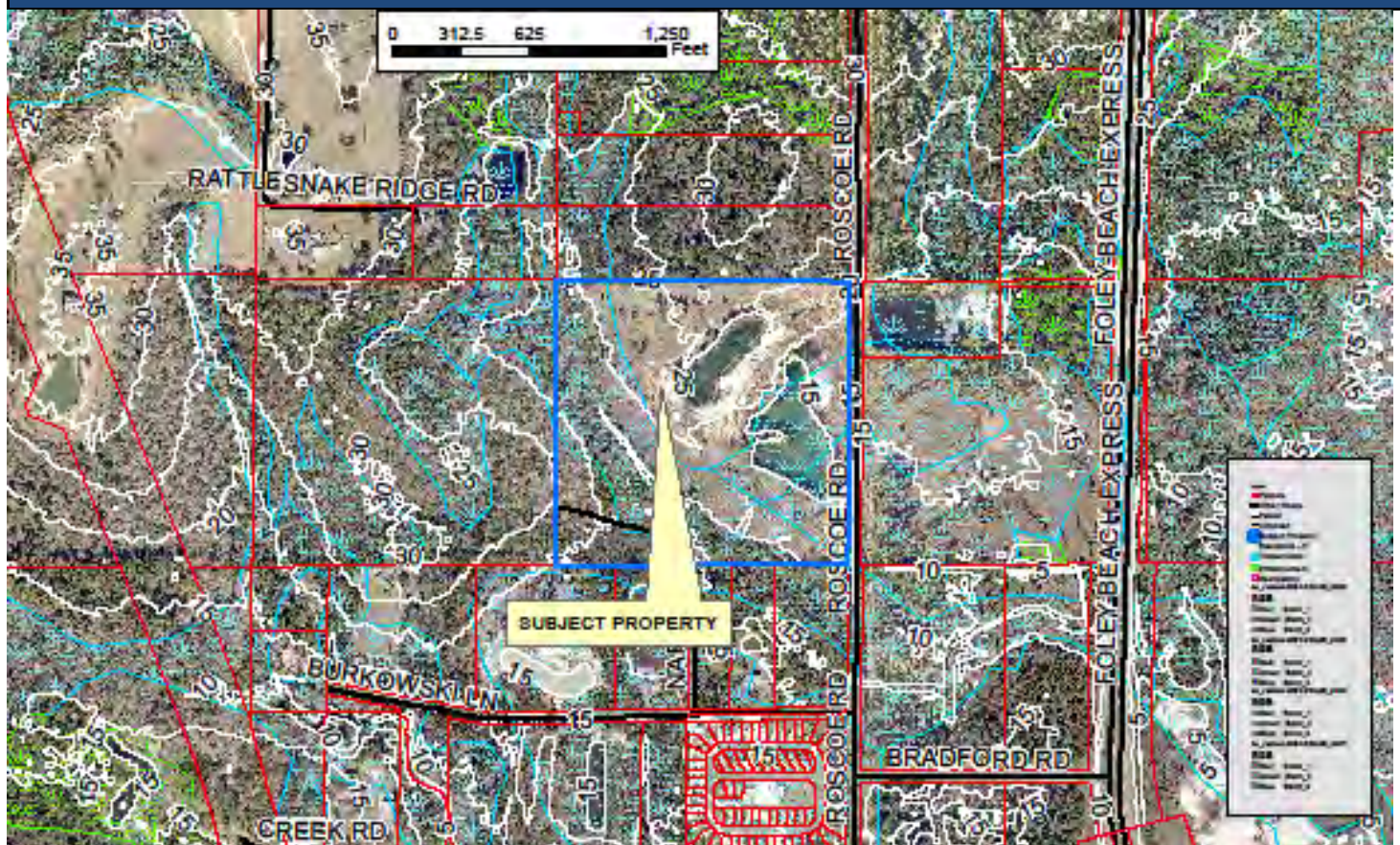
Property across
the street

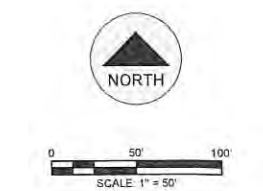
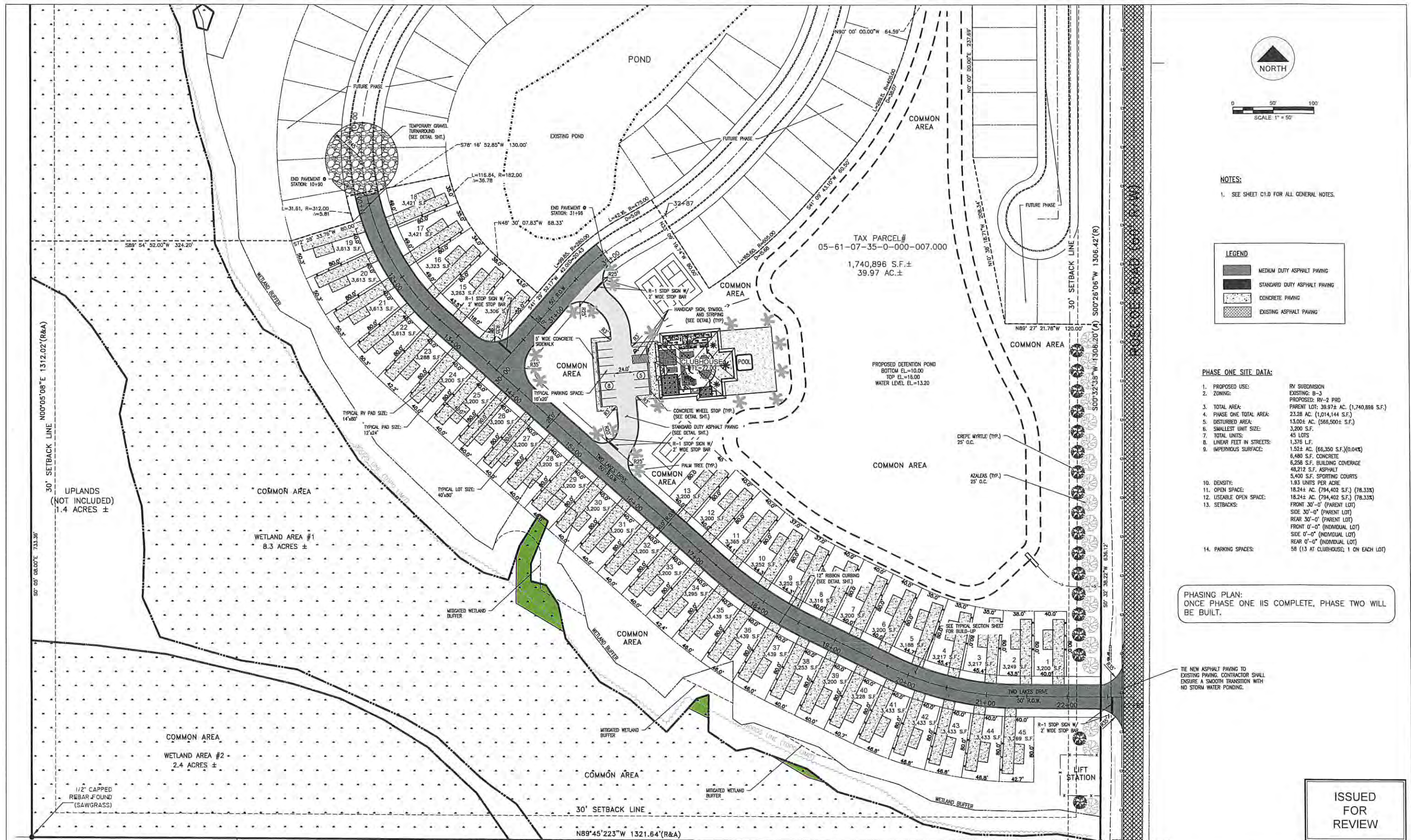


Locator Map



Site Map





NOTES:
1. SEE SHEET C1.0 FOR ALL GENERAL NOTES.

LEGEND	
	MEDIUM DUTY ASPHALT PAVING
	STANDARD DUTY ASPHALT PAVING
	CONCRETE PAVING
	EXISTING ASPHALT PAVING

PHASE ONE SITE DATA:	
1. PROPOSED USE:	RV SUBDIVISION
2. ZONING:	EXISTING: B-3 PROPOSED: RV-2 PRD
3. TOTAL AREA:	PARENT LOT: 39.97± AC. (1,740,886 S.F.)
4. PHASE ONE TOTAL AREA:	23.28 AC. (1,014,144 S.F.)
5. DISTURBED AREA:	13.00± AC. (568,500± S.F.)
6. SMALLEST UNIT SIZE:	3,200 S.F.
7. TOTAL UNITS:	45 LOTS
8. LINEAR FEET IN STREETS:	1,376 L.F.
9. IMPERVIOUS SURFACE:	1,52± AC. (66,350 S.F.) (0.04%) 6,480 S.F. CONCRETE 6,256 S.F. BUILDING COVERAGE 48,212 S.F. ASPHALT 5,400 S.F. SPORTING COURTS 1.93 UNITS PER ACRE
10. DENSITY:	18.24± AC. (794,402 S.F.) (78.33%)
11. OPEN SPACE:	18.24± AC. (794,402 S.F.) (78.33%)
12. USEABLE OPEN SPACE:	FRONT 30'-0" (PARENT LOT) SIDE 30'-0" (PARENT LOT) REAR 30'-0" (PARENT LOT) FRONT 0'-0" (INDIVIDUAL LOT) SIDE 0'-0" (INDIVIDUAL LOT) REAR 0'-0" (INDIVIDUAL LOT)
13. SETBACKS:	58 (13 AT CLUBHOUSE, 1 ON EACH LOT)
14. PARKING SPACES:	

PHASING PLAN:
ONCE PHASE ONE IS COMPLETE, PHASE TWO WILL BE BUILT.

THE NEW ASPHALT PAVING TO EXISTING PAVING, CONTRACTOR SHALL ENSURE A SMOOTH TRANSITION WITH NO STORM WATER PONDING.

ISSUED
FOR
REVIEW

REVISIONS	
A	ISSUED FOR REVIEW 06/26/21

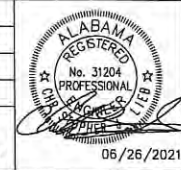


LIEB ENGINEERING COMPANY
1290 MAIN STREET, SUITE E
DAPHNE, AL 36526
PH: (251) 978-9779

NOT VALID WITHOUT THE DATED SIGNATURE AND SEAL OF AN ALABAMA LICENSED ENGINEER.
ALABAMA LICENSED ENGINEER: CHRISTOPHER JAY LIEB, P.E. LICENSE NUMBER 31204
ALABAMA CERTIFICATE OF AUTHORIZATION NUMBER: 4938

JOB NUMBER	DRAWN BY: JLG	DATE: 06/26/2021	SCALE: 1"=50'
2019-018	CHECKED BY: CJL	APPROVED BY: CJL	ENGR: CJL

TWO LAKES - PHASE ONE	
SITE PLAN	
GULF SHORES, AL	
OWNER:	
SHEET NUMBER	4 OF 13
C4.0	A
06/26/2021	





Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 7.g

Case No. Z-21025

Middleton Property

Rezone RA, Rural Agricultural District to RR, Rural District

July 8, 2021

Subject Property Information

Planning District: 12
General Location: Northwest Corner of County Road 64 and WD Gardner Road
Physical Address: 17702 County Road 64
Parcel Number: 05-42-01-12-0-000-021.001
Existing Zoning: RA, Rural Agricultural District
Proposed Zoning: RR, Rural District
Existing Land Use: Residential and Accessory Structure
Proposed Land Use: Auto Repair, Masonry Equipment (Contractor's Yard) and Office Uses
Acreage: 3.16± acres
Applicant: Chris Dean - Landmark
82 Plantation Pointe #191
Fairhope, AL 36532
Owner: Mary Janice Middleton
PO Box 690
Loxley, AL 36551
Lead Staff: Linda Lee, Planner
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Residential	RA, Rural Agricultural District
South	Agricultural	RA, Rural Agricultural District
East	Residential and Commercial	RA, Rural Agricultural District
West	Residential	RA, Rural Agricultural District

Summary

The subject property is currently zoned RA, Rural Agricultural District, and is currently occupied with a single-family dwelling and accessory structure. The property adjoins County Road 64 to the south and WD Gardner Road to the east. The adjoining properties are residential, commercial, and agricultural. The requested zoning designation is RR, Rural District. According to the submitted information, the purpose of this request is to allow for the existing accessory structure to be used for auto repair, masonry equipment (contractor's yard) and office.

Section 3.2 RA Rural Agricultural District

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

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

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

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

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

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

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

3.2.5 *Area and dimensional ordinances.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, *Section 12.4: Height Modifications*, *Section 12.5: Yard Requirements*, *Section*

12.6: Coastal Areas, Section 12.8: Highway Construction Setbacks, Section 18.6 Variances, and Article 20: Nonconformities, the area and dimensional ordinances set forth below shall be observed.

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

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

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

Proposed Zoning Requirements

Section 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

Baldwin County Highway Department:

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

Sent: Thursday, June 24, 2021 3:41 PM

To: D Hart <DHart@baldwincountyal.gov>

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

Subject: RE: Z-21025

DJ,

The site has existing driveway access via the private ingress/egress easement of WD Gardner Road.

Any new direct access to CR 64 will need a commercial turnout permit through the Highway Department Permit Section.

Thanks,
Weesie

Survey

<h2 style="margin: 0;">SURVEY SERVICES</h2> <p style="margin: 0;">FIRST INTERVIEW GROUP P.O. BOX 100 PA. 251 875-0751</p> <p style="margin: 0;">F-4416 SURVEY SERVICES (REV. 11/77)</p>		 <p style="margin: 0; font-size: small;">U.S. GOVERNMENT PRINTING OFFICE: 1977</p>															
<p>SPONS: N/P RAFF: CAMEL IMMAGINATION SURVEY REQUESTED BY: WALT WIRELESS</p>																	
<p>STATE: ALABAMA COUNTY: DADEPHY DISTRICT: TOWNSHIP: 5 SOUTH ROAD: 5 EAST PARCELS: 10-00-10-0-00-00-00 1000 0 10000 ADDRESS: 0700 COUNTY JAIL #1 JAIL #1, AL 36555</p>																	
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<p>VERIFY SURVEY</p> <p style="font-size: small;">To be filled out by the field interviewer and returned to the central office. It is the responsibility of the field interviewer to fill in the "Remarks" section of the form. It is the responsibility of the field interviewer to fill in the "Remarks" section of the form.</p>																	
<p style="text-align: center;">  J. J. J. Surveyor-in-Chief (Seal must contain signature of supervisor) </p> <p style="text-align: right; margin-top: 10px;"> FBI 8/11/77 8/20/77 </p>																	

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 (2) THE FIELD CATCHING FROM THE PLANT IS BAKED EXCELLENCE
 (3) THE FIELD CATCHING FROM THE PLANT IS BAKED EXCELLENCE

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PATIENT DESCRIPTION

[illegible]

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國立政治大學圖書館

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Journal: *Journal of Management Education*
Volume: 31(1)
Page: 101-115

- [illegible]



Staff Analysis and Findings

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

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

The subject property is currently zoned RA, Rural Agricultural District, and is occupied with a single-family dwelling and accessory structure. The adjacent properties are zoned RA. The adjacent uses are residential, commercial, and agricultural. The requested change is a rural designation which allows the proposed auto repair and contractor's yard with Special Exception approval from the Board of Adjustment. While staff believes the requested change is compatible with the existing development pattern and zoning of nearby properties, staff recognizes that the RR designation is almost like a rural light industrial designation providing significant latitude in use of the property.

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

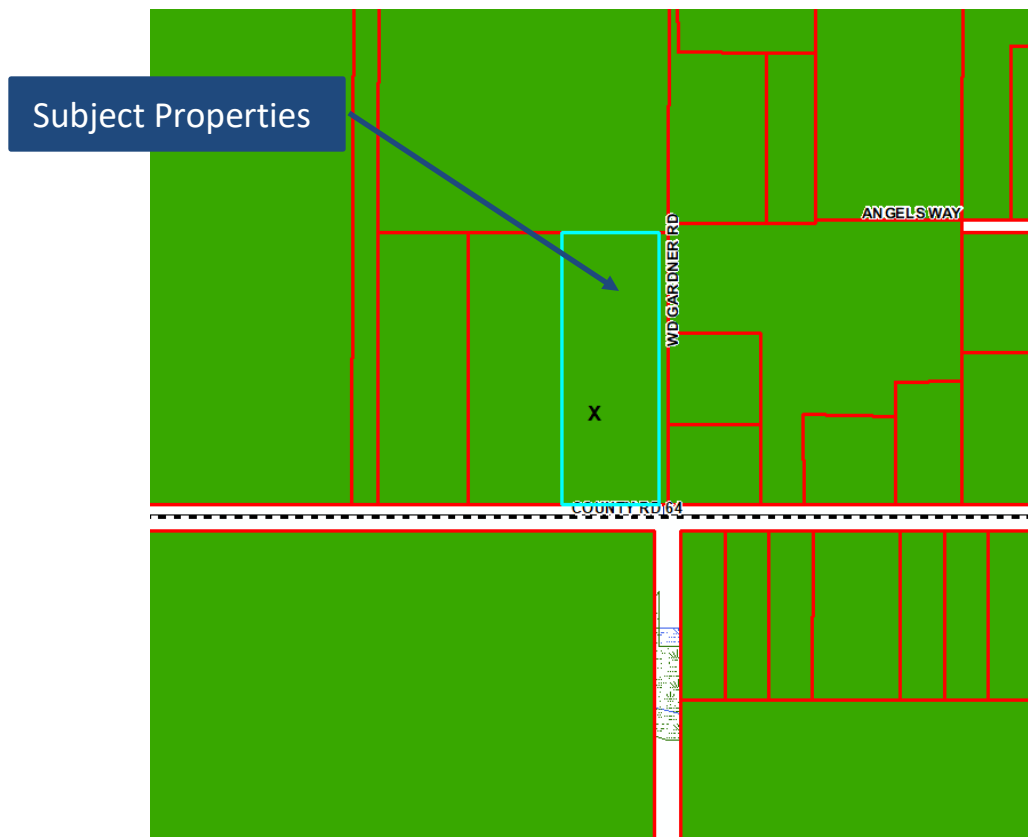
Planning District 12 zoning map was adopted in November 2006. The subject property was zoned RA, Rural Agricultural District at that time. The zoning designations in this area have remained RA since zoning was implemented.

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

The Baldwin County Master Plan, 2013, provides future land use designations for properties located within the zoned areas of the County. These categories represent the recommendations for the physical development of the unincorporated areas of the County. They are intended for planning purposes only and do not represent the adoption of zoning designations for areas which have not voted their desire to come under the zoning authority of the Baldwin County Commission. Although not legally binding, the future land use designations are evaluated in conjunction with criteria found in the Baldwin County Zoning Ordinance (Zoning Ordinance), the Baldwin County Subdivision Regulations, the Baldwin County Flood Damage Prevention Ordinance and any other ordinances and regulations which the County Commission may adopt.

The master plan provides a future land use designation of Agricultural for the subject property. Agriculture, forestry and similar activities are included with this future land use category. 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. Approval of this request will not require an amendment to the Future Land Use Map.

The proposed zoning change conforms to the Master Plan.



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

Staff is unaware of any planned public improvements.

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

Per the Federal Highway Administration, the functional classification of County Road 64 is major collector. In the rural environment, Collectors generally serve primarily intra-county travel (rather than statewide) and constitute those routes on which (independent of traffic volume) predominant travel distances are shorter than on Arterial routes. Consequently, more moderate speeds may be posted. WD Gardner Road is a private ingress/egress easement. Access to this site from County Road 64 would require approval from the Baldwin County Highway Department. If the applicant proposes to access the auto repair business from the private road, this could potentially adversely affect traffic patterns on said road.

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

The RR zoning designation allows for residential and agricultural uses which would be consistent with the development patterns in the area and appropriate for orderly development of the community. The proposed use would be allowed with Special Exception approval from the Board of Adjustment. There is currently a commercial use on the east side of WD Gardner Road.

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

This area of Planning District 12 consists mostly of rural zoning districts. Adjacent properties are zoned for agricultural uses. The proposed zoning designation is a rural designation which allows some commercial uses. Therefore, staff believes the proposed rezoning is a logical expansion of adjacent zoning districts.

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

Staff believes that timing is not a factor.

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

Staff is unaware of any environmental conditions or historic resources that would be adversely impacted by this request. The Alabama Department of Environmental Management (ADEM) provided no comments. However, automotive workshops carry out a range of activities which can lead to the pollution of waterways. Pollutants such as oil, dust, detergents, sediment, or other substances should not leave the site.

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

Staff anticipates no adverse impacts.

11.) Other matters which may be appropriate.

Per the applicant, the existing accessory structure was previously used as a truck repair and service shop.

Staff Comments and Recommendation

As stated previously, the subject property is currently zoned RA, Rural Agricultural District, and is currently occupied with a single-family dwelling and accessory structure. The property adjoins County Road 64 to the south and WD Gardner Road to the east. The adjoining properties are residential, commercial, and agricultural. The requested zoning designation is RR, Rural District. According to the submitted information, the purpose of this request is to allow for the existing accessory structure to be used for auto repair, masonry equipment (contractor's yard) and office.

Unless information to the contrary is revealed at the public hearing, staff feels this rezoning application should be recommended for **APPROVAL**.*

**On rezoning applications, the Planning Commission will be making a recommendation to the County Commission.*

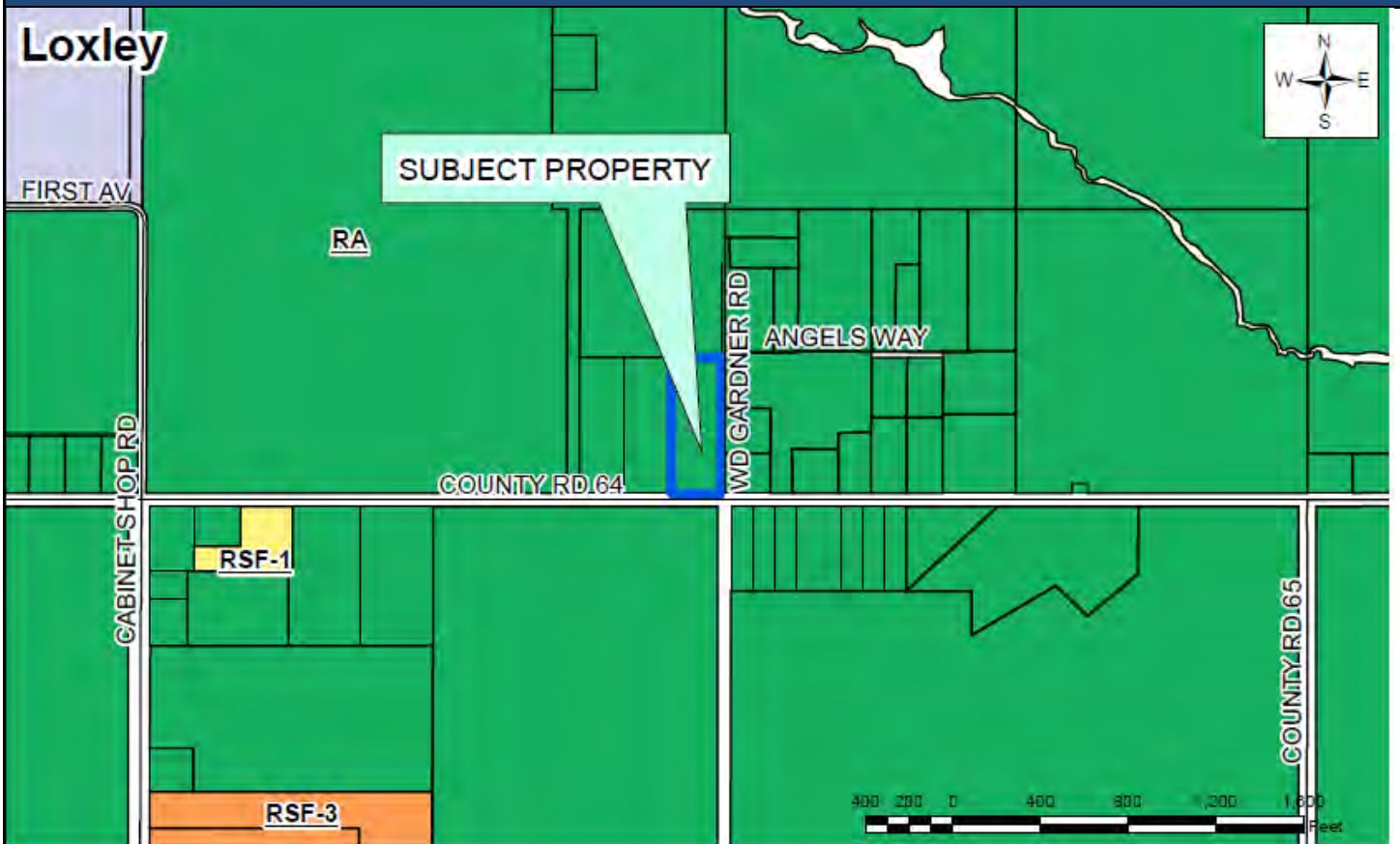
Property Images







Locator Map



Site Map





Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 8.h

Case No. TA-21002

Amendments to the *Baldwin County Zoning Ordinance*

Article 3, 4, 5, 6, 7, 8, 10, 12, 13, 18, 19, 21, 22, and 23

Site Plan Approval

July 8, 2021

Proposed Amendment Information

General Information: Amendments to Article 3, 4, 5, 6, 7, 8, 10, 12, 13, 18, 19, 21, 22, and 23 of the *Baldwin County Zoning Ordinance*, pertaining to Site Plan Approval.

Lead Staff: Matthew Brown, Interim Planning Director

Attachments: Text of Proposed Amendments

Summary and Recommendation

I. DISCUSSION:

Planning Commission Site Plan Approval

The purpose of Commission site plan approval is to allow the proper integration of uses into a community and zoning district. It is envisioned that the additional Planning Commission Site Plan Approval would not create an extra step for the applicant, as it would replace the Land Use Certificate approval process. The public hearing at the Planning Commission meeting would provide the community with an opportunity to work with the developer to modify the site in a manner that meets the community's needs. The Commission site plan approval process recognizes that certain uses, though technically permitted by zoning, are only suitable under certain conditions and at appropriate locations. Certain uses require special consideration so that the use may be properly located with respect to the objectives of this chapter and their effect on surrounding properties.

A Commission site plan approval must be heard by the Planning Commission. The Planning Commission, after a public hearing, will make the final decision to approve or deny the application. The Planning Commission shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed site plan approval. Upon its granting of the site plan approval, any such conditions must be met in connection with the issuance of County permits. These conditions may include but are not limited to increasing the required lot size or yard

dimensions; controlling the location and number of vehicle access points; increasing the number of off-street parking and loading spaces required; limiting the number, size and location of signs; and required fencing, screening, lighting, landscaping or other facilities to protect adjacent or nearby property.

The following uses are subject to the Commission site plan approval:

- (a) All multiple unit developments.
- (b) Non-residential projects involving a combined total building square footage of 5,000 square feet or more;
- (c) Non-residential development within 200 feet of property that is either zoned or used as residential;
- (d) Non-residential development where more than 30% of the lot (excluding the building) is impervious;
- (e) All changes to existing structures, other than single family residences, that increase the gross floor area by thirty percent (30%) or more;
- (f) All changes of use on non-residential properties, unless proposed use would be permitted with an administrative approval.

The Planning Commission review of an application for site plan approval shall include, but is not limited to, the following considerations:

1. The proposed use shall comply with all applicable regulations of the Zoning Ordinance or Subdivision Regulations or other applicable regulations.
2. The physical characteristics, topography and other features of the lot and the scale and physical design and other features of any new or existing buildings to be occupied by the use are suitable and adaptable for the proposed use without any modifications which would change the established character of the street or neighborhood setting.
3. The nature and intensity of operations of the use will not be objectionable to surrounding properties.
4. The use is not in such proximity to a religious facility, school, community center, recreation place, or other prominent place of community activity and public assembly so as to regularly conflict with such other activity and thereby constitute a danger to health, safety or general welfare.
5. The use will not unreasonably increase or introduce traffic congestion or safety hazards or impose traffic volumes on streets and street patterns which are deficient in width, design, sight distance, intersection configuration, or other typical standards necessary to accommodate such traffic changes. Adequate measures shall be taken to provide ingress and egress designed to minimize traffic congestion.
6. Adequate utilities exist or will be extended to adequately serve the site.
7. The use makes adequate provision for off-street parking in accordance with these regulations.
8. The use and the proposed design of building and other structure and site facilities for the use are appropriate in the proposed location and have incorporated reasonable efforts to harmonize with surrounding uses and mitigate any adverse impacts on surrounding uses, including but not limited to traffic congestion and hazards, untimely scheduling of activities, removal of trees and other

established natural features, and excessive stormwater runoff, noise, nuisance, odors, glare or vibration.

9. The cumulative impacts of the use in the proposed location will not unreasonably interfere with or diminish the continued use, preservation, stability, value, enjoyment, prosperity or growth of the neighborhood or community.
10. The effect of the proposed use on the other properties in the community and the enjoyment by the inhabitants of their properties, and whether it will materially affect the value of such properties and the use and enjoyment of such properties by the occupants and any other effect of such use on the health, welfare and safety of the occupants of such properties.
11. The use will not conflict in any way with the Master Plan.

II. Overview of Changes:

- Change the term “Land Use Certificate” to “Site Plan Approval”
- Create a Commission Site Plan Approval that would Replace All Conditional Uses and include some other categories.
- All other site plan approvals required by the zoning ordinance will be processed administratively.
- Special Exception categories would all be moved to the Commission Site Plan Approval.

III. RECOMMENDATION:

Staff recommends **APPROVAL** of Case TA-21002 and any additional administrative changes necessary to carry out the intent of this text change. *

**On text amendments to the zoning ordinance, the Planning Commission will make a recommendation to the County Commission.*

PROPOSED AMENDMENTS : See attachment

Article 3 Rural Districts

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: **Not applicable**

~~(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 Commission Site Plan Approval.~~ Except as provided by Section 2.3: *Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed ~~as conditional uses by the Commission site plan approval process:~~

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

(b) Light industrial uses.

(c) General commercial uses not permitted by right, except race track.

(d) Institutional uses not permitted by right, except correctional, detention, or penal institution and sanitarium.

(e) Boarding house, rooming house, lodging house, or dormitory.

(f) Fraternity or sorority house.

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

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: **Not Applicable**

~~(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~~ **Commission Site Plan Approval.** Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and

structures designed for such uses may be allowed ~~as conditional uses~~ by the site plan approval process:

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

(b) Institutional uses not permitted by right.

(c) The following general commercial uses: recreational vehicle park (see *Section 13.9: Recreational Vehicle Parks*).

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

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

Section 3.3 CR Conservation Resource District

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

3.3.2 *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 local commercial uses: fruit and produce store.
- (e) The following institutional uses: church or similar religious facility; school (public or private).
- (f) Agricultural uses.
- (g) Single family dwellings including manufactured housing and mobile homes.
- (h) Accessory structures and uses.

3.3.3 *Special exceptions.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed as special exceptions: **Not Applicable**

~~(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).~~

3.3.4 ~~*Conditional uses Commission Site Plan Approval.*~~ Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed **as conditional uses by the site plan approval process:**

(a) Institutional uses not permitted by right.

(b) The following general commercial uses: recreational vehicle park (see *Section 13.9: Recreational Vehicle Parks*).

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

3.3.5 *Area and dimensional regulations.* 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 regulations set forth below shall be observed.

Maximum Height of Structure in Feet	35
Minimum Front Yard	100-Feet
Minimum Rear Yard	100-Feet
Minimum Side Yards	50-Feet
Minimum Lot Area	5 Acres
Minimum Lot Width at Building Line	250-Feet
Minimum Lot Width at Street Line	250-Feet

Article 4 Residential Districts

Section 4.1 RSF-E, Residential Single Family Estate District

4.1.1 *Generally.* This zoning district is provided to afford the opportunity for the choice of a very low density residential environment consisting of single family homes on estate size lots.

4.1.2 *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) Agricultural uses.
- (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.

4.1.3 ~~*Conditional Uses Commission Site Plan Approval.*~~ Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed ~~as conditional uses by the site plan approval process:~~

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

4.1.4 *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: **Not Applicable**

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

4.1.5 *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-Feet
Maximum Height in Habitable Stories	2 1/2
Minimum Front Yard	40-Feet
Minimum Rear Yard	40-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	80,000 Square Feet
Minimum Lot Width at Building Line	165-Feet
Minimum Lot Width at Street Line	165-Feet
Maximum Ground Coverage Ratio	.35

4.1.6 *Area and dimensional modifications.* Within the RSF-E 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

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 Commission Site Plan Approval~~. Except as provided by Section 2.3: *Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed ~~as conditional uses by the site plan approval process~~:

(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.

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

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: **Not Applicable**

~~The following local commercial use: bed and breakfast or tourist home (see Section 13.11: *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
Maximum Height in Habitable Stories	2 1/2
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 4.3 RSF-2, Single Family District

4.3.1 *Generally.* This zoning district is provided to afford the opportunity for the choice of a moderate density residential environment consisting of single family homes.

4.3.2 *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.

4.3.3 ~~Conditional uses~~ *Commission Site Plan Approval.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed ~~as conditional uses by the site plan approval process~~:

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

4.3.4 *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: ~~Not Applicable~~

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

4.3.5 *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
Maximum Height in Habitable Stories	2 1/2
Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	15,000 Square Feet
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	40-Feet
Maximum Ground Coverage Ratio	.35

Section 4.4 RSF-3, Single Family District

4.4.1 *Generally.* This zoning district is provided to afford the opportunity for the choice of a moderate density residential environment consisting of single family homes.

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

- (a) The following general industrial uses: extraction or removal of natural resources on or under land.
- (b) The following transportation, communication, and utility uses: water well (public or private).
- (c) The following 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.

4.4.3 ~~Conditional Uses~~ *Commission Site Plan Approval.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed ~~as conditional uses by the site plan approval process~~:

- (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.

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

4.4.4 *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: **Not Applicable**

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

4.4.5 *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
Maximum Height in Habitable Stories	2 1/2
Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	10,000 Square Feet
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	40-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 Commission Site Plan Approval~~. Except as provided by Section 2.3: *Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed ~~as conditional uses by the site plan approval process~~:

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

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: **Not Applicable**

~~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
Maximum Height in Habitable Stories	2 1/2
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

Section 4.6 RTF-4, Two Family District

4.6.1 *Generally.* The intent of this zoning designation is to provide the opportunity for two family residential development.

4.6.2 *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) Two family dwellings.
- (e) Single family dwellings including manufactured housing and mobile homes.
- (f) Accessory structures and uses.
- (g) The following institutional use: church or similar religious facility.

4.6.3 ~~*Conditional uses Commission Site Plan Approval.*~~ Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed ~~as conditional uses by the site plan approval process:~~

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

4.6.4 *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: ~~Not Applicable~~

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

4.6.5 *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
Maximum Height in Habitable Stories	2 1/2
Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Maximum Density	4 Dwelling Units per Acre
Minimum Lot Area/Dwelling Unit	7,500 Square Feet
Minimum Lot Width at Building Line	60-Feet
Minimum Lot Width at Street Line	30-Feet
Ground Coverage Ratio	.35

Section 4.7 RSF-6, Single Family District

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

4.7.2 *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.

4.7.3 ~~Conditional Uses~~ *Commission Site Plan Approval.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed ~~as conditional uses by the site plan approval process~~:

- (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.

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

(e) Boarding house, rooming house, lodging house, or dormitory.

(f) Fraternity or sorority house.

4.7.4 *Special exceptions.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed as special exceptions: **Not Applicable**

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

~~(b) Boarding house, rooming house, lodging house, or dormitory.~~

~~(c) Fraternity or sorority house.~~

4.7.5 *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
Maximum Height in Habitable Stories	2 1/2
Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area per Unit	6,500 Square Feet
Minimum Lot Width at Building Line	60-Feet
Minimum Lot Width at Street Line	30-Feet
Maximum Ground Coverage Ratio	.35

Section 4.8 RTF-6, Two Family District

4.8.1 *Generally.* The intent of this zoning designation is to provide the opportunity for two family residential development.

4.8.2 *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) Two family dwellings.
- (e) Single family dwellings including manufactured housing and mobile homes.
- (f) Accessory structures and uses.
- (g) The following institutional use: church or similar religious facility.

4.8.3 ~~Conditional uses~~ *Commission Site Plan Approval*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed ~~as conditional uses by the site plan approval process~~:

- (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.
- (d) The following local commercial use: bed and breakfast or tourist home (see *Section 13.11: Bed and Breakfast Establishments*).
- (e) Boarding house, rooming house, lodging house, or dormitory.
- (f) Fraternity or sorority house.

4.8.4 *Special exceptions.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed as special exceptions: ~~Not Applicable~~

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

~~(b) Boarding house, rooming house, lodging house, or dormitory.~~

~~(c) Fraternity or sorority house.~~

4.8.5 *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
Maximum Height in Habitable Stories	2 1/2
Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Maximum Density	6 Dwelling Units per Acre
Minimum Lot Area per Unit	6,500 Square Feet
Minimum Lot Width at Building Line	60-Feet
Minimum Lot Width at Street Line	30-Feet
Maximum Ground Coverage Ratio	.35

Section 4.9 RMF-6, Multiple Family District

4.9.1 *Generally.* The intent of this zoning designation is to provide the opportunity for multiple family residential development.

4.9.2 *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) Multiple family dwellings.
- (e) Two family dwellings.
- (f) Single family dwellings including manufactured housing and mobile homes.
- (g) Accessory structures and uses.
- (h) The following institutional use: church or similar religious facility.

4.9.3 ~~*Conditional Uses Commission Site Plan Approval.*~~ Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed ~~as conditional uses by the site plan approval process~~:

- (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.
- (d) The following local commercial use: bed and breakfast or tourist home (see *Section 13.11: Bed and Breakfast Establishments*).
- (e) Boarding house, rooming house, lodging house, or dormitory.
- (f) Fraternity or sorority house.

4.9.4 *Special exceptions.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed as special exceptions: **Not Applicable**

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

~~(b) Boarding house, rooming house, lodging house, or dormitory.~~

~~(c) Fraternity or sorority house.~~

4.9.5 *Area and dimensional ordinances (single family and two family).* 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
Maximum Height in Habitable Stories	2 1/2
Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Maximum Density	6 Dwelling Units per Acre
Minimum Lot Area/Dwelling Unit	6,500 Square Feet
Minimum Lot Width at Building Line	60-Feet
Minimum Lot Width at Street Line	30-Feet
Maximum Ground Coverage Ratio	.35

4.9.6 *Area and dimensional ordinances (multiple family).* 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
Maximum Height in Habitable Stories	3
Minimum Front Yard	25-Feet
Minimum Rear Yard	25-Feet
Minimum Side Yards	25-Feet
Maximum Density	6 Dwelling Units per Acre
Minimum Lot Area	22,000 Square Feet
Minimum Lot Width at Building Line	100-Feet
Minimum Lot Width at Street Line	50-Feet
Maximum Ground Coverage Ratio	.80

4.9.7 *Townhouses.* 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
Maximum Height in Habitable Stories	2 1/2

Minimum Front Yard	25-Feet
Minimum Rear Yard	25-Feet
Minimum Side Yards	10-Feet (exterior wall side yards)
Maximum Density	6 Dwelling Units per Acre
Minimum Lot Area/Dwelling Unit	2,500 Square Feet
Minimum Lot Width at Building Line	25-Feet
Minimum Lot Width at Street Line	25-Feet
Maximum Ground Coverage Ratio	.80

Section 4.10 HDR, High Density Residential District

4.10.1 *Generally.* The intent of this zoning designation is to provide the opportunity for multiple family residential development, including apartments, condominiums, duplexes and townhouses, in a high density setting.

4.10.2 *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) Extraction or removal of natural resources on or under land.
- (b) Water well (public or private).
- (c) Silviculture.
- (d) Multiple family dwellings (apartments and condominiums).
- (e) Two family dwellings.
- (f) Townhouses.
- (g) Single Family Dwellings.
- (h) Accessory structures and uses.
- (i) Church or similar religious facility.

4.10.3 ~~Conditional Uses Commission Site Plan Approval~~. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed ~~as conditional uses by site plan approval process~~:

- (a) Outdoor recreation uses.
- (b) The following institutional uses: day care home; fire station; school (public or private).
- (c) Country club.

4.10.4 *Area and dimensional ordinances (single family and two family).* 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
Maximum Height in Habitable Stories	2 1/2
Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Maximum Density	12 Dwelling Units per Acre
Minimum Lot Area/Dwelling Unit	6,500 Square Feet
Minimum Lot Width at Building Line	60-Feet
Minimum Lot Width at Street Line	30-Feet
Maximum Ground Coverage Ratio	.35

4.10.5 Area and dimensional ordinances (multiple family). 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	50
Maximum Height in Habitable Stories	4
Minimum Front Yard	25-Feet
Minimum Rear Yard	25-Feet
Minimum Side Yards	25-Feet
Maximum Density	12 Dwelling Units per Acre
Minimum Lot Area	22,000 Square Feet
Minimum Lot Width at Building Line	100-Feet
Minimum Lot Width at Street Line	50-Feet
Maximum Ground Coverage Ratio	.80

4.10.6 Townhouses. 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
Maximum Height in Habitable Stories	2 1/2
Minimum Front Yard	25-Feet
Minimum Rear Yard	25-Feet
Minimum Side Yards	10-Feet (exterior wall side yards)
Maximum Density	12 Dwelling Units per Acre
Minimum Lot Area/Dwelling Unit	2,500 Square Feet
Minimum Lot Width at Building Line	25-Feet
Minimum Lot Width at Street Line	25-Feet
Maximum Ground Coverage Ratio	.80

4.10.7 *Open space requirement.* A minimum of 10% of the gross land area developed under the HDR designation shall be set aside as permanent open space to include amenities, common areas and recreation facilities.

4.10.8 *Lighting standards.* The maximum height of exterior lights shall be 25-feet. The intensity, location, and design of lighting shall be such that not more than one-foot candle of light is cast upon adjacent property or public rights-of-way. Light fixtures shall be designed to cast light downward. Where necessary, cut-off devices shall be used to minimize glare off premises. No light shall be aimed directly toward properties designated single family residential, which are located within 200-feet of the source of the light.

4.10.9 *Landscaping and buffering.* All HDR, High Density Residential District, properties shall meet the requirements of *Article 17: Landscaping and Buffers*.

4.10.10 HDR, High Density Residential District, shall not be available in Planning District 25.

Section 4.11 RMH, Residential Manufactured Housing Park District

4.11.1 *Generally.* The intent of this zoning district is to provide the opportunity for manufactured housing parks.

4.11.2 *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) Mobile home/manufactured home.
- (e) Manufactured Housing Park.
- (f) Accessory structures and uses.
- (g) The following institutional use: church or similar religious facility.

4.11.3 ~~Conditional Uses Commission Site Plan Approval~~. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed ~~as conditional uses by site plan approval process~~:

- (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.

4.11.4 *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.

(a) *Development area.* A manufactured housing park shall have a minimum lot area of 1 contiguous acre.

(b) *Space size.* Each manufactured housing space shall have a minimum area of 5,000 square feet and a minimum width of fifty (50) feet for single wide homes and a minimum area of 6,500 square feet and a minimum width of fifty (50) feet for multisectional units. Manufactured housing parks not served by a public water or sewer system may have larger minimum area requirements as established by the Health Department.

(c) *Setbacks.*

1. Each manufactured housing park shall have a front yard of 50-feet extending for the full width of the subject parcel.

2. Each manufactured housing park shall have a rear yard and a side yard on both sides of the parcel devoted to said use of not less than 30-feet.

3. There shall be a front yard setback of at least 10-feet from all interior park roads.

4. Manufactured homes shall be so located on each space that there shall be at least a 20-foot clearance between manufactured homes. Where manufactured homes are parked end to end, the end to end clearance may not be less than 20-feet and shall not be less than 20-feet to any building within the park.

(d) *Density.* The maximum density of a manufactured housing park shall not exceed six (6) spaces per acre.

(e) *Height.* The maximum height of a structure shall not exceed 35-feet.

4.11.5 *Compliance with Subdivision Regulations.* All manufactured housing parks are subject to the provisions of *Article 9: Manufactured Housing Parks* of the *Baldwin County Subdivision Regulations*.

Article 5 Commercial Districts

Section 5.1 B-1, Professional Business District

5.1.1 *Purpose and intent.* The B-1, Professional Business and Office District, is intended to allow a concentration of office type buildings and land uses that are most compatible with, and located near, residential areas. Most B-1 commercial, professional and business office districts will be placed in close proximity to residential areas, and therefore serve as a transitional zoning district between residential areas and higher intensity commercial zoning districts. The types of office uses permitted are those that do not have high traffic volumes throughout the day, which extend into the evening hours. They will have morning and evening short-term peak conditions. The market support for these office uses should be those with a localized basis of market support as opposed to office functions requiring inter-jurisdictional and regional market support. Because office functions have significant employment characteristics, which are compounded when aggregations occur, certain personal service uses shall be permitted, to provide a convenience to office-based employment. Such convenience commercial uses shall be made an integral part of an office building as opposed to the singular use of a building.

5.1.2 *Permitted uses.* The following uses are permitted as of right, or as uses accessory to permitted uses in the B-1, Professional Business and Office District, conditioned on the Commission Site Plan Approval requirements of Section 18.##11:

- | | |
|---|--|
| (a) Accessory structures and uses | (j) Fire station |
| (b) Bank | (k) Laboratory (scientific, medical or dental) |
| (c) Barber shop or beauty parlor | (l) Library |
| (d) Child care center | (m) Office |
| (e) Child care institution | (n) Optician |
| (f) Church or similar religious facility | (o) Police station |
| (g) Clinic or dentist office (medical, dental, psychiatric) | (p) Post office |
| (h) Club or lodge | (q) School (public or private) |
| (i) Extraction or removal of natural resources on or under land | (r) Silviculture |
| | (s) Studio for dance, music, photography, painting, etc. |
| | (t) Water well (public or private) |

5.1.3 ~~Conditional uses~~Commission Site Plan Approval. The following uses are permissible as ~~conditional uses~~Commission Site Plan Approval uses in the B-1 Commercial Professional and Business Office District, subject to the standards

and procedures established in Section 18.11: ~~Conditional Uses~~Commission Site Plan Approval:

- (a) Arboretum
- (b) Ball field
- (c) Golf course
- (d) Park or playground
- (e) Riding academy
- (f) Swimming pool (outdoor)
- (g) Tennis court (outdoor)
- (h) Wildlife sanctuary
- (i) Dwellings, in combination with commercial uses, subject to the standards listed under Section 5.1.4: *Mixed uses*

5.1.4 *Mixed uses*. Mixed residential and commercial uses may be permissible as ~~conditional uses~~Commission Site Plan Approval uses in the (B-1) commercial professional and Business office district, subject to the standards and procedures established in Section 18.11: ~~Conditional Uses~~Commission Site Plan Approval, and subject to the following criteria:

- (a) The commercial uses in the development may be limited in hours of operation, size of delivery trucks, and type of equipment;
- (b) The residential uses shall be designed so that they are compatible with the commercial uses;
- (c) Residential and commercial uses shall not occupy the same floor of a building;
- (d) Residential and commercial uses shall not share the same entrances;
- (e) The number of residential dwelling units shall be controlled by the dimensional standards of the B-1 district. A dwelling unit density of .5 (1/2) dwelling units per 1,000 square feet of the gross floor area devoted to commercial uses, may be allowed (structures with less than 2,000 square feet devoted to commercial uses shall be allowed one dwelling unit). In no case, however, shall the overall dwelling unit density for a mixed use project exceed 4 dwelling units per acre;
- (f) Building height shall not exceed three stories;
- (g) A minimum of 30 percent of the mixed use development shall be maintained as open space. The following may be used to satisfy the open space requirements: areas used to satisfy water management requirements, landscaped areas, recreation areas, or setback areas

not covered with impervious surface or used for parking (parking lot islands may not be used unless existing native vegetation is maintained);

(h) The mixed commercial/residential structure shall be designed to enhance compatibility of the commercial and residential uses through such measures as, but not limited to, minimizing noise associated with commercial uses; directing commercial lighting away from residential units; and separating pedestrian and vehicular access ways and parking areas from residential units, to the greatest extent possible, and;

(i) Off-street parking spaces for the mixed residential and commercial uses shall be the sum total of the residential and commercial uses computed separately (See *Article 15: Parking and Loading Requirements*).

5.1.5 *Area and dimensional ordinances.*

Maximum Height of Structure in Feet	35
Maximum Height of Structure in Habitable Stories	2 1/2
Minimum Front Yard	30-Feet
Minimum Rear Yard	25-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	20,000 Square Feet
Maximum Impervious Surface Ratio	.60
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	60-Feet

5.1.6 *Lighting standards.* The maximum height of exterior lights shall be 25-feet. The intensity, location, and design of lighting shall be such that not more than one foot candle of light is cast upon adjacent property or public rights-of-way. Light fixtures shall be designed to cast light downward. Where necessary, cut-off devices shall be used to minimize glare off premises. No light shall be aimed directly toward a property designated residential, which is located within 200-feet of the source of the light.

5.1.7 *Distance between structures.* If there is a separation between any two principal structures on the same parcel, said separation shall be a minimum of 15-feet or a distance equal to one-half the sum of their heights, whichever is the greater.

5.1.8 *Landscaping and buffering.* All B-1, Professional Business and Office District, uses shall meet the requirements of *Article 17: Landscaping and Buffers*.

Section 5.2 B-2, Neighborhood Business District

5.2.1 *Purpose and intent.* The purpose and intent of the B-2 Neighborhood Business District is to provide a limited commercial convenience facility, servicing nearby residential neighborhoods, planned and developed as an integral unit.

5.2.2 *Permitted uses.* The following uses are permitted as of right, or as uses accessory to permitted uses in the B-2, Neighborhood Business District, conditioned on the Commission Site Plan Approval requirements of Section 18.11:

- | | |
|--|--|
| (a) All uses permitted by right under the B-1 zoning designation | (v) Floor covering sales or service |
| (b) Antique store | (w) Florist |
| (c) Apparel and accessory store | (x) Fraternity or sorority house |
| (d) Appliance store including repair | (y) Fruit and produce store |
| (e) Art gallery or museum | (z) Gift shop |
| (f) Art supplies | (aa) Hardware store, retail |
| (g) Bait store | (bb) Ice cream parlor |
| (h) Bakery retail | (cc) Interior decorating shop |
| (i) Bed and breakfast or tourist home | (dd) Laundry, self service |
| (j) Bicycle sales and service | (ee) Lawnmower sales and service |
| (k) Boarding, rooming or lodging house, dormitory | (ff) Locksmith |
| (l) Book store | (gg) Music store |
| (m) Café | (hh) Neighborhood convenience store |
| (n) Camera and photo shop | (ii) News stand |
| (o) Candy store | (jj) Paint and wallpaper store |
| (p) Catering shop or service | (kk) Picture framing and/or mirror silvering |
| (q) Copy shop | (ll) Restaurant |
| (r) Delicatessen | (mm) Shoe repair shop |
| (s) Discount/variety store (not to exceed 8,000 square feet) | (nn) Shoe store |
| (t) Drug store (not to exceed 8,000 square feet) | (oo) Sign shop |
| (u) Fixture sales | (pp) Sporting goods store |
| | (qq) Tailor shop |
| | (rr) Tobacco store |
| | (ss) Toy store |

5.2.3 ~~Conditional uses~~Commission Site Plan Approval. The following uses are permissible as conditional-Commission Site Plan Approval uses in the B-2, Neighborhood Business District, subject to the standards and procedures established in Section 18.11: ~~Conditional Uses~~Commission Site Plan Approval:

- | | |
|--|---|
| (a) Air conditioning sales and service | (q) Park or playground |
| (b) Amusement arcade | (r) Pawn shop |
| (c) Animal clinic/kennels | (s) Pet shop |
| (d) Arboretum | (t) Plumbing shop |
| (e) Ball field | (u) Restaurant sales and supplies |
| (f) Business machine sales and service | (v) Riding academy |
| (g) Car wash | (w) Rug and/or drapery cleaning service |
| (h) Country club | (x) Seafood store |
| (i) Discount/variety store (exceeding 8,000 square feet) | (y) Swimming pool (outdoor) |
| (j) Drug store (exceeding 8,000 square feet) | (z) Tennis court (outdoor) |
| (k) Exterminator service office | (aa) Water storage tank |
| (l) Golf course | (bb) Wildlife sanctuary |
| (m) Liquor store | (cc) Wireless telecommunication facility |
| (n) Mini-warehouse | (dd) Dwellings, in combination with commercial uses, subject to the standards listed under <i>Section 5.2.4: Mixed uses</i> |
| (o) Night club, bar, tavern | |
| (p) Office equipment and supplies sales | |

5.2.4 *Mixed uses.* Mixed residential and commercial uses may be permissible as conditional uses in the B-2 Neighborhood Business District, subject to the standards and procedures established in *Section 18.11: ~~Conditional Uses~~Commission Site Plan Approval*, and subject to the following criteria:

- (a) The commercial uses in the development may be limited in hours of operation, size of delivery trucks and type of equipment.
- (b) The residential uses shall be designed so that they are compatible with the commercial uses.
- (c) Residential and commercial uses shall not occupy the same floor of a building.
- (d) Residential and commercial uses shall not share the same entrances.
- (e) The number of residential dwelling units shall be controlled by the dimensional standards of the B-2 district. A dwelling unit density of .5 (1/2) dwelling units per 1,000 square feet of the gross floor area devoted to commercial uses, may be allowed (structures with less than 2,000 square feet devoted to commercial uses shall be allowed one

dwelling unit). In no case, however, shall the overall dwelling unit density for a mixed use project exceed 4 dwelling units per acre.

(f) Building height shall not exceed three stories.

(g) A minimum of 30 percent of the mixed use development shall be maintained as open space. The following may be used to satisfy the open space requirements: areas used to satisfy water management requirements, landscaped areas, recreation areas, or setback areas not covered with impervious surface or used for parking (parking lot islands may not be used unless existing native vegetation is maintained).

(h) The mixed commercial/residential structure shall be designed to enhance compatibility of the commercial and residential uses through such measures as, but not limited to, minimizing noise associated with commercial uses; directing commercial lighting away from residential units; and separating pedestrian and vehicular access ways and parking areas from residential units, to the greatest extent possible.

(i) Off-street parking spaces for the mixed residential and commercial uses shall be the sum total of the residential and commercial uses computed separately (See *Article 15: Parking and Loading Requirements*).

5.2.5 *Area and dimensional ordinances.*

Maximum Height of Structure in Feet	35
Maximum Height of Structure in Habitable Stories	2 1/2
Minimum Front Yard	30-Feet
Minimum Rear Yard	25-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	20,000 Square Feet
Maximum Impervious Surface Ratio	.60
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	60-Feet

5.2.6 *Lighting standards.* The maximum height of exterior lights shall be 25-feet. The intensity, location, and design of lighting shall be such that not more than one foot candle of light is cast upon adjacent property or public rights-of-way. Light fixtures shall be designed to cast light downward. Where necessary, cut-off devices shall be used to minimize glare off premises. No light shall be aimed directly toward a property designated residential, which is located within 200-feet of the source of the light.

5.2.7 *Distance between structures.* If there is a separation between any two principal structures on the same parcel, said separation shall be a minimum of 15-feet or a distance equal to one-half the sum of their heights, whichever is the greater.

5.2.8 *Landscaping and buffering.* All B-2, Neighborhood Business District, uses shall meet the requirements of *Article 17: Landscaping and Buffers*.

Section 5.3 B-3, General Business District

5.3.1 *Purpose and intent.* The purpose of this district is to provide for a variety of retail uses and services in free-standing parcels or shopping centers to serve the community's general commercial needs. This district shall only be applied at appropriate locations: to conveniently meet these needs; in conformance with the goals, objectives and policies and location criteria of the Comprehensive Plan; compatible with the surrounding land uses and zoning districts; where it will not adversely impact the facilities and services of the County; where it will not set a precedent for the introduction of inappropriate uses into an area; and so as not to encourage non-residential strip development along streets

5.3.2 *Permitted uses.* The following uses are permitted as of right, or as uses accessory to permitted uses in the B-3, General Business District, conditioned on the Commission Site Plan Approval requirements of Section 18.11:

- | | |
|--|--|
| (a) All uses permitted by right under the B-2 zoning designation | (aa) Fraternity or sorority house |
| (b) Air conditioning sales and service | (bb) Fruit and produce store |
| (c) Amusement arcade | (cc) Funeral home |
| (d) Animal clinic/kennel | (dd) Golf course |
| (e) Arboretum | (ee) Golf driving range |
| (f) Auto convenience market | (ff) Grocery store |
| (g) Automobile service station | (gg) Landscape sales |
| (h) Bakery, wholesale | (hh) Marine store and supplies |
| (i) Ball field | (ii) Miniature golf |
| (j) Bicycle sales and service | (jj) Mini-warehouse |
| (k) Bowling alley | (kk) Night club, bar, tavern |
| (l) Business machine sales and service | (ll) Nursery |
| (m) Business school or college | (mm) Office equipment and supplies sales |
| (n) Butane gas sales | (nn) Park or playground |
| (o) Cemetery | (oo) Pawn shop |
| (p) City hall or courthouse | (pp) Pet shop |
| (q) Country club | (qq) Plumbing shop |
| (r) Department store | (rr) Printing/publishing establishment |
| (s) Discount/variety store | (ss) Restaurant sales and supplies |
| (t) Drug store | (tt) Riding academy |
| (u) Elevator maintenance service | (uu) Rug and/or drapery cleaning service |
| (v) Exterminator service office | (vv) Seafood store |
| (w) Farmer's market/truck crops | (ww) Sign shop |
| (x) Firing range | (xx) Skating rink |
| (y) Fitness center or gym | (yy) Stone monument sales |
| (z) Florist | (zz) Swimming pool (outdoor) |

(aaa) Taxidermy
(bbb) Teen club or youth center
(ccc) Tennis court (outdoor)

(ddd) Wildlife sanctuary
(eee) YMCA, YWCA

5.3.3 ~~Conditional uses~~Commission Site Plan Approval. The following uses are permissible as ~~conditional~~Commission Site Plan Approval uses in the B-3: General Commercial District, subject to the standards and procedures established in Section 18.11: ~~Conditional Use~~Commission Site Plan Approval:

- | | |
|--|---|
| (a) Airport | (x) Hospital |
| (b) Ambulance/EMS service | (y) Landfill |
| (c) Amusement park | (z) Maintenance |
| (d) Armory | facility/storage yard for |
| (e) Auditorium, stadium, coliseum | schools, government agencies, and telephone and cable companies |
| (f) Automobile parts sales | (aa) Manufactured housing sales, service and repair |
| (g) Automobile repair (mechanical and body) | (bb) Marina |
| (h) Automobile storage (parking lot, parking garage) | (cc) Motorcycle sales service and repair |
| (i) Barge docking | (dd) Movie theatre |
| (j) Boat sales and service | (ee) Radio/television tower |
| (k) Broadcasting station | (ff) Railroad facility |
| (l) Building materials | (gg) Recreational vehicle park |
| (m) Bus and railroad terminal facility | (hh) Recreational vehicle sales service, and repair |
| (n) College or university | (ii) Restaurant, drive-in |
| (o) Convalescent or nursing home | (jj) Restaurant, fast-food |
| (p) Correctional or penal institution | (kk) Sewage treatment plant |
| (q) Dog pound | (ll) Taxi dispatching station |
| (r) Electric power substations | (mm) Taxi terminal |
| (s) Farm implements | (nn) Telephone exchange |
| (t) Flea market | (oo) Water or sewage pumping station |
| (u) Freight depot, rail or truck | (pp) Water storage tank |
| (v) Home improvement center | (qq) Wireless telecommunication facility |
| (w) Hotel or motel | (rr) Zoo |

5.3.4 *Area and dimensional ordinances.*

Maximum Height of Structure in Feet	40
Maximum Height of Structure in Habitable Stories	3
Minimum Front Yard	40-Feet
Minimum Rear Yard	25-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	20,000 Square Feet
Maximum Impervious Surface Ratio	.70
Minimum Lot Width at Building Line	80-Feet

5.3.5 *Lighting standards.* The maximum height of exterior lights shall be 25-feet. The intensity, location, and design of lighting shall be such that not more than one foot candle of light is cast upon adjacent property or public rights-of-way. Light fixtures shall be designed to cast light downward. Where necessary, cut-off devices shall be used to minimize glare off premises. No light shall be aimed directly toward a property designated residential, which is located within 200-feet of the source of the light.

5.3.6 *Distance between structures.* If there is a separation between any two principal structures on the same parcel, said separation shall be a minimum of 15-feet or a distance equal to one-half the sum of their heights, whichever is the greater.

5.3.7 *Landscaping and buffering.* All B-3, General Business District, uses shall meet the requirements of *Article 17: Landscaping and Buffers*.

Section 5.4 B-4, Major Commercial District

5.4.1 *Purpose and intent.* The B-4, Major Commercial District, is intended for business uses which require a location with access to an arterial or major collector road (as defined by the Functional Classification System attached as Appendix) or which have close proximity to major intersections. Due to the nature of the businesses permitted within the B-4 district, this zoning designation should be limited to property fronting on principal arterials, major arterials or minor arterials. Ingress and egress to a roadway should promote safe and smooth traffic flow for the general traveling public. It is also the intent of this district to provide areas for businesses which, because of their intensity, outside storage areas, or large volumes of traffic, would have significant negative impacts on adjoining properties. These uses often have an actual or potential negative impact on surrounding properties due to late hours of operation, noise, and or light.

5.4.2 *Permitted uses.* The following uses are permitted as of right, or as uses accessory to permitted uses in the B-4, Major Commercial District, conditioned on the Commission Site Plan Approval requirements of Section 18.11::

- | | |
|--|--|
| (a) All uses permitted by right under the B-3 zoning designation | (l) Flea market |
| (b) Amusement park | (m) Home improvement center |
| (c) Auto convenience market | (n) Hotel or motel |
| (d) Automobile parts sales | (o) Manufactured housing sales, service and repair |
| (e) Automobile repair (mechanical and body) | (p) Marina |
| (f) Automobile sales | (q) Motorcycle sales service and repair |
| (g) Automobile service station | (r) Movie theatre |
| (h) Automobile storage (parking lot, parking garage) | (s) Recreational vehicle park |
| (i) Boat sales and service | (t) Recreational vehicle sales, service and repair |
| (j) Building materials | (u) Restaurant, drive-in |
| (k) Farm implements | (v) Restaurant, fast food |

5.4.3 ~~Conditional uses~~ Commission Site Plan Approval. The following uses are permissible as ~~conditional~~ Commission Site Plan Approval uses in the B-4, Major Commercial District, subject to the standards and procedures established in Section 18.11: ~~Conditional Uses~~ Commission Site Plan Approval:

- | | |
|-----------------------------------|--|
| (a) Airport | (f) Broadcasting station |
| (b) Ambulance/EMS service | (g) Bus and railroad terminal facility |
| (c) Armory | (h) College or university |
| (d) Auditorium, stadium, coliseum | (i) Convalescent or nursing home |
| (e) Barge docking | |

- (j) Correctional or penal institution
- (k) Dog pound
- (l) Electric power substations
- (m) Freight depot, rail or truck
- (n) Hospital
- (o) Landfill
- (p) Maintenance facility/storage yard for schools, government agencies, and telephone and cable companies
- (q) Race track
- (r) Radio and television station and transmitting tower
- (s) Railroad facility
- (t) Sewage treatment plant
- (u) Taxi dispatching station
- (v) Taxi terminal
- (w) Telephone exchange
- (x) Water or sewage pumping station
- (y) Water storage tank
- (z) Wireless telecommunication facility
- (aa) Zoo

5.4.4 *Area and dimensional ordinances.*

Maximum Height of Structure in Feet	40
Maximum Height of Structure in Habitable Stories	3
Minimum Front Yard	40-Feet
Minimum Rear Yard	25-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	20,000 Square Feet
Maximum Impervious Surface Ratio	.70
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	60-Feet

5.4.5 *Lighting standards.* The maximum height of exterior lights shall be 25-feet. The intensity, location, and design of lighting shall be such that not more than one foot candle of light is cast upon adjacent property or public rights-of-way. Light fixtures shall be designed to cast light downward. Where necessary, cut-off devices shall be used to minimize glare off premises. No light shall be aimed directly toward a property designated residential, which is located within 200-feet of the source of the light.

5.4.6 *Distance between structures.* If there is a separation between any two principal structures on the same parcel, said separation shall be a minimum of 15-feet or a distance equal to one-half the sum of their heights, whichever is the greater.

5.4.7 *Landscaping and buffering.* All B-4, Major Commercial District, uses shall meet the requirements of *Article 17, Landscaping and Buffers*.

Section 5.5 RV-1, Recreational Vehicle Park District

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

5.5.2 *Permitted uses.* The following uses are permitted as of right, or as uses accessory to permitted uses in the RV-1, Recreational Vehicle Park District, conditioned on the Commission Site Plan Approval requirements of Section 18.11.:

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

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

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

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

Section 5.6 RV-2, Recreational Vehicle Park District

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

5.6.2 *Permitted uses.* The following uses are permitted as of right, or as uses accessory to permitted uses in the RV-2, Recreational Vehicle Park District, conditioned on the Commission Site Plan Approval requirements of Section 18.11.:

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

5.6.3 *Density.* The maximum number of recreational vehicle sites developed under RV-2 shall be 6 sites per acre.

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

5.6.5 *Standards.* Recreational vehicle parks developed under the RV-2 designation shall meet all standards, procedures and requirements found in Section 13.8 of the zoning ordinance.

Section 5.7 LB, Limited Business District

5.7.1 Purpose and intent. The LB, Limited Business District, is intended to allow specific uses in areas where commercial development is warranted, but where limitations and special requirements are needed due to environmental, historic and other unique characteristics. This designation may also serve as transitional zoning between residential areas and higher intensity commercial zoning districts.

5.7.2 Permitted uses. The uses listed below are permitted as of right, or as uses accessory to permitted uses in the LB, Limited Business District. Unless otherwise stated herein, said uses shall be limited to structures and other improvements not to exceed 4,000 square feet of gross floor area, conditioned on the Commission Site Plan Approval requirements of Section 18.11:-

- | | |
|--|--|
| (a) Accessory structures and uses | (s) Fruit and produce store |
| (b) Antique store | (t) Gift shop |
| (c) Apparel and accessory store | (u) Ice cream parlor |
| (d) Art gallery or museum | (v) Library |
| (e) Art supplies | (w) Medical office (medical, dental, psychiatric) |
| (f) Bakery, retail | (x) Music store |
| (g) Bank | (y) Neighborhood convenience store (not to include gasoline sales) |
| (h) Barber shop or beauty parlor | (z) News stand |
| (i) Book store | (aa) Office |
| (j) Café | (bb) Restaurant (not to include drive-up facilities) |
| (k) Camera and photo shop | (cc) Shoe store |
| (l) Candy store | (dd) Silviculture |
| (m) Catering shop or service | (ee) Studio for dance, music, photography, painting, etc. |
| (n) Church or similar religious facility* | (ff) Tailor shop |
| (o) Club or lodge ("lodge" to be defined as "club" at Section 22.2, Words and Terms Defined) | (gg) Toy store |
| (p) Delicatessen | |
| (q) Extraction or removal of natural resources on or under the land | |
| (r) Florist | |

*Churches or similar religious facilities shall not be limited to 4,000 square feet of gross floor area.

5.7.3 ~~Conditional Uses~~Commission Site Plan Approval. The uses listed below are permissible as ~~conditional~~Commission Site Plan Approval uses in the LB, Limited Business District, subject to the standards and procedures established in *Section 18.11: ~~Conditional Uses~~Commission Site Plan Approval*:

- (a) Uses listed as permitted by right under Section 5.7.2 in which structures and improvements exceed 4,000 square feet up to a maximum of 8,000 square feet. Churches and other places of worship shall be exempt from this square footage restriction.
- (b) Dwellings, in combination with commercial uses, subject to the standards listed under *Section 5.1.4: Mixed uses*.

5.7.4 *Mixed uses*. Mixed residential and commercial uses may be permissible as conditional uses in the LB, Limited Business District, subject to the standards and procedures established in *Section 18.11: Conditional Uses*, and subject to the following criteria:

- (a) The commercial uses in the development may be limited in hours of operation, size of delivery trucks, and type of equipment;
- (b) The residential uses shall be designed so that they are compatible with the commercial uses;
- (c) Residential and commercial uses may occupy the same floor of a building, but shall not share the same entrances;
- (d) The number of residential dwelling units shall not exceed the number of commercial units;
- (e) The mixed commercial/residential structure shall be designed to enhance compatibility of the commercial and residential uses through such measures as, but not limited to, minimizing noise associated with commercial uses; directing commercial lighting away from residential units; and separating pedestrian and vehicular access ways and parking areas from residential units, to the greatest extent possible, and;
- (f) Off-street parking spaces for the mixed residential and commercial uses shall be the sum total of the residential and commercial uses computed separately (See *Article 15: Parking and Loading Requirements*).

5.7.5 *Special exceptions.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the uses and structures designed for such uses listed below may be allowed as special exceptions subject to the standards and procedures established in *Section 18.8: Special Exceptions*.

- (a) Bed and breakfast or tourist home, subject to the standards listed under *Section 13.10: Bed and Breakfast Establishments*).
- (b) Outdoor music of an acoustic nature which is not amplified.

5.7.6 *Area and dimensional standards.*

Maximum Height of Structure in Feet	35
Minimum Front Yard	30-Feet
Minimum Rear Yard	(a)
Minimum Side Yards	(b)
Minimum Lot Area	20,000 Square Feet
Maximum Impervious Surface Ratio	.60
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	60-Feet

- (a) No minimum except where abutting a residential district, in which case there shall be a minimum rear yard of 25-feet abutting the residential district.
- (b) No minimum except where abutting a residential district, in which case there shall be a minimum side yard of 15-feet abutting the residential district.

5.7.7 *Lighting standards.* The maximum height of exterior lights shall be 25-feet. The intensity, location, and design of lighting shall be such that not more than one foot candle of light is cast upon adjacent property or public rights-of-way. Light fixtures shall be designed to cast light downward. Where necessary, cut-off devices shall be used to minimize glare off premises. No light shall be aimed directly toward a property designated residential, which is located within 200-feet of the source of the light.

5.7.8 *Landscaping and buffering.* All LB, Limited Business District, uses shall meet the requirements of *Article 17: Landscaping and Buffers*.

Article 6 Recreation Districts

Section 6.1 MR, Marine Recreation District

6.1.1 *Generally.* This zoning district is intended to provide for water related recreation activities.

6.1.2 *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, conditioned on the Commission Site Plan Approval requirements of Section 18.11:

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(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: country club; hotel or motel; night club, bar, tavern.

(f) The following local commercial uses: bed and breakfast or tourist home; cafe; convenience store; delicatessen; gift shop; restaurant.

(g) The following professional service and office uses: office.

(h) The following institutional uses: church or similar religious facility.

(i) The following agricultural uses: Silviculture.

(j) Single Family dwellings including manufactured housing and mobile homes.

(k) Accessory structures and uses.

6.1.3 ~~Conditional use~~Commission Site Plan Approval. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed as a ~~conditional~~Commission Site Plan Approval use:

The following institutional uses: day care home.

6.1.4 *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	45
Maximum Height of Structure in Habitable Stories	4
Minimum Front Yard	25-Feet
Minimum Rear Yard	25-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	80,000 Square Feet
Maximum Impervious Surface Ratio	.80
Minimum Lot Width at Building Line	165-Feet
Minimum Lot Width at Street Line	No Minimum

Section 6.2 OR, Outdoor Recreation District

6.2.1 *Generally.* This zoning district is intended to provide for outdoor recreation activities.

6.2.2 *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, conditioned on the Commission Site Plan Approval requirements of Section 18.11.:

- (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 institutional uses: church or similar religious facility.
- (e) The following agricultural uses: Silviculture.
- (f) Accessory structures and uses.

6.2.3 *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
Maximum Height of Structure in Habitable Stories	2½
Minimum Front Yard	40-Feet
Minimum Rear Yard	40-Feet
Minimum Side Yards	20-Feet
Minimum Lot Area	3 Acres
Maximum Impervious Surface Ratio	.80
Minimum Lot Width at Building Line	210-Feet
Minimum Lot Width at Street Line	No Minimum

Article 7 Tourist District

Section 7.1 TR, Tourist Resort District

7.1.1 *Generally.* This zoning district is intended to provide for tourist lodging facilities and associated resort and recreation activities.

7.1.2 *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, conditioned on the Commission Site Plan Approval requirements of Section 18.11: ÷

- (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: country club; hotel or motel.
- (e) The following institutional uses: church or similar religious facility.
- (f) The following agricultural uses: Silviculture.
- (g) The following major commercial uses: automobile storage (parking lot/garage) as an accessory use for a hotel on an abutting/contiguous parcel.
- (h) Accessory structures and accessory uses such as food service, gift or novelty shops, and barber or beauty shops conducted primarily for the convenience of visitors or patrons on the premises and contained within a principal building.

7.1.3 Commission Site Plan Approval. The following uses are permissible as Commission Site Plan Approval uses in the TR Tourist District, subject to the standards and procedures established in Section 18.11: Commission Site Plan Approval:

- (a) The following marine recreation uses: marina.
- (b) The following general commercial uses: night club, bar, tavern.
- (c) The following local commercial uses: bed and breakfast or tourist home; cafe; convenience store; delicatessen; gift shop; restaurant.

~~(d) The following professional service and office uses: office.~~

7.1.3 *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: Not Applicable

~~(a) The following marine recreation uses: marina.~~

~~(b) The following general commercial uses: night club, bar, tavern.~~

~~(c) The following local commercial uses: bed and breakfast or tourist home; cafe; convenience store; delicatessen; gift shop; restaurant.~~

~~(d) The following professional service and office uses: office.~~

7.1.4 *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 XX: Nonconformities*, the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure in Feet	45
Maximum Height of Structure in Habitable Stories	4
Minimum Front Yard	40-Feet
Minimum Rear Yard	40-Feet
Minimum Side Yards	20-Feet
Minimum Lot Area	5 Acres
Maximum Impervious Surface Ratio	.80
Minimum Lot Width at Building Line	270-Feet
Minimum Lot Width at Street Line	270-Feet

7.1.5 *Off-street parking requirements.* In determining compliance with the off-street parking requirements of Article 15, off-street parking spaces, located on abutting/contiguous parcels, may be included in the parking calculations for permitted uses and structures. As used in this section, abutting/contiguous parcel shall mean any parcel that is immediately adjacent to, touching, or separated from such a common border by a right-of-way, alley, or easement.

- (a) The abutting/contiguous parcel used for off-street parking shall have the same owner as the parcel which is the location for the permitted, principal use.
- (b) Off-street parking authorized under this Article 7.1.5 shall be an accessory use for the permitted, principal use on the abutting/contiguous parcel only.
- (c) When the abutting/contiguous parcel is not separated from the permitted, principal use by a right-of-way, the off-street parking areas shall be

- connected to the permitted, principal use by a pedestrian walkway or sidewalk which meets the requirements of the Americans with Disabilities Act (ADA).
- (d) When the abutting/contiguous parcel is separated by a right-of-way, the road or street shall be no wider than two (2) lanes and shall be classified no higher than a Minor Arterial according the Alabama Department of Transportation (ALDOT) Functional Classification System. Safe and convenient crosswalks, subject to ADA requirements shall be provided.
 - (e) Off-street parking located on an abutting/contiguous parcel shall not be converted to a different use which would reduce the number of parking spaces below that which would be required for the permitted, principal use on the adjacent parcel.

Article 8 Industrial Districts

Section 8.1 M-1, Light Industrial District

8.1.1 *Generally.* The purpose of this zoning district is to provide a suitable protected environment for manufacturing, research and wholesale establishments which are clean, quiet and free of hazardous or objectionable emissions, and generate little industrial traffic.

8.1.2 *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, conditioned on the Commission Site Plan Approval requirements of Section 18.11:

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- (a) The following general industrial uses: extraction or removal of natural resources on or under land.
- (b) Light industrial uses.
- (c) Transportation, communication, and utility uses except landfills and sewer treatment plants.
- (d) Outdoor recreation uses.
- (e) Marine recreation uses.
- (f) General commercial uses except race tracks.
- (g) Local commercial uses.
- (h) Professional service and office uses.
- (i) Institutional uses.
- (j) Agricultural uses.
- (k) Accessory structures and uses.

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

- (a) Transportation, communication, and utility uses not permitted by right per *Section 8.2(c): Permitted uses*.

(b) General commercial uses not permitted by right per *Section 8.2(f): Permitted uses*.

8.1.4 *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	45
Maximum Height of Structure in Habitable Stories	4
Minimum Front Yard	25-Feet
Minimum Rear Yard	see (a & b)
Minimum Side Yards	see (a & b)
Minimum Lot Area	40,000 Square Feet
Maximum Impervious Surface Ratio	.80
Minimum Lot Width at Building Line	120-Feet
Minimum Lot Width at Street Line	No Minimum

(a) No minimum except where abutting a residential district, in which case there shall be a minimum yard of 25-feet abutting the residential district.

(b) The required yards shall be increased by one foot for each foot of building height in excess of 35-feet.

Section 8.2 M-2, General Industrial District

8.2.1 *Generally.* It is the intent of this zoning district to provide opportunity for the location of industrial, manufacturing, processing, warehousing, or research and testing operations that, due to employment of heavy equipment or machinery or to the nature of the materials and processes employed, require special location and development safeguards to prevent pollution of the environment by noise, vibration, odors or other factors, and may also require extensive sites for storage and parking, may require extensive community facilities or generate heavy motor traffic.

8.2.2 *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, conditioned on the Commission Site Plan Approval requirements of Section 18.11.:

- (a) The following general industrial uses: extraction or removal of natural resources on or under land.
- (b) Light industrial uses.
- (c) Transportation, communication, and utility uses except landfills and sewer treatment plants.
- (d) Outdoor recreation uses.
- (e) Marine recreation uses.
- (f) General commercial uses except race tracks.
- (g) Local commercial uses.
- (h) Professional service and office uses.
- (i) Institutional uses.
- (j) Agricultural uses
- (k) Accessory structures and uses.

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

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

(b) Light industrial uses not permitted by right.

(c) General commercial uses not permitted by right.

8.2.4 *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	45
Maximum Height of Structure in Habitable Stories	4
Minimum Front Yard	25-Feet
Minimum Rear Yard	see (a & b)
Minimum Side Yards	see (a & b)
Minimum Lot Area	3 Acres
Maximum Impervious Surface Ratio	.80
Minimum Lot Width at Building Line	210-Feet
Minimum Lot Width at Street Line	No Minimum

(a) No minimum except where abutting a residential district, in which case there shall be a minimum yard of 30-feet abutting the residential district.

(b) The required yards shall be increased by one foot for each foot of building height in excess of 35-feet.

Article 10 Overlay Districts

Section 10.1 Thoroughfare Corridor Overlay District

10.1.1 *Purpose.* The purpose of the thoroughfare corridor overlay district is to provide orderly development along controlled access highways, to encourage the most appropriate use of adjacent lands, to maintain the scenic natural beauty of the area, and to promote the safe and efficient movement of traffic. These thoroughfares establish an image of the quality of life in Baldwin County for visitors and residents alike. Controlled access is required to enhance trade, capital investment, tourism and the general welfare. These ordinances will facilitate the adequate provision of transportation by promoting the safe and efficient movement of traffic and by encouraging development which reduces or eliminates visual clutter and poor site layout.

As an overlay district, the thoroughfare corridor district does not replace the requirements of the underlying zoning district, but provides additional development requirements and standards which must be met by any development on the property.

10.1.2 *Area of application.* The thoroughfare corridor overlay district applies to roadways located in areas under the planning and zoning jurisdiction of Baldwin County which are designated as controlled access highways by the County Commission specifically for the purpose of enforcing the provisions of this Section.

10.1.3 Requirements.

(a) Public and commercial access to highways designated as controlled access highways shall be limited to intersections connecting with county roads and service roadways as defined herein. Access is not permitted by conventional driveways. However, until such time as service roadways are available, driveway access is permitted to and from residential houses and farming activity adjacent to the controlled access highway.

(b) *Service roadways.* A service roadway is intended to service businesses, residential areas, and public enterprise along controlled access highways in order to provide safely spaced and adequately designated exits and entrances to the artery. Transition between the controlled access highway and the service roadways shall be accommodated with appropriate on and off lanes as part of the controlled access highway. These lanes shall be surfaced in a similar manner as the controlled access highways and shall be designed in accordance with good practice for this type of transition.

(c) *Minimum access interval for controlled access highways.* No more than one public access connector and/or crossover per half-mile is permitted for a given side of the controlled access highway. A "connector" in this case includes all intersections with county roads and service roadways. This minimum access interval does not apply between county road intersections that were already in existence before a route was designated a controlled access highway nor does the minimum interval apply to private driveways to and from residential houses and farms before service roadways are available. Private driveway connections directly connecting to the right-of-way of the controlled access highway shall be abandoned when a convenient service road becomes available for access, unless this places an unusual hardship on the owner. All connectors shall be designed and clearly marked in accordance with Alabama Department of Transportation standards. The minimum access interval is not intended to limit the distance between businesses on service roadways or otherwise alter the ordinance of minimum lot sizes covered in other sections herein.

(d) *Permitted service roadway layouts.*

1. *Parallel and contiguous rights-of-way.* If the service roadway right-of-way and the controlled access highway right-of-way are parallel and contiguous, a greenbelt of no less than 15 feet in width shall be maintained between the shoulders or curbs of the two roadways.

2. *Parallel and noncontiguous rights-of-ways.* If commercial or residential lots are included between the service roadway right-of-way and the controlled access highway right-of-way, the businesses or residential buildings shall face the service roadway, not the controlled access highway. In this case, the rear yard setbacks shall include an additional 15 feet, or a total of 25 feet. This rear yard extension shall contain a greenbelt of at least 10 feet in width, or a suitable fence screen, between the controlled access highway right-of-way and the building or use activity on the lot.

3. *Service roadways perpendicular to the controlled access highways.* Commercial or residential lots along these service roadways shall have an additional setback of any side yard adjacent to the right-of-way of the controlled access highway of 15-feet in addition to the side yard setback requirement or a total of 25-feet. This side yard extension shall contain a greenbelt of at least 15- feet in width, or a suitable fence screen between the controlled

access highway right-of-way and the building or use activity on the lot.

Section 10.2 Flood Hazard Overlay District

10.2.1 *Purpose.* The purpose of the flood hazard overlay district is to ensure enforcement of the *Baldwin County Flood Damage Prevention Ordinance* which was adopted to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions intended to:

- (a) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.
- (b) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- (c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.
- (d) Control filling, grading, dredging and other development which may increase erosion or flood damage.
- (e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

As an overlay district, the flood hazard district does not replace the requirements of the underlying zoning district, but provides additional development requirements and standards which must be met by any development on the property.

10.2.2 *Area of application.* The flood hazard overlay district applies to lands under the planning and zoning jurisdiction of Baldwin County which are subject to either tidal or fluvial flooding as determined by the Federal Emergency Management Agency (FEMA) and delineated on the Flood Insurance Rate Map(s) (FIRM) of Unincorporated Baldwin County.

10.2.3 *Requirements.* Areas which lie in flood hazard districts as determined by FEMA and delineated on the FIRM are subject to the requirements of the *Baldwin County Flood Damage Prevention Ordinance* adopted February 17, 1987 (as amended).

Section 10.3 Historic Resource Overlay District

10.3.1 *Purpose.* The purpose of the historic resource overlay district is to ensure enforcement of the rules and ordinances adopted pursuant to Act No. 80-497 as amended by Act No. 89-960 of the Legislature of Alabama which authorizes Baldwin County to protect the historical architectural character of the County.

As an overlay district, the historic resource district does not replace the requirements of the underlying zoning district, but provides additional development requirements and standards which must be met by any development on the property.

10.3.2 *Area of application.* The historic resource overlay district applies to lands under the planning and zoning jurisdiction of Baldwin County which are designated as historic districts or preservation districts by the County Commission under the authority of Act No. 80-497 as amended by Act No 89-960. Historic districts or preservation districts designated by the County Commission are:

- (a) Magnolia Springs Preservation District
- (b) Montrose Preservation District
- (c) Battle's Wharf / Point Clear Preservation District
- (d) Malbis Preservation District

10.3.3 *Requirements.* Areas which lie in historic districts or preservation districts as designated by the County Commission are subject to the requirements of the Architectural & Preservation District Review Board of Baldwin County and any and all rules and ordinances adopted pursuant to Act No. 80-497 as amended by Act No. 89-960 of the Legislature of Alabama (refer to *Standards for Architectural Review and Development in Baldwin County Historic Districts*).

Section 10.4 Wetland Protection Overlay District

10.4.1 *Purpose.* The wetlands within Baldwin County, Alabama are indispensable and fragile natural resources with significant development constraints due to flooding, erosion and soils limitations. In their natural state, wetlands serve man and nature. They provide habitat areas for fish, wildlife and vegetation; water quality maintenance and pollution control; flood control; erosion control; natural resource education; scientific study; and open space and recreational opportunities. In addition wise use of forested wetlands is essential to the economic well-being of Baldwin County. A considerable number of these important natural resources have been lost or impaired by draining, dredging, filling, excavating, building, pollution and other acts. Piecemeal or cumulative

losses will, over time, destroy additional wetlands. Damaging or destroying wetlands threatens public safety and the general welfare. It is therefore necessary for Baldwin County to ensure maximum protection for wetlands by discouraging development activities that may adversely affect wetlands.

The purpose of the wetland protection overlay district is to promote wetland protection, while taking into account varying ecological, economic development, recreational and aesthetic values and to protect wetlands from alterations that will significantly affect or reduce their primary functions for water quality, floodplain and erosion control, groundwater recharge and wildlife habitat.

10.4.2 Area of application. The wetland protection overlay district applies to wetlands under the planning and zoning jurisdiction of Baldwin County. The Generalized Wetland Map adopted as part of these zoning ordinances shows the general location of wetlands and should be consulted by persons contemplating activities in or near wetlands. The Generalized Wetland Map, together with all explanatory matter thereon and attached thereto, is hereby adopted by reference and declared to be a part of these zoning ordinances. The Generalized Wetland Map shall be kept on file in the offices of the Planning & Zoning Department.

10.4.3 Wetland protection district boundaries. The Generalized Wetland Map is a general reference document and wetland boundaries indicated on the map are approximations. The Generalized Wetland Map is to alert developers/landowners if they are within proximity to a wetland, which means that there is a high likelihood of the presence of a jurisdictional wetland and a need for the developer/landowner to seek U.S. Army Corps of Engineers guidance as to whether a Section 404 permit will be required prior to any activity. The Generalized Wetland Map does not represent the boundaries of jurisdictional wetlands within the jurisdiction of Baldwin County and cannot serve as a substitute for a delineation of wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, as amended. Any local government action under this section does not relieve the land owner from federal or state permitting requirements.

10.4.4 Permit requirements. A U.S. Army Corps of Engineers wetlands jurisdictional determination if the proposed planned development contains wetlands or if the Zoning Administrator or his/her designee determines potential wetlands from the Generalized Wetland map as defined herein, or through a site visit by County Staff. The setback for development from a wetland must be a minimum of 30 feet.

If the area proposed for development is located in or within the wetland protection district boundary, as determined from the Generalized Wetland Map, a U.S. Army Corps of Engineers jurisdictional determination shall be required prior to the issuance of a ~~Land Use Certificate~~ **Site Plan Approval**. If the Corps determines that wetlands are present on the proposed development site and that

a Section 404 Permit or Letter of Permission is required, a ~~Land Use Certificate~~ **Site Plan Approval** will be issued only following issuance of the Section 404 Permit or Letter of Permission. Any application for subdivision approval on property which contains wetlands or if the Zoning Administrator or his/her designee determines potential wetlands from the Generalized Wetland map defined herein through a site visit by County Staff, will have to obtain a U.S. Army Corps of Engineers wetlands jurisdictional determination. If the Corps determines that wetlands are present and that a Section 404 Permit or Letter of Permission is required, development may not proceed until the Section 404 Permit or Letter of Permission is issued.

10.4.5 Subdivisions in the Wetland Protection Overlay District. Where a parcel of land proposed to be subdivided contains an area of wetlands delineated as jurisdictional by the Army Corps of Engineers, said wetlands shall be subject to Section 404(b)(1) guidelines concerning fill material disposal into wetlands. Lots may be platted where sufficient upland areas exist to provide a building site for the principal structure and necessary ancillary facilities. Fill may be used where necessary to provide access to lots where approval for such fill has been received from the Army Corps of Engineers and other appropriate governmental agencies.

Wetlands delineated as jurisdictional by the Army Corps of Engineers and not permitted for fill shall be set aside as common area or shall be contained within an easement dedicated to protect the wetland. Said common area or maintenance easement shall extend a minimum of 30-feet beyond the limits of the wetland. Maintenance responsibility shall be vested in the trustees of the subdivision, by virtue of the trust indenture.

Section 10.5 Gulf Beach Overlay District

10.5.1 Purpose. The Gulf Beach Overlay District is implemented to protect the natural environment, to encourage open space development design and to protect the public health, safety and welfare of the public. This overlay district shall only apply in Planning District 25 in the area herein defined in *Section 10.5.2*.

10.5.2 Established boundaries. The Gulf Beach Overlay District boundaries shall be as depicted on the Planning District 25 Official Zoning Map. Changes to said boundary shall constitute a zoning map amendment.

10.5.3 Applicability. The Gulf Beach Overlay District relaxation of maximum building heights shall be applicable only to Planned Residential Developments (PRD) lawfully approved before May 4, 2004.

10.5.4 Development standards.

(a) *Building height.* Building heights may lawfully exceed the maximum building height contained in applicable sections of the Zoning Ordinances.

(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.

Article 12 General Requirements

Section 12.1 General Requirements

12.1.1 *Generally.* The general ordinances contained in this Section shall apply in all zoning districts except as specifically provided in herein.

12.1.2 *Use of land.* No land shall be used except for a use permitted in the zoning district in which it is located. Other provisions of these ordinances notwithstanding, any tract of farmland under cultivation or pastureland and timberland presently being used for such purposes may continue to be used for such purposes regardless of the zoning district in which they may be located.

12.1.3 *Use of structures.* No structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any structure be used, except for a use permitted in the zoning district in which such structure is located and subject to the special provisions specified in these ordinances.

12.1.4 *Area and dimensional requirements.* No structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered except in conformity with the area and dimensional ordinances of the zoning district in which the structure is located. No lot may be subdivided except in conformity with the area and dimensional ordinances of the zoning district in which the lot is located.

12.1.5 *Off-street parking and loading.* No structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered except in conformity with the off-street parking and loading provisions of these ordinances.

12.1.6 *Signs.* No sign or sign structure shall be erected except in conformity with the sign provisions of these ordinances.

12.1.7 *Stormwater management.* No development may precede except in conformity with the stormwater management provisions of these ordinances.

12.1.8 *Erosion control.* No development may proceed except in conformity with the erosion control provisions of these ordinances.

12.1.9 *Landscaping.* No structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered except in conformity with the landscaping provisions of these ordinances.

Section 12.2 Temporary Structures and Uses

12.2.1 Temporary structures for use incidental to construction work shall be permitted in any district during the period that construction work is in progress.

12.2.2 A recreational vehicle may be occupied as living quarters on a temporary basis for up to 18 months pending the repair or rebuilding of a primary dwelling following any disaster which may render the primary dwelling uninhabitable. A recreational vehicle, when used as temporary living quarters, may only be occupied by the owner/occupant of the primary dwelling being repaired or rebuilt, and must be located on the same parcel with the subject primary dwelling. In addition, the recreational vehicle must meet the location and setback requirements specified for accessory structures in residential districts (See *Section 13.1.2 (a)*). An approved ~~land-use certificate~~ **site plan** (See *Section 18.2*) shall be obtained from the Planning and Zoning Department, prior to the use of a recreational vehicle as temporary living quarters in order to ensure compliance with these ordinances.

12.2.3 *Model Home Sales Centers.* Model home sales centers are intended to facilitate the sale of the model design or of products similar in design to the model. Model home sales centers shall be of a temporary nature and may be allowed in any residential zoning district or residential component of a PRD, by the issuance of a temporary use permit.

12.2.3.1 Model home sales centers located within residential zoning districts, or within a residential component of a PRD, shall be restricted to the promotion of a product or products permitted within the residential zoning district or PRD in which the model home or model sales center is located and further subject to the following:

(a) Model homes shall only be permitted in dwellings that have not been previously used as a residence.

(b) A model home sales center is not intended to allow the full scope of real estate activities and shall be restricted primarily to the sale and marketing of the model or products similar to the model. A model home shall not include offices for builders, contractors, developers or similar activities.

(c) Model homes occupied by a sales office and/or representative must have all required landscaping, all-weather parking, and handicap access on-site or adjacent to the site.

(d) A temporary use permit for a model home sales center shall be issued initially for a period of two (2) years. Extensions in excess of this period shall be given upon demonstration of a need to continue the temporary sales center use.

12.2.3.2 Temporary use permits for model unit sales centers in multi-family projects shall not be issued prior to final approval of the project site development plan.

12.2.3.3 All model home sales center site plans shall adequately address the following standards:

(a) Traffic circulation and safety within the site as follows:

1. All parking spaces shall be arranged in a manner for convenient and safe access for vehicles and pedestrians.
2. No parking spaces shall be arranged to cause vehicles to be moved in order for other vehicles to enter or exit a site.

(b) Minimum parking requirements:

1. Four (4) parking spaces for each model home sales center.
2. One (1) paved parking space for disabled persons per parking lot shall be provided (included as part of the number of required parking spaces), along with a paved access aisle and barrier-free access to the home.
3. All parking spaces shall be constructed of concrete, asphalt, or other all-weather surface.

12.2.3.4 Setbacks and Lighting

(a) Vehicular use areas shall be set back a minimum of five (5) feet from the property line.

(b) Lighting shall be limited so as not to cause glare or light onto adjacent properties.

12.2.4 *Emergency Uses.* The County Commission shall have the right and the power to grant special temporary permits, for periods not to exceed six (6) months, for the location and use on any lot, in any zoning district, of a temporary building or use, subject to such terms, conditions or special limitations as the Commission may prescribe or impose. The Commission may renew or extend any such special temporary permit in six (6) month increments. It is the intent of this section to provide for flexibility of land use in community rebuilding, recovery and reorganization during periods immediately following disasters, including, but not limited to, floods, hurricanes, fires, or other disasters or such other emergency purposes as may be determined by the Commission.

Section 12.3 Utility Structures

Utility structures, including, but not limited to, poles, wires, cross arms, transformers attached to poles, guy wires, insulators, conduits and other facilities necessary for the transmission or distribution of electric power or to provide telephone or telegraph service and pipe lines, vents, valves, hydrants, regulators, meters and other facilities necessary for the transmission or distribution of gas, oil, water or other fluids, may be constructed, erected, repaired, maintained, or replaced within any district in Baldwin County. This is not to be construed to include transportation, communication and utility uses as herein defined.

Section 12.4 Height Modifications

12.4.1 The height limits for the various districts shall not apply to the following structures not used for human habitation: church spires, belfries, cupolas, elevator penthouses, mechanical penthouses or domes, provided that such features are limited to that height necessary for their proper functioning. Further, the height limits for the various districts shall not apply to chimneys, ventilators, skylights, water tanks, parapet walls, cornices, radio and television transmitting and receiving antennas, telecommunications towers, or necessary mechanical appurtenances usually carried above the roof level, provided that such features are limited to that height necessary for their proper functioning.

12.4.2 Public, semipublic or public service buildings, including but not limited to hospitals, schools and churches, when permitted in a district with height limitations of less than 60-feet, may be erected to a maximum height of 60-feet, provided the side yards are increased by one foot for each foot of additional building height above the height limitation for the district in which the building is located.

Section 12.5 Yard Requirements

12.5.1 Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, cornices, buttresses, ornamental features, chimneys, flues, and eaves, provided such projections shall not extend more than 2-feet beyond the yard area requirements. (For additional provisions see *Section 22.2, Definitions* "Accessory Structure" and "Structure")

12.5.2 Yard requirements shall be modified subject to the following conditions:

- (a) Through lots shall provide the required front yard on each street.

(b) Decks and unroofed porches may project into a required front yard for a distance not to exceed 5-feet and a required rear yard not to exceed 10-feet.

(c) Uncovered steps and handicap ramps may project into a required front, or side yard for a distance not to exceed 5-feet and a rear yard not to exceed 10-feet.

(d) On a corner lot, the side yard from the side lot line which abuts a street shall be a minimum of 20-feet.

(e) Where a subdivision has been approved by the Planning Commission in accordance with the *Baldwin County Subdivision Regulations* prior to the enacting of zoning ordinances with front, rear or side yard setbacks different than the minimums required herein, the setbacks as recorded on the plat shall apply.

(f) All buildings or structures located within coastal high hazard areas (V-zones) shall be located 50-feet landward of the reach of the mean high tide.

Section 12.6 Coastal Areas

Areas of Baldwin County lying seaward of the continuous 10-foot contour are subject to the requirements of the Alabama Coastal Area Management Program as defined in the Alabama Coastal Area Management Plan (ACAMP) and to the ADEM Division 8 Administrative Code.

Section 12.7 Adult Entertainment

Adult entertainment establishments shall comply with the provisions of Act No. 96-458 of the Legislature of Alabama which prohibits certain types of entertainment, attire, and conduct, having certain nudity, or sexual conduct, or the depiction or simulation thereof, upon the premises of an establishment within the unincorporated areas of Baldwin County, Alabama, which is licensed to sell, serve, or dispense alcoholic beverages or otherwise allow the consumption of alcoholic beverages on the premises.

Section 12.8 Highway Construction Setbacks

In accordance with Act No. 94-572 of the Legislature of Alabama enacted April 21, 1994, the following construction setbacks shall apply from any state or county road or highway:

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

(b) *Minor arterials*. Minor arterials require a setback of 100-feet from the centerline of the right-of-way.

(c) *Major collectors*. Major collectors require a setback of 75-feet from the centerline of the right-of-way.

(d) *Minor collectors*. Minor collectors require a setback of 50-feet from the centerline of the right-of-way.

Section 12.9 Substandard Lots of Record

Where a lot of record at the time of the effective date of these zoning ordinances had less area or width than herein required for the zoning district in which it is located, said lot may nonetheless be used as a building site.

Section 12.10 Rules for Determining Zoning District Boundaries

The boundaries of the zoning districts are shown on the maps adopted for the planning districts that have elected to come under the planning and zoning authority of the Baldwin County Commission. Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the zoning map, the following rules shall apply:

(a) Unless otherwise indicated, the district boundaries are indicated as approximately following property lines, land lot lines, center lines of streets, highways, alleys, shorelines of streams, reservoirs, or other bodies of water, or civil boundaries, and they shall be construed to follow such lines.

(b) Where district boundaries are approximately parallel to the center lines of streets, highways, or railroads, streams, reservoirs, or other bodies of water, or said lines extended, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the zoning map.

(c) Where a public road, street or alley or other public property is officially vacated or abandoned, the ordinances applicable to the property to which it is reverted shall apply to such vacated or abandoned road, street or alley.

(d) In the event territory now lying within the corporate limits of a municipality, located in any planning district subject to zoning, is removed from the corporate limits of such municipality the affected

territory shall be automatically zoned to the lowest density single family district available in the respective planning district until rezoned by the Baldwin County Commission.

Section 12.11 Density

12.11.1 *Density*. The number of dwelling units per acre of land. To determine the maximum number of dwelling units permitted on a lot, multiply the lot area, in acres, by the maximum density allowed in the zoning district. Where fractional numbers result, the figure shall be rounded to the nearest lower number.

12.11.2 *Wetland Density*. The density for jurisdictional wetlands, as defined herein, shall be one-half the density allowed by the underlying zoning. Where fractional numbers result, the figure shall be rounded to the nearest lower number.

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, 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 stairways may not exceed 180 square feet and the tower may not exceed the height limit

(in feet) for the district in which it is located. Observation towers shall not include kitchen or bathroom facilities.

Section 13.2 Satellite Dishes and Radio and TV Antennas

13.2.1 *Satellite dishes.* Satellite receiving dishes are permitted accessory uses in any zoning district except as provided in *Section 2.3.24.4(b)*. In any zoning district the satellite receiving dish shall be located behind the front building setback line and must be setback 10-feet from any interior or rear lot line. In residential districts where the satellite receiving dish is detached from the principal building, its maximum height may not exceed the height limit for the zoning district. Roof mounted satellite receiving dishes must conform to the zoning district's height limit.

13.2.2 *Radio and TV antennas.* Private radio and TV antennas for individual homes or for amateur use are permitted as accessory structures in any district and may be placed on roofs or in rear or side yards but shall be no closer than 10-feet from any interior or rear lot line.

Section 13.3 Home Occupations

13.3.1 *Home occupations.* Home occupations within residential districts shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling or adversely affect the uses permitted in the district of which it is a part. No home occupation shall be permitted which might interfere with the general welfare of the surrounding residential district due to potential noise, increased pedestrian and vehicular traffic or any other condition which would constitute an objectionable use of residentially zoned property. Limitations on the type of home occupation are as follows:

- (a) The area used for a home occupation shall not exceed 20% of the gross floor area in the principal building.
- (b) The home occupation shall be confined entirely to the principal building or an accessory structure located on the same lot as the principal building.
- (c) No display of products shall be visible from the street and only articles made on the premises may be sold; except that non-durable articles (consumable products) that are incidental to a service, which service shall be the principal use in the home occupation, may be sold on the premises.
- (d) The home occupation must be carried on solely by family members and no person outside the family may be employed on the premises.

13.3.2 *Home occupations, rural.* Home occupations within the RR or RA districts shall be limited to accessory uses which are customarily associated with agricultural uses or rural nonfarm households. Limitations on the type of rural home occupation are as follows:

- (a) The rural home occupation shall be confined to the principal building or an accessory structure located on the same lot as the principal building.
- (b) No display of products shall be visible from the street and only articles made on the premises may be sold; except that non-durable articles (consumable

products) that are incidental to a service, which service shall be the principal use in the home occupation, may be sold on the premises.

(c) The rural home occupation must be carried on solely by family members and no person outside the family may be employed on the premises.

Section 13.4 Utilities

13.4.1 *Septic tanks.* In areas where there are no sewerage facilities, septic tanks may be used in accordance with current regulations of the Alabama Department of Public Health, the Baldwin County Health Department, and the Baldwin County Coastal Area Program, where applicable. No new septic systems will be permitted seaward of the Coastal Construction Line.

13.4.2 *Water and sewer connections.* All projects in all districts shall meet all requirements of the Health Department. If the projects are to be served by water and/or sewer, documentation shall be provided that the appropriate utilities have the capacity and agree to provide service.

13.4.3 *Utility plan.* A utility plan is required for all major projects. Such plan shall be submitted in conjunction with an application for a land use certificate as herein provided. The plan shall show plans and specifications for the proposed water supply, sewage disposal, refuse collection, fire protection, electricity, street lighting, telephone and gas.

13.4.4 *Other.* To the extent feasible, utilities for all major projects shall be placed underground.

Section 13.5 Sewage Treatment Plants

Sewage treatment plants shall be constructed according to the best available technology and shall provide at least tertiary treatment. See also *Section 2.3.4.3 (d)* and *Section 2.3.21.3(b)*.

Section 13.6 Buildings and Access

13.6.1 *Buildings to be on lots.* Every building hereafter erected, converted, enlarged, reconstructed, moved, or structurally altered shall be located on a lot which provides access to a public street and there shall be no more than one (1) principal residential building on a lot except as follows:

In any district where multifamily structures, motels, or hotels are permitted, two or more such residential structures may be permitted on a lot provided that no building shall be located closer to another building on the same lot than a distance equal to half the sum of the heights of both buildings. In addition, the front or rear of any building may be no closer to the front or rear of any other building than 40-feet. The side of any building shall be no closer to the side, front or rear of any other building than 30-feet.

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 2.3.26.4(a)* and *Section 2.3.28.4*).

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~~ *Commission Site Plan Approval* required. All recreational vehicle parks are subject to the standards contained in this section and will be required to obtain ~~a-land-use-certificate site-plan-approval~~ Site Plan Approval prior to being granted a building permit.

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

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

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

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

(e) *Maximum density.*

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

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

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

(h) *Water and sewer facilities.*

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

(i) *Setbacks.*

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

(j) *Access.*

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

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

(l) *Sites.*

1. Each recreational vehicle site must be at least 1,600 square feet in area.

2. Each recreational vehicle site must contain a parking pad improved with a suitable all-weather surface.

3. Each recreational vehicle site must contain at least one (1) off-street parking space improved with a suitable all-weather surface.

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

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

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

If the owner of an existing recreational vehicle park wishes to expand the recreational vehicle park, construct additional spaces and facilities or 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 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 Planning Districts which have elected to come under the planning and zoning jurisdiction of the Baldwin County Commission.

13.9.2 Procedures and standards.

(a) ~~Land use certificate~~ **Commission Site Plan Approval** required. All wireless telecommunications facilities are subject to the standards contained in this section and will be required to obtain ~~a land use certificate site plan approval~~ **Site Plan Approval** prior to being granted a building permit.

(b) *Where permitted.* Wireless telecommunications facilities shall be permitted by right in the M-1 and M-2 districts and by ~~conditional-use~~ **Commission Site Plan approval** Approval in the RR, RA, B-2, and B-3 districts. Antennas located on existing towers (co-location antennas) and antennas located on alternative support structures shall be permitted by right in all zoning districts.

(c) *Height.*

1. Antennas located on alternative support structures shall not exceed 15-feet in height above the existing structure on which they are placed.
2. Tower height shall be limited to that height necessary for proper functioning.

(d) *Setbacks.* Wireless telecommunications towers, guys, and accessory structures must comply with the minimum yard requirements of the zoning district in which they are located. Additionally, towers (but not guys and accessory structures) may be placed no closer than a distance equal to the height of the wireless telecommunications facility from any residential structure on adjacent property. Where a tower is permitted in a zoning district adjacent to any residential district the required setback from all residentially zoned property lines shall be a distance equal to the height of the tower.

(e) *Lot size.* Lot size must conform to the minimum lot size requirements of the zoning district in which the Wireless telecommunications facility is located. In the event of a lease, the minimum leased area for wireless telecommunication facilities shall be 5,000 square feet.

(f) *Co-location.*

1. No new antenna support structure shall be permitted unless the applicant demonstrates that no existing antenna support structure can accommodate the applicant's needs.
2. Documentation that reasonable efforts have been made to achieve co-location shall be submitted. Applications for new antenna support structures must include an affidavit from the applicant verifying that no existing sites are available for co-location.
3. Monopole structures shall have the ability to accommodate at least one additional set of antennas. Guyed structures and self supporting towers shall have the ability to accommodate at least two additional sets of antennas.

(g) *Aesthetics.* The aesthetic properties of each individual wireless telecommunications facility shall be approved as part of the site plan review process.

1. *Appearance.* The design of the tower shall be of a type that has the least visual impact on the surrounding area.

A. Towers and antennas shall be painted a neutral or blending color so as to reduce visual obtrusiveness, unless subject to any applicable FAA standards. If an antenna is installed on a structure other than a tower, the antenna and supporting telecommunications facilities must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure.

B. No signage, symbols, or advertisements may be attached to the pole, tower or antenna.

C. Towers camouflaged to resemble woody trees or indigenous vegetation in order to blend in with the native landscape will be subject to administrative review, as are types of concealment techniques (see *Concealment techniques*).

2. Accessory structures.

A. The design of the compound and its accessory structures shall, to the extent possible, maximize use of building materials, colors, textures, screening and landscaping that effectively blend the tower facilities within the surrounding natural setting and built environment.

B. In or adjacent to developed properties, accessory structures must be aesthetically and architecturally compatible with the surrounding environment. Materials such as wood, brick, and stucco should be used as appropriate. The use of metal or metallic-looking materials shall be avoided in as much as shall be practical.

3. Non vegetative screening.

A. Non vegetative screening will be required when it is necessary to reduce the visual impact of a wireless telecommunications compound on adjacent public ways, properties or the neighborhood in which it is located. In or adjacent to developed properties, non vegetative screening shall be provided in a manner that is compatible with the surrounding character of development, buildings, natural vegetation, and landscaping. Such screening, as required and subject to site plan review, shall have a minimum height of 8-feet, and may consist of one or the following: brick masonry walls, solid wood fencing, berms, or opaque barriers. All non vegetative screening shall be properly maintained by the property owner or lessor.

B. In isolated nonresidential areas, alternative non vegetative screening methods may be accepted, such as the use of earth-toned, vinyl-coated steel security fencing.

C. In certain locations where the visual impact of the tower would be minimal, such as remote, agricultural or rural locations or developed heavy industrial areas, the non vegetative screening requirement may be reduced or waived.

D. Wireless telecommunications facilities utilizing underground vaults rather than above ground equipment buildings may be exempted from screening requirements.

4. *Landscaping.*

A. Landscaping will be required to reduce the visual impact of a compound and its accessory structures on adjacent public ways, properties or the neighborhood in which it is located. In or adjacent to developed properties, landscaping shall be provided in a manner that is compatible with the surrounding character of development, buildings, and natural vegetation.

B. The perimeter of the compound shall be landscaped with a buffer of plant materials that effectively screens the view of the compound from adjacent property and public ways. The standard buffer shall consist of a landscaped strip of at least 4-feet wide outside the perimeter of the compound. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.

C. A row of trees a minimum of 8-feet tall and a maximum of 10- feet apart shall be planted around the perimeter of the compound fence. A continuous hedge at least 30 inches high at planting capable of growing to at least 36 inches in height within 18 months shall be planted in front of the tree line.

D. All landscaping shall be of the evergreen variety. All landscaping shall be xeriscape tolerant or irrigated and properly maintained by the property owner or lessor to ensure good health and variety.

(h) *Lighting.*

1. Towers shall not be artificially lighted unless required by the FAA or other authority for safety purposes. If lighting is required, "dual lighting" (red at night/strobe during day) shall be preferred unless restricted by the FAA. Lighting must be shielded or directed upward to the greatest extent possible so as to minimize the amount of light that fall onto nearby properties, particularly residences.

2. Basic security lighting for the compound may be permitted, but shall be focused only on the compound itself, and shall be directed away from any adjacent property.

(i) *Environmental impact.* All wireless telecommunications facilities shall comply with the National Environmental Policy Act. If an environmental assessment is required by the Federal Communications Commission (FCC), a copy of the assessment, as well as documentation of the FCC's subsequent approval thereof, must be submitted at the time of application.

(j) *Safety.*

1. *Radio frequency.* The applicant shall be required to submit documentation that the proposed wireless telecommunications facility complies with the FCC standards for radio frequency emissions, as adopted by the FCC on August 1, 1996.

2. *Structural.* A Professional Engineer shall certify that all antenna support structures and wireless telecommunications equipment are erected and/or installed so as to comply with the co-location requirements as specified in *Section 13.10.2 (f): Co-location*, and wind loading and other structural standards contained in the Building Code as adopted by Baldwin County and the applicable technical codes established by the Electronic Industries Association (EIA/TIA 222-E "Structural Standards for Steel Antenna towers and Antenna Supporting Structures) or the Telecommunications Industry Association. This shall apply to new and modified structures and facilities.

3. *Security of site.* Fencing shall be required to ensure that antenna support structures and their accessory buildings are fully secured. Sufficient anti-climbing measures must be incorporated into each facility, as needed, to reduce potential for trespass and injury.

(k) *Obsolete towers.* In the event the use of any wireless telecommunications facility has been discontinued for the period of 180 days, the wireless telecommunications facility shall be deemed to be abandoned. Determination of the date of the abandonment shall be made by the Zoning Administrator. Upon such abandonment, the owner/operator of the wireless telecommunications facility shall have an additional 180 days within which to reactivate the use of the wireless telecommunications facility to another owner/operator who makes actual use of the wireless telecommunications facility, or dismantle and remove the wireless telecommunications facility.

Section 13.10 Bed and Breakfast Establishments

13.10.1 *Purpose.* A bed and breakfast establishment may be approved as a ~~special exception~~ Commission Site Plan Approval under the RA, RSF-E, RSF-1, RSF-2, RSF-3, RSF-4, RTF-4, RSF-6, RTF-6, RMF-6 and TR zoning designations, subject to the approval of the ~~Board of Adjustment~~ Planning Commission for the planning district in which the bed and breakfast would be located.

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13.10.2 *Standards.* A ~~special exception~~ Commission Site Plan Approval for a bed and breakfast establishment may be approved only upon determination that the application and evidence presented clearly indicate that all of the following standards will be met:

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(a) No more than eight (8) guest rooms shall be included in any one establishment.

(b) Except for serving meals to overnight guests, the establishment shall not engage in the restaurant business. Guest rooms shall not contain cooking facilities.

(c) Guest stays shall be limited to two weeks.

(d) At least one off-street parking space shall be provided for each guest room, plus two for the owner.

(e) All requirements, standards, and conditions contained in *Section 18.8.4* of these zoning ordinances shall be met.

Section 13.11 Stormwater Management

A stormwater management plan is required for all major projects. Such plan shall be prepared by a licensed engineer and shall be submitted in conjunction with an application for a land use certificate as herein provided. No development may proceed until a land use certificate has been approved. The Zoning Administrator shall, in consultation with the Building Official and County Engineer or his/her designee, determine that reasonable provisions for properly handling surface drainage have been made in the applicant's design.

Section 13.12 Erosion Control

13.12.1 Purpose and Intent. It is the purpose of this ordinance to further the maintenance of safe and healthful conditions, prevent and control water pollution, prevent and control soil erosion, protect spawning grounds, protect fish and aquatic life, control building sites, control placement of structures and land uses, preserve ground cover and scenic beauty, and promote sound economic growth. This will be done by minimizing the amount of sediment and other pollutants carried by runoff or discharged from land disturbing construction activity.

13.12.2 Definitions. Words and phrases used in this article shall have the meanings as set forth in this section. Words and phrases not defined in this section but defined elsewhere in the zoning ordinances shall be given the meanings as set forth in such ordinances. All other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise.

Agricultural activity. Planting, growing, cultivating and harvesting crops for human or livestock consumption and pasturing or outside yarding of livestock, including sod farms and silviculture. This includes waterways, drainage ditches, diversions, terraces, excavating, filling, and similar practices on farm fields.

Best management practice (BMP). Structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment, or pollutants carried in runoff to waters of the state.

Construction site. An area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan.

Erosion. The process by which the land's surface is worn away by the action of wind, water, ice or gravity.

Erosion and sediment control plan. A plan developed to address pollution caused by soil erosion and sedimentation during land disturbing construction activity.

Qualified Credentialed Inspector (QCI). An operator, operator employee, or operator designated qualified person who has successfully completed initial training and annual refresher Qualified Credentialed Inspection Program (QCIP) training, and holds a valid certification from a Department approved cooperating training entity.

Qualified Credentialed Professional (QCP). A staff member of the Alabama Department of Environmental Management (ADEM) designated by the Director of ADEM, a licensed Professional Engineer, an Alabama Natural Resources Conservation Service professional designated by the State Conservationist, a Certified Professional In Erosion And Sediment Control, or other registered professionals (geologists, soil scientists, land surveyors, landscape architects).

Sediment. Settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.

Site. The entire area included in the legal description of the land on which the land disturbing construction activity is proposed in the permit application.

Water(s). Includes, but is not limited to, water on or beneath the surface of the ground, including natural or artificial watercourses, streams, rivers, lakes, ponds, or diffused surface water and water percolating, standing, or flowing beneath the surface of the ground.

Watercourse. A natural or artificial channel through which water flows.

13.12.3 General Design Principles. The following principles apply to all land disturbing activities within the jurisdiction of the Baldwin County Planning and Zoning authority and should be considered when preparing construction plans and/or submissions required under this ordinance:

- (a) To minimize the potential for soil erosion, development should fit the topography and soils of the site. Areas with extreme slopes where cuts and fill would be required should be avoided.
- (b) Natural vegetation should be maintained and protected wherever and whenever possible. Areas immediately adjacent to watercourses, wetlands and lakes should be left undisturbed wherever possible.
- (c) All construction activities on a site should be conducted in a logical sequence so that the smallest practical area of land will be exposed for the shortest practical period of time during development.
- (d) Sediment basins, silt traps and filters should be installed prior to the beginning of construction to remove as much sediment as possible from runoff leaving the site or entering watercourses, wetlands, lakes or reservoirs.

(e) The selection of soil erosion and sedimentation control measures should be based on the size of the project, the frequency of climatic events likely to accelerate erosion, the season during which the project is being constructed, and the potential for damage should erosion and sedimentation occur.

(f) In the design of erosion and sedimentation control measures the requirements for proper maintenance will be considered.

(g) Provision should be made to accommodate the increased runoff caused by altered surface and soil conditions both during and after development. Drainage ways should be designed so that their final gradients and resultant velocities will not cause erosion.

(h) Provision should be made for the proper transport of soil from the site without tracking or spilling soil along the transport route.

(i) Permanent vegetation and erosion control structures should be installed and temporary structures removed prior to the issuance of final occupancy permits.

(j) Any land disturbance activity which takes place in a right-of-way will require approval from the governing agency.

13.12.4 *Design Criteria, Standards and Specifications.* All erosion and sediment control measures, including, but not limited to those required to comply with this ordinance, shall meet the design criteria, standards and specifications given in the most current version of the Alabama Handbook for Erosion Control, Sediment Control and Storm Water Management on Construction Sites and Urban Areas.

13.12.5 *Specific Requirements.* Control of erosion and sediment through the entire duration of the land disturbing activity is the responsibility of the applicant. The following measures shall be utilized where required to provide the necessary control.

(a) Runoff from off-site and flowing through the land in question may be diverted around the land disturbing activity by means of swales, channels, ditches, culverts or storm sewers. The diversion may be a temporary installation, utilized only until the land disturbing activity is complete, or it may be a permanent part of the proposed improvement on the land. Such diversion shall not be such that it causes drainage or erosion problems down stream and does not require impact to existing wetlands not covered by existing permits

(b) Any detention basin proposed for the site should be utilized during construction as a sediment basin to trap as much soil as possible. Such basins shall be designed for this purpose, utilizing over excavation for temporary sediment storage, temporary perforated standpipes and or stone filters as required by proper engineering design.

(c) Temporary sediment traps may be required in areas where runoff exits the site and is likely to carry sediment from eroded soils on the site. The

temporary traps shall be sized proportionate with the expected flow rate from the site.

(d) Ingress and egress to the site shall be by way of coarse stone drive(s) of sufficient length to cause soil picked up by the tires of vehicles to be dropped before the vehicle enters the roadway. Drives shall be designed and situated so that they provide maximum protection against tracking of soil or mud onto the roadway. For single family and duplex home sites the stone drive should coincide with the final location of the drive to the residence.

(e) Drain inlets and entrances to culverts shall be protected with an installation of acceptable inlet protection.

(f) All disturbed ground left inactive for a period of thirteen (13) days shall be seeded, sodded or stabilized with mulch or equivalent.

(g) Storage piles of soil left for longer than 3 days shall be completely encircled with silt fence. If left inactive or unused for longer than twenty-one (21) days the pile shall be seeded, sodded, or covered with a mulching fabric or tarpaulins.

(h) Stone check dams shall be used in open drainage courses to slow velocities of the runoff.

(i) Based on individual site characteristics, silt fence shall be installed along the down slope edges of all disturbed areas on the site. Silt fence shall be installed in such a manner to prevent sediment from leaving the site.

(j) *Prevention of wetland degradation.* Temporary sediment barriers shall be installed where needed on all exposed slopes which meet or exceed four horizontal to one vertical (4:1) and are within twenty-five (25) feet of wetlands, waters of the state, or any surface water feature not bounded entirely by the limits of the development site. These shall be placed and maintained such that drainage will not overflow or bypass the barrier and shall remain in place until the slope is leveled or permanently stabilized.

(k) *Dust control.* All development which will result in exposure of bare soil during dry periods shall follow short-term stabilization methods as follows:

- 1.) Maintain soils in a damp condition as determined by sight or touch.
- 2.) Establish a stabilized surface through watering or other approved methods.

(l) *Stabilization.* Within 10 days of ceasing activity, an operator shall implement at least one (1) of the following long-term stabilization techniques for any disturbed surface area where construction activities are not scheduled to occur for at least thirty (30) days:

1.) Revegetation that results in seventy-five percent (75%) ground coverage provided that an active watering system is in place at all times.

2.) Establish a stabilized surface through watering with physical access restriction surrounding the area or other approved methods.

13.12.6 *Maintenance of Erosion Control Measures.* All erosion control measures shall be maintained throughout the course of the construction or until the growth of vegetation has made them unnecessary. If silt fence is temporarily removed to allow access to a portion of the site it shall be re-installed at the end of the work day. The applicant is responsible for the maintenance of all erosion control measures.

13.12.7 *Erosion Control Plan.* An erosion control plan shall be submitted with each application as follows:

(a) *Minor Projects - Single Family Homes and Accessory Structures (areas of disturbance less than 1 acre)* The erosion control plan for single family home sites shall be made a part of the site plan provided with the application for a ~~Land Use Certificate~~ **Site Plan Approval**. It shall be prepared by an Alabama Licensed Professional Land Surveyor, Engineer, Architect, Landscape Architect, a Certified Professional in Erosion and Sediment Control, a QCI, a licensed home builder or a licensed general contractor. The site plan shall show, as a minimum, the direction of surface slopes, any watercourses on the lot, and the location of all erosion control installations proposed.

(b) *Major Projects – All other Residential and Non-Residential Sites (areas of disturbance greater than or equal to 1 acre).* The erosion control plan for multi-family and all non-residential sites shall conform to the following:

1.) The plan shall be prepared by an Alabama Licensed Professional Land Surveyor, Engineer, Architect, Landscape Architect or QCP.

2.) The plan shall be drawn to a scale adequate to clearly show the site and the required information. In no case shall the plan be drawn to a scale less than 1"=100'.

3.) The plan may incorporate one or more sheets as necessary to clearly convey the intent of the plan. The plan may also incorporate text to explain any specifics of the plan cover the specifications for the materials required or convey the development phasing.

4.) As a minimum the plan shall show all existing and proposed:

A. Site boundaries, lots, etc.

B. All watercourses (with sizes), ponds, lakes, wetlands.

C. Apparent floodplains, floodway fringes, and floodways.

D. Soil types and their erodibility. The information provided in the Soil Survey of Baldwin County, Alabama as published by the U.S. Dept. of Agriculture, Natural Resources Conservation Service, is appropriate.

E. Vegetative cover such as crops, grass, weeds, and/or trees. The use of exotic or invasive species as proposed vegetative cover is discouraged.

F. Utilities, structures, road pavements and other improvements.

G. Existing contours at an interval not greater than 2 feet. An adequate number of spot elevations may be provided in lieu of the contours.

H. Locations and dimensions (where applicable) of all proposed erosion control measures.

13.12.8 *Permits*

(a) *General.* A land disturbance permit shall be obtained for all minor and major projects. The permit shall be on a form provided by the Baldwin County Planning and Zoning Department. For small scale projects a ~~Land Use certificate~~ **Site Plan Approval** shall be used in lieu of a land disturbance permit.

(b) *Permit Conditions.* All permits shall require the applicant to:

- 1.) Notify the Planning and Zoning Department at least 24 hours before beginning any major project land disturbing activity.
- 2.) Notify the Planning and Zoning Department of any modifications of the erosion control plan within 7 days of change.
- 3.) Install and maintain all erosion control measures as identified in the erosion control plan.
- 4.) Maintain all road drainage systems, storm water drainage systems and other facilities as identified in the erosion control plan.
- 5.) Remove sediment resulting from land disturbing activities from adjacent surfaces and/or drainage courses in accordance with all State and Federal regulations.
- 6.) Allow the Planning and Zoning Department to enter the site to verify compliance with the erosion control plan.
- 7.) Submit a revised plan for approval if the nature of the project changes from that proposed under the permit.
- 8.) Submit copies of all necessary state and federal permits

(d) *Permit Fees.* All fees for a Land Disturbance Permit shall be paid prior to permit issuance.

(e) *Length of Permit Validity.* In the event that the land disturbing activities are not started within 6 months and/or the work is not completed within three (3) years from the date of the permit said permit shall become invalid and a new permit shall be obtained.

13.12.9 *Enforcement*

(a) *Stop Work Notice.* The Planning & Zoning Department may issue a stop work notice in accordance with the zoning ordinance for any work not conforming to the requirements of this ordinance. The stop work notice may be lifted only after the work has been made to conform to this ordinance. If, after the stop work order has been issued for a period of not less than ten (10) calendar days and the work is not in compliance with this ordinance the Department may serve notice of zoning violation.

(b) *Fines for Violation.* In addition to any and all other remedies set forth in this ordinance for a violation thereof, the Planning Director or his/her designee may, for any violation of this ordinance, levy a fine against the violator(s) of up to \$150.00 for each occurrence, each day being a separate occurrence. The Department shall notify the violator(s) of such fine, in writing.

13.12.10 *Exemptions.* This ordinance shall apply to any land-disturbing activity undertaken by any person on any land except for the following activities. These activities may be subject to regulation by State and Federal agencies.

(a) The construction of single family residences when such construction is located on lots exceeding three (3) acres and construction activity disturbs less than one (1) acre and is not a part of a larger common plan of development or sale.

(b) Surface mining.

(c) Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, and other related activities which result in minor soil erosion.

(d) Agricultural activities as defined herein.

(e) Any project carried out under the technical supervision of the Natural Resources Conservation Service of the United States Department of Agriculture, the State of Alabama or Baldwin County Commission.

(f) Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation; or any road construction or maintenance project, or both, undertaken by any county or municipality.

(g) Forestry land management practices, including harvesting; provided, however, that the Alabama's Best Management Practices for Forestry are followed.

Section 13.13 Wind Energy Conversion Systems

13.13.1 *Purpose and Intent.* It is the purpose and intent of this section to provide standards and regulations for the safe and effective construction, placement, operation and use of small wind energy conversion systems for onsite home, farm and commercial use.

13.13.2 *Applicability.* This section shall apply to wind energy conversion systems (WECS) used for electrical energy generation. Microturbines and Small WECS shall be regulated as accessory structures under all zoning designations. Large and Utility Scale systems shall not be permitted.

13.13.3 *Definitions.* Words and phrases used in this section shall have the meanings as set forth in this section. Words and phrases not defined in this section, but defined elsewhere in the zoning ordinance, shall be given the meanings as set forth in applicable provisions of the zoning ordinance. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

WECS or system. A machine which can convert kinetic energy in wind into a usable form of electrical or mechanical energy, such as a wind turbine, windmill or any other wind generated energy production facilities or equipment. As used within this section, a WECS includes all parts of the turbine and the tower upon which it is installed, including any associated facilities or equipment, but does not include power transmission equipment.

Microturbine. A WECS which generates one kilowatt or less of electrical energy.

Small WECS. One WECS, with a rated capacity of 50 kilowatts (kw) or less, to be used to provide electrical energy on site. Excess electricity may be sold back to an electric utility provider providing service to the site through net metering, net billing or similar programs.

Large WECS. One WECS with a rated capacity of more than 50 kw, but less than 100 kw.

Utility Scale WECS. One WECS with a rated capacity of more than 100 kw.

Wind Farm. Two or more utility-scale WECS on the same parcel or group of adjacent parcels under common ownership or the subject of leases by a common lessee.

Tower Height. The height from base grade to the top of the WECS, including the uppermost extension of any horizontal axis blades, when extended or rotated to their highest position.

Windmill. A machine which converts the energy of the wind into rotational energy by means of vanes called sails, which is used exclusively for irrigation, agricultural drainage, farm water supply, and domestic and community water supply.

Windpump. A windmill used for pumping water, either as a source of fresh water from wells, or for draining low-lying areas of land.

13.13.4 *Where Permitted.* WECS are permitted in certain zoning districts, subject to the rated capacity thresholds listed below, and in accordance with the requirements of the underlying zoning designation:

- (a) Microturbine (1 kw or less).

Permitted by right under all zoning designations.

- (b) Small WECS (Greater than 1 kw, but less than 10 kw).

Permitted by right: RR, RA, CR, B-1, B-2, B-3, B-4, RV-1, RV-2, MR, OR, TR, M-1 and M-2

Permitted by ~~Special Exception~~Commission Site Plan Approval: RSF-E, RSF-1, RSF-2, RSF-3, RSF-4, RTF-4, RSF-6, RTF-6, RMF-6 and RMH

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- (c) Small WECS (10 kw, to less than 50 kw).

Permitted by right: RR, RA, CR, B-1, B-2, B-3, B-4, RV-1, RV-2, MR, OR, TR, M-1 and M-2

Permitted by ~~Special Exception~~Commission Site Plan Approval: RSF-E, RSF-1, RSF-2, RSF-3, RSF-4, RTF-4, RSF-6, RTF-6, RMF-6 and RMH

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- (d) Large WECS (Greater than 50 kw, but less than 100 kw).

Not Permitted under any zoning designation.

- (e) Utility Scale WECS (100 kw or greater).

Not Permitted under any zoning designation.

- (f) Wind Farms.

Not permitted under any zoning designation.

- (g) Windmills and Windpumps.

Permitted by right: RR, RA, CR, B-1, B-2, B-3, B-4, RV-1, RV-2, MR, OR, TR, M-1 and M-2

Permitted by ~~Special Exception~~Commission Site Plan Approval: RSF-E, RSF-1, RSF-2, RSF-3, RSF-4, RTF-4, RSF-6, RTF-6, RMF-6 and RMH

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13.13.5 *Number of WECS Units.*

- (a) Microturbines. The maximum number of microturbines which may be installed on a lot is listed as follows:

1. Residential lots, less than five acres in size, may install a maximum of 1 microturbine.
2. Residential lots of five acres or greater in size may install a maximum of 2 microturbines.

3. Agricultural, commercial and industrial lots less than five acres in size, may install a maximum of 1 microturbine.
4. Agricultural, commercial and industrial lots of five acres or greater in size may install up to 5 microturbines.

(b) Small WECS. The maximum number of small WECS units which may be installed on one lot shall be based on the following acreage requirements:

1. For lots one acre to less than 10 acres, one WECS shall be allowed.
2. For lots 10 acres to less than 20 acres, two WECS shall be allowed.
3. For lots 20 acres or greater, a maximum of three WECS shall be allowed.
4. If the WECS generate greater than five kilowatts each, and are limited to 50-feet in height, a maximum of two WECS may be installed per five acres. Additionally, the separation between them shall be twice the height of the tallest tower.

13.13.6 *Development Standards.* The following development standards shall apply to

WECS. Microturbines shall be required to comply with Paragraphs (a), (e), (h), (j), (k) and (m):

(a) General Development Standards. All WECS shall maintain a minimum setback which is no closer laterally than one and one-half times the height of the tower to an overhead electrical power line, excluding secondary electrical service lines or service drops. Additional development standards shall be applied according to rated capacity per WECS unit, as follows:

1. Microturbines: Area and dimensional requirements of the underlying zoning designation.
2. WECS greater than 1kw, but less than 10kw:

Minimum Lot Size – 1 acre
Setbacks – Tower height
Maximum Height – 80 feet

3. WECS 10 kw or greater, but less than 50kw:

Minimum Lot Size – 5 acres
Setbacks – Tower height
Maximum Height – 100 feet

4. Windmills and windpumps

Minimum Lot Size – 1 acre
Setbacks – Tower height
Maximum Height – 50 feet in residential zoning districts; or 100 feet in agricultural, commercial or industrial zoning districts.

- (b) Safety. All WECS shall be completely enclosed by a locked protective fence at least six feet high, unless located upon a roof or other location with limited access.
- (c) Guy Wires. Anchor points of any guy wires, if utilized, for a system tower shall be located within the property on which the system is located. Guy wires shall not cross any above-ground electric distribution lines. The points of attachment for the guy wires shall be either enclosed by a fence of at least six feet in height or sheathed in bright orange or yellow coverings from three to eight feet off the ground.
- (d) Tower Access. Towers must either:
 - 1. Have tower-climbing apparatus located no closer than 12 feet from the ground;
 - 2. Have a locked anti-climb device installed on the tower; or
 - 3. Have a tower-access limitation approved by the Board of Adjustment.
- (e) Rotor Safety. Each WECS must be equipped with both manual and automatic controls to limit the rotational speed of the blade within the design limits of the rotor.
- (f) Electromagnetic Interference. The WECS shall be designed, installed and operated so that no disrupting electromagnetic interference is caused. Disruptive interference from the facility shall be promptly rectified to include discontinued operation of one or more WECS.
- (g) Utility Notification and Undergrounding. For inter-connected systems, no wind turbine shall be installed until written notice and evidence has been given that the electric utility service provider has been notified and has indicated that the proposed interconnection is acceptable. On-site electrical wires associated with the system shall be installed underground, except for "tie-ins" to the electric utility service provider and its transmission poles, towers and lines. This standard may be modified by variance, if the project terrain is found to be unsuitable due to the need for excessive grading, biological impacts or similar factors.
- (h) Noise. A maximum noise level of 50 decibels, measured when the WECS is rotating at its highest design speed, is permitted. The noise level shall be measured at the property lines and shall not exceed 50 decibels under any circumstance.
- (i) Site Access. Construction of onsite roadways shall be minimized. Temporary access roads utilized for initial installation shall be graded and revegetated to their natural condition after completion of installation.
- (j) Site Aesthetics. WECS shall be designed and located in a manner to minimize adverse visual impacts as follows:

1. Structural components including, but not limited to, towers, blades and fencing shall be of nonreflective and of an unobtrusive, neutral or blending color.
2. When adjacent to a scenic corridor or byway, WECS shall not cause a significantly adverse visual impact to the corridor or byway.
3. Landscaping. With the exception of microturbines, landscaping will be required to reduce the visual impact of a WECS, and its accessory structures on adjacent public ways, properties or the neighborhood in which it is located. Landscaping shall be provided in a manner that is compatible with the surrounding character of development, buildings, and natural vegetation.

(k) Exterior Lighting.

1. Towers shall not be artificially lighted, unless required by the Federal Aviation Administration (FAA) or other authority for safety purposes, due to proximity to airports. If lighting is required, "dual lighting" (red at night/strobe during day) shall be preferred unless restricted by the FAA. Lighting must be shielded or directed upward to the greatest extent possible so as to minimize the amount of light that falls onto nearby properties, particularly residences.
2. Basic security lighting for the compound may be permitted, but shall be focused only on the compound itself and shall be directed away from any adjacent property.

(l) Signage. Signage shall be considered as part of ~~Land Use or Special Exception Site Plan approval~~ Approval and shall be limited as follows:

1. Signs warning of high voltage electricity shall be posted at a height of five feet above ground on stationary portions of the WECS or its tower and at gated entry points to the project site.
2. No other sign or logo shall be placed or painted on any WECS or tower.
3. No more than two identification signs relating to a WECS project shall be located on the site.
4. Signs shall not exceed 16 square feet in display area or eight feet in height from base grade.

(m) Compliance with FAA Regulations. All WECS shall comply with applicable FAA regulations, if compliance is required due to proximity to airports.

13.13.7 *Application Submittal Requirements*. All applications for a WECS shall include the following:

- (a) Name, address and contact information for owner and authorized agent. If the owner or authorized agent is an entity, the names of the owners, shareholders, members, managers and officers shall be provided;

- (b) Distance to residentially zoned lots (if project site is zoned commercial or industrial), public and private airports and airstrips and schools within one-quarter mile of the proposed project as measured from its nearest property line;
- (c) Maximum rated generating capacity of the WECS unit(s) proposed for installation;
- (d) Manufacturer's rated generating capacity of the WECS unit(s);
- (e) A statement by the manufacturer certifying that the rotor and overspeed controls have been designed and fabricated for the proposed use in accordance with good engineering practice, and have been certified by a national program such as National Electrical Code (NEC), American National Standards Institute (ANSI) or Underwriters Laboratories (UL);
- (f) Certification by a State licensed structural, mechanical or civil engineer that the tower structures are designed and constructed with the pertinent provisions of the International Building Code;
- (g) Written evidence that the electric utility provider for the proposed site has been informed of the applicant's intent to install an interconnected customer owned electricity generator. If the applicant does not plan to connect the system to the electricity grid, the applicant shall include a statement to that effect;
- (h) A description of the proposed measures to minimize the adverse noise, transmission interference, visual and safety impacts to adjacent properties, and methods to prevent public access to the structure.
- (i) All additional submission requirements for ~~Land-Use-Certificate Site Plan approval~~ Approval and ~~Special-Exception Commission Site Plan approval-Approval~~ as applicable and as found within the zoning ordinance.
- (j) The Building Inspector shall have the authority to waive the application requirements set forth above in Section 5.2 (b), (e) and (f) above for microturbines mounted to the side or roof of a structure, if the information is deemed unnecessary due to the size and height of the turbine.

13.13.8 Variances. Applications for variances from this section shall meet the requirements of Section 18.6 and Section 18.7 of the zoning ordinance.

13.13.9 Fines and Penalties. In addition to any other fines, penalties or remedies for the violation the provisions of this section, any person or entity violating the provisions of this section or any other regulations regarding the permitting, construction, placement and use of WECS shall be subject to a fine of up to one thousand dollars (\$1,000) and costs of court for each offense as determined by the court. Each day the violation continues shall constitute a separate offense.

Section 13.14 Mini-Warehouses

13.14.1 *Purpose.* The purpose of this section is to establish minimum standards for mini-warehouse facilities.

13.14.2 *Procedures and standards.*

(a) ~~Land use certificate~~ *Commission Site Plan Approval required.* All mini-warehouse facilities 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.* Mini-warehouse facilities are permitted as follows:

1. ~~Special Exception~~ *Commission Site Plan Approval – RR, Rural District, RA, Rural Agricultural District, RMF-6, Multiple Family District, HDR, High Density Residential District, B-1, Professional Business District, B-2, Neighborhood Business District, B-3, General Business District, B-4, Major Commercial District, M-1, Light Industrial District and M-2 General Industrial District,*
2. ~~Conditional Use – RMF-6, Multiple Family District, HDR, High Density Residential District, B-1, Professional Business District and B-2, Neighborhood Business District,~~
3. ~~By Right – B-3, General Business District, B-4, Major Commercial District, M-1, Light Industrial District and M-2 General Industrial District~~

(c) *Land area.* The minimum land area of a mini-warehouse facility shall be three (3) acres.

(d) *Coverage.* Building coverage shall not exceed forty (40) percent of the total lot area.

(e) *Access.*

1. No mini-warehouse facility shall be located except with direct access to a paved county, state or federal highway, with a minimum lot width of not less than 50-feet for the portion used for entrance and exit.
2. All storage spaces shall be served by an access driveway of 11-feet minimum width for each direction of travel. Access drives shall be improved with a suitable hard surface permanent type of pavement such as asphalt, concrete, gravel, limestone or another similar surface.

(f) *Buffering.* In the event a mini-warehouse facility is located adjacent to residentially developed or 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.

(g) *Design and other requirements.*

1. *Facades.* Facades which are visible from a public right-of-way shall be constructed of masonry, wood or other materials which will present a

pleasing appearance and which will be compatible with the surrounding area.

2. *Fencing.* The entire site of a mini-warehouse facility shall be enclosed by security fencing. The minimum height for fencing, along the side and rear property lines, shall be eight (8) feet, for fencing constructed to the exterior of required buffers, or six (6) feet for fencing constructed to the interior of required buffers. Fencing shall be composed of materials designed for such use including masonry, iron, steel, chain link (painted or vinyl coated only), wood or a combination thereof. Fencing along the front of a mini-warehouse facility may be decorative in nature and may be built to a minimum height of four (4) feet.
3. *Lighting.* The maximum height of exterior lights shall be 20-feet. Light fixtures shall be designed to cast light downward. No light shall be aimed directly toward a property designated residential, which is located within 200-feet of the source of the light.
4. *Compartments.* Each storage compartment shall have an independent entrance under the exclusive control of the tenant. The use of storage compartments shall be limited to the storage of personal property and no other use shall be permitted within such compartments.
5. *Outdoor storage.* Outdoor storage of goods and materials, with the exception of boats, recreational vehicles and trailers, shall be prohibited. Boats, recreational vehicles and trailers may be stored on site only if located in an enclosed building or if fully screened from public view by fences, walls, landscaping or a combination thereof.
6. *Parking and landscaping.* Unless otherwise stated herein, all mini-warehouse facilities shall meet the requirements of *Article 15: Parking and Loading Requirements* and *Article 17: Landscaping and Buffers*.

Section 13.15 Office-Warehouses

13.15.1 *Purpose.* The purpose of this section is to establish minimum standards for office-warehouse facilities.

13.15.2 *Procedures and standards.*

(a) ~~Land use certificate~~ *Commission Site Plan Approval* required. All office-warehouse facilities 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. As used in this section, the term "office-warehouse" shall refer to a commercial facility with offices/showrooms and associated storage specific to each office/showroom. This section shall in no way supersede uses which are permitted by right in the M-1 and M-2 zoning districts.

(b) *Where permitted.* Office-warehouse facilities are permitted as follows:

1. ~~Special Exception Commission Site Plan Approval – RR, Rural District, B-1, Professional Business District and B-2, Neighborhood Business District, B-3, General Business District, B-4, Major Commercial District, M-1, Light Industrial District and M-2 General Industrial District~~
2. ~~Conditional Use – B-1, Professional Business District and B-2, Neighborhood Business District~~
3. ~~By Right – B-3, General Business District, B-4, Major Commercial District, M-1, Light Industrial District and M-2 General Industrial District~~

(c) *Coverage.* Building coverage shall not exceed forty (40) percent of the total lot area.

(d) *Buffering.* In the event an office-warehouse facility is located adjacent to residentially developed or 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.

(f) *Design and other requirements.*

1. *Facades.* Facades which are visible from a public right-of-way shall be constructed of masonry, wood or other materials which will present a pleasing appearance and which will be compatible with the surrounding area.
2. The office/showroom component of this use shall comprise up to 25 percent of the total floor area.
3. No single building shall contain more than five (5) office-warehouse units.
4. *Lighting.* The maximum height of exterior lights shall be 20-feet. Light fixtures shall be designed to cast light downward. No light shall be aimed directly toward a property designated residential, which is located within 200-feet of the source of the light.
5. *Exterior display and storage.* There shall be no exterior display or storage of equipment or materials. All equipment and materials shall be housed inside a structure or behind a privacy fence of eight (8) feet minimum height located behind a structure.
6. *Parking and landscaping.* Unless otherwise stated herein, all office-warehouse facilities shall meet the requirements of *Article 15: Parking and Loading Requirements* and *Article 17: Landscaping and Buffers*.

Article 18 Administration

Section 18.1 Administration, Interpretation and Enforcement

18.1.1 The duty of administering and enforcing the provisions of these zoning ordinances is hereby conferred upon the Zoning Administrator.

18.1.2 The Zoning Administrator is authorized and empowered to administer and enforce the provisions of these zoning ordinances to include receiving applications, inspecting sites, and issuing ~~land-use-certificates~~ ~~site-plan approval~~ Site Plan Approval for projects and uses and structures which are in conformance with the provisions of these zoning ordinances.

18.1.3 The Zoning Administrator shall keep records of all permits and ~~certificates approvals~~ issued and maps, plats, and other documents with notations of all special conditions involved. He shall file and safely keep copies of all sketches and plans submitted, and the same shall form a part of the records of his office and shall be made as a public record.

18.1.4 Where the exact location of a boundary cannot be determined by the methods described in *Section 12.10: Rules for Determining Zoning District Boundaries*, the Zoning Administrator shall interpret the map and render a decision. Any such decision may be appealed to the Board of Adjustment.

18.1.5 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.

Section 18.2 ~~Land Use Certificates~~ Site Plan Approvals

18.2.1 *Authorization.* A ~~land-use-certificate~~ Site Plan Approval shall be obtained from the Zoning Administrator prior to the commencement of development and issuance of any associated building permits. ~~including electrical, HVAC and plumbing permits.~~

18.2.2 *Application procedure.*

(a) The Zoning Administrator shall receive the application for a ~~land use-certificate~~ Site Plan Approval upon determination that it complies with all applicable submission requirements. A Site Plan Approval may be submitted concurrently with a request for rezoning.

(b) A Site Plan Approvals will be issued either administratively by the Zoning Administrator or by the Baldwin County Planning Commission at a regularly scheduled meeting as provided herein.

(~~bc~~) Where appropriate, the Zoning Administrator shall circulate the application to the Building Official, County Engineer, and/or Coastal Program Director for review and comment.

(~~ed~~) ~~Administrative~~ ~~The land-use certificate~~ Site Plan Approval shall be issued or denied within ~~7-10 business~~ days ~~or~~ otherwise it shall be deemed to be approved. ~~Commission Site Plan Approvals shall be issued or denied at the Planning Commission meeting where the Site Plan Approval application is considered. A Commission Site Plan Approval may be issued contingent on changes requested by the Planning Commission. In this case, the Applicant shall submit the amended Site Plan to the Zoning Administrator for final issuance of the Site Plan Approval.~~

18.2.3 Application submittal.

(a) ~~Application form.~~ The ~~land-use certificate~~ Site Plan Approval Application shall be ~~on a form provided by the Zoning Administrator submitted via the Baldwin County Commission Citizenserve-Online Permitting Portal.~~

(b) ~~Plans and specifications~~ Application Submittal Documents. Each application for ~~a land-use certificate site plan approval~~ Site Plan Approval shall be accompanied by documents as applicable:

Minor Projects:

- an accurate site plan drawn to scale showing:
 - the actual shape, dimensions and size of the lot to be built upon;
 - the size, shape, height, floor area and location of the buildings to be erected;
 - dimensions and locations of existing buildings;
 - width of front, side and rear yards;
 - highway construction setback;
 - existing and proposed parking;
 - ingress to, and egress from, the site; and
- such other information as may be reasonably requested to determine compliance with these zoning ordinances including but not limited:
 - access permit from Baldwin County Highway Department or ALDOT
 - water release
 - sewer or septic tank release
 - floor plan(s) and building elevations
 - to a landscaping plan (with applicable landscape buffers),
 - erosion control plan,

- approved stormwater management plan, and
- o utilities plan, agent authorization form (if applicable)
- o US Fish and Wildlife Service Permit
- o USACE Permit
- o ADEM Permit

Major Projects:

- an accurate site plan drawn to scale showing:
 - o the actual shape, dimensions and size of the lot to be built upon;
 - o the size, shape, height, floor area and location of the buildings to be erected;
 - o dimensions and locations of existing buildings;
 - o width of front, side and rear yards;
 - o highway construction setback;
 - o existing and proposed parking;
 - o ingress to, and egress from, the site; and
- such other information as may be reasonably requested to determine compliance with these zoning ordinances including but not limited:
 - o access permit from Baldwin County Highway Department or ALDOT
 - o water release
 - o sewer or septic tank release
 - o floor plan(s) and building elevations
 - o landscaping plan (with applicable landscape buffers).
 - o erosion control plan,
 - o approved stormwater management plan, and
 - o utilities plan.
 - o lighting plan
 - o agent authorization form (if applicable)
 - o US Fish and Wildlife Service Permit
 - o USACE Permit
 - o ADEM Permit

All projects requiring a Commission Site Plan Approval must be accompanied by a narrative response to the approval consideration in 18.11.5.

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(c) *State and Federal permits.* Written evidence of applications for all required permits showing compliance with ordinances of the Corps of Engineers, Alabama Department of Environmental Management, Alabama Coastal Area Management Program and Baldwin County Health Department shall accompany the application for ~~a land-use certificate site plan approval~~ Site Plan Approval, and the ~~land-use certificate site plan approval~~ Site Plan Approval may be conditioned upon the actual receipt of said permits by the applicant.

(d) *Application fee.* The applicant for a ~~land-use-certificate site-plan approval~~Site Plan Approval shall be required to pay an application fee according to the current schedule of fees established by the County Commission for the particular category of application. This fee shall be nonrefundable irrespective of the final disposition of the application.

18.2.4 *Conditions and restrictions on approval.* A ~~land-use-certificate site-plan approval~~Site Plan Approval shall be valid for the issuance of a building permit for 180 days after issuance. After that time a new ~~land-use-certificate site-plan approval~~Site Plan Approval must be obtained. A record of the application and site plan shall be kept in the files of the Zoning Administrator for a period of not less than ~~3-7~~ years.

18.2.5 *Revocation of* ~~land-use-certificate site-plan approval~~Site Plan Approval. The Zoning Administrator may revoke a ~~land-use-certificate site-plan approval~~Site Plan Approval issued in a case where there has been a false statement or misrepresentation in the application or on the site plan for which the ~~Certificate Approval~~ was issued or if after a documented warning has been issued the applicant has failed to comply with the requirements of these zoning ordinances. Revocation of the ~~land-use-certificate site-plan approval~~Site Plan Approval shall also cause suspension of the building permit until such time as in the judgment of the Zoning Administrator, the applicant is in compliance with the requirements of these zoning ordinances.

18.2.6 *Right of appeal.* The applicant may appeal the denial of the ~~land-use certificate site-plan approval~~Administrative Site Plan Approval to the Board of Adjustments in writing within twenty (20) calendar days after the rejection of the application.

Section 18.3 Building Permits

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~~It shall be unlawful to commence the excavation for or the construction of any building or other structures, including accessory structures, or to store building materials or erect temporary field offices, or to commence the moving, alteration, or repair of any structure, including accessory structures, until the Building Official has issued a permit for such work including a statement that the plans, specifications and intended use of such structure in all respects conform with the provisions of these zoning ordinances. Applications for building permits including electrical, HVAC and plumbing permits shall be made to the Building Official on forms provided for that purpose.~~

Section 18.4 Certificate of Occupancy

~~No land or building or other structure or part thereof hereafter erected, moved or altered in its use shall be used until the Building Official shall have issued a~~

~~Certificate of Occupancy stating that such land or structure or part thereof is found to be in conformity with the provisions of these zoning ordinances. It shall be the duty of the Building Inspector to make a final inspection thereof, and to issue a Certificate of Occupancy if the building or premises or part thereof is found to conform to the provisions of these zoning ordinances or, if such certificate is refused, to state the refusal in writing with the cause.~~

Section 18.53 Appeals to the Board of Adjustment

18.53.1 The Board of Adjustment shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Administrator or other administrative official in the enforcement of these zoning ordinances.

18.53.2 Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer or department of Baldwin County affected by any decision of any administrative officer representing the County in an official capacity in the enforcement of these zoning ordinances. Such appeal shall be taken within 30 days of said decision by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall transmit forthwith to the Board of Adjustment all papers constituting the record upon which the action was taken.

18.53.3 An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. Such proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a Court of Record on application and notice to the officer from whom the appeal is taken and on due cause shown.

Section 18.64 Variances

18.64.1 *Authorization.* The Board of Adjustment shall authorize upon application in specific cases such variance from the terms of these zoning ordinances as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these zoning ordinances will result in unnecessary hardship and so that the spirit of these zoning ordinances shall be observed and substantial justice done; provided, however, that the foregoing provisions shall not authorize the Board of Adjustment to approve a use or structure in a zoning district restricted against such use or structure.

18.64.2 *Standards for approval.* A variance may be authorized based upon the existence of the following conditions:

(a) Exceptional narrowness, shallowness or shape of a specific piece of property existing at the time of the enactment of these zoning ordinances.

(b) Exceptional topographic conditions or other extraordinary situation or condition of a specific piece of property.

(c) That the granting of the application is necessary for the preservation of a property right and not merely to serve as a convenience to the applicant or based solely upon economic loss.

(d) That the granting of the application will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of Baldwin County.

(e) Any owner of record of real property upon the date of the adoption by the Baldwin County Commission of the zoning ordinances for the planning district in which said property is located shall automatically obtain a variance, if needed, for a single family dwelling notwithstanding the type of dwelling to be placed or constructed on the property.

Section 18.7-5 Hearing of Appeals and Variances

18.7-5.1 Application procedure.

(a) Any appeal or application for variance must be submitted to the Planning & Zoning Department at least 15 days prior to the regularly scheduled meeting of the Board of Adjustment.

(b) The Zoning Administrator shall, upon determination that the application complies with all applicable submission requirements, receive the application and schedule it for public hearing by the Board of Adjustment.

(c) The Zoning Administrator shall, 5 days before the scheduled public hearing by the Board of Adjustment, provide notice of such hearing by certified mail to adjacent property owners as their names appear in the county tax records.

(d) The Board of Adjustment shall render a decision at the conclusion of the public hearing or within 45 days from the date of the public hearing if it is determined that action must be deferred to allow for additional input and review.

(e) Any application may be withdrawn prior to action thereon by the Board of Adjustment at the discretion of the applicant initiating the request upon written notice to the Zoning Administrator.

18.75.2 *Submission requirements.* No appeal or application for variance shall be considered complete until all of the following has been submitted:

(a) *Application form.* The application shall be submitted on forms to be provided by the Zoning Administrator.

(b) *Plans and specifications.* Each application shall be accompanied by an accurate site plan drawn to scale and such other information as may be reasonably requested to support the application.

(c) *State and Federal permits.* Written evidence of applications for all required permits showing compliance with regulations of the Corps of Engineers, Alabama Department of Environmental Management, Alabama Coastal Area Management Program and Baldwin County Health Department shall accompany the application.

(d) *Application fee.* The applicant shall be required to pay an application fee according to the current schedule of fees established by the County Commission for the particular category of application. This fee shall be nonrefundable irrespective of the final disposition of the application; however, where an applicant is successful in reversing a decision of the Zoning Administrator the fee shall be returned to the applicant.

(e) *Association approval.* Prior approval from active neighborhood associations, boards or committees, if applicable, shall accompany all Board of Adjustment applications and requests.

Section 18.8-6 Special Exceptions

18.86.1 *Authorization.* The Board of Adjustment may, under the prescribed standards and procedures contained herein, authorize the construction or initiation of any use that is expressly permitted as a special exception in a particular zoning district; however, the county reserves full authority to deny any request for a special exception, to impose conditions on the use, or to revoke approval at any time, upon finding that the permitted use will or has become

unsuitable and incompatible in its location as a result of any nuisance or activity generated by the use.

| 18.~~86~~.2 *Application procedure.*

(a) An application for special exception approval must be submitted to the Planning & Zoning Department at least 15 days prior to the regularly scheduled meeting of the Board of Adjustment.

(b) The Zoning Administrator shall, upon determination that the application complies with all applicable submission requirements, receive the application and schedule it for public hearing by the Board of Adjustment.

(c) The Zoning Administrator shall, 5 days before the scheduled public hearing by the Board of Adjustment, provide notice of such hearing by certified mail to the owners of property adjacent to the proposed special exception as their names appear in the county tax records.

(d) The Board of Adjustment shall render a decision at the conclusion of the public hearing or within 45 days from the date of the public hearing if it is determined that action must be deferred to allow for additional input and review.

(e) Any petition for special exception approval may be withdrawn prior to action thereon by the Board of Adjustment at the discretion of the applicant initiating the request upon written notice to the Zoning Administrator.

| 18.~~86~~.3 *Submission requirements.* No request for special exception approval shall be considered complete until all of the following has been submitted:

(a) *Application form.* The application shall be submitted on forms to be provided by the Zoning Coordinator.

(b) *Plans and specifications.* Each application for special exception approval shall be accompanied by an accurate site plan drawn to scale showing: the actual shape, dimensions and size of the lot to be built upon, the size, shape, height, floor area and location of the buildings to be erected; dimensions and locations of existing buildings; width of front, side and rear yards; existing and proposed parking; ingress to and egress from the site; and such other information as may reasonably be requested to determine compliance with these Zoning Ordinances including but not limited to a landscaping plan, erosion control plan, stormwater management plan, and utilities plan.

(c) *State and Federal permits.* Written evidence of applications for all required permits showing compliance with regulations of the Corps of Engineers, Alabama Department of Environmental Management, Alabama Coastal Area Management Program and Baldwin County Health Department shall accompany the application for conditional use approval, and the conditional use may be conditioned upon the actual receipt of said permits by the applicant.

(d) *Application fee.* The applicant for a special exception shall be required to pay an application fee according to the current schedule of fees established by the County Commission for the particular category of application. This fee shall be nonrefundable irrespective of the final disposition of the application.

(e) *Association approval.* Prior approval from active neighborhood associations, boards or committees, if applicable, shall accompany all Board of Adjustment applications and requests.

18.86.4 *Standards for approval.* A special exception may be approved by the Board of Adjustment 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.

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

(c) The proposed use shall 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.

18.86.5 *Conditions and restrictions on approval.* In approving a special exception, the Board of Adjustment may impose conditions and restrictions upon the property benefited by the special exception as may be necessary to comply with the standards set out above, to reduce or minimize any potentially injurious effect of such special exception upon the property in the neighborhood, and to carry out the general purpose and intent of the ordinances. In approving any special exception, the Board of Adjustment may specify the period of time for which such approval is valid for the commencement of the proposed special exception. The Board of Adjustment may, upon written request, grant extensions

to such time allotments not exceeding 6 months each without notice or hearing. Failure to comply with any such condition or restriction imposed by the Board of Adjustment shall constitute a violation of these ordinances. Those special exceptions which the Board of Adjustment approves subject to conditions shall have specified by the Board of Adjustment the time allotted to satisfy such conditions.

Section 18.9-7 Decisions of the Board of Adjustment

In exercising its authority, the Board of Adjustment may reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from and make such order, requirement, decision or determination as should be made and, to that end, shall have all the powers of the officer from whom the appeal is taken. The concurring vote of ~~4 members~~ a majority of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant on any matter upon which it is required to act.

Section 18.10-8 Appeal from Decision of the Board of Adjustment

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

Section 18.11-9 ~~Conditional Uses~~ Commission Site Plan Approval

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

~~Public Hearing Required. The Planning Commission (or County Commission) shall provide notice of the public hearing to the applicant and properties within 300' of the property which is subject to the approval and shall provide public notice of said hearing in a newspaper of general circulation prior to the date of public hearing.~~

18.11-9.1 Authorization. The Planning Commission may, under the prescribed standards and procedures contained herein, authorize the construction or

initiation of any use that is expressly permitted ~~as a conditional use by the site~~ Site plan-Plan approval-Approval process in a particular zoning district; however, the county reserves full authority to deny any request for ~~a conditional use site plan approval Site Plan Approval~~, to impose conditions on the use, or to revoke approval at any time, upon finding that the permitted use will or has become unsuitable and incompatible in its location as a result of any nuisance or activity generated by the use.

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

- (a) All multiple unit developments;
- (b) Non-residential projects involving a combined total building square footage of 5,000 square feet or more;
- (c) Non-residential development within 200 feet of property that is either zoned or used as residential;
- (d) Non-residential development where more than 30% of the lot (excluding the building) is impervious;
- (e) All changes to existing structures, other than single family residences, that increase the gross floor area by thirty percent (30%) or more;
- (f) All changes of use on non-residential properties, unless proposed use would be permitted with an administrative approval.

18.449.3 Application procedure.

(a) An application for ~~conditional use Commission site plan~~ Site Plan approval-Approval must be submitted to the Planning & Zoning Department at least 30 days prior to the regularly scheduled meeting of the Planning Commission.

(b) The Zoning Administrator shall, upon determination that the application complies with all applicable submission requirements, receive the application and schedule it for public hearing by the Planning Commission.

(c) The Zoning Administrator shall, 5 days before the scheduled public hearing by the Planning Commission, provide notice of such hearing by certified mail to the applicant and owners of property adjacent within 300 feet to of the property which is subject to the approval the proposed conditional use as their names appear in the county tax records, ~~and shall provide public notice of said hearing in a newspaper of general circulation prior to the date of public hearing.~~

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When a Commission site plan approval involves property that is within ¼ mile of an adjacent municipality, the Planning Commission (~~or County Commission~~) shall give notice to the adjacent municipality by mail or electronic transmission to the clerk of the adjacent municipality at least 10 business days prior to any hearing. Such adjacent municipality may appear and be heard.

(d) The Planning Commission shall render a decision at the conclusion of the public hearing or within 45 days from the date of the public hearing if it is determined that action must be deferred to allow for additional input and review.

(e) Any petition for ~~conditional use Commission site plan approval~~ Site Plan Approval may be withdrawn prior to action thereon by the Planning Commission at the discretion of the applicant initiating the request upon written notice to the Zoning Administrator.

18.449.4 *Submission requirements.* No request for ~~conditional use Commission site plan approval~~ Site Plan Approval shall be considered complete until all of the following has been submitted:

(a) *Application form.* The application shall be submitted on forms to be provided by the Zoning Administrator.

(b) *Application Submittal Documents.* ~~Each application for a land use certificate site plan approval shall be accompanied by documents as applicable:~~

- an accurate site plan drawn to scale showing:
 - the actual shape, dimensions and size of the lot to be built upon;
 - the size, shape, height, floor area and location of the buildings to be erected;
 - dimensions and locations of existing buildings;
 - width of front, side and rear yards;
 - highway construction setback
 - existing and proposed parking;
 - ingress to, and egress from, the site; and
- such other information as may be reasonably requested to determine compliance with these zoning ordinances including but not limited:
 - landscaping plan (with applicable landscape buffers),
 - erosion control plan,
 - approved stormwater management plan, and
 - utilities plan.

~~Plans and specifications.~~ Each application for conditional use Commission site plan approval shall be accompanied by an accurate

~~site plan drawn to scale showing: the actual shape, dimensions and size of the lot to be built upon, the size, shape, height, floor area and location of the buildings to be erected; dimensions and locations of existing buildings; width of front, side and rear yards; existing and proposed parking; ingress to and egress from the site; and such other information as may reasonably be requested to determine compliance with these zoning ordinances including but not limited to a landscaping plan, erosion control plan, stormwater management plan, and utilities plan.~~

(c) *State and Federal permits.* Written evidence of applications for all required permits showing compliance with regulations of the Corps of Engineers, Alabama Department of Environmental Management, Alabama Coastal Area Management Program and Baldwin County Health Department shall accompany the application for conditional use approval, and the conditional use may be conditioned upon the actual receipt of said permits by the applicant.

(d) *Application fee.* The applicant for ~~a conditional use Commission site plan approval~~Site Plan Approval shall be required to pay an application fee according to the current schedule of fees established by the County Commission for the particular category of application. This fee shall be nonrefundable irrespective of the final disposition of the application.

~~18.149.5 Standards for approval. A conditional use Commission sSite plan 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.~~

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

~~(c) The proposed use shall 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.~~

Approval Criteria—Approval Considerations. The Planning Commission (or County Commission) review of an application for site plan approval shall include, but is not limited to, the following considerations:

1. The proposed use shall comply with all applicable regulations of the Zoning Ordinance or Subdivision Regulations or other applicable regulations.
2. The physical characteristics, topography and other features of the lot and the scale and physical design and other features of any new or existing buildings to be occupied by the use are suitable and adaptable for the proposed use without any modifications which would change the established character of the street or neighborhood setting.
- 2.
3. The nature and intensity of operations of the use will not be objectionable to surrounding properties.
4. The use is not in such proximity to a religious facility, school, community center, recreation place, or other prominent place of community activity and public assembly so as to regularly conflict with such other activity and thereby constitute a danger to health, safety or general welfare.
5. The use will not unreasonably increase or introduce traffic congestion or safety hazards or impose traffic volumes on streets and street patterns which are deficient in width, design, sight distance, intersection configuration, or other typical standards necessary to accommodate such traffic changes. Adequate measures shall be taken to provide ingress and egress designed to minimize traffic congestion.
6. Adequate utilities exist or will be extended to adequately serve the site.
7. The use makes adequate provision for off-street parking in accordance with these regulations.
8. The use and the proposed design of building and other structure and site facilities for the use are appropriate in the proposed location and have incorporated reasonable efforts to harmonize with surrounding uses and mitigate any adverse impacts on surrounding uses, including but not limited to traffic congestion and hazards, untimely scheduling of activities, removal of trees and other established natural features, and excessive stormwater runoff, noise, nuisance, odors, glare or vibration.

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9. The cumulative impacts of the use in the proposed location will not unreasonably interfere with or diminish the continued use, preservation, stability, value, enjoyment, prosperity or growth of the neighborhood or community.

10. The effect of the proposed use on the other properties in the community and the enjoyment by the inhabitants of their properties, and whether it will materially affect the value of such properties and the use and enjoyment of such properties by the occupants and any other effect of such use on the health, welfare and safety of the occupants of such properties.

11. The use will not conflict in any way with the Master Plan.

18.49.6 *Conditions and restrictions on approval.* In approving a ~~conditional use site plan~~, the Planning Commission may impose conditions and restrictions upon the property benefited by the ~~conditional use site plan~~ 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 site plan approval~~ upon the property in the neighborhood, and to carry out the general purpose and intent of the ordinances. In approving any ~~conditional use site plan~~, 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 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 site plan approvals~~ which the Planning Commission approves subject to conditions shall have specified by the Planning Commission the time allotted to satisfy such conditions.

Conditions. The Planning Commission (or County Commission) shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed site plan approval. Upon its granting of the site plan approval, any such conditions must be met in connection with the issuance of County permits. These conditions may include but are not limited to increasing the required lot size or yard dimensions; controlling the location and number of vehicle access points; increasing the number of off-street parking and loading spaces required; limiting the number, size and location of signs; and required fencing, screening, lighting, landscaping or other facilities to protect adjacent or nearby property.

18.9.7 *Right of appeal.* The applicant may appeal the denial of the Commission Site Plan Approval to the County Commission in writing within twenty (20) calendar days after the rejection of the application.

Notice of the appeal shall be perfected by delivering written notification of the appeal to the County Zoning Administrator within the time allowed specifying the grounds thereof. Upon notice to the County Zoning Administrator, the Planning Commission or staff shall transmit its file, including all documents and statements relied upon by the Planning Commission in rendering its decision, to the County Commission.

Section 18.~~42~~-10 Tolling Provisions

If subsequent to the filing of a any application/petition, the applicant/petitioner is enjoined by order of a court of competent jurisdiction from commencement of construction, the time from the entry of such order against applicant/petitioner until such time as the order is lifted or becomes final and unappealable, shall not be counted toward or against the time allowed/required by these ordinances for applicant to commence construction. The provisions of this section shall retroactively apply to all pending applications/petitions.

Article 19 Amendments to Official Zoning Map and Ordinances

Section 19.1 Purpose

The Official Zoning Map may be amended from time to time in accordance with the procedures and standards set forth in this Section. The purpose of this Section is not to relieve particular hardships, not to confer special privileges or rights on any person, but only to make adjustments to the Official Zoning Map that are necessary in light of changed conditions or changes in public policy or that are necessary to advance the general welfare of the County. Zoning text amendments may be necessary to further the County land use policies and to keep pace with current development trends.

Section 19.2 Initiation Map Amendment.

An amendment to the Official Zoning Map may be initiated:

- (a) By application of any person owning the property proposed for change on the Official Zoning Map, or by written authorization by the owner for an agent to act on the owner's behalf
- (b) By a motion of the Planning and Zoning Commission.
- (c) By a motion of the County Commission.

Section 19.3 Initiation Text Amendment

An amendment to the text of the Zoning Ordinances may be initiated:

- (a) By a motion of the County Commission.
- (b) By a motion of the Planning and Zoning Commission.

Section 19.4 Planning Director Preparation

The Planning Director shall prepare and file the applications initiated by the Planning and Zoning Commission and the County Commission.

Section 19.5 Staff Review

Within a reasonable time after the receipt of an application, the Planning Director shall deliver to the Planning and Zoning Commission and the County Commission a written report summarizing the facts of the case, including all relevant documents and incorporating or summarizing the comments and recommendations of the Planning and Zoning Department, and schedule a date

for a public hearing. The County Commission shall be furnished with minutes, recommendations and other relevant information from the Planning Commission.

Section 19.6 Factors for Reviewing Proposed Amendments

In deciding whether to recommend approval of a proposed amendment, or in deciding whether to adopt a proposed amendment, the Planning Commission and County Commission shall consider whether the proposed amendments is consistent with the following factors:

- (a) Is the requested change compatible with the existing development pattern and the zoning of nearby properties?
- (b) Has there been a change in the conditions upon which the original zoning designation was based? Has land uses or conditions changed since the zoning was established?
- (c) Does proposed zoning better conform to the Master Plan?
- (d) Will the proposed change conflict with existing or planned public improvements?
- (e) Will the proposed change adversely affect traffic patterns or congestion?
- (f) Is the proposed amendment consistent with the development patterns in the area and appropriate for orderly development of the community? The cost of land or other economic considerations pertaining to the applicant shall not be a consideration in reviewing the request
- (g) Is the proposed amendment the logical expansion of adjacent zoning districts?
- (h) Is the timing of the request appropriate given the development trends in the area?
- (i) Will the proposed change adversely impact the environmental conditions of the vicinity or the historic resources of the County?
- (j) Will the proposed change adversely affect the health, safety and welfare of the County and the vicinity?
- (k) Other matters which may be appropriate.

Section 19.7 More Restrictive Rezoning

The County Commission may not approve a rezoning other than the rezoning published in the newspaper unless the change is more restrictive than the proposed rezoning published.

Section 19.8 Examination and Copying of Application and Other Documents

At any time upon reasonable request, and under the supervision of the Planning Director or his/her designee, any person may examine an application filed. Copies of such materials shall be made upon payment of the appropriate fee as determined by County Commission policy.

Section 19.9 Revocations of Approvals

Applicants shall be responsible for ensuring that all development proceeds in accordance with terms and conditions of any approval issued to the applicant. A determination by the Planning Director that the terms and conditions of the approval have been violated shall subject the approval to be revoked.

Section 19.10 Reliance on Information Presented by Applicant

The County staff shall have the right to rely on the accuracy of statements, documents and all other information presented to them by applicant, their attorney or agent, in review of an application issued under these ordinances.

Section 19.11 Presentation or Submittal of Incorrect Information

In the event that an applicant, their attorney or agent submits or presents false or incorrect information, whether or not such information is presented fraudulently or deceitfully to the staff, Planning and Zoning Commission, or County Commission concerning a material fact or consideration relating to an application for a rezoning, conditional use, or other type of approval issued under these ordinances, the following action may be taken:

When such false or incorrect information was a material fact or consideration in approving an application for rezoning, amendment, modification, or repeal, the Planning Director shall notify the applicant in writing of the false or incorrect information given and all actions necessary to resolve those problems resulting from the false or incorrect information given. If the problems cannot be resolved within ten (10) days or such other time period stated in notification, the Planning Commission or County Commission shall hold a public hearing, of which the applicant shall be notified with at least seven (7) days notice by certified mail, return receipt requested. Upon the conclusion of the public hearing the Planning Commission or County Commission may amend, revoke, or void approval. Prior to such action, the Commission must find that the applicant, his agent, or

attorney, presented fraudulently or deceitfully, to the Board of Adjustment, Planning Commission, or County Commission concerning a material fact or consideration relating to an application or an applicant, whether or not such information is presented fraudulently or deceitfully to the staff, Board of Adjustment, Planning Commission, or County Commission concerning a material fact or consideration relating to an application. Any work performed by or at the request of the applicant on the subject property shall be at the risk of the applicant. If the Planning Commission or County Commission does amend, revoke, or void an application approval, the Planning Director shall void any type of approval or permit issued.

Section 19.12 Withdrawal of Applications

Applications for rezoning, ~~conditional use, special exceptions~~ **Commission Site Plan Approval** and variance requests must be withdrawn by the applicant or authorized agent in the manner set forth as follows:

(a) An applicant may withdraw an application by filing written notice of the withdrawal with the Planning Director seven (7) days prior to the public hearing. If the application will be before the County Commission a written notice shall be filed with the County Commission Chairman seven (7) days prior to the public hearing.

(b) When an applicant wishes to withdraw an application less than seven (7) days prior to the public hearing, it shall be at the discretion of the governing body to either grant the withdrawal or to hear the application as submitted.

Section 19.13 Concurrent Applications

An application for rezoning of land, ~~conditional use, special exception~~ **Commission Site Plan Approval** or variance on all or part of the same land may be made concurrently. In such cases, the effective date of the ~~conditional use, special exception~~ **Commission Site Plan Approval** or variance shall be held in abeyance until action has been taken by the County Commission on the application for rezoning of such land.

Section 19.14 Limitations on Rezoning of Land

19.14.1 Whenever the County Commission has amended the zoning map and changed a zoning classification of land, another application shall not then be considered for rezoning of any part or all of the same land for a period of one (1) year from the effective date of such amendment.

19.14.2 Whenever the County Commission has denied an application for rezoning, no further application shall be filed for the same land for a period of one

(1) year from the date of such action. In the event that two (2) or more applications for rezoning of any part or all of the same land has been denied, no further applications shall be filed for a period of two (2) years from the date of such action denying the last application filed.

Section 19.15 Application Fee

19.15.1 Application fees shall be determined based on the current fee schedule adopted by the County Commission.

19.15.2 Fees shall be nonrefundable irrespective of the final action on the application. No fee shall be refunded after the submittal deadline.

Section 19.16 Public Notice and Hearings

19.16.1 Any proposed rezoning, amendment, supplement, modification, or repeal shall be submitted to the Planning Commission for its consideration and recommendation to the County Commission.

19.16.2 An application for rezoning must be submitted to the Planning and Zoning Department. The application must be on official County forms and must be accompanied by data, maps, and plans which are adequate to support the application. The application shall be heard by the Planning Commission at its next regular meeting after receipt of a correctly completed application. All dates and times shall be determined by the adopted meeting schedule of the Planning and Zoning Commission.

19.16.3 Before acting on any proposed rezoning, amendment, supplement, modification or repeal, a public hearing shall be held by the Planning Commission with proper legal notice published in a newspaper of general circulation in the County at least two weeks prior to the hearing, and in the case of a rezoning, notice by certified mail at least 5 days prior to the hearing, to the applicant and to all adjacent property owners as their names appear in the County tax records.

19.16.4 A conspicuously located sign, indicating the proposed amendment, shall be posted on the subject property no less than three weeks prior to the date of the hearing. The case number and contact information shall be listed.

19.16.5 The Baldwin County Commission shall fix a reasonable time for consideration of a proposed rezoning, amendment, supplement, modification, or repeal and give public notice thereof. Notice of said action shall be published in a newspaper in a newspaper of general circulation, in the County, in the legal notices for three consecutive weeks prior to the public hearing and one time in the regular section of the newspaper in the form of a ¼ page display advertisement at least 5 days prior to the public hearing. The public notice shall

state that the proposed rezoning, amendment, supplement, modification, or repeal will be considered by the County Commission pursuant to Act No. 91-719 as amended.

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

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

Section 19.17 Agricultural Land

In any planning district which has elected to come under the planning and zoning jurisdiction of the Baldwin County Commission, undeveloped land or land zoned or used for agricultural purposes or timber growing, shall automatically be rezoned to the RSF-1 Single family District upon the submission of a complete application by the owner.

Article 21 Enforcement

Section 21.1 Zoning Enforcement and Appeals

21.1.1 Violations, penalties and remedies; generally

21.1.2 Whenever a violation of these ordinances is identified or is alleged to have occurred, any person aggrieved may file a complaint. Such complaint shall fully state the cause and basis thereof, and shall be filed with the Planning and Zoning Director at his/her office at the Planning and Zoning Department in Bay Minette, Alabama.

Whenever the Planning and Zoning Director or his/her designee has knowledge of a violation or an alleged violation, a thorough investigation may be initiated. After such investigation, and upon the finding of a violation, the violation procedures contained in this Article shall be initiated.

21.1.3 Violation of the provisions of these ordinances, including violation of conditions and safeguards established in connection with a grant of a variance, special exception, conditional use, land use certificate or appeal, shall be addressed and punishable in accordance with sections contained herein.

21.1.4 In the event that any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or in the event that any building, structure, or land is used in violation of these ordinances, the Planning and Zoning Director may institute or cause the institution of any appropriate action or proceeding to:

- (a) Prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use of the building, structure, or land.
- (b) Prevent the occupancy of the building, structure, or land.
- (c) Prevent any illegal act, conduct, business, or use in or about the premises.
- (d) Restrain, correct, or abate the violation.

Section 21.2 Violations

21.2.1 *Persons in violation.* Any person(s), whether owner, lessee, principal, agent, employee, or occupant of any land or part thereof, and any architect, engineer, builder, contractor, agent or other person who: (a) violates any provision of these ordinances, (b) permits, participates, assists, directs, creates

or maintains any such violation, (c) fails to comply with any of the requirements hereof, including conditions, stipulations, or safeguards attached to any approval, permit, variance, ~~special exception, conditional use~~ **Commission Site Plan Approval** or the like, or (d) who erects, constructs or reconstructs any building or structure, or uses any building, structure or land in violation of any written statement or plan submitted and approved pursuant to these ordinances, shall be in violation.

21.2.2 Any person(s) in violation of these ordinances shall be held responsible for such violation and be subject to the penalties and remedies as provided herein and as provided by law.

21.2.3 *Separate violation.* Each and every person who commits, permits, participates in, assists, directs, creates or maintains a violation may be found individually in violation of a separate offense. Each day that any violation continues to exist shall constitute an additional and separate violation.

21.2.4 *Structures and uses in violation.* Any structure or lot erected, constructed, altered, occupied or used contrary to any provision(s) of these ordinances or other applicable ordinances, stipulation, condition, approvals and variance shall be declared to be unlawful.

Section 21.3 Notice of Violation

21.3.1 *Issuance.* The Planning and Zoning Director or his/her designee shall issue a written notice of violation upon receipt of a complaint or knowledge of violation, to all persons in violation. The Notice of Violation may be served by certified mail, return receipt requested, or pursuant to Alabama Rules of Civil Procedure. The Notice of Violation shall allow a reasonable time to correct or abate such violation.

21.3.2 *Notice requirements.* The Notice of Violation shall ("Notice") clearly identify the property and particular alleged violation involved, the action necessary to correct it, the time permitted for such correction, and penalties for failure to comply. The Notice shall include but not be limited to:

- (a) A description of the location of the property involved, either by street address or by legal description.
- (b) A statement indicating the nature of the violation.
- (c) A statement showing the time within which all necessary remedial action must be accomplished, which time may not be less than 10 days nor more than 90 days from the date of such written Notice.

(d) The name of the person(s) upon whom the Notice of Violation is served.

(e) A statement advising that upon the failure to comply with requirements of the Notice, such enforcement procedure as may be required under these zoning ordinances shall be taken.

21.3.3 Violations threatening health, safety and welfare. The Planning and Zoning Director may shorten or eliminate the time period to correct a violation if he/she determines that the alleged violation presents an imminent and serious threat to the public health, safety, or welfare, or the violation is irreparable or irreversible. The Notice of Violation shall, in such case, state that an immanent and serious threat to public health, safety, or welfare exists or the violation is irreparable or irreversible, along with the allowed time period for correction if any.

21.3.4 Noncompliance. When the Planning and Zoning Director or his/her designee determines that the violation has not been corrected or abated by end of the prescribed time period, he/she shall issue a written notice forwarding the matter to the County Legal Department and/or the Baldwin County District Attorneys office for further action.

21.3.5 Compliance. Upon the submission by the violator of evidence of compliance deemed adequate by the Planning and Zoning Director, the Director may deem the violation to be resolved and compliance achieved.

21.3.6 Diligent efforts to comply. When, after issuance of a Notice of Violation but prior to commencement of any judicial proceedings, the Planning and Zoning Director determines that the person in violation is making a diligent effort to comply with the requirements of the Notice, the Planning and Zoning Director may issue a written stay of further enforcement actions pending full compliance. The stay shall list the diligent efforts to comply and should be provided to the violator(s). No enforcement actions shall be stayed longer than ninety (90) days.

21.3.7 Repeat violations. When any Notice of Violation is issued to any person for substantially the same violation for which a previous Notice of Violation has been issued to such person, no period shall be allowed for correction or abatement of the violation. Rather, in such event, the Planning and Zoning Director shall immediately cause the matter to be forwarded to the County Legal Department and/or the Baldwin County District Attorneys Office for further action.

21.3.8 Fines. Any person(s) violating any of the provisions herein shall be fined not more than \$150.00 for each separate violation, plus all costs of court, with each day such violation continues constituting a separate violation (see 21.2.3, above). The fines provided for herein shall commence and accrue upon receipt of the Notice of Violation or the expiration of the allowed period for correction,

whichever is later. Said fines shall continue to accrue until paid, but shall not accrue on days during which the violation is properly on appeal.

Section 21.4 Additional Penalties

21.4.1 Stop work order. The Planning and Zoning Director may issue, or cause to be issued, a Stop Work Order on a premises, lot or parcel that is in alleged violation of any provision of these ordinances, or is being maintained in a dangerous or unsafe manner. A Stop Work Order may be issued in place of or in conjunction with any other actions and procedures identified in these ordinances. Such Order shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state conditions under which work may be resumed. Upon receipt of a Stop Work Order, all work associated with the violation shall immediately cease. Any person who continues to work shall be in violation of these ordinances and subject to penalties and remedies contained herein. The Stop Work Order may be appealed to the respective Board of Adjustment for which the activity is located.

21.4.2 Cease and abate orders. The Planning and Zoning Director may issue, or cause to be issued, a Cease and Abate Order to any person(s) maintaining any condition, or engaged in any activity or operation, which violates these ordinances. Such Order shall be in writing and shall be given to the owner of the property, or to the person maintaining such condition or engaged in such activity and operation. Upon receipt of a Cease and Abate Order, all conditions, activities and operations associated with the violation shall immediately cease and be abated. Any person who continues or fails to abate such condition, activity or operation shall be subject to penalties and remedies contained herein.

21.4.3 Revocation of permits. The Planning and Zoning Director may revoke, or cause the revocation of, permits or approvals in those cases where an administrative determination has been duly made that false statements or misrepresentations of material fact(s) were made in the application or plans upon which the permit or approval was based.

Section 21.5 Appeals

21.5.1 Appeal of administrative enforcement decision. Any person(s) aggrieved by a decision of the Planning and Zoning Director or his or her designee in regards to zoning enforcement may file an appeal, made on forms provided by the County, to the respective Board of Adjustment where the alleged violation has occurred. An appeal must be filed within fifteen (15) days of the date of the Notice of Violation. An appeal is deemed filed with a Board of Adjustment when received by the respective Board Chairman.

21.5.2 Appeal of Board of Adjustment decision. In exercising its authority, the Board of Adjustment may reverse or affirm, wholly or partly, or modify the order,

requirement, decision or determination appealed from and make such order, requirement, decision or determination as the Board deems proper and, to that end, shall have all the powers of the officer from whom the appeal is taken. The concurring vote of ~~4 members~~ a majority of the Board of Adjustment shall be necessary to reverse, affirm or modify any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant on any matter upon which it is required to act.

21.5.3 Appeal to Circuit Court from final decision of Board of Adjustment. Any party aggrieved by a final judgment or decision of a board of adjustment may within 15 days thereafter, appeal there from to the Circuit Court of Baldwin County, Alabama, by filing with the circuit court and the board of adjustment a written notice of appeal specifying the judgment or decision from which the appeal is taken and specifying in sufficient detail the grounds for appeal so that the non-appealing party may reasonably frame a responsive pleading. For purposes of this section, an appeal shall be filed with the board of adjustment at the Baldwin County Planning and Zoning Department at its office in ~~Bay Minette~~ **Robertsdale**, Alabama, and shall be deemed filed when received at the Baldwin County Planning and Zoning Department regardless of the method delivery.

Article 22 Definitions

Section 22.1 Usage

Except as otherwise provided herein, all words shall have the customary dictionary meaning. The present tense includes the future tense and the future tense includes the present tense. The singular number includes the plural and the plural includes the singular. The word "person" includes a firm, corporation, association, organization, trust, or partnership. The word "building" includes "structure." The words "shall" and "will" are always mandatory. The word "used" or "occupied" as applied to any land or buildings shall be construed to include the words "intended, arranged, or designed to be used or occupied."

Section 22.2 Words and Terms Defined

As used in these ordinances, the following words and terms shall have the meaning defined:

A zone. (See Floodplain).

Abutting/contiguous property. Any property that is immediately adjacent to, touching, or separated from such a common border by a right-of-way, alley, or easement.

Accessory dwelling. A second dwelling unit that is either contained within the structure of a single family dwelling unit or in a separate accessory structure on the same lot as the principal residential building for use as a complete, independent living facility with provisions within the accessory dwelling for cooking, eating, sanitation, and sleeping. Such a dwelling is an accessory use to the principal residential building and includes accessory apartments, garage apartments and guest houses.

Accessory structure. A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure. Except as provided in *Section 10.4, Wetland Protection Overlay District*, bulkheads, fences, walls, retaining walls, fountains, trellises, pergolas, air conditioner platforms, walkways and similar features which provide a decorative, security or support function shall not be considered accessory structures for purposes of these zoning ordinances.

Accessory structure compound. A fenced, secured enclosure in which a wireless telecommunications facility and its equipment, buildings, access roads, parking area and other accessory devices / auxiliary structures are located.

Accessory use. A use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use.

Agriculture/agricultural uses. The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and related accessory uses.

Airport. Any area of land or water designed and set aside for the landing and taking off of aircraft, and may include necessary facilities for the housing and maintenance of aircraft.

Alteration. Any change in structural parts, stairways, type of construction, kind of class of occupancy, light or ventilation, means of ingress and egress, or other changes affecting or regulated by the building code or these zoning ordinances, including extension or expansion, except for minor changes or repairs not involving the aforesaid features.

Alteration, structural. Any change in the supporting members of a building (such as bearing walls, beams, columns, and girders) except such change as may be required for its safety; any addition to a building.

Alternative support structure. Any structure other than a wireless telecommunications tower, which may include, but is not limited to, buildings, water towers, light poles, power poles, telephone poles, and other essential public utility structures.

Amusement arcade. A building or part of a building in which five (5) or more pinball machines, video games, or other similar player operated devices are maintained.

Antenna. An electromagnetic device which conducts radio signals, through an attached cable or wave guide, to or from a radio transmitter or receiver. Typically, this includes "whips," "cornucopia horns," "panels" and parabolic "dishes."

Antenna support structure. Any structure on which telecommunications antennas and cabling can be attached. Typically, this includes steel towers with guy-wires (guyed towers); wooden, steel or concrete single poles (monopoles); self-supporting steel towers with three or four "legs" (self-supporting/lattice towers); rooftops of existing buildings or structures (such as elevated water storage tanks). (see also *tower*).

Area and dimensional ordinances. Numerical standards established for a lot, yard or building in a particular zone.

As of right. Uses that are specifically authorized by the zoning ordinances. (See also *permitted use*).

Attic. An unfinished area below the roof and above the ceiling of the living or garage area of a single family or two family dwelling which is generally used for storage and/or the location of mechanical equipment but not for human habitation.

Auto convenience market. A retail establishment where motor vehicle fuel is retailed directly to the public on the premises in combination with retailing of items typically found in a neighborhood convenience store. An auto convenience market may include a drive-through car wash but may not include automobile service bays.

Automobile repair. The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

Automobile service station. Any building or land used for retail sale and dispensing of automobile fuels or oils; may furnish supplies, equipment and minor services to private passenger vehicles incidental to sale and dispensing of automobile fuels and oils.

Automobile wrecking. The dismantling or wrecking of used motor vehicles, mobile homes, trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Bar or tavern. An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises.

Base flood. The flood having a one (1) percent chance of being equaled or exceeded in any given year.

Base flood elevation. The elevation for which there is a one (1) percent chance in any given year that flood levels will equal or exceed it.

Basement. A story all or partly underground but having at least one-half of its height below the average level of the adjoining ground.

Bed and breakfast. The renting of rooms in a private residence for brief periods of time together with the provision of breakfast for the guests by the home owner. All service is to be provided by the home owner.

Board of Adjustment. A board appointed by the County Commission in planning districts that elect to come within the planning and zoning jurisdiction of the Baldwin County Commission to hear and decide appeals, special exceptions and

variances from the terms of the zoning ordinances.

Boarding house, rooming house, lodging house, or dormitory. A building or part thereof, other than a hotel, motel, or restaurant, where meals and/or lodging are provided for compensation, for three or more unrelated persons where no cooking or dining facilities are provided in individual rooms.

Boathouse. A structure constructed over water designed or intended to be used for the purpose of docking, storing and protecting one (1) or more watercraft.

Boat repair. Major overhauling or repair of small craft and pleasure boats that requires open air, partially covered or enclosed dry dock facilities and such heavy equipment, yard space and dock facilities as may be necessary.

Boat slip. A facility for the mooring of watercraft.

Buffer. Land which is maintained in either a natural or landscaped state and is used to screen and/or mitigate the impacts of development on surrounding areas, properties, or rights-of-way.

Building. Any structure attached to the ground and intended for shelter, housing, or enclosure for persons, animals, or chattels.

Building height. The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs. In A-zones building height will be measured from the finished floor elevation. In V-zones building height will be measured from the bottom of the lowest supporting girder.

Building Official. Individual appointed by the Baldwin County Commission to carry out inspections required by the building code.

Building line. (See *Setback line*).

Car wash. An area of land and/or structure with machine or hand operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

Cemetery. Land used or intended to be used for the burial of the human and animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

Certificate of occupancy. Official certification that a premise conforms to provisions of the zoning ordinances and building code, and may be used or

occupied. Such certificate is granted for new construction or for the substantial alteration or additions to existing structures. A structure may not be occupied unless such certificate is issued by the Building Official.

Child care facility. A facility established for the care of children as defined in §38-7-2 of the *Code of Alabama, 1975*. For the purpose of these ordinances, this definition includes the following:

(a) *Child care center.* This includes facilities licensed as day care centers and nighttime centers in accordance with §38-7-2 of the *Code of Alabama, 1975*. Day care centers and nighttime centers serve more than twelve (12) children.

(b) *Child care institution.* This includes facilities licensed as group homes and child care institutions in accordance with §38-7-2 of the *Code of Alabama, 1975*. These facilities provide full time care.

(c) *Day care home.* A child care facility which is a family home and which receives not more than six children for care during the day in accordance with §38-7-2 of the *Code of Alabama, 1975*.

Church or similar religious facility. A place or structure(s) of assembly, and associated structures located on the same site, where religious worship, including education and outreach, is primarily or exclusively conducted.

Clinic. A place used for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical or surgical attention, but who are not provided with board.

Club. A building or portion thereof or premises owned or operated for a social, literary, political, educational, or recreational purpose but not operated or maintained for profit. Does not include casinos, night clubs, or other institutions operated for a profit.

Cluster development. A site planning technique that concentrates buildings and structures in specific areas on a lot, site, or parcel to allow the remaining land to be used for recreation, open space, and/or preservation of features and/or structures with environmental, historical, cultural, or other significance. The techniques used to concentrate buildings may include, but shall not be limited to, reduction in lot areas, setback requirements, and/or bulk requirements, and with the resultant open space being devoted by deed restrictions for one or more reasons.

Coastal construction line (CCL). A line in coastal Alabama determined by the Alabama Coastal Area Management Plan (ACAMP) seaward of which no construction is permitted.

Coastal high hazard areas (V-zones). Areas that are subject to high velocity waters caused by, but not limited to hurricane wave wash.

Co-location. The placement of more than one wireless communications antenna by one or more telecommunications service providers on a single existing or new antenna support structure.

Commercial occupant. A commercial use, i.e., any use other than residential or agricultural.

Commercial vehicle. Any vehicle designed and used for transportation of people, goods, or things, other than private passenger vehicles and trailers for private nonprofit transport of goods and boats.

Commercially developed parcel. A parcel of property on which there is at least one walled or roofed structure used, or designed to be used, for other than residential or agricultural purposes.

Common open space. Open space within a development, not in individually owned lots or dedicated for public use, but which is designed and intended for the common use and/or enjoyment of the residents of the development.

Concealment techniques. Design techniques used to blend a wireless telecommunications facility, including any antennas thereon, unobtrusively into the existing surroundings so as to not have the appearance of a wireless telecommunications facility. Such structures shall be considered wireless telecommunications facilities and not spires, belfries, cupolas, or other appurtenances usually required to be placed above the roof level for purposes of applying height limitations. Due to their height, such structures must be designed with sensitivity to elements such as building bulk, massing, and architectural treatment of both the wireless telecommunications facility and surrounding development. Concealed towers on developed property must be disguised to appear as either a part of the structure housing, a principal use, or an accessory structure that is normally associated with the principal use occupying the property. Concealed towers developed on unimproved property must be disguised to blend in with the existing vegetation. *Example:* a tower of such design and treated with architectural material so camouflaged to resemble a woody tree with a single trunk and branches on its upper part (also known as a "monopole").

~~*Conditional use.* A use that, owing to some special characteristics attendant to its operation or installation, is permitted in a zoning district subject to approval by the Planning Commission, and subject to special requirements, different from those usual requirements for the zoning district in which the conditional use may be located.~~

Condominium. A development where all land, including that under the buildings in the development, is held in single ownership for the common use of unit owners or tenants; also a living unit within such a development.

Conservation easement. An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominately in their natural scenic, open, or wooded condition; retaining such areas as suitable habitat for fish, plants, wildlife; or maintaining existing land uses.

Construction sign. Any sign giving the name or names of principal contractors, architects, and lending institutions responsible for construction on the site where the sign is placed, together with other information included thereon.

Convalescent or nursing home. A building, or portion thereof, wherein for compensation, living accommodations and care are provided for persons suffering from illness, other than mental or contagious, which is not of sufficient severity to require hospitalization, or for persons requiring further institutional care after being discharged from a hospital other than a mental hospital; includes extended care facilities.

Copy. The linguistic content of a sign.

Copy shop. A retail establishment that provides duplicating services using photocopying, blueprint, and offset printing equipment, and may include collating and binding of booklets and reports.

County. Baldwin County, Alabama.

County Commission. The Baldwin County Commission.

Deck. A flat uncovered area generally adjoining a house, building, or pool which may be used as an outdoor sitting or recreation area.

Density. The number of dwelling units per acre of land.

Department. The Baldwin County Planning and Zoning Department.

Development. The construction, reconstruction, repair, demolition, conversion, structural alteration, relocation, removal, or enlargement of any building or structure; any extension of utilities; any construction of streets; any construction of drainage structures; any mine, excavation, land fill, or land disturbance; and/or any change in use, or alteration or extension of the use, of land.

Dwelling. A building or portion thereof used exclusively for residential purposes, including single-family, two-family, and multiple-family dwellings, but not including hotels, boarding houses, rooming houses, lodging houses or dormitories.

Dwelling, multiple-family. A building designed for or occupied by three or more families, with separate toilets and facilities for cooking and sleeping for each dwelling unit.

Dwelling, single-family. A detached building designed for and occupied by one family as a home, with toilets and facilities for cooking and sleeping.

Dwelling, two-family. A building designed for or occupied by two families only, with separate toilets and facilities for cooking and sleeping for each dwelling unit, separated by a common wall and sharing a common roof and foundation.

Dwelling unit. Any building, portion thereof, or other enclosed space or area used as or intended for use as the home of one family, with separate toilets and facilities for cooking and sleeping, either permanently or temporarily.

Electric sign. Any sign containing electric wiring.

Erect a sign. To construct, reconstruct, build, relocate, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish a sign. It shall not include any of the foregoing activities when performed as an incident to the change of message, or routine maintenance.

Erected. The word "erected" includes built, constructed, reconstructed, moved upon or any physical operations on the premises required for building. Excavations fill, drainage, and the like shall be considered a part of erection.

Excavation. Any mechanical removal of rock, sand, gravel, or other unconsolidated materials from a location.

Expansion, building or use. The addition of enclosed or unenclosed rooms or storage spaces, porches, or parking area, to an existing building or use on a parcel of land.

FAA. Federal Aviation Administration.

Family. One or more persons living together as a single housekeeping unit and using common cooking facilities, as distinguished from a group occupying a boarding or rooming house or hotel.

FCC. Federal Communications Commission.

Flea market. An occasional or periodic sales activity held within a building, structure, or open area where groups of individual sellers offer goods, new and used, for sale to the public, not to include private garage sales.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) the overflow of inland or tidal waters.
- (b) the unusual and rapid accumulation of runoff of surface waters from any source.

Flood insurance rate map (FIRM). An official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to a community.

Floodplain. Those areas defined by the U.S. Geological Survey or the U.S. Army Corps of Engineers as subject to flooding once in 100 years, based on topography.

Floodway. That portion of the floodplain, including the channel, which is reasonably required to discharge the bulk of the regional flood waters. Floods of less frequent recurrence are usually contained completely within the floodway. For the purpose of these ordinances, floodways shall be defined as follows:

- (a) The floodways as identified or delineated in the *Flood Insurance Study* for Baldwin County, Alabama.
- (b) Along Small Streams and Watercourses. All lands lying within 25 feet of the top of the bank of the channel (measured horizontally), unless the developer demonstrates to the satisfaction of the County Planning Commission that a lesser distance (but not less than 15 feet) is adequate based on the watershed characteristics and probable storm runoff for the base flood.

Floor area, gross. The sum of the gross enclosed horizontal area of all the floors of a building, except a basement or area under the first habitable story, measured from the exterior faces of exterior walls and/or supporting columns.

Food processing. The preparation, storage, or processing of food products on a large scale. Examples of these activities include bakeries, dairies, canneries, and other similar activities or businesses.

Frontage. The length of the property line of any one parcel along a street on which it borders.

Funeral home. A building or part thereof used for human funeral services. Such building may contain space and facilities for: a) embalming and the performance of other services used in preparation of the dead for burial or cremation; b) the performance of autopsies and other surgical procedures; c) the storage of caskets, funeral urns, and other related funeral supplies; and d) the storage of funeral vehicles. Where a funeral home is permitted, a funeral chapel is also permitted.

Garage, private. A building or part thereof designed and/or used for inside parking of self propelled private passenger vehicles by the occupants of the house or other principal structure on the premises or by the occupants of or employees of a particular firm.

General commercial uses. This land use includes those commercial activities which require outdoor storage, have higher trip generations than local commercial uses, or have potential for greater nuisance to adjacent properties due to noise, light and glare, or typical hours of operation.

General industrial uses. This land use includes those industrial, manufacturing, processing, warehousing, or research and testing operations that, due to employment of heavy equipment or machinery or to the nature of the materials and processes employed, require special location and development safeguards to prevent pollution of the environment by noise, vibration, odors or other factors.

Generalized Wetland Map. Refers to the National Wetland Inventory (NWI) Maps, the Baldwin County Digital Wetland layer and/or any other digital data depicting the general locations of wetlands or hydric soils and their degree of functionality within the jurisdiction of Baldwin County.

Height. When referring to a tower or other structure, the distance measured from the ground level at the base of the tower to the highest point on the tower or structure, including if said highest point is an antenna placed on a structure or tower.

Home improvement center. An establishment which sells various household goods, tools, building materials, household appliances, garden supplies, nursery products, paint, glass, etc. Retail stock may be kept outdoors.

Home occupation. Any occupation for gain or support customarily conducted entirely within a residential dwelling unit and carried on solely by the inhabitant thereof, and which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and does not change the character thereof.

Home occupation, rural. An accessory use to a customary farming operation or a nonfarm household located in a rural area designed for gainful employment involving the sale of goods and/or services that is conducted either from within

the dwelling and/or from accessory buildings located on the same lot as the dwelling unit occupied by the family conducting the home occupation.

Hospital. An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.

Hotel. Except as otherwise provided, a transient commercial lodging establishment consisting of one or more buildings used for this purpose, including accessory uses such as eating and drinking facilities, recreation facilities and parking. This category includes motels and motor hotels. Lodgings may consist of sleeping rooms only or may include cooking facilities also but are not intended for permanent occupancy.

Illuminated sign. A sign which contains a source of light or which is designed to reflect light from an artificial source including indirect lighting, neon, incandescent lights, back-lighting, and shall also include signs with reflectors that depend upon automobile headlights for an image.

Impervious surface. Any hard-surfaced, man-made area that does not readily absorb water, including but not limited to: building roofs; streets; sidewalks; parking and driveway areas paved with asphalt, concrete, gravel, limestone, oyster shells, sand, clay or similar materials; and paved recreation areas.

Impervious surface ratio (ISR). A ratio derived by dividing the total of all impervious surfaces on a lot by the lot area.

Institutional uses. This group of uses includes: educational facilities (public or private); pre school and child care facilities; churches, temples, and similar religious facilities; nursing homes, residential care facilities, and halfway housing; cemeteries with or without funeral homes; hospitals; clubs; libraries; museums; emergency service activities such as buildings, garages, parking, and/or dispatch centers for ambulances, fire, police and rescue; and all other similar institutional uses.

Junk vehicle. Any vehicle that does not have a current license tag and that the owner has abandoned or left to deteriorate.

Junk yard. Place, structure or lot where junk, waste, discarded, salvaged, or similar materials such as old metals, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc., are bought, sold, exchanged, baled, packed, disassembled, or handled, including auto wrecking yards, used lumber yards, house-wrecking yards, and yards or places for storage or handling of salvaged house wrecking and structural steel materials. This definition shall not include pawn shops and establishments for the sale, purchase, or storage of

usable secondhand cars, salvaged machinery, used furniture, radios, stoves, refrigerators or similar household goods and appliances. Nor shall it apply to the processing of used, discarded, or salvaged materials as part of manufacturing operations.

Jurisdictional determination. An official, written statement or map signed by the U.S. Army Corps of Engineers.

Jurisdictional wetland. A wetland area that is regulated by the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act. It can meet the definitional requirements for wetlands (i.e. hydrophitic vegetation, hydric soils and hydrology) as determined by the U.S. Corps of Engineers, 1987 Federal Wetland Delineation Manual.

Kennel. A facility which houses dogs, cats, or other household pets and where grooming, breeding, boarding, training, or selling of animals is conducted as a business. This definition does not include the raising of a litter by an owner who intends to sell or give away the puppies as soon as they are old enough.

Land area. (See *Lot area*).

~~*Land use certificate.* Certificate issued by the Zoning Administrator indicating that a proposed use of land is in conformity with the zoning ordinances, a prerequisite to issuance of a building permit.~~

Land use plan. A map and supporting written documentation indicating the projected or proposed utilization of land resulting from planning and zoning studies.

Landfill. A disposal site for the controlled burial of solid waste according to applicable governmental rules and ordinances.

Lateral riparian rights. The apportionment of riparian rights between adjoining riparian owners is made by extending lines from the ends of the side lines at right angles to the line of the water front if the latter is straight or substantially so, subject to variation where the line of navigation is not parallel with the shore line, without regard to the direction of the dividing line of the upland parcels. In case of a decided convexity or concavity of the shore, riparian rights are apportioned ratably between the riparian owners, as by straight lines drawn out to the line of navigability at such points as will divide the latter proportionately to the several frontages on the shore, or by line perpendicular to a tangent drawn on a circular shore.

Licensed Engineer. An engineer properly licensed and registered in the State of Alabama.

Light industrial uses. This land use includes manufacturing, research and wholesale establishments which are clean, quiet, and free of hazardous or objectionable emissions, and generate little industrial traffic.

Local commercial uses. This land use includes limited retail convenience goods and personal service establishments as well as professional service and office uses.

Lot. A piece, parcel, or plot of land occupied or intended to be occupied by one main building, accessory buildings, uses customarily incidental to such main buildings and such open spaces as are provided in these zoning ordinances, or as are intended to be used with such piece, parcel, or plot of land.

Lot area. The total horizontal area within the lot lines of a lot.

Lot, corner. A lot abutting upon 2 or more streets at their intersection or upon 2 parts of a street which form an interior angle of less than 135 degrees. The point of intersection of the street lines is the corner.

Lot depth. The mean (average) horizontal distance between the front and rear lot lines, measured at right angles to the street lines.

Lot, flag. A lot with access provided to the bulk of the lot by means of a narrow corridor.

Lot, interior. A lot other than a corner lot.

Lot line. The boundary line of a lot.

Lot line, front. On an interior lot, the lot line abutting a street; on a corner lot, the shorter lot line abutting a street; on a through lot, the lot line abutting the street providing the primary means of access to the lot; on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained; or on a waterfront lot, the lot line abutting the water.

Lot line, rear. The lot line opposite and most distance from the front lot line.

Lot line, side. Any lot line other than a front or rear lot line. A side lot line of a corner lot separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot is called an interior lot line.

Lot of record. A lot which is a part of a recorded plat or a plot described by metes and bounds, the map and/or description of which has been recorded according to Alabama Law.

Lot of record, substandard. A lot of record which has less than the required minimum area or width as established by the zoning district in which it is located and provided that such lot was of record as a legally created lot on the effective date of these zoning ordinances.

Lot, through. A lot, but not a corner lot, that abuts upon two streets, the two frontages being noncontiguous.

Lot width. The horizontal distance between side lot lines, measured at the required front setback line.

Major project. Any multifamily residential use, manufactured housing park, institutional use, professional service and office use, local commercial use, general commercial use, outdoor recreation use, marine recreation use, transportation, communication and utility use, light industrial use, or general industrial use.

Manufactured housing. Single family detached housing that is built to the National Manufactured Housing Construction and Safety Standards Act of 1974, and shall include structures known as manufactured homes or mobile homes.

Manufactured housing park. A parcel of land under single ownership that has been planned and improved for the placement of 5 or more manufactured homes for dwelling purposes and for the production of income. Home sites within the manufactured housing park are leased to individual homeowners.

Marina. A facility for storing, servicing, fueling, berthing, and securing and launching of private pleasure craft that may include the sale of fuel and incidental supplies for boat owners, crews, and guests, servicing and repair of boats, and sale and charter of boats. Dry boat storage may also be provided. A yacht club shall be considered a marina, but a hotel or similar use, where docking of boats and provision of services thereto is incidental to other activities, shall not be considered a marina, nor shall boat docks accessory to a multifamily structure where no boat related services are rendered.

Marine recreation uses. This land use includes areas where water related recreational activities are the primary use. Activities may include all activities allowed as outdoor recreation activities as herein defined. In addition, permitted activities may include marinas, boat sales, boat servicing, boat storage, sale of fuel and supplies, and provision of lodging, food, beverages and entertainment.

Marquee. A structure projecting from and supported by a building which extends beyond the building line or property line and fully or partially covers a sidewalk, public entrance or other pedestrian way.

Master plan. The master plan for the physical development of the unincorporated areas of Baldwin County as adopted by the Baldwin County Commission.

Mini-warehouse. A building or group of buildings in a controlled access compound that contain varying sizes of individual, compartmentalized and controlled-access stalls, cubicles and/or lockers used for storage only.

Minor project. Any agricultural use or single family or two family residential structure and related accessory structures.

Mobile home. (See *Manufactured housing*). A transportable, factory built home, designed to be used as a year round residential dwelling and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.

Monument sign. A monument sign is a freestanding sign, a wall with a permanently attached, or a decorative wall that incorporates a sign. Monument signs are typically constructed low to the ground from natural materials such as stone, brick, or wood and surrounded with additional landscape plantings. A monument sign shall be no more than 10 feet in height except where further restricted and shall have the lowest portion of its sign face no more than 3 feet above the ground.

Motel. (See *Hotel*).

Multiple occupancy sign. A parcel of property, or parcels of contiguous properties, existing as a unified or coordinated project, with a building or buildings housing more than one occupant.

Neighborhood convenience store. Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of less than 5,000 square feet. Neighborhood convenience stores shall not include fuel pumps or the selling of fuel for vehicles.

Nightclub. A restaurant, dining room, bar, or other similar establishment providing food or refreshments wherein floor shows or other forms of entertainment by persons are provided for guests.

Nonconforming structure. A structure lawfully occupying a site that does not conform with the standards of the zone in which it is located, including, but not limited to, front setback, side setbacks, rear setback, height, coverage, distances between structures and parking facilities.

Nonconforming uses. The use of a structure or premises, existing at the effective date of these ordinances, or any amendment thereto, for any purpose not permitted for a new use in the district in which it is located.

Nursery. Land, building, structure, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for wholesale or retail sale on the premises including products used for gardening or landscaping.

Nursing home. (See *Convalescent or nursing home*).

Offices. Space or rooms used for professional, administrative, clerical, and similar uses.

Open space. An area open to the sky that is intended to provide light and air, and is designed for either environmental, scenic or recreation purposes. Open space may include, but is not limited to, lawns, landscaped areas, buffers, natural areas, wooded areas, unenclosed walkways, decks, patios, fountains and outdoor recreation uses. Streets, driveways, parking lots, buildings and structures that are roofed shall not be included as open space.

Open space, common. (see *Common open space*).

Outdoor recreation uses. This land use includes areas where outdoor recreational activities are the primary use such as public parks or other recreational areas whether public or private. Activities may include picnicking, jogging, cycling, arboretums, hiking, golf courses, play grounds, ball fields, outdoor ball courts, stables, outdoor swimming pools, and water-related or water-dependent uses such as boat ramps, fishing docks and piers, and similar outdoor recreational uses. Specifically excluded from this group of uses are amusement parks, firing ranges, marinas, miniature golf courses, golf driving ranges, race tracks, and similar commercial or quasi-recreational activities inconsistent with the allowable outdoor recreation uses described.

Overlay district. A district that is superimposed over one or more zoning districts or parts of districts and that imposes specified requirements that are in addition to those otherwise applicable for the underlying zone.

Parcel. A unit of land within legally established property lines. If, however, the property lines are such as to defeat the purposes of these sign ordinances or lead to absurd results, a "parcel" may be designated for a particular site by the Zoning Administrator.

Parking garage. A building designed and used for the storage of automotive vehicles operated as a business enterprise with a service charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles.

Parking lot. An area not within a building where motor vehicles may be stored for the purposes of temporary, daily, or overnight off-street parking.

Parking space, off-street. An area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be totally outside of any street or alley right-of-way.

Pennant. Any lightweight plastic, fabric, or other material, whether containing a message or not, suspended from rope, wire, string, or other material, whether containing a message or not, suspended from a rope, wire, string, or other similar device, designed to move in the wind.

Permitted use. A use by right that is specifically authorized in a particular zoning district. It is contrasted with special exceptions and conditional uses that are authorized only if certain requirements are met and after review and approval by the Board of Adjustment and Planning Commission respectively.

Pier. An elevated deck structure, usually pile supported, extending out into the water from the shore.

Planned development. A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages.

Planning Commission. The Baldwin County Planning and Zoning Commission.

Planning Director. The Director of the Baldwin County Planning & Zoning Department.

Planning districts. The districts into which the County is divided for planning purposes and for the purpose of holding elections to determine if an area will be subject to the County's planning and zoning authority.

Porch. A roofed-over space attached to the outside of an exterior wall of a building, which has no enclosure other than the exterior wall(s) to which it is attached. Open mesh screening shall not be considered an enclosure. Porches shall be considered as a part of the main building and shall not project into a required front yard.

Portable sign. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to , signs designed to be transported by means of wheels; signs converted to A-frames or T-frames; menu or sandwich board signs; balloons or other inflatable devices used as signs; umbrellas used for advertising; and signs

attached to or painted on vehicles parked and visible from the public right-of-way, unless such vehicle is used in the normal day to day operations of the business.

Principal structure. A building in which the primary use of the lot on which the building is located is conducted.

Printing and publishing. Includes printing and publishing of newspapers, books and periodicals by letterpress, lithography, offset, gravure, or screen methods. May also include book binding.

Professional service and office uses. This group of uses includes business and professional offices, medical offices or clinics, financial institutions without drive-up windows, and personal service businesses where the service is performed on an individual-to-individual basis as opposed to services which are performed on objects or personal property. Examples of personal service businesses are barber shops, beauty shops, or photography studios. This group of uses may include a dispatching/communications/office center for the distribution of goods, but specifically excludes the warehousing or actual distribution of goods.

Projecting sign. A sign affixed to a building or wall in such a manner that its leading edge extends more than 6 inches beyond the surface of the building or wall.

Race track. Facility for the racing of horses, dogs, motor vehicles and motorcycles.

Recreational vehicle. A self-propelled vehicle used for temporary housing of individuals and families during travel. This category also includes travel trailers, campers, camping trailers, motor homes, small mobile homes used for vacation purposes and similar transient residential vehicles.

Recreational vehicle park. A lot of land upon which one or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

Residential district. Includes the following zoning districts: RSF-E, RSF-1, RSF-S, RSF-3, RSF-4, RTF-4, RSF-6, RTF-6, RMF-6 and RMH.

Residential dock or pier. A dock or pier constructed adjacent to a residential lot for gratis recreational purposes and/or mooring of private boats.

Restaurant. An establishment which primarily serves food and refreshments for consumption on the premises to its patrons.

Restaurant, drive-in. A restaurant or public eating business so conducted that food, meals or refreshments are brought to the motor vehicles for consumption by the customer or patron.

Restaurant, fast-food. Any establishment whose principal business is the sale of foods and refreshments in ready to consume individual servings, for consumption either within the restaurant building or for carryout, and where either: 1) foods and refreshments are usually served in paper, plastic, or other disposable containers, and where customers are not served their food and refreshments by a restaurant employee at the same table or counter where the items are consumed; or 2) the establishment includes a drive-up or drive-through service facility or offers curb service.

Rezoning. An amendment to the zoning district boundaries as delineated on the zoning map.

Right-of-way. A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

Roof line. A horizontal line intersecting the highest point or points of a roof.

Satellite receiving dishes. A dish-shaped antenna designed to receive television broadcasts relayed by microwave signals from earth-orbiting communications satellites. This definition also includes satellite earth stations, or television dish antennas.

School. A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools.

Setback line. A line defining the limits of a yard in which no building or structure, other than an accessory structure, may be located.

Shopping center. A group of commercial establishments planned, constructed and managed as an entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, and designed to serve a community or neighborhood.

Sign. Any writing, pictorial presentation, number, illustration, decoration, flag, banner, pennant, or other device which is used to announce, direct, attention to, identify, advertise or otherwise make anything known. The term sign shall not be deemed to include the terms "building" or "landscaping" or any architectural embellishment of a building not intended to communicate information.

Sign face area. The area of any regular geometric shape which contains the entire surface area of a sign upon which copy may be placed.

Sign structure. Any construction used or designed to support a sign.

Silviculture. The care and cultivation of forest trees.

Site plan. The development plan for one or more lots on which is shown the existing and/or proposed conditions of the lot(s).

Site Plan Approval – An approval granted to confirm that the proposed use for a site conforms with the Zoning Ordinance, a prerequisite to issuance of a building permit.

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- Site Plan Approval, Commission – A land use approval allows for public input at the Planning Commission meeting to ensure the proper integration of uses into a community and zoning district. The Commission Site Plan Approval process recognizes that certain uses, though technically permitted by zoning, are only suitable under certain conditions and at appropriate locations. Certain uses require special consideration so that the use may be properly located with respect to the objectives of this chapter and their effect on surrounding properties.
- Site Plan Approval, Administrative - A land use approval issued by the Zoning Administrator indicating that a proposed use of land is in conformity with the Zoning Ordinance, a prerequisite to issuance of a building permit.

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Special exception. A land use permitted that is not similar in nature to the uses permitted in the district but that is desired in the community and for which a suitable district is not available. Such use may be permitted upon approval of the Board of Adjustment and in compliance with any special conditions which may be required.

Special flood hazard areas. Land in the floodplain subject to a one (1) percent or greater chance of flooding in any given year.

Stable, public. A building where horses are kept for commercial use including boarding, hire, and sale.

Stable, private. An accessory building in which horses are kept for the use of the occupants of the principal building.

Stormwater management. The process of ensuring that the magnitude and frequency of stormwater runoff do not increase the hazards associated with flooding and that water quality is not compromised by untreated stormwater flow.

Story. That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling next above it.

Story, habitable. A story having its floor elevated at or above base flood elevation as determined from the flood insurance rate maps, regardless of the intended use of the story or its floor area.

Story, half (½). A space under a sloping roof in which not more than one-half (½) of the floor area is finished off for use. A half story containing independent apartment or living quarters shall be counted as a full story.

Street. The full right-of-way of a thoroughfare which affords the principal means of access to abutting property.

(a) *Expressway or freeway.* A facility which has the main function to accommodate a high volume of traffic for a considerable distance through the prohibiting of ingress and egress except at controlled intervals. A freeway involves complete control of access while an expressway permits access at grade intersections at infrequent intervals.

(b) *Arterial.* A street that connects areas which produce large numbers of trip generations. An arterial functions to move traffic and to provide access to land uses, particularly high trip generating commercial activities.

(c) *Collector.* A collector has the primary function of collecting traffic from an area and moving it to the arterial street system while also providing substantial service to abutting land use.

(d) *Minor street.* A minor street is one whose primary function is to service abutting land use. This includes cul-de-sacs, marginal access streets, residential access streets and country lanes.

(e) *Marginal access street.* A minor street separating abutting land areas from arterial streets. A service road in commercial areas intended to remove terminal traffic from arterials and allow them to fulfill their high volume, high speed function. An access street in residential areas intended to remove local traffic from arterials and to buffer abutting residential lots from the detrimental effects of highway traffic use by park strips, screen plantings, or other measures, as well as to limit the number of direct driveway accesses to arterials for safety purposes.

(f) *Cul-de-sac.* A minor street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

Structure. Any object, the whole or parts of which are constructed, erected or arranged by human agency, the use of which requires a location on the ground or attached to something having a location on the ground. Except as provided in *Section 10.4, Wetland Protection Overlay District*, bulkheads, fences, walls, retaining walls, fountains, trellises, pergolas, air conditioner platforms, walkways and similar features which provide a decorative, security or support function shall not be considered structures for purposes of these zoning ordinances.

Subdivision. The division or redivision of a parcel of land into two or more parcels as provided for in the *Baldwin County Subdivision Regulations*.

Tourist home. A building, or part thereof, other than a motel or hotel, where sleeping accommodations are provided for transient guests, with or without meals, and which also serves as the residence of the operator.

Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antenna, including self supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers and the like. (see also *antenna support structure*)

Townhouse. An attached dwelling unit having a separate ground floor entrance and separate private yard space, with common walls on one or both sides of the dwelling unit.

Transportation, communication, and utility uses. This group of activities includes those uses which provide essential or important public services, and which may have characteristics of outdoor storage, or potential nuisance to adjacent properties due to noise, light and glare, or appearance. Uses include the following, and substantially similar activities, based upon similarity of characteristics:

- (a) Broadcasting stations and radio, television and telephone transmission towers.
- (b) Utility facilities, such as water plants, wastewater treatment plants, sanitary landfill operations and electric power substations.
- (c) Maintenance facilities and storage yards for schools, government agencies, and telephone and cable companies.
- (d) Airports, airfields, and truck or bus terminals.
- (e) Railroad stations, terminals, yards and service facilities.

Unit. That part of a multiple occupancy complex housing one occupant.

Use. The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

V-zone. (See *Coastal high hazard areas*).

Variance. A departure from the provisions of these ordinances relating to building and other structural setbacks, lot dimensions such as width, depth, or area, structure, or building height, open space, buffers, parking or loading requirements, lot coverage, impervious areas, landscaping, and similar type ordinances. A variance may not involve the actual use of the property, building or structures, procedural requirements, or definitions.

Vehicle sign. Any sign affixed to a vehicle.

Waterway. Any body of water, including any creek, canal, river, lagoon, lake, bay or gulf, natural or artificial.

Wetlands. Wetlands are areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

Wholesale establishment. Business establishments that generally sell commodities in large quantities or by the place to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

Window sign. Any sign, picture, symbol, or combination thereof designed to communicate information about a business, commodity, event, sale, or service that is placed inside or upon a window and is visible from the exterior of the window.

Wireless telecommunications facility. A facility that transmits and/or receives electromagnetic signals. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, telecommunications towers, broadcasting towers, radio towers, television towers, telephone transmission towers or similar structures supporting said equipment, equipment buildings, parking area, access roads and other accessory structures.

Yard. A space on the same lot with a principal building, such space being open, unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted and complying with applicable building codes.

Yard, front. An open, unoccupied space on the same lot with the principal building, extending the full width of the lot and situated between the right-of-way line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front lines of the building and the right-of-way line. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension. On waterfront lots the front yard shall be considered from the front line of the principal building to the waterfront property line.

Yard, rear. An open space on the same lot with the principal building, such space being unoccupied except possibly by an accessory building, extending the full width of the lot between the rear line of the principal building projected to the side lines of the lot and the rear lot line. On all corner lots the rear yard shall be at the opposite end of the lot from the front yard.

Yard, side. An open, unoccupied space on the same lot with a principal building, situated between the side line of the building and the adjacent side line of the lot extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the rear boundary of the side yard shall be the rear line of the lot. On corner lots, the side yard shall be considered as parallel to the street upon which the lot has its greatest dimension.

Zoning Administrator. The Planning Director or his/her designee. The Zoning Administrator shall be responsible for administering these zoning ordinances.

Zoning amendment. A change or revision of the zoning ordinances or zoning map.

Zoning district. A section of the County delineated on the zoning map wherein all requirements for use of land and building and development standards are uniform.

Zoning map. The map or maps which are a part of these zoning ordinances and which delineate the boundaries of various zoning districts within those planning districts that elect to come under the planning and zoning jurisdiction of the Baldwin County Commission.

Article 23 Table of Permitted Uses

Section 23.1 Use of Land and Structures

Except as provided in *Section 2.3: Establishment of Zoning in Planning Districts*, no building, structure or land shall be used or occupied and no building or part thereof shall be erected, constructed, moved or altered except in conformity with the use ordinances specified in the table of permitted uses for the zoning district in which it is or is to be located.

Section 23.2 Permitted Uses

Uses in the table of permitted uses identified by (P) are permitted as of right, subject to the conditions specified in the Table or elsewhere in these ordinances.

Section 23.3 Special Exceptions

Uses in the table of permitted uses identified by (S) are permitted upon special exception approval by the Board of Adjustment.

Section 23.4 ~~Conditional Uses~~ Commission Site Plan Approval Uses

Uses in the table of permitted uses identified by (C) are permitted upon ~~conditional use~~ **Commission Site Plan Approval** by the Planning Commission.

Section 23.5 Prohibited Uses

Where any use or analogous use has blank spaces under any zones listed in the headings of the table of permitted uses, such use is specifically prohibited in such zones.

Section 23.6 Unlisted Uses

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.

Figure 1: Table of Permitted Uses

	RR	RA	CR	RSF-E	RSF-1	RSF-2	RSF-3	RSF-4	RTF-4	RSF-6	RTF-6	RMF-6	HDR	RMH	B-1	B-2	B-3	B-4	RV-1	RV-2	LB (≤4000sf)	LB (>4000 sf)	MR	OR	TR	M-1	M-2	
RESIDENTIAL USES																												
Accessory structures and uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	P	P			P	P
Boarding, rooming or lodging house, dormitory	C \$									C \$	C \$	C \$					P	P	P								P	P
Fraternity or sorority house	C \$									C \$	C \$	C \$					P	P	P								P	P
Mail order house	C \$																										P	P
Manufactured housing park														P														
Mobile home/ manufactured home	P	P	P	P	P	P	P	P	P	P	P	P	P	P									P					
Multiple family dwellings												P	P															
Single family dwelling, including mobile/manufactured home	P	P	P	P	P	P	P	P	P	P	P	P	P										P					
Two family dwelling									P		P	P	P															
AGRICULTURE USES																												
Agriculture	P	P	P	P																							P	P

	RR	RA	CR	RSF-E	RSF-1	RSF-2	RSF-3	RSF-4	RTF-4	RSF-6	RTF-6	RMF-6	HDR	RMH	B-1	B-2	B-3	B-4	RV-1	RV-2	LB (≤4000 sq ft)	LB (>4000 sq ft)	MR	OR	TR	M-1	M-2	
Animal raising	P	P	P	P																						P	P	
Dairying	P	P	P	P																						P	P	
Farming	P	P	P	P																						P	P	
Floriculture	P	P	P	P																						P	P	
Hatchery, poultry and fish	P	P	P	P																						P	P	
Horticulture	P	P	P	P																						P	P	
Pasturage	P	P	P	P																						P	P	
Silviculture	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	P	P	P	P	P	P
Stables	P	P	P	P																						P	P	
Viticulture	P	P	P	P																						P	P	
INSTITUTIONAL USES																												
Ambulance/EMS Service	S C	C	C														C	C								P	P	
Art gallery or museum	S C	C	C														P	P			P	C				P	P	
Auditorium, stadium, coliseum	S C	C	C														C	C								P	P	
Business school or college	S C	C	C														P	P								P	P	
Cemetery (See Sections 2.3 and 13.7)	C	C/ P	C	P													P	P								P	P	
Church or similar religious facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P*	P*	P	P	P	P	P	
City hall or courthouse	S C	C	C														P	P								P	P	

	RR	RA	CR	RSF-E	RSF-1	RSF-2	RSF-3	RSF-4	RTF-4	RSF-6	RTF-6	RMF-6	HDR	RMH	B-1	B-2	B-3	B-4	RV-1	RV-2	LB (≤4000 sq ft)	LB (>4000 sq ft)	MR	OR	TR	M-1	M-2
Club or lodge	C \$	C	C												P	P	P	P			P	C				P	P
College or university	C \$	C	C															C	C							P	P
Convalescent or nursing home	C \$	C	C															C	C							P	P
Correctional, detention, or penal institution		C	C															C	C							P	P
Child care center	P	C	C											C	P	P	P	P								P	P
Child care institution	P	C	C											C	P	P	P	P								P	P
Day care home	P	C	C	C	C	C	C	C	C	C	C	C	C										C				
Dog Pound	C \$	C	C															C	C							P	P
Fire station	C \$	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P								P	P
Funeral home	C \$	C	C															P	P							P	P
Hospital	C \$	C	C															C	C							P	P
Library	P	C	C												P	P	P	P			P	C				P	P
Police station	C \$	C	C												P	P	P	P								P	P
Post office	P	C	C												P	P	P	P								P	P
Sanitarium																										P	P
School (public or private)	P	P	P	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P								P	P
Teen club or youth center	C \$	C	C															P	P							P	P
YMCA, YWCA	C \$	C	C															P	P							P	P

	RR	RA	CR	RSF-E	RSF-1	RSF-2	RSF-3	RSF-4	RTF-4	RSF-6	RTF-6	RMF-6	HDR	RMH	B-1	B-2	B-3	B-4	RV-1	RV-2	LB (≤4000sf)	LB (>4000 sf)	MR	OR	TR	M-1	M-2	
Zoo	C	C	C														C	C								P	P	
																											P	P
PROFESSIONAL SERVICE & OFFICE USE																												
Bank	P														P	P	P	P			P	C				P	P	
Barber shop or beauty parlor	P														P	P	P	P			P	C				P	P	
Clinic or doctor office (medical, dental, psychiatric)	P														P	P	P	P								P	P	
Medical Office (medical, dental, psychiatric)																					P	C						
Office	P														P	P	P	P			P	C	P		S	P	P	
Optician	P														P	P	P	P								P	P	
Laboratory, scientific, medical, dental	P														P	P	P	P								P	P	
Mixed commercial/ residential															C	C						C						
Studio for dance, music, photography, painting, etc.	P														P	P	P	P			P	C				P	P	
LOCAL COMMERCIAL USES																												

	RR	RA	CR	RSF-E	RSF-1	RSF-2	RSF-3	RSF-4	RTF-4	RSF-6	RTF-6	RMF-6	HDR	RMH	B-1	B-2	B-3	B-4	RV-1	RV-2	LB (≤4000 sq ft)	LB (>4000 sq ft)	MR	OR	TR	M-1	M-2
Accessory structures and uses such as food service, gift or novelty shops, and barber or beauty shops conducted primarily for the convenience of visitors or patrons on the premises and contained within a principal building (see Section 13.1)																									P		
Antique store	P															P	P	P			P	C				P	P
Apparel and accessory store	P															P	P	P			P	C				P	P
Appliance store including repair	P															P	P	P								P	P
Art supplies	P															P	P	P			P	C				P	P
Automobile parts sales	P																C	P								P	P
Bakery retail	P															P	P	P			P	C				P	P
Bed and breakfast or tourist home (see Section 13.10)	P	\$ C	\$ C	\$ C	\$ C	\$ C	\$ C	\$ C	\$ C	\$ C	\$ C	\$ C				P	P	P					P		\$ C	P	P
Bicycle sales and service	P															P	P	P								P	P
Book store	P															P	P	P			P	C				P	P
Café	P															P	P	P			P	C	P		\$ C	P	P

	RR	RA	CR	RSF-E	RSF-1	RSF-2	RSF-3	RSF-4	RTF-4	RSF-6	RTF-6	RMF-6	HDR	RMH	B-1	B-2	B-3	B-4	RV-1	RV-2	LB (≤4000 sq ft)	LB (>4000 sq ft)	MR	OR	TR	M-1	M-2
Camera and photo shop	P															P	P	P			P	C				P	P
Candy store	P															P	P	P			P	C				P	P
Catering shop or service	P															P	P	P			P	C				P	P
Copy shop	P															P	P	P								P	P
Delicatessen	P															P	P	P			P	C	P		C \$	P	P
Discount/variety store (not to exceed 8,000 square feet)	C \$															P	P	P								P	P
Drug store (not to exceed 8,000 square feet)	C \$															P	P	P								P	P
Fixture sales	P															P	P	P								P	P
Floor covering sales or service	P															P	P	P								P	P
Florist	P															P	P	P			P	C				P	P
Fruit and produce store	P															P	P	P			P	C				P	P
Gift shop	P															P	P	P			P	C	P		C \$	P	P
Hardware store, retail	P															P	P	P								P	P
Ice cream parlor	P															P	P	P			P	C				P	P
Interior decorating shop	P															P	P	P								P	P
Laundry, self service	P															P	P	P								P	P
Laundry and dry cleaning store	P															P	P	P								P	P

	RR	RA	CR	RSF-E	RSF-1	RSF-2	RSF-3	RSF-4	RTF-4	RSF-6	RTF-6	RMF-6	HDR	RMH	B-1	B-2	B-3	B-4	RV-1	RV-2	LB (≤4000 sq ft)	LB (>4000 sq ft)	MR	OR	TR	M-1	M-2
Locksmith	P															P	P	P								P	P
Music store	P															P	P	P			P	C				P	P
Neighborhood convenience store	P															P	P	P			P	C				P	P
News stand	P															P	P	P			P	C				P	P
Paint and wallpaper store	P															P	P	P								P	P
Picture framing and/or mirror silvering	P															P	P	P								P	P
Restaurant	P															P	P	P			P	C	P		C	P	P
Shoe repair shop	P															P	P	P								P	P
Shoe store	P															P	P	P			P	C				P	P
Sign shop	P															P	P	P								P	P
Sporting goods store	P															P	P	P								P	P
Tailor shop	P															P	P	P			P	C				P	P
Tobacco store	P															P	P	P								P	P
Toy store	P															P	P	P			P	C				P	P

GENERAL COMMERCIAL USES																											
Air conditioning sales and service	C															C	P	P								P	P
Animal clinic/kennels	P	P														C	P	P								P	P
Amusement arcade	C															C	P	P								P	P

	RR	RA	CR	RSF-E	RSF-1	RSF-2	RSF-3	RSF-4	RTF-4	RSF-6	RTF-6	RMF-6	HDR	RMH	B-1	B-2	B-3	B-4	RV-1	RV-2	LB (≤4000 sq ft)	LB (>4000 sq ft)	MR	OR	TR	M-1	M-2
Bakery, wholesale	C \$																P	P								P	P
Bowling alley	C \$																P	P								P	P
Business machine sales and service	C \$															C	P	P								P	P
Butane gas sales	C \$																P	P								P	P
Car wash	C \$															C	P	P								P	P
Convenience store	P															P	P	P								P	P
Country club	C \$	P		C	C	C	C	C	C	C	C	C	C	C		C	P	P					P		P	P	P
Department store	C \$																P	P								P	P
Discount/variety store (exceeding 8,000 square feet)	C \$															C	P	P								P	P
Drug store (exceeding 8,000 square feet)	C \$															C	P	P								P	P
Elevator maintenance service	C \$																P	P								P	P
Exterminator service office	C \$															C	P	P								P	P
Farmer's market/truck crops	P	P															P	P								P	P
Firing range	C \$																P	P								P	P
Fitness center or gym	C \$																P	P								P	P

	RR	RA	CR	RSF-E	RSF-1	RSF-2	RSF-3	RSF-4	RTF-4	RSF-6	RTF-6	RMF-6	HDR	RMH	B-1	B-2	B-3	B-4	RV-1	RV-2	LB (≤4000 sq ft)	LB (>4000 sq ft)	MR	OR	TR	M-1	M-2
Golf driving range	C \$																P	P								P	P
Grocery store	C \$																P	P								P	P
Landscape sales	P	P														C	P	P								P	P
Lawnmower sales and service	C \$																P	P								P	P
Liquor store																C	P	P								P	P
Miniature golf	C \$																P	P								P	P
Mini-warehouse	C \$	C \$										C	C		C	C	P	P								P	P
Night club, bar, tavern	C \$															C	P	P					P		C \$	P	P
Nursery	P	P															P	P								P	P
Office equipment and supplies sales	C \$															C	P	P								P	P
Office Warehouse	C \$														C	C	P	P								P	P
Pawn shop	C \$															C	P	P								P	P
Pet shop	C \$															C	P	P								P	P
Plumbing shop	C \$															C	P	P								P	P
Printing and publishing establishment	C \$																P	P								P	P
Race track																		C								C	C
Restaurant sales and supplies	C \$																P	P								P	P

	RR	RA	CR	RSF-E	RSF-1	RSF-2	RSF-3	RSF-4	RTF-4	RSF-6	RTF-6	RMF-6	HDR	RMH	B-1	B-2	B-3	B-4	RV-1	RV-2	LB (≤4000 sf)	LB (>4000 sf)	MR	OR	TR	M-1	M-2
Rug and/or drapery cleaning service	IC \$															C	P	P								P	P
Seafood store	IC \$															C	P	P								P	P
Skating rink	IC \$																P	P								P	P
Stone monument sales	IC \$																P	P								P	P
Taxidermy	IC \$																P	P								P	P

MAJOR COMMERCIAL USES																											
Amusement park	IC \$																C	P								P	P
Auto convenience market	IC \$																P	P								P	P
Automobile parts sales	P																C	P								P	P
Automobile repair (mechanical and body)	IC \$																C	P								P	P
Automobile sales	IC \$																C	P								P	P
Automobile service station	IC \$																P	P								P	P
Automobile storage (parking lot/garage)	IC \$																C	P						P	P	P	P

	RR	RA	CR	RSF-E	RSF-1	RSF-2	RSF-3	RSF-4	RTF-4	RSF-6	RTF-6	RMF-6	HDR	RMH	B-1	B-2	B-3	B-4	RV-1	RV-2	LB (≤4000 sq ft)	LB (>4000 sq ft)	MR	OR	TR	M-1	M-2	
Building materials	C \$																C	P								P	P	
Farm implements	P	P															C	P								P	P	
Flea market	C \$																C	P								P	P	
Home improvement center	C \$																C	P								P	P	
Hotel or motel	C \$																C	P					P		P	P	P	
Manufactured housing sales, service and repair	C \$																C	P								P	P	
Motorcycle sales, service and repair	C \$																C	P								P	P	
Movie theatre	C \$																C	P								P	P	
Recreational vehicle park (see Sections 13.8 and 2.3)	C \$	C \$	C \$														C	P	P	P						P	P	
Recreational vehicle sales, service and repair	C \$																C	P								P	P	
Restaurant, drive-in	C \$																C	P								P	P	
Restaurant, fast food	C \$																C	P								P	P	
OUTDOOR RECREATION USES																												

	RR	RA	CR	RSF-E	RSF-1	RSF-2	RSF-3	RSF-4	RTF-4	RSF-6	RTF-6	RMF-6	HDR	RMH	B-1	B-2	B-3	B-4	RV-1	RV-2	LB (≤4000 sq ft)	LB (>4000 sq ft)	MR	OR	TR	M-1	M-2
Arboretums	P	P	P	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P					P	P	P	P	P
Ball fields	P	P	P	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P					P	P	P	P	P
Golf course	P	P	P	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P					P	P	P	P	P
Park or playground	P	P	P	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P					P	P	P	P	P
Riding academy	P	P	P	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P					P	P	P	P	P
Swimming pool (outdoor)	P	P	P	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P					P	P	P	P	P
Tennis court (outdoor)	P	P	P	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P					P	P		P	P
Wildlife sanctuary	P	P	P	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P					P	P	P	P	P
MARINE RECREATION USES																											
Bait store	P															P	P	P					P			P	P
Boat sales and service	P																C	P					P			P	P
Marina	P																C	P					P		C	P	P
Marine store and supplies	P																P	P					P			P	P
TRANSPORTATION, COMMUNICATION & UTILITY USES																											
Airport	C	C															C	C								P	P
Armory	C	C															C	C								P	P

	RR	RA	CR	RSF-E	RSF-1	RSF-2	RSF-3	RSF-4	RTF-4	RSF-6	RTF-6	RMF-6	HDR	RMH	B-1	B-2	B-3	B-4	RV-1	RV-2	LB (≤4000 sq ft)	LB (>4000 sq ft)	MR	OR	TR	M-1	M-2
Broadcasting station	C	C															C	C								P	P
Barge docking	C	C															C	C								P	P
Bus and railroad terminal facilities	C	C															C	C								P	P
Electric power substations	C	C															C	C								P	P
Freight depot, rail or truck	C	C															C	C								P	P
Landfill (See Section 2.3, Local Provisions)	C	C															C	C								C	C
Maintenance facility/storage yard for schools, government agencies, and telephone and cable companies	C	C															C	C								P	P
Radio and television station and transmitting tower	C	C															C	C								P	P
Railroad facilities	C	C															C	C								P	P
Sewage treatment plant	C	C															C	C								C	C
Taxi dispatching station	C	C															C	C								P	P
Taxi terminal	C	C															C	C								P	
Telephone exchange	C	C															C	C								P	P
Water plant	C	C															C	C								P	P

	RR	RA	CR	RSF-E	RSF-1	RSF-2	RSF-3	RSF-4	RTF-4	RSF-6	RTF-6	RMF-6	HDR	RMH	B-1	B-2	B-3	B-4	RV-1	RV-2	LB (≤4000 sq ft)	LB (>4000 sq ft)	MR	OR	TR	M-1	M-2
Water storage tank	C	C														C	C	C						C		P	P
Water or sewage pumping station	C	C															C	C								P	P
Water well (public or private)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Wireless telecommunication facilities (see Section 13.9)	C	C														C	C	C								P	P
LIGHT INDUSTRIAL USES																											
Automobile manufacture	C																									P	P
Bottling works	C																									P	P
Cabinet shop	C																									P	P
Contractor's yard	C																									P	P
Grain milling storage and elevators	C																									P	P
Ice plant	C																									P	P
Lumberyard	C																									P	P
Machine shop	C																									P	P

	RR	RA	CR	RSF-E	RSF-1	RSF-2	RSF-3	RSF-4	RTF-4	RSF-6	RTF-6	RMF-6	HDR	RMH	B-1	B-2	B-3	B-4	RV-1	RV-2	LB (≤4000 sf)	LB (>4000 sf)	MR	OR	TR	M-1	M-2
Machinery, tools and construction equipment sales and service	IC ☞																									P	P
Manufacturing, repair, assembly or processing establishments of a light industrial nature including: food and milk products; clothing; musical instruments; scientific, optical, medical & electronic equipment; souvenirs and novelties; toys, sporting goods & athletic goods; laboratories for testing materials, chemical analysis and photo processing	IC ☞																									P	P
Millwork	IC ☞																									P	P
Sand and gravel storage yard	IC ☞																									P	P
Sawmill or planing mill	S																									P	P

	RR	RA	CR	RSF-E	RSF-1	RSF-2	RSF-3	RSF-4	RTF-4	RSF-6	RTF-6	RMF-6	HDR	RMH	B-1	B-2	B-3	B-4	RV-1	RV-2	LB (≤4000 sf)	LB (>4000 sf)	MR	OR	TR	M-1	M-2
Warehouse and storage facilities	C																									P	P
Welding shop	C																									P	P

GENERAL INDUSTRIAL USES																											
Automobile wrecking and salvage																											C
Concentrated animal feeding (CAFO)																											C
Electric power generating plant																											C
Extraction or removal of natural resources on or under land	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Junk yard																											C
Meat slaughtering and/or packing																											C
Shipbuilding and repair yard																											C
Stone cutting and processing																											C

Figure 2: Area and Dimensional Ordinances

	Zoning District Maximum Name GCR	Minimum Lot Area	Minimum Lot Width (Feet)	Maximum Density (DU's per acre)	Minimum Front Yard (Feet)	Minimum Rear Yard (Feet)	Minimum Side Yards (Feet)	Maximum Height (Feet/stories)
RR	Rural District N/A	40,000 sq. ft.	120/120	N/A	30	30	10	35
RA	Rural Agricultural District N/A	3 Acres	210/210	N/A	40	40	15	35
CR	Conservation Resource District N/A	5 Acres	250/250	N/A	100	100	50	50
RSF-E	Residential Single Family Estate .35	80,000 sq. ft.	165/165	N/A	40	40	15	35
RSF-1	Single Family District .35	30,000 sq. ft. (a)	100/50	N/A	30	30	10	35
RSF-2	Single Family District .35	15,000 sq. ft. (a)	80/40	N/A	30	30	10	35
RSF-3	Single Family District .35	10,000 sq. ft. (a)	80/40	N/A	30	30	10	35
RSF-4	Single Family District .35	7,500 sq. ft. (a)	60/30	N/A	30	30	10	35
RTF-4	Two Family District Single Family .35	7,500 sq. ft. (a)	60/30	N/A	30	30	10	35
	Two Family .35	7,500 sq. ft. (a)	60/30	4.0 per acre	30	30	10	35
RSF-6	Single Family District .35	6,500 sq. ft. (a)	60/30	N/A	30	30	10	35
RTF-6	Two Family District Single Family .35	6,500 sq. ft. (a)	60/30	N/A	30	30	10	35
	Two Family .35	6,500 sq. ft. (a)	60/30	6.0 per acre	30	30	10	35
RMF-6	Multiple Family District Single Family .35	6,500 sq. ft. (a)	60/30	N/A	30	30	10	35
	Two Family .35	6,500 sq. ft. (a)	60/30	6.0 per acre	30	30	10	35

	Townhouses .80	2,500 sq. ft. (a)	25/25	6.0 per acre	25	25	10	35
	Multiple Family .80	22,000 sq. ft.	100/50	6.0 per acre	25	25	25	35
HDR	High Density Residential District Single Family .35	6,500 sq. ft. (a)	60/30	12.0 per acre	30	30	10	35
	Two Family .35	6,500 sq. ft. (a)	60/30	12.0 per acre	30	30	10	35
	Townhouses .80	2,500 sq. ft. (a)	25/25	12.0 per acre	25	25	10	35
	Multiple Family .80	22,000 sq. ft.	100/50	12.0 per acre	25	25	25	35
RMH	Residential Manufactured Housing N/A	(i)	(i)	6.0 per acre	(i)	(i)	(i)	35
B-1	Professional Business District .60	20,000 sq. ft.	80/60	N/A	30	25	15	35/2.5
B-2	Local Business District .60	20,000 sq. ft.	80/60	N/A	30	25	15	35/2.5
B-3	General Business District .70	20,000 sq. ft.	80/60	N/A	40	25	15	40/3.0
B-4	Major Commercial District .70	20,000 sq. ft.	80/60	N/A	40	25	15	40/3.0
RV-1	Recreational Vehicle Park N/A	3 Acres	50	15.0 per acre	(j)	(j)	(j)	N/A
RV-2	Recreational Vehicle Park N/A	3 Acres	50	6.0 per acre	(j)	(j)	(j)	N/A
LB	Limited Business District .60	20,000 sq. ft.	80/60	N/A	30	(k)	(k)	35
MR	Marine Recreation District .80	80,000 sq. ft.	165	N/A	25	25	10	45/4.0
OR	Outdoor Recreation District .80	3 Acres	210	40	40	20	35/2.5	35/2.5
TR	Tourist Resort District .80	5 Acres	270	N/A	40	40	20	45/4.0
M-1	Light Industrial District .80	40,000 sq. ft.	120	N/A	25	(d)	(d)	45/4.0 (e)
M-2	General Industrial District .80	3 Acres	210	N/A	25	(f)	(f)	45/4.0 (e)

- (a) Per dwelling unit.
- (b) No minimum required except where abutting a residential district, in which case there shall be a minimum yard of 20-feet abutting the residential district.
- (c) The required yards shall be increased by one foot for each one foot of building height in excess of 45-feet.
- (d) No minimum except where abutting a residential district, in which case there shall be a minimum yard of 25-feet abutting the residential district.
- (e) The required yards shall be increased by one foot for each one foot of building height in excess of 35-feet.
- (f) No minimum except where abutting a residential district, in which case there shall be a minimum yard of 30-feet abutting the residential district.
- (g) See *Section 9.3: Planned Residential Development (PRD)*.
- (h) See *Section 9.6: Planned Industrial Development (PID)*.
- (i) See *Section 4.11: Residential Manufactured Housing Park District*.
- (j) See *Section 13.9: Recreational Vehicle (RV) Parks*.
- (k) See *Section 5.7: LB, Limited Business District*.

Note: For modifications to the regulations listed above, refer to *Section 2.3: Establishment of Zoning in Planning Districts, Section 3.1: RR Rural District, Section 3.2: RA Rural Agricultural District, Section 4.1: RSF-E Residential Single Family Estate District, Section 12.4: Height Modifications, Section 12.5: Yard Requirements, Section 12.6: Coastal Areas and Section 12.8: Highway Construction Setbacks*.

Baldwin County Planning and Zoning Commission
Case No. S-21049 – Lillian Estates Subdivision
Development Permit
Staff Report for Planning and Zoning Commission Public Hearing
July 8, 2021
Agenda Item 8.a

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: July 8, 2021 Development Permit Approval Pending

Attachments: Vicinity Map
Site Map
Zoning Map
Proposed Plat

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Planning District: District 22 – Zoned RA

Location of Property: The subject property is located on the west side of County Road 91 approximately 1.5 miles north of US HWY 98.

Parcel Number(s): 05-52-04-17-0-000-001.000

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

III. SUBDIVISION PROPOSAL:

Proposed number of Lots: 14

Linear Feet of Streets: N/A

Total Acreage: ± 161.26 acres

Smallest Lot Size: ± 10.01 acres

Owner/Developer: Lillian Land and Timber
PO Box 1354
Mobile, AL 36633

Surveyor/Engineer: David Lowery, PLS
David Lowery Surveying, LLC
55284 Martin Lane
Stockton, AL 36579

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: Perdido Bay Water, Sewer and Fire Protection District
Sewer: On-Site Septic
Electricity: Riviera Utilities

Transportation: The proposed lots will front upon County Road 91, an existing paved and county-maintained road (80' ROW).

V. STAFF COMMENTS:

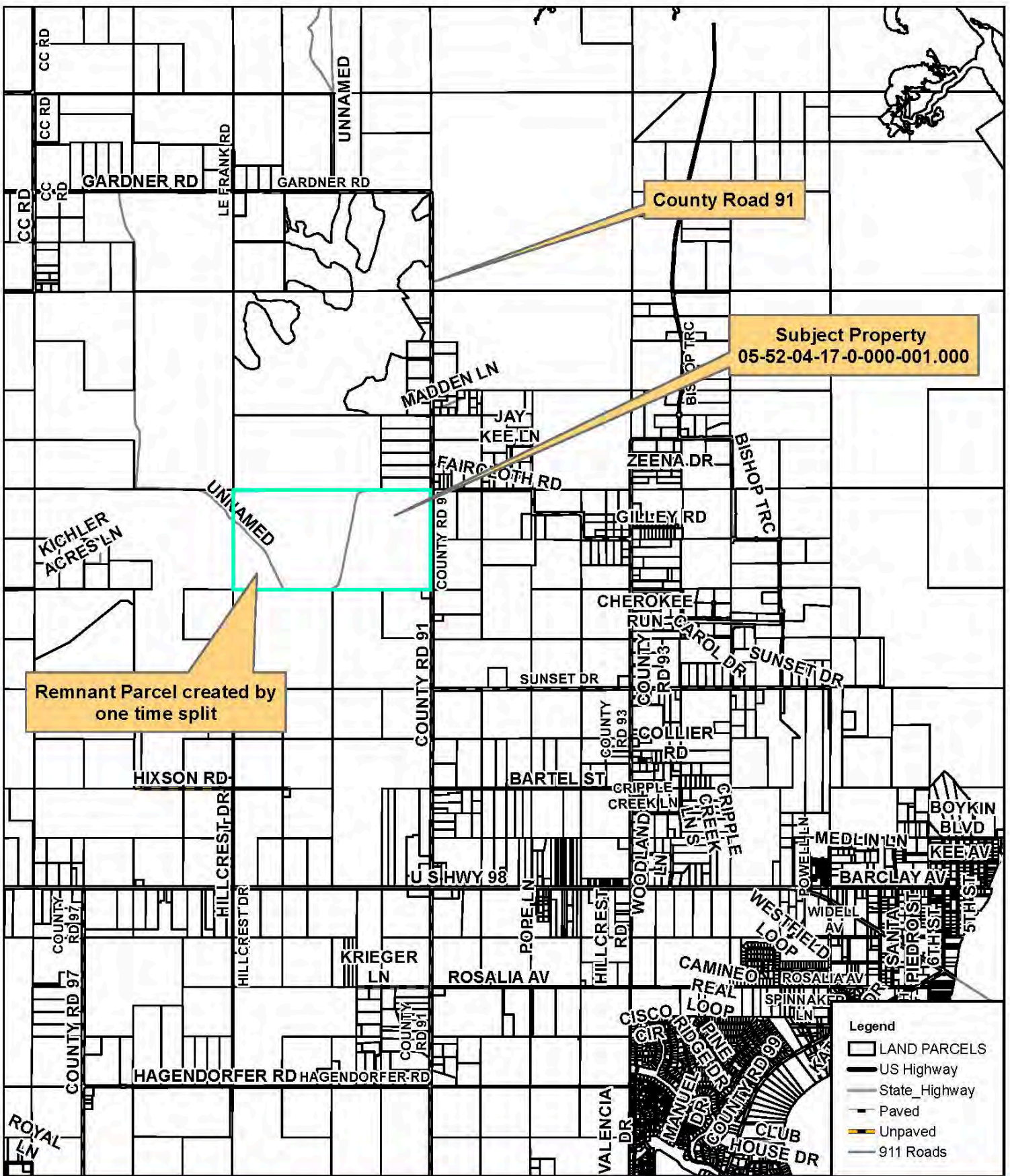
Items for consideration:

- Subject application is otherwise complete and in substantial conformance with the subdivision regulations, however routine edits are required to the subdivision plat prior to recording.
- Due to the current case load, staff has not been able to provide follow-up reviews for certain routine or obscure items that require revision prior to recording of a subdivision plat. Further, subject application requests greater than five (5) lots and thus a separate application for Final Plat approval shall be required.
 - As a result, a condition of approval is included below listing the contingency matters that shall be addressed and reflected on the subdivision plat to be submitted with the application for Final Plat approval.

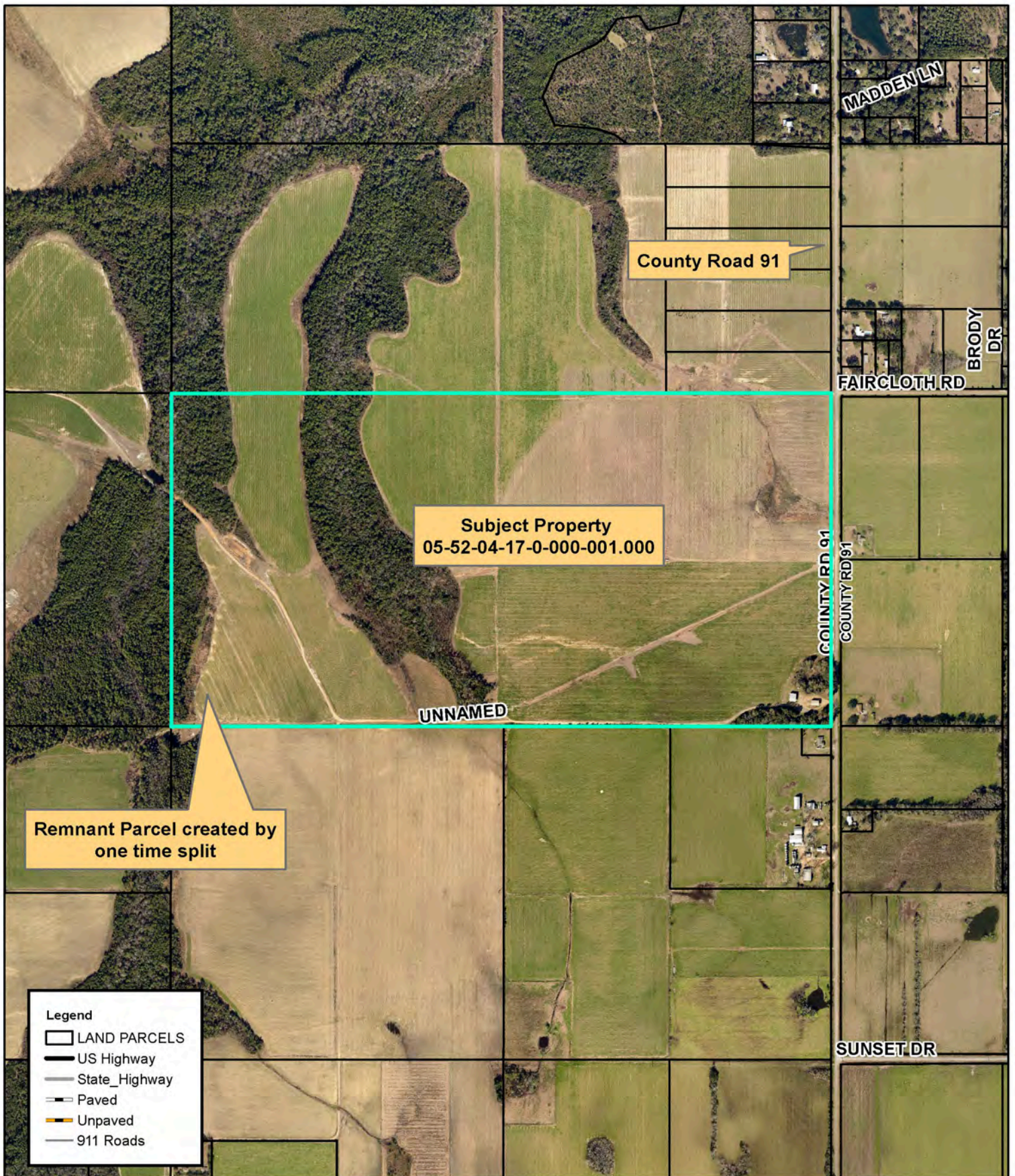
VI. RECOMMENDATIONS:

Staff recommends that the Development Permit application for Case No. S-21049, Lillian Estates Subdivision be **APPROVED** with the condition that the contingency items listed below shall be cured and reflected on a revised subdivision plat to be submitted with the application for Final Plat approval.

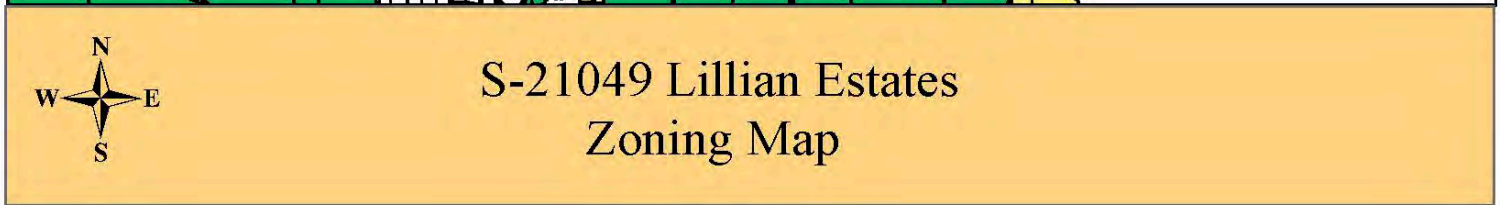
1. Please reflect on the revised plat Riviera Utilities in lieu of Baldwin EMC as the electrical provider for the subdivision.
 - a. Subject property lies near the boundary of the Baldwin EMC / Riviera Utilities electrical service territories.
2. Please reflect on the revised plat any notes required by Alabama Electric Cooperative (Power South) regarding the interaction of their utility easement and the standardized drainage and utility easements required by the Baldwin County Subdivision Regulations.
3. Please neatly re-draw the contour lines on the revised plat so that at the time of recording the contours will scan clearly. Elevations are not necessarily required on each contour line and may be spaced out at a logical interval for increased clarity. Staff has provided to the applicant a contours drawing in DWG format.



S-21049 Lillian Estates Vicinity Map



S-21049 Lillian Estates Site Map



LILLIAN ESTATES

CERTIFICATION OF COMPLETION AND REGISTRATION
STATE OF ALABAMA
COUNTY OF BALDWIN

THE UNDERSIGNED, DAVID LOWERY, A Licensed Surveyor in the State of Alabama, do hereby certify that the foregoing plat has been prepared by me or under my direct supervision and that I am a duly Licensed Surveyor in the State of Alabama, and that the same is a true and correct copy of the original as the same appears in my office.

DATED THIS 17th DAY OF JULY, 2021.

LILLIAN LAND & TIMBER COMPANY, INC. (L.L.T.C.)

ACKNOWLEDGMENT FOR L.L.T.C.
COUNTY OF BALDWIN

CERTIFICATION OF COMPLETION AND REGISTRATION
STATE OF ALABAMA
COUNTY OF BALDWIN

THE UNDERSIGNED, DAVID LOWERY, A Licensed Surveyor in the State of Alabama, do hereby certify that the foregoing plat has been prepared by me or under my direct supervision and that I am a duly Licensed Surveyor in the State of Alabama, and that the same is a true and correct copy of the original as the same appears in my office.

DATED THIS 17th DAY OF JULY, 2021.

DAVID LOWERY, Surveyor

STOCKTON, AL 36579

CERTIFICATION OF FLOOD HAZARD ZONE

THIS IS TO CERTIFY THAT I HAVE CONSULTED THE FEDERAL FLOOD INSURANCE RATE MAP FOR THE BALDWIN COUNTY, ALABAMA, AND HAVE DETERMINED THAT THE PROPERTY HEREIN DESCRIBED IS NOT LOCATED IN A FLOOD HAZARD ZONE.

DAVID LOWERY, Surveyor

STOCKTON, AL 36579

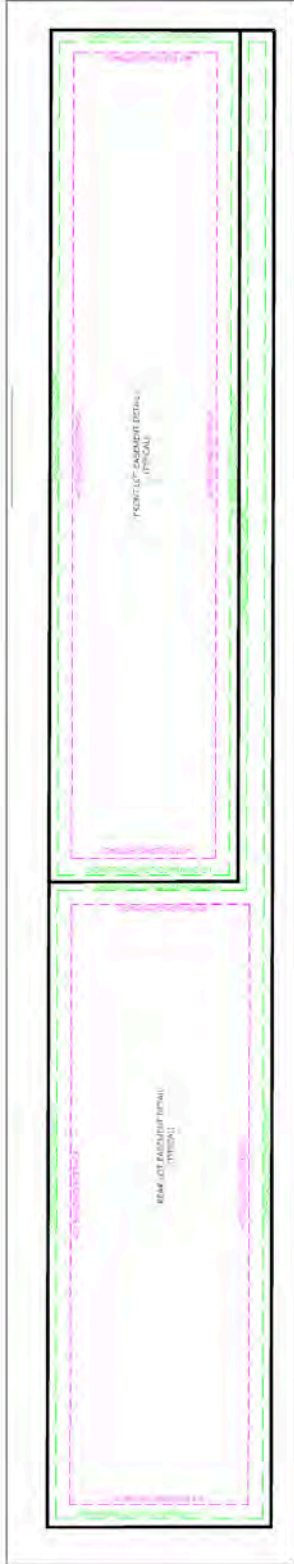
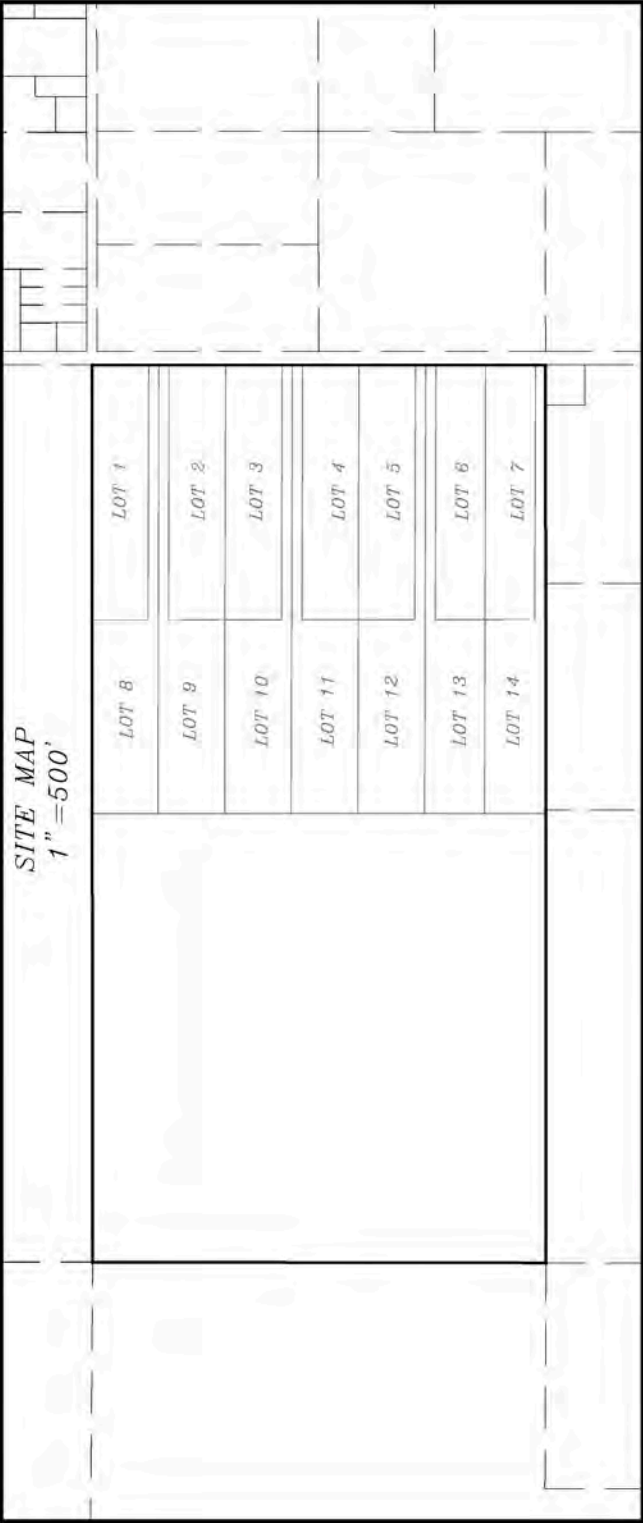
CERTIFICATION OF APPROVAL BY THE

THE UNDERSIGNED, DAVID LOWERY, A Licensed Surveyor in the State of Alabama, do hereby certify that the foregoing plat has been prepared by me or under my direct supervision and that I am a duly Licensed Surveyor in the State of Alabama, and that the same is a true and correct copy of the original as the same appears in my office.

DATED THIS 17th DAY OF JULY, 2021.

DAVID LOWERY, Surveyor

SITE MAP
1" = 500'



UTILITY PROVIDERS
WATER: BALDWIN COUNTY WATER DEPARTMENT
SEWER: BALDWIN COUNTY WATER DEPARTMENT
ELECTRICITY: ALABAMA POWER COMPANY
TELEPHONE: SBC COMMUNICATIONS

BUILDING SETBACKS:

FRONT SETBACK: 10' (MIN.)
SIDE SETBACK: 5' (MIN.)
REAR SETBACK: 10' (MIN.)
TOTAL SETBACK: 25' (MIN.)

SITE DATA:

SHADED LOT: 14.00 Acres
TOTAL LOT: 14.00 Acres
TOTAL LOT: 14.00 Acres
TOTAL LOT: 14.00 Acres

OWNER & DEVELOPER

LILLIAN LAND & TIMBER
COUNTY OF BALDWIN

SURVEYOR

DAVID LOWERY, Surveyor
STOCKTON, AL 36579

APPLICANT

LILLIAN LAND & TIMBER
COUNTY OF BALDWIN

PLAT OF PRELIMINARY FINAL PLAT

PREPARED FOR

LILLIAN LAND & TIMBER

BALDWIN COUNTY, AL.

DATE: 7/17/2021

BY: DAVID LOWERY, Surveyor

FOR: LILLIAN LAND & TIMBER

STOCKTON, AL 36579

DAVID LOWERY, Surveyor

STOCKTON, AL 36579

DAVID LOWERY, Surveyor

STOCKTON, AL 36579

DAVID LOWERY
SURVEYING, L.L.C.

56284 MARTIN LN
STOCKTON, AL 36579

251.0000
dlawery25@baldwin.com

DAVID LOWERY, Surveyor

STOCKTON, AL 36579

DAVID LOWERY, Surveyor

STOCKTON, AL 36579

DAVID LOWERY, Surveyor

STOCKTON, AL 36579

CERTIFICATION OF APPROVAL BY THE

THE UNDERSIGNED, DAVID LOWERY, A Licensed Surveyor in the State of Alabama, do hereby certify that the foregoing plat has been prepared by me or under my direct supervision and that I am a duly Licensed Surveyor in the State of Alabama, and that the same is a true and correct copy of the original as the same appears in my office.

DATED THIS 17th DAY OF JULY, 2021.

DAVID LOWERY, Surveyor

STOCKTON, AL 36579

DAVID LOWERY, Surveyor

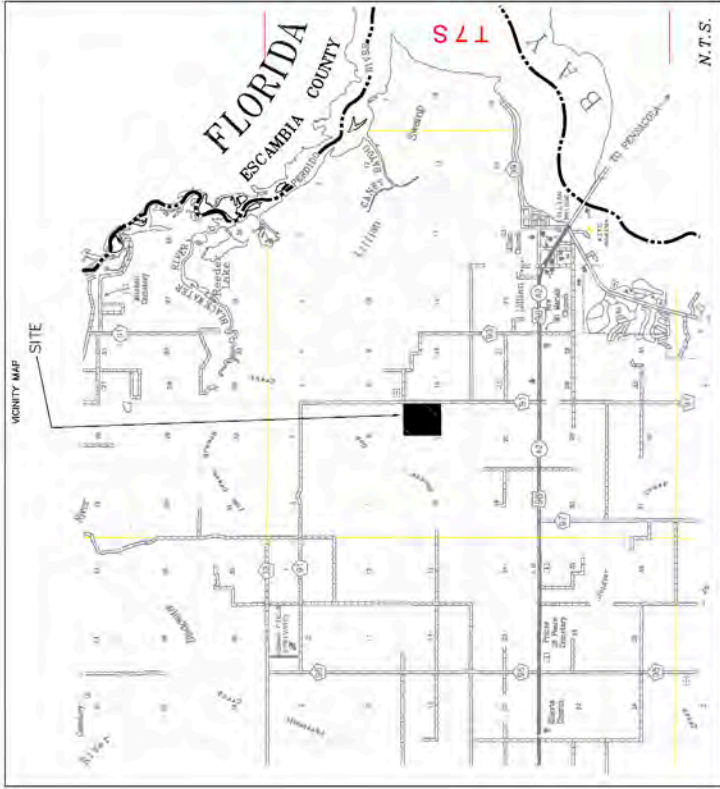
STOCKTON, AL 36579

DAVID LOWERY, Surveyor

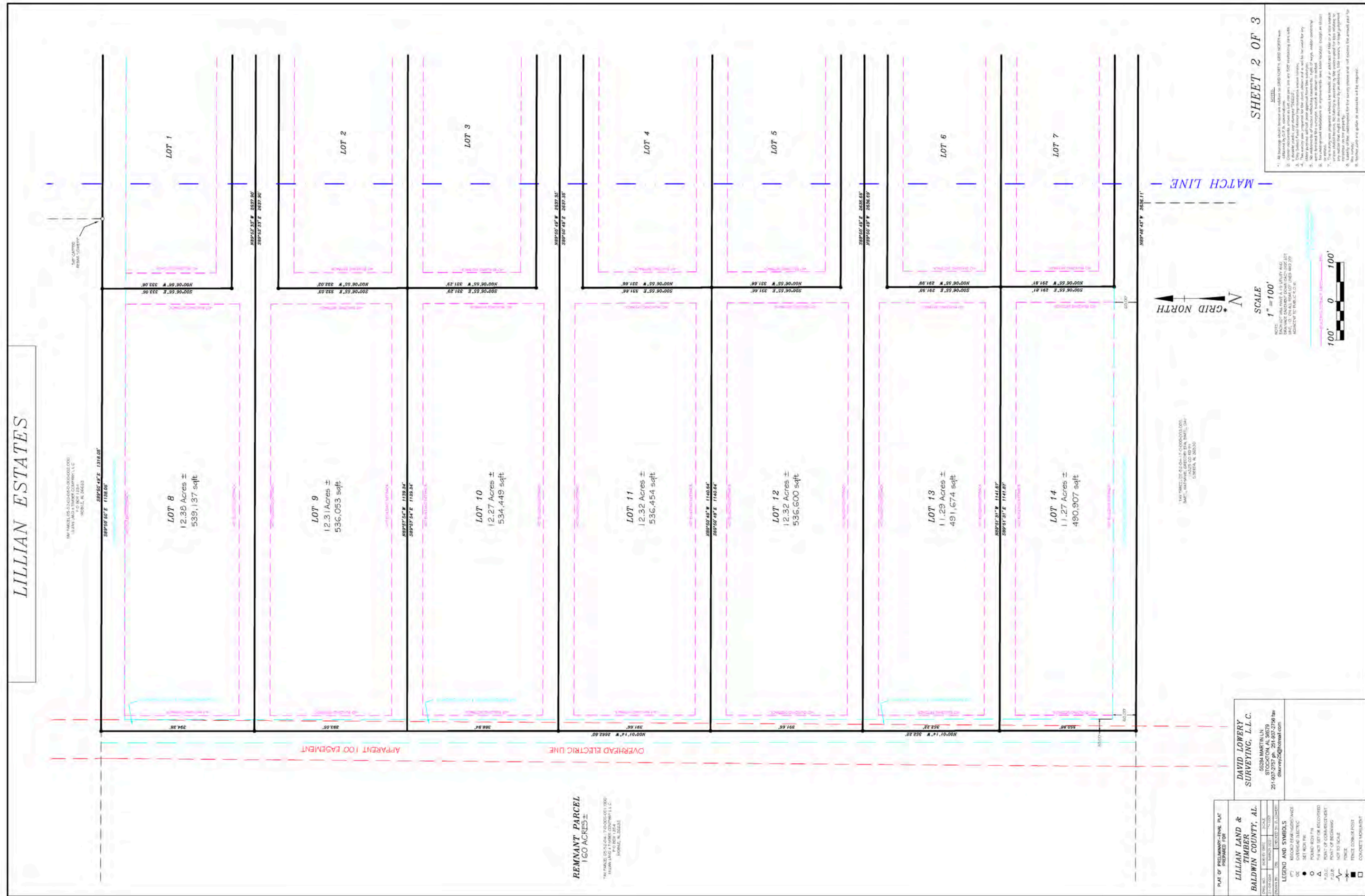
STOCKTON, AL 36579

DAVID LOWERY, Surveyor

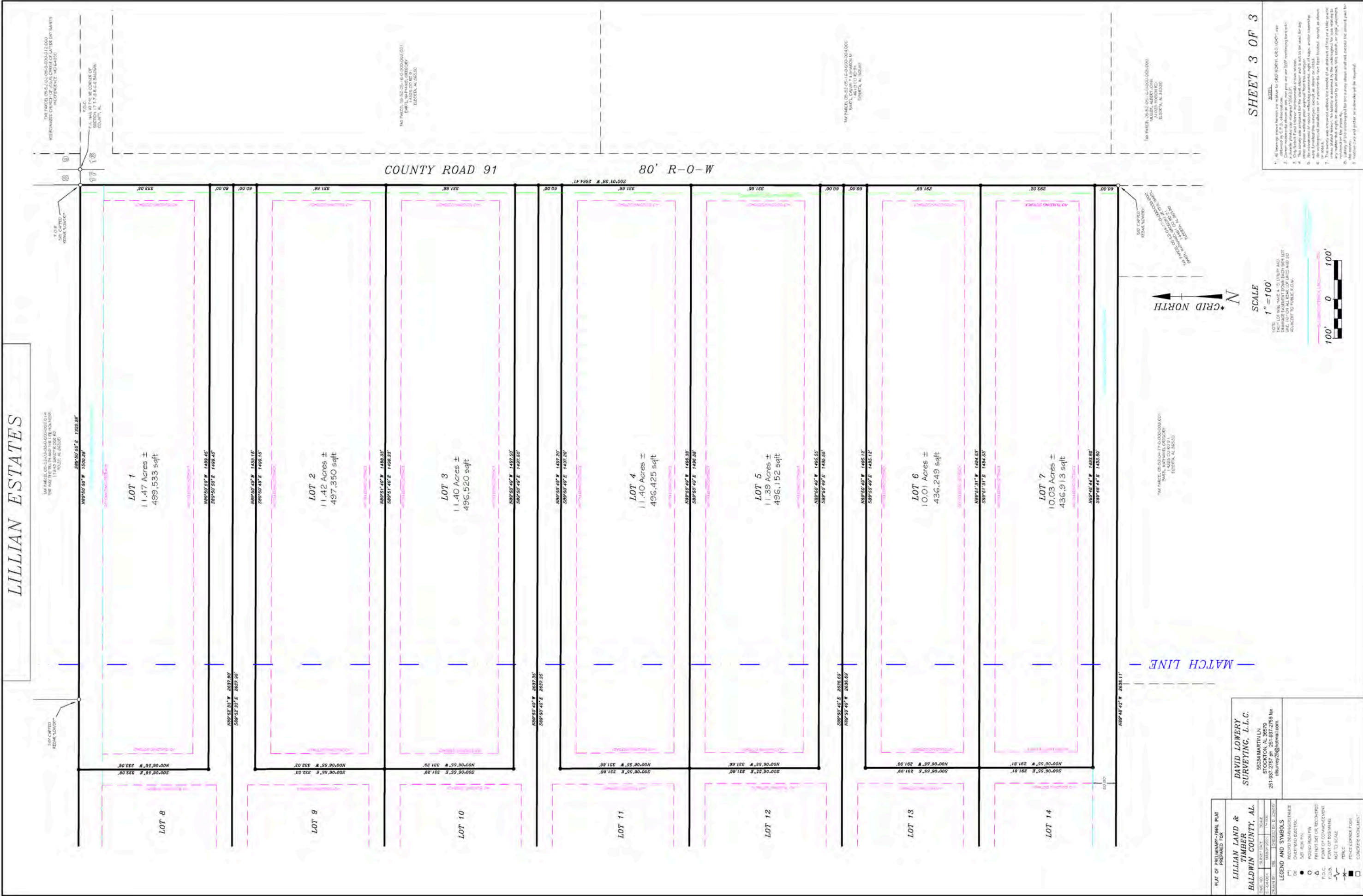
STOCKTON, AL 36579



N.T.S.



LILLIAN ESTATES



Baldwin County Planning and Zoning Commission
Case No. S-21051 – East Ninety Subdivision
Development Permit
Staff Report for Planning and Zoning Commission Public Hearing
July 8, 2021
Agenda Item 8.b

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: July 8, 2021 Development Permit Approval Pending

Attachments: Vicinity Map
Site Map
Proposed Plat

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Planning District: District 13 – Unzoned

Location of Property: The subject property is located on the south of US HWY 90 west of Ard Road in the Elsanor area.

Parcel Number(s): 05-40-09-31-0-000-024.000

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

III. SUBDIVISION PROPOSAL:

Proposed number of Lots: 2

Linear Feet of Streets: N/A

Total Acreage: ± 24.14 acres

Smallest Lot Size: ± 1.47 acres

Owner/Developer: Thomas Robert Trebesh, Trustee, Revocable
8982 Orlando Avenue
Navarre, FL 332566

Surveyor: Stuart L. Smith, PLS
Goodwyn, Mills, and Cawood, LLC
20396 Main Street
Daphne, AL 36526

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: Private Well
Sewer: Septic
Electricity: Baldwin EMC
Telephone: Centurylink

Transportation: The proposed lots front US HWY 90, an ALDOT-maintained paved road.

V. STAFF COMMENTS:

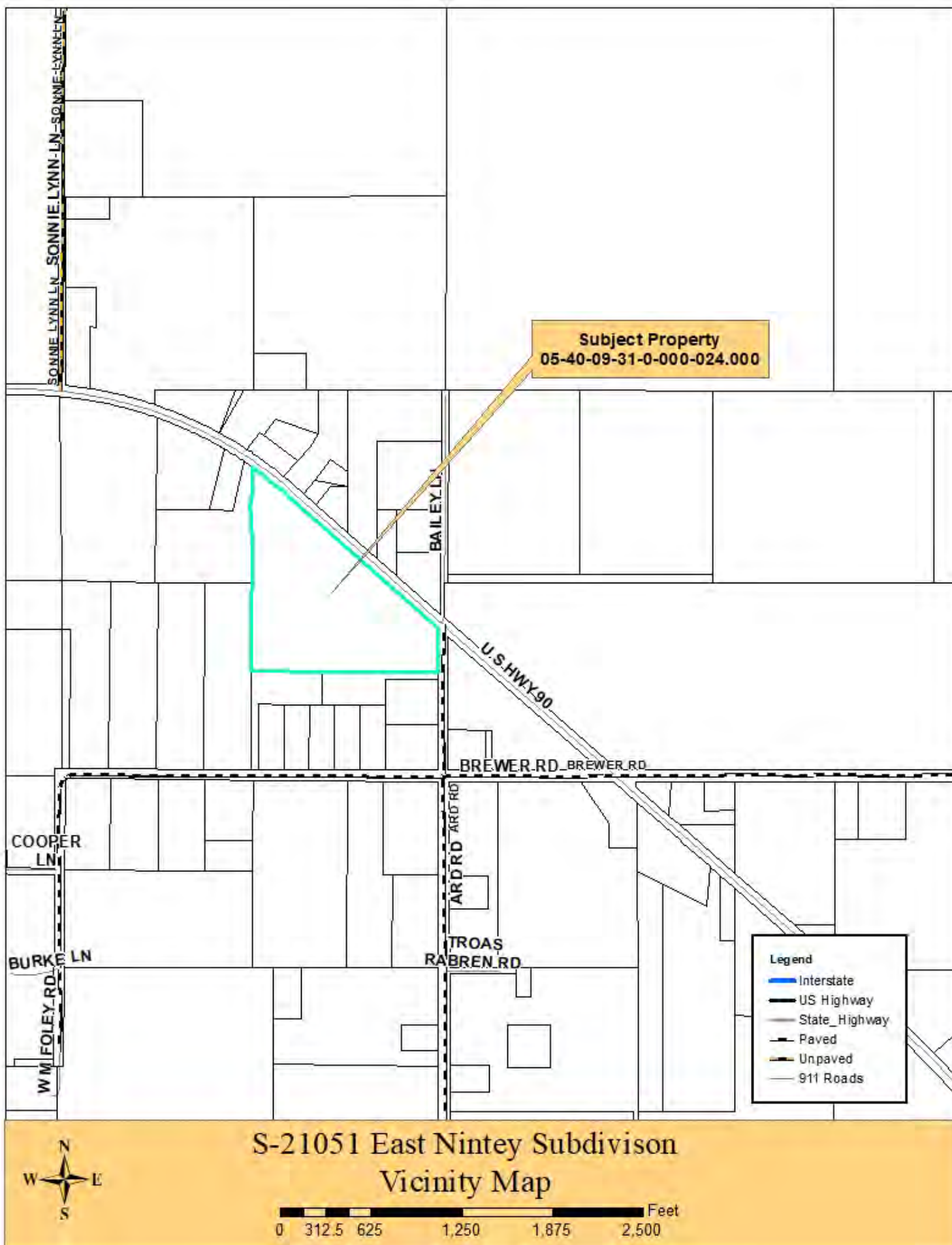
Items for consideration:

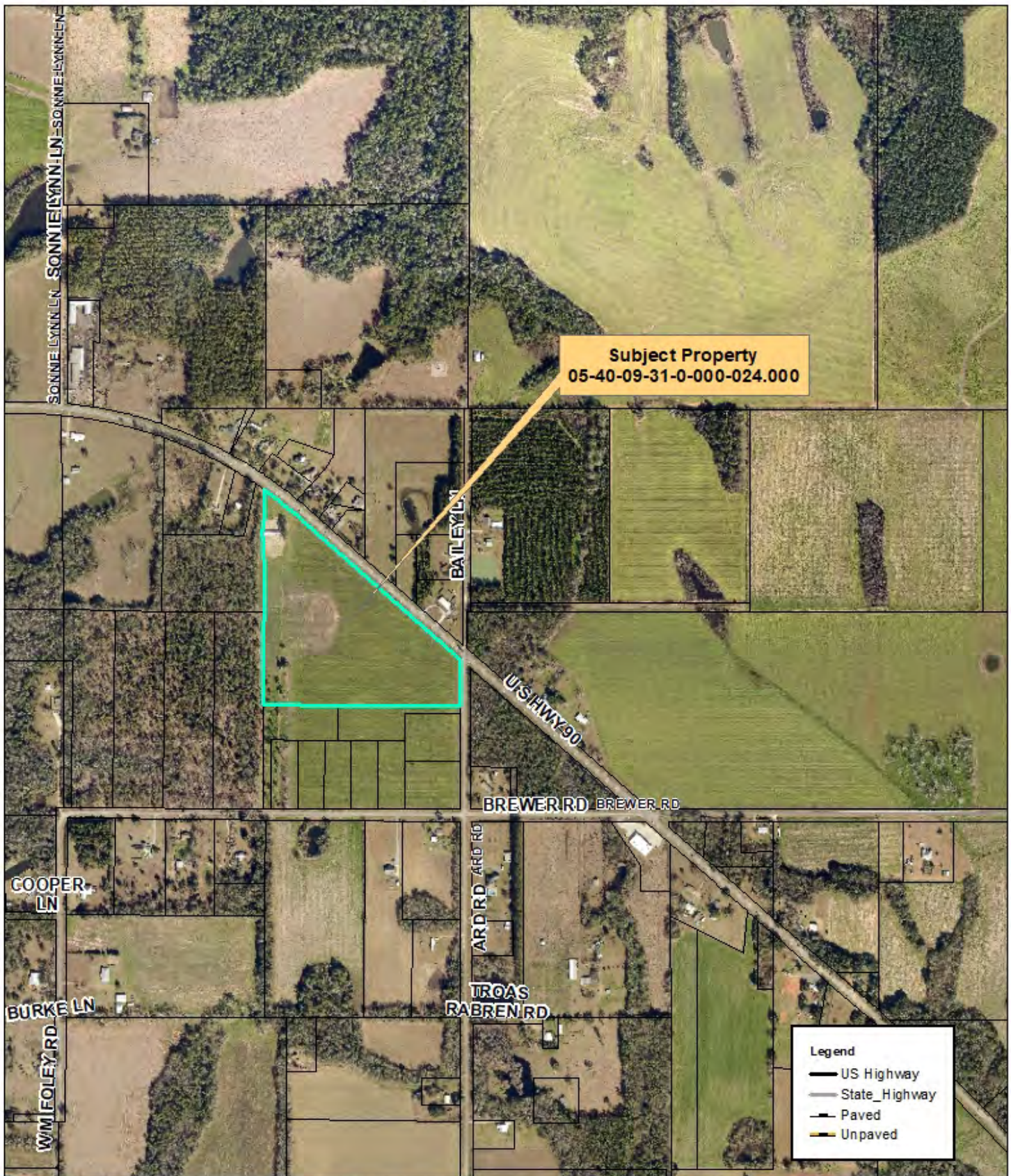
- Several issues were discovered during the review of subject application that are not necessarily deficiencies related to compliance with the subdivision regulations but are matters of a routine nature that shall be remedied prior to recording the subdivision plat.
 - The current case load prevents staff from re-reviewing the revisions provided by the applicant and submitting the re-review back to the applicant in sufficient time for additional revisions to occur prior to preparation of the staff report.
 - If the application is otherwise complete and in substantial conformance with the subdivision regulations, staff proceeds with preparing the staff report even though contingency items may remain
 - As a result, a condition of approval is included below listing the contingency matters that shall be addressed and reflected on the subdivision plat to be recorded.
- 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 through the Baldwin County Health Department may be required by the applicant to install the onsite septic systems.
- The recorded plat “memorializes” a common lot line movement along the northwest section of subject property that provides additional clearance around an existing building to allow space for drainage and utility easements.

VI. RECOMMENDATIONS:

Staff recommends that the Development Permit application for Case No. S-21051, East Ninety Subdivision be **APPROVED** with the condition that the contingency items listed below shall be cured and reflected on a revised subdivision plat to be submitted to Planning and Zoning staff by 8:00AM CST on August 9, 2021. Further, this Development Permit approval will be **AUTOMATICALLY WITHDRAWN** if the contingencies are not cured by the afore-mentioned date and time.

1. Please revise the 30' ROW for Bailey Lane to the satisfaction of the ROW staff of the Baldwin County Highway Department.
2. Please revise the adjacent property owner information for parcel 05-40-09-30-0-000-025.004 to the satisfaction of the ROW staff of the Baldwin County Highway Department.
3. Please include on the subdivision plat the instrument number of the common lot line movement at the northwest area of the property described in staff comments, above.





S-21051 East Ninety Subdivision Site Map



0 312.5 625 1,250 1,875 2,500 Feet



S-21051 East Ninety Subdivision Enlarged Site Map

0 40 80 160 240 320 Feet

LOT 1 DETAIL
1"=50'

EXISTING DIRT DRIVE

U.S. HIGHWAY 90

15' UTILITY EASEMENT

25' BUFFER STRIP

152.99'

40' BUILDING SETBACK

15' DRAINAGE/UTILITY EASEMENT & BUILDING SETBACK

15'

6'

18'

15'

WOOD & BRICK BUILDING OVER CONCRETE SLAB & GRAVEL

15' DRAINAGE/UTILITY EASEMENT & BUILDING SETBACK

CONCRETE

LOT 1
1.47 ACRES±

30' REAR SETBACK

162.34'

10' UTILITY EASEMENT

7.5' DRAINAGE EASEMENT

7.5' DRAINAGE EASEMENT

10' UTILITY EASEMENT

10' UTILITY EASEMENT & SIDE SETBACK

7.5' DRAINAGE EASEMENT

7.5' DRAINAGE EASEMENT

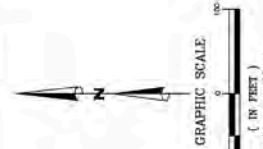
10' UTILITY EASEMENT

30' REAR SETBACK

LOT 2

EAST NINETY SUBDIVISION

4 5 6 7 8 9 10



SITE DATA
TAX PARCEL NO.
05-40-09-31-0-000-024-000
TOTAL SITE AREA = 25.62 ACRES± (1,115,995 S.F.±)
23.6197 ACRES(11/19/93 2014)
TOTAL NUMBER OF LOTS = 2
SMALLEST LOT = 1.47 ACRES± (6,480 S.F.±)
LARGEST LOT = 24.14 ACRES± (1,051,346 S.F.±)

NOTE: AS PER THE HIGHWAY CONSTRUCTION SETBACK ENABLING LEGISLATION FOR BALDWIN COUNTY, AL, ACT 94-572, THE MINIMUM SETBACK REQUIREMENT MEASURED FROM THE CENTERLINE OF THE RIGHT-OF-WAY IS 100' ALONG US HIGHWAY 90 AND 40' ALONG ARD ROAD.

SPECIAL NOTES

- BALDWIN COUNTY SHALL NOT BE RESPONSIBLE FOR MAINTENANCE OF COMMON AREAS OR ANY EASEMENTS AS PER THE APPROVED DIVISION
- DRAINAGE EASEMENTS AND STRUCTURES LYING WITHIN A LOT WILL BE MAINTAINED BY THE RESPECTIVE LOT

SEAMA'S CERTIFICATE AND DESCRIPTION OF PROPERTY

[illegible]

WITNESSED THIS THE _____ DAY OF _____, 20__

*DRAWING IS INVALID WITHOUT SIGNATURE & SEAL OF A LICENSED LAND SURVEYOR

GMC

GMC PROJECT #
CJOB210032

DRAWN BY:	SL5
CHECKED BY:	SL5

8. THE SURVEYED PROPERTY LIES WITHIN SECTION 31, TOWNSHIP 5 SOUTH, RANGE 5 EAST, BALDWIN COUNTY, ALABAMA

Baldwin County Planning and Zoning Commission
Case No. S-21052 – Plantation RV Park Phase I
Final Site Plan Approval
Staff Report for Planning and Zoning Commission Public Hearing
July 8, 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: July 8, 2021 Final Site Plan Approval Pending

Attachments: Vicinity Map
Site Map
Proposed Plat

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Planning District: District 34 – Unzoned (Citizens have not voted to come under the planning and zoning jurisdiction of Baldwin County)

Location of Property: The subject property is located on the west side of County Road 65 approximately 1.2 miles north County Road 12.

NOTE: Project is located outside Foley’s City Limits but inside Foley’s Planning Jurisdiction. However, Foley does not define an RV Park as a subdivision and therefore does not exercise jurisdiction.

Parcel Number(s): 05-60-01-01-0-000-006.002 (PIN 201667)

Report Prepared By: Matthew Brown, Interim Planning Director

III. SUBDIVISION PROPOSAL:

Proposed number of Units: Phase 1: 48 RV Spaces

Linear Feet of Streets: N/A - No public roads in the development.

Total Acreage: ± 13.02 acres (area for Phase I and planned future Phase II)

Smallest Lot Size: N/A – Smallest RV site is 2,093 square feet.

Owner/Developer: Jason Slaten
10321 County Road 65
Foley, AL 36535

Surveyor/Engineer: Chris Lieb, P.E.
Lieb Engineering
PO Box 2266
Fairhope, AL 35633

Request: The applicant is requesting Final Site Plan approval for the first phase of a proposed two-phase RV park. The first phase is proposed to include 41 RV spaces. The second phase will be submitted through a separate application at a later date and is proposed to include 54 RV spaces.

IV. PUBLIC UTILITIES AND SITE CONSIDERATIONS:

Public Utilities Services:	Water:	Onsite Well
	Sewer:	Onsite Septic
	Electricity:	Riviera Utilities
	Telephone:	N/A

Transportation: The proposed RV sites will front on an internal, privately maintained, one-way gravel roads. The development itself will provide public access through two connections to CR 65. Prior to the approval of Phase II, the applicant will be required to prepare a traffic study, based on the usage patterns of Phase I, to demonstrate whether turn lanes will be required on County Road 65 prior to the development of Phase II.

V. STAFF COMMENTS:

Items for consideration:

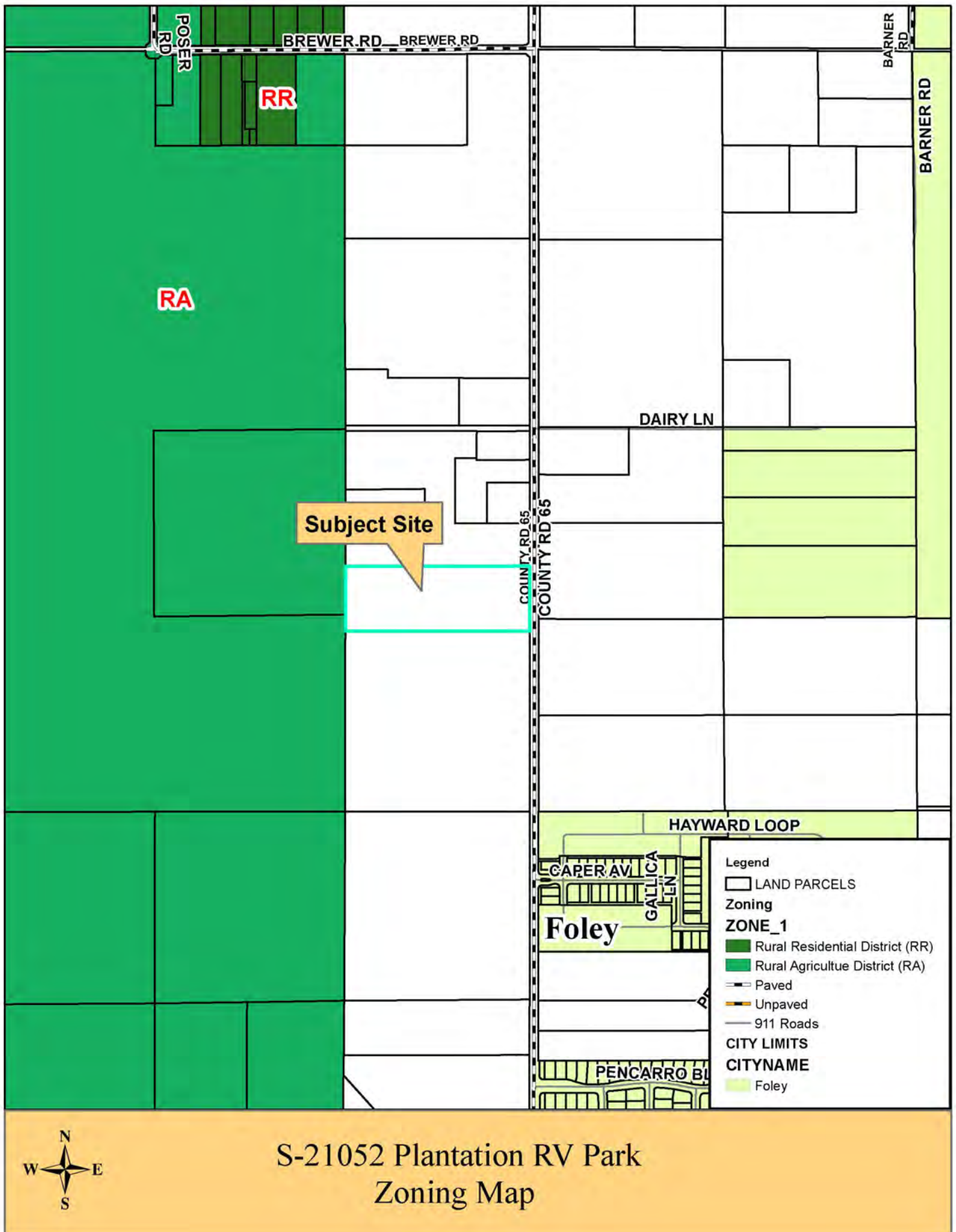
- After review, it appears the Applicant has resolved all Phase I deficiencies.
- This Final Site Plan approval, if granted, will apply only to Phase I of the development. Phase II has outstanding deficiencies (building setback encroachment, septic field encroachment, traffic study, etc) that must be resolved and will be reviewed if submitted to the Planning and Zoning staff as a separate future application.
- This Final Site Plan approval, if granted, will be site plan specific, meaning any major changes to the approved site plan will require a new application and approval by the Planning Commission. Minor changes may be reviewed and approved by the Baldwin County Planning Director.

VI. RECOMMENDATIONS:

Staff recommends that the request for Final Site Plan approval for Case No. S-21052, Plantation RV Park Phase I be **APPROVED** subject to compliance with the Baldwin County Subdivision Regulations and with the following contingencies:

1. Contingent on adding the appropriate signature certificates listed in § 4.6.4 of the subdivision regulations to the Final Site Plan by 8:00AM CST on August 9, 2021;

Contingency item number one above must be cured and reflected on a revised Final Site Plan submitted to Planning and Zoning staff by 8:00 AM CST on August 9, 2021. Further, this Final Site Plan approval will be **AUTOMATICALLY WITHDRAWN** if the proposed development fails to comply with any of the contingencies above at any time.





S-21052 Plantation RV Park Site Map

THE INTERNAL RIGHTS-OF- WAY, ROADS, EASEMENTS, DRAINAGE FACILITIES, COMMON OPEN AREAS, BUILDING AND OTHER FACILITIES ARE PRIVATE AND WILL BE MAINTAINED BY THE DEVELOPER/OWNER. THE INTERNAL RIGHTS-OF-WAY, ROADS, EASEMENTS AND DRAINAGE FACILITIES WILL NOT BE MAINTAINED BY BALDWIN COUNTY. IF INDIVIDUAL LOTS, SITES, UNITS, ETC., ARE TO BE SOLD, THE DEVELOPER/OWNER SHALL BE REQUIRED TO MEET THE CURRENT BALDWIN COUNTY SUBDIVISION REGULATIONS IN EFFECT AT THAT TIME, AND THE PROPERTY SHALL BE BROUGHT INTO COMPLIANCE WITH THOSE REGULATIONS PRIOR TO SUCH SALE OR ATTEMPTED SALE.

MIZELL, DUSTIN YORK
310 E ORANGE AVE
FOLEY, AL 36535
TAX PARCEL#
05-60-01-01-0-000-006.006

SLATEN, JASON G
10321 CO RD 65
FOLEY, AL 36535
TAX PARCEL#
05-60-01-01-0-000-006.002



0 30' 60'
SCALE: 1"=30'

LEGEND	
	EXISTING ASPHALT PAVING
	STANDARD DUTY ASPHALT PAVING
	CONCRETE PAVING
	GRAVEL PAVING

PROJECT NARRATIVE:

THE PROJECT CONSISTS OF DEVELOPING AN OPEN FIELD INTO AN RV PARK ON 13 ACRES. THE ROAD INFRASTRUCTURE IS SLATED TO BE GRAVEL. THERE WILL BE A TOTAL OF 102 HOOKUPS. THE WATER SUPPLY WILL BE PROVIDED BY WATER WELLS. THE SEWER WILL BE ON SITE SEPTIC SYSTEMS.

PHASING SEQUENCE:

48 LOTS IN PHASE 1 WILL BE BUILT FIRST AND THEN 54 LOTS IN PHASE 2 WILL BE BUILT.

SITE PLAN DATA:

UNIT SIZE:	13.02 AC.±
USE:	RV PARK
SMALLEST SPACE SIZE:	2,093 S.F.
TOTAL NUMBER OF HOOKUPS:	48
PARKING SPACES:	48
LINEAR FEET OF PRIVATE ROADS:	1,327 LF
TOTAL IMPERVIOUS AREA:	1,727 SF
DENSITY:	3.69 HOOKUPS/ACRE
TOTAL USABLE OPEN SPACE:	301,000 SF
COUNTY:	BALDWIN
CITY & STATE:	FOLEY, AL
STREET:	COUNTY ROAD 65
ZONING:	NONE
OPEN SPACE:	6.91 AC/55.07%
FRONT SETBACK:	30'
REAR SETBACK:	30'
SIDE SETBACK:	30'

CONTACT INFORMATION:

OWNER:
JASON SLATEN
10321 COUNTY ROAD 65
FOLEY, AL 36535
(251) 597-9348

ENGINEER:
LIEB ENGINEERING COMPANY, LLC
PO BOX 2266
FAIRHOPE, AL 36533
(251) 978-9779
CONTACT: CHRIS LIEB, PE

SURVEYOR:
THE WOODLANDS GROUP, LLC
22881 HWY 98 SUITE J
FAIRHOPE, AL 36532
(601) 479-3408

UTILITY PROVIDERS

PHONE: N/A
WATER: WELL
POWER: RIVIERA UTILITIES
GAS: N/A
SEWER: SEPTIC TANK

COUNTY ROAD #65 (60' R/W)

COTTON BAYOU DEVELOPMENT L.L.C.
10505-B CO RD 65
FOLEY, AL 36535
TAX PARCEL#
05-61-03-06-0-000-011.003

COTTON BAYOU DEVELOPMENT L.L.C.
10505-B CO RD 65
FOLEY, AL 36535
TAX PARCEL#
05-61-03-06-0-000-011.006

REQ'D:
DUMPSTER PAD
(SEE DETAIL SH1.)

ASPHALT PAVING (TYP.)

REQ'D:
DO NOT ENTER SIGN (EAST FACE)

REQ'D:
STOP SIGN (WEST FACE) W/ 1' WIDE WHITE
THERMOPLASTIC STOP BAR & DO NOT
ENTER SIGN (EAST FACE)

5/8" CRF WATT

1/2" CRF
LS#30810

N89°53'57"E 1289.80'(A)
N89°53'38"E 1289.19'(R)

S89°53'56"W 1289.14'(A)
S89°53'38"W 1289.23'(R)

TURF PROPERTIES #4 L.L.C.
C/O R TAYLOR
FAIRHOPE, AL 36533
TAX PARCEL#
05-60-01-01-0-000-006.007

Parcel Area Table		Parcel Area Table		Parcel Area Table		Parcel Area Table		Parcel Area Table		Parcel Area Table	
Parcel #	Area	Parcel #	Area	Parcel #	Area	Parcel #	Area	Parcel #	Area	Parcel #	Area
1	2137	9	2288	17	2288	25	2289	33	2220	41	2123
2	2288	10	2288	18	2288	26	2289	34	2093	42	2123
3	2288	11	2289	19	2220	27	2286	35	2286	43	2123
4	2289	12	2289	20	2094	28	2287	36	2286	44	2123
5	2097	13	2286	21	2287	29	2287	37	2286	45	2123
6	2095	14	2287	22	2287	30	2288	38	2286	46	2123
7	2287	15	2287	23	2288	31	2288	39	2286	47	2123
8	2287	16	2288	24	2288	32	2288	40	2286	48	2123

REVISIONS		
A	ISSUED FOR REVIEW	5/4/21
B	ADDRESSING COUNTY COMMENTS	6/23/21



LIEB ENGINEERING COMPANY
1290 MAIN STREET, SUITE E
DAPHNE, AL 36526
PH: (251) 978-9779

NOT VALID WITHOUT THE DATED SIGNATURE AND SEAL OF AN ALABAMA LICENSED ENGINEER.
ALABAMA LICENSED ENGINEER: CHRISTOPHER JAY LIEB, P.E. LICENSE NUMBER 31204
ALABAMA CERTIFICATE OF AUTHORIZATION NUMBER: 4938

JOB NUMBER 2021-017
DRAWN BY: JLG
CHECKED BY: CJL
DATE: 5/4/2021
APPROVED BY: CJL
SCALE: 1"=30'
ENGR: CJL

PLANTATION 'RV PARK' PHASE 1
OVERALL SITE PLAN
FOLEY, AL
OWNER: JASON & KAREN SLATEN

SHEET NUMBER 3
OF 7

ISSUED
FOR
REVIEW



Baldwin County Planning and Zoning Commission
Case No. S-21059 – Beetree Creek Subdivision
Variance Request

Staff Report for Planning and Zoning Commission Public Hearing

July 8, 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: July 8, 2021 Development Permit Approval Pending

Attachments: Vicinity Map
Site Map
Proposed Plat

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Planning District: District 13 – Unzoned

Location of Property: The subject property is located on the west side of County Road 87 approximately 1.6 miles south of County Road 112.

Parcel Number(s): 05-35-07-26-0-000-001.002

Report Prepared By: Vince Ramer; Code Enforcement Officer

III. SUBDIVISION PROPOSAL:

Proposed number of Lots: 1

Linear Feet of Streets: N/A

Total Acreage: ± 208

Smallest Lot Size: ± 27-acre Remnant Parcel

Owner/Developer: Oak Mountain Timber Co FL, LLC
31 Inverness Center Parkway, Suite 200
Birmingham, AL 35242

Surveyor/Engineer: David Lowery Surveying, PLS
55284 Martin Ln
Stockton, AL 36579

Request: The applicant is requesting a variance request from the Baldwin County Subdivision Regulations to allow creation of proposed Lot 1 and allow the remaining property to be a “remnant parcel” not located within a recorded-plat subdivision. The resultant Lot 1 creates a “one lot

subdivision” for which an explicit procedure is not within the subdivision regulations.

IV. PUBLIC UTILITIES AND SITE CONSIDERATIONS:

Public Utilities Services:	Water:	None On-Site
	Sewer:	None On-Site
	Electricity:	Baldwin EMC

Transportation: The proposed lot 1 will front upon County Road 87, an existing paved and county-maintained road (80' ROW). The proposed remnant parcel requested by this variance will be on the west side of proposed lot 1.

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.

- Staff does not believe the granting of a variance in this particular case will be detrimental to the public safety, health or welfare or injurious to other property because the variance request is the best method determined by staff to handle a situation not explicitly contemplated by the subdivision regulations. Proposed Lot 1 is otherwise compliant with the subdivision regulations and the approval of this variance will allow the remnant parcel to be not within a subdivision and thus not subject to the subdivision regulations.

(b) The conditions upon which the request for a variance is based are unique to the property for which the variance is sought.

- No features unique to the property for which a variance is required could be identified by staff and in this particular situation this section not necessarily applicable.

(c) Because of the 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 is carried out.

- In the case of large properties staff recognizes in certain situations creation of lots within a subdivision for an entire property may not be practical or necessary to carry out the needs of the subdivider. Further, staff recognizes that in some cases the sheer size of the property makes creation of subdivision lots for an entire property (which includes creation of subdivision lots that are not requested for or anticipated for development activities at the time of submission) impractical. Staff believes subject application is an example of a subdivision of a large property where the allowance of a single lot within a subdivision with the remainder of the property as a remnant parcel may be acceptable.

(d) The variance will not in any manner vary the provisions of other adopted policies and regulations of the Baldwin County Commission.

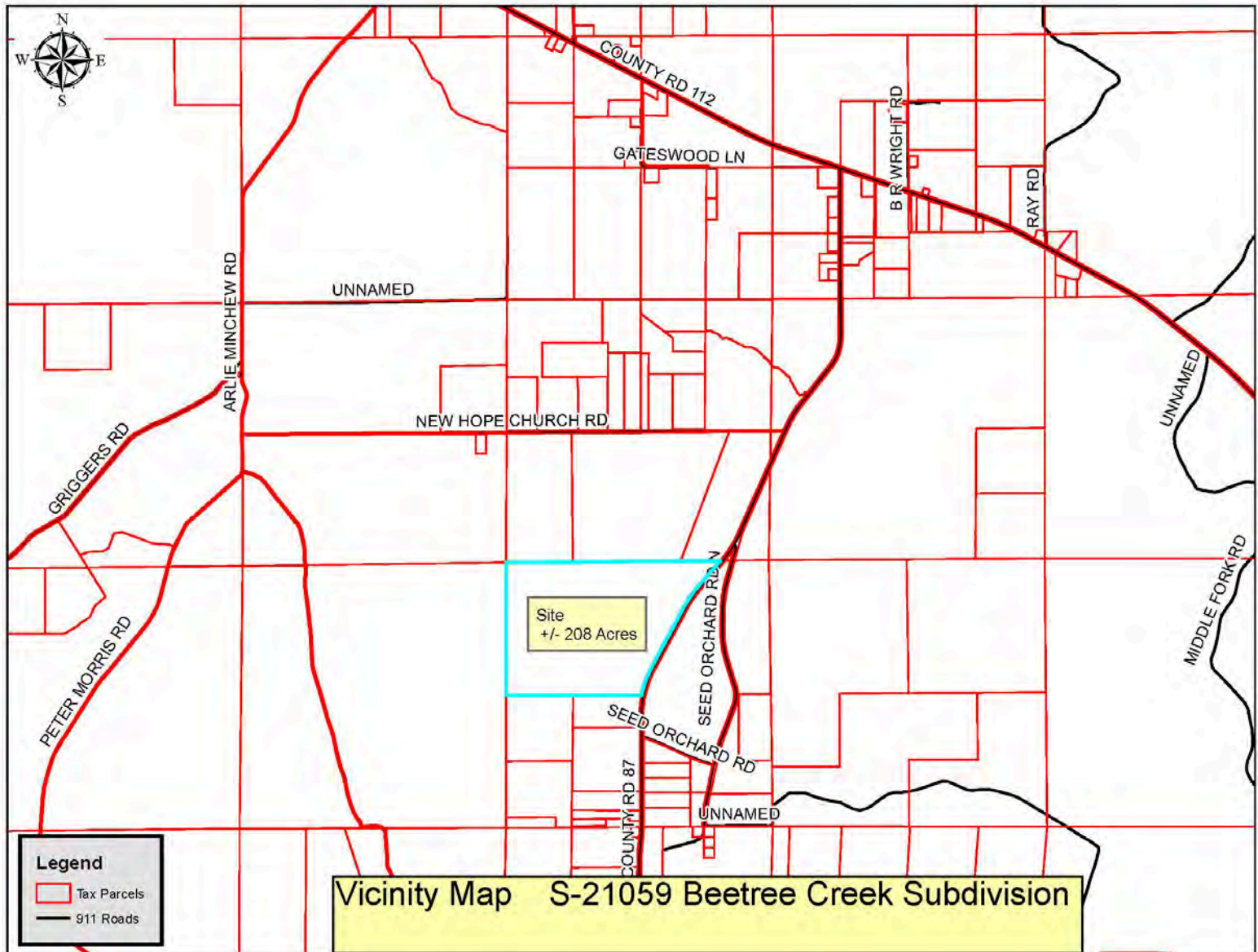
- No impact expected, this is a procedural matter as described above.

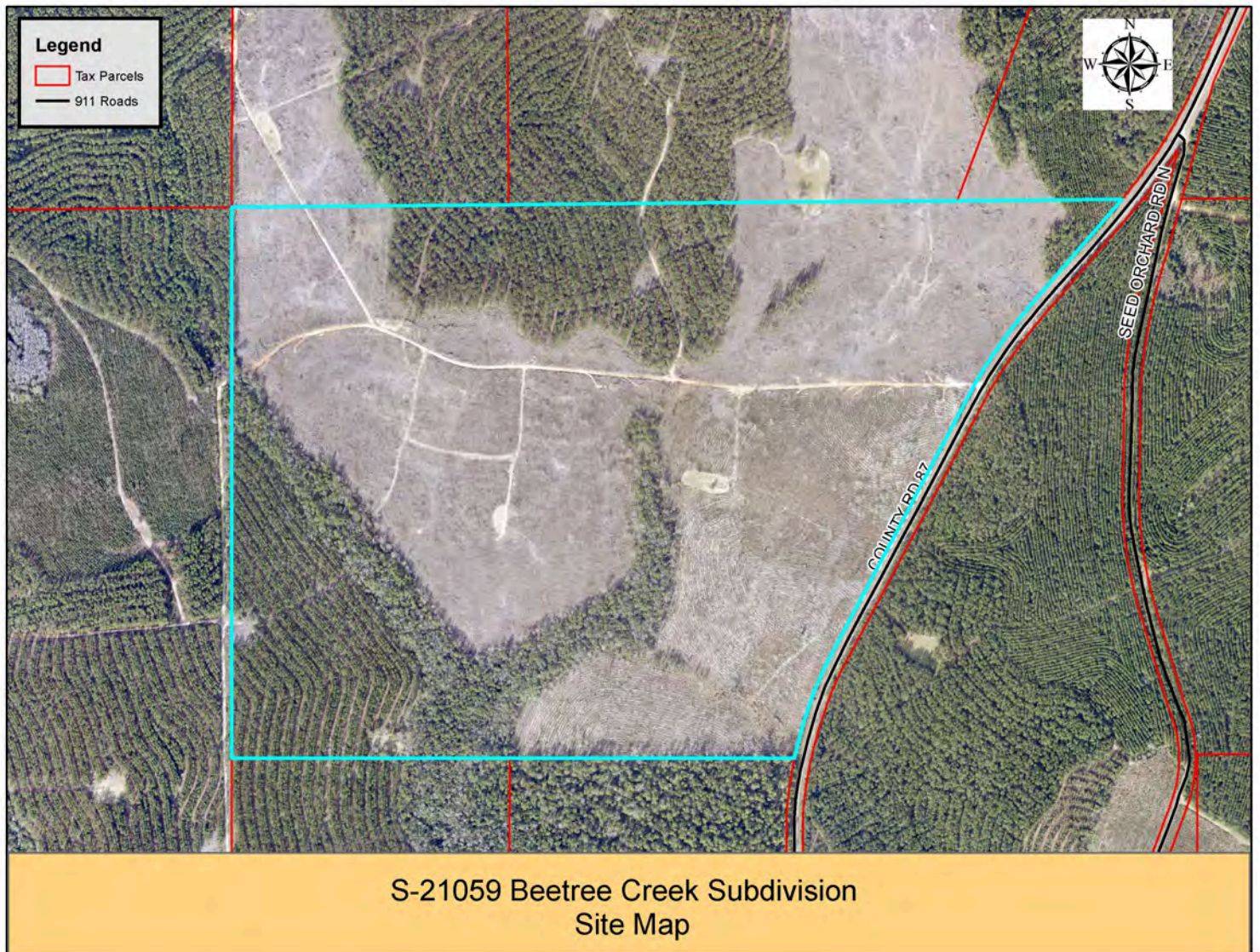
(e) Inconvenience, financial concerns, or self-imposed conditions shall not be considered as a hardship for the purpose of granting the variance.

- It is staff's understanding that "one lot" subdivisions have been approved in the past without having first gone through the variance process to allow a remnant parcel that is not captured as a lot of record within a recorded plat subdivision. Out of an abundance of caution, current staff believes that procedurally it is appropriate for the request for a remnant parcel to be granted by the Planning Commission as a variance to address the absence of any explicit procedure for granting a remnant parcel within the subdivision regulations. As described in section "c" above, staff believes that in the case of large properties the sheer size of the property creates a form of hardship because creating lots of record within a subdivision (for portions of a piece of property not requested for development activities) may be impractical.

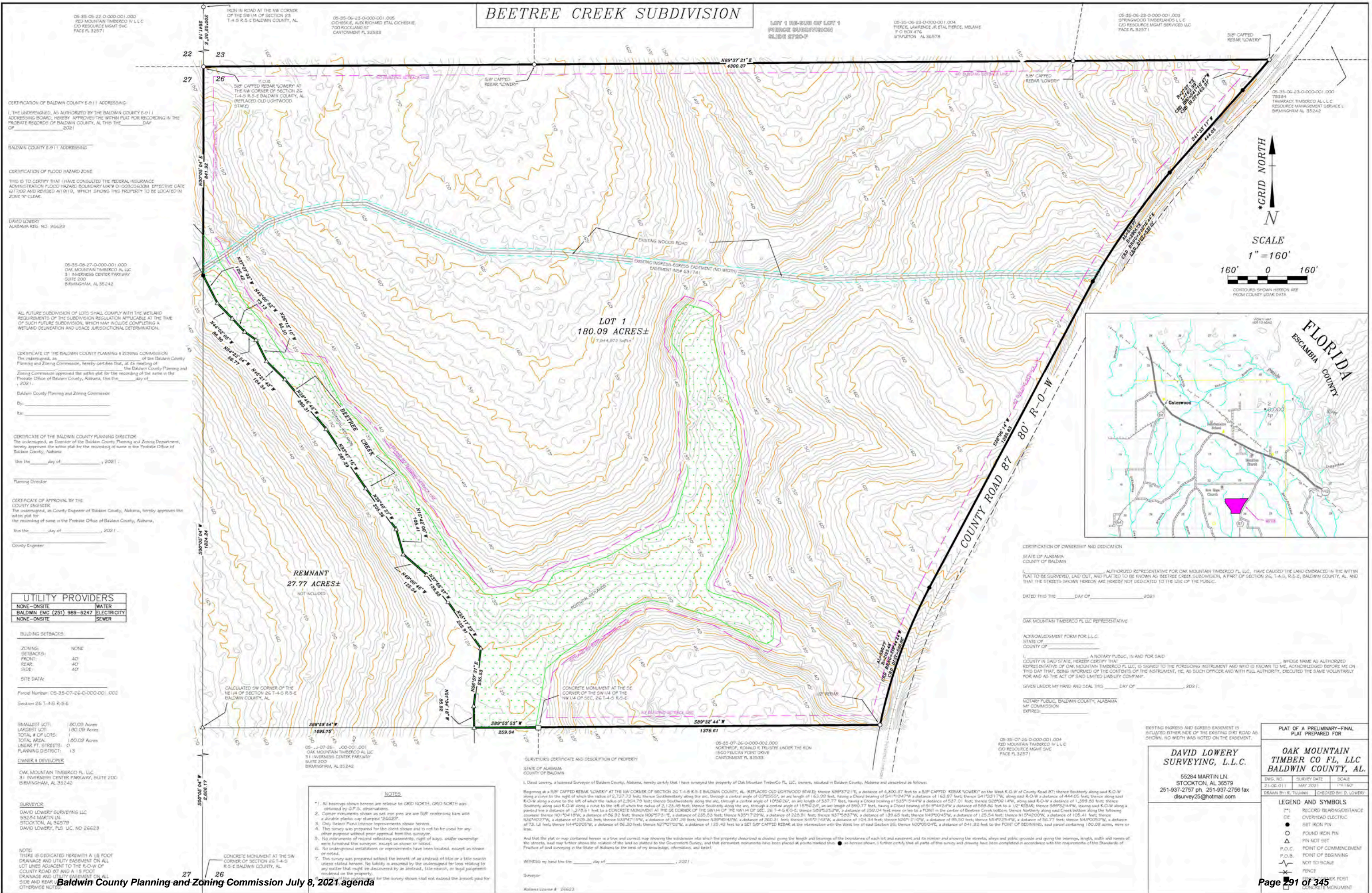
VI. RECOMMENDATIONS:

- Staff recognizes and illuminates for the Planning Commission that the Baldwin County Subdivision Regulations do not necessarily allow or disallow the creation of a "one lot" subdivision. In the absence of an explicit procedure or process for handling requests for one-lot subdivisions, staff believes out of an abundance of caution the best remedy for one-lot subdivision requests is for the subdivision to be accompanied by a variance request that requests the remnant parcel to be reflected on the subdivision plat.
- Staff recommends that the Variance for Case No. S-21059, Beetree Creek Subdivision be **APPROVED**.
- Please note a condition of approval is included within the staff report for the Beetree Creek Subdivision case. Non-approval of this variance request shall render the subdivision case non-approved as well.





S-21059 Beetree Creek Subdivision
Site Map



CERTIFICATION OF BALDWIN COUNTY E-911 ADDRESSING
I, THE UNDERSIGNED, AS AUTHORIZED BY THE BALDWIN COUNTY E-911 ADDRESSING BOARD, HEREBY APPROVES THE WITHIN PLAT FOR RECORDING IN THE PROBATE RECORDS OF BALDWIN COUNTY, AL THE DAY OF _____, 2021.

BALDWIN COUNTY E-911 ADDRESSING

CERTIFICATION OF FLOOD HAZARD ZONE
THIS IS TO CERTIFY THAT I HAVE CONSULTED THE FEDERAL INSURANCE ADMINISTRATION FLOOD HAZARD BOUNDARY MAP # 01003040000 EFFECTIVE DATE 6/7/02 AND REVISED 4/19/19, WHICH SHOWS THIS PROPERTY TO BE LOCATED IN ZONE "X" CLEAR.

DAVID LOWERY
ALABAMA REG. NO. 26623

05-35-09-27-0-000-001.000
OAK MOUNTAIN TIMBERCO AL LLC
31 INVERNESS CENTER PARKWAY
SUITE 200
BIRMINGHAM, AL 35242

ALL FUTURE SUBDIVISION OF LOTS SHALL COMPLY WITH THE WETLAND REQUIREMENTS OF THE SUBDIVISION REGULATION APPLICABLE AT THE TIME OF SUCH FUTURE SUBDIVISION, WHICH MAY INCLUDE COMPLETING A WETLAND DELINEATION AND USAGE JURISDICTIONAL DETERMINATION.

CERTIFICATE OF THE BALDWIN COUNTY PLANNING & ZONING COMMISSION
The undersigned, as _____ of the Baldwin County Planning and Zoning Commission, hereby certifies that, at its meeting of _____, the Baldwin County Planning and Zoning Commission approved the within plat for the recording of the same in the Probate Office of Baldwin County, Alabama, this the _____ day of _____, 2021.

Baldwin County Planning and Zoning Commission
By: _____
Its: _____

CERTIFICATE OF THE BALDWIN COUNTY PLANNING DIRECTOR
The undersigned, as Director of the Baldwin County Planning and Zoning Department, hereby approves the within plat for the recording of the same in the Probate Office of Baldwin County, Alabama, this the _____ day of _____, 2021.

Planning Director

CERTIFICATE OF APPROVAL BY THE COUNTY ENGINEER
The undersigned, as County Engineer of Baldwin County, Alabama, hereby approves the within plat for the recording of the same in the Probate Office of Baldwin County, Alabama, this the _____ day of _____, 2021.

County Engineer

UTILITY PROVIDERS	
NONE-ONSITE	WATER
BALDWIN EMC (251) 989-6247	ELECTRICITY
NONE-ONSITE	SEWER

BUILDING SETBACKS:	
ZONING:	NONE
SETBACKS:	
FRONT:	40'
REAR:	40'
SIDE:	40'
SITE DATA:	

Parcel Number: 05-35-07-26-0-000-001.000
Section 26 T-4-S R-5-E

SMALLEST LOT: 180.09 Acres
LARGEST LOT: 180.09 Acres
TOTAL # OF LOTS: 1
TOTAL AREA: 180.09 Acres
LINEAR FT. STREETS: 0
PLANNING DISTRICT: 13

OWNER & DEVELOPER
OAK MOUNTAIN TIMBERCO FL, LLC
31 INVERNESS CENTER PARKWAY, SUITE 200
BIRMINGHAM, AL 35242

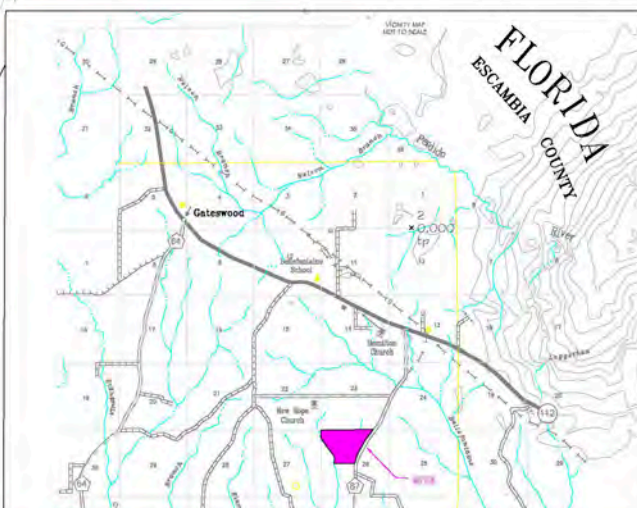
SURVEYOR
DAVID LOWERY SURVEYING LLC
55284 MARTIN LN
STOCKTON, AL 36579
DAVID LOWERY, PLS. LIC. NO. 26623

NOTE:
THERE IS DEDICATED HEREWITH A 15 FOOT DRAINAGE AND UTILITY EASEMENT ON ALL LOT LINES ADJACENT TO THE R.O.W OF COUNTY ROAD 87 AND A 15 FOOT DRAINAGE AND UTILITY EASEMENT ON ALL SIDE AND REAR LOT LINES ADJACENT TO THE R.O.W OF COUNTY ROAD 87 AND A 15 FOOT DRAINAGE AND UTILITY EASEMENT ON ALL OTHER LOT LINES.

NOTES
1. All bearings shown herein are relative to GRID NORTH. GRID NORTH was obtained by G.P.S. observations.
2. Corner monuments shown as set iron pins are set iron pins with a durable plastic cap stamped "26623".
3. Only Select Rural Interior Improvements shown herein.
4. The survey was prepared for the client shown and is not to be used for any other purpose without prior approval from the surveyor.
5. No instruments of record reflecting easements, right of ways, and/or ownership were furnished this surveyor, except as shown or noted.
6. No underground installations or improvements have been located, except as shown or noted.
7. This survey was prepared without the benefit of an abstract of title or a title search unless stated herein. No liability is assumed by the undersigned for loss relating to any matter that might be discovered by an abstract, title search, or legal judgment rendered on the property.

SURVEYOR'S CERTIFICATE AND DESCRIPTION OF PROPERTY
STATE OF ALABAMA
COUNTY OF BALDWIN
I, David Lowery, a licensed Surveyor of Baldwin County, Alabama, hereby certify that I have surveyed the property of Oak Mountain Timberco FL, LLC, owners, situated in Baldwin County, Alabama and described as follows:
Beginning at a 5/8" CAPTED REBAR "LOWERY" AT THE NW CORNER OF SECTION 26 T-4-S R-5-E BALDWIN COUNTY, AL (REPLACED OLD LIGHTWOOD STAKE); thence N69°37'21"E, a distance of 4,300.37 feet to a 5/8" CAPTED REBAR "LOWERY" on the West R.O.W of County Road 87; thence Southerly along said R.O.W along a curve to the right of which the radius is 2,327.73 feet; thence Southwesterly along the arc, through a central angle of 109°36'05", an arc length of 537.77 feet, being a Chord bearing of S41°10'47"W a distance of 1,139.23 feet; thence Southerly along said R.O.W along a curve to the left of which the radius is 2,123.45 feet; thence Southerly along the arc, through a central angle of 157°46'24", an arc length of 590.77 feet, being a Chord bearing of S1°14'44"W a distance of 589.26 feet to a 1/2" REBAR; thence S69°32'44"W, bearing said R.O.W along a parallel line a distance of 1,379.61 feet to a CONCRETE MONUMENT AT THE SE CORNER OF THE SW 1/4 OF THE NW 1/4 OF SEC. 26 T-4-S R-5-E; thence S69°32'44"W, a distance of 229.04 feet more or less to a POINT in the center of Beetree Creek bottom; thence Southerly along said Creek bottom along the following courses: thence N01°04'10"W, a distance of 56.93 feet; thence N06°57'21"E, a distance of 235.53 feet; thence N35°17'29"W, a distance of 228.91 feet; thence N37°50'37"W, a distance of 139.65 feet; thence N49°00'45"W, a distance of 125.54 feet; thence N1°04'20"W, a distance of 105.41 feet; thence N06°40'27"W, a distance of 205.36 feet; thence N33°47'15"W, a distance of 287.29 feet; thence N39°40'43"W, a distance of 260.31 feet; thence N45°21'14"W, a distance of 104.34 feet; thence N26°12'10"W, a distance of 95.50 feet; thence N43°00'25"W, a distance of 56.77 feet; thence N43°00'25"W, a distance of 73.12 feet; thence S44°00'00"W, a distance of 26.30 feet; thence N27°07'10"W, a distance of 125.40 feet to a SET 5/8" CAPTED REBAR at the intersection with the West line of said Section 26; thence N00°00'00"E, a distance of 041.30 feet to the POINT OF BEGINNING, said parcel containing 180.09 acres, more or less.
And that the plat or map contained herein is a true and correct map showing the subdivision into which the property described is divided giving the length and bearings of the boundaries of each lot and easement, and do minor and showing the streets, ways and public grounds and giving the bearings, length, width and names of the streets, said map further shows the relation of the land to be platted to the Government Survey, and that permanent monuments have been placed at points marked this _____ as herein shown. I further certify that all parts of the survey and drawing have been completed in accordance with the requirements of the Standards of Practice of land surveying in the State of Alabama to the best of my knowledge, information, and belief.
WITNESS my hand this _____ day of _____, 2021.
Surveyor
Alabama License # 26623

CERTIFICATION OF OWNERSHIP AND DEDICATION
STATE OF ALABAMA
COUNTY OF BALDWIN
I, _____, AUTHORIZED REPRESENTATIVE FOR OAK MOUNTAIN TIMBERCO FL, LLC, HAVE CAUSED THE LAND EMBRACED IN THE WITHIN PLAT TO BE SURVEYED, Laid OUT, AND PLATTED TO BE KNOWN AS BEETREE CREEK SUBDIVISION, A PART OF SECTION 26, T-4-S, R-5-E, BALDWIN COUNTY, AL AND THAT THE STREETS SHOWN HEREON ARE HEREBY NOT DEDICATED TO THE USE OF THE PUBLIC.
DATED THIS THE _____ DAY OF _____, 2021
OAK MOUNTAIN TIMBERCO FL, LLC REPRESENTATIVE
ACKNOWLEDGMENT FORM FOR L.L.C.
STATE OF _____
COUNTY OF _____
I, _____, A NOTARY PUBLIC, IN AND FOR SAID _____, WHOSE NAME AS AUTHORIZED REPRESENTATIVE OF OAK MOUNTAIN TIMBERCO FL, LLC, IS SIGNED TO THE FOREGOING INSTRUMENT AND WHO IS KNOWN TO ME, ACKNOWLEDGED BEFORE ME ON THIS DAY THAT, BEING INFORMED OF THE CONTENTS OF THE INSTRUMENT, HE, AS SUCH OFFICER AND WITH FULL AUTHORITY, EXECUTED THE SAME VOLUNTARILY FOR AND AS THE ACT OF SAID LIMITED LIABILITY COMPANY.
GIVEN UNDER MY HAND AND SEAL THIS _____ DAY OF _____, 2021.
NOTARY PUBLIC, BALDWIN COUNTY, ALABAMA
MY COMMISSION EXPIRES: _____



DAVID LOWERY SURVEYING, L.L.C.
55284 MARTIN LN
STOCKTON, AL 36579
251-937-2757 ph 251-937-2756 fax
dsurvey25@hotmail.com

PLAT OF A PRELIMINARY-FINAL PLAT PREPARED FOR
OAK MOUNTAIN TIMBER CO FL, LLC
BALDWIN COUNTY, AL.

DWG. NO.	SURVEY DATE	SCALE
21-06-01	MAY 2021	1"=160'

DRAWN BY: E. TULLMAN CHECKED BY: D. LOWERY

LEGEND AND SYMBOLS

- (T) RECORD BEARING/STATION
- OE OVERHEAD ELECTRIC
- SET IRON PIN
- FOUND IRON PIN
- △ PIN NOT SET
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- NOT TO SCALE
- FENCE
- CONCRETE MONUMENT

Baldwin County Planning and Zoning Commission
Case No. S-21059 – Beetree Creek Subdivision
Development Permit

Staff Report for Planning and Zoning Commission Public Hearing

July 8, 2021

Agenda Item 8.e

=====

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: July 8, 2021 Development Permit Approval Pending

Attachments: Vicinity Map
Site Map
Proposed Plat

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Planning District: District 13 – Unzoned

Location of Property: The subject property is located on the west side of County Road 87 approximately 1.6 miles south of County Road 112.

Parcel Number(s): 05-35-07-26-0-000-001.002

Report Prepared By: Vince Ramer; Code Enforcement Officer

III. SUBDIVISION PROPOSAL:

Proposed number of Lots: 1

Linear Feet of Streets: N/A

Total Acreage: ± 208

Smallest Lot Size: ± 27 acre Remnant Parcel

Owner/Developer: Oak Mountain Timber Co FL, LLC
31 Inverness Center Parkway, Suite 200
Birmingham, AL 35242

Surveyor/Engineer: David Lowery Surveying, PLS
55284 Martin Ln
Stockton, AL 36579

Request: The applicant is requesting Development Permit approval for the above-mentioned subdivision from the Baldwin County Planning and Zoning Commission. A variance request is applied for to recognize the remnant parcel.

IV. PUBLIC UTILITIES AND SITE CONSIDERATIONS:

Public Utilities Services: Water: None On-Site
 Sewer: None On-Site
 Electricity: Baldwin EMC

Transportation: The proposed lot will front upon County Road 87, an existing paved and county-maintained road (80' ROW).

V. STAFF COMMENTS:

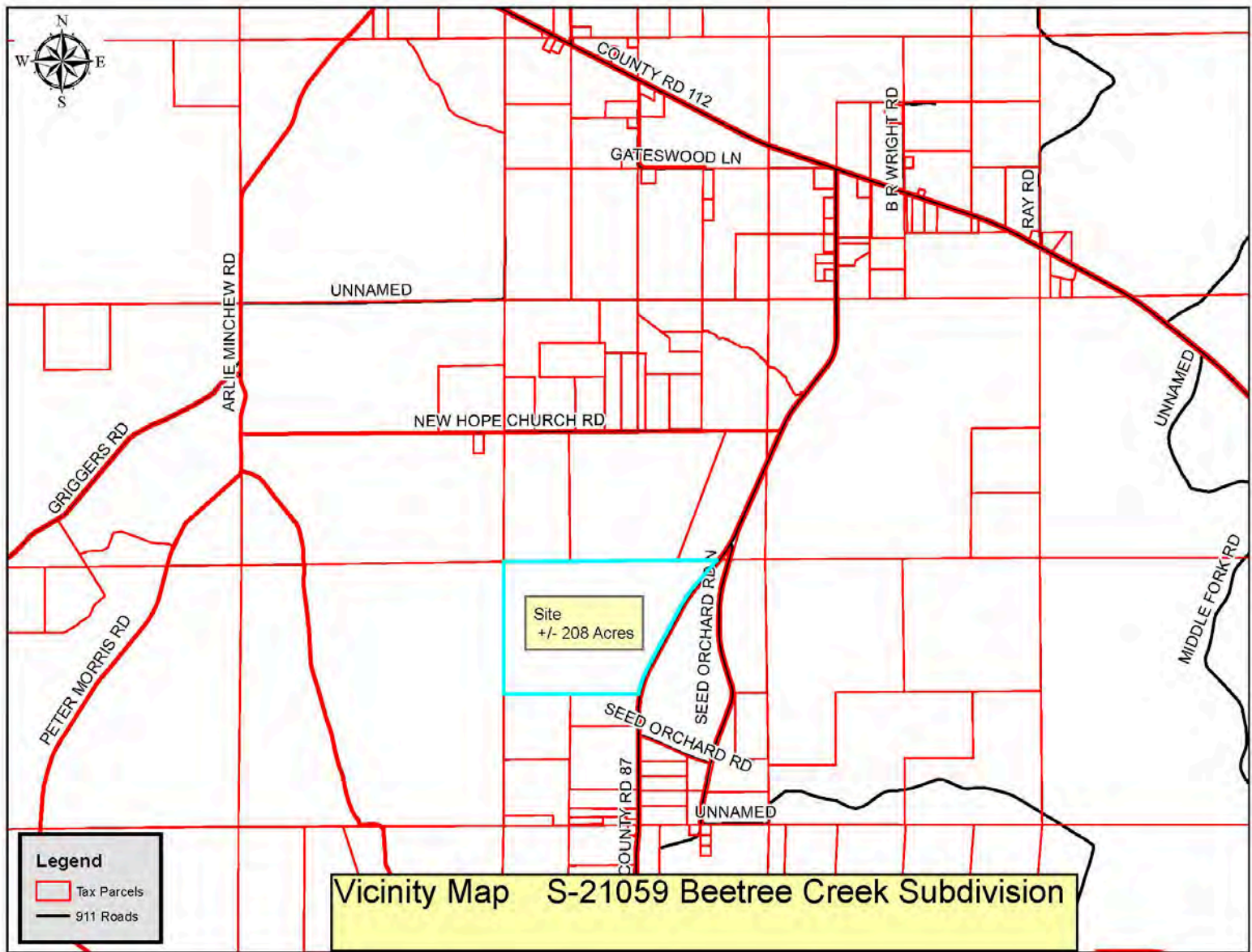
Items for consideration:

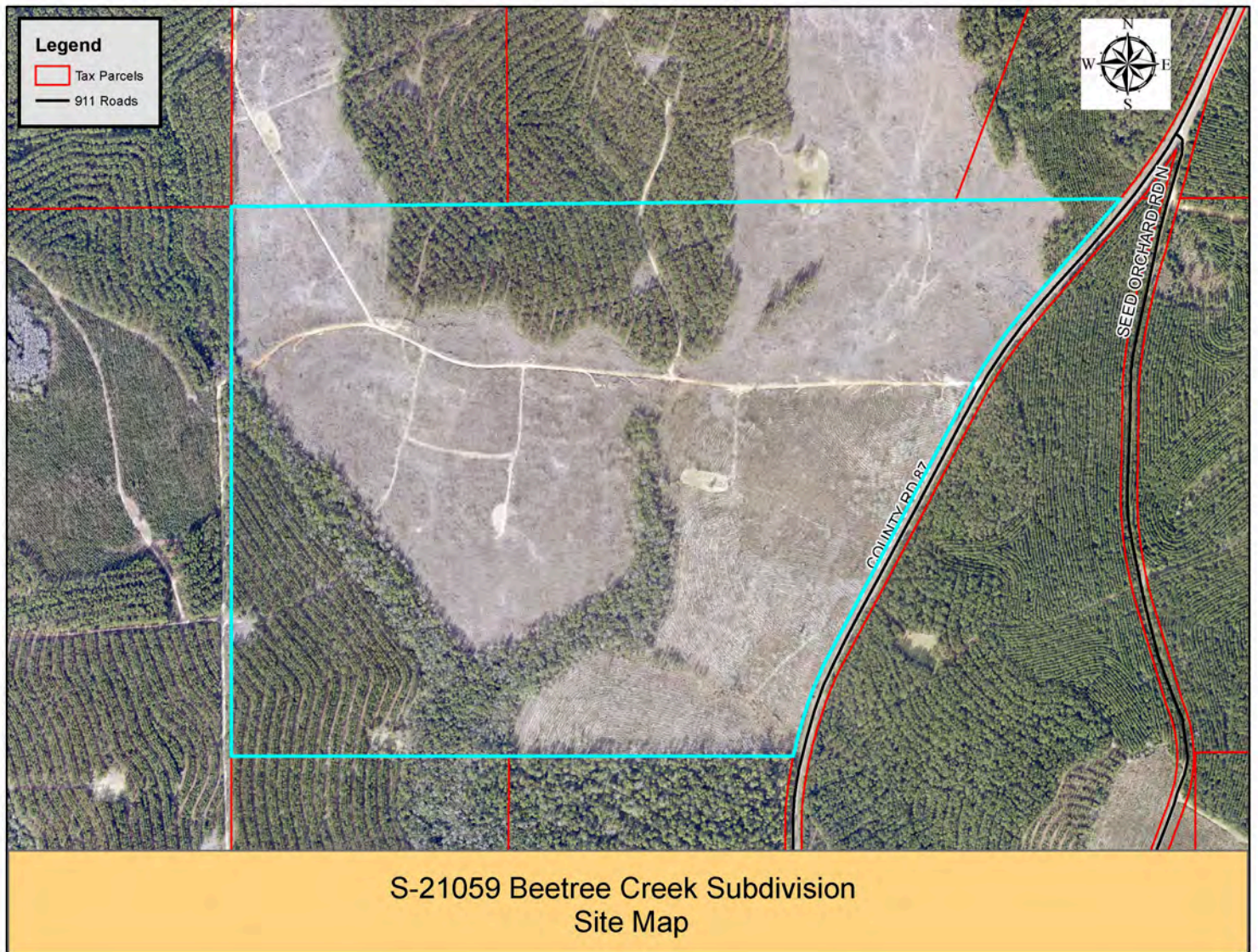
There is an existing ingress/egress easement across subject property to allow access to an adjoining property. That ingress/egress easement is memorialized on the subdivision plat.

VI. RECOMMENDATIONS:

Staff recommends that the Development Permit application for Case No. S-21059, Beetree Creek Subdivision be **APPROVED** with the condition that the following contingency item shall be cured by 8 a.m. CST on August 9th, 2021. Failure to cure the contingency by the date and time specified herein shall result in automatic withdrawal of the Planning Commission's approval.

1. Add a note on the plat to the satisfaction to Baldwin County Highway Department that addresses the wording of the existing egress/ingress easement.
2. Please print the plat to be recorded in all black so that the Probate Scan at the time of recording will be legible.
3. Approval of the variance request related to this this same subdivision case. Non-approval of the variance shall result in non-approval of the subdivision case.





Baldwin County Planning and Zoning Commission
Case No. S-21060 Resubdivision of Lot 14, Tensaw Estates
Development Permit

Staff Report for Planning and Zoning Commission Public Hearing

July 8, 2021

Agenda Item 8.f

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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: July 8, 2021 Development Permit Approval Pending

Attachments: Vicinity Map
Site Map
Proposed Plat

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Planning District: District 4 – Zoned RSF-E

Location of Property: The subject property is located on the west side of Anglers Trail approximately 0.26 miles west of State Highway 225 near Bay Minette.

Parcel Number(s): 05-29-09-42-0-000-003.074

Report Prepared By: Orie King Planning and Zoning

III. SUBDIVISION PROPOSAL:

Proposed number of Lots: 2

Linear Feet of Streets: N/A

Total Acreage: ± 20.04 acres

Smallest Lot Size: ± 10.02 acres

Owner/Developer: Parnell Development, LLC
7152-A Cloverleaf Landing Rd
Bay Minette, AL 36507

Surveyor/Engineer: Ercil E. Godwin, PLS
Sawgrass Consulting, LLC
30673 SGT “EI” Boots Thomas Drive
Spanish Fort, AL 36527

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:	On-Site Well
	Sewer:	On-Site Septic
	Electricity:	Baldwin EMC

Transportation: The proposed lots will front upon Anglers Trail, an existing paved and county-maintained road.

V. STAFF COMMENTS:

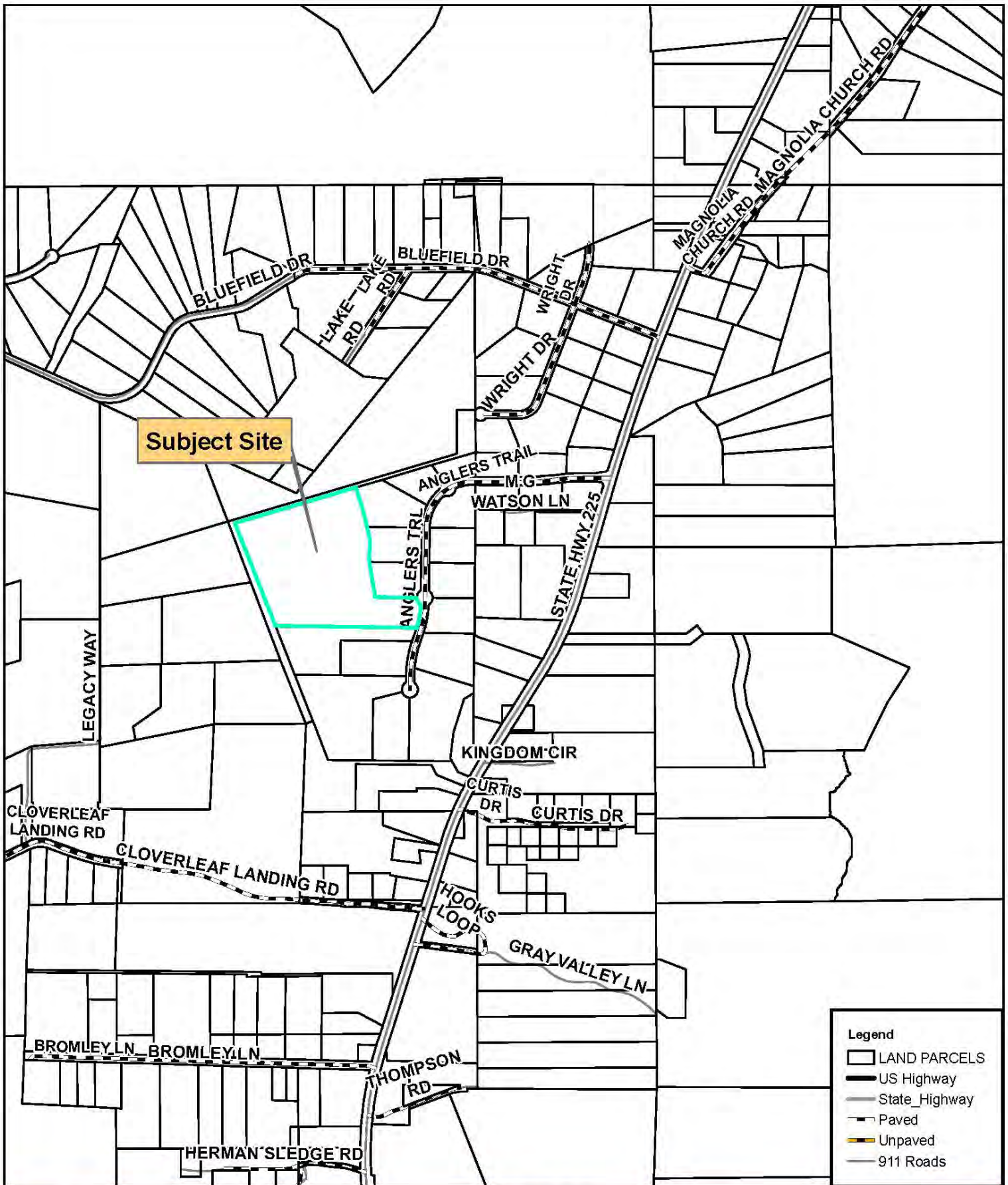
Items for consideration:

- Several minor issues were discovered during the review of subject application that shall be remedied prior to recording the subdivision plat.

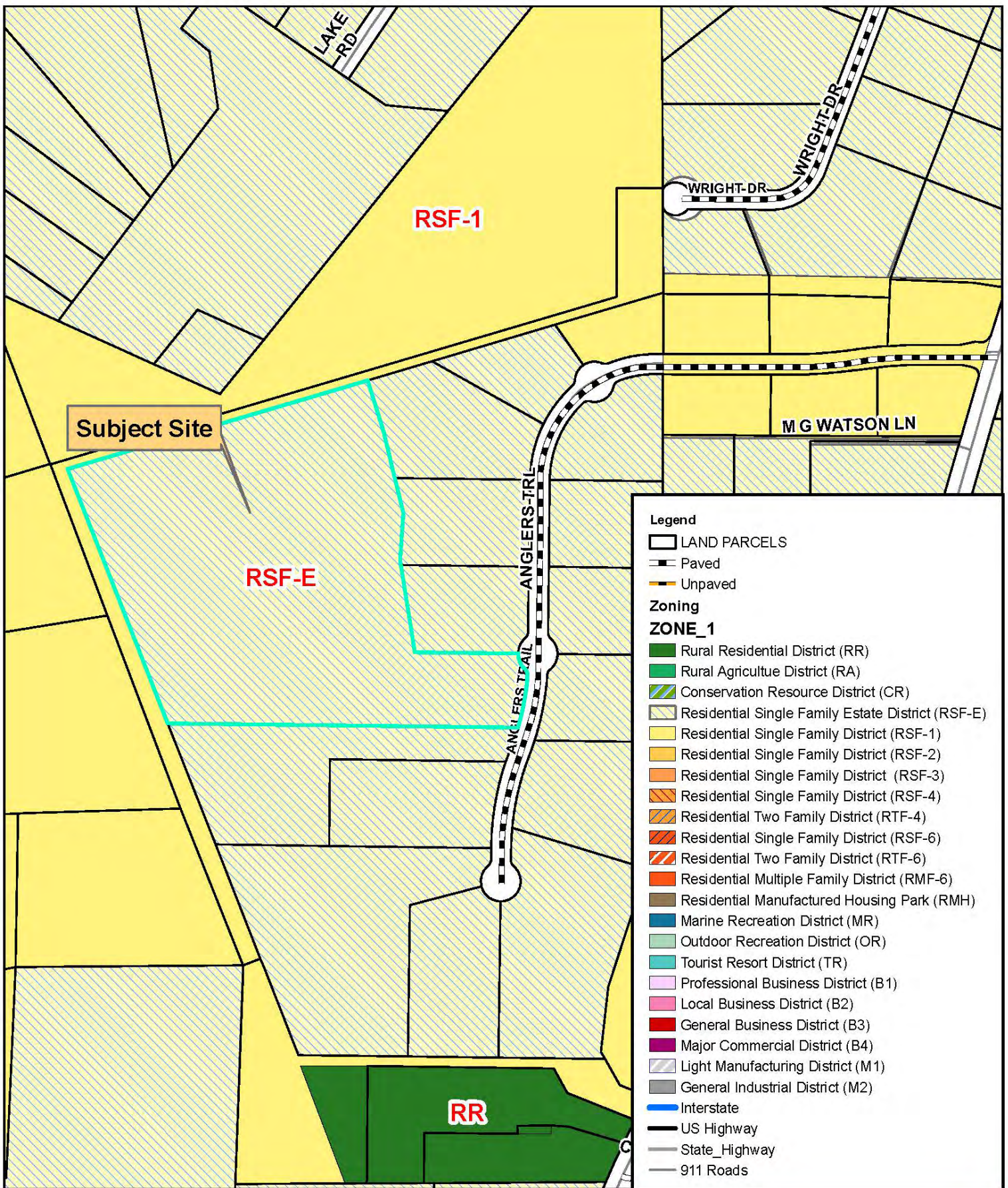
VI. RECOMMENDATIONS:

Staff recommends that the Development Permit application for Case No. S-21060 Resubdivision of Lot 14, Tensaw Estates, be **APPROVED** with the condition that the contingency items listed below shall be cured and reflected on a revised subdivision plat to be submitted to Planning and Zoning staff by 8:00AM CST on August 9, 2021. Further, this Development Permit approval will be **AUTOMATICALLY WITHDRAWN** if the contingencies are not cured by the afore-mentioned date and time.

1. Add a Certificate of Approval by the Subdivision Property Owner's Association on the plat.
2. Add a new vicinity map that provides a better understanding of where the subject parcel is located.



S-21060 Resubdivision of Lot 14, Tensaw Estates
Vicinity Map



S-21060 Resubdivision of Lot 14, Tensaw Estates Zoning Map



S-21060 Resubdivision of Lot 14, Tensaw Estates Site Map

RESUBDIVISION OF LOT 14, TENSAW ESTATES

BALDWIN COUNTY HEALTH DEPARTMENT SUBDIVISION PLAT STATEMENT (EXEMPT BY DEFINITION)

ACCORDING TO CHAPTER 420-3-1, THIS DIVISION OF LAND DOES NOT MEET THE DEFINITION OF A LARGE FLOW DEVELOPMENT.
THE SIGNATURE AFFIXED HEREON DOES NOT IMPLY AN APPROVAL FOR ANY EXISTING OR ANY FUTURE ONSITE SEWAGE TREATMENT SYSTEMS.

SIGNATURE _____

CERTIFICATION OF APPROVAL BY BALDWIN EMC

THE UNDERSIGNED, AS AUTHORIZED BY BALDWIN ELECTRIC MEMBERSHIP COOPERATIVE HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA.
THIS _____ DAY OF _____, 20____

SIGNATURE _____

SURVEYOR'S NOTES:

- INFORMATION USED TO PERFORM AND PRODUCE THIS SURVEY ARE PREVIOUS SURVEYS, BY THIS FIRM OR OTHERS, DEEDS OF RECORDS AND/OR OTHER INFORMATION AS PROVIDED BY THE CLIENT. NO TITLE SEARCH, OPINION OR ABSTRACT WAS PERFORMED BY THIS FIRM OR BY OTHERS UNDER THE DIRECTION OF THIS FIRM. IN ADDITION, THERE MAY BE OTHER INSTRUMENTS OF RECORD WITHIN THE OFFICE OF THE JUDGE OF PROBATE, AS WELL AS OTHER UNRECORDED INSTRUMENTS COULD ENCUMBER AND/OR AFFECT THE BOUNDARIES OF THIS PROPERTY THAT WERE NOT FURNISHED AT THE TIME OF SURVEY.
- BASIS OF BEARING: GRID NORTH AS DETERMINED BY RTK GPS AND REFERENCED TO NAD83, ALABAMA WEST ZONED STATE PLANE COORDINATES.
- FEDERAL INSURANCE ADMINISTRATION MAP, COMMUNITY PANEL NO.: 01003C0394M
REVISION DATE: APRIL 19, 2019
FLOOD ZONE(S): "X"(UNSHADED), AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN
NOTE - FLOOD ZONES SHOWN HEREON ARE SCALED FROM THE FIRM (SCALED ONLY)
- DATE OF FIELD WORK: MARCH, 2019, MARCH, 2020 AND JUNE, 2021
- ONE FOOT CONTOURS PER BALDWIN COUNTY LIDAR
- ANY INSTALLED CROSSINGS OVER THE 100' DRAINAGE EASEMENT SHOWN HEREON SHOULD BE DONE SO IN A MANNER NOT TO RESTRICT OR DECREASE THE FLOW OF STORM WATER THROUGH THE PROPERTY. DRAINAGE EASEMENTS SHOWN HEREON ARE PRIVATE AND ARE TO BE MAINTAINED BY THE PROPERTY OWNER AND ARE NOT THE RESPONSIBILITY OF BALDWIN COUNTY
- DRIVEWAYS CROSSING THE 100' DRAINAGE EASEMENT ON LOTS 14-A AND 14-B WILL REQUIRE A MINIMUM OF A 36" CULVERT AS DETERMINED BY BETHEL ENGINEERING, ENGINEER OF RECORD FOR TENSAW ESTATES.
- ALL LOTS AND COMMON AREAS ARE SUBJECT TO THE FOLLOWING UNLESS OTHERWISE SHOWN HEREON:
20' DRAINAGE AND UTILITY EASEMENT ALONG THE FRONT OF ALL LOTS AND COMMON AREAS AND ALONG ALL RIGHTS-OF-WAYS
7.5' DRAINAGE AND UTILITY EASEMENT ALONG BOTH SIDES OF ALL SIDE LOT LINES AND COMMON AREAS

OWNER'S DEDICATION

WE, LESLEY L. PARNELL AND BENJAMIN L. PARNELL, JR. AS MANAGERS AND MEMBERS OF PARNELL DEVELOPMENT, LLC, HAVE CAUSED THE LAND EMBRACED IN THE WITHIN PLAT TO BE SURVEYED, LAID OUT AND PLATTED TO BE KNOWN AS THE RESUBDIVISION OF LOT 14, TENSAW ESTATES, A PART OF SECTION 20 AND GRANT SECTION 42, TOWNSHIP 3 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, AND THAT THOSE RIGHT-OF-WAYS AND UTILITY EASEMENTS AS SHOWN ON SAID PLAT ARE HEREBY DEDICATED TO THE USE OF THE PUBLIC.

LESLEY L. PARNELL, MANAGER/MEMBER
PARNELL DEVELOPMENT, LLC

BENJAMIN L. PARNELL, JR. MANAGER/MEMBER
PARNELL DEVELOPMENT, LLC

ACKNOWLEDGEMENT

STATE OF ALABAMA
COUNTY OF BALDWIN

I, _____, NOTARY PUBLIC IN AND FOR SAID COUNTY, IN SAID STATE, HEREBY CERTIFY THAT LESLEY L. PARNELL AND BENJAMIN L. PARNELL, JR. WHOSE NAMES AS MANAGERS AND MEMBERS OF PARNELL DEVELOPMENT, LLC, ARE SIGNED TO THE FOREGOING INSTRUMENT, AND WHO ARE KNOWN TO ME, ACKNOWLEDGED BEFORE ME ON THIS DAY THAT, BEING INFORMED OF THE CONTENT OF THE INSTRUMENT, AND AS SUCH OFFICER AND WITH FULL AUTHORITY, EXECUTED THE SAME VOLUNTARILY FOR AND AS THE ACT OF SAID CORPORATION.

GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, 20____

NOTARY PUBLIC

CERTIFICATE OF APPROVAL BY THE BALDWIN COUNTY E-911 ADDRESSING

THE UNDERSIGNED, AS AUTHORIZED BY THE BALDWIN COUNTY E-911 BOARD, HEREBY APPROVES THE ROAD NAMES AS DEPICTED ON THE WITHIN PLAT AND HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS THE DAY OF _____, 20____

AUTHORIZED SIGNATURE _____

CERTIFICATE OF THE BALDWIN COUNTY PLANNING DIRECTOR

THE UNDERSIGNED, AS DIRECTOR OF THE BALDWIN COUNTY PLANNING AND ZONING DEPARTMENT, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA THIS THE DAY OF _____, 20____

PLANNING DIRECTOR _____

CERTIFICATE OF APPROVAL BY THE BALDWIN COUNTY PLANNING AND ZONING COMMISSION

THE UNDERSIGNED, AS _____ OF BALDWIN COUNTY PLANNING AND ZONING COMMISSION, HEREBY CERTIFIES THAT, AT ITS MEETING OF _____, THE BALDWIN COUNTY PLANNING AND ZONING COMMISSION APPROVED THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS THE DAY OF _____, 20____

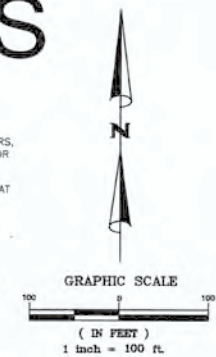
BALDWIN COUNTY PLANNING AND ZONING COMMISSION

BY: _____

CERTIFICATE OF APPROVAL BY THE COUNTY ENGINEER

THE UNDERSIGNED, AS COUNTY ENGINEER OF BALDWIN COUNTY, ALABAMA HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF THE SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA THIS THE DAY OF _____, 20____

COUNTY ENGINEER _____



LEGEND

- C.R.F. CAPPED REBAR FOUND
- C.T.I.F. CRIMPED TOP IRON FOUND
- I.P.F. IRON PIPE FOUND
- O.T.I.F. OPEN TOP IRON FOUND
- P.K.N.F. "PK" NAIL FOUND
- P.T.I.F. PIG TAIL IRON FOUND
- R.B.F. REBAR FOUND
- R.R.S.F. RAILROAD SPIKE FOUND
- R.B.F. REBAR IRON FOUND
- C.R.S. 1/2" CAPPED REBAR SET "CA 1007-LS"
- P.K.N.S. "PK" NAIL SET
- R.R.S.S. RAILROAD SPIKE SET
- C.M.F. CONCRETE MONUMENT FOUND
- C.M.S. CONCRETE MONUMENT SET "CA 1007-LS"

SITE DATA:

TOTAL ACREAGE = 20.04 ACRES±
TOTAL LOTS = 2
SMALLEST LOT SIZE = 10.01 ACRES±
TOTAL LINEAR FOOTAGE OF STREET PROPOSED = 0 FEET

CURRENT ZONING:

RSF-E, RESIDENTIAL SINGLE FAMILY ESTATE DISTRICT
BALDWIN COUNTY PLANNING DISTRICT 4

BUILDING SETBACKS:

FRONT = 40 FEET (UNLESS OTHERWISE SHOWN)
REAR = 40 FEET (UNLESS OTHERWISE SHOWN)
SIDE = 15 FEET (UNLESS OTHERWISE SHOWN)

OWNERS:

PARNELL DEVELOPMENT, LLC
7152-A CLOVERLEAF LANDING RD
BAY MINETTE, AL 36507

LAND SURVEYOR:

ERIC E. GOWIN, P.L.S.
SANDGRASS CONSULTING, LLC
30673 SGT. E. I. "BOOTS" THOMAS DRIVE
SPANISH FORT, AL 36527
(251)544-7900

UTILITY PROVIDERS:

WATER - ON SITE WELL
SEWER - ON SITE SEPTIC TANK
ELECTRIC - BALDWIN EMC

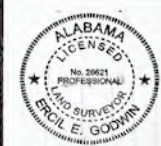
CURVE TABLE				
CURVE #	RADIUS	DELTA	CHORD BEARING	CURVE LENGTH
C1	60.00'	49°02'11"	S23°48'25"E	49.80'
C2	25.00'	53°01'22"	N21°48'50"W	23.14'
C3	770.00'	11°47'25"	N10°35'33"E	158.17'
C4	25.00'	14°27'55"	N41°05'33"W	6.29'
C5	25.00'	38°33'26"	N14°34'52"W	16.82'

NUMBER	REVISION	DATE



30673 Sgt. E. I. "Boots" Thomas Drive, Spanish Fort, AL 36527
202 Government Street, Suite 225, Mobile, AL 36602
Phone: (251) 544-7900

PRELIMINARY/FINAL PLAT
RESUB OF LOT 14, TENSAW ESTATES
PARNELL DEVELOPMENT, LLC



SCALE:	1"=100'
DATE:	JUNE, 2021
DRAWN BY:	
CHECKED BY:	
SHEET	1 OF 1

Baldwin County Planning and Zoning Commission
Case No. S-21062 – Archie Acres Subdivision
Development Permit

Staff Report for Planning and Zoning Commission Public Hearing

July 8, 2021

Agenda Item 8.g

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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: July 8, 2021 Development Permit Approval Pending

Attachments: Vicinity Map
Site Map
Proposed Plat

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Planning District: District 32 – Zoned RA

Location of Property: The subject property is located on the north side of Archie Road approximately 0.25 miles east of John Bloch Road near Elberta.

Parcel Number(s): 05-53-07-36-0-000-001.003

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

III. SUBDIVISION PROPOSAL:

Proposed number of Lots: 2

Linear Feet of Streets: N/A

Total Acreage: ± 6.1 acres

Smallest Lot Size: ± 3.0 acres

Owner/Developer: Andrew L. Mason
29283-A Archie Road
Elberta, AL 36530

Surveyor/Engineer: Cecil T. “Zeke” Hudson, PLS
Rowe Engineering and Surveying
3502 Laughlin Drive Suite B
Mobile, AL 36693

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: On-Site Well
 Sewer: On-Site Septic
 Electricity: Baldwin EMC

Transportation: The proposed lots will front upon Archie Road, an existing paved and county-maintained road (60' ROW).

V. STAFF COMMENTS:

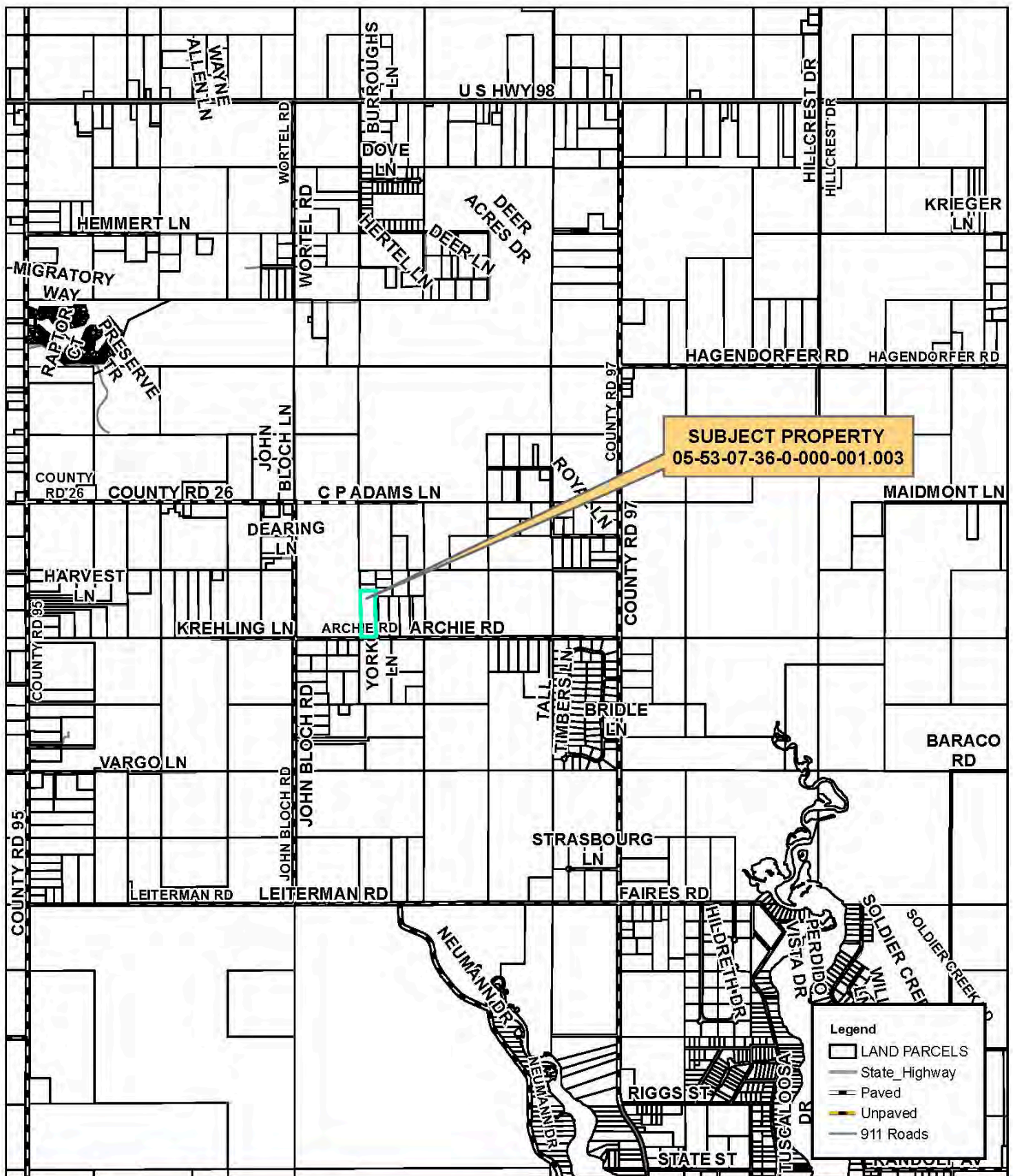
Items for consideration:

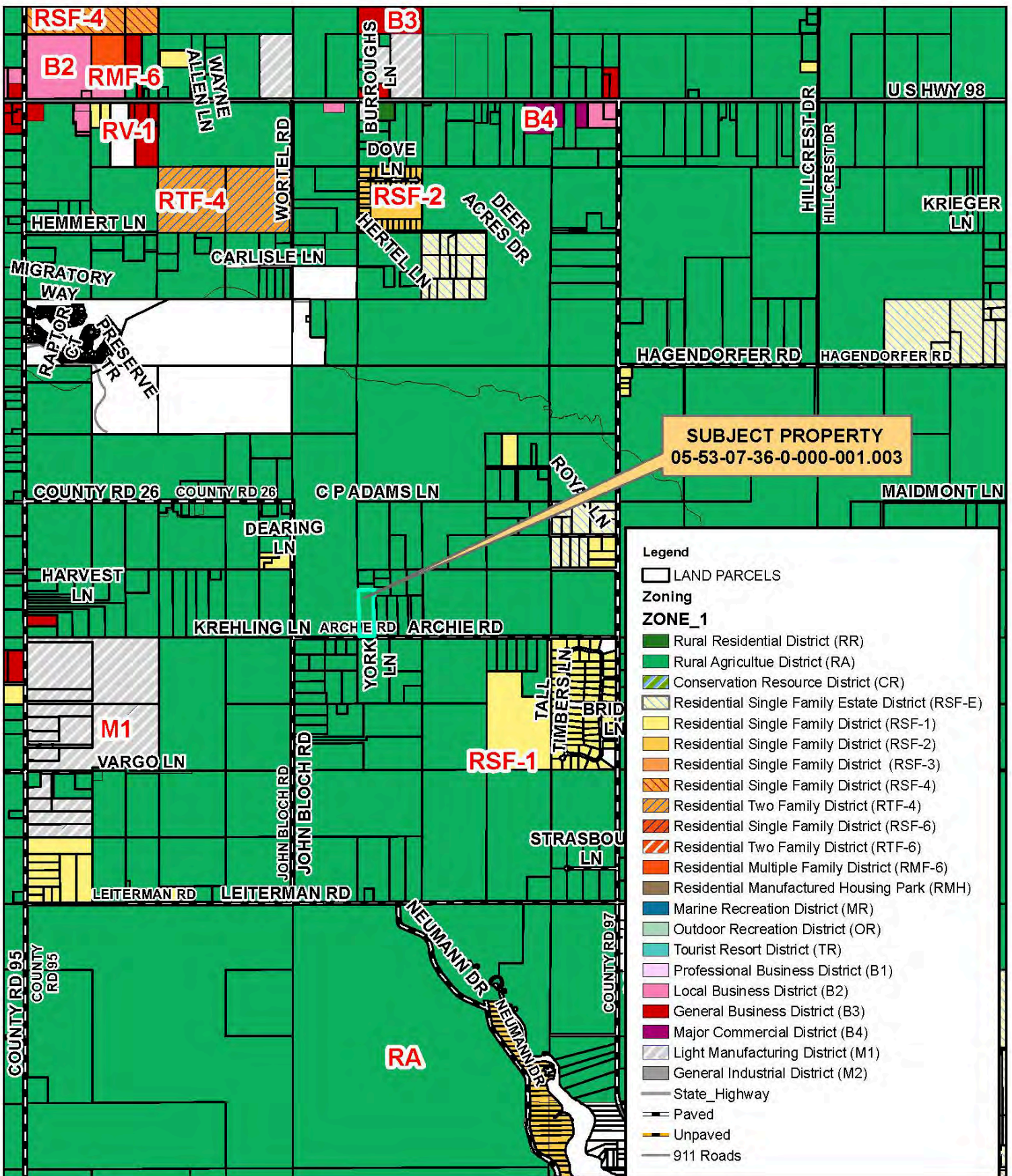
- Several issues were discovered during the review of subject application that are not necessarily deficiencies related to compliance with the subdivision regulations but are matters of a routine nature that shall be remedied prior to recording the subdivision plat.
 - The current case load prevents staff from re-reviewing the revisions provided by the applicant and submitting the re-review back to the applicant in sufficient time for additional revisions to occur prior to preparation of the staff report.
 - If the application is otherwise complete and in substantial conformance with the subdivision regulations, staff proceeds with preparing the staff report even though contingency items may remain
 - As a result, a condition of approval is included below listing the contingency matters that shall be addressed and reflected on the subdivision plat to be recorded.
- 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 through the Baldwin County Health Department may be required by the applicant to install the onsite septic systems.

VI. RECOMMENDATIONS:

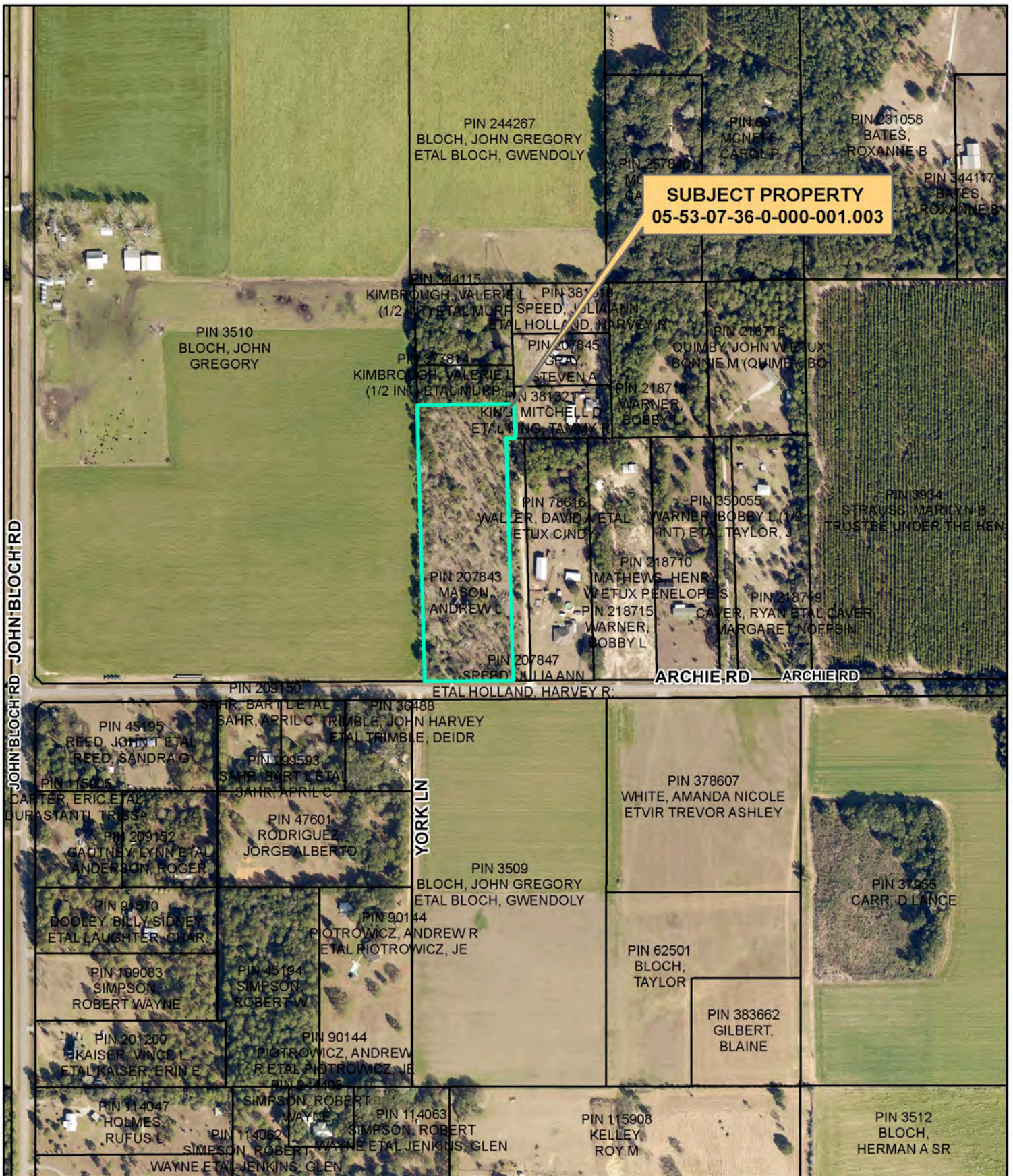
Staff recommends that the Development Permit application for Case No. S-21062, Archie Acres Subdivision be **APPROVED** with the condition that the contingency items listed below shall be cured and reflected on a revised subdivision plat to be submitted to Planning and Zoning staff by 8:00AM CST on August 9, 2021. Further, this Development Permit approval will be **AUTOMATICALLY WITHDRAWN** if the contingencies are not cured by the afore-mentioned date and time.

1. The Point of Beginning (POB) shall be amended on the plat to be recorded to the satisfaction of the Baldwin County Highway Department ROW staff.
2. The existing driveway location on the ROW shall be shown on the plat to be recorded.
3. Easements – make the following revisions:
 - a. The Baldwin EMC electric line ROW easement (instrument # 910573) shall be reflected on the plat to be recorded.
 - b. Please reflect on the plat to be recorded the 30' easement for utilities, ingress and egress over and across the East property line at the North 114.54' (per instrument #1331487 & 1726425).
 - c. Please revise the “standard” drainage and utility easements to reflect 15' full width on exterior lot lines. The drainage and utility easement may be split into two, 7.5' wide drainage and utility easements each side of interior lot lines. Coordinate the Baldwin County requirements with the Baldwin EMC requirements so that the more stringent of the two is reflected along each lot line on the plat to be recorded.
4. Change the Deed reference for parcel owner John Gregory Bloch to the satisfaction of the Baldwin County Highway Department ROW staff.
5. Coordinate any needed notes or revisions on the plat to be recorded regarding adjacent parcel 05-53-36-0-000-001.018 with the ROW staff of the Baldwin County Highway Department.

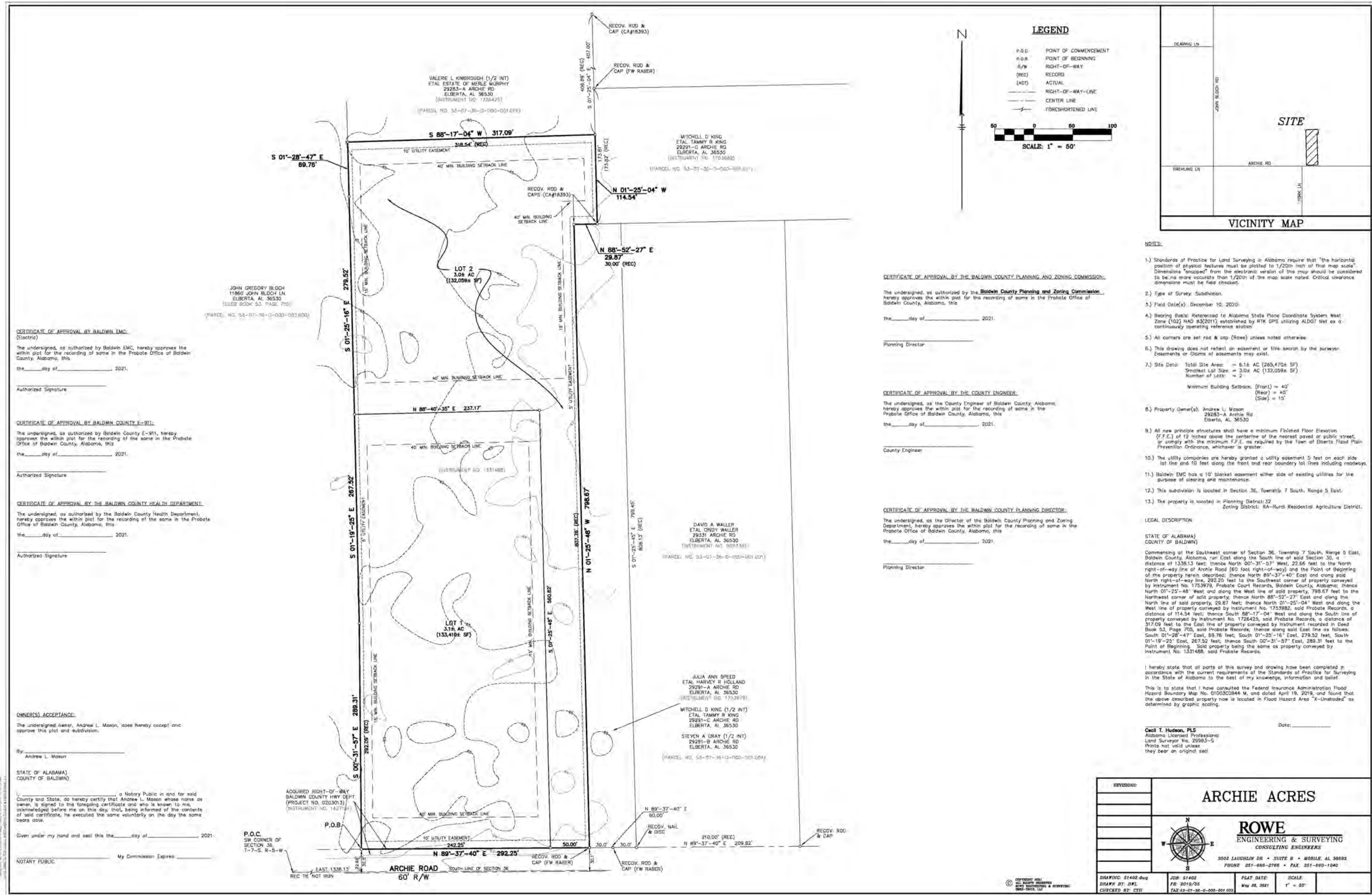




S-21062 Archie Acres Zoning Map



S-21062 Archie Acres Site Map



Baldwin County Planning and Zoning Commission
Case No. S-21064 Stucki Road Subdivision Development Permit
Staff Report for Planning and Zoning Commission Public Hearing
July 8, 2021
Agenda Item 8.h

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: July 8, 2021 Development Permit Approval Pending

Attachments: Vicinity Map
Site Map
Proposed Plat

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Planning District: District 22 – Zoned RSF-E

Location of Property: The subject property is located on the south side of Fell Road and on the west side of County Road 87 (Stucki Road) approximately .25 miles north of County Road 20 near Elberta.

Parcel Number(s): 05-62-02-04-0-001-008.000
05-62-02-09-0-001-005.001

Report Prepared By: Orie King Planning and Zoning

III. SUBDIVISION PROPOSAL:

Proposed number of Lots: 7

Linear Feet of Streets: N/A

Total Acreage: ± 143.08 acres

Smallest Lot Size: ± 20.08 acres

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

Surveyor/Engineer: David Lowery, PLS
David Lowery Surveying LLC
55284 Martin Ln
Stockton, AL 36579

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: On-Site Well
 Sewer: On-Site Septic
 Electricity: Baldwin EMC

Transportation: Lots 1,3, and 4 will front upon Fell Road, an existing county-maintained road. The remaining lots will have a 60' private ingress/egress easement that connects to County Road 87, an existing county-maintained road.

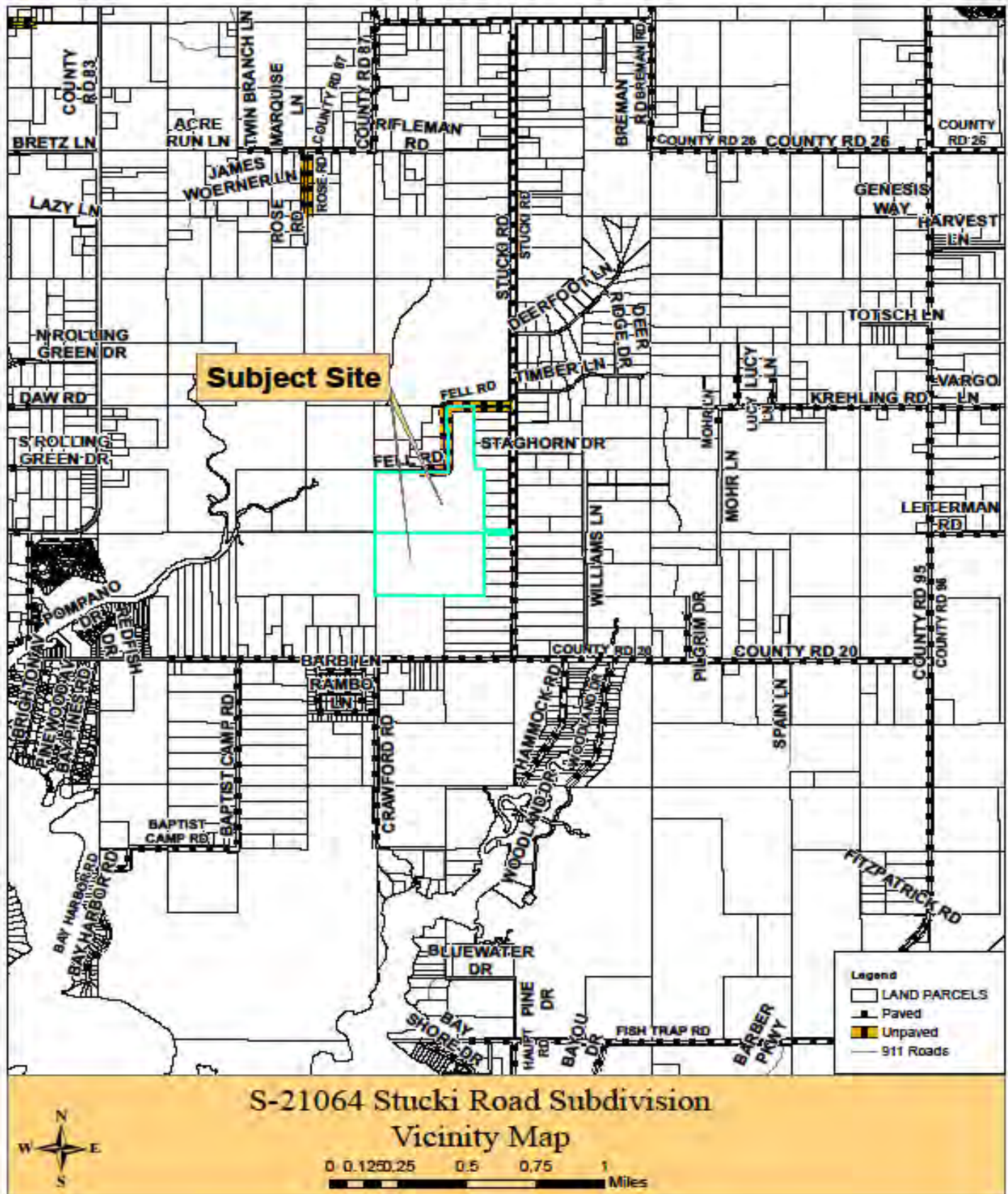
V. STAFF COMMENTS:

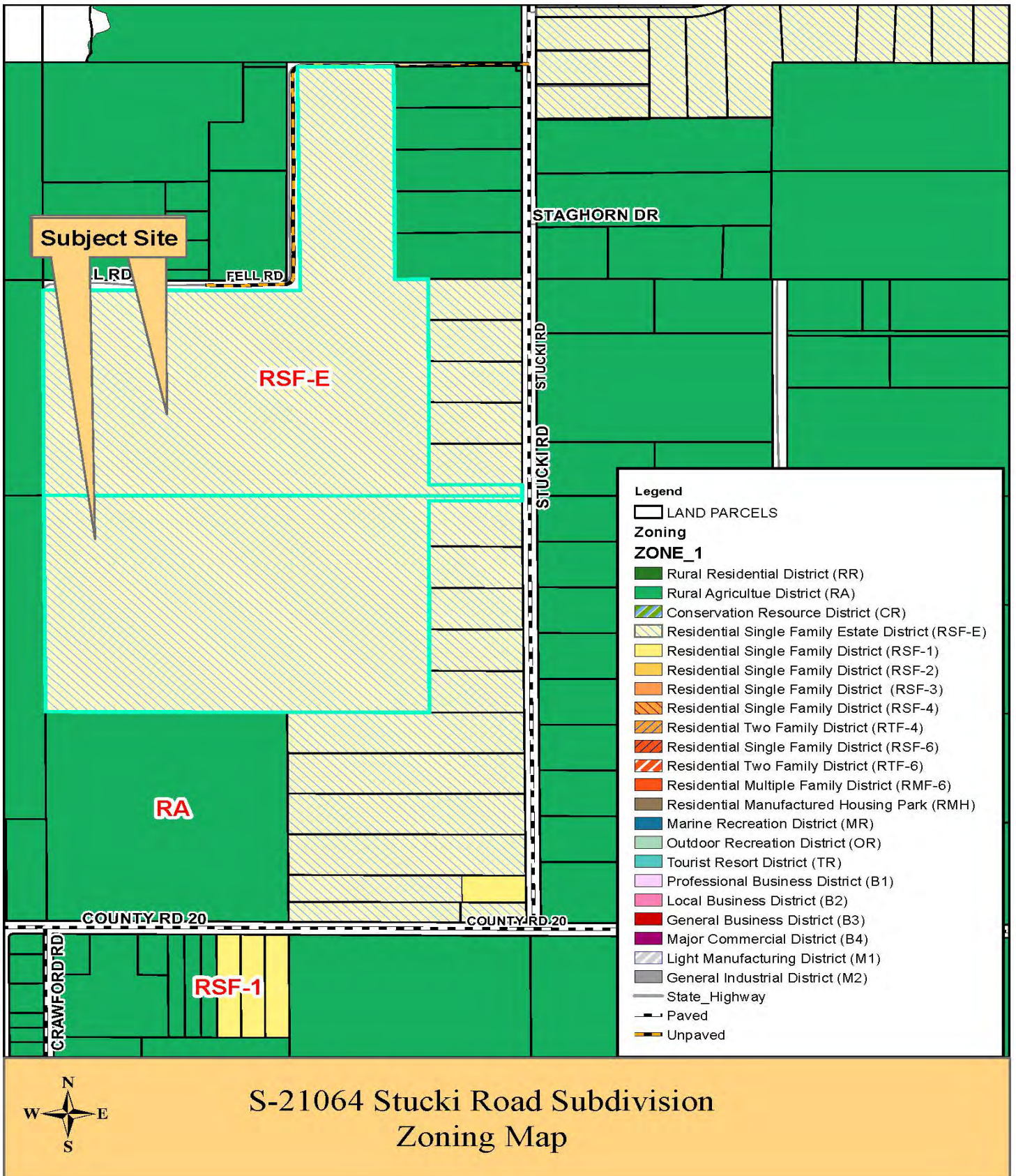
Items for consideration:

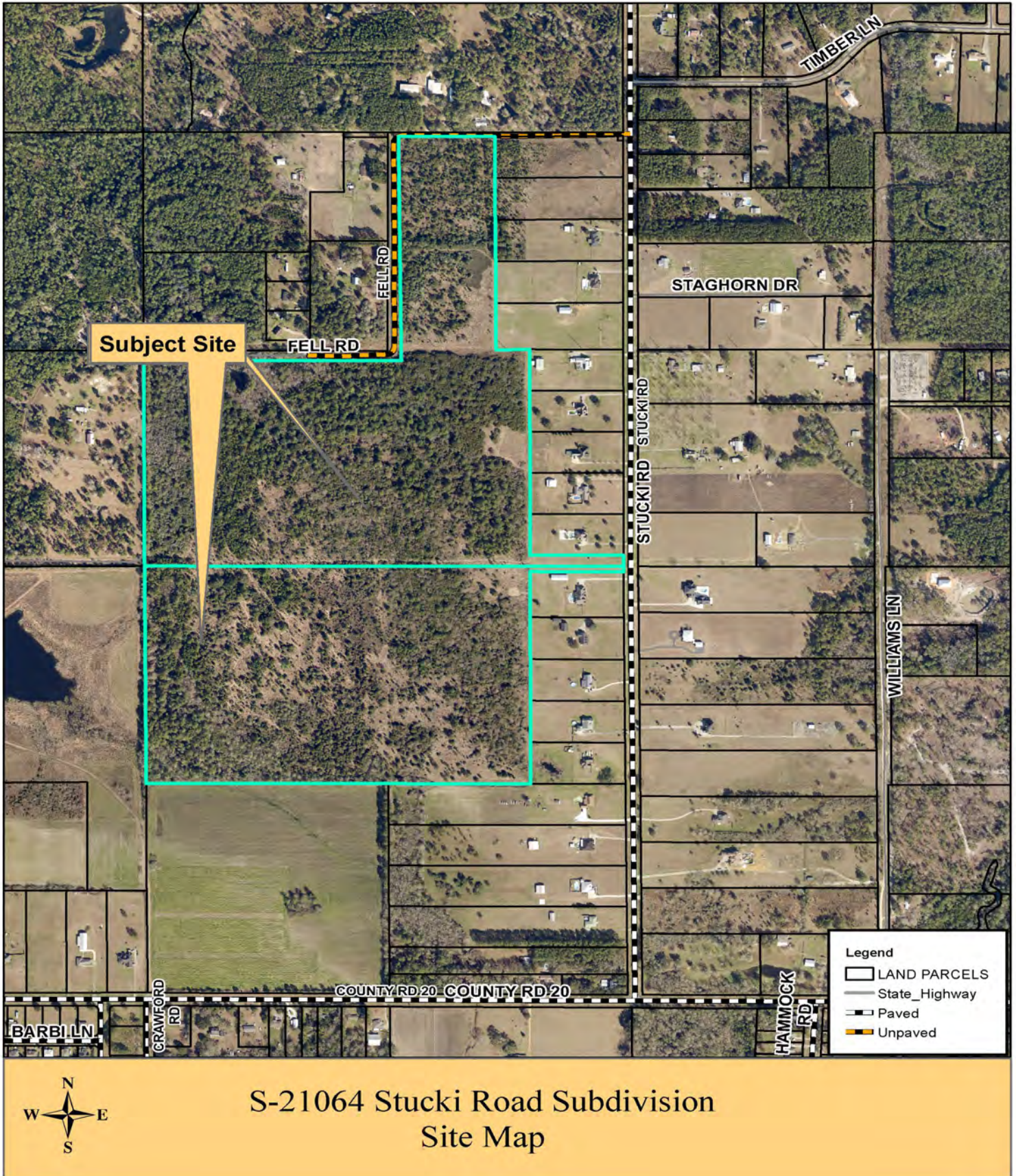
- All items of the Development Permit applications meet the requirements of the subdivision regulations.

VI. RECOMMENDATIONS:

1. Staff recommends that the Development Permit applications for Case No. S-21064 Stucki Road Subdivision, be **APPROVED**.



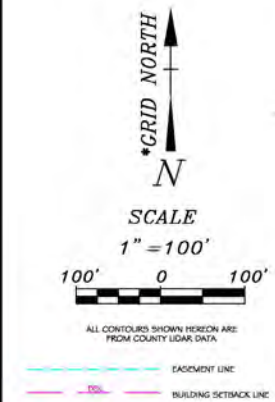




- NOTES:
1. All bearings shown herein are relative to GRID NORTH. GRID NORTH was obtained by G.P.S. observations.
 2. Corner monuments shown as sets of pins are 5/8" reinforcing bars with a durable plastic cap stamped "20423".
 3. Only Surveyed Road Improvements shown herein.
 4. This survey was prepared for the client shown and is not to be used for any other purpose without prior approval from the surveyor.
 5. No instruments of record reflecting easements, right of ways, and/or ownership were furnished this survey, except as shown or noted.
 6. No underground installations or improvements have been located, except as shown or noted.
 7. This survey was prepared without the benefit of an abstract of title or a title search unless stated herein. No liability is assumed by the undersigned for loss relating to any matter that might be discovered by an abstract, title search, or legal judgment rendered on the property.
 8. Liability of the undersigned for the survey shown shall not exceed the amount paid for this survey.

NOTE:
THERE IS DEDICATED HERewith A 15 FOOT DRAINAGE AND UTILITY EASEMENT ON ALL LOT LINES ADJACENT TO THE R.O.W. OF COUNTY ROAD 87 (A.K.A. STUCKI RD) AND A 15 FOOT DRAINAGE AND UTILITY EASEMENT ON ALL SIDE AND REAR LOT LINES UNLESS OTHERWISE NOTED.

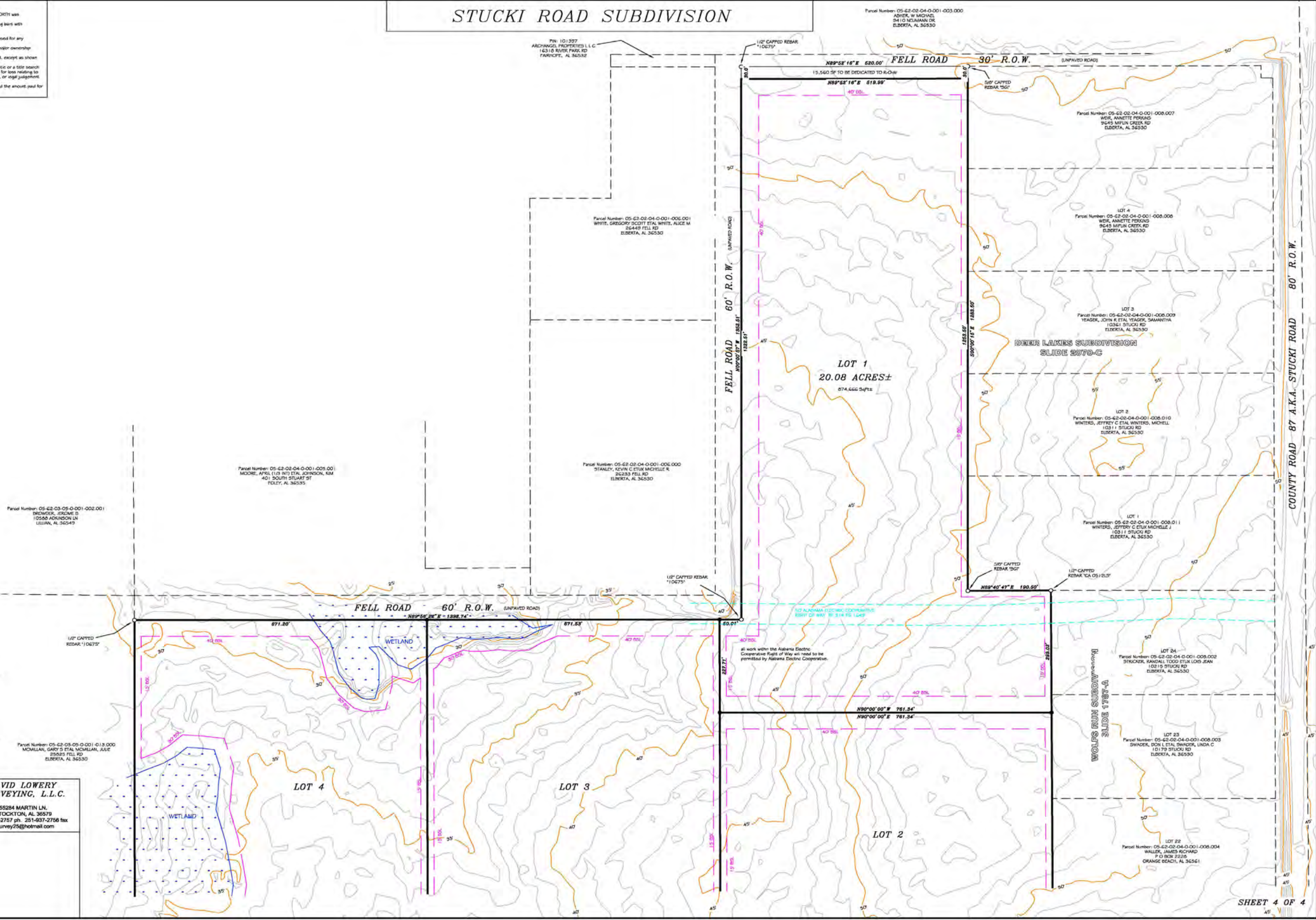
STUCKI ROAD SUBDIVISION



- PLAT OF A PRELIMINARY-FINAL
PLAT PREPARED FOR
- R & R LAND, LLC
DREAM RANCH, LLC
BALDWIN COUNTY, AL.**
- DWG. NO. 17-1-107 SURVEY DATE FEB-MAY 2021 SCALE 1"=150'
- OWNER: R & R LAND, LLC (SUCCESSOR BY S. LOWERY)
- LEGEND AND SYMBOLS
- (*) RECORD BEARING-DISTANCE
 - OE OVERHEAD ELECTRIC
 - SET IRON PIN
 - FOUND IRON PIN
 - △ PIN NOT SET
 - P.O.C. POINT OF COMMENCEMENT
 - P.O.B. POINT OF BEGINNING
 - NOT TO SCALE
 - FENCE
 - FENCE CORNER POST
 - CONCRETE MONUMENT

**DAVID LOWERY
SURVEYING, L.L.C.**

55284 MARTIN LN.
STOCKTON, AL 36579
251-937-2757 ph. 251-937-2756 fax
dsurvey25@hotmail.com



DAVID LOWERY SURVEYING, L.L.C.

NOTES:

1. All bearings shown herein are relative to GRID NORTH. GRID NORTH was obtained by G.P.S. observations.
2. Corner monuments shown as set iron pins are 5/16" reinforcing bars with 1/4" aluminum plastic cap stamped "CG23".
3. Only Select Final Interior Improvements shown herein.
4. This survey was prepared for the client shown and is not to be used for any other purpose without prior approval from this surveyor.
5. No instruments of record reflecting easements, right of ways, smaller ownership were furnished the surveyor, except as shown or noted.
6. No underground installations or improvements have been located, except as shown or noted.
7. This survey was prepared without the benefit of an abstract of title or a title search unless stated herein. No liability is assumed by the undersigned for loss relating to any matter that might be discovered by an abstract, title search, or legal judgment rendered on the property.
8. Liability of the undersigned for this survey shall not exceed the amount paid for this survey.

NOTE: THERE IS DEDICATED HERewith A 15 FOOT DRAINAGE AND UTILITY EASEMENT ON ALL LOT LINES ADJACENT TO THE R.O.W. OF COUNTY ROAD 87 (A.K.A. STUCKI RD.) AND A 15 FOOT DRAINAGE AND UTILITY EASEMENT ON ALL 50' AND 60' LOT LINES UNLESS OTHERWISE NOTED.

Parcel Numbers:

- Parcel Number: 05-62-02-04-0-001-006.000
STANLEY, KEVIN C ETUX MICHELLE K
36233 FELL RD
ELBERTA, AL 36530
- Parcel Number: 05-62-02-04-0-001-006.000
MOORE, APRIL (1/3 INT) ETAL JOHNSON, KM
401 SOUTH STUART ST
FOLLY, AL 36533
- Parcel Number: 05-62-03-05-0-001-002.001
DICKOWS, JEROME D
10568 ADDINSON LN
LULIAN, AL 36549
- Parcel Number: 05-62-03-09-0-001-011.000
MCMILLAN, GARY S ETAL MCMILLAN, JULIE
23623 FELL RD
ELBERTA, AL 36530
- Parcel Number: 05-62-02-04-0-001-006.011
WINTERS, JEFFREY C ETAL MICHELLE J
10311 STUCKI RD
ELBERTA, AL 36530
- Parcel Number: 05-62-02-04-0-001-006.002
STROCKER, RANDALL TODD ETUX LEO JUAN
10219 STUCKI RD
ELBERTA, AL 36530
- Parcel Number: 05-62-02-04-0-001-006.003
SWADER, DON L ETAL SWADER, LINDA C
10179 STUCKI RD
ELBERTA, AL 36530
- Parcel Number: 05-62-02-04-0-001-006.004
WALLER, JAMES RICHARD
P O BOX 4228
ORANGE BEACH, AL 36561
- Parcel Number: 05-62-02-04-0-001-006.005
CLUBBERSON, RON
P O BOX 491
ELBERTA, AL 36530
- Parcel Number: 05-62-02-04-0-001-006.006
LIPSON, CHAD E ETAL LIPSON, STACY L
10011 STUCKI RD
ELBERTA, AL 36530
- Parcel Number: 05-62-02-09-0-001-005.020
DUNAWAY, CRAIG ETAL TERRELL, DANIEL
9977 STUCKI RD
ELBERTA, AL 36530
- Parcel Number: 05-62-02-09-0-001-005.019
TERRELL, CRAIG ETAL TERRELL, STACY
9951 STUCKI RD
ELBERTA, AL 36530

LOT 1
20.44 ACRES±
690320 S±ft±

LOT 2
20.44 ACRES±
690320 S±ft±

LOT 3
20.44 ACRES±
690320 S±ft±

LOT 4
20.44 ACRES±
690150 S±ft±

LOT 5
20.44 ACRES±
690150 S±ft±

LOT 6
20.44 ACRES±
690320 S±ft±

LOT 7
20.44 ACRES±
690320 S±ft±

WETLAND

FELL ROAD 60' R.O.W.

COUNTY ROAD 87 A.K.A. STUCKI ROAD 80' R.O.W.

WOLF RUN SUBDIVISION SLIDE 1767-A

DEER LAKES SUBDIVISION SLIDE 2070-C

LEGEND AND SYMBOLS:

- (*) RECORD BEARING/DISTANCE
- OE OVERHEAD ELECTRIC
- SET IRON PIN
- FOUND IRON PIN
- △ PIN NOT SET
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- NOT TO SCALE
- FENCE
- FENCE CORNER POST
- CONCRETE MONUMENT

SCALE
1" = 100'

CRID NORTH

PLAT OF A PRELIMINARY-FINAL PLAT PREPARED FOR

**R & R LAND, LLC
DREAM RANCH, LLC
BALDWIN COUNTY, AL.**

**DAVID LOWERY
SURVEYING, L.L.C.**

55284 MARTIN LN.
STOCKTON, AL 36579
251-937-2757 ph. 251-937-2756 fax
dlsurvey25@hotmail.com

LEGEND AND SYMBOLS:

- (*) RECORD BEARING/DISTANCE
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Baldwin County Planning and Zoning Commission July 8, 2021 agenda

Baldwin County Planning and Zoning Commission
Case No. S-21066 – Parkside at Eastern Shore
Final Site Plan Approval
Staff Report for Planning and Zoning Commission Public Hearing
July 8, 2021
Agenda Item 8.I

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: July 8, 2021 Final Site Plan Approval Pending

Attachments: Vicinity Map
Site Map
Proposed Plat

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Planning District: District 7 – Unzoned (Citizens have not voted to come under the planning and zoning jurisdiction of Baldwin County)

Location of Property: The subject property is located on the north side of US 90 and Immediately east of the Historic Malbis Subdivision.

NOTE: Project is located just outside Daphne’s City Limits but inside Daphne’s Planning Jurisdiction. However, Daphne does not define an apartment complex as a subdivision therefore does not exercise jurisdiction.

Parcel Number(s): 05-32-07-35-0-000-001.000¹

Report Prepared By: Matthew Brown, Interim Planning Director

III. SUBDIVISION PROPOSAL:

Proposed number of Units: 288

Linear Feet of Streets: N/A - No public roads in the development.

Total Acreage: ± 42.59 acres

Smallest Lot Size: N/A – Site is proposed to include 96 one-bedroom units, 168 two-bedroom units, and 24 three-bedroom units.

¹ Several underlying minor subdivisions have occurred on the original 400+ acre parent parcel. As those subdivisions are mapped by the County Revenue Commission, they will be assigned new parcel numbers. This process can take several months. As a result, the original parent parcel number is the only parcel number currently available.

Owner/Developer: Malbis Plantation, Inc.
29470 St. Hwy 181
Daphne, AL 36526

Parkside Equities, LLC
3525 Piedmont Rd. 8-205
Atlanta, GA 30305

Surveyor/Engineer: Ercil E. Godwin, PLS/PSM
Sawgrass
306373 SGT EI “Boots” Thomas Drive
Spanish Fort, Alabama 36527

Request: The applicant is requesting Final Site Plan approval for the above-mentioned apartment development from the Baldwin County Planning and Zoning Commission.

IV. PUBLIC UTILITIES AND SITE CONSIDERATIONS:

Public Utilities Services: Water: Daphne Utilities
Sewer: Daphne Utilities
Electricity: Riviera Utilities
Telephone: AT&T

Transportation: The proposed apartment buildings will front on an internal, privately maintained, paved road. The development itself will provide public access through a connection to US 90. The Developer is proposing a gated, locked emergency access connection to Papas Street in Historic Malbis that would only be accessible by first responders. This gate is displayed on the proposed Final Site Plan.

V. STAFF COMMENTS:

Items for consideration:

- This project is uniquely located on a small area (between Planning District 28 and the Daphne City Limits) where the citizens have not voted to come under the zoning jurisdiction of Baldwin County (aka “unzoned”). As a result, no rezoning process was required for this development.
- Citizens have raised some of the following concerns.
 - **Compatibility** – Zoning is the appropriate tool for evaluating compatibility. Unfortunately, this property lies in an area that has not voted to come under the Planning and Zoning Jurisdiction of Baldwin County. However, the Applicant is proposing to preserve some of the existing landscaping around the property boundaries to provide some buffering to the neighboring properties. (See Sheet 4 of the proposed Site Plan)
 - **Traffic** – A traffic impact study was submitted by the developer and reviewed by the Baldwin County Highway Department. On review the Highway Department found the traffic study and proposed improvements on US 90 to be appropriate, pending final approval from ALDOT.
 - **Wetland Impacts** – The apartment complex will be constructed adjacent to wetlands. However, no wetlands are proposed to be impacted or filled. The wetland boundary provided by the Developer was reviewed by two wetland specialists and the County’s Natural Resource Planner. A 30-foot wetland buffer is provided on the plat, including a 5-foot undisturbed buffer.
 - **Impact to School System** – Baldwin County has coordinated with the Baldwin County Public School System to determine the student yield factors (SYFs) for the development. According to school representatives, on average, apartment SYFs are very low compared

to Single Family and Mobile Homes. The student yield factors for the proposed development are expected to be:

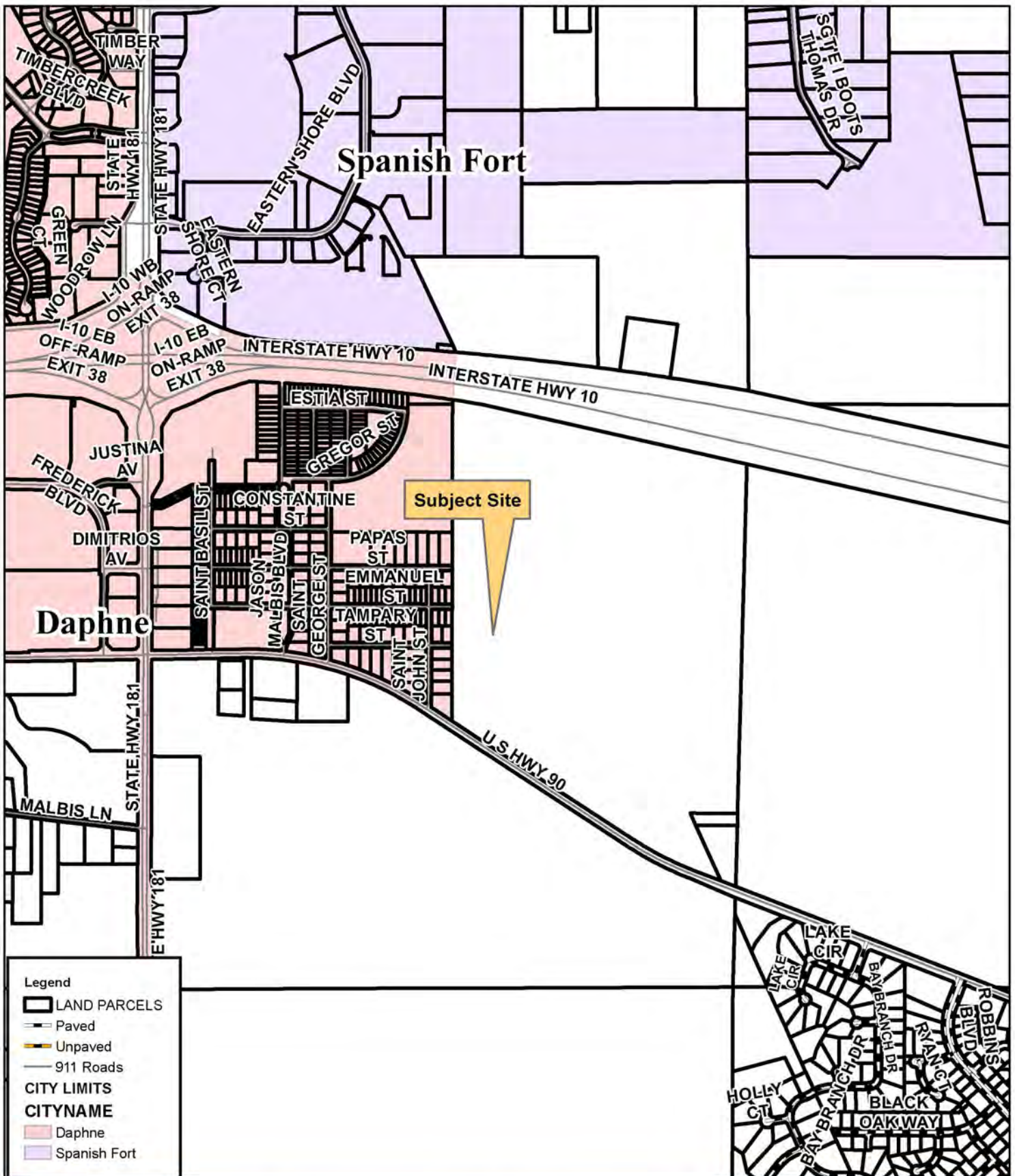
- GRK-6 = 37 students (SYF 0.13)
- GR7-8 = 9 students (SYF 0.03)
- GR9-12 = 17 students (SYF 0.06)
- **City of Daphne's Involvement** – County Planning and Zoning staff have engaged in various communications with City of Daphne staff related to the proposed project. Though some cities exercise subdivision authority over apartment complexes, Daphne chooses not to exercise this review authority. The only formal input received from Daphne as of the date of this staff report is that the City may consider bringing the question about emergency access on Papas Street to a City committee.
- This Final Site Plan approval, if granted, will be site plan specific, meaning any major changes to the approved site plan will require a new application and subsequent approval by the Planning Commission. Minor changes may be reviewed and approved by the Baldwin County Planning Director.

VI. RECOMMENDATIONS:

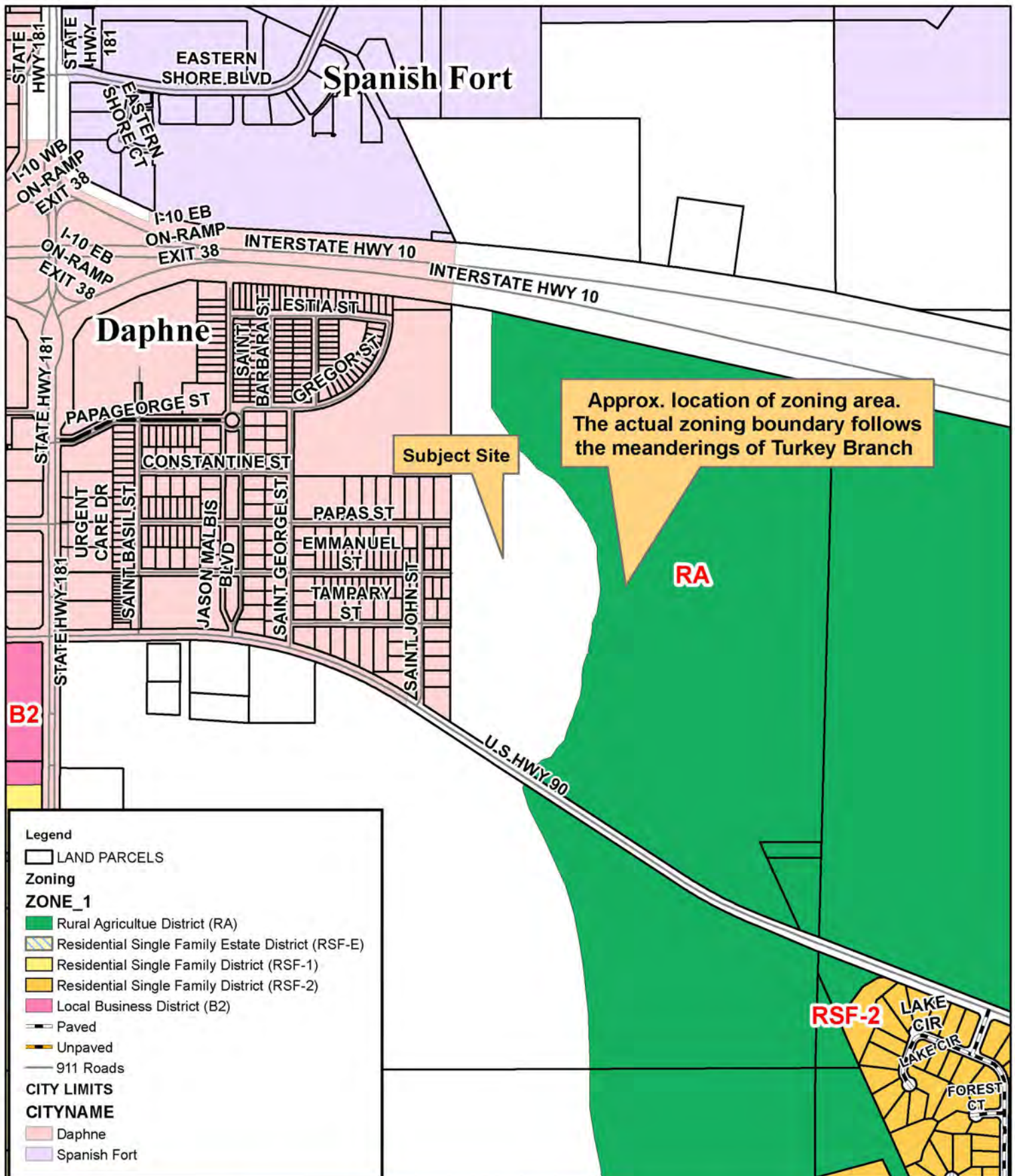
Staff recommends that the request for Final Site Plan approval for Case No. S-21066, Parkside at Eastern Shore be **APPROVED** subject to compliance with the Baldwin County Subdivision Regulations and with the following contingencies:

1. Contingent on adding the appropriate signature certificates listed in § 4.6.4 of the subdivision regulations to the Final Site Plan by 8:00AM CST on August 9, 2021;
2. Contingent on ALDOT's approval of the Development's proposed access on US 90;
3. Contingent on necessary approvals by the Spanish Fort Fire Marshall;
4. Contingent on the continued presence of a secondary emergency access to the Development;
5. Contingent on the continued maintenance of the proposed emergency-only access on Papa's St, in the manner shown on the site plan and application documents.

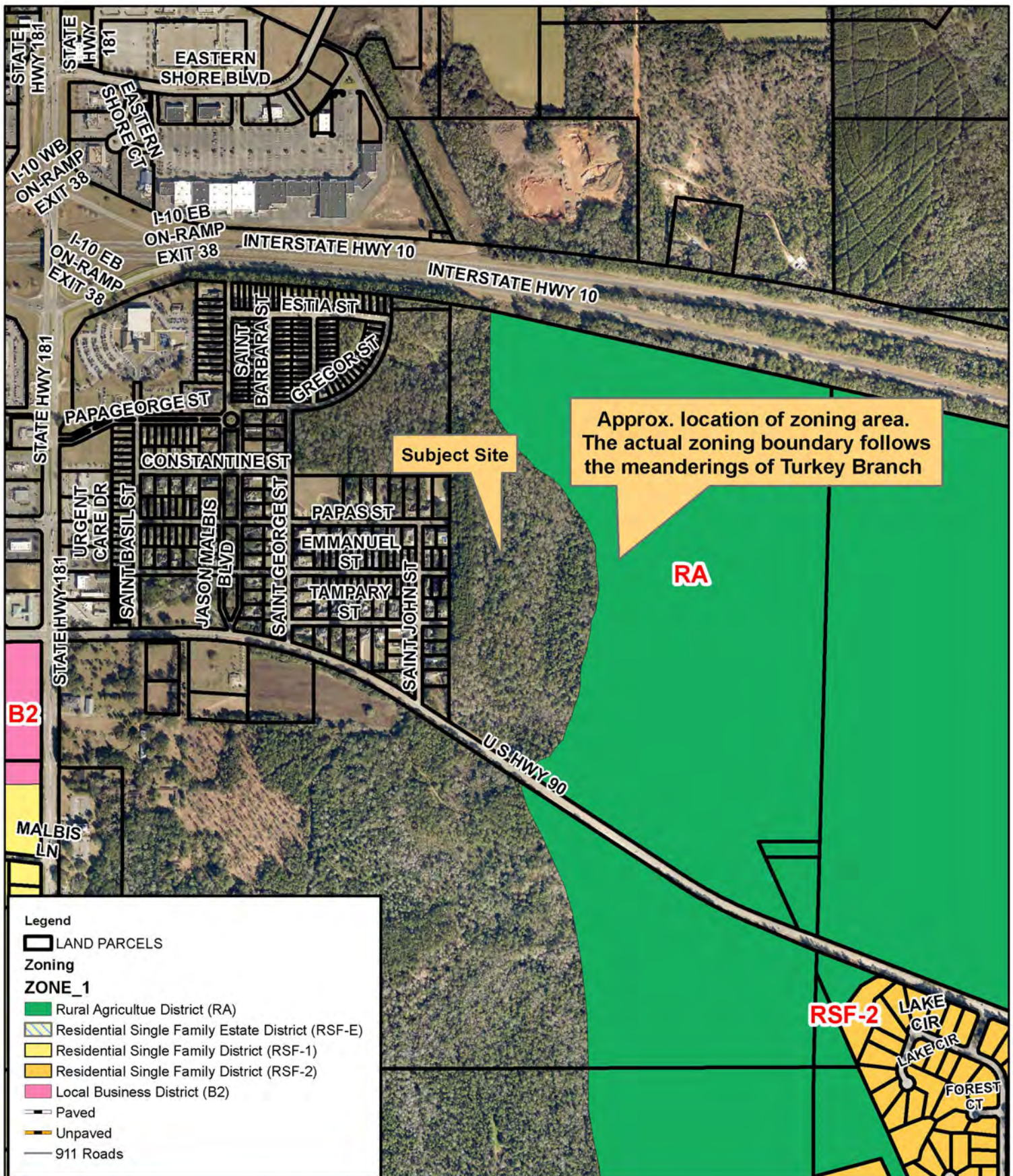
Contingency item number one above must be cured and reflected on a revised Final Site Plan submitted to Planning and Zoning staff by 8:00 AM CST on August 9, 2021. Further, this Final Site Plan approval will be **AUTOMATICALLY WITHDRAWN** if the proposed development fails to comply with any of the contingencies above at any time.



S-21066 Parkside At Eastern Shore Vicinity Map



S-21066 Parkside At Eastern Shore Zoning Map



S-21066 Parkside At Eastern Shore Site Map

D Hart

From: Planning
Sent: Friday, June 25, 2021 4:26 PM
To: D Hart
Subject: FW: Apartment complex Historic Malbis -Hwy 90

-----Original Message-----

From: susan embry <jaebird50@att.net>
Sent: Friday, June 25, 2021 1:31 PM
To: Planning <Planning@baldwincountyal.gov>
Subject: Apartment complex Historic Malbis -Hwy 90

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

Hello, I am resident of Historic Malbis, moving here a few years ago from Mobile. This area is our dream and retirement location. We were told at that time that it was "unlikely" that there could be a build in the wooded area next to our home because of the wetland situation. (Our home is the very last house on Emmanuel St and our deck overlooks the wooded tree line.)This is a little piece of heaven for us.

Well, things have changed. We, along with probably 12-15 Malbis residents who have their property line which backs up to the woods will now be staring at the apartment complex wall and/or parking lot. We will lose our privacy along with our home value. This complex is projected to be 48 feet high with security lighting and car lights shining through our windows along with excessive noises. Our little piece of heaven will be no longer.

The projected plan calls for this build to be 22 feet from our property line. I have attached a picture for you. We are more than happy to have you visit us.

Before approving this build, please put yourself in our shoes.

I along with all of our Malbis community appreciate you time and consideration concerning this matter.

Susan Embry
10483 Emmanuel Street
Daphne, Alabama 36526
251-421-5092

Sent from my iPad

D Hart

From: Planning
Sent: Friday, June 25, 2021 4:25 PM
To: D Hart
Subject: FW: Proposed Apartment Complex Historic Malbis Hwy 90
Attachments: image0.jpeg; ATT00001.txt

-----Original Message-----

From: susan embryo <jaebird50@att.net>
Sent: Friday, June 25, 2021 1:46 PM
To: Planning <Planning@baldwincountyal.gov>
Subject: Proposed Apartment Complex Historic Malbis Hwy 90

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

(Sorry.. I forgot to add the photo I spoke of in my last email - the yellow rope represents 22 feet from our property line



D Hart

From: Planning
Sent: Friday, June 25, 2021 4:25 PM
To: D Hart
Subject: FW: Request to Deny Application for Multi-Family units East of Historic Malbis Neighborhood

From: Lance <ldixonpe@gmail.com>
Sent: Friday, June 25, 2021 4:15 PM
To: Planning <Planning@baldwincountyal.gov>
Subject: Request to Deny Application for Multi-Family units East of Historic Malbis Neighborhood

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

Dear Sir or Madam - My name is Lance Dixon and I live in Historic Malbis Neighborhood at the Eastern tree line (on Papas Street) and I'm in a similar situation as Susan Embry (I believe she wrote to you earlier today). I echo her sentiments and I'd like to add some of my own perceptions, opinions, and concerns. The following is based on my initial review of the application documents.

Regarding Proposed Multi-Family complex East of Historic Malbis Neighborhood:

Reference Baldwin County Subdivision Regulations § 1.4 "... *In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare...*"

The planning commission is being asked to approve a large apartment complex or multi-family complex on a marginally-suited building site that is constrained by an existing residential neighborhood to the West and by a wetlands area to the East. There are two opposing considerations: 1) the profit motive of the out-of-town developers and 2) the safety and general welfare of the existing Baldwin County residents of Historic Malbis Neighborhood. The following points are my perception and opinions regarding the application for said apartments:

1. Connection to Papas Street – the Traffic study did not include consideration of the impact of side entrance/exit to Papas street. The plot plan shown in the traffic study only indicates a single exit/entry point at Hwy 90. Any connection to Historic Malbis Neighborhood streets will eventually lead to increased traffic flow through the neighborhood as apartment residents look for a quick route to 181 during higher traffic volume times on Hwy 90. This will cause increased risk to neighborhood residents – especially children and elderly people - of the Historic Malbis Neighborhood. The only sure way to ensure that such a connection doesn't become a heavily used entrance/exit is for it not to exist (**Safety** consideration).
2. Adjacent Property Owners not contacted – Lance and Mary Dixon are listed as adjacent property owners in an Excel file among the documents submitted to Baldwin County, but have not been contacted regarding this development. I assume that other adjacent property owners have not been contacted. If there is no requirement to contact adjacent property owners then why are our names compiled in a list?
3. Property Values – As a resident of Historic Malbis subdivision I am very concerned about the impact this apartment complex will have on property values in my neighborhood. Whereas homeowners have a vested interest in the community (skin in the game), apartment dwellers generally have no vested interest in the long term vitality and economic viability of the community (no skin in the game). (**General Welfare** consideration)

4. Environmental impact assessment – A determination of wetlands boundaries was documented, but there was no impact assessment. Building a large apartment complex, containing approximately 1000 residents conceivably, adjacent to a wetland will likely have a detrimental impact on said wetland. (**General Welfare** consideration)
5. Privacy and Enjoyment of my Property Negatively Impacted – Having a large apartment complex within tens-of-feet of my house and property line will greatly reduce my privacy and enjoyment of my residence. Currently I have a view of trees from my back and side yards and this was the primary reason I chose this house. If this apartment complex is approved my view and my personal enjoyment of my home will be negatively impacted. (**General Welfare** consideration)
6. Over-size of the Apartment Complex Relative to the Buildable area – The developer's aim is to maximize profit by shoe-horning as many apartments as possible onto the buildable area. The wetlands constricts the available land which leads to the apartment complex, at its current size, to be crowded up against the Historic Malbis neighborhood. (**General Welfare** consideration)
7. Public Sewer Capacity – Utilities are likely available at hwy 90, but is the sewage system adequate? (**Public Health** and **General Welfare**)
8. Additional Load on The School System – self explanatory.

In the end I suppose we should ask ourselves, as residents of Baldwin County, what are our goals for our county? What is our vision for Baldwin County? Baldwin County is generally regarded as a nice place to live. I hope our vision for Baldwin county is to make choices that favor quality of life over growth for the sake of growth.

Perhaps an appeal to politicians' self-interest is in order here: Apartment complexes change the demographic of an area. Homeowners tend to vote for a different set of values than do apartment dwellers. As we build more apartment complexes we will likely negatively impact home values. Therefore, over time, the demographic in the county and districts will shift due to there being more apartment dwellers and a resulting socioeconomic shift among single family home owners. This will be a slow trend at first, but may turn into an exponential shift in the demographic makeup of Baldwin County.

Thank you for your consideration. I ask that you deny the application to build multifamily dwellings East of Historic Malbis Neighborhood. There are no doubt other potential uses for that land that better align with the community's interest while still allowing for some profit for the developers – single family dwellings are selling like hotcakes, for example. Houses in our neighborhood sell in days. No doubt the developers could emulate our Historic Malbis neighborhood on the available buildable land to the East and make a reasonable profit.

Best Regards,

Lance Dixon, PE
423 580 2033
LdixonPE@Gmail.com

Lance Dixon, PE
423 580 2033
LdixonPE@Gmail.com

D Hart

From: Michele Jeffrey <msjeffrey0264@gmail.com>
Sent: Friday, June 25, 2021 7:21 AM
To: Planning
Subject: New Malbis apartments

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

We live in Bay Branch Estates just east of where the new apartment complex is proposed to go in. Summertime on highway 90 is congested nearly everyday already, and if I10 is backed up, 90 becomes worse. Adding several hundred more drivers to 90 will make the commute miserable. Not to mention the accidents that will occur with drivers turning east out of the complex. We've lived here for over 20 years and have seen much positive progress however i believe this proposal needs more work.
Thank you
Michele Jeffrey

Sent from my iPhone

D Hart

From: Pate, Brooks <Brooks.Pate@crescenttowing.com>
Sent: Friday, June 25, 2021 7:41 PM
To: Planning
Subject: Apartment complex/Historic Malbis

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

To whom it may concern,

Good evening. I am writing in concerns of the recent planning of a neighboring apartment complex adjacent to my neighborhood, Historic Malbis.

There are issues we as a neighborhood would like addressed.

Firstly, the secondary exit which would be at the rear of the complex that would enter our neighborhood on Papas St. This would bring unwanted/unnecessary traffic into the neighborhood and this street has a playground and t ball field with children playing.

Secondly our property values. How will this affect those? Some research shows that this will reduce values across the board. If we wanted to live close to an apartment complex we would have chosen a neighborhood that reflected that. We have been home owners in this neighborhood for over 8 years.

Thirdly, safety. We are a close knit neighborhood that are all well known with each other. My family, specifically, has a daughter with autism and the thought of higher traffic in our small slow paced neighborhood makes us fearful of who may be driving through as well as how many and how fast. Will the added volume of people in this complex increase crime in this neighborhood?

This apartment addition may be a great source of revenue for the county/city but we ask to take into consideration the families that this will impact and to look at all possibilities before making any final decisions. How would you feel if this were being proposed to the neighborhood you live in?

Thank you for taking the time to read.

Regards,
Brooks Pate

Sent from my iPhone

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D Hart

From: Jessica Lowe <jeslynnlowe@gmail.com>
Sent: Friday, June 25, 2021 8:59 PM
To: Planning
Subject: Regarding Apartments Hwy 90- Historic Malbis

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

To Whom It May Concern:

My Name is Jessica Lowe, and I am a resident of Historic Malbis. My husband and I along with our 2 pups live on the end of Emmanuel St. We were told when we purchased the house that the woodlands next to us were “unlikely” to be developed due to the slope and “wetlands”. Our yard overlooks the woods. This is where we had planned on enjoying our family time and having our pups enjoy the outdoors as well. We moved into this home in October of 2020. We previously lived on St. Simon St in Historic Malbis. As you can see, we LOVE our quiet little piece of Mayberry.

As you know in recent events, this little Mayberry is going to change. We, along with 12-15 Malbis residents who have their properties backing up to the woods will now be staring at 48’ tall apartments right outside our windows. We will lose our privacy along with our property value, (no one wants to buy a home next to an apartment complex).

These apartments being so close to the property lines are causing the following concerns:

Noise. In order to build based on their plans submitted to the county, we will lose the trees that would buffer some noise and visibility. Cars lights and 500+ residents so close will increase the noise that we have been blessed to avoid so far. This will change and our neighborhood will be overwhelmed.

Privacy. I will not be able to enjoy the privacy of my back yard even with my own fence as these 48’ tall apartments will have direct viewing access to my property. The residents of these apartments will be able to see into my yard, which gives me great anxiety.

Traffic. We as a community already deal with overflow traffic from HWY 90, as people cut through our neighborhood to avoid the Hwy90/ 181 intersection. Could you imagine 500+ additional residents coming through our neighborhood? The second exit (emergency exit that is proposed in the plans) could also be built on Hwy 90. The Vinings in Spanish Fort have 2 exits on the same road, why can’t this development?

Safety. We have a lot of younger residents in our neighborhood that enjoy bike riding with their friends and being outside. With the second exit that is proposed to cut through our neighborhood I (as well as several others) feel as though our children’s safety is at risk, due to potential speeding and unknown people in our subdivision.

Property Value. Our home values will without a doubt decline due to an apartment complex being built right next door. Would you want to buy a home next to a 288-unit complex? One with direct access to your neighborhood? I know I wouldn't.

Before approving this build, please take into consideration our concerns. I know that this build in some sort or fashion will eventually be built. Growth is rampant in our area. I just pray that we can come to some sort of plan that works for both parties. Whether it’s changing the setbacks and the exit, additional barriers, and/or something else that will help both parties be better neighbors to each other.

I appreciate you taking the time to listen to my concerns.

Jessica Lowe
10482 Emmanuel St.
Daphne, AL 36526
(251)978-1126
jeslynnlowe@gmail.com

D Hart

From: ALICE FERRILL <aferrillj@aol.com>
Sent: Saturday, June 26, 2021 8:56 AM
To: Planning
Subject: Apartment Complex on Hwy 90

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Planning Board,

I live in Bay Branch Estates and adding 400 more cars at the intersection of 90 and 181 is just poor planning. If there's a wreck on Interstate 10 we can't get out of our subdivision, because traffic will be backed up toward Loxley as far as you can see. Until you have plans for roadways that can handle this much traffic you are making us prisoners in our subdivision.

With people already blocking the intersection at 181 and 90 so you sit at stand still through several red lights just to turn left or go straight because cars are in the intersection. The county planning board needs to think about infrastructure before approving more housing in Baldwin county. If all apartments are full in all of Daphne, Spanish Fort, and Fairhope then and only then maybe do you need to think about adding more apartments on the Eastern Shores. But you need to be putting them in areas that are not as congested as 90 is. Loxley, Robertsedale, north on 31, north on 59. Apartments look good at first but they turn into low rent areas and crime follows, look at Mobile. Eastern Shores is not that kind of place, that's why I live here.

If you want to build a overpass at 181 and 90 and make it so you can turn left and go straight if you do not need the local things on that corner and make 90 at least a 4 lane maybe a 6 lane to be ready for all this traffic you want to add. It's just like 64 needs to be a 4 lane from Loxley to Daphne.. whispering Pines needs to be a 4 lane. 181 is going to need to be 6 lanes if you keep building houses. 98 needs to be a 6 lane highway. You are the planning board, try and plan for the future, not just today's traffic. That's why we have a mess at the tunnel on I-10, no planning for the future.

Thank you and I say NO to anymore apartments anyplace until you have roads to handle the tax payers traveling on them. People in apartments do not pay your salaries.

Alice Ferrill
11429 Braga Dr
Daphne, Al
251-654-5866.

From: Kathy McHugh <Skmchugh334@outlook.com>
Sent: Saturday, June 26, 2021 6:09 PM
To: Planning; ajones@daphneal.com; Matthew Brown
Cc: Joe Davis; councildistrict7@daphneal.com; jimmchugh262@gmail.com
Subject: Proposed Parkside at Eastern Shore Apartment Development - McHugh Concerns

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

Good Afternoon,

We are reaching out to both the County and City of Daphne regarding the proposed development, as it lies directly behind our home (parcel # 32-07-35-0-000-001.220) and we understand that it is subject to review by both jurisdictions. Specifically, while the site is outside of the City of Daphne corporate limits (and therefore in Baldwin County), it also appears to be subject to review by the City of Daphne as part of its Extraterritorial Jurisdiction (per [Daphne Zoning Map](#)). Further, we understand that the County will consider the final subdivision plat at its Planning Commission meeting on July 8, 2021, but are uncertain as to when (or if) the City will review the proposed development.

While we share our neighbors concerns over loss of the natural wooded habitat for the proposed 288-unit multifamily development, we are also concerned over increased noise, traffic, and other issues typically associated with high density developments such as this. Please note that our home is located in a R-2 district for the City of Daphne and the proposed development (more similar to a R-4 district if within the City) is located just east of our home within a larger parcel (400+ acres) that is largely zoned RA (Rural Agricultural) in the County which would not allow the proposed development. Due to current land use patterns, the proposed development is in **stark contrast to what is currently in place**. Further, as our home is closest to U.S. Highway 90 and the main entrance to the proposed development, we anticipate increased noise and traffic at even greater levels than what the remainder of Historic Malbis may encounter.

Noting the above, we would like to clarify how the inter-jurisdictional review will work and how this would impact the proposed development relative to density/number of units per acre. From review of the Baldwin County Subdivision Regulations ([Baldwin Co Subdivision Regs](#)), per section 5.17, it appears that density within an unzoned district is 12 units per acre (per the following):

§ 5.17 Special Requirements for Apartments / Condominiums / Townhomes

The following standards are applicable to apartments, condominiums and townhomes:

(a) Density/Units – Apartments, condominiums and townhomes located within zoned districts of the County shall meet the applicable density requirements of the Zoning Ordinance. Apartments, condominiums and townhomes located in unzoned districts shall meet the following requirements in regards to number of units:

1. The maximum number of units for apartments, condominiums and townhomes shall be twelve (12) units per acre in order to allow for adequate unit size, access, open space and parking.
2. The applicant shall provide proof that electricity, water, sewer and fire protection, if available, are provided, either with onsite facilities or from a public provider, and are sufficient for the proposed development.

Conversely, the City's requirements per Article VIII, Section 13-4 ([Daphne Code](#)) appears to limit the proposed development in its Extraterritorial Planning Jurisdiction to only 3.5 units per acre (per the following chart):

	Minimum Lot Area Square feet (sq. ft.)	Minimum Lot Width at Setback Line (ft.)	Maximum Lot Coverage Percent (%) ^a	Maximum Density (units/acre)
R-6(D), Duplex, R-7(A), R-7(M), R-7(T) respectively: Apartments, Mid-Rise Condominium, Townhouses	See Section 13-9 for Details			
B-1, B-2, B-3 Business Districts and Mixed Use Districts	N/A	N/A	N/A	N/A
B-1(a)	N/A	N/A	N/A	N/A
Extra-territorial Planning Jurisdiction	12,000 ^d	80	30	3.5

In light of this, please clarify which requirements takes precedence. If the City of Daphne, when and how will the City review this? If City requirements take precedence, please note that we oppose the drastic change in surrounding land use and the proposed unit count of 288 would be in excess of what is allowed (i.e., 3.5 units/acre x 42.59 acres = 149 units). Further, the height would need to be 35' (or less), as opposed to the proposed 48' 6" per the proposed development plans.

Lastly, depending on which requirements must be met, we would respectfully request denial of this development due to the negative impacts we anticipate to the value of our home and neighbor's properties; however, if this is not possible we would ask that certain measures and/or buffers be required to limit both noise and visual impacts from the proposed development. These include:

- Leaving existing large trees in place in the set back area and ensuring the safety of these trees (including roots) during construction.
- Decorative fence (aluminum preferred) to include fast growing bushes/trees all along the property line to create a vegetative hedge/buffer. Such would need to be maintained by the Owner.
- Conversely, a tall wooden fence (matching the one in place along Hwy 90 at Historic Malbis) would also be acceptable if plantings (on the Malbis side) are included and maintained by the Owner.
- As it appears that the dumpster and/or compactor for the proposed development is located directly behind our home, we would ask that this be fully enclosed within walls, and also be surrounded by plantings to camouflage this from our viewshed.

We look forward to hearing back from both Baldwin County and the City of Daphne to ensure that all cross jurisdictional requirements are being met with respect to this development. Thanks in advance.

James Joseph (Jim) & Sara Kathryn (Kathy) McHugh
29530 Saint John Street
Daphne, AL 36526

334-399-0289 – Kathy
434-989-7495 – Jim

D Hart

From: Angie Phillips <councildistrict7@daphneal.com>
Sent: Sunday, June 27, 2021 5:06 PM
To: Kathy McHugh
Cc: Planning; Adrienne Jones, AICP; Matthew Brown; Joe Davis; jimmchugh262@gmail.com; Robin LeJeune; Troy Strunk, PLA; Tommie Conaway; Steve Olen; Joel Coleman; Doug Goodlin; Ron Scott; Benjamin Hughes; dixie_dog@msn.com; Marybeth Bergin
Subject: Re: Proposed Parkside at Eastern Shore Apartment Development - McHugh Concerns

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Kathy,

It was good to speak with you today. Thank you again for sharing your research. As we discussed, I am including additional city and POA representatives in this response so they are aware of your concerns. I aim to have your questions answered at or before our POA meeting this Tuesday. In the meantime, please feel free to contact me if needed.

Sincerely,
Angie Phillips
251-232-0788

Sent from my iPhone



Angie Phillips
City Council District 7
councildistrict7@daphneal.com
City of Daphne, Alabama - "The Jubilee City"
Phone: 251-621-9000 Web: www.daphneal.com

On Jun 26, 2021, at 6:08 PM, Kathy McHugh <Skmcchugh334@outlook.com> wrote:

Good Afternoon,

We are reaching out to both the County and City of Daphne regarding the proposed development, as it lies directly behind our home (parcel # 32-07-35-0-000-001.220) and we understand that it is subject to review by both jurisdictions. Specifically, while the site is outside of the City of Daphne corporate limits (and therefore in Baldwin County), it also appears to be subject to review by the City of Daphne as part of its Extraterritorial Jurisdiction (per [Daphne Zoning Map](#)). Further, we understand that the County will consider the final subdivision plat at its Planning Commission meeting on July 8, 2021, but are uncertain as to when (or if) the City will review the proposed development.

While we share our neighbors concerns over loss of the natural wooded habitat for the proposed 288-unit multifamily development, we are also concerned over increased noise, traffic, and other issues typically associated with high density developments such as this. Please note that our home is located in a R-2 district for the City of Daphne and the proposed development (more similar to a

R-4 district if within the City) is located just east of our home within a larger parcel (400+ acres) that is largely zoned RA (Rural Agricultural) in the County which would not allow the proposed development. Due to current land use patterns, the proposed development is in **stark contrast to what is currently in place**. Further, as our home is closest to U.S. Highway 90 and the main entrance to the proposed development, we anticipate increased noise and traffic at even greater levels than what the remainder of Historic Malbis may encounter.

Noting the above, we would like to clarify how the inter-jurisdictional review will work and how this would impact the proposed development relative to density/number of units per acre. From review of the Baldwin County Subdivision Regulations ([Baldwin Co Subdivision Regs](#)), per section 5.17, it appears that density within an unzoned district is 12 units per acre (per the following):

<image001.png>

Conversely, the City's requirements per Article VIII, Section 13-4 ([Daphne Code](#)) appears to limit the proposed development in its Extraterritorial Planning Jurisdiction to only 3.5 units per acre (per the following chart):

<image002.png>

In light of this, please clarify which requirements takes precedence. If the City of Daphne, when and how will the City review this? If City requirements take precedence, please note that we oppose the drastic change in surrounding land use and the proposed unit count of 288 would be in excess of what is allowed (i.e., 3.5 units/acre x 42.59 acres = 149 units). Further, the height would need to be 35' (or less), as opposed to the proposed 48' 6" per the proposed development plans.

Lastly, depending on which requirements must be met, we would respectfully request denial of this development due to the negative impacts we anticipate to the value of our home and neighbor's properties; however, if this is not possible we would ask that certain measures and/or buffers be required to limit both noise and visual impacts from the proposed development. These include:

- Leaving existing large trees in place in the set back area and ensuring the safety of these trees (including roots) during construction.
- Decorative fence (aluminum preferred) to include fast growing bushes/trees all along the property line to create a vegetative hedge/buffer. Such would need to be maintained by the Owner.
- Conversely, a tall wooden fence (matching the one in place along Hwy 90 at Historic Malbis) would also be acceptable if plantings (on the Malbis side) are included and maintained by the Owner.
- As it appears that the dumpster and/or compactor for the proposed development is located directly behind our home, we would ask that this be fully enclosed within walls, and also be surrounded by plantings to camouflage this from our viewshed.

We look forward to hearing back from both Baldwin County and the City of Daphne to ensure that all cross jurisdictional requirements are being met with respect to this development. Thanks in advance.

James Joseph (Jim) & Sara Kathryn (Kathy) McHugh
29530 Saint John Street
Daphne, AL 36526

334-399-0289 – Kathy

434-989-7495 - Jim

D Hart

From: Suzanne Dent <917suzanne@gmail.com>
Sent: Monday, June 28, 2021 9:50 AM
To: Planning
Subject: Historic Malbis concern

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On the subject of the proposed apartment complex to be built east of Historic Malbis, why can't the emergency exit be on the eastern side of the complex rather than on the western side leading through our quiet neighborhood? I live on Saint Basil and we already get more traffic than we should from City Hope church. Papas street ends at Saint Basil and if access is not securely gated, it would become a cut through for drivers wanting "quicker" access to Highway 181 and I10. Streets in our neighborhood are narrow and definitely not designed for more than residential traffic.

Thank you,
Suzanne Williams

Sent from my iPad

From: Morgan, Anthony <anthony.morgan@evonik.com>
Sent: Monday, June 28, 2021 5:05 PM
To: Planning
Cc: khubacker@hargrove-epc.com
Subject: Reply from Todays Meeting: Concerns for Proposed Easlan-Malbis Apartment Complex

Sensitivity: Confidential

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Good Afternoon,

I would like to file my concerns around the proposal to build an apartment complex on Hwy 90 near Hwy 181 by the Historic Malbis subdivision.

I would like to submit the following 3 points.

- 1) The Traffic Impact Analysis for the Easlan-Malbis, I believe, is inaccurate based on the sampling data used to generate the report. The statistics and calculations may be correct but the statistical relevant data used to generate this report is flawed and as result will produced a skewed report which could result in adverse traffic issues at the intersection of Hwy 90 and Hwy 181.
 - a. The sampling data used in the report was generated from traffic as reported in February 2021.
 - b. On April 3, 2020 Governor of Alabama Kay Ivey issued a 'Stay at Home' order in response the Covid-19 pandemic that hit our nation. The 'Stay at Home' order stayed in effect until May 31, 2021 at which time people were allowed to travel at their discretion. During the time from 4/3/20 - 5/31/21 there was a significant reduction in the amount of travel on Hwy 90 and Hwy 181 while citizens were staying home dealing with Covid-19. This unusual event would have significantly affected the traffic patterns at the intersection in February 2021 that was the focus of this survey. In the past month it is very obvious the increase in normal traffic.
 - c. This traffic analysis does not take into effect the many and major issues that our county is experiencing with delays on I-10 and the Bay Way. We have a regular flow of highway traffic diverting thru our roads and this intersection (Hwy 90 & Hwy 181) regularly to avoid stalls and wrecks on the I-10 highway.
 - d. In my opinion I believe the sampling data from February to generate this report is inaccurate and does not reflect the current traffic patterns.
 - e. In a meeting with the City of Daphne last week, they indicated that they had spoken to ALDOT about the apartment proposal and that the reply from ALDOT was they had no knowledge of the proposed apartment complex in question. I question whether ALDOT has reviewed or approved this proposal and traffic analysis.
 - f. I believe that ALDOT should be involved and that a more thorough current evaluation be performed before approving this request.
- 2) On the plans - all references to the City of Daphne Fire Department are not correct, as Daphne does/will not provide fire service to this complex according to city officials that we spoke. The fire responding department will be Spanish Fort and all documentation will need to be corrected. The apartment complex/County will have to negotiate a contract with Spanish Fort for these services and I have not seen any such documents. This will be similar to the services contract made to support the Bay Branch Estates on Hwy 90 where Spanish Fort Fire responds.
- 3) Has there been an Endangered Species Impact Survey performed on the properties in question? According to the ESA of 1973 any construction effort where federal monies are to be used, grants/loans/subsidies, a complete impact survey is required to be performed and submitted. It is common knowledge that Gopher Tortoise lives in our region and may be found in wetland areas similar to wet lands is found on this property in question.

Thank You for you time to provide information today.

Mit freundlichen Grüßen und bleib gesund

Best Regards and Stay Healthy

Tony Morgan

Team Manager Digital Labs Americas | IT



discoverIT

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From: Daniel Ruth <ruthdp74@gmail.com>
Sent: Tuesday, June 29, 2021 11:54 PM
To: Planning
Subject: Propose apartment complex

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The infrastructure alone would make this a bad decision. Highway 90 is not capable of handling the increase of vehicles. Unless the plan is to widen highway 90 to 4 lanes (doubtful), there will be daily logjams to include the already backed up traffic at the triangle over I-10.

I am against this planned proposal.

Daniel Ruth

Bay Branch resident.

From: Margaret Pearce <retpearce@gmail.com>
Sent: Tuesday, June 29, 2021 8:01 PM
To: Planning
Subject: Historic Malbis neighborhood

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Hello,

I am a homeowner and have just learned of the apartment complex to be built east of us. I believe the traffic study should be done by an impartial party, not the developer. I think traffic is not as it's pre-covid state, and an adjustment be made to account for such. The developer should create an alternate emergency exit using their property, not exiting through our neighborhood. The property between the new development should be in excess of 50 feet. We understand there are errors in the zone/tax maps and want the legal verifications to be made. Trash location should be east of the new complex, not up to our property line. With consideration to the low lying land, the three stories should not impose on our two story homes. A solid fence boundary is appropriate. Please voice and consider our requests.

Margaret Pearce
29678 Jason Malbis Blvd, Daphne, AL 36526