

STATE OF ALABAMA)

COUNTY OF BALDWIN)

**RESOLUTION #2022-016
OF THE
BALDWIN COUNTY COMMISSION**

**WHICH ESTABLISHES THE LAND DISTURBANCE ORDINANCE FOR
FLOOD PRONE AREAS OR TERRITORIES WITH PROBABLE EXPOSURE TO
FLOODING IN UNINCORPORATED BALDWIN COUNTY, ALABAMA.**

WHEREAS, the Legislature of the State of Alabama has in Section 11-19-1 et seq. authorized County Commissions to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the County Commission, of Baldwin County, Alabama, does ordain as follows:

WHEREAS, it is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize public and private losses on land with probable exposure to flooding, pursuant to Alabama Code 11-19-4, by land use provisions designed to:

- (1) control filling, grading, dredging and similar land disturbance activities which may increase flood damage or erosion.
- (2) prevent or regulate the construction of flood barriers which will unnaturally divert flood waters, or which may increase flood hazards to other lands; and
- (3) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters

WHEREAS the Baldwin County Commission held a public hearing at its November 16, 2021, regular meeting with the required public notice of said public hearing given in a newspaper of general circulation, a copy of said public notice attached as **Exhibit "A"** hereto; now therefore

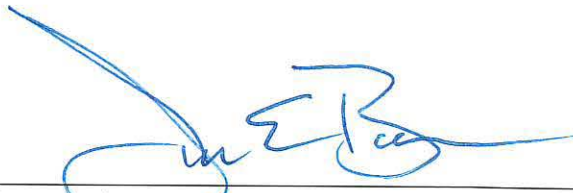
BE IT RESOLVED BY THE BALDWIN COUNTY COMMISSION, IN REGULAR SESSION ASSEMBLED, in order to provide for the public health, safety and general welfare, and consistent with section 11-19-4 of the Code of Alabama, we hereby establish the Land Disturbance Ordinance for Flood Prone Areas or Territories With Probable Exposure to Flooding in Unincorporated Baldwin County, Alabama, which is hereby established to read in its entirety as set forth in **Exhibit "B"** attached hereto.

FURTHER BE IT RESOLVED, that said Land Disturbance Ordinance for Flood Prone Areas or Territories with Probable Exposure to Flooding in Unincorporated Baldwin County, Alabama, shall become effective on December 1, 2021.

FURTHER BE IT RESOLVED that the Chairman of the Baldwin County Commission is hereby authorized to certify, on behalf of the Baldwin County Commission, to the Judge of Probate of Baldwin County, Alabama, said Land Disturbance Ordinance for Flood Prone Areas or Territories with Probable Exposure to Flooding in Unincorporated Baldwin County, Alabama.

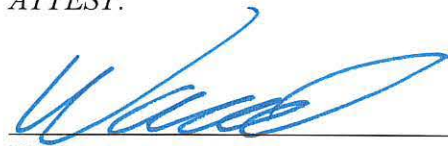
DONE, under the Seal of Baldwin County, Alabama, as affixed on this the 16th day of November, 2021.





Commissioner James E. Ball, Chairman
Baldwin County Commission

ATTEST:



Wayne Dyess, County Administrator

Planning and Zoning
Department

Memo

To: Anu Gary

From: DJ Hart

Date: 11/4//2021

Re: Land Disturbance Ordinance

Proof of Advertisement for the Baldwin County Planning and Zoning Commission Public Hearing on 10/7/2021.

Anu:

Attached is the original Proof of Publication for the Baldwin County Planning and Zoning Commission public hearing for the Land Disturbance Ordinance.

The Planning and Zoning Commission meeting was held **Thursday October 7, 2021**.

The County Commission public hearing is scheduled for **Tuesday November 16, 2021**.

Please let me know if you have any questions.

Thank You,

DJ Hart

GULF COAST MEDIA

A DIVISION OF OPC NEWS, LLC
PO BOX 1677 • SUMTER, SC 29150

PROOF OF PUBLICATION STATE OF ALABAMA • BALDWIN COUNTY

Before me, the undersigned authority in and for said County, in said State, personally appeared April M. Perry who, by me duly sworn, deposes and says that: she is the Legal Representative of the following newspaper listed below, a newspaper of GENERAL CIRCULATION, PUBLISHED and PRINTED in Baldwin County, Alabama, and that there was published in The Courier, The Islander, The Onlooker, & or The Baldwin Times in the issue/s of:

09/22/2021

a legal notice, a copy of which is hereto attached. The sum charged by the Newspaper for said publication does not exceed the lowest classified rate paid by commercial customers for an advertisement of similar size and frequency in the same newspaper(s) in which the public notice appeared.

There are no agreements between the Newspaper and the officer or attorney charged with the duty of placing the attached legal advertising notices whereby any advantage, gain or profit accrued to said officer or attorney.

X April M. Perry
April M. Perry, Legal Ad Representative

X Amber Kimbler
Amber Kimbler, Notary Public
Baldwin County, Alabama
My commission expires April 10, 2022



AMBER KIMBLER
My Commission Expires
April 10, 2022

Sworn and subscribed to on 09/22/2021.

BC PLANNING & ZONING- LEGAL

Acct#: 983695

Ad#: 329067

Land Distrubance Ord.

Amount of Ad: \$123.80

Legal File# Land Distrubanc

FOLEY 251.943.2151
The Courier – The Islander
The Onlooker
The Baldwin Times

LEGAL REP -
251-345-6805

BALDWIN COUNTY
PLANNING & ZONING
COMMISSION
BALDWIN COUNTY
PLANNING & ZONING
DEPARTMENT

Mailing Address
P.O. Box 220
Silverhill, AL 36576
Phone: (251) 580-1655
Fax: (251) 580-1656

Foley Office
201 East Section Avenue
Foley, AL 36535
Phone: (251) 972-8523
Fax: (251) 972-8520

Proposed Land Disturbance
Ordinance for Flood Prone
Areas or Territories with
Probable Exposure to
Flooding in Unincorporated
Baldwin County

Notice is hereby given that the Baldwin County Planning & Zoning Commission will conduct a public hearing concerning Proposed Land Disturbance Ordinance for Flood Prone Areas or Territories with Probable Exposure to Flooding in Unincorporated Baldwin County.

The public hearing will be conducted during the next regular meeting of the Baldwin County Planning & Zoning Commission, which is scheduled for Thursday October 7, 2021, beginning at 4:00 p.m. at the Baldwin County Central Annex, 22251 Palmer St. in Robertsdale, AL.

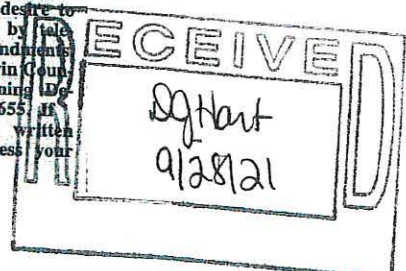
The said amendment will be considered by the Baldwin County Planning & Zoning Commission pursuant to Alabama Code 45-2-261. The amendment materials are available for public review at the office of the Baldwin County Planning &

Zoning Department, 22070 Hwy 59 in Robertsdale, AL, or at the Foley Satellite Courthouse, 201 East Section Avenue in Foley, Alabama during normal business hours. If you desire to speak with someone by telephone about these amendments, please contact the Baldwin County Planning and Zoning Department at (251)580-1655. If you desire to submit written comments, please address your correspondence to:

Baldwin County Planning
& Zoning Department
22251 Palmer Street
Robertsdale, AL 36567

You may email your comments to Planning & Zoning Department: Planning@baldwincountyal.gov. If you desire to address the Planning Commission in person about this application, please attend the public hearing at the time and location listed above.

Public participation is solicited without regard to race, color, national origin, sex, age, religion, disability. Persons who require special accommodations under the Americans with Disabilities Act or those requiring language translation services should contact the Baldwin County Planning & Zoning Department at 251-580-1655. September 22, 2021



**LAND DISTURBANCE ORDINANCE FOR FLOOD
PRONE AREAS OR TERRITORIES WITH PROBABLE
EXPOSURE TO FLOODING IN UNINCORPORATED
BALDWIN COUNTY, ALABAMA**

BALDWIN COUNTY COMMISSION

Hon. James E. Ball, District 1
Hon. Joe Davis, III, District 2
Hon. Billie Jo Underwood, District 3
Hon. Charles F. Gruber, District 4

DRAFT

Article I **Statutory Authorization**

The Legislature of the State of Alabama has in Section 11-19-1 et seq. authorized County Commissions to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the County Commission, of Baldwin County, Alabama, does ordain as follows:

Article II **Purpose**

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses on land with probable exposure to flooding, pursuant to Alabama Code 11-19-4, by land use provisions designed to:

- (1) control filling, grading, dredging and similar land disturbance activities which may increase flood damage or erosion;
- (2) prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands; and
- (3) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters

Article III **Definitions**

Unless otherwise defined below, Article 22 (Definitions) of the Baldwin County Zoning Ordinance shall apply to this ordinance.

Flood or Flooding. The general and temporary condition of partial or complete inundation of normally dry land areas:

From the overflow of streams, rivers, and other inland waters, or

From tidal surges, abnormally high tidal waters, tidal waves, or rising coastal waters resulting from tsunamis, hurricanes, or other severe storms.

Flood Prone Area. Any area with a frequency of inundation of once in 100 years as defined by qualified hydrologists or engineers using methods that are generally accepted by persons engaged in the field of hydrology and engineering.

Land-Use and Control Measures. Zoning ordinances, subdivision regulations, building codes, health regulations, and other applications and extensions of the normal police power to provide safe standards of occupancy for prudent use of flood-prone areas.

Territory with Probable Exposure to Flooding. Land within any of the following mapped regions:

1. Areas of Special Flood Hazard identified by the most current published maps of the Federal Emergency Management Agency or
2. The Baldwin County Hydric Potential Map

Article IV **Erosion Control and Land Disturbance Permit**

Section 13.12 of the Baldwin County Zoning Ordinance, as amended from time to time, is hereby incorporated by reference for all land disturbance activity on land in a territory with probable exposure to flooding.

Article V **Variances**

Section 18.6 of the Baldwin County Zoning Ordinance, as amended from time to time, is hereby incorporated by reference to accommodate requests for variances from the requirements of Article IV above, except that the Variance requests will be heard by the Baldwin County Flood Damage Prevention Ordinance Board of Adjustments appointed by the Baldwin County Commission pursuant to Title 11, Chapter 19 of the Code of Alabama, 1975.

Article VI **Other Provisions**

All other provisions of the Baldwin County Zoning Ordinance, as amended from time to time, are hereby incorporated to the extent necessary to carry out the provisions of Articles IV and V above.