

STATE OF ALABAMA

COUNTY OF BALDWIN

RESOLUTION # 2019-008

DETERMINATION OF THE BALDWIN COUNTY COMMISSION, REGARDING **Case No. TA-18001, concerning a text amendment to Article 2, of the *Baldwin County Zoning Ordinance, Local Provisions for Planning District 24 (Section 2.3.24.3)***, SUCH DETERMINATION AS AUTHORIZED PURSUANT TO SECTION 45-2-261 THROUGH SECTION 45-2-261.18, CODE OF ALABAMA (1975).

**WHEREAS**, the need has arisen to amend the Local Provisions for Planning District 24, pertaining to the allowance of food trucks at Ono Island community support facilities, as found in Article 2 of the *Baldwin County Zoning Ordinance*, (Section 2.3.24.3); and,

**WHEREAS**, regulatory language which would amend Article 2 in the *Baldwin County Zoning Ordinance* (Section 2.3.24.3), has been prepared; and,

**WHEREAS**, the Baldwin County Planning and Zoning Commission held a public hearing on September 6, 2018, and voted to recommend approval of the amendment; and,

**WHEREAS**, the Baldwin County Commission held a public hearing on October 16, 2018; and,

**WHEREAS**, the requirements of Section 45-2-261 through Section 45-2-261.18, Code of Alabama (1975), regarding procedures to amend the Zoning Ordinance have been met; now therefore

**BE IT RESOLVED, BY THE BALDWIN COUNTY COMMISSION, IN REGULAR SESSION ASSEMBLED**, that the text amendment to Article 2 of the *Baldwin County Zoning Ordinance, Local Provisions for Planning District 24 (Section 2.3.24.3)*, as found in Attachment "A", is hereby **APPROVED**.

DONE, Under the Seal of the County Commission of Baldwin County, Alabama, on this the **16th** day of **October 16**.

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Frank Burt, Jr., Chairman

ATTEST:

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Ronald Cink, County Administrator/Budget Director

## **Attachment “A”**

### **2.3.24 *Planning District 24.***

#### **2.3.24.1 Effective Date**

On May 12, 1992, a majority of qualified electors in Planning District 24 voted to institute County Zoning. On April 7, 1993, the County Commission adopted the Planning District 24 Zoning Map and Ordinances.

#### **2.3.24.2 District Boundaries**

A legal description of the boundaries for Planning District 24 may be found under Appendix A.

#### **2.3.24.3 Local Provisions for Planning District 24**

- (a) All utilities shall be placed underground.
- (b) Roof mounted satellite receiving dishes are not permitted, except roof mounted satellite receiving dishes not exceeding 24 inches in diameter are permitted below the ridge of the roof.
- (c) Ono Harbour multi-slip piers
  - 1. The four multi-slip piers, with each berth assigned to specific lots as though a single family pier, are unique to Ono Harbour and are authorized as a special provision in Planning District 24.
  - 2. In the event that the multi-slip piers may be damaged or destroyed to an extent of more than fifty percent (50%) of the fair market value of the piers immediately prior to damage or destruction, repair and rebuilding or the multi-slip piers to the configuration and number of slips existing at the time of damage or destruction shall be permitted as a matter of right, irrespective of the provisions contained within Article 20, Nonconformities, and subject to the approval and issuance of all required permits.
  - 3. Boat lifts shall be permitted for each slip, subject to the approval and issuance of all required permits.

In the event additional lots are platted in Ono Harbour, additional slips may be added to the existing multi-slip piers, subject to Conditional Use approval of the Baldwin County Planning Commission.

(d) Ono Island community support facilities

1. Community support facilities are essential and unique to Ono Island and are authorized as a special provision in Planning District 24. The community support facilities in question are listed as follows:
  - A. Ono Fire Station
  - B. Ono Island POA Office Building
  - C. Ono Island twin-ramp boat launching facility
  - D. Ono Island maintenance equipment storage facility
  - E. Ono Island Community Center
  - F. Ono Island Recreation Center
  - G. Ono Island tennis courts, play center and associated facilities
  - H. Ono Island, ONOMAR bulkheaded multi-slip mooring canal
2. In the event that the above listed community support facilities may be damaged or destroyed to an extent of more than fifty percent (50 %) of the fair market value of the facilities immediately prior to damage or destruction, repair and rebuilding of the community support facilities to the conditions existing at the time of damage or destruction shall be permitted as a matter of right, irrespective of the provisions contained within Article 20, Nonconformities, and subject to the approval and issuance of all required permits.
3. There shall be no commercial activities conducted within the Ono Island community support facilities.
4. In the event that it should become necessary to enlarge or expand the existing Ono Island community support facilities, such expansion may be permitted, subject to Conditional Use approval of the Baldwin County Planning Commission.
5. New community support facilities for Ono Island may be allowed under the OR, Outdoor Recreation District, zoning designation, subject to the Conditional Use approval of the Baldwin County Planning Commission.
6. Food trucks which are a part of and incidental to community and social events held at Ono Island community support facilities are permitted. As used herein, the term "food truck" shall refer to a vehicle which is used to vend food and beverage products. The following standards shall apply:
  - A. Food trucks shall be located on the grounds of the community support facility hosting the community or social event.
  - B. Food trucks are permitted on each property a maximum of no more than two (2) days per calendar week.
  - C. No more than three (3) food trucks shall operate on any property at any one (1) time.

- D. Food trucks shall be allowed to operate after 7:00 am and no later than 9:00 pm.
  - E. No signage shall be allowed other than signs permanently attached to the food truck and one (1) portable menu sign to be located on the ground at the customer waiting area.
  - F. The food truck operator shall provide a waste receptacle for public use. The area shall be kept neat and orderly at all times and garbage or trash shall be removed daily.
  - G. Additional food trucks, extended frequency and extended hours of operation may be allowed upon the recommendations of the Ono Island Property Owner's Association (POA) and subject to the Special Exception approval of the Board of Adjustment for County Commission District 4.
- (e) Accessory dwellings are permitted by right in residential districts in Planning District 24 provided they are contained entirely within the structure of a single family dwelling and provided they do not exceed sixty percent (60%) of the size, in square feet, of the principal residence.
- (f) There shall be no limit on the number of habitable stories for a single family dwelling in the RSF-2, Single Family district provided that maximum building height shall not exceed forty (40) feet and the ridge of the roof shall not exceed forty-five (45) feet measured from the proposed finished grade.
- (g) A water storage tank/tower may be allowed as a conditional use under the OR, Outdoor Recreation zoning designation, subject to the approval of the Baldwin County Planning and Zoning Commission.