

STATE OF ALABAMA

COUNTY OF BALDWIN

RESOLUTION # 2020-001

DETERMINATION OF THE BALDWIN COUNTY COMMISSION, REGARDING **Case No. TA-19001, Amendments to Article 2 of the *Baldwin County Zoning Ordinance, Local Provisions for Planning District 25 (Section 2.3.25.3)***, 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 certain provisions of Article 2 of the *Baldwin County Zoning Ordinance, Local Provisions for Planning District 25*, as these provisions pertain to the removal of HDR, High Density Residential District, establishment of a two (2) habitable story height limit for single family and two family dwellings, establishment of dune walkover requirements and standards, and establishment of Planning and Zoning considerations for Coastal High Hazzard Areas and Flood Hazzard Areas (Section 2.3.25.3); and,

WHEREAS, regulatory language which would amend Article 2, Section 2.3.25.3, in the *Baldwin County Zoning Ordinance*, has been prepared; and,

WHEREAS, the Baldwin County Planning and Zoning Commission held a public hearing on September 5, 2019, and voted to recommend approval of the amendment; and,

WHEREAS, the Baldwin County Commission held a public hearing on October 15, 2019; 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 amendments to Article 2, Section 2.3.25.3, of the *Baldwin County Zoning Ordinance*, as found in Attachment "A" and Attachment "B", are hereby **APPROVED**.

DONE, Under the Seal of the County Commission of Baldwin County, Alabama, on this the **15th** day of **October 2019**.

Charles F. Gruber, Chairman

ATTEST:

Wayne A. Dyess, County Administrator

Attachment “A”

2.3.25 *Planning District 25. (DRAFT)*

2.3.25.1 Effective Date

On June 19, 1992, a majority of qualified electors in Planning District 25 voted to institute County Zoning. On November 16, 1993, the County Commission adopted the Planning District 25 Zoning Map and Ordinances.

2.3.25.2 District Boundaries

A legal description of the boundaries for Planning District 25 may be found under Appendix A.

2.3.25.3 Local Provisions for Planning District 25

- (a) Multiple family buildings in the “RMF-6, Multiple Family” district may be erected to a maximum height of seven (7) habitable stories. The required side yards shall be increased by 4-feet for each additional story over two (2) habitable stories. The maximum impervious surface ratio shall not exceed .50.
- (b) No PRD development is allowed to exceed maximum height requirements by more than 10-feet or 1 story.
- (c) Off-street Parking.

As a supplement to Section 15.2, Parking Schedule, the following off-street parking requirements shall be applicable to single family dwellings and two-family dwellings:

- 1. Up to Four (4) Bedrooms: Two (2) spaces per dwelling unit.
- 2. Up to Six (6) Bedrooms: Three (3) spaces per dwelling unit.
- 3. Seven (7) Bedrooms and more: Four (4) spaces per dwelling unit, plus one (1) additional space per dwelling unit for every bedroom over eight (8).

(d) HDR, High Density Residential District, shall not be available in Planning District 25.

(e) The maximum height of single family and two family structures shall be limited to two (2) habitable stories.

(f) Dune Walkovers.

1. As used in this section, the following definition shall apply:

Dune walkover. A raised walkway constructed for the purpose of protecting the beach and dune system between mean high tide and the construction control (CCL) line from damage that may result from anticipated pedestrian traffic to the beach, and which is no more than six (6) feet in width for multiple family/commercial/public structures, no more than four (4) feet in width for single family/two family structures, constructed without roof or walls, elevated at least one (1) foot above the dune, and extends seaward of the seaward vegetation line.

2. Land Use Certificate.

A. A land use certificate which meets the requirements of Section 18.2, as well as the standards found herein, shall be submitted to and approved by the Zoning Administrator, or his/her designee, prior to the issuance of a building permit.

B. A recent survey showing the location, size and alignment of all proposed structures and the ADEM CCL and property lines shall be submitted along with the required land use certificate application. Said survey shall be prepared and stamped by a Professional Land Surveyor registered in the State of Alabama.

3. A dune walkover shall be constructed to the following standards:

A. There shall be no more than one (1) dune walkover per parcel.

B. Dune walkovers shall begin at the existing ground level elevation of the principal landward structure.

C. The maximum width of the dune walkover structure shall be no more than four (4) feet for single family/two family structures and no more than six (6) feet for multiple family/commercial/public structures. Maximum widths shall be applicable to all sections of the dune walkover structure, including but not limited to steps, ramps, landings and decks.

D. The minimum elevation from the bottom of floor joists of the dune walkover shall be no less than one (1) foot and no more than three (3) feet above the maximum elevation of the dune system being traversed.

- E. No vertical or horizontal structures shall be allowed above thirty-eight (38) inches from the walking surface, i.e., roofs, walls, pergolas, etc.
 - F. Handrails, if any, shall be no higher than thirty-six (36) to thirty-eight (38) inches above the walking service for Single and Two Family Dwellings.
 - G. The dune walkover shall terminate ten (10) feet seaward of the vegetative line of the dune.
 - H. The location and length of the dune walkover is to be coordinated through and approved by the delegated authority of the Alabama Department of Environmental Management (ADEM) and the U.S. Fish and Wildlife Service.
 - I. No lighting shall be utilized on a dune walkover.
 - J. No dune walkover construction shall occur during the sea turtle nesting season from May 1 through November 1.
- (g) Planning and Zoning Considerations in the Coastal High Hazard Area and Flood Hazard Areas in Planning District 25 (Fort Morgan).

1. Purpose:

- A. Fort Morgan contains areas of significant natural beauty, history and unique wildlife. With such assets comes unique vulnerabilities. These vulnerabilities include, but are not limited to, tropical storm damage, flooding, wetland habitat, protected or endangered species, Native American archeological sites and National Historic Landmarks. Further, Act 2015-411, which amends Act 91-719, requires "In performing its functions related to planning and zoning, the Baldwin County Planning and Zoning Commission and the Baldwin County Commission shall specifically consider the historical nature of existing development within the Fort Morgan District, the historical and environmental character of the district, and the unique needs of the district related to hurricane safety and infrastructure for potential evacuation."
- B. The most imminent threat is to property and lives subject to tropical storm events. The Coastal High Hazard Area (CHHA) is an area particularly vulnerable to the effects of damage from tropical storm events. The CHHA contains the most vulnerable areas of Fort Morgan and thus protection and oversight is needed and justified to protect future populations and property.

2. Objectives of these considerations in the Coastal High Hazard Area (CHHA) and Flood Hazard Area (FHA) are to:
 - A. Limit the amount of infrastructure, both private and public in the Coastal High Hazard Area (CHHA)
 - B. Limit the magnitude of public loss and mitigation of private loss and investment
 - C. Increase the degree of protection to private property and lives of residents and visitors in storm events
 - D. Reduce the risk and exposure of lives and property during storm events
3. Coastal High Hazard Area Defined:

The Coastal High Hazard Area (CHHA) of Baldwin County is: “the area below the elevation of the Category 1 Storm Surge Line as established by a Sea, Lake, and Overland Surges from Hurricane (SLOSH) computerized storm surge model.” Baldwin County will use the CHHA Map, provided by National Oceanic and Atmospheric Administration (NOAA), as the delineation of the CHHA and will use the most current SLOSH model to maintain the map. Additionally, in the interest of public safety regarding ingress and egress from and through said hazard areas, any “enclaves” which are not located in either the flood zone or Category 1 storm surge areas, but are surrounded by such hazard areas, will be considered as part of the Coastal Hazard Area. The CHHA Map is attached herein as attachment “A”. Because the boundaries of the CHHA are subject to change, site design and building typology in the CHHA will be based on the CHHA line in effect at the time of development. In addition to the CHHA, areas subject to this consideration also are V-Zones¹ and Coastal Barrier Resources System² (CBRS) areas as indicated on the FEMA Flood Maps.

¹ According to FEMA and the National Flood Insurance Program, any building located in an A or V zone is considered to be in a Special Flood Hazard Area, and is lower than the Base Flood Elevation. V zones are the most hazardous of the Special Flood Hazard Areas. V zones generally include the first row of beachfront properties. The hazards in these areas are increased because of wave velocity - hence the V designation. Flood insurance is mandatory in V zone areas.

² The Coastal Barrier Resources Act (CBRA) of 1982 established the John H. Chafee Coastal Barrier Resources System (CBRS), a defined set of coastal barrier units located along the Atlantic, Gulf of Mexico, Great Lakes, Puerto Rico, and U.S. Virgin Island coasts. These areas are delineated on a set of maps that are enacted into law by Congress and maintained by the Department of the Interior through the U.S. Fish and Wildlife Service (Service). Most new Federal expenditures and financial assistance are prohibited within the CBRS. The prohibition that is most significant to homeowners and insurance agents is the denial of Federal flood insurance through the National Flood Insurance Program (NFIP) for new or substantially improved structures within the CBRS. CBRA does not prevent development, and it imposes no restrictions on development conducted with non-Federal funds. Congress

<http://noaa.maps.arcgis.com/apps/MapSeries/index.html?appid=d9ed7904dbec441a9c4dd7b277935fad&entry=1>

<https://alabamaflood.com/map>

4. Rezoning Considerations in the Coastal High Hazard Area of Fort Morgan:

Increases in density and intensity through rezoning or similar land use changes in the Coastal High Hazard Area (CHHA) in Fort Morgan are prohibited.

5. Rezoning Considerations in Flood Hazard Areas of Fort Morgan:

Increases in density and intensity through rezoning or similar land use changes in the Flood Hazard Areas (FHA) in Fort Morgan should be limited to low density single family uses.

<https://alabamaflood.com/map>

6. Development Exemptions and Clustering

Lots of record, as defined by the Baldwin County Subdivision Regulations, may be developed in accordance with subdivision regulations. When properties contain either CHHA or FHA areas, clustering of development through Planned developments, away from areas of highest hazard exposure is strongly encouraged. Lands outside the clustered development should be set aside through conservation easements or similar methods of preservation.