

**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

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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.