

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 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.