

## Article 2 Planning Districts, Boundaries and Local Provisions

### Section 2.1 Establishment of Planning Districts

In accordance with Act No. 91-719 of the Legislature of Alabama as amended, the unincorporated areas of Baldwin County are divided into planning districts. Neither the Baldwin County Commission nor the Baldwin County Planning and Zoning Commission shall exercise their planning and zoning authority in any planning district established under Act No. 91-719 as amended until the majority of qualified electors of the planning district voting in an election shall have voted their desire to come within the planning and zoning authority of the Baldwin County Commission.

### Section 2.2 Establishment of Zoning Districts

The following zoning districts, which shall be available for all Planning Districts which have voted to come under the zoning authority of the Baldwin County Commission, are hereby established for the unincorporated areas of Baldwin County:

RR	Rural District
RA	Rural Agricultural District
CR	Conservation Resource District
RSF-E	Residential Single Family Estate District
RSF-1	Single Family District
RSF-2	Single Family District
RSF-3	Single Family District
RSF-4	Single Family District
RTF-4	Two Family District
RSF-6	Single Family District
RTF-6	Two Family District
RMF-6	Multiple Family District
HDR	High Density Residential District
RMH	Residential Manufactured Housing Park District
B-1	Professional Business District
B-2	Local Business District
B-3	General Business District
B-4	Major Commercial District
RV-1	Recreational Vehicle Park District
RV-2	Recreational Vehicle Park District
LB	Limited Business District
MR	Marine Recreation District
OR	Outdoor Recreation District
TR	Tourist Resort District
M-1	Light Industrial District
M-2	General Industrial District
PRD	Planned Residential Development District
PID	Planned Industrial Development District

**Section 2.3 Establishment of Zoning in Planning Districts**

2.3.1 **Planning District 1.** County zoning has not been instituted in this district.

2.3.2 **Planning District 2.** County zoning has not been instituted in this district.

2.3.3 **Planning District 3.** County zoning has not been instituted in this district.

2.3.4 **Planning District 4.**

2.3.4.1 Effective Date

On July 13, 1993, a majority of qualified electors in Planning District 4 voted to institute County Zoning. On February 21, 1995, the County Commission adopted the Planning District 4 Zoning Map and Ordinances.

2.3.4.2 District Boundaries

A legal description of the boundaries for Planning District 4 may be found under Appendix A.

2.3.4.3 Local Provisions for Planning District 4

- (a) Industrial Uses shall not discharge into any river or natural surface body of water.
- (b) The Tensaw River shall be used exclusively for transportation purposes to and from specific sites. Commercial barge storage shall not be allowed.
- (c) No Landfills are allowed.
- (d) No sewage treatment plants are allowed.
- (e) The following development standards shall apply to Planned Industrial Developments (PID):

1. *Setbacks.* The following minimum setbacks shall be required:

Minimum front yard	100-feet
Minimum rear yard	75-feet
Minimum side yard	50-feet
Minimum side yard abutting a street	100-feet

2. *Building height.* A maximum building height of 60-feet or 4 stories shall be observed. Any portion of a structure greater than 30-feet in height shall be located a minimum of 1,000-feet from any residential district.

3. *Lot size.* A minimum lot size of 3 acres and a minimum lot width of 200-feet shall be required.

2.3.5 **Planning District 5.** County zoning has not been instituted in this district.

2.3.6 **Planning District 6.** County zoning has not been instituted in this district.

2.3.7 **Planning District 7.** County zoning has not been instituted in this district.

2.3.8 **Planning District 8.** Abolished by action of the Baldwin County Commission (April 15, 2003).

2.3.9 **Planning District 9.** County zoning has not been instituted in this district.

2.3.10 **Planning District 10.**

2.3.10.1 Effective Date

On October 3, 2006, a majority of qualified electors in Planning District 10 voted to institute County Zoning. On May 15, 2007, the County Commission adopted the Planning District 10 Zoning Map and Ordinance.

2.3.10.2 District Boundaries

A legal description of the boundaries for Planning District 10 may be found under Appendix A.

2.3.10.3 Local Provisions for Planning District 10

- (a) Industrial uses shall not discharge into any river or natural surface body of water including wetlands.
- (b) No additional Landfills.
- (c) All utilities for new subdivisions shall be placed underground.
- (d) Accessory dwellings are permitted by right in the residential districts in Planning District 10 unless restricted by a property owners association and provided they are contained entirely within the

structure of a single family dwelling and provided they do not exceed 60% of the size, in square feet, of the principal residence.

(e) Cemeteries shall be allowed by right in the RA, Rural Agriculture District and the RSF-E, Residential Single Family Estate District.

(f) Roadway Buffers

1.) A fifty (50) foot wide vegetative buffer shall be required adjacent and parallel to the right-of-way of the following roads: State Road 225

2.) When existing vegetation exists to adequately screen adjoining properties which achieves the purposes of the section, the vegetation shall be retained. When the existing vegetation is insufficient to achieve the purposes of this section, the buffer must be supplemented with native vegetation. When no vegetation exists or supplementation is required, a minimum of one (1) canopy tree per forty (40) linear feet must be preserved or planted. Canopy tree planting standards shall be as those found in *Section 17.2.9* of these ordinances.

3.) This requirement does not apply to intersecting roadways including driveways, or utility easements.

4.) Nuisance trees, as defined herein, shall not be included in a roadway buffer. This section conflicts with other buffer regulations contained in the *Baldwin County Zoning Ordinance*, the more stringent shall apply.

(g) Except for piers, gazebos, boathouses, hunting and fishing camp houses, and house boats, no dwelling shall be located within sixty (60) feet of the mean high tide line of any tidal body of water unless the building area available on the lot is insufficient to accommodate such dwelling outside the sixty (60) foot setback. Approved sewage disposal facilities are required for structures as required by law. For the purposes of this section, fishing and hunting camp houses shall mean a structure which may offer permanent or temporary shelter such as a cabin and is not intended to act as a permanent residence or occupation. A fishing or camp houses primary purpose is providing shelter for camping, sporting, or other recreational activities.

(h) A Planned Residential Development may also be established under the RR, Rural District.

- (i) Off premise signs are prohibited. For the purposes of this section an *off premise sign* is defined as a sign which directs attention to a business, commodity, service, or entertainment conducted, sold or offered at a location other than the premises on which the sign is located. However, exempt signs contained in *Section 16.3* are also exempt from this section.
- (j) *Regulation of Walls and Fences.* Generally, this section shall only apply in the following residential zones: RSF-1, RSF-2, RSF-3, RSF-4, RSF-6, RTF-4, RTF-6 and RMF-6.

1.) Walls and fences erected shall be maintained in good repair and sound structural condition.

2.) Walls and fences erected shall be subject to vision clearance standards outlined in *Section 15.3.8(b)*.

3.) No fence or wall shall be erected or placed within any street right-of-way or easement, or closer than ten (10) feet from mean high tide line.

4.) *Height*

A. *Determination of Height.* The height of fences and walls shall be measured from the ground level at the fence location. However, if the Planning Director determines that ground levels have been altered so as to provide for a higher fence, the Planning Director shall determine the ground level for the purposes of measuring the fence or wall height. In determining whether the ground level has been altered to increase height, the Planning Director may consider, but will not be limited to, the following:

- i. General ground elevation of the entire lot
- ii. Average elevation over the length of the fence
- iii. Ground elevation on both sides

B. *Front Yard.* A fence or wall located in the front yard shall not exceed four (4) feet in height and shall not be constructed in a manner in which results in a solid wall or fence. The fence or wall should be of an open mesh design.

For the purposes of this section, open mesh design may include picket-type fencing provided that the minimum space between vertical members must be of one and one-half times the width and thickness of the vertical members or bars. In no case may

the space between vertical members or bars be less than four inches.

C. *Side and Rear Yard.* A fence or wall located in the side or rear yard shall not exceed eight (8) feet in height and may be constructed in a manner in which a solid wall or fence is created.

D. *Corner lots and Double Frontage Lots.* On lots which have frontage on more than one street, fence in the front yards shall not exceed a maximum height of four (4) feet. A fence or wall in a side yard shall not exceed a maximum height of four (4) feet, forward of the front primary façade of adjoining homes or structures and must be of open mesh design.

A primary façade is the side of a building that faces the roadway or has the primary entrance. For the purposes of side yard fencing, the line which delineates the primary façade shall be drawn from a point of the façade which has the greatest length facing the roadway or side which includes the primary entrance.

E. *Decorative Features.* Decorative caps or ornamental features of up to twelve (12) inches may be added along the top of fence posts.

(k) Adult Use Ordinance.

1.) *Purpose.* The intent of these provisions is to establish reasonable and uniform regulations for adult uses and entertainment, whether existing or proposed, that will protect the health, safety, property values, and general welfare of the people, businesses, and industries of the county. It is not the intent to legislate with respect to matter of obscenity.

2.) *Definitions.* Definitions contained in the *Code of Alabama 13A-12-200.1* are hereby adopted.

A. The term *adult use* includes without limitation, adult bookstores, adult video stores, adult movie house, and adult-only entertainment establishments.

B. The term *Adult Book Store* or *Adult Video Store* shall not apply to a video or book store that does not engage in and a material part of whose principal business is not the sale or rental of adult material.

C. If, in the discretion of the Planning and Zoning Director or his/her designee, a material portion of the business's displayed merchandise and/or interior business space does consists of the offer for sale or rental of adult books, videos or merchandise it shall be deemed an adult use. However, should the business satisfactorily demonstrate that the wholesale and retail sales value, derived from all adult use portions of the business does not exceed thirty (30) percent of total wholesale and retail sales value or revenue of the business; the term shall not apply.

D. The term *pre-existing* shall mean:

- i. The establishment or structure is already being lawfully used or lawfully occupied.
- ii. A building permit for the structure has been lawfully issued and has not expired.

3.) *Special Operating License*. It shall be unlawful for any person, association, partnership, corporation, or other business entity to open, engage in, operate, conduct, expand, enlarge, or carry on in or upon premises an adult use without first meeting the criteria contained herein and issuance of a Special Operating License from the Baldwin County Commission. Special Operating Licenses shall not be transferable, assignable or negotiable, and a licensee shall not attempt to transfer, assign, negotiate or otherwise convey and rights under such License to any other person or business.

A. With respect to license issuance, the following additional standards shall apply in addition to standards stated elsewhere herein:

- i. Where there is evidence that, even though there is compliance with the minimum distance requirements set forth herein, the type and number of schools or number of churches or other facilities in the vicinity must not cause minors to frequent the immediate area.
- ii. Where there is evidence that the proposed area for the use is already adequately supplied with such adult use.
- iii. The license shall be revoked if the business establishment is convicted of violating, or otherwise determined to have violated these regulations.

B. An applicant for a Special Operating License shall file a completed application made on a form provided by the County. An application shall be considered complete when it contains each required signature and the information and/or items:

i. The applicant's full true name and any other names used by the applicants in the preceding five years.

ii. Current business address or mailing address of the applicant.

iii. Written proof of age, in the form of a driver's license or a copy of a birth certificate accompanied with photo identification issued by a governmental agency.

iv. The business name, location, legal description, mailing address and phone number.

v. A statement of whether an applicant has been convicted of or has pled guilty or nolo contendere to a specific criminal activity, and if so, each specified criminal activity involved, including date, place, and jurisdiction of each as well as dates of conviction and release from confinement.

vi. A sketch or drawing showing the configuration of the premises, including a statement of total floor space occupied by the business marked with dimensions.

viii. A survey, in accordance with *Section 2.3.10.3.4(C)*, indicating radial distances.

ix. Payment of application fee and investigative fee.

C. Upon the submission of a complete application, which meets the criteria of this section, the County Commission shall schedule a public hearing on the issuance of the Special Operating License.

4.) *Standards.* The standards contained herein shall apply to all adult uses as defined in *Section 2.3.10.3(k) (2)*.

*A. Zoning Districts Where Establishment Permitted.* No adult use shall be located on any premises unless the location is zoned M-2, General Industrial District.

B. *Distance Minimums.* In addition to the zoning district requirements set forth in *Section 2.3.10.3.4(A)*, an adult use shall not be allowed to open, engage in, operate, conduct, expand, enlarge, or carry on in or upon premises, within any of the following distances:

- i. One thousand (1,000) feet of a pre-existing adult use.
- ii. Five hundred (500) feet of a pre-existing commercial establishment that in any manner sells or dispenses alcohol for on-premises consumption.
- iii. Twenty-five hundred (2,500) feet of a pre-existing place of worship or related book store.
- iv. Twenty-five hundred (2,500) feet of a pre-existing education institution or public library.
- v. Twenty-five hundred (2,500) feet of a public park and/or playground.
- vi. Twenty-five hundred (2,500) feet from a residential use and areas zoned residential within the county.
- vii. Twenty-five hundred (2,500) feet of a day care center or day care home.
- viii. Twenty-five hundred (2,500) of a video arcade, skating rink or other places frequented by minors.

C. *Measurement of Distance.* All distance measurements shall be by radial distances determined by a straight line from the nearest property to line to nearest property line. Distance measurements shall be established by a surveyor licensed in the State of Alabama. A Survey shall be provided at the time an Adult Use permit application is submitted to the County for consideration, such survey to be provided by the applicant and at applicant's expense.

D. Any performance or displays of merchandise or any other exhibit depicting adult uses, shall be conducted within the interior of buildings or premises and shall be arranged or screened to prevent public viewing from outside such buildings or premises.

- (l) *Planned Residential Developments*. The phrase “Planned Residential Development” shall include the approved site plan and any and all accompanying documents, and other relevant materials considered during the approval process, including minor and major modifications approved through Section 9.9 Plan Modifications of the *Baldwin County Zoning Ordinances* (collectively the “PRD”).
- (m) Any Planned Residential Development (PRD) located within District 10, which has been approved by the Baldwin County Planning and Zoning Commission, through the *Baldwin County Subdivision Regulations*, shall be considered conforming in all respects and therefore shall not be subject to *Article 20 Nonconformities, Section 20.2.5 and 20.2.6*; of the *Baldwin County Zoning Ordinance*; subject however, to the following conditions:

1.) The developer must commence start of construction within two (2) years of said approval by the Baldwin County Planning and Zoning Commission (“Initial Period”), or as may be extended by the Baldwin County Commission. Request for such extensions must be filed by the developer within the Initial Period and with the Baldwin County Commission at the offices of Planning and Zoning in Bay Minette, Alabama. Extensions may be granted only upon the developer’s demonstration, to the satisfaction of the Baldwin County Commission, that the need for extension results from an event or condition that the developer could not have anticipated or avoided and that such event or condition caused the start of construction during the Initial Period to be impossible or impractical. No more than two (2) one (1) year extensions may be granted.

“Start of Construction” means the first placement of permanent construction of a structure depicted on an approved PRD site plan, such as pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation of a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation of footings, piers or foundations or the erection of temporary forms.

2.) The PRD shall govern, and all development activity shall be in accordance with the PRD. In circumstances where the PRD is inconsistent with the *Zoning Ordinance*, the PRD shall govern. Any use or structure indicated as commercial on an approved PRD site plan shall be considered as a by-right use in accordance with the commercial zoning designations provided in the *Zoning Ordinance*.

(n) *Minor Modifications of Site Plan.* Request for minor modifications to an approved PRD may be approved by the Planning Director/Zoning Administrator. A “minor modification” is one which, in the Director’s opinion, does not materially change, alter or diminish the intent and character of the PRD and its approval.

The following, without limitation, may be deemed “minor modifications”:

- 1.) Changes such as the alignment, direction or lengths of roads or streets.
- 2.) Adjustments or shifts in dwelling units, not resulting in increased overall density or additional buildings.
- 3.) Slight shifts in building orientations and locations; or
- 4.) Decreases in building height or density.

(o) *Major Modifications of Site Plan.* Request for major modifications to an approved PRD may be submitted and approved through Section 9.9 Plan Modifications of the *Baldwin County Zoning Ordinances*. A “major modification” is one which, in the Zoning Administrator/Planning Director’s opinion, affects the intent and character of the PRD and its approval.

The following, without limitation, shall be deemed “major modifications”:

- 1.) Changes that will result in the addition of land.
- 2.) Increases in the number of buildings, density or building height(s).
- 3.) Significant increases in the foot print of building(s).
- 4.) Change of land uses within the PRD.
- 5.) Reduction of setbacks; or
- 6.) Significant changes in building location(s)

(p) *Zoning Designation Assignment and Reversionary Clause.* A Planned Residential Development approved prior to the adoption of the zoning map and ordinance, shall be assigned the “PRD” designation on the Official Zoning Map for District 10. In such case

when a Planned Residential Development fails to comply with any or all of the conditions in Section 2.3.10.2 (l), (m), (n) and (o) above, the PRD shall be subject to Article 20 Nonconformities, Section 20.2.5 and 20.2.6 of the *Baldwin County Zoning Ordinances*, and shall automatically revert to RSF-1 and the PRD classification removed.

**2.3.11 *Planning District 11.*** Abolished by action of the Baldwin County Commission (April 15, 2003).

**2.3.12 *Planning District 12.***

**2.3.12.1 Effective Date**

On June 20, 2006, a majority of qualified electors in Planning District 12 voted to institute County Zoning. On November 7, 2006, the County Commission adopted the Planning District 12 Zoning Map and Ordinances.

**2.3.12.2 District Boundaries**

A legal description of the boundaries for Planning District 12 may be found under Appendix A.

**2.3.12.3 Local Provisions for Planning District 12**

- (a) Industrial uses shall not discharge into any river or natural surface body of water including wetlands.
- (b) No additional Landfills.
- (c) All utilities for new subdivisions shall be placed underground.
- (d) Accessory dwellings are permitted by right in residential districts provided they do not exceed sixty (60) percent of the size, in square feet, of the principal residence.
- (e) Cemeteries shall be allowed by right in the RA, Rural Agriculture District and the RSF-E, Residential Single Family Estate District.
- (f) Adult Use Ordinance.

1.) *Purpose.* The intent of these provisions is to establish reasonable and uniform ordinances for adult uses and entertainment, whether existing or proposed, that will protect the health, safety, property values, and general welfare of the people, businesses, and industries of the county. It is not the intent to legislate with respect to matter of obscenity.

2.) *Definitions.* Definitions contained in the *Code of Alabama 13A-12-200.1* are hereby adopted.

A. The term *adult use* includes without limitation, Adult bookstores, adult video stores, adult movie house, and adult-only entertainment establishments.

B. The term *Adult Book Store* or *Adult Video Store* shall not apply to a video or book store that does not engage in and a material part of whose principal business is not the sale or rental of adult material.

C. If, in the discretion of the Planning and Zoning Director or his/her designee, a material portion of the business's displayed merchandise and/or interior business space does consists of the offer for sale or rental of adult books, videos or merchandise it shall be deemed an adult use. However, should the business satisfactorily demonstrate that the wholesale and retail sales value, derived from all adult use portions of the business does not exceed thirty (30) percent of total wholesale and retail sales value or revenue of the business; the term shall not apply.

D. The term *pre-existing* shall mean:

i. The establishment or structure is already being lawfully used or lawfully occupied.

ii. A building permit for the structure has been lawfully issued and has not expired.

3.) *Special Operating License.* It shall be unlawful for any person, association, partnership, corporation, or other business entity to open, engage in, operate, conduct, expand, enlarge, or carry on in or upon premises an adult use without first meeting the criteria contained herein and issuance of a Special Operating License from the Baldwin County Commission. Special Operating Licenses shall not be transferable, assignable or negotiable, and a licensee shall not attempt to transfer, assign, negotiate or otherwise convey and rights under such License to any other person or business.

A. With respect to license issuance, the following additional standards shall apply in addition to standards stated elsewhere herein:

i. Where there is evidence that, even though there is compliance with the minimum distance requirements set forth herein, the type and number of schools or number of churches or other facilities in the vicinity must not cause minors to frequent the immediate area.

ii. Where there is evidence that the proposed area for the use is already adequately supplied with such adult use.

iii. The license shall be revoked if the business establishment is convicted of violating, or otherwise determined to have violated these ordinances.

B. An applicant for a Special Operating License shall file a completed application made on a form provided by the County. An application shall be considered complete when it contains each required signature and the information and/or items:

i. The applicant's full true name and any other names used by the applicants in the preceding five years.

ii. Current business address or mailing address of the applicant.

iii. Written proof of age, in the form of a driver's license or a copy of a birth certificate accompanied with photo identification issued by a governmental agency.

iv. The business name, location, legal description, mailing address and phone number.

v. A statement of whether an applicant has been convicted of or has pled guilty or nolo contendere to a specific criminal activity, and if so, each specified criminal activity involved, including date, place, and jurisdiction of each as well as dates of conviction and release from confinement.

vi. A sketch or drawing showing the configuration of the premises, including a statement of total floor space occupied by the business marked with dimensions.

viii. A survey, in accordance with 2.3.12.3.4(C), indicating radial distances.

ix. Payment of application fee and investigative fee.

C. Upon the submission of a complete application, which meets the criteria of this section, the County Commission shall schedule a public hearing on the issuance of the Special Operating License.

4.) *Standards.* The standards contained herein shall apply to all adult uses as defined in *Section 2.3.12.3(f) (2)*.

A. *Zoning Districts Where Establishment Permitted.* No adult use shall be located on any premises unless the location is zoned M-2.

B. *Distance Minimums.* In addition to the zoning district requirements set forth in *Section 2.3.12.3.4(A)*, an adult use shall not be allowed to open, engage in, operate, conduct, expand, enlarge, or carry on in or upon premises, within any of the following distances:

- i. One thousand (1,000) feet of a pre-existing adult use.
- ii. Five hundred (500) feet of a pre-existing commercial establishment that in any manner sells or dispenses alcohol for on-premises consumption.
- iii. Twenty-five hundred (2,500) feet of a pre-existing place of worship or related book store.
- iv. Twenty-five hundred (2,500) feet of a pre-existing education institution or public library.
- v. Twenty-five hundred (2,500) feet of a public park and/or playground.
- vi. Twenty-five hundred (2,500) feet from a residential use and areas zoned residential within the county.
- vii. Twenty-five hundred (2,500) feet of a day care center or day care home.
- viii. Twenty-five hundred (2,500) of a video arcade, skating rink or other places frequented by minors.

C. *Measurement of Distance.* All distance measurements shall be by radial distances determined by a straight line from the nearest property to line to nearest property line. Distance measurements shall be established by a surveyor licensed in

the State of Alabama. A Survey shall be provided at the time an Adult Use permit application is submitted to the County for consideration, such survey to be provided by the applicant and at applicant's expense.

D. Any performance or displays of merchandise or any other exhibit depicting adult uses, shall be conducted within the interior of buildings or premises and shall be arranged or screened to prevent public viewing from outside such buildings or premises.

**2.3.13 Planning District 13.** County zoning has not been instituted in this district.

**2.3.14 Planning District 14.** County zoning has not been instituted in this district.

**2.3.15 Planning District 15.**

**2.3.15.1 Effective Date**

On February 21, 2006, a majority of qualified electors in Planning District 15 voted to institute County Zoning. On August 1, 2006, the County Commission adopted the Planning District 15 Zoning Map and Ordinances.

**2.3.15.2 District Boundaries**

A legal description of the boundaries for Planning District 15 may be found under Appendix A.

**2.3.15.3 Local Provisions for Planning District 15**

**(a) Advisory Committee Philosophy.**

It is the intent of the District 15 Advisory Committee to encourage residential zoning for the vast majority of District 15, and furthermore, to encourage zoning in the areas of RSF-E, Residential Single Family Estate District, and RSF-1, Single Family District, when possible in order to protect the values of homes and properties already established throughout the district. While we understand the need for affordable housing and commercial growth when properly zoned, we believe that protecting property values should be higher priority in making future zoning decisions.

**(b) Industrial uses shall not discharge into any river or natural surface body of water including wetlands.**

- (c) No additional Landfills.
- (d) All utilities for new major subdivisions shall be placed underground.
- (e) No additional recreation vehicle parks allowed.
- (f) Accessory dwellings are permitted by right in the residential districts in Planning District 15 unless restricted by a property owners association and provided they are contained entirely within the structure of a single family dwelling and provided they do not exceed 60% of the size, in square feet, of the principal residence.
- (g) Cemeteries shall be allowed by right in the RA, Rural Agriculture District and the RSF-E, Residential Single Family Estate District.
- (h) Off premise signs are prohibited. For the purposes of this section an *off premise sign* is defined as a sign which directs attention to a business, commodity, service, or entertainment conducted, sold or offered at a location other than the premises on which the sign is located. However, exempt signs contained in *Section 16.3* are also exempt from this section.

#### 2.3.16 **Planning District 16.**

##### 2.3.16.1 Effective Date

On June 9, 1992, a majority of qualified electors in Planning District 16 voted to institute County Zoning. On March 4, 1993, the County Commission adopted the Planning District 16 Zoning Map and Ordinances.

##### 2.3.16.2 District Boundaries

A legal description of the boundaries for Planning District 16 may be found under Appendix A.

##### 2.3.16.2 Local Provisions

No local provisions.

2.3.17 **Planning District 17.** County zoning has not been instituted in this district.

2.3.18 **Planning District 18.** County zoning has not been instituted in this district.

#### 2.3.19 **Planning District 19.**

### 2.3.19.1 Effective Date

On December 29, 2020, a majority of qualified electors in Planning District 19 voted to institute County Zoning. On June 1, 2021, the County Commission adopted the Planning District 19 Zoning Map and Ordinances.

### 2.3.19.2 District Boundaries

A legal description of the boundaries for Planning District 19 may be found under Appendix A.

### 2.3.19.3 Local Provisions for Planning District 19

- (a) One accessory dwelling per lot shall be permitted by right in Residential districts, provided the accessory dwelling does not exceed 60% of the size, in square feet, of the principal dwelling.
- (b) The following zoning districts shall not be available in Planning District 19, and all references in the zoning ordinance to such districts are deleted, except as to lots or parcels included in such districts as of June 1, 2021:
  - 1) RSF-3, Single Family District
  - 2) RSF-4, Single Family District
  - 3) RTF-4, Two Family District
  - 4) RSF-6, Single Family District
  - 5) RTF-6, Two Family District
  - 6) RMF-6, Multiple Family District
  - 7) RMH, Residential Manufactured Housing Park District
  - 8) HDR, High Density Residential District
  - 9) B-3, General Business District
  - 10) B-4, Major Commercial District
  - 11) TR, Tourist Resort District
  - 12) M-1, Light Industrial District
  - 13) M-2, General Industrial District
- (c) The following uses shall not be allowed either as a Permitted Use, Conditional Use or Special Exception in any commercial district in Planning District 19:
  - 1.) Animal raising
  - 2.) Animal Clinic/Kennels
  - 3.) Animal Pound
  - 4.) Boarding, rooming or lodging house, dormitory
  - 5.) Convenience store, with more than four dispensing stations
  - 6.) Correctional, detention or penal Institution

- 7.) Car wash
- 8.) Cemetery
- 9.) Dairying
- 10.) Discount/variety store, greater than 4,000 square feet
- 11.) Drug store, greater than 4,000 square feet
- 12.) Hatchery, poultry, and fish
- 13.) Laundry, self service
- 14.) Landfill
- 15.) Mini-warehouse
- 16.) Neighborhood convenience store, greater than 4,000 square feet
- 17.) Nightclub, bar, tavern
- 18.) Radio and television transmitting towers
- 19.) Recreational vehicle park
- 20.) Restaurant, drive-in
- 21.) Restaurant, fast food

(d) In addition to the provisions and standards of Section 13.9, the following requirements shall be applicable to wireless telecommunications facilities in Planning District 19:

- 1.) Wireless telecommunication facilities, as provided under Article 22, Table of Permitted Uses, shall be subject to the Conditional Use approval of the Baldwin County Planning Commission, unless located on an alternative support structure or co-located on an existing antenna support structure.
- 2.) Maximum height shall be limited to 180-feet.
- 3.) Only monopole structures are allowed.
- 4.) No more than one tower shall be allowed on a given parcel.
- 5.) To the greatest extent possible, concealment techniques shall be employed in order for towers to blend with the surrounding natural landscape.

### **2.3.20 Planning District 20.**

#### **2.3.20.1 Effective Date**

On February 6, 2001, a majority of qualified electors in Planning District 20 voted to institute County Zoning. On April 2, 2002, the County Commission adopted the Planning District 20 Zoning Map and Ordinances.

### 2.3.20.2 District Boundaries

A legal description of the boundaries for Planning District 20 may be found under Appendix A.

### 2.3.20.3 Local Provisions for Planning District 20

- (a) No PRD development is allowed to exceed maximum height requirements by more than 10-feet.
- (b) Accessory dwellings are permitted by right in residential districts provided they do not exceed sixty (60) percent of the size, in square feet, of the principal residence.
- (c) Marine recreation uses, not permitted by right under the B-2, Local Commercial District, may be allowed as conditional uses in a B-2 zone, subject to the approval of the Planning Commission.
- (d) A recreational vehicle park may be allowed as a conditional use, under the B-2 zoning designation, subject to the approval of the Planning Commission.

## 2.3.21 ***Planning District 21.***

### 2.3.21.1 Effective Date

On December 30, 2008, a majority of qualified electors in Planning District 21 voted to institute County Zoning. On June 2, 2009, the County Commission adopted the Planning District 21 Zoning Map and Ordinance.

### 2.3.21.2 District Boundaries

A legal description of the boundaries for Planning District 21 may be found under Appendix A.

### 2.3.21.3 Local Provisions for Planning District 21

- (a) Industrial uses shall not discharge into any river or natural surface body of water including wetlands.
- (b) Septic Tanks and Sewage Treatment Plants.
  - 1.) As provided under Section 13.5, Utilities, Section 13.6, Sewage Treatment Plants and Article XXIII, Table of Permitted Uses, onsite systems, cluster systems, decentralized systems and package plants, with no more

than 30 residential structures or 20 commercial structures, none of which shall exceed 5000 square feet per unit, connected to the above, shall be permitted subject to all applicable standards and requirements of the Baldwin County Health Department. Nothing herein shall be construed to prohibit the running of sewer lines in Planning District 21.

- 2.) Centralized treatment facilities shall not be allowed.
- 3.) For purposes of this section, the following definitions shall be used:
  - *Centralized System:* A collection and treatment system containing collection sewers and a centralized treatment facility. Centralized systems are used to collect and treat large volumes of wastewater. The collection system typically requires large-diameter pipes, major excavation and frequent manhole access. At the treatment facility, the wastewater is treated to standards required for discharge to a surface water body. The large amount of biosolids (sludge) generated in treatment are treated and either land applied, placed on a surface disposal site or incinerated.
  - *Cluster System:* A decentralized wastewater collection and treatment system where two or more dwellings, but less than entire community is served. The wastewater from several homes is often pretreated onsite by individual septic tanks before being transported through alternative sewers to an off-site nearby treatment unit that is relatively simple to operated and maintain when compared to centralized systems.
  - *Decentralized System:* An onsite or cluster wastewater system that is used to treat and dispose of relatively small volumes of wastewater, generally from dwellings and businesses that are located relatively close together. Onsite and cluster systems are also commonly used in combination.
  - *Onsite System:* A natural system or mechanical device used to collect, treat and discharge or reclaim wastewater from an individual dwelling without the use of community wide sewers or a centralized treatment facility. A conventional onsite system includes a septic tank and a leach field. Alternative types of onsite systems include at-grade systems, mound systems, sand filters and small aerobic units.

- *Package Plant*: Prefabricated treatment units that can serve apartment buildings, condominiums, office buildings and a specified number of homes. Package plants are generally used as cluster systems, but can also be used in an onsite wastewater treatment train. They are usually of the activated sludge or trickling filter type, and require skilled maintenance programs.
- (c) No landfills.
- (d) All utilities for new subdivisions shall be placed underground, with the exception of subdivisions consisting of lots with minimum areas of 3 acres.
- (e) Accessory dwellings are permitted by right in the residential districts in Planning District 21 provided they do not exceed 60% of the size, in square feet, of the principal residence, up to a maximum of 1200 square feet.
- (f) No PRD development is allowed to exceed the maximum height requirements of the underlying zoning designation by more than 10-feet or 1 story.
- (g) Marinas, as provided under Article 22, Table of Permitted Uses, shall be allowed subject to Conditional Use approval of the Baldwin County Planning Commission.
- (h) Wireless Telecommunication Facilities.

In addition to the provisions and standards of Section 13.9, the following requirements shall be applicable to wireless telecommunication facilities in Planning District 21:

- 1.) Wireless telecommunication facilities, as provided under Article 22, Table of Permitted Uses, shall be subject to the Conditional Use approval of the Baldwin County Planning Commission, unless located on an alternative support structure or co-located on an existing antenna support structure.
- 2.) Maximum height shall be limited to 180-feet.
- 3.) Only monopole structures are allowed.
- 4.) No more than one tower shall be allowed on a given parcel.
- 5.) To the greatest extent possible, concealment techniques shall be employed in order for towers to blend with the surrounding natural landscape. In the event concealment techniques are not used, justification shall be submitted to the Planning Commission at the time of application.

(i) Adult Use Ordinance.

1.) *Purpose.* The intent of these provisions is to establish reasonable and uniform regulations for adult uses and entertainment, whether existing or proposed, that will protect the health, safety, property values, and general welfare of the people, businesses, and industries of the county. It is not the intent to legislate with respect to matter of obscenity.

2.) *Definitions.* Definitions contained in the *Code of Alabama 13A-12-200.1* are hereby adopted.

A. The term *adult use* includes without limitation, adult bookstores, adult video stores, adult movie house, and adult-only entertainment establishments.

B. The term *Adult Book Store* or *Adult Video Store* shall not apply to a video or book store that does not engage in and a material part of whose principal business is not the sale or rental of adult material.

C. If, in the discretion of the Planning and Zoning Director or his/her designee, a material portion of the business's displayed merchandise and/or interior business space does consists of the offer for sale or rental of adult books, videos or merchandise it shall be deemed an adult use. However, should the business satisfactorily demonstrate that the wholesale and retail sales value, derived from all adult use portions of the business does not exceed thirty (30) percent of total wholesale and retail sales value or revenue of the business; the term shall not apply.

D. The term *pre-existing* shall mean:

i. The establishment or structure is already being lawfully used or lawfully occupied.

ii. A building permit for the structure has been lawfully issued and has not expired.

3.) *Special Operating License.* It shall be unlawful for any person, association, partnership, corporation, or other business entity to open, engage in, operate, conduct, expand, enlarge, or carry on in or upon premises an adult use without first meeting the criteria contained herein and issuance of a Special Operating License from the Baldwin County Commission. Special Operating Licenses shall

not be transferable, assignable or negotiable, and a licensee shall not attempt to transfer, assign, negotiate or otherwise convey and rights under such License to any other person or business.

A. With respect to license issuance, the following additional standards shall apply in addition to standards stated elsewhere herein:

i. Where there is evidence that, even though there is compliance with the minimum distance requirements set forth herein, the type and number of schools or number of churches or other facilities in the vicinity must not cause minors to frequent the immediate area.

ii. Where there is evidence that the proposed area for the use is already adequately supplied with such adult use.

iii. The license shall be revoked if the business establishment is convicted of violating, or otherwise determined to have violated these regulations.

B. An applicant for a Special Operating License shall file a completed application made on a form provided by the County. An application shall be considered complete when it contains each required signature and the information and/or items:

i. The applicant's full true name and any other names used by the applicants in the preceding five years.

ii. Current business address or mailing address of the applicant.

iii. Written proof of age, in the form of a driver's license or a copy of a birth certificate accompanied with photo identification issued by a governmental agency.

iv. The business name, location, legal description, mailing address and phone number.

v. A statement of whether an applicant has been convicted of or has pled guilty or nolo contendere to a specific criminal activity, and if so, each specified criminal activity involved, including date, place, and jurisdiction of each as well as dates of conviction and release from confinement.

vi. A sketch or drawing showing the configuration of the premises, including a statement of total floor space occupied by the business marked with dimensions.

viii. A survey, in accordance with *Section 2.3.21.3.4(C)*, indicating radial distances.

ix. Payment of application fee and investigative fee.

C. Upon the submission of a complete application, which meets the criteria of this section, the County Commission shall schedule a public hearing on the issuance of the Special Operating License.

4.) *Standards.* The standards contained herein shall apply to all adult uses as defined in *Section 2.3.21.3(j) (2)*.

A. *Zoning Districts Where Establishment Permitted.* No adult use shall be located on any premises unless the location is zoned M-2, General Industrial District.

B. *Distance Minimums.* In addition to the zoning district requirements set forth in *Section 2.3.21.3.4(A)*, an adult use shall not be allowed to open, engage in, operate, conduct, expand, enlarge, or carry on in or upon premises, within any of the following distances:

i. One thousand (1,000) feet of a pre-existing adult use.

ii. Five hundred (500) feet of a pre-existing commercial establishment that in any manner sells or dispenses alcohol for on-premises consumption.

iii. Twenty-five hundred (2,500) feet of a pre-existing place of worship or related book store.

iv. Twenty-five hundred (2,500) feet of a pre-existing education institution or public library.

v. Twenty-five hundred (2,500) feet of a public park and/or playground.

vi. Twenty-five hundred (2,500) feet from a residential use and areas zoned residential within the county.

vii. Twenty-five hundred (2,500) feet of a day care center or day care home.

viii. Twenty-five hundred (2,500) of a video arcade, skating rink or other places frequented by minors.

*C. Measurement of Distance.* All distance measurements shall be by radial distances determined by a straight line from the nearest property to line to nearest property line. Distance measurements shall be established by a surveyor licensed in the State of Alabama. A Survey shall be provided at the time an Adult Use permit application is submitted to the County for consideration, such survey to be provided by the applicant and at applicant's expense.

D. Any performance or displays of merchandise or any other exhibit depicting adult uses, shall be conducted within the interior of buildings or premises and shall be arranged or screened to prevent public viewing from outside such buildings or premises.

(k) Setback from Water Body.

A minimum setback of one-hundred (100) feet setback shall be required for all new development abutting a water body. The construction setback shall be 100-foot perpendicular distance from the lowest point of elevation (centerline) of an intermittent stream or drainage basin. This shall be applicable if the property is reflected as having an intermittent stream or waterway on it, adjacent to it or within the setback distance of the subject property according to any one of the three following maps: BC Hydro Shape file by Woolpert and Associates, USGS or the Soil Survey. In the event there is a permanent stream or waterway or standing water body on, adjacent to or within the setback distance of a parcel, the set back shall be 100-foot perpendicular distance, measured from the mean high tide line.

For the purposes of this section, the following definition shall apply:

*Water body.* Any bay, bayou, lagoon, inlet, pond, lake, or other area with a discernable shoreline that ordinarily or intermittently contains water, or a river, stream, or creek with permanent flow. The term does not include storm water detention, retention facilities, or artificial pond, lake, or reservoir.

The following activities are allowed within the setback area:

- (1) Boardwalks;

- (2) Nature trails;
  - (3) Other conservation relates or open space related structure;
  - (4) Roads and Bridges;
  - (5) Vehicular Access ways (minimum necessary to provide access to a site);
  - (6) Utility Installation;
  - (7) Storm water management facilities when no other viable alternative exists;
  - (8) Docks, piers and boat launching areas.
- (l) Recreational Vehicles.
- (1) Recreational vehicles shall be licensed and registered.
  - (2) Recreational vehicles shall be road ready in accordance with the Baldwin County Flood Damage Prevention Ordinance.

**2.3.22 Planning District 22.**

2.3.22.1 Effective Date

On September 25, 2001, a majority of qualified electors in Planning District 22 voted to institute County Zoning. November 19, 2002, the County Commission adopted the Planning District 22 Zoning Map and Ordinances.

2.3.22.2 District Boundaries

A legal description of the boundaries for Planning District 22 may be found under Appendix A.

2.3.22.3 Local Provisions for Planning District 22

- (a) Accessory dwellings are permitted by right in residential districts, provided they do not exceed 60% of the size, in square feet, of the principal residence.
- (b) No PRD development is allowed to exceed maximum height requirements by more than 10-feet.

### 2.3.23 **Planning District 23.**

#### 2.3.23.1 Effective Date

On March 25, 2003, a majority of qualified electors in Planning District 23 voted to institute County Zoning. On September 2, 2003, the County Commission adopted the Planning District 23 Zoning Map and Ordinances.

#### 2.3.23.2 District Boundaries

A legal description of the boundaries for Planning District 23 may be found under Appendix A.

#### 2.3.23.3 Local Provisions for Planning District 23

- (a) Planned Residential Developments. The maximum height of a PRD shall not exceed the maximum height of the underlying zoning district by more than ten (10) feet.
- (b) The following provisions shall be applicable only to the Spanish Cove Subdivision Development:

##### 1. *Setbacks.*

###### Residential Lots:

Front Yard	30-feet
Rear Yard	10-feet
Side Yard	10-feet

###### Recreational Vehicle Lots:

Front Yard	20-feet
Rear Yard	7-feet
Side Yard	7-feet

Corner Lots. The street side yard setbacks shall be a minimum of 10-feet.

Accessory Structures. When abutting an area zoned OR, accessory structures may be located 3 feet from the rear property line.

- 2. *Use Modifications.* Recreational vehicles, Park Models, and park trailers may be used as a dwelling on a recreational vehicle lot in the area commonly referred to as the "Land Harbor" section of the Spanish Cove Development. Specifically, this area is Lot 1 through 999, as per recorded plat of the Spanish Cove Subdivision.

3. *Contiguous Lots.* An owner of a lot which contains a principal structure and also owns a contiguous undeveloped lot may store a recreational vehicle, boat or utility trailer on the contiguous lot.

4. *Accessory Dwellings.* Accessory dwellings shall be permitted in accordance with *Section 13.1.3.*

5. *Temporary Occupancy of Recreational Vehicle.* Temporary occupancy of a recreational vehicle may be permitted with the approval from the Board of Adjustments. Temporary Occupancy shall mean a maximum of four (4) months per calendar year.

6. *Accessory Structures.* Accessory structures, as defined herein, shall be permitted on all lots regardless of whether or not there is a principal structure.

#### **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.

### 2.3.25 **Planning District 25.**

#### 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 vegetation line.

2. Site Plan Approval.

A. A site plan approval 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 site plan approval 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-Zones<sup>1</sup> and Coastal Barrier Resources System<sup>2</sup> (CBRS) areas as indicated on the FEMA Flood Maps.

<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

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<sup>1</sup> 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.

<sup>2</sup> 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 enacted CBRA to minimize the loss of human life, wasteful Federal expenditures, and the damage to natural resources associated with coastal barriers.

strongly encouraged. Lands outside the clustered development should be set aside through conservation easements or similar methods of preservation.

### 2.3.26 **Planning District 26.**

#### 2.3.26.1 Effective Date

On June 9, 1992, a majority of qualified electors in Planning District 26 voted to institute County Zoning. On September 21, 1993, the County Commission adopted the Planning District 26 Zoning Map and Ordinances.

#### 2.3.26.2 District Boundaries

A legal description of the boundaries for Planning District 26 may be found under Appendix A.

#### 2.3.26.3 Local Provisions for Planning District 26

- (a) One accessory dwelling per lot shall be permitted by right in the RSF-1 and RSF-2 districts, provided the accessory dwelling does not exceed 60% of the size, in square feet, of the principal dwelling.
- (b) The required side yard setbacks for RSF-1 and RSF-2 lots existing on or before May 19, 2020, and which do not meet the minimum lot width requirements for the underlying zoning designation, may be reduced to 3-feet on one side and 10-feet on the other side provided a minimum of 13-foot separation remains between buildings.
- (c) The following zoning districts shall not be available in Planning District 26, and all references in the zoning ordinance to such districts are deleted, except as to lots or parcels included in such districts as of May 19, 2020:
  - 1. RSF-3, Single Family District
  - 2. RSF-4, Single Family District
  - 3. RTF-4, Two Family District
  - 4. RSF-6, Single Family District
  - 5. RTF-6, Two Family District
  - 6. RMF-6, Multiple Family District
  - 7. HDR, High Density Residential District
- (d) Planned Residential Development (PRD) Districts, Article 9, shall not be available in Planning District 26, and all references to

Planned Residential Districts, for Planning District 26, in the zoning ordinance are deleted.

(e) The following uses shall not be allowed either as a Permitted Use, Conditional Use or Special Exception in any commercial district in Planning District 26:

1. Boarding, rooming or lodging house, dormitory
2. Car wash
3. Cemetery
4. Discount/variety store
5. Drug store
6. Laundry, self service
7. Mini-warehouse
8. Neighborhood convenience store, greater than 4,000 square feet
9. Nightclub, bar, tavern
10. Recreational vehicle park
11. Restaurant, drive-in
12. Restaurant, fast food

**2.3.27 Planning District 27.** County zoning has not been instituted in this district.

**2.3.28 Planning District 28.**

2.3.28.1 Effective Date

On October 13, 1992, a majority of qualified electors in Planning District 28 voted to institute County Zoning. On July 6, 1993, the County Commission adopted the Planning District 28 Zoning Map and Ordinances.

2.3.28.2 District Boundaries

A legal description of the boundaries for Planning District 28 may be found under Appendix A.

2.3.28.3 Local Provision for Planning District 28

No cemeteries are allowed.

**2.3.29 Planning District 29.**

2.3.29.1 Effective Date

On October 16, 2001, a majority of qualified electors in Planning District 29 voted to institute County Zoning. On April 2, 2002, the County Commission adopted the Planning District 29 Zoning Map and Ordinances.

#### 2.3.29.2 District Boundaries

A legal description of the boundaries for Planning District 29 may be found under Appendix A.

#### 2.3.29.3 Local Provisions for Planning District 29

- (a) Accessory dwellings are permitted by right in residential districts, provided they do not exceed 60% of the size, in square feet, of the principal residence.
- (b) No PRD development is allowed to exceed maximum height requirements by more than 10-feet.

### 2.3.30 ***Planning District 30.***

#### 2.3.30.1 Effective Date

On July 20, 1993, a majority of qualified electors in Planning District 30 voted to institute County Zoning. On February 21, 1995, the County Commission adopted the Planning District 30 Zoning Map and Ordinances.

#### 2.3.30.2 District Boundaries

A legal description of the boundaries of Planning District 30 may be found under Appendix A.

#### 2.3.30.3 Local Provisions for Planning District 30

Accessory dwellings are permitted by right in residential districts, provided they do not exceed 60% of the size, in square feet, of the principal residence.

### 2.3.31 ***Planning District 31.***

#### 2.3.31.1 Effective Date

On September 7, 1993, a majority of qualified electors in Planning District 31 voted to institute County Zoning. On November 21, 1995, the County Commission adopted the Planning District 31 Zoning Map and Ordinances.

#### 2.3.31.2 District Boundaries

A legal description of the boundaries for Planning District 31 may be found under Appendix A.

#### 2.3.31.3 Local Provision for Planning District 31

No recreational vehicle parks are allowed.

### **2.3.32 Planning District 32.**

#### 2.3.32.1 Effective Date

On September 13, 1994, a majority of qualified electors in Planning District 32 voted to institute County Zoning. On December 19, 1995, the County Commission adopted the Planning District 32 Zoning Map and Ordinances.

#### 2.3.32.2 District Boundaries

A legal description of the boundaries for Planning District 32 may be found under Appendix A.

#### 2.3.32.3 Local Provisions for Planning District 32

- (a) Accessory dwellings are permitted by right in residential districts, provided they do not exceed sixty (60) percent of the size, in square feet, of the principal residence.
- (b) No industrial use is permitted which has any emission of fluids or gases into any streams, tidal marshes, wetlands, bay waters, or underground aquifers. No commercial or industrial use is permitted on any shores that require industrial tug boat or barge docking, loading, unloading, building, repair or refitting.
- (c) No PRD development is allowed to exceed maximum height requirements by more than ten (10) feet.

### **2.3.33 Planning District 33.**

#### 2.3.33.1 Effective Date

On December 18, 2001, a majority of qualified electors in Planning District 33 voted to institute County Zoning. On August 6, 2002, the County Commission adopted the Planning District 33 Zoning Map and Ordinances.

#### 2.3.33.2 District Boundaries

A legal description of the boundaries for Planning District 33 may be found under Appendix A.

2.3.33.3 Local Provisions for Planning District 33

- (a) Accessory dwellings are permitted by right in residential districts, provided they do not exceed sixty (60) percent of the size, in square feet, of the principal residence.
- (b) No PRD development is allowed to exceed maximum height requirements by more than ten (10) feet.