

Article 9 Planned Development Districts

Section 9.1 Purpose

It is the purpose of this article to permit Planned Developments which are intended to encourage the development of land as planned communities, encourage flexible and creative concepts of site planning; preserve the natural amenities of the land by encouraging scenic and functional open areas; accomplish a more desirable environment than would be possible through the strict application of the minimum requirements of these ordinances; provide for an efficient use of land resulting in smaller networks of streets and utilities where access to regional systems is impractical and thereby lowering development and housing costs; and provide a stable environmental character compatible with surrounding areas.

Definitions. Words and phrases used in this section shall have the meanings as set forth in this section. Words and phrases not defined in this section but defined elsewhere in the zoning ordinances shall be given the meanings as set forth in such ordinances. All other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise.

Large scale planned developments: A development of land, occupying 1000 contiguous acres or more, that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. A large scale planned development containing 4 units or less is exempt from these provisions. Large Scale Planned Developments are required to obtain Conceptual Site Plan approval (reviewed first by Planning Commission and recommendation sent to the County Commission for final consideration), and then obtain Final Site Plan approval for each phase of development, as outline herein.

Small scale planned developments: A development of land, occupying at least 5 acres and less than 1000 contiguous acres, that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. A small scale planned development containing 4 units or less is exempt from these provisions. Small Scale Planned Developments are required to obtain Final Site Plan approval as outlined herein.

Section 9.2 Planned Developments, Generally

9.2.1 *Unified control.* The parcel or parcels of land for a Planned Development shall be in unified control, and shall be owned or controlled by a single person, corporation, agency, or like organization. The applicant shall provide the county appropriate and necessary documents to indicate ownership. No application shall be considered until this section is fully complied with. An application must be filed by the owner or authorized agent of all property included in the project. In the case of multiple

ownerships, the approved final development plan shall be binding on all owners and any successors. The developer shall maintain and provide for unified control of the Planned Development until the project is complete. The entity designated to provide unified control shall ensure that all conditions of development are met. Individual properties may be sold after appropriate approvals and recordings have been completed and that proper recordings have been made which insures the continuance of the Planned Development as approved. Responsibility for unified control may be assigned to an individual or entity such as a homeowner's association that will provide for the maintenance of any common property and improvements.

9.2.2 Specific variations in off-street parking and loading requirements, sign requirements, landscaping requirements and area and dimensional requirements, including lot sizes, lot widths, setbacks and building height, may be approved by the County Commission, upon recommendation by the Planning Commission, and shall be shown on the approved Final Site Plan.

9.2.3 Where a planned development involves the subdivision of land, a subdivision plat shall be approved in accordance with the procedures established in the *Baldwin County Subdivision Regulations*.

9.2.4 *Approval of a planned development.* Approval of a large scale Planned Residential Development conceptual plan, small scale Planned Residential Development and Planned Industrial Development final site plan shall constitute a zoning map amendment for the subject property. The zoning designation "PRD" or "PID" shall be assigned on the official zoning map for the respective planning district.

Section 9.3 Planned Residential Developments

9.3.1 *Permitted uses.* Within the "Planned Residential Development" districts, the following uses and structures designed for such uses may be permitted as shown on the approved site plan:

- (a) Single family dwellings including manufactured housing and mobile homes.
- (b) Two family dwellings.
- (c) Multiple family dwellings including townhouses.
- (d) Non-residential land uses in accordance with limitations and restrictions contained herein.
- (e) Maintenance facilities and utility facilities.
- (f) Accessory structures and uses.

9.3.2 *Required zoning districts.* A Planned Residential District may be established under the following zoning designations:

- RA: Rural Agricultural 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
- RMH: Residential Manufactured Housing Park District
- HDR: High Density Residential District
- RV-1: Recreational Vehicle Park District
- RV-2: Recreational Vehicle Park District

In Planning District 10, a Planned Residential District may also be established in the Rural District (RR) zone.

9.3.3 *Commercial land uses.* Commercial land uses including institutional uses, office and professional service uses, local commercial uses and general commercial uses may not occupy more than twenty (20) percent of the gross acreage of the PRD. The following location criteria shall be met to the County's satisfaction:

- (a) The location of commercial land uses demonstrates a rational development scheme.
- (b) The commercial land use is centrally located and interrelated to the development as a whole.
- (c) The commercial land use is located in the interior of the development, uses that front an exterior or a perimeter street or road should be limited.
- (d) Commercial zoning classifications are shown on the conceptual plan and final development plan.

9.3.4 *Open space and common area reservation.* A minimum of 20% of the gross land area of the planned development shall be set aside for permanent open space for passive and/or active recreation such as parks, recreational facilities, pedestrian ways, and/or for conserving sensitive elements of the site.

- (a) Unless constructed as an amenity, stormwater detention ponds, retention ponds, or similar holding basins for stormwater shall not be counted in determining open space. Steep slopes, internal street rights-of-way,

driveways, off-street parking areas, and off-street loading areas or similar uses shall not be counted in determining open space.

(b) All jurisdictional wetlands located within the development shall be set aside in the required open space.

(c) A minimum of fifty (50) percent of the required open space must be usable for passive or active recreation purposes. The usable open space shall not include steep slopes, streams, ponds, watercourses, wetlands, floodways and/or floodplains.

9.3.4.1 The required open space may be owned in common by the residents of the development. Any open space set aside for conservation shall be subjected to a conservation easement granted to a qualified land trust, conservation organization or government agency. Such conservation easement shall be in legal form satisfactory to the County.

9.3.4.2 Open space, common area or recreational facilities shall be provided in a manner which coincides with each development phase of a project. The amount and type shall be adequate to serve the needs of the residents or users within each phase.

9.3.5 *Development density.* All provisions concerning maximum density permitted in the underlying zoning district are applicable to Planned Residential Developments therein and shall not be exceeded. Land reserved for non-residential uses shall not be included in the allowable development density. Land set aside for open space shall be included in the allowable development density. For mixed use buildings where the gross floor area used for non-residential uses exceeds ten (10) percent of the total gross floor area, the entire footprint shall be considered as land reserved for non-residential uses.

9.3.6 *Development area.*

(a) *Development area, small scale.* A small scale planned residential development, occupying a minimum of five (5) contiguous acres and less than one-thousand (1,000) contiguous acres may be established within those Planning Districts which permit planned residential developments (See *Section 2.3: Establishment of Zoning in Planning District*).

(b) *Development area, large scale.* A large scale planned residential development, occupying one thousand (1,000) contiguous acres or more may be established within those Planning Districts which permit planned residential developments (See *Section 2.3: Establishment of Zoning in Planning Districts*).

Section 9.4 PRD Establishment Procedures, Generally

9.4.1 The procedure to establish a small scale or large scale PRD shall be the same as a change in the zoning district boundaries as specified in *Article 19*. The planned development shall be shown on the Zoning Map by outline of the tract of land included and the notation "PRD".

9.4.2 Prior to filing of an application for approval of a planned development, a pre-application conference should be held with the Zoning Administrator or his/her designee. The purpose of the conference is to consider informally the concept of the proposed planned development and the way in which it will meet the objectives of this section. No specific documents are required for the pre-application conference, but the applicant shall be responsible for providing sufficient information on which to base tentative conclusions as to the appropriateness and feasibility of the proposed planned development under the provisions of these ordinances.

9.4.3 *Small scale procedure.* To establish a PRD Small Scale, the applicant shall file an application and required submittals in accordance with the final site plan requirements found in *Section 9.5.5: Final Site Plan Requirements*. All development thereafter shall be in conformance with an approved final site plan.

9.4.4 *Large scale procedure.* To establish a large scale PRD the applicant shall file an application and required submittals in accordance with *Section 9.5: Submittals*.

9.4.5 Development of a large-scale PRD may be done in phases, subject to the condition that all the property to be included in such phased PRD shall be submitted as a conceptual plan and approved by the County.

9.4.6 If the Conceptual Plan and required submittals are approved by the County, the applicant(s) must then and in that event, submit Final Site Plans in accordance with the approved phasing schedule and in accordance with *Section 9.5.1*, for each phase of the project prior to any commencement of development activity.

9.4.7 A final site plan shall be submitted and heard in accordance with *Article 19*.

Section 9.5 Submittals

9.5.1 *Conceptual site plan requirements.*

9.5.2 The following shall be submitted as part of a Large Scale Planned Residential Development Conceptual Site Plan and shall include four (4) copies of the following:

- (a) Proposed land uses, housing types, or building types by generalized area.
- (b) Proposed common areas and open space, showing proposed uses (i.e. recreation, detention, park, school, church, etc...).

- (c) Proposed pedestrian pathways and bicycle paths.
- (d) The proposed location of the internal major and minor street system, the adjacent external street system and connections to the adjacent external street system, and typical sections of proposed streets.
- (e) The location, type and total gross square footage of all non-residential uses.
- (f) A development schedule with a generalized phasing schedule, if appropriate.
- (g) Plans for traffic and circulation inside and outside the development in the immediate vicinity.

9.5.3 A Conceptual Plan written summary shall be submitted to the County, and shall include the following:

- (a) A Narrative that generally describes the entire project.
- (b) A statement of the present ownership and a legal description of the property.
- (c) Proposed land uses and development standards, density, height, yard requirements, typical lot configurations, and proposed restrictive covenants.
- (d) Tables showing the maximum number, type and density of dwelling units proposed for each phase or site and land use.
- (e) Statement regarding proposed dedication or reservation of land for public uses, including streets, easements, parks and school sites.
- (f) Statement regarding water, sewer, electrical, telephone, fire protection, and solid waste collection service for the proposed development.
- (g) Statement regarding the general method proposed for stormwater management and erosion control.
- (h) A traffic study shall be performed and submitted with written summary. The study shall cover an area of influence from the proposed development to the nearest north-south major arterial and east-west major arterial.
- (i) A statement indicating the type of legal instrument that will be created to provide for the management of common areas.

(j) A proposing parking and loading schedule for each land use type.

9.5.4 A Conceptual Utility Service Plan shall be submitted and include the following:

(a) A Generalized Utility Plan indicating the location and size of existing water and sewer lines, as well as any proposed offsite utility upgrades.

(b) A Statement of Utility Service Commitment for the water, sewer, electric and telephone utility providers. This Statement of Commitment must include that the utility provider is willing and financially capable of providing service to the development at present and in the future. It should also make reference to any immediate or future infrastructure upgrades that will be required due to said development, and at what stage of development these upgrades will be necessary.

(c) A letter from the fire chief of the fire district that will serve the development, stating that the department is capable of providing fire protection for the development and that the utilities, general layout, and building types will not reflect negatively on the current ISO rating of the citizens in that fire district. If a new fire district is to be created, then a similar letter from the responsible individual who intends to create such fire district is required. Proof of the creation of said fire district is required prior to Preliminary Plat or Final Site Plan approval.

9.5.5 *Final development and site plan requirements.*

9.5.5.1 Final Development Plan Application Required Submittals.

(a) Be made on forms available at the offices of the Baldwin County Planning & Zoning Department.

(b) Be accompanied by the required application fee according to the current schedule of fees established by the County Commission for the particular category of application.

(c) Be accompanied by five (5) sets of plans preferably at a scale of 1" = 100' and two (2) sets of plans on 11x17 size paper.

(d) Be submitted to the Baldwin County Planning & Zoning Department in accordance with meeting date and deadlines approved by the Baldwin County Planning Commission.

(e) Be accompanied by a transmittal letter listing all of the drawings, letters, calculations, attachments, and other information submitted for the application.

(f) Be submitted within the effective period of approval as per *Section 9.10.2.*

- (g) Be accompanied by a stormwater management plan with a schematic diagram of the proposed stormwater collection system and method of retention/detention.
 - (h) Be accompanied by a statement or narrative on anticipated impacts on any public services as necessary.
 - (i) Be accompanied by preliminary statements on how maintenance and ownership of common facilities will be handled and maintained.
 - (j) Boundary of the site shown by a heavy line.
 - (k) A plan at an appropriate scale demonstrating the following:
 - 1. The location, grouping, distance dimensions and height of all uses and facilities.
 - 2. In the case of residential development, the number of residential units proposed, their location, number of stories and overall building height.
 - 3. A vehicular and pedestrian circulation system including driveways, walkways, parking areas and streets to be dedicated, if any.
 - 4. A system of open space and/or recreational uses.
 - 5. A written summary of the project including a description of the development design concept, target market, anticipated sales price (for residential) and any other pertinent information.
 - (l) A proposed landscaping plan including buffering.
 - (m) Existing and proposed streets, including the following information:
 - 1. Right-of-way widths
 - 2. A typical design cross section indicating road surface type, width, drainage features and sidewalks/bike paths.
 - (n) If submitted as part of a large scale PRD, a Final Development plan shall comply in all respects to corresponding approved Conceptual Plan with the exception of minor changes allowed under *Section 9.9: Plan Modifications*.
- 9.5.5.2 A final site plan shall be prepared by a licensed engineer, architect or land surveyor and shall be clearly and legibly drawn at a convenient scale of not less than one (1) inch equals 100-feet, and the sheets shall be numbered in sequence if more

than one (1) sheet is used. All text shall be a minimum of 1/10 of an inch in height. The sheet shall not exceed 24 x 36 inches. The site plan shall show the following:

- (a) Name and address of owner(s) of record.
- (b) Proposed name of the planned development, date, north point, scale, and location.
- (c) Name of licensed engineer, architect or land surveyor.
- (d) Vicinity map showing the location of the planned development.
- (e) Exact boundaries of the site shown with bearings and distances.
- (f) Names and addresses of the owners of land immediately adjoining the site as their names appear upon the plats in the office of the county tax assessor and their addresses appear in the directory of the county or on the tax records of the county.
- (g) Wooded areas, wetlands and any other conditions affecting the site.
- (h) The location of existing streets, buildings, water courses, railroads, transmission lines, drainage structures, public utilities, jurisdiction lines, and any public utility easements on the site and on adjacent land within 100-feet of the site.
- (i) Proposed rights-of-way or easements including location, widths, purposes, and street names.
- (j) The location and size of all lots.
- (k) Proposed minimum building setback lines shown and labeled on each lot.
- (l) Proposed parks, school sites, or other public open spaces, if any.
- (m) Site data:
 - 1. Acreage in total tract.
 - 2. Smallest lot size.
 - 3. Total number of lots.
 - 4. Linear feet in streets.
 - 5. Amount of impervious surface.

6. Density.

(n) Any area within or adjacent within 100-feet of the proposed planned development subject to inundation by the base flood as defined herein, or subject to periodic inundation by storm drainage overflow or ponding, shall be clearly shown and identified on the site plan.

(o) Special flood hazard areas and/or coastal high hazard areas as indicated on the latest Flood Insurance Rate Map (FIRM) for the area, along with a statement to that effect.

(p) An acceptable wetlands jurisdictional determination from a certified environmental consultant if the proposed planned development contains wetlands or if the Zoning Administrator or his/her designee determines potential wetlands from the Generalized Wetland map as defined herein, or through a site visit by County Staff.

(q) The name of each utility company proposed to provide water, sewer, electrical, and telephone service.

(r) Proposed land uses and the location of proposed buildings and other structures including walls and fences (when appropriate).

(s) Number and location of parking spaces.

(t) The method proposed to maintain private common open areas, buildings or other facilities, including copies of all legal documents necessary to accomplish this.

(u) A schedule of development (when appropriate).

(v) Topography, including existing contours at intervals of 2-feet.

(w) When the final site plan is part of a large scale PRD, the phase of the project and its location shall be given on the final development site plan.

Section 9.6 Planned Industrial Development (PID)

9.6.1 *Development area.* A planned industrial development, occupying 10 acres or more may be established in the B-3, B-4, M-1, and M-2 zoning districts within those Planning Districts which permit planned industrial developments (See *Section 2.3: Establishment of Zoning in Planning Districts*).

9.6.2 *Permitted uses.* Within the "PID Planned Industrial Development" districts, the following uses and structures designed for such uses may be permitted:

(a) General industrial uses which do not create any danger to health or safety in surrounding areas and which do not create any objectionable noise, vibration, smoke, dust, odor, heat or glare.

(b) Light industrial uses.

(c) Accessory structures and uses.

(d) Maintenance facilities and utility facilities.

9.6.3 *Prohibited uses.* Any usage that creates a nuisance or discharge, storage and/burial of any liquid waste, solid waste or airborne particulate matter in violation of Federal, State, or County law is prohibited. Examples of prohibited uses include chemical plants, plastic manufacturers, and paper manufacturers.

9.6.4 *Development standards.*

(a) *Buffers.* A minimum buffer of 25-feet shall be required around the entire perimeter of a planned industrial development. Where a boundary abuts a wetland area, the buffer shall be a minimum of 50-feet wide, except for docking facilities. Where the distance between property lines is greater than 1000-feet, the required buffer shall be increase to 100-feet. The buffer shall contain or shall be planted with trees and shrubs of sufficient density and of sufficient height (but in no case less than 8-feet high at the time of planting) to afford adequate visual and noise protection. All screen planting shall be maintained in a clean and neat condition so as to accomplish its purpose continuously.

(b) *Setbacks.* A setback of 50-feet from all property lines which form the perimeter of a planned industrial development shall be required. Within Planning District 4 the following setbacks shall also apply:

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

(c) *Building height.* A maximum building height of 60-feet or 4 stories shall be observed. The required setback shall be increased one (1) foot for each foot of building height in excess of 35-feet. In Planning District 4, any portion of a structure greater than 30-feet in height shall be located a minimum of 1000-feet from any residential district.

(d) *Lot size.* No minimum lot sizes are required except in Planning District 4 a minimum lot size of 3 acres and a minimum lot width of 200-feet shall be required.

(e) *Open space requirement.* A minimum of 10% of the gross land area of the planned industrial development shall be set aside for permanent open space.

(f) *Outside storage areas.* Outside storage of any materials, supplies, or products shall not be permitted within any required setback or buffer area and shall be properly screened.

(g) *Lighting.* Lighting fixtures used to illuminate signs, parking areas, or for other purposes shall be so arranged that the source of light does not shine directly into adjacent properties or into traffic.

(h) *Traffic.* A professional traffic analysis indicating that the proposed development will be so related to streets and arteries that the traffic generated can be accommodated without causing objectionable volumes of traffic on residential streets shall be required.

(i) *Environmental permits.* All development in a planned industrial development shall adhere to ADEM and EPA air and noise pollution standards and requirements of the Clean Air and Clean Water Acts. Before commencing construction, all developments shall obtain or demonstrate an ability to obtain all permits as may be required by any applicable Federal and State of Alabama environmental laws and ordinances. All subsequent operations within an approved development shall comply with all such environmental requirements.

Section 9.7 Planned Commercial Development (PCD) (Reserved)

Reserved for future Planned Commercial Development (PCD) District.

Section 9.8 Planned Development Plan Review

9.8.1 Approval of a planned development shall be based on the County Commission's consideration of the following:

(a) That the value and character of the property or properties adjacent to the tract of land under consideration will not be adversely affected.

(b) That the proposed development promotes the objectives and purpose of the master plan.

(c) That the proposed development is consistent with the intent and purpose of these ordinances to promote public health, safety, morals and general welfare.

(d) That the proposed development meets the requirements of these ordinances as well as the requirements of all other regulating bodies.

(e) That public services are currently or will be available at a level which will adequately serve the development.

Section 9.9 Plan Amendments

9.9.1 *Amendment of site plan.* Plan amendments may be requested at any time during the development process or life span of the development. The purpose of plan amendments is to provide flexibility with regard to site planning and design so as to address development issues that may arise as the implementation of a planned development occurs so long as the intent of the original approval is still met.

Minor Administrative Amendments may be allowed when the following criteria are met as determined by the Planning Director. Request for minor administrative amendments must be accompanied by written requests addressing each criterion along with accompanying information including original and proposed amendments to site plans. The following criteria shall be used to determine minor administrative amendments:

- a. There is no increase in the number of dwelling units; and
- b. There is no increase in the height of structures; and
- c. There are no changes to the boundaries of the planned development; and
- d. There is no change in the approved land uses intensities; and
- e. There is no reduction in the amount and quality of open space; and
- f. There is no substantial change to the approved land use patterns or the general location of streets and driveways; provided however, that "substantial changes" for the purpose of this section shall not include changes in locations of buildings, roads, streets, driveways or amenities required by a state, federal or judicial regulatory ruling issued after original approval of the subject Planned Development.

Changes that are not determined minor administrative amendments of the planned development are major changes in the approved conceptual site plan or final site plan and thus shall require approval through the PRD amendment process as set out herein.

9.9.2 *Amendment procedures.* Substantive changes in the conceptual or final site plan shall be considered amendments to the plan and shall be subject to the same procedures specified for approval of the planned development. In large scale planned developments, request for modifications may be requested for a phase of the

development. Only the phase in which the modification is being requested shall be subject to the modification procedures.

Section 9.10 Approvals

9.10.1 *Conceptual site plan period of approval.* Conceptual site plan approval shall be effective for a period of four (4) years from the date of approval by the County Commission. In the case of a phased PRD development, the final site plan for the first phase shall be submitted for approval in order to start construction. Each successive phase must be submitted to the County and start construction within two (2) years of the completion of the previously approved phase.

9.10.2 The approval of a final site plan shall be effective for a period of two (2) years. If no construction has commenced within two (2) years, the developer shall have thirty (30) calendar days from the date of expiration to file for a one (1) year extension. If no extension is requested the PRD site plan approval shall be automatically revoked. If the Planned Development was accompanied by a rezoning, the Commission may at their discretion take necessary action to re-institute the zoning district which was present on the subject property prior to Planned Development approval. A maximum of two (2) one (1) year extension may be granted. If an extension is granted the proposed development must conform to the zoning ordinances in place at the time the extension is granted.

9.10.3 *Extensions.* Extensions may be granted only upon a demonstration, to the satisfaction of the County, that the need for extension results from an event that the developer could not have anticipated or controlled which event or effect makes the commencement or continuation impossible or impractical.

Section 9.11 Annual Written Reports

The developer shall submit a written report to the County each year the development is under construction. The report shall be submitted no later than thirty (30) days after the month and date of initial approval. If the report is not submitted, the permits and approvals may be withheld, or site plan approval revoked by action of the County Commission. The report shall be considered an attachment to the original Planned Development application. The report shall include at a minimum, the following:

- (a) General project status.
- (b) Total number of lots platted or buildings constructed.
- (c) Total number of dwellings constructed.
- (d) Infrastructure improvements completed to date.
- (e) Status of future phases if appropriate.

(f) Completion of phases.

(g) Anticipated commencement of future phases.