Baldwin County Zoning Ordinance

Amended as of September 21, 2021

Baldwin County Commission

Baldwin County Planning and Zoning Commission

Table of Contents

Article 1 Purpose, Enactment and Title Page 1-1

Section 1.1 Purpose

Section 1.2 Short Title

Section 1.3 Authority

Section 1.4 Jurisdiction

Section 1.5 Repeal of Regulations and Ordinances

Section 1.6 Conflict with Other Law

Section 1.7 Validity

Section 1.8 Disclaimer of Liability

Section 1.9 Adoption

Article 2 Planning Districts, Boundaries and Local Provisions Page 2-1

Section 2.1 Establishment of Planning Districts

Section 2.2 Establishment of Zoning Districts

Section 2.3 Establishment of Zoning in Planning Districts

2.3.1 Planning District 1
2.3.2 Planning District 2
2.3.3 Planning District 3
2.3.4 Planning District 4
2.3.5 Planning District 5
2.3.6 Planning District 6
2.3.7 Planning District 7
2.3.8 Planning District 8
2.3.9 Planning District 9
2.3.10 Planning District 10
2.3.11 Planning District 11
2.3.12 Planning District 12
2.3.13 Planning District 13
2.3.14 Planning District 14
2.3.15 Planning District 15
2.3.16 Planning District 16
2.3.17 Planning District 17
2.3.18 Planning District 18
2.3.19 Planning District 19
2.3.20 Planning District 20
2.3.21 Planning District 21

2.3.22 Planning District 22
2.3.23 Planning District 23
2.3.24 Planning District 24
2.3.25 Planning District 25
2.3.26 Planning District 26
2.3.27 Planning District 27
2.3.28 Planning District 28
2.3.29 Planning District 29
2.3.30 Planning District 30
2.3.31 Planning District 31
2.3.32 Planning District 32
2.3.33 Planning District 33

Article 3 Rural Districts Page 3-1

Section 3.1 RR, Rural District
3.1.1 Generally
3.1.2 Permitted Uses
3.1.3 Special Exceptions
3.1.4 Conditional Use
3.1.5 Area and Dimensional Ordinances
3.1.6 Area and Dimensional Modifications

Section 3.2 RA, Rural Agriculture District
3.2.1 Generally
3.2.2 Permitted Uses
3.2.3 Special Exceptions
3.2.4 Conditional Uses
3.2.5 Area and Dimensional Ordinances
3.2.6 Area and Dimensional Modifications

Section 3.3 CR, Conservation Resource District
3.3.1 Generally
3.3.2 Permitted Uses
3.3.3 Special Exceptions
3.3.4 Conditional Uses
3.3.5 Area and Dimensional Ordinances

Article 4 Residential Districts Page 4-1

Section 4.1 RSF-E, Residential Single Family Estate District
4.1.1 Generally
4.1.2 Permitted Uses
4.1.3 Conditional Uses
4.1.4 Special Exception
4.1.5 Area and Dimensional Ordinances
4.1.6 Area and Dimensional Modifications

Section 4.2 RSF-1, Single Family District
4.2.1 Generally
4.2.2 Permitted Uses

4.2.3 Conditional Uses
4.2.4 Special Exception
4.2.5 Area and Dimensional Ordinances

Section 4.3 RSF-2, Single Family District
4.3.1 Generally
4.3.2 Permitted Uses
4.3.3 Conditional Uses
4.3.4 Special Exception
4.3.5 Area and Dimensional Ordinances

Section 4.4 RSF-3, Single Family District
4.4.1 Generally
4.4.2 Permitted Uses
4.4.3 Conditional Uses
4.4.4 Special Exception
4.4.5 Area and Dimensional Ordinances

Section 4.5 RSF-4, Single Family District
4.5.1 Generally
4.5.2 Permitted Uses
4.5.3 Conditional Uses
4.5.4 Special Exception
4.5.5 Area and Dimensional Ordinances

Section 4.6 RTF-4, Two Family District
4.6.1 Generally
4.6.2 Permitted Uses
4.6.3 Conditional Uses
4.6.4 Special Exception
4.6.5 Area and Dimensional Ordinances

Section 4.7 RSF-6, Single Family District
4.7.1 Generally
4.7.2 Permitted Uses
4.7.3 Conditional Uses
4.7.4 Special Exceptions
4.7.5 Area and Dimensional Ordinances

Section 4.8 RTF-6, Two Family District
4.8.1 Generally
4.8.2 Permitted Uses
4.8.3 Conditional Uses
4.8.4 Special Exceptions
4.8.5 Area and Dimensional Ordinances

Section 4.9 RMF-6, Multiple Family District
4.9.1 Generally
4.9.2 Permitted Uses
4.9.3 Conditional Uses
4.9.4 Special Exceptions

4.9.5 Area and Dimensional Ordinances (single and two family)
4.9.6 Area and Dimensional Ordinances (multiple family)
4.9.7 Townhouses

Section 4.10 HDR, High Density Residential District
4.10.1 Generally
4.10.2 Permitted Uses
4.10.3 Conditional Uses
4.10.4 Area and Dimensional Ordinances (single and two family)
4.10.5 Area and Dimensional Ordinances (multiple family)
4.10.6 Townhouses
4.10.7 Open Space Requirement
4.10.8 Lighting Standards
4.10.9 Landscaping and Buffering

Section 4.11 RMH, Residential Manufactured Housing Park District
4.11.1 Generally
4.11.2 Permitted Uses
4.11.3 Conditional Uses
4.11.4 Area and Dimensional Ordinances
4.11.5 Compliance with Subdivision Regulations

Article 5 Commercial Districts Page 5-1

Section 5.1 B-1, Professional Business District
5.1.1 Purpose and Intent
5.1.2 Permitted Uses
5.1.3 Conditional Uses
5.1.4 Mixed Uses
5.1.5 Area and Dimensional Ordinances
5.1.6 Lighting Standards
5.1.7 Distance Between Structures
5.1.8 Landscaping and Buffering

Section 5.2 B-2, Neighborhood Business District
5.2.1 Purpose and Intent
5.2.2 Permitted Uses
5.2.3 Conditional Uses
5.2.4 Mixed Uses
5.2.5 Area and Dimensional Ordinances
5.2.6 Lighting Standards
5.2.7 Distance Between Structures
5.2.8 Landscaping and Buffering

Section 5.3 B-3, General Business District
5.3.1 Purpose and Intent
5.3.2 Permitted Uses
5.3.3 Conditional Uses
5.3.4 Area and Dimensional Ordinances
5.3.5 Lighting Standards
5.3.6 Distance Between Structures

5.3.7 Landscaping and Buffering

Section 5.4 B-4, Major Commercial District
5.4.1 Purpose and Intent
5.4.2 Permitted Uses
5.4.3 Conditional Uses
5.4.4 Area and Dimensional Ordinances
5.4.5 Lighting Standards
5.4.6 Distance Between Structures
5.4.7 Landscaping and Buffering

Section 5.5 RV-1, Recreational Vehicle Park District
5.5.1 Purpose and Intent
5.5.2 Permitted Uses
5.5.3 Density
5.5.4 Land Area
5.5.5 Standards

Section 5.6 RV-2, Recreational Vehicle Park District
5.6.1 Purpose and Intent
5.6.2 Permitted Uses
5.6.3 Density
5.6.4 Land Area
5.6.5 Standards

Section 5.7 LB, Limited Business District
5.7.1 Purpose and Intent
5.7.2 Permitted Uses
5.7.3 Conditional Uses
5.7.4 Mixed Uses
5.7.5 Special Exceptions
5.7.6 Area and Dimensional Ordinances
5.7.7 Lighting Standards
5.7.8 Landscaping and Buffering

Article 6 Recreation Districts Page 6-1

Section 6.1 MR, Marine Recreation District
6.1.1 Generally
6.1.2 Permitted Uses
6.1.3 Conditional Use
6.1.4 Area and Dimensional Ordinances

Section 6.2 OR, Outdoor Recreation District
6.2.1 Generally
6.2.2 Permitted Uses
6.2.3 Area and Dimensional Ordinances

Article 7 Tourist District Page 7-1

Section 7.1 TR, Tourist Resort District

7.1.1 Generally
7.1.2 Permitted Uses
7.1.3 Special Exceptions
7.1.4 Area and Dimensional Ordinances

Article 8 Industrial Districts Page 8-1

Section 8.1 M-1, Light Industrial District
8.1.1 Generally
8.1.2 Permitted Uses
8.1.3 Conditional Uses
8.1.4 Area and Dimensional Ordinances

Section 8.2 M-2, General Industrial District
8.2.1 Generally
8.2.2 Permitted Uses
8.2.3 Conditional Uses
8.2.4 Area and Dimensional Ordinances

Article 9 Planned Development Districts Page 9-1

Section 9.1 Purpose

Section 9.2 Planned Developments, Generally

Section 9.3 Planned Residential Developments

Section 9.4 PRD Establishment Procedures, Generally

Section 9.5 Submittals

Section 9.6 Planned Industrial Development (PID)

Section 9.7 Planned Commercial Development (PCD) (Reserved)

Section 9.8 Planned Development Plan Review

Section 9.9 Plan Amendments

Section 9.10 Approvals

Section 9.11 Annual Written Reports

Article 10 Overlay Districts Page 10-1

Section 10.1 Thoroughfare Corridor Overlay District
10.1.1 Purpose
10.1.2 Area of Application
10.1.3 Requirements

Section 10.2 Flood Hazard Overlay District

10.2.1 Purpose
10.2.2 Area of Application
10.2.3 Requirements

Section 10.3 Historic Resource Overlay District
10.3.1 Purpose
10.3.2 Area of Application
10.3.3 Requirements

Section 10.4 Wetland Protection Overlay District
10.4.1 Purpose
10.4.2 Area of Application
10.4.3 Wetland Protection District Boundaries
10.4.4 Permit Requirements
10.4.5 Subdivisions in the Wetland Protection Overlay District

Section 10.5 Gulf Beach Overlay District
10.5.1 Purpose
10.5.2 Established Boundaries
10.5.3 Applicability
10.5.4 Development Standards

Section 10.6 Family Heritage Overlay District
10.6.1 Purpose
10.6.2 Established Boundaries
10.6.3 Applicability
10.6.4 Automatic Removal of Overlay District
10.6.5 Nonconformities within in the Family Heritage Overlay District

Article 11 Conservation Developments Page 11-1

Section 11.1 Purpose and Intent

Section 11.2 Definitions

Section 11.3 General Ordinances

Section 11.4 Application Requirements

Section 11.5 Open Space
11.5.1 Standards to Determine Open Space and Buildable Area.
11.5.2 Permitted Uses
11.5.3 Prohibited Uses
11.5.4 Ownership and Management
11.5.5 Legal Instrument For Permanent Protection
11.5.6 Tax Assessment

Article 12 General Requirements Page 12-1

Section 12.1 General Requirements

12.1.1 Generally
12.1.2 Use of Land
12.1.3 Use of Structures
12.1.4 Area and Dimensional Requirements
12.1.5 Off Street Parking and Loading
12.1.6 Signs
12.1.7 Stormwater Management
12.1.8 Erosion Control
12.1.9 Landscaping

Section 12.2 Temporary Structures and Uses

Section 12.3 Utility Structures

Section 12.4 Height Modifications

Section 12.5 Yard Requirements

Section 12.6 Coastal Areas

Section 12.7 Adult Entertainment

Section 12.8 Highway Construction Setbacks

Section 12.9 Substandard Lots of Record

Section 12.10 Rules for Determining Zoning District Boundaries

Section 12.11 Density

Article 13 Design Standards Page 13-1

Section 13.1 Accessory Uses and Structures
13.1.1 Generally
13.1.2 Residential Districts
13.1.3 Accessory Dwellings
13.1.4 Observation Towers

Section 13.2 Satellite Dishes and Radio and TV Antennas
13.2.1 Satellite Dishes
13.2.2 Radio and TV Antennas

Section 13.3 Home Occupations
13.3.1 Home Occupations
13.3.2 Home Occupations, Rural

Section 13.4 Utilities
13.4.1 Septic Tanks
13.4.2 Water and Sewer Connections
13.4.3 Utility Plan
13.4.4 Other

Section 13.5 Sewage Treatment Plants

Section 13.6 Buildings and Access
13.6.1 Buildings to be on Lots
13.6.2 Access

Section 13.7 Cemeteries
13.7.1 Purpose
13.7.2 Procedures and Standards

Section 13.8 Recreational Vehicle (RV) Park
13.8.1 Purpose
13.8.2 Procedures and Standards

Section 13.9 Wireless Telecommunication Facilities
13.9.1 Purpose
13.9.2 Procedures and Standards

Section 13.10 Bed and Breakfast Establishments
13.10.1 Purpose
13.10.2 Standards

Section 13.11 Stormwater Management

Section 13.12 Erosion Control

Section 13.13 Wind Energy Conversion Systems

Section 13.14 Mini-Warehouses

Section 13.15 Office-Warehouses

Article 14 Reserved Page 14-1

Article 15 Parking and Loading Requirements Page 15-1

Section 15.1 Generally

Section 15.2 Parking Schedule
15.2.1 Dwellings
15.2.2 Institutional
15.2.3 Health Facilities
15.2.4 Business and Office
15.2.5 Recreation and Amusement
15.2.6 Industrial, Warehouse and Similar Establishments

Section 15.3 Design Standards and Improvement Requirements
15.3.1 Off-Street Parking Space Defined
15.3.2 Parking Area Dimensions

15.3.3 Width of Two-Way Access Driveways
15.3.4 Paving Standards
15.3.5 Drainage
15.3.6 Landscaping
15.3.7 Off-Street Loading and Unloading Spaces
15.3.8 Curb Cuts and Vision Clearance
15.3.9 Storage and Parking of Trailers and Commercial Vehicles

Article 16 Sign Requirements Page 16-1

Section 16.1 Purpose

Section 16.2 Measurement Determinations
16.2.1 Number of Signs
16.2.2 Sign Face Area
16.2.3 Sign Height
16.2.4 Distance Between Signs
16.2.5 Façade Area

Section 16.3 Exempt Signs

Section 16.4 Prohibited Signs

Section 16.5 Permitted Signs
16.5.1 Generally
16.5.2 All Parcels
16.5.3 Commercially Developed Parcels
16.5.4 Undeveloped Parcels
16.5.5 One-Family and Two-Family Residences
16.5.6 Three-Family and Four-Family Residences
16.5.7 Residential Development, Farms and Ranches

Section 16.6 Design, Construction, Location and Maintenance Standards
16.6.1 Compliance with Building and Electrical Codes Required
16.6.2 Illumination Standards
16.6.3 Placement and Clearance Standards
16.6.4 Relationship to Building Features
16.6.5 Maintenance

Section 16.7 Administration
16.7.1 Sign Certificate
16.7.2 Variances
16.7.3 Nonconforming Signs
16.7.4 Abandoned Signs
16.7.5 Illegal Signs

Article 17 Landscaping and Buffers Page 17-1

Section 17.1 Landscaping Plan

Section 17.2 Buffers of Unlike Land Uses and Zoning Designations

Section 17.3 Tree Protection

Section 17.4 Parking Lots

Article 18 Administration Page 18-1

Section 18.1 Administration, Interpretation and Enforcement

Section 18.2 Site Plan Approvals

Section 18.3 Appeals to the Board of Adjustment

Section 18.4 Variances
18.4.1 Authorization
18.4.2 Standards for Approval

Section 18.5 Hearing of Appeals and Variances
18.5.1 Application Procedure
18.5.2 Submission Requirements

Section 18.6 Special Exceptions
18.6.1 Authorization
18.6.2 Application Procedure
18.6.3 Submission Requirements
18.6.4 Standards for Approval
18.6.5 Conditions and Restrictions on Approval

Section 18.7 Decisions of the Board of Adjustment

Section 18.8 Appeal From Decision of the Board of Adjustment

Section 18.9 Commission Site Plan Approval
18.9.1 Authorization
18.9.2 Application Procedure
18.9.3 Submission Requirements
18.9.4 Standards for Approval
18.9.5 Conditions and Restrictions on Approval

Section 18.10 Tolling Provisions

Article 19 Amendments to Official Zoning Map and Ordinances Page 19-1

Section 19.1 Purpose

Section 19.2 Initiation Map Amendment

Section 19.3 Initiation Text Amendment

Section 19.4 Planning Director Preparation

Section 19.5 Staff Review

Section 19.6 Factors for Reviewing Proposed Amendments

Section 19.7 More Restrictive Rezoning

Section 19.8 Examination and Copying of Application and Other Documents

Section 19.9 Revocations of Approvals

Section 19.10 Reliance on Information Presented by Applicant

Section 19.11 Presentation or Submittal of Incorrect Information

Section 19.12 Withdrawal of Applications

Section 19.13 Concurrent Applications

Section 19.14 Limitations on Rezoning of Land

Section 19.15 Application Fee

Section 19.16 Public Notice and Hearings

Article 20 Nonconformities Page 20-1

Section 20.1 Intent

Section 20.2 Rules Applicable to Nonconformities
- 20.2.1 Incompatibility and Enlargement
- 20.2.2 Work in Progress
- 20.2.3 Nonconforming Use of Open Land
- 20.2.4 Nonconforming Use of Buildings
- 20.2.5 Discontinuance of Nonconforming Use
- 20.2.6 Destruction, Repair or Alteration of Nonconforming Use or Structure
- 20.2.7 Nonconforming Lots
- 20.2.8 Subdivision of Lots
- 20.2.9 Special Treatment due to These Ordinances or Other Government Action
- 20.2.10 Repairs and Maintenance
- 20.2.11 Nonconforming Structures Unsafe Due to Lack of Maintenance
- 20.2.12 Nonconforming Accessory Uses and

Structures
20.2.13 Illegal Uses and Structures Prohibited

Article 21 Enforcement Page 21-1

Section 21.1 Zoning Enforcement and Appeals

Section 21.2 Violations

Section 21.3 Notice of Violation

Section 21.4 Additional Penalties

Section 21.5 Appeals

Article 22 Definitions Page 22-1

Section 22.1 Usage

Section 22.2 Words and Terms Defined

Article 23 Table of Permitted Uses Page 23-1

Section 23.1 Use of Land and Structures

Section 23.2 Permitted Uses

Section 23.3 Special Exceptions

Section 23.4 Conditional Uses

Section 23.5 Prohibited Uses

Section 23.6 Unlisted Uses

Figure 1 Table of Permitted Uses Page 23-2

Figure 2 Area and Dimensional Ordinances Page 23-17

Appendix A District Boundaries for Zoned Planning Districts Page A-1

Appendix B Minimum Buffer Requirements Page B-1

Appendix C Planning District 25 CHHA and FHA Map Page C-1

Article 1 Purpose, Enactment and Title

Section 1.1 Purpose

The purpose of these ordinances is to promote the health, safety, morals and general welfare; to encourage the use of lands and natural resources in Baldwin County in accordance with their character and adaptability; to limit the improper use of land; to provide for the orderly development and growth of Baldwin County; to reduce hazards to life and property; to establish the location and size of and the specific uses for which dwellings, buildings and structures may hereafter be erected or altered, and the minimum open spaces and sanitary, safety and protective measures that shall be required for such buildings, dwellings, and structures; to avoid congestion on the public roads and streets; to provide safety in traffic and vehicular parking; to facilitate the development of an adequate system of transportation, education, recreation, sewage disposal, safe and sufficient water supply and other public requirements; to conserve life, property and natural resources and the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties, for the general good and benefit to the people of Baldwin County.

Section 1.2 Short Title

These ordinances shall be known and may be cited as the “Baldwin County Zoning Ordinances.”

Section 1.3 Authority

The rules and ordinances herein set forth are hereby adopted in accordance with the requirements of Act 91-719 of the Alabama Legislature as amended by Act No. 93-668, Act No. 98-665, Act No. 2006-609 and Act No. 2010-719.

Section 1.4 Jurisdiction

These zoning ordinances shall be in force and effect in those planning districts established in Baldwin County in compliance with the requirements of Act 91-719, as amended, which elect to come within the planning and zoning authority of the Baldwin County Commission.

1.4.1 *Temporary Moratoriums after Zoning Referendum Approvals*

(a) A temporary one hundred eighty (180) day moratorium is imposed regarding structures and land uses located in any planning district which has voted to institute county zoning.

(b) During said one hundred eighty (180) day period, the Advisory Committee of the district, Baldwin and County Planning and Zoning Commission, and staff shall work diligently to develop and present to the Baldwin County Commission a proposed zoning map and comprehensive development ordinances for adoption.

(c) If zoning and development ordinances are adopted by the Baldwin County Commission prior to the expiration of the one hundred eighty (180) day temporary moratorium period, said moratorium shall then terminate without further action of the Commission.

(d) This moratorium shall not be applicable to applications for structures and uses properly submitted prior to an affirmative vote for zoning, a family division of land, subdivision of land by court order, single family homes and attachments/additions thereto.

Section 1.5 Repeal of Regulations and Ordinances

This is a comprehensive enactment of zoning ordinances for Baldwin County in compliance with the requirements of Act 91-719, as amended. All prior zoning regulations and ordinances adopted pursuant to Act 91-719, as amended, are hereby superseded and repealed.

Section 1.6 Conflict with Other Laws

Whenever the requirements of these ordinances are at variance with the requirements of any other lawfully adopted statutes, rules, regulations or ordinances, the more restrictive, or that imposing the higher standards, shall govern.

Section 1.7 Validity

Each phrase, sentence, paragraph, section or other provision of these ordinances is severable from all other such phrases, sentences, paragraphs, sections and provisions. Should any phrase, sentence, paragraph, section or provision of these ordinances be declared by the courts to be unconstitutional or invalid, such declaration shall not affect any other portion or provision of these ordinances.

Section 1.8 Disclaimer of Liability

These ordinances shall not create liability on the part of the Baldwin County Commission or its assigns, the Baldwin County Planning & Zoning Commission, the Baldwin County Planning District Advisory Committees, the Baldwin County Boards of Adjustment, or any officer or employee thereof for any damages that

may result from reliance on these ordinances, or any administrative decision lawfully made hereunder.

Section 1.9 Adoption

The *Baldwin County Zoning Ordinances* were adopted by the Baldwin County Commission on the 6th day of April 1999 (Resolution No. 99-46). They shall take effect and be in force from and after the date of adoption. The zoning maps approved for each planning district that elects to come within the planning and zoning authority of the Baldwin County Commission are hereby adopted and made a part of these ordinances.

This ordinance was most recently amended by the Baldwin County Commission on the 21st day of September 2021 (Resolution #2021-102).

_____
County Commission Chairman

_____
County Administrator

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 contender 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 S*ection 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 Ordinance*s, and shall automatically revert to RSF-1and 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 ad 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 contender 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 telecommunications 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 contender 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 S*ection 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-feet 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-feet 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 or 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 oversite 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[1] and Coastal Barrier Resources System[2] (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

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

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

Article 3 Rural Districts

Section 3.1 RR, Rural District

3.1.1 *Generally.* This zoning district is provided to accommodate the rural areas of Baldwin County. Rural District ordinances are designed to protect the rural character of the area.

3.1.2 *Permitted uses*. Except as provided by Section *2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses shall be permitted:

(a) The following general industrial uses: extraction or removal of natural resources on or under land.

(b) The following transportation, communication, and utility uses: water well (public or private).

(c) Marine recreation uses.

(d) Outdoor recreation uses.

(e) The following general commercial uses: animal clinic and/or kennels; farm implement sales; farmer's market/truck crops; nursery; landscape sales.

(f) Local commercial uses.

(g) Professional service and office uses.

(h) The following institutional uses: church or similar religious facility; childcare center; childcare institution; day care home; fire station; library; post office; school (public or private).

(i) Agricultural uses.

(j) Single family dwellings including manufactured housing and mobile homes.

(k) Accessory structures and uses.

3.1.3 *Special exceptions*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed as special exceptions: Not applicable

3.1.4 *Commission Site Plan Approval.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed by the Commission site plan approval process:

(a) Transportation, communication, and utility uses not permitted by right.

(b) Light industrial uses.

(c) General commercial uses not permitted by right, except race track.

(d) Institutional uses not permitted by right, except correctional, detention, or penal institution and sanitarium.

(e) Boarding house, rooming house, lodging house, or dormitory.

(f) Fraternity or sorority house.

3.1.5 *Area and dimensional ordinances*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts, Section 12.4: Height Modifications, Section 12.5: Yard Requirements, Section 12.6: Coastal Areas, Section 12.8: Highway Construction Setbacks, Section 18.4 Variances,* and *Article 20: Nonconformities,* the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure in Feet	35
Minimum Front Yard	30-feet
Minimum Rear Yard	30-feet
Minimum Side Yards	10-feet
Minimum Lot Area	40,000 Square Feet
Minimum Lot Width at Building Line	120-feet
Minimum Lot Width at Street Line	120-feet

3.1.6 *Area and dimensional modifications*. Within the RR district, area and dimensional requirements may be reduced, as set forth below, where property is divided among the following legally related family members: spouse, children, siblings, parents, grandparents, grandchildren, or step-related individuals of the same status.

Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	20,000 Square Feet
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	80-Feet

Section 3.2 RA Rural Agricultural District

3.2.1 *Generally*. This zoning district provides for large, open, unsubdivided land that is vacant or is being used for agricultural, forest or other rural purposes.

3.2.2 *Permitted uses*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses shall be permitted:

(a) The following general industrial uses: extraction or removal of natural resources on or under land.

(b) The following transportation, communication, and utility uses: water well (public or private).

(c) Outdoor recreation uses.

(d) The following general commercial uses: animal clinic and/or kennel; farm implement sales; farmers market/truck crops; nursery; landscape sales; country club.

(e) The following local commercial uses: fruit and produce store.

(f) The following institutional uses: church or similar religious facility; school (public or private).

(g) Agricultural uses.

(h) Single family dwellings including manufactured housing and mobile homes.

(i) Accessory structures and uses.

3.2.3 *Special exceptions*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed as special exceptions: Not Applicable

3.2.4 *Commission Site Plan Approval.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed by the site plan approval process:

(a) Transportation, communication, and utility uses not permitted by right.

(b) Institutional uses not permitted by right.

(c) The following general commercial uses: recreational vehicle park (see *Section 13.9: Recreational Vehicle Parks*).

(d) The following local commercial uses: bed and breakfast or tourist home (see *Section 13.11: Bed and Breakfast Establishments*).

3.2.5 *Area and dimensional ordinances*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts, Section 12.4: Height Modifications, Section 12.5: Yard Requirements, Section 12.6: Coastal Areas, Section 12.8: Highway Construction Setbacks, Section 18.4 Variances,* and *Article 20: Nonconformities,* the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure in Feet	35
Minimum Front Yard	40-Feet
Minimum Rear Yard	40-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	3 Acres
Minimum Lot Width at Building Line	210-Feet
Minimum Lot Width at Street Line	210-Feet

3.2.6 *Area and dimensional modifications*. Within the RA district, area and dimensional requirements may be reduced, as set forth below, where property is divided among the following legally related family members: spouse, children, siblings, parents, grandparents, grandchildren, or step-related individuals of the same status.

Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	40,000 Square Feet
Minimum Lot Width at Building Line	120-Feet
Minimum Lot Width at Street Line	120-Feet

Section 3.3 CR Conservation Resource District

3.3.1 *Generally*. This zoning district provides for large, open, unsubdivided land which is environmentally constrained and that is vacant or is being used for agricultural, forest or other rural purposes.

3.3.2 *Permitted uses*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses shall be permitted:

(a) The following general industrial uses: extraction or removal of natural resources on or under land.

(b) The following transportation, communication, and utility uses: water well (public or private).

(c) Outdoor recreation uses.

(d) The following local commercial uses: fruit and produce store.

(e) The following institutional uses: church or similar religious facility; school (public or private).

(f) Agricultural uses.

(g) Single family dwellings including manufactured housing and mobile homes.

(h) Accessory structures and uses.

3.3.3 *Special exceptions*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed as special exceptions: Not Applicable

3.3.4 *Commission Site Plan Approval.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed by the site plan approval process:

(a) Institutional uses not permitted by right.

(b) The following general commercial uses: recreational vehicle park (see *Section 13.9: Recreational Vehicle Parks*).

(c) The following local commercial uses: bed and breakfast or tourist home (see *Section 13.11: Bed and Breakfast Establishments*).

3.3.5 *Area and dimensional regulations*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts, Section 12.4: Height Modifications, Section 12.5: Yard Requirements, Section 12.6: Coastal Areas, Section 12.8: Highway Construction Setbacks, Section 18.4 Variances,* and *Article 20: Nonconformities,* the area and dimensional regulations set forth below shall be observed.

Maximum Height of Structure in Feet	35
Minimum Front Yard	100-Feet
Minimum Rear Yard	100-Feet
Minimum Side Yards	50-Feet
Minimum Lot Area	5 Acres
Minimum Lot Width at Building Line	250-Feet
Minimum Lot Width at Street Line	250-Feet

Article 4 Residential Districts

Section 4.1 RSF-E, Residential Single Family Estate District

4.1.1 *Generally*. This zoning district is provided to afford the opportunity for the choice of a very low density residential environment consisting of single family homes on estate size lots.

4.1.2 *Permitted uses*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses shall be permitted:

(a) The following general industrial uses: extraction or removal of natural resources on or under land.

(b) The following transportation, communication, and utility uses: water well (public or private).

(c) Agricultural uses.

(d) Single family dwellings including manufactured housing and mobile homes.

(e) Accessory structures and uses.

(f) The following institutional use: church or similar religious facility.

4.1.3 *Commission Site Plan Approval.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed by the site plan approval process:

(a) Outdoor recreation uses.

(b) The following institutional uses: day care home; fire station; school (public or private).

(c) The following general commercial uses: country club.

(d) The following local commercial use: bed and breakfast or tourist home (see *Section 13.11: Bed and Breakfast Establishments*).

4.1.4 *Special exception*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following use and structures designed for such use may be allowed as a special exception: Not Applicable

4.1.5 *Area and dimensional ordinances*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts, Section 12.4: Height Modifications, Section 12.5: Yard Requirements, Section 12.6: Coastal Areas, Section 12.8: Highway*

Construction Setbacks, Section 18.4 Variances, and *Article 20: Nonconformities,* the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure in Feet	35-Feet
Maximum Height in Habitable Stories	2 1/2
Minimum Front Yard	40-Feet
Minimum Rear Yard	40-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	80,000 Square Feet
Minimum Lot Width at Building Line	165-Feet
Minimum Lot Width at Street Line	165-Feet
Maximum Ground Coverage Ratio	.35

4.1.6 *Area and dimensional modifications.* Within the RSF-E district, area and dimensional requirements may be reduced, as set forth below, where property is divided among the following legally related family members: spouse, children, siblings, parents, grandparents, grandchildren, or step-related individuals of the same status.

Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	40,000 Square Feet
Minimum Lot Width at Building Line	120-Feet
Minimum Lot Width at Street Line	120-Feet

Section 4.2 RSF-1, Single Family District

4.2.1 *Generally*. This zoning district is provided to afford the opportunity for the choice of a low density residential environment consisting of single family homes on large lots.

4.2.2 *Permitted uses*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses shall be permitted:

(a) The following general industrial uses: extraction or removal of natural resources on or under land.

(b) The following transportation, communication, and utility uses: water well (public or private).

(c) The following agricultural uses: Silviculture.

(d) Single family dwellings including manufactured housing and mobile homes.

(e) Accessory structures and uses.

(f) The following institutional use: church or similar religious facility.

4.2.3 *Commission Site Plan Approval.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed by the site plan approval process:

(a) Outdoor recreation uses.

(b) The following institutional uses: day care home; fire station; school (public or private).

(c) The following general commercial uses: country club.

(d) The following local commercial use: bed and breakfast or tourist home (see *Section 13.11: Bed and Breakfast Establishments*).

4.2.4 *Special exception*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following use and structures designed for such use may be allowed as a special exception: Not Applicable

4.2.5 *Area and dimensional ordinances*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts, Section 12.4: Height Modifications, Section 12.5: Yard Requirements, Section 12.6: Coastal Areas, Section 12.8: Highway Construction Setbacks, Section 18.4 Variances,* and *Article 20: Nonconformities,* the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure in Feet	35-Feet
Maximum Height in Habitable Stories	2 1/2
Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	30,000 Square Feet
Minimum Lot Width at Building Line	100-Feet
Minimum Lot Width at Street Line	50-Feet
Maximum Ground Coverage Ratio	.35

Section 4.3 RSF-2, Single Family District

4.3.1 *Generally*. This zoning district is provided to afford the opportunity for the choice of a moderate density residential environment consisting of single family homes.

4.3.2 *Permitted uses*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses shall be permitted:

(a) The following general industrial uses: extraction or removal of natural resources on or under land.

(b) The following transportation, communication, and utility uses: water well (public or private).

(c) The following agricultural uses: Silviculture.

(d) Single family dwellings including manufactured housing and mobile homes.

(e) Accessory structures and uses.

(f) The following institutional use: church or similar religious facility.

4.3.3 *Commission Site Plan Approval.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed by the site plan approval process:

(a) Outdoor recreation uses.

(b) The following institutional uses: day care home; fire station; school (public or private).

(c) The following general commercial uses: country club.

(d) The following local commercial use: bed and breakfast or tourist home (see *Section 13.11: Bed and Breakfast Establishments*).

4.3.4 *Special exception*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following use and structures designed for such use may be allowed as a special exception: Not Applicable

4.3.5 *Area and dimensional ordinances*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts, Section 12.4: Height Modifications, Section 12.5: Yard Requirements, Section 12.6: Coastal Areas, Section 12.8: Highway Construction Setbacks, Section 18.4 Variances,* and *Article 20: Nonconformities,* the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure in Feet	35-Feet
Maximum Height in Habitable Stories	2 1/2
Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	15,000 Square Feet
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	40-Feet
Maximum Ground Coverage Ratio	.35

Section 4.4 RSF-3, Single Family District

4.4.1 *Generally*. This zoning district is provided to afford the opportunity for the choice of a moderate density residential environment consisting of single family homes.

4.4.2 *Permitted uses*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses shall be permitted:

(a) The following general industrial uses: extraction or removal of natural resources on or under land.

(b) The following transportation, communication, and utility uses: water well (public or private).

(c) The following agricultural uses: Silviculture.

(d) Single family dwellings including manufactured housing and mobile homes.

(e) Accessory structures and uses.

(f) The following institutional use: church or similar religious facility.

4.4.3 *Commission Site Plan Approval.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed by the site plan approval process:

(a) Outdoor recreation uses.

(b) The following institutional uses: day care home; fire station; school (public or private).

(c) The following general commercial uses: country club.

(d) The following local commercial use: bed and breakfast or tourist home (see *Section 13.11: Bed and Breakfast Establishments*).

4.4.4 *Special exception*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following use and structures designed for such use may be allowed as a special exception: Not Applicable

4.4.5 *Area and dimensional ordinances*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts, Section 12.4: Height Modifications, Section 12.5: Yard Requirements, Section 12.6: Coastal Areas, Section 12.8: Highway Construction Setbacks, Section 18.4 Variances,* and *Article 20: Nonconformities,* the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure in Feet	35-Feet
Maximum Height in Habitable Stories	2 1/2
Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	10,000 Square Feet
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	40-Feet
Maximum Ground Coverage Ratio	.35

Section 4.5 RSF-4, Single Family District

4.5.1 *Generally*. This zoning designation is provided to afford the opportunity for the choice of a moderate density residential development consisting of single family homes.

4.5.2 *Permitted uses*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses shall be permitted:

(a) The following general industrial uses: extraction or removal of natural resources on or under land.

(b) The following transportation, communication, and utility uses: water well (public or private).

(c) The following agricultural uses: Silviculture.

(d) Single family dwellings including manufactured housing and mobile homes.

(e) Accessory structures and uses.

(f) The following institutional use: church or similar religious facility.

4.5.3 *Commission Site Plan Approval.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed by the site plan approval process:

(a) Outdoor recreation uses.

(b) The following institutional uses: day care home; fire station; school (public or private).

(c) The following general commercial uses: country club.

(d) The following local commercial use: bed and breakfast or tourist home (see *Section 13.11: Bed and Breakfast Establishments*).

4.5.4 *Special exception*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following use and structures designed for such use may be allowed as a special exception: Not Applicable

4.5.5 *Area and dimensional ordinances*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts, Section 12.4: Height Modifications, Section 12.5: Yard Requirements, Section 12.6: Coastal Areas, Section 12.8: Highway Construction Setbacks, Section 18.6 Variances,* and *Article 20: Nonconformities,* the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure in Feet	35
Maximum Height in Habitable Stories	2 1/2
Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area per Dwelling Unit	7,500 Square Feet
Minimum Lot Width at Building Line	60-Feet
Minimum Lot Width at Street Line	30-Feet
Maximum Ground Coverage Ratio	.35

Section 4.6 RTF-4, Two Family District

4.6.1 *Generally*. The intent of this zoning designation is to provide the opportunity for two family residential development.

4.6.2 *Permitted uses*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses shall be permitted:

(a) The following general industrial uses: extraction or removal of natural resources on or under land.

(b) The following transportation, communication, and utility uses: water well (public or private).

(c) The following agricultural uses: Silviculture.

(d) Two family dwellings.

(e) Single family dwellings including manufactured housing and mobile homes.

(f) Accessory structures and uses.

(g) The following institutional use: church or similar religious facility.

4.6.3 *Commission Site Plan Approval.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed by the site plan approval process:

(a) Outdoor recreation uses.

(b) The following institutional uses: day care home; fire station; school (public or private).

(c) The following general commercial uses: country club.

(d) The following local commercial use: bed and breakfast or tourist home (see *Section 13.11: Bed and Breakfast Establishments*).

4.6.4 *Special exception*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following use and structures designed for such use may be allowed as a special exception: Not Applicable

4.6.5 *Area and dimensional ordinances*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts, Section 12.4: Height Modifications, Section 12.5: Yard Requirements, Section 12.6: Coastal Areas, Section 12.8: Highway Construction Setbacks, Section 18.4 Variances,* and *Article 20: Nonconformities,* the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure in Feet	35
Maximum Height in Habitable Stories	2 1/2
Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Maximum Density	4 Dwelling Units per Acre
Minimum Lot Area/Dwelling Unit	7,500 Square Feet
Minimum Lot Width at Building Line	60-Feet
Minimum Lot Width at Street Line	30-Feet
Ground Coverage Ratio	.35

Section 4.7 RSF-6, Single Family District

4.7.1 *Generally*. This zoning designation is provided to afford the opportunity for the choice of a high density residential development consisting of single family homes.

4.7.2 *Permitted uses*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses shall be permitted:

(a) The following general industrial uses: extraction or removal of natural resources on or under land.

(b) The following transportation, communication, and utility uses: water well (public or private).

(c) The following agricultural uses: Silviculture.

(d) Single family dwellings including manufactured housing and mobile homes.

(e) Accessory structures and uses.

(f) The following institutional use: church or similar religious facility.

4.7.3 *Commission Site Plan Approval.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed by the site plan approval process:

(a) Outdoor recreation uses.

(b) The following institutional uses: day care home; fire station; school (public or private).

(c) The following general commercial uses: country club.

(d) The following local commercial use: bed and breakfast or tourist home (see *Section 13.11: Bed and Breakfast Establishments*).

(e) Boarding house, rooming house, lodging house, or dormitory.

(f) Fraternity or sorority house.

4.7.4 *Special exceptions*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed as special exceptions: Not Applicable

4.7.5 *Area and dimensional ordinances.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts, Section 12.4: Height Modifications, Section 12.5: Yard Requirements, Section 12.6: Coastal Areas, Section 12.8: Highway Construction Setbacks, Section 18.4 Variances,* and *Article 20: Nonconformities,* the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure in Feet	35
Maximum Height in Habitable Stories	2 1/2
Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area per Unit	6,500 Square Feet
Minimum Lot Width at Building Line	60-Feet
Minimum Lot Width at Street Line	30-Feet
Maximum Ground Coverage Ratio	.35

Section 4.8 RTF-6, Two Family District

4.8.1 *Generally*. The intent of this zoning designation is to provide the opportunity for two family residential development.

4.8.2 *Permitted uses*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses shall be permitted:

(a) The following general industrial uses: extraction or removal of natural resources on or under land.

(b) The following transportation, communication, and utility uses: water well (public or private).

(c) The following agricultural uses: Silviculture.

(d) Two family dwellings.

(e) Single family dwellings including manufactured housing and mobile homes.

(f) Accessory structures and uses.

(g) The following institutional use: church or similar religious facility.

4.8.3 *Commission Site Plan Approval.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed by the site plan approval process:

(a) Outdoor recreation uses.

(b) The following institutional uses: day care home; fire station; school (public or private).

(c) The following general commercial uses: country club.

(d) The following local commercial use: bed and breakfast or tourist home (see *Section 13.11: Bed and Breakfast Establishments*).

(e) Boarding house, rooming house, lodging house, or dormitory.

(f) Fraternity or sorority house.

4.8.4 *Special exceptions*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed as special exceptions: Not Applicable

4.8.5 *Area and dimensional ordinances.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts, Section 12.4: Height Modifications, Section 12.5: Yard Requirements, Section 12.6: Coastal Areas, Section 12.8: Highway Construction Setbacks, Section 18.4 Variances,* and *Article 20: Nonconformities,* the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure in Feet	35
Maximum Height in Habitable Stories	2 1/2
Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Maximum Density	6 Dwelling Units per Acre
Minimum Lot Area per Unit	6,500 Square Feet
Minimum Lot Width at Building Line	60-Feet
Minimum Lot Width at Street Line	30-Feet
Maximum Ground Coverage Ratio	.35

Section 4.9 RMF-6, Multiple Family District

4.9.1 *Generally*. The intent of this zoning designation is to provide the opportunity for multiple family residential development.

4.9.2 *Permitted uses*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses shall be permitted:

(a) The following general industrial uses: extraction or removal of natural resources on or under land.

(b) The following transportation, communication, and utility uses: water well (public or private).

(c) The following agricultural uses: Silviculture.

(d) Multiple family dwellings.

(e) Two family dwellings.

(f) Single family dwellings including manufactured housing and mobile homes.

(g) Accessory structures and uses.

(h) The following institutional use: church or similar religious facility.

4.9.3 *Commission Site Plan Approval.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed by the site plan approval process:

(a) Outdoor recreation uses.

(b) The following institutional uses: day care home; fire station; school (public or private).

(c) The following general commercial uses: country club.

(d) The following local commercial use: bed and breakfast or tourist home (see *Section 13.11: Bed and Breakfast Establishments*).

(e) Boarding house, rooming house, lodging house, or dormitory.

(f) Fraternity or sorority house.

4.9.4 *Special exceptions*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed as special exceptions: Not Applicable

4.9.5 *Area and dimensional ordinances (single family and two family)*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts, Section 12.4: Height Modifications, Section 12.5: Yard Requirements, Section 12.6: Coastal Areas, Section 12.8: Highway Construction Setbacks, Section 18.4 Variances,* and *Article 20: Nonconformities,* the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure in Feet	35
Maximum Height in Habitable Stories	2 1/2
Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Maximum Density	6 Dwelling Units per Acre
Minimum Lot Area/Dwelling Unit	6,500 Square Feet
Minimum Lot Width at Building Line	60-Feet
Minimum Lot Width at Street Line	30-Feet
Maximum Ground Coverage Ratio	.35

4.9.6 *Area and dimensional ordinances (multiple family)*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts, Section 12.4: Height Modifications, Section 12.5: Yard Requirements, Section 12.6: Coastal Areas, Section 12.8: Highway Construction Setbacks, Section 18.4 Variances,* and *Article 20: Nonconformities,* the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure in Feet	35
Maximum Height in Habitable Stories	3
Minimum Front Yard	25-Feet
Minimum Rear Yard	25-Feet
Minimum Side Yards	25-Feet
Maximum Density	6 Dwelling Units per Acre
Minimum Lot Area	22,000 Square Feet
Minimum Lot Width at Building Line	100-Feet
Minimum Lot Width at Street Line	50-Feet
Maximum Ground Coverage Ratio	.80

4.9.7 *Townhouses*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts, Section 12.4: Height Modifications, Section 12.5: Yard Requirements, Section 12.6: Coastal Areas, Section 12.8: Highway Construction Setbacks, Section 18.4 Variances,* and *Article 20: Nonconformities,* the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure in Feet	35
Maximum Height in Habitable Stories	2 1/2
Minimum Front Yard	25-Feet
Minimum Rear Yard	25-Feet
Minimum Side Yards 10-Feet	(exterior wall side yards)
Maximum Density	6 Dwelling Units per Acre
Minimum Lot Area/Dwelling Unit	2,500 Square Feet
Minimum Lot Width at Building Line	25-Feet

Minimum Lot Width at Street Line	25-Feet
Maximum Ground Coverage Ratio	.80

Section 4.10 HDR, High Density Residential District

4.10.1 *Generally*. The intent of this zoning designation is to provide the opportunity for multiple family residential development, including apartments, condominiums, duplexes and townhouses, in a high density setting.

4.10.2 *Permitted uses*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses shall be permitted:

(a) Extraction or removal of natural resources on or under land.

(b) Water well (public or private).

(c) Silviculture.

(d) Multiple family dwellings (apartments and condominiums).

(e) Two family dwellings.

(f) Townhouses.

(g) Single Family Dwellings.

(h) Accessory structures and uses.

(i) Church or similar religious facility.

4.10.3 *Commission Site Plan Approval*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed by site plan approval process:

(a) Outdoor recreation uses.

(b) The following institutional uses: day care home; fire station; school (public or private).

(c) Country club.

4.10.4 *Area and dimensional ordinances (single family and two family)*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts, Section 12.4: Height Modifications, Section 12.5: Yard Requirements, Section 12.6: Coastal Areas, Section 12.8: Highway Construction Setbacks, Section 18.4 Variances,* and *Article 20: Nonconformities,* the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure in Feet	35
Maximum Height in Habitable Stories	2 1/2
Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet

Minimum Side Yards	10-Feet
Maximum Density	12 Dwelling Units per Acre
Minimum Lot Area/Dwelling Unit	6,500 Square Feet
Minimum Lot Width at Building Line	60-Feet
Minimum Lot Width at Street Line	30-Feet
Maximum Ground Coverage Ratio	.35

4.10.5 *Area and dimensional ordinances (multiple family)*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts, Section 12.4: Height Modifications, Section 12.5: Yard Requirements, Section 12.6: Coastal Areas, Section 12.8: Highway Construction Setbacks, Section 18.4 Variances,* and *Article 20: Nonconformities,* the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure in Feet	50
Maximum Height in Habitable Stories	4
Minimum Front Yard	25-Feet
Minimum Rear Yard	25-Feet
Minimum Side Yards	25-Feet
Maximum Density	12 Dwelling Units per Acre
Minimum Lot Area	22,000 Square Feet
Minimum Lot Width at Building Line	100-Feet
Minimum Lot Width at Street Line	50-Feet
Maximum Ground Coverage Ratio	.80

4.10.6 *Townhouses*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts, Section 12.4: Height Modifications, Section 12.5: Yard Requirements, Section 12.6: Coastal Areas, Section 12.8: Highway Construction Setbacks, Section 18.4 Variances,* and *Article 20: Nonconformities,* the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure in Feet	35
Maximum Height in Habitable Stories	2 1/2
Minimum Front Yard	25-Feet
Minimum Rear Yard	25-Feet
Minimum Side Yards	10-Feet (exterior wall side yards)
Maximum Density	12 Dwelling Units per Acre
Minimum Lot Area/Dwelling Unit	2,500 Square Feet
Minimum Lot Width at Building Line	25-Feet
Minimum Lot Width at Street Line	25-Feet
Maximum Ground Coverage Ratio	.80

4.10.7 *Open space requirement.* A minimum of 10% of the gross land area developed under the HDR designation shall be set aside as permanent open space to include amenities, common areas and recreation facilities.

4.10.8 *Lighting standards*. The maximum height of exterior lights shall be 25-feet. The intensity, location, and design of lighting shall be such that not more than one-foot candle of light is cast upon adjacent property or public rights-of-way. Light fixtures shall be designed to cast light

downward. Where necessary, cut-off devices shall be used to minimize glare off premises. No light shall be aimed directly toward properties designated single family residential, which are located within 200-feet of the source of the light.

4.10.9 *Landscaping and buffering.* All HDR, High Density Residential District, properties shall meet the requirements of *Article 17: Landscaping and Buffers*.

4.10.10 HDR, High Density Residential District, shall not be available in Planning District 25.

Section 4.11 RMH, Residential Manufactured Housing Park District

4.11.1 *Generally*. The intent of this zoning district is to provide the opportunity for manufactured housing parks.

4.11.2 *Permitted uses*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses shall be permitted:

(a) The following general industrial uses: extraction or removal of natural resources on or under land.

(b) The following transportation, communication, and utility uses: water well (public or private).

(c) The following agricultural uses: Silviculture.

(d) Mobile home/manufactured home.

(e) Manufactured Housing Park.

(f) Accessory structures and uses.

(g) The following institutional use: church or similar religious facility.

4.11.3 *Commission Site Plan Approval*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed by site plan approval process:

(a) Outdoor recreation uses.

(b) The following institutional uses: day care home; fire station; school (public or private).

(c) The following general commercial uses: country club.

4.11.4 *Area and dimensional ordinances*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts, Section 12.4: Height Modifications, Section 12.5: Yard Requirements, Section 12.6: Coastal Areas, Section 12.8: Highway Construction Setbacks, Section 18.4Variances,* and *Article 20: Nonconformities,* the area and dimensional ordinances set forth below shall be observed.

(a) *Development area.* A manufactured housing park shall have a minimum lot area of 1 contiguous acre.

(b) *Space size.* Each manufactured housing space shall have a minimum area of 5,000 square feet and a minimum width of fifty (50) feet for single wide homes and a minimum area of 6,500 square feet and a minimum width of fifty (50) feet for multisectional units. Manufactured housing parks not served by a public water or sewer system may have larger minimum area requirements as established by the Health Department.

(c) *Setbacks*.

1. Each manufactured housing park shall have a front yard of 50-feet extending for the full width of the subject parcel.

2. Each manufactured housing park shall have a rear yard and a side yard on both sides of the parcel devoted to said use of not less than 30-feet.

3. There shall be a front yard setback of at least 10-feet from all interior park roads.

4. Manufactured homes shall be so located on each space that there shall be at least a 20-foot clearance between manufactured homes. Where manufactured homes are parked end to end, the end to end clearance may not be less than 20-feet and shall not be less than 20-feet to any building within the park.

(d) *Density.* The maximum density of a manufactured housing park shall not exceed six (6) spaces per acre.

(e) *Height.* The maximum height of a structure shall not exceed 35-feet.

4.11.5 *Compliance with Subdivision Regulations.* All manufactured housing parks are subject to the provisions of *Article 9: Manufactured Housing Parks* of the *Baldwin County Subdivision Regulations.*

Article 5 Commercial Districts

Section 5.1 B-1, Professional Business District

5.1.1 *Purpose and intent.* The B-1, Professional Business and Office District, is intended to allow a concentration of office type buildings and land uses that are most compatible with, and located near, residential areas. Most B-1 commercial, professional and business office districts will be placed in close proximity to residential areas, and therefore serve as a transitional zoning district between residential areas and higher intensity commercial zoning districts. The types of office uses permitted are those that do not have high traffic volumes throughout the day, which extend into the evening hours. They will have morning and evening short-term peak conditions. The market support for these office uses should be those with a localized basis of market support as opposed to office functions requiring inter-jurisdictional and regional market support. Because office functions have significant employment characteristics, which are compounded when aggregations occur, certain personal service uses shall be permitted, to provide a convenience to office-based employment. Such convenience commercial uses shall be made an integral part of an office building as opposed to the singular use of a building.

5.1.2 *Permitted uses.* The following uses are permitted as of right, or as uses accessory to permitted uses in the B-1, Professional Business and Office District, conditioned on the Commission Site Plan Approval requirements of Section 18.9:

(a) Accessory structures and uses
(b) Bank
(c) Barber shop or beauty parlor
(d) Child care center
(e) Child care institution
(f) Church or similar religious facility
(g) Clinic or dentist office (medical, dental, psychiatric)
(h) Club or lodge
(i) Extraction or removal of natural resources on or under land
(j) Fire station
(k) Laboratory (scientific, medical or dental)
(l) Library
(m) Office
(n) Optician
(o) Police station
(p) Post office
(q) School (public or private)
(r) Silviculture
(s) Studio for dance, music, photography, painting, etc.
(t) Water well (public or private)

5.1.3 *Commission Site Plan Approval.* The following uses are permissible as Commission Site Plan Approval uses in the B-1 Commercial Professional and Business Office District, subject to the standards and procedures established in *Section 18.9: Commission Site Plan Approval*:

(a) Arboretum
(b) Ball field
(c) Golf course
(d) Park or playground
(e) Riding academy
(f) Swimming pool (outdoor)
(g) Tennis court (outdoor)
(h) Wildlife sanctuary
(i) Dwellings, in combination with commercial uses, subject to the standards listed under *Section 5.1.4: Mixed uses*

5.1.4 *Mixed uses*. Mixed residential and commercial uses may be permissible as Commission Site Plan Approval uses in the (B-1) commercial professional and Business office district, subject to the standards and procedures established in *Section 18.9: Commission Site Plan Approval*, and subject to the following criteria:

(a) The commercial uses in the development may be limited in hours of operation, size of delivery trucks, and type of equipment;

(b) The residential uses shall be designed so that they are compatible with the commercial uses;

(c) Residential and commercial uses shall not occupy the same floor of a building;

(d) Residential and commercial uses shall not share the same entrances;

(e) The number of residential dwelling units shall be controlled by the dimensional standards of the B-1 district. A dwelling unit density of .5 (1/2) dwelling units per 1,000 square feet of the gross floor area devoted to commercial uses, may be allowed (structures with less than 2,000 square feet devoted to commercial uses shall be allowed one dwelling unit). In no case, however, shall the overall dwelling unit density for a mixed use project exceed 4 dwelling units per acre;

(f) Building height shall not exceed three stories;

(g) A minimum of 30 percent of the mixed use development shall be maintained as open space. The following may be used to satisfy the open space requirements: areas used to satisfy water management requirements, landscaped areas, recreation areas, or setback areas not covered with impervious surface or used for parking (parking lot islands may not be used unless existing native vegetation is maintained);

(h) The mixed commercial/residential structure shall be designed to enhance compatibility of the commercial and residential uses through such measures as, but not limited to, minimizing noise associated with commercial uses; directing commercial lighting away from residential units; and separating pedestrian and vehicular access ways and parking areas from residential units, to the greatest extent possible, and;

(i) Off-street parking spaces for the mixed residential and commercial uses shall be the sum total of the residential and commercial uses computed separately (See *Article 15: Parking and Loading Requirements)*.

5.1.5 *Area and dimensional ordinances.*

Maximum Height of Structure in Feet	35
Maximum Height of Structure in Habitable Stories	2 1/2
Minimum Front Yard	30-Feet
Minimum Rear Yard	25-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	20,000 Square Feet
Maximum Impervious Surface Ratio	.60
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	60-Feet

5.1.6 *Lighting standards*. The maximum height of exterior lights shall be 25-feet. The intensity, location, and design of lighting shall be such that not more than one foot candle of light is cast upon adjacent property or public rights-of-way. Light fixtures shall be designed to cast light downward. Where necessary, cut-off devices shall be used to minimize glare off premises. No light shall be aimed directly toward a property designated residential, which is located within 200-feet of the source of the light.

5.1.7 *Distance between structures.* If there is a separation between any two principal structures on the same parcel, said separation shall be a minimum of 15-feet or a distance equal to one-half the sum of their heights, whichever is the greater.

5.1.8 *Landscaping and buffering.* All B-1, Professional Business and Office District, uses shall meet the requirements of *Article 17: Landscaping and Buffers*.

Section 5.2 B-2, Neighborhood Business District

5.2.1 *Purpose and intent.* The purpose and intent of the B-2 Neighborhood Business District is to provide a limited commercial convenience facility, servicing nearby residential neighborhoods, planned and developed as an integral unit.

5.2.2 *Permitted uses.* The following uses are permitted as of right, or as uses accessory to permitted uses in the B-2, Neighborhood Business District, conditioned on the Commission Site Plan Approval requirements of Section 18.9:

(a) All uses permitted by right under the B-1 zoning designation
(b) Antique store
(c) Apparel and accessory store
(d) Appliance store including repair
(e) Art gallery or museum
(f) Art supplies
(g) Bait store
(h) Bakery retail
(i) Bed and breakfast or tourist home
(j) Bicycle sales and service
(k) Boarding, rooming or lodging house, dormitory
(l) Book store
(m) Café
(n) Camera and photo shop
(o) Candy store
(p) Catering shop or service
(q) Copy shop
(r) Delicatessen
(s) Discount/variety store (not to exceed 8,000 square feet)
(t) Drug store (not to exceed 8,000 square feet)
(u) Fixture sales
(v) Floor covering sales or service
(w) Florist
(x) Fraternity or sorority house
(y) Fruit and produce store
(z) Gift shop
(aa) Hardware store, retail
(bb) Ice cream parlor
(cc) Interior decorating shop
(dd) Laundry, self service
(ee) Lawnmower sales and service
(ff) Locksmith
(gg) Music store
(hh) Neighborhood convenience store
(ii) News stand
(jj) Paint and wallpaper store
(kk) Picture framing and/or mirror silvering
(ll) Restaurant
(mm) Shoe repair shop
(nn) Shoe store
(oo) Sign shop
(pp) Sporting goods store
(qq) Tailor shop
(rr) Tobacco store
(ss) Toy store

5.2.3 *Commission Site Plan Approval.* The following uses are permissible as Commission Site Plan Approval uses in the B-2, Neighborhood Business District, subject to the standards and procedures established in *Section 18.9: Commission Site Plan Approval*:

(a) Air conditioning sales and service
(b) Amusement arcade
(c) Animal clinic/kennels
(d) Arboretum
(e) Ball field
(f) Business machine sales and service
(g) Car wash
(h) Country club
(i) Discount/variety store (exceeding 8,000 square feet)
(j) Drug store (exceeding 8,000 square feet)
(k) Exterminator service office
(l) Golf course
(m)Liquor store
(n) Mini-warehouse
(o) Night club, bar, tavern
(p) Office equipment and supplies sales
(q) Park or playground
(r) Pawn shop
(s) Pet shop
(t) Plumbing shop
(u) Restaurant sales and supplies
(v) Riding academy
(w) Rug and/or drapery cleaning service
(x) Seafood store
(y) Swimming pool (outdoor)
(z) Tennis court (outdoor)
(aa) Water storage tank
(bb) Wildlife sanctuary
(cc) Wireless telecommunication facility
(dd) Dwellings, in combination with commercial uses, subject to the standards listed under *Section 5.2.4: Mixed uses*

5.2.4 *Mixed uses*. Mixed residential and commercial uses may be permissible as conditional uses in the B-2 Neighborhood Business District, subject to the standards and procedures established in *Section 18.9: Commission Site Plan Approval*, and subject to the following criteria:

(a) The commercial uses in the development may be limited in hours of operation, size of delivery trucks and type of equipment.

(b) The residential uses shall be designed so that they are compatible with the commercial uses.

(c) Residential and commercial uses shall not occupy the same floor of a building.

(d) Residential and commercial uses shall not share the same entrances.

(e) The number of residential dwelling units shall be controlled by the dimensional standards of the B-2 district. A dwelling unit density of .5 (1/2) dwelling units per 1,000 square feet of the gross floor area devoted to commercial uses, may be allowed (structures with less than 2,000 square feet devoted to commercial uses shall be allowed one

dwelling unit). In no case, however, shall the overall dwelling unit density for a mixed use project exceed 4 dwelling units per acre.

(f) Building height shall not exceed three stories.

(g) A minimum of 30 percent of the mixed use development shall be maintained as open space. The following may be used to satisfy the open space requirements: areas used to satisfy water management requirements, landscaped areas, recreation areas, or setback areas not covered with impervious surface or used for parking (parking lot islands may not be used unless existing native vegetation is maintained).

(h) The mixed commercial/residential structure shall be designed to enhance compatibility of the commercial and residential uses through such measures as, but not limited to, minimizing noise associated with commercial uses; directing commercial lighting away from residential units; and separating pedestrian and vehicular access ways and parking areas from residential units, to the greatest extent possible.

(i) Off-street parking spaces for the mixed residential and commercial uses shall be the sum total of the residential and commercial uses computed separately (See *Article 15: Parking and Loading Requirements)*.

5.2.5 *Area and dimensional ordinances.*

Maximum Height of Structure in Feet	35
Maximum Height of Structure in Habitable Stories	2 1/2
Minimum Front Yard	30-Feet
Minimum Rear Yard	25-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	20,000 Square Feet
Maximum Impervious Surface Ratio	.60
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	60-Feet

5.2.6 *Lighting standards*. The maximum height of exterior lights shall be 25-feet. The intensity, location, and design of lighting shall be such that not more than one foot candle of light is cast upon adjacent property or public rights-of-way. Light fixtures shall be designed to cast light downward. Where necessary, cut-off devices shall be used to minimize glare off premises. No light shall be aimed directly toward a property designated residential, which is located within 200-feet of the source of the light.

5.2.7 *Distance between structures.* If there is a separation between any two principal structures on the same parcel, said separation shall be a minimum of 15-feet or a distance equal to one-half the sum of their heights, whichever is the greater.

5.2.8 *Landscaping and buffering.* All B-2, Neighborhood Business District, uses shall meet the requirements of *Article 17: Landscaping and Buffers*.

Section 5.3 B-3, General Business District

5.3.1 *Purpose and intent.* The purpose of this district is to provide for a variety of retail uses and services in free-standing parcels or shopping centers to serve the community's general commercial needs. This district shall only be applied at appropriate locations: to conveniently meet these needs; in conformance with the goals, objectives and policies and location criteria of the Comprehensive Plan; compatible with the surrounding land uses and zoning districts; where it will not adversely impact the facilities and services of the County; where it will not set a precedent for the introduction of inappropriate uses into an area; and so as not to encourage non-residential strip development along streets

5.3.2 *Permitted uses.* The following uses are permitted as of right, or as uses accessory to permitted uses in the B-3, General Business District, conditioned on the Commission Site Plan Approval requirements of Section 18.9::

(a) All uses permitted by right under the B-2 zoning designation
(b) Air conditioning sales and service
(c) Amusement arcade
(d) Animal clinic/kennel
(e) Arboretum
(f) Auto convenience market
(g) Automobile service station
(h) Bakery, wholesale
(i) Ball field
(j) Bicycle sales and service
(k) Bowling alley
(l) Business machine sales and service
(m) Business school or college
(n) Butane gas sales
(o) Cemetery
(p) City hall or courthouse
(q) Country club
(r) Department store
(s) Discount/variety store
(t) Drug store
(u) Elevator maintenance service
(v) Exterminator service office
(w) Farmer's market/truck crops
(x) Firing range
(y) Fitness center or gym
(z) Florist
(aa) Fraternity or sorority house
(bb) Fruit and produce store
(cc) Funeral home
(dd) Golf course
(ee) Golf driving range
(ff) Grocery store
(gg) Landscape sales
(hh) Marine store and supplies
(ii) Miniature golf
(jj) Mini-warehouse
(kk) Night club, bar, tavern
(ll) Nursery
(mm) Office equipment and supplies sales
(nn) Park or playground
(oo) Pawn shop
(pp) Pet shop
(qq) Plumbing shop
(rr) Printing/publishing establishment
(ss) Restaurant sales and supplies
(tt) Riding academy
(uu) Rug and/or drapery cleaning service
(vv) Seafood store
(ww) Sign shop
(xx) Skating rink
(yy) Stone monument sales
(zz) Swimming pool (outdoor)

(aaa) Taxidermy
(bbb) Teen club or youth center
(ccc) Tennis court (outdoor)
(ddd) Wildlife sanctuary
(eee) YMCA, YWCA

5.3.3 *Commission Site Plan Approval.* The following uses are permissible as Commission Site Plan Approval uses in the B-3: General Commercial District, subject to the standards and procedures established in *Section 18.9: Commission Site Plan Approval*:

(a) Airport
(b) Ambulance/EMS service
(c) Amusement park
(d) Armory
(e) Auditorium, stadium, coliseum
(f) Automobile parts sales
(g) Automobile repair (mechanical and body)
(h) Automobile storage (parking lot, parking garage)
(i) Barge docking
(j) Boat sales and service
(k) Broadcasting station
(l) Building materials
(m) Bus and railroad terminal facility
(n) College or university
(o) Convalescent or nursing home
(p) Correctional or penal institution
(q) Dog pound
(r) Electric power substations
(s) Farm implements
(t) Flea market
(u) Freight depot, rail or truck
(v) Home improvement center
(w) Hotel or motel
(x) Hospital
(y) Landfill
(z) Maintenance facility/storage yard for schools, government agencies, and telephone and cable companies
(aa) Manufactured housing sales, service and repair
(bb) Marina
(cc) Motorcycle sales service and repair
(dd) Movie theatre
(ee) Radio/television tower
(ff) Railroad facility
(gg) Recreational vehicle park
(hh) Recreational vehicle sales service, and repair
(ii) Restaurant, drive-in
(jj) Restaurant, fast-food
(kk) Sewage treatment plat
(ll) Taxi dispatching station
(mm) Taxi terminal
(nn) Telephone exchange
(oo) Water or sewage pumping station
(pp) Water storage tank
(qq) Wireless telecommunication facility
(rr) Zoo

5.3.4 *Area and dimensional ordinances.*

Maximum Height of Structure in Feet	40
Maximum Height of Structure in Habitable Stories	3
Minimum Front Yard	40-Feet
Minimum Rear Yard	25-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	20,000 Square Feet
Maximum Impervious Surface Ratio	.70
Minimum Lot Width at Building Line	80-Feet

Minimum Lot Width at Street Line	60-Feet

5.3.5 *Lighting standards*. The maximum height of exterior lights shall be 25-feet. The intensity, location, and design of lighting shall be such that not more than one foot candle of light is cast upon adjacent property or public rights-of-way. Light fixtures shall be designed to cast light downward. Where necessary, cut-off devices shall be used to minimize glare off premises. No light shall be aimed directly toward a property designated residential, which is located within 200-feet of the source of the light.

5.3.6 *Distance between structures.* If there is a separation between any two principal structures on the same parcel, said separation shall be a minimum of 15-feet or a distance equal to one-half the sum of their heights, whichever is the greater.

5.3.7 *Landscaping and buffering.* All B-3, General Business District, uses shall meet the requirements of *Article 17: Landscaping and Buffers*.

Section 5.4 B-4, Major Commercial District

5.4.1 *Purpose and intent.* The B-4, Major Commercial District, is intended for business uses which require a location with access to an arterial or major collector road (as defined by the Functional Classification System attached as Appendix) or which have close proximity to major intersections. Due to the nature of the businesses permitted within the B-4 district, this zoning designation should be limited to property fronting on principal arterials, major arterials or minor arterials. Ingress and egress to a roadway should promote safe and smooth traffic flow for the general traveling public. It is also the intent of this district to provide areas for businesses which, because of their intensity, outside storage areas, or large volumes of traffic, would have significant negative impacts on adjoining properties. These uses often have an actual or potential negative impact on surrounding properties due to late hours of operation, noise, and or light.

5.4.2 *Permitted uses.* The following uses are permitted as of right, or as uses accessory to permitted uses in the B-4, Major Commercial District, conditioned on the Commission Site Plan Approval requirements of Section 18.9::

(a) All uses permitted by right under the B-3 zoning designation
(b) Amusement park
(c) Auto convenience market
(d) Automobile parts sales
(e) Automobile repair (mechanical and body)
(f) Automobile sales
(g) Automobile service station
(h) Automobile storage (parking lot, parking garage)
(i) Boat sales and service
(j) Building materials
(k) Farm implements
(l) Flea market
(m) Home improvement center
(n) Hotel or motel
(o) Manufactured housing sales, service and repair
(p) Marina
(q) Motorcycle sales service and repair
(r) Movie theatre
(s) Recreational vehicle park
(t) Recreational vehicle sales, service and repair
(u) Restaurant, drive-in
(v) Restaurant, fast food

5.4.3 *Commission Site Plan Approval*. The following uses are permissible as Commission Site Plan Approval uses in the B-4, Major Commercial District, subject to the standards and procedures established in *Section 18.9: Commission Site Plan Approval*:

(a) Airport
(b) Ambulance/EMS service
(c) Armory
(d) Auditorium, stadium, coliseum
(e) Barge docking
(f) Broadcasting station
(g) Bus and railroad terminal facility
(h) College or university
(i) Convalescent or nursing home

(j) Correctional or penal institution
(k) Dog pound
(l) Electric power substations
(m) Freight depot, rail or truck
(n) Hospital
(o) Landfill
(p) Maintenance facility/storage yard for schools, government agencies, and telephone and cable companies
(q) Race track
(r) Radio and television station and transmitting tower
(s) Railroad facility
(t) Sewage treatment plat
(u) Taxi dispatching station
(v) Taxi terminal
(w) Telephone exchange
(x) Water or sewage pumping station
(y) Water storage tank
(z) Wireless telecommunication facility
(aa) Zoo

5.4.4 *Area and dimensional ordinances.*

Maximum Height of Structure in Feet	40
Maximum Height of Structure in Habitable Stories	3
Minimum Front Yard	40-Feet
Minimum Rear Yard	25-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	20,000 Square Feet
Maximum Impervious Surface Ratio	.70
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	60-Feet

5.4.5 *Lighting standards*. The maximum height of exterior lights shall be 25-feet. The intensity, location, and design of lighting shall be such that not more than one foot candle of light is cast upon adjacent property or public rights-of-way. Light fixtures shall be designed to cast light downward. Where necessary, cut-off devices shall be used to minimize glare off premises. No light shall be aimed directly toward a property designated residential, which is located within 200-feet of the source of the light.

5.4.6 *Distance between structures.* If there is a separation between any two principal structures on the same parcel, said separation shall be a minimum of 15-feet or a distance equal to one-half the sum of their heights, whichever is the greater.

5.4.7 *Landscaping and buffering.* All B-4, Major Commercial District, uses shall meet the requirements of *Article 17, Landscaping and Buffers*.

Section 5.5 RV-1, Recreational Vehicle Park District

5.5.1 *Purpose and intent.* The purpose of this section is to establish a zoning designation for recreational vehicle parks.

5.5.2 *Permitted uses.* The following uses are permitted as of right, or as uses accessory to permitted uses in the RV-1, Recreational Vehicle Park District, conditioned on the Commission Site Plan Approval requirements of Section 18.9:

(a) Extraction or removal of natural resources on or under the land.

(b) Water well (public or private).

(c) Silviculture.

(d) Recreational Vehicle Park.

(e) Accessory structures and uses.

(f) Church or similar religious facility.

5.5.3 *Density.* The maximum number of recreational vehicle sites developed under RV-1 shall be 15 sites per acre.

5.5.4 *Land Area.* The minimum land area shall be three (3) acres.

5.5.5 *Standards.* Recreational vehicle parks developed under the RV-1 designation shall meet all standards, procedures and requirements found in Section 13.8 of the zoning ordinance.

Section 5.6 RV-2, Recreational Vehicle Park District

5.6.1 *Purpose and intent.* The purpose of this section is to establish a zoning designation for lower density recreational vehicle parks.

5.6.2 *Permitted uses.* The following uses are permitted as of right, or as uses accessory to permitted uses in the RV-2, Recreational Vehicle Park District, conditioned on the Commission Site Plan Approval requirements of Section 18.9:

(a) Extraction or removal of natural resources on or under the land.

(b) Water well (public or private).

(c) Silviculture.

(d) Recreational Vehicle Park.

(e) Accessory structures and uses.

(f) Church or similar religious facility.

5.6.3 *Density.* The maximum number of recreational vehicle sites developed under RV-2 shall be 6 sites per acre.

5.6.4 *Land Area.* The minimum land area shall be three (3) acres.

5.6.5 *Standards.* Recreational vehicle parks developed under the RV-2 designation shall meet all standards, procedures and requirements found in Section 13.8 of the zoning ordinance.

Section 5.7 LB, Limited Business District

5.7.1 *Purpose and intent.* The LB, Limited Business District, is intended to allow specific uses in areas where commercial development is warranted, but where limitations and special requirements are needed due to environmental, historic and other unique characteristics. This designation may also serve as transitional zoning between residential areas and higher intensity commercial zoning districts.

5.7.2 *Permitted uses.* The uses listed below are permitted as of right, or as uses accessory to permitted uses in the LB, Limited Business District. Unless otherwise stated herein, said uses shall be limited to structures and other improvements not to exceed 4,000 square feet of gross floor area, conditioned on the Commission Site Plan Approval requirements of Section 18.9:

(a) Accessory structures and uses
(b) Antique store
(c) Apparel and accessory store
(d) Art gallery or museum
(e) Art supplies
(f) Bakery, retail
(g) Bank
(h) Barber shop or beauty parlor
(i) Book store
(j) Café
(k) Camera and photo shop
(l) Candy store
(m) Catering shop or service
(n) Church or similar religious facility*
(o) Club or lodge ("lodge" to be defined as "club" at Section 22.2, Words and Terms Defined)
(p) Delicatessen
(q) Extraction or removal of natural resources on or under the land
(r) Florist
(s) Fruit and produce store
(t) Gift shop
(u) Ice cream parlor
(v) Library
(w) Medical office (medical, dental, psychiatric)
(x) Music store
(y) Neighborhood convenience store (not to include gasoline sales)
(z) News stand
(aa) Office
(bb) Restaurant (not to include drive-up facilities)
(cc) Shoe store
(dd) Silviculture
(ee) Studio for dance, music, photography, painting, etc.
(ff) Tailor shop
(gg) Toy store

*Churches or similar religious facilities shall not be limited to 4,000 square feet of gross floor area.

5.7.3 *Commission Site Plan Approval.* The uses listed below are permissible as Commission Site Plan Approval uses in the LB, Limited Business District, subject to the standards and procedures established in *Section 18.9: Commission Site Plan Approval*:

(a) Uses listed as permitted by right under Section 5.7.2 in which structures and improvements exceed 4,000 square feet up to a maximum of 8,000 square feet. Churches and other places of worship shall be exempt from this square footage restriction.
(b) Dwellings, in combination with commercial uses, subject to the standards listed under *Section 5.7.4: Mixed uses*.

5.7.4 *Mixed uses*. Mixed residential and commercial uses may be permissible as Commission Site Plan Approval uses in the LB, Limited Business District, subject to the standards and procedures established in *Section 18.9: Commission Site Plan Approval*, and subject to the following criteria:

(a) The commercial uses in the development may be limited in hours of operation, size of delivery trucks, and type of equipment;

(b) The residential uses shall be designed so that they are compatible with the commercial uses;

(c) Residential and commercial uses may occupy the same floor of a building, but shall not share the same entrances;

(d) The number of residential dwelling units shall not exceed the number of commercial units;

(e) The mixed commercial/residential structure shall be designed to enhance compatibility of the commercial and residential uses through such measures as, but not limited to, minimizing noise associated with commercial uses; directing commercial lighting away from residential units; and separating pedestrian and vehicular access ways and parking areas from residential units, to the greatest extent possible, and;

(f) Off-street parking spaces for the mixed residential and commercial uses shall be the sum total of the residential and commercial uses computed separately (See *Article 15: Parking and Loading Requirements)*.

5.7.5 *Special exceptions*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the uses and structures designed for such uses listed below may be allowed as special exceptions: Not applicable

5.7.6 *Area and dimensional standards.*

Maximum Height of Structure in Feet	35
Minimum Front Yard	30-Feet
Minimum Rear Yard	(a)
Minimum Side Yards	(b)
Minimum Lot Area	20,000 Square Feet
Maximum Impervious Surface Ratio	.60
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	60-Feet

(a) No minimum except where abutting a residential district, in which case there shall be a minimum rear yard of 25-feet abutting the residential district.

(b) No minimum except where abutting a residential district, in which case there shall be a minimum side yard of 15-feet abutting the residential district.

5.7.7 *Lighting standards*. The maximum height of exterior lights shall be 25-feet. The intensity, location, and design of lighting shall be such that not more than one foot candle of light is cast upon adjacent property or public rights-of-way. Light fixtures shall be designed to cast light downward. Where necessary, cut-off devices shall be used to minimize glare off premises. No light shall be aimed directly toward a property designated residential, which is located within 200-feet of the source of the light.

5.7.8 *Landscaping and buffering.* All LB, Limited Business District, uses shall meet the requirements of *Article 17: Landscaping and Buffers*.

Article 6 Recreation Districts

Section 6.1 MR, Marine Recreation District

6.1.1 *Generally*. This zoning district is intended to provide for water related recreation activities.

6.1.2 *Permitted uses*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses shall be permitted, conditioned on the Commission Site Plan Approval requirements of Section 18.9:

(a) The following general industrial uses: extraction or removal of natural resources on or under land.

(b) The following transportation, communication, and utility uses: water well (public or private).

(c) Marine recreation uses.

(d) Outdoor recreation uses.

(e) The following general commercial uses: country club; hotel or motel; night club, bar, tavern.

(f) The following local commercial uses: bed and breakfast or tourist home; cafe; convenience store; delicatessen; gift shop; restaurant.

(g) The following professional service and office uses: office.

(h) The following institutional uses: church or similar religious facility.

(i) The following agricultural uses: Silviculture.

(j) Single Family dwellings including manufactured housing and mobile homes.

(k) Accessory structures and uses.

6.1.3 *Commission Site Plan Approval.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed as a Commission Site Plan Approval use:

The following institutional uses: day care home.

6.1.4 *Area and dimensional ordinances*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts, Section 12.4: Height Modifications, Section 12.5: Yard Requirements, Section 12.6: Coastal Areas, Section 12.8: Highway Construction Setbacks, Section 18.4 Variances,* and *Article 20: Nonconformities,* the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure in Feet	45
Maximum Height of Structure in Habitable Stories	4
Minimum Front Yard	25-Feet
Minimum Rear Yard	25-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	80,000 Square Feet
Maximum Impervious Surface Ratio	.80
Minimum Lot Width at Building Line	165-Feet
Minimum Lot Width at Street Line	No Minimum

Section 6.2 OR, Outdoor Recreation District

6.2.1 *Generally*. This zoning district is intended to provide for outdoor recreation activities.

6.2.2 *Permitted uses*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts,* the following uses and structures designed for such uses shall be permitted, conditioned on the Commission Site Plan Approval requirements of Section 18.9:

(a) The following general industrial uses: extraction or removal of natural resources on or under land.

(b) The following transportation, communication, and utility uses: water well (public or private).

(c) Outdoor recreation uses.

(d) The following institutional uses: church or similar religious facility.

(e) The following agricultural uses: Silviculture.

(f) Accessory structures and uses.

6.2.3 *Area and dimensional ordinances*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts, Section 12.4: Height Modifications, Section 12.5: Yard Requirements, Section 12.6: Coastal Areas, Section 12.8: Highway Construction Setbacks, Section 18.4 Variances,* and *Article 20: Nonconformities,* the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure in Feet	35
Maximum Height of Structure in Habitable Stories	2½
Minimum Front Yard	40-Feet
Minimum Rear Yard	40-Feet
Minimum Side Yards	20-Feet
Minimum Lot Area	3 Acres
Maximum Impervious Surface Ratio	.80
Minimum Lot Width at Building Line	210-Feet
Minimum Lot Width at Street Line	No Minimum

Article 7 Tourist District

Section 7.1 TR, Tourist Resort District

7.1.1 *Generally*. This zoning district is intended to provide for tourist lodging facilities and associated resort and recreation activities.

7.1.2 *Permitted uses*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts,* the following uses and structures designed for such uses shall be permitted, conditioned on the Commission Site Plan Approval requirements of Section 18.9:

(a) The following general industrial uses: extraction or removal of natural resources on or under land.

(b) The following transportation, communication, and utility uses: water well (public or private).

(c) Outdoor recreation uses.

(d) The following general commercial uses: country club; hotel or motel.

(e) The following institutional uses: church or similar religious facility.

(f) The following agricultural uses: Silviculture.

(g) The following major commercial uses: automobile storage (parking lot/garage) as an accessory use for a hotel on an abutting/contiguous parcel.

(h) Accessory structures and accessory uses such as food service, gift or novelty shops, and barber or beauty shops conducted primarily for the convenience of visitors or patrons on the premises and contained within a principal building.

7.1.3 Commission Site Plan Approval. The following uses are permissible as Commission Site Plan Approval uses in the TR Tourist District, subject to the standards and procedures established in Section 18.9: Commission Site Plan Approval:

(a) The following marine recreation uses: marina.

(b) The following general commercial uses: night club, bar, tavern.

(c) The following local commercial uses: bed and breakfast or tourist home; cafe; convenience store; delicatessen; gift shop; restaurant.

(d) The following professional service and office uses: office.

7.1.3 *Special exceptions*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts,* the following uses and structures designed for such uses may be allowed as special exceptions: Not Applicable

7.1.4 *Area and dimensional ordinances*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts, Section 12.4: Height Modifications, Section 12.5: Yard Requirements, Section 12.6: Coastal Areas, Section 12.8: Highway Construction Setbacks, Section 18.4 Variances,* and *Article XX: Nonconformities,* the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure in Feet	45
Maximum Height of Structure in Habitable Stories	4
Minimum Front Yard	40-Feet
Minimum Rear Yard	40-Feet
Minimum Side Yards	20-Feet
Minimum Lot Area	5 Acres
Maximum Impervious Surface Ratio	.80
Minimum Lot Width at Building Line	270-Feet
Minimum Lot Width at Street Line	270-Feet

7.1.5 *Off-street parking requirements*. In determining compliance with the off-street parking requirements of Article 15, off-street parking spaces, located on abutting/contiguous parcels, may be included in the parking calculations for permitted uses and structures. As used in this section, abutting/contiguous parcel shall mean any parcel that is immediately adjacent to, touching, or separated from such a common border by a right-of-way, alley, or easement.

(a) The abutting/contiguous parcel used for off-street parking shall have the same owner as the parcel which is the location for the permitted, principal use.
(b) Off-street parking authorized under this Article 7.1.5 shall be an accessory use for the permitted, principal use on the abutting/contiguous parcel only.
(c) When the abutting/contiguous parcel is not separated from the permitted, principal use by a right-of-way, the off-street parking areas shall be connected to the permitted, principal use by a pedestrian walkway or sidewalk which meets the requirements of the Americans with Disabilities Act (ADA).
(d) When the abutting/contiguous parcel is separated by a right-of-way, the road or street shall be no wider than two (2) lanes and shall be classified no higher than a Minor Arterial according the Alabama Department of

Transportation (ALDOT) Functional Classification System. Safe and convenient crosswalks, subject to ADA requirements shall be provided.

(e) Off-street parking located on an abutting/contiguous parcel shall not be converted to a different use which would reduce the number of parking spaces below that which would be required for the permitted, principal use on the adjacent parcel.

Article 8 Industrial Districts

Section 8.1 M-1, Light Industrial District

8.1.1 *Generally.* The purpose of this zoning district is to provide a suitable protected environment for manufacturing, research and wholesale establishments which are clean, quiet and free of hazardous or objectionable emissions, and generate little industrial traffic.

8.1.2 *Permitted uses*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts,* the following uses and structures designed for such uses shall be permitted, conditioned on the Commission Site Plan Approval requirements of Section 18.9:

(a) The following general industrial uses: extraction or removal of natural resources on or under land.

(b) Light industrial uses.

(c) Transportation, communication, and utility uses except landfills and sewer treatment plants.

(d) Outdoor recreation uses.

(e) Marine recreation uses.

(f) General commercial uses except race tracks.

(g) Local commercial uses.

(h) Professional service and office uses.

(i) Institutional uses.

(j) Agricultural uses.

(k) Accessory structures and uses.

8.1.3 *Commission Site Plan Approval*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts,* the following uses and structures designed for such uses may be allowed as Commission Site Plan Approval uses:

(a) Transportation, communication, and utility uses not permitted by right per *Section 8.2(c): Permitted uses.*

(b) General commercial uses not permitted by right per *Section 8.2(f): Permitted uses*.

8.1.4 *Area and dimensional ordinances*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts, Section 12.4: Height Modifications, Section 12.5: Yard Requirements, Section 12.6: Coastal Areas, Section 12.8: Highway Construction Setbacks, Section 18.4 Variances,* and *Article 20: Nonconformities,* the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure in Feet	45
Maximum Height of Structure in Habitable Stories	4
Minimum Front Yard	25-Feet
Minimum Rear Yard	see (a & b)
Minimum Side Yards	see (a & b)
Minimum Lot Area	40,000 Square Feet
Maximum Impervious Surface Ratio	.80
Minimum Lot Width at Building Line	120-Feet
Minimum Lot Width at Street Line	No Minimum

(a) No minimum except where abutting a residential district, in which case there shall be a minimum yard of 25-feet abutting the residential district.

(b) The required yards shall be increased by one foot for each foot of building height in excess of 35-feet.

Section 8.2 M-2, General Industrial District

8.2.1 *Generally.* It is the intent of this zoning district to provide opportunity for the location of industrial, manufacturing, processing, warehousing, or research and testing operations that, due to employment of heavy equipment or machinery or to the nature of the materials and processes employed, require special location and development safeguards to prevent pollution of the environment by noise, vibration, odors or other factors, and may also require extensive sites for storage and parking, may require extensive community facilities or generate heavy motor traffic.

8.2.2 *Permitted uses*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses shall be permitted, conditioned on the Commission Site Plan Approval requirements of Section 18.9:

(a) The following general industrial uses: extraction or removal of natural resources on or under land.

(b) Light industrial uses.

(c) Transportation, communication, and utility uses except landfills and sewer treatment plants.

(d) Outdoor recreation uses.

(e) Marine recreation uses.

(f) General commercial uses except race tracks.

(g) Local commercial uses.

(h) Professional service and office uses.

(i) Institutional uses.

(j) Agricultural uses

(k) Accessory structures and uses.

8.2.3 *Commission Site Plan Approval*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts,* the following uses and structures designed for such uses may be allowed as Commission Site Plan Approval uses:

(a) Transportation, communication, and utility uses not permitted by right.

(b) Light industrial uses not permitted by right.

(c) General commercial uses not permitted by right.

8.2.4 *Area and dimensional ordinances*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts, Section 12.4: Height Modifications, Section 12.5: Yard Requirements, Section 12.6: Coastal Areas, Section 12.8: Highway Construction Setbacks, Section 18.4 Variances,* and *Article 20: Nonconformities,* the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure in Feet	45
Maximum Height of Structure in Habitable Stories	4
Minimum Front Yard	25-Feet
Minimum Rear Yard	see (a & b)
Minimum Side Yards	see (a & b)
Minimum Lot Area	3 Acres
Maximum Impervious Surface Ratio	.80
Minimum Lot Width at Building Line	210-Feet
Minimum Lot Width at Street Line	No Minimum

(a) No minimum except where abutting a residential district, in which case there shall be a minimum yard of 30-feet abutting the residential district.

(b) The required yards shall be increased by one foot for each foot of building height in excess of 35-feet.

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.

Article 10 Overlay Districts

Section 10.1 Thoroughfare Corridor Overlay District

10.1.1 *Purpose.* The purpose of the thoroughfare corridor overlay district is to provide orderly development along controlled access highways, to encourage the most appropriate use of adjacent lands, to maintain the scenic natural beauty of the area, and to promote the safe and efficient movement of traffic. These thoroughfares establish an image of the quality of life in Baldwin County for visitors and residents alike. Controlled access is required to enhance trade, capital investment, tourism and the general welfare. These ordinances will facilitate the adequate provision of transportation by promoting the safe and efficient movement of traffic and by encouraging development which reduces or eliminates visual clutter and poor site layout.

As an overlay district, the thoroughfare corridor district does not replace the requirements of the underlying zoning district, but provides additional development requirements and standards which must be met by any development on the property.

10.1.2 *Area of application.* The thoroughfare corridor overlay district applies to roadways located in areas under the planning and zoning jurisdiction of Baldwin County which are designated as controlled access highways by the County Commission specifically for the purpose of enforcing the provisions of this Section.

10.1.3 *Requirements.*

(a) Public and commercial access to highways designated as controlled access highways shall be limited to intersections connecting with county roads and service roadways as defined herein. Access is not permitted by conventional driveways. However, until such time as service roadways are available, driveway access is permitted to and from residential houses and farming activity adjacent to the controlled access highway.

(b) *Service roadways*. A service roadway is intended to service businesses, residential areas, and public enterprise along controlled access highways in order to provide safely spaced and adequately designated exits and entrances to the artery. Transition between the controlled access highway and the service roadways shall be accommodated with appropriate on and off lanes as part of the controlled access highway. These lanes shall be surfaced in a similar manner as the controlled access highways and shall be designed in accordance with good practice for this type of transition.

(c) *Minimum access interval for controlled access highways*. No more than one public access connector and/or crossover per half-mile is permitted for a given side of the controlled access highway. A "connector" in this case includes all intersections with county roads and service roadways. This minimum access interval does not apply between county road intersections that were already in existence before a route was designated a controlled access highway nor does the minimum interval apply to private driveways to and from residential houses and farms before service roadways are available. Private driveway connections directly connecting to the right-of-way of the controlled access highway shall be abandoned when a convenient service road becomes available for access, unless this places an unusual hardship on the owner. All connectors shall be designed and clearly marked in accordance with Alabama Department of Transportation standards. The minimum access interval is not intended to limit the distance between businesses on service roadways or otherwise alter the ordinance of minimum lot sizes covered in other sections herein.

(d) *Permitted service roadway layouts*.

1. *Parallel and contiguous rights-of-way.* If the service roadway right-of-way and the controlled access highway right-of-way are parallel and contiguous, a greenbelt of no less than 15 feet in width shall be maintained between the shoulders or curbs of the two roadways.

2. *Parallel and noncontiguous rights-of-ways*. If commercial or residential lots are included between the service roadway right-of-way and the controlled access highway right-of-way, the businesses or residential buildings shall face the service roadway, not the controlled access highway. In this case, the rear yard setbacks shall include an additional 15 feet, or a total of 25 feet. This rear yard extension shall contain a greenbelt of at least 10 feet in width, or a suitable fence screen, between the controlled access highway right-of-way and the building or use activity on the lot.

3. *Service roadways perpendicular to the controlled access highways*. Commercial or residential lots along these service roadways shall have an additional setback of any side yard adjacent to the right-of-way of the controlled access highway of 15-feet in addition to the side yard setback requirement or a total of 25-feet. This side yard extension shall contain a greenbelt of at least 15- feet in width, or a suitable fence screen between the controlled

access highway right-of-way and the building or use activity on the lot.

Section 10.2 Flood Hazard Overlay District

10.2.1 *Purpose.* The purpose of the flood hazard overlay district is to ensure enforcement of the *Baldwin County Flood Damage Prevention Ordinance* which was adopted to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions intended to:

(a) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.

(b) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.

(c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.

(d) Control filling, grading, dredging and other development which may increase erosion or flood damage.

(e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

As an overlay district, the flood hazard district does not replace the requirements of the underlying zoning district, but provides additional development requirements and standards which must be met by any development on the property.

10.2.2 *Area of application.* The flood hazard overlay district applies to lands under the planning and zoning jurisdiction of Baldwin County which are subject to either tidal or fluvial flooding as determined by the Federal Emergency Management Agency (FEMA) and delineated on the Flood Insurance Rate Map(s) (FIRM) of Unincorporated Baldwin County.

10.2.3 *Requirements.* Areas which lie in flood hazard districts as determined by FEMA and delineated on the FIRM are subject to the requirements of the *Baldwin County Flood Damage Prevention Ordinance* adopted February 17, 1987 (as amended).

Section 10.3 Historic Resource Overlay District

10.3.1 *Purpose.* The purpose of the historic resource overlay district is to ensure enforcement of the rules and ordinances adopted pursuant to Act No. 80-497 as amended by Act No. 89-960 of the Legislature of Alabama which authorizes Baldwin County to protect the historical architectural character of the County.

As an overlay district, the historic resource district does not replace the requirements of the underlying zoning district, but provides additional development requirements and standards which must be met by any development on the property.

10.3.2 *Area of application.* The historic resource overlay district applies to lands under the planning and zoning jurisdiction of Baldwin County which are designated as historic districts or preservation districts by the County Commission under the authority of Act No. 80-497 as amended by Act No 89-960. Historic districts or preservation districts designated by the County Commission are:

(a) Magnolia Springs Preservation District

(b) Montrose Preservation District

(c) Battle's Wharf / Point Clear Preservation District

(d) Malbis Preservation District

10.3.3 *Requirements.* Areas which lie in historic districts or preservation districts as designated by the County Commission are subject to the requirements of the Architectural & Preservation District Review Board of Baldwin County and any and all rules and ordinances adopted pursuant to Act No. 80-497 as amended by Act No. 89-960 of the Legislature of Alabama (refer to *Standards for Architectural Review and Development in Baldwin County Historic Districts*).

Section 10.4 Wetland Protection Overlay District

10.4.1 *Purpose.* The wetlands within Baldwin County, Alabama are indispensable and fragile natural resources with significant development constraints due to flooding, erosion and soils limitations. In their natural state, wetlands serve man and nature. They provide habitat areas for fish, wildlife and vegetation; water quality maintenance and pollution control; flood control; erosion control; natural resource education; scientific study; and open space and recreational opportunities. In addition wise use of forested wetlands is essential to the economic well-being of Baldwin County. A considerable number of these important natural resources have been lost or impaired by draining, dredging, filling, excavating, building, pollution and other acts. Piecemeal or cumulative

losses will, over time, destroy additional wetlands. Damaging or destroying wetlands threatens public safety and the general welfare. It is therefore necessary for Baldwin County to ensure maximum protection for wetlands by discouraging development activities that may adversely affect wetlands.

The purpose of the wetland protection overlay district is to promote wetland protection, while taking into account varying ecological, economic development, recreational and aesthetic values and to protect wetlands from alterations that will significantly affect or reduce their primary functions for water quality, floodplain and erosion control, groundwater recharge and wildlife habitat.

10.4.2 *Area of application.* The wetland protection overlay district applies to wetlands under the planning and zoning jurisdiction of Baldwin County. The Generalized Wetland Map adopted as part of these zoning ordinances shows the general location of wetlands and should be consulted by persons contemplating activities in or near wetlands. The Generalized Wetland Map, together with all explanatory matter thereon and attached thereto, is hereby adopted by reference and declared to be a part of these zoning ordinances. The Generalized Wetland Map shall be kept on file in the offices of the Planning & Zoning Department.

10.4.3 *Wetland protection district boundaries*. The Generalized Wetland Map is a general reference document and wetland boundaries indicated on the map are approximations. The Generalized Wetland Map is to alert developers/landowners if they are within proximity to a wetland, which means that there is a high likelihood of the presence of a jurisdictional wetland and a need for the developer/landowner to seek U.S. Army Corps of Engineers guidance as to whether a Section 404 permit will be required prior to any activity. The Generalized Wetland Map does not represent the boundaries of jurisdictional wetlands within the jurisdiction of Baldwin County and cannot serve as a substitute for a delineation of wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, as amended. Any local government action under this section does not relieve the land owner from federal or state permitting requirements.

10.4.4 *Permit requirements*. A U.S. Army Corps of Engineers wetlands jurisdictional determination 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. The setback for development from a wetland must be a minimum of 30 feet.

If the area proposed for development is located in or within the wetland protection district boundary, as determined from the Generalized Wetland Map, a U.S. Army Corps of Engineers jurisdictional determination shall be required prior to the issuance of a Site Plan Approval. If the Corps determines that wetlands are present on the proposed development site and that a Section 404 Permit or

Letter of Permission is required, a Site Plan Approval will be issued only following issuance of the Section 404 Permit or Letter of Permission. Any application for subdivision approval on property which contains wetlands or if the Zoning Administrator or his/her designee determines potential wetlands from the Generalized Wetland map defined herein through a site visit by County Staff, will have to obtain a U.S. Army Corps of Engineers wetlands jurisdictional determination. If the Corps determines that wetlands are present and that a Section 404 Permit or Letter of Permission is required, development may not proceed until the Section 404 Permit or Letter of Permission is issued.

10.4.5 *Subdivisions in the Wetland Protection Overlay District.* Where a parcel of land proposed to be subdivided contains an area of wetlands delineated as jurisdictional by the Army Corps of Engineers, said wetlands shall be subject to Section 404(b)(1) guidelines concerning fill material disposal into wetlands. Lots may be platted where sufficient upland areas exist to provide a building site for the principal structure and necessary ancillary facilities. Fill may be used where necessary to provide access to lots where approval for such fill has been received from the Army Corps of Engineers and other appropriate governmental agencies.

Wetlands delineated as jurisdictional by the Army Corps of Engineers and not permitted for fill shall be set aside as common area or shall be contained within an easement dedicated to protect the wetland. Said common area or maintenance easement shall extend a minimum of 30-feet beyond the limits of the wetland. Maintenance responsibility shall be vested in the trustees of the subdivision, by virtue of the trust indenture.

Section 10.5 Gulf Beach Overlay District

10.5.1 *Purpose*. The Gulf Beach Overlay District is implemented to protect the natural environment, to encourage open space development design and to protect the public health, safety and welfare of the public. This overlay district shall only apply in Planning District 25 in the area herein defined in *Section 10.5.2*.

10.5.2 *Established boundaries*. The Gulf Beach Overlay District boundaries shall be as depicted on the Planning District 25 Official Zoning Map. Changes to said boundary shall constitute a zoning map amendment.

10.5.3 *Applicability.* The Gulf Beach Overlay District relaxation of maximum building heights shall be applicable only to Planned Residential Developments (PRD) lawfully approved before May 4, 2004.

10.5.4 *Development standards*.

(a) *Building height*. Building heights may lawfully exceed the maximum building height contained in applicable sections of the Zoning Ordinances.

(b) *PRD site plan minor changes*. Minor changes defined in *Section 9.9.1* may be made to an approved PRD site plan.

(c) *PRD site plan substantial changes*. Substantial changes defined in *Section 9.9.1* which requires PRD amendment or modification shall be subject to applicable maximum height ordinances of 8 habitable stories in Planning District 25.

(d) *PRD site plan approval period*. Site plan approval periods and extensions given in *Section 9.10: Approvals*, shall be in full force and effect in the overlay district. Expiration of a PRD site plan shall require subsequent site plans to be in full compliance with all applicable ordinances.

(e) *Compliance with ordinances*. The overlay district shall only relax the maximum building heights of 8 habitable stories in the area defined in *Section 10.5.2*. This section shall in no way remove, modify or supersede other applicable County ordinances which may apply.

Section 10.6 Family Heritage Overlay District

10.6.1 Purpose. The Family Heritage Overlay District is implemented to prevent the displacement of culturally significant local communities, including communities with “heirs’ property”, due to restrictions on the repair, maintenance, alteration, or improvement of nonconforming structures existing as of the original creation of the overlay district within a Planning District, and recognize that nonconforming uses play an important part in the sustainability of these communities. This overlay district shall only apply in Planning District 19 in the area herein defined in Section 10.6.2.

10.6.2 Established boundaries. The Family Heritage Overlay District boundaries shall be as depicted on the Planning District 19 Official Zoning Map. Changes to said boundary shall constitute a zoning map amendment.

10.6.3 Applicability. The Family Heritage Overlay District is intended to apply to lots owned by natural persons or transferred to immediate family members of natural persons within the designated boundaries.

10.6.4 Automatic removal of overlay district. When a lot within the Family Heritage Overlay District is transferred to someone other than an immediate family member, or is transferred to an entity that is not a natural person, the Family Heritage Overlay District designation is automatically removed regardless of whether or not the Planning and Zoning Department is notified and the District

19 Zoning Map is updated. When the Zoning Administrator becomes aware, by any means, that the overlay district designation has been removed, the Zoning Administrator shall administratively amend the Planning District 19 Official Zoning Map to reflect the automatic change. After the Family Heritage Overlay District has been properly removed from a lot, it may not thereafter be reapplied to that lot for any reason. After its original adoption within a Planning District, the Family Heritage Overlay District may not be expanded or applied to new lots within the Planning District for any reason.

10.6.5 Nonconformities within the Family Heritage Overlay District. The Nonconformities provisions of Article 20 are modified as follows for lots within the Family Heritage Overlay District.

(a) A nonconforming structure may be enlarged vertically or horizontally on the conforming sides so long as the conforming sides remain in conformity with these regulations. Those parts of a structure that are non-conforming may not be expanded either horizontally, or vertically.

(b) A nonconforming use may be moved in whole or in part to another portion of a lot or parcel occupied by such use at the effective date of adoption or amendments of the zoning ordinances, so long as the new location does not otherwise increase the nonconforming use or expand the nonconforming sides of the structure vertically or horizontally.

(c) Section 20.2.6, Destruction, repair or alteration of nonconforming use or structure, shall not apply.

(d) Section 20.2.10 Repairs and maintenance, shall not apply so long as nonconforming uses and structures are not increased.

(e) Immediate family member shall include spouse, children (natural born and adopted), siblings, parents, grandparents, grandchildren, descendent cousins, or step-related individuals of the same status.

1. Entities that are not natural persons, including but not limited to corporations, limited liability companies, and trusts, are not immediate family members for the purpose of this provision, unless the entity is entirely owned by immediate family members. Entities that are entirely owned by immediate family members shall be deemed “natural persons” as used in the language of the Family Heritage Overlay District provisions. However, if any interest in such entity is later transferred to a non-immediate family member, such entity shall cease being a natural person as

contemplated for purpose of the Family Heritage Overlay District provisions, and the Family Heritage Overlay District designation is automatically removed regardless of whether or not the Planning and Zoning Department is notified and the District 19 Zoning Map is updated.

2. The estate of a deceased natural person shall be considered a natural person for the purpose of the Family Heritage Overlay District provisions.
3. Churches or places of worship included within the Family Heritage Overlay District as of the effective date of adoption of the zoning ordinances for District 19, are considered natural persons for the purposes of the overlay district provisions until such time as the use of the property changes.

(f) A natural person who owns property in District 19 and wishes to rebuild, relocate, or enlarge a nonconforming structure or use that would otherwise be disallowed under the provisions of Article 20 were it not for these Family Heritage Overlay District provisions, shall submit with their site plan approval application a notarized affidavit attesting to the successive transfers from and to immediate family members since the effective date of adoption of the zoning ordinances for District 19. Such affidavit shall be prima facie evidence of the applicability of Family Heritage Overlay District provisions and the Zoning Administrator may not disallow the application of Family Heritage Overlay District provisions without presenting evidence of transfers to entities or individuals other than immediate family members.

(g) Nothing herein shall be construed to excuse any owner, occupant or contractor from compliance with building codes; any other health or safety requirements imposed by local, state, or federal laws; or the requirement to obtain a site plan approval and other requirements under Article 18 of the Zoning Ordinance.

Article 11 Conservation Developments

Section 11.1 Purpose and Intent

To provide a development option that permits flexibility of design in order to promote environmentally sensitive and efficient uses of the land; to preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands, and wildlife habitat; to preserve important historic and archaeological sites; to permit clustering of houses and structures on less environmentally sensitive soils which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development; to reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development through a reduced building footprint; to promote interconnected greenways and corridors throughout the community; to promote contiguous green space with adjacent jurisdictions; to encourage interaction in the community by clustering houses and orienting them closer to the street, providing public gathering places and encouraging use of parks and community facilities as focal points in the neighborhood; to encourage street designs which reduce traffic speeds and reliance on major arteries; to promote construction of convenient landscaped walking trails and bike paths both within the subdivision and connected to neighboring communities, businesses, and facilities to reduce reliance on automobiles; to conserve scenic views and reduce perceived density by maximizing the number of houses with direct access to and views of open space; to preserve prime agricultural and forest lands and reduce the economic pressures for converting such land to urbanized uses.

Section 11.2 Definitions

Words and phrases used in this article 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.

> *Conservation Development*: A development of land, occupying 10 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. The development may cover more than one parcel as long as all parcels are contiguous, but the entirety of each included parcel shall be included in the gross area of the development. The requirements for approval are similar to those for subdivisions of the same size according to the *Baldwin County Subdivision Regulations*, with the only differences being contained in this article. A Conservation Development requires a certain amount of permanently protected Open

Space and does not require minimum lot or yard sizes. A Conservation Development must be clearly indicated as such on its Preliminary and Final Plats.

Open Space: The portion of the Conservation Development that has been set aside for permanent protection. Activities within the Open Space are restricted in perpetuity through the use of an approved legal instrument.

Buildable Area: The approximate acreage in a Conservation Development available for development as calculated according to Section 11.5 of this article. This figure does not represent the true acreage available for development; it is instead used only as an input to other calculations, such as a calculation to determine the minimum acreage of Open Space.

Section 11.3 General Ordinances

11.3.1 *Applicability of Ordinances*. This Conservation Development option is available as a use by right in all residential zones (ER, R-1(a), R-1(b), R-2(a), R-2(b), R-3, R-4, and R-6) and in the Rural (RR) zone and the Rural Agriculture (RA) zone. The Applicant shall comply with all other provisions of the zoning code and with all other applicable laws, except those that are expressly addressed by and inconsistent with the provisions contained herein. A Conservation Development does not require amending or adjusting the Zoning Map.

11.3.2 *Unified Control*. The parcel or parcels of land for a Conservation Development shall be in unified control, and shall be owned or controlled by either a single person, corporation, agency, group of individuals, or like organizations. 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 ownership, 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 Conservation 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 the proper recordings have been made which ensures the continuance of the Conservation Development as approved. Responsibility for unified control shall be assigned to a Homeowners Association that will provide for the maintenance of any common property and Open Space and for improvements.

11.3.3 *Development Area.* A Conservation Development shall have a minimum development area of 10 contiguous acres.

11.3.4 *Lot and Yard Size.* No minimum areas or widths are required by these ordinances for lots, and no minimum areas are required by these ordinances for yards.

11.3.5 *Building Setbacks.* The minimum side yard setback shall be a minimum of 3 feet for a single family designation. The front and rear setbacks shall be a minimum of 20 feet.

11.3.6 *Maximum Height.* The maximum height of structures shall be the same number of habitable stories allowed by the zoning district to a Planned Residential Development (PRD), with the exceptions mentioned elsewhere in these zoning ordinances.

11.3.7 *Permitted Uses.* For a Conservation Development, the following uses and structures may be permitted if allowed by the zoning district and specific zoning designation:

(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.

11.3.8 *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 ten (10) percent of the gross acreage of the Conservation Development. The commercial land uses shall be centrally located. They shall be designed and operated to serve primarily the needs of the development and, to the extent feasible, shall be located in the interior of the development.

11.3.9 *Maximum Dwelling Units Determination.* The maximum number of dwelling units in the Conservation Development shall be determined by multiplying the gross acreage of the Conservation Development by the maximum density permitted in the zoning designation. For Conservation Developments under more than one zoning designation, the maximum number of dwelling units in the Conservation Development shall be determined by summing the results of, for each zoning designation, multiplying the gross acreage of the Conservation

Development in the zoning designation by the maximum density permitted in the zoning district. Where fractional numbers result for any of these calculations, the figure shall be rounded to the next lower number. Land reserved for commercial uses shall not be included in the gross acreage of the Conservation Development as used in this calculation. For mixed use buildings where the gross floor area used for commercial uses exceeds 10% of the total gross floor area, the entire footprint shall be considered as land reserved for commercial uses.

11.3.10 *Maximum Dwelling Units Bonuses.* The maximum number of dwelling units in the Conservation Development may be increased if Bonus Thresholds (as provided in Section 11.5) are exceeded, provided that the site is capable of accommodating the additional units without compromising the purpose of this ordinance, there is no adverse effect on public safety, the surrounding infrastructure can support the additional units, and adequate efforts were made to arrange the Open Space so that it links to greenways, trails, or other areas of Open Space on nearby parcels. If Bonus Threshold 1 is met, the determined maximum number of dwelling units may be increased by 5%. If Bonus Threshold 2 is met, the determined maximum number of dwelling units may be increased by 10%. These bonuses are not cumulative; rather, the permitted 10% increase for a Conservation Development that achieves Bonus Threshold 2 is measured from the maximum number of dwelling units as determined without applying any other dwelling units bonuses. Where fractional numbers result, the figure shall be rounded to the next lower number. The Applicant may meet with Zoning Administrator to determine whether the local infrastructure can handle the extra units, whether the infrastructure may require upgrading, whether the additional units comport with the purpose of this ordinance, and whether the additional units impact public safety.

11.3.11 *Flexible Standards*. The County encourages and will consider sensible methods to reduce impervious surfaces without compromising stormwater management or public safety. Any applicant requesting such a reduction and/or waiver of pertinent ordinances shall submit a statement of justification for the reduction and/or waiver along with the required site plan and shall obtain the written approval of the County Engineer or his/her designee. The Planning Commission may approve such methods if they:

(a) Improve site design.

(b) Protect the natural features of the site.

(c) Maintain harmony with neighboring uses.

(d) Promote the objectives and purpose of the master plan.

(e) Promote the intent and purpose of these ordinances.

11.3.12 *Conceptual Site Plan.* Where a rezoning is applied for and the Applicant wishes to subsequently develop the rezoned property as a Conservation Development, the Applicant may submit a Conceptual Site Plan in conjunction with the rezoning application for parcels greater than 1000 acres. This Conceptual Site Plan and the process for subsequently amending this Conceptual Site Plan shall follow the guidelines for a Large Scale Planned Residential Development Conceptual Site Plan as described in *Section 9.5 Submittals* and elsewhere in these zoning ordinances. It shall be clearly indicated on the Conceptual Site Plan that the described future subdivision is a Conservation Development. In addition, the Conceptual Site Plan shall show the planned location of protected Open Space and the portions of Open Space that are comprised of buildable area as calculated in Section 11.5 of this Article. It shall also describe the total acreage of buildable area in the Conservation Development and the total acreage of buildable area in the proposed protected Open Space, where "buildable area" is as calculated in Section 11.5 of this Article. Neither approval of this Conceptual Site Plan nor approval of the proposed rezoning shall be construed as ensuring the approval of future Preliminary or Final Plats.

Section 11.4 Application Requirements

11.4.1 *Site Analysis Features Required.* The Applicant must show the following features on the Conservation Development site plan submitted in accordance with requirements contained in Article IX, Section 9.5.5.5.1. In addition, the Applicant must show the following features on a site analysis map to be submitted concurrent with the submission of Conservation Development Site Plan:

(a) All streams, rivers, lakes, and other hydrologic features.

(b) General vegetation characteristics.

(c) General soil types as determined from the latest soil survey by the Natural Resources Conservation Service of the United States Department of Agriculture.

(d) The planned location of protected Open Space, and the portions of Open Space that are comprised of buildable area as calculated in Section 11.5 of this Article.

(e) The total acreage of buildable area in the Conservation Development and the total acreage of buildable area in the protected Open Space, where "buildable area" is as calculated in Section 11.5 of this Article.

(f) All Primary and Secondary Conservation Areas labeled by type, as described in Section 11.5 of this Article.

(g) Potential connections with existing green space and trails.

(h) Location and total area of proposed impervious surfaces.

Should the Applicant choose to submit a separate site analysis map, it must include the following features as on a Conservation Development Site Plan: exact property boundaries, topographic contours, delineated wetlands, special flood hazard areas and/or coastal high hazard areas, existing roads, and existing structures.

11.4.2 *Open Space Management Plan Required.* An open space management plan, as described in Section 11.5, shall be prepared and submitted with the Conservation Development Site Plan.

11.4.3 *Instrument of Permanent Protection Required.* A conservation easement, as described in Section 11.5, shall be placed on the Open Space no later than the recording of the Final Plat. County Staff shall review and approve the conservation easement to ensure that it meets the minimum guidelines set forth in these ordinances. The conservation easement and the Final Plat shall be filed simultaneously and shall make reference to each other. Each shall not be complete without the other.

11.4.4 *Zoning Administrator Approval.* The Zoning Administrator holds the right to permit or deny the proposed development according to the purposes set forth in this section.

11.4.5 *Other Requirements.* The Applicant shall adhere to all other zoning and subdivision ordinances. A subdivision plat shall be approved in accordance with the procedures established in the *Baldwin County Subdivision Regulations*. It shall be clearly indicated on the Preliminary and Final Plats that the proposed subdivision is a Conservation Development. The Applicant may submit a list of commitments, and approval may be based on the fulfillment of these conditions. Should these commitments not be upheld, the plat shall not be considered as having been approved.

Section 11.5 Open Space

11.5.1 *Standards to Determine Open Space and Buildable Area.*

(a) Buildable area is defined as the gross area of the conservation development minus the Open Space. The minimum restricted Open Space shall comprise all of the Primary Conservation Areas, as defined below. In addition, the minimum restricted Open Space shall

include buildable areas totaling not less than 20% of the total buildable area of the Conservation Development, with emphasis given to Secondary Conservation Areas, as defined below. In making this and other determinations, the buildable area shall include the entire gross area of the Conservation Development except the following:

1. Primary Conservation Areas, as defined below, unless the Applicant has demonstrated that including a particular area would constitute an unusual hardship and be counter to the purposes of this article.

2. Natural bodies of open water including free-flowing streams over 5,000 square feet of contiguous area excluding man-made stormwater detention ponds, impoundments, and amenity lakes.

3. Areas where development would otherwise be prohibited by law, regulation, or
local ordinance, except where variances or permits have been obtained.

(b) The following are considered Primary Conservation Areas and are required to be included within the Open Space, unless the Applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of this article:

1. Riparian zones of at least 75 foot width on each side from the centerline of every perennial and intermittent stream shown on the United States Geological Survey (USGS) quadrangle topographic maps.

2. Slopes above 25% of at least 5000 square feet contiguous area.

3. Wetlands determined to be jurisdictional by the U.S. Army Corps of Engineers pursuant to Section 404 of the Clean Water Act except for minor road crossings necessary for access to other upland buildable areas.

4. Land seaward of the coastal construction zone limit, except where a variance has been obtained from the appropriate state and County authorities.

5. Total area of jurisdictional wetlands filled within 5 years prior to the submittal of the application on the parcel or parcels.

(c) The following are considered Secondary Conservation Areas and should be included within the Open Space to the maximum extent feasible:

1. Non-jurisdictional wetlands that meet the definition of a wetland given in the 1987 U.S. Army Corps of Engineers Wetlands Delineation Manual.

2. Existing healthy, native forests (e.g. longleaf pine) of at least one acre contiguous area.

3. The 100-year floodplain.

4. Important historic sites, archaeological sites, cemeteries, and burial grounds.

5. Other significant natural features such as individual healthy trees of significant size and scenic viewsheds such as ridge lines, peaks, and rock outcroppings, particularly those that can be seen from public roads.

6. Prime agricultural lands of at least five acres contiguous area.

7. Existing trails that connect the Conservation Development to neighboring areas.

8. Populations of endangered or threatened species, or habitat for such species.

9. Beach access in coastal areas.

(d) Above-ground utility rights-of-way, small areas of impervious surface, and areas within 10 feet of a road surface or building may be included within the protected Open Space but cannot be counted towards the 20% minimum buildable area requirement (exception: historic structures and existing trails may be counted). Large areas of impervious surface such as roads and parking lots shall be excluded from the Open Space, except as specifically authorized in other sections.

(e) At least 60% of the total required Open Space, which includes any Open Space required to attain Bonus Thresholds, shall be in a contiguous area. Where feasible, the Open Space shall adjoin any neighboring areas of Open Space in other parcels, any other protected areas, and any non-protected natural areas that would be candidates for inclusion as part of a future area of protected Open Space. Two

sections of Open Space on either side of a roadway are considered to be contiguous, provided that each of the two sections of Open Space comprises at least 15% of the total Open Space.

(f) The Open Space shall be directly accessible to the largest practicable number of lots within the development. Non-adjoining lots shall be provided with safe, convenient access to the Open Space.

(g) Conservation Developments may meet certain Bonus Thresholds by protecting additional Open Space. This Open Space is subject to the same rules and conditions as described elsewhere in these ordinances. The buildable area of the Conservation Development shall be as calculated above. And, as above, all Primary Conservation Areas shall be included in the Open Space. The Bonus Thresholds are as follows:

1. *Bonus Threshold 1*. The minimum restricted Open Space shall include buildable area totaling not less than 35% of the total buildable area of the Conservation Development.

2. *Bonus Threshold 2*. The minimum restricted Open Space shall include buildable area totaling not less than 50% of the total buildable area of the Conservation Development.

11.5.2 *Permitted Uses.*

(a) At the discretion of the Applicant, uses of Open Space may include the following:

1. Conservation of natural, archaeological or historical resources.

2. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas.

3. Walking or bicycle trails, provided they are constructed of porous paving materials.

4. Passive recreation areas, such as open fields.

5. Active recreation areas, provided that they are limited to no more than 10% of the buildable Open Space and are not located within Primary Conservation Areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the protected Open Space.

6. Agriculture, horticulture, silviculture, or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts, provided such activities are not conducted within Primary Conservation Areas (except where minimal management practices are necessary for the maintenance of a healthy, viable forest or wetland), and provided such uses do not involve the clearing of forests, the filling of wetlands, or the conversion of forests to monocultures or plantations.

7. Subsurface wastewater disposal/reuse systems located on soils particularly suited to such uses and in compliance with Alabama Department of Environmental Management (ADEM) Underground Injection Control (UIC) permitted activities or Chapter 420-3-1 "Onsite Sewage Disposal and Subdivision-Onsite Sewage Systems, Water Supplies and Solid Waste Management" of the *Rules of the State Board of Health Bureau of Environmental Services*. Such facilities shall be located outside of Primary Conservation Areas. They should be naturally attractive and designed to function as native habitats, supporting native flora and fauna. The allowed systems do not include potable water or above-ground sewage treatment plants.

8. Easements for drainage, access, and underground utility lines.

9. Sidewalks.

10. Other conservation-oriented uses compatible with the purposes of this ordinance.

(b) Whether or not to allow public access to the protected Open Space is at the discretion of the Applicant.

11.5.3 *Prohibited Uses*.

(a) The uses of Open Space shall not include the following:

1. Golf courses.

2. Roads, parking lots, and impervious surfaces, except as specifically authorized in the previous sections.

3. Agriculture, horticulture, silviculture, or pasture uses that do not use all applicable best management practices to minimize environmental impacts, that are conducted within Primary Conservation Areas (except where minimal management practices

are necessary for the maintenance of a healthy, viable forest or wetland), or that involve the clearing of forests, the filling of wetlands, or the conversion of forests to monocultures or plantations.

4. Impoundments.

5. Man-made lakes.

6. Commercial uses not specifically authorized in the previous section.
7. Mining uses.

8. Potable water or above-ground sewage treatment plants.

9. Stormwater management facilities and wastewater disposal systems not specifically authorized in the previous section.

10. Other activities as determined by the Applicant and recorded on the legal instrument providing for permanent protection.

(b) These prohibited uses shall be clearly indicated in the legal instrument providing for permanent protection.

11.5.4 *Ownership and Management.*

(a) Ownership of Open Space. A Homeowners Association representing residents of the Conservation Development shall own the Open Space. Membership in the Homeowners Association shall be mandatory and automatic for all homeowners of the development and their successors. The Homeowners Association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the Open Space and any facilities located thereon shall be borne by the Homeowners Association.

(b) Management Plan. The Applicant shall submit a Plan for the Management of Open Space and Common Facilities ("Plan") that:

1. Provides guidelines for the maintenance and operation of the Open Space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements.

2. Estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the Open Space

and outlines the means by which such funding will be obtained or provided.

3. Provides that any changes to the Plan be approved by the Planning Commission.

4. Provides for enforcement of the Plan.

(c) In the event the party or parties responsible for maintenance of the Open Space fail to maintain all or any portion in accordance with the submitted management plan, Baldwin County may enter the premises and take corrective action or cause corrective action to be taken, including the provision of extended maintenance. The costs of such action and/or maintenance shall be chargeable to the said responsible party or parties, and/or to the Homeowners Association, and/or to the individual property owners that make up the Homeowners Association, and may include administrative costs and penalties. Such costs shall become a lien on all development properties.

11.5.5 *Legal Instrument for Permanent Protection.*

(a) The Open Space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be a permanent conservation easement in favor of:

1. A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions.

2. The Baldwin County Commission.

(b) The holders of the conservation easement shall produce a baseline documentation report to establish the condition of the property at the time the easement is transferred and to provide a basis for future monitoring and enforcement. The holders of the conservation easement shall also monitor and enforce the easement and defend it from challenges. The easement holders may request funds from the Applicant to cover or defray these costs, and the Applicant shall pay the requested funds. Such funds must be dedicated to these easement activities. The amount of funding shall be determined by the Applicant and the easement holders no later than the time of transferal.

(c) The instrument for permanent protection shall include clear restrictions on the use of the Open Space. These restrictions shall

include all restrictions contained in this article, as well as any further restrictions the Applicant chooses to place on the use of the Open Space.

(d) For an area to be counted towards the Open Space requirement, the legal instrument for permanent protection shall not have been established more than 6 months prior to the submission of the first Preliminary Plat (or, if none is required, the first Final Plat) that clearly indicates that the proposed subdivision is to be a Conservation Development.

(e) The County may, in its discretion, require a form conservation easement, and, in that event, the Applicant shall grant such easement as provided, except only that the Applicant may add such use restrictions as the Applicant desires. The County may, however, accept any easement from an Applicant which, in the County's sole discretion, substantially complies with these ordinances.

11.5.6 *Tax Assessment.* Once a legal instrument for permanent protection has been placed upon the Open Space, the Homeowners Association may request that the Baldwin County Revenue Commission reassess the Open Space to reflect its more limited use.

Article 12 General Requirements

Section 12.1 General Requirements

12.1.1 *Generally.* The general ordinances contained in this Section shall apply in all zoning districts except as specifically provided in herein.

12.1.2 *Use of land.* No land shall be used except for a use permitted in the zoning district in which it is located. Other provisions of these ordinances notwithstanding, any tract of farmland under cultivation or pastureland and timberland presently being used for such purposes may continue to be used for such purposes regardless of the zoning district in which they may be located.

12.1.3 *Use of structures.* No structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any structure be used, except for a use permitted in the zoning district in which such structure is located and subject to the special provisions specified in these ordinances.

12.1.4 *Area and dimensional requirements.* No structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered except in conformity with the area and dimensional ordinances of the zoning district in which the structure is located. No lot may be subdivided except in conformity with the area and dimensional ordinances of the zoning district in which the lot is located.

12.1.5 *Off-street parking and loading.* No structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered except in conformity with the off-street parking and loading provisions of these ordinances.

12.1.6 *Signs.* No sign or sign structure shall be erected except in conformity with the sign provisions of these ordinances.

12.1.7 *Stormwater management.* No development may precede except in conformity with the stormwater management provisions of these ordinances.

12.1.8 *Erosion control.* No development may proceed except in conformity with the erosion control provisions of these ordinances.

12.1.9 *Landscaping.* No structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered except in conformity with the landscaping provisions of these ordinances.

Section 12.2 Temporary Structures and Uses

12.2.1 Temporary structures for use incidental to construction work shall be permitted in any district during the period that construction work is in progress.

12.2.2 A recreational vehicle may be occupied as living quarters on a temporary basis for up to 18 months pending the repair or rebuilding of a primary dwelling following any disaster which may render the primary dwelling uninhabitable. A recreational vehicle, when used as temporary living quarters, may only be occupied by the owner/occupant of the primary dwelling being repaired or rebuilt, and must be located on the same parcel with the subject primary dwelling. In addition, the recreational vehicle must meet the location and setback requirements specified for accessory structures in residential districts (See *Section 13.1.2 (a)*). An approved site plan (See Section 18.2) shall be obtained from the Planning and Zoning Department, prior to the use of a recreational vehicle as temporary living quarters in order to ensure compliance with these ordinances.

12.2.3 *Model Home Sales Centers.* Model home sales centers are intended to facilitate the sale of the model design or of products similar in design to the model. Model home sales centers shall be of a temporary nature and may be allowed in any residential zoning district or residential component of a PRD, by the issuance of a temporary use permit.

12.2.3.1 Model home sales centers located within residential zoning districts, or within a residential component of a PRD, shall be restricted to the promotion of a product or products permitted within the residential zoning district or PRD in which the model home or model sales center is located and further subject to the following:

(a) Model homes shall only be permitted in dwellings that have not been previously used as a residence.

(b) A model home sales center is not intended to allow the full scope of real estate activities and shall be restricted primarily to the sale and marketing of the model or products similar to the model. A model home shall not include offices for builders, contractors, developers or similar activities.

(c) Model homes occupied by a sales office and/or representative must have all required landscaping, all-weather parking, and handicap access on-site or adjacent to the site.

(d) A temporary use permit for a model home sales center shall be issued initially for a period of two (2) years. Extensions in excess of this period shall be given upon demonstration of a need to continue the temporary sales center use.

12.2.3.2 Temporary use permits for model unit sales centers in multi-family projects shall not be issued prior to final approval of the project site development plan.

12.2.3.3 All model home sales center site plans shall adequately address the following standards:

(a) Traffic circulation and safety within the site as follows:

1. All parking spaces shall be arranged in a manner for convenient and safe access for vehicles and pedestrians.

2. No parking spaces shall be arranged to cause vehicles to be moved in order for other vehicles to enter or exit a site.

(b) Minimum parking requirements:

1. Four (4) parking spaces for each model home sales center.

2. One (1) paved parking space for disabled persons per parking lot shall be provided (included as part of the number of required parking spaces), along with a paved access aisle and barrier-free access to the home.

3. All parking spaces shall be constructed of concrete, asphalt, or other all-weather surface.

12.2.3.4 Setbacks and Lighting

(a) Vehicular use areas shall be set back a minimum of five (5) feet from the property line.

(b) Lighting shall be limited so as not to cause glare or light onto adjacent properties.

12.2.4 *Emergency Uses.* The County Commission shall have the right and the power to grant special temporary permits, for periods not to exceed six (6) months, for the location and use on any lot, in any zoning district, of a temporary building or use, subject to such terms, conditions or special limitations as the Commission may prescribe or impose. The Commission may renew or extend any such special temporary permit in six (6) month increments. It is the intent of this section to provide for flexibility of land use in community rebuilding, recovery and reorganization during periods immediately following disasters, including, but not limited to, floods, hurricanes, fires, or other disasters or such other emergency purposes as may be determined by the Commission.

Section 12.3 Utility Structures

Utility structures, including, but not limited to, poles, wires, cross arms, transformers attached to poles, guy wires, insulators, conduits and other facilities necessary for the transmission or distribution of electric power or to provide telephone or telegraph service and pipe lines, vents, valves, hydrants, regulators, meters and other facilities necessary for the transmission or distribution of gas, oil, water or other fluids, may be constructed, erected, repaired, maintained, or replaced within any district in Baldwin County. This is not to be construed to include transportation, communication and utility uses as herein defined.

Section 12.4 Height Modifications

12.4.1 The height limits for the various districts shall not apply to the following structures not used for human habitation: church spires, belfries, cupolas, elevator penthouses, mechanical penthouses or domes, provided that such features are limited to that height necessary for their proper functioning. Further, the height limits for the various districts shall not apply to chimneys, ventilators, skylights, water tanks, parapet walls, cornices, radio and television transmitting and receiving antennas, telecommunications towers, or necessary mechanical appurtenances usually carried above the roof level, provided that such features are limited to that height necessary for their proper functioning.

12.4.2 Public, semipublic or public service buildings, including but not limited to hospitals, schools and churches, when permitted in a district with height limitations of less than 60-feet, may be erected to a maximum height of 60-feet, provided the side yards are increased by one foot for each foot of additional building height above the height limitation for the district in which the building is located.

Section 12.5 Yard Requirements

12.5.1 Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, cornices, buttresses, ornamental features, chimneys, flues, and eaves, provided such projections shall not extend more than 2-feet beyond the yard area requirements. (For additional provisions see *Section 22.2, Definitions* “Accessory Structure” and “Structure”)

12.5.2 Yard requirements shall be modified subject to the following conditions:

(a) Through lots shall provide the required front yard on each street.

(b) Decks and unroofed porches may project into a required front yard for a distance not to exceed 5-feet and a required rear yard not to exceed 10-feet.

(c) Uncovered steps and handicap ramps may project into a required front, or side yard for a distance not to exceed 5-feet and a rear yard not to exceed 10-feet.

(d) On a corner lot, the side yard from the side lot line which abuts a street shall be a minimum of 20-feet.

(e) Where a subdivision has been approved by the Planning Commission in accordance with the *Baldwin County Subdivision Regulations* prior to the enacting of zoning ordinances with front, rear or side yard setbacks different than the minimums required herein, the setbacks as recorded on the plat shall apply.

(f) All buildings or structures located within coastal high hazard areas (V-zones) shall be located 50-feet landward of the reach of the mean high tide.

Section 12.6 Coastal Areas

Areas of Baldwin County lying seaward of the continuous 10-foot contour are subject to the requirements of the Alabama Coastal Area Management Program as defined in the Alabama Coastal Area Management Plan (ACAMP) and to the ADEM Division 8 Administrative Code.

Section 12.7 Adult Entertainment

Adult entertainment establishments shall comply with the provisions of Act No. 96-458 of the Legislature of Alabama which prohibits certain types of entertainment, attire, and conduct, having certain nudity, or sexual conduct, or the depiction or simulation thereof, upon the premises of an establishment within the unincorporated areas of Baldwin County, Alabama, which is licensed to sell, serve, or dispense alcoholic beverages or otherwise allow the consumption of alcoholic beverages on the premises.

Section 12.8 Highway Construction Setbacks

In accordance with Act No. 94-572 of the Legislature of Alabama enacted April 21, 1994, the following construction setbacks shall apply from any state or county road or highway:

(a) *Principal arterials.* Principal arterials require a setback of 125-feet from the centerline of the right-of-way.

(b) *Minor arterials.* Minor arterials require a setback of 100-feet from the centerline of the right-of-way.

(c) *Major collectors.* Major collectors require a setback of 75-feet from the centerline of the right-of-way.

(d) *Minor collectors.* Minor collectors require a setback of 50-feet from the centerline of the right-of-way.

Section 12.9 Substandard Lots of Record

Where a lot of record at the time of the effective date of these zoning ordinances had less area or width than herein required for the zoning district in which it is located, said lot may nonetheless be used as a building site.

Section 12.10 Rules for Determining Zoning District Boundaries

The boundaries of the zoning districts are shown on the maps adopted for the planning districts that have elected to come under the planning and zoning authority of the Baldwin County Commission. Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the zoning map, the following rules shall apply:

(a) Unless otherwise indicated, the district boundaries are indicated as approximately following property lines, land lot lines, center lines of streets, highways, alleys, shorelines of streams, reservoirs, or other bodies of water, or civil boundaries, and they shall be construed to follow such lines.

(b) Where district boundaries are approximately parallel to the center lines of streets, highways, or railroads, streams, reservoirs, or other bodies of water, or said lines extended, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the zoning map.

(c) Where a public road, street or alley or other public property is officially vacated or abandoned, the ordinances applicable to the property to which it is reverted shall apply to such vacated or abandoned road, street or alley.

(d) In the event territory now lying within the corporate limits of a municipality, located in any planning district subject to zoning, is removed from the corporate limits of such municipality the affected

territory shall be automatically zoned to the lowest density single family district available in the respective planning district until rezoned by the Baldwin County Commission.

Section 12.11 Density

12.11.1 *Density*. The number of dwelling units per acre of land. To determine the maximum number of dwelling units permitted on a lot, multiply the lot area, in acres, by the maximum density allowed in the zoning district. Where fractional numbers result, the figure shall be rounded to the nearest lower number.

12.11.2 *Wetland Density*: The density for jurisdictional wetlands, as defined herein, shall be one-half the density allowed by the underlying zoning. Where fractional numbers result, the figure shall be rounded to the nearest lower number.

Article 13 Design Standards

Section 13.1 Accessory Uses and Structures

13.1.1 *Generally.* Any use may be established as an accessory use to any permitted principal use in any district provided that such accessory use:

(a) Is customarily incidental to and is maintained and operated as a part of the principal use.

(b) Is not hazardous to and does not impair the use or enjoyment of nearby property in greater degree than the principal use with which it is associated.

(c) Does not create levels of noise, odors, vibration and lighting, or degrees of traffic congestion, dust or pollutants, in a greater amount than customarily created by principal use.

(d) Is not located in a required yard.

13.1.2 *Residential districts.* In residential districts an accessory use or structure will conform to the following requirements:

(a) An accessory structure may be located in a rear or side yard but shall not be closer than 5-feet to any side or rear lot line.

(b) An accessory structure may not be located in the front yard of a lot, except that on waterfront lots accessory structures may be located between the principal building and the waterfront property line but not within the required front yard setback.

(c) An accessory structure may not exceed the height limit for the district in which it is located and may not occupy more than 30% of the rear yard.

(d) No accessory structure, other than a pier and boathouse, may be located on a lot by itself.

13.1.3 *Accessory dwellings.* Accessory dwellings are permitted by right as follows: under residential zoning designations; in Planning Districts 12, 19, 20, 22, 26, 29, 30, 32, 33 and in the Spanish Cove Subdivision Development in Planning District 23, provided they do not exceed 60% of the size in square feet of the principal residence; in Planning Districts 10 and 15 unless restricted by a property owners association 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; in Planning District 24 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; and 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..

13.1.4 *Observation towers*. An observation tower may be located above the main roof level of a single family or two family dwelling provided the finished floor area including

stairways may not exceed 180 square feet and the tower may not exceed the height limit (in feet) for the district in which it is located. Observation towers shall not include kitchen or bathroom facilities.

Section 13.2 Satellite Dishes and Radio and TV Antennas

13.2.1 *Satellite dishes.* Satellite receiving dishes are permitted accessory uses in any zoning district except as provided in *Section 2.3.24.4(b)*. In any zoning district the satellite receiving dish shall be located behind the front building setback line and must be setback 10-feet from any interior or rear lot line. In residential districts where the satellite receiving dish is detached from the principal building, its maximum height may not exceed the height limit for the zoning district. Roof mounted satellite receiving dishes must conform to the zoning district's height limit.

13.2.2 *Radio and TV antennas*. Private radio and TV antennas for individual homes or for amateur use are permitted as accessory structures in any district and may be placed on roofs or in rear or side yards but shall be no closer than 10-feet from any interior or rear lot line.

Section 13.3 Home Occupations

13.3.1 *Home occupations.* Home occupations within residential districts shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling or adversely affect the uses permitted in the district of which it is a part. No home occupation shall be permitted which might interfere with the general welfare of the surrounding residential district due to potential noise, increased pedestrian and vehicular traffic or any other condition which would constitute an objectionable use of residentially zoned property. Limitations on the type of home occupation are as follows:

(a) The area used for a home occupation shall not exceed 20% of the gross floor area in the principal building.

(b) The home occupation shall be confined entirely to the principal building or an accessory structure located on the same lot as the principal building.

(c) No display of products shall be visible from the street and only articles made on the premises may be sold; except that non-durable articles (consumable products) that are incidental to a service, which service shall be the principal use in the home occupation, may be sold on the premises.

(d) The home occupation must be carried on solely by family members and no person outside the family may be employed on the premises.

13.3.2 *Home occupations, rural.* Home occupations within the RR or RA districts shall be limited to accessory uses which are customarily associated with agricultural uses or rural nonfarm households. Limitations on the type of rural home occupation are as follows:

(a) The rural home occupation shall be confined to the principal building or an accessory structure located on the same lot as the principal building.

(b) No display of products shall be visible from the street and only articles made on the premises may be sold; except that non-durable articles (consumable products) that are incidental to a service, which service shall be the principal use in the home occupation, may be sold on the premises.

(c) The rural home occupation must be carried on solely by family members and no person outside the family may be employed on the premises.

Section 13.4 Utilities

13.4.1 *Septic tanks*. In areas where there are no sewerage facilities, septic tanks may be used in accordance with current regulations of the Alabama Department of Public Health, the Baldwin County Health Department, and the Baldwin County Coastal Area Program, where applicable. No new septic systems will be permitted seaward of the Coastal Construction Line.

13.4.2 *Water and sewer connections.* All projects in all districts shall meet all requirements of the Health Department. If the projects are to be served by water and/or sewer, documentation shall be provided that the appropriate utilities have the capacity and agree to provide service.

13.4.3 *Utility plan.* A utility plan is required for all major projects. Such plan shall be submitted in conjunction with an application for a site plan approval as herein provided. The plan shall show plans and specifications for the proposed water supply, sewage disposal, refuse collection, fire protection, electricity, street lighting, telephone and gas.

13.4.4 *Other.* To the extent feasible, utilities for all major projects shall be placed underground.

Section 13.5 Sewage Treatment Plants

Sewage treatment plants shall be constructed according to the best available technology and shall provide at least tertiary treatment. See also *Section 2.3.4.3 (d)* and *Section 2.3.21.3(b).*

Section 13.6 Buildings and Access

13.6.1 *Buildings to be on lots.* Every building hereafter erected, converted, enlarged, reconstructed, moved, or structurally altered shall be located on a lot which provides access to a public street and there shall be no more than one (1) principal residential building on a lot except as follows:

In any district where multifamily structures, motels, or hotels are permitted, two or more such residential structures may be permitted on a lot provided that no building shall be located closer to another building on the same lot than a distance equal to half the sum of the heights of both buildings. In addition, the front or rear of any building may be no closer to the front or rear of any other building than 40-feet. The side of any building shall be no closer to the side, front or rear of any other building than 30-feet.

13.6.2 *Access.* Each principal building shall be placed on a lot or parcel which provides access to a public street. Subdivisions shall be provided with access as required by the *Baldwin County Subdivision Regulations*.

Section 13.7 Cemeteries

13.7.1 *Purpose.* The purpose of this section is to establish minimum standards for cemeteries (See *Section 2.3.19.3(d), Section 2.3.26.3(e),* and *Section 2.3.28.3*).

13.7.2 *Procedures and standards.*

(a) Any new cemetery, except a family plot or church yard, shall be located on a site containing not less than 10 acres.

(b) There shall be a buffer of 50-feet around the perimeter of the property and all structures, graves and burial lots shall be setback no less than 50-feet from any property line or right-of-way.

(c) The entire cemetery property shall be landscaped and maintained.

(d) The site proposed for a cemetery shall not interfere with the development of a system of streets or a highway in the vicinity of such site.

Section 13.8 Recreational Vehicle (RV) Parks

13.8.1 *Purpose.* The purpose of this section is to establish minimum standards for recreational vehicle parks.

13.8.2 *Procedures and standards.*

(a) *Commission Site Plan Approval required.* All recreational vehicle parks are subject to the standards contained in this section and will be required to obtain a Site Plan Approval prior to being granted a building permit.

(b) *Where permitted.* Except as provided in *Section 2.3.26.4(b)* and *Section 2.3.31.4*, recreational vehicle parks are permitted as follows:

1. High Density

   A. RV-1, B-4, M-1 and M-2 by right.
   B. B-3, RR, RA and CR by commission site plan approval.

2. Low Density

   A. RV-1, RV-2, B-4, M-1 and M-2 by right.
   B. B-2, B-3, RR, RA, CR and OR by commission site plan approval.

(c) *Occupancy.* A recreational vehicle shall not be occupied as a living quarter unless it is located in a recreational vehicle park as herein provided or as provided in *Section 12.2.2*. No recreational vehicle shall be used as a permanent dwelling. Continuous occupancy extending beyond 4 months in any 12-month period shall be considered permanent occupancy.

(d) *Storage and parking.* Recreational vehicles may be parked or stored in residential districts as provided in *Section 15.3.9: Storage and parking of trailers and commercial vehicles.*

(e) *Maximum density.*

1. High Density: 15 campsites per acre
2. Low Density: 6 campsites per acre

(f) *Land area.* The minimum land area of a recreational vehicle park shall be three (3) acres.

(g) *Use*. Use of spaces in recreational vehicle parks is limited to recreational vehicles.

(h) *Water and sewer facilities.*

1. *Water.* Each recreational vehicle park shall be served with a public/private water supply system capable of providing domestic water use and fire protection.

2. *Sewer.* Each recreational vehicle park shall be served with sanitary sewer facilities meeting all requirements of the Baldwin County Health Department.

(i) *Setbacks.*

1. No space shall be so located that any part intended for occupancy for sleeping purposes shall be within 30-feet of any property line.

2. Recreational vehicles must be separated from each other and from other structures by at least 10-feet.

(j) *Access.*

1. No recreational vehicle park shall be located except with direct access to a paved county, state or federal highway, with a minimum lot width of not less than 50-feet for the portion used for entrance and exit.

2. No entrance or exit shall be through an existing residential subdivision.

3. Access drives must be a minimum of 24-feet wide for a two-way street and 12-feet wide for a one-way street and must be improved with a suitable hard surface permanent type of pavement such as asphalt, concrete, limestone or other similar surface approved by the Planning Commission.

(k) *Accessory uses.* Management headquarters, recreational facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to the operation of a recreational vehicle park are permitted as accessory uses.

(l) *Sites.*

1. Each recreational vehicle site must be at least 1,600 square feet in area.

2. Each recreational vehicle site must contain a parking pad improved with a suitable all-weather surface.

3. Each recreational vehicle site must contain at least one (1) off-street parking space improved with a suitable all-weather surface.

(m) *Buffering.* In the event a recreational vehicle park is located adjacent to residentially zoned property, a landscaped buffer with a minimum width of 30-feet shall be provided. Said buffer shall consist of a combination of canopy trees, understory trees and shrubs which shall be of sufficient height to create a visual barrier. No buffer will be required if the recreational vehicle park is located adjacent to agricultural, commercial, industrial or recreational property.

(n) *Existing recreational vehicle parks.* Recreational vehicle parks which exist at the time of zoning adoption or amendment are grandfathered and may continue to operate lawfully provided that the operation is not discontinued for more than one (1) calendar year or 365 consecutive days The owner of an existing RV park may conduct maintenance and repairs which may include the replacement of accessory structures, hook-ups and utilities subject to the following conditions:

1. The cost of replacement shall not exceed 50 percent of the value of the park.

2. The recreational vehicle park shall not be expanded.

3. The footprints of accessory structures shall not be enlarged or moved.

4. The number of recreational vehicle spaces shall not be increased.

If the owner of an existing recreational vehicle park wishes to expand the recreational vehicle park, construct additional spaces and facilities or re-arrange spaces and facilities, the park shall at that time be brought into conformity with all requirements of this section.

Section 13.9 Wireless Telecommunications Facilities

13.9.1 *Purpose.* The purpose of this section is to establish minimum standards for wireless telecommunications facilities. The Local Provisions of Districts 19 and 21 include additional criteria for wireless telecommunication facilities. The underlying principals of these standards are to: (1) achieve a balance among the number, height, and density of wireless telecommunications facilities that is appropriate for our communities; (2) encourage and maximize the use of existing and approved towers, buildings and other structures to accommodate new wireless telecommunications facilities; (3) ensure the compatibility of towers with, and avoid adverse impacts to, nearby properties; and (4) discourage the proliferation of towers throughout the Planning Districts which have elected to come under the planning and zoning jurisdiction of the Baldwin County Commission.

13.9.2 *Procedures and standards.*

(a) *Commission Site Plan Approval required.* All wireless telecommunications facilities are subject to the standards contained in this section and will be required to obtain site plan approval prior to being granted a building permit.

(b) *Where permitted.* Wireless telecommunications facilities shall be permitted by right in the M-1 and M-2 districts and by Commission Site Plan Approval in the RR, RA, B-2, and B-3 districts. Antennas located on existing towers (co-location antennas) and antennas located on alternative support structures shall be permitted by right in all zoning districts.

(c) *Height.*

1. Antennas located on alternative support structures shall not exceed 15-feet in height above the existing structure on which they are placed.

2. Tower height shall be limited to that height necessary for proper functioning.

(d) *Setbacks.* Wireless telecommunications towers, guys, and accessory structures must comply with the minimum yard requirements of the zoning district in which they are located. Additionally, towers (but not guys and accessory structures) may be placed no closer than a distance equal to the height of the wireless telecommunications facility from any residential structure on adjacent property. Where a tower is permitted in a zoning district adjacent to any residential district the required setback from all residentially zoned property lines shall be a distance equal to the height of the tower.

(e) *Lot size.* Lot size must conform to the minimum lot size requirements of the zoning district in which the Wireless telecommunications facility is located. In the event of a lease, the minimum leased area for wireless telecommunication facilities shall be 5,000 square feet.

(f) *Co-location.*

1. No new antenna support structure shall be permitted unless the applicant demonstrates that no existing antenna support structure can accommodate the applicant's needs.

2. Documentation that reasonable efforts have been made to achieve co-location shall be submitted. Applications for new antenna support structures must include an affidavit from the applicant verifying that no existing sites are available for co-location.

3. Monopole structures shall have the ability to accommodate at least one additional set of antennas. Guyed structures and self supporting towers shall have the ability to accommodate at least two additional sets of antennas.

(g) *Aesthetics.* The aesthetic properties of each individual wireless telecommunications facility shall be approved as part of the site plan review process.

1. *Appearance.* The design of the tower shall be of a type that has the least visual impact on the surrounding area.

A. Towers and antennas shall be painted a neutral or blending color so as to reduce visual obtrusiveness, unless subject to any applicable FAA standards. If an antenna is installed on a structure other than a tower, the antenna and supporting telecommunications facilities must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure.

B. No signage, symbols, or advertisements may be attached to the pole, tower or antenna.

C. Towers camouflaged to resemble woody trees or indigenous vegetation in order to blend in with the native landscape will be subject to administrative review, as are types of concealment techniques (see *Concealment techniques*).

2. *Accessory structures.*

A. The design of the compound and its accessory structures shall, to the extent possible, maximize use of building materials, colors, textures, screening and landscaping that effectively blend the tower facilities within the surrounding natural setting and built environment.

B. In or adjacent to developed properties, accessory structures must be aesthetically and architecturally compatible with the surrounding environment. Materials such as wood, brick, and stucco should be used as appropriate. The use of metal or metallic-looking materials shall be avoided in as much as shall be practical.

3. *Non vegetative screening.*

A. Non vegetative screening will be required when it is necessary to reduce the visual impact of a wireless telecommunications compound on adjacent public ways, properties or the neighborhood in which it is located. In or adjacent to developed properties, non vegetative screening shall be provided in a manner that is compatible with the surrounding character of development, buildings, natural vegetation, and landscaping. Such screening, as required and subject to site plan review, shall have a minimum height of 8-feet, and may consist of one or the following: brick masonry walls, solid wood fencing, berms, or opaque barriers. All non vegetative screening shall be properly maintained by the property owner or lessor.

B. In isolated nonresidential areas, alternative non vegetative screening methods may be accepted, such as the use of earth-toned, vinyl-coated steel security fencing.

C. In certain locations where the visual impact of the tower would be minimal, such as remote, agricultural or rural locations or developed heavy industrial areas, the non vegetative screening requirement may be reduced or waived.

D. Wireless telecommunications facilities utilizing underground vaults rather than above ground equipment buildings may be exempted from screening requirements.

4. *Landscaping.*

A. Landscaping will be required to reduce the visual impact of a compound and its accessory structures on adjacent public ways, properties or the neighborhood in which it is located. In or adjacent to developed properties, landscaping shall be provided in a manner that is compatible with the surrounding character of development, buildings, and natural vegetation.

B. The perimeter of the compound shall be landscaped with a buffer of plant materials that effectively screens the view of the compound from adjacent property and public ways. The standard buffer shall consist of a landscaped strip of at least 4-feet wide outside the perimeter of the compound. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.

C. A row of trees a minimum of 8-feet tall and a maximum of 10-feet apart shall be planted around the perimeter of the compound fence. A continuous hedge at least 30 inches high at planting capable of growing to at least 36 inches in height within 18 months shall be planted in front of the tree line.

D. All landscaping shall be of the evergreen variety. All landscaping shall be xeriscape tolerant or irrigated and properly maintained by the property owner or lessor to ensure good health and variety.

(h) *Lighting.*

1. Towers shall not be artificially lighted unless required by the FAA or other authority for safety purposes. If lighting is required, “dual lighting” (red at night/strobe during day) shall be preferred unless restricted by the FAA. Lighting must be shielded or directed upward to the greatest extent possible so as to minimize the amount of light that fall onto nearby properties, particularly residences.

2. Basic security lighting for the compound may be permitted, but shall be focused only on the compound itself, and shall be directed away from any adjacent property.

(i) *Environmental impact.* All wireless telecommunications facilities shall comply with the National Environmental Policy Act. If an environmental assessment is required by the Federal Communications Commission (FCC), a copy of the assessment, as well as documentation of the FCC's subsequent approval thereof, must be submitted at the time of application.

(j) *Safety.*

1. *Radio frequency.* The applicant shall be required to submit documentation that the proposed wireless telecommunications facility complies with the FCC standards for radio frequency emissions, as adopted by the FCC on August 1, 1996.

2. *Structural.* A Professional Engineer shall certify that all antenna support structures and wireless telecommunications equipment are erected and/or installed so as to comply with the co-location requirements as specified in *Section 13.10.2 (f): Co-location*, and wind loading and other structural standards contained in the Building Code as adopted by Baldwin County and the applicable technical codes established by the Electronic Industries Association (EIA/TIA 222-E "Structural Standards for Steel Antenna towers and Antenna Supporting Structures) or the Telecommunications Industry Association. This shall apply to new and modified structures and facilities.

3. *Security of site.* Fencing shall be required to ensure that antenna support structures and their accessory buildings are fully secured. Sufficient anti-climbing measures must be incorporated into each facility, as needed, to reduce potential for trespass and injury.

(k) *Obsolete towers*. In the event the use of any wireless telecommunications facility has been discontinued for the period of 180 days, the wireless telecommunications facility shall be deemed to be abandoned. Determination of the date of the abandonment shall be made by the Zoning Administrator. Upon such abandonment, the owner/operator of the wireless telecommunications facility shall have an additional 180 days within which to reactivate the use of the wireless telecommunications facility to another owner/operator who makes actual use of the wireless telecommunications facility, or dismantle and remove the wireless telecommunications facility.

Section 13.10 Bed and Breakfast Establishments

13.10.1 *Purpose*. A bed and breakfast establishment may be approved as a Commission Site Plan Approval under the RA, RSF-E, RSF-1, RSF-2, RSF-3, RSF-4, RTF-4, RSF-6, RTF-6, RMF-6 and TR zoning designations, subject to the approval of the Planning Commission for the planning district in which the bed and breakfast would be located.

13.10.2 *Standards.* A Commission Site Plan Approval for a bed and breakfast establishment may be approved only upon determination that the application and evidence presented clearly indicate that all of the following standards will be met:

(a) No more than eight (8) guest rooms shall be included in any one establishment.

(b) Except for serving meals to overnight guests, the establishment shall not engage in the restaurant business. Guest rooms shall not contain cooking facilitates.

(c) Guest stays shall be limited to two weeks.

(d) At least one off-street parking space shall be provided for each guest room, plus two for the owner.

(e) All requirements, standards, and conditions contained in *Section 18.8.4* of these zoning ordinances shall be met.

Section 13.11 Stormwater Management

A stormwater management plan is required for all major projects. Such plan shall be prepared by a licensed engineer and shall be submitted in conjunction with an application for a site plan approval as herein provided. No development may proceed until a site plan approval has been approved. The Zoning Administrator shall, in consultation with the Building Official and County Engineer or his/her designee, determine that reasonable provisions for properly handling surface drainage have been made in the applicant's design.

Section 13.12 Erosion Control

13.12.1 *Purpose and Intent.* It is the purpose of this ordinance to further the maintenance of safe and healthful conditions, prevent and control water pollution, prevent and control soil erosion, protect spawning grounds, protect fish and aquatic life, control building sites, control placement of structures and land uses, preserve ground cover and scenic beauty, and promote sound economic growth. This will be done by minimizing the amount of sediment and other pollutants carried by runoff or discharged from land disturbing construction activity.

13.12.2 *Definitions.* Words and phrases used in this article 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.

Agricultural activity. Planting, growing, cultivating and harvesting crops for human or livestock consumption and pasturing or outside yarding of livestock, including sod farms and silviculture. This includes waterways, drainage ditches, diversions, terraces, excavating, filling, and similar practices on farm fields.

Best management practice (BMP). Structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment, or pollutants carried in runoff to waters of the state.

Construction site. An area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan.

Erosion. The process by which the land's surface is worn away by the action of wind, water, ice or gravity.

Erosion and sediment control plan. A plan developed to address pollution caused by soil erosion and sedimentation during land disturbing construction activity.

Qualified Credentialed Inspector (QCI). An operator, operator employee, or operator designated qualified person who has successfully completed initial training and annual refresher Qualified Credentialed Inspection Program (QCIP) training, and holds a valid certification from a Department approved cooperating training entity.

Qualified Credentialed Professional (QCP). A staff member of the Alabama Department of Environmental Management (ADEM) designated by the Director of ADEM, a licensed Professional Engineer, an Alabama Natural Resources Conservation Service professional designated by the State Conservationist, a Certified Professional In Erosion And Sediment Control, or other registered professionals (geologists, soil scientists, land surveyors, landscape architects).

Sediment. Settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.

Site. The entire area included in the legal description of the land on which the land disturbing construction activity is proposed in the permit application.

Water(s). Includes, but is not limited to, water on or beneath the surface of the ground, including natural or artificial watercourses, streams, rivers, lakes, ponds, or diffused surface water and water percolating, standing, or flowing beneath the surface of the ground.

Watercourse. A natural or artificial channel through which water flows.

13.12.3 *General Design Principles.* The following principles apply to all land disturbing activities within the jurisdiction of the Baldwin County Planning and Zoning authority and should be considered when preparing construction plans and/or submissions required under this ordinance:

(a) To minimize the potential for soil erosion, development should fit the topography and soils of the site. Areas with extreme slopes where cuts and fill would be required should be avoided.

(b) Natural vegetation should be maintained and protected wherever and whenever possible. Areas immediately adjacent to watercourses, wetlands and lakes should be left undisturbed wherever possible.

(c) All construction activities on a site should be conducted in a logical sequence so that the smallest practical area of land will be exposed for the shortest practical period of time during development.

(d) Sediment basins, silt traps and filters should be installed prior to the beginning of construction to remove as much sediment as possible from runoff leaving the site or entering watercourses, wetlands, lakes or reservoirs.

(e) The selection of soil erosion and sedimentation control measures should be based on the size of the project, the frequency of climatic events likely to accelerate erosion, the season during which the project is being constructed, and the potential for damage should erosion and sedimentation occur.

(f) In the design of erosion and sedimentation control measures the requirements for proper maintenance will be considered.

(g) Provision should be made to accommodate the increased runoff caused by altered surface and soil conditions both during and after development. Drainage ways should be designed so that their final gradients and resultant velocities will not cause erosion.

(h) Provision should be made for the proper transport of soil from the site without tracking or spilling soil along the transport route.

(i) Permanent vegetation and erosion control structures should be installed and temporary structures removed prior to the issuance of final occupancy permits.

(j) Any land disturbance activity which takes place in a right-of-way will require approval from the governing agency.

13.12.4 *Design Criteria, Standards and Specifications.* All erosion and sediment control measures, including, but not limited to those required to comply with this ordinance, shall meet the design criteria, standards and specifications given in the most current version of the Alabama Handbook for Erosion Control, Sediment Control and Storm Water Management on Construction Sites and Urban Areas.

13.12.5 *Specific Requirements.* Control of erosion and sediment through the entire duration of the land disturbing activity is the responsibility of the applicant. The following measures shall be utilized where required to provide the necessary control.

(a) Runoff from off-site and flowing through the land in question may be diverted around the land disturbing activity by means of swales, channels, ditches, culverts or storm sewers. The diversion may be a temporary installation, utilized only until the land disturbing activity is complete, or it

may be a permanent part of the proposed improvement on the land. Such diversion shall not be such that it causes drainage or erosion problems down stream and does not require impact to existing wetlands not covered by existing permits

(b) Any detention basin proposed for the site should be utilized during construction as a sediment basin to trap as much soil as possible. Such basins shall be designed for this purpose, utilizing over excavation for temporary sediment storage, temporary perforated standpipes and or stone filters as required by proper engineering design.

(c) Temporary sediment traps may be required in areas where runoff exits the site and is likely to carry sediment from eroded soils on the site. The temporary traps shall be sized proportionate with the expected flow rate from the site.

(d) Ingress and egress to the site shall be by way of coarse stone drive(s) of sufficient length to cause soil picked up by the tires of vehicles to be dropped before the vehicle enters the roadway. Drives shall be designed and situated so that they provide maximum protection against tracking of soil or mud onto the roadway. For single family and duplex home sites the stone drive should coincide with the final location of the drive to the residence.

(e) Drain inlets and entrances to culverts shall be protected with an installation of acceptable inlet protection.

(f) All disturbed ground left inactive for a period of thirteen (13) days shall be seeded, sodded or stabilized with mulch or equivalent.

(g) Storage piles of soil left for longer than 3 days shall be completely encircled with silt fence. If left inactive or unused for longer than twenty-one (21) days the pile shall be seeded, sodded, or covered with a mulching fabric or tarpaulins.

(h) Stone check dams shall be used in open drainage courses to slow velocities of the runoff.

(i) Based on individual site characteristics, silt fence shall be installed along the down slope edges of all disturbed areas on the site. Silt fence shall be installed in such a manner to prevent sediment from leaving the site.

(j) *Prevention of wetland degradation.* Temporary sediment barriers shall be installed where needed on all exposed slopes which meet or exceed four horizontal to one vertical (4:1) and are within twenty-five (25) feet of wetlands, waters of the state, or any surface water feature not bounded entirely by the limits of the development site. These shall be placed and maintained such that drainage will not overflow or bypass the barrier and shall remain in place until the slope is leveled or permanently stabilized.

(k) *Dust control.* All development which will result in exposure of bare soil during dry periods shall follow short-term stabilization methods as follows:

1.) Maintain soils in a damp condition as determined by sight or touch.

2.) Establish a stabilized surface through watering or other approved methods.

(l) *Stabilization.* Within 10 days of ceasing activity, an operator shall implement at least one (1) of the following long-term stabilization techniques for any disturbed surface area where construction activities are not scheduled to occur for at least thirty (30) days:

1.) Revegetation that results in seventy-five percent (75%) ground coverage provided that an active watering system is in place at all times.

2.) Establish a stabilized surface through watering with physical access restriction surrounding the area or other approved methods.

13.12.6 *Maintenance of Erosion Control Measures.* All erosion control measures shall be maintained throughout the course of the construction or until the growth of vegetation has made them unnecessary. If silt fence is temporarily removed to allow access to a portion of the site it shall be re-installed at the end of the work day. The applicant is responsible for the maintenance of all erosion control measures.

13.12.7 *Erosion Control Plan.* An erosion control plan shall be submitted with each application as follows:

(a) *Minor Projects - Single Family Homes and Accessory Structures (areas of disturbance less than 1 acre)* The erosion control plan for single family home sites shall be made a part of the site plan provided with the application for a Site Plan Approval. It shall be prepared by an Alabama Licensed Professional Land Surveyor, Engineer, Architect, Landscape Architect, a Certified Professional in Erosion and Sediment Control, a QCI, a licensed home builder or a licensed general contractor. The site plan shall show, as a minimum, the direction of surface slopes, any watercourses on the lot, and the location of all erosion control installations proposed.

(b) *Major Projects – All other Residential and Non-Residential Sites (areas of disturbance greater than or equal to 1 acre).*The erosion control plan for multi-family and all non-residential sites shall conform to the following:

1.) The plan shall be prepared by an Alabama Licensed Professional Land Surveyor, Engineer, Architect, Landscape Architect or QCP.

2.) The plan shall be drawn to a scale adequate to clearly show the site and the required information. In no case shall the plan be drawn to a scale less than 1”=100’.

3.) The plan may incorporate one or more sheets as necessary to clearly convey the intent of the plan. The plan may also incorporate text to explain any specifics of the plan cover the specifications for the materials required or convey the development phasing.

4.) As a minimum the plan shall show all existing and proposed:

A. Site boundaries, lots, etc.

B. All watercourses (with sizes), ponds, lakes, wetlands.

C. Apparent floodplains, floodway fringes, and floodways.

D. Soil types and their erodability. The information provided in the Soil Survey of Baldwin County, Alabama as published by the U.S. Dept. of Agriculture, Natural Resources Conservation Service, is appropriate.

E. Vegetative cover such as crops, grass, weeds, and/or trees. The use of exotic or invasive species as proposed vegetative cover is discouraged.

F. Utilities, structures, road pavements and other improvements.

G. Existing contours at an interval not greater than 2 feet. An adequate number of spot elevations may be provided in lieu of the contours.

H. Locations and dimensions (where applicable) of all proposed erosion control measures.

13.12.8 *Permits*

(a) *General.* A land disturbance permit shall be obtained for all minor and major projects. The permit shall be on a form provided by the Baldwin County Planning and Zoning Department. For small scale projects a Site Plan Approval shall be used in lieu of a land disturbance permit.

(b) *Permit Conditions.* All permits shall require the applicant to:

1.) Notify the Planning and Zoning Department at least 24 hours before beginning any major project land disturbing activity.

2.) Notify the Planning and Zoning Department of any modifications of the erosion control plan within 7 days of change.

3.) Install and maintain all erosion control measures as identified in the erosion control plan.

4.) Maintain all road drainage systems, storm water drainage systems and other facilities as identified in the erosion control plan.

5.) Remove sediment resulting from land disturbing activities from adjacent surfaces and/or drainage courses in accordance with all State and Federal regulations.

6.) Allow the Planning and Zoning Department to enter the site to verify compliance with the erosion control plan.

7.) Submit a revised plan for approval if the nature of the project changes from that proposed under the permit.

8.) Submit copies of all necessary state and federal permits

(d) *Permit Fees.* All fees for a Land Disturbance Permit shall be paid prior to permit issuance.

(e) *Length of Permit Validity.* In the event that the land disturbing activities are not started within 6 months and/or the work is not completed within three (3) years from the date of the permit said permit shall become invalid and a new permit shall be obtained.

13.12.9 *Enforcement*

(a) *Stop Work Notice.* The Planning & Zoning Department may issue a stop work notice in accordance with the zoning ordinance for any work not conforming to the requirements of this ordinance. The stop work notice may be lifted only after the work has been made to conform to this ordinance. If, after the stop work order has been issued for a period of not less than ten (10) calendar days and the work is not in compliance with this ordinance the Department may serve notice of zoning violation.

(b) *Fines for Violation.* In addition to any and all other remedies set forth in this ordinance for a violation thereof, the Planning Director or his/her designee may, for any violation of this ordinance, levy a fine against the violator(s) of up to $150.00 for each occurrence, each day being a separate occurrence. The Department shall notify the violator(s) of such fine, in writing.

13.12.10 *Exemptions*. This ordinance shall apply to any land-disturbing activity undertaken by any person on any land except for the following activities. These activities may be subject to regulation by State and Federal agencies.

(a) The construction of single family residences when such construction is located on lots exceeding three (3) acres and construction activity disturbs less than one (1) acre and is not a part of a larger common plan of development or sale.

(b) Surface mining.

(c) Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, and other related activities which result in minor soil erosion.

(d) Agricultural activities as defined herein.

(e) Any project carried out under the technical supervision of the Natural Resources Conservation Service of the United States Department of Agriculture, the State of Alabama or Baldwin County Commission.

(f) Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation; or any road construction or maintenance project, or both, undertaken by any county or municipality.

(g) Forestry land management practices, including harvesting; provided, however, that the Alabama's Best Management Practices for Forestry are followed.

Section 13.13 Wind Energy Conversion Systems

13.13.1 *Purpose and Intent.* It is the purpose and intent of this section to provide standards and regulations for the safe and effective construction, placement, operation and use of small wind energy conversion systems for onsite home, farm and commercial use.

13.13.2 *Applicability*. This section shall apply to wind energy conversion systems (WECS) used for electrical energy generation. Microturbines and Small WECS shall be regulated as accessory structures under all zoning designations. Large and Utility Scale systems shall not be permitted.

13.13.3 *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 ordinance, shall be given the meanings as set forth in applicable provisions of the zoning ordinance. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

WECS or system. A machine which can convert kinetic energy in wind into a usable form of electrical or mechanical energy, such as a wind turbine, windmill or any other wind generated energy production facilities or equipment. As used within this section, a WECS includes all parts of the turbine and the tower upon which it is installed, including any associated facilities or equipment, but does not include power transmission equipment.

Microturbine. A WECS which generates one kilowatt or less of electrical energy.

Small WECS. One WECS, with a rated capacity of 50 kilowatts (kw) or less, to be used to provide electrical energy on site. Excess electricity may be sold back to an electric utility provider providing service to the site through net metering, net billing or similar programs.

Large WECS. One WECS with a rated capacity of more than 50 kw, but less than 100 kw.

Utility Scale WECS. One WECS with a rated capacity of more than 100 kw.

Wind Farm. Two or more utility-scale WECS on the same parcel or group of adjacent parcels under common ownership or the subject of leases by a common lessee.

Tower Height. The height from base grade to the top of the WECS, including the uppermost extension of any horizontal axis blades, when extended or rotated to their highest position.

Windmill. A machine which converts the energy of the wind into rotational energy by means of vanes called sails, which is used exclusively for irrigation, agricultural drainage, farm water supply, and domestic and community water supply.

Windpump. A windmill used for pumping water, either as a source of fresh water from wells, or for draining low-lying areas of land.

13.13.4 *Where Permitted*. WECS are permitted in certain zoning districts, subject to the rated capacity thresholds listed below, and in accordance with the requirements of the underlying zoning designation:

(a) Microturbine (1 kw or less).

Permitted by right under all zoning designations.

(b) Small WECS (Greater than 1 kw, but less than 10 kw).

Permitted by right: RR, RA, CR, B-1, B-2, B-3, B-4, RV-1, RV-2, MR, OR, TR, M-1 and M-2

Permitted by Commission Site Plan Approval: RSF-E, RSF-1, RSF-2, RSF-3, RSF-4, RTF-4, RSF-6, RTF-6, RMF-6 and RMH

(c) Small WECS (10 kw, to less than 50 kw).

Permitted by right: RR, RA, CR, B-1, B-2, B-3, B-4, RV-1, RV-2, MR, OR, TR, M-1 and M-2

Permitted by Commission Site Plan Approval: RSF-E, RSF-1, RSF-2, RSF-3, RSF-4, RTF-4, RSF-6, RTF-6, RMF-6 and RMH

(d) Large WECS (Greater than 50 kw, but less than 100 kw).

Not Permitted under any zoning designation.

(e) Utility Scale WECS (100 kw or greater).

Not Permitted under any zoning designation.

(f) Wind Farms.

Not permitted under any zoning designation.

(g) Windmills and Windpumps.

Permitted by right: RR, RA, CR, B-1, B-2, B-3, B-4, RV-1, RV-2, MR, OR, TR, M-1 and M-2

Permitted by Commission Site Plan Approval: RSF-E, RSF-1, RSF-2, RSF-3, RSF-4, RTF-4, RSF-6, RTF-6, RMF-6 and RMH

13.13.5 *Number of WECS Units.*

(a) Microturbines. The maximum number of microturbines which may be installed on a lot is listed as follows:

1. Residential lots, less than five acres in size, may install a maximum of 1 microturbine.
2. Residential lots of five acres or greater in size may install a maximum of 2 microturbines.
3. Agricultural, commercial and industrial lots, less than five acres in size, may install a maximum of 1 microturbine.
4. Agricultural, commercial and industrial lots of five acres or greater in size may install up to 5 microturbines.

(b) Small WECS. The maximum number of small WECS units which may be installed on one lot shall be based on the following acreage requirements:

1. For lots one acre to less than 10 acres, one WECS shall be allowed.
2. For lots 10 acres to less than 20 acres, two WECS shall be allowed.
3. For lots 20 acres or greater, a maximum of three WECS shall be allowed.
4. If the WECS generate greater than five kilowatts each, and are limited to 50-feet in height, a maximum of two WECS may be installed per five acres. Additionally, the separation between them shall be twice the height of the tallest tower.

13.13.6 *Development Standards.* The following development standards shall WECS. Microturbines shall be required to comply with Paragraphs (a), (e), (h), (j), (k) and (m):

(a) General Development Standards. All WECS shall maintain a minimum setback which is no closer laterally than one and one-half times the height of the tower to an overhead electrical power line, excluding secondary electrical service lines or service drops. Additional development standards shall be applied according to rated capacity per WECS unit, as follows:

1. Microturbines: Area and dimensional requirements of the underlying zoning designation.

2. WECS greater than 1kw, but less than 10kw:

Minimum Lot Size – 1 acre
Setbacks – Tower height
Maximum Height – 80 feet

3. WECS 10 kw or greater, but less than 50kw:

   Minimum Lot Size – 5 acres
   Setbacks – Tower height
   Maximum Height – 100 feet

4. Windmills and windpumps

   Minimum Lot Size – 1 acre
   Setbacks – Tower height
   Maximum Height – 50 feet in residential zoning districts; or 100 feet in agricultural, commercial or industrial zoning districts.

(b) Safety. All WECS shall be completely enclosed by a locked protective fence at least six feet high, unless located upon a roof or other location with limited access.

(c) Guy Wires. Anchor points of any guy wires, if utilized, for a system tower shall be located within the property on which the system is located. Guy wires shall not cross any above-ground electric distribution lines. The points of attachment for the guy wires shall be either enclosed by a fence of at least six feet in height or sheathed in bright orange or yellow coverings from three to eight feet off the ground.

(d) Tower Access. Towers must either:

1. Have tower-climbing apparatus located no closer than 12 feet from the ground;

2. Have a locked anti-climb device installed on the tower; or

3. Have a tower-access limitation approved by the Board of Adjustment.

(e) Rotor Safety. Each WECS must be equipped with both manual and automatic controls to limit the rotational speed of the blade within the design limits of the rotor.

(f) Electromagnetic Interference. The WECS shall be designed, installed and operated so that no disrupting electromagnetic interference is caused. Disruptive interference from the facility shall be promptly rectified to include discontinued operation of one or more WECS.

(g) Utility Notification and Undergrounding. For inter-connected systems, no wind turbine shall be installed until written notice and evidence has been given that the electric utility service provider has been notified and has indicated that the proposed interconnection is acceptable. On-site electrical wires associated with the system shall be installed underground, except for “tie-ins” to the electric utility service provider and its transmission poles, towers and lines. This standard may be modified by variance, if the project terrain is found to be unsuitable due to the need for excessive grading, biological impacts or similar factors.

(h) Noise. A maximum noise level of 50 decibels, measured when the WECS is rotating at its highest design speed, is permitted. The noise level shall be measured at the property lines and shall not exceed 50 decibels under any circumstance.

(i) Site Access. Construction of onsite roadways shall be minimized. Temporary access roads utilized for initial installation shall be graded and revegetated to their natural condition after completion of installation.

(j) Site Aesthetics. WECS shall be designed and located in a manner to minimize adverse visual impacts as follows:

1. Structural components including, but not limited to, towers, blades and fencing shall be of nonreflective and of an unobtrusive, neutral or blending color.

2. When adjacent to a scenic corridor or byway, WECS shall not cause a significantly adverse visual impact to the corridor or byway.

3. Landscaping. With the exception of microturbines, landscaping will be required to reduce the visual impact of a WECS, and its accessory structures on adjacent public ways, properties or the neighborhood in which it is located. Landscaping shall be provided in a manner that is compatible with the surrounding character of development, buildings, and natural vegetation.

(k) Exterior Lighting.

1. Towers shall not be artificially lighted, unless required by the Federal Aviation Administration (FAA) or other authority for safety purposes, due to proximity to airports. If lighting is required, “dual lighting” (red at night/strobe during day) shall be preferred unless restricted by the FAA. Lighting must be shielded or directed upward to the greatest extent possible so as to minimize the amount of light that falls onto nearby properties, particularly residences.

2. Basic security lighting for the compound may be permitted, but shall be focused only on the compound itself and shall be directed away from any adjacent property.

(l) Signage. Signage shall be considered as part of Site Plan Approval and shall be limited as follows:

1. Signs warning of high voltage electricity shall be posted at a height of five feet above ground on stationary portions of the WECS or its tower and at gated entry points to the project site.

2. No other sign or logo shall be placed or painted on any WECS or tower.

3. No more than two identification signs relating to a WECS project shall be located on the site.

4. Signs shall not exceed 16 square feet in display area or eight feet in height from base grade.

(m) Compliance with FAA Regulations. All WECS shall comply with applicable FAA regulations, if compliance is required due to proximity to airports.

13.13.7 *Application Submittal Requirements.* All applications for a WECS shall include the following:

(a) Name, address and contact information for owner and authorized agent. If the owner or authorized agent is an entity, the names of the owners, shareholders, members, managers and officers shall be provided;

(b) Distance to residentially zoned lots (if project site is zoned commercial or industrial), public and private airports and airstrips and schools within one-quarter mile of the proposed project as measured from its nearest property line;

(c) Maximum rated generating capacity of the WECS unit(s) proposed for installation;

(d) Manufacturer's rated generating capacity of the WECS unit(s);

(e) A statement by the manufacturer certifying that the rotor and overspeed controls have been designed and fabricated for the proposed use in accordance with good engineering practice, and have been certified by a national program such as National Electrical Code (NEC), American National Standards Institute (ANSI) or Underwriters Laboratories (UL);

(f) Certification by a State licensed structural, mechanical or civil engineer that the tower structures are designed and constructed with the pertinent provisions of the International Building Code;

(g) Written evidence that the electric utility provider for the proposed site has been informed of the applicant's intent to install an interconnected customer owned electricity generator. If the applicant does not plan to connect the system to the electricity grid, the applicant shall include a statement to that effect;

(h) A description of the proposed measures to minimize the adverse noise, transmission interference, visual and safety impacts to adjacent properties, and methods to prevent public access to the structure.

(i) All additional submission requirements for Site Plan Approval and Commission Site Plan Approval as applicable and as found within the zoning ordinance.

(j) The Building Inspector shall have the authority to waive the application requirements set forth above in Section 5.2 (b), (e) and (f) above for microturbines mounted to the side or roof of a structure, if the information is deemed unnecessary due to the size and height of the turbine.

13.13.8 Variances. Applications for variances from this section shall meet the requirements of Section 18.6 and Section 18.7 of the zoning ordinance.

13.13.9 Fines and Penalties. In addition to any other fines, penalties or remedies for the violation the provisions of this section, any person or entity violating the provisions of this section or any other regulations regarding the permitting, construction, placement and use of WECS shall be subject to a fine of up to one thousand dollars ($1,000) and costs of court for each offense as determined by the court. Each day the violation continues shall constitute a separate offense.

Section 13.14 Mini-Warehouses

13.14.1 *Purpose.* The purpose of this section is to establish minimum standards for mini-warehouse facilities.

13.14.2 *Procedures and standards.*

(a) *Commission Site Plan Approval required.* All mini-warehouse facilities are subject to the standards contained in this section and will be required to obtain a site plan approval prior to being granted a building permit.

(b) *Where permitted.* Mini-warehouse facilities are permitted as follows:

1. Commission Site Plan Approval – RR, Rural District, RA, Rural Agricultural District, RMF-6, Multiple Family District, HDR, High Density Residential District, B-1, Professional Business District and B-2, Neighborhood Business District, B-3, General Business District, B-4, Major Commercial District, M-1, Light Industrial District and M-2 General Industrial District

(c) *Land area.* The minimum land area of a mini-warehouse facility shall be three (3) acres.

(d) *Coverage*. Building coverage shall not exceed forty (40) percent of the total lot area.

(e) *Access.*

1. No mini-warehouse facility shall be located except with direct access to a paved county, state or federal highway, with a minimum lot width of not less than 50-feet for the portion used for entrance and exit.

2. All storage spaces shall be served by an access driveway of 11-feet minimum width for each direction of travel. Access drives shall be improved with a suitable hard surface permanent type of pavement such as asphalt, concrete, gravel, limestone or another similar surface.

(f) *Buffering.* In the event a mini-warehouse facility is located adjacent to residentially developed or zoned property, a landscaped buffer with a minimum width of 30-feet shall be provided. Said buffer shall consist of a combination of canopy trees, understory trees and shrubs which shall be of sufficient height to create a visual barrier.

(g) *Design and other requirements*.

1. *Facades*. Facades which are visible from a public right-of-way shall be constructed of masonry, wood or other materials which will present a pleasing appearance and which will be compatible with the surrounding area.

2. *Fencing*. The entire site of a mini-warehouse facility shall be enclosed by security fencing. The minimum height for fencing, along the side and rear property lines, shall be eight (8) feet, for fencing constructed to the exterior of required buffers, or six (6) feet for fencing constructed to the interior of required buffers. Fencing shall be composed of materials designed for such use including masonry, iron, steel, chain link (painted or vinyl coated only), wood or a combination thereof. Fencing along the front of a mini-warehouse facility may be decorative in nature and may be built to a minimum height of four (4) feet.

3. *Lighting*. The maximum height of exterior lights shall be 20-feet. Light fixtures shall be designed to cast light downward. No light shall be aimed directly toward a property designated residential, which is located within 200-feet of the source of the light.

4. *Compartments*. Each storage compartment shall have an independent entrance under the exclusive control of the tenant. The use of storage compartments shall be limited to the storage of personal property and no other use shall be permitted within such compartments.

5. *Outdoor storage*. Outdoor storage of goods and materials, with the exception of boats, recreational vehicles and trailers, shall be prohibited. Boats, recreational vehicles and trailers may be stored on site only if located in an enclosed building or if fully screened from public view by fences, walls, landscaping or a combination thereof.

6. *Parking and landscaping.* Unless otherwise stated herein, all mini-warehouse facilities shall meet the requirements of *Article 15: Parking and Loading Requirements* and *Article 17: Landscaping and Buffers*.

Section 13.15 Office-Warehouses

13.15.1 *Purpose.* The purpose of this section is to establish minimum standards for office-warehouse facilities.

13.15.2 *Procedures and standards.*

(a) *Commission Site Plan Approval required.* All office-warehouse facilities are subject to the standards contained in this section and will be required to obtain a site plan approval prior to being granted a building permit. As used in this section, the term *"office-warehouse"* shall refer to a commercial facility with offices/showrooms and associated storage specific to each office/showroom. This section shall in no way supersede uses which are permitted by right in the M-1 and M-2 zoning districts.

(b) *Where permitted.* Office-warehouse facilities are permitted as follows:

1. Commission Site Plan Approval – RR, Rural District, B-1, Professional Business District and B-2, Neighborhood Business District, B-3, General Business District, B-4, Major Commercial District, M-1, Light Industrial District and M-2 General Industrial District

(c) *Coverage*. Building coverage shall not exceed forty (40) percent of the total lot area.

(d) *Buffering.* In the event an office-warehouse facility is located adjacent to residentially developed or zoned property, a landscaped buffer with a minimum width of 30-feet shall be provided. Said buffer shall consist of a combination of canopy trees, understory trees and shrubs which shall be of sufficient height to create a visual barrier.

(f) *Design and other requirements*.

1. *Facades*. Facades which are visible from a public right-of-way shall be constructed of masonry, wood or other materials which will present a pleasing appearance and which will be compatible with the surrounding area.

2. The office/showroom component of this use shall comprise up to 25 percent of the total floor area.

3. No single building shall contain more than five (5) office-warehouse units.

4. *Lighting*. The maximum height of exterior lights shall be 20-feet. Light fixtures shall be designed to cast light downward. No light shall be aimed directly toward a property designated residential, which is located within 200-feet of the source of the light.

5. *Exterior display and storage*. There shall be no exterior display or storage of equipment or materials. All equipment and materials shall be housed inside a structure or behind a privacy fence of eight (8) feet minimum height located behind a structure.

6. *Parking and landscaping.* Unless otherwise stated herein, all office-warehouse facilities shall meet the requirements of *Article 15: Parking and Loading Requirements* and *Article 17: Landscaping and Buffers*.

Article 14 Reserved

Article 15 Parking and Loading Requirements

Section 15.1 Generally

15.1.1 Off-street automobile storage or parking spaces shall be provided with vehicular access to a street or alley, and shall be equal to at least the minimum requirements for the specific land use as herein provided.

15.1.2 The required number of parking spaces for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use at the same time, except that portion of the parking space required for an existing church whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.

15.1.3 Where business and multifamily unit developments require large numbers of parking spaces, such spaces may be accommodated in parking decks provided that no such parking deck shall exceed 3 levels above ground or 25% of the height of the principal structure, whichever is greater. Parking deck design shall be compatible with the design of the principal structure.

15.1.4 Any use not specified by these ordinances shall require one (1) parking space for each 300 square feet of gross floor area in the building. Where the use is mixed, total requirements for off-street parking shall be the sum of the requirements for the various uses computed separately.

Section 15.2 Parking Schedule

15.2.1 *Dwellings*.

(a) *One and two family dwellings*. 2 spaces for each dwelling unit.

(b) *Multiple family dwellings*. 1.6 spaces for each unit.

(c) *Hotels, motels, and tourist homes*. 1.25 spaces for each guest bedroom.

(d) *Manufactured Housing Park*. 2 spaces per unit.

(e) *Dormitory, boarding house or rooming house*. One space for each guest bedroom.

15.2.2 *Institutional.*

(a) *Churches or other place of worship*. One space for each 4 seats in the main auditorium or sanctuary.

(b) *Private clubs, lodges, country clubs and fraternal buildings*. One space for each 200 square feet of gross floor area.

(c) *Theaters, auditoriums, coliseums, stadiums and similar places of assembly*. One space for each 4 seats or seating spaces.

(d) *Libraries, museums, art galleries and similar uses*. One space for each 500 square feet of gross floor area.

(e) *College or university.* 10 spaces per classroom.

(f) *High school*. 7 spaces per classroom.

(g) *Elementary or middle school*. 2.5 spaces per classroom.

(h) *Business or trade school*. One space per 4 seats.

(i) *Kindergartens, play schools, or day care centers*. One space per employee.

15.2.3 *Health facilities*.

(a) *Hospitals, sanitariums, nursing homes, homes for aged and similar institutional uses*. 1 space for each 4 beds.

(b) *Kennels and animal hospitals (veterinarian)*. One space per 500 square feet of gross floor area.

(c) *Medical, dental and health offices*. One space for each 200 square feet of gross floor area.

(d) *Mortuaries and funeral homes*. One space for each 4 parlor or chapel seats.

15.2.4 *Business and office.*

(a) *Commercial establishments and offices including but not limited to food stores, banks, furniture stores, or personal service establishments*. One space for each 200 square feet of gross floor area.

(b) *Restaurants, night clubs, bars, cafes, and similar eating/drinking places*. One space for each 100 square feet of gross floor area.

(c) *Shopping centers.* One space per 200 square feet of gross floor area.

15.2.5 *Recreation and amusement*.

(a) *Skating rinks, dance halls, exhibition halls, pool rooms and other places of amusement or assembly without fixed seating arrangements*. One space for each 200 square feet of floor area.

(b) *Bowling alleys*. 4 spaces for each alley.

(c) *Marinas.* One space for each slip or berth plus 1 space for each 500 square feet of dry boat storage area.

(d) *Golf course.* 4 spaces per golf hole.

(e) *Golf driving range*. One space for each driving tee area.
(f) *Amusement park.* One space per 200 square feet of area within enclosed buildings, plus One space for every 3 persons that the outdoor facilities are designed to accommodate.

15.2.6 *Industrial, warehouse and similar establishments*.

(a) *Industrial/manufacturing.* One space for each 500 square feet of gross floor area.

(b) *Warehouses*. One space for each 1,000 square feet of gross floor area.

(c) *Mini warehouses.* 2 parking spaces shall be provided for the manager's quarters plus one additional space for every 25 storage cubicles to be located at the project office for use of clients.

Section 15.3 Design Standards and Improvement Requirements

15.3.1 *Off-street parking space defined*. An off-street parking space is an area of not less than 171 square feet which is permanently reserved for the temporary storage of one automobile. The minimum dimension of an off-street parking space is 9' x 19'. Off-street parking spaces may not be located in a street or alley and must be connected with a street or alley by a driveway which affords unobstructed ingress and egress to each space.

15.3.2 *Parking area dimensions.* The design and dimensions of the parking area shall be in accordance with the following dimensions table:

Angle of Parking	Curb Length Per Car	Stall Depth	Access Driveway Width
0	23’0”	9’0”	12’0”
20	20’4”	15’0”	11’0”
30	18’0”	17’4”	11’0”
40	14’0”	19’2”	12’0”
45	12’9”	19’10”	13’0”
50	11’9”	20’5”	12’0”
55	11’1”	20’3”	15’6”
60	10’5”	21’0”	18’0”
70	9’8”	21’0”	19’0”
80	9’8”	20’4”	24’0”
90	9’0”	19’0”	24’0”

15.3.3 *Width of two-way access driveways*. The minimum width of two-way access driveways within and to parking areas shall be 24-feet.

15.3.4 *Paving standards.* Parking spaces and driveways shall be improved with a suitable hard surface permanent type of pavement such as asphalt, concrete, limestone or other similar surface approved by the Planning Commission.

15.3.5 *Drainage.* Off-street parking facilities shall be drained to prevent damage to abutting property and streets and to prevent pollutants from draining onto the adjacent lots. Landscaped areas and perimeter areas shall be so graded as to receive a reasonable portion of the rainfall from the surrounding pavement. Protective curbing around landscaped areas will leave openings for the flow of water onto unpaved areas. No runoff shall be directed to the beaches or to surface waters.

15.3.6 *Landscaping.* Parking lots shall be landscaped in accordance with *Section 17.4: Parking Lots*.

15.3.7 *Off-street loading and unloading space*. Off-street loading/unloading spaces shall be provided as hereinafter required by this Ordinance.

(a) *Size of spaces.* Each off-street loading/unloading space shall have minimum dimensions of 14-feet in height, 12-feet in width, and 55-feet in length. However, upon sufficient demonstration that a particular loading space will be used exclusively by shorter trucks, the Board of Adjustment may reduce the minimum length accordingly to as little as 35-feet.

(b) *Connection to street or alley*. Each required off-street loading/unloading space shall have direct access to a street or alley or

have a driveway which offers satisfactory ingress and egress for trucks.

(c) *Floor area over 10,000 square feet*. There shall be provided for each hospital, institution, hotel, commercial, or industrial building or similar use requiring the receipt or distribution of materials or merchandise and having a floor area of more than 10,000 square feet, at least one off- street loading/unloading space for each 10,000 square feet of floor space or fraction thereof. Such space shall be so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street or alley.

(d) *Floor area less than 10,000 square feet*. There shall be provided for each commercial or industrial building requiring the receipt or distribution of materials or merchandise and having a floor area of less than 10,000 square feet, sufficient off-street loading/unloading space (not necessarily a full space if shared by an adjacent establishment) so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street or alley.

(e) *Bus and trucking terminals*. There shall be provided sufficient space to accommodate the maximum number of buses or trucks to be stored or to be loaded at the terminal at any one time.

(f) *Location*. All required off-street loading/unloading spaces shall be located on the same lot as the building which they are intended to serve, or on an adjacent lot when shared with the use occupying said adjacent lot.

(g) *Permanent reservation*. Areas reserved for off-street loading/unloading in accordance with the requirement of these ordinances shall not be reduced in area or changed to any other use unless the permitted use which is served is discontinued or modified except where equivalent loading/unloading space is provided and approved by the Board of Adjustments.

15.3.8 *Curb cuts and vision clearance*. The requirements for controlling curb cuts and maintaining vision clearance shall be as follows:

(a) *Curb cuts*. No curb cut shall exceed 50-feet in length, nor shall curb cuts be closer than 100-feet to other curb cuts or closer than 50-feet to any intersection of two streets measured along the curb line.

(b) *Vision clearance*. In all use districts, no fence, wall, shrubbery, sign, marquee, or other obstruction to vision between the heights of 2½ feet and 10-feet from the street level shall be permitted within 20-feet of the

intersection of the right-of-way lines of two streets or railroad lines, or of a street intersection with a railroad line.

15.3.9 *Storage and parking of trailers and commercial vehicles*.

(a) Recreational vehicles, trailers and commercial vehicles shall not be parked or stored on any lot in any residential district except in accordance with the following requirements:

1. No more than one commercial vehicle per dwelling shall be permitted; and in no case shall a commercial vehicle used for hauling explosives, gasoline or liquefied petroleum products be permitted.

2. Recreational vehicles, trailers and commercial vehicles may not be parked within a required front or side yard.

3. Recreational vehicles shall not be occupied either temporarily or permanently while parked or stored in any residential district except as provided by *Section 12.2.2: Temporary Structures.*

4. A recreational vehicle, trailers or commercial vehicle may not be located on a lot in any residential district by itself.

(b) Junked vehicles or automotive vehicles without current license plates shall not be parked or stored in any residential district other than in completely enclosed buildings.

Article 16 Sign Requirements

Section 16.1 Purpose

The purpose of this article is to provide the minimum control of signs that ensures the protection of the public safety and general welfare. These provisions are intended to lessen the hazards to pedestrian and vehicular traffic, prevent unsightly and detrimental development which has a blighting influence upon the community, prevent signs from reaching such excessive size or numbers that they obscure one another to the detriment of all concerned, preserve the general character and aesthetic quality of the various areas within the county, and promote a positive county image reflecting order, harmony and pride.

Section 16.2 Measurement Determinations

16.2.1 *Number of signs*. In general, the number of signs shall be the number of noncontiguous sign faces. Multiple noncontiguous sign faces may be counted as a single sign if all the sign faces are included in the geometric figure used for determining the sign area.

16.2.2 *Sign face area.*

(a) *Individual signs.* The sign face area of individual signs shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. This does not include the supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets applicable ordinances and is clearly incidental to the display itself.

(b) *Multifaced signs.* The sign face area of a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two sign faces are placed back to back so that both faces cannot be viewed from any point at the same time and when the sign faces are part of the same sign structure and are no more than 36 inches apart, the sign face area shall be computed by the measurement of one of the faces.

16.2.3 *Sign height.* The height of a sign shall be computed as the distance from the base of the sign at normal grade prior to construction or the newly established grade after construction, exclusive of filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the

normal grade cannot be reasonably determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the parcel, whichever is lower.

16.2.4 *Distance between signs.* The minimum required distance between signs shall be measured along street rights-of-way from the closest parts of any two signs.

16.2.5 *Façade area.* The façade area shall be measured by determining the area within a two-dimensional geometric figure coinciding with the edges of the walls, windows, doors, parapets, marquees, and roof slopes of greater than 45 degrees that form a side of a building or unit.

Section 16.3 Exempt Signs

(a) Signs that are not designed or located so as to be legible from any street or adjoining property.

(b) Signs of 2 square feet or less and signs that include no letters, symbols, logos or designs in excess of 2 inches in vertical or horizontal dimension, provided that such sign, or combination of such signs, does not constitute a sign prohibited by these ordinances.

(c) One construction sign with a total sign face area of 32 square feet or less and a maximum height of 10-feet per street frontage located on property where building is actually in progress under a current building permit.

(d) Signs necessary to promote health, safety and welfare, and other regulatory, statutory, traffic control or directional signs erected on public property with permission as appropriate from Baldwin County, the State of Alabama, or the United States.

(e) Legal notices and official instruments.

(f) Decorative flags and bunting for a celebration, convention, or commemoration of significance to the entire community when authorized by the Baldwin County Commission for a prescribed period of time.

(g) Holiday lights and decorations.

(h) Merchandise displayed behind storefront windows so long as no part of the display moves or contains flashing lights.

(i) Memorial signs or tablets, historical markers, name of building and dates of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials and attached to the surface of a building.

(j) Signs incorporated into machinery or equipment by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths and gasoline pumps.

(k) Advertising and identifying signs located on taxicabs, buses, trailers, trucks or vehicle bumpers.

(l) Public warning signs to indicate the dangers of trespassing, swimming, animals or similar hazards.

(m)Works of art that do not constitute advertising.

(n) Signs carried by a person.

(o) Signs affixed to water tanks by the water utility with a sign face area of 200 square feet or less per sign for water tanks with a storage capacity of less than 500,000 gallons and a sign face area of 350 square feet or less per sign for water tanks with a storage capacity of 500,000 gallons or more. A maximum of 2 such signs are permitted per water tank.

Section 16.4 Prohibited Signs

It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained, any sign not expressly authorized by, or exempted from, these ordinances. The following signs are expressly prohibited unless otherwise exempted or expressly authorized by this article:

(a) Any sign with a sign face area greater than 200 square feet except as provided in *Section 16.3: Exempt Signs*.

(b) Signs that are in violation of the building code or electrical code adopted by Baldwin County.

(c) Any sign that, in the opinion of the Zoning Administrator, does or will constitute a safety hazard.

(d) Portable signs.

(e) Signs with visible moving, revolving, or rotating parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means, except for traditional barber poles.

(f) Signs with lights or illuminations that flash, move, rotate, scintillate, blink, flicker or vary in intensity or color except for “time and temperature” signs.

(g) Strings of light bulbs used on commercially developed parcels for commercial purposes, other than traditional holiday decorations.

(h) Wind signs consisting of one or more banners, flags, pennants, ribbons, spinners, streamers or captive balloons, or other objects or material fastened in such a manner as to move freely upon being subjected to pressure by wind.

(i) Signs which incorporate projected images, which emit any sound that is intended to attract attention, or which involve the use of live animals.

(j) Signs that emit audible sound, odor, or visible matter such as smoke or steam.

(k) Signs or sign structures that interfere in any way with free use of any fire escape, emergency exit, or standpipe, or that obstruct any window to such an extent that light or ventilation is reduced to a point below that required by any provision of these ordinances or any other ordinance of Baldwin County.

(l) Signs that resemble any official sign or marker erected by any governmental agency, or that by reason of position, shape or color, would conflict with the proper functioning of any traffic sign or signal, or be of a size, location, movement, content, color or illumination that may be reasonably confused with or construed as, or conceal, a traffic control device.

(m)Signs that obstruct the vision of pedestrians, cyclists, or motorist traveling on or entering public streets.

(n) Non-governmental signs that use the words “stop,” “look,” “danger” or any similar word, phrase or symbol.

(o) Signs, within 10-feet of public right-of-way or 100-feet of traffic-control lights, that contain red or green lights that might be confuse with traffic control lights.

(p) Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television or other communication signals.

(q) Signs that are painted, pasted, or printed on any curbstone, flagstone, pavement, or any portion of any sidewalk or street, except house numbers and traffic control signs.

(r) Signs placed upon benches, bus shelters or waste receptacles, except as may be authorized in writing.

(s) Signs erected on public property or on private property located on public property (such as private utility poles) other than signs erected by a public authority for public purposes or as otherwise permitted by these ordinances.

(t) Signs erected over or across any public street except as may otherwise be expressly authorized by these ordinances and except governmental signs erected by or on the order of a public officer.

(u) Roof signs placed above the roof line of a building or on or against a roof slope of less than 45 degrees.

(v) Vehicle signs with a total sign area in excess of 10 square feet when the vehicle is parked for more than sixty consecutive minutes within 100-feet of any street right-of-way; is visible from the street right-of- way that the vehicle is within 1000-feet of and is not regularly used in the conduct of the business advertised on the vehicle. A vehicle used primarily for advertising shall not be considered a vehicle used in the conduct of the business.

Section 16.5 Permitted Signs

16.5.1 *Generally*. The signs enumerated in this section shall be subject to all the terms of this article including the requirement that a sign certificate be obtained prior to erection of any sign in excess of one (1) sign on a parcel or a total sign face area of 6 square feet on a parcel. Exemption from the requirement to obtain a sign certificate, does not necessarily indicate exemption from any other requirement or permit that may be required by this or any other agency.

16.5.2 *All parcels.*

(a) *Directional signs.* Directional signs limited in area to 4 square feet, giving directions to motorists regarding the location of parking areas and access drives shall be permitted on all parcels and shall not be counted as part of an occupant's allowable sign area.

(b) *Flags.* Not more than 3 flags or insignias of religious, charitable, fraternal or other organizations may be displayed on any one parcel of land. Such flags shall not exceed 60 square feet in area and shall not be flown from a pole the top of which is more than 40- feet in height. All flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting the above requirements shall be considered a banner and shall be subject to the appropriate ordinances.

(c) *Utility signs.* Public utility signs that identify the location of underground utility lines and facilities, high voltage lines and facilities, and other utility facilities and appurtenances are permitted so long as they do not exceed 3-feet in height, and so long as the sign face does not exceed ½ square foot.

16.5.3 *Commercially developed parcels.*

16.5.3.1 *Freestanding signs.* Signs may be placed in a freestanding location on a commercially developed parcel subject to the following limitations:

	<100' frontage on a public right-of-way	>100' & <200' frontage on a public right-of-way	>200' & <300' frontage on a public right-of-way	>300' frontage on a public right-of-way
Maximum number of signs	1	1	2	3
Maximum total sign area (square feet)	48	72	96	144
Maximum sign area for individual sign	48	72	72	72
Minimum setback from side property line (feet)	15	20	50	50
Minimum distance from any other freestanding sign on the same site (feet)	N/A	N/A	100	100
Maximum height (feet)	20	20	20	20

**Multiple frontages.* For a parcel having frontage on two (2) or more public streets, each frontage shall be considered separately for the purposes of determining compliance with the above provisions for freestanding signs, but the permitted sign area for one frontage may not be combined with that permitted on another frontage to increase the permitted sign area on one frontage.

16.5.3.2 *Building signs.* Signs not expressly prohibited by this article may be attached to the wall of a building on a commercially developed parcel subject to the following limitations:

(a) Building signs shall be limited to a maximum height of 30-feet above grade, except that on a building of more than 30-feet in height, a single sign is allowed above 30-feet on each side of the building.

(b) Each multiple occupancy complex may display one building sign on each side of the principal building or building in the complex, not to exceed a sign face area of 200 square feet or 5% of the facade area of the building side, whichever is smaller.

(c) Each occupant of a multiple occupancy complex may display 3 building signs on any exterior portion of the complex that is part of the occupant's unit, not including common or jointly owned portions, not to exceed a sign face area of 200 square feet each or a total combined sign face area of 10% of the facade area of such exterior portion, whichever is smaller.

(d) Each occupant not located in a multiple occupancy complex may display 3 building signs on each side of the building in which the occupant is located, not to exceed a sign face area of 200 square feet each or a total combined face area of 10% of the facade area of the building side, whichever is smaller.

16.5.3.3 *Time and temperature signs.* Time and temperature signs are permitted on commercially developed parcels notwithstanding a general prohibition on changing or animated signs. These signs may only display numerical information. They may be freestanding or attached to a building and are subject to the ordinances applicable to such signs. They shall be counted as part of the occupant's allowable sign area.

16.5.4 *Undeveloped parcels.* Undeveloped parcels may display one square foot of signage per 10-feet of frontage up to a maximum of 96 square feet. No individual sign shall exceed 64 square feet nor exceed 10-feet in height. Signs must be spaced at least 100-feet apart.

16.5.5 *One-family and two-family residences.* A parcel on which is located a single one-family or two- family residence may display not more than 2 signs with an aggregate sign area of not more than 10 square feet. No individual sign shall exceed 6 square feet nor exceed 4-feet in height.

16.5.6 *Three-family and four-family residences.* A parcel on which is located a single three-family or four-family residence may display not more than 4 signs with an aggregate sign area of not more than 16 square feet. No individual sign shall exceed 6 square feet nor exceed 4-feet in height.

16.5.7 *Residential developments, farms and ranches.* A sign may be displayed at the entrance to a residential development, farm or ranch subject to the following restrictions. One sign is permitted at each entrance from an abutting street. The sign may be a single sign with 2 faces of equal size or may be 2 single-faced structures of equal size located on each side of the entrance. No face of the sign shall exceed 48 square feet in size, and may be illuminated in steady light only.

Section 16.6 Design, Construction, Location and Maintenance Standards

16.6.1 *Compliance with building and electrical codes required.* All permitted signs, and the illumination thereof, shall be designed, constructed and maintained in conformity with applicable provisions of the building and electrical codes adopted by Baldwin County. Wherever there is inconsistency between these ordinances and the building or electrical code, the more stringent requirements shall apply.

16.6.2 *Illumination standards.*

(a) Sign lighting may not be designed or located to cause confusion with traffic lights.

(b) Illumination by floodlights or spotlights is permissible so long as none of the light emitted shines directly onto an adjoining property or into the eyes of motorists or pedestrians using or entering public streets.

(c) Illuminated signs shall not have lighting mechanisms that project more than 18 inches perpendicularly from any surface of the sign over public space.

16.6.3 *Placement and clearance standards.*

(a) Signs shall be located such that there is at every intersection or driveway, a clear view between heights of 3 and 10-feet in a triangle

formed by the corner of points on the curb 70-feet from the intersection or entranceway.

(b) Supports for signs or sign structures shall not be placed in or upon a public right of way or public easement, except under the terms of a lease between the owner of the easement or right of way and the owner of the sign.

(c) No freestanding sign shall project over a public right of way.

(d) No sign or sign structure shall be erected that impedes use of any fire escape, emergency exit, or standpipe.

(e) All sign over pedestrian ways shall provide a minimum of 7 ½ feet of clearance.

(f) All signs over vehicular ways shall provide a minimum of 13 ½ feet of clearance.

16.6.4 *Relationship to building features.*

(a) A building sign shall not extend beyond any edge of the surface to which it is attached, nor disrupt a major architectural feature of the building.

(b) A building sign may project no more than 4-feet perpendicularly from the surface to which it is attached.

(c) The combined area of permanent and temporary signs placed on or behind windows shall not exceed 25% of the total window area at the same floor level on the side of the building or unit upon which the signs are displayed.

16.6.5 *Maintenance.* All signs, including their supports, braces, guys and anchors, electrical parts and lighting fixtures, and all painted and display areas, shall be maintained in accordance with the building and electrical codes adopted by Baldwin County, and shall present a neat and clean appearance. The vegetation around, in front of, behind, and underneath the base of freestanding signs for a distance of 10-feet shall be neatly trimmed and free of unsightly weeds, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near the sign.

Section 16.7 Administration

16.7.1 *Sign certificate.*

16.7.1.1 *Applicability.* No person shall erect a sign without first obtaining a sign certificate therefore, except for the following actions which shall not require a certificate:

(a) Changing the copy, announcement or message on a sign.

(b) Cleaning, painting, electrical or comparable maintenance or repair of a sign that does not alter any regulated feature of the sign.

(c) Erecting a sign for which a sign certificate is not required in accordance with *Section 16.3: Exempt Signs* and *Section 16.5: Permitted Signs*.

16.7.1.2 *Procedure*. All sign certificates shall be procured in accordance with the following procedure:

(a) A written application shall be submitted to the Zoning Administrator for review and processing. The application will be accepted only upon determination that all requisite documentation and fees accompany the application form. The application shall include such supplementary information as may be specifically requested by the Zoning Administrator to determine compliance with these ordinances.

(b) The Zoning Administrator shall review the application and plans and specifications to determine whether the proposed sign conforms to all applicable requirements of these ordinances.

(c) Following review and determination as to conformance with these ordinances, the Zoning Administrator shall, in a reasonably expeditious manner, either approve or deny the application for the sign certificate. In case of denial, the Zoning Administrator shall specify the section or sections of these ordinances with which the proposed sign is not in conformance.

(d) If an approved sign requires a permit from the Department of Building Inspections, the Zoning Administrator shall forward a copy of the completed application form and associated plans and specifications to the Building Official who shall determine whether the proposed sign conforms to all applicable requirements of the building ordinances and who shall, in a reasonably expeditious manner, either approve or deny an application for a permit to construct the sign.

16.7.1.3 *Submission requirements*. No request for a sign certificate shall be considered complete until all of the following has been submitted to the Zoning Administrator:

(a) *Application form.* The application shall be submitted to the department on forms made available by the department.

(b) *Statement of authorization.* Any application form which is signed by an individual other than the property owner shall be accompanied by a notarized statement of authorization consenting to the sign placement or, if the property or building upon which the sign is to be located is leased, evidence of the executed lease shall accompany the application form. In the event the building or property is leased and the application form is signed by an individual other than the lessor, the application shall be accompanied by a notarized statement of authorization signed by the lessor consenting to the sign placement and evidence of the executed lease.

(c) *Plans and specifications.* Plans and specifications for any proposed sign shall be submitted in duplicate, drawn to scale and include the following:

1. Lot frontage on all street rights-of-way.

2. Facade area of any wall on which a sign is proposed to be placed.

3. Dimensions for the supporting members of the sign.

4. Maximum and minimum height of sign, as measured from finished grade.

5. Dimensions and elevations (including the message) of the sign.

6. Location of the sign in relation to property lines, public rights-of-way, easements, buildings, and other signs on the property.

7. For illuminated signs, the type, placement, intensity and hours of illumination.

8. Construction and electrical specifications, for the purpose of enabling determination that the sign meets all applicable structural and electrical requirements of the building code.

9. Value of the proposed sign.

10. Number, type, location and surface area of all existing signs on the same property and/or building on which the sign is to be located.

(d) *Application fee.* The applicant for a sign certificate shall be required to pay an application fee according to the current schedule of fees established by the County Commission for the particular category of application. This fee shall be nonrefundable irrespective of the final disposition of the application.

16.7.1.4 *Sign certificate expiration*. A sign certificate shall be valid for a maximum of 180 days after issuance.

16.7.2 *Variances.* Any request for a variance from the standards set forth in this article shall be processed according to the procedures and criteria for variances as set forth in *Article 18: Administration*.

16.7.3 *Nonconforming signs.*

16.7.3.1 A nonconforming sign is any sign within the jurisdiction of the *Baldwin County Zoning Ordinances* on the effective date of this article or any sign existing within a Planning District added to such jurisdiction after the effective date of this article which is prohibited by, or does not conform to the requirements of these ordinances.

16.7.3.2 Subject to the limitations imposed by *Section 16.7.5: Illegal signs,* a nonconforming sign may be continued and shall be maintained in good condition as required by these ordinances, but it shall not be:

(a) Structurally changed to another nonconforming sign, but its pictorial content may be changed.

(b) Structurally altered to prolong the life of the sign, except to meet safety requirements.

(c) Expanded or altered in any manner that increases the degree of nonconformity.

(d) Reestablished after damage or destruction if the estimated cost of reconstruction exceeds 50% of the appraised replacement cost as determined by the Zoning Administrator.

(e) Continued in use when a conforming sign or sign structure shall be erected on the same parcel or unit.

(f) Continued in use when the structure housing the occupancy is demolished or requires renovations the cost of which exceeds 50% of the assessed value of the structure.

16.7.4 *Abandoned signs.*

(a) Except as otherwise provided in this article, any sign that is located on property which becomes vacant and unoccupied, pertains to a business which does not maintain a current business license, or pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Any abandoned sign shall be prohibited and shall be removed by the owner of the sign or the owner of the property. The frame of an abandoned sign shall not be required to be removed if it conforms to all applicable terms contained in these ordinances (including the sign face area for sign replacement yielded by such frame).

(b) Any sign structure which supported an abandoned sign and which structure conforms to all applicable terms contained in these ordinances shall be allowed to remain in place. However, in the event a sign structure which supported or supports an abandoned sign is inconsistent with any term contained in these ordinances (including the sign face area for sign replacement yielded by the frame), then the sign structure and frame shall be either altered to comply with the terms contained herein or removed by the owner of such structure or property.

16.7.5 *Illegal signs.*

(a) The following signs shall be considered to be illegal and a violation of the terms of this article:

1. A sign erected or maintained after the effective date of these ordinances inconsistent with the terms contained herein.

2. A nonconforming sign which was erected inconsistent with the terms governing location, height, surface area or other regulatory measure applicable at the time of its erection.

3. An abandoned sign.

(b) Upon determination by the Zoning Administrator that a certain sign is illegal, the Zoning Administrator shall act to remedy the violation, which may include:

1. The issuance of a notice of violation to the individual who owns, is responsible for or benefits from the display of such sign prescribing the action necessary to make the sign legal and conforming to the terms contained herein or ordering the removal of the illegal sign and also prescribing the time which the individual is afforded to accomplish such action.

2. The removal of any illegal sign located on public property or on private property located on public property, including any such sign located within a street right-of-way in which case the county shall have the right to recover from the individual erecting such a sign the full costs of removal and disposal.

(c) Failure to bring any illegal sign into conformance with the terms contained in this article or any other violation of the terms contained in this article shall be considered a violation of the *Baldwin County Zoning Ordinances* and shall be subject to the remedies and penalties provided by such ordinances and by state law.

Article 17 Landscaping and Buffers

Section 17.1 Landscaping Plan

A landscaping plan is required for all major projects. Such plan shall be submitted in conjunction with an application for a site plan approval as herein provided. The plan shall clearly show what existing trees, shrubbery, and other vegetation will be retained, and what trees, shrubbery, and other vegetation will be added to complete the landscaping of the property. The developers shall attempt to retain as many trees as possible on the property unless the trees are a safety hazard to pedestrians, property, or vehicular traffic, or that their removal is necessary to construct the proposed improvements. In such case, the landscape plan shall indicate replacement trees at least 6 feet tall and one inch in diameter for each indigenous tree of at least three (3) inches in diameter removed, unless the property already has a tree density which does not allow adequate space or light for additional trees. The landscape plan shall show the locations of the proper number of replacement trees. Replacement trees and other vegetation to be installed shall be native species or noninvasive exotics which are not likely to out-compete native vegetation and do not require excessive pesticides, fertilizer, or water to maintain growth.

(a) A major project which abuts a freeway/expressway, arterial or collector shall maintain a minimum of ten (10) feet of the required setback as a buffer along the entire width of the property which abuts said freeway/expressway, arterial or collector except where curb cuts provide ingress and egress. Said buffer shall be planted with trees, shrubs and grass or other ground cover so that an attractive appearance is presented as detailed in the required landscape plan.

(b) A minimum of five (5) feet side and rear landscaping may be required in the landscape plan depending on the topography and arrangement of parking facilities. If required, such areas shall be planted with a combination of trees, shrubs and grass or other ground cover adequate to break the expanse of contiguous parking areas and to present an attractive appearance as determined by the Zoning Administrator. Adjacent property owners may jointly agree on the establishment of a common landscaped area between their properties that meets the requirement of this Section; provided that such agreement and the planting and maintenance of the common area shall be binding upon both parties and their successors, interests and assigns.

(c) Junk yards shall be buffered with vegetation so as to achieve a complete visual screen of the yard and its ancillary operations.

Section 17.2 Buffers of Unlike Land Uses and Zoning Designations

17.2.1 *Purpose and intent*. Where unlike land uses or zoning designations occur, a buffer shall be required along the entire length of all such common boundaries. Said buffer shall be of the width specified below and shall be planted with canopy trees, understory trees and shrubs of sufficient density and of sufficient height (but in no case less than 8-feet high at the time of planting for canopy trees and 4-feet high at the time of planting for understory trees) to afford adequate sight, sound and debris protection. All screen planting shall be maintained in a clean and healthy condition.

17.2.2 *Buffer Requirements.* Landscaped buffers shall be located at the perimeter of the building site for any given use, and shall not be located in any portion of a public right-of-way. The required buffer widths are listed below. Additional information may be found at Appendix B:

(a) Multiple Family uses (RMF-6) when adjacent to a Rural District (RR, RA and CR), Residential Single Family Estate District (RSF-E) or Single Family District (RSF-1, RSF-2, RSF-3, RSF-4 and RSF-6) shall require a minimum buffer of **25-feet**.

(b) Multiple Family uses (RMF-6) when adjacent to a Two Family District (RTF-4 and RTF-6) or Professional Business District (B-1) shall require a minimum buffer of **10-feet**.

(c) Institutional uses, Professional Business uses (B-1), Neighborhood Business uses (B-2), General Business uses (B-3), Major Commercial uses (B-4) and Marine Recreation (MR) uses when adjacent to a Rural District (RR, RA and CR), Residential Single Family Estate District (RSF-E) or Single Family District (RSF-1, RSF-2, RSF-3, RSF-4 and RSF-6) shall require a minimum buffer of **25-feet**.

(d) Institutional uses, Professional Business uses (B-1), Neighborhood Business uses (B-2), General Business uses (B-3), Major Commercial uses (B-4) and Marine Recreation (MR) uses when adjacent to a Two Family District (RTF-4 and RTF-6) or Multiple Family District (RMF-6) shall require a minimum buffer of **10-feet**.

(e) Manufactured Housing Parks (RMH) when adjacent to a Residential Single Family Estate District (RSF-E) or Single Family District (RSF-1, RSF-2, RSF-3, RSF-4 and RSF-6) shall require a minimum buffer of **25-feet**.

(f) Manufactured Housing Park (RMH) when adjacent to a Two Family District (RTF-4 and RTF-6), Multiple Family District (RMF-6) or

Professional Business District (B-1) shall require a minimum buffer of **10-feet**.

(g) Light Industrial uses (M-1), General Industrial uses (M-2) and Transportation, Communication and Utility uses when adjacent to any residential property shall require a minimum buffer of **75-feet**.

(h) Light Industrial uses (M-1), General Industrial uses (M-2) and Transportation, Communication and Utility uses when adjacent to any Business District (B-1, B-2, B-3 and B-4) shall require a minimum buffer of **50-feet**.

17.2.3 *Landscaped buffer design and materials.*

(a) *Existing native plant material.* The use of existing native species of plant material is strongly encouraged in landscaped buffers. Existing natural ground cover should be retained where possible by avoiding scraping, grading and sodding within the landscaped buffer. Where the planting requirements of *Section 17.2.2* require additional trees or shrubs to be installed in an existing natural area, it should be done in a manner which minimizes disturbances to native species.

(b) *Mixed-use development.* Where a building site is used for a single mixed-use development, landscaped buffers shall not be required between the various constituent uses. Landscaped buffers required at the perimeter of the development shall be based upon the individual uses on each portion of the property.

17.2.4 *Use of landscaped buffers.*

(a) *Open space.* Landscaped buffers may be counted toward satisfying open space requirements, and may be used for passive recreation. They may contain pedestrian or bike trails, provided that the total width of the buffer yard is maintained. In no event, however, shall the following uses be permitted in landscaped buffers: playfields, stables, swimming pools, tennis courts, parking lots and vehicular use areas, dumpsters, equipment storage and other open storage, buildings or overhangs.

(b) *Stormwater retention/detention facilities.* The Planning and Zoning Director shall be authorized to allow stormwater retention/detention facilities to encroach into landscaped buffers a maximum of twenty-five (25) percent of buffer width, where it is found that all planting requirements of this section are met and the visual screen provided by the landscaped buffer will be fully achieved.

(c) *Ingress and Egress.* Ingress and egress to the proposed use and utilities may cross the buffer provided they minimize the amount of buffer devoted to this use.

(d) *Lighting, fences, walls and Signs*. Lighting, fences, walls and identification signs may be located within the required buffer.

(e) *Pedestrian walkways*. Sidewalks, walkways and paths may be allowed within the required buffer, provided that:

1. The total width of buffer is maintained.

2. All other requirements of this ordinance are met.

17.2.5 *Definitions.*

(a) *Canopy Trees.* For the purposes of this section, a tree is defined as a plant species having an average mature crown spread of fifteen (15) feet or greater when growing in Baldwin County and having a trunk(s) that eventually can be maintained in a clean condition, clear of lateral woody growth of five (5) feet or greater. Canopy tree species as defined shall be a minimum of eight (8) feet overall height immediately after planting with at least a two (2) inch diameter (caliper). Trees having average, eventual mature crown spread of less than fifteen (15) feet may be substituted by grouping the same so as to create the equivalent of a fifteen (15) foot crown spread. A grouping of three (3) large growing palms will be the equivalent to one (1) required canopy tree. All trees shall be located no closer than three (3) feet from the edge of any designated planting area.

(b) *Understory trees.* Understory tree species as defined shall be a minimum of four (4) feet overall height immediately after planting with at least a one (1) inch diameter (caliper).

(c) *Shrubs.* For the purposes of this section a shrub shall be defined as any self supporting woody evergreen or flowering species generally growing or maintained at a height of five (5) feet or less. Shrubs shall be a minimum of twenty-four (24) inches in height when measured immediately after planting and planted a maximum of thirty-six (36) inches on center.

17.2.6 *Plant and Structure Location.* All plant materials shall be installed to achieve the purposes for which that planting is required. The required planting should generally be in an irregular line and should be spaced at random intervals in order to achieve maximum growth for each plant and tree species.

(a) Canopy trees shall be located no closer than ten (10) feet from any structure. Under story trees and shrubs shall be planted no closer than three (3) feet from any structure.

(b) To avoid a power line conflict, vegetation that exceeds twenty-five (25) feet in height at maturity shall not be included closer than thirty (30) feet of the vertical plane of an existing power line.

(c) Visibility Triangles contained in *Section 16.6.3* shall be maintained.

17.2.7 *Landscape Plans.* Whenever the provisions with this section apply, a landscaping plan shall be submitted for review. The landscape plan may be submitted in conjunction with a Site Plan Approval for a structure or be submitted through a separate Site Plan Approval, and may be included on the site plan which is required for Site Plan approval.

The landscape plan must be drawn to scale, with a narrative and any necessary calculations, and include the following:

(a) Dimensions and North Arrow.

(b) Preserved trees.

(c) Locations of proposed signs and lightning.

(d) Locations of proposed sidewalks or other paths and ingress and egress locations and widths.

(e) Proposed location and spacing of all required plantings.

(f) Overhead and underground utilities existing and proposed.

(g) Subject property zoning and current use and adjoining property zoning and current use.

The landscape buffer plan shall be submitted along with a Site Plan Approval. Prior to the issuance of a Certificate of Occupancy (CO) the Planning and Zoning Department shall conduct an inspection to insure the buffer is installed as required.

17.2.8 *Responsibility for Maintenance.* The property owner on which the buffer is located shall be responsible for maintenance of the buffer. Dead or dying trees or shrubs shall be replaced as soon as practicable so as to provide the intended screening and buffering affect. If, in the determination of the Zoning Administrator, dead or dying trees or shrubs are present, the property owner will be notified and the trees or shrubs must be replaced. Failure to replace trees or

shrubs after notification shall be deemed a violation of the *Baldwin County Zoning Ordinances*.

17.2.9 *Recommended Species*

(i)Shrubs (deciduous)

Aesculus sylvatica (buckeye)
Alnus serrulata (smooth alder)
Amelanchier arborea (downy serviceberry, shadbush, Juneberry)
Amorpha fruticosa (false indigo, Indigo bush)
Baccharis halimifolia (sea myrtle, groundsel bush)
Callicarpa americana (American beautyberry, French mulberry)
Calycanthus floridus (Carolina allspice, sweet shrub)
Castanea pumila (chinquapin)
Ceanothus americanus (New Jersey tea, red root)
Cephalanthus occidentalis (buttonbush)
Clethra alnifolia (summer sweet)
Cornus alternifolia (pogoda dogwood, alternate-leaved dogwood)
Corylus americana (American hazelnut or filbert)
Diervilla sessilifolia (southern bush honeysuckle)
Dirca palustris (leatherwood, ropebark)
Erythrina herbacea (coral bean)
Euonymus americana (strawberry bush, brook euonymus, hearts-a-bustin')
Euonymus atropurpurea (wahoo, burning bush)
Forestiera acuminata (swamp privet)
Fothergilla major (witch alder)
Frangula caroliniana (Carolina buckthorn)
Hibiscus coccineus (wild red mallow)
Hydrangea arborescens (wild hydrangea)
Hydrangea quercifolia (oakleaf hydrangea)
Hypericum hypericoides ssp. hypericoides (St. Andrew's cross)
Hypericum prolificum (shrubby St. John's wort)
Ilex verticillata (winterberry, black alder)
Itea virginica (Virginia willow, sweetspire, tassel-white)
Lindera benzoin (spicebush)
Lycium carolinianum (Christmas berry, matrimony vine)
Lyonia ligustrina (male-berry, male-blueberry)
Physocarpus opulifolius (ninebark)
Rhododendron atlanticum (dwarf, or coastal azalea)
Rhododendron canescens (wild, piedmont, or sweet azalea)
Rhododendron calendulaceum (flame azalea)
Rhododendron viscosum (swamp azalea)
Rhododendron arborescens (smooth azalea)
Rhus hirta (staghorn sumac)
Rhus copallinum (dwarf or winged sumac)
Rhus glabra (smooth sumac)
Ribes cynosbati (prickly gooseberry, dogberry)
Rosa carolina (Carolina rose)
Rosa setigera (Illinois or prairie rose)
Sambucus canadensis (elderberry, common elder)
Sideroxylon lanuginosum ssp. lanuginosum (chittamwood, gum elastic tree)
Spiraea tomentosa (steeplebush,

hardhack)
Staphylea trifolia (bladdernut)
Stewartia malacodendron (silky camellia)
Styrax americanus (American silverbells)
Symphoricarpos orbiculatus (coralberry, Indian currant)
Vaccinium arboreum (sparkleberry, farkleberry)
Vaccinium corymbosom (highbush blueberry)
Viburnum acerifolium (maple leaf viburnum)
Viburnum dentatum (southern arrowwood)
Viburnum nudum (possumhaw viburnum)
Viburnum nudum var. cassinoides (wild raisin)
Viburnum prunifolium (black haw, nanny berry)
Viburnum rufidulum (southern or rusty black haw)

(ii)Shrubs (evergreen)

Epigaea repens (trailing arbutus)
Gordonia lasianthus (loblolly bay, gordonia)
Ilex glabra (inkberry, bitter gallberry)
Ilex vomitoria (yaupon)
Illicium floridanum (Florida anise tree)
Juniperus communis (common juniper)
Kalmia latifolia (mountain laurel)
Leucothoe axillaris (coast leucothoe)
Myrica cerifera (wax myrtle, southern bayberry, candleberry)
Rhododendron carolinianum (Carolina rhododendron)
Rhododendron catawbiense (purple rhododendron, red laurel)
Sabal minor (dwarf palmetto)
Serenoa repens (saw palmetto)

(iii)Trees (deciduous)

Acer barbatum (Florida maple, southern sugar maple)
Acer leucoderme (chalk maple)
Acer negundo (box elder)
Acer rubrum (red maple)
Acer saccharum (sugar maple)
Aesculus flava (sweet buckeye, yellow buckeye)
Aesculus glabra (Ohio buckeye, horse chestnut)
Aesculus pavia var. pavia (red buckeye)
Betula lenta (cherry birch)
Betula nigra (river birch)
Carpinus caroliniana (blue beech, hornbeam, muscle wood)
Carya alba (mockernut hickory)
Carya cordiformis (bitternut, swamp hickory)
Carya illinoinensis (pecan)
Carya ovata (shagbark hickory)
Celtis laevigata (sugarberry, hackberry)
Celtis occidentalis (hackberry, sugarberry)

Cercis canadensis (redbud)
Chionanthus virginicus (fringe tree, old man's beard)
Cladrastis kentukea (yellowwood)
Cornus florida (flowering dogwood)
Cotinus obovatus (smoke tree)
Crataegus mollis (downy hawthorn)
Crataegus crus-galli (cockspur hawthorn)
Cyrilla racemiflora (leatherwood, yiti)
Diospyros virginiana (persimmon)
Fagus grandifolia var. caroliniana (beech)
Fraxinus americana (white ash)
Fraxinus pensylvanica (green ash)
Gleditsia triacanthos (honey locust)
Gymnocladus dioica (Kentucky coffee tree)
Halesia diptera (American snowdrop tree, two-winged silverbell)
Halesia tetraptera (Carolina silverbell)
Hamamelis virginiana (witch hazel)
Ilex decidua (possum-haw, deciduous holly)
Juglans cinerea (butternut, white walnut)
Juglans nigra (black walnut)
Liquidambar styraciflua (sweet gum)
Liriodendron tulipifera (tulip tree)
Magnolia acuminata (cucumber tree)
Magnolia pyramidata (pyramid magnolia)
Magnolia tripetala (umbrella tree)
Magnolia virginiana (sweetbay, swampbay)
Malus angustifolia (southern crabapple, wild crabapple)
Nyssa sylvatica (black gum, tupelo)
Ostrya virginiana (ironwood, hop hornbeam)
Oxydendrum arboreum (sourwood)
Platanus occidentalis (sycamore, plane-tree)
Populus deltoides (eastern cottonwood)
Prunus americana (wild plum)
Prunus angustifolia (chickasaw plum)
Prunus mexicana (Mexican plum)
Prunus serotina (black cherry)
Ptelea trifoliata (wafer ash, common hop tree)
Quercus alba (white oak)
Quercus bicolor (swamp white oak)
Quercus coccinea (scarlet oak)
Quercus falcata (southern red oak, Spanish oak)
Quercus laurifolia (laurel oak)
Quercus lyrata (overcup oak)
Quercus macrocarpa (bur oak)
Quercus marilandica (blackjack oak)
Quercus muhlenbergii (chinkapin oak, chestnut oak)
Quercus phellos (willow oak)
Quercus prinus (rock chestnut oak)
Quercus rubra (red oak)
Quercus shumardii (shumard oak)
Quercus stellata (post oak)
Quercus velutina (black oak)
Salix nigra (black willow)
Sassafras albidum (sassafras)
Taxodium distichum (bald cypress)
Ulmus americana (American elm)
Ulmus rubra (red elm, slippery elm)

(iv)Trees (evergreen)

Chamaecyparis thyoides (white cedar)
Ilex opaca (American holly, Christmas holly)
Juniperus virginiana (eastern red

cedar)
Magnolia grandiflora (southern magnolia)
Magnolia macrophylla (umbrella tree)
Persea borbonia (red bay)
Pinus echinata (shortleaf pine)
Pinus elliotii (slash, pitch, or yellow slash pine)
Pinus glabra (spruce pine)
Pinus palustris (longleaf pine)
Pinus taeda (loblolly pine)
Pinus virginiana (Virginia pine)
Prunus caroliniana (cherry laurel)
Quercus virginiana (live oak, coastal live oak, southern live oak)
Tsuga canadensis (eastern hemlock)

Section 17.3 Tree Protection

During construction and development, trees that are to be preserved shall be protected from activities that may injure or kill them. To the extent possible, trees within the required setbacks or buffer strips shall be preserved.

Section17.4 Parking Lots

The design and appearance of parking areas is intended to be compatible with the character of the community. A landscaping plan shall be submitted for the construction of the off-street parking areas accommodating 6 or more parking spaces. The following standards shall apply:

(a) A landscaped area of at least five (5) feet wide shall be provided between parking areas and any adjacent public streets and contiguous properties. Landscaping shall include the placement of shade trees at intervals of approximately six (6) parking spaces. Such trees shall be a minimum height of six (6) feet at planting.

(b) Interior portions of the parking area shall be broken by provision of landscaped islands (a minimum of six (6) feet wide) between every ten (10) to fifteen (15) spaces. Each island shall provide at least one (1) shade tree having a minimum height of six (6) feet at planting.

(c) A continuous landscape strip a minimum of five (5) feet wide shall be provided between every four (4) rows of parking. Landscaping shall include the placement of shade trees at intervals of approximately six (6) parking spaces. Such trees shall be a minimum height of six (6) feet at planting.

(d) Landscaped areas shall be protected from vehicular encroachment by the use of curbing or wheel stops.

(e) The owner, tenant and/or agent, if any, shall be jointly and severally responsible for watering and maintaining all landscaping in a healthy, neat, and orderly condition, replacing it when necessary, and keeping it free of refuse and debris.

Article 18 Administration

Section 18.1 Administration, Interpretation and Enforcement

18.1.1 The duty of administering and enforcing the provisions of these zoning ordinances is hereby conferred upon the Zoning Administrator.

18.1.2 The Zoning Administrator is authorized and empowered to administer and enforce the provisions of these zoning ordinances to include receiving applications, inspecting sites, and issuing Site Plan Approval for projects and uses and structures which are in conformance with the provisions of these zoning ordinances.

18.1.3 The Zoning Administrator shall keep records of all permits and approvals issued, including maps, plats, and other documents with notations of all special conditions involved. He shall file and safely keep copies of all sketches and plans submitted, and the same shall form a part of the records of his office and shall be made as a public record.

18.1.4 Where the exact location of a boundary cannot be determined by the methods described in *Section 12.10: Rules for Determining Zoning District Boundaries*, the Zoning Administrator shall interpret the map and render a decision. Any such decision may be appealed to the Board of Adjustment.

18.1.5 In any case where a requested use is not specifically provided, the Zoning Administrator shall determine the appropriate zoning classification by reference to the most clearly analogous use or uses that are specifically provided.

Section 18.2 Site Plan Approvals

18.2.1 *Authorization.* A Site Plan Approval shall be obtained from the Zoning Administrator prior to the commencement of development and issuance of any associated building permits.

18.2.2 *Application procedure.*

(a) The Zoning Administrator shall receive the application for a Site Plan Approval upon determination that it complies with all applicable submission requirements. A Site Plan Approval may be submitted concurrently with a request for rezoning.

(b) A Site Plan Approval will be issued either administratively by the Zoning Administrator or by the Baldwin County Planning Commission at a regularly scheduled meeting as provided herein.

(c) Where appropriate, the Zoning Administrator shall circulate the application to the Building Official, County Engineer, and/or Coastal Program Director for review and comment.

(d) Administrative Site Plan Approval shall be issued or denied within 10 business days or otherwise the Site Plan Approval shall be deemed to be deemed automatically granted. Commission Site Plan Approvals shall be issued or denied at the Planning Commission meeting where the Site Plan Approval application is considered. A Commission Site Plan Approval may be issued contingent on changes requested by the Planning Commission pursuant to 18.9.6. In this case, the Applicant shall submit the amended Site Plan to the Zoning Administrator for final issuance of the Site Plan Approval.

18.2.3 *Application submittal.*

(a) *Application.* The Site Plan Approval Application shall be submitted via the Baldwin County Commission Online Permitting Portal.

(b) *Application Submittal Documents.* Each application for Site Plan Approval shall be accompanied by the following documents as applicable:

Minor Projects:

- an accurate site plan drawn to scale showing:
    - the actual shape, dimensions and size of the lot to be built upon;
    - the size, shape, height, floor area and location of the buildings to be erected;
    - dimensions and locations of existing buildings;
    - width of front, side and rear yards;
    - highway construction setback;
    - existing and proposed parking;
    - ingress to, and egress from, the site; and
- such other information as may be reasonably requested to determine compliance with these zoning ordinances including but not limited:
    - access permit from Baldwin County Highway Department or ALDOT
    - water release
    - sewer or septic tank release
    - floor plan(s) (or similar means of determining interior use/occupancy) and building elevations
    - erosion control plan,
    - agent authorization form (if applicable)
    - US Fish and Wildlife Service Permit

- USACE Permit
- ADEM Permit
- Any other documents or information necessary to determine compliance with the zoning ordinance.

Major Projects:

- In addition to the items listed above the following information shall be provided for Major Project, including but not limited to:
  - commercial turnout permit from Baldwin County Highway Department or ALDOT
  - landscaping plan (with applicable landscape buffers),
  - approved stormwater management plan, and
  - utilities plan
  - lighting plan
  - any other documents or information necessary to determine compliance with the zoning ordinance.

All projects requiring a Commission Site Plan Approval must be accompanied by a narrative response to the standards for approval in 18.9.5.

(c) *State and Federal permits.* Written evidence of applications for all required permits showing compliance with ordinances of the Corps of Engineers, Alabama Department of Environmental Management, Alabama Coastal Area Management Program and Baldwin County Health Department shall accompany the application for Site Plan Approval, and the Site Plan Approval may be conditioned upon the actual receipt of said permits by the applicant.

(d) *Application fee*. The applicant for a Site Plan Approval shall be required to pay an application fee according to the current schedule of fees established by the County Commission for the particular category of application. This fee shall be nonrefundable irrespective of the final disposition of the application.

18.2.4 *Conditions and restrictions on approval.* A Site Plan Approval shall be valid for the issuance of a building permit for 180 days after issuance. After that time, a new Site Plan Approval must be obtained. A record of the application and site plan shall be kept in the files of the Zoning Administrator for a period of not less than 7 years.

18.2.5 *Revocation of Site Plan Approval.* The Zoning Administrator may revoke a Site Plan Approval issued in a case where there has been a false statement or misrepresentation in the application or on the site plan for which the Approval was issued or if after a documented warning has been issued the applicant has failed to comply with the requirements of these zoning ordinances. Revocation of the Site Plan Approval shall also cause suspension of the building permit until such

time as in the judgment of the Zoning Administrator, the applicant is in compliance with the requirements of these zoning ordinances.

18.2.6 *Right of appeal.* The applicant may appeal the denial of the Administrative Site Plan Approval to the Board of Adjustments in writing within twenty (20) calendar days after the rejection of the application.

Section 18.3 Appeals to the Board of Adjustment

18.3.1 The Board of Adjustment shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Administrator or other administrative official in the enforcement of these zoning ordinances.

18.3.2 Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer or department of Baldwin County affected by any decision of any administrative officer representing the County in an official capacity in the enforcement of these zoning ordinances. Such appeal shall be taken within 30 days of said decision by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall transmit forthwith to the Board of Adjustment all papers constituting the record upon which the action was taken.

18.3.3 An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. Such proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a Court of Record on application and notice to the officer from whom the appeal is taken and on due cause shown.

Section 18.4 Variances

18.4.1 *Authorization.* The Board of Adjustment shall authorize upon application in specific cases such variance from the terms of these zoning ordinances as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these zoning ordinances will result in unnecessary hardship and so that the spirit of these zoning ordinances shall be observed and substantial justice done; provided, however, that the foregoing provisions shall not authorize the Board of Adjustment to approve a use or structure in a zoning district restricted against such use or structure.

18.4.2 *Standards for approval*. A variance may be authorized based upon the existence of the following conditions:

(a) Exceptional narrowness, shallowness or shape of a specific piece of property existing at the time of the enactment of these zoning ordinances.

(b) Exceptional topographic conditions or other extraordinary situation or condition of a specific piece of property.

(c) That the granting of the application is necessary for the preservation of a property right and not merely to serve as a convenience to the applicant or based solely upon economic loss.

(d) That the granting of the application will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of Baldwin County.

(e) Any owner of record of real property upon the date of the adoption by the Baldwin County Commission of the zoning ordinances for the planning district in which said property is located shall automatically obtain a variance, if needed, for a single family dwelling notwithstanding the type of dwelling to be placed or constructed on the property.

Section 18.5 Hearing of Appeals and Variances

18.5.1 *Application procedure.*

(a) Any appeal or application for variance must be submitted to the Planning & Zoning Department at least 15 days prior to the regularly scheduled meeting of the Board of Adjustment.

(b) The Zoning Administrator shall, upon determination that the application complies with all applicable submission requirements, receive the application and schedule it for public hearing by the Board of Adjustment.

(c) The Zoning Administrator shall, 5 days before the scheduled public hearing by the Board of Adjustment, provide notice of such hearing by certified mail to adjacent property owners as their names appear in the county tax records.

(d) The Board of Adjustment shall render a decision at the conclusion of the public hearing or within 45 days from the date of the public hearing

if it is determined that action must be deferred to allow for additional input and review.

(e) Any application may be withdrawn prior to action thereon by the Board of Adjustment at the discretion of the applicant initiating the request upon written notice to the Zoning Administrator.

18.5.2 *Submission requirements.* No appeal or application for variance shall be considered complete until all of the following has been submitted:

(a) *Application form.* The application shall be submitted on forms to be provided by the Zoning Administrator.

(b) *Plans and specifications.* Each application shall be accompanied by an accurate site plan drawn to scale and such other information as may be reasonably requested to support the application.

(c) *State and Federal permits.* Written evidence of applications for all required permits showing compliance with regulations of the Corps of Engineers, Alabama Department of Environmental Management, Alabama Coastal Area Management Program and Baldwin County Health Department shall accompany the application.

(d) *Application fee*. The applicant shall be required to pay an application fee according to the current schedule of fees established by the County Commission for the particular category of application. This fee shall be nonrefundable irrespective of the final disposition of the application; however, where an applicant is successful in reversing a decision of the Zoning Administrator the fee shall be returned to the applicant.

(e) *Association approval.* Prior approval from active neighborhood associations, boards or committees, if applicable, shall accompany all Board of Adjustment applications and requests.

Section 18.6 Special Exceptions

18.6.1 *Authorization*. The Board of Adjustment may, under the prescribed standards and procedures contained herein, authorize the construction or initiation of any use that is expressly permitted as a special exception in a particular zoning district; however, the county reserves full authority to deny any request for a special exception, to impose conditions on the use, or to revoke approval at any time, upon finding that the permitted use will or has become unsuitable and incompatible in its location as a result of any nuisance or activity generated by the use.

18.6.2 *Application procedure.*

(a) An application for special exception approval must be submitted to the Planning & Zoning Department at least 15 days prior to the regularly scheduled meeting of the Board of Adjustment.

(b) The Zoning Administrator shall, upon determination that the application complies with all applicable submission requirements, receive the application and schedule it for public hearing by the Board of Adjustment.

(c) The Zoning Administrator shall, 5 days before the scheduled public hearing by the Board of Adjustment, provide notice of such hearing by certified mail to the owners of property adjacent to the proposed special exception as their names appear in the county tax records.

(d) The Board of Adjustment shall render a decision at the conclusion of the public hearing or within 45 days from the date of the public hearing if it is determined that action must be deferred to allow for additional input and review.

(e) Any petition for special exception approval may be withdrawn prior to action thereon by the Board of Adjustment at the discretion of the applicant initiating the request upon written notice to the Zoning Administrator.

18.6.3 *Submission requirements.* No request for special exception approval shall be considered complete until all of the following has been submitted:

(a) *Application form.* The application shall be submitted on forms to be provided by the Zoning Coordinator.

(b) *Plans and specifications.* Each application for special exception approval shall be accompanied by an accurate site plan drawn to scale showing: the actual shape, dimensions and size of the lot to be built upon, the size, shape, height, floor area and location of the buildings to be erected; dimensions and locations of existing buildings; width of front, side and rear yards; existing and proposed parking; ingress to and egress from the site; and such other information as may reasonably be requested to determine compliance with these Zoning Ordinances including but not limited to a landscaping plan, erosion control plan, stormwater management plan, and utilities plan.

(c) *State and Federal permits.* Written evidence of applications for all required permits showing compliance with regulations of the Corps of Engineers, Alabama Department of Environmental Management, Alabama Coastal Area Management Program and Baldwin County

Health Department shall accompany the application for conditional use approval, and the conditional use may be conditioned upon the actual receipt of said permits by the applicant.

(d) *Application fee*. The applicant for a special exception shall be required to pay an application fee according to the current schedule of fees established by the County Commission for the particular category of application. This fee shall be nonrefundable irrespective of the final disposition of the application.

(e) *Association approval.* Prior approval from active neighborhood associations, boards or committees, if applicable, shall accompany all Board of Adjustment applications and requests.

18.6.4 *Standards for approval.* A special exception may be approved by the Board of Adjustment only upon determination that the application and evidence presented clearly indicate that all of the following standards have been met:

(a) The proposed use shall be in harmony with the general purpose, goals, objectives and standards of the Baldwin County Master Plan, these ordinances, or any other official plan, program, map or ordinance of Baldwin County.

(b) The proposed use shall be consistent with the community welfare and not detract from the public's convenience at the specific location.

(c) The proposed use shall not unduly decrease the value of neighboring property.

(d) The use shall be compatible with the surrounding area and not impose an excessive burden or have substantial negative impact on surrounding or adjacent uses or on community facilities or services.

18.6.5 *Conditions and restrictions on approval.* In approving a special exception, the Board of Adjustment may impose conditions and restrictions upon the property benefited by the special exception as may be necessary to comply with the standards set out above, to reduce or minimize any potentially injurious effect of such special exception upon the property in the neighborhood, and to carry out the general purpose and intent of the ordinances. In approving any special exception, the Board of Adjustment may specify the period of time for which such approval is valid for the commencement of the proposed special exception. The Board of Adjustment may, upon written request, grant extensions to such time allotments not exceeding 6 months each without notice or hearing. Failure to comply with any such condition or restriction imposed by the Board of Adjustment shall constitute a violation of these ordinances. Those special exceptions which the Board of

Adjustment approves subject to conditions shall have specified by the Board of Adjustment the time allotted to satisfy such conditions.

Section 18.7 Decisions of the Board of Adjustment

In exercising its authority, the Board of Adjustment may reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from and make such order, requirement, decision or determination as should be made and, to that end, shall have all the powers of the officer from whom the appeal is taken. The concurring vote of a majority of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant on any matter upon which it is required to act.

Section 18.8 Appeal from Decision of the Board of Adjustment

Any party aggrieved by a final judgment or decision of the Board of Adjustment may, within 15 days thereafter, appeal the final judgment to the Circuit Court of Baldwin County, Alabama, by filing with the Circuit Court and the Board of Adjustment a written notice of appeal specifying the judgment or decision from which the appeal is taken. In case of such appeal, the Board of Adjustment shall cause a transcript of the proceedings and the action to be certified to the Court where the appeal is taken, and the action of such court shall be tried de novo.

Section 18.9 Commission Site Plan Approval

Purpose. The purpose of Commission site plan approval is to allow the proper integration of uses into a community and zoning district. The Commission site plan approval process recognizes that certain uses, though technically permitted by zoning, are only suitable under certain conditions and at appropriate locations. Certain uses require special consideration so that the use may be properly located with respect to the objectives of this chapter and their effect on surrounding properties.

18.9.1 *Authorization*. The Planning Commission may, under the prescribed standards and procedures contained herein, authorize the construction or initiation of any use that is expressly permitted by the Site Plan Approval process in a particular zoning district; however, the county reserves full authority to deny any request for Site Plan Approval, to impose conditions on the use, or to revoke approval at any time, upon finding that the permitted use will or has become unsuitable and incompatible in its location as a result of any nuisance or activity generated by the use.

18.9.2 Applicable Uses. In addition to the uses specified for the individual zoning designations, a Commission Site Plan Approval is required for all development which meets the following criteria:

(a) All multiple unit developments;
(b) Non-residential projects involving a combined total building square footage of 5,000 square feet or more;
(c) Non-residential development within 200 feet of property that is either zoned or used as residential;
(d) Non-residential development where more than 30% of the lot (excluding the building) is impervious;
(e) All changes to existing structures, other than single family residences, that increase the gross floor area by thirty percent (30%) or more;
(f) All changes of use on non-residential properties, unless proposed use would be permitted with an administrative approval.

18.9.3 *Application procedure.*

(a) An application for Commission Site Plan Approval must be submitted to the Planning & Zoning Department at least 30 days prior to the regularly scheduled meeting of the Planning Commission.

(b) The Zoning Administrator shall, upon determination that the application complies with all applicable submission requirements, receive the application and schedule it for public hearing by the Planning Commission.

(c) The Zoning Administrator shall, 5 days before the scheduled public hearing by the Planning Commission, provide notice of such hearing by certified mail to the owners of property adjacent to the property which is subject to the approval as their names appear in the county tax records.

When a Commission site plan approval involves property that is within ¼ mile of an adjacent municipality, the Planning Commission shall give notice to the adjacent municipality by mail or electronic transmission to the clerk of the adjacent municipality at least 10 business days prior to any hearing. Such adjacent municipality may appear and be heard.

(d) The Planning Commission shall render a decision at the conclusion of the public hearing or within 45 days from the date of the public hearing if it is determined that action must be deferred to allow for additional input and review.

(e) Any petition for Commission Site Plan Approval may be withdrawn prior to action thereon by the Planning Commission at the discretion of

the applicant initiating the request upon written notice to the Zoning Administrator.

18.9.4 *Submission requirements.* No request for Commission Site Plan Approval shall be considered complete until all of the following has been submitted:

(a) *Application form.* The application shall be submitted on forms to be provided by the Zoning Administrator.

(b) *Application Submittal Documents.* Each application for site plan approval shall be accompanied by documents as applicable:

- an accurate site plan drawn to scale showing:
  - the actual shape, dimensions and size of the lot to be built upon;
  - the size, shape, height, floor area and location of the buildings to be erected;
  - dimensions and locations of existing buildings;
  - width of front, side and rear yards;
  - highway construction setback
  - existing and proposed parking;
  - ingress to, and egress from, the site; and
- such other information as may be reasonably requested to determine compliance with these zoning ordinances including but not limited:
  - landscaping plan (with applicable landscape buffers),
  - erosion control plan,
  - approved stormwater management plan, and
  - utilities plan.
  - Covenant/Restrictions Document: Applicant shall submit a signed document indicating that no covenants or deed restrictions will be violated by the proposed use.

(c) *State and Federal permits.* Written evidence of applications for all required permits showing compliance with regulations of the Corps of Engineers, Alabama Department of Environmental Management, Alabama Coastal Area Management Program and Baldwin County Health Department shall accompany the application for conditional use approval, and the conditional use may be conditioned upon the actual receipt of said permits by the applicant.

(d) *Application fee*. The applicant for Commission Site Plan Approval shall be required to pay an application fee according to the current schedule of fees established by the County Commission for the particular category of application. This fee shall be nonrefundable irrespective of the final disposition of the application.

18.9.5 *Standards for approval.* A Commission Site Plan Approval may be granted by the Planning Commission only upon determination that the application and evidence presented clearly indicate that all of the following standards have been met:

(a) The proposed use and accompanying site plan conform to the requirements of the Zoning Ordinance.

(b) The proposed use shall be in harmony with the general purpose, goals, objectives and standards of the Baldwin County Master Plan, these ordinances, or any other official plan, program, map or ordinance of Baldwin County.

(c) The proposed use shall be consistent with the community welfare and not detract from the public's convenience at the specific location.

(d) The proposed use shall not unduly decrease the value of neighboring property.

(e) The use shall be compatible with the surrounding area and not impose an excessive burden or have substantial negative impact on surrounding or adjacent uses or on community facilities or services.

18.9.6 *Conditions and restrictions on approval.* In approving a site plan, the Planning Commission may impose conditions and restrictions upon the property benefited by the site plan approval as may be necessary to comply with the standards set out above, to reduce or minimize any potentially injurious effect of such site plan approval upon the property in the neighborhood, and to carry out the general purpose and intent of the ordinances. These conditions may include but are not limited to increasing the required lot size or yard dimensions; controlling the location and number of vehicle access points; increasing the number of off-street parking and loading spaces required; limiting the number, size and location of signs; and required fencing, screening, lighting, landscaping or other facilities to protect adjacent or nearby property.

In approving any site plan, the Planning Commission may specify a period of time different than the 180-day default time period from Section 18.2.4 for the commencement (issuance of a building permit) of the proposed use. Failure to comply with any such condition or restriction imposed by the Planning Commission shall constitute a violation of these ordinances. Those site plans which the Planning Commission approves subject to conditions shall have 30 days to submit an amended site plan incorporating the required conditions, unless a longer time frame is specified by the Planning Commission.

18.9.7 *Right of appeal.* The applicant may appeal the denial of the Commission Site Plan Approval to the County Commission in writing within twenty (20) calendar days after the rejection of the application.

Notice of the appeal shall be perfected by delivering written notification of the appeal to the County Zoning Administrator within the time allowed specifying the grounds thereof. Upon notice to the County Zoning Administrator, the Planning Commission or staff shall transmit its file, including all documents and statements relied upon by the Planning Commission in rendering its decision, to the County Commission.

Section 18.10 Tolling Provisions

If subsequent to the filing of a any application/petition, the applicant/petitioner is enjoined by order of a court of competent jurisdiction from commencement of construction, the time from the entry of such order against applicant/petitioner until such time as the order is lifted or becomes final and unappealable, shall not be counted toward or against the time allowed/required by these ordinances for applicant to commence construction. The provisions of this section shall retroactively apply to all pending applications/petitions.

Article 19 Amendments to Official Zoning Map and Ordinances

Section 19.1 Purpose

The Official Zoning Map may be amended from time to time in accordance with the procedures and standards set forth in this Section. The purpose of this Section is not to relieve particular hardships, not to confer special privileges or rights on any person, but only to make adjustments to the Official Zoning Map that are necessary in light of changed conditions or changes in public policy or that are necessary to advance the general welfare of the County. Zoning text amendments may be necessary to further the County land use policies and to keep pace with current development trends.

Section 19.2 Initiation Map Amendment.

An amendment to the Official Zoning Map may be initiated:

(a) By application of any person owning the property proposed for change on the Official Zoning Map, or by written authorization by the owner for an agent to act on the owner's behalf

(b) By a motion of the Planning and Zoning Commission.

(c) By a motion of the County Commission.

Section 19.3 Initiation Text Amendment

An amendment to the text of the Zoning Ordinances may be initiated:

(a) By a motion of the County Commission.

(b) By a motion of the Planning and Zoning Commission.

Section 19.4 Planning Director Preparation

The Planning Director shall prepare and file the applications initiated by the Planning and Zoning Commission and the County Commission.

Section 19.5 Staff Review

Within a reasonable time after the receipt of an application, the Planning Director shall deliver to the Planning and Zoning Commission and the County Commission a written report summarizing the facts of the case, including all relevant documents and incorporating or summarizing the comments and recommendations of the Planning and Zoning Department, and schedule a date

for a public hearing. The County Commission shall be furnished with minutes, recommendations and other relevant information from the Planning Commission.

Section 19.6 Factors for Reviewing Proposed Amendments

In deciding whether to recommend approval of a proposed amendment, or in deciding whether to adopt a proposed amendment, the Planning Commission and County Commission shall consider whether the proposed amendments is consistent with the following factors:

(a) Is the requested change compatible with the existing development pattern and the zoning of nearby properties?

(b) Has there been a change in the conditions upon which the original zoning designation was based? Has land uses or conditions changed since the zoning was established?

(c) Does proposed zoning better conform to the Master Plan?

(d) Will the proposed change conflict with existing or planned public improvements?

(e) Will the proposed change adversely affect traffic patterns or congestion?

(f) Is the proposed amendment consistent with the development patterns in the area and appropriate for orderly development of the community? The cost of land or other economic considerations pertaining to the applicant shall not be a consideration in reviewing the request

(g) Is the proposed amendment the logical expansion of adjacent zoning districts?

(h) Is the timing of the request appropriate given the development trends in the area?

(i) Will the proposed change adversely impact the environmental conditions of the vicinity or the historic resources of the County?

(j) Will the proposed change adversely affect the health, safety and welfare of the County and the vicinity?

(k) Other matters which may be appropriate.

Section 19.7 More Restrictive Rezoning

The County Commission may not approve a rezoning other than the rezoning published in the newspaper unless the change is more restrictive than the proposed rezoning published.

Section 19.8 Examination and Copying of Application and Other Documents

At any time upon reasonable request, and under the supervision of the Planning Director or his/her designee, any person may examine an application filed. Copies of such materials shall be made upon payment of the appropriate fee as determined by County Commission policy.

Section 19.9 Revocations of Approvals

Applicants shall be responsible for ensuring that all development proceeds in accordance with terms and conditions of any approval issued to the applicant. A determination by the Planning Director that the terms and conditions of the approval have been violated shall subject the approval to be revoked.

Section 19.10 Reliance on Information Presented by Applicant

The County staff shall have the right to rely on the accuracy of statements, documents and all other information presented to them by applicant, their attorney or agent, in review of an application issued under these ordinances.

Section 19.11 Presentation or Submittal of Incorrect Information

In the event that an applicant, their attorney or agent submits or presents false or incorrect information, whether or not such information is presented fraudulently or deceitfully to the staff, Planning and Zoning Commission, or County Commission concerning a material fact or consideration relating to an application for a rezoning, conditional use, or other type of approval issued under these ordinances, the following action may be taken:

When such false or incorrect information was a material fact or consideration in approving an application for rezoning, amendment, modification, or repeal, the Planning Director shall notify the applicant in writing of the false or incorrect information given and all actions necessary to resolve those problems resulting from the false or incorrect information given. If the problems cannot be resolved within ten (10) days or such other time period stated in notification, the Planning Commission or County Commission shall hold a public hearing, of which the applicant shall be notified with at least seven (7) days notice by certified mail, return receipt requested. Upon the conclusion of the public hearing the Planning Commission or County Commission may amend, revoke, or void approval. Prior to such action, the Commission must find that the applicant, his agent, or

attorney, presented fraudulently or deceitfully, to the Board of Adjustment, Planning Commission, or County Commission concerning a material fact or consideration relating to an application or an applicant, whether or not such information is presented fraudulently or deceitfully to the staff, Board of Adjustment, Planning Commission, or County Commission concerning a material fact or consideration relating to an application. Any work performed by or at the request of the applicant on the subject property shall be at the risk of the applicant. If the Planning Commission or County Commission does amend, revoke, or void an application approval, the Planning Director shall void any type of approval or permit issued.

Section 19.12 Withdrawal of Applications

Applications for rezoning, Commission Site Plan Approval and variance requests must be withdrawn by the applicant or authorized agent in the manner set forth as follows:

(a) An applicant may withdraw an application by filing written notice of the withdrawal with the Planning Director seven (7) days prior to the public hearing. If the application will be before the County Commission a written notice shall be filed with the County Commission Chairman seven (7) days prior to the public hearing.

(b) When an applicant wishes to withdraw an application less than seven (7) days prior to the public hearing, it shall be at the discretion of the governing body to either grant the withdrawal or to hear the application as submitted.

Section 19.13 Concurrent Applications

An application for rezoning of land, Commission Site Plan Approval or variance on all or part of the same land may be made concurrently. In such cases, the effective date of the Commission Site Plan Approval or variance shall be held in abeyance until action has been taken by the County Commission on the application for rezoning of such land.

Section 19.14 Limitations on Rezoning of Land

19.14.1 Whenever the County Commission has amended the zoning map and changed a zoning classification of land, another application shall not then be considered for rezoning of any part or all of the same land for a period of one (1) year from the effective date of such amendment.

19.14.2 Whenever the County Commission has denied an application for rezoning, no further application shall be filed for the same land for a period of one (1) year from the date of such action. In the event that two (2) or more

applications for rezoning of any part or all of the same land has been denied, no further applications shall be filed for a period of two (2) years from the date of such action denying the last application filed.

Section 19.15 Application Fee

19.15.1 Application fees shall be determined based on the current fee schedule adopted by the County Commission.

19.15.2 Fees shall be nonrefundable irrespective of the final action on the application. No fee shall be refunded after the submittal deadline.

Section 19.16 Public Notice and Hearings

19.16.1 Any proposed rezoning, amendment, supplement, modification, or repeal shall be submitted to the Planning Commission for its consideration and recommendation to the County Commission.

19.16.2 An application for rezoning must be submitted to the Planning and Zoning Department. The application must be on official County forms and must be accompanied by data, maps, and plans which are adequate to support the application. The application shall be heard by the Planning Commission at its next regular meeting after receipt of a correctly completed application. All dates and times shall be determined by the adopted meeting schedule of the Planning and Zoning Commission.

19.16.3 Before acting on any proposed rezoning, amendment, supplement, modification or repeal, a public hearing shall be held by the Planning Commission with proper legal notice published in a newspaper of general circulation in the County at least two weeks prior to the hearing, and in the case of a rezoning, notice by certified mail at least 5 days prior to the hearing, to the applicant and to all adjacent property owners as their names appear in the County tax records.

19.16.4 A conspicuously located sign, indicating the proposed amendment, shall be posted on the subject property no less than three weeks prior to the date of the hearing. The case number and contact information shall be listed.

19.16.5 The Baldwin County Commission shall fix a reasonable time for consideration of a proposed rezoning, amendment, supplement, modification, or repeal and give public notice thereof. Notice of said action shall be published in a newspaper in a newspaper of general circulation, in the County, in the legal notices for three consecutive weeks prior to the public hearing and one time in the regular section of the newspaper in the form of a ¼ page display advertisement at least 5 days prior to the public hearing. The public notice shall state that the proposed rezoning, amendment, supplement, modification, or

repeal will be considered by the County Commission pursuant to Act No. 91-719 as amended.

19.16.6 *Copies available.* A copy of the proposed rezoning, amendment, supplement, modification, or repeal shall be made available for public inspection at the nearest County Courthouse or satellite County Courthouse, which locations will be included in the notice. The notice shall also state the time, place, and location where persons may be heard in opposition to, or in favor of such proposed rezoning, amendment, supplement, modification, or repeal. No such amendment, supplement, modification, or repeal shall become effective until adopted by the Baldwin County Commission after a public hearing where all citizens and parties in interest shall have an opportunity to be heard.

19.16.7 The County Commission shall render a final decision on the proposed rezoning, amendment, supplement, modification, or repeal at the conclusion of the public hearing or within 60 days from the date of the public hearing if it is determined that action must be deferred in order to allow for additional input and review.

Article 20 Nonconformities

Section 20.1 Intent

In the County, there exists uses, structures and combinations of such which were lawful before the adoption of these ordinances or amendments thereto, but which would be prohibited, regulated or restricted under the terms of these ordinances or amendments thereto. It is the intent of this section to permit them to continue with restrictions until they are removed or destroyed, but not to encourage their survival. It is further the intent of these ordinances that such nonconformities shall not be enlarged, expanded or intensified, nor shall they be used as grounds for adding other structures. Changes in nonconformities other than their discontinuance shall be discouraged. Article 20 is modified as provided in Section 10.6 for structures, lots, and uses within the Family Heritage Overlay District. The Family Heritage Overlay District currently exists only in District 19.

Section 20.2 Rules Applicable to Nonconformities

20.2.1 *Incompatibility and enlargement.* Nonconforming uses are declared by these ordinances to be incompatible with permitted uses within the districts involved. A nonconforming use of a structure or a nonconforming use of a structure and land or water in combination, shall not be extended, enlarged or intensified except in conformance with these ordinances. No nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendments of the zoning ordinances. Replacement of nonconforming structures shall be prohibited.

20.2.2 *Work in progress.* To avoid undue hardship, nothing in these ordinances shall require a change in plans, construction or designed use of buildings on which a building permit has been properly issued prior to the adoption of these ordinances or amendments thereto. If actual construction has not begun under a permit properly issued before the adoption of these ordinances or amendments thereto, within six (6) months of the date of issuance of the permit, said permit shall become invalid and shall not be renewed except in conformity with the ordinances.

20.2.3 *Nonconforming use of open land.* Where open land is being used for a nonconforming use, such nonconforming use shall not be extended or enlarged either on the same or adjoining property.

20.2.4 *Nonconforming use of buildings.* Except as otherwise provided herein, the lawful use of a building existing at the effective date of these ordinances or amendments thereto may be continued although such use does not conform to the provisions contained herein.

20.2.5 *Discontinuance of nonconforming use.* No building or portion thereof, used in whole or in part, for a nonconforming use which is abandoned for more than one (1) calendar year or 365 consecutive days, shall be used except in conformity with these ordinances. The intent to abandon shall be presumed from the cessation of business or the removal of equipment, goods, structures or other aspects of such nonconforming use of the property.

20.2.6 *Destruction, repair or alteration of nonconforming use or structure.* Except as provided in Section 10.6.5(c):

(a) No building or structure which has been damaged, repaired or altered by any means to an extent of more than fifty percent (50%) of the fair market value of the building or structure immediately prior to damage, repair or alteration, shall be restored except in conformance with these ordinances, and all rights as a nonconforming use or structure are then terminated.

(b) If a building is damaged, repaired or altered by less than fifty percent (50%), such damage may be repaired to the size and use as before the time of damage, repair or alteration provided that such repair of reconstruction is complete within one (1) calendar year or 365 consecutive days of the date of such damage.

(c) Historic nonconforming structures or a nonconforming portion of an historic structure over 50 years old may be considered a valid nonconforming structure upon the determination of the Baldwin County Historical Development Commission that said structure is historic in nature and the respective Board of Adjustment confirms the valid nonconforming status. A valid nonconforming status shall permit reconstruction, repair, or alteration irrespective of the fifty percent (50%) rule as given in *Section 20.2.6(a)*.

(d) Upon the determination by the Planning Director that a structure is potentially damaged, being repaired or altered by more than fifty percent (50%) of the fair market value, the following method shall be employed to make a final determination:

1. An appraisal by a licensed appraiser shall be submitted to the Planning and Zoning Department.

2. A licensed contractor shall perform a cost estimate for repairs to the structure and submit it to the Planning and Zoning Department.

3. The Planning Director shall prepare a report with the appraisal and cost estimate and submit it to the Baldwin County Planning and Zoning Commission for a final determination.

4. The Baldwin County Planning and Zoning Commission shall make a determination or may request additional information as deemed appropriate to make a final determination.

5. Nothing herein shall be construed to excuse any owner, occupant or contractor from compliance with building codes, zoning ordinances or any other health or safety requirements imposed by local, state or federal laws, or ordinances in effect at the time of the repair or rebuilding.

6. The applicant shall be responsible for all costs associated with a determination.

20.2.7 *Nonconforming lots.* A nonconforming lot or parcel is a lot or parcel which fails to meet the dimensional requirements (i.e. minimum lot area, width, frontage etc.) of the zoning ordinances, but was lawfully created according to Alabama State Law and was a lot of record prior to the effective date of the zoning ordinances or any amendments thereto and has been determined to be vested.

(a) Any nonconforming lot or parcel may be used as a building site.

(b) A nonconforming lot or parcel must comply with permitted uses and other standards as described in the zoning ordinances.

20.2.8 *Subdivision of lots.* No portion of a lot shall be sold or subdivided in a manner which does not comply with the lot width and area requirements established by the zoning ordinances. A nonconforming lot may be increased in size even if such increase does not allow the lot to meet the minimum lot width and lot area requirements established by the zoning ordinances. Furthermore, the adjoining lot or lots, from which the land is removed to create the increase to the subject lot, shall not become nonconforming or does not increase in nonconformity.

20.2.9 *Special treatment due to these ordinances or other government action.* Should a government agency obtain, after the effective date of this amendment, a portion of a conforming lot for public purposes and thereby create a nonconforming lot, it may be possible to erect or construct, on said lot, the principal and accessory structures otherwise authorized provided that all other requirements of these ordinances are met.

20.2.10 *Repairs and maintenance.* Except as provided in Section 10.6.5(d), on any nonconforming structure or portion of a nonconforming structure or any structure containing a nonconforming use, work may be done on ordinary repairs, only to replace or repair, provided that the cubic content of the structure shall not be increased. Ordinary repairs may include painting, roofing, siding, re-paving of

access roads and parking/loading areas, replacement of landscape elements and other like activities.

20.2.11 *Nonconforming structures unsafe due to lack of maintenance.* Any portion of a nonconforming structure that becomes physically unsafe or unlawful due to lack of repairs and maintenance, and which is declared unsafe or unlawful by a duly authorized county official, but which the owner wishes to repair, restore or rebuild, must be repaired, restored or rebuilt in conformance with the provisions of this chapter.

20.2.12 *Nonconforming accessory uses and structures.*

(a) No nonconforming accessory use or structure shall continue after the principal use or structure is terminated by abandonment, damage or destruction unless such accessory use or accessory structure is made to conform to the standards for the zoning district in which it is located.

(b) Any nonconforming accessory use or accessory structure shall be brought into conformity with these ordinances whenever a substantial improvement to, addition to or change in principal use or structure on the property is proposed or approved.

(c) Any part of a nonconforming accessory use or accessory structure which is destroyed to an extent of more than fifty percent (50%) of the fair market value of the building or structure immediately prior to damage, shall not be restored except in conformity with these ordinances, and all rights as a nonconforming use or structure are then terminated.

(d) No additional structure which does not conform to the requirements of these ordinances shall be erected in connection with a nonconforming use of land.

20.2.13 *Illegal uses and structures prohibited.* All of the foregoing provisions relating to nonconforming uses and structures shall apply to all nonconforming uses or structures existing or created on the effective date of these ordinances and to all uses and structures which become nonconforming by reason of any amendment thereof. The provisions shall not apply, however, to any use established, or structures erected or expanded, in violation regardless of the time of establishment or erection.

Article 21 Enforcement

Section 21.1 Zoning Enforcement and Appeals

21.1.1 *Violations, penalties and remedies; generally*

21.1.2 Whenever a violation of these ordinances is identified or is alleged to have occurred, any person aggrieved may file a complaint. Such complaint shall fully state the cause and basis thereof, and shall be filed with the Planning and Zoning Director at his/her office at the Planning and Zoning Department in Bay Minette, Alabama.

Whenever the Planning and Zoning Director or his/her designee has knowledge of a violation or an alleged violation, a thorough investigation may be initiated. After such investigation, and upon the finding of a violation, the violation procedures contained in this Article shall be initiated.

21.1.3 Violation of the provisions of these ordinances, including violation of conditions and safeguards established in connection with a grant of a variance, special exception, conditional use, land use certificate or appeal, shall be addressed and punishable in accordance with sections contained herein.

21.1.4 In the event that any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or in the event that any building, structure, or land is used in violation of these ordinances, the Planning and Zoning Director may institute or cause the institution of any appropriate action or proceeding to:

(a) Prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use of the building, structure, or land.

(b) Prevent the occupancy of the building, structure, or land.

(c) Prevent any illegal act, conduct, business, or use in or about the premises.

(d) Restrain, correct, or abate the violation.

Section 21.2 Violations

21.2.1 *Persons in violation*. Any person(s), whether owner, lessee, principal, agent, employee, or occupant of any land or part thereof, and any architect, engineer, builder, contractor, agent or other person who: (a) violates any provision of these ordinances, (b) permits, participates, assists, directs, creates

or maintains any such violation, (c) fails to comply with any of the requirements hereof, including conditions, stipulations, or safeguards attached to any approval, permit, variance, Commission Site Plan Approval or the like, or (d) who erects, constructs or reconstructs any building or structure, or uses any building, structure or land in violation of any written statement or plan submitted and approved pursuant to these ordinances, shall be in violation.

21.2.2 Any person(s) in violation of these ordinances shall be held responsible for such violation and be subject to the penalties and remedies as provided herein and as provided by law.

21.2.3 *Separate violation.* Each and every person who commits, permits, participates in, assists, directs, creates or maintains a violation may be found individually in violation of a separate offense. Each day that any violation continues to exist shall constitute an additional and separate violation.

21.2.4 *Structures and uses in violation*. Any structure or lot erected, constructed, altered, occupied or used contrary to any provision(s) of these ordinances or other applicable ordinances, stipulation, condition, approvals and variance shall be declared to be unlawful.

Section 21.3 Notice of Violation

21.3.1 *Issuance.* The Planning and Zoning Director or his/her designee shall issue a written notice of violation upon receipt of a complaint or knowledge of violation, to all persons in violation. The Notice of Violation may be served by certified mail, return receipt requested, or pursuant to Alabama Rules of Civil Procedure. The Notice of Violation shall allow a reasonable time to correct or abate such violation.

21.3.2 *Notice requirements.* The Notice of Violation shall (”Notice”) clearly identify the property and particular alleged violation involved, the action necessary to correct it, the time permitted for such correction, and penalties for failure to comply. The Notice shall include but not be limited to:

(a) A description of the location of the property involved, either by street address or by legal description.

(b) A statement indicating the nature of the violation.

(c) A statement showing the time within which all necessary remedial action must be accomplished, which time may not be less than 10 days nor more than 90 days from the date of such written Notice.

(d) The name of the person(s) upon whom the Notice of Violation is served.

(e) A statement advising that upon the failure to comply with requirements of the Notice, such enforcement procedure as may be required under these zoning ordinances shall be taken.

21.3.3 *Violations threatening health, safety and welfare.* The Planning and Zoning Director may shorten or eliminate the time period to correct a violation if he/she determines that the alleged violation presents an imminent and serious threat to the public health, safety, or welfare, or the violation is irreparable or irreversible. The Notice of Violation shall, in such case, state that an immanent and serious threat to public health, safety, or welfare exists or the violation is irreparable or irreversible, along with the allowed time period for correction if any.

21.3.4 *Noncompliance.* When the Planning and Zoning Director or his/her designee determines that the violation has not been corrected or abated by end of the prescribed time period, he/she shall issue a written notice forwarding the matter to the County Legal Department and/or the Baldwin County District Attorneys office for further action.

21.3.5 *Compliance.* Upon the submission by the violator of evidence of compliance deemed adequate by the Planning and Zoning Director, the Director may deem the violation to be resolved and compliance achieved.

21.3.6 *Diligent efforts to comply.* When, after issuance of a Notice of Violation but prior to commencement of any judicial proceedings, the Planning and Zoning Director determines that the person in violation is making a diligent effort to comply with the requirements of the Notice, the Planning and Zoning Director may issue a written stay of further enforcement actions pending full compliance. The stay shall list the diligent efforts to comply and should be provided to the violator(s). No enforcement actions shall be stayed longer than ninety (90) days.

21.3.7 *Repeat violations.* When any Notice of Violation is issued to any person for substantially the same violation for which a previous Notice of Violation has been issued to such person, no period shall be allowed for correction or abatement of the violation. Rather, in such event, the Planning and Zoning Director shall immediately cause the matter to be forwarded to the County Legal Department and/or the Baldwin County District Attorneys Office for further action.

21.3.8 *Fines.* Any person(s) violating any of the provisions herein shall be fined not more than $150.00 for each separate violation, plus all costs of court, with each day such violation continues constituting a separate violation (see 21.2.3, above). The fines provided for herein shall commence and accrue upon receipt of the Notice of Violation or the expiration of the allowed period for correction, whichever is later. Said fines shall continue to accrue until paid, but shall not accrue on days during which the violation is properly on appeal.

Section 21.4 Additional Penalties

21.4.1 *Stop work order.* The Planning and Zoning Director may issue, or cause to be issued, a Stop Work Order on a premises, lot or parcel that is in alleged violation of any provision of these ordinances, or is being maintained in a dangerous or unsafe manner. A Stop Work Order may be issued in place of or in conjunction with any other actions and procedures identified in these ordinances. Such Order shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state conditions under which work may be resumed. Upon receipt of a Stop Work Order, all work associated with the violation shall immediately cease. Any person who continues to work shall be in violation of these ordinances and subject to penalties and remedies contained herein. The Stop Work Order may be appealed to the respective Board of Adjustment for which the activity is located.

21.4.2 *Cease and abate orders.* The Planning and Zoning Director may issue, or cause to be issued, a Cease and Abate Order to any person(s) maintaining any condition, or engaged in any activity or operation, which violates these ordinances. Such Order shall be in writing and shall be given to the owner of the property, or to the person maintaining such condition or engaged in such activity and operation. Upon receipt of a Cease and Abate Order, all conditions, activities and operations associated with the violation shall immediately cease and be abated. Any person who continues or fails to abate such condition, activity or operation shall be subject to penalties and remedies contained herein.

21.4.3 *Revocation of permits.* The Planning and Zoning Director may revoke, or cause the revocation of, permits or approvals in those cases where an administrative determination has been duly made that false statements or misrepresentations of material fact(s) were made in the application or plans upon which the permit or approval was based.

Section 21.5 Appeals

21.5.1 *Appeal of administrative enforcement decision.* Any person(s) aggrieved by a decision of the Planning and Zoning Director or his or her designee in regards to zoning enforcement may file an appeal, made on forms provided by the County, to the respective Board of Adjustment where the alleged violation has occurred. An appeal must be filed within fifteen (15) days of the date of the Notice of Violation. An appeal is deemed filed with a Board of Adjustment when received by the respective Board Chairman.

21.5.2 *Appeal of Board of Adjustment decision.* In exercising its authority, the Board of Adjustment may reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from and make such order, requirement, decision or determination as the Board deems proper and, to that end, shall have all the powers of the officer from whom the appeal is taken. The

concurring vote of a majority of the Board of Adjustment shall be necessary to reverse, affirm or modify any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant on any matter upon which it is required to act.

21.5.3 *Appeal to Circuit Court from final decision of Board of Adjustment.* Any party aggrieved by a final judgment or decision of a board of adjustment may within 15 days thereafter, appeal there from to the Circuit Court of Baldwin County, Alabama, by filing with the circuit court and the board of adjustment a written notice of appeal specifying the judgment or decision from which the appeal is taken and specifying in sufficient detail the grounds for appeal so that the non-appealing party may reasonably frame a responsive pleading. For purposes of this section, an appeal shall be filed with the board of adjustment at the Baldwin County Planning and Zoning Department at its office in Robertsdale, Alabama, and shall be deemed filed when received at the Baldwin County Planning and Zoning Department regardless of the method of delivery.

Article 22 Definitions

Section 22.1 Usage

Except as otherwise provided herein, all words shall have the customary dictionary meaning. The present tense includes the future tense and the future tense includes the present tense. The singular number includes the plural and the plural includes the singular. The word "person" includes a firm, corporation, association, organization, trust, or partnership. The word "building" includes "structure." The words "shall" and "will" are always mandatory. The word "used" or "occupied" as applied to any land or buildings shall be construed to include the words "intended, arranged, or designed to be used or occupied."

Section 22.2 Words and Terms Defined

As used in these ordinances, the following words and terms shall have the meaning defined:

A zone. (See Floodplain).

Abutting/contiguous property. Any property that is immediately adjacent to, touching, or separated from such a common border by a right-of-way, alley, or easement.

Accessory dwelling. A second dwelling unit that is either contained within the structure of a single family dwelling unit or in a separate accessory structure on the same lot as the principal residential building for use as a complete, independent living facility with provisions within the accessory dwelling for cooking, eating, sanitation, and sleeping. Such a dwelling is an accessory use to the principal residential building and includes accessory apartments, garage apartments and guest houses.

Accessory structure. A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure. Except as provided in *Section 10.4, Wetland Protection Overlay District,* bulkheads, fences, walls, retaining walls, fountains, trellises, pergolas, air conditioner platforms, walkways and similar features which provide a decorative, security or support function shall not be considered accessory structures for purposes of these zoning ordinances.

Accessory structure compound. A fenced, secured enclosure in which a wireless telecommunications facility and its equipment, buildings, access roads, parking area and other accessory devices / auxiliary structures are located.

Accessory use. A use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use.

Agriculture/agricultural uses. The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and related accessory uses.

Airport. Any area of land or water designed and set aside for the landing and taking off of aircraft, and may include necessary facilities for the housing and maintenance of aircraft.

Alteration. Any change in structural parts, stairways, type of construction, kind of class of occupancy, light or ventilation, means of ingress and egress, or other changes affecting or regulated by the building code or these zoning ordinances, including extension or expansion, except for minor changes or repairs not involving the aforesaid features.

Alteration, structural. Any change in the supporting members of a building (such as bearing walls, beams, columns, and girders) except such change as may be required for its safety; any addition to a building.

Alternative support structure. Any structure other than a wireless telecommunications tower, which may include, but is not limited to, buildings, water towers, light poles, power poles, telephone poles, and other essential public utility structures.

Amusement arcade. A building or part of a building in which five (5) or more pinball machines, video games, or other similar player operated devices are maintained.

Antenna. An electromagnetic device which conducts radio signals, through an attached cable or wave guide, to or from a radio transmitter or receiver. Typically, this includes “whips,” “cornucopia horns,” “panels” and parabolic “dishes.”

Antenna support structure. Any structure on which telecommunications antennas and cabling can be attached. Typically, this includes steel towers with guy-wires (guyed towers); wooden, steel or concrete single poles (monopoles); self-supporting steel towers with three or four “legs” (self-supporting/lattice towers); rooftops of existing buildings or structures (such as elevated water storage tanks). (see also *tower*).

Area and dimensional ordinances. Numerical standards established for a lot, yard or building in a particular zone.

As of right. Uses that are specifically authorized by the zoning ordinances. (See also *permitted use).*

Attic. An unfinished area below the roof and above the ceiling of the living or garage area of a single family or two family dwelling which is generally used for storage and/or the location of mechanical equipment but not for human habitation.

Auto convenience market. A retail establishment where motor vehicle fuel is retailed directly to the public on the premises in combination with retailing of items typically found in a neighborhood convenience store. An auto convenience market may include a drive-through car wash but may not include automobile service bays.

Automobile repair. The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

Automobile service station. Any building or land used for retail sale and dispensing of automobile fuels or oils; may furnish supplies, equipment and minor services to private passenger vehicles incidental to sale and dispensing of automobile fuels and oils.

Automobile wrecking. The dismantling or wrecking of used motor vehicles, mobile homes, trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Bar or tavern. An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises.

Base flood. The flood having a one (1) percent chance of being equaled or exceeded in any given year.

Base flood elevation. The elevation for which there is a one (1) percent chance in any given year that flood levels will equal or exceed it.

Basement. A story all or partly underground but having at least one-half of its height below the average level of the adjoining ground.

Bed and breakfast. The renting of rooms in a private residence for brief periods of time together with the provision of breakfast for the guests by the home owner. All service is to be provided by the home owner.

Board of Adjustment. A board appointed by the County Commission in planning districts that elect to come within the planning and zoning jurisdiction of the Baldwin County Commission to hear and decide appeals, special exceptions and

variances from the terms of the zoning ordinances.

Boarding house, rooming house, lodging house, or dormitory. A building or part thereof, other than a hotel, motel, or restaurant, where meals and/or lodging are provided for compensation, for three or more unrelated persons where no cooking or dining facilities are provided in individual rooms.

Boathouse. A structure constructed over water designed or intended to be used for the purpose of docking, storing and protecting one (1) or more watercraft.

Boat repair. Major overhauling or repair of small craft and pleasure boats that requires open air, partially covered or enclosed dry dock facilities and such heavy equipment, yard space and dock facilities as may be necessary.

Boat slip. A facility for the mooring of watercraft.

Buffer. Land which is maintained in either a natural or landscaped state and is used to screen and/or mitigate the impacts of development on surrounding areas, properties, or rights-of-way.

Building. Any structure attached to the ground and intended for shelter, housing, or enclosure for persons, animals, or chattels.

Building height. The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs. In A-zones building height will be measured from the finished floor elevation. In V-zones building height will be measured from the bottom of the lowest supporting girder.

Building Official. Individual appointed by the Baldwin County Commission to carry out inspections required by the building code.

Building line. (See *Setback line*).

Car wash. An area of land and/or structure with machine or hand operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

Cemetery. Land used or intended to be used for the burial of the human and animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

Certificate of occupancy. Official certification that a premise conforms to provisions of the zoning ordinances and building code, and may be used or

occupied. Such certificate is granted for new construction or for the substantial alteration or additions to existing structures. A structure may not be occupied unless such certificate is issued by the Building Official.

Child care facility. A facility established for the care of children as defined in §38-7-2 of the *Code of Alabama, 1975.* For the purpose of these ordinances, this definition includes the following:

(a) *Child care center.* This includes facilities licensed as day care centers and nighttime centers in accordance with §38-7-2 of the *Code of Alabama, 1975.* Day care centers and nighttime centers serve more than twelve (12) children.

(b) *Child care institution.* This includes facilities licensed as group homes and child care institutions in accordance with §38-7-2 of the *Code of Alabama, 1975.* These facilities provide full time care.

(c) *Day care home.* A child care facility which is a family home and which receives not more than six children for care during the day in accordance with §38-7-2 of the *Code of Alabama, 1975*.

Church or similar religious facility. A place or structure(s) of assembly, and associated structures located on the same site, where religious worship, including education and outreach, is primarily or exclusively conducted.

Clinic. A place used for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical or surgical attention, but who are not provided with board.

Club. A building or portion thereof or premises owned or operated for a social, literary, political, educational, or recreational purpose but not operated or maintained for profit. Does not include casinos, night clubs, or other institutions operated for a profit.

Cluster development. A site planning technique that concentrates buildings and structures in specific areas on a lot, site, or parcel to allow the remaining land to be used for recreation, open space, and/or preservation of features and/or structures with environmental, historical, cultural, or other significance. The techniques used to concentrate buildings may include, but shall not be limited to, reduction in lot areas, setback requirements, and/or bulk requirements, and with the resultant open space being devoted by deed restrictions for one or more reasons.

Coastal construction line (CCL). A line in coastal Alabama determined by the Alabama Coastal Area Management Plan (ACAMP) seaward of which no construction is permitted.

Coastal high hazard areas (V-zones). Areas that are subject to high velocity waters caused by, but not limited to hurricane wave wash.

Co-location. The placement of more than one wireless communications antenna by one or more telecommunications service providers on a single existing or new antenna support structure.

Commercial occupant. A commercial use, i.e., any use other than residential or agricultural.

Commercial vehicle. Any vehicle designed and used for transportation of people, goods, or things, other than private passenger vehicles and trailers for private nonprofit transport of goods and boats.

Commercially developed parcel. A parcel of property on which there is at least one walled or roofed structure used, or designed to be used, for other than residential or agricultural purposes.

Common open space. Open space within a development, not in individually owned lots or dedicated for public use, but which is designed and intended for the common use and/or enjoyment of the residents of the development.

Concealment techniques. Design techniques used to blend a wireless telecommunications facility, including any antennas thereon, unobtrusively into the existing surroundings so as to not have the appearance of a wireless telecommunications facility. Such structures shall be considered wireless telecommunications facilities and not spires, belfries, cupolas, or other appurtenances usually required to be placed above the roof level for purposes of applying height limitations. Due to their height, such structures must be designed with sensitivity to elements such as building bulk, massing, and architectural treatment of both the wireless telecommunications facility and surrounding development. Concealed towers on developed property must be disguised to appear as either a part of the structure housing, a principal use, or an accessory structure that is normally associated with the principal use occupying the property. Concealed towers developed on unimproved property must be disguised to blend in with the existing vegetation. *Example*: a tower of such design and treated with architectural material so camouflaged to resemble a woody tree with a single trunk and branches on its upper part (also known as a “monopole”).

Condominium. A development where all land, including that under the buildings in the development, is held in single ownership for the common use of unit owners or tenants; also a living unit within such a development.

Conservation easement. An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominately in their natural scenic, open, or wooded condition; retaining such areas as suitable habitat for fish, plants, wildlife; or maintaining existing land uses.

Construction sign. Any sign giving the name or names of principal contractors, architects, and lending institutions responsible for construction on the site where the sign is placed, together with other information included thereon.

Convalescent or nursing home. A building, or portion thereof, wherein for compensation, living accommodations and care are provided for persons suffering from illness, other than mental or contagious, which is not of sufficient severity to require hospitalization, or for persons requiring further institutional care after being discharged from a hospital other than a mental hospital; includes extended care facilities.

Copy. The linguistic content of a sign.

Copy shop. A retail establishment that provides duplicating services using photocopying, blueprint, and offset printing equipment, and may include collating and binding of booklets and reports.

County. Baldwin County, Alabama.

County Commission. The Baldwin County Commission.

Deck. A flat uncovered area generally adjoining a house, building, or pool which may be used as an outdoor sitting or recreation area.

Density. The number of dwelling units per acre of land.

Department. The Baldwin County Planning and Zoning Department.

Development. The construction, reconstruction, repair, demolition, conversion, structural alteration, relocation, removal, or enlargement of any building or structure; any extension of utilities; any construction of streets; any construction of drainage structures; any mine, excavation, land fill, or land disturbance; and/or any change in use, or alteration or extension of the use, of land.

Dwelling. A building or portion thereof used exclusively for residential purposes, including single-family, two-family, and multiple-family dwellings, but not including hotels, boarding houses, rooming houses, lodging houses or dormitories.

Dwelling, multiple-family. A building designed for or occupied by three or more families, with separate toilets and facilities for cooking and sleeping for each

dwelling unit.

Dwelling, single-family. A detached building designed for and occupied by one family as a home, with toilets and facilities for cooking and sleeping.

Dwelling, two-family. A building designed for or occupied by two families only, with separate toilets and facilities for cooking and sleeping for each dwelling unit, separated by a common wall and sharing a common roof and foundation.

Dwelling unit. Any building, portion thereof, or other enclosed space or area used as or intended for use as the home of one family, with separate toilets and facilities for cooking and sleeping, either permanently or temporarily.

Electric sign. Any sign containing electric wiring.

Erect a sign. To construct, reconstruct, build, relocate, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish a sign. It shall not include any of the foregoing activities when performed as an incident to the change of message, or routine maintenance.

Erected. The word "erected" includes built, constructed, reconstructed, moved upon or any physical operations on the premises required for building. Excavations fill, drainage, and the like shall be considered a part of erection.

Excavation. Any mechanical removal of rock, sand, gravel, or other unconsolidated materials from a location.

Expansion, building or use. The addition of enclosed or unenclosed rooms or storage spaces, porches, or parking area, to an existing building or use on a parcel of land.

FAA. Federal Aviation Administration.

Family. One or more persons living together as a single housekeeping unit and using common cooking facilities, as distinguished from a group occupying a boarding or rooming house or hotel.

FCC. Federal Communications Commission.

Flea market. An occasional or periodic sales activity held within a building, structure, or open area where groups of individual sellers offer goods, new and used, for sale to the public, not to include private garage sales.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) the overflow of inland or tidal waters.

(b) the unusual and rapid accumulation of runoff of surface waters from any source.

Flood insurance rate map (FIRM). An official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to a community.

Floodplain. Those areas defined by the U.S. Geological Survey or the U.S. Army Corps of Engineers as subject to flooding once in 100 years, based on topography.

Floodway. That portion of the floodplain, including the channel, which is reasonably required to discharge the bulk of the regional flood waters. Floods of less frequent recurrence are usually contained completely within the floodway. For the purpose of these ordinances, floodways shall be defined as follows:

(a) The floodways as identified or delineated in the *Flood Insurance Study* for Baldwin County, Alabama.

(b) Along Small Streams and Watercourses. All lands lying within 25 feet of the top of the bank of the channel (measured horizontally), unless the developer demonstrates to the satisfaction of the County Planning Commission that a lesser distance (but not less than 15 feet) is adequate based on the watershed characteristics and probable storm runoff for the base flood.

Floor area, gross. The sum of the gross enclosed horizontal area of all the floors of a building, except a basement or area under the first habitable story, measured from the exterior faces of exterior walls and/or supporting columns.

Food processing. The preparation, storage, or processing of food products on a large scale. Examples of these activities include bakeries, dairies, canneries, and other similar activities or businesses.

Frontage. The length of the property line of any one parcel along a street on which it borders.

Funeral home. A building or part thereof used for human funeral services. Such building may contain space and facilities for: a) embalming and the performance of other services used in preparation of the dead for burial or cremation; b) the performance of autopsies and other surgical procedures; c) the storage of caskets, funeral urns, and other related funeral supplies; and d) the storage of funeral vehicles. Where a funeral home is permitted, a funeral chapel is also permitted.

Garage, private. A building or part thereof designed and/or used for inside parking of self propelled private passenger vehicles by the occupants of the house or other principal structure on the premises or by the occupants of or employees of a particular firm.

General commercial uses. This land use includes those commercial activities which require outdoor storage, have higher trip generations than local commercial uses, or have potential for greater nuisance to adjacent properties due to noise, light and glare, or typical hours of operation.

General industrial uses. This land use includes those industrial, manufacturing, processing, warehousing, or research and testing operations that, due to employment of heavy equipment or machinery or to the nature of the materials and processes employed, require special location and development safeguards to prevent pollution of the environment by noise, vibration, odors or other factors.

Generalized Wetland Map. Refers to the National Wetland Inventory (NWI) Maps, the Baldwin County Digital Wetland layer and/or any other digital data depicting the general locations of wetlands or hydric soils and their degree of functionality within the jurisdiction of Baldwin County.

Height. When referring to a tower or other structure, the distance measured from the ground level at the base of the tower to the highest point on the tower or structure, including if said highest point is an antenna placed on a structure or tower.

Home improvement center. An establishment which sells various household goods, tools, building materials, household appliances, garden supplies, nursery products, paint, glass, etc. Retail stock may be kept outdoors.

Home occupation. Any occupation for gain or support customarily conducted entirely within a residential dwelling unit and carried on solely by the inhabitant thereof, and which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and does not change the character thereof.

Home occupation, rural. An accessory use to a customary farming operation or a nonfarm household located in a rural area designed for gainful employment involving the sale of goods and/or services that is conducted either from within the dwelling and/or from accessory buildings located on the same lot as the dwelling unit occupied by the family conducting the home occupation.

Hospital. An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.

Hotel. Except as otherwise provided, a transient commercial lodging establishment consisting of one or more buildings used for this purpose, including accessory uses such as eating and drinking facilities, recreation facilities and parking. This category includes motels and motor hotels. Lodgings may consist of sleeping rooms only or may include cooking facilities also but are not intended for permanent occupancy.

Illuminated sign. A sign which contains a source of light or which is designed to reflect light from an artificial source including indirect lighting, neon, incandescent lights, back-lighting, and shall also include signs with reflectors that depend upon automobile headlights for an image.

Impervious surface. Any hard-surfaced, man-made area that does not readily absorb water, including but not limited to: building roofs; streets; sidewalks; parking and driveway areas paved with asphalt, concrete, gravel, limestone, oyster shells, sand, clay or similar materials; and paved recreation areas.

Impervious surface ratio (ISR). A ratio derived by dividing the total of all impervious surfaces on a lot by the lot area.

Institutional uses. This group of uses includes: educational facilities (public or private); pre school and child care facilities; churches, temples, and similar religious facilities; nursing homes, residential care facilities, and halfway housing; cemeteries with or without funeral homes; hospitals; clubs; libraries; museums; emergency service activities such as buildings, garages, parking, and/or dispatch centers for ambulances, fire, police and rescue; and all other similar institutional uses.

Junk vehicle. Any vehicle that does not have a current license tag and that the owner has abandoned or left to deteriorate.

Junk yard. Place, structure or lot where junk, waste, discarded, salvaged, or similar materials such as old metals, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc., are bought, sold, exchanged, baled, packed, disassembled, or handled, including auto wrecking yards, used lumber yards, house-wrecking yards, and yards or places for storage or handling of salvaged house wrecking and structural steel materials. This definition shall not include pawn shops and establishments for the sale, purchase, or storage of usable secondhand cars, salvaged machinery, used furniture, radios, stoves, refrigerators or similar household goods and appliances. Nor shall it apply to the processing of used, discarded, or salvaged materials as part of manufacturing operations.

Jurisdictional determination. An official, written statement or map signed by the U.S. Army Corps of Engineers.

Jurisdictional wetland. A wetland area that is regulated by the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act. It can meet the definitional requirements for wetlands (i.e. hydrophitic vegetation, hydric soils and hydrology) as determined by the U.S. Corps of Engineers, 1987 Federal Wetland Delineation Manual.

Kennel. A facility which houses dogs, cats, or other household pets and where grooming, breeding, boarding, training, or selling of animals is conducted as a business. This definition does not include the raising of a litter by an owner who intends to sell or give away the puppies as soon as they are old enough.

Land area. (See *Lot area*).

Land use plan. A map and supporting written documentation indicating the projected or proposed utilization of land resulting from planning and zoning studies.

Landfill. A disposal site for the controlled burial of solid waste according to applicable governmental rules and ordinances.

Lateral riparian rights. The apportionment of riparian rights between adjoining riparian owners is made by extending lines from the ends of the side lines at right angles to the line of the water front if the latter is straight or substantially so, subject to variation where the line of navigation is not parallel with the shore line, without regard to the direction of the dividing line of the upland parcels. In case of a decided convexity or concavity of the shore, riparian rights are apportioned ratably between the riparian owners, as by straight lines drawn out to the line of navigability at such points as will divide the latter proportionately to the several frontages on the shore, or by line perpendicular to a tangent drawn on a circular shore.

Licensed Engineer. An engineer properly licensed and registered in the State of Alabama.

Light industrial uses. This land use includes manufacturing, research and wholesale establishments which are clean, quiet, and free of hazardous or objectionable emissions, and generate little industrial traffic.

Local commercial uses. This land use includes limited retail convenience goods and personal service establishments as well as professional service and office uses.

Lot. A piece, parcel, or plot of land occupied or intended to be occupied by one main building, accessory buildings, uses customarily incidental to such main

buildings and such open spaces as are provided in these zoning ordinances, or as are intended to be used with such piece, parcel, or plot of land.

Lot area. The total horizontal area within the lot lines of a lot.

Lot, corner. A lot abutting upon 2 or more streets at their intersection or upon 2 parts of a street which form an interior angle of less than 135 degrees. The point of intersection of the street lines is the corner.

Lot depth. The mean (average) horizontal distance between the front and rear lot lines, measured at right angles to the street lines.

Lot, flag. A lot with access provided to the bulk of the lot by means of a narrow corridor.

Lot, interior. A lot other than a corner lot.

Lot line. The boundary line of a lot.

Lot line, front. On an interior lot, the lot line abutting a street; on a corner lot, the shorter lot line abutting a street; on a through lot, the lot line abutting the street providing the primary means of access to the lot; on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained; or on a waterfront lot, the lot line abutting the water.

Lot line, rear. The lot line opposite and most distance from the front lot line.

Lot line, side. Any lot line other than a front or rear lot line. A side lot line of a corner lot separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot is called an interior lot line.

Lot of record. A lot which is a part of a recorded plat or a plot described by metes and bounds, the map and/or description of which has been recorded according to Alabama Law.

Lot of record, substandard. A lot of record which has less than the required minimum area or width as established by the zoning district in which it is located and provided that such lot was of record as a legally created lot on the effective date of these zoning ordinances.

Lot, through. A lot, but not a corner lot, that abuts upon two streets, the two frontages being noncontiguous.

Lot width. The horizontal distance between side lot lines, measured at the required front setback line.

Major project. Any multifamily residential use, manufactured housing park, institutional use, professional service and office use, local commercial use, general commercial use, outdoor recreation use, marine recreation use, transportation, communication and utility use, light industrial use, or general industrial use.

Manufactured housing. Single family detached housing that is built to the National Manufactured Housing Construction and Safety Standards Act of 1974, and shall include structures known as manufactured homes or mobile homes.

Manufactured housing park. A parcel of land under single ownership that has been planned and improved for the placement of 5 or more manufactured homes for dwelling purposes and for the production of income. Home sites within the manufactured housing park are leased to individual homeowners.

Marina. A facility for storing, servicing, fueling, berthing, and securing and launching of private pleasure craft that may include the sale of fuel and incidental supplies for boat owners, crews, and guests, servicing and repair of boats, and sale and charter of boats. Dry boat storage may also be provided. A yacht club shall be considered a marina, but a hotel or similar use, where docking of boats and provision of services thereto is incidental to other activities, shall not be considered a marina, nor shall boat docks accessory to a multifamily structure where no boat related services are rendered.

Marine recreation uses. This land use includes areas where water related recreational activities are the primary use. Activities may include all activities allowed as outdoor recreation activities as herein defined. In addition, permitted activities may include marinas, boat sales, boat servicing, boat storage, sale of fuel and supplies, and provision of lodging, food, beverages and entertainment.

Marquee. A structure projecting from and supported by a building which extends beyond the building line or property line and fully or partially covers a sidewalk, public entrance or other pedestrian way.

Master plan. The master plan for the physical development of the unincorporated areas of Baldwin County as adopted by the Baldwin County Commission.

Mini-warehouse. A building or group of buildings in a controlled access compound that contain varying sizes of individual, compartmentalized and controlled-access stalls, cubicles and/or lockers used for storage only.

Minor project. Any agricultural use or single family or two family residential structure and related accessory structures.

Mobile home. (See *Manufactured housing*). A transportable, factory built home,

designed to be used as a year round residential dwelling and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.

Monument sign. A monument sign is a freestanding sign, a wall with a permanently attached, or a decorative wall that incorporates a sign. Monument signs are typically constructed low to the ground from natural materials such as stone, brick, or wood and surrounded with additional landscape plantings. A monument sign shall be no more than 10 feet in height except where further restricted and shall have the lowest portion of its sign face no more than 3 feet above the ground.

Motel. (See *Hotel*).

Multiple occupancy sign. A parcel of property, or parcels of contiguous properties, existing as a unified or coordinated project, with a building or buildings housing more than one occupant.

Neighborhood convenience store. Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of less than 5,000 square feet. Neighborhood convenience stores shall not include fuel pumps or the selling of fuel for vehicles.

Nightclub. A restaurant, dining room, bar, or other similar establishment providing food or refreshments wherein floor shows or other forms of entertainment by persons are provided for guests.

Nonconforming structure. A structure lawfully occupying a site that does not conform with the standards of the zone in which it is located, including, but not limited to, front setback, side setbacks, rear setback, height, coverage, distances between structures and parking facilities.

Nonconforming uses. The use of a structure or premises, existing at the effective date of these ordinances, or any amendment thereto, for any purpose not permitted for a new use in the district in which it is located.

Nursery. Land, building, structure, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for wholesale or retail sale on the premises including products used for gardening or landscaping.

Nursing home. (See *Convalescent or nursing home*).

Offices. Space or rooms used for professional, administrative, clerical, and similar uses.

Open space. An area open to the sky that is intended to provide light and air, and is designed for either environmental, scenic or recreation purposes. Open space may include, but is not limited to, lawns, landscaped areas, buffers, natural areas, wooded areas, unenclosed walkways, decks, patios, fountains and outdoor recreation uses. Streets, driveways, parking lots, buildings and structures that are roofed shall not be included as open space.

Open space, common. (see *Common open space*).

Outdoor recreation uses. This land use includes areas where outdoor recreational activities are the primary use such as public parks or other recreational areas whether public or private. Activities may include picnicking, jogging, cycling, arboretums, hiking, golf courses, play grounds, ball fields, outdoor ball courts, stables, outdoor swimming pools, and water-related or water-dependent uses such as boat ramps, fishing docks and piers, and similar outdoor recreational uses. Specifically excluded from this group of uses are amusement parks, firing ranges, marinas, miniature golf courses, golf driving ranges, race tracks, and similar commercial or quasi-recreational activities inconsistent with the allowable outdoor recreation uses described.

Overlay district. A district that is superimposed over one or more zoning districts or parts of districts and that imposes specified requirements that are in addition to those otherwise applicable for the underlying zone.

Parcel. A unit of land within legally established property lines. If, however, the property lines are such as to defeat the purposes of these sign ordinances or lead to absurd results, a “parcel” may be designated for a particular site by the Zoning Administrator.

Parking garage. A building designed and used for the storage of automotive vehicles operated as a business enterprise with a service charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles.

Parking lot. An area not within a building where motor vehicles may be stored for the purposes of temporary, daily, or overnight off-street parking.

Parking space, off-street. An area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be totally outside of any street or alley right-of-way.

Pennant. Any lightweight plastic, fabric, or other material, whether containing a message or not, suspended from rope, wire, string, or other material, whether containing a message or not, suspended from a rope, wire, string, or other similar device, designed to move in the wind.

Permitted use. A use by right that is specifically authorized in a particular zoning district. It is contrasted with special exceptions and conditional uses that are authorized only if certain requirements are met and after review and approval by the Board of Adjustment and Planning Commission respectively.

Pier. An elevated deck structure, usually pile supported, extending out into the water from the shore.

Planned development. A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages.

Planning Commission. The Baldwin County Planning and Zoning Commission.

Planning Director. The Director of the Baldwin County Planning & Zoning Department.

Planning districts. The districts into which the County is divided for planning purposes and for the purpose of holding elections to determine if an area will be subject to the County's planning and zoning authority.

Porch. A roofed-over space attached to the outside of an exterior wall of a building, which has no enclosure other than the exterior wall(s) to which it is attached. Open mesh screening shall not be considered an enclosure. Porches shall be considered as a part of the main building and shall not project into a required front yard.

Portable sign. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to , signs designed to be transported by means of wheels; signs converted to A-frames or T-frames; menu or sandwich board signs; balloons or other inflatable devises used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless such vehicle is used in the normal day to day operations of the business.

Principal structure. A building in which the primary use of the lot on which the building is located is conducted.

Printing and publishing. Includes printing and publishing of newspapers, books and periodicals by letterpress, lithography, offset, gravure, or screen methods. May also include book binding.

Professional service and office uses. This group of uses includes business and professional offices, medical offices or clinics, financial institutions without drive-up windows, and personal service businesses where the service is performed on

an individual-to-individual basis as opposed to services which are performed on objects or personal property. Examples of personal service businesses are barber shops, beauty shops, or photography studios. This group of uses may include a dispatching/communications/office center for the distribution of goods, but specifically excludes the warehousing or actual distribution of goods.

Projecting sign. A sign affixed to a building or wall in such a manner that its leading edge extends more than 6 inches beyond the surface of the building or wall.

Race track. Facility for the racing of horses, dogs, motor vehicles and motorcycles.

Recreational vehicle. A self-propelled vehicle used for temporary housing of individuals and families during travel. This category also includes travel trailers, campers, camping trailers, motor homes, small mobile homes used for vacation purposes and similar transient residential vehicles.

Recreational vehicle park. A lot of land upon which one or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

Residential district. Includes the following zoning districts: RSF-E, RSF-1, RSF-S, RSF-3, RSF-4, RTF-4, RSF-6, RTF-6, RMF-6 and RMH.

Residential dock or pier. A dock or pier constructed adjacent to a residential lot for gratis recreational purposes and/or mooring of private boats.

Restaurant. An establishment which primarily serves food and refreshments for consumption on the premises to its patrons.

Restaurant, drive-in. A restaurant or public eating business so conducted that food, meals or refreshments are brought to the motor vehicles for consumption by the customer or patron.

Restaurant, fast-food. Any establishment whose principal business is the sale of foods and refreshments in ready to consume individual servings, for consumption either within the restaurant building or for carryout, and where either: 1) foods and refreshments are usually served in paper, plastic, or other disposable containers, and where customers are not served their food and refreshments by a restaurant employee at the same table or counter where the items are consumed; or 2) the establishment includes a drive-up or drive-through service facility or offers curb service.

Rezoning. An amendment to the zoning district boundaries as delineated on the zoning map.

Right-of-way. A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

Roof line. A horizontal line intersecting the highest point or points of a roof.

Satellite receiving dishes. A dish-shaped antenna designed to receive television broadcasts relayed by microwave signals from earth-orbiting communications satellites. This definition also includes satellite earth stations, or television dish antennas.

School. A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools.

Setback line. A line defining the limits of a yard in which no building or structure, other than an accessory structure, may be located.

Shopping center. A group of commercial establishments planned, constructed and managed as an entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, and designed to serve a community or neighborhood.

Sign. Any writing, pictorial presentation, number, illustration, decoration, flag, banner, pennant, or other device which is used to announce, direct, attention to, identify, advertise or otherwise make anything known. The term sign shall not be deemed to include the terms “building” or “landscaping” or any architectural embellishment of a building not intended to communicate information.

Sign face area. The area of any regular geometric shape which contains the entire surface area of a sign upon which copy may be placed.

Sign structure. Any construction used or designed to support a sign.

Silviculture. The care and cultivation of forest trees.

Site plan. The development plan for one or more lots on which is shown the existing and/or proposed conditions of the lot(s).

Site Plan Approval – An approval granted to confirm that the proposed use for a site conforms with the Zoning Ordinance, a prerequisite to issuance of a building permit.

- **Site Plan Approval, Commission** – A land use approval allows for public input at the Planning Commission meeting to ensure the proper integration of uses into a community and zoning district. The Commission Site Plan Approval process recognizes that certain uses, though technically permitted by zoning, are only suitable under certain conditions and at appropriate locations. Certain uses require special consideration so that the use may be properly located with respect to the objectives of this chapter and their effect on surrounding properties.
- **Site Plan Approval, Administrative** - A land use approval issued by the Zoning Administrator indicating that a proposed use of land is in conformity with the Zoning Ordinance, a prerequisite to issuance of a building permit.

Special exception. A land use permitted that is not similar in nature to the uses permitted in the district but that is desired in the community and for which a suitable district is not available. Such use may be permitted upon approval of the Board of Adjustment and in compliance with any special conditions which may be required.

Special flood hazard areas. Land in the floodplain subject to a one (1) percent or greater chance of flooding in any given year.

Stable, public. A building where horses are kept for commercial use including boarding, hire, and sale.

Stable, private. An accessory building in which horses are kept for the use of the occupants of the principal building.

Stormwater management. The process of ensuring that the magnitude and frequency of stormwater runoff do not increase the hazards associated with flooding and that water quality is not compromised by untreated stormwater flow.

Story. That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling next above it.

Story, habitable. A story having its floor elevated at or above base flood elevation as determined from the flood insurance rate maps, regardless of the intended use of the story or its floor area.

Story, half (½). A space under a sloping roof in which not more than one-half (½) of the floor area is finished off for use. A half story containing independent apartment or living quarters shall be counted as a full story.

Street. The full right-of-way of a thoroughfare which affords the principal means of access to abutting property.

(a) *Expressway or freeway.* A facility which has the main function to accommodate a high volume of traffic for a considerable distance through the prohibiting of ingress and egress except at controlled intervals. A freeway involves complete control of access while an expressway permits access at grade intersections at infrequent intervals.

(b) *Arterial.* A street that connects areas which produce large numbers of trip generations. An arterial functions to move traffic and to provide access to land uses, particularly high trip generating commercial activities.

(c) *Collector.* A collector has the primary function of collecting traffic from an area and moving it to the arterial street system while also providing substantial service to abutting land use.

(d) *Minor street.* A minor street is one whose primary function is to service abutting land use. This includes cul-de-sacs, marginal access streets, residential access streets and country lanes.

(e) *Marginal access street.* A minor street separating abutting land areas from arterial streets. A service road in commercial areas intended to remove terminal traffic from arterials and allow them to fulfill their high volume, high speed function. An access street in residential areas intended to remove local traffic from arterials and to buffer abutting residential lots from the detrimental effects of highway traffic use by park strips, screen plantings, or other measures, as well as to limit the number of direct driveway accesses to arterials for safety purposes.

(f) *Cul-de-sac.* A minor street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

Structure. Any object, the whole or parts of which are constructed, erected or arranged by human agency, the use of which requires a location on the ground or attached to something having a location on the ground. Except as provided in *Section 10.4, Wetland Protection Overlay District,* bulkheads, fences, walls, retaining walls, fountains, trellises, pergolas, air conditioner platforms, walkways and similar features which provide a decorative, security or support function shall not be considered structures for purposes of these zoning ordinances.

Subdivision. The division or redivision of a parcel of land into two or more parcels as provided for in the *Baldwin County Subdivision Regulations*.

Tourist home. A building, or part thereof, other than a motel or hotel, where sleeping accommodations are provided for transient guests, with or without meals, and which also serves as the residence of the operator.

Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antenna, including self supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers and the like. (see also *antenna support structure)*

Townhouse. An attached dwelling unit having a separate ground floor entrance and separate private yard space, with common walls on one or both sides of the dwelling unit.

Transportation, communication, and utility uses. This group of activities includes those uses which provide essential or important public services, and which may have characteristics of outdoor storage, or potential nuisance to adjacent properties due to noise, light and glare, or appearance. Uses include the following, and substantially similar activities, based upon similarity of characteristics:

(a) Broadcasting stations and radio, television and telephone transmission towers.

(b) Utility facilities, such as water plants, wastewater treatment plants, sanitary landfill operations and electric power substations.

(c) Maintenance facilities and storage yards for schools, government agencies, and telephone and cable companies.

(d) Airports, airfields, and truck or bus terminals.

(e) Railroad stations, terminals, yards and service facilities.

Unit. That part of a multiple occupancy complex housing one occupant.

Use. The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

V-zone. (See *Coastal high hazard areas*).

Variance. A departure from the provisions of these ordinances relating to building and other structural setbacks, lot dimensions such as width, depth, or area, structure, or building height, open space, buffers, parking or loading requirements, lot coverage, impervious areas, landscaping, and similar type

ordinances. A variance may not involve the actual use of the property, building or structures, procedural requirements, or definitions.

Vehicle sign. Any sign affixed to a vehicle.

Waterway. Any body of water, including any creek, canal, river, lagoon, lake, bay or gulf, natural or artificial.

Wetlands. Wetlands are areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

Wholesale establishment. Business establishments that generally sell commodities in large quantities or by the place to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

Window sign. Any sign, picture, symbol, or combination thereof designed to communicate information about a business, commodity, event, sale, or service that is placed inside or upon a window and is visible from the exterior of the window.

Wireless telecommunications facility. A facility that transmits and/or receives electromagnetic signals. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, telecommunications towers, broadcasting towers, radio towers, television towers, telephone transmission towers or similar structures supporting said equipment, equipment buildings, parking area, access roads and other accessory structures.

Yard. A space on the same lot with a principal building, such space being open, unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted and complying with applicable building codes.

Yard, front. An open, unoccupied space on the same lot with the principal building, extending the full width of the lot and situated between the right-of-way line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front lines of the building and the right-of-way line. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension. On waterfront lots the front yard shall be considered from the front line of the principal building to the waterfront property line.

Yard, rear. An open space on the same lot with the principal building, such space being unoccupied except possibly by an accessory building, extending the full width of the lot between the rear line of the principal building projected to the side lines of the lot and the rear lot line. On all corner lots the rear yard shall be at the opposite end of the lot from the front yard.

Yard, side. An open, unoccupied space on the same lot with a principal building, situated between the side line of the building and the adjacent side line of the lot extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the rear boundary of the side yard shall be the rear line of the lot. On corner lots, the side yard shall be considered as parallel to the street upon which the lot has its greatest dimension.

Zoning Administrator. The Planning Director or his/her designee. The Zoning Administrator shall be responsible for administering these zoning ordinances.

Zoning amendment. A change or revision of the zoning ordinances or zoning map.

Zoning district. A section of the County delineated on the zoning map wherein all requirements for use of land and building and development standards are uniform.

Zoning map. The map or maps which are a part of these zoning ordinances and which delineate the boundaries of various zoning districts within those planning districts that elect to come under the planning and zoning jurisdiction of the Baldwin County Commission.

Article 23 Table of Permitted Uses

Section 23.1 Use of Land and Structures

Except as provided in *Section 2.3: Establishment of Zoning in Planning Districts*, no building, structure or land shall be used or occupied and no building or part thereof shall be erected, constructed, moved or altered except in conformity with the use ordinances specified in the table of permitted uses for the zoning district in which it is or is to be located.

Section 23.2 Permitted Uses

Uses in the table of permitted uses identified by (P) are permitted as of right, subject to the conditions specified in the Table or elsewhere in these ordinances.

Section 23.3 Special Exceptions

Uses in the table of permitted uses identified by (S) are permitted upon special exception approval by the Board of Adjustment.

Section 23.4 Commission Site Plan Approval Uses

Uses in the table of permitted uses identified by (C) are permitted upon Commission Site Plan Approval by the Planning Commission.

Section 23.5 Prohibited Uses

Where any use or analogous use has blank spaces under any zones listed in the headings of the table of permitted uses, such use is specifically prohibited in such zones.

Section 23.6 Unlisted Uses

In any case where a requested use is not specifically provided, the Zoning Administrator shall determine the appropriate zoning classification by reference to the most clearly analogous use or uses that are specifically provided.

Figure 1: Table of Permitted Uses

	RR	RA	CR	RSF-E	RSF-1	RSF-2	RSF-3	RSF-4	RTF-4	RSF-6	RTF-6	RMF-6	HDR	RMH	B-1	B-2	B-3	B-4	RV-1	RV-2	LB (<4000sf)	LB (>4000 sf)	MR	OR	TR	M-1	M-2
RESIDENTIAL USES																											
Accessory structures and uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	P	P		P	P
Boarding, rooming or lodging house, dormitory	C									C	C	C				P	P	P								P	P
Fraternity or sorority house	C									C	C	C				P	P	P								P	P
Mail order house	C																									P	P
Manufactured housing park														P													
Mobile home/ manufactured home	P	P	P	P	P	P	P	P	P	P	P	P	P	P									P				
Multiple family dwellings												P	P														
Single family dwelling, including mobile/manufactured home	P	P	P	P	P	P	P	P	P	P	P	P	P										P				
Two family dwelling									P		P	P	P														
AGRICULTURE USES																											
Agriculture	P	P	P	P																						P	P

	RR	RA	CR	RSF-E	RSF-1	RSF-2	RSF-3	RSF-4	RTF-4	RSF-6	RTF-6	RMF-6	HDR	RMH	B-1	B-2	B-3	B-4	RV-1	RV-2	LB (≤4000 sf)	LB (>4000 sf)	MR	OR	TR	M-1	M-2
Animal raising	P	P	P	P																						P	P
Dairying	P	P	P	P																						P	P
Farming	P	P	P	P																						P	P
Floriculture	P	P	P	P																						P	P
Hatchery, poultry and fish	P	P	P	P																						P	P
Horticulture	P	P	P	P																						P	P
Pasturage	P	P	P	P																						P	P
Silviculture	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	P	P	P	P	P
Stables	P	P	P	P																						P	P
Viticulture	P	P	P	P																						P	P
INSTITUTIONAL USES																											
Ambulance/EMS Service	C	C	C														C	C								P	P
Art gallery or museum	C	C	C														P	P			P	C				P	P
Auditorium, stadium, coliseum	C	C	C														C	C								P	P
Business school or college	C	C	C														P	P								P	P
Cemetery (See Sections 2.3 and 13.7)	C	C/ P	C	P													P	P								P	P
Church or similar religious facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P*	P*	P	P	P	P	P
City hall or courthouse	C	C	C														P	P								P	P
Club or lodge	C	C	C												P	P	P	P			P	C				P	P

	RR	RA	CR	RSF-E	RSF-1	RSF-2	RSF-3	RSF-4	RTF-4	RSF-6	RTF-6	RMF-6	HDR	RMH	B-1	B-2	B-3	B-4	RV-1	RV-2	LB (≤4000 sf)	LB (>4000 sf)	MR	OR	TR	M-1	M-2
College or university	C	C	C														C	C								P	P
Convalescent or nursing home	C	C	C														C	C								P	P
Correctional, detention, or penal institution		C	C														C	C								P	P
Child care center	P	C	C											C	P	P	P	P								P	P
Child care institution	P	C	C											C	P	P	P	P								P	P
Day care home	P	C	C	C	C	C	C	C	C	C	C	C	C										C				
Dog Pound	C	C	C														C	C								P	P
Fire station	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P								P	P
Funeral home	C	C	C														P	P								P	P
Hospital	C	C	C														C	C								P	P
Library	P	C	C												P	P	P	P			P	C				P	P
Police station	C	C	C												P	P	P	P								P	P
Post office	P	C	C												P	P	P	P								P	P
Sanitarium																										P	P
School (public or private)	P	P	P	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P								P	P
Teen club or youth center	C	C	C														P	P								P	P
YMCA, YWCA	C	C	C														P	P								P	P
Zoo	C	C	C														C	C								P	P
PROFESSIONAL SERVICE & OFFICE USE																											
Bank	P														P	P	P	P			P	C				P	P

	RR	RA	CR	RSF-E	RSF-1	RSF-2	RSF-3	RSF-4	RTF-4	RSF-6	RTF-6	RMF-6	HDR	RMH	B-1	B-2	B-3	B-4	RV-1	RV-2	LB (≤4000 sf)	LB (>4000 sf)	MR	OR	TR	M-1	M-2
Barber shop or beauty parlor	P														P	P	P	P			P	C				P	P
Clinic or doctor office (medical, dental, psychiatric)	P														P	P	P	P								P	P
Medical Office (medical, dental, psychiatric)																					P	C					
Office	P														P	P	P	P			P	C	P		C	P	P
Optician	P														P	P	P	P								P	P
Laboratory, scientific, medical, dental	P														P	P	P	P								P	P
Mixed commercial/ residential															C	C						C					
Studio for dance, music, photography, painting, etc.	P														P	P	P	P			P	C				P	P
LOCAL COMMERCIAL USES																											

	RR	RA	CR	RSF-E	RSF-1	RSF-2	RSF-3	RSF-4	RTF-4	RSF-6	RTF-6	RMF-6	HDR	RMH	B-1	B-2	B-3	B-4	RV-1	RV-2	LB (≤4000 sf)	LB (>4000 sf)	MR	OR	TR	M-1	M-2
Accessory structures and uses such as food service, gift or novelty shops, and barber or beauty shops conducted primarily for the convenience of visitors or patrons on the premises and contained within a principal building (see Section 13.1)																									P		
Antique store	P															P	P	P			P	C				P	P
Apparel and accessory store	P															P	P	P			P	C				P	P
Appliance store including repair	P															P	P	P								P	P
Art supplies	P															P	P	P			P	C				P	P
Automobile parts sales	P																C	P								P	P
Bakery retail	P															P	P	P			P	C				P	P
Bed and breakfast or tourist home (see Section 13.10)	P	C	C	C	C	C	C	C	C	C	C	C				P	P	P					P		C	P	P
Bicycle sales and service	P															P	P	P								P	P
Book store	P															P	P	P			P	C				P	P
Café	P															P	P	P			P	C	P		C	P	P

	RR	RA	CR	RSF-E	RSF-1	RSF-2	RSF-3	RSF-4	RTF-4	RSF-6	RTF-6	RMF-6	HDR	RMH	B-1	B-2	B-3	B-4	RV-1	RV-2	LB (≤4000 sf)	LB (>4000 sf)	MR	OR	TR	M-1	M-2
Camera and photo shop	P															P	P	P			P	C				P	P
Candy store	P															P	P	P			P	C				P	P
Catering shop or service	P															P	P	P			P	C				P	P
Copy shop	P															P	P	P								P	P
Delicatessen	P															P	P	P			P	C	P		C	P	P
Discount/variety store (not to exceed 8,000 square feet)	C															P	P	P								P	P
Drug store (not to exceed 8,000 square feet)	C															P	P	P								P	P
Fixture sales	P															P	P	P								P	P
Floor covering sales or service	P															P	P	P								P	P
Florist	P															P	P	P			P	C				P	P
Fruit and produce store	P															P	P	P			P	C				P	P
Gift shop	P															P	P	P			P	C	P		C	P	P
Hardware store, retail	P															P	P	P								P	P
Ice cream parlor	P															P	P	P			P	C				P	P
Interior decorating shop	P															P	P	P								P	P
Laundry, self service	P															P	P	P								P	P
Laundry and dry cleaning store	P															P	P	P								P	P
Locksmith	P															P	P	P								P	P
Music store	P															P	P	P			P	C				P	P

	RR	RA	CR	RSF-E	RSF-1	RSF-2	RSF-3	RSF-4	RTF-4	RSF-6	RTF-6	RMF-6	HDR	RMH	B-1	B-2	B-3	B-4	RV-1	RV-2	LB (≤4000 sf)	LB (>4000 sf)	MR	OR	TR	M-1	M-2
Neighborhood convenience store	P															P	P	P			P	C				P	P
News stand	P															P	P	P			P	C				P	P
Paint and wallpaper store	P															P	P	P								P	P
Picture framing and/or mirror silvering	P															P	P	P								P	P
Restaurant	P															P	P	P			P	C	P		C	P	P
Shoe repair shop	P															P	P	P								P	P
Shoe store	P															P	P	P			P	C				P	P
Sign shop	P															P	P	P								P	P
Sporting goods store	P															P	P	P								P	P
Tailor shop	P															P	P	P			P	C				P	P
Tobacco store	P															P	P	P								P	P
Toy store	P															P	P	P			P	C				P	P

GENERAL COMMERCIAL USES																											
Air conditioning sales and service	C															C	P	P								P	P
Animal clinic/kennels	P	P														C	P	P								P	P
Amusement arcade	C															C	P	P								P	P
Bakery, wholesale	C																P	P								P	P
Bowling alley	C																P	P								P	P

	RR	RA	CR	RSF-E	RSF-1	RSF-2	RSF-3	RSF-4	RTF-4	RSF-6	RTF-6	RMF-6	HDR	RMH	B-1	B-2	B-3	B-4	RV-1	RV-2	LB (≤4000 sf)	LB (>4000 sf)	MR	OR	TR	M-1	M-2
Business machine sales and service	C															C	P	P								P	P
Butane gas sales	C																P	P								P	P
Car wash	C															C	P	P								P	P
Convenience store	P															P	P	P								P	P
Country club	C	P		C	C	C	C	C	C	C	C	C	C	C		C	P	P					P		P	P	P
Department store	C																P	P								P	P
Discount/variety store (exceeding 8,000 square feet)	C															C	P	P								P	P
Drug store (exceeding 8,000 square feet)	C															C	P	P								P	P
Elevator maintenance service	C																P	P								P	P
Exterminator service office	C															C	P	P								P	P
Farmer's market/truck crops	P	P															P	P								P	P
Firing range	C																P	P								P	P
Fitness center or gym	C																P	P								P	P
Golf driving range	C																P	P								P	P
Grocery store	C																P	P								P	P
Landscape sales	P	P														C	P	P								P	P
Lawnmower sales and service	C																P	P								P	P
Liquor store																C	P	P								P	P
Miniature golf	C																P	P								P	P
Mini-warehouse	C	C										C	C		C	C	P	P								P	P

	RR	RA	CR	RSF-E	RSF-1	RSF-2	RSF-3	RSF-4	RTF-4	RSF-6	RTF-6	RMF-6	HDR	RMH	B-1	B-2	B-3	B-4	RV-1	RV-2	LB (≤4000 sf)	LB (>4000 sf)	MR	OR	TR	M-1	M-2
Night club, bar, tavern	C															C	P	P					P		C	P	P
Nursery	P	P															P	P								P	P
Office equipment and supplies sales	C															C	P	P								P	P
Office Warehouse	C														C	C	P	P								P	P
Pawn shop	C															C	P	P								P	P
Pet shop	C															C	P	P								P	P
Plumbing shop	C															C	P	P								P	P
Printing and publishing establishment	C																P	P								P	P
Race track																		C								C	C
Restaurant sales and supplies	C																P	P								P	P
Rug and/or drapery cleaning service	C															C	P	P								P	P
Seafood store	C															C	P	P								P	P
Skating rink	C																P	P								P	P
Stone monument sales	C																P	P								P	P
Taxidermy	C																P	P								P	P
MAJOR COMMERCIAL USES																											
Amusement park	C																C	P								P	P
Auto convenience market	C																P	P								P	P

	RR	RA	CR	RSF-E	RSF-1	RSF-2	RSF-3	RSF-4	RTF-4	RSF-6	RTF-6	RMF-6	HDR	RMH	B-1	B-2	B-3	B-4	RV-1	RV-2	LB (≤4000 sf)	LB (>4000 sf)	MR	OR	TR	M-1	M-2
Automobile parts sales	P																C	P								P	P
Automobile repair (mechanical and body)	C																C	P								P	P
Automobile sales	C																C	P								P	P
Automobile service station	C																P	P								P	P
Automobile storage (parking lot/garage)	C																C	P							P	P	P
Building materials	C																C	P								P	P
Farm implements	P	P															C	P								P	P
Flea market	C																C	P								P	P
Home improvement center	C																C	P								P	P
Hotel or motel	C																C	P					P		P	P	P
Manufactured housing sales, service and repair	C																C	P								P	P
Motorcycle sales, service and repair	C																C	P								P	P
Movie theatre	C																C	P								P	P
Recreational vehicle park (see Sections 13.8 and 2.3)	C	C	C														C	P	P	P						P	P
Recreational vehicle sales, service and repair	C																C	P								P	P
Restaurant, drive-in	C																C	P								P	P

	RR	RA	CR	RSF-E	RSF-1	RSF-2	RSF-3	RSF-4	RTF-4	RSF-6	RTF-6	RMF-6	HDR	RMH	B-1	B-2	B-3	B-4	RV-1	RV-2	LB (≤4000 sf)	LB (>4000 sf)	MR	OR	TR	M-1	M-2
Restaurant, fast food	C																C	P								P	P
OUTDOOR RECREATION USES																											
Arboretums	P	P	P	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P					P	P	P	P	P
Ball fields	P	P	P	C	C	C	C	C	C	C	C	C	C	C	C		P	P					P	P	P	P	P
Golf course	P	P	P	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P					P	P	P	P	P
Park or playground	P	P	P	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P					P	P	P	P	P
Riding academy	P	P	P	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P					P	P	P	P	P
Swimming pool (outdoor)	P	P	P	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P					P	P	P	P	P
Tennis court (outdoor)	P	P	P	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P					P	P		P	P
Wildlife sanctuary	P	P	P	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P					P	P	P	P	P
MARINE RECREATION USES																											
Bait store	P															P	P	P					P			P	P
Boat sales and service	P																C	P					P			P	P
Marina	P																C	P					P		C	P	P
Marine store and supplies	P																P	P					P			P	P

	RR	RA	CR	RSF-E	RSF-1	RSF-2	RSF-3	RSF-4	RTF-4	RSF-6	RTF-6	RMF-6	HDR	RMH	B-1	B-2	B-3	B-4	RV-1	RV-2	LB (≤4000 sf)	LB (>4000 sf)	MR	OR	TR	M-1	M-2
TRANSPORTATION, COMMUNICATION & UTILITY USES																											
Airport	C	C															C	C								P	P
Armory	C	C															C	C								P	P
Broadcasting station	C	C															C	C								P	P
Barge docking	C	C															C	C								P	P
Bus and railroad terminal facilities	C	C															C	C								P	P
Electric power substations	C	C															C	C								P	P
Freight depot, rail or truck	C	C															C	C								P	P
Landfill (See Section 2.3, Local Provisions)	C	C															C	C								C	C
Maintenance facility/storage yard for schools, government agencies, and telephone and cable companies	C	C															C	C								P	P
Radio and television station and transmitting tower	C	C															C	C								P	P
Railroad facilities	C	C															C	C								P	P
Sewage treatment plant	C	C															C	C								C	C

	RR	RA	CR	RSF-E	RSF-1	RSF-2	RSF-3	RSF-4	RTF-4	RSF-6	RTF-6	RMF-6	HDR	RMH	B-1	B-2	B-3	B-4	RV-1	RV-2	LB (≤4000 sf)	LB (>4000 sf)	MR	OR	TR	M-1	M-2
Taxi dispatching station	C	C															C	C								P	P
Taxi terminal	C	C															C	C								P	
Telephone exchange	C	C															C	C								P	P
Water plant	C	C															C	C								P	P
Water storage tank	C	C														C	C	C						C		P	P
Water or sewage pumping station	C	C															C	C								P	P
Water well (public or private)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Wireless telecommunication facilities (see Section 13.9)	C	C														C	C	C								P	P
LIGHT INDUSTRIAL USES																											
Automobile manufacture	C																									P	P
Bottling works	C																									P	P
Cabinet shop	C																									P	P
Contractor's yard	C																									P	P
Grain milling storage and elevators	C																									P	P
Ice plant	C																									P	P
Lumberyard	C																									P	P
Machine shop	C																									P	P

	RR	RA	CR	RSF-E	RSF-1	RSF-2	RSF-3	RSF-4	RTF-4	RSF-6	RTF-6	RMF-6	HDR	RMH	B-1	B-2	B-3	B-4	RV-1	RV-2	LB (≤4000 sf)	LB (>4000 sf)	MR	OR	TR	M-1	M-2
Machinery, tools and construction equipment sales and service	C																									P	P
Manufacturing, repair, assembly or processing establishments of a light industrial nature including: food and milk products; clothing; musical instruments; scientific, optical, medical & electronic equipment; souvenirs and novelties; toys, sporting goods & athletic goods; laboratories for testing materials, chemical analysis and photo processing	C																									P	P
Millwork	C																									P	P
Sand and gravel storage yard	C																									P	P
Sawmill or planing mill	C																									P	P

	RR	RA	CR	RSF-E	RSF-1	RSF-2	RSF-3	RSF-4	RTF-4	RSF-6	RTF-6	RMF-6	HDR	RMH	B-1	B-2	B-3	B-4	RV-1	RV-2	LB (≤4000 sf)	LB (>4000 sf)	MR	OR	TR	M-1	M-2
Warehouse and storage facilities	C																									P	P
Welding shop	C																									P	P

GENERAL INDUSTRIAL USES																											
Automobile wrecking and salvage																											C
Concentrated animal feeding (CAFO)																											C
Electric power generating plant																											C
Extraction or removal of natural resources on or under land	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Junk yard																											C
Meat slaughtering and/or packing																											C
Shipbuilding and repair yard																											C
Stone cutting and processing																											C

Manufacturing, repair, assembly, processing, fabrication establishments of a general industrial nature including: acetylene gas; acid; asbestos; ammonia; bleaching powder; chlorine; asphalt or asphalt products; cement or cement products; lime; gypsum; plaster of paris; coal tar or derivatives thereof; creosote or creosote treatment; clay, tile or vitrified products; emery cloth or sandpaper; explosives or fireworks; fertilizer; glue; size or gelatin; linoleum; matches; paint; oil; shellac; turpentine; varnish; rubber and gutta percha products; plastics; soca compounds; petroleum refining; tanning; curing or storage of hides and skins; boiler works; foundry or forge operation; incineration; fat rendering; storage of																								C

junk, iron or rags; distillation of bones, coal, or wood																									

Figure 2: Area and Dimensional Ordinances

	Zoning District Name	Minimum Lot Area	Minimum Lot Width (Feet)	Maximum Density (DU's per acre)	Minimum Front Yard (Feet)	Minimum Rear Yard (Feet)	Minimum Side Yards (Feet)	Maximum Height (Feet/stories)	Maximum GCR
RR	Rural District	40,000 sq. ft.	120/120	N/A	30	30	10	35	N/A
RA	Rural Agricultural District	3 Acres	210/210	N/A	40	40	15	35	N/A
CR	Conservation Resource District	5 Acres	250/250	N/A	100	100	50	50	N/A
RSF-E	Residential Single Family Estate	80,000 sq. ft.	165/165	N/A	40	40	15	35	.35
RSF-1	Single Family District	30,000 sq. ft. (a)	100/50	N/A	30	30	10	35	.35
RSF-2	Single Family District	15,000 sq. ft. (a)	80/40	N/A	30	30	10	35	.35
RSF-3	Single Family District	10,000 sq. ft. (a)	80/40	N/A	30	30	10	35	.35
RSF-4	Single Family District	7,500 sq. ft. (a)	60/30	N/A	30	30	10	35	.35
RTF-4	Two Family District								
	Single Family	7,500 sq. ft. (a)	60/30	N/A	30	30	10	35	.35
	Two Family	7,500 sq. ft. (a)	60/30	4.0 per acre	30	30	10	35	.35
RSF-6	Single Family District	6,500 sq. ft. (a)	60/30	N/A	30	30	10	35	.35
RTF-6	Two Family District								
	Single Family	6,500 sq. ft. (a)	60/30	N/A	30	30	10	35	.35
	Two Family	6,500 sq. ft. (a)	60/30	6.0 per acre	30	30	10	35	.35
RMF-6	Multiple Family District								
	Single Family	6,500 sq. ft. (a)	60/30	N/A	30	30	10	35	.35
	Two Family	6,500 sq. ft. (a)	60/30	6.0 per acre	30	30	10	35	.35

	Townhouses .80	2,500 sq. ft. (a)	25/25	6.0 per acre	25	25	10	35
	Multiple Family .80	22,000 sq. ft.	100/50	6.0 per acre	25	25	25	35
HDR	High Density Residential District							
	Single Family .35	6,500 sq. ft. (a)	60/30	12.0 per acre	30	30	10	35
	Two Family .35	6,500 sq. ft. (a)	60/30	12.0 per acre	30	30	10	35
	Townhouses .80	2,500 sq. ft. (a)	25/25	12.0 per acre	25	25	10	35
	Multiple Family .80	22,000 sq. ft.	100/50	12.0 per acre	25	25	25	35
RMH	Residential Manufactured Housing N/A	(i)	(i)	6.0 per acre	(i)	(i)	(i)	35
B-1	Professional Business District .60	20,000 sq. ft.	80/60	N/A	30	25	15	35/2.5
B-2	Local Business District .60	20,000 sq. ft.	80/60	N/A	30	25	15	35/2.5
B-3	General Business District .70	20,000 sq. ft.	80/60	N/A	40	25	15	40/3.0
B-4	Major Commercial District .70	20,000 sq. ft.	80/60	N/A	40	25	15	40/3.0
RV-1	Recreational Vehicle Park N/A	3 Acres	50	15.0 per acre	(j)	(j)	(j)	N/A
RV-2	Recreational Vehicle Park N/A	3 Acres	50	6.0 per acre	(j)	(j)	(j)	N/A
LB	Limited Business District .60	20,000 sq. ft.	80/60	N/A	30	(k)	(k)	35
MR	Marine Recreation District .80	80,000 sq. ft.	165	N/A	25	25	10	45/4.0
OR	Outdoor Recreation District .80	3 Acres	210	40	40	20	35/2.5	35/2.5
TR	Tourist Resort District .80	5 Acres	270	N/A	40	40	20	45/4.0
M-1	Light Industrial District .80	40,000 sq. ft.	120	N/A	25	(d)	(d)	45/4.0 (e)
M-2	General Industrial District .80	3 Acres	210	N/A	25	(f)	(f)	45/4.0 (e)

(a) Per dwelling unit.
(b) No minimum required except where abutting a residential district, in which case there shall be a minimum yard of 20-feet abutting the residential district.
(c) The required yards shall be increased by one foot for each one foot of building height in excess of 45-feet.
(d) No minimum except where abutting a residential district, in which case there shall be a minimum yard of 25-feet abutting the residential district.
(e) The required yards shall be increased by one foot for each one foot of building height in excess of 35-feet.
(f) No minimum except where abutting a residential district, in which case there shall be a minimum yard of 30-feet abutting the residential district.
(g) See *Section 9.3: Planned Residential Development (PRD).*
(h) See *Section 9.6: Planned Industrial Development (PID).*
(i) See *Section 4.11: Residential Manufactured Housing Park District.*
(j) See *Section 13.9: Recreational Vehicle (RV) Parks.*
(k) See Section 5.7: *LB, Limited Business District.*

Note: For modifications to the regulations listed above, refer to *Section 2.3: Establishment of Zoning in Planning Districts, Section 3.1: RR Rural District, Section 3.2: RA Rural Agricultural District, Section 4.1: RSF-E Residential Single Family Estate District, Section 12.4: Height Modifications, Section 12.5: Yard Requirements, Section 12.6: Coastal Areas and Section 12.8: Highway Construction Setbacks.*

Appendix A District Boundaries for Zoned Planning Districts

The legal descriptions for the zoned Planning Districts in Baldwin County are listed as follows:

1. ***Planning District 1.***

   County zoning has not been instituted in this district.

2. ***Planning District 2.***

   County zoning has not been instituted in this district.

3. ***Planning District 3.***

   County zoning has not been instituted in this district.

4. ***Planning District 4.***

   Beginning at the Southeast corner of Section 36, Township 2 South, Range 2 East, run thence Northwardly along the section lines to the intersection with the Northern right-of-way of I-65; run thence Westwardly along the Northern right-of-way to its intersection with Mobile River; run thence Southwardly along the meanderings of Mobile River to its intersection with the Northern right-of-way of the Seaboard Railroad; run thence Eastwardly along the Northern right-of-way of the Seaboard Railroad to the Eastern shoreline of the Tensaw River; run thence Southwardly along the Eastern shoreline of the Tensaw River to its intersection with the Apalachee River; run thence Southwardly along the Eastern shoreline of the Apalachee River to the intersection with the Southern line of Township 3 South; run thence Eastwardly along the Southern line of Township 3 South to White House Creek; run thence Northwardly and Eastwardly along White House Creek to the intersection with the Southern line Township 2 South; run thence Eastwardly along the Southern boundary of Township 2 South to the point of beginning. The planning district described herein shall exclude the corporate limits of all municipalities in Baldwin County as such corporate limits presently or may hereafter exist.

5. ***Planning District 5.***

   County zoning has not been instituted in this district.

6. ***Planning District 6.***

   County zoning has not been instituted in this district.

7. ***Planning District 7.***

County zoning has not been instituted in this district.

8. ***Planning District 8.***

Abolished by action of the Baldwin County Commission (April 15, 2003).

9. ***Planning District 9.***

County zoning has not been instituted in this district.

10. ***Planning District 10.***

Beginning at the intersection of Mobile River with the Northern right-of-way of the Seaboard Railroad; run thence Eastwardly along the Northern right-of-way of the Seaboard Railroad to the Eastern shoreline of the Tensaw River; run thence Southwardly along the Eastern shoreline of the Tensaw River to its intersection with the Apalachee River; run thence Southwardly along the Eastern shoreline of the Apalachee River to its intersection with the Southern line of Township 3 South; run thence Eastwardly along the Southern line of Township 3 South to the Northeast corner of Section 4 South, Township 4 South, Range 2 East; run thence South to the Southeast corner of Section 8, Township 4 South, Range 2 East; run thence Eastwardly to the Northeast corner of Section 15 Township 4 South, Range 2 East; run thence Southwardly to the intersection of I-10; run thence Southwardly to the East right-of-way of State Highway 181 to its intersection of U.S. Highway 90; run thence Westwardly along the North right-of-way of U.S. Highway 90 to Section line 33; run thence Northwardly to the South right-of-way of I-10; run thence Westwardly along the Southern right-of-way of I-10 to its intersection with the Northern right-of-way of U.S. Highway 98; run thence Westwardly along the Northern right-of-way of U.S. Highway 98 to the point of intersection with Spanish River, said point being the Mobile/Baldwin Counties line; run thence Northwardly along said County line as it meanders to the Mobile River; thence continuing Northwardly along the Mobile River to the intersection with the Northern right-of-way of the Seaboard Railroad, said point being the point of beginning. The planning district described herein shall exclude the corporate limits of all municipalities in Baldwin County as such corporate limits presently or may hereafter exist.

11. ***Planning District 11.***

Abolished by action of the Baldwin County Commission (April 15, 2003).

12. ***Planning District 12.***

Beginning at the Northeast corner of the Southeast quarter of the Southwest quarter of the Northwest quarter of Section 1, Township 6 South, Range 3 East; run thence Westwardly to the Eastern section line of Section 4, Township 6 South, Range 3 East; run thence Northwardly to the Northeast corner of Section 9, Township 4 South, Range 3 East; run thence Eastwardly to the Southeast corner of Section 1, Township 4 South, Range 3 East; run thence Northwardly along the section line to the Northwest corner of Section 6, Township 4 South, Range 4 East; run thence Eastwardly along the section lines to its intersection with Hollinger Creek; run thence Southwardly along the meanderings of Hollinger Creek to its intersection with the Eastern boundary of Range 4 East; run thence Southwardly along the Eastern Boundary of Range 4 East to the Southeast corner of the Northeast quarter of the Northeast quarter of Section 12, Township 6 South, Range 4 East; run thence Westwardly to the Southeast corner of the Northwest quarter of the Northeast quarter of Section 8, Township 6 South, Range 4 East; run thence Northwardly to the South right-of-way of U.S. Highway 90; thence meandering along the boundaries of Planning District 31 to the South right-of-way of County Road 54; run thence Southwardly to the Southern right-of-way of County Road 54; run thence Westwardly meandering along the corporate limits of Robertsdale to the Southwest corner of the Northwest quarter of the Southeast quarter of the Northwest quarter of Section 1, Township 6 South, Range 3 East, point of beginning. The planning district described herein shall exclude the corporate limits of all municipalities in Baldwin County as such corporate limits presently or may hereafter exist.

13. ***Planning District 13.***

County zoning has not been instituted in this district.

14. ***Planning District 14.***

County zoning has not been instituted in this district.

15. ***Planning District 15.***

Beginning at the intersection of U.S. Highway 90 and Eastern right-of-way State Highway 181; thence run Southwardly along the center State Highway 181 to the Southwest corner of the Section 11, Township 5 South, Range 2 East; thence run Eastwardly along Section lines to the Southeast corner of Section 7, Township 5 South, Range 3 East; thence run Northwardly along section lines to the Northwest corner of Section 5, Township 5 South, Range 3 East; thence run Eastwardly to the Northeast corner of Section 4, Township 5 South, Range 3 East; thence run

Southwardly to the Southeast corner of the Northeast quarter of Section 4, Township 6, Range 3 East; thence run Westwardly to the Southwest corner of the Northwest quarter of Section 2, Township 6 South, Range 2 East; thence run Northwardly to the Northwest corner of the Southwest quarter of the Northwest quarter of Section 2, Township 6 South, Range 2 East; thence run S90 00' 00" W, 1225 feet to a point; thence run S 0 09' 09" E, 200 feet to a point: thence run S90 00' 00" W, 200 feet to a point; thence run N 0 09' 09" W, 200 feet to a point; thence run Westwardly to the Northwest corner of the Northeast quarter of the Southeast quarter of the Northwest quarter of Section 3, Township 6 South , Range 2 East; thence run Southwardly to the Southwest corner of the Southeast quarter of the Southeast quarter of the Northwest Quarter of Section 3, Township 6 South, Range 2 East; thence run Westwardly to the Southwest corner of the Northwest quarter of Section 3, Township 6 South, Range 2 East; thence run Northwardly to the Northeast corner of the Southeast quarter of the Northeast quarter of the Southeast quarter of Section 28, Township 5 South, Range 2 East; thence run Westwardly to the West section line of Section 28, Township 5 South, Range 2 East; thence run Northwardly to the Northwest corner of Section 9, Township 5 South, Range 2 East; thence run Eastwardly to the Eastern right-of-way of County Road 13; thence run Northwardly along section lines to center of U.S. Highway 90; thence run Eastwardly along U.S. Highway 90 to point of beginning. The planning district described herein shall exclude the corporate limits of all municipalities in Baldwin County as such corporate limits presently or may hereafter exist.

16. ***Planning District 16.***

Beginning at a point where the Eastern Shore of Mobile Bay intersects the South Corporate limits of Daphne; then meandering Eastwardly along the South Corporate limits of Daphne to the Western right-of-way of Scenic Highway 98; thence Southwardly along the Western right-of-way of Scenic Highway 98 (also designated as Main street) to where it intersects with the half section line of Section 30, Township 5 South, Range 2 East; run thence Eastwardly along the half section lines to the Eastern Section line of Section 28, Township 5 South Range 2 East; run thence Southwardly along the section lines to the Northern right-of-way of State Highway 104; run thence Westwardly along the Northern right-of-way to the intersection with the Westward extension of State Highway 104 and Mobile Bay; run thence Northwardly along the meanderings of Mobile Bay to the point of beginning. The planning district described herein shall exclude the corporate limits of all municipalities in Baldwin County as such corporate limits presently or may hereafter exist.

17. ***Planning District 17.***

County zoning has not been instituted in this district.

18. ***Planning District 18.***

County zoning has not been instituted in this district.

19 ***Planning District 19.***

From the Point of Beginning at the intersection of the Northern right-of-way line of Battles Road and the East boundary of Planning District 26; run thence Northeasterly along the East boundary of Planning District 26 for 430 feet; run thence Easterly to the West line of Point Clear Court; run thence Southerly along the West line of Point Clear Court to the South right-of-way line of Battles Road; run thence Easterly along the South right-of-way line of Battles Road to the West right-of-way of Twin Beech Road South; run thence Southernly along the West right-of-way line of Twin Beech Road South to the North right-of-way of Battles Road; run thence East along the North right-of-way line of Battles Road to the Northeast intersection of Section Street and Old Battles Road; run thence South along the East right-of-way line of Section Street to the centerline of the right-of-way of Dairy Road; run thence East 1,260 feet along the centerline of Dairy Road; run thence South to the Northeast corner of The Meadows At Point Clear; run thence South along the East side of The Meadows At Point Clear to the Southeast corner of The Meadows At Point Clear; run thence East 110 feet to a point; run thence South to the North right-of-way line of County Road 32; run thence Westwardly along the North right-of-way line of County Road 32 to East line of Planning District 26; run thence Northwesterly and then Northeasterly along the East line of Planning District 26 to the Point of Beginning. The planning district described herein shall exclude the corporate limits of all municipalities in Baldwin County as such corporate limits presently or may hereafter exist.

20. ***Planning District 20.***

Beginning at the Southwest corner of the Southeast quarter of Section 29, Township 7 South, Range 3 East; run thence Westwardly to the Shoreline of Weeks Bay; run thence Southwardly to the Southwest point of parcel 56-07-36-0-001-001.000; run thence Southeastwardly to the Northeast corner of parcel 56-07-40-0-001-002.002; run thence Southeastwardly to the Southwest corner of Parcel 60-03-37-0-000-001.000; thence run Northeast along the Southern boundary of said parcel to the Southeast corner; run thence Southeast along the Western boundary of Grant Section 32, Township 8 South, Range 3 East, to the Northwest corner of Parcel 60-03-32-0-000-008.001; run thence Northeast along the Northern boundary of said parcel to the Centerline of Lipscomb Road; run thence

Southeast along the centerline of said road to the intersection of Lipscomb Road and Baldwin County Highway 26; run thence Northeast along the centerline of Baldwin County Highway 26 to the point of intersection of the Western boundary Grant Section 31, Township 8 South, Range 3 East; run thence Northwest along the Western boundary of said Grant Section line 1541 feet to the Southwest corner of Parcel 60-03-31-0-000-023.000; run thence Northeast along the Southern boundary of said parcel to the imaginary intersection extended centerline of Mullet Lane and said parcel line; run thence Northwest along the centerline of said lane to the intersection of Mullet Lane and 3rd Avenue; run thence Northeast along said avenue to the intersection of 3rd Avenue and Collins Lane; run thence Southeast along the centerline of said lane to the intersection of Collins Lane and Baldwin County Highway 26; run thence Eastwardly along the centerline of Baldwin County Highway 26 to a point located 475 feet West of the Southeast Corner of Section 32, Township 7 South, Range 3 East; run thence North 1480 feet to a point; run thence East 296 feet to a point; run thence North to the center of Weeks Creek; run thence Eastwardly along the meandering centerline of Weeks Creek to a point described as the intersection of said creek and a line parallel and North 1343.5 feet of the Southern boundary of Section 33, Township 7 South, Range 3 East; run thence East along said parallel line to a point 1343.5 feet North of the Southeast corner of Section 33, Township 7 South, Range 3 East, also described as the intersection of Keith Lane and the centerline of Baldwin County Highway 49; run thence North along Baldwin County Highway 49, 491 feet to a point; run thence Southeast 1205.6 feet to a point, also known as the Southwest corner of Parcel Number 55-08-43-0-000-006.000 Grant Section 43, Township 7 South Range 3 East; run thence Northeast 368 feet to a point, also known as the Northwest corner of said parcel; run thence Southeast, parallel to the North line of said parcel, 1721.6 feet to the centerline of Sherman Road a.k.a. Weeks Road; run thence South along the centerline of said road to a point defined as the intersection of said road and the Southern boundary of Section 34, Township 7 South, Range 3 East; run thence East along said Section line to the intersection of Grant 43 and said Section line; run thence Northeast along Grant 43 to the Northeast corner of Grant 43, Township 7 South, Range 3 East; run thence Northwest along the North boundary of Grant 43 to the intersection of said Grant 43 and the Western boundary of Section 34, Township 7 South, Range 3 East, also described as the Centerline of Baldwin County Highway 49; run thence North along said centerline to the intersection of Baldwin County Highway 49 and Baldwin County Highway 26; run thence along the centerline of Baldwin County Highway 26 to the Eastern Section line of Section 34, Township 7 South, Range 3 East; run thence North along said Eastern Section line to the Northeast corner of Section 34, Township 7 South, Range 3 East; run thence West to the Southwest corner of Section 27, Township 7 South, Range 3 East; continue West 175 feet to a point; run thence North to the intersection of

the Magnolia River; run thence Southwesterly along the meandering centerline of said river feet to a point, described as the Southwest corner of Parcel 55-08-38-0-000-50.001; run thence along the Western boundary of said parcel to a point along the centerline of U.S. Highway 98; run thence West along the centerline of said highway to a point 550 feet West of Section Grant 38, Township 7 South, Range 3 East; run thence North 300 feet to a point; run thence West 150 feet to a point; run thence North 150 feet to a point; run thence West to a point which intersects the West boundary of the Northeast quarter of Section 28; run thence North along West line of the Northeast quarter of Section 28, Township 7 South, Range 3 East to the Northeast corner of the Southeast quarter of the Northwest quarter of Section 28, Township 7 South, Range 3 East; run thence West to the Northwest corner of the Southwest quarter of the Northwest quarter of Section 28, Township 7 South, Range 3 East; run thence North 700 feet; run thence West 2660 feet; run thence South the Point of Beginning. The planning district described herein shall exclude the corporate limits of all municipalities in Baldwin County as such corporate limits presently or may hereafter exist.

21. ***Planning District 21.***

Beginning at the Northwest corner of Parcel 56-07-40-0-000-001.000; run thence Southeastwardly along the Western boundary of said parcel to the Southwest corner of parcel 60-03-37-0-000-001.000; thence run Northeastwardly along the Southern boundary of parcel 60-03-37-0-000-005.000 to the Southeast corner; run thence Southeastwardly along the Western boundary of Grant Section 32, Township 8 South, Range 3 East, to the Northwest corner of Parcel 60-03-32-0-000-008.001; run thence Northeastwardly along the Northern boundary of said parcel to the Centerline of Lipscomb Road; run thence Southeastwardly along the centerline of said road to the intersection of Lipscomb Road and Baldwin County Highway 26; run thence Northeastwardly along the centerline of Baldwin County Highway 26 to the point of intersection of the Western boundary Grant Section 31, Township 8 South, Range 3 East; run thence Northwestwardly along the Western boundary of said Section line 1541 feet to the Southwest corner of Parcel 60-03-31-0-000-023.000; run thence Northeastwardly along the Southern boundary of said parcel to the imaginary intersection extended centerline of Mullet Lane and said parcel line; run thence Northwestwardly along the centerline of said lane to the intersection of Mullet Lane and 3rd Avenue; run thence Northeastwardly along said avenue to the intersection of 3rd Avenue and Collins Lane; run thence Southeastwardly along the centerline of said lane to the intersection of Collins Lane and Baldwin County Highway 26; run thence Eastwardly along the centerline of Baldwin County Highway 26 to a point located 475 feet West of the Southeast Corner of Section 32, Township 7 South, Range 3 East; run thence North 1480 feet to a point; run thence

East 296 feet to a point; run thence North to the center of Weeks Creek; run thence Eastwardly along the meandering centerline of Weeks Creek to a point described as the intersection of said creek and a line parallel and North 1343.5 feet of the Southern boundary of Section 33, Township 7 South, Range 3 East; run thence Eastwardly along said parallel line to a point 1343.5 feet North of the Southeast corner of Section 33, Township 7 South, Range 3 East, also described as the intersection of Keith Lane and the centerline of Baldwin County Highway 49; run thence Northwardly along the centerline of Baldwin County Highway 49, 491 feet to a point; run thence Southeastwardly 1205.6 feet to a point, also known as the Southwest corner of Parcel Number 55-08-43-0-000-006.000 Grant Section 43, Township 7 South Range 3 East; run thence Northeastwardly 368 feet to a point, also known as the Northwest corner of said parcel; run thence Southeastwardly, parallel to the North line of said parcel, 1721.6 feet to the centerline of Sherman Road a.k.a. Weeks Road; run thence Southwardly along the centerline of said road to a point defined as the intersection of said road and the Southern boundary of Section 34, Township 7 South, Range 3 East; run thence Eastwardly along said Section line to the intersection of Grant 43 and said Section line; run thence Northeast along Grant 43 to the Northeast corner of Grant 43, Township 7 South, Range 3 East; run thence Northwestwardly along the North boundary of Grant 43 to the intersection of said Grant 43 and the Western boundary of Section 34, Township 7 South, Range 3 East, also described as the Centerline of Baldwin County Highway 49; run thence Northwardly along said centerline to the intersection of Baldwin County Highway 49 and Baldwin County Highway 26; run thence along the centerline of Baldwin County Highway 26 to the Eastern Section line of Section 34, Township 7 South, Range 3 East; run thence Northwardly along said Eastern Section line to the Northwest corner of the Northwest quarter of the Southwest quarter Section 35, Township 7 South, Range 3 East; run thence Eastwardly to the Southwest corner of the Northeast quarter of the Northeast quarter of Section 36, Township 7 South, Range 3 East; run thence Southwardly to the Southwest corner of parcel 60-06-13-0-000-010.061; run thence Westwardly to the Northwest corner of the Southeast quarter of the Southeast quarter of Section 15, Township 8 South, Range 3 East; run thence Southwardly along the Western right-of-way of Molsbee Road to the Northeast corner of the Southeast quarter of the Southeast quarter of Section 27, Township 8 South, Range 3 East; run thence Westwardly along the quarter section line to the Eastern shoreline of Bon Secour Bay; run thence Northwardly along the meanderings of the Eastern shoreline of Bon Secour Bay to the Southwest shoreline of Weeks Bay; run thence Northwardly along the meanderings of the Western shoreline of Weeks Bay to the Southeast corner of Section 26, Township 7 South, Range 2 East; run thence Eastwardly along an imaginary line to the Eastern shore of Weeks Bay; run thence Southwardly along the meanderings of the Southeastern shoreline of Weeks Bay to the

Southwest tip of parcel 56-07-36-0-001-001.000; run thence Southeast across the bay to point of beginning. The planning districts described herein shall exclude the corporate limits of all municipalities in Baldwin County as such corporate limits presently or may hereafter exist.

22. ***Planning District 22.***

Beginning at the Northwest corner of Section 3, Township 7 South, Range 4 East; run thence Eastwardly along the section line to its intersection with Three Mile Creek; thence Northwardly along the meandering of said Creek to its intersection with Black Water River; thence Eastwardly along the meandering of said river to its intersection with Perdido River; thence Southwardly along said River to its intersection with Perdido Bay; thence along the meandering of the Western shoreline to the North right-of-way line of U.S. Highway 98; thence Westwardly along said North right-of-way to the East right-of-way of County Road 97; thence Southwardly along said East right-of-way to its intersection with the centerline of Soldier Creek; thence Northeastwardly along the meanderings of the creek to its intersection with the South section line of Section 27, Township 7 South, Range 5 East; thence Westwardly along section lines to a point of intersection with the South line of Section 28, Township 7 South, Range 5 East and the centerline of County Road 87; thence Southwardly along said road to a point of intersection with the South right-of-way line of County Road 20; thence Westwardly, Northwardly and Westwardly following said South right-of-way line to its intersection with Sandy Creek; thence Northwardly along the meandering of the creek to its intersection with the North boundary of the South half of Section 10, Township 7 South, Range 4 East; thence Westwardly along the half section line of Section 10, Township 7 South, Range 4 East to the Southwest corner of the Northwest quarter of Section 10, Township 7 South, Range 4 East; thence Northwardly along the West line of said Section and of Section 3, Township 7 South, Range 3 East, to the point of beginning. The planning district described herein shall exclude the corporate limits of all municipalities in Baldwin County as such corporate limits presently or may hereafter exist.

23. ***Planning District 23.***

Beginning at the Southwest corner of Section 27, Township 7 South, Range 6 East; run thence Eastwardly to the Northeast corner of Spanish Cove Subdivision; run thence Southeastwardly along Spanish Cove to the Eastern right-of-way of County Road 99; run thence Southwardly along the Eastern right-of-way to County Road 99 to the Southwest corner of Parcel 52-08-25-2-002-011.000; run thence Eastwardly to Perdido Bay; meandering along the coastline to Perdido Bay to the Southeast corner of Parcel 63-02-03-0-000-001.002; run thence Westwardly to the East right-

of-way of County Road 99; run thence Southwestwardly to the Southeast corner of Parcel 63-02-03-0-000-002.004; run thence Westwardly 2000 feet to the Southeast corner of Parcel 63-02-03-0-000-002.010; run thence Northwardly to Section line 33; run thence Eastwardly to the Southeast parcel 52-08-33-4-001-081.000; run thence Northwardly and Eastwardly along the Western boundary of Spanish Cove to point of beginning. The planning district described herein shall exclude the corporate limits of all municipalities in Baldwin County as such corporate limits presently or may hereafter exist.

24. ***Planning District 24.***

Ono Island. The planning district described herein shall exclude the corporate limits of all municipalities in Baldwin County as such corporate limits presently or may hereafter exist.

25. ***Planning District 25.***

Beginning at the Western most tip of Fort Morgan; thence meandering eastwardly along the shoreline of the Gulf of Mexico to the East section line of Section 28; run thence Northwardly to the Southern Shoreline of Bon Secour Bay; meandering Westwardly along the shoreline to the point of beginning. The planning district described herein shall exclude the corporate limits of all municipalities in Baldwin County as such corporate limits presently or may hereafter exist.

26. ***Planning District 26.***

Beginning at the intersection of Molokai Lane and Scenic Highway 98; run thence Southwardly 600 feet East of U.S. Scenic Highway 98 to a point on the Northern right-of-way of County Road 32; run thence Eastwardly along the Northern right-of-way of County Road 32 to the mid section line of Section 5, Township 7 South, Range 2 East; run thence Southwardly along the mid section line to the Northern right-of-way of a farm road having a 60 foot right-of-way; run thence Westwardly along the Northern right-of-way of said farm road to the Eastern right-of-way of County Road 3; run thence Southwardly along the Eastern right-of-way of County Road 3 to the Southern section line of Section 8, Township 7 South, Range 2 East; run thence Westwardly along said section line to the Southwest corner of said Section 8; run thence Southwardly along the section lines to the Northwest corner of Section 29, Township 7 South, Range 2 East; run thence Eastwardly along the Northern section line to the Northeast corner of said Section 29; run thence Southwardly along the Eastern section line of said Section 29 to the Southeast corner; run thence Eastwardly along section lines to the Western shoreline of Weeks Bay; thence follow the meandering of the Western shoreline of Weeks Bay South to Mobile Bay;

thence run Northwardly along the meandering of the Eastern shoreline of Mobile Bay to its intersection of the South right-of-way of Molokai Lane; run thence Eastwardly along the Southern right-of-way of Molokai Lane to the point of beginning. The planning district described herein shall exclude the corporate limits of all municipalities in Baldwin County as such corporate limits presently or may hereafter exist.

27. ***Planning District 27.***

County zoning has not been instituted in this district.

28. ***Planning District 28.***

Beginning at the intersection of Interstate 10 and Turkey Branch; run thence Southeastwardly along the meandering of Turkey Branch to its intersection with Fish River; run thence Northeastwardly along the meandering of Fish River to its intersection with Bay Branch; run thence Northwardly along Bay Branch to its intersection with Interstate 10; run thence Westwardly along Interstate 10 to a point on Turkey Branch; said point being point of beginning. The planning district described herein shall exclude the corporate limits of all municipalities in Baldwin County as such corporate limits presently or may hereafter exist.

29. ***Planning District 29.***

Beginning at the point of the East right-of way line of County Road 91 and the North right-of-way line of U.S. Highway 98; run thence Southwardly along the east right-of-way of County Road 91 to a point where the extension of County Road 91 would intersect Perdido Bay; run thence Northwardly along the eastern shoreline to Soldier Creek; continue Northwardly along the meandering of Soldier Creek to its intersection with East right-of-way line of County Road 97; run thence Northwardly along the east right-of-way line of County Road 97 to its intersection with the North right-of-way line of U.S. Highway 98; run thence Eastwardly along the North right-of-way line of U.S. Highway 98 to the point of beginning. The planning district described herein shall exclude the corporate limits of all municipalities in Baldwin County as such corporate limits presently or may hereafter exist.

30. ***Planning District 30.***

Beginning at the intersection of the Eastern right-of-way line of State Highway 59 and the South right-of-way line of County Road 20; run thence east along County Road 20 following its turn South and East to its intersection with Hammock Creek; run thence Southwesterly along the meanderings of the Western shoreline of Hammock Creek to Wolf Bay;

continue Southwesterly along an imaginary line to a point on the Western shoreline of Wolf Bay; run thence Southwardly along the meanderings of the Western shoreline of Wolf Bay to its intersection with Portage Creek; run thence Westerly along the Northern shoreline of Portage Creek to its intersection with the Intracoastal Waterway; run thence Westwardly along the meanderings of the Intracoastal Waterway to the West section line of Section 10, Township 9 South, Range 4 East ; run thence Northwardly, following the meanderings of the City of Gulf Shores corporate limits to the intersection with Eastern most right-of-way of State Highway 59; run thence Northwardly along the Eastern right-of-way line of State Highway 59; said point being point of beginning. The planning district described herein shall exclude the corporate limits of all municipalities in Baldwin County as such corporate limits presently or may hereafter exist.

31. ***Planning District 31.***

Beginning at a point on the North right-of-way line of County Road 62 and the East right-of-way line of County Road 83; then thence Westwardly along the North right-of- way line of County Road 62 continuing along imaginary line that is the extension of the North right-of-way of County Road 62 to the East right-of-way of U.S. Highway 90 (also known as State Highway 59); run thence Southwardly along the East right-of-way or U.S. Highway 90 until it intersects with the Northern-most corporate limits of the City of Robertsdale; run thence Eastwardly and Southwardly along the meanderings of the Corporate limits of the City of Robertsdale to its intersection with the North right-of-way line of U.S. Highway 90 (also known as State Highway 16); run thence Eastwardly along the North right-of-way line of U.S. Highway 90 to its intersection with the East right-of-way line of County Road 83; run thence northerly along the East right-of-way of County Road 83 to a point on the North right-of-way line of County Road 62, said point being the point of beginning. The planning district described herein shall exclude the corporate limits of all municipalities in Baldwin County as such corporate limits presently or may hereafter exist.

32. ***Planning District 32.***

Beginning where the Eastern right-of-way of County Road 97 intersects with the centerline of Soldier Creek; run thence Southwardly along the meanderings of the centerline of Soldier Creek to its intersection with the centerline of Perdido Bay; run thence along the meandering of the centerline of Perdido Bay to its intersection with the centerline of Arnica Bay; run thence along the meanderings of the centerline of Arnica Bay to the centerline of Bay La Launch; run thence along the meandering of the centerline of Bay La Launch to its intersection with the Western shoreline of Wolf Bay; run thence Northwardly along the Western boundary of Wolf Bay to its intersection with an imaginary line extending Southwestwardly

from the Western shoreline of Hammock Creek; run thence Northeastwardly along this imaginary line to the Western shoreline of Hammock Creek; run thence Northeastwardly along the meanderings of the Western shoreline of Hammock Creek to its intersection with the South right-of-way line of County Road 20; run thence Westwardly to the centerline of Stucki Road; run thence Northwardly along the centerline of Stucki Road to the South section line of Section 28, Township 7 South, Range 5 East; run thence Eastwardly along said section line continuing along the south section line of Section 27, Township 7 South, Range 5 East to the centerline of Soldier Creek; run thence Eastwardly along the centerline of Soldier Creek to the point of beginning. The planning district described herein shall exclude the corporate limits of all municipalities in Baldwin County as such corporate limits presently or may hereafter exist.

33. ***Planning District 33.***

Beginning at the intersection of the North right-of-way to U.S. Highway 98 and the East right-of-way of County Road 91; run thence Eastwardly along the West right-of-way of U.S. Highway 98; run thence Southeastwardly to the shoreline of Perdido Bay; run thence Southwestwardly along the shoreline to the Southeast corner of Parcel 52-08-25-2-002-011.000; run thence Westwardly along the parcel line to the Eastern right-of-way of County Road 99; run thence Northwestwardly along the East right-of-way County Road 99 to the most Northern corner of parcel 52-08-25-2-002-001.000; run thence along the boundary of Spanish Cove to the Southwest corner of Section line 27, Township 7 South, Range 6 East; run thence Southwardly along section lines to the North right-of-way of Ridgewood Drive; run thence along the boundary of Spanish Cove to the Northeast corner of Parcel 52-08-34-0-000-003.000; run thence Southwardly to the Southeast corner of Parcel 63-02-03-0-000-003.000; run thence Eastwardly to the shoreline of Perdido Bay; run thence Southwestwardly along the shoreline to a nonexistent point where the East right-of-way of County Road 91 would intersect the shoreline of Perdido Bay; run thence Northwardly to the East right-of-way of County Road 91; run thence Northwardly along the East right-of-way of County Road 91 to point of beginning. The planning district described herein shall exclude the corporate limits of all municipalities in Baldwin County as such corporate limits presently or may hereafter exist.

Appendix B Minimum Buffer Requirements

	Zoning Classification/Use of your property																									
Adjacent Property Zoning/Use This Column	RR	RA	CR	RSF-E	RSF-1	RSF-2	RSF-3	RSF-4	RTF-4	RSF-6	RTF-6	RMF-6	HDR	RMH	B-1	B-2	B-3	B-4	RV-1	RV-2	LB	MR	OR	TR	M-1	M-2
RR	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'	25'	25'	0'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	0'	0'
RA	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'	25'	25'	0'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	0'	0'
CR	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'	25'	25'	0'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	0'	0'
RSF-E	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	75'	75'
RSF-1	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	75'	75'
RSF-2	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	75'	75'
RSF-3	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	75'	75'
RSF-4	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	75'	75'
RTF-4	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	75'	75'
RSF-6	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	75'	75'
RTF-6	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	75'	75'
RMF-6	25'	25'	25'	25'	25'	25'	25'	25'	10'	25'	10'	0'	0'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	75'	75'
HDR	25'	25'	25'	25'	25'	25'	25'	25'	10'	25'	10'	0'	0'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	75'	75'
RMH	0'	0'	0'	25'	25'	25'	25'	25'	10'	25'	10'	10'	10'	0'	10'	0'	0'	0'	0'	0'	0'	0'	10'	10'	75'	75'
B-1	25'	25'	25'	25'	25'	25'	25'	25'	10'	25'	10'	10'	10'	10'	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'	50'	50'
B-2	25'	25'	25'	25'	25'	25'	25'	25'	10'	25'	10'	10'	10'	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'	50'	50'
B-3	25'	25'	25'	25'	25'	25'	25'	25'	10'	25'	10'	10'	10'	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'	50'	50'
B-4	25'	25'	25'	25'	25'	25'	25'	25'	10'	25'	10'	10'	10'	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'	50'	50'
RV-1	25'	25'	25'	25'	25'	25'	25'	25'	10'	25'	10'	10'	10'	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'	50'	50'
RV-2	25'	25'	25'	25'	25'	25'	25'	25'	10'	25'	10'	10'	10'	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'	50'	50'
LB	25'	25'	25'	25'	25'	25'	25'	25'	10'	25'	10'	10'	10'	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'	50'	50'
MR	25'	25'	25'	25'	25'	25'	25'	25'	10'	25'	10'	10'	10'	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'	50'	50'
OR	25'	25'	25'	25'	25'	25'	25'	25'	10'	25'	10'	10'	10'	10'	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'	50'	50'
TR	25'	25'	25'	25'	25'	25'	25'	25'	10'	25'	10'	10'	10'	10'	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'	50'	50'
M-1	0'	0'	0'	75'	75'	75'	75'	75'	75'	75'	75'	75'	75'	75'	50'	50'	50'	50'	50'	50'	50'	50'	50'	50'	0'	0'
M-2	0'	0'	0'	75'	75'	75'	75'	75'	75'	75'	75'	75'	75'	75'	50'	50'	50'	50'	50'	50'	50'	50'	50'	50'	0'	0'

BALDWIN COUNTY COMMISSION
PLANNING AND ZONING DEPARTMENT

PLANNING DISTRICT 25
FLOOD HAZARD AREA & COASTAL HIGH HAZARD AREA

N
W E
S

0 0.25 0.5 1 Miles

Legend

- Coastal High Hazard Area
- Flood_Hazard_Area_in_PD_25
- Gulf Beach Overlay District
- Planning Districts
- Tax Parcel
- City Limits
- 911 STREETS

County Maintained

- ASPHALT
- GRAVEL/DIRT

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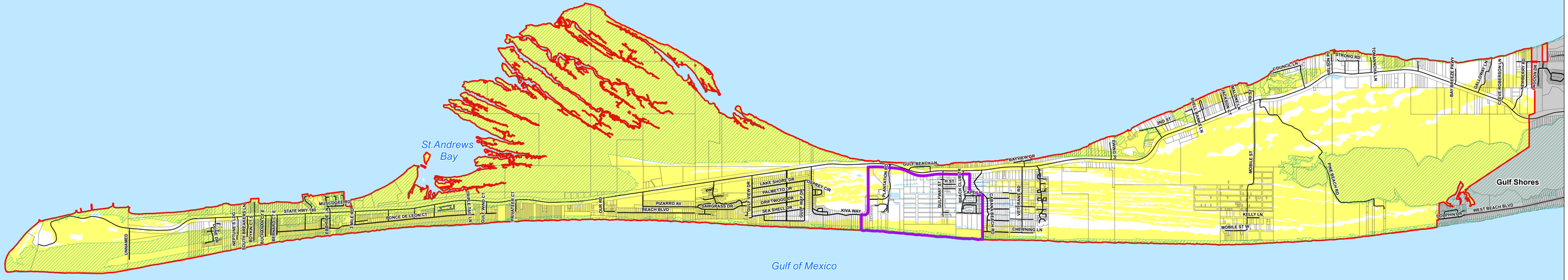

Locator Map