

Zoning FAQs

Note: Each new zoned area customizes the regulations to match their community needs. Therefore, some of the information below may differ slightly by area.

1

What is the purpose of zoning?

Zoning is a tool that examines whether a proposed development (or use) is compatible with surrounding land uses, while also providing members of the community with an opportunity to provide input on proposed uses.

2

Will zoning affect my taxes?

No. In Baldwin County taxes are assessed on current use of the property regardless of whether the property is zoned or unzoned. For example, if a property is zoned commercial and is being used agriculturally the taxes will be assessed as agriculture property. A \$10-per-parcel fee may be levied for a 2-year period after the vote.

3

If we adopt zoning, what will happen to my existing structures?

Any existing structures—homes, commercial buildings, accessory structures, etc., will all receive a “grandfathered” status. The new zoning ordinances will apply only to new development and changes/renovations to existing structures and uses. The “grandfathered” status of an existing use or structure will remain until a change occurs such as abandonment, severe damage, proposed expansion, etc.

4

If we adopt zoning, how will it impact me personally?

If you have an existing dwelling or business with no plans to expand the structure or change the use, you may not even realize you are zoned. But, if you are building a new structure such as a house, barn, or pool, or if you are adding to an existing structure, you would simply obtain a site plan approval from the Planning & Zoning Department before you apply for a building permit.

Zoning may also affect you if there is a rezoning application for your district. If so, you will be able to attend the public hearings at the Planning Commission and County Commission to voice your support or objection to that rezoning. If your community is not zoned you would not have the right to speak on new development coming to your area.

5

Once property is assigned a zoning designation, will it ever change?

Zoning may be modified over time in response to the changing conditions within a community—the community’s needs, population, or policies—through zoning map amendments. Zoning is not a means for a community to remain static but can be used to preserve a community’s character and the quality of life. All zoning map amendments (rezonings) follow an established procedure, which includes notice and advertisement of the proposed change and public hearings before both the Planning Commission and the Baldwin County Commission prior to any final decision on the rezoning request.



BALDWIN COUNTY, ALABAMA
Planning and Zoning Department

Zoning FAQ (continued)

6

Will my property be annexed into a city or town because I am zoned?

Annexation has nothing to do with zoning. Property can be annexed whether it is zoned or unzoned. Zoning will not cause or prevent annexation into a municipality.

7

Will zoning take away my property rights?

Zoning does make it more difficult to place an intense use (such as a land fill) near less intense uses (like residential homes). However, owners have a right to use their property whether that property is zoned or unzoned. Zoned property simply has uniform guidelines, such as setbacks or density that help protect the property owners and their neighbors from incompatible or inappropriate uses.

Some would argue that zoning gives new rights to property owners by making the development process open and public. Zoning gives the community the right to have a voice in how their community develops. The initial zoning map is created by a community-based Advisory Committee and is approved during a public hearing. Any proposed changes to the map go through a public hearing and the community is given time to speak about the proposed rezoning.

8

If zoning is approved, how will the County determine the new zoning designation for my previously unzoned property?

If the voters elect to come under the planning and zoning jurisdiction of Baldwin County, five registered voters from the district will then be appointed to form an Advisory Committee. The Advisory Committee will work with County staff to examine current uses, lot sizes, and similar factors. The Committee will then recommend zoning designations for each parcel based on this analysis.

The County Planning Commission will review the recommendation and make its own recommendation to the County Commission. The County Commission will make the final determination based on the recommendations of the Advisory Committee and the Planning Commission.

9

If there is a pending development application in the proposed new district, will voting for zoning stop that project?

If the voters elect to come under the planning and zoning jurisdiction of the County, a 180-day moratorium will be imposed on new structures and land uses in the new district. However, the moratorium does not apply to the following:

1. Applications properly submitted prior to the "Yes" vote for zoning;
2. Family divisions of land;
3. Subdivision of land by court order;
4. Building permits for single family homes or accessory structures.

If a complete application for a subdivision or development is received by the County prior to the zoning vote, and the application is properly advanced, the proposed subdivision or development will not be stopped or impacted by the new zoning.

Zoning FAQ (continued)

10

Can we customize zoning to match our community's needs?

Yes. Every zoned district has "local provisions" which allow the community to customize the rules to meet specific community needs (i.e. prohibiting landfills, etc).

11

What type of new applications & fees will come with zoning?

For zoning to help preserve a community's unique qualities, there must be a mechanism to review proposed changes in zoned areas. The planning and zoning department administers a site plan approval process to ensure the zoning ordinance is followed. These applications generally fall into three basic categories:

1. Administrative Site Plan Approval (for most residential projects - \$25 fee)
2. Commission Site Plan Approval (for larger commercial projects - per sq. ft. fee)
3. Land Disturbance Permit (if soil added or removed - \$25 fee per activity)

All application fees are listed on the Planning and Zoning website.

12

Can zoning be used to clean up my neighbor's trash-filled yard?

Most of the zoning districts prohibit the parking of "junked vehicles" or vehicles without a current license on residentially zoned property. If the Planning and Zoning Department receives a complaint about a junky yard, a code enforcement team member will determine whether the junked vehicle prohibition applies and then contact Baldwin County Solid Waste, the Health Department, and the Alabama Department of Environmental Management to determine whether the property may be in violation of these regulations.

Finally, if the property is being operated commercially as a scrap yard or junk yard, the code enforcement team member will evaluate to whether the property is properly zoned for that use.

13

How are zoning violations handled in a zoned area?

Due to the size of Baldwin County, as of the date of this publication, the Planning and Zoning code enforcement team only responds to individual complaints from citizens. Team members do not go out "looking for violations." The code enforcement team's objective is compliance and team members work with citizens to help achieve compliance.

If a citizen calls in a potential zoning complaint to the County, a code enforcement team member will review the complaint and determine whether a potential violation exists. If the property appears to be in violation, the code enforcement team member will mail a Notice of Violation (NOV) to the owner as listed on the tax records. The NOV will explain the steps that a citizen needs to take to bring their property into compliance and the potential fine that may result from lack of compliance within a certain timeframe. Again, the Planning and Zoning Department rarely collects fines as long as there is a good faith effort to bring a property into compliance.