

STATE OF ALABAMA

COUNTY OF BALDWIN

RESOLUTION # 2013-092

DETERMINATION OF THE BALDWIN COUNTY COMMISSION, REGARDING **THE BALDWIN COUNTY MASTER PLAN - 2013**, SUCH DETERMINATION AS AUTHORIZED PURSUANT TO ACT NO. 91-719, AS AMENDED.

WHEREAS, it is duty and function of the Baldwin County Planning Commission, pursuant to Section 45-2-261, et seq., Code of Alabama 1975, to make and maintain a Master Plan for the physical development of the unincorporated areas of Baldwin County; and,

WHEREAS, a draft document entitled the Baldwin County Master Plan - 2013, has been prepared; and,

WHEREAS, the Baldwin County Planning and Zoning Commission held public hearings on July 11, 2013, and August 1, 2013, and voted to recommend approval of the Baldwin County Master Plan - 2013; and,

WHEREAS, the Planning Commission vote on August 1, 2013, serves as its final report to the Baldwin County Commission for the adoption of the Baldwin County Comprehensive Plan - 2013; and,

WHEREAS, the Baldwin County Commission held a public hearings on September 3, 2013, September 17, 2013, and October 1, 2013; and,

WHEREAS, the requirements of Act No. 91-719, as amended by Act No. 93-668, as amended by Act No. 98-665, as amended by Act No. 2006-609, and further amended by Act No. 2010-719, regarding procedures to adopt this Master Plan have been met; now therefore

BE IT RESOLVED, BY THE BALDWIN COUNTY COMMISSION, IN REGULAR SESSION ASSEMBLED, that the Baldwin County Master Plan - 2013, as found in Attachment "A", is hereby **APPROVED**.

DONE, Under the Seal of the County Commission of Baldwin County, Alabama, on this the 1st day of October, 2013.

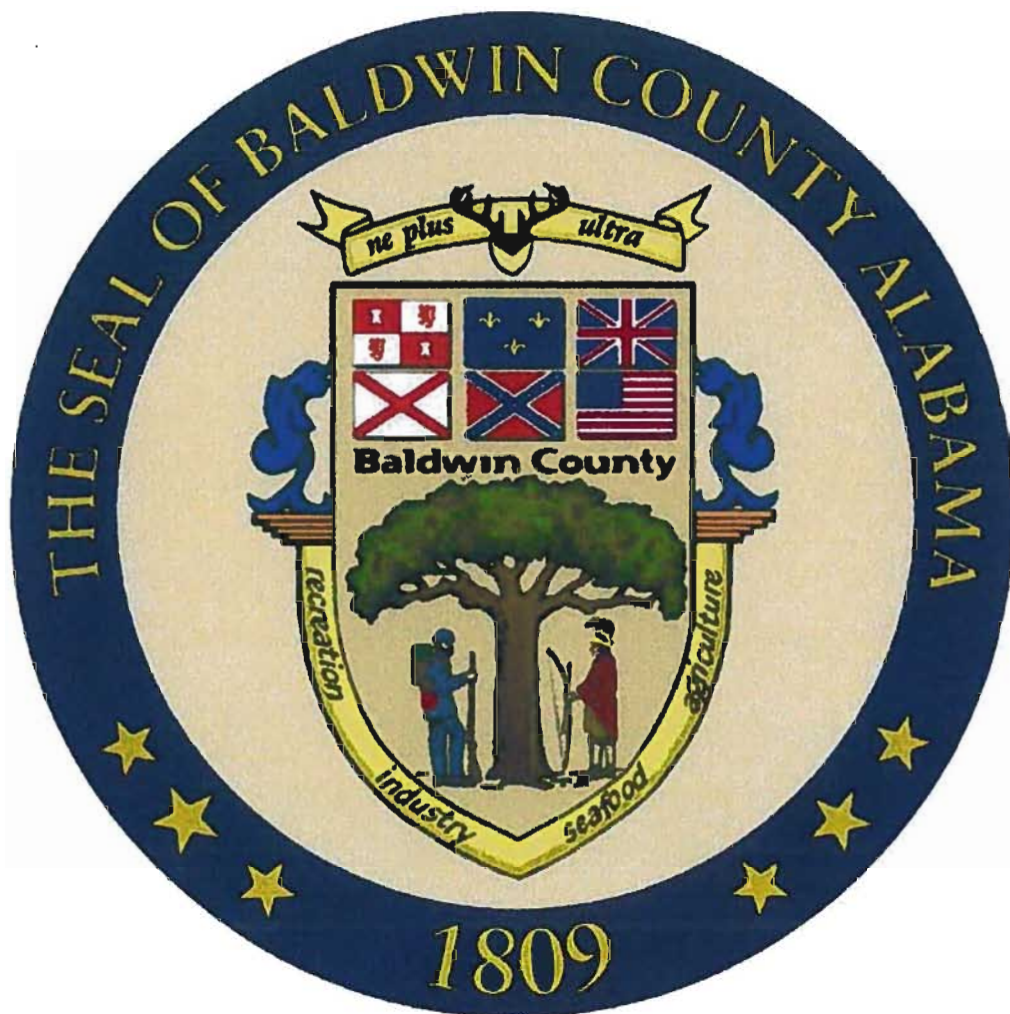
ATTEST:

David A.Z. Brewer, County Administrator

Honorable J. Tucker Dorsey, Chairman



Baldwin County Master Plan



2013

Baldwin County Commission

Baldwin County Planning and Zoning Commission

Baldwin County Master Plan

2013

Adopted by the Baldwin County Commission:

October 1, 2013

BALDWIN COUNTY COMMISSION

Hon. Frank Burt, Jr.; District 1
Hon. Robert E. "Bob" James; District 2
Hon. Tucker Dorsey; District 3
Hon. Charles F. Gruber; District 4

BALDWIN COUNTY PLANNING AND ZONING COMMISSION

Mr. Robert "Sam" Davis, Chair
Mr. Dale Marston, Vice-Chair
Mr. Marvin Hayes
Mr. Arthur Hosey
Mr. James Long
Mr. Spence Monroe
Mr. Kevin Murphy
Ms. Melissa Shepherd
Mr. Buddy Moore

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Chapter 1: Introduction

The Master Plan for Baldwin County is intended to be a document that will give guidance to elected and appointed officials, staff and citizens in efforts to manage growth and development in the county with regards to land uses and zoning in particular, as well as the development of public improvements and infrastructure. Baldwin County is the largest county in Alabama and has many varying characteristics and features from north to south, east to west, including fourteen growing municipalities and large rural areas. Baldwin County is a beautiful area which continues to draw new residents to live, work and play, either as full-time or seasonal residents or vacationing tourists. In order to effectively write and communicate a plan or vision for the future of Baldwin County, we must first remember where we came from, define our priorities and determine where it is we would like to go.

Baldwin County and Mobile Bay have been historically significant areas for hundreds of years, attracting new residents since the North American continent was discovered. The reasons are generally the same today as in the 1700's and 1800's. We love and want to preserve our history that helps define who we are today. Baldwin County has a beautiful landscape surrounded by the Gulf of Mexico, Mobile Bay and Perdido Bay, along with the rivers that feed those bodies of water. The water is a part of our culture as a food source and for recreation. We must forever protect the quality of this resource. The American Indians farmed and fished this area, and many of our neighbors still make a living from the water and land in Baldwin County. We are also rich with many varieties of animals. From working and cultivating the land, to fishing, hunting, horseback riding, bird watching, hiking and biking, the outdoors is a significant part of our culture. These are characteristics of Baldwin County that are forever important to us as a community of people from many different origins residing together.

Residents of Baldwin County are still as they have always been family oriented, hard-working, kind, patriotic, friendly, hospitable, tough, caring and charitable, while independent. Many veterans of each American conflict have been from Baldwin County, and we cherish the liberty that is given by our Creator and protected by our Constitution. Many originally came here from different areas of Europe and other parts of the United States to find a better way of life for their families. We enjoy a wonderful quality of life with relatively low cost of living, low crime rate and quality public services including, but not limited to, schools, hospitals and police and fire protection. The people of Baldwin County have always worked to develop a strong community coupled with pride in our accomplishments. Traveling around the county on most weekends, it is easy to find a local festival with thousands in attendance sharing the local culture and facilitating community involvement.

Historically, growth has been centered on the many towns and has moved into the rural areas surrounding those towns as demand for development has grown. Annexation by cities and towns included an increase in the level of available services. However, some of the incentives for annexation have been reduced over the past 15 years by

competitive utilities, expanded police jurisdictions, good county government, strong sheriff's department and trained volunteer firefighters. Baldwin County has always protected private property rights and uses, provided those uses are not detrimental to the surrounding community at large. Land owners and developers have made efforts in the development of property to mitigate their impact to the communities and infrastructure on which they rely.

There are basically four different regions comprising Baldwin County with varying characteristics and resources which have developed the economies and communities in those areas. In the south, Baldwin County's economy is primarily driven by the tourism generated by our beautiful beaches. Gulf Shores, Orange Beach, Foley, Magnolia Springs, Perdido Beach, Bon Secour, Josephine and the surrounding areas rely heavily on the health of and economy driven by the Gulf of Mexico and its perfectly white sandy beaches. Lillian is primarily a retirement community on Perdido Bay. Future growth will depend on solid reliable infrastructure to accommodate seasonal visitors, retirees and the work force necessary to support the auxiliary retail, food and entertainment industries that complement tourism.

The central and eastern parts of the county are similar in character with blue and grey collar employment. Summerdale is primarily a farming community with its town developing along Hwy 59, the main thoroughfare running to the beach. Elberta is a farming town founded by Germans, and they continue to hold dearly to their heritage and rich history in Baldwin County. Robertsedale and Silverhill are in the center of the county with a large farming community and some small to medium industries employing the local population. Loxley is in close proximity to the interstate and is a solid area for growth in distribution. These areas desire growth at a controlled measure with businesses and opportunities that match their current character.

The Eastern Shore of Mobile Bay is comprised of Fairhope, Daphne, Spanish Fort and surrounding areas, including Montrose, Point Clear and Belforest. It is known for beautiful landscapes and access to the Mobile Bay and River Delta. In addition, these areas have developed as a bedroom community for employment in Mobile, Alabama, with the suburban services which accompany this demographic. The Eastern Shore is pursuing new growth opportunities in education, medicine/healthcare, technology, CGI and movie production, industry and aerospace opportunities. However, this community has a strong sense of identity and care for its environment and landscape, and will not be willing to significantly compromise for the benefit of growth itself. Growth on the Eastern Shore will need to characteristically fit with its history.

Northern Baldwin County includes Bay Minette, the county seat, and surrounding communities, such as Stapleton, Whitehouse Fork, Stockton and Perdido, which are historically engaged in manufacturing, timber and farming. There are several manufacturing companies in operation in this area. With the support of the entire county, Northern Baldwin County is aggressively pursuing growth opportunities in manufacturing sectors of the international economy. While being miles from the beach, the proximity to the interstate and the Port of Mobile, railway infrastructure and

international airports makes north Baldwin a terrific location for large manufacturing companies to locate. Baldwin County is ready, willing and able to welcome those companies to our area to improve employment opportunities and encourage the surrounding economic activity that accompanies such growth.

As a result of challenges faced by the County, we have learned that we must work together collectively to diversify our economies. Many of our opportunities are regional in scale, and require local municipalities and neighboring counties to work together. Our communities work well together in partnership with the County Commission, the county board of education, the State legislative delegation and the Governor for a bright and strong future. We desire for our children to have employment opportunities in Baldwin County resulting from continued economic growth, but this growth must complement our environment, character, history and culture. Our future depends on our continued commitment to healthy waterways, clean drinking water, quality housing, excellent education, effective waste disposal, smart storm water management, reliable wastewater facilities, well-maintained roads, trained law enforcement, properly funded fire departments, transparent local governments and people willing to participate and serve in our community. This is Baldwin County.

Chapter 2: Implementation

Generally

A master plan, as the term is used in land use planning, is defined as a government entity's plan for the overall utilization and development of a particular area, including its allocation for residential, commercial or manufacturing uses and the corresponding environmental impacts. The statutory basis for The Baldwin County Master Plan (Master Plan) is the Baldwin County Planning and Zoning Act (Act No. 91-719) (the "Act"). This act was adopted by the Alabama State Legislature on August 8, 1991, and is codified at Section 45-2-261, et seq., Code of Alabama 1975. The legislation and its amendments provide the framework for land use regulation and growth management activities in Baldwin County. Specifically, the Act:

- Authorized the appointment of the Baldwin County Planning and Zoning Commission (Planning Commission) and Boards of Adjustment;
- Allowed the Baldwin County Commission (County Commission) to establish Planning Districts within the unincorporated areas of the County;
- Allowed zoning within Planning Districts which vote their desire to come under the Planning and Zoning authority of the County Commission; and
- Required the preparation and maintenance of a Master Plan for the use and development of unincorporated Baldwin County.

In accordance with the Act, the County Commission has divided the unincorporated areas of the County into Planning Districts. There are currently 30 Planning Districts of which 18 are zoned.

Adoption and Implementation

According to Section 45-2-261, et seq., Code of Alabama 1975, the County Commission "shall appoint the Planning Commission to make and maintain in an up-to-date manner, a master plan for the physical development of the unincorporated areas of Baldwin County. The master plan with accompanying maps, plats, charts and descriptive material shall show the Planning Commission's recommendations for the use and development of the unincorporated area of Baldwin County".

In fulfilling its responsibilities, the Planning Commission serves as a recommending body, with the authority for final adoption of the Master Plan being granted to the County Commission. Implementation occurs through the Planning and Zoning Department and review by the Planning Commission and County Commission in accordance with the applicable laws, rules and regulations.

The general purpose of the Master Plan, based on the Act, is to accomplish "a coordinated, adjusted and harmonious development of the County which will in accordance with present and future needs best promote the health, environment, safety, morals, order, convenience, prosperity and general welfare, as well as efficiency and economy in the process of development, and shall promote safety from fire, flood and other dangers, and the healthful and convenient distribution of population, and the wise and efficient expenditure of public funds."

Chapter 3: Master Plan Composition

Generally

The Master Plan includes text and supporting maps: the Official Zoning Map (Zoning Map), a map showing the County Planning Districts, the Master Plan Map (which includes recommendations for future land use and development) and maps showing school sites, parks/public access and fire districts. The Zoning Map provides current zoning designations for the zoned Planning Districts. The Master Plan Map provides future land use categories and the boundaries for the Eastern Shore Metropolitan Planning Organization and the Florida-Alabama Transportation Planning Organization, as well as specific proposed roads, industrial sites and recreational facilities which are included in order to provide planning guidance and to indicate areas where additional study may be needed. Rail lines and airports are also included. This serves as the official map of the Master Plan. Future land use is divided into broad categories which generally correspond to the more specific zoning designations. These categories are described in the text along with procedures for amendment.

For information pertaining to municipalities throughout Baldwin County, the master plans for the specific municipalities should be consulted.

Current Zoning

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, have been established for the unincorporated areas of Baldwin County:

(Note: The following contains summary descriptions of the zoning districts. In the event of a conflict between these descriptions and the terms and conditions set forth in the *Baldwin County Zoning Ordinance*, the zoning ordinance shall govern.)

RR Rural District

The RR zoning district is provided to accommodate the rural areas of Baldwin County. This designation is primarily used for properties which include a mixture of residential and commercial uses which would serve a rural area. Under the RR district, the minimum lot size is 40,000 square feet with a dwelling unit density of approximately 1 unit per acre. According to the zoning ordinance, density is defined as the number of dwelling units per acre of land.

RA Rural Agricultural District

This zoning district provides for large, open, unsubdivided land that is vacant or is being used for agricultural, forest or other rural purposes. Agricultural uses, single family dwellings, outdoor recreation uses, churches and limited commercial activities are

among the uses allowed under this designation. The minimum lot size is three acres, and the density is one unit per three acres.

CR Conservation Resource District

The Conservation Resource zoning district provides for large, open, unsubdivided land which is environmentally constrained and which is vacant or is being used for agricultural, forest or other rural purposes. Allowable uses are the same as those provided by the RA designation. The minimum lot size is five acres. Dwelling unit density is one unit per five acres.

Single Family Districts

The Single Family districts are provided to afford the opportunity for the choice of differing residential options ranging from estate size lots to high density. The single family designations and their corresponding lots sizes and densities are listed as follows:

- RSF-E: Minimum lot area-80,000 square feet, .54 dwelling units per acre
- RSF-1: Minimum lot area-30,000 square feet, 1.45 dwelling units per acre
- RSF-2: Minimum lot area-15,000 square feet, 2.9 dwelling units per acre
- RSF-3: Minimum lot area-10,000 square feet, 4.36 dwelling units per acre
- RSF-4: Minimum lot area-7,500 square feet, 5.8 dwelling units per acre
- RSF-6: Minimum lot area-6,500 square feet, 6.7 dwelling units per acre

Two Family Districts

RTF-4 and RTF-6, Two Family Districts, are intended to provide the opportunity for two family (duplex) residential developments. Single family dwellings are also allowed. The designations and their lots sizes and densities are listed as follows:

- RTF-4: Minimum lot area-7,500 square feet, 4 dwelling units per acre
- RTF-6: Minimum lot area-6,500 square feet, 6 dwelling units per acre

RMF-6 Multiple Family District

The intent of this zoning designation is to provide the opportunity for multiple family residential development. Single family dwellings and two family dwellings are also permitted. The minimum lot size for multiple family development is 22,000 square feet with a density of six units per acre.

RMH Residential Manufactured Housing Park District

A manufactured housing park is defined as a parcel of land under single ownership that has been planned and improved for the placement of five 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. The intent of the RMH district is to provide the opportunity for manufactured housing parks. The minimum development area is one acre, and the maximum density is six sites per acre.

B-1 Professional Business District

The B-1, Professional Business 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 normally 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.

B-2 Local Business District

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

B-3 General Business District

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 of the Master 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.

B-4 Major Commercial District

The B-4, Major Commercial District, is intended for business uses which require a location with access to an arterial or major collector road 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.

Recreational Vehicle Park Districts

The purpose of the RV-1 and RV-2 districts is to establish a zoning designation for recreational vehicle parks which are defined as plots 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. The minimum land area for both designations is three acres, while the maximum density for RV-1 is 15 sites per acre, and the maximum density for RV-2 is six sites per acre.

MR Marine Recreation District

This zoning district is intended to provide for water related recreation activities including marinas, boat sales, boat servicing, boat storage, sale of fuel and supplies, and provision of lodging, food, beverages and entertainment. Single family dwellings and outdoor recreation uses are also permitted. The minimum lot area is 80,000 square feet, and no maximum density specified.

OR Outdoor Recreation District

Outdoor Recreation is defined as 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. The minimum lot size for the OR district is three acres.

TR Tourist Resort District

This zoning district is intended to provide for tourist lodging facilities and associated resort and recreation activities. Permitted uses include hotels, motels, churches, country clubs, outdoor recreation uses and accessory uses which are conducted primarily for the convenience of visitors or patrons on the premises of a resort structure and which are contained within the principal building. The minimum lot area for the TR district is five acres.

M-1 Light Industrial District

The purpose of the M-1 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 which generate little industrial traffic.

M-2 General Industrial District

It is the intent of the M-2 zoning designation 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.

PRD Planned Residential Development District

PID Planned Industrial Development District

Planned Residential and Industrial Developments 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.

Additional information pertaining to the above listed zoning designations may be found in the *Baldwin County Zoning Ordinance*.

Future Land Use

Future land use categories represent the recommendations for the physical development of the unincorporated areas of the County. These categories are intended for planning purposes only and do not represent the adoption of zoning designations for areas which have not voted their desire to come under the zoning authority of the Baldwin County Commission. Although not legally binding, they are evaluated in conjunction with criteria found in the Baldwin County Zoning Ordinance (Zoning Ordinance), the Baldwin County Subdivision Regulations, the Baldwin County Flood Damage Prevention Ordinance and any other ordinances and regulations which the County Commission may adopt. The future land use categories contained within the Master Plan are listed and described as follows:

Conservation

The Conservation District is intended to protect environmentally sensitive areas, and provides for large, open, unsubdivided land. Permitted uses include single family dwellings, agricultural uses, churches and outdoor recreation uses. Recreational vehicle parks and bed and breakfast establishments may be included in accordance with procedures set forth in the Zoning Ordinance. Zoning designations may include CR, RA and OR.

Agricultural

Agriculture, forestry and similar activities are included with this future land use category. Single family dwellings, institutional uses, recreational uses, limited commercial uses which are intended to serve a rural area and transportation, communication and utility uses are also included subject to the requirements found within the Zoning Ordinance. This category is designed to protect the essential open character of rural areas until it is timely to reclassify the land to appropriate residential, commercial or industrial categories. Zoning designations may include RR, CR, RA and RSF-E.

Residential

This category is provided for residential dwelling units including single family dwellings, two family (duplex) dwellings, multiple family dwellings, manufactured homes, manufactured housing parks and Planned Residential Developments. Institutional uses, recreational uses and limited neighborhood commercial uses may be included subject to the provisions of the Zoning Ordinance. To the greatest extent possible, residential areas should be accessible to major thoroughfares connecting with work areas, shopping areas and recreational areas. Zoning designations may include RR, RA, CR, RSF-E, RSF-1, RSF-2, RSF-3, RSF-4, RSF-6, RTF-4, RTF-6, RMF-6, RMH and PRD.

Commercial

The commercial category is provided for retail and wholesale trade facilities which offer convenience and other types of goods and services. Institutional uses, recreational uses, mixed-use developments and transportation, communication and utility uses may be included in accordance with the Zoning Ordinance. Multiple family developments may also be included. Commercial uses should be located on major streets so as to be accessible to the residential population. Zoning designations may include RR, B-1, B-2, B-3, B-4, MR and TR.

Industrial

Manufacturers of both durable and non-durable goods are included in this category. Institutional uses, commercial uses, recreational uses, and transportation, communication and utility uses, as permitted in the Zoning Ordinance, are also included. Zoning designations may include M-1, M-2 and PID.

Public and Semi-Public

This category includes institutional uses, recreational uses and transportation, communication and utility uses. All zoning designations may be utilized under the Public and Semi-Public District depending upon specific requirements of the zoning ordinance.

Future Planning Areas

Future planning areas include locations throughout the County where new development is either underway, has been proposed or is likely to occur. These areas will be evaluated for non-binding future land use categories during the first six month revision of the Master Plan.

Future planning areas as indicated on the Master Plan Map include the following:

- The Stockton area including Bicentennial Park and Live Oak Landing;
- The area surrounding the South Alabama Mega Site;
- The Baldwin Beach Express Corridor;
- The intersection of State Highway 181 and State Highway 104 including the proposed location for a new Catholic High School;
- The Interstate 65, County Road 47 (Rabun Road) interchange;
- The Interstate 10, County Road 64 Extension (Wilcox Road) interchange;
- The Stapleton area including the intersection of US Highway 31 and State Highway 59; and
- The area surrounding the proposed Mudcat Pointe Subdivision in Seminole.

Chapter 4: Intergovernmental Relations

Generally

The term “Intergovernmental Relations” is defined as the relationship occurring between two or more governments, divisions of a government or levels of government. This chapter provides objectives which Baldwin County may wish to pursue in relation to its municipalities, governmental units within the County, adjacent counties and state, regional and federal agencies.

Objectives

Objective 4.1: Seek to improve governmental efficiency and effectiveness through cooperation, communication and flexible relationships between Baldwin County and all other forms of government which have issues potentially affecting the County.

Objective 4.2: Coordinate and communicate the Baldwin County Master Plan to relevant local and private sectors, as well as the following municipalities and counties:

- Bay Minette
- Daphne
- Elberta
- Fairhope
- Foley
- Gulf Shores
- Loxley
- Magnolia Springs
- Orange Beach
- Perdido Beach
- Robertsedale
- Silverhill
- Spanish Fort
- Summerdale

Objective 4.3: Attempt to ensure that impacts of developments are coordinated with adjacent municipalities, counties and other relevant local governments, agencies, organizations and private businesses.

Objective 4.4: Coordinate the Baldwin County Master Plan with the plans and goals of the State's regulatory agencies, including but not limited to: Alabama Department of Economic and Community Affairs (ADECA), Alabama Department of Transportation (ALDOT), Alabama Department of Conservation and Natural Resources (DCNR) and Alabama Historical Commission (AHC).

Objective 4.5: Ensure coordination and uniformity in establishing level of service standards for public services and facilities with any state, regional or local entity having operational and maintenance responsibility for such facilities.

Objective 4.6: Maintain Extraterritorial Jurisdiction (ETJ) agreements with municipalities throughout the County for the purpose of regulating subdivision development.

Objective 4.7: Continue to coordinate with appropriate government entities, all municipalities within the county, adjacent counties and adjacent municipalities to maintain and improve intergovernmental coordination and planning.

Objective 4.8: Continue to provide necessary public services such as the construction and maintenance of roads, safe and accessible public buildings, trash collection and public transportation.

Chapter 5: Parks and Recreation

The Parks and Recreation chapter is intended to guide public decision making while providing for a comprehensive system of recreation sites available to the public. Recreation is necessary to maintain a healthy balance in life and has a direct effect on the general quality of life in Baldwin County.

The County Planning and Zoning Department staff prepared a document entitled *Baldwin County Parks and Public Access Inventory and Assessment*, dated July 2000, which provides an inventory of county, state, municipal and private resources available to the residents of Baldwin County. It is important for this inventory to be updated to include the acreage of each County park, in order to determine if the current population is provided with adequate public recreational facilities. The document states that all existing Baldwin County parks are for self-directed or passive recreation, and there are no organized sports fields that are maintained by the County. Many of the existing parks provide swimming, waterway access and beach/shore access. Maps showing public parks and public access locations, as well parks and public access locations maintained by Baldwin County are included as appendices to this Master Plan.

Public recreation facility standards should be established to meet the recreational demands of the County as it grows. This may be handled through the establishment of Levels of Service standards for public facilities which are impacted by new development. Population projections are also considered. In addition, the *Parks and Public Access Inventory and Assessment* also notes the importance of a future Recreation Master Plan for the County, which would be beneficial in order prepare for the future growth of the County and the provision of recreation facilities.

Park Classifications

Parks may be classified in a number of ways and may serve a variety of functions. The size of the park, the population served and the types of programming within the park generally determine park classifications.

- Resource-based recreation facilities are those places where recreation is driven by the natural landscape, such as a river, forest or lake; or cultural resources such as historical and archeological sites. Resource-based recreation can be passive such as walking along an interpretive trail or active such as mountain biking.
- Activity-based parks provide facilities for playing a specific sport or game such as basketball, baseball and soccer. These facilities are geared toward team sports and are managed for frequent use. Such facilities are frequently located in neighborhood, community and special use parks and are sometimes located within large resource-based parks as well.

Activity and resource-based parks can further be classified by park type. The below listed classifications are park types which the County Commission may wish to consider in the future.

Mini Parks

The mini park (also described as a “pocket park”) serves as a local park within neighborhoods or as small green spaces that provide a park-like atmosphere. These small parks may also be natural or landscaped areas which are located within built-up areas. Facilities may include walkways, benches, gardens or memorials. Pocket parks may be provided as a part of new developments with little responsibility on the part of local governments.

The following are typical characteristics of mini parks:

- Less than 5 acres in size
- ½ acre per 1,000 population
- Accessible by local streets, cars, walking and bike riding
- May be located in high-density areas, including commercial developments

Neighborhood Parks

Neighborhood parks are larger than mini parks and may include practice areas or playing fields. They may be located adjacent to school sites and are generally used by the immediate community which they serve.

The following are characteristics of neighborhood parks:

- 5-19 acres
- 2 acres per 1,000 population
- Located within or adjacent to neighborhoods
- Accessible by walking, bike riding or short drive by car
- Casual play with little or no organized activities
- Facilities may include playgrounds, multipurpose courts/fields, tennis courts, landscape areas, benches, recreation buildings, picnic areas and walkways

Community Parks

Recreational facilities in community parks should be designed for flexibility along with specific uses. Like neighborhood parks, community parks may be located adjacent to schools. Their primary function is to provide places where recreation programs occur. Community parks may serve broad community areas and provide for a wide range of athletic or team sport opportunities as well as cultural and artistic programs and services.

The following are characteristics of community parks:

- 20-50 acres
- 5 acres per 1,000 population
- Access by walking or bike riding, but more often by car
- Usually located near major collector or arterial streets
- Serves needs of several neighborhoods
- More intensely developed than neighborhood parks
- May include such facilities as athletic fields, swimming pools, multi-purpose fields and recreation centers
- Natural areas may be incorporated to provide biking, fitness, picnicking and open space activities
- Other community services such as libraries, museums, law enforcement substations, or fire/emergency services may be located within a community park

District Parks

District parks are usually resource-based which may include and which may be located near natural resources. Activities and facilities may include picnicking, boating, swimming, hiking, camping and play areas. In some cases, district parks may be multi-purpose, large-scale activity-based parks which serve several communities.

The following are characteristics of district parks:

- 50+ acres
- 5 acres per 1,000 population
- Access by car or bike riding

Regional Parks

Regional parks are almost always resource-based and are usually located in areas of diverse natural resources such as lakes and rivers. These parks are usually large tracts of land which may provide camping, equestrian activities, canoeing, boating, fishing and other resource-based activities.

The following are characteristics of regional parks:

- 250+ acres
- 20 acres per 1,000 population
- Offers the same type of activities as district parks, but on a larger scale
- Access by car or bike riding

Objectives

Objective 5.1: Prepare a countywide master plan for parks, recreation facilities and open space based on standards which will meet the demands of the existing and future population of Baldwin County.

Objective 5.2: Maintain and expand the current park and recreation facilities inventory to meet the needs of the population. These facilities should be designed to meet the needs of the residents.

Objective 5.3: Improve access to public beaches and other bodies of water, and provide a share of the boat ramps needed to allow county residents and visitors inexpensive access to public waterways to meet anticipated demand.

Objective 5.4: Preserve a portion of the County's natural environment for resource-based recreational activities in order to preserve natural habitats, protect the water supply and preserve the natural heritage.

Objective 5.5: Maintain inventories, surveys, and records essential to the park planning process and periodically update park planning documents and inventories.

Objective 5.6: Communicate with municipalities, the Baldwin County Board of Education, State of Alabama and County residents to prevent overlapping of recreational programs and facilities in adjacent areas and to maximize efficient use of facilities.

Objective 5.7: Encourage new development to provide adequate recreation and open space for improved aesthetic appearance, environmental quality, preservation of existing native trees and plant communities and the planting of vegetation.

Chapter 6: Historic Preservation

Generally

Baldwin County is the third oldest county in Alabama. It was created in 1809 while still part of the Mississippi Territory. The County is named for Abraham Baldwin (1754-1807), founder of the University of Georgia, delegate to the Constitutional Convention and member of Congress.

The Baldwin County Commission has taken several steps to promote and protect the County's historic resources. Act No. 80-497, as amended by Act No. 89-960, of the Legislature of Alabama authorizes Baldwin County to protect the historical architectural character of the County. The County Commission may designate a historic/preservation district in any section of the County containing buildings designated by the Historic American Buildings Survey. The Commission may also designate a historic/preservation district to preserve the distinctive architectural character of the County by recognizing neighborhoods which continue to grow and develop over the course of years and which possess a unique character that merits recognition and protection.

There are currently three historic/preservation districts designated by the County Commission, which are: Magnolia Springs Historic/Preservation District; Montrose Historic/Preservation District; and Battle's Wharf/Point Clear Historic/Preservation District. These areas are subject to the requirements of the Baldwin County Architectural and Preservation Review Board (ARB). A map showing the locations of the historic/preservation districts is included as an appendix to this Master Plan.

The various boards, commissions and departments relating to historic issues of the County are provided below:

Architectural and Preservation Review Board (ARB)

The Baldwin County Architectural and Preservation Review Board (ARB) was created under the authority established by Section 45-2-221.11 of the Code of Alabama 1975. The ARB's responsibilities are to approve or disapprove plans and landscaping for buildings to be erected or renovated which are located, or are to be located, within historic/preservation districts. The ARB authority extends only to the exterior of any structure.

Baldwin Historic Development Commission

The Baldwin County Historic Development Commission was created by the Baldwin County Commission under the authority established by Section 45-2-221.10 of the Code of Alabama 1975. The Historic Development Commission's responsibilities include:

- The preservation and protection of buildings of historic and architectural value in the historic districts (as defined in Section 45-2-221.01 of the Code of Alabama 1975) and the maintenance of the distinctive character of such districts;
- The fostering and encouraging of the preservation, restoration and utilization of buildings of historic and architectural value in the historic districts; and
- The development and promotion of historic districts, as major tourist attractions of historic and economic value.

In addition, under Section 45-2-221.10(d) of the Code of Alabama 1975, the Historic Development Commission shall have the power and authority to:

- Purchase, sell, contract to purchase, contract to sell, own, encumber, lease, mortgage and insure real and personal property of all kinds and descriptions;
- Request, solicit and accept gifts, donations, pledges, fees, bequests, devises, loans, or appropriations from any source whatsoever;
- Set up depositories within Baldwin County, as it may select, a "Revolving Fund for Historic Development" which shall be composed of the monies which may come into its hands, and used for the furtherance of its objectives and purposes; and
- Employ personnel as may be necessary for carrying out the Historic Development Commission's purposes.

Furthermore, under Section 45-2-221 of the Code of Alabama 1975, "the County Commission of Baldwin County may adopt ordinances to protect the historic architectural character of the county in the manner prescribed by the Code."

Baldwin County Department of Archives and History

The Baldwin County Department of Archives and History was created in 1998 by Act No. 98-579. The mission of this Department is:

- To collect, organize, describe, preserve and make available Baldwin County, Alabama government records of permanent administrative, legal, fiscal, and historical value;
- To collect, organize, describe, preserve and make available records of historical significance in the founding and continuing history of Baldwin County, Alabama including, but not limited to manuscripts, correspondence, photos, books and personal memorabilia;
- To provide facilities for the retention, preservation, servicing and research use of such records;

- To serve in a public relations capacity by promoting knowledge and understanding of the origins and continuing history of Baldwin County, Alabama, its government and residents; and
- To facilitate the efficient management of the recorded information produced by the Baldwin County government offices.

Objectives

Objective 6.1: Identify, protect and enhance the important historical and cultural resources of Baldwin County.

Objective 6.2: Maintain existing programs to identify the historic and archaeological resources of Baldwin County; develop new identification programs including, but not limited to, a program to identify Baldwin County resources listed on the National Register of Historic Places; and make information available to the public and other public agencies.

Objective 6.3: Establish and maintain an automated database regarding historically significant properties through the Planning and Zoning Department GIS system using parcel information.

Objective 6.4: Continue to evaluate the historic and archaeological resources of Baldwin County according to adopted criteria for significance.

Objective 6.5: Continue to evaluate new construction and renovation in historic and preservation districts created pursuant Act 80-497 using the *Standards for Architectural Review and Development in Baldwin County Historic Districts*. Architectural standards should be reviewed for effectiveness, applicability and possible updates.

Objective 6.6: Explore with the Baldwin County Historical Development Commission and Chambers of Commerce, the development of a local heritage tourism program that highlights historic resources in areas which are open and accessible to the public.

Objective 6.7: Recognize and protect historically significant sites and structures.

Objective 6.8: Encourage the creation of historic districts and preservation districts in areas of the County having an architectural or historic significance.

Objective 6.9: To the greatest extent possible, recognize and support the Alabama Scenic Byway Program.

Chapter 7: Revision and Amendment

The Master Plan is intended to be a living document. In order to be effective, it must be flexible, and it must be kept current. The text and maps may be amended in accordance with procedures and standards set forth in Section 45-2-261, et seq., Code of Alabama 1975 and in the Zoning Ordinance.

The Master Plan should be reviewed annually in order to determine if revisions and amendments are warranted due to changing conditions. The first review should take place within six months of initial adoption. A second review should be conducted six months later, and subsequent reviews should take place on an annual basis.

Map Amendments

An amendment to the Master Plan Map may be initiated:

- By application of any person owning the property proposed for change on the Master Plan Map, or by written authorization by the owner for an agent to act on the owner's behalf;
- By a motion of the Planning Commission; or
- By a motion of the County Commission.

An amendment to the Zoning Map constitutes an amendment to the Master Plan.

Text Amendments

The Planning Commission may recommend, and the County Commission may adopt amendments to the text of the Master Plan.

Planning Director Preparation

Applications initiated by the Planning Commission and the County Commission will be prepared by the Planning Director upon request.

Staff Review

Within a reasonable time after the receipt of an application, the Planning Director shall schedule a public hearing and shall deliver to the Planning Commission and the County Commission a written report summarizing the facts of the request. All documents which incorporate the comments and recommendations of the Planning and Zoning Department shall be included. The County Commission shall be furnished with minutes, recommendations and other relevant information from the Planning Commission.

Procedures and Hearings

Any proposed Master Plan amendment shall be submitted to the Planning Commission for its consideration and recommendation to the County Commission.

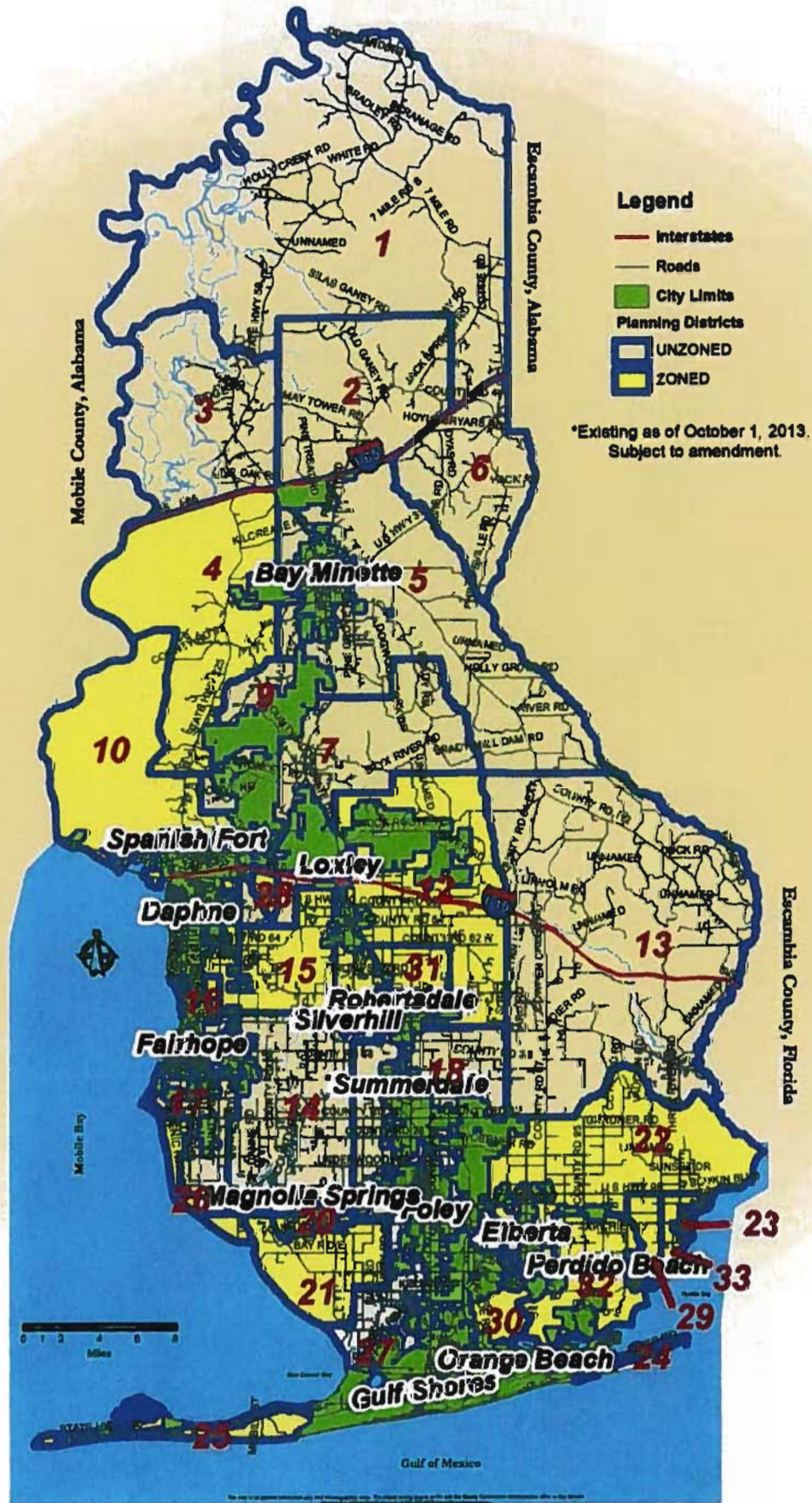
- a. Step 1.** An application for Master Plan amendment must be submitted to the Planning and Zoning Department. The application must be on official County forms and must be accompanied by data which is adequate to support the application. The application shall be heard by the Planning Commission at a regular meeting after receipt of a correctly completed application and after appropriate legal notice is given. All dates and times shall be determined by the adopted meeting schedule of the Planning and Zoning Commission.
- b. Step 2.** Before acting on any proposed amendment, 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. The recommendation of the Planning Commission on the proposed amendment shall be reported to the County Commission.
- c. Step 3.** The Baldwin County Commission shall fix a reasonable time for consideration of a proposed amendment or repeal and give public notice thereof. Notice of said action shall be published 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 amendment will be considered by the County Commission pursuant to Section 45-2-261, et seq., Code of Alabama 1975, as amended. In addition, notices shall be placed on the Baldwin County web site and on all social media outlets utilized by the Baldwin County Commission.
- d. Step 4.** A copy of the proposed amendment 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 amendment. No such amendment shall become effective until adopted by the Baldwin County Commission following a public hearing.
- e. Step 5.** The County Commission shall render a final decision on the proposed amendment 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.

Withdrawal of Applications

Applications for Master Plan amendment may be withdrawn by the applicant or authorized agent in the manner set forth as follows:

- 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.
- 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 appeal or application as submitted.

Baldwin County, Alabama Planning Districts

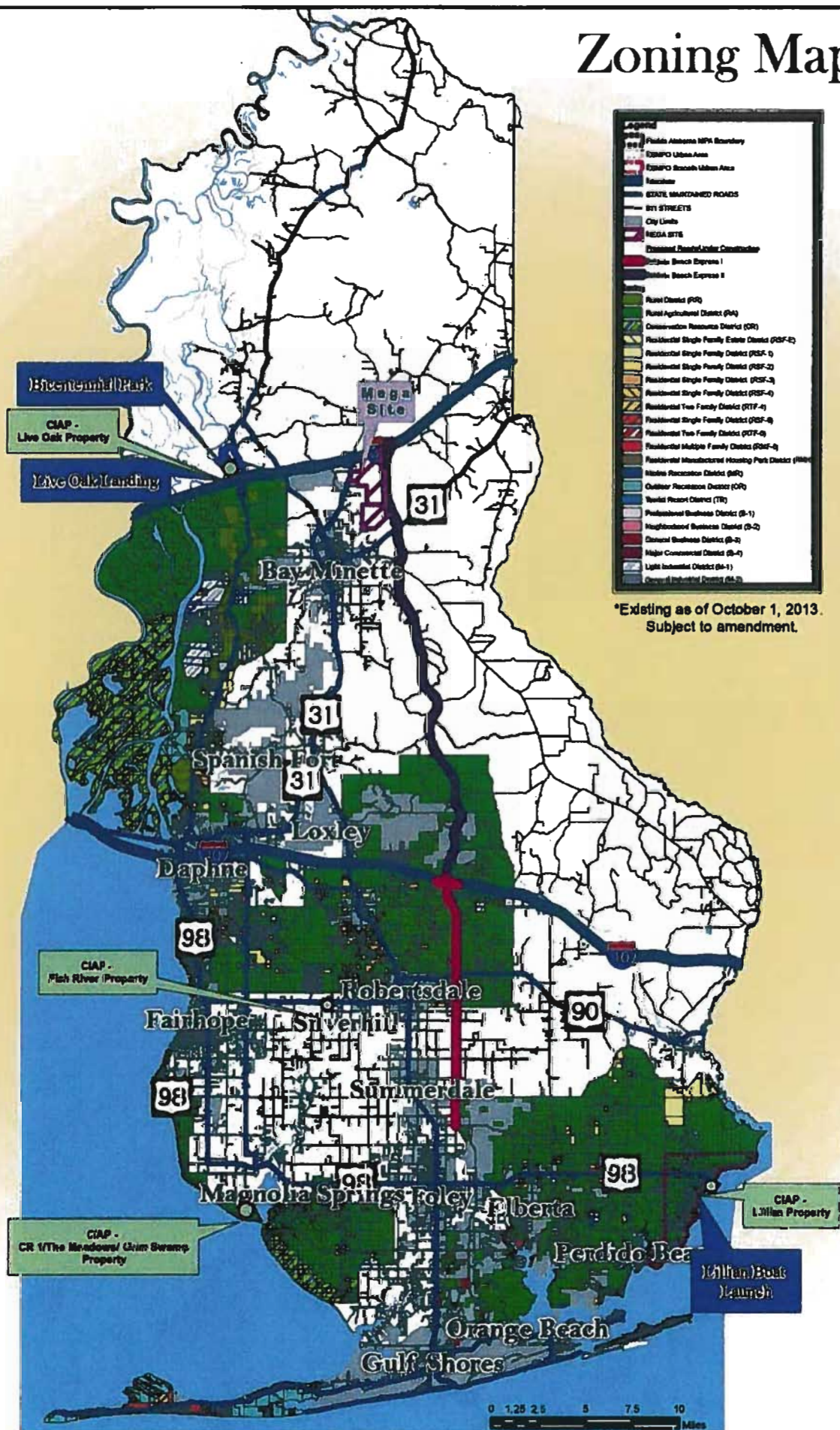




Zoning Map



*Existing as of October 1, 2013.
Subject to amendment.





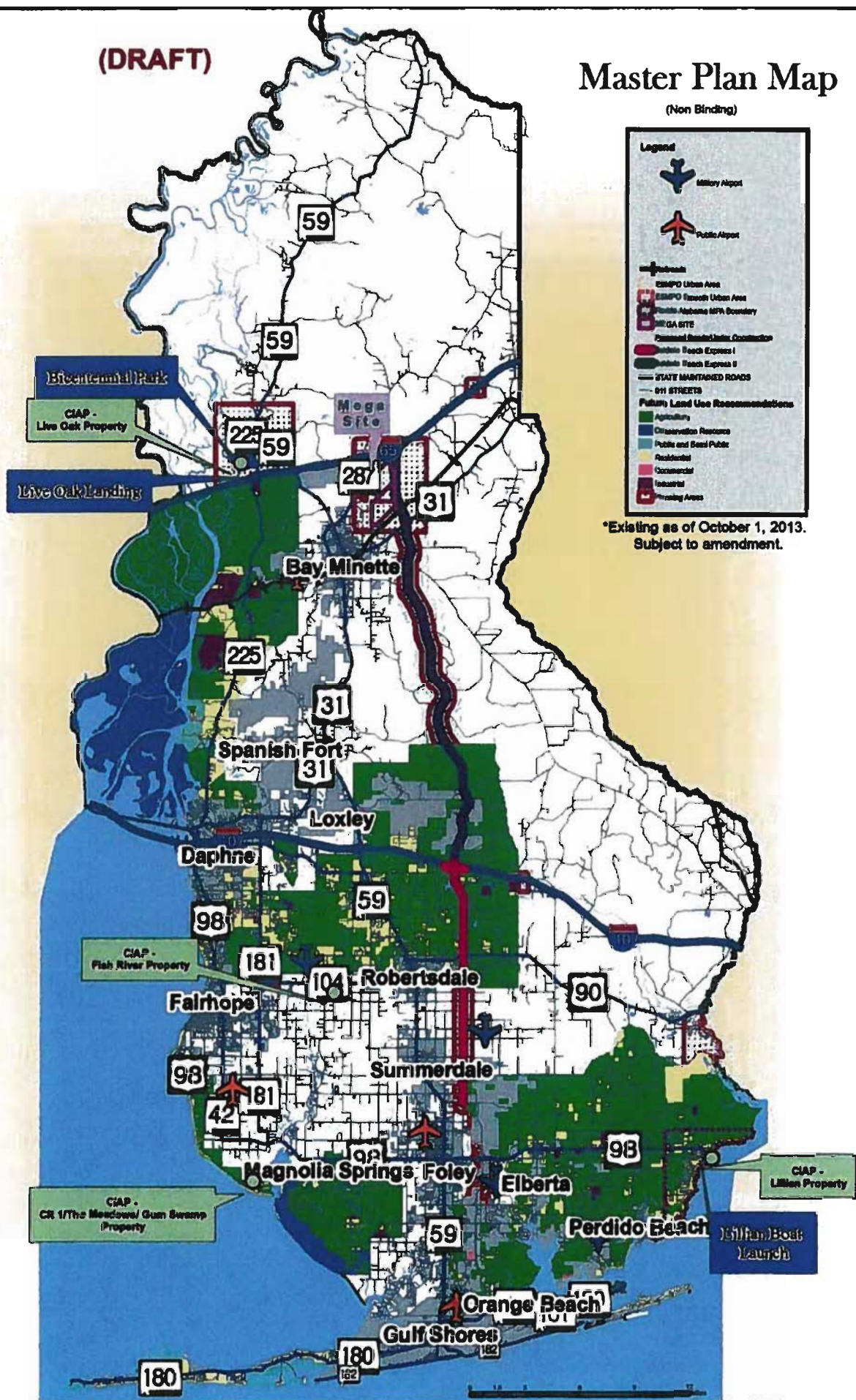
(DRAFT)

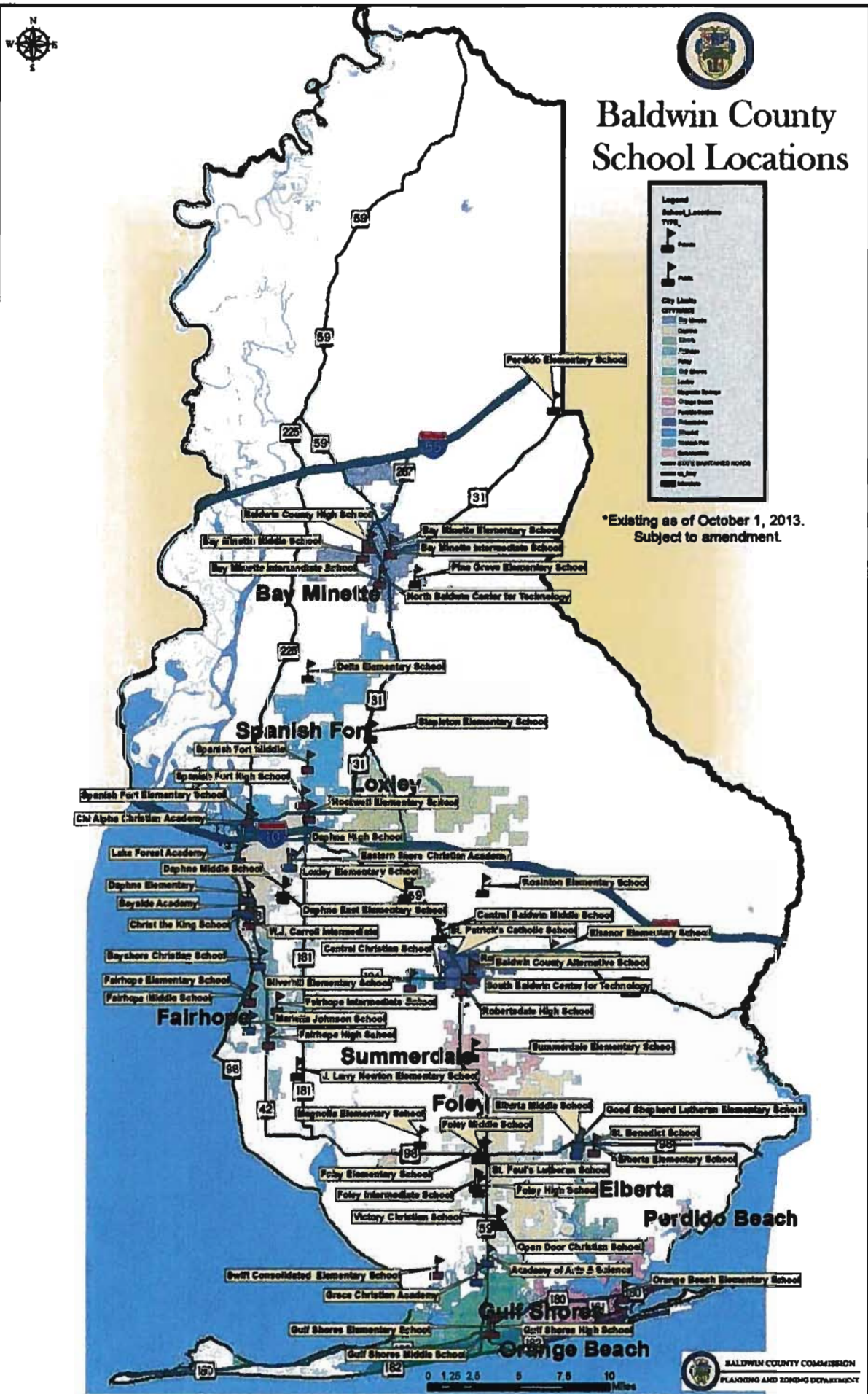
Master Plan Map

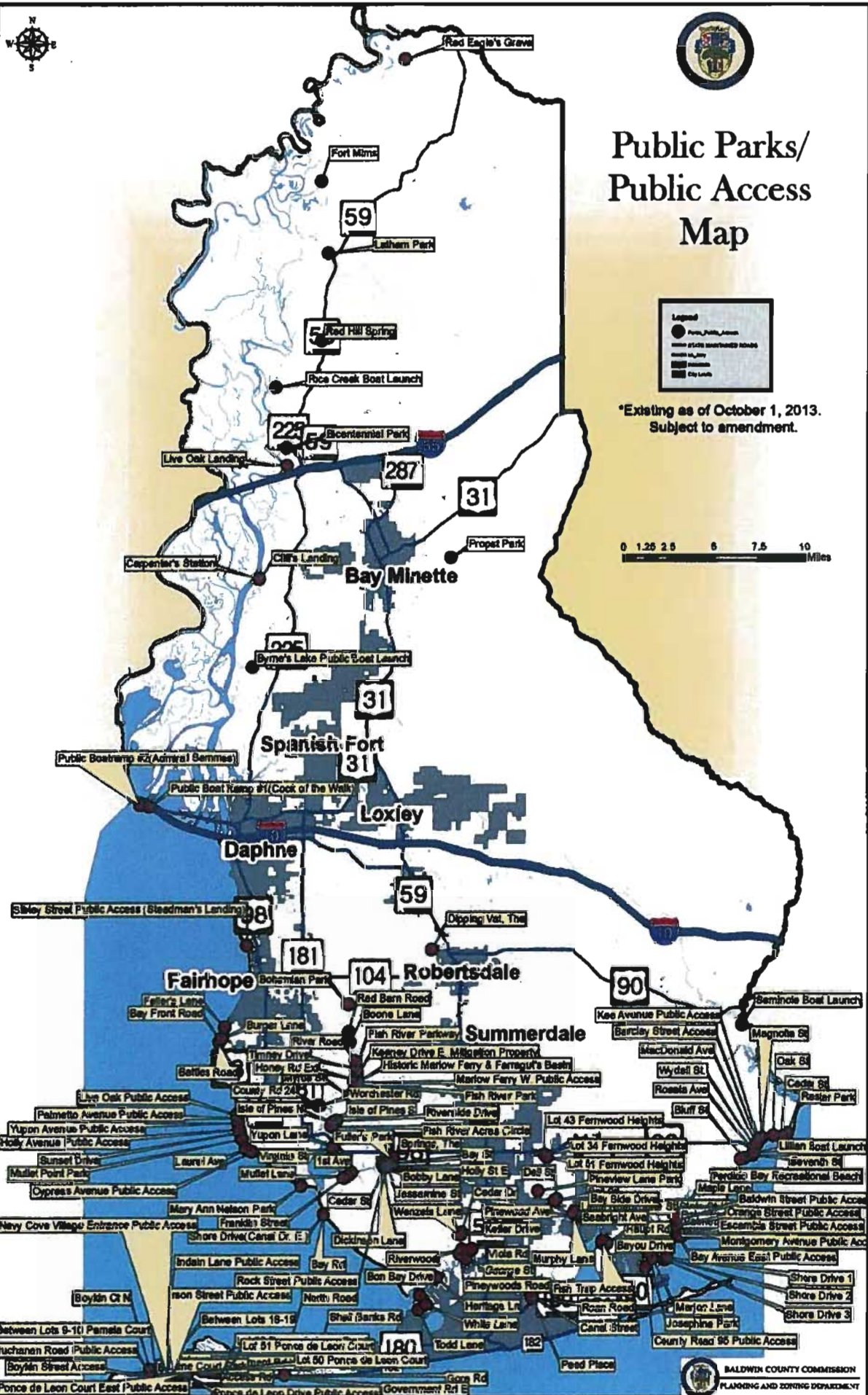
(Non Binding)



*Existing as of October 1, 2013.
Subject to amendment.







Parks and Public Access Maintained by County

Legend

Maintained By County

Type

- Bike Path
- Boat Launch
- Historic
- Park
- Sidewalk
- Water Access

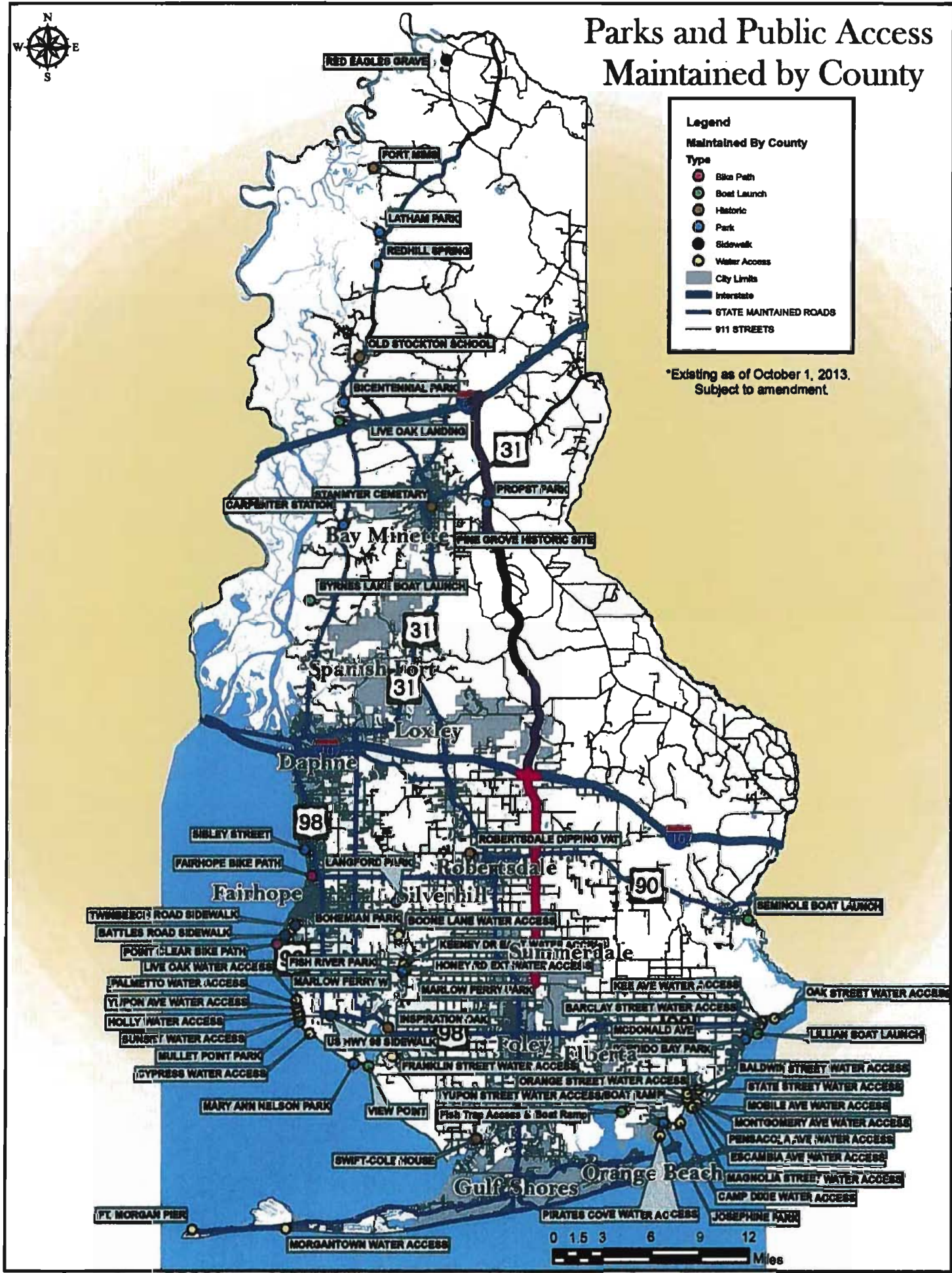
City Limits

Interstate

STATE MAINTAINED ROADS

911 STREETS

*Existing as of October 1, 2013.
Subject to amendment.





Baldwin County Historic Districts Map

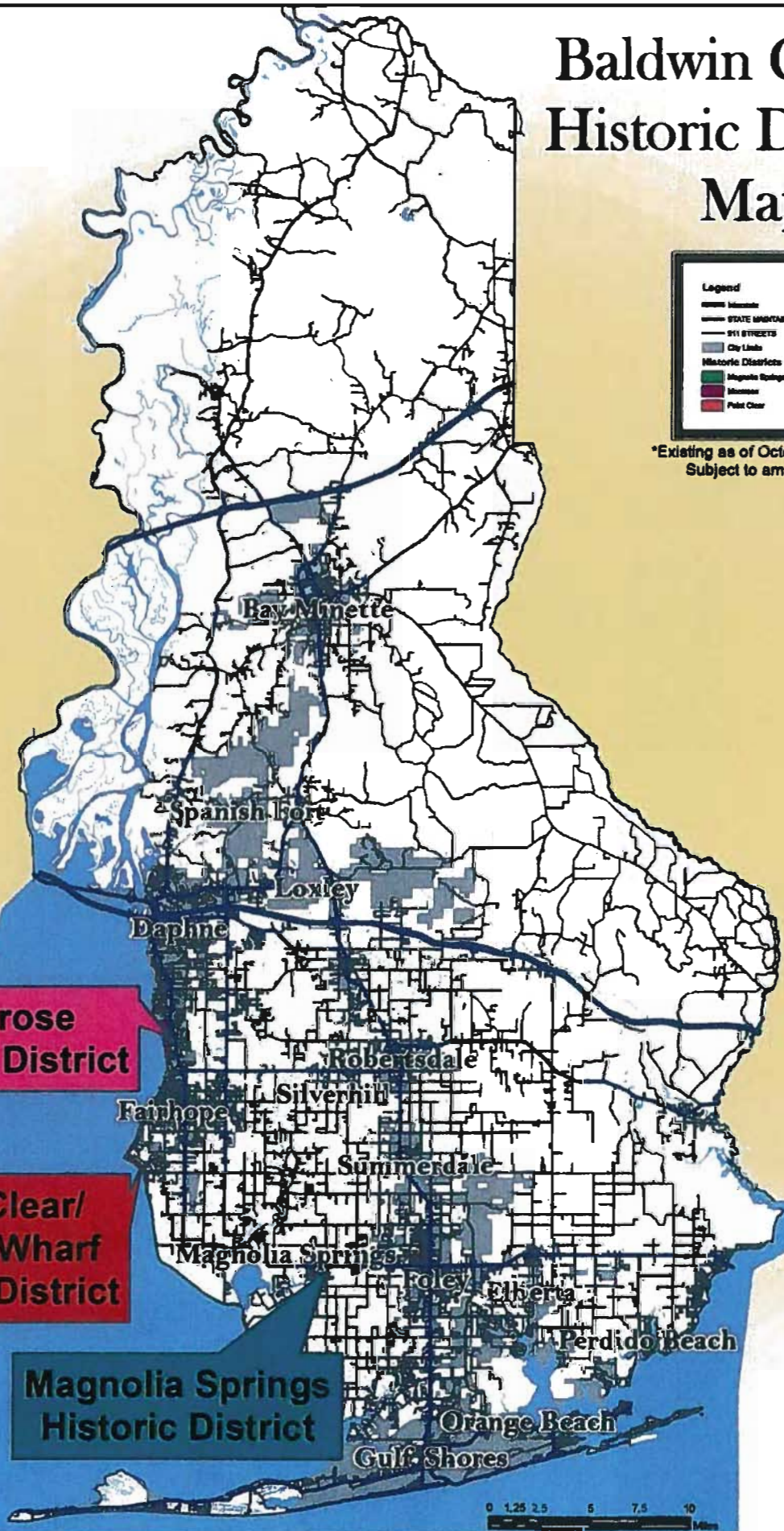


*Existing as of October 1, 2013.
Subject to amendment.

**Montrose
Historic District**

**Point Clear/
Battles Wharf
Historic District**

**Magnolia Springs
Historic District**



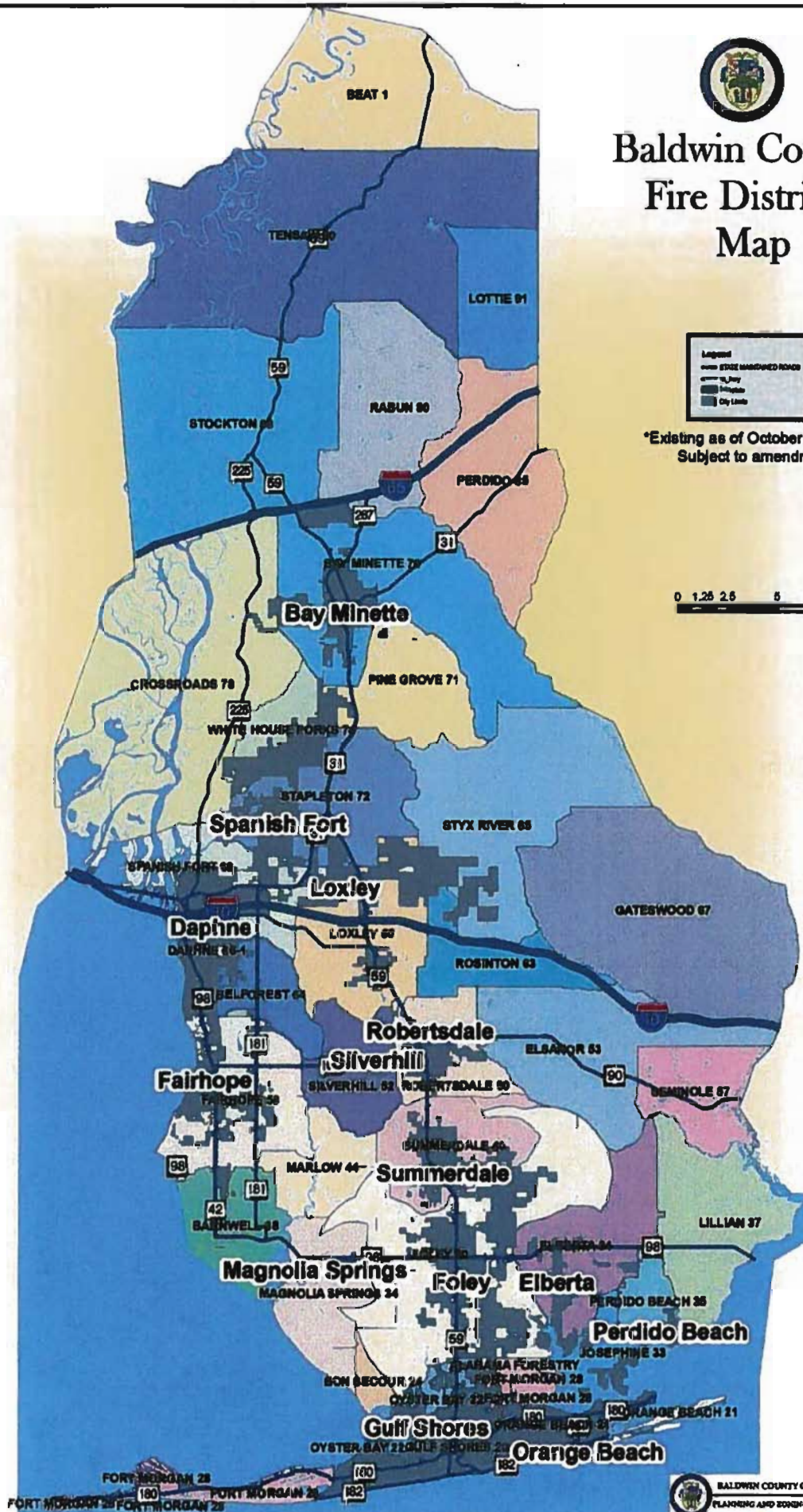


Baldwin County Fire Districts Map



*Existing as of October 1, 2013.
Subject to amendment.

0 1.25 2.5 5 7.5 10 Miles



BALDWIN COUNTY COMMISSION
PLANNING AND ZONING DEPARTMENT

**Baldwin County Planning and
Zoning/ Local Legislation/ §§ 45-
2-261, et seq., Code of Alabama
1975, as amended**

Section 45-2-261**Creation of the County Planning and Zoning Commission.**

There is created a planning and zoning commission for Baldwin County, Alabama, which commission shall be appointed as provided and shall have responsibilities and duties as stated in this subpart. The commission shall be known as the Baldwin County Planning and Zoning Commission hereinafter referred to as the "planning commission." The planning commission shall adopt bylaws to administer the provisions of this subpart. The planning commission shall elect its chair and create and fill other offices as it may determine. The term of the chair shall be for one year, with eligibility for reelection. The planning commission shall hold at least one regular meeting each month and shall keep a record of its resolutions and actions, all of which shall be a public record. A majority of the members on the planning commission shall be required to constitute a quorum to transact the business of the planning commission.

(Act 91-719, p. 1389, §1; Act 98-665, p. 1455, §1.)

Section 45-2-261.01**Appointment of members and personnel of the Baldwin County Planning and Zoning Commission.**

The planning commission shall be composed of nine regular members, each of whom shall be a qualified elector and an actual resident of the county. One and only one regular member of the planning commission may be a qualified elector of the county who resides in the corporate limits of a municipality in the county. All regular members shall be appointed by the Baldwin County Commission for a term of four years. Upon the affirmative vote of a majority of the qualified electors in a district election held pursuant to Section 45-2-261.07, the membership of the planning commission shall be increased by appointment by the county commission of a qualified elector from that district for a temporary one-time term of three years. In the event of any vacancy on the planning commission, such vacancy shall be filled by appointment of the Baldwin County Commission. The Baldwin County Commission may remove any member for cause upon written charges and after a public hearing. All members shall serve without compensation, and no member shall be a county officer or employee; however, reasonable and necessary expenses of the members of the planning commission shall be paid from the General Fund of Baldwin County.

(Act 91-719, p. 1389, §2; Act 98-665, p. 1455, §1; Act 2006-609, p. 1672, §1; Act 2010-719, p. 1782, §1.)

Section 45-2-261.02**Jurisdiction of the planning commission.**

The jurisdiction of the planning commission for planning and zoning by district pursuant to Section 45-2-261.07 shall apply to all unincorporated areas of Baldwin County. The planning commission shall not have authority over removal of natural resources growing on, placed on, or naturally existing on or under private lands or properties. Provided further, that any owner of record of real property upon the date of the adoption by the Baldwin County Commission of the zoning ordinance for the district in which the 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.

Notwithstanding any provisions, rules, or regulations to the contrary, no application called for or required by the ordinances and zoning regulations promulgated hereunder may be rejected solely on the grounds that the applicant is not the record owner of the subject land, provided that such applicant maintains or owns an interest in the real property made the subject of the application and is seeking to exercise the applicant's rights in such property. The Baldwin County Commission may enter into agreements with municipalities for planning purposes with the extraterritorial planning jurisdiction of the municipalities. The county commission may designate the planning commission to administer subdivision regulations adopted pursuant to the provisions of Sections 11-19-1 to 11-19-24, inclusive, and 11-24-1 to 11-24-7, inclusive, and §45-2-260.1.

(Act 91-719, p. 1389, §3; Act 98-665, p. 1455, §1; Act 2010-719, p. 1782, §1.)

Section 45-2-261.03**Preparation of master plan.**

In availing itself of the powers conferred by this subpart, the Baldwin County Commission shall appoint the planning commission to make and maintain in an up-to-date manner, a master plan for the physical development of the unincorporated areas of Baldwin County. The master plan with the accompanying maps, plats, charts, and descriptive material shall show the planning commission's recommendations for the use and development of the unincorporated areas of Baldwin County. The planning commission shall make a preliminary report and hold a public hearing thereon. The master plan recommended thereunder shall be presented in a final report to the Baldwin County Commission. The Baldwin County Commission shall not hold a public hearing and take action until it has received the final report of the planning commission. After a public hearing by the Baldwin County Commission, the master plan may be approved or amended by the Baldwin County Commission, or remanded to the planning commission for further revision. The master plan shall not be effective until adopted by the Baldwin County Commission. The planning commission may prepare and the Baldwin County Commission may adopt the master plan as a whole or in successive parts corresponding with planning districts as provided in Section 45-2-261.05 or with functional sections of the subject matter of the master plan.

(Act 91-719, p. 1389, §4; Act 98-665, p. 1455, §1.)

Section 45-2-261.04**Procedure for adoption and amendment of ordinances and regulations.**

(a) The Baldwin County Commission may adopt ordinances and regulations as necessary to effect the provisions of this subpart. The ordinances or regulations shall be made in accordance with a master plan and designed to lessen congestion in the streets, to secure safety from fire, panic, and other dangers, to promote health and general welfare, to provide adequate light and air, to prevent overcrowding of land, to avoid undue concentration of population and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. The ordinances and regulations shall be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses and with the view of conserving the value of the buildings and encouraging the most appropriate use of land throughout the district. For the purpose of promoting the health, safety, morals, and general welfare of the community, the county commission may regulate and restrict the height, number of stories, and size of buildings or structures, the percentage of lots that may be occupied, the size of yards, courts, and other open spaces, the density of population and the location and use of buildings, structures, and land for trade, industry, residences, or other purposes.

(b) Prior to the adoption of a proposed ordinance or regulation, or amendment thereto, pursuant to this subpart, notice that an ordinance or regulation, or amendment thereto, will be considered shall be published for three consecutive weeks in the legal section of a newspaper of general circulation in the county. In addition, a notice shall be published at least five days prior to the date of the public hearing in the regular section of the newspaper which shall be in the form of at least one quarter page advertisement. The notice shall state that an ordinance or regulation, or amendment thereto, will be considered by the Baldwin County Commission pursuant to this subpart and that a copy of the proposed ordinance or regulation, or amendment thereto, is available for public inspection at the nearest county courthouse or the nearest county courthouse satellite office which locations shall be clearly published in the notice. The notice required to be published by this subpart shall also state the time and place and location where all persons may be heard in opposition to or in favor of the ordinance or regulation or amendment thereto. The regulation, ordinance, or amendment thereto, shall not become effective until adoption by the Baldwin County Commission after a public hearing thereon, at which parties in interest and citizens shall have an opportunity to be heard. If a parcel of property may be rezoned by a proposed amendment, a conspicuously located sign advising the general public of the proposed amendment shall be posted on the property no less than three weeks prior to the date of the hearing.

(Act 91-719, p. 1389, §5; Act 98-665, p. 1455, §1.)

Section 45-2-261.05**Planning districts and authority.**

The Baldwin County Commission shall divide the unincorporated areas of Baldwin County into planning districts. Prior to submission of a written petition to hold an election pursuant to Section 45-2-261.07, the planning districts may be altered as necessary by the Baldwin County Commission to effect the provisions of this subpart. In establishing the boundaries of the planning districts, the Baldwin County Commission may consider, but not be limited to, the natural geography of the county, identifiable landmarks, both natural and man-made, current land use patterns, areas of historical significance, natural resources, convenience of holding elections within a planning district, administrative convenience, projected land use, population density, population growth, and common community interests.

(Act 91-719, p. 1389, §6; Act 98-665, p. 1455, §1.)

Section 45-2-261.06**Purposes and view.**

In preparation of the proposed master plan and planning and zoning ordinances and regulations, the planning commission shall make careful and comprehensive studies and surveys of the present conditions existing within unincorporated areas with due regard to existing agricultural uses, to land by virtue of its availability, proximity to water supplies, and other geographical features as particularly suited to agricultural uses, to neighboring municipalities, towns and villages, to growth of subdivisions, to the general population, to growth of the resort areas in the county, and make adequate provisions for traffic, recreational areas, and industries and other public requirements. The comprehensive plan, development and zoning ordinances, and regulations shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the county which will in accordance with present and future needs best promote the health, environment, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development, and shall promote safety from fire, flood, and other dangers and the healthful and convenient distribution of population, and the wise and efficient expenditure of public funds. The plan, regulations, and ordinances shall be public record but their purpose and effect shall be to aid the Baldwin County Commission in the performance of its duties hereunder, and assisting and cooperating with other federal, state, and local agencies so as to achieve coordinated, adjusted, and harmonious development. The Baldwin County Commission may contract or appoint planners, engineers, architects, or other consultants to assist the planning commission in developing the master plan, ordinances, and regulations. The consultants shall be paid by the county commission for their service according to the terms and conditions of their contracts or appointments.

(Act 91-719, p. 1389, §7; Act 98-665, p. 1455, §1.)

Section 45-2-261.07**Procedure for exercising jurisdiction in each district.**

The Baldwin County Commission shall not exercise its planning and zoning powers and jurisdiction in any district established hereunder until the majority of the qualified electors of the district voting in an election shall have voted their desire to come within the planning and zoning authority of the Baldwin County Commission. The election shall be held if 10 percent of the qualified electors in any district submit a written petition to the county commission expressing a desire to be subject to the planning and zoning jurisdiction of the Baldwin County Commission under authority of this subpart. For the purposes of the establishment of districts after June 1, 2010, a district shall correspond to a voting precinct or precincts in the county unless the county governing body determines that the use of voting precinct boundaries is not feasible. A party or parties seeking to file a petition shall notify the county governing body in writing that the parties will petition for the formation of a district and the proposed boundaries of the district. The judge of probate within 15 days shall give a preliminary estimate of the number of signatures needed to call the election. The county governing body shall notify the principal party in writing within 30 days of written notification by petitioners of intent to request a referendum, by United States mail, return receipt requested, that the proposed district is acceptable for planning, zoning, and voting purposes and shall furnish forms to the petitioner for use in seeking the number of signatures required to call an election. The parties shall have 120 days thereafter to obtain the necessary signatures and file the petition. The County Commission and the Judge of Probate of Baldwin County shall certify or reject the accuracy of the petition no later than 45 days after receiving the petition. If the number of signatures is not sufficient, the parties shall have another 60 days to complete the petition and have it certified. If the petition is not certified, a petition for the proposed district may not be refiled for two year after the final denial of certification. Upon certification, the county commission shall then instruct the Judge of Probate of Baldwin County to provide for an election within that district no later than 90 days after the certification. Notice of the election shall be published four times during the 30-day period immediately preceding the date of the election in a newspaper of general circulation in Baldwin County. In addition, the county commission shall notify by U.S. mail each elector in a district of the election and the process to obtain additional information. The notification shall state the date of the election and the polling place or places for voting. The judge of probate shall conduct the election. All costs for the notification and election shall be paid from the General Fund of Baldwin County. If a majority of the qualified electors in a district vote in the negative in the election, then the district shall not be subject to the zoning and planning jurisdiction of the Baldwin County Commission, and the qualified electors of the district shall not be eligible to petition for another election until two years from the date of the last election. If a majority of the qualified electors in a district vote in the affirmative, then the district shall be subject to the zoning and planning jurisdiction of the Baldwin County Commission.

(Act 91-719, p. 1389, §8; Act 98-665, p. 1455, §1; Act 2006-609, p. 1672, §1; Act 2010-719, p. 1782, §1.)

Section 45-2-261.08**Appointment of advisory committees.**

In each district wherein the qualified electors vote to become subject to the planning and zoning authority of the Baldwin County Commission as provided in Section 45-2-261.07, the Baldwin County Commission shall appoint an advisory committee from that district to work with and assist the planning commission in formulating and developing regulations, ordinances, and zoning measures for the district. Each advisory committee shall consist of five members who shall be qualified electors of the district and who shall reflect as nearly as practical the diversity of land use in a district. The members of each district advisory committee shall elect a chair. Upon the adoption of zoning ordinances and regulations for the district by the Baldwin County Commission pursuant to the terms of this subpart, the services of the district advisory committee shall terminate and the committee shall be abolished. In any district which is contiguous to one or more municipalities, a member of the municipal planning commission of each contiguous municipality shall serve in an ex officio capacity on the advisory committee.

(Act 91-719, p. 1389, §9; Act 98-665, p. 1455, §1; Act 2006-609, p. 1672, §1.)

Section 45-2-261.09**Assessment of uniform zoning fee.**

The county commission may levy upon the owner of any real property located within any planning district in which a majority of the qualified electors have voted in the affirmative in an election described in Section 45-2-261.07, a uniform zoning fee not in excess of ten dollars (\$10) per parcel of real property per year. Upon the levy the Tax Assessor of Baldwin County shall assess the uniform zoning fee on the real property subject to the uniform zoning fee within the planning district. The assessment shall be collected by the Tax Collector of Baldwin County on annual ad valorem tax bills and non-payment of the assessment shall constitute a lien on the assessed property. The uniform zoning fee shall not be assessed for more than two years. The Tax Collector of Baldwin County shall collect the fee and the proceeds therefrom shall be deposited in the General Fund of Baldwin County to be expended exclusively for the purpose of administering the master plan and zoning and planning ordinances and regulations promulgated under this subpart.

(Act 91-719, p. 1389, §10; Act 98-665, p. 1455, §1.)

Section 45-2-261.10**Boards of adjustment.**

The Baldwin County Commission shall provide for the appointment of boards of adjustment and the regulations and ordinances adopted pursuant to the authority of this subpart shall provide that the boards of adjustment, in appropriate cases and subject to appropriate conditions and safeguards, may make special exceptions to the terms of the ordinances and regulations in harmony with their general purposes and interests and in accordance with general or specific rules therein contained. Four district boards of adjustment shall be appointed by the Baldwin County Commission with the same boundaries as the county commission districts as currently provided for by law on April 26, 2006. If a planning district is in more than one commission district, the board of adjustment for the planning district shall be the board of adjustment for the county commission district which contains the greatest part of the planning district. Each board of adjustment shall consist of not less than three and not more than the same number of regular members as the number of planning districts within the jurisdiction of a board of adjustment. Each member of a board of adjustment shall be a qualified elector of a planning district within the territory of the respective board of adjustment. The board of adjustment for each county commission district shall be composed of at least one member from each planning district and shall reflect as nearly as practical the diversity of land use in the commission district. The initial appointment of members to boards of adjustment and the alternates provided by Act 2006-609 shall be from nominations by the boards of adjustment of the local planning districts on April 26, 2006. Not more than one member of a board of adjustment shall be directly engaged in real estate sales, development, or construction or any directly related field. The county commission shall consider the size of the territory which has formed planning districts under a board of adjustment district in determining the size of a board of adjustment. Each regular member shall be appointed for a term of three years in such a manner to serve staggered terms. A regular member shall continue service until a successor is duly appointed. The members of each board of adjustment shall elect a chair. In addition to the regular members provided for in this section, one alternate member for each regular member shall be appointed to serve on each board of adjustment only in the absence of the regular member for the place for which he or she was appointed an alternate and while serving shall have and exercise authority of a regular member. The alternate member shall have the same qualifications as a regular member and shall serve for a term concurrent with the regular member for the district. Members of each board of adjustment may be removed for cause by the Baldwin County Commission upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Each board of adjustment for each district shall adopt bylaws in accordance with the provisions of any ordinance or regulation promulgated pursuant to this subpart. Meetings of each board of adjustment shall be held at the call of the chair of the board and at such other times as each board may determine, provided that no board of adjustment shall meet less than once every three months on a day to be determined by the board. The chair, or in his or her absence, the acting chair may administer oaths and compel the attendance of witnesses. All meetings of the boards of adjustment shall be open to the public. The board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating that fact, and shall keep records of its examinations and of other official actions, all of which shall immediately be filed in the office of the board and shall be a public record.

(Act 91-719, p. 1389, §11; Act 98-665, p. 1455, §1; Act 2006-609, p. 1672, §1; Act 2010-719, p. 1782, §1.)

Section 45-2-261.11**Appeals to the board of adjustment.**

Appeals to the planning district 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 this subpart or of any ordinance or regulation adopted pursuant to this subpart. Notwithstanding any provision herein, a board of adjustment shall have no jurisdiction to review any decision already determined by the Baldwin County Commission. The appeal shall be taken within 30 days of the 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. An appeal stays all proceedings in furtherance of the action appealed 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 or her that by reason of facts stated in the certificate a stay would in his or her opinion cause imminent peril to life or property. The 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. The board of adjustment shall fix a reasonable time for hearing the appeal, give public notice to the interested parties, and decide the appeal within a reasonable time. Any party may appear in person, by agent, or by an attorney.

(Act 91-719, p. 1389, §12; Act 98-665, p. 1455, §1; Act 2006-609, p. 1672, §1.)

Section 45-2-261.12

Powers of the board of adjustment.

The board of adjustment shall have all of the following powers:

- (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the zoning regulations adopted pursuant to this subpart.
- (2) To hear and decide special exceptions to the terms of the zoning regulations adopted pursuant to this subpart.
- (3) To authorize upon appeal in specific cases the variance from the terms of the zoning regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the zoning regulations will result in unnecessary hardship and so that the spirit of the ordinance or regulations required shall be observed and substantial justice done. The foregoing provisions shall not authorize the board of adjustment to approve a use not permitted by the zoning regulations.

In exercising its authority, the board may, in conformity with this subpart, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and make the 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 members of a board of adjustment shall be necessary to reverse any order, requirement, decision, or determination of any administrative official or decide in favor of the applicant on any matter upon which it is required to act or to approve a variance from the terms of the zoning regulations adopted pursuant to this subpart.

(Act 91-719, p. 1389, §13; Act 98-665, p. 1455, §1; Act 2006-609, p. 1672, §1.)

Section 45-2-261.13**Appeals from final decision of board of adjustment.**

(a) Any party aggrieved by a final judgment or decision of a board of adjustment, except a decision on the approval or disapproval of a subdivision, within 15 days thereafter, may appeal therefrom 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 the appeal, the board of adjustment shall cause a transcript of the proceedings and the action to be certified to the court to which the appeal is taken.

(b) Any party aggrieved by a final judgment or decision of a board of adjustment on the decision on the final approval or disapproval of a subdivision, within 15 days thereafter, may appeal therefrom to the county commission. Any party aggrieved by the final judgment or decision of the county commission, within 15 days thereafter, may appeal therefrom to the Circuit Court of Baldwin County, Alabama, by filing with the circuit court and the county commission a written notice of appeal specifying the judgment or decision from which the appeal is taken. In case of an appeal to circuit court, the county commission shall cause a transcript of the proceedings and the action to be certified to the court to which the appeal is taken.

(Act 91-719, p. 1389, §14; Act 98-665, p. 1455, §1; Act 2006-609, p. 1672, §1; Act 2010-719, p. 1782, §1.)

Section 45-2-261.14**Permit and application fees.**

The Baldwin County Commission may levy permit and application fees deemed necessary to administer ordinances and zoning regulations promulgated hereunder. The fees shall cover the cost of administrative activities performed hereunder by the agencies of the county commission and the boards of adjustment. The county commission may adopt the administrative rules and procedures as it deems necessary to carry out the provisions of this subpart.

(Act 91-719, p. 1389, §15; Act 98-665, p. 1455, §1.)

Section 45-2-261.15**Remedies.**

If any building or structure is erected, constructed, altered, repaired, converted, or maintained, or if any land is used in violation of this subpart or any ordinance or regulation promulgated under the authority conferred by this subpart, the county attorney, or other appropriate administrative officer of Baldwin County shall institute any appropriate action or proceeding to prevent an unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use of the land or to restrain, correct, or abate the violation, or to prevent the occupancy of any building or structure, or to prevent any illegal act, conduct, business, or misuse in or upon any premises regulated under the authority conferred by this subpart. In addition to the foregoing, the Baldwin County Commission may adopt ordinances or regulations providing for a penalty in the form of a fine for the violation of the provisions of any ordinance or regulation promulgated under this subpart. The fine shall not exceed one hundred fifty dollars (\$150) and cost of court for each offense. Each day the violation continues shall constitute a separate offense.

(Act 91-719, p. 1389, §16; Act 98-665, p. 1455, §1.)

Section 45-2-261.16

Housing.

The Baldwin County Planning and Zoning Commission shall have no jurisdiction over the type of single family housing or dwelling to be placed or constructed on private property.

(Act 91-719, p. 1389, §18; Act 98-665, p. 1455, §1.)

Section 45-2-261.17**Construction with other laws.**

The authority of the Baldwin County Commission under this subpart shall not conflict with present or future regulations or policies of the Alabama Department of Health. Except as expressly set forth in this subpart, no provision of this subpart shall infringe upon the existing authority of the Baldwin County Commission to regulate the development of subdivisions under Section 45-2-260.01, and any amendments thereto, or any additional power or authority granted to the Baldwin County Commission by local legislative act. Notwithstanding any authority otherwise conferred by this subpart or any local act applicable to Baldwin County, after June 15, 1973, once a subdivision has been approved in accordance with the subdivision regulations applicable to the subdivision at the time of approval, the Baldwin County Commission and the Baldwin County Planning Commission shall have no authority to impose, by amendment to any subdivision regulations, zoning regulations, or otherwise, any new or additional front, side, rear, or wetland setback requirements on any lot contained within a previously approved subdivision which would increase the setback requirements or impose a more restrictive setback requirement on the use of the lot. After June 15, 1973, all subdivisions and lots approved in accordance with the applicable subdivision regulations prior to the date the Baldwin County zoning regulations become applicable to the subdivision or lot, or prior to the amendment of any applicable zoning regulations, shall not be subject to any new or additional front, side, rear, or wetland setback requirements which would increase the setback requirements or impose a more restrictive setback requirement on the use of the lot, and the lot shall not be deemed a nonconforming lot for the purposes of any zoning or subdivision regulations and may be used and improved without regard to the new or additional requirements and without any limitation applicable thereto based on any nonconformity with subsequently enacted regulations. No provision of this subpart shall affect any existing statute or regulation promulgated pursuant to any law creating historic or preservation districts within Baldwin County; however, historic or preservation districts are subject to the provisions of this subpart.

(Act 91-719, p. 1389, §19; Act 98-665, p. 1455, §1; Act 2010-719, p. 1782, §1.)

Section 45-2-261.18

Zoning ordinances and regulations not retroactive.

No zoning ordinance or regulation promulgated by the Baldwin County Commission under the authority of this subpart shall change any use to which land is being made at the time the zoning ordinance or regulation becomes applicable to any district.

(Act 91-719, p. 1389, §20; Act 98-665, p. 1455, §1.)