

# PROPOSED TEXT AMENDMENTS TO THE TOWN OF PERDIDO BEACH LAND USE AND ZONING ORDINANCE PERTAINING TO:

## Articles:

- I – Purpose, Enactment and Short Title
- II – Establishment of Zoning Districts
- III – Rural Districts
- IV – Residential Districts
- V – Commercial Districts
- X – Overlay Districts
- XII – General Requirements
- XIII – Design Standards
- XIXA – Administrative Procedures
- XXII - Definitions

Figure 1 – Table of Permitted Uses Article I Purpose, Enactment, and Short Title

Remove Section 1.8 Enactment

### Article II Establishment of Zoning Districts- Section 2.1

RA Rural Agricultural District: This zoning district provides for large, open non-subdivided land which is vacant or is being used for agricultural, forest, (ADD livestock,) or other rural purposes and is limited to residential density of one dwelling unit per lot.

~~CR Conservation Resource District: This zoning district provides for open, non-subdivided land which is environmentally constrained and is used for agricultural, forest, or other rural purposes.~~

ER Single Family Estate District (ADD May accommodate livestock)

B1 ~~Professional~~ Business District: This zoning district provides for (ADD limited retail convenience goods and personal service establishments, as well as,) office type buildings and land uses which are most compatible with, and are located near residential areas and which typically provide services and associated sales related to those services.

~~B2 Local Business District: This zoning district provides for all allowed in Zoning District B-1 and for limited retail convenience goods and personal service establishments in or near to residential neighborhoods.~~

### Article III Rural Districts

3.1.1 *Generally.* This zoning district provides for large, open, non-subdivided land which is vacant or is being used for agricultural, forest, (ADD livestock,) or other rural purposes.

~~Section 3.2 CR Conservation Resource District~~

~~3.2.1 Generally. This zoning district provides for open, non-sub-divided land which is environmentally constrained and which is vacant or is being used for agricultural, forest or other rural purposes.~~

~~3.2.2 Permitted uses. The uses and structures identified with a “P” on the Table of Permitted Uses attached to this ordinance.~~

~~3.2.3 Conditional uses. The uses and structures identified with a “C” on the Table of Permitted Uses attached to this ordinance.~~

~~3.2.4 Special exceptions. The uses and structures identified with an “S” on The Table of Permitted Uses attached to this ordinance.~~

~~3.2.5 Area and dimensional values. In addition to the requirements of Article XII General Requirements and except as allowed by Section 18.6 Variances, and Article XX Nonconformities the area and dimensional values set forth below shall be observed~~

|   |                                    |
|---|------------------------------------|
| <del>Maximum Building Height of Structure in Feet</del>     | <del>34.75</del>                   |
| <del>Maximum Height of Structure in Habitable Stories</del> | <del>2</del>                       |
| <del>Maximum Front Yard Set Back</del>                      | <del>100 feet</del>                |
| <del>Minimum Rear Yard Set Back</del>                       | <del>100 feet</del>                |
| <del>Minimum Side Yards Set Back</del>                      | <del>50 feet</del>                 |
| <del>Maximum Density</del>                                  | <del>1 Dwelling Unit per lot</del> |
| <del>Minimum Lot Area</del>                                 | <del>5 Acres</del>                 |
| <del>Minimum Lot Width at Street Line</del>                 | <del>250 Feet</del>                |

## **Article IV Residential Districts**

### **Section 4.1 ER Single Family Estate District**

~~4.1.1 Generally. This Zoning district provides for low density residential development consisting of single family dwellings on large size lots. (ADD May accommodate livestock.)~~

#### ~~4.1.5 Area and Dimensional values~~

~~Minimum Lot Area      2 Acres 80,000 Square Feet~~

## **Article V Commercial Districts**

### **Section 5.1 B-1 Professional Business District**

~~5.1.1 Purpose and Intent. The purpose and intent of the B-1 Professional Business District is to provide for office (ADD, limited retail convenience goods,) and personal service type buildings; associated retail sales; land uses with low traffic volumes anticipated throughout the day with limited peak traffic conditions in the morning and evening; and land uses which are most compatible with and located near residential areas.~~

### ~~Section 5.2 B-2 Local Business District~~

~~5.2.1 Purpose and Intent. The purpose and intent of the B-2 Local Business District is to provide for all uses allowed in Zoning District B-1 and for limited retail convenience goods and personal service establishments servicing nearby residential neighborhoods.~~

~~5.2.2. Permitted uses.~~ The uses and structures identified with a “P” on the Table of Permitted Uses attached to this ordinance.

~~5.2.3 Conditional uses.~~ The uses and structures identified with a “C” on the Table of Permitted Uses attached to this ordinance.

~~5.2.4 Special Exception.~~ The uses and structures identified with an “S” on the Table of Permitted Uses attached to this ordinance.

~~5.2.5 Mixed uses.~~ Mixed residential and commercial uses may be permissible as conditional uses, subject to the standards and procedures established in *Section 18.11: Conditional Uses* and subject to the following criteria:

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

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

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

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

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

~~(f) Building height shall not exceed two (2) stories of 34.75 feet.~~

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

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

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

~~5.2.6 Area and dimensional values.~~ In addition to the requirements of Article XII *General Requirements* and except as allowed by the *Section 18.6 Variances*, and *Article XV Nonconformities*, the area and dimensional values set forth below shall be observed.

|  |                    |
|--|--------------------|
| Maximum Building Height of Structure in Feet     | 34.75              |
| Maximum Height of Structure in Habitable Stories | 2                  |
| Maximum Front Yard Set Back                      | 30 feet            |
| Minimum Rear Yard Set Back                       | 25 feet            |
| Minimum Side Yards Set Back                      | 15 feet            |
| Minimum Lot Area                                 | 20,000 Square Feet |
| Maximum Impervious Surface Ratio                 | 60%                |

Minimum Lot Width at Street Line \_\_\_\_\_ 60 Feet  
Maximum Individual Building Size Allowed \_\_\_\_\_ 8,000 Square Feet

~~5.2.7 Lighting Standards. The maximum height of exterior lights shall be 25 feet. The intensity, location, and design of lighting shall be such that not more than one foot candle of light is cast upon adjacent property or public rights of way. Light fixtures shall be designed to cast light downward. Where necessary, cut off devices shall be used to minimize glare off premises. No light shall be aimed directly toward a property designated residential, which is located within 200 feet of the source of the light.~~

~~5.2.8 Distance between structures. If there is separation between any two principal structures on the same parcel, said separation shall be a minimum of fifteen (15) feet or a distance equal to one half the sum of their heights, whichever is the greater.~~

## Article X Overlay Districts

10.1.4 *Permit requirements.* A U.S. Army Corps of Engineers wetlands jurisdictional determination is required if the proposed planned development contains wetlands ~~or if the Zoning Administrator or his/her designee determines potential wetlands from the Generalized Wetland Map as defined herein, through a site visit by staff or their assigns.~~ The (ADD Town of Perdido Beach requires a minimum) setback for development from a wetland ~~must be a minimum~~ of thirty (30) feet. If the area proposed for development is located in or within the wetland protection district boundary, as determined from the Generalized Wetland Map, a U.S. Army Corps of Engineers jurisdictional determination shall be required prior to the issuance of a Land Use Certificate. If the Corps determines that wetlands are present on the proposed development site and that a Section 404 Permit or Letter of permission is required. As a prerequisite to issuance of a Land Use Certificate, any person, making application for subdivision approval on property which contains wetlands, ~~or if the Zoning Administrator or his/her designee determines potential wetlands from the Generalized Wetland Map, as defined herein, through a site visit by authorized staff,~~ (the) applicant must obtain a U.S. Army Corps of Engineers wetlands jurisdictional determination. If the Corps determines that wetlands are present and that a Section 404 Permit or Letter of Permission is required, development may not proceed until the Section 404 Permit or Letter of Permission is issued.

## Article XII General Requirements

12.2.2 A recreational vehicle may be occupied as living quarters on a temporary basis for up to (ADD a maximum of) eighteen (18) months pending the repair/rebuilding of a primary dwelling following any disaster which may render the primary dwelling uninhabitable. ~~ADD Recreational vehicles may be occupied as living quarters on a temporary basis for up to a maximum of six (6) months pending the final construction of a newly constructed home.~~ Extensions in excess of this period may be given upon demonstration of a need to continue temporary use. A recreational vehicle, when used as temporary living quarters may only be occupied by the owner/occupant of the primary dwelling being repaired or rebuilt and must be located on the same parcel as the subject primary dwelling. In addition, the recreational vehicle must meet the location and setback requirements specified for accessory structures in residential districts ~~ADD, not to be utilized as an accessory dwelling.~~ (See Section 13.1.2 (a)). ~~An approved Land Use Certificate~~

~~(See Section 18.2) shall be obtained from the Zoning Administrator prior to the use of a recreational vehicle as temporary living quarters in order to ensure compliance with this ordinance. Occupancy (18 months) time line shall start from the issuance of the Land Use Certificate.~~

(a.) Recreational Vehicles utilized during new construction, pending repair, or rebuilding must have sewer/water, septic/well, garbage services, and utilities on site.

12.2.3 Model Home Sales Centers---- REMOVE Section

## Article XIII Design Standards

13.1.2 Residential districts

ADD

(f) Accessory dwelling square footage shall not exceed 60% of principal dwelling

(g) Accessory dwelling shall not be permitted on nonconforming lots.

~~Section 13.3 Residential Docks, Piers and Related Structures---- REMOVE Section~~

## Article XIXA Administrative Procedures

19A.13.5 ADD In the case of rezoning, at least five (5) days prior to the Public Hearing, notice will be sent by certified mail, return receipt requested, to the applicant and to all adjacent property owners as their names appear in the Baldwin County Tax Records.

~~Section 19A.14 Agricultural Land--- REMOVE Section~~

## Article XXII Definitions

Section 22.2 Words and Terms Defined

*Accessory dwelling:* An accessory building used as a complete, independent living facility. ADD Said accessory building shall not exceed 60% of the square footage of the principal dwelling and shall not be permitted on a non-conforming lot.

ADD

*Kennel:* Any place or premises where four (4) or more dogs over 4 months of age are kept for breeding or boarding.

ADD

*Livestock:* Domesticated animals raised in an agricultural setting to produce labor and commodities such as meat, eggs, and milk. Horses are considered livestock.

## Article XXIII Table of Permitted Uses

Changes made to the Table of Permitted Uses (See attachment)

