

Town of Perdido Beach

RESOLUTION 2010-14

**RESOLUTION 2010-14, EXTENDING THE TEMPORARY MORATORIUM ON STRUCTURES, PARTS THEREOF, LAND USE CHANGES OR SUBDIVISIONS**

**WHEREAS**, the Town of Perdido Beach Planning Commission has recommended a Proposed Land Use and Zoning Ordinance to the Town Council; and

**WHEREAS**, the Town Council is in the process of reviewing the Proposed Land Use and Zoning Ordinance; and

**WHEREAS**, the Temporary Moratorium on Structures, Parts Thereof, Land Use Changes or Subdivisions expires on November 24, 2010; and

**WHEREAS**, the Baldwin County Planning Department has been authorized by the Town to issue land use permits under an agreement between the Town and Baldwin County; and

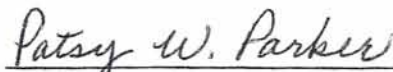
**WHEREAS**, the Council of the Town of Perdido Beach believes it is in the best interest of the Town and the residents of the Town to extend the temporary moratorium for a period of ninety (90) days with exception of uses as specified in APPENDIX "A", attached.


**NOW THEREFORE, BE IT RESOLVED**, that if a zoning ordinance is adopted by the Town of Perdido Beach, Alabama, prior to the expiration of the ninety (90) day temporary moratorium period, said moratorium shall then and in that event terminate without further action of the Perdido Beach Town Council.

**BE IT FURTHER RESOLVED**, that Resolution 2010-14, EXTENDING THE TEMPORARY MORATORIUM ON STRUCTURES, PARTS THEREOF, LAND USE CHANGES OR SUBDIVISIONS is hereby adopted by the Council of the Town of Perdido Beach, Alabama.

**Adopted this 18<sup>th</sup> day of November, 2010**

**ATTEST:**

  
\_\_\_\_\_  
Patsy W. Parker, Mayor

  
\_\_\_\_\_  
Lynn Thompson, Town Clerk

Town of Perdido Beach

APPENDIX "A"

EXCEPTIONS TO RESOLUTION 2010-14, EXTENDING THE TEMPORARY MORATORIUM  
ON STRUCTURES, PARTS THEREOF, LAND USE, LAND USE CHANGES OR  
SUBDIVISIONS

**Definitions:**

Except as otherwise provided herein, all words shall have the customary dictionary meaning. The present tense includes the future tense and the future tense includes the present tense. The singular number includes the plural and the plural includes the singular. The word "building" includes "structure". The words "shall" and "will" are always mandatory. The word "used" or "occupied" as applied to any land or buildings shall be construed to include the words "intended, arranged, or designed to be used or occupied".

*Accessory Structure:* A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

*Boathouse:* A structure constructed over water designed or intended to be used for the purpose of docking, storing and protection of (1) or more watercraft.

*Boat slip:* A facility for the mooring of watercraft.

*Church or similar religious facility:* A place where religious worship is conducted. The term "church" shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.

*Deck:* A flat uncovered area generally adjoining a house, building, or pool which may be used as an outdoor sitting or recreation area.

*Dwelling, single-family:* A detached building designed for and occupied by one family as a home, with toilets and facilities for cooking and sleeping.

*Expansion/Addition:* The addition of enclosed or unenclosed rooms or storage spaces, decks, or porches to an existing building.

*Manufactured structures:* Housing or structures built to the National Manufactured Housing Construction and Safety Standards (HUD Code) displaying a red certification label on the exterior of each transportable section.

*Permitted use:* A use that is specifically authorized.

*Pier:* An elevated deck structure, usually pile supported, extending out into the water from the shore.

*Setback line:* A line defining the limits of a yard in which no building or structure may be located.

*Story:* That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling next above it.

*Structure:* Any object, the whole or parts of which are constructed, erected or arranged by human agency, the use of which requires a location on the ground or attached to something having a location on the ground.

*Use:* The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

**The following uses and structures designed for uses shall be permitted:**

- (a) Single family dwelling including manufactured housing
- (b) Structure expansions and/or additions
- (c) Residential Boathouses
- (d) Churches or similar religious facility
- (e) Accessory Structures

- (a) Single family dwellings, including manufactured homes:

*Area and dimensional regulations.*

Height -	Less than 35 feet from ground to highest point of roof.	
Stories -	No more than two (2)	
Setbacks -	Minimum Front Yard	30 Feet
	Minimum Rear Yard	30 Feet
	Minimum Side Yard	10 Feet
	Minimum Side Yard Adjacent to a Street	20 Feet

- (b) Structure expansions and/or additions

Requirements are the same as for Single family dwellings, including manufactured homes.

- (c) Residential Boathouses

All regulations and specifications of the Army Corps of Engineers, ADEM, EPA, and Alabama State Docks relating to the construction of docks, piers, boat slips, decks, boathouses and related structures shall be followed explicitly.



Piers and related structures including mooring pilings shall be setback a minimum of 10-feet from the lateral riparian rights line.

In crossing a marsh, the pier or walkway shall not exceed 5-feet in width and must be at least 5-feet above the marsh surface.

No pier or related structure shall extend into navigable channels or obstruct any commonly used waterway.

A maximum of one pier shall be permitted per lot.

A maximum of three (3) boat slips shall be permitted per pier.

A maximum of one boathouse and one pier deck shall be permitted per pier.

The sum of the area of a boathouse and pier deck shall not exceed 1,600 square feet per pier. Pier decks and boathouses shall be a maximum of 40 feet in length and 40 feet in width and may be screened. Pier decks and boathouses may be covered with a roof having a maximum dimension of 40-feet in length and 40 feet in width and a maximum height of 20-feet above mean high water. The maximum area enclosed with solid walls shall not exceed 32 square feet. Access to sun decks shall be within the confines of the pier deck.

(d) Churches or Similar Religious Facilities

Churches, structure expansions and/or additions, and buildings intended for religious services must meet height, number of stories, and setback requirements as specified for single-family dwellings.

(e) Accessory Structures

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

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

An accessory structure may not exceed the height limit for single family structures and may not occupy more than 30% of the rear yard or waterfront yard.

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

**Administration:**

The duty of administering and enforcing these exceptions is hereby conferred upon the Zoning Administrator of Baldwin County under an agreement between the Town of Perdido Beach and the Baldwin County Commission, *Providing for the Application of the Baldwin County Commission's Building Laws and Codes with Respect to the Town of Perdido Beach*, dated October 20<sup>th</sup>, 2009, as amended.