***Fort Morgan Civic Association History***

Over 25 years ago a handful of permanent residents of the Fort Morgan peninsula got together with the primary purpose of supporting a volunteer fire department. They met at the Shell Banks Baptist Church. Their monthly meetings were a forum for matters of community interest and for planning fund raising events for the volunteer fire department.

When the opportunity arose for unincorporated Fire, Water and Sewer districts to propose their own zoning regulations, a committee from the civic association took the lead in writing a proposed Ft Morgan (District 25) zoning ordinance. It was designed to control growth and population density along the peninsula by limiting the height of condominiums to seven stories and permitting only three residential units per acre. The zoning proposal was approved by registered district voters in June 1992 and presented to the Baldwin County Commission for approval. At that commission meeting, a group of investors who had purchased (or had a contract to purchase) the parcel where the Beach Club is located protested that they knew nothing of the proposed zoning ordinance and had action on it tabled. Finally, in November 1993 the ordinance was approved by the commission. In those intervening seventeen months permits for construction of the Beach Club were issued by the County. Construction of the condominium project began three years later.

In 2000 the County Commission approved a permit for additional development (Beach Club West) on two adjacent but separated parcels and allow the building of high-rise beach front condominiums. These two parcels were considered by the County Commission to be “contiguous,” even though they had no common point of contact. They were connected only by an undeveloped road right-of-way. The Civic Association took issue with the county and sued the Commission for violation of the Ft Morgan zoning ordinances.

Lawsuits cost money and we had to find donors to back and finance the lawsuit. The civic association wrote to all property owners listed in the tax records. This was a successful venture: sufficient legal fees were collected and the civic association membership increased from about 90 to 300. At the county level, we were ruled against by Judge J. Langford Floyd. Ultimately that decision was reversed on appeal. These court actions took four years and cost over $45,000.

On April 14, 2003, the City of Gulf Shores, with the cooperation of the Governor and Department of Conservation and Natural Resources, annexed into the city the right-of-way of the entire Fort Morgan Road with no prior public knowledge of the intended action. The annexation had been casually advertised as “certain properties,” so that no one from Ft Morgan knew of any specifics until the city council meeting had been convened. This meant that any property contiguous to State Highway 180 could annex into the city of Gulf Shores, become exempt from Ft Morgan zoning, and fall under the city’s less restrictive, higher density regulations. Of the more than 3,000 parcels on the peninsula, only about 80 parcel owners eventually requested annexation - the majority of whom were realtors or developers.

The Civic Association voted to file suit against the City of Gulf Shores on the basis that the annexation was illegal. Judge J. Langford Floyd was again designated to judge the suit. A committee from the association met with city representatives to negotiate a compromise. That failed. The court ordered mediation efforts on two separate occasions which also failed. A bench trial was held in April of 2011, and Judge Floyd ruled in favor of Gulf Shores on July 22, 2011. The Civic Association filed an appeal and the suit went to the Alabama Supreme Court.  In April 2012 the Alabama Supreme Court issued a 9-0 opinion that the annexation was void, which meant all the contiguous parcel annexations were null and void. Gulf Shores asked for a re-hearing, which the Alabama Supreme Court rejected 9-0.

On October 23, 2012, Judge Floyd, as directed by the Alabama Supreme Court, issued a judgment confirming that court’s decision. The city then filed a series of appeals which delayed the voidance of the annexation while the city continued to collect Lodging Tax and Business License fees on all property and business owners in Ft Morgan. Their major complaint was based on a desire for the court to make the decision effective in 2013 rather than 2003 when the annexation originally occurred.  Had they won this final appeal, they would have been relieved of responsibility for all the license fees and lodging taxes collected from Peninsula residents and businesses during that ten-year period.  Finally, on February 28, 2014, the Supreme Court granted the request of the Civic Association to dismiss the City’s appeal and the annexation was voided effective 2003.

Meanwhile, we had a committee working on incorporation, with the main purpose of gaining control of zoning for District 25. The main difficulty was that with so many of the homes being second homes or rental properties, there was a limited number of registered voters.

The Gulf Shores annexation play also split the peninsula into two non-contiguous parts and stymied the Association’s ongoing incorporation effort because Alabama law requires contiguity as prerequisite for incorporation. A benefit did result however –a Planning and Zoning Advisory Committee was established in 2015 by act of the Alabama State Legislature.  Its purpose was to make recommendations to the Baldwin County Planning and Zoning Board of Adjustment regarding any proposed changes to zoning ordinances or regulations, or the master plan, or variances thereto, related to the Fort Morgan Zoning District 25.

In early October 2019 the civic association, in conjunction with the Baldwin County Planning and Zoning Department presented new ordinances for Ft Morgan. Their focus included: limiting the number of stories for single and duplex residences; providing guidelines for construction of dune walkovers; and setting criteria for construction in flood zones and coastal high hazard areas. These ordinances were approved by the Baldwin County Commission in mid-October 2019.

For 2020 a key goal is the creation of a Master Plan for the Ft Morgan area.

Go to the Links tab above, then click on the draft master plan to review what has been done to date.