



City of Bay Minette

Re-zoning Application

Case No.: _____
Fee- \$300.00
Date Paid: _____
Paid: ☐ Credit Card ☐ Cash
☐ Check- No. _____

301 D'Olive Street · Bay Minette, Alabama 36507

Phone (251) 580-1650 · COBM_Planning@ci.bay-minette.al.us

Are you the property owner? ☐ YES ☒ NO

**If you are not the property owner, you must submit an Owner Authorization Form signed by the property owner*

Applicant Name: Dewberry Date: 12/15/2023

Mailing Address: 25353 Friendship Rd

City: Daphne State: AL Zip Code: 36526

Telephone Number: 251-929-9801 Email: dewberry-daphneplanning@dewberry.com

Site Information

Property Owner Name: Baldwin Ventures, LLC / Gary Capuano Phone Number: 407-474-8222

Property Address: 530 East Central Blvd STE 1601, Orlando, FL 32801

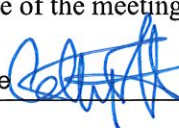
Parcel/PPIN #: 62828, 31532, 222473

Area of Property, Sq. Ft., or Acres: 413.4 ac

Present Zoning: B-2, R-3, R-4 Requested Zoning: PUD

Reason for Request/ Intended use of property: Development of commercial, multi-family and single family residential development

I, the undersigned applicant, understand that payment of these fees does not entitle me to approval of this rezoning and that no refund of these fees will be made. I have reviewed a copy of the applicable zoning regulations and understand that I must be present on the date of the meeting.

Signature: Cathy S. Barnette  Date: 12/14/2023

Digitally signed by Cathy S. Barnette
Date: 2023.12.13 11:37:13 -06'00'

Submittal Requirements

CSB Application

CSB Fee

CSB Agent Authorization Form (if applicant is not the owner)

CSB Survey or boundary map showing exact dimensions of the property to be rezoned

CSB Legal description of property



City of Bay Minette

Agent Authorization Form

Office Use Only

Case No.: _____

I/We hereby appoint and designate Dewberry ("Agent") to act as my/our-agent in all matters concerning this application/permit which relates to property described as tax parcel PPIN# 92518, 62828, 222473, 31532, & 83618. I/We understand that the scope of the agency designation granted herein is general in nature and includes, without limitation, all decision-making authority relating to submittals, status, conditions, or withdrawal of this application/permit. To the fullest extent permitted under Alabama law, I/we release and agree to hold the City of Bay Minette harmless from and against any liability resulting from acts or omissions of our Agent. I/We warrant and certify to the City of Bay Minette that I/we are the owner(s) of the real property identified herein, and that I/we have fully authority to make the agency designation herein. I/We further certify that the information stated on and submitted with this application/permit is true and correct. I also understand that the submittal of incorrect information will result in the revocation of this application/permit and any work performed will be at the risk of the applicant. I understand further that any changes which vary from the approved plans will result in the requirement of a new application/permit.

**NOTE: All correspondence will be sent to the authorized Agent. It will be the Agent's responsibility to keep the owner(s) adequately informed as to the status of the application.*

PROPERTY OWNER(S)

Baldwin Ventures, LLC

Name(s) - Printed

30 East Central Blvd STE 1601

Mailing Address

Orlando, FL 32801

City/State

407-474-8222

garyecap@gmail.com

Phone

Email

11/18/2023

Signature(s)

Date

AUTHORIZED AGENT

Dewberry / Cathy S. Barnette

Name(s) - Printed

25353 Friendship Road

Mailing Address

Daphne, AL 36526

City/State

251-929-9801

dewberry-daphneplanning@dewberry.com

Phone

Email

11/18/2023

Signature(s)

Date



Dewberry Engineers Inc.
25353 Friendship Road
Daphne, AL 36526

251.990.9950
251.990.9910 fax
www.dewberry.com

December 19, 2023

Clair Dorough
City Planner
City of Bay Minette
301 D'Olive Street
Bay Minette, AL 36507

**RE: PPIN 62828 – Old Towne Commons
Rezoning Application**


Dear Ms. Dorough,

Please find enclosed our Rezoning Application for Old Towne Commons. The attached documents are summarized as follows:

- Fee
 - Pending total amount
- Rezoning Application
- Agent Authorization Form
- Legal Description
- Deed
- PUD Narrative
- One (1) 11" × 17" Copy of Boundary Exhibit
- One (1) 11" × 17" Copy of Master Plan
- One (1) 24" × 36" Copy of Boundary Exhibit

If you have any questions, comments, or concerns regarding this submission, please contact us.

Sincerely,
Dewberry Engineers Inc.



Cathy S. Barnette
Associate

cc: File 50157795

Proposed PUD Re-Zoning:

BEGIN AT THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 3 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 01° 40' 31" WEST, ALONG THE EAST LINE OF SAID SECTION 21, A DISTANCE OF 3980.61 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE AFORESAID SECTION 21; THENCE DEPARTING SAID EAST LINE OF SECTION 21, RUN NORTH 87° 39' 11" WEST, ALONG THE NORTH LINE OF THE SOUTH ONE HALF OF THE SOUTH ONE HALF OF SAID SECTION 21, A DISTANCE OF 3832.87 FEET; THENCE DEPARTING SAID NORTH LINE RUN NORTH 01° 32' 45" EAST, A DISTANCE OF 535.00 FEET; THENCE RUN NORTH 87° 39' 11" WEST, A DISTANCE OF 1355.92 FEET TO THE EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY NO. 31 (RIGHT-OF-WAY WIDTH VARIES), THENCE RUN ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1472.39 FEET FOR AN ARC LENGTH OF 822.10 FEET, (DELTA = 31° 59' 26", CHORD DISTANCE = 811.46 FEET, CHORD BEARING = NORTH 28° 53' 07" EAST); THENCE RUN NORTH 12° 53' 24" EAST, A DISTANCE OF 980.14 FEET; THENCE RUN NORTH 12° 53' 24" EAST, A DISTANCE OF 457.97 FEET TO A POINT ON THE AFORESAID EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 31; THENCE RUN ALONG SAID RIGHT-OF-WAY LINE NORTH 12° 53' 24" EAST, A DISTANCE OF 849.55 FEET; THENCE RUN ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1392.69 FEET FOR AN ARC LENGTH OF 504.47 FEET, (DELTA ANGLE = 20°45'15", CHORD DISTANCE = 501.72 FEET, CHORD BEARING = NORTH 23°16'01" EAST), TO A POINT ON THE NORTH LINE OF THE AFORESAID SECTION 21; THENCE DEPARTING SAID RIGHT-OF-WAY LINE RUN SOUTH 87°40'10" EAST, ALONG SAID NORTH LINE OF SECTION 21, A DISTANCE OF 4189.23 FEET TO THE POINT OF BEGINNING.

Current Zoned R3 Parcel:

BEGIN AT THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 3 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 01° 40' 31" WEST, ALONG THE EAST LINE OF SAID SECTION 21, A DISTANCE OF 3980.61 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE AFORE SAID SECTION 21; THENCE DEPARTING SAID EAST LINE OF SECTION 21, RUN NORTH 87° 39' 11" WEST, ALONG THE NORTH LINE OF THE SOUTH ONE HALF OF THE SOUTH ONE HALF OF SAID SECTION 21, A DISTANCE OF 3832.87 FEET; THENCE DEPARTING SAID NORTH LINE RUN NORTH 01° 32' 45" EAST, A DISTANCE OF 535.00 FEET; THENCE RUN NORTH 87°39'11" WEST, A DISTANCE OF 531' FEET, MORE OR LESS; THENCE RUN NORTHEASTERLY 2582 FEET, MORE OR LESS; THENCE RUN ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 350 FEET, AN ARC DISTANCE OF 444.12 FEET, (CHORD BEARS NORTH 17°02'22" WEST, CHORD DISTANCE 141.92 FEET), MORE OR LESS; THENCE RUN EAST 437 FEET, MORE OR LESS; THENCE RUN SOUTHEASTERLY 1279 FEET, MORE OR LESS; THENCE RUN EAST 995 FEET, MORE OR LESS; THENCE RUN NORTH 1,111 FEET, MORE OR LESS; TO THE NORTH LINE OF SAID SECTION 21; THENCE RUN SOUTH 87°40'10" EAST 1483 FEET, MORE OR LESS; TO THE POINT OF BEGINNING.

Current Zoned B2 Parcel:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 3 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 87° 40' 10" WEST, ALONG THE NORTH LINE OF SAID SECTION 21, A DISTANCE OF 3804 FEET, MORE OR LESS, TO THE POINT OF BEGINNING; THENCE RUN SOUTHWESTERLY, 544 FEET, MORE OR LESS; THENCE RUN ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 350 FEET, AN ARC DISTANCE OF 444.12 FEET, (CHORD BEARS SOUTH 17°02'22" EAST, CHORD DISTANCE 141.92 FEET); THENCE RUN SOUTHWESTERLY 2582 FEET, MORE OR LESS; THENCE RUN NORTH 87°39'11" WEST, A DISTANCE OF 824 FEET, MORE OR LESS TO THE EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY NO. 31 (RIGHT-OF-WAY WIDTH VARIES), THENCE RUN ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1472.39 FEET FOR AN ARC LENGTH OF 822.10 FEET, (DELTA = 31° 59' 26", CHORD DISTANCE = 811.46 FEET, CHORD BEARING = NORTH 28° 53' 07" EAST); THENCE RUN NORTH 12° 53' 24" EAST, A DISTANCE OF 980.14 FEET; THENCE RUN NORTH 12° 53' 24" EAST, A DISTANCE OF 457.97 FEET TO A POINT ON THE AFORESAID EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 31; THENCE RUN ALONG SAID RIGHT-OF-WAY LINE NORTH 12° 53' 24" EAST, A DISTANCE OF 849.55 FEET; THENCE RUN ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1392.69 FEET FOR AN ARC LENGTH OF 504.47 FEET, (DELTA ANGLE = 20°45'15", CHORD DISTANCE = 501.72 FEET, CHORD BEARING = NORTH 23°16'01" EAST), TO A POINT ON THE NORTH LINE OF THE AFORESAID SECTION 21; THENCE DEPARTING SAID RIGHT-OF-WAY LINE RUN SOUTH 87°40'10" EAST, ALONG SAID NORTH LINE OF SECTION 21, A DISTANCE OF 382 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

Current Zoned R4 Parcel:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 3 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 87° 40' 10" WEST, ALONG THE NORTH LINE OF SAID SECTION 21, A DISTANCE OF 1483 FEET, MORE OR LESS, TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 87° 40' 10" WEST, ALONG THE NORTH LINE OF SAID SECTION 21, A DISTANCE OF 2321 FEET, MORE OR LESS; THENCE RUN SOUTHWESTERLY, 544 FEET, MORE OR LESS; THENCE RUN EAST, 437 FEET, MORE OR LESS; THENCE RUN SOUTHEASTERLY 1279 FEET, MORE OR LESS; THENCE RUN EAST, 995 FEET, MORE OR LESS; THENCE RUN NORTH 1111 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

ALT:
98-0000E

State of Alabama, Baldwin County
I certify this instrument was filed
and taxes collected on:
2006 April -27 2:47PM
Instrument Number 971394 Pages 3
Recording 9.00 Mortgage
Deed 2952.50 Min Tax
Index 5.00
Archive 5.00
Adrian T. Johns, Judge of Probate

STATE OF ALABAMA)
 *
COUNTY OF BALDWIN)

WARRANTY DEED

THIS INDENTURE, made and entered into on this the 26th day of April, 2006, by and between FLORAGON, L.L.C., an Alabama limited liability company, hereinafter referred to as the party of the first part, and BALDWIN VENTURES, LLC, a Florida Limited Liability Company, hereinafter referred to as the party of the second part,

WITNESSETH:

The party of the first part, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration to it this day in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, has and by these presents does hereby GRANT, BARGAIN, SELL and CONVEY unto the party of the second part the following described real property situated in Baldwin County, Alabama, to-wit:

Begin at the Northeast corner of Section 21, Township 3 South, Range 3 East, Baldwin County, Alabama; thence go South 01° 40' 31" West along the East line of said Section 21, a distance of 3980.61 feet to the Southeast corner of the Northeast Quarter of the Southeast Quarter of the aforesaid Section 21; thence departing said East line of Section 21 go North 87° 39' 11" West along the North line of the South one half of the South one half of said Section 21 a distance of 3832.87 feet; thence departing said North line go North 01° 32' 45" East a distance of 535.00 feet; thence go North 87° 39' 11" West a distance of 1355.92 feet to the easterly right-of-way of U.S. Highway No. 31 (right-of-way width varies), said point also being on a curve concave northwesterly having a radius of 1472.39 feet for an arc length of 822.10 feet, (delta = 31° 59' 26", chord distance = 811.46 feet, chord bearing = North 28° 53' 07" East) to a point of tangency; thence go North 12° 53' 24" East a distance of 980.14 feet; thence departing the aforesaid right-of-way line go South 88° 10' 42" East a distance of 628.79 feet; thence go North 01° 49' 18" East a distance of 450.00 feet; thence go North 88° 10' 42" West a distance of 540.77 feet to a point on the aforesaid easterly right-of-way line of U.S. Highway No. 31; thence go along said right-of-way line North 12° 53' 24" East a distance of 849.55 feet to a point of curvature of a curve concave southeasterly having a radius of 1392.69 feet for an arc length of 504.47 feet, (delta angle = 20° 45' 15", chord distance = 501.72 feet, chord bearing = North 23° 16' 01" East), to a point on the North line of the aforesaid Section 21; thence departing said right-of-way line go South 87° 40' 10" East along said North line of Section 21 a distance of 4189.23 feet to the Point of Beginning. The above described parcel of land located in Section 21, Township 3 South, Range 3 East, Baldwin County, Alabama and contains 407.40 acres.

971394

SUBJECT, HOWEVER, TO THE FOLLOWING:

1. Easement granted Alabama Power Company and filed for record in Deed Book 61, page 31.
2. Right-of-Way granted to Baldwin County Electric Membership Corporation in Deed Book 513, page 945, Deed Book 513, page 947 and Deed Book 513, page 949.
3. Easement from The City of Foley to The Utilities Board of the City of Foley, dated November 17, 1986 and filed for record in Real Property Book 289, page 304, being 100 feet in width over, under along and across the real property formerly known as the L & N Railroad right-of-way.
4. Reservation of oil, gas and minerals as contained in deed from James Graham Brown Foundation, Inc. to MacMillan Bloedel, Inc., dated October 23, 1989 and filed for record in Real Property Book 376, page 591 and Correction Warranty Deed dated February 21, 1990 and filed for record in Real Property Book 381, page 1101.
5. Reservations and restrictions to run with the land set out in deed from the City of Foley to Stapleton Lands, LLC, dated July 1, 1998, filed for record July 27, 1998 in Real Property Book 842, page 129.
6. Right of Way Easement from Floragon, L.L.C. to Donald Newberry and Ruth Newberry dated October 7, 1999 and filed for record November 16, 1999 as Instrument Number 520453.
7. Monumented field overlaps shown on survey dated April 7, 2006 by Northwest Florida Land Surveying, Inc.; Fred R. Thompson, Registered Land Surveyor No. 11853.
8. Terms and Conditions of that Non-Disturbance Agreement by and between James Graham Brown Foundation, Inc. and Baldwin Ventures, LLC, dated April 26, 2006 filed for record April 27, 2006 as Instrument Number 971392.

The recording references refer to the records in the Office of the Judge of Probate of Baldwin County, Alabama, unless otherwise indicated.

TOGETHER WITH ALL AND SINGULAR, the rights, benefits, privileges, improvements, tenements, hereditaments and appurtenances unto the same belonging or in anywise appertaining;

TO HAVE AND TO HOLD unto the said BALDWIN VENTURES, LLC, a Florida Limited Liability Company, its successors and assigns, forever.

The party of the first part for itself, its successors and assigns, hereby covenants and warrants to and with the said party of the second part, its successors and assigns, that it is seized of an indefeasible estate in and to the said property; that it will guarantee the peaceable possession thereof; that the said property is free from all liens and encumbrances, and that it will, and its successors and assigns will forever warrant and defend the same unto the said party of the second part, its successors and assigns against the lawful claims of all persons.

IN WITNESS WHEREOF, the said party of the first part has hereunto set its hand and affixed its seal on the day and year first above written.

FLORAGON, L.L.C., an Alabama
Limited Liability Company

By: MERRILL LAND COMPANY, INC.,
A Florida Corporation, Its Sole Member

By: [Signature]
J. COLLIER MERRILL, Its President

STATE OF FLORIDA

COUNTY OF Escambia

I, the undersigned authority, a Notary Public, within and for said County and State, hereby certify that J. COLLIER MERRILL, whose name as President of Merrill Land Company, Inc., a Florida Corporation, the sole member of Floragon, L.L.C., is signed to the foregoing conveyance and who is known to me acknowledged before me on this day that, being informed of the contents of said conveyance, he, with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 26th day of April, 2006.



[Signature]
NOTARY PUBLIC
My Commission Expires:

ADDRESS OF GRANTOR:
FLORAGON, L.L.C.

c/o MERRILL LAND CO
226 Palafax Place 6th FL
Pensacola, FL 32502

ADDRESS OF GRANTEE:

BALDWIN VENTURES, LLC
530 E. Central Blvd. #1601
Orlando, FL 32801

THIS INSTRUMENT PREPARED BY:

L. D. OWEN, III
Attorney at Law
414 Courthouse Square
Bay Minette, Alabama 36507
(251) 937-6280

Old Towne Commons

PUD Narrative – Working Draft

12/14/2023

Pre-application Meeting: September 21, 2023, October 26, 2023, November 9, 2023

Attendees

Mayor Bob Wills
Planning Director: Clair Dorough
Bay Minette Planning Commission Members
Dewberry Engineers: Cathy Barnette
Developer: Baldwin Ventures, LLC / Gary Capuano

Objectives

The proposed Old Towne Commons is a 413.4-acre project legislatively annexed into Bay Minette per Act 2023-145 and signed by the Governor on May 10, 2023. In advance of this act, the City of Bay Minette pre-zoned the project by Ordinance 1025 with the bulk of the property designated R-3, R-4 in the Northwest corner and B-2 along US Highway 31.

The construction of the new Novelis facility located in North Baldwin County provides a need for workforce housing. It is the goal of Old Towne Commons to provide a quality development that suits the character of the City of Bay Minette with new homeowners becoming contributing members of the community. We expect this development to appeal to a variety of homebuyers, which helps create a dynamic development. The intent of the PUD is to protect the rights and entitlements specified in the PUD from the effects of subsequent local legislation. It is also intended to protect the property from the effects of changing policies and procedures of local government agencies which may conflict with any term or provision of the PUD or in any way hinder, restrict, or prevent the development of the project. The PUD will provide a reasonable certainty as to the lawful requirements that must be met in protecting vested property rights, while maintaining the authority and duty of government to enforce laws and regulations which promote the public health, safety, and general welfare of the citizens of Bay Minette. It is also intended to provide important protection to the natural environment, long term financial stability and a viable tax base to the City of Bay Minette. As the agreement is and will be tied to the property, such agreements shall be transferable to any subsequent purchaser of the Property.

The project is to be a phased construction with projected build out to be 7-10 years.

ENVIRONMENTAL PROTECTION

Wetland protection and stormwater management are always significant concerns. Stormwater will be designed and compliant with best engineering practices and all requirements within the Zoning Ordinance and Subdivision Regulations. Sufficient stormwater best management practices will be employed in the development of the PUD to ensure runoff leaving the site does not degrade water quality within the receiving water bodies.

The site has been designed to avoid wetlands. Approximately 19% of the property is wetlands. Should any wetland fill be required, it will be limited to developmental design – no lots are proposed for wetland fill. A 25' wetland buffer will be installed, where practicable, to comply with the Alabama Construction General Permit.

CULTURAL AND HISTORICAL RESOURCES

There has been no cultural and historical research performed on this property. Should a U.S. Army Corps of Engineers wetlands permit be required for any of the tracts of land, cultural resource issues, if any, will be addressed with the State Historic Preservation Office once a report is complete. No requirements in connection with historical or cultural resources pertaining to the property, other than those required by the State of Alabama in accordance with the applicable law, shall be imposed on the property.

UTILITY SERVICE

Any electric, telephone, cable television and natural gas lines will be installed underground in accordance with the policies of the respective utility providers and the City of Bay Minette. Street lighting will be provided throughout the PUD based on service agreements with the appropriate utility provider. Some exterior lighting within the PUD may be financed, designed, constructed, and/or maintained by one or more property owner associations or other perpetual maintenance entity. It will be the responsibility of the property owner association(s) or other perpetual maintenance entity to install, replace or repair any non-standard street light poles and fixtures, not the City or utility provider.

ROADWAYS AND TRAFFIC

U.S. Highway 31 is contiguous to the property. Establishing safe and reasonable ingress and egress for the property is a priority for both the Owner and the City of Bay Minette. Ingress and egress for the property will be provided by a combination of existing and proposed access points that will require approval from the Alabama Department of Transportation and/or the City of Bay Minette. The final location of these proposed accesses will be determined by ALDOT.

The community will be constructed and paid for by the developer with roads and rights-of-way being dedicated to the City of Bay Minette after Final Plat approval. The minimum right-of-way and pavement widths will be compliant with the Zoning Ordinance and Subdivision Regulations. Roadway design will be compliant to the standards detailed within the City of Bay Minette Subdivision Regulations. Roads indicated on the Master Plan are subject to modification based on specific soil conditions, environmental concerns, physical constraints and design parameters. Certain areas within the Old Towne Commons PUD in whole or part may be developed as private areas with access restricted appropriately at developer discretion. Road width and right-of-way width may be reduced when environmental and tree preservation considerations would be furthered thereby. To protect and preserve trees, such design is hereby encouraged.

SIDEWALKS

Local roads shall have minimum four foot (4') wide sidewalks on at least one side of the street. No sidewalks shall be required in alleys should they be constructed. Sidewalks will be done during the home development.

COMMERCIAL DEVELOPMENT

Commercial development on property zoned for business use along the highway will be prohibited from constructing metal buildings. A natural buffer no less than 30' will be established to create a transition and protection to the dwellings. Business will conform to City of Bay Minette Table of Permitted Uses except for the prohibited uses below.

The following commercial uses are specifically prohibited:

- a. Junkyards or auto salvage yards.
- b. Video poker parlor
- c. Sexually oriented businesses
- d. Other prohibited uses referenced within City of Bay Minette Zoning Regulations
- e. Exploration or extraction of oil and gas minerals
- f. Towing / wrecker service
- g. Tattoo parlors and body piercings
- h. RV parks
- i. Manufactured Home Park/Subdivision
- j. Payday Lenders/ Title Loans /Check Cashing Services /Pawnshops
- k. Billboards / Off-Premise Signs

Dwellings/Density

There are 1,219 dwelling units on the proposed master plan. Currently 392 multi-family residential units are situated on the 50.2 acres of R-4 High Density Multi-Family property. R-4 zoning parcel does not anticipate any deviations requested to the R-4 parcel. Should a new or innovative product come to light that requires deviations to the lot square footage, building widths and maximum coverage, the City of Bay Minette will authorize modifications to the multi-family area as long as the modifications do not cause the multi-family density to exceed the allowable 14.0 units per acre. The setbacks will be determined at the time of the subdivision or site plan application.

The balance of the 827 single family units broken down within 4 proposed lot sizes:

278 – 40-foot lots clustered in three areas

260 – 50-foot lots clustered in three areas

135 – 60-foot lots in one area of the property

154 – 70-foot lots in one area of the property

Although a Master Plan is attached to the PUD, the Master Plan can be amended with Planning Commission approval without constituting a re-zoning activity. Density for the property zoned as R-3 single-family residential can be modified as long as the density does not deviate greater than 10% from the amount authorized in the original approved Master Plan and PUD, which is still

significantly less than the allowable base zoning of 5.0 units per acre in the R-3 single family district. Such density increase shall not constitute a substantial deviation requiring Planning Commission approval and the City Planner shall be authorized to approve the increase administratively.

Lot Area/Lot Width/Coverage/Density

To acknowledge the uniqueness of the PUD, the City will authorize the following deviations from the R-3 base zoning. There is no maximum lot coverage beyond the specified minimum setbacks.

Minimum Lot Width at Building Line	Minimum Lot Area (square feet)
40	4,800
50	5,250
60	7,200
70	7,200

Although base zoning authorizes 5.0 units per acre for single-family residential and 14.0 units per acre for multi-family residential areas, total PUD density cannot exceed 4.0 units per acre.

Home Occupations

This PUD will comply with the existing ordinance for home occupations.

Non-conforming structures

The existing home structures that are located within the commercially zoned district (including but not limited to PPIN 31532, 222473 and 62828) are grandfathered as legally non-conforming structures until such time that the commercial development is viable.

Minimum Setbacks

The following minimum setbacks will apply to single-family lots within the PUD based on lot width at the building line. As noted in the table below, the deviations from the R-3 base zoning requirements will be authorized within the PUD. Where not specified, all other setback requirements will comply with the most recent City of Bay Minette Zoning Ordinance. Front and rear setbacks can be flip flopped to allow for variability within lots and developed clusters.

Minimum Setbacks for Local Streets	Front Yard	Rear Yard	Side Yard	Corner Lot
R-3 Base Zoning	25	30	10*	20
40' lots	20**	20**	5**	5**
50' lots	20**	20**	5**	5**
60' lots	25	25**	6**	6**
70' lots***	25	30	10	10**
* Ten feet plus two additional feet for each floor above two stories, but not exceeding 20 feet; and when dwelling unit faces side yard, the dwelling unit must not be less than 25 feet from the side lot line.				
** Deviation from R-3 Minimum Setbacks				
*** Front and rear setbacks can be flip flopped to allow for variability within lots and developed clusters				

Accessory Uses and Structures

Accessory uses and structures are permitted if those uses and structures are of the nature customarily incidental and clearly subordinate to a permitted principal use or structure and these uses and structures are located on the same lot (or contiguous lot in the same ownership as the principal use). Whether attached or detached to a building or structure containing the principal use, the accessory structure shall be considered as a part of the principal building. Accessory uses shall not involve operations or structures not in keeping with the character of the district where located.

Accessory structures are prohibited in the multi-family residential area.

Accessory uses shall not be located in required front or side yards except as follows:

- Detached accessory structures such as covered parking, or garages which are separated from the main structure may be located in a required side or rear yard but not less than five (5) feet from a lot line.
- Swimming pools and associated screened enclosures may be located in a required rear or side yard setback but may not be located less than five (5) feet from the property line or top of bank of a pond. Screened enclosures, pools and decks do not constitute "buildings" in calculating maximum lot coverage.

Accessory uses and structures on a residential parcel shall include private garages and private boathouses or shelters, toolhouses and garden sheds, garden work centers, children's play areas and play equipment, private barbecue pits. Any structure under a common roof and meeting all required yards is a principal structure. Accessory structures may not exceed fifteen feet (15') in height. Maximum size of an accessory structure cannot exceed 200 square feet in the 60 and 70' feet lots, 150' feet can not exceed 150' for the 40' and 50' lots.

Off-Parking

Unless otherwise specified herein, all off-street parking shall comply with the minimum standards of the City of Bay Minette Zoning Ordinance. Single-family dwellings shall provide two (2) off-street parking spaces for each dwelling unit and multi-family dwellings shall provide one and one-half (1 ½) spaces for each unit in accordance with the Zoning Ordinance. On smaller lots with one car garages, single-family dwellings shall be authorized to deviate from the Zoning Ordinance and provide one (1) off – street parking space for each dwelling unit.

Irregularly Shaped Lots

All lots shall have a minimum width at the building line as indicated in the PUD and all lots at the end of a cul-de-sac must have sufficient frontage so that the lot width at the front building line meets those minimum requirements. On irregularly shaped lots, a minimum street frontage of 30 feet is required, with the exception that a deviation may be authorized where necessary to provide compatibility with the Master Plan. An “irregularly shaped lot” includes any lot located on a cul-de-sac or abutting a curved section of a roadway with a centerline radius of less than 200 feet.

SIGNAGE

Signs should be in keeping with the Americana Craftsman concept and fit the scale of the proposed development.

SIGNS PROHIBITED

The following signs are prohibited throughout the PUD

- 1.) Billboards and off-premises signs
- 2.) Vehicle Advertisements – any sign attached to or painted on a vehicle parked adjacent to or on a public right- of-way, thoroughfare, or public parking lot dedicated for public use for the principal purpose of advertising.
- 3.) Flashing Signs Prohibited:
 - (a) General Prohibition:
Signs which contain intermittent illuminations are prohibited.
 - (b) Exceptions:
This subsection does not prohibit the following:
 - (1) Signs required for traffic control.
 - (2) Signs which exhibit time, date, temperature, and other customary public information.
- 4.) Illuminated Tubing:
 - (a) General Prohibition:
Any illuminated tubing or strings of lights that outline property lines, sales area, roof lines, doors, windows, wall edges, similar areas or other architectural features of a building.

General Maintenance Requirement:

All signs shall be maintained in good condition and appearance.

Architectural Style

Architectural style is to reflect an "Americana Craftsman" concept. Building elevations are encouraged to be porch and column rich to create an inviting and welcoming façade. Buildings will be restricted from the use of vinyl siding on the front and homes are encouraged to have a front stoop, porch or architectural columns.

Development Commitments and Benefits/Management of Common Areas

A Property Owners' Association (POA) will be established to manage the common areas. No architectural review board is proposed for the development, all land use and building construction will be reviewed and approved by the City of Bay Minette in accordance with the approved PUD/Master Plan documents and current Zoning Ordinance, Subdivision Regulations and applicable City Codes. Drainage areas are to be part of the maintained common areas and will be the responsibility of the POA. It will be the responsibility of the POA or other perpetual maintenance entity to install, maintain, replace or repair any non-standard street light poles and fixtures, decorative street or other sign posts, development signage.

Community Amenities

Amenities are for the use of the development and not for public entry. The following are committed to be under construction by phase 3 of the development.

Minimum of 3000 square foot amenity center to include clubhouse and pool

3 covered bus stops to be placed throughout development

Dog park to be developed within one of the areas listed as park.

Mailbox kiosks will be covered - locations to be developed during preliminary plat approval.

Waivers

- Sidewalk width to allow 4 feet
- Sidewalk to allow installation during home construction with financial guarantee
- Street frontage minimum lot size for irregularly shaped lots