



City of Bay Minette

Planning Commission

301 D'Olive Street · Bay Minette, Alabama 36507

Phone (251) 580-1650 · COBM_Planning@cityofbayminetteal.gov

AGENDA

May 11, 2023

Regular Meeting

8:00 a.m.

City Hall Council Chambers

301 D'Olive Street, Bay Minette

- 1.) **Call to Order**
- 2.) **Invocation and Pledge**
- 3.) **Announcements & Registration to Address the Commission**
- 4.) **Approval of Minutes for the April 13, 2023 Regular Meeting**
- 5.) **Disclosure of Prior Communications and/or Conflicts of Interest**
- 6.) **Old Business**
 - a.) **RA-23001, Proposed Zoning Ordinance Amendments ***Public Hearing*****
 - b.) **RA-23002, Temporary Work Force Housing Pilot Program ***Public Hearing*****
- 7.) **New Business**
 - a.) **Election of Officers**
 - b.) **Updates & Upcoming Cases**
- 8.) **Reports & Comments**
 - a.) **Mayor/Council/Administration**
 - b.) **Attorney**
 - c.) **Commissioners**
 - d.) **Planning Staff**
 - e.) **Citizen Comments**
- 9.) **Adjournment**

*****Next Regular Meeting – June 8, 2023*****

Bay Minette Planning Commission Regular Meeting Minutes

Minutes April 13, 2023

Monthly Meeting No. 4

The Bay Minette Planning Commission met in Regular Session on Thursday, April 13, 2023. The meeting was called to order at 8:04 a.m. by Chairman, Todd Stewart, in the Council Chambers located in Bay Minette City Hall, in Bay Minette, Alabama; this being the proper place, date and hour as advertised to hold such meeting.

IN ATTENDANCE At 8:04 a.m. the following members were present, and a quorum established:

Todd Stewart, Chairman
Robert A. "Bob" Wills, Mayor
Rob Madison, Building Official/Commission Member
Hiram Templeton, Commission Member
William Taylor, City Council/Commission Member
Earl Emmons, Commission Member

Commission Members absent:

Scotty Langham, Commission Member
Ray Clark, Commission Member
Neal Covington, Vice Chairman

Commission Members late:

None

Other persons in regular attendance:

Clair Dorough, City Planner
Jessica Peed, Planning Coordinator
Tammy Smith, City Administrator
Lauren Collinsworth, Attorney
Kristina Pittman, North Baldwin Chamber of Commerce
Steven Stewart, Fire Inspector **Entered meeting after the Pledge of Allegiance at 8:05am*

GUESTS

Beth Pierce, (Z-23004 Owner)	David Conner, (Z-23003 Representative)
Tommy English, (Z-23004 Owner)	Hamilton Smith
Cathy Barnett, (Z-23003 Representative)	Darlene Gillis
Mike Phillips, (SE-23001 Applicant)	Everett Gillis
Larry Crenshaw	Howard Kelley
Diane Crenshaw	Catherine Kelley
Pam Kleinatland, (Z-23002 Applicant)	David Ellis

INVOCATION Councilman William Taylor gave the invocation, followed by the pledge.

ITEM 3. Announcements/Registration to address the Commission

ITEM 4. Approval of the Minutes of the March 9, 2023, Regular Meeting. Councilman Taylor made a motion to approve the March minutes as written. The motion was seconded by Commission Member Templeton and was unanimously carried.

ITEM 5. Disclosure of Prior Communications and/or Conflicts of Interest – NONE

ITEM 6. Old Business – Chairman Stewart states he will move the Old Business items related to the proposed Zoning Ordinance Amendment discussions after the New Business items for the sake of the applicant and citizens' time.

ITEM 7. New Business:

a.) SE-23001, TPQ, LLC Property Special Exception

Disclosure of Prior Communications and/or Conflict of Interest: None

Request: Special Exception Request to allow a duplex in the R-3, Higher Density Single Family Residential District

Location: Southwest corner of the Clay Street and Moran Street intersection

Mrs. Dorough introduces the request stating the information regarding ownership, current zoning designation, Future Land Use designation, surrounding properties and property location in relation to surrounding streets. Chairman Stewart inquires if the applicant is in attendance, to which Mike Phillips states he is. Mrs. Dorough continues with providing information from the Staff report including duplex allowance in the current zoning designation and agency comments. The staff analysis includes site access concerns due to the street convergence, which led to staff's recommendation to require the City's Transportation engineer to review the access plan prior to issuing a Building Permit. There is a brief discussion on established access points for the surrounding properties and potentially alternative access for the subject property, and potential utility movement costs for the applicant if required. Commission Member Emmons made a motion to recommend approval to the Board of Adjustment with the condition that access points be reviewed and approved by the traffic engineer prior to issuing a Building Permit. Mayor Wills seconds, and it is unanimously carried.

b.) Z-23002, Kleinatland Property Rezoning ****Public Hearing****

Disclosure of Prior Communications and/or Conflict of Interest: None

Request: Rezone .30± ac. from R-3, Higher Density Single Family Residential to R-5, Manufactured/Mobile Home Residential

Location: Southeast corner of the Clay Street and Elm Street Intersection

Chairman Stewart inquires if the applicant is in attendance, to which Mrs. Kleinatland states she is. Chairman Stewart introduces the request. Mrs. Dorough reviews the Staff report including the zoning designation, Future Land Use Map designation, site location in relation to surrounding properties, previous PUD approval property, history of the surrounding properties, impacts on other properties and agency comments. Mrs. Dorough's review of the staff analysis, includes that the application is not compliant with the majority of the rezoning review criteria and the application would not be consistent with City Code, Chapter 13 related to the occupancy of manufactured homes. Mrs. Kleinatland inquires on the best option going forward since the property is narrow and states the potential buyer also mentioned a potential car lot on the property. Chairman Stewart explains that rezoning to commercial would be unlikely for this site and a discussion on potential options ensues, including the possibility to subdivide the property for residential development. Chairman Stewart asks for clarification of the 1-year resubmittal limitation and withdrawal process. Legal and Planning Staff detail the procedures and state that the 1-year limitation isn't triggered until the City Council opens a public hearing. Commission Member Emmons inquires about the possibility of converting the property into a park. The applicant states they wish to withdraw to prevent the 1-year limitation. Chairman Stewart inquires on the public hearing procedures and Mrs. Dorough states that since the City has advertised a Public Hearing, it needs to be opened, but that the Planning Commission Public Hearing will not affect the resubmittal. Chairman Stewart opens the Public Hearing at 8:44am, and with no comments he closes the Public Hearing at 8:44am. Mrs. Kleinatland verbally notifies the Commission of her desire to withdraw the application and she submits to Mrs. Peed a formal written request to withdraw. The withdrawal request is made prior to any motions by Commission members and no action is taken on the Z-23002 application. (**With the application formally withdrawn prior to the City Council opening a Public Hearing, the property is not subject to the 1-year limitation on resubmittal.*)

c.) Z-23003, Baldwin Ventures LLC Property Pre-Zoning ****Public Hearing****

Disclosure of Prior Communications and/or Conflict of Interest: None

Request: Rezone .413.4± ac. to R-3, Higher Density Single Family Residential to R-4, High Density Multi-Family Residential and B-2, General Business District

Location: East side of St Hwy 59, south of Holly Hills Municipal Golf Course

Chairman Stewart introduces the request. Mrs. Dorough reviews the staff report stating that this is a pre-zoning application initiated by the City for property proposed for Legislative Annexation. She states the annexation was requested by the property owner and gives a summary of the annexation and pre-zoning timeline. She reviews the proposed pre-zoning designations of R-3, R-4 and B-2; reviews the surrounding properties, the County Unzoned area, Future Land Use Map and considerations that the mega-site development has exacerbated the housing need in the City. She further details the owner's intent of creating a mixed-use master plan, preliminary plans, wetland locations, adjacent property impacts including the property ownership, and future site plan development reviews if the annexation is successful.

Chairman Stewart opened the Public Hearing at 9:01am. David Ellis states he is an adjoining land owner and urges the City to be cautious of what is built as he recognizes the need for housing but puts it in the hands of the City for the adjoining owners. Mrs. Dorough explains the site plan review will come back to Planning Commission if the annexation is successful.

Catherine Kelley states she is in opposition to the request and references the previous Mayor's intent to make Bay Minette the entrance to the Gulf. She states that Planning Commission members will have the authority to ensure development is done nicely, and includes many people are opposed to this development unless it is in done in a way that is attractive.

Chairman Stewart states he is appreciative of the community involvement and urges the citizens to remain engaged throughout the process, and includes the Commission will follow all regulations and ordinances for the best developmental interest for the Community.

Cathy Barnett with Dewberry Engineering states she is working with David Conner on behalf of the property owner. She explains the owner has held the property since 2006 with the intent to progress with a Master Planned Development. Ms. Barnett gives an overview of the preliminary site plan that will include traffic control, open space, the intention to protect and minimize, if not prevent, all impacts to natural resources including the wetlands.

David Conner, representative for the property owner, states his appreciation for the opportunity to speak, and includes the history of the request originally going to Baldwin County, the economic downturn, proposed developmental types of residential and commercial. He states the project will be in good hands with Bay Minette. He praises Mrs. Dorough's staff report analysis and states the intention to proceed with PUD application after annexation, if that remains the appropriate way of proceeding.

With no further comments, Chairman Stewart closes the Public Hearing at 9:13am. Chairman Stewart inquires to the Planning Commission if there are any further questions or comments, to which there were none and reiterates that if the annexation does not go through, this pre-zoning request will be null and void. With no further comments, Commission Member Templeton makes a motion to recommend approval to the City Council for the R-3, R-4 and B-2 pre-zoning request as submitted. Councilman Taylor seconds the motion and it is unanimously carried.

d.) Z-23004, Pierce & English Property Pre-Zoning ****Public Hearing****

Disclosure of Prior Communications and/or Conflict of Interest: None

Request: Pre-zone 58.67± acres to B-2, General Business District

Location: Southeast corner of the I-65 and Hwy 225 Exit Ramp

Mrs. Dorough states this also a City-initiated pre-zoning for property that is proposed for Legislative annexation at the request of the property owners. She reviews the staff report including that the property is on the edge of the Future Land Use map, designated as agriculture and timber, and the adjacent property. Chairman Stewart inquires if this annexation is on the same timeline as the previous case, to which Mrs. Dorough confirms. She continues her review including County zoning designations in Planning District 4 as M-1 Light Industrial, surrounding properties, agency comments, compliance with Comprehensive Plan, infrastructure, hydric soil indicator via GIS mapping, access authority would be ALDOT or Baldwin County but the development on the property would fall under City regulations.

Chairman Stewart opens the floor to the owners, who have no comments, and he then proceeds to opens the Public Hearing at 9:25am. Catherine Kelley inquires if Hwy 225 is still in effect for a bird sanctuary, and the potential for widening of the road. Chairman Stewart states he cannot speak to that inquiry since Hwy 225 is under the ALDOT's review authority.

Hamilton Smith describes the property he owns and mentions the legal case he dealt with on his property. He includes this property is located next to the Delta and speaks of property development causing potential run-off issues. He inquires why he wasn't notified when the initial zoning designation was set to which Mrs. Dorough and Mayor Wills explain when the designation was enacted for Planning District 4 it was through Baldwin County, not the City of Bay Minette and was approved and implemented in the late 1980's or early 1990's. David Conner agrees and adds to the discussion on zoning implementation.

Diane Crenshaw states she lives down Scarborough Ln and inquires if the annexation would be limited to the subject property or if the surrounding properties would be included in the request. Chairman Stewart explains if the annexation request passes, the subject property would be the only property that will be within the annexation and pre-zoning request.

Catherine Kelley states the history of the interstate development including the gas station and asks for property status to which Mayor Wills and Mrs. Dorough explain the zoned or unzoned status of the area and the majority of the property north of the interchange is held by private investors. Mrs. Dorough explains the County's Subdivision Regulations are the only applicable ordinances for development in unzoned areas and those regulations do not review the property's use. Mrs. Kelly states she is opposed to the property being rezoned due to the Delta being taken over by industries.

Everett Gillis states he owns property to the south on Hwy 225 and inquires on the current zoning designation for Baldwin County District 4 being Light Industrial. Mrs. Dorough states that if annexation and pre-zoning are approved, then the uses allowed on the property would be much more restrictive as commercial instead of the current industrial/manufacturing uses that are allowed now.

There are questions by Hamilton Smith, Catherine Kelly, and Diane Crenshaw inquiring on the advantage of being annexed into City limits with the B-2 zoning designation instead of maintaining its Baldwin County Zoned District 4 status, the approvals for heavy industrial, sewage or water through NBU being brought to the area, city services allowance. Mrs. Dorough and Tammy Smith explain the differences between the zoning designations and the city services that would be available to the property if the annexation is successful.

With no further questions or comments, Chairman Stewart closes the Public Hearing at 9:49am. Mayor Wills makes a motion to accept staff's recommendation and recommend approval of the B-2 pre-zoning request to the City Council. Councilman Taylor seconds, and it is unanimously approved.

Chairman Stewart returns to Item 6 Old Business for discussions.

****ITEM 6.**

Old Business

a.) RA-23001, Proposed Zoning Ordinance Amendments ****Discussion Only****

b.) RA-23002, Temporary Work Force Housing Pilot Program

Chairman Stewart inquires on the timeline urgency for review and approval for these items. Mrs. Dorough explains the intent and proposed changes for items on buffers, site plan review criteria, home occupation and explains she needs these clarifications and additions implemented asap to handle the incoming applications and decrease the burden for clarification on what the applicant must provide for staff to review properly. There is discussion regarding the urgency and interest to set up work force housing sites, and implementation and authority. Chairman Stewart states the Commission will take these items under consideration and will have a public hearing schedule for the upcoming meeting.

Chairman Stewart leaves the Planning Commission meeting at 10:07am. Mayor Wills resumes meeting as acting Chairman.

Discussion resumes regarding the temporary workforce housing pilot program locations, Baldwin County standards related more to emergency type uses or construction purposes.

Mayor Wills returns to Item 7 New Business

****ITEM 7.**

e.) Revision to the Meeting and Application Deadline Schedule for 2023-2024

Mrs. Dorough reviews the proposed revision submittal deadline dates in order to allow for more staff review time and will now be 6 weeks prior to Commission meetings. Councilman Taylor made a motion to approve the revised schedule as presented. Councilman Templeton seconds and it is unanimously approved.

f.) Status Updates & Upcoming Case Briefing:

Mrs. Dorough gives a status update and overview of the following cases:

- Seafood Market site plan, pending additional submittals
- 7 Brew construction update
- Legislative Annexation status update
- Participation on the Steering Committee for the Mobile Bay National Estuary Program's Eastern Delta Watershed Project
- Submission of a Comprehensive Plan grant proposal for the Alabama Coastal Area Management Program (ACAMP) funding - she states she should know the status in June 2023.

ITEM 8.

Reports

a.) Mayor/Council Report – None

Kristina Pittman stated the Chamber is preparing for a major event at Bicentennial Park and expecting approximately 4,000 people to be in attendance.

Tammy Smith states there is an active open position for a Planner Associate if anyone knows of any qualified applicants.

b.) Attorney – None

c.) Commissioner – None

d.) Planning Staff – None

ITEM 9. With no further business, Mayor Wills, Acting Chair, adjourns the meeting at 10:22 am.

DONE THIS THE 13TH DAY OF APRIL 2023

Acting Chairman, Mayor Bob Wills

ATTEST:

Jessica Peed, Planning Coordinator

Motion Summary:

- 1.) **Minutes:** Approval of the Minutes of the March 9, 2023, Regular meeting. Councilman Taylor made a motion to approve the March minutes as written. The motion was seconded by Commission Member Templeton and was unanimously carried.
- 2.) **SE-23001, TPQ, LLC Property Special Exception Request:** Commission Member Emmons made a motion to recommend approval to the Board of Adjustment with the condition that access points be reviewed and approved by the traffic engineer prior to issuing a Building Permit. Mayor Wills seconds, and it is unanimously carried.
- 3.) **Z-23002, Kleinatland Property Rezoning:** Chairman Stewart opens the Public Hearing at 8:44am, and with no comments, closes the Public Hearing at 8:44am. Mrs. Kleinatland verbally notifies the Commission of her desire to withdraw the application and submits a formal written request to withdraw. The withdrawal request is made prior to any motions by Commission members and no action is taken on the Z-23002 application. (**With the application formally withdrawn prior to the City Council opening a Public Hearing, the property is not subject to the 1-year limitation on resubmittal.*)
- 4.) **Z-23003, Baldwin Ventures LLC Property Pre-Zoning:** Chairman Stewart opens the Public Hearing at 9:01am, and after public comment, closes the Public Hearing at 9:13am. Commission Member Templeton makes a motion to recommend approval to the City Council for the R-3, R-4 and B-2 pre-zoning request as submitted. Councilman Taylor seconds the motion and it is unanimously carried.
- 5.) **Z-23004, Pierce & English Property Pre-Zoning:** Chairman Stewart opens the Public Hearing at 9:25am and after public comment, closes the Public Hearing at 9:49am. Mayor Wills makes a motion to accept staff's recommendation and recommend approval of the B-2 pre-zoning request to the City Council. Councilman Taylor seconds, and it is unanimously approved.
- 6.) **Revision to the Meeting and Application Deadline Schedule for 2023-2024:** Councilman Taylor made a motion to approve the revised schedule as presented. Councilman Templeton seconds and it is unanimously approved.



City of Bay Minette

Planning & Development Services

301 D'Olive Street · Bay Minette, Alabama 36507 · Phone (251) 580-1650

NOTICE OF PUBLIC HEARING

Case No. RA-23001

Proposed Amendments to the Zoning Ordinance

Notice is hereby given that the City of Bay Minette Planning Commission will conduct a public hearing concerning RA-23001, Proposed Zoning Ordinance Amendments to Article 4 Adoption, Article 11 Planned Unit Development (PUD) and Sections 5.2 Words and Terms Defined, 6.2 Residential Districts, 7.2 Lots, 7.12 Utilities, 7.16 Fencing, Screening, Lighting, and Space, 8.3 Performance Standards for Non-Residential Districts, 8.6 Metal Buildings, 8.7 Accessory Uses, Structures, Carports and Home Occupations, 8.9 Site Plan, 8.10 Table of Permitted Uses, 8.12 Minimum Setbacks, 9.1 Manufactured/Mobile Home Parks, 9.2 Parking Design Standards and Improvement Requirements, 9.8 Mobile Food Vending Vehicles and Mobile Merchandise Vending Units Pilot Program, 10.6 Trees, 10.10 Off Street Parking Facilities, 10.11 Buffer Zone Requirements, 10.12 Special Designs and 13.2 Land Use Certificates.

The public hearing will be conducted during the next regularly scheduled meeting of the City of Bay Minette Planning Commission, which is scheduled for **Thursday, April 13, 2023** beginning at 8:00 a.m. in the Council Chambers at Bay Minette City Hall located at 301 D'Olive Street, Bay Minette, AL 36507.

The proposed amendment materials will be available for public review at Bay Minette City Hall. If you desire to speak with someone by telephone about this application, please contact Planning & Development Services at (251) 580-1650. If you desire to submit comments, please email to COBM_Planning@cityofbayminetteal.gov or address your correspondence to:

City of Bay Minette Planning & Development Services
301 D'Olive Street
Bay Minette, AL 36507

Please include the case number noted above in all correspondence. If you desire to address the Planning Commission or City Council in person about this application, please attend the public hearings at the time and location listed above.

Public participation is solicited without regard to race, color, national origin, sex, age, religion, disability or family status. Persons who require special accommodations under the Americans with Disabilities Act or those requiring language translation services should contact Planning & Development Services.

Notice Date – April 19, 2023

Zoning Ordinance of the City of Bay Minette

~~Amended March 7, 2022 Ordinance 1002~~

RA-23001, Proposed Zoning Ordinance Amendments

Version 3 - Presented May 11, 2023

ARTICLE 4. ADOPTION

This ordinance was adopted by the City of Bay Minette, Alabama, on the _____ day of _____ 2020__.

/s/ _____
Mayor

/s/ _____
City Clerk

I, _____, City Clerk of the City of Bay Minette, Alabama, certify that the document described herein, identified as the "Zoning Ordinance Of The City of Bay Minette, Alabama," is a true and correct copy of the Ordinance number _____, adopted by the City of Bay Minette, this _____ day of _____, 2020__.

Seal of the City of Bay Minette.



5.2 Words and Terms Defined.

Best Management Practices (BMPs). A structural or nonstructural management-based practice used singularly ~~on~~ or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.

~~**Bulk.** Height and percentage of land coverage of a building.~~

~~**Bulkhead.** A structure separating land and water areas, primarily designed to resist earth pressures.~~

Entertainment Venue. A site or facility, whether located on public or private property, that functions primarily to provide a community-centered meeting hall for members of the public to carry out local community-oriented activities and public and civic functions. Examples include, but are not limited to, convention centers, banquet halls, civic centers, stadiums, and arenas. Typically consisting of one or more meeting or multipurpose rooms and a kitchen and/or outdoor barbecue facilities, they are available for use by various groups for such activities as public assemblies, meetings, corporate events, fundraising, parties, weddings, receptions, and dances.

Event Facility. A site or facility, with or without permanent structures, for the purpose of conducting private or public events by renting or leasing on a commercial basis. It may include multi-purpose meeting and/or recreational facilities, typically consisting of one or more meeting or multipurpose rooms and a kitchen and/or outdoor barbecue facilities, available for use by various groups for such activities as meetings, parties, weddings, receptions, and dances. Examples include community centers.

Public Event. An event for the display, presentation, or performance of musicals, concerts, or other live stage entertainment or other social events, where food and drink may be consumed on site, but which provides no overnight accommodations.

Private Event. An event that is periodic or special in nature and not open to the general public, where food and drink may be consumed on site, but not providing overnight accommodations. Examples include weddings, banquets, receptions, ceremonies, parties, or other social events with or without live entertainment.

Event. Any gathering of more than twenty (20) people for one to twelve (12) hours where the purpose is for fundraising, profit or is political, public, social, or educational in nature. A gathering which consists of friends or family of the owner of an event venue or other commercial facility that is not for the purpose of fundraising, profit, or is political, public, or educational in nature and no donation or compensation of any kind is exchanged in relationship to the gathering is not considered an event.

(REORGANIZATION ONLY)

Manufactured/Mobile home park. A residential development on a parcel of land in one (1) ownership providing rental spaces for two (2) or more mobile homes on a long-term basis, with recreation and service facilities for the tenants, whether or not a charge is made for such accommodation.

Manufactured/Mobile home space. A plot of ground within a mobile home park designed for the accommodation of one (1) mobile home or travel trailer.

Manufactured/Mobile home subdivision. A residential development designed for the accommodation of mobile homes on individually owned lots or in condominium or cooperative ownership, including recreation and open space areas held in common ownership, but not including developments serving tourist or vacation-oriented travel, motor homes, campers, etc.

Temporary use. Except as otherwise provided herein, any **Any** use not longer than three (3) calendar months within any given calendar year.

6.2.6 *R-5, Manufactured/~~Mobile~~ Home Residential District.* The intent of this district is to provide space at appropriate locations consistent with community objectives for the establishment of permanent manufactured/~~mobile~~ homes **parks or subdivisions** and for the amenities conducive to an adequate living environment. Public or private community water and sewer facilities are required except where lots are equal to Health Department requirements for private wells and septic systems.

7.2.2 All lots shall front on a public or private street and shall have a minimum frontage width as indicated in ~~Section 8.12.~~ **Section 8.11.** On irregularly shaped lots, a minimum street frontage of 30 feet is required and residential lots shall not front on a collector street without Planning Commission approval. 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.

7.12 Utilities

7.12.2 Water and Sewer Connections.

7.12.2.2 While parked or stored, no recreational vehicle shall be occupied or used as a temporary or permanent residence as defined herein and shall not be connected to sanitary sewer.

7.16.5.5 Fences may not be located within five (5) feet of the **right-of-way edge of pavement or other roadway surfacing**, or public sidewalk.

~~8.3.6 Non-permanent structures such as trailers, sheds and other such buildings used for business purposes may be permitted in business districts on a temporary basis pending construction of a permanent building. Such structures may be permitted for six-month periods, renewable, upon written request from the business owner, up to a maximum of one (1)-year.~~

8.3.6 All **business commercial and industrial** structures shall be so designed as to present an aesthetically pleasing appearance, as determined by Planning Commission, that is generally compatible with existing buildings in the district, except those less desirable in appearance that have been grandfathered under *Article 7* of this Ordinance.

~~8.3.6~~ **8.3.7** Non-permanent structures such as trailers, sheds and other such buildings used for business purposes may be permitted in business districts on a temporary basis pending construction of a permanent building. Such structures may be permitted **by the City Planner** for six-month periods, renewable, upon written request from the business owner, up to a maximum of ~~one (1) year~~ **two (2) years. Any additional renewals would be subject to the review and approval of the Planning Commission.**

~~8.3.7~~ **8.3.8** Non-permanent structures such as trailers and shipping containers used in conjunction with an existing non-residential use and used for storage of excess inventory, may be permitted by the City Planner provided the following requirements are met.

8.6 Metal Buildings. On properties sited closer than 200 feet from the right-of-way **of Alabama Highway 59, Highway 31 or Hand Avenue north of Highway 31 to McMeans Avenue, Highway 138, State Highway 287 and D'Olive Street**, or properties visible from ~~said roadways Alabama Highway 59, Highway 31 or Hand Avenue north of Highway 31 to McMeans Avenue, Highway 138, State Highway~~

~~287 and D'Olive Street~~, any metal-clad structures for residential multi-family projects involving the construction of three (3) or more dwelling units, all commercial structures and all industrial structures, are required to meet the following standards and criteria:

- 8.6.1** The exterior metal walls of the front and any sides of a building facing said public street, that will be constructed with metal cladding as the primary siding material, shall not be constructed to expose ~~more than 50% percent of~~ bare metal siding ~~façade on any front or side exterior wall~~ facing said right-of-way or roadway. **An external façade shall be required to cover 100% of the front and any exterior walls facing said roadways, which shall apply to all metal structures whether new construction, renovation, remodel, expansion or otherwise altered from their current state as of the effective date of this Ordinance.**
- 8.6.2** For developments with phased plans, the exterior façade required by this provision shall be completed within the first phase of construction. A Certificate of Occupancy shall not be issued, additional building permits received nor additional zoning approvals for the site if this requirement has not been completed in accordance with approved plans and to the satisfaction of the City Planner or Planning Commission.
- 8.6.3** Acceptable materials for the external facade of metal buildings include stucco, brick, scored and split face block and wood. **For the purpose of this Section, paint of any kind including textured or rubberized coatings shall not be considered acceptable façade materials.** It is recommended that large walls be broken up through the use of architectural features or embellishments such as color bands, wainscot, protrusions, recessed windows or entries. ~~Alternative materials must be approved through the site plan approval process.~~
- 8.6.4** All metal buildings shall have at least two exterior architectural features for articulation, such as front porches, gables, awnings, or other exterior siding materials, on the front elevation and any other elevation that is adjacent to or visible from a public street or right-of-way.
- 8.6.5** **To improve the aesthetics of the building and lot**, landscaping shrubs and/or trees ~~shall should~~ be planted and maintained in front of ~~bare metal siding those~~ portions of the building, facing the roadway or right-of-way, ~~to improve the aesthetics of the building and lot.~~
- 8.6.6** Alternative design or alternative materials must be approved through the site plan approval process.
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8.7.1.4 No accessory structure shall be constructed or moved upon a lot until the construction of the primary structure has commenced.

8.7.1.5 In residential districts an accessory use will conform to the following requirements:

8.7.1.6 For residential multi-family, commercial or industrial uses, accessory structures shall conform to the following requirements:

- a. Shall be clearly incidental to the primary permitted use of the premises.
- b. For all such accessory structures that require a Building Permit, engineered plans shall be submitted prior to the issuance of a Building Permit.
- c. A non-residential detached accessory structure shall not be closer than ten (10) feet to another structure, nor closer than five (5) feet to any lot line or encroach into any existing drainage or utility easements.
- d. No detached accessory structure may: (1) be located forward of the building frontage of the primary structure; or (2) be closer than twenty (20) feet to any right-of-way.
- e. Where a business district abuts any part of a residential district, the detached accessory structure shall be located no closer than ten (10) feet to the property line; where an industrial district abuts any part of a residential or business zone, the detached accessory structure shall be located no closer than twenty (20) feet to the property line.
- f. Detached accessory buildings shall not exceed one and one half (1.5) stories or twenty (20) feet in height.
- g. Detached accessory structures allowed with Land Use Approval by the City Planner or designee:
 - 1) Total size does not exceed 600 square feet.
 - 2) Intended for unconditioned or open-air storage of vehicles, tools, equipment or other similar utility use. No accessory structure will be allowed with Land Use approval for any use higher than a Group S or U Occupancy Classification as defined by the current International Building Code adopted by the City.
 - 3) Shall meet all other pertinent sections of this Ordinance.
 - 4) Any residential multi-family, commercial or industrial accessory structure not conforming to the provisions of this section shall be required to receive Site Plan Approval from the Planning Commission.

8.7.2 Home Occupations

Home occupations are permitted in all districts where residences are permitted, if licensed by the City and conforming to the conditions of this section and any applicable laws or ordinances. Home Occupations are subject to administrative review and require an approved Land Use Certificate. Home occupations shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling or adversely affect the uses permitted in the district of which it is a part. No home occupation shall be permitted which might interfere with the general welfare of the surrounding residential area due to potential noise, increased pedestrian and vehicular traffic or any other condition which would constitute an objectionable use of residentially zoned property.

8.7.2.1 Limitations on Type of Home Occupation are as follows:

- a. **No more than one (1) home occupation shall be approved in any residential dwelling unit.**
- b. Area used for a home occupation shall not exceed twenty percent (20%) of the gross floor area in the principal building, **up to a maximum of 500 square feet.**
- c. ~~The home occupation shall be confined entirely to the principal building.~~ **No internal or external addition, alteration or expansion of the dwelling is permitted to accommodate the home occupation.**
- d. **The operation of a home occupation shall not create any nuisance or adversely affect the residential character of the neighborhood, including but not limited to an increase in traffic, on-street parking, excessive noise, heat, fire hazards, electrical interference (including radio, television and telephone interference) or a fluctuation in line voltage.** Chemical, mechanical or electrical equipment that creates **any vibration, fumes, dust** air emissions, odors, light, glare or noises that are detectable outside of the dwelling shall be prohibited.
- e. **The existence of a home occupation shall not be visible from or detectable beyond the property boundaries. The outdoor display or storage of ~~No display of~~ products, materials, goods, supplies or equipment used in relation to the home occupation is expressly prohibited. ~~shall be visible from the street and~~**
- f. ~~only~~ **Only** articles made on the premises may be sold; except that non-durable articles (consumable products) that are incidental to a service, which service shall be the principal use in the home occupation, may be sold on the premises. **Other on-site sales, excluding those by phone, fax, mail, internet and similar remote methods, shall be prohibited.**
- g. Patrons to the business shall be limited to one (1) client at a time.
- h. Instruction in music, dancing, and similar subjects shall be limited to two (2) students at a time.
- i. The activity carried on as a home occupation shall be limited to the hours between 7:00 a.m. and 8:00 p.m.
- j. **Home occupations shall be legally established and licensed in conformity with the ordinances of the City. Any home occupation**

operating without a business license or with an expired business license shall be required to obtain current Land Use approval prior to the issuance or re-issuance of a business license.

- k. Customary home occupations shall not include the following:
1. Uses which do not meet the provision listed above.
 2. Automobile and/or body and fender repairing.
 3. Food handling on a large-scale basis, processing or packing.
 4. Repair, manufacturing and processing uses; however, this shall not exclude the home occupation of a dressmaker where goods are not manufactured for stock, sale, or distribution.
 5. Restaurants.
 6. Rental, sale, storage or repair of vehicles or equipment of any kind.
 7. No outdoor or indoor window signs of any kind are permitted for a home occupation.

8.7.2.2 Any home occupation not conforming with *Section 8.7.2.1* may be subject to Planning Commission approval and Site Plan Review.

8.9 Site Plan Approval

An application for Site Plan Approval ~~site-plan~~ shall be required for all residential multi-family projects involving the construction of three (3) or more dwelling units; all new or expanding commercial structures; all new or expanding industrial structures; and, other uses as required by the Planning Commission prior to a building permit being issued. Site Plan Reviews shall be accomplished by the Planning Commission to assure compliance with the provisions of this Zoning Ordinance to ensure conformity with its purpose as stated in *Article 1*. ~~Eleven (11) sets of site plans shall be submitted no less than ten (10) days prior to the Planning Commission meeting at which they are to be reviewed. The City Planner shall have the discretion to accept electronic submittals in satisfaction of some or all of the submittal requirements.~~

- 8.9.1 **Pre-Application Conference.** Applicants are urged to consult early and informally with the City Planner to facilitate the Site Plan application process. A pre-application conference with City Staff is mandatory prior to submitting a Site Plan Approval Application. The purpose of Pre-Application Conference is to acquaint the applicant with the regulations governing the proposed development, procedures for approval, and other agencies or officials who must approve any part of the plan. Neither the applicant nor the Planning Commission are bound by considerations delivered during

the Pre-Application Conference.

8.9.2 Review Procedures.

8.9.2.1 Staff shall distribute the pre-application submittals and plans to all other City departments, County and State agencies and other officials and agencies, as may be applicable, for preliminary review and recommendations. Following staff review and comments, the applicant shall submit a formal application and revised submittals which shall reflect the initial review comments.

8.9.2.2 Once applications are deemed administratively complete, Planning Staff will schedule the application for presentation to the Planning Commission in accordance with the established Meeting and Deadline Schedule.

8.9.2.3 While a public hearing is not required, notice of a public meeting will be posted on the property. The owner, or their agent, of the property for which Site Plan Approval is sought, adjacent property owners and any other parties identified that may have interest in the request, shall be notified by regular mail.

8.9.3 Where any project or site is to be developed in stages or phases, no application for Site Plan Approval for any fraction of the site shall be accepted for review unless a Master Plan is submitted or has been previously approved. The Master Plan shall be a conceptual plan showing the entire development site and all component stages or phases, and shall express the overall development concept for the site at build-out.

8.9.4 Upon approval of the site plan, either as submitted or with changes and/or special conditions required by the Planning Commission, the Building Official may issue a building permit for a portion or all of the proposed development; provided that the application is in compliance with all applicable City, County, State and Federal requirements. **Construction must follow the Site Plan as approved by the Planning Commission.**

8.9.5 The **City Planner or** Planning Commission may waive certain requirements contained in Section 8.9.5 of this Ordinance if it is determined that the requirements are not essential to a proper decision on the project; or, **it** may supplement the list with other requirements deemed necessary to clarify the nature of the proposed development. **At the time of application, submittals must include:**

- **Three (3) large-format, printed plan sets,**
- **A digital version in PDF format, and**
- **A digital version in GIS shapefile, CAD drawing or equivalent.**

8.9.6 **Minimum Requirements for Submittals.** Site plans shall include the following information **related to the existing and proposed conditions** unless some or all of these requirements are waived by the **City Planner or** Planning Commission.

- a. The location and size of the site including its legal description and a current certified survey.
- b. A vicinity map showing the site relation to surrounding property.
- c. The recorded ownership or developer's interest if the developer is not the owner.
- d. The relationship of the site to existing development in the area including streets, utilities, residential, and commercial development, and physical features of the land including significant ecological features. This information may be combined with requirements for the vicinity map specified in this section.
- e. The density or intensity of land use to be allocated to all parts of the site together with tabulations by acreage and percentages thereof itemized by use and density. **Site calculations shall include the detailed information on the dimensions and/or area of the following:**
 - 1) Existing Structure square footage
 - 2) Proposed Structure square footage
 - 3) Existing Impervious Surface area including parking areas and access/driveways
 - 4) Proposed Impervious Surface area including parking areas and access/driveways
 - 5) Proposed Landscaped/Open Space areas
 - 6) Number of Parking Spaces provided with dimensions and provisions for accessible parking and travel paths.
- f. The location, size and character of any common open space, commonly owned facilities and form of organization which will own and maintain any common open space and such facilities.
- g. The use and maximum height, bulk and location of all buildings and other structures to be located on the site.
- h. The substance of covenants, grants of easements or other restrictions which will be imposed upon the use of the land, buildings and structures, including proposed easements or grants for public utilities or other purposes.
- i. The provisions for disposition of open space, including tree protection, landscaping provisions and buffering requirements.
- j. In the case of plans which call for development over a period of years, a schedule showing the proposed times within which applications for building permits are intended to be filed.
- k. Where required by the Alabama Department of Transportation ("ALDOT"), City Planner shall be provided proof that the applicant has submitted a driveway permit application

to ALDOT. In the event that any type of traffic study is required by the ALDOT, copies thereof shall be provided to the City Planner.

- I. Front and side architectural elevations.
- m. The location and size of all signs to be located on the site. In the event that a sign is pre-existing and fails to conform to the requirements as set forth in this ordinance, site plan approval will be granted only under the condition that all signs will comply with the regulations as set forth in the sign ordinance.
- n. Landscape plans, **in accordance with Section 10.4 Landscape Plan Standards.**
- o. Any additional data, plans or specifications which the applicant or the City believes is pertinent and which will assist in clarifying the application including, but not limited to plans for screening, lighting and space, surface drainage, erosion and sediment control, water and sewer connections, landscaping, and signs.

8.9.7 Application Review & Incomplete Submittals

Planning Staff will review applications for administrative completeness. Incomplete, partial, or inaccurate submittals will not be accepted, but will be returned to the applicant for re-submission for a later meeting. Once applications are deemed complete, Planning Staff will schedule the application for presentation to the Planning Commission in accordance with the established Meeting and Deadline Schedule. The City Planner, or designee, shall review complete applications to determine if the submittals meet all the requirements herein. Staff shall submit the Site Plan application and plans to all other City departments, County and State agencies and other officials and agencies, as may be applicable, for review and recommendations. The completed analysis will be presented to the Planning Commission for review and decision.

8.9.8 Withdrawal or Tabling Procedures

8.9.8.1 Withdrawal. If, for any reason, an item scheduled for presentation before the Planning Commission is withdrawn within seven (7) calendar days of submission, then the application fee shall be credited toward future resubmittal of the application; however, beyond the seven (7) calendar day period, fees shall not be refunded nor credited toward subsequent submittals. The request to withdraw the item shall be submitted in writing, signed by the applicant or authorized agent, and submitted to the Planning and Development Department prior to the scheduled hearing date.

8.9.8.2 Tabling. If, for any reason, an item scheduled for presentation before the Planning Commission is requested to be tabled without having been presented, then

the request to table the item and reschedule shall be submitted in writing, signed by the applicant or authorized agent, and submitted to the Planning and Development Department prior to the scheduled hearing date.

8.9.9 Fees.

8.9.9.1 To partially defray costs of filing an application, staff and engineer review, and other administrative costs, a fee according to the current schedule of fees established by the City Council of Bay Minette must be paid to the City by the applicant at the time of filing of the application. Fees are not subject to refund or adjustment, irrespective of the final outcome of the application.

8.9.9.2 Plan Review. There will be no cost for the Pre-Application Conference or initial plan review for submitted Site Plan applications. Subsequent plan submittals or revisions will incur a Plan Review Fee of \$150.00 per submittal.

8.9.10 Planning Commission Action. For Site Plan Approval, no public hearing is required. The applications, submittals and prepared staff report will be reviewed during the regularly scheduled meeting of the Planning Commission in accordance with the established meeting schedule. The applicant, or an authorized representative with sufficient knowledge of the project, is required to be in attendance.

8.9.10.1 The Planning Commission makes the final decision and has the option to:

- a.) Approve the Site Plan as presented
- b.) Approve the Site Plan with conditions, stating the conditions required
- c.) Deny the Site Plan, with stated factors for the denial
- d.) Table the Site Plan Request, due to lack of information

Regardless of outcome, the applicant will receive a Notice of Action from the Planning Department within seven (7) business days detailing the decision(s) of the Planning Commission, including any requested revisions, related conditions or action items to be completed.

8.9.10.2 Upon approval of the site plan, either as submitted or with changes and/or special conditions required by the Planning Commission, the Building Official may issue a building permit for a portion or all of the proposed development; provided that the application is in compliance with all applicable City, County, State and Federal requirements. Prior to the issuance of a Certificate of Occupancy, an electronic version of As-Builts must be submitted in the following formats:

- A digital version in PDF format, and
- A digital version in GIS shapefile, CAD drawing or equivalent.

8.9.10.3 Construction shall follow the Site Plan as approved by the Planning Commission. Minor modifications may be approved by the City Planner if the proposed modification does not material change, alter or diminish the intent and character of the approved plan. Modifications determined to significantly deviate from the Planning Commission’s approved version will be required to submit for Planning Commission review.

8.9.10.4 Site Plan requests that are tabled, will not receive further review by the Planning Commission until all additional information requested has been received and reviewed for compliance by the Planning Department.

8.9.10.5 Site Plan requests that are denied will not receive further review by the Planning Commission until all noted deficiencies have been addressed and revised documentation received and reviewed for compliance by the Planning Department.

8.9.10.6 Any resubmittals, revisions, additional information or permit applications related to the application must be received within 180 days from the date of Planning Commission action, or a new Site Plan Application will be required.

Extension for 180 days – requested/reviewed administratively

8.10 Table of Permitted Uses

The following Table contains a list of land uses permitted in each district. Opposite each land use, in the appropriate district column or columns, the letter “R” identifies those districts in which a particular land use is permitted by right and the letter “S” identifies those districts in which a particular land use is permitted only by special exception. The letter “P”, identifies those uses that must be reviewed and approved by the Planning Commission.

	R-A	R-1	R-2	R-3	R-4	R-5	B-1	B-2	M-1	M-2
Accessory buildings and uses, home swimming pools, when located on the same lot or parcel as the principal residential structure or use and customarily incidental thereto, allowed by right provided the requirements in all pertinent sections of this ordinance are met. Accessory buildings and uses, swimming pools, when located on the same lot or parcel as the principal commercial/industrial structure or use and customarily incidental thereto, allowed with Planning Commission approval by right provided the requirements in Section 8.7.1.6 and all other pertinent sections of this ordinance are met. Other Accessory structures allowed with Planning	R	R	R	R	R	R	PR	PR	PR	PR

Commission Site Plan Approval provided all other pertinent sections of this ordinance are met.											
Entertainment venue or event facility: provided that sufficient buffering is established to obstruct noise, glare and view from adjacent residential uses or districts								P	P	P	P
Recreational vehicle – for occupancy/use as living quarters. Shall be permitted only in an approved Recreational Vehicle Park.							R		R	R	
Recreational vehicle – parking and storage on private property, does not require approval. Occupancy of the recreational vehicle and unauthorized utility connection is not permitted.	R	R	R	R	R	R	R	R	R	R	R
Recreational vehicle parks.							P		P	P	

8.12 Minimum Setbacks

- a. The building setback lines in the downtown historic business district overlay zone shall be similar and consistent with what is ~~existing~~ existing on the same street within the same block of the proposed building.

9.1 Manufactured / Mobile Home Parks

9.1.2 Manufactured Home Space Requirements

- Space Width:* 40 feet minimum
- Front Yard:* 10 feet minimum
- Side Yard:* 20 feet between ~~mobile~~ manufactured homes
- Parking:* Two (2) spaces for each ~~mobile~~ manufactured home space off-street, and shall be hard surfaced with all-weather materials.

9.1.3 Other Requirements

- e. Manufactured homes may not be used for non-residential use within **mobile manufactured** home parks.

9.2.3 Parking Schedule

- e. **Mobile Manufactured** home courts and parks:

9.8 Mobile Food Vending Vehicles and Mobile Merchandise Vending Units **Pilot Program**

10.6.4 **Greenbelt Zone.** All developments along or abutting the right-of-ways of U.S. Highway 31 South, U.S. Highway 31 North, State Highway 59, State Highway 287, McMeans Avenue, D'Olive Street and North Hand Avenue shall maintain a minimum of ten (10) feet of the required thirty (30) foot setback as a landscaped greenbelt along the entire front width of the property except where curb cuts provided ingress and egress. If any of the thirty (30) foot front setbacks is used for parking, said greenbelt shall be in addition to the landscape requirements for parking areas **describe described** in ~~Section 9.2~~ **Section 10.10** of this Ordinance. Said greenbelt shall be planted with trees, shrubs, and grass or other ground cover so that an attractive appearance is presented as detailed in the developer's required landscape plan. The trees shall be shade **of or** flowering trees and shall be at least three and one half (3 ½) inches or greater in caliper and twelve (12) feet in height at planting. There shall be a minimum of one (1) tree planted for every twenty-five (25) feet or fraction thereof of lot frontage, fifty (50) percent of which shall be shade trees having a maximum crown of seventy (70) feet.

10.10.8 A minimum of five (5) feet side and rear landscaping may be required in the landscape plan depending on the topography and arrangement of **packing parking** facilities. If required, such areas shall be planted with a combination of trees, shrubs and grass or other ground cover adequate to break the expanse of contiguous parking areas and to present an attractive appearance as determined by the City Planner. Adjacent property owners may jointly agree on the establishment of a common landscaped area between their properties that meets such agreement and the planting and maintenance of the common area shall be binding upon both parties and their successors in interest, heirs, and their assigns.

10.11 **Buffer Zones Requirements.** Except as otherwise provided herein, **buffer zone requirements shall be based on the proposed developing use and the existing abutting use, regardless of current zoning districts. For this section, 'abutting' property includes property adjoining, facing or across a roadway.**

10.11.1 All districts shall comply with the following minimum standards:

- a) Where a business district **or use** abuts any part of a residential district **or use**, a buffer zone 10 feet wide shall be required;
- b) Where an industrial district **or use** abuts any part of a ~~residential or~~ business ~~zone district or use~~, a public or semi-public use, mixed-use or multi-family residential district or use, a buffer zone of 20 feet shall be required.
- c) where an industrial district or use abuts any part of a two-family or single-family residential district or use, a buffer zone 30 feet wide shall be required.
- d) Where a public or semi-public use, mixed-use or multi-family residential district or use, abuts any part of a single-family residential district or use, a buffer zone 10 feet wide shall be required.
- e) The buffer shall run the entire length of the abutting lot line(s) **and shall be maintained in such manner as to accomplish its purpose continually.** ~~The buffer shall run the entire length of the abutting lot line(s).~~ Under no circumstances shall this buffer impair vehicular flow and shall be part of the yard requirements.
- f) **Buildings, dumpsters, and outdoor storage are prohibited within required buffers.**

10.11.2 Buffer Requirements. Buffers shall be constructed of at least one of the following three (3) designs.

- a. Wall or Fence. If a wall or fence is provided as a protection buffer, it shall be six (6) feet high and of a construction and a design approved by the Planning Commission. Said wall or fence shall be maintained in good repair by the owners of the property.
- b. Screen planting strip. If a screen planting strip is provided as a protection buffer, it shall be at least then (10) feet in width, shall be planted with materials in sufficient density and of sufficient height (but in no case less than six (6) high at the time of planting) to afford protection to the residential or business district from the glare of lights, from blowing papers, dust and debris, from visual encroachment, and to effectively reduce the transmission of noise. Screen planting shall be maintained in a clean and neat condition and in such manner as to accomplish its purpose continually.
- c. Natural Forest. Natural undisturbed forest which provides a nearly impervious visual barrier due to the dense nature of the plants and/or trees. If this option is chosen, the width of the buffer one shall be twenty-five (25) feet in width and shall be included on the Site Plan. The Bay Minette City Planner shall determine whether the barrier is satisfactory via site inspection prior to landscape approval. Said buffer strip shall maintain its healthy condition as to accomplish its purpose continuously.

10.12 **Special Designs Modifications.** Buffer requirements may be modified by the Planning Commission as follows:

- 10.12.1 More stringent design and landscape standards may be required in any district if it is determined that the design would be more compatible with the development and more beneficial to the aesthetics of the City of Bay Minette.
- 10.12.2 If the developing use abuts an existing nonconforming use on a property that is designated for a different use within the Comprehensive Plan and when the abutting property is zoned in accordance with the Comprehensive Plan, a required buffer may be modified for consistency with the projected use of the abutting property.
- 10.12.3 If a buffer is required along a public alley, up to one-half (1/2) of the alley width may be considered as a portion of the required buffer width, but the buffer height and density shall not be reduced.
- 10.12.4 Where appropriate, pedestrian access may be permitted through a required buffer.
- 10.12.5 Vacant Land. If a buffer is required along vacant land, the requirements shall be based on the zoning of the abutting property or the use projected by the Comprehensive Plan, whichever is lesser.
- a) When determining buffer requirements based on the zoning or projected use of abutting vacant land, the range of possible future uses shall be considered, and requirements based on the use(s) that require a lesser buffer.
 - b) When the proposed use and abutting vacant land both lie in the same zoning district and such district permits uses of greater intensity or density than the proposed use, the proposed development shall provide half the width of the required buffer that would normally be required between the proposed use and the projected use of the vacant land.
- 10.12.6 Where an abutting use is discontinued, altered or modified so that the required buffer is reduced, the width of the previously required buffer may be proportionately reduced.

ARTICLE 11. PLANNED UNIT DEVELOPMENT (PUD)

The intent of this section is to provide an opportunity for the best use of land, protection of valuable natural features in the community, provide for, larger areas of recreational open space, more economical public services and opportunity for mixed use. The purpose of this provision is to encourage the unified development of tracts of land, much more creative and flexible concepts in site planning than would otherwise be possible through the strict application of minimum and maximum requirements of zoning districts established in this Zoning Ordinance **and requirements of the Subdivision Regulations**.

For the purposes of this Ordinance, each Planned Unit Development shall be a minimum of 5 acres and of sufficient size to accommodate the development. The burden is placed on the developer to demonstrate a benefit to the City and the surrounding area.

Each Planned Unit Development shall have an Ordinance that establishes the development of regulations for the district. In approving a Planned Unit Development, the ordinance shall reference the site plan, which shall prescribe development standards. The site plan after approval shall become part of the amending ordinance. All development shall be in conformance with the approved Site Plan and development regulations.

13.2 Land Use Certificates

13.2.1 Authorization. A Land Use Certificate shall be obtained from the Planning & Community Development Services Office prior to the commencement of development and issuance of a building permit including electrical, HVAC and plumbing permits. A Land Use Certificate shall be required for all new construction, including accessory structures; a change of occupancy; and renovations/alterations, except for minor changes or repairs not regulated by these ordinances.

13.2.2 Application Procedure

- a. The City Planner shall receive the application for a Land Use Certificate upon jurisdictional determination and determination that it complies with all submission requirements.
 - b. Where appropriate, the City Planner shall circulate the application to the Building Official, Fire Inspector, Code Enforcement Officer or others as deemed necessary, for review and comment.
 - c. The Land Use Certificate shall be issued or denied within ~~seven (7)~~ **fifteen (15)** business days ~~of~~ **after** receipt of a complete application, otherwise it shall be deemed to be approved.
-

16.5.3 *Building (Wall) Signs.* Building signs on any single development site shall not exceed a total of two (2) square feet per linear foot of the main or entry façade except in the Downtown Historic District where building signs shall not exceed a total of one (1) square foot per linear foot of the main or entry façade. Corner or double frontage lots shall be allowed two (2) signs. The allowable display area of each individual sign shall be calculated based on the linear dimension of the main or entry façade where the sign will be mounted. The total area of each sign shall not exceed a total of two (2) square feet per linear foot of the main or entry façade where mounted except in the Downtown Historic District where building signs shall not exceed a total of one (1) square foot per linear foot of the main or entry façade where mounted.

Formatting Corrections

Nonsubstantive, technical revisions to update the existing language, format, numbering and titles to current style.

7.18.2.1 Any improvements, alterations, repairs or installation of new fixtures or equipment for an existing non-conforming structure may be accomplished by the owner of the structure upon obtaining the proper permits or applications from the City Planner and Building Official, provided that such improvements will bring into conformity, if possible, or that it will at least not increase, unnecessarily, the nonconformity and will in all other respects, meet the requirements of the district in which it is located.

7.18.6 **Uses** *Under Special Exception Provisions Not Non-Conforming Uses.* Any use which is permitted as a special exception in a district under the terms of this Ordinance (other than a change through Board of Adjustment action from a non-conforming use to another use not generally permitted in the district), shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.

8.2 Multi-Family Dwelling Review Requirements

All multi-family dwellings intended for occupancy by three (3) or more families shall be submitted to the Planning Commission for site plan approval prior to issuance of the building permit. Site plans shall be submitted in accordance with **Section 8.9.**

8.3.2.1 **Wall** or Fence. If a wall or fence is provided as a protection buffer, it shall be six (6) feet high and of a construction and a design approved by the Planning Commission. Said wall or fence shall be maintained in good repair by the owners of the property.

8.7.1 **Accessory** Uses. Any use may be established as an accessory use to any permitted principal use in any district provided that such accessory use:

9.2.2 **Parking** Decks.

9.6.4 **Gasoline** Pump Islands.

9.6.6 **Other** Site Improvements.

9.6.7 **Storage** of Flammable Products.

10.4.3 The locations, species, and D.B.H. (Diameter at Breast Height) of existing significant trees indicating those to be retained, and those significant trees to be removed, along with written justification for removal of ~~may~~ any significant trees.



City of Bay Minette

Planning & Development Services

301 D'Olive Street · Bay Minette, Alabama 36507 · Phone (251) 580-1650

NOTICE OF PUBLIC HEARING

Case No. RA-23002

Proposed Zoning Ordinance Amendment

For a Temporary Work Force Housing Pilot Program

Notice is hereby given that the City of Bay Minette Planning Commission will conduct a public hearing concerning RA-23002, Proposed Zoning Ordinance Amendment for a Temporary Work Force Housing Pilot Program.

The public hearing will be conducted during the next regularly scheduled meeting of the City of Bay Minette Planning Commission, which is scheduled for **Thursday, May 11, 2023** beginning at 8:00 a.m. in the Council Chambers at Bay Minette City Hall located at 301 D'Olive Street, Bay Minette, AL 36507.

The proposed amendment materials will be available for public review at Bay Minette City Hall. If you desire to speak with someone by telephone about this application, please contact Planning & Development Services at (251) 580-1650. If you desire to submit comments, please email to COBM_Planning@cityofbayminetteal.gov or address your correspondence to:

City of Bay Minette Planning & Development Services
301 D'Olive Street
Bay Minette, AL 36507

Please include the case number noted above in all correspondence. If you desire to address the Planning Commission or City Council in person about this application, please attend the public hearings at the time and location listed above.

Public participation is solicited without regard to race, color, national origin, sex, age, religion, disability or family status. Persons who require special accommodations under the Americans with Disabilities Act or those requiring language translation services should contact Planning & Development Services.

Notice Date – April 19, 2023

RA-23002, Temporary Work Force Housing Pilot Program

Proposed Zoning Amendments

Version 3 – Presented to the PC May 11, 2023

Temporary Work Force Housing Pilot Program Proposed Amendment to the Zoning Ordinance

Article 9, Special Provisions

Section 9.8.3 Temporary Work Force Housing Pilot Program

9.8.3.1 Purpose and Applicability. The purpose of this pilot program is to provide for the issuance of Temporary Use Permits (TUPs) and establish standards and procedures related to the placement, operation, and duration of Temporary Work Force Housing ~~Facilities~~ **developments** to promote safe, healthy, and sanitary living conditions for temporary workers while ensuring that Temporary Work Force Housing ~~Facilities do~~ **does** not negatively impact surrounding land uses. This section is intended to provide flexibility in land use regulation in order to address a critical need while ensuring that the temporary uses and activities do not negatively impact surrounding ~~land-uses~~ **property** or create public health and safety hazards. As a pilot program, this ordinance has an automatic sunset and shall only be effective for 48 months from the date of adoption by the City Council. This ordinance shall cease to exist if no further action is taken by the City Council to extend the effective date beyond the 48-month time frame.

9.8.3.2 Definitions.

Operator. The person, firm, corporation, or other entity responsible for the management and operation of the Temporary Work Force Housing ~~Facility~~.

Recreational Vehicle. A ~~self-propelled self-contained~~ vehicle used for temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this chapter, this category also includes travel trailers, campers, motor homes, and camping trailers capable of being towed by a passenger motor vehicle and motor homes. For this chapter, this category does not include tents, vehicles with camper shells, vehicles retro-fitted for occupancy or other similar quarters that are not self-contained.

Recreational Vehicle Park. A development for the accommodation of tourists or vacationers on a short-term basis as temporary living quarters for recreation or vacation purposes, providing rental spaces for each individual recreational vehicle, travel trailer, camper, motor home, etc., and service facilities for the use of the tenants, whether publicly or privately owned and whether operated for or without compensation. Said development shall be located, established and maintained for the short-term occupancy of tourists or vacationers in accordance with city regulations, ordinances and adopted plans. For the purposes of this chapter, this category also includes camps and campgrounds, but this category does not qualify for use as a Temporary Work Force Housing Development.

Temporary Use Permit (TUP). A permit issued by the City Council that authorizes a temporary use or activity for a specified period of time.

Temporary Work Force Housing Facility. A group dwelling facility located in one or more buildings that are occupied on a temporary basis by workers that are not from the immediate area but are employed in the area for **a specific purpose (such as oil exploration/drilling and related activities, construction projects or similar activities) large-scale construction projects** and for a defined period of time. The Facilities are intended to accommodate temporary housing and living quarters for construction-related workers, and can include the occupancy of recreational vehicles, but does not include Recreational Vehicle Parks, a mobile home, a mobile home park, a manufactured home, a manufactured home park, a tourist camp, a tourist campground, a tourist home, a trailer or a trailer camp as defined and regulated herein. **Temporary Work Force Housing is also referred to as construction camps, crew camp housing, temporary modular housing and man camps.**

Temporary Work Force Housing Unit. A temporary dwelling unit located within a Temporary Work Force Housing Facility that is intended for the temporary occupancy and use as the living quarters for individual workers.

9.8.3.3 Temporary Use Permit Required. The use of Temporary Work Force Housing **Facilities or construction camps**, as set forth below, requires approval of Temporary Use Permit. The Planning Commission shall review and make a recommendation to the City Council for the issuance of a Temporary Use Permit. A permit may be approved or denied based on the criteria herein, including the compatibility with surrounding land uses and compliance with the Zoning Ordinance.

9.8.3.4 Standards for Temporary Work Force Housing **Facilities Developments.**

- a.) Temporary Work Force Housing **Facilities developments** shall only be permitted in areas designated in the RA, B-1, B-2, M-1 or M-2 zoning districts with an approved Temporary Use Permit, provided:
- b.) The parcel on which the **Temporary** Housing Facility is located meets the lot area and width requirements for the district in which it is located.
- c.) Placement of Temporary Work Force Housing Units and related facilities shall comply with all setback, buffer, and other zoning requirements applicable to the zoning district in which it is located.
- d.) Temporary Work Force Housing **Facilities** shall not be located within 500 feet of any residential zoning district or residential use.
- e.) The **Temporary** Housing Facility is located along, or with direct access to a paved roadway. If the roadway is not improved, the Developer/Operator would be responsible for construction and paving of said roadway to City, County or State standards, if required based on site location, prior to operation of the **Temporary** Housing Facility.
- f.) No primary entrances or exits shall direct traffic into adjacent residential districts.
- g.) The Temporary Housing Facility provides accommodations for at least twenty (20) workers and no more than eight hundred (800) workers.
- h.) The density of the Temporary Housing Facility does not exceed 20 units per acre.
- i.) Adequate waste disposal facilities shall be provided.
- j.) The Temporary Housing Facility must be fenced and access limited.
- k.) The **Temporary Housing** Facility shall be constructed to minimize erosion, alteration of natural features and removal of vegetation to the greatest extent possible.
- l.) The Temporary Housing Facility must comply with all applicable State and Federal requirements, including the requirements of the Department of Health **and/or the Alabama Department of Environmental Management.**
- m.) The Temporary Housing Facility shall be provided with adequate parking for residents based on design capacity, to accommodate personal vehicles, work vehicles, and other vehicles and equipment parked on the site. **Parking shall not be allowed between housing units.** Off-street loading and unloading space for service and supply vehicles shall also be provided with satisfactory ingress and egress for trucks.
- n.) **The Temporary Housing Facility shall provide for adequate access for emergency vehicles, and adequate security for the facility.**
- o.) **The Operator of the Temporary Housing Facility is responsible for establishing and enforcing any house rules or regulations for residents.**

9.8.3.5 Standards for Temporary Work Force Housing **Units.** Temporary Work Force Housing Units shall comply with the following standards:

- a.) All Temporary Work Force Housing units shall be designed, sited, constructed, and maintained in accordance with applicable state and local building codes, health codes, and fire codes. It is the responsibility of the Operator and occupants to ensure that all applicable health and safety requirements are met.
- b.) The Temporary Housing Units or spaces must be numbered in a logical fashion in order to facilitate emergency response and subject to the review of Baldwin County E-911.
- ~~c.) The Temporary Housing Facility shall provide for adequate access for emergency vehicles, and adequate security for the facility.~~
- ~~d.) The Operator of the Temporary Housing Facility is responsible for establishing and enforcing any house rules or regulations for residents.~~
- ~~e.) Each Temporary Work Force Housing unit provided by the operator shall have a minimum of 100 square feet of living space per occupant. Common dining areas and recreation areas shall not be included in determining the square feet per resident.~~
- f.) All Temporary Work Force Housing Units provided by the Operator shall be equipped with smoke detectors and carbon monoxide detectors.
- g.) All Temporary Work Force Housing Units provided by the Operator shall have adequate heating, ventilation, and air conditioning systems to maintain safe and healthy living conditions.

9.8.3.6 Application. The Temporary Use Permit application shall be submitted as a Site Plan Approval request on the applicable form, in accordance with the meeting and fee schedule as established. In addition to the Site Plan required submittals, the application shall be accompanied by the following information:

- a.) A written narrative that includes a general description of the operation, including a good faith estimate of the duration of use; a description of the Temporary Housing Units to be used and how the Housing Units are to be set and/or anchored to the ground; a description of how the Units are to be numbered; and a description of the source of potable water supply, method of sewage disposal, method of waste disposal, **and** method of dust control and proposed maintenance of the site.
- b.) A scaled site plan showing the overall dimensions of the site; required setbacks; the location of Housing Units, other structures, parking areas, fences, and landscaping; the location of existing and proposed roads and access ways within and adjacent to the site; and the location of wells, sewage treatment system(s), and waste management areas.
- c.) Plans for essential services, including emergency medical and fire facilities and security services.
- d.) Service Availability Letters for utilities
- e.) A storm water management plan
- f.) A traffic impact analysis, if required by the City's Engineer, to determine if any improvement to City, County or State roadways, including the paving of roadways or the installation of turning lanes, is warranted. If warranted, roadway improvements will need to be installed at the Operator's expense prior to operation of the Facility.
- g.) Copies of the Facility's proposed house rules and regulations, onsite security plan, and on-site emergency management plan (including contingencies for fire, tornado, hurricane and other natural disasters).
- h.) Consent of Landowner. Prior to the approval of any proposed temporary residence under this section, the applicant must demonstrate proof of the consent and approval of the property owner if the property is not owned by the proposed Operator. An Agent Authorization form, ~~contract, or lease or purchase agreement~~ will suffice.
- i.) Submittals shall include any **Any** other information required to meet the minimum standards noted in Sections 9.8.3.4, 9.8.3.5 and 9.8.3.7 as needed by the Planning Commission or City Planner to make an informed decision on the request.

9.8.3.7 Review Criteria. The Planning Commission shall review the request at a regularly scheduled meeting and make a recommendation to the City Council for final determination. The Planning Commission and City Council may attach any conditions or reporting requirements to the Temporary Use Permit that it deems necessary and prudent. A TUP may be issued by the City Council for a temporary use or activity that meets the following criteria:

- a.) The proposed use or activity will be of a temporary nature and will not create a permanent change to the site or surrounding area.
- b.) The proposed use or activity will not create a significant impact on surrounding land uses or the environment.
- c.) The proposed use or activity will comply with all applicable health, safety, and building codes.
- d.) The proposed use or activity will not create a public nuisance or hazard.

- e.) The zoning authority may impose conditions on the issuance of a TUP in order to ensure compliance with the above criteria.

9.8.3.8 Approval. If the TUP is approved, all required City, County and State permits shall be obtained prior to construction/installation of the temporary housing facilities, including, but not limited to, building permits, electrical permits, plumbing permits and mechanical permits. After a TUP is granted, the following shall be provided to the City in conjunction with construction and prior to operation of the Temporary Housing Facility:

- a.) The name and address of the onsite manager and contact information.
- b.) Copies of required permits or approvals from the Department of Health [and/or the Alabama Department of Environmental Management](#), Baldwin County Commission, Alabama Department of Transportation, and US Army Corps of Engineers.
- c.) A plan for the closing of the facility and reclamation of the site, including how structures and equipment will be removed; how trash and construction debris will be removed; how concrete footings and foundations will be removed or buried; how the sewage disposal system will be removed and disposed of; how the site will be graded and re-contoured to blend into the surrounding topography; how topsoil will be replaced and the site seeded with an appropriate seed mix to establish sufficient cover to stabilize the site and prevent erosion, and how unneeded access roads will be **regarded re-graded** and re-vegetated.
- d.) An irrevocable surety bond shall be submitted to the City Administrator in an amount equal to an engineer's estimate of the cost of removing, ~~or~~ demolishing **and disposing of** such Facilities following termination of the use in accordance with the approved plan and shall be held for the duration of the Temporary Work Force Housing **Facility** operation. The amount of the bond may be reviewed by the City Council on an annual basis and adjusted if needed.

9.8.3.9 Term. A Temporary Use Permit for a Temporary Housing Facility approved in accordance with this Article shall be valid for a period of one (1) year, and is renewable in one (1) year increments upon submittal of a request for an extension and approval in accordance with the provisions of this Article. The request for an extension must also include a written narrative describing the Facility, its compliance with the requirements contained herein and any conditions placed upon it and demonstrate the continued need for the Facility. **In no case shall a Temporary Use Permit or Renewal extend beyond the sunset provisions of this ordinance.**

9.8.3.10 Revocation and Modification. TUPs may be revoked or modified by the zoning authority if the temporary use or activity fails to comply with the criteria for issuance or any conditions imposed by the City Council.

9.8.3.11 Operation and Maintenance. The Operator of Temporary Work Force Housing shall comply with the following requirements:

- a.) The Operator shall obtain all necessary permits and licenses required by the zoning, **permitting and access authority** jurisdiction, including a permit for Temporary Work Force Housing.
- b.) The Operator shall maintain accurate records of all occupants of the Temporary Work Force Housing, including their names, addresses, and employment information.
- c.) The Operator shall maintain the Temporary Work Force Housing Units in a clean and sanitary condition, and shall provide regular cleaning and trash removal services.
- d.) The Operator shall provide adequate security measures to ensure the safety and well-being of occupants.
- e.) The Operator shall ensure that all occupants of the Temporary Work Force Housing **Facility** comply with all applicable rules and regulations.
- f.) The Operator of a Temporary Worker Housing Facility permitted by the Planning Commission shall notify the City Planner of the sale of the Facility or the transfer of ownership of the property.
- g.) The Operator shall provide the following to the City on an ongoing basis for the duration of operations:
 - 1.) The name and address of the onsite manager and contact information.
 - 2.) A current occupancy list to be maintained and provided to the City on a **monthly quarterly** basis.
 - 3.) Any changes to the Facility's house rules and regulations, on-site security plan, and on-site emergency management plan.

9.8.3.12 Restoration of Site. The applicant shall provide a written plan and agreement setting forth how the Facility will be dismantled, and the area restored to an unoccupied condition. The Temporary Housing Facility and any associated

structures, Housing Units and infrastructure must be removed from the site within ninety (90) days of closure. Within ninety (90) days after the removal of the Facility is complete, a reclamation report shall be submitted to the City Planner indicating that the site was reclaimed as set forth in the approved reclamation plan. In the event that the site is not restored in accordance with the approved plan, the City Council may call on the surety bond to complete the restoration in a satisfactory manner.

- 9.8.3.13 Enforcement and Penalties. Violation of any provision of this **regulation ordinance** shall be a violation of the Zoning Ordinance and shall be subject to the penalties provided therein. In addition, the zoning **authority enforcement officer** may revoke the permit for the Temporary Work Force Housing if the Operator fails to comply with any provision of this **regulation ordinance**.
- 9.8.3.14 Compliance. The City Council, at its discretion, may require a bond or other financial guarantee to ensure that all **essential** facilities and services are provided. In the event the **applicant Developer or Operator** fails to provide the **essential** services and facilities required, the Temporary Use Permit shall be revoked and the Facility ordered to vacate. These remedies are in addition to the remedies provided in this ordinance for failure to comply with the zoning requirements.
- 9.8.3.15 Consistency. To the extent that language in Section 9.8.3 is inconsistent with other City ordinances, the provisions of Section 9.8.3 shall control.