

Bay Minette Planning Commission Agenda
Conference Room at City Hall
July 13, 2017
8:00 a.m.

1. Called to Order

2. Invocation and Pledge

3. Approval of Minutes for June 8, 2017 Regular Meeting

4. Old Business:
 - None

5. New Business:
 - Discussion: Family Subdivisions

6. Reports:
 - A. Mayor/Council

 - B. Attorney

 - C. Commissioner's Comments

7. Adjourn

Bay Minette Planning Commission

Regular Meeting Minutes

Minutes June 8, 2017

Monthly Meeting No. 6

The Bay Minette Planning Commission met in Regular Session on Thursday, June 8, 2017. The meeting was called to order by Chairman Stewart at 8:00 a.m., in the Conference Room 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 8:00 a.m. the following members were present:

Todd Stewart, Chairman
Ed Pepperman, Vice-Chairman
Robert A. "Bob" Wills, Mayor
John Biggs, Councilmember
Oscar Waters, Building Official
Clair Dorough, Commission Member
Dollie Mims, Commission Member

Absentee:

Scotty Langham, Commission Member
David Diehl, Commission Member

Other person in regular attendance:

Scotty Lewis, Attorney
Rita Diedrich, City Clerk
Jessica Peed, Public Works
Stewart, Fire Inspector
Leslie Johnston, SARPC

GUESTS Guest present:

Roy Godwin
Nora Godwin

INVOCATION Chairman Stewart gave the invocation and followed by the pledge. Chairman Stewart welcomed everyone to the meeting.

ITEM 3. Approval of Minutes of the May 11, 2017 Regular Meeting. After discussion concerning Item 6 in the minutes; Commission Member Pepperman moved to

approve the minutes. The motion was seconded by Commission Member Waters and unanimously carried

ITEM 4.

Chairman Stewart introduced Item 4: Old business:

- Public Hearing on Final Amendment for Accessory Building. The Commission discussed the final amendment which includes: enforcement of placement and setting a free; and allows a twelve-month period for nonconforming structure to be corrected or removed. Chairman Stewart opened the public hearing at 8:10 a.m. With no one present to oppose the amendment. Chairman Stewart asked that a motion concerning the amendment Commission Member Pepperman moved to forward this matter to the City Council with a recommendation for approval. The motion was seconded by Commission Member Mims and carried.

ITEM 5.

Chairman Stewart introduced Item 5: New Business:

- Public Hearing for the Fail Family Subdivision located at 10221 Green Jordan Road. This item was pulled from the agenda due to current regulation did not suppose the subdivision.
- Public Hearing on the Re-zoning of Property located at 201 Dickman Road from R-3 to B-2. Chairman Stewart recognized Mr. and Mrs. Godwin who spoke concerning the property. Chairman Stewart opened the public hearing at 8:25. With no one present to oppose the re-zoning, Commission member Pepperman moved to send the matter to the City Council with a recommendation for approval. The motion was seconded by Commission Member Water and carried.
- Chairman Stewart introduced a proposed Amendment to the Subdivision Regulations to deal with family subdivisions. After much discussion, Chairman Stewart ask that this item be placed on the next agenda.

ITEM 6.

Reports:

A. Mayor/Council Report:

- Brownfield Grant
- Assistance with funding of new City of Bay Minette signs
- Mega Site update
- Ride Yellow

B. Attorney Report

- None

C. Commissioner's Report

- Election of Officers
- Training possibilities

ITEM 7.

With no further business, Chairperson Stewart adjourned the meeting at 9:20 a.m.

DONE THIS THE 8th DAY OF JUNE 2017

Todd Stewart, Chairman

ATTEST:

Rita Diedtrich, City Clerk

The Bay Minette Subdivision Regulations currently define a "minor subdivision" as: "A subdivision that creates not more than five (5) lots, each lot fronting on an existing public road and does not involve any new street or drainage improvements."

Currently, a minor subdivision that is not otherwise exempted by Section 8, is required through the minor subdivision review and approval process as set out in Section 7 of the BM Sub. Regs., including a requirement for a public hearing.

Section 8 of the BM Sub. Regs. currently recognizes the following as being exempt:

The provisions of these regulations shall not apply to the resubdivision of land into three (3) or less lots, tracts, or parcels where each of the lots, tracts, or parcels established by the resubdivision fronts on an existing public road.

In addition, an owner of a tract of land may convey a portion of the tract to an adjoining owner without being subject to the provisions of these regulations provided that no new lots are thereby created and that no lot is reduced below the minimum size otherwise required by the provisions herein or by provisions of the Zoning Ordinance.

Subdivision wherein the size of each and every resulting lot equals or exceeds twenty (20) acres including public rights-of-way and involves no street or other public improvements. Each parcel shall have access from an ingress/egress and utility easement of a minimum of fifty (50) feet in width.

Subdivision wherein the size of each and every resulting lot equals or exceeds ten (10) acres including public rights-of-way and involves no street or other public improvements. Each parcel shall have frontage on publicly maintained road.

The public acquisition by purchase or donation of strips of land for the widening or opening of streets.

We do not currently have a mechanism that facilitate family subdivisions of the type the BMPC is beginning to see with greater frequency.

As the PC considers the amendment of the BM Sub. Regs., primarily for the purpose of creating a procedure whereby the BMPC can allow family subdivisions, I recommend that we revise all of the exemptions to come within the scope of Alabama Code 11-52-31(b), which provides: "Notwithstanding any other provision of law, regulations adopted by a municipal planning commission may authorize administrative approval of a minor subdivision without a public hearing. A minor subdivision consists of the subdivision of land into not more than six lots or a reduction of the number of lots in an existing subdivision. The developer of a minor subdivision approved by the municipal planning commission shall not require any public improvements, the dedication of a public way, or the expenditure of any public funds, and the plan for the minor subdivision shall not conflict with the master plan, official zoning map, any zoning ordinance, or any other subdivision regulations. This subsection does not require a municipal planning commission to authorize approval of a minor subdivision without first holding a public hearing."

Taking 11-52-31(b) into consideration, please review the following as an initial attempt to revise Section 8 of the BM Sub. Regs. The new text appears in red and the deleted text appears in red strike though.

Except as set forth in this Section 8, the provisions of these regulations shall not **otherwise** apply to the **following**:

(i) **The** resubdivision of land into three (3) or less lots, tracts, or parcels where each of the lots, tracts, or parcels established by the resubdivision fronts on an existing public road.

(ii) ~~In addition.~~ An owner of **a parcel of real property a tract of land** may convey a portion of **thereof the tract** to an adjoining owner without being subject to the provisions of these regulations provided that no new lots are thereby created ~~and that no lot is reduced below the minimum size otherwise required by the provisions herein or by provisions of the Zoning Ordinance.~~

(iii) Subdivision wherein the size of each and every resulting lot equals or exceeds twenty (20) acres including

~~existing public rights-of-way and involves no street or other public improvements.~~ Each parcel shall have access from an ingress/egress and utility easement of a minimum of fifty (50) feet in width.

(iv) Subdivision wherein the size of each and every resulting lot equals or exceeds ten (10) acres including ~~existing public rights-of-way and involves no street or other public improvements.~~ Each parcel shall have frontage on publicly maintained road.

(v) The subdivision of property for the limited purpose of sale, deed or transfer of land by the owner to a person or persons, all of whom are members of the owner's immediate family. Each parcel which is subdivided pursuant to this subparagraph shall have deeded ingress/egress and utility access or easement that runs with the land of not less than 30 feet in width. A qualifying division hereunder is limited to a division among the following designated legally related immediate family members: spouse, children, siblings, parents, grandparents, grandchildren, nieces, nephews, or step-related individuals of the same status.

(vi) The public acquisition by purchase or donation of strips of land for the widening or opening of streets.”

In addition to the requirements set forth above, the following requirements must be satisfied: each lot created hereunder shall comply with all minimum lot size and setback requirements otherwise specified by the provisions herein or by provisions of the Zoning Ordinance; maintenance of the easement, together with all improvements thereto, shall be the responsibility of all parties to which it is granted by (1) written agreement, (2) deed reference, or (3) a note on a Recorded Plat of Survey. Neither the City nor the County shall be responsible for the easement or improvements thereto. The property owner shall be responsible for the preparation of a certified plat, in form as approved by the Planning Commission, to be

filed in the Baldwin County Probate records upon receiving an exemption hereunder. In the event the property to be divided is an existing lot (or lots) of record in a recorded subdivision, the applicant shall be required to cause a certified plat, in form as approved by the Planning Commission, to be recorded in the Baldwin County Probate records upon receiving an exemption hereunder.

Provided, however, no exempt subdivision shall: consist of more than six lots; reduce the number of lots in an existing subdivision; contain any public improvements; or require the expenditure of any public funds.

For exempt subdivisions hereunder, no public hearing shall be required, but shall be subject to review and approval of the Planning Commission for compliance with the requirements contained in this Section 8. Upon consideration and approval by the Planning Commission, the Chairman may be authorized to present a Letter of Exemption to the applicant granting Exemption Status for the requested division.