

**CITY OF BAY MINETTE
PLANNING COMMISSION**

AGENDA

February 13, 2020

Regular Meeting

8:00 a.m.

**City Hall Conference Room
301 D'Olive Street, Bay Minette**

1. Call to Order
2. Invocation and Pledge
3. Approval of Minutes for the January 9, 2019 Regular Meeting
4. **Old Business**
5. **New Business**
 - Discussion on Proposed Zoning Ordinance Amendments**
6. **Reports**
 - a.) Mayor/Council
 - b.) Attorney
 - c.) Commissioner's Comments
 - d.) Planning Staff
7. **Adjournment**

Bay Minette Planning Commission Regular Meeting Minutes

Minutes January 9, 2020

Monthly Meeting No. 1

The Bay Minette Planning Commission met in Regular Session on Thursday, January 9, 2020. The meeting was called to order at 8:04 a.m., by Chairman, Todd Stewart, 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 8:04 a.m. the following members were present:

Todd Stewart, Chairman
Ed Pepperman, Vice-Chairman
Jessica Davis, Commission Member
Wynter Crook, Commission Member
Neal Covington, Commission Member
Pat Robinson, Building Official

Commission Members absent:

John Biggs, Council Member
Scotty Langham, Commission Member

Commission Members late:

Robert A. "Bob" Wills, Mayor

Other persons in regular attendance:

Scotty Lewis, Attorney- *joined late*
Tammy Smith, City Administrator/Finance Director
Clair Dorrough, City Planner
Leslie Johnston, SARPC
Jessica Peed, Planning Assistant
Steven Stewart, Fire Inspector
Rita Diedtrich, City Clerk

GUESTS Steven Boeschen
Al Boykin

INVOCATION Chairman Stewart gave the invocation, followed by the pledge.

ITEM 3.

Approval of Minutes of the December 12, 2019 meeting. Commission Member Pepperman made a motion to approve the minutes as written. The motion was seconded by Commission Member Covington and it was unanimously carried.

- Chairman Stewart reordered the agenda to hear New Business before Old Business.

ITEM 4.

New Business:

a.) AS- 1903, Boeschen Subdivision

Request: Approval to divide one lot into two

Location: The subject property is located at 43800 Pine Grove Road

Chairman Stewart introduced the Boeschen Subdivision request.

Mayor Wills joined the Planning Commission Meeting at 8:09am.

Mrs. Dorough briefly explained the property is located outside city limits but within our extra-territorial jurisdiction (ETJ), and that the request is to have the seven-acre parcel subdivided into two parcels, with (1) three-acre parcel and (1) one-acre parcel. She indicated that Mr. Boeschen would like to build a house on the three-acre parcel. Mrs. Dorough stated Mr. Boeschens' request meets two of the Administrative Subdivision Regulation criteria, and discussed the shed is thirteen and one-half feet from the lot line and therefore not an issue. Chairman Stewart asked if Mr. Boeschen would like to make any comments. Mr. Boeschen stated he had none. Chairman Stewart asked if anyone else had any other comments or questions. None were made. Commission Member Pepperman made a motion to authorize the Chairman to the plat that divides the property into two parcels, with (1) three-acre parcel and (1) one acre parcel. Commission Member Davis seconded the motion, and it was unanimously carried.

b.) AS- 1904, Boykin Subdivision

Request: Correction related to Baldwin County exempt subdivision approval

Location: The subject property is located at Co. Rd. 138 near Tall Pine Road

Chairman Stewart briefly explained the history regarding the subject property. Mrs. Dorough stated in 2013 the highway department changed the parcel lines. The owner recently sold the property. When he attempted to obtain an E911 address, he was informed it would not be issued without the City of Bay Minette's approval since, at the time of the parcel lines being changed, the permitting jurisdiction overlapped between Baldwin County and the City of Bay Minette. Mrs. Dorough stated he would have been approved in 2013, and currently still meets regulations. Chairman Stewart stated he personally called E-911 and attempted to rectify the situation on Mr. Boykin's behalf in June of 2019, but was unable to do so.

Scotty Lewis, City Attorney, joined the Planning Commission at 8:14am.

Mr. Boykin stated he would need an exemption letter as well. Chairman Stewart explained the Planning Commission does not normally issue exemption letters as the Commission does not recognize the terminology in the Subdivision Regulations. Mrs. Dorough stated the Planning Department sends a "Notice of Action" letter to the applicants post Planning Commission meetings, so a letter can be sent to Mr. Boykin stating the action the Planning Commission takes regarding his request. Chairman Stewart asked Mr. Boykin if he had any questions, and he had none. Chairman Stewart asked if anyone had any questions or comments. None were made. Commission Member Pepperman made a motion to authorize the Chairman to sign the plat with the addition of issuing a letter of approval. Mayor Wills seconded the motion, and it was unanimously carried.

ITEM 5.

Old Business:

- Chairman Stewart introduced the Subdivision Regulation amendment to Section 8, Administrative Subdivision Ordinance. He explained the differences in the markup on the amendment. Mrs. Dorough explained there is a re-revised version, that was issued with the Planning Commission agenda, after speaking with Scotty Lewis, City Attorney, regarding a few changes to specific wording. Mrs. Dorough indicated the main issue is lot line requirements, which was marked on page two, line item number forty-four. Chairman Stewart explained to the newest commission members, Jessica Davis, Wynter Crook, and Neal Covington, as to why the Amendment to the Subdivision Regulation was made in 2012. Chairman Stewart confirmed with Mrs. Dorough that the proposal is for Exempt Subdivisions to receive Planning Commission approval, and Administrative Subdivisions would only need City Planner approval. Mrs. Dorough stated the Penalties Section,

Section 9, currently has a penalty of \$100, whereas Baldwin County currently has a penalty fee of \$1,000 per lot. Scotty Lewis interjected that Rita Diedtrich pulled the City Ordinances from Municode, and the fee can go up to \$500 per lot. Mrs. Dorough explained Bay Minette's current penalty fee is less than the application fee, and it is her recommendation to increase the fee to \$500 per lot, as it is in more in line with the other fees. Chairman Stewart asked if this revision were to be approved, would the previous applicant, Mr. Boykin have had to pay. Tammy Smith, City Administrator, explained the applicant met with former Building Official, Oscar Waters, so in this instance it would have been waived. Mayor Wills also asked if the Planning Commission would have the authority to waive the fine in special circumstances. Scotty Lewis agreed that per the penalty provisions, there would be an option to waive the fine, and he would be concerned going above the \$500 suggested increase. Chairman Stewart asked if there were any issues with proposing the penalty fee be changed to \$500 in lieu of the current \$100 fee. No issues or comments were stated.

Chairman Stewart opened the public hearing at 8:30am to approve the revised Subdivision Regulations to go into the Ordinance. Chairman Stewart asked if there were any questions or comments. There were none. Chairman Stewart closed the public hearing at 8:31am. Commission Member Covington made a motion to approve the proposed Subdivision Regulation amendments with the modification presented on the revised document, and the penalty fee be increased to \$500 in lieu of the current \$100 fee. Commission Member Pepperman seconded the motion, and it was unanimously carried.

ITEM 6. Reports:

A. Mayor/Council Report:

- Mayor Wills stated the City of Bay Minette had a good Christmas season, and Christmas Fest was the best it has been in a few years with it being located around the Courthouse Square again. He informed everyone that Marisa Lund was recently hired in the Recreation Department. The City is also looking forward to working with Dr. Pouncy, the new president of Coastal Alabama Community College, and who is already a great asset to the City. Mayor Wills included that we are selling the Police Department building to the Sheriff's department so they can build a new jail tower. He stated the City is waiting to hear from the Board of Education on whether we will be able to move the SAIL/Senior Center into a portion of the old Elementary/Intermediate School. Mayor Wills concluded by stating this

year will be an exciting year, as the upstairs of City Hall will be renovated, and it is an election year, where he will be running for Mayor again.

B. Attorney

- Scotty Lewis stated that State Senator Chris Elliott will most likely be bringing up his bill to remove municipal police jurisdictions.

C. Commissioner

- None
- Leslie Johnston, SARPC representative, stated the annual SARPC meeting will be held next week.

D. Planning Staff

- Mrs. Dorough stated we had no topics to discuss, but gave Chairman Stewart JW Joiner's previously approved PUD plans to be signed.

ITEM 8. With no further business Chairman Stewart adjourned the meeting at 8:50am.

DONE THIS THE 9TH DAY of JANUARY 2020

Todd Stewart, Chairman

ATTEST:

Jessica Peed, Planning Assistant

**Proposed Zoning Ordinance Revision Discussion Items
February 13, 2020 Planning Commission**

7.17 Existing Covenants

Where subdivisions, lots, or parcels exist which have already been recorded or which will be recorded with deed restrictions or other such restrictive covenants, such restrictions and covenants shall apply if they are more stringent than the requirements of this Ordinance; otherwise, the requirements of this Ordinance shall apply. It is the responsibility of the property owner and/or authorized agent to ensure compliance with any and all applicable deed restrictions or restrictive covenants prior to submitting an application to the Planning & Community Development Department.

8.7 Accessory Uses, Structures, Carports and Home Occupations

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:

- 8.7.1.1 Is customarily incidental to and is maintained and operated as a part of the principal use;
- 8.7.1.2 Is not hazardous to and does not impair the use or enjoyment of nearby property in greater degree than the principal use with which it is associated;
- 8.7.1.3 Does not create levels of noise, odors, vibration and lighting, or degrees of traffic congestion, dust or pollutants, in a greater amount than customarily created by principal use; and,

8.7.1.4 No accessory structure shall be constructed on a lot by itself prior to the issuance of a building permit for the principal building to which it is accessory.

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

- a. Where an accessory structure is attached to the residential building, a substantial part of one wall of the accessory structure shall be an integral part of the residential building or such accessory structure shall be attached to the residential building in a substantial manner by a roof and, therefore, such requirements applicable to the residential building shall apply. A detached

carport constructed on-site shall be subject to applicable building codes.

- b. Where a carport is attached to the residential building, it shall be attached to the residential building in a substantial manner by a roof and, therefore, such requirements applicable to the residential building shall apply.
- c. A detached accessory structure shall not be closer than twenty (20) feet to the residential building, nor closer than five (5) feet to any lot line or encroach into any existing drainage or utility easements. **Pools can be located no closer than five (5) feet to the residential building.**
- d. A detached carport may be located adjacent to a residential building, but shall not be closer than five (5) feet to any lot line nor encroach into any existing drainage or utility easement.
- e. A detached accessory building, not more than one (1) story in height, may be constructed on not more than 30 percent of the rear yard.
- f. No detached accessory structure or detached carport may: (1) be located forward of the building frontage of the residential building; or (2) be closer than twenty (20) feet to any right-of-way.
- g. Attached or detached accessory structures less than one-third the area of the principal residence may be used for living quarters provided such structures do not contain kitchen facilities. Such accessory residences may also be constructed above a garage or other storage building provided they do not exceed the height limitation for the zoning district in which they are located. Notwithstanding any other provision contained herein to the contrary, all structures intended for use or used as living quarters are subject to and shall follow all applicable building codes and ordinances.

8.7.1.6 Minimum Lot Area and Lot Width: None specified only that the lot be large enough to accommodate principal building plus the accessory building and/or buildings and meet the yard and other requirements specified in this Ordinance.

~~8.7.1.6 Maximum Building Height: Detached accessory buildings shall not exceed one (1) story or fifteen (15) feet in height.~~

8.7.1.8 *Maximum Building Coverage and Height:* ~~None specified, only that~~ Detached garages, buildings and additional accessory structures, individually and combined, shall be subject to the maximums listed in the table below. The principal building, together with accessory buildings, must also comply with the requirements applicable to maximum building coverage specified in this Ordinance.

<u>Lot Size</u>	<u>Maximum Building Area</u>	<u>Maximum Building Height</u>
<u>Less than 1 acre</u>	<u>1,000 square feet</u>	<u>15 feet</u>
<u>1 – 1.99 acres</u>	<u>1,600 square feet</u>	<u>15 feet</u>
<u>2 – 4.99 acres</u>	<u>2,000 square feet</u>	<u>18 feet</u>
<u>5 – 7.99 acres</u>	<u>2,600 square feet</u>	<u>20 feet</u>
<u>8 – 9.99 acres</u>	<u>3,200 square feet</u>	<u>20 feet</u>
<u>10 – 19.99 acres</u>	<u>4,000 square feet</u>	<u>24 feet</u>
<u>20 – 39.99 acres</u>	<u>5,000 square feet</u>	<u>24 feet</u>

8.7.1.9 Commercial and Industrial Districts. No accessory building shall exceed the height of the principal building without express approval of the Planning Commission

ARTICLE XI. 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.

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.

ARTICLE XIII. ADMINISTRATION, ~~ENFORCEMENT AND PENALTIES~~

13.1 ~~Enforcing Officer~~

~~The provisions of this ordinance shall be administered and enforced by the City Building Official. This official shall have the right to enter upon any premises at any reasonable time prior to the issuance of certificate of occupancy for the purpose of making inspections of buildings or premises necessary in carrying out his duties in the enforcement of this ordinance.~~

13.1 Administration, Interpretation and Enforcement

13.1.1 The duty of administering and enforcing the provisions of these zoning ordinances is hereby conferred upon the City Planner.

13.1.2 The City Planner is authorized and empowered to administer and enforce the provisions of these zoning ordinances to include receiving applications, inspecting sites, and issuing land use certificates for projects, uses and structures which are in conformance with the provisions of these zoning ordinances.

13.1.3 The City Planner shall keep records of all permits and certificates issued and maps, plats and other documents with notations of all special conditions involved. They shall files and safely keep copies of all sketches and plans submitted, and the same shall form a part of the records of their office and shall be made as a public record.

13.1.4 Where the exact location of a boundary cannot be determined, the City Planner shall interpret the map and render a decision. Any such decision may be appealed to the Board of Adjustment.

13.1.5 In any case where a requested use is not specifically provided, the City Planner shall determine the appropriate zoning classification by reference to the most clearly analogous use or uses that are specifically provided.

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 an building permit including electrical, HVAC and plumbing permits.

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) business days, otherwise it shall be deemed to be approved.

13.2.3 Application Submittal

(a) Application Form. The Land Use Certificate shall be on a form provided by the City Planner.

(b) Plans and Specifications. Each application for a land use certificate shall be accompanied by an accurate site plan drawn to scale showing at a minimum: the actual shape, dimensions and size of the lot to be built upon; the size, shape, height, floor area and location of the buildings to be erected; dimensions and locations of existing structures; width of front, side and rear yards; existing and proposed parking; ingress to and egress from the site; and such other information as may be reasonable requested to determine compliance with these zoning ordinances including but not limited to a landscaping plan, erosion control plan, stormwater management plan and utilities plan.

(c) Application Fee. The applicant for a land use certificate shall be required to pay an application fee according to the current schedule of fees established by the City Council of Bay Minette. This fee shall be nonrefundable irrespective of the final outcome of the application.

13.2.4 Conditions and restrictions on approval. A land use certificate shall be valid for the issuance of a building permit for 180 days after issuance. After that time, a new land use certificate shall be obtained. A record of the application and site plan shall be kept in the files of the City Planner for a period of not less than 3 years.

13.2.5 Revocation of a Land Use Certificate. The City Planner may revoke a land use certificate issued in a case where there has been a false statement or misrepresentation in the application or on the site plan for which the Certificate was issued or if after a documented warning had been issued the applicant has failed to comply with the requirements of these Zoning Ordinances. Revocation of the land use certificate shall also cause suspension of the building permit until such times as in the judgement of the City Planner, the applicant is in compliance with the requirements of these Zoning Ordinances.

13.2.6 Right of Appeal. The applicant may appeal the denial of the land use certificate to the Board of Adjustments in writing within twenty (20) calendar days after the rejection of the application.

13.3 Building Permit Required

It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures or to store building materials or erect

temporary field offices, or to commence the moving, alteration, or repair (except repairs not changing the character of the structure and not exceeding \$500 in cost, or painting or wallpapering) of any structure, including accessory structures, until the Building Official of the City has issued for such work a building permit including a statement that the plans, specifications and intended use of such structure in all respects conform with the provisions of this ordinance. Application for a building permit shall be made to the City Building Official on forms provided for that purpose.

Any building permit issued shall become invalid unless the work authorized by it shall have been commenced within one (1) year of its date of issue, or if the work authorized by it is suspended or abandoned for a period of one (1) year.

13.4 Certificate of Occupancy

It shall be unlawful for any land, building, other structure or part thereof hereafter erected, moved or altered in its use to be used until the Building Official shall have issued a Certificate of Occupancy stating that such land or structure or part thereof is found to be in conformity with the provisions of these zoning ordinances and all applicable building codes. It shall be the duty of the Building Inspector to make a final inspection thereof, and to issue a Certificate of Occupancy if the building or premises or part thereof is found to conform to the provisions of these zoning ordinances or, if such certificate is refused, to state the refusal in writing with the cause.

14.4 Establishment and Membership of the Board of Adjustment

The Board of Adjustment shall consist of five (5) members, appointed by the Mayor for overlapping terms of three (3) years. All members of the Board of Adjustment shall reside within the municipal limits of the City of Bay Minette. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members shall be removed for cause by the Mayor upon written charges and after public hearing thereon. ~~No member shall hold any other public office or position.~~ The Mayor shall appoint two (2) supernumerary members in accordance with *Alabama Code*, Section 11-52-80.