

**CITY OF BAY MINETTE
PLANNING COMMISSION**

AGENDA

August 13, 2020

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.) Approval of Minutes for the July 9, 2020 Regular Meeting
- 4.) **Old Business**
 - **Discussion - Proposed Zoning Ordinance Amendments**
 - a.) Section 8.7.2 – Home Occupations
 - b.) Section 9.8 – Mobile Vending Units
- 5.) **New Business**
 - **AS-2015 – C. Wayne Scott Re-subdivision**

Request: Re-subdivide 3 lots into 6 lots for single family residential lots

Location: The subject property is located on the south side of Hurricane Road and east of Old Daphne Road
 - **AS-2016 – Heritage Oaks Phase 5**

Request: Subdivide 1 lot into 6 lots for single family residential lots

Location: The subject property is located on the south side of Newport Parkway, east of Heritage Oaks Phase 2
 - **Flag Lot Discussion**

Request: William H. Dobbins would like to discuss flag lots
 - **Proposed Zoning Ordinance Amendments**
 - a. Section 8.7.1.4 – Swimming Pools
 - b. Article 13 – Administration, Enforcement and Penalties
 - c. Section 16.3 – Exempt Signs
 - d. Fencing
- 6.) **Reports**
 - a.) Mayor/Council
 - b.) Attorney
 - c.) Commissioner's Comments
 - d.) Planning Staff
- 7.) **Adjournment**

Bay Minette Planning Commission Regular Meeting Minutes

Minutes July 9, 2020

Monthly Meeting No. 7

The Bay Minette Planning Commission met in Regular Session on Thursday, July 9, 2020. The meeting was called to order at 8:02 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 8:02 a.m. the following members were present:

Todd Stewart, Chairman
Scotty Langham, Commission Member
Neal Covington, Commission Member
John Biggs, Council Member
Pat Robinson, Building Official

Commission Members absent:

Jessica Davis, Commission Member
Robert A. "Bob" Wills, Mayor

Commission Member(s) late:

Wynter Crook, Commission Member

Other persons in regular attendance:

Scotty Lewis, Attorney
Clair Dorough, City Planner
Jessica Peed, Planning Assistant
Steven Stewart, Fire Inspector

GUESTS Charles McDaniel

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

Wynter Crook joined the Planning Commission meeting at 8:03 am.

ITEM 3. Approval of Minutes of the June 11, 2020 meeting. Chairman Stewart requested Item 5 of the minutes reflect he opened the floor for nominations and, after only one nomination was made, closed the floor for nominations. Councilman Biggs made a motion to approve the minutes with the minor

revision. The motion was seconded by Commission Member Covington and it was unanimously carried.

ITEM 4.

Old Business:

Discussion – Proposed Zoning Ordinance Amendments

a.) Section 7.12 – Utilities // Irrigation Wells

Chairman Stewart introduced the previously discussed topic of Utilities / Irrigation Wells and asked if there were any comments based on the discussion at the last meeting. No one commented. Chairman Stewart stated adding the definition would help to cover all bases. Mrs. Dorough stated the definitions are the same, except for one section stating the well can be allowed as an accessory use and is listed in the Table of Permitted Uses as “Allowed by Right”.

b.) Section 8.7.2 – Home Occupations

Councilman Biggs requested the 20% of the gross floor area in the principal building not to be exceeded. Mrs. Dorough explains this percentage is what is already approved, but there are other examples. Councilman Biggs states he believes the occupation hours being allowed to end at 10pm is too late. Chairman Stewart states he would suggest 8pm being an appropriate ending time, to which Councilman Biggs agreed. Councilman Biggs also commented on the subject of yard utilization vs. accessory building lot area. There was more discussion on home-based occupations vs. home occupations, with examples to provide clarity. Chairman Stewart stated the changes will need to be held as a Public Hearing. Mrs. Dorough explained that definitions can include regulation, and the importance of wording. Chairman Stewart states there will be a final revision at the next Planning Commission for any additional comments or suggestions before a Public Hearing is scheduled.

c.) Section 9.8 - Mobile Vending Units

Chairman Stewart introduced the previously discussed topic of Mobile Vending Units and states any comments today will be included to make a formal recommendation for the next scheduled Planning Commission meeting. Chairman Stewart states Mrs. Dorough researched different municipalities including Foley and Gulf Shores. Discussion commences on the number of off-street parking spaces used by the units, and the different options to ensure emergency personnel is not blocked when their services are needed. Mrs. Dorough states a fruit truck is not considered a

food vending vehicle but a merchandise vehicle, and states she believes those types of vehicles would be required to have a Peddlers License. Chairman Stewart states Gulf Shores did a one-year base trial, also known as a pilot program, giving the Planning Commission time to decide if any changes would need to commence after their trial run. Mrs. Dorrough also brought up the topic of placing furniture or shade structures outside and using the area as more of a storefront. There was a discussion on how to regulate and enforce/not enforce procedures when going through a pandemic, such as COVID-19, and also a discussion on the options to only allow Mobile Vending Units to park on developed property vs. undeveloped commercial property. Chairman Stewart asks if there were any more comments, and there were none.

ITEM 5.

New Business:

a) SP- 2002 – Blue Ash Holdings Site Plan Approval

Request: Site Plan Approval for mini-storage unit facility

Location: The subject property is located at 601 Railroad Street

Chairman Stewart introduced the Site Plan approval request and asked if there were any representatives at the meeting. Mr. McDaniel states he is the owner. Mrs. Dorrough gives brief explanation of the request, and details which items meet regulations, as stated in the Planning Commission packet. Chairman Stewart states there are similar uses at properties within a close proximity. Mr. McDaniel states he would do some repairs on the fencing along the front of the property, and repair some of the pavement. Chairman Stewart and Mrs. Dorrough discuss the parking area, to which Mrs. Dorrough states only one parking spot is required since there is only one manager to be staffed. Chairman Stewart suggests more landscaping, when possible, to better align with our landscaping ordinance. Chairman Stewart addresses the applicant to explain he will need to obtain the appropriate permits including but not limited to a Building Permit, and Sign Permit. Mr. McDaniel agreed. Mrs. Dorrough states the option for approval or denial are at the bottom of the Staff Report, but she would recommend approving with the condition of adding as much landscape to the extent possible. Commission Member Covington made a motion for the Planning Commission to approve the Site Plan with the condition of adding more landscaping to the extent possible. Commission Member Langham seconded, and it was unanimously carried.

ITEM 6.

Reports:

A. Mayor/Council Report

- None

B. Attorney

- None

C. Commissioner

- Chairman Stewart states there is an illegal subdivision that will be addressed during a future Planning Commission meeting. He explained the subdivision request came to the city in 2017, but did not meet regulations at that time, but if it were to come through today, it would most likely be approved. Chairman Stewart states there will be two aspects of the conversation with one being the penalty section of the Subdivision Regulations, and the other being the applicant will need to reapply, so the subdivision can be correctly approved. Chairman Stewart also brought up Rich's Car Wash sign that changes often. Mrs. Dorrough states she is aware, and the permit stated it can only change a few times, but is now changing often.

D. Planning Staff

- Mrs. Dorrough states there is now an active Board of Adjustment, and the Special Exception for a cell tower was approved at the July 2, 2020 meeting. She also states the Planning Department has now moved into the new offices.

ITEM 8. With no further business Chairman Stewart adjourned the meeting at 8:55 am.

DONE THIS THE 9TH DAY of JULY 2020

Todd Stewart, Chairman

ATTEST:

Jessica Peed, Planning Assistant

City of Bay Minette
Home Occupation Regulations

Definition

Home Occupation. Any occupation for gain or support customarily conducted entirely within a [residential dwelling unit](#) and carried on solely by the inhabitant thereof, and which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and does not change the [residential](#) character thereof.

Table of Permitted Uses and Conditions	R-A	R-1	R-2	R-3	R-4	R-5	B-1	B-2	M-1	M-2
Home Occupation	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		
Home Occupation	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>		
In-home Child or Daycare Facility	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		

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. Area used for a home occupation shall not exceed twenty percent (20%) of the gross floor area in the principal building.
- b. The home occupation shall be confined entirely to the principal building.
- c. Chemical, mechanical or electrical equipment that creates air emissions, odors, light, glare or noises that are detectable outside of the dwelling shall be prohibited.
- d. No display of products shall be visible from the street and 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.
- e. [Patrons to the business shall be limited to one \(1\) client at a time.](#)
- f. Instruction in music, dancing, and similar subjects shall be limited to ~~six (6)~~ students at a time.

- g. The activity carried on as a home occupation shall be limited to the hours between 7:00 a.m. and ~~10:00 p.m.~~ 8:00 p.m.
- h. 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. 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 8.7.2.1 may be subject to Planning Commission approval and Site Plan Review.

Section 5.2 Words and Terms Defined

Mobile Food Vending Vehicle – A mobile food vendor business that is motorized or non-motorized, designed and equipped to serve food for individual consumption at the point of sale, and is removed each day from the location where the food is sold. This includes a truck, cart, wagon and the like.

Mobile Merchandise Vending Unit - A mobile vendor business that is motorized or non-motorized, designed and equipped to sell non-consumable merchandise not intended for individual consumption at the point of sale, and is removed each day from the location where the merchandise is sold. This includes a truck, cart, wagon and the like.

Mobile Vendor: The owner or operator of a Mobile Vending Vehicle or Unit.

~~**Mobile Vendor Court:** A site containing 3 or more mobile vending units and associated amenities on private property.~~

Mobile Vending Unit –Refers to both Mobile Food Vending Vehicles and Mobile Merchandise Vending Units.

Section 8.10 Table of Permitted Uses

Table of Permitted Uses and Conditions	R-A	R-1	R-2	R-3	R-4	R-5	B-1	B-2	M-1	M-2
<u>Mobile Food Vending Vehicle</u>							<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>
<u>Mobile Merchandise Vending Vehicle</u>							<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>

Addition to Article 9 Special Provisions

9.8 Mobile Food Vending Vehicles and Mobile Merchandise Vending Units

9.8.1 Mobile Vending Units, Generally - For the purposes of this section, a “Mobile Vending Unit” refers to both Mobile Food Vending Vehicles and Mobile Merchandise Vending Units.

9.8.1.1 Mobile Vending Units are permitted to operate in non-residential zoning districts (B-1, B-2, M-1 or M-2) on private property with express written permission from the property owner. Units are encouraged to locate on sites ~~Sites must be~~ developed with a principle building that has a current City business license and an operating use.

9.8.1.2 Mobile Vendors are required to obtain a business license and Mobile Vending Permit from the City of Bay Minette prior to commencing operations within the city.

- 9.8.1.3 Vendors must operate in a safe and sanitary manner and kept in a clean, well-maintained condition to ensure units are free of excessive dirt, rust, mud, grease or other unsightly, unsanitary or otherwise undesirable condition.
- 9.8.1.4 Mobile Vending Units shall be permitted to occupy ~~a maximum of two (2) off-street parking spaces in~~ a location that does not block drive aisles, ingress or egress from the property, or fire and emergency access.
- 9.8.1.5 Mobile Vending Units shall be removed at times other than the hours of operation and the set-up and take-down periods. Vehicles shall not be left unattended or stored at any time on an authorized operating site when vending is not taking place or during restricted hours of operation.
- 9.8.1.6 Mobile Vending Units shall not use or maintain any outside sound amplifying equipment, lights, or noisemakers, such as bells, horns or whistles or similar devices to attract customers.
- 9.8.1.7 Any auxiliary power, water or sewer utilities required for the operation of the Mobile Vending Unit shall be self-contained or provided by the property owner.
- 9.8.1.8 Vendors shall serve only walk-up customers, no drive-thru service allowed
- 9.8.1.9 Parking Considerations
- a. The Mobile Vendor Unit, nor related customer vehicles, cannot obstruct any street or sidewalk, or interfere with the free passage of persons/vehicles on such streets or sidewalks.
 - b. Parking of the Mobile Vending Unit cannot be located in City right of way in municipal limits
 - c. Mobile Vendors should encourage pedestrian access where possible. When vehicular access is required, Vendor must ensure customer parking is contained on property where parking permission has been obtained for that purpose.
- 9.8.1.10 The provisions of this section shall not apply to special events, festivals, community projects or public events which occur on a periodic basis and are approved by the City.

9.8.2 Mobile Food Vending Vehicles

- 9.8.2.1 All Mobile Food Vending Vehicles must be inspected initially by the City of Bay Minette Fire Inspector. Annual inspections are required, and each Mobile Food Vending Vehicle is subject to re-inspection at any time.
- 9.8.2.2 The selling of non-food or non-drink items shall be limited to merchandise displaying the Mobile Food Vending Vehicle company logo and/or branding. No items shall be displayed outside of the vehicle.

- 9.8.2.3 No signage is allowed except signage physically affixed to the Mobile Vending Unit identifying the vendor and no more than two, 24" x 48" sandwich board-type signs displaying menu, pricing or other similar information. The signs may be displayed only during business hours and shall not obstruct or impede pedestrian or vehicular traffic. Electronic or illuminated signs are not allowed.
- 9.8.2.4 Mobile Food Vending Vehicles shall not provide furniture, objects or structures outside of the vehicle for customer use with the exception of trash receptacles and shade structures attached to the vehicle.
- 9.8.2.5 All Mobile Food Vending Vehicles shall offer a trash receptacle for customer use that must be removed with the vehicle each day at the vendor's expense. Mobile Food Vendors shall keep the permitted premise and adjacent public property clean and free from all trash, litter, debris or waste generated from the operation of its business.
- 9.8.2.6 Any auxiliary power, water or sewer utilities required for the operation of the Mobile Food Vending Vehicle shall be self-contained or provided by the property owner.
- 9.8.2.7 The provisions of this section shall not apply to special events, festivals, community projects or public events which occur on a periodic basis and are approved by the City.
- 9.8.2.8 No more than two mobile food units shall operate on the same site per day.
- 9.8.2.9 Mobile Food Vending Location Requirements
- a. A minimum of 150 feet from the front door of any restaurant in current operation, without written permission from the restaurant owner.
 - b. A minimum of 150 feet from Primary schools within city limits, measured from the nearest lot line of the school, without written permission from the School's Principal.
 - c. A minimum of 500 feet from any stadium, ballpark, festival, special event or other similar sponsored event licensed or authorized by the City, unless authorized by the sponsor to be participants in the event.
 - d. A minimum 15-foot clearance from fire hydrants, driveway entrances and handicap parking spaces/ramps.
 - e. A minimum 10-foot clearance from buildings, fire lanes, sidewalks or utility box.
 - f. When located on or adjacent to a street, food service shall be solely from the side of the unit that opens away from the street.

9.8.3 Mobile Merchandise Vending Unit

- 9.8.3.1 Merchandise is limited to non-consumable items and/or items not intended for individual consumption at the point of sale.
- 9.8.3.2 No more than ~~one~~ two Mobile Vending Units shall operate on the same site per day.

9.8.3.3 No signs shall be allowed, other than that which is physically attached to the unit. One, 24" x 48" sandwich board-style sign identifying the vendor or indicating pricing, may be displayed within 10 feet of the unit. The sign may be displayed only during business hours, shall not obstruct or impede pedestrian or vehicular traffic, and shall be located on-site. Electronic or illuminated signs are not allowed.

9.8.3.4 Mobile Merchandise Vending Unit Location Requirements

- a. A minimum 15-foot clearance from fire hydrants, driveway entrances and handicap parking spaces/ramps.
- b. A minimum 10-foot clearance from buildings, fire lanes, sidewalks or utility box.
- c. When located on or adjacent to a street, service shall be solely from the side of the unit that opens away from the street.

9.8.4 Mobile Vending Unit Permit

9.8.4.1 Fees for a Mobile Vending Permit are as follows and will not be prorated:

- a. Daily Permit (single 24-hour period) - \$25.00
- b. Monthly Permit (~~30 consecutive days~~) (per calendar month) - \$50.00
- c. Annual Permit (January 1 – December 31) - \$100.00
- d. In addition, a \$25.00 Administrative Land Use Review is required per site, prior to commencing operations.

9.8.4.2 Mobile Vendors shall have express written permission of the property and/or business owner(s) for each location at which the mobile vending unit operates. This approval shall be in writing, signed by the property and business owner(s), shall remain on the mobile vending unit at all times and must be made available for inspection upon request of any city official at any time during the operation of the mobile vending unit.

9.8.4.3 Prior to the issuance of a City of Bay Minette business license or Mobile Vending Permit, Vendors are required to obtain all applicable licenses/permits, including but not limited to Alabama Department of Public Health permits and Alabama Department of Motor Vehicles licensing.

9.8.4.4 Mobile Vending Units and site locations are subject to the review and approval of the Bay Minette Police Department and the Bay Minette Fire Department at any time.

9.8.4.5 Compliance with *Article 9.8* shall be determined at the time of application or ~~in~~ at the discretion of the ~~Code Enforcement Officer~~ Planning Staff if determined in the field. Mobile Vending Units determined to be non-compliant shall immediately institute all corrective action(s) deemed necessary. ~~by the Code Enforcement Officer.~~

9.8.4.6 Operation without a Mobile Vending Permit will result in a \$500.00 fine. If found in violation of any section of this ordinance, vendor may be issued a ticket for violation and fined an amount of \$25.00 - \$250.00 Each violation is considered a separate and distinct offense; and each day is a separate violation.



City of Bay Minette

Planning & Development Services

Planning Commission Staff Analysis

Case No. AS-2015
C. Wayne Scott Resubdivision
Exempt Subdivision Request
August 13, 2020

Subject Property Information

Physical Address:	1001 Daphne Road	Applicant:	C. Wayne Scott
Parcel Number:	05-23-05-21-1-000-021.000		47035 Rockhill Road
	05-23-05-21-1-000-021.001		Bay Minette, AL 36507
	05-23-05-21-1-000-021.002	Owner:	Same
Existing Zoning:	R-3		
Existing Land Use:	Vacant // Undeveloped		
Proposed Land Use:	Higher Density Single Family Residential		
Total Acreage:	5.42 ± acres		

	Adjacent Land Use	Adjacent Zoning
North	Single Family Residential	R-3, Higher Density Single Family Residential
South	Commercial (Brantley's Tires)	M-1 Light Industrial District
East	Residential & Government (BCC Highway Barn)	R-3, Higher Density Single Family Residential
West	Commercial & Utilities (power substation, Badcock Furniture)	B-2, General Business District

Summary

The subject property, which consists of approximately 5.42± acres, is within the city's municipal limits and is zoned R-3, Higher Density Single Family Residential. The request is to subdivide 3 parcels into approximately 6 parcels for the purpose of developing single family residential lots. The proposed division will result in 3 parcels of approximately .29± acres each, a .84± acre parcel, a .30± acre parcel, and a 3.40± acre parcel. Four of the six lots have frontage on E Hurricane Road, one has frontage on both E Hurricane and Old Daphne and one lot fronts only Old Daphne Road with a 40-ft drainage easement on E Hurricane Road. All lots meet the minimum lot size and setback requirements for the R-3 zoning district; all lots front an existing public road; and the subdivision does not contain any public improvements nor require the expenditure of public funds.

The request meets the requirements for item (a) of Section 8.1 relating to Exempt Subdivisions.

Exempt Subdivision Review Criteria

The following Exempt Subdivision types are found in Section 8 of the *Subdivision Regulations of the City of Bay Minette*.

8.1 – Exempt Subdivisions. Except as set forth in this Section 8, the provisions of these regulations shall not otherwise apply to the following exempt subdivisions:

- a) The resubdivision of land into six (6) or less lots, tracts, or parcels where each of the lots, tracts, or parcels established by the resubdivision fronts on an existing public road.
- b) Subdivision wherein the size of each and every resulting lot equals or exceeds ten (10) acres including existing public rights-of-way. Each parcel shall have frontage on publicly maintained road.
- c) 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.

8.1.1 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 any easements, together with all improvements thereto, shall be the responsibility of all parties to which it is granted by (1) written agreement or (2) deed reference, and shall be noted on a recorded certified plat. Neither the City nor the County shall be responsible for any 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 approval 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.

Planning Commission Action

For exempt subdivisions, 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 Section 8. Upon consideration and approval by the Planning Commission, the Chairman shall be authorized to sign the plat on behalf of the Planning Commission.

The Planning Commission has the option to:

- Authorize the Chairman to sign the plat
- Authorize the Chairman to sign the plat with conditions
- Deny the subdivision, with stated factors for the denial

Certified Plat: 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 approval 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.

Limitation on resubmittal: Any property included as part of an exempt or administrative subdivision shall not be eligible for consideration for further subdivision as an exempt or administrative subdivision for a period of one (1) year from the date of the last exempt or administrative subdivision.



AS-2015

E PLEASANT AVE

Subject Properties

DR MARTIN LUTHER KING JR BLVD

E HURRICANE RD



SUS HWY 31
SUS HWY 31
RAIN DR

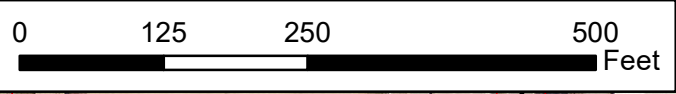
DAPHNE RD

HARTLEY DR

DRAN ST

Legend:

- Parcels (indicated by a red outline)
- Roads (indicated by a black line)





Legend

- Parcels
- City Limits
- County Asphalt
- County Gravel/Dirt
- RA
- R1
- R2
- R3
- R4
- R5
- B1
- B2
- B2H
- M1
- M2
- PUD

AS-2015

E PLEASANT AV

Subject Properties

N LUTHER KING JR BLVD

E HURRICANE RD

Bay Minette

MORAN ST

DAPHNE RD

HARTLEY DR

S U S HWY 31

S U S HWY 31

CROSSOVER

RAIN DR

0.075

0.15

Miles



AS-2015

E-ELLIS-ST



Subject Properties

E-PLEASANT-AV

E-HURRICANE-RD

DR-MARTIN-LUTHER-KING-JR-BLVD

RAIN-DR

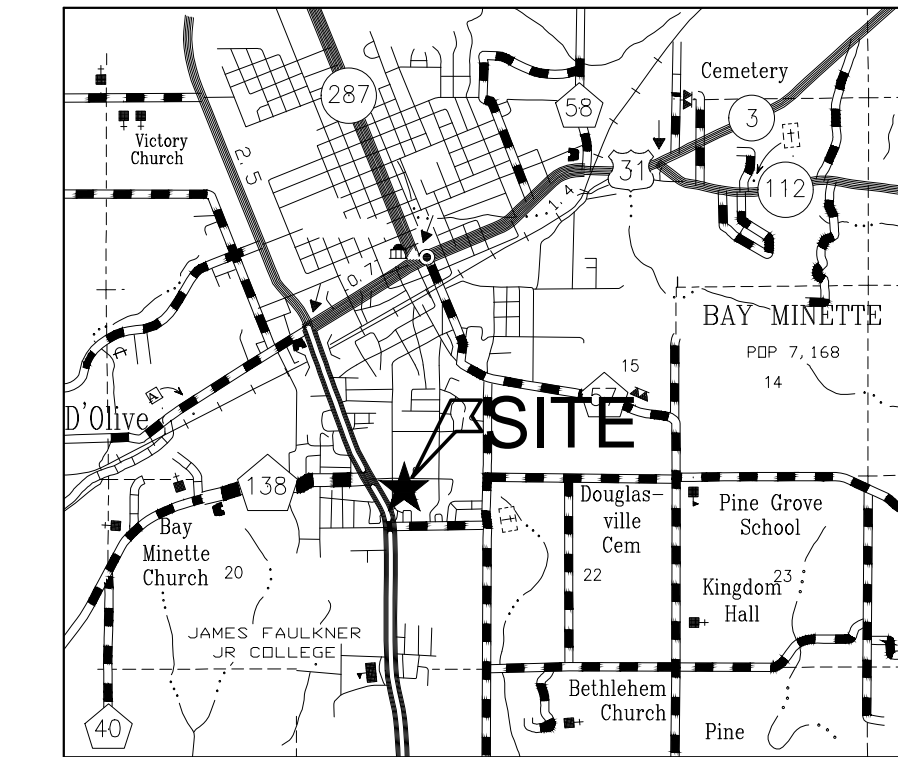
HARTLEY DR

DICKMAN-RD

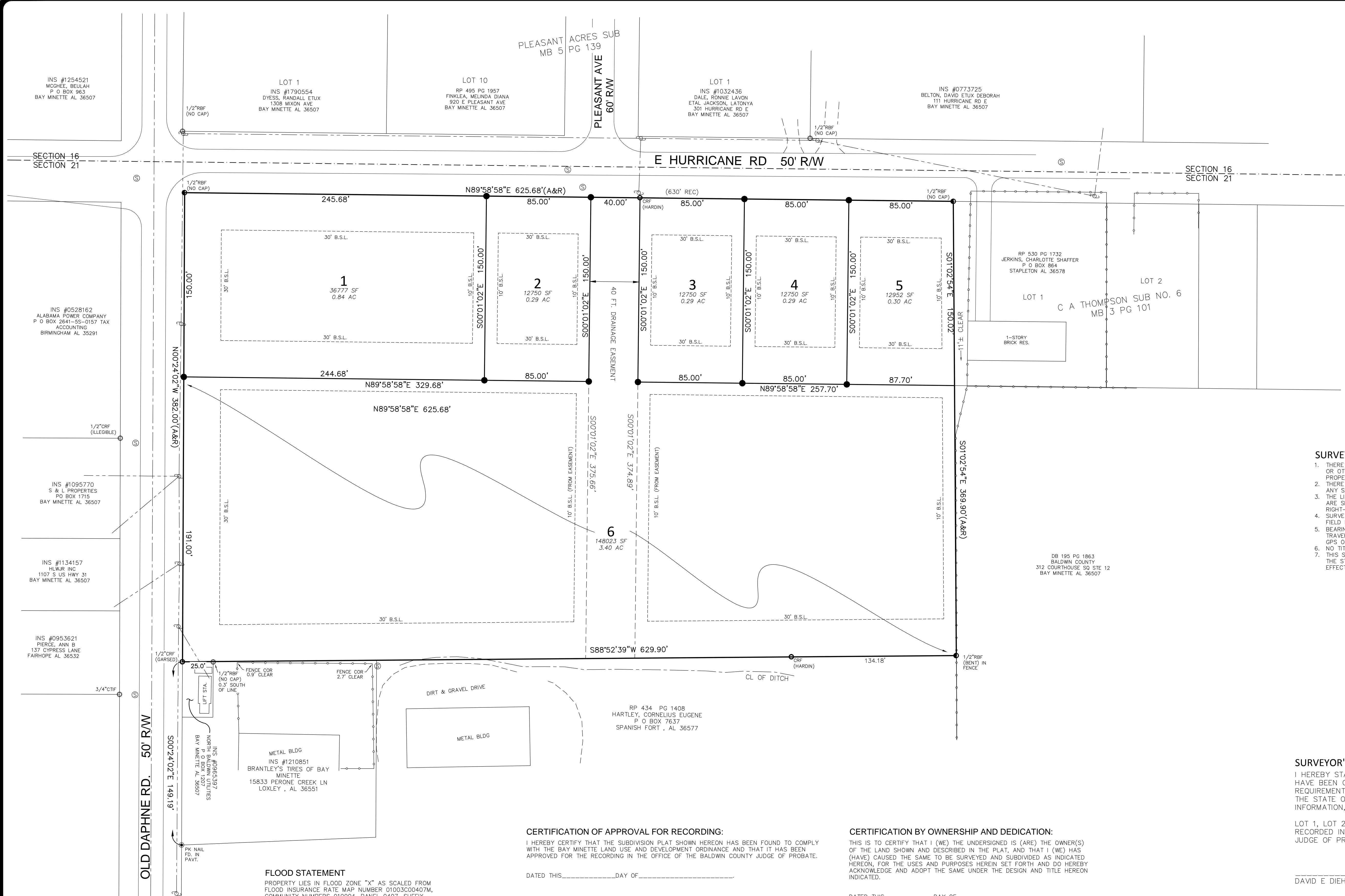
Future Land Use Map

- BC Revenue Parcels
- Bay Minette
- Roads
- AGRICULTURE/TIMBER
- COMMERCIAL
- GOVERNMENT
- INDUSTRIAL
- INSTITUTIONAL
- MANUFACTURED HOME
- MIXED USE
- PARKS & RECREATION
- SINGLE FAMILY
- DUPLEX
- MULTI-FAMILY
- PUBLIC/SEMI-PUBLIC
- UNDEVELOPED
- UTILITIES

0 0.05 0.1 0.2 Miles



VICINITY MAP
1 INCH = 1 MILE



SURVEYOR'S NOTES:

1. THERE MAY BE RECORDED OR UNRECORDED DEEDS, EASEMENTS, RIGHT-OF-WAYS, OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES OF SAID PROPERTIES.
2. THERE WAS NO ATTEMPT TO DETERMINE THE EXISTENCE, LOCATION, OR EXTENT OF ANY SUB-SURFACE FEATURES.
3. THE LINES REPRESENTING THE CENTERLINE AND RIGHT-OF-WAYS OF THE STREETS ARE SHOWN FOR VISUAL PURPOSES ONLY AND WERE NOT SURVEYED UNLESS RIGHT-OF-WAY MONUMENTATION IS ALSO SHOWN.
4. SURVEY WAS CONDUCTED ON JUNE 2020, AND IS RECORDED IN AN ELECTRONIC FIELD BOOK.
5. BEARINGS AND DISTANCES SHOWN HEREON WERE "COMPUTED" FROM ACTUAL FIELD TRAVERSES, AND ARE BASED ON STATE PLANE GRID, ALABAMA WEST ZONE USING GPS OBSERVATIONS.
6. NO TITLE SEARCH OR REPORT WAS PROVIDED FOR THIS SURVEY.
7. THIS SURVEY HAS BEEN COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA, EFFECTIVE JANUARY 1, 2017.

SURVEYOR'S CERTIFICATE

I HEREBY STATE THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

LOT 1, LOT 2, & LOT 3, C.W. SCOTT SUBDIVISION, AS RECORDED IN SLIDE 2474-D, IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA.

DAVID E DIEHL AL. P.L.S. NO. 26014 DATE _____

SURVEY NOT VALID WITHOUT ORIGINAL SIGNATURE AND SEAL.



CERTIFICATION OF APPROVAL FOR RECORDING:

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE BAY MINETTE LAND USE AND DEVELOPMENT ORDINANCE AND THAT IT HAS BEEN APPROVED FOR THE RECORDING IN THE OFFICE OF THE BALDWIN COUNTY JUDGE OF PROBATE.

DATED THIS _____ DAY OF _____

PLANNING COMMISSION CHAIRMAN, OR HIS AUTHORIZED REPRESENTATIVE

CERTIFICATION BY OWNERSHIP AND DEDICATION:

THIS IS TO CERTIFY THAT I (WE) THE UNDERSIGNED IS (ARE) THE OWNER(S) OF THE LAND SHOWN AND DESCRIBED IN THE PLAT, AND THAT I (WE) HAS (HAVE) CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS INDICATED HEREON, FOR THE USES AND PURPOSES HEREIN SET FORTH AND DO HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE DESIGN AND TITLE HEREON INDICATED.

DATED THIS _____ DAY OF _____

OWNER

CERTIFICATION BY NOTARY PUBLIC:

STATE OF _____ COUNTY OF _____

I, _____ A NOTARY PUBLIC IN AND FOR THE COUNTY OF _____ IN THE STATE OF _____ DO CERTIFY THAT WHOSE NAME(S) IS (ARE) SUBSCRIBED TO THE CERTIFICATION OF OWNERSHIP AND DEDICATION, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGE THAT HE (THEY) SIGNED, SEALED AND DELIVERED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGE THAT HE (THEY) SIGNED, SEALED AND DELIVERED SAID INSTRUMENT AT HIS (THEIR) FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTORIAL SEAL THIS _____ DAY OF _____

NOTARY PUBLIC MY COMMISSION EXPIRES: _____

FLOOD STATEMENT

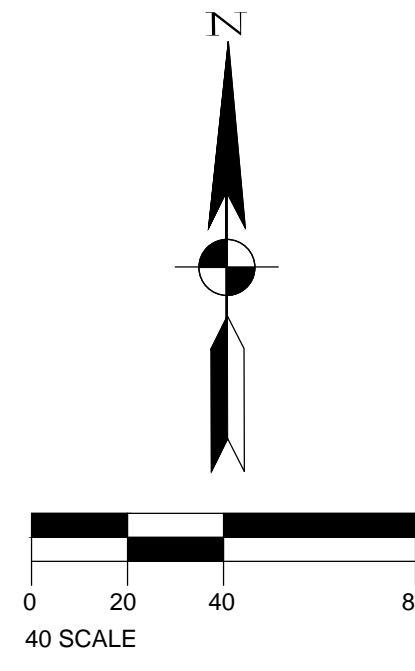
PROPERTY LIES IN FLOOD ZONE "X" AS SCALED FROM FLOOD INSURANCE RATE MAP NUMBER 0100300407M, COMMUNITY NUMBERS 010004, PANEL 0407, SUFFIX "M", DATED APRIL 19, 2019.

SITE DATA:

TOTAL ACREAGE: 5.41 ACRES±
TOTAL NUMBER OF LOTS: 6
CURRENT ZONING: R-3

LEGEND:

- B.S.L. = BUILDING SETBACK LINE
- (A & R) = ACTUAL & RECORD BEARING/DISTANCE
- (R) = RECORD BEARING/DISTANCE
- DB = DEED BOOK
- RFB = REAL PROPERTY BOOK
- PG = PAGE
- = CAPPED REBAR SET (SE CIVIL)
- CRF = CAPPED REBAR FOUND
- CTIF = CRIMP TOP IRON FOUND
- RBF = REBAR FOUND (NO CAP)
- = WOOD FENCE
- = CHAIN LINK FENCE
- ⊙ = UTILITY POLE
- ⊙ = SEWER MANHOLE



C. WAYNE SCOTT RESUBDIVISION

REPLAT OF C.W. SCOTT SUBDIVISION	<p>880 HOLCOMB BLVD FAIRHOPE, AL 36532 (251) 990-6566</p>	DRAWN RDC
C. WAYNE SCOTT		CHECKED DED
		PROJECT HURRICANE
		FILE HURRICANE
		SHEET 1 OF 1



City of Bay Minette

Planning & Development Services

Planning Commission Staff Analysis

Case No. AS-2016
Heritage Oaks- Phase 5
Exempt Subdivision Request
August 13, 2020

Subject Property Information

Physical Address:	Newport Parkway	Applicant:	C. Wayne Scott
Parcel Number:	05-23-05-15-1-000-002.000		47035 Rockhill Road
Existing Zoning:	R-3		Bay Minette, AL 36507
Existing Land Use:	High Density Single Family Residential	Owner:	Same
Proposed Land Use:	High Density Single Family Residential		
Acreage:	8.07± acres		

	Adjacent Land Use	Adjacent Zoning
North	Residential	R-3, Higher Density Single Family Residential
South	Residential	R-3, Higher Density Single Family Residential
East	Residential	R-3, Higher Density Single Family Residential
West	Residential	R-3, Higher Density Single Family Residential

Summary

The subject property, which consists of approximately 8.07± acres, is within the city's municipal limits and is zoned R-3, Higher Density Single Family Residential. The request is to subdivide 1 parcel into approximately 6 parcels for the purpose of a developing single family residential lots. The proposed division will result in 4 parcels of approximately .50± acres each, a .68± acre parcel, and a 5.39± acre parcel. All six lots have frontage on Newport Parkway and meet the minimum lot size and setback requirements for the R-3 zoning district. Lot 6 will only front Newport Parkway as the 50-foot access on Kennesaw Avenue will not meet the minimum width of right-of-way access to a public street (60 feet per Section 7.9.1). The plat confirms that Lot 6 will front Newport and the western property line along Kennesaw will be a side lot line. The subdivision does not contain any public improvements nor require the expenditure of public funds.

The request meets the requirements for item (a) of Section 8.1 relating to Exempt Subdivisions.

Administrative Subdivision Review Criteria

The following Exempt Subdivision types are found in Section 8 of the *Subdivision Regulations of the City of Bay Minette*.

8.1 – Exempt Subdivisions. Except as set forth in this Section 8, the provisions of these regulations shall not otherwise apply to the following exempt subdivisions:

- a) The resubdivision of land into six (6) or less lots, tracts, or parcels where each of the lots, tracts,

or parcels established by the resubdivision fronts on an existing public road.

- b) Subdivision wherein the size of each and every resulting lot equals or exceeds ten (10) acres including existing public rights-of-way. Each parcel shall have frontage on publicly maintained road.
- c) 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.

8.1.1 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 any easements, together with all improvements thereto, shall be the responsibility of all parties to which it is granted by (1) written agreement or (2) deed reference, and shall be noted on a recorded certified plat. Neither the City nor the County shall be responsible for any 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 approval 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.

Planning Commission Action

For exempt subdivisions, 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 Section 8. Upon consideration and approval by the Planning Commission, the Chairman shall be authorized to sign the plat on behalf of the Planning Commission.

The Planning Commission has the option to:

- Authorize the Chairman to sign the plat
- Authorize the Chairman to sign the plat with conditions
- Deny the subdivision, with stated factors for the denial

Certified Plat: 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 approval 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.

Limitation on resubmittal: Any property included as part of an exempt or administrative subdivision shall not be eligible for consideration for further subdivision as an exempt or administrative subdivision for a period of one (1) year from the date of the last exempt or administrative subdivision.



AS-2016

BROWNWOOD AV

MEANS AV

NEWPORT PKWY

Subject Property

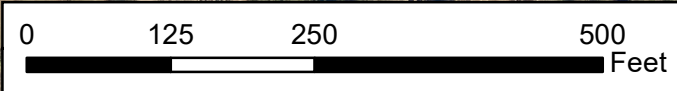
KENNESAW AV

COBB CT

MARIETTA ST

Legend:

- Parcels (indicated by a red outline)
- Roads (indicated by a black line)





AS-2016

Legend

- Parcels
- RA
- R1
- R2
- R3
- R4
- R5
- B1
- B2
- B2H
- M1
- M2
- PUD
- City Limits
- County Asphalt
- County Gravel/Dirt

NEWPORT PKWY

BROWNWOOD AV

LAMAR CIR

JENKINS CIR

MEANS AV

Bay Minette

Subject Property

KENNESAW AV

COBB CT

MARIETTA ST

WILLIAMS ST



AS-2016



BROWNWOOD-AV

LAMAR-CIR

MEANS-AV


















Subject Property

KENNESAW-AV

GOBB-CT

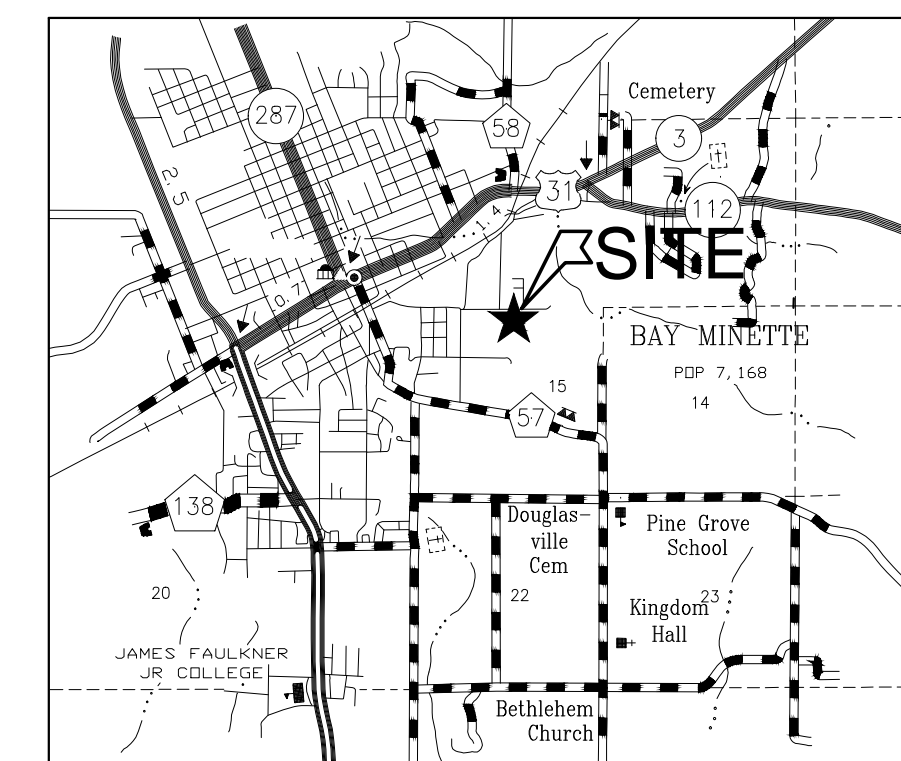
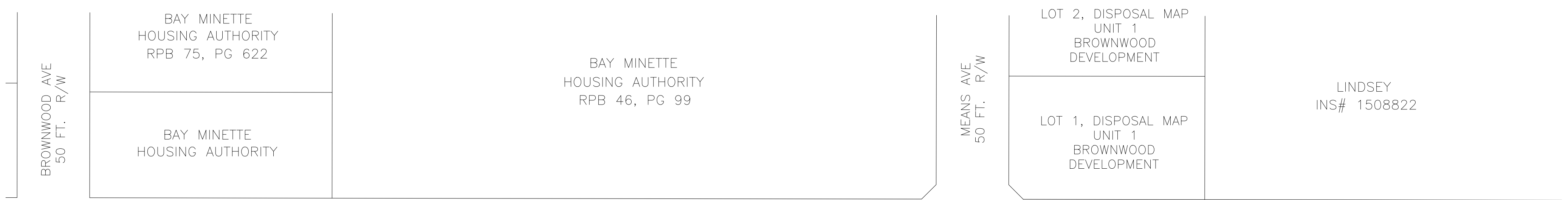
MARIETTA-ST

Future Land Use Map

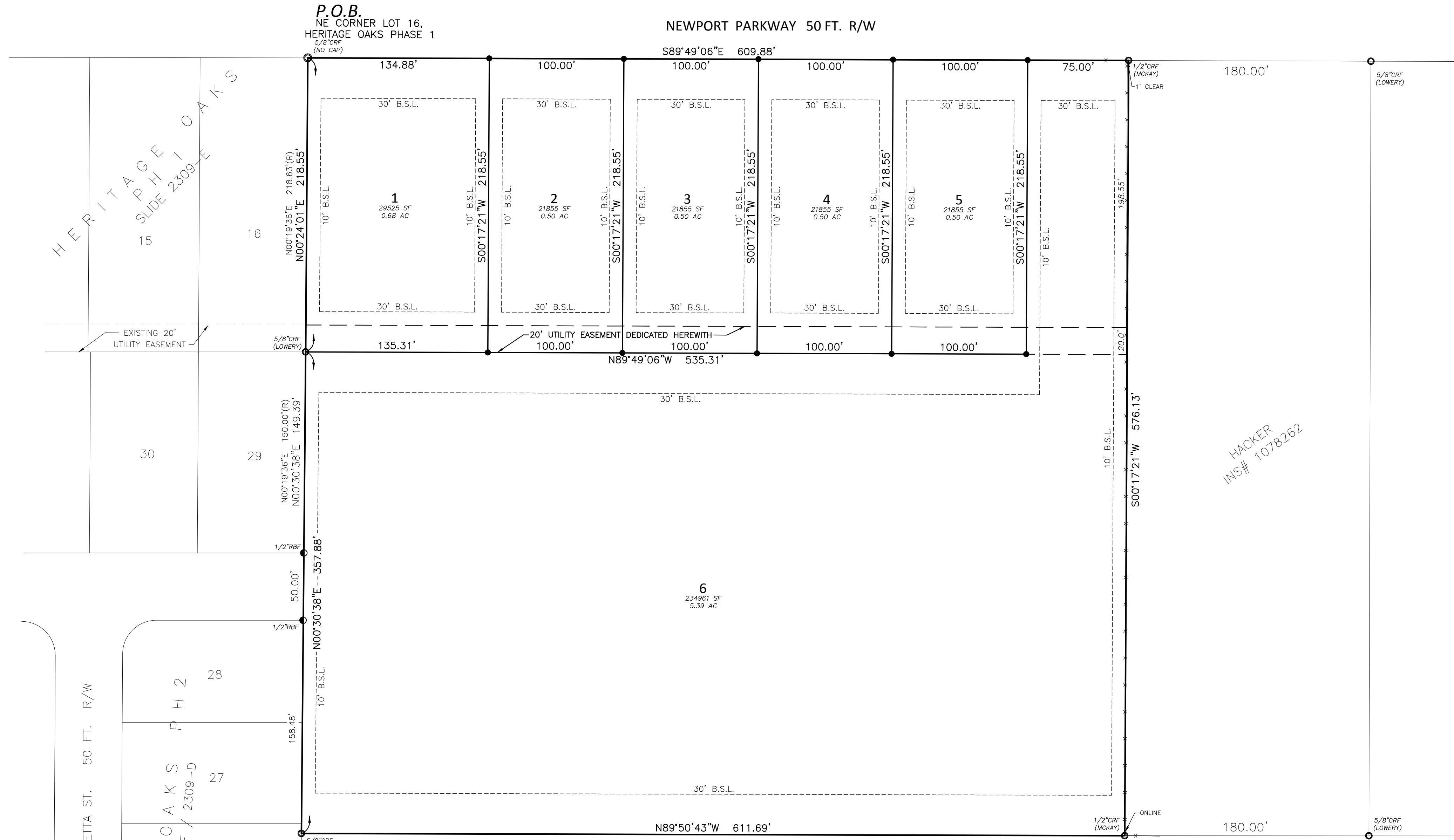
-  BC Revenue Parcels
-  Bay Minette
-  AGRICULTURE/TIMBER
-  COMMERCIAL
-  GOVERNMENT
-  INDUSTRIAL
-  INSTITUTIONAL
-  MANUFACTURED HOME
-  MIXED USE
-  PARKS & RECREATION
-  SINGLE FAMILY
-  DUPLEX
-  MULTI-FAMILY
-  PUBLIC/SEMI-PUBLIC
-  UNDEVELOPED
-  UTILITIES
-  Roads

0 0.05 0.1 0.2 Miles





VICINITY MAP
1 INCH = 1 MILE



HACKER
INS# 1078262

SCOTT
INS# 1542688

CERTIFICATION OF APPROVAL FOR RECORDING:
I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE BAY MINETTE LAND USE AND DEVELOPMENT ORDINANCE AND THAT IT HAS BEEN APPROVED FOR THE RECORDING IN THE OFFICE OF THE BALDWIN COUNTY JUDGE OF PROBATE.

DATED THIS _____ DAY OF _____
PLANNING COMMISSION CHAIRMAN, OR HIS AUTHORIZED REPRESENTATIVE

CERTIFICATION BY OWNERSHIP AND DEDICATION:
THIS IS TO CERTIFY THAT I (WE) THE UNDERSIGNED IS (ARE) THE OWNER(S) OF THE LAND SHOWN AND DESCRIBED IN THE PLAT, AND THAT I (WE) HAS (HAVE) CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS INDICATED HEREON, FOR THE USES AND PURPOSES HEREIN SET FORTH AND DO HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE DESIGN AND TITLE HEREON INDICATED.

DATED THIS _____ DAY OF _____
OWNER

CERTIFICATION BY NOTARY PUBLIC:
STATE OF _____
COUNTY OF _____
I, _____, A NOTARY PUBLIC IN AND FOR THE COUNTY OF _____, IN THE STATE OF _____, DO CERTIFY THAT WHOSE NAME(S) IS (ARE) SUBSCRIBED TO THE CERTIFICATION OF OWNERSHIP AND DEDICATION, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGE THAT HE (THEY) SIGNED, SEALED AND DELIVERED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGE THAT HE (THEY) SIGNED, SEALED AND DELIVERED SAID INSTRUMENT AT HIS (THEIR) FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES THEREIN SET FORTH.
GIVEN UNDER MY HAND AND NOTORIAL SEAL
THIS _____ DAY OF _____
MY COMMISSION EXPIRES: _____
NOTARY PUBLIC

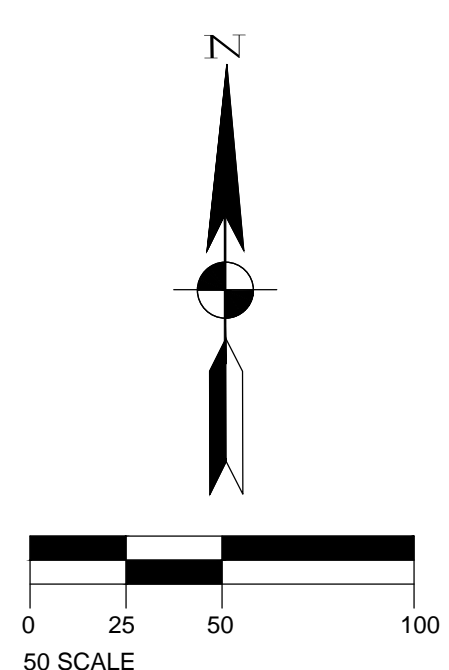
SURVEYOR'S CERTIFICATE
I HEREBY STATE THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

BEGINNING AT A REBAR (NO CAP) AT THE NORTHEAST CORNER OF LOT 16, HERITAGE OAKS SUBDIVISION PHASE 1, AS RECORDED IN SLIDE 2309-E, IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA, AND RUN THENCE SOUTH 89 DEGREES 49 MINUTES 06 SECONDS EAST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF NEWPORT PARKWAY, A DISTANCE OF 609.88 FEET TO A CAPPED REBAR (MCKAY); THENCE DEPARTING SAID SOUTH RIGHT-OF-WAY LINE, RUN SOUTH 00 DEGREES 17 MINUTES 21 SECONDS WEST, A DISTANCE OF 576.13 FEET TO A CAPPED REBAR (MCKAY); THENCE RUN NORTH 89 DEGREES 50 MINUTES 43 SECONDS WEST, A DISTANCE OF 611.69 FEET TO A CAPPED REBAR (26014) ON THE EAST MARGIN OF HERITAGE OAKS PHASE 2 SLIDE 2309-D); THENCE RUN NORTH 00 DEGREES 30 MINUTES 38 SECONDS EAST, ALONG SAID EAST MARGIN, A DISTANCE OF 357.88 FEET TO A CAPPED REBAR (LOWERY) AT THE SOUTHEAST CORNER OF THE AFOREMENTIONED LOT 16; THENCE RUN NORTH 00 DEGREES 24 MINUTES 01 SECONDS EAST, ALONG THE EAST LINE OF SAID LOT 16, A DISTANCE OF 218.55 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 8.07 ACRES, MORE OR LESS.

- SURVEYOR'S NOTES:**
- THERE MAY BE RECORDED OR UNRECORDED DEEDS, EASEMENTS, RIGHT-OF-WAYS, OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES OF SAID PROPERTIES.
 - THERE WAS NO ATTEMPT TO DETERMINE THE EXISTENCE, LOCATION, OR EXTENT OF ANY SUB-SURFACE FEATURES.
 - THE LINES REPRESENTING THE CENTERLINE AND RIGHT-OF-WAYS OF THE STREETS ARE SHOWN FOR VISUAL PURPOSES ONLY AND WERE NOT SURVEYED UNLESS RIGHT-OF-WAY MONUMENTATION IS ALSO SHOWN.
 - SURVEY WAS CONDUCTED ON JUNE 2020, AND IS RECORDED IN AN ELECTRONIC FIELD BOOK.
 - BEARINGS AND DISTANCES SHOWN HEREON WERE "COMPUTED" FROM ACTUAL FIELD TRAVERSES, AND ARE BASED ON STATE PLANE GRID, ALABAMA WEST ZONE USING GPS OBSERVATIONS.
 - NO TITLE SEARCH OR REPORT WAS PROVIDED FOR THIS SURVEY.
 - THIS SURVEY HAS BEEN COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA, EFFECTIVE JANUARY 1, 2017.

FLOOD STATEMENT
PROPERTY LIES IN FLOOD ZONE "X" AS SCALED FROM FLOOD INSURANCE RATE MAP NUMBER 01003C0294M, COMMUNITY NUMBER 010004, PANEL 0294, SUFFIX "M", DATED APRIL 19, 2019.

- LEGEND:**
- B.S.L. = BUILDING SETBACK LINE
 - (R) = RECORD BEARING/DISTANCE
 - INS = INSTRUMENT
 - CRF = CAPPED REBAR FOUND
 - RBF = REBAR FOUND (NO CAP)
 - = CAPPED REBAR SET (SE CIVIL)
 - x — = WIRE FENCE



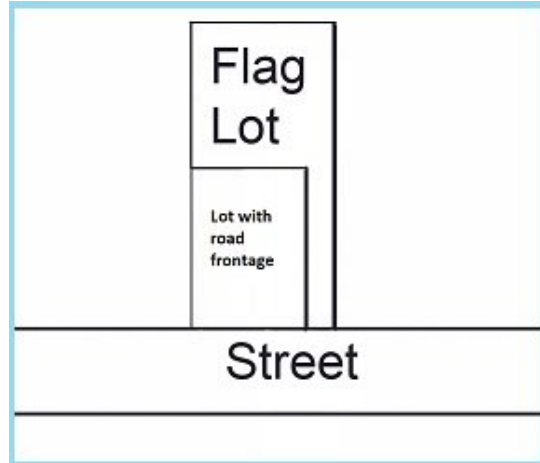
DAVID E. DIEHL AL. P.L.S. NO. 26014 DATE _____
SURVEY NOT VALID WITHOUT ORIGINAL SIGNATURE AND SEAL.

HERITAGE OAKS PHASE 5

BOUNDARY SURVEY AND SUBDIVISION	C. WAYNE SCOTT		DRAWN	RDC
			CHKD.	DED
		880 HOI.COMB BLVD FAIRHOPE, AL 36532 (251) 990-6566	PROJ MGR	DED
			SCALE	1"=50'
			PROJECT	20200728
			FILE	HERITAGE OAKS PH 5
			SHEET	1 OF 1

Flag Lot Discussion

Flag Lot. A an irregularly shaped parcel with a limited amount of street or road frontage, that has access to a public or private street by a narrow strip of land, the “flagpole,” with the bulk of the property containing no frontage and situated behind adjoining lots which front on a public or private street.



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. 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.

7.2.3 Flag lots may be permitted in moderation to allow for the more efficient use of irregularly shaped parcels of land, sites with physical limitations or where the integrated nature of multiple buildings on a site dictates the need for such lots.

- a. The minimum frontage at the right-of-way line and width for the “flagpole” portion of a flag lot is 30 feet. Lots in the flag shape, but meeting the zoning district’s minimum lot width requirement and street access requirements, are not considered flag lots.
- b. The “flagpole” portion of the lot shall not be considered in determining the area of the lot, the required front yard nor lot width at the building line.
- c. No more than the number of flag lots shown in the table below may be authorized in a subdivision.

Size of Subdivision	Maximum Number or Percentage of Flag Lots
15 or less	1
16 - 25	2
26 - 50	10%
51 or more	20%

Swimming Pool Proposed Revisions 8-13-2020

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

(...)

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. Swimming pools shall not be closer than 5 feet from any residential building.

ARTICLE 13. 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 the zoning administrator to administer and enforce the provisions of these zoning ordinances is hereby conferred upon the City Planner. This includes 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.

13.1.2 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 file 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.

13.1.3 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.

13.1.4 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 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) business days of receipt of a complete application, 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 reasonably 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 has 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.

13.2 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 City Planner and Building Official of the City has issued for such work

a Land Use Certificate and 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 Land Use Certificate and building permit shall be made to the City Planner and 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.

13.3 Approval of Plans and Issuance of Permit

It shall be unlawful for the City Planner or Building Official to approve any plans or issue a building permit for any excavation or construction until ~~he has~~ they have inspected such plans in detail and found them in conformity with this ordinance. To this end, the City Planner or Building Official shall require that every application for a Land Use Certificate and/or building permit for excavation, construction, use of land, moving or alteration be accompanied by a plan or plat drawn to scale and showing the following in sufficient detail to ascertain whether the proposed excavation, construction, use of land, moving or alteration is in conformance with this ordinance:

- a. The actual shape, proportions and dimensions of the lot to be built upon.
- b. The shape, size and location of all buildings or other structures to be erected, altered or moved and of any buildings or other structures already existing on the lot.
- c. The existing and intended use of all such buildings or other structures.
- d. The setback and side lines of buildings on adjoining lots and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being met.

If the proposed excavation, construction, moving or alteration as set forth in the application are in conformity with the provisions of this ordinance, the City Building Official shall issue a building permit accordingly. If an application for a building permit is not approved, the Building Official shall state in writing on the application the cause for such disapproval. Issuance of a building permit shall in no case be construed as waiving any provision of this ordinance.

13.4 Penalties

Any person in violation of any provision of this ordinance shall be fined upon conviction not less than two dollars (\$2.00) or more than five hundred dollars (\$500.00) and costs of court for each offense. Each day such violation continues shall constitute a separate offense.

13.5 Remedies

In case any building or other structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this ordinance, the City Building Official or any other appropriate authority or any adjacent or neighboring property owner

who would be especially damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to correct or abate such violation or to prevent occupancy of such building, structure or land.

Article 16 Signs

16.2 Definitions.

Portable Sign. Any sign not permanently attached to the ground or other permanent structure, or designed to be transported. Except as otherwise permitted, this ~~This~~ includes signs on wheels, ~~A-frame or T-frame signs~~, and temporary metal/cardboard/plastic/wood signs inserted in the ground containing a commercial message other than real estate signs.

Sandwich Board Sign. Any A-frame or T-frame sign, double or single faced, which is portable and may readily be moved ~~from place to place~~.

16.3 Exempt Signs.

Exempt signs are allowed without a sign permit and are not to be included in determinations of the allowable numbers, type, and area of signs that require a sign permit. Signs exempted in this Section must be erected in accordance with the structural and safety requirements of the current building codes and shall not be placed or constructed so as to create a hazard of any kind.

(...)

16.3.19 Sandwich board or similar style signs. No more than two, 24" x 48" sandwich board-type signs displaying menu, pricing or other similar information are allowed. The signs may be displayed on the premises only during business hours and shall not obstruct or impede pedestrian or vehicular traffic. Electronic or illuminated signs are not allowed.

Section 5.2 Words and Terms Defined

SUMMARY OF PROPOSED CHANGES

Flag Lot. A an irregularly shaped parcel with a limited amount of street or road frontage, that has access to a public or private street by a narrow strip of land, the “flagpole,” with the bulk of the property containing no frontage and situated behind adjoining lots which front on a public or private street.

Home Occupation. Any occupation for gain or support customarily conducted entirely within a residential dwelling unit and carried on solely by the inhabitant thereof, and which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and does not change the residential character thereof.

Mobile Food Vending Vehicle. A mobile food vendor business that is motorized or non-motorized, designed and equipped to serve food for individual consumption at the point of sale, and is removed each day from the location where the food is sold. This includes a truck, cart, wagon and the like.

Mobile Merchandise Vending Unit. A mobile vendor business that is motorized or non-motorized, designed and equipped to sell non-consumable merchandise not intended for individual consumption at the point of sale, and is removed each day from the location where the merchandise is sold. This includes a truck, cart, wagon and the like.

Mobile Vending Unit. Refers to both Mobile Food Vending Vehicles and Mobile Merchandise Vending Units.

Mobile Vendor. The owner or operator of a Mobile Vending Vehicle or Unit.

Well, Irrigation. A well installed and utilized solely for providing water to irrigate landscaping or agricultural crops.

Well, Private. A well that are being used to produce water for human consumption and other domestic purposes.

