



City of Bay Minette

Planning Commission

301 D'Olive Street · Bay Minette, Alabama 36507
Phone (251) 580-1650 · COBM_Planning@cityofbayminetteal.gov

AGENDA

July 13, 2023

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.) **Announcements & Registration to Address the Commission**
- 4.) **Approval of Minutes for June 8, 2023 Regular Meeting**
- 5.) **Disclosure of Prior Communications and/or Conflicts of Interest**
- 6.) **Old Business**
 - a.) **August 24, 2023 Worksession**
 - b.) **RA-23002, Temporary Work Force Housing Program (Ordinance 1035)**
- 7.) **New Business**
 - a.) **Planning Commission Bylaws**
 - b.) **ACAMP Comprehensive Plan Project**
 - c.) **Updates & Upcoming Cases**
- 8.) **Reports & Comments**
 - a.) **Mayor/Council/Administration**
 - b.) **Attorney**
 - c.) **Commissioners**
 - d.) **Planning Staff**
 - e.) **Citizen Comments**
- 9.) **Adjournment**

****Next Regular Meeting – August 10, 2023****

*****Worksession – August 24, 2023*****



Bay Minette Planning Commission Regular Meeting Minutes

Minutes June 8, 2023

Monthly Meeting No. 6

The City of Bay Minette Planning Commission met in Regular Session on Thursday, June 8, 2023. The meeting was called to order at 8:00 a.m. by Chairman, Todd Stewart, in the Conference Room located in Bay Minette City Hall, at 301 D'Olive Street, 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, and a quorum established:

Todd Stewart, Chairman
Robert A. "Bob" Wills, Mayor
Rob Madison, Building Official/Commission Member
Ray Clark, Commission Member
Hiram Templeton, Commission Member
Neal Covington, Vice Chairman
William Taylor, City Council/Commission Member

Commission Members absent:

Scotty Langham, Commission Member
Earl Emmons, Commission Member

Commission Members late:

None

Other persons in regular attendance:

Clair Dorough, City Planner
Tammy Smith, City Administrator
Scotty Lewis, Attorney
Kristina Pittman, North Baldwin Chamber of Commerce
Steven Stewart, Fire Inspector
Paula Bonner, Planner Associate

GUESTS Doug Anderson, Burr Foreman, LLP (*representing Case VAC-23001*)
Emma Goodloe, Burr Foreman, LLP (*representing Case VAC-23001*)

INVOCATION Commission Member Templeton presented the invocation, followed by the pledge.

ITEM 3. Announcements/Registration to address the Commission.
Chairman Stewart announced the resignation of Commission Member Scotty Langham and asked staff to draft a thank you letter for his years of service.

ITEM 4. Approval of the Minutes of the May 11, 2023, Regular Meeting.
Vice Chairman Covington made a motion to approve the May minutes as written. The motion was seconded by Commission Member Templeton and carried unanimously.

Chairman Stewart had City Planner Clair Dorough introduce the new Planner Associate Paula Bonner.

ITEM 5. Disclosure of Prior Communications and/or Conflicts of Interest

There were none.

ITEM 6. Old Business

There was no old business.

ITEM 7. New Business

a.) SP-23005, Brian Morrow Site Plan Approval

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

Request: Site Plan Approval Request for a 24' x 25' Accessory Structure

Location: 720 South White Avenue

Chairman Stewart introduced the request. Mrs. Dorough presented the case by referencing the staff report which included the past and current uses, current zoning, future land use map, and staff analysis. Mrs. Dorough also referenced the site calculations, front and side architectural elevations, and the fact that there were no comments received from the department and agency notifications in the staff report. Mrs. Dorough reported the 24' x 25' metal accessory structure is already on the property is being used to store lawn equipment to maintain the property. Mrs. Dorough also reported the application is the result of a stop work order. Mrs. Dorough told the Commission her primary concern is the buffering required by the regulations due to and for the single-family use across the street.

Chairman Stewart and Mrs. Dorough discussed the current and proposed regulations regarding facades for metal buildings. Mrs. Dorough stated that in the new proposed regulation amendments under Section 8.7.1.6 this structure would not require site plan approval because the building is under 600 square feet and meets the use criteria. Mrs. Dorough stated the recommendation by staff is approval as the site plan does not appear incompatible or inconsistent with minor conditions. There was no one present to speak in favor or opposition of the request. Mrs. Dorough reported the applicant works offshore.

Vice Chairman Covington made a motion to approve the request as presented. Commissioner Madison seconded the motion which carried unanimously.

b.) VAC-23001, BV Capital, LLC Right-of-Way Vacation Request

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

Request: Consider a petition by BV Capital, LLC to vacate a portion of an unimproved 22-foot public alleyway

Location: 801 S US Highway 31

Chairman Stewart introduced the request. Mrs. Dorough presented the case including a brief history of the unimproved right-of-way alley including the vacation of a portion of that right-of-way in 1971. Mrs. Dorough referenced the staff analysis within the staff report which confirms the request meets the criteria established by the Subdivision Regulations in accordance with State Code. She also referenced the correspondence between the applicant and the local utilities, Alabama Power, North Baldwin Utilities, and AT&T in the staff report.

Doug Anderson and Emma Goodloe were present to represent the applicant. Ms. Goodloe declined to speak. Mr. Anderson complimented Mrs. Dorough and thanked her for her assistance. Attorney Lewis, Mrs. Dorough, and Mr. Anderson determined it would be best to incorporate and record the 1971 partial right-of-way along with the new requested vacation. Mr. Anderson and Mrs. Dorough clarified that although the site consist of several parcels in the same ownership, the subject right-of-way is contained on one parcel. There was no one present to speak in opposition of the request.

Chairman Stewart verified with Mrs. Dorough that a public hearing is required, and the Planning Commission action is to give City Council a recommendation. Chairman Stewart stated staff's recommendation is for the Planning Commission to recommend approval to the City Council for the vacation request. Chairman Stewart opened the Public Hearing at 8:26 a.m. With no comments, he closed the Public Hearing at 8:27 a.m.

With no further discussion, Vice-Chairman Covington made a motion to recommend approval to the City Council. Commissioner Templeton seconded the motion which carried unanimously.

c.) Updates & Upcoming Cases

Mrs. Dorough gave a brief overview of the following:

- Potential Right-of-Way vacation request for parcel located on E. 4th Avenue.
- Pre-application meeting with Biofuel Clean Energy for potential storage site on S. White Ave., which is the same property that an RV park was previously proposed but withdrawn.
- Update and discussion on possible changes in the Planning Jurisdiction agreement between the City and Baldwin County.
- Approval of Wison Estate Property Exempt Subdivision, SD-23002
- Approval of James and Johnson Property Exempt Subdivision, SD-23003
- Approval of McMaster Property Exempt Subdivision, SD-23005 Resub. of Lot 4 Old Brady Rd. Subdivision
- Discussion on possible institution of Design Guidelines
- Update on Old Towne Commons and request for work session on the project in September
- Discussion of and proposal for a pre-application review committee

ITEM 8. Reports

- a.) Mayor/Council Report – Mayor Wills reported he walked through the Justice Center after the Council meeting Monday night. Chairman Stewart gave an update on the construction of the building, adding that the construction should be complete by the end of the year.
- b.) Attorney – None
- c.) Commissioner – None
- d.) Planning Staff – None
- e.) Public Comment – Kristina Pittman with the North Baldwin Chamber of Commerce reported an upcoming North Baldwin Home Expo on June, 10th and Home Show and a Ladies Leadership Luncheon on July 19th.

ITEM 9. With no further business, Chairman Stewart adjourns the meeting at 8:55 am.

DONE THIS THE 8TH DAY OF JUNE 2023

Chairman, Todd Stewart

ATTEST:

Paula Bonner, Planner Associate

Motion Summary:

- 1.) **Approval of the Minutes of the May 11, 2023, Regular meeting:** Commission Member Covington made a motion to approve the May minutes as written. The motion was seconded by Commission Member Templeton, and it carried unanimously.
- 2.) **SP-23005, Brian Morrow Site Plan Review for a 24' x 25' Accessory Structure:** Vice Chairman Covington made a motion to approve the Site Plan Review as presented. Commission Member Madison seconded the motion, and it carried unanimously.
- 3.) **VAC-23001, BV Capital, LLC Right-of-Way Vacation Request:** Chairman Stewart opened the Public Hearing at 8:26 a.m. With no comments, he closed the Public Hearing at 8:27 a.m. Vice Chairman Covington moved to recommend approval to the City Council. Commission Member Templeton seconded the motion and it carried unanimously.

Ordinance 1035 - RA-23002, Temporary Work Force Housing Pilot Program

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

Version 5 Presented to Planning Commission July 13, 2023 Regular Meeting

Article 9, Special Provisions

Section 9.8.3 Temporary Work Force Housing Pilot Program

9.8.3.1 Purpose and Applicability. The purpose of this pilot program is to provide for the issuance of Temporary Use Permits (TUPs) and establish standards and procedures related to the placement, operation, and duration of Temporary Work Force Housing Facilities to promote safe, healthy, and sanitary living conditions for temporary workers while ensuring that Temporary Work Force Housing Facilities do not negatively impact surrounding land uses. This section is intended to provide flexibility in land use regulation in order to address a critical need while ensuring that the temporary uses and activities do not negatively impact surrounding property or create public health and safety hazards. As a pilot program, Section 9.8.3 has an automatic sunset and shall only be effective for 48 months from the date of adoption by the City Council. Section 9.8.3 shall cease to exist if no further action is taken by the City Council to extend the effective date beyond the 48-month time frame.

9.8.3.2 *Definitions.*

Manufactured/Mobile Home. A structure, transportable in one or more sections, and which is built on a permanent chassis, and not designed normally to be drawn or pulled on the highway except to change permanent locations but is designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, including the plumbing, heating, air conditioning, and electrical systems, if any, contained therein. For the purposes of this chapter, this category also includes mobile homes and similar structures whether the same be equipped with wheels, or on a foundation.

Manufactured/Mobile Home Park. A residential development under unified ownership providing rental spaces for 2 (two) or more manufactured/mobile homes on a long-term basis, with recreation and service facilities for the tenants, whether or not a charge is made for such accommodation. Said development shall be located, established, and maintained in accordance with city regulations, ordinances and adopted plans. With the exception of provisions found in Section 9.8.3.4(b) below, a Manufactured/Mobile Home Park does not qualify for use as a Temporary Work Force Housing Development.

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

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

Recreational Vehicle Park. A development for the accommodation of tourists or vacationers on a short-term basis as temporary living quarters for recreation or vacation purposes, providing rental spaces for each individual recreational vehicle, travel trailer, camper, motor home, etc., and service facilities for the use of the tenants, whether publicly or privately owned and whether operated for or without compensation. Said development shall be located, established and maintained for the short-term occupancy of tourists or vacationers in accordance with city regulations, ordinances and adopted plans. For the purposes of this chapter, this category also includes camps and campgrounds, but. With the exception of provisions found in Section 9.8.3.4(b) below, a Recreational Vehicle Park ~~this~~ does not qualify for use as a Temporary Work Force Housing Development.

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

Temporary Work Force Housing Facility. A group dwelling facility located in one or more buildings that are occupied on a temporary basis by workers that are not from the immediate area but are employed in the area for large-scale construction projects and for a defined period of time. The Facilities are intended to accommodate temporary housing and living quarters for construction-related workers, but do not include Recreational Vehicle Parks, a mobile home, a mobile home park, a manufactured home, a manufactured home park, a tourist camp, a tourist campground, a tourist home, a trailer or a trailer camp as defined and regulated herein, except for the occupancy of recreational vehicles in accordance with Section 9.8.3.4(b) below.

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

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

9.8.3.4 Standards for Temporary Work Force Housing Facilities.

- a.) Temporary Work Force Housing Facilities shall only be permitted in areas designated in the R-A, B-1, B-2, M-1 or M-2 zoning districts with an approved Temporary Use Permit, provided:
 1. The parcel on which the Temporary Housing Facility is located meets the lot area and width requirements for the district in which it is located.
 2. Placement of Temporary Work Force Housing Units and related facilities shall comply with all setbacks, buffer, and other zoning requirements applicable to the zoning district in which it is located.
 3. Temporary Work Force Housing Facilities shall not be located within 500 feet of any residential zoning district or residential use.
 4. The Temporary Housing Facility is located along, or with direct access to a paved roadway. If the roadway is not improved, the Developer/Operator would be responsible for construction and paving of said roadway to City, County or State standards, if required based on site location, prior to operation of the Temporary Housing Facility.
 5. No primary entrances or exits shall direct traffic into adjacent residential districts.
 6. The Temporary Housing Facility is able to provide accommodations for at least twenty (20) workers and no more than eight hundred (800) workers.
 7. The density of the Temporary Housing Facility does not exceed 20 units per acre.
 8. Adequate waste disposal and garbage facilities shall be provided.
 9. The Temporary Housing Facility must be fenced and access limited.
 10. The Temporary Housing Facility shall be constructed to minimize erosion, alteration of natural features and removal of vegetation to the greatest extent possible.
 11. The Temporary Housing Facility must comply with all applicable State and Federal requirements, including the requirements of the Department of Health and/or the Alabama Department of Environmental Management.

12. The Temporary Housing Facility shall be provided with adequate parking for residents based on design capacity, to accommodate personal vehicles, work vehicles, and other vehicles and equipment parked on the site. Off-street loading and unloading space for service and supply vehicles shall also be provided with satisfactory ingress and egress for trucks.
 13. The Temporary Housing Facility shall provide for adequate access for emergency vehicles, and adequate security for the facility.
 14. The Operator of the Temporary Housing Facility is responsible for establishing and enforcing any house rules or regulations for residents.
- b.) Temporary Work Force Housing Facilities may be permitted as part of an existing Manufactured/Mobile Home Park or Recreational Vehicle Park in areas designated in the R-5, B-2 or M-1 zoning districts based on review and approval by the Planning Commission and City Council, provided:
1. The Manufactured/Mobile Home Park or Recreational Vehicle Park is properly zoned in accordance with the Table of Permitted Uses.
 2. The units intended as Temporary Work Force Housing Units must meet the criteria as defined herein.
 3. Placement of Temporary Work Force Housing Units and related facilities shall comply with all setbacks, buffer, and other zoning requirements applicable to the zoning district in which it is located.
 4. The Temporary Housing Facility is located along, or with direct access to a paved roadway. If the roadway is not improved, the Developer/Operator would be responsible for construction and paving of said roadway to City, County or State standards, if required based on site location, prior to operation of the Temporary Housing Facility.
 5. No primary entrances or exits shall direct traffic into adjacent residential districts.
 6. The Temporary Housing Facility is able to provide accommodations for at least twenty (20) workers and no more than eight hundred (800) workers.
 7. The density of the Temporary Housing Facility combined with existing sites does not exceed 20 units per acre.
 8. Adequate waste disposal and garbage facilities shall be provided.
 9. The area used for Temporary Housing Facility must be fenced.
 10. The Temporary Housing Facility shall be constructed to minimize erosion, alteration of natural features and removal of vegetation to the greatest extent possible.
 11. The Temporary Housing Facility must comply with all applicable State and Federal requirements, including the requirements of the Department of Health and/or the Alabama Department of Environmental Management.
 12. The Temporary Housing Facility shall be provided with adequate parking for residents based on design capacity, to accommodate personal vehicles, work vehicles, and other vehicles and equipment parked on the site. Off-street loading and unloading space for service and supply vehicles shall also be provided with satisfactory ingress and egress for trucks.
 13. The Temporary Housing Facility shall provide for adequate access for emergency vehicles, and adequate security for the facility.
 14. The Operator of the Temporary Housing Facility is responsible for establishing and enforcing any house rules or regulations for residents.

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

- a.) All Temporary Work Force Housing units shall be designed, sited, constructed, and maintained in accordance with applicable state and local building codes, health codes, and fire codes. It is the responsibility of the Operator and occupants to ensure that all applicable health and safety requirements are met.
- b.) The Temporary Housing Units or spaces must be numbered in a logical fashion in order to facilitate emergency response and subject to the review of Baldwin County E-911.
- c.) All Temporary Work Force Housing Units provided by the Operator shall be equipped with smoke detectors and carbon monoxide detectors.
- d.) All Temporary Work Force Housing Units provided by the Operator shall have adequate heating, ventilation, and air conditioning systems to maintain safe and healthy living conditions.

9.8.3.6 Application. The Temporary Use Permit application shall be submitted as a Site Plan Approval request on the applicable form, in accordance with the meeting and fee schedule as established. The Planning Commission may waive certain

requirements contained in Section 9.8.3.6 if it is determined that the requirements are not essential to a proper decision on the project; or, it may supplement the list with other requirements deemed necessary to clarify the nature of the proposed development. In addition to the Site Plan required submittals, the application shall be accompanied by the following information unless some or all of these requirements are waived by the Planning Commission:

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

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

- a.) The proposed use or activity will be of a temporary nature and will not create a permanent change to the site or surrounding area.
- b.) The proposed use or activity will not create a significant impact on surrounding land uses or the environment.
- c.) The proposed use or activity will comply with all applicable health, safety, and building codes.
- d.) The proposed use or activity will not create a public nuisance or hazard.
- e.) The zoning authority may impose conditions on the issuance of a TUP in order to ensure compliance with the above criteria.

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

- a.) The name and address of the onsite manager and contact information.
- b.) Copies of required permits or approvals from the Department of Health and/or the Alabama Department of Environmental Management, Baldwin County Commission, Alabama Department of Transportation, and US Army Corps of Engineers.
- c.) A plan for the closing of the facility and reclamation of the site, including how structures and equipment will be removed; how trash and construction debris will be removed; how concrete footings and foundations will be removed or buried; how the sewage disposal system will be removed and disposed of; how the site will be graded and re-contoured to blend into the surrounding topography; how topsoil will be replaced and the site seeded with an appropriate seed mix to establish sufficient cover to stabilize the site and prevent erosion, and how unneeded access

roads will be re-graded and re-vegetated. Alternatively, if the TUP was issued pursuant to Section 9.8.3.4(b), the Operator agrees that all recreational vehicles will be removed from the site on or before the expiration of the TUP.

- d.) An irrevocable surety bond shall be submitted to the City Administrator in an amount equal to an engineer's estimate of the cost of removing, demolishing and disposing of such Facilities following termination of the use in accordance with the approved plan and shall be held for the duration of the Temporary Work Force Housing Facility operation. The amount of the bond may be reviewed by the City Council on an annual basis and adjusted if needed.

9.8.3.9 Term. A Temporary Use Permit for a Temporary Housing Facility approved in accordance with this Article shall be valid for a period of one (1) year, and is renewable in one (1) year increments upon submittal of a request for an extension and approval in accordance with the provisions of this Article. The request for an extension must also include a written narrative describing the Facility, its compliance with the requirements contained herein and any conditions placed upon it and demonstrate the continued need for the Facility. In no case shall a Temporary Use Permit or Renewal extend beyond the sunset provisions of Section 9.8.3.

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

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

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

9.8.3.12 Restoration of Site.

- a) The applicant shall provide a written plan and agreement setting forth how the Facility will be dismantled, and the area restored to an unoccupied condition. The Temporary Housing Facility and any associated structures, Housing Units and infrastructure must be removed from the site within ninety (90) days of closure. Within ninety (90) days after the removal of the Facility is complete, a reclamation report shall be submitted to the City Planner indicating that the site was reclaimed as set forth in the approved reclamation plan. In the event that the site is not restored in accordance with the approved plan, the City Council may call on the surety bond to complete the restoration in a satisfactory manner.
- b) **For Temporary Work Force Housing Facilities which are permitted as part of an existing Manufactured/Mobile Home Park or Recreational Vehicle Park under Section 9.8.3.4(b), the applicant shall provide a written plan and agreement setting forth how the Temporary Housing Units will be removed from the site. Within ninety (90) days after the removal of the Facility is complete, a reclamation report shall be submitted to the City Planner indicating that the site was reclaimed as set forth in the approved reclamation plan. In the event that the site is not restored in accordance with the approved plan, the City Council may call on the surety bond to complete the restoration in a satisfactory manner. Infrastructure installed as part of the Temporary Work Force Facility must be removed from the site and the property restored to a state consistent with the Manufactured Home Park or Recreational Vehicle Park use existing prior to the development of the Facility unless the zoning authority determines the following:**

- 1) Allowing the TUP infrastructure to remain promotes the purpose and intent of the Zoning Ordinance and provides an overall benefit to the general health, safety and welfare of the residents of the City; and,
- 2) Allowing the TUP infrastructure to remain does not confer on the applicant any special privilege that is denied by this ordinance to other citizens or other uses, lands, structures, or buildings in the same district; and,
- 3) Due to the existence of the infrastructure:
 - a. The existing use has become compliant with the zoning district requirements and other applicable City regulations; or
 - b. The existing use will become substantially non-compliant due to the removal of the infrastructure; or
 - c. The infrastructure substantially decreases the nonconformity of the Manufactured Home Park or Recreational Vehicle Park use existing prior to the development of the Temporary Work Force Facility.

9.8.3.13 Enforcement and Penalties. Violation of any provision of this ordinance shall be a violation of the Zoning Ordinance and shall be subject to the penalties provided therein. In addition, the zoning authority may revoke the permit for the Temporary Work Force Housing if the Operator fails to comply with any provision of this ordinance.

9.8.3.14 Compliance. The City Council, at its discretion, may require a bond or other financial guarantee to ensure that all essential facilities and services are provided. In the event the Developer or Operator fails to provide the essential services and facilities required, the Temporary Use Permit shall be revoked and the Facility ordered to vacate. These remedies are in addition to the remedies provided in this ordinance for failure to comply with the zoning requirements.

9.8.3.15 Consistency. To the extent that language in Section 9.8.3 is inconsistent with other City ordinances, the provisions of Section 9.8.3 shall control.

City of Bay Minette

Planning Commission



RULES FOR THE TRANSACTION OF BUSINESS

Draft – Version 1

July 13, 2023

Article I – Powers, Duties and Composition

The powers, duties, and composition of the City of Bay Minette Planning & Zoning Commission, hereinafter referred to as the Commission, shall be as set forth in Title 11, Chapter 52, of the *Code of Alabama, 1975*, as amended; Title 2A, Chapter 2 of the *Constitution of Alabama 2022* (Act 2015-126, Constitutional Amendment 900) and those powers and duties delegated to the Commission by the City Council of the City of Bay Minette.

The Commission shall have the authority to see to the preparation of a Comprehensive Plan for the development of the City and for the preparation of the necessary ordinances and subdivision regulations to implement the plan. The Commission shall review and make recommendations to the City Council for the adoption of the Plan as a whole or in any parts, revisions or amendments of the plan or its implementing regulations.

The Commission shall have the authority to review all applications for zoning or rezoning and to recommend approval or disapproval of these applications to the City Council who alone has statutory powers to zone.

It shall be part of the duties of the Commission to consult and advise the Public Officials, Public Utility Companies, Civic, Educational, Professional and other Organizations and citizens with relation to protecting and carrying out the plan.

The Commission shall review and take action on all plans for shopping centers, manufactured home parks, planned unit developments and other such proposals as may affect the orderly development of the City; provided that, where such plans or proposals involve zoning, the Commission shall have the authority to take decisive action on all subdivision plat applications within the planning jurisdiction and in accordance with State law and current governmental agreements.

The Commission shall exercise all other authority as set forth Title 11, Chapter 52, of the *Code of Alabama, 1975*, as amended, and the City of Bay Minette *Zoning Ordinance* and *Subdivision Regulations*.

Article II – Members

The Commission shall consist of eleven members as follows: The Mayor or his/her designee; one Administrative Official of the City selected by the Mayor; an ex officio member of the Council selected by the Council upon recommendation of the Mayor; six residents of Bay Minette appointed by the Mayor which shall be full-time residents and qualified electors of the City of Bay Minette; and the two additional members authorized under the

Constitution of Alabama shall be individuals residing outside the corporate limits of the municipality, but within the territorial jurisdiction of the Commission at the time of the appointment.

Appointed members shall hold no other municipal office, except that one of the appointed members may be a member of the zoning Board of Adjustment.

Article III – Terms of Office

The terms of office of the Commission shall be as follows: The Mayor and Administrative Official selected by the Mayor, and the ex officio member of the Council shall have terms of office on the Commission corresponding to their current elected term of office on the Council. The eight members appointed by the Mayor shall each have a six-year term of office on the Commission and be eligible for re-appointment.

Article IV – Vacancies

Any vacancy among the Commission membership caused by death, resignation or removal for cause shall be filled for the unexpired term by appointment by the Mayor. Members other than the ex officio member selected by the Council may, after a public hearing, be removed by the Mayor for inefficiency, neglect of duty or malfeasance in office. Commission Members shall be removed for cause by the Mayor upon written charges and after a public hearing thereon.

Article V – Compensation

All members of the Commission serve without compensation but may be reimbursed for actual expenses incurred in connection with their official duties.

The expenditures of the Commission shall be within the amounts appropriated for the purpose by the Council, which shall provide the funds, equipment, and accommodations necessary for the Commission's work, including contract with planners, engineers, architects, and other consultants for such services as it may require.

Article VI – Officers

1.) Offices and Terms

- a. The Commission shall elect a Chairman and Vice-Chairman from among the appointed members.
- b. The Commission may create and fill such other of its offices as it may determine.
- c. The terms of office of these elected officers shall be one year, with eligibility for reelection.

2.) Elections

- a. Officer elections shall be held during the regularly scheduled July meeting of each year, and the new officers shall assume their duties at the next scheduled meeting after their election. If elections are unable to be held at the regularly scheduled July meeting, then they shall be held at the next available meeting.
- b. The officers shall be elected in the following order: the Chairman and then the Vice-Chairman. The current Chairman will request nominations for the office and a voice vote shall be conducted until a nominee receives a majority vote.

3.) Duties

- a. **Chairman** - The Chairman shall set the agenda and preside at all meetings and hearings of the Commission; shall decide all points of order or procedure; sign documents of the Commission; perform any duties required by law, ordinance, these rules or the Commission; and see that all actions of the Commission are properly taken. The Chairman shall have the authority to appoint and charge any committees as necessary. The Chairman, or in their absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. The official minutes of the Commission shall be signed by the Chairman and attested by the Secretary.
- b. **Vice-Chairman** - The Vice-Chairman shall preside in the absence, disability or disqualification of the Chairman, exercise and perform all the powers and duties and be subject to all responsibilities of the Chairman. In the event the Chairman resigns, vacates or is no longer able to continue the office for any reason before their term is completed, then the Vice-Chairman shall fill the unexpired term of the office of Chairman. In that event, the Commission shall elect a new Vice-Chairman at the next regular meeting to fill the remainder of the unexpired term.

- c. **Acting Chairman** - In the event that neither the Chairman nor the Vice-Chairman is present, is unable to act or preside at any meeting of the Commission and a quorum is present, an Acting Chairman shall be chosen from among the members present for that meeting. The Acting Chairman shall serve only at that meeting and shall be elected by a majority of the quorum present.
- d. **Secretary** - The Commission shall keep a record of its resolutions, transactions, findings, and determinations, which shall be considered public record. The Secretary of the Commission shall be the City Planner or a staff member of the Planning & Development Services Department as designated by the City Planner. The Secretary shall prepare the agenda; keep the minutes of all meetings; provide and arrange notice of meetings as required by law or these by-laws; manage official correspondence of the Commission; maintain a public record for each meeting of the agenda, proceedings, findings, voting records and other documentation in accordance with record retention requirements; and other duties as are normally carried out by a Secretary.

Article VII – Conduct of Members

Commission members are appointed by the City Council under the authority of Alabama law and as such, are considered public officials. In the performance of Commission business, members are held to the highest standards of ethics and responsibility and expected to conduct themselves in a manner that meets or exceeds those standards. Members are expected to familiarize themselves with those regulations and the following minimum standards to avoid any potential conflict, misconduct or impropriety.

1.) **Conflicts of Interest** - A “Conflict of Interest” is defined by the *Code of Alabama* as: “A conflict on the part of a public official or public employee between his or her private interests and the official responsibilities inherent in an office of public trust. A conflict of interest involves any action, inaction, or decision by a public official or public employee in the discharge of his or her official duties which would materially affect his or her financial interest or those of his or her family members or any business with which the person is associated in a manner different from the manner it affects the other members of the class to which he or she belongs.”

A “Business With Which The Person Is Associated” is defined by the *Code of Alabama* as: “Any business of which the person or a member of his or her family is an officer, owner, partner, board of director member, employee, or holder of more than five percent of the fair market value of the business.”

Any Commission member that may have a conflict of interest, a direct personal interest, pecuniary interest, or other conflict, on any item on the agenda shall:

- a. Voluntarily declare the presence of a potential or actual conflict for the record,
- b. Shall refrain from deliberation and recuse themselves from discussion on the item; and,
- c. Abstain from voting on said item.

2.) **Outside Communications** - Ex Parte Communications, those communications made outside the realm of the public meetings, are prohibited. This includes oral or written communications made without proper notice to all parties and not on the public record, from an interested person outside of the Commission to a member of the Commission involved in the decision-making process.

Commission members are advised to not discuss pending cases with members of the public outside of the public meeting, and if attempted ex parte contact persists, the member should disclose such contact at the Commission meeting. Members may gather relevant information regarding an agenda item, including making site visits, if such information will aid in making an informed, objective decision. Any written material received by members shall be given to the Secretary for incorporation into the files.

3.) **Personal Gain** - No member shall directly or indirectly, use their official position as a Commission member to obtain any special privilege, exemption or other personal gain for themselves, a family member, or any business with which the person is associated unless the use and gain are otherwise specifically authorized by law. Members may not, directly or indirectly, give or receive compensation, gifts, rewards or gratuities to or from any source for any matter connected with or related to their service as a Commission member. This does not prevent members

from obtaining reimbursement for actual expenses related to the performance of Commission duties that are deemed reasonable and necessary.

4.) Attendance - No member shall be absent more than three (3) consecutive or a maximum of five (5) regularly scheduled Commission meetings per fiscal year. The Commission shall recommend to the Mayor the dismissal of a member. Subsequently the Mayor, at their discretion, shall coordinate the replacement of that member, and the appointment of a new member.

5.) Member Responsibilities

- a.) Commission members shall avoid all improper conduct and the appearance of impropriety before, during and after public meetings, including:
 - Showing bias for or against a petitioner, individual or group.
 - Conflicts of interest, whether actual or perceived, that would lead the public or an applicant to believe that an objective decision could not be made.
 - Criticizing the vote or comments of any member of the Commission or City Council.
- b.) Members are expected to familiarize themselves and have a working knowledge of the current *Comprehensive Plan, Zoning Ordinance* and *Subdivision Regulations* of the City of Bay Minette.
- c.) Members are expected to apply the guidelines, adhere to the ordinances and review every matter presented to the Commission in an impartial, conscientious, and judicious manner.
- d.) Members are expected to exercise reasonable judgement, make good faith decisions, take actions that are within the law, and make decisions in the best interest of the public.
- e.) Members are expected to attend and participate in all meetings. The City will provide the resources necessary for the Commission to fulfill their responsibilities, ensure members are informed about and involved in developmental issues and give serious consideration to the advice and recommendations of the Commission.
- f.) Members are expected to familiarize themselves with the Agenda, application or other provided meeting materials and are encouraged to make site visits to the properties on upcoming agendas.
- g.) Members are encouraged to obtain training and attend educational sessions related to planning, zoning/land use, subdivisions, environmental topics, or other similar subjects related to the performance of their Commission duties. Members are strongly advised to obtain and maintain Certified Alabama Planning & Zoning Official (CAPZO) status. Staff will provide notice of any such opportunities and the City will provide for the reimbursement of training expenses with prior approval.

Article VIII – Meetings

- 1.) **Regular Meetings** - The Commission shall hold at least one regular meeting in each month, which shall be held on the second Thursday of each month at 8:00 a.m. in the Bay Minette City Hall Council Chambers, or as otherwise determined by a majority vote of the Commission. The regular meeting in July of each year shall be the annual meeting at which elections of officers shall take place.
- 2.) **Special Meetings** - Additional meetings, worksessions or other special meetings of the Commission shall be held at the call of the Chairman and at such other times as the Commission may determine by a majority vote upon giving of a forty-eight (48) hour notice to each member. If meetings need to be rescheduled for holidays or other events, the new date and time shall be duly posted.
- 3.) **Protocol** - All meetings of the Commission shall be open to the Public and follow the protocol of Robert's Rules of Order. The Commission may convene executive sessions in accordance with applicable laws.
- 4.) **Notice** – Notice of meetings and public hearings shall be performed as specified in the Code of Alabama as amended, Alabama Open Meetings Act and/or as required by other State law and these by-laws. The Secretary may provide supplemental notification procedures (posting signage on properties, electronic notification, etc) to

ensure that interested parties are aware of pending cases, but the failure of any such supplemental notification procedures shall not invalidate any lawful action or decision of the Commission.

- 5.) **Decorum** – Commission members and speakers shall observe the commonly accepted rules of courtesy, decorum, dignity, and good taste. All comments, questions, or remarks shall be address to the Chairman or the Commission as a body and not to members of the audience or the applicant. Interested parties or their representatives may address the Commission by written communications, a copy of which shall be provided to the Secretary either before or during the meeting.
- 6.) **Procedures to Address the Commission** – Public participation is welcomed and encouraged. Consideration will be given to the public to express their views on issues relevant to the business of Commission. To balance the public’s right to be heard with the need to maintain the order of the meeting, the following procedures will be followed and enforced:
 - a.) All meetings of the Commission shall be open to the public.
 - b.) All individuals wishing to address the Commission must sign-in on the provided form. In an effort to maintain fairness and efficiency, speakers will be called in the order of the sign-in sheet.
 - c.) Additional accommodations may be provided as needed upon notification of staff.
 - d.) Verbal comments and interruptions from the floor will not be allowed.
 - e.) Each speaker will be limited to 5 minutes. For groups of individuals that wish to address the Planning Commission on the same topic, they will be limited to 3 minutes per speaker. In cases where there are multiple speakers on the same topic, speakers are encouraged not to repeat the same information presented by previous speakers. The Chairman reserves the right to require an individual wishing to speak on behalf of another person, group or entity to provide written authorization from the person, group or entity being represented.
 - f.) Speakers may be interrupted by any member of the Commission for clarification or additional information, and those interruptions will not counts against the speaker’s time.
 - g.) At the discretion of the Chairman, a speaker may address the Commission a second time, but only after all others have been given the opportunity to speak.
 - h.) All comments must be directed to the Chairman or the Commission as a body.
 - i.) Under no circumstances will personal attacks on Elected Officials, Appointed Officials, employees or other individuals be allowed or tolerated.

Article IX – Quorum

A quorum for the official transaction of business by the Commission shall consist of six (6) members. Except as specifically otherwise provided by law, a majority vote of the members present shall suffice to take official action on matters presented to the Commission. An affirmative vote of not less than six members, shall be required for the adoption or amendment of the Comprehensive Plan or any element of the Comprehensive Plan. Each member of the Commission shall have one (1) vote. Voting shall be by voice vote.

Article XI – Conduct of Meetings

The current edition of *Robert’s Rules of Order* shall normally govern the conduct of business of the Commission. The order of business at regular Commission meetings should generally follow the order stated below, but may be altered at the discretion of the Chairman:

- 1.) Call to order
- 2.) Invocation/Pledge of Allegiance
- 3.) Announcement & Registration to Address the Commission
- 4.) Approval of Minutes from Previous Meeting
- 5.) Disclosure of Prior Communications and/or Conflicts of Interest
- 6.) Old Business
- 7.) New Business
- 8.) Reports and Comments–Mayor/Council/Administration, Attorney, Commissioners, Staff, Citizen Comments.
- 9.) Adjournment

To be placed on a Commission agenda, applicants must submit complete applications, together with all required supporting documentation and payment of required fees, as set forth in the City of Bay Minette Subdivision

Regulations and Zoning Ordinance in accordance with the established Meeting and Application Deadline Schedule adopted by the Commission.

All applicants, or their designated representative, shall attend the meeting(s) where their application is placed on the Commission Agenda. In the absence of such applicant or designated representative, the application request shall not be heard.

During the consideration of subdivision applications, zoning matters, property vacation requests or any other matter requiring a public hearing, the following procedure for the presentation of items should normally be observed; however, it may be rearranged at the discretion of the Chairman for the expeditious conduct of business.

- 1.) The Chairman will conduct the meeting and call for the agenda items.
- 2.) A member of the Planning & Development Services Department Staff will present a staff report with a recommendation and answer any questions from the Commission.
- 3.) The Chairman calls for the applicant, owner, or designated representative and offers the opportunity to address the Commission, provide information in support of the request, and answer any questions from the Commission.
- 4.) If a public hearing is needed, the Chairman will open the public hearing and state the time for the record. Once the Chairman opens the public hearing, statements, input regarding the request or questions addressed to the Commission will be accepted from the public with the approval of the Chairman and in accordance with the established Procedures for Addressing the Commission.
- 5.) Once all members of the public have been afforded the opportunity to speak, the Chairman shall close the public hearing and state the time for the record.
- 6.) The Commission members may discuss details and issues raised; may ask questions of the applicant, city staff, public or other parties.
- 7.) Upon conclusion of the public hearing and deliberation, the Chairman will call for a motion to be read, a second and may ask if further discussion is needed.
- 8.) The vote will be called, and the Chairman will announce the result. If the vote is close or results from the simultaneous voice vote is unclear, the Chairman may call for a roll call voice vote and then announce results.

Article XII – Amendment

Amendment to these By-Laws shall require the affirmative vote of six (6) members of the Commission. The Commission shall review these rules annually at the same meeting as officer elections. These By-Laws may be amended at any regular or special meeting of the Commission provided that five (5) days advance notice of any proposed change shall be given to all members.

Article XIII – Adoption

These By-Laws were reviewed, approved and officially adopted by the City of Bay Minette Planning Commission. All previous By-Laws of the Commission are hereby repealed.

DONE, this the _____ day of _____ 2023

Todd Stewart, Chairman

ATTEST:

Clair Dorrough, City Planner



STATE OF ALABAMA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
STATE LANDS DIVISION, COASTAL SECTION

KAY IVEY
GOVERNOR

5 Rivers ~ Alabama's Delta Resource Center

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DEPUTY COMMISSIONER

WILLIAM V. UNDERWOOD
COASTAL SECTION ADMINISTRATOR
STATE LANDS DIVISION

June 30, 2023

Ms. Clair Dorough,

This letter serves as notification of the status of your application to the FY24 ACAMP Call for Proposals. We are pleased to notify you that your project, "City of Bay Minette Comprehensive Planning," has been selected for funding pending receipt of federal funds. We will contact you via email to discuss next steps including completion of a subrecipient risk assessment.

Feel free to contact our office at (251) 621-1216 with any questions that you may have.

Best regards,

A handwritten signature in black ink that reads "William V. Underwood". The signature is fluid and cursive, with a large loop at the end.

Will Underwood
Coastal Section Administrator
will.underwood@dcnr.alabama.gov
251-214-6978