

Bay Minette Planning Commission Regular Meeting Minutes

Minutes February 13, 2020

Monthly Meeting No. 2

The Bay Minette Planning Commission met in Regular Session on Thursday, February 13, 2020. The meeting was called to order at 8:02 a.m., by Chairman, Todd Stewart, in the Conference Room located in Bay Minette City Hall, in Bay Minette, Alabama; this being the proper place, date and hour as advertised to hold such meeting.

IN ATTENDANCE At 8:02 a.m. the following members were present:

Todd Stewart, Chairman
Ed Pepperman, Vice-Chairman
Robert A. "Bob" Wills, Mayor
John Biggs, Council Member
Scotty Langham, Commission Member
Pat Robinson, Building Official

Commission Members absent:

Jessica Davis, Commission Member
Wynter Crook, Commission Member
Neal Covington, Commission Member

Other persons in regular attendance:

Scotty Lewis, Attorney
Tammy Smith, City Administrator/Finance Director
Clair Dorrough, City Planner
Leslie Johnston, SARPC
Jessica Peed, Planning Assistant
Steven Stewart, Fire Inspector
Thomas Brown, Code Enforcer

GUESTS Brandon Scott
Mike Phillips, Council Member

INVOCATION Commission Member Langham gave the invocation, followed by the pledge.

ITEM 3. Approval of Minutes of the January 9, 2020 meeting. Mayor Wills made a motion to approve the minutes as written. The motion was seconded by Commission Member Pepperman and it was unanimously carried.

ITEM 4. Old Business:

- None

ITEM 5. New Business:

Zoning Ordinance Revision Discussion

a.) Section 7.17 - Existing Covenants

Chairman Stewart addressed Mrs. Dorough and Mr. Robinson regarding any issues that need to be addressed within the Planning and Zoning Department. Mrs. Dorough stated there is language that needs to be revised in some of the ordinances, starting with Section 7.17 Existing Covenants. Mrs. Dorough suggested inserting an additional line to clarify that the property owner and/or authorized agent would be responsible for ensuring compliance with applicable deed restrictions or restrictive subdivision covenants prior to submitting an application. Chairman Stewart asked Scotty Lewis and Leslie Johnston if they had any comments, with both parties stating this additional statement is standard for most zoning ordinances and would be a good thing to include. Mayor Wills stated that he wanted to state for the record that the intent of the current ordinance language was not for the City to enforce covenants and deed restrictions, and that the proposed amendment language is for clarification purposes only.

b.) Section 8.7 - Accessory Uses, Structures, Carports and Home Occupations

Mrs. Dorough began the discussion by stating the wording regarding accessory structure vs. primary structures is not clear, which creates confusion on whether an accessory structure is allowed on a lot by itself without a primary structure. Mrs. Dorough suggested adding a line, 8.7.1.4, which clearly states an accessory structure cannot be constructed on a lot by itself prior to the issuance of a building permit for the principal building to which it is an accessory. Commission Member Biggs inquired if the lots were adjoining, could there be a primary structure on one lot and an accessory structure on the other. Mayor Wills stated if the lot were owned by the same property owner, then it would seem reasonable. Mrs. Dorough pointed out if the property owner were to sell the one lot the next day, it would only have an accessory structure on it. Commission Member Biggs stated some lots are only half lots, and do not meet regulations to allow anything on it. Mrs. Dorough stated there is a "Substandard Lots of Record" reference in the ordinance, and it is up to the Planning Commission whether to allow joint ownership of lots. Mayor Wills and Mrs. Johnston commented it is standard to not allow

accessory structures on a lot by itself. Chairman Stewart transitioned into the topic of business in residential areas concerning a business being utilized within a persons' home and if they are required for a City of Bay Minette business license. Mrs. Dorough stated the home owner could refuse, but a clause could be instated allowing the Code Enforcement officer the right to enforce a business license.

Mrs. Dorough stated pools within the Accessory Structure section of the Ordinance are another issue that needs to be addressed. She suggested a line stating pools, as an accessory structure, should have an exception of being located no closer than five (5) feet to the residential building instead of the standard accessory structure of twenty (20) feet. Chairman Stewart inquired as to the specification of 5 feet. Mrs. Dorough stated the Baldwin County and other area municipal ordinances allow the 5-foot setback for pools.

Mrs. Dorough suggested the "Maximum Building Height" portion of the Ordinance should be titled as "Maximum Building Coverage and Height" with a chart that would specify Lot Size to Maximum Building Area to Maximum Building Height. This would allow an easier understanding of how much of the lot can be covered with structures. Commission Member Pepperman stated the wording, as of now, can allow an accessory structure to be larger than the primary structure. Mayor Wills inquired as to where the chart numbers came from. Mrs. Dorough stated it is from research of various zoning ordinances. Chairman Stewart discussed tying the dimensions of the building to the lot size would make the most sense. Thomas Brown inquired if this would remove the lot coverage clause. Mrs. Dorough explained it would not, and structures would follow the maximum building coverage. Mrs. Dorough suggested there also be a line inserted regarding Commercial and Industrial Districts with accessory building height restrictions without the approval of the Planning Commission, which would essentially allow people to apply for a variance for a height modification. There was much discussion regarding coverage for RV's, other recreational vehicles and different scenarios for maximum height restrictions for various potential zoning areas, and how it can be reasonably regulated to improve sight situations.

Mrs. Dorough introduced the topic of Planned Unit Development (PUD) and the suggestion to tie acreage requirement of 5 acres to the ordinance. There was a small discussion on different acreage requirement options, with the consensus being that 5-acre minimum is reasonable and fair in order to provide a sense of community, as that is the purpose of a PUD.

Mrs. Dorough stated the administrative wording throughout the current Zoning Regulations primarily designates the Building Official as the zoning administrator, and this needs to be addressed due to the recent personnel changes. Mrs. Dorough also stated the Land Use Certificate process was

implemented recently with a fee, as it was passed at the City Council meeting in January 2020. She suggested a section be implemented with a procedure for obtaining a Land Use Certificate. Mrs. Dorough stated the authorization for a Land Use with a twenty-five-dollar fee is required for any building permit, with the exception of a re-roof (If a roofline is not changing, or the use of the structure is not changing then there is nothing to review nor charge for a Land Use). This language would need to be added to the Ordinance as well. Mayor Wills asked Mrs. Dorough if the Land Use was new and where the idea came from. Mrs. Dorough stated it was a new action, and was reflected from the County's Land Use, as theirs is clear and easy for the public to understand. Councilman Phillips inquired as to how he needed to start applying for a building permit. Mrs. Dorough explained he can bring all plans and building permit when he applies for a Land Use with the Planning and Development Services Department. If approved, all information will be passed along to the Building Department for their review. Councilman Phillips inquired about the 7-day turnaround policy on the Land Use Certificate. Mrs. Dorough explained that in a normal scenario, with a completed Land Use application, her review time will be 1 day, but in an extreme situation, the 7 days allows for another person to complete the review. Scotty Lewis suggested inserting a line in the ordinance stating, "City Planner or designee of the Mayor" may review or approve a Land Use Application, in place of the City Planner when she/he is unavailable.

Mrs. Dorough continues the discussion regarding Certificates of Occupancy (C/O) on buildings that are being renovated or are involved in a cash sale. Commission Member Robinson suggested issuing a "Letter of Substantial Completeness". More discussion commenced on the process for a C/O, and in additional instances in which it would be required.

Mrs. Dorough stated the Board of Adjustments (BOA) is having substantial issues in acquiring members due to the wording as stated in the Ordinance regarding public office or position. She stated Councilman Biggs has found two citizens who are willing to serve. There was more discussion on probable ways to remedy this issue. Mr. Lewis stated the purpose of the BOA and which type applications that were to be reviewed. Mrs. Johnston stated the Planning Commission Members can serve on the BOA, per the State Code.

Mrs. Dorough stated she found an older Ordinance, number 753, that is still active and states the city clerk will issue permits for excavation. Tammy Smith inquired if the newer building codes in 2012 would supersede this ordinance. There were many questions as to what the ordinance states. Councilman Phillips stated he was charged with a double permit fee by the Building Official. He stated the County does not require a permit before starting work, and also stated there is a lot of confusion with the new fees as they were not advertised. Tammy Smith clarified the Building Official has the right to issue a

double permit fee when work commences prior to obtaining the appropriate permits, and the fee adoption does not have to be done by Ordinance, but rather a resolution as the new Planning & Zoning fee schedule was recently done. Mike Phillips inquired on the differences between an Ordinance vs. a Resolution. Scotty Lewis explained the procedures and differences when needing to adopt an Ordinance or Resolution. Councilman Phillips stated that any new fees or changes should be made aware to everyone. Thomas Brown stated existing procedures are now being implemented and done by the book. Mayor Wills stated we will not pick and choose which regulations to follow and that the City of Bay Minette is trying to do what is right and is working to update our procedures and ordinances. Mayor Wills also stated he is still unclear as to what happened with the Castle Homes and the double permit fee commencing. Councilman Phillips explains he was charged with a double permit fee by the Building Official due to his contracting company starting dirt work prior to being issued a building permit, and that everyone should have been made aware before issuing double permit fees as that is not the procedure a lot of contractors have followed in the past. Councilman Robinson commented there is a sign in the office that advises everyone they will be charged a double permit fee if they start work prior to receiving a permit. Tammy Smith suggested we draft a letter with the attached fee schedule and send to all contractors who currently have an active City of Bay Minette business license. Mayor Wills stated this was a good idea, and the City is trying to do the right thing by abiding by the Ordinances.

Mrs. Dorough asked the Planning Commission to please review information Conditional Uses or Special Exceptions. Mrs. Dorough explains the different uses and ways the regulations are written, particularly regarding dwellings in M-1 and M-2 zones. She also mentions the Site Plan Approval for uses such as In-Home Daycare needs to be reviewed as well.

Chairman Stewart continued to review the list of items to be discussed. Mayor Wills inquired as to what animals are prohibited within the city limits, and if the Planning Commission would need to include regulations. Several members interjected the only animal prohibited is swine, but with no regulation other than if there is an issue with smell or noise, that would allow the Animal Control officer or Code Enforcer to intervene. Tammy Smith stated if we don't allow animals there will be issues when we pursue annexations. Mayor Wills suggested obtaining other municipality's animal regulations. Mrs. Johnston stated she believes there are state regulations.

Scotty Lewis left the Planning Commission discussion at 9:20 am.

Mrs. Dorough states the fence regulation needs to be addressed as it is lacking, which leaves the ordinance ineffective in reviewing fence permits.

Mrs. Dorough continued the discussion by bringing up the issue with the numerous requests to place a "tiny home" on a lot. There was much discussion as to whether it is considered a primary dwelling or an accessory structure. Mrs. Johnston stated to help regulate these, we could not allow the use of a bathroom.

Mrs. Dorough continues by stating that David Diehl has requested to remove the one year limitation for reapplication from the Administrative Subdivision section of the Subdivision Regulations.

Chairman Stewart asked if there were any other topics to discuss. Mrs. Dorough concluded the meeting by stating there are many other topics that warrant a discussion, but asked all Planning Commission members to read through the suggested changes made today, and to also make notes on anything that needs to be addressed for future Planning Commission meetings.

ITEM 6. Reports:

- A. Mayor/Council Report
 - None
- B. Attorney
 - None
- C. Commissioner
 - None
- D. Planning Staff
 - None

ITEM 8. With no further business Chairman Stewart adjourned the meeting at 9:32 am.

DONE THIS THE 13TH DAY of FEBRUARY 2020



Todd Stewart, Chairman

ATTEST:



Jessica Peed, Planning Assistant