

Town of Perdido Beach-Planning Commission Meeting
October 1, 2014 6:30 PM –Town Hall

The Planning Commission of the Town of the Perdido Beach held its regularly scheduled meeting at the Town Hall on October 1, 2014. Chairman Love called the Meeting to order at 6:32 PM.

Members Present: Chairman Steve Love; Commissioners: Mr. Tom Bloxham, Mr. Jim Brewer, Mr. John Dobbs, Mr. Gary Kiefer and Mrs. Lynn Thompson-Secretary.

Members Absent: Mayor Patsy Parker, Ms. Priscilla Condon and Mr. Bill McGrath

Others Present: Ms. Linda Lee-Baldwin County Planner, Mrs. Diane Burnett-SARPC and Members of the Town.

Pledge of Allegiance: Tom Bloxham **Invocation:** John Dobbs

Public Hearing:

Case No. PBTA-14002

Proposed Amendment to the *Town of Perdido Beach Land Use and Zoning Ordinance* Pertaining to Article XIII Design Standards –Waterfront Building Setbacks and Regulation of Construction of Bulkheads.
(Full Agenda Packet Attached)

Chairman Love opened the Public Hearing at 6:45 pm.

There was some discussion on (a) Waterfront Building Setbacks and a lengthy discussion on (b) Regulation of Construction of Bulkheads. The discussion lasted until 7:15 and included questions and comments from Members of the Public as well as Members of the Planning Commission; Ms. Linda Lee, Baldwin County Planning Department and Mrs. Diane Burnett, South Alabama Regional Planning commission (SARPC).

Hearing no further discussion Chairman Love closed the Public Hearing at 7:15 pm.

It was the consensus of the Planning Commission that no action be taken at that time.

ITEM: Motion by Mr. Kiefer, seconded by Mr. Dobbs to table the proposed amendments to the *Town of Perdido Beach Land Use and Zoning Ordinance* Pertaining to Article XIII Design Standards –Waterfront Building Setbacks and Regulation of Construction of Bulkheads until more information is available.

Discussion: Chairman Love will try to set a meeting with a member of the USACE-Regulatory Branch and also a representative from the Alabama Department of Environmental Management to gather more information before the next Commission Meeting scheduled for November 5, 2014.

Roll Call:
"ABSTAIN"

"YES"

"NO"

Mr. Bloxham
Mr. Dobbs
Chairman Love
Mr. Brewer
Mr. Kiefer
Mrs. Thompson

All in favor motion carried to table the proposed amendments until more information is available.

ITEM: Approve September 3, 2014 Regular Commission Meeting Minutes

Motion by Mr. Kiefer seconded by Mr. Brewer to approve the September 3, 2014 minutes.

No Discussion:

"YES"

Mr. Bloxham
Mr. Dobbs
Chairman Love
Mr. Brewer
Mr. Kiefer
Mrs. Thompson

Roll Call:

"ABSTAIN"

"NO"

Motion carried to approve the minutes as presented.

Public Comments: None

Guest Speakers: None

Officer's Reports:

Mayor's Report: None

Chairman's Report:

Chairman Love announced that his one year term as Chairman of the Planning Commission would end on December 9, 2014 and the he did not wish to serve as Chairman again and asked that if anyone on the Commission would like to serve as Chairman that he would be willing to help them in any way.

South Alabama Regional Planning Commission (SARPC) Report:

Hearing of Applications: None

New Business:

Unfinished Business:

Reschedule a Public Hearing on proposed amendment to the *Town of Perdido Beach Land Use and Zoning Ordinance* Pertaining to Article XIII Design Standards:

- Waterfront Building Setbacks
- Regulation of Construction of Bulkheads

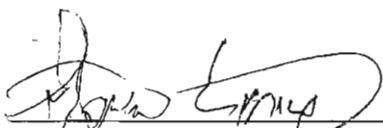
Next Planning Commission Meeting Dates:

Regular Meeting November 5, 2014, 6:30 pm, Town Hall

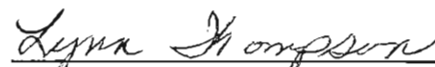
Motion to adjourn:

Motion by Mr. Dobbs, seconded by Mr. Bloxham to adjourn.
All in favor. Meeting adjourned at 7: 32 pm.

ATTEST:



Steve Love, Chairman



Lynn Thompson, Secretary



Town of Perdido Beach Planning Commission

Case No. PBTA-14002

Proposed Amendment to the
Town of Perdido Beach Land Use and Zoning Ordinance
Pertaining to Article XIII Design Standards,
October 1, 2014

Public Hearing: October 1, 2014 - Pending

Staff Report Prepared by: Linda Lee, Planner – Baldwin County

BACKGROUND:

In accordance with the Town of Perdido Beach Land Use and Zoning Ordinance, at the September 3, 2014 meeting the Planning Commission voted to hold a public hearing to allow for public input on proposed text amendments to Article XIII Design Standards of the Land Use and Zoning Ordinance.

The purpose of the proposed changes is to show the town's support of using alternate shoreline stabilization armor other than bulkheads.

Staff Analysis and Findings:

The following factors for reviewing amendments are found in Section 19A.3 of the *Town of Perdido Beach Land Use and Zoning Ordinance*.

- (a) Is the requested change compatible with the existing development pattern and the zoning of nearby properties?

Not applicable. The requests at hand are not tied to a specific piece of property.

- (b) Has there been a change in the conditions upon which the original zoning designation was based? Have land uses or conditions in the near vicinity affected by the proposed action changed since the zoning was established or last amended?

Not applicable.

- (c) Does the proposed zoning improve conformity of land use to the Town's Master Plan?

Not applicable.

- (d) Will the proposed change conflict with existing or planned public improvements?

Not applicable.

- (e) Will the proposed change adversely affect traffic patterns or congestion?

Not applicable.

- (f) Is the proposed amendment consistent with the development patterns in the area and appropriate for orderly development of the community? The cost of land or other economic considerations pertaining to the applicant shall not be a consideration in reviewing the request.

Not applicable.

- (g) Is the proposed amendment the logical expansion of adjacent zoning districts?

Not applicable.

- (h) Is the timing of the request appropriate given the development trends in the area?

Not applicable.

- (i) Will the proposed change adversely impact the environmental conditions of the vicinity or the desirable historic resources or nature of the Town?

Not applicable.

- (j) Will the proposed change adversely affect the health, safety or welfare of the Town?

Not applicable.

- (k) Other matters which may be appropriate.

STAFF RECOMMENDATION

Staff recommends that the proposed text amendments to Article XIII Design Standards be recommended for ***Approval with recommended changes***. Recommended changes are in bold print and underlined.

EXHIBIT A

Town of Perdido Beach Land Use and Zoning Ordinance

Proposed Amendments Pertaining to

Article XIII Design Standards

Section 13.3.2 and 13.9.3

Article XIII, Design Standards:

Section 13.3 Residential Docks, Piers and Related Structures

13.3.2 *Residential dwellings.* Boat docking facilities including docks, piers, boat slips, decks, boathouses and related structures shall be permitted as an accessory use to a residential dwelling provided no boat repair or services for compensation are rendered there from.

(a) *Number of piers.* A maximum of one (1) pier shall be permitted per lot.

(b) *Number of boat slips.* A maximum of three (3) boat slips shall be permitted per pier.

(c) *Number of boathouses and pier decks.* A maximum of one (1) boathouse and one (1) pier deck shall be permitted per pier.

(d) *Pier deck area.* The sum of the area of a boathouse and pier deck shall not exceed 1,600 square feet per pier. Pier decks and boathouses shall be a maximum of forty (40) feet in length and forty (40) feet in width and may be screened. Pier decks and boathouses may be covered with a roof having a maximum dimension of forty (40) feet in length and forty (40) feet in width and a maximum height of twenty (20) feet above mean high water. The maximum area enclosed with walls shall not exceed one hundred (100) square feet. Access to sun decks shall be within the confines of the pier deck.

(e) Shoreline stabilization activities are addressed specifically in the Alabama Department of Environmental Management Coastal Area Management Program Administrative Code rule 335-8-2-.06, "Shoreline Stabilization and Erosion Mitigation." The rule seems to anticipate that most people will seek to use hard structures for these projects, as it refers to "bulkheads, the placement of rip-rap, and other structural shoreline armament." However, the rule encourages the use of soft approaches by denying a permit for a hard structure if a "non-structural alternative" is available.

"To the maximum extent possible, shoreline stabilization should be accomplished by the establishment of appropriate native wetland vegetation. Rip-rap materials, pervious interlocking brick systems, filter mats, and other similar stabilization methods should be utilized in lieu of vertical seawalls wherever feasible."

Applications should be reviewed by Corp of Engineers or Alabama Department of Environmental Management for the best possible solution for each situation to ensure BMP are followed.

Section 13.9 Erosion Control

13.9.3 *General Design Principles.* The following principles apply to all land disturbing activities within the jurisdiction of the Town of Perdido Beach and should be considered when preparing construction plans and/or submissions required under this ordinance:

(a) To minimize the potential for soil erosion, development should fit the topography and soils of the site. Areas with extreme slopes where cuts and fill would be required should be avoided.

(b) Natural vegetation should be maintained and protected wherever and whenever possible. **Areas in the 30' building setback immediately** adjacent to watercourses, wetlands and lakes should be left undisturbed wherever possible. *The vegetation in the 30' setback may remove the majority of sediment and nutrients, keeping them from entering local waters. Larger setbacks will remove a greater amount of pollutants more consistently if a property owner chooses to do so.*

(c) All construction activities on a site should be conducted in a logical sequence so that the smallest practical area of land will be exposed for the shortest practical period of time during development.

(d) Sediment basins, silt traps and filters should be installed prior to the beginning of construction to remove as much sediment as possible from runoff leaving the site or entering watercourses, wetlands, lakes or reservoirs.

(e) The selection of soil erosion and sedimentation control measures should be based on the size of the project, the frequency of climatic events likely to accelerate erosion, the season during which the project is being constructed, and the potential for damage should erosion and sedimentation occur.

(f) In the design of erosion and sedimentation control measures the requirements for proper maintenance will be considered.

(g) Provision should be made to accommodate the increased runoff caused by altered surface and soil conditions both during and after land disturbance activity. Drainage ways should be designed so that their final gradients and resultant velocities will not cause erosion.

(h) Provision should be made for the proper transport of soil from the site without tracking or spilling soil along the transport route.

(i) Permanent vegetation and erosion control structures should be installed and temporary structures removed prior to the issuance of final Certificate of Occupancy.

(j) Any land disturbance activity which takes place in a right-of-way will require approval from the governing agency with authority over such right-of-way.

Referenced Rule

335-8-2-.06 Shoreline Stabilization And Erosion Mitigation.

(1) Bulkheads, the placement of rip-rap, and other structural shoreline armament shall not be permitted or certified to be in compliance with the ACAMP unless it is demonstrated to the satisfaction of the Department that:

(a) no fill material will be placed in wetlands or submersed grassbeds unless specifically authorized pursuant to 335-8-2-.02;

(b) the structure will be placed at or above mean high tide and landward of any wetlands;

(c) the structure will be designed so as to allow the normal hydrologic regime to be maintained in wetland areas; and

(d) there are no feasible non-structural alternatives available including, but not limited to, preservation and

restoration of dunes, beaches, wetlands, submersed grassbeds, and shoreline restoration and nourishment and retreat or abandonment.

(2) Jetties, groins, breakwaters and like structures may be permitted or certified to be in compliance with the ACAMP provided it is demonstrated to the satisfaction of the Department that:

(a) they are necessary to protect an existing navigational channel or a use of regional benefit;

(b) there are no other feasible non-structural alternatives; and

(c) there are no significant impacts to adjacent shorelines.

Author: John C. Carlton

Statutory Authority: Code of Ala. 1975, §§9-7-16, 22-22A-5, 22-22A-6, 22-22A-8.

History: New Rule: Filed May 26, 1994; Effective June 30, 1994.

Amended: Filed March 22, 1995; effective April 26, 1995.