



ORDINANCE 2018-02 DETERMINATION OF THE TOWN COUNCIL OF PERDIDO BEACH, ALABAMA, REGARDING PROPOSED ZONING TEXT AMENDMENTS, SUCH DETERMINATION AS AUTHORIZED PURSUANT TO TITLE 11, SUBTITLE 2, CHAPTER 52, ARTICLE 4, SECTION 11-52-70 CODE OF ALABAMA, 1975, AS AMENDED.

WHEREAS, Land Use and Zoning text amendments may be necessary to further the Town's land use policies and to keep pace with current development trends and to address regulatory language pertaining to the Town of Perdido Beach Land Use and Zoning Ordinance; and

WHEREAS, an amendment to the Land Use and Zoning Ordinance may be initiated:

- (a) by a motion of the town Council, or
- (b) by a motion of the Planning Commission; and

WHEREAS, the Perdido Beach Planning Commission held a public hearing on April 4, 2018 to hear input for or against the proposed text amendments and also continued that public hearing on May 2, 2018 to hear additional public comments; and

WHEREAS, the Planning Commission voted to deny the proposed text amendments to the Perdido Beach Land Use and Zoning Ordinance; and

WHEREAS, the Town Council of the Town of Perdido Beach, Alabama held a public hearing on May 24, 2018 wherein testimony was offered and considered; and

WHEREAS, the requirements of Title 11, Subtitle 2, Chapter 52, Article 4, Section 11-52-70 and Section 11-52-77 Code of Alabama 1975, as amended, regarding procedures to amend the Perdido Beach Land Use and Zoning Ordinance have been met.

Article VI, Section 6.1.5

Change minimum lot size from 3 acres to 1 acre.

Article XIX, Section 19A.11.1

Amend the time requirement for rezoning from one year to six months>

Article XXIII, Section 23.2

Permitted Uses

In the table of Permitted Uses under "OR", Outdoor Recreation, Park, playground, public park, public pier, boat launch and other, change use from "C" conditional use to "P" permitted use.

EXHIBIT A

**Article VI, Section 6.1.5
Section 6.1 OR-Outdoor Recreation District**

- 6.1.1 *Generally.* This zoning district is intended to provide for outdoor recreation activities.
(Defined in Article XXII)
- 6.1.2 *Permitted uses.* The uses and structures identified with a “P” on the Table of Permitted Uses attached to this ordinance.
- 6.1.3 *Conditional use.* The uses and structures identified with a “C” on the Table of Permitted Uses attached to this ordinance.
- 6.1.4 *Special exception.* The uses and structures identified with an “S” on the Table of Permitted Uses attached to this ordinance.
- 6.1.5 *Area and dimensional values.* In addition to the requirements of *Article XII General Requirements* and except as allowed by *Section 18.6 Variances*, and *Article XX Nonconformities*, the area and dimensional values set forth below shall be observed.

Maximum Building Height of Structure in Feet	34.75
Maximum Height of Structure in Habitable Stories	2
Minimum Front Yard Set Back	40-Feet
Minimum Rear Yard Set Back	40-Feet
Minimum Side Yards Set Back	20-Feet
Minimum Lot Area	1 Acre
Maximum Impervious Surface Ratio	30%
Minimum Lot Width at Street Line	No Minimum



EXHIBIT B

**Article XIX, Section 19A.11.1
Limitations on Rezoning of Land**

Section 19A.11 Limitations on Rezoning of Land

19A.11.1 Whenever the Town Council has amended the zoning map and changed a zoning classification of land, another application shall not then be considered for rezoning of any part or all of the same land for a period of **six (6) months** from the effective date of such amendment.

Article XXIII, Sections 23.2 Permitted Uses.

In the table of permitted uses under “OR”- Outdoor Recreation Park, playground, public park, public pier boat launch and other, change use from “C” conditional use to “P” permitted use.

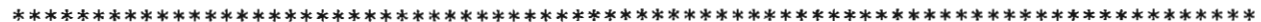


EXHIBIT C

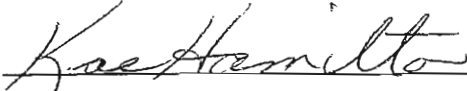
Article XXIII, Section 23.2 Table of Permitted Uses

RA CR ER R1 R2 B1 MR OR I

OUTDOOR RECREATION USES										
Ball fields										C
Conservation easement	P	P	P							
Golf course										C
Park, playground, public park, public pier, public boat launch and other outdoor recreational uses.(see definition)										P
Riding academy										C
Swimming pool (outdoor)										C
Tennis court (outdoor)										C
Wildlife sanctuary	C	C	C							C


NOW THEREFORE, BE IT ORDAINED, BY THE TOWN COUNCIL OF PERDIDO BEACH, ALABAMA, IN REGULAR SESSION ASSEMBLED that the text amendments found in Article VI, Section 6.1.5, Article XIX, Section 19A.11.1. and Article XXIII, Sections 23.2 Permitted Uses are amended.

DONE, Under the Seal of the Town of Perdido Beach, Alabama, on this the **24th day of May, 2018**



 Honorable Kae Hamilton, Mayor

Attest:




 Lynn Thompson, Town Clerk

CERTIFICATE OF PUBLICATION:

This is to certify that Ordinance 2018__, Town of Perdido Beach, Alabama, was published by posting on at least three (3) Bulletin Boards in the Town from **May 25, 2018** to **June 25, 2018**.

- 1) Town Hall
- 2) Perdido Beach VFD
- 3) Perdido Beach Baptist Church
- 4) St. Andrews by the Sea Church



Lynn Thompson, town Clerk



Town of Perdido Beach Town Council

Case No. PBTA-18001

Proposed Amendment to the

Town of Perdido Beach Land Use and Zoning Ordinance

- 1. Pertaining to Article VI, Section 6.1.5**
Change minimum lot size from 3 acres to 1 acre.
- 2. Article XIX, Section 19A.11.1.**
Amend the time requirement for rezoning from one year to 6 months.
- 3. Article XXIII, Sections 23.2 Permitted Uses.**
In the table of permitted uses under "OR"- Outdoor Recreation Park, playground, public park, public pier boat launch and other, change use from "C" conditional use to "P" permitted use.

**May 24, 2018
Town Hall-6:30 pm**

Public Hearing: May 24, 2018– Pending

Report Prepared by: Lynn Thompson, Town Clerk

Presented by: Diane Burnett-Community Development Director
South Alabama Regional Planning Commission

BACKGROUND:

In accordance with the Town of Perdido Beach Land Use and Zoning Ordinance, at the March 15, 2018 council meeting the Town Council voted unanimously to recommend the Planning Commission hold a public hearing to allow for input on proposed text amendments to the Town of Perdido Beach Land Use and Zoning Ordinance as they pertain to the following articles: Planning Commission denied approval of the proposed text amendments at its Public Hearing on May 5, 2018.

Article VI, Section 6.1.5

Change minimum lot size from 3 acres to 1 acre.

Article XIX, Section 19A.11.1.

Amend the time requirement for rezoning from one year to 6 months.

Article XXIII, Sections 23.2 Permitted Uses.

In the table of permitted uses under "OR"- Outdoor Recreation Park, playground, public park, public pier boat launch and other, change use from "C" conditional use to "P" permitted use.

The purpose of the proposed changes is to clarify some definitions and correct some discrepancies in the Zoning Ordinance.

Town Council 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?

Yes, all but one "OR" (Outdoor Recreation) designated property in Town does not meet the "OR" size requirements. The proposed requests are for clarification and correction of some discrepancies between the definitions and table of permitted uses. 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?

"No", explained in (a).

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

Not applicable. This is not a rezoning

- (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.

RECOMMENDATION:

Town Council recommends that the *proposed text amendments to Article VI, Section 6.1.5, Article XIX, Section 19A.11.1, and Article XXIII, Sections 23.2 Permitted Uses* be **Approved**

Town of Perdido Beach Land Use and Zoning Ordinance
Proposed Amendments Pertaining to

Article VI, Section 6.1.5

EXHIBIT A

Article VI Recreation Districts

Section 6.1 OR - Outdoor Recreation District

- 6.1.1 *Generally.* This zoning district is intended to provide for outdoor recreation activities.
(Defined in Article XXII)
- 6.1.2 *Permitted uses.* The uses and structures identified with a “P” on the Table of Permitted Uses attached to this ordinance.
- 6.1.3 *Conditional use.* The uses and structures identified with a “C” on the Table of Permitted Uses attached to this ordinance.
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Maximum Impervious Surface Ratio	30%
Minimum Lot Width at Street Line	No Minimum

Article XIX, Section 9A.11.1

EXHIBIT B

Section 19A.11 Limitations on Rezoning of Land

19A.11.1 Whenever the Town Council has amended the zoning map and changed a zoning classification of land, another application shall not then be considered for rezoning of any part or all of the same land for a period of **six (6) months** from the effective date of such amendment.

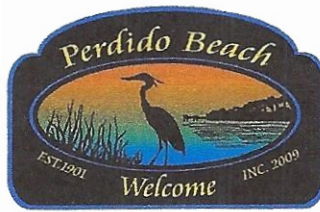
EXHIBIT C

Article XXIII Table of Permitted Uses, Section 23.2

Article XXIII, Section 23.2 Table of Permitted Uses

RA CR ER R1 R2 B1 MR OR I

OUTDOOR RECREATION USES										
Ball fields									C	
Conservation easement	P	P	P							
Golf course									C	
Park, playground, public park, public pier, public boat launch and other outdoor recreational uses.(see definition)									P	
Riding academy									C	
Swimming pool (outdoor)									C	
Tennis court (outdoor)									C	
Wildlife sanctuary	C	C	C						C	



TOWN OF PERDIDO BEACH PLANNING & ZONING COMMISSION

NOTICE OF ACTION TAKEN

MEETING DATE: May 2, 2018

CASE NO.: PBTA-18002

APPLICANT: Mayor Kae Hamilton on behalf of Town of Perdido Beach
9212 County Road 97
Perdido Beach, AL 36530

REQUEST:

Proposed Amendments to the *Town of Perdido Beach Land Use and Zoning Ordinance*.

1. **Article VI, Section 6.1.5**
 - Change minimum lot size from 3 acres to 1 acre.
2. **Article XIX, Section 19A.11.1**
 - Amend the time requirement for rezoning from 1 year to 6 months.
3. **Article XXIII, Section 23.2 Permitted Uses**
 - In the Table of Permitted Uses, under "OR" Park, playground, public park, public pier boat launch, and other outdoor recreational uses. (see definition)
 - Change the use from "C" (Conditional Use) to "P" (Permitted Use).

ACTION TAKEN: Recommend Denial

Chris Head, Chair-Planning Commission

May 3, 2018