

Town of Perdido Beach-Planning Commission Meeting
May 7, 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, May 7, 2014. Chairman Love called the Meeting to order at 6:30 PM.

Members present: Chairman Steve Love, Mayor Patsy Parker, Commissioners: Mr. Tom Bloxham, Mr. Bill McGrath, Mr. John Dobbs, Ms. Priscilla Condon, Mr. Gary Kiefer and Mrs. Lynn Thompson-Secretary.

Members Absent: Mrs. Freda Fleming

Others Present: Mrs. Diane Burnett-SARPC and Members of the Town

Invocation: Mayor Patsy Parker **Pledge of Allegiance:** Mr. Tom Bloxham

ITEM: Approve April Minutes

Motion by Mrs. Condon seconded by Mr. Dobbs to approve the April 2, 2014 minutes presented.

No Discussion:

Roll Call:

“YES”

“ABSTAIN”

“NO”

Mr. Bloxham

Mr. McGrath

Mr. Dobbs

Chairman Love

Mayor Parker

Mrs. Condon

Mr. Kiefer

Mrs. Thompson

All in favor, motion carried.

Public Comments:

Councilman Gary Fishbein commented on the Comprehensive Plan as it relates to “privacy issues” and the physical development of the Town.

Mr. Tom Cunningham-Town resident also commented on the Comprehensive Plan.

Mr. Myrlin Rohan-Town resident also commented on the Comprehensive Plan.

Guest Speakers: None

Officer’s Reports:

Mayor’s Report: Mayor Parker shared with the members of the Planning Commission *Attorney General opinion 2002-309-Honorable Bill Pryor*. (Town of Killen, Alabama-August 7, 2002).

Question 1, “What is the difference between a comprehensive plan and a master plan? Can either plan be used for the determination of developmental decisions?”

Question 2, “What is the adoption procedure for the master plan or the comprehensive plan as required by both the planning commission and municipal council” (Copies of the Attorney General Opinion Attached)

Chairman’s Report: None

SARPC Report: None

Hearing of Applications: None

New Business:

ITEM: Discussed recommendations in the Comprehensive Plan based on the priority guidelines on Page 1-*Plan Implementation* of the Plan, in order to make recommendations to the Town Council prior to planning the 2014-2015 Budget. (List of Recommendations Discussed Attached)

Unfinished Business:

ITEM: *Items Tabled on the April 2, 2014 Planning Commission Agenda*

ITEM 1: Agenda Item April 2, 2104:

Discussion Waterfront Buffer Zones

Discussion, No Action Taken at April 2, 2014 meeting.

ITEM 2: Agenda Item April 2, 2014:

Discuss a recommendation to the Town Council for proposed change to the Land Use and Zoning Ordinance Article XXII Definitions. Proposed Change (Add definition for "Comprehensive Plan" and/or clarify definition of "Master Plan")

Discussion, No Action Taken at April 2, 2014 meeting.

ITEM 3: Agenda Item April 2, 2014:

Discuss setbacks related to accessory structures and accessory dwellings.

Discussion, No Action Taken at April 2, 2014 meeting.

Motion by Mr. Bloxham, seconded by Mr. Dobbs to add **(ITEMS 1, 2, and 3)** back to the June 4, 2014 Planning Commission agenda.

Roll Call:

"YES"

"ABSTAIN"

"NO"

Mr. Bloxham

Mr. McGrath

Mr. Dobbs

Chairman Love

Mayor Parker

Mrs. Condon

Mr. Kiefer

Mrs. Thompson

All in favor, motion carried.

Announcements:

Next Planning Commission Meeting Dates:

Regular Meeting June 4, 2014- 6:30 pm, Town Hall

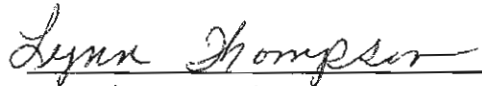
Motion to adjourn:

Motion by Mrs. Condon, seconded by Mr. Bloxham to adjourn.

All in favor. Meeting adjourned at 8:27 pm.

ATTEST:


Steve Love, Chairman


Lynn Thompson, Secretary



2002-309

STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL

BILL PRYOR
ATTORNEY GENERAL

ALABAMA STATE HOUSE
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MONTGOMERY, AL 36130
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August 7, 2002

Honorable Harold Newell
Mayor, Town of Killen
Post Office Box 27
Killen, AL 35645

Planning Commission – Zoning –
Municipalities – Lauderdale County

A planning commission has the authority
to make and adopt a “master plan.”

A “master plan” shall be used to advise
the governing body in the determination
of developmental decisions.

State law prescribes the procedure for a
planning commission to adopt a “master
plan.”

Dear Mayor Newell:

This opinion of the Attorney General is issued in response to your
request on behalf of the Town of Killen.

QUESTION 1

What is the difference between a com-
prehensive plan and a master plan? Can either
plan be used for the determination of devel-
opmental decisions?

FACTS AND ANALYSIS

The terms “master plan” and “comprehensive plan” are not specifi-
cally defined by the Code of Alabama. These terms are discussed in title

11 of chapter 52 of the Code. Section 11-52-8 of the Code of Alabama provides that the adoption of a "master plan" shall be by a planning commission. "It shall be the function and duty of the commission to make and adopt a master plan for the physical development of the municipality. . . ." ALA. CODE § 11-52-8 (1994). This section also describes the contents of such a plan:

Such plan, with the accompanying maps, plats, charts and descriptive matter shall show the commission's recommendations for the development of said territory, including, among other things, the general location, character and extent of streets, viaducts, subways, bridges, waterways, waterfronts, boulevards, parkways, playgrounds, squares, parks, aviation fields and other public ways, grounds and open spaces, the general location of public buildings and terminals, whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power and other purposes, the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any of the foregoing ways, grounds, open spaces, buildings, property, utilities or terminals; as well as a zoning plan for the control of the height, area, bulk, location, and use of buildings and premises.

Id. The term "comprehensive plan" is located in title 11 of article four of chapter 52 entitled "Zoning." Section 11-52-72 of the Code of Alabama states, "[s]uch regulations shall be made in accordance with a comprehensive plan. . . ." ALA. CODE § 11-52-72 (1994). The Alabama Supreme Court has defined a comprehensive plan as "[t]he entire collection of zoning maps, zoning ordinances, and master plans or guidelines constitutes the basis for a comprehensive zoning plan of a municipality. . . ." *COME v. Chancy*, 289 Ala. 555, 563, 269 So.2d 88, 95 (Ala. 1972). The difference between the two plans is that the "master plan" must be specifically adopted by the particular planning commission, whereas the comprehensive plan is a compilation of all the documents and plans that affect the future planning of the region, county, or municipality. Municipal planning commissions are only required, by statute, to adopt a "master plan."

Section 11-52-9 of the Code of Alabama identifies a master plan's purpose as:

The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare as well as efficiency and economy in the process of development. . . .

ALA. CODE § 11-52-9 (1994). This section establishes the right of a municipality to utilize its "master plan" in its present and future development. Accordingly, it is the opinion of this Office that a planning commission has the authority to make and adopt a "master plan" under section 11-52-8 of the Code of Alabama, and such a plan, statutorily, shall be used to advise the governing body in the determination of developmental decisions.

CONCLUSION

A planning commission has the express authority to make and adopt a "master plan" under section 11-52-8 of the Code of Alabama, and such a plan, under section 11-52-9 of the Code of Alabama, shall be used to advise the governing body in the determination of developmental decisions.

QUESTION 2

What is the adoption procedure for the master plan or the comprehensive plan as required by both the planning commission and the municipal council?

FACTS AND ANALYSIS

As stated above, section 11-52-8 of the Code of Alabama gives the sole authority for the adoption of a "master plan" to the planning commission. The procedure for this adoption process is explained in section 11-52-10 of the Code of Alabama:

The commission may adopt the plan as a whole by a single resolution or may by successive resolutions adopt successive parts of the plan, said parts corresponding with major geographical sections or divisions of the municipality or with functional subdivisions of the subject matter of the plan and may adopt any amendment or extension thereof or addition thereto.

Before the adoption of the plan or any such part, amendment, extension or addition, the commission shall hold at least one public hearing thereon, notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the municipality and in the official gazette, if any, of the municipality; provided, that the planning commission may dispense with such public hearing prior to the approval or disapproval of a plan when the municipal governing body to whom the plan will be submitted will be required to hold a public hearing, and give notice thereof before the plan can be adopted by such municipality.

The adoption of the plan or of any such part or amendment or extension or addition shall be by resolution of the commission carried by the affirmative votes of not less than six members of the commission or, in any city having a 16-member planning commission as provided in subsection (a) of Section 11-52-3, by the affirmative votes of not less than 12 members of the commission. The resolution shall refer expressly to the maps and descriptive and other matters intended by the commission to form the whole or part of

the plan, and the action taken shall be recorded on the map and plan and descriptive matter by the identifying signature of the chairman or secretary of the commission. An attested copy of the plan or part thereof shall be certified to the governing body and to the county probate judge.

ALA. CODE § 11-52-10 (1994). This section clearly establishes the procedure a planning commission must undertake to adopt a "master plan." Accordingly, it is the opinion of this Office that the planning commission has the duty to adopt a "master plan," and section 11-52-10 of the Code of Alabama governs the procedure for the process of adoption.

CONCLUSION

The planning commission has the duty to adopt a "master plan," and section 11-52-10 of the Code of Alabama governs the procedure for the process of adoption.

I hope this opinion answers your questions. If this Office can be of further assistance, please contact Troy King of my staff.

Sincerely,

BILL PRYOR
Attorney General
By:



CAROL JEAN SMITH
Chief, Opinions Division

It shall be the responsibility of the Planning Commission to assign a priority to each recommendation found in THE COMPREHENSIVE PLAN.

The priority guidelines are below:

Priority 1: Short-term projects, 2013 - 2015, are projects which are needed to remedy conditions dangerous to the health, safety and welfare of the public. Projects in this category generally benefit the entire community. Included here are projects which are already beyond the detailed planning stage and to which funds have been pledged, or those which possibly and realistically can be funded during the time frame indicated.

THE PLANNING COMMISSION DISCUSSED THE FOLLOWING SHORT TERM PROJECTS AT THE MAY 7, 2014 REGULAR PLANNING COMMISSION MEETING.

Recommendations: Page 17

1. Obtain Alabama Outstanding Water designation for all appropriate waterways.
 - Request available water quality data from federal and state agencies including any trend station data obtained by the Alabama Department of Environmental Management.
 - Establish a volunteer water monitoring program in partnership with the Wolf Bay Watershed Watch and/or Alabama Water Watch. Obtain and review any data from existing monitoring sites within or upstream of the planning jurisdiction.
 - Conference with Alabama Department of Environmental Management personnel to establish an appropriate course of action to achieve desired water quality designation.
2. Continue to require a 30 foot buffer for all wetlands
3. Encourage only native vegetation in wetland buffers and riparian zones/ area buffers
4. Allow only limited use of red clay as fill material for new construction. Provide incentives for other fill materials, such as, reduced building permit fees. Create educational material for consumers and material providers identifying recommended fill material and potential harm to bay and stream health and recreational use caused by red clay. (Already in Place) Ordinance 2014-01
6. Adopt an ordinance approving the use within the planning jurisdiction of low impact development practices as established in the Alabama Low Impact Development Guidebook (2013). (Develop Pamphlet)
7. Support the use of Living Shorelines techniques for shoreline protection in accordance with the US Army Corp of Engineers General Permit for Alabama, ALG10-2011. Recommend the use of Living Shorelines techniques where practicable for protection of any waterfront owned by the Town of Perdido Beach. (Support through use of educational materials)
8. Conduct watersheds studies where appropriate to determine the need for additional regulations or ordinances to protect water quality.
9. Conduct sedimentation study on waterways within the planning jurisdiction to determine if degradation of water quality in local streams is being caused by erosion within or upstream of the planning jurisdiction. Recommended partner is Geological Survey of Alabama

10. Conduct periodic review of local codes and ordinances for Watershed Protection .

Recommendations: Page 18

12. Develop Memorandum of Agreements/Memorandum of Understandings (MOA's/ MOU's) with the Baldwin County Commission to use or convey rights-of-way for public access sites adjacent to the Town.

13. Create educational materials for use within the limits of the Town that identify regulatory agencies and their roles and responsibilities in overseeing water quality, shoreline usage, state-owned water bottoms and wetlands. Recommended partners are US Army Corp of Engineers, ADEM, ADCNR State Lands Division, SARPC and Weeks Bay Reserve.

14. Create a training program for Town staff and appointed volunteer board members through the Weeks Bay Reserve Training Program, which offers training on regulatory and compliance basics.

15. Routinely complete the Coastal Resilience Index Community Assessment to update progress and identify new challenges.

16. Coordinate with Baldwin County EMA to develop a hazard mitigation schedule and seek funding from the Hazard Mitigation Grant Program for the plan.

Recommendations: Page 30

2. Amend Subdivision Regulations and Land Use and Zoning Ordinance to ensure healthy growth that will complement and benefit the Town and citizens of Perdido Beach.

3. Review and amend density and lot area criteria for planning jurisdiction if appropriate.

Recommendations: Page 34

1. Amend Zoning Ordinance:

To identify appropriate residential density requirements ensuring that new developments provide appropriate open space to maintain the rural nature of the Town.

Include opportunities for Pocket Neighborhoods, which are by definition: A housing option that generally consists of a dozen or so single family houses that share common or green space. See *Figure 13* for an illustration.

Objectives: Page 35

9. Incorporate "Traffic Calming" techniques

Recommendations: Page 44

2. Coordinate with Baldwin County and State of Alabama to provide a west bound turn lane on CR 97 at the intersection of County Road 97 and U.S. Highway 98.

3. Coordinate with Baldwin County and State of Alabama to construct a turning lane on U.S. Highway 98 at the CR 97 intersection to avoid traffic congestion during peak commuter times.

4. Coordinate with Baldwin County and Alabama Department of Transportation (ALDOT) to construct an acceleration lane on the south side of U.S. Highway 98, east of CR 97 to aid drivers merging on to U.S. Highway 98.

11. Evaluate traffic impacts for all future developments.

Recommendations: Page 59

1. Ensure that there is sufficient police protection and schedule routine police patrols.
2. Initiate a contract with Baldwin County to Perdido Beach for exclusive police service.
3. Implement a "Community Watch" program and install signage for the program.
4. Provide office space to the Baldwin County Sheriff's Office and display the official seal to create a visual presence of adequate police protection.
5. Research new septic tank installation technology that is not intrusive to the natural environment to ensure proper protection of the water quality.
6. Create a franchise fee agreement for sewer services to protect the citizens of the Town from unregulated utility charges, including rate ceiling.
8. Work with engineers to identify future needs for drainage and create a long-range master drainage plan.
9. Require all citizens to have an account with a Solid Waste Company to eliminate the threat of dumping.
10. Purchase necessary equipment for the public works department

Recommendations: Page 60

20. Research funding opportunities from the Coastal Impact Assistance Program (CIAP) and the Gulf of Mexico Energy Security Act (GoMESA), which award funds for conservation, protection and preservation of the Town's distinct coastal assets.
22. Seek funding from Coastal Zone Management grants to construct small scale public boat launches.
23. Define buffer areas by planting natural borders such as native vegetation that will withstand storm events and sustain the elements
25. Support current festivals and provide seasonal festivals such as wooden boat festivals, arts and crafts fairs and Fourth of July celebrations for the Town's residents.

Recommendations: Page 67

1. Purchase property to enlarge existing public beach.
2. Purchase or secure property for additional water access points
7. Revise the Zoning Ordinance and Subdivision Regulations as necessary to accomplish the desired Development plans and future goals of the Town of Perdido Beach.