

Town of Perdido Beach-Planning Commission Meeting  
July 2, 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-June 4, 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. John Dobbs, Mrs. Priscilla Condon, Mr. Bill McGrath, Mr. Gary Kiefer and Mrs. Lynn Thompson-Secretary.

**Members Absent:** Mrs. Freda Fleming

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

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

Chairman Love suspended the regular meeting to hold the Public Hearings.

A PUBLIC HEARING was held before the regular meeting to give interested persons the opportunity to make comments in favor of or against the proposed name change of the Comprehensive Plan 2030.

Chairman Love opened the floor to public comments: Four persons signed up to speak.

Mr. Andrew Stewart, Mr. Bob Gross, Mr. Tom Cunningham. Mr. Reagan stated he would hold his comments until the regular comments period.

Hearing no further public comments Chairman Love closed the public comment period at 7:10 pm.

Members of the Planning Commission were given an opportunity to make comments.

Commissioner McGrath, Mr. Dobbs, Mr. Kiefer and Mayor Parker spoke and Chairman Love made comments as a *member of the public*.

Discussion included the process for changing sections of the Master Plan and researching the possibility of the Planning Commission conducting a Town survey to determine the desires of the residents.

Hearing no further comments from the Planning Commission members Chairman Love closed the comment period and asked for a motion to change the name of the Comprehensive Plan.

**ITEM:** Change name of *Comprehensive Plan 2030*.

Motion by Ms. Condon seconded by Mr. Dobbs to change the name of the Town of Perdido Beach Comprehensive Plan 2030 to Master Plan 2030 and to change all internal references to the Comprehensive Plan to "read" Master Plan.

No further discussion:

Roll Call:

"YES"

"ABSTAIN"

"NO"

Mr. Bloxham

Mr. McGrath

Mr. Dobbs

Chairman Love

Mayor Parker

Ms. Condon

Mr. Kiefer

Mrs. Thompson

All in favor, motion carried unanimously.

Chairman Love opened the Public Hearing to hear comments in favor of or against the proposed text amendments to the Town of Perdido Beach Land Use and Zoning Ordinance.

Jerry Reagan made comments as they relate to accessory dwellings on lots.  
Mr. Bob Gross made comments on identifying Bay Avenue  
Al Thompson made comments on lot sizes in various zoning districts.

Chairman Love closed Public comments and asked for comments from the Planning Commission Members. There were no comments or questions from the Planning Members. Since there were no further comments Chairman Love requested that all the text amendments be considered together in one motion instead of considering each amendment separately.

Staff recommendations are as follows:

## **STAFF RECOMMENDATION**

Staff recommends that the proposed text amendments to Article XIII Design Standards, Article XVI Sign Requirements, Article XXII Definitions and Article XXIII Table of Permitted Uses be recommended for **Approval**.

### **EXHIBIT A**

#### **Town of Perdido Beach Land Use and Zoning Ordinance Proposed Amendments Pertaining to Article XIII Design Standards Article XVI Sign Requirements Article XXII Definitions and Article XXIII Table of Permitted Uses**

### **Article XIII, Section 13.1.2 Design Standards:**

13.1.2 *Residential districts*. In residential districts an accessory use, *accessory dwelling* or structure will conform to the following requirements:

- (a) An accessory structure may be located in a rear or side yard but shall not be closer than five (5) feet to any side or rear lot line; provided, however that such structure may not encroach on a required Emergency Vehicle Access Way.
- (b) An accessory structure may not be located in the front yard of a lot, except that on waterfront lots accessory structures may be located between the principal building and the waterfront property line but not within the required front yard setback.
- (c) An accessory structure may not exceed the height limit for the district in which it is located and may not occupy more than thirty (30%) percent of the rear yard.
- (d) No accessory structure, other than a pier and boathouse, may be located on a lot by itself.

*(e) Accessory dwellings will meet required yard setbacks.*

### **Article XVI Sign Requirements**

#### **Section 16.10 Sign illumination**

Illumination should be external and mounted on the ground. However, the Planning Commission upon finding that sign illumination is in keeping with the character of the community and in conformance with the overall goals and objectives of the *Comprehensive Plan Master Plan* may approve alternative illumination methods upon an application.

### **Article XXII, Section 22.2 Definitions:**

*Comprehensive Plan: The entire collection of zoning maps, zoning ordinances, and master plans or guidelines constitutes the basis for the comprehensive plan of the Town of Perdido Beach.*

*Master plan: The master plan, for the physical development of the corporate areas of the Town of Perdido Beach as adopted by the Perdido Beach Town Council.*

*"Master Plan: the master plan for the physical development of the corporate areas of the Town of Perdido Beach, including any areas of the Extra Territorial Jurisdiction of the Town of Perdido Beach, as adopted by the Perdido Beach Planning Commission pursuant to section 11.52.8 Code of Alabama 1979."*

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## Article XXIII Table of Permitted Uses

### RESIDENTIAL USES

**Figure 1: Table of Permitted Uses**

	RA	CR	E-R	R-1	R-2	B-1	B-2	MR	OR	I
<b>RESIDENTIAL USES</b>										
Accessory Dwelling One Unit Per Lot	P		C	C	C					
Accessory structures and uses	P	P	P	P	P	P	P	P	P	P
Boarding, rooming or lodging house, dormitory						P	P			P
Mobile home										
Manufactured Homes	P		P	P	P					
Modular Homes	P	P	P	P	P					
Multiple family dwellings										

Chairman Love closed public hearing and unsuspended the regular meeting.

Continued Regular meeting on agenda item #4 - June 4, 2014 Minutes

**ITEM:** Approve June 4, 2014 Minutes

Motion by Mrs. Condon seconded by Mr. Bloxham to approve the June 4, 2014 minutes.

**Roll Call:**

"YES"

"ABSTAIN"

"NO"

Mr. Bloxham  
Mr. McGrath  
Mr. Dobbs  
Chairman Love  
Mayor Parker  
Ms. Condon

Mr. Kiefer

Mrs. Thompson  
Motion carried to approve the minutes as presented

**Public Comments:** Bob Gross, Al Thompson

**Guest Speakers:** None

**Officer's Reports:**

**Mayor's Report:** Mayor Parker appointed Jim Brewer-Town Resident to the Town of Perdido Beach Planning Commission. **(Written Report Attached)**

**Chairman's Report:** None

**(SARPC) Report:** None (South Alabama Regional Planning Commission Representative-(SARPC))

**Hearing of Applications:** None

**New Business:** None

**Unfinished Business:**

- a. Regulation of construction of bulkheads
- b. "Waterfront Buffer Zone"

**ITEM:** Motion by Ms. Condon, seconded by Mr. Kiefer to approve the staff recommendations to approve the text amendments to the Town of Perdido Beach Land Use and Zoning Ordinance.

No discussion:

**Roll Call:**

"YES"

"ABSTAIN"

"NO"

Mr. Bloxham

Mr. McGrath

Mr. Dobbs

Chairman Love

Mayor Parker

Ms. Condon

Mr. Kiefer

Mrs. Thompson

Motion carried unanimously to approve the proposed text amendments.

**ITEM:** Motion to recommend to the Town Council that they approve the text amendments to the Town of Perdido Beach Land Use and Zoning Ordinance as presented by the Planning Commission.

**Roll Call:**

"YES"

"ABSTAIN"

"NO"

Mr. Bloxham

Mr. McGrath

Mr. Dobbs

Chairman Love

Mayor Parker

Ms. Condon

Mr. Kiefer

Mrs. Thompson

All in favor, motion carried

**ITEM:** Recommend that the Town Council consider recommendation as presented by the Planning Commission from the Comprehensive/ Master Plan 2030-Short Term Projects as described in the Plans' Purpose.

Motion by Ms. Condon, seconded by Mr. Dobbs to recommend the Town Council consider recommendations as presented by the Planning Commission from the Town of Perdido Beach Master Plan 2030 Short Term Projects as described in the Plans' purpose.

Discussion:

Roll Call:

"YES"

"ABSTAIN"

"NO"

Mr. Bloxham

Mr. McGrath

Mr. Dobbs

Chairman Love

Mayor Parker

Ms. Condon

Mr. Kiefer

Mrs. Thompson

All in favor, motion carried unanimously.

**Next Planning Commission Meeting Dates:**

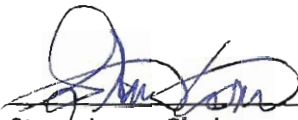
Regular Meeting August 6, 2014, 6:30 pm- Town Hall

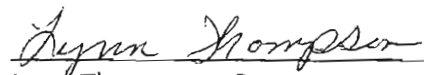
**Motion to adjourn:**

Motion by Mrs. Condon, seconded by Chairman Love to adjourn.

All in favor. Meeting adjourned at 7:50 pm.

**ATTEST:**

  
\_\_\_\_\_  
Steve Love, Chairman

  
\_\_\_\_\_  
Lynn Thompson, Secretary



# Town of Perdido Beach Planning Commission

Case No. PBTA-14001

Proposed Amendment to the

*Town of Perdido Beach Land Use and Zoning Ordinance*

Pertaining to Article XIII Design Standards, Article XVI Sign Requirements, Article XXII Definitions and Article XXIII Table of Permitted Uses

July 2, 2014

**Public Hearing:** July 2, 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 June 4, 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, Article XVI Sign Requirements, Article XXII Definitions and Article XXIII Table of Permitted Uses sections of the Land Use and Zoning Ordinance.

The purpose of the proposed changes is to change the name of the Comprehensive Plan to Master Plan, amend the Master Plan definition to include extra territorial jurisdiction and address 'Accessory Dwelling' issues.

## **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, Article XVI Sign Requirements, Article XXII Definitions and Article XXIII Table of Permitted Uses be recommended for **Approval**.

## **EXHIBIT A**

### **Town of Perdido Beach Land Use and Zoning Ordinance**

#### **Proposed Amendments Pertaining to**

#### **Article XIII Design Standards**

#### **Article XVI Sign Requirements**

#### **Article XXII Definitions and**

#### **Article XXIII Table of Permitted Uses**

#### **Article XIII, Section 13.1.2 Design Standards:**

13.1.2 *Residential districts.* In residential districts an accessory use, *accessory dwelling* or structure will conform to the following requirements:

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- (d) No accessory structure, other than a pier and boathouse, may be located on a lot by itself.
- (e) *Accessory dwellings will meet required yard setbacks.*

#### **Article XVI Sign Requirements**

##### **Section 16.10 Sign illumination**

Illumination should be external and mounted on the ground. However, the Planning Commission upon finding that sign illumination is in keeping with the character of the community and in conformance with



the overall goals and objectives of the ~~Comprehensive Plan~~ *Master Plan* may approve alternative illumination methods upon an application.

**Article XXII, Section 22.2 Definitions:**

*Comprehensive Plan:* The entire collection of zoning maps, zoning ordinances, and master plans or guidelines constitutes the basis for the comprehensive plan of the Town of Perdido Beach.

~~*Master plan:* The master plan, for the physical development of the corporate areas of the Town of Perdido Beach as adopted by the Perdido Beach Town Council.~~

*“Master Plan: the master plan for the physical development of the corporate areas of the Town of Perdido Beach, including any areas of the Extra Territorial Jurisdiction of the Town of Perdido Beach, as adopted by the Perdido Beach Planning Commission pursuant to section 11.52.8 Code of Alabama 1979.”*

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**Article XXIII Table of Permitted Uses**

	RA	CR	E-R	R-1	R-2	B-1	B-2	MR	OR	I
<b>RESIDENTIAL USES</b>										
Accessory Dwelling <i>One Unit Per Lot</i>	P		C	C	C					
Accessory structures and uses	P	P	P	P	P	P	P	P	P	P
Boarding, rooming or lodging house, dormitory						P	P			P
Mobile home										
Manufactured Homes	P		P	P	P					
Modular Homes	P	P	P	P	P					
Multiple family dwellings										

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## MAYOR'S REPORT TO THE PLANNING COMMISSION

July 2, 2014

Council Meeting June 10, 2014: No meeting was held due to lack of a quorum. Present were Lynn Thompson, Town Clerk, Councilwoman Leslie and Mayor Parker. There were also members of the community present who wished to address the council.

Update on recovery related to late April flash flooding and storm surge: FEMA and AL State Representatives have worked with the town to identify street damages and are in the process of writing Work Orders to repair damages and to bring the damaged streets, shoulders and ditches back to pre-event status/condition.

State Street, Hildreth Drive and edge of road/shoulder damage on Escambia and Baldwin are partially repaired – additional work will be done as soon as quotes are received based on FEMA's scope of work as identified in the Work Orders. So far the only scope of work given to the town is for Riggs Street.

Temporary employees, Martha and David Fitzhugh are on site on an "as needed" basis. Their purpose is to assist with administration and management of recovery efforts.

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."

STEVE LOVE  
CHAIRMAN  
PERDIDO BEACH PLANNING COMMISSION

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8852 Escambia Ave  
Perdido Beach, Al  
Phone (251) 961-7901  
[Steveluv@gulftel.com](mailto:Steveluv@gulftel.com)

August 7, 2014

Perdido Beach Town Council  
9212 County Road 97  
Perdido Beach, Al. 36530

Dear Council,

The Perdido Beach Planning Commission has completed its Preliminary Report of the proposed text amendments to the Town of Perdido Beach Land Use and Zoning Ordinance. The Planning Commission met for its' regular scheduled meeting on July 2, 2014 and held its' public hearing as required. At that time the Commission voted unanimously to approve the following text amendments and also voted unanimously to recommend these text amendments to the Perdido Beach Town Council.

Town of Perdido Beach Land Use and Zoning Ordinance Section(s):

**Article XIII Design Standards**  
**Article XVI Sign Requirements**  
**Article XXII Definitions and**  
**Article XXIII Table of Permitted Uses**

**Article XIII**, Section 13.1.2 Design Standards:

13.1.2 *Residential districts*. In residential districts an accessory use, *accessory dwelling* or structure will conform to the following requirements:

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**Article XXIII Table of Permitted Uses**

**RESIDENTIAL USES**

**Figure 1: Table of Permitted Uses**

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Boarding, rooming or lodging house, dormitory						P	P			P
Mobile home										
Manufactured Homes	P		P	P	P					
Modular Homes	P	P	P	P	P					
Multiple family dwellings										

We now submit our final report which the Commission recommends for review by the Town Council.

Sincerely,

Steve Love, Chairman

Planning Commission Meeting Agenda  
Town Hall-July 2, 2014-6:30 pm

1. Call to Order:
2. Roll Call:
3. Invocation and Pledge of Allegiance:
4. Public Hearing: **Town of Perdido Beach Comprehensive Plan 2030**

The Planning Commission will hear public comments in favor of or against the proposed name change of the Town of Perdido Beach Comprehensive Plan 2030.

**Proposed Change:** Change name of the *Town of Perdido Beach Comprehensive Plan 2030* to *Town of Perdido Beach Master Plan 2030* and to change all internal references to the *Comprehensive Plan* to “read” *Master Plan*.

*Open Public Comments:*

*Close Public Hearing:*

*Commission Members Comments:*

5. Public Hearing: **Town of Perdido Beach Land Use and Zoning Ordinance 2011-02**

The Planning Commission will hear public comments in favor of or against the following proposed text amendments to the Town of Perdido Beach Land Use and Zoning Ordinance.

**Proposed Changes:**

1. **Article XIII Design Standards –Section 13.1.2 “Residential Districts**  
**(Addition)** 13.1.2 *Residential Districts*. In residential districts an accessory use, “*accessory dwelling*” or structure will conform to the following requirements:  
**(Addition)** (e) *Accessory dwellings will meet required yard setbacks.*

2. **Article XVI Sign Requirements Section 16.10 – Change the words**  
***Comprehensive Plan* to *Master Plan*,**  
**Section 16.10 Sign Illumination**

Illumination should be external and mounted on the ground. However, the Planning Commission upon finding that sign illumination is in keeping with the character of the community and in conformance with the overall goals and objectives of the “~~*Comprehensive Plan*~~” *Master Plan* may approve alternative illumination methods upon an application.

3. **Article XXII Definitions – add definition for *Comprehensive Plan***  
**and amend definition for *Master Plan***  
**(a)** **(Addition)** *Comprehensive Plan*: The entire collection of

zoning maps, zoning ordinances, and master plans or guidelines constitutes the basis for the comprehensive plan of the Town of Perdido Beach.

**(b) (Amend definition of the Master Plan)**

“Master Plan: the master plan for the physical development of the corporate areas of the Town of Perdido Beach, including any areas of the Extra Territorial Jurisdiction of the Town of Perdido Beach, as adopted by the Perdido Beach Planning Commission pursuant to section 11.52.8 Code of Alabama 1979.”

**4. Article XXIII Table of Permitted Uses – add the words “one unit per lot” to Accessory Dwelling and change permitted by “right” to “conditional” under Zoning Districts E-R and R-1.**

*Open Public comments:*

*Close Public Hearing:*

*Commission Members Comments:*

The Planning Commission will make a recommendation to the Town Council who will make the final decision on the proposed text amendments, after a Town Council Public Hearing is held.

4. Reading and Approval of Prior Meeting’s Minutes:

5. Public Comments:

6. Guest Speakers:

7. Officer Reports:

Mayor’s Report:

Chairman’s Report:

SARPC Representative Report:

8. Hearing of Applications:

9. Unfinished Business:

1. “Waterfront Buffer Zone”

2. Regulation of construction of bulkheads

10. New Business:

1. Motion to recommend that the Town Council consider recommendation as presented by the Planning Commission from the Comprehensive/ Master Plan 2030- Short Term Projects as described in the Plans’ Purpose.

2. Motion to recommend to the Town Council that they approve the text amendments to the Town of Perdido Beach Land Use and Zoning Ordinance as presented by the Planning Commission.

11. Announcements:

Next Regular Planning Commission Meeting

12. Adjournment:



Town of Perdido Beach  
9212 County Road 97  
Perdido Beach, Alabama 36530  
251.962.2200

July 8, 2014

Mrs. Freda Fleming  
Perdido Vista Drive  
Perdido Beach, Alabama 36530

Dear Mrs. Fleming:

It gives us great pleasure to thank you for your service to the Town of Perdido Beach as a member in good standing of the Perdido Beach Planning Commission. You have served well and have contributed significantly to the work of the Planning Commission.

We very much hope you will continue to take part in the government of your Town as an interested citizen. Please feel free to offer ideas to the elected officials and to keep abreast of the events that affect the Town.

With Sincere Appreciation,

A handwritten signature in cursive script that reads "Patsy W. Parker".

Patsy W. Parker, Mayor

Steve Love, Chairman Town of Perdido Beach Planning Commission

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