

Town of Perdido Beach  
Planning Commission Regular Meeting  
Town Hall  
June 5, 2019-6:30 pm

**Call to Order:**

Chairman John LaGrone called the meeting to order at 6:35 pm

**Roll Call:**

**Commission Members Present:**

Vice Chairman Hank Jordan; Commissioner Lynn Thompson; Mayor Kae Hamilton; Commissioner Chris Head; Commissioner Brent Spears and Councilman Andrew Stewart.  
Commissioner Glenna Smith arrived after roll call.

**Commission Members Absent:** Commissioner Christi Koehle.  
Secretary Beth Tolbert was also absent.

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

**Invocation:** John LaGrone

**Pledge of Allegiance:** All

**Minutes:**

Reading and Approval of April and May 2019, Regular Meeting Minutes.

Motion by Mayor Hamilton, second by Commissioner Thompson to approve the April minutes. No Discussion

All in favor, motion to approve the April minutes as presented.

Motion by Commissioner Chris Head, second by Vice Chairman Hank Jordan, to approve the May minutes. Minutes were approved pending said corrections.

**Hearing of Applications:** There were none

**Communications from Town Council:**

Councilman Stewart announced the Alabama Bicentennial Ad hoc Committee's Bicentennial Celebration that was scheduled for June 9<sup>th</sup>. at the Al Thompson Community Center.

**Public Comments:**

Dennis Barnes-Town Resident asked the Planning Commission if they were aware of any recent activities and engineering of the proposed park and boat

launch facility. Chairman LaGrone responded that to his knowledge the Planning Commission was not involved in the planning process.

**Other Business:**

Mr. Larry Baggett-30967 Howes Lane had planned to attend the Planning Commission meeting to discuss adding an accessory building to his property. He notified Mayor Hamilton that he had changed his mind about adding the accessory dwelling and did not come before the Commission.

**New Business:**

The Planning Commission began review of the Land Use and Zoning Ordinance. Diane Burnett-South Alabama Regional Planning Commission (SARPC) will draft the proposed amendments discussed and send copies to the Commission for a final review. Articles reviewed are attached.

**Unfinished Business:** None

**Officer's Reports:**

Mayor's Report: None

Chairman's Report: None

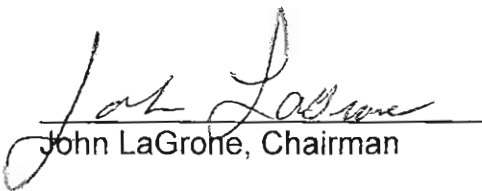
SARPC Representative Report: None

**Announcements:**

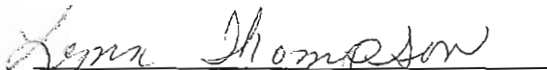
The next regular Planning Commission Meeting will be July 10, 2019, 6:30 pm at Town Hall.

**Adjournment:**

Being no further business, Chairman LaGrone made a motion to adjourn, seconded by Mayor Kae Hamilton. The meeting ended at 8:05 pm.

  
John LaGrone, Chairman

Attest:

  
Lynn Thompson, Acting Secretary

## **Article I Purpose, Enactment, and Short Title**

### **1.1 Authority**

Title 11, Subtitle 2, Chapter 52, Article 4, Section 11-52-70 Code of Alabama, 1975, as amended, grants authority to each municipal corporation in the State of Alabama to divide the territory within its corporate limits into business, industrial and residential zones or districts and may provide the kind, character and use of structures and improvements that may be erected or made within the several zones or districts established and may, from time to time, rearrange or alter the boundaries of such zones or districts and may also adopt such ordinances as necessary to carry into effect and make effective the provisions of Article 4.

### **1.2 Purpose**

Pursuant to Section 11-52-72 Code of Alabama, 1975, as amended, the purposes of the regulations contained within this ordinance are to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. Such regulations are made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality.

In their interpretation and application, the provisions of this ordinance shall be:

- (a) Considered as minimum requirements.
- (b) Liberally construed in favor of the governing body.
- (c) Deemed to neither limit nor repeal any other powers granted under state statutes.

### **1.3 Short Title**

This ordinance shall be known and may be cited as the "*Land Use and Zoning Ordinance for the Town of Perdido Beach*" and may be referred to as the "*Perdido Beach Land Use and Zoning Ordinance*".

### **1.4 Conflict with Other Laws**

Whenever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted statutes, rules, regulations or ordinances, the more restrictive, or that imposing the higher standards, shall govern.

### **1.5 Disclaimer of Liability**

This ordinance shall not create liability on the part of the Town of Perdido Beach Town Council or its assigns, the Town of Perdido Beach Planning Commission, the Town of Perdido Beach Zoning Board of Adjustment, Town of Perdido Beach Advisory Committees, or any officer or

employee thereof for any damages that may result from reliance on this ordinance or any administrative decision lawfully made hereunder.

## 1.6 Severability and Validity

Each phrase, sentence, paragraph, section or other provision of this ordinance is severable from all other such phrases, sentences, paragraphs, sections and provisions. Should any phrase, sentence, paragraph, section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, then such declaration shall not affect any other portion or provision of this ordinance.

## 1.7 Definitions

For reference in using this ordinance, the definitions of terms used herein are located in Article XXII.

## 1.8 Enactment

This Land Use and Zoning Ordinance for the Town of Perdido Beach, Alabama, is hereby adopted by the Town of Perdido Beach Town Council on this 10th day of May, 2011 as Ordinance 2011- 02. This ordinance shall take effect and be in force from and after the date of its adoption. The zoning map approved for the Town of Perdido Beach identified as “Town of Perdido Beach Zoning Map 2011, First Edition” is hereby adopted and made a part of this ordinance.

### **~~Certificate of Publication~~**

~~This is to certify that Ordinance 2011-02 of the Town of Perdido Beach, Alabama, was published by posting on four (4) bulletin boards in the Town from May 11, 2011 to May 16, 2011, at the following locations:~~

- ~~(1) Town Hall~~
- ~~(2) Perdido Beach VFD~~
- ~~(3) Saint Andrews by the Sea Church~~
- ~~(4) Perdido Beach Baptist Church~~

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Lynn Thompson, Town Clerk

## Article II Establishment of Zoning Districts

### Section 2.1

The following zoning districts are hereby established for the Town of Perdido Beach:

- RA Rural Agricultural District: This zoning district provides for large, open, non-subdivided land which is vacant or is being used for agricultural, forest, livestock or other rural purposes and is limited to residential density of one dwelling unit per lot.
- ~~CR Conservation Resource District: This zoning district provides for open, non-subdivided land which is environmentally constrained and is used for agricultural, forest, or other rural purposes.~~
- ER Single Family Estate District: This zoning district provides for low density residential development consisting of single family dwellings on large lots, may accommodate livestock and is limited to one dwelling unit per lot.
- R-1 Single Family District: This zoning district provides for medium density residential development consisting of single family dwellings on medium lots. ~~and is limited to one dwelling unit per lot.~~
- R-2 Single Family District: This zoning district provides for high density residential development consisting of single family dwellings on small lots. ~~and is limited to one dwelling unit per lot.~~
- B-1 Professional Business District: This zoning district provides for office type buildings and land uses which are most compatible with, and are located near residential areas and which typically provide services and associated sales related to those services.
- B-2 Local Business District: This zoning district provides for all uses allowed in Zoning District B-1 and for limited retail convenience goods and personal service establishments in or near to residential neighborhoods.
- OR Outdoor Recreation District: This zoning district is intended to preserve open areas for outdoor recreational activities as defined in Article XXII of this ordinance.
- ~~MR Marine Recreation District: This zoning district is intended to be similar in nature to the Outdoor Recreation District with the addition of a focus on marine recreational activities as defined in Article XXII of this ordinance.~~
- I-1 Industrial District: This zoning district is intended to provide a suitable, protected environment for manufacturing, research, and wholesale establishments which are clean, quiet and free of hazardous or objectionable emissions and which generate little industrial traffic.

## Rural Districts

### Section 3.1 RA Rural Agricultural District

3.1.1 *Generally.* This zoning district provides for large, open, non-subdivided land which is vacant or is being used for agricultural, forest or other rural purposes.

3.1.2 *Permitted uses.* The uses and structures identified with a “P” on the Table of Permitted Uses attached to this ordinance.

3.1.3 *Conditional uses.* The uses and structures identified with a “C” on the Table of Permitted Uses attached to this ordinance.

3.1.4 *Special exceptions.* The uses and structures identified with an “S” on the Table of Permitted Uses attached to this ordinance.

3.1.5 *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	15-Feet
Maximum Density	1 Dwelling Unit per lot
Minimum Lot Area	3 Acres
Minimum Lot Width at Street Line	210-Feet

### ~~Section 3.2 CR Conservation Resource District~~

~~3.2.1 *Generally.* This zoning district provides for open, non-subdivided land which is environmentally constrained and which is vacant or is being used for agricultural, forest or other rural purposes.~~

~~3.2.2 *Permitted uses.* The uses and structures identified with a “P” on the Table of Permitted Uses attached to this ordinance.~~

~~3.2.3 *Conditional uses.* The uses and structures identified with a “C” on the Table of Permitted Uses attached to this ordinance.~~

~~3.2.4 *Special exceptions.* The uses and structures identified with an “S” on the Table of Permitted Uses attached to this ordinance.~~

~~3.2.5 *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.~~

<del>Maximum Building Height of Structure in Feet</del>	<del>34.75</del>
<del>Maximum Height of Structure in Habitable Stories</del>	<del>2</del>

Minimum Front Yard Set Back	100 Feet
Minimum Rear Yard Set Back	100 Feet
Minimum Side Yards Set Back	50 Feet
Maximum Density	1 Dwelling Unit per lot
Minimum Lot Area	5 Acres
Minimum Lot Width at Street Line	250 Feet

## Residential Districts

### Section 4.1 ER Single Family Estate District

4.1.1 *Generally.* This zoning district provides for low density residential development consisting of single family dwellings on large size lots.

4.1.2 *Permitted uses.* The uses and structures identified with a “P” on the Table of Permitted Uses attached to this ordinance.

4.1.3 *Conditional uses.* The uses and structures identified with a “C” on the Table of Permitted Uses attached to this ordinance.

4.1.4 *Special exception.* The uses and structures identified with an “S” on the Table of Permitted Uses attached to this ordinance.

4.1.5 *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 Height of Structure in Feet	34.75-Feet
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	15-Feet
Maximum Density	1 Dwelling Unit per lot
Minimum Lot Area	80,000 Square Feet
Minimum Lot Width at Street Line	165-Feet

### Section 4.2 R-1 Single Family District

4.2.1 *Generally.* This zoning district provides for medium density residential development consisting of single family dwellings on medium size lots.

4.2.2 *Permitted uses.* The uses and structures identified with a “P” on the Table of Permitted Uses attached to this ordinance.

4.2.3 *Conditional uses.* The uses and structures identified with a “C” on the Table of Permitted Uses attached to this ordinance.

4.2.4 *Special exception.* The uses and structures identified with an “S” on the Table of Permitted Uses attached to this ordinance.

4.2.5 *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-Feet
Maximum Height of Structure in Habitable Stories	2
Minimum Front Yard Set Back	30-Feet
Minimum Rear Yard Set Back	30-Feet
Minimum Side Yards Set Back	10-Feet
Maximum Density	1 Dwelling Unit per lot
Minimum Lot Area per Dwelling Unit	30,000 Square Feet
Minimum Lot Width at Street Line	60-Feet

### **Section 4.3 R-2 Single Family District**

4.3.1 *Generally.* This zoning district provides for high density residential development consisting of single family dwellings on small size lots.

4.3.2 *Permitted uses.* The uses and structures identified with a “P” on the Table of Permitted Uses attached to this ordinance.

4.3.3 *Conditional uses.* The uses and structures identified with a “C” on the Table of Permitted Uses attached to this ordinance.

4.3.4 *Special exception.* The uses and structures identified with an “S” on the Table of Permitted Uses attached to this ordinance.

4.3.5 *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	30-Feet
Minimum Rear Yard Set Back	30-Feet
Minimum Side Yards Set Back	10-Feet
Maximum Density	1 Dwelling Unit per lot
Minimum Lot Area per Dwelling Unit	15,000 Square Feet
Minimum Lot Width at Street Line	50-Feet

## **Article V Commercial Districts**

### **Section 5.1 B-1 Professional Business District**

5.1.1 *Purpose and Intent.* The purpose and intent of the B-1 Professional Business District is to provide for office and personal service type buildings; associated retail sales; land uses with low traffic



volumes anticipated throughout the day with limited peak traffic conditions in the morning and evening; and land uses which are most compatible with and located near residential areas.

5.1.2 *Permitted uses.* The uses and structures identified with a “P” on the Table of Permitted Uses attached to this ordinance.

5.1.3 *Conditional uses.* The uses and structures identified with a “C” on the Table of Permitted Uses attached to this ordinance.

5.1.4 *Special exception.* The uses and structures identified with an “S” on the Table of Permitted Uses attached to this ordinance.

5.1.5 *Mixed uses.* Mixed residential and commercial uses may be permissible as conditional uses, subject to the standards and procedures established in *Section 18.11: Conditional Uses* and subject to the following criteria:

- (a) The commercial uses in the development may be limited in hours of operation, size of delivery trucks, and type of equipment.
- (b) The residential uses shall be designed so that they are compatible with the commercial uses.
- (c) Residential and commercial uses shall not occupy the same floor of a building.
- (d) Residential and commercial uses shall not share the same entrances.
- (e) The number of residential dwelling units shall be controlled by the dimensional standards of the B-1 district. A dwelling unit density of .5 (1/2) dwelling units per 1,000 square feet of the gross floor area devoted to commercial uses, may be allowed (structures with less than 2,000 square feet devoted to commercial uses shall be allowed one dwelling unit). In no case, however, shall the overall dwelling unit density for a mixed use project exceed four (4) dwelling units per acre.
- (f) Building height shall not exceed two (2) stories or 34.75 feet.
- (g) A minimum of thirty (30%) percent of the mixed use development shall be maintained as open space. The following may be used to satisfy the open space requirements: areas used to satisfy water management requirements, landscaped areas, recreation areas, or setback areas not covered with impervious surface or used for parking (parking lot islands may not be used unless existing native vegetation is maintained).
- (h) The mixed commercial/residential structure shall be designed to enhance compatibility of the commercial and residential uses through such measures as, but not limited to, minimizing noise associated with commercial uses; directing commercial lighting away from residential units; and separating pedestrian and vehicular access ways and parking areas from residential units, to the greatest extent possible.

(i) Off-street parking spaces for the mixed residential and commercial uses shall be the sum total of the residential and commercial uses computed separately (See *Article XV: Parking and Loading Requirements*).

5.1.6 *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	30-Feet
Minimum Rear Yard Set Back	25-Feet
Minimum Side Yards Set Back	15-Feet
Minimum Lot Area	20,000 Square Feet
Maximum Impervious Surface Ratio	60%
Minimum Lot Width at Street Line	60-Feet
Maximum Individual Building Size Allowed	8,000 Square Feet

5.1.7 *Lighting standards.* The maximum height of exterior lights shall be 25-feet. The intensity, location, and design of lighting shall be such that not more than one foot candle of light is cast upon adjacent property or public rights-of-way. Light fixtures shall be designed to cast light downward. Where necessary, cut-off devices shall be used to minimize glare off premises. No light shall be aimed directly toward a property designated residential, which is located within 200 feet of the source of the light.

5.1.8 *Distance between structures.* If there is a separation between any two principal structures on the same parcel, said separation shall be a minimum of 15 feet or a distance equal to one-half the sum of their heights, whichever is the greater.

## **Section 5.2 B-2 Local Business District**

5.2.1 *Purpose and Intent.* The purpose and intent of the B-2 Local Business District is to provide for all uses allowed in Zoning District B-1 and for limited retail convenience goods and personal service establishments servicing nearby residential neighborhoods.

5.2.2 *Permitted uses.* The uses and structures identified with a “P” on the Table of Permitted Uses attached to this ordinance.

5.2.3 *Conditional uses.* The uses and structures identified with a “C” on the Table of Permitted Uses attached to this ordinance.

5.2.4 *Special exception.* The uses and structures identified with an “S” on the Table of Permitted Uses attached to this ordinance.

5.2.5 *Mixed uses.* Mixed residential and commercial uses may be permissible as conditional uses, subject to the standards and procedures established in *Section 18.11: Conditional Uses* and subject to the following criteria:

(a) The commercial uses in the development may be limited in hours of operation, size of delivery trucks and type of equipment.

- (b) The residential uses shall be designed so that they are compatible with the commercial uses.
- (c) Residential and commercial uses shall not occupy the same floor of a building.
- (d) Residential and commercial uses shall not share the same entrances.
- (e) The number of residential dwelling units shall be controlled by the dimensional standards of the B-2 district. A dwelling unit density of one (1) dwelling units per 2,000 square feet of the gross floor area devoted to commercial uses, may be allowed (structures with less than 2,000 square feet devoted to commercial uses shall be allowed one dwelling unit). In no case, however, shall the overall dwelling unit density for a mixed use project exceed four (4) dwelling units per acre.
- (f) Building height shall not exceed two (2) stories or 34.75 feet.
- (g) A minimum of thirty (30%) percent of the mixed use development shall be maintained as open space. The following may be used to satisfy the open space requirements: areas used to satisfy water management requirements, landscaped areas, recreation areas, or setback areas not covered with impervious surface or used for parking (parking lot islands may not be used unless existing native vegetation is maintained).
- (h) The mixed commercial/residential structure shall be designed to enhance compatibility of the commercial and residential uses through such measures as, but not limited to, minimizing noise associated with commercial uses; directing commercial lighting away from residential units; and separating pedestrian and vehicular access ways and parking areas from residential units, to the greatest extent possible.
- (i) Off-street parking spaces for the mixed residential and commercial uses shall be the sum total of the residential and commercial uses computed separately (See *Article XV: Parking Loading Requirements*).

5.2.6 *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	30-Feet
Minimum Rear Yard Set Back	25-Feet
Minimum Side Yards Set Back	15-Feet
Minimum Lot Area	20,000 Square Feet
Maximum Impervious Surface Ratio	60%
Minimum Lot Width at Street Line	60-Feet
Maximum Individual Building Size Allowed	8,000 Square Feet

5.2.7 *Lighting standards.* The maximum height of exterior lights shall be 25 feet. The intensity, location, and design of lighting shall be such that not more than one foot candle of light is cast upon adjacent property or public rights-of-way. Light fixtures shall be designed to cast light downward. Where

necessary, cut-off devices shall be used to minimize glare off premises. No light shall be aimed directly toward a property designated residential, which is located within 200 feet of the source of the light.

5.2.8 *Distance between structures.* If there is a separation between any two principal structures on the same parcel, said separation shall be a minimum of fifteen (15) feet or a distance equal to one-half the sum of their heights, whichever is the greater.

## **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.

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.<sup>6</sup>

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 Acres
Maximum Impervious Surface Ratio	30%
Minimum Lot Width at Street Line	No Minimum

### ~~**Section 6.2 MR Marine Recreation District**~~

~~6.2.1 *Generally.* This zoning district is intended to provide for water related recreation activities.  
(Defined in Article XXII)~~

~~6.2.2 *Permitted uses.* The uses and structures identified with a “P” on the Table of Permitted Uses attached to this ordinance.~~

~~6.2.3 *Conditional use.* The uses and structures identified with a “C” on the Table of Permitted Uses attached to this ordinance.~~

~~6.2.4 *Special exception.* The uses and structures identified with an “S” on the Table of Permitted Uses attached to this ordinance.~~

~~6.2.5 *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.~~

Draft 1  
July 2019

<del>Maximum Building Height of Structure in Feet</del>	<del>34.75</del>
<del>Maximum Height of Structure in Habitable Stories</del>	<del>2</del>
<del>Minimum Front Yard Set Back</del>	<del>25 Feet</del>
<del>Minimum Rear Yard Set Back</del>	<del>25 Feet</del>
<del>Minimum Side Yards Set Back</del>	<del>10 Feet</del>
<del>Minimum Lot Area</del>	<del>80,000 Square Feet</del>
<del>Maximum Impervious Surface Ratio</del>	<del>30%</del>
<del>Minimum Lot Width at Street Line</del>	<del>60 feet</del>