



# Town of Perdido Beach Planning Commission

**Case No. PBTA-15001**

**Proposed Amendment to the**

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

**Pertaining to Article XIII Design Standards, Section 13.9 Erosion Control**

**September 2, 2015**

***Public Hearing:*** September 2, 2015 - 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 August 5, 2015 meeting the Planning Commission voted to hold a public hearing to allow for public input on proposed text amendments to Article XIII Design Standards, Section 13.9 of the Land Use and Zoning Ordinance.

The purpose of the proposed changes is to require land disturbing activity in proximity to a lake, natural watercourse, or adjacent property to maintain a buffer zone of not less than 30 feet along the boundary to confine visible siltation and/or prevent erosion with the exception of land-disturbing activity in connection with the construction of facilities to be located on, over or under a lake, natural watercourse or adjacent property.

## **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?

Proposed amendment should not have an adverse impact.

- (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 feels that the Planning Commission's recommendation to the Town Council on the proposed text amendment to Article XIII Design Standards, Section 13.9 Erosion Control should be based on comments received at the public hearing.

Staff recommends making the following change to the proposed text amendment.

# **EXHIBIT A**

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

### **Proposed Amendments Pertaining to**

### **Article XIII Design Standards**

### **Section 13.9.3 (b)**

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

#### **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 immediately adjacent to watercourses, wetlands and lakes should be left undisturbed wherever possible. *No land-disturbing activity shall be permitted in proximity to a lake, natural watercourse, or adjacent property where applicable unless a buffer zone of not less than 30 feet is provided along the boundary of sufficient width to confine visible siltation and/or prevent erosion, provided that the land-disturbing activity is not in connection with the construction of facilities to be located on, over or under a lake, natural watercourse or adjacent property.*

*Recommendation:* No land-disturbing activity shall be permitted on property adjacent to a lake, natural watercourse or wetlands unless a buffer zone of not less than 30 feet is provided along the boundary of a lake, natural watercourse or wetlands. Said buffer shall be of sufficient width to confine visible siltation and/or prevent erosion, provided that the land-disturbing activity is not in connection with the construction of facilities to be located on, over, or under a lake, natural watercourse or wetlands.

(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.

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