



Baldwin County Commission Work Session Meeting Minutes

Monday, July 19, 2021
8:30 AM

Baldwin County Administration Building, County Commission Chambers
322 Courthouse Square, Bay Minette, Alabama 36507

Commissioners present:

District 1 – Commissioner James E. Ball
District 2 – Commissioner Joe Davis, III
District 3 – Commissioner Billie Jo Underwood
District 4 – Commissioner Charles F. Gruber

Commissioners absent:

None.

Staff present:

Brian Peacock, CIS Director
Cian Harrison, Clerk Treasurer
Joey Nunnally, County Engineer
Ron Cink, Budget Director
Deidra Hanak, Personnel Director
Matthew Brown, Planning Director
Ron Ballard, JDC Director
Zach Hood, EMA Director
Wayne Dyess, County Administrator
Eddie Harper, Building Official
Anu Gary, Administrative Services Manager
Barbara Pate, Commission Executive Assistant
Sherry-Lea Bloodworth Botoy, Director of Public/Government Affairs
Lisa Sangster, Chief Administrative Assistant
Scott Wallace, Training and Shelter Coordinator
Katrina Taylor, Grants Coordinator
Wanda Gautney, Purchasing Director

Also present:

Brad Hicks, County Attorney
Hope Hicks, Legal Counsel

After the welcome, invocation and pledge of allegiance, the following agenda items were reviewed and/or discussed:

A ADOPTION OF MINUTES

July 6, 2021, Regular Meeting

No discussion.

B ACTION ITEMS

BA ADMINISTRATION

- BA1** Baldwin Regional Area Transit System Hub Property Located in Foley, Alabama - Termination of Lease Agreement, Acceptance of Property from City of Foley and Reciprocal Easement Agreement **21-0892**

Moved to July 20, 2021, regular meeting, Consent.

- BA2** Proclamation / Declaration of a Termination and Lifting of a State of Local Emergency - Coronavirus (COVID-19) Pandemic **21-1058**

Zach Hood, EMA Director, discussed the termination and lifting of the Local State of Emergency for the Coronavirus (COVID-19) Pandemic and Hurricane Sally. Mr. Hood discussed the pandemic and the County's ability to handle the number COVID-19 cases, the availability of PPEs, and responding to the health and medical needs for the past 90 days.

Commissioner Ball requested that the termination of the Local State of Emergency for the COVID-19 Pandemic and Hurricane Sally go into effect on July 20, 2021 at 9:00 a.m., to which the Commissioners agreed.

Moved to July 20, 2021, regular meeting, Consent.

- BA3** Proclamation / Declaration of a Termination and Lifting of a State of Local Emergency - Hurricane Sally **21-1057**

Zach Hood, EMA Director, discussed the termination and lifting of the Local State of Emergency for Hurricane Sally. Mr. Hood noted the County continues to work in some disaster struck communities and after the declaration is terminated the County can still apply for funding as needed for those areas.

Cian Harrison, Clerk Treasurer, commented on FEMA reimbursements still being submitted by staff because there is still work being done.

Moved to July 20, 2021, regular meeting, Consent.

- BA4** Request from the Vaughn Community for a Community Garden on County-owned Property off Canaan Road in Stockton **21-1085**

Pulled from agenda, will be brought back to a future meeting.

- Moved to July 20, 2021, regular meeting, Consent.

- Moved to July 20, 2021, regular meeting, Consent.

- Moved to July 20, 2021, regular meeting, Consent.

- Moved to July 20, 2021, regular meeting, Consent.

- Moved to July 20, 2021, regular meeting, Consent.

Moved to July 20, 2021, regular meeting, Consent.

- Page 3 of 10

Moved to July 20, 2021, regular meeting, Consent.

- BE3** Competitive Bid #WG21-34 - Provision of Hydraulic Mulches for the Baldwin County Commission **21-1018**

Moved to July 20, 2021, regular meeting, Consent.

- BE4** Competitive Bid #WG21-35 - Provision of Paint Striping Materials for the Baldwin County Commission **21-1019**

Moved to July 20, 2021, regular meeting, Consent.

- BE5** Rental of One (1) New Copy Machine for the Baldwin County Finance and Accounting Department Located in Bay Minette, Alabama for the Baldwin County Commission **21-1056**

Moved to July 20, 2021, regular meeting, Consent.

- BE6** Request from the Baldwin County Board of Education to Confirm and Ratify Certain Existing Privilege Excise Taxes for Public School Purposes **21-1091**

Ron Cink, Budget Director, requested that Item BE6 be voted on separately, to which the Commissioners agreed.

Moved to July 20, 2021, regular meeting, Consent.

BK EMERGENCY MANAGEMENT AGENCY (EMA)

- BK1** Memorandum of Understanding with Retired and Senior Volunteer Program for Assisting Baldwin County Emergency Management Agency as Needed **21-1047**

Moved to July 20, 2021, regular meeting, Consent.

BL ENVIRONMENTAL MANAGEMENT

- BL1** Alabama Department of Corrections (ADOC) Loxley Community Work Center - Work Squad Agreement **21-1050**

Moved to July 20, 2021, regular meeting, Consent.

- BL2** Baldwin County Solid Waste Collection and Disposal Services in Certain Areas within the Municipal Limits of City of Bay Minette **21-0981**

BN HIGHWAY

- BN1** Execution of IRS Form 8283 for a Donated Right-of-Way on Project No. 0203716 - Bengston Road (Tract 8) **21-1077**

Moved to July 20, 2021, regular meeting, Consent.

- BN2** Execution of IRS Form 8283 for a Donated Right-of-Way on Project No. 0203716 - Bengston Road (Tract 9) **21-1078**

Moved to July 20, 2021, regular meeting, Consent.

- BN3** Execution of IRS Form 8283 for a Donated Right-of-Way on Project No. 0203716 - Bengston Road (Tract 10) **21-1079**

Moved to July 20, 2021, regular meeting, Consent.

- BN4** Execution of IRS Form 8283 for a Donated Right-of-Way on Project No. 0203716 - Bengston Road (Tract 11) **21-1080**

Moved to July 20, 2021, regular meeting, Consent.

- BN5** Execution of IRS Form 8283 for a Donated Right-of-Way on Project No. 0203716 - Bengston Road (Tract 15) **21-1081**

Moved to July 20, 2021, regular meeting, Consent.

- BN6** Execution of IRS Form 8283 for a Donated Right-of-Way on Project No. 0203816 - Pate Road (Tract 10) **21-1076**

Moved to July 20, 2021, regular meeting, Consent.

- BN7** Intergovernmental Service Agreement with City of Gulf Shores for Widening of Oak Road West to Incorporate a Westbound Left Turn Lane at Stafford Boulevard **21-1090**

Moved to July 20, 2021, regular meeting, Consent.

- BN8** Kelly Pit Mitigation Site - Submittal of Grant Request to Alabama **21-1084**

Department of Conservation and Natural Resources for GOMESA Funds

Moved to July 20, 2021, regular meeting, Consent.

BO JUVENILE DETENTION

- BO1** Memorandum of Agreement with Baldwin County Board of Education
Concerning the Allocation of Education Trust Fund Monies **21-1063**

Moved to July 20, 2021, regular meeting, Consent.

- BO2** Memorandum of Understanding with Baldwin County Board of Education for
the Provision of Food Services at Baldwin County Regional Juvenile
Detention Center **21-1049**

Moved to July 20, 2021, regular meeting, Consent.

- BO3** Memorandum of Understanding with Baldwin County Sheriff's Office for the
Provision of Food Services at Baldwin County Regional Juvenile Detention
Center **21-1069**

Moved to July 20, 2021, regular meeting, Consent.

BQ PERSONNEL

- BQ1** Highway Department (Bay Minette) - Personnel Changes **21-1065**

Moved to July 20, 2021, regular meeting, Consent.

- BQ2** Juvenile Detention Center - Employment of One (1) Detention Technician
Position **21-1074**

Moved to July 20, 2021, regular meeting, Consent.

- BQ3** Parks Department - Position and Personnel Changes **21-1066**

Moved to July 20, 2021, regular meeting, Consent.

- BQ4** Solid Waste Department - Personnel Changes **21-1071**

Moved to July 20, 2021, regular meeting, Consent.

- | | | |
|------------|---|----------------|
| BQ5 | <u>Personnel Department - One-time Additional Paid Holiday for County Employees - December 23, 2021</u> | 21-1068 |
|------------|---|----------------|

Moved to July 20, 2021, regular meeting, Consent.

- BQ6** Personnel Department - Employee Handbook Change **21-1070**

Moved to July 20, 2021, regular meeting, Consent.

C PRESENTATIONS

D PUBLIC HEARINGS

DR PLANNING AND ZONING

- DR1** Case No. Z-21016 - Pate Property Rezoning **21-1075**

Moved to July 20, 2021, regular meeting, Public Hearings.

- DR2** Case No. Z-21017 - Kings Court Trust Property Rezoning **21-1067**

Moved to July 20, 2021, regular meeting, Public Hearings.

- | | | |
|------------|---|----------------|
| DR3 | <u>Resolution #2021-104 - Adoption of a Moratorium on Billboards in</u>
Municipal Planning Jurisdictions of Baldwin County | 21-1092 |
|------------|---|----------------|

Commissioner Davis asked if the changes to police jurisdictions would have an impact on the billboard moratorium.

Matthew Brown, Planning Director, discussed the planning jurisdictions billboard ordinance and the moratorium on billboards in the municipal jurisdictions being needed to avoid unexpected consequences.

Moved to July 20, 2021, regular meeting, Public Hearings.

E COMMITTEE REPORTS

EA FINANCE/ADMINISTRATION DIVISION

EA1 Payment of Bills

21-1062

No discussion.

EA2 Notification of Interim Payments Approved by Clerk/Treasurer as Allowed Under Policy 8.1

21-1060

No discussion.

F DISCUSSION ITEMS

FA ADMINISTRATION

FA1 Agreements with Baldwin County Municipalities Regarding the Exercise of Subdivision Regulations within the Planning Jurisdiction of the Municipal Planning Commissions **21-1089**

Hope Hicks, Legal Counsel, discussed the planning agreements between the municipalities and the Baldwin County Commission concerning the subdivision regulations and planning jurisdictions. Ms. Hicks said the Planning Department is preparing the maps and she will be in contact with each municipality to discuss the agreements. There is no action for the Commissions to take in the regular Commission meeting on July 20, 2021.

Mr. Mark Mattox, Chairman, Magnolia Springs Planning Commission, appeared before the Commission and discussed Magnolia Springs' concerns of pending regulations regarding water issues, the protection of the river in Magnolia Springs, and the proposed agreements between the municipalities and Baldwin County.

No item moving forward at this time, will be brought back to a future meeting.

FA2 Implementation Plan Update for the Baldwin County Strategic Plan

21-0781

Wayne Dyess, County Administrator, requested the Baldwin County Strategic Plan Update be moved to the next meeting.

Moved to August 3, 2021 regular meeting, Presentations.

FR PLANNING AND ZONING

FR1 Amendments to Baldwin County Subdivision Regulations

21-1083

Matthew Brown, Planning Director, gave a presentation on staff's progress on the

Amendments to the Subdivision Regulations and changes that are coming in the future.

Moved to August 3, 2021 regular meeting, Presentations.

G COMMISSIONER REQUESTS

H ADDENDA

HA GENERAL

HA1 Baldwin County Coroner's Office - Site Work and Paving of Parking Area on the North Side of the Coroner's Office **21-1039**

Moved to July 20, 2021, regular meeting, Consent.

HA2 The Baldwin County Public Building Authority - First Supplemental Lease Agreement (Baldwin County Jail Project) **21-1087**

Ron Cink, Budget Director, stated Item HA2 needs to be voted on separately in the Commission Meeting as well as Item BE6.

Moved to July 20, 2021, regular meeting, Consent.

I ADMINISTRATIVE REPORT

None.

J COUNTY ATTORNEY'S REPORT

Brad Hicks, County Attorney, said there is one item to be discussed in an executive session today.

K PUBLIC COMMENTS

None.

L PRESS QUESTIONS

None.

M COMMISSIONER COMMENTS

None.

N ADJOURNMENT

Motion by Commissioner Ball, seconded by Commissioner Underwood, in accordance with Code of Alabama Section 36-25A-7, to adjourn into an executive session at 9:33 a.m. to discuss with their attorney the consideration the governmental body is willing to offer or accept when considering the purchase, sale, exchange, lease, or market value of real property.

After the motion and before the vote, Mr. Hicks said he is an attorney licensed to practice law in the State of Alabama and the planned discussion complies with the reasons stated for the executive session.

The motion passed by the following vote:

Aye: 4 - James E. Ball, Joe Davis III, Billie Jo Underwood, and Charles F. Gruber

Nay: 0

Absent: 0

Abstain: 0

After the vote, Chairman Davis said the July 19, 2021, Baldwin County Commission Work Session meeting is adjourned at 9:33 a.m.

A handwritten signature in black ink, appearing to read "James E. Ball". The signature is stylized with large, sweeping loops and a prominent "J" at the beginning.



BALDWIN COUNTY COMMISSION SPEAKING REQUEST FORM

- All individuals wishing to address the Commission must fill out a Speaking Request Form.
- No person may address the Commission without first obtaining recognition from the Commission Chairman and will be allowed up to three (3) minutes. Groups are asked to select a spokesperson to speak on behalf of the group with time allotted to the spokesperson being limited to five (5) minutes. Additional time may be allocated for speakers at the discretion of the Chairman.
- The Chairman may open the floor for public comments at any time at his/her discretion, but is not obligated to open the floor to individuals who are not signed up to speak. Verbal comments or interruptions from the floor will not be allowed.
- Direct your comments to the Chairman and use proper etiquette when addressing the Commission. Speakers shall be required to speak from the podium equipped with a microphone and will be expected to state their name and address for the record at the onset of their presentation.
- Personal attacks on elected officials, appointed officials, employees, or other individuals will not be allowed or tolerated. If such unacceptable behavior is engaged, the speaker may be asked by the Chairman to cease and desist and/or may be directed to depart the meeting.

I would like to address the County Commission regarding the following: **(If you wish to speak on multiple items, you must fill out a separate registration form for each.)**

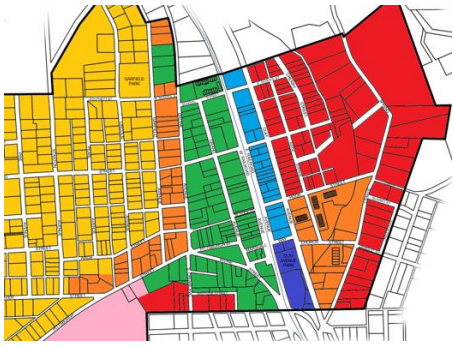
MAGNOLIA SPRINGS AGREEMENT
WITH County

Mark MATTOX

243-1572

Name (Please Print Clearly)

Contact Information (Phone/Email)



BALDWIN COUNTY PLANNING & ZONING

Amendments to the Subdivision Regulations



OVERVIEW

- **First of Several Amendments in the Next 12 Months**
- **Goals:**
 - Create Clarity & Promote Accountability
 - Remove Unnecessary Requirements
 - Modernized Regulations
- **Optional Courtesy Meeting Held July 16, 2021**

MISCELLANEOUS CHANGES

- Change “Development Permit” to “Preliminary Plat”
- Clarify that three or more dwellings or units on a single lot triggers the subdivision requirements.
- Requirement that an approved final plat be recorded within 90 days.
- Removal of Appeal to County Commission for Denial Preliminary Plat Application
- Major and Minor Changes to an Approved Plat



MISCELLANEOUS CHANGES (CONT'D)

- Clarify “Permanent Structure” for HCS
- Add language regarding non-conforming lots

APPLICATION FORMS AND INTAKE PROCESS

- New Section 4.1.1
- Sets Groundwork for Transition to CitizenServe
- Pushes General Applicant Deadline Back from 30 Days to approximately 45 Days

APPLICATION FORMS AND INTAKE PROCESS

(b) Applications Submittal Deadlines

- (i) Preliminary Plat, Final Plat, Conceptual Site Plan, & Final Site Plan applications to be heard by the Baldwin County Planning Commission shall be submitted no later than noon on the Monday that is six full weeks prior to the meeting where the application is to be heard.
- (ii) Subdivision Variance applications shall be submitted no later than noon on the Monday that is four full weeks prior to the meeting where the application is to be heard.
- (iii) Sketch Plan applications for a development that will ultimately be presented to the Planning Commission for approval, shall be submitted no later than noon on the Monday that is four weeks prior to the application deadline for the subsequent Preliminary Plat application or Final Site Plan Application.
- (iv) The Baldwin Planning and Zoning Department will publish, at least annually, a schedule listing the application deadlines for each meeting.

APPLICATION FORMS AND INTAKE PROCESS

- New Section 4.1.1
- Sets Groundwork for Transition to CitizenServe
- Pushes General Applicant Deadline Back from 30 Days to approximately 45 Days
- Intake Review (Applicant has Until Friday to Correct)

APPLICATION FORMS AND INTAKE PROCESS

(c) Intake Review of Applications Prior to Acceptance

All applications submitted to the Baldwin County Planning and Zoning Department will go through an intake review to determine whether all documents and information has been submitted that are necessary for Department staff to complete a full technical review of the application. For applications timely submitted for an upcoming Planning Commission meeting, Planning and Zoning staff shall have until noon on the Friday following the application deadline to complete the intake review and reject an application as incomplete by issuing email notice to the Applicant. Applications not rejected by email prior to the deadline shall be automatically accepted to begin the full technical review.

TECHNICAL REVIEW

- 21-Day Target for First Set of Comments
- Specific Requirements for Applicant Responses
- Automatic Administrative Denial for Failing to Submit Complete Response Package to Comments with 60 Days

TECHNICAL REVIEW

Engineer or their designees shall detail the deficiencies to the applicant through email. The applicant shall respond to comments from each review and rereview with a single response package that includes the following:

1. A disposition of comments with a singular response to each listed deficiency;
2. Revised Plat or Site Plan with revision clouds noting changes; and
3. All responsive documents reflecting the requested changes or resolving the noted deficiencies.

County Staff will not review partial or incomplete responses. Unless modified elsewhere herein, If an applicant fails to submit a complete response package within 60 days of receiving review or rereview comments, the application shall be administratively denied. A new application and fee will be required before the property is reconsidered for subdivision development.



TECHNICAL REVIEW

- 21-Day Target for First Set of Comments
- Specific Requirements for Applicant Responses
- Automatic Administrative Denial for Failing to Submit Complete Response Package to Comments with 60 Days
- Applications with One Major or Four Minor Deficiencies are Withheld from Planning Commission Meeting



TECHNICAL REVIEW

1. unapproved drainage plan;
 2. unapproved traffic study;
 3. failure to comply with the applicable wetland requirements;
-

Baldwin County Subdivision Regulations

Page 13

4. failure to comply with applicable utility requirements;
5. setback or buffer encroachments; and
6. any other deficiency, the correction of which will impact the previously listed items.

TECHNICAL REVIEW

If, fourteen calendar days prior to the Planning Commission meeting, an application is found to have at least one unresolved major deficiency or four unresolved minor deficiencies the application shall automatically be rescheduled to a later Planning Commission meeting. Planning and Zoning Staff shall notify the applicant via email that consideration of the application has been postponed and provide a date by which deficiencies must be resolved to be scheduled for consideration at a future meeting.

PRE-APPLICATION MEETINGS AND REVIEWS

- Pre-App & Sketch Plan Only Required if Infrastructure
- Goal is to synchronize the sketch plan and pre-app meeting

MINIMUM STANDARDS MATRIX

All non-exempt subdivisions approved pursuant to these regulations shall adhere to the requirements set forth in the matrix made a part of this section.

Minimum Standards for Subdivision									
Lot Size*	Required Utilities	Roadway Type	Minimum Lot Width	Curb and Gutter	Side-walk ⁺	Approval Body Broadband Connectivity	Building Front Setback ⁺⁺	Building Rear Setback ⁺⁺	Building Side Setback ⁺⁺
≥ 40,000 SF	overhead power	BCDS**	120 feet	no	no	Baldwin County Commission § 5.2.5(c) shall not apply	30	30	10
20,000 SF to 40,000 SF	overhead power, either water or sewer	BCDS**	120 feet	no	no	§ 5.2.5(c) shall not apply	30	30	10
20,000 SF to 40,000 SF	underground power, either water or sewer	BCDS**	80 feet	yes, if new roads proposed	No yes, if new roads proposed	§ 5.2.5(c) shall apply if new roads proposed	30	30	10
7,500 SF to 20,000 SF	underground power, street lights, water and sewer	BCDS**	60 feet	yes, if new roads proposed	yes, if five lots or more	§ 5.2.5(c) shall apply if new roads proposed	30	30	10

* The more strict minimum lot size between Section 5.4(a) and this table shall apply. ~~Minimum lot size shall be subject to Section 5.4(a)~~



WETLANDS AND WATERWAYS

- Removing Onerous Requirements
- Providing more wetland protection

(p) U.S. Army Corps of Engineers jurisdictional wetlands determination if the proposed subdivision contains jurisdictional wetlands or is within 100 feet of a jurisdictional wetland as required by the County Engineer or his/her designee, from the Generalized Wetland Map; or through a site visit by County Staff;



WETLANDS AND WATERWAYS

- Removing Onerous Requirements
- Providing more wetland protection
- Jurisdictional Determination Required if:
 1. Filling Jurisdictional Wetlands, or
 2. Required by Planning Director or Designee for One of Three Reasons

WETLANDS AND WATERWAYS

(ii) If wetland fill is not proposed, the Baldwin County Planning Director may, at his or her discretion, require the applicant to submit an USACE Jurisdictional Determination after documenting the following:

1. A site visit by a Baldwin County Planning and Zoning Staff member revealed potential wetlands on the site that differ significantly from the delineation supplied by the Applicant;
2. A review of the Generalized Wetland Map reveals potential wetlands on the site that differ substantially from the delineation supplied by the Applicant; or
3. Based on the location of the subdivision site and knowledge of historic stormwater problems in and around the site area.

When a jurisdictional determination is deemed necessary above in this subsection (ii), the Planning Director may, in lieu of a jurisdictional determination, accept a second wetland delineation prepared by an professional wetland delineator ~~accredited wetland specialist~~ who is not affiliated with the specialist responsible for the original delineation.



WETLANDS AND WATERWAYS

- Removing Onerous Requirements
- Providing more wetland protection
- Jurisdictional Determination Required if:
 1. Filling Jurisdictional Wetlands, or
 2. Required by Planning Director or Designee for One of Three Reasons
- Limitation on Filling Non-Jurisdiction Wetlands



WETLANDS AND WATERWAYS

“New” Language under 5.2.2:

(c) Filling of Non-Jurisdictional Wetlands – Where a proposed subdivision contains an area of non-jurisdictional wetlands which contributes to the stormwater management of the subdivision, the wetlands shall not be filled and shall be preserved within common areas. If approved by the County Engineer, a developer may fill these non-jurisdictional wetlands if comparable and equivalent storage capacity is provided as part of the development.

Current Language from 5.12.2(e):

Any existing onsite areas that currently retain stormwater shall be preserved within common areas and in their current state. If approved by the County Engineer, a developer may fill in said areas if there are no jurisdictional wetlands involved, and if similar storage capacity is provided onsite and in the same drainage basin.



WETLANDS AND WATERWAYS

- Increase of Natural Buffer



WETLANDS AND WATERWAYS

(d) Display of Jurisdictional Wetlands on Plat or Site Plan – For jurisdictional wetlands not proposed to be filled, the Applicant shall display a thirty-foot wetland building setback~~The building setback line from jurisdictional wetlands shall be 30 feet~~, within which a minimum 15-foot natural buffer shall be provided upland of all jurisdictional wetlands. Wetlands to be filled shall be displayed as “To be filled” along with USACE permit number.



WETLANDS AND WATERWAYS

- Increase of Natural Buffer
- Special Provision for Minor Subdivisions



WETLANDS AND WATERWAYS

(e) In a minor subdivision (five lots or less with no infrastructure) where no development is proposed, in lieu of a wetland delineation and USACE Jurisdictional Determination, the Planning Director may allow the Applicant to display on the plat those wetlands from the Generalized Wetland Map (provided by the Baldwin County Planning and Zoning Department) along with a 50-foot wetland building setback, and the following plat note: “Any future subdivision or development of lots shall comply with the wetland requirements of the Subdivision Regulations or Zoning Ordinance applicable at the time of such future subdivision, which may include completing a wetland delineation and USACE Jurisdictional Determination.”

WETLANDS AND WATERWAYS

- Increase of Natural Buffer
- Special Provision for Minor Subdivisions
- Waterway Buffer



WETLANDS AND WATERWAYS

(f) Display of Watersways on the Plat or Site Plan – For streams, creeks, rivers, and similar “blue-line” waterways displayed on the USGS topographic maps, the Applicant shall display a thirty-foot minimum natural buffer on both sides of the waterway. These buffers shall be flagged prior to project implementation and protected by appropriate measures during all construction phases. No development other than for recreational purposes shall take place within the waterway natural buffer.



FIBER CONDUIT

- Commission High Speed Internet 5-Yr Strategic Goal
- Amendment Applies Whenever New Roads are Proposed
- Developer Must Install Empty 4" Conduit and Dedicate to the County.

FIBER CONDUIT

(c) Fiber Optic Network Conduit

1) Requirements. All subdivisions involving the creation of new streets, alleys, or roadways, or subdivisions identified in table 5.1.1 shall include, as part of their development and the costs thereof, the construction and installation of fiber optic network conduit which shall be a minimum four inch (4") conduit containing a minimum of four (4) inner-ducts used to enclose or carry fiber optic cable. The development shall also include installation and construction of proper appurtenances and attendant facilities thereto, which shall be located parallel to the nearest public street or roadway and meet or exceed specifications of emerging industry standards for provision of high-speed broadband service, with the exact locations of such infrastructure and the specifications of which to be determined by the County Engineer or his or her designee in reliance on such industry standards. The following additional requirements shall apply:

(A) In addition to installing fiber optic network conduit, the developer shall install such vaults, manholes, hand-holes and other appurtenances and facilities as are necessary or needed to accommodate installation and connection of fiber optic cable within the fiber optic network conduit.



SIDEWALK CONSTRUCTION TIMING

(e) All Sidewalks which are to be located within the subdivision ~~adjacent to common areas and not adjacent to residential or commercial lots~~ shall be constructed prior to final plat approval. ~~Sidewalks which are to be located adjacent to residential or commercial lots shall~~ may be constructed before ~~after the issuance of final plat approval.~~ No Certificate of Occupancy shall be issued for a structure situated upon a lot until the portion of any required sidewalk adjacent to such lot has been completed.

RV PARKS

(f) Setbacks – RV parks and campgrounds located within zoned districts of the County shall meet the applicable setbacks in the Zoning Ordinance. RV parks and campgrounds located in unzoned districts shall meet the following setbacks:

1. ~~RV parks and campgrounds sites / units shall be located a~~ A minimum ~~of thirty-(30) foot~~ building setback shall be required from any exterior property line, development phase boundary line, or jurisdictional wetland. No RV sites, buildings, or other structures shall be constructed within the required thirty-foot setback.
2. Structures constructed or located on RV parks and campground sites / units must be separated from each other by at least ten (10) feet.
3. Refer to Section 5.4 (h) of these regulations for Highway Construction Setback requirements.

(g) Minimum Lot Size - The minimum lot size for RV parks and campgrounds shall be three (3) acres.

(h) Manufactured Homes – An RV Park which remains under unified ownership and control or is otherwise approved under the provisions of Article 9 shall not include sites for use by manufactured homes.

OPEN SPACE REQUIREMENTS

- 15% of Gross Land Area Set Aside for Open Space
- 50% of Open Space Usable for Passive/Active Recreation
- “Should be centrally located within the development as a design feature.”



OPEN SPACE REQUIREMENTS

§ 5.20 Open Space Requirements

(a) Open space reservation. Exclusive of the Open Space provisions for Planned Unit Developments contained in Article 9, the following open space reservation requirements shall apply to all subdivision lots that require installation or construction of streets:

(1) A minimum of 15% of the gross land area of the subdivision development shall be set aside for permanent open space.

a. Steep slopes (greater than 4:1), internal street rights-of-way, driveways, off-street parking areas, and off-street loading areas or similar uses shall not be counted in determining open space.

b. A minimum of 50% of the required open space must be usable and accessible for passive or active recreation purposes such as parks, recreational facilities, pedestrian ways, and/or for conserving sensitive elements of the environment. The usable open space shall not include retention or detention facilities, swales, ditches, constructed

c. Open space set aside for passive and active recreation should be centrally located within the develop as a design feature.

VARIANCES

- Clarify Use of Variance for Remnant Parcels

VARIANCES

§ 8.1.1 Variance Requests for “Remnant” Parcels

Remnant parcels do not exist under the subdivision regulations. Every resolving parcel for a subdivision is subject to the subdivision regulations. However, when a subdivision results in a large outparcel that is greater than 20-acres, the applicant may submit a variance request which, if granted by the Planning Commission, would allow the outparcel to be excluded from some or all of the requirements of the subdivision regulations. If approved the following shall be placed on the portion of the outparcel displayed on the plat.

“Remnant Parcel, not intended to be included as part of this subdivision. A variance request to exclude the remnant from this subdivision was approved during the __ / __ /20__ Planning Commission meeting and thus, the remnant parcel has been excluded from the legal description.”

VARIANCES

- Clarify Use of Variance for Remnant Parcels
- Link Variance and Plat/Site Plan Approval if Applicant Chooses to Bring at the Same Meeting

VARIANCES

An applicant may simultaneously submit a variance request with a Preliminary Plat approval application or Site Plan approval application to the Planning Commission. However, the variance shall be heard first and a denial of the variance shall result in an automatic denial of the proposed subdivision or planned development.

NON-RESIDENTIAL PLANNED DEVELOPMENTS

Unit: A unit is any leasehold, fee simple, or similar interest in real property, intended for occupancy, within a Planned Development.