

**STATE OF ALABAMA  
SHELBY COUNTY**

**SHELBY COUNTY PLANNING COMMISSION MINUTES**

**Regular Meeting – June 3, 2019 – 6:00 PM**

**Members Present:** Michael O’Kelley, Chairman; Bill Kinnebrew, Vice Chairman; Jim Davis; Joe Little; Samuetta Nesbitt; Jay Gunther; Kenneth Wilder

**Members Absent:** None

**Staff Present:** Chad Scroggins, Manager; Christie Pannell Hester, Supervisor; Sharman Brooks, Senior Planner; Kristine Goddard, Principal Planner; Josh Cameron, Principal Planner; John Slaughter, Chief Civil Engineer

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**PUBLIC HEARING**

The meeting was called to order at 6:00 P.M. by Michael O’Kelley, Chairman. **Commissioner O’Kelley** introduced the members of the Planning Commission and the County staff. There were approximately four audience member(s) present in addition to the Planning Commission members and County staff.

**Approval of the Minutes of the May 20, 2019 Planning Commission Meeting.**

**Commissioner Davis** made a motion to approve the minutes of the May 20, 2019 meeting; the motion was seconded by **Commissioner Little**. By a unanimous vote of seven (7-0), with Commissioners Davis, Little, O’Kelley, Kinnebrew, Nesbitt, Wilder and Gunther voting in favor, the minutes of the May 20<sup>th</sup> meeting were approved.

**1. SN19-003 A Resubdivision of Lot 2 of Keeler’s Mill Estates**

This is a request from Johnny and Pamela Busby, property owner, for approval of a final plat to subdivide Lot 2 of Keeler’s Mill Estates into two lots for residential use to be known as A Resubdivision of Lot 2 of Keeler’s Mill Estates.

The subject property is not zoned and is located at 224 Keeler Mill Road; Parcel Identification No. 58-27-2-09-0-000-002.002.

**Commissioner O’Kelley** stated that the applicant has requested to withdraw the case from consideration. No audience member present wished to speak in favor or opposition to the request to withdraw the case. With no further discussion he called for a motion. **Commissioner Kinnebrew** made a motion in in Case **SN19-003** that the request of the applicant to withdraw his application be approved. The motion was seconded by **Commissioner Davis** and by a unanimous vote of seven (7-0), with Commissioners Davis, O’Kelley, Kinnebrew, Little, Nesbitt, Wilder and Gunther voting in favor, the following resolution was approved:

**WHEREAS**, Johnny and Pamela Busby, property owners, have petitioned the Shelby County Commission for approval of a final plat to subdivide Lot 2 of Keeler’s Mill Estates into two lots for residential use to be known as A Resubdivision of Lot 2 of Keeler’s Mill Estates; and,

**WHEREAS**, the subject property is not zoned and is located at 224 Keeler Mill Road; Parcel Identification No. 58-27-2-09-0-000-002.002; and,

**WHEREAS** the applicant has requested the Planning Commission withdraw the case from consideration;

**NOW, THEREFORE, BE IT RESOLVED** by the Shelby County Planning Commission that the request from Johnny and Pamela Busby, property owner, for approval of a final plat to subdivide

Lot 2 of Keeler's Mill Estates into two lots for residential use to be known as A Resubdivision of Lot 2 of Keeler's Mill Estates and located at 224 Keeler Mill Road, Parcel Identification No. 58-27-2-09-0-000-002.002, be and the same is hereby **WITHDRAWN**.

## 2. SN19-008 A Resubdivision of Lot 1, White Oak Ridge, A Rural Subdivision

This is a request from Chris Meyer, property owner, for approval of a final plat to subdivide Lot 1 of White Oak Ridge into three, ten-acre or greater lots for residential use to be known as A Resubdivision of Lot 1 of White Oak Ridge, A Rural Subdivision.

The subject property is zoned A-R, Agricultural-Residential and is located at 596 Signal Valley Trail; Parcel Identification Nos. 58-09-6-23-0-000-002.055 and 58-09-6-23-0-000-002.004.

Ms. Kristine Goddard described the case and presented the following information to the Planning Commission:

This is a request from Chris Meyer, property owner, for approval of a final plat to subdivide Lot 1 of White Oak Ridge into three, ten-acre or greater lots for residential use to be known as A Resubdivision of Lot 1 of White Oak Ridge, A Rural Subdivision. The subject property is zoned A-R, Agricultural-Residential and is located at 596 Signal Valley Trail; Parcel Identification Nos. 58-09-6-23-0-000-002.055 and 58-09-6-23-0-000-002.004.

Surrounding properties in unincorporated Shelby County and including the subject property are zoned A-R, Agricultural Residential. The A-R zoning district has a minimum lot size of three acres. With the exception of subdivision developments in the city of Chelsea; including Adams Ridge and Polo Crossing, to the south of the subject parcels, the predominant land use of adjacent properties is large tract single family residential.

White Oak Ridge, A Rural Subdivision was reviewed as a three lot, rural, subdivision and approved by the Planning Commission on May 17, 2010. According to the *Subdivision Regulations of Shelby County*, Rural Subdivisions are divisions of land into five lots or less that contain 10 acres or more; are not required to front on a paved public road and require no internal infrastructure improvements. All rural subdivisions require Planning Commission approval.

The applicant is requesting to re-subdivide Lot 1 of the previously recorded White Oak Ridge, A Rural Subdivision into three lots that will complete the rural subdivision. Lot 2 (owned by the applicant) and Lot 3 are each less than 15 acres in size and could not be further subdivided according to the Rural Subdivision requirements.

The proposed Lot 1A and Lot 1B contain 10 acres each; Lot 1C contains 12.64 acres. Proposed Lot 1B (Parcel Number 58-09-6-23-0-000-002.004) exists currently as an improper subdivision that occurred around the same time frame that the existing home on the property was sold.

Currently, the applicant has no construction plans for Lot 1A or 1C. Access to the subject property is via a recorded easement. An additional ingress and egress easement is proposed along the southern border of Lot 1A to allow for access to Lot 1C.

The following editorial correction must be addressed prior to final approval:

- Include the total acreage of the subject properties on the plat.

The proposed subdivision meets the requirements of the *Subdivision Regulations of Shelby County*. **Approval** of the subdivision should be subject to:

- Applicant submitting a revised plat for review that addresses all staff comments; and
- Applicant submitting a final plat for recording; and

- Compliance with the regulations, policies and guidelines of Shelby County.

Chris Meyer, 862 Signal Valley Trail, property owner, was present to answer questions but had nothing further to add.

**Commissioner Gunther** asked for clarification on the previous division of Lot 1 and why it was considered improper.

Ms. Goddard explained that the previous division of Lot 1 occurred after the rural subdivision had been recorded and was not reviewed for compliance with the Shelby County Subdivision Regulations.

**Commissioner Gunther** asked if the proposed plat would correct the previous improper subdivision.

Ms. Goddard confirmed that it would.

No one present spoke in favor or opposition to the request. With no further discussion, **Commissioner O'Kelley** called for a motion. **Commissioner Davis** made a motion in Case **SN19-008 A Resubdivision of White Oak Ridge, A Rural Subdivision** the evidence and testimony warrant Approval subject to addressing staff comments. The motion was seconded by **Commissioner Gunther** and by a unanimous vote of seven (7-0), with Commissioners Davis, O'Kelley, Kinnebrew, Little, Nesbitt, Wilder and Gunther voting in favor, the following resolution was approved:

**WHEREAS**, Chris Meyer, property owner, has petitioned the Shelby County Planning Commission for approval of a final plat to subdivide Lot 1 of White Oak Ridge into three, ten-acre or greater lots for residential use to be known as A Resubdivision of Lot 1 of White Oak Ridge, A Rural Subdivision; and,

**WHEREAS**, the subject property is located at the end of the public right of way for Signal Valley Trail, approximately three-quarters of a mile north of Old U.S. 280 at 596 Signal Valley Trail; Parcel Identification Nos. 58-09-6-23-0-000-002.055 and 58-09-6-23-0-000-002.004; and,

**WHEREAS**, Rural Subdivisions are divisions of land into five lots or less that contain 10 acres or more; are not required to front on a paved public road and require no internal infrastructure improvements; and,

**WHEREAS**, White Oak Ridge, A Rural Subdivision was reviewed as a three lot, rural subdivision and approved by the Planning Commission on May 17, 2010; and,

**WHEREAS**, the resubdivision of Lot 1 into three lots will cause White Oak Ridge, A Rural Subdivision to be five lots and complete the rural subdivision; and,

**WHEREAS**, the documents and maps submitted meet the requirements for a rural subdivision as identified in the *Subdivision Regulations of Shelby County*; and,

**NOW, THEREFORE, BE IT RESOLVED** by the Shelby County Planning Commission that the request from Chris Meyer, property owner, for approval of a final plat to subdivide Lot 1 of White Oak Ridge into three, ten-acre or greater lots for residential use to be known as A Resubdivision of Lot 1 of White Oak Ridge, A Rural Subdivision; and located to 596 Signal Valley Trail; Parcel Identification Nos. 58-09-6-23-0-000-002.055 and 58-09-6-23-0-000-002.004, be and the same is hereby *Approved* subject to:

- Applicant submitting a final plat for recording; and
- Compliance with the regulations, policies and guidelines of Shelby County.

**3. Case No. SAM19-001 The Amendment of Article 2, Section 2.02 A. Land Suitability Criteria Evaluation and Table 2-7 Implementation Framework and Development Intensity**

This amendment is intended to facilitate a wider range of new residential, non-residential and mixed use development in the Coosa River and Lay Lake recreational areas by automatically qualifying properties within one-quarter mile of the Coosa River as Tier 1 scoring based on the recreational and environmental characteristics of the river, the predominant pattern of residential development in the area, and the Coosa River’s function as a regional vacation destination.

The proposed amendment will modify Section 2.02 A. Land Suitability Criteria Evaluation (i.e. land suitability criteria for properties within ¼ mile of the Coosa River) and Table 2-7 (Tier I column).

Ms. Sharman Brooks presented the following proposed amendment to the Planning Commission identifying the specific changes:

<b>TABLE 2-7: IMPLEMENTATION FRAMEWORK AND DEVELOPMENT INTENSITY</b>			
	<b>CONVENTIONAL SUBDIVISION</b>	<b>CONSERVATION SUBDIVISION</b>	<b>FORM-BASED SUBDIVISION</b>
<b>TIER I</b> <u>(Properties within ¼ mi of the Coosa River)</u>	<ul style="list-style-type: none"> <li>Residential subdivisions with a minimum ¼ acre lot size.</li> <li>Supporting non-residential development</li> <li>Sewers may be permitted in a public right-of-way.</li> </ul>	<ul style="list-style-type: none"> <li>Clustered residential subdivisions calculated at 4 lots per acre, (gross calculation).</li> <li>Supporting non-residential development.</li> <li>Sewers may be permitted in a public right-of-way.</li> </ul>	<ul style="list-style-type: none"> <li>Core Areas and Focus Areas of the “Communities of Place” concept of the Comprehensive Plan.                             <ul style="list-style-type: none"> <li>Mixed-use Cores</li> <li>Focus Areas of supporting neighborhoods</li> </ul> </li> <li>Sewers are permitted in a public right-of-way.</li> </ul>
<b>TIER II</b>	<ul style="list-style-type: none"> <li>Residential subdivisions with a minimum 1.5 acre lot size.</li> <li>Supporting non-residential development at a rural scale</li> <li>Sewers may be permitted in a public right-of-way, depending on surrounding development patterns.</li> </ul>	<ul style="list-style-type: none"> <li>Clustered residential subdivisions calculated at 1 lot per acre, (gross calculation).</li> <li>Supporting non-residential development at a rural scale</li> <li>Sewers may be permitted in a public right-of-way.</li> </ul>	<ul style="list-style-type: none"> <li>Transition Areas of the “Communities of Place” concept of the Comprehensive Plan.                             <ul style="list-style-type: none"> <li>Rural Conservation residential subdivisions</li> <li>Deferred growth areas as future extensions of Focus Area Neighborhoods.</li> </ul> </li> <li>Sewers are permitted in a public right-of-way.</li> </ul>

<b>TIER III</b>	<ul style="list-style-type: none"> <li>• Residential subdivisions with larger than 5 acre lots</li> <li>• Sewers may be permitted in a public right-of-way, depending on surrounding development patterns.</li> </ul>	<ul style="list-style-type: none"> <li>• Clustered residential subdivisions calculated at a density of 1 lot per 2 acres, (gross calculation).</li> <li>• Sewers may be permitted in a public right-of-way.</li> </ul>	<ul style="list-style-type: none"> <li>• Rural Areas of the “Communities of Place” concept of the Comprehensive Plan.</li> <li>• Sewers are permitted in a public right-of-way.</li> </ul>
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**Commissioner O’Kelley** asked to clarify the language in the column one of the table so that it states “*includes* properties within ¼ mile of the Coosa River”. He stated that this will encompass not just those properties in proximity to the lake but also other Tier I properties in unincorporated Shelby County.

**Commissioner Davis** asked who was requesting the change to the tier systems around lake properties and feels it may invite too dense a development pattern without proper infrastructure.

Ms. Brooks stated that staff was requesting the change and that infrastructure will still have to be constructed to the site to develop the smaller parcel size but would also allow greater flexibility in design opportunity for potential developments.

Mr. Chad Scroggins added that a good deal of research into lake development has been reviewed by staff in the development of the proposed amendment. He said that it will allow for the consideration of highly planned development in the river and lake areas within the County that are currently limited by the Tier system, even if infrastructure is available and by expanding the allowable lot choice more flexibility is built into a plan design and the staff ability to work with developers on better plans.

No one present spoke in favor or opposition to the request. With no further discussion, **Commissioner O’Kelley** made a motion in Case No. **SAM19-001 The Amendment of Article 2, Section 2.02 A. Land Suitability Criteria Evaluation and Table 2-7 Implementation Framework and Development Intensity** to approve the amendment with the addition of the word “including” in the first column of the table. The motion was seconded by **Commissioner Kinnebrew** and by a unanimous vote of seven (7-0), with Commissioners Davis, O’Kelley, Kinnebrew, Little, Nesbitt, Wilder and Gunther voting in favor, the following resolution was approved:

**WHEREAS**, in the course of the administration of the adopted Subdivision Regulations, the Department of Development Services has identified inefficiencies in the Subdivision Regulations that hinders the full implementation of the regulations; and,

**WHEREAS**, the proposed amendment is intended to facilitate a wider range of new residential, non-residential and mixed use development in the Coosa River and Lay Lake recreational areas by automatically qualifying properties within one-quarter mile of the Coosa River as Tier 1 scoring based on the recreational and environmental characteristics of the river, the predominant pattern of residential development in the area, and the Coosa River’s function as a regional vacation destination; and,

**WHEREAS**, the proposed amendment will be made to Article 2, Section 2.02 A. Land Suitability Criteria Evaluation of the Article 2 and Table 2-7 Implementation Framework and Development Intensity of the *Subdivision Regulations of Shelby County*; and,

**WHEREAS**, the proposed amendments to the Subdivision Regulations and notice of the Public Hearing was published in the Shelby County Reporter, a newspaper of general circulation, on May 15, 2019; and,

**WHEREAS** a synopsis of the initial notice has been advertised in the Shelby County Reporter on May 22 and 29, 2019; and,

**WHEREAS**, on June 3, 2019 the Shelby County Planning Commission held a public hearing at which time all individuals, in opposition to or in support thereof, had the opportunity to speak regarding the proposed amendment to the Subdivision Regulations of Shelby County, Alabama; and,

**WHEREAS** the Planning Commission found that the evidence and testimony presented warrants the approval of the proposed amendment to the Subdivision Regulations of Shelby County, Alabama, as amended;

**NOW, THEREFORE, BE IT RESOLVED**, by the Shelby County Planning Commission that the Subdivision Regulations of Shelby County, Alabama be, and the same are hereby resolved to be amended and read as follows:

(~~STRIKEOUT~~ = INSERT)

## **ARTICLE 2. DEVELOPMENT PATTERNS AND LAND SUITABILITY**

### **2.02 LAND SUITABILITY CRITERIA**

The regulations establish three distinct tiers of land suitability to determine the most appropriate development intensity for the land. The Department of Development Services will assess the proposed suitability tier in conjunction with the applicant. The suitability determination is subject to the concurrence of the Planning Commission.

#### **A. Land Suitability Criteria Evaluation.**

Each proposed subdivision must involve a proposed land suitability tier based on the suitability criteria specified in **Table 2-5**. Properties within one-quarter mile of the Coosa River automatically qualify for ~~Tier II~~ Tier 1 scoring based on the recreational and environmental characteristics of the river, the predominant pattern of residential development in the area, and the Coosa River's function as a regional vacation destination.

### **2.03 IMPLEMENTATION FRAMEWORK.**

Based on the development patterns and land suitability criteria, these regulations establish the long-range development implementation strategy in **Table 2-7**, Implementation Framework and Development Intensity. Please note, in zoned areas, the *Zoning Regulations of Shelby County, Alabama*, will regulate the required lot sizes.

<b>TABLE 2-7: IMPLEMENTATION FRAMEWORK AND DEVELOPMENT INTENSITY</b>			
	<b>CONVENTIONAL SUBDIVISION</b>	<b>CONSERVATION SUBDIVISION</b>	<b>FORM-BASED SUBDIVISION</b>
<b>TIER I</b> <u>(Including Properties within ¼ mi of the Coosa River)</u>	<ul style="list-style-type: none"> <li>Residential subdivisions with a minimum ¼ acre lot size.</li> <li>Supporting non-residential development</li> <li>Sewers may be permitted in a public right-of-way.</li> </ul>	<ul style="list-style-type: none"> <li>Clustered residential subdivisions calculated at 4 lots per acre, (gross calculation).</li> <li>Supporting non-residential development.</li> <li>Sewers may be permitted in a public right-of-way.</li> </ul>	<ul style="list-style-type: none"> <li>Core Areas and Focus Areas of the “Communities of Place” concept of the Comprehensive Plan.                             <ul style="list-style-type: none"> <li>Mixed-use Cores</li> <li>Focus Areas of supporting neighborhoods</li> </ul> </li> <li>Sewers are permitted in a public right-of-way.</li> </ul>
<b>TIER II</b>	<ul style="list-style-type: none"> <li>Residential subdivisions with a minimum 1.5 acre lot size.</li> <li>Supporting non-residential development at a rural scale</li> <li>Sewers may be permitted in a public right-of-way, depending on surrounding development patterns.</li> </ul>	<ul style="list-style-type: none"> <li>Clustered residential subdivisions calculated at 1 lot per acre, (gross calculation).</li> <li>Supporting non-residential development at a rural scale</li> <li>Sewers may be permitted in a public right-of-way.</li> </ul>	<ul style="list-style-type: none"> <li>Transition Areas of the “Communities of Place” concept of the Comprehensive Plan.                             <ul style="list-style-type: none"> <li>Rural Conservation residential subdivisions</li> <li>Deferred growth areas as future extensions of Focus Area Neighborhoods.</li> </ul> </li> <li>Sewers are permitted in a public right-of-way.</li> </ul>
<b>TIER III</b>	<ul style="list-style-type: none"> <li>Residential subdivisions with larger than 5 acre lots</li> <li>Sewers may be permitted in a public right-of-way, depending on surrounding development patterns.</li> </ul>	<ul style="list-style-type: none"> <li>Clustered residential subdivisions calculated at a density of 1 lot per 2 acres, (gross calculation).</li> <li>Sewers may be permitted in a public right-of-way.</li> </ul>	<ul style="list-style-type: none"> <li>Rural Areas of the “Communities of Place” concept of the Comprehensive Plan.</li> <li>Sewers are permitted in a public right-of-way.</li> </ul>

#### **4. Case No. SAM19-002 The Amendment of Article 4 adding Section 4.05 Post Construction Stormwater Management**

This amendment is intended to fulfill a requirement of Shelby County's current MS4 permit ALS000008 that requires developers and landowners to submit for review and maintain BMPs that will provide post construction hydrology that mimics pre-construction conditions based on the design criteria volume of a 1.1 inch rainfall in a 24-hour period. Shelby County utilizes Zoning Regulations and Subdivision Regulations that have been adopted by both the Shelby County Planning Commission and the Shelby

County Commission as the basis for design criteria for developments within the Shelby County MS4 Permit area.

Ms. Sharman Brooks presented the amendment to the Planning Commission identifying the specific changes and presented the following language for inclusion in the *Subdivision Regulations of Shelby County* to comply with the Municipal Separate Storm Sewer system (MS4) permit issued to the County by the Alabama Department of Environmental Management and to create consistency in County Ordinances:

#### **Article 4. Major Subdivision Procedures**

##### **4.05 Post Construction Storm Water Management**

Post-Construction Storm Water Management refers to the activities that take place after construction occurs and includes structural and non-structural controls including low-impact development practices to obtain permanent storm water management over the life of the property's use.

The Post-Construction Storm Water Management in New Development and Re-Development program will require developers and landowners to submit for review and maintain BMPs, to consider low impact development techniques, provide as-built BMP certifications and annual performance reports and inspection records, and provide adequate mechanisms to insure long-term operation and maintenance of BMPs. Shelby County will enforce post construction BMPs at all new and redevelopment projects.

A. For projects that are located within the MS4 Permit area, the Final Plat review shall include:

- 1) The developer must develop and maintain best management practices to ensure, to the MEP, that post-construction runoff mimics pre-construction hydrology of the site. A 1.1 inch rainfall over a 24-hour period preceded by a 72-hour antecedent dry period shall be the basis for the design and implementation of post-construction BMPs. (Calculations should be submitted for both Preliminary and Final Plat review.)
- 2) An "as built" certification of the appropriate structural controls shall be submitted within 120 days of the completion of the project. Developers are encouraged to incorporate the use of low impact development (LID)/green infrastructure where feasible.
- 3) A post-construction BMP plan shall be submitted for review.
- 4) The developer shall perform an annual post-construction inspection to ensure that design standards are being met. The annual post-construction inspection shall include the following information:
  - Facility Type (detention/retention pond, bio swale, ditch, etc.)
  - Inspection Date
  - Name and signature of inspector
  - Site location (address, lat long, etc)

- Owner Information (name, address, phone number and email)
  - Description of the storm water BMP condition that may include the quality of: vegetation and soils, inlet and outlet channels and structures, embankments, slopes and safety benches, spillways, weirs and other control structures; and sediment and debris accumulation in storage and forebay areas as well as in and around inlet and outlet structures
  - Photographic documentation of all critical storm water BMP components
  - Specific maintenance items or violations that need to be corrected by the owner/operator of the storm water control or BMP; and,
  - Maintenance agreements for long-term BMP operations and maintenance
- 5) The developer/owner/operator shall keep records of post-construction inspections, maintenance activities and make them available to Shelby County and the ADEM upon request and require corrective actions to poorly functioning or inadequately maintained post-construction BMPs.
- 6) One or more of the following may be required to ensure adequate long-term operation and maintenance of post-construction BMPs:
- The developer's signed statement accepting responsibility for maintenance until the maintenance responsibility is legally transferred to another party; and/or
  - Written conditions in the sales or lease agreement that require the recipient to assume responsibility for maintenance; and/or
  - Written conditions in project conditions of approval, covenants and restrictions for residential properties assigning maintenance responsibilities to a home owner's association or other appropriate group, for maintenance of structural and treatment control management practices; and/or
  - Any other legally enforceable agreement that assigns permanent responsibility for maintenance of structural or treatment control management practices.

Mr. Scroggins further explained the parameters of the MS4 permit and the County role in storm water management for new developments and maintenance of those systems over time. He stated that the County is already requiring post construction management of new construction as required by the MS4 permit. He reiterated that by adding the language to the Subdivision Regulations the County is creating consistency in the regulations utilized by developers and engineers when they look at our procedures related to new development.

**Commissioner Davis** inquired that after a developer has completed a development and moved on does a Home Owners Association have any recourse to require corrections to a storm water management system.

Mr. Scroggins said that once the system is turned over to the HOA it becomes their responsibility to maintain it. He further stated that part of the MS4 requirement is that prior to the completion of the projection or turning over maintenance to an HOA the developer has to have an engineer certify that a pond, for example, is functioning as designed. He stated that the certification of the pond is done annually by either the developer/owner or the HOA once they accept the management of the Common Area, Ponds and covenant restrictions.

**Commissioner O'Kelley** clarified that the County is already enforcing the requirement under the MS4 permit but this language would include the same requirement in the Subdivision Regulations.

Ms. Brooks affirmed that the language presented was directly from the MS4 permit and not modified by staff.

No one present spoke in favor or opposition to the request. With no further discussion, **Commissioner O’Kelley** called for a motion. **Commissioner Davis** made a motion in Case No. **SAM19-002 The Amendment of Article 4 adding Section 4.05 Post Construction Stormwater Management** to approve the amendment as presented. The motion was seconded by **Commissioner Kinnebrew** and by a unanimous vote of seven (7-0), with Commissioners Davis, O’Kelley, Kinnebrew, Little, Nesbitt, Wilder and Gunther voting in favor, the following resolution was approved:

**WHEREAS**, the Municipal Separate Storm Water System (MS4) permit, ALS000008, issued to Shelby County by the Alabama Department of Environmental Management (ADEM) requires Post-Construction Storm Water Management in New Development and Re-Development that will provide post construction hydrology that mimics pre construction conditions based on the design criteria volume of a 1.1 inch rainfall in a 24-hour period preceded by a 72-hour antecedent dry period; and,

**WHEREAS**, the MS4 Permit requires development owners to provide as-built BMP certifications, annual performance reports, inspection records, and provide adequate mechanisms to insure long-term operation and maintenance of BMPs; and,

**WHEREAS**, this amendment will fulfill the requirement of Shelby County’s current MS4 permit; and,

**WHEREAS**, the proposed amendment will be made to Article 4, Major Subdivision Procedures of the *Subdivision Regulations of Shelby County*, adding section 4.05 Post Construction Storm Water Management; and,

**WHEREAS**, the proposed amendments to the Subdivision Regulations and notice of the Public Hearing was published in the Shelby County Reporter, a newspaper of general circulation, on May 15, 2019; and,

**WHEREAS** a synopsis of the initial notice has been advertised in the Shelby County Reporter on May 22 and 29, 2019; and,

**WHEREAS**, on June 3, 2019 the Shelby County Planning Commission held a public hearing at which time all individuals, in opposition to or in support thereof, had the opportunity to speak regarding the proposed amendment to the Subdivision Regulations of Shelby County, Alabama; and,

**WHEREAS** the Planning Commission found that the evidence and testimony presented warrants the approval of the proposed amendment to the Subdivision Regulations of Shelby County, Alabama, as amended;

**NOW, THEREFORE, BE IT RESOLVED**, by the Shelby County Planning Commission that the Subdivision Regulations of Shelby County, Alabama be, and the same are hereby resolved to be amended and read as follows:

**(~~STRIKEOUT~~ = INSERTED)**

## Article 4. Major Subdivision Procedures

### 4.05 Post Construction Storm Water Management

Post-Construction Storm Water Management refers to the activities that take place after construction occurs and includes structural and non-structural controls including low-impact development practices to obtain permanent storm water management over the life of the property's use.

The Post-Construction Storm Water Management in New Development and Re-Development program will require developers and landowners to submit for review and maintain BMPs, to consider low impact development techniques, provide as-built BMP certifications and annual performance reports and inspection records, and provide adequate mechanisms to insure long-term operation and maintenance of BMPs. Shelby County will enforce post construction BMPs at all new and redevelopment projects.

B. For projects that are located within the MS4 Permit area, the Final Plat review shall include:

- 7) The developer must develop and maintain best management practices to ensure, to the MEP, that post-construction runoff mimics pre-construction hydrology of the site. A 1.1 inch rainfall over a 24-hour period preceded by a 72-hour antecedent dry period shall be the basis for the design and implementation of post-construction BMPs. (Calculations should be submitted for both Preliminary and Final Plat review.)
- 8) An "as built" certification of the appropriate structural controls shall be submitted within 120 days of the completion of the project. Developers are encouraged to incorporate the use of low impact development (LID)/green infrastructure where feasible.
- 9) A post-construction BMP plan shall be submitted for review.
- 10) The developer shall perform an annual post-construction inspection to ensure that design standards are being met. The annual post-construction inspection shall include the following information:
  - Facility Type (detention/retention pond, bio swale, ditch, etc.)
  - Inspection Date
  - Name and signature of inspector
  - Site location (address, lat long, etc)
  - Owner Information (name, address, phone number and email)
  - Description of the storm water BMP condition that may include the quality of: vegetation and soils, inlet and outlet channels and structures, embankments, slopes and safety benches, spillways, weirs and other control structures; and sediment and debris accumulation in storage and forebay areas as well as in and around inlet and outlet structures
  - Photographic documentation of all critical storm water BMP components
  - Specific maintenance items or violations that need to be corrected by the owner/operator of the storm water control or BMP; and,
  - Maintenance agreements for long-term BMP operations and maintenance
- 11) The developer/owner/operator shall keep records of post-construction inspections, maintenance activities and make them available to Shelby County and the ADEM upon request and require corrective actions to poorly functioning or inadequately maintained post-construction BMPs.

- 12) One or more of the following may be required to ensure adequate long-term operation and maintenance of post-construction BMPs:
- The developer's signed statement accepting responsibility for maintenance until the maintenance responsibility is legally transferred to another party; and/or
  - Written conditions in the sales or lease agreement that require the recipient to assume responsibility for maintenance; and/or
  - Written conditions in project conditions of approval, covenants and restrictions for residential properties assigning maintenance responsibilities to a home owner's association or other appropriate group, for maintenance of structural and treatment control management practices; and/or
  - Any other legally enforceable agreement that assigns permanent responsibility for maintenance of structural or treatment control management practices.

#### **5. Case No. ZAM19-001 The Amendment of Article VII-1. H-Z Holding Zone District**

This amendment is intended to clarify the intent of the HZ district, reduce the number of legal non-conforming parcels by reducing the required minimum lot area for single family dwellings from 10 acres to 3 acres, to add accessory structures as a permitted use on 3 acres or more, to reduce the Conditional Use minimum lot area for single family dwellings and accessory structures to 3 acres or less and to define the area and dimensional requirements of the H-Z district.

Ms. Sharman Brooks presented the amendment to the Planning Commission identifying the specific changes and presented the following amendment:

#### **ARTICLE VII-1. H-Z HOLDING ZONE DISTRICT**

##### **Section 1. Generally.**

The regulations set forth in this article or set forth elsewhere in this ordinance, when referred to in this article, are the regulations in the "H-Z Holding Zone District". This district is intended to provide for the preservation of environmentally sensitive areas including flood plains and ridge tops and to provide for the proper timing, phasing and transitioning of growth within areas of undeveloped and/or environmentally sensitive areas including flood plains and ridge tops property for which the Planning Commission's zoning authority encompasses. The Holding Zone District may be applied to any lands for which the Planning Commission finds should be held in a primarily undeveloped state for an interim period of time pending development and/or completion of the comprehensive land use plan for the respective zoning jurisdiction.

##### **Section 2. Use Regulations. (Resolution No. 07-12-26-04)**

(a) *Permitted uses.* Within "H-Z Holding Zone" districts, only the following uses and structures designed for such uses shall be permitted:

- (1) Any use in existence at the time of zoning the subject property "Holding Zone District".
- (2) Raising and grazing of animals, but no commercial feed lots.
- (3) Nurseries, green houses or the growing of crops, with no wholesale or retail sales to be conducted on premises.
- (4) Forestry.

- (5) Single-family dwelling on ~~ten-10 acres~~ 3 acres or more.
  - (6) Accessory structures and uses which are an ancillary function of the primary use of the subject property on 3 acres or more.
- (b) *Conditional uses.* Within "H-Z Holding Zone" districts, the following uses may be allowed as conditional uses:
- (1) Single-family structure on less than ~~10 acres~~ 3 acres.
  - (2) Manufactured homes.
  - (3) Accessory structures and uses which are an ancillary function of the primary use of the subject property on less than 3 acres.

**Section 3. Area and Dimensional Regulations.**

Except as provided by Articles XXI, XXII, and XXIII, the area and dimensional regulations set forth in the following table shall be observed:

Max. Height of Structure		Minimum Yards				Min. Lot Size	Min. Lot Width
		Yards		Side Yards			
Stories	Feet	Front	Rear	One Side	Total		
3½	50	<del>Variable with Planning Commission Approval</del> 50 feet on all sides ; 3 acres; 150 feet					

*Maximum height does not apply to barns or silos provided that additional set backs are provided in accordance with the requirements for specific uses set forth in Article XXI; no structure for keeping of animals shall be located closer than 100 feet from any lot line.*

Commissioner Kinnebrew asked if the 50 foot setback on all sides would be counter to correcting legal non-conforming structures that may already be too close to property line as they were constructed prior to zoning being enacted in the Zoning Beat.

Ms. Brooks replied that the Zoning Ordinance does have language already to address that specific issue but the setbacks as proposed would apply to any new construction.

No one present spoke in favor or opposition to the request. With no further discussion, **Commissioner O’Kelley** called for a motion. **Commissioner Davis** made a motion in Case No. **ZAM19-001 The Amendment of Article VII-1. H-Z Holding Zone District** to approve the amendment as presented. The motion was seconded by **Commissioner Nesbitt** and by a unanimous vote of seven (7-0), with Commissioners Davis, O’Kelley, Kinnebrew, Little, Nesbitt, Wilder and Gunther voting in favor, the following resolution was approved:

**WHEREAS**, the *Zoning Regulations of Shelby County* were first adopted in 1975; and,

**WHEREAS**, on August 28, 1989, the Shelby County Commission adopted the HZ, Holding Zone category as a part of the *Zoning Regulations of Shelby County*; and,

**WHEREAS**, the proposed amendment is intended to:

- Clarify the intent of the HZ district
- Reduce the number of legal non-conforming parcels by reducing the required minimum lot area for single family dwellings from 10 acres to 3 acres
- Add accessory structures as a permitted use on 3 acres or more
- Reduce the Conditional Use minimum lot area for single family dwellings and accessory structures to 3 acres or less
- Define the area and dimensional requirements of the H-Z district to be consistent with the dimensional requirements of the A-R district; and,

**WHEREAS**, the proposed amendment will be made to Article VII-1. Holding Zone District of the *Zoning Regulations of Shelby County*; and,

**WHEREAS**, the proposed amendments to the Zoning Regulations and notice of the Public Hearing was published in the Shelby County Reporter, a newspaper of general circulation, on May 15, 2019; and,

**WHEREAS** a synopsis of the initial notice has been advertised in the Shelby County Reporter on May 22 and 29, 2019; and,

**WHEREAS**, on June 3, 2019 the Shelby County Planning Commission held a public hearing at which time all individuals, in opposition to or in support thereof, had the opportunity to speak regarding the proposed amendment to the *Zoning Regulations of Shelby County*; and,

**WHEREAS** the Planning Commission found that the evidence and testimony presented warrants the approval of the proposed amendment to the *Zoning Regulations of Shelby County*, as amended;

**NOW, THEREFORE, BE IT RESOLVED**, by the Shelby County Planning Commission that the *Zoning Regulations of Shelby County*, be, and the same are hereby resolved to be amended and read as follows:

**(~~STRIKEOUT~~ AND INSERT)**

## **ARTICLE VII-1. H-Z HOLDING ZONE DISTRICT**

### **Section 1. Generally.**

The regulations set forth in this article or set forth elsewhere in this ordinance, when referred to in this article, are the regulations in the "H-Z Holding Zone District". This district is intended to provide for the preservation of environmentally sensitive areas including flood plains and ridge tops and to provide for the proper timing, phasing and transitioning of growth within areas of undeveloped and/or environmentally sensitive areas including flood plains and ridge tops property for which the Planning Commission's zoning authority encompasses. The Holding Zone District may be applied to any lands for which the Planning Commission finds should be held in a primarily undeveloped state for an interim period of time pending development and/or completion of the comprehensive land use plan for the respective zoning jurisdiction.

**Section 2. Use Regulations. (Resolution No. 07-12-26-04)**

(b) *Permitted uses.* Within "H-Z Holding Zone" districts, only the following uses and structures designed for such uses shall be permitted:

- (1) Any use in existence at the time of zoning the subject property "Holding Zone District".
- (2) Raising and grazing of animals, but no commercial feed lots.
- (3) Nurseries, green houses or the growing of crops, with no wholesale or retail sales to be conducted on premises.
- (4) Forestry.
- (5) Single-family dwelling on ~~ten-10 acres~~ 3 acres or more.
- (6) Accessory structures ~~and uses which are an ancillary function of the primary use of the subject property~~ on 3 acres or more.

(b) *Conditional uses.* Within "H-Z Holding Zone" districts, the following uses may be allowed as conditional uses:

- (1) Single-family structure on less than ~~10 acres~~ 3 acres.
- (2) Manufactured homes.
- (3) Accessory structures and uses which are an ancillary function of the primary use of the subject property on less than 3 acres.

**Section 3. Area and Dimensional Regulations.**

Except as provided by Articles XXI, XXII, and XXIII, the area and dimensional regulations set forth in the following table shall be observed:

Max. Height of Structure		Minimum Yards				Min. Lot Size	Min. Lot Width
		Yards		Side Yards			
Stories	Feet	Front	Rear	One Side	Total		
3½	50	Variable with Planning Commission Approval 50 feet on all sides				3 acres	150 feet

*Maximum height does not apply to barns or silos provided that additional set backs are provided in accordance with the requirements for specific uses set forth in Article XXI; no structure for keeping of animals shall be located closer than 100 feet from any lot line.*

**6. Case No. ZAM19-002 The Amendment of Article VII-2. A-R Agricultural-Residential District**

This amendment is intended to clarify the intent of the A-R, Agricultural-Residential district and to add transportation, communication and utility as Conditional Uses.

Ms. Sharman Brooks presented the amendment to the Planning Commission identifying the specific changes and presented the following amendment:

## **ARTICLE VII-2. A-R AGRICULTURAL-RESIDENTIAL DISTRICT**

### **Section 1. Generally.**

The regulations set forth in this article or set forth elsewhere in this Ordinance, when referred to in this article, are the regulations in the "A-R Agricultural-Residential District". This district is intended to provide a zoning classification for low-density development of primarily agricultural/forestry purposes and single-family homes on a minimum of ~~two (2) acres with an average lot size of three~~ (3) acres ~~or greater~~. The Agricultural-Residential District may be applied to any lands for which the Planning Commission finds should be preserved primarily for low intensity uses or open space.

### **Section 2. Use Regulations.**

(a) *Permitted uses.* Within "A-R Agricultural-Residential" districts, only the following uses and structures designed for such uses shall be permitted: (MB 6/183c-183f)

- (1) Any use in existence at the time of zoning the subject property "Agricultural-Residential District".
- (2) Raising and grazing of animals, but no commercial feed lots.
- (3) Non-commercial green houses or the cultivation of crops, but no wholesale or retail sales to be conducted on premises.
- (4) Forestry.
- (5) Single family structures on a minimum of three (3) acres.
- (6) Accessory structures and uses which are an ancillary function of the primary use of the subject property.

(b) *Conditional uses.* Within "A-R Agricultural-Residential" districts, the following uses may be allowed as conditional uses: (MB 6/183c-183f)

- (1) Outdoor recreation. (MB 8/199 or Resolution # 93-04-12-20)
- (2) Transportation, communication and utility.

**Section 3. Area and Dimensional Regulations.**

Except as provided by Articles XXI, XXII, and XXIII, the area and dimensional regulations set forth in the following table shall be observed:

Max. Height of Structure		Minimum Yards				Min. Lot Size	Min. Lot Width
		Yards		Side Yards			
Stories	Feet	Front	Rear	One Side	Total		
3½	50	50 ft.	50 ft.	50 ft.	100 ft.	3 acres	150 ft.

Maximum height does not apply to barns or silos provided that additional set backs are provided in accordance with the requirements for specific uses set forth in Article XXI; no structure for keeping of animals shall be located closer than 100 feet from any lot line.

No one present spoke in favor or opposition to the request. With no further discussion, **Commissioner O’Kelley** called for a motion. **Commissioner Kinnebrew** made a motion in Case No. **ZAM19-002 The Amendment of Article VII-2. A-R Agricultural-Residential District** to approve the amendment as presented. The motion was seconded by **Commissioner Davis** and by a unanimous vote of seven (7-0), with Commissioners Davis, O’Kelley, Kinnebrew, Little, Nesbitt, Wilder and Gunther voting in favor, the following resolution was approved:

**WHEREAS**, the *Zoning Regulations of Shelby County* were first adopted in 1975 and included the A-R Agricultural-Residential district; and,

**WHEREAS**, the proposed amendment is intended to clarify the intent of the A-R, Agricultural-Residential district and to add transportation, communication and utility land uses as Conditional Uses in order to be consistent within the Zoning Ordinance; and,

**WHEREAS**, the proposed amendment will be made to Article VII-2. A-R Agricultural-Residential District of the *Zoning Regulations of Shelby County*; and,

**WHEREAS**, the proposed amendments to the Zoning Regulations and notice of the Public Hearing was published in the Shelby County Reporter, a newspaper of general circulation, on May 15, 2019; and,

**WHEREAS** a synopsis of the initial notice has been advertised in the Shelby County Reporter on May 22 and 29, 2019; and,

**WHEREAS**, on June 3, 2019 the Shelby County Planning Commission held a public hearing at which time all individuals, in opposition to or in support thereof, had the opportunity to speak regarding the proposed amendment to the *Zoning Regulations of Shelby County*; and,

**WHEREAS** the Planning Commission found that the evidence and testimony presented warrants the approval of the proposed amendment to the *Zoning Regulations of Shelby County*, as amended;

**NOW, THEREFORE, BE IT RESOLVED**, by the Shelby County Planning Commission that the *Zoning Regulations of Shelby County*, be, and the same are hereby resolved to be amended and read as follows:

(~~STRIKEOUT~~ AND INSERT)

## **ARTICLE VII-2. A-R AGRICULTURAL-RESIDENTIAL DISTRICT**

(MB 6/183-C)

### **Section 1. Generally.**

The regulations set forth in this article or set forth elsewhere in this Ordinance, when referred to in this article, are the regulations in the "A-R Agricultural-Residential District". This district is intended to provide a zoning classification for low-density development of primarily agricultural/forestry purposes and single-family homes on a minimum of ~~two (2) acres with an average lot size of~~ three (3) acres ~~or greater~~. The Agricultural-Residential District may be applied to any lands for which the Planning Commission finds should be preserved primarily for low intensity uses or open space.

### **Section 2. Use Regulations.**

(b) *Permitted uses.* Within "A-R Agricultural-Residential" districts, only the following uses and structures designed for such uses shall be permitted: (MB 6/183c-183f)

- (5) Any use in existence at the time of zoning the subject property "Agricultural-Residential District".
- (6) Raising and grazing of animals, but no commercial feed lots.
- (7) Non-commercial green houses or the cultivation of crops, but no wholesale or retail sales to be conducted on premises.
- (8) Forestry.
- (5) Single family structures on a minimum of three (3) acres.
- (6) Accessory structures and uses which are an ancillary function of the primary use of the subject property.

(c) *Conditional uses.* Within "A-R Agricultural-Residential" districts, the following uses may be allowed as conditional uses: (MB 6/183c-183f)

- (3) Outdoor recreation. (MB 8/199 or Resolution # 93-04-12-20)
- (4) Transportation, communication and utility.

**Section 3. Area and Dimensional Regulations.**

Except as provided by Articles XXI, XXII, and XXIII, the area and dimensional regulations set forth in the following table shall be observed:

Max. Height of Structure		Minimum Yards				Min. Lot Size	Min. Lot Width
		Yards		Side Yards			
Stories	Feet	Front	Rear	One Side	Total		
3½	50	50 ft.	50 ft.	50 ft.	100 ft.	3 acres	150 ft.

Maximum height does not apply to barns or silos provided that additional set backs are provided in accordance with the requirements for specific uses set forth in Article XXI; no structure for keeping of animals shall be located closer than 100 feet from any lot line.

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There being no further business, **Commissioner Davis** made a motion to adjourn. The motion was seconded by **Commissioner O’Kelley** and by a unanimous vote of seven (7-0), with Commissioners Davis, O’Kelley, Little, Nesbitt, Kinnebrew, Wilder and Gunther voting in favor, the meeting of June 3, 2019 was adjourned at 7:12 P.M.

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Christie Hester  
 Planning Services Supervisor

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Michael O’Kelley, Chairman  
 Shelby County Planning Commission