



AGENDA  
GULF SHORES CITY COUNCIL  
COUNCIL WORK SESSION MEETING  
JANUARY 4, 2016  
4:00 PM

**1. Councilmember Discussion Period**

- A. Councilman Doughty

**2. Environmental/Emergency Management**

- A. Renew ADEM Contract - Alabama Coastal Area Management Plan

Documents: [BD - 2016 ACAMP MEMO.PDF](#), [BD - ADEM CONTRACT 2016.PDF](#)

**3. Municipal Court**

- A. Appoint Alternate Judge

Documents: [MUN - MEMO - ALTERNATE JUDGE.PDF](#)

**4. Planning And Zoning Department**

- A. AZ2015-10 - Amend Article 4 Gross Floor Area Definition

Documents: [PAZ - AZ2015-10 GROSS FLOOR AREA ZONING TEXT AMENDMENT.PDF](#)

- B. Z2015-03 16961 State Hwy 180 Rezoning Request - BN To BG

Documents: [PAZ - Z2015-03 16961 STATE HIGHWAY 180 REZONING.PDF](#)

- C. ZA2015-05 - Zoning Text Amendment - Article 6-6 G. Pier Structures

Documents: [PAZ - ZA2015-05 PIER HOUSES.PDF](#)

- D. ZA2015-08 - Zoning Text Amendment - Governmental Uses

Documents: [PAZ - ZA2015-08 GOVERNMENTAL USES.PDF](#)

- E. ZA2015-09 - Zoning Text Amendment - Article 4 &16 - Novelty Architecture

Documents: [PAZ - ZA2015-09 NOVELTY ARCHITECTURE ZONING AMENDMENT.PDF](#)

**5. Public Works Department**

- A. Award Bid - Sidewalk Improvements

Documents: [PWD - 8 FOOT SIDEWALKS BID - COUNCIL MEMO.PDF](#), [PWD - 8 FOOT SIDEWALK BID TAB.PDF](#)

**6. Recreation And Cultural Affairs**

A. Public Assembly Permit Application - LA Fleet Feet - Sweetheart 5K II

Documents: [RCA - PUBLIC ASSEMBLY PERMIT APPLICATION REQUEST - LA FLEET FEET.PDF](#)

**7. Mayor**

Updates

**8. Adjourn**

**TO:** Mayor Craft & Members of the City Council

**FROM:** Brandan Franklin

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**SUBJECT:** ACAMP AGREEMENT

**DATE:** January 04, 2016

**ISSUE:** Renew contract between the City and ADEM for the Alabama Coastal Area Management Plan

**RECOMMENDATION:** I recommend Mayor and Council renew the contract

**BACKGROUND:** The City has been delegated by the Alabama Department of Environmental Management (ADEM) to enforce the Division 8 Regulations for the coast. This is known as the ACAMP program. By doing so, the City is able to streamline the permitting process, hear variance request and patrol the beaches within our permitting jurisdiction. This contract will reimburse the City \$60,500 for performing the tasks as described in the contract.

**PREVIOUS COUNCIL ACTION:** Approved last year

**BUDGET IMPLICATIONS:** This will allow the building department to use the ACAMP funds to help offset related cost within the department

**RELATED ISSUES:** none

**ATTACHMENTS:** see attached agreement

**DEPARTMENT:** Building

**STAFF CONTACT:** Brandan Franklin

STATE OF ALABAMA        )  
  )  
MONTGOMERY COUNTY    )

CONTRACTUAL AGREEMENT BETWEEN  
CITY OF GULF SHORES CO  
AND THE ALABAMA DEPARTMENT  
OF ENVIRONMENTAL MANAGEMENT

This Agreement is entered into between City of Gulf Shores Co (Contractor) and the Alabama Department of Environmental Management (Department) pursuant to an appropriation by the National Oceanic and Atmospheric Administration. This Agreement will provide for Local assistance in permitting, regulating, monitoring and inspecting certain regulated activities within the Coastal Area

The parties hereto agree as follows:

1.     Scope of Services

The Contractor will provide services as set out in the Scope of Services, which is included with this Agreement as Attachment A and which is incorporated as if fully set out herein.

2.     Payment

A.     The Department agrees to reimburse the Contractor an amount not to exceed \$60,500.00 for the services performed under this Agreement. Unless otherwise specified in the workplan, mileage, travel and per diem costs will be reimbursed in accordance with state law.

B.     The Contractor shall submit invoices in triplicate not more than once per quarter to the Department for actual cost incurred. The final invoice shall be submitted within fifteen (15) days of expiration of this Agreement.

C.     In the case of non governmental agencies, prior to the purchase of any items or the execution of any printing contracts under this agreement with a value less than \$1,000.00, one quote or attempt for a quote of outside costs, including but not limited to copying costs and freight terms, must be obtained. For items with a value from \$1,000.00 to \$3,000.00, two such quotes or attempts for quotes must be obtained. For items with a value from \$3,000.00 to \$7,499.00, three such quotes or attempts for quotes must be obtained. The purchase of any items or the execution of any contract shall comply with the Alabama Bid Laws Sections 41-16-20 et. Seq. of the Code of Alabama (1975).

D.     The Contractor agrees to provide \$60,500.00 in nonfederal funds or services on the project, in addition to the amount noted in subparagraph 2A. The contractor shall submit in triplicate, statements itemizing the expenditure of those matching funds.

3.     Term of Agreement

All work performed under this Agreement shall begin on the date on which this Agreement is executed, and shall terminate on September 30, 2016. This Agreement is conditioned upon the receipt of sufficient funds from the Alabama Legislature and/or the National Oceanic and Atmospheric Administration and is subject to termination in the event of proration of the fund from which payment under this Agreement is to be made. If the term of this Agreement extends beyond one fiscal year, this Agreement is subject to termination in the event that funds are not appropriated for the continued payment of the contract in subsequent fiscal years. This Agreement may be amended by the mutual written agreement of both parties but under no circumstances shall the expiration date be extended or the contract amount be increased without approval in accordance with Section 29-2-41 Code of Alabama 1975.

4.     Termination of Agreement for Cause

If, through any cause, the Contractor shall fail to fulfill in a timely and proper manner its obligation under this Agreement, or if the Contractor shall violate any of the covenants, agreements or stipulations of this Agreement, the Department shall thereupon have the right to terminate this Agreement by giving written notice

to the Contractor of such termination and specifying the effective date thereof at least 30 days before the effective date of such termination. In that event, any finished or unfinished studies, reports or other work by the Contractor shall, at the option of the Department, become its property and the Contractor shall be entitled to receive just and equitable compensation for any satisfactory work completed under this Agreement.

5. Termination for Convenience of the Department

The Department may terminate this Agreement at any time by giving written notice to the Contractor of such termination and specifying the effective date thereof, at least 30 days before the effective date of such termination and under the same conditions as herein set forth for the Department, the Contractor may cancel this Agreement. In the event of cancellation, all finished or unfinished studies, reports or other work by the Contractor shall, at the option of the Department, become its property. If the Agreement is terminated by the Department as provided herein, the Contractor shall be paid for all work satisfactorily completed prior to termination.

6. Changes

The Department may, from time to time, require changes in the scope of services of the Contractor to be performed hereunder. Such changes, including any increases or decreases in the amount of the Contractor's compensation, which are mutually agreed upon by and between the Department and the contractor shall be incorporated in written amendments to this Agreement.

7. Title VI and Equal Employment Opportunity

The Contractor will comply with Title VI of the Civil Rights Act of 1964 (88-352) and all requirements of the U. S. Environmental Protection Agency (hereinafter called "EPA") issued pursuant to that title, to the end that in accordance with Title VI of that Act, no person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity funded by this contract.

There shall be no discrimination against any employee who is employed in the work covered by this Agreement, or against any applicant for such employment, because of race, color, religion, sex, national origin, age or disability covered by the Americans with Disabilities Act. This provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training including apprenticeship. The Contractor shall insert a similar provision in all subcontracts for services covered by this Agreement.

8. Interest of Members of the Department and Others

No officer, member or employee of the Department and no members of the Environmental Management Commission, and no other public official of the governing body of the locality or localities in which the project is situated or being carried out who exercise any functions or responsibilities in the review or approval of the undertaking or carrying out of this project, shall participate in any decision relating to this Agreement which affects his personal interest or have any personal or pecuniary interest, direct or indirect, in this agreement or the proceeds thereof.

9. Assignability

The Contractor shall not assign any interest in this Agreement, and shall not transfer any interest in the same (whether by assignment or novation), without the prior written consent of the Department.

10. Findings Confidential

Any reports, information, data, etc., given to or prepared or assembled by the Contractor under this Agreement which the Department requests to be kept as confidential shall not be made available to any individual or organization by the Contractor without the prior written approval of the Department, unless such confidentiality would be contrary to the law of the State of Alabama or the United States.

11. Acknowledgment

Videos, films, computer disks, printed information or other materials produced for dissemination under this agreement must include the Department's logo, prominently displayed, along with the following acknowledgment:

"This project was funded or partially funded by the Alabama Department of Environmental Management."

12. Reproducible Materials

Any printed information, photographs or art works delivered to the Department under this agreement shall be camera ready and/or computer ready as appropriate. The master tape of any video or audio productions will be delivered to the Department in an immediately reproducible form. Any computer program generated under this agreement will be delivered to the Department in an original and immediately reproducible form.

13. Officials Not to Benefit

No member of or delegate to the Congress of the United States of America, and no resident commissioner, shall be admitted to any share or part hereof or to any benefit to arise herefrom.

14. Copyright

No reports, maps, or other documents or products produced in whole or in part under this Agreement shall be the subject of an application for copyright by or on behalf of the contractor.

15. Audits and Access to Records

The Contractor agrees to abide by the requirements of OMB Circular A-133. When financial statements are prepared and an audit is performed as a result of OMB Circular A-133 requirements the Contractor shall provide the Department with a copy of its audit report covering the period of this contract within thirty (30) days of receipt by the Contractor of the auditor's report.

If OMB Circular A-133 is applicable the Contractor agrees that the comptroller General of the United States or any of his/her duly authorized representatives, the Secretary of Commerce or any of his/her duly authorized representatives, the Director of ADEM or any of his/her duly authorized representatives, and the Chief Examiner of the Department of Examiners of Public Accounts and any of his/her duly authorized representatives shall, until the expiration of three (3) years from the date of submission of the final financial report, have access to and the right to audit, examine, and make excerpts or transcripts from any directly pertinent books, documents, papers, and records of the Contractor involving transactions related to this Agreement. The Contractor agrees to provide access to any or all documents, papers, records and directly pertinent books of the Contractor involving transaction related to this Agreement upon written request from the Director of ADEM.

16. Taxes

The Contractor is responsible for reporting and making payment of any applicable federal and state taxes which may be due as a result of payments received pursuant to this Agreement.

17. Contractor Not Entitled to Merit System Benefits

In the case of Non-State Agencies under no circumstances shall the Contractor or any of its employees be entitled to receive the benefits granted to State employees under the Merit System Act by reason of this Agreement.

18. Not to Constitute a Debt of the State/Settlement of Claims

It is agreed that the terms and commitments contained herein shall not be constituted as a debt of the State of Alabama in violation of Article 11, Section 213 of the Constitution of Alabama, 1901, as amended by Amendment Number 26. It is further agreed that if any provision of this contract shall contravene any statute or Constitutional provision or amendment, either now in effect or which may, during the course of this contract, be enacted, then the conflicting provision in the contract shall be deemed null and void. The contractor's sole remedy for the settlement of any and all disputes arising under the terms of this agreement shall be limited to the filing of a claim with the Board of Adjustment for the State of Alabama.

For any disputes arising under the terms of this contract, the parties hereto agree, in compliance with the recommendations of the Governor and Attorney General, when considering settlement of such disputes, to utilize appropriate forms of non-binding alternative dispute resolution including, but not limited to, mediation by and through the Attorney General's Office of Administrative hearings or where appropriate, private mediators.

19. Requisite Reviews and Approvals

City of Gulf Shores Co acknowledges and understands that this contract is not effective until it has received all requisite state government approvals and City of Gulf Shores Co shall not begin performing work under this contract until notified to do so by the Alabama Department of Environmental Management. City of Gulf Shores Co is entitled to no compensation for work performed prior to the effective date of this contract.

20. Immigration Affirmation

By signing this contract, the contracting parties affirm, for the duration of the agreement, that they will not violate federal immigration law or knowingly employ, hire for employment, or continue to employ an unauthorized alien within the state of Alabama. Furthermore, a contracting party found to be in violation of this provision shall be deemed in breach of the agreement and shall be responsible for all damages resulting therefrom.

CITY OF GULF SHORES CO

By: \_\_\_\_\_  
Robert Craft,  
Mayor, City of Gulf Shores

ALABAMA DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT

By: \_\_\_\_\_  
Lance R. LeFleur  
Director

\_\_\_\_\_  
As to Legal Form

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement on this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

## ATTACHMENT A

### SCOPE OF SERVICES

The City of Gulf Shores (City) agrees to perform and carry out in an expedient, satisfactory and proper manner as determined by the Alabama Department of Environmental Management (Department), the services and administrative elements described below for the mutual benefit of the City and the Department. This contract is to assist the City's efforts to conduct building inspection services, review applications for construction activities and other related activities, and to assist the Department in the implementation and administration of the Alabama Coastal Area Management Plan (Management Program) and ADEM Division 8 Coastal Program rules. The City shall operate a delegated Coastal Area Management Program permitting program for construction activities on beaches and dunes as provided for under the ADEM Admin. Code 335-8-1-.12. The City shall operate this program in accordance with the Memorandum of Agreement, which was executed on September 26, 2005, between the City and the Department and as maybe updated with the mutual agreement of the City and the Department.

#### I. Consistency Reviews

- A. The City shall conduct reviews to insure that construction activities and other activities on Gulf-fronting beaches and dunes that are subject to ADEM Admin. Code 335-8-.08 (Construction on Beaches and Dunes) are conducted in compliance with the ADEM Division 8 Coastal Program rules and the appropriate City ordinances. The City shall conduct all reviews as provided in the ADEM Division 8 Coastal Program rules. The City shall not issue any permits inconsistent with ADEM Division 8 Coastal Program rules.

Upon conclusion of each Coastal Area Management Program permit application review, a copy of each issued Coastal Area Management Program permit or denial shall be submitted to the Department. Additionally, the following shall be maintained in the City's file:

1. A written recommendation over the signature of the Mayor or his designated official concerning issuance or denial of a permit or certification consistent with the ADEM Division 8 Coastal Program rules.
2. A copy of the complete application and any materials submitted by the applicant in support of the proposed activity.
3. A copy of all correspondence associated with the applications, including coordination letters, comment letters and final issued permit.
4. Proof of publication of a public notice as provided in Item C.
5. A copy of the transcript of any public hearing associated with the review.
6. Documentation that the review conducted included a review by the appropriate federal or state agency with responsibility for enforcing the state or federal statutes listed in ADEM Admin. Code 335-8-2-.01.
7. Documentation that the review conducted included an approved "Environmental Impact Natural Hazards Study" and the "Beach and Dune Enhancement Plan" submitted as a requirement of ADEM Admin. Code 335-8-2-.08(3)(d), or equivalent, if new rules are promulgated by ADEM.

8. Documentation that in the process of the review, that ADEM Admin. Code 335-8-1-.03, 335-8-1-.04, 335-8-1-.05, 335-8-1-.07, 335-8-1-.08, or equivalent, if new rules are promulgated by ADEM, were considered and complied with.
  9. In order to insure continued compliance with the ADEM Division 8 Coastal Program rules, each Coastal Area Management Program permit issued shall contain, at a minimum, the permit conditions listed in Attachment B of this contract.
- B. For the following activities conducted within the jurisdiction of the City, the City shall require the permit applicant to furnish documentation that the ADEM Division 8 Coastal Program rules or other ADEM regulations have been met prior to the issuance of a building permit:
1. All new commercial and residential developments located wholly or partially within the coastal area which are or will be greater than five (5) acres in size and have areas which are or could be delineated as wetlands or are adjacent to coastal waters or on properties intersected by the construction control line.
  2. Proposals to construct a new well or significantly alter an existing well in order to pump more than fifty (50) gallons of water per minute.
  3. Proposals for the construction of bulkheads, retaining wall, rip-rap or similar hardened erosion control structures along Gulf-fronting beaches and dunes.
  4. Any application for a permit that requires an "Environmental Impact and Natural Hazards Study" and/or a "Beach and Dune Enhancement Plan."
  5. Any application for a permit involving the dredging or filling of wetlands or water bottoms.
- C. The City shall issue a public notice for each Coastal Area Management Program permit application received which is determined to be subject to the permitting requirements of the ADEM Admin. Code 335-8-2-.08 and/or the equivalent City ordinance. Said public notice shall be published in a local paper of general circulation and shall provide for a public comment period of not less than thirty (30) days from date of publication of the notice. A copy of each public notice shall be submitted to the Department upon publication. All comments received from said notices and results of any public hearings resulting from said notices shall be considered by the City in making its coastal consistency determination and permit approval or denial.

## II. Building Inspections

- A. ADEM supports the City who shall expedite building inspection services presently available in the Coastal Area to ensure that additions to structures, new structures, and reconstructions on properties within the City's jurisdiction are built according to relevant building codes, and local codes. Building inspections of projects within the Coastal Area involving wetlands fill or dredging, commercial developments, residential developments and subdivisions of property which are or will be greater than five (5) acres in size, the construction of bulkheads or other similar erosion control structures and projects impacting state water bottoms (including piers, boathouses and similar structures) shall be conducted to ensure that all structures are permitted or otherwise approved by the Department and/or that they are otherwise constructed consistent with the permit and/or other authorization issued by the Department.
- B. The definitions of Coastal Area, construction activities, structures, and other pertinent wording shall be defined by ADEM Administrative Code Rule 335-8-1-.02, or equivalent section if new rules are promulgated by ADEM.
- C. The City shall notify permit applicants that they are required to obtain an ADEM Construction Stormwater Discharge Permit for any land disturbing activities affecting greater than one (1) acre. Applicants shall contact ADEM's Mobile Branch Office.

## III. Dune Protection

- A. The City agrees to patrol the beach and dune areas and to maintain posted signs in these areas to enforce Act 775, Acts of Alabama 1973, page 1184 (Protection of Sand Dunes), Act 971, Acts of Alabama 1973, page 1487 (Protection of Wild Sea Oats), Act 81-563, Acts of Alabama 1981, page 948 (vehicles on beaches and dunes), the provisions of ADEM Administrative Code R 335-8-2-08(3), R335-8-2-.08(6), and any dune and beach ordinances.
- B. The City shall maintain and erect appropriate signage as needed related to Act 971, Acts of Alabama 1973, page 1487 (Protection of Wild Sea Oats) and Act 81-563, Acts of Alabama 1981, page 948 (Vehicles on Beaches and Dunes).
- C. The City shall maintain a construction control line as approved by the Department and in conformance with ADEM Admin. Code 335-8-1-.02(p) and regulate activities associated with the construction control line through local ordinances which are at least as stringent as those found in the ADEM Division 8 Coastal Program rules, in particular R335-8-2-.08, or equivalent, if new rules are promulgated by the Department.
- D. The City shall notify the Department of any activities such as special exception uses, variances, zoning changes and replatting or resubdivision of any lots which involve properties intersecting the construction control line.
- E. The City may purchase sand-fencing and vegetation native to the Gulf-fronting beaches and dunes to enhance and stabilize public-owned beaches within the City's jurisdiction.

## IV. Monitoring (Surveillance)

- A. The City shall conduct monitoring activities to assist the Department in ensuring that uses previously reviewed or permitted, and those uses subject to the Management Program which have not been submitted for review, are carried out in a manner consistent with the appropriate City ordinances and the ADEM Admin. Code R 335-8-2-.08, or equivalent, if rules are promulgated by the Department.
- B. The City shall take authorized enforcement actions against violators and shall provide written notification to the Department upon detection of unauthorized activities.

- C. The City shall perform weekly monitoring along the beachfront property within its jurisdiction to ensure no unpermitted construction is taking place along the beaches of Alabama. This monitoring shall be performed from the seaward side of gulf-fronting structures. This monitoring may include water quality monitoring.
- D. The City shall notify the Department of any construction activities or uses that lie within its corporate limits or permitting jurisdiction which are of concern to the local unit of government or its citizens, and may be inconsistent with the Management Program. Such notification shall be addressed to the ADEM Coastal/Facility Section office.

#### V. Permit Information Center

- A. A Permit Information Center shall be established and maintained by the City in a central location to provide information on activities regulated by city, county, state and federal agencies. Persons proposing a use in the coastal area and the general public must be able to visit the Center and obtain general information on Coastal Zone Management, a determination of the permits needed, copies of necessary permit applications and assistance in filling out necessary forms.
- B. The City shall notify all other local departments, agencies and officials which have permitting authority in the City's jurisdiction of the construction control line and the specific requirements for construction and other activities which take place on property intersected by the construction control line.

#### VI. Personnel and Training

- A. The City shall hire sufficient personnel to accomplish the requirements of this Scope of Services, including permitting, inspections, monitoring, and other required duties. Said personnel shall be provided proper equipment to accomplish their duties, including a dedicated 4 wheel drive vehicle for beach and dune monitoring and inspections, and any other required equipment. Required vehicles and equipment may be purchased using funds provided under this Cooperative Agreement.
- B. The City shall conduct a training program for new personnel employed to carry out the services in (I.) through (V.) above.
  - 1. Personnel training must be conducted to ensure knowledge of (1) appropriate provisions of the Alabama Coastal Area Management Plan document, (2) appropriate state acts, (3) applicable federal laws, (4) ordinances, and (5) ADEM Division 8 Coastal Program rules.
  - 2. A minimum of two hours of initial training and additional refresher training, as needed, must be provided for each employee.
  - 3. A record of training conducted shall be maintained to document the subject matter, hours, dates, attendees and instructors.
  - 4. Upon request, the Department will provide technical assistance in providing required training.

#### VII. Beach Cleanups

- A. The City shall conduct weekly beach and dune litter cleanups on all city-owned public beach sites. The City shall submit monthly progress reports regarding quantity or nature of litter removed from the beach sites. The City shall provide trash and recycling receptacles at all public access sites.
- B. The City shall assist the Alabama Department of Conservation and Natural Resources-State Lands Division-Coastal Section and the Department during coastal cleanups and Adopt-A-Beach activities, if requested to do so.

#### VIII. Reporting

- A. Copies of all public notices issued for Coastal Area Management Program permit applications subject to the permitting requirements of ADEM Admin. Code 335-8-2-.08 and/or the equivalent City ordinance shall be submitted to the Department within five (5) days of publication.
- B. A monthly progress report must be prepared by the City and submitted to the Department within thirty (30) days of the end of each month. This report shall include the following:
  - 1. Number and type of building inspections performed for projects on Gulf-fronting properties and for other projects within the Coastal Area.
  - 2. Number of building permit applications received for Gulf-fronting properties.
  - 3. The number of building permit applications received for Gulf-fronting properties which are subject to the permitting requirements of ADEM Admin. Code 335-8-2-.08, and/or equivalent City ordinance.
  - 4. Number of building permit issued for project on Gulf-fronting properties.
  - 5. Number of Coastal Area Management Program permits issued under ADEM Admin. Code 335-8-2-.08, and/or equivalent City ordinance.
  - 6. A copy of each Coastal Area Management Program permit issued under ADEM Admin. Code 335-8-2-.08, and/or equivalent City ordinance.
  - 7. Number of beach front monitoring patrols conducted including the number of miles of beach monitored during each patrol.
  - 8. Number and type of coastal program violations and type of actions taken (spot correction, formal enforcement action, etc.).
  - 9. A tally of the number of visitors to the permit information center.
  - 10. A note on any changes in the program, such as the addition of new personnel for the monthly reporting period.

## ATTACHMENT B

### PERMIT CONDITIONS

1. The permittee bears full responsibility for the accurate determination of the location of the construction control line and the location of all structures on the property specified in this permit, and may be subject to administrative action for the construction of any structures constructed seaward of the construction control line.
2. Should cultural resources be encountered during project activities, all construction activities must cease and the permittee shall contact the Alabama Historical Commission immediately. This condition should be placed on the construction plans to ensure contractors are aware of it.
3. During construction activities, a copy of this permit must be kept on-site at all times and must be made available for inspection by the City, the Alabama Department of Environmental Management or its representative upon request.
4. This permit is conditioned upon continued compliance with the Alabama Coastal Management Program.
5. No construction materials or debris may be stored or placed seaward of the construction control line.
6. No sand shall be removed from the construction site. Any excess sand shall be placed in areas designated by the City, the Alabama Department of Environmental Management or its representative.
7. Unless specifically authorized by this permit, no equipment shall be operated seaward of the construction control line excepting that essential to the construction of dune walkovers, and pumping water to set pilings. All runoff water from the jetting of pilings shall be directed and contained landward of the CCL. The Permittee shall restore any disturbed areas seaward of the construction control line and outside the "footprint" of construction to pre-project conditions. All restoration work is subject to review and approval by the City, the Alabama Department of Environmental Management or its representative.
8. This permit does not relieve the applicant or permittee of the responsibility to comply with all applicable federal, state, county and municipal laws, rules or ordinances nor to obtain any other licenses or permits which may be required thereby.
9. Any fill materials used in undertaking the activities authorized by this permit shall be free of construction debris, rocks or other foreign matter and shall consist of sand which is similar to that existing on the site in both coloration and grain size. No clay materials may be used unless specifically approved by the City.
10. The permittee shall allow any duly authorized employee of the City, the Alabama Department of Environmental Management, or Attorney General or District Attorney to enter upon the premises associated with the project authorized by this permit for the purposes of ascertaining compliance with the terms and conditions of the permit and with the rules and regulations of the Alabama Department of Environmental Management.
11. This permit does not authorize any activity or result therefrom not specified herein, nor does this permit convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to persons or property or invasion of other rights or any infringement of federal, state, or local laws or regulations.
12. The permittee shall provide enclosed containers for refuse on the project site.
13. The permittee shall not commence construction of any house, building or other structure until the permittee has received a building permit from the appropriate local or county authority responsible for implementation of the National Flood Insurance Act of 1968, as amended, and regulations adopted thereunder.

14. The construction activities authorized by this permit shall commence within twelve (12) months of the date of issuance and shall be completed within thirty-six (36) months of the date of issuance of this permit. The permittee may request extensions by providing written notice to the City within sixty (60) days prior to the time limitations specified above. Upon such notice the City may require the submission of additional information and/or a new permit application and additional fees may be required.



SMALL TOWN, BIG BEACH™

## Memorandum

Date: December 28, 2015  
To: Mayor Craft, City Council  
From: Kenneth B. McKenzie, Court Administrator  
Subject: Resolution to Appoint Alternate Municipal Judge

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**BACKGROUND:** Judge Hollon has a conflict in Circuit Court on January 21, 2016, and this presents an appropriate time to start the year with a new Alternate Judge appointment for the Municipal Court. Judge Hollon feels that this particular conflict should only last several hours but would, at the least, have him late for the Municipal Court session of January 21, 2016, at 3:30 P.M. Because he also prosecutes in Foley and to avoid any conflict with that Court due to proximity and his prosecution services, he has suggested that Judge Michael J. Hoyt of the Daphne Municipal Court be appointed as Alternate for the City of Gulf Shores. Judge Hoyt has his law practice in Silverhill, Alabama, and has agreed to be considered. Judge Hollon can reciprocate with Judge Hoyt and act as Alternate Judge in Daphne if needed. This is a rare occurrence and has not been required for several years, but the City does legally need an Alternate Judge appointed in case of future conflicts.

**RECOMMENDATION:** Appoint Michael J. Hoyt, Daphne Municipal Judge as Alternate Judge for the City of Gulf Shores Municipal Court.

**PREVIOUS COUNCIL ACTION:** The Council has previously appointed Alternate Judges (Judge Murchison of Foley was the last) as a standard practice to assure the legality of any adjudication in the Municipal Court.

**BUDGET IMPLICATIONS:** None (Judge Hollon to reciprocate for services rendered.)

**ATTACHMENTS:** None

**DEPARTMENT:** Municipal Court

**STAFF CONTACT:** Kenneth B. McKenzie



SMALL TOWN, BIG BEACH™

**TO:** Mayor Craft & Members of the City Council

**FROM:** Andy Bauer, Director of Planning & Zoning

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**SUBJECT:** ZA2015-10 – Zoning Text Amendment – Article 4 Gross Floor Area Definition

**DATE:** January 4, 2016

**ISSUE:** The City of Gulf Shores proposes to amend Article 4 of the Zoning Ordinance in order to modify the definition of gross floor area (tourist) to remove exterior balconies from being counted as part of the gross floor area.

**BACKGROUND:** The current regulations include exterior balconies in the gross floor area calculation in the beach area. It is staff's opinion the goal of the city when calculating the gross floor area in tourist areas of the city has been to only count the heated and cooled areas of a building that are utilized for residential or lodging use in order to promote mixed uses such as restaurants, retail, offices, and parking underneath buildings.

**PLANNING COMMISSION:** At their December 15, 2015 meeting the Commission unanimously voted (8-0) to recommend approval of this zoning text amendment to the City Council.

**RECOMMENDATION:** Staff recommends the City Council approve the Zoning Text Amendment.

**ATTACHMENTS:** Staff Report



**TO:** Mayor Robert Craft and  
Members of the City Council

**DATE:** January 4, 2016

**FROM:** Andy Bauer , AICP  
Director of Planning & Zoning

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**SUBJECT:** ZA2015-10 – Zoning Text Amendment – Article 4 Gross Floor Area Definition  
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**OVERVIEW:** The City of Gulf Shores proposes to amend Article 4 of the Zoning Ordinance in order to modify the definition of gross floor area (tourist) to remove exterior balconies from being counted as part of the gross floor area.

**BACKGROUND:** Over the past ten (10) years the definition of gross floor area has changed three (3) times.

1. With the adoption of the Envision Gulf Shores amendment in 2005 the definition of gross floor area read:

*GROSS FLOOR AREA (GFA): The sum of the heated floor area of all the habitable stories of a building, measured from the exterior faces of exterior walls. Exterior balconies, stairways, hallways and other features are not included in GFA if they are not enclosed as heated and cooled space.*

2. In 2006 the city amended the Zoning Ordinance to add the BG-1 and BG-2 zoning districts. During this amendment the definition for gross floor area was once again changed, this time reading:

*Gross Floor Area (GFA), Tourist: The sum of the heated/cooled floor area of all the habitable stories of a building, measured from the exterior faces of exterior walls. Exterior balconies, stairways, hallways and other features are not included in GFA if they are not enclosed as heated and cooled space. Applies to all BTL, BTB, BTL-1-4, BTB-1-4, BNCR, BSCR, BTB-1-N, ICW, ICW-E, and ICW-S, districts.*

3. In December of 2009, upon adoption of the rewritten Zoning Ordinance the definition for gross floor area was again changed and is the definition that is in place today:

*Gross Floor Area (GFA), Tourist: The sum of the heated/cooled floor area of all the Habitable Stories of a Building, measured from the exterior faces of exterior walls, including exterior balconies. Common stairways, hallways, and other features are not included in GFA even if they are enclosed as heated and cooled space. Applies to all BT-1-4, BT-1-N, ICW-N, and ICW-S Districts.*

**Planning Commission:** At their December 15, 2015 meeting the Commission voted unanimously (8-0) to recommend approval of this rezoning application to the City Council.

**ANALYSIS:** The City of Gulf Shores Zoning Ordinance contains two (2) definitions for Gross Floor Area, a standard definition and one for the tourist zoning districts.

- The standard definition includes all areas under the roof of a building with the exception of basements and parking located directly under a building.
- The tourist definition reads the sum of the heated and cooled floor area of all habitable stories, including exterior balconies, but excluding common stairways, hallways even if these areas are enclosed as heated and cooled space.

It appears to staff the goal of the city when calculating the gross floor area in tourist areas of the city has been to only count the heated and cooled areas of a building that are utilized for residential or lodging uses in order to promote mixed uses such as restaurants, retail, offices, and parking underneath buildings. Further evidence of this is found in Article 8-5 B. 6., BT Floor Area Ratio, which states for buildings that contain 5 or more floors the floor area ratio applies to all heated and cooled areas used for residential or lodging, excluding parking levels and areas of the building devoted to business, entertainment and similar uses. In addition exterior balconies are an amenity that adds economic and aesthetic value to multi-family developments without adding habitable space.

Below is the proposed zoning text amendment. Proposed deletions are in red and struck through and proposed insertions are underlined in red.

Gross Floor Area (GFA), Tourist: The sum of the heated/cooled floor area of all the Habitable Stories of a Building, measured from the exterior faces of exterior walls, not including exterior balconies. Common stairways, hallways, and other features are not included in GFA even if they are enclosed as heated and cooled space. Applies to all BT-1-4, BT-1-N, ICW-N, and ICW-S Districts.

**RECOMMENDATION:** Staff recommends the City Council approve the change to the definition of gross floor area.



SMALL TOWN, BIG BEACH™

**TO:** Mayor Craft & Members of the City Council

**FROM:** Andy Bauer, Director of Planning & Zoning

---

**SUBJECT:** Z2015-03 16961 State Highway 180 Rezoning BN to BG

**DATE:** January 4, 2016

**ISSUE:** Mr. Brooks Delaney representing Southland Gulf LLC proposes to rezone approximately 2.99 acres of land at 16961 State Highway 180 from Neighborhood Business (BN) to General Business.

**BACKGROUND:** The property is located on Ft. Morgan Road immediately east of the South Alabama Sewer Service plant and was legislatively annexed on June 9, 2011. Upon annexation the property was given the automatic zoning designation of Medium Density Single Family Residential (R-1-4). The property is developed with a commercial building, mini-storage warehouses, a warehouse, and a mobile home. The city rezoned all properties which were currently being utilized for commercial purposes to BN, the most restrictive commercial zoning district, on February 27, 2012.

**PLANNING COMMISSION:** At their December 15, 2015 meeting the Commission voted unanimously (8-0) to recommend approval of this rezoning application to the City Council.

**RECOMMENDATION:** Staff recommends the City Council rezone 16961 State Highway 180 from Neighborhood Business (BN) to General Business (BG) subject to the conditions contained in the staff report.

**ATTACHMENTS:** Staff Report, Applicant Request Letter, Property Survey



**TO:** Mayor Robert Craft and  
Members of the City Council

**DATE:** January 4, 2016

**FROM:** Andy Bauer, AICP  
Director of Planning & Zoning

---

**SUBJECT:** Z2015-03 16961 State Highway 180 Rezoning BN to BG

---

**OVERVIEW:** Mr. Brooks Delaney representing Southland Gulf LLC proposes to rezone approximately 2.99 acres of land at 16961 State Highway 180 from Neighborhood Business (BN) to General Business (BG). The property owners have expressed an interest in providing additional warehousing space.

**BACKGROUND:** The property was legislatively annexed on June 9, 2011, and given the automatic zoning designation of Medium Density Single Family Residential (R-1-4). The city then rezoned all properties which were currently being utilized for commercial purposes to BN, the most restrictive commercial zoning district, on February 27, 2012.

**Planning Commission:** At their December 15, 2015 meeting the Commission voted unanimously (8-0) to recommend approval of this rezoning application to the City Council with conditions. The applicant was present at the Planning Commission meeting and is in agreement with the conditions.

**ANALYSIS:** In analyzing this rezoning request, staff has compared the proposed rezoning to the existing zoning surrounding the subject property, analyzed the proposal versus the recommendations of the City's Future Land Use Plan, and anticipated the impact to the adjacent land uses and zoning.

**Land Use Plan:** The Land Use Plan designates this area along State Highway 180 as Low Residential. Land use designations are general guidelines indicating desirable land use patterns for Gulf Shores and should not be interpreted to propose, approve, deny or preclude any particular action without full consideration of the city. One of the four (4) major themes of the Land Use Plan is to plan for and site commercial activity centers in a way that will support and complement residential neighborhoods.

**Current Zoning:** The applicant is seeking to rezone this property from BN to BG in order to bring some of the existing uses into conformance with the use regulations of the zoning ordinance and to allow for future development of the property. Only one (1) of the four existing uses, the retail/office building is allowed by the BN zoning district. The warehouse, mini-storage buildings, and mobile home residence are not allowed by the BN zoning district. Additionally, the BN zoning district only allows for a maximum gross floor area of 10,000 square feet and the total gross floor area of the structures on the property is approximately 14,500 square feet therefore no future development can occur on the property.

Please note that the requested BG zoning district will not bring the mobile home into conformity. It is currently occupied by the caretaker of the property and at such time the mobile home becomes vacant, it will be removed from the site.



**Surrounding Property Zoning:** The site is surrounded by Medium Density Single Family Residential (R-1-4) zoning. To the west is the South Alabama Sewer Service Corporation's sewer plant. East and north of the site is zoned R-1-4 and is heavily wooded, vacant land which is also owned by the applicant. To the south, across State Highway 180, is zoned Medium Density Single Family Residential (R-1-4) and is the Brigadoon Heights subdivision.

#### **FACTS TO CONSIDER:**

- General Business will allow for more intensive uses by right.
- If rezoned to BG future development of the property will require the site to be brought into code with the Zoning Ordinance including extensive buffering from the residentially zoned property to the north and east.
- The subject property is completely buffered from the existing single family uses in the surrounding area and is not likely to develop in any manner except for commercial due to the location of the sewer plant directly to the west.
- The existing uses, with the exception of the mobile home, will become conforming and can be expanded with the rezoning of the property to General Business.
- The property offers commercial uses to an area of the City that is predominantly zoned and developed as single family residential.

**RECOMMENDATION:** Staff recommends the City Council approve the rezoning of this property from BN to BG with the following improvements being made to the property:

1. The gravel parking spaces in front of the commercial building shall be delineated with wheel stops.
2. Six (6) shrubs every 20 feet shall be installed to screen the commercial building parking lot from State Highway 180.
3. The dumpster shall be moved behind the front building line and screened by a minimum six (6) foot tall gated enclosure.
4. All outdoor storage located behind the warehouse shall be placed within the building or screened with minimum six (6) foot tall privacy fence.

# **SOUTHLAND GULF**

16 Midtown Park East  
Mobile, Alabama 36606  
Telephone: (251) 476-0700  
Fax: (251) 476-0026

October 5, 2015

Rezoning Request- 16961 Alabama Highway 180

To Whom It May Concern:

Please accept this narrative description of the request to rezone the aforementioned property owned by Southland Gulf LLC. The subject property is approximately 3.1 acres in size, and is currently improved with a multi-tenant office/retail building (approximately 4,500 square feet), a metal warehouse building (approximately 2,500 square feet), and two mini-storage buildings (approximately 7,500 square feet). It is our understanding that this property was legislatively annexed into the City of Gulf Shores a couple of years ago, and that the current improvements were in existence at the time of annexation. The property does not currently meet the requirements of its current Neighborhood Business zoning, and therefore is considered a non-conforming use.

We would like to request the property be rezoned to General Business (GB), in an effort to better align the current use and improvements of the property with the uses allowed under the General Business zoning regulations. We feel that the current non-conforming use status significantly limits our ability to effectively market, lease, and improve our property.

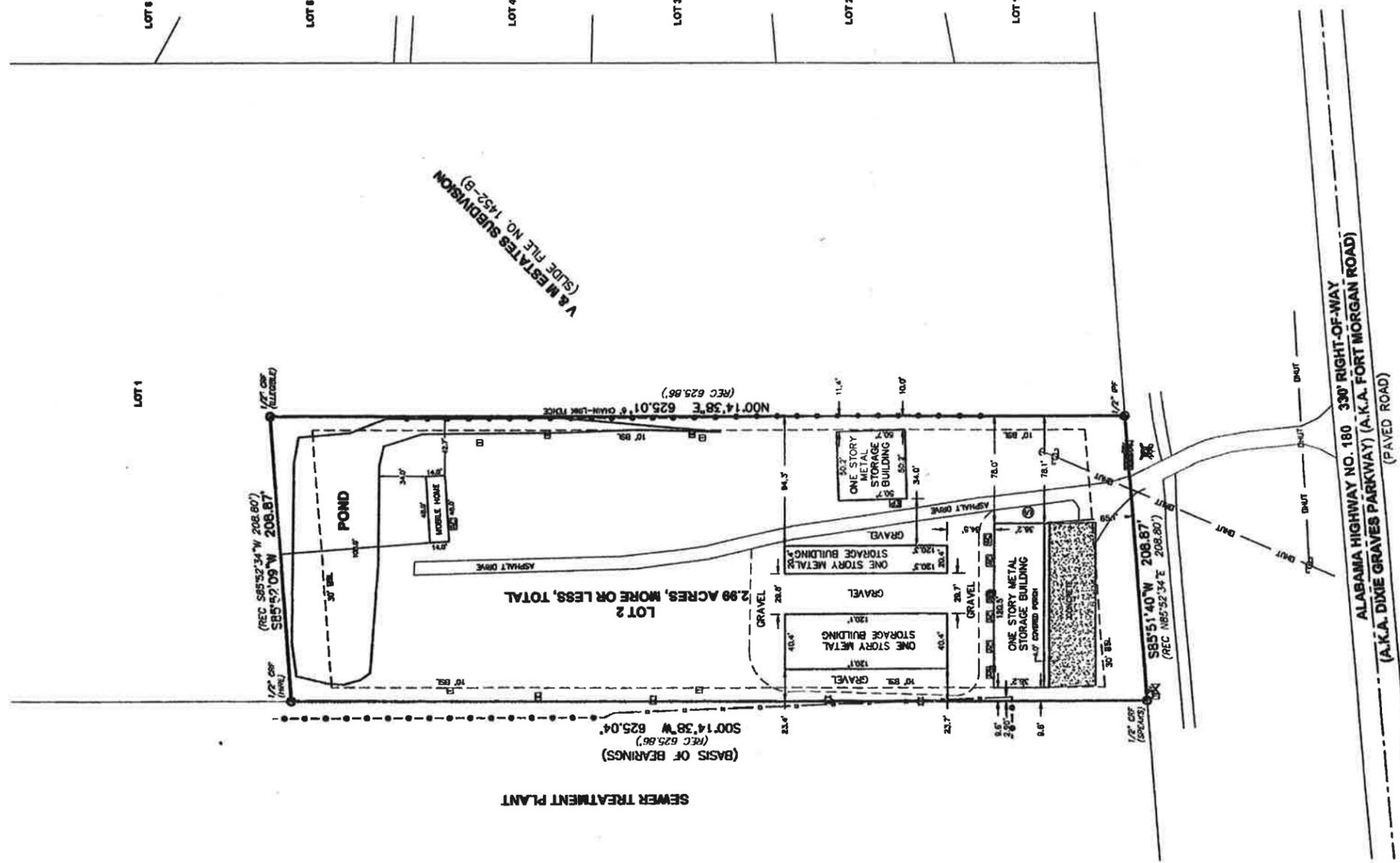
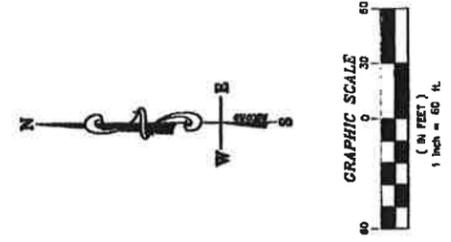
Your consideration in this request is greatly appreciated.

Sincerely,



Brooks DeLaney

PROPERTY IS LOCATED IN THE SE 1/4 OF SECTION 14,  
TOWNSHIP 9 SOUTH, RANGE 3 EAST, BALDWIN COUNTY, ALABAMA.



- LEGEND:**
- ☉ = SEWER GRINDER PUMP
  - ⊞ = ELECTRIC PANEL
  - ⊞ = AIR CONDITIONER
  - ⊞ = FIRE HYDRANT
  - ⊞ = SEWER VALVE
  - ⊞ = TELEPHONE PEDESTAL
  - ⊞ = GAS VALVE
  - ⊞ = UTILITY POLE
  - ⊞ = WATER METER
  - ⊞ = WATER VALVE
  - ⊞ = LIGHT POLE
  - ⊞ = IRON PIN FOUND
  - ⊞ = CAPPED REBAR FOUND
  - ⊞ = ALSO KNOWN AS
  - CHUT = OVERHEAD UTILITY LINE
  - REC = PLAT OR MAP RECORD BEARING & DISTANCE (SURVEY BY HIRE SURVEYING, INC DATED NOVEMBER 1993)
  - = CHAIN-LINK FENCE
  - |--- = WOOD FENCE

**SURVEYOR'S NOTES:**

1. ALL MEASUREMENTS WERE MADE IN ACCORDANCE WITH U.S. STANDARDS.
2. BEARINGS AS OBSERVED BY THE SURVEYOR OR UNRECORDED DEEDS, EASEMENTS, RIGHT-OF-WAYS, OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES OF SAID PROPERTIES.
3. THERE WAS NO ATTEMPT TO DETERMINE THE EXISTENCE, LOCATION, OR EXTENT OF ANY SUB-SURFACE FEATURES.
4. THE LINES REPRESENTING THE CENTERLINE AND RIGHT-OF-WAYS OF THE STREETS ARE SHOWN FOR VISUAL PURPOSES ONLY AND WERE NOT SURVEYED UNLESS RIGHT-OF-WAY MONUMENTATION IS ALSO SHOWN.
5. MONUMENTATION IS ALSO SHOWN FOR THE CENTERLINE AND RIGHT-OF-WAY OF LOT 2, AT PAGE 62 AND IN AN ELECTRONIC DATA FILE.
6. BEARINGS AND DISTANCES SHOWN HEREON WERE "COMPUTED" FROM ACTUAL FIELD TRAVERSES.
7. THE ELEVATIONS SHOWN HEREON ARE RELATED TO MEAN SEA LEVEL (NOVD 88) AS TAKEN FROM BALDWIN COUNTY GPS STATION NO. XXX (ELEVATION XXX.XX).
8. THIS SURVEY IS BASED UPON MONUMENTATION FOUND IN PLACE AND DOES NOT PURPORT TO BE A RETRACEMENT AND PROPORTIONING OF THE ORIGINAL GOVERNMENT SURVEY.

**SURVEYOR'S CERTIFICATE:**

STATE OF ALABAMA  
COUNTY OF BALDWIN

WE, PREBLE-RISH, L.L.C., A FIRM OF LICENSED ENGINEERS AND LAND SURVEYORS OF DAPHNE, ALABAMA, HEREBY STATE THAT THE ABOVE IS A CORRECT MAP OR PLAT OF THE FOLLOWING DESCRIBED PROPERTY SITUATED IN BALDWIN COUNTY, ALABAMA, TO-WIT:

"LOT 2, V. AND M. ESTATES SUBDIVISION, BALDWIN COUNTY, ALABAMA, AS FOUND RECORDED ON SLIDE 1452-B, IN THE OFFICE OF THE JUDGE OF PROBATE OF SAID COUNTY."

(DESCRIPTION COPIED FROM THAT WARRANTY DEED RECORDED AT INSTRUMENT NO. 1388553).

WE FURTHER STATE THIS SURVEY HAS BEEN COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA, EFFECTIVE MAY 7, 2002.

PREBLE-RISH, L.L.C.  
DAVID E. DIEHL  
AL. P.L.S. No. 26014  
11-9-2015

SURVEY NOT VALID WITHOUT ORIGINAL SIGNATURE AND SEAL.



| REVISIONS | ISSUE DATE | FIELD DATE | FIELD BOOK & PAGE |
|-----------|------------|------------|-------------------|
|           |            |            |                   |
|           |            |            |                   |
|           |            |            |                   |
|           |            |            |                   |

**BOUNDARY SURVEY**

**SOUTHLAND GULF LLC**

**PREBLE-RISH L.L.C.**  
CONSULTING ENGINEERS & SURVEYORS  
CIVIL - SURVEYING - BETA TRAINING

DATE: 11/9/2015  
SCALE: 1" = 60'  
DRAWN BY: JWF  
CHECKED BY: DEJ  
SECTION 14, T-9-S, R-3-E  
BALDWIN COUNTY, ALABAMA  
PROJECT: 0010305.DWG  
REF: J - 076989  
DWG: J 0010305.DWG  
SHEET NO. 1 OF 1

FILE COPY



SMALL TOWN, BIG BEACH™

**TO:** Mayor Craft & Members of the City Council

**FROM:** Andy Bauer, Director of Planning & Zoning

---

**SUBJECT:** ZA2015-05 – Zoning Text Amendment – Article 6-6 G. Pier Structures

**DATE:** January 4, 2016

**ISSUE:** Mr. David Adams and Mr. Richard Sherman seek to amend Article 6-6 G., Pier Structures, of the Zoning Ordinance to increase the size of pier houses. Currently pier structures are limited to a maximum 400 square feet of roofed area.

**BACKGROUND:** The original proposal from Mr. Adams and Mr. Sherman focused on pier houses located on Little Lagoon. At the October 27, 2015 Planning Commission meeting this item was tabled to allow staff time to review the proposed pier size limitations versus how they fit not only in the Little Lagoon but also for properties which abut Mobile Bay and Bon Secour River.

**PLANNING COMMISSION:** At their November 24, 2015 meeting the Commission voted unanimously (5-0) to recommend approval of this zoning text amendment to the City Council.

**RECOMMENDATION:** Staff recommends the City Council amend the Zoning Ordinance to allow an 800 square foot pier house with a maximum 50 square feet of enclosed area for storage purposes.

**ATTACHMENTS:** Staff Report, Applicant Request Letter, Typical 750 Square Foot Pier House Plan, Pier House Photos



**TO:** Mayor Robert Craft and  
Members of the City Council

**DATE:** January 4, 2016

**FROM:** Andy Bauer , AICP  
Director of Planning & Zoning

---

**SUBJECT:** ZA2015-05 – Zoning Text Amendment – Article 6-6 G. Pier Structures

---

**OVERVIEW:** Mr. David Adams and Mr. Richard Sherman seek to amend Article 6-6 G., Pier Structures, of the Zoning Ordinance to increase the size of pier houses. Currently pier structures are limited to a maximum 400 square feet of roofed area.

**BACKGROUND:** The original proposal from Mr. Adams and Mr. Sherman focused on pier houses located on Little Lagoon. At the October 27, 2015 Planning Commission meeting this item was tabled to allow staff time to review the proposed pier size limitations versus how they fit not only in the Little Lagoon but also for properties which abut Mobile Bay and Bon Secour River.

**Planning Commission:** At their November 24, 2015 meeting the Commission voted unanimously (5-0) to recommend approval of this zoning text amendment to the City Council with the following stipulations:

1. The roofed area of a pier house shall not exceed 800 square feet; and
2. A maximum of 50 square feet may be enclosed for storage purposes.

**REQUEST:** The applicants seek to modify Article 6-6 G. of the Zoning Ordinance in order to increase the maximum size allowed for pier structures. The current pier regulations allow the roofed area of a pier structure to cover 400 square feet and the proposal is to increase the roofed area to 750 square feet. In addition to increasing the allowed coverage for pier structures the applicants seek to restrict the height of pier structures to 21 feet above mean water level and clarify that if multiple pier structures are built the total roofed area cannot exceed 750 square feet.

The applicants' state in their narrative the minimum pier house size to cover a modest size boat, boat lift, and access walkway is at least 500 square feet and if a covered gathering area is added the size of the pier structure exceeds 700 square feet. The applicants claim a maximum pier structure height of 21 feet above mean sea level will preserve views to the water and clarify that only one (1) pier structure is allowed per pier.

The applicants' have submitted a survey of the existing pier houses in the Little Lagoon, other existing pier ordinances from local municipalities, Baldwin County, and Ono Island, and

provided pier house elevations and floor plans for a 750 square foot pier house. A summary of the results of the Little Lagoon pier house survey are as follows:

- An average pier structure size of 567 square feet
- The largest pier structure is 1,650 square feet, and
- 67% of the existing pier structures exceed 400 square feet

In terms of local ordinances regulating pier structures Ono Island limits pier structures to 1,600 square feet and 20 feet in height and the city of Magnolia Springs has a graduated scale for pier structures that is based on the width of the lot and allows pier structures to range in size from 600 to 1,600 square feet. Baldwin County, Orange Beach, Fairhope, Daphne, and Dauphin Island do not regulate pier structures.

A citizen wishing to build a pier and pier structure must also obtain a joint permit from the Army Corps of Engineers and the Alabama State Lands Division. The state and Federal regulations restrict the length of piers and establish setbacks for pier structures from adjacent properties but do not address the size of pier structures.

**ANALYSIS:** In staff's opinion the main issues regarding the size of a pier houses are aesthetics and protection of waterfront views. These two issues apply whether a pier house is on the Little Lagoon, Mobile Bay, or Bon Secour River; therefore staff proposes one standard for all areas of the City. The amount a pier house is enclosed by walls probably contributes to the attractiveness and how much a pier house blocks waterfront views more than the square footage or height of a pier house. Therefore, staff proposes no limitation on pier house height as originally requested by the applicants, increase the roofed area for pier houses from 400 to 800 square feet and add a new section stating the pier house shall be unenclosed except for a maximum 50 square foot enclosed area for storage. The current regulations do not restrict pier house height and do not provide for any enclosed storage area.

Below is the proposed zoning text amendment. Deletions are in ~~red and struck through~~ and proposed insertions are underlined in red.

§. Pier Structures. ~~An partially enclosed, A~~ roofed Structure may be built on a pier over a body of water provided that:

1. No portion of the Structure shall be enclosed by walls except for fifty (50) square feet which shall be used for storage purposes only the upper portions of the Structure may be enclosed by walls and that no portion of such walls shall be less than sixty (60) inches from the pier deck;
2. open railings, if used, do not extend to a height exceeding forty-two (42) inches above the pier deck;
3. the Structure shall contain no permanent facilities for toilets, bathing or cooking; and,
4. the roof shall not cover an area of more than 400-800 sf.

**RECOMMENDATION:** Staff recommends the City Council approve the zoning text amendment regarding pier houses.

## **Covered Pier Size Limit**

**Introduction** - The current P&Z regulation for piers limits covered area to 400SF. A cover or roof structure for a modest size boat slip and lift with an access walkway requires over 500SF. If a covered gathering area is added, the total covered area exceeds 700SF. Also, the current regulation does not limit height which could obstruct views. We propose the current regulation be modified to allow 750SF covered areas and impose a height limit of 21' above mean water level.

**Existing Ordinance** - See **Attachment 1** for complete ordinance; Assume existing ordinance was written to: prohibit living spaces from being built on piers and preserve views

- 6.6.G Pier Structures - A partially enclosed roofed Structure may be built on a pier over a body of water provided that:
1. only the upper portion of the Structure may be enclosed by walls
  2. open railings, if used do not extend to a height exceeding 42"
  3. the Structure shall contain no permanent facilities for toilets, bathing, or cooking; and, the roof shall not cover an area of more than 400SF

### **Issues With Existing Ordinance**

1. It does not specifically prohibit multiple 400SF roof structures on a pier.
2. The area limit of cover is too small (See **Attachment 2- A100.0**)
3. The area necessary to cover a 20' boat, motor with lift and 6' wide access walkway is approx. 520 SF)
4. The limited area all but prohibits having any modest sized covered area with boat/lift and seating area.
5. The regulation does not limit height which could obstruct views from adjacent homes
6. The regulation does not limit the number of covered areas on a single pier.

### **Practical Size Limits (See Attached 4 Drawings A100.0-A100.3)**

|  |                |
|--|----------------|
| 20' Boat with Motor and lift covers 24'x12'    | = 288SF        |
| Boat walkway access and gathering area 24'x14' | = 336SF        |
| <u>Allow Min. 1'-0" Roof overhang</u>          | <u>= 104SF</u> |
| Total Area (26'x28')                           | = 728SF        |

Proposed Height Limit-1st flr. elev. average (new house) is approx.. EL16.0',  
add 5'-0" to eye level = EL21.0'

### **Proposed Ordinance**

6.6.G Pier Structures - A partially enclosed roofed Structure may be built on a pier over a body of water provided that:

1. only the upper portion of the Structure may be enclosed by walls
2. open railings, if used do not extend to at height exceeding 42"
3. the Structure shall contain no permanent facilities for toilets, bathing, or cooking; and,
4. the roof shall not cover more than **750sf and not extend more than 21' above mean water level.**
5. **if multiple covered areas are built on one pier, the total covered area shall not exceed 750SF.**

### **Existing Little Lagoon Pier Cover Sizes (Attachment 3)**

1. Currently there are 167 covered piers on the Little Lagoon.
2. The average pier cover size on the Little Lagoon is 567SF.
3. The percentage of existing pier covers exceeding 400SF is 67%.
4. The percentage of existing pier covers exceeding 750SF is 24%.

### **Other Existing City and County Pier Regulations (Attachment 4)**

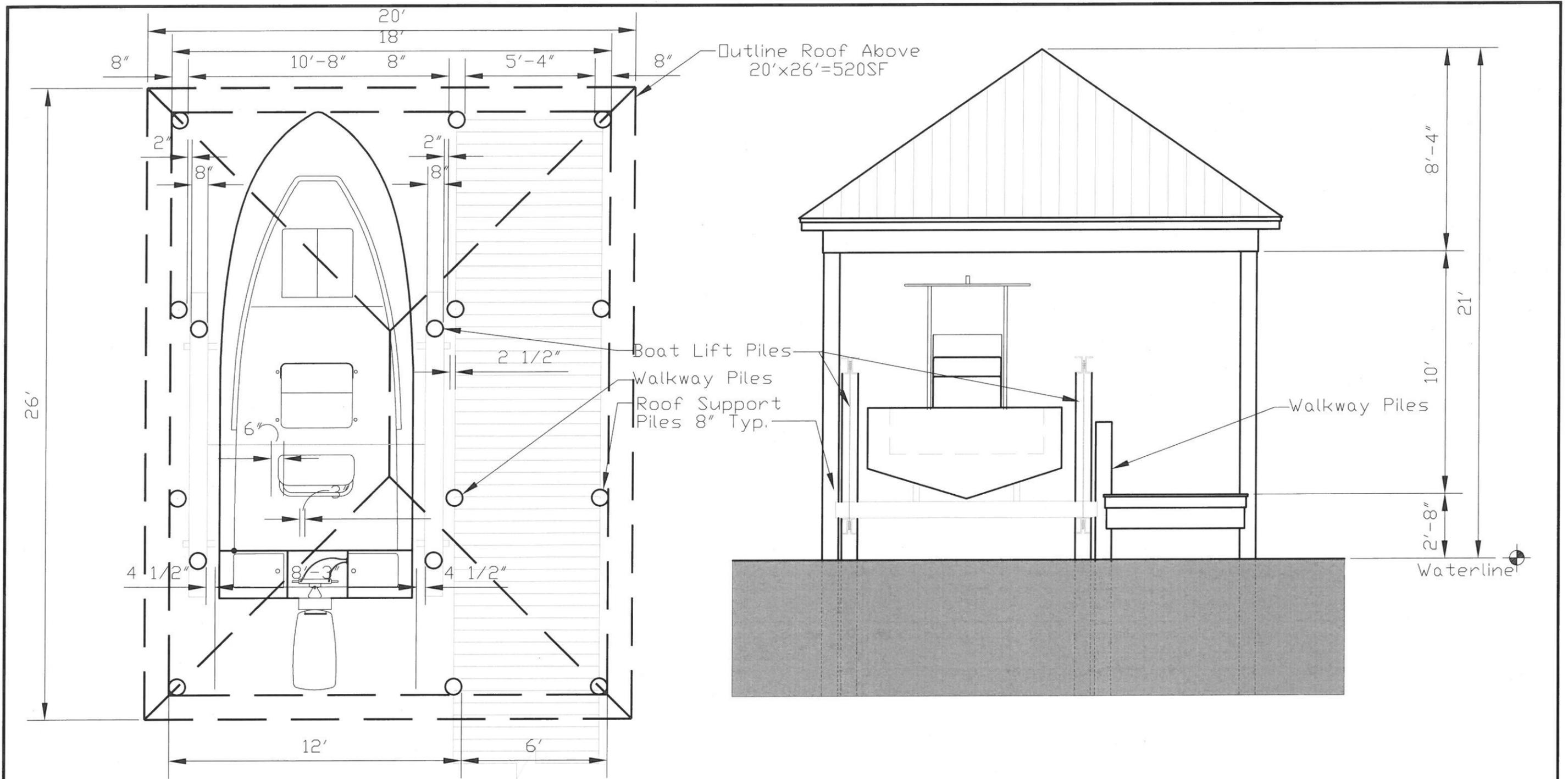
Orange Beach - None

Ono Island& Bayou St. John - 40' x 40' (1600SF) - 20' height (above high tide)

Magnolia Springs - 600SF for lots <50' wide, 900SF lots 50'-75' wide, 1200SF for lots 75-100' wide, 1600SF for lots >100' wide, and a boathouse width is limited to 45% of shoreline lot width

Baldwin County - None (except Ono Island Canal Lot piers)

Dauphin Island - None



1 Floor Plan for a Basic 20ft. Boat  
 A100.0 1/4" = 1'-0" 0 2' 4' 8'

2 Elevation for a Basic 20ft. Boat  
 A100.0 1/4" = 1'-0" 0 2' 4' 8'

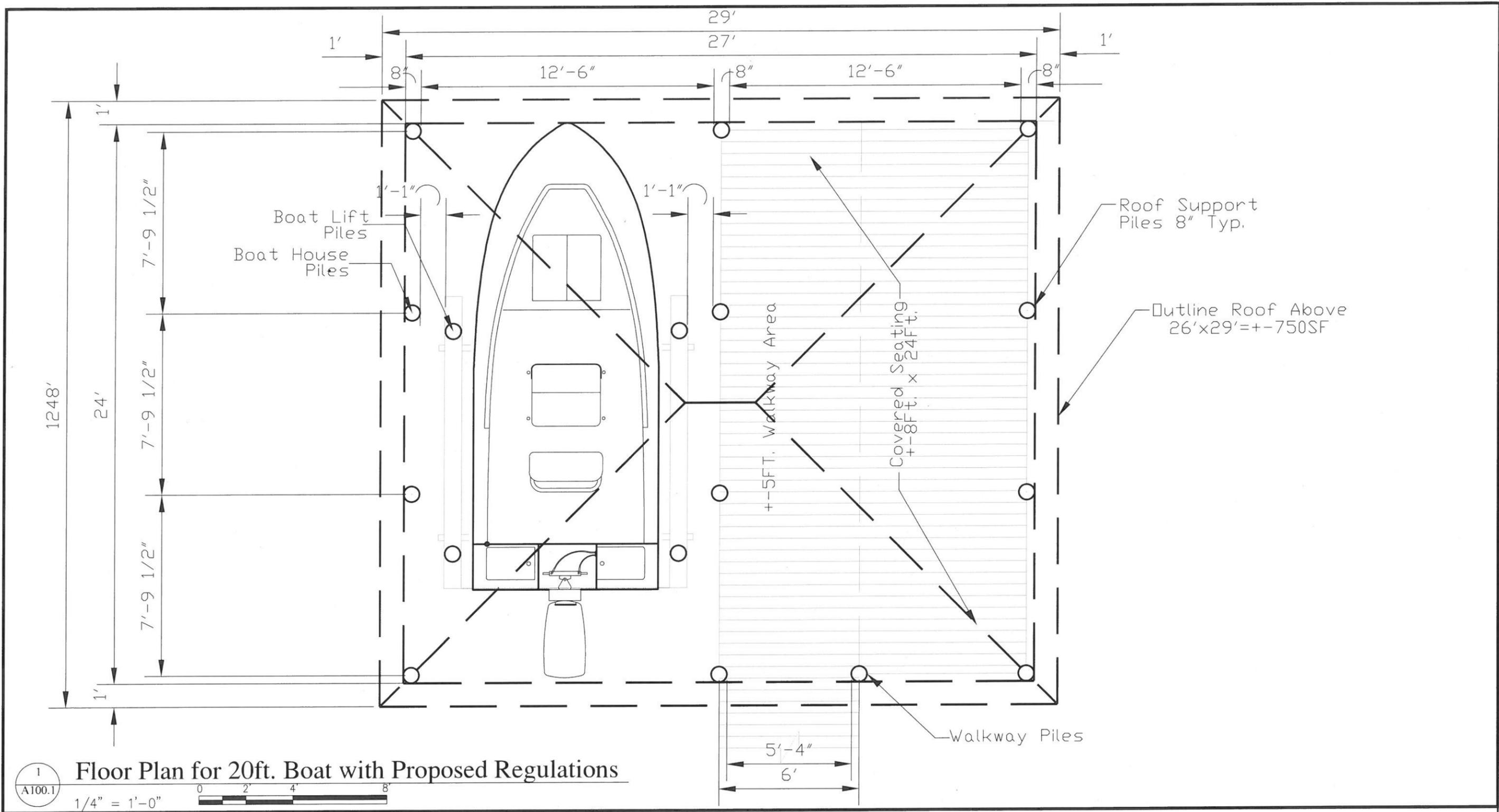
SHEET NUMBER:  
 FLOOR PLAN  
 BASIC 20FT. BOAT  
 A100.0

|               |          |
|---------------|----------|
| FILE NO       |          |
| DWG BY        | dca      |
| REVISION DATE |          |
| DATE          | 16SEPT15 |

## Proposed Pier and Boat House Regulation Amendment

City of Gulf Shores, Gulf Shores, AL 36542

**ADAMS STEWART**  
 ARCHITECTS, LLC  
 Architecture, Planning  
 Interiors, Construction Administration  
 P.O. Box 529  
 22615 Highway 59 North  
 Robertsdale, Alabama 36567  
 Office: 251.947.3864  
 Fax: 251.947.3138



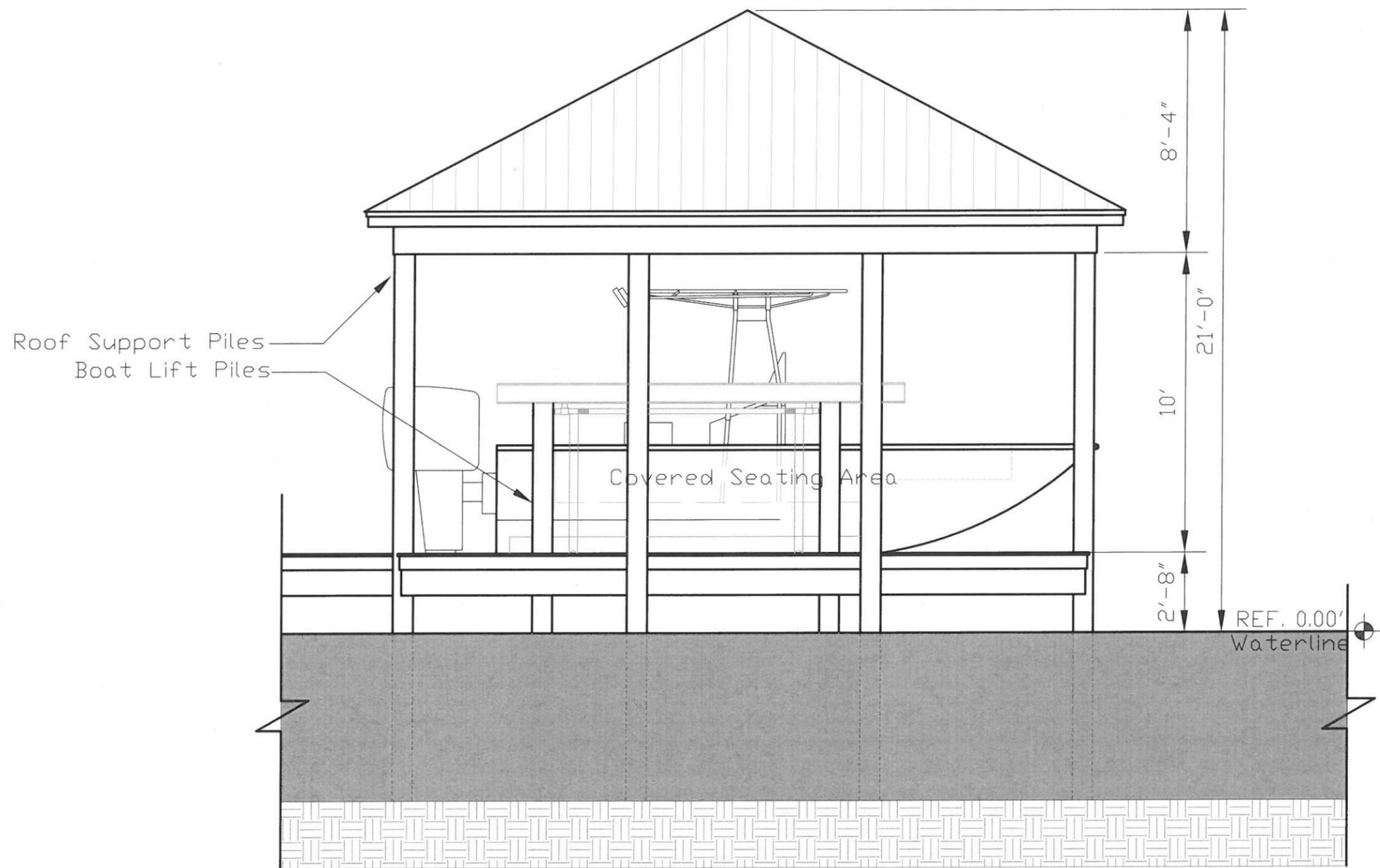
**Floor Plan for 20ft. Boat with Proposed Regulations**

SHEET NUMBER:  
 FLOOR PLAN  
 20FT. BOAT  
 WITH SEATING  
 AREA  
 A100.1

|               |          |
|---------------|----------|
| FILE NO       |          |
| DWG BY        | dca      |
| REVISION DATE |          |
|               |          |
| DATE          | 16SEPT15 |

**Proposed Pier and Boat House Regulation Amendment**  
 City of Gulf Shores, Gulf Shores, AL 36542

**ADAMS STEWART**  
 ARCHITECTS, LLC  
 Architecture, Planning  
 Interiors, Construction Administration  
 P.O. Box 529  
 22615 Highway 59 North  
 Robertsdale, Alabama 36567  
 Office: 251.947.3864  
 Fax: 251.947.3138



1 Elevation for 20ft. Boat with Proposed Regulations  
 A100.0 1/4" = 1'-0"

SHEET NUMBER:  
 SIDE  
 ELEVATION  
 20FT. BOAT  
 WITH SEATING  
 AREA  
 A100.3

|               |          |
|---------------|----------|
| FILE NO       |          |
| DWG BY        | dca      |
| REVISION DATE |          |
|               |          |
| DATE          | 16SEPT15 |

**Proposed Pier and Boat House Regulation Amendment**  
 City of Gulf Shores, Gulf Shores, AL 36542

**ADAMS STEWART**  
 ARCHITECTS, LLC  
 Architecture, Planning  
 Interiors, Construction Administration  
 P.O. Box 529  
 22615 Highway 59 North  
 Robertsdale, Alabama 36567  
 Office: 251.947.3864  
 Fax: 251.947.3138



**Pier house 1 = 1958 sq ft**



**Pier house 2 = 936 sq ft**



**Pier house 3 = 1232 sq ft**



**Pier house 4 = 620 sq ft**



**Pier house 5 = 366 sq ft**



Panorama of Pier Houses



SMALL TOWN, BIG BEACH™

**TO:** Mayor Craft & Members of the City Council

**FROM:** Andy Bauer, Director of Planning & Zoning

---

**SUBJECT:** ZA2015-08 – Zoning Text Amendment – Governmental Uses

**DATE:** January 4, 2016

**ISSUE:** The City of Gulf Shores seeks to amend Articles 4 and 11 to add regulations which will allow any City of Gulf Shores, county, state, or federal government use by Right in all zoning districts.

**BACKGROUND:** Currently governmental uses are not specifically defined and are classified as either Essential Service Facilities or Institutional Uses by the Zoning Ordinance. Depending on the type of governmental use and zoning district these uses are allowed by “Right” or by “Conditional Use Permit”. At times in the past the current Zoning Ordinance regulations have been in conflict with the siting of new governmental uses.

**PLANNING COMMISSION:** At their November 24, 2015 meeting the Commission voted (4-1) to recommend approval of this zoning text amendment to the City Council.

**RECOMMENDATION:** Staff recommends the City Council approve the Zoning Text Amendment.

**ATTACHMENTS:** Staff Report & Proposed Zoning Text Amendment



SMALL TOWN, BIG BEACH™

**TO:** Mayor Robert Craft and  
Members of the City Council

**DATE:** January 4, 2016

**FROM:** Andy Bauer , AICP  
Director of Planning & Zoning

-----  
**SUBJECT:** ZA2015-08 – Zoning Text Amendment – Governmental Use  
-----

**OVERVIEW:** The City of Gulf Shores seeks to amend Articles 4 and 11 to add regulations which will allow any City of Gulf Shores, county, state, or federal government use by Right in all zoning districts. The purpose of government is to provide, promote and facilitate public services and functions, to improve the public health, safety, convenience, order, prosperity, and general welfare of the residents.

**BACKGROUND:** Currently governmental uses are not specifically defined and are classified as either Essential Service Facilities or Institutional Uses by the Zoning Ordinance. Depending on the type of governmental use and zoning district these uses are allowed by “Right” or by “Conditional Use Permit”. At times in the past the Zoning Ordinance regulations have caused conflict with the siting of new governmental uses.

**Planning Commission:** At their November 24, 2015 meeting the Commission voted (4-1) to recommend approval of this zoning text amendment to the City Council.

**ANALYSIS:** The proposed amendment will define governmental uses and because of their essential nature allow governmental uses by “Right” in all zoning districts and add a Section 11-20 Governmental Uses. Some small changes are also proposed to the definitions of Essential Service Facilities and Institutional Uses, and Article 11-19 Essential Service Facilities.

**ATTACHMENTS:** Attached is the proposed zoning text amendment. Proposed deletions are in red and ~~struck through~~ and proposed insertions are underlined in red.

**RECOMMENDATION:** Staff recommends the City Council adopt the Governmental Use zoning text amendment.

**Governmental Use Zoning Amendment - Proposed deletions are in red and struck through and proposed insertions are underlined in red.**

Article 4 Definitions

Essential Services Facilities: A Building, Structure, or site utilized or operated for generation, processing, treatment, transmission, personnel or equipment support, or system control in connection with the provision of utilities or services, whether publicly or privately owned, but excluding any Essential Services Installation as defined below. Examples of Essential Services Facilities include, without limitation, waste treatment facilities, water storage tanks, public water system wells, ~~police and fire stations~~, electrical, gas, telephone, and cable television transmission stations and substations, landfills and solid waste disposal sites, utility and public service supply and equipment storage facilities, and public transportation depots and stations. The characterization of Building, Structure, or site as an Essential Services Facility does not exempt such Building, Structure, or site from any regulations and requirements otherwise applicable under the Zoning Ordinance based on the particular physical character of the Building, Structure, or site. As an example, any Essential Services Facility incorporating a tower Structure must conform to all regulations and restrictions otherwise applicable to towers.

Governmental/Public Use: ~~The use of any land or structure by the City of Gulf Shores, an incorporated instrumentality of the City of Gulf Shores, Baldwin County, the State of Alabama or the United States Government to provide or facilitate any public service or governmental function, including, without limitation, for the purposes of police services, fire protection services, paramedic services, sanitation services, road maintenance services, beach maintenance and patrol services, trash and refuse recycling or disposal services, passive or active recreation, public administration services, public libraries, public education, and any other service or function within the legal authority of any of such governmental entities.~~

**Comment [AB1]:** Added definition of Governmental/public use.

Institution or Institutional Use. A Structure or land occupied by a group, cooperative, or other Entity created for non-profit purposes or ~~for Public Use or~~ services; but excluding those of an industrial nature such as garages, repair or storage Yards, warehouses, and correctional Institutions; and as categorized in the table below.

Low Intensity Institutional Uses

- civic, service, and fraternal organizations; cultural facilities
- places of assembly up to 250 seats
- day care centers; dormitories; group homes with more than ten (10) residents
- nursing homes, rest homes, and other homes for the aged up to 12,500 sf

Medium Intensity Institutional Uses

- ~~government buildings up to 12,500 sf~~
- health institutions up to 50,000 sf
- ~~private schools, universities, colleges, other institutions up to 50,000 sf elementary and junior high/middle schools~~
- places of assembly up to 750 seats
- stadiums and arenas up to 5,000 seats

**Comment [AB2]:** Changed to private schools and universities and colleges

- other institutions up to 50,000 sf

#### High Intensity Institutional Uses

- ~~government buildings greater than 12,500 sf~~
- health institutions greater than 50,000 sf
- places of assembly greater than 750 seats
- ~~high-private~~ schools, universities, colleges, ~~junior colleges~~; other institutions greater than 50,000 sf
- stadiums and arenas greater than 5,000 seats
- institutions greater than 50,000 sf

~~Public Uses: Buildings, Structures and uses of land by a unit of government, including but not restricted to government administration, water treatment facilities, Thoroughfares, libraries, Public Schools, parks, playgrounds, recreation centers and fire stations.~~

**Comment [AB3]:** Delete definition of Public Use

#### Article 11

##### §11-19. Essential Services Facilities.

- General Provisions. Essential Services Facilities shall only be approved by Conditional Use Permit.
- Location. Essential Services Facilities shall be situated on the site so as to minimize visibility from Adjacent businesses and Dwellings through the use of existing topography and vegetation and further situated to maximize distance between any Buildings on adjoining Lots. ~~The facility and its perimeter Screening shall be set back no less than fifty (50) ft from any Mixed use or Non-residential Building and no less than 100 ft from any Dwelling.~~
- Landscaping Buffer and Screening.
  1. A Landscaped Buffer or Screen shall effectively obscure views of the facility in accord with [§12-2 Screening](#) and/or [§12-3 Buffers](#).
  2. For sites within 1,000 ft of a Single-family or Duplex Dwelling, Screening shall include a decay-resistant, solid wood fence, brick or masonry walls, or a combination thereof.
  3. All fencing and Landscaping shall be maintained by the owner.
  4. In locations where the visual impact of the facility would be minimal, such as remote, agricultural or rural locations, or developed Heavy Industrial areas, the Landscaping requirements may be reduced or waived by the Council.
  5. Existing mature tree growth on the site shall be preserved to the maximum extent possible. In some cases, such as facilities located on large, wooded Lots, preservation of substantial natural growth around the property perimeter may be a sufficient Buffer.
- Access. Driveways and parking shall be provided, as deemed necessary on a case-by-case basis, to assure access to the facility for maintenance or emergency services. In some cases, parking/access may be from an adjoining Alley or Off-street Parking area.

**Comment [AB4]:** Removed required 50ft setback requirement. Essential service facilities are only allowed by CUP which allows the city to required additional setbacks on a case by case basis





**TO:** Mayor Craft & Members of the City Council

**FROM:** Andy Bauer, Director of Planning & Zoning

---

**SUBJECT:** ZA2015-09 – Zoning Text Amendment – Article 4 & 16 – Novelty Architecture

**DATE:** January 4, 2016

**ISSUE:** The City of Gulf Shores seeks to modify Articles 4 and 16-1 F. (Architectural Restrictions) to add regulations for novelty architecture. Novelty architecture is proposed to be allowed by Conditional Use Permit which requires both Planning Commission review and City Council approval.

**BACKGROUND:** The definition of a sign in the Zoning Ordinance includes, “any structure used to identify or attract attention to a business”, therefore currently novelty architecture is not allowed because it is classified as a sign. The proposed amendment adds a definition for Novelty Architecture to the Zoning Ordinance and requires novelty architecture to be processed by a Conditional Use Permit through the Planning Commission and City Council. The Conditional Use permit requirement will allow the city to analyze a project with novelty architecture on a case by case basis and decide if a proposed structure fits with Gulf Shores’ existing architectural character.

**PLANNING COMMISSION:** At their November 24, 2015 meeting the Commission unanimously voted (5-0) to recommend approval of this zoning text amendment to the City Council.

**ANALYSIS:** Proposed insertions are underlined in red.

Article 4 Definitions

Novelty Architecture. A type of architecture in which buildings and other structures are given unusual shapes in whole or in part as a novelty, for advertising, to draw attention to a site, for notoriety as a landmark, or simply due to the eccentricity of the owner or architect including programmatic, mimetic, and/or roadside architecture. Many examples of novelty architecture take the form of buildings that resemble the products sold inside to attract drive-by customers. Others are attractions all by themselves, such as giant animals, fruits, and vegetables, or replicas of famous buildings.

Article 16-1 F.

F. Architectural Restrictions. The following architectural standards shall apply throughout the City or as otherwise described herein. Upon a showing of special need, critical function, or exceptional design, alternative materials may be approved through the Site Plan approval process.

1. Novelty Architecture. Any use that incorporates Novelty Architecture, regardless of its GFA, shall be considered a Conditional Use and require a Conditional Use Permit under Section 3-4.

**RECOMMENDATION:** Staff recommends the City Council approve the changes to Article 4 and 16 regarding Novelty Architecture.



SMALL TOWN, BIG BEACH™

**DATE:** December 29, 2015

**ISSUE:** 8' Sidewalks Along Hwy 59 from Hwy 180 to Hwy 182 Bid

**RECOMMENDATIONS:** Award Bid - 8' Sidewalks Along Hwy 59 from Hwy 180 to Hwy 182 to C. Thorton, Inc. in an amount not to exceed \$950,000.

**BACKGROUND:** The City opens bids on Tuesday, December 29, 2015, for the 8' Sidewalks Along Hwy 59 from Hwy 180 to Hwy 182 project. C. Thorton, Inc. was the lowest conforming bidder with a bid amount of \$896,341.90. Since this is a unit bid contract, Public Works recommends awarding the contract in an amount not to exceed \$950,000. The 8', ADA accessible, sidewalks will provide safe pedestrian pathways along Hwy 59.

To date, the project has received \$951,504.00 in grant monies from ALDOT toward the construction costs for the project. Since the construction costs are less than the grant amounts, the grant funding may be capped at 80% of construction costs.

Construction will commence in January but will be suspended during the tourist season to minimize traffic conflicts along Hwy 59. Construction will restart in August after school resumes. This bid does not include the landscape and hardscape elements or the bridge widening adjacent to the Original Oyster House.

**PREVIOUS COUNCIL ACTION:** Council previously accepted three grants from ALDOT to help pay for the construction costs that total \$951,504.00.

**BUDGET IMPLICATIONS:** Currently, we have \$1,774,403 budgeted in the Capital Improvements Fund, Account #40-879-65400, Hwy 59 Sidewalks.

**RELATED ISSUES:** None.

**ATTACHMENTS:** Bid Tabulation

**DEPARTMENT:** Public Works

**STAFF CONTACT:** Mark Acreman



**BID TABULATION SHEET**

Project Name: **SIDEWALK IMPROVEMENTS**  
 Requisition No. **2015-1229 / STPTE-TE13(908) / TAPNU-TA13(923) / TAPOA-TA15(935)**

Bid Date: **December 29, 2015**  
 Bid Opening Time: **10:00 AM**

|                                |                                  |                        |                        |                               |                      |                                 |  |  |  |
|--------------------------------|----------------------------------|------------------------|------------------------|-------------------------------|----------------------|---------------------------------|--|--|--|
| Bidder's Name                  | Arrington Curb + Excavation Inc. | Asphalt Services, Inc. | E-J Builders           | Floore Industrial Contractors | C Thornton Inc.      | Gulf Atlantic Constructors Inc. |  |  |  |
| Alabama Contractor License No. | 45001                            | 22479                  | 9322                   | 22528                         | 18330                | 12803                           |  |  |  |
| Bond                           | ✓                                | ✓                      | ✓                      | ✓                             | ✓                    | ✓                               |  |  |  |
| Affidavits                     | ✓                                | ✓                      | ✓                      | ✓                             | ✓                    | ✓                               |  |  |  |
| Addenda Received               | ✓                                | ✓                      | ✓                      | -                             | ✓                    | ✓                               |  |  |  |
| Notes                          |                                  |                        |                        |                               |                      |                                 |  |  |  |
| Base Bid STPTE-TE13(908)       | \$ 181,029.20                    | \$ 190,910.00          | \$ 175,685.50          | \$ 169,559.50                 | \$ 142,670.00        | \$ 149,610.50                   |  |  |  |
| Base Bid TAPNU-TA13(923)       | \$ 452,245.90                    | \$ 474,441.00          | \$ 417,205.50          | \$ 443,889.00                 | \$ 383,284.25        | \$ 436,973.00                   |  |  |  |
| Base Bid TAPOA-TA15(935)       | \$ 447,039.90                    | \$ 478,355.00          | \$ 407,219.50          | \$ 443,354.50                 | \$ 370,387.65        | \$ 438,696.00                   |  |  |  |
| <b>GRAND TOTAL</b>             | <b>\$ 1,080,315.00</b>           | <b>\$ 1,143,706.00</b> | <b>\$ 1,000,110.50</b> | <b>\$ 1,046,803.00</b>        | <b>\$ 896,341.90</b> | <b>\$ 1,025,279.50</b>          |  |  |  |

OPENED BY: *[Signature]*

TABULATED BY: *[Signature]*

WITNESS BY: *[Signature]*

**Application for a Public Assembly Permit must be submitted to the City Clerk at least thirty (30) days prior to the date of the proposed assembly.**

**APPLICATION FOR PUBLIC ASSEMBLY PERMIT  
AS REQUIRED BY SECTION 11-20 ET SEQ. OF  
THE CODE OF ORDINANCES OF  
THE CITY OF GULF SHORES, ALABAMA**

Date: 10/21/2015

ORGANIZATION/SPONSOR LA Fleet Feet

ADDRESS PO Box 3584, Orange Beach, AL. 36561

AGENT OR REPRESENTATIVE Richard Dickinson

TELEPHONE NUMBER (home) \_\_\_\_\_ (business) \_\_\_\_\_

Email ADDRESS \_\_\_\_\_

It is respectfully requested that a Public Assembly Permit be issued to the above named organization or sponsor.

The following required information is submitted for the review and approval of the appropriate City Departments and the City Council:

- a. Purpose of the Public Assembly: 5K/Half Marathon races  
\_\_\_\_\_
- b. Dates of the Assembly: 02/20/2016  
\_\_\_\_\_
- c. Time of the Assembly: from 6AM to 11AM  
\_\_\_\_\_
- d. Estimated number of Participants/Attendees: 1100  
\_\_\_\_\_
- e. Estimated number of Vendors: NONE  
\_\_\_\_\_
- f. Location of Assembly (legal description of property if known): 101 East Beach Blvd, Gulf Shores, AL (Hangout)  
\_\_\_\_\_
- g. Owner of Property: Shaul Zislin  
\_\_\_\_\_

Supply to Clerk a letter from owner of property permitting use for activity, if not owned by applicant.

- h. If applicant will need to use City employees for any part of the preparation and clean-up of the site, a separate agreement with the City will be required before issuance of the Permit.
- i. Applicant shall guarantee payment of business licenses and sales tax, if applicable to function.
- k. **Required attachments -- detailed explanation, including drawings and diagrams where applicable, of the prospective plan of the Permittee to provide for the following, as appropriate:**
  - (1) Police and fire protection (describe on-site security; Gulf Shores Police will do routine patrol and will respond to calls.)
  - (2) Food and water supply and facilities
  - (3) Health and sanitation facilities (specify number of portable toilet facilities to be furnished)
  - (4) Medical facilities and services including emergency vehicles and equipment
  - (5) Vehicle access and parking facilities (If the proposed public assembly is expected to require more parking than can be provided at the location of the assembly, the applicant must submit plans showing where additional parking will be provided and a letter from the owner of the property granting approval for such use.)
  - (6) Camping and trailer facilities
  - (7) Illumination facilities
  - (8) Communications facilities
  - (9) **Signage - Signage placement must be shown on diagram, comply with the City's Zoning Ordinance (Ordinance #1584, Chapter 18, Article XVI, Signs) and be approved by the Recreation and Cultural Affairs Director (or his agent) prior to the issuance of the Permit.**
  - (10) Noise control and abatement
  - (11) Facilities for daily clean up and waste disposal; final cleanup will be done within 24 hours after close (grease or oil disposal shall be monitored)
  - (12) Insurance and bonding arrangements -- Binder or other proof of coverage in proper amount shall be in the hands of the Clerk no later than five (5) days before the first day of the event.

The undersigned has authority to execute this application; and the requesting organized group, unincorporated association of persons, or corporation promises and agrees to abide by all the terms and conditions of Section 11-26, Code of Ordinances, under which a Public Assembly Permit is issued, and to abide by all rules and regulations of the City of Gulf Shores, Alabama.

  
SIGNATURE OF AGENT

By authority of Section 11-24 of the Code of Ordinances of the City of Gulf Shores, the requirement of an Assembly Permit shall not apply to any activity sponsored by the City, County or State.

The Permit shall be issued only after approval by the appropriate City Officials, as indicated below:

- a. Police Chief: \_\_\_\_\_ Date: \_\_\_\_\_
- b. Fire Chief: \_\_\_\_\_ Date: \_\_\_\_\_
- c. Public Works Director: \_\_\_\_\_ Date: \_\_\_\_\_
- d. Building Official: \_\_\_\_\_ Date: \_\_\_\_\_
- e. Planning & Zoning: \_\_\_\_\_ Date: \_\_\_\_\_
- f. Recreation & Cultural Affairs: \_\_\_\_\_ Date: \_\_\_\_\_
- g. City Administrator: \_\_\_\_\_ Date: \_\_\_\_\_

=====

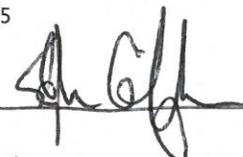
SEE NEXT PAGE

## Emily Tidwell

---

**From:** Emily Tidwell  
**Sent:** Wednesday, December 23, 2015 11:46 AM  
**To:** Edward J. Delmore; Hartly Brokenshaw; Andy Bauer; Mark Acreman; Brandan Franklin; Grant Brown  
**Cc:** Alicia Talley; Wanda Parris; Carla Estill  
**Subject:** assembly permit for 5k/Half Marathon Race  
**Attachments:** SKM\_C224e15122311450.pdf

| Tracking: | Recipient        | Delivery                       | Read                      | Response                     |
|-----------|------------------|--------------------------------|---------------------------|------------------------------|
|           | Alan Carpenter   | Delivered: 12/29/2015 8:30 AM  | Read: 12/29/2015 10:11 AM | Approve: 12/29/2015 11:12 AM |
|           | Keith Martin     | Delivered: 12/29/2015 8:30 AM  | Read: 12/29/2015 9:01 AM  | Approve: 12/29/2015 9:19 AM  |
|           | Andy Bauer       | Delivered: 12/23/2015 11:46 AM | Read: 12/23/2015 11:52 AM | Approve: 12/23/2015 11:53 AM |
|           | Mark Acreman     | Delivered: 12/23/2015 11:46 AM | Read: 12/23/2015 1:10 PM  | Approve: 12/28/2015 8:30 AM  |
|           | Brandan Franklin | Delivered: 12/23/2015 11:46 AM | Read: 12/23/2015 11:50 AM | Approve: 12/23/2015 1:37 PM  |
|           | Grant Brown      | Delivered: 12/23/2015 11:46 AM |                           | Approve: 12/23/2015 11:53 AM |
|           | Alicia Talley    | Delivered: 12/23/2015 11:46 AM | Read: 12/23/2015 12:10 PM |                              |
|           | Wanda Parris     | Delivered: 12/23/2015 11:46 AM |                           |                              |
|           | Carla Estill     | Delivered: 12/23/2015 11:46 AM |                           |                              |

CITY ADMINISTRATOR:  12/29/15

Please see the attached assembly permit for the 5K/half marathon race. Please use your voting buttons. We need to get it on next COW agenda.

Thanks,  
Emily ☺

### Emily Tidwell

Executive Office  
Administrative Assistant II  
PO Box 299  
203 Clubhouse Drive, Suite B  
Gulf Shores, AL 36542  
[www.gulfshoresal.gov](http://www.gulfshoresal.gov)

Phone (251) 968.1126  
Fax (251) 968.4459

# Sweetheart 5K II

Gulf Shores, Alabama

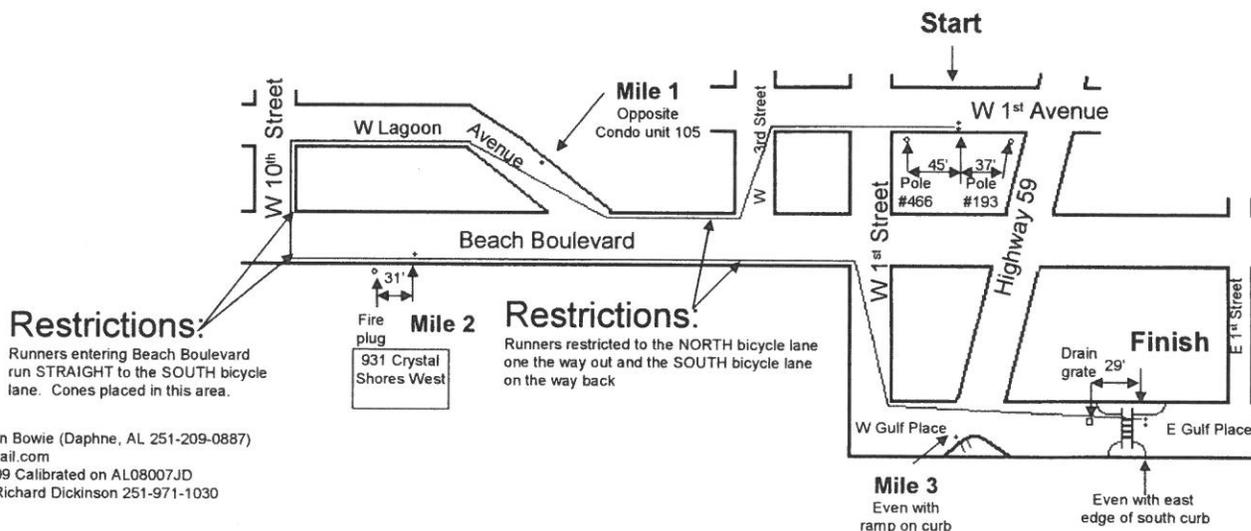
AL09004JD  
Effective 02-10-2009 to 12-31-2019



Start and finish marked with washer and green paint

Splits: Marked with green paint. Locations given explicitly on map. Washer at mile 1 only.

No Diagrams to Scale



Measured by Jon Bowie (Daphne, AL 251-209-0887)  
jonbowie@hotmail.com  
01 February 2009 Calibrated on AL08007JD  
Race contact: Richard Dickinson 251-971-1030



Road Running Technical Council  
USA Track & Field

## Measurement Certificate

recognized by



Name of the course Sweetheart 5K II Distance 5 km

Location (state) Alabama (city) Gulf Shores

Type of course: road race  calibration  track  Configuration: Partial Loop

Type of surface: paved 100 % dirt      % gravel      % grass      % track      %

Elevation (feet above sea level) Start 3 Finish 3 Highest 3 Lowest 10

Straight line distance between start & finish 885 ft Drop 0 m/km Separation 5.39 %

Measured by (name, address, phone & e-mail) Jon Bowie, 9424 Autauga Bend

Daphne, Alabama 36526, 251-209-0887, jonbowie@hotmail.com

Race contact (name, address & phone) L.A. Fleet Feet, P.O. Box 3584

Orange Beach, Alabama 36561, 251-971-1030

Measuring Methods: bicycle  steel tape  electronic distance meter

Number of measurements of entire course: 2 Date(s) when course measured: 02-01-2009

Race date: February Course certification effective date: 02-10-2009

Replaces: \_\_\_\_\_ (if applicable) Certification code: AL09004JD

Notice to Race Director  
Use this Certification Code in *all* public announcements relating to your race.

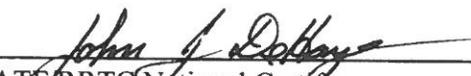
### *Be It Officially Noted That*

Based on examination of data provided by the above named measurer, the course described above and in the map attached is hereby certified as reasonably accurate in measurement according to the standards adopted by the Road Running Technical Council. If *any* changes are made to the course, this certification becomes void, and the course must then be recertified.

*Validation of Course* — In the event a National Open Record is set on this course, or at the discretion of USA Track & Field, a validation remeasurement may be required to be performed by a member of the Road Running Technical Council. If such a remeasurement shows the course to be short, then all pending records will be rejected and the course certification will be cancelled.

*This certification expires on December 31 in the year* 2019

**AS NATIONALLY CERTIFIED BY:**

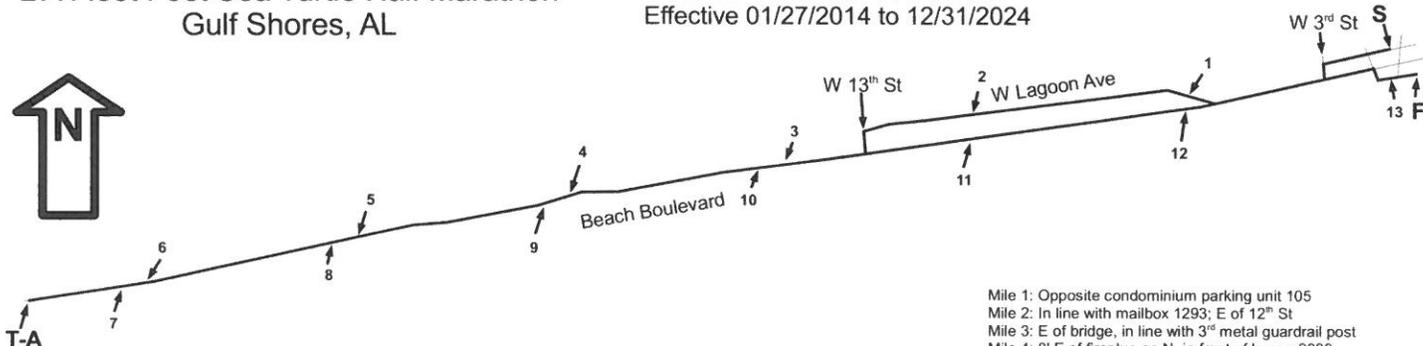
 \_\_\_\_\_ Date: 02-20-2009

John J DeHaye – USATF/RRTC National Certifier  
824 Annlau Avenue, Huntsville, AL 35802, (256) 881-9326, jdehay@comcast.net

AL09004JD

**L A Fleet Feet Sea Turtle Half Marathon**  
**Gulf Shores, AL**

USATF Certificate AL14004JD  
 Effective 01/27/2014 to 12/31/2024



- Mile 1: Opposite condominium parking unit 105
- Mile 2: In line with mailbox 1293; E of 12<sup>th</sup> St
- Mile 3: E of bridge, in line with 3<sup>rd</sup> metal guardrail post
- Mile 4: 8' E of fireplug on N, in front of house 2080
- Mile 5: 10' W of drive to house 2464
- Mile 6: In line with utility pole between houses 2928 and 2936
- Mile 7: 51' W of mailbox 2973
- Mile 8: Opposite front door of house 2532 on N
- Mile 9: 26' W of fireplug between houses 2121 and 2113
- Mile 10: West of bridge, center of driveway of house 1717
- Mile 11: Opposite Stop sign on NW corner of 12<sup>th</sup> St
- Mile 12: 21' E of fireplug in front of 931 Crystal Shores West
- Mile 13: In line with crosswalk on NW corner

Restrictions:  
 Runners are restricted to the bike lanes on Beach Boulevard  
 WB runners on N side and EB runners on S side

Measured by Jon Bowie (Daphne, AL 251-209-0887)  
 jnbowie@gmail.com 19 January 2014

**Diagrams to scale**

Start, Finish, and T-A marked with paint and washers  
 Splits: Marked with paint and washers.

Course was measured on the SPR  
 and the runners have full use of the  
 road unless otherwise noted.

|   |  |
|---|--|
| <p><b>Turn-around detail</b></p> <p>Turn-around point: 55' W of pole 19, on W side of house 3149</p> <p>Restrictions:<br/>                 Runners to stay in WB bike lane until passing cone in line with pole 19, then around the cone at turn-around point. Runners then return to the EB bike lane at the cone in line with pole 19</p> | <p><b>Start and Finish Detail</b></p> <p>Start: 24' E of large concrete pole 959, closest to Hwy 59</p> <p>Finish: In line with E edge of S curb and 6' E of E edge of walkway on N curb</p> |
|---|--|



*Road Running Technical Council*  
*USA Track & Field*  
**Measurement Certificate**



Name of the course L A Fleet Feet Sea Turtle Half Marathon Distance 21.0975 km

Location (state) Alabama (city) Gulf Shores

Type of course: road race  calibration  track  Configuration: Out-Back

Type of surface: paved 100 % dirt      % gravel      % grass      % track      %

Elevation (meters above sea level) Start 4 Finish 3 Highest 5 Lowest 1

Straight line distance between start & finish 264 m Drop 0.05 m/km Separation 1.3 %

Measured by (name, address, phone & e-mail) Jon Bowie, 9424 Autauga Bend

Daphne, AL 36526, 251-209-0887, jnbowie@gmail.com

Race contact (name, address, phone & e-mail) LA Fleet Feet, POB 768

Gulf Shores, AL 36547, 205-966-4366, grahamfd@msn.com

Measuring Methods: bicycle  steel tape  electronic distance meter

Number of measurements of entire course: 2 Date(s) when course measured: Jan. 19, 2014

Race date: February Course certification effective date: Jan. 27, 2014

Certification code: AL14004JD

Notice to Race Director: Use this Certification Code in *all* public announcements relating to your race.

## *Be It Officially Noted That*

Based on examination of data provided by the above named measurer, the course described above and in the map attached is hereby certified as reasonably accurate in measurement according to the standards adopted by the Road Running Technical Council. If *any* changes are made to the course, this certification becomes void, and the course must then be recertified.

*Verification of Course* — In the event a National Open Record is set on this course, or at the discretion of USA Track & Field, a verification remeasurement may be required to be performed by a member of the Road Running Technical Council. If such a remeasurement shows the course to be short, then all pending records will be rejected and the course certification will be cancelled.

*This certification expires on December 31 in the year*

**2024**

*AS NATIONALLY CERTIFIED BY:*

*John J DeHaye*

Date: Jan. 31, 2014

John J DeHaye – USATF/RRTC National Certifier

824 Annlau Avenue, Huntsville, AL 35802, 256-881-9326, jdehay@comcast.net

**Subject:** RRCA VM  
**From:** "membership" <membership@rrca.org>  
**Date:** 1/30/2015 8:47 AM  
**To:** <JRMCCABE@GULFTEL.COM>

Hi John,

Thanks for the VM. I can confirm that your club's payment came through and you're all set with your renewal! You should be receiving your club's Certificate of Insurance from STAR Financial today.

Please let me know if you need anything else and have a wonderful weekend!

Sincerely,

**David Morgan**  
Membership Manager  
Road Runners Club of America  
1501 Lee Highway, Suite 140  
Arlington, VA 22209  
703-525-3890  
703-525-3891 (fax)  
[www.RRCA.org](http://www.RRCA.org) | RRCA Facebook | RRCA Twitter

**Save the Dates:**  
57th Annual RRCA Convention – April 22-26, 2015  
Des Moines, IA (Drake Relays Weekend) [www.RRCA.org/Convention/](http://www.RRCA.org/Convention/)  
#RRCAConvention

9th Annual **RUN@WORK** Day - September 18, 2015  
[www.RRCA.org/programs/run-at-work-day/](http://www.RRCA.org/programs/run-at-work-day/)  
#RRCArunatwork

**WE RUN THE NATION!**  
1958-2015

— Attachments:

Lower Alabama Fleet Feet Run Club Paid Invoice.pdf

56.7 KB

**Subject:** RRCA Company Renewal Application Confirmation  
**From:** Membership <membership@rrca.org>  
**Date:** 1/28/2015 4:08 PM  
**To:** JRMCCABE@GULFTEL.COM  
**CC:**

Thank you for your support as a member of Road Runners Club of America (RRCA).

If you have paid with a credit card, there is no further action that needs to be taken. You are listed as a member in our database, and you have access to all of RRCA's features and benefits.

If you have indicated that you will be paying by check, please make the check out to RRCA.

As a reminder, you or another representative of your running club or event must list your events on the RRCA Calendar at [www.rrca.org/calendar/find-event/](http://www.rrca.org/calendar/find-event/) as a record for insurance purposes.

As a member of RRCA, you now have access to all of our programs and services. The information included in our database for your membership is below. If there are changes to your contact information, please log into your personal profile at <http://www.rrca.org/users/only/individualFormPublic/edit> or you can contact us directly with your updates.

**Name:** Mr. JOHN MCCABE  
**Title:** Company: Lower Alabama Fleet Feet Run Club  
**Phone:** 714-726-7181  
**Fax:** 251-980-5780  
**E-mail:** [JRMCCABE@GULFTEL.COM](mailto:JRMCCABE@GULFTEL.COM)

Reminder: Your username to the RRCA website is: JRMCCABE

Confirmation of Details:  
Lower Alabama Fleet Feet Run Club  
Club Member Renewal  
2015  
Invoice number: 16010  
Invoice amount: \$347.55

Payment: Credit Card  
Payment Amount: \$347.55  
Date of Payment: 01/28/2015  
Last 4 digits of Credit Card Number: 3776  
Name on Card: John R. McCabe

Best Regards,  
RRCA Membership Team



12-23-15

To Whom It May Concern,

This letter gives LA Fleet Feet Run Club permission to use The HangOut property for the 2016 Sweetheart/Sea Turtle Run's. The event date is February 20, 2016.

If you have any questions or require additional information please contact me via email or at the number listed below.

Regards,

Steven Ivans

TheHangOut/TheGulf  
917-209-8663  
steven@thehangout.com