

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held on Monday, February 8, 2016, at the regularly scheduled Gulf Shores City Council meeting, which begins at 4:00 p.m., in the Council Chambers of the Gulf Shores City Hall, to consider a proposed amendment to the Zoning Ordinance No. 1584, adopted January 1, 2010. The proposed amendment shall read as follows:

**AN ORDINANCE
TO AMEND ORDINANCE NO. 1584
(ZONING ORDINANCE), ADOPTED JANUARY 1, 2010 AT
ARTICLE 4: DEFINITIONS AND ARTICLE 11: SPECIFIC USE REGULATIONS
BY CHANGING CERTAIN LANGUAGE
AND REWRITING THE SECTION AS REQUIRED
(ZT2015-08)**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES,
ALABAMA, WHILE IN REGULAR SESSION ON FEBRUARY 8, 2016 as follows:

Section 1. That Ordinance No. 1584 (Zoning Ordinance) adopted January 1, 2010 be and it is hereby amended at Article 4: Definitions, Section 4-2. Use Definitions and Article 11: Specific Use Regulations, Section 11-19. Essential Services Facilities and Section 11-20. Governmental by changing certain language and rewriting the entire Section as follows:

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ARTICLE 4: DEFINITIONS

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§4-2. Use Definitions

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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.

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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.

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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.

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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

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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
- Other institutions up to 50,000 sf

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

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

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~~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: SPECIFIC USE REGULATIONS

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§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.~~

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

C. 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.

- D. 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.

[§11-20 Governmental Uses.](#)

Comment [AB5]: Added Section on Governmental Uses

- A. General Provisions. [Governmental Uses shall be processed in accordance with the procedures of Article 3 Site Plan Review. Generally, Governmental Uses shall comply with all regulations and requirements otherwise applicable under the Zoning Ordinance, but due to their essential functions of promoting and improving the general health, safety, convenience and general welfare of the residents' deviations to the regulations may be granted by the City Council.](#)

§11-21. Multiple Family Dwellings

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§11-22. Condotels

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§11-23. Group Homes

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Table of Permitted Uses

Table 7-1A: Use Regulations for Residential Districts										
Zoning District	R-1-1	R-1-2	R-1-3	R-1-4	R-1-5	R-2	R-3	R-4	R-5	
RESIDENTIAL USES										
Essential Services Facilities, §11-19	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Governmental Uses	R	R	R	R	R	R	R	R	R	

Comment [AB6]: Made Governmental Uses by "Right" in all zoning districts

USE REGULATIONS FOR NON-RESIDENTIAL DISTRICTS													
USES / DISTRICTS:	AG	BN	BG	BG-1 FM	BG-2 FM	BA	BT 1-5	ICW-N	ICW-S	ATP	IND	OS	ED
INSTITUTIONAL, UTILITIES, TRANSPORTATION													
Essential Services Facilities, §11-19	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Governmental Uses	R	R	R	R	R	R	R	R	R	R	R	R	R

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Section 2. That this Ordinance shall become effective upon its adoption and publication as required by law.

Further, notification is given that any citizen or interested party may appear before Council on said date and will be given an opportunity to be heard, or may direct written comments to the City Clerk, City Hall, P O Box 299, Gulf Shores, AL 36547, prior to the meeting.

Wanda Parris, MMC
City Clerk
City of Gulf Shores