

MINUTES OF REGULAR COUNCIL MEETING

CITY OF GULF SHORES, ALABAMA

JULY 12, 2010

Mayor Craft called the meeting to order at 5:00 p.m. at the City Hall. The invocation was delivered by Reverend Deral Rollings, St. Jude's By The Sea Lutheran Church. The Pledge of Allegiance to the flag was led by Mayor Craft.

Upon roll call, the following officials answered "present": Councilmen Garris, Doughty, Harris, Dyken, Jones, and Mayor Craft. The Mayor declared a quorum present.

Councilman Garris moved to approve the minutes of a special meeting of June 28, 2010, as presented; seconded by Councilman Dyken; and upon the question, the vote thereon was as follows: Councilman Garris, "aye," Councilman Doughty, "aye," Councilman Harris, "aye," Councilman Dyken, "aye," Councilman Jones, "aye," and Mayor Craft, "aye." Whereupon, the Mayor declared the motion carried.

Councilman Harris moved to approve the minutes of the rescheduled regular meeting of June 28, 2010, as presented; seconded by Councilman Doughty; and upon the question, the vote thereon was as follows: Councilman Garris, "aye," Councilman Doughty, "aye," Councilman Harris, "aye," Councilman Dyken, "aye," Councilman Jones, "aye," and Mayor Craft, "aye." Whereupon, the Mayor declared the motion carried.

Councilman Garris moved to approve the minutes of the Council work session of July 6, 2010, as corrected; seconded by Councilman Dyken; and upon the question, the vote thereon was as follows: Councilman Garris, "aye," Councilman Doughty, "aye," Councilman Harris, "aye," Councilman Dyken, "aye," Councilman Jones, "aye," and Mayor Craft, "aye." Whereupon, the Mayor declared the motion carried.

Whereupon, Councilman Jones moved to approve the expense vouchers in the amount of \$143,746.91 as presented; seconded by Councilman Harris; and upon the question, the vote thereon was as follows: Councilman Garris, "aye," Councilman Doughty, "aye," Councilman Harris, "aye," Councilman Dyken, "aye," Councilman Jones, "aye," and Mayor Craft, "aye." Whereupon, the Mayor declared the motion carried.

The City Clerk noted that the complete list of vouchers to be paid, as reflected on a computer printout, had been made a permanent record in the Clerk's office.

Mayor Craft stated that this was the time and place for the public hearing, as advertised, on the proposed amendment to the Zoning Ordinance as it relates to Article 5, Article 8, Article 10 and the addition of BT-5 Tourist Business Maximum Density Zoning District.

The City Clerk stated that this public hearing had been advertised as required by law, as reflected by the following affidavits of publication:

Andy Bauer, Community Development Director, noted the recommendations of his department and the Planning Commission in support of the zoning amendment, as reflected by the following communications:

The Mayor asked if there was anyone present who wished to comment on the proposed zoning amendment.

Ms. Sharon Moore spoke in support of decreasing the BT-5 Zoning District Maximum Building Height from the proposed 22 stories to 20 stories and the Maximum Density from 44 units to 42 units.

Mr. Larry Freeman asked if the amendment would change the impervious surface restrictions on Plash Island.

Andy Bauer, Community Development Director, stated that the amendment only affected the beach area.

The City Clerk stated no written communications had been received in this regard.

Whereupon, Councilman Jones moved for unanimous consent of the Council to suspend the rules of procedure to allow for the immediate consideration of the following Ordinance.

ORDINANCE NO. 1615

**AN ORDINANCE
TO AMEND ZONING ORDINANCE
NO. 1584 (ZONING ORDINANCE)
ADOPTED JANUARY 1, 2010, AT
ARTICLE 5 (Establishment of Districts),
ARTICLE 8 (Business District Regulations),
ARTICLE 10 (Overlay Districts) and to add BT-5
(Tourist Business Maximum Density) Zoning District**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JULY 12, 2010, as follows:

Section 1. That Ordinance No. 1584 (Zoning Ordinance) adopted January 1, 2010 be and it is hereby amended at **ARTICLE 5, ESTABLISHMENT OF DISTRICTS**, by **adding BT-5 Tourist Business Maximum Density Zoning District** and reset the BT-4 Zoning Districts area and dimensional regulations so as to be consistent with the previous area and dimensional limitations of the BTL-4/BTB-3 Districts so the Subsection shall read as follows:

* * *

ARTICLE 5. ESTABLISHMENT OF DISTRICTS

SECTION 5-1 Districts

A. District Purposes.

* * *

13. BT Tourist Business Districts. These districts are intended to provide suitable locations for walkable, Mixed-Use Developments consisting of Hotels, Motels, Condominiums, Multiple-family Dwellings and compatible Commercial Uses that provide residents and tourists with services, conveniences and amenities. There are five separately designated and separately regulated variants of the BT District:

a. BT-1 Low-Medium Density Tourist Business District

- b.BT-2 Medium Density Tourist Business District
- c.BT-3 Medium-High Density Tourist Business District
- d.BT-4 High Density Tourist Business District
- e.BT-5 Maximum Density Tourist Business District**
- f.BT-1-N: Tourist Business 1, North**

* * *

Section 2. That Ordinance No. 1584 (Zoning Ordinance) adopted January 1, 2010 be and it is hereby amended at **ARTICLE 6, SUPPLEMENTARY REGULATIONS**, at **Section 6-3. Yard Regulations. A. Setback Restrictions and Projections, Item 4g.** as follows:

ARTICLE 6. SUPPLEMENTARY REGULATIONS

SECTION 6-3 Yard Regulations.

A.Setback Restrictions and Projections.

* * *

4. Every part of a Required Yard or Court shall be open from its lowest point to the sky unobstructed except for:

* * *

- g. A Canopy or Awning, open on all sides and extending from the entrance door a distance not to exceed five (5) ft from the Front Lot Line of any Principal Building in a BN, BG, BA, BT (1-5), BT-1N, 1I-1, or INST district. Such canopies shall not exceed fifteen (15) ft in width nor twelve (12) ft in height, and shall provide a clear space between Grade Level and the bottom of the valance of at least seven (7) ft.

Section 3. That Ordinance No. 1584 (Zoning Ordinance) adopted January 1, 2010 be and it is hereby amended to **change the BT (1-4) label to BT (1-5) label at ARTICLE 8, Section 8-5, Index of Tables (Table 8-5A: BT (1-5) District Permitted Uses and Table 8-5B: BT (1-5) District Area and Dimensional Requirements)** and **ARTICLE 8, BUSINESS DISTRICT REGULATIONS, at Section 8-5. BT Tourist Business Districts, Subsection B. Area Dimensional Requirements (Table 8-5B: BT (1-5) District Area and Dimensional Requirements)** as follows:

ARTICLE 8: BUSINESS DISTRICT REGULATIONS

Section 8-5. BT Tourist Business District

Change Index of Tables 8-5A and 8-5B to read as follows:

Table 8-5A: BT (1-5) District Permitted Uses

Table 8-5B: BT (1-5) District Area and Dimensional Requirements.

Reset Section 8-5. BT Tourist Business Districts, Subsection B. District Area and Dimensional Requirements (Table 8-5B) as follows:

* * *

Section 8-5. BT Tourist Business Districts

The following provisions shall apply to all BT (1-5) Districts, including the BT-1 N and BT-1 FM Districts.

* * *

- B.**Area Dimensional Requirements.** Refer to Table 8-5B and the provisions herein.

* * *

Table 8-5B: BT (1-5) District Area and Dimensional Requirements						
Zoning District	BT-1	BT-2	BT-3	BT-4	BT-5	BT-1 N
Max. Bldg. Height* in Stories	5	10	15	20	22	6
Min. Lot Area	5,000 sf					
Max. Density (DU/ac)	10.5	21	30	42	44	21
Min. Lot Width	50 ft					
Max. Impervious Surface Coverage	70%	75%	80%	85%	85%	70%
Min. Front Yard see §6-3	10 ft					
Min. Rear Yard see §6-3	20 ft					
Min. Side Yard see §6-3	0-30 ft, See §8-5B4					
Max. FAR	50%	100%	150%	200%	200%	100%
	*Refer to §8-5B for exceptions and modifications					
Maximum Building Coverage by Floor Level						
Building Floors	Maximum Building Coverage (per Lot Area)					
Floors 1-5	65%					
Floors 6-10	50%					
Floors 11-15	25%					
Floors 16 and above	20%					
Requirements for Detached Single-Family and Duplex Dwellings						
	Detached Single-family Dwelling				Duplex	
Max. Bldg. Height	3 Stories				2 Stories	
Min. Lot Area	5,000 sf				9,000 sf	
Min. Lot Width	50 ft				65 ft	
Max. Bldg. Coverage	35%				35%	
Max. Impervious Surface Coverage	55%				55%	
Min. Front Yard See §6-3	20 ft				20 ft	
Min. Side Yard* See §6-3	8 ft				8 ft	

Min. Street Side Yard See §6-3E	10 ft		10 ft
Min. Rear Yard See §6-3	30 ft		30 ft

* * *

Section 4. That Ordinance No. 1584 (Zoning Ordinance) adopted January 1, 2010 be and it is hereby amended to change BT (1-4) label to BT (1-5) label at **ARTICLE 10 – OVERLAY DISTRICTS** as follows:

ARTICLE 10: OVERLAY DISTRICTS

Section 10-1 A. – Use Regulations. See subsection 8-5 for BT (1-5) Districts and the provisions herein.

* * *

Section 10-1 B. – Area and Dimension Requirements. All uses shall be subject to the requirements of the applicable underlying district (see subsection 8-5 for BT (1-5) except as modified herein in subsection 10-1C as applicable.

* * *

Section 10-1 C. 2. – Authority. As part of the development of property in BT (1-5) Districts within the Walking Area Overlay District, at its option the Council may grant to the property owner a bonus number of Dwelling Units, GFA, and Stories of Building Height for a proposed development as an incentive to encourage the appropriate location, design, dedication and development of additional public parking spaces and improvements adjacent to the Gulf of Mexico that are accessible and convenient to the public...

* * *

Section 10-2 – Lagoon Pass Overlay District.

Section 10-2 A. - Use Regulations. See subsection 8-5 for BT (1-5) Districts.

Section 10-2 B. – Area and Dimensional Requirements. All uses shall be subject to the applicable underlying district (see Article 8 for the area and dimensional regulations of the Applicable District i.e. BT (1-5) except as modified herein and in subsection 10-2C as applicable.

* * *

Section 10-3 A. - Beach Area Overlay District. Use Regulations. See subsection 8-5 for BT (1-5) Districts and the provisions herein.

Section 10-3 B. – Area and Dimensional Requirements. All uses shall be subject to the applicable underlying district (see subsection 8-5 for BT (1-5) except as modified herein and in subsection 10-3C as applicable.

* * *

Section 10-3 C. 2. – Authority. As part of the development of property in the BT (1-5) Districts outside the Walking Area and Lagoon Pass Overlay Districts, at its option the Council may grant bonus Density, GFA, and additional Stories of Building Height for a proposed development for Multiple-family or Lodging Uses as an incentive to encourage the appropriate location, design, dedication and development of additional public parking spaces and Improvements Adjacent to the Gulf of Mexico accessible and convenient to the public.

* * *

Section 5. That Ordinance No. 1584 (Zoning Ordinance) adopted January 1, 2010 be and it is hereby amended to change BT (1-4) label to BT (1-5) label at ARTICLE 11 as follows:

ARTICLE 11: SPECIFIC USE REGULATIONS

* * *

Section 11-13 – Mixed Use Development. Mixed-use Development is permitted in certain zoning districts, including ICW-N, ICW-S, BT (1-5) and BG. Limited forms of Mixed-use Development are also permitted in the BN District, primarily “live-work” Dwellings. All Mixed-use Developments shall be served by public water and sewer.

Section 11-13 B. – Walking Overlay District Requirements. Within the Walking Area Overlay District and in BT (1-5). Residential and Lodging Uses shall only be permitted as part of a Mixed-use Development when complying with subsection 10-1 Walking Area Overlay District.

* * *

ARTICLE 14 – OFF-STREET PARKING AND LOADING

* * *

Section 6. That Ordinance No. 1584 (Zoning Ordinance) adopted January 1, 2010 be and it is hereby amended to change BT (1-4) label to BT (1-5) label at **ARTICLE 14** as follows:

* * *

Section 14-4. Bicycle Parking

A.Applicability. Bicycle Parking shall be provided for any Multiple-family, Non-residential, or Mixed-use Development in the R-3, R-4, BN, BG, BT (1-5), ATP, INST, ICW-N, and ICW-S Districts.....

* * *

Section 7. That this Ordinance shall become effective upon its adoption and publication as required by law.

The motion for unanimous consent was seconded by Councilman Garris; and upon the question, the vote thereon was as follows: Councilman Garris, "aye," Councilman Doughty, "aye," Councilman Harris, “aye,” Councilman Dyken, “aye,” Councilman Jones, "aye," and Mayor Craft, "aye." Mayor Craft then declared the rules suspended.

Councilman Jones then moved for the adoption of Ordinance No. 1615 and to waive the reading of said Ordinance at length. The motion for the adoption of Ordinance No. 1615 was seconded by Councilman Garris; was regularly put; was discussed and considered in full by the Council; and upon the question, the vote thereon was as follows: Councilman Garris, "aye," Councilman Doughty, "aye," Councilman Harris “aye,” Councilman Dyken, “aye,” Councilman Jones, "aye," and Mayor Craft, "aye." Whereupon, the Mayor declared Ordinance No. 1615 duly and legally adopted.

Councilman Jones moved for unanimous consent of the Council to suspend the rules of procedure to allow for the immediate consideration of the following Ordinance:

ORDINANCE NO. 1616

**AN ORDINANCE
GRANTING A NONEXCLUSIVE FRANCHISE
TO
MOBILE BAY TRANSPORTATION CO., INC.,
d/b/a YELLOW CAB,
TO PROVIDE TAXI SERVICE
IN THE CITY OF GULF SHORES; AND AUTHORIZING
THE EXECUTION OF A FRANCHISE AGREEMENT**

BETWEEN THE CITY OF GULF SHORES AND THE CORPORATION

WHEREAS, Mobile Bay Transportation Co., Inc., has requested a franchise to empower the company to provide taxi service in the City of Gulf Shores; and

WHEREAS, The City is desirous of granting a nonexclusive franchise to Mobile Bay Transportation Co., Inc., dba Yellow Cab, to provide such service; and

WHEREAS, The residents of the City will be benefited by the granting of such a franchise;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JULY 12, 2010, as follows:

Section 1. That a nonexclusive franchise be and it is hereby granted to Mobile Bay Transportation Co., Inc., d/b/a Yellow Cab, for taxi service within the corporate limits of the City.

Section 2. That the Mayor and City Clerk are hereby directed and authorized to execute and attest, respectively, a Franchise Agreement between the City of Gulf Shores and Mobile Bay Transportation Co., Inc., dba Yellow Cab, which sets forth the requirements, covenants and agreements of a franchise to the Company.

Section 3. That the subject Franchise Agreement, the full text of which is available for examination in the office of the City Clerk, is dated July 13, 2010.

Section 4. That this Ordinance shall become effective upon its adoption and publication as required by law.

The motion for unanimous consent was seconded by Councilman Garris; and upon the question, the vote thereon was as follows: Councilman Garris, "aye," Councilman Doughty, "aye," Councilman Harris, "aye," Councilman Dyken, "aye," Councilman Jones, "aye," and Mayor Craft, "aye." Mayor Craft then declared the rules suspended.

Councilman Harris then moved for the adoption of Ordinance No. 1616 and to waive the reading of said Ordinance at length. The motion for the adoption of Ordinance No. 1616 was seconded by Councilman Jones; was regularly put; was discussed and considered in full by the Council; and upon the question, the vote thereon was as follows: Councilman Garris, "aye," Councilman Doughty, "aye," Councilman Harris "aye," Councilman Dyken, "aye," Councilman Jones, "aye," and Mayor Craft, "aye." Whereupon, the Mayor declared Ordinance No. 1616 duly and legally adopted.

STAFF REPORTS:

The new Jimmy Buffett song "When The Coast Is Clear" was played for everyone's listening pleasure by Councilman Jones.

Councilman Doughty stated that the new Business Support Center is open at Faulkner State Community College. The Center will be a great tool and provide resources during recovery.

Councilman Doughty expressed sympathy to the family of former Councilman Bob Hanzlik who recently passed away.

Councilman Dyken reported that the Business Advocacy Group was working to streamline the claims response process.

COMMITTEE REPORTS:

Recreation and Cultural Affairs Director, Grant Brown, reported that the USSSA Tournament brought over 6,000 room nights to the Island during the same weekend of the Jimmy Buffett and Friends Concert.

Mark Acreman, Public Works Director, explained that the Lagoon was being flushed daily on the outgoing tide.

Mayor Craft then asked if there was anyone present who wished to address the Council but had been unable to get on the formal agenda.

West Beach resident, Mike Reilly, offered his appreciation to the City for the emergency berm repair which will help to protect homes on West Beach.

There being no further business to come before the Council, Councilman Jones moved to adjourn; seconded by Councilman Doughty; and the vote was unanimously in favor of the motion.

Mayor Craft declared the meeting adjourned.