



AGENDA  
GULF SHORES CITY COUNCIL  
COUNCIL WORK SESSION MEETING  
AUGUST 3, 2020  
4:00 P.M.

**1. Councilmember Discussion Period**

- A. Councilman Jason Dyken, M.D.

**2. City Administrator**

- A. Safe Harbor Animal Coalition Appropriation

Documents:

[CA - AGENDA ITEM SUMMARY - SAFE HARBOR ANIMAL GRANT.PDF](#)  
[CA - SAFE HARBOR ANIMAL GRANT STORY - FULL SURGICAL SUITESWC1686.PDF](#)

**3. Planning And Community Development**

- A. Zoning Text Amendment - BG (General Business) District

Documents:

[ZA - AGENDA ITEM SUMMARY - BG ZONING TEXT AMENDMENT.PDF](#)  
[ZA - STAFF REPORT GENERAL BUSINESS ZONING TEXT AMENDMENT.PDF](#)  
[ZA - PROPOSED BG ZONING TEXT AMENDMENT.PDF](#)

**4. Zoning Administrator**

- A. Zoning Text Amendment - Repair Or Reconstruction Of Nonconforming Structures

Documents:

[ZA - AGENDA ITEM SUMMARY - SAVINGS CLAUSE ZONING TEXT AMENDMET.PDF](#)  
[ZA - STAFF REPORT SAVINGS CLAUSE ZONING TEXT AMENDMENT.PDF](#)  
[ZA - ARTICLE 13-4. SAVINGS CLAUSE AND VALUATION OF STRUCTURES ZONING TEXT AMENDMENT 200729 \(003\) LWJ.PDF](#)

**5. City Clerk**

- A. Appointment Of Election Officers - 2020 Municipal Election

Documents:

**6. Mayor Updates**

**7. Adjourn**



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**DATE:** August 3, 2020  
**TO:** Mayor, City Council  
**FROM:** Steve Griffin, City Administrator  
**RE:** Safe Harbor Animal Coalition Appropriation

**ISSUE:** Council consideration to approve an amount not to exceed \$35,000 to Safe Harbor Animal Coalition (SHAC) for their purchase of medical supplies and equipment needed for their establishment and operation of an animal spay and neuter surgical preparation area and operating room currently being constructed at 18430 County Road 12 Foley Alabama.

**RECOMMENDATION:** Approval of an amount not to exceed \$35,000

**BACKGROUND:** The Safe Harbor Animal Coalition is a 501(C)(3) nonprofit organization that is a consolidation of three organizations: the Orange Beach Animal Care and Control Program, the Gulf Shores Animal Care and Control Program and the Foley Animal Care and Control Program. The City of Gulf Shores appropriation of \$35,000 to SHAC, which will match the contributions of Foley and Orange Beach to date together with a future commitment by Baldwin County are needed to help SHAC acquire the necessary equipment and supplies for an animal spay and neuter surgical preparation area and operating room currently being constructed at 18430 County Road 12 S, Foley, Al.

To date, the 4000 square foot building, as well as all materials and labor to finish the build-out of the facility have been donated by local citizens and business owners. The construction phase is expected to be completed in 2020. The mission of this program and facility is to provide cost effective spay, neuter and limited lifesaving and public health veterinary services for the unowned animals of Gulf Shores on a fee per animal basis. Currently that fee is calculated to be \$62 per animal. This includes the ongoing TNR projects throughout Baldwin County for stray and feral cats in order to effectively reduce this burgeoning population using the proven and most humane method known. The SHAC has commitments and developing partnerships with:

- The Alabama Board of Veterinary Medical Examiners to ensure that their facility is constructed and equipped in accordance with State requirements and as such, the facility will not be open to the general public and will not interfere with the business of private veterinary practices in our area.
- Auburn University's School of Veterinary Medicine to rotate their senior students at the SHAC facility to perform the surgeries under the supervision of our Medical Director, Dr. Teresa Russell, DVM.



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- Coastal Alabama Community College to rotate their Veterinary Technician students to the facility in order to help them gain the surgical skills they need as required by the Committee on Veterinary Technician Education and Activities.

**PREVIOUS COUNCIL ACTION:** None

**BUDGET IMPLICATIONS:** Should the Council approve the \$35,000 appropriation it will be paid from the executive department's budget line 01-679-60003 Outside Agencies and the current balance is \$218,575.

**ATTACHMENTS:** Safe Harbor Animal Coalition request

**DEPARTMENT:** Executive

**STAFF CONTACTS:** Steve Griffin, City Administrator

**Safe Harbor Animal Shelter – South Baldwin County, AL  
Statement of Need – Spay & Neuter Surgical Suite Equipment**

2/12/2020



***Who Are We?***

Established in late 2019, Safe Harbor Animal Coalition (SHAC) is a new 501(c)(3) nonprofit organization dedicated to improving the lives of animals and people in South Baldwin County, AL. SHAC is currently an all-volunteer group focused on getting homeless animals adopted into loving, forever homes and establishing a robust Trap, Neuter, Release (TNR) Program in South Baldwin County. Through TNR, fostering and sheltering adoptable pets and pet adoption activities, SHAC provides humane solutions to animal overpopulation and potential conflicts between animals and the community. SHAC is a resource for dedicated animal caregivers, advocates, other nonprofit groups and volunteers driving change and accelerating protections for animals in coastal Alabama.

Officially, SHAC is a new nonprofit organization. But, we have actually emerged from three separate but aligned Animal Care and Control Programs. The Orange Beach Animal Care and Control Program (OBACCP) was formed in June 2017. Between June 2017 and November 2019, OBACCP TNR'd 500 cats, as well as facilitated the adoption of 225 fully vetted cats and 6 fully vetted dogs. The Gulf Shores Animal Care and Control Program (GSACCP) was formed in August 2018 with support from the OBACCP. Between June 2017 and November 2019, GSAPP TNR'd 300 cats. The Foley Animal Care and Control Program (FACCP) was formed in August 2019. Between August and November 2019, FACCP TNR'd 150 cats, facilitated the adoption of 30 fully vetted cats and reunited 4 dogs with their families.

All three groups were 501(c)(3) nonprofit organizations operated completely by volunteers and funded completely by private donations. In November 2019, the three groups joined to form SHAC for a variety of reasons:

- The homeless companion animal needs in all cities are aligned.
- Mission, vision and core values between all groups is aligned.
- All three groups had already established a collaborative relationship.
- Combining forces allows for the efficient, effective use of limited resources: funding, volunteers, veterinarian and vet tech support.
- The formation of one program promoted support from all three city governments, as well as from the smaller municipal entities.
- The collaboration will allow unincorporated areas surrounding the three cities to be supported.

***ECONOMY OF FORCE: The principle of employing all available resources in the most effective way possible, in an attempt to allocate a minimum of essential labor and funds to any secondary efforts. It is the judicious employment and distribution of resources towards the primary objective of solving problems and addressing challenges.***

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***Mission:** SHAC is an animal welfare organization dedicated to the humane care of homeless and abandoned dogs and cats in South Baldwin county while promoting lifesaving programs in partnership with local and national animal welfare groups across the country.*

***Vision:** SHAC is dedicated to operating companion animal programs and facilities for the purpose of improving the quality of life for each cat and dog we serve, encouraging a community of responsible companion animal guardians, eliminating the community's need to euthanize cats as a means of population control and promoting a society where companion animals become more valued.*

***What Problems Are We Trying to Solve?***

Baldwin County is experiencing rapid growth in both resident populations in coastal communities and in tourism. According to the 2018 United States Census Bureau report, the population of the County grew by over 20%, making it the 5<sup>th</sup> most populated county in the state. Likewise, tourism has increased drastically over the past twenty years. Local and county governments understand the need for infrastructure capacity and capability to keep pace with this growth.

Right now, the animal rescue community is overloaded with the number of homeless cats and dogs in South Baldwin County. Government-sponsored animal sheltering does not exist in South Baldwin County. The nearest County-sponsored shelter is in Summerdale, AL. There are no city-sponsored shelters in Orange Beach, Gulf Shores or Foley or any of the smaller towns in the surrounding area. Simply put, there is no infrastructure to provide care and treatment to animals needing protection, attempt to find homes for homeless animals and reunite lost pets with their families.

South Baldwin County is home to caring and compassionate people...citizens who agonize over the plight of homeless companion animals. The animal rescue community has been heroically responding to homeless animals through volunteer-based trap-neuter-return (TNR) programs, foster sheltering and adoption programs. The foster-based rescue programs have also been supported to some extent by privately funded shelter programs in Fairhope. But, the citizens of South Baldwin County understand the community has the financial capacity and moral obligation to do better. Citizens noticing homeless cats and dogs on the streets of our towns want to be able to contact someone who can help those animals. Visitors, often under the false impression that every city has an animal shelter with people dedicated to take care of the homeless animal population, are often surprised and disappointed to learn South Baldwin County has not dedicated resources to this problem.

Many cats were discarded by thoughtless owners to fend for themselves when the owner was moving. Many of these cats have not been spayed or neutered, so they reproduce. Their offspring become feral (wild) and not used to human contact. These kittens can be trapped with humane traps and socialized as long as they are under 8 weeks old. The mothers should also be trapped and spayed and placed somewhere. But where? And who will do this immense task? And when they catch these mothers and kittens, then what?

***“If not us, then who? If not now, then when?” – John E. Lewis***

In response to this community need, SHAC has established a small shelter facility that can shelter adoptable cats and kittens and provide a space for basic veterinary care, as well as spay

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and neuter surgeries. SHAC will also rely heavily on foster-based sheltering. Our goal is to be able to TNR at least 30 cats each month by the end of 2021.

***What Are We Doing?***

Through generous donations from community business and individual residents, SHAC has established a long term lease agreement for a facility (see Attachment 1). Additionally, a local construction firm and other local businesses have supplied the labor and materials to build the facility out to accommodate four rooms for sheltering adoptable cats, a surgical suite to accomplish surgical sterilization procedures and vaccinations of both community cats and abandoned adoptable cats and dogs, a recovery area to shelter animals as they recover from sterilization procedures and other areas designed to facilitate adoptions.

The veterinary community in Lower Alabama already supports SHAC by providing low cost care in their own clinics. Those same veterinarians and vet technicians are excited to be able to provide their services in our new facility. One local veterinarian has agreed to be our primary veterinarian, ensuring our facility and operational procedures are maintained to State of Alabama standards. In addition, SHAC has initiated partnerships with the Auburn University Veterinarian Program and the Coastal Alabama Community College Vet Tech Program. Both programs will be incorporating service to SHAC into their mandatory practical rotations. A local hotel has pledged to provide the visiting students and faculty free lodging and meals.

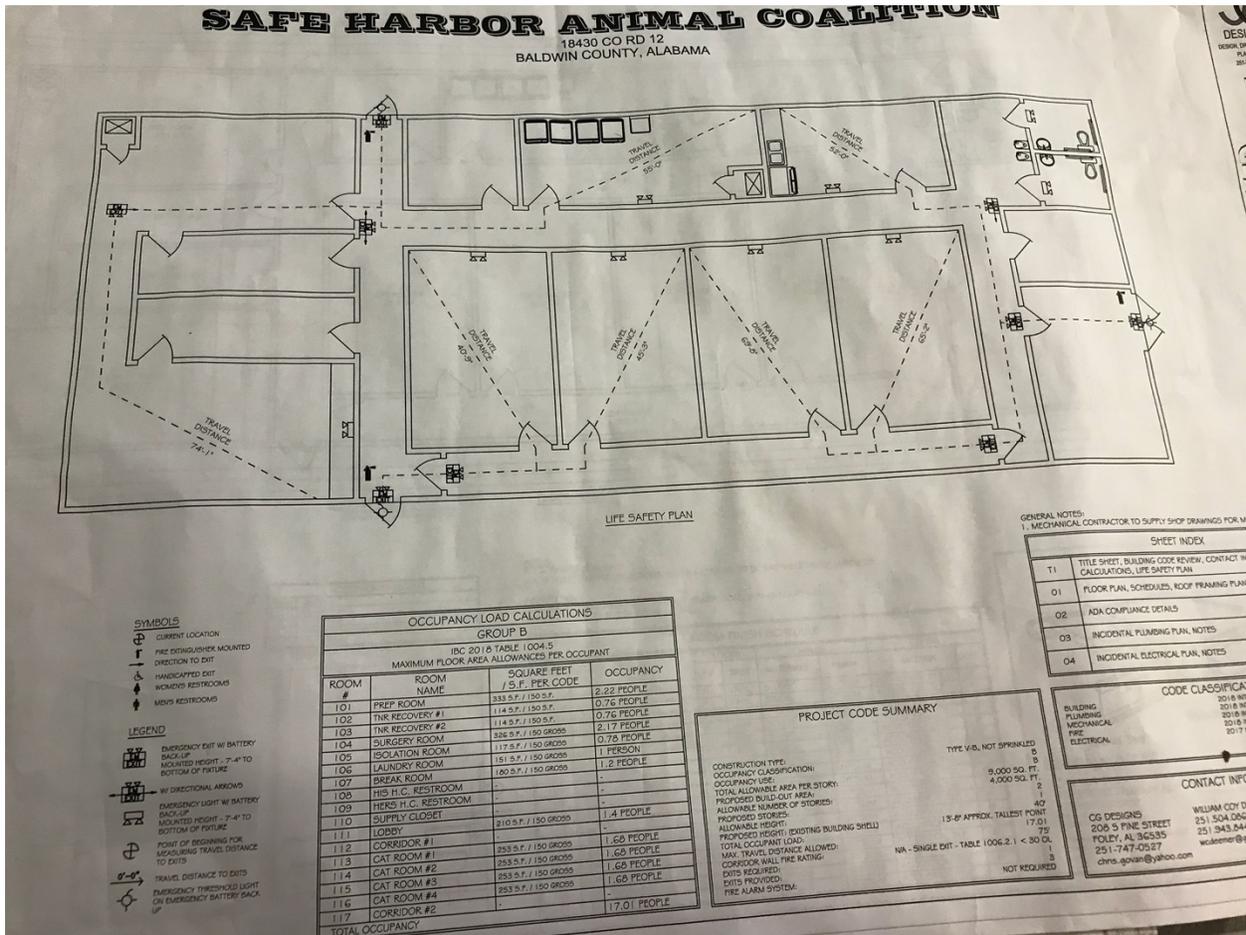
***What Do We Still Need?***

Right now, our critical need is funding for or donations of equipment for the surgical suite. To **fully outfit the surgical room for maximum productivity and safety**, SHAC requires \$133,263.00. To minimally outfit the surgical room to begin safely serving our TNR program with a facility meeting State of Alabama standards, SHAC requires at least \$86,430. See Attachment 2 for detailed budget requirements and Attachment 3 for the surgical suite equipment needs. We are conducting fundraising activities, approaching medical companies for equipment donations and applying for grants to achieve our goal.

# Safe Harbor Animal Shelter – South Baldwin County, AL Statement of Need – Spay & Neuter Surgical Suite Equipment

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## AttachmeInt 1: SHAC Facility Plan



**Safe Harbor Animal Shelter – South Baldwin County, AL  
Statement of Need – Spay & Neuter Surgical Suite Equipment**

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***Attachment 2: Detailed SHAC Spay & Neuter Facility Budget***

<b>Requirement</b>	<b>Cost-Funded</b>	<b>Cost – Yet to Be Funded</b>	<b>Funding Source</b>
Facility (annual cost x yrs)	\$12,000 per year for 3 years \$36,000	0	Island Air Conditioning & Heating, Inc.
HVAC System (equipment & labor)	\$25,000	0	Island Air Conditioning & Heating, Inc.
Facility Build Out (labor)	\$190,000	0	Jim Brown Builders
Facility Build Out (material)	-	0	Jim Brown Builders
Facility Build Out (design)	-	0	Jim Brown Builders
Facility Build Out (safety/security systems & equipment)	\$2,500	0	Island Air Conditioning & Heating, Inc.
Facility Build Out Flooring, Lockers, Misc.		\$20,000	
Surgical Suite Equipment		\$133,263.00	
Recovery Room Furnishings		\$5,000	
Shelter Area Furnishings		\$18,000	
Vet Services (annual cost x years of lease agreement)		\$100,000 per year vet/\$30,000 vet tech per year	
Other Services Website development/maintenance	\$2,500	\$-0-	Amy and Jeff Schlauder
Misc. Furnishings Appliances Desktop computer/laptop	\$6,450 \$4,500	\$4,500	Anthony Appliance Repair
TNR Equipment & PPE Transfer cages	\$5,000	0	Amy and Jeff Schlauder
Facility Utilities (annual cost x years of lease agreement)	\$4,800 per year \$14,400	0	Island Air Condition & Heating, Inc.
<b>Total</b>	<b>\$250,250</b>	<b>\$310,763</b>	

**Safe Harbor Animal Shelter – South Baldwin County, AL  
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***Attachment 3: Surgical Suite Requirements***

**Equipment Necessary For Maximum Capability**

Requirement	Cost	Number Required	Total
Anesthesia Machine	\$2,410.00	6	\$14,460
Anesthesia Equip-Vaporizer	\$1,200.00	6	\$7,200
Autoclave	\$5,000	2	\$10,000
Cage Bank	\$9,530	1	\$9,530
Heated Surgery Table	\$3,418.00	4	\$13,672.00
Surgical Instrument Stands	\$190	5	950
Double Surgical Scrub Sink w/Assemblies	\$1,550.00	1	\$1,550.00
Prep Lights w/	\$1,725.00	2	\$3,450.00
Dual Head Surgical Lighting Assemblies	\$6,720.00	4	\$26,880.00
Wet Prep Tables	\$3,137.00	2	\$6,274.00
Misc. Surg. Equip., Surgical Pks. Regulators, Microscope	\$30,000.00	1	\$30,000.00
Estimated Tax/Fees	\$9,297.00		\$9,297.00
<b>Total</b>			<b>\$133,263.00</b>

**Minimum Equipment Necessary To Start TNR Surgical Support**

Requirement	Cost	Number Required	Total
Anesthesia Machine w/Mounts	\$2,410.00	4	9,640
Anesthesia Equip-Vaporizer	\$1,200.00	4	4,800
Autoclave	\$5,000.00	1	5,000
Cage Bank	\$9,530	1	9,530
Heated Surgery Table	\$3,418.00	2	6,836
Surgical Instrument Stands	\$190	2	380
Double Surgical Scrub Sink w/Assemblies	\$1,550.00	1	1,550
Prep Lights w/extensions	\$1,725.00	2	3,450.00
Dual Head Surgical Lighting Assemblies w/Extensions	\$6,720.00	2	13,440
Wet Prep Tables w/Faucets & Inserts	\$3,137.00	2	6,274
Misc. Surg. Equip. Surgical Pks., Regulators, Microscope	\$20,000.00	1	20,000
Estimated Tax/Assembly Fees	\$6,030		6,030

**Safe Harbor Animal Shelter – South Baldwin County, AL  
Statement of Need – Spay & Neuter Surgical Suite Equipment**

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<b>Total</b>			<b>\$86,430</b>
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**TO:** Mayor Craft & Members of the City Council

**FROM:** Lee Jones, Director of Planning & Community Development

**SUBJECT:** ZTA20-05 – Zoning Text Amendment – BG (General Business) District

**DATE:** August 3, 2020

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### **SUMMARY OF REQUEST**

The City of Gulf Shores seeks to amend the BG (General Business) Zoning District to allow Employment Dormitories and Multiple-family Dwelling land uses by Conditional Use Permit (CUP).

### **BACKGROUND**

**Planning Commission:** The Planning Commission voted (9-0) to recommend approval of the zoning text amendment at their July 28, 2020 meeting.

### **PROPOSAL**

This zoning text amendment will modify the wording of Article 5-1 A., *District Purposes*, and Table 8-3A: *BG District Permitted Uses* by removing the “R” indicating the use is permitted by “Right” under the “BG” heading for both Employment Dormitory and Multiple-family Dwellings and replacing the “R” with “CUP” for both uses. The proposed amendment will make both of these uses allowed as a “Conditional Use Permit.”

Changing Employment Dormitories and Multiple-family Dwelling land uses from permitted by “Right” to “CUP” within the BG Zoning District does not eliminate these as permitted uses, however, it does require an applicant to demonstrate the need for the use and how it will be a positive improvement for the City and its residents.

The CUP process will provide much needed oversight by the Planning Commission and City Council to help insure that applications for Employment Dormitories and Multiple-family Dwellings within the BG Zoning District are consistent with the Vision of the City, compatible with neighboring properties, and do not overwhelm the City’s roadway and school infrastructure.

### **RECOMMENDATION**

Staff recommends the City Council approve the zoning text amendment as drafted.

### **ATTACHMENTS**

Staff Report, Draft amendment

## General Business District – Zoning Text Amendment

Staff Report: Lee Jones  
Application #: ZTA20-05

COW Meeting Date: August 3, 2020  
Applicant: City of Gulf Shores

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STAFF RECOMMENDATION: APPROVE THE ZONING TEXT AMENDMENT

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### SUMMARY OF REQUEST

The City of Gulf Shores seeks to amend the BG (General Business) Zoning District to allow Employment Dormitories and Multiple-family Dwelling land uses by Conditional Use Permit (CUP).

### DEFINITIONS

An Employment Dormitory is a residential building that contains temporary living quarters for employees. An employment dormitory does not include separate dwelling units but may include common dining, cooking and recreation or bathing facilities.

A Multiple-family Dwelling is a building designed, arranged or otherwise containing three or more Dwelling Units.

### BG ZONING

#### Use Regulations

The BG Zoning District currently permits Employment Dormitories and Multiple-family Dwellings “By Right.” Proposed developments containing uses that are permitted by right benefit from a streamlined approval process, requiring Site Plan Review but no additional public hearings before the Planning Commission or City Council.

#### Area and Dimensional Requirements

- Maximum Building Height
  - Multiple-family Dwelling developments – 4 stories
  - Employment Dormitories – 3 stories
- Maximum Density
  - Multiple-family Dwelling developments – 20 units per acre
  - Employment Dormitories – N/A
- Maximum Building Coverage – 65%
- Maximum Floor Area Ratio – 125%

### BACKGROUND

#### 2006 BG Zoning Text Amendment

The Zoning Ordinance was amended to divide the BG district into three separate districts – BG, BG-1 and BG-2. This zoning amendment was initiated in response to a study that was performed by consultants Jordan, Jones and Goulding. The study provided recommendations for appropriate locations for multi-family uses in the BG district, as well as appropriate building heights and densities. The Zoning Text Amendment made the following modifications:

- Multi-family uses were removed from the BG zoning district;
- Building heights were reduced from 20 stories to 8 stories; and
- Density was reduced from 42 units per acre to 20 units per acre in the BG-1 zoning district and 10 units per acre in the BG-2 zoning district.

### **2009 Zoning Ordinance Re-write**

BG-1, BG-2, and BG were reconsolidated into a single BG Zoning District that permitted Multiple-family Dwelling developments by right. Building heights and densities remained the same.

The Employment Dormitory use was also added to the Zoning Ordinance and allowed by “Right” in the BT (BTB & BTL), BG, BA (CD), R-3 (RML) and R-4 (RMH) Zoning Districts.

### **PROPOSAL**

The details of the proposed amendment are as follows.

**MODIFY Article 5-1.A. District Purposes.** Remove “and Condominium and Multiple-family Dwellings” from the BG General Business description.

**MODIFY Table 8-3A: BG District Permitted Uses.** Remove the “R” indicating the use is permitted by “Right” under the “BG” heading for both Employment Dormitory and Multiple-family Dwellings. Replace the “R” with “CUP” for both uses. The proposed amendment will make both of these uses allowed as a “Conditional Use Permit.”

### **ANALYSIS**

#### **Population and Housing Data**

The total population of the City of Gulf Shores was 9,741 based on the 2010 Census. The estimated population in 2020 is 13,211 – a 36% increase in that 10-year time period.

There are currently 13,955 housing units within the City. 9,322 of those housing units do not serve as the primary residences of the people occupying the units. That means 67% of the housing in the community is not occupied by full-time residents.

The 13,955 total units break down as 5,199 (37%) single family detached units and 8,756 (63%) multi-family, attached, and mobile home units. Of the 5,199 single family detached units within the City limits, 2,566 (49%) serve as the primary residences of the inhabitants, while 1,995 (14%) of all other unit types serve as the primary residences of the people living in the units.

#### **BG Multi-family Development Implications**

There are currently 875 total acres of BG zoning in the City, and 608 acres of BG remain undeveloped. Under current entitlements, 12,160 multi-family units could be developed by “Right” on undeveloped BG property. The majority of undeveloped BG – about 580 acres – is located north of the Intracoastal Waterway along Coastal Gateway Boulevard, State HWY 59, Cotton Creek Drive, and Waterway West Boulevard. There is much less roadway infrastructure

in place north of the ICW to accommodate the increased demand that this level of development would create.

## **Roadway Infrastructure**

The intensity of entitled development could greatly impact traffic on State HWY 59 in particular. Service flow volume is defined as the level of traffic flow (vehicles per day) that can be accommodated at various levels of service. The current level of service scale, as developed by the Transportation Research Board in the Highway Capacity Manual, 2000 Edition, ranges from a level of service "A" to a level of service "F." HWY 59 currently operates at a level of service "F." Level of Service F is defined as, "the level of service where traffic is forced, there exist frequent breakdowns in traffic flow, and traffic volumes generally exceed 100% of a roadway's capacity."

The Mayor and City Council have made great strides in improving traffic flow on HWY 59. Since 2015, the City has spent over 25 million dollars for transportation infrastructure improvements that include:

1. Widening CR 4 East to three lanes with bike lanes;
2. Hwy 59 improvements including access management, adaptive traffic signals, sidewalks, landscaping;
3. Hwy 182 improvements including access management, adaptive traffic signals, sidewalks, bike lanes, landscaped medians;
4. Coastal Gateway Boulevard improvements including widening to 5 lanes, new traffic signal at Foley Beach Express, landscaping, bike lanes, sidewalks; and
5. Hwy 180 Gulf Shores City School Zone improvements.

All of these improvements have helped increase circulation throughout the City and improve efficiency along HWY 59. The City will be undertaking additional transportation improvements with help from various ALDOT, Restore and BUILD Grants over the next 5 years that could exceed 80 million dollars. All of these improvements are intended to improve traffic flow along HWY 59, and they include:

1. Hwy 59 improvements including additional southbound lane from Coastal Gateway to Ft Morgan Road, access management, intersection upgrades;
2. 34<sup>th</sup> Ave & Hwy 59 Signal and intersection improvements to support the Freestanding Emergency Department;
3. Widening of CR 6 West;
4. Extension of Waterway East from Hwy 59 to CR 4 East; and
5. Realignment of Canal Road East.

Forecast traffic volumes illustrated in the Draft Major and Collector Street Plan revealed that the projects outlined above will not eliminate all deficiencies in the street system. All of Alabama Highway 59 and a portion of Beach Boulevard will remain deficient in the future. However, with the improvements listed above, as well as the completion of additional prioritized projects in the coming years, the 2040 forecasted traffic volumes on Alabama Highway 59 are similar to the traffic volumes that exist today.

Alabama Highway 59 is the primary route to Gulf Shores and its beach. If Alabama Highway 59 were to become overly congested and the traveling public begin to experience unacceptable delays, people may begin to vacation in areas that are not as congested. It is crucial that developments that could have significant impacts on our transportation system be thoroughly reviewed and vetted by City staff and leaders prior to approval.

## **Schools**

Gulf Shores City Schools was formed on June 1, 2019. The System has three school campuses: Gulf Shores Elementary, Middle, and High Schools. The Gulf Shores City Schools serve approximately 2,500 students in one elementary school, one middle school and one high school.

Staff analyzed eight apartment communities, six of which are located north of the ICW. Each of these multi-family units generates an average of .255 students in the Gulf Shores City School System. Development of 12,160 multi-family units within undeveloped BG properties would generate 3,101 additional students. While the school system anticipates the need for additions and renovations to existing campuses and construction of new schools, without a process for reviewing and analyzing school impacts, the system could be overly strained.

## **CUP Process**

Changing Employment Dormitories and Multiple-family Dwelling land uses from permitted by "Right" to "CUP" within the BG Zoning District does not eliminate these as permitted uses, however, it does require an applicant to demonstrate the need for the use and how it will be a positive improvement for the City and its residents. The Conditional Use Permit (CUP) is the procedure in which a use is reviewed for compliance with the Future Land Use Plan, availability of services, compatibility with neighboring properties, school impacts, and possible adverse impacts upon infrastructure. During this process there are additional opportunities for the public to provide testimony related to the proposed project as well.

In addition to the Site Plan Review process, the Planning Commission reviews CUP uses with respect to the following:

- Compatibility with the goals and stated plans of the City;
- Economic benefits of the proposed development and enhancement of the economic vitality of the surrounding area;
- Impacts on the infrastructure and street system of the City;
- Effects on environmental quality of natural resources in the area;
- Compatibility with surrounding uses and buildings by virtue of its massing, height, relationship to the street, and architectural character;
- Protection of surrounding area from traffic or other impact that may be caused by the use;
- Adequacy of landscaping and Screening provided to protect neighboring properties;
- Adequacy of ingress and egress to cause minimum interference with traffic and that heavy traffic is not introduced on residential streets; and

- Public amenities provided on the site.

Public Hearings are held by both the Planning Commission and City Council. City Council ultimately considers the recommendation of the Planning Commission, reviews the standards for approval or disapproval of the application, and takes action on the application.

The CUP process will provide much needed oversight by the Planning Commission and City Council to help insure that applications for Employment Dormitories and Multiple-family Dwellings within the BG Zoning District are consistent with the Vision of the City, compatible with neighboring properties, and do not overwhelm the City's roadway and school infrastructure.

### **RECOMMENDATION**

Staff and the Planning Commission recommend the City Council approve the amendment as proposed.

**ARTICLE 5: ESTABLISHMENT OF DISTRICTS**

§5-1. Districts. A. District Purposes.

- 12. BG General Business District. This district is intended to provide locations for a specified range of retail businesses and services, offices, Hotels, Motels, and other compatible uses serving community needs, where an attractive appearance of Buildings and their Premises is important to the successful conduct of business.

**§8-3. BG General Business District.**

A. Use Regulations. Refer to Table 8-3A and the provisions herein.

**Table 8-3A: BG District Permitted Uses & Table of Use Regulations for Non-Residential Districts**

Table 8-3A: BG District Permitted Uses			
	BG	BG-1 FM	BG-2FM
<b>Residential Uses</b>			
Employment Dormitory, §11-9	CUP		
Interval Occupancy Facility	R	R	
Multiple-family Dwellings, §11-20	CUP	R	R
Upper Story Dwelling or Live Work, §11-12	R	R	R
Townhouse, §11-3	R	R	R

USE REGULATIONS FOR NON-RESIDENTIAL DISTRICTS			
USES/DISTRICTS	BG		
<b>RESIDENTIAL</b>			
Employment Dormitory, §11-9	CUP		
Multi-family dwelling, §11-21	CUP		



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

**FROM:** Andy Bauer, Zoning Administrator

**SUBJECT:** ZTA2020-01 – Zoning Text Amendment – Article 13-4 Repair or Reconstruction of Nonconforming Structures

**DATE:** August 3, 2020

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### **SUMMARY OF REQUEST**

The City of Gulf Shores seeks to amend Article 13-4 to add a “Savings Clause” applicable to certain nonconforming condominiums in the Beach Area and to amend the “Valuation of a Structure” section.

### **BACKGROUND**

**Planning Commission:** The Planning Commission voted (9-0) to recommend approval of the zoning text amendment at their July 28, 2020 meeting.

### **PROPOSAL**

This zoning text amendment will allow non-conforming condominium buildings in the Beach Area to be rebuilt with the same number of dwelling units and the same gross floor area contained in the structure before its damage or destruction. The amendment will also will amend the valuation of a structure section to align it with the valuation standards of the Building Code.

### **RECOMMENDATION**

Staff recommends the City Council approve the zoning text amendment as drafted.

### **ATTACHMENTS**

Staff Report, Draft amendment

## Repair or Reconstruction of Nonconforming Structures – Zoning Text Amendment

Staff Report: Andy Bauer  
Application #: ZTA20-01

COW Meeting Date: August 3, 2020  
Applicant: City of Gulf Shores

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STAFF RECOMMENDATION: APPROVE THE ZONING TEXT AMENDMENT

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### SUMMARY OF REQUEST

The City of Gulf Shores seeks to amend Article 13-4 to add a “Savings Clause” applicable to certain nonconforming condominiums in the Beach Area and to amend the “Valuation of a Structure” section.

### BACKGROUND

**2005** – The Savings Clause was adopted by the City in 2005 as part of the Envision Gulf Shores zoning amendments. The Savings Clause was added to allow non-conforming condominiums, hotels, and motels damaged greater than 60% by Hurricane Ivan to be reconstructed in a manner that recreated the same number of units that existed prior to destruction. The regulations provided damaged or destroyed structures 2 years to apply to be reconstructed.

**2009** – Upon adoption of the re-written Zoning Ordinance in 2009, the Savings Clause was removed, because the two year time limit had expired.

### PROPOSAL

The details of the proposal are as follows.

- ADD**            **§13-4. Repair or Reconstruction of Nonconforming Structures, B. 3. Reconstruction.** Add language to the Zoning Ordinance to allow legal non-conforming condominiums in the Beach Area Overlay District, Walking Area Overlay District and Lagoon Pass Overlay District that have been destroyed by natural disaster to be reconstructed. The reconstruction shall comply with the following:
- A Building Permit must be issued within 5 years of destruction;
  - Recreate the same number of dwelling units or lodging units and the same gross floor area contained in the structure on the day before its damage or destruction; and
  - Reconstruction or restoration of a damaged or destroyed structure must in all other respects comply with all applicable Zoning Ordinance, federal, state, or local laws in place at the time of site plan approval application for reconstruction or restoration.
- MODIFY**       **Article 13-4 Repair or Reconstruction of Nonconforming Structures, C. Determining Value of Structures.** Modify this section to require the valuation of a structure to be determined by the most current fair and reasonable market value of the structure prior to damage, provide a method to determine the market value, and align the wording of this section with the Building Code.

### ANALYSIS

#### Savings Clause

This amendment will allow non-conforming condominium buildings in the Beach Area to be rebuilt with the same number of dwelling units and the same gross floor area contained in the structure before its damage or destruction.

City staff routinely receives requests from real estate appraisers inquiring about the zoning of individual properties and developments. At times, staff has noticed some condominium developments in the Beach Area have more dwelling units than allowed by the current Zoning Regulations. These developments are grandfathered-in and could not be rebuilt to the same density that exists today. This revelation prompted staff to analyze condominiums in the Beach Area to determine if the non-conformities were restricted to a few condominiums or if non-conforming condominiums were widespread.

The table below presents the findings of the analysis performed by staff on the numbers of existing condominium buildings and units that do not conform to current density regulations.

<b>BEACH AREA NONCONFORMING CONDOMINIUM ANALYSIS</b>				
<b>Zoning District</b>	<b>Number of Developments</b>	<b>Number of Non-Conforming Developments</b>	<b>Number of Units</b>	<b>Number of Non-Conforming Units</b>
<b>BT-1N</b>	0	0	0	0
<b>BT-1</b>	2	2	23	23
<b>BT-2</b>	15	9	564	383
<b>BT-3</b>	29	13	1058	824
<b>BT-4</b>	57	5	2816	618
<b>BT-5</b>	0	0	0	0
<b>TOTALS</b>	103	29	4461	1848

The above table indicates there are 29 nonconforming condominium developments and 1,848 nonconforming condominium units. This equates to 28% of the condominium developments and 41% of the condominium units are nonconforming in the Beach Area. It is clear from the analysis, there are many condominiums which are grandfathered-in and could not be rebuilt to the same density as exists today if destroyed. Since these condominium units are individually owned, staff recommends the addition of the savings clause to Article 13-4 of the Zoning Ordinance to allow condominium owners to rebuild their units if destroyed.

### **Valuation of Structures**

Section 13-4 C. *Determining the Value of Structures*, bases the valuation of a damaged or destroyed building on a previous version of the Building Code that is no longer in use. The proposed amendment will update this section to base the valuation on the most current fair and reasonable market value of the structure prior to damage, provide a method to determine the market value and reference current Building Code valuation standards.

### **RECOMMENDATION**

City staff and the Planning Commission recommend the City Council approve the amendment to Article 13-4 Repair or Reconstruction of Nonconforming Structures as proposed.

#### **§13-4. Repair or Reconstruction of Nonconforming Structures.**

A. Ordinary Repairs and Maintenance. Ordinary repairs and maintenance may be made to a nonconforming Structure.

B. Substantial Improvement. In this section, substantial improvement shall mean any combination of reconstruction, alteration, or improvement to a building, where the permitted improvement equals or exceeds fifty (50) percent of the current market value of the structure before the "start of construction" of the improvement.

C. Substantial Damage. In this section, substantial damage shall mean damage of any origin sustained by a structure whereby the cost of restoring the structure to it before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

D. Reconstruction.

1. If a nonconforming Structure is destroyed or damaged by any cause, and the cost of reconstructing the Structure to a condition comparable to its condition immediately prior to the destruction or damage does not exceed fifty (50) percent of the value of the entire Structure before the destruction or damage, then the Structure may be restored to a condition comparable to its nonconforming condition prior to the destruction or damage, provided that a Building Permit is secured and that reconstruction is started within one (1) year from the date of the destruction or damage, and such reconstruction is diligently pursued to completion. Under no circumstances may a nonconforming Structure be enlarged in any exterior dimension or be otherwise made nonconforming to a greater extent or in a differing manner in the process of repair or reconstruction under this subsection.
2. If a nonconforming Structure is destroyed or damaged, and the cost of restoring the Structure to a condition comparable to its condition immediately prior to the destruction or damage exceeds fifty (50) percent of the value of the entire Structure before the destruction or damage, the Structure shall not be restored unless the Structure as restored, and the use thereof, will thereafter conform to all requirements of the zoning district and applicable flood zone requirements in which it is located and to all applicable requirements of the Alabama Coastal Area Management Plan.
4. **Savings Clause Applicable to Certain Nonconforming Condominiums. Where a legal nonconforming Condominium building or structure is destroyed, it may be reconstructed or restored, subject to the following standards.**
  - a. **A legal nonconforming building or structure damaged or destroyed by any natural disaster or phenomenon including a hurricane, tornado, storm, flood, fire, high water, wind-driven water, tidal wave, or other catastrophic event may be restored or repaired under this Subsection.**
  - b. **A building permit for the repair or restoration shall be issued within five years of the date of the damage.**
  - c. **These savings clause provisions shall be applicable only to legal nonconforming Condominium structures that are located within the Beach Overlay District, the Walking Area Overlay District, and Lagoon Pass Overlay District.**

- d. The cost of restoring the damaged or destroyed structure must exceed fifty percent (50%) of the most current fair and reasonable market value of the structure before its damage.
- e. The damaged or destroyed structure may be reconstructed or restored only in a manner which recreates the same number of dwelling units or lodging units and the same gross floor area contained in the structure on the day before its damage or destruction.
- f. The reconstruction or restoration of a damaged or destroyed structure must in all other respects (setbacks, building height, building coverage, architectural design guidelines, and all other area and dimensional requirements of the Zoning Ordinance) be in compliance with all applicable provisions of this title, and such reconstruction or restoration is subject to all applicable enacted federal, state, or local laws adopted to protect public health, safety, and welfare including, but not limited to, building, fire, plumbing, electrical, and mechanical codes in place at the time of site plan approval application for reconstruction or restoration.

E. Determining Value of Structures. For the purposes of this subsection, the value of an entire Structure before destruction or damage shall be determined as follows:

1. The value of an entire Structure before destruction or damage shall be **determined by the current market value. Market value means the value of the structure (as agreed between a willing buyer and seller), excluding the value of land as established by what the local real estate market will bear. Market value can be established by independent certified appraisal; replacement cost depreciated by age of building (actual cash value); or adjusted assessed values.**
- 2.

F. Documentation Required for Restoration. For the purposes of this subsection, the cost of restoring the Structure to a condition comparable to its nonconforming condition prior to the destruction or damage shall be determined as follows:

1. At the time application for a Building Permit referable to the restoration work is made, the applicant shall submit, in addition to the documentation otherwise required for the issuance of a Building Permit, the following documentation:
  - a. A certification by the licensed contractor or contractors who will be performing the restoration work, or if there is no contractor on the project, by the permit applicant, that the cost of the restoration work described in the permit application will not exceed the cost declared in the permit application.
  - b. A copy of all documentation relating to **the market value of the Structure.**
2. The certified cost declaration contained in the permit application will be accepted as the cost of restoration unless the Building Official determines that such declaration is materially inconsistent with the **market value**. In such event, the Building Official shall prepare a written determination of the cost of restoration for purposes of this subsection specifying the basis on which such cost of restoration has been determined.

3. In the event changes in the scope of the restoration work necessitated by the discovery of unanticipated damage elements or expense results in an increase in the cost of the restoration work after the submission of a certified cost declaration, a revised certified cost declaration must be filed with the Building Official. If the Building Official determines on the basis of the revised certified cost declaration or on the basis of other information coming to his attention deemed reliable that the cost of the restoration work exceeds **fifty (50)** percent of the value of the entire Structure before destruction or damage, the Building Official shall order the suspension of any Building or other permits issued for the restoration work.



## COUNCIL AGENDA SUMMARY

**TO:** Mayor Craft & Members of the City Council  
**FROM:** Wanda Parris, MMC, City Clerk  
**SUBJECT:** Appointment of Election Officer for the 2020 Municipal Election  
**DATE:** August 3, 2020

**ISSUE:** A regular municipal election has been called to be held on the 25<sup>th</sup> day of August, 2020, and a runoff election to be held, if necessary, on the 6<sup>th</sup> day of October, 2020.

**BACKGROUND:** Section 11-46-27 of the *Alabama Code of 1975* and regulations adopted pursuant thereto provide, in part, that the municipal governing body, not less than 15 days before the holding of any municipal election, appoint from the municipality, officers to hold the election as follows where electronic ballot counters are used at least one inspector and three clerks. Certified Election Officers to be appointed are as follows:

Inspector - Evelyn Sanders	Inspector - Jan Steiskal
Clerks - Barbara Giles	Clerks - Linda Wyatt
Matt Mogan	Sharon Smith
Belinda Mogan	Cynthia McMeans
Brenda Myers	Mary Pflueger
Cheryl Owens	Richard Reed
Laura Pfizenmayer	Brook Taylor
Richard Pfizenmayer	Brenda Winters
James Sanders	

**PREVIOUS COUNCIL ACTION:** Approval of Election Officers in previous elections.

**BUDGET IMPLICATIONS:** Compensation for these officers shall be \$200 for Inspector and \$150 for each Clerk.

**DEPARTMENT:** Executive

**STAFF CONTACT:** Wanda Parris

**RESOLUTION NO. -20**

**A RESOLUTION  
APPOINTING ELECTION OFFICERS  
FOR THE 2020 MUNICIPAL ELECTION**

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WHEREAS, a regular municipal election has been called to be held on the 25<sup>th</sup> day of August, 2020, and a runoff election to be held, if necessary, on the 6<sup>th</sup> day of October, 2020; and

WHEREAS, Section 11-46-27 of the *Alabama Code of 1975* and regulations adopted pursuant thereto provide, in part, that the municipal governing body, not less than 15 days before the holding of any municipal election, appoint from the municipality, officers to hold the election as follows, where electronic ballot counters are used, at least one inspector and three clerks.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON AUGUST 10, 2020, as follows:

**Section 1.** That the election officers for said election shall be as follows:

Inspector - Evelyn Sanders

Inspector - Jan Steiskal

Clerks - Barbara Giles

Clerks - Linda Wyatt

Matt Mogan

Sharon Smith

Belinda Mogan

Cynthia McMeans

Brenda Myers

Mary Pflueger

Cheryl Owens

Richard Reed

Laura Pfizenmayer

Brook Taylor

Richard Pfizenmayer

Brenda Winters

James Sanders

**Section 2.** That compensation for these officers shall be \$200 for Inspector and \$150 for each Clerk.

**Section 3.** That this Resolution shall become effective upon its adoption.

ADOPTED this 10th day of August, 2020.

Robert Craft, Mayor