



SMALL TOWN, BIG BEACH

**TO:** Mayor & Council

**FROM:** J. Scott Stephens, Planning Director

**DATE:** January 5, 2026

**RE:** **Zoning Text Amendment – Initial Zoning for Annexations (ZTA25-09)**

**ISSUE:** The City proposes to amend Article 3: Administration, § 3-8 Procedure for Zoning Newly Annexed Land, of the Zoning Ordinance, to require properties requesting annexation to complete the rezoning process prior to annexation, with an exception for existing single family uses.

**RECOMMENDATION:** Staff and the Planning Commission recommend the City Council approve the Zoning Text Amendment.

**BACKGROUND:** On December 16, 2025, after holding a public hearing, the Commission voted to recommend approval of the Zoning Text Amendment.

**PREVIOUS COUNCIL ACTION:** N/A

**BUDGET IMPLICATIONS:** N/A

**RELATED ISSUES:** N/A

**ATTACHMENTS:** Staff Report & Proposed Ordinance

**DEPARTMENT:** Planning & Zoning

**STAFF CONTACT:** Scott Stephens

## Zoning Text Amendment – Initial Zoning on Annexation

Staff Report: Scott Stephens

Council COW Meeting Date: January 5, 2025

Application #: ZTA25-09

Applicant: City of Gulf Shores

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STAFF RECOMMENDATION:

APPROVE

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### SUMMARY OF REQUEST

The City proposes to amend Article 3: Administration, § 3-8 Procedure for Zoning Newly Annexed Land, of the Zoning Ordinance.

### DETAILS OF REQUEST

This text amendment will amend the Zoning Ordinance language which sets the initial zoning of newly annexed land. Currently, annexed land is initially zoned R-1-4 Residential/Medium-Density Single-family District, or if the property is existing within a Baldwin County Zoning District, the initial zoning would be the zoning that is the most comparable.

As originally proposed to the Planning Commission, the amendment would have set the initial zoning upon annexation to AG Agricultural District, unless there is an existing single-family use, which would then allow the initial zoning to be R-1-1, R-1-2, R-1-3, or R-1-4, based upon the zoning which most closely corresponds to the minimum lot area in Table 7-1B: Area and Dimensional Regulations for Residential Districts.

During the Planning Commission's discussion and deliberation at their December 16, 2025, meeting, the Commission decided to recommend that all property proposing to be annexed into the Gulf Shores City Limits must go through the rezoning process as allowed by *Code of Alabama* § 11-52-85, unless the property has an existing single family residential structure.

### ANALYSIS

When considering the zoning for newly annexed land, the City should consider the most appropriate category on a case-by-case basis, taking into account the location, Future Land Use Plan, surrounding uses, and other criteria. R-1-4 may not be the most appropriate zoning district for all properties annexed into the City, nor may the existing Baldwin County zoning.

Rezoning allows the City to decide the zoning of the property up to 180 days prior to annexation (see *Code of Alabama* § 11-52-85), which would then be the initial zoning when it is later annexed. This requires the applicant to first go to the Planning Commission to receive a zoning recommendation prior to appearing before the Council. In typical practice, the rezoning and annexation ordinances would appear in tandem on the Council agenda, with the rezoning being decided immediately prior to the annexation.

Occasionally, individual lots with an existing single-family house will request to be annexed into Gulf Shores, typically for access to the Gulf Shores City Schools. The proposed Zoning Text Amendment allows for an exception for these type of situations which will set the initial zoning

to the most appropriate 'R-1' district that matches the subject property's lot size.

**RECOMMENDATION**

Staff recommends approval of the Zoning Text Amendment as drafted.

Note that this Zoning Text Amendment will need to be properly advertised prior to the Council voting on it (i.e. the ordinance will not appear on the Council agenda immediately following the work session it was introduced).

**ATTACHMENTS:** Proposed Zoning Text Amendment Ordinance

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE  
TO AMEND ORDINANCE NO. 1584  
(ZONING ORDINANCE) ADOPTED JANUARY 1, 2010,  
AT ARTICLE 3: ADMINISTRATION BY CHANGING CERTAIN LANGUAGE AND  
REWRITING AS REQUIRED  
(ZTA25-09)

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

**Section 1.** That Ordinance 1584 (Zoning Ordinance) adopted January 1, 2010, be and it is hereby amended by **adding** or changing certain language (and deleting ~~striking through~~ text) and rewriting as follows:

§ 3-8. Procedure for Zoning Newly Annexed Land.

- A. **Prior to the City Council considering the annexation of property into the corporate limits, an applicant shall first request an initial zoning recommendation from the Planning Commission using the pre-zoning process as found in the manner set forth in §3-6 Zoning Amendments and/or the Code of Alabama § 11-52-85 Pre-zoning of Territory Proposed for Annexation by Municipality. Properties with an existing, single-family principal use, shall upon annexation be immediately zoned as follows:**
- 1. Initial zoning shall be R-1-1, R-1-2, R-1-3, or R-1-4, based on that which most closely corresponds to the adjacent properties and the minimum lot area in Table 7-1B, unless the pre-zoning process is followed.**

~~Land newly annexed into the City (except that property described in Subsections B and C below) shall be immediately placed into the R-1-4 District. Any change in this district classification shall be made as an amendment to this Ordinance in the manner set forth in §3-6 Zoning Amendments.~~

- B. ~~Those newly annexed lands that previously existed in a Baldwin County Zoning District 30 shall immediately and automatically be rezoned upon annexation from the Baldwin County Zoning classification to a comparable City zoning classification as listed in Table 3-9.~~
- C. ~~Those newly annexed lands that previously existed in Baldwin County Zoning District 25 shall immediately and automatically be rezoned upon annexation from the Baldwin County Zoning classification to a comparable city zoning classification as listed in Table 3-9 and shall be within the Fort Morgan Peninsula Overlay District (see §10-8):~~
- D. ~~Any development, including subdivisions and PUDs approved prior to annexation by the County or City and having prescribed area and dimensional regulations approved therewith, shall be honored by the City for the purpose of issuing Building Permits.~~
- E. ~~The provisions of Subsection C shall be retroactive to April 7, 1993.~~

<b>Table 3-9: Comparable Zoning for Land Annexed from Baldwin County</b>			
<b>County Zoning – District 30</b>	<b>City Zoning</b>	<b>County Zoning – District 25</b>	<b>City Zoning</b>
RA, ER	AG	RA, ER	AG
RR, R1(a), R1(b)	R-1-1	RR, R1(a), R1(b)	R-1-2 FM
R2(a)	R-1-2	R2(a)	R-1-2 FM
R2(b)	R-1-3	R2(b)	R-1-3 FM
R3	R-1-4	R3	R-1-4 FM
R4	R-2	R4	R-2 FM
R6	R-3	R6	BT-1 FM
MHP	R-5	MHP	R-5
B1	BN	B1	BN FM
B2	BG	B2	BG-1 FM
B3	BG	B3	BG-2 FM
MR, TR	BT-1	B4, MR, TR	BT-1 FM
OR	OS	OR	OS
M1, M2	IND	M1, M2	IND

**Section 2.** That the Gulf Shores Planning Commission heard this request at its December 16, 2025, meeting, and after holding a public hearing, voted to recommend this amendment.

**Section 3.** That the provisions of this Ordinance are severable and a determination of the invalidity of any portion of this Ordinance shall not affect the validity and enforceability of the remainder of the Ordinance.

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

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2026

\_\_\_\_\_  
Robert Craft, Mayor

ATTEST:

\_\_\_\_\_  
Tobi Waters  
City Clerk