

**ORDINANCE NO.**

**AN ORDINANCE  
APPROVING THE PRE-ZONING OF A 42 ACRE SITE  
KNOWN AS HOLMES 44 PROPERTY  
TO R-1-5 SINGLE FAMILY RESIDENTIAL**

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WHEREAS, the City of Gulf Shores in accordance with Section 11-52-85 of the Code of Alabama and Sections 3-6 and 3-7 of the Zoning Ordinance, proposes to pre-zone the 42 acre site known as Holmes 44 Property located between Grund Lane and Viola Road north of County Road 8 in Gulf Shores, Alabama; and

WHEREAS, under the conversion provision of the City's Zoning Ordinance, the property, if annexed, would automatically be zoned R-1-4 (Single Family Residential); and

WHEREAS, the proposed annexation/pre-zoning application is consistent with the Land Use Plan and the conceptual layout meets the minimum area and dimensional requirements of the R-1-5 zoning district, so the City is desirous of pre-zoning the property to R-1-5 Single Family Residential contingent upon the property being annexed into the city immediately following passage of this Ordinance; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JUNE 24, 2019, as follows:

**Section 1.** That Ordinance No. 1584 (Zoning Ordinance) adopted January 1, 2010, along with the Zoning Map of the City of Gulf Shores, in respect to that certain property more particularly described as a 42 acre site known as Holmes 44 Property shown as Parcel #61-09-37-0-000-001.000, PPIN #065799 in the office of the Judge of Probate in Baldwin County, Alabama be and it is hereby approved to be amended to include the pre-zoning of the Holmes 44 Property to R-1-5 Single Family Residential contingent upon the official annexation of the property; and

**Section 2.** The annexation and pre-zoning of the property is subject to the following conditions:

1. Prior to final subdivision plat approval the applicant shall dedicate 25 feet of additional right-of-way on the west side of Grund Lane along the entire property frontage. The applicant shall construct a portion of new roadway in accordance with city standards from County Road 8 West north to the rear lot line of lot 73. The improved Grund Lane roadway shall serve as the primary entrance to the subdivision.
2. Marble Court shall not be utilized as a construction entrance. Viola Road shall not be utilized for access to the development for construction or any other purposes. Grund Lane shall be utilized for construction of the subdivision.
3. Red clay shall not be utilized for any construction purposes within the future subdivision due to the proximity of Boggy Branch.
4. The layout of the preliminary subdivision plat shall be in substantial conformity with the layout submitted with the annexation/pre-zoning application to include:
  - a. A primary playground location and useable open space;
  - b. Preservation of mature native vegetation on the western section of the property;
  - c. The density shall be capped at 82 lots;
  - d. The minimum lot size shall be 9,150 square feet.

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5. Stormwater requirements shall include:

- a. Work with City staff to design the stormwater system to accommodate a 100-year storm event with a 10-year release rate;
- b. Detention ponds are to be designed by a Civil Engineer registered in Alabama and installed and as part of the Erosion and Sediment Control Plan to intercept and remove sediment prior to discharging into the Bon Secour River Watershed.
- c. The detention system is required to uniformly distribute stormwater discharge from the development and minimize the chance of severe downstream erosion or flooding caused by a concentrated stormwater discharge point due to a pond breach or overtopping.
- d. After the subgrade for a street has been completed, the remainder of the street right-of-way has been graded, and before any material is applied, all associated storm sewers and detention ponds shall be installed and fully functional.

**Section 3:** That the pre-zoning of this property shall become null and void if the property is not officially annexed into the City within 180 days of passage of this Ordinance.

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

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Robert Craft, Mayor

ATTEST:

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Wanda Parris, MMC  
City Clerk

**C E R T I F I C A T E**

I, Wanda Parris, MMC, City Clerk of the City of Gulf Shores, Alabama, do hereby certify that the foregoing is a true and correct copy of Ordinance No. (prepared by the City Clerk), which Ordinance was duly and legally adopted at a regular meeting of the City Council on June 24, 2019 and the same was duly published as required by law.

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City Clerk