



TO: Mayor Robert Craft and Members of the City Council

FROM: Lee Jones, Director of Planning & Community Development

SUBJECT: Zoning Ordinance Text Amendment - Article 10. – *Overlay Districts* and Article 5-1.B. *Overlay Districts*

DATE: July 15, 2019

SUMMARY OF REQUEST

This is a request to amend sections of Article 10. – *Overlay Districts* and to approve a minor housekeeping amendment to Article 5-1.B. of the Zoning Ordinance. Staff proposes these amendments to provide a process for review and approval of deviations from strict compliance with the standards of the Zoning Ordinance within adopted Overlay Districts.

BACKGROUND

Overlay Districts are established to coordinate the provisions established in the Zoning Ordinance with the goals, policies and standards established by other adopted plans and planning efforts. They are intended to provide flexibility in design and provide incentives for new development that implements plans and policies for those specific overlay areas.

In an effort to implement the Envision Gulf Shores Plan, the City Council amended standards for Overlay Districts into the Zoning Ordinance on June 13, 2005. The Vision 2025 for Sustainability Plan was adopted on June 9, 2014, and the Vision 2025 Land Use Plan followed with its adoption on January 27, 2015. The Vision 2025 Plan charted a new path for the future of Gulf Shores, and the Zoning Ordinance and Overlay Districts have not been updated to implement the recommendations of the Vision Plan.

The City has recently received applications for development that, while in line with the Vision Plan from 2015, do not comply with all of the standards of the Zoning Ordinance updated in 2005. These projects have been required to pursue Variances granted by the Board of Zoning Adjustment (BZA.) The requirements for the issuance of a Variance by the BZA are extremely stringent, as they are intended to be applied city-wide to unique properties within conventional base zoning districts. Variance requests within overlay districts tend to be quite the opposite – applied to conventional properties within unique areas of the city that contain zoning overlay districts. Staff believes that overlay districts have been applied to unique locations within the city, and therefore requests for modifications within these districts should be reviewed against a different set of standards than those within a conventional base zoning district.

Planning Commission

The Planning Commission recommended approval of the zoning text amendment at the June 25, 2019 meeting.

PROPOSAL

This proposal amends Article 10 to add an “Intent” section, to add a “Procedure” section, and to

remove Article 10-8.F.2. This proposal also corrects a reference to the “Single Family and Duplex Tourist Rental Overlay District” within Article 5-1.B.

ADD Article 10-1. Intent. The Zoning Ordinance does not currently provide language indicating the purpose of Overlay Districts. The proposed amendment provides a description of the relationship between Overlay Districts and the Future Land Use Plan.

ADD Article 10-2. Procedure. The Zoning Ordinance does not currently provide clear guidance on procedures to follow for review and approval of projects within Overlay Districts. The proposed amendment clarifies that overlay district standards shall be incorporated into plans and processed according to the procedures of Site Plan review.

The proposed amendment also provides a provision for permitting deviations within overlay districts from zoning standards. Since many of the zoning standards pre-date the guidance provided by the Vision 2025 Future Land Use Plan, they do not yield results for new development as envisioned by the community. It is staff’s goal to undertake a robust planning and public engagement effort to update the current overlay zoning standards in the near future. In the meantime, however, staff believes permitting deviations that are consistent with Vision 2025 is appropriate with oversight from the Planning Commission, the City Council, and members of the public.

The proposed amendment requires that any applicant seeking to deviate from the standards of the Zoning Ordinance shall follow the process for obtaining a Conditional Use Permit (CUP.) The CUP process requires public hearings, along with a recommendation of the Zoning Official and the Planning Commission, prior to review and action by the City Council.

REMOVE Article 10-8.F.2. This existing standard within the Zoning Ordinance permits deviations from strict compliance with the Waterway Village Overlay District standards. These deviations are permitted, “...after review and approval of the City Council...” The proposed amendment to the Zoning Ordinance removes this language related to deviations within the Waterway Village Overlay District, because this proposed amendment adds the procedure for deviations to Article 10-2. Removing this portion of Article 10-8.F.2. will make the deviations procedure consistent for all overlay districts.

CORRECT Article 5-1.B. This section establishes the overlay districts, and lists all of the overlay districts with supplemental provisions. Within the list, the Single Family and Duplex Tourist Rental Overlay District is referenced as Article 10-8. The Waterway Village Overlay District is actually Article 10-8, so the proposed text amendment corrects this housekeeping item.

FACTS TO BE CONSIDERED

1. Overlay districts are created to establish supplemental standards to achieve the vision of the community for special areas of the City.
2. The community’s vision has been updated recently, and the standards of the Ordinance have not.
3. Deviations from the standards of the Ordinance may be necessary under certain circumstances to achieve the vision of the community.
4. The proposed text amendment provides oversight of the process for deviations by city staff, the Planning Commission, and members of the public prior to consideration for approval by City Council.

5. Updating the standards of the Zoning Ordinance to more accurately reflect the community's vision is a priority, and staff will begin that collaborative process in the near future.

RECOMMENDATION

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