

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held on Monday, January 25, 2021 at the regularly scheduled Gulf Shores City Council meeting, which begins at 4:00 p.m., in the Gulf Shores Civic Center, to consider a proposed amendment to the Zoning Ordinance No. 1584, adopted January 1, 2010. The proposed amendment shall read as follows:

ORDINANCE NO.

AN ORDINANCE

TO AMEND ORDINANCE NO. 1584 (ZONING ORDINANCE)

ADOPTED JANUARY 1, 2010,

AT ARTICLE 4: DEFINITIONS AT ARTICLE 4-2 USE DEFINITIONS AND ARTICLE 4-3 ABBREVIATIONS, ARTICLE 11-27 MOBILE FOOD UNITS, THE TABLE OF USE REGULATIONS FOR NON-RESIDENTIAL DISTRICTS, TABLE 8-2 A. BN DISTRICT PERMITTED USES, TABLE 8-3A. BG DISTRICT PERMITTED USES, TABLE 8-4 A. BA DISTRICT PERMITTED USES, TABLE 8-5 A. BT 1-5 DISTRICT PERMITTED USES, TABLE 9-2 C.1. ICW-N DISTRICT PERMITTED USES, TABLE 9-2 D. 1. ICW-S DISTRICT PERMITTED USES, TABLE 9-3 A. ATP DISTRICT PERMITTED USES, TABLE 9-4 A. OS DISTRICT PERMITTED USES, TABLE 9-5 A. IND DISTRICT PERMITTED USES, AND TABLE 9-6 A. ED DISTRICT PERMITTED USES, BY CHANGING CERTAIN LANGUAGE AND REWRITING AS REQUIRED (ZTA2020-04)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JANUARY 25, 2021, as follows:

Section 1. That Ordinance No. 1584 (Zoning Ordinance) adopted January 1, 2010, be and it is hereby amended by changing certain language and rewriting as follows:

ARTICLE 4: DEFINITIONS

* * * *

§4-2. Use Definitions

Mobile Food Unit: Mobile food units as defined by the Alabama Department of Public Health.

§4-3. Abbreviations used in this Ordinance.

MFU – Mobile Food Unit

ARTICLE 11: SPECIFIC USE REGULATIONS

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§11-27. Mobile Vendor Courts

The purpose of this section is to allow Mobile Food Units to operate on private property within the City of Gulf Shores in approved locations in accordance with the following regulations.

A. Required Permits and Licenses

1. MFU's are required to obtain a valid Mobile Food Service permit to operate within Baldwin County from the Alabama Department of Public Health (ADPH) prior to applying for a City of Gulf Shores Mobile Food Unit operating permit or business license.
2. MFU's must be registered by the Alabama Department of Motor Vehicles or the state in which the MFU is licensed and have a valid license plate affixed to the vehicle.
3. MFU operators are required to have a current City of Gulf Shores Business License.
4. MFU's are required to obtain a Business License and Mobile Food Unit Operating Permit from the City of Gulf Shores prior to commencing operations on private parcels within the city. MFU operators may not apply for City licenses/permits until all other licenses/permits are issued.

B. Location/Site Requirements

1. MFU's are permitted to operate on approved private parcels within non-residential zoning districts, including non-residential areas of PUD's as specified on the Table of Use Regulations for Non-Residential Districts.
2. MFU's may rotate between approved private parcels, but may not remain in the same location for more than 24 consecutive hours.
3. MFU's shall be either a food truck or food trailer which shall have a current license plate and registration. Open air food carts are not allowed.
4. MFU's may only operate on private property which is developed with a principal building that has a current City business license and an operating use.
5. MFU's shall not operate outside of the hours of operation of the principle business located on the same parcel.
6. MFU's operating on non-residentially zoned property which has been developed with a lodging or residential use, such as beachfront condominiums and hotels, may only operate between the hours of 7 a.m. to 10 p.m.
7. MFU's shall not locate on public City-owned property or within any public right-of-way unless approved in conjunction with a Special Events Permit.
8. The maximum number of MFU's per parcel is one (1) per acre and two (2) Mobile Food Units for parcels greater than an acre. Three (3) or more Mobile Food Units are classified as a "Mobile Vendor Court" (Article 11.26 of the Zoning Ordinance.)

9. Mobile Food Units shall be permitted to occupy a maximum of two (2) off-street parking spaces in a location that does not block drive aisles, ingress or egress from the property, or fire and emergency access.
10. No landscape, buffering or drainage area required by the Zoning Ordinance shall be removed in order to accommodate a Mobile Food Unit.
11. MFU's must have access to a permanent bathroom facility that is located on the same property from which it is operating.
12. Mobile Food Units shall not locate within 100 feet of the principal building entrance of a brick and mortar restaurant, unless the restaurant agrees in writing to reduce or waive this requirement.
13. Compliance with the above location and site requirement standards shall be determined at the time of application.

C. Operational Requirements

1. MFU's must display their operating permit and business license at all times in a prominent location on the exterior of the unit.
2. Copies of all required ADPH licenses and approved site plan(s) for all sites of which the MFU has received approval to operate from must be kept on the MFU at all times.
3. MFU's must comply with all applicable Federal, State, County and City safety codes, including but not limited to the Americans with Disabilities Act.
4. MFU's shall not be left unattended or stored at any time on an authorized operating site when vending is not taking place or during restricted hours of operation.
5. MFU's shall not use or maintain any outside sound amplifying equipment, lights, or noisemakers, such as bells, horns or whistles or similar devices to attract customers. The decibel levels for any generator shall not exceed "80dBA".
6. MFU's shall not have drive-thru service.
7. Permitted Merchandise: MFU's shall be limited to selling food items. The selling of non-food or non-drink items shall be limited to merchandise displaying the MFU company logo and/or branding. No items may be displayed outside of the MFU.
8. MFU's shall not create tripping hazards in pedestrian and vehicular circulation areas with items including, but not limited to, cords, hoses, pipes, cables, or similar materials.

9. One (1), twenty-four by forty-eight inch (24" x 48") sandwich board sign per MFU displayed within (10') of the MFU. Sandwich signs may be displayed only during business hours, shall not obstruct or impede pedestrian or vehicular traffic and shall be located on the property of the principal business. Signs affixed to the exterior of the MFU shall be secured and mounted flat against the MFU and shall not project more than six inches (6") from the exterior of the MFU. Electronic or illuminated signs are not allowed.



10. Trash and recycling containers sufficient in size and number shall be provided to collect all waste generated by customers and staff of the MFU. The number, size and typical receptacle design shall be included on the plan. Trash must be removed with the MFU each business day. MFU's are not permitted to dispose of their trash in public trash receptacles.
11. Mobile Food Unit operators shall not provide furniture, objects, or structures outside of the MFU with the exception of trash receptacles and a shade structure that is attached to the vehicle.
12. MFU's must be kept in a clean, well-maintained condition to insure units are free of excessive dirt, rust, mud, grease or other unsightly, unsanitary or otherwise undesirable condition. Minimum standards for MFU maintenance include, but are not limited to the following:
- a. No damaged/wrecked exterior parts;
 - b. No substituted external parts that do not match surrounding color;
 - c. No broken or missing glass, mirrors, headlights, taillights, flashers or reflectors; and
 - d. No broken or damaged doors or openings.

Compliance with this standard shall be determined at the time of application or in the sole discretion of the Code Enforcement Officer if determined in the field. MFU's determined to be non-compliant with this standard shall immediately institute all corrective action(s) deemed necessary by the Code Enforcement Officer.

D. Exemptions

The provisions of this section shall not apply to special events, festivals, community projects or public events which occur on a periodic basis and are approved by the City. This section shall not apply to existing activities conducted pursuant to a franchise agreement or other contract with the City of Gulf Shores.

E. Violations

Whenever the City finds a provision of this article is being violated, the City shall take code enforcement action in accordance with Article 3-9, *Enforcement*, of the Zoning Ordinance and Chapter 8, *Business Licenses, Taxes, and Regulations*, of the Code of Ordinances.

TABLE OF USE REGULATIONS FOR NON-RESIDENTIAL DISTRICTS

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USE REGULATIONS FOR NON-RESIDENTIAL DISTRICTS (cont.)													
USES / DISTRICTS:	A G	BN	BG	BG- 1 FM	BG-2 FM	BA	BT 1- 5	ICW -N	IC W- S	AT P	IN D	OS	ED
ACCESSORY USES													
Mobile Food Unit, §11-27 * for properties with frontage on State Highway 59		R	R/CU P*	R	R	R/CUP †	R	R	R	R	R	R	R

Amend the following Tables of Permitted Uses to allow Mobile Food Units as a by “Right” Accessory Use.

- TABLE 8-2 A. BN DISTRICT PERMITTED USES
- TABLE 8-5 A. BT 1-5 DISTRICT PERMITTED USES
- TABLE 9-2 C.1. ICW-N DISTRICT PERMITTED USES
- TABLE 9-2 D. 1. ICW-S DISTRICT PERMITTED USES
- TABLE 9-3 A. ATP DISTRICT PERMITTED USES
- TABLE 9-4 A. OS DISTRICT PERMITTED USES
- TABLE 9-5 A. IND DISTRICT PERMITTED USES
- TABLE 9-6 A. ED DISTRICT PERMITTED USES

Amend the following Tables of Permitted Uses to allow Mobile Food Units as an Accessory Use by “R” with the exception for properties with frontage on State Highway 59, Mobile Food Units are allowed by “CUP”.

- TABLE 8-3A. BG DISTRICT PERMITTED USES
- TABLE 8-4 A. BA DISTRICT PERMITTED USES

Section 2. That this Ordinance shall become effective upon its adoption and publication as required by law.

Further, notification is given that any citizen or interested party may appear before Council on said date and will be given an opportunity to be heard or may direct written comments to the City Clerk, City Hall, P. O. Box 299, Gulf Shores, AL 36547 prior to the meeting.

Wanda Parris, MMC
City Clerk
City of Gulf Shores, Alabama