

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

**FROM:** Andy Bauer, Zoning Administrator

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

**SUBJECT:** ZTA20-02 – Zoning Text Amendment – Article 3-3 C. 6. Building Permit and Expiration of Site Plan

**DATE:** June 7, 2021

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## SUMMARY OF REQUEST

The City of Gulf Shores proposes to amend Article 3-3 C. 6., *Building Permit and Expiration of Site Plan*, of the Zoning Ordinance to establish updated timelines for the expiration of Site Plans and provide a clear process for the reauthorization of Site Plans.

## BACKGROUND

- **October 22, 2019 Planning Commission Meeting-** Staff discussed the topic of Site Plan and Preliminary Subdivision Plat expiration with the Planning Commission.
- **May 25, 2021 Planning Commission Meeting** – The Planning Commission recommended approval of the Zoning Text Amendment by a vote of 6-0.

## EXISTING SITE PLAN REGULATIONS

Article 3-3 C. 6., *Building Permit and Expiration of Site Plan*, of the Zoning Ordinance establishes the effective period for Site Plan approval. Currently the Zoning Ordinance provides an approved Site Plan the following timelines:

- Twelve (12) months from the date of approval to obtain a Building Permit, or the approved site plan becomes null and void.
- A 6-month Site Plan extension can be granted by City staff if no changes have been made to the Site Plan and no changes have occurred to the Zoning Ordinance or Map which affect the approved Site Plan.
- Reauthorization Clause. If no changes have been made to the Site Plan and no changes have occurred to the Zoning Ordinance or Map which affect the approved Site Plan the Planning Commission can reauthorize a Site Plan in one-year increments upon payment of the \$300 Site Plan fee.

## ISSUE

Article 3-3 does not specify the number of times a Site Plan can be reauthorized by the Planning

Commission, nor is there a clear process for Site Plan Reauthorizations. The current Site Plan expiration regulations have been problematic for the City, because there is no clear expiration date for Site Plans or a codified process for Site Plan reauthorization. Some Site Plans have been reauthorized ten times or more. In the past, staff has had discussions with the Planning Commission about establishing a time limit for Site Plan approval and codifying the process to reauthorize an expiring Site Plan. The Planning Commission has provided feedback leading to the proposal of a two-year approval period with the opportunity to extend approval for an additional two years.

## **PROPOSAL**

Staff believes a maximum 4-year approval period for Site Plans affords developers a reasonable amount of time to begin construction of a project. It is important to note that even if a Site Plan expires, the zoning entitlements of the property remain in place as long as the Zoning Ordinance and Zoning Map have not changed.

Staff proposes to modify Article 3-3 of the Zoning Ordinance to state Site Plan approval is valid for two years, and for good cause, the Planning Commission can extend the Site Plan approval period for a “not-to-exceed” two additional years upon submission of a formal Site Plan application. The formal application process would require the submittal of an application, Site Plan fee, and a narrative stating the reason for the extension request. If any changes have been made to City regulations, a new set of updated Site Plans in accordance with the new City regulations will be required. An application for a Site Plan extension would follow the established Planning Commission Schedule for submittal deadlines and Planning Commission meeting dates.

## **ZONING TEXT MODIFICATIONS**

- MODIFY**      **Article 3-3 C. 6. b.** Allow a two (2) year time period before a Site Plan expires, as opposed to 12 months.
- DELETE**      **Article 3-3 C. 6. c.** Remove this section of the Zoning Ordinance that allows city staff to administratively approve a 6 month Site Plan extension.
- MODIFY**      **Article 3-3 C. 6. d.** Modify this section to allow the Planning Commission to extend Site Plan approval for an additional two (2) years. Include in this section the submittal and application requirements for Planning Commission reauthorization of Site Plans.

## **RECOMMENDATION**

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

Attachments: Proposed Zoning Text Amendment

## **Proposed Zoning Text Amendment**

Additions are underlined in **red** and **blue** deletions are ~~struck through~~.

### **§3-3. Site Plan Review.**

#### C. Submission Procedure.

#### 6. Building Permit and Expiration of Site Plan.

- a. Upon Site Plan approval, the Building Official may, upon application, issue a Building Permit for a portion or all of the proposed development after he finds that the application is in compliance with all applicable City, County, State, and Federal requirements.
- b. If within two (2) years of the date of approval of an application for Site Plan Review a Building Permit has not been obtained, the approved Site Plan becomes null and void. Site Plan shall also become null and void upon expiration of the Building Permit.
- d. Reauthorization Clause. Within 30 days following the prescribed expiration date, for good cause, the Planning Commission may reauthorize an expiring Site Plan a single time for a period not to exceed two (2) additional years.
  - 1) The application process to reauthorize a Site Plan requires the submittal of a Site Plan application, the required Site Plan fee, and a narrative stating the reasons for the extension application.
  - 2) If any changes have been made to City regulations, a new set of updated Site Plans in accordance with current City regulations shall be submitted.
  - 3) Submission Procedure. Site Plan reauthorization applications shall follow the submission procedure established in **§3-3 and the Planning Commission Meeting Calendar**.
- e. Where any changes have occurred regarding the approved Site Plan or to the Zoning Ordinance or Map, which would make the approved Site Plan nonconforming, the previously approved Site Plan shall expire and a new Site Plan shall be submitted in accord with the provisions of this Section together with the required fee.