

RESOLUTION NO. 23-xxx

**A RESOLUTION AUTHORIZING THE APPROVAL OF A
VARIANCE FROM CHAPTER 30, ARTICLE VII OF THE CITY CODE,
ENTITLED “COASTAL CONSTRUCTION,”
TO ALLOW FOR DEWATERING BY PHOENIX KEY, LLC**

FINDINGS:

1. The City Council adopted the Coastal Construction Ordinance and the Beach and Dune Protection and Preservation Ordinance codified in Chapter 30, Articles VI and VIII of the Code of Ordinances for the City of Orange Beach, Alabama.
2. The area for which the Coastal Construction Ordinance applies includes:

Those properties lying south of and/or adjacent to the southern Right of Way of U.S. Highway 182, south to the Gulf of Mexico, and lying within the corporate limits of the City of Orange Beach.
3. Pursuant to the Beach and Dune Protection and Preservation Ordinance, discharge of storm water or other point-source discharges are not allowed without a permit. Pursuant the Coastal Construction Ordinance, Alabama Department of Environmental Management (ADEM) approval is required prior to issuance of a Coastal Construction Permit.
4. Phoenix Key, LLC, has applied for a Coastal Construction Permit for development of property located at 29040 Perdido Beach Boulevard, Orange Beach, Alabama.
5. Phoenix Key, LLC, has applied for a variance to allow dewatering during the deep foundation construction process and temporarily pump the excess water to the Gulf of Mexico. This variance is required to meet ADEM requirements.
6. Council has reviewed the variance and determined that the dewatering process has been planned in a manner such that impacts on coastal resources will be minimized and that no feasible alternative means to accomplish the activity are available.
7. The City reviewed the project and determined the variance meets the requirements of Section 30-185 of the Code of Ordinances of Orange Beach, Alabama, and all other applicable city ordinances.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ORANGE BEACH, ALABAMA, AS FOLLOWS:

1. That the Council authorizes the Mayor to approve the provisions of the requested variance subject to final review by the City Attorney; and
2. That this Resolution shall become effective immediately upon its adoption.

ADOPTED THIS 17th DAY OF JANUARY, 2023.

Renee Eberly
City Clerk

C E R T I F I C A T E

I, Renee Eberly, City Clerk of the City of Orange Beach, Alabama, do hereby certify that the foregoing is a true and correct copy of Resolution No. 23-xxx, which was duly and legally adopted at a regular meeting of the City Council on January 17, 2023.

City Clerk