

**ORDINANCE NO. 1591**

**AN ORDINANCE AMENDING ORDINANCE NO. 1572:  
FLY CREEK PUD SUNSET PROVISION**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA** as follows:

**WHEREAS**, Section 3(a) of Ordinance 1572 contains a sunset provision requiring the developer to apply for a building permit within one year from City Council approval of Ordinance 1572 which the City Council construes and shall mean one year from the effective date of Ordinance 1572, which was April 27, 2016;

Upon City Council approval, Paragraph 3(a) of Ordinance No. 1572 is repealed in its entirety and replaced by the following in lieu thereof:

**3. That**, Lot 6B (the apartment site) and associated road work of the Fly Creek PUD is subject to the following self-imposed condition by Developer:

- a. Following the expiration of the current moratorium, the developer is required to make application to the Planning Commission for Multiple Occupancy Project site plan approval as soon as is practicable. If the developer has not applied for a building permit for the project on or before 120 days following approval by the Fairhope Planning Commission of the Multiple Occupancy Project site plan, then the ordinance amendment will terminate, and the property will revert back to being governed by the existing PUD ordinance. If the Multiple Occupancy Project site plan is denied, the property will revert back to being governed by the existing PUD ordinance. If the moratorium on subdivision applications is extended beyond its current time limit or if another moratorium on subdivision applications is enacted, this project shall be exempt from any such moratorium.

**Severability Clause** - if any part, section of subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

**Effective Date** – This ordinance shall take effect immediately upon its due adoption and publication as required by law.

ADOPTED THIS 10TH DAY OF APRIL, 2017

  
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Jack Burrell, Council President

ATTEST:

  
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Lisa A. Hanks, MMC  
City Clerk