

ORDINANCE NO. 1623

**AN ORDINANCE AMENDING ORDINANCE NO. 1253
KNOWN AS THE ZONING ORDINANCE**

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

The ordinance known as the Zoning Ordinance (No. 1253), adopted 27 June 2005, together with the Zoning Map of the City of Fairhope, be and the same hereby is changed and altered in respect to that certain property described below:

After the appropriate public notice and hearing of the Planning Commission of the City of Fairhope, Alabama has forwarded a **favorable** recommendation,

The property of Firethorne Development, LLC generally located at the south end of Hemlock Drive, Fairhope, Alabama.

The Village at Firethorne PUD

PPIN #: 366931 and 366945

Legal Description: (Case number ZC 18.03)

BEGINNING AT A ONE AND ONE-HALF INCH PIPE AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 6 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89 DEGREES 47 MINUTES 32 SECONDS WEST, A DISTANCE OF 524.83 FEET; THENCE RUN NORTH 51 DEGREES 17 MINUTES 31 SECONDS EAST, A DISTANCE OF 172.07 FEET; THENCE RUN 00 DEGREES 21 MINUTES 59 SECONDS EAST, A DISTANCE OF 570.80 FEET TO A POINT ON THE SOUTH MARGIN OF GREENBRIAR AT FIRETHORNE PHASE THREE, AS SHOWN BY MAP OR PLAT THEROF RECORDED AT SLIDE 2612-F, BALDWIN COUNTY PROBATE RECORDS; THENCE RUN NORTH 89 DEGREES 55 MINUTES 20 SECONDS EAST, ALONG SAID SOUTH MARGIN, A DISTANCE OF 391.04 FEET; THENCE RUN SOUTH 00 DEGREES 21 MINUTES 17 SECONDS EAST, A DISTANCE OF 17.45 FEET; THENCE RUN SOUTH 00 DEGREES 21 MINUTES 59 SECONDS WEST, A DISTANCE OF 663.38 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 6.27 ACRES, MORE OR LESS, AND LIES IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 6 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

- 1. That,** attached as "Exhibit A" is an approved site plan. The property must develop in substantial conformance with the approved site plan and supporting documents. Any substantial deviation from the attached site plan, as determined by the Director of Planning, will require re-approval by the Planning Commission and the City Council of the City of Fairhope, Alabama, as a PUD amendment.

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2. **That**, the following development regulations shall govern:

Lots: There shall be 20 lots.

Use: Lots shall be single family residential.

Setbacks: Front – 25’, Rear – 30’, and Side – 5’.

Lot Coverage: Maximum lot coverage for the principal structure shall be 40% and an accessory shall be no more than 25% of the “required” rear yard.

Building Height: Maximum building height shall be 35’.

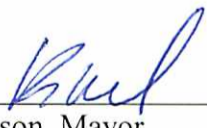
Accessory Structure Separation: Between structures – 10’, Side and Rear property lines – 5’

The property is hereby initially zoned Planned Unit Development (PUD) concurrent with annexation into the City of Fairhope. This property shall hereafter be lawful to construct on such property any structures permitted by Ordinance No. 1253 and to use said premises for any use permitted or building sought to be erected on said property shall be in compliance with the building laws of the City of Fairhope and that any structure shall be approved by the Building Official of the City of Fairhope and that any structure be erected only in compliance with such laws, including the requirements of Ordinance No. 1253.

Severability Clause - if any part, section or 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 13TH DAY OF AUGUST, 2018



Karin Wilson, Mayor

ATTEST:



Lisa A. Hanks, MMC
City Clerk


Ord. No. 1623 Published in
FAIRHOPE COURIER
on Wednesday, August 29, 2018
 City Clerk

EXHIBIT A

DATE	1-20-70
SCALE	1"=50'
PLAT NO.	00000000
PLAT JURISDICTION	
PLAT	1 OF 1

BOUNDARY SURVEY AND FINAL PLAT OF SUBDIVISION
 PREPARATORY PLAT - NOT FOR FINAL RECORDING
 AT FIRETHORNE

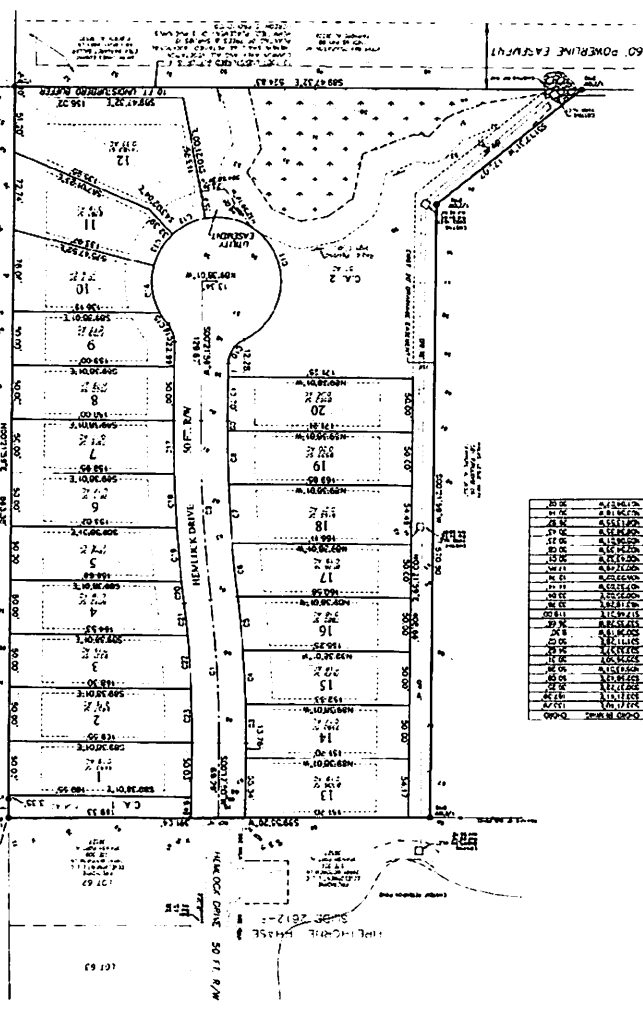
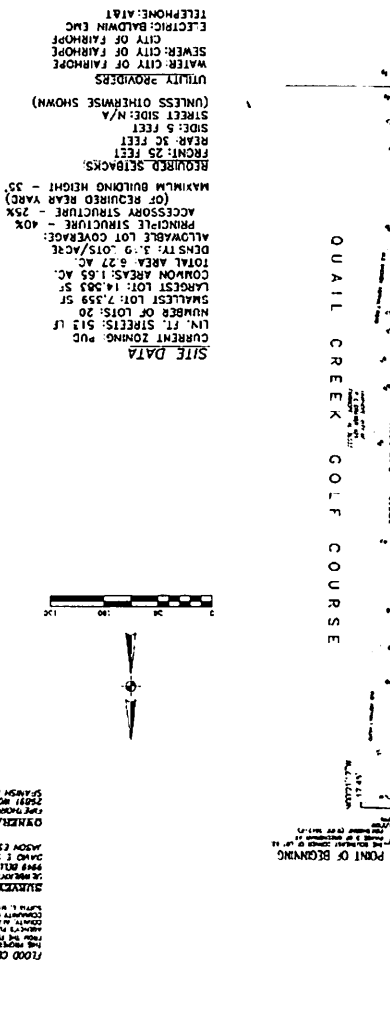
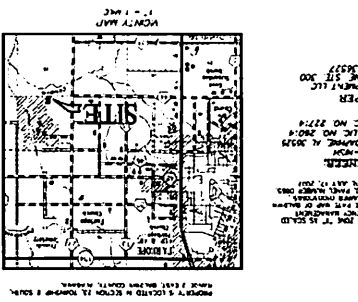


DAVID E. DEWBERRY
 11488
 STATE OF FLORIDA
 PROFESSIONAL ENGINEER

SITE DATA
 CURRENT ZONING: PUD
 LINES: 171 STREETS: 512 FT
 NUMBER OF LOTS: 20
 SMALLEST LOT: 1,250 SQ FT
 LARGEST LOT: 14,000 SQ FT
 COMMON AREAS: 1.65 AC.
 TOTAL AREA: 8.27 AC.
 ALLOWABLE LOT COVERAGE: 40%
 PRINCIPLE STRUCTURE - 25%
 ACCESSORY STRUCTURE - 25%
 (OF REQUIRED REAR YARD)
 MAXIMUM BUILDING HEIGHT - 35'
 REQUIRED SETBACKS:
 FRONT: 25 FEET
 REAR: 30 FEET
 SIDE: 5 FEET
 STREET SIDE N/A
 UTILITY PROVIDERS:
 WATER: CITY OF FAIRHOPE
 SEWER: CITY OF FAIRHOPE
 ELECTRIC: GADSDEN EMC
 TELEPHONE: AIRTEL

GENERAL NOTES:
 1. THE SUBDIVISION IS TO BE CONVEYED TO THE BUYER BY DEED.
 2. THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
 3. THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY UTILITIES.
 4. THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE.
 5. THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY TITLE INSURANCE.
 6. THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RECORDING FEES.
 7. THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RECORDING TAXES.
 8. THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RECORDING COSTS.
 9. THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RECORDING CHARGES.
 10. THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RECORDING PENALTIES.
 11. THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RECORDING FINESTRA.

OWNER/DEVELOPER:
 75891 WOODCROFT LANE #11 300
 SPANISH FORK, AL 36577
SURVEYOR/ENGINEER:
 9948 BAYVIEW AVE. DUNWOOD AL 36526
 DAVID E. DEWBERRY, P.E. LIC. NO. 11488
 JACKSONVILLE, FL 32216



LOT NO.	AREA (SQ FT)	AREA (AC)	PERCENTAGE OF TOTAL AREA
1	1,250	.028	0.34%
2	1,250	.028	0.34%
3	1,250	.028	0.34%
4	1,250	.028	0.34%
5	1,250	.028	0.34%
6	1,250	.028	0.34%
7	1,250	.028	0.34%
8	1,250	.028	0.34%
9	1,250	.028	0.34%
10	1,250	.028	0.34%
11	1,250	.028	0.34%
12	1,250	.028	0.34%
13	1,250	.028	0.34%
14	1,250	.028	0.34%
15	1,250	.028	0.34%
16	1,250	.028	0.34%
17	1,250	.028	0.34%
18	1,250	.028	0.34%
19	1,250	.028	0.34%
20	1,250	.028	0.34%
TOTAL	25,000	.571	6.82%

CERTIFICATE OF APPROVAL BY THE CITY OF FAIRHOPE (C-15)
 I, the undersigned, Mayor of the City of Fairhope, do hereby certify that the above described subdivision is in accordance with the provisions of the City of Fairhope Ordinance No. 10-1-70, and that the same has been approved by the City Council of the City of Fairhope on this 15th day of January, 1970.

CERTIFICATE OF APPROVAL BY TELEPHONE (A-10)
 I, the undersigned, Mayor of the City of Fairhope, do hereby certify that the above described subdivision is in accordance with the provisions of the City of Fairhope Ordinance No. 10-1-70, and that the same has been approved by the City Council of the City of Fairhope on this 15th day of January, 1970.

CERTIFICATE OF APPROVAL BY BUILDER (A-11)
 I, the undersigned, do hereby certify that the above described subdivision is in accordance with the provisions of the City of Fairhope Ordinance No. 10-1-70, and that the same has been approved by the City Council of the City of Fairhope on this 15th day of January, 1970.

CERTIFICATE OF APPROVAL BY HOMEOWNERS
 I, the undersigned, do hereby certify that the above described subdivision is in accordance with the provisions of the City of Fairhope Ordinance No. 10-1-70, and that the same has been approved by the City Council of the City of Fairhope on this 15th day of January, 1970.

CERTIFICATE OF APPROVAL BY THE CITY OF FAIRHOPE (C-16)
 I, the undersigned, Mayor of the City of Fairhope, do hereby certify that the above described subdivision is in accordance with the provisions of the City of Fairhope Ordinance No. 10-1-70, and that the same has been approved by the City Council of the City of Fairhope on this 15th day of January, 1970.



CITY OF FAIRHOPE
P.O. DRAWER 429
FAIRHOPE, AL 36533
251/928-2136

PETITION FOR ANNEXATION

STATE OF ALABAMA)
COUNTY OF BALDWIN)

We, the undersigned PETITIONER(S), owner(s) of the lands in fee simple described in the attached EXHIBIT A, such property being without the Corporate Limits of the City of Fairhope, Alabama, but being contiguous to the said Corporate Limits; and such property not lying within the corporate limits or police jurisdiction of any other municipality, do, by these presents, hereby petition the City of Fairhope, a municipal corporation, that said property be annexed into the City of Fairhope, Alabama.

The subject land is delineated on the map attached hereto as EXHIBIT B.

This petition is filed under authority of Section 11-42-21, Code of Alabama, 1975, as amended.

- This petition is for R-1 Zoning
- The condition of the Petition is that zoning be established as PUD
Concurrent with Annexation. (Zoning Request)

Is this property colony property _____ Yes No. If this property is colony property the Fairhope Single Tax Office must sign as a petitioner.

[Signature]
Signature of Petitioner

NATHAN L. COX
Print petitioner's name

Signature of Petitioner

Print petitioner's name

Signature of Petitioner

Print petitioner's name

Physical Address of property being annexed: None

Petitioner's Current Physical Address:
29891 Woodrow Lane, Suite 300
Spanish Fort, AL 36527

Petitioner's Current Mailing Address:
29891 Woodrow Lane, Suite 300
Spanish Fort, AL 36527

Telephone Number(s): 251-625-1198
Home Work

County Tax Parcel Number: 05-46-06-23-0-000-004.449

U.S JUSTICE DEPARTMENT INFORMATION

- Size of property (acres or square feet) 6.27 Acres
- If property is occupied, give number of housing units None
- Number of Persons residing in each unit, and their race None
- If property is unoccupied, give proposed use Single family lots
- If property is being developed as a subdivision, give subdivision name
Village at Firethorne
Proposing to modify existing Firethorne PUD add this property.
- Number of lots within proposed subdivision 20 lots *ZMN*

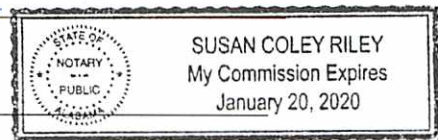
I, Susan C. Riley a Notary Public in and for said State and County, hereby certify that Nathan L. Cox whose name(s) is/are signed to the forgoing Petition and who is/are known to me, this day appeared before me and, being first duly sworn, acknowledge that he/she/they have voluntarily executed this Petition on this day same bears date.

Given under my Hand and Seal this 22nd day of January, 20 18,

(Seal)

Susan C. Riley
Notary Public

My commission expires _____



I, _____ a Notary Public in and for said State and County, hereby certify that _____ whose name(s) is/are signed to the forgoing Petition and who is/are known to me, this day appeared before me and, being first duly sworn, acknowledge that he/she/they have voluntarily executed this Petition on this day same bears date.

Given under my Hand and Seal this _____ day of _____, 20 _____,

(Seal)

Notary Public

My commission expires _____

I, _____ a Notary Public in and for said State and County, hereby certify that _____ whose name(s) is/are signed to the forgoing Petition and who is/are known to me, this day appeared before me and, being first duly sworn, acknowledge that he/she/they have voluntarily executed this Petition on this day same bears date.

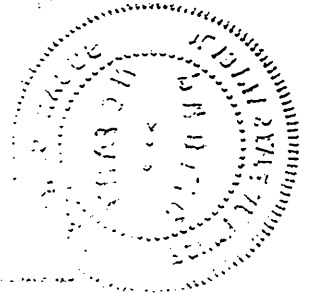
Given under my Hand and Seal this _____ day of _____, 20 _____,

(Seal)

Notary Public

My commission expires _____

SUSAN COLEY RILEY
My Commission Expires
January 20, 2020





City Council

July 2018

Case: ZC 18.03 The Village at Firethorne PUD

Project Name:

The Village at Firethorne PUD

Owner:

Nathan Cox, Ralph Reynolds,
Davis Pilot, Billy Stimpson,
Sands Stimpson, and
Tom Gross

Site Data:

Number of lots: 20 Lots
Total Acreage: 6.27 Acres

Project Type:

Rezoning Request from
**Unzoned, Unincorporated
Baldwin County**
to
Planned Unit Development

PPIN Number:

366931

General Location:

North side of Twin Beech Rd.
½ half mile east of St Hwy 181

School District:

Fairhope Elementary, Middle,
and High Schools

Engineer of Record:

Dewberry/Preble-Rish, LLC

Report prepared by:

J. Buford King, City Planner

Recommendation:

APPROVAL

