



**City of Fairhope
Planning Commission Agenda
5:00 PM
Council Chambers
September 6, 2018**

1. Call to Order

Karin Wilson
Mayor

2. Approval of Minutes

- July 2, 2018
- August 6, 2018

Council Members

Kevin G. Boone

Robert A. Brown

Jack Burrell, ACOMO

Jimmy Conyers

Jay Robinson

Lisa A. Hanks, MMC
City Clerk

Deborah A. Smith, CPA
City Treasurer

3. Consideration of Agenda Items:

- A. ZC 18.07 Public hearing to consider the request of Mike Fogle to rezone property from R-2 Medium Density Single Family Residential District to B-4 Business and Professional District. The property is located at the southwest corner of the intersection of County Road 13 and Fairhope Avenue, at 20451 County Road 13.
PPIN #: 15462 and 236233
- B. SD 18.31 Public hearing to consider the request of Moore Engineering, Inc. for plat approval of Cora Mae's Place, a 3-lot minor subdivision. The project is located at the southeast corner of the intersection of County Road 13 and County Road 44 (a.k.a. Twin Beech Road).
PPIN #: 100963
- C. Public hearing to consider the request of the City of Fairhope Planning and Zoning Department to accept Resolution 2018-01 for a proposed amendment to Article IV, Section C.4. Planning Commission Decision procedures in the City of Fairhope Subdivision Regulations regarding resubmittal requirements.
- D. Public hearing to consider the request of the City of Fairhope Planning and Zoning Department to accept Resolution 2018-02 for a proposed amendment to Article IV, Section H. Multiple Occupancy Projects in the City of Fairhope Subdivision Regulations to require greenspace.
- E. Public hearing to consider the request of the City of Fairhope Planning and Zoning Department to accept Resolution 2018-03 for a proposed amendment to Article IV, Section B. Pre-application and Sketch Plat in the City of Fairhope Subdivision Regulations to require pre-application conferences and community meetings.

161 North Section Street

P.O. Drawer 429

Fairhope, Alabama 36533

251-928-2136

251-928-6776 Fax

www.fairhopeal.gov

Printed on recycled paper

4. Old/New Business

- Subdivision Regulations - Greenspace standards discussion
- Zoning Ordinance - Tier 1 Traditional Neighborhood Design discussion

5. Adjourn



City of Fairhope

September 6, 2018

Case: ZC 18.07

Project Name: 20451 County Road 13

Property Owner /Applicant:
Mike Fogle

General Location: The property is located at the southwest corner of the intersection of County Road 13 and Fairhope Avenue, at 20451 County Road 13.

Project Type: Re-zoning-Request from R-2 (Medium Density Single Family Residential) to B-4 (Business and Professional District).

Number of lots: Two Parcels

Project Acreage: Approx. 2.84 Acres

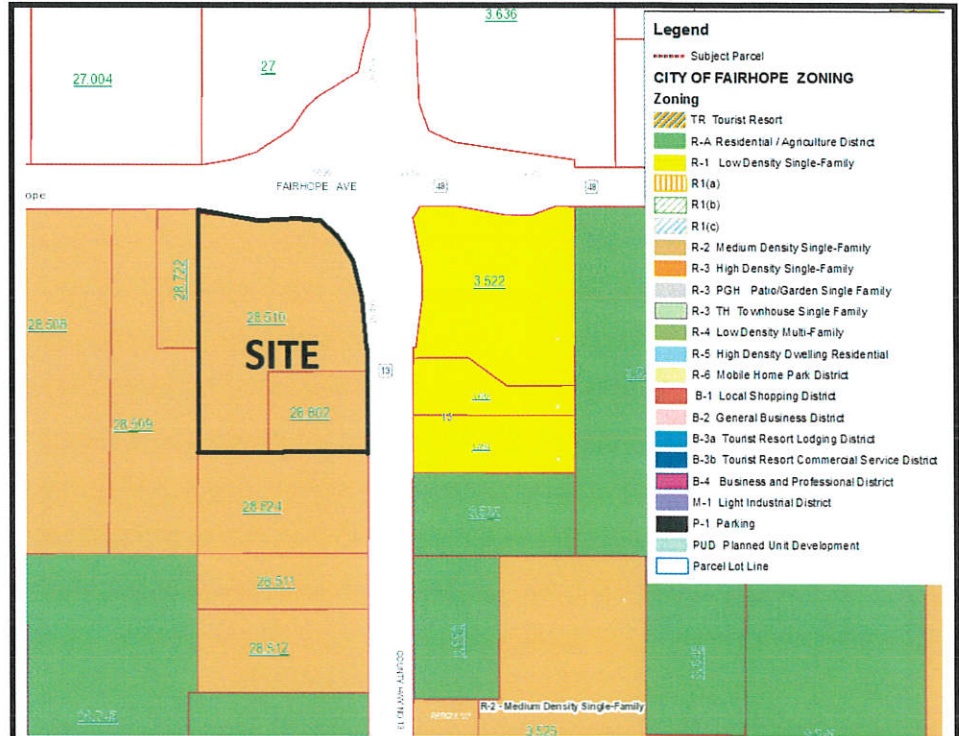
Zoning District: Both properties are currently zoned R-2 within the Corporate Limits of Fairhope.

PPIN Number: 15462 & 236233

School District: Fairhope Elementary, Middle and High School

Report prepared by: Nancy Milford, Staff Planner, EIT, CAPZO Certified

Recommendation: Denial



Summary of Request: Public hearing to consider the request of Mr. Mike Fogle to rezone 2.8 acres of property from R-2 (Medium Density Single Family Residential District) to B-4 (Business and Professional District). The property is located at the south west corner of the intersection of County Road 13 and Fairhope Avenue, at 20451 County Road 13.

Mr. Fogel contends the development of the gasoline station and the roundabout has provided a burden to he and his family due to traffic issues and the loss of the residential atmosphere of his property.

Site History and Site Photos: The property is currently zoned R-2. Mr. Mike Fogel and his family live on the subject properties (two parcels). The larger parcel (ppin 15462) has been developed as a residence with a large pond on the property and the other parcel (ppin23622) has been developed a residence. The County installed a roundabout and purchased a portion of Mr. Fogel's property for accommodating the roundabout.



View of subject properties with lake.



View of the Subject Property from the Gas Station



View of Gas Station from Subject Property



View of residence from gas station with traffic circle



View of 1st drive in proximity to traffic circle



View of 2nd drive in relation to residences



View of house in relation to pond.



View of house and tree in the ROW

Comments: The Zoning Ordinance in **Article II Section C** specifies the following *Criteria* regarding zoning amendments.

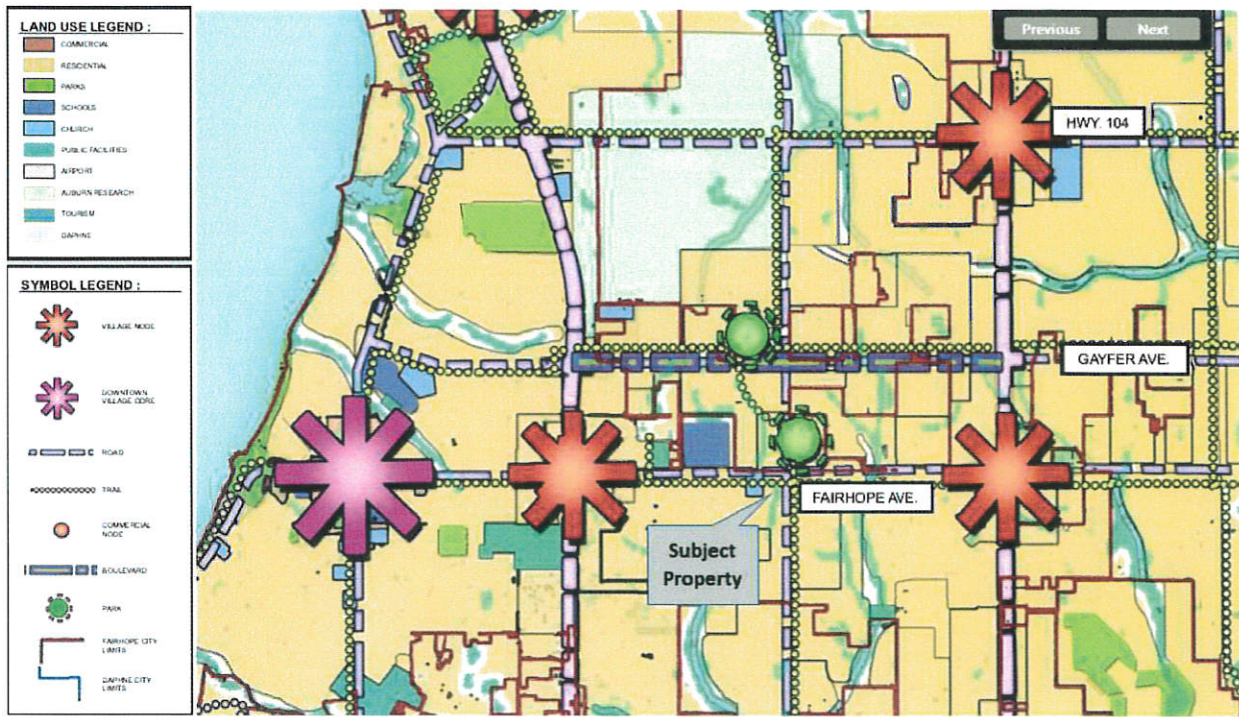
1. *Zoning Amendments*

e. *Criteria-* The application shall be reviewed based on the following criteria:

- (1) Compliance with the Comprehensive Plan;
- (2) Compliance with the standards, goals, and intent of this ordinance;
- (3) The character of the surrounding property, including any pending development activity;
- (4) Adequacy of public infrastructure to support the proposed development;
- (5) Impacts on natural resources, including existing conditions and ongoing post-development conditions;
- (6) Compliance with other laws and regulations of the City;
- (7) Compliance with other applicable laws and regulations of other jurisdictions;
- (8) Impacts on adjacent property including noise, traffic, visible intrusions, potential physical impacts, and property values; and,
- (9) Impacts on the surrounding neighborhood including noise, traffic, visible intrusions, potential physical impacts, and property values.

Article II Section C 1 e (1):Comprehensive Plan: The subject property is classified as residential in the City of Fairhope Comprehensive Plan (subject property is called out below). It lies between two village nodes, Greeno Road and Fairhope Avenue intersection and Hwy 181 and Fairhope Avenue intersection which are less than 2 miles apart. The Comprehensive Plan says “The preferred plan also provides for commercial development at appropriate locations. The preferred plan calls for both commercial nodes and villages”. The Plan calls for 4 village nodes and 1 downtown village node to accommodate commercial and high-density growth at a rate 30,000 to 180,000 sq. ft. of commercial area at each village node as well as 6 commercial nodes at strategic locations throughout the City to accommodate between 2-16 acres. Ample commercial locations are provided in the Comprehensive Plan at appropriate locations. The subject property is not located at one of these locations. Staff realizes that the subject property is in the vicinity of unzoned – unincorporated County where land use oversight does not exist. However, we do not recognize this fact as precedent and controlling land use decision making for surrounding areas which are in the City or may come into the City through annexation. In addition, a clear line of delineation currently exists between the unincorporated “commercial area” to the north and zoned residential area to the south of the roundabout.

The Comprehensive Plan uses the term “commercial creep” and the need to establish clear edges of commercial development. “Commercial Creep” occurs when commercial development begins to encroach into well-established neighborhoods which can begin a domino effect. Many of the properties near the subject property share common residential characteristics with the subject property. Rezoning’s can set precedents for future rezoning requests. If this were to occur, this intersection and surrounding properties would be transformed into a full commercial node not contemplated by the Comprehensive Plan thereby weakening the effectiveness of the Plan. In addition, the size of subject property (2.8 acres) creates an internal buffer from the commercial uses.



Article II Section C 1 e (2)Goals and Intent of the City of Fairhope Zoning Ordinance:

The purpose and intent of R-2 is as follows: This district is intended as a medium density single family urban residential district, with lots of moderate size. The R-A, R-1 and R-2 districts are intended for only residential development.

Placing a B-4 zoning designation in the center of R-2 zoned property will not be consistent with the Goals and Intent of the City of Fairhope Zoning Ordinance. It will introduce a commercial component to an area that is predominately residentially zoned in the City Corporate Limits. There is a minor amount of commercial located at the northwest corner of the intersection on unzoned property, outside the Corporate Limits of Fairhope. A clear line of demarcation exists with the unzoned, unincorporated commercial uses north of Fairhope Ave. and the incorporated residential zoned established neighborhood south of Fairhope Avenue roundabout.

Allowed Uses for B-4 and R-2:

The allowed uses for B-4 are as follows:

Allowed by Right: Single Family; Mixed Used; Elementary and Secondary Schools, Educational Facility, or Library; Public or Community Open Space; General or Professional Office; Boarding House or Dormitory.

Permitted Subject to special conditions listed in the ordinance: Townhouse; Accessory Dwelling; Home Occupation; Personal Storage.

Permitted only on appeal and subject to special Condition: Hospital, Convalescent or Nursing Home, Outdoor Recreational Facility, Day Care, Mortuary or Funeral Home, Limited Manufacturing.

The allowed uses for R-2 are as follows:

Allowed by Right: Single Family; Elementary and Secondary Schools, Educational Facility; or Library; Public or Community Open Space

Permitted Subject to special conditions listed in the ordinance: Cemetary, Community Center or Club, Public Utility; Convalescent or Nursing Home; Clinic; Outdoor Recreational Facility; Day Care.

Permitted only on appeal and subject to special Condition: None

Article II Section C 1 e (3) *The character of the surrounding properties:* The subject property is bordered to the north by unzoned property, to the east by R-1 zoned property, and to the south and west by R-2 zoned property. Properties outside of the immediately adjacent areas, but within the 1320-foot buffer include properties zoned R-A (Residential/Agricultural District), PUD (Planned Unit Development- a medical office use and residential), and R-6 (Mobile Home Park District). The predominate character of the neighborhood is residential. There is a small amount of commercial (storage units and a gas station) to the north (located on unzoned property) of the subject parcels.

Article II Section C 1 e (4) *Adequacy of public infrastructure to support the proposed development:* Gas, water, and electric service is available at this location. During the internal utility review of the site, Mr. Richard Peterson PE, Operations Director, mentioned sewer may be an issue for the subject property. There is a 2”force main sewer on the east side of County Road 13. Mr. Peterson said that the site will most likely need sewer and if so, this may require additional costs and, therefore, aid to construction charges may also apply.

Article II Section C 1 e (5) *Natural Resources:* The property has been developed as residential, however, the Building Official, Mr. Erik Cortinas reviewed the USDA Web Soils Web site, which indicated that approximately 35% of the site may consist of Bibb Soils (a possible indicator of wetlands. Should the property be approved for re-zoning to B-4 and the site re-developed for commercial, then a full wetland delineation will be required for the site re-development.

There is a great deal of drainage that moves across the property. Staff has some concern with regards to potential site development due to the current lake on the property. Re-development of the property may be highly expensive as the lake may require filling depending on the percent of lot coverage of re-development.

Article II Section C 1 e (6) *Compliance with other laws and regulations.* The City has a wetland ordinance and an erosion control ordinance which applies within the police jurisdiction. This property falls within the police and permit jurisdictions of the City of Fairhope. If the site were re-zoned to B-4 and re-developed, the wetland’s ordinance and erosion control ordinance will apply.

Article II Section C 1 e (7) *Compliance with other applicable laws and regulations of other jurisdictions:* The subject property is located within the City of Fairhope Planning and Police Jurisdictions and will have to comply with applicable regulations within those jurisdictions.

Article II Section C 1 e (8 & 9) *Impacts on adjacent and neighboring properties including noise, traffic, visible intrusions, potential physical impacts, and property values:* Staff has concerns that to introduce commercial at this location will introduce commercial creep increasing noise and traffic to this intersection and the surrounding adjacent property and neighborhoods.

Dimension Standards:

The allowed building height for both R-2 and B-4 zoning is 30 feet.

The R-2 Area and Dimension Standards are as follows:

Dimension District or use	Min. Lot Area/ Allowed Units Per Acre (UPA)	Min. Lot Width	Setbacks				Max. total lot coverage by principle structure	Max. height
			Front	Rear	Side	Street side		
R-2	10,500 s.f./ -	75'	35'	35'	10' ^b	20'	37%	30' ^a

The request for rezoning is for B-4 which has the following area and dimension standards:

Dimension District or use	Min. Lot Area/ Allowed Units Per Acre (UPA)	Min. Lot Width	Setbacks				Max. total lot coverage by principle structure	Max. height
			Front	Rear	Side	Street side		
B-4	None/ -	none	20'	20'	10'			30' ^l

Staff believes it is important to note that B-4 zoning designation does not have a total maximum lot coverage by the principal structure, which means the entire site up to the building setbacks could be utilized for building and potential parking. There is a significant amount of storm water moving through this area.

Traffic: The applicant has not provided any information regarding traffic as a part of this application, except that the installed traffic circle has presented traffic issues getting out of his current driveway. The Public Works Director, Mr. Richard Johnson, PE, did mention in the City of Fairhope internal Utility Review Meeting, that if the application were approved, any curb cuts would need to be made as far to the southeast and north west from the corner as possible.

Compatibility Analysis: A full compatibility analysis has not been performed on the rezoning as the applicant is proposing a commercial use situated in a residentially zoned neighborhood. Below is the defined buffer at 1320 feet from the perimeter of the subject parcels.



Aerial of properties to the north of Fairhope Avenue



Aerial of properties south of Fairhope Avenue

Site Plan : Review of (preliminary) site plans accompanying a zoning map amendment shall be reviewed according to the zoning amendment procedures. The rezoning application submitted by Mr. Fogel did not have a specific site plan. (Final) site plans that do not accompany a zoning map amendment shall be reviewed according to Article II Section C 2. Site plan approval is required when any commercial building(s) located in a business-zoning district (industrial zoning excluded) or in the CBD overlay:

- (1) Has a gross floor area of 10,000 square feet or greater; or,
- (2) More than 30% of the lot (excluding the building) is impervious; or
- (3) All applications for zoning map amendments to rezone property to any of the Village Districts in Article VI. However, applicants for rezoning to the village districts may elect to use the special review procedures in Article VI, Section D for review of the rezoning application and site plans associated with a village development.
- (4) A mandatory site plan review application for all mixed-use projects electing to build to 35 feet height with 33% residential, regardless of whether or not it triggers site plan review approval, must make application to the Planning and Zoning Commission for approval.

Recommendation:

Based on the criteria in **Article II Section C.1. e**, staff does not support the requested re-zoning due to the application being inconsistent with the City of Fairhope Comprehensive Plan and the incompatibility with the existing residential neighborhood.

Staff recommends denial of the proposed re-zoning application .



APPLICATION FOR ZONING DISTRICT CHANGE

Property Owner / Leaseholder Information

Name: Mike Fogle Phone Number: 205-837-2766
 Street Address: 20451 G. Rd. 13
 City: Fairhope State: AL Zip: 36532

Applicant / Agent Information

If different from above.
Notarized letter from property owner is required if an agent is used for representation.

Name: _____ Phone Number: _____
 Street Address: _____
 City: _____ State: _____ Zip: _____

Current Zoning of Property: R-2
 Proposed Zoning/Use of the Property: B4
 Property Address: 20451 County Rd 13
 Parcel Number: 05-46-05-16-0-000-P28.510 & .802 (2 pcls)
 Property Legal Description: r-1
 Reason for Zoning Change: Traffic Hazard

- Property Map Attached YES NO
- Metes and Bounds Description Attached YES NO
- Names and Address of all Real Property Owners within 300 Feet of Above Described Property Attached. YES NO

Character of Improvements to the Property and Approximate Construction Date: _____

Zoning Fee Calculation:
 Reference: Ordinance 1269

I certify that I am the property owner/leaseholder of the above described property and hereby submit this application to the City for review. *If property is owned by Fairhope Single Tax Corp. an authorized Single Tax representative shall sign this application.

Mike Fogle
 Property Owner/Leaseholder Printed Name

Mike Fogle
 Signature

8-17-18
 Date

RECEIVED
 JUL 24 2018
 BY: [Signature]

Fairhope Single Tax Corp. (If Applicable)
President of FSTC



Planning Commission

September 6, 2018

Case: 18.31

Project Name: Cora Mae Place Subdivision

Property Owner /Applicant: Bryce and Cora McMurry

General Location: The project is located at the southeast corner of the intersection of County Road 13 and County Road 44 (a.k.a. Twin Beech Road).

Project Type: Minor Subdivision

Number of lots: 3

Project Acreage: 6.119

Zoning District: Unzoned

PPIN Number: 100963

Surveyor: Moore Engineering

School District: City of Fairhope Elementary, Middle and High Schools

Report prepared by: Report prepared by: Nancy Milford, CAPZO Certified, EIT

Recommendation: Approval With Conditions



Summary of Request: Public hearing to consider the request of Moore Engineering Company for plat approval of Cora Mae's Place, a 3-lot minor subdivision. The subject property is 6.119 acres. The property is located at the southeast corner of the intersection of County Road 13 and County Road 44 (a.k.a. Twin Beech Road). The largest lot is 3.1 acres and the smallest lot is 1.452 acres.

The property owners are Ms. Cora Mae and Mr. Bryce McMurray. The surveyor representing Mr. McMurray is Mr. Seth Moore of Moore Engineering Company.

Site History and Photographs:

The property is unzoned in Baldwin County and is situated on the south east corner of County Road 13 and Twin Beech Road. There is a house and two out buildings on the property. The house appears to have built in approximately 1978, according to the Baldwin County Records. According to the applicant, the out buildings on the property are going to be removed and Mr. McMurray has plans to reduce the size of the existing house.



View of house from Twin Beech Road



View of ROW ditch along County Road 13



View of Twin Beech ROW looking to the east



View of Subject property and trees looking east.

Comments:

Article V Section E- Lot Standards: The subject property is unzoned and located in Baldwin County. In the original submittal, there appeared to be encroachments that are located over the setbacks. The applicant adjusted the setbacks to remove the encroachment and still maintain compliance with the Baldwin County requirements.

Article IV Section C.1.b.(13)-Tree Survey: The applicant has provided a tree survey on the plat. There are several large Oak Trees as shown on the plat. The City of Fairhope Tree Ordinance applies within the City of Fairhope Police Jurisdiction, but does not apply to single family residential. Therefore, the subject property is excluded from the City of Fairhope Tree Ordinance due to the residence.

Article IV Section C.1.b.(14)-Finished Floor Elevations: Finished Floor Elevations have been provided for every lot as per Article IV Section C.1.b (14) of the City of Fairhope Subdivision Regulations.

Article IV Section C1.b. (9) Utilities and Flow Model: The subject property is served by Baldwin County EMC for power, City of Fairhope for Water for the existing residence, and sewer systems will be and are on-site individual septic systems approved by the Baldwin County Health Department. Utility letters are required and to date have not been provided by the City of Fairhope. However, staff worked with Mr. Richard Peterson, PE, Director of Operations with regards to the utility information presented in this report and he has provided his verbal approval of the information presented. Staff is in receipt of the utility letter for Baldwin County EMC.

Water from the City of Fairhope is an issue on County Road 13. The applicant is choosing to use a well on Lot 3 (fronting County Road 13) due to the issues with water service to the site from County Road 13. Mr. Jay Whitman mentioned in the City of Fairhope Utility Review meeting that aid to construction charges may be required if water service is required and this shall be noted on the plat. The applicant has added the required aid to construction note. Staff met with Mr. Peterson regarding the need for a flow model since Lot 3 will be on a well with no fire hydrant. Mr. Peterson said that a flow model will not be required for this application.

Article V Section E5 Easements: The applicant has been provided drainage and utility easements along front, rear, and side lot lines. Staff met with the Operations Director, Mr. Richard Peterson and he approved the easement information as presented on the plat.

Article VI Section F Fire Hydrants: Fire hydrants are required at every intersection and every 450 feet. The applicant has responded that the fire hydrants are within 400 feet or less of each lot. Staff met with Mr. Richard Peterson and he confirmed an additional fire hydrant is required to meet the 450-foot requirement on Lot 3, if water is provided by the City of Fairhope. The applicant is choosing to use a water well on Lot 3 and therefore, no fire hydrant is required by the City of Fairhope.

F. **FIRE HYDRANTS:**

Fire Hydrants shall be installed along each street at a maximum interval of four hundred fifty (450) feet, or at the ends and center of each block, or as otherwise required by the fire authority having jurisdiction. Water supply and pressure shall be adequate to provide fire protection and for the future needs of the development.

Blue reflective markers shall be installed at the street line of streets to indicate the location of fire hydrants.

Article V Section F (Storm Water) and Article IV Section C.1.h. (Traffic Requirement) Drainage and Traffic Public Works Comments, provided by Mr. Richard Johnson, PE, Director of Public Works:

- The applicant was requested to revise the drainage note to match the following wording provided by the Public Works Director. The note has been revised.
- The applicant shall not have more than two access points on Twin Beech Road.
- No traffic determination will be necessary for this 3-lot minor subdivision due to the minimal number of lots proposed.

Article V Section D.6 Sidewalks/Street Trees:

Street Trees: Staff met with Mr. Richard Johnson and Mr. Richard Peterson regarding the requirement for street trees on minor subdivisions. Since new streets are not being installed, they were of the opinion that street trees should not be required by the City of Fairhope for minor subdivisions.

Sidewalks: *Article V Section D.6* requires that all streets shall include a pedestrian area and a planting strip and a sidewalk, according to the standards in Table 5.3 in Appendix A. Sidewalks are required per the City of Fairhope Subdivision Regulations. The applicant has submitted a waiver request from the sidewalk requirements.

The applicant presents the following reasons for the request:

1. The lots are large lots about 1.5 acres or larger.
2. The development is not in the corporate limits.
3. The frontage roads are not City Roads.
4. The County Regulations Section 5.1.1 Minimum Design Standards Lots over 40,000 SF with Minimum Lot Width of 120 feet do not require sidewalks.
5. There are existing residences on two of the lots and there are not any sidewalks within more than a ½ mile of this property.

A note shall be added to the plat stating that sidewalks shall be provided at the time of building permit, unless the waiver request is granted by the Planning Commission. A sidewalk detail shall be submitted at the time of construction if sidewalks are going to be required.

While the above reasons for a waiver, submitted by the applicant, may not directly match the standards for granting a waiver (see below), Baldwin County does have the ultimate authority for the right-of-way in this particular location. On the last application of a similar nature (Red Barn Road), Baldwin County representatives stated "If these (sidewalks) are placed in the easement along the front of the lots then the County will not be maintaining them." Staff does not support installing sidewalks where they will not be maintained. Staff would like to note that there is a concrete drainage ditch in the ROW of County Road 13 and no sidewalks are existing in the immediate area (see photos above).

Article VII Section A, B, &C Waivers: The applicant has submitted a written waiver request to the City of Fairhope sidewalk requirements. Below are the Waiver Standards provided in the City of Fairhope Subdivision regulations.

A. WAIVER STANDARDS:

Waivers may be granted where the Planning Commission finds that the following conditions exist:

- 1. An extraordinary hardship may result from strict compliance with these regulations due to unusual topographic or other physical conditions of the land or surrounding area not generally applicable to other land areas.*
- 2. The condition is beyond the control of the sub-divider.*
- 3. The requested waiver will not have the effect of nullifying the purpose and intent of the regulations, the Zoning Ordinance, or the Comprehensive Plan.*
- 4. The waiver is the minimum deviation from the required standard necessary to relieve the hardship;*
- 5. The waiver shall not have an adverse effect on adjacent landowners, or future landowners, or the public;*
- 6. The waiver is necessary so that substantial justice is done.*

B. WAIVER STANDARDS:

Waivers may be granted where the Planning Commission finds that the following conditions exist:

- 1. An extraordinary hardship may result from strict compliance with these regulations due to unusual topographic or other physical conditions of the land or surrounding area not generally applicable to other land areas.*
- 2. The condition is beyond the control of the sub-divider.*
- 3. The requested waiver will not have the effect of nullifying the purpose and intent of the regulations, the Zoning Ordinance, or the Comprehensive Plan.*
- 4. The waiver is the minimum deviation from the required standard necessary to relieve the hardship;*
- 5. The waiver shall not have an adverse effect on adjacent landowners, or future landowners, or the public;*
- 6. The waiver is necessary so that substantial justice is done.*

C. PROCEDURE:

- 1. Waivers must be requested in writing at the time of preliminary plat submission. This is required so staff can understand the implications of the waiver. The waiver request will be considered by the Planning Commission at the time the plat is considered.*
- 2. Any waiver granted must be entered upon the minutes stating the grounds for the waiver.*
- 3. Letters to adjacent property owners shall include a description of any waiver requested.*

D. CONDITIONS:

In granting approval of a subdivision with a waiver, the Planning Commission may in its judgment, require such conditions to secure the objectives and interests of the City and the purposes of these Regulations.

Article IV, Section C.1.b. (18) Natural Features: The applicant has provided a narrative statement regarding natural features of the site. The applicant said the subdivision of 6.1 acres, more or less, located at the intersection of County Road #13 and Twin Beech Road both are Paved County Roads with existing road side ditches, and within the Planning Jurisdiction of Fairhope, Alabama. This

property has two residences on the property. The drainage flowing naturally from North to South. According to the applicant there are not any wetlands located within this 6.1 acre project.

Ms. Kim Burmeister, City of Fairhope Code Enforcement Officer, researched the USDA web soils site for hydric soils and none appeared to be reported for this site. However, Ms. Burmeister did not that local alluvial soils are indicated, which is could be a drainage area. Mr. Erik Cortinas, Building Official and Flood Plain Manager for the City of Fairhope, reviewed the subject property and commented that the property is not in a flood zone and has no wetland indicators.

Article IV, Section D.7. Recorded Plats: All conditions of approval shall be satisfied in a timely manner. Per the *City of Fairhope Subdivision Regulations, Article IV Section D 7-Recording, applicant is responsible for recording of Plat and approval shall be null and void if the Plat is not recorded within sixty days after the date of final approval; provided, however, that the Commission may, on finding of good cause, extend that sixty- day period. The applicant shall provide a copy of the recorded plat; failure to do so shall result in the denial of issuance of the building permits within the subdivision.*

Other: Any applicable outside agency permit shall be obtained. The applicant shall confirm that this is not single tax property.

The subdivision regulations contain the following criteria in Article IV.B.2. Approval Standards.

“2. Consistency with Plans, Regulations and Laws - The Planning Commission shall not approve the subdivision of land if the Commission makes a finding that such land is not suitable for platting and development as proposed, due to any of the following:

- a. The proposed subdivision is not consistent with the City’s Comprehensive Plan, and/or the City’s Zoning ordinance, where applicable;*
- b. The proposed subdivision is not consistent with the City’s Comprehensive Plan or any other plan or program for the physical development of the City including but not limited to a Master Street Plan, a Parks Plan, a Bicycle Plan, a Pedestrian Plan, or the Capital Improvements Program;*
- c. The proposed subdivision is not consistent with these Regulations;*
- d. The proposed subdivision is not consistent with other applicable state or federal laws and regulations; or*
- e. The proposed subdivision otherwise endangers the health, safety, welfare or property within the planning jurisdiction of the City.”*

The project does not appear to be inconsistent with the applicable criteria of the City of Fairhope.

Recommendation: Staff recommends approval of the application contingent upon the following conditions:

- 1) The applicant shall not have more than two access points on Twin Beech Road.
- 2) Sidewalks shall be installed unless the waiver is approved by Planning Commission.



APPLICATION FOR SUBDIVISION PLAT APPROVAL

Application Type: Village Subdivision Minor Subdivision Informal (No Fee)
 Preliminary Plat Final Plat Multiple Occupancy Project

Attachments: Articles of Incorporation or List all associated investors
Date of Application: _____

Property Owner / Leaseholder Information

Name of Property Owner: Bryce & Cora McMurry Phone Number: 251-230-0903
Address of Property Owner: 208 Grand Ave
City: Fairhope State: Al Zip: 36532

Proposed Subdivision Name: Cora Mae's Place
No. Acres in Plat: 6.1 No. Lots/Units: 3
Parcel No: PPIN 100963 Current Zoning: None

Authorized Agent Information

Plat must be signed by the property owner before acceptance by the City of Fairhope

Name of Authorized Agent: _____ Phone Number: _____
Address: _____
City: _____ State: _____ Zip: _____
Contact Person: _____

Surveyor/Engineer Information

Name of Firm: MooreSurveying Inc Phone Number: 251-928-6777
Address: 555 N Section St
City: Fairhope State: Al Zip: 36532
Contact Person: Seth Moore

Plat Fee Calculation:

Reference: Ordinance 1269

Signatures:

I certify that I am the property owner/leaseholder of the above described property and hereby submit this plat to the City for review. *If property is owned by Fairhope Single Tax Corp. an authorized Single Tax representative shall sign this application.

Bryce E. King
Property Owner/Leaseholder Printed Name
7/24/18
Date

Signature

Fairhope Single Tax Corp. (If Applicable)

RECEIVED
JUL 24 2018
BY: EB

OWNERS CERTIFICATE:
STATE OF ALABAMA
BALDWIN COUNTY
CITY OF FAIRHOPE

We, Fairhope Single Tax Corporation, hereby state that we are the owners of the within described lands. I, Lee O. Turner, II, whose name as President and C. MICHAEL ARNOLD, whose name as SECRETARY, do hereby acknowledge and adopt the same under the design and title hereon indicated, and grant of easements and dedicate of streets, alleys, wells, ponds, and other open spaces to public or private use as noted, together with such restrictions and covenants as noted below or attached in a separate legal document. Dated this the _____ day of _____, 20__.

FAIRHOPE SINGLE TAX CORPORATION

Lee O. Turner, II, PRESIDENT C. Michael Arnold, SECRETARY

NOTARY CERTIFICATE:

I, _____, a Notary Public in and for said State and County, hereby certify that Lee O. Turner, II, whose name as President and C. Michael Arnold, whose name as SECRETARY, of FAIRHOPE SINGLE TAX CORPORATION, an Alabama Corporation, as signed to the foregoing certificate, and who are known to me, acknowledged before me on this day, that being informed of the contents of this certificate, that they as such officers and with full authority executed the same voluntarily for and as an act of said corporation. Given under my hand and official seal this the _____ day of _____, 20__.

Notary Public Baldwin County, Alabama

My Commission Expires _____

LESSEE'S CERTIFICATE OF ACCEPTANCE:
STATE OF ALABAMA
COUNTY OF BALDWIN

This is to certify that, I the undersigned do hereby certify that I am the Lessee of the within platted and described lands and that I have caused the same to be surveyed and subdivided as hereon, for the use and purposes therein set forth and do hereby acknowledge and adopt the same under the design and title hereon indicated, and grant of easements and dedicate of Streets, to the public or as private uses as noted on this plat.

BRYCE McMURRY Date: _____

NOTARY PUBLIC:
STATE OF ALABAMA
COUNTY OF BALDWIN

I, _____, a Notary Public, in and for said State and County, do hereby certify that the above herein signed to the within LESSEES ACCEPTANCE and who is known to me, that they voluntarily executed said ACCEPTANCE on this date _____ day of _____, 20__.

Given under my hand and seal this the _____ day of _____, 20__.

Notary Public - Baldwin County, Alabama.

My Commission Expires: _____

CERTIFICATE OF APPROVAL BY THE BALDWIN COUNTY E-911 ADDRESSING

The undersigned, as authorized by the Baldwin County E-911 Board, hereby approves the Road names as depicted on the within plat and hereby approves the within plat for the Recording of same in the Judge of Probates Office, Baldwin County, Alabama, on this the _____ day of _____, 20__.

Authorized Representative Signature _____

TELEPHONE COMPANY CERTIFICATE:

The undersigned, as authorized by _____, hereby approves the within plat for the recording of same in the Office of the Judge of Probate, Baldwin County, Alabama, this the _____ day of _____, 20__.

Authorized representative _____

POWER COMPANY CERTIFICATE:

The undersigned, as authorized by Baldwin County EMC, hereby approves the within plat for the recording of same in the Office of the Judge of Probate, Baldwin County, Alabama, this the _____ day of _____, 20__.

Authorized representative _____

CERTIFICATE OF APPROVAL OF UTILITIES BY CITY OF FAIRHOPE FOR GAS, & WATER:

The undersigned, as authorized by the City of Fairhope, hereby approves the within plat for the recording of same in the Office of the Judge of Probate, Baldwin County, Alabama, this the _____ day of _____, 20__.

Authorized Representative GAS _____

Authorized Representative WATER _____

BALDWIN COUNTY HEALTH DEPARTMENT:

The lots on this plat are subject to approval or deletion by the Baldwin County Health Department. No representation is made that any lot on this plat will accommodate an Onsite Sewage System (OSS). The appropriateness of a lot for wastewater (sewage) treatment and disposal shall be determined when an application is submitted. If permitted, the lot approval may contain certain conditions which restrict the use of the lot or obligate owners to special maintenance and reporting requirements, and these conditions are on file with the said Health Department and are made a part of this plat as if set out hereon.

By: _____ Date _____
Environmentalist

Youns, Randall Roy
19027 Co. Rd 13
Fairhope, AL 36532
Inside City Limits
Zoned R-3 High Density
Single Family

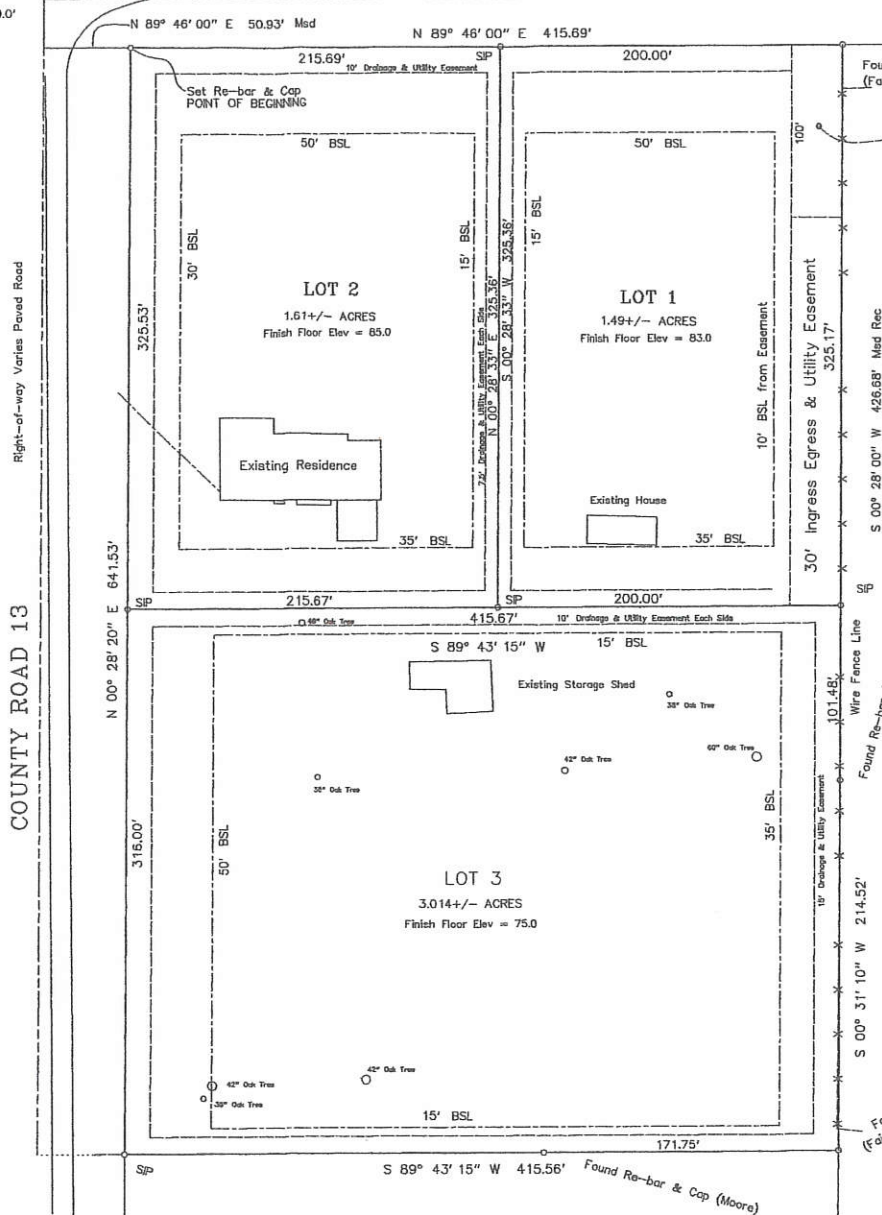
lot 12 Fairfield Place Unit 1
Recorded Slide 1712-A

Iron Pion Marker Purported to be NW Corner of Sec 27, T-6-S, R-2-E

TURNER, CHARLES T II
19030 CO RD 13
FAIRHOPE AL 36532
Residential NOT ZONED

THE FIRST 100' TO BE SHARED BY LOTS 1 AND 3 FOR INGRESS & EGRESS TO TWIN BEECH ROAD.

a. k. a. TWIN BEECH ROAD COUNTY ROAD 44



JAMMIE FRANKLIN & FRANKLIN
5827 TWIN BEECH RD
FAIRHOPE, AL 36532
Residential (NOT ZONED)

City of Fairhope Park

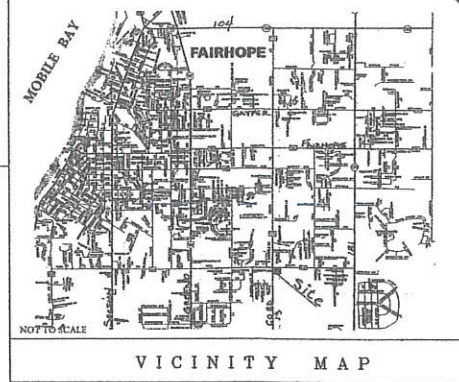
FAIRHOPE UNITED METHODIST CHURCH
125 S. SECTION 11 ST
FAIRHOPE, AL 36532
NOT ZONED

CUNNINGHAM, JOEL B II
8856 LAKE VIEW DR
FAIRHOPE AL 36532
Residential NOT ZONED

OWNER/DEVELOPER:
BRYCE McMURRY
9072 TWIN BEECH ROAD
FAIRHOPE, ALABAMA 36532

SURVEYOR:
SETH MOORE PLS
555 N. SECTION 5T
FAIRHOPE, ALABAMA 36532

JUDGE OF PROBATE SEAL



- SURVEYOR'S NOTES:**
- All measurements were made in accordance with U.S. Standards.
 - Description as furnished by Client.
 - There may be Recorded or Unrecorded Deeds, Easements, right-of-ways, or other instruments that could affect the boundaries of said properties.
 - There was NO attempt to determine the existence, location or extent of any sub-surface features such as Septic Tanks, Underground Utilities, Postings, etc.
 - Bearings and Distances shown hereon were "Computed" from actual field traverses.
 - The Basis of Bearings for this Survey are as shown hereon.
 - There was NO attempt made to locate any Environmental issues such as but not limited to Wet Lands, Fuel Tanks, etc.
 - Owner Must Verify Wetlands Location if Shown on Survey with the proper authorities before any construction is to be started.
 - Refer to Recorded Deeds, Plats, Restrictive Covenants for any additional information.
 - Measurements of the Residence are exterior dimensions and are not to be used for calculating square footage of Residence.
 - Flood Zones are noted from the current FEMA maps.
 - Limits of proposed Residence to be staked are per client instructions.
 - Verify any Building Setbacks and Building location with the proper authorities before any construction can begin.
 - This Survey is based upon monumentation found and does not purport to be a retracement and proportioning of the Original Government Survey.

SITE DATA:

- Total Number of Lots 3.
Project Size 6.119 Acres
Smallest Lot 1.49 Acres
Largest Lot 3.01 Acres
 - The Lots are served by Water
Baldwin County EMC, Power
Bell South for Telephone
 - Property lies in Planning District 14.
 - Property is NOT Zoned.
Building Setbacks
Front 50 feet
Rear 35 feet
Side Yard Setback is 15 feet
Side Setback on County road 13 is 30 feet
Unless otherwise noted hereon.
 - Easements:
15-foot wide Drainage and Utility Easement along all lot lines unless noted hereon being 7.5 feet each side of lot line.
- NO NEW Streets or Utility Lines this Project at this time.

FLOOD CERTIFICATE:

I also state that I have examined the current FIA Official Flood Hazard Map, Community Number D15000, Panel Number 0665 L, and found referenced lot above lies in Flood Zone X, Map Dated June 17, 2002, and Revised July 17, 2007.
I also state that I have examined the PRELIMINARY FIA Official Flood Hazard Map, Panel Number 0665L and found referenced lot above lies in Flood Zone X, Map Dated July 31, 2017. THIS MAP HAS NOT BEEN ADOPTED AS OFFICIAL as of this date.

LEGAL DESCRIPTION OF PROPERTY:

COMMENCING AT AN IRON PIN MARKER PURPORTED TO BE THE NORTHWEST CORNER OF SECTION 27, TOWNSHIP 6 SOUTH, RANGE 2 EAST, ST. STEPHENS MERIDIAN, BALDWIN COUNTY, ALABAMA, THENCE RUN SOUTH ALONG THE WEST BOUNDARY LINE OF SAID SECTION 27, A DISTANCE OF 40.0 FEET TO A POINT; THENCE RUN NORTH 89 DEGREES 46 MINUTES 00 SECONDS EAST, A DISTANCE OF 50.93 FEET TO AN IRON PIN MARKER FOR THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89 DEGREES 46 MINUTES 00 SECONDS EAST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF TWIN BEECH ROAD A DISTANCE OF 415.69 FEET TO AN IRON PIN MARKER; THENCE RUN SOUTH 00 DEGREES 28 MINUTES 00 SECONDS WEST, A DISTANCE OF 426.69 FEET TO AN IRON PIN MARKER; THENCE RUN SOUTH 00 DEGREES 31 MINUTES 10 SECONDS WEST, A DISTANCE OF 214.52 FEET TO AN IRON PIN; THENCE RUN NORTH 89 DEGREES 43 MINUTES 15 SECONDS WEST, A DISTANCE OF 415.56 FEET TO AN IRON PIN MARKER LYING ON THE EAST RIGHT-OF-WAY LINE OF COUNTY ROAD #13; THENCE RUN NORTH 00 DEGREES 28 MINUTES 20 SECONDS EAST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 641.53 FEET TO THE POINT OF BEGINNING.

I, Seth W. Moore, a registered land surveyor, hereby state that all parts of this survey and drawing have been completed in accordance with the requirements by the Standards of Practice for Land Surveying in the State of Alabama to the best of my knowledge, information and belief, this is a true and correct map.

All according to my survey made this the _____ day of _____, 2018.

I also state that this drawing and or certification does not reflect any title or easement research, other than what is visible on the ground or provided by the clients at time of survey.

Seth W. Moore, PLS
Ala. Reg. No. 16671



COUNTY ENGINEER:

The undersigned, as County Engineer of Baldwin County, Alabama, hereby approve the within plat for the recording of same in the Probate Office of Baldwin County, Alabama, this the _____ day of _____, 20__.

County Engineer _____

CERTIFICATE OF APPROVAL BY THE CITY OF FAIRHOPE PLANNING COMMISSION

This plat has been submitted to and considered by the City of Fairhope Planning Commission and is hereby approved.
Dated this the _____ day of _____, 20__.

Secretary or Authorized Representative _____

MOORE SURVEYING, INC.
PROFESSIONAL LAND SURVEYING

555 NORTH SECTION STREET,
FAIRHOPE, ALABAMA 36532

PHONE (251) 928 - 6777

Email mooresurveying@bellsouth.net

NOT VALID WITHOUT AN ENCLOSED SEAL OR ORIGINAL SIGNATURE. ALL COPIES AND FAXES ARE INVALID AND MAY NOT BE USED FOR ANY PURPOSE.

JOB NO.	2018 126
DATE	7/18/2018
FIELD WORK DATE	
DRAWN BY	SWM
SCALE	1" = 50'
REVISIONS	8/15/18

CORA MAE'S PLACE
A RESIDENTIAL SUBDIVISION

PROPERTY LIES IN THE NW 1/4 OF SEC 27, T-6-S, R-2-E

RECEIVED

AUG 1 2018

REvised As Per Comments

BY: EB

SD 18-31

RESOLUTION NO: 2018-01

**A RESOLUTION AMENDING ARTICLE IV, SECTION C.4. PLANNING COMMISSION DECISION OF
THE CITY OF FAIRHOPE SUBDIVISION REGULATIONS**

WHEREAS, Ala. Code Section 11-52-31, expressly authorizes a municipal planning commission to adopt subdivision regulations governing the subdivision of land within its jurisdiction; and

WHEREAS, the Planning Commission desires to amend the Subdivision Regulations as hereinafter provided.

NOW THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF FAIRHOPE, ALABAMA, as follows:

1. Article IV, Section C.4. Planning Commission Decision of the Subdivision Regulations is hereby revised to read as follows:

4. Planning Commission Decision –
 - a. After review of the proposed preliminary plat by the Planning Commission, the Planning Commission may:
 - (1) Approve the preliminary plat;
 - (2) Approve the preliminary plat with conditions;
 - (3) Deny the preliminary plat with stated reason(s) for denial; or
 - (4) Table the application for further study and additional information.
 - b. Preliminary plat approval shall not constitute final acceptance of the subdivision and the approval shall not be endorsed upon the plat. As provided by state law, these regulations require tentative or preliminary approval of a subdivision before installation of streets and utilities.
 - c. There is no provision for automatic preliminary approval upon the failure or refusal of the commission to act on a preliminary plat. The applicant's alternative in such case is to finalize the plat, post a financial guaranty as provided by law to ensure installation of improvements and then to apply for final plat approval.
 - d. Upon approval of the preliminary plat, the sub-divider may apply for a Preconstruction Conference and install all required improvements in substantial conformity of all requirements of the regulations, applicable codes, and laws, and apply for final plat approval
 - e. When the Planning Commission denies a preliminary plat, no further subdivision applications affecting the same parcel or a portion thereof will be considered by the Commission within 180 days from the date of such denial, unless all of the following occur:
 1. A new preliminary plat application is submitted which clearly corrects, resolves, or mitigates all of the design standard deficiencies and/or other reasons which were the basis of the original preliminary plat denial; and
 2. A new, complete application and fees are submitted.
 - f. Upon the decision rendered by the Planning Commission, the Planning Department will issue a letter to the applicant regarding the official decision of the Planning Commission.

DULY ADOPTED this ___ day of _____, 2018.

Lee Turner, Chairman

Attest:

Emily Boyett, Secretary

RESOLUTION NO: 2018-02

A RESOLUTION AMENDING ARTICLE V, SECTION H. MULTIPLE OCCUPANCY PROJECTS OF THE CITY OF FAIRHOPE SUBDIVISION REGULATIONS

WHEREAS, Ala. Code Section 11-52-31, expressly authorizes a municipal planning commission to adopt subdivision regulations governing the subdivision of land within its jurisdiction; and

WHEREAS, the Planning Commission desires to amend the Subdivision Regulations as hereinafter provided.

NOW THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF FAIRHOPE, ALABAMA, as follows:

1. Article V, Section H. Multiple Occupancy Projects of the Subdivision Regulations is hereby revised to read as follows:

H. **MULTIPLE OCCUPANCY PROJECTS:**

1. Any project that will involve or otherwise result in three (3) or more units (whether contiguous or otherwise) being constructed on real property for occupancy, regardless of the form or type of use of said units, unless otherwise regulated by these Regulations in another Article and/or Section hereof, shall comply with the following terms and conditions of this Section H.
2. The Subdivider shall submit to the Planning Commission via the City of Fairhope Planning Department a site plan for such project, which site plan must, at a minimum, comply with the following requirements:
 - (a) Each site plan shall comply with the storm water requirements of Article V, Section F hereof.
 - (b) Each site plan shall comply with the traffic requirements of Article IV, Section C 1 (h) hereof.
 - (c) Any and all improvements constructed in connection with the project shall be constructed strictly in accordance with Article VI hereof.
 - (d) The minimum setback for any building(s) constructed in connection with a project from the property lines shall be twenty feet (20') on all sides for unzoned property. Property within City of Fairhope's corporate limits shall comply with the minimum set back requirements of the City of Fairhope Zoning Ordinance.
 - (e) No building or other improvement to be constructed in connection with a project shall exceed thirty-five feet (35') in height for unzoned property. The 20 foot minimum setback requirement may be increased by the Planning Commission based on the size of the building, the location of the driveways, and other factors. Property

within the City of Fairhope corporate limits shall comply with the height requirements of the City of Fairhope Zoning Ordinance.

- (f) Each site plan shall otherwise conform to the terms of Article I, Section A hereof.
 - (g) Each site plan shall comply with the greenspace requirements of Article V, Section C. hereof.
3. Each site plan shall be submitted in accordance with the requirements of Section C and Section D of Article IV hereof relating to preliminary and final plat submittals, respectively; provided, however, that a Subdivider may make application for simultaneous preliminary and final plat approval.
 4. The filing fee for any project regulated in accordance with this Section H of this Article IV shall be the same as any filing fee assessed against an application for a Minor Subdivision.

DULY ADOPTED this ___ day of _____, 2018.

Lee Turner, Chairman

Attest:

Emily Boyett, Secretary

RESOLUTION NO: 2018-03

**A RESOLUTION AMENDING ARTICLE IV, SECTION B. PRE-APPLICATION AND SKETCH PLAT OF
THE CITY OF FAIRHOPE SUBDIVISION REGULATIONS**

WHEREAS, Ala. Code Section 11-52-31, expressly authorizes a municipal planning commission to adopt subdivision regulations governing the subdivision of land within its jurisdiction; and

WHEREAS, the Planning Commission desires to amend the Subdivision Regulations as hereinafter provided.

NOW THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF FAIRHOPE, ALABAMA, as follows:

1. Article IV, Section B. Pre-application and Sketch Plat of the Subdivision Regulations is hereby revised to read as follows:

B. PRE-APPLICATION AND SKETCH PLAT:

1. Pre-application Conference and Community Meeting
 - a. Pre-Application Conference – All applications for major subdivisions, village subdivisions and Multiple Occupancy Projects must attend a mandatory pre-application conference with City staff prior to making application so the developer may become familiar with the comprehensive plan and other rules which may affect the development. A pre-application conference with the Planning Director and/or his/her authorized agent may be scheduled at the mutual convenience of both parties.
 - b. Community Meeting – After the pre-application meeting and prior to making application for a major subdivision, village Subdivisions or Multiple Occupancy Project the applicant must conduct a community meeting to solicit public input.
 - (1) Notice of Community Meeting – The applicant shall notify all persons owning property adjacent to any specific property that is the subject of the application stating the date, time, location, nature and subject of the meeting. The location of the meeting shall be at a public facility unless the location of the development makes a public facility impracticable. Names and addresses shall be from the latest records of the county revenue office and accuracy of the list shall be the applicant’s responsibility. Where land adjacent to the subject property involves leasehold property, the names and addresses of the landowner and the leasehold improvements shall be notified.

Upon application for a major subdivision, village subdivisions and Multiple Occupancy Projects, the following community meeting information must be provided:

- i. Copy of notice mailed to neighboring properties for the community meeting stating date, time, location, nature and subject of the meeting.
- ii. Copy of site plan or other descriptive information discussed
- iii. Attendance sign in sheet.
- iv. Meeting minutes

v. Written comments in leu of attendance if provided

2. Sketch Plat

An informal review may be scheduled before the Planning Commission if the item is placed on the agenda of regular or special meeting of the Planning Commission. At the pre-application meeting, the applicant may provide a sketch plat, drawn to a scale of not more than 1:100. A sketch plat shall include the following information:

- a. Name, address, and phone number of the applicant and the agent preparing the sketch plat;
- b. Graphic scale and north arrow;
- c. Proposed land uses;
- d. Proposed name of subdivision;
- e. Current zoning and district lines;
- f. Total acreage of the site;
- g. Proposed lot lines and approximate dimensions;
- h. Proposed utility and street locations with approximate dimensions;
- i. Proposed parcels for open space or public use with approximate dimensions;
- j. Approximate topography;
- k. Any existing facilities on or adjacent to and within 660 feet of the parcel, including streets, utilities, or parks;
- l. Any other information essential to the purpose for which the sketch plat will be used.

DULY ADOPTED this ____ day of _____, 2018.

Lee Turner, Chairman

Attest:

Emily Boyett, Secretary

FAIRHOPE SUBDIVISION REGULATIONS

Article V Section D.

C. GREENSPACE STANDARDS:

1. Purpose - These greenspace standards shall implement the Comprehensive Plan for the physical development of the City by setting the location, character and extent of playgrounds, squares, parks, and other public grounds and open spaces to promote good civic design and arrangement. This design and arrangement shall ensure adequate and convenient open spaces for recreation.

These standards shall promote the following goals in the Comprehensive Plan:

(a) create focal points for new and existing neighborhoods by providing appropriately located neighborhood parks, schools, parkways, central squares, pocket parks and other amenities; (b) support development of recreational opportunities; (c) link village centers to neighborhoods with a parks and trail system; (d) provide public gathering places; and (e) include open spaces (plaza, parks, greenspace) for social activity and recreation in new infill development; and greenbelts or greenway corridors along environmentally sensitive natural features.

2. Applicability and Requirements - The regulations in this Section C. shall apply to any development as ~~dense or denser than the City R-1 Residential Zoning District~~, whether or not in the City Limits. Greenspace shall be provided as follows: ~~10% Greenspace is required.~~

Less than 1 unit per acre: 0%

1-2 units per acre: 10%

2-4 units per acre: 15%

4-6 units per acre: 20%

More than 6 units per acre: 25%

Densities shall be calculated on usable land

3. Eligible Greenspace - Greenspace eligible for meeting the requirements of this section shall:

- a. be usable land for public active or passive recreation purposes.
- b. be located in FEMA FIRM map zones AO, A99, D, or VO.
- c. not be located in any wetland areas as defined by the Federal Government.
- d. not include any retention, detention or similar holding basins.
- e. not include any right-of-way.
- f. golf courses may account for up to fifty (50) percent of required green space.
- g. hard surface recreation areas such as recreational courts and pedestrian plazas may account for up to twenty-five (25%) of the required greenspace.

Strike Through represents deletions, underline in **bold** represents additions

4. Design Requirements - All eligible greenspace shall conform to the following design requirements:

- a. ~~Maximize public exposure and public access to greenspace.~~ **Greenspace shall be visible from public areas and be easily accessible to adjacent uses with multiple site lines from adjacent homes or structures to encourage natural surveillance of the greenspace. Provide a clear border definition of greenspace (e.g., fences, hedges, low walls etc.) to avoid unassigned space.**
- b. ~~Streets shall align adjacent to greenspace.~~ **Street pattern shall provide significant frontage of the greenspace to promote views and reinforce focal nature of the space. Frontage on two streets is desirable.**
- c. Greenspace land must be contiguous but may be bisected by local streets, sidewalks, and pedestrian paths.
- d. ~~Greenspace must be located at the rear edge or interior of the development~~ **distributed throughout the site.**
- e. ~~Greenspace shall not be located adjacent to a collector or arterial street~~ **Greenspace should provide for a variety of activities that accommodate a range of age groups, including play areas for children.**
- f. ~~Due regard shall be shown for~~ **Siting of greenspace should consider** all-natural features such as lakes, ponds, water courses, historic sites and other similar features which, if preserved, will add attractiveness and value to the property.
- g. A hierarchy or variety of greenspace should be provided throughout the neighborhood in the form of parks, common greens, pocket parks, greenbelts and pedestrian easements.**
- h. Greenspace should be provided in a planned connected network rather than disjointed unusable fragments.**

5. Street Design – The following are minimum standards. All construction, radii, and other specifications of the city are required to be met.

<< Figure 5.1 >>

Figure 5.1 – One-way street adjacent to greenspace.

a. In those locations that a public street is adjacent to the required greenspace, it is permissible to construct a street according to the following standards:

- (1) ROW: 50 feet
- (2) Paved: 18 feet minimum
- (3) On Street Parking: Posted one side; minimum width of 7 feet for parking; spaces must be painted on the paved surface.
- (4) Signage: The street must be posted as a one-way street.

~~Strike Through~~ represents deletions, **underline** in **bold** represents additions

b. In those instances where it is permissible to construct a smaller street the following design guidelines must be adhered to:

- 1) There shall be no cul-de-sac;
- 2) The street must provide thru access; and
- 3) Valley gutter, roll down, or saucer type curbs designed and constructed to City standards may be used adjacent to the park area.

6. Phased Project - Where a project is proposed to be phased, all or part of the greenspace areas may be located at the edge of the first phase as long as additional greenspace from future phases will be contiguous and in addition to that required on the first phase. All of the design requirements indicated above shall be applicable to any and all phased development. The percentage of greenspace shall be calculated on a cumulative basis in order to ensure that the greenspace requirement is met. Previously dedicated greenspace shall be subtracted from the minimum total percentage to ensure that the minimum percentage required by City is not exceeded.

7. Greenspace Maintenance - All required greenspace shall be indicated on the recorded plat as a public access and use easement. The plat must also have a note that the property is not dedicated to the City of Fairhope and that the City of Fairhope is not responsible for maintenance of any or all required greenspace. Lakes, ponds, watercourses or similar sites will be accepted for maintenance only if sufficient land is dedicated as a public recreation area, park or open space. Such areas must be approved by the Recreation Board and accepted by the City Council before approval of the plat.

8. Hardship - Where there are unique and inherent characteristics of the land proposed for development, the Planning Commission may, by vote, reduce the greenspace requirements in whole or part. The Commission, however, may not require additional land area as is stated in Section C 2. However, a reduction of the greenspace requirements is totally contingent on the unique qualities of the land that are inherent, not man made, and would deprive a property owner of a reasonable return on the use of the land. It is the sole responsibility of the property owner to portray any and all "hardships" to the Planning Commission for final determination.