

ORDINANCE NO. 1651

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

The ordinance known as the Zoning Ordinance (No. 1253), adopted 27 June 2005, is changed and altered as described below;

WHEREAS, the City of Fairhope Planning Commission directed the Planning Department to prepare amendments to our Zoning Ordinance; and,

WHEREAS, the proposed amendments relate to allowing restaurants in M-1 Light Industrial District and to establish a catering use; and,

WHEREAS, after the appropriate public notice and hearing of ZC 19.06, the Planning Commission of the City of Fairhope, Alabama has forwarded a favorable recommendation;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA;

1. **THAT**, Article III, Section B. Allowed Uses; Table 3-1: Use Table be hereby amended to show Restaurants as an allowed use permitted only on appeal and subject to special conditions in the M-1 Light Industrial zoning district.
2. **THAT**, Article III, Section D. Special Conditions for Uses be hereby amended to include the following:

11. Restaurants and Accessory Bars in the M-1 Light Industrial District

- a. *Intent*: The intent of these special conditions for restaurants and associated bars in the M-1 Light Industrial District is to provide a method for restaurants to be permitted in the M-1 district.
- b. *Location Requirements*: The special conditions in this section shall apply only to the M-1 Light Industrial District.
- c. *Site Requirements*:
 - (1) Prohibition of drive throughs. Restaurants shall not contain drive through windows or pick up windows. Restaurant must be a sit-down style restaurant.

3. **THAT**, Article IX, Section C. Defined Terms be hereby amended to include the following definition:

Caterer: Any person/entity who operates from a permitted food facility where food is prepared or stored then delivered and/or served off-premises.

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 10TH DAY OF JUNE, 2019


Karin Wilson, Mayor

ATTEST:


Lisa A. Hanks, MMC
City Clerk

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Lisa A. Hanks City Clerk