# ORDINANCE NO. 1663

# 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 Anil K. Vira and Pallavi Vira, generally located 303 Fels Avenue, Fairhope, Alabama.

PPIN #: 37258

Legal Description: (Case number ZC 19.09)

FROM THE SOUTHEAST CORNER OF FRACTIONAL SECTION 18, TOWNSHIP 6 SOUTH, RANGE 2 EAST, ACCORDING TO THE U. S. PHOTOLITHOGRAPHIC MAP APPROVED MAY 19, 1845, THENCE RUN NORTH ON THE SECTION LINE, 1023 FEET AND WEST ALONG THE NORTH SIDE OF FELS AVENUE, 363 FEET FOR A POINT OF BEGINNING; THENCE NORTH 136 ½ FEET; THENCE WEST 132 FEET; THENCE SOUTH 136 ½ FEET; THENCE EAST 132 FEET TO THE POINT OF BEGINNING. OTHERWISE KNOWN AS LOTS TEN AND ELEVEN OF THE D. S. BROWN PLAT OF THE TOWN OF FAIRHOPE AND BEING THAT PROPERTY CONVEYED TO JAMES D. AND CORA H. SADLER BY DEED FROM ANTON YOUNGQUIST AND WIFE, AND JOSEPH A. KLUMPP AND WIFE, DATED OCTOBER 21, 1942, AND RECORDED IN DEED BOOK 79 N. S., PAGES 461 THROUGH 462, IN THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA.

A map of the property to be rezoned is attached as Exhibit A

The property is hereby rezoned from R-2 Medium Density Single Family Residential District to B-1 Local Shopping District. 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. .

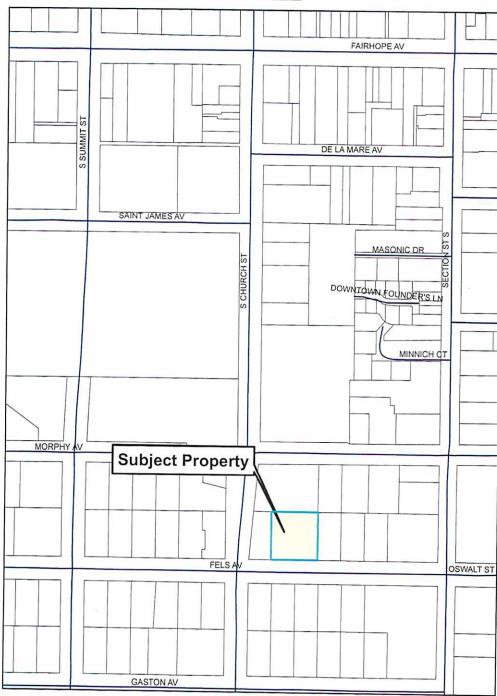
ADOPTED THIS 25TH DAY OF NOVEMBER, 2019

Karin Wilson, Mayor

ATTEST:

Lisa A. Hanks, MMC City Clerk

# Exhibit A







# **City Council**

November 2019

Zoning Change: R-2 to B-1

Case: ZC 19.09 303 Fels Ave.

Project Name: ZC 19.09 303 Fels

Project Type: Zoning Change R-2 to B-1

**Project Acreage:**Approximately .4 acres

Jurisdiction: City of Fairhope

PPIN Number: 37258

# **General Location:**

One lot east of the northeast corner of the intersection of Fels Ave and Church St.

Applicant: Anil Vira

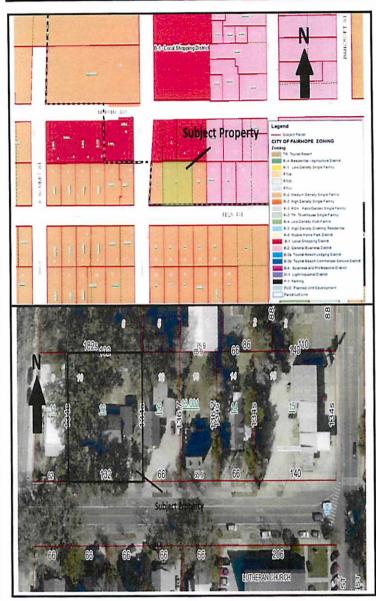
#### School District:

Fairhope Elementary, Intermediate, Middle and High Schools

**Staff Recommendation:** Approve

**PC Recommendation:** Approve

**Prepared by:**Mike Jeffries, QCI
City Planner



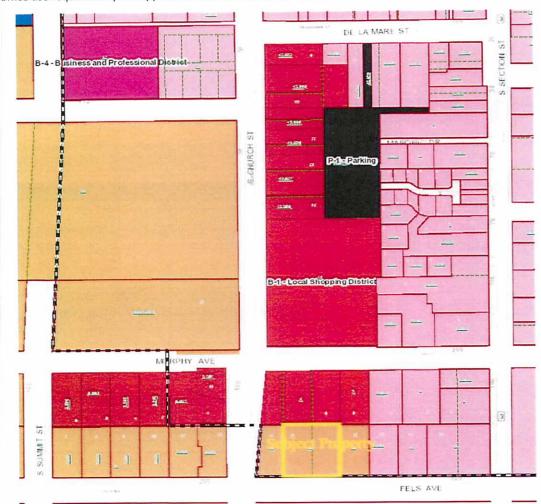
ZC 19.09 303 Fels Ave. - November 2019

# Summary of Request:

The applicant is requesting to rezone the subject property which is in the Central Business District (CBD) from R-2 Medium Density Single-Family Residential District to B-1 Local Shopping District. The property currently contains a home that is to be converted to a real estate office if the zoning change request is approved.

#### Comments:

The subject property being in the CBD makes it appropriate for its underlying zoning to be commercial. The subject property is bordered by R-2 zoned properties to the east and west. The property to the east is Bay Shore Ballet Academy the west side is the First Church of Christ Scientist. The property to the north is zoned B-1. This area of the CBD is a ½ block of contiguous B-1 zoning on the west side between De la Mare St. and Morphy Ave. The table below is an exert from Fairhope's Zoning Ordinance reflecting the uses for areas zoned B-1 and B-2. Staff believes rezoning to B-1 is the appropriate zoning for the property. It allows the office use requested by the applicant and is less intense in use than B-2 General Business District.



| Zoning District  |   | 7                                       |
|--|---|---|
|  |   |   |
|  |   |   |
|  |   |   |
|  |   |   |
| Uses Categories  | 7                                       | 2                                       |
| Specific Uses  |   | 드                                       |
| Dwelling   |   |   |
| Single-family  |   |   |
| Two-family   |   | •                                       |
| Townbouse  | >                                       | ,                                       |
| Pano Home<br>Multiple-family / Apartment<br>Manufactured Home  | -                                       |   |
| Multiple-tamily / Apartment  | -                                       |   |
| Manufactured Home  |   |   |
| Mixed-use  | -                                       |   |
| Accessory Dwelling   | 3                                       | ,                                       |
| Estate   |   |   |
| Civic<br>Elementary School   |   |   |
| Secondary School   |   | •                                       |
| Education Facility   |   |   |
| Library  |   |   |
| Place of Wership   |   |   |
| Cemetery   | 0                                       | 0                                       |
| Homini   | 0                                       | 0                                       |
| Public Open Space  | •                                       |   |
| Common Open Space  |   | -                                       |
| Community Center or Club   | 0                                       | 10                                      |
| Public Utility (??) Office   | -                                       | ×                                       |
| General General  |   |   |
| Professional   | •                                       |   |
| Home Occupation  |   |   |
| Retail   |   |   |
| Grocery  |   |   |
| Convenience Store  |   | ,                                       |
| General Merchandise  | 200                                     |   |
|  | 100                                     |   |
| Shorming Center  |   |   |
| Shopping Center Automobile Service Station   | 0                                       | 0                                       |
| Shopping Center Automobile Service Station Outdoor Sales Limited   | 0                                       | 0                                       |
| Shopping Center Automobile Service Station Outdoor Sales Limited Outdoor Sales Lot   | 0                                       | 0                                       |
| Shopping Center Automobile Service Station Outdoor Sales Limited Outdoor Sales Lot Garden Cetter   | 0                                       | 0                                       |
| Shopping Center Automobile Service Station Outdoor Sales Limpted Outdoor Sales Lot Garden Center Service   | 0                                       | 0                                       |
| Shopping Center Automobile Service Stanon Outdoor Sales Limited Outdoor Sales Lot Garden Center Service Convalescent or Nursing Home   | 0                                       | 0                                       |
| Shopping Center Automobile Service Station Outdoor Sales Limited Outdoor Sales Lor Garden Center Service Convalencent or Nursing Home Clinic   | 0                                       | 0 0                                     |
| Shopping Center Automobile Service Staton Outdoor Sales Lore Outdoor Sales Lor Garden Center Service Convolencent or Nursing Home Clinic Outdoor Recreation Facility   | 0 0                                     | 0 0 0                                   |
| Shopping Center Automobile Service Stanon Outdoor Sales Limited Outdoor Sales Lot Garden Center Service Convalescent or Nursing Home Clinic Outdoor Recreation Facility Day Care   | 0 0                                     | 0 0 0                                   |
| Shopping Center Automobile Service Station Outdoor Sales Lingted Outdoor Sales Lot Garden Center Service Convolescent or Nursing Home Clinic Outdoor Recreation Facility Day Care General Personal Services Mertuary or Funeral Home   | 0 0                                     | 0 0                                     |
| Shopping Center Automobile Service Station Outdoor Sales Limited Outdoor Sales Limited Outdoor Sales Lot Garden Center Service Convalescent or Nursing Home Clinate Outdoor Recreation Facility Day Care General Personal Services Morthagy or Funeral Home Automobile Repair  | 0 0                                     | 0 0                                     |
| Shopping Center Automobile Service Staton Outdoor Sales Limited Outdoor Sales Lot Garden Center Service Convalencent or Nursing Home Clinic Outdoor Recreation Facility Day Care General Personal Services Mortuary or Funeral Home Automobile Repair Indoor Recreation  | 0 0                                     | 0 0                                     |
| Shopping Center Automobile Service Station Outdoor Sales Limited Outdoor Sales Limited Outdoor Sales Lot Guiden Center Service Convalescent or Nursing Home Clinic Outdoor Recreation Facility Day Care General Personal Services Morthagy of Funeral Home Automobile Reputs Indoor Recreation Day Cleaner (Laundry  | 0 0 0                                   | 0 |
| Shopping Center Automobile Service Station Outdoor Sales Limited Outdoor Sales Limited Outdoor Sales Lot Guiden Center Service Convalescent or Nursing Home Clinic Outdoor Recreation Facility Day Care General Personal Services Morthagy of Funeral Home Automobile Reputs Indoor Recreation Day Cleaner (Laundry  | 0 0 0                                   | 000000000000000000000000000000000000000 |
| Shopping Center Automobile Service Station Outdoor Sales Limited Outdoor Sales Limited Outdoor Sales Lot Guiden Center Service Convalescent or Nursing Home Clinic Outdoor Recreation Facility Day Care General Personal Services Mortnary or Funeral Home Automobile Retain Indoor Recreation Day Cleaner   Laundry Personal Storage Bed & Breakfast Home   | 0 0 0                                   | 000000000000000000000000000000000000000 |
| Shopping Center Automobile Service Station Outdoor Sales Limited Outdoor Sales Limited Outdoor Sales Lot Guiden Center Service Convalescent or Nursing Home Clinic Outdoor Recreation Facility Day Care General Personal Services Mortnary or Funeral Home Automobile Retain Indoor Recreation Day Cleaner   Laundry Personal Storage Bed & Breakfast Home   | 0 0                                     | 0 |
| Shopping Center Automobile Service Staton Outdoor Sales Limited Outdoor Sales Lor Garden Center Service Convalencent or Nursing Home Clinic Outdoor Recreation Facility Day Care General Personal Services Mortuary or Funeral Home Automobile Repair Indoor Recreation Dry Clenter   Lenning Personal Strange Bed & Breakfast Hone  Mone) Boarding House or Domittery Boarding House or Domittery   | 0000                                    | 0 |
| Shopping Center Automobile Service Station Outdoor Sales Limited Outdoor Sales Little Gorden Cetter  Service Convalescent or Nursing Home Climic Outdoor Recreation Facility Day Care General Personal Services Mortuary or Funeral Home Automobile Repair Indoor Recreation Day Cleaner (Lamadry Personal Strange Bed & Breakfast Honel (More) Boarding House or Domittery Recreational Vehicle Park Registration   | 0 0 0                                   | 0 |
| Shopping Center Automobile Service Station Outdoor Sales Limited Outdoor Sales Limited Outdoor Sales Lot Guiden Cetter Service Convalencent or Nursing Home Clinate Outdoor Recreation Facility Day Care General Personal Services Mortnary or Funeral Home Automobile Retain Indoor Recreation Day Cleaner Laundry Personal Storage Bed & Breakfast Hotel Morel Boarding House or Domistory Recreational Vehicle Park Restaumant Bar  | 0 0 0                                   | 000000000000000000000000000000000000000 |
| Shopping Center Automobile Service Staton Outdoor Sales Lore Outdoor Sales Lore Outdoor Sales Lore Gorden Cetter  Service Convolvement or Nursing Home Clinic Outdoor Recreation Facility Day Care General Personal Services Mermany or Funeral Home Automobile Repair Indoor Recreation Dry Clement Laundry Personal Storage Bed & Breakfast Honel Monel Boarding House or Domittory Recreational Vehicle Park Restaurant Bare Enternational  | 0 0 0                                   | 000000000000000000000000000000000000000 |
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| Shopping Center Automobile Service Staton Outdoor Sales Lore Guiden Cetter Service Convolescent or Nursing Home Clinic Outdoor Recreation Facility Day Care General Personal Services Mercuary or Funeral Home Automobile Repair Indoor Recreation Day Clenter / Laundry Personal Storage Bed & Breakfast Hone   Morel Boarding House or Domistory Recreational Vehicle Park Restaurant Bar Enternational Vehicle Park Restaurant Bar Enternational Vehicle Park Restaurant Remel or Azimal Hospital Wirehouse   | 0000                                    | 0 |
| Shopping Center Automobile Service Station Outdoor Sales Limited Outdoor Sales Limited Outdoor Sales Lot Garden Cetter  Service Convalescent or Nursing Home Clinic Outdoor Recreation Facility Day Care General Personal Services Mornary or Funeral Home Automobile Repair Indoor Recreation Day Clement Lemandry Personal Storage Bed & Breakfast Hotel Morel Boarding House or Domittery Recreational Vehicle Park Restaurant Bar Emerantment Venue Marina Kennel or Animal Hospital Wirehouse Inthe Varid or Salvarse Varid   | 0 0 0                                   | 0 |
| Shopping Center Automobile Service Staton Outdoor Sales Lingued Outdoor Sales Lingued Outdoor Sales Lot Garden Center Service Convalencem or Nursing Home Clinic Outdoor Recreation Facility Day Care General Personal Services Mornary or Funeral Home Automobile Repair Indoor Recreation Dry Clenter Lenniny Personal Strange Bed & Breakfast Honel Monel Boarding House or Domistory Recreational Vehicle Park Resizement Bar Enservament Venne Marma Rennel or Animal Hospital Warehouse Junk Yard or Salvage Yard Mammachung   | 0 0 0                                   | 0 |
| Shopping Center Automobile Service Staton Outdoor Sales Lore Garden Cetter  Service Convolescent or Nursing Home Clinic Outdoor Recreation Facility Day Care Control Personal Services Merchany or Funeral Home Automobile Repair Indoor Recreation Day Clemen   Leundry Personal Status Home Automobile Repair Indoor Recreation Day Clemen   Leundry Personal Status Home   Morel Boarding House or Domittory Recreational Vehicle Park Restaurant Bar Enternational Vehicle Park Restaurant Whereboxies Junk Yard or Salvage Yard Manufacturing Limited | 0 |   |
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| Shopping Center Automobile Service Staton Outdoor Sales Limited Outdoor Sales Lot Garden Cetter  Service Convolence and or Nursing Home Clinic Outdoor Recreation Facility Day Care Outdoor Recreation Facility Day Care General Personal Services Mornary or Finneral Home Automobile Return Indoor Recreation Day Clenter Limitary Personal Storage Bed & Breakfast Hotel Monel Boarding House or Domittery Recreational Vehicle Park Restaurant Bat Einernamment Venue Marina Rennel or Animal Hospital Wirebouse Junk Yard or Salvage Yard Manufacturing Limited Light General   | 0 0 0                                   |   |
| Shopping Center Automobile Service Station Outdoor Sales Little Outdoor Sales Little Guiden Cetter  Service Convalescent or Nursing Home Climic Outdoor Recreation Facility Day Care General Personal Services Mortuary or Funeral Home Automobile Repair Indoor Recreation Day Crease Bed As Breakfast Honel Morel Boarding House or Domistory Recreational Vehicle Park Restaurant Bar Emerantment Venue Marina Kennel or Animal Hospital Wirehouse Junk Yard or Salvage Yard Manufacturing Limited Light General Food Processing Famil  | 0 0 0                                   |   |
| Shopping Center Automobile Service Staton Outdoor Sales Lore Gorden Cetter Service Convolescent or Nursing Home Clinic Outdoor Recreation Facility Day Care General Personal Services Merchany or Funeral Home Automobile Repair Indoor Recreation Facility Personal Storage Bed & Besalfast Honel Monel Boarding House or Domistory Recreational Vehicle Park Restaturant Bar Enternament Venue Marina Kennel or Animal Hospital Warehouse Junk Yard or Salvage Yard Manthorating Light General Food Processing   | 0 0 0                                   | 000000000000000000000000000000000000000 |

Permitted subject to general ordinance standards and conditions:
 Permitted subject to special conditions listed in the ordinance
 Permitted only on appeal and subject to special conditions.

Criteria – The application shall be reviewed based on the following criteria: (1) Compliance with the Comprehensive Plan;

Response: The requested zoning is B-1 Local Shopping District and subject property is in the Central Business District. The subject property is in the Downtown Village per the Comprehensive Plan. Therefore, the requested zoning is consistent with the Comprehensive Plan guidance in terms of a commercial use.

(2) Compliance with the standards, goals, and intent of this ordinance; Response: The CBD encourages infill development, including shopping, restaurant and entertainment, cultural and artistic institutions, offices, government functions, and residential uses.

(3) The character of the surrounding property, including any pending development activity;

**Response:** The surrounding property is primarily commercial use and compatible to the recommended zoning change.

(4) Adequacy of public infrastructure to support the proposed development; Response: There is a current structure that utilizes utilities.

(5) Impacts on natural resources, including existing conditions and ongoing post-development conditions;

Response: Subject property is already developed.

(6) Compliance with other laws and regulations of the City; Response: At the time of any redevelopment all applicable laws of the City will be applied.

(7) Compliance with other applicable laws and regulations of other jurisdictions;

Response: At the time of a redevelopment all applicable laws will be applied.

(8) Impacts on adjacent property including noise, traffic, visible intrusions, potential physical impacts, and property values; and,
Response: Staff does not anticipate any significant issues relating to this

**Response:** Staff does not anticipate any significant issues relating to this criterion.

(9) Impacts on the surrounding neighborhood including noise, traffic, visible intrusions, potential physical impacts, and property values.

Response: Staff does not anticipate any significant issues relating to this criterion.

Subject Property looking northwest from across street on Fels Ave.



Subject Property looking northeast from across street on Fels Ave.



#### Staff Recommendation:

Staff recommends Case: ZC 19.09 303 Fels Avenue rezoning from R-2 to B-1 be Approved.

# Planning Commission Recommendation:

The Planning Commission of the City of Fairhope, at its August 5, 2019 regular meeting, recommended APPROVAL of the rezoning from R-2 Medium Density Single Family Residential District to B-1 Local Shopping District with the following vote: AYE – Art Dyas, Harry Kohler, Richard Peterson, Clarice Hall-Black, and Robert Brown. NAY – none. ABSTENTION - Lee Turner.