

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.

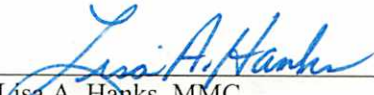
Effective Date – This ordinance shall take effect immediately upon its due adoption and publication as required by law. .

ADOPTED THIS 25TH DAY OF NOVEMBER, 2019



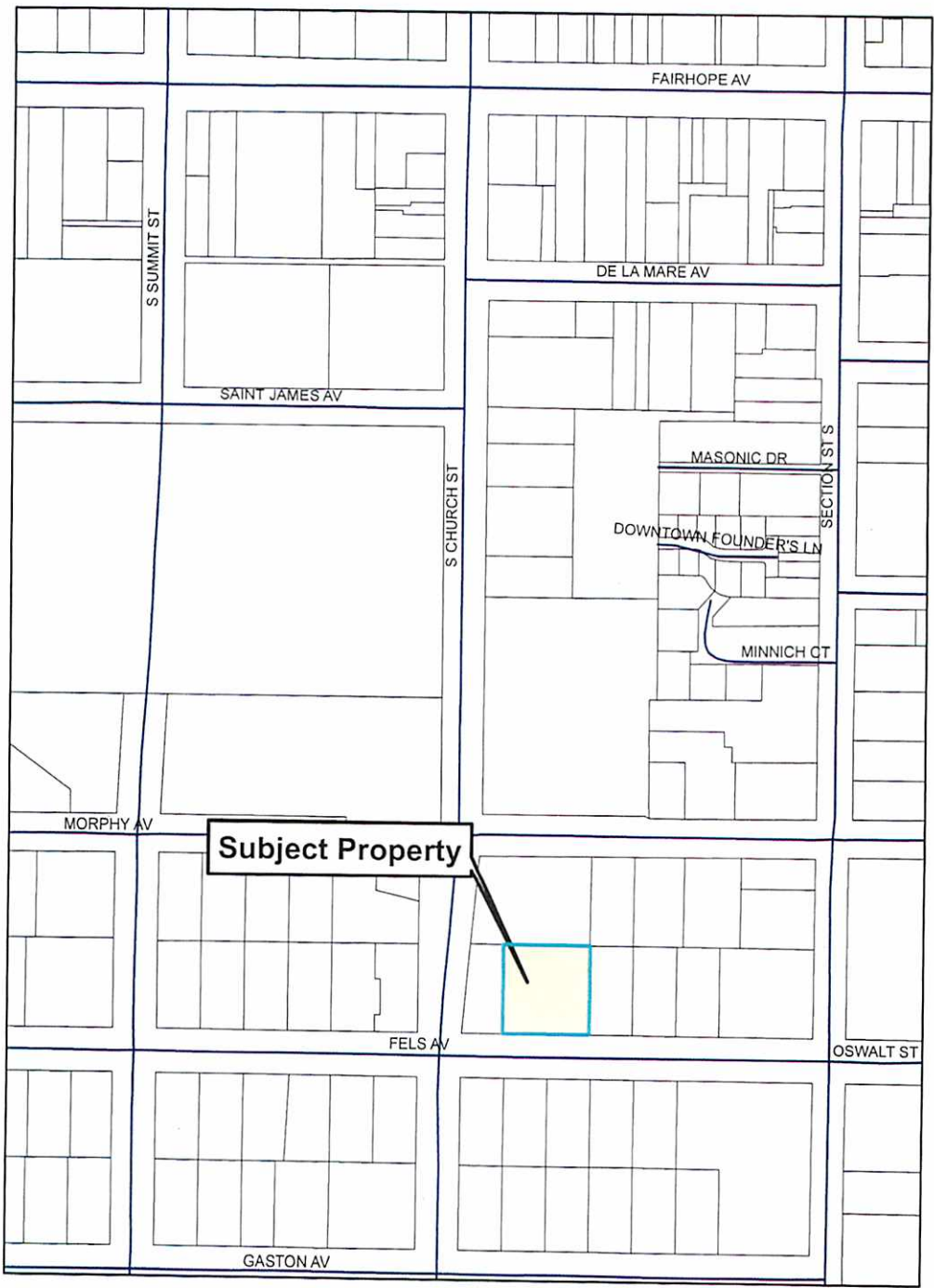
Karin Wilson, Mayor

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.

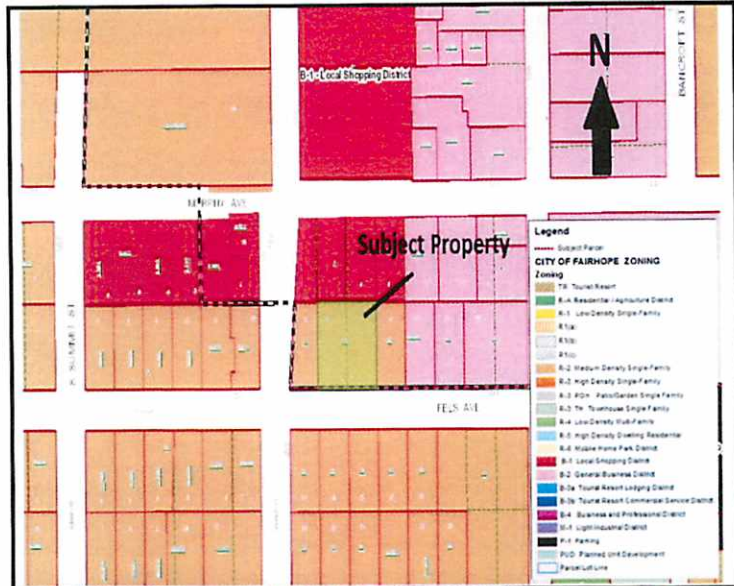
Applicant:
 Anil Vira

School District:
 Fairhope Elementary,
 Intermediate, Middle and High Schools

Staff Recommendation:
 Approve

PC Recommendation:
 Approve

Prepared by:
 Mike Jeffries, QCI
 City Planner

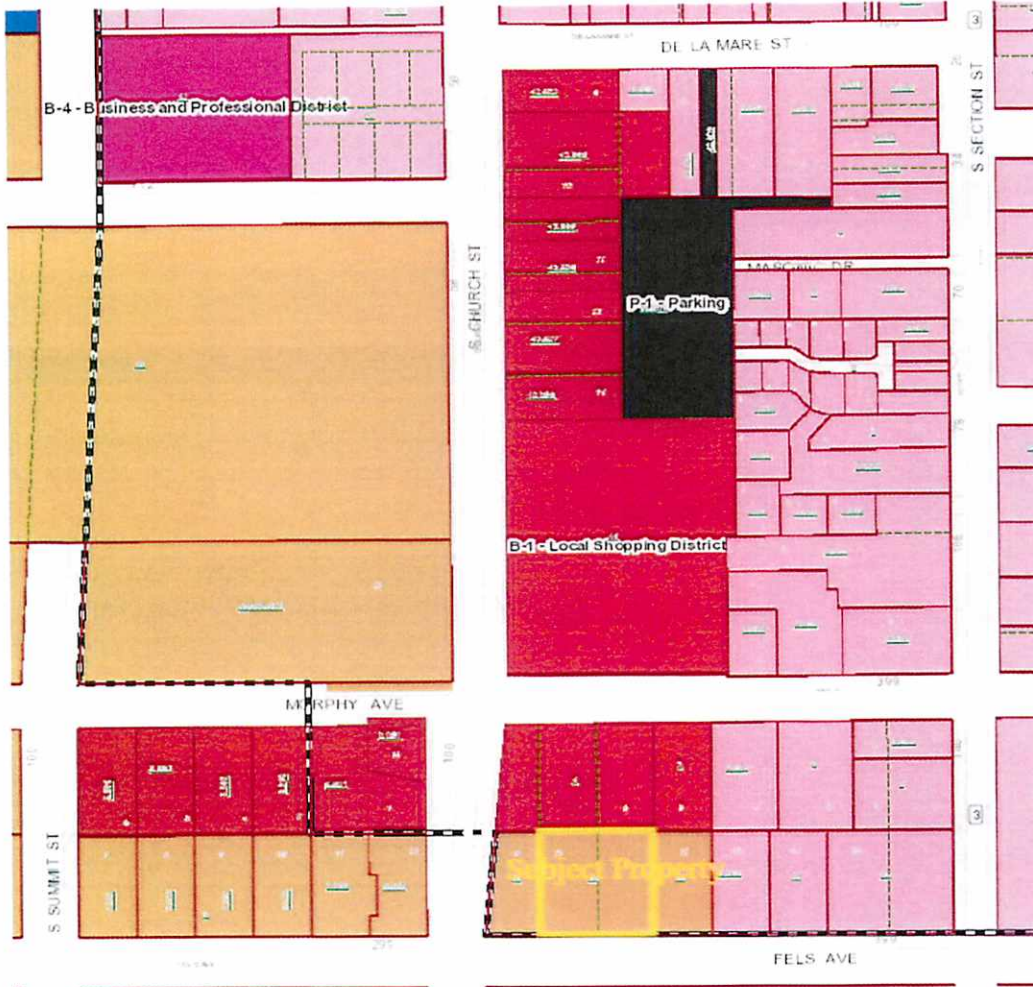


Summary of Request:

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 1/2 block of contiguous B-1 zoning on the west side between De la Mare St. and Morphy Ave. The table below is an excerpt 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		T	S
Uses Categories / Specific Uses			
Dwelling			
Single-family		●	●
Two-family		●	●
Townhouse		●	●
Patio Home		●	●
Multiple-family / Apartment		●	●
Manufactured Home		●	●
Mixed-use		●	●
Accessory Dwelling		●	●
Estate		●	●
Civic			
Elementary School		●	●
Secondary School		●	●
Education Facility		●	●
Library		●	●
Place of Worship		○	○
Cemetery		○	○
Hospital		○	○
Public Open Space		●	●
Common Open Space		●	●
Community Center or Club		○	○
Public Utility (U)		○	○
Office			
General		●	●
Professional		●	●
Home Occupation		●	●
Retail			
Grocery		●	●
Convenience Store		●	●
General Merchandise		●	●
Shopping Center		●	●
Automobile Service Station		○	○
Outdoor Sales Limited		●	●
Outdoor Sales Lot		●	●
Garden Center		●	●
Service			
Convalescent or Nursing Home		○	○
Clinic		○	○
Outdoor Recreation Facility		●	●
Day Care		○	○
General Personal Services		●	●
Mortuary or Funeral Home		●	●
Automobile Repair		●	●
Indoor Recreation		●	●
Day Cleaner / Laundry		●	●
Personal Storage		●	●
Bed & Breakfast		●	●
Hotel / Motel		●	●
Boarding House or Dormitory		●	●
Recreational Vehicle Park		●	●
Restaurant		●	●
Bar		●	●
Entertainment Venue		●	●
Marina		●	●
Kennel or Animal Hospital		●	●
Warehouse		●	●
Junk Yard or Salvage Yard		●	●
Manufacturing			
Limited		●	●
Light		●	●
General		●	●
Food Processing		●	●
Rural			
Agriculture		●	●
Rural Market		●	●
Plant Nursery		●	●

● 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 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.