

**ORDINANCE NO. 1669**

**AN ORDINANCE OF THE CITY OF FAIRHOPE, ALABAMA, TO AMEND  
ORDINANCE NOS. 1631 AND 1656 TO EXTEND MORATORIUM  
ON THE FILING OF REZONING, SITE PLAN APPROVAL AND  
MULTIPLE OCCUPANCY PROJECT APPLICATIONS WITHIN THE  
CORPORATE LIMITS OF THE CITY OF FAIRHOPE**

**WHEREAS**, the City Council of the City of Fairhope, Alabama (the "City") adopted Ordinance No. 1631 on December 20, 2018, which, among other things, imposed a moratorium on acceptance of rezoning applications, site plan applications, and Multiple Occupancy Project applications for all areas along the Greeno Road Corridor by the City of Fairhope Planning Commission (the "Moratorium") for a period of time extending until October 1, 2019; and

**WHEREAS**, the City Council of the City of Fairhope, Alabama (the "City") adopted Ordinance No. 1656 on September 9, 2019, which, among other things, extended a moratorium on acceptance of rezoning applications, site plan applications, and Multiple Occupancy Project applications for all areas along the Greeno Road Corridor by the City of Fairhope Planning Commission (the "Moratorium") for a period of time extending until December 31, 2019; and

**WHEREAS**, the purposes of the Moratorium were to give the City the opportunity to complete the Visual Preference Survey (VPS), consider the results of the same, to consider and implement efforts to properly plan and manage the Greeno Road Corridor, including, without limitation, amendments to the City's Zoning Ordinance and/or Subdivision Regulations, or the enactment of new ordinances; and

**WHEREAS**, the City has been pursuing these purposes with due diligence, including, but not but limited to, by considering revisions to the Zoning Ordinance to implement a Greeno Road Corridor Overlay and obtaining input from the public concerning the same, but has been and will be unable to implement such measures within the current timeframe of the Moratorium. Those efforts include the City's Planning Department developing draft amendments to the Zoning Ordinance to implement a Greeno Road Corridor Overlay, the publication of such draft to the public, public discussion thereof at multiple meetings of the City's Planning Commission, including a special meeting thereof, and the receipt of substantial public input which, *inter alia*, encouraged the Planning Department and Commission to take more time to receive further public input, study the matter, and further develop the draft amendments based thereon, which the Planning Department and Commission are now undertaking; and

**WHEREAS**, the City Council has determined that the extension of the Moratorium hereinafter set forth will promote the general health, safety, and welfare of the City as a whole.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA, DOES ORDAIN AS FOLLOWS:**

Section 1. Moratorium Extended. Section 3 of Ordinance No. 1631 is hereby amended so that the Moratorium is extended through and including May 1, 2020, unless terminated sooner by action of the City Council. Except as provided in this amending ordinance, all other provisions Ordinance No. 1631 and Ordinance 1656 shall remain effective for the duration of the Moratorium as herein extended.

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Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-exemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall be effective immediately upon passage and publication as required by law.

ADOPTED BY THE CITY COUNCIL AT A REGULARLY  
SCHEDULED MEETING THEREOF ON THE 23RD DAY DECEMBER, 2019

  
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Jack Burrell, Council President

ATTEST:

  
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Lisa A. Harks, MMC  
City Clerk

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FAIRHOPE COURIER  
on Wednesday, January 8, 2020  
Lisa A. Harks City Clerk