

**ORDINANCE NO. 1715**

**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 Donna Dowsey, Penny Odom, and Sandra Lee generally located at 520 N. Greeno Rd, Fairhope, Alabama.

**PPIN #: 3193**

**Legal Description:** (Case number ZC 20.05)

From the Southwest corner of Section 9, Township 6 South, Range 2 East, run North 815 ft. and East 40 ft. for a point of beginning; thence run 160 ft; thence East 200 ft; thence South 160 ft; thence West 200 ft. to the point of beginning, containing  $\frac{3}{4}$  acre more or less and being a part of Lot #10 of a subdivision of the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of section 9, Township 6 South, Range 2 East as per plat recorded in the office of the Probate Judge of Baldwin County, Alabama, in Deed Book 4 N.S. at page 277.

The property is hereby rezoned from R-1 Low Density Single Family Residential District to HTD Highway Transitional 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.

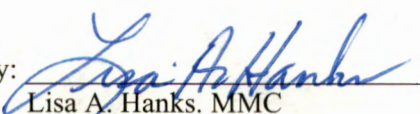
**Severability Clause** - if any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

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

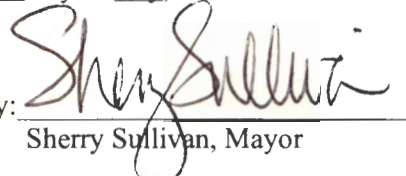
Adopted and approved this 12th day of July, 2021.

By:   
Jack Burrell, Council President

Attest:

By:   
Lisa A. Hanks, MMC  
City Clerk

Adopted and approved this 12th day of July, 2021.

By:   
Sherry Sullivan, Mayor

Ord. No. 1715 Published in  
FAIRHOPE COURIER  
on Wednesday, July 21, 2021  
L. Hanks City Clerk

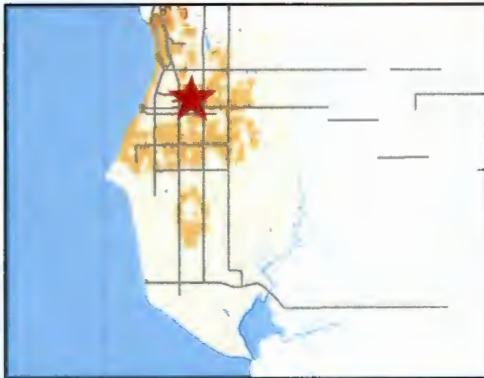


# City of Fairhope City Council

June 14, 2021



## ZC 20.05 - 520 N. Greeno Road



### Project Name:

520 N. Greeno Road

### Site Data:

.73 acres

### Project Type:

Rezoning

### Jurisdiction:

Fairhope Corporate Limits

### Zoning District:

R-1, Low Density Single Family  
Residential

### PPIN Number:

3193

### General Location:

East side of Greeno Road between Dyer  
Road and Gayfer Avenue

### Surveyor of Record:

N/A

### Engineer of Record:

N/A

### Owner / Developer:

Donna Dowsey, Penny Odom, &  
Sandra Lee

### School District:

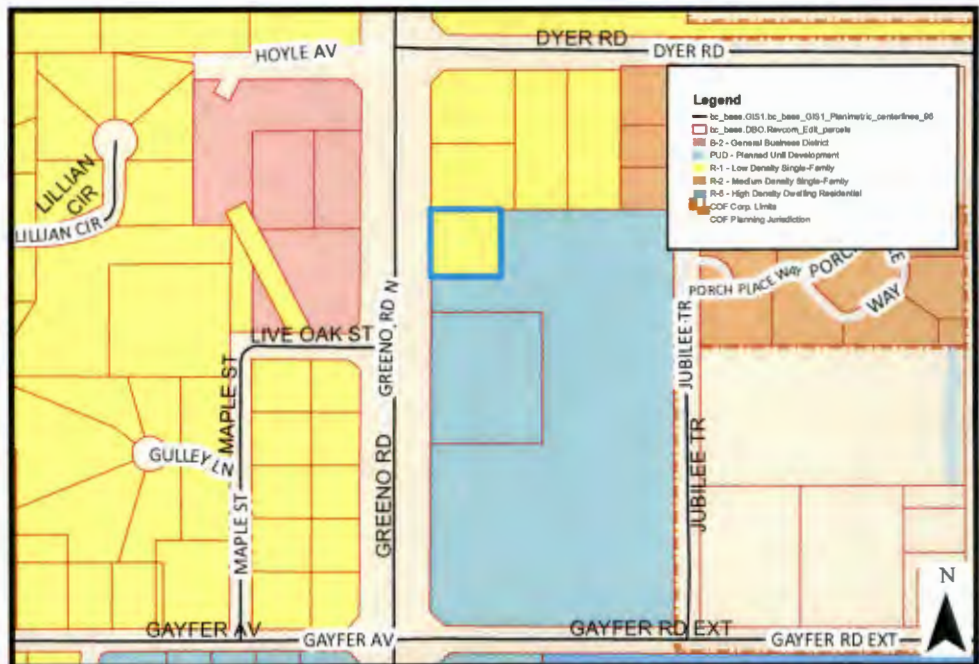
Fairhope Elementary, Middle & High

### Recommendation:

Approval w/conditions

### Prepared by:

Samara Walley



### **Summary of Request:**

Donna Dowsey, Penny Odom, and Sandra Lee are requesting to rezone property from R-1 Low Density Single Family Residential District to Highway Transitional District. The property is approximately .73 acres and is located on the east side of Greeno Road between Dyer Road and Gayfer Avenue, at 520 N. Greeno Road.

The applicants state that the property is no longer conducive for residential use and this is therefore justification for their request. The applicants state that there are no proposed plans for the property at this time. After listing the property for several months, there has been no residential interest. They state that they have, however, received some commercial interest if rezoned commercially.

It should be noted that the Planning Commission recommended tabling this application at its November 5, 2020 meeting. At that time the applicants were requesting to rezone the property to B-2, General Business District. The Fairhope City Council recently adopted the Highway Transitional District. Ordinance 1702 was adopted February 22, 2021. The applicant is now seeking to rezone to the newly adopted Highway Transitional District (HTD).

### **Comments:**

There is currently a vacant single-family dwelling on the property with a carport, storage building and shop. It is bounded to the North by R-1, Low Density Residential District, to the South and East by PUD, and to the West (across Greeno Road) by B-2, General Business District.

The Zoning Ordinance defines Highway Traditional District as follows:

#### ***1. HTD - Highway Transitional District***

- 1. Intent*** - The special standards listed in this section for the highway transitional district are intended to:
  - Provide an alternative to properties along state highways within the City of Fairhope that are beyond the area of influence of the Village Nodes and Commercial Nodes as contemplated by the City of Fairhope Comprehensive Plan.
  - Provide development opportunities consistent with the City's vision for commercial corridors to better serve community needs.
  - Unlike other districts within this section, the HTD is not an overlay district and does not affect any property owners other than those who voluntarily apply for rezoning to this district.
- 1. Size*** - Lots shall be a minimum of 20,000 s.f and under 3 acres.
- 2. Use***- Uses for the HTD are listed in Table 3-1: Use Table. Rezoning to HTD may be conditioned so that uses permitted on appeal require a site plan.
- 3. Location*** - Eligible lots must have minimum of 100 feet on one side fronting the rights-of-way of US Highway 98, Alabama Highway 104, or Alabama Highway 181 and lie within the Corporate Jurisdiction of the City of Fairhope.
- 4. Dimension Standards*** -
  - a. Lot frontage shall be adjacent to the highway.
  - b. Setbacks
    - i. Front Setback shall be 20'.
    - ii. Rear Setback shall be 20'.
    - iii. Side setbacks shall be 10'.
  - c. Building Height
    - i. Maximum Height is 30'.
    - ii. A mixed-use building may have a height of 35' if it contains both residential and commercial space. The residential use must make up at least 33% of the total area of the building and be located on the second and/or third floor, and retail or office space must make up at least 50% of the total area of the building and be located on ground and/or second floor.

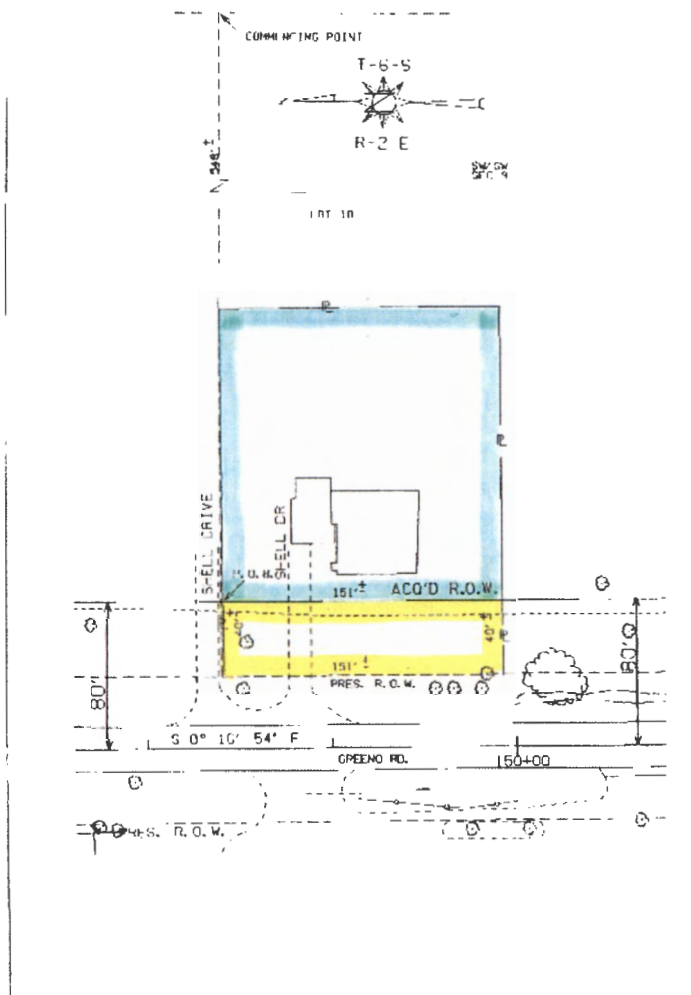


d. Parking

i. Parking shall be located behind the front building line.

e. Any freestanding single-use or tenant retail building shall not have a building footprint larger than 8,000 square feet.

f. All lands within twenty (20) feet of the boundaries of US. Highway 98, Alabama Highway 104, and Alabama Highway 181 within the corporate limits of the City of Fairhope are required to be reserved by owners or developers of such lands as greenspace and tree protection zones. The required greenspace may include land as required by the front setback.



i. Where no vegetation, other than grass exists, new landscaping and plantings shall be installed at time of development within the 20-foot strip that meet the requirements of the City of Fairhope Tree Ordinance and receives approval by the City Horticulturist; otherwise the land may be left in its natural state and enhanced with the addition of trees and shrubs.

g. Any future rezoning to HTD may be conditioned so that the goals and intent of the Comprehensive Plan and Article V, Section I 1. Of the Zoning Ordinance are achieved.

h. For the purposes of Article IV, Section B.2.b. and the screening requirements of the City of Fairhope Tree Ordinance, the Highway Transitional District shall be considered commercial/business regardless of use.

Additionally,

HTD

Uses Permitted subject to general ordinance standards and conditions: Single-family, Two-family, Townhouse, Mixed-use, Elementary School, Secondary School, Education Facility, Library, Public Open Space, Common Open Space, General Office, Professional Office, Day Care, and Bed & Breakfast. Uses Permitted subject to special conditions listed in the ordinance: Accessory Dwelling, Home Occupation, and Convenience Store. Uses Permitted only on appeal and subject to special conditions: Multiplefamily/ Apartment, Place of Worship, Cemetery, Hospital, Community Center or Club, Public Utility, General

Merchandise, Outdoor Sales Limited, Garden Center, Convalescent or Nursing Home, Clinic, Outdoor Recreation Facility, Mortuary or Funeral Home, and Limited Manufacturing.

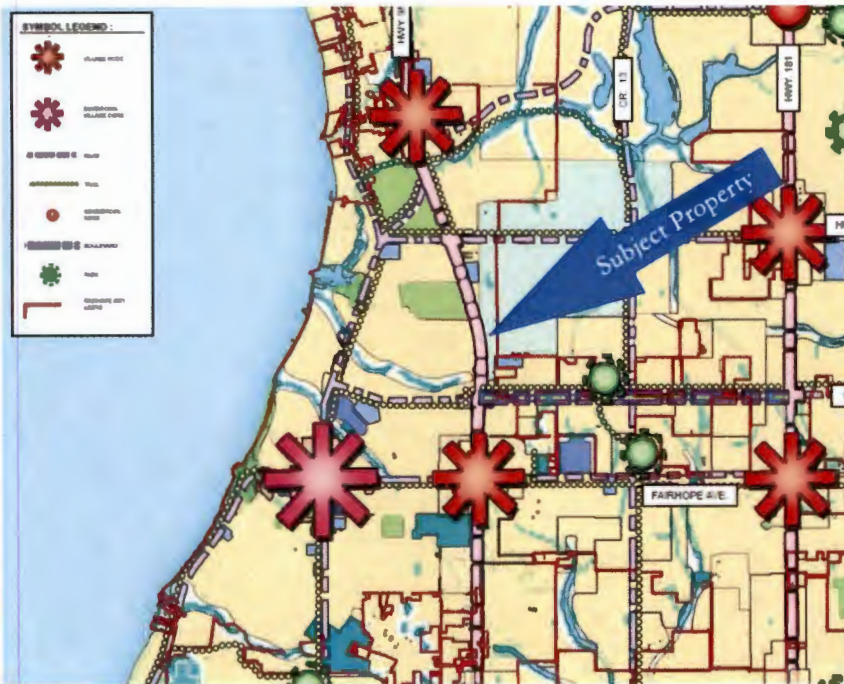
**Criteria – The application shall be reviewed based on the following criteria:**

**(1) Compliance with the Comprehensive Plan;**

**Response:**

Commercial development along Greeno Road has long been a source of debate. The citizens of Fairhope have expressed concern about continued commercialization on Greeno Road. Since 2001, the Comprehensive Plan

supported a village concept, with village cores containing the highest intensity of business uses. The nearest core, the Greeno Road Village Center, radiates from the intersection of Greeno Rd and Fairhope Ave. The subject site does not fall within the area of influence of the Greeno Road Village Center as shown on the map below.



Additionally, the Comprehensive Plan states the following regarding design guidelines, "Consider the creation of design guidelines for commercial development along Greeno Road that address items such as parking placement on site, build-to lines, drive-through locations, screening, pedestrian connectivity, and bicycle racks, among others." As listed above, the Highway Transitional District (HTD) specifies dimension standards as well as use for proposed development within the district.

Staff finds that because the applicant does not currently have a proposed use for the property, rezoning to HTD will

allow for less intense uses than the previous request for B-2, if the property is occupied or redeveloped in the future.

**(2) Compliance with the standards, goals, and intent of this ordinance;**

**Response:** The R-1 district is designated for residential uses. A dwelling exists on the property currently. If rezoned to HTC, Highway Transitional District, the applicant has not expressed plans for redevelopment.

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

**Response:** The surrounding properties vary in terms of zoning district classification. The adjacent property to the north is R-1 and the adjacent property to the south is zoned PUD consisting of multi-family apartments.

**(4) Adequacy of public infrastructure to support the proposed development;**

**Response:** There are current structures with existing utilities adequate for single-family residential and the applicant has no plans for construction or redevelopment at this time.

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

**Response:** The applicants have no known plans of construction or redevelopment at this time.

**(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. If granted, "Uses Permitted subject to general ordinance standards and conditions" will be allowed "by right". "Uses Permitted subject to special conditions listed in the ordinance" or "Uses Permitted only on appeal and subject to special conditions" may be subject to additional approval.

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

**Response:** At the time of 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:** Because the applicants have not expressed any plans in terms of future use, Staff cannot anticipate any significant issues relating to this criterion at this time. However, if the property is developed commercially in the future, various impacts may be present. It is also important to note that if the property is recommended for approval by Planning Commission and approved by City Council, it is possible that there will not be another public hearing. Building permits would be reviewed by Staff prior to any construction.

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

**Response:** Staff cannot not anticipate any significant issues relating to this criterion. However, if the property is rezoned and developed commercially, the various impacts may be presented.

**Recommendation:**

Staff recommends APPROVAL for Case: ZC 20.05 520 N Greeno Road rezoning from R-1 to HTD.