

**ORDINANCE NO. 1716**

**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 FST Wise Properties-TN, LLC generally located at the Northeast corner of Bancroft Street and Pine Avenue intersection, Fairhope, Alabama.

**PPIN #: 386620**

**Legal Description:** (Case number ZC 21.04)

Lot 1, Bancroft & Pine Subdivision, A Resubdivision of a portion of Block 15, Division 4, City of Fairhope as recorded on Slide 2721-E in the office of the Judge of Probate, Baldwin County, Alabama.

The property is hereby rezoned from B-4 Business and Professional District to B-2 General Business 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.

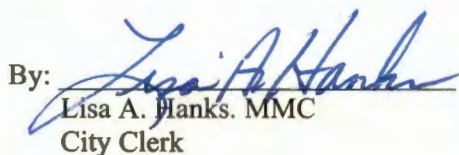
**Severability Clause** - if any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

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

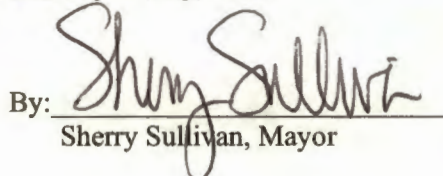
Adopted and approved this 12th day of July, 2021.


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. 1716 Published in  
FAIRHOPE COURIER  
on Wednesday, July 21, 2021  
 City Clerk

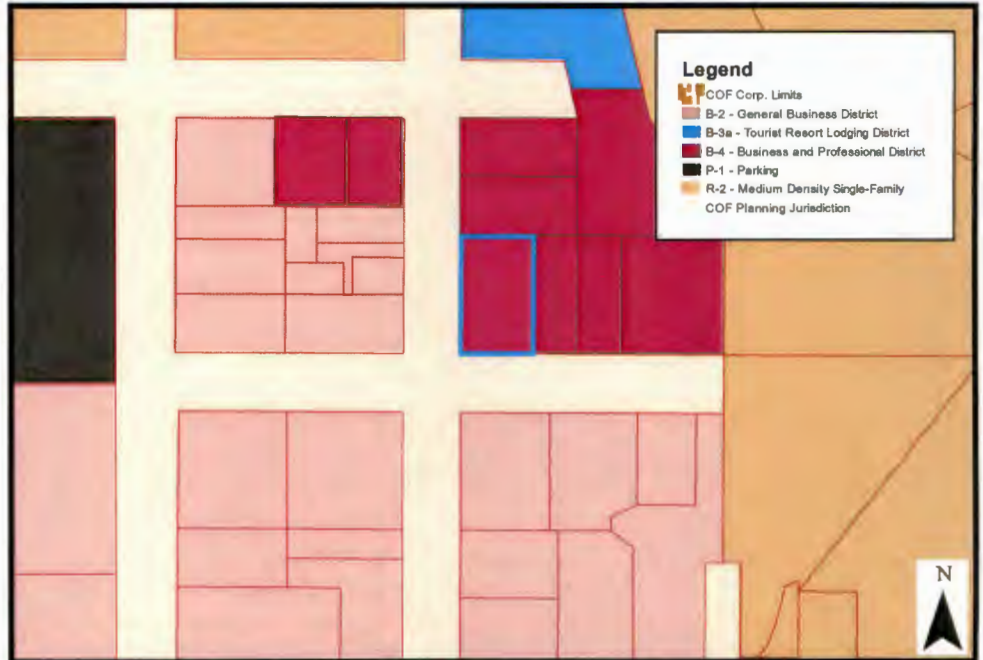


# City of Fairhope City Council

June 28, 2021



## ZC 21.04 - Rezone property from B-4 to B-2



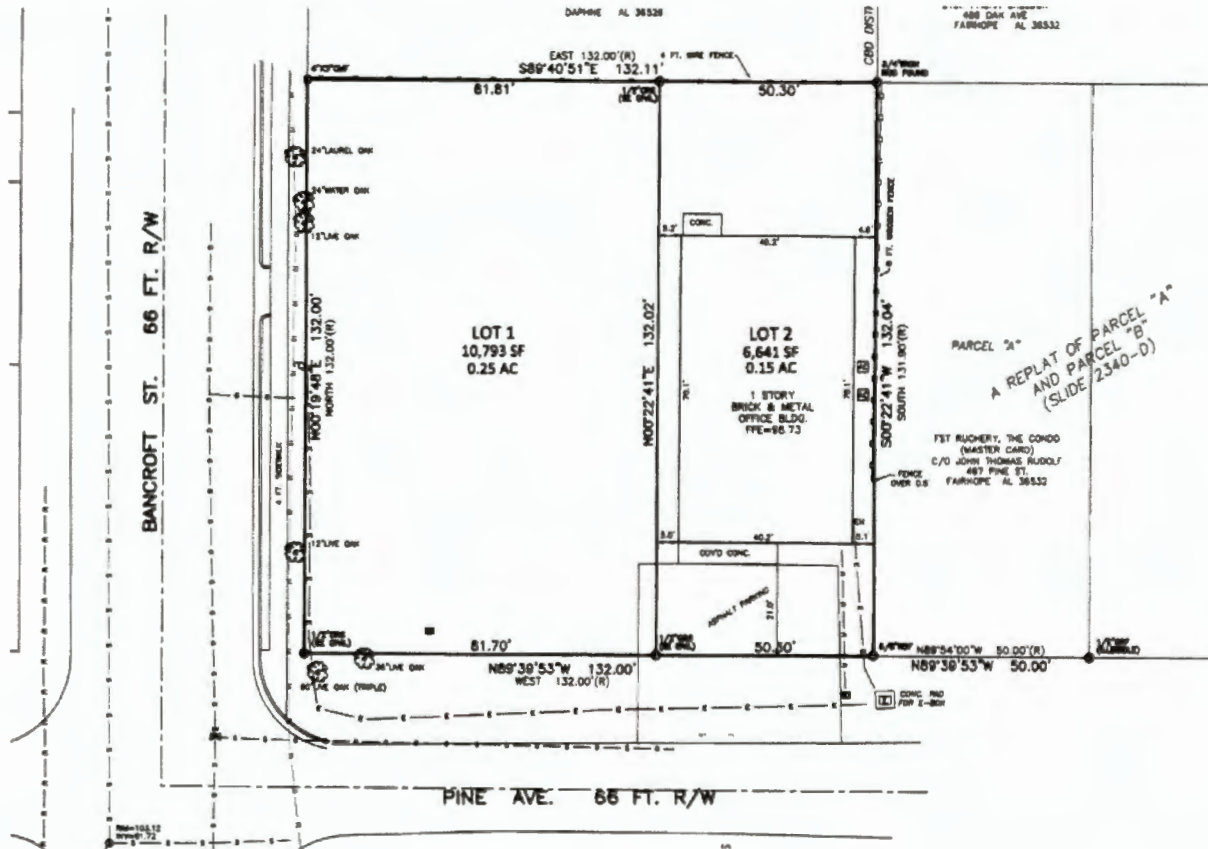
<b>Project Name:</b>	Bancroft and Pine B-4 to B-2
<b>Site Data:</b>	.25 Acre
<b>Project Type:</b>	Re-zoning Request
<b>Jurisdiction:</b>	Fairhope Planning Jurisdiction
<b>Zoning District:</b>	B-4
<b>PPIN Number:</b>	386620
<b>General Location:</b>	Northeast corner of Bancroft St and Pine Av intersection.
<b>Surveyor of Record:</b>	David Diehl, SE Civil
<b>Engineer of Record:</b>	Larry Smith, SE Civil
<b>Owner / Developer:</b>	John Wise
<b>School District:</b>	Fairhope Elementary School Fairhope Middle and High Schools
<b>Recommendation:</b>	Approved w/ Conditions
<b>Prepared by:</b>	Hunter Simmons



**Summary of Request:**

The applicant is requesting to rezone the subject property from B-4, Business and Professional District to B-2, General Business District. The property is approximately .25 acres and is located at the NE intersection of Bancroft St and Pine Av.

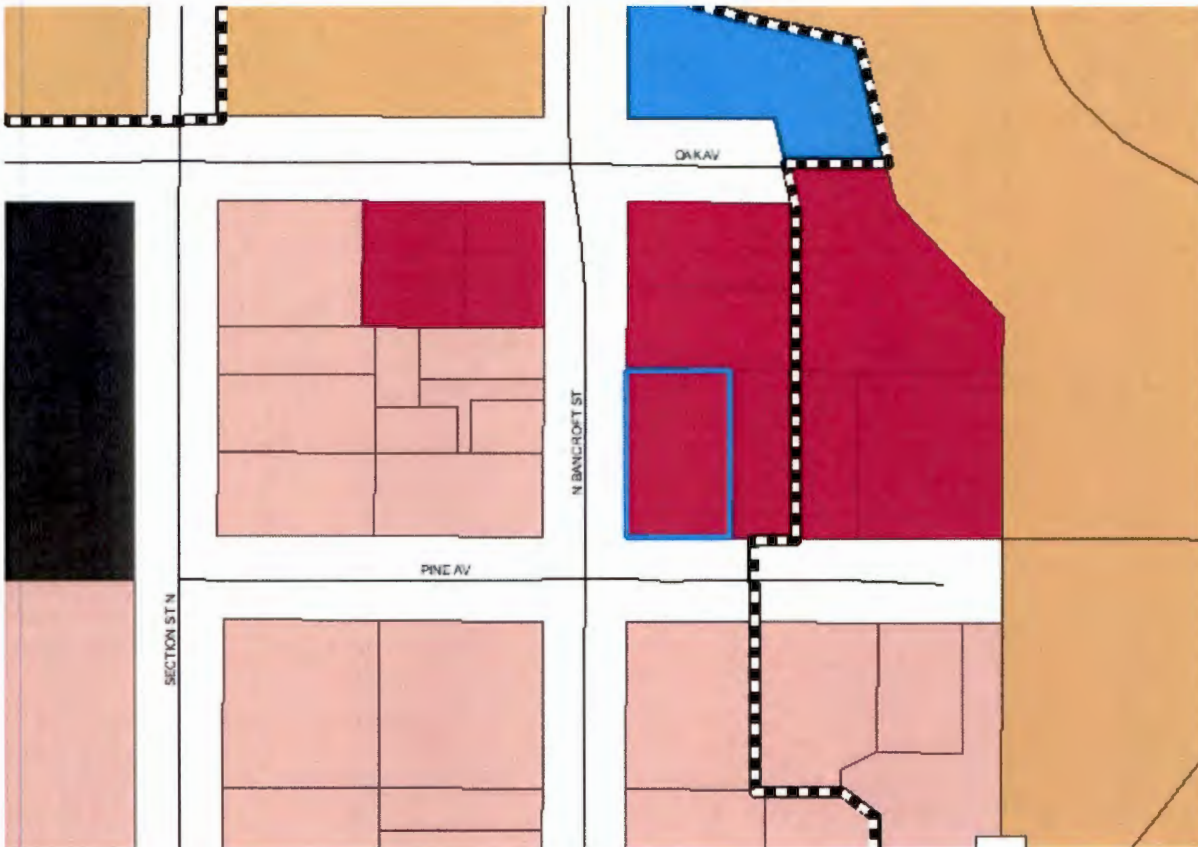
The subject property is a lot created in 2020 by the subdivision of parcel 05-46-03-37-0-007-069.504 (Subject property is shown as Lot 1 in the image below):



As a point of clarification, the application incorrectly requests re-zoning for parcel 05-46-03-37-0-007-069.504, but the subject property has been assigned a new parcel number; 05-46-03-37-0-007-069.507. The latter parcel number, which is also PPIN 386620, is the correct parcel. The applicant’s maps correctly reference the correct parcel within the application.

The subject property, like it’s parent parcel, is currently zoned B-4. The applicant would like to re-zone the property to B-2 and construct a mixed-use development. The subject property is located within the Central Business District (CBD). Generally, B-4 is located on the perimeter of the CBD where properties are next to residential neighborhoods. As seen in the illustration below, the subject property is bordered by B-4 to the north and east. Other properties at the intersection of Bancroft and Pine are currently zoned B-2.





**Comments:**

Due to the location of the property, and the character of adjacent property, the proposed zoning change does not appear to conflict with the vision and goals of the City’s comprehensive plan. However, the Planning Commission recently recommended a zoning text amendment that, to summarize, would require 50% of the ground floor of buildings in the CBD to be commercial. The City Council will soon consider the proposed amendment. Article V, Section B.3 of the City’s Zoning Code reads:

**Uses** – All uses permitted in the underlying zoning district are allowed in the CBD Overlay, provided that uses of property shall meet the intent of the Comprehensive Plan and Section E.1 of this Article. **Any future rezoning in the CBD overlay may be conditioned so that the goals and intent of the Comprehensive Plan and Article V., Section B.1. of the Zoning Ordinance are achieved.**

Because the proposed text amendment is ‘in progress’ and the Zoning Ordinance states “Residential and office is encouraged on the upper floors of buildings; lower floors are encouraged to be retail or restaurants” staff recommends adding a condition that mimics the intent of the proposed zoning text change amendment.

**Recommendation:**

Staff recommends Case: ZC 21.04 Bancroft & Pine B-4 to B-2 be **Approved with the following conditions:**

1. A minimum of 50 percent of the gross floor area on the ground floor of any building on subject property shall be dedicated to commercial uses. For the purposes of this calculation, gross floor area is defined as the total floor area contained on the ground floor within a building measured to the external face of external walls and shall include, but not be limited to, internal service areas, internal parking, internal stairwells, and internal common spaces. Retail and restaurants are encouraged on the ground floor adjacent to public streets.