

**ORDINANCE NO. 1735**

**AN ORDINANCE OF THE CITY OF FAIRHOPE,  
ALABAMA, TO PROTECT THE HEALTH, SAFETY,  
AND GENERAL WELFARE OF THE PEOPLE  
RELATING TO SUBDIVISION REGULATIONS,  
AND DECLARING A MORATORIUM  
ON THE FILING OF SUBDIVISION AND  
MULTIPLE OCCUPANCY PROJECT APPLICATIONS  
OUTSIDE OF THE CITY LIMITS WITHIN THE  
PLANNING JURISDICTION**

WHEREAS the City of Fairhope has adopted the Fairhope Subdivision Regulations that regulate the subdivision of land and multiple occupancy projects within the City limits and the planning jurisdiction as set forth in Alabama Code § 11-52-30 *et seq.*; and

WHEREAS there has been rapid and substantial growth in and around the City of Fairhope; and

WHEREAS the City Council recognizes that the explosive growth has increased the burden on public utilities, roads, and other infrastructure; and

WHEREAS the City Council desires that the City and Planning Commission address certain challenges created by the growth with a strategic and deliberate focus on orderly land development particularly outside of the City limits but within the Planning Jurisdiction; and

WHEREAS the City is in the process of taking several steps to address the rapid and substantial growth, including the creation and implementation of a new Comprehensive Plan, consideration of amendments to existing subdivision regulations, consideration of amendments to the existing zoning ordinance, installation of additional utility improvements and upgrades to existing infrastructure, analysis of the impact of Act 2021-297 (SB107) on the City and its Planning Jurisdiction in coordination with Baldwin County, and review of traffic related concerns; and

WHEREAS the City Council believes a moratorium on subdivision and multiple occupancy project applications outside of the City limits but within the Planning Jurisdiction will allow the City staff and Planning Commission to evaluate and focus on these specific steps to address the identified challenges; and

WHEREAS the City Council has determined that the adoption of an immediate moratorium is appropriate to prevent conditions that may threaten the community's health, safety, and welfare; and

WHEREAS placing a moratorium of limited duration and limited scope would be in the public interest and promote orderly land development.

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE,  
ALABAMA, AS FOLLOWS:**

- Section 1.       Moratorium Established. Except as hereafter set forth, a moratorium is imposed upon the acceptance and consideration of all Subdivision and Multiple Occupancy Project (as defined in Article IV, Section H of the Fairhope Subdivision Regulations) Applications by staff and the City of Fairhope Planning Commission outside of the corporate limits of the City of Fairhope but within the Planning Jurisdiction of the City of Fairhope (the "Moratorium"). Any real property that annexes into the City during the Moratorium shall also be subject to the Moratorium.
- Section 2.       Exemption for Currently Submitted Projects. Notwithstanding anything contained in Section 1 hereof to the contrary, the Moratorium shall not apply to any project for which any of the following has been made to and received by staff and/or the City of Fairhope Planning Commission as required prior to the effective date of this ordinance:

- a. Informal Review or Pre-Application Conference pursuant to Article IV, Section B of the Fairhope Subdivision Regulations that occurred between December 1, 2019 and December 6, 2021; or
- b. Complete application for multiple occupancy project; or
- c. Complete application for preliminary plat approval; or
- d. Complete application for final plat approval.

Section 3. Categorical Exemptions. The following are expressly exempted by the Moratorium based upon a finding by the City Council that such subdivisions do not materially impact the issues sought to be addressed during the Moratorium:

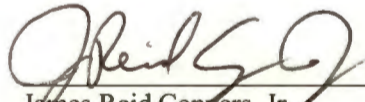
- a. Minor subdivisions as defined in Article IV, Section E of the Fairhope Subdivision Regulations; or
- b. Replat as defined in Article IV, Section E of the Fairhope Subdivision Regulations.

Section 4. Zoning Ordinance Unaffected. The Moratorium shall not impact the effectiveness of the Fairhope Zoning Ordinance or impact any applications to change the zoning maps as set forth in the Fairhope Zoning Ordinance.

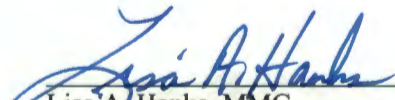
Section 5. Effective Period of Moratorium. The Moratorium shall be effective immediately as provided by law and shall continue for a period of Twelve (12) months, unless terminated sooner by action of the City Council.

Section 6. 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.

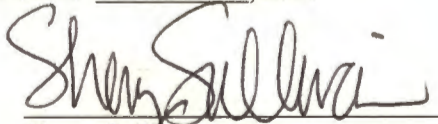
ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING  
THEREOF ON THE 13TH DAY OF DECEMBER, 2021

  
James Reid Conyers, Jr.  
Council President

ATTEST:

  
Lisa A. Hanks, MMC  
City Clerk

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING  
THEREOF ON THE 13TH DAY OF DECEMBER, 2021

  
Sherry Sullivan, Mayor

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Lisa A. Hanks City Clerk