



**City of Fairhope
Planning Commission Agenda
5:00 PM
Council Chambers
January 3, 2022**

Sherry Sullivan
Mayor

Council Members

Kevin G. Boone

Robert A. Brown

Jack Burrell, ACOMO

Jimmy Conyers

Corey Martin

Lisa A. Hanks, MMC

City Clerk

Kimberly Creech

City Treasurer

1. Call to Order
2. Approval of Minutes
 - December 6, 2021
3. Consideration of Agenda Items
 - A. Storm Water Management Program Plan (SWMPP) Review and Approval.
 - B. **ZC 21.17** Public hearing to consider the request of the City of Fairhope Planning and Zoning Department for an amendment to Article V, Section B, Central Business District, in the City of Fairhope's Zoning Ordinance to allow rooftop terraces.
 - C. **ZC 22.01** Public hearing to consider the request of the City of Fairhope Planning and Zoning Department for an amendment to Article II, "Procedures", in the City of Fairhope's Zoning Ordinance.
 - D. **SD 21.49** Public hearing to consider the request of the Applicant, Dewberry, acting on behalf of the owner, 68V OBV 2020, LLC, for Final Plat Approval of Old Battles Village Phase 4-B, a 19-lot subdivision. The property is approximately 7.42 acres and is located at the east terminus of McArthur Lane, south of Old Battles Village, Phase 3.
PPIN # 376528
 - E. **UR 22.01** Request of C-Spire for an 11.52.11 Utility Review and approval of the proposed installation of approximately 2,676 linear foot of fiber optic cable in the easement and right-of-way beginning at Bishop Road, heading north to Edwards Avenue, then continuing west approximately 1,000 feet to Plantation Boulevard.
 - F. **UR 22.02** Request of Point Broadband for an 11.52.11 Utility Review and approval of the proposed installation of approximately 29,086 linear foot of fiber optic cable in the right-of-way throughout Fairfield Place Subdivision and Destrehan Subdivision.
4. Old/New Business
 - SD 19.06 Riverhorse Subdivision, PPIN # 369809.
 - SD 21.46 Estates at the Verandas, Phase 1 - Request of a 30-day extension of plat approval to obtain final signatures and record plat.
 - Resolution No 2022-01 - Planning Commission recognition of twelve-month Moratorium.
5. Adjourn

161 North Section Street

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The Planning Commission met Monday, December 6, 2021, at 5:00 PM at the City Municipal Complex, 161 N. Section Street in the Council Chambers.

Present: Rebecca Bryant; Art Dyas; Harry Kohler; John Worsham; Corey Martin, City Council Liaison; Jason Langley, Water and Sewer Director, Hunter Simmons, Planning and Zoning Manager; Mike Jeffries, Development Services Manager; Allie Knutson, Secretary; and Chris Williams, City Attorney.

Absent: Lee Turner, Chairman; Hollie MacKellar; and Clarice Hall.

Rebecca Bryant called the meeting to order at 5:06 PM.

Minutes from November 1, 2021, meeting:

Chris Williams, City Attorney, stated that condition Number 11 of SD 21.33 had been amended.

Corey Martin made a motion to make the amendment and accept the minutes with no further changes.

John Worsham seconded the motion and the motion carried unanimously with the following vote:

AYE: Rebecca Bryant, Art Dyas, Corey Martin, Jason Langley, Harry Kohler, and John Worsham.

NAY: None.

Old/New Business

- Approval of 2022 Planning Commission Agenda Schedule and Deadlines

Corey Martin made a motion to accept the 2022 Planning Commission schedule.

John Worsham seconded the motion and the motion carried unanimously with the following vote:

AYE: Rebecca Bryant, Art Dyas, Corey Martin, Jason Langley, Harry Kohler, and John Worsham.

NAY: None.

- Comp Plan Discussion

Hunter Simmons, Planning and Zoning Manager, gave information on the upcoming Comprehensive Plan meetings.

Rebecca Bryant stated that Item H, IR 21.01, would be moved to the front of the agenda.

IR 21.01 Request of the Applicant, Fabre Engineering, acting on behalf of the owner, Sena, Inc., for an Informal Review of Monarch Hotel, a 39-unit project. The project is approximately 0.6 acres and is located on the northeast corner of Bayview Avenue and Fairhope Avenue.

Hunter Simmons, Planning and Zoning Manager, presented the case summary.

Staff received a Site Plan application for a 39-Unit hotel at the subject property. Questions that staff cannot answer were raised, which led to the informal review request. Property is zoned B-3b, which allows a hotel 'by right'. Interestingly, a bed & breakfast is not allowed in B-3b, which we may need to address via a zoning amendment.

There are Heritage Trees on the site, which are protected. 20' landscape buffer is also required on Fairhope Ave. Plan is likely to change, but the applicant would like guidance on two questions: off-site parking credits and re-plat.

40 parking spaces are required for the proposed 39-unit hotel. The proposed plan provides for 20 onsite parking spaces and 10 bicycle spaces to accommodate 22 of the required parking spaces. The applicant provided a map stating there are 44 on-street existing parking spaces within 300' of the subject property and would like to attribute 50% of that number to accommodate 22 of the required spaces. Article IV, Section E.7. of the Zoning Ordinance provides that parking credits may be given for on-street parking and bicycle parking. Depending on the application type, i.e. Site Plan vs. MOP, either the City Council or Planning Commission will decide whether parking credits are given. Being near public parks with little on-site parking (at the top of the bluff), staff believes all parking shall be provided on-site. Applicant would like the Planning Commission's opinion.

Re-Plat: Subdivision Regulations, an administrative re-plat to combine lots without approval of the Planning Commission. The proposed re-plat combines three lots into one.

The Commissioners discussed their concerns with the hotel taking up on-street parking and preserving the culture of Fairhope.

Applicant, Robert Cummings with Fabre Engineering stated that they will be doing a major redesign of the plans and clarified that the Commissioners were wanting 100% of the hotel parking to be on site.

ZC 21.12 Public hearing to consider the request of Percy Dale to rezone property from R-1 Low Density Single Family to HTD (Highway Transition District). The property is approximately 0.87 acres and is located on the west side of South Greeno Road, south of Carter Lane at 19327 Greeno Road.

Summary:

Hunter Simmons, Planning and Zoning Manager, presented the case summary.

Percy Dale requests to rezone the subject property from R-1, Low Density Single Family Residential District to HTD, Highway Transitional District. The property is approximately 0.87 acres and is located on the west side of South Greeno Road, south of Carter Lane at 19327 Greeno Road.

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 and to 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.

Recommendation:

Staff recommends approval of case ZC 21.12, 19327 Greeno Road, rezoning from R-1 to HTD.

Rebecca Bryant opened the Public Hearing. With no one present to speak, the Public Hearing was closed.

Motion:

Art Dyas made a motion to **approve** Case ZC 21.12.

John Worsham seconded the motion and the motion carried unanimously with the following vote:

AYE: Rebecca Bryant, Art Dyas, Corey Martin, Jason Langley, Harry Kohler, and John Worsham.

NAY: None.

ZC 21.15 Public hearing to consider the request of the Applicant, David Diehl PLS, acting on behalf of the owner, Burgess Thomasson, to amend the existing PUD (Planned Unit Development) for Montrose Preserve. The property is approximately 50 acres and is located west of US Highway 98 across from the Rock Creek Subdivision.

Summary:

Hunter Simmons, Planning and Zoning Manager, presented the case summary.

David Diehl PLS, acting on behalf of the owner, Burgess Thomasson, request an amendment to the Thomasson PUD, originally approved in 2017 by Ordinance 1596. The developer is Larry Chason. While the approved PUD allows for 77 total lots, the proposed amendment proposes 18 single-family lots on the same acreage – 53.94 acres. The gross density is .33 Units/Acre.

Originally presented in 2015 and approved in 2017, many revisions accommodating Commissioners as well as surrounding neighbors lead to the approved PUD. Central to those concerns were connections to existing public roads within Montrose. Consequently, the street layout of the Thomasson PUD, as adopted, is not consistent with the City's connectivity requirements, but did address neighbor's concerns and was unanimously approved by Commission and City Council.

While reviewing recent development proposals for the subject property, staff agrees, in this case, connectivity to existing streets is not necessary and a PUD provides the proper tool to allow such exceptions and flexibility in design. Staff views the currently proposed development, with a reduced number of lots and the proposed use, as an improvement to the currently approved plan and would like to recommend approval, but the following considerations exist.

Setbacks and other dimensional requirements, as well as uses, shall follow R-1, Single-Family Residential requirements. Building height is limited to 35' and total lot coverage is limited to 40%. Proposed fencing has special requirements as illustrated on the Site Plan.

Street Access: No access to existing roads in Montrose, other than lots 1-3, which utilized the 3rd St ROW. Access to each lot will be provided via Hwy 98 and/or Main St. Mechanism for providing access to each lot not finalized, but the final solution may include, but not be limited to, the following options: Vacation of ROW's, Agreements to include a privately maintained road in a public ROW, shared access via easements inside lot lines. Garbage and recycling will be provided by the City of Fairhope Public Works. All streets shall be approved by the Director of Public Works.

Sewer is serviced by Fairhope Utilities, Water is serviced through Daphne Utilities, Power serviced by Riviera, Telecommunications will be through AT&T. Adequacy of public utility infrastructure shall be required prior to submitting for a preliminary plat application.

By reducing the number of lots and increasing the size, the acreage of greenspace was reduced, but the 13.8 acres of greenspace provided, or 25.6%, exceeds the minimum 10% required. If approved, the 40' buffer strip could increase the greenspace further. There is a 20' visual greenspace buffer required on the north side of lot 1 and adjacent to the cemetery. The existing PUD contains a 40' buffer along HWY 98 that is described as a visual barrier and highlighted on the plans below. During reviews for the proposed development, staff failed to ask the applicant to include this 40' buffer on a revised site plan but believes it to be important and suggest requiring it as a condition of approval. If approved, the 40' buffer shall also be included on Lot 18.

Lots 1-9 exist as historical lots of record, but conflict with the PUD approved in 2017. Lots 10-18 will require a subdivision to create new lots of record. Staff recommends preliminary plat, including all 18 lots, that clearly defined potential floodways, wetlands, buffers, access to utilities, drainage (if required), and vehicular access.

Recommendation:

Staff recommends Case: ZC 21.15 Montrose PUD Amendment be Approved with the following conditions:

1. A preliminary plat shall be required that includes the entire acreage. At minimum, the preliminary plat shall provide street access to each of the 18 lots and be in substantial conformance with the street layout as proposed on the Master Site Plan. The preliminary plat shall be approved by the Fairhope Planning Commission prior to issuance of any building permits for any property located within the PUD.
2. Street access to every lot shall be determined and approved by the Authority Having Jurisdiction prior to submitting for Preliminary Plat or building permits.
3. Access from US HWY 98 shall be approved by ALDOT, and any required improvements shall be installed solely at the Developer's expense.
4. Access from Main Street shall be approved by Baldwin County Highway and any required improvements shall be installed solely at the Developer's expense.
5. If street access, in substantial conformance of the proposed site plan cannot be achieved within two years, the approved PUD shall revert to the Montrose PUD approved in Ordinance 1956. The two-year time frame may be extended only by the City Council.

6. A 40' buffer shall be required on any lot abutting US HWY 98. The area within the buffer shall be common area.
7. The buffers shown on the plans, and those required by condition, shall remain natural, except for the allowance of plant materials to be installed where a visual buffer does not exist.
8. Where a visual buffer does not exist within buffer areas shown on the plan, or required by a condition of approval, plant materials shall be installed to provide a visual barrier.
9. Any item not specifically outlined in the PUD Ordinance shall meet all pertinent regulations and ordinances, including, but not limited to, those outline in R-1.
10. All streets, whether public or private, shall be approved by the City of Fairhope Public Works Director.
11. Connections to existing utility infrastructure shall be determined prior to application for preliminary plat.
12. Any outside agency permits (ALDOT, Baldwin County, ADEM, etc.) required shall be obtained prior to submission of building permits.

Harry Kohler clarified that the strip between lots 3 and 4 would remain un-accessed.

Rebecca Bryant opened the Public Hearing.

Frank Barlow, 7144 Chapman Street, stated that he brought three copies of the National Register of Historic Places Inventory regarding the Montrose Historic District and passed them out to Commissioners. He also asked if the proposed lots could be further subdivided.

Mr. Simmons stated that they would have to come back and amend the PUD again.

Mr. Barlow mentioned that this PUD contains non-standard roads with many walkers and asked about the buffer on Greeno Road.

Ack Moore, 22789 Ecor Rouge Lane, stated that he was born and raised on Rock Creek which is now more like a ditch than a creek. He thought that the easement needed to be addressed and that the topography was not shown.

Amy Thompson, 108 Alsway Creek, wanted assurance that there would not be any rentals.

Eddie Webster, 18 Viale Bellezza, asked if the large lot (Lot 18) was a lot and was concerned about the creek.

Sabrina Ruffin, 23679 3rd Street, asked for clarification of 3rd Street access.

Mr. Simmons stated that 3rd Street will only provide access to lots 1-3.

Debbie Quinn, 7172 Taylor Street, stated that she had gone to Baldwin County two years ago to get rid of accesses and that the county was supposed to give access to the city, but that did not happen. Now, she is concerned with Taylor Street and historic trees and also stated that the conservation easement for this PUD had been changed.

Rebecca Bryant closed the Public Hearing.

Mr. Simmons addressed the concerns. Short-term rentals are not allowed in R-1 zoning districts and neither is an accessory unit that can be rented out. Lot 18 will have a limited buildable area due to the topography of the lot. The conservation easement was never approved at City Council during the original PUD, it was required to be a common area.

Motion:

John Worsham to approve ZC 21.15, subject to staff recommendations with an added 13th condition:

1. A preliminary plat shall be required that includes the entire acreage. At minimum, the preliminary plat shall provide street access to each of the 18 lots and be in substantial conformance with the street layout as proposed on the Master Site Plan. The preliminary plat shall be approved by the Fairhope Planning Commission prior to issuance of any building permits for any property located within the PUD.
2. Street access to every lot shall be determined and approved by the Authority Having Jurisdiction prior to submitting for Preliminary Plat or building permits.
3. Access from US HWY 98 shall be approved by ALDOT, and any required improvements shall be installed solely at the Developer's expense.
4. Access from Main Street shall be approved by Baldwin County Highway and any required improvements shall be installed solely at the Developer's expense.
5. If street access, in substantial conformance of the proposed site plan cannot be achieved within two years, the approved PUD shall revert to the Montrose PUD approved in Ordinance 1956. The two-year time frame may be extended only by the City Council.
6. A 40' buffer shall be required on any lot abutting US HWY 98. The area within the buffer shall be common area.
7. The buffers shown on the plans, and those required by condition, shall remain natural, except for the allowance of plant materials to be installed where a visual buffer does not exist.
8. Where a visual buffer does not exist within buffer areas shown on the plan, or required by a condition of approval, plant materials shall be installed to provide a visual barrier.
9. Any item not specifically outlined in the PUD Ordinance shall meet all pertinent regulations and ordinances, including, but not limited to, those outline in R-1.
10. All streets, whether public or private, shall be approved by the City of Fairhope Public Works Director.
11. Connections to existing utility infrastructure shall be determined prior to application for preliminary plat.
12. Any outside agency permits (ALDOT, Baldwin County, ADEM, etc.) required shall be obtained prior to submission of building permits.
13. Designate the greenspace as a preserve.

Art Dyas seconded the motion and the motion carried unanimously with the following vote:

AYE: Rebecca Bryant, Art Dyas, Corey Martin, Jason Langley, Harry Kohler, and John Worsham.

NAY: None.

ZC 21.16 Public hearing to consider the request of the Applicant, David Diehl PLS, acting on behalf of the owners, John Albert Watkins Jr., Hilliard Vaughn Street III, and Sonny Hill, LLC to establish an initial zoning of PUD (Planned Unit Development), concurrent with conditional annexation into the City of Fairhope to be known as Green Fields PUD. Parcel A is approximately 20 acres and is located east of County Road 13, south of County Road 34. Parcel B is approximately 20 acres and is located east of Parcel A.

Summary:

Hunter Simmons, Planning and Zoning Manager, presented the case summary.

David Diehl PLS, acting on behalf of the owners, John Albert Watkins Jr., Hilliard Vaughn Street III, and Sonny Hill, LLC request to establish an initial zoning of PUD (Planned Unit Development), concurrent with conditional annexation into the City of Fairhope to be known as Green Fields PUD. The developer is Breland Homes Coastal. The proposed development will consist of 80 single-family lots on 39.9 Acres, with a gross density of 2.0 units per acre.

A Planned Unit Development is intended to allow flexible development that encourages innovation. The minimum lot size for R-2, Medium Density Single-Family Residential District is 10,500 sq. ft with a minimum lot width of 75'. The proposed plan meets or exceeds all requirements of R-2, Single-Family Zoning except the proposed setbacks are 30' in the front and rear, as opposed to 35'.

The applicant recently submitted alternate home plans that can be built on 140' deep lots with standard R-2 setbacks. Consequently, staff does not recommend approval of the zoning request to PUD but offers support in rezoning the subject property R-2.

The proposed lots are equal to, or greater than, those located within the neighboring subdivisions of Greythorne and Millers Crossing. Originally, the applicant submitted an application for PUD because their desired house plans required 80' buildable depth. 35' front and rear setbacks would limit the buildable depth of each lot to 70'.

Rezoning to R-2 does not require a Master Development Plan, nor a Site Plan. If approved as R-2, and annexed into the City of Fairhope, the follow-up procedure would be a preliminary plat, in which lot layout, greenspace, ROW's, utility access, as well as other technical merits of the will be addressed. Consequently, the site plan may differ from that proposed with the PUD application. However, the proposed plan would be consistent with an R-2 development and provides pedestrian access, connectivity, and the required greenspace.

Recommendation:

Staff DOES NOT recommend Case ZC 21.16 be approved under the original request to rezone the subject property from R-1 to PUD, however, under a revised request,

Staff recommends Case: ZC 21.16, Green Fields, rezoning from R-1 to R-2 be Approved with the following conditions:

1. A traffic study shall be provided that includes all traffic generated by Green Fields with the first application for preliminary plat.

2. Fairhope Water and Sewer provided availability letters, but connections to existing infrastructure, including routes and potential infrastructure upgrades shall be approved by the water/sewer superintendent prior to submittal of a preliminary plat.

Rebecca Bryant opened the Public Hearing.

Harold Street, 8980 CR 32, stated that he owns property on both sides of the subject property and it has always been used for farming. He expressed concern for sewer treatment and wanted a fence on each side of the subject property.

Eric Street, 8067 CR 32, he stated that he farms on four sides of the potential development. The property to the south is farmed for corn using an aerial applicator. He will be unable to fly that to farm the property which affects his living. He is also concerned with the red dirt erosion coming out of all of the new developments and going into the bay.

Jody Harper, 3 Mershon St., asked how long the subject property had been under development and how many homes were being proposed.

Rebecca Bryant closed the Public Hearing.

Mr. Simmons addressed Public Hearing concerns. He suggested zoning the surrounding properties as agriculture to protect the farmland. The red soil/clay ordinance does not apply to development outside of the city limits.

Motion:

Art Dyas made a motion to **approve** Case ZC 21.16, rezoning to R-2, subject to staff recommendations.

Corey Martin seconded the motion and the motion carried unanimously with the following vote:

AYE: Rebecca Bryant, Art Dyas, Corey Martin, Jason Langley, Harry Kohler, and John Worsham.

NAY: None.

ZC 21.17 Public hearing to consider the request of the City of Fairhope Planning and Zoning Department for an amendment to Article V, Section B, Central Business District, in the City of Fairhope's Zoning Ordinance to allow Rooftop Terraces.

Corey Martin recused himself.

Summary:

Hunter Simmons, Planning and Zoning Manager, presented the case summary.

Planning Commission members, City Council members, or the Planning Director can initiate a zoning amendment. Councilman Burrell had some requests for allowances for rooftop terraces. The zoning amendment states that rooftop terraces shall be allowed Accessory Use permitted on all lots zoned B-2, General Business District, located within the CBD. A rooftop terrace shall not be considered a story, it shall not exceed forty feet although, elevators and stairwells providing access may be allowed to exceed forty feet by no more than five feet. Structures, other than those used for elevators or

stairwells, may be opened or enclosed, but shall not cover more than 33% of the total square footage of the rooftop. The outer boundary of a rooftop terrace shall be defined using a barrier meeting the City of Fairhope Building Code. The barrier shall be set back a minimum of five feet from the roof edge. A definition of rooftop terrace will also be added to the Zoning Ordinance.

Recommendation:

Staff recommends adoption of the proposed Zoning Amendment to Article V, Special Districts.

Rebecca Bryant thought that Commissioners needed more time to review the “use” for rooftop terraces.

Motion:

Art Dyas made a motion to table Case ZC 21.17.

John Worsham seconded the motion and the motion carried unanimously with the following vote:

AYE: Rebecca Bryant, Art Dyas, Corey Martin, Jason Langley, Harry Kohler, and John Worsham.

NAY: None.

SD 21.46 Public hearing to consider the request of the Applicant, Dewberry, acting on behalf of the owner, FST Verandas LLC, for Final Plat Approval of The Estates at the Verandas, Phase 1, a 15-lot subdivision. The property is approximately 178.5 acres and is located on the south side of State Highway 104, west of Lawrence Road.

Summary:

Mike Jeffries, Development Services Manager, presented the case summary.

The owner and applicants are FST Verandas, LLC, Albert Trae Corte of Corte Development, Inc., and Bruce A. Bigler of Bay Area Developers, LLC. Dewberry Engineers, Inc is the engineering firm for the project. This application is for a 15-lot subdivision located on the south side of State Highway 104 approximately 3/8 mile east of the SR 104 / SR 181 intersection. Subject property is within the extraterritorial jurisdiction of the City of Fairhope in unzoned Baldwin County.

Final plat must be recorded within 60 days after the date of final approval.

The subdivision has been built and designed in conformance with both the approved preliminary plat and Village Subdivision.

Follow-Up Activities Required by Staff and the Applicant: Copy of the recorded plat, copy of the recorded O&M Agreement, Maintenance and Guaranty (M&G) Agreement executed by the developer (the mayor need to sign this agreement to fully execute it, include the instrument # from the recorded plat, and include 30 days in paragraph 3).

Recommendation:

Staff recommends **APPROVAL** of Case SD 21.46 subject to the following conditions:

1. Add Engineers Certificate of approval to plat.
2. Landscaping buffer around detention pond shall be installed as required by the condition of approval of preliminary plat.

3. Provide verification Baldwin County Highway Department comments have been satisfied.
4. Complete required follow up activities.
5. Relocation of wood rail fence off Gas main and onto private property.
6. Install water meter markers in ROW using a method approved by the Water Department.

Trae Corte was present and discussed the location of the wood rail fence with Mr. Jeffries.

Rebecca Bryant opened the Public Hearing. No one was present to speak, and the Public Hearing was closed.

Motion:

John Worsham made a motion to approve Case SD 21.46, subject to staff recommendations and review of condition number five.

Art Dyas seconded the motion.

Jason Langley stated that condition number five needs to be approved by the Gas Department. A resolution also needs to be reached for condition number six.

John Worsham amended his motion to approve Case SD 21.46 subject to staff recommendations with review of condition number five to be approved the Gas Department Superintendent.

Art Dyas seconded the motion and the motion carried unanimously with the following vote:

AYE: Rebecca Bryant, Art Dyas, Jason Langley, Harry Kohler, and John Worsham.

NAY: None.

SD 21.50 Public hearing to consider the request of the Applicant, SE Civil, LLC, acting on behalf of the owner, FST Blue Island 2021, LLC, for Final Plat Approval of Hermitage Court Resubdivision, an 8-lot subdivision. The property is approximately 4.40 acres and is located on the west side of Blue Island Avenue, south of Winn Avenue.

Summary:

Mike Jeffries, Development Services Manager, presented the case summary.

The owner and applicants are FST, Blue Island 2021, LLC and 68V Paydirt, LLC. SE Civil is the engineering firm for the project. This application is for an 8-lot subdivision located on Blue Island Avenue just south of Winn Avenue. The property is currently zoned PUD which has a site plan that this development had to be built in substantial conformance to. The preliminary plat was approved at the November 2020 Planning Commission meeting (Case number SD 19.39.)

Final plat must be recorded within 60 days after the date of final approval. Follow-Up Activities Required by Staff and the Applicant: Copy of the recorded plat, copy of the recorded O&M Agreement, Maintenance and Guaranty (M&G) Agreement executed by the developer (the mayor need to sign this agreement to fully execute it, include the instrument # from the recorded plat, and include 30 days in paragraph 3).

Recommendation:

Staff recommends **APPROVAL** of Case SD 21.50 subject to staff recommendations:

1. Add PUD Ordinance # 1698 to site data table.
2. Complete required follow up activities.

Rebecca Bryant opened the Public Hearing. No one was present to speak, and the Public Hearing was closed.

Motion:

Art Dyas made a motion to approve Case SD 21.50 subject to staff recommendations.

John Worsham seconded the motion and the motion carried unanimously with the following vote:

AYE: Rebecca Bryant, Art Dyas, Jason Langley, Harry Kohler, and John Worsham.

NAY: None.

SD 21.52 Public hearing to consider the request of the City of Fairhope Planning and Zoning Department to accept Resolution 2021-04 for a proposed amendment to the City of Fairhope Subdivision Regulations to include Suggested Certificates for Subdivision Plats.

Summary:

Mike Jeffries, Development Services Manager, presented the case summary.

Appendix “H” is proposed in the Subdivision Regulations to include suggested certificate blocks. Surveyor, Property Owner, County Engineer, Flood Statement, Wetland Notice, Airport Overlay District Zone, Utilities, Planning Commission, Planning Director, Project Engineer, and E-911 GIS/Addressing, are included in the suggested certificate blocks.

Recommendation:

Staff recommends **adoption** of the proposed amendment to add an “Appendix H” for suggested certificate blocks and notes.

Rebecca Bryant opened the Public Hearing. No one was present to speak, and the Public Hearing was closed.

Motion:

Art Dyas made a motion to approve Case SD 21.52 to accept Resolution 2021-04, subject to staff recommendations.

John Worsham seconded the motion and the motion carried unanimously with the following vote:

AYE: Rebecca Bryant, Art Dyas, Jason Langley, Harry Kohler, and John Worsham.

NAY: None.

Executive Session

City Attorney, Chris Williams, made a declaration and opinion pursuant to Alabama Law Code Section 36-25-A-7(a)(3) to move to Executive Session to discuss pending and potential litigation.

Art Dyas made a motion to close the public meeting and enter Executive Session, for no business to be discussed after Executive Session ends.

Rebecca Bryant seconded the motion and the motion carried unanimously with the following vote:

AYE: Rebecca Bryant, Art Dyas, Jason Langley, Harry Kohler, and John Worsham.

NAY: None.

Adjournment

Rebecca Bryant made a motion to adjourn, and the motion carried unanimously.

Adjourned at 8:49 p.m.

Lee Turner, Chairman

Allie Knutson, Secretary

MEMORANDUM

DATE: December 23, 2021
TO: City Council/Planning Commission
FROM: Hunter Simmons, Planning and Zoning Manager
RE: Proposed Zoning Ordinance Amendment for Rooftop Terraces

The attached amendments are revisions to those presented during the December 2021 Planning Commission meeting. The newly proposed language addresses the following comments received from Commissioners:

- Rooftop Terraces located atop first or second floors should not be limited by the same regulations, such as, but not limited to, 33% coverage for structures and 7.5% coverage for elevators and stairwells.
- Location (setbacks) of elevator/stairway structures.
- Prohibitions of temporary structures, such as tents or umbrellas.

The revised language is presented below in a condensed version. For your convenience, the first attachment is the newly revised language with proper formatting, followed by the language presented in December.

a. Rooftop Terraces shall be an allowed Accessory Use permitted on all lots zoned B-2, General Business District located within the CBD. The following standards shall apply to all Rooftop Terraces:

- (1) Except as provided below in this Section, the height of all structures on or within a Rooftop Terrace shall not exceed forty feet (40').
- (2) The outer boundary of a Rooftop Terrace shall be defined using a barrier meeting the City of Fairhope Building Code.
- (3) For Rooftop Terraces located atop three story buildings the following standards apply:
 - a. For the purpose of the Zoning Ordinance and this Section, a Rooftop Terrace shall not be considered a story.
 - b. Elevators and stairwells, providing access to Rooftop Terrace, may be allowed to exceed forty feet (40') by no more than five feet (5') provided: such elevators and stairwells and their associated mechanical equipment and enclosed areas shall not cover more than 7.5% of the total square footage of the rooftop, shall not be viewable from public rights-of-way, and shall be located a minimum of ten feet (10') from any lot line.

c. Structures, other than those used for elevators and stairwells, may be opened or enclosed, but shall not cover more than 33% of the total square footage of the rooftop and shall be located a minimum of ten feet (10') from any lot line.

(4) Temporary structures, such as tents, awnings, and umbrellas, are prohibited on Rooftop Terraces.

ZC 21.17 Zoning Amendment (January)

Article V: Special Districts. Section A and C through I omitted for simplicity.

B. CBD – Central Business District Overlay

1. **Intent** – The Central Business District overlay is intended to preserve downtown Fairhope as the “Regional Village Center” and focal point for the City. The CBD overlay shall provide an environment for shopping, restaurant and entertainment, cultural and artistic institutions, offices, governmental functions, and residential uses. The CBD is intended to have a unique character in the City and serve the entire community by:
 - generating high levels of pedestrian and bicycle traffic;
 - providing a mix of uses;
 - create a focal point for activities throughout the City;
 - link to adjacent areas and areas throughout the City through a variety of modes of transportation;
 - strengthen non-automobile connections to adjacent neighborhoods;
 - buffer surrounding neighborhoods from any adverse impacts of activities in the CBD; and
 - provide small parks and trails.

2. **Location and Size** – The CBD overlay includes: From the southeast corner of the intersection of Oak Avenue and N. Church Street run east along the south side of Oak Avenue to a point on the east side of N. Section Street; one parcel on the north side of Oak Avenue from N. Section to the east end of Oak Avenue; one parcel on the east side of N. Bancroft Street from the north side of Oak Avenue to a point on the south side of Pine Avenue and along the east property line one parcel east of N. Bancroft Street; thence run east along the north property line of one parcel to a point; thence run south along the east property line to the south side of Equality Street; the west side of N. School Street from Equality Street to the south side of Stimpson Avenue; the south side of Stimpson Avenue to the east end of Stimpson Avenue; south to a point on the south side of Fairhope Avenue that is one parcel west of Mershon Street; one parcel on the south side of Fairhope Avenue from one parcel west of Mershon Street to the west side of S. School Street; to a point one parcel south of Morphy Avenue on the west of S. School Street; south to the west end of the unopened portion of right-of-way of Fels Avenue; along the north side of Fels Avenue from the northwest corner of the intersection of Fels Avenue and Oswalt Street to a point at the northeast corner of Fels Avenue and S. Church Street; north one parcel to a point one parcel south of Morphy Avenue; west to a point two lots west of S. Church Street; north to the north side of Morphy Avenue west to the northeast corner of the intersection of Morphy Avenue and S. Summit Street; along the east side of Summit Street to the southeast corner of the intersection of N. Summit Street and Magnolia Avenue; along the south side of Magnolia Avenue to the southeast corner of the intersection of Magnolia Avenue

and N. Church Street; along the east side of N. Church Street to the southeast corner of the intersection of N. Church Street and Oak Avenue.

- 3. 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.

BEGIN PROPOSED AMENDMENT

- a. Rooftop Terraces shall be an allowed Accessory Use permitted on all lots zoned B-2, General Business District located within the CBD. The following standards shall apply to all Rooftop Terraces:
- (1) Except as provided below in this Section, the height of all structures on or within a Rooftop Terrace shall not exceed forty feet (40').
 - (2) The outer boundary of a Rooftop Terrace shall be defined using a barrier meeting the City of Fairhope Building Code.
 - (3) For Rooftop Terraces located atop three story buildings the following standards apply:
 - a. For the purpose of the Zoning Ordinance and this Section, a Rooftop Terrace shall not be considered a story.
 - b. Elevators and stairwells, providing access to Rooftop Terrace, may be allowed to exceed forty feet (40') by no more than five feet (5') provided: such elevators and stairwells and their associated mechanical equipment and enclosed areas shall not cover more than 7.5% of the total square footage of the rooftop, shall not be viewable from public rights-of-way, and shall be located a minimum of ten feet (10') from any lot line.
 - c. Structures, other than those used for elevators and stairwells, may be opened or enclosed, but shall not cover more than 33% of the total square footage of the rooftop and shall be located a minimum of ten feet (10') from any lot line.
 - (4) Temporary structures, such as tents, awnings, and umbrellas, are prohibited on Rooftop Terraces.

END PROPOSED AMENDMENT

- 4. Dimension Standards** – All dimension standards for the underlying districts shall apply in the CBD overlay except as follows:
- a. Non-residential buildings in the CBD shall be built at the right-of-way line, unless a courtyard, plaza or other public open space is proposed.
 - b. No side-setback is required for non-residential buildings in the CBD, except that corner lots shall have the same building line on the side street as is on the front street.

- c. Building heights for all structures shall not exceed 40 feet or 3 stories.
- d. Parking –
 - (1) No parking is required for non-residential uses in the CBD. If parking is provided, it shall be located behind the building, screened from public rights-of-way, and have a direct pedestrian connection to the primary building entrance of the public right-of-way.
 - (2) Dwelling units in the CBD shall provide the required parking. It shall be located behind the building, screened from public rights-of-way, and have a direct pedestrian connection to the primary building entrance of the public right-of-way.
 - (3) Residential and office is encouraged on the upper floors of buildings; lower floors are encouraged to be retail or restaurants.
- e. Sidewalks shall be a minimum of eight feet (8') in width for all new construction. This may be reduced, through the site plan approval process, upon satisfactorily demonstrating to the City Council that streetscape improvements constrain the site to the extent that eight feet (8') is not feasible. In no case shall the sidewalk width be less than six feet (6') in width. A written request must be made with accompanying justification statement and drawings for consideration of reduction in sidewalk width.

Article IX, Section C. Defined Terms

Add the following definition:

Rooftop Terrace: A outdoor amenity area located on the roof of a building. A rooftop terrace shall be accessory to the primary use of the building. Individually owned and operated businesses or venues shall not occupy a rooftop terrace.

ZC 21.17 Amendment as Presented in December

Article V: Special Districts. Section A and C through I omitted for simplicity.

B. CBD – Central Business District Overlay

1. **Intent** – The Central Business District overlay is intended to preserve downtown Fairhope as the “Regional Village Center” and focal point for the City. The CBD overlay shall provide an environment for shopping, restaurant and entertainment, cultural and artistic institutions, offices, governmental functions, and residential uses. The CBD is intended to have a unique character in the City and serve the entire community by:
 - generating high levels of pedestrian and bicycle traffic;
 - providing a mix of uses;
 - create a focal point for activities throughout the City;
 - link to adjacent areas and areas throughout the City through a variety of modes of transportation;
 - strengthen non-automobile connections to adjacent neighborhoods;
 - buffer surrounding neighborhoods from any adverse impacts of activities in the CBD; and
 - provide small parks and trails.

2. **Location and Size** – The CBD overlay includes: From the southeast corner of the intersection of Oak Avenue and N. Church Street run east along the south side of Oak Avenue to a point on the east side of N. Section Street; one parcel on the north side of Oak Avenue from N. Section to the east end of Oak Avenue; one parcel on the east side of N. Bancroft Street from the north side of Oak Avenue to a point on the south side of Pine Avenue and along the east property line one parcel east of N. Bancroft Street; thence run east along the north property line of one parcel to a point; thence run south along the east property line to the south side of Equality Street; the west side of N. School Street from Equality Street to the south side of Stimpson Avenue; the south side of Stimpson Avenue to the east end of Stimpson Avenue; south to a point on the south side of Fairhope Avenue that is one parcel west of Mershon Street; one parcel on the south side of Fairhope Avenue from one parcel west of Mershon Street to the west side of S. School Street; to a point one parcel south of Morphy Avenue on the west of S. School Street; south to the west end of the unopened portion of right-of-way of Fels Avenue; along the north side of Fels Avenue from the northwest corner of the intersection of Fels Avenue and Oswalt Street to a point at the northeast corner of Fels Avenue and S. Church Street; north one parcel to a point one parcel south of Morphy Avenue; west to a point two lots west of S. Church Street; north to the north side of Morphy Avenue west to the northeast corner of the intersection of Morphy Avenue and S. Summit Street; along the east side of Summit Street to the southeast corner of the intersection of N. Summit Street and Magnolia Avenue; along the south side of Magnolia Avenue to the southeast corner of the intersection of Magnolia Avenue

and N. Church Street; along the east side of N. Church Street to the southeast corner of the intersection of N. Church Street and Oak Avenue.

- 3. 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.
 - a. Rooftop Terraces shall be an allowed Accessory Use permitted on all lots zoned B-2, General Business District located within the CBD. The following standards shall apply to all Rooftop Terraces:
 - (1) For the purpose of the Zoning Ordinance and this Section, a Rooftop Terrace shall not be considered a story.
 - (2) Except as provided below in this Section, the height of all structures on or within a rooftop terrace shall not exceed forty feet (40’).
 - (3) Elevators and stairwells, providing access to Rooftop Terrace, may be allowed to exceed forty feet (40’) by no more than five feet (5’); provided such elevators and stairwells and their associated mechanical equipment and enclosed areas shall not cover more than 7.5% of the total square footage of the rooftop and be located a minimum of ten feet (10’) from the edge of the roof.
 - (4) Structures, other than those used for elevators and stairwells, may be opened or enclosed, but shall not cover more than 33% of the total square footage of the rooftop.
 - (5) The outer boundary of a rooftop terrace shall be defined using a barrier meeting the City of Fairhope Building Code. The barrier shall be set back a minimum of five feet (5’) from the roof edge.
- 4. Dimension Standards** – All dimension standards for the underlying districts shall apply in the CBD overlay except as follows:
 - a. Non-residential buildings in the CBD shall be built at the right-of-way line, unless a courtyard, plaza or other public open space is proposed.
 - b. No side-setback is required for non-residential buildings in the CBD, except that corner lots shall have the same building line on the side street as is on the front street.
 - c. Building heights for all structures shall not exceed 40 feet or 3 stories.
 - d. Parking –
 - (1) No parking is required for non-residential uses in the CBD. If parking is provided, it shall be located behind the building, screened from public rights-of-way, and have a direct pedestrian connection to the primary building entrance of the public right-of-way.

- (2) Dwelling units in the CBD shall provide the required parking. It shall be located behind the building, screened from public rights-of-way, and have a direct pedestrian connection to the primary building entrance of the public right-of-way.
- (3) Residential and office is encouraged on the upper floors of buildings; lower floors are encouraged to be retail or restaurants.
- e. Sidewalks shall be a minimum of eight feet (8') in width for all new construction. This may be reduced, through the site plan approval process, upon satisfactorily demonstrating to the City Council that streetscape improvements constrain the site to the extent that eight feet (8') is not feasible. In no case shall the sidewalk width be less than six feet (6') in width. A written request must be made with accompanying justification statement and drawings for consideration of reduction in sidewalk width.

Article IX, Section C. Defined Terms

Add the following definition:

Rooftop Terrace: A outdoor amenity area located on the roof of a building. A rooftop terrace shall be accessory to the primary use of the building. Individually owned and operated businesses or venues shall not occupy a rooftop terrace.

ZC 22.01 Zoning Amendment

MEMORANDUM

DATE: December 23, 2021

TO: City Council/Planning Commission

FROM: Hunter Simmons, Planning and Zoning Manager

RE: Proposed Zoning Ordinance Amendment for Accessory Structures

In all Zoning Districts, other than R-A, the existing Fairhope Zoning Ordinance prohibits the height of an accessory structure to exceed the height of principal structures. This requirement is explicit in Table 3-3: Dimension Table - Residential Accessory Structures shown below.

Table 3-3: Dimension Table - Residential Accessory Structures

Dimension District or use	Setbacks				Max. total lot coverage by accessory structure	Max. height	Min. structure separation from principal structure	Min. separation between structures
	Front	Rear	Side	Street side				
R/A	Behind front building line of principal structure	15'	15'	50'	30% of required rear yard	30'	50' for agriculture structures; 10 feet for all other accessory structures	5'
R-3 PGH*	Behind rear building line of principal structure	none required	same as principal structure	same as principal structure	25% of required rear yard*	20' but no taller than the principal structure	5'	5'
All other residential districts	Behind rear building line of principal structure	5'	5'	no nearer than principal structure	25% of required rear yard	30' but no taller than the principal structure	10'	5'

In many areas of town, but most notable in the Fruit and Nut area of Fairhope, many accessory structures are taller than the principal structure. Some were even granted Variances in the past from the Board of Adjustment and Appeals. Changes in laws, or interpretation of laws due to past cases within the State, no longer allow architectural variances where the hardship is other buildings.

As the Planning Commission is aware, Fairhope does not have historical preservation measures in place. All the above leaves some homeowners with a dilemma, they can legally tear down a historical house, build taller, and then build a taller accessory structure. Some, not all, would rather save the historical home. With this said, the intent of this amendment is to allow some flexibility when adding a two-story accessory structure. The proposed amendment would allow, with administrative approval, an accessory structure to be no more than five feet taller than the principal building.

The proposed amendment is added as a footnote to Table 3-3 as shown below in red:

Table 3-3: Dimension Table - Residential Accessory Structures

Dimension District or use	Setbacks				Max. total lot coverage by accessory structure	Max. height	Min. structure separation from principal structure	Min. separation between structures
	Front	Rear	Side	Street side				
R/A	Behind front building line of principal structure	15'	15'	50'	30% of required rear yard	30'	50' for agriculture structures; 10 feet for all other accessory structures	5'
R-3 PGH*	Behind rear building line of principal structure	none required	same as principal structure	same as principal structure	25% of required rear yard*	20' but no taller than the principal structure	5'	5'
All other residential districts	Behind rear building line of principal structure	5'	5'	no nearer than principal structure	25% of required rear yard	30' but no taller than the principal structure**	10'	5'

*one detached garage up to 600 square feet shall be allowed for Patio/garden homes in addition to the maximum total lot coverage for other accessory structures, subject to all other accessory structure dimension standards.

** In an attempt to preserve historic one-story structures, on lots where the principal structure is one-story, an administrative approval may be given to allow an accessory structure to be taller than the principal structure, but in no case more than 5' taller than the principal structure as measured from the tallest roof peak of the principal structure, excluding chimneys, cupola, spires, and other architectural features. In no case shall an accessory structure exceed the height limit of the district.

Not included in the language above, but something the City Council/Planning Commission may want to consider would be a requirement to have a minimum pitch to the roof of accessory structures, or possible match the pitch of the principal structure. This would only be necessary if flat roofs were discouraged.

The proposed amendment is on page 22 in the attached section of Code from the Zoning Ordinance.

TABLE OF CONTENTS

Article I. General

- A. Title
- B. Purpose and Authority
- C. Applicability
 - 1. Establishment of Districts
 - 2. Application of Regulations
 - 3. Interpretation of District Boundaries
 - 4. Adoption, Identification and Changes to the Official Zoning Map
 - 5. Text Amendments
 - 6. Newly Annexed Land
 - 7. Conflicts with Other Laws
 - 8. Severability and Validity

Article II. Procedures

- A. Review Bodies
 - 1. City Council
 - 2. Planning Commission
 - 3. Director of Planning
 - 4. Board of Adjustments
- B. Applications
- C. Review Procedures
 - 1. Zoning Amendments
 - 2. Site Plan
 - 3. Board of Adjustment Application
 - 4. Permits and Certificates

Article III. Zoning Districts

- A. Purpose and Intent of Zoning Districts
- B. Allowed Uses
 - 1. Use Table
 - 2. Accessory Uses
 - 3. Temporary Uses
- C. Dimension Standards
 - 1. Lots and Principal Structure - Dimension Table
 - 2. Residential Accessory Structures - Dimension Table
 - 3. Yards
 - 4. Free-standing Commercial Structures
 - 5. Waterfront Lots
- D. Special Conditions for Uses
 - 1. Recreational Vehicle Parks
 - 2. Townhouses
 - 3. Patio and Garden Homes
 - 4. Automobile Service Stations and Convenience Stores
 - 5. Home Occupations
 - 6. Cemeteries
 - 7. Storage and Parking of Trailers and Commercial Vehicles
 - 8. Personal Storage
 - 9. Accessory Dwelling Units
 - 10. Building Materials on Commercially Zoned Property
 - 11. Restaurants and Accessory Bars in the M-1 Light Industrial District

Article IV. Site Design Standards

- A. Open Space
- B. Screening, Lighting and Landscape Material

- C. Streetscape
- D. Site Access and Internal Circulation
- E. Parking
- F. Stormwater Management
- G. Tree Preservation

Article V. Special Districts and Uses

- A. PUD - Planned Unit Development
- B. CBD - Central Business District Overlay
- C. FH-1 Flood Hazard District
- D. R-6 Manufactured Home District
- E. AO - Airport Overlay
- F. P-1 Parking District
- G. TR - Tourism Resort District
- H. MO - Medical Overlay District
- I. HTD - Highway Transitional District

Article VI. Village Districts

- A. VRM - Village Residential Mix
- B. NVC - Neighborhood Village Center
- C. CVC - Community Village Center
- D. Village Zoning Special Review Procedures

Article VII. Non-conformities

- A. Purpose and Intent
- B. Non-conforming Structures
- C. Non-conforming Uses
- D. Non-conforming Lots
- E. Maintenance of Non-conformities
- F. Adjacent Land

Article VIII. Enforcement

- A. Penalties
- B. Remedies
- C. Appeal

Article IX. Definitions and Interpretation

- A. Interpretation
- B. Description of Uses
- C. Defined Terms

Appendix A – Applications and Submittal Requirements

Appendix B - Map Amendment Ordinances

Appendix C – Text Amendment Ordinances

Article I General

- A. Title**
- B. Purpose and Authority**
- C. Applicability**
 - 1. Establishment of Districts
 - 2. Application of Regulations
 - 3. Interpretation of District Boundaries
 - 4. Adoption, Identification and Changes to the Official Zoning Map
 - 5. Text Amendments
 - 6. Newly Annexed Land
 - 7. Conflicts with Other Laws
 - 8. Severability and Validity

A. Title

This ordinance shall be known and may be cited as the “Zoning Ordinance” for the City of Fairhope, Alabama.

B. Purpose and Authority

1. Authority

This ordinance, and all subsequent amendments, is adopted pursuant to the authority granted by Section 11-52-1 et seq. Code of Alabama, 1975 (as amended).

2. Purpose

This ordinance is adopted for the following purposes, all in accordance with the Comprehensive Plan of the City of Fairhope, Alabama:

- a. to lessen congestion in the streets;
- b. to secure safety from fire, panic, and other dangers;
- c. to promote health and general welfare;
- d. to provide adequate light and air;
- e. to prevent overcrowding of land;
- f. to avoid undue concentration of land; and,
- g. to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

C. Applicability

1. Establishment of Districts

The following districts are established to maintain the character of the districts and their suitability for particular uses, and to conserve the value of buildings and encourage the most appropriate use of land throughout the municipality.

- R-A - Residential/Agriculture District
- R-1 - Low Density Single-Family Residential District
- R-1(a) - Low Density Single-Family Residential District
- R-1(b) - Low Density Single-Family Residential District
- R-1(c) - Low Density Single-Family Residential District
- R-2 - Medium Density Single-Family Residential District
- R-3 - High Density Single-Family Residential District
- R-3 PGH - High Density Single-Family Patio Garden Home Residential District
- R-3 TH - High Density Single-Family Townhouse Residential District
- R-4 - Low density Multi-Family Residential District
- R-5 - High Density Dwelling Residential District
- R-6 - Manufactured Home District
- B-1 - Local Shopping District
- B-2 - General Business District
- B-3a - Tourist Resort Lodging District
- B-3b - Tourist Resort Commercial Service District
- B-4 - Business and Professional District
- M-1 - Light Industrial District
- M-2 - General Industrial District
- CBD - Central Business District Overlay
- AO - Airport Overlay
- P-1 - Parking District
- FH-1 - Flood Hazard District
- PUD – Planned Unit Development
- VRM – Village Residential Mix
- NVC – Neighborhood Village Center
- CVC – Community Village Center

2. Application of Regulations

- a. *Use:* No building or land shall be used or occupied and no building or part thereof shall be erected, constructed, moved, or altered except in conformity with the regulations for the district in which it is or is to be located.
- b. *Structures:* No structure shall be erected, constructed or altered so as to exceed the height limit or dimensional standards specified in the regulations herein for the district in which it is located.
- c. *Lots:* No lot shall be reduced in size below the minimum requirement for lot width or depth, front, side, or rear yard, inner or outer courts, lot area per family or other requirements of this ordinance. This section shall not apply when a portion of a lot is acquired for public use.

3. Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of any of the districts as shown on the official zoning map, the following rules shall apply:

- a. Unless otherwise indicated, the district boundaries shall be construed to follow property lines, land lot lines, center lines of public rights-of-way, shorelines of bodies of water, or civil boundaries.
- b. Where district boundaries are approximately parallel to the centerlines of rights-of-way or of shorelines of bodies of water, district boundaries shall be construed as being parallel to these lines at the distance

indicated on the official zoning map. If no distance is given, the dimensions shall be determined by the use of the scale shown on the official zoning map.

- c. Where a public right-of-way is officially vacated or abandoned, the regulations applicable to the property to which it is reverted shall apply to the vacated or abandoned right-of-way.
- d. The final determination of a district boundary shall be made according to the legal description contained in the adopted ordinance. If the description is incomplete, the city council shall determine the legislative intent and may, if necessary, adopt an amending ordinance to correct the district boundary.

4. Adoption, Identification and Changes to the Official Zoning Map

The current zoning map of the City, which is maintained by the Director of Planning and Building or his / her designee under the direction of the Mayor and kept on file at City Hall, shall continue to be the official zoning map of the City and nothing contained herein shall be construed to alter or amend the current zoning map. A copy of said map is attached hereto as Exhibit "A". Future changes in district boundaries shall be made on the zoning map for convince and reference. Map amendments to the zoning ordinance shall be made in accordance with the procedures established in Article II hereof. This official ordinance approving the map change shall be recorded in Appendix A of the Zoning Ordinance. In the event of a conflict between the map and this zoning ordinance or any amendment hereto, the legal description from the particular ordinance shall control.

5. Text Amendments

Text amendments to the Zoning Ordinance shall be made according to the procedures established in Article II. Ordinances amending the text of the Zoning Ordinance shall be recorded in Appendix C of this ordinance.

6. Newly Annexed Land

Property annexed into the City shall be zoned according to the following:

- a. Property shall have any zoning designation given to it by the City Council according to the procedures specified in this ordinance.
- b. Where no designation is given by the City Council and the property is otherwise un-zoned, it shall be classified as R1 – Low Density Single Family Residential District.
- c. Property annexed into the City that is zoned by Baldwin County shall be classified as the most similar district at the time of application, unless a different classification is given by the City Council. The Director of Planning and Building shall make the determination of the most similar district. Similar classifications do not require due process and public notice procedures before the Planning Commission or the City Council. These requests are considered directly by the City Council at the time of annexation consideration. If the applicant requests a different zoning district then the case shall follow the annexation contingent on zoning procedures.

7. Conflicts with Other Laws

Whenever the requirements of this ordinance conflict with the requirements of any other lawfully adopted statutes, rules, regulations, or ordinances, the most restrictive, or that imposing higher standards, shall govern.

8. Severability and Validity

Each phrase, sentence, paragraph, section or other provision of this ordinance is severable from all other such phrases, sentences, paragraphs, sections and provisions. Should any phrase, sentence, paragraph, section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect any other portion or provision of this ordinance.

Article II Procedures

A. Review Bodies

1. City Council
2. Planning Commission
3. Director of Planning
4. Board of Adjustments

B. Applications

C. Review Procedures

1. Zoning Amendments
2. Site Plan
3. Board of Adjustment Application
4. Permits and Certificates

A. Review Bodies

1. City Council

The City Council shall exercise all final legislative authority over zoning matters as provided in this ordinance.

2. Planning Commission

a. *Establishment and Authority:* The Planning Commission of the City of Fairhope is established according to Title 11, Chapter 52 of the Code of Alabama (1975), as amended, and Article 17 of the City Code. The Planning Commission shall exercise the authority granted by the Code of Alabama, the City Code, and the Zoning Ordinance.

b. *Memberships:*

(1) The commission shall consist of nine members having the following qualifications:

- A member of the city council, to be selected by it;
- The mayor;
- An administrative official of the city, appointed by the mayor;
- Six members, appointed by the mayor, who shall reside in or have as their principal place of employment, the City of Fairhope, Alabama or its planning jurisdiction who hold no other public office in the City of Fairhope.
- This subsection is intended to comply with the terms of Chapter 52 of Title 11 of the Code of Alabama (1975), as amended, with respect to the members of the Planning Commission. To the extent those terms are altered, amended, replaced or otherwise changed, this subsection shall be construed so as to apply with such altered, amended, replaced or changed terms.

- (2) The mayor, the city councilperson, and the city administrative official shall be ex-officio members of the commission having full privilege of participation in the business of the commission, including voting privileges. Their terms shall correspond to their respective official tenures except that the terms of the administrative official selected by mayor shall terminate with the term of the selecting mayor.
 - (3) All members shall serve without compensation but may be reimbursed for actual expenses incurred in connection with their official duties. All members shall be provided with relevant information outlining conflict of interest laws.
 - (4) The City Director of Planning and Building shall serve in an advisory capacity to the commission and shall attend all meetings, unless excused by the commission, but shall not vote.
 - (5) The terms of the six members citizen employees shall be on accordance with the applicable law; provided; however, that nothing in this zoning ordinance shall be construed so as to shorten the term of any current citizen appointee.
 - (6) The vacancy on the commission shall be filled for the un-expired term by the mayor in the case of members appointed by the mayor or by the council in the case of a member selected by the council. Members appointed by the mayor may be removed by the mayor and the member appointed by the council may be removed by the council for inefficiency, neglect of duty or malfeasance in office after a public hearing held pursuant to written charges.
- c. *Rules of Procedure:* The Planning Commission shall establish bylaws under which to operate as provided by law.
- d. *Duties and Powers Under Zoning Ordinance:* The Planning Commission shall have the following powers and duties under the Zoning Ordinance:
- (1) To review and make recommendations on zoning amendments for compliance with the Comprehensive Plan.
 - (2) To review and approve site plans consistent with the standards in this ordinance and the existing zoning for the property.
 - (3) To propose zoning amendments to the City Council;
 - (4) To advise the City Council on implementation of the Comprehensive Plan, and;
 - (5) Other duties as authorized by the Code of Alabama (1975), as amended, and the City Code.

3. Director of Planning

The Director of Planning shall be the municipal zoning officer, or the zoning officer's representative whose duties shall be as follows:

- a. The Director of Planning is authorized and empowered on behalf and in the name of the council to administer and enforce the provisions of this ordinance including:
 - (1) Receive applications;
 - (2) Inspect premises, and issue certificates of zoning compliance, and certificates of occupancy for uses and structures which are in conformance with the provisions of this ordinance;
 - (3) Interpret the meaning of the ordinance in the course of enforcement;
 - (4) Propose zoning amendments as provided in this ordinance; and,
 - (5) Advise the Planning Commission and City Council on implementation of the Comprehensive Plan.
- b. The Director of Planning shall keep records of certificates of occupancy issued, maps, plats and other documents with notations of all special conditions involved. He shall file and safely keep copies of all sketches and plans submitted, and the same shall form a part of the records of his office and shall be public record.

4. Board of Adjustments

- a. *Establishment and Authority:* The Board of Adjustment of the City of Fairhope, Alabama is hereby established according to the Code of Alabama (1975), as amended.
- b. *Membership:*
 - (1) The Board shall consist of five members, appointed by the City Council of the City of Fairhope, Alabama for overlapping terms of three years.
 - (2) The initial appointment of the Board shall be as follows: two members for one year; two members for two years; and one member for three years.
 - (3) Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members shall be removable for cause by the council upon written charges and after public hearing.
 - (4) No member shall hold any other public office or position.
 - (5) Every member shall reside in the city limits of the City of Fairhope, Alabama.
- c. *Rules of Procedure:* The Board shall observe the following procedures:
 - (1) The board shall adopt rules in accordance with the provisions of this ordinance for the conduct of its affairs.
 - (2) The board shall elect one of its members as chairman, who shall serve for one year or until he is reelected or his successor is elected.
 - (3) The board shall appoint a secretary.
 - (4) The meetings of the board shall be held at the call of the chairman and at other times as the board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses by subpoena.
 - (5) All meetings of the board shall be open to the public.
 - (6) The board shall keep minutes of its proceedings, showing the voice vote of each member upon each question, or indicating absence or failure to vote, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the clerk and shall be a public record.
- d. *Duties and Powers:* The Board shall have the following duties and powers:
 - (1) *Administrative Review* - To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Director of Planning and Building, or other administrative official, in the enforcement of this ordinance.
 - (2) *Special Exceptions* - To hear and decide special exceptions to the terms of this ordinance upon which the board is required to pass under this ordinance.
 - (3) *Variances* - To authorize upon appeal in specific cases variance from the terms of this ordinance not contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance will, in an individual case, result in unnecessary hardship, so that the spirit of this ordinance shall be observed, public safety and welfare secured, and substantial justice done. Prior to granting a variance, the Board shall find that:
 - (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;
 - (b) The application of this ordinance to the particular piece of property would create an unnecessary hardship;
 - (c) Such conditions are peculiar to the particular piece of property involved; and,
 - (d) Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this ordinance; provided however, that no variance may be granted for a use of land or building or structure that is prohibited by this ordinance.
 - (4) *Uses Not Provided For:* Whenever, in any district established under this ordinance, a use is neither specifically permitted or denied and an application is made by a property owner to the Director of Planning and Building for use, the Director shall refer the application to the board of adjustment which shall have the authority to permit the use or deny the use. The use may be permitted if it is similar to and compatible with permitted uses in the district and in no way is in conflict with the general purpose and intent of this ordinance.

Discuss intent, i.e. Character . Why are we doing this? Why add a process?

B. Applications

All applications submitted under this ordinance shall be made on forms provided by the Director of Planning and Building. All applications shall be made according to the published Planning Commission schedule. In addition to the minimum information specified on the application forms, applicants may be asked, in the Director’s, Planning Commission’s, or City Council’s discretion, to submit additional information, data, or reports, as is reasonably necessary for the review bodies to make an informed decision on compliance of the application with this ordinance.

C. Review Procedures

Table 2-1: Procedures

Application Type	Map Amendment (Rezoning)*	Zoning Text Amendment	Site Plan Approval	Administrative Appeal	Special Exception	Variance	Building Permit	Certificate of Occupancy/Zoning Compliance
Review Body								
Director of Planning and Building	A RR	A RR	A RR	A RR	A RR	A RR	A/RR D	A/RR D
Planning Commission	H RR	H RR	RR					
City Council	H D	H D	D					
Board of Adjustment				H D	H D	H D		

A = Determination of complete application subject to Section II.B.
 RR = Review and/or recommendation
 H = Public hearing subject to notice and procedure requirements of this Article.
 D = Final Decision
 * See Article VI, Section D. for special expedited review procedures for the Village Zoning Districts.

1. Zoning Amendments

- a. *Initiation* –
 - (1) Zoning Text Amendment - An amendment to the text of the zoning ordinance shall only be initiated by the Director of Planning and Building, members of the Planning Commission, or members of the City Council. Other individuals requesting an amendment to the text of the zoning ordinance must get one of these authorized individuals to sponsor the proposed amendment.
 - (2) Zoning Map Amendment - A zoning map amendment to rezone property may be initiated by a majority of the City Council, a majority of the Planning Commission, or the property owner.

- b. *Application* - An application for a zoning amendment shall be submitted on the application form provided by the Director of Planning and Building. The application shall include all information requested on the application form. The Director of Planning and Building shall determine if the application is complete. If the application is not complete, the Director shall notify the applicant in writing indicating necessary steps to cure the incomplete application.

- c. *Notice* –
 - (1) Notice of Planning Commission Hearing
 - (a) Published Notice – Notice shall be published once, at least 15 days prior to the hearing, in a newspaper of general circulation. The notice shall include the following:
 - (i) A provision that the application will be considered by the Planning Commission;
 - (ii) A copy of the proposed amendment or application is available at City Hall;
 - (iii) The time and place that the application will be considered by the Planning Commission;
 - (iv) All persons shall have an opportunity to be heard in opposition to or in favor of the amendment;
 - (v) In the case of a zoning map amendment, a general description of any property, including any common name by which the property is known.
 - (b) Mailed Notice –The applicant shall furnish the City the names and mailing addresses of all persons owning property within 300 feet of any specific property that is the subject of the application. Names and addresses shall be from the latest records of the county revenue office and accuracy of the list shall be the applicant’s responsibility. Where land within 300 feet involves leasehold property, the names and addresses of the landowner and the leasehold improvements shall be provided to the City.
 - (c) Posted Notice - The applicant shall post on the property being considered for a zoning change a sign that gives public notice. This sign shall be posted adjacent to a publicly dedicated street. The sign shall be furnished by the City at the time of application. The sign shall be posted no later than 15 days before the Planning Commission meetings and shall remain posted until after final action by the City Council. The applicant shall remove the sign from the property and return it to the City within 2 days of final action by the City Council. It is the sole responsibility of the applicant to post the sign in accordance with these regulations. Failure to post this sign may result in nullification of the zoning change decision and application.
 - (d) Upon determination of a complete application, notice of the application will be published and/or mailed. The applicant shall be responsible for all costs of notification and filing fees.
 - (2) Notice of City Council Hearing - Prior to the City Council hearing, two notices shall occur in a newspaper of general circulation in the City, or where no such paper exists, in four conspicuous places in the City. Each notice shall be at least 15 days prior to the date when the City Council will consider the application.
 - (a) Initial Publication - The initial publication shall be according to the following:
 - (i) The text of the proposed amendment in full or the application;
 - (ii) The time and place that the application will be considered by the City Council;
 - (iii) Notice that all persons shall have an opportunity to be heard in opposition to or in favor of the application.
 - (b) Second Publication – The second publication shall be according to the following:
 - (i) A synopsis of the proposed application;
 - (ii) The date and name of the newspaper or locations of the first publication;
 - (iii) The time and place that the application will be considered by the review body;
 - (iv) Notice that all persons shall have an opportunity to be heard in opposition to or in favor of the application.
 - (3) Compliance with Law- the foregoing requirements are intended with applicable law relating to notice. To the extent that such requirements do not so comply with applicable law or in the event any applicable law is hereafter altered, amended or otherwise modified, this section C.1.c. shall be construed so as to comply with such altered, amended or modified law.

- d. *Review* -The proposed amendment shall be reviewed according to the following:
 - (1) A complete application shall be reviewed by the Director of Planning and Building.

- (2) The application shall be submitted to the Planning Commission at the next available meeting. The Planning Commission shall consider the application and take one of the following actions:
 - (a) Recommend approval of the application to the City Council;
 - (b) Recommend approval of the application to the City Council, conditioned on specific revisions;
 - (c) Recommend denial of the application to the City Council; or
 - (d) Continue discussion of the application for further study. An application shall only be continued one time without the applicant's consent before the Planning Commission shall pass it along to the City Council for action. Any continuance shall be for a time reasonably necessary to completely and adequately address the issue of further study. An applicant may agree to more continuances.
 - (3) The application shall be submitted to the City Council, only with the recommendation of the Planning Commission. The City Council shall consider the application at a public hearing and take one of the following actions:
 - (a) Approve the application;
 - (b) Approve the application, conditioned on specific revisions;
 - (c) Deny the application;
 - (d) Continue discussion of the application for further study. An application shall only be continued one time without the applicant's consent before the City Council shall take one of the above actions. Any continuance shall be for a time reasonably necessary to completely and adequately address the issue of further study. An applicant may agree to more continuances; or
 - (e) Remand the proposed amendment to the Director of Planning and Building or to the Planning Commission for further study and discussion. An application may be remanded only once without the applicant's consent before the City Council shall take one of the above actions. An applicant may agree to more remands.
- e. *Criteria* – The application shall be reviewed based on the following criteria:
- (1) Compliance with the Comprehensive Plan;
 - (2) Compliance with the standards, goals, and intent of this ordinance;
 - (3) The character of the surrounding property, including any pending development activity;
 - (4) Adequacy of public infrastructure to support the proposed development;
 - (5) Impacts on natural resources, including existing conditions and ongoing post-development conditions;
 - (6) Compliance with other laws and regulations of the City;
 - (7) Compliance with other applicable laws and regulations of other jurisdictions;
 - (8) Impacts on adjacent property including noise, traffic, visible intrusions, potential physical impacts, and property values;and,
 - (9) Impacts on the surrounding neighborhood including noise, traffic, visible intrusions, potential physical impacts, and property values.
- f. *Limitation on Re-submittal* – No application for a zoning map amendment shall be considered within 365 days from a final decision on a previous application for the same or similar parcel of land. An application may be withdrawn without prejudice prior the public hearing being opened by the Planning Commission. A request to withdraw an application shall be made to the Director in writing.
- g. *Nullification for Misrepresentation* – Any rezoning decision that is based in any part on testimony, plans, studies or other support that is later found to have been a material misrepresentation may be summarily nullified. Summary nullification shall require evidence of the misrepresentation at a formal Council meeting and the concurring vote of 4 members of the City Council. It shall not require the notice and hearing necessary for a formal zoning amendment because the initial Council action will be determined null and void due to the material misrepresentation.

2. Site Plan

- a. *Initiation* – Review of (preliminary) site plans accompanying a zoning map amendment shall be reviewed according to the zoning amendment procedures. (Final) site plans that do not accompany a zoning map amendment shall be reviewed according to this section. Site plan approval is required when any commercial building(s) located in a business-zoning district (industrial zoning excluded) or in the CBD overlay:

- (1) Has a gross floor area of 10,000 square feet or greater; or,
 - (2) More than 30% of the lot (excluding the building) is impervious; or
 - (3) All applications for zoning map amendments to rezone property to any of the Village Districts in Article VI. However, applicants for rezoning to the village districts may elect to use the special review procedures in Article VI, Section D. for review of the rezoning application and site plans associated with a village development.
 - (4) A mandatory site plan review application for all mixed-use projects electing to build to 35 feet height with 33% residential, regardless of whether or not it triggers site plan review approval, must make application to the Planning and Zoning Commission for approval.
- b. *Application* –An application for site plan review shall be submitted on the application form provided by the Director of Planning and Building. The application shall include all information requested on the application form. Preliminary review with the Director and the Planning Commission, prior to a formal application is encouraged. If the application is not complete, the Director shall notify the applicant in writing indicating necessary steps to cure the incomplete application. The application shall be submitted with drawings showing the location of the site and all existing and proposed buildings with sufficient information to evaluate impacts on adjacent properties. Sheet size shall be large enough to document all physical features and shall be suitable for public record. The application does not require public notice nor public hearing.
- c. *Review* – Site plan review shall occur according to the following:
- (1) A complete application shall be reviewed by the Director of Planning and Building.
 - (2) Applications shall be submitted according to the published Planning Commission schedule. The Planning Commission shall consider the application and take one of the following actions:
 - (a) Approve the site plan;
 - (b) Approve the site plan, conditioned on specific revisions;
 - (c) Deny the site plan; or
 - (d) Continue discussion of the application for further study. An application shall only be continued one time without the applicant’s consent before the Planning Commission shall take one of the above actions. An applicant may agree to more continuances.
 - (3) The City Council shall consider the site plan only after review and recommendation from the Planning Commission. The City Council shall have the final authority on site plan approval.
- d. *Criteria* – The application shall be reviewed based on the following criteria:
- (1) Compliance with the Comprehensive Plan;
 - (2) Compliance with any other approved planning documents;
 - (3) Compliance with the standards, goals, and intent of this ordinance and applicable zoning districts;
 - (4) Compliance with other laws and regulations of the City;
 - (5) Compliance with other applicable laws and regulations of other jurisdictions;
 - (6) Impacts on adjacent property including noise, traffic, visible intrusions, potential physical impacts, and property values;
 - (7) Impacts on the surrounding neighborhood including noise, traffic, visible intrusions, potential physical impacts, and property values;
 - (8) Overall benefit to the community;
 - (9) Compliance with sound planning principles;
 - (10) Compliance with the terms and conditions of any zoning approval;
 - (11) Any other matter relating to the health, safety, and welfare of the community;
 - (12) Property boundaries with dimensions and setback lines;
 - (13) Location of proposed buildings and structures indicating sizes in square feet;
 - (14) Data to show percentage of lot covered with existing and proposed buildings;
 - (15) Elevations indicating exterior materials;
 - (16) The locations, intensity, and height of exterior lights;
 - (17) The locations of mechanical equipment;
 - (18) Outside storage and/or display;
 - (19) Drive-up window locations (must be away from residential uses/districts and not in front of building);
 - (20) Curb-cut detail and location(s);

- (21) Parking, loading, and maneuvering areas;
- (22) Landscaping plan in accordance with the City Landscape Ordinance;
- (23) Location, materials, and elevation of any and all fences and/or walls;

- (24) Dumpster location and screening; and
- (25) Location and size of all signage.

- e. *Effect and Limitation on Approval* – Site plan approval stands for 365 days from the approval date. If the building permit has not been issued within this time, the site plan approval shall be null and void. The Council may consider a request for extension of this time up to 180 additional days for good cause. The site plan may be amended, but amendments shall be subject to the same procedures as a new site plan approval.

- f. *Modifications* - Modifications in substantial conformance with an approved site plan may be approved by the Director of Planning and Building if they meet the following conditions:
 - (1) The modification addresses actual site conditions that were not anticipated in the reviewed site plan;
 - (2) The modification meets the intent of the site plan standards in an equivalent or improved manner than the original site plan; and
 - (3) The modification results in no greater impact on adjacent property than the approved site plan.

- g. *Nullification for Misrepresentation* – Any site plan decision that is based in any part on testimony, plans, studies or other support that is later found to have been a material misrepresentation may be summarily nullified. Summary nullification shall require evidence of the misrepresentation at a formal Council meeting and the concurring vote of 4 members of the City Council. It shall not require a formal site plan review process because the initial Council action will be determined null and void due to the material misrepresentation.

3. Board of Adjustment Application

- a. *Initiation* - Applications to the board of adjustment may be made by:
 - (1) Any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the administrative officer;
 - (2) Any person requesting a variance from the standards of this ordinance; or
 - (3) Any person requesting a special exception as provided under this ordinance.

- b. *Application* - An application for a Board of Adjustment review shall be submitted on the application form provided by the Director of Planning and Building. The application shall include all information requested on the application form, including grounds for the request for relief. Applications shall be made according to the published Zoning Board of Adjustment schedule. If the application is not complete, the Director shall notify the applicant in writing indicating necessary steps to cure the incomplete application.

- c. *Notice* –
 - (1) *Published Notice* – At least 15 days in advance of the hearing, notice shall be published in a newspaper of general circulation. The notice shall include the following:
 - (a) A provision that the application will be considered by the Board;
 - (b) A copy of the application is available at City Hall;
 - (c) The time and place that the application will be considered by the Board;
 - (d) All persons shall have an opportunity to be heard in opposition to or in favor of the amendment;
 - (e) A general description of subject property, including any common name by which the property is known.
 - (2) *Mailed Notice* –The applicant shall furnish the City the names and mailing addresses of all persons owning property within 300 feet of the property that is the subject of the application. Names and addresses shall be from the latest records of the county revenue office and accuracy of the list shall be the applicant’s responsibility. Where land within 300 feet involves leasehold property, the names and addresses of the landowner and the leasehold improvements shall be provided to the City.

- (3) Upon determination of a complete application, notice of the application will be published and/or mailed. The applicant shall be responsible for all costs of notification and filing fees.
 - (4) Compliance with Law- The foregoing requirements are intended with applicable law relating to notice. To the extent that such requirements do not so comply with applicable law or in the event any applicable law is hereafter altered, amended or otherwise modified, this section C.3.c. shall be construed so as to comply with such altered, amended or modified law.
- d. *Review* - Application review shall occur according to the following:
- (1) A complete application shall be reviewed by the Director of Planning and Building. The Director shall offer a written report on the merits of the application to the Zoning Board of Adjustments.
 - (2) The application shall be submitted to the Board at the scheduled public hearing, with the Director's report. The Board shall consider the application and take one of the following actions:
 - (a) Grant the requested relief;
 - (b) Grant the requested relief with specific conditions;
 - (c) Deny the requested relief; or
 - (d) Continue discussion of the application for further study. An application shall only be continued one time without the applicant's consent before the Board can take one of the above actions. An applicant may agree to more continuances.
- e. *Criteria* –
- (1) An application for a variance shall be granted only on the concurring vote of four Board members finding that:
 - (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;
 - (b) The application of the ordinance to this particular piece of property would create an unnecessary hardship. Personal financial hardship is not a justification for a variance.
 - (c) Such conditions are peculiar to the particular piece of property involved; and,
 - (d) Relief, if granted, would not cause substantial detriment to the public good and impair the purpose and intent of this ordinance; provided however, that no variance may be granted for a use of land or building or structure that is prohibited by this ordinance.
 - (2) Any other application to the Board shall be reviewed under the following criteria and relief granted only upon the concurring vote of four Board members:
 - (a) Compliance with the Comprehensive Plan;
 - (b) Compliance with any other approved planning document;
 - (c) Compliance with the standards, goals, and intent of this ordinance;
 - (d) The character of the surrounding property, including any pending development activity;
 - (e) Adequacy of public infrastructure to support the proposed development;
 - (f) Impacts on natural resources, including existing conditions and ongoing post-development conditions;
 - (g) Compliance with other laws and regulations of the City;
 - (h) Compliance with other applicable laws and regulations of other jurisdictions;
 - (i) Impacts on adjacent property including noise, traffic, visible intrusions, potential physical impacts, and property values;
 - (j) Impacts on the surrounding neighborhood including noise, traffic, visible intrusions, potential physical impacts, and property values.
 - (k) Overall benefit to the community;
 - (l) Compliance with sound planning principles;
 - (m) Compliance with the terms and conditions of any zoning approval; and
 - (n) Any other matter relating to the health, safety, and welfare of the community.
- f. *Effect of Appeal* – An appeal to the Board stays all legal proceedings in furtherance of the application appealed from unless the Director certifies to the Board that a stay would cause imminent peril to life and property. In such cases, proceedings will not be stayed, unless by operation of a court of competent jurisdiction. If an appeal fails for any reason, the stay shall be lifted.

- g. *Effect of Variance* - Any variance granted according to this section and which is not challenged on appeal shall run with the land provided that:
 - (1) The variance is acted upon according to the application and subject to any conditions of approval within 365 days of the granting of the variance or final decision of appeal, whichever is later; and
 - (2) The variance is recorded with the Judge of Probate.
- h. *Limitation on Re-submission* – An application for the same parcel of land shall not be submitted within 365 days of final decision of the Board. Any application may be withdrawn without prejudice prior to the opening of the hearing by the Board. A request to withdraw an application shall be submitted to the Director in writing.
- i. *Appeal* – Any party aggrieved by any final judgment or decision of the Board may appeal to the circuit court. Appeal to the circuit court must occur within 15 days of the Board’s decision. Notice of the appeal shall be filed with the Board specifying the judgment or decision being appealed. The foregoing requirement relating to the time in which a party must appeal a decision of the board is intended to comply with applicable law. To the extent that applicable law is hereafter altered, amended or otherwise modified this section c.3.i shall be construed to as to comply with such altered, amended or modified law.

4. Permits and Certificates

Permits and certificates shall be issued in accordance with the following provisions;

- a. *Commencement of Building*: It shall be unlawful to commence the excavation or construction of any building or other structure, including accessory structures, or to store building materials or erect temporary field offices, or to commence the moving, alterations, or repair of any structure, including accessory structures, until the building inspector of the municipality has issued for such work a building permit including a statement that the plans, specifications and intended use of such structure in all respects conforms with the provisions of this ordinance. Application for the building permit shall be made to the building inspector on forms provided for that purpose and shall be accompanied by payment of the required fee.
- b. *Approval of Plans and Issuance of Building Permit*: It shall be unlawful for the municipal building inspector to approve any plans or issue a building permit for any excavation or construction until he has inspected such plans in detail and found them in conformity with this ordinance. The municipal building inspector shall require that every application for a building permit for excavation, construction, use of land, moving or alteration be accompanied by a dimensioned plan or plat showing sufficient detail to enable the municipal building inspector to ascertain whether the proposed excavation, construction, use of land, moving or alteration is in conformance with this ordinance. At a minimum the plan or plat shall show:
 - (1) The actual shape, proportion and dimensions of the lot to be built upon;
 - (2) The shape, size and location of all buildings or other structures to be erected, altered, or moved and any building or other structures already on the lot;
 - (3) The existing and intended use of all such buildings or other structures; and
 - (4) The adequacy of provisions for control of surface drainage.

If the proposed excavation, construction, moving, or alteration as set forth in the application, are in conformity with the provisions of this ordinance, the building inspector of the municipality shall issue a building permit accordingly. If an application for a building permit is not approved, the building inspector of the municipality shall state in writing on the application the cause for such disapproval. Issuance of a building permit shall, in no case, be construed as waiving any provision of this ordinance.

- c. *Permits Requiring Planning Commission Review*: Any permit or certificate meeting the standards of Section C.2.a. of this Article shall first require review and approval of a site plan by the Planning Commission prior to issuance of the permit or certificate.
- d. *Expiration of Building Permit*: A building permit shall not be transferable and shall be issued only to the applicant. It shall expire if work is not begun within 180 days from the date of issuance and the work for

the entire project has not been completed within 365 days after issuance of the building permit. Request for a 90-day extension may be considered upon the applicant's request made prior to the permit expiration.

- e. *Modification:* It shall be unlawful for the owner, after he has obtained approval of design plans, to change or substantially modify plans, either during construction or after completion without specific written approval of the building inspector.

- f. *Certificate of Zoning Compliance and Occupancy:* No land or building or other structure erected, moved or altered in its use shall be used until the building inspector of the municipality shall have issued a Certificate of Occupancy and the Director of Planning and Building shall have issued a Certificate of Zoning Compliance stating that such land or structure is found to be in conformity with the provisions of this ordinance. The Director shall perform the final inspection within reasonable time after receiving a request, and issue either a Certificate of Zoning Compliance or a denial in writing. A denial shall state the reasons for denial. Any person or firm who occupies or causes to be occupied any premises without a Certificate of Occupancy and/or a Certificate of Zoning Compliance shall be subject to citation for violation of this ordinance and shall be subject to the all remedies and penalties hereof.

Article III Zoning Districts

A. Purpose and Intent

1. RA Residential/Agriculture District
2. R-1 Low Density Single-Family Residential District
 - R-1(a)
 - R-1(b)
 - R-1(c)
3. R-2 Medium Density Single-Family Residential District
4. R-3 High Density Single-Family Residential District
5. R-3 PGH High Density Single-Family Patio/Garden Home Residential District
6. R-3 TH High Density Single-Family Townhouse Residential District
7. R-4 Low Density Multi-Family Residential District
8. R-5 High Density Dwelling Residential District
9. R-6 Mobile Home Park District
10. B-1 Local Shopping District
11. B-2 General Business District
12. B-3a Tourist Resort Lodging District
13. B-3b Tourist Resort Commercial Service District
14. B-4 Business and Professional District
15. M-1 Light Industrial District
16. M-2 General Industrial District
17. PUD Planned Unit Development
18. CBD Overlay
19. Airport Overlay
20. Flood Hazard District
21. Parking District
22. VRM – Village Residential Mix
23. NVC – Neighborhood Village Center
24. CVC – Community Village Center

B. Allowed Uses

1. Use Table
2. Accessory Uses
3. Temporary Uses

C. Dimension Standards

1. Lots and Principal Structure – Dimension Table
2. Residential Accessory Structures – Dimension Table
3. Yards
4. Free-standing Commercial Structures

D. Special Conditions for Uses

A. Purpose and Intent

The following zoning districts, established pursuant to Section 1.C.1 of Article I., are for the purpose of promoting the health, safety, morals and general welfare, and for the additional purposes and intent listed in Articles III, IV, V, and VI of the Zoning Ordinance, all in accordance with the Comprehensive Plan.

1. *R-A Residential/Agriculture District:* This district is intended as a rural environment providing primarily agriculture and agriculture-related uses. Residential uses are allowed at overall low density to support rural and agriculture lifestyles proximate to the city. This district may also be used as a “holding zone” for future development in accordance with the comprehensive plan, when future conditions allow for efficient expansion of urban services.
2. *R-1 Low Density Single-Family Residential District:* This district is intended to provide choices of low-density suburban residential environment consisting of single-family homes on large parcels of land. It is sub-classified into four categories (R-1, R-1a, R-1b, and R-1c) based on lot sizes.
3. *R-2 Medium Density Single-Family Residential District:* This district is intended as a medium density single-family urban residential district, with lots of moderate size.
4. *R-3 High Density Single-Family Residential District:* This district is intended as a high-density single-family urban residential district with lots of relatively small size as compared to the preceding single-family residential districts.
5. *R-3 PGH High Density Single-Family Patio/Garden Home Residential District:* This district is intended to provide areas that will be limited to single-family development of a patio/garden home nature where only one (1) side yard is required. The regulations of the R-3 PGH District shall apply to property zoned R-3 PGH as of July 10, 2000. Development of patio homes after this date shall use the PUD zoning districts.
6. *R-3 TH High Density Single-Family Townhouse Residential District:* This district is intended to provide areas exclusively for the development of town houses on a high-density basis where no side yards are required.
7. *R-4 Low Density Multi-Family Residential District:* This district is intended to provide a medium high density single-family structure and two to four family units to a building structure.
8. *R-5 High Density Dwelling Residential District:* This district is intended to provide opportunity, within a general protected residential environment, for the highest residential district density considered as appropriate to the environmental character of the city. Within this district it is also considered suitable to include other uses of a type considered not incompatible with a good high-density living environment and providing for needed community services.
9. *R-6 Mobile Home Park District:* This district is intended to provide space at appropriate locations consistent with community objectives for the establishment of mobile home parks which provide for the establishment of permanent mobile homes for the amenities conducive to an adequate living environment.
10. *B-1 Local Shopping District:* This district is intended to provide for limited retail convenience goods and personal service establishments in residential neighborhoods and to encourage the concentration of these uses in one (1) location for each residential neighborhood rather than in scattered sites occupied by individual shops throughout a neighborhood. Restaurants in the B-1 zoning district may be permitted only on appeal to the Board of Adjustments and may be subject to special conditions. Drive thru restaurants shall not be permitted in the B-1 zoning district.
11. *B-2 General Business District:* This district is intended to provide opportunity for activities causing noise and heavy traffic, not considered compatible in the more restrictive business district. These uses also serve a regional as well as a local market and require location in proximity to major transportation routes. Recreational vehicle parks, very light production and processing activities are included.
12. *B-3a Tourist Resort Lodging District:* This district is intended to provide commercial and resort areas at appropriate locations to serve the needs of tourists visiting the Bay Beaches and related recreational and cultural attractions. Commercial activities restricted to restaurants, which are attached to or are an integral part of the complex are permitted.

13. *B-3b Tourist Resort Commercial Service District:* This district is intended for a range of commercial and resort residential uses at appropriate locations to serve the needs of tourists.
14. *B-4 Business and Professional District:* This district is intended to provide opportunity for business establishments of a professional nature and is restricted to offices and businesses, which provide specific corporate functions or professional services to the general public.
15. *M-1 Light Industrial District:* This district is intended to provide a suitable protected environment for manufacturing, research and wholesale establishments which are clean, quiet and free of hazardous or objectionable emissions, and generate little industrial traffic. Industrial parks should be encouraged. Locations should be in accordance with comprehensive plans.
16. *M-2 General Industrial District:* This district is intended to provide opportunity for the location of industrial, manufacturing, processing, warehousing, or research and testing operations that, due to employment of heavy equipment or machinery or to the nature of the materials and processes employed, require special location and development safeguards to prevent pollution of the environment by noise, vibration, odors or other factors, and may also require extensive sites for storage and parking, may require extensive community facilities or generate heavy motor traffic. Access to major transportation facilities is usually needed. Locations should be in accordance with the Comprehensive Plan and special review is required for some.
17. *PUD Planned Unit Development:* This district is intended to encourage innovative development that meets comprehensive plan goals and is tailored to the unique constraints and conditions of a particular site. This district allows flexibility in uses, designs, and building layouts as opposed to other zoning districts to better serve community needs. See Article V., Section A for more detailed standards regarding this district.
18. *CBD Overlay District:* This district is intended to preserve downtown Fairhope as the regional village center and as the focal point of the City, in accordance with the comprehensive plan. The district encourages infill development, including shopping, restaurant and entertainment, cultural and artistic institutions, offices, government functions, and residential uses, provided it creates a pedestrian oriented atmosphere and is consistent with the historic fabric of downtown.
19. *Airport Overlay District:* This district is intended to preserve the ongoing operation of the Fairhope Municipal Airport as an economic asset for the community by preventing land uses incompatible with the operations of a municipal airport.
20. *Flood Hazard District:* This district is intended to secure life and property from peril and damage of natural flood hazards, protect property values, and ensure compliance with Federal flood insurance eligibility requirements.
21. *Parking District:* This district is intended for those situations where parking may be provided more efficiently and with less impact on goals for the overall surrounding areas by consolidating and sharing parking in one location.
22. *VRM Village Residential Mix:* This district is intended to create walkable neighborhoods that place a variety of residential types within close proximity to open space and village centers that meet the majority of needs for daily living. This district is developed to more directly implement the neighborhood component of the Comprehensive Plan. See Article VI, Section A for more detailed standards regarding this district.
23. *NVC Neighborhood Village Center:* This district is intended to create walkable commercial areas to support adjacent neighborhoods. This district is developed to more directly implement the Neighborhood Village Center component of the Comprehensive Plan. See Article VI, Section B. for more detailed standards regarding this district.
24. *CVC Community Village Center:* This district is intended to create a community center that serves a broad range of neighborhoods that may be automobile-oriented but still creates a walkable commercial center accessible by a variety of modes of transportation. This district is created to more directly implement the Community Village

Center component of the Comprehensive Plan. See Article VI, Section C. for more detailed standards regarding this district.

B. Allowed Uses

- 1. Use Table** – Table 3-1 indicates seven categories of uses: (1) residential; (2) civic; (3) office; (4) retail; (5) service; (6) manufacturing, and (7) rural. Within each category, specific uses are listed and indicated as either allowed, allowed subject to special conditions, or allowed by special exception.

See Table 3-1: Use Table - Zoning Districts and Specific Land Uses

Table 3-1: Use table

Zoning District	R-A	R-1(a,b,c)	R-2	R-3 TH	R-3 P/GH	R-3	R-4	R-5	R-6	B-1	B-2	B-3a	B-3b	B-4	M-1	M-2	PUD	VRM	NVC	CVC	HTD
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	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
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										●	●		○		●	●			●	●	●
Dry 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	●																				

Uses in the PUD District shall be specified based on a development plan according to the standards and procedures of this ordinance

- 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

2. **Accessory Uses** – Any use may be established as an accessory use to any permitted principal use in any district provided that such accessory use:
 - (a) is customarily incidental to and is maintained and operated as part of the principal use;
 - (b) is not hazardous to and does not impair the use or enjoyment of nearby property in greater degree than the principal use with which it is associated;
 - (c) does not create levels of noise, odors, vibration and lighting, or degrees of traffic congestion, dust or pollutants, in a greater amount than is customarily created by principal use; and
 - (d) is not located in minimum exterior yard.

3. **Temporary Uses** – The following temporary uses are allowed in any district subject to the limitations and standards specified.
 - (a) *Garage sale*: The city may issue, without charge, a permit to hold a garage or yard sale on a specific lot within the city, good for two consecutive days. Permits shall be issued not more frequently than once each calendar quarter per lot.
 - (b) *Temporary construction building*: Temporary buildings used in construction work only, may be permitted in any district and shall be removed immediately upon completion of construction.
 - (c) *Model homes and sales office*: Residential buildings in new subdivisions of record, containing fifty (50) or more lots may be temporarily used as model homes and sales offices provided such use conforms to the following:
 - (1) A subdivision plat must be filed for record prior to issuance of a permit.
 - (2) Facilities for sewage disposal must be approved and available.
 - (3) Not more than 50 percent of gross floor area may be used for sales office.
 - (4) Only sales activity relating to the subdivision is permitted and no other business activity may be conducted on the premises.
 - (5) A permit shall expire upon completion of the sale of the last lot in subdivision or three calendar years from date of the permit, whichever is earlier. However, the license may be extended for good cause. License is not assignable except on approval of city.
 - (6) Paved parking shall be provided for offices. Landscaping shall be installed in such a manner that vehicles utilizing parking lot shall be screened from view from the right-of-way. Upon expiration of the model home/office use, paving shall be removed by permittee and replaced with grass and landscaping.
 - (7) The use is limited to the structure initially permitted and is not transferable to any other structure or lot within the subdivision.
 - (8) Only one sign shall be allowed upon the premises, not exceeding six square feet in area. The sign shall not be illuminated.

C. Dimension Standards

1. Lots and Principal Structure

Table 3-2 indicates general dimension standards for lots and principal structures in all zoning districts. Unless otherwise specified in Section D. – Special Conditions for Uses, or Article V. – Special Districts, all lots and principal structures shall meet these standards.

Table 3-2: Dimension Table - Lots and Principal Structure

Dimension District or use	Min. Lot Area/ Allowed Units Per Acre (UPA)	Min. Lot Width	Setbacks				Max. total lot coverage by all structures	Max. height
			Front	Rear	Side	Street side		
R/A	3 acres/ -	198'	75'	75'	25'	50'	none	30'
R-1	15,000 s.f./ -	100'	40'	35'	10' ^b	20'	40%	30' ^a
R-1a	40,000 s.f./ -	120'	30'	30'	10' ^b	20'	25%	35'
R-1b	30,000 s.f./ -	100'	30'	30'	10' ^b	20'	25%	35'
R-1c	20,000 s.f./ -	80'	30'	30'	10' ^b	20'	25%	35'
R-2	10,500 s.f./ -	75'	35'	35'	10' ^b	20'	37%	30' ^a
R-3	7,800 s.f./ -	65'	30'	35'	8' ^b	20'	35%	30'
R-3 PGH	4,000 s.f./ -	40'	20'	15'	10' ^b	10'	32.5%	30'
R-3 TH	2,400 s.f. ⁱ / -	24'	20'	35'	0' ^c	20'	45%	30'
R-4	10,500 s.f. for two dwelling units plus 6,500 s.f. for each additional unit/ 7 UPA	75' for two dwelling units plus 5' for each additional unit	30'	35'	10' ^b	20'	30%	30'
R-5	10,500 s.f. for two dwelling units plus 4,100 s.f. for each additional unit/ 10 UPA	75' for two dwelling units plus 5' for each additional unit	30'	35'	10' ^b	20'	30%	30'
R-6	2 acres with a max. of 5 acres ^j / -	250'	25'	20'	20' ^b	25'	N/A	30'
B-1	None/ -	none	20' ^d	20'	none ^e			30' ^l
B-2	None/ -	none	20' ^d	none ^f	none ^e			30' ^{k,l}
B-3a	7,500 s.f./ -	60'	30'	35'	10'		30%	30' ^l
B-3b	7,500 s.f./ -	60'	20'	20'	none ^e		none	30' ^l
B-4	None/ -	none	20'	20'	10'			30' ^l
M-1	None/ -	none	none ^g	none ^f	none ^e		none	45'
M-2	None/ -	none	none ^g	none ^h	none ^h		none	45'
PUD	See Article V., Section A.							
VRM	See Article VI., Section A.							
NVC	See Article VI., Section B.							
CVC	See Article VI., Section C.							
HTD	See Article V., Section I.							

- a. Structure may exceed the building height provided the lot width is increased by 10 feet for each additional foot in height.
- b. Where a driveway is in the side, and extends past the front of the principal structure, the side setback shall be 15'. Driveways shall not be within 3 feet of the side lot line. The area between the side lot line and driveway shall be vegetated and remain pervious.
- c. End units shall have a minimum side yard of 10'.
- d. Where a lot abuts residential property on both sides, the front setback shall be in line with adjacent structures.
- e. Where a lot abuts residential property, the side setback shall be 10'.
- f. Where a lot abuts residential property to the rear, the rear setback shall be 20'
- g. In the case of existing adjacent establishments, the setback shall be the average within 100 feet on either side of the proposed structure.
- h. Where a side or rear lot abuts residential districts, the setbacks shall be determined on an individual basis.
- i. R-6 Districts may be larger than 5 acres provided they meet all the special design requirements of Article V., Section D.5.
- j. Individual lots in the R-3 TH district may be as small as 2,400 square feet, however each unit must have a minimum of 3,600 square feet made up of lot area and common or public open space according to the standards in Article III, Section D.2.
- k. Central Business District 40'.
- l. A building located in any commercial zone 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 be located on ground and/or second floor. (See Site Plan Review **Article II, Section C, Sub-section 2 – Site Plan, for approval procedures**)

2. Residential Accessory Structures

Table 3-3 indicates dimension requirements for residential accessory structures.

Table 3-3: Dimension Table - Residential Accessory Structures

Dimension District or use	Setbacks				Max. total lot coverage by accessory structure	Max. height	Min. structure separation from principal structure	Min. separation between structures
	Front	Rear	Side	Street side				
R/A	Behind front building line of principal structure	15'	15'	50'	30% of required rear yard	30'	50' for agriculture structures; 10 feet for all other accessory structures	5'
R-3 PGH*	Behind rear building line of principal structure	none required	same as principal structure	same as principal structure	25% of required rear yard*	20' but no taller than the principal structure	5'	5'
All other residential districts	Behind rear building line of principal structure	5'	5'	no nearer than principal structure	25% of required rear yard	30' but no taller than the principal structure**	10'	5'

*one detached garage up to 600 square feet shall be allowed for Patio/garden homes in addition to the maximum total lot coverage for other accessory structures, subject to all other accessory structure dimension standards.

** In an attempt to preserve historic one-story structures, on lots where the principal structure is one-story, an administrative approval may be given to allow an accessory structure to be taller than the principal structure, but in no case more than 5' taller than the principal structure as measured from the tallest roof peak of the principal structure, excluding chimneys, cupola, spires, and other architectural features. In no case shall an accessory structure exceed the height limit of the district.

3. Yards

No part of a yard or other open space required for any building for the purpose of complying with the provisions of this ordinance shall be included as part of a yard or other open space similarly required for another building. Every part of a required yard or court shall be open to the sky, except for permitted accessory structures and the ordinary projection of sills, cornices, buttresses, ornamental features, chimneys, flues, and eaves, provided the projections shall not extend more than two feet beyond the yard area requirements.

4. Free-standing Commercial Structures

- a. Any freestanding single use or tenant retail building in the Greeno Road Village Center as contemplated in the Comprehensive Plan shall not have a building footprint larger than 18,000 square feet.
- b. Any free standing single use or tenant retail building in any other business zoning district shall not have a building footprint larger than 8,000 square feet.

5. Waterfront Lots

- a. Accessory structures may be located in front or side of principal structures on waterfront lots but may not be located within the required front or side yards. Accessory structures shall maintain minimum structure separation of 10' from the principal structure and 5' separation from all other accessory structures.
- b. Accessory structures located in the required rear yard of waterfront lots shall follow the dimension requirements in Table 3-3.
- c. Structures built over submerged state lands are exempted from the front and side yard setback requirements for accessory structures on waterfront lots.

D. Special Conditions for Uses

The following special conditions shall apply to all districts where the uses are permitted or permitted by special exception. These special conditions are in addition to the generally applicable standards that apply to all uses within a particular zoning district. In the case of a conflict between the generally applicable standard for the zoning district and the specific standard for the use listed in this section, the more specific standards in this section shall apply.

1. Recreational Vehicle Parks

- a. *Intent:* The intent of the special conditions for Recreational Vehicle Parks is to:
 - Provide opportunities for temporary travel and lodging facilities for tourists with recreational vehicles;
 - Allow parks that are accessible to the community and attractions in Fairhope; and
 - Ensure location and design standards compatible with community goals and surrounding property.
- b. *Location Restrictions:* All recreational vehicle parks shall have direct access to a County, State or Federal Highway.
- c. *Site Requirements:*
 - (1) All recreational vehicle parks shall have a minimum lot width of not less than 50 feet for the portion used for entrance and exit. No entrance or exit shall be through a residential district.
 - (2) The minimum lot area per park shall be three acres.
 - (3) Use of space in recreational vehicle parks shall be limited to travel trailers, mobile homes, motor homes and campers with a maximum length, exclusive of hitch, of 28 feet.
 - (4) Spaces shall be rented by the day or week only and an occupant of a space shall remain in the same trailer park for a period of not more than 90 days.
 - (5) Management headquarters, recreational facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to operation of a trailer park are permitted as accessory uses in any district in which trailer parks are allowed provided:
 - (a) The establishment and the parking area primarily related to their operation shall not occupy more than ten percent (10 %) of the area of the park.
 - (b) The establishment shall be restricted to use by occupants of the park.
 - (c) The establishment shall present no visible evidence of commercial character, which would attract customers other than occupants of the park.
 - (d) No part of any space intended for occupancy for sleeping purposes shall be within 30 feet of the right-of-way.
 - (6) The recreational vehicle park site plan shall be accompanied by a certificate of approval of the county health department.

2. Townhouses

- a. *Intent:* The intent of the special conditions for Townhouses is to:
 - Provide a residential format as an alternative to single-family homes;
 - Allow townhouses to be appropriately intermingled with other types of housing and give residents of townhouses quality residential neighborhoods;
 - Ensure location and design standards compatible with surrounding property;
 - Prevent long, unbroken lines of row housing;
 - Make efficient, economical, comfortable, and convenient use of land and open space;
 - Serve the public purposes of zoning by means alternative to conventional arrangements of yards and building areas.
- b. *Site Requirements:*
 - (1) Not more than four contiguous townhouse units shall be built in a row with the same front line, and not more than



Figure 3-1. Townhouse units of more than 4 shall have a differentiated front building line of at least 4 feet and no single building shall have more than 8 units.

- eight townhouses shall be contiguous. In groups of townhouses consisting of more than four units; the required difference in front alignment shall be four feet. *See Figure 3-1.*
- (2) Townhouses shall have a minimum lot area of 3,600 square feet for each unit. This area may be on the same platted lot as the unit, may come from common open space, or can come from existing public open space or public open space proposed to be dedicated with the plan, which is within 660 feet of the unit. No more than one unit may claim the same public or common open space area towards meeting the requirement of 3,600 square feet for each unit.
 - (3) Each townhouse shall have on its own lot one rear yard containing not less than 400 square feet, reasonably secluded from view from right-of-ways or from neighboring property. In condominium townhouse or townhouse complex developments not subdivided into lots, one yard containing not less than 400 square feet, reasonably secluded from view from right-of-ways or from neighboring property, shall be provided contiguous to and for the private use of the occupants of each dwelling unit. *See Figure 3-2.*
 - (4) All vehicle access to townhouse units shall be rear-loaded by alleys or an internal drive aisle accessing the parking area or garages from the rear of the unit. Insofar as practicable, exterior off-street parking facilities shall be grouped in bays at the interior of blocks. No off-street parking space shall be more than 100 feet by the most direct pedestrian route from a door of the dwelling unit it is intended to serve.
 - (5) In townhouse developments with a total area greater than five acres at least 20% of the total area shall be devoted to public or common open space, exclusive of parking areas or accessory buildings. Common open areas may include recreational facilities. Provisions shall be made to assure that common open areas for the use and enjoyment of occupants of townhouses are maintained in a satisfactory manner without expense to the general taxpayer. In addition, the developer of a townhouse development or homeowners association created by the developer by recorded covenants and restrictions, shall preserve for the owners and occupants of the development lands set aside for open areas, parks, or recreational use, and the common off-street parking spaces established for the development.

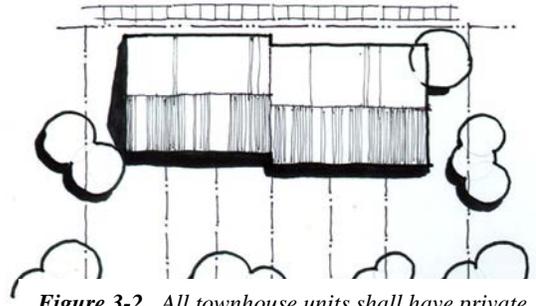


Figure 3-2. All townhouse units shall have private yard areas of at least 400 square feet.

3. Patio and Garden Homes

- a. *Intent:* The intent of the special conditions for Patio homes is to:
 - Provide a residential format as an alternative to single-family homes;
 - Allow patio homes to be appropriately intermingled with other types of housing and give residents of patio homes quality residential neighborhoods;
 - Ensure location and design standards compatible with surrounding property;
 - Create a low-maintenance residential alternative;
 - Make efficient, economical, comfortable, and convenient use of land and open space;
 - Serve the public purposes of zoning by means alternative to conventional arrangements of yards and building areas.
- b. *Location Restrictions:* Patio Homes and Garden Homes are only allowed in districts zoned PUD. The special conditions in this section shall also apply to patio homes and garden homes existing as an allowed use in the R-3 PGH district prior to July 10, 2000.
- c. *Site Requirements:*
 - (1) Not more than two patio homes shall be connected.
 - (2) Each individual patio home unit shall be constructed on its own lot.
 - (3) Each lot shall be a minimum width of 40 feet at the front building line, and a minimum lot size of 4,000 square feet.

- (4) Each patio home shall have one side yard with a minimum of 10 feet. Minimum depth for rear yard shall be 15 feet. Fireplace and chimney may be placed in the side or rear yard setback provided they do not project beyond 24 inches beyond the wall, and, provided they do not restrict or obstruct any drainage or drainage easement, either existing or proposed. The required 10 foot side yard must be kept perpetually free of permanent obstructions, accessory structures, walls and fences without gates.
- (5) Privacy fences or walls may be placed on or along any lot lines provided that the fences or walls are not constructed in a manner to block any local lot drainage and provided gates or other openings are provided that will not restrict access for fire protections. An eight-foot maximum height limit will be permitted for privacy fences or walls located on or along any required side or rear yard.
- (6) Each patio home shall have on its own lot, one yard containing not less than 600 square feet, reasonably secluded from view of right-of-ways or neighboring property.
- (7) Maximum lot coverage permitted for the main dwelling shall be 60% of the permitted building area not including coverage permitted for accessory buildings or structures.
- (8) Off-street parking shall be located within the interior of the lot. A common parking area serving no more than six patio homes may be centrally located, provided it is not more than 100 feet from any dwelling unit it serves and is screened from public right-of-ways and adjacent property.
- (9) The exterior walls of the patio home, or any accessory structures located on the zero-foot side yard setback shall not project over the property lines. Roof overhang may penetrate maintenance and drainage easement of the adjacent lot a maximum of 30 inches, provided the roof shall be so designed that water run off shall be restricted to the drainage easement area.
 - (a) Where adjacent zero lot line dwellings are not constructed against or along a common lot line, a perpetual drainage easement shall be provided which shall be approved by the city engineering department. Fences and walls may be located on or along this easement provided gates or other openings that will not block local lot drainage are maintained.
 - (b) The lot adjacent to the zero setback side yard must be under the same ownership at the time of initial construction (ensuring that a developer does not infringe on the property rights of owners of adjacent tracts).
 - (c) A 15-foot side setback shall be required, provided the adjacent property is not zoned for patio homes or is not a permitted use in the adjacent zoning district.

4. Automobile Service Stations and Convenience Stores

- a. *Intent:* The intent of the special conditions for Automobile Service Stations and Convenience Stores is to:
 - Provide access to necessary services offered by automobile service stations and convenience stores from all areas of the city;
 - Allow service stations and convenience stores to be appropriately mingled with other non-residential uses;
 - Ensure location and design standards compatible with surrounding property, particularly the scale and intensity of surrounding commercial uses;
 - Minimize the potential negative impact that automobile service stations and convenience stores may have on surrounding property and neighborhoods;
 - Recognize that the design and scale of automobile service stations and convenience stores can determine how well this use fits in with surrounding uses.

b. *Location Restrictions:*

- (1) In the NVC district or CVC district, automobile service stations may be located anywhere subject to the special design requirements listed in Section D.4.d of this Article
- (2) In all other districts, the property on which an automobile service station or convenience store is located shall not be within 100 feet of any residential district, or any property containing a school, public playground, church, hospital, public library, institution for children or dependents.

c. *Site Requirements:*

- (1) An automobile service station or convenience store shall

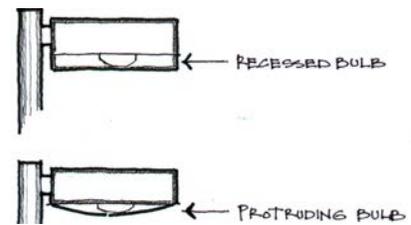


Figure 3-3. All light sources shall be shielded. Protruding bulbs and lenses are prohibited.

have a minimum front lot line on the primary right-of-way of 120 feet and a minimum area of 12,000 square feet.

- (2) All buildings shall be set back 40 feet from all right-of-way lines and all canopies shall be set back 15 feet from all right-of-way lines.
- (3) A raised curb of at least six inches in height shall be erected along the right-of-way lines, except for driveway openings.
- (4) A solid fence or wall not less than six feet nor more than eight feet in height shall be erected along all adjacent property lines facing any adjacent residential lot.
- (5) Light or glare shall not spill onto adjacent property or right-of-ways. All light fixtures shall be either recessed into a canopy, or if they protrude shall have a box that shields the bulb from direct view. A light fixture that protrudes from the bottom of a canopy shall have a box completely surrounding the bulb and the lens shall be flush with the box. Lenses shall not protrude past the bottom of the box. Should a gas station canopy be repaired or improved and the value of the improvements or the repair total 50% or more of the assessed value of the structure, these lighting requirements must be met. This 50% value is a cumulative total. See Figure 3-3.
- (6) All driving, parking storage, and service areas shall be paved and curbed.
- (7) No automobile service station or convenience store shall be extended in area unless the proposed extension is in conformity with the requirements.
- (8) All gasoline pump islands shall be set back at least 15 feet from right-of-way line, or where a future widening line has been established, the setback line shall be measured from such line, and where pump islands are constructed perpendicular to the right-of-way. However, the pumps shall be at least 60 feet from the centerline of an arterial street, 55 feet from the centerline of a collector street and 45 feet from the centerline of other streets.
- (9) Vehicular entrances or exits shall be provided according to Article V. of the Subdivision Regulations.

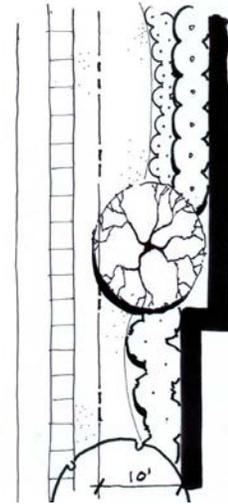


Figure 3-4. Maximum 10-foot setback in the NVC or CVC Districts.

d. *Special Design Requirements - NVC and CVC Districts:* In addition to the above site requirements, the following special design requirements shall apply to automobile service stations or convenience stores located in the NVC or CVC.

- (1) All buildings shall be set back no more 10 feet from all right-of-way lines. Any area between the building and the right-of-way shall only be used for landscape elements. See Figure 3-4.
- (2) All buildings shall have a primary entrance facing the street, directly connected to the public sidewalk.
- (3) At least 60% of all street-frontages on the lot shall be occupied by the building. On corner lots, the street frontage on the secondary street may be occupied by the building on as little as 50% of that frontage, provided that the 60% requirement is met when both frontages are combined. See Figure 3-5.
- (4) All buildings shall have at least 50% clear glazing on of any street facing ground level. Glazing on windows and doors shall count towards this requirement. See Figure 3-6.
- (5) Pump islands shall be located behind or to the side of the building.
- (6) No more than two pump islands with a maximum of four pumping stations per island shall be located on the site.
- (7) No more than two service bays shall be located on the site. Service bays shall not face the primary street frontage of the building.

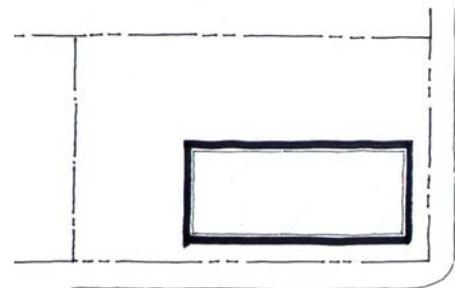


Figure 3-5. Street frontages shall be occupied by building facades for at least 60% of the lot width on the buildings primary street. Corner buildings may reduce this to as much as 50% on the buildings secondary street provided the cumulative total for both streets exceed 60%.

- (8) All driving, parking storage, and service areas shall be paved and curbed.
- (9) All gasoline pump islands shall be set back at least 15 feet from right-of-way line, or where a future widening line has been established, the setback line shall be measured from such line, and where pump islands are constructed perpendicular to the right-of-way. However, the pumps shall be at least 60 feet from the centerline of an arterial street, 55 feet from the centerline of a collector street and 45 feet from the centerline of other streets.
- (10) Vehicle entrance and exits shall be subject to the specifications in the Subdivision Regulations.
- (11) No outdoor storage of any kind is permitted on the site.
- (12) All vehicles shall be stored in an enclosed area and all vehicle repairs shall occur in an enclosed area.
- (13) All automobile service stations are subject to special site enhanced screening conditions to appropriately screen adjacent property from parking, pump islands, or service bays. This site screening shall be specific to the context of the site and may involve landscape, walls, or other elements in accordance with the tree and landscape ordinance.

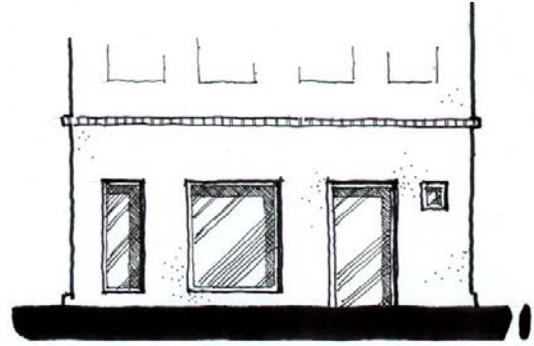


Figure 3-6. Ground level, street-facing facades shall have at least 50% clear glazing.

5. Home Occupations

- a. *Intent:* The intent of the special conditions of Home Occupations is to:
 - Provide opportunities for residents to earn income and operate businesses from their home;
 - Allow businesses that do not adversely impact the residential character of neighborhoods; and
 - Ensure that the ongoing operations of home occupations are not visible or detrimental to adjacent residents and property owners.
- b. *Location Restrictions:*
 - (1) Home occupations are permitted in all districts where residences are permitted, if licensed by the City’s revenue officer and conforming to the special conditions of this section and any applicable laws or ordinances.
 - (2) Any operation, which, whether by requirement of any law or regulation or for any other reason, requires a full and complete separation from the living area of the main building, shall not be construed as a home occupation within the meaning of the ordinance.
- c. *Site Requirements:*
 - (1) The home occupation shall be an accessory use, incidental to the primary use of the premises for residential purposes.
 - (2) The home occupation shall be operated only by members of the family residing on the premises. No non-family employees shall be employed on the premises. No article or service shall be sold or offered for sale except as may be produced by members of the family residing on the premises and no merchandise shall be delivered to customers at the premises.
 - (3) No home occupation shall alter the appearance of the home or neighborhood either through structural changes or through ongoing activities and operations. The building shall be an existing structure ready for occupancy and not a proposed structure. No building altered in any fashion inconsistent with the residential appearance for the purpose of accommodating or expanding any home occupation, existing or proposed.
 - (4) Parking for not more than two vehicles in conjunction with home occupation may be provided in the existing driveway area. No expansion of parking to serve the home occupation shall be permitted and in no case shall public property be utilized for parking. Uses that require additional parking per the parking schedule shall not be eligible as a home occupation.
 - (5) The home occupation shall not generate excessive traffic or produce obnoxious odors, glare, noise vibration, electrical disturbance, radioactivity, electromagnetic interference or any other condition detrimental to the character of the surrounding area.

- (6) Business signs shall not be permitted for home occupations located within residential districts. In other use districts, signs shall not exceed two square feet in sign area, attached to the face of the building, limited to one sign only.
- (7) For purposes of home occupations, the written statements of the majority of owners of property within 300 feet in opposition to the home occupation shall be sufficient cause to determine that the use is of a character detrimental to the surrounding area.

d. *License*

- (1) No license, new or renewal, shall be issued until an application shall have been completed by applicant, premises inspected and application endorsed with approval of the Director of Planning and Building.
- (2) The applicant for a home occupation license shall either own the property or, if a tenant, have the owner's written permission to engage in the proposed home occupation.
- (3) The license shall be kept on file at the premises where the home occupation is located and shall be subject to examination by the revenue officer or Director of Planning and Building upon request, and shall be surrendered to the city upon written citation for violations of any condition or ordinance requirement.
- (4) Home occupation licenses shall expire on the 31st day of December of each calendar year and are delinquent February 1st.

6. Cemeteries

a. *Intent:* The intent of the special conditions for cemeteries is to:

- Provide public access to cemeteries within the City;
- Allow cemeteries to establish a park-like, civic setting to mourn, honor, and commemorate the deceased; and
- Ensure location and site conditions that are compatible to surrounding property and neighborhoods.

b. *Location Restrictions:*

- (1) The site proposed for a cemetery shall not interfere with the development of a system of collector or larger streets in the vicinity of the site. In addition, the site shall have direct access to an arterial street.
- (2) Any new cemetery shall be located on a site containing not less than twenty (20) acres.

c. *Site Requirements:*

- (1) All structures shall be set back no less than 25 feet from any property line or minor street right-of-way.
- (2) All graves or burial lots shall be set back not less than 25 feet from any property line on local street right-of-way lines, and not less than 50 feet from any collector or arterial street right-of-way.
- (3) The entire cemetery property shall be landscaped and maintained.
- (4) The expansion of any existing cemetery shall only be allowed according to the Special Exception procedures in Article II.

7. Storage and Parking of Trailers and Commercial Vehicles

a. *Intent:* The intent for the special conditions for Storage and Parking of commercial Vehicles is to:

- Provide opportunities for residents to own, utilize, and store commercial vehicles, trailers, and recreational vehicles; and
- Ensure that parking and temporary storage of commercial vehicles, trailers, and recreational vehicles is not detrimental to the neighborhood character and adjacent residents or property owners.

b. *Location Requirements:* Commercial vehicles and trailers of all types, including travel, boat, camping and hauling, shall not be parked or stored on any lot occupied by a dwelling or any lot in any residential district except in accordance with the requirements in this section.

c. *Site Requirements:*

- (1) No more than one commercial vehicle per dwelling shall be permitted. In no case shall a commercial vehicle used for hauling explosives, gasoline or liquefied petroleum products be permitted.

- (2) No travel trailer, hauling trailer, utility trailer, boat, boat trailer, motor home or commercial vehicle shall be parked or stored in the front yard, or on corner lots, in a side yard abutting a public right-of-way or upon the right-of-way. The length of said vehicle shall not exceed twenty-eight feet (28').
- (3) These vehicles shall be allowed in a side yard only if the rear yard cannot be reasonably accessed. Topographical features, the existence of mature trees or the existence of properly permitted and constructed structures, which prevent rear yard parking, is sufficient to establish a lack of rear yard access. If parked in the rear yard, a hard surface pad with access shall be provided by either a hard surface drive, hard surface drive strips or an access drive constructed of turf block materials. All vehicles covered by this section shall have a minimum side and rear setback of six feet (6'). No vehicle covered in this section shall be located in a side yard containing a driveway.
- (4) A travel trailer shall not be occupied either temporarily or permanently while it is parked or stored in any area except in a recreational vehicle park authorized under this ordinance.
- (5) A junked vehicle, or one that is not operational shall not be permitted to be located on or near lots with dwelling units. These junked autos shall be confined to junkyards.

8. Personal Storage

- a. *Intent:* The intent of the special conditions for Personal Storage is to:
 - Allow for personal storage services to be mixed with other compatible commercial uses;
 - Ensure that personal storage facilities are located appropriately in order to minimize the impact on adjacent property; and
 - Recognize that the design and scale of personal storage facilities can determine how well this use fits in with surrounding uses.
- b. *Location Requirements:*
 - (1) Exterior personal storage facilities on more than two acres shall be located only in the M-1 and M-2 districts and only by special exception.
 - (2) Exterior personal storage facilities on less than two acres and indoor personal storage facilities may be located in the B-2 district and only by special exception.
- c. *Site Requirements:*
 - (1) All one-way drive aisles shall provide for one 10-foot wide travel lane. Traffic direction and parking shall be designated by signs or painting.
 - (2) All two-way drive aisles shall provide for one 10-foot wide parking lane and two 12-foot wide travel lanes.
 - (3) Two parking spaces, to be located at the project office for use of clients, shall be provided for the manager's quarters plus one additional space for every 25 storage cubicles.
 - (4) Any other site requirements determined through the special exception procedure to minimize impacts on adjacent property.

9. Accessory Dwelling Units

- a. *Intent:* The intent of the special conditions for accessory dwelling units is to allow flexibility in living arrangements and home occupations while maintaining the residential character of existing neighborhoods. These standards apply to all districts except for the Village Districts in Article VI.
- b. *Location Restrictions:* Accessory dwelling units shall be located on the same lot as the principal structure and are subject to the dimension standards in Section C.2. of this Article.
- c. *Site Requirements:*
 - (1) Any accessory structures shall only have a half bath.
 - (2) Kitchens and electrical wiring or gas-supporting kitchens are prohibited.
 - (3) Any accessory structure proposed for office or extra living areas shall not be larger than 50% of the gross square footage of the principal structure.
 - (4) Any utilities for an accessory structure shall run through the principal structure.

- d. *Exception:* Notwithstanding anything contained in this subsection 9 to the contrary any “bona-fide” mother-in-law suite with a kitchen, attached to the principal structure, under common roof, shall not be deemed to be an accessory dwelling unit for purpose of this zoning ordinance but, instead, shall be deemed to be a part of the principal dwelling unit.

10. Building Materials on Commercially Zoned Property

- a. *Intent:* The intent of the special conditions on building material for commercially zoned property is to prevent negative visual impact, provide attractiveness and beautification, and protect commercial property values.
- b. *Location restrictions:* The special conditions in this section shall apply to any commercially zoned property in the City of Fairhope.
- c. No building or portion of a building visible from a public street or right-of-way shall be exposed metal. A façade of some type or material shall be used to visually screen the metal from the public street or right-of-way.

11. Restaurants and Accessory Bars in the M-1 Light Industrial District

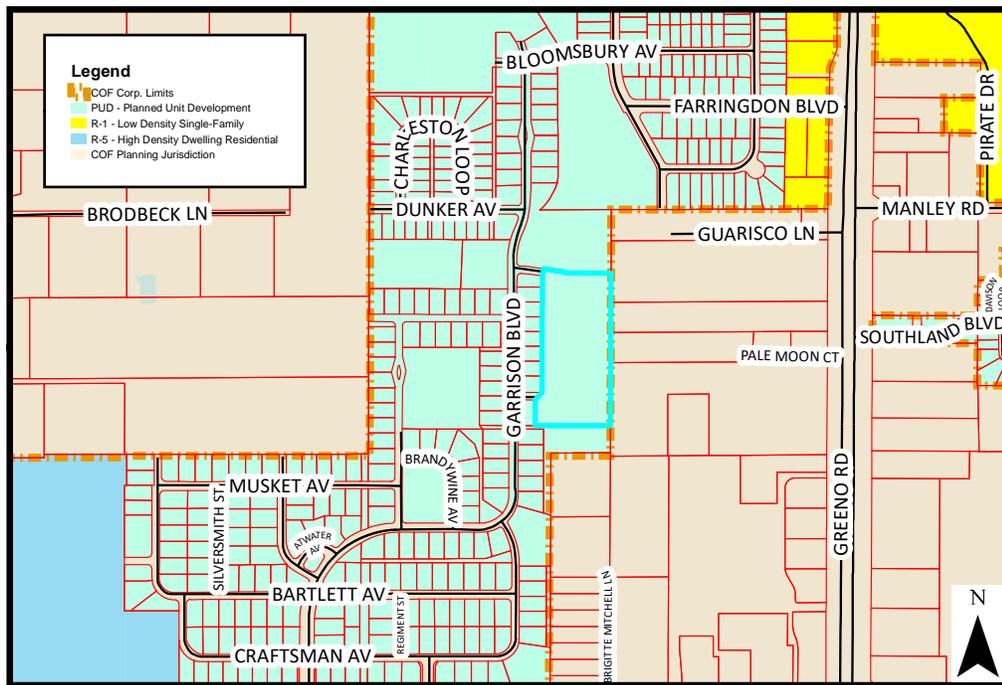
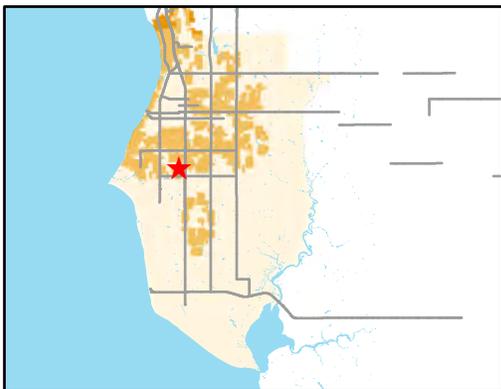
- a. *Intent:* The intent of these special conditions for restaurants and associated bars in the M-1 Light Industrial District is to provide a method for restaurants to be permitted in the M-1 district.
- b. *Location Requirements:* The special conditions in this section shall apply only to the M-1 Light Industrial District.
- c. *Site Requirements:*
 - (1) Prohibition of drive throughs. Restaurants shall not contain drive through windows or pick up windows. Restaurant must be a sit-down style restaurant.

City of Fairhope Planning Commission

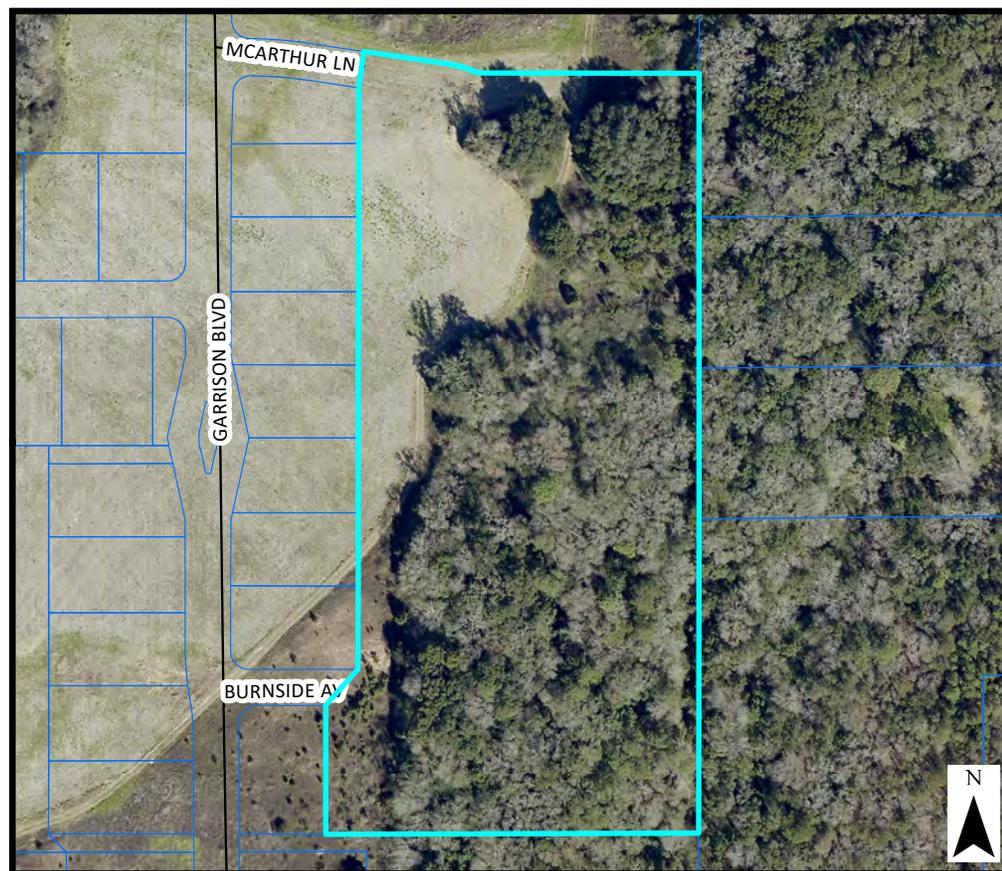
January 3, 2022



SD 21.49 - Old Battles Village, Phase 4-B



Project Name:	Old Battles Village, Phase 4B
Site Data:	7.42 acres
Project Type:	19-Lot Final Plat
Jurisdiction:	Fairhope Planning Jurisdiction
Zoning District:	PUD
PPIN Number:	376528
General Location:	the east terminus of McArthur Lane, south of Old Battles Village, Phase 3
Surveyor of Record:	Dewberry
Engineer of Record:	Dewberry
Owner / Developer:	68V OBV 2020, LLC
School District:	Fairhope West, Middle and High Schools
Recommendation:	Approved w/ Conditions
Prepared by:	Mike Jeffries





APPLICATION FOR SUBDIVISION PLAT APPROVAL

Application Type: Village Subdivision Minor Subdivision Informal (No Fee)
 Preliminary Plat Final Plat Multiple Occupancy Project

Attachments: Articles of Incorporation or List all associated investors

Date of Application: _____

Property Owner / Leaseholder Information

Name of Property Owner: 68V OBV 2020, L.L.C. Phone Number: 621-1887
 Address of Property Owner: 29891 WOODROW LAND, SUITE 300
 City: SPANISH FORT State: AL Zip: 36527

Proposed Subdivision Name: OLD BATTLES VILLAGE, PHASE FOUR - B
 No. Acres in Plat: 7.42 AC No. Lots/Units: 19
 Parcel No: 46-09-29-0-000-055.052 Current Zoning: PUD

Authorized Agent Information

Plat must be signed by the property owner before acceptance by the City of Fairhope

Name of Authorized Agent: DEWBERRY Phone Number: 929-9809
 Address: 25353 FRIENDSHIP ROAD
 City: DAPHNE State: AL Zip: 36526
 Contact Person: MELISSA A. CURRIE

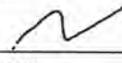
Surveyor/Engineer Information

Name of Firm: DEWBERRY Phone Number: 929-9803
 Address: 25353 FRIENDSHIP ROAD
 City: DAPHNE State: AL Zip: 36526
 Contact Person: VICTOR L. GERMAIN

Plat Fee Calculation:
Reference: Ordinance 1269

Signatures:
 I certify that I am the property owner/leaseholder of the above described property and hereby submit this plat to the City for review. *If property is owned by Fairhope Single Tax Corp. an authorized Single Tax representative shall sign this application.

NATHAN COX
 Property Owner/Leaseholder Printed Name
9-27-2021
 Date


 Signature
 Fairhope Single Tax Corp. (If Applicable)

RECEIVED

OCT 26 2021

BY: AK

Summary of Request:

The owner and applicant is 68V OBV 2020, LLC. Dewberry is the authorized agent and Engineer of Record for the project. This final plat application is for a 19-lot subdivision located at the east terminus of McArthur Lane, south of Old Battles Village, Phase 3. The property is currently zoned PUD which has a site plan that Phase 4B had to be built in substantial conformance to. The preliminary plat was approved at the Jan 3, 2017 Planning Commission meeting (Case number SD 16.34.) Excerpts of the site data table is included below:

<p><u>SITE DATA</u> ZONED: PUD (ORDINANCE #1582) LIN. FT. STREETS: 1,196 L.F. NUMBER OF LOTS: 19 SMALLEST LOT: 11,200 SF LARGEST LOT: 13,967 SF COMMON AREAS: 1.08 AC. TOTAL AREA: 7.42 AC.</p>	<p><u>ACCESSORY BUILDING STANDARDS</u> BUILDING HEIGHT: 30' MAX. TOTAL LOT COVERAGE: 25% OF THE REQUIRED REAR YARD REQUIRED SETBACKS: (LOCATED IN REAR YARD ONLY) REAR: 5 FEET (SEE GENERAL NOTE 9) SIDE: 10 FEET STREET SIDE: 20 FEET</p>
<p><u>PRINCIPAL BUILDING STANDARDS</u> BUILDING HEIGHT: 30' MAX. ALLOWABLE LOT COVERAGE: 37% REQUIRED SETBACKS: FRONT: 30 FEET REAR: 25 FEET SIDE: 10 FEET STREET SIDE: 20 FEET</p>	<p>WATER SERVICE: CITY OF FAIRHOPE SEWER SERVICE: CITY OF FAIRHOPE ELECTRIC SERVICE: RIVIERA UTILITIES TELEPHONE SERVICE: AT&T GAS SERVICE: CITY OF FAIRHOPE</p>

Comments:

- Final plat must be recorded within 60 days after the date of final approval.

Stormwater Comments:

- The stormwater system for phase 4A was designed to function with the existing stormwater system of phase 3.
- Engineer of Record provided a letter that the detention ponds and drainage systems are operating as designed.

*The City of Fairhope Subdivision Regulations contain the following criteria in Article V.B.2. **Approval Standards.***

“2. Consistency with Plans, Regulations and Laws - The Planning Commission shall not approve the subdivision of land if the Commission makes a finding that such land is not suitable for platting and development as proposed, due to any of the following:

a. The proposed subdivision is not consistent with the City’s Comprehensive Plan, and/or the City’s Zoning ordinance, where applicable;

- **Meets**

b. The proposed subdivision is not consistent with the City’s Comprehensive Plan or any other plan or program for the physical development of the City including but not limited to a Master Street Plan, a Parks Plan, a Bicycle Plan, a Pedestrian Plan, or the Capital Improvements Program;

- **Meets**

c. The proposed subdivision is not consistent with these Regulations;

- Meets

d. The proposed subdivision is not consistent with other applicable state or federal laws and regulations;

- Meets

e. The proposed subdivision otherwise endangers the health, safety, welfare or property within the planning jurisdiction of the City.”

- Meets

Follow-Up Activities Required by Staff and the Applicant:

- Copy of the recorded plat
- Copy of the recorded O&M Agreement
- Maintenance and Guaranty (M&G) Agreement executed by the developer - the mayor signs this agreement to *fully* execute it
 - Remember to include the instrument # from the recorded plat
 - Please include 30 days in paragraph 3

Recommendation:

Staff recommends approval SD 21.49 Old Battles Village Phase 4B final plat with the following conditions:

1. Final stabilization of all disturbed areas with 90% growth verified by Planning Department.
2. Provide an amended O&M Agreement for Old Battles Village Ph 3 that includes Phase 4B.

SURVEYOR/ENGINEER:

DEWBERRY
25353 FRIENDSHIP RD DAPHNE, ALABAMA 36526
VICTOR L. GERMAIN, PLS LIC. NO. 38473
JASON N. ESTES, PE LIC. NO. 22714

DEVELOPER/OWNER:

68V OBV 2020, LLC
29891 WOODROW LANE, SUITE 300
SPANISH FORT, AL 36527

CERTIFICATE OF APPROVAL BY THE FAIRHOPE PLANNING COMMISSION

THIS PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY PLANNING COMMISSION OF FAIRHOPE, ALABAMA, AND IS APPROVED BY SUCH COMMISSION.

THE CITY OF FAIRHOPE PLANNING COMMISSION

BY: _____ DATE: _____
SECRETARY

CERTIFICATE OF APPROVAL BY THE CITY OF FAIRHOPE: (GAS)

THE UNDERSIGNED, AS AUTHORIZED BY THE CITY OF FAIRHOPE HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS ____ DAY OF ____ 20____

AUTHORIZED REPRESENTATIVE

CERTIFICATE OF APPROVAL BY RIVIERA UTILITIES: (ELECTRIC)

THE UNDERSIGNED, AS AUTHORIZED BY RIVIERA UTILITIES HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS ____ DAY OF ____ 20____

AUTHORIZED REPRESENTATIVE

CERTIFICATE OF APPROVAL BY TELEPHONE (AT&T):

THE UNDERSIGNED, AS AUTHORIZED BY AT&T HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS ____ DAY OF ____ 20____

AUTHORIZED REPRESENTATIVE

CERTIFICATE OF APPROVAL BY THE CITY OF FAIRHOPE: (WATER)

THE UNDERSIGNED, AS AUTHORIZED BY THE CITY OF FAIRHOPE HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS ____ DAY OF ____ 20____

AUTHORIZED REPRESENTATIVE

CERTIFICATE OF APPROVAL BY THE CITY OF FAIRHOPE: (SEWER)

THE UNDERSIGNED, AS AUTHORIZED BY THE CITY OF FAIRHOPE HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS ____ DAY OF ____ 20____

AUTHORIZED REPRESENTATIVE

CERTIFICATE OF OWNER'S ACCEPTANCE

I, THE UNDERSIGNED, OWNER OF THE WITHIN PLATTED LANDS, HAS CAUSED THE LAND EMBRACED IN THE WITHIN PLAT TO BE SURVEYED, LAID OUT AND PLATTED TO BE KNOWN AS OLD BATTLES VILLAGE, PHASE FOUR-B.

OWNER: 68V OBV 2020, L.L.C.

BY: _____ DATE: _____
ITS: _____

CERTIFICATE OF NOTARY PUBLIC:

STATE OF ALABAMA
COUNTY OF BALDWIN

I, _____, NOTARY PUBLIC IN AND FOR SAID COUNTY, IN SAID STATE, HEREBY CERTIFY THAT THE ABOVE, _____ WHOSE NAME AS _____ OF 68V OBV 2020, LLC IS SIGNED TO THE FOREGOING INSTRUMENT, AND WHO IS KNOWN TO ME, ACKNOWLEDGED BEFORE ME ON THIS DAY THAT, BEING INFORMED OF THE CONTENT OF THE INSTRUMENT, AND AS SUCH OFFICER AND WITH FULL AUTHORITY, EXECUTED THE SAME VOLUNTARILY.

GIVEN UNDER MY HAND AND OFFICIAL SEAL THE ____ DAY OF _____

NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____

CERTIFICATE OF APPROVAL BY THE E-911 ADDRESSING:

THE UNDERSIGNED, AS AUTHORIZED BY BALDWIN COUNTY E-911 BOARD, HEREBY APPROVES THE ROAD NAMES AS DEPICTED ON THE WITHIN PLAT AND HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS ____ DAY OF ____ 20____

AUTHORIZED SIGNATURE _____

FLOOD CERTIFICATE:

THIS PROPERTY LIES WITHIN ZONE "X" AS SCALED FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP OF BALDWIN COUNTY, ALABAMA, MAP NUMBER 01003C0757M*, COMMUNITY NUMBER 015000, PANEL NUMBER 0757, SUFFIX W, MAP REVISED DATE APRIL 19, 2019.

SURVEYOR'S NOTES:

- ALL MEASUREMENTS WERE MADE IN ACCORDANCE WITH U.S. STANDARDS.
- DESCRIPTION AS FURNISHED BY CLIENT.
- THERE MAY BE RECORDED OR UNRECORDED DEEDS, EASEMENTS, RIGHT-OF-WAYS, OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES OF SAID PROPERTIES.
- THERE WAS NO ATTEMPT TO DETERMINE THE EXISTENCE, LOCATION, OR EXTENT OF ANY SUB-SURFACE FEATURES.
- THE LINES REPRESENTING THE CENTERLINE AND RIGHT-OF-WAYS OF THE STREETS ARE SHOWN FOR VISUAL PURPOSES ONLY AND WERE NOT SURVEYED UNLESS RIGHT-OF-WAY MONUMENTATION IS ALSO SHOWN.
- SURVEY WAS CONDUCTED AUGUST, 2015 THROUGH NOVEMBER, 2015; AND IS RECORDED IN FIELD BOOK #292, AT PAGES 62-64, IN FIELD BOOK #296, AT PAGE 22ND IN AN ELECTRONIC DATA FILE.
- BEARINGS AND DISTANCES SHOWN HEREON WERE "COMPUTED" FROM ACTUAL FIELD TRAVERSES.
- BEARINGS ARE BASED ON STATE PLANE GRID COORDINATES ALABAMA WEST ZONE 0102 (NAD 83 DATUM).
- THE ELEVATIONS SHOWN HEREON ARE RELATED TO MEAN SEA LEVEL (NAVD 88), USING GEOID03.
- ALL GPS OBSERVATIONS WERE TAKEN USING REAL TIME KINEMATIC GPS.
- THIS SURVEY IS BASED UPON MONUMENTATION FOUND IN PLACE AND DOES NOT PURPORT TO BE A RETRACEMENT AND PROPORTIONING OF THE ORIGINAL GOVERNMENT SURVEY.

GENERAL NOTES:

- FOR THE LOCATION OF ALL UTILITIES, SEE CONSTRUCTION PLANS.
- STORMWATER DETENTION AREAS AND COMMON AREAS ARE NOT THE RESPONSIBILITY OF CITY OF FAIRHOPE TO MAINTAIN.
- ALL UTILITIES WILL BE CONSTRUCTED UNDERGROUND.
- THERE IS DEDICATED HERewith A 15 FOOT PEDESTRIAN, DRAINAGE & UTILITY EASEMENT ON ALL LOT LINES ADJACENT TO RIGHT-OF-WAYS AND A 10 FOOT (5 FEET EACH SIDE) UTILITY EASEMENT ALONG ALL SIDE LOT LINES, AND 10 FOOT UTILITY EASEMENT ALONG COMMON AREA R.O.W.'S.
- MINIMUM FINISHED FLOOR ELEVATIONS SHALL BE 15" ABOVE THE HIGHEST GROUND ELEVATION 10 FEET OUTSIDE OF BUILDING. SEE FAIRHOPE BUILDING DEPT. FOR SPECIFIC REQUIREMENT.
- ALL STREET LIGHTS TO BE INSTALLED IN THIS SUBDIVISION, SHALL BE IN COMPLIANCE WITH THE CITY OF FAIRHOPE STANDARDS.
- FENCES ARE NOT ALLOWED IN DRAINAGE/UTILITY EASEMENTS.
- ALL ACCESS STREETS TO ADJACENT PROPERTIES THAT ARE NOT CONNECTED AT THE TIME OF THE IMPROVEMENTS SHALL BE POSTED WITH A STOP SIGN BLANK READING "FUTURE THROUGH STREET". THESE SIGNS SHALL BE POSTED BY THE SUBDIVIDER.

SITE DATA

ZONED: PUD (ORDINANCE #1582)
LIN. FT. STREETS: 1,196 L.F.
NUMBER OF LOTS: 19
SMALLEST LOT: 11,200 SF
LARGEST LOT: 13,967 SF
COMMON AREAS: 1.08 AC.
TOTAL AREA: 7.42 AC.

PRINCIPAL BUILDING STANDARDS

BUILDING HEIGHT: 30'
MAX. ALLOWABLE LOT COVERAGE: 37%
REQUIRED SETBACKS:
FRONT: 30 FEET
REAR: 25 FEET
SIDE: 10 FEET
STREET SIDE: 20 FEET

ACCESSORY BUILDING STANDARDS

BUILDING HEIGHT: 30'
MAX. TOTAL LOT COVERAGE: 25% OF THE REQUIRED REAR YARD
REQUIRED SETBACKS:
(LOCATED IN REAR YARD ONLY)
REAR: 5 FEET (SEE GENERAL NOTE 9)
SIDE: 10 FEET
STREET SIDE: 20 FEET

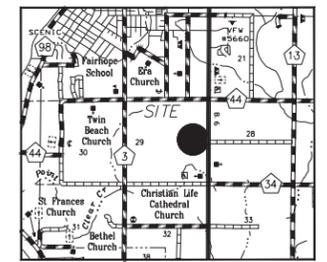
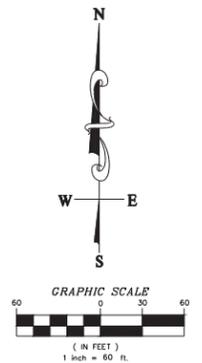
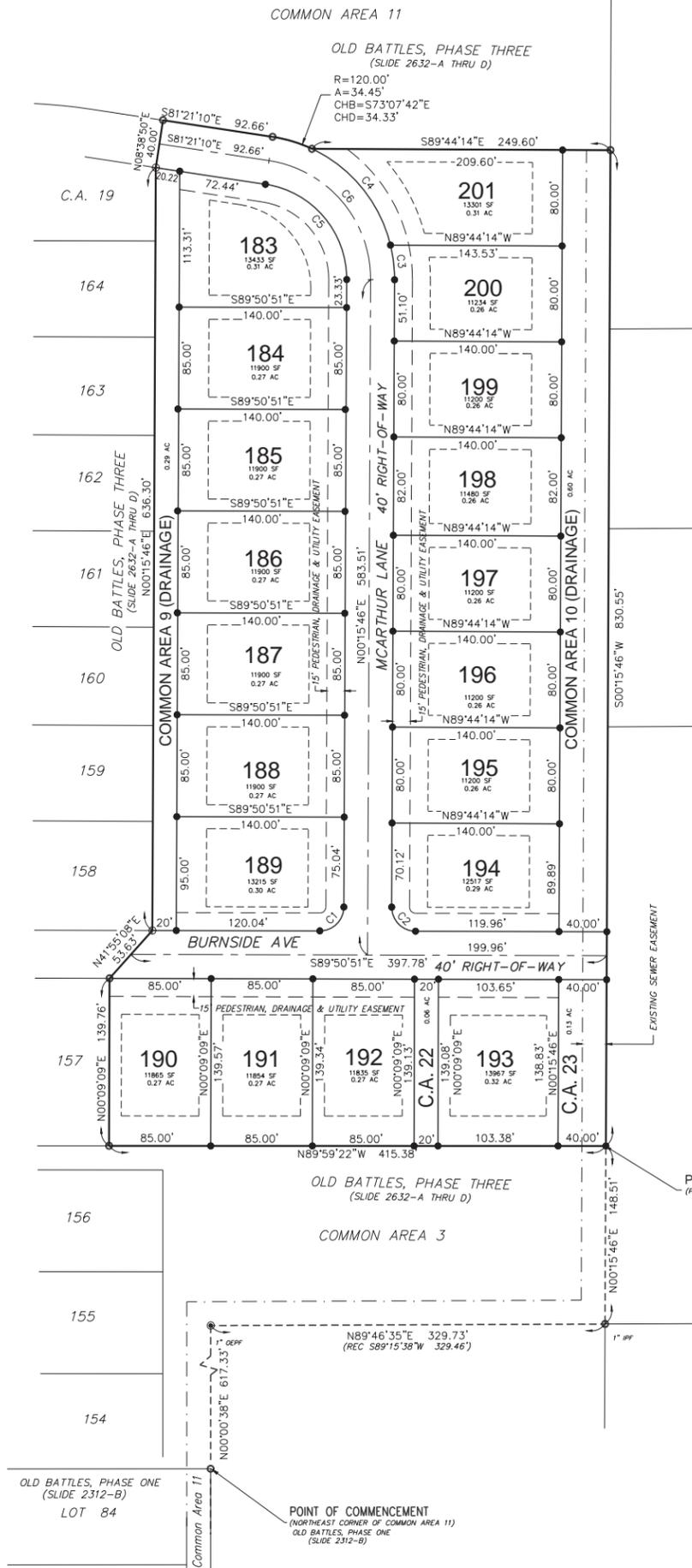
WATER SERVICE: CITY OF FAIRHOPE
SEWER SERVICE: CITY OF FAIRHOPE
ELECTRIC SERVICE: RIVIERA UTILITIES
TELEPHONE SERVICE: AT&T
GAS SERVICE: CITY OF FAIRHOPE

ENGINEER'S CERTIFICATE

I, THE UNDERSIGNED, A REGISTERED ENGINEER IN THE STATE OF ALABAMA HOLDING CERTIFICATE NUMBER 22714, HEREBY CERTIFY THAT I HAVE DESIGNED THE WITHIN IMPROVEMENTS IN CONFORMITY WITH APPLICABLE CODES AND LAWS AND WITH THE PRINCIPALS OF GOOD ENGINEERING PRACTICE. I FURTHER CERTIFY THAT I HAVE OBSERVED THE CONSTRUCTION OF THE WITHIN IMPROVEMENTS, THAT THE SAME CONFORMS TO MY DESIGN, THAT THE WITHIN IS A TRUE AND ACCURATE REPRESENTATION OF IMPROVEMENTS AS INSTALLED AND THAT SAID IMPROVEMENTS ARE HEREBY RECOMMENDED FOR ACCEPTANCE BY THE CITY OF FAIRHOPE, ALABAMA.

JASON N. ESTES, PROJECT ENGINEER _____ DATE _____

OLD BATTLES VILLAGE, PHASE FOUR-B PLANS, WHICH ARE CERTIFIED, CONSIST OF PAGES ____ THRU _____, EACH OF WHICH BEARS MY SEAL AND SIGNATURE.



SURVEYOR'S CERTIFICATE:

STATE OF ALABAMA
COUNTY OF BALDWIN
WE, DEWBERRY, A FIRM OF LICENSED ENGINEERS AND LAND SURVEYORS OF DAPHNE, ALABAMA, HEREBY STATE THAT THE ABOVE IS A CORRECT MAP OR PLAT OF THE PROPERTY SITUATED IN BALDWIN COUNTY, ALABAMA.

COMMENCE AT THE NORTHEAST CORNER OF COMMON AREA #11 OF OLD BATTLES VILLAGE, PHASE ONE, A PLANNED UNIT DEVELOPMENT, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDES 2312-B & 2312-C; PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 00 DEGREES 00 MINUTES 38 SECONDS EAST, A DISTANCE OF 617.33 FEET; THENCE RUN NORTH 89 DEGREES 46 MINUTES 35 SECONDS EAST, A DISTANCE OF 329.73 FEET; THENCE RUN NORTH 00 DEGREES 15 MINUTES 46 SECONDS EAST, A DISTANCE OF 148.51 FEET FOR A POINT OF BEGINNING; THENCE RUN NORTH 89 DEGREES 59 MINUTES 22 SECONDS WEST, A DISTANCE OF 415.38 FEET; THENCE RUN NORTH 00 DEGREES 09 MINUTES 09 SECONDS EAST, A DISTANCE OF 139.76 FEET; THENCE RUN NORTH 41 DEGREES 55 MINUTES 08 SECONDS EAST, A DISTANCE OF 53.63 FEET; THENCE RUN NORTH 00 DEGREES 15 MINUTES 46 SECONDS EAST, A DISTANCE OF 636.30 FEET; THENCE RUN NORTH 08 DEGREES 38 MINUTES 50 SECONDS EAST, A DISTANCE OF 40.00 FEET; THENCE RUN SOUTH 81 DEGREES 21 MINUTES 10 SECONDS EAST, A DISTANCE OF 92.66 FEET; THENCE ALONG A CURVE TO THE RIGHT, AN ARC DISTANCE OF 34.45 FEET, HAVING A RADIUS OF 120.00 FEET, (CHORD BEARS SOUTH 73 DEGREES 06 MINUTES 43 SECONDS EAST, A DISTANCE OF 34.33 FEET); THENCE RUN SOUTH 89 DEGREES 44 MINUTES 14 SECONDS EAST, A DISTANCE OF 249.60 FEET; THENCE RUN SOUTH 00 DEGREES 15 MINUTES 46 SECONDS WEST, A DISTANCE OF 830.55 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 7.42 ACRES, MORE OR LESS, AND LIES SECTION 29, TOWNSHIP 6 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

(DESCRIPTION COMPOSED FROM PROBATE RECORDS AND AN ACTUAL FIELD SURVEY)
I HEREBY CERTIFY THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

DEWBERRY
VICTOR L. GERMAIN AL. P.L.S. NO. 38473
SURVEY NOT VALID WITHOUT ORIGINAL SIGNATURE AND SEAL.



CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	20.00'	31.38'	N45°12'28"E	28.26'
C2	20.00'	31.45'	N44°47'32"W	28.31'
C3	120.00'	29.19'	N06°42'18"W	29.12'
C4	120.00'	107.29'	S39°17'10"E	103.75'
C5	80.00'	113.96'	S40°32'42"E	104.56'
C6	100.00'	142.45'	S40°32'42"E	130.70'

LEGEND:

- = BUILDING SETBACK LINE
- = CAPPED IRON PIN PLACED (CA-1109-L5)
- ⊕ = MAG NAIL SET
- = CAPPED REBAR FOUND
- = OPEN END PIPE FOUND
- C.A. = COMMON AREA

Old Battles Village Phase Four-B

A Planned Unit Development

FINAL PLAT
NOVEMBER 17, 2021 - SHEET 1 OF 1 SHEETS

DESIGN		DRAWN		CHKD.		V.L.G.	
ENG	J.N.E	SURVEYOR	V.L.G.	PROJ MGR	C.C.B.	SCALE	1"=60'
Dewberry						PROJ. NO.	50125058
25353 Friendship Road Daphne, AL 36526 251-990-9950 fax 251-990-9910						FILE	50125058
						SHEET	1 OF 1

CONSTRUCTION PLANS FOR OLD BATTLES VILLAGE PHASE 4B

Prepared For:
68V OBV 2020, LLC
Fairhope, Alabama

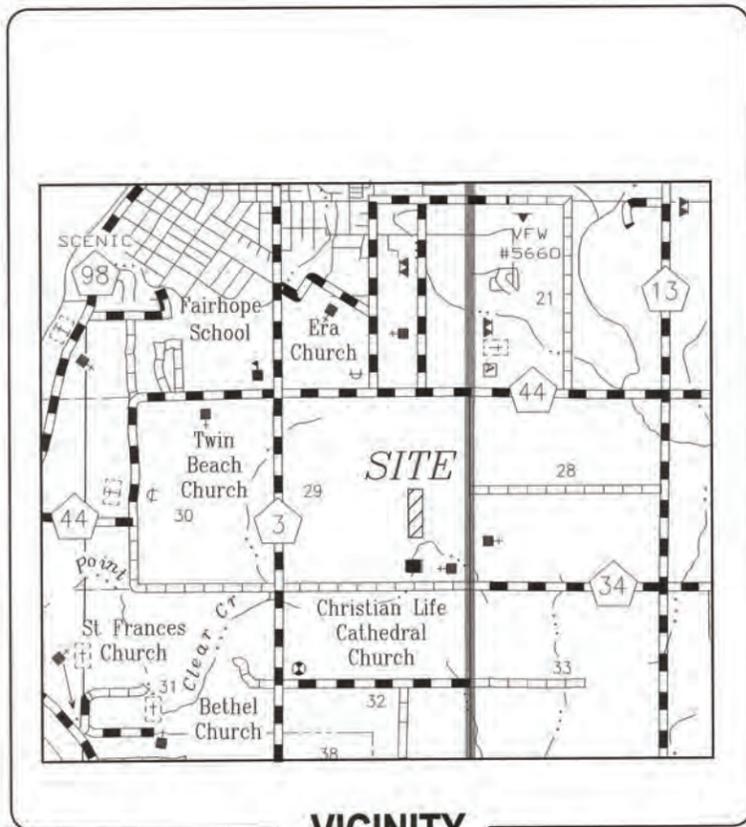
AS BUILT 11/17/2021

"ENGINEER'S CERTIFICATE"

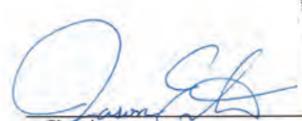
I, JASON N. ESTES, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF ALABAMA FOR DEWBERRY, HOLDING CERTIFICATE NUMBER 22714, HEREBY CERTIFY THAT I HAVE REVIEWED THE DESIGN HEREIN WHICH WAS DONE UNDER MY DIRECT CONTROL AND SUPERVISION AND THAT, TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND TO THE BEST OF MY BELIEF, CONFORMS TO THE REQUIREMENTS OF THE FAIRHOPE SUBDIVISION REGULATIONS AND TO ALL OTHER RULES, REGULATIONS, LAWS AND ORDINANCES APPLICABLE TO MY DESIGN.


DATE: 10-25-21

OLD BATTLES VILLAGE PHASE 4B
PLANS WHICH ARE CERTIFIED CONSIST OF PAGE 1 THRU 12, WHICH BEARS MY SEAL AND SIGNATURE.



**VICINITY
MAP**


Signature: 
Date: 10-25-21
JASON N. ESTES 22714
Project Engineer Reg. No.

Prepared By:



Date: DECEMBER, 2020
Project Number: 50125058

SHEETS:	
1	TITLE SHEET
2	GENERAL NOTES
3	TYPICAL ROADWAY SECTIONS & DETAILS
4	SUBDIVISION LAYOUT
5	OVERALL DRAINAGE PLAN
6	OVERALL WATER & SEWER PLAN
7-8	PLAN & PROFILE SHEET (ROADWAY)
9	PLAN & PROFILE SHEET (DITCHES)
10	SIDEWALK, SIGNAGE & LIGHTING PLAN
11	STORMWATER BEST MANAGEMENT PRACTICES PLAN & DETAILS
12	DRAINAGE DETAILS
13	WATER DETAILS
14	SEWER DETAILS
15-16	CROSS SECTIONS
17	LOT GRADING PLAN

INDEX

REVISIONS:			
NO.	DATE	APPR.	REVISION
1	2020-12-15	JNE	REVISED STORMDRAIN, SEWER LATERAL DETAIL, WATER SERVICE LOCATION, ADDED STORMDRAIN MANHOLE LID DETAIL, WATER/SEWER SERVICE DETAIL. (SHEETS 5, 8, 9, 12, 13 & 14)

REVISIONS

SURVEYOR/ENGINEER:

DEWBERRY
25353 FRIENDSHIP RD DAPHNE, ALABAMA 36526
VICTOR L. GERMAIN, P.L.S. LIC. NO. 38473
JASON N. ESTES, P.E. LIC. NO. 22714

DEVELOPER/OWNER:

OWNER: 68V OBV 2020, LLC
29891 Woodrow Lane, Suite 300
Spanish Fort, AL 36527

CERTIFICATE OF APPROVAL BY THE FAIRHOPE PLANNING COMMISSION

THIS PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY PLANNING COMMISSION OF FAIRHOPE, ALABAMA, AND IS APPROVED BY SUCH COMMISSION.

THE CITY OF FAIRHOPE PLANNING COMMISSION

BY: _____ DATE: _____
SECRETARY

CERTIFICATE OF APPROVAL BY THE CITY OF FAIRHOPE: (GAS)

THE UNDERSIGNED, AS AUTHORIZED BY THE CITY OF FAIRHOPE HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS ____ DAY OF _____ 20__

AUTHORIZED REPRESENTATIVE

CERTIFICATE OF APPROVAL BY RIVIERA UTILITIES: (ELECTRIC)

THE UNDERSIGNED, AS AUTHORIZED BY RIVIERA UTILITIES HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS ____ DAY OF _____ 20__

AUTHORIZED REPRESENTATIVE

CERTIFICATE OF APPROVAL BY TELEPHONE (AT&T):

THE UNDERSIGNED, AS AUTHORIZED BY AT&T HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS ____ DAY OF _____ 20__

AUTHORIZED REPRESENTATIVE

CERTIFICATE OF APPROVAL BY THE CITY OF FAIRHOPE: (WATER)

THE UNDERSIGNED, AS AUTHORIZED BY THE CITY OF FAIRHOPE HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS ____ DAY OF _____ 20__

AUTHORIZED REPRESENTATIVE

CERTIFICATE OF APPROVAL BY THE CITY OF FAIRHOPE: (SEWER)

THE UNDERSIGNED, AS AUTHORIZED BY THE CITY OF FAIRHOPE HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS ____ DAY OF _____ 20__

AUTHORIZED REPRESENTATIVE

CERTIFICATE OF OWNER'S ACCEPTANCE

I, THE UNDERSIGNED, OWNER OF THE WITHIN PLATTED LANDS, HAS CAUSED THE LAND EMBRACED IN THE WITHIN PLAT TO BE SURVEYED, LAID OUT AND PLATTED TO BE KNOWN AS OLD BATTLES VILLAGE, PHASE TWO.

OWNER: TRULAND HOMES, L.L.C.

BY: _____ DATE: _____
ITS: _____

CERTIFICATE OF NOTARY PUBLIC:

STATE OF ALABAMA
COUNTY OF BALDWIN

I, _____, NOTARY PUBLIC IN AND FOR SAID COUNTY, IN SAID STATE, HEREBY CERTIFY THAT THE ABOVE, _____ WHOSE NAME AS _____ OF STONE CREEK LLC IS SIGNED TO THE FOREGOING INSTRUMENT, AND WHO IS KNOWN TO ME, ACKNOWLEDGED BEFORE ME ON THIS DAY THAT, BEING INFORMED OF THE CONTENT OF THE INSTRUMENT, AND AS SUCH OFFICER AND WITH FULL AUTHORITY, EXECUTED THE SAME VOLUNTARILY.

GIVEN UNDER MY HAND AND OFFICIAL SEAL THE ____ DAY OF _____

NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____

FLOOD CERTIFICATE:

THIS PROPERTY LIES WITHIN ZONE "X" AS SCALED FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP OF BALDWIN COUNTY, ALABAMA, MAP NUMBER 01003C0757L*, COMMUNITY NUMBER 015000, PANEL NUMBER 0757, SUFFIX L, MAP NOT PRINTED.

SURVEYOR'S NOTES:

1. ALL MEASUREMENTS WERE MADE IN ACCORDANCE WITH U.S. STANDARDS.
2. DESCRIPTION AS FURNISHED BY CLIENT.
3. THERE MAY BE RECORDED OR UNRECORDED DEEDS, EASEMENTS, RIGHT-OF-WAYS, OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES OF SAID PROPERTIES.
4. THERE WAS NO ATTEMPT TO DETERMINE THE EXISTENCE, LOCATION, OR EXTENT OF ANY SUB-SURFACE FEATURES.
5. THE LINES REPRESENTING THE CENTERLINE AND RIGHT-OF-WAYS OF THE STREETS ARE SHOWN FOR VISUAL PURPOSES ONLY AND WERE NOT SURVEYED UNLESS RIGHT-OF-WAY MONUMENTATION IS ALSO SHOWN.
6. SURVEY WAS CONDUCTED AUGUST, 2015 THROUGH NOVEMBER, 2015; AND IS RECORDED IN FIELD BOOK #292, AT PAGES 62-64; IN FIELD BOOK #296, AT PAGE 22ND IN AN ELECTRONIC DATA FILE.
7. BEARINGS AND DISTANCES SHOWN HEREON WERE "COMPUTED" FROM ACTUAL FIELD TRAVERSES.
8. BEARINGS ARE BASED ON STATE PLANE GRID COORDINATES ALABAMA WEST ZONE 0102 (NAD 83 DATUM).
9. THE ELEVATIONS SHOWN HEREON ARE RELATED TO MEAN SEA LEVEL (NAVD 88), USING GEOID03.
10. ALL GPS OBSERVATIONS WERE TAKEN USING REAL TIME KINEMATIC GPS.
11. THIS SURVEY IS BASED UPON MONUMENTATION FOUND IN PLACE AND DOES NOT PURPORT TO BE A RETRACEMENT AND PROPORTIONING OF THE ORIGINAL GOVERNMENT SURVEY.

GENERAL NOTES:

1. FOR THE LOCATION OF ALL UTILITIES, SEE CONSTRUCTION PLANS.
2. STORMWATER DETENTION AREAS AND COMMON AREAS ARE NOT THE RESPONSIBILITY OF CITY OF FAIRHOPE TO MAINTAIN.
3. ALL UTILITIES WILL BE CONSTRUCTED UNDERGROUND.
4. THERE IS DEDICATED HERewith A 10 FOOT DRAINAGE/UTILITY EASEMENT ON ALL LOT LINES ADJACENT TO RIGHT-OF-WAYS AND A 10 FOOT (5 FEET EACH SIDE) UTILITY EASEMENT ALONG ALL SIDE LOT LINES, AND 10 FOOT UTILITY EASEMENT ALONG COMMON AREA R.O.W.S.
5. MINIMUM FINISHED FLOOR ELEVATIONS SHALL BE 18" ABOVE THE HIGHEST GROUND ELEVATION 10 FEET OUTSIDE OF BUILDING. SEE FAIRHOPE BUILDING DEPT. FOR SPECIFIC REQUIREMENT.
6. ALL STREET LIGHTS TO BE INSTALLED IN THIS SUBDIVISION, SHALL BE IN COMPLIANCE WITH THE CITY OF FAIRHOPE STANDARDS.
7. FENCES ARE NOT ALLOWED IN DRAINAGE/UTILITY EASEMENTS.
8. ALL ACCESS STREETS TO ADJACENT PROPERTIES THAT ARE NOT CONNECTED AT THE TIME OF THE IMPROVEMENTS SHALL BE POSTED WITH A STOP SIGN BLANK READING "FUTURE THROUGH STREET". THESE SIGNS SHALL BE POSTED BY THE SUBDIVIDER.
9. NO PERMANENT STRUCTURES, FENCES, OR POOLS ARE ALLOWED WITHIN THE 50' ALABAMA POWER LINE RIGHT-OF-WAY.
10. THE ONLY ALLOWED USES OF THE WETLAND BUFFER SHALL BE PER THE CITY OF FAIRHOPE SUBDIVISION REGULATIONS ARTICLE V SECTION F 4. STREAM B.
11. WETLAND BUFFER LOCATIONS EVERY 100 FEET SHALL BE CLEARLY DELINEATED ON ALL GRADING PLANS, SUBDIVISION PLATS, SITE PLANS AND ANY OTHER DEVELOPMENT PLANS. THE OUTSIDE LIMIT OF THE BUFFER MUST BE CLEARLY MARKED ON-SITE WITH PERMANENT SIGNS PLACED EVERY 100 FEET, PRIOR TO ANY LAND DISTURBANCE ACTIVITIES.

SITE DATA

LIN. FT. STREETS: 1,196 L.F.
NUMBER OF LOTS: 19
SMALLEST LOT: 11,200 SF
LARGEST LOT: 13,967 SF
COMMON AREAS: 1.08 AC.
TOTAL AREA: 7.42 AC.

PRINCIPAL BUILDING STANDARDS

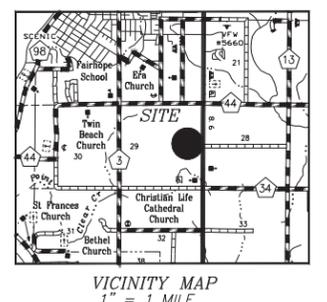
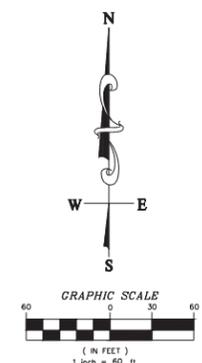
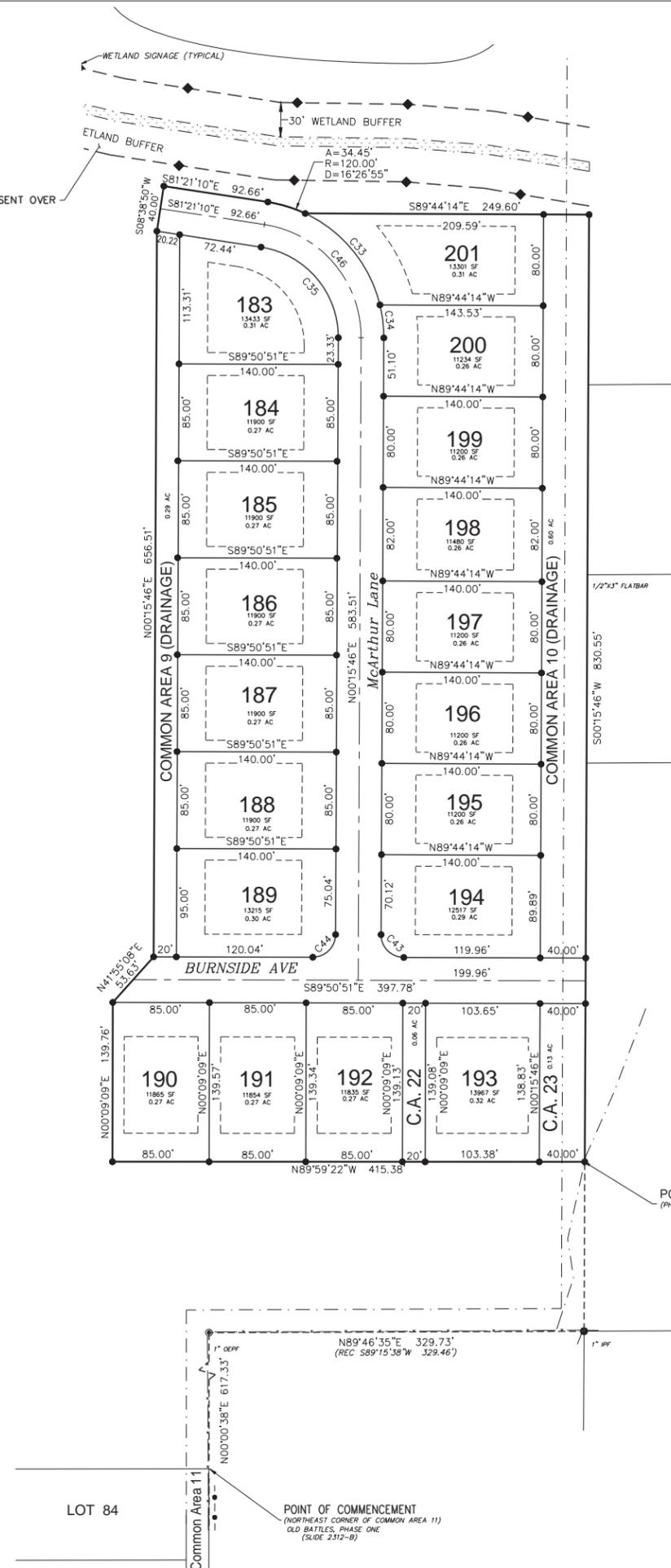
BUILDING HEIGHT: 30'
MAX. ALLOWABLE LOT COVERAGE: 37%
REQUIRED SETBACKS:
FRONT: 30 FEET
REAR: 25 FEET
SIDE: 10 FEET
STREET SIDE: 20 FEET

ACCESSORY BUILDING STANDARDS

BUILDING HEIGHT: 30'
MAX. TOTAL LOT COVERAGE: 25% OF THE REQUIRED REAR YARD
REQUIRED SETBACKS:
(LOCATED IN REAR YARD ONLY)
REAR: 5 FEET (SEE GENERAL NOTE 9)
SIDE: 10 FEET
STREET SIDE: 20 FEET

WATER SERVICE: CITY OF FAIRHOPE
SEWER SERVICE: CITY OF FAIRHOPE
ELECTRIC SERVICE: RIVIERA UTILITIES
TELEPHONE SERVICE: AT&T
GAS SERVICE: CITY OF FAIRHOPE

NOTE:
NO EPHEMERAL STREAM PRESENT OVER AND ACROSS THIS LOCATION.



SURVEYOR'S CERTIFICATE:

STATE OF ALABAMA
COUNTY OF BALDWIN
WE, DEWBERRY, A FIRM OF LICENSED ENGINEERS AND LAND SURVEYORS OF DAPHNE, ALABAMA, HEREBY STATE THAT THE ABOVE IS A CORRECT MAP OR PLAT OF THE PROPERTY SITUATED IN BALDWIN COUNTY, ALABAMA.
COMMENCE AT THE NORTHEAST CORNER OF COMMON AREA #11 OF OLD BATTLES VILLAGE, PHASE ONE, A PLANNED UNIT DEVELOPMENT, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDES 2312-B & 2312-C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 00 DEGREES 00 MINUTES 38 SECONDS EAST, A DISTANCE OF 617.33 FEET; THENCE RUN NORTH 89 DEGREES 46 MINUTES 35 SECONDS EAST, A DISTANCE OF 329.73 FEET; THENCE RUN NORTH 00 DEGREES 15 MINUTES 46 SECONDS EAST, A DISTANCE OF 148.51 FEET FOR A POINT OF BEGINNING; THENCE RUN NORTH 89 DEGREES 59 MINUTES 22 SECONDS WEST, A DISTANCE OF 415.29 FEET; THENCE RUN NORTH 00 DEGREES 09 MINUTES 09 SECONDS EAST, A DISTANCE OF 139.76 FEET; THENCE RUN NORTH 41 DEGREES 55 MINUTES 08 SECONDS EAST, A DISTANCE OF 53.63 FEET; THENCE RUN NORTH 00 DEGREES 15 MINUTES 46 SECONDS EAST, A DISTANCE OF 636.30 FEET; THENCE RUN NORTH 08 DEGREES 38 MINUTES 50 SECONDS EAST, A DISTANCE OF 40.00 FEET; THENCE RUN SOUTH 81 DEGREES 20 MINUTES 39 SECONDS EAST, A DISTANCE OF 92.56 FEET; THENCE ALONG A CURVE TO THE RIGHT, AN ARC DISTANCE OF 34.52 FEET, HAVING A RADIUS OF 120.00 FEET, (CHORD BEARS SOUTH 73 DEGREES 06 MINUTES 43 SECONDS EAST, A DISTANCE OF 34.40 FEET); THENCE RUN SOUTH 89 DEGREES 44 MINUTES 14 SECONDS EAST, A DISTANCE OF 249.54 FEET; THENCE RUN SOUTH 00 DEGREES 15 MINUTES 46 SECONDS WEST, A DISTANCE OF 830.52 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 7.42 ACRES, MORE OR LESS, AND LIES SECTION 29, TOWNSHIP 6 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

(DESCRIPTION COMPOSED FROM PROBATE RECORDS AND AN ACTUAL FIELD SURVEY)
I HEREBY CERTIFY THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

DEWBERRY
VICTOR L. GERMAIN AL. P.L.S. NO. 38473
SURVEY NOT VALID WITHOUT ORIGINAL SIGNATURE AND SEAL.



- LEGEND:**
- = TEMPORARY BENCH MARK
 - ◆ = WETLAND SIGNAGE
 - - - = BUILDING SETBACK LINE
 - = CAPPED IRON PIN PLACED (CA-1109-LS)

POINT OF BEGINNING
(PHASE FOUR-B)

Old Battles Village Phase Four-B A Planned Unit Development

**FINAL PLAT
DECEMBER 7, 2020 - SHEET 1 OF 2 SHEETS
BOUNDARY SURVEY AND PLAT OF SUBDIVISION**

DESIGN	D.E.D.	DRAWN	A.E.F.	CHKD.	M.S.P.
ENG	J.N.E	SURVEYOR	V.L.G.	PROJ MGR	M.S.P.
35353 Friendship Road Daphne, AL 36526 251-990-9950 fax 251-990-9910					
SCALE 1"=60'					
PROJ. NO. 50083831					
FILE 50083831					
SHEET 1 OF 2					

**OLD BATTLES VILLAGE
PHASE 4B**
68Y OBV 2020, LLC
FAIRHOPE, ALABAMA

SEAL



AS BUILT 10/25/2021

SCALE



NO.	DESCRIPTION	DATE
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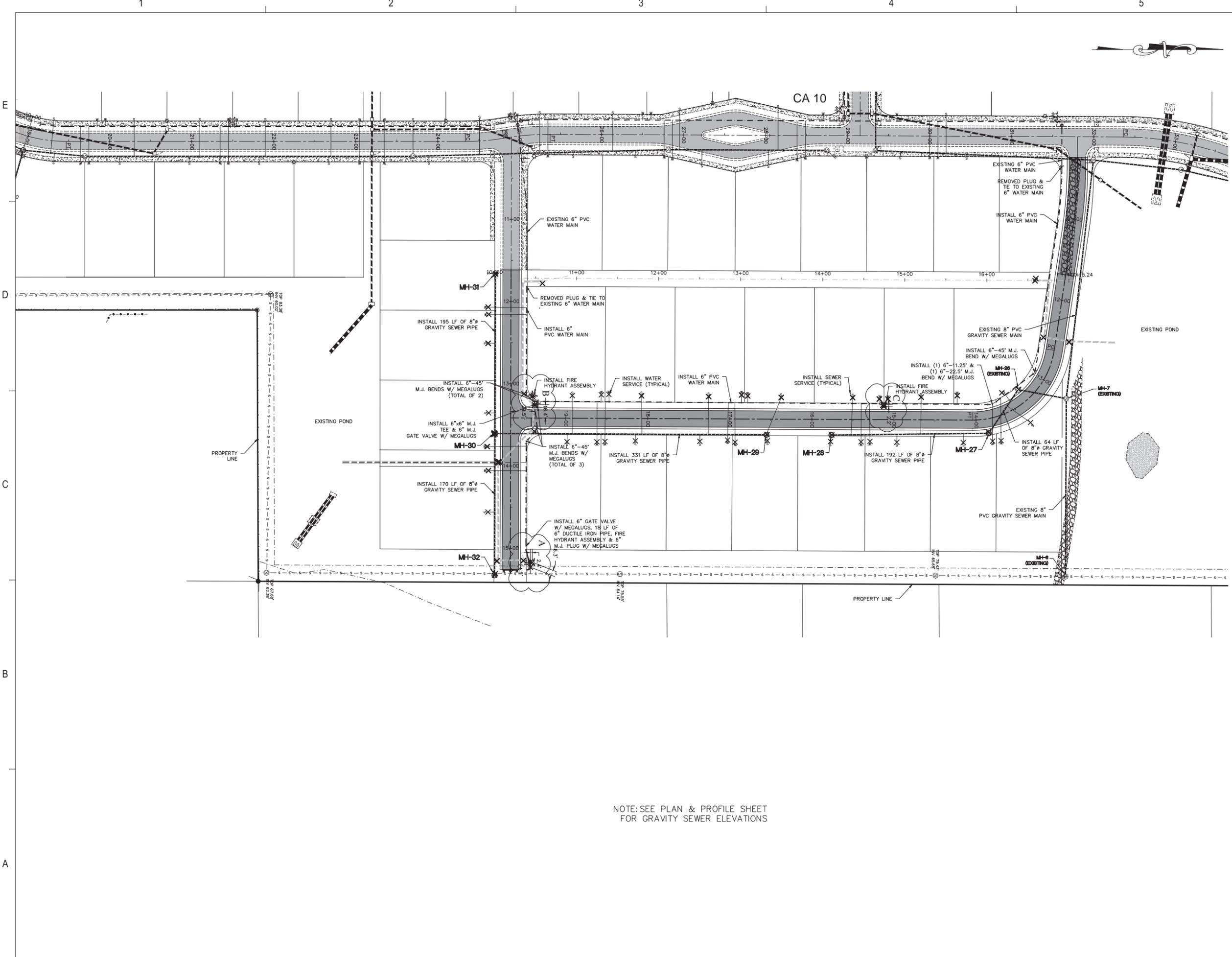
REVISIONS

DRAWN BY	_____	CCB
APPROVED BY	_____	JNE
CHECKED BY	_____	CCB
DATE	_____	JUNE, 2020

TITLE
**OVERALL WATER &
SEWER PLAN**

PROJECT NO. 50125058

SHEET NO.



NOTE: SEE PLAN & PROFILE SHEET
FOR GRAVITY SEWER ELEVATIONS

1

2

3

4

5

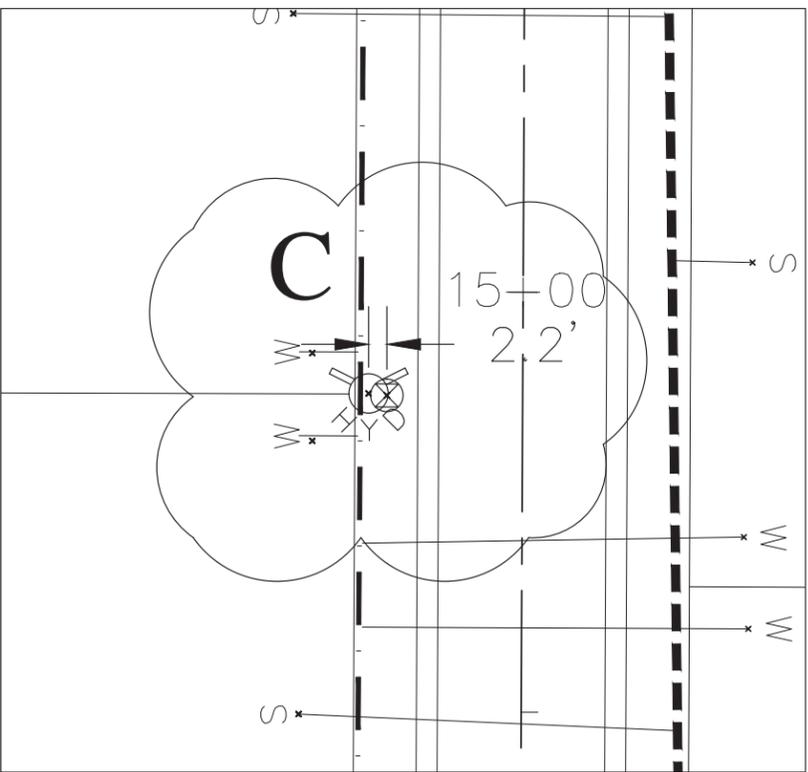
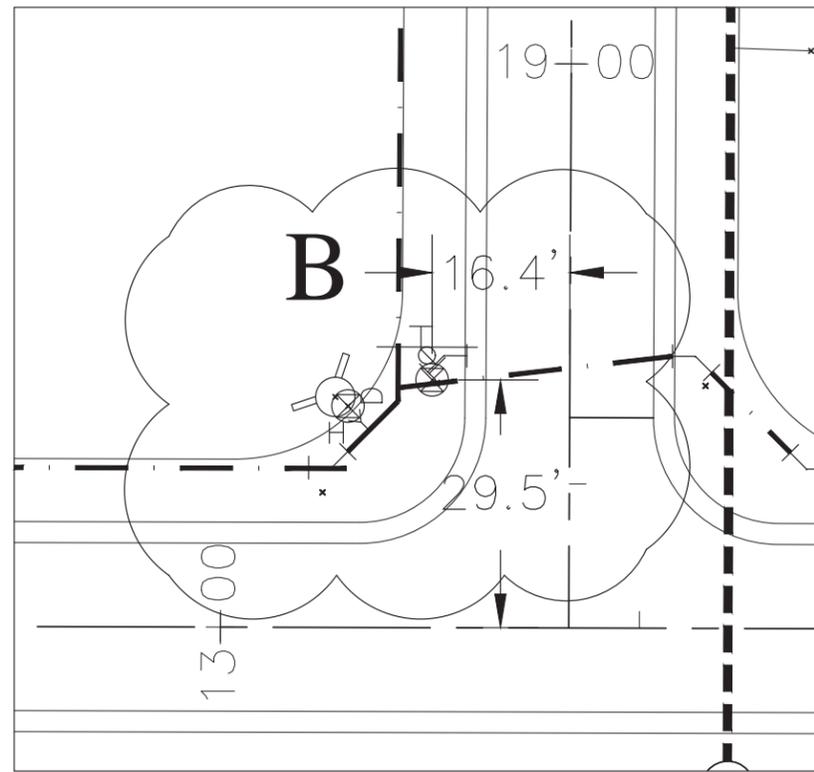
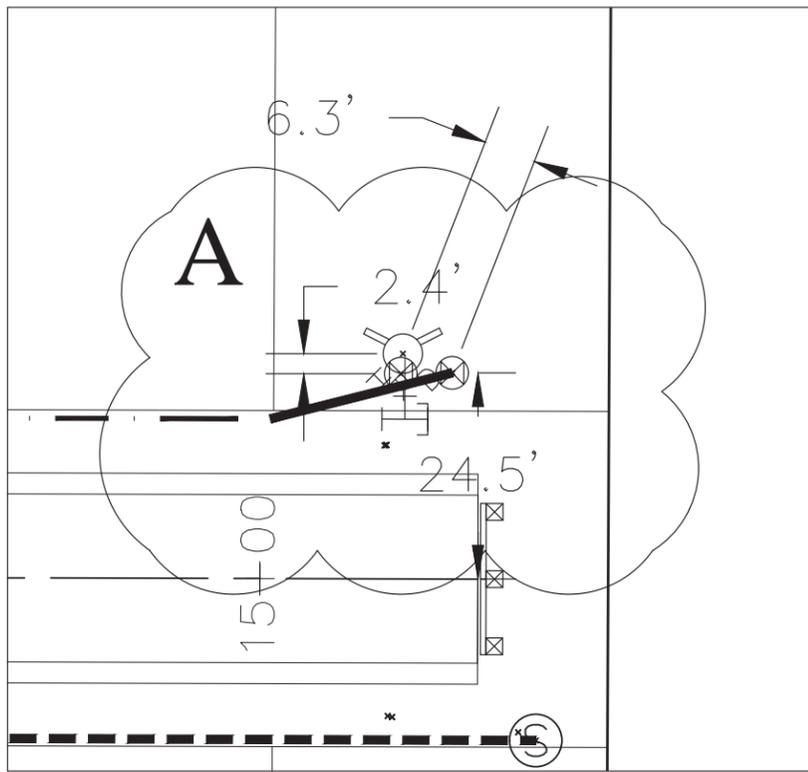
E

D

C

B

A



25353 FRIENDSHIP ROAD
 DAPHNE, AL 36526
 251.990.9950

**OLD BATTLES VILLAGE
 PHASE 4B**
 68Y OBV 2020, LLC
 FAIRHOPE, ALABAMA

SEAL



AS BUILT 10/25/2021

SCALE



NO.	DESCRIPTION	DATE

REVISIONS

DRAWN BY _____ CCB
 APPROVED BY _____ JNE
 CHECKED BY _____ CCB
 DATE _____ JUNE, 2020

TITLE
VALVE DIMENSIONS

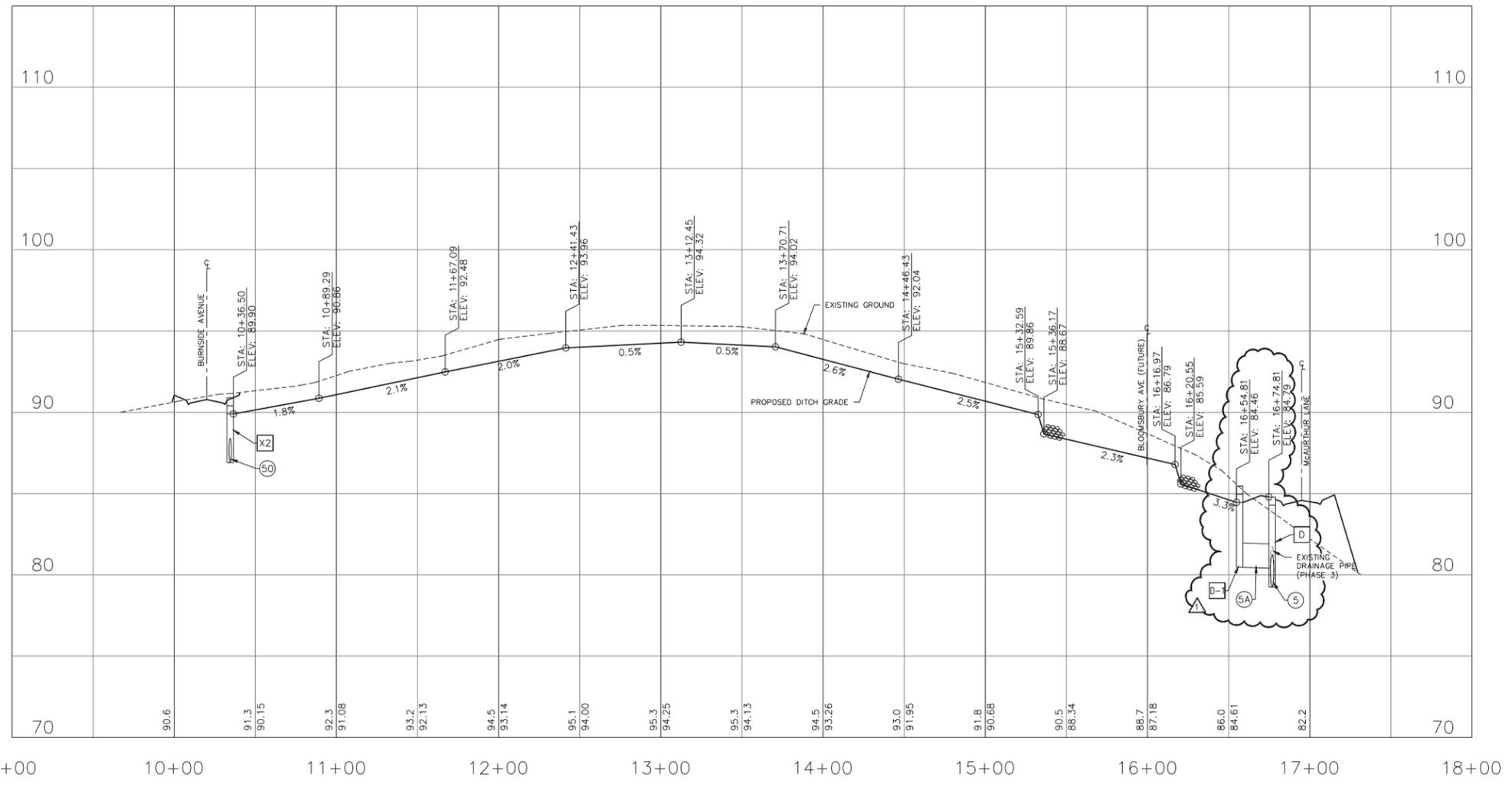
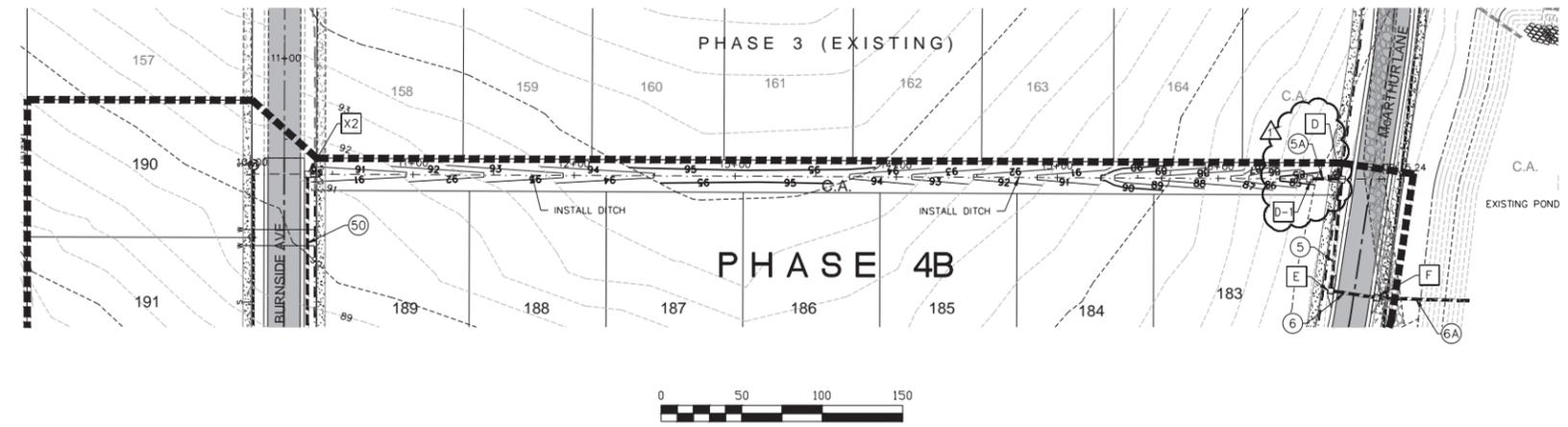
PROJECT NO. _____ 50125058

6A

SHEET NO.

DITCH 3
STA 10+36.50 - STA 16+74.81

A PROPERTY OWNERS ASSOCIATION (POA) IS REQUIRED TO BE FORMED. THE POA IS REQUIRED TO MAINTAIN ANY AND ALL STORM WATER FACILITIES AND STRUCTURES LOCATED OUTSIDE OF THE PUBLICLY ACCEPTED RIGHT-OF-WAY.



AS BUILT 11/17/2021

SCALE
V:1"=5'
H:1"=50'

NO.	DESCRIPTION	DATE

REVISIONS

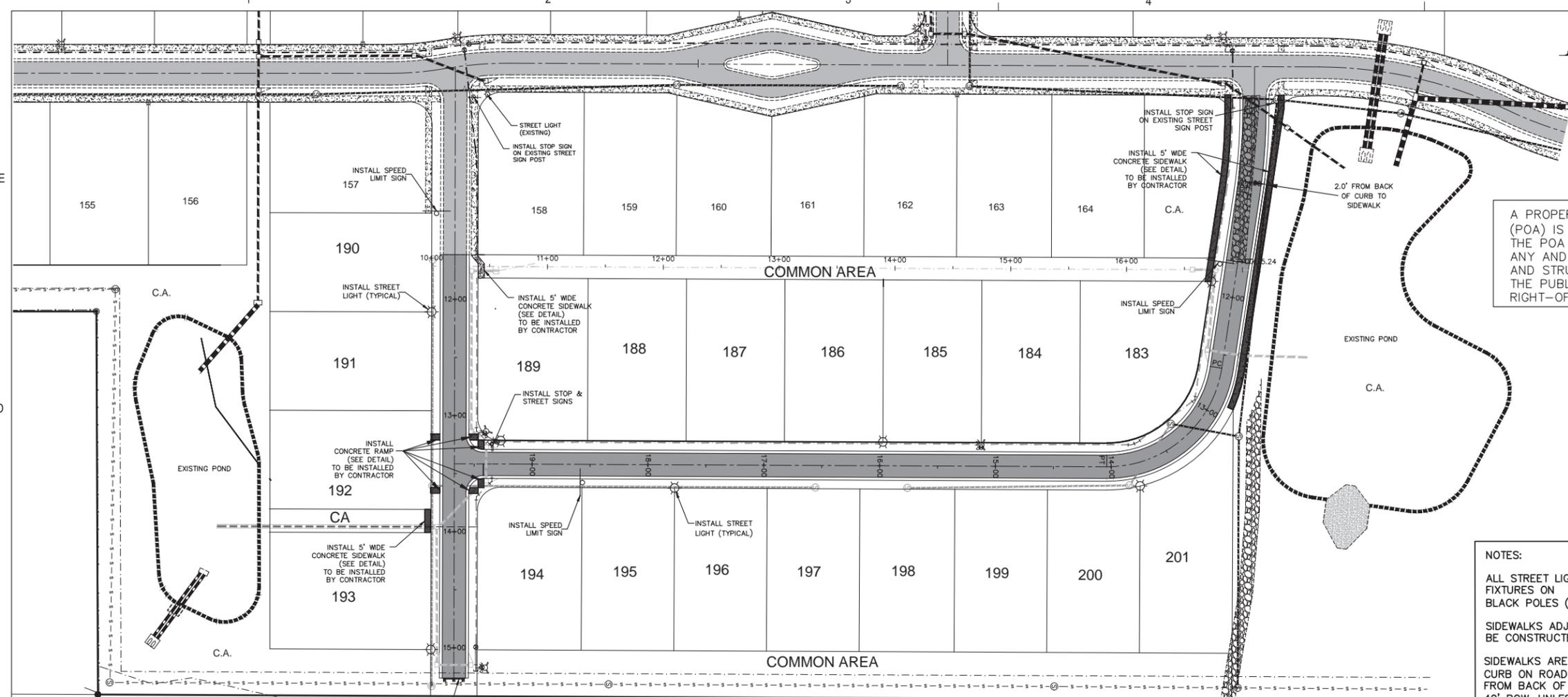
DRAWN BY	_____	CCB
APPROVED BY	_____	JNE
CHECKED BY	_____	CCB
DATE	_____	JUNE, 2020

TITLE
PLAN & PROFILE

PROJECT NO. 50125058

**OLD BATTLES VILLAGE
PHASE 4B**
68Y OBV 2020, LLC
FAIRHOPE, ALABAMA

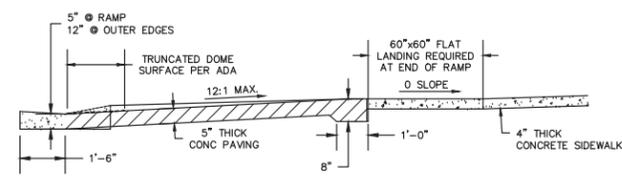
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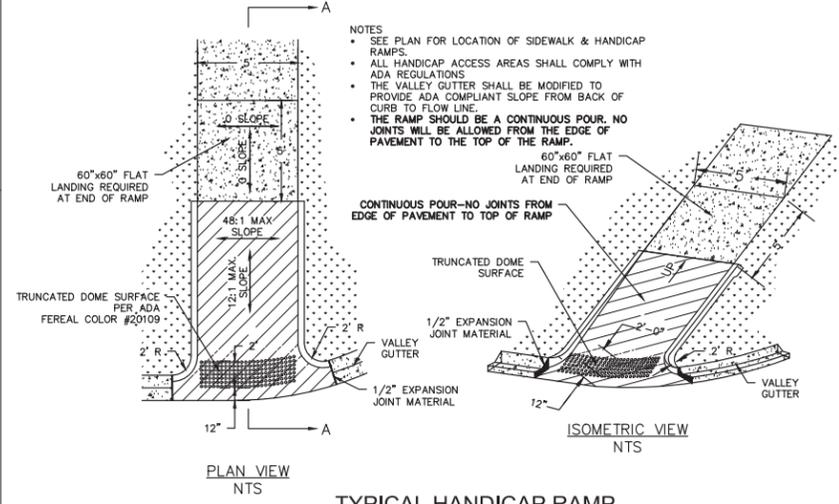
NOTES:
ALL STREET LIGHTS SHALL BE LED ACORN FIXTURES ON BLACK POLES (DARK SKY FRIENDLY)
SIDEWALKS ADJACENT TO COMMON AREAS SHALL BE CONSTRUCTED WITH ROADWAY.
SIDEWALKS ARE LOCATED 7.0' FROM BACK OF CURB ON ROADWAYS WITHIN A 50' ROW AND 8.0' FROM BACK OF CURB ON ROADWAYS WITHIN A 40' ROW, UNLESS OTHERWISE SHOWN.



AS BUILT 10/25/2021



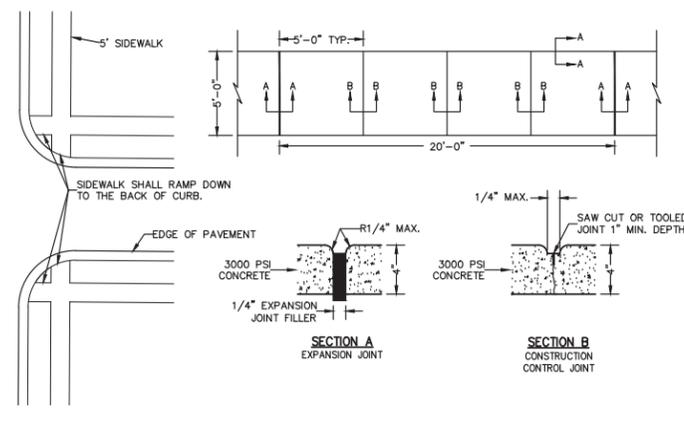
SECTION "A-A"
NTS



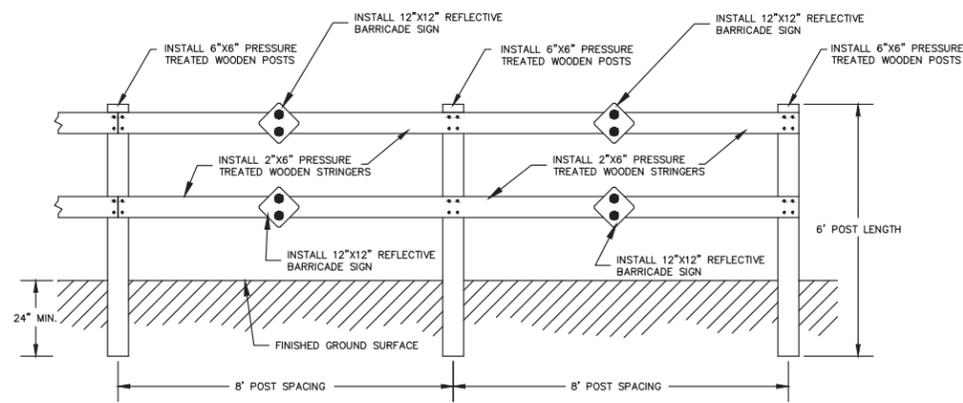
TYPICAL HANDICAP RAMP

*ALL RAMP SLOPES SHALL MEET ADA REQUIREMENTS

- NOTES:**
- SIDEWALKS SHALL BE INSTALLED BY THE HOME BUILDER DURING HOME CONSTRUCTION.
 - ALL SIDEWALKS LOCATED IN COMMON AREAS SHALL BE INSTALLED DURING SUBDIVISION CONSTRUCTION.
 - SEE PLAN FOR LOCATION OF SIDEWALK & HANDICAP RAMPS.
 - ALL HANDICAP ACCESS AREAS SHALL COMPLY WITH ADA REGULATIONS.
 - THE VALLEY GUTTER SHALL BE MODIFIED TO PROVIDE ADA COMPLIANT SLOPE FROM BACK OF CURB TO FLOW LINE.
 - THE RAMP SHOULD BE A CONTINUOUS POUR. NO JOINTS WILL BE ALLOWED FROM THE EDGE OF PAVEMENT TO THE TOP OF THE RAMP.
 - TACTILE STRIPS ARE REQUIRED.
 - SIDEWALK THROUGH ALABAMA POWER EASEMENT SHALL ADHERE TO DETAIL ON THIS SHEET.



CONCRETE WALK DETAIL



TYPICAL HEAVY BARRICADE WITH REFLECTORS

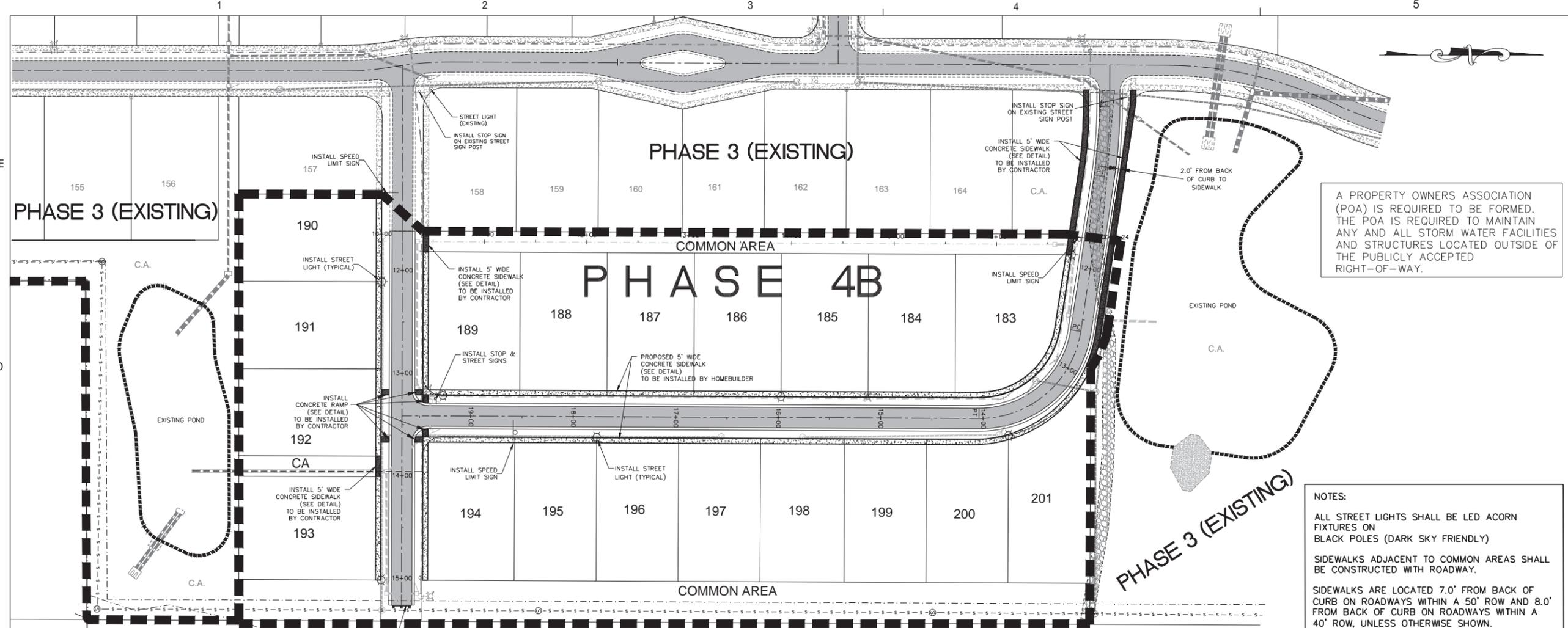
NO.	DESCRIPTION	DATE

REVISIONS

NO.	DESCRIPTION	DATE

TITLE
SIDEWALK, SIGNAGE & LIGHTING PLAN

PROJECT NO. 50125058



A PROPERTY OWNERS ASSOCIATION (POA) IS REQUIRED TO BE FORMED. THE POA IS REQUIRED TO MAINTAIN ANY AND ALL STORM WATER FACILITIES AND STRUCTURES LOCATED OUTSIDE OF THE PUBLICLY ACCEPTED RIGHT-OF-WAY.

NOTES:
ALL STREET LIGHTS SHALL BE LED ACORN FIXTURES ON BLACK POLES (DARK SKY FRIENDLY)
SIDEWALKS ADJACENT TO COMMON AREAS SHALL BE CONSTRUCTED WITH ROADWAY.
SIDEWALKS ARE LOCATED 7.0' FROM BACK OF CURB ON ROADWAYS WITHIN A 50' ROW AND 8.0' FROM BACK OF CURB ON ROADWAYS WITHIN A 40' ROW, UNLESS OTHERWISE SHOWN.

SEAL



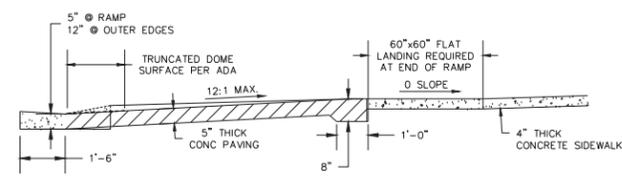
NO.	DESCRIPTION	DATE

REVISIONS

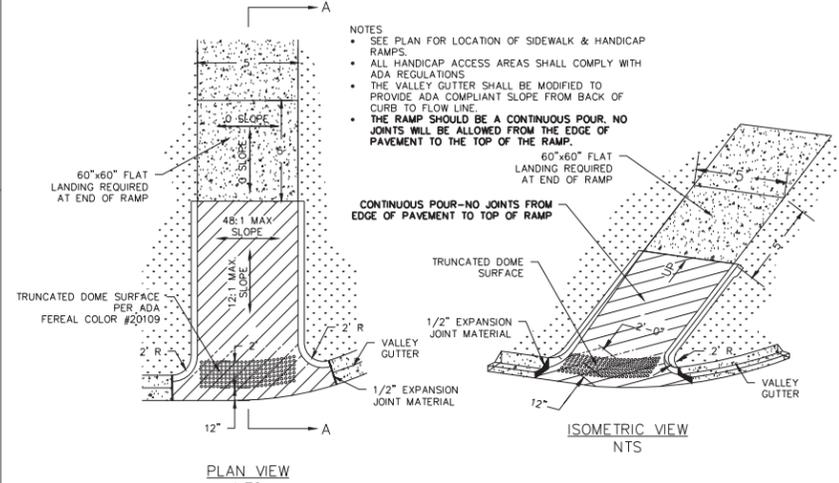
DRAWN BY	DATE
CCB	
JNE	
CCB	

TITLE
SIDEWALK, SIGNAGE & LIGHTING PLAN

PROJECT NO. 50125058



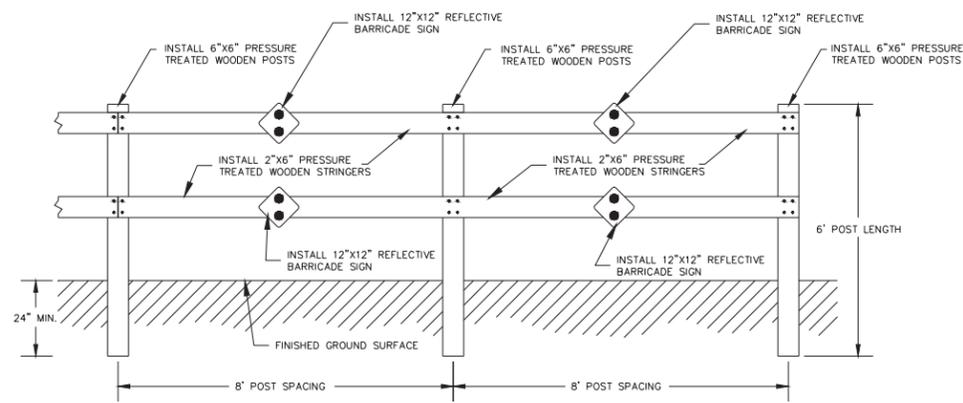
SECTION "A-A"
NTS



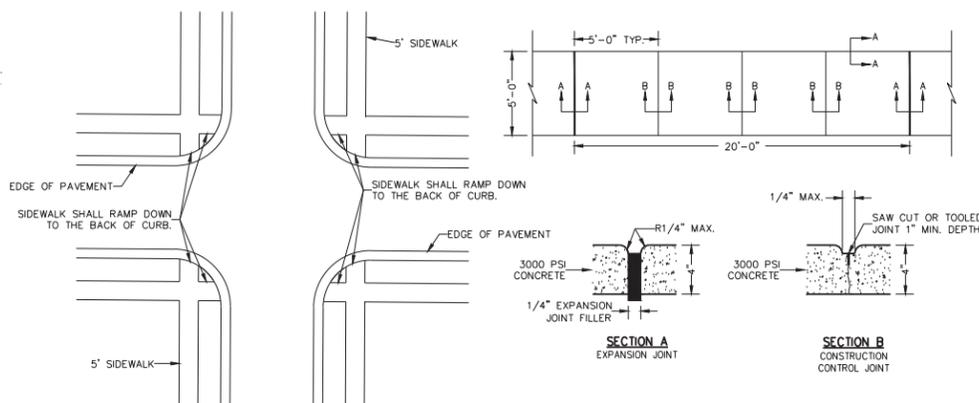
TYPICAL HANDICAP RAMP

*ALL RAMP SLOPES SHALL MEET ADA REQUIREMENTS

- NOTES**
- SIDEWALKS SHALL BE INSTALLED BY THE HOME BUILDER DURING HOME CONSTRUCTION.
 - ALL SIDEWALKS LOCATED IN COMMON AREAS SHALL BE INSTALLED DURING SUBDIVISION CONSTRUCTION.
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TYPICAL HEAVY BARRICADE WITH REFLECTORS



CONCRETE WALK DETAIL

SEAL



SCALE



NO.	DESCRIPTION	DATE

REVISIONS

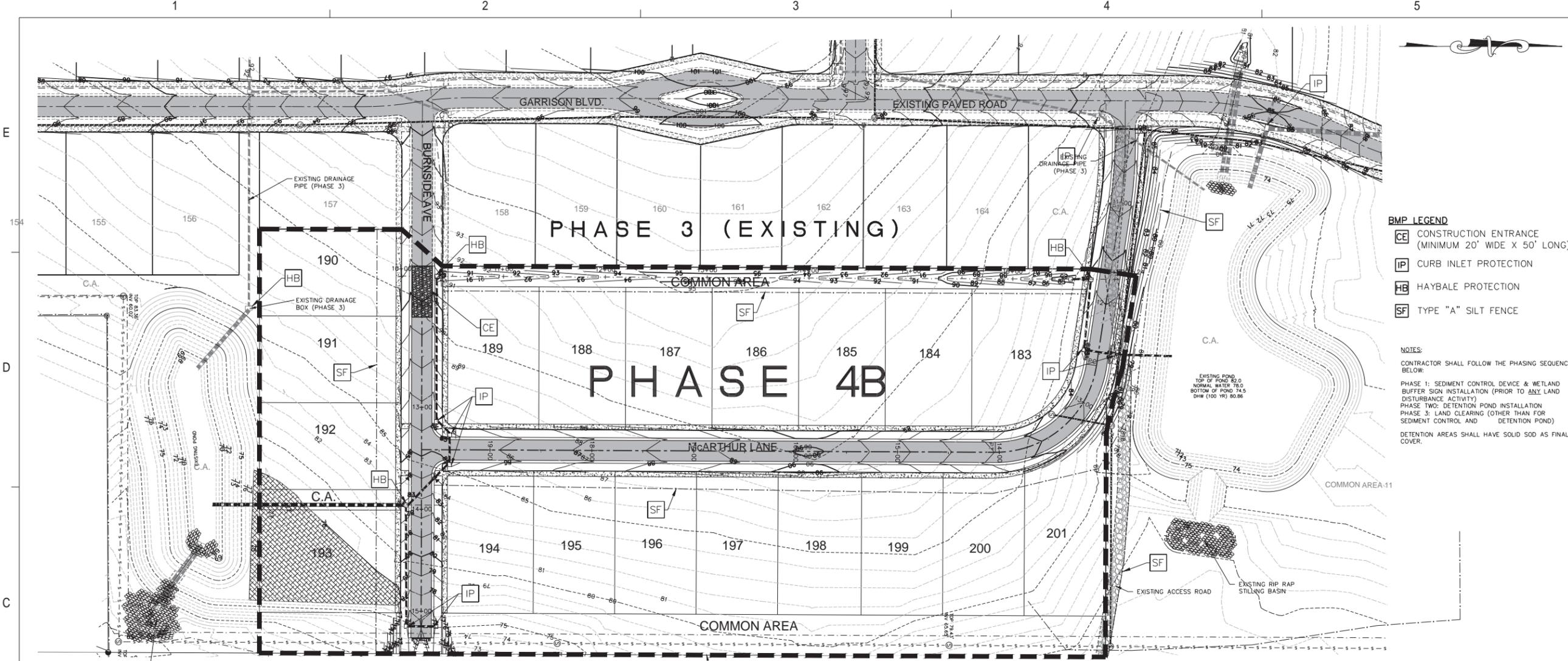
DRAWN BY	CCB
APPROVED BY	JNE
CHECKED BY	CCB
DATE	JUNE, 2020

TITLE

BEST MANAGEMENT PRACTICES PLAN

PROJECT NO. 50125058

SHEET NO.

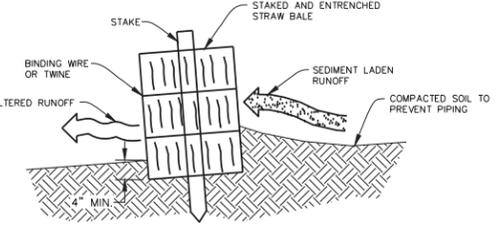
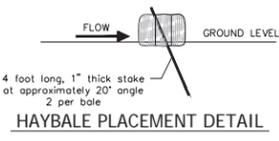
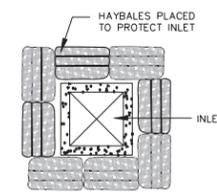


- BMP LEGEND**
- CONSTRUCTION ENTRANCE (MINIMUM 20' WIDE X 50' LONG)
 - CURB INLET PROTECTION
 - HAYBALE PROTECTION
 - TYPE "A" SILT FENCE

- NOTES:**
- CONTRACTOR SHALL FOLLOW THE PHASING SEQUENCE BELOW:
- PHASE 1: SEDIMENT CONTROL DEVICE & WETLAND BUFFER SIGN INSTALLATION (PRIOR TO ANY LAND DISTURBANCE ACTIVITY)
- PHASE TWO: DETENTION POND INSTALLATION
- PHASE 3: LAND CLEARING (OTHER THAN FOR SEDIMENT CONTROL AND DETENTION POND)
- DETENTION AREAS SHALL HAVE SOLID SOD AS FINAL COVER.

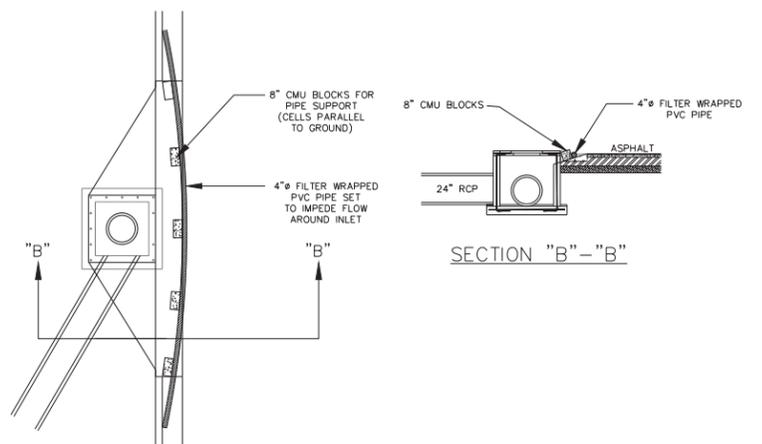
- TYPICAL PRACTICES AND MAINTENANCE:**
- CONSTRUCTION EXIT**— INSTALL PRIOR TO LAND DISTURBING ACTIVITIES. GRADE, COMPACT AND ADD ROCK AS NEEDED TO MAINTAIN ADEQUATE GROUND COVER, REDUCING VEHICLE TRACKING.
 - SILT FENCE**— INSTALL AS INDICATED ALONG PERIMETER OF DISTURBED AREAS. REMOVE SEDIMENT WHEN IT REACHES 1/2 HEIGHT OF FENCE. REPAIR OR REPLACE DAMAGED AREAS IMMEDIATELY TO MAINTAIN ADEQUATE RETENTION OF SEDIMENT AND PROTECTION OF SENSITIVE AREAS.
 - INLET PROTECTION**— INSTALL PRE-ROAD PROTECTION CURB INLET PROTECTION IN A TIMELY MANNER. REPAIR OR REPLACE DAMAGED OR SEDIMENT LADEN DEVICES. REMOVE SEDIMENT THAT SETTLES NEAR INLETS IMMEDIATELY.
 - REMOVE SEDIMENT** THAT LEAVES DISTURBED AREAS IMMEDIATELY TO PREVENT OR REDUCE OFFSITE IMPACTS, ESPECIALLY IN ROADWAYS.
 - SEED AND MULCH OR PERMANENT VEGETATION**— APPLY TEMPORARY SEED AND MULCH TO AREAS LEFT DISTURBED FOR LONGER THAN 10 DAYS. PLANT SEASONALLY APPROPRIATE VEGETATION. REPLANT AS NEEDED IF VEGETATION FAILS. INSTALL PERMANENT VEGETATION AS SOON AS FINAL GRADING COMPLETE.

A PROPERTY OWNERS ASSOCIATION (POA) IS REQUIRED TO BE FORMED. THE POA IS REQUIRED TO MAINTAIN ANY AND ALL STORM WATER FACILITIES AND STRUCTURES LOCATED OUTSIDE OF THE PUBLICLY ACCEPTED RIGHT-OF-WAY.

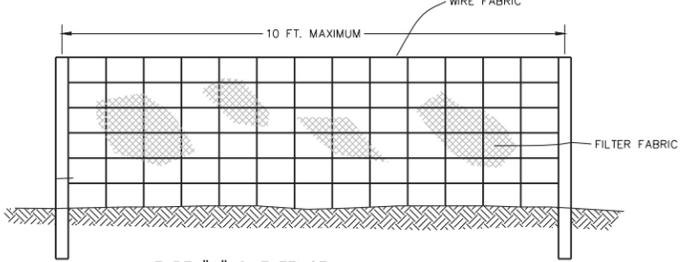
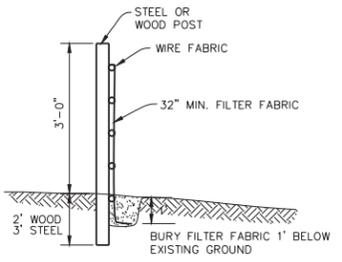


STRAW BALE INSTALLATION CROSS SECTION

Install and maintain limestone, gravel or other rock 6 inches deep minimum



CURB INLET PROTECTION DETAIL



TYPE "A" SILT FENCE

CONSTRUCTION EXIT DETAIL
Install pre-construction

Happy December 24 th Mr. Simmons, Today, Friday is Christmas Eve, much to our surprise we received a certified letter from Allie Knutson at 1:00 PM. We were advised to send you any comments to be in your office by 12:00 PM today. No way could this have been possible which made us wonder if this timing was intentionally late with many people not at home and away for Christmas holidays . We moved into Old Battles Village in 2020 selecting this house because it had a wooded area behind it. There was NO mention ever made of future development. At much expense, we added a sunroom on the back to enjoy the peaceful surroundings. The developer has designed more homes removing all perfectly good solid large trees. Our quiet backyard will begin to be filled with construction trucks squeezing over priced homes on to small pieces of land, leaving us in someone else's back yard. Had we known of this proposal, we would not have moved here and spent money adding on. We have written several letter to the developer along with other concerned neighbors requesting that the trees be left for shade and privacy. There has never been any response which is disrespectful and difficult to deal with. Inquiries have been made to the city and we were told that there is a restriction on the size tree that can be removed. If this expansion is allowed to proceed, there will be increase noise pollution from highway 98 along with construction of the new Publix shopping area. There will increase traffic in the subdivision and additional wear and tear on the roads from construction vehicles. A huge concern is for strain on the water and sewer systems. Please know we would appreciate your requesting feedback and hope our comments may have some bearing on your decision. We strongly urge you to deny this zoning request.. More houses built up on small property lots with NO trees is NOT the best for Fairhope. This exploitation and denuding of the land has gone on too long. Bob and Dana Whitfield 287 Garrison Boulevard



Planning Commission

January 3, 2022

Utility Review

Case: UR 22.01 C-Spire

Project Name:

C-Spire Fiber Optic Installation throughout Fairhope's ROW and Utility Easements

Project Type:

Utility Review

Project Scope:

Install 2,676' of Fiber Optic Cable

Jurisdiction:

City of Fairhope

Zoning District:

ROW

General Location:

Bishop Road & Edwards Ave
Homestead Village

Applicant:

Point Broadband

Owner:

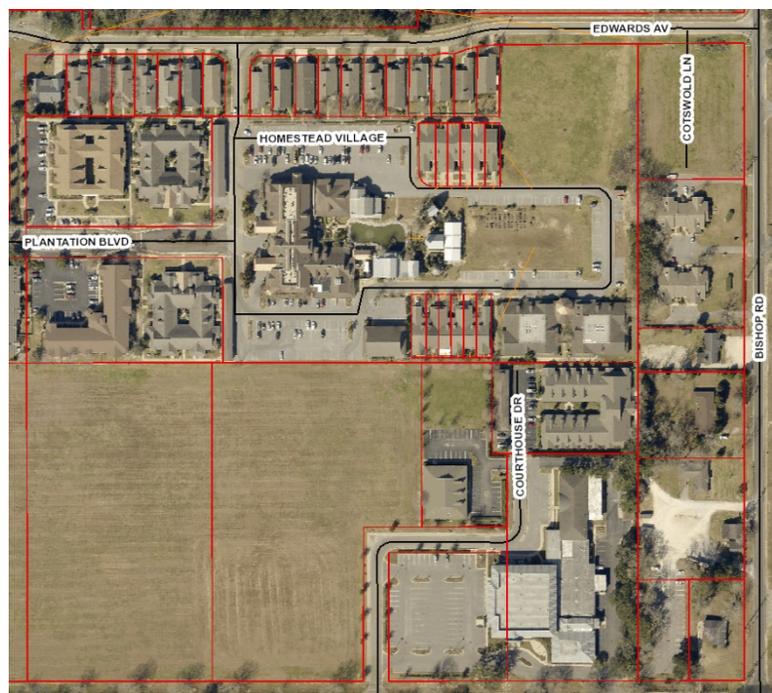
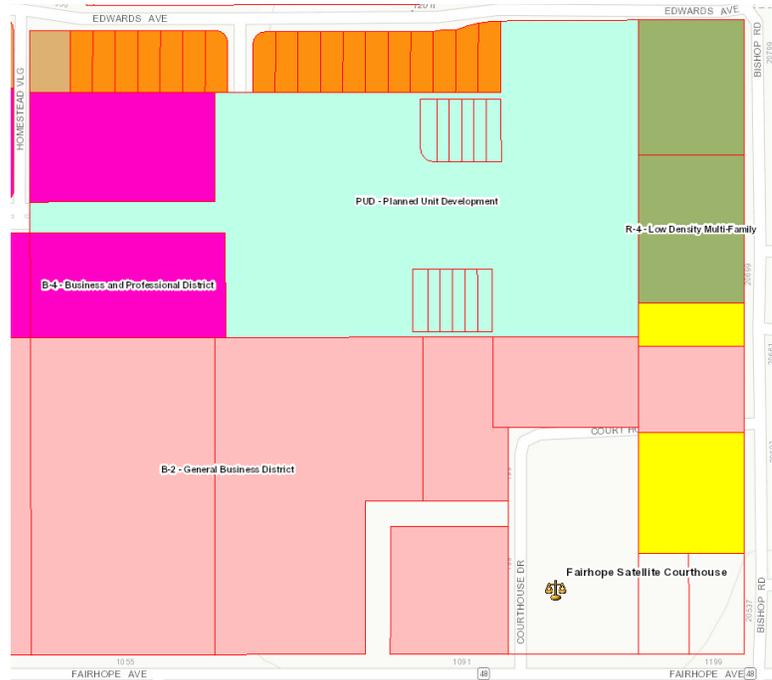
City of Fairhope Right-of-Ways

Prepared by:

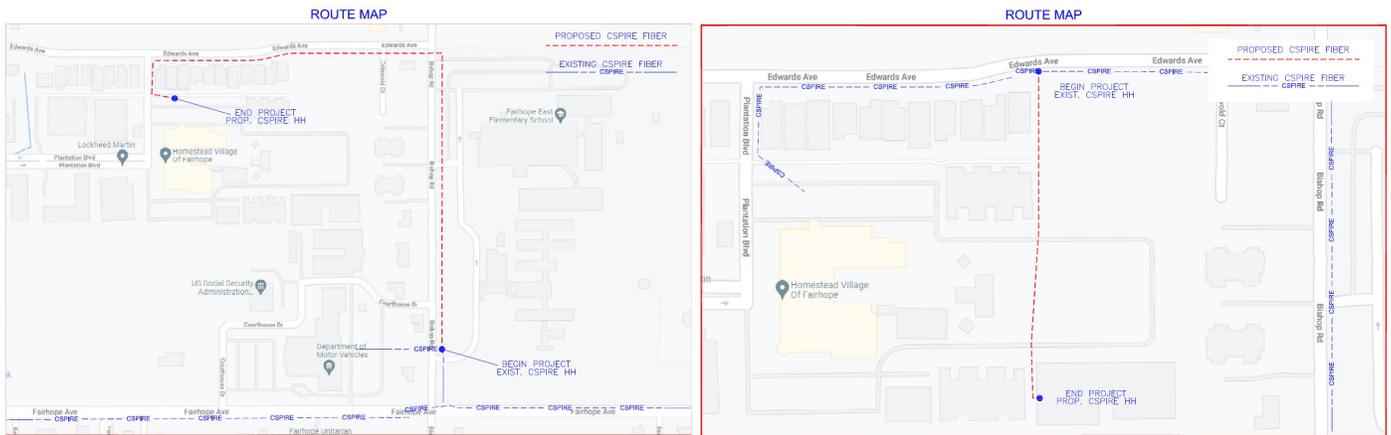
Chris Ambron

Recommendation:

Approve with conditions



Summary of Request: Request of Point Broadband for an 11.52.11 Utility Review and approval of the proposed installation of approximately 2,676 linear feet of buried cable along routes outlined on the below location map.



Comments:

The proposed utility construction falls within the corporate limits of the City of Fairhope. The comments below are typical general comments for City of Fairhope right-of-way projects. Any portions of the project affecting public right-of-way (ROW) maintained by Baldwin County or the Alabama Department of Transportation (ALDOT) shall require permits through the Baldwin County Highway Department or ALDOT.

GENERAL COMMENTS

No open trenches shall be allowed. Directional boring shall be used in sensitive areas, such as under roads, in proximity to trees, on finished lots, etc.

SUPERINTENDENT AND DEPARTMENT HEAD COMMENTS

The applicant shall contact Alabama One Call to locate all existing utilities (750ft max per day).

Public Works Standard Comments:

- Handholes shall not be located within driplines of Heritage Trees (as defined by the Tree Ordinance).
- Any proposed trenching shall not be within the dripline of trees.
- If within a tree dripline, consult with the City of Fairhope Horticulturist before proceeding with earth work.
- Trees shall not be negatively impacted.

The applicant shall provide profile drawings with existing utilities, and proposed utilities. Hand holes/boxes shall not be allowed to be installed in sidewalks. Any boxes/handholes cannot be placed in the sidewalk. The applicant shall review the sidewalk plan to determine if there are any conflicts. The applicant shall coordinate work with John Thomas ROW Inspector to resolve any potential conflicts.

All conduit/cable shall be placed at depth from existing grade per industry and/or County Standards. A minimum horizontal and/or vertical clearance (separation) of 36" must be maintained from stormwater and utility infrastructures. No handholes, boxes, or other above ground infrastructure shall be installed within drainage easements.

Pedestals shall be placed in a manner as to avoid obstructing visibility of motorists and to allow vehicles to exit the roadway during an emergency. No grade change shall result from the utility installation. The applicant is to avoid any tree drip lines with handholes and equipment.

If sidewalk panels need to be removed, the subgrade must be compacted to the satisfaction of the ROW inspector. Sidewalk panels shall be a minimum of 4000 psi and be inspected within 24 hours of pouring concrete. Anything over one sidewalk panel shall be poured via concrete truck (no bag mix allowed).

Code Enforcement Officer's Standard Comments:

- The applicant, or subcontractor, shall obtain a ROW permit from the City of Fairhope Building Department prior to beginning work.
- Subcontractors shall have a current business license with the City of Fairhope and shall always have a copy of the ROW permit available for review onsite. The permit shall be always posted on site or in the window of contractor's vehicles.
- Any ROW cuts shall be stabilized (covered) at the end of each day and disturbed areas shall be re-vegetated with sod within ten (10) days of completion of the project.
- Mulch / seed shall only be acceptable as temporary cover.
- Sod shall be watered as needed to ensure survival.
- Inlets shall be protected. (BMP's shall be placed at all affected storm inlets.)
- If site is within 100' of a critical area (wetland, etc.), red soils/clay shall not be allowed as fill material, per the City's Red Clay/Soil Ordinance.

Building Official's Standard Comments:

- BMP's shall be installed at boring sites and trench locations.
- Ground conditions in the ROW's shall be returned to original preconstruction condition(s) or better.
- All plans and permits shall be available for review at all times along with the City of Fairhope permit application.
- If required, appropriate ALDOT or Baldwin County Highway Department permits shall be obtained prior to the issuance of a right-of-way (ROW) permit.
- Contractor is advised to review and comply with the Building Official's best practices flyer.

Water and Sewer Standard Comments:

- All existing utilities must be located, and proper separation shall be maintained between utilities.
- All mechanical equipment shall be screened by painting the equipment Munsell Green.
- No blue lined conduit is to be used for communication lines to prevent possible confusion with water service lines. Materials colors shall match APWA uniform color code.
- Water and sewer mains/services must be potholed prior to bore crossings. If street cuts are necessary for potholes, please contact Right of Way inspector for restoration.
- No Blue Lines/Stripes on the HDPE

Natural Gas Standard Comments:

- Contractor shall provide proper separation from the gas main and all other utilities.

The applicant is advised of the following:

- No work shall begin until a ROW permit is issued by the City of Fairhope Building Department or other applicable jurisdiction. Permit not valid until approved and paid for on Citizen Serve online portal.
- The ROW permit shall be kept with the contractor or subcontractor at all times during site work. The ROW permit shall be posted on the job site or in the window of contractor(s) vehicle.
- All contractors/subcontractors are subject to City of Fairhope Business License procedures.

This site shall comply with all State, Federal and local requirements, including, but not limited to the following City of Fairhope Ordinances:

1. City of Fairhope Wetland Ordinance (#1370), which regulates activity within 20' of wetlands.
2. City of Fairhope Red Soil & Clay Ordinance (#1423), which prohibits the use of red soil / clay within 100' of critical areas.
3. City of Fairhope Erosion and Sediment Control Ordinance (#1398).

State and Federal permits shall be on file with the City of Fairhope Building Department, prior to the issuance of City of Fairhope permits.

The applicant shall provide as-built drawings of all installed lines depicting exact depths.

Recommendation:

Staff recommends **approval of UR 22.01 subject to the following conditions:**

1. A pre-construction meeting shall be held with the City prior to issuance of any permits.
2. Consultation with the City's horticulturalist, to determine if the required depth of bore must be increased so that no trees are impacted by the project. **The contractor is responsible for any damaged trees.**
3. At all street crossing locations, conduct potholing to determine exact location and elevation of existing utilities. Reflect the exact elevation of utilities and GPS coordinates of the pothole locations on a set of as-built drawings.
 - a. An additional right-of-way permit may be required for the potholing procedures.
4. Follow-up activities below required by staff and the applicant:
 - a. Upon satisfactory review and approval by ROW Construction Inspector, as-builts will be submitted to the mapping technician for inclusion in GIS utility maps as needed.
5. Provide draft door hanger for approval at time of pre-construction.
6. Provide a Traffic Control Plan to ROW Inspector prior to commencement of any work.
7. Ensure enough space for proposed work is available within existing easement, if not applicant is responsible for either expanding existing easement or acquiring an additional easement.



Planning Commission

January 3, 2022

Utility Review

Case: UR 22.02 Point Broadband

Project Name:

Point Broadband Fiber Optic Installation throughout Fairhope's ROW and Utility Easements

Project Type:

Utility Review

Project Scope:

Install 29,086' of Fiber Optic Cable

Jurisdiction:

City of Fairhope

Zoning District:

ROW

General Location:

River Oaks/Destrehan & Fairfield Subdivision

Applicant:

Point Broadband

Owner:

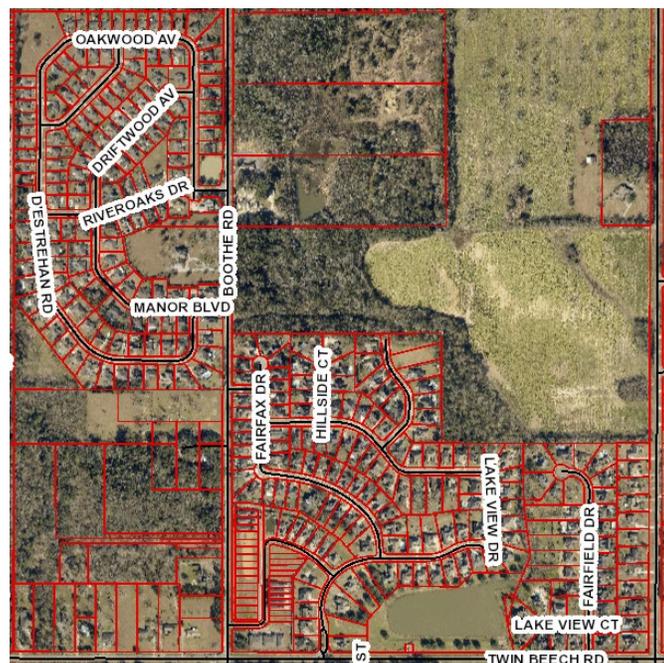
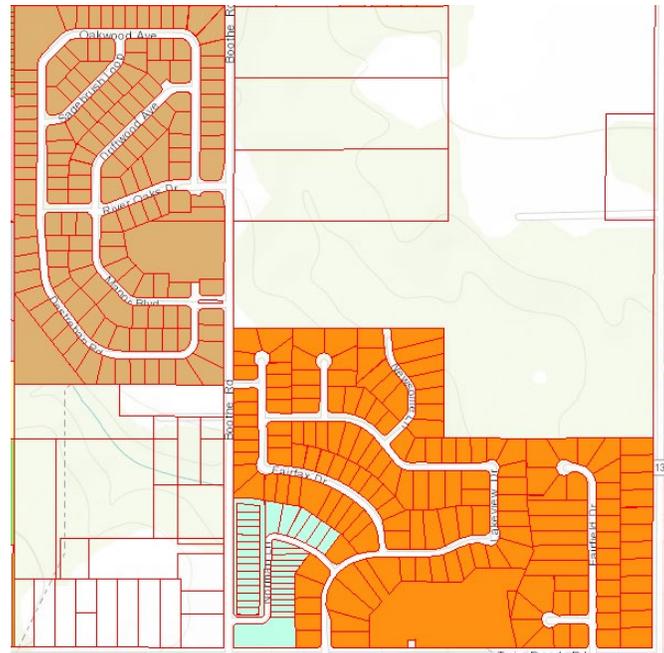
City of Fairhope Right-of-Ways

Prepared by:

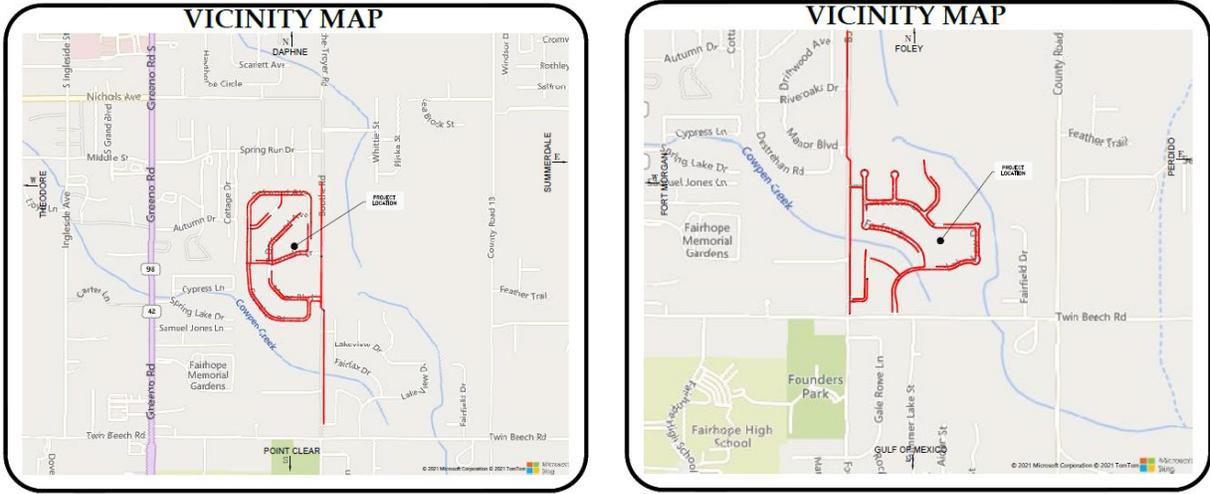
Chris Ambron

Recommendation:

Approve with conditions



Summary of Request: Request of Point Broadband for an 11.52.11 Utility Review and approval of the proposed installation of approximately 29,086 linear feet of buried cable primarily in the subdivisions of d’Estrehan and River Oaks along routes outlined on the below location map.



Comments:

The proposed utility construction falls within the corporate limits of the City of Fairhope. The comments below are typical general comments for City of Fairhope right-of-way projects. Any portions of the project affecting public right-of-way (ROW) maintained by Baldwin County or the Alabama Department of Transportation (ALDOT) shall require permits through the Baldwin County Highway Department or ALDOT.

GENERAL COMMENTS

No open trenches shall be allowed. Directional boring shall be used in sensitive areas, such as under roads, in proximity to trees, on finished lots, etc.

SUPERINTENDENT AND DEPARTMENT HEAD COMMENTS

The applicant shall contact Alabama One Call to locate all existing utilities (750ft max per day).

Public Works Standard Comments:

- Handholes shall not be located within driplines of Heritage Trees (as defined by the Tree Ordinance).
- Any proposed trenching shall not be within the dripline of trees.
- If within a tree dripline, consult with the City of Fairhope Horticulturist before proceeding with earth work.
- Trees shall not be negatively impacted.

The applicant shall provide profile drawings with existing utilities, and proposed utilities. Hand holes/boxes shall not be allowed to be installed in sidewalks. Any boxes/handholes cannot be placed in the sidewalk. The applicant shall review the sidewalk plan to determine if there are any conflicts. The applicant shall coordinate work with John Thomas ROW Inspector to resolve any potential conflicts.

All conduit/cable shall be placed at depth from existing grade per industry and/or County Standards. A minimum horizontal and/or vertical clearance (separation) of 36” must be maintained from stormwater and utility infrastructures. No handholes, boxes, or other above ground infrastructure shall be installed within

drainage easements. Pedestals shall be placed in a manner as to avoid obstructing visibility of motorists and to allow vehicles to exit the roadway during an emergency. No grade change shall result from the utility installation. The applicant is to avoid any tree drip lines with handholes and equipment. If sidewalk panels need to be removed, the subgrade must be compacted to the satisfaction of the ROW inspector. Sidewalk panels shall be a minimum of 4000 psi and be inspected within 24 hours of pouring concrete. Anything over one sidewalk panel shall be poured via concrete truck (no bag mix allowed).

Code Enforcement Officer's Standard Comments:

- The applicant, or subcontractor, shall obtain a ROW permit from the City of Fairhope Building Department prior to beginning work.
- Subcontractors shall have a current business license with the City of Fairhope and shall always have a copy of the ROW permit available for review onsite. The permit shall be always posted on site or in the window of contractor's vehicles.
- Any ROW cuts shall be stabilized (covered) at the end of each day and disturbed areas shall be re-vegetated with sod within ten (10) days of completion of the project.
- Mulch / seed shall only be acceptable as temporary cover.
- Sod shall be watered as needed to ensure survival.
- Inlets shall be protected. (BMP's shall be placed at all affected storm inlets.)
- If site is within 100' of a critical area (wetland, etc.), red soils/clay shall not be allowed as fill material, per the City's Red Clay/Soil Ordinance.

Building Official's Standard Comments:

- BMP's shall be installed at boring sites and trench locations.
- Ground conditions in the ROW's shall be returned to original preconstruction condition(s) or better.
- All plans and permits shall be available for review at all times along with the City of Fairhope permit application.
- If required, appropriate ALDOT or Baldwin County Highway Department permits shall be obtained prior to the issuance of a right-of-way (ROW) permit.
- Contractor is advised to review and comply with the Building Official's best practices flyer.

Water and Sewer Standard Comments:

- All existing utilities must be located, and proper separation shall be maintained between utilities.
- All mechanical equipment shall be screened by painting the equipment Munsell Green.
- No blue lined conduit is to be used for communication lines to prevent possible confusion with water service lines. Materials colors shall match APWA uniform color code.
- Water and sewer mains/services must be potholed prior to bore crossings. If street cuts are necessary for potholes, please contact Right of Way inspector for restoration.
- No Blue Lines/Stripes on the HDPE

Natural Gas Standard Comments:

- Contractor shall provide proper separation from the gas main and all other utilities.

The applicant is advised of the following:

- No work shall begin until a ROW permit is issued by the City of Fairhope Building Department or other applicable jurisdiction. Permit not valid until approved and paid for on Citizen Serve online portal.
- The ROW permit shall be kept with the contractor or subcontractor at all times during site work. The ROW permit shall be posted on the job site or in the window of contractor(s) vehicle.
- All contractors/subcontractors are subject to City of Fairhope Business License procedures.

This site shall comply with all State, Federal and local requirements, including, but not limited to the following City of Fairhope Ordinances:

1. City of Fairhope Wetland Ordinance (#1370), which regulates activity within 20' of wetlands.
2. City of Fairhope Red Soil & Clay Ordinance (#1423), which prohibits the use of red soil / clay within 100' of critical areas.
3. City of Fairhope Erosion and Sediment Control Ordinance (#1398).

State and Federal permits shall be on file with the City of Fairhope Building Department, prior to the issuance of City of Fairhope permits.

The applicant shall provide as-built drawings of all installed lines depicting exact depths.

Recommendation:

Staff recommends **approval of UR 22.02 subject to the following conditions:**

1. A pre-construction meeting shall be held with the City prior to issuance of any permits.
2. Consultation with the City's horticulturalist, to determine if the required depth of bore must be increased so that no trees are impacted by the project. **The contractor is responsible for any damaged trees.**
3. At all street crossing locations, conduct potholing to determine exact location and elevation of existing utilities. Reflect the exact elevation of utilities and GPS coordinates of the pothole locations on a set of as-built drawings.
 - a. An additional right-of-way permit may be required for the potholing procedures.
4. Follow-up activities below required by staff and the applicant:
 - a. Upon satisfactory review and approval by ROW Construction Inspector, as-builts will be submitted to the mapping technician for inclusion in GIS utility maps as needed.
5. Provide draft door hanger for approval at time of pre-construction.
6. Provide a Traffic Control Plan to ROW Inspector prior to commencement of any work.



Planning Commission

February 4, 2019

Preliminary Plat

Case: SD 19.06 Riverhorse Subdivision

Project Name:

Riverhorse Subdivision

Property Owner /Applicant:

The Bill's No. 2, LLC

General Location:

¼ mile north of Gayfer Avenue
East side of Blueberry Lane,
North of North Station sub.

Project Type:

Major Subdivision

Number of lots:

25

Project Acreage:

22

Zoning District:

R-2 Medium Density Single
Family Residential District

PPIN Number:

369809

Engineer of record:

Dewberry Engineers

School District:

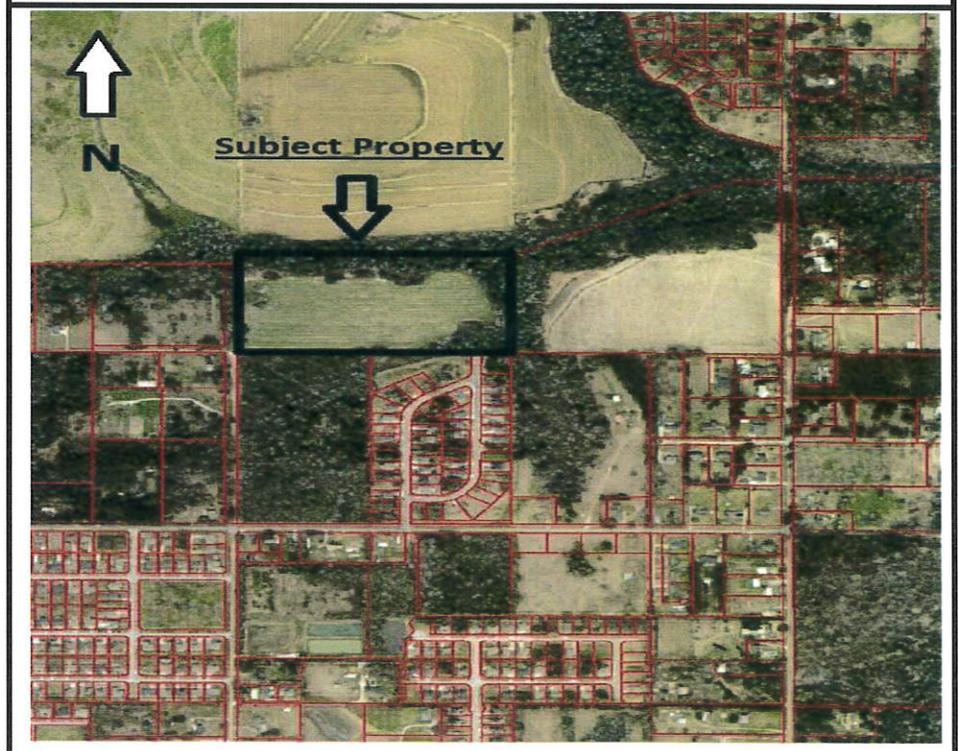
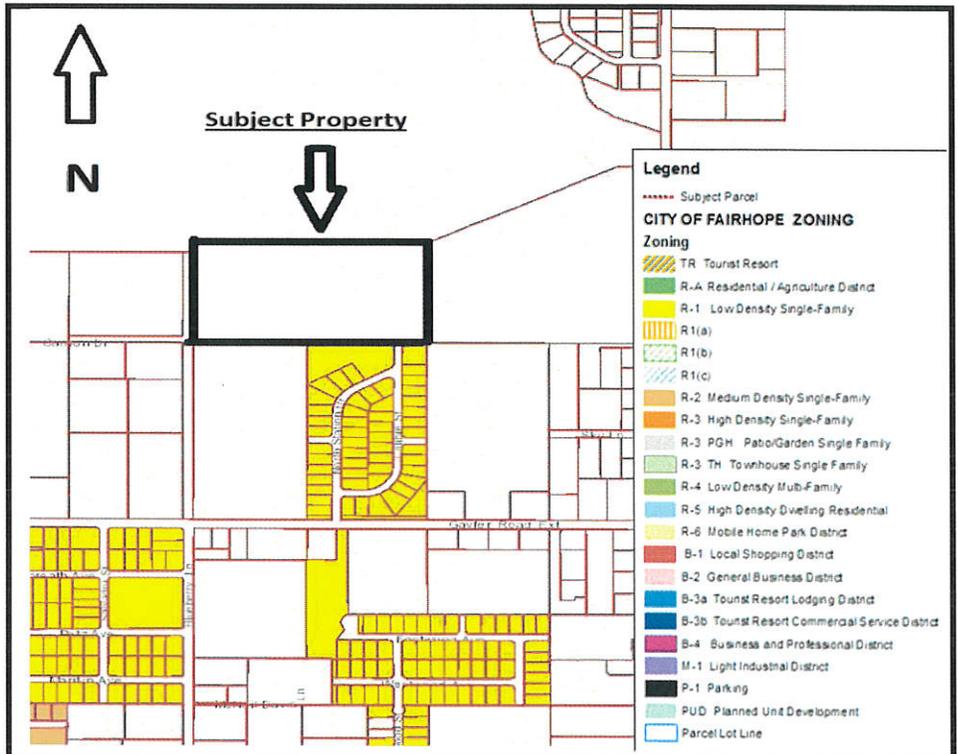
Fairhope Elementary,
Intermediate, Middle,
and High School

Report prepared by:

Mike Jeffries, QCI
Planning Technician

Recommendation:

Approve with conditions



Summary of Request:

Public hearing to consider the request of Dewberry Engineers, Inc on behalf of The Bill's No. 2, LLC owner and applicant for preliminary plat approval of Riverhorse, a 25-lot major subdivision. The property is located ¼ mile north of Gayfer Avenue on the east side of Blueberry Lane. Just North of the subdivision North Station. The subject property is 22 acres with the smallest lot 11,200 S.F. and largest lot 16,946 S.F. This subdivision will connect to an existing stub out street in North Station and to Blueberry Lane.

SITE DATA:

ZONING: R-2
LIN. FT. OF STREETS: 1,503 LF
NUMBER OF LOTS: 25
MINIMUM LOT SIZE: 10,500 SF
SMALLEST LOT: 11,200 SF (LOT 12)
LARGEST LOT: 16,946 SF (LOT 23)
COMMON AREA: 12.58 AC (57.2%)
GREENSPACE: 7.93 AC (36.0%)
WETLANDS: 4.65 AC (21.1%)
TOTAL AREA: 22.0 ACRES
DENSITY: 1.14 LOTS/AC

REQUIRED SETBACKS

FRONT - 35 FEET
REAR - 35 FEET
SIDE - 10 FEET
SIDE STREET - 20 FEET

UTILITIES

WATER SERVICE: CITY OF FAIRHOPE
SEWER SERVICE: CITY OF FAIRHOPE
ELECTRIC SERVICE: RIVIERA UTILITIES
TELEPHONE SERVICE: AT&T

Comments:

The development will have 25 new single-family residential lots with new roads and infrastructure. And by definition of the City of Fairhope's Subdivision Regulations creating a major subdivision and must abide by the current regulations.

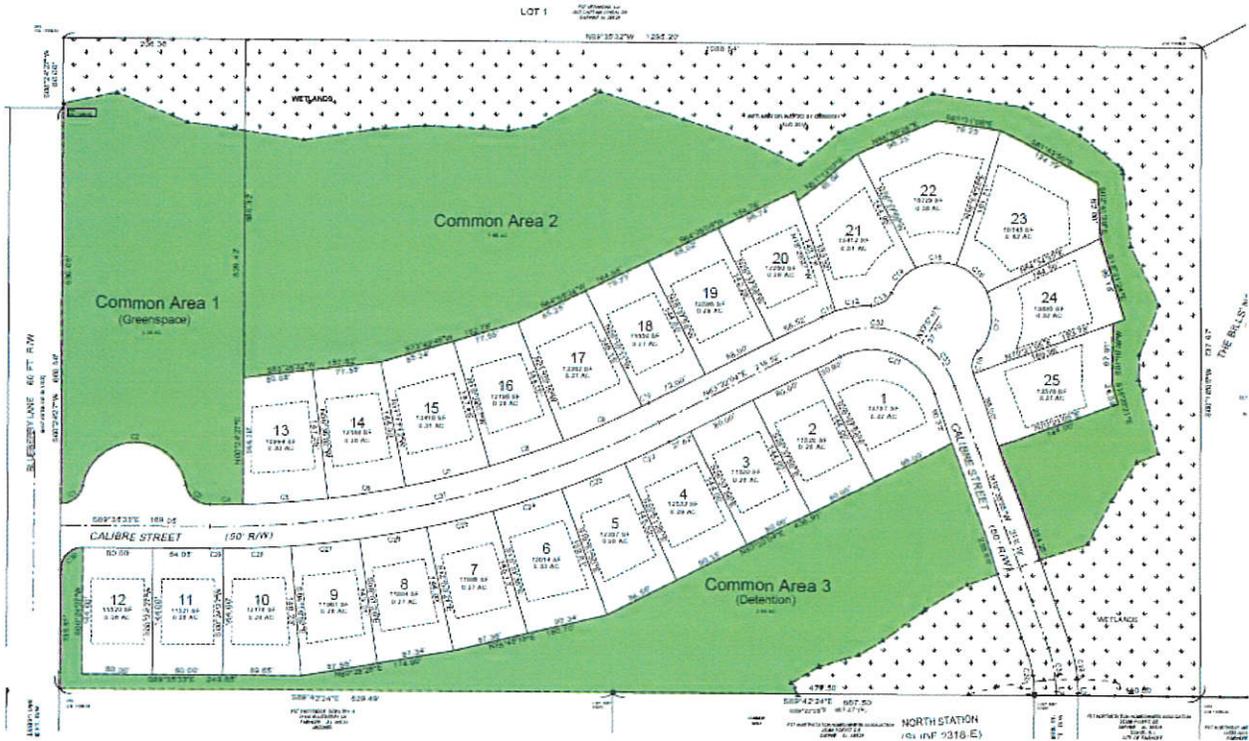
Access from North Station will be going through a section of wetlands and the applicant has provided the appropriate wetland delineation and permit applications for construction of the road. *Article IV, Section C.1.b.(18)*



Three LID techniques are going to be utilized which will provide the required 80% or more TSS removal.
 Vegetated/Grass Buffer- 84% TSS removal
 Wet Basin- 80% TSS removal
 Grass Swale (Included in wet basins)- 80% TSS removal
 The sites post-development discharge is less than the pre-development out flow.

Greenspace accounts for 36% of the development and more than triples the 10% that is required. *Article V, Section C.2*

The detention area does count towards green space percentage.



Paul Merchant, City of Fairhope’s Horticulturalist has approved the landscape plan. A tree protection was not needed. The site is bare of trees except what is in the wetland area and is already protection. A letter from the EOR was provided.

Traffic calming devices have been added, *Article V, Section D.4.b Street Standards – Block Design*, because the length of Calibre Street exceeded 660’.

The north and east side is surrounded by wetlands and the appropriate 30’ buffer has been applied and proper signage will be provided.

The subdivision regulations contain the following criteria in Article IV.B.2. Approval Standards.

“2. Consistency with Plans, Regulations and Laws - The Planning Commission shall not approve the subdivision of land if the Commission makes a finding that such land is not suitable for platting and development as proposed, due to any of the following:

a. The proposed subdivision is not consistent with the City’s Comprehensive Plan, and/or the City’s Zoning ordinance, where applicable;

- **Meets**

b. The proposed subdivision is not consistent with the City's Comprehensive Plan or any other plan or program for the physical development of the City including but not limited to a Master Street Plan, a Parks Plan, a Bicycle Plan, a Pedestrian Plan, or the Capital Improvements Program;

- **Meets**

c. The proposed subdivision is not consistent with these Regulations;

- **Meets**

d. The proposed subdivision is not consistent with other applicable state or federal laws and regulations; or

- **Meets**

e. The proposed subdivision otherwise endangers the health, safety, welfare or property within the planning jurisdiction of the City."

- **Meets**

Recommendation:

Staff recommends approval SD 19.06 with the following conditions:

1. A 10' buffer along Blueberry Lane indicating "Reserved for planting of trees and shrubs".
2. Provide a sign and sealed letter with response to why a tree protection plan is not needed.
3. Revise Operation and Maintenance Plan to reflect a 5-year maintenance schedule and not 3.
4. Add note on plat that the greenspace is not dedicated to the City of Fairhope and that the City of Fairhope is not responsible for maintenance of any or all required greenspace.



APPLICATION FOR SUBDIVISION PLAT APPROVAL

Application Type: Village Subdivision Minor Subdivision Informal (No Fee)
 Preliminary Plat Final Plat Multiple Occupancy Project

Attachments: Articles of Incorporation or List all associated investors
 Date of Application: December 5, 2018

Property Owner / Leaseholder Information

Name of Property Owner: THE BILLS' NO. 2, LLC Phone Number: _____
 Address of Property Owner: P.O. BOX 1659
 City: ROBERTSDALE State: AL Zip: 36567

Proposed Subdivision Name: RIVERHORSE SUBDIVISION
 No. Acres in Plat: 22 AC No. Lots/Units: 25
 Parcel No: _____ Current Zoning: R-2

Authorized Agent Information

Plat must be signed by the property owner before acceptance by the City of Fairhope

Name of Authorized Agent: DEWBERRY Phone Number: 929-9785
 Address: 25353 FRIENDSHIP RD
 City: DAPHNE State: AL Zip: 36526
 Contact Person: DAVID E. DIEHL

Surveyor/Engineer Information

Name of Firm: DEWBERRY Phone Number: 929-9789
 Address: 25353 FRIENDSHIP RD
 City: DAPHNE State: AL Zip: 36526
 Contact Person: JASON N. ESTES

Plat Fee Calculation:
 Reference: Ordinance 1269

Signatures:
 I certify that I am the property owner/leaseholder of the above described property and hereby submit this plat to the City for review. *If property is owned by Fairhope Single Tax Corp. an authorized Single Tax representative shall sign this application.

The Bills' No. 2, LLC
 Property Owner/Leaseholder Printed Name
December 5, 2018
 Date

West Bill
 Signature
Jason N. Estes
 Fairhope Single Tax Corp. (If Applicable)

RECEIVED
 DEC 18 2018
 BY: *EB*

PROPERTY IS LOCATED IN SECTION 11, TOWNSHIP 6 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.



VICINITY MAP 1" = 1 MILE

THE BILLS' NO. 2 SUBDIVISION (SLIDE 2582-F)

LOT 1 FST VERANDA, LLC 1501 CAPTAIN O'NEAL DR DAPHNE AL 36528

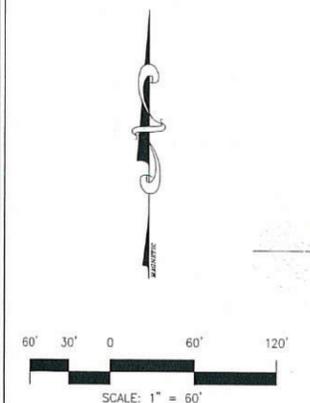


Table with 5 columns: CURVE, RADIUS, ARC, CHORD, CHORD BEARING. Lists curve data for lots C1 through C34.

Table with 3 columns: LINE, BEARING, DISTANCE. Lists line data for L1, L2, and L3.

SURVEYOR'S CERTIFICATE: STATE OF ALABAMA COUNTY OF BALDWIN WE, DEWBERRY, A FIRM OF LICENSED ENGINEERS AND LAND SURVEYORS OF DAPHNE, ALABAMA, HEREBY STATE THAT THE ABOVE IS A CORRECT MAP OR PLAT OF THE FOLLOWING DESCRIBED PROPERTY SITUATED IN BALDWIN COUNTY, ALABAMA, TO-WIT:



LEGEND: BSL = BUILDING SETBACK LINE CMF = CONCRETE MONUMENT FOUND CRF = CAPPED REBAR FOUND CRS = CAPPED REBAR SET CTF = CRIMPED TOP IRON FOUND (R) = RECORD BEARING/DISTANCE

FLOOD CERTIFICATE: THIS PROPERTY LIES WITHIN ZONE "X" AS SCALED FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP OF BALDWIN COUNTY, ALABAMA, MAP NUMBER 01003C0665 L, MAP EFFECTIVE DATE 7/17/2007.

CERTIFICATE OF OWNERSHIP WE, FAIRHOPE SINGLE TAX CORPORATION, AN ALABAMA CORPORATION, HEREBY STATE THAT WE ARE THE OWNERS OF THE LANDS DESCRIBED HEREON AND DO HEREBY DEDICATE ALL ROADS, STREETS, ALLEYS AND EASEMENTS SHOWN ON THIS PLAT TO THE PUBLIC.

CERTIFICATE OF NOTARY PUBLIC: STATE OF ALABAMA COUNTY OF BALDWIN I, _____ NOTARY PUBLIC IN AND FOR SAID COUNTY, IN SAID STATE, HEREBY CERTIFY THAT _____ AS SECRETARY, OF FAIRHOPE SINGLE TAX CORPORATION, AN ALABAMA CORPORATION, AS OWNER OF THE LANDS PLATTED HEREON IS SIGNED TO THE FOREGOING INSTRUMENT, AND WHO IS KNOWN TO ME, ACKNOWLEDGED BEFORE ME ON THIS DAY THAT, BEING INFORMED OF THE CONTENT OF THE INSTRUMENT, AND IN THEIR CAPACITY AS SUCH OWNER AND WITH FULL AUTHORITY, EXECUTED THE SAME VOLUNTARILY.

CERTIFICATE OF APPROVAL BY THE E-911 ADDRESSING: THE UNDERSIGNED, AS AUTHORIZED BY BALDWIN COUNTY E-911 BOARD, HEREBY APPROVES THE ROAD NAMES AS DEPICTED ON THE WITHIN PLAT AND HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS DAY OF _____ 20__

CERTIFICATE OF LEASEHOLD OWNERSHIP WE, THE UNDERSIGNED, THE BILLS' NO. 2, LLC, AS PROPRIETOR(S), HAVE CAUSED THE LAND EMBRACED IN THE WITHIN PLAT TO BE SURVEYED, LAID OUT AND PLATTED TO BE KNOWN AS THE BILLS' NO. 2 SUBDIVISION, BALDWIN COUNTY, ALABAMA, AND THAT THE SURVEY AND EASEMENTS, AS SHOWN ON SAID PLAT, ARE HEREBY DEDICATED TO THE USE OF THE PUBLIC.

CERTIFICATE OF NOTARY PUBLIC: STATE OF ALABAMA COUNTY OF BALDWIN I, _____ NOTARY PUBLIC IN AND FOR SAID COUNTY, IN SAID STATE, HEREBY CERTIFY THAT _____ OF THE BILLS' NO. 2, LLC, OF THE LANDS PLATTED HEREON IS SIGNED TO THE FOREGOING INSTRUMENT, AND WHO IS KNOWN TO ME, ACKNOWLEDGED BEFORE ME ON THIS DAY THAT, BEING INFORMED OF THE CONTENT OF THE INSTRUMENT, AND AS SUCH LEASEHOLD OWNER AND WITH FULL AUTHORITY, EXECUTED THE SAME VOLUNTARILY.

CERTIFICATE OF APPROVAL BY AT&T: (TELEPHONE) THE UNDERSIGNED, AS AUTHORIZED BY AT&T HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS DAY OF _____ 20__

CERTIFICATE OF APPROVAL BY THE FAIRHOPE PLANNING COMMISSION THIS PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY PLANNING COMMISSION OF FAIRHOPE, ALABAMA, AND IS APPROVED BY SUCH COMMISSION.

CERTIFICATE OF APPROVAL BY CITY OF FAIRHOPE UTILITIES (WATER & SEWER): THE UNDERSIGNED, AS AUTHORIZED BY THE CITY OF FAIRHOPE UTILITIES HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS DAY OF _____ 20__

CERTIFICATE OF APPROVAL BY RIVERA UTILITIES: (ELECTRIC) THE UNDERSIGNED, AS AUTHORIZED BY RIVERA UTILITIES HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS DAY OF _____ 20__

GENERAL NOTES: 1. THERE IS DEDICATED HERewith A 15 FOOT UTILITY EASEMENT ON ALL LOT LINES AND COMMON AREAS ADJACENT TO THE RIGHT-OF-WAYS, 7.5' ON EACH SIDE OF ALL REAR LOT LINES, AND A 7.5 FOOT UTILITY EASEMENT ON EACH SIDE OF LOT LINES, UNLESS OTHERWISE NOTED. 2. THERE IS A 30' SETBACK FROM WETLANDS WITHIN WHICH THERE IS A 5' NATURAL BUFFER ALONG THE UPLAND SIDE OF THE WETLAND LINE. 3. THE ONLY ALLOWED USES OF THE WETLAND BUFFER SHALL BE PER THE CITY OF FAIRHOPE SUBDIVISION REGULATIONS ARTICLE V SECTION 4. 4. THE REQUIRED PERMANENT BUFFER SIGNAGE SHALL BE INSTALLED PRIOR TO ISSUANCE OF A BUILDING PERMIT. 5. NO RED SOIL/CLAY WITHIN 100' OF ANY CRITICAL AREA. 6. A TOTAL OF 21 WETLAND BUFFER SIGNS SHALL BE INSTALLED ALONG THE WETLAND BUFFER BOUNDARY AT 100 FOOT INTERVALS.

SURVEYOR/ENGINEER: DEWBERRY 25353 FRIENDSHIP ROAD, DAPHNE, AL 36526 DAVID E DIEHL, PLS LIC. NO. 26014 JASON ESTES, PE LIC. NO. 22714

OWNER: THE BILLS' NO. 2, LLC P.O. BOX 1659 ROBERTSDALE, AL 36567

DEVELOPER: 68V PAY DIRT, LLC 29891 WOODROW LANE, STE. 100 SPANISH FORT, AL 36527

SITE DATA: ZONING: R-2 LIN. FT. OF STREETS: 1,503 LF NUMBER OF LOTS: 25 MINIMUM LOT SIZE: 10,500 SF SMALLEST LOT: 11,200 SF (LOT 12) LARGEST LOT: 16,946 SF (LOT 23) COMMON AREA: 12.58 AC (57.2%) GREENSPACE: 7.93 AC (36.0%) WETLANDS: 4.65 AC (21.1%) TOTAL AREA: 22.0 ACRES DENSITY: 1.14 LOTS/AC

REQUIRED SETBACKS: FRONT - 35 FEET REAR - 35 FEET SIDE - 10 FEET SIDE STREET - 20 FEET

UTILITIES: WATER SERVICE: CITY OF FAIRHOPE SEWER SERVICE: CITY OF FAIRHOPE ELECTRIC SERVICE: RIVERA UTILITIES TELEPHONE SERVICE: AT&T

RECEIVED JAN 22 2019 BY: [Signature]

Revised As Per Comments

RIVERHORSE SUBDIVISION

JANUARY 11, 2019 - SHEET 1 OF 1 PRELIMINARY PLAT - NOT FOR FINAL RECORDING

BOUNDARY SURVEY AND PLAT OF SUBDIVISION

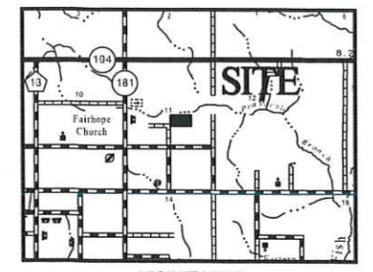
Table with 4 columns: D.E.D., CR./TH, A.E.F., P.H.K. and 4 columns: J.D.L., SURVEYOR, D.E.D., P.F.C.J. & P. J.G.A.



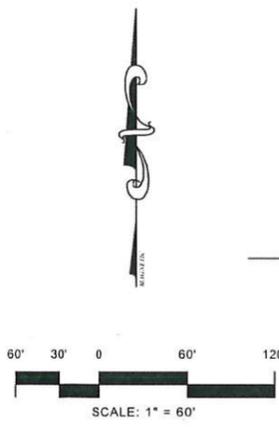
25353 Friendship Road Daphne, AL 36526 251.990.9950 fax 251.929.9815

SCALE: 1"=60' 50106129 50106129PRELIM SHEET 1 of 1

SD19.06



VICINITY MAP 1" = 1 MILE



SCALE: 1" = 60'

LEGEND: BSL = BUILDING SETBACK LINE, CRF = CONCRETE MONUMENT FOUND, CR = CAPPED REBAR FOUND, CRS = CAPPED REBAR SET, CTF = CRIMPED TOP IRON FOUND, (R) = RECORD BEARING-DISTANCE

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CERTIFICATE OF OWNERSHIP: WE, FAIRHOPE SINGLE TAX CORPORATION, AN ALABAMA CORPORATION, HEREBY STATE THAT WE ARE THE OWNERS OF THE LANDS DESCRIBED HEREON AND DO HEREBY DEDICATE ALL ROADS, STREETS, ALLEYS AND EASEMENTS SHOWN ON THIS PLAT TO THE PUBLIC.

CERTIFICATE OF NOTARY PUBLIC: I, _____, NOTARY PUBLIC IN AND FOR SAID COUNTY, IN SAID STATE, HEREBY CERTIFY THAT _____ AS SECRETARY, OF FAIRHOPE SINGLE TAX CORPORATION, AN ALABAMA CORPORATION, AS OWNER OF THE LANDS PLATTED HEREON IS SIGNED TO THE FOREGOING INSTRUMENT, AND WHO ARE KNOWN TO ME, ACKNOWLEDGED BEFORE ME ON THIS DAY THAT, BEING INFORMED OF THE CONTENT OF THE INSTRUMENT, AND IN THEIR CAPACITY AS SUCH OWNER AND WITH FULL AUTHORITY, EXECUTED THE SAME VOLUNTARILY.

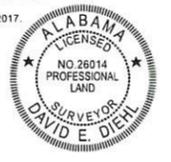
NOTARY PUBLIC MY COMMISSION EXPIRES



Table with 4 columns: CURVE, RADIUS, ARC, CHORD, CHORD BEARING. Lists data for curves C1 through C34.

Table with 3 columns: LINE, BEARING, DISTANCE. Lists data for lines L1, L2, and L3.

SURVEYOR'S CERTIFICATE: STATE OF ALABAMA COUNTY OF BALDWIN WE, DEWBERRY, A FIRM OF LICENSED ENGINEERS AND LAND SURVEYORS OF DAPHNE, ALABAMA, HEREBY STATE THAT THE ABOVE IS A CORRECT MAP OR PLAT OF THE FOLLOWING DESCRIBED PROPERTY SITUATED IN BALDWIN COUNTY, ALABAMA, TO-WIT:



DEWBERRY DAVID E DIEHL AL. P.L.S. No. 26014

CERTIFICATE OF APPROVAL BY AT&T (TELEPHONE): THE UNDERSIGNED, AS AUTHORIZED BY AT&T HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS ____ DAY OF ____ 20__.

CERTIFICATE OF APPROVAL BY THE FAIRHOPE PLANNING COMMISSION: THIS PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY PLANNING COMMISSION OF FAIRHOPE, ALABAMA, AND IS APPROVED BY SUCH COMMISSION.

CERTIFICATE OF APPROVAL BY CITY OF FAIRHOPE UTILITIES (WATER & SEWER): THE UNDERSIGNED, AS AUTHORIZED BY THE CITY OF FAIRHOPE UTILITIES HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS ____ DAY OF ____ 20__.

CERTIFICATE OF APPROVAL BY RIVIERA UTILITIES (ELECTRIC): THE UNDERSIGNED, AS AUTHORIZED BY RIVIERA UTILITIES HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS ____ DAY OF ____ 20__.

GENERAL NOTES: 1. THERE IS DEDICATED HERewith A 15 FOOT UTILITY EASEMENT ON ALL LOT LINES AND COMMON AREAS ADJACENT TO THE RIGHT-OF-WAYS, 7.5' ON EACH SIDE OF ALL REAR LOT LINES, AND A 7.5 FOOT UTILITY EASEMENT ON EACH SIDE OF LOT LINES, UNLESS OTHERWISE NOTED.

SURVEYOR/ENGINEER: DEWBERRY 25353 FRIENDSHIP ROAD, DAPHNE, AL 36526 DAVID E DIEHL, PLS LIC. NO. 26014 JASON ESTES, PE LIC. NO. 22714

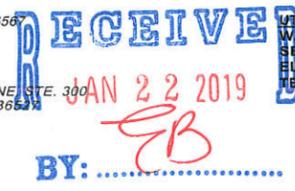
OWNER: THE BILLS' NO. 2, LLC P.O. BOX 1659 ROBERTSDALE, AL 36566

DEVELOPER: 68V PAY DIRT, LLC 29891 WOODROW LANE, STE. 300 SPANISH FORT, AL 36527

SITE DATA: ZONING: R-2 LIN. FT. OF STREETS: 1,503 LF NUMBER OF LOTS: 25 MINIMUM LOT SIZE: 10,500 SF SMALLEST LOT: 11,200 SF (LOT 12) LARGEST LOT: 16,946 SF (LOT 23) COMMON AREA: 12.58 AC (57.2%) GREENSPACE: 7.93 AC (36.0%) WETLANDS: 4.65 AC (21.1%) TOTAL AREA: 22.0 ACRES DENSITY: 1.14 LOTS/AC

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UTILITIES: WATER SERVICE: CITY OF FAIRHOPE SEWER SERVICE: CITY OF FAIRHOPE ELECTRIC SERVICE: RIVIERA UTILITIES TELEPHONE SERVICE: AT&T



RIVERHORSE SUBDIVISION

JANUARY 11, 2019 - SHEET 1 OF 1 PRELIMINARY PLAT - NOT FOR FINAL RECORDING

BOUNDARY SURVEY AND PLAT OF SUBDIVISION

Table with columns: DESIGN, D.E.D., DRAWN, A.E.F., CHECKED, M.S.P., and rows for DESIGNER, SURVEYOR, and other roles.



55353 Friendship Road Daphne, AL 36526

Scale: 1"=60' File: 50106129 PRELIM 50106129PRELIM

DILWORTH DEVELOPMENT, INC.

To Whom It May Concern,

As the current property owner/leaseholder for the property that is the subject of the application for subdivision plat approval known as Riverhorse Subdivision, Dewberry is hereby authorized to serve as our agent and to represent Dilworth Development, Inc. before the Fairhope Planning Commission regarding Case SD 19.06.

Sincerely,



Date: 12/20/21

Signature

Michael Dilworth

Print Name

December 27, 2021

City of Fairhope Planning Commission

Case: SD 19.06 Riverhorse Subdivision

Two City of Fairhope Planning Commission Meetings were held in reference to the above re-zoning and development without the knowledge of North Station Homeowners Association. The first time we were aware that something was happening on the adjacent property was at our annual Homeowners Association meeting, September 21, 2021, that was held on the section of dead end street on Calibre. At that time Dilworth Development Inc., aka MD Holdings Inc., was illegally burning large clearing debris piles and smoking out our neighborhood. The burning was illegal per ADEM regulations for burning in Baldwin County. When a resident complained to the Mayor about what was happening, the work was shut down for a short period of time because they were also working without a permit from the City of Fairhope.

When North Station started researching the situation, we find out that we were never legally notified per the Fairhope Zoning Ordinance. This was brought to Mr. Cortinas' attention in September as well. Now after two meetings with the Mayor and her staff and some very upset residents in North Station we are coming before the Planning Commission to right a wrong that the City allowed to happen.

The Fairhope Zoning Ordinance, Article II Section C (b) states: Mailed Notice – The applicant shall furnish the City the names and mailing addresses of all persons owning property within 300 feet of any specific property that is subject of the application. **Names and addresses shall be from the latest records of the county revenue office and accuracy of the list shall be the applicant's responsibility. Where land within 300 feet involves leasehold property, the names and addresses of the landowner and the leasehold improvements shall be provided to the City.**

No one in North Station ever received a letter. The list of properties that we were shown has two properties that are more than 300 feet from the property that was the subject of the application. The City had no proof they sent letters to anyone on the list.

Also from the Fairhope Zoning Ordinance, Article II Section C (c) Posted Notice – The applicant shall post on the property being considered for a zoning change a sign that gives public notice. This sign shall be posted adjacent to a publicly dedicated street. The sign shall be furnished by the City at the time of application. The sign shall be posted no later than 15 days before the Planning Commission meetings and shall remain posted until after final action by the City Council. The applicant shall remove the sign from the property and return to the City within 2 days of final action by the City Council. **It is the sole responsibility of the applicant to post the sign in accordance with these regulations. Failure to post the sign may result in nullification of the zoning change decision and application.**

No sign was ever posted. The City could not produce pictures of the sign(s) that were posted nor any type of verification of the posting.

It appears the City has a “pick and choose” attitude on what natural areas such as wetlands will be protected. Mr. Dyess stood before the Commission on January 28, 2019 and stated that the proposed re-zoning of this property had 3 access routes – Lawrence Road, Blueberry Lane and North Station. Then he said “North Station would be the most difficult because of the wetlands”. One week later on February 4, 2019 the Commission approves coming through North Station and the degradation of the natural wetland buffer.

We have been told numerous times by the Mayor and her staff that it is all about connectivity. The Tracery was approved at the same time and it has no “connectivity”. The City is taking an ordinance and applying urban type terms to extraterritorial properties. The City is trying to put a round peg in a square hole.

North Station has no need for “connectivity” by a road to Riverhorse. The most logical connectivity would be the upgrade of Blueberry Lane which abutts the property.

North Station is not against the development of the property. North Station has been adamantly against the destruction of the wetland corridor between the two subdivisions. All of this could have been handled in a different manner to achieve the objectives of the City’s wetland ordinance as well the Audubon International study that was done in 2003. The Commission could have proposed that the developer put a conservation easement on the wetland portions of the property which is a tax credit. “Connectivity” could have been a foot bridge between the two subdivisions as well as the Tracery. We had a natural pervious surface that facilitated runoff but now we have an impervious surface replaced by a natural wetland area. What is in the wetland now is “rust” looking runoff from the development. This whole development has been built up and water runs downhill. It will be interesting to see what happens with the stormwater.

The City approved something without ever hearing from the adjoining landowners. This was illegal and just wrong. We will be attending the Planning Commission meeting.

RESOLUTION NO. 2022-01

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

WHEREAS the City Council of the City of Fairhope, Alabama has adopted Ordinance No. 1735 (the “Ordinance”) establishing a moratorium on acceptance and consideration of subdivision and multiple occupancy project applications by staff and the Planning Commission outside of the corporate limits of the City of Fairhope but within the Planning Jurisdiction of the City of Fairhope for a period of twelve (12) months (the “Moratorium”); and

WHEREAS the Planning Commission finds that the Ordinance and the Moratorium are proper and are in the best interests of the health, safety and general welfare of residents in the City of Fairhope and the surrounding community.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF FAIRHOPE, ALABAMA, AS FOLLOWS:

Section 1. The Ordinance and the Moratorium are hereby adopted, ratified, confirmed and approved the same as if the exact terms and conditions of the Ordinance were set forth herein.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Resolution, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Resolution 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 Resolution or its application to other persons or circumstances.

Ordinance No. 1304
Moratorium – Subdivision Applications
Page -2-

ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF FAIRHOPE,
ALABAMA AT A REGULAR MEETING THEREOF ON THE 3RD DAY OF
JANUARY, 2022.

Lee Turner, Chairman