

ORDINANCE NO. 1753

**AN ORDINANCE AMENDING ORDINANCE NO. 1253
KNOWN AS THE ZONING ORDINANCE**

The ordinance known as the Zoning Ordinance (No. 1253), adopted 27 June 2005, is changed and altered as described below;

WHEREAS, the City of Fairhope Planning Commission directed the Planning Department to prepare amendments to our Zoning Ordinance; and,

WHEREAS, the proposed amendment relates to M-1 Light Industrial District; and,

WHEREAS, after the appropriate public notice and hearing of ZC 22.07, the Planning Commission of the City of Fairhope, Alabama has forwarded a favorable recommendation;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA;


1. **THAT**, Article III, Section B. Table 3-1: Use Table, be hereby amended as follows:

Zoning District M-1 shall be amended to allow a Kennel or Animal Hospital use *permitted only on appeal and subject to special conditions.*

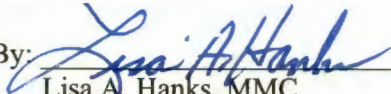
Severability Clause - if any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

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


Adopted and approved this 25th day of July, 2022

By: 
Jay Robinson
Council President Pro Tempore

Attest:

By: 
Lisa A. Hanks, MMC
City Clerk

Adopted and approved this 25th day of July, 2022

By: 
Sherry Sullivan, Mayor

Ord. No. 1753 Published in
FAIRHOPE COURIER
on Wednesday August 3, 2022
Lisa A. Hanks, City Clerk

City of Fairhope
City Council
July 11, 2022



Planning Commission unanimously (7 Ayes, 0 Nays) voted to recommend approval of ZC 22.07.

ZC 22.07 Zoning Amendment

Summary: To allow a *Kennel or Animal Hospital* as an improved use, with Board of Zoning Adjustment Approval, in the M-1 Light Industrial District.

The following is a proposed amendment to change and alter the City of Fairhope Zoning Ordinance to revise Table 3-1, Use Table.

The Zoning Ordinance defines a *Kennel or Animal Hospital* as any business where four (4) or more dogs over four (4) months of age are kept for general boarding or medical care.

Currently, a *Kennel or Animal Hospital* is permitted only on appeal and subject to special conditions in three zoning districts:

- B-2 General Business District
- B-3a Tourist Resort Lodging District
- M-2 General Industrial District

In practice, a *Kennel or Animal Hospital* must be approved by the Board of Zoning Adjustments anywhere within Fairhope's municipal jurisdiction, but only those within one of the three District's referenced above may request the use. Also, important to note, there are currently no properties zoned M-2 General Industrial District.

This amendment proposes to include a *Kennel or Animal Hospital* as a use permitted only on appeal and subject to special conditions within the **M-1 Light Industrial District**.

Effectively, this amendment would allow those zoned M-1 to request a *Kennel or Animal Hospital*, and the Board of Zoning Adjustment could evaluate each request based on the merits of the location and proximity to other uses.

Because any change to M-1 can affect local industry, the Fairhope Industrial Development Board has reviewed the proposed amendment and unanimously recommends approval.

For reference, most properties zoned M-1 are located in the near the intersection of Greeno Rd/Nichols Ave, near Fairhope Public Works, and on and around the Sonny Callahan Fairhope Airport. A map of each area is included below (purple illustrates M-1):



Figure 1: Area near Greeno Rd/Nichols Ave

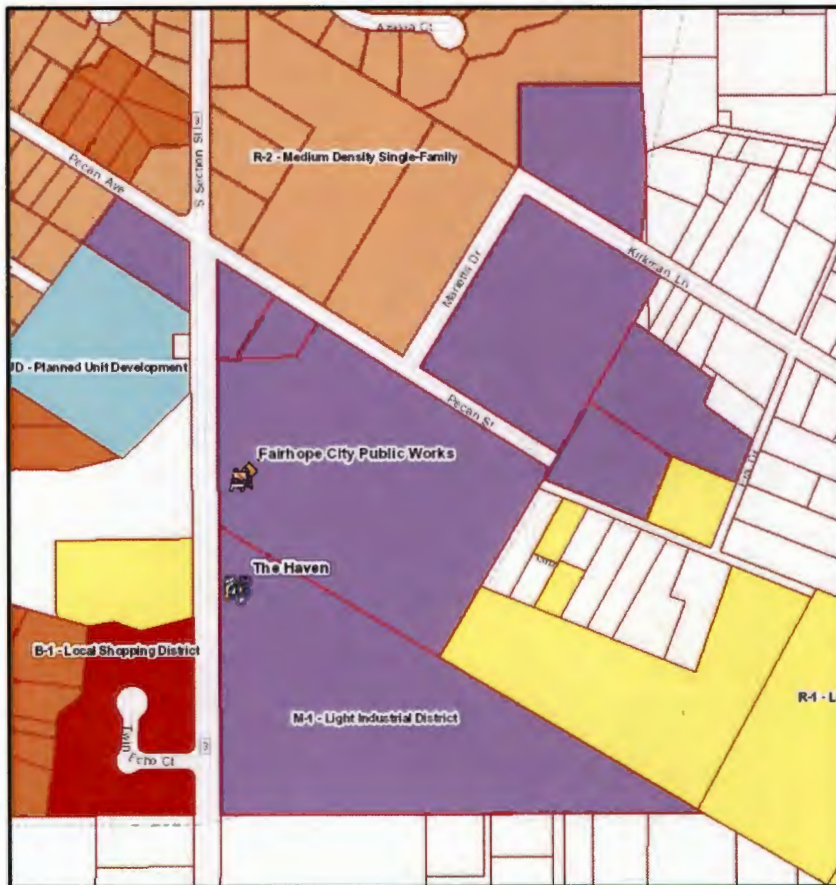


Figure 2: M-1 near Fairhope Public Works

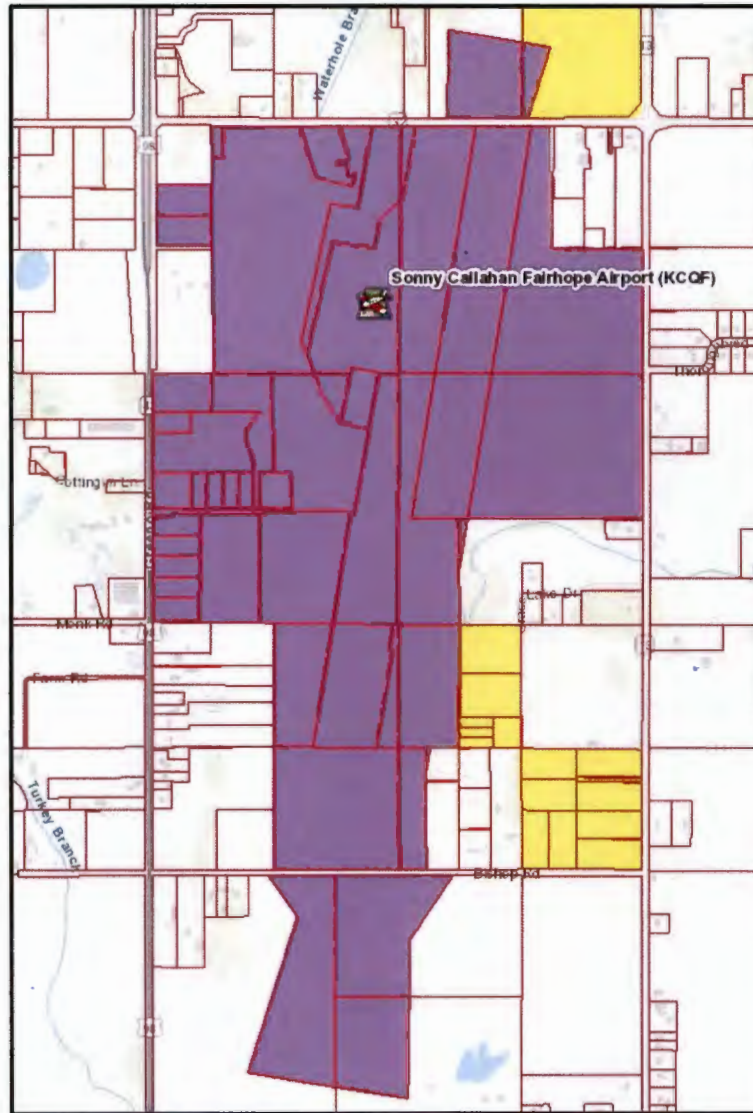


Figure 3: M-1 near the Fairhope Airport

Staff acknowledges not all properties zoned M-1 are appropriate for a kennel or animal hospital but does recommend approval of the amendment since each application may be reviewed independently for appropriateness.

Thank you for your consideration,

Hunter Simmons, Planning Director