

2044199



ORDINANCE NO. 1768

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

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA as follows:

The ordinance known as the Zoning Ordinance (No. 1253), adopted 27 June 2005, together with the Zoning Map of the City of Fairhope, be and the same hereby is changed and altered in respect to that certain property described below:

After the appropriate public notice and hearing, the Planning Commission of the City of Fairhope, Alabama has forwarded a **favorable** recommendation,

The property of June Nelson Long, is generally located at the northeast corner of Greeno Road and Old Battles Road in Fairhope, Alabama.

PPIN # 26270

Legal Description: (Case number ZC 22.12)

Begin at the Southwest corner of Section 28, Township 6 South, Range 2 East, run thence North 89° 41' 22" East for 40 feet to the East right of way of County Road No. 11 and the centerline of County Road No. 24, run thence North 40 feet to the point of beginning; thence run North 89° 41' 22" East for 460 feet; run thence North for 180 feet; run thence South 89° 41' 22" West for 460 feet; run thence South for 180 feet to the point of beginning; said land being in Section 28, Township 6 South, Range 2 East, Baldwin County, Alabama.

A map of the property to be rezoned is attached as Exhibit A.

The property is hereby initially zoned B-2, General Business District, concurrent with annexation into the City of Fairhope. This property shall hereafter be lawful to construct on such property any structures permitted by Ordinance No. 1253 and to use said premises for any use permitted or building sought to be erected on said property shall be in compliance with the building laws of the City of Fairhope and that any structure shall be approved by the Building Official of the City of Fairhope and that any structure be erected only in compliance with such laws, including the requirements of Ordinance No. 1253.

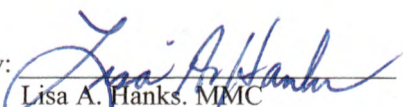
Severability Clause - if any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

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

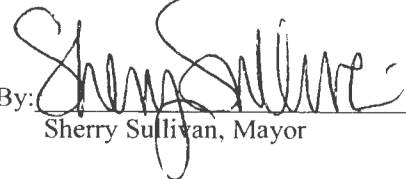
Adopted and approved this 9th day of January, 2023

By: 
Jay Robinson, Council President

Attest:

By: 
Lisa A. Hanks, MMC
City Clerk

Adopted and approved this 9th day of January, 2023

By: 
Sherry Sullivan, Mayor

Ord. No. 1768 Published in
FAIRHOPE COURIER
on January 25, 2023
Terry Opal Wilson City Clerk
Assistant



CITY OF FAIRHOPE
P.O. DRAWER 429
FAIRHOPE, AL 36533
251/928-2136

PETITION FOR ANNEXATION

STATE OF ALABAMA)(
COUNTY OF BALDWIN)(

We, the undersigned PETITIONER(S), owner(s) of the lands in fee simple described in the attached EXHIBIT A, such property being without the Corporate Limits of the City of Fairhope, Alabama, but being contiguous to the said Corporate Limits; and such property not lying within the corporate limits or police jurisdiction of any other municipality, do, by these presents, hereby petition the City of Fairhope, a municipal corporation, that said property be annexed into the City of Fairhope, Alabama.

The subject land is delineated on the map attached hereto as EXHIBIT B that will be prepared by the City of Fairhope to verify property is contiguous.

This petition is filed under authority of Section 11-42-21, Code of Alabama, 1975, as amended.

- This petition is for R-1 Zoning
The condition of the Petition is that zoning be established as B2 Concurrent with Annexation. (Zoning Request)

Is this property colony property Yes No. If this property is colony property, the Fairhope Single Tax Office must sign as a petitioner.

Signature of Petitioner (handwritten signature)

Print petitioner's name (June D. Long)

Signature of Petitioner

Print petitioner's name

Signature of Petitioner

Print petitioner's name

Physical Address of property being annexed: 8051 County Rd. 34

Petitioner's Current Physical Address: 8051 County Road 34 Fairhope, AL 36532

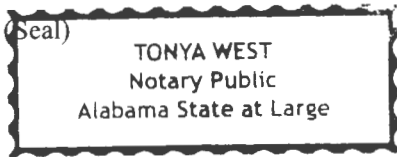
Petitioner's Current Mailing Address: 8051 County Road 34 Fairhope, AL 36532

Telephone Number(s): 251-928-5577 Home 251-391-1120 Work

Tax Parcel ID Number: 46-00-20-0-000-022000 Size of Property: 1.7 acres

I, Tonya West a Notary Public in and for said State and County, hereby certify that June Long whose name(s) is/are signed to the forgoing Petition and who is/are known to me, this day appeared before me and, being first duly sworn, acknowledge that he/she/they have voluntarily executed this Petition on this day same bears date.

Given under my Hand and Seal this 20th day of August, 2022,



Tonya West
Notary Public My Commission Expires
March 31, 2026
My commission expires _____

I, _____ a Notary Public in and for said State and County, hereby certify that _____ whose name(s) is/are signed to the forgoing Petition and who is/are known to me, this day appeared before me and, being first duly sworn, acknowledge that he/she/they have voluntarily executed this Petition on this day same bears date.

Given under my Hand and Seal this _____ day of _____, 20____,

(Seal) _____
Notary Public
My commission expires _____

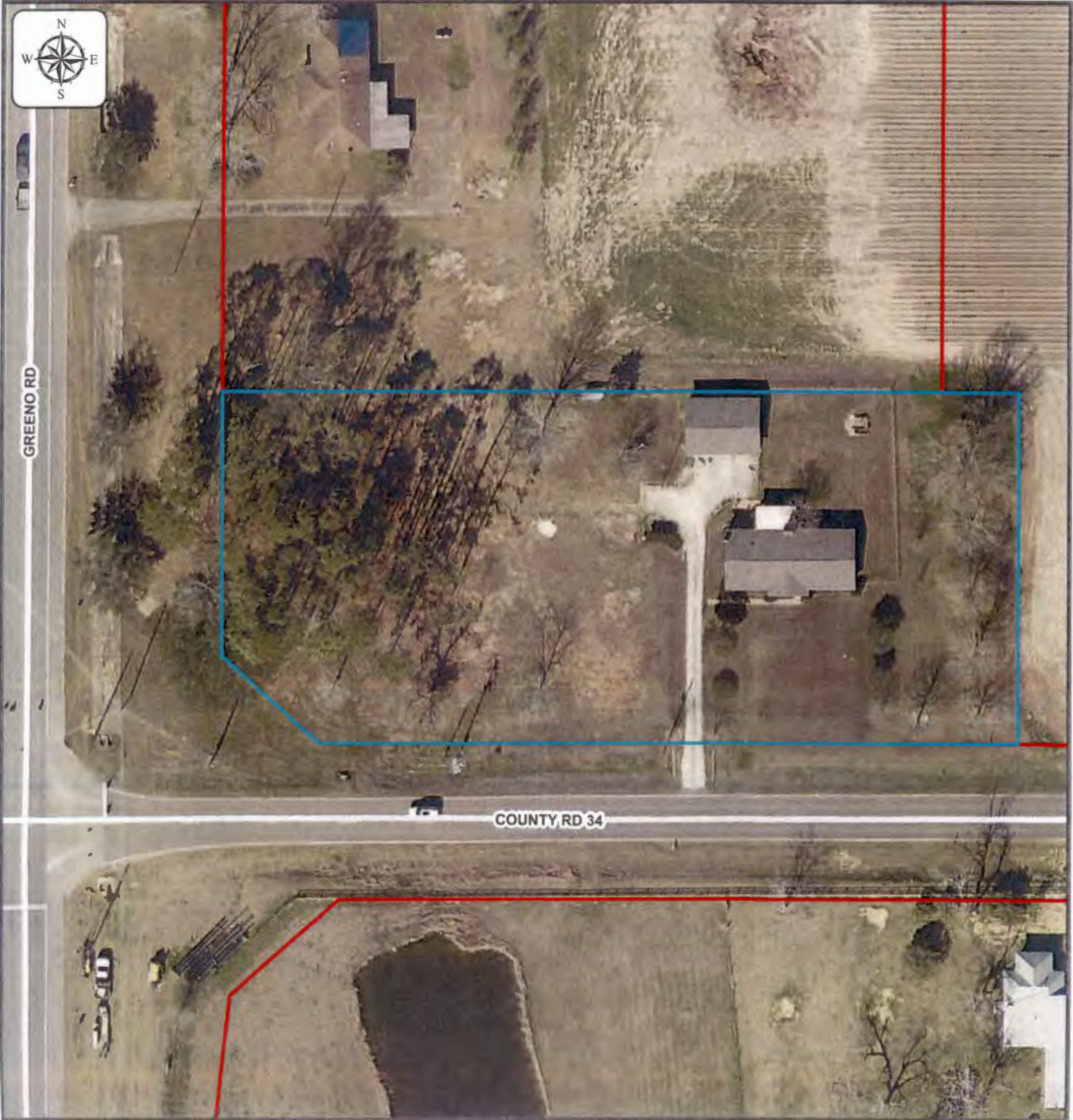
I, _____ a Notary Public in and for said State and County, hereby certify that _____ whose name(s) is/are signed to the forgoing Petition and who is/are known to me, this day appeared before me and, being first duly sworn, acknowledge that he/she/they have voluntarily executed this Petition on this day same bears date.

Given under my Hand and Seal this _____ day of _____, 20____,

(Seal) _____
Notary Public
My commission expires _____



**Exhibit A: The Property of June Nelson Long
Conditional Annexation to B-2
(ZC 22.12)**



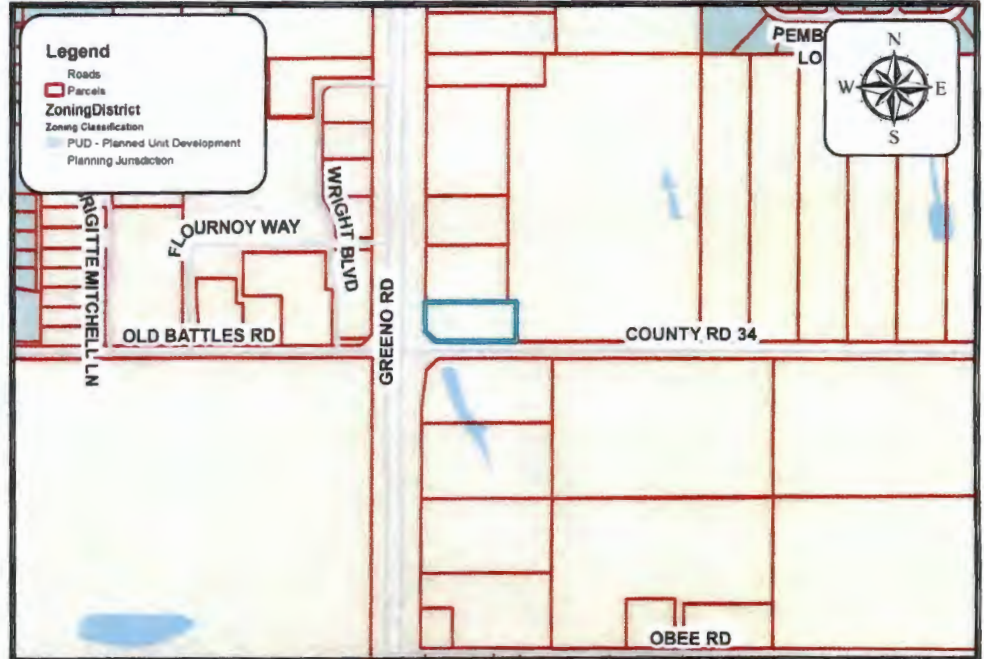
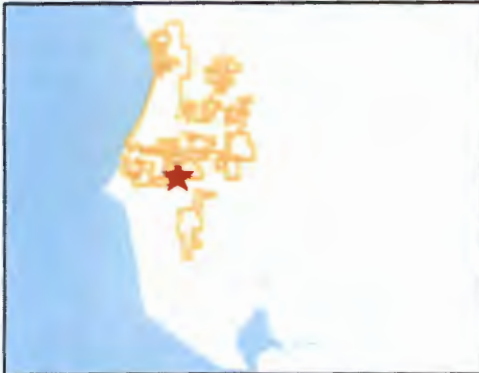
City of Fairhope City Council



December 21, 2022

Planning Commission unanimously voted (6 Ayes, 0 Nays) to recommend approval of ZC 22.12.

ZC 22.12 - Conditional Annexation to B-2



Project Name:

Conditional Annexation to B-2

Site Data:

1.7 acres

Project Type:

Conditional Annexation & Initial Zoning

Jurisdiction:

Fairhope Planning Jurisdiction

Zoning District:

Baldwin County:

Community Preservation District

PPIN Number:

26270

General Location:

Northeast intersection of Greeno Road
& County Road 34

Owner / Developer:

June Long

School District:

Fairhope Elementary School
Fairhope Middle and High Schools

Recommendation:

Approval

Prepared by:

Casey Potts

Summary of Request:

Applicants, Jason Long and Stephen Roberts, acting on behalf of the Owner, June Long, are requesting to establish an initial zoning of B-2, General Business District, concurrent with conditional annexation into the City of Fairhope. The property is approximately 1.70 acres and is located at the northeast corner of Old Battles Road and US HWY 98.

Comments:

The subject property is currently outside the City of Fairhope’s municipal boundary and zoned CP (Community Preservation District) by Baldwin County in District 8. The site currently has a single-family residence on site.



The property is bordered to the north, south, and east by the Community Preservation Zoning District (Baldwin County). The subject property is located across the street from the Publix development. The Publix property has pending annexation into the City. Annexation of the subject property is contingent upon the annexation of the Publix property across the street.

According to the 2015 Comprehensive Plan, a node is not located at the intersection of Old Battles Road and US Highway 98. However, the forthcoming Comprehensive Plan recognizes the development patterns that occurred in recent years and will propose a commercial node at the U.S. Highway 98 and Old Battles Rd intersection.

Important to note, this is a straight re-zoning request and does not include a site plan for intended uses. Future uses, if approved, shall meet the Fairhope Zoning Ordinance requirements.

The Zoning Ordinance defines B-2 General Business District as follows:

"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."

A copy of the Zoning Ordinance's Use Table, highlighting allowable uses in B-2, is attached within the packet.

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

(1) Compliance with the Comprehensive Plan;

Response:

Meets

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

Response: Applicant intends to annex into the City of Fairhope and fall under the City's development guidelines.

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

Response: Meets

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

Response: This is a re-zoning request, without a Site Plan review. Future projects within the subject property shall ensure adequate public infrastructure.

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

Response: Staff does not anticipate an issue at this time.

(6) Compliance with other laws and regulations of the City;

Response: At the time of any development all applicable laws of the City will be applied. If granted, any use within B-2 zoning will be allowed 'by right'.

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

Response: At the time of a development all applicable laws will be applied.

(8) Impacts on adjacent property including noise, traffic, visible intrusions, potential physical impacts, and property values; and,

Response: Staff does not anticipate any significant issues relating to this criterion at this time.

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

Response: Staff does not anticipate any significant issues relating to this criterion.

Recommendation:

Staff recommends Case: ZC 22.12, PPIN# 26270, be **approved** with an initial zoning of B-2 General Business District, with conditional annexation with the following condition:

1. The subject property shall be contiguous to the City of Fairhope Corporate Limits.