

ORDINANCE NO. 1773

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 Margaret and James Smith (containing 5.34 acres, more or less, and zoned R-2) is generally located east of Onyx Lane and north of Longleaf Lane.

PPIN # 80716

Legal Description: (Case number ZC 23.02)

Commencing at a 1-1/2" OPEN TOP PIPE AT THE SE CORNER OF THE SW1/4 OF SECT. 23, T-6-S, R-2-E; thence N89°45'37"W, along the South line of said Section a distance of 670.18 feet to a SET 5/8" CAPPED REBAR; thence South, a distance of 20.22 feet to a SET 5/8" CAPPED REBAR; thence N89°46'19"W, a distance of 335.06 feet to a 5/8" CAPPED REBAR VOLKERT to the POINT OF BEGINNING; thence continue Westerly along said bearing, a distance of 334.94 feet to a 5/8" CAPPED REBAR "VOLKERT"; thence N00°06'01"W, a distance of 20.02 feet to a 5/8" CAPPED REBAR "VOLKERT"; thence N00°21'06"E, a distance of 664.24 feet to a FENCE CORNER POST; thence N48°37'03"E, a distance of 15.49 feet to a FENCE CORNER POST; thence N89°55'24"E, a distance of 323.40 feet to a 1/2" CAPPED REBAR "GEO"; thence S00°19'35"W, a distance of 696.27 feet to the POINT OF BEGINNING, said parcel containing 5.34 acres, more or less.

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

The property is hereby rezoned R-1, Low Density Single-Family Residential District. This property shall hereafter be lawful to construct on such property any structures permitted by Ordinance No. 1253 and to use said premises for any use permitted or building sought to be erected on said property shall be in compliance with the building laws of the City of Fairhope and that any structure shall be approved by the Building Official of the City of Fairhope and that any structure be erected only in compliance with such laws, including the requirements of Ordinance No. 1253.


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

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

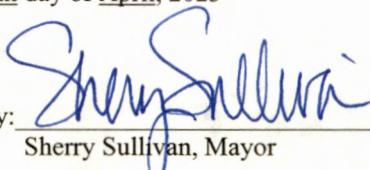
Adopted and approved this 10th day of April, 2023

By: 
Jay Robinson, Council President

Attest:

By: 
Lisa A. Hanks, MMC
City Clerk

Adopted and approved this 10th day of April, 2023

By: 
Sherry Sullivan, Mayor

Ord. No. 1773 Published in
FAIRHOPE COURIER
on Wednesday, April 19, 2023
 City Clerk

NOTES

- All lines, unless noted as magnetic, are based on the 1983 North Magnetic Declination of 10° 00' 00" West.
- Corner monuments shown are as of 2000, and are not to be used as evidence of the true location of the corner.
- Lot areas are based on the 2000 survey and are not to be used as evidence of the true area of the lot.
- The survey is prepared for the purpose of showing the location of the proposed subdivision and is not to be used as evidence of the true location of the lot lines.
- The boundaries of the lots are shown as of 2000, and are not to be used as evidence of the true location of the lot lines.
- The survey is prepared as a final plan and is not to be used as evidence of the true location of the lot lines.
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COMMON LOT LINE MOVE FOR SMITH

INVOLVING PARCELS

06-46-06-23-0-000-004-004
 05-46-06-23-0-000-004-008
 05-46-07-26-0-000-002-110
 05-46-06-23-0-000-004-178

GREENBRIER AT FIRETHORNE PH-1A SLIDES 2541-B THRU 2541-D

PARCEL 2 4.83 ACRES

FIRETHORNE SUB PHASE 3 SLIDE 2612-7

STATE OF ALABAMA

COUNTY OF BALDWIN

SMITH BALDWIN CO., AL

SILVERLEAF AT FIRETHORNE PHASE 2 SLIDE 25 97-E

5.34 Acres Requested to be re-zoned from R-2 to R-1.

One (1) Acre annexing into the City of Fairhope. Not part of this rezoning case.

STATE OF ALABAMA

COUNTY OF BALDWIN

DAVID LOWERY SURVEYING, L.L.C.

STONE CREEK VILLAGES SUB SLIDE 2530-B & 2530-C

TURQUOISE DR

DAVID LOWERY SURVEYING, L.L.C.

SMITH BALDWIN CO., AL

DAVID LOWERY SURVEYING, L.L.C.

STONE CREEK VILLAGES SUB SLIDE 2530-B & 2530-C

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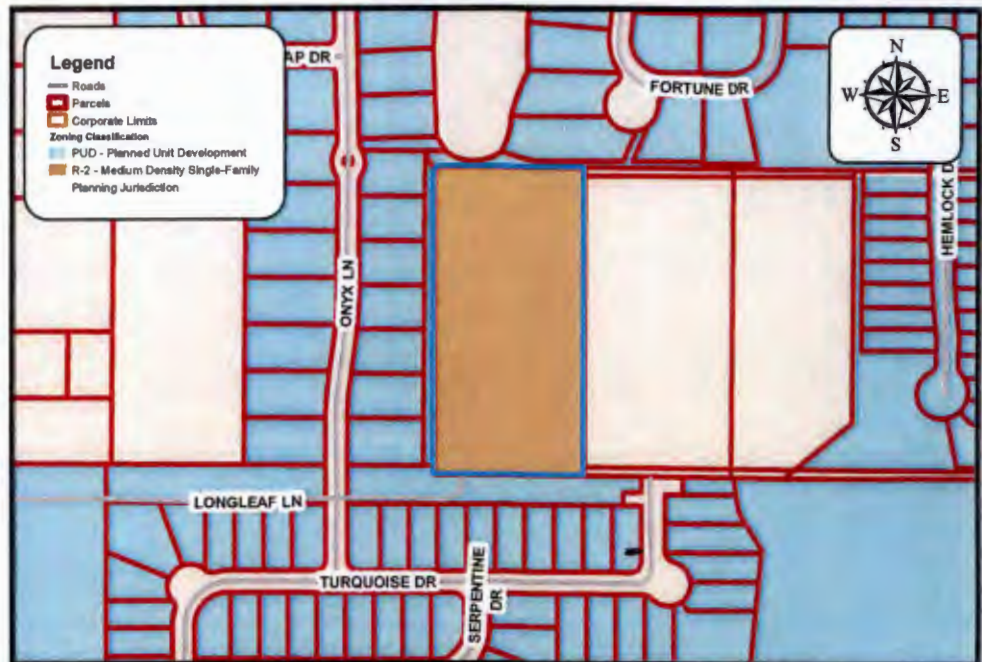
City of Fairhope City Council

April 10, 2023



Planning Commission unanimously (8 Ayes, 0 Nays) voted to recommend approval of ZC 23.02

ZC 23.02 - 10315 Longleaf Lane



Project Name:

10315 Longleaf Lane

Site Data:

5.34 acres

Project Type:

Rezoning from R-2 to R-1

Jurisdiction:

City of Fairhope

Zoning District:

R-2

PPIN Number:

80716

General Location:

North of Stone Creek Villas, West of the Village at Firethorne

Surveyor of Record:

David Lowery Surveying LLC

Engineer of Record:

N/A

Owner / Developer:

Margaret & James Smith

School District:

Fairhope Elementary School
Fairhope Middle and High Schools

Recommendation:

Approval

Prepared by:

Casey Potts





RECEIVED

DEC 27 2022

BY: Al

APPLICATION FOR ZONING DISTRICT CHANGE

Property Owner / Leaseholder Information
 Name: MARGARET JAMES SMITH Phone Number: 251 604.2475
 Street Address: 6311 MOSS OAKS LN.
 City: CUBERTA State: AL Zip: 36530

Applicant / Agent Information
If different from above.
Notarized letter from property owner is required if an agent is used for representation.
 Name: RON NORTON / SHANNON Phone Number: 770.880.6729
 Street Address: 6685 DRISCOLL RD.
 City: CUMMING State: GA Zip: 30041

Current Zoning of Property: R-2 (FAIRHOPE) RSF-E (BALDWIN CO)
 Proposed Zoning/Use of the Property: R-1
 Property Address: 090716
 Parcel Number: _____
 Property Legal Description: PPIN 080716
 Reason for Zoning Change: PURCHASE ONE ACRE TO ADD TO EXISTING PPIN 080716

- Property Map Attached YES NO
- Metes and Bounds Description Attached YES NO
- Names and Address of all Real Property Owners within 300 Feet of Above Described Property Attached. YES NO

Character of Improvements to the Property and Approximate Construction Date: _____

Zoning Fee Calculation:
Reference: Ordinance 1269

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

RON NORTON
 Property Owner/Leaseholder Printed Name

[Signature]
 Signature

12.27.22
 Date

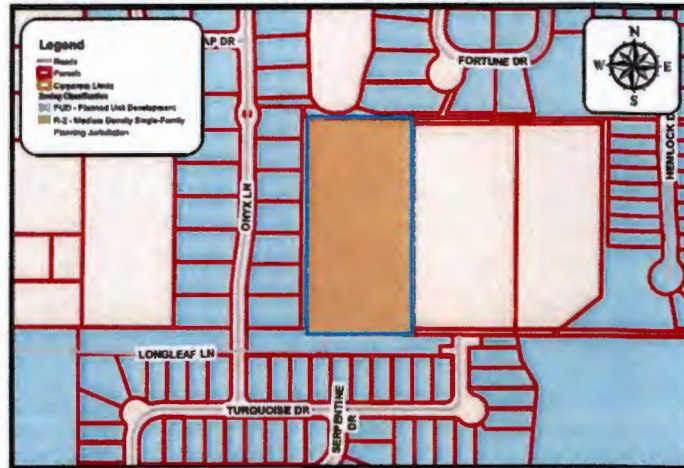
Fairhope Single Tax Corp. (If Applicable)

Summary of Request:

Applicants, Shannon Hesse and Ron Norton, acting on behalf of the Owners, James and Margaret Smith, are requesting to rezone property from R-2, Medium Density Single-Family Residential District to R-1, Low Density Single-Family Residential District. The property is approximately 5.34 acres and is located east of Onyx Lane and north of Longleaf Lane.

Comments:

The subject property is currently zoned R-2 and is within the City of Fairhope municipal limits. The property is bordered to the north, west, and south by properties zoned PUD. The property to the east is zoned RSF-E by Baldwin County. (See below)



According to the 2015 Comprehensive Plan, the subject property is located near the Twin Beech Road and US Hwy 181 commercial node. The Comprehensive Plan specifies that density should decrease as you get further from the center of the node. Since the application requests to downzone the subject property, staff believes the rezoning request complies with the 2015 Comprehensive Plan.



Important to note, a portion of the adjacent property to the east is in the process of annexing into the City of Fairhope with the R-1 Zoning District designation. Their intent is to conduct a replat of their common property line. A draft of the replat is provided herein. Future uses, if approved, shall meet the Fairhope Zoning Ordinance requirements.

The Zoning Ordinance defines R-1 Low Density Single-Family Residential District as follows:

“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.

A copy of the Zoning Ordinance’s Use Table, highlighting allowable uses in R-1, 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: Meets

(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, with a replat as an intended follow up activity. 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 R-1 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 23.02, 10315 Longleaf Ln, rezoning 5.34 acres from R-2, Medium Density Single-Family District to R-1, Low Density Single-Family District, be **approved**.

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				3			3	3		3	3			3				3	●	●	●
Patio Home					3													3			
Multiple-family / Apartment							3	●				○	○					3	3	3	○
Manufactured Home									3									3			
Mixed-use										●	●	●	●	●							
Accessory Dwelling										3	3	3	3	3				3	3	3	3
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	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3		3	3	3	3
Retail																					
Grocery										●	●			●	●	●					
Convenience Store										3	3		3	3	3	3			3	3	3
General Merchandise										●	●			●	●	●			●	●	○
Shopping Center										●	●			●	●	●					
Automobile Service Station										○	○			○	○	○			3	3	○
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.
- 3 Permitted subject to special conditions listed in the ordinance
- Permitted only on appeal and subject to special conditions