#### ORDINANCE NO. 1623

## 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 of the Planning Commission of the City of Fairhope, Alabama has forwarded a **favorable** recommendation,

The property of Firethorne Development, LLC generally located at the south end of Hemlock Drive, Fairhope, Alabama.

## The Village at Firethorne PUD

PPIN #: 366931 and 366945

**Legal Description:** (Case number ZC 18.03)

BEGINNING AT A ONE AND ONE-HALF INCH PIPE AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 6 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89 DEGREES 47 MINUTES 32 SECONDS WEST, A DISTANCE OF 524.83 FEET; THENCE RUN NORTH 51 DEGREES 17 MINUTES 31 SECONDS EAST, A DISTANCE OF 172.07 FEET; THENCE RUN 00 DEGREES 21 MINUTES 59 SECONDS EAST, A DISTANCE OF 570.80 FEET TO A POINT ON THE SOUTH MARGIN OF GREENBRIAR AT FIRETHORNE PHASE THREE, AS SHOWN BY MAP OR PLAT THEROF RECORDED AT SLIDE 2612-F, BALDWIN COUNTY PROBATE RECORDS; THENCE RUN NORTH 89 DEGREES 55 MINUTES 20 SECONDS EAST, ALONG SAID SOUTH MARGIN, A DISTANCE OF 391.04 FEET; THENCE RUN SOUTH 00 DEGREES 21 MINUTES 17 SECONDS EAST, A DISTANCE OF 17.45 FEET; THENCE RUN SOUTH 00 DEGREES 21 MINUTES 59 SECONDS WEST, A DISTANCE OF 663.38 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 6.27 ACRES, MORE OR LESS, AND LIES IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 6 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

1. That, attached as "Exhibit A" is an approved site plan. The property must develop in substantial conformance with the approved site plan and supporting documents. Any substantial deviation from the attached site plan, as determined by the Director of Planning, will require re-approval by the Planning Commission and the City Council of the City of Fairhope, Alabama, as a PUD amendment.

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**2. That,** the following development regulations shall govern:

Lots: There shall be 20 lots.

Use: Lots shall be single family residential.

Setbacks: Front – 25', Rear – 30', and Side – 5'.

<u>Lot Coverage</u>: Maximum lot coverage for the principal structure shall be 40% and an accessory shall be no more than 25% of the "required" rear yard.

Building Height: Maximum building height shall be 35'.

Accessory Structure Separation: Between structures -10', Side and Rear property lines -5'

The property is hereby initially zoned Planned Unit Development (PUD) 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 THIS 13TH DAY OF AUGUST, 2018

Karin Wilson, Mayor

ATTEST:

Lisa Al. Hank's, MMC

City Clerk

Ord. No. 16.13 Published in FAIRHOPE COURIER on Wednesday, August 29, 20 /8 City Clerk

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# **EXHIBIT A**

DEED SHOWER AND FEMAL PLAT OF SUBLEVISION
DEED AMERICAN A.F. C. COO. D.C.D.
JALL SUPCON D.E.D. "FEM WAN J.G.A.
Dewbberry PREBLE-RISH"
THE FORMAL PLATE
THE FORM

Shide on Distant to below



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

## PETITION FOR ANNEXATION

STATE OF ALABAMA )( COUNTY OF BALDWIN )(				
Alabama, but being contiguous to the said Corpo the corporate limits or police jurisdiction of any	of the lands in fee simple described in the out the Corporate Limits of the City of Fairhope, orate Limits; and such property not lying within other municipality, do, by these presents, hereby ration, that said property be annexed into the City			
The subject land is delineated on the map attach	ed hereto as EXHIBIT B.			
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 the	at zoning be established as PUD			
Concurrent with Annexation.	(Zoning Request)			
Is this property colony propertyYesXNo. If this property is colony property the Fairhope Single Tax Office must sign as a petitioner.				
	NATHAN L. COX			
Signature of Petitioner	Print petitioner's name			
Signature of Petitioner	Print petitioner's name			
Signature of Petitioner	Print petitioner's name			
Physical Address of property being annexed	d: None			
Petitioner's Current Physical Address: 29891 Woodrow Lane, Suite 300	Petitioner's Current Mailing Address: 29891 Woodrow Lane, Suite 300			
Spanish Fort, AL 36527	Spanish Fort, AL 36527			
Геlephone Number(s):				
Home	Work			
County Tax Parcel Number: <u>05-46-06-23-0-000-004.449</u>				

## **U.S JUSTICE DEPARTMENT INFORMATION**

$\boxtimes$	Size of property (acres or square feet) 6.27 Acres		
	If property is occupied, give number of housing units None		
×	Number of Persons residing in each unit, and their race None		
×	If property is unoccupied, give proposed use Single family lots		
×	If property is being developed as a subdivision, give subdivision name Village at Firethorne Proposing to modify existing Firethorne PUD add this property.		
×	Number of lots within proposed subdivision 20 lots		
Petition	a Notary Public in and for said State and County, hereby whose name(s) is/are signed to the forgoing and who is/are known to me, this day appeared before me and, being first duly sworn, ledge that he/she/they have voluntarily executed this Petition on this day same bears date.  Given under my Hand and Seal this 23nd day of gamary, 2018,		
(30)	Notary Public  My commission expires  SUSAN COLEY RILEY My Commission Expires  January 20, 2020		
Petition	a Notary Public in and for said State and County, hereby whose name(s) is/are signed to the forgoing and who is/are known to me, this day appeared before me and, being first duly sworn, ledge 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,		
	Notary Public		
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# **City Council**

July 2018

Case: ZC 18.03 The Village at Firethorne PUD

## Project Name:

The Village at Firethorne PUD

#### Owner:

Nathan Cox, Ralph Reynolds, Davis Pilot, Billy Stimpson, Sands Stimpson, and Tom Gross

#### Site Data:

Number of lots: 20 Lots Total Acreage: 6.27 Acres

### Project Type:

Rezoning Request from Unzoned, Unincorporated Baldwin County

to

Planned Unit Development

## **PPIN Number:**

366931

## **General Location:**

North side of Twin Beech Rd. ½ half mile east of St Hwy 181

#### School District:

Fairhope Elementary, Middle, and High Schools

## Engineer of Record:

Dewberry/Preble-Rish, LLC

## Report prepared by:

J. Buford King, City Planner

#### Recommendation:

**APPROVAL** 





