



**City of Fairhope  
Planning Commission Agenda  
5:00 PM  
Council Chambers  
September 4, 2025**

Sherry Sullivan  
*Mayor*

*Council Members*

Kevin G. Boone

Jack Burrell, ACMO

Jimmy Conyers

Corey Martin

Jay Robinson

Lisa A. Hanks, MMC

*City Clerk*

Kimberly Creech

*City Treasurer*

1. Call to Order

2. Consent Agenda

Approval of Minutes - August 4, 2025

3. Regular Agenda

Old Business

- **SD 22.18** Greenfields – Request of Applicant, S.E. Civil, for an additional one-year extension for preliminary plat approval

New Business

**A. SD 25.13** Public hearing to consider the request of the Applicant, Jay Broughton, on behalf of the Owner, Acre Investments, for preliminary plat approval of Ashford Court Subdivision, a 9-lot subdivision. The property is zoned R-1, Low Density Single-Family Residential District. The property is approximately 5.20 acres and is located at 0 Gayfer Road Extension. **PPIN #: 13818**

**B. SR 25.04** Request of the Applicant, Chris Lieb, on behalf of the Owner, Avrend, LLC, for Site Plan Approval of Rock Creek Commercial. The property is approximately 2.23 acres and is zoned PUD – Planned Unit Development. The property is located on Rock Creek Parkway east of US 98. **PPINs #: 347922, 242236**

**C. SD 25.14** Public hearing to consider the request of the Applicant, Chris Lieb, on behalf of the Owner, Avrend LLC, for preliminary plat approval of Rock Creek Commercial, a 4-unit multiple occupancy project. The property is zoned PUD, Planned Unit Development. The property is approximately 2.23 acres and is located on Rock Creek Parkway east of US 98. **PPINs #: 347922, 242236**

161 North Section Street

P.O. Drawer 429

Fairhope, Alabama 36533

251-928-2136

251-928-6776 Fax

[www.fairhopeal.gov](http://www.fairhopeal.gov)

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*Mayor*

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*City Treasurer*

**D. SD 25.15** Public hearing to consider the request of the Applicant, Chris Lieb, on behalf of the Owner, G Real Estate LLC, for preliminary plat approval of Ross Givens Office Building, a 4-unit multiple occupancy project. The property is zoned M-1, Light Industrial District. The property is approximately 0.53 acres and is located on Nichols Avenue east of Greeno Road. **PPIN #: 276903**

**E. ZC 25.06** Public hearing to consider the request of the Applicant, Lieb Engineering, on behalf of the Owner, Katrina Schonemann, for conditional annexation to R-1B, Low Density Single-Family Residential District. The property is approximately 30 acres and is located at 8505 County Road 34. **PPIN #: 5735**

**F. ZC 25.07** Public hearing to consider the request from the City of Fairhope Planning and Zoning Department, for various proposed amendments to the City of Fairhope's Zoning Ordinance.

4. Adjourn

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The Planning Commission met Monday, August 4, 2025, at 5:00 PM at the City Municipal Complex, 161 N. Section Street in the Council Chambers.

Present: Lee Turner; John Worsham; Harry Kohler; Kevin Boone; Paul Fontenot; Kim McCormick; Hollie MacKellar; Erik Cortinas; Hunter Simmons, Planning and Zoning Director; Mike Jeffries, Development Services Manager; Payton Rogers, Planning and Zoning Manager; Chris Williams, City Attorney, and Cindy Beaudreau, Planning Clerk.

Absent: Rebecca Bryant

Chairman Turner called the meeting to order at 5:02 PM.

Chris Williams, City Attorney, recommended an Executive Session at the end of the meeting to discuss pending litigation and stated that it should only take about 15 minutes.

Erik Cortinas made a motion to add the Executive Session at the end of the meeting. Kim McCormick seconded the motion and the motion carried unanimously.

### **Consent Agenda**

- Approval of the Minutes July 7, 2025

John Worsham made a motion to approve the consent agenda including the minutes.

Hollie MacKellar seconded the motion and the motion carried unanimously with the following vote:

AYE: Lee Turner; John Worsham; Harry Kohler; Kevin Boone; Paul Fontenot; Kim McCormick; Hollie MacKellar; Erik Cortinas

Nay: None

- **UR 25.07** Request of Verizon for an 11.52.11 Utility Review and approval of the proposed replacement of existing wooden small cell pole with a metal pole at 201 N Summit Street.

Hunter Simmons, Planning and Zoning Director, explained that these utility reviews will need to go to the City Council, due to being small cell. Current electric poles are too small to accommodate additional utilities.

Mike Jeffries, Development Services Manager, explained that there are five separate utility reviews. Two of the locations have been modified.

Mike Jeffries, Development Services Manager, shared the information for the UR 25.07, which has the following conditions:

1. A pre-construction meeting shall be held with the City prior to issuance of any permits.
2. 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 GIS technician for inclusion in GIS utility maps.
3. Provide a Traffic Control Plan to ROW Inspector prior to commencement of any work.
4. Applicant shall contact Alabama One Call to locate all existing utilities (1000ft max per day).
5. Co-location shall be required if a viable option is determined.

Hollie MacKellar asked for the time frame for the work. Willis Wilcox, Verizon representative, stated that work should take six-eight weeks except for the new proposed locations which will be an additional 90-120 days.

John Worsham made a motion to approve UR 25.07, with staff recommendations.

Harry Koher seconded the motion and the motion carried unanimously with the following vote:

AYE: Lee Turner; John Worsham; Harry Kohler; Kevin Boone; Paul Fontenot; Kim McCormick; Hollie MacKellar; Erik Cortinas

Nay: None

- **UR 25.08** Request of Verizon for an 11.52.11 Utility Review and approval of the proposed replacement of existing wooden small cell pole with a metal pole at 101 S Mobile Street.

Mike Jeffries, Development Services Manager, shared the information for the UR 25.08, which has the following conditions:

1. A pre-construction meeting shall be held with the City prior to issuance of any permits.
2. 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 GIS technician for inclusion in GIS utility maps.
3. Provide a Traffic Control Plan to ROW Inspector prior to commencement of any work.
4. Applicant shall contact Alabama One Call to locate all existing utilities (1000ft max per day).
5. Co-location shall be required if a viable option is determined.

John Worsham made a motion to approve UR 25.08, with staff recommendations.

Hollie MacKellar seconded the motion and the motion carried unanimously with the following vote:

AYE: Lee Turner; John Worsham; Harry Kohler; Kevin Boone; Paul Fontenot; Kim McCormick; Hollie MacKellar; Erik Cortinas

Nay: None

- **UR 25.09** Request of Verizon for an 11.52.11 Utility Review and approval of the proposed replacement of existing wooden small cell pole with a metal pole at the northwest corner of Morphy Street and Summit Street.

Mike Jeffries, Development Services Manager, shared the information for the UR 25.09, which has the following conditions:

1. A pre-construction meeting shall be held with the City prior to issuance of any permits.
2. 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 GIS technician for inclusion in GIS utility maps.
3. Provide a Traffic Control Plan to ROW Inspector prior to commencement of any work.
4. Applicant shall contact Alabama One Call to locate all existing utilities (1000ft max per day).
5. Co-location shall be required if a viable option is determined.

John Worsham made a motion to approve UR 25.09, with staff recommendations.

Harry Koher seconded the motion and the motion carried unanimously with the following vote:

AYE: Lee Turner; John Worsham; Harry Kohler; Kevin Boone; Paul Fontenot; Kim McCormick; Hollie MacKellar; Erik Cortinas

Nay: None

- **UR 25.10** Request of Verizon for an 11.52.11 Utility Review and approval of the proposed replacement of existing wooden small cell pole with a metal pole at intersection of Pier Street and Mobile Street.

Mike Jeffries, Development Services Manager, shared the information for the UR 25.10, which has the following conditions:

1. A pre-construction meeting shall be held with the City prior to issuance of any permits.
2. 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 GIS technician for inclusion in GIS utility maps.
3. Provide a Traffic Control Plan to ROW Inspector prior to commencement of any work.
4. Applicant shall contact Alabama One Call to locate all existing utilities (1000ft max per day).
5. Co-location shall be required if a viable option is determined.

John Worsham made a motion to approve UR 25.10, with staff recommendations.

Harry Koher seconded the motion and the motion carried unanimously with the following vote:

AYE: Lee Turner; John Worsham; Harry Kohler; Kevin Boone; Paul Fontenot; Kim McCormick; Hollie MacKellar; Erik Cortinas

Nay: None

- **UR 25.11** Request of Verizon for an 11.52.11 Utility Review and approval of the proposed replacement of existing wooden small cell pole with a metal pole at 26 Bay Breeze Lane.

Mike Jeffries, Development Services Manager, shared the information for the UR 25.11, which has the following conditions:

1. A pre-construction meeting shall be held with the City prior to issuance of any permits.
2. 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 GIS technician for inclusion in GIS utility maps.
3. Provide a Traffic Control Plan to ROW Inspector prior to commencement of any work.
4. Applicant shall contact Alabama One Call to locate all existing utilities (1000ft max per day).
5. Co-location shall be required if a viable option is determined.

John Worsham made a motion to approve UR 25.11, with staff recommendations.

Hollie MacKellar seconded the motion and the motion carried unanimously with the following vote:

AYE: Lee Turner; John Worsham; Harry Kohler; Kevin Boone; Paul Fontenot; Kim McCormick; Hollie MacKellar; Erik Cortinas

Nay: None

**Old Business**

None

**New Business**

None

John Worsham made a motion to move to Executive Session. Erik Cortinas seconded the motion and the motion carried unanimously.

Planning Commission left the dais at 5:16pm and returned at 5:37pm.

**Adjournment**

John Worsham made a motion to adjourn.

AYE: Lee Turner; John Worsham; Harry Kohler; Kevin Boone; Paul Fontenot; Kim McCormick; Hollie MacKellar; Erik Cortinas

Nay: None

Adjourned at 5:38pm.

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Lee Turner, Chairman

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Cindy Beaudreau, Secretary



August 4th, 2025

**Mike Jeffries**  
City of Fairhope  
Development Services Manager  
451 South Pecan Street Ste. 200  
Fairhope, AL 36532

**RE: Greenfields- Preliminary Plat Extension**

Dear Mike,

S.E. Civil would like to request a 1-year extension to Greenfields Preliminary Plat. We requested a 1-year extension on September 5, 2024. This is our second extension request for this subdivision.

The original reason for the delay to this development was Baldwin County wanting the developer to wait until the roundabout was completed to conduct a new traffic study. The roundabout has now been completed, and a new traffic study was done. This site is currently under construction with storm ponds/structures, power conduit, and water main installed. Water services are beginning to be connected. We would like ask to be placed on the agenda for the September 4th Panning Commission meeting for this request.

Please let me know if you need any additional information at this time. We look forward to hearing from you.

Sincerely,

*Aaron S. Collins*

**Aaron S. Collins**  
Planning Director  
251-990-6566

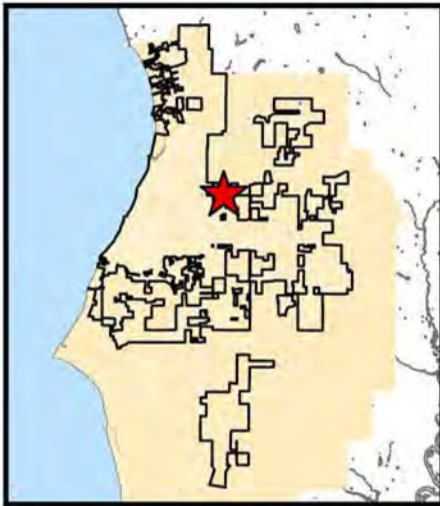


This digital package has been condensed for size and some documents may not contain all the original pages. All submittals were reviewed in full by staff in preparation for the reports prepared for the Planning Commission.

# City of Fairhope Planning Commission September 4, 2025



## SD 25.13 - Ashford Court Subdivision



**Project Name:**

Ashford Court Subdivision

**Site Data:**

5.20 acres

**Project Type:**

Preliminary approval of 9-lot subdivision

**Jurisdiction:**

Fairhope Planning Jurisdiction

**Zoning District:**

R-1, Low Density Single-Family Residential District

**PPIN Number:**

13818

**General Location:**

North of Gayfer Road Extension between Jubilee Trail and Bishop Road

**Surveyor of Record:**

Jay Broughton

**Engineer of Record:**

Jay Broughton

**Owner / Developer:**

Acre Investments

**School District:**

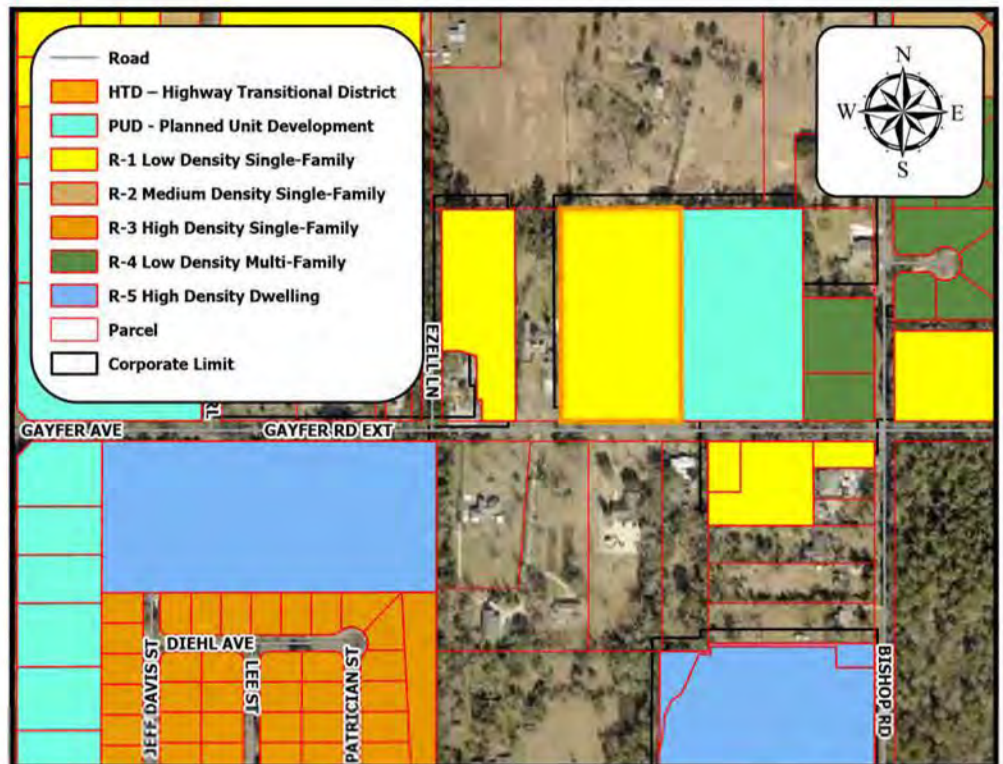
Fairhope Elementary School  
Fairhope Middle and High Schools

**Recommendation:**

Approved w/ Conditions

**Prepared by:**

Payton Rogers





### APPLICATION FOR SITE PLAN APPROVAL

Application Type:  Site Plan  
Attachments:  Articles of Incorporation or List all associated investors

Date of Application: 6/24/2025

<b>Property Owner / Leaseholder Information</b>		
Name of Property Owner: <u>ACRE INVESTMENTS</u>	Phone Number: <u>(251) 605-8316</u>	
Address of Property Owner: <u>504 CONGRESS STREET</u>		
City: <u>MOBILE</u>	State: <u>AL</u>	Zip: <u>36603</u>


Proposed Site Plan Name: MADDOX LANE SUBDIVISION  
Site Acreage: 5.20 AC Sq. Footage: \_\_\_\_\_  
Parcel No: 05-46-02-09-0-000-013.000 Current Zoning: R-1

<b>Authorized Agent Information</b>		
Name of Authorized Agent: <u>JAY BROUGHTON</u>	Phone Number: <u>(251) 610-8966</u>	
Address: <u>314 MAGNOLIA AVE, SUITE 115</u>		
City: <u>FAIRHOPE</u>	State: <u>AL</u>	Zip: <u>36532</u>
Contact Person: <u>JAY BROUGHTON</u>		

<b>Engineer/Architect Information</b>		
Name of Firm: <u>BROUGHTON &amp; ASSOCIATES</u>	Phone Number: <u>(251) 610-8966</u>	
Address: <u>314 MAGNOLIA AVE, SUITE 115</u>		
City: <u>FAIRHOPE</u>	State: <u>AL</u>	Zip: <u>36532</u>
Contact Person: <u>JAY BROUGHTON</u>		

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

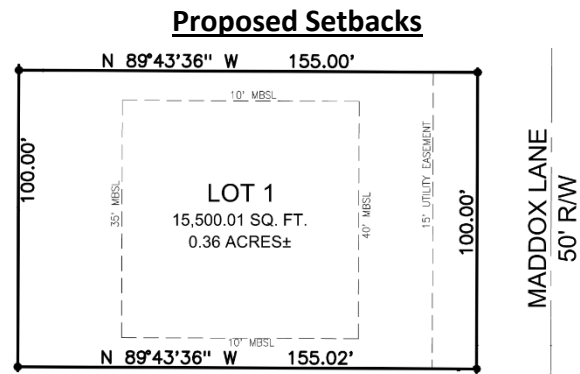
Cory Bronenkamp  
Property Owner/Leaseholder Printed Name  
6/24/25  
Date

  
Signature  
Fairhope Single Tax Corp. (If Applicable)

**Summary of Request:**

Public hearing to consider the request of the Applicant, Jay Broughton, on behalf of the Owner, Acre Investments, for preliminary plat approval of Ashford Court Subdivision, a 9-lot subdivision. The property is approximately 5.20± acres, is located at 0 Gayfer Road Extension and is currently zoned R-1, Low Density Single-Family Residential District.

SITE DATA	
TOTAL SITE ACERAGE:	5.20 ACRES±
TOTAL ACERAGE OF COMMON AREA:	0.62 ACRES±
PROPOSED DENSITY:	1.73 LOTS/AC
SMALLEST LOT SIZE:	0.35 ACRES±
TOTAL NUMBER OF LOTS:	9
LINEAR FEET OF STREETS:	632.43 FEET±
CURRENT ZONING:	R-1 LOW DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT
OWNER INFORMATION:	
PARCEL NUMBER:	05-46-02-09-0-000-013.000
TALLAWAMPA PROPERTIES LLC	
GAYFER ROAD EXT, FAIRHOPE, AL 36532	



**Excerpt from Table 3-2: Dimension Table – Lots and Principle Structure**

Dimension District or Use	Min. Lot Area / Allowed Units Per Acre (UPA)	Min. Lot Width	Front Setback	Rear Setback	Side Setback	Street Side Setback	Max. Total Lot Coverage by All Structures	Max. Height
R/A	3 acres/ -	198'	75'	75'	25'	50'	none	30'
<b>R-1</b>	<b>15,000 s.f./ -</b>	<b>100'</b>	<b>40'</b>	<b>35'</b>	<b>10' <sup>b</sup></b>	<b>20'</b>	<b>40%</b>	<b>30' <sup>a</sup></b>
R-1a	40,000 s.f./ -	120'	30'	30'	10' <sup>b</sup>	20'	25%	35'
R-1b	30,000 s.f./ -	100'	30'	30'	10' <sup>b</sup>	20'	25%	35'
R-1c	20,000 s.f./ -	80'	30'	30'	10' <sup>b</sup>	20'	25%	35'

**Site History:**

At its meeting on December 2, 2024 the Planning Commission recommended denial to the City Council of a request for Conditional Annexation to R-2, Medium Density Single-Family Residential District (ZC 24.09) for the subject site.

Following discussion before the City Council, the Applicant revised their initial request from R-2 to R-1, Low Density Single-Family Residential District. As such, at its meeting on March 24, 2025 the City Council approved the Applicant’s request for Conditional Annexation to R-1, Low Density Single-Family Residential District.

There have been no other applications associated with this site.

**Staff Comments:**

**General**

The purpose of this request is to create nine (9) legal lots of record from one (1) existing metes-and-bounds parcel. The site will be served by Fairhope Utilities for Electric, Water, Sewer, and Gas.

All nine (9) lots will have frontage on Maddox Lane, a local street illustrating a compliant 50-foot right-of-way (ROW) on the Preliminary Plat, which should be retained on the Final Plat, if approved. Maddox Lane connects to Gayfer Road Extension, a Baldwin County maintained ROW. As such, it should be noted that all work performed within County ROW will require permitting from the Baldwin County Highway Department.

The preliminary plat illustrates a compliant minimum lot width for all proposed lots and properly labels lot area for all lots in both square feet and acres. If approved, this information should be retained on the Final Plat; or provision of a table on the Final Plat with the same information will suffice.

Additionally, the preliminary plat illustrates a 40-foot front yard setback along all street frontages, 10-foot side yard setbacks, and 35-foot rear yard setbacks for all proposed lots, in compliance with Article V Section E.4.a of the Subdivision Regulations and Article III Section C.1. of the Zoning Ordinance. All setbacks as illustrated should be retained on the Final Plat. However, the preliminary plat also includes a note stating that front setbacks shall be 35 feet. As such, the preliminary plat should be revised to remove Surveyor's Note numbers two (2) and three (3) and a separate data table detailing compliant front, rear, and side yard setbacks should be provided.

Various access and utility easements are depicted on the preliminary plat. If approved, a note should be placed on the Final Plat stating that no structures shall be constructed in any easement without permission of the easement holder.

It should be noted that a pre-construction meeting will be required prior to issuance of any building permits associated with the proposed development.

### **Utilities**

All work and connections within Baldwin County rights-of-way require permitting from the Baldwin County Highway Department. Utility service providers for the subject site include Fairhope Utilities for electric, water, sewer, and gas, as well as AT&T for communications. Electric service will require upgrades at the owner/developer's expense, with aid-to-construction costs determined upon review of final drawings. Water and sewer connections will be subject to all applicable tap fees and system development charges (SDCs), and any required infrastructure improvements will be the developer's responsibility. As proposed, water infrastructure will be tying into Fairhope Utilities at Gayfer Road and sewer infrastructure will be extending 635± feet North along the proposed Maddox Lane. Gas service installation for the subdivision will also be determined based on final drawings.

### **Traffic**

A Traffic Concurrence Verification letter was submitted with the application and is attached to this packet. As proposed the 9-lot subdivision is estimated to generate seven (7) trips during peak AM hours and nine (9) trips during peak PM hours. As such, no further traffic study was conducted.

### **Drainage**

The storm water runoff is designed to be collected by six (6) onsite drainage areas and directed into one (1) dry detention pond. The Storm Water Report submitted with the application indicates that the runoff from the post-development catchment will be routed through the detention pond. However, the report does not specifically state that the proposed development's runoff will have no adverse effects to adjacent

properties. As such, if approved the Engineer of Record should revise the Storm Water Report to state as such.

**Wetlands**

The Applicant submitted a wetland report prepared by Wetland Sciences which details a “wetland feature” in the Northeast corner of the proposed subdivision. The report states that it is the opinion of Wetland Sciences that this feature is not jurisdictional wetlands nor an ephemeral stream. However, the Applicant was unable to receive a formal delineation from the Army Corps of Engineers (USACE) confirming the report, and as such, has elected to voluntarily include a 30-foot wetland buffer in accordance with Article V Section F.4. of the Subdivision Regulations. As such, if approved, the 30-foot wetland buffer should be retained on the Final Plat.

**Tree & Landscaping**

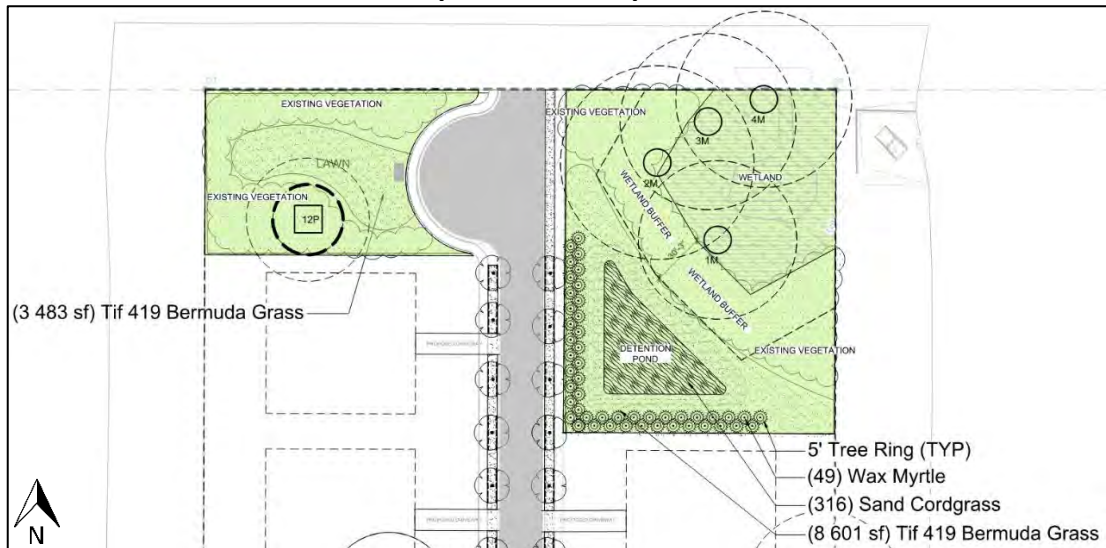
The Tree and Landscape Plan illustrates compliant street trees in the ROW between the sidewalk and roadway as required by Article V Section D.5.a(8) of the Subdivision Regulations. The subject site has a Net Density of 2.23 Dwelling Units / Acre (DU/A) and as such a minimum of 15% (34,000± sqft) greenspace area is required in accordance with Article V Section C.2 of the Subdivision Regulations.

The Tree and Landscape Plan illustrates approximately 17.90% (41,768± sqft) greenspace area being provided by two (2) greenspace types, Green and Preserve. However, according to staff calculations these numbers are inaccurate. The area located in the Northeast corner of the subject site proposed as “Green” greenspace type does not qualify as such due to it lacking frontage on two public ROWs and not being bordered by front building facades. As such, this area must be removed from consideration as currently proposed (see “Proposed Greenspace Plan” below). The area located in the Northeast corner of the subject site proposed as “Preserve” greenspace type may qualify to an extent but is inflated as currently shown. The Applicant appears to be including the dry detention pond and surrounding grassed area within the total square footage of Preserve being proposed (see “Proposed Greenspace Plan” below). Unfortunately, Article V Section C.3 and the description provided for Preserve under Article V Section C Table 4-1 of the Subdivision Regulations disqualify the dry detention pond and surrounding grassed area from being counted towards the amount of Preserve greenspace being provided.

**Proposed Greenspace Plan**



### Proposed Landscape Plan



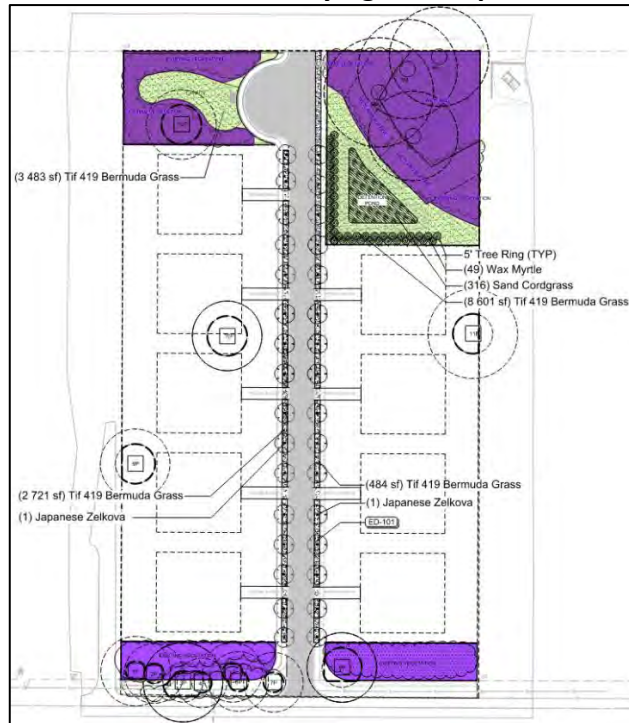
Upon removing the Green area and trimming the Preserve area staff calculates that the overall amount of Greenspace being provided is 15,620± square feet located in the Northeast corner of the subject site (see “Qualifying Greenspace Provided” below).

### Qualifying Greenspace Provided



Though it is not reflected on the submitted plans it is important to note that historically staff have interpreted Section 20.4-4 *Lands Adjacent to the Following Roads* within the City of Fairhope Trees and Landscaping Ordinance to allow the 20-foot landscape buffer required along Gayfer Road to be counted towards required greenspace as Preserve. Additionally, the submitted Landscape Plan does illustrate “Existing Vegetation” within the Northwest corner of the subject site (though the greenspace type is incorrectly labeled) and as well as around the Northwest and Southeast corners of the wetland buffer zone. As such, if these additional areas are factored into the greenspace area calculations there is a potential for the proposed site to provide a compliant 37,869± sqft of Preserve greenspace area (see “Potential Qualifying Greenspace” below).

## Potential Qualifying Greenspace



It is important to note, however, that Staff is concerned by the lack of specificity in the Landscape Plan if utilizing the additional areas when calculating total amount of Preserve greenspace. As such, if approved, a revised Landscape Plan should be provided to staff prior to issuance of any development permits. The revised plan should illustrate accurate labeling and calculations for greenspace types and their area as well as sufficient detail within the areas being counted for greenspace to demonstrate compliance with Article V Section C Table 4-1 of the Subdivision Regulations.

Lastly, it should be noted that Section 20.5-4(11) *Buffer Zone Landscaping* within the City of Fairhope Trees and Landscaping Ordinance requires storm water detention/retention areas to be screened from direct view from all abutting properties. As proposed the Landscape Plan illustrates compliant screening on the South and West sides of the detention pond and the Applicant intends to utilize the existing vegetation as the required screening along the Northeast side of the pond in compliance with the Trees and Landscaping Ordinance. However, if approved, following installation of all roadways but prior to submittal for Final Plat approval the applicant shall coordinate with Planning Staff to perform a site inspection for the purposes of evaluating the existing vegetation buffer around the detention area. If staff determines the buffer to be insufficient the City of Fairhope reserves the right to require new plantings to bring the screening into compliance with the Trees and Landscaping Ordinance

### **Subdivision Considerations:**

#### **Standards of Review**

In accordance with Article V.B.2 of the City of Fairhope Subdivision Regulations 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**

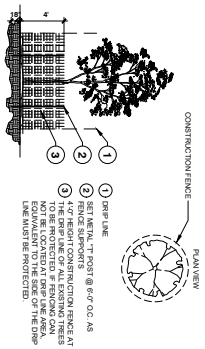
**Recommendation**

Staff recommends approval of SD 25.13 Ashford Court preliminary plat with the following conditions:

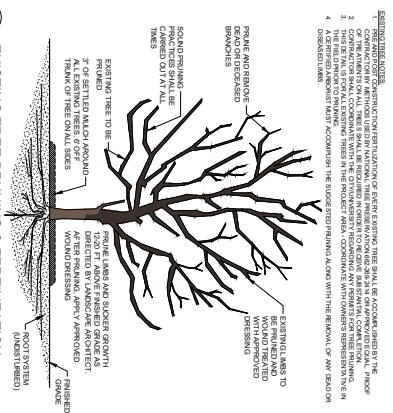
1. Revision of the Final Plat to remove Surveyor’s Note numbers two (2) and three (3) and provision of a separate data table detailing compliant front, rear, and side yard setbacks;
2. Provision of a note on the Final Plat stating that no structures shall be constructed in any easement without permission of the easement holder;
3. Revision of the Tree & Landscape Plan prior to issuance of any development permits to illustrate accurate labeling and calculations for greenspace types and their area as well as provision of sufficient detail within the areas being counted for greenspace to demonstrate compliance with Article V Section C Table 4-1 of the Subdivision Regulations; and
4. After installation of all roadways but prior to submittal for Final Plat approval, the Applicant shall coordinate with Planning Staff to perform a site inspection for the purposes of evaluating the existing vegetation buffer around the detention area. If staff determines the buffer to be insufficient the City of Fairhope reserves the right to require new plantings to bring the screening into compliance with the Trees and Landscaping Ordinance.







- 1 TREE PROTECTION DETAIL**
- P-C-TRE-01  
N.T.S.
- TREE PROTECTION NOTES:**
1. TREE PROTECTION FENCING SHALL BE INSTALLED TO PROTECT ALL TREES OR SHRUBS TO REMAIN BEFORE ANY SITE DEVELOPMENT ACTIVITY TAKES PLACE. FENCING SHALL BE INSTALLED AT THE PERIMETER OF ALL TREES OR SHRUBS TO REMAIN. THE FENCING SHALL BE 4 FEET HIGH AND 6 FEET DIA. THE FENCING SHALL BE 4 FEET HIGH AND 6 FEET DIA. THE FENCING SHALL BE 4 FEET HIGH AND 6 FEET DIA.
  2. DISPOSITION OF ANY EXISTING MATERIAL SHALL BE DETERMINED BY THE CONTRACTOR. THE PROTECTION SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION.
  3. NO ATTACHMENTS OR WARES OF ANY KIND OTHER THAN THOSE OF PROTECTIVE MATERIAL SHALL BE ATTACHED TO ANY TREE.
  4. NO FILL EXCAVATION OR ANY MATERIAL SHALL OCCUR WITHIN THE Drip Line OF A TREE TO BE PRESERVED. MATERIALS SHALL BE STORED WITHIN THE Drip Line AREA OF A TREE TO BE PRESERVED.
  5. NO MATERIALS SHALL BE STORED WITHIN THE Drip Line AREA OF A TREE TO BE PRESERVED.



**2 EXISTING TREE PRUNING & FERTILIZATION**

P-C-TRE-02  
N.O.T. TO SCALE

REFERENCE NOTES SCHEDULE	QTY	DETAIL
01 General		
01-56-39 TREE PROTECTION	14800.17	100.11

**PLANTING INSTALLATION NOTES:**

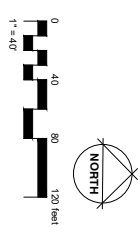
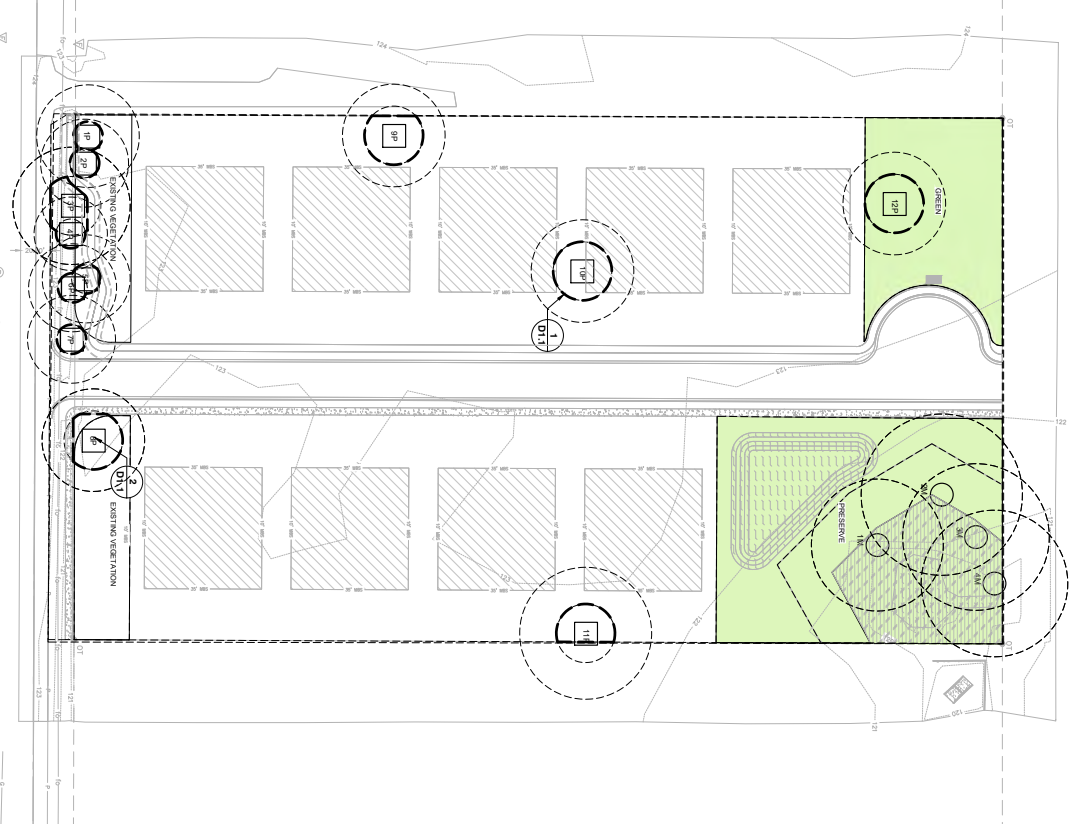
ALL PLANTING WITHIN THE GRADING OF A TREE SHALL BE INSTALLED BY THE CONTRACTOR. THE CONTRACTOR SHALL NOT HARM THE TREE OR THE TREES' ROOTS IN ANY SHAPE OR FORM. IF PLANT MATERIAL NEEDS TO BE COORDINATED WITH THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION FOR PROPOSED ADJUSTMENTS.

**TREE PROTECTION NOTES**

1. Temporary fencing, where not already installed by owner, install temporary fencing around trees to be preserved to prevent construction equipment from causing damage. Maintain temporary fence and remove when construction is complete.
2. Protect tree root systems from damage caused by runoff or spillage of hazardous materials while grading, paving, or storing construction materials. Protect root systems from erosion by installing silt fences and erosion control measures within the drip line of a tree.
3. Do not store construction materials, debris, or excavated material inside tree protection zones. Do not permit vehicles or foot traffic within tree protection zones; prevent soil compaction over root systems.
4. Maintain tree protection zones; free of weeds and trash.
5. Do not allow fires within tree protection zones.
6. Construction traffic shall not be performed within the drip line of the existing oak and maple trees to remain. Special considerations must be made for construction traffic that may be required within the tree's drip line as a temporary means. If the location of the protection fencing needs to be adjusted for construction traffic, extra mulch should be added outside the fencing to protect the roots from damage. If for temporary periods of time, heavy equipment is needed, temporary ground mats should be included during usage.
7. Where tree protection fencing is to be installed, a 6" layer of recycled hay mulch is to be placed over the critical root areas of the trees. Note: Care is to be taken not to mound mulch against the trunks of the trees.
8. No construction activities, equipment, or materials shall be stored or take place inside the tree protection fencing.
9. Fullham Tree Preservation, Inc. or an approved certified arborist must supervise any root pruning where construction is to take place, and to have any dead or broken branches protected by an approved certified arborist. The owner and engineer must be notified prior to any root pruning or cutting of any branches.
10. A pre-construction meeting will be required to determine schedule and observations of subgrade work near the existing trees to remain.
11. Any excavation or trenching within 5' of a tree's drip line is to be performed within a trench-box to minimize root impacts where required to meet OSHA requirements.
12. Trees approved for removal shall be removed in a manner which does not impact trees to be preserved.
13. Any roots exposed by construction activity shall be pruned flush with the soil. Backfill root areas with good quality top soil as soon as possible if exposed root areas are not backfilled within 2 days. Cover them with organic material in a manner which reduces soil temperature and minimizes water loss due to evaporation.
14. Any trenching required for the installation of landscape irrigation shall be placed as far from existing tree trunks as possible. All trenching within the drip line shall be done by an arborist.
15. No landscape topsoil dressing greater than 2 inches shall be permitted within the drip line of trees. No soil is permitted on the root flare of any tree.
16. Pruning to provide clearance for structures, vehicular traffic, and equipment shall take place before construction begins. The engineer and owner shall be notified of where this is required during the pre-construction meeting.
17. All final pruning must be done according to recognized approved standards of the industry (reference: the national arborist association pruning standards for shade trees available upon request from the city arborist).
18. Any arborist related observations to be applied to the allowance added in Addendum 19 shall be approved by the engineer and the arborist. Any additional arborist related observations to be applied to the allowance shall be included in the contractor's basis bid.
19. Deviations from the above notes will be considered specifications violations. If there is substantial noncompliance of a tree status damage as a result, the contractor will be responsible for all requirements to corrective actions at his own expense.

**GREENSPACE REQUIREMENTS (SEE L1.0)**

Category	Requirement Type	Location	Area	Notes
1	Green	11.817	23.583	NO COVER
2	Permeable Paving	11.817	23.583	PERMEABLE PAVING
3	Permeable Paving	11.817	23.583	PERMEABLE PAVING
4	Permeable Paving	11.817	23.583	PERMEABLE PAVING









# PROPOSED MADDOX LANE SUBDIVISION CITY OF FAIRHOPE, BALDWIN COUNTY, ALABAMA

## STORMWATER ANALYSIS

**JUNE 2025**

Prepared for:

Acre Investments, LLC  
504 Congress St  
Baldwin, AL 36603

Prepared by:

Broughton & Associates, LLC  
20460 Bishop Rd  
Fairhope, Alabama 36532



# TABLE OF CONTENTS

PROPOSED RESIDENTIAL SUBDIVISION .....	1
TABLE OF CONTENTS .....	2
1. INTRODUCTION .....	3
1.1 REPORT PURPOSE .....	3
1.2 PROJECT SUMMARY .....	3
2. EXISTING CONDITIONS .....	4
2 EXISTING SITE CONDITIONS .....	4
2.2 DRAINAGE AREA .....	4
3.1 HYDROLOGIC ANALYSIS .....	5
3.2 HYDRAULIC ANALYSIS .....	5
APPENDIX A – SITE VISUAL AIDS .....	6
APPENDIX B: DESIGN CALCULATIONS.....	8
PRE-DEVELOPMENT ANALYSIS .....	8
POST-DEVELOPMENT ANALYSIS.....	14
CLOSED SYSTEM DESIGN ANALYSIS .....	20

# 1. INTRODUCTION

## 1.1 REPORT PURPOSE

Broughton and Associates (BA) was retained to produce design plans, including stormwater calculations for a 5.20-acre site located in Baldwin County along Gayfer Road Ext. The work proposed in this project is for a residential development and will develop 0.35-acres for a single-family residential community with site related infrastructure. The report documents the hydrology and hydraulic (H&H) analysis and subsequent design to address increased storm water runoff and drainage that would result from the development of this site.

## 1.2 PROJECT SUMMARY

### Proposed Residential Subdivision – Fairhope, Alabama

The subject site is located within the jurisdiction of the **City of Fairhope**, which serves as the local development authority. **Acre Investments, LLC** is the developer of the proposed project, which will convert approximately **5.20 acres** of land zoned **R-1 (Single-Family Residential)** into a **single-family residential community**.

The development proposes **9 single-family lots**, with a **minimum lot size of 15,000 square feet**. The **average lot size** is approximately **15,413 square feet**, and the **smallest lot** is **15,293 square feet**. All lots meet the **minimum lot width** requirement of **100 feet**.

The total tract includes:

- **0.20 acres** of wetlands (to remain undisturbed),
- **0.80 acres** of private right-of-way, and
- **0.14 acres** reserved for stormwater management.

The **developable area** of the site is approximately **4.80 acres**. The project also provides **0.62 acres (11.9%)** of dedicated **common area**, which exceeds the City of Fairhope's **10% minimum requirement**.

The proposed subdivision includes approximately **650 linear feet of streets**, designed with a **50-foot-wide right-of-way** and **5-foot sidewalks** on both sides for pedestrian access and safety.

Setbacks for each lot will conform to zoning requirements:

- **Front yard setback:** 35 feet
- **Side yard setback:** 10 feet
- **Rear yard setback:** 10 feet

The **net residential density** is proposed at **1.73 lots per acre**, in line with the intended character and zoning of the area.

## 2. EXISTING CONDITIONS

### 2 EXISTING SITE CONDITIONS

The site being analyzed is located in the City of Fairhope within Baldwin County and encompasses approximately 5.20 acres. It is bounded along Gayfer Road Extension and is surrounded by undeveloped properties to the left and developed properties to the right. The current land use is undeveloped timberland with no existing impervious surfaces. The high point of the site is located at the southern corner of the project limits, and the land generally slopes from south to north with an average existing slope of approximately 2.0%. Wetlands are present in the northern corner of the property.

Onsite soils are classified as Malbis fine sandy loam, which belongs to Hydrologic Soil Group C, as identified by the NRCS Soil Survey.

#### 2.2 DRAINAGE AREA

The 5.20-acre site drains naturally from **south to north** under existing conditions. The site consists of previously cleared and reforested timberland, with no offsite runoff entering the property. All stormwater generated onsite flows toward the **north end** of the property.

The proposed development maintains this existing flow direction. The project includes 9 residential lots and a cul-de-sac street. Runoff from rooftops, driveways, and the street will be collected by **curb inlets** along both sides of the road and conveyed through a **storm sewer system** to a **detention basin located at the north end of the site**.

The detention basin has been designed to control the peak discharge for the 2-, 10-, and 25-year storm events using the **Modified Rational Method**. This method allows for the use of variable runoff coefficients and time of concentration values to more accurately reflect the mixed land cover of the site. The system is designed to ensure that **post-development runoff rates do not exceed pre-development conditions**.

## 3. DRAINAGE DESIGN CRITERIA & ANALYSIS

### 3.1 HYDROLOGIC ANALYSIS

The drainage analysis for the proposed 5.20-acre residential development was conducted using **Autodesk Storm and Sanitary Analysis 2025**. A **hydrograph-based method** was used to determine peak runoff rates and stormwater volumes for the required design storm.

The site was modeled as a **single drainage catchment**, with consistent boundaries applied in both the pre- and post-development conditions for accurate comparison. The **post-development composite curve number** was determined to be **72.89**, accounting for the mix of pervious and impervious surfaces introduced by the development.

In accordance with **City of Fairhope and Baldwin County** stormwater design standards, a **time of concentration of 15 minutes** was used for the hydrologic modeling.

Stormwater runoff from rooftops, driveways, and the proposed roadway (**Maddox Lane**) will be collected via **curb inlets** and conveyed through a **storm sewer network** to a **detention basin located at the north end of the site**. The basin is designed to manage peak flows and stormwater volume, with an **engineered outlet control structure** and **emergency spillway** included to ensure safe discharge during design storm events.

### 3.2 HYDRAULIC ANALYSIS

The runoff generated from the post-development catchment was routed through the detention pond. Various configurations of pond sizing and outlet structure/outlet configurations were modeled until one was found that met the County's requirements.

---

RE: Case: SD25.13 Ashford Ct Subdivision

---

From Joe Comer <joe@espallierdesign.com>

Date Fri 8/22/25 10:40 AM

To Hunter Simmons <hunter.simmons@fairhopeal.gov>; Payton Rogers <payton.rogers@fairhopeal.gov>

Cc Cindy Beaudreau <cynthia.beaudreau@fairhopeal.gov>


5 attachments (26 MB)

IMG\_4776.jpg; East Prop Corner.jpg; IMG\_4778.jpg; looking NW.jpg; looking NE.jpg;

Yes see attached photos. One I am standing on Creels property to the East looking West over the property corner down the property line. The trees on the East side are on the line and in the ROW. Its hard to see the elevation change in pics but its a 20-24" drop along the property line into the row ditch where the walk is proposed. I don't see any contours on this plan?

Also, there isn't really any vegetation where they are showing existing vegetation.

The vegetation you see in the looking NE & NW pics is along the 24" bank in the right of way.

 A close up of a logo  
Description automatically  
generated

**Joe Comer IV, ASLA**  
Espallier, LLC  
P.O. Box 1247 (36533)  
8390 Gayfer Road Ext.  
Fairhope, AL 36532  
251-454-3500 • [joe@espallierdesign.com](mailto:joe@espallierdesign.com)  
[espallierdesign.com](http://espallierdesign.com)

---

**From:** Hunter Simmons <hunter.simmons@fairhopeal.gov>

**Sent:** Friday, August 22, 2025 10:06 AM

**To:** Joe Comer <joe@espallierdesign.com>; Payton Rogers <payton.rogers@fairhopeal.gov>

**Cc:** Cindy Beaudreau <cynthia.beaudreau@fairhopeal.gov>

**Subject:** RE: Case: SD25.13 Ashford Ct Subdivision

Joe,

It is our intent to leave as much of the vegetation along the ROW as possible, including the area 20' area inside the property line listed as existing vegetation below. A blow up of the tree survey/tree protection is below. They didn't show any ROW trees on the east side. Are you sure they are in the ROW? If so, we can have them revisit and work the sidewalk through the "existing vegetation" area to avoid trees.

**From:** Joe Comer <[joe@espaliierdesign.com](mailto:joe@espaliierdesign.com)>  
**Sent:** Friday, August 22, 2025 9:23 AM  
**To:** Payton Rogers <[payton.rogers@fairhopeal.gov](mailto:payton.rogers@fairhopeal.gov)>  
**Cc:** Cindy Beaudreau <[cynthia.beaudreau@fairhopeal.gov](mailto:cynthia.beaudreau@fairhopeal.gov)>; Hunter Simmons <[hunter.simmons@fairhopeal.gov](mailto:hunter.simmons@fairhopeal.gov)>  
**Subject:** RE: Case: SD25.13 Ashford Ct Subdivision

Morning Payton,

Doing well! Congrats on your move to City of Fairhope.

This plan helps but what is missing is all the other trees/vegetation that is actually along the right of way that will have to be removed to install this walk. As well as the 24" drop in grade that happens right along the property line. Its hard to see in a photo. There are many more trees along this 24" bluff that are in the right of way exactly where the new walk is proposed. And the walk would be in the ditch in the shown location. Also, where existing vegetation is shown on the plan, it is actually very open with very few trees or vegetation so there wouldn't be much in the 20' landscape buffer.

The East walk would need to do something like the West side, inside the property. But there will still be an issue at each end where the walk ties into each adjacent property.


I know these walks are required for subdivisions but these walks to no where are more destructive and unsightly than useful in my opinion. There needs to be another option where they change the character of an area. There isn't a single walk along Gayfer.

I'm not against this development but keeping this vegetation along the right of way is valuable to this corridor as I've mentioned and I would think the developer would value that as a buffer to the new homes. Unless they plan to plant new trees but it doesn't appear that way.

It would be worth a drive by to see what I am talking about. The corners are staked and flagged.

Thanks for hearing my concerns.

Joe

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generated

**Joe Comer IV, ASLA**  
Espalier, LLC  
P.O. Box 1247 (36533)  
8390 Gayfer Road Ext.  
Fairhope, AL 36532  
251-454-3500 • [joe@espaliierdesign.com](mailto:joe@espaliierdesign.com)  
[espaliierdesign.com](http://espaliierdesign.com)

**From:** Payton Rogers <[payton.rogers@fairhopeal.gov](mailto:payton.rogers@fairhopeal.gov)>  
**Sent:** Friday, August 22, 2025 8:23 AM  
**To:** Joe Comer <[joe@espaliierdesign.com](mailto:joe@espaliierdesign.com)>  
**Cc:** Cindy Beaudreau <[cynthia.beaudreau@fairhopeal.gov](mailto:cynthia.beaudreau@fairhopeal.gov)>  
**Subject:** Re: Case: SD25.13 Ashford Ct Subdivision

Morning, Joe, I hope you're doing well. I have included a screenshot from the applicant's submittal documents that illustrates the proposed landscaping and sidewalks along Gayfer Rd Ext that I believe may address some of your concerns.

As proposed the applicant is preserving existing vegetation on either side of the entrance to the subdivision. West of the entrance they are proposing the sidewalk to come out of ROW and go into the front common area in order to meander around the existing trees located within ROW and preserve as many as possible. The City has required a 12-foot public easement along the sidewalk for city maintenance and required a note on the plans stating that *"The proposed sidewalk will not disturb any critical root zone of nearby tree plantings."*

East of the proposed entrance the applicant is again preserving the existing vegetation and will be laying a standard sidewalk within ROW. On both sides of the entrance the applicant is required to have a 20-foot landscape buffer measured from the front property line adjacent to Gayfer.

Let me know if you have any other questions.

**Best Regards,**  
**Payton Rogers, CAPZO**  
Planning & Zoning Manager  
(251) 928-8003 ext. 452  
[payton.rogers@fairhopeal.gov](mailto:payton.rogers@fairhopeal.gov)



---

**From:** Cindy Beaudreau <[cynthia.beaudreau@fairhopeal.gov](mailto:cynthia.beaudreau@fairhopeal.gov)>  
**Sent:** Friday, August 22, 2025 7:06 AM  
**To:** Joe Comer <[joe@espallierdesign.com](mailto:joe@espallierdesign.com)>  
**Cc:** Payton Rogers <[payton.rogers@fairhopeal.gov](mailto:payton.rogers@fairhopeal.gov)>  
**Subject:** FW: Case: SD25.13 Ashford Ct Subdivision

Good morning Mr. Comer,

Thank you for your e-mail. I have included Payton Rogers, Planning and Zoning Manager, in my reply. He may be able to answer some of your concerns. I will also include your e-mail in the packet.

Cindy Beaudreau  
Planning Clerk  
451 Pecan Avenue  
Fairhope, AL 36532  
[cynthia.beaudreau@fairhopeal.gov](mailto:cynthia.beaudreau@fairhopeal.gov)

---

**From:** Joe Comer <[joe@espallierdesign.com](mailto:joe@espallierdesign.com)>  
**Sent:** Thursday, August 21, 2025 3:51 PM  
**To:** planning <[planning@fairhopeal.gov](mailto:planning@fairhopeal.gov)>  
**Subject:** Case: SD25.13 Ashford Ct Subdivision


Ms. Beaudreau,  
Regarding the above case we received a letter on addressed to AJ4 Project LLC, I wanted to express a couple of comments. I am located at 8390 Gayfer Ext., directly across the street to the South from the above site. I have already mentioned some of this to the engineer, Mr. Broughton. Its hard to read the plan on 8x11 and maybe there is more information that I can't see.

1. The sidewalk, along Gayfer, shown on the site plan appears to be right outside the Gayfer property line. Currently there is a nice wooded strip about 6-8' wide in that area as well as a +/-24" vertical bank down into the drainage ditch along the right of way. That wooded strip, which is mostly in the right of way, along with neighboring properties, defines this corridor of Gayfer with a tree canopy, tunnel effect. This provides a unique character that I feel benefits all surrounding properties. Attached are a few photos. Its hard to see the grade change without standing there.

2. Is it the intent to remove the wooded strip to place the sidewalk? Or could the walk meander through the "open space" area inside the property line which has less trees. Removal of these trees to place a sidewalk to nowhere would be the opposite of the character of this street.
3. This same tree line would also greatly benefit these new homes sites, providing privacy and separation from Gayfer.
4. The walk in this location, which appears to be in the right of way, would be in the ditch. Will the ditch be filled in?
5. The neighboring property to the East has gone to great effort to preserve their trees along Gayfer, which connects with the above site.

Thank you for your consideration of these comments / concerns. Hopefully the existing character of this corridor can be preserved, while allowing new development.

Sincerely,  
Joe

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**Joe Comer IV, ASLA**  
Espalier, LLC  
P.O. Box 1247 (36533)  
8390 Gayfer Road Ext.  
Fairhope, AL 36532  
251-454-3500 • [joe@espaliertrees.com](mailto:joe@espaliertrees.com)  
[espaliertrees.com](http://espaliertrees.com)













October 18, 2024

Sherry Sullivan  
Mayor

**Re:** Proposed subdivision on Gayfer Rd Ext. , PIN 13818, Tallawampa Property

*Council Members:*

Kevin G. Boone  
Jay Robinson  
Jack Burrell, ACOMO  
Jimmy Conyers  
Corey Martin

**Gas:** Gas is available on the north side of Gayfer Rd. Ext. through Fairhope Public Utilities. Main installation for subdivision will be determined upon final drawings.

Lisa A. Hanks, MMC  
City Clerk

**Electric:** Electric is available through Fairhope Public Utilities. Upgrades will be required at Owner/Developer expense. Aid to construction will be determined upon final drawings.

Utilities require a 15 ft easement behind right of way.

Kimberly Creech  
Treasurer

Sincerely,

Sid Grose  
Gas Construction Supervisor

Marshall King  
Electrical Engineering Technician

161 North Section St.  
PO Drawer 429  
Fairhope, AL 36533

251-928-2136 (p)  
251-928-6776 (f)  
www.fairhopeal.gov



May 8, 2025

Sherry Sullivan  
*Mayor*

*Council Members:*

Kevin G. Boone

Jay Robinson

Jack Burrell, ACOMO

Jimmy Conyers

Corey Martin

Lisa A. Hanks, MMC  
*City Clerk*

Kimberly Creech  
*Treasurer*

**Re: PPIN 13818, Tallawampa Property, 9-lots**

This letter of availability is only valid based on what was proposed at the utility review meeting. Any changes or deviations of the proposed plan will require another utility review. This statement of availability remains effective for twelve (12) months from the date of this letter, at which time it shall expire and automatically be withdrawn.

**Water & Sewer:** Based upon review of the proposed development, water and sewer service by Fairhope Public Utilities is currently available. All tap fees and system development charges (SDC's) will apply, and all necessary infrastructure improvements will be at the developer's expense.

Sincerely,

A handwritten signature in black ink, appearing to read "Daryl Morefield", is written over a horizontal line.

Daryl Morefield  
Water/Wastewater Superintendent

161 North Section St.  
PO Drawer 429  
Fairhope, AL 36533

251-928-2136 (p)  
251-928-6776 (f)  
[www.fairhopeal.gov](http://www.fairhopeal.gov)



www.broughtonllc.com  
314 Magnolia Ave, Suite 115  
Fairhope, Alabama 36532  
251.610.8966

**JULY 15, 2025**

**To:** The City of Fairhope Planning Department  
451 Pecan Avenue, Suite 200  
Fairhope, AL 36532

**Attn:** Mr. Mike Jeffries

**Cc:** Mr. Hunter Simmons

**RE: Ashford Court Subdivision – Traffic Concurrence Verification  
Broughton & Associates Project Number: 25-010**

Mr. Jeffries,

The purpose of this letter is to discuss the traffic impacts associated with the Ashford Court Subdivision. The 9-lot subdivision will generate 7 trips during the AM peak hour (2 entering/5 existing) and 9 trips during the PM peak (6 entering/3 exiting). This calculation is based on the ITE Trip Generation Manual. These results do not warrant the need for a traffic study, as the impacts associated with this project will not cause any adverse impacts to existing traffic flow or place a strain on existing infrastructure. It was also discussed at the pre-application meeting that a development of this size does not trigger the need for a Traffic Impact Study.

The above findings were confirmed by the Baldwin County Highway Department (email correspondence is included with this letter) siting that subdivisions less than 50 lots and those on roads with no known infrastructure issues do not require a traffic impact study or additional off-site improvements.

Please don't hesitate to give me a call if you have any questions or comments.

Sincerely,

**Broughton & Associates, LLC**

**Jay Broughton, P.E.**



CELL: (251) 610-8966  
EMAIL: JAY@BROUGHTONLLC.COM  
WWW.BROUGHTONLLC.COM  
314 MAGNOLIA AVE, SUITE 115  
FAIRHOPE, ALABAMA 36532

---

RE: Ashford Court Subdivision - Fairhope

---

From Seth L. Peterson <SPETERSON@baldwincountyal.gov>

Date Tue 7/15/2025 12:27 PM

To JAY BROUGHTON <jay@broughtonllc.com>; Josh Newman <Josh.Newman@baldwincountyal.gov>

Cc Tucker Stuart <Tucker.Stuart@baldwincountyal.gov>

 1 attachment (1 MB)

25-010 MADDOX LANE.pdf;

The name on the plat doesn't seem to match the title of the email, but I am good with Josh's statements below.

Thanks,  
Seth

**From:** JAY BROUGHTON <jay@broughtonllc.com>

**Sent:** Tuesday, July 15, 2025 11:44 AM

**To:** Josh Newman <josh.newman@baldwincountyal.gov>

**Cc:** Seth L. Peterson <SPETERSON@baldwincountyal.gov>; Tucker Stuart <Tucker.Stuart@baldwincountyal.gov>

**Subject:** Re: Ashford Court Subdivision - Fairhope

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

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Awesome, Josh. Thank you for your quick response.

Seth and Tucker, would you mind confirming that y'all are good with it?

**Jay Broughton, P.E.**



CELL: (251) 610-8966

EMAIL: [JAY@BROUGHTONLLC.COM](mailto:JAY@BROUGHTONLLC.COM)

[WWW.BROUGHTONLLC.COM](http://WWW.BROUGHTONLLC.COM)

314 MAGNOLIA AVE, SUITE 115

FAIRHOPE, ALABAMA 36532

---

**From:** Josh Newman <josh.newman@baldwincountyal.gov>  
**Sent:** Tuesday, July 15, 2025 11:08 AM  
**To:** JAY BROUGHTON <jay@broughtonllc.com>  
**Cc:** Seth L. Peterson <SPETERSON@baldwincountyal.gov>; Tucker Stuart <Tucker.Stuart@baldwincountyal.gov>  
**Subject:** RE: Ashford Court Subdivision - Fairhope

We aren't going to require a traffic study on a residential development unless the project is over 50 homes or there's a concern with the road.

Unless you hear differently from Tucker or Seth, you should not need anything from us.

Thank you,

**Josh Newman, PE**  
Baldwin County Permit Engineer – Planning and Zoning Dept  
22251 Palmer Street  
Robertsdale, AL 36567  
(251) 580-1655 ext 7230



**From:** JAY BROUGHTON <jay@broughtonllc.com>  
**Sent:** Tuesday, July 15, 2025 11:05 AM  
**To:** Josh Newman <josh.newman@baldwincountyal.gov>  
**Subject:** Ashford Court Subdivision - Fairhope

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Josh,  
Hope you have been doing well my friend. I have a little subdivision on Gayfer Rd Extension in Fairhope that we are trying to get submitted. The City of Fairhope has planning jurisdiction over the project but Gayfer Rd Extension is under County maintenance. The subdivision is only 9 lots and the City is looking to you to confirm that a traffic study or any off-site improvements are not needed. Would you mind taking a look at the site plan and letting me know your thoughts?

Thank you in advance and look forward to catching up soon.

**Jay Broughton, P.E.**



CELL: (251) 610-8966

EMAIL: [JAY@BROUGHTONLLC.COM](mailto:JAY@BROUGHTONLLC.COM)

[WWW.BROUGHTONLLC.COM](http://WWW.BROUGHTONLLC.COM)

314 MAGNOLIA AVE, SUITE 115

FAIRHOPE, ALABAMA 36532



October 22, 2024

Jay Broughton  
Broughton & Associates, LLC

RE: Service Availability – Proposed Subdivision – Gayfer Rd Ext. – PIN 13818

Dear Mr. Broughton,

This letter is in response to your request for information on the availability of service at the above location by AT&T.

This letter acknowledges that the above referenced property is located in an area served by AT&T. Any service arrangements for this location will be subject to later discussions and agreements between the developer and AT&T. Please be advised that this letter is not a commitment by AT&T to provide service to this location.

Please contact me at the phone number included in this letter with any questions.

Thank you for contacting AT&T.

Sincerely,

A handwritten signature in black ink, appearing to read "Wade Mitchell".

Wade Mitchell  
Senior – OSP Design Engineer  
AT&T Alabama  
2155 Old Shell Rd  
Mobile, Alabama 36607  
Gulf District/ Mobile Office

RAYMOND LOVELL  
Chairman  
ANTHONY LOWERY  
Vice Chairman  
ROY GLENN  
Secretary/Treasurer

KRISTI STAMNES  
Director



PAUL MUELLER  
AL TOLBERT  
MARK SEALY  
DAVID WILSON

MARK D. RYAN  
General Counsel

911 TELECOMMUNICATOR CIRCLE, ROBERTSDALE, ALABAMA  
36567

Subdivision: Tallawampa

Subdivision location: north off Gayfer Rd Ext - Fairhope

Requested by: Jay Broughton - Broughton & Assoc LLC

Email: [jay@broughtonllc.com](mailto:jay@broughtonllc.com)

Phone: 251-610-8966

Reservation valid through: 6/23/2026

This letter serves as formal approval for the use of the new road names listed below, as well as the extension of existing approved road names. We confirm that all proposed road names comply with relevant naming conventions and standards, ensuring clarity and consistency in road identification.

The road names listed in this letter are reserved for one year (365 days) from the date of issuance. If any changes are made to the road names as listed, please contact our office to obtain approval. If you require an extension of the reservation beyond one year, you must submit a formal request. Otherwise, the road names will be automatically released and designated as "available for use."

PreMod	PreDir	PreType	PreSep	Street Name	PosTyp	PosDir	PosMod
				MADDOX	LANE		

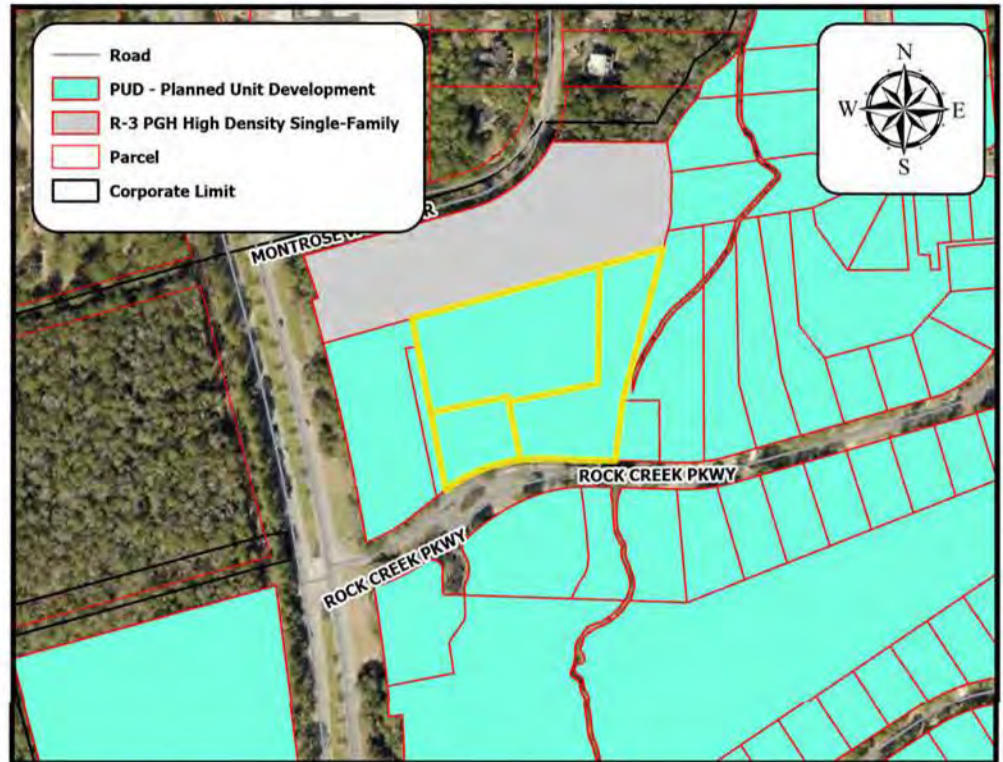
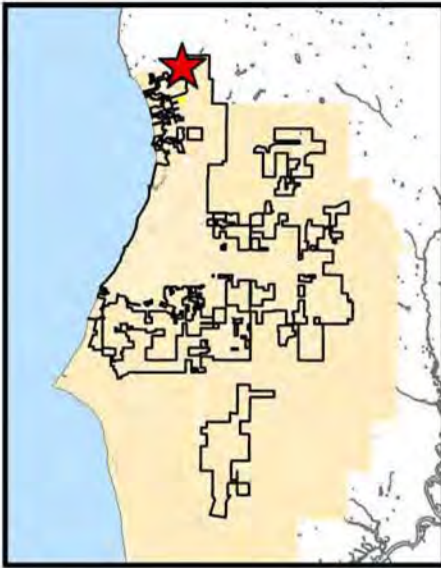
Signed: *Samantha Roberts*

Date: 6/23/2025

# City of Fairhope Planning Commission September 4, 2025



## SR 25.04 - Rock Creek Commercial



<b>Project Name:</b>	Rock Creek Commercial
<b>Site Data:</b>	2.23 acres
<b>Project Type:</b>	Site Plan Approval
<b>Jurisdiction:</b>	Fairhope Planning Jurisdiction
<b>Zoning District:</b>	PUD
<b>PPIN Number:</b>	347922, 242236
<b>General Location:</b>	East of intersection of U.S. 98 and Rock Creek Parkway
<b>Surveyor of Record:</b>	Chris Lieb
<b>Engineer of Record:</b>	Chris Lieb
<b>Owner / Developer:</b>	Avrend, LLC
<b>School District:</b>	Fairhope Elementary School Fairhope Middle and High Schools
<b>Recommendation:</b>	Approved w/ Conditions
<b>Prepared by:</b>	Mike Jeffries





**APPLICATION FOR SITE PLAN APPROVAL**

Application Type:  Site Plan  
Attachments:  Articles of Incorporation or List all associated investors

Date of Application: \_\_\_\_\_

Property Owner / Leaseholder Information			
Name of Property Owner:	Avrend, LLC	Phone Number:	_____
Address of Property Owner:	1026 Stanton Rd Ste A		
City:	Daphne	State:	AL Zip: 36526

Proposed Site Plan Name: \_\_\_\_\_  
Site Acreage: 2.23 Sq. Footage: 20,000  
Parcel No: 05-43-09-32-0-001-164.002 & 05-43-09-32-0-001-164.001 Current Zoning: PUD

Authorized Agent Information			
Name of Authorized Agent:	Chris Lieb, Lieb Engineering Company	Phone Number:	2519789779
Address:	1290 Main Street Ste E		
City:	Daphne	State:	AL Zip: 36526
Contact Person:	Chris Lieb		

Engineer/Architect Information			
Name of Firm:	Lieb Engineering Company	Phone Number:	2519789779
Address:	1290 Main Street Ste E		
City:	Daphne	State:	AL Zip: 26526
Contact Person:	Chris Lieb		

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

Devon L. Harris  
Property Owner/Leaseholder Printed Name

Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Fairhope Single Tax Corp. (If Applicable)

## **Summary of Request:**

Request of the Applicant, Chris Lieb, PE with Lieb Engineering, on behalf of the Owner, Avrend, LLC, for Site Plan Approval of Rock Creek Commercial. The property is approximately 2.23 acres and is zoned PUD – Planned Unit Development. The property is located on Rock Creek Parkway east of US 98.



## **Comments:**

### **General Comments:**

- Rock Creek PUD was adopted in the early 90's and has been amended several times and has had several subdivisions and re-subdivisions. The last revision that affected this property built the existing building (Bank) on lot 1 which included drainage for all three lots. The proposed project combines lots, 2 and 3. The shared drive is being utilized with no new curb cuts being required.

### **Building:**

- The building is two stories with parking underneath. The height requirement per the PUD is not to exceed 35' measured from grade level to the roof line. The proposed building is 30'.

### **Parking:**

- A traffic study was not required. The shared drive is being utilized with no new curb cuts being required.
- The required 91 parking spaces are provided. Part of the parking provided is underneath the building utilizing the topography of the property.

### **Connectivity:**

- A sidewalk and pedestrian bridge/stairs will connect the proposed building to the sidewalk along Rock Creek Parkway.

### **Drainage:**

- The existing drainage patterns are not changing. The site is tying into the existing drainage. The drainage was reviewed in more detail during the MOP review SD 25.14.

**Locations, intensity, and heights of exterior lights:**

- No issues with the proposed lighting plan.

**Mechanical equipment:**

- The building drops down in height towards the rear and the mechanical equipment is located on this lower roof and not visible from the street.

**Dumpster location and screening:**

- Garbage is collected in a dumpster in the northeast corner of the property.

**Landscaping:**

- Landscape buffering has been revised per the City's Horticulturalist comments.

**Location and size of all Signage:**

- Signage will be reviewed at time of a sign permit submittal.

**Utilities:**

- A utility plan was submitted and has been reviewed and approved by the appropriate providers. No utility upgrades are required.

**ADA Requirements:**

- ADA requirements per the Architect are met and at time of building permit will be further verified.

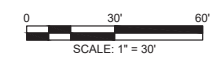
**Recommendation:**

Staff recommends **approval with conditions** of case SR 25.04 Rock Creek Commercial.

1. A re-plat is completed combing the property together.
2. Revise the site plan to reflect the wetland buffer signs at the wetland buffer line and not the wetland line.
3. Approval of SD 25.14 Rock Creek Commercial MOP

MARK	BEARING	ANGLE	BEARING
C1	423.24'	(0) 168.30'	(0) 167.19'
C2	423.24'	(0) 168.31'	(0) N/A

LINE BEARING	DISTANCE
L1	N 74°52'22" E (0) 12.00'
L2	N 74°52'22" E (0) 12.00'
L3	N 74°52'22" E (0) 10.00'
L4	N 74°52'22" E (0) 10.00'
L5	N 74°52'22" E (0) 10.00'
L6	N 74°52'22" E (0) 10.00'
L7	N 74°52'22" E (0) 10.00'
L8	N 74°52'22" E (0) 10.00'
L9	N 74°52'22" E (0) 10.00'
L10	N 74°52'22" E (0) 10.00'
L11	N 74°52'22" E (0) 10.00'
L12	N 74°52'22" E (0) 10.00'
L13	N 74°52'22" E (0) 10.00'
L14	N 74°52'22" E (0) 10.00'
L15	N 74°52'22" E (0) 10.00'
L16	N 74°52'22" E (0) 10.00'
L17	N 74°52'22" E (0) 10.00'
L18	N 74°52'22" E (0) 10.00'
L19	N 74°52'22" E (0) 10.00'
L20	N 74°52'22" E (0) 10.00'



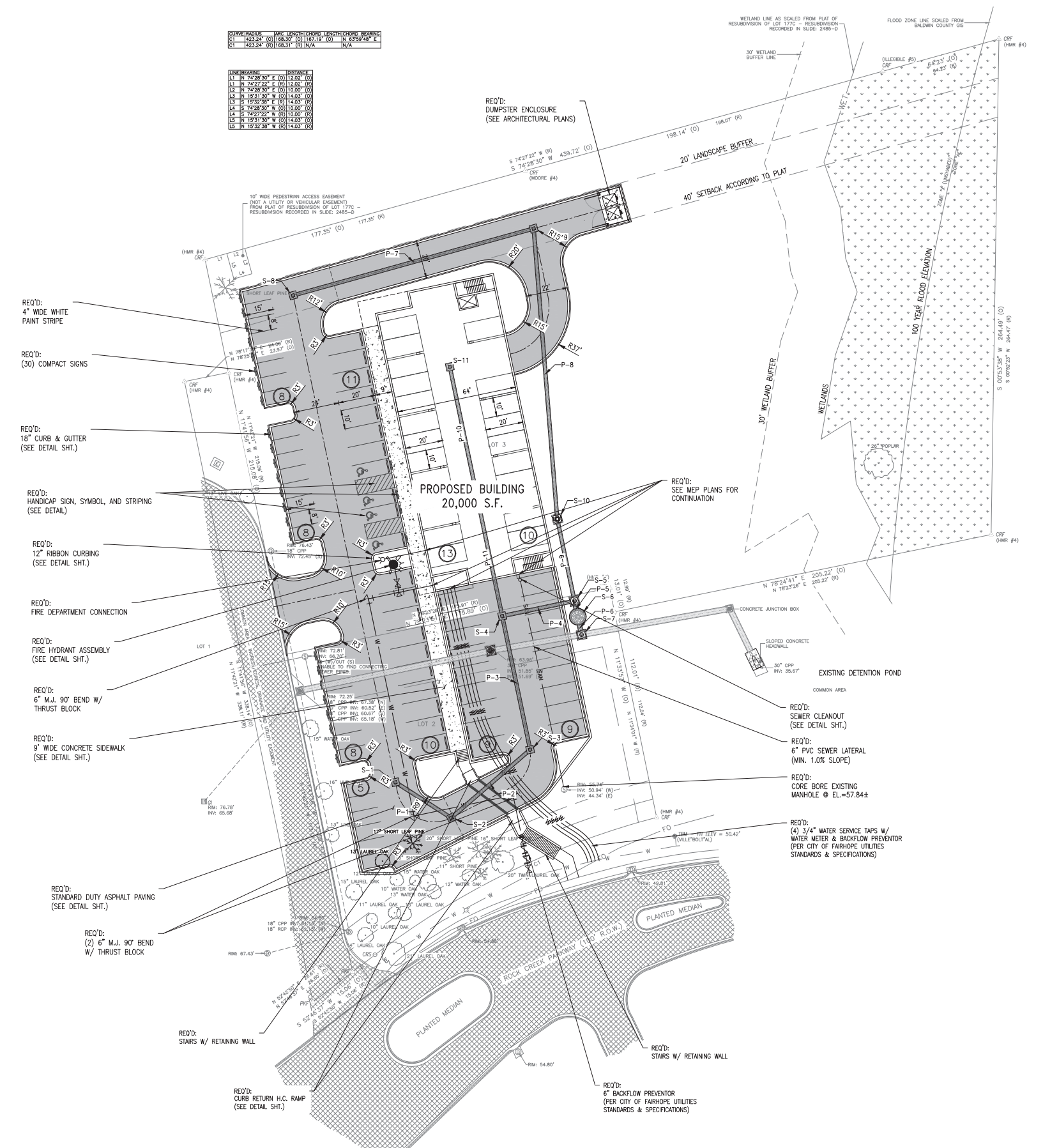
NOTES:  
1. SEE SHEET C2.0 FOR GENERAL NOTES.

**LEGEND**

- PROPOSED CONCRETE
- PROPOSED ASPHALT
- EXISTING ASPHALT

**TOTAL SITE DATA:**

- |                                     |                                    |
|-------------------------------------|------------------------------------|
| 1. ZONING:                          | PUD                                |
| 2. LOT SIZE:                        | 2.23± ACRES                        |
| 3. PROPOSED BUILDING HEIGHT:        | 38'-5"                             |
| 4. TOTAL GROSS FLOOR AREA PROPOSED: | 20,000 S.F.                        |
| 5. PROPOSED # OF PARKING SPOTS:     | 91                                 |
| 6. REQUIRED # OF PARKING SPOTS:     | 90.5                               |
| 7. BUILDING SETBACKS:               | FRONT: 0'<br>BACK: 40'<br>SIDE: 0' |



REVISIONS		
A	ISSUED FOR INFORMATION	5/19/2025



LIEB ENGINEERING COMPANY  
1290 MAIN STREET, SUITE E  
DAPHNE, AL 36526  
PH: (251) 978-9779

NOT VALID WITHOUT THE DATED SIGNATURE AND SEAL OF AN ALABAMA LICENSED ENGINEER.  
ALABAMA LICENSED ENGINEER: CHRISTOPHER JAY LIEB, P.E. LICENSE NUMBER 31204  
ALABAMA CERTIFICATE OF AUTHORIZATION NUMBER: 4938

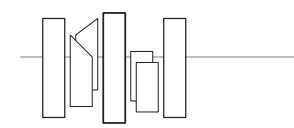
JOB NUMBER	2024-122
DRAWN BY:	JLG
DATE:	7/28/2025
SCALE:	1"=30'
CHECKED BY:	CJL
APPROVED BY:	CJL
ENGR:	CJL

AVREND, LLC OFFICE BUILDING	
SITE & UTILITY PLAN	
FAIRHOPE, AL	
OWNER: AVREND, LLC	
SHEET NUMBER	4 OF 10
C4.0 A	

ISSUED FOR REVIEW



7/28/2025



Mark B. Hammond, Architect  
 1207 Captain O'Neal Drive  
 Daphne, Alabama 36526  
 251.209.3649 - mark@mbharchitect.com

**OBERA CONNECT**  
  
 ROCK CREEK PKWY.  
 FAIRHOPE, AL 36532

NEW OFFICE AND RETAIL  
 BUILDING  
 PROJECT NO: -

DESIGNER SEAL

DESIGNER SIGNATURE



1 WEST ELEVATION  
 3/16" = 1'-0"



2 NORTH ELEVATION  
 3/16" = 1'-0"

**EXTERIOR FINISH SCHEDULE**

KEY	DESCRIPTION
01	BRICK VENEER
02	PRE-FINISHED PARAPET COPING
03	STANDING SEAM METAL ROOFING
04	DECORATIVE METAL COLUMN
05	DECORATIVE METAL RAILING
06	ALUMINUM SINGLE HUNG WINDOW
07	DECORATIVE SHUTTER
08	CONCRETE LOW WALL
09	OPEN TO PARKING GARAGE

KEY PLAN

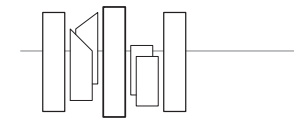
REVISIONS

NO.	DATE	DESCRIPTION

EXTERIOR ELEVATIONS

Submittal Set  
 DATE: 2025-07-25

**A201**



Mark B. Hammond, Architect  
 1207 Captain O'Neal Drive  
 Daphne, Alabama 36526  
 251.209.3649 - mark@mbharchitect.com

**OBERA CONNECT**  
 ROCK CREEK PKWY.  
 FAIRHOPE, AL 36532

NEW OFFICE AND RETAIL  
 BUILDING  
 PROJECT NO: -

DESIGNER SEAL

DESIGNER SIGNATURE

KEY PLAN

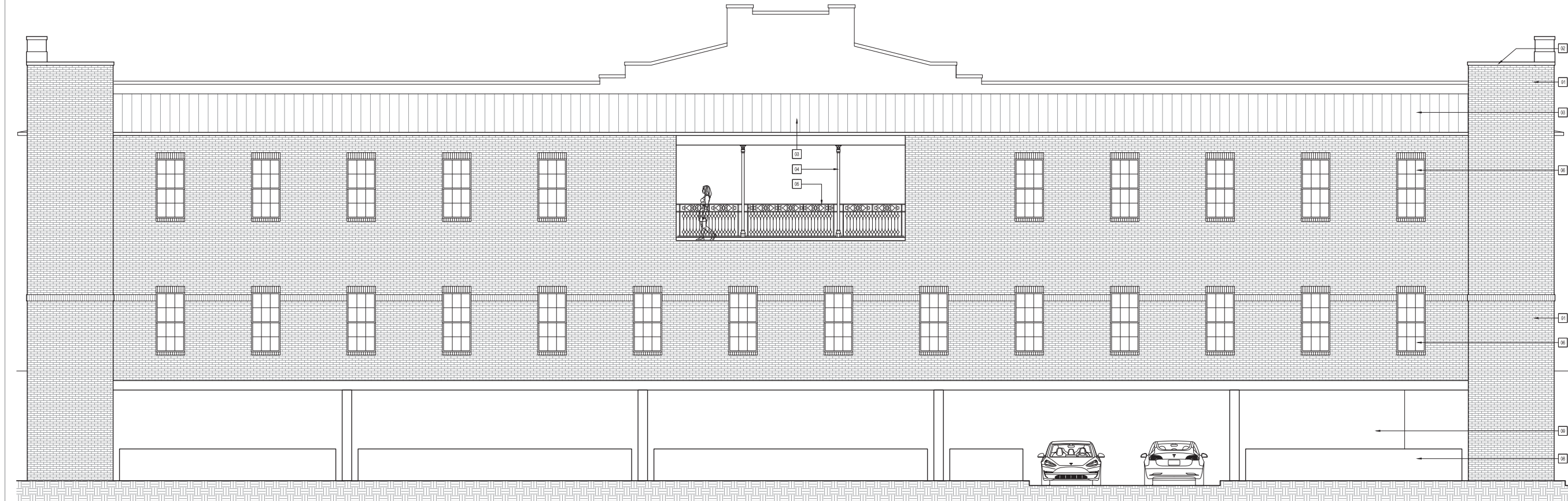
REVISIONS

NO.	DATE	DESCRIPTION

EXTERIOR ELEVATIONS

Submittal Set  
 DATE: 2025-07-25

**A202**



1 EAST ELEVATION  
 3/16" = 1'-0"



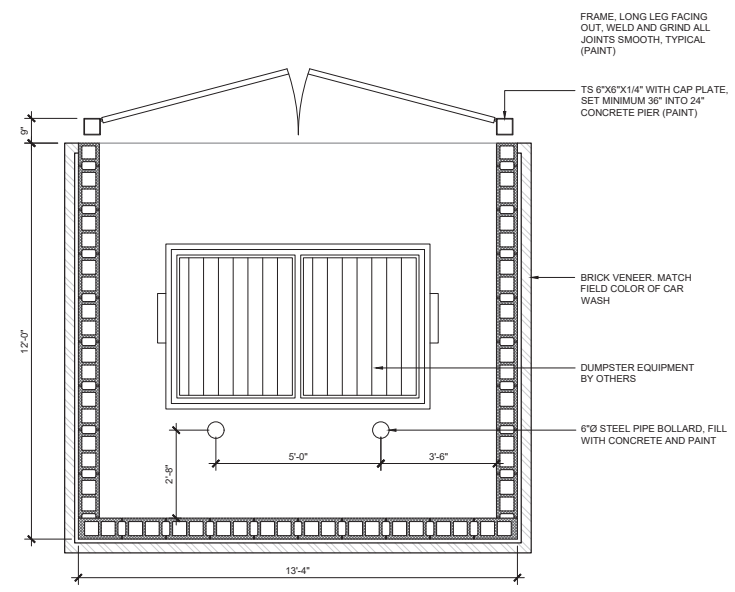
2 SOUTH ELEVATION  
 3/16" = 1'-0"

REVISIONS

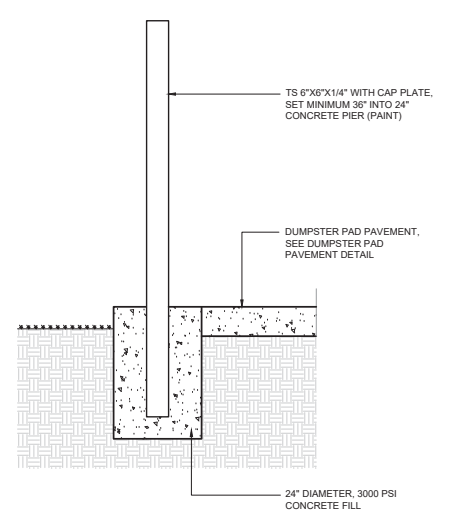
NO.	DATE	DESCRIPTION

DUMPSTER ENCLOSURE PLANS AND DETAILS

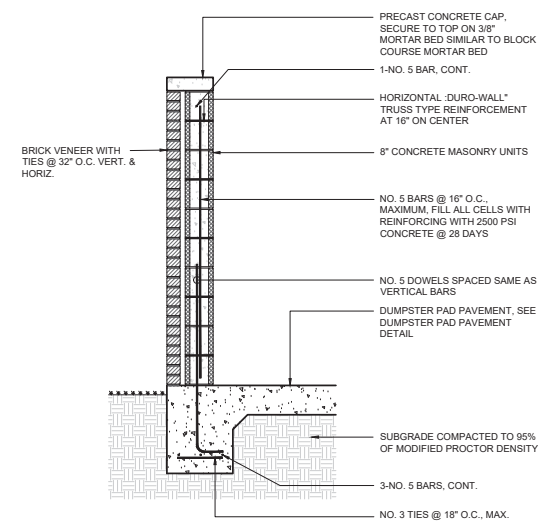
Submittal Set
   
 DATE: 2025-07-25



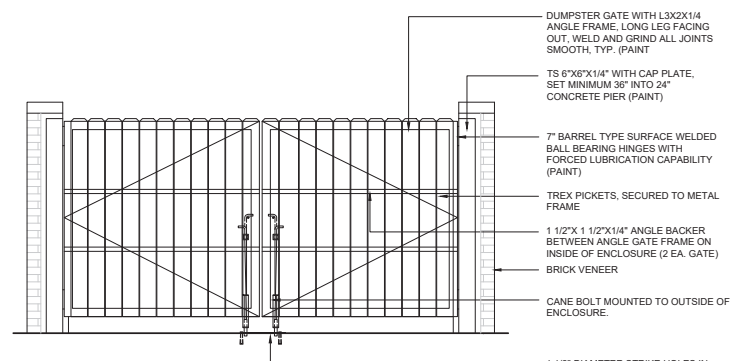
1 DUMPSTER PLAN  
3/8" = 1'-0"



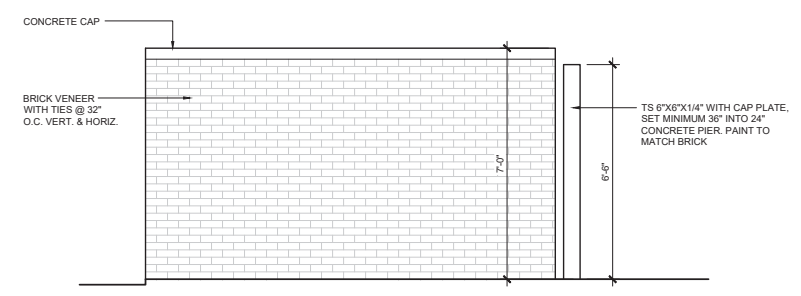
2 GATE POST DETAIL  
1/2" = 1'-0"



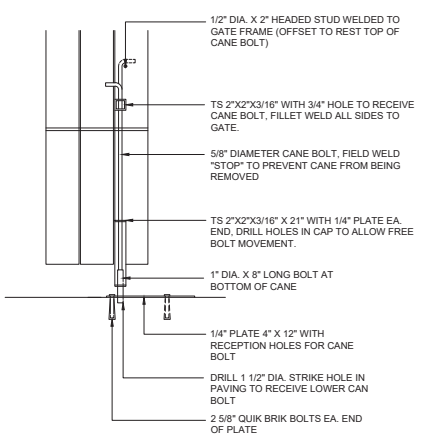
3 WALL DETAIL  
1/2" = 1'-0"



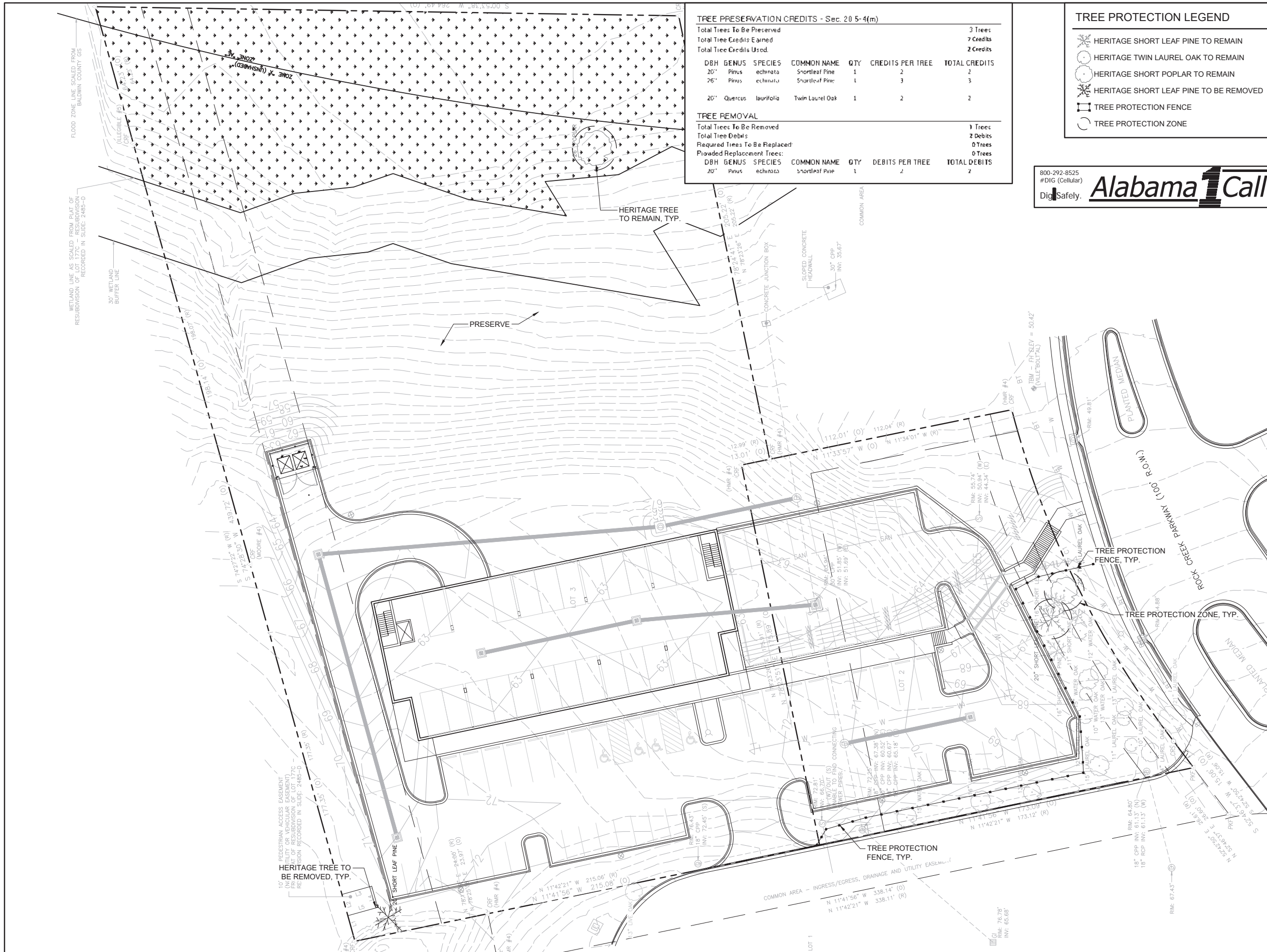
4 DUMPSTER ENCLOSURE GATE ELEVATION  
3/8" = 1'-0"



7 SIDE DUMPSTER ENCLOSURE ELEVATION  
3/8" = 1'-0"



5 CANE BOLT DETAIL  
3/4" = 1'-0"



**TREE PRESERVATION CREDITS - Sec. 20 5-4(m)**

Total Trees To Be Preserved							3 Trees
Total Tree Credits Earned							7 Credits
Total Tree Credits Used:							2 Credits
DBH	GENUS	SPECIES	COMMON NAME	QTY	CREDITS PER TREE	TOTAL CREDITS	
20"	Pinus	echinata	Shortleaf Pine	1	2	2	
26"	Pinus	echinata	Shortleaf Pine	1	3	3	
20"	Quercus	laurifolia	Twin Laurel Oak	1	2	2	

**TREE REMOVAL**

Total Trees To Be Removed							1 Trees
Total Tree Debits							2 Debits
Required Trees To Be Replaced:							0 Trees
Provided Replacement Trees:							0 Trees
DBH	GENUS	SPECIES	COMMON NAME	QTY	DEBITS PER TREE	TOTAL DEBITS	
20"	Pinus	echinata	Shortleaf Pine	1	2	2	

**TREE PROTECTION LEGEND**

- HERITAGE SHORT LEAF PINE TO REMAIN
- HERITAGE TWIN LAUREL OAK TO REMAIN
- HERITAGE SHORT POPLAR TO REMAIN
- HERITAGE SHORT LEAF PINE TO BE REMOVED
- TREE PROTECTION FENCE
- TREE PROTECTION ZONE

800-292-8525  
#DIG (Cellular)  
Dig Safely. **Alabama 1Call**

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land planning  
placemaking

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landscape architects

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Mobile, Alabama  
P. 251.344.4023  
Jackson, Mississippi  
P. 601.790.0781  
Tallahassee, Florida  
P. 850.203.4252  
www.was-design.com

**NOT**  
FOR CONSTRUCTION  
THESE PLANS HAVE NOT BEEN  
APPROVED AND ARE SUBJECT  
TO CHANGE.

A Landscape Development Plan for  
**Opera Office Building**  
Fairhope, Alabama

**Revisions**

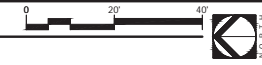
No.	Date	Revisions / Submissions
07.31.25		PERMIT SUBMITTAL
08.25.25		PERMIT SUBMITTAL

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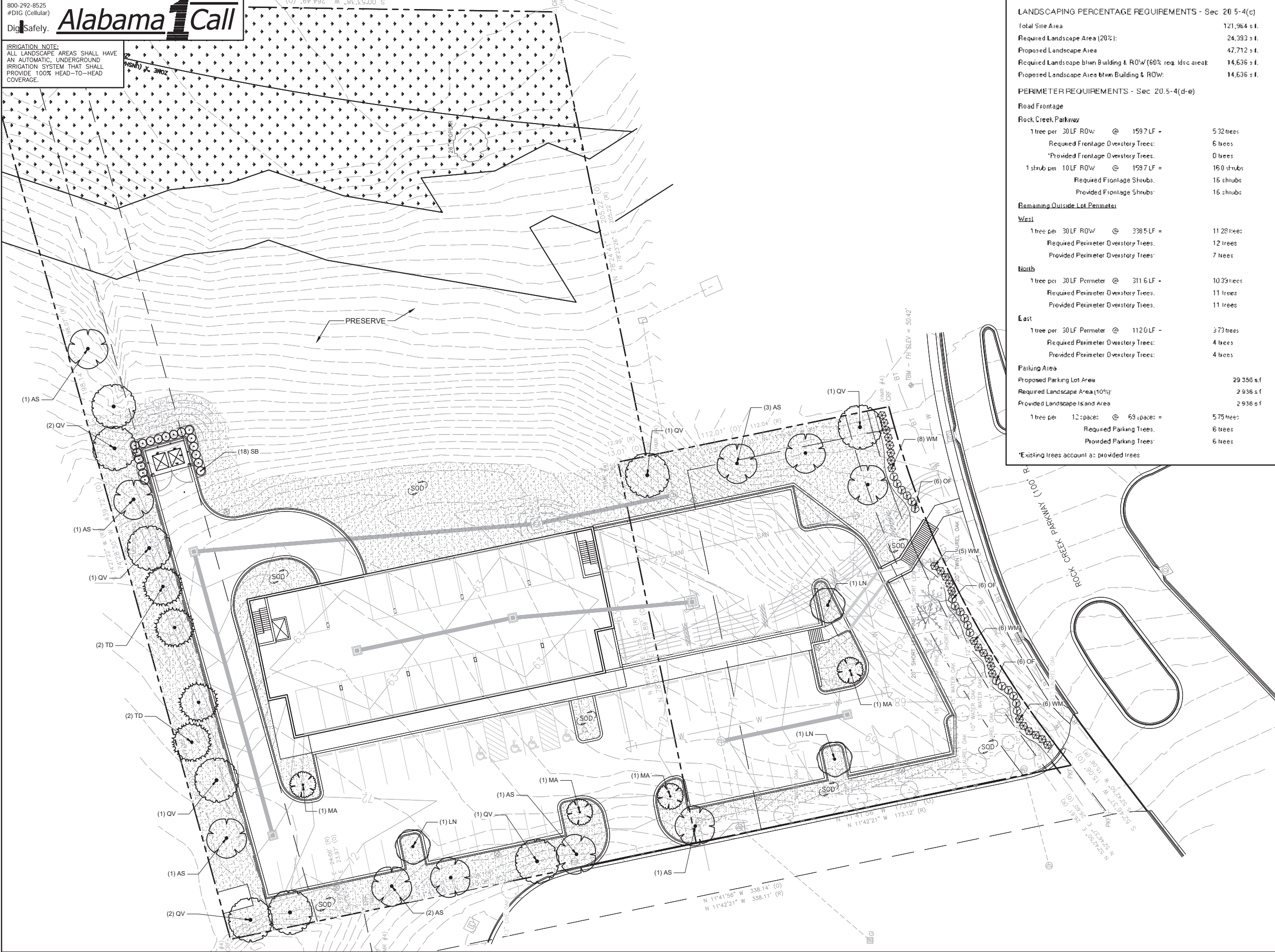
YJ Drawn  
DM  
Project Manager  
LCW  
Principal  
254058-001  
Project No.  
07.25.25  
Date

Registration  
STATE OF ALABAMA  
Professional Seal  
CHAD MOORE  
518  
REGISTERED LANDSCAPE ARCHITECT

**TREE PROTECTION PLAN**



IRRIGATION NOTE:  
ALL LANDSCAPE AREAS SHALL HAVE AN AUTOMATIC, UNDERGROUND IRRIGATION SYSTEM THAT SHALL PROVIDE 100% HEAD-TO-HEAD COVERAGE.



**LANDSCAPING PERCENTAGE REQUIREMENTS - Sec 20 5-4(c)**

Total Site Area	121,964 s.f.
Required Landscape Area (20%):	24,393 s.f.
Proposed Landscape Area	47,712 s.f.
Required Landscape b/wn Building & ROW (60% req. lds.c area):	14,636 s.f.
Proposed Landscape Area b/wn Building & ROW:	14,636 s.f.

**PERIMETER REQUIREMENTS - Sec 20.5-4(d-e)**

**Road Frontage**

**Rock Creek Parkway**

1 tree per 30 LF ROW @ 159.7 LF =	532 trees
Required Frontage Overstory Trees:	6 trees
*Provided Frontage Overstory Trees:	0 trees
1 shrub per 10 LF ROW @ 159.7 LF =	160 shrubs
Required Frontage Shrubs:	16 shrubs
Provided Frontage Shrubs:	16 shrubs

**Remaining Outside Lot Perimeter**

**West**

1 tree per 30 LF ROW @ 338.5 LF =	1128 trees
Required Perimeter Overstory Trees:	12 trees
Provided Perimeter Overstory Trees:	7 trees

**North**

1 tree per 30 LF Perimeter @ 311.6 LF =	1039 trees
Required Perimeter Overstory Trees:	11 trees
Provided Perimeter Overstory Trees:	11 trees

**East**

1 tree per 30 LF Perimeter @ 112.0 LF =	373 trees
Required Perimeter Overstory Trees:	4 trees
Provided Perimeter Overstory Trees:	4 trees

**Parking Area**

Proposed Parking Lot Area	29,350 s.f.
Required Landscape Area (10%):	2,936 s.f.
Provided Landscape Area	2,936 s.f.

1 tree per 12 spaces @ 59 spaces =	575 trees
Required Parking Trees:	6 trees
Provided Parking Trees:	6 trees

\*Existing trees account as provided trees

landscape architecture  
land planning  
placemaking

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landscape architects

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Mobile, Alabama  
P. 251.344.4023  
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A Landscape Development Plan for  
**Opera Office Building**  
Fairhope, Alabama

Revisions

No.	Date	Revisions / Submissions
07.31.25		PERMIT SUBMITTAL
08.25.25		PERMIT SUBMITTAL

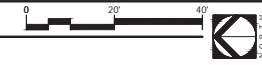
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YJ Drawn  
DM Project Manager  
LCW Principal  
254058-001 Project No.  
07.25.25 Date

Registration  
STATE OF ALABAMA  
i. STEF CHAD  
Principal  
254058-001  
Project No.  
07.25.25  
Date

518  
REGISTERED LANDSCAPE ARCHITECT

Sheet Title  
**LANDSCAPE PLANTING PLAN**



**PLANT SCHEDULE**

SYMBOL	CODE	QTY	BOTANICAL / COMMON NAME	CONT	CAL	HT
<b>TREES</b>						
	AS	10	ACER BARBATUM / SOUTHERN SUGAR MAPLE FULL HEAD, SPECIMEN QUALITY	B&B OR CONT	2" CAL	10'
	LN	3	LAGERSTROEMIA INDICA 'NATCHEZ' / 'NATCHEZ' CRAPE MYRTLE STANDARD TRUNK; FULL HEAD	B&B OR CONT	1.5" CAL	8'
	MA	4	MAGNOLIA VIRGINIANA / SWEETBAY MAGNOLIA 3 TRUNKS; FULL HEAD	B&B OR CONT	1.5" CAL	8'
	QV	9	QUERCUS VIRGINIANA / SOUTHERN LIVE OAK FULL HEAD, SPECIMEN QUALITY	B&B OR CONT	2" CAL	10'
	TD	4	TAXODIUM DISTICHUM / BALD CYPRESS FULL HEAD, SPECIMEN QUALITY	B&B OR CONT	2" CAL	10'
<b>SHRUBS</b>						
	WM	25	MYRICA CERIFERA / COMMON WAX MYRTLE SHRUB FORM, FULL TO GROUND	CG	48"	60" o.c.
	OF	18	OSMANTHUS FRAGRANS / SWEET OLIVE SHRUB FORM, FULL TO GROUND	CG	48"	60" o.c.
	SB	18	VIBURNUM ODORATISSIMUM / SWEET VIBURNUM FULL TO GROUND	CG	48"	48" o.c.
<b>SOD/SEED</b>						
	SOD	21,745 SF	CYNODON DACTYLON 'TIFWAY 419' / TIFWAY 419 BERMUDA GRASS	SOD		

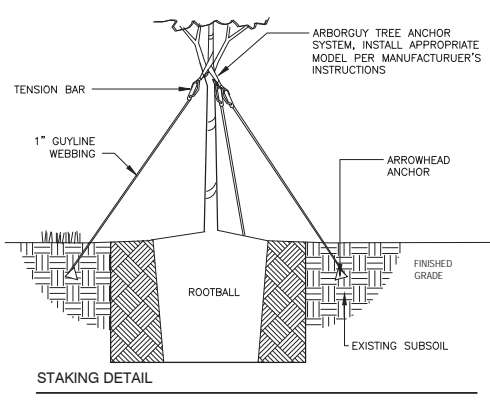
800-292-8525  
#DIG (Cellular)  
Dig Safely. **Alabama 1 Call**

**QUANTITY TAKEOFF DISCLAIMER:**  
QUANTITIES NOTED ON PLANS ARE OFFERED AS A CONVENIENCE TO THE CONTRACTOR FOR BID PURPOSES ONLY. CONTRACTOR SHALL VERIFY ALL QUANTITIES AND REPORT ANY DISCREPANCIES TO THE LANDSCAPE ARCHITECT.

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land planning  
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Jackson, Mississippi P. 601.790.0781  
Rensselaer, Florida P. 850.203.4252

**NOT FOR CONSTRUCTION**  
THESE PLANS HAVE NOT BEEN APPROVED AND ARE SUBJECT TO CHANGE.

A Landscape Development Plan for  
**Opera Office Building**  
Fairhope, Alabama



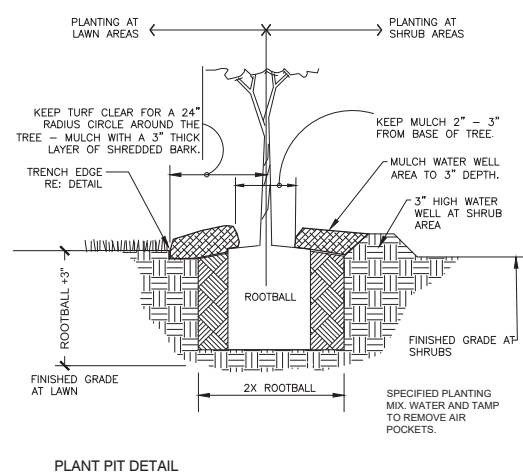
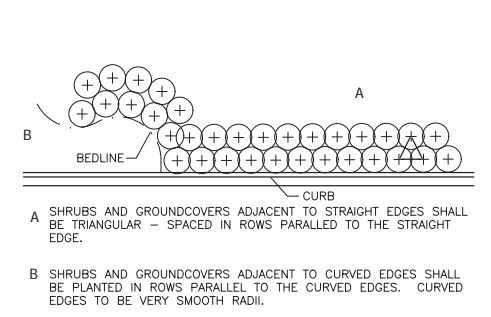
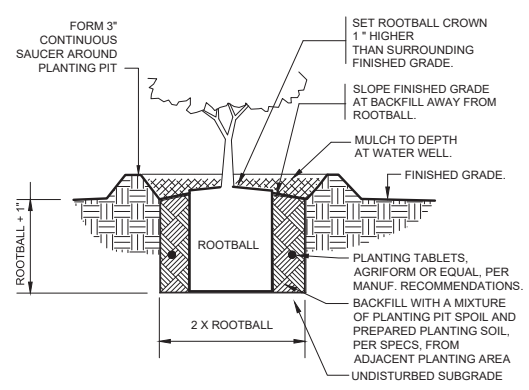
- GENERAL CONDITIONS**
- CONTRACTOR SHALL BE RESPONSIBLE FOR THE SITE INSPECTION PRIOR TO LANDSCAPE CONSTRUCTION AND INSTALLATION IN ORDER TO ACQUAINT HIMSELF WITH EXISTING CONDITIONS. CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL EXISTING UNDERGROUND UTILITIES BEFORE BEGINNING CONSTRUCTION.
  - CONTRACTOR IS RESPONSIBLE FOR PROTECTION OF LANDSCAPE MATERIAL AT ALL TIMES. LANDSCAPE CONTRACTOR TO COORDINATE SAFE STAGING AREA WITH GENERAL CONTRACTOR AND/OR OWNER.
  - CONTRACTOR SHALL GUARANTEE ALL PLANT MATERIAL, INCLUDING GRASS, FOR ONE FULL YEAR FROM DATE OF INSTALLATION.
  - ALL AREAS IMPACTED NEGATIVELY BY CONSTRUCTION PROCESSES SHALL BE RETURNED TO ORIGINAL CONDITION OR BETTER PRIOR TO SUBSTANTIAL COMPLETION.

- PLANTING BED PREPARATION**
- ONLY CERTIFIED BEACH SAND SHALL BE USED AS BACKFILL OR AS PLANTING SOIL ON THIS PROJECT.
  - RAKE SOIL SURFACE SMOOTH PRIOR TO PLANTING.
  - THE SOIL SURFACE SHALL BE REASONABLY FREE OF LARGE CLODS, ROOTS, STONES GREATER THAN 2 INCHES, AND OTHER MATERIAL WHICH WILL INTERFERE WITH PLANTING AND SUBSEQUENT SITE MAINTENANCE.
  - WATER THOROUGHLY AFTER PLANTING.
  - CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING 3% POSITIVE DRAINAGE IN ALL PLANT BEDS. ANY OTHER PROPOSED DRAINAGE METHODS SHALL BE COORDINATED WITH PLANTING EFFORTS TO MINIMIZE CONFLICTS AND MAINTAIN PROPER FUNCTION OF DRAINAGE SYSTEMS.

- PLANT MATERIAL AND PLANTING**
- PLANT QUANTITIES ARE OFFERED AS A CONVENIENCE TO THE CONTRACTOR, AND ARE NOT ABSOLUTE. CONTRACTOR SHALL VERIFY PLANT COUNT FROM PLAN AND REPORT DIFFERENCES.
  - ALL PLANT MATERIALS ARE SUBJECT TO APPROVAL OR REFUSAL BY THE OWNER OR LANDSCAPE ARCHITECT AT THE JOB SITE.
  - PLANTS SHALL BE WELL FORMED, VIGOROUS, GROWING SPECIMENS WITH GROWTH TYPICAL OF VARIETIES SPECIFIED AND SHALL BE FREE FROM INJURY, INSECTS AND DISEASES. PLANTS SHALL EQUAL OR SURPASS #1 QUALITY AS DEFINED IN THE CURRENT ISSUE OF "GRADES AND STANDARDS FOR NURSERY PLANTS", PART I, CURRENT EDITION, AND PART II, STATE OF FLORIDA, DEPARTMENT OF AGRICULTURE, TALLAHASSEE, FLORIDA.
  - UNLESS NOTED SPECIFICALLY, ALL PLANT MATERIAL SHALL BE BALLED AND BURLAPPED OR CONTAINER GROWN.
  - FRONT ROW OF SHRUBS SHALL BE PLANTED FROM CENTER OF PLANT A MINIMUM OF 24" BEHIND BED LINE @ LAWNS OR WALKS AND A MINIMUM OF 36" BACK OF CURB @ PARKING SPACES.
  - NO PRUNING SHOULD BE PERFORMED DURING FIRST GROWING SEASON EXCEPT FOR REMOVING DAMAGED OR DEAD GROWTH. WOUND PAINT IS NOT RECOMMENDED FOR ANY CUTS.
  - ALL PLANTING AREAS, TREE PITS, AND OTHER AREAS INDICATED ON PLANS SHALL BE MULCHED WITH A SETTLED LAYER OF THE INDICATED MULCH:

- 3" DEPTH PINE BARK
- 4" DEPTH SHREDDED HARDWOOD MULCH
- 3" DEPTH PINESTRAW
- MINERAL MULCH, RE: SPECS.

- TRENCH EDGE TO BE LOCATED BETWEEN ALL PLANTING AREAS AND LAWN, UNLESS NOTED OTHERWISE.
- TREE STAKING SHALL BE PROVIDED TO KEEP TREES PLUMB AND PROTECTED FROM EXCESSIVE WINDS. ALL TREE-STAKING APPARATUS SHALL BE REMOVED AT THE END OF THE ONE-YEAR WARRANTY PERIOD.
- ONE YEAR OF LANDSCAPE MAINTENANCE FROM SUBSTANTIAL COMPLETION SHALL BE INCLUDED AS AN OPTIONAL BID ITEM TO THE OWNER.



Revisions		
No.	Date	Revisions / Submissions
07.31.25		PERMIT SUBMITTAL
08.25.25		PERMIT SUBMITTAL

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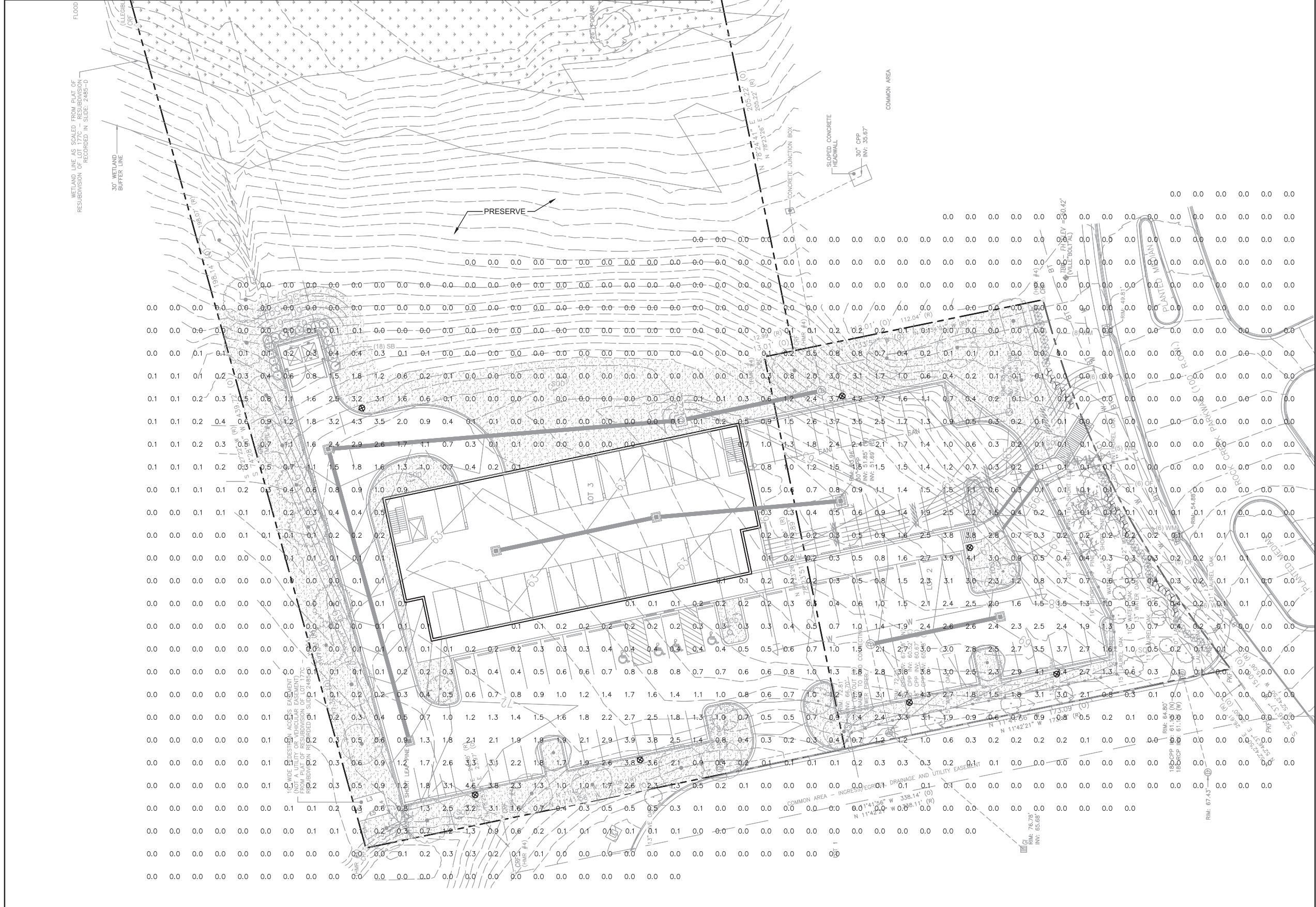
YJ Drawn  
DM Project Manager  
LCW Principal  
254058-001 Project No.  
07.25.25 Date

Registration  
**STATE OF ALABAMA**  
REGISTERED LANDSCAPE ARCHITECT  
518

**LANDSCAPE PLANTING DETAILS**

LUMINAIRE SCHEDULE

CALLOUT	SYMBOL	LAMP	DESCRIPTION	MOUNTING	MODEL	VOLTS	NOTE 3	QUANTITY
P	⊗	(1)	VISIONAIRE LIGHTING LLC	POLE	LSO-M_T3L_15L_3K_PTD_HS	120V 1P 2W	Visionaire Lighting Photometric Laboratory, 04/15/21, 01/21/21, 10418, 120VAC, 99W, B2-U0-63	7



1 SITE LIGHTING PLAN  
Scale: 1" = 20'



**NOT**  
FOR CONSTRUCTION  
THESE PLANS HAVE NOT BEEN  
APPROVED AND ARE SUBJECT  
TO CHANGE.

A Landscape Development Plan for  
**Opera Office Building**  
Fairhope, Alabama

Revisions		
No.	Date	Revisions / Submissions
07.31.25		PERMIT SUBMITTAL
08.25.25		PERMIT SUBMITTAL

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AS Drawn	
DM Project Manager	
LCW Principal	
254058-001 Project No.	
07.25.25 Date	

Sheet Title

**SITE LIGHTING PLAN**

Sheet No. **LE100**

**NOT**  
**FOR CONSTRUCTION**  
THESE PLANS HAVE NOT BEEN  
APPROVED AND ARE SUBJECT  
TO CHANGE.

A Landscape Development Plan for  
**Opera Office Building**  
Fairhope, Alabama

Revisions		
No.	Date	Revisions / Submissions
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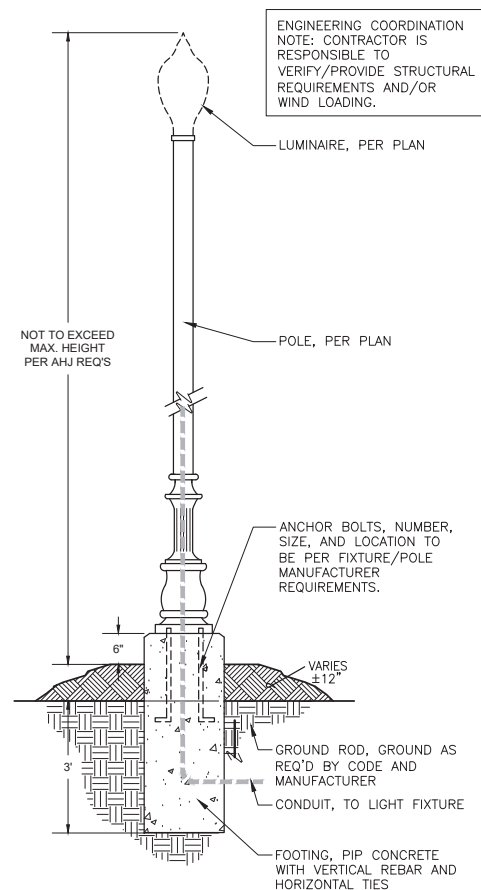
AS	Registration
Drawn	
DM	
Project Manager	
LCW	
Principal	
254058-001	Project No.
07.25.25	Date

Sheet Title

**SITE LIGHTING  
DETAILS**

Sheet No.

**LE500**



**1** STREET LIGHT DETAIL  
1/2" = 1'-0"

265613-01

Contract Number: ARCHITECTURAL/LSO-M-PT-AR-09\_08\_2022

## LUSSO ARRAY M-PT LED Specifications

Contemporary design meets the new generation of LED green technology in the stunning Lusso Array. The Lusso Array series provides over 80% energy savings over traditional HID light sources and offers excellent beam control and LED life beyond 100,000 hours for 1400 milliwatt systems. The Lusso Array is offered in ten optical distributions.

The Lusso Array's fully-sealed housing features an exceptionally well-designed thermal management system that provides superior heat dissipation.

The Lusso Array below is built with cast aluminum.

The Lusso Array is the perfect complement to any contemporary, business park, or highway project where contemporary architectural design is desired.

### Ordering Information

MODEL	OPTICS	LUMENS	KELVIN	VOLTAGE	MOUNTING	FINISH	OPTIONS	OPTIONS
LSO-M	T3L	15L	3K	UNV	PTD	BK	PCR-120	WSC-8
	T1	3L	3K	UNV	PTS	Blk	PCR-208	Motion Sensor @ Mounting Height
	T2	15L	4K	8	PTD	SBK	PCR-240	
	T3	20L	5K	8	PTD	Brn	PCR-277	WSC-20
	T3L	25L	5K	8	PTD	BK	PCR-347	Modern Sensor @ Mounting Height
	T4				PTD	GY	PCR-480	Preload @ Mounting Height
	T4A				PTD	WH	PCR-517	Photo Sensor @ Mounting Height
	T4L				PTD	SWH	PCR-547	Photo Sensor @ Mounting Height
	T5LR				PTD	FG	PCR-577	Photo Sensor @ Mounting Height
	T5LS				PTD	VO	PCR-607	Photo Sensor @ Mounting Height
	T5SR				PTD	CC	PCR-637	Photo Sensor @ Mounting Height
	T6SR				PTD	WH	PCR-667	Photo Sensor @ Mounting Height
	T7SR				PTD	WH	PCR-697	Photo Sensor @ Mounting Height
	T8SR				PTD	WH	PCR-727	Photo Sensor @ Mounting Height
	T9SR				PTD	WH	PCR-757	Photo Sensor @ Mounting Height
	T10SR				PTD	WH	PCR-787	Photo Sensor @ Mounting Height
	T11SR				PTD	WH	PCR-817	Photo Sensor @ Mounting Height
	T12SR				PTD	WH	PCR-847	Photo Sensor @ Mounting Height
	T13SR				PTD	WH	PCR-877	Photo Sensor @ Mounting Height
	T14SR				PTD	WH	PCR-907	Photo Sensor @ Mounting Height
	T15SR				PTD	WH	PCR-937	Photo Sensor @ Mounting Height
	T16SR				PTD	WH	PCR-967	Photo Sensor @ Mounting Height
	T17SR				PTD	WH	PCR-997	Photo Sensor @ Mounting Height
	T18SR				PTD	WH	PCR-1027	Photo Sensor @ Mounting Height
	T19SR				PTD	WH	PCR-1057	Photo Sensor @ Mounting Height
	T20SR				PTD	WH	PCR-1087	Photo Sensor @ Mounting Height
	T21SR				PTD	WH	PCR-1117	Photo Sensor @ Mounting Height
	T22SR				PTD	WH	PCR-1147	Photo Sensor @ Mounting Height
	T23SR				PTD	WH	PCR-1177	Photo Sensor @ Mounting Height
	T24SR				PTD	WH	PCR-1207	Photo Sensor @ Mounting Height
	T25SR				PTD	WH	PCR-1237	Photo Sensor @ Mounting Height
	T26SR				PTD	WH	PCR-1267	Photo Sensor @ Mounting Height
	T27SR				PTD	WH	PCR-1297	Photo Sensor @ Mounting Height
	T28SR				PTD	WH	PCR-1327	Photo Sensor @ Mounting Height
	T29SR				PTD	WH	PCR-1357	Photo Sensor @ Mounting Height
	T30SR				PTD	WH	PCR-1387	Photo Sensor @ Mounting Height
	T31SR				PTD	WH	PCR-1417	Photo Sensor @ Mounting Height
	T32SR				PTD	WH	PCR-1447	Photo Sensor @ Mounting Height
	T33SR				PTD	WH	PCR-1477	Photo Sensor @ Mounting Height
	T34SR				PTD	WH	PCR-1507	Photo Sensor @ Mounting Height
	T35SR				PTD	WH	PCR-1537	Photo Sensor @ Mounting Height
	T36SR				PTD	WH	PCR-1567	Photo Sensor @ Mounting Height
	T37SR				PTD	WH	PCR-1597	Photo Sensor @ Mounting Height
	T38SR				PTD	WH	PCR-1627	Photo Sensor @ Mounting Height
	T39SR				PTD	WH	PCR-1657	Photo Sensor @ Mounting Height
	T40SR				PTD	WH	PCR-1687	Photo Sensor @ Mounting Height
	T41SR				PTD	WH	PCR-1717	Photo Sensor @ Mounting Height
	T42SR				PTD	WH	PCR-1747	Photo Sensor @ Mounting Height
	T43SR				PTD	WH	PCR-1777	Photo Sensor @ Mounting Height
	T44SR				PTD	WH	PCR-1807	Photo Sensor @ Mounting Height
	T45SR				PTD	WH	PCR-1837	Photo Sensor @ Mounting Height
	T46SR				PTD	WH	PCR-1867	Photo Sensor @ Mounting Height
	T47SR				PTD	WH	PCR-1897	Photo Sensor @ Mounting Height
	T48SR				PTD	WH	PCR-1927	Photo Sensor @ Mounting Height
	T49SR				PTD	WH	PCR-1957	Photo Sensor @ Mounting Height
	T50SR				PTD	WH	PCR-1987	Photo Sensor @ Mounting Height
	T51SR				PTD	WH	PCR-2017	Photo Sensor @ Mounting Height
	T52SR				PTD	WH	PCR-2047	Photo Sensor @ Mounting Height
	T53SR				PTD	WH	PCR-2077	Photo Sensor @ Mounting Height
	T54SR				PTD	WH	PCR-2107	Photo Sensor @ Mounting Height
	T55SR				PTD	WH	PCR-2137	Photo Sensor @ Mounting Height
	T56SR				PTD	WH	PCR-2167	Photo Sensor @ Mounting Height
	T57SR				PTD	WH	PCR-2197	Photo Sensor @ Mounting Height
	T58SR				PTD	WH	PCR-2227	Photo Sensor @ Mounting Height
	T59SR				PTD	WH	PCR-2257	Photo Sensor @ Mounting Height
	T60SR				PTD	WH	PCR-2287	Photo Sensor @ Mounting Height
	T61SR				PTD	WH	PCR-2317	Photo Sensor @ Mounting Height
	T62SR				PTD	WH	PCR-2347	Photo Sensor @ Mounting Height
	T63SR				PTD	WH	PCR-2377	Photo Sensor @ Mounting Height
	T64SR				PTD	WH	PCR-2407	Photo Sensor @ Mounting Height
	T65SR				PTD	WH	PCR-2437	Photo Sensor @ Mounting Height
	T66SR				PTD	WH	PCR-2467	Photo Sensor @ Mounting Height
	T67SR				PTD	WH	PCR-2497	Photo Sensor @ Mounting Height
	T68SR				PTD	WH	PCR-2527	Photo Sensor @ Mounting Height
	T69SR				PTD	WH	PCR-2557	Photo Sensor @ Mounting Height
	T70SR				PTD	WH	PCR-2587	Photo Sensor @ Mounting Height
	T71SR				PTD	WH	PCR-2617	Photo Sensor @ Mounting Height
	T72SR				PTD	WH	PCR-2647	Photo Sensor @ Mounting Height
	T73SR				PTD	WH	PCR-2677	Photo Sensor @ Mounting Height
	T74SR				PTD	WH	PCR-2707	Photo Sensor @ Mounting Height
	T75SR				PTD	WH	PCR-2737	Photo Sensor @ Mounting Height
	T76SR				PTD	WH	PCR-2767	Photo Sensor @ Mounting Height
	T77SR				PTD	WH	PCR-2797	Photo Sensor @ Mounting Height
	T78SR				PTD	WH	PCR-2827	Photo Sensor @ Mounting Height
	T79SR				PTD	WH	PCR-2857	Photo Sensor @ Mounting Height
	T80SR				PTD	WH	PCR-2887	Photo Sensor @ Mounting Height
	T81SR				PTD	WH	PCR-2917	Photo Sensor @ Mounting Height
	T82SR				PTD	WH	PCR-2947	Photo Sensor @ Mounting Height
	T83SR				PTD	WH	PCR-2977	Photo Sensor @ Mounting Height
	T84SR				PTD	WH	PCR-3007	Photo Sensor @ Mounting Height
	T85SR				PTD	WH	PCR-3037	Photo Sensor @ Mounting Height
	T86SR				PTD	WH	PCR-3067	Photo Sensor @ Mounting Height
	T87SR				PTD	WH	PCR-3097	Photo Sensor @ Mounting Height
	T88SR				PTD	WH	PCR-3127	Photo Sensor @ Mounting Height
	T89SR				PTD	WH	PCR-3157	Photo Sensor @ Mounting Height
	T90SR				PTD	WH	PCR-3187	Photo Sensor @ Mounting Height
	T91SR				PTD	WH	PCR-3217	Photo Sensor @ Mounting Height
	T92SR				PTD	WH	PCR-3247	Photo Sensor @ Mounting Height
	T93SR				PTD	WH	PCR-3277	Photo Sensor @ Mounting Height
	T94SR				PTD	WH	PCR-3307	Photo Sensor @ Mounting Height
	T95SR				PTD	WH	PCR-3337	Photo Sensor @ Mounting Height
	T96SR				PTD	WH	PCR-3367	Photo Sensor @ Mounting Height
	T97SR				PTD	WH	PCR-3397	Photo Sensor @ Mounting Height
	T98SR				PTD	WH	PCR-3427	Photo Sensor @ Mounting Height
	T99SR				PTD	WH	PCR-3457	Photo Sensor @ Mounting Height
	T100SR				PTD	WH	PCR-3487	Photo Sensor @ Mounting Height

VISIONAIRE LIGHTING

VI-PA-ING-001-#37 REV: 0

ERICARR22-03



# RIVIERA UTILITIES

413 East Laurel Avenue - Foley, AL 36535  
Phone (251) 943-5001

7/24/2025

Mary Kate O'Connell  
Lieb Engineering  
1290 Main Street, Suite E  
Daphne, AL 36526

RE: Parcel 05-43-09-32-0-001-164.001 and Parcel 05-43-09-32-0-001-164.002

This letter is to confirm based on the site plan received; Riviera Utilities is willing and able to provide electric service to the above referenced property.

Riviera Utilities requires a 10' easement along all side property lines and a 15' easement along all front and rear property lines. Please ensure all property plats reflect the easements.

Upon final design, Riviera Utilities will provide estimates for service fees and system installation requirements to meet all Riviera specifications. Please contact the following Riviera employees concerning costs and requirements.

Name	Department	Email
Wes Abrams	Electric	<a href="mailto:wabrams@rivierautilities.com">wabrams@rivierautilities.com</a>

If you have any questions or comments, contact Riviera Utilities at 251-943-5001.

Thank you,

Tony L. Schachle Jr.



July 30, 2025

Sherry Sullivan  
*Mayor*

*Council Members:*

Kevin G. Boone  
Jay Robinson  
Jack Burrell, ACO  
Jimmy Conyers  
Corey Martin

Lisa A. Hanks, MMC  
*City Clerk*

Kimberly Creech  
*Treasurer*

**Re: ROCK CREEK COMMERCIAL, PIN'S 242236 AND 347922**

This letter of availability is only valid based on what was proposed at the utility review meeting. Any changes or deviations of the proposed plan will require another utility review. This statement of availability remains effective for twelve (12) months from the date of this letter; at which time it shall expire and automatically be withdrawn.

**Water & Sewer:** Based upon review of the proposed development, water and sewer service by Fairhope Public Utilities is currently available. All tap fees and system development charges (SDC's) will apply, and all necessary infrastructure improvements will be at the developer's expense.

Sincerely,

A handwritten signature in black ink, appearing to read "Daryl Morefield", is written over a horizontal line.

Daryl Morefield  
Water/Wastewater Superintendent

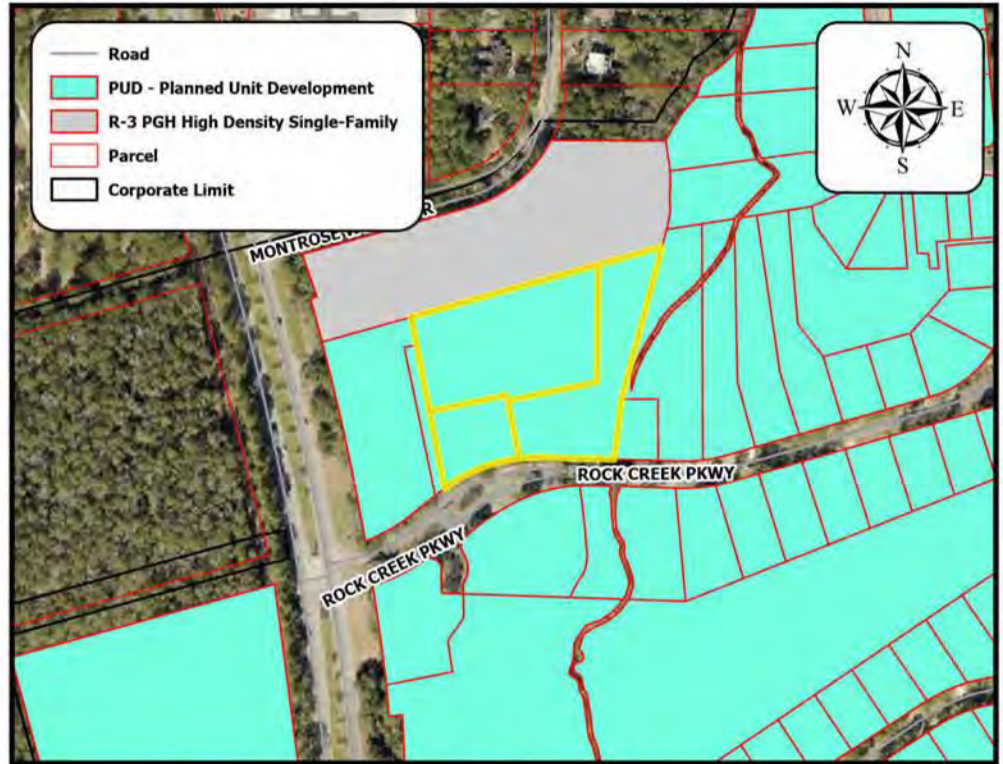
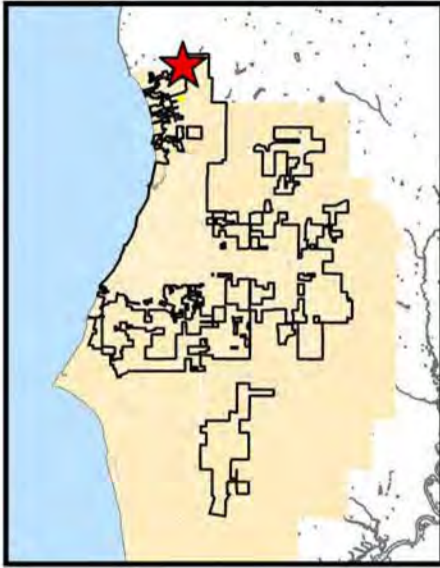
161 North Section St.  
PO Drawer 429  
Fairhope, AL 36533

251-928-2136 (p)  
251-928-6776 (f)  
[www.fairhopeal.gov](http://www.fairhopeal.gov)

# City of Fairhope Planning Commission September 4, 2025



## SD 25.14 - Rock Creek Commercial



<b>Project Name:</b>	Rock Creek Commercial
<b>Site Data:</b>	2.23 acres
<b>Project Type:</b>	4-unit multiple occupancy project
<b>Jurisdiction:</b>	Fairhope Planning Jurisdiction
<b>Zoning District:</b>	PUD
<b>PPIN Number:</b>	347922, 242236
<b>General Location:</b>	East of intersection of U.S. 98 and Rock Creek Parkway
<b>Surveyor of Record:</b>	Chris Lieb
<b>Engineer of Record:</b>	Chris Lieb
<b>Owner / Developer:</b>	Avrend, LLC
<b>School District:</b>	Fairhope Elementary School Fairhope Middle and High Schools
<b>Recommendation:</b>	Approved w/ Conditions
<b>Prepared by:</b>	Mike Jeffries



# **CITY OF FAIRHOPE**

P.O. Box 429  
Fairhope, AL 36533  
(251) 928-8003



## **SUBDIVISION PLAT APPLICATION**



## **SUBDIVISION PLAT APPLICATION**

Authority: The City of Fairhope is authorized under the Code of Alabama, 1975 Title 11, Chapter 52 as amended to require that the division of land in the Corporate Limits be approved by the City in order to promote the health, safety, morals, and general welfare of present and future residents and to effect the coordinated and efficient development of the City of Fairhope.

The City also is given the authority to govern the division of land outside of Corporate Limits within certain boundaries. Land proposed to be platted or divided outside of the Corporate Limits of the City of Fairhope may require the review of the Baldwin County Engineering Department.

Conformity: All proposed subdivisions in the City of Fairhope shall conform to the approved Comprehensive Land Use Plan the requirements of the Zoning Ordinance at the time of plat application.

Responsibility of the Subdivider: The applicant shall be responsible for providing all engineering services and plans such as are required by the approved City of Fairhope Subdivision Regulations. The applicant is also responsible for providing any additional plans or engineering a required as part of plat review to ensure that the interests of both the applicant and the City are adequately protected.

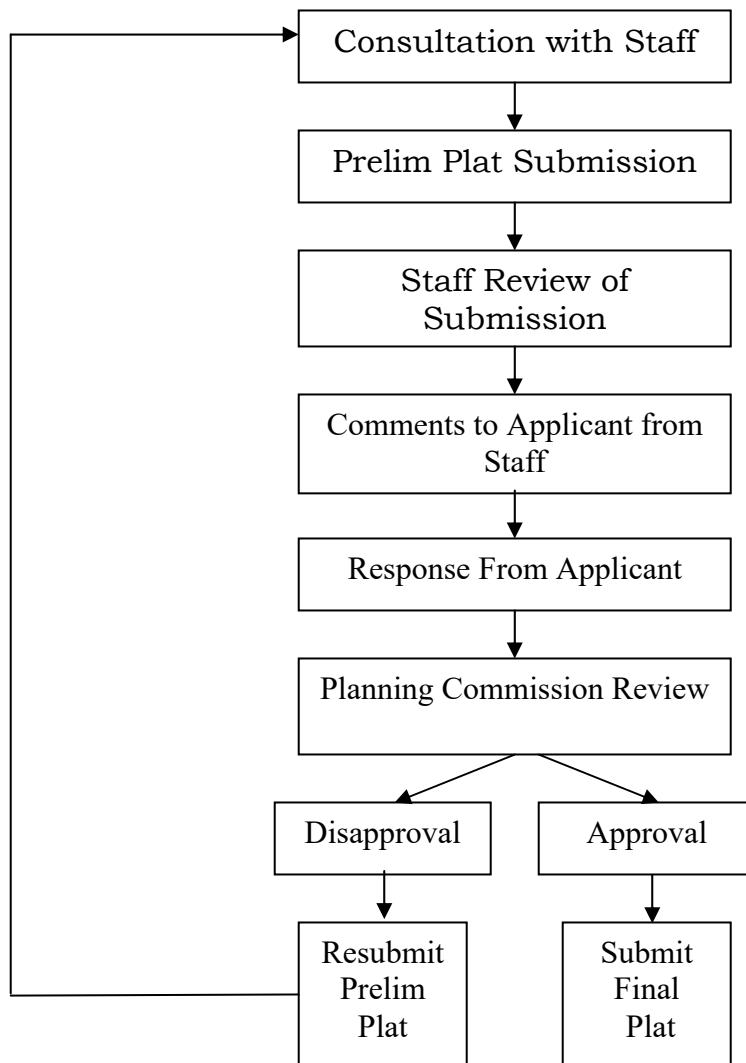
Responsibility of the City: The City shall, after approval and recording of the final Plat, receipt of maintenance bounds and other documents necessary, by resolution of the City Council accept the public streets and utilities for public maintenance.

Plat Application Submission: The plat application is not deemed submitted to the City unless all of the requirements (see attached checklist for abbreviated requirements; full requirements are included in the Subdivision Regulations) are provided at the time of application. If an incomplete application is submitted rejection or suspension of further review of the subdivision may occur.

Deadlines: The City of Fairhope wishes to expedite the subdivision process in the best and most effective manner possible. To that end, it is important that deadline times and dates are adhered to by the applicant (refer to the attached schedule for dates and times)

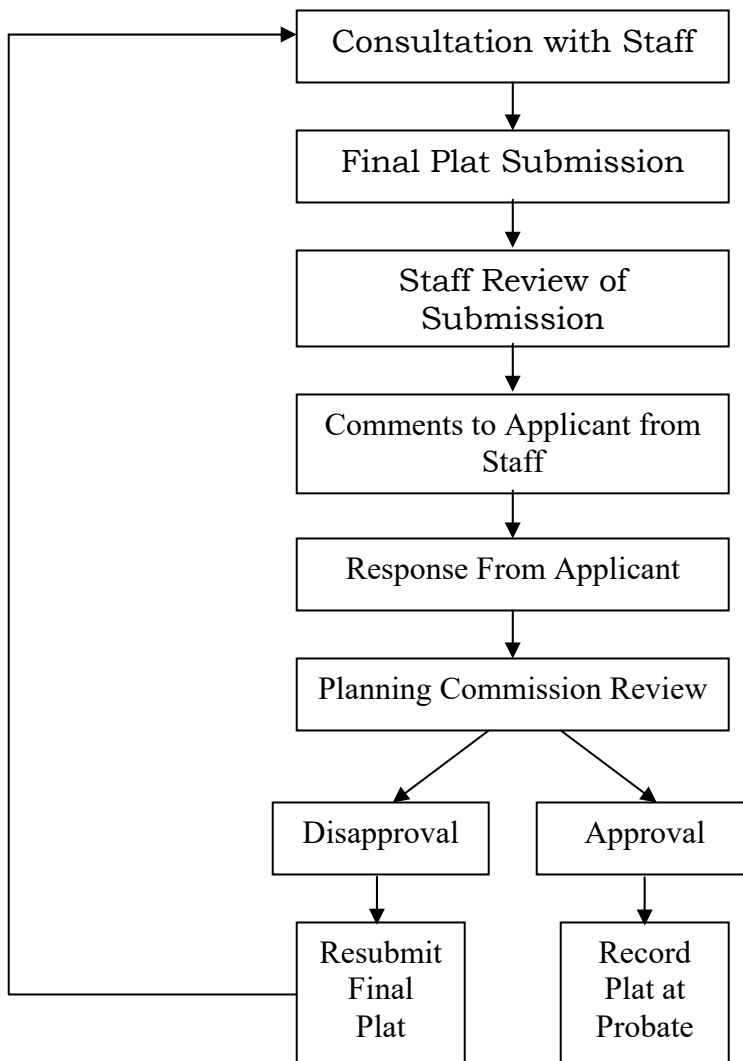


### PRELIMINARY PLAT FLOW CHART





### FINAL PLAT FLOW CHART





**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: Avrend LLC Phone Number: 251.401.4570  
Address of Property Owner: 1026 Stanton Rd Ste A  
City: Daphne State: AL Zip: 36526

Proposed Subdivision Name: \_\_\_\_\_  
No. Acres in Plat: 2.23 No. Lots/Units: 1  
Parcel No: 05-43-09-32-0-001-164.002 and .001 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: Chris Lieb with Lieb Engineering Phone Number: 2519789779  
Address: 1290 Main Street Ste E  
City: Daphne State: AL Zip: 36526  
Contact Person: Chris Lieb

**Surveyor/Engineer Information**  
Name of Firm: Lieb Engineering Company Phone Number: \_\_\_\_\_  
Address: 1290 Main Street Ste E  
City: Daphne State: AL Zip: 36526  
Contact Person: Chris Lieb

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.

Devon L Harris  
Property Owner/Leaseholder Printed Name

DL Harris  
Signature

7/15/2025  
Date

\_\_\_\_\_  
Fairhope Single Tax Corp. (If Applicable)



## Preliminary Plat Application Checklist\*

---

\*This checklist is intended for convenience purposes only.  
Refer to the Subdivision Regulations for a *complete* list of requirements.

- 2 Copies of the Plat
- 2 Sets of construction plans
- 1 Copy of the plat in PDF format on disk
- Subdivision Application with Articles of Incorporation Attached
- Errors and Omission Insurance
- Drainage Plan (stand alone document)
- O & M Plan
- BMP Plan (stand alone document)
- Street Plan
- Pedestrian Circulation Plan
- Landscape Plan including street trees and tree preservation plan (stand alone document)
- Traffic Study, if applicable (stand alone document)
- Aerial With Topographic Overlay
- Utility plans and Profiles
- A street lighting plan
- Proof of Receipt from the County, if applicable
- Certificate of County Zoning, (must be signed and zoning of property, if any, indicated)
- Memorandum of Transmittal signed indicating County's receipt of plat/plans for development being submitted before Planning Commission.
- Flow Modeling
- Other engineering and pertinent documents: (including but not limited to Floodplain/floodway information, CLOMR, LOMR applications or correspondence, wetlands reports, and ADEM correspondence, ADEM Notifications, ALDOT correspondence, etc.)
- All applicable permits (e.g. ALDOT, ADEM, COE, etc.)

Please note that if your site is located outside the City of Fairhope limits, but in the planning jurisdiction, the County documentation is required and your application will be considered *incomplete* without the County documentation.



## Final Plat Application Checklist\*

---

\*This checklist is intended for convenience purposes only.  
Refer to the Subdivision Regulations for a *complete* list of requirements.

- 2 Copies of the Plat
- 2 Sets of As-Builts
- 1 Copy of the Plat on PDF format on disk
- Proof of 911 approval of street names
- 1 Copy of As-Builts on GIS for Water/Sewer Department
- Water: bacteria tests, pressure test, flow test
- Sewer: video, pressure test, vacuum test
- Roads: core samples and test data
- Electric: street light invoice
- Financial Guaranty, if applicable (only after 90% complete)
- Errors and Omission Insurance
- Maintenance Bond
- Operations and Maintenance Plan for Storm Water Pond (stand alone document)
- Street Tree Plan
- Final Plans and calculations for utility layouts
- Certificate of County Engineer's approval for extra-territorial plats
- Certificate of County Zoning, (must be signed and zoning of property, if any, indicated)
- Memorandum of Transmittal signed indicating County's receipt of plat/plans for development being submitted before Planning Commission.
- Digital and/or video image, reflecting a date and time stamp, of the storm drains
- Engineer's Certificate of design conformance.

Please note that if your site is located outside the City of Fairhope limits, but in the planning jurisdiction, the County documentation is required and your application will be considered *incomplete* without the County documentation.



### CERTIFICATE OF COUNTY ZONING

To: Fairhope Planning Commission

This Zoning Certificate is issued for the subject lands the description of which has been furnished by the developer's surveyor/engineer.

_____	_____
Subdivider's Name	Name of Designer
_____	_____
Name of Development	Tax Parcel I.D. #
Location of Subdivision proposed: _____	
_____	
_____	
_____	

The subject property lies within Baldwin County Zoning District No. \_\_\_\_\_.

- Zoned \_\_\_\_\_ For \_\_\_\_\_  
(Type of development)
- Currently has no zoning established

Name of Chairperson for this District: \_\_\_\_\_.

\_\_\_\_\_  
By:  
For the County Zoning Officer

\_\_\_\_\_  
Date



**MEMORANDUM OF TRANSMITTAL**

Date: \_\_\_\_\_

To: Fairhope Planning Commission

Applicant certifies that submittals have been made for the following identified extra-territorial development to the Baldwin County Engineer and the County Planning Officer as evidenced by the certificate affixed below:

Name of Subdivision: \_\_\_\_\_

Signature of Applicant: \_\_\_\_\_

-----  
I, the undersigned, hereby acknowledge receipt of plat and/or plans for the proposed development named above. (Signature on this acknowledgement shall not constitute any approval of such plans whatsoever.)

Received: \_\_\_\_\_  
Date

\_\_\_\_\_  
By: For the Engineer/Planner



## **Summary of Request:**

Request of the Applicant, Chris Lieb, PE with Lieb Engineering, on behalf of the Owner, Avrend, LLC, for preliminary plat approval of Rock Creek Commercial, a 4-unit multiple occupancy project. The property is zoned PUD, Planned Unit Development. The property is approximately 2.23 acres and is located on Rock Creek Parkway east of US 98.

## **Comments:**

### **General Comments:**

- Rock Creek PUD was adopted in the early 90's and has been amended several times and has had several subdivisions and re-subdivisions. The last revision that affected this property built the existing building (Bank) on lot 1 which included drainage for all three lots. The proposed project combines lots, 2 and 3. The shared drive is being utilized with no new curb cuts being required.

### **Utilities:**

- A utility plan was submitted and has been reviewed and approved by the appropriate providers. No utility upgrades are required.

### **Parking:**

- A traffic study was not required.
- The required 91 parking spaces are provided. Part of the parking provided is underneath the building utilizing the topography of the property.

### **Drainage:**

- The existing drainage patterns are not changing. The site is tying into the existing drainage. The EOR has provided a letter stating the existing detention pond will be restored to its originally constructed state and over excavated 4' to retain the volume of water necessary to treat the first flush from the proposed site.
- An O&M plan was not a requirement at the time the original site was developed. An O&M is required to be recorded to bring it into current Subdivision requirements.

### **Landscaping:**

- Landscape buffering has been revised per the City's Horticulturalist comments.

## **Recommendation:**

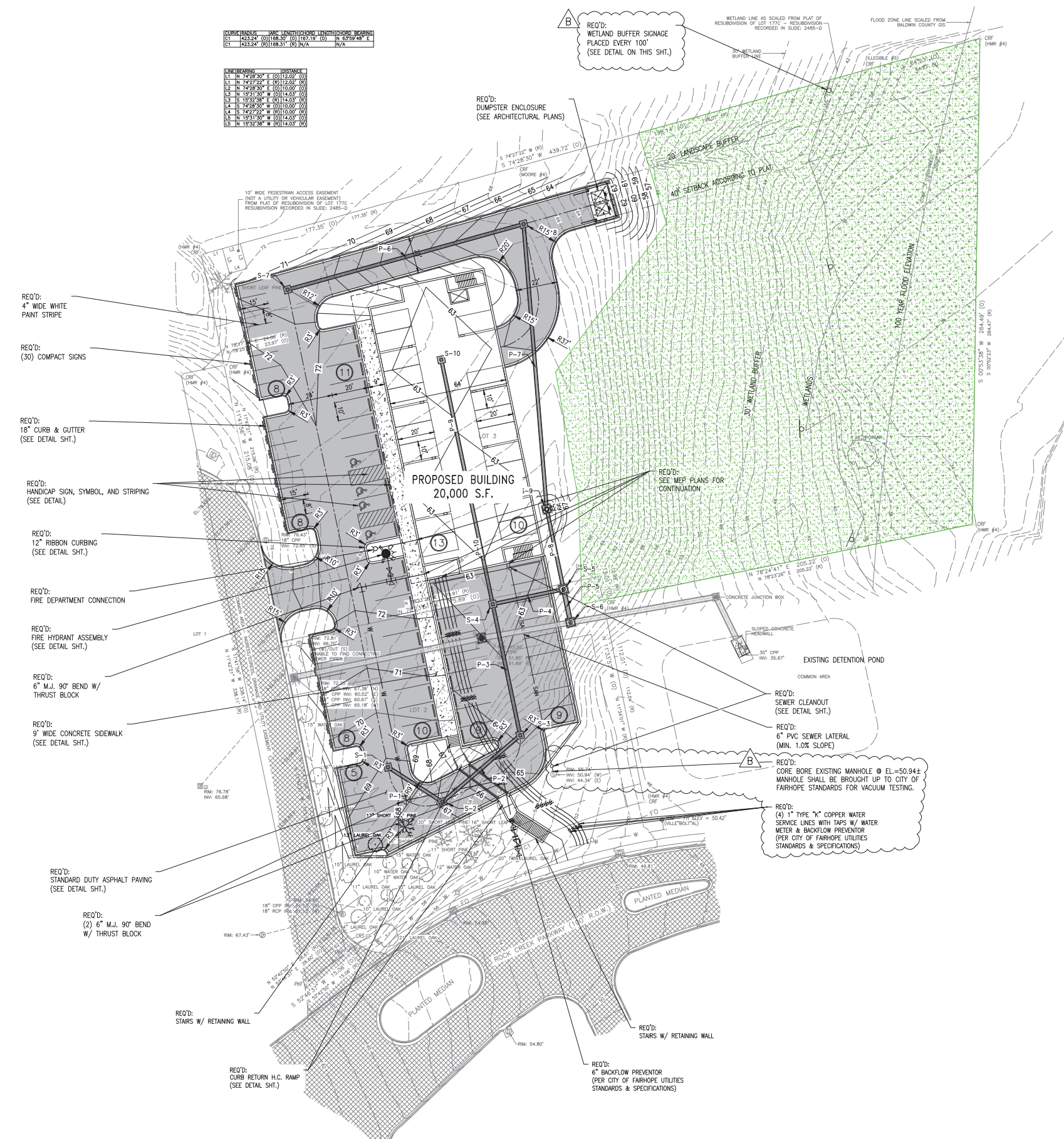
Staff recommends **approval with conditions** of case SD 25.14 Rock Creek Commercial MOP.

1. A re-plat is completed combing the property together.
2. An O&M plan is recorded reflecting the drainage and maintenance requirements.
3. Provide a stormwater inspection report from the EOR certifying the improvements and maintenance to the stormwater pond have been completed.

CURB BEARING	ARC LENGTH	CHORD BEARING
C1 423.24' (0) 168.30' (0) 167.19' (0) N 63°59'48" E		
C2 423.24' (0) 168.31' (0) N/A N/A		

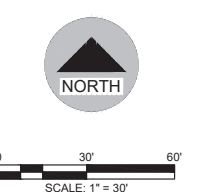
LINE BEARING	DISTANCE
L1 N 74°52'24" E (0) 13.00' (0)	
L2 N 74°52'24" E (0) 112.00' (0)	
L3 N 74°52'24" E (0) 10.00' (0)	
L4 S 19°52'24" E (0) 14.00' (0)	
L5 S 74°52'24" E (0) 10.00' (0)	
L6 S 74°52'24" E (0) 10.00' (0)	
L7 S 19°52'24" E (0) 14.00' (0)	
L8 N 74°52'24" E (0) 10.00' (0)	
L9 S 19°52'24" E (0) 14.00' (0)	
L10 S 74°52'24" E (0) 10.00' (0)	



B  
REQ'D: WETLAND BUFFER SIGNAGE PLACED EVERY 100' (SEE DETAIL ON THIS SHT.)

- REQ'D: 4" WIDE WHITE PAINT STRIPE
- REQ'D: (30) COMPACT SIGNS
- REQ'D: 18" CURB & GUTTER (SEE DETAIL SHT.)
- REQ'D: HANDICAP SIGN, SYMBOL, AND STRIPING (SEE DETAIL)
- REQ'D: 12" RIBBON CURBING (SEE DETAIL SHT.)
- REQ'D: FIRE DEPARTMENT CONNECTION
- REQ'D: FIRE HYDRANT ASSEMBLY (SEE DETAIL SHT.)
- REQ'D: 6" M.J. 90° BEND W/ THRUST BLOCK
- REQ'D: 9' WIDE CONCRETE SIDEWALK (SEE DETAIL SHT.)
- REQ'D: STANDARD DUTY ASPHALT PAVING (SEE DETAIL SHT.)
- REQ'D: (2) 6" M.J. 90° BEND W/ THRUST BLOCK
- REQ'D: STAIRS W/ RETAINING WALL
- REQ'D: CURB RETURN H.C. RAMP (SEE DETAIL SHT.)

CERTIFICATE OF OWNERSHIP AND DEDICATION (LOT 2)  
 THIS IS TO CERTIFY THAT I, THE UNDERSIGNED, AM THE OWNER OF THE LAND SHOWN AND DESCRIBED IN THE PLAT, AND THAT I HAVE CAUSED THE SAME TO BE REPLATED HEREOF, FOR THE USES AND PURPOSES HEREIN SET FORTH AND DO HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE DESIGN AND TITLE HEREON INDICATED.  
 DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2025  
 BRANDI HOOVER  
 ACKNOWLEDGEMENT OF NOTARY PUBLIC:  
 STATE OF ALABAMA  
 COUNTY OF BALDWIN  
 I, \_\_\_\_\_ NOTARY PUBLIC IN AND FOR THE COUNTY OF BALDWIN IN THE STATE OF ALABAMA, DO HEREBY CERTIFY THAT WHOSE NAME(S) IS (ARE) SUBSCRIBED TO THE CERTIFICATION OF OWNERSHIP AND DEDICATION, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGE THAT HE (THEY) SIGNED, SEALED AND DELIVERED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGE THAT HE (THEY) SIGNED, SEALED AND DELIVERED SAID INSTRUMENT AT HIS (THEIR) FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES THEREIN SET FORTH.  
 GIVEN UNDER MY HAND AND SEAL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2025



CERTIFICATE OF OWNERSHIP AND DEDICATION (LOT 3)  
 THIS IS TO CERTIFY THAT \_\_\_\_\_ THE UNDERSIGNED, AS AN AUTHORIZED REPRESENTATIVE OF AVREND, LLC, THE OWNER(S) OF THE LAND SHOWN AND DESCRIBED IN THE PLAT, AND THAT I HAVE CAUSED THE SAME TO BE SUBDIVIDED HEREOF.  
 DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2025  
 AUTHORIZED REPRESENTATIVE  
 ACKNOWLEDGEMENT OF NOTARY PUBLIC:  
 STATE OF ALABAMA  
 COUNTY OF BALDWIN  
 I, \_\_\_\_\_ NOTARY PUBLIC IN AND FOR THE COUNTY OF BALDWIN IN THE STATE OF ALABAMA, DO HEREBY CERTIFY THAT WHOSE NAME(S) IS (ARE) SUBSCRIBED TO THE CERTIFICATION OF OWNERSHIP AND DEDICATION, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGE THAT HE (THEY) SIGNED, SEALED AND DELIVERED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGE THAT HE (THEY) SIGNED, SEALED AND DELIVERED SAID INSTRUMENT AT HIS (THEIR) FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES THEREIN SET FORTH.  
 GIVEN UNDER MY HAND AND SEAL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2025

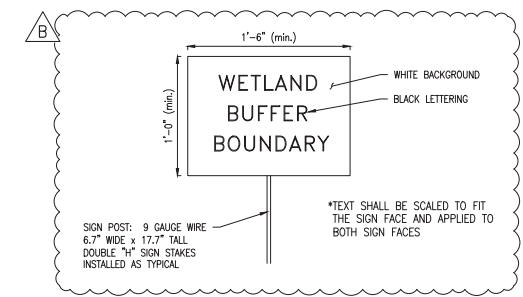
LEGEND

	PROPOSED CONCRETE
	PROPOSED ASPHALT
	EXISTING ASPHALT

TOTAL SITE DATA:

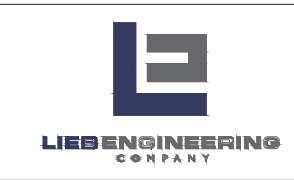
1. ZONING:	PUD
2. LOT SIZE:	2.23± ACRES
3. PROPOSED BUILDING HEIGHT:	38'-5"
4. TOTAL GROSS FLOOR AREA PROPOSED:	20,000 S.F.
5. PROPOSED # OF PARKING SPOTS:	91
6. REQUIRED # OF PARKING SPOTS:	90.5
7. BUILDING SETBACKS:	FRONT: 0' BACK: 40' SIDE: 0'

CERTIFICATE OF APPROVAL BY THE PLANNING DIRECTOR OF FAIRHOPE, ALABAMA  
 THE UNDERSIGNED, AS AUTHORIZED BY THE CITY OF FAIRHOPE PLANNING COMMISSION, HEREBY APPROVES THE WITHIN RE-PLAT AND THE RECORDING OF THE SAME IN THE OFFICIAL RECORDS OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA. BY APPROVAL OF THIS PLAT THE PLANNING DIRECTOR OF FAIRHOPE ASSUMES NO RESPONSIBILITY FOR SURVEY ERRORS OR FOR DEFECTS OR DEFICIENCIES IN THE TITLE TO THE PROPERTY AFFECTED BY THIS PLAT AND ANY SUCH RESPONSIBILITY IS HEREBY AFFIRMATIVELY DISCLAIMED.  
 PLANNING DIRECTOR \_\_\_\_\_ DATE \_\_\_\_\_  
 CITY OF FAIRHOPE:  
 THE UNDERSIGNED, AS AUTHORIZED BY THE CITY OF FAIRHOPE HEREBY APPROVES THE WITHIN PLAT FOR RECORDING OF THE SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS THE \_\_\_\_ OF \_\_\_\_\_, 20 \_\_\_\_  
 AUTHORIZED REPRESENTATIVE \_\_\_\_\_



REVISIONS

A	ISSUED FOR INFORMATION	5/19/2025
B	ADDRESSING CITY COMMENTS	8/22/2025

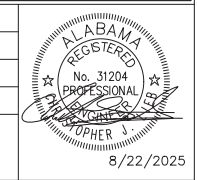


LIEB ENGINEERING COMPANY  
 1290 MAIN STREET, SUITE E  
 DAPHNE, AL 36526  
 PH: (251) 978-9779

NOT VALID WITHOUT THE DATED SIGNATURE AND SEAL OF AN ALABAMA LICENSED ENGINEER.  
 ALABAMA LICENSED ENGINEER: CHRISTOPHER JAY LIEB, P.E. LICENSE NUMBER 31204  
 ALABAMA CERTIFICATE OF AUTHORIZATION NUMBER: 4938

JOB NUMBER	2024-122	DRAWN BY:	JLG	DATE:	7/28/2025	SCALE:	1"=30'
CHECKED BY:	CJL	APPROVED BY:	CJL	ENGR:	CJL		

AVREND, LLC OFFICE BUILDING	
SITE & UTILITY PLAN	
FAIRHOPE, AL	
OWNER: AVREND, LLC	
SHEET NUMBER	4 OF 10
C4.0	B



8/22/2025

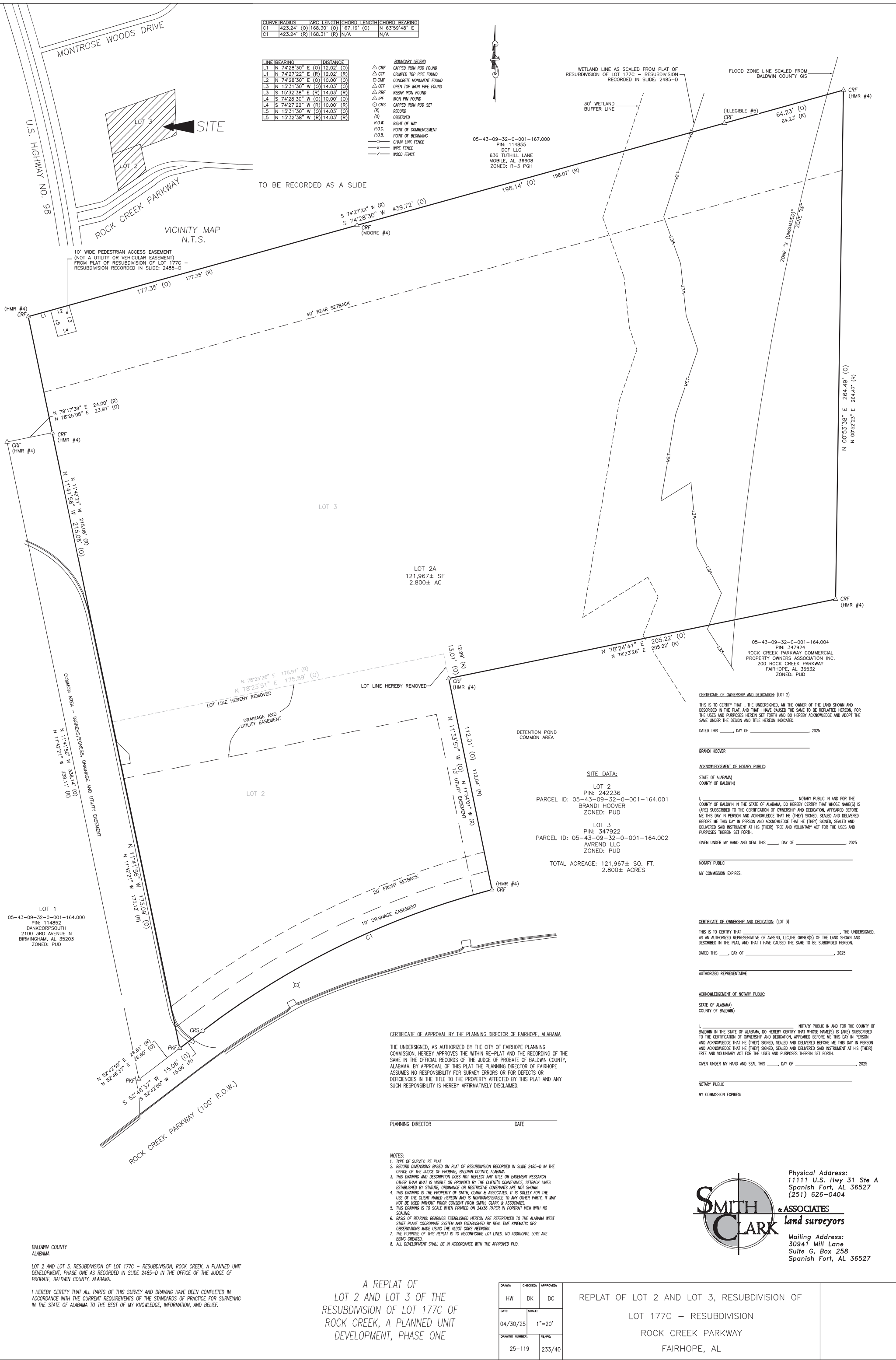
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	423.24' (O)	168.30' (O)	167.19' (O)	N 63°59'48" E
C1	423.24' (R)	168.31' (R)	N/A	N/A

LINE	BEARING	DISTANCE
L1	N 74°28'30" E (O)	12.02' (O)
L1	N 74°27'22" E (R)	12.02' (R)
L2	N 74°28'30" E (O)	10.00' (O)
L3	N 15°31'30" W (O)	14.03' (O)
L3	S 15°32'38" E (R)	14.03' (R)
L4	S 74°28'30" W (O)	10.00' (O)
L4	S 74°27'22" W (R)	10.00' (R)
L5	N 15°31'30" W (O)	14.03' (O)
L5	N 15°32'38" E (R)	14.03' (R)

- BOUNDARY LEGEND**
- △ CRF CAPPED IRON ROD FOUND
  - △ CRF CRIMPED TOP PIPE FOUND
  - △ CRF CONCRETE MONUMENT FOUND
  - △ CRF OPEN TOP IRON PIPE FOUND
  - △ CRF REBAR IRON FOUND
  - △ CRF IRON PIN FOUND
  - CRS CAPPED IRON ROD SET
  - (R) RECORD
  - (O) OBSERVED
  - R.O.W. RIGHT OF WAY
  - P.O.C. POINT OF COMMENCEMENT
  - P.O.B. POINT OF BEGINNING
  - CHAIN LINK FENCE
  - WIRE FENCE
  - WOOD FENCE

05-43-09-32-0-001-167.000  
 PIN: 114855  
 DCF LLC  
 636 TUTTILL LANE  
 MOBILE, AL 36608  
 ZONED: R-3 PGH

TO BE RECORDED AS A SLIDE



**CERTIFICATE OF OWNERSHIP AND DEDICATION (LOT 2)**  
 THIS IS TO CERTIFY THAT I, THE UNDERSIGNED, AM THE OWNER OF THE LAND SHOWN AND DESCRIBED IN THE PLAT, AND THAT I HAVE CAUSED THE SAME TO BE REPLATED HEREON, FOR THE USES AND PURPOSES HEREIN SET FORTH AND DO HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE DESIGN AND TITLE HEREON INDICATED.  
 DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2025  
 BRANDI HOOVER

**ACKNOWLEDGEMENT OF NOTARY PUBLIC:**  
 STATE OF ALABAMA  
 COUNTY OF BALDWIN  
 I, \_\_\_\_\_ NOTARY PUBLIC IN AND FOR THE COUNTY OF BALDWIN IN THE STATE OF ALABAMA, DO HEREBY CERTIFY THAT WHOSE NAME(S) IS (ARE) SUBSCRIBED TO THE CERTIFICATION OF OWNERSHIP AND DEDICATION, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGE THAT HE (THEY) SIGNED, SEALED AND DELIVERED SAID INSTRUMENT AT HIS (THEIR) FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES THEREIN SET FORTH.  
 GIVEN UNDER MY HAND AND SEAL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2025  
 NOTARY PUBLIC  
 MY COMMISSION EXPIRES: \_\_\_\_\_

**CERTIFICATE OF OWNERSHIP AND DEDICATION (LOT 3)**  
 THIS IS TO CERTIFY THAT \_\_\_\_\_, THE UNDERSIGNED, AS AN AUTHORIZED REPRESENTATIVE OF AVREND, LLC, THE OWNER(S) OF THE LAND SHOWN AND DESCRIBED IN THE PLAT, AND THAT I HAVE CAUSED THE SAME TO BE SUBDIVIDED HEREON.  
 DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2025  
 AUTHORIZED REPRESENTATIVE  
 \_\_\_\_\_

**ACKNOWLEDGEMENT OF NOTARY PUBLIC:**  
 STATE OF ALABAMA  
 COUNTY OF BALDWIN  
 I, \_\_\_\_\_ NOTARY PUBLIC IN AND FOR THE COUNTY OF BALDWIN IN THE STATE OF ALABAMA, DO HEREBY CERTIFY THAT WHOSE NAME(S) IS (ARE) SUBSCRIBED TO THE CERTIFICATION OF OWNERSHIP AND DEDICATION, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGE THAT HE (THEY) SIGNED, SEALED AND DELIVERED SAID INSTRUMENT AT HIS (THEIR) FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES THEREIN SET FORTH.  
 GIVEN UNDER MY HAND AND SEAL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2025  
 NOTARY PUBLIC  
 MY COMMISSION EXPIRES: \_\_\_\_\_

**CERTIFICATE OF APPROVAL BY THE PLANNING DIRECTOR OF FAIRHOPE, ALABAMA**  
 THE UNDERSIGNED, AS AUTHORIZED BY THE CITY OF FAIRHOPE PLANNING COMMISSION, HEREBY APPROVES THE WITHIN RE-PLAT AND THE RECORDING OF THE SAME IN THE OFFICIAL RECORDS OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA. BY APPROVAL OF THIS PLAT THE PLANNING DIRECTOR OF FAIRHOPE ASSUMES NO RESPONSIBILITY FOR SURVEY ERRORS OR FOR DEFECTS OR DEFICIENCIES IN THE TITLE TO THE PROPERTY AFFECTED BY THIS PLAT AND ANY SUCH RESPONSIBILITY IS HEREBY AFFIRMATIVELY DISCLAIMED.

PLANNING DIRECTOR \_\_\_\_\_ DATE \_\_\_\_\_

- NOTES:**
- TYPE OF SURVEY: RE-PLAT
  - RECORD DIMENSIONS BASED ON PLAT OF RESUBDIVISION RECORDED IN SLIDE 2485-D IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA.
  - THIS DRAWING AND DESCRIPTION DOES NOT REFLECT ANY TITLE OR EASEMENT RESEARCH OTHER THAN WHAT IS VISIBLE OR PROVIDED BY THE CLIENT'S CONVEYANCE. SETBACK LINES ESTABLISHED BY STATUTE, ORDINANCE OR RESTRICTIVE COVENANTS ARE NOT SHOWN.
  - THIS DRAWING IS THE PROPERTY OF SMITH, CLARK & ASSOCIATES; IT IS SOLELY FOR THE USE OF THE CLIENT NAMED HEREON AND IS NONTRANSFERABLE TO ANY OTHER PARTY; IT MAY NOT BE USED WITHOUT PRIOR CONSENT FROM SMITH, CLARK & ASSOCIATES.
  - THIS DRAWING IS TO SCALE WHEN PRINTED ON 24x36 PAPER IN PORTRAIT VIEW WITH NO SCALING.
  - BASES OF BEARING: BEARINGS ESTABLISHED HEREON ARE REFERENCED TO THE ALABAMA WEST STATE PLANE COORDINATE SYSTEM AND ESTABLISHED BY REAL TIME KINEMATIC GPS OBSERVATIONS MADE USING THE ALDOT CORS NETWORK.
  - THE PURPOSE OF THIS REPLAT IS TO RECONFIGURE LOT LINES. NO ADDITIONAL LOTS ARE BEING CREATED.
  - ALL DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE APPROVED PUD.

**Physical Address:**  
 11111 U.S. Hwy 31 Ste A  
 Spanish Fort, AL 36527  
 (251) 626-0404

**SMITH CLARK & ASSOCIATES**  
 land surveyors

**Mailing Address:**  
 30941 Mill Lane  
 Suite G, Box 258  
 Spanish Fort, AL 36527

BALDWIN COUNTY  
 ALABAMA

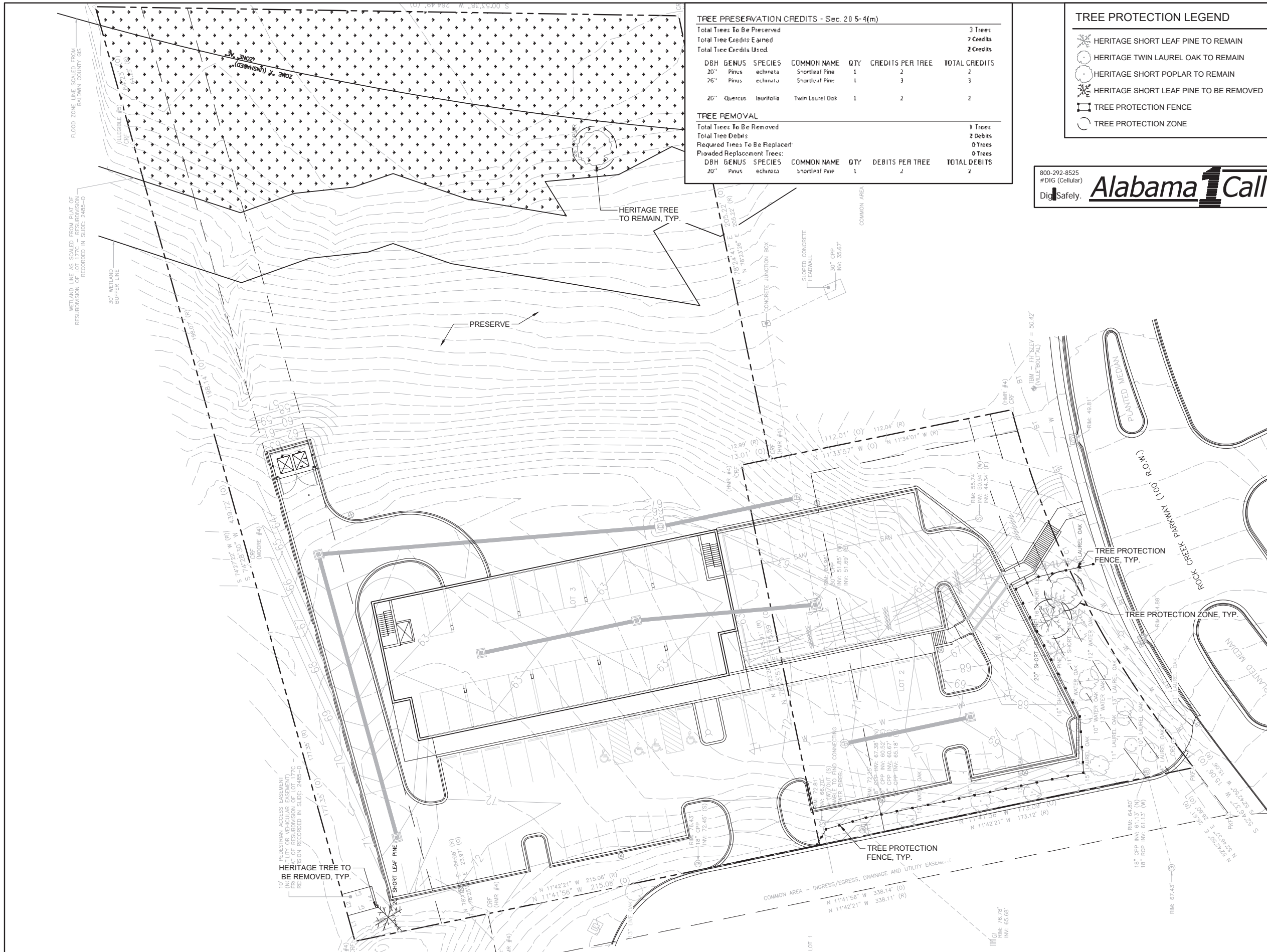
LOT 2 AND LOT 3, RESUBDIVISION OF LOT 177C - RESUBDIVISION, ROCK CREEK, A PLANNED UNIT DEVELOPMENT, PHASE ONE AS RECORDED IN SLIDE 2485-D IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA.

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.

A REPLAT OF  
 LOT 2 AND LOT 3 OF THE  
 RESUBDIVISION OF LOT 177C OF  
 ROCK CREEK, A PLANNED UNIT  
 DEVELOPMENT, PHASE ONE

DRAWN:	CHECKED:	APPROVED:
HW	DK	DC
DATE:	SCALE:	
04/30/25	1"=20'	
DRAWING NUMBER:	FILE/PLC:	
25-119	233/40	

REPLAT OF LOT 2 AND LOT 3, RESUBDIVISION OF  
 LOT 177C - RESUBDIVISION  
 ROCK CREEK PARKWAY  
 FAIRHOPE, AL



**TREE PRESERVATION CREDITS - Sec. 20 5-4(m)**

Total Trees To Be Preserved							3 Trees
Total Tree Credits Earned							7 Credits
Total Tree Credits Used:							2 Credits
DBH	GENUS	SPECIES	COMMON NAME	QTY	CREDITS PER TREE	TOTAL CREDITS	
20"	Pinus	echinata	Shortleaf Pine	1	2	2	
26"	Pinus	echinata	Shortleaf Pine	1	3	3	
20"	Quercus	laurifolia	Twin Laurel Oak	1	2	2	

**TREE REMOVAL**

Total Trees To Be Removed							1 Trees
Total Tree Debits							2 Debits
Required Trees To Be Replaced:							0 Trees
Provided Replacement Trees:							0 Trees
DBH	GENUS	SPECIES	COMMON NAME	QTY	DEBITS PER TREE	TOTAL DEBITS	
20"	Pinus	echinata	Shortleaf Pine	1	2	2	

**TREE PROTECTION LEGEND**

- HERITAGE SHORT LEAF PINE TO REMAIN
- HERITAGE TWIN LAUREL OAK TO REMAIN
- HERITAGE SHORT POPLAR TO REMAIN
- HERITAGE SHORT LEAF PINE TO BE REMOVED
- TREE PROTECTION FENCE
- TREE PROTECTION ZONE

800-292-8525  
#DIG (Cellular)  
Dig Safely. **Alabama 1Call**

landscape architecture  
land planning  
placemaking

**was DESIGN**  
landscape architects

Foley, Alabama  
P. 251.948.7181  
Mobile, Alabama  
P. 251.344.4023  
Jackson, Mississippi  
P. 601.790.0781  
Tallahassee, Florida  
P. 850.203.4252  
www.was-design.com

**NOT**  
FOR CONSTRUCTION  
THESE PLANS HAVE NOT BEEN  
APPROVED AND ARE SUBJECT  
TO CHANGE.

A Landscape Development Plan for  
**Opera Office Building**  
Fairhope, Alabama

**Revisions**

No.	Date	Revisions / Submissions
07.31.25		PERMIT SUBMITTAL
08.25.25		PERMIT SUBMITTAL

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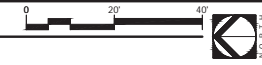
YJ Drawn  
DM  
Project Manager  
LCW  
Principal  
254058-001  
Project No.  
07.25.25  
Date

Registration  
STATE OF ALABAMA  
Professional Seal  
CHAD MOORE  
518  
REGISTERED LANDSCAPE ARCHITECT

**TREE PROTECTION PLAN**

Sheet No. **TP100**

**1 TREE PROTECTION PLAN**  
Scale: 1" = 20'





**PLANT SCHEDULE**

SYMBOL	CODE	QTY	BOTANICAL / COMMON NAME	CONT	CAL	HT
<b>TREES</b>						
	AS	10	ACER BARBATUM / SOUTHERN SUGAR MAPLE FULL HEAD, SPECIMEN QUALITY	B&B OR CONT	2" CAL	10'
	LN	3	LAGERSTROEMIA INDICA 'NATCHEZ' / 'NATCHEZ' CRAPE MYRTLE STANDARD TRUNK; FULL HEAD	B&B OR CONT	1.5" CAL	8'
	MA	4	MAGNOLIA VIRGINIANA / SWEETBAY MAGNOLIA 3 TRUNKS; FULL HEAD	B&B OR CONT	1.5" CAL	8'
	QV	9	QUERCUS VIRGINIANA / SOUTHERN LIVE OAK FULL HEAD, SPECIMEN QUALITY	B&B OR CONT	2" CAL	10'
	TD	4	TAXODIUM DISTICHUM / BALD CYPRESS FULL HEAD, SPECIMEN QUALITY	B&B OR CONT	2" CAL	10'
SYMBOL	CODE	QTY	BOTANICAL / COMMON NAME	CONT	HT	SPACING
<b>SHRUBS</b>						
	WM	25	MYRICA CERIFERA / COMMON WAX MYRTLE SHRUB FORM, FULL TO GROUND	CG	48"	60" o.c.
	OF	18	OSMANTHUS FRAGRANS / SWEET OLIVE SHRUB FORM, FULL TO GROUND	CG	48"	60" o.c.
	SB	18	VIBURNUM ODORATISSIMUM / SWEET VIBURNUM FULL TO GROUND	CG	48"	48" o.c.
<b>SOD/SEED</b>						
	SOD	21,745 SF	CYNODON DACTYLON 'TIFWAY 419' / TIFWAY 419 BERMUDA GRASS	SOD		

800-292-8525  
#DIG (Cellular)  
Dig Safely. **Alabama 1 Call**

**QUANTITY TAKEOFF DISCLAIMER:**  
QUANTITIES NOTED ON PLANS ARE OFFERED AS A CONVENIENCE TO THE CONTRACTOR FOR BID PURPOSES ONLY. CONTRACTOR SHALL VERIFY ALL QUANTITIES AND REPORT ANY DISCREPANCIES TO THE LANDSCAPE ARCHITECT.

landscape architecture  
land planning  
placemaking  
**was DESIGN**  
landscape architects  
www.was-design.com  
Foley, Alabama P. 251.948.7181  
Mobile, Alabama P. 251.344.4023  
Jackson, Mississippi P. 601.790.0781  
Rensselaer, Florida P. 850.203.4252

**NOT FOR CONSTRUCTION**  
THESE PLANS HAVE NOT BEEN APPROVED AND ARE SUBJECT TO CHANGE.

A Landscape Development Plan for  
**Opera Office Building**  
Fairhope, Alabama

Revisions		
No.	Date	Revisions / Submissions
07.31.25		PERMIT SUBMITTAL
08.25.25		PERMIT SUBMITTAL

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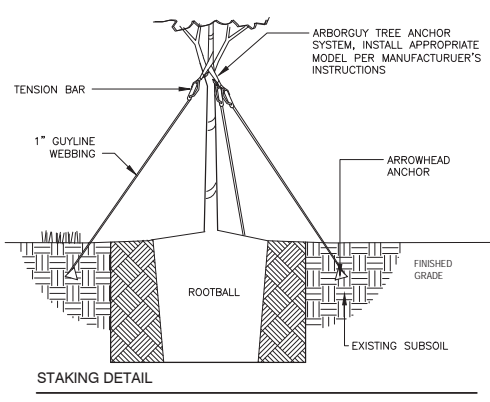
YJ Drawn  
DM Project Manager  
LCW Principal  
254058-001 Project No.  
07.25.25 Date

Registration  
**STATE OF ALABAMA**  
REGISTERED LANDSCAPE ARCHITECT  
518

Sheet Title

**LANDSCAPE PLANTING DETAILS**

Sheet No. **LP500**



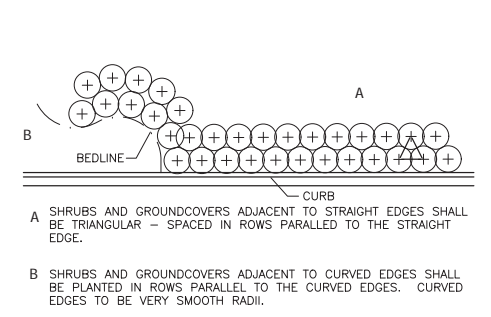
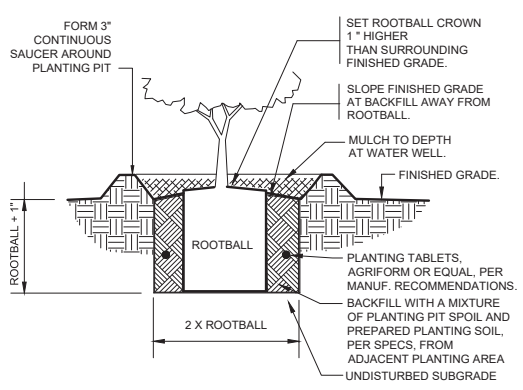
- GENERAL CONDITIONS**
- CONTRACTOR SHALL BE RESPONSIBLE FOR THE SITE INSPECTION PRIOR TO LANDSCAPE CONSTRUCTION AND INSTALLATION IN ORDER TO ACQUAINT HIMSELF WITH EXISTING CONDITIONS. CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL EXISTING UNDERGROUND UTILITIES BEFORE BEGINNING CONSTRUCTION.
  - CONTRACTOR IS RESPONSIBLE FOR PROTECTION OF LANDSCAPE MATERIAL AT ALL TIMES. LANDSCAPE CONTRACTOR TO COORDINATE SAFE STAGING AREA WITH GENERAL CONTRACTOR AND/OR OWNER.
  - CONTRACTOR SHALL GUARANTEE ALL PLANT MATERIAL, INCLUDING GRASS, FOR ONE FULL YEAR FROM DATE OF INSTALLATION.
  - ALL AREAS IMPACTED NEGATIVELY BY CONSTRUCTION PROCESSES SHALL BE RETURNED TO ORIGINAL CONDITION OR BETTER PRIOR TO SUBSTANTIAL COMPLETION.

- PLANTING BED PREPARATION**
- ONLY CERTIFIED BEACH SAND SHALL BE USED AS BACKFILL OR AS PLANTING SOIL ON THIS PROJECT.
  - RAKE SOIL SURFACE SMOOTH PRIOR TO PLANTING.
  - THE SOIL SURFACE SHALL BE REASONABLY FREE OF LARGE CLODS, ROOTS, STONES GREATER THAN 2 INCHES, AND OTHER MATERIAL WHICH WILL INTERFERE WITH PLANTING AND SUBSEQUENT SITE MAINTENANCE.
  - WATER THOROUGHLY AFTER PLANTING.
  - CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING 3% POSITIVE DRAINAGE IN ALL PLANT BEDS. ANY OTHER PROPOSED DRAINAGE METHODS SHALL BE COORDINATED WITH PLANTING EFFORTS TO MINIMIZE CONFLICTS AND MAINTAIN PROPER FUNCTION OF DRAINAGE SYSTEMS.

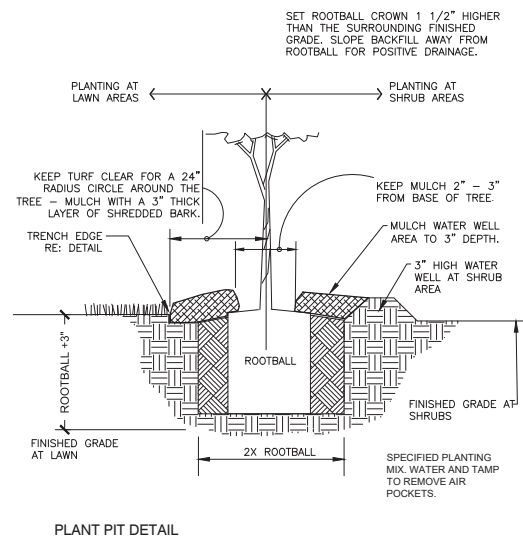
- PLANT MATERIAL AND PLANTING**
- PLANT QUANTITIES ARE OFFERED AS A CONVENIENCE TO THE CONTRACTOR, AND ARE NOT ABSOLUTE. CONTRACTOR SHALL VERIFY PLANT COUNT FROM PLAN AND REPORT DIFFERENCES.
  - ALL PLANT MATERIALS ARE SUBJECT TO APPROVAL OR REFUSAL BY THE OWNER OR LANDSCAPE ARCHITECT AT THE JOB SITE.
  - PLANTS SHALL BE WELL FORMED, VIGOROUS, GROWING SPECIMENS WITH GROWTH TYPICAL OF VARIETIES SPECIFIED AND SHALL BE FREE FROM INJURY, INSECTS AND DISEASES. PLANTS SHALL EQUAL OR SURPASS #1 QUALITY AS DEFINED IN THE CURRENT ISSUE OF "GRADES AND STANDARDS FOR NURSERY PLANTS", PART I, CURRENT EDITION, AND PART II, STATE OF FLORIDA, DEPARTMENT OF AGRICULTURE, TALLAHASSEE, FLORIDA.
  - UNLESS NOTED SPECIFICALLY, ALL PLANT MATERIAL SHALL BE BALLED AND BURLAPPED OR CONTAINER GROWN.
  - FRONT ROW OF SHRUBS SHALL BE PLANTED FROM CENTER OF PLANT A MINIMUM OF 24" BEHIND BED LINE @ LAWNS OR WALKS AND A MINIMUM OF 36" BACK OF CURB @ PARKING SPACES.
  - NO PRUNING SHOULD BE PERFORMED DURING FIRST GROWING SEASON EXCEPT FOR REMOVING DAMAGED OR DEAD GROWTH. WOUND PAINT IS NOT RECOMMENDED FOR ANY CUTS.
  - ALL PLANTING AREAS, TREE PITS, AND OTHER AREAS INDICATED ON PLANS SHALL BE MULCHED WITH A SETTLED LAYER OF THE INDICATED MULCH:

- 3" DEPTH PINE BARK
- 4" DEPTH SHREDDED HARDWOOD MULCH
- 3" DEPTH PINESTRAW
- MINERAL MULCH, RE: SPECS.

- TRENCH EDGE TO BE LOCATED BETWEEN ALL PLANTING AREAS AND LAWN, UNLESS NOTED OTHERWISE.
- TREE STAKING SHALL BE PROVIDED TO KEEP TREES PLUMB AND PROTECTED FROM EXCESSIVE WINDS. ALL TREE-STAKING APPARATUS SHALL BE REMOVED AT THE END OF THE ONE-YEAR WARRANTY PERIOD.
- ONE YEAR OF LANDSCAPE MAINTENANCE FROM SUBSTANTIAL COMPLETION SHALL BE INCLUDED AS AN OPTIONAL BID ITEM TO THE OWNER.



- A** SHRUBS AND GROUNDCOVERS ADJACENT TO STRAIGHT EDGES SHALL BE TRIANGULAR - SPACED IN ROWS PARALLEL TO THE STRAIGHT EDGE.
- B** SHRUBS AND GROUNDCOVERS ADJACENT TO CURVED EDGES SHALL BE PLANTED IN ROWS PARALLEL TO THE CURVED EDGES. CURVED EDGES TO BE VERY SMOOTH RADI.



**3 TREE PLANTING - GUY STRAP**  
1" = 1'-0"  
329399-04

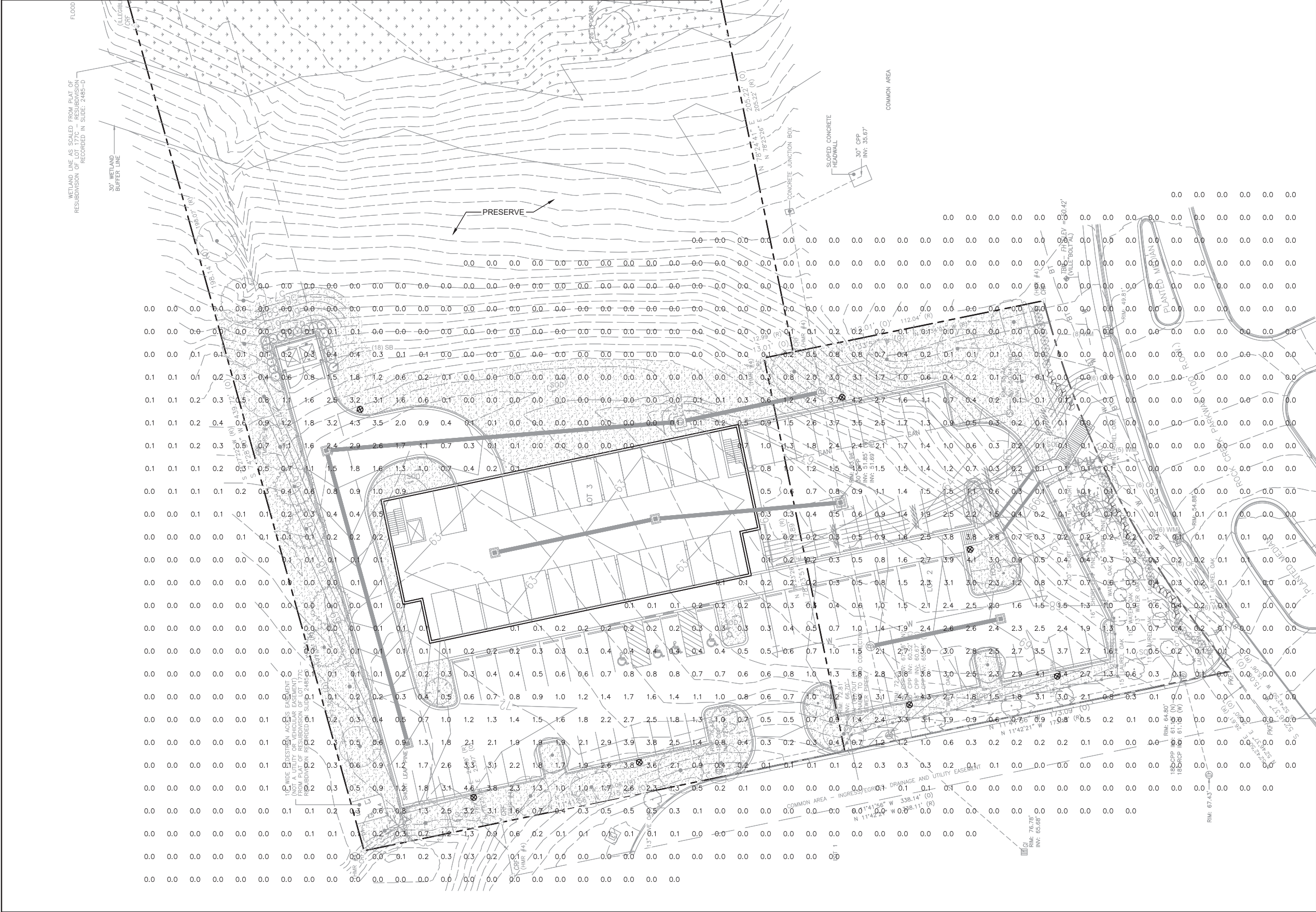
**4 GENERAL PLANTING NOTES**  
1" = 1"  
329399-02

**1 SHRUB PLANTING**  
1" = 1'-0"  
329333.13-01

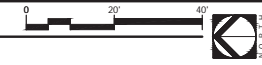
**2 TYPICAL PLANT SPACING**  
NOT TO SCALE

# LUMINAIRE SCHEDULE

CALLOUT	SYMBOL	LAMP	DESCRIPTION	MOUNTING	MODEL	VOLTS	NOTE 3	QUANTITY
P	⊗	(1)	VISIONAIRE LIGHTING LLC	POLE	LSO-M_T3L_15L_3K_PTD_HS	120V 1P 2W	Visionaire Lighting Photometric Laboratory, 04/15/21, 01/21/21, 10418, 120VAC, 99W, B2-U0-63	7



1 SITE LIGHTING PLAN  
Scale: 1" = 20'



landscape architecture  
land planning  
placemaking

**was**  
**DESIGN**  
landscape architects

Foley, Alabama  
P. 251.948.7181  
Mobile, Alabama  
P. 251.344.4023  
Jackson, Mississippi  
P. 601.790.0781  
Tallahassee, Florida  
P. 850.203.4252  
www.was-design.com

**NOT**  
FOR CONSTRUCTION  
THESE PLANS HAVE NOT BEEN  
APPROVED AND ARE SUBJECT  
TO CHANGE.

A Landscape Development Plan for  
**Opera Office Building**  
Fairhope, Alabama

Revisions		
No.	Date	Revisions / Submissions
07.31.25		PERMIT SUBMITTAL
08.25.25		PERMIT SUBMITTAL

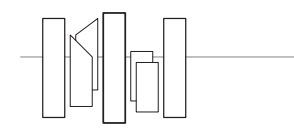
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AS \_\_\_\_\_ Registration  
Drawn \_\_\_\_\_  
DM \_\_\_\_\_  
Project Manager \_\_\_\_\_  
LCW \_\_\_\_\_  
Principal \_\_\_\_\_  
254058-001  
Project No. \_\_\_\_\_  
07.25.25  
Date \_\_\_\_\_

Sheet Title

**SITE LIGHTING PLAN**





Mark B. Hammond, Architect  
 1207 Captain O'Neal Drive  
 Daphne, Alabama 36526  
 251.209.3649 - mark@mbharchitect.com

**OBERA CONNECT**  
  
 ROCK CREEK PKWY.  
 FAIRHOPE, AL 36532

NEW OFFICE AND RETAIL  
 BUILDING  
 PROJECT NO: -

DESIGNER SEAL

DESIGNER SIGNATURE



1 WEST ELEVATION  
 3/16" = 1'-0"



2 NORTH ELEVATION  
 3/16" = 1'-0"

EXTERIOR FINISH SCHEDULE

KEY	DESCRIPTION
01	BRICK VENEER
02	PRE-FINISHED PARAPET COPING
03	STANDING SEAM METAL ROOFING
04	DECORATIVE METAL COLUMN
05	DECORATIVE METAL RAILING
06	ALUMINUM SINGLE HUNG WINDOW
07	DECORATIVE SHUTTER
08	CONCRETE LOW WALL
09	OPEN TO PARKING GARAGE

KEY PLAN

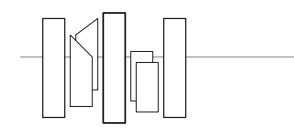
REVISIONS

NO.	DATE	DESCRIPTION

EXTERIOR ELEVATIONS

Submittal Set  
 DATE: 2025-07-25

**A201**



Mark B. Hammond, Architect  
 1207 Captain O'Neal Drive  
 Daphne, Alabama 36526  
 251.209.3649 - mark@mbharchitect.com

**OBERA CONNECT**  
  
 ROCK CREEK PKWY.  
 FAIRHOPE, AL 36532  
  
 NEW OFFICE AND RETAIL  
 BUILDING  
 PROJECT NO: -

DESIGNER SEAL  
  
 DESIGNER SIGNATURE

KEY PLAN

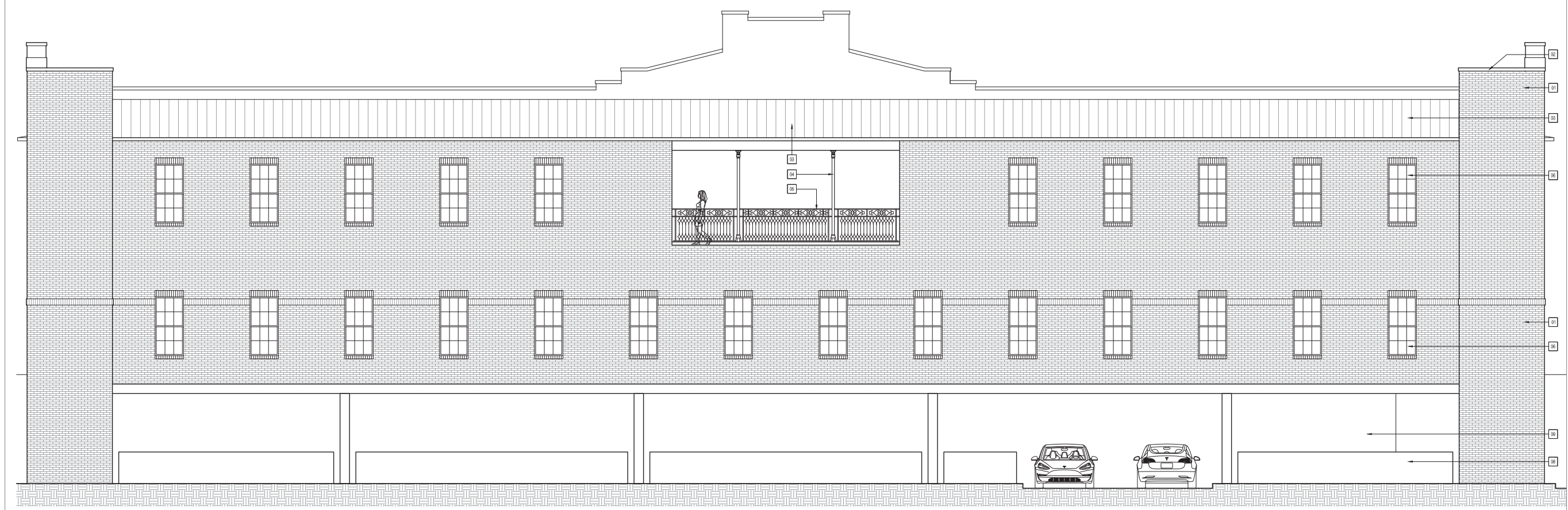
REVISIONS

NO.	DATE	DESCRIPTION

EXTERIOR ELEVATIONS

Submittal Set  
 DATE: 2025-07-25

**A202**



1 EAST ELEVATION  
 3/16" = 1'-0"



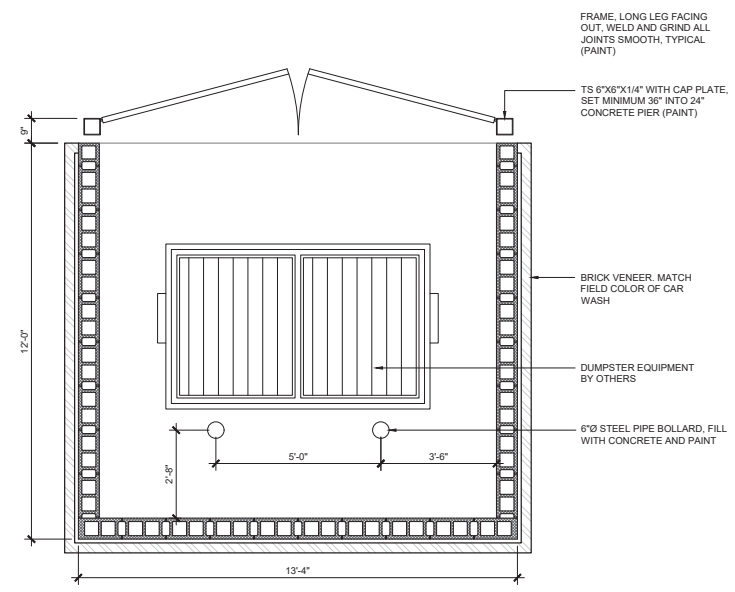
2 SOUTH ELEVATION  
 3/16" = 1'-0"

REVISIONS

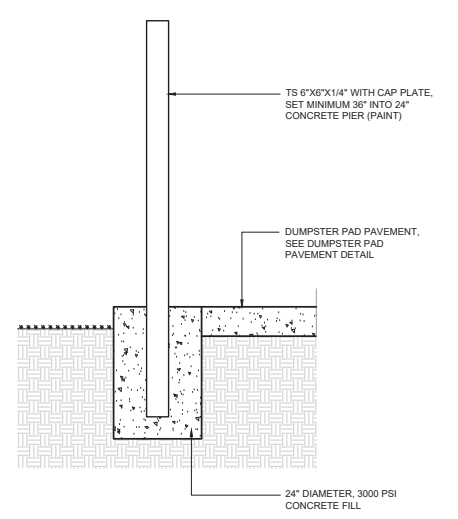
NO.	DATE	DESCRIPTION

DUMPSTER ENCLOSURE PLANS AND DETAILS

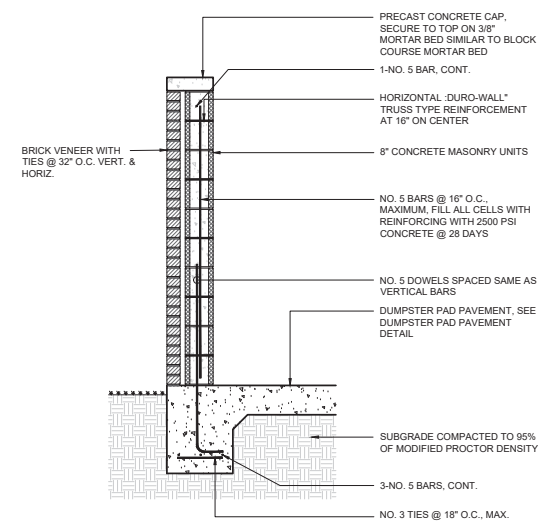
Submittal Set
   
 DATE: 2025-07-25



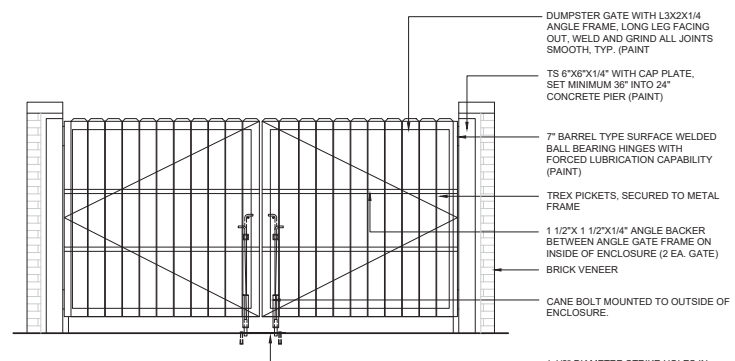
1 DUMPSTER PLAN  
3/8" = 1'-0"



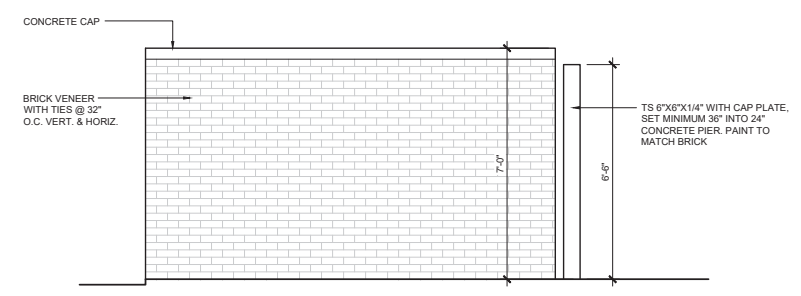
2 GATE POST DETAIL  
1/2" = 1'-0"



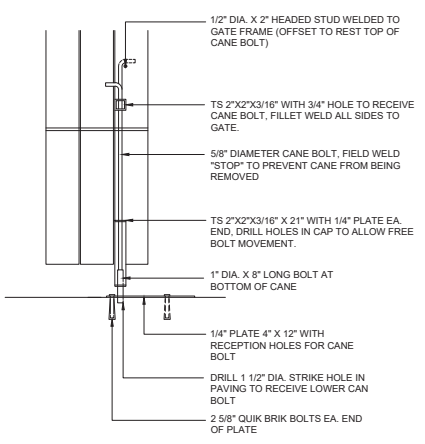
3 WALL DETAIL  
1/2" = 1'-0"



4 DUMPSTER ENCLOSURE GATE ELEVATION  
3/8" = 1'-0"



7 SIDE DUMPSTER ENCLOSURE ELEVATION  
3/8" = 1'-0"



5 CANE BOLT DETAIL  
3/4" = 1'-0"



**LIEB ENGINEERING**  
C O M P A N Y

1290 Main Street  
Suite E  
Daphne, AL 36526  
Phone: 251.978.9779

August 22, 2025

City of Fairhope  
Attn: Staff

Re: **Obera Office Building - Drainage Letter**

Staff,

This letter is to confirm that the proposed Obera site will utilize the existing master detention pond for its detention and water quality treatment. The existing pond will be restored to its originally constructed state, freeing it of any vegetation and or debris. In addition, the pond will also be over excavated 4 feet to retain the volume of water necessary for treating the first flush from the proposed site. Any pollutants, sediment, trash or other impurities will sink to the bottom before any runoff is discharged.

Sincerely,

Christopher Jay Lieb, PE

**LIEB ENGINEERING**  
C O M P A N Y

**From:** [DONALD G ERB](#)  
**To:** [planning](#)  
**Subject:** Case 25.14 Rock Creek Commercial  
**Date:** Tuesday, August 19, 2025 11:58:22 AM

---



Dear Sirs:

I am a resident of Rock Creek since 1995. I live at 208 South drive. When we built here, the neighborhood was sold as a purely residential community and priced accordingly. It is unfair to come back later and include an apartment complex in the neighborhood as this goes against all previous expectations.

I am objecting to the proposed development which is being reviewed on Sep 4.

Sincerely;

Donald Erb



July 30, 2025

Sherry Sullivan  
*Mayor*

*Council Members:*

Kevin G. Boone  
Jay Robinson  
Jack Burrell, ACMO  
Jimmy Conyers  
Corey Martin

Lisa A. Hanks, MMC  
*City Clerk*

Kimberly Creech  
*Treasurer*

**Re: ROCK CREEK COMMERCIAL, PIN'S 242236 AND 347922**

This letter of availability is only valid based on what was proposed at the utility review meeting. Any changes or deviations of the proposed plan will require another utility review. This statement of availability remains effective for twelve (12) months from the date of this letter; at which time it shall expire and automatically be withdrawn.

**Water & Sewer:** Based upon review of the proposed development, water and sewer service by Fairhope Public Utilities is currently available. All tap fees and system development charges (SDC's) will apply, and all necessary infrastructure improvements will be at the developer's expense.

Sincerely,

A handwritten signature in black ink, appearing to read "Daryl Morefield", is written over a horizontal line.

Daryl Morefield  
Water/Wastewater Superintendent

161 North Section St.  
PO Drawer 429  
Fairhope, AL 36533

251-928-2136 (p)  
251-928-6776 (f)  
[www.fairhopeal.gov](http://www.fairhopeal.gov)



# RIVIERA UTILITIES

413 East Laurel Avenue - Foley, AL 36535  
Phone (251) 943-5001

7/24/2025

Mary Kate O'Connell  
Lieb Engineering  
1290 Main Street, Suite E  
Daphne, AL 36526

RE: Parcel 05-43-09-32-0-001-164.001 and Parcel 05-43-09-32-0-001-164.002

This letter is to confirm based on the site plan received; Riviera Utilities is willing and able to provide electric service to the above referenced property.

Riviera Utilities requires a 10' easement along all side property lines and a 15' easement along all front and rear property lines. Please ensure all property plats reflect the easements.

Upon final design, Riviera Utilities will provide estimates for service fees and system installation requirements to meet all Riviera specifications. Please contact the following Riviera employees concerning costs and requirements.

Name	Department	Email
Wes Abrams	Electric	<a href="mailto:wabrams@rivierautilities.com">wabrams@rivierautilities.com</a>

If you have any questions or comments, contact Riviera Utilities at 251-943-5001.

Thank you,

Tony L. Schachle Jr.



**LIEB ENGINEERING**  
C O M P A N Y

1290 Main Street  
Suite E  
Daphne, AL 36526  
Phone: 251.978.9779

July 10, 2025

City of Fairhope Planning and Zoning  
Attn: Staff

Re: **Obera - Fire Flow**

Staff,

The static and residual pressures at the test hydrant were 68 and 42 psi respectively. The flow hydrant was flowing 1,060 GPM at 40 psi. This test was performed on 07/10/25 at 8:15 A.M. The available fire flow is 1,418 GPM at 20 psi. The water system will meet all requirements of the 2021 International Fire Code.

Sincerely,

Christopher Jay Lieb, PE

**LIEB ENGINEERING**  
C O M P A N Y

300' BUFFER REPORT FOR PIN#242236										
Parcel Number	Pin	Owner Name	Address	Address2	City	State	Zip	Property Street Number	Property Street Name	Subdivision Name
05-43-09-32-0-001-164.001	242236	HOOVER, BRANDI	27542 TECUMSEH CT		DAPHNE	AL	36526	0	ROCK CREEK PKWY	ROCK CREEK PH I RESUB OF L 177 - C
05-43-09-32-0-001-164.003	347923	ROCK CREEK PARKWAY COMMERCIAL PROPERTY O AND WNERS ASSOCIATION INC	200 ROCK CREEK PKWY		FAIRHOPE	AL	36532	0	ROCK CREEK PKWY	ROCK CREEK PH I RESUB OF L 177 - C
05-43-09-32-0-001-164.004	347924	ROCK CREEK PARKWAY COMMERCIAL PROPERTY O AND WNERS ASSOCIATION INC	200 ROCK CREEK PKWY		FAIRHOPE	AL	36532	0	ROCK CREEK PKWY	ROCK CREEK PH I RESUB OF L 177 - C
05-43-09-32-0-001-164.000	114852	BANCORPSOUTH	2100 3RD AVE N		BIRMINGHAM	AL	35203	101	ROCK CREEK PKWY	ROCK CREEK PH I RESUB OF L 177 - C
05-43-09-32-0-001-164.002	347922	AVREND L L C	1026 STANTON RD STE A		DAPHNE	AL	36526	0	ROCK CREEK PKWY	ROCK CREEK PH I RESUB OF L 177 - C
05-43-09-32-0-001-163.000	114851	CLEARPOINT PROPERTIES L L C	561 FAIRHOPE AVE	STE 201	FAIRHOPE	AL	36532	200	ROCK CREEK PKWY	ROCK CREEK PHASE I PLAT BOOK 1395B PAGE DEED DATE 05/06/1993
05-43-09-32-0-001-167.000	114855	DCF L L C	636 TUTHILL LN		MOBILE	AL	36608	0	MONTROSE WOODS DR	ROCK CREEK PHASE I PLAT BOOK 1395B PAGE DEED DATE 05/06/1993
05-43-09-32-0-001-161.000	114849	CLEARPOINT PROPERTIES L L C	561 FAIRHOPE AVE	STE 201	FAIRHOPE	AL	36532	202	ROCK CREEK PKWY	ROCK CREEK PHASE I PLAT BOOK 1395B PAGE DEED DATE 05/06/1993
05-43-09-32-0-001-172.000	114860	ROCK CREEK PROPERTY OWNERS ASSOC INC	PO BOX 2296		DAPHNE	AL	36526	0	ROCK CREEK PKWY	ROCK CREEK PHASE I PLAT BOOK 1395B PAGE DEED DATE 05/06/1993
05-43-09-32-0-001-168.000	114857	ROCK CREEK PROPERTY OWNERS ASSOC INC	PO BOX 2296		DAPHNE	AL	36526	0	ROCK CREEK PKWY	ROCK CREEK PHASE I PLAT BOOK 1395B PAGE DEED DATE 05/06/1993

STATE OF ALABAMA  
BALDWIN COUNTY  
I, TEDDY J. FAUST, JR., Revenue Commissioner  
in and for said State and County, do hereby  
certify that this is a true and correct copy of the  
records of this office.

  
Revenue Commissioner

300' BUFFER REPORT FOR PIN#347922

Parcel Number	Pin	Owner Name	Address	City	State	Zip	Property Street Number	Property Street Name	Subdivision Name
05-43-09-32-0-001-164.001	242236	HOOVER, BRANDI	27542 TECUMSEH CT	DAPHNE	AL	36526	0	ROCK CREEK PKWY	ROCK CREEK PH I RESUB OF L 177 -C
05-43-09-32-0-001-164.003	347923	ROCK CREEK PARKWAY COMMERCIAL PROPERTY OWNERS ASSOCIATION INC	200 ROCK CREEK PKWY	FAIRHOPE	AL	36532	0	ROCK CREEK PKWY	ROCK CREEK PH I RESUB OF L 177 -C
05-43-09-32-0-001-164.004	347924	ROCK CREEK PARKWAY COMMERCIAL PROPERTY OWNERS ASSOCIATION INC	200 ROCK CREEK PKWY	FAIRHOPE	AL	36532	0	ROCK CREEK PKWY	ROCK CREEK PH I RESUB OF L 177 -C
05-43-09-32-0-001-164.000	114852	BANCORPSOUTH	2100 3RD AVE N	BIRMINGHAM	AL	35203	101	ROCK CREEK PKWY	ROCK CREEK PH I RESUB OF L 177 -C
05-43-09-32-0-001-164.002	347922	AVREND L L C	1026 STANTON RD STE A	DAPHNE	AL	36526	0	ROCK CREEK PKWY	ROCK CREEK PH I RESUB OF L 177 -C
05-43-09-32-0-001-167.000	114855	DCF L L C	636 TUTHILL LN	MOBILE	AL	36608	0	MONTROSE WOODS DR	DEED DATE 05/06/1993
05-43-09-32-0-001-168.000	114857	ROCK CREEK PROPERTY OWNERS ASSOC INC	PO BOX 2296	DAPHNE	AL	36526	0	ROCK CREEK PKWY	ROCK CREEK PHASE I PLAT BOOK 1395B PAGE DEED DATE 05/06/1993
05-43-09-32-0-001-001.000	114681	DYAS, MARION TAYLOR	11210 WEEKS BAY RD	FOLEY	AL	36535	0		ROCK CREEK PHASE I PLAT BOOK 1395B PAGE DEED DATE 05/06/1993

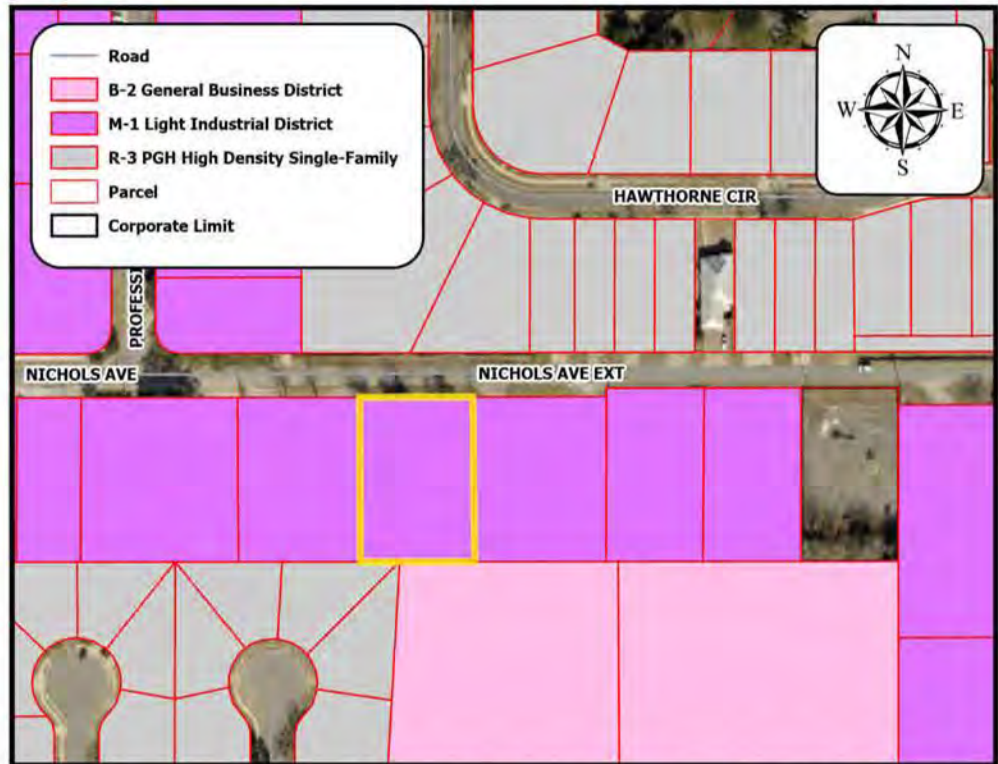
STATE OF ALABAMA  
 BALDWIN COUNTY  
 I, TEDDY J. FAUST, JR., Revenue Commissioner  
 in and for said State and County, do hereby  
 certify that this is a true and correct copy of the  
 records of this office.

  
 Revenue Commissioner

# City of Fairhope Planning Commission September 4, 2025



## SD 25.15 - Ross Givens Office Building



<b><u>Project Name:</u></b>	Ross Givens Office Building
<b><u>Site Data:</u></b>	0.53 acres
<b><u>Project Type:</u></b>	4-unit multiple occupancy project
<b><u>Jurisdiction:</u></b>	Fairhope Planning Jurisdiction
<b><u>Zoning District:</u></b>	M-1 Light Industrial District
<b><u>PPIN Number:</u></b>	276903
<b><u>General Location:</u></b>	Nichols Avenue east of Greeno Road
<b><u>Surveyor of Record:</u></b>	Chris Lieb
<b><u>Engineer of Record:</u></b>	Chris Lieb
<b><u>Owner / Developer:</u></b>	G Real Estate, LLC
<b><u>School District:</u></b>	Fairhope Elementary School Fairhope Middle and High Schools
<b><u>Recommendation:</u></b>	Approved w/ Conditions
<b><u>Prepared by:</u></b>	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: 7/15/25

**Property Owner / Leaseholder Information**  
Name of Property Owner: G Real Estate LLC Phone Number: \_\_\_\_\_  
Address of Property Owner: 640 Hermitage Ct  
City: Fairhope State: AL Zip: 36532

Proposed Subdivision Name: Ross Givens Office Building  
No. Acres in Plat: 0.53 No. Lots/Units: 4  
Parcel No: 05-46-05-21-0-000-008.004 Current Zoning: M-1

**Authorized Agent Information**  
*Plat must be signed by the property owner before acceptance by the City of Fairhope*  
Name of Authorized Agent: Chris Lieb with Lieb Engineering Phone Number: 2519789779  
Address: 1290 Main Street Ste E  
City: Daphne State: AL Zip: 36526  
Contact Person: Chris Lieb

**Surveyor/Engineer Information**  
Name of Firm: Lieb Engineering Company Phone Number: 2519789779  
Address: 1290 Main Street Ste E  
City: Daphne State: AL Zip: 36526  
Contact Person: Chris Lieb

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.

Ross Givens  
Property Owner/Leaseholder Printed Name  
7/16/25  
Date

[Signature]  
Signature  
\_\_\_\_\_  
Fairhope Single Tax Corp. (If Applicable)

## **Summary of Request:**

Public hearing to consider the request of the Applicant, Chris Lieb, on behalf of the Owner, G Real Estate LLC, for preliminary plat approval of Ross Givens Office Building, a 4-unit multiple occupancy project. The property is zoned M-1, Light Industrial District. The property is approximately 0.53 acres and is located on Nichols Avenue east of Greeno Road.

## **Comments:**

### **General Comments:**

- The property is proposed for 4 office units and provides the required parking, connectivity, and buffering. Garbage collection will be roll out cans stored at the southeast corner of the building.

### **Utilities:**

- A utility plan was submitted and has been reviewed and approved by the appropriate providers. No utility upgrades are required.

### **Parking:**

- A traffic study was not required.
- 18 parking spaces are required and 20 spaces are being provided.
- The parking area is all impervious except the drive apron at the ROW.

### **Drainage:**

- The drainage has been designed to exceed the 100-year storm event. The site utilizes a bio-retention swale providing detention, infiltration, and treatment of the stormwater runoff. The downstream impacts are reduced.

### **Landscaping:**

- Landscape buffering has been provided. A waiver to allow the 20' buffer along Nichols Ave to count towards the greenspace requirements has been requested.

### **Waiver Request:**

"We are requesting a waiver from Article V Section C.4.f Types of Greenspace to allow for the area of Landscaping required adjacent to Nichols Ave be used as a "Natural Greenspace" type. The property itself is only ½ an acre fronting on one Rights of Way disqualifying most of the possible options listed in Table 4-1 Greenspace Categories and Types."

Staff supports the waiver request to allow a "Natural Greenspace" type as this particular site size and location does not allow the project to meet the Table 4-1 green space types.

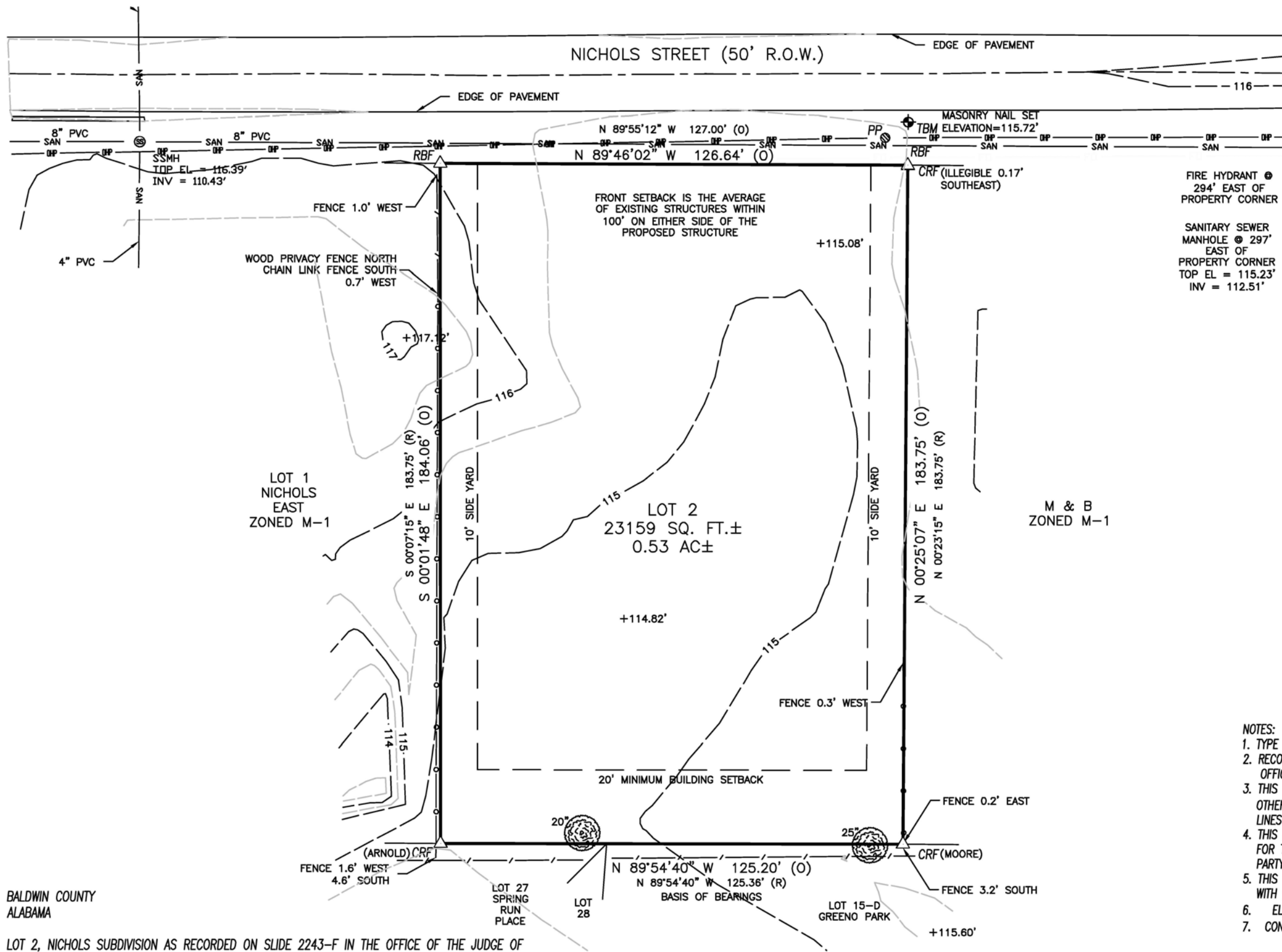
### **Waiver Recommendation:**

Staff recommends **approval** of the waiver request to allow the landscaped area adjacent to the ROW to count as a "Natural Greenspace" type and be utilized for the green space.

### **Recommendation:**

Staff recommends **approval with conditions** of case SD 25.15 Ross Givens Office Building MOP.

1. Planning Commission approval of Greenspace waiver.
2. An O&M plan is recorded reflecting the drainage and maintenance requirements.



FIRE HYDRANT  
 ● 294' EAST OF  
 PROPERTY CORNER

SANITARY SEWER  
 MANHOLE ● 297'  
 EAST OF  
 PROPERTY CORNER  
 TOP EL = 115.23'  
 INV = 112.51'

- LEGEND**
- △ CRF CAPPED IRON ROD FOUND
  - △ CTF CRIMPED TOP PIPE FOUND
  - △ OTF OPEN TOP IRON PIPE FOUND
  - △ RBF REBAR IRON FOUND
  - △ IPF IRON PIN FOUND
  - CRS CAPPED IRON ROD SET
  - (R) RECORD
  - (O) OBSERVED
  - R.O.W. RIGHT OF WAY
  - P.O.C. POINT OF COMMENCEMENT
  - P.O.B. POINT OF BEGINNING
  - CHAIN LINK FENCE
  - x—x— WIRE FENCE
  - /—/— WOOD FENCE
  - ⊗ LP LIGHT POLE
  - ⊙ PP POWER POLE
  - ⊙ SANITARY SEWER MANHOLE
  - ⊙ SANITARY SEWER VALVE
  - ⊙ ELECTRICAL TRANSFORMER
  - ⊙ GAS METER
  - ⊙ WATER METER
  - ⊙ WV WATER VALVE
  - ⊙ FH FIRE HYDRANT
  - ⊙ TP TELEPHONE PEDESTAL
  - ⊙ OAK TREE

- NOTES:**
1. TYPE OF SURVEY: BOUNDARY & TOPOGRAPHIC
  2. RECORD DIMENSIONS BASED ON PLAT OF SUBDIVISION RECORDED ON SLIDE 2243-F IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA.
  3. THIS DRAWING AND DESCRIPTION DOES NOT REFLECT ANY TITLE OR EASEMENT RESEARCH OTHER THAN WHAT IS VISIBLE OR PROVIDED BY THE CLIENT'S CONVEYANCE. SETBACK LINES ESTABLISHED BY STATUTE, ORDINANCE OR RESTRICTIVE COVENANTS ARE NOT SHOWN.
  4. THIS DRAWING IS THE PROPERTY OF SMITH, CLARK & ASSOCIATES. IT IS SOLELY FOR THE USE OF THE CLIENT NAMED HEREON AND IS NONTRANSFERABLE TO ANY OTHER PARTY. IT MAY NOT BE USED WITHOUT PRIOR CONSENT FROM SMITH, CLARK & ASSOCIATES.
  5. THIS DRAWING IS TO SCALE WHEN PRINTED ON 11X17 PAPER IN LANDSCAPE VIEW WITH NO SCALING.
  6. ELEVATION ESTABLISHED USING RTK GPS ON ALDOT CORS NETWORK (NAVD 88).
  7. CONTOURS RUN AT 0.5' INTERVALS.

BALDWIN COUNTY  
 ALABAMA

LOT 2, NICHOLS SUBDIVISION AS RECORDED ON SLIDE 2243-F IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA.

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.

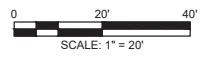
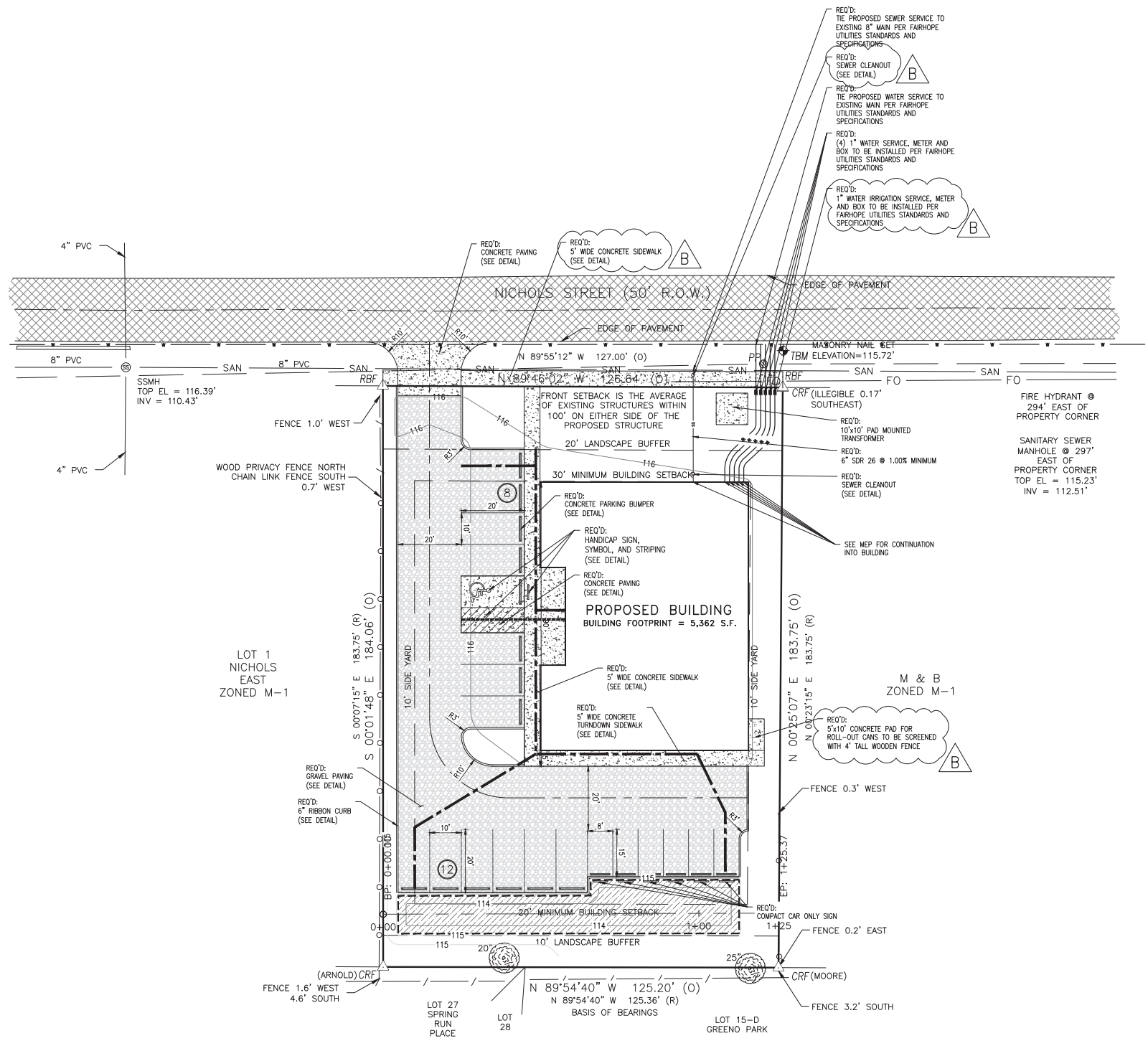
DANIEL D. CLARK  
 ALABAMA LICENSE # 27720

DRAWN: PTS	CHECKED: DDC	APPROVED: DDC	CLIENT:  S.E. CIVIL
DATE: 3/4/19	SCALE: 1"=30'	TITLE: BOUNDARY & TOPOGRAPHIC SURVEY LOT 2 - NICHOLS EAST FAIRHOPE, ALABAMA	
DRAWING NUMBER: 190208	FB/PG: 78/09		

**SMITH & ASSOCIATES**  
 land surveyors

**CLARK**

Physical Address: 11111 U.S. Hwy. 31, Suite E, Spanish Fort, AL 36527  
 Mailing Address: P.O. Box 7082, Spanish Fort, AL 36527  
 (251) 626-0404



- NOTES:**
- SEE SHEET C2.0 FOR ALL GENERAL NOTES.
  - TRASH WILL BE COLLECTED VIA ROLL OUT CANS.
  - ALL WATER TAPS ON LIVE LINES REQUIRE CONSOLIDATED PIPE AND SUPPLY TO INSTALL TAPPING SERVICE.
  - INSTALL CUSTOMER WATER SHUTOFF VALVES ON CUSTOMERS SIDE OF WATER SERVICE.
  - FPU INSPECTORS REQUIRE CONTRACTOR TO NOTIFY WITHIN 48 HOURS NOTICE FOR OBSERVING BACKFILLING AND COMPACTION OPERATIONS NO BACKFILL IS AUTHORIZED UNTIL FPU INSPECTOR HAS APPROVED INSTALLATION METHODS.

**LEGEND**

	GRAVEL PAVING
	CONCRETE PAVING
	EXISTING ASPHALT PAVING
	PROPOSED BIO-RETENTION SWALE
	PEDESTRIAN ROUTE
	ADA ROUTE

**SITE PLAN DATA:**

TOTAL ACRES:	0.53 AC.±
PARCEL ID:	05-46-05-21-0-000-008.004
PROPOSED USE:	OFFICE
ZONING:	M-1
FRONT SETBACK:	30'
REAR SETBACK:	20'
SIDE SETBACK:	10'
PARKING SPACES REQUIRED:	18
PARKING SPACES PROVIDED:	20
BUILDING SIZE:	5,362 SF
BUILDING COVERAGE:	23.15%
LANDSCAPE AREA PROVIDED:	34.84%
PERVIOUS AREA:	34.84%
IMPERVIOUS AREA:	65.16%

**REVISIONS**

A	ISSUED FOR REVIEW	7/11/2025
B	ADDRESSED CITY COMMENTS	8/15/2025



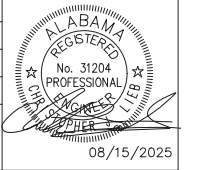
LIEB ENGINEERING COMPANY  
1290 MAIN STREET, SUITE E  
DAPHNE, AL 36526  
PH: (251) 978-9779

NOT VALID WITHOUT THE DATED SIGNATURE AND SEAL OF AN ALABAMA LICENSED ENGINEER.  
ALABAMA LICENSED ENGINEER: CHRISTOPHER JAY LIEB, P.E. LICENSE NUMBER 31204  
ALABAMA CERTIFICATE OF AUTHORIZATION NUMBER: 4938

JOB NUMBER	DRAWN BY: <u>NTB</u>	DATE: <u>7/11/2025</u>	SCALE: <u>1"=20'</u>
2025-064	CHECKED BY: <u>CJL</u>	APPROVED BY: <u>CJL</u>	ENGR: <u>CJL</u>

G REAL ESTATE, LLC OFFICE BUILDING  
SITE, PEDESTRIAN CIRCULATION AND UTILITY PLAN  
FAIRHOPE, AL  
OWNER: G REAL ESTATE LLC

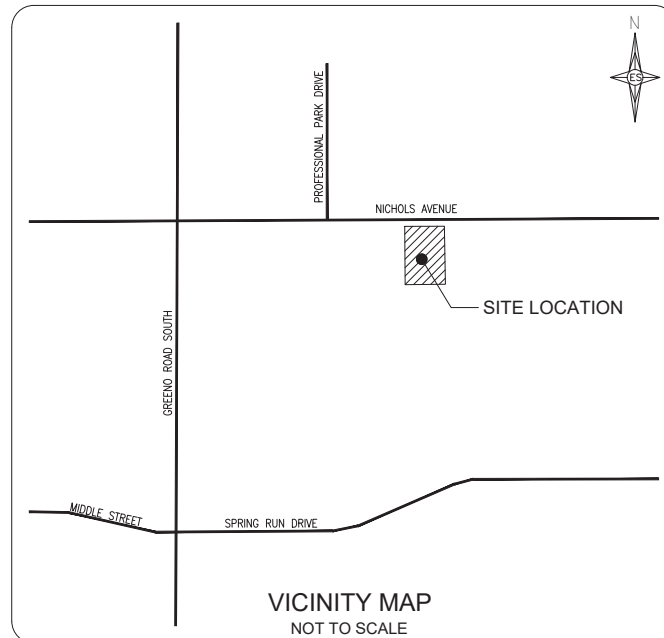
SHEET NUMBER	C4.0	B
4 OF 8		



# G REAL ESTATE, LLC OFFICE BUILDING

NICHOLS AVENUE  
FAIRHOPE, AL. 36532

INDEX TO SHEETS:	
SHEET NO.	SHEET NAME
C1.0	TITLE SHEET
C2.0	CIVIL GENERAL NOTES
C3.0	EXISTING AND DEMO PLAN
C4.0	SITE, PEDESTRIAN CIRCULATION AND UTILITY PLAN
C5.0	AERIAL SITE PLAN
C6.0	GRADING, DRAINAGE AND EROSION CONTROL PLAN
C7.0-C8.0	CIVIL DETAILS



PROJECT CONTACT INFORMATION:	
<b>OWNER:</b>	STOIC EQUITY PARTNERS LLC P.O. BOX 1799 FAIRHOPE, AL 36533
<b>ENGINEER:</b>	LIEB ENGINEERING COMPANY, LLC 1290 MAIN STREET, SUITE E DAPHNE, AL. 36526 (251) 978-9779 CONTACT: CHRIS LIEB, PE
<b>SURVEYOR:</b>	SMITH CLARK AND ASSOCIATES 11111 U.S. HWY 31, SUITE E SPANISH FORT, AL. 36527 (251) 626-0404

**FLOOD ZONE:**

THIS PROPERTY IS IN ZONE "X" AS PER THE MAP BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION COMMUNITY PANEL NUMBER 644 FOR BALDWIN COUNTY AND MAP NUMBER 01003C0644M AS PER REVISED MAP DATED APRIL 19, 2019.

ISSUED  
FOR  
REVIEW

REVISIONS		
A	ISSUED FOR REVIEW	7/11/2025



LIEB ENGINEERING COMPANY  
1290 MAIN STREET, SUITE E  
DAPHNE, AL 36526  
PH: (251) 978-9779

NOT VALID WITHOUT THE DATED SIGNATURE AND SEAL OF AN ALABAMA LICENSED ENGINEER.  
ALABAMA LICENSED ENGINEER: CHRISTOPHER JAY LIEB, P.E. LICENSE NUMBER 31204  
ALABAMA CERTIFICATE OF AUTHORIZATION NUMBER: 4938

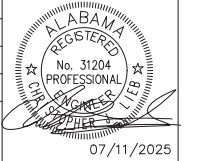
JOB NUMBER: 2025-064  
DRAWN BY: NTB  
DATE: 7/11/2025  
SCALE: AS SHOWN  
CHECKED BY: CJL  
APPROVED BY: CJL  
ENGR: CJL

G REAL ESTATE, LLC OFFICE BUILDING

TITLE SHEET  
FAIRHOPE, AL  
OWNER: G REAL ESTATE LLC

SHEET NUMBER  
1 OF 8

C1.0 A



**GENERAL NOTES:**

- IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO OBTAIN ALL NECESSARY PERMITS REQUIRED TO CONSTRUCT THIS PROJECT AND PAY ALL PERMIT FEES. ALL PERMITS MUST BE IN-HAND PRIOR TO CONSTRUCTION.
- THE CONTRACTOR IS RESPONSIBLE FOR ALL METHODS, PROCEDURES, AND SEQUENCES OF CONSTRUCTION.
- CONSTRUCTION SITE SAFETY, INCLUDING ALL ADEQUATE TEMPORARY BRACING AND SHORING, IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR.
- THE CONTRACTOR SHALL MAKE EVERY REASONABLE EFFORT TO FIELD LOCATE ANY AND ALL UTILITIES PRIOR TO ORDERING MATERIALS AND/OR BEGINNING CONSTRUCTION. ANY AND ALL DISCREPANCIES SHALL BE REPORTED TO LIEB ENGINEERING IMMEDIATELY. THE CONTRACTOR SHALL EXERCISE DUE CARE TO PROTECT THEM FROM DAMAGE DURING EXCAVATION AND CONSTRUCTION.
- THE CONTRACTOR SHALL TAKE ALL NECESSARY MEASURES TO PROTECT ADJACENT PROPERTIES AND IS RESPONSIBLE FOR ANY DAMAGE TO EXISTING IMPROVEMENTS ON OR OFF SITE DUE TO THE CONSTRUCTION OF THIS PROJECT. ANY DAMAGE WILL BE REPAIRED AT THE CONTRACTOR'S EXPENSE.
- ALL EXCAVATIONS SHALL ADHERE TO THE PROVISIONS OF THE MOST CURRENT OSHA STANDARDS AND SPECIFICATIONS.
- THIS PROPERTY IS IN ZONE "X" AS PER THE MAP BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION COMMUNITY PANEL NUMBER 644 OF 1100 FOR BALDWIN COUNTY AND MAP NUMBER 0100300644M AS PER REVISED MAP DATED APRIL 19, 2019.
- SURVEY DATA WAS COMPILED FROM A BOUNDARY AND TOPOGRAPHIC SURVEY PROVIDED BY THE SMITH CLARK & ASSOCIATES, LLC.

**SITE DEMOLITION NOTES:**

- ALL EXISTING IMPROVEMENTS SHALL REMAIN WITHIN THE LIMITS OF CONSTRUCTION UNLESS SPECIFICALLY NOTED, TO BE REMOVED.
- CONTRACTOR SHALL COORDINATE WITH OWNER REGARDING ITEMS TO BE SALVAGED, REMOVED AND REUSED, ETC. CONTRACTOR TO USE CAUTION NOT TO DAMAGE THESE ITEMS DURING REMOVAL AND/OR REUSE. ANY DAMAGED ITEMS SHALL BE REPAIRED/REPLACED AT CONTRACTOR'S EXPENSE.
- ANY AND ALL UTILITIES IN CONFLICT WITH PROPOSED IMPROVEMENTS SHALL BE REMOVED OR RELOCATED. COORDINATE WITH UTILITY PROVIDER PRIOR TO REMOVAL/RELOCATION.
- SAW CUT EXISTING HARDSCAPES AT LIMITS OF REMOVAL. ASPHALT PAVING SHALL BE MILLED A MINIMUM OF 8" TO ENSURE A SMOOTH TRANSITION TO PROPOSED ASPHALT PAVING.
- CONTRACTOR TO DISPOSE OF ALL DEMOLITION AND CONSTRUCTION DEBRIS AT LEAST WEEKLY IN AN APPROVED MANNER.
- THE CONTRACTOR IS RESPONSIBLE FOR THE REMOVAL, RELOCATION OR PROTECTION OF ALL ABOVE AND BELOW GROUND EXISTING IMPROVEMENTS THAT ARE IN CONFLICT WITH THE PROPOSED IMPROVEMENTS UNLESS NOTED.

**LAYOUT NOTES:**

- TOPOGRAPHY AND SITE BOUNDARIES SHALL BE FIELD VERIFIED BY CONTRACTOR PRIOR TO ORDERING MATERIALS AND/OR BEGINNING CONSTRUCTION. IMMEDIATELY NOTIFY LIEB ENGINEERING OF ANY DISCREPANCIES.
- ALL DIMENSIONS AND COORDINATES SHOWN ARE TO THE OUTSIDE FACE OF BUILDING TO THE BACK OF CURB, OR TO THE EDGE OF SURFACING UNLESS OTHERWISE NOTED.
- IT IS THE CONTRACTOR'S RESPONSIBILITY TO PROTECT ALL BENCHMARKS AND PROPERTY CORNERS. ANY REPLACEMENT WILL BE AT THE CONTRACTOR'S EXPENSE.
- VERIFY ALL DIMENSIONS AND CONDITIONS RELATED TO EXISTING CONDITIONS IN THE FIELD PRIOR TO CONSTRUCTION. ANY DISCREPANCIES SHALL BE BROUGHT TO THE IMMEDIATE ATTENTION OF LIEB ENGINEERING. WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALE. SCALE IS FOR GUIDELINE PURPOSES ONLY. IF DIMENSIONS ARE UNCLEAR, DO NOT SCALE. REQUEST CLARIFICATION FROM THE ENGINEER.
- CONTRACTOR SHALL FOLLOW STATE REQUIREMENTS FOR SURVEY PRACTICES FOR CONSTRUCTION LAYOUT WORK.

**GRADING NOTES:**

- THE LIMITS OF CLEARING SHALL BE AT THE EDGE OF PROPOSED GRADING OR THE PROPERTY LINE, WHICHEVER IS LESS.
- THE OWNER SHALL BE RESPONSIBLE FOR PROVIDING COMPACTION TESTING.
- ALL TOP SOIL WITHIN LIMITS OF CONSTRUCTION (5' BEYOND THE BUILDING FOOTPRINT AND 3' BEYOND PAVEMENTS AND WITHIN THE LIMITS OF GRADING) SHALL BE STRIPPED AND STOCKPILED ON SITE IN AN APPROVED MANNER. TOPSOIL SHALL BE SPREAD 6" DEEP ON ALL NON HARDSCAPE AREAS TO BRING TO FINISHED GRADE. ANY EXCESS TOPSOIL SHALL BE DISPOSED OF OFF SITE IN AN APPROVED MANNER.
- IN CUT AREAS, SUBGRADE SHALL BE SCARIFIED A MINIMUM OF 1' AND RECOMPACTED BEFORE PLACING FILL OR ANY OTHER IMPROVEMENTS. RECOMPACTION SHALL MEET THE SPECIFIED DENSITY AND MOISTURE CONTENT IN GRADING NOTE #6 AND #7.
- CONTRACTOR SHALL BE RESPONSIBLE FOR RESTORING THE SUBGRADE AFTER IT HAS BEEN INITIALLY PREPARED DUE TO INCLEMENT WEATHER AND CONSTRUCTION TRAFFIC.
- ALL STRUCTURAL FILL MATERIAL SHALL EXHIBIT CL, SP, SP-SM, SM OR SC CLASSIFICATION ACCORDING TO THE UNIFIED SOIL CLASSIFICATION SYSTEM HAVE A MAXIMUM OF 10% SOIL FINES PASSING THE NO. 200 SIEVE HAVE A MAXIMUM LIQUID LIMIT (LL) OF 50 HAVE A PLASTICITY INDEX (PI) OF 25 HAVE A MINIMUM STANDARD PROCTOR (ASTM D-698) MAXIMUM DRY DENSITY OF 110 PCF. MATERIAL SHALL BE PLACED IN 8" LOOSE LIFTS AND EACH LIFT COMPACTED TO 98 PERCENT STANDARD PROCTOR DENSITY AS PER ASTM-D698, AT A FIELD MOISTURE WITHIN ±2 PERCENT OF OPTIMUM. ON SITE SOILS FREE OF ORGANICS AND DELETERIOUS MATERIALS AND SATISFYING THE SPECIFICATIONS PROVIDED ABOVE MAY BE STOCKPILED AND USED AS STRUCTURAL FILL.
- PIPE BEDDING SHALL BE "SELECT SAND." THE MATERIAL SHALL CONTAIN LESS THAN 10% PASSING THE #200 SIEVE AND 90% OR LESS PASSING THE #40 SIEVE, BY WEIGHT. MATERIAL SHALL BE PLACED IN 8" LOOSE LIFTS AND EACH LIFT COMPACTED TO 95 PERCENT STANDARD PROCTOR DENSITY AS PER ASTM-D698, AT A FIELD MOISTURE WITHIN ±3 PERCENT OF OPTIMUM. ON SITE SOILS FREE OF ORGANICS AND DELETERIOUS MATERIALS AND SATISFYING THE SPECIFICATIONS PROVIDED ABOVE MAY BE STOCKPILED AND USED AS STRUCTURAL FILL.
- SUBGRADE SHALL BE PROOF ROLLED WITH A HEAVILY LOADED DUMP TRUCK AND APPROVED BY THE GEOTECHNICAL ENGINEER PRIOR TO PLACING FILL FOUNDATIONS, PAVING, ETC.. ANY AREAS SHOWING SIGNS OF PUMPING, RUTTING, OR ANY UNSUITABLE (ORGANIC, SOFT, WET, LOOSE) MATERIAL FOUND IN PLACE SHALL BE UNDERCUT AND REPLACED, OR MOISTURE CONDITIONED AND COMPACTED TO THE SPECIFIED DENSITY AND MOISTURE CONTENT SPECIFIED.
- FINISHED GRADES ARE SHOWN ON THIS PLAN. CONTRACTOR SHALL MAKE THE APPROPRIATE HOLDDOWNS FOR SUBGRADE ELEVATIONS.
- STORM DRAINAGE INLETS SHALL BE LOCATED AT THE LOWPOINTS. NOTIFY LIEB ENGINEERING OF ANY DISCREPANCIES.
- CONTRACTOR SHALL PROVIDE FOR PERSONNEL AND VEHICULAR PROTECTION AT ANY OPEN EXCAVATIONS IN ACCORDANCE WITH 29 CFR PART 1926 AS WELL AS ANY REQUIREMENTS FOR EXCAVATIONS GREATER THAN FOUR (4) FEET IN DEPTH.
- CONTRACTOR SHALL BE RESPONSIBLE FOR SHORING ADJACENT TO EXISTING STRUCTURES AND UNDERGROUND UTILITIES DURING ALL EXCAVATION OPERATIONS. TYPE OF SHORING AND PROCEDURE TO BE FOLLOWED MAY BE SUBJECT TO THE ENGINEER'S REVIEW BUT THE STRUCTURAL ADEQUACY OF THESE SYSTEMS, AS WELL AS DAMAGES TO THE EXISTING FACILITIES, ARE THE RESPONSIBILITY OF THE CONTRACTOR.
- COMPACTION TESTS SHALL BE TAKEN AT THE RECOMMENDATION OF THE ON-SITE GEOTECHNICAL ENGINEER.
- COMPACTION WITHIN LIMITED SPACES (I.E. MANHOLES, INLETS, UTILITY TRENCHES) SHOULD BE BACKFILLED AND COMPACTED SYSTEMATICALLY, AT THE DIRECTION OF THE ON-SITE GEOTECHNICAL ENGINEER. SAND BACKFILL SHALL BE INSTALLED IN 12" LOOSE LIFTS AND COMPACTED WITH 6-8 PASSES OF A VIBRATORY COMPACTOR.
- DEWATERING SHALL BE SOLELY THE RESPONSIBILITY OF THE CONTRACTOR. PREVENT SURFACE WATER AND GROUND WATER FROM ENTERING EXCAVATIONS, FROM PONDING ON PREPARED SUBGRADES, AND FROM FLOODING PROJECT SITE AND SURROUNDING AREA. PROTECT SUBGRADES FROM SOFTENING, UNDERMINING, WASHOUT, AND DAMAGE BY RAIN OR WATER ACCUMULATION. REROUTE SURFACE WATER RUNOFF AWAY FROM EXCAVATED AREAS. DO NOT ALLOW WATER TO ACCUMULATE IN EXCAVATIONS. DO NOT USE EXCAVATED TRENCHES AS TEMPORARY DRAINAGE DITCHES. INSTALL A DEWATERING SYSTEM TO KEEP SUBGRADES DRY AND CONVEY GROUND WATER AWAY FROM EXCAVATIONS. MAINTAIN UNTIL DEWATERING IS NO LONGER REQUIRED.
- CONTRACTOR SHALL ENSURE POSITIVE DRAINAGE IS MAINTAINED THROUGHOUT CONSTRUCTION. PONDING AND STANDING WATER SHALL BE KEPT TO A MINIMUM.
- THE MAXIMUM SLOPE IN HANDICAP PARKING AREAS SHALL NOT EXCEED 2.0% GRADE IN ANY DIRECTION. THE SLOPE IN ALL HANDICAP ACCESS ROUTES SHALL NOT EXCEED 5.0% GRADE IN THE DIRECTION OF TRAVEL AND 2.0% CROSS SLOPE. HANDICAP RAMPS SHALL NOT EXCEED 1:12 SLOPE IN THE DIRECTION OF TRAVEL AND 2.0% CROSS SLOPE.
- THE FINISHED GRADE SHALL SLOPE AWAY FROM THE BUILDING(S) AT LEAST 1.0%. THE FINISHED GRADE SHALL BE 6" BELOW THE BUILDING FINISHED FLOOR ELEVATION UNLESS OTHERWISE NOTED ON DRAWINGS. WATERPROOFING SHALL BE REQUIRED AT ALL LOCATIONS WHERE THE FINISHED GRADE IS ABOVE THE FINISHED FLOOR ELEVATION. CONTRACTOR SHALL NOTIFY LIEB ENGINEERING OF ANY DISCREPANCIES.

**EROSION CONTROL NOTES:**

- SITE EROSION CONTROL MEASURES SHALL BE IN ACCORDANCE WITH ALL FEDERAL, STATE, AND LOCAL LAWS, CODES, AND REGULATIONS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING A "NOTICE OF REGISTRATION"(NOR) FROM ADEM. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL MONITORING, INSPECTIONS, ETC. TO ENSURE THE OWNER THAT THE SITE IS AT ALL TIMES IN ACCORDANCE WITH ADEM RULES & REGULATIONS. DOCUMENTATION OF INSPECTIONS BY A Q.C.I. OR Q.C.P. SHALL BE MAINTAINED BY THE CONTRACTOR AND PROVIDED TO THE OWNER AT HIS/HER REQUEST. ANY AND ALL FEES, FINES, ETC., SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
- ALL EROSION CONTROL DEVICES SHALL BE PROPERLY MAINTAINED DURING THE CONSTRUCTION PROCESS AND UNTIL ALL DISTURBED AREAS HAVE BEEN PERMANENTLY STABILIZED. ALL EROSION CONTROL INSTALLATION AND MAINTENANCE SHALL BE SOLELY THE RESPONSIBILITY OF THE CONTRACTOR AND SHALL BE AT NO ADDITIONAL COST TO THE OWNER.
- EROSION CONTROL DEVICES SHOWN ON THESE PLANS ARE A MINIMUM. ADDITIONAL DEVICES SHALL BE INSTALLED AS REQUIRED TO PREVENT SILTATION, EROSION AND OTHER DEGRADATION OR POLLUTION TO THE SITE OR ADJACENT PROPERTIES, STREAMS, DITCHES, AND PUBLIC ROADWAYS.
- EROSION CONTROL DEVICES SHALL INCLUDE, BUT NOT LIMITED, TO THE FOLLOWING DEVICES: SILT FENCING, BRUSH BERMS, SEDIMENT BASINS, DETENTION PONDS, STRAW WATTLES, CHECK DAMS, FILTER BERMS, JUTE MATTING, VEGETATIVE FILTER STRIPS, TURF REINFORCEMENT MAT, DIVERSION BERMS, ETC.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ALL EROSION CONTROL DEVICES IN GOOD OPERATING CONDITION DURING ALL LAND DISTURBING ACTIVITIES. THIS RESPONSIBILITY SHALL INCLUDE THE CLEANUP AND/OR REPAIRS TO THE DEVICES AT NO ADDITIONAL COST TO THE OWNER.
- EROSION CONTROL DEVICES SHALL BE MONITORED AND MAINTAINED UNTIL THE SITE HAS BEEN PERMANENTLY STABILIZED AND AFTER EACH RAINFALL GREATER THAN 0.5 INCHES IN A 24 HOUR PERIOD, ANY WIND GUSTS GREATER THAN 25 MPH, AND ANY SUSTAINED WINDS GREATER THAN 20 MPH IN A 24 HOUR PERIOD.
- AFTER ALL LAND DISTURBANCE ACTIVITIES HAVE CEASED AND AFTER ALL DISTURBED AREAS HAVE BEEN PERMANENTLY STABILIZED, THE EROSION CONTROL DEVICES SHALL BE REMOVED BY THE CONTRACTOR AND THE AREA CLEANED AND DRESSED.
- DEWATERING OPERATIONS MAY NOT BE DISCHARGED IN A MANNER THAT CAUSES EROSION OF THE SITE OR POLLUTION TO ADJACENT PROPERTIES, STREAMS, DITCHES, OR PUBLIC ROADWAYS.
- A GRAVELED ACCESS DRIVE OF SUFFICIENT SIZE SHALL BE AT EACH SITE ENTRANCE/EXIT TO PREVENT TRACKING OF DIRT AND SEDIMENT ONTO PUBLIC OR PRIVATE ROADWAYS. IF SEDIMENT REACHES THE ROADWAY, THEN IT MUST BE CLEANED AT THE END OF EACH WORKDAY.
- ALL LAND DISTURBANCE ACTIVITIES SHALL BE CONDUCTED IN A LOGICAL SEQUENCE TO MINIMIZE THE EXPOSURE OF BARE AREAS AT ANY
- ALL PREVIOUSLY GRADED AREAS SHALL RECEIVE 4 INCHES OF TOPSOIL AND PERMANENT GRASSING UNLESS OTHERWISE INDICATED ON THE LANDSCAPE PLAN.
- PRIOR TO SITE CLEARING, ALL PERIMETER SILT FENCING, BRUSH BERMS, ETC. AND GRAVELED ACCESS DRIVES SHALL BE INSTALLED.
- ALL EXISTING STREAMS, DITCHES, ETC. SHALL BE PROTECTED FROM SEDIMENTS AND SILTS BY SILT FENCING, WATTLES, BRUSH BERMS, ETC.
- WATTLES OR SILT FENCING SHALL BE INSTALLED AT ALL INLETS UPON THE COMPLETION OF EACH INLET AS INSTALLED.
- GEOTEXTILE SHALL BE PLACED ON ALL 3:1 SIDE SLOPES. GEOTEXTILE SHALL BE NORTH AMERICAN GREEN S150 OR APPROVED EQUAL UNLESS OTHERWISE NOTED ON PLANS. ALL GEOTEXTILES SHALL BE INSTALLED PER THE MANUFACTURER'S RECOMMENDATIONS.
- GEOTEXTILE SHALL BE PLACED ON ALL DITCH BOTTOMS & 1' UP EACH SIDE. GEOTEXTILE SHALL BE NORTH AMERICAN GREEN SC250 OR APPROVED EQUAL UNLESS OTHERWISE NOTED ON PLANS. ALL GEOTEXTILES SHALL BE INSTALLED PER THE MANUFACTURER'S RECOMMENDATIONS.
- GOOD HOUSEKEEPING PRACTICES AND PREVENTATIVE MAINTENANCE SHALL BE PERFORMED ON SITE DAILY TO PREVENT POLLUTION SOURCES FROM CONTACTING STORMWATER AND GROUND WATER. THIS INCLUDES, BUT IS NOT LIMITED TO: EQUIPMENT INSPECTION FOR LEAKS OF HAZARDOUS MATERIALS, PICKUP AND PROPER DISPOSAL OF WASTE MATERIALS TO APPROVED DISPOSAL SITES, STORING CONTAINERS AND BAGS AWAY FROM TRAFFIC ROUTES, PUBLICIZING POLLUTION PREVENTION CONCEPTS THROUGH POSTERS, WASHING EQUIPMENT AND VEHICLES AT APPROVED WASHING LOCATIONS, AND USING ONLY WATER (NO DETERGENTS) FOR WASHING ACTIVITIES.
- AT A MINIMUM, THE EROSION CONTROL DEVICES SHOWN ON THESE PLANS SHALL BE INSTALLED. ADDITIONAL MEASURES MAY BE REQUIRED AND SHALL BE IMMEDIATELY INSTALLED UPON ANY ADDITIONAL SILTATION, EROSION, AND OTHER DEGRADATION OR POLLUTION TO THE SITE OR ADJACENT PROPERTIES, STREAMS, DITCHES, AND PUBLIC ROADWAYS NOT MITIGATED OR UNFORESEEN BY THIS SET OF PLANS.
- ALL DISTURBED AREAS LEFT INACTIVE FOR MORE THAN 13 DAYS SHALL BE SEEDED AND MULCHED IN ACCORDANCE WITH ALDOT SPECIFICATIONS SECTION 652 AND 656.

**TRAFFIC CONTROL NOTES:**

- THE CONTRACTOR SHALL ESTABLISH AND MAINTAIN TRAFFIC CONTROL DEVICES IN ACCORDANCE WITH THE LATEST EDITION AND REVISION OF PART VI OF THE FEDERAL MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) AND THE APPROVED TRAFFIC CONTROL PLAN FOR ALL CONSTRUCTION WITHIN WORK AREAS SHOWN AND DESCRIBED IN PART VI OF THE MUTCD.
- PERMANENT ROADWAY SIGNS OR TEMPORARY CONSTRUCTION SIGNS WHICH ARE NOT APPLICABLE OR INAPPROPRIATE FOR THE CURRENT CONDITIONS SHALL BE COVERED OR REMOVED.
- THE DIMENSIONS SHOWN OR DESCRIBED FOR LOCATING CONSTRUCTION SIGNS ARE NOMINAL. THE ACTUAL DIMENSIONS SHALL BE ADJUSTED TO BEST FIT LOCAL CONDITIONS AND PROVIDE MAXIMUM VISIBILITY.
- IF TRAFFIC CONTROL DEVICES ARE NECESSARY FOR PROPER WARNING AND TRAFFIC CONTROL AFTER SUNSET, THEN AS A MINIMUM, TYPE "B" WARNING LIGHTS SHALL BE PLACED ON THE FIRST WARNING SIGN AND CHANNELIZING DRUM AND TYPE "A" REFLECTIVE SHEETING SHALL BE REQUIRED ON ALL SIGNS.
- HAZARDOUS CONDITIONS ON OPEN ROADWAYS SUCH AS PAVEMENT DROP-OFFS IN EXCESS OF 2"; CONSTRUCTION MATERIALS, VEHICLES, OR EQUIPMENT STORED OR PLACED WITHIN THE ROADWAY RIGHT-OF-WAY AND OPEN TRENCHES ACROSS OR NEAR THE ROADWAY SHALL NOT BE ALLOWED UNLESS THE CONTRACTOR IS ON SITE AND WORKING, AND PROPER TRAFFIC CONTROL MEASURES ARE BEING TAKEN.
- THE CONTRACTOR SHALL KEEP OPEN ROADWAYS CLEAN AND FREE OF CONSTRUCTION DEBRIS, DIRT, LOOSE GRAVEL OR OTHER MATERIAL THAT MAY CAUSE HAZARDOUS DRIVING CONDITIONS.
- TRAFFIC CONTROL DEVICES SHALL MEET THE STANDARD MATERIAL AND INSTALLATION REQUIREMENTS SPECIFIED IN THE CURRENT EDITION OF THE ALD.O.T. STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION.
- ROADWAYS AND DRIVEWAYS SHALL REMAIN OPEN DURING CONSTRUCTION.
- CHANNELIZING DEVICES SHALL BE PLACED AT 10' ON CENTER ALONG MINIMUM 20' RADI TO CHANNELIZE TRAFFIC INTO AND OUT OF INTERSECTING ROAD AND DRIVES WITHIN AREAS WHERE CHANNELIZING DEVICES ARE REQUIRED. TEMPORARY REGULATORY SIGNS SUCH AS STOP SIGNS AND YIELD SIGNS SHALL BE PLACED AS NECESSARY FOR PROPER TRAFFIC CONTROL IN ACCORDANCE WITH THE MUTCD.
- STANDARD LANE CLOSURE TIMES ARE 9AM-3PM MONDAY-FRIDAY FOR ALDOT ROUTES.

**STORM DRAINAGE NOTES:**

- THE CONTRACTOR SHALL SUBMIT SHOP DRAWINGS ON ALL STORM PIPE MATERIALS TO LIEB ENGINEERING PRIOR TO INSTALLATION AND/OR FABRICATION.
- ALL PROPOSED STORM INLETS (GRATES, CURB, YARD, AREA DRAINS) ARE TO BE LOCATED AT THE LOWPOINTS. GRADING SHALL BE TO DIRECT RUNOFF TO THESE INLETS. NOTIFY LIEB ENGINEERING OF ANY DISCREPANCIES.
- STORM DRAINAGE SYSTEMS SHALL BE CONSTRUCTED FROM DOWNSTREAM TO UPSTREAM. VERIFY ALL PIPE SLOPES, INVERTS, AND POINTS OF CONNECTION PRIOR TO CONSTRUCTION. NOTIFY LIEB ENGINEERING OF ANY DISCREPANCIES.
- THE CONTRACTOR SHALL VERIFY ALL EXISTING AND PROPOSED STORM PIPE GRADES AND POINTS OF CONNECTION PRIOR TO INSTALLATION. LIEB ENGINEERING SHALL BE NOTIFIED OF ANY DEVIATIONS PRIOR TO CONSTRUCTION.
- PROPOSED STORM PIPES SHALL BE BEDDED IN 6" OF SAND.
- ALL RIP RAP SHALL BE CLASS 2 PER THE ALABAMA DEPT. OF TRANSPORTATION (ALDOT) STANDARD SPECIFICATIONS UNLESS OTHERWISE NOTED.
- ALL STORM PIPES 18" AND LESS SHALL BE SMOOTH LINED HIGH DENSITY POLYETHYLENE (HDPE) OR SCHEDULE 40 POLYVINYL CHLORIDE (PVC) WITH WATER-TIGHT JOINTS UNLESS OTHERWISE NOTED. INSTALLED PER MANUFACTURERS RECOMMENDATIONS.
- ALL STORM PIPES 18" AND GREATER SHALL BE CLASS 3 REINFORCED CONCRETE PIPE (RCP) BELL AND SPIGOT INSTALLED WITH WATERTIGHT JOINTS UNLESS OTHERWISE NOTED.
- ALL SLOPE PAVED HEADWALLS SHALL BE PER ALDOT SPECIAL DRAWING #HW-614-SP.

**CONCRETE NOTES:**

- ALL NORMAL WEIGHT CONCRETE SHALL OBTAIN A MINIMUM 28 DAY COMPRESSIVE STRENGTH OF 3000 PSI UNLESS NOTED OTHERWISE.
- CALCIUM CHLORIDE AND/OR ADMIXTURES CONTAINING CALCIUM CHLORIDE SHALL NOT BE USED IN THE CONCRETE.
- TEST CYLINDERS SHALL BE MADE AND TESTED AS OUTLINED IN THE ACI 301 SPECIFICATION, AND PER PROJECT SPECIFICATIONS.
- REINFORCING BARS SHALL BE DEFORMED BARS OF NEW BILLET STEEL CONFORMING TO ASTM A-615, GRADE 60 AND PLACED IN ACCORDANCE WITH ACI-315, LATEST EDITION UNLESS SPECIFICALLY NOTED OTHERWISE ON THE DRAWINGS.
- FABRICATION OF REINFORCING STEEL SHALL BE IN ACCORDANCE WITH THE "MANUAL OF STANDARD PRACTICE FOR DETAILING REINFORCED CONCRETE STRUCTURES" ACI 315.
- UNLESS OTHERWISE NOTED, CONCRETE COVER FOR REINFORCING BARS SHALL CONFORM TO THE MINIMUM REQUIREMENTS OF ACI 318.
- PROVIDE 3/4" BY 45 DEGREE CHAMFER ON ALL EXPOSED CONCRETE EDGES UNLESS NOTED OTHERWISE ON THE DRAWINGS.
- TYPE II PORTLAND CEMENT SHALL BE USED IN THE MANUFACTURE OF ALL CONCRETE UNLESS OTHERWISE NOTED. PORTLAND CEMENT SHALL CONFORM TO C150, ONLY ONE BRAND OF CEMENT SHALL BE USED FOR ALL CONCRETE FOR EXPOSED SURFACES OF ADJACENT STRUCTURES.
- AGGREGATE, BOTH COARSE AND FINE, USED IN THE MANUFACTURE OF CONCRETE SHALL CONFORM TO ASTM C33 UNLESS OTHERWISE NOTED.
- CONTRACTOR MAY SUBSTITUTE CONSTRUCTION JOINTS IN LIEU OF CONTROL JOINTS AS NEEDED.
- EXPANSION JOINT MATERIAL SHALL BE BITUMINOUS TYPE PER ASTM D994.
- SEALANT SHALL BE BASF SONOLASTIC SL2, OR OTHER ELASTOMERIC JOINT SEALANT AS APPROVED. ALL SEALANT MATERIAL SHALL BE INSTALLED IN STRICT ACCORDANCE WITH MANUFACTURER'S RECOMMENDED INSTALLATION INSTRUCTIONS.
- PAVEMENT SURFACE SHALL HAVE BROOM FINISH.

**UTILITY NOTES:**

- THE SITE CONTRACTOR IS RESPONSIBLE FOR COMPLETING ALL UTILITY SERVICES (WATER, SEWER, GAS, ELECTRICAL, TELEPHONE, CABLE TV) FROM THE POINT THE RESPECTIVE UTILITY COMPANY COMPLETES THEIR WORK TO THE POINT OF CONNECTION AT THE BUILDING.
- REFER TO ARCHITECTURAL, MECHANICAL, PLUMBING, ELECTRICAL, ETC. PLANS FOR ALL PROPOSED UTILITY POINTS OF CONNECTION AT THE BUILDING. NOTIFY ARCHITECT, LIEB ENGINEERING OF ANY DISCREPANCIES.
- BACKFLOW PREVENTION AND METERING SHALL BE PROVIDED ON THE FIRE, DOMESTIC, AND IRRIGATION SERVICES IN ACCORDANCE WITH THE LOCAL UTILITY COMPANY AND FIRE DEPARTMENT'S REQUIREMENTS.
- WATER MAINS AND SERVICES SHALL BE INSTALLED IN ACCORDANCE WITH THE LOCAL UTILITY COMPANY'S REQUIREMENTS. ALL MAINS AND SERVICES SHALL BE INSTALLED WITH A MINIMUM OF 36" COVER UNLESS OTHERWISE INDICATED ON PLANS.
- ALL SANITARY SEWER MAINS AND LATERALS SHALL BE PVC SCH 40 UNLESS OTHERWISE REQUIRED BY THE LOCAL UTILITY COMPANY.
- ALL UNDERGROUND ELECTRICAL, TELEPHONE, AND CABLE TV SHALL BE INSTALLED IN PVC CONDUIT OR CONCRETE ENCASED DUCT BANK WITH PULL WIRE MEETING THE LOCAL UTILITY COMPANY'S REQUIREMENTS. INFORMATION SHOWN ON CIVIL DRAWINGS FOR REFERENCE ONLY. REFER TO ELECTRICAL PLANS FOR SPECIFIC INFORMATION.
- FFU INSPECTORS REQUIRE CONTRACTOR TO NOTIFY WITHIN 48 HOURS NOTICE FOR OBSERVING BACKFILLING AND COMPACTION OPERATIONS NO BACKFILL IS AUTHORIZED UNTIL FFU INSPECTOR HAS APPROVED INSTALLATION METHODS.
- UTILITY TRENCHES SHALL BE BACKFILLED WITH COMPACTED FILL PLACED IN 6 INCH LOOSE LIFTS. FILL SHALL BE COMPACTED TO 98% STANDARD PROCTOR AND OPTIMUM MOISTURE CONTENT WITHIN ±3%.
- WHEN INSTALLING UTILITIES IN EXISTING PAVED AREAS OR IN AREAS WHERE SOILS ARE CONSIDERED UNSUITABLE FOR BEDDING OR BACKFILLING, UTILITY TRENCHES SHALL BE BACKFILLED FULL DEPTH WITH SAND.
- WHERE UTILITIES ARE TO BE INSTALLED IN AREAS OF EXISTING PAVING, HARDSCAPE, SIDEWALKS, ETC. CONTRACTOR SHALL SAWCUT AND REMOVE EXISTING PAVING, HARDSCAPE, SIDEWALK ETC. AND REPLACE IN LIKE KIND AND RESTRIPE AS NECESSARY. BACKFILL TRENCH FULL DEPTH WITH SAND.
- ALL WATER AND SEWER PIPING TO BE INSTALLED AS PER 2018 INTERNATIONAL PLUMBING CODE AND LOCAL ORDINANCE.



REVISIONS	
A	ISSUED FOR REVIEW 7/11/2025
B	ADDRESSED CITY COMMENTS 8/15/2025



LIEB ENGINEERING COMPANY  
1290 MAIN STREET, SUITE E  
DAPHNE, AL 36526  
PH: (251) 978-9779

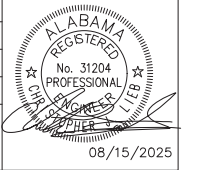
NOT VALID WITHOUT THE DATED SIGNATURE AND SEAL OF AN ALABAMA LICENSED ENGINEER.  
ALABAMA LICENSED ENGINEER: CHRISTOPHER JAY LIEB, P.E. LICENSE NUMBER 31204  
ALABAMA CERTIFICATE OF AUTHORIZATION NUMBER: 4938

JOB NUMBER	DRAWN BY: <u>NTB</u>	DATE: <u>7/11/2025</u>	SCALE: <u>AS SHOWN</u>
2025-064	CHECKED BY: <u>CJL</u>	APPROVED BY: <u>CJL</u>	ENGR: <u>CJL</u>

G REAL ESTATE, LLC OFFICE BUILDING  
CIVIL GENERAL NOTES  
FAIRHOPE, AL  
OWNER: G REAL ESTATE LLC

SHEET NUMBER	2 OF 8
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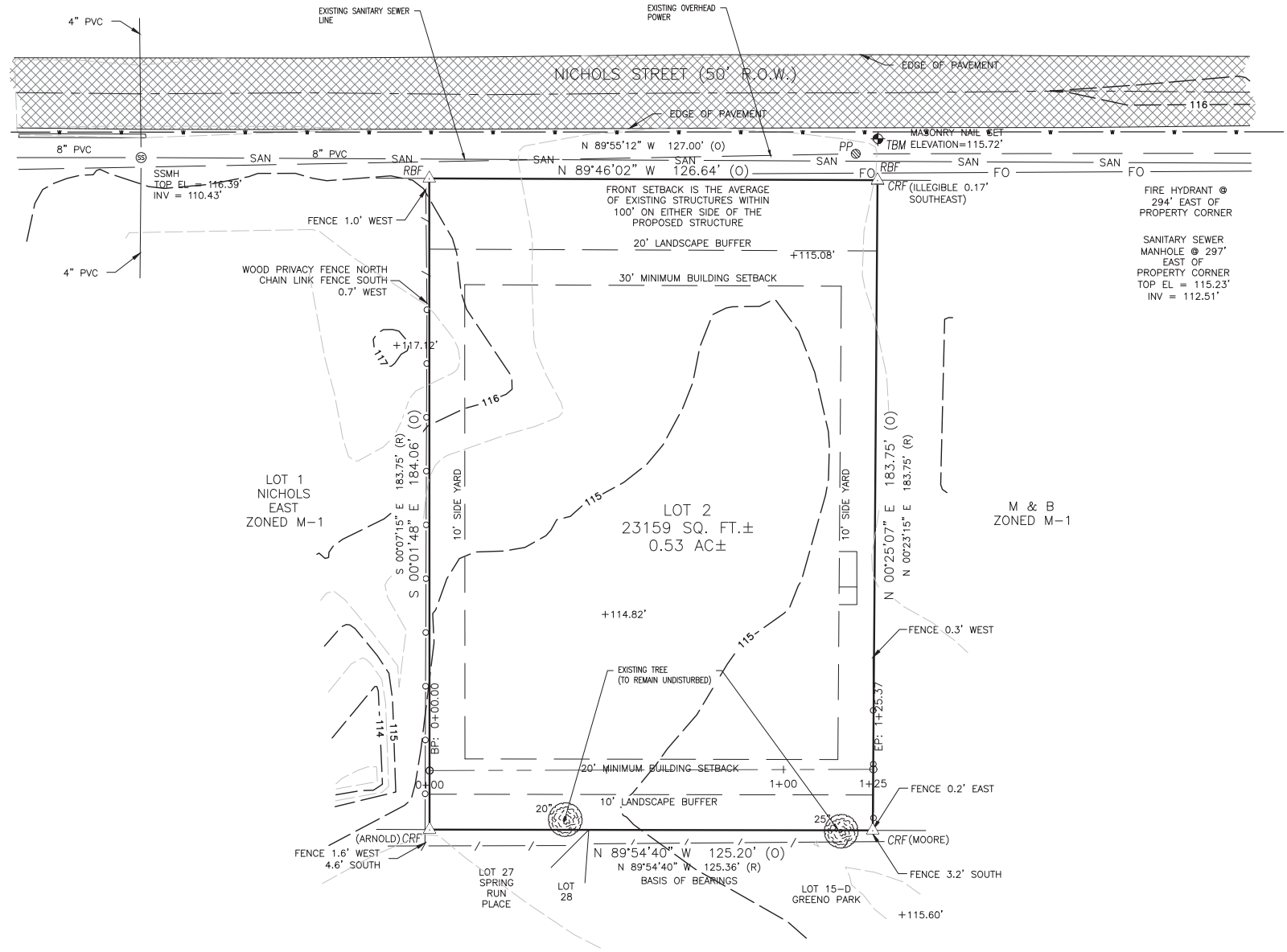
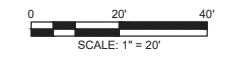
ISSUED FOR REVIEW



C2.0

B

08/15/2025



**NOTES:**  
1. SEE SHEET C2.0 FOR ALL GENERAL NOTES.

**LEGEND**

EXISTING ASPHALT PAVING

REVISIONS			
A	ISSUED FOR REVIEW	7/11/2025	

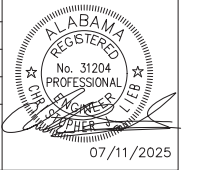


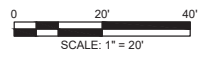
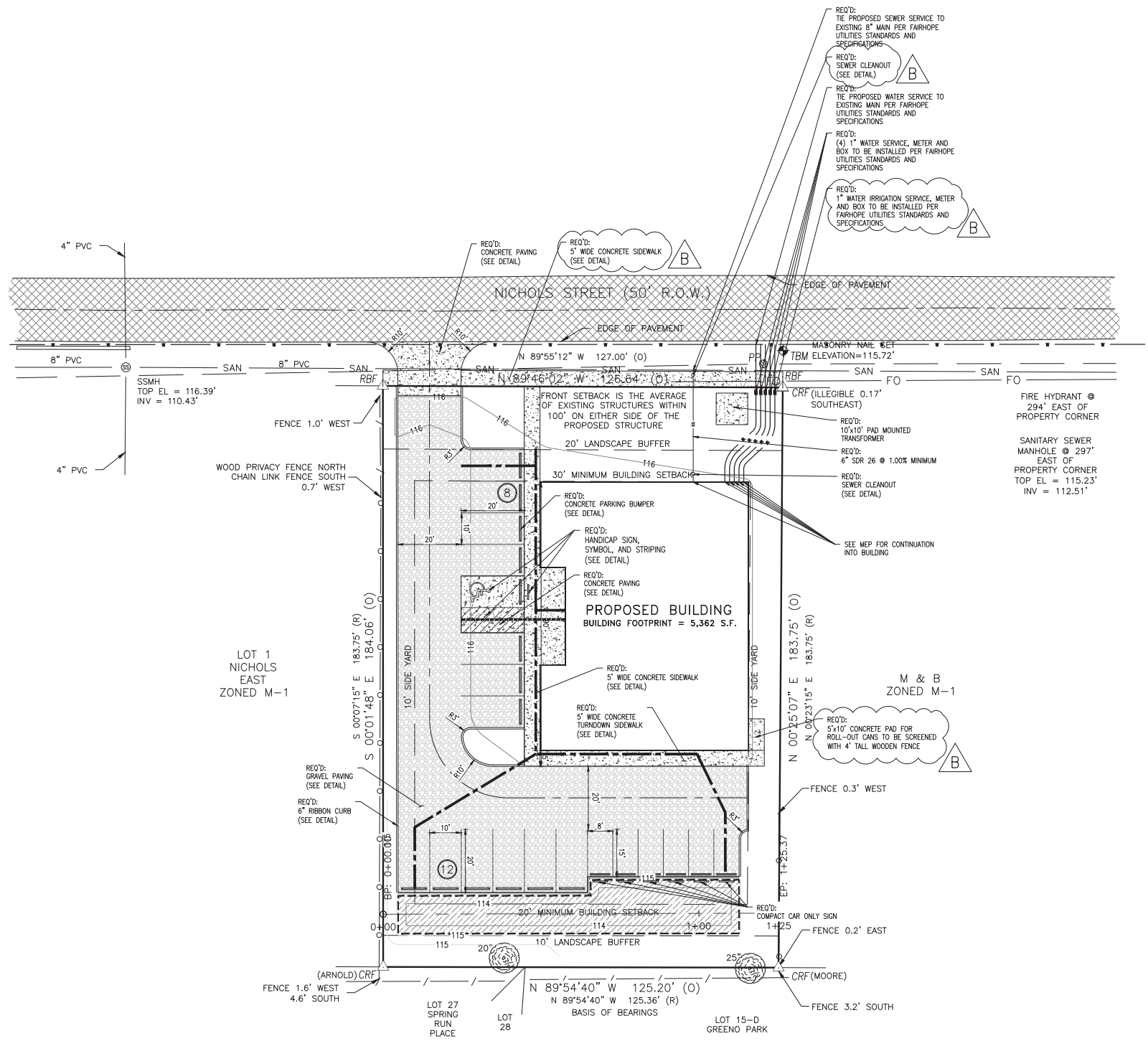
LIEB ENGINEERING COMPANY  
1290 MAIN STREET, SUITE E  
DAPHNE, AL 36526  
PH: (251) 978-9779

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ALABAMA LICENSED ENGINEER: CHRISTOPHER JAY LIEB, P.E. LICENSE NUMBER 31204  
ALABAMA CERTIFICATE OF AUTHORIZATION NUMBER: 4938

JOB NUMBER	DRAWN BY: <u>NTB</u>	DATE: <u>7/11/2025</u>	SCALE: <u>1"=20'</u>
2025-064	CHECKED BY: <u>CJL</u>	APPROVED BY: <u>CJL</u>	ENGR: <u>CJL</u>

G REAL ESTATE, LLC OFFICE BUILDING	
EXISTING CONDITIONS	
FAIRHOPE, AL	
OWNER: G REAL ESTATE LLC	
SHEET NUMBER	C3.0 A
3 OF 8	





- NOTES:**
- SEE SHEET C2.0 FOR ALL GENERAL NOTES.
  - TRASH WILL BE COLLECTED VIA ROLL OUT CANS.
  - ALL WATER TAPS ON LIVE LINES REQUIRE CONSOLIDATED PIPE AND SUPPLY TO INSTALL TAPPING SERVICE.
  - INSTALL CUSTOMER WATER SHUTOFF VALVES ON CUSTOMERS SIDE OF WATER SERVICE
  - FPU INSPECTORS REQUIRE CONTRACTOR TO NOTIFY WITHIN 48 HOURS NOTICE FOR OBSERVING BACKFILLING AND COMPACTION OPERATIONS NO BACKFILL IS AUTHORIZED UNTIL FPU INSPECTOR HAS APPROVED INSTALLATION METHODS.

**LEGEND**

	GRAVEL PAVING
	CONCRETE PAVING
	EXISTING ASPHALT PAVING
	PROPOSED BIO-RETENTION SWALE
	PEDESTRIAN ROUTE
	ADA ROUTE

**SITE PLAN DATA:**

TOTAL ACRES:	0.53 AC.±
PARCEL ID:	05-46-05-21-0-000-008.004
PROPOSED USE:	OFFICE
ZONING:	M-1
FRONT SETBACK:	30'
REAR SETBACK:	20'
SIDE SETBACK:	10'
PARKING SPACES REQUIRED:	18
PARKING SPACES PROVIDED:	20
BUILDING SIZE:	5,362 SF
BUILDING COVERAGE:	23.15%
LANDSCAPE AREA PROVIDED:	34.84%
PERVIOUS AREA:	34.84%
IMPERVIOUS AREA:	65.16%

**REVISIONS**

A	ISSUED FOR REVIEW	7/11/2025
B	ADDRESSED CITY COMMENTS	8/15/2025

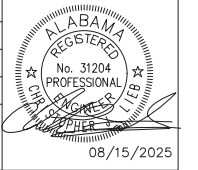


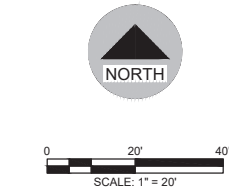
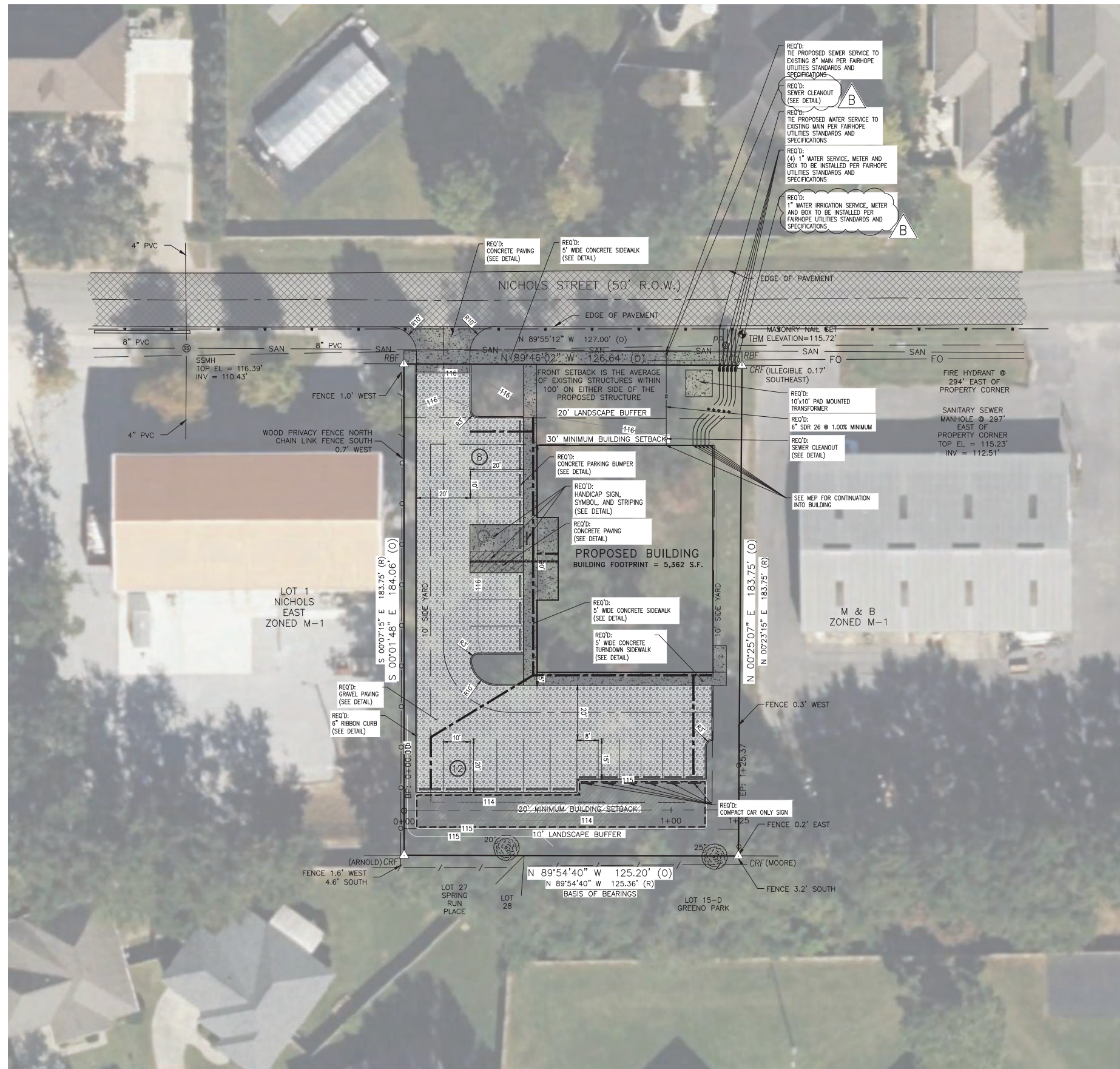
LIEB ENGINEERING COMPANY  
1290 MAIN STREET, SUITE E  
DAPHNE, AL 36526  
PH: (251) 978-9779

NOT VALID WITHOUT THE DATED SIGNATURE AND SEAL OF AN ALABAMA LICENSED ENGINEER.  
ALABAMA LICENSED ENGINEER: CHRISTOPHER JAY LIEB, P.E. LICENSE NUMBER 31204  
ALABAMA CERTIFICATE OF AUTHORIZATION NUMBER: 4938

JOB NUMBER	DRAWN BY: <u>NTB</u>	DATE: <u>7/11/2025</u>	SCALE: <u>1"=20'</u>
2025-064	CHECKED BY: <u>CJL</u>	APPROVED BY: <u>CJL</u>	ENGR: <u>CJL</u>

G REAL ESTATE, LLC OFFICE BUILDING	
SITE, PEDESTRIAN CIRCULATION AND UTILITY PLAN	
FAIRHOPE, AL	
OWNER: G REAL ESTATE LLC	
SHEET NUMBER	C4.0 B
4 OF 8	





**NOTES:**  
 1. SEE SHEET C2.0 FOR ALL GENERAL NOTES.

LEGEND	
	GRAVEL PAVING
	CONCRETE PAVING
	EXISTING ASPHALT PAVING
	PROPOSED BIO-RETENTION SWALE
	PEDESTRIAN ROUTE
	ADA ROUTE

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REVISIONS			
A	ISSUED FOR REVIEW	7/11/2025	
B	ADDRESSED CITY COMMENTS	8/15/2025	

**LIEB ENGINEERING COMPANY**

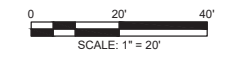
LIEB ENGINEERING COMPANY  
 1290 MAIN STREET, SUITE E  
 DAPHNE, AL 36526  
 PH: (251) 978-9779

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 ALABAMA CERTIFICATE OF AUTHORIZATION NUMBER: 4938

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2025-064	CHECKED BY: <u>CJL</u>	APPROVED BY: <u>CJL</u>	ENGR: <u>CJL</u>

G REAL ESTATE, LLC OFFICE BUILDING	
AERIAL SITE PLAN	
FAIRHOPE, AL	
OWNER: G REAL ESTATE LLC	
SHEET NUMBER	C5.0
5 OF 8	B

ALABAMA REGISTERED PROFESSIONAL ENGINEER  
 No. 31204  
 CHRISTOPHER JAY LIEB  
 08/15/2025



**NOTES:**

1. SEE SHEET C2.0 FOR ALL GENERAL NOTES.
2. BMP'S, SPECIFICALLY SILT FENCE, SHALL BE CLEANED OUT WHEN THEY REACH 1/3 FULL CAPACITY.
3. INACTIVE PROJECTS MORE THAN 7 DAYS REQUIRE TEMP. STABILIZATION. TEMP MULCH SHALL BE APPLIED IF IT REMAINS INACTIVE FOR 60 DAYS. TEMP SEED AND MULCH SHALL BE APPLIED IF IT REMAINS INACTIVE FOR 60 DAYS OR MORE.
4. WEEKLY SITE INSPECTIONS OF THE BMP'S ADDITIONAL TO THE RAINFALL EVENT INSPECTION.
5. DUST CONTROL SHALL BE IMPLEMENTED THROUGHOUT THE PROJECT BY LIGHTLY WETTING OR APPLYING THE APPROPRIATE CHEMICALS TO THE AREAS THAT BECOME EXTREMELY DRY AND SUSCEPTIBLE TO BEING WIND BLOWN.
6. SIDEWALKS SHALL NOT EXCEED A CROSS SLOPE OF 2.0% OR A RUNNING SLOPE OF 5.0%.

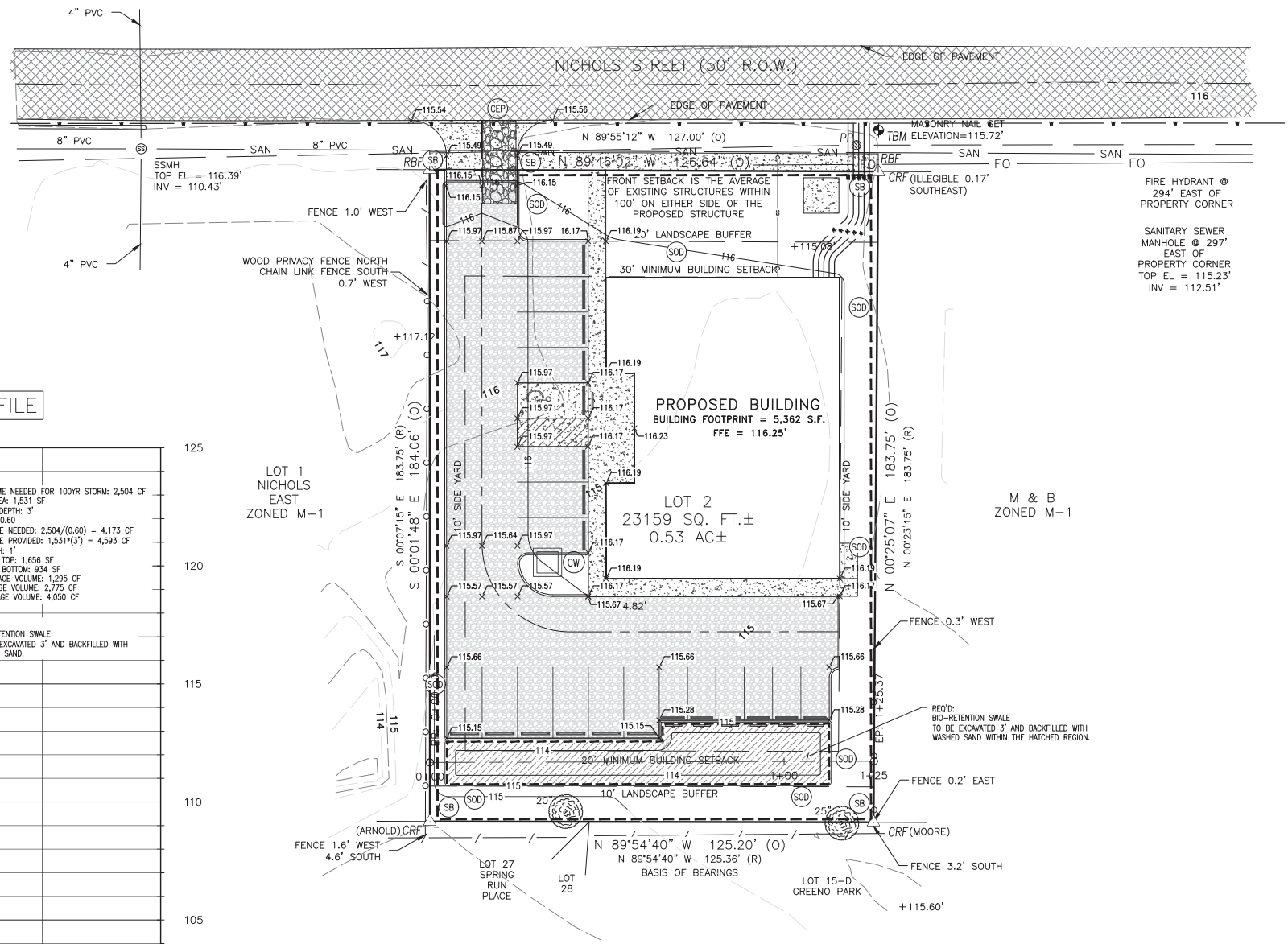
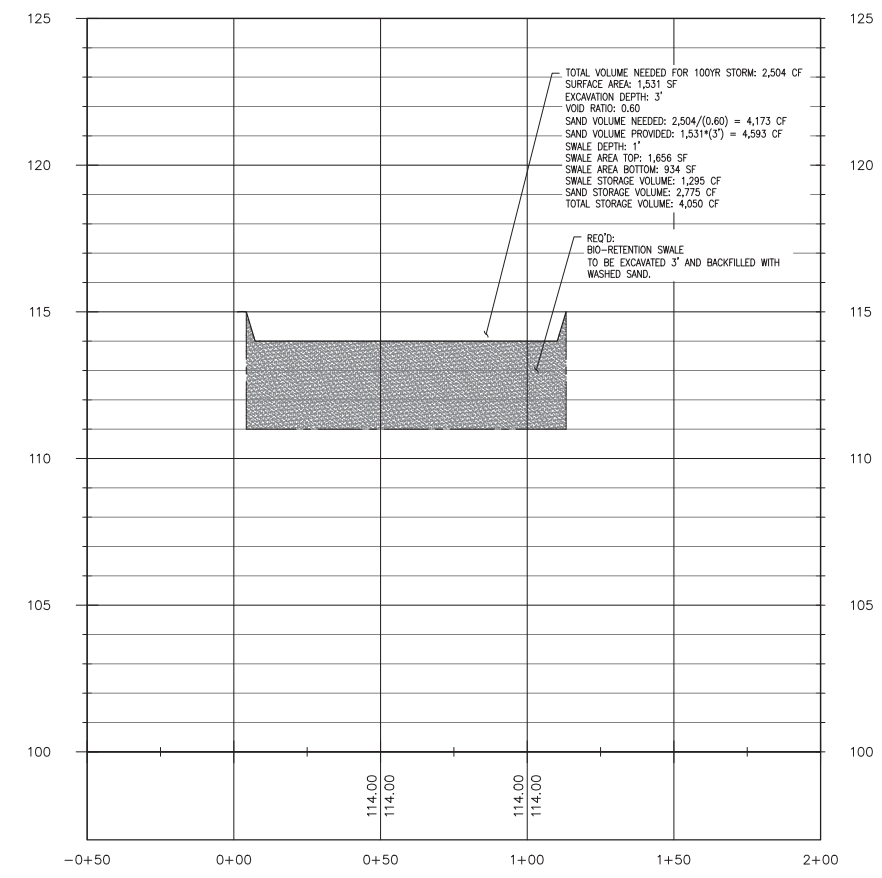
**LEGEND**

- GRAVEL PAVING
- CONCRETE PAVING
- EXISTING ASPHALT PAVING
- PROPOSED BIO-RETENTION SWALE

**EROSION CONTROL LEGEND**

- SILT FENCING
- CONSTRUCTION EXIT PAD
- CONCRETE WASHOUT
- SOLID SOD

**BIO-RETENTION SWALE PROFILE**



REVISIONS		
A	ISSUED FOR REVIEW	7/11/2025



**LIEB ENGINEERING COMPANY**

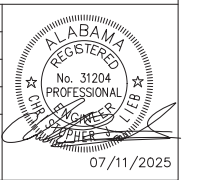
LIEB ENGINEERING COMPANY  
1290 MAIN STREET, SUITE E  
DAPHNE, AL 36526  
PH: (251) 978-9779

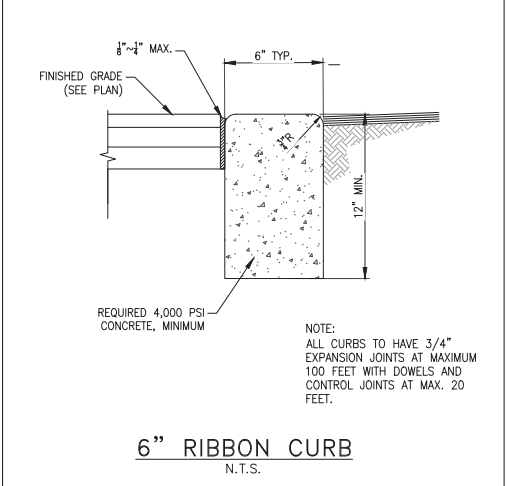
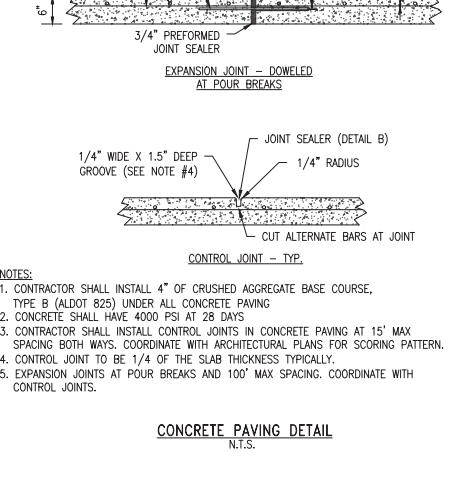
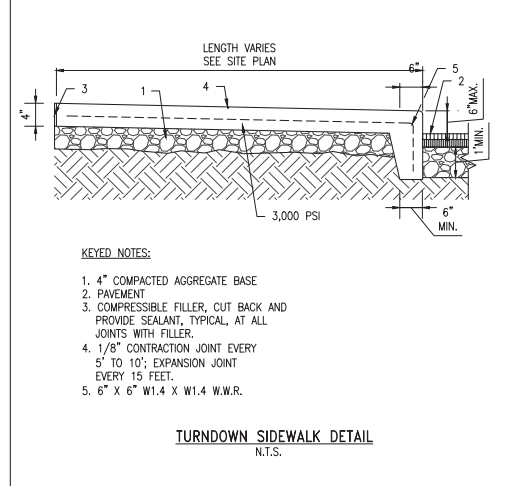
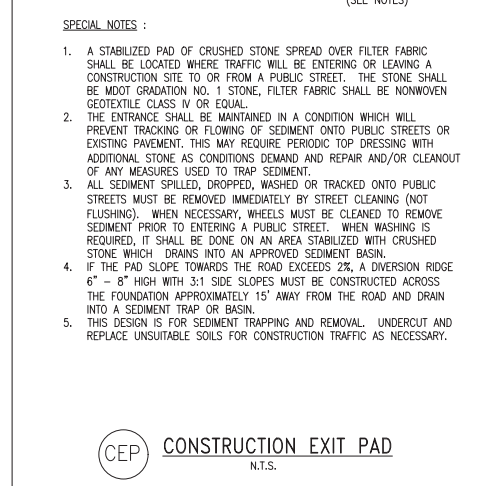
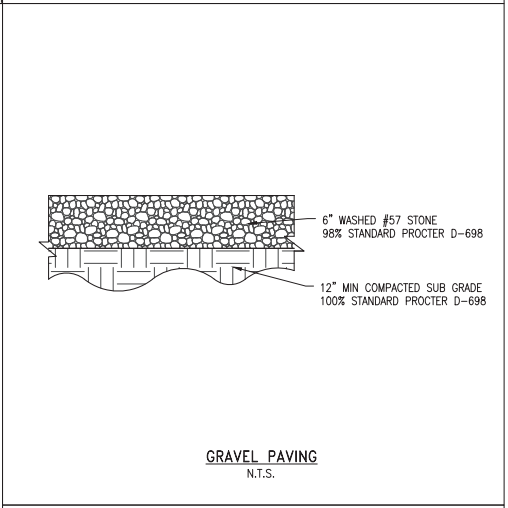
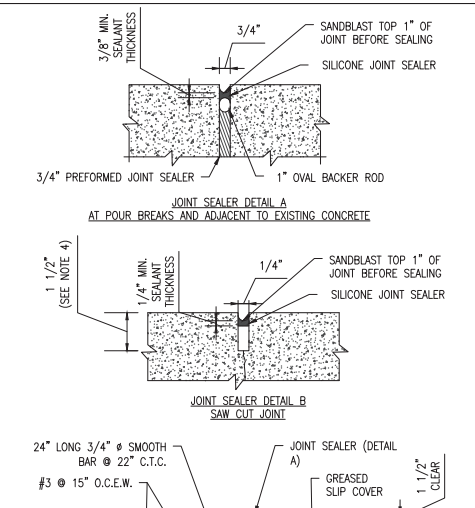
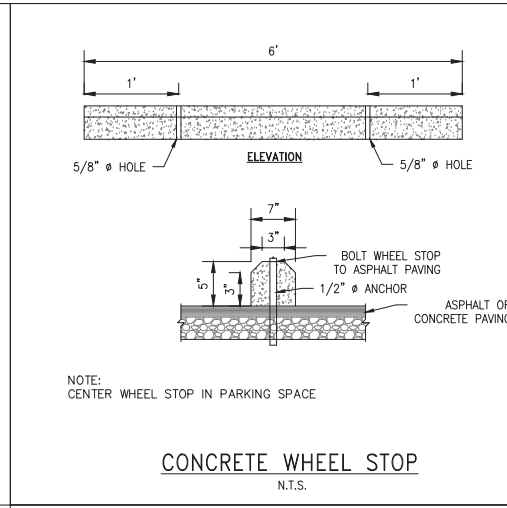
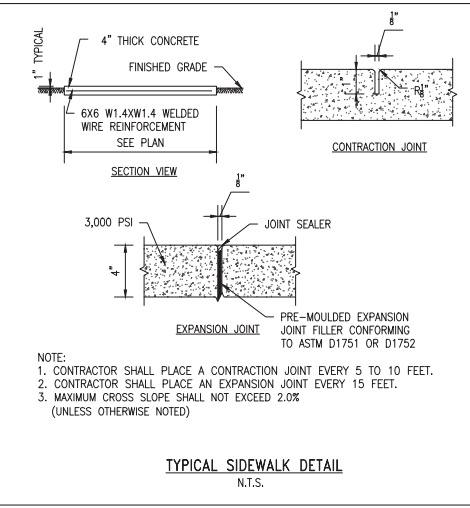
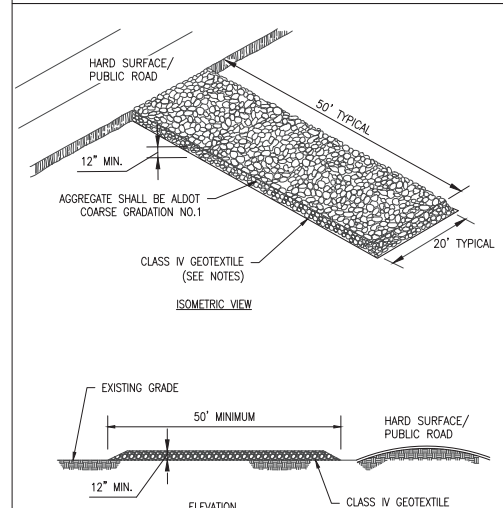
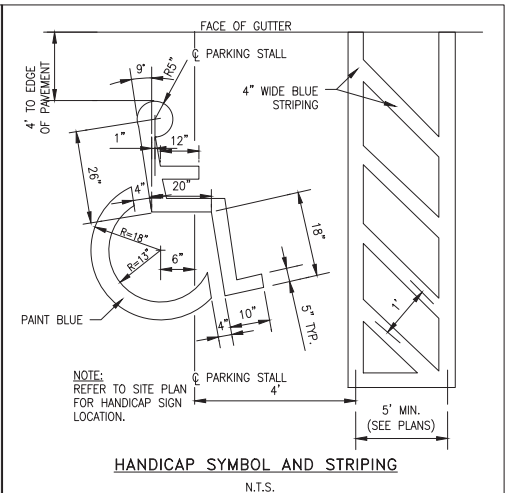
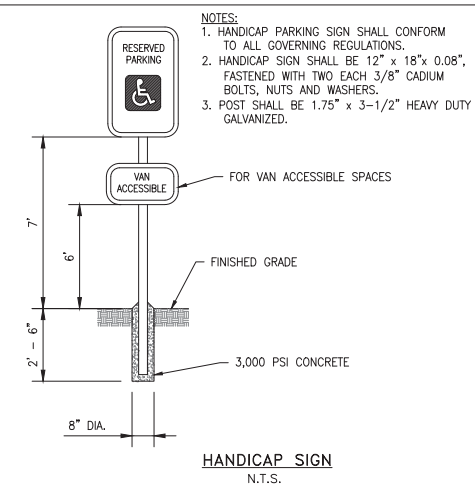
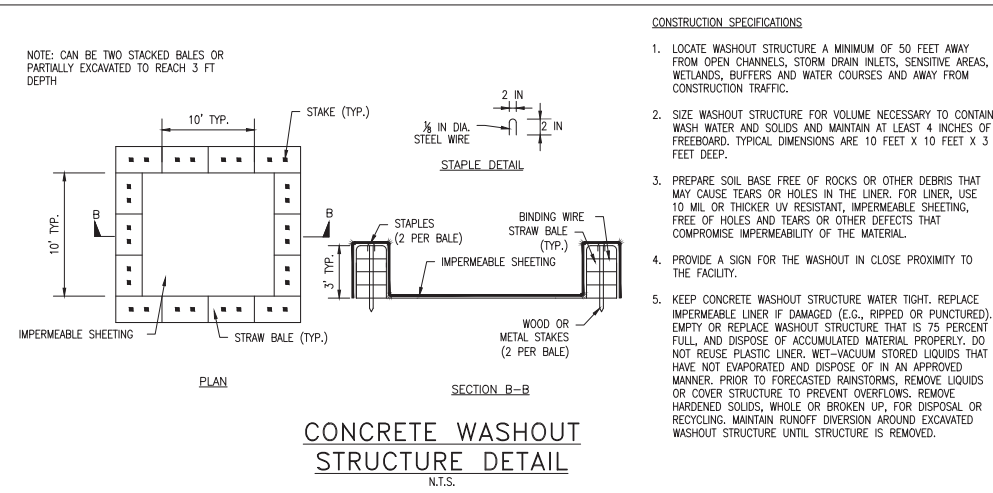
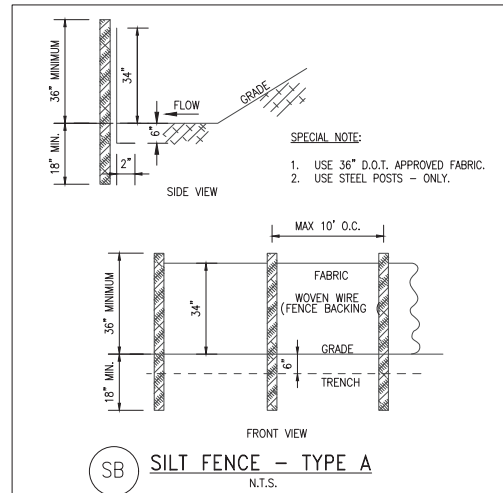
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ALABAMA LICENSED ENGINEER: CHRISTOPHER JAY LIEB, P.E. LICENSE NUMBER 31204  
ALABAMA CERTIFICATE OF AUTHORIZATION NUMBER: 4938

JOB NUMBER: 2025-064  
DRAWN BY: NTB DATE: 7/11/2025 SCALE: 1"=20'  
CHECKED BY: CJL APPROVED BY: CJL ENGR: CJL

G REAL ESTATE, LLC OFFICE BUILDING  
GRADING, DRAINAGE AND EROSION CONTROL  
FAIRHOPE, AL  
OWNER: G REAL ESTATE LLC

SHEET NUMBER: 6 OF 8  
C6.0 A





REVISIONS		
A	ISSUED FOR REVIEW	7/11/2025

**LIEB ENGINEERING COMPANY**  
 1290 MAIN STREET, SUITE E  
 DAPHNE, AL 36526  
 PH: (251) 978-9779

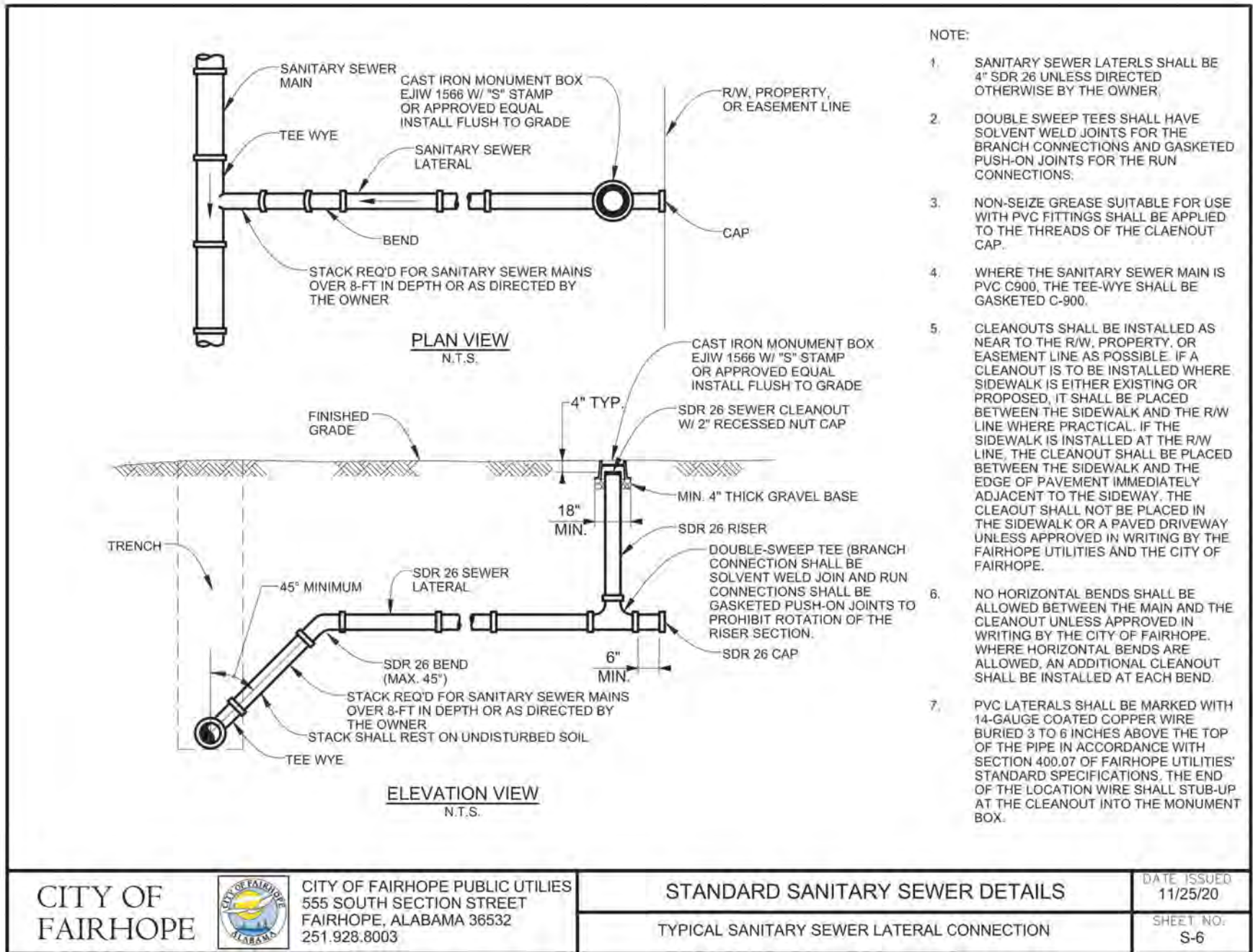
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 DRAWN BY: NTB  
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 SCALE: 1"=20'  
 CHECKED BY: CJL  
 APPROVED BY: CJL  
 ENGR: CJL

G REAL ESTATE, LLC OFFICE BUILDING  
 CIVIL DETAILS  
 FAIRHOPE, AL  
 OWNER: G REAL ESTATE LLC

SHEET NUMBER: 7 OF 8  
 C7.0  
 A

ALABAMA REGISTERED PROFESSIONAL ENGINEER  
 No. 31204  
 CHRISTOPHER JAY LIEB  
 07/11/2025



CITY OF FAIRHOPE



CITY OF FAIRHOPE PUBLIC UTILITIES  
555 SOUTH SECTION STREET  
FAIRHOPE, ALABAMA 36532  
251.928.8003

STANDARD SANITARY SEWER DETAILS

TYPICAL SANITARY SEWER LATERAL CONNECTION

DATE ISSUED  
11/25/20

SHEET NO:  
S-6

REVISIONS		
A	ISSUED FOR REVIEW	8/15/2025

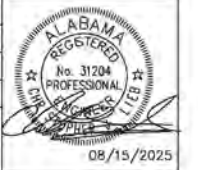


LIEB ENGINEERING COMPANY  
1290 MAIN STREET, SUITE E  
DAPHNE, AL 36526  
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DRAWN BY: NTB  
DATE: 7/11/2025  
SCALE: 1"=20'  
CHECKED BY: CJL  
APPROVED BY: CJL  
ENGR: CJL

G REAL ESTATE, LLC OFFICE BUILDING	
CIVIL DETAILS	
FAIRHOPE, AL	
OWNER: G REAL ESTATE LLC	
SHEET NUMBER	8 OF 8
C8.0	A



08/15/2025



**PROJECT CODE DATA**

-CONSTRUCTION TYPE VB, UNSPRINKLERED  
-OCCUPANCY MIXED USE - B-BUSINESS & M-MERCANTILE  
(VB) STORIES/AREA ALLOWED B = 2/9,000 S.F. & M=1/9,000  
(VB) STORIES/AREA ACTUAL 1/5,047 S.F.  
-TOTAL OCCUPANT LOAD 60 OCCUPANTS  
B - BUSINESS - 2,508@150 S.F. / PERSON = 17 OCC.  
M - MERCANTILE - 2,539@60 S.F./PERSON = 43 OCC.  
-FIRE RATED WALLS 1HR. SEPARATION B/W SUITES  
U.L. U305  
-RATED CORRIDORS (ALL HALLWAYS SERVE LESS THAN 30 OCC.) NONE  
-REQUIRED EXIT TRAVEL DISTANCE <200'  
-REQUIRED FIRE EXTINGUISHER/PROVIDED 1 AT EACH SUITE /75' MAX TRAVEL B/W EXTINGUISHER

NOTE:

**BUILDING CODES**

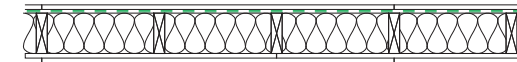
- 2018 INTERNATIONAL BUILDING CODE  
- 2018 INTERNATIONAL PLUMBING CODE  
- 2018 INTERNATIONAL MECHANICAL CODE  
- 2021 INTERNATIONAL FIRE CODE  
- 2017 NATIONAL ELECTRIC CODE  
- AMERICANS WITH DISABILITIES ACT (ADA)

**PROJECT SUMMARY**

THIS PROJECT PROVIDES FOR A NEW OFFICE BUILDING, A WOOD FRAMED BUILDING PLUS BUILD-OUT INCLUDING (4) SUITES, EACH SEPARATED BY A 1HR PARTITION. TOTAL OF 5,047 SQ.FT. FEET UNDER ROOF.

IF THE OCCUPANT LOAD OF (2) MERCANTILE SPACES @ 60/SQ.FT. ARE FITTED OUT TO BE BUSINESS SPACES IN THE FUTURE, USE 150/SQ.FT. FOR CALCULATED OCCUPANT LOADS.

FIRE RATING: 1 HOUR  
STC RATING: 53  
SOUND TEST: USG-161213  
SYSTEM THICKNESS: 7-7/8"  
LOCATION: INTERIOR  
FRAMING TYPE: WOOD STUD (LOAD-BEARING)



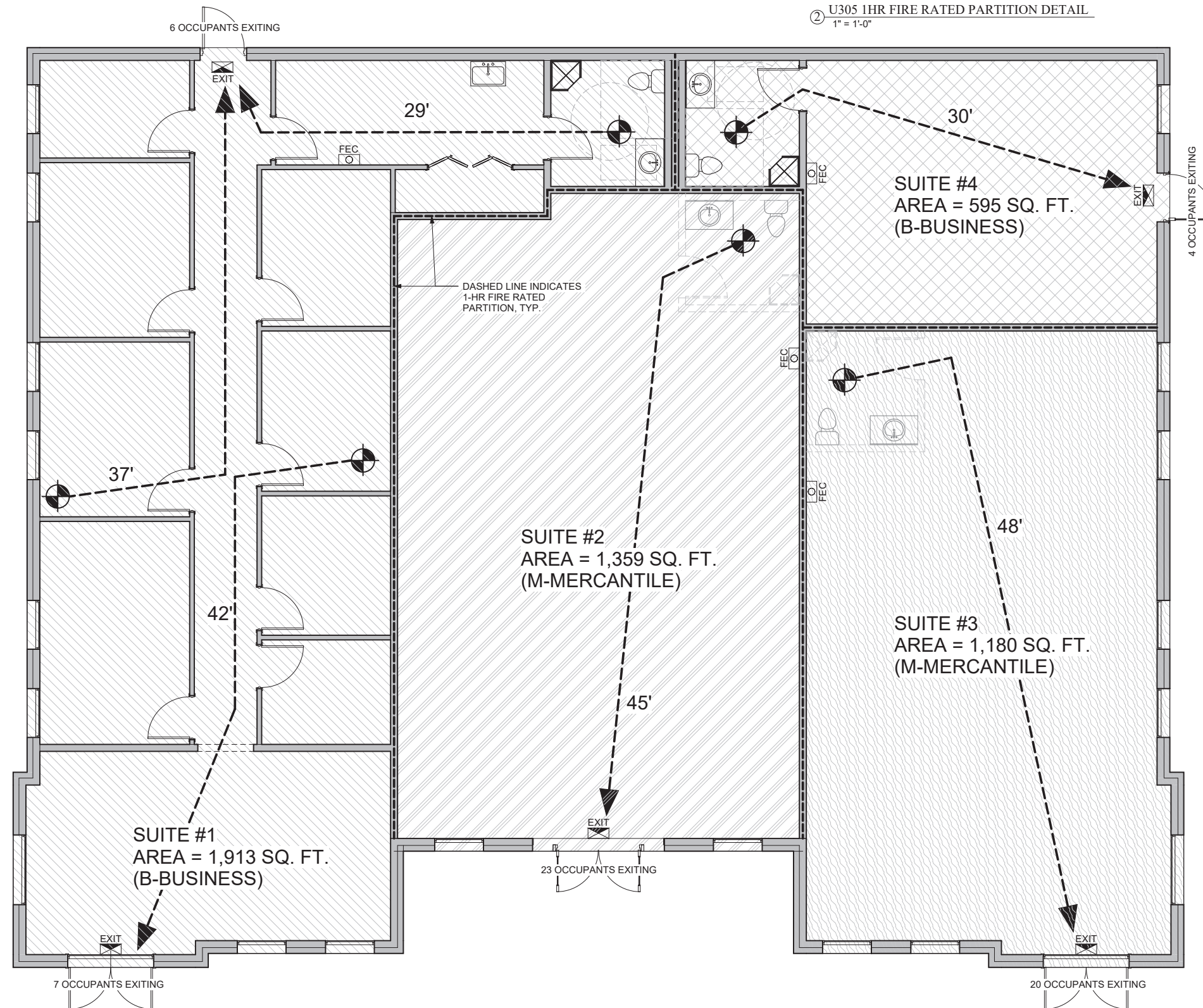
**ASSEMBLY REQUIREMENTS:**

GYPSUM PANELS: ONE LAYER 5/8" [15.9 MM] SHEETROCK® GYPSUM PANEL (UL TYPE SCX)  
RESILIENT CHANNEL: 1/2" [12.7 MM] RESILIENT CHANNEL, 25 GA. (0.018"), 24" [610 MM] O.C.  
WOOD STUDS: 2" X 6" [38 X 140 MM] WOOD STUDS, 16" [406 MM] O.C.  
INSULATION: 6-1/4" [159 MM] FIBERGLASS INSULATION  
GYPSUM PANELS: TWO LAYERS 5/8" [15.9 MM] SHEETROCK® GYPSUM PANEL (UL TYPE SCX)

② U305 1HR FIRE RATED PARTITION DETAIL  
1" = 1'-0"

**LEGEND**

- 75' - EXIT TRAVEL DISTANCE
- EXIT SIGN
- DIRECTIONAL ARROW EXIT SIGN
- BATTERY PACK EMERGENCY LIGHT
- FIRE EXTINGUISHER CABINET (SEMI-RECESSED)
- 2x4 EMERGENCY
- 1x4 EMERGENCY
- SUSPENDED EMERGENCY
- RECESSED CAN EMERGENCY



① LIFE SAFETY PLAN  
1/4" = 1'-0"

NOT FOR CONSTRUCTION

A NEW OFFICE BUILDING  
FOR  
ROSS GIVENS

928 NICHOLS AVE. | FAIRHOPE, ALABAMA 36561

JOB NO.:  
DRAWN: JAG  
CHECKED: SBM  
DATE: 2025.08.21  
REVISION:

SCALE: AS NOTED

SHEET NO.:

**LS1.1**  
LIFE SAFETY PLAN  
CODE DATA



McCOLLOUGH  
ARCHITECTURE, INC.  
P.O. BOX 6310  
GULF SHORES, ALABAMA  
36547-6310  
PHONE: 251-968-7222

NOT FOR  
CONSTRUCTION

A NEW OFFICE BUILDING  
FOR  
ROSS GIVENS  
928 NICHOLS AVE. | FAIRHOPE, ALABAMA 36561

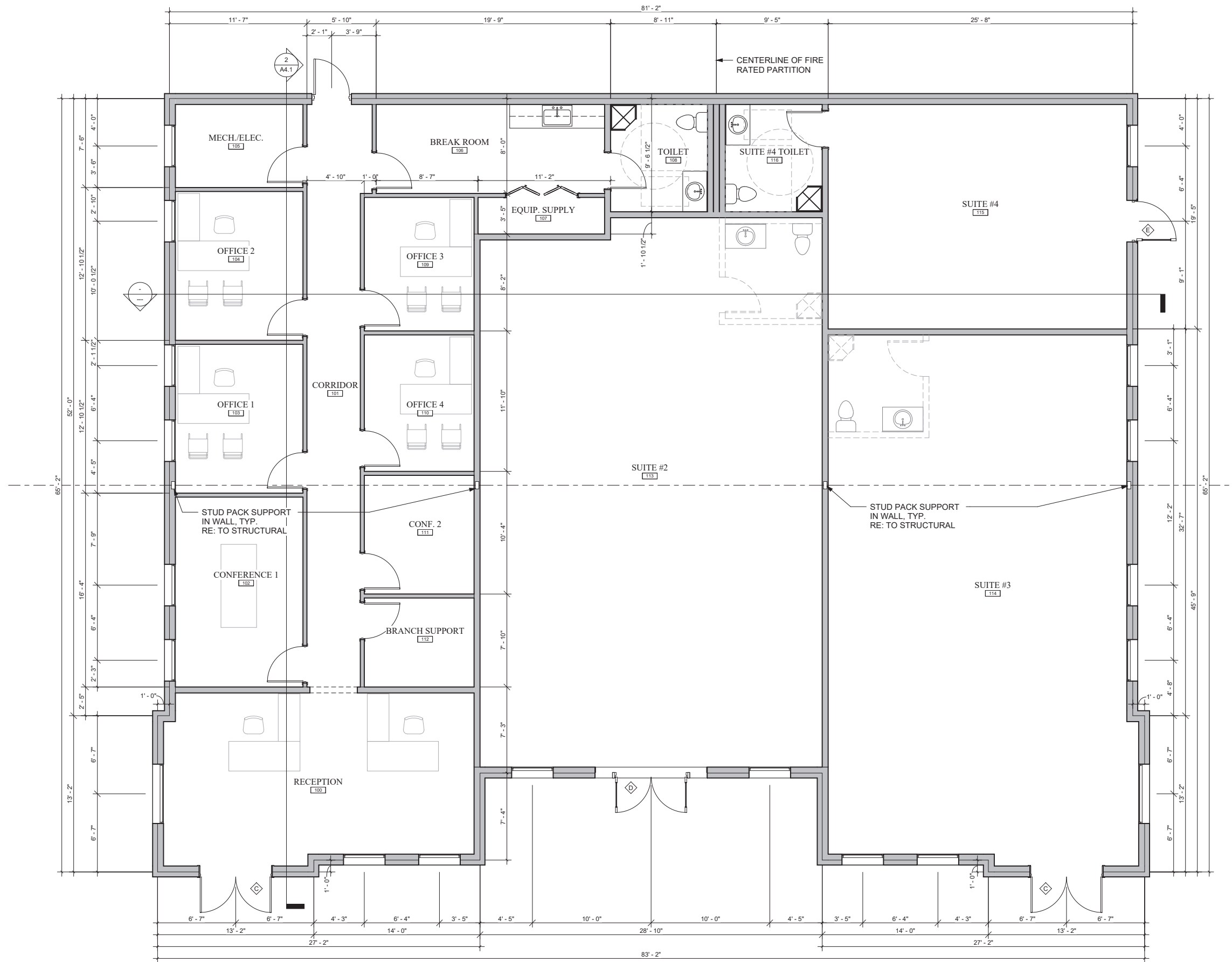
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DRAWN: JAG  
CHECKED: SBM  
DATE: 2025.08.21  
REVISION:

SCALE: 1/4"=1'-0"

SHEET NO.:

A1.1

FLOOR PLAN



① FLOOR PLAN  
1/4" = 1'-0"



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A NEW OFFICE BUILDING  
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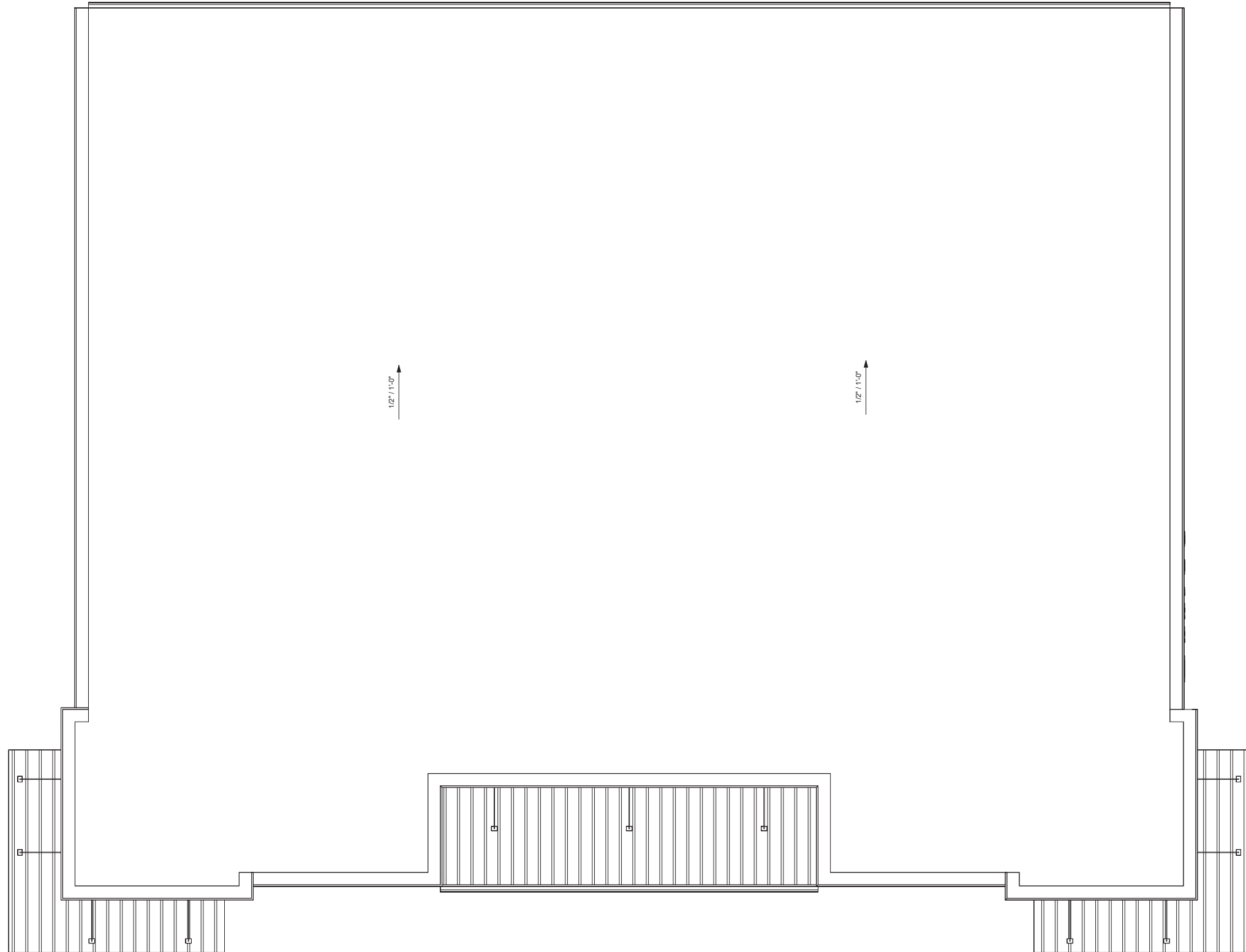
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DATE: 2025.08.21  
REVISION:

SCALE: 1/4"=1'-0"

SHEET NO.:

A1.2

ROOF PLAN

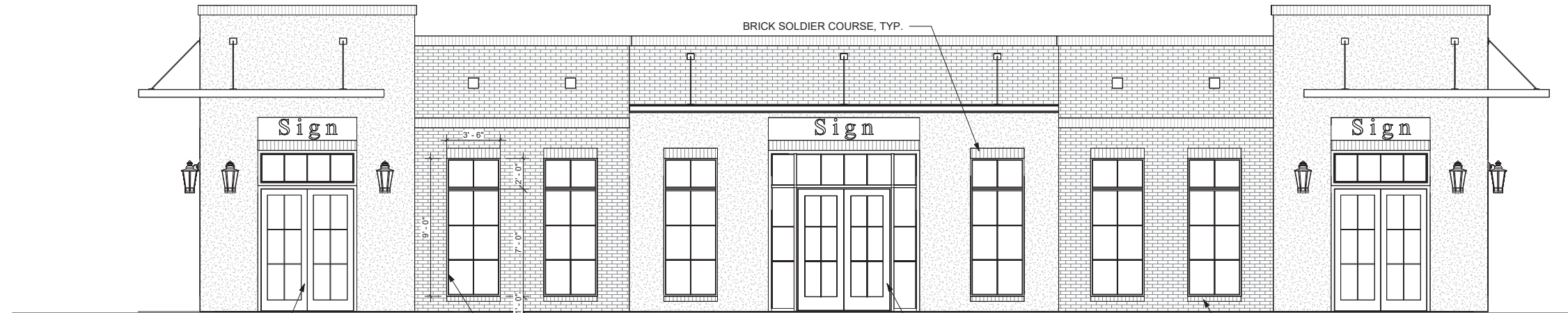


① ROOF PLAN  
1/4" = 1'-0"



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CONSTRUCTION



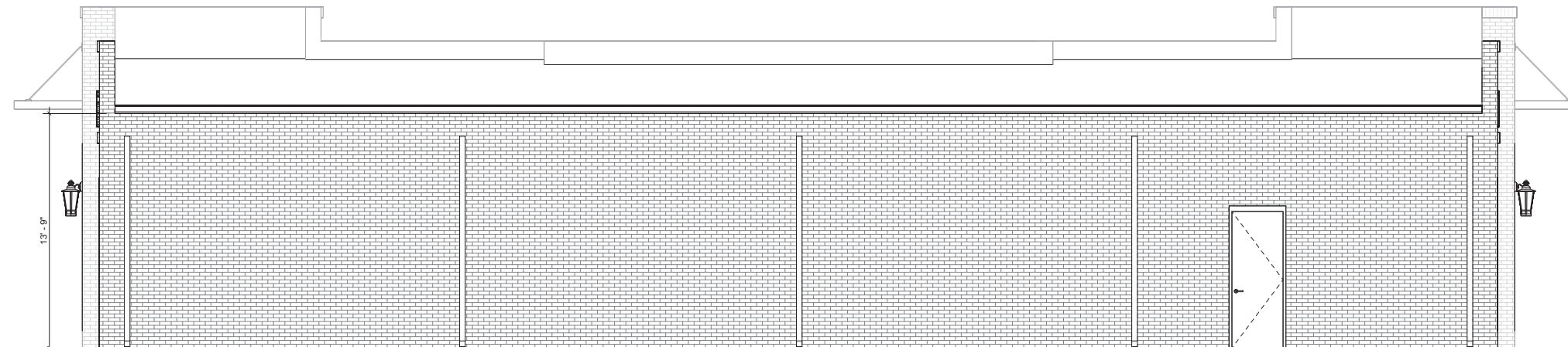
MARVIN DOOR W/ TRANSOM -  
"COMMERCIAL" SERIES OR  
EQUAL, W/ SDL MUNTINS AS  
SHOWN, TYPICAL

MARVIN WINDOW W/ TRANSOM -  
"ELEVATE" SERIES OR EQUAL,  
W/ SDL MUNTINS AS SHOWN,  
TYPICAL

MARVIN DOOR W/ TRANSOM -  
"COMMERCIAL" SERIES OR  
EQUAL, W/ SDL MUNTINS AS  
SHOWN, TYPICAL

BRICK SILL, TYP.

① FRONT ELEVATION  
1/4" = 1'-0"



② REAR ELEVATION  
1/4" = 1'-0"

A NEW OFFICE BUILDING  
FOR  
ROSS GIVENS

928 NICHOLS AVE. | FAIRHOPE, ALABAMA 36561

JOB NO.:  
DRAWN: JAG  
CHECKED: SBM  
DATE: 2025.08.21  
REVISION:

SCALE: 1/4"=1'-0"

SHEET NO.:

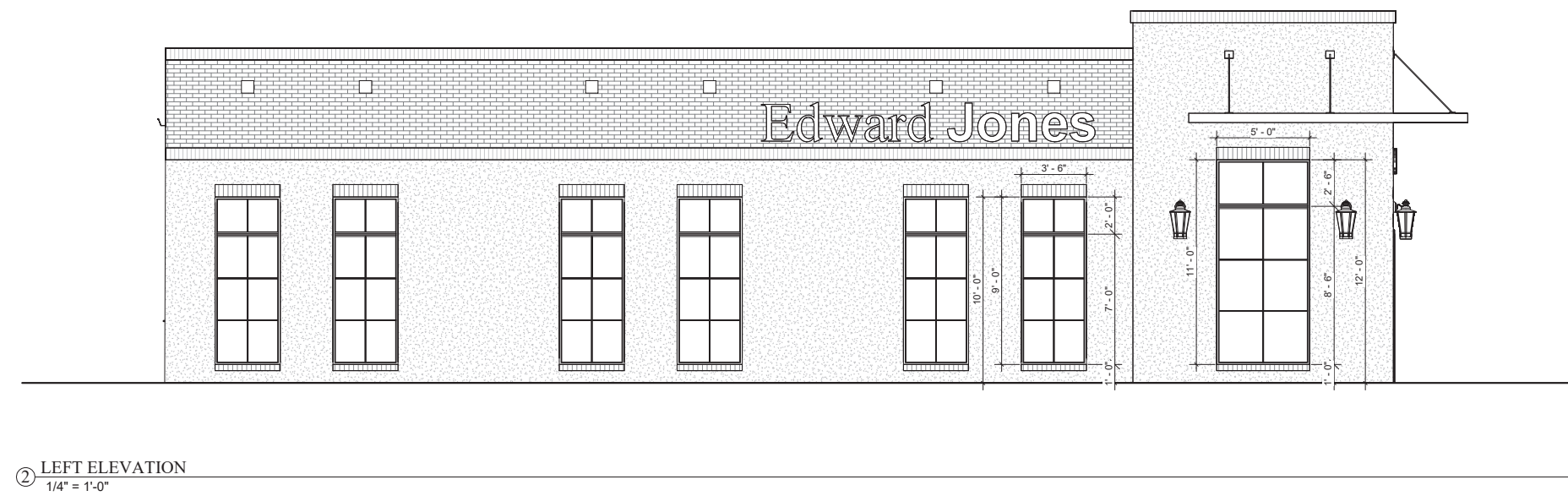
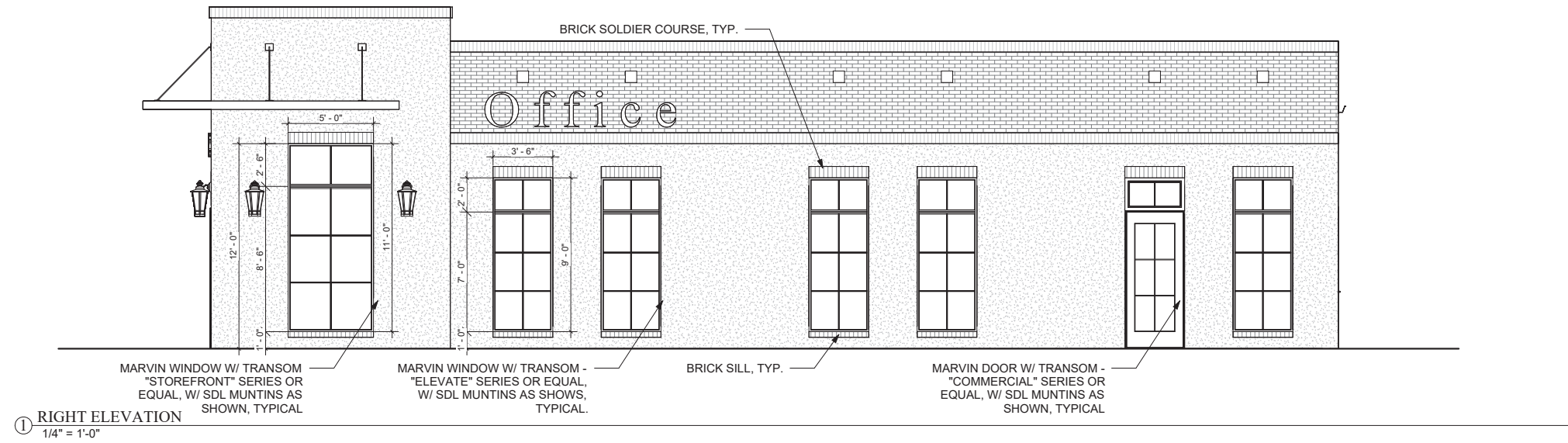
A3.1

EXTERIOR ELEVATIONS



McCOLLOUGH  
ARCHITECTURE, INC.  
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36547-6310  
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CONSTRUCTION



A NEW OFFICE BUILDING  
FOR  
ROSS GIVENS  
928 NICHOLS AVE. | FAIRHOPE, ALABAMA 36561

JOB NO.:  
DRAWN: JAG  
CHECKED: SBM  
DATE: 2025.08.21  
REVISION:

SCALE: 1/4"=1'-0"

SHEET NO.:

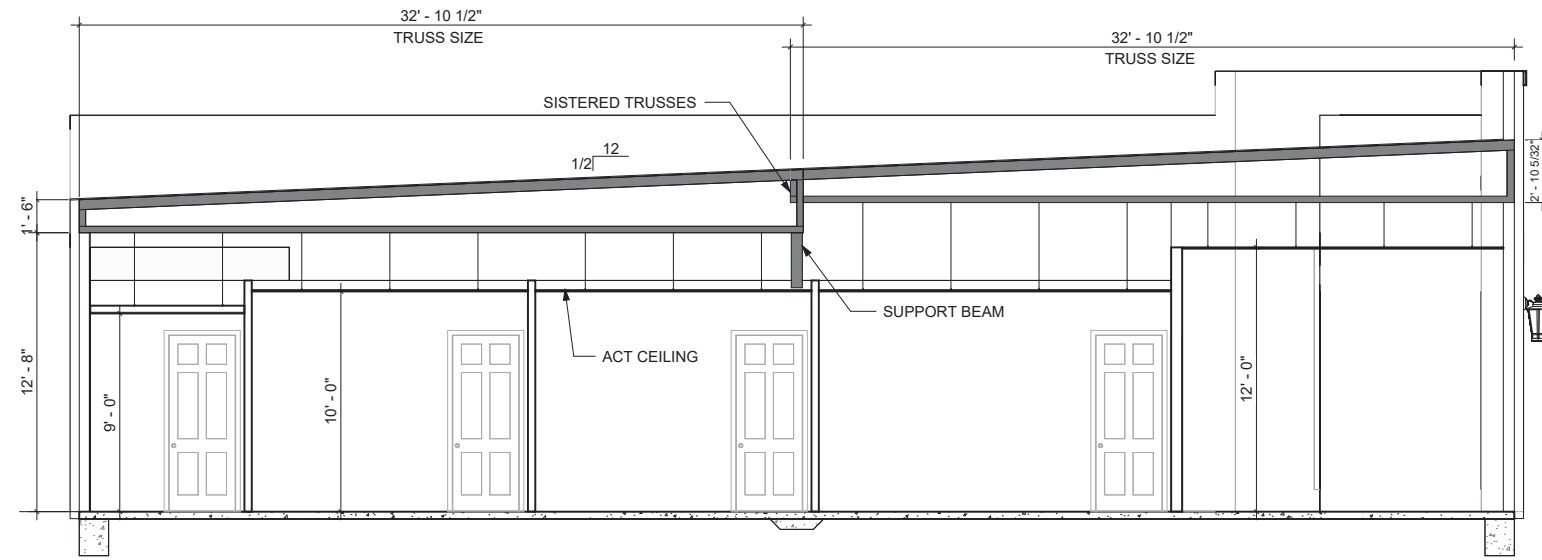
A3.2

EXTERIOR ELEVATIONS



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36547-6310  
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NOT FOR  
CONSTRUCTION



② LONGITUDINAL SECTION  
1/4" = 1'-0"

A NEW OFFICE BUILDING  
FOR  
ROSS GIVENS  
928 NICHOLS AVE. | FAIRHOPE, ALABAMA 36561

JOB NO.:  
DRAWN: JAG  
CHECKED: SBM  
DATE: 2025.08.21  
REVISION:

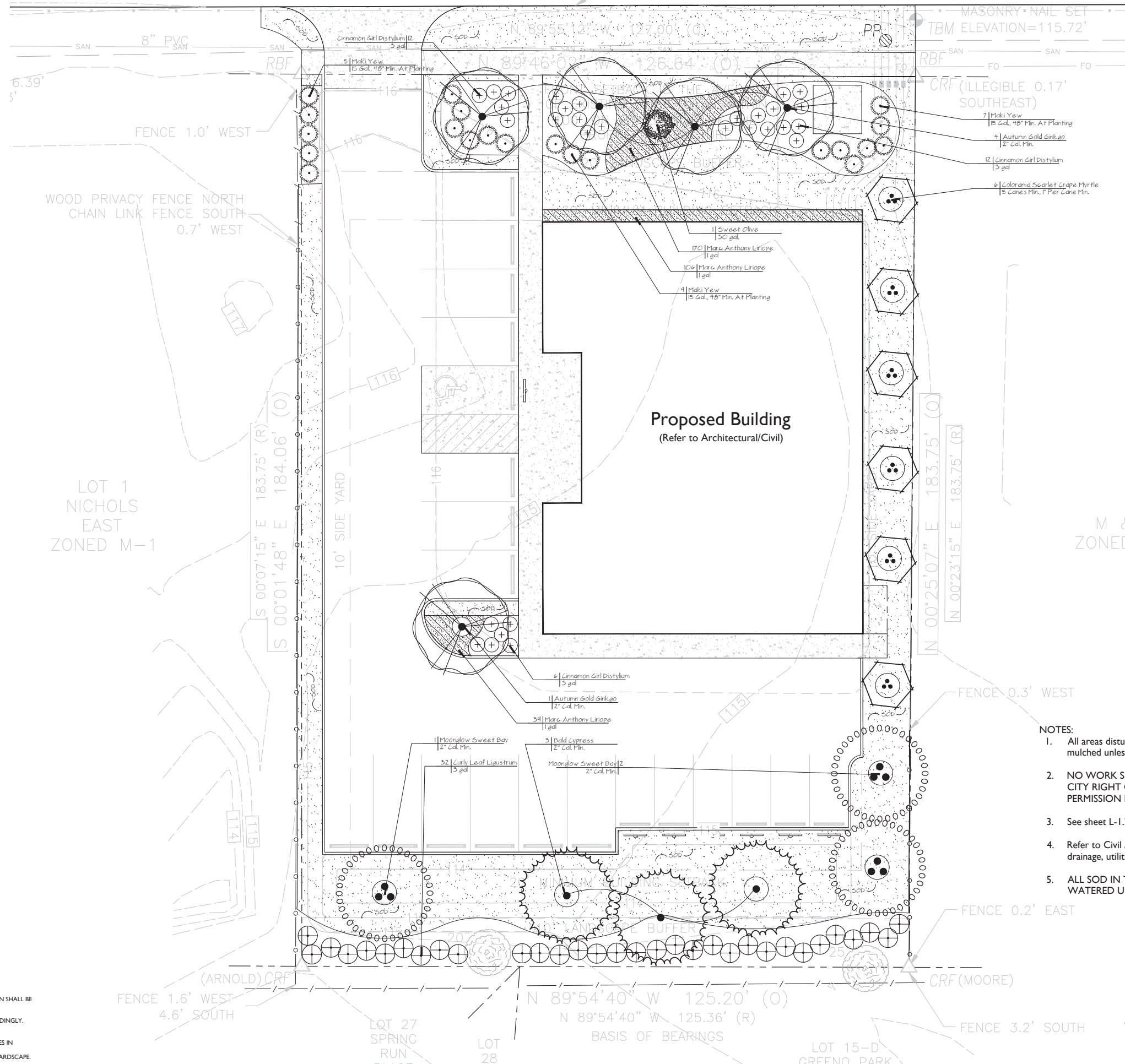
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SHEET NO.:

A4.1

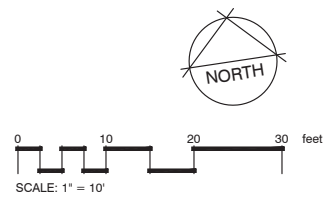
BUILDING SECTIONS

# NICHOLS AVE. SIDE OF PAVEMENT



- NOTES:
1. BASE SURVEY PROVIDED BY LIEB ENGINEERING.
  2. LOCATION OF STRUCTURES, HARDSCAPE, AND EXISTING VEGETATION SHALL BE FIELD VERIFIED.
  3. VERIFY ALL LAYOUT AND DIMENSIONS IN FIELD.
  4. PLANT COUNTS ARE FOR CONVENIENCE ONLY. FIELD VERIFY ACCORDINGLY.
  5. CONTRACTOR IS RESPONSIBLE FOR ENSURING POSITIVE DRAINAGE.
  6. CONTRACTOR TO OBTAIN ALL REQUIRED PERMITS.
  7. NOTIFY LANDSCAPE ARCHITECT IMMEDIATELY OF ANY DISCREPANCIES IN DRAWINGS OR FIELD CONDITIONS.
  8. REFER TO ARCH. / CIVIL FOR ALL UTILITIES, GRADING, DRAINAGE, & HARDSCAPE.

- NOTES:
1. All areas disturbed by construction shall be sodded or mulched unless otherwise noted. (Typ.)
  2. NO WORK SHALL BE PERFORMED WITH IN THE CITY RIGHT OF WAY WITHOUT WRITTEN PERMISSION FROM THE GOVERNING AUTHORITY.
  3. See sheet L-1.2 for details & schedule.
  4. Refer to Civil / Architectural drawings for all grading, drainage, utilities, hardscape, & structures.
  5. ALL SOD IN THE RIGHT OF WAY SHALL BE HAND WATERED UNTIL ESTABLISHED.

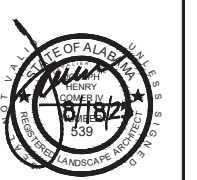


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 P.O. Box 1247  
 Fairhope, Alabama 36533  
 P: 251.454.3500  
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## GIVENS OFFICE BUILDING

Nichols Ave.  
 Fairhope, AL



### ISSUED/REVISED

Permitting	7/28/25
Permitting	8/1/25
Permitting	8/18/25

### LANDSCAPE PLAN

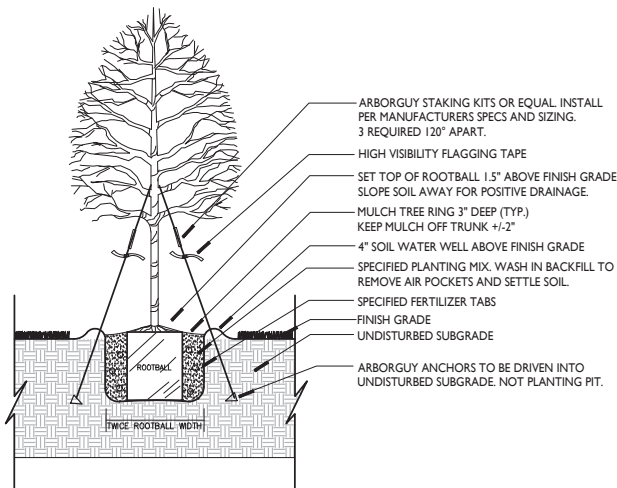
DESIGNED BY JC	FILE NAME GIVNA
DRAWN BY JC	SHEET L-1.1
ORDERED BY JC	
PROJECT NO. 2553	
DATE 7/24/25	

**LANDSCAPE NOTES:**

- This section covers furnishing and installing all landscape plants and non-plant materials covered by the drawings and these specifications. The work shall include materials, labor, equipment and services as described herein and indicated on the drawings. Also, the work shall include the maintenance of all plants and planting areas until acceptance by the Owner, and fulfillment of all guarantee provisions as herein specified.
- Before beginning work, the contractor shall thoroughly acquaint himself with the existing site conditions and proposed plans. The intent is to provide a smooth transition between existing conditions that are to remain and the new site features with minimal damage to existing trees and vegetation.
- Contractor is made aware of active existing underground utilities. It is the contractor's responsibility to familiarize himself with the location of said utilities and other obstructions. The contractor shall investigate and verify, in the field, the existence and location of all utilities and any existing irrigation piping, and take necessary precautions to prevent their disturbance and avoid interruption of service. Contractor is responsible for calling appropriate line location service. All damaged utilities shall be replaced to owners satisfaction by contractor with no additional charge to owner.
- Discrepancies between site conditions and conditions on plans shall be call to the attention of the Owner immediately.
- Existing grades shall be verified in field prior to beginning any work. Discrepancies shall be brought to the landscape architects attention immediately. Landscape contractor to provide fine grading to ensure positive drainage.
- The landscape architect shall have the right to reject any and all work and/or materials at any stage of progress which in his opinion do not meet the requirements of these plans and specifications. Such rejected material shall be removed from the site immediately and replaced with acceptable materials.
- Landscape contractor is responsible for obtaining all state and local permits and licenses required to perform this work.
- Landscape contractor shall abide by all state and local laws and ordinances. Contractor shall also conform to POA or ARB guidelines if applicable.
- All work shall comply with the current edition of the Standard Building Code published by the Southern Building Code Congress International, Inc.
- Topsoil shall be sandy/loam natural, friable, and fertile with a PH of 5.5 to 6.5. Topsoil shall be free from roots, stones, debris, noxious weeds, or any substance harmful to plant growth. Quality of Topsoil to be approved by Landscape Architect.
- Once delivered to the site, the contractor is responsible for the protection, including theft, of all materials.
- The landscape plan is to serve as a guide for installation. Field adjustment and changes to layout may be made by Landscape Architect.
- Contractor shall layout all plant material per planting plans and schedule a site meeting with landscape architect for approval with a minimum of 48 hours notice.
- Quantities shown on plant list are for convenience only.
- All groundcover & flower beds shall receive 3" minimum of planting mix consisting of decomposed pinebark or mushroom compost and blended into the top 6" of existing soil. Rake beds smooth and top dress with 2" min. of ground pinebark prior to planting.
- All tree and shrub planting pits shall be backfilled with 75% excavated soil & 25% planting mix consisting of decomposed pinebark or mushroom compost.
- All trees shrubs and groundcovers shall be planted with Woodace fertilizer tabs at rates per manufactures recommendations. All planting beds shall also be top dressed with a slow release Osmocote fertilizer or equal per manufactures recommendations prior to mulching.
- All beds shall receive Freehand pre-emergent herbicide or equal.
- Unless otherwise noted, all beds shall receive 3" compacted depth of fresh Long Leaf pine straw free from sticks and pine cones. Groundcover areas with 4" plants or plugs shall be mulched with pulverized pinebark mulch unless otherwise noted.
- All bed lines shall have 3" V-Shaped trenches. See detail.
- All plant material shall meet or exceed federal, state, and county laws requiring inspection for plant disease and insect control.
- All plant material shall be Florida #1 or better and meet the latest standards of the "American Standards for Nursery Stock".
- All trees shall be staked with arbor guy (or equal) tree stakes per manufactures recommendations.
- All disturbed areas shall be irrigated and sodded.
- Contractor shall maintain all plantings and lawn areas until final acceptance by owner and landscape architect. Unless specified otherwise, maintenance includes mowing, edging, weeding, blowing, pruning, watering, mulching, etc.
- Brown or defoliated plants shall be removed and replaced immediately.
- All materials and workmanship for landscape and irrigation shall be guaranteed for a minimum of one year from final acceptance.
- No work shall be performed in any R.O.W. without approval by the appropriate Federal, State, County, or City authority.

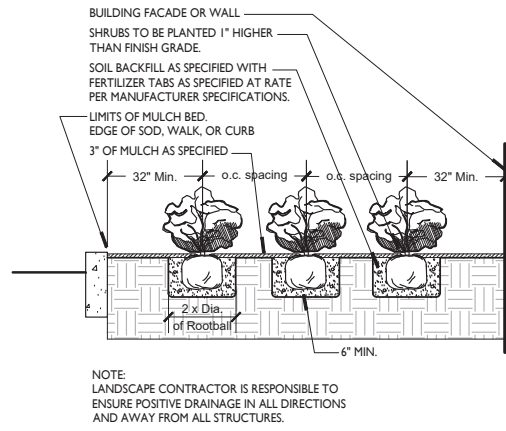
**1 LANDSCAPE NOTES**

N.T.S. LA-16



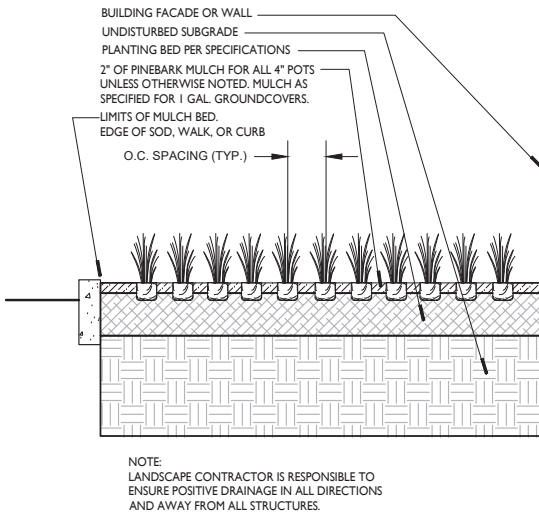
**2 TREE PLANTING**

N.T.S. LA-01



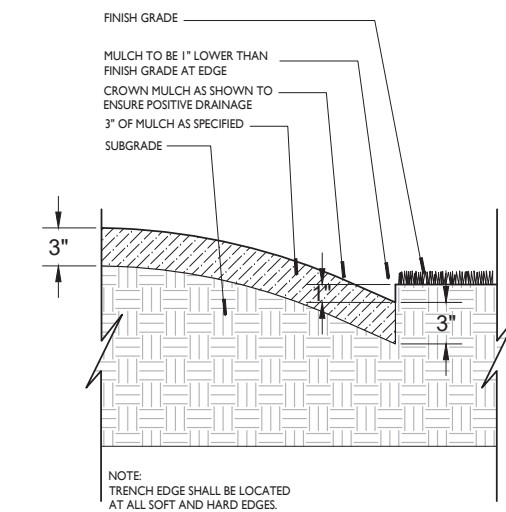
**3 SHRUB PLANTING DETAIL**

N.T.S. LA-02



**4 GROUNDCOVER PLANTING DETAIL**

N.T.S. LA-03



**5 TRENCH BED EDGE**

N.T.S. LA-04

**PLANT SCHEDULE**

SYMBOL	CODE	QTY	BOTANICAL NAME	COMMON NAME	CONTAINER	CALIPER	PLANT UNIT	DETAIL	REMARKS
<b>CITY REQUIRED TREES</b>									
	GA	5	Ginkgo biloba 'Autumn Gold'	Autumn Gold Ginkgo	2" Cal. Min.	25 Gal.	10' Ht. Min.		Hunter Trees. Approve photo with LA. Must meet 2" Cal.
	LS	6	Lagerstroemia x 'JMI'	Colorama Scarlet Crape Myrtle	5 Canes Min., 1" Per Canes Min.	30 Gal.	8' Ht. Min.		Multi. Trunk. Tree Form, 5 Canes Min., 3/4" Canes Min. No B&B. Cherrylake Nursery
	MM	3	Magnolia virginiana 'Moon Glow'	Moonglow Sweet Bay	2" Cal. Min.	30 Gal.	10' Ht. Min.		Multi. Trunk, 3 Canes Min., 1 1/2" Canes Min., Greenforest Nursery
	TD	3	Taxodium distichum	Bald Cypress	2" Cal. Min.	30 Gal.	10' Ht. Min.		
<b>SHRUBS</b>									
	DM	30	Distylium X 'PHIDIST-V' TM	Cinnamon Girl Distylium		3 gal.			
	OF	1	Osmanthus fragrans	Sweet Olive		30 gal.			
	PM	21	Podocarpus macrophyllus 'Maki'	Maki Yew		15 Gal., 48" Min.	At Planting		Must be 4' tall at time of installation.
<b>CITY REQUIRED SHRUBS</b>									
	LR	32	Ligustrum japonicum 'Recurvifolium'	Curly Leaf Ligustrum		3 gal.			Must grow to 6' within 3 full growing seasons.
<b>GROUND COVERS</b>									
	LM2	315	Liriope muscari 'Marant'	Marc Anthony Liriope		1 gal.		15" o.c.	
	ZE	6,504 sf	Zoysia japonica 'Empire'	Empire Zoysia		sod			Contractor shall field verify exact quantity.

ALL PLANTINGS SHALL MEET THE LISTED SPECIFICATIONS REGARDLESS OF CONTAINER SIZES. CONTRACTOR SHALL VERIFY AVAILABILITY & PROVIDE PLANTS THAT MEET THE CALIPER AND HEIGHT REQUIREMENTS ONLY.

**NOTES:**

- LONG LEAF PINESTRAW ALL TREE RINGS & BEDS EXCEPT 4" & 1 GAL. POTS.
- 4" & 1 GAL. POTS TO BE PLANTED IN 3" OF PLANTING MIX AND TOP DRESSED WITH GROUND PINEBARK.
- USE WOODACE FERTILIZER TABS IN ALL PLANTING PITS. SEE NOTES.
- PREP. PLANTING PITS & GROUNDCOVER AREAS WITH PLANTING MIX. SEE NOTES.
- THIS PLANT LIST IS FOR CONVENIENCE ONLY. CONTRACTOR TO VERIFY.
- SEE LANDSCAPE NOTES.
- ALL LANDSCAPE AREAS ALONG ROAD FRONTAGE SHALL BE MAINTAINED & GROOMED TO THE LANDSCAPE REVIEW STANDARDS.

**APPROVED NURSERIES:**

- GREEN FOREST NURSERY
  - FLOWERWOOD NURSERY
  - CHERRY LAKE NURSERY
- Other nurseries may be approved at the discretion of the landscape architect.

**CITY OF FAIRHOPE LANDSCAPE REQUIREMENTS:**

**PERIMETER REQUIREMENTS:**

Road Frontage Feet = 127/30' = 4 Trees in First 25' regardless of tree credits.  
 Remaining Perimeter Feet = 493/30' = 16 Trees  
 Parking Requirements (1 Tree/12 Spaces) = 20 Spaces/12 = 2 Trees  
 Total Existing Tree Credits = 5  
 Total Trees Required = 4 Frontage (Overstory) & 13 Perimeter/parking lot Trees (At Least 50% Overstory)

**GREENSPACE CALCULATIONS:**

Site area = 23,159 SF x .2 = 4,632 SF Landscape space required, 60% in front.  
 Front Landscape Space Required (60% of Site) = 4,632 x .6 = 2,779 SF Required  
 Front Landscape Proposed = 2,944  
 Total Landscape Space Proposed = 7,994

**EXISTING TREE CREDIT TABLE**

EXISTING FRONTAGE TREES TO REMAIN:

#1-25" Oak	/8 = 3
#2-20" Oak	/8 = 2
Total Frontage Credits	= 5



**ESPALIER**  
landscape architecture

Escalier, LLC  
PO Box 1247  
Fairhope, Alabama 36533  
P: 251.454.3500  
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**GIVENS OFFICE BUILDING**

Nichols Ave.  
Fairhope, AL



**ISSUED/REVISED**

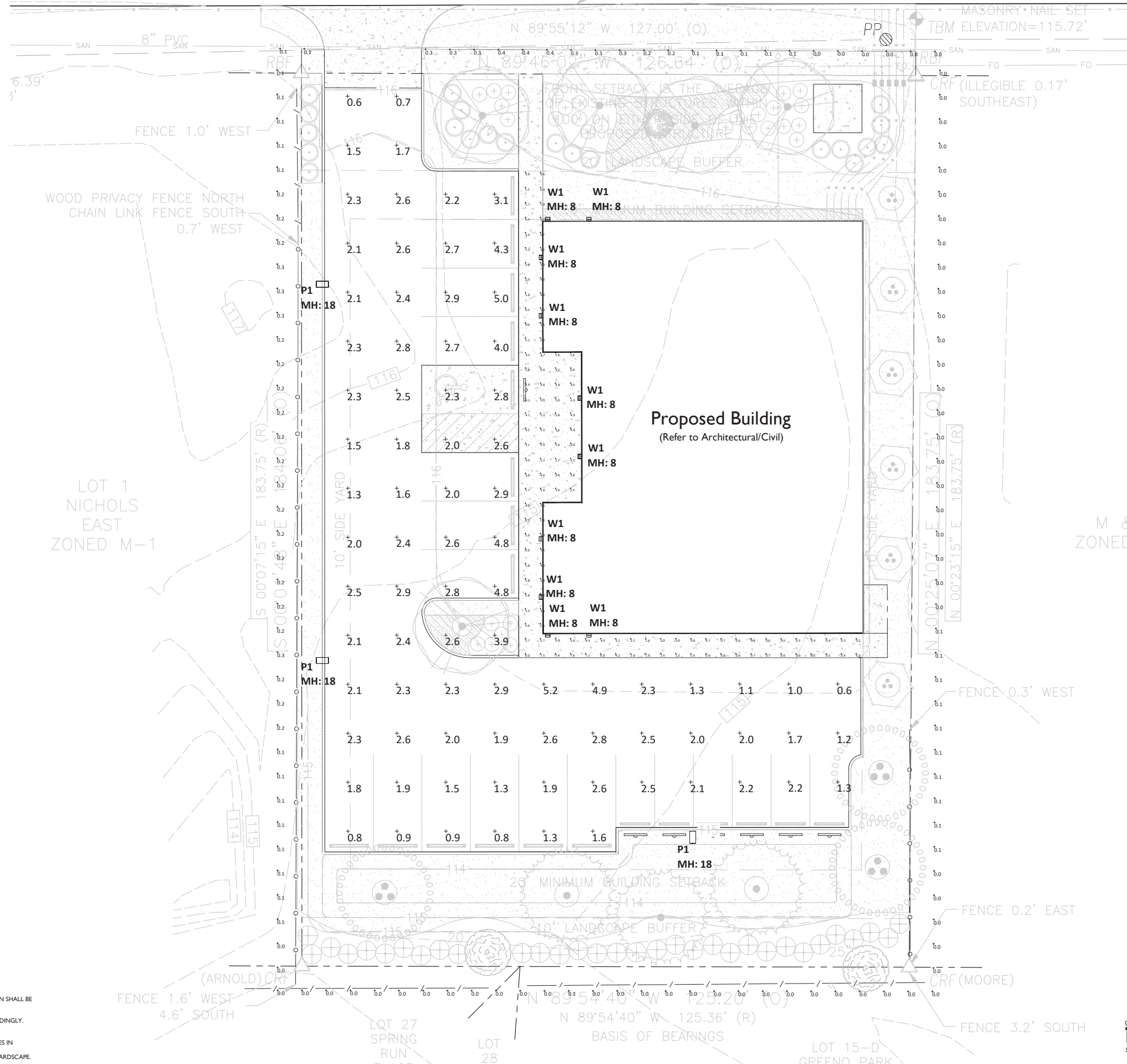
Permitting	7/28/25
Permitting	8/1/25
Permitting	8/18/25

**SHEET TITLE**

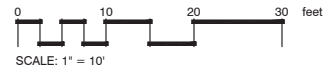
**LANDSCAPE DETAILS**

DESIGNED BY JC	FILE NAME GVNLA
DRAWN BY JC	SHEET
CHECKED BY JC	L-1.2
PROJECT NO. 2553	
DATE 7/24/25	

# NICHOLS AVE.



- NOTES:
1. BASE SURVEY PROVIDED BY LIEB ENGINEERING.
  2. LOCATION OF STRUCTURES, HARDSCAPE, AND EXISTING VEGETATION SHALL BE FIELD VERIFIED.
  3. VERIFY ALL LAYOUT AND DIMENSIONS IN FIELD.
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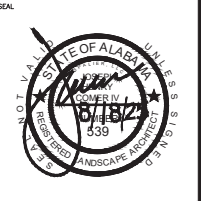


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## GIVENS OFFICE BUILDING

Nichols Ave.  
 Fairhope, AL



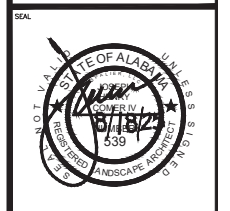
ISSUED/REVISED
Permitting 8/1/25
Permitting 8/18/25

### SITE LIGHTING LAYOUT

DESIGNED BY	FILE NAME
JC	GIVN.A
DRAWN BY	SHEET
JC	L-2.1
PROJECT NO.	DATE
2553	7/24/25

**GIVENS OFFICE BUILDING**

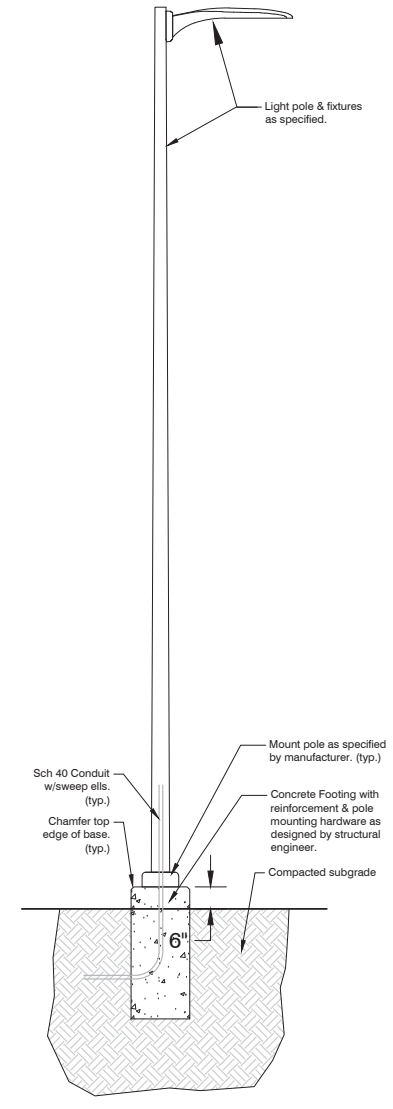
Nichols Ave.  
Fairhope, AL



ISSUED/REVISED
Permitting 8/1/25
Permitting 8/18/25

**SITE LIGHTING LAYOUT**

DESIGNED BY JC	FILE NAME GIVN
DRAWN BY JC	SHEET L-2.2
CHECKED BY JC	
PROJECT NO. 2553	
DATE 7/24/25	



**00 SITE LIGHT POLE DETAIL**  
1/2" = 1'-0"  
DETAIL-FIE

**U.S. ARCHITECTURAL LIGHTING** VLL SERIES - LED

**SPECIFICATIONS**

**POLE DRILLING TEMPLATE** **WALL MOUNT** **WPA & WEIGHT** **PLED MODULES**

**ORDERING INFORMATION**

Luminaire	Options	LED	Voltage	Mounting	Finish	Options
VLL-18	<input type="checkbox"/> RAL-9005-S <input type="checkbox"/> RAL-9005-S <input type="checkbox"/> RAL-9005-S	<input type="checkbox"/> 4000K <input type="checkbox"/> 5000K <input type="checkbox"/> 6000K	<input type="checkbox"/> 120V <input type="checkbox"/> 277V	<input type="checkbox"/> Pole Mount <input type="checkbox"/> Wall Mount	<input type="checkbox"/> White <input type="checkbox"/> Black	<input type="checkbox"/> 120V <input type="checkbox"/> 277V <input type="checkbox"/> 480V

**U.S. ARCHITECTURAL LIGHTING** AREA & ROADWAY LIGHTING

**VLL SERIES - LED**

**Luminaire**

Constant aluminum extrusion luminaire with recessed LED lighting. Available in 18" and 24" lengths. The luminaire is designed for use in areas where a high level of light output is required. The luminaire is designed for use in areas where a high level of light output is required.

**PLED Options**

Available in 18" and 24" lengths. The PLED module is designed for use in areas where a high level of light output is required. The PLED module is designed for use in areas where a high level of light output is required.

**LED Options**

Available in 4000K, 5000K, and 6000K. The LED module is designed for use in areas where a high level of light output is required. The LED module is designed for use in areas where a high level of light output is required.

**Finish**

Available in White and Black. The finish is designed for use in areas where a high level of light output is required. The finish is designed for use in areas where a high level of light output is required.

**U.S. ARCHITECTURAL LIGHTING** PRO-22 [H4]

**STANDARD SPECIFICATIONS**

**FRAME**

Constructed from aluminum extrusion luminaire with recessed LED lighting. The luminaire is designed for use in areas where a high level of light output is required. The luminaire is designed for use in areas where a high level of light output is required.

**DIFFUSER**

Available in 18" and 24" lengths. The diffuser is designed for use in areas where a high level of light output is required. The diffuser is designed for use in areas where a high level of light output is required.

**LED PERFORMANCE - 10000 HOURS**

Available in 4000K, 5000K, and 6000K. The LED module is designed for use in areas where a high level of light output is required. The LED module is designed for use in areas where a high level of light output is required.

**FINISHES**

Available in White, Black, and Bronze. The finish is designed for use in areas where a high level of light output is required. The finish is designed for use in areas where a high level of light output is required.

**U.S. ARCHITECTURAL LIGHTING** PRO-22 [H4]

**STANDARD SPECIFICATIONS**

**FRAME**

Constructed from aluminum extrusion luminaire with recessed LED lighting. The luminaire is designed for use in areas where a high level of light output is required. The luminaire is designed for use in areas where a high level of light output is required.

**DIFFUSER**

Available in 18" and 24" lengths. The diffuser is designed for use in areas where a high level of light output is required. The diffuser is designed for use in areas where a high level of light output is required.

**LED PERFORMANCE - 10000 HOURS**

Available in 4000K, 5000K, and 6000K. The LED module is designed for use in areas where a high level of light output is required. The LED module is designed for use in areas where a high level of light output is required.

**FINISHES**

Available in White, Black, and Bronze. The finish is designed for use in areas where a high level of light output is required. The finish is designed for use in areas where a high level of light output is required.

**U.S. ARCHITECTURAL LIGHTING** Round Tapered Steel Pole

**ORDERING INFORMATION**

Pole Model Number	Height	Mounting	Finish	Options
RTS-18	18'	Pole Mount	White	120V, 277V, 480V
RTS-24	24'	Pole Mount	White	120V, 277V, 480V
RTS-30	30'	Pole Mount	White	120V, 277V, 480V

**OPTIONS**

**U.S. ARCHITECTURAL LIGHTING** Round Tapered Steel Pole

**DRILLING SIDE MOUNT**

**BOLT CIRCLE**

Pole	Height	Mounting	Finish	Options
RTS-18	18'	Pole Mount	White	120V, 277V, 480V
RTS-24	24'	Pole Mount	White	120V, 277V, 480V
RTS-30	30'	Pole Mount	White	120V, 277V, 480V

**U.S. ARCHITECTURAL LIGHTING** ROUND TAPERED STEEL POLE

**RTS**

**Drill**

Round tapered steel pole with top and bottom flanges. The pole is designed for use in areas where a high level of light output is required. The pole is designed for use in areas where a high level of light output is required.

**Drilling Side Mount**

Available in 18", 24", and 30' heights. The side mount is designed for use in areas where a high level of light output is required. The side mount is designed for use in areas where a high level of light output is required.

**Pole Top Mount**

Available in 18", 24", and 30' heights. The top mount is designed for use in areas where a high level of light output is required. The top mount is designed for use in areas where a high level of light output is required.

**Hard Hole Cover**

Available in 18", 24", and 30' heights. The hard hole cover is designed for use in areas where a high level of light output is required. The hard hole cover is designed for use in areas where a high level of light output is required.

**Pole Under 18 feet**

Available in 18", 24", and 30' heights. The pole under 18 feet is designed for use in areas where a high level of light output is required. The pole under 18 feet is designed for use in areas where a high level of light output is required.

**Base Plate**

Available in 18", 24", and 30' heights. The base plate is designed for use in areas where a high level of light output is required. The base plate is designed for use in areas where a high level of light output is required.

**Base Cover**

Available in 18", 24", and 30' heights. The base cover is designed for use in areas where a high level of light output is required. The base cover is designed for use in areas where a high level of light output is required.

**Finish**

Available in White, Black, and Bronze. The finish is designed for use in areas where a high level of light output is required. The finish is designed for use in areas where a high level of light output is required.

**Luminaire Schedule**

Symbol	Qty	Label	Arrangement	Manufacturer	Description	Pole	LLF	Luminaire Lumens	Luminaire Watts	Total Watts
☐	3	P1	Single	U.S. ARCHITECTURAL LIGHTING	VLL-PLD-43W-IV-40LED-350mA-40K-HS	RTS 18-11 1-90 RAL-9005-S (Custom Height)	0.890	5400	42.9	128.7
☐	10	W1	Single	Brownlee Lighting	7600-BL-C49-V80-40K	RTS 18-11 1-90 RAL-9005-S (Custom Height)	0.890	4219	47.22	472.2

**Calculation Summary**

Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
5' OFF PROPERTY LINE	ILLUMINANCE	Fc	0.1	0.4	0.0	N.A.	N.A.
PARKING LOT	ILLUMINANCE	Fc	2.3	5.2	0.6	3.80	8.67
SIDEWALK	ILLUMINANCE	Fc	3.7	7.6	0.2	18.30	38.00

300' BUFFER REPORT PIN#276903

Parcel Number	Pin	Owner Name	Address	City	State	Zip	Property Street Number	Property Street Name	Subdivision Name
05-46-05-16-0-000-028.690	113455	FST AND SELLARS, MELISSA MCELMURRY	200 HAWTHORNE CIR	FAIRHOPE	AL	36532	200	HAWTHORNE CIR	HAWTHORNE GLENN PHASE I PLAT BOOK SLIDE PAGE 1391A DEED DATE 10/22/1992
05-46-05-21-0-000-010.099	206899	GRAVES, KENNETH D ETUX LORENE W	120 REILLY CIR	FAIRHOPE	AL	36532	120	REILLY CIR	SPRING RUN PLACE HAWTHORNE GLENN PHASE I PLAT BOOK SLIDE PAGE 1391A DEED DATE 10/22/1992
05-46-05-16-0-000-028.692	113457	FST AND SMITH, HERMAN E ETUX BETTY J	204 HAWTHORNE CIR	FAIRHOPE	AL	36532	204	HAWTHORNE CIR	HAWTHORNE GLENN PHASE I PLAT BOOK SLIDE PAGE 1391A DEED DATE 10/22/1992
05-46-05-16-0-000-028.766	216207	FST AND MALONE, ANDREW M ETAL MALONE, MATTHE AND W D	104 PROFESSIONAL PARK	FAIRHOPE	AL	36532	104	PROFESSIONAL PARK DR	FAIRHOPE PROFESSIONAL PARK- FST
05-46-05-16-0-000-028.694	113459	FST WILLIAMS KENNETH R AND WILLIAMS TAMARA S	208 HAWTHORNE CIR	FAIRHOPE	AL	36532	208	HAWTHORNE CIR	HAWTHORNE GLENN PHASE I PLAT BOOK SLIDE PAGE 1391A DEED DATE 10/22/1992
05-46-05-21-0-000-010.091	206891	SMITH, BONNIE L	115 SPRING PARK DR	FAIRHOPE	AL	36532	115	SPRING PARK DR	SPRING RUN PLACE
05-46-05-21-0-000-010.090	206890	HERMAN, NORMAN L ETAL HERMAN, ELENA GRIG AND OREVNA TRUSTEES OF THE NORMAN AND ELENA AND HERMAN LIVING TRUST DATED JUNE 23, 2022	117 SPRING PARK DR	FAIRHOPE	AL	36532	117	SPRING PARK DR	SPRING RUN PLACE
05-46-05-21-0-000-010.086	206886	LEVERT, EDWARD JONES (2/3 INT) ETAL LEVE AND RT, EUGENE C II (1/3 INT)	116 SPRING PARK DR	FAIRHOPE	AL	36532	116	SPRING PARK DR	SPRING RUN PLACE
05-46-05-21-0-000-010.087	206887	GRAHAM, STEPHANIE L	118 SPRING PARK DR	FAIRHOPE	AL	36532	118	SPRING PARK DR	SPRING RUN PLACE
05-46-05-21-0-000-010.085	206885	EWING, KENNETH ETAL EWING, VIRGINIA	23900 MONTROSE WOODS DR	FAIRHOPE	AL	36532	114	SPRING PARK DR	SPRING RUN PLACE HAWTHORNE GLENN PHASE I PLAT BOOK SLIDE PAGE 1391A DEED DATE 10/22/1992
05-46-05-16-0-000-028.693	113458	FST AND TMS RENTAL PROPERTIES L L C	330 GARRISON BLVD	FAIRHOPE	AL	36532	206	HAWTHORNE CIR	HAWTHORNE GLENN PHASE I PLAT BOOK SLIDE PAGE 1391A DEED DATE 10/22/1992

05-46-05-16-0-000-028.689	113454	FST AND ANDREWS, LYNN HARWELL ETAL ANDREWS, AND SAMUEL H IV	PO BOX 2094	FAIRHOPE	AL	36533	182	HAWTHORNE CIR	HAWTHORNE GLENN PHASE I PLAT BOOK SLIDE PAGE 1391A DEED DATE 10/22/1992
05-46-05-16-0-000-028.691	113456	FST AND HYDE, FRANKIE ELLEN (LIFE ESTATE)	202 HAWTHORNE CIR	FAIRHOPE	AL	36532	202	HAWTHORNE CIR	HAWTHORNE GLENN PHASE I PLAT BOOK SLIDE PAGE 1391A DEED DATE 10/22/1992
05-46-05-21-0-000-010.089	206889	BRYANT WILLIAM K AND BRYANT STEPHANIE B	119 SPRING PARK DR	FAIRHOPE	AL	36532	119	SPRING PARK DR	SPRING RUN PLACE
05-46-05-21-0-000-010.029	37279	OG FAIRHOPE COMMONS L L C	30 DEXTER AVE	MOUNTAIN BRK	AL	35213	199	SPRING RUN DR	GREENO PARK PLAT BOOK 235 PAGE 249 DEED DATE 11/25/1985
05-46-05-21-0-000-008.001	200284	VICK, ELMER L	8636 ROCKWELL	FAIRHOPE	AL	36532	8178	NICHOLS AVE	
05-46-05-21-0-000-007.001	115007	REGIONS BANK AS TRUSTEE FOR THE BENEFIT AND OF JAMES K MCLEAN JR UNDER INDENTURE OF AND TRUST DATED APRIL 28, 1969	1235 NORTH LOOP WEST STE 205	HOUSTON	TX	77008	8204	NICHOLS AVE	
05-46-05-16-0-000-028.688	113453	FST AND PETERSON, RICHARD A ETAL PETERSON, M AND OLLY M	178 HAWTHORNE CIR	FAIRHOPE	AL	36532	178	HAWTHORNE CIR	HAWTHORNE GLENN PHASE I PLAT BOOK SLIDE PAGE 1391A DEED DATE 10/22/1992
05-46-05-16-0-000-028.763	216204	FST AND EVANS, BENTLEY H	95 BLUE ISLAND AVE	FAIRHOPE	AL	36532	0	PROFESSIONAL PARK DR	FAIRHOPE PROFESSIONAL PARK RES UB LOTS 4,6 AND 8
05-46-05-16-0-000-028.765	216206	FST AND WILSON PROPERTIES L L C	P O BOX 1498	FAIRHOPE	AL	36532	108	PROFESSIONAL PARK DR	FAIRHOPE PROFESSIONAL PARK RES UB LOTS 4,6 AND 8
05-46-05-21-0-000-010.101	206901	RODRIGUEZ SANDRA BREAUX AND RODRIGUEZ CLAUDE ADAM JR	122 REILLY CIR	FAIRHOPE	AL	36532	122	REILLY CIR	SPRING RUN PLACE
05-46-05-21-0-000-010.088	206888	SHREVE, ANDREW T	120 SPRING PARK DR	FAIRHOPE	AL	36532	120	SPRING PARK DR	SPRING RUN PLACE
05-46-05-21-0-000-008.002	218179	THE FAIRHOPE BOBS L L C	914 NICHOLS AVE	FAIRHOPE	AL	36532	918	NICHOLS AVE	
05-46-05-21-0-000-008.004	276903	STOIC EQUITY PARTNERS L L C	PO BOX 1799	FAIRHOPE	AL	36533	0	NICHOLS AVE	NICHOLS EAST
05-46-05-21-0-000-008.000	21516	93 PARTNERS L L C	925 NICHOLS AVE	FAIRHOPE	AL	36532	925	NICHOLS AVE	NICHOLS EAST

05-46-05-21-0-000-010.028	50420	SPRING RUN APARTMENTS L L C	3131 TURTLE CREEK BLVD	DALLAS	TX	75219	201	SPRING RUN DR	GREENO PARK PLAT BOOK 235 PAGE 249 DEED DATE 11/25/1985
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STATE OF ALABAMA  
BALDWIN COUNTY  
I, TEDDY J. FAUST, JR., Revenue Commissioner  
in and for said State and County, do hereby  
certify that this is a true and correct copy of the  
records of this office.

  
Revenue Commissioner



1290 Main Street  
Suite E  
Daphne, AL 36526  
Phone: 251.978.9779

July 31, 2025

City of Fairhope  
Attn: Staff

Re: **G Real Estate, LLC Office Building - Drainage Letter**

Staff,

As part of the proposed development in Fairhope, Alabama, the site's stormwater runoff will be managed using a bio-retention swale designed to capture and treat runoff from the 2-100 year storm events. The bioswale has been engineered to exceed City of Fairhope stormwater requirements and provides capacity for nearly double the runoff volume generated during a 100-year storm event (2,504 CF). The parking lot will be a washed #57 stone, a pervious pavement.

The bio-retention swale has a total surface area of 1,531 square feet and is designed with a swale depression depth of 1 foot, allowing for 1,295 cubic feet of surface water storage. Beneath the water pool, the swale includes a 3' deep sand undercut, which will be backfilled with clean sand media suitable for infiltration and treatment.

The sand backfill material has an estimated void ratio of 0.60, providing an additional subsurface storage capacity of 2,755.8 cubic feet. When combined with the surface storage, the total available stormwater storage volume within the bio-retention swale is 4,050.8 cubic feet. This total volume exceeds the expected runoff from the 100-year storm event, ensuring adequate detention, infiltration, and treatment of stormwater runoff while reducing downstream impacts. The swale will be vegetated and maintained in accordance with City of Fairhope standards and best management practices.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Lieb', is written over a light blue rectangular background.

Christopher Jay Lieb, PE



**LIEB ENGINEERING**  
C O M P A N Y

1290 Main Street  
Suite E  
Daphne, AL 36526  
Phone: 251.978.9779

July 10, 2025

City of Fairhope Planning and Zoning  
Attn: Staff

Re: **Ross Givens Fire Flow**

Staff,

The static and residual pressures at the test hydrant were 50 and 48 psi respectively. The flow hydrant was flowing 1,000 GPM at 35 psi. This test was performed on 07/10/25 at 7:46 A.M. The available fire flow is 4,316 GPM at 20 psi. The water system will meet all requirements of the 2021 International Fire Code.

Sincerely,

Christopher Jay Lieb, PE

**LIEB ENGINEERING**  
C O M P A N Y



1290 Main Street  
Suite E  
Daphne, AL 36526  
Phone: 251.978.9779

August 13, 2025

City of Fairhope Planning and Zoning  
Attn: Staff

Re: **Ross Givens Fire Waiver Request**

Staff,

We are requesting a waiver from Article V Section C.4.f Types of Greenspace to allow for the area of Landscaping required adjacent to Nichols Ave be used as a "Natural Greenspace" type. The property itself is only 1/2 an acre fronting on one Rights of Way disqualifying most of the possible options listed in Table 4-1 Greenspace Categories and Types.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Lieb', is written over a light gray rectangular background.

Christopher Jay Lieb, PE



July 30, 2025

Sherry Sullivan  
*Mayor*

**Re: ROSS GIVENS, PIN 276903**

*Council Members:*

Kevin G. Boone  
Jay Robinson  
Jack Burrell, ACO  
Jimmy Conyers  
Corey Martin


This letter of availability is only valid based on what was proposed at the utility review meeting. Any changes or deviations of the proposed plan will require another utility review. This statement of availability remains effective for twelve (12) months from the date of this letter; at which time it shall expire and automatically be withdrawn.

Lisa A. Hanks, MMC  
*City Clerk*

**Water & Sewer:** Based upon review of the proposed development, water and sewer service by Fairhope Public Utilities is currently available. All tap fees and system development charges (SDC's) will apply, and all necessary infrastructure improvements will be at the developer's expense.

Kimberly Creech  
*Treasurer*

Sincerely,

  
\_\_\_\_\_  
Daryl Morefield  
Water/Wastewater Superintendent

161 North Section St.  
PO Drawer 429  
Fairhope, AL 36533

251-928-2136 (p)  
251-928-6776 (f)  
[www.fairhopeal.gov](http://www.fairhopeal.gov)



**LIEB ENGINEERING**  
COMPANY

1290 Main St Ste E  
Daphne, AL 36526  
Phone: 251 978-9779

July 28, 2025

Subdivision Name: Ross Givens

Dear Property Owner,

The City of Fairhope Subdivision Regulations requires all property owners adjacent to property being considered for Subdivision/Multiple Occupancy Project approval to be notified by certified mail. The Baldwin County Revenue Office provided your information as a current adjacent property owner to the proposed Multiple Occupancy Project request described below.

Ross Givens is requesting Multiple Occupancy Project approval for the property just west of 8178 Nichols Ave, a Multiple Occupancy Project. Please find a copy of the proposed site plan on the lot in question as shown on the Baldwin County GIS enclosed.

Lieb Engineering Company, LLC will hold a public meeting at 10:00AM at our office (1290 Main St Ste E, Daphne AL) on Wednesday, July 23rd. If you would like your comments to be considered prior to the meeting, please mail comments to Lieb Engineering Company, 1290 Main St Ste E, Daphne, AL 36526 or e-mail to [clieb@liebengineering.com](mailto:clieb@liebengineering.com) by Monday July 21st.

Should you have questions or concerns, please contact me at (251) 978-9779.

Thank you for your time,

Chris Lieb, PE - Civil Engineer

**LIEB ENGINEERING**  
COMPANY

RECEIVED  
JUL 29 2025

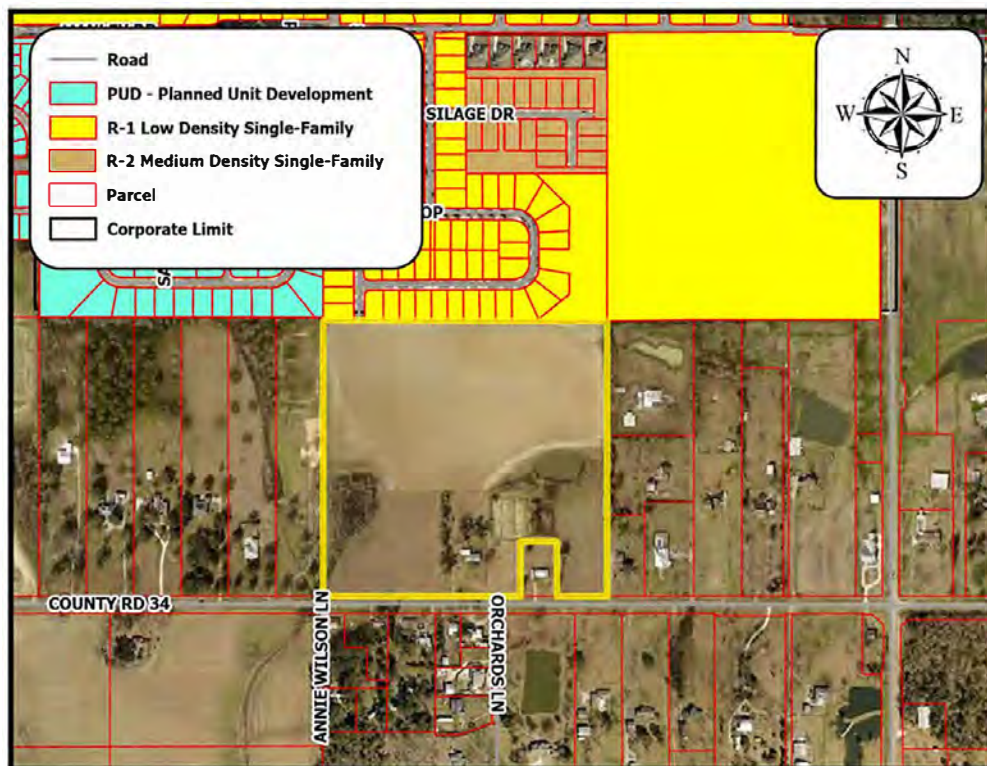
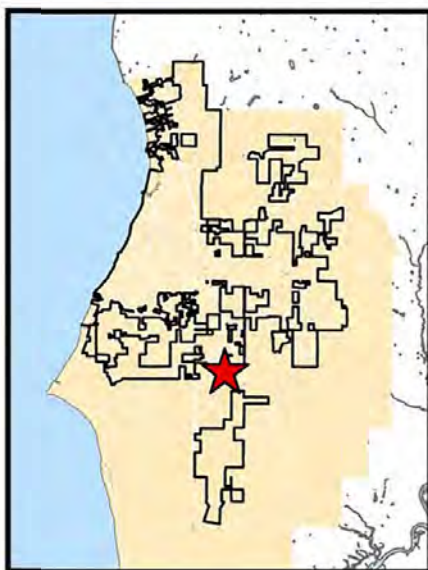
BY: .....



# City of Fairhope Planning Commission September 4, 2025



## ZC 25.06 - 8505 County Road 34



**Project Name:**

8505 County Road 34

**Site Data:**

30 acres

**Project Type:**

Conditional annexation to R-1 Low Density Single-Family

**Jurisdiction:**

Fairhope Planning Jurisdiction

**Zoning District:**

N/A

**PPIN Number:**

5735

**General Location:**

North of County Road 34 roughly 0.75 miles east of Greeno Road

**Surveyor of Record:**

Lieb Engineering

**Engineer of Record:**

Lieb Engineering

**Owner / Developer:**

Katrina Schonemann

**School District:**

Fairhope Elementary School  
Fairhope Middle and High Schools

**Recommendation:**

Denied

**Prepared by:**

Name : Michelle Melton



**APPLICATION FOR ZONING DISTRICT CHANGE**

**Property Owner / Leaseholder Information**

Name: Katrina Schonemann Phone Number: \_\_\_\_\_  
 Street Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Applicant / Agent Information**

If different from above.  
 Notarized letter from property owner is required if an agent is used for representation.

Name: Chris Lieb with Lieb Engineering Phone Number: 2519789779  
 Street Address: 1290 Main Street Ste E  
 City: Daphne State: AL Zip: 36526

Current Zoning of Property: RA  
 Proposed Zoning/Use of the Property: R-1B  
 Property Address: \_\_\_\_\_  
 Parcel Number: 05-46-08-28-0-000-014.000  
 Property Legal Description: \_\_\_\_\_  
 Reason for Zoning Change: Annexation into the City Limits for a future subdivision

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: \_\_\_\_\_  
Subdivision with 30,000 SF Lots

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.

KATRINA SCHONEMANN  
 Property Owner/Leaseholder Printed Name

Katrina Schonemann  
 Signature

\_\_\_\_\_  
 Date

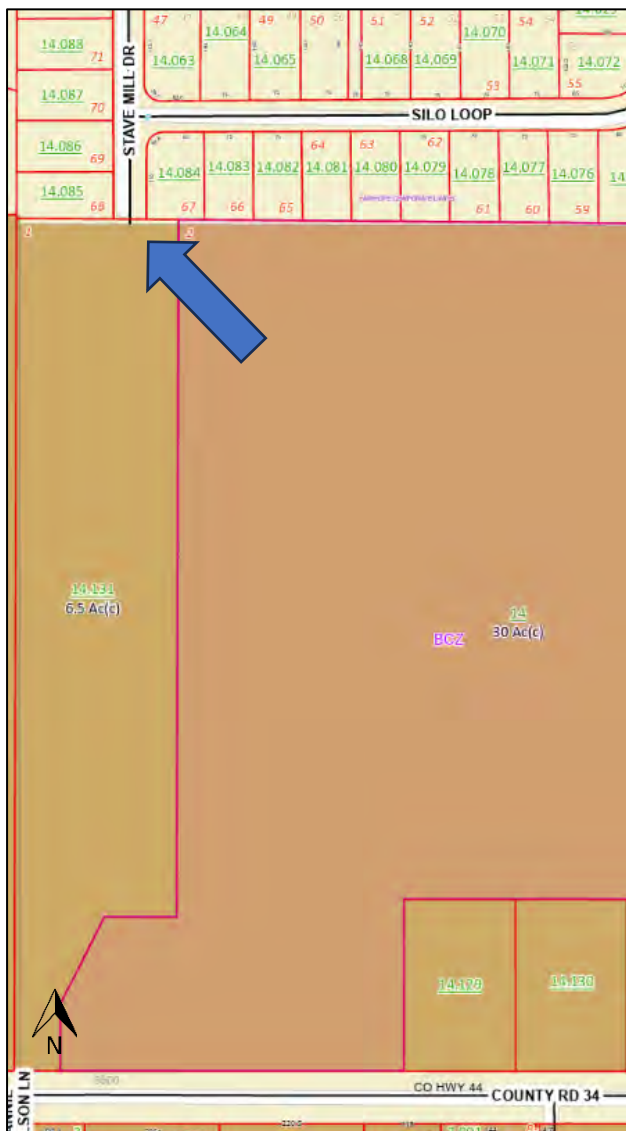
\_\_\_\_\_  
 Fairhope Single Tax Corp. (If Applicable)

**Summary of Request:**

Public hearing to consider the request of the Applicant, Lieb Engineering, on behalf of the Owner, Katrina Schonemann, for conditional annexation to R-1b, Low Density Single-Family Residential. Of the four (4) R-1 subcategories, R-1b requires a minimum lot area of 30,000 square feet. The property is approximately 30 acres and is located on the North side of County Road 34 between County Road 13 and Greeno Rd at 8505 County Road 34.

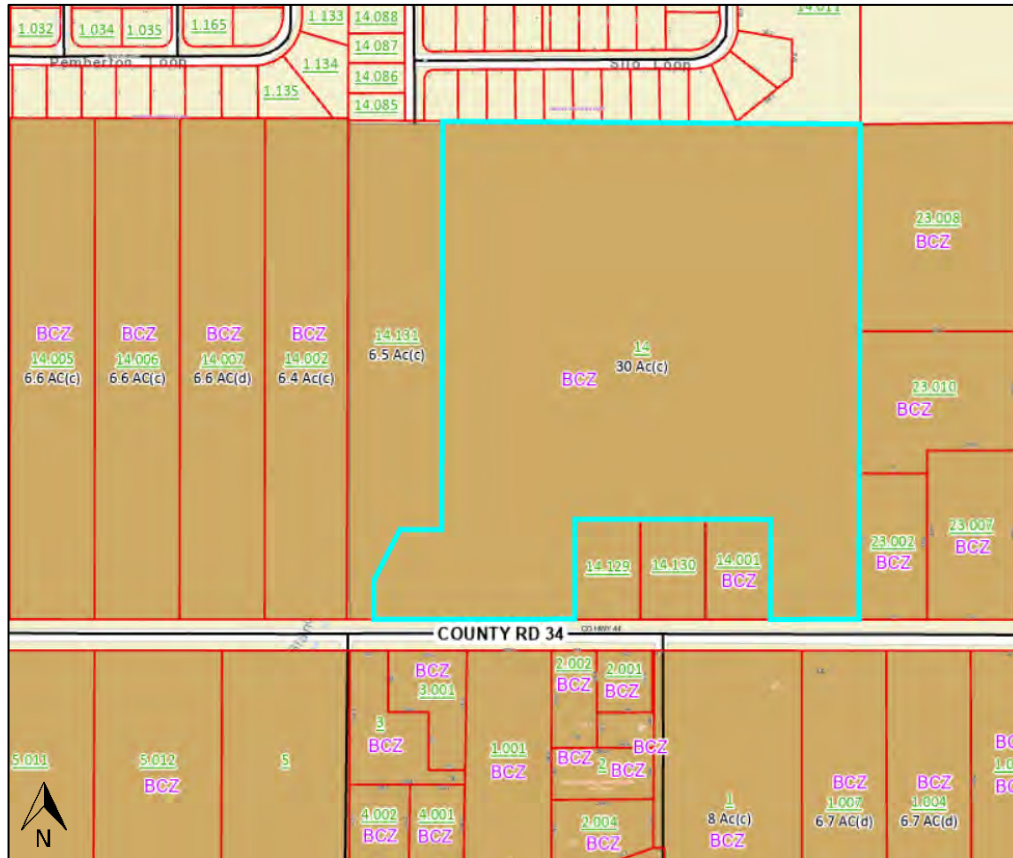
**Site History:**

The applicant initially brought the case to the Planning & Zoning Department in March 2025 to discuss options should annexation be requested. Planning Staff discussed a number of items at this time including potential wetlands on the property, access off County Road 34, and connectivity. Of particular concern to Staff was the need to allow Stave Miller Drive to connect to any proposed subdivision of the subject site for the purposes of promoting connectivity South to County Road 34 during any future development of the site. As such, Staff informed the Applicant that without said connectivity staff would likely not support any future proposed annexation (see locator map below). The subject site was later subdivided under Baldwin County jurisdiction, against the suggestion of staff, as Lot 2 of the Burmeister Subdivision and recorded in Baldwin County Probate Court on July 2, 2025. As the proposed development requires connection to City of Fairhope water utilities the Applicant now proposes conditional annexation, hence this application.



**Staff Comments:**

The subject site is currently within Baldwin County jurisdiction zoned BCZ, Base County Zoning District. The Baldwin County Zoning Ordinance is very vague regarding BCZ and does not provide dimensions. BCZ is a placeholder zoning designation. The subject site abuts Saddlewood Subdivision to the North, zoned R-1 within the City of Fairhope. All properties to the East, South, and West are currently zoned BCZ within Baldwin County jurisdiction.



As previously mentioned, if conditional annexation is granted the Applicant requests to be zoned R-1b. Article III of the City of Fairhope Zoning Ordinance defines R-1 Districts and addresses lot dimension and allowed Uses 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.”*

**Excerpt from Table 3-2: Dimension Table – Lots and Principle Structure**

Dimension District or Use	Min. Lot Area / Allowed Units Per Acre (UPA)	Min. Lot Width	Front Setback	Rear Setback	Side Setback	Street Side Setback	Max. Total Lot Coverage by All Structures	Max. Height
R/A	3 acres/ -	198'	75'	75'	25'	50'	none	30'
R-1	15,000 s.f./ -	100'	40'	35'	10' <sup>b</sup>	20'	40%	30' <sup>a</sup>
R-1a	40,000 s.f./ -	120'	30'	30'	10' <sup>b</sup>	20'	25%	35'
R-1b	30,000 s.f./ -	100'	30'	30'	10' <sup>b</sup>	20'	25%	35'
R-1c	20,000 s.f./ -	80'	30'	30'	10' <sup>b</sup>	20'	25%	35'

Excerpt from Table 3-1 Use Table

Zoning Districts	R-A	R-1 (a, b, c)
<b>Use Categories / Specific Uses</b>		
<b>Dwelling</b>		
Single-Family	●	●
Two-family		
Townhouse		
Patio Home		
Multiple-family / Apartment		
Manufactured Home		
Mixed-use		
Accessory Dwelling		
Estate		
<b>Civic</b>		
Elementary School		●
Secondary School		●
Education Facility		●
Library		●
Place of Worship		
Cemetery	○	○
Hospital		
Public Open Space	●	●
Common Open Space	●	●
Community Center or Club	○	○
Public Utility	○	○
<b>Office</b>		
General		
Professional		
Home Occupation	⊗	⊗
<b>Retail</b>		
Grocery		
Convenience Store		
General Merchandise		
Shopping Center		
Automobile Service Station		
Outdoor Sales Limited		
Outdoor Sales Lot		
Garden Center		

Zoning Districts	R-A	R-1 (a, b, c)
<b>Use Categories / Specific Uses</b>		
<b>Service</b>		
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		
<b>Manufacturing</b>		
Limited		
Light		
General		
Food Processing		
<b>Rural</b>		
Agriculture	●	
Rural Market	●	
Plant Nursery	●	

● = Allowed By-Right	⊗ = Special Conditions	○ = On Appeal
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It should be noted that there are “Non-Regulated Other Surface Waters” and a FEMA floodzone within the subject property that will be considered and buffering required for any on site development.

As previously mentioned, R-1b has a minimum lot area requirement of 30,000 square feet. Per the recorded plat for Burmeister Subdivision the subject site is 1,297,865 square feet. As such, if the requested R-1b zoning district is granted there is a potential for 43± lots to be proposed on the site. However, it’s important to note that this calculation **does not** account for setbacks, buffering, or consideration of other necessary infrastructure which will reduce the number of potential lots.

The current application is a request for zoning change, and as such a development plan was not submitted nor required. However, a future development consisting of 30,000± square-foot R-1b zoned properties adjacent to County BCZ zoned properties and City R-1 zoned properties may not be the most appropriate zoning district for the subject site.

### **Citizen Comments**

At the time this report was drafted one (1) public comment was received from a couple located within Southland Place Subdivision (zoned PUD in the City of Fairhope and not directly adjacent to subject site). The commenter stated that they were not opposed to the request for conditional annexation and R-1b zoning.

### **Wetlands**

The Applicant did not submit a wetland delineation with the application although the recorded subdivision does include a Surveyor’s Note which mentions a Delineation Report WSI reference number #2024-463. It should be noted that City regulations are more stringent regarding wetlands and other surface waters than County regulations, and as such, the aforementioned Non-Regulated Other Surface Waters could potentially be wetlands per the City’s regulations.

### **Utilities**

Riviera Utilities can provide power. Currently, water and sewer are listed on the recorded plat as “On site well and septic”. Development of the site requires water and sewer from the City of Fairhope. An application by BCP Acquisitions, LLC (formed in Alabama on November 14, 2024) has been submitted to the city and is included in the case packet. Said application is for service to 21 single-family dwellings.

### **Rezoning Considerations:**

#### **Standards of Review**

Article 2 Section C.1.e of the City of Fairhope Zoning Ordinance sets forth the following criteria for reviewing rezoning requests:

#### **(1) Compliance with the Comprehensive Plan;**

**Staff Response:** Does not comply. A primary goal of the City of Fairhope Comprehensive Plan and Zoning Ordinance is to promote connectivity. The previous County approved Burmeister Subdivision limits the potential connection for the subject site to the Saddlewood Subdivision within City limits. The Comprehensive Plan categorizes the subject site as a Rural Place Type and stating that such types “will have the lowest density with ideal minimum lot sizes of three acres...setbacks, particularly from streets, should be generous....Key planning objectives for this Place Type include protecting agricultural operations, providing low-density housing opportunities for residents...The primary land uses within Fairhope’s Rural areas include undeveloped open space, agriculture, low-density single family houses...”p. 38.

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

**Staff Response:** Does not comply. The Applicant intends to annex into the City of Fairhope and fall under the City’s development guidelines. However, the lack of connectivity does not comply with the standards, goals, and intent of this ordinance.

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

**Staff Response:** As previously mentioned, the subject site abuts Saddlewood Subdivision to the North, zoned R-1 within the City of Fairhope. All properties to the East, South, and West are currently zoned BCZ within Baldwin County jurisdiction. Nearby properties consist of large parcels of land currently being utilized for rural residential, agricultural, and/or undeveloped areas.

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

**Staff Response:** The current application is a conditional annexation request for R-1b zoning without a Site Plan review. Future projects within the subject site shall be required to provide adequate public infrastructure. Development of the subject site requires Fairhope Water and Sewer services, hence the proposed annexation petition.

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

**Staff Response:** There are potential wetlands on the subject property as well as a flood zone. Considering the existing conditions are rural residential and agricultural, post development conditions may negatively impact the natural resources on site.

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

**Staff Response:** At the time of any future development full compliance with all municipal codes and ordinances will be required.

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

**Staff Response:** At the time of any future development full compliance with all municipal codes and ordinances will be required. Burmeister Subdivision has already been approved by the Baldwin County Planning Commission.

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

**Staff Response:** As proposed, there may be negative impacts on adjacent property, including but not limited to an adjacent Army Corps of Engineer (USACE) regulated wetland. Current site conditions being rural residential and agricultural may be affected by an increase in noise and traffic levels that accompanies the proposed higher density R-1b residential development.

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

**Staff Response:** There may be negative impacts on the surrounding neighborhood. Current site conditions being rural residential and agricultural may be affected by an increase in noise and traffic levels that accompanies the proposed higher density R-1b residential development. Accommodating drainage for a future development of the subject site also holds the potential to negatively impact the surrounding neighborhood as the area is already very wet.

**Recommendation**

Based on the preceding, it is Staff's recommendation that the Planning Commission recommend to the City Council that case ZC 25.06 Schoneman – 8505 County Road 34 Conditional Annexation with R-1b, Low Density Single-Family Residential District, be **DENIED** due to a lack of connectivity, undetermined infrastructure adequacy, non-compliance with the Comprehensive Plan, and potential negative impacts to natural resources and the surrounding area.

**Preliminary/Final Plat**  
**Burmeister Subdivision**

8505 Co.Rd.34  
Fairhope AL, 36532  
Parcel#05-46-08-28-0-000-014.000  
PIN 57375  
Owner - Katrina Schumann  
8651 Co.Rd.34, Fairhope AL, 36532  
Surveyor - Beyond Measure Surveying, LLC  
1808 Burtonwood Dr. Foley, AL 36535

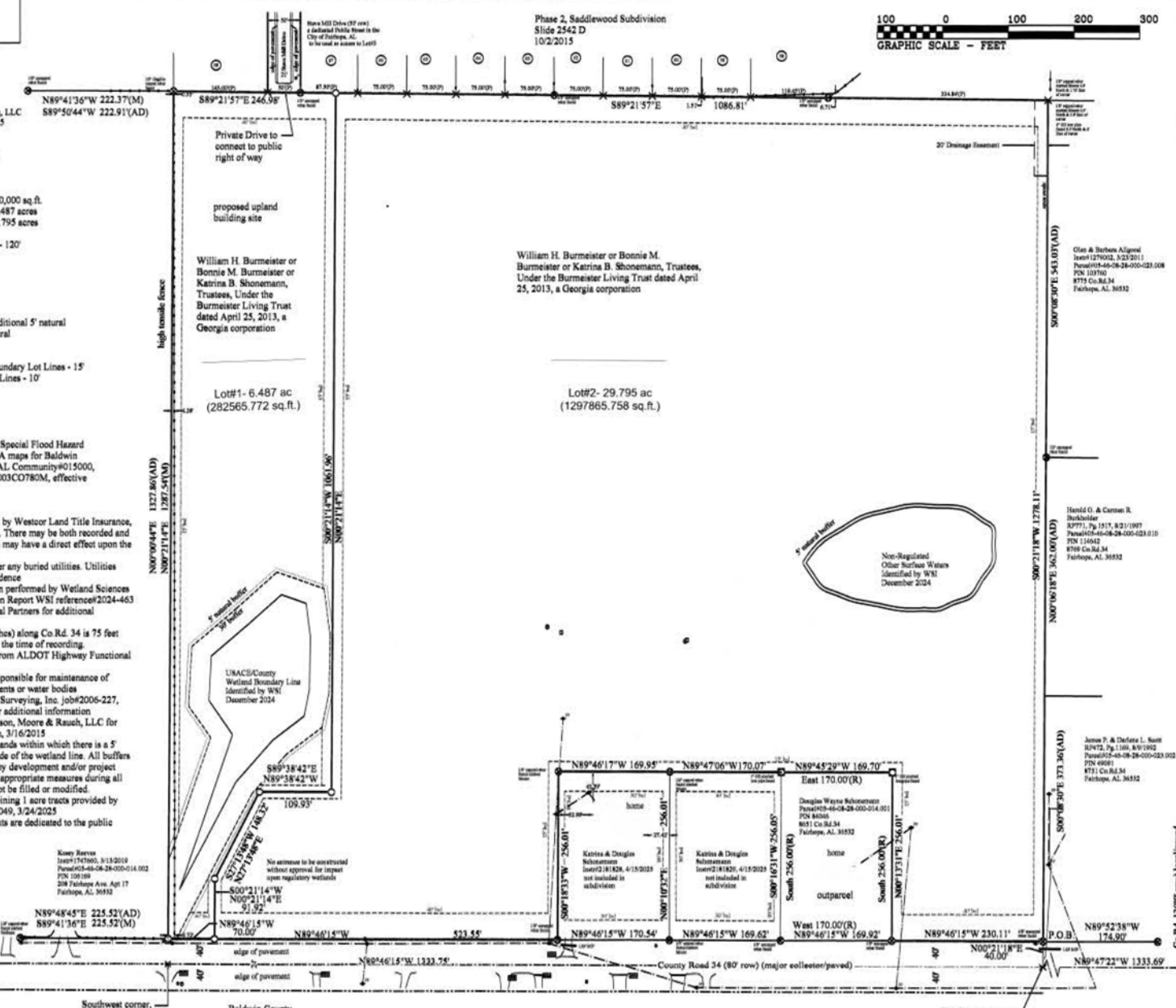
**Site Data**  
Zoning - BCZ (Baldwin County)  
Planning District - 8  
Number of Lots - 2  
Site Area - 36.282 ac.  
Minimum Lot Area (required) - 40,000 sq.ft.  
Smallest Lot Area (measured) - 6.487 acres  
Largest Lot Area (measured) - 29.795 acres  
Linear Ft. of Streets - NA  
Minimum Lot Width @ front bal - 120'  
Maximum Blgd coverage - NA  
**Building Setbacks**  
Front - 40'  
Rear - 40'  
Side - 15'  
**Wetlands Buffers**  
Jurisdictional - 30' with additional 5' natural  
Non Jurisdictional - 5' natural

**Drainage/Utility Easements**  
External Rear and Side Boundary Lot Lines - 15'  
Interior Rear and Side Lot Lines - 10'

**Utility Providers**  
Electric - Riviera Utilities  
On site well and septic

Property is NOT located within a Special Flood Hazard Area (Zone X) as shown on FEMA maps for Baldwin County (Unincorporated Areas), AL Community#015000, Map#01003C0757M & Map#01003C0780M, effective date 4/19/2019

**Surveyor's Notes:**  
- A Title Commitment performed by Westco Land Title Insurance, 1/13/2025 was provided by client. There may be both recorded and unrecorded documentation which may have a direct effect upon the findings.  
- No attempt was made to discover any buried utilities. Utilities shown are based upon visible evidence.  
- A Wetlands delineation has been performed by Wetland Sciences Inc. and provided. See Delineation Report WSI reference#2024-463 for Niko Bruer, Bellwether Capital Partners for additional information.  
- Highway construction setback (hcs) along Co.Rd. 34 is 75 feet from centerline of right of way at the time of recording.  
- Road designations determined from ALDOT Highway Functional Classification mapping.  
- Baldwin County shall not be responsible for maintenance of common areas or drainage easements or water bodies.  
- See previous surveys by Moore Surveying, Inc. job#2006-227, 11/9/2006 & 94-282, 6/3/1994 for additional information.  
- See previous survey by Hutchinson, Moore & Rauch, LLC for Phase 2, Saddlewood Subdivision, 3/16/2015.  
- There is a 30' setback from wetlands within which there is a 5' natural buffer along the upland side of the wetland line. All buffers shown shall be flagged prior to any development and/or project implementation and protected by appropriate measures during all construction phases. Area shall not be filled or modified.  
- Exemption Verification for adjoining 1 acre tracts provided by Baldwin County Case#PP25-000049, 3/24/2025.  
- All drainage and utility easements are dedicated to the public.



**OWNER'S DEDICATION**

I/We KATRINA SCHUMANN, as proprietor(s), have caused the land embraced within plat to be surveyed, laid out and platted to be known as the Burmeister Subdivision, a part of Section 28, Township 6 South, Range 2 East, Baldwin County, Alabama, and that the (Streets, Drives, Alleys, Easements, etc.) as shown on said plat are hereby dedicated to the use of the public.

*Katrina Schumann*  
Property Owner

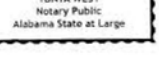
Signed and sealed in the presence of:

Witness

**CERTIFICATION BY NOTARY PUBLIC**  
STATE OF ALABAMA  
COUNTY OF BALDWIN

I, Tonya West, NOTARY PUBLIC IN AND FOR SAID COUNTY, IN SAID STATE HEREBY CERTIFY THAT KATRINA SCHUMANN WHOSE NAME 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, EXECUTED THE SAME VOLUNTARILY.

GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS 23<sup>rd</sup> DAY OF June, 2025



*Tonya West*  
NOTARY PUBLIC

MY COMMISSION EXPIRES ON

**CERTIFICATE OF APPROVAL BY THE E-911 ADDRESSING SYSTEM**  
THE UNDERSIGNED, AS AUTHORIZED BY THE 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 JUNE 17<sup>th</sup>, 2025

*Robert Hill*  
AUTHORIZED SIGNATURE



**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 23 DAY OF JUNE, 2025

*Michael Brown*  
AUTHORIZED SIGNATURE

**RIVIERA UTILITY EASEMENTS**  
There is a 10' easement along all side property lines and a 15' easement along all front and rear property lines.

**CERTIFICATE OF APPROVAL BY THE BALDWIN COUNTY HEALTH DEPARTMENT**  
The lot(s) on this plat are subject to approval or deletion by the Baldwin County Health Department. No representation is made that any lot on this plat will accommodate an Onsite Sewage System (OSS). The appropriateness of a lot for wastewater (sewage) treatment and disposal shall be determined when an application is submitted. If permitted, the lot approval may contain certain conditions which restrict the use of the lot or obligate owners to special maintenance and reporting requirements, and these are on file with the said health department and are made a part of this plat as if set out here on.

Signed this 17<sup>th</sup> day of June, 2025

*[Signature]*  
Authorized Signature

**CERTIFICATE OF APPROVAL BY THE BALDWIN COUNTY PLANNING AND ZONING COMMISSION**  
The undersigned, as Chairman of Baldwin County Planning and Zoning Commission, hereby certifies that, at its meeting of JUNE 23, 2025, the Baldwin County Planning and Zoning Commission approved the within plat for the recording of same in the Probate Office of Baldwin County, Alabama, this day of June 25.

By: *[Signature]*  
Chairman

**CERTIFICATE OF APPROVAL BY THE BALDWIN COUNTY PLANNING DIRECTOR**  
The undersigned, as Director of the Baldwin County Planning and Zoning Department, hereby approves the within plat for recording of same in the Probate Office of Baldwin County, Alabama.

By: *[Signature]*  
Planning Director

**CERTIFICATE OF APPROVAL BY THE COUNTY ENGINEER**  
THE UNDERSIGNED, AS COUNTY ENGINEER OF BALDWIN COUNTY, ALABAMA, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE

OF BALDWIN COUNTY, ALABAMA, THIS THE 27<sup>th</sup> DAY OF JUNE, 2025

*[Signature]*  
COUNTY ENGINEER

Additional or deletions to survey drawings by any other person(s) than the signing party or parties is prohibited without written consent of the signing party or parties.

The Basis of Bearings for this survey is Alabama State Plane Grid (West Zone) determined by GNSS observations.

The centerlines and fence lines as depicted on this plat are shown graphically as straight lines between measured points. These lines may actually meander between these end points.

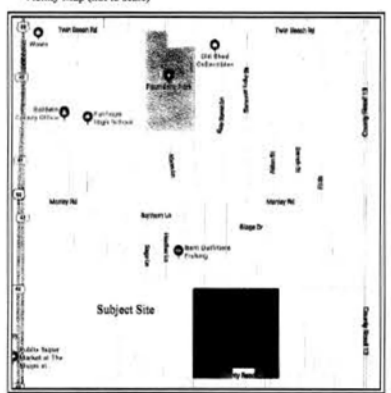
REVISION	DATE	PROJECT NO. 28826a
1st review change	5/6/2025	
		Burmeister Preliminary/Final Plat
		DRAWN BY: JBI
		CHECKED BY: JBI

**BEYOND MEASURE SURVEYING**  
1808 Burtonwood Dr.  
Foley, AL 36535  
(205) 788-7017  
www.beyondmeasure.com



Relative Error of Closure  
Suburban  
1/7,500' & 20" X sq. root of # of angles

2196841  
BALDWIN COUNTY, ALABAMA  
HARRY D'OLIVE, JR., PROBATE JUDGE  
Filed/cert. 07/02/2025 03:07 PM  
TOT: \$25.00 1 Pages  
SLIDE 0003009-F



**SURVEYOR'S CERTIFICATE:**  
I, hereby certify that all parts of this survey and drawing have been completed in accordance current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information, and belief.

By: *[Signature]*  
Resee Harpel

Surveyor's Signature  
Alabama License Number AL PL.840196-S  
3/25/2025  
Date



Part of the Southwest Quarter of the Southeast Quarter of Section Twenty-Eight (28), Township Six (6) South, Range Two (2) East, Baldwin County, Alabama, more particularly described as follows: Beginning at a 1/2" uncapped rebar on the North right of way of County Road 34, 40.00 feet North 00 Degrees 21 Minutes 18 Seconds East of the Southeast corner of said Quarter -Quarter; THENCE North 89 Degrees 46 Minutes 15 Seconds West along said North right of way, 230.11 feet to a 1/2" uncapped rebar; THENCE leaving said North right of way and running North 00 Degrees 13 Minutes 31 Seconds East 256.01 feet to a 1" OD pinched iron pipe; THENCE North 89 Degrees 45 Minutes 29 Seconds West 169.70 feet to a 1" OD pinched iron pipe; THENCE North 89 Degrees 47 Minutes 06 Seconds West 170.07 feet to a 1/2" capped rebar marked Moore; THENCE North 89 Degrees 46 Minutes 17 Seconds West 169.95 feet to a 1/2" capped rebar marked Moore; THENCE South 00 Degrees 18 Minutes 33 Seconds West 256.01 feet to a 1/2" uncapped rebar on said North right of way; THENCE North 89 Degrees 46 Minutes 15 Seconds West along said North right of way, 593.55 feet to a 1/2" x 18" capped rebar marked BMS 40196S; THENCE leaving said North right of way and running North 00 Degrees 21 Minutes 14 Seconds East 1287.54 feet to a point witnessed by a 1/2" uncapped rebar 0.30' North and 0.34' West; THENCE South 89 Degrees 21 Minutes 57 Seconds East along the South line of Phase 2, Saddlewood Subdivision as recorded in Slide 2542 D in the records of the Office of the Judge of Probate of said County, 1333.79 feet to a point witnessed by a 3" OD iron pipe 0.5' North and 2' East; THENCE South 00 Degrees 21 Minutes 18 Seconds West 1278.11 feet to the place of beginning, containing 36.282 acres, more or less.

Subject to a drainage easement more particularly described as: Commencing at the Southwest corner of Lot 22, Summer Lake Subdivision, Phase One, recorded on Slide 2224 A&B, Probate Records, Baldwin County, Alabama; THENCE South 00 Degrees 49 Minutes 26 Seconds West for a distance of 40.05 feet to the South right-of-way of Manley Road; THENCE North 89 Degrees 51 Minutes 57 Seconds East along said right-of-way for a distance of 31.30 feet; THENCE South 00 Degrees 13 Minutes 25 Seconds West for a distance of 660.00 feet; THENCE South 89 Degrees 49 Minutes 00 Seconds East for a distance of 660.00 feet; THENCE South 00 Degrees 21 Minutes 23 Seconds West for a distance of 115.00 feet; THENCE North 89 Degrees 20 Minutes 53 Seconds West for a distance of 20.00 feet; THENCE North 00 Degrees 21 Minutes 23 Seconds East for a distance of 115.00 feet; THENCE South 89 Degrees 20 Minutes 53 Seconds East for a distance of 20.00 feet to the Point of Beginning.

Also, together with and subject to all other rights of way, covenants, easements and restrictions of record.

PPIN 5735  
300 ft variance

Parcel Number	Pin	Owner Name	Mailing Address	City	State	Zip	Prop St #	Prop St Name
05-46-08-28-0-000-014.001	84046	SCHONEMANN, DOUGLAS WAYNE & KATRINA B	8505 COUNTY ROAD 34	FAIRHOPE	AL	36532	8651	CO RD 34
05-46-08-28-0-000-023.010	114642	BURKHOLDER, HAROLD G ETAL BURKHOLDER, CA AND RMEN R	8769 CO RD 34	FAIRHOPE	AL	36532	8769	CO RD 34
05-46-08-28-0-000-014.007	114996	CHISLETT, JOHN WILLIAM ETUX SALLY	P O BOX 1466	FAIRHOPE	AL	36533	8453	CO RD 34
05-46-08-33-0-000-001.000	4485	PUCKETT KENDALL R AND PUCKETT ANGELA H	8672 COUNTY ROAD 34	FAIRHOPE	AL	36532	8672	CO RD 34
05-46-08-33-0-000-003.000	46600	ROHE, FRANK ETUX BRENDA M	17956 ANNIE WILSON LN	FAIRHOPE	AL	36532	17956	ANNIE WILSON LN
05-46-08-28-0-000-023.007	90776	MERCER, CHASE ALEXANDER ETAL MERCER, LES AND LIE MARIE	8777 CO RD 34	FAIRHOPE	AL	36532	8777	CO RD 34
05-46-08-33-0-000-003.001	12381	ENGLISH, JAMES G ETUX LINDA G	PO BOX 881	FAIRHOPE	AL	36533	8546	CO RD 34
05-46-08-28-0-000-023.002	49091	SCOTT, DARLENE L AS TRUSTEE OF THE DARLENE L SCOTT REVOC	8751 CO RD 34	FAIRHOPE	AL	36532	8751	CO RD 34
05-46-08-28-0-000-014.002	106169	REEVES, KASEY	119 GARRISON BLVD	FAIRHOPE	AL	36532	0	CO RD 34
05-46-08-28-0-000-023.008	103760	ALLGOOD, GLEN ETAL ALLGOOD, BARBARA	8775 CO RD 34	FAIRHOPE	AL	36532	8775	CO RD 34
05-46-08-33-0-000-001.001	48356	TOMECEK, JERRY JAMES ETAL TOMECEK, MARY ANN AS TRUSTEE	8582 CO RD 34	FAIRHOPE	AL	36532	8582	CO RD 34
05-46-08-33-0-000-001.004	55826	TRAVIS, CHARLES A ETUX GLENDA D	8770 CO RD 34	FAIRHOPE	AL	36532	8770	CO RD 34
05-46-08-33-0-000-001.007	60947	BURKHARDT, AMY R ETAL SHEPPARD, BUDDY LE AND E	8730 CO RD 34	FAIRHOPE	AL	36532	8730	CO RD 34
05-46-08-28-0-000-014.008	202912	FAIRHOPE, CITY OF	PO BOX 429	FAIRHOPE	AL	36533	0	CO RD 13
05-46-08-33-0-000-002.002	251865	NELSON, RAYMOND M JR ETAL NELSON, GLENDA AND R	8600 CO RD 34	FAIRHOPE	AL	36532	8600	CO RD 34
05-46-08-33-0-000-002.003	300042	DEAN, CHRIS ETUX COURTNEY	17929 ORCHARDS LN	FAIRHOPE	AL	36532	17939	ORCHARDS LN
05-46-08-33-0-000-002.001	243464	LEBLANC, SEAN P ETAL LEBLANC, ALLISON C	8638 CO RD 34	FAIRHOPE	AL	36532	8638	CO RD 34
05-46-08-33-0-000-005.000	41094	STREET KENDALL C	8370 COUNTY ROAD 34	FAIRHOPE	AL	36532	8370	CO RD 34
05-46-08-28-0-000-014.067	364100	SADDLEWOOD HOMEOWNERS' ASSOCIATION INC	P O BOX 1739	FAIRHOPE	AL	36533	0	SIL0 LP
05-46-08-28-0-000-014.066	364099	VINZANT, RICHARD LEE ETAL VINZANT, LILLY AND MARIE	270 SILO LOOP	FAIRHOPE	AL	36532	270	SIL0 LOOP
05-46-08-28-0-000-014.076	364109	HITCHCOCK ALLEN R AND HITCHCOCK DAVALEE	265 SILO LOOP	FAIRHOPE	AL	36532	265	SIL0 LOOP
05-46-08-28-0-000-014.086	364119	MCKINNEY, G THOMAS ETAL MCKINNEY, CAROL AND G	307 STAVE MILL DR	FAIRHOPE	AL	36532	307	STAVE MILL RD
05-46-08-28-0-000-014.080	364113	BAXTER, JOSHUA B ETAL BAXTER, KRISTIN I	281 SILO LOOP	FAIRHOPE	AL	36532	281	SIL0 LOOP
05-46-08-28-0-000-014.085	364118	FAWCETT, JAMES ETAL FAWCETT, FELICIA	303 STAVE MILL DR	FAIRHOPE	AL	36532	303	STAVE MILL DR
05-46-08-28-0-000-014.068	364101	KELLEY, CHARLES D ETAL KELLEY, ALLISON L AND IGH	266 SILO LOOP	FAIRHOPE	AL	36532	266	SIL0 LOOP
05-46-08-28-0-000-014.069	364102	MAJCHROWSKI, ELIZABETH	262 SILO LOOP	FAIRHOPE	AL	36532	262	SIL0 LOOP
05-46-08-28-0-000-014.065	364098	NOWELL, JONATHAN ETAL NOWELL, IRENA	274 SILO LOOP	FAIRHOPE	AL	36532	274	SIL0 LOOP
05-46-08-28-0-000-014.079	364112	JOYNER, TIMM	277 SILO LOOP	FAIRHOPE	AL	36532	277	SIL0 LOOP
05-46-08-28-0-000-014.071	364104	DAWADI, JAGADISH	254 SILO LOOP	FAIRHOPE	AL	36532	254	SIL0 LOOP
05-46-08-28-0-000-014.087	364120	BUTTERFIELD, EDWARD STANLEY JR AND BUTTERFIELD, CAMILLE	311 STAVE MILL DR	FAIRHOPE	AL	36532	311	STAVE MILL RD
05-46-08-28-0-000-014.064	364097	BACH, JOHN W ETAL BACH, SANDRA G	278 SILO LOOP	FAIRHOPE	AL	36532	278	SIL0 LOOP
05-46-08-28-0-000-014.082	364115	PANCHAL, BHAVESHKUMAR ETAL PANCHAL, BHAK AND TI	289 SILO LOOP	FAIRHOPE	AL	36532	289	SIL0 LOOP
05-46-08-28-0-000-014.083	364116	THAGGARD, JOHN M ETAL MERCKLE, LYNDSEY M AND ICHELLE	293 SILO LOOP	FAIRHOPE	AL	36532	293	SIL0 LOOP
05-46-08-28-0-000-014.078	364111	VONTROBA, RONALD ETAL VONTROBA, SANDRA A	273 SILO LOOP	FAIRHOPE	AL	36532	273	SIL0 LOOP
05-46-08-28-0-000-014.070	364103	WRIGHT, DANIEL BRIAN ETAL WRIGHT, JENUTH AND MELISSA	258 SILO LOOP	FAIRHOPE	AL	36532	258	SIL0 LOOP
05-46-08-28-0-000-014.081	364114	GIGLIOTTI, NICHOLAS	285 SILO LOOP	FAIRHOPE	AL	36532	285	SIL0 LOOP
05-46-08-28-0-000-014.077	364110	ARBAUGH ALISSA AND ARBAUGH SETH	269 SILO LOOP	FAIRHOPE	AL	36532	269	SIL0 LOOP
05-46-08-28-0-000-014.088	364121	PRINCE, DARRYL K	315 STAVE MILL DR	FAIRHOPE	AL	36532	315	STAVE MILL DR
05-46-08-28-0-000-014.073	364106	RADFORD, DESTINY LASHAE ETAL GILL, BUCK AND HARDY	253 SILO LOOP	FAIRHOPE	AL	36532	253	SIL0 LOOP
05-46-08-28-0-000-014.130	631397	SCHONEMANN KATRINA AND SCHONEMANN DOUGLAS	8505 COUNTY ROAD 34	FAIRHOPE	AL	36532	8505	CO RD 34
05-46-08-28-0-000-014.000	5735	BURMEISTER, WILLIAM H OR BONNIE M BURMEISTER OR KATRIN	8505 COUNTY ROAD 34	FAIRHOPE	AL	36532	8505	CO RD 34
05-46-08-28-0-000-001.135	249973	THIBODEAUX, JAMES LYLE ETAL THIBODEAUX, AND ANNA MARIE	179 PEMBERTON LOOP	FAIRHOPE	AL	36532	179	PEMBERTON LOOP

PPIN 5735  
 300 ft variance

05-46-08-28-0-000-001.136	249974	STONE CLARENCE W AND STONE ALICIA M	177 PEMBERTON LOOP	FAIRHOPE	AL	36532	177	PEMBERTON LOOP
05-46-08-28-0-000-014.129	631393	SCHONEMANN KATRINA AND SCHONEMANN DOUGLAS	8505 COUNTY ROAD 34	FAIRHOPE	AL	36532	8505	CO RD 34
05-46-08-28-0-000-014.075	364108	DUCHETTE, DUSTIN R ETAL DUCHETTE, KATHER AND INE M	261 SILO LOOP	FAIRHOPE	AL	36532	261	SILO LOOP
05-46-08-28-0-000-014.072	364105	DILIBERTO, JAY ETAL DILIBERTO, HEIDI	250 SILO LOOP	FAIRHOPE	AL	36532	250	SILO LOOP
05-46-08-28-0-000-014.063	364096	CORNWALL, CHARLES L ETAL CORNWALL, JEANN AND E S	282 SILO LOOP	FAIRHOPE	AL	36532	282	SILO LOOP
05-46-08-28-0-000-001.133	249971	HARBIN, PATRICK ETAL HARBIN, BRANDY GARD AND NER	183 PEMBERTON LOOP	FAIRHOPE	AL	36532	183	PEMBERTON LOOP
05-46-08-28-0-000-014.074	364107	WOLFE JEFFREY SCOTT AND WOLFE ERIN COTTEN	257 SILO LOOP	FAIRHOPE	AL	36532	257	SILO LOOP
05-46-08-28-0-000-014.011	353010	SADDLEWOOD HOMEOWNERS ASSOCIATION INC	P O BOX 1739	FAIRHOPE	AL	36533	0	CO RD 34
05-46-08-28-0-000-001.134	249972	HIGDON ANTHONY GLEN JR AND HIGDON ELIZABETH MCPHERSON	366 WISTERIA ST	FAIRHOPE	AL	36532	181	PEMBERTON LOOP
05-46-08-28-0-000-014.084	364117	BROOKS, MICHAEL STEVE ETAL BROOKS, PATRI AND CIA F	297 SILO LOOP	FAIRHOPE	AL	36532	297	SILO LOOP

STATE OF ALABAMA  
 BALDWIN COUNTY  
 I, TEDDY J. FAUST, JR., Revenue Commissioner  
 in and for said State and County, do hereby  
 certify that this is a true and correct copy of the  
 records of this office.

*Teddy J. Faust, Jr.*  
 Revenue Commissioner

6/24/2025

CP 34

CITY OF FAIRHOPE

APPLICATION FOR APPROVAL TO CONSTRUCT SANITARY SEWER AND/ OR WATER DISTRIBUTION FACILITIES IN THE CITY OF FAIRHOPE PLANNING JURISDICTION

I. GENERAL INFORMATION

Applications for approval to construct wastewater facilities and/or water distribution facilities within the City of Fairhope planning jurisdiction shall be completed and submitted by the applicant to the City of Fairhope Sewer Superintendent for approval. Approved applications will be required for Fairhope Planning Commission approval of facilities or developments within the Fairhope Planning Jurisdiction. Review and approval of this application is a pre-requisite to submission of a preliminary plat application to the City of Fairhope Planning Commission, as appropriate.

Applications shall include the following general information items in addition to completion of Items II through VIII and conformance with the attached Division II - Design Criteria Provisions:

1. Project name and description of area served
2. Total area served, (Acres)
3. Estimated start of construction date
4. Estimated construction completion date
5. A map showing the design service area of the proposed sanitary sewer system

II. APPLICANT

I, the undersigned, am fully aware that the statements made in this application for approval of wastewater and/or water facilities are true, correct and complete to the best of my knowledge.

22859 US 98 Buiding H, Fairhope, AL 36532

Mailing Address

*Blake Lockhart*

Signature of Applicant

251.332.2061

Telephone No.

Blake Lockhart

Name and Title

Feburary 18, 2025

Date

BCP Acquisitions, LLC.

Representing Owner/Company

III. ENGINEER

This is to certify that this application has been prepared under my direction and the plans and specifications for these wastewater and/or water facilities have been designed by me and are in conformance with sound engineering practices and the City of Fairhope requirements.

1290 Main St Ste E Daphne AL

Mailing Address

*Chris Lieb*

Signature of Engineer

*Lieb Engineering*

Company Name

Chris Lieb, Member

Name and Title

251-978-9779

Telephone Number

31204

Alabama Registration Number

2/11/25

Date

**IV. CRITICAL ELEVATIONS FOR WASTEWATER FACILITIES**

- A. Twenty-five (25) year flood
- B. Top of lowest manhole
- C. Invert of proposed pipe at each existing manhole connection
- D. Invert of existing manhole(s)
- E. Top of lift station structure
- F. Invert of lift station influent line(s)
- G. Pump(s) on
- H. Pump(s) off

**V. QUANTIFICATION OF DESIGN FOR WASTEWATER FACILITIES**

**A. FLOW**

	NO. OF UNITS	WATER DEMANDS (GPM)	FLOW/UNIT (GPD)	ESTIMATED FLOW (GPD)
1. Single Family Dwelling	21 @		9,450	450
2. Condominiums, Apartments	@			
3. Swimming Pools	@			
4. Motels	@			
5. School	@			
6. Commercial	@			
7. Industrial	@			
8. Other	@			

Average Daily Flow	450	GPD
Minimum Daily Flow	450	GPD
Peak Hourly Flow	_____	GPM
Peak Daily Flow	_____	MGD
Peaking Factor	_____	

**B. GRAVITY SYSTEM**

- 1. Pipe material
- 2. Pipe diameter (inches)
- 3. Minimum Slope (percentage)
- 4. Pipe velocity (cfs)
- 5. Minimum depth of cover (feet)

C. FORCE MAIN SYSTEM

1. Force Main
  - a. Pipe material
  - b. Pipe diameter (inches)
  - c. Minimum design flow velocity (fpls) in pipe
  - d. Minimum depth of cover (feet)
  
2. Head Conditions
  - a. Static head (feet)
  - b. Friction head (feet)
  - c. Total dynamic head (feet)
  
3. Wet-Well
  - a. Volume, (cf)
  - b. Min. detention time at peak hourly flow (minutes)
  - c. Time between pumps on (minutes)
  - d. Ventilation present
  - e. Strainer basket present
  
4. Pumps
  - a. Pump manufacturer/Model No.
  - b. Type of pumps
  - c. Number of pumps
  - d. Pump capacity  
No. 1 \_\_\_\_\_ GPM @ \_\_\_\_\_ TDH; \_\_\_\_\_ HP  
No. 2 \_\_\_\_\_ GPM @ \_\_\_\_\_ TDH; \_\_\_\_\_ HP
  - e. Pump controller  
Manufacturer/Model No.
  - f. Flow totalizing capability present
  - g. Equipment weight  
pump, lbs.  
motor, lbs.
  
5. Electrical
  - a. Electrical panel layout
  - b. Voltage
  - c. Phase
  - d. Automatic restart capability
  - e. Alarm manufacturer/Model No.
  - f. SCADA system

6. Building
  - a. Interior 3/4" hose bibb present
  - b. Minimum unobstructed distance around equipment (feet)
  - c. Loading dock present
  - d. Overhead support beam present
  - e. Ventilator present
  - f. Number of electrical receptacles
    - 120 volt
    - 230 volt
  - g. Freeboard of curb (inches)
  - h. Area of building (sf)

**VI. CRITICAL ELEVATIONS FOR WATER FACILITIES**

- A. Minimum elevation of three feet above the 100-year flood plain for all above ground structures
- B. Pumps (on)
- C. Pumps (off)

**VII. QUANTIFICATION OF DESIGN FOR WATER FACILITIES**

**A. FLOW**

The pumps shall have a rated capacity of \_\_\_\_\_ GPM when operating against a TDH of \_\_\_\_\_. The pumps shall also deliver not less than 150% of rated capacity at a pressure not less than 65% of rated pressure. Minimum suction pressure is \_\_\_\_\_ PSIG. Motor and pump speed shall not exceed \_\_\_\_\_ RPM. Pump pressure shut-off head shall not exceed 140% of rated pressure.

**VIII. REQUIRED SUBMITTALS ATTACHED WITH THIS APPLICATION**

- A. Drawings and Specifications
- B. Site plan detailing area to be served
- C. Calculations
- D. Pump curves
- E. Building construction plans
- F. O/M manuals
- G. Permanent Easement Descriptions
  1. Sanitary Sewer Mains or Water Mains (Minimum 20 ft. width). If both sanitary sewer mains and water mains are installed, a minimum 30 feet width shall be required.
- H. Deeded Property to the City for Pumping Stations
  1. Pumping Stations for either wastewater or water (Minimum 30 ft. x 30 ft.)
- I. Flood verification certificates for facilities constructed within the 100 year flood plain



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 R-1B Concurrent with Annexation. (Zoning Request)

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

Signature of Petitioner (handwritten)

Print petitioner's name (KATRINA B. SCHONEMANN)

Signature of Petitioner

Print petitioner's name

Signature of Petitioner

Print petitioner's name

Physical Address of property being annexed: 05-46-08-28-0-000-014.000

Petitioner's Current Physical Address: 8651 County Road 34 FAIRHOPE AL 36532

Petitioner's Current Mailing Address: 8651 County Road 34 FAIRHOPE AL 36532

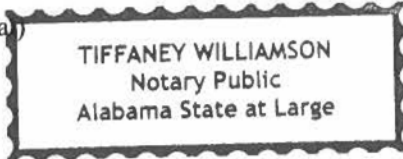
Telephone Number(s): 251-459-3061 Home Work

Tax Parcel ID Number: 05-46-08-28-0-000-014.000 Size of Property: 32 1/2 acres

I, Tiffany Williamson a Notary Public in and for said State and County, hereby certify that Natrina B. Schone 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 30 day of July, 2025,

(Seal)



Tiffany Williamson  
Notary Public

**My Commission Expires**  
November 8, 2025

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 \_\_\_\_\_

**From:** [Alice Reyes](#)  
**To:** [planning](#)  
**Subject:** Planning Department of Fairhope  
**Date:** Monday, August 18, 2025 6:00:16 PM

---

To Fairhope Planning Department,

In reference to Case: ZC 25.06

Request: Conditional annexation to

R-1B

PPIN #: 5735

We have no objection for zoning the 30 acres of property on 8505 County Road 34, from notice we received by mail. We Mr & Mrs Clarence Wayne/Alice Stone are located behind the property on Pemberton Loop. We will be out of town for the meeting and will not be able to attend. Hopefully this notice will be sufficient.

Thank you,  
Clarence Wayne & Alice Stone

Sent from my iPhone

Begin Case ZC 25.07  
Zoning Ordinance Amendments

**CITY OF FAIRHOPE**  
FAIRHOPE, ALABAMA

**ZONING ORDINANCE**

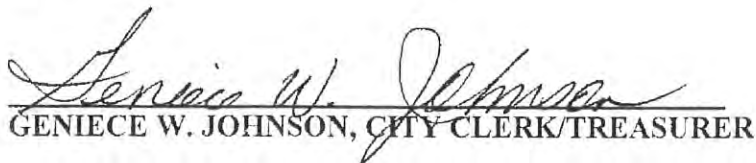
**ORDINANCE NO. 1253**

AMENDED JUNE 3, 2025

ADOPTED BY THE CITY COUNCIL ON 27 JUNE 2005

  
TIMOTHY M. KANT, MAYOR

ATTEST:

  
GENIECE W. JOHNSON, CITY CLERK/TREASURER

Ord. No. 1253 Published in  
THE FAIRHOPE COURIER  
on July 9, 2005  
G. Johnson City Clerk

## 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 ~~Principle~~ 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. Body-Piercing Studios, Non-Chartered Financial Institutions, Palm Readers, Pawn Shops, and Tattoo Parlors
  - 12. Restaurants and Accessory Bars in the M-1 Light Industrial District
  - 13. Multi-Family/Apartment
  - 14. Mixed-Use Building

**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 [Reserved]~~**

- ~~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 [Reserved]~~
- ~~NVC – Neighborhood Village Center [Reserved]~~
- ~~CVC – Community Village Center [Reserved]~~
- HTD – Highway Transitional District
- REC-1 – Active Recreation
- REC-2 – Passive Recreation

**2. Application of Regulations**

- a. *Use:* No building or land shall be used or occupied and no building or part there of 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 convenience 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 Director of Planning and Zoning 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~~ in 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 and Zoning

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

- a. The Director of Planning and Zoning 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 and Zoning shall keep records of certificates of occupancy issued, maps, plats and other documents with notations of all special conditions involved. Director 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 the chairman's 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 Zoning, 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 Zoning for use, the Director shall refer the application to the Board of Adjustments 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.

**B. Applications**

All applications submitted under this ordinance shall be made on forms provided by the Planning and Zoning Department. 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								
<b>Director of Planning and Zoning</b>	A RR	A RR	A RR	A RR	A RR	A RR	A/RR D	A/RR D
<b>Planning Commission</b>	H RR	H RR	RR					
<b>City Council</b>	H D	H D	D					
<b>Board of Adjustment</b>				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 Zoning, 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 Zoning. The application shall include all information requested on the application form. The Director of Planning and Zoning shall determine if the application is complete. If the application is not complete, the Director of Planning and Zoning 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 Planning and Zoning Department 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 posted no later than 15 days before the Planning Commission meetings and shall remain posted until after final action by the City Council. The Planning and Zoning Department shall remove the sign from the property and return it to the City within two (2) days of final action by the City Council. 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 to comply 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 Zoning.

(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 Zoning 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 to 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 four (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 Application, Review, and Approval Procedures

- ~~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.~~

a. *Projects Requiring Site Plan Application, Review, and Approval* – Notwithstanding anything in the Code of Ordinances to the contrary, in the following circumstances a site plan application must be submitted to the Director of Planning and Zoning and will be subject to the procedures and requirements provided in Section C.2.b through g, below:

(1) Projects located in the CBD overlay or in a business-zoning district (other than M-1 and M-2), where such project will contain any commercial building that has either (i) a gross floor area of 10,000 square feet or greater; or, (ii) aggregate impervious area of more than 30% of the lot (excluding the building); and,

(2) Projects located in any zoning district where such project will contain any Mixed-Use Building, Convalescent or Nursing Home, Automobile Service Station, Automobile Repair, Recreational Vehicle Park, Hotel, Motel, or Entertainment Venue.

b. *Application* – An application for site plan review shall be submitted on the application form provided by the Director of Planning and ~~Zoning~~**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 ~~Zoning~~**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 Zoning 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 four (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 Zoning. 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 Board of Adjustments' 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 Zoning. The Director shall offer a written report on the merits of the application to the 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 s/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 Certificate of 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 Zoning 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 of Planning and Zoning 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 [Reserved]~~
- ~~23. NVC – Neighborhood Village Center [Reserved]~~
- ~~24. CVC – Community Village Center [Reserved]~~
22. HTD – Highway Transitional District
23. REC-1 – Active Recreation
24. REC-2 – Passive Recreation

### B. Allowed Uses

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

### C. Dimension Standards

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

### D. Special Conditions for Uses

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### 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.

## Zoning Districts

## Purpose and Intent

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 multi-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.~~

- 22. *Highway Transitional District:* This district is 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. This district is created to provide development opportunities consistent with the City’s vision for commercial corridors to better serve community needs. See Article V, Section I for more detailed standards regarding this district.
- 23. *REC-1: Active Recreation:* This district is intended for recreational activities such as athletic fields, marinas, golf courses and similar uses, and accessory structures customarily incidental to such uses.
- 24. *REC-2: Passive Recreation:* This district is intended for recreational activities such as hiking, biking, bird watching and similar uses, and typically preserve environmentally sensitive areas.

**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 Districts	R-A	R-1 (a, b, c)	R-2	R-3 TH	R-3 PGH	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	REC-1	REC-2	
<b>Use Categories / Specific Uses</b>																								
<b>Dwelling</b>																								
Single-Family	●	●	●			●	●	●		●	●	●	●	●				●				●		
Two-family							●	●		●	●	●	●					●				●		
Townhouse				☹			☹	☹		☹	☹			☹				☹		●	●	●		
Patio Home					☹													☹						
Multiple-family / Apartment							☹	☹				☹	☹					☹	☹	☹	☹	☹		
Manufactured Home									☹									☹						
Mixed-use Building										☹	☹	☹	☹	☹						●	●	☹		
Accessory Dwelling										☹	☹	☹	☹	☹				☹	☹	☹	☹	☹		
Estate																		●						
<b>Civic</b>																								
Elementary School		●	●			●	●	●		●	●	●	●	●	●	●			●	●	●	●		
Secondary School		●	●			●	●	●		●	●	●	●	●	●	●			●	●	●	●		
Education Facility		●	●			●	●	●		●	●			●	●	●			●	●	●	●		
Library		●	●			●	●	●		●	●	●	●	●	●	●			●	●	●	●		
Place of Worship																		●	○	○	○	○		
Cemetery	○	○	○			○	○	○		○	○	○			○	○			○	○	○	○		
Hospital										○	○	○		○	○	○			○	○	○	○		
Public Open Space	●	●	●			●	●	●		●	●	●		●	●	●			●	●	●	●	●	●
Common Open Space	●	●	●			●	●	●		●	●	●		●	●	●			●	●	●	●	●	●
Community Center or Club	○	○	○			○	○	○		○	○	○			○	○			○	○	○	○	●	●
Public Utility	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○			○	○	○	○	○	○
<b>Office</b>																								
General										●	●		●	●	●	●			●	●	●	●		
Professional										●	●		●	●	●	●			●	●	●	●		
Home Occupation	☹	☹	☹	☹	☹	☹	☹	☹	☹	☹	☹	☹	☹	☹				☹	☹	☹	☹	☹		
<b>Retail</b>																								
Grocery										●	●		●		●	●			●	●	●	●		
Convenience Store										☹	☹		☹		☹	☹			☹	☹	☹	☹		
General Merchandise										●	●		●		●	●			●	●	○	○		
Shopping Center											●													

● Allowed By-Right per Zoning Ordinance standards & conditions	☹ Subject to special conditions as detailed in Zoning Ordinance	○ On appeal & subject to special conditions as detailed in Zoning Ordinance
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Table 3-1: Use Table (continued)

Zoning Districts	R-A	R-1 (a, b, c)	R-2	R-3 TH	R-3 PGH	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	REC-1	REC-2
<b>Use Categories / Specific Uses</b>																							
<b>Retail (cont.)</b>																							
Automobile Service Station										○	○				○	○			☉	☉			
Outdoor Sales Limited											○				○	○			○	○	○		
Outdoor Sales Lot											○				○	○							
Garden Center											○	○			○	○			○	○	○		
<b>Service</b>																							
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															○	○							
<b>Manufacturing</b>																							
Limited											○			○	●	●			●	●	○		
Light															●	●							
General															○	●							

● Allowed By-Right per Zoning Ordinance standards & conditions      ☉ Subject to special conditions as detailed in Zoning Ordinance      ○ On appeal & subject to special conditions as detailed in Zoning Ordinance

Table 3-1: Use Table (continued)

Zoning Districts	R-A	R-1 (a, b, c)	R-2	R-3 TH	R-3 PGH	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	REC-1	REC-2	
<b>Use Categories / Specific Uses</b>																								
<b>Manufacturing (cont.)</b>																								
Food Processing																○								
<b>Rural</b>																								
Agriculture	●																							
Rural Market	●																							
Plant Nursery	●																							
● Allowed By-Right per Zoning Ordinance standards & conditions						⊖ Subject to special conditions as detailed in Zoning Ordinance						○ On appeal & subject to special conditions as detailed in Zoning Ordinance												

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 ~~principle principal~~ use;
  - (b) is not hazardous to and does not impair the use or enjoyment of nearby property in greater degree than the ~~principle 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 ~~principle 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 ~~principle~~ principal structures in all zoning districts. Unless otherwise specified in Section D. – Special Conditions for Uses, or Article V. – Special Districts, all lots and ~~principle~~ principal structures shall meet these standards.

**Table 3-2: Dimension Table - Lots and Principle Structure**

Dimension, District or Use Zoning District	Min. Lot Area / Allowed Units Per Acre (UPA)	Min. Lot Width	Front Setback	Rear Setback	Side Setback	Street Side Setback	Max. Impervious Area <sup>m</sup>	Max. Total Lot Coverage by All Structures	Max. Height
R/A	3 acres/ -	198'	75'	75'	25'	50'		none	30'
R-1	15,000 s.f./ -	100'	40'	35'	10' <sup>b</sup>	20'	45%	40%	30' <sup>a</sup>
R-1a	40,000 s.f./ -	120'	30'	30'	10' <sup>b</sup>	20'	30%	25%	35'
R-1b	30,000 s.f./ -	100'	30'	30'	10' <sup>b</sup>	20'	30%	25%	35'
R-1c	20,000 s.f./ -	80'	30'	30'	10' <sup>b</sup>	20'	30%	25%	35'
R-2	10,500 s.f./ -	75'	35'	35'	10' <sup>b</sup>	20'	42%	37%	30' <sup>a</sup>
R-3	7,800 s.f./ -	65'	30'	35'	8' <sup>b</sup>	20'	40%	35%	30'
R-3 PGH	4,000 s.f./ -	40'	20'	15'	10' <sup>b</sup>	10'	37%	32.50%	30'
R-3 TH	20,000-2,400 s.f./ -	80' 24 <sup>2</sup>	20'	35'	20' <sup>c</sup>	20'	50%	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' <sup>b</sup>	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' <sup>b</sup>	20'		30%	30'
R-6	2 acres with a max. of 5 acres i/ -	250'	25'	20'	20' <sup>b</sup>	25'		N/A	30'
B-1	None/ -	none	20' <sup>d</sup>	20'	none <sup>e</sup>				30' <sup>j</sup>
B-2	None/ -	none	20' <sup>d</sup>	none <sup>f</sup>	none <sup>e</sup>				30' <sup>k</sup>
B-3a	7,500 s.f./ -	60'	30'	35'	10'			30%	30' <sup>j</sup>
B-3b	7,500 s.f./ -	60'	20'	20'	none <sup>e</sup>			none	30' <sup>j</sup>
B-4	None/ -	none	20'	20'	10'				30' <sup>j</sup>
M-1	None/ -	none	none <sup>g</sup>	none <sup>f</sup>	none <sup>e</sup>			none	45'
M-2	None/ -	none	none <sup>g</sup>	none <sup>h</sup>	none <sup>h</sup>			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 ~~principle~~ 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'. A minimum side yard, as required by Article III, Section D.2 may be located within the 20' side setback.~~
- 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.~~
- j. Central Business District 40'.
- ~~k. 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)~~
- k. For purposes of this article, the term "impervious area" means the developed area of the lot, including house and accessory structures, as well as surfaces that do not allow the free passage of water through the material into the ground. The term "impervious area" shall

include, without limitation, sidewalks, driveways, parking areas, decks, and patios, unless such surfaces are constructed of materials that allow passage of water into the ground at a rate equal to the predeveloped condition.

**2. Residential Accessory Structures**

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

**Table 3-3: Dimension Table - Residential Accessory Structures**

District of Use Zoning District	Front Setback	Rear Setback	Side Setback	Street Side Setback	Max. Total Lot Coverage by Accessory Structure	Max Height	Min. Structure Separation from <del>Principle Principal</del> Structure	Min. Separation Between Structures
R/A	Behind front building line of <del>principle principal</del> 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 <del>principle principal</del> structure	none required	same as <del>principle principal</del> structure	same as <del>principle principal</del> structure	25% of required rear yard*	20' but no taller than the <del>principle principal</del> structure	5'	5'
All other residential districts	Behind rear building line of <del>principle principal</del> structure	5'	5'	no nearer than <del>principle principal</del> structure	25% of required rear yard	30' but no taller than the <del>principle principal</del> 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.~~
- a. Any free-standing single use or ~~single~~ 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 ~~principle 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 ~~principle 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

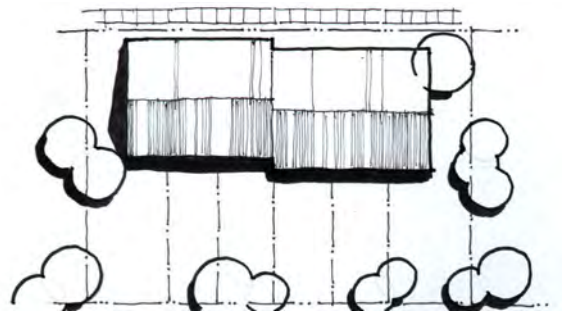


**Figure 3-2.** All townhouse units shall have private yard areas of at least 400 square feet.

- 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 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) ~~Each Townhouses shall have a minimum lot area of 3,600 square feet for each Dwelling Unit unit; a front setback of twenty (20) feet; and a rear setback of thirty-five (35) feet. End units shall have a minimum side yard of ten (10) feet. 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 Ttownhouse 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 Ttownhouse 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.
- (6) ~~The NET Density of any townhouse development shall be no greater than 7 Dwelling Units/Acre.~~



*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.*

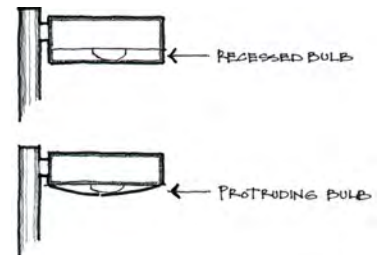
3. **Patio and Garden Homes**

- 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.



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

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~~
- (1) ~~In all other districts, the~~ 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 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.

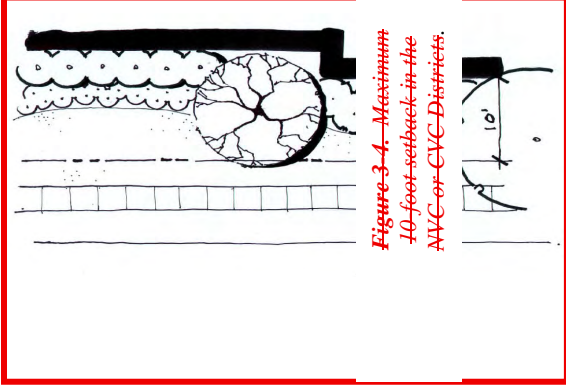


Figure 3-4. Maximum 10-foot setback in the NVC or CVC Districts.

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 windows and doors of any street-facing ground level. Glazing on windows and doors shall count towards this requirement. See Figure 3-6.~~

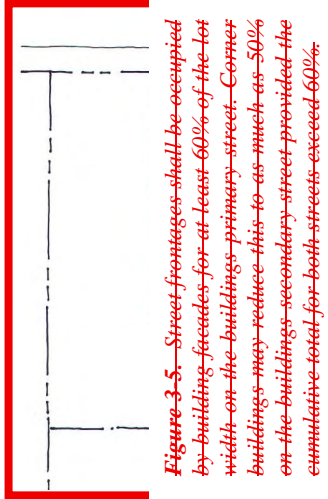
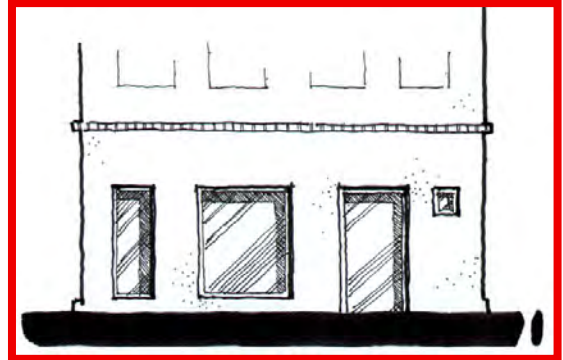


Figure 3-5. Street frontages shall be occupied by building facades for at least 60% of the lot width on the buildings primary street. Corner buildings may reduce this to as much as 50% on the buildings secondary street provided the cumulative total for both streets exceed 60%.

- ~~(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.~~
- ~~(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 Article V of 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.~~



## 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 Zoning.
- (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 Zoning 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 31<sup>st</sup> day of December of each calendar year and are delinquent February 1<sup>st</sup>.

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 ~~principle~~ 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 ~~principle~~ 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. Body-Piercing Studios, Non-Chartered Financial Institutions, Palm Readers, Pawn Shops, Tattoo Parlors

- a. *Location Restrictions:* Body-Piercing Studios, Non-Chartered Financial Institutions, Palm Readers, Pawn Shops, and Tattoo Parlors are allowed only in the B-2 (General Business) District of the City of Fairhope, Alabama.
- b. *Site Requirements:*
  - (1) Body-Piercing Studios, Non-Chartered Financial Institutions, Palm Readers, and Pawn Shops shall not be located within 275 linear feet of residential zoned areas, places of worship, schools, the City of Fairhope Central Business District or public parks.
  - (2) Tattoo Parlors shall not be located within 275 linear feet of residential zoned areas, places of worship, schools or public parks.
  - (3) The minimum distance between similar uses shall be 1,000 linear feet.

#### 12. 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. The Restaurant must be a sit-down style restaurant.

#### 13. Multi-Family/Apartment

- a. *Intent:* The intent of the special conditions for apartments is to:
  - (1) Provide a residential format as an alternative to single-family homes; and

- (2) Allow apartments to be appropriately intermingled with other types of housing and give residents of apartments quality residential neighborhoods; and
  - (3) Ensure location and design standards compatible with surrounding property; and
  - (4) Make efficient, economical, comfortable, and convenient use of land and open space.
- b. *Site Requirements:*
- (1) Minimum total site area: One acre
  - (2) Minimum dimensions of parcel:
    - (i) 200 feet minimum width of parcel at all points between the street line and the front setback line
    - (ii) 200 feet minimum street frontage line
  - (3) Minimum yards and building setbacks:
    - (i) Minimum front yard setback: 50 feet
    - (ii) Minimum rear yard setback: 40 feet
    - (iii) Minimum side yard setbacks for buildings containing no more than one story: 20 feet
    - (iv) Minimum side yard setbacks for buildings containing more than one story: 25 feet
  - (4) Building Limitations
    - (i) Maximum building area: 25 percent of the total area of the parcel
    - (ii) Maximum number of stories: Two
    - (iii) Maximum building height: 30 feet
  - (5) Maximum allowable Gross Density: One dwelling unit per 9,680 square feet of land contained in the parcel.
- c. *Parking:*
- (1) Minimum offstreet parking per Dwelling Unit: Two spaces.
  - (2) Visitor and accessory parking shall be provided based on the following:
    - (i) One to ten Dwelling Units: One-half parking space per Dwelling Unit;
    - (ii) Eleven or more Dwelling Units: Five spaces plus one-fourth additional parking space for each unit over ten;
- d. *Additional Requirements:*
- (1) Service yards. Each Multi-Family/Apartment site shall be provided with a service yard for the storage of garbage, trash and maintenance equipment. Each such yard shall be located so as to be conveniently accessible by a street, alley or driveway to vehicles collecting such refuse and to occupants of the building served by such yard. Each such yard shall be paved with asphalt or concrete and shall be enclosed by an opaque wall or fence of permanent construction, at least six feet, but not more than eight feet, in height, and designed and constructed so as to conceal the service yard from visibility from outside such wall or fence. The entrance to the service yard shall be screened by a gate constructed of an opaque material, which gate must be at least six feet, but not more than eight feet, in height.
  - (2) Sidewalks. Sidewalks of not less than five feet in width shall be provided between any parking area and the Buildings in which they serve, and there shall be a curb between all parking areas and any adjacent sidewalk. The sidewalks shall be paved with concrete or brick.

#### 14. Mixed-Use Building

- a. *Intent:* The intent of the special conditions for Mixed-Use Building(s) is to:
- (1) Accommodate Mixed-Use Building(s) with neighborhood-serving retail, service, civic, and other uses on the ground floor and residential above the non-residential space; and
  - (2) To provide opportunities for vertical integration of compatible uses within the same Building footprint; and
  - (3) To ensure the Mixed-Use Building(s) are compatible with the character of the surrounding neighborhood; and
  - (4) Make efficient, economical, comfortable, and convenient use of land and open space; and
  - (5) Serve the public purposes of zoning by means alternative to conventional arrangements of yards and building areas.
- b. *Site Requirements:*
- (1) Minimum lot area: 20,000 square feet or 9,680 sf per Dwelling Unit, whichever is greater.

- (2) Minimum dimensions of parcel:
    - (i) 80 feet minimum width of lot at all points between the street line and the front setback line
    - (ii) 80 feet minimum street frontage line
  - (3) Minimum yards and building setbacks:
    - (i) Minimum front yard setback: 40 feet
    - (ii) Minimum rear yard setback: 20 feet
    - (iii) Minimum side yard setbacks 15 feet, except where lots abut residentially zoned property side yard setback shall be 20 feet
  - (4) Building limitations:
    - (i) Maximum Floor Area Ratio (FAR): 60 percent
    - (ii) Maximum impervious area: 50 percent of the total area of the lot
    - (iii) Maximum number of stories: Two
    - (iv) Maximum building height: 30 feet
  - (5) Maximum allowable Gross Density: One Dwelling Unit per 9,680 square feet of land contained in the parcel
- c. *Notwithstanding the foregoing, the following site requirements shall apply to any lot that is located within any area of the CBD Overlay where Mixed-Use Buildings are allowed:*
- (1) Minimum lot area: 7,000 sf per Dwelling Unit.
  - (2) Minimum dimensions of parcel: None
  - (3) Minimum yards and building setbacks:
    - (i) Minimum front yard setback: Mixed-Use Buildings in the CBD shall be built at the right-of-way line, unless a courtyard, plaza or other public open space is proposed.
    - (ii) Minimum rear yard setback: Determined by Zoning District. See Table 3-2.
    - (iii) Minimum side yard setbacks: None, except that corner lots shall have the same building line on the side street as is on the front street.
  - (4) Building limitations:
    - (i) Maximum Floor Area Ratio (FAR): 200 percent
    - (ii) Maximum impervious area: None
    - (iii) Maximum number of stories: Three
    - (iv) Maximum building height: 40 feet
  - (5) Maximum allowable Gross Density: One Dwelling Unit per 7,000 square feet of land contained in the parcel
- d. *Use Restrictions:*
- (1) *Residential Uses:* Upper Story Dwellings shall be allowed in accord with the following requirements:
    - (i) No Upper Story Dwelling shall have a gross floor area of less than 600 feet.
  - (2) *Commercial Uses:*
    - (i) At least 90% of the first floor shall be occupied by Commercial/nonresidential uses. For the purposes of this calculation, parking garages shall not make up more than 10% of the first/ground floor.

## Article IV

### Site Design Standards

- A. Open Space/Greenspace**
- B. Screening, Lighting, and Landscape Material**
- C. Streetscape**
- D. Site Access and Internal Circulation**
- E. Parking**
- F. Stormwater Management**
- G. Tree Preservation**

This Article provides site design standards for seven key elements that are part of most development sites: open space; screening, lighting, and landscape material; streetscape; site access and internal circulation; parking; stormwater management; and signs. The standards are intended to contribute to the ability of development sites to integrate into the City’s overall plan. The standards and guidelines in this article should be applied in every zoning district and to every site design to the extent that the component is required by any development regulation or is otherwise proposed as part of the site plan or development. These design standards should be applied in addition to any specific area or design standards contained in other sections for a particular zoning district.

#### **A. Open Space**

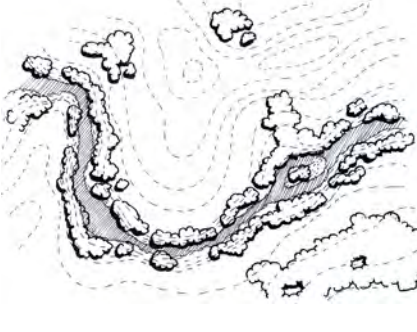
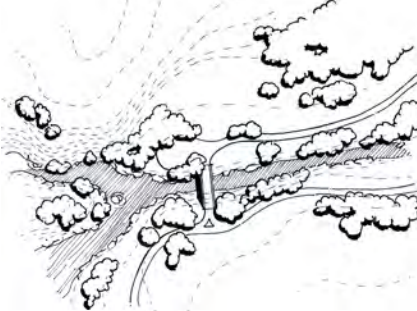

##### **1. Intent**

The open space design standards are intended to provide design solutions that ensure each area of open space serves a specific function and is not merely left over or under-utilized space. The design standards are also intended to provide greater access to a wider variety of open spaces. These design standards are to be applied to any area used to meet specific area requirements of the zoning districts and subdivision regulations for open space or greenspace.

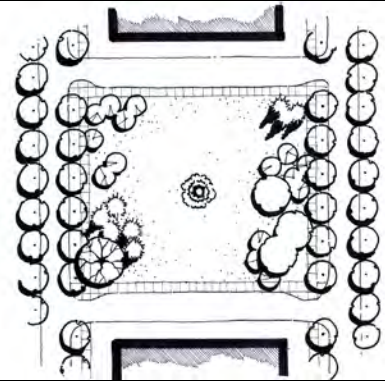
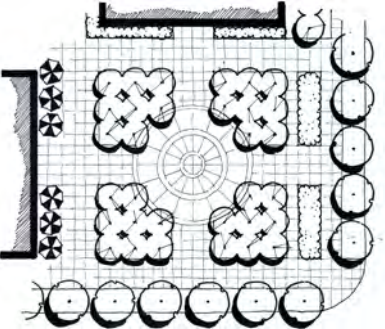
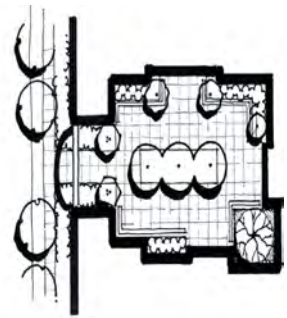
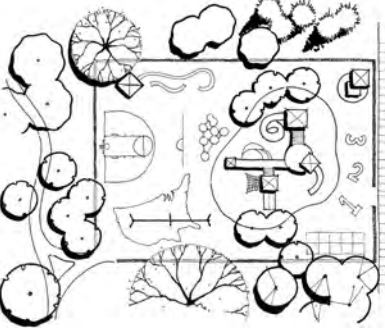
##### **2. Types of Open Space**

The following Table 4-1 indicates the categories, types, and general sizes of open space that can be used to meet the City requirements for open space and greenspace. Generally there are two categories – Natural and Civic. Natural open space is most appropriate in neighborhoods, rural areas, or at the edges of village developments. It can also be used at any location where significant natural features warrant preservation. Civic open space is most appropriate in convenient locations, easily accessible by a large number of people. Typically this will be at the center of a residential neighborhood or in a village or commercial center.

**Table 4-1: Open Space Categories and Types**

Category	Type	Description	Size Recommendation	Image
NATURAL OPEN SPACE	Preserve	An undeveloped area that contains significant natural features or habitat worthy of preservation. Features such as large stands of trees, water elements, or prominent topography characterize preserves. A preserve may be used for passive recreation or as a scenic and visual buffer. It generally contains little or no constructed improvements although trails may access the preserve.	The size of a Preserve open space should be based on the site characteristics and potential continuity of natural features in the area along with the potential to connect to adjacent natural areas.	
	Trail / Greenway	An undeveloped area of continuous linear natural features, often following a stream or floodplain. A trail or greenway should be usable for recreation and non-motorized transportation. It includes few constructed improvements except for those to enhance travel or recreational use.	Generally should include at least 3 acres but should be sized and located based on providing significant continuity throughout a development and to areas beyond the development area. Must be at least 30' wide at all locations.	
	Park	An undeveloped natural area for unstructured recreation. A park may include some areas for structured recreation, such as ball fields, but generally this area should occupy no more than 25% of the total area. Parks are located based on the presence of natural features or based on convenience for surrounding residents. A park has a predominantly natural landscape although portions may be designed for aesthetic and recreation purposes, particularly for parks located due to convenience.	At least 3 acres	

**Table 4-1: Open Space Categories and Types (continued)**

Category	Type	Description	Size Recommendation	Image
CIVIC OPEN SPACE	Green	An open space for unstructured recreation or aesthetic landscaping. A green is bordered by public right-of-ways on at least 2 sides, front building facades, and formal landscaped elements to define its boundaries. Generally there are few constructed elements except as a formal entry to or a focal point for the green.	¼ to 3 acres	
	Plaza	An open space for civic purposes and commercial activities. A plaza is bordered by public right-of-ways on at least 2 sides, and building facades to define its boundaries. It is largely constructed of materials to withstand heavy pedestrian traffic, but contains intermittent lawns, landscape beds, or trees in a formal pattern.	1/8 to 2 acres  The size of plazas is generally determined by the height of surrounding buildings, maintaining between a 1:3 and 1:6 ratio of building height to plaza.	
	Courtyard	A small open space accessible to the public but generally serving one or a few surrounding buildings. Courtyards are primarily bordered by building facades, but have at least one side fully or partially boarded by a public right-of-way. Courtyards are often constructed of materials to withstand heavy pedestrian traffic, but contain intermittent formal landscape elements.	1000 square feet to 1/8 acre  The size of courtyards is generally determined by the height of surrounding buildings, maintaining a between a 2:1 and 1:3 ratio of building height to courtyard.	
	Playground	Open space designed and equipped for structured recreation. Playgrounds are often boarded by a fence or other private boundary (as in the case of a playground internal to a block) but are accessible by common pedestrian path. Alternatively, playgrounds included as part of a larger civic or natural open space do not necessarily have borders.	1000 square feet to ¼ acres  A playground may be part of larger civic or natural open space.	

**B. Screening, Lighting, and Landscape Material**

**1. Intent**

The screening, lighting, and landscape material sections are intended to create a quality community image, minimize the impact of development on adjacent sites, allow property owners to create comfortable and appropriate private environments, and integrate all development into the overall community plan.

**2. Screening**

- a. In any district, all mechanical or operating equipment, materials, or activities not contained within a building, such as drive-through equipment, outdoor storage of materials, stationary machinery, and outdoor servicing activities, shall be enclosed by a wall or fence of solid appearance or tight evergreen hedge not less than six feet in height. If the owner elects to build a wall or fence of bare or severe appearance it shall be enhanced with the planting of shrubs.
- b. In any district where a commercial/industrial use abuts a residential use, screening/buffering shall be required. Acceptable screening/buffering shall include a wall or fence of solid appearance, or tight evergreen hedge not less than six feet (6') in height and a twenty foot (20') landscaped buffer containing at least one (1) overstory tree and five (5) shrubs per every twenty-five linear feet (25').

**3. Parking Lot/Open Area Lighting**

Parking lots with 50 or fewer spaces and open area requiring lighting for general purposes shall have light poles that do not exceed 10 feet overall height. Parking lots having more than 50 spaces shall have light poles that do not exceed 20 feet overall height. Luminaries of a sharp cut off design to shield light source above 72 degrees from vertical and providing 1.0 average maintained foot-candles with the following uniformity ratios: 3:1 average/minimum \* (.33 FC minimum), 12:1 maximum/minimum \* (4.0 FC maximum) are required in all cases. Public facilities such as lighted ball fields are excluded. A photometric grid shall be furnished by developer at time of building permit application.

\* maximum or minimum foot-candle level at any point lighted area.

**4. Landscape Materials**

All un-built yards and open space required by this ordinance, and all natural screening material, shall be planted according to the specifications of the City Landscape and Tree Ordinance.

**5. Fencing and/or Walls**

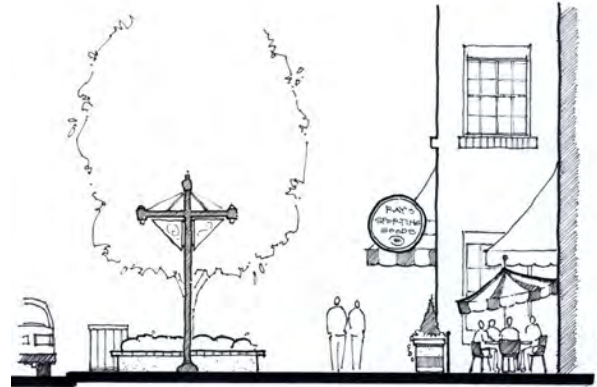
- a. Fences and/or walls are permitted in every zoning district. A building permit shall be obtained prior to construction of any fence. Fences and/or walls may be permitted on the property lines or anywhere else on the lot provided that:
  - (1) Fences and/or walls shall not be constructed in a drainage easement, floodway, or other watercourse; and
  - (2) Fences and/or walls shall not be constructed in any required clear sight distance.
- b. Fences and/or walls in all residential zoning districts are subject to the following requirements:
  - (1) No fence and/or walls shall be higher than eight (8') feet. Any fence and/or walls forward of the front building line shall not be higher than four (4') feet;
  - (2) No corrugated metal sheets, solid sheets of metal, plywood, particleboard, or similar materials shall be allowed; and

- (3) No barbed wire, razor wire, or similar materials shall be allowed except for fences used for agricultural purposes in the R-A – Residential/Agriculture zone.
- c. Fences and/or walls in all non-residential zoning districts are subject to the following:
  - (1) No fence and/or walls shall be higher than 12 feet. Any fence and/or walls in front of the front building line shall be limited to between two and one-half and four feet high and shall have a design style consistent with the architectural elements of the buildings on the site.
  - (2) No corrugated metal sheets, solid sheets of metal, plywood, particleboard, barbed wire, razor wire, or similar materials shall be allowed.

**C. Streetscape**

**1. Intent**

Streetscape refers to the area between building facades on opposite sides of the street. It consists of public rights-of-way and private property and is a publicly visible space. The streetscape site design standards are intended to create a smooth transition from the public realm to the private realm, provide a pleasant pedestrian experience, improve the appearance and function of the public rights-of-way, and reinforce and enhance the perception of the City as a unique and livable community. See Figure 4-1.




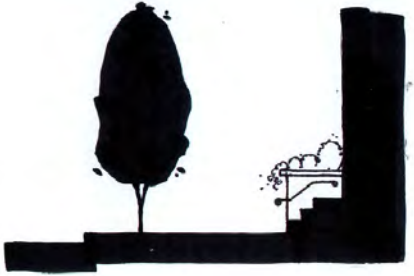



**Figure 4-1.** Streetscape refers to all areas visible from the street and fronting buildings, and may consist of public or private property.

**2. Frontage Types**

The following Table 4-2 indicates frontage types that make up the private portion of the streetscape. In zoning districts where specific setbacks are specified, any frontage type within that range may be used. In zoning districts where specific frontage types are specified, the frontage types may be used within the acceptable setbacks listed in this section and in the zoning district standards.

**Table 4-2: Frontage Types**

Frontage	Building line*	Description	Image
Yard	20' minimum 40' maximum  Estate dwelling units and Civic uses with a yard frontage shall have no maximum depth for the front building line.	A frontage with the building set back from the right-of-way line. The yard area is most appropriately used for landscape materials, natural vegetation, or focal points such as art or sculptures. The yard frontage is most appropriate in rural settings, residential neighborhoods, for residential uses along arterial streets where a buffer is desired, and for civic land uses in any setting.	
Terrace	8' minimum 20' maximum	A frontage with the buildings separated from the right-of-way by a slightly elevated garden or small yard. The terrace area is most appropriately used for landscape materials and entry elements, such as stairways, gateways or small fences or hedges. The terrace frontage is most appropriate in residential neighborhoods or areas of steeper topography.	
Courtyard	10' minimum 20' maximum  A portion of the building, typically more than 50% of the front façade) should be built at or near the right-of-way line	A frontage with a portion of the building close to the right-of-way line, while the remaining portion is setback from the right-of-way line, providing a pocket of open area in the courtyard. The courtyard area is most appropriately used for landscape material or constructed patios for pedestrian traffic. The courtyard frontage is most appropriate on higher-density residential blocks or for businesses that can utilize formal outdoor space.	
Stoop	8' minimum 15' maximum	A frontage with the building close to the right-of-way line but with the first floor slightly elevated (typically 3 to 5 feet) to ensure privacy to occupants of the building. Typically the closer the building line is to the right-of-way, the higher the elevation of the first floor should be. The setback area is most appropriately used with an ornamental stair and entranceway to the buildings, potentially with a small usable space at the top. The remaining portion of the setback area can include a small area of landscape material. The stoop frontage is most appropriate for higher-density residential blocks, or residential buildings mixed on blocks with non-residential buildings.	
Street-front	0' minimum 10' maximum	A frontage with the building at the right-of-way line or slightly set back from the right-of-way line. The ground level of the building is predominantly transparent and available to uses serving the public, thus providing varied and interesting environment to pedestrians. Any setback area is typically designed seamlessly with the right-of-way with either expanded sidewalks, landscape beds, street-front seating, or a covered walkway. The street-front frontage is most appropriate for non-residential uses in pedestrian-oriented areas.	

\* The building line expresses the general acceptable range for distances of principal buildings from the right-of-way. This range shall apply unless a more specific set back or build to line is specified for a particular zoning district.

## **D. Site Access and Internal Circulation**

### **1. Intent**

Site access and internal circulation standards are intended to balance the need for site-access by vehicles with pedestrian movements. Design elements are intended to create a smooth transition from the public rights-of-way to the private property, and to improve the appearance and function of the public rights-of-way for all users including pedestrians, bicycles, and automobiles.

### **2. Curb Cuts**

Curb cuts for property not being subdivided shall be allowed according to the same Lot Access standards established in the Fairhope Subdivision Regulations. When the development process requires access standards different from those standards, either from a traffic study or through a subdivision waiver process, the revised standards shall comply with the goals of the Comprehensive Plan, the Subdivision Regulations, and this ordinance. Any special access conditions for particular uses are indicated in Article III., Section D, and any special access conditions for particular zoning districts are listed in Article VI.

### **3. Internal Driveways, Aisles and Driveway Lanes**

All driveways shall be set back a minimum distance of three feet from the side lot line, except where shared access driveways are provided. To the extent practical, all internal driveway aisles should be designed and dimensioned as closely as possible to the public street standards in the Fairhope Subdivision Regulations, including sidewalks, planting strips, and parking lanes.

### **4. Clear sight lines**

Clear sight lines shall be maintained for all lot access points and internal circulation intersections in accordance with the standards for public street intersections specified in the Fairhope Subdivision Regulations.

### **5. Off-Street Loading/Unloading**

Off-street loading/unloading spaces shall be provided according to the following:

- a. *Size of Spaces:* Each off-street loading/unloading space shall have minimum dimensions of 14 feet in height, 12 feet in width, and 55 feet in length. However, upon sufficient demonstration that a particular loading space will be used exclusively by shorter trucks, the Board of Adjustments may reduce the minimum length accordingly to as little as 35 feet.
- b. *Connection to Street or Lane:* Each required off-street loading/unloading space shall have direct access to a street or lane, or have a driveway which offers satisfactory ingress and egress for trucks.
- c. *Required spaces:* All non-residential buildings with uses requiring the receipt or distribution of materials or merchandise shall provide at least one (1) off-street loading/unloading space per each 10,000 square feet, or fraction thereof, of floor area located on the same lot as the building or use. Adjacent buildings or uses of less than 10,000 square feet may share loading/unloading spaces within 300 feet of the loading/unloading entrance. All off-street loading/unloading spaces shall be located to not hinder free movement of pedestrians and vehicles over a sidewalk, street, or lane.
- d. *Permanent Reservation:* Areas reserved for off-street loading/unloading in accordance with the requirement of this ordinance shall not be reduced in area or changed to any other use unless the permitted use which is served is discontinued or modified unless alternate and equivalent loading/unloading space is provided and approved by the Board of Adjustments.

**E. Parking**

**1. Intent**

Parking standards are intended to provide adequate access and vehicle storage for land uses, but also minimize negative impacts of large expanses of parking such as poor pedestrian environments, degraded community aesthetics, additional stormwater runoff from excess impervious surfaces, and under-utilized space.

**2. Required Parking**

The following Table 4-3 is the parking schedule and represents the minimum required parking spaces for specific land uses. These standards shall apply in any district the use is allowed, or permitted by special exception. These standards shall not apply to the CBD Overlay, where on-street parking is permitted. However, wherever practicable, businesses in the CBD Overlay are encouraged to provide off-street parking facilities. Any specific use or district condition in Article III of this ordinance shall apply along with the standards and conditions of this Section. Any area reserved for off-street parking in accordance with the requirements of this ordinance shall not be reduced in area or changed to any other use unless the permitted use, which it serves, is discontinued or modified, or alternate and equivalent parking space is provided to the satisfaction of the Board of Adjustments.

**Table 4-3 – Parking Schedule**

Land Use	Parking Required
<i>Residential:</i>	
Accessory dwelling unit	1 space per dwelling unit
Mixed use dwelling unit	1 space per dwelling unit
All other dwelling units	2 spaces per dwelling unit
<i>Lodging:</i>	
Hotels, Motels, Boarding Houses/Dormitory, Manufactured Home Developments, and Recreational Vehicle Parks	1 space per bedroom, mobile home, or travel trailer space, plus 1 space per five employees
Bed and breakfast or tourist home	2 spaces per residential use plus one space per guest bedroom.
<i>Public Assembly:</i>	
Community Centers and Clubs	1 space for each 100 feet of building under roof.
Indoor Recreation, Outdoor Recreation, Entertainment Venues, Places for Worship, stadiums and similar places of assembly	1 space for each 4 seats or each 200 square feet of assembly floor area, whichever is greater.
Libraries, museums, and general Civic Uses	1 space for each 500 square feet of gross floor area.
Schools, including kindergartens, playschools and day care centers	1 space for each 4 seats in assembly hall, or 1 space for each employee, including teachers and administrators whichever is greater, plus 5 spaces per classroom for high school and colleges.
<i>Health Facilities:</i>	
Hospitals, Convalescent or Nursing Homes, and similar institutional uses	1 space for each 4 beds, plus 1 space for each 4 employees including nurses.
Kennels and Animal Hospitals	A parking area equal to 30 percent of the total enclosed or covered area.
Medical, dental and health offices, and Clinics	1 space for each 200 square feet of floor area used for offices and similar purposes.

Land Use	Parking Required
Mortuaries and funeral homes	5 spaces per parlor chapel unit, or 1 space per 4 seats, whichever is greater.
<i>Businesses:</i>	
General Retail and Office establishments	0 to 400 square feet of floor area - 4 parking spaces 400 to 5000 square feet of floor area - same as above plus 1 for each additional 400 square feet over 5000 square feet of floor area -- same as above plus 1 parking space for each additional 200 square feet
Restaurants and Bars	1 space for each 4 seats up to 52 seats and 1 space for each 6 seats thereafter.
Automobile Service Stations	A minimum of 2 off-street parking spaces is required with an additional off-street parking space for each lubrication or wash bay.
<i>Industries:</i>	
Commercial, manufacturing and industrial establishments, not catering to retail trade	1 space for each 3 employees on the maximum working shift, plus 1 space for each vehicle operating from the premises.
Wholesale establishments	1 space for every 50 square feet of customer service area, plus 2 spaces for each 3 employees on the maximum working shift, plus 1 space for each company vehicle operating from the premises.

**3. Compact Car Parking Requirement**

- a. Compact car parking spaces shall be a minimum of 30% of the required parking spaces and no more than a maximum of 40% of the required parking spaces. Compact car spaces shall be grouped together to the greatest extent possible. Compact car spaces shall be designated by paint at the entrance of the parking stall.

**4. Parking Dimensions and Size**

- a. Standard parking lot dimensions shall be as follows:

<i>See Figure 4-2</i>	90 ° angle	60 ° angle	45 ° angle
A – stall width	10'	10'	10'
B – stall depth	20'	20'	20'
C – two-way aisle width	20'	20'	20'
D – one-way aisle width	20'	17'	13'
E – one-way single-loaded aisle width	16'	14'	11'

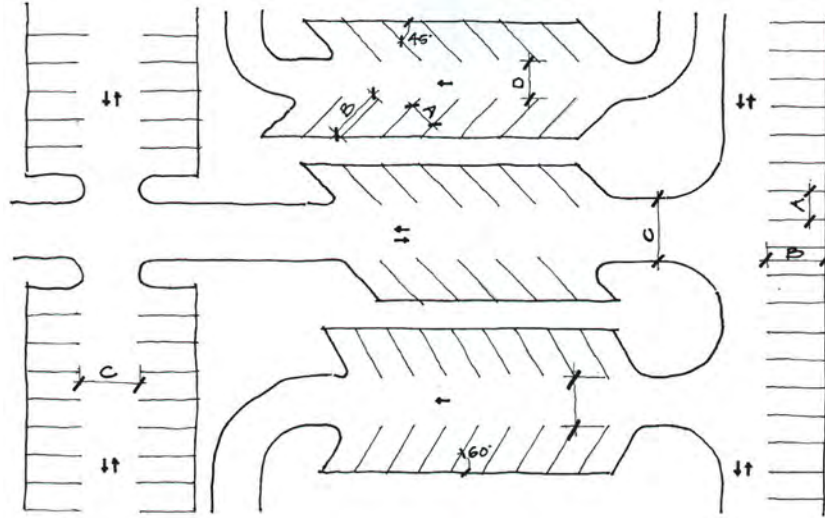


Figure 4- 2. Parking drive aisle widths may vary depending on the configuration and angle of parking that the drive aisle supports.

b. Compact car parking dimensions shall be as follows:

	90 ° angle	60 ° angle	45 ° angle
Stall width	8'	8'	8'
Stall depth	15'	16.8'	16.5'

c. Parking Lot Limits

- (1) No use shall provide more than 20% more than the parking required by Table 4-3.
- (2) Any parking provided that is more than the parking required by Table 4-3 shall be designed with a pervious surface approved by the City.
- (3) No off-street parking area in any area zoned for residential uses shall exceed 40 spaces.

## 5. Shared Parking

In meeting the requirements of Table 4-3 – Parking Schedule, adjacent uses may share parking under the following conditions and standards:

- a. Adjacent landowners shall execute the necessary cross access easements to facilitate shared parking and record all easement documents with the Judge of Probate.
- b. A written agreement for the joint use of parking facilities shall be executed by the parties and approved by the City.
- c. Parking requirements shall be the cumulative requirements of the uses sharing the parking, except where different uses (Retail or Service, Office, Civic, or Residential) are located on the same or adjacent lot.
  - (1) When two or more uses located on the same or adjacent lot have distinctly different hours of operation they may qualify for a reduction of required parking. One hundred percent (100%) of the required parking may be shared. Required parking shall be based on the use that requires the greatest amount of parking according to Table 4-3 – Parking Schedule.
  - (2) If two or more uses located on the same or adjacent lot have distinctly different peak hours of operation, they may qualify for a reduction of required parking. Fifty percent (50%) of the required parking for each use shall be dedicated to only that use, while the other fifty percent may come from a pool of parking spaces shared by any use with distinctly different peak hours of operation.
- d. All shared parking shall be located within reasonable proximity of main entrance of the building.
- e. Direct pedestrian access to and from the building and the parking area is required.

## 6. Low Impact Development (LID) Parking Requirements

Landscaping is required for all parking lots. The interior parking lot landscaping requirements shall use LID techniques and be designed by an Alabama licensed Professional Engineer and an Alabama licensed Landscape Architect or designer. The following LID techniques shall be used in the interior of all parking lots containing 12 or more parking spaces. The LID parking requirement landscape plan will be reviewed in accordance with the Tree Ordinance. Any landscaping plan submitted in accordance with this subsection shall include technique 5 below and at least one of the other following techniques:

- 1) First Flush Treatment: The LID landscaping design shall be sized appropriately to treat the first one inch of runoff into the receiving parking lot LID area.
- 2) Bio-retention.
- 3) Rain Garden.
- 4) Vegetated Swale.
- 5) Permeable Pavement Systems: Permeable pavement systems are a required LID technique. 100% of parking provided over and above the minimum parking requirements shall be permeable pavement systems. Typical systems are brick pavers, pervious asphalt, and pervious concrete. Other systems may be approved if the design engineer provides adequate documentation that demonstrates the proposed technique is equally or more effective than the typical permeable systems listed. Approval of a proposed technique is at the sole discretion of the City during the permitting process.
- 6) Tree and Ground Cover Plantings: When trees are required in a parking lot by the Tree Ordinance they shall be included and integrated into the LID design. Species shall be as approved by the City Horticulturist and must be suggested by the landscape architect or designer. There shall be no bare ground exposed and all ground cover proposed shall be integral to the success of LID techniques. All ground cover shall be as approved by the City Horticulturist and must be suggested by the landscape architect or designer.

## 7. Parking Credits

A credit may be given to the requirements of Table 4-3 – Parking Schedule, under the following conditions:

- a. On-street parking within 300 feet of any lot line may be credited to the parking requirement at a rate of one credit for every two on-street parking spaces.
- b. Bicycle parking facilities within reasonable proximity of the main entrance may be credited at a rate of one credit for every five-bicycle parking spaces, up to a maximum of 10% of the required vehicle parking.

## F. Stormwater Management

### 1. Intent

The intent of this section is to provide for stormwater management in site design. The primary management strategy should be infiltration of all runoff created by development through natural systems and constructed natural systems. Should infiltration not address stormwater management for the site adequately, retention and detention of run-off will be required. This section also seeks to incorporate any stormwater management system into the design of the site as a natural or aesthetic amenity.

### 2. General Requirements

All site plans shall be designed with surface drainage provisions in accordance with the Fairhope Subdivision Regulations, construction, building, or grading permits, and any other City ordinance regarding the effects of stormwater. Developers shall take steps necessary to prevent run-off, which

may have the potential for causing flood damage to neighboring property. The building inspector shall, in consultation with the city engineer, determine that reasonable provisions for properly handling surface drainage have been made in the applicant's design, and will report these findings for the Fairhope Planning Commission's consideration in acting on building applications. If reasonable provisions are not made in the applicant's design, the Fairhope Planning Commission shall make the remedies available to the applicant a condition of the approval, or deny the application. "Dry wells," biofilters, or other constructed infiltration systems may be required of sufficient capacity to receive up to four inches per hour rainfall on the paved area or areas required for off-street parking and loading. Rainfall intensity to be calculated on storm frequency determined by the commission and/or its consultants.

### 3. Design Standards

Storm water detention shall be screened from direct view from all abutting properties by installation and maintenance of living plants at least 36 inches in height at time of planting, and achieve a height of not less than six feet in three years after planting. Outer slopes of detention ponds shall not be steeper than four feet horizontal to one-foot vertical. Where water depth and time of detention is sufficient to require safety fencing, such fencing shall be installed behind required screening, on the pond side.

### 4. Alternative Designs

Standards of this ordinance that relate to the City of Fairhope Subdivision Regulations may be waived to provide for an alternative stormwater design system provided that:

- a. The alternative stormwater design provides for an infiltration system that incorporates at least 80% of the runoff from impervious surfaces into the groundwater on the site and results in an overall reduction in impacts on streams in the watershed.
- b. The alternative stormwater design addresses stormwater on an area-wide or watershed basis making stormwater management on individual lots within the site unnecessary.
- c. Natural elements on the site are incorporated into a natural storm drain infrastructure minimizing or eliminating the need for detention ponds and other constructed storm drainage. Constructed elements of the natural drainage system shall be limited to artificial wetlands, bio-filters, and dry swales. To the extent that it does not damage the function of the natural drainage system, natural elements should serve additional community purposes such as trails or greenways, parks, or aesthetic screens.
- d. Any waiver of standard to accommodate the alternative stormwater design proposes an equal or better alternative for meeting the intent of the waived standard.
- e. The alternative stormwater design is accompanied by a plan produced by a registered engineer testifying to its accuracy and sustainability.
- f. The alternative stormwater design plan included provisions for long-term maintenance and operation of the alternative design, including easements, covenants, restrictions, and an acceptable legal entity to oversee long-term maintenance.
- g. The alternative stormwater design plan shall accompany a site plan for the entire development. The plan and any waivers to the standards of this ordinance shall be approved according to the procedures and standards for the site plan.

**G. Tree Preservation**

On a site where a live Heritage Tree exists, the Planning and Zoning Director may grant up to a seven foot (7') administrative setback variance in order to protect and/or preserve an existing Heritage Tree as defined in Article IX, Section C. of this Ordinance.

The only types of Heritage Trees protected under this Ordinance shall include:

Various Oak Trees (Quercus Species), Cedar Trees, Cypress Trees, Magnolia Trees and any other unusual species identified as a desirable tree by the City Horticulturist.

In an effort to preserve the critical root areas for existing trees on public and private properties, trenching is not allowed within nine feet (9') of any property line. One may use a directional boring (Horizontal Directional Drilling – HDD) method of service installation within the 9' no-trenching setback.

## Article V

### Special Districts

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

#### A. PUD – Planned Unit Development

1. **Intent** - The special standards listed in this section for the Planned Unit Development district are intended to:

- Permit flexible development of projects which are comprehensively planned as a single development with a functional master development plan which fully considers the entire site as an integrated project and give broad consideration to impacts and relationships to surrounding areas.
- encourage opportunities for development innovation tailored to a particular site, that while clearly furthering the goals of the comprehensive plan, could not explicitly be established by generally applicable standards or guidelines;
- allow mixed-use development which offer a greater variety in type, design, and layout of buildings;
- encourage land conservation, and more efficient use of open space;
- permit modification of certain controls in a manner so as to produce large area development arranged to better serve community needs

2. **Size** – A Planned Unit Development shall be a minimum of 5 acres.

3. **Permitted Uses** – The PUD District shall be assembled using ~~any of the current base zoning districts~~ the following base zoning districts listed in paragraphs a. and b. below. ~~provided in the Fairhope Zoning Ordinance.~~ The list of permitted uses that will be utilized in each project shall be described and contained in the master development plan accompanying each Planned Unit Development application.

- a. No PUD may be comprised exclusively of residential uses. At minimum, 33% of the developable acreage within the proposed PUD shall utilize the following base zoning districts and shall be completed during the first development phase.

- (1) B-1 – Local Business District
- (2) B-2 – General Business District
- (3) B-3a – Tourist Resort Lodging District
- (4) B-3b – Tourist Resort Commercial Service District
- (5) B-4 – Business and Professional District

Proposed base zoning districts should account for neighboring uses, as well as the Fairhope Comprehensive Plan to determine appropriate base zoning districts.

- b. If the PUD includes residential uses, the base residential districts shall be limited to the following:

- (1) R-A – Residential/Agricultural District
- (2) R-1 – Low Density Single-Family Residential District

- (3) R-1(a) – Low Density Single-Family Residential District
- (4) R-1(b) – Low Density Single-Family Residential District
- (5) R-1(c) – Low Density Single-Family Residential District
- (6) R-2 – Medium Density Single-Family Residential District
- (7) R-3 – High Density Single-Family Residential District

**4. Ordinance and Master Development Plan Required** – Each Planned Unit Development shall have an Ordinance that establishes the development of regulations for the district. In approving a Planned Unit Development, the ordinance shall reference the Master Development Plan, which shall prescribe development standards. The Master Development Plan after approval shall become part of the amending ordinance. All development shall be in conformance with the approved Master Development Plan and development regulations.

a. Master Development Plan. The Master Development Plan shall include the following information:

(1.) Written Documentation

- a. A legal description of the parcel upon which the PUD is to be built;
- b. The name of the present owner(s) and, if different, the person(s) who will be the owner(s) of the parcel(s) during the development of PUD;
- c. A statement of development objectives, including a description of the character of the proposed development and its relationship to surrounding areas;
- d. A statement of compliance with the Comprehensive Plan and pertinent regulations;
- e. A development schedule indicating the approximate date when construction of the PUD is expected to begin and to be completed, and any applicable phasing of construction;
- f. A statement of the applicant's intentions with regard to future selling or leasing of all or portions of the PUD, including land areas and dwelling units;
- g. Estimated percentages of the PUD to be devoted to each type of land use, including any subcategories of residential, commercial and institutional uses, open space, and recreational areas;
- h. A plan for the intended manner of permanent care and maintenance of open spaces, recreational areas, common areas, and private streets and drives.

(2.) A site plan, which shall include the following items, either on the site plan or on an accompanying document:

- a. The name of the development;
- b. The legal description of the property on which the PUD is to be developed;
- c. Scale;
- d. North arrow;
- e. A vicinity map showing the parcel in relation to the surrounding property and a general description of the surrounding area, including the current zoning and land uses of the surrounding area;
- f. A boundary survey prepared and certified by a surveyor who is licensed as a surveyor by the state. The survey must show all streets which are adjacent to the parcel, all easements and rights-of-way on the parcel and the location of any existing buildings or other structures which shall be a part of the PUD;
- g. Contours and elevations shown on a separate topographical survey;
- h. The density of land use to be allocated to all parts of the PUD, together with tabulations by acreage and percentage of the parcel to be occupied by each proposed use;
- i. Proposed lot lines and dimensions;
- j. Location, size, and character of proposed buildings and structures, including:
  - i. Identification of the base zoning district related to the contemplated use(s) of the building. If any proposed building does not ~~met~~ meet the standards of the base zoning district associated with it, provide a description of the specific standards which are not met by the proposed building, a description of the deviations from those standards, and the reasons why the deviations are necessary;
  - ii. Distribution of housing types;
  - iii. Number of units, stories, and maximum heights;

- iv. Proposed floor areas of all units;
- v. Elevations of buildings and structures indicating exterior materials;
- vi. Location of accessory structures or accessory dwellings;
- k. The location and size of all areas to be conveyed, dedicated or reserved as commonly owned space, public parks, recreational areas and similar public or semi-public uses;
- l. The location of utility easements;
- m. The existing and proposed circulation system of streets, both public and private, including:
  - i. Location and dimensions of streets, alleys, driveways, and points of access to public rights-of-way;
  - ii. Notation of proposed ownership;
  - iii. Location, dimensions and capacities of parking areas;
  - iv. Service, loading and maneuvering areas;
  - v. Service yards, including, but not limited to, location of dumpsters; and
  - vi. Pedestrian circulation;
  - vii. Materials with which parking areas, driveways, streets, sidewalks, and trails will be covered;
- n. The locations, intensity, and height of exterior lights;
- o. The locations of mechanical equipment and proposed screening;
- p. Location of outside storage and/or display;
- q. Proposed drive-through locations;
- r. Landscape plan in accordance with the City's Tree/Landscape Ordinance, including:
  - i. Location of existing trees, indicating which trees will be preserved/removed;
  - ii. Treatment of materials used for private and common open spaces;
  - iii. The proposed treatment of the perimeter of the PUD including materials and techniques to be used;
- s. The location, size, and character of any common open space, or any commonly owned facilities, and the type of organization which will own and maintain any commonly owned open space or facilities;
- t. Location, materials, and elevation of any and all fences and/or walls;
- u. Location and size of all signage;
- v. Hours of operation of any nonresidential use;
- w. Mitigation of noise, fumes, odors, vibration or airborne particles;
- x. Drainage;
- y. Access and location of utilities.
- z. Any additional data, plans, or specifications which the applicant or the City believes is pertinent.

#### **5. Conditions Related to Approval**

- a. Preapplication conference. Before filing an application for a Planned Unit Development, the prospective applicant shall schedule a preapplication conference with the Planning and Zoning Director. At the preapplication conference the prospective applicant shall present to the Planning and Zoning Director a proposed plan for review, and discuss pertinent development matters including, but not limited to, the following:
- b. Application. In addition to the general criteria for zoning map amendments, a map amendment to the PUD district shall include a preliminary master development plan to be reviewed for compliance with the goals and intent of the Comprehensive Plan, this ordinance, and the health, safety, and general welfare of the people of the City.
  - (1.) The required preliminary master development plan shall include those items described in Article V, Section A.4.a (master development plan). The preliminary master development plan is intended as a draft, which will be edited and improved based upon review of staff, Planning Commission, and City Council prior to adoption as a final master development plan that may be codified with the Ordinance that creates/amends a PUD.

- (2.) In addition to the general criteria for zoning map amendments, a map amendment to the PUD district shall include review of the following conditions for compliance with the goals and intent of the Comprehensive Plan and this ordinance.
- i. Setbacks for building structures
  - ii. Public street access
  - iii. Vehicular traffic, circulation, connections, and parking
  - iv. Screening or buffer zones
  - v. Hours of operation
  - vi. Activities or uses permitted on the property
  - vii. Building or structure heights
  - viii. Landscaping
  - ix. Maximum lot coverage, impervious percentages
  - x. Pedestrian circulation
  - xi. Signs
  - xii. Mitigation of noise, fumes, odors, vibration or airborne particles
  - xiii. Exterior lighting
  - xiv. Exterior construction materials

- 6. Building Permit Compliance** – No building permit for any structure shall be issued, nor shall a Certificate of Occupancy be granted until the development plans are consistent with the site plan and development regulations of the approved Planned Unit Development. All building permits must be consistent with the Planned Unit Development and Master Development Plan.
- 7. Planned Unit Development Amendments** – Changes or amendments to a Planned Unit Development shall be processed in the same manner as the original request. Slight changes in the detail of the Planned Unit Development that do not change the intent, meaning, relationship of structures to each other may be approved by the Director of Planning and Zoning.
- 8. Failure to begin construction** – Construction of the approved development must begin within one (1) year from the date of the approval of the Master Development Plan by the City Council. Any approved changes in the plan shall not extend the time at which said one-year period begins to run. The Planning Commission may, no sooner than 60 days prior to the end of said one-year period, upon the written request of the applicant, extend such one-year period for a period of not more than one year if, in the judgment of the Planning Commission, such additional time is warranted.

In any event, the construction of the PUD must be started within two (2) years of the approval of the master development plan by the city council. Failure to begin the development of the PUD within said one-year period, or the period as extended, shall automatically void the master development plan, and the zoning classification shall automatically revert to the zoning classification of RA – Residential/Agriculture District.

## **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) 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 (3) 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 sidewalks located in public rights-of-way that abut the building at the ground level, 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 25% 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, may be allowed on Rooftop Terraces provided: (a) such structures shall be in use for less than 24 hours at a time, (b) such structures are secured via anchor points integrated into the building and can withstand winds up to 60mph, (c) and the anchor design shall be sealed by a structural Engineer. Any damage caused by these structures are the responsibility of the property owner who shall sign a hold harmless agreement at time of permitting.
  - b. Short-term rentals shall be allowed within the CBD, regardless of the underlying zoning district.
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 from 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.
- ~~f. A minimum of fifty percent (50%) of the gross floor area on the ground floor of a mixed use building in the CBD shall be dedicated to commercial uses. For the purposes of this calculation, gross floor area is defined as the total floor area contained on the ground floor within a building measured to the external face of external walls and shall include, but not be limited to, internal service areas, internal parking, internal stairwells, and internal common spaces. Retail and restaurants are encouraged on the ground floor adjacent to public streets.~~

### C. FH-1 Flood Hazard District

1. **Intent** – The Flood Hazard District is intended to secure life and property from peril and damage of natural flood hazards, protect property values, and insure compliance with federal flood insurance eligibility requirements.
2. **Warning and Disclaimer of Liability** – The degree of flood and erosion protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific methods of study. Larger floods may occur. This ordinance does not imply that areas outside the flood hazard district boundaries or land uses permitted within these districts will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City or any City officer or employee for any flood damages that result from reliance on this ordinance or for any administrative decision made under this ordinance.
3. **Location** – The boundaries of the flood districts shall be determined by scaling distances on the official zoning map and/or the Federal Insurance Rate Map (FIRM). Where interpretation is needed as to the exact location of the boundaries of the district, the Board of Adjustments shall make the necessary interpretation. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit their own technical evidence if he so desires.
4. **Permitted Uses in FH-1** – Provided the use is in accordance with the Flood Ordinance of the City of Fairhope (Ordinance No. 1165 and Article IV, Section 12-102 Municipal Code; Title 11, Ch. 19, Sections 1-24; Chapter 45 Sections 1-11; Chapter 52 Section 1-84; Title 41, Chapter 9, Section 166 AlaCode) and are not prohibited by any other ordinance or any underlying zoning district, permitted uses and standards for this district follow:
  - a. Agricultural uses such as general farming, pasture grazing, outdoor plant nurseries, horticulture, viticulture, forestry, sod farming and wild crop harvesting.
  - b. Industrial-commercial uses such as loading areas, parking areas, and airport landing strips.
  - c. Private and public recreational uses such as beaches, beach cabanas not suitable for use as dwellings, boardwalks and steps to permit access, pavilions and other similar small platforms, lifeguard stations, golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries,

- shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails, temporary structures for sale of food and refreshments, arts and crafts.
- d. Structures shall be constructed on fill, pilings or raised by other means so that the first floor and basement floor are elevated above the regulatory flood protection level. The fill shall be at a point no lower than one (1) foot below the regulatory flood protection elevation for the particular area, as determined by the agency specified in local, state or federal law to establish such elevations, and shall extend at such elevation at least ten (10) feet beyond the limits of any structure or building erected hereon.
  - e. No use shall affect the capacity of channels or floodways of any stream, drainage ditch, or any other drainage facility or system.

## D. R-6 Manufactured Home District

1. **Intent** – The intent of the standards for Manufactured Home Districts is to:
  - Provide opportunities for affordable dwelling units;
  - Allow construction of single-family housing that is an alternative to “stick-built” homes;
  - Ensure design standards that result in neighborhoods equivalent to those enjoyed by other single-family home developments;
  - Ensure location and design standards compatible with community goals and surrounding property.
2. **Site Requirements**
  - a. The development shall meet the stormwater requirements of the subdivision regulations.
  - b. A manufactured home development shall be on a site between two and four acres. Manufactured home developments may be larger than four (4) acres only where the special design requirements in Section D.5. are met.
  - c. Where any boundary of a manufactured home development directly abuts a residential district or use, an 8-foot fence or wall, or an evergreen barrier approved by the City Horticulturist shall be provided.
  - d. Each development shall provide manufactured home spaces, and each space shall be clearly delineated. Each space shall have an area of not less than 3,200 square feet and a width of not less than 30 feet. The average width of all spaces shall be not less than 40 feet. Spaces may be platted as individual lots provided the Special Design Requirements in Section D.5. are met.
  - e. There shall be at least a 20-foot clearance between manufactured homes and between manufactured homes and any other structure.
  - f. All manufactured home spaces shall abut upon a driveway not less than twenty (20) feet in width, which shall have unobstructed access to a public street, alley or highway.
  - g. Walkways not less than two feet wide shall be provided from the manufactured home spaces to the service buildings.
  - h. All driveways and walkways within the park shall be hard surfaced and lighted at night with electric lamps of not less than 250 watts each, spaced at intervals of not more than 100 feet.
  - i. An electrical outlets supplying at least 100-115/220/250 volts, 100 amperes shall be provided for each mobile home space.
3. **License** – It shall be unlawful for any person to maintain or operate a manufactured home park within the corporate limits of the City of Fairhope, Alabama, without first obtaining a license.
  - a. License Fees and Temporary Permit Fees:
    - (1) The annual license fee for each manufactured home park shall be set by the city council.
    - (2) The fee for transfer of a license shall be five dollars.
  - b. Application for License:
    - (1) Application for initial manufactured home development license shall be filed with the Director of Planning and Building. The application shall be in writing, signed by the applicant and shall include the following:
      - (a) The name and address of the applicant;
      - (b) The location and legal description of the manufactured home park;
      - (c) A complete plan of the development in conformity with the requirements of this section;

- (d) Plans and specifications of all buildings, improvements and facilities constructed or to be constructed within the manufactured home development;
- (e) Other information required by the planning commission to enable it to determine if the proposed development will comply with legal requirements.
- (f) The application and all accompanying plans and specifications shall be filed in triplicate.
- (2) Upon application in writing by a licensee for renewal of a license and upon payment of the annual license fee, the city shall issue a certificate renewing the license for another year.
- c. Revocation of License: The City of Fairhope, Alabama, may revoke any license to maintain and operate a manufactured home development when the licensee has been found guilty by a court of competent jurisdiction of violating any provision of this ordinance. After the correction of such condition and the payment of the penalties imposed by law and assurance given to the city council that such condition will not be repeated, the city council may issue a new license.
- d. Posting and Temporary Permit: The license certificate or temporary permit shall be conspicuously posted in the office of or on the premises of the manufactured home development at all times.

#### 4. Utilities, Public Services and Safety

- a. Water Supply: Adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings and manufactured home spaces within the park. Each manufactured home space shall be provided with a cold-water tap at least four (4) inches above the ground.
- b. Sewage and Refuse Disposal:
  - (1) Each manufactured home space shall be provided with a sewer line at least four (4) inches in diameter, which shall be connected to receive all the wastewater. The sewer in each space shall be connected to discharge the manufactured home waste into a public sewer system in compliance with applicable ordinance or septic tank systems for each lot meeting all applicable design standards to prevent health hazards.
  - (2) Metal garbage cans with tight-fitting covers shall be provided in quantities adequate to permit disposal of all garbage and rubbish. No manufactured home space shall be more than 300 feet from a garbage can. The cans shall be kept in sanitary condition at all times. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that the garbage cans shall not overflow.
- c. Fire Protection: Fire protection shall be required to meet all regulations and conditions of other City codes and of the Fairhope Volunteer Fire Department.
- d. Supervision: The licensee, or a duly authorized attendant, caretaker or association, shall be in charge at all times to keep the manufactured home development, its facilities and equipment in a clean, orderly and sanitary condition. The attendant or caretaker shall be answerable, with the licensee, for the violation of any provision of this ordinance to which the licensee is subject.

#### 5. Special Design Requirements – Spaces in a manufactured home development may be platted as individual lots or may exceed four (4) acres provided all of the following additional special design requirements are met:

- a. The overall development is greater than five (5) acres.
- b. At least 15% of the project area is preserved as public or common open space. Open space shall be centrally located to the entire development and designed for community gathering.
- c. An association is established for on-going maintenance of the grounds.
- d. All dwelling units shall be oriented to a public street, including a front door or porch with a four-foot wide sidewalk connecting to the public sidewalk.
- e. All dwelling units on a single street shall have the same setback from the public right-of-way. The front setback shall be between 20 and 30 feet. Side setbacks shall be a minimum of eight feet. Rear setbacks shall be a minimum of 20 feet.
- f. Vehicle access to individual lots shall be by a rear lane. Parking spaces, carports, or garages shall be located behind the dwelling units.
- g. No dwelling unit shall be more than two times longer in one dimension than it is any other dimension.
- h. All dwelling units shall have a roof pitch of at least 4:12 and eaves that overhang the exterior walls by a minimum of one foot.
- i. The overall gross density for the project, including open areas, shall not be greater than six units per acre.

- j. All dwelling units shall have individually metered utility connections to public facilities for sanitary sewer and water.

## E. AO – Airport Overlay

**1. Intent and Authority** – The Airport overlay promotes the health, safety, and general welfare of the public by preventing the creation and establishment of land uses incompatible with the operations of the Fairhope Municipal Airport and requiring the incorporation of outdoor-to-indoor noise attenuation measures for the construction of certain structures within the boundary of the Airport Overlay District Zone. The Airport Overlay is enacted pursuant to the authority granted by Title 4, Chapter 6, Section 1 through 15, Code of Alabama, 1975.

**2. Findings** – The City finds that certain land uses are incompatible with noise generated by aircraft using the Fairhope Municipal Airport and that these land uses have the potential to impair the existing and future utility of the Fairhope Municipal Airport and the public investment in the Airport. Accordingly, it is declared:

- a. That the establishment and construction of noise sensitive developments in the vicinity of the airport have the potential of limiting the existing and future utility of the airport and may adversely affect the region served by the Fairhope Municipal Airport;
- b. That noise sensitive developments in the vicinity of the airport have the potential to become land uses incompatible with airport operations over time and it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of incompatible land uses be prevented.
- c. The prevention of the creation or establishment of incompatible land uses, and the elimination, removal, alteration, and mitigation of incompatible land uses are public purposes.
- d. That land in the vicinity of the airport has the potential of being exposed to sound levels of 65 Ldn (Day Night Average Sound Level) and higher.
- e. That the construction of certain noise sensitive developments in the vicinity of the airport should include outdoor-to-indoor noise attenuation features to ensure compatibility with existing and future noise levels.
- f. That the Fairhope Municipal Airport fulfills an essential community purpose.
- g. The Airport overlay promotes the implementation of modest measures that will prevent conflicts between future residential homeowners and the airport that could require expensive retroactive noise insulation programs, residential relocation programs, and restrictions on the efficient operation of the Fairhope Municipal Airport.

**3. Applicability** – The Airport overlay is applicable to all lands lying within the Airport Overlay District Zone, which is delineated on the Fairhope Municipal Airport Overlay Zoning Map adopted as part of the Airport Overlay District Zoning Ordinance of the City of Fairhope, Alabama.

**4. Noise Requirements** - Except as otherwise provided in this Ordinance, noise sensitive structures shall incorporate outdoor-to-indoor noise level reduction measures into the design and/or construction of the structure.

- a. Noise Attenuation Performance Standards – The performance standard for the level of sound attenuation for noise sensitive structures constructed in the Airport Overlay District Zone shall be equivalent to achieving an interior noise level of 45 dB (A-weighted) when the structure is exposed to an outdoor noise exposure level of 65 Ldn or higher.
- b. Noise Attenuation Methods – Noise reduction may be accomplished through design standards and/or construction materials. Noise attenuation design measures and materials are referenced in the City Standard Building Code of the City of Fairhope, as amended. In all cases, construction shall conform with the general requirements of the City Standard Building Code of the City of Fairhope as amended.
- c. Noise Attenuation in Noise Sensitive Commercial Structures – Only those portions of commercial structures associated with noise sensitive activities must incorporate noise level reduction measures sufficient to achieve an interior noise level of 45 dB (A-weighted) when the structure is exposed to an outdoor noise exposure level of 65 Ldn or higher.

- d. Architect or Engineer Review – An architect or engineer shall review the plans to determine if the building design complies substantially with the intent of the ordinance.
  - e. Aviation Easement – The owner applying for approval to construct a noise sensitive structure or residential subdivision within the area under the Runway Approach Surfaces located within the Airport Noise Overlay District shall agree to grant to the Fairhope Airport Authority, without compensation, an aviation easement for the passage of aircraft and the right to cause in all airspace above the surface of the Grantor's property noise and other effects that may be caused by aircraft operating at the Fairhope Municipal Airport.
- 5. Use Restriction** – Notwithstanding any other provisions of the Ordinance, no use shall be made of structures, land, or water within the Airport Overlay District Zone to:
- a. create physical or electrical interference with navigational signals or radio communication between the airport and aircraft;
  - b. make it difficult for pilots to distinguish between airport lights and others, or result in glare in the eyes of pilots using the airport;
  - c. create bird strike hazards; or
  - d. otherwise endanger or interfere in any way with the landing, take off, or maneuvering of aircraft intending to use the airport.
- 6. Nonconforming uses**
- a. *Regulations Not Retroactive:* The Airport Overlay shall not require the removal, soundproofing, or other change or alteration of any noise sensitive structure not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with continuance of a nonconforming use.
  - b. *Building Additions:* A non-conforming noise sensitive structure existing at the time this Ordinance is enacted may be extended or enlarged, provided the extension or enlargement to the structure meets the requirements of this Ordinance.
  - c. *Nonconforming Uses Abandoned or Destroyed:* Whenever the Director of Planning and Zoning determines that a nonconforming noise sensitive structure has been abandoned, or more than 50 percent destroyed, physically deteriorated, or decayed (based on assessed value), the rebuilding or repair of the structure shall comply with the requirements of this Ordinance.
- 7. Permits**
- a. *Building Permit Required:* No noise sensitive structure shall be constructed in the Airport Overlay District unless a permit has been applied for and granted by the Building Department. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to determine whether the resulting structure would conform to these regulations.
  - b. *Variances:* An application for a variance in the Airport Overlay shall first be submitted to the Airport Authority. If the Airport Authority does not respond to the application within 15 days after receipt, the applicant may file an appeal with Board of Adjustments and Appeals. The Board of Adjustment and Appeals may act on its own to grant or deny the application
  - c. *Permit Application Requirements:* An application for a permit shall be accompanied by a plat or plan showing the location of the lot to be built upon and the location of the proposed structure; a certification from a registered architect, engineer, or acoustician that the plans for the structure include noise attenuation measures adequate to meet the requirements of this Ordinance; together with such other information as the Planning and Zoning Department may deem necessary to enforce properly the provisions of this Ordinance.

## **F. P-1 – Parking District**

- 1. Intent** – The Parking District designates one or more lots, parcels, tracts, or sites to be used exclusively for the parking of vehicles, either outdoors or indoors. Lands in the P-1 District shall not be used for the construction of any building or structure other than as specifically permitted herein.
- 2. Uses** – Parking lots are the only use allowed in the P-1 Parking District. Parking garages may be permitted on appeal in the P-1 District, where the Board has determined the use to be compatible with other uses existing in the neighborhood. Lands occupied by buildings or structures shall not be designated

P-1 while such buildings or structures exist. No parking garage shall exceed two (2) stories or thirty-feet (30') in height except upon approval of the planning commission.

3. **Lot Area, Width and Maximum Coverage** – None specified, except that all lots in the P-1 district shall comply with the intent and requirements regarding parking size, dimension, landscape, and site design standards of other zoning districts.

## G. TR – Tourism Resort District

1. **Intent** – It is the purpose of this Article in creating a Tourism-Resort District (“TR District”) to:
  - provide for large acreage under unified control to be planned and developed as a whole;
  - encourage the growth of resort-oriented residential and mixed-use properties around resort properties;
  - provide places for resort-type amenities coupled with proximately located hotel, residential and commercial uses;
  - promote a sustainable future, and encourage and develop connections between environmental quality and economic vitality;
  - provide for a mix of residential types that are designed to form a compact, compatible and stable neighborhood directed toward resort and tourism trade;
  - support the development of a comprehensive pedestrian network with linkages to and between residential and resort areas;
  - promote increased privacy by permitting private roadways within the TR District property;
  - promote the preservation and enhancement of existing natural landscape features and their scenic qualities;
  - create a zoning classification which allows flexibility and creative development concepts that would not be possible through conventional zoning regulations and allow for certain modifications and exemptions from existing subdivision and other regulations;
  - provide places for social interaction and recreation;
  - provide general merchandising convenience destinations for both residents and tourists; and
  - create development opportunities which encourage multiple use of recreational and other resort-type amenities by hotel guests as well as residents within the TR District.
2. **Size Requirements** – A TR District must initially contain at least 175 contiguous acres.
3. **Location Requirements** – At the time any real property is submitted for zoning as part of a TR District zoning classification, the following existing resort amenities must be situated within the real property being subjected to the TR District zoning classification or within two (2) miles of the real property being submitted to the TR District zoning classification:
  - An existing full-service hotel (*i.e.*, a hotel providing hotel room accommodations, on-site dining (with on-site kitchen), conference facilities and swimming pool) containing a minimum of 300 hotel rooms;
  - at least one (1) 18-hole championship golf course with related facilities (driving range and other golf practice areas), a clubhouse (which shall provide food services and contain an on-site kitchen), swimming pool and tennis courts (which uses and facilities may be provided in the form of a private or semi-private club or pursuant to use agreements which require the approval of membership privileges and the payment of a membership fee and monthly dues and charges); and
  - a marina.

The resort property containing the foregoing required resort attributes need not be located within the municipal limits of the City or otherwise subjected to the TR District zoning classification. The owner of the real property

upon which such resort facilities described above are situated shall have the right (but not the obligation), in its discretion, to cause any of its property to be annexed into the municipal limits of the City at any time and to cause all or any portion of its property to be zoned as part of the TR District.

4. **Residential Density Limitations** - The overall gross density for all residential areas within a TR District shall be no greater than 3.5 units per gross acre within all of the acreage comprising the TR District.
5. **Open Space Requirements** - All TR Districts shall provide at least 20% open space and/or green space, as herein defined. As used herein, open space and/or green space may consist of any real property which is (a) part of a natural area, including tree and other preserves, lakes, beaches, walkways, walking trails, pedestrian ways, walkways, walking paths, creeks and other waterways, including wetland areas and ponds, and water areas which serve as retention, detention or similar holding basins and (b) any real property usable for active or passive recreational purposes, including, without limitation, play grounds, swim and tennis facilities, green or open areas, parks, golf course amenities such as golf course, fairways, greens, bunkers, driving ranges and other practice facilities but shall not include any rights-of-way.
6. **Uses and Development Zones** –

- a. **Uses Allowed and Development Zones.**

- (1) Uses Allowed -- Uses allowed within the TR District may include any and all of the following:

- (i) Single-family attached and detached dwellings;
- (ii) Multi-family residential dwelling units, senior living facilities, low-rise, mid-rise and a limited number of high-rise residential buildings (including condominiums);
- (iii) Hotels, conference facilities, restaurants, bars, swimming pools, tennis courts, golf courses, club houses, country clubs and related amenities and facilities;
- (iv) Specific office, retail and limited commercial uses as well as any of the foregoing uses which are combined with residential uses in the same building so long as the residential uses are located on the second and higher floors of such building; and
- (v) Nature and recreational areas and facilities.

- (2) Development Zones -- The following described development zones (collectively, the "Development Zones") are permitted within a TR District: (a) Recreation Zone; (b) Low-Rise Residential Zone, (c) Limited Commercial Zone, (d) Mid-Rise Residential Zone, (e) High-Rise Residential Zone and (f) Resort Zone. The Development Zones within a TR District (i) shall be established on the zoning map for such TR District, (ii) may be used only for the uses set forth below applicable to each Development Zone and (iii) shall be subject to the dimensional and other standards and requirements established below for each Development Zone.

- b. **Recreation Zone.** The following restrictions and limitations shall apply to all areas designated as a "Recreation Zone" on the zoning map for the TR District:

- (1) *Permitted Uses* – Golf courses, golf driving ranges and golf practice facilities; tennis courts and related facilities; lakes, docks, boat launches, fishing and swimming piers and similar structures; pools, spas, swimming areas and related facilities; playgrounds; amphitheaters, performance and other social gathering venues and facilities; clubhouses, bathhouses, changing facilities, clubhouse-related restaurants and lounges, retail pro-shops and rental service facilities; fitness facilities, conference facilities, educational facilities, and maintenance and service facilities for

any of the foregoing uses; similar uses and facilities related to the foregoing; natural areas, parks, playgrounds, picnic areas and shelters, trails, boardwalks, paths, walkways and pathways, landscaping, drainage, soil conservation, wetlands, creeks, waterway and other water areas, and conservation areas.

(2) *Dimensional Standards -*

- (i) Height. Building Height not to exceed 45 feet.
- (ii) Build-To Lines. 20 foot front; 15 foot rear and 5 foot sides.
- (iii) Minimum Lot Size. None.
- (iv) Parking. One parking space for each 500 square feet of gross heated and cooled floor area of any building.

c. **Low-Rise Residential Zone**. The following restrictions and limitations shall apply to all areas designated as a “Low-Rise Residential Zone” on the zoning map for the TR District:

- (1) *Permitted Uses* – Attached and detached dwelling units (which includes, without limitation, cluster homes, patio homes, duplexes, multi-family units, apartments, condominiums, townhouses, and zero-lot line homes); accessory structures such as attached and detached garages with garage apartments (garage apartments will not count as a separate dwelling unit), swimming pools, tennis courts, tennis and pool equipment and maintenance facilities; congregated attached or detached dwellings requiring specialized services to be provided, including, but not limited to, independent senior housing, assisted senior housing and Alzheimer care facilities and nursing home facilities (“Senior-Oriented Communities”); associated services relating to Senior-Oriented Communities, including, but not limited to, health-care and medical facilities, laundry, dining and food preparation facilities, wellness and recreational facilities, retail and office facilities, storage and maintenance facilities and other uses and facilities commonly found in Senior-Oriented Communities; and any of the Permitted Uses allowed in the Recreation Zone.

(2) *Dimensional Standards* –

- (i) Height. Building Height not to exceed 35 feet.
- (ii) Build-To Lines.
  - a. Detached Dwellings: 5-foot front; 5-foot rear and 0-foot sides; provided, that (x) each lot shall have at least one (1) side property line which is at least 12 feet from the dwelling on the adjoining lot and (y) if access to a dwelling is provided via a lane or alley, there is no minimum rear build-to line for any garage constructed at the rear of a dwelling.
  - b. Attached Dwellings: 5-foot front; 5-foot rear and 0-foot sides; provided, that (x) there must be a minimum distance of 12 feet between buildings and (y) if access to a dwelling is provided via a lane or alley, there is no minimum rear build-to line for any garage constructed at the rear of a dwelling.
- (iii) Minimum Lot Size. 2,100 square feet.

- (iv) Parking. All uses other than Senior-Oriented Communities, two (2) spaces per dwelling unit; Senior-Oriented Communities, one (1) space per dwelling unit.
- d. **Mid-Rise Residential Zone**. The following restrictions and limitations shall apply to all areas designated as a “Mid-Rise Residential Zone” on the zoning map for the TR District:
- (1) *Permitted Uses* – Multi-family units, apartments, condominiums, townhouses; Senior-Oriented Communities; associated services relating to Senior-Oriented Communities, including, but not limited to, health-care and medical facilities, laundry, dining and food preparation facilities, wellness and recreational facilities, retail and office facilities, storage and maintenance facilities and other uses and facilities commonly found in Senior-Oriented Communities; and any of the Permitted Uses allowed in the Low-Rise Residential Zone and the Recreation Zone.
- (2) *Dimensional Standards* –
- (i) Height. Building Height not to exceed 55 feet; provided, however, that (1) if the Building Height of any buildings within the Mid-Rise Residential Zone may exceed 35 feet, then the Application for TR District zoning shall set forth the maximum number of dwelling units which may be developed within the Mid-Rise Residential Zone in buildings which exceed 35 feet in Building Height.
- (ii) Build-To Lines. 20 foot front; 15 foot rear and 0 foot sides; provided that (x) there must be a minimum distance of 20 feet between buildings and (y) if access to a dwelling is provided via a lane or alley, there is no minimum rear build-to line for any garage constructed at the rear of a dwelling.
- (iii) Minimum Lot Size. None.
- (iv) Parking. All uses other than Senior-Oriented Communities, two (2) spaces per dwelling unit; Senior-Oriented Communities, one (1) space per dwelling unit.
- e. **Limited Commercial Zone**. The following restrictions and limitations shall apply to all areas designated as “Limited Commercial Zone” on the zoning map for the TR District:
- (1) *Permitted Uses* – Those retail, office and other uses which are set forth as permitted uses in Table 3.1 (Use Table) of the Zoning Ordinance in effect as of January 1, 2010 for all B-1, B-2, B-3a, B-3b and B-4 zoning districts; home occupations and convenience stores with gasoline service; attached single-family residential uses located above retail or office uses; and all Permitted Uses allowed in the Low-Rise Residential Zone and the Recreation Zone.
- (2) *Dimensional Standards* –
- (i) Height. Building Height not to exceed 45 feet.
- (ii) Build-To Lines. 15 foot front; 10 foot rear and 0 foot sides; provided that there is a minimum distance of 10 feet between buildings.
- (iii) Minimum Lot Size. None.
- (iv) Parking. Two (2) parking spaces for each 1,000 square feet of gross heated and cooled retail and office floor area of any office or retail building; and two (2) parking spaces for each single-family dwelling unit.

- (3) *Maximum Density* – No more than 108,000 gross square feet of non-residential floor area shall be allowed within all Limited Commercial Zones of the applicable TR District.
- f. **High-Rise Residential Zone.** The following restrictions and limitations shall apply to all areas designated as “High-Rise Residential Zone” on the zoning map for the TR District:
- (1) *Permitted Uses* – A limited number of high-rise multi-story residential attached dwelling units; any of the Permitted Uses allowed in the Mid-Rise Residential Zone, the Low-Rise Residential Zone and the Recreation Zone.
- (2) *Dimensional Standards* –
- (i) Height. Building Height not to exceed 100 feet; provided, however, that (1) not more than two (2) buildings total may be constructed at heights higher than 55 feet and (2) the Application for TR District zoning shall set forth the maximum number of dwelling units which may be developed within the High-Rise Residential Zone in buildings which exceed 55 feet in Building Height.
- (ii) Build-To Lines. 20 foot front; 15 foot rear and 0 foot sides; provided, that there is a minimum distance of 20 feet between buildings.
- (iii) Minimum Lot Size. None.
- (iv) Parking. Two parking spaces for each dwelling unit.
- g. **Resort Zone.** The following restrictions and limitations shall apply to all areas designated as “Resort Zone” on the zoning map for the TR District:
- (1) *Permitted Uses* -- Full-service hotels; conference facilities; spas, swimming pools, tennis courts and other outdoor recreational areas and uses; marinas; accessory structures and accessory uses normally found in a hospitality development, including, without limitation, food services, gift and novelty shops, barber and beauty shops provided primarily for the convenience of visitors or patrons of the premises and contained within a ~~principal~~ **principle** building, maintenance facilities (including laundry and other maintenance facilities); restaurants, nightclubs, bars, taverns, day spas; and any of the Permitted Uses allowed in the Limited Commercial Zone (subject to the requirements of Paragraph e(3) of Section 6 of this Article), the Mid-Rise Residential Zone, the Low-Rise Residential Zone and the Recreation Zone.
- (2) *Dimensional Standards* –
- (i) Height. Building Height not to exceed 55 feet.
- (ii) Build-To Lines. 15 foot front; 10 foot rear and 0 foot sides; provided, that there is a minimum distance of 10 feet between buildings.
- (iii) Minimum Lot Size. None.
- (iv) Parking. One (1) parking space for each hotel room.
- h. **Additional Provisions.**

- (1) The term “Building Height” as used herein shall mean the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the main roof structure of the building (but specifically excluding all other projections or articulations from such roof or building).
  - (2) Access to adjoining properties is not required.
  - (3) Build-To Lines are measured from the property lines of a lot and allow buildings and structures to be built up to the Build-To Lines. Build-To Lines only apply to buildings/structures with covered roof. Canopies and awnings and second story porches, decks and balconies may overhang any of the Build-To Lines by up to 24 inches; provided, however, that in no event shall any such items overhang actual lot/property lines.
  - (4) If any uses within a Development Zone will utilize permitted uses from another Development Zone (*i.e.*, if within the Limited Commercial Zone, uses will include single-family uses allowed within the Low-Rise Residential Zone), then the dimensional standards for the other Development Zone (*i.e.*, the Low-Rise Residential Zone) will be applicable to such use.
- 7. Private Streets and Adjacent Property Connectivity** - An applicant may request that all or any portion of the streets and roadways within the TR District property be private streets. Such request shall be set forth in the Application for TR District zoning. Any request for private streets within any portion of a TR District must be approved by the City. No access to and from the TR District property and any adjoining property shall be required.
- 8. Modification of Subdivision and Other Regulations of City** - The TR District zoning classification is intended to encourage the development of land as part of a planned community, encourage flexible and creative development concepts of site planning, preserve the natural amenities on the land by encouraging scenic and functional open space, accomplish a more desirable environment than would be possible through the strict application of zoning and subdivision regulations, and provide a stable environmental character compatible with surround areas. Accordingly, the Application may propose provisions which alter, amend or otherwise exempt the TR District property or portions thereof from certain provisions of the City’s Subdivision Regulations and other regulations.
- 9. Application Requirements for TR District Zoning** – In lieu of any other provisions of the Zoning Ordinance, in order to request the zoning of property to a TR District classification, an applicant shall submit an application (the “Application”) for TR District zoning to the City, which Application shall include the following:
- a. **Legal Description**. A legal description of the property for which TR District zoning is requested.
  - b. **Zoning Map**. A zoning map which shall reflect the general areas of proposed development by Development Zone (established pursuant to Section 6(b) above). Proposed or existing major roads, if known, within the subject property shall be reflected on the zoning map as well as any major arterial roads lying adjacent to the property. The zoning map need not reflect individual lots or blocks or streets to be developed within the Development Zones of the TR District property.
  - c. **Maximum Residential Density**. The maximum number of residential dwelling units (density) allowed within the proposed TR District.
  - d. **Maximum Density Allowed in Limited Commercial Zone**. The maximum gross square footage of non-residential floor area allowed within the Limited Commercial Zones of the proposed TR District.
  - e. **Open Space or Green Space Requirements**. The open space or green space requirements which shall apply to the entire TR District Property as a whole (expressed as a percentage of the total acreage within the proposed TR District property).

- f. **Quantitative Data Regarding Size of Each Development Zone.** Quantitative data indicating the approximate acreage within each Development Zone within the proposed TR District property.
  - g. **Private Streets.** If private streets will be utilized, a general description of which streets will be private and whether any gates or other limited access devices will be utilized for such private streets. The Application should also specify who will be responsible for maintaining all private roads or streets within the proposed TR District property. If private streets will be utilized, access easements over such private streets will be granted for public emergency vehicles (i.e., police, fire and ambulance), utility vehicles (for maintenance and repair and meter reading, etc.), garbage collection vehicles and all other governmental vehicles and employees in connection with the performance of their required governmental services.
  - h. **General Description of Restrictive Covenants.** A general description of any proposed restrictive covenants to be placed upon the TR District property.
  - i. **Permitted Uses and Dimensional Standards for Development Zones.** Any permitted uses and dimensional standards for any Development Zone which are different from those set forth herein.
  - j. **Request for Exemptions.** Any requests for an exemption from the provisions and requirements of the City's Subdivision Regulations or any other ordinances or regulations of the City.
  - k. **Storm Water Management Plan.** A storm water management plan for all of the property within such TR District, which storm water management plan shall be implemented by the applicant in the manner and in accordance with the requirements set forth in said storm water management plan. The storm water management plan shall comply in all respects with the City's storm water management regulations as set forth in the City's Zoning Ordinance and Subdivision Regulations, subject to any exemptions or modifications thereto set forth in the City-approved Application or the storm water management plan attached to said Application. In addition, such storm water management plan must satisfy all state and federal regulations and requirements.
  - l. **Traffic Study.** A traffic study for the property within the TR District, which traffic study and the recommendations and requirements set forth therein shall be implemented by the applicant in the manner and in accordance with the time table set forth in said traffic study.
  - m. **Miscellaneous Matters.** The Application shall contain such other terms and provisions as agreed to by the developer and the City.
  - n. **Review and Approval of Application.** Following submission of the Application to the City, the Application shall be subject to review and approval by the City in accordance with the terms and provisions of Section C(1) of Article II of the Zoning Ordinance. To the extent set forth as an exemption or exception in the Application approved by the City, the provisions of the Application shall supersede anything to the contrary set forth in the City's Zoning Ordinance, Subdivision Regulations and any other ordinances or regulations of the City.
- 10. Additions to TR District** – Additional properties may be added to any TR District at any time and from time to time by filing an amendment to the original Application. Such amendment shall specify the Development Zones within the additional property being added to the TR District. The addition of additional property to a TR District must be approved in the manner set forth in Article II of the Zoning Ordinance. To the extent any additional properties are added to any TR District, the City may require different development criteria including, without limitation, the requirement that roads and streets be public, from those set forth in the original Application for the TR District previously approved by the City.
- 11. Amendments** – Changes or amendments to any Application for TR District zoning shall be processed in the same manner as the original request; however, the following changes to an Application may be made with the approval of the Director of Planning and Building for the City or any other individual employee of

the City designated by the City's Planning and Building Director to act on his or her behalf: (a) any Development Zone may be shifted, enlarged or reduced by not more than 200 feet in any direction and (b) slight changes may be made in the detail of the Application for TR District zoning that do not change the intent, meaning, dimensional standards and other major aspects of the Application for TR District zoning may be approved by the Director of Planning and Building.

- 12. Other Regulations Not Applicable** – It is the intent that the Application for TR District zoning set forth development criteria applicable to the property and that flexibility be allowed in the construction of improvements thereon. Accordingly, except as set forth in the Application and in this TR District zoning classification, no other provisions of the Zoning Ordinance shall be applicable to the property which is zoned as a TR District.
- 13. Building Permits** – The developer of the TR District shall proceed with the development of the property in accordance with the Application and no further approvals shall be required except as set forth herein. Upon application for a building permit for the construction of improvements on any parcel within the TR District, if the City's Planning and Building Director or any other individual employee of the City designated by the City's Planning and Building Director to act on his or her behalf shall determine that the intended use of the improvements is a "Permitted Use" (as defined in this TR District zoning classification) and satisfies the dimensional standards within the applicable Development Zone of such TR District as set forth in the approved Application for such TR District, then a building permit shall be issued for such improvements.
- 14. Changes to Ordinance** – Following the City's approval of an Application for TR District zoning, no subsequently adopted amendments to or modifications of the Zoning Ordinance (including subsequent modifications to this TR District zoning classification), no amendments to or modifications of the City's Subdivision Regulations and no other ordinances adopted by the City which alter, change, modify or amend any of the matters set forth in this Ordinance or which are set forth in the approved Application for TR District zoning shall be effective with respect to the real property described in such approved Application for TR District zoning.
- 15. Utilities** – All utility lines within a TR District shall be located underground.
- 16. Signage** – All signage within the TR District shall comply with the City's signage regulations set forth in the Zoning Ordinance in effect as of January 1, 2010.

## H. MO-Medical Overlay District

- 1. Intent** – The intent of the Medical Overlay (MO) District is to establish and provide for the logical expansion of medical office needs to accommodate the growing community and region. Medical uses vary in need and impacts on the community. The MO District is also intended to establish and accommodate highly-specialized, unique uses and development types related to the medical field and to accommodate additional specialized needs and growth of the medical field and community. It is the express intent of this MO district surrounding the existing medical center to be as generous as possible in permitted uses while at the same time maintaining a clean, attractive community that provides an extension of the medical office needs for medical practices and appropriate facilities for the medical community it serves. Property located within the MO District is permitted the use allowed by right of the underlying zoning district. The provisions relating to nonconformities in Article VII of the Zoning Ordinance shall apply to all properties within this MO District.
- 2. Location** – By virtue of its location to an existing medical center (Thomas Hospital), it is intended that this district be allowed for future expansion to the following boundaries: North to parcels abutting the south side of Morphy Avenue, South to those parcels that are in the City of Fairhope abutting the north side of Greeno Lane, East to parcels abutting the west side of Greeno Road, and West to parcels abutting the east side of South Ingleside Street.

3. **District Classification** – The following overlay district is hereby established: Medical Overlay District-MO. Uses and standards allowed in this district shall be as follows:

**A. Permitted Uses:** The following uses and structures are permitted in this district:

- (1) Medical offices
- (2) Hospitals and nursing homes
- (3) Medical and dental clinics
- (4) Laboratories for medical and dental uses
- (5) Funeral homes
- (6) Animal hospitals, provided the boarding of animals occurs in completely enclosed buildings
- (7) Child and adult day care facilities and group home facilities
- (8) Adult congregate living facilities
- (9) Helistop in conjunction with hospitals
- (10) Emergency services
- (11) Parking structures
- (12) Colleges and universities(13) Vocational, trade or business schools with all associated uses including dormitory facilities related to the medical field
- (14) Essential services
- (15) Hospital related out-patient services (Ambulatory Surgery and Diagnostic Clinics)
- (16) Independent Living Facilities
- (17) Bed and Breakfast Facilities to accommodate families of patients
- (18) Retail business which sell, lease and repair prosthetic or ambulatory devices used for patient rehabilitation, mobility or installation/modification of handicap unique support aids
- (19) Places of Worship
- (20) Mixed-Use Buildings ~~use with residential—The residential use shall make up at least 33% of the total area of the building and be located on the upper floors only.~~

**B. Permitted Accessory Uses and Structures.**

- (1) Uses and structures which are customarily incidental and subordinate to permitted uses
- (2) Such other uses as determined by the Zoning Official or his/her designee to be:
  - a. Appropriate by reasonable implication and intent of the district
  - b. Similar to another use either explicitly permitted in that district or allowed by special exception.

**C. Uses Permitted Subject to Appeal and with Conditions.**

- (1) Commercial communication towers
- (2) Detoxification centers and substance abuse centers associated primarily with the primary medical facility
- (3) Retail, restaurant, personal services, branch banks, offices, conference facilities, clinics and similar workplace support uses when within any individual structure, gross floor area shall be limited to 10 percent of the total gross floor area
- (4) Crematorium

**D. Prohibited Uses and Structures.**

- (1) Any use or structure not specially, provisionally or by reasonable implication permitted herein.
- (2) Automotive repair garages, pool halls and game rooms
- (3) Gasoline or diesel filling stations shall not be located within 100 feet from in-patient care or treatment facilities

**E. General Requirements.**

Buildings shall comply with the following provisions:

- (1) Buildings shall comply with all applicable Site Design Standards in Article IV of the Zoning Ordinance and all other applicable City regulations and review standards not specified in this section.
- ~~(2) Mixed use buildings shall be vertically mixed in use. Retail uses shall be placed at street level.~~

**F. Special Exceptions.**

- (1) Research and development

- (2) Hotel
- (3) Crematoria
- (4) And any such other uses as deemed appropriate in the district by the **Board of Adjustment Planning Commission**. The **Board of Adjustment Planning Commission** shall review a proposed use at the time the special exception application is presented to the **Board of Adjustment Planning Commission** according to the submittal deadlines and meeting dates established by the **Board of Adjustment Planning Commission**.

**G. Development Standards.**

- (1) The B-4 (Business and Professional District) development standards and area and dimensional requirements shall apply in this district:
- (2) ~~[Reserved]Any residential, hotel, dormitory, nursing home or convalescent use shall not exceed the density established for the R-5 (High Density Multi Family Residential District) at a minimum lot area of 10,500 square feet for two dwelling units plus 4,100 square feet for each additional unit / 10 units per acre maximum.~~
- (3) 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.
- (4) The existing medical center (Thomas Hospital) contains buildings that may not conform to the area and dimensional requirements of B-4 (Business and Professional District). New Buildings or expansions to the existing medical center (Thomas Hospital) providing 24 hour medical, psychiatric, obstetrical, or surgical care shall be allowed to align with the height and buildings lines of existing buildings provided that all other local, county, and state requirements are met. This exemption does not apply to ancillary buildings that may include, but are not limited to, administrative offices, physician offices, outpatient services, and maintenance facilities.

**I. HTD – Highway Transitional District**

1. **Intent** – 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.
  - 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.
2. **Size** – Lots shall be a minimum of 20,000 s.f. and under three (3) acres.
3. **Use** – Uses for the HTD are listed in Table 3-1: Use Table. Rezoning to HTD may be conditioned so that uses permitted on appeal require a site plan.
4. **Location** – Eligible lots must have minimum of 100 feet on one side fronting the rights-of-way of U.S Highway 98, Alabama Highway 104, or Alabama Highway 181 and lie within the Corporate Jurisdiction of the City of Fairhope.
5. **Dimension Standards** –
  - a. Lot frontage shall be adjacent to the highway.
  - b. Setbacks
    - i. Front Setback shall be 20’.
    - ii. Rear Setback shall be 20’.
    - iii. Side setbacks shall be 10’.
  - c. Building Height
    - i. Maximum Height is 30’.

~~ii. A mixed use building 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 located on the second and/or third floor, and retail or office space must make up at least 50% of the total area of the building and be located on ground and/or second floor.~~

d. Parking

i. Parking shall be located behind the front building line.

e. Any freestanding single-use or tenant retail building shall not have a building footprint larger than 8,000 square feet.

f. All lands within twenty (20) feet of the boundaries of U.S. Highway 98, Alabama Highway 104, and Alabama Highway 181 within the corporate limits of the City of Fairhope are required to be reserved by owners or developers of such lands as greenspace and tree protection zones. The required greenspace may include land as required by the front setback.

i. Where no vegetation, other than grass exists, new landscaping and plantings shall be installed at time of development within the 20-foot strip that meet the requirements of the City of Fairhope Tree Ordinance and receives approval by the City Horticulturist; otherwise the land may be left in its natural state and enhanced with the addition of trees and shrubs.

g. Any future rezoning to HTD may be conditioned so that the goals and intent of the Comprehensive Plan and Article V., Section I.1. of the Zoning Ordinance are achieved.

h. For the purposes of Article IV, Section B.2.b. and the screening requirements of the City of Fairhope Tree Ordinance, the Highway Transitional District shall be considered commercial/business regardless of use.

[Reserved]

~~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~~

This Article contains Village Zoning Districts to more easily and more directly implement the vision and goals of the Fairhope Comprehensive Plan.

~~A. VRM—Village Residential Mix~~

~~1. Intent—The special standards listed in this section for the Village Residential Mix (“VRM”) district are intended to:~~

- ~~• provide a mix of residential types that are designed to form a compact, compatible, and stable neighborhood;~~
- ~~• provide compact, walkable neighborhoods;~~
- ~~• provide development that supports the scale and character of existing neighborhoods;~~
- ~~• develop land use arrangements that consider the compatibility of adjacent activities;~~
- ~~• encourage design that enhances pedestrian interest and provides a pleasant and diverse pedestrian experience;~~
- ~~• provide places for social interaction and recreation;~~
- ~~• promote a sustainable future, and encourage and develop connections between environmental quality and economic vitality;~~
- ~~• create focal points in neighborhoods, such as parks, schools, parkways, street trees, and other amenities;~~
- ~~• support the development of artistic, cultural and recreational opportunities; establish and maintain neighborhoods with a sense of community and ties to neighborhood-based businesses;~~
- ~~• coordinate land use and transportation planning to ensure that the transportation system can accommodate potential travel demand;~~
- ~~• support the development of a comprehensive pedestrian and bicycle network with linkages to and between residential and commercial areas.~~

~~2. Location, Size and Density—A newly established VRM district shall be at least five (5) acres. However, a smaller parcel may be rezoned VRM if it is contiguous to an existing VRM district or separated only by a public right of way, and all other standards and conditions for the VRM district as a whole are met. The overall gross density for a Village Residential Mix district shall be between 4.5 and 10 dwelling units per acre, subject to the following:~~

- ~~a. VRM districts between 4.5 and 6 dwelling units per acre shall provide at least 10% of the overall district as open space.~~
- ~~b. VRM districts greater than 6 but less than 8 dwelling units per acre shall provide at least 15% of the overall district as open space.~~
- ~~c. VRM district with 8 to 10 dwelling units per acre shall provide at least 20% of the overall district as open space.~~

[Reserved]

[Reserved]

- d. ~~Accessory dwelling units shall not count towards density requirements provided:~~
  - (1) ~~accessory dwelling units shall have a maximum floor area of 750 square feet; and~~
  - (2) ~~the owner of the lot shall be a resident of the primary dwelling unit or the accessory dwelling unit at all times.~~

- 3. ~~Uses~~ ~~Uses allowed in the VRM district are specified in Article III, Section B. A VRM district shall have at least three (3) different types of dwellings in Table 3-1: Use Table subject to the following:~~
  - a. ~~no more than 50% of the dwellings for the entire district may be of any one (1) type listed in the use table;~~
  - b. ~~no more than 70% of the dwellings for the entire district may be of any two (2) types listed in the use table; and~~
  - c. ~~at least 70% of the dwellings shall be within 1,980 feet of an intersection of two (2) arterial streets. This distance shall be measured along public right of way or a public trail or greenway. (See Fairhope Subdivision Regulations for location and standards for arterial streets.)~~
  - d. ~~Accessory dwelling units shall not count towards the requirements of this section.~~

4. ~~Dimension Standards~~

**Table 5-1 : VRM Dimension Table**

Dimension Standard	Minimum lot width	Frontage Types Allowed <small>See Article IV., Section C. for design standards related to frontage types.</small>					Minimum Setback			Maximum Lot Coverage or Structure Size			
		Yard	Terrace	Courtyard	Stoop	Street front	Side	Street side	Rear	Principle Structure	Accessory Structure	Total Impervious	Max. Buildings Height
<b>Dwellings</b>													
Estate	100' with a minimum total lot area of 1/2-acre	✓					20'	e	30'	20%	d	40%	35'
Single-family	40'	✓	✓	✓	✓		6'	e	30'	40%	700-s.f.	65%	35'
Two-family	50'	✓	✓	✓	✓		6' <sup>a</sup>	e	30'	40%	600-s.f.	65%	35'
Patio-home	40'	✓	✓				0' <sup>b</sup>	e	30'	50%	600-s.f.	65%	20'
Townhouse	24'	✓	✓	✓	✓	✓	0' <sup>e</sup>	e	30'	60%	300-s.f.	75%	35'
Multiple-family /apartment	50'		✓	✓	✓	✓	10'	e	30'	65%	300-s.f.	75%	35'
<b>Civic</b>													
Elementary School	280' with a minimum total lot size of 2 acres	✓					50'	50'	50'	50%	n/a	60%	35'
Place of Worship	140' with a minimum lot size of 1 acre	✓	✓				30'	30'	50'	50%	n/a	70%	35' <sup>f</sup>
Community Center	100' with a minimum lot size of 1/2-acre	✓	✓				20'	20'	30'	50%	n/a	70%	35'
<b>Service</b>													
Bed and Breakfast	Bed and breakfast is a service use allowed in any dwelling structure in the VRM district. Dimensional standards shall be according to the dwelling structure type.												

- a. ~~Single family attached may have one side of the structure with a 0' setback to allow each unit in a structure to be a separate lot.~~
- b. ~~Patio homes may have one side of the structure with a 0' setback provided the other setback is at least 10'. Otherwise, the minimum side setback shall be 6'.~~
- c. ~~Townhouses may have a 0' side setback to allow each individual unit in a structure to be a separate lot. However, no more than 8 units may be in a single structure, and all structures shall be separated by at least 12'.~~
- d. ~~Accessory structures on estate dwelling lots shall cover a maximum of 10% of the lot or be a maximum of 25% of the principle building footprint, whichever is less.~~
- e. ~~Side yards along a public right of way shall have the same setback for the principal structure as the front setback, except that the required street side setback in all cases shall never be more than 20'.~~

[Reserved]

[Reserved]

f. Steeple or other architectural features on Places of Worship may be up to 50'.

**5. Site Design Standards**—General site design standards contained in Article IV. apply to the VRM district in addition to the following specific site design standards:

- a. ~~Open space: Refer to Article IV., Section A. for general open space design standards. The following additional open space standards apply in the VRM district:~~
  - (1) ~~At least 80% of the dwellings should be within one mile of three different types of open space.~~
  - (2) ~~At least 80% of the residential units should be within one mile from each category (natural and civic) of open space~~
  - (3) ~~At least 80% of the residential units should be within 1980 feet of one (1) or more types of open space.~~
  - (4) ~~Off site open space may count towards the requirements of this section if it is publicly accessible.~~
  - (5) ~~Accessory dwelling units shall not count towards the dwelling unit percentage recommendations of this section.~~
  - (6) ~~Distance shall be measured along public right of way or public trail or greenway.~~

**Commentary**

See Article IV., Section C. for a description, intent and goals of the streetscape. A defined streetscape is created by a ratio of height to width formed by buildings on opposite sides of the street. The width includes the width of the right-of-way and the depth of any private setback to the building façade. The height equals the average height of buildings along a block, or the height of the primary façade to any substantially recessed areas. See Figure 6-3 for diagrams relating to the streetscape and the proper ratio of height to width.

b. ~~Streetscape: Refer to Article IV., Section C. for general streetscape design standards. The following additional streetscape standards apply in the VRM district:~~

- (1) ~~The average building line on opposite sides of the street shall not differ by more than 20 feet.~~
- (2) ~~The building line on an individual lot shall not differ by more than five feet from the building line of adjacent lots. See Figure 6-1.~~
- (3) ~~The building line on an individual lot shall not differ by more than five feet from the average building line on the same side of a single block.~~
- (4) ~~No more than two frontage types may be used on the same side of a single block. See Figure 6-1.~~
- (5) ~~The preferred height to width ratio for the streetscape (height of buildings: distance between facades on opposite sides of street) should be between 1:2 and 1:4, except in the case of single family dwellings on arterial streets where a larger setback may create an appropriate transition for single family dwelling units on higher order streets. See Figure 6-2~~



**Figure 6-1.** This figure illustrates two different frontage types – a terrace and a yard – while still maintaining consistent setbacks (no greater deviation than 5 feet) on adjacent lots.

- (6) ~~This section shall not apply to estate dwelling units or civic uses.~~



**Figure 6-2.** This figure illustrates the ideal ratio of width of the streetscape area. Streetscapes closer to the 2:1 end of this range should be used as transitions near village centers.

**Commentary**

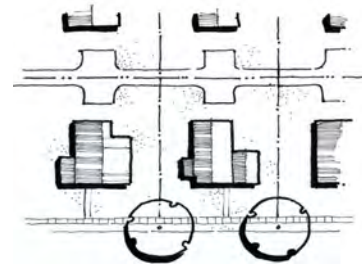
Vehicular access on individual lots interrupts the pedestrian area of the streetscape. This conflict is exaggerated when accessing smaller compact lots. Therefore alternative vehicular access must be used when lots are narrow.

~~e. **Site Access:** Refer to Article IV., Section D. for general site access standards. The following additional site access standards apply in the VRM district:~~

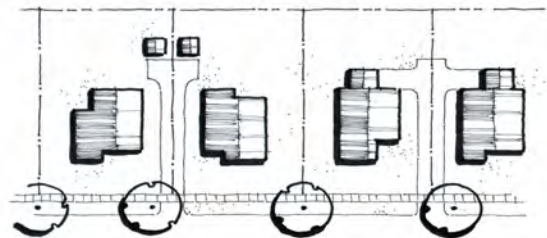
- ~~(1) Curb cuts on local streets shall be separated by a minimum of 60 feet.~~
- ~~(2) Shared access driveways or rear access lanes shall be used on blocks with residential lots less than 60 feet wide. Shared access driveways require an easement to each lot owner indicated on the plat and recorded or granted by a separate deed instrument. See Figure 6-3.~~

~~d. **Parking:** Refer to Article IV., Section E. for general parking standards. The following additional parking standards apply in the VRM district:~~

- ~~(1) The maximum size of an off street parking area for any use in the VRM district is 40 spaces.~~
- ~~(2) All off street parking in the VRM district shall be on the same lot as the use the parking serves, or on dedicated common area for a group of lots. Any parking on common areas shall be within 100 feet of the structure it is to serve,~~
- ~~(3) On street parking may be used towards required parking according to Article IV, Section E.~~
- ~~(4) All off street parking areas shall be located behind buildings, except for estate dwelling units and single family detached dwelling units.~~
- ~~(5) All off street parking shall be screened from adjacent lots according to Article IV., Section E.~~



Rear access lanes

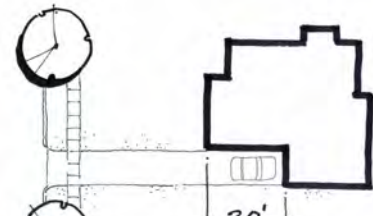


Shared driveways

**Figure 6-3.** Rear access lanes or shared driveways shall be used on all lots less than 60 feet wide.

~~e.—Building Design: The following building design standards apply in the VRM district:~~

- ~~(1) All structures shall have a primary entrance that faces the street.~~
- ~~(2) All primary entrances, except for estate dwelling units, shall be connected to the public right of way by a sidewalk at least four (4) feet wide, or by a similar pedestrian connection.~~
- ~~(3) Garages shall be subject to the following:
 
  - ~~(a) Detached garages may be located behind the rear building line subject to dimension standards for the district.~~
  - ~~(b) Front entry garages shall be set back a minimum of 20 feet from the front building line containing the primary entrance. See Figure 6-4.~~
  - ~~(c) The portion of the facade used for front entry garages shall be less than 50% of the remaining portion of the front facade producing at least a 2:1 ratio of living space to garage space on front facades.~~
  - ~~(d) Any front entry garage door shall be for a single vehicle. Multiple car front entry garages shall require multiple single entry doors. See Figure 6-5~~~~



**Figure 6-4.** Any front entry garage doors shall be set back at least 20 feet from the front building line where the primary entry of the house is located.

~~f.—Design Guidelines: The following design elements are recommended in the VRM district:~~

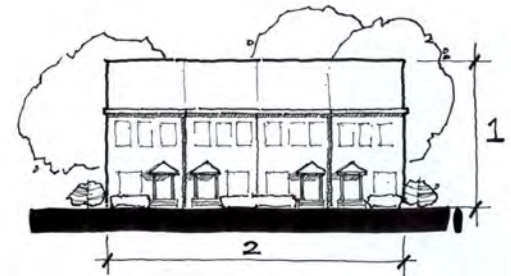
- ~~(1) Roofs—Pitched roofs are preferred. Buildings with a flat roof should incorporate a parapet or decorative cornice line.~~
- ~~(2) Scale—Buildings should not exceed a height to width ratio of 1 to 2 without a variation in the building mass to break up the scale. Variations in building mass could include a setback in the facade between 18 inches and 3 feet. Any such variation should occur over at least 25% of the entire facade. See Figure 6-6.~~
- ~~(3) Architectural Style—The architectural style and materials should be compatible on all sides of a building.~~
- ~~(4) Entrances—All primary entrances should be articulated by any of the following design elements:
 
  - ~~(a) A single story porch at least eight (8) feet deep and covering at least 50% of the facade;~~
  - ~~(b) A single story portico at least six (6) feet deep and at least eight (8) feet wide.~~
  - ~~(c) A stoop entry if a stoop frontage is used.~~~~
- ~~(5) Openings—Window and door openings should be vertically oriented, however windows and doors should be grouped to have a similar orientation as the structure. All front facades should have between 15% and 30% of the facade occupied by windows or doors.~~



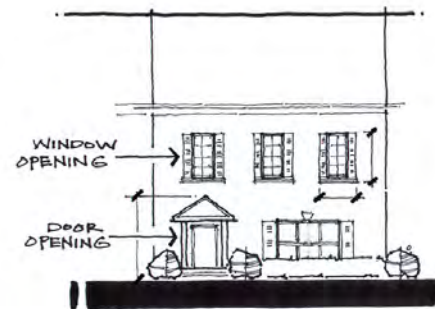
**Figure 6-5.** Only single entry doors are allowed if the garage is front loaded and facing the street.

~~—See Figure 6-7~~

- ~~(6) Diversity—Buildings should present diverse but consistent appearances. Consistency will be determined by the scale and mass of structures and diversity will be determined by variation of facade planes, roof lines, materials and colors used for external walls and trim. All materials should be consistent with the overall character of the neighborhood.~~



**Figure 6-6.** Building facades that exceed a 2:1 width to height ratio must contain variations in wall planes.



**Figure 6-7.** All openings should be vertically oriented to reflect a pedestrian scale but may be grouped to form larger horizontal masses. Window and door openings provide contrast to the main wall and should occupy between 15% to 30% of the facade.

**B. ~~NVC – Neighborhood Village Center~~**

- 1. ~~Intent~~** – The special standards listed in this section for the Neighborhood Village Center (“NVC”) district are intended to:
- ~~• provide convenience goods and personal services within an approximately 1-mile service radius;~~
  - ~~• provide compact, walkable centers for neighborhoods;~~
  - ~~• provide development that supports the scale and character of existing neighborhoods;~~
  - ~~• develop land use arrangements that consider the compatibility of adjacent activities;~~
  - ~~• encourage design that enhances pedestrian interest and provides a pleasant and diverse pedestrian experience;~~
  - ~~• provide places for social interaction and recreation;~~
  - ~~• promote a sustainable future, and encourage and develop connections between environmental quality and economic vitality;~~
  - ~~• create focal points in neighborhoods, such as parks, schools, parkways, street trees, and other amenities;~~
  - ~~• support the development of artistic, cultural and recreational opportunities; establish and maintain neighborhoods with a sense of community and ties to neighborhood-based businesses;~~
  - ~~• coordinate land use and transportation planning to ensure that the transportation system can accommodate potential travel demand;~~
  - ~~• support the development of a comprehensive pedestrian and bicycle network with linkages to and between residential and commercial areas.~~
- 2. ~~Locations and Size~~**
- a. ~~A newly established NVC district shall be between six and 18 acres. However, a smaller parcel may be rezoned NVC if it is contiguous to an existing NVC district or separated only by a public right of way, so long as the combined NVC district does not exceed 18 acres.~~
- b. ~~The NVC district shall have an overall non-residential floor area between 60,000 and 180,000 square feet. Residential uses do not count toward in this total.~~
- c. ~~Open requirements shall be as follows:~~
- ~~(1) A NVC district shall provide at least 5% of the area, excluding right of way, as open space.~~
  - ~~(2) A NVC with more than 120,000 square feet of non-residential floor area shall provide at least 10% of the area, excluding right of way, as open space.~~
  - ~~(3) A NVC with more than 12 overall acres shall provide at least 15% of the area, excluding right of way, as open space.~~
- d. ~~The NVC district shall be located on blocks at the intersection of two (2) arterial streets, and on blocks immediately adjacent to a block at the intersection of two arterial streets, which is zoned NVC district.~~
- 3. ~~Uses~~** – Uses allowed in the NVC district are specified in Article III, Section B. A NVC district shall have at least three (3) different categories of uses in Table 3-1: Use Table, subject to the following:
- a. ~~Mixed use buildings shall be allowed and encouraged.~~
- b. ~~Residential units~~
- ~~(1) Dwelling units, which are accessory to a non-residential use, shall have a maximum floor area of 750 square feet. The resident of the accessory dwelling shall be the owner of the principle structure or the tenant operating the non-residential use in the principal structure.~~
  - ~~(2) Dwelling units as a principal use or in mixed-use structures shall be subject to the following:~~
    - ~~(a) all dwelling units shall have an individual entrance or common entrance that is separate from entrances for non-residential uses.~~
    - ~~(b) each dwelling unit shall have at least one off-street parking space within 100 feet of the residential entrance.~~
- c. ~~Drive through uses are allowed only if the drive through lanes is limited to the rear and one side of the building and all other special conditions for the NVC district are met.~~

4.—Dimension Standards

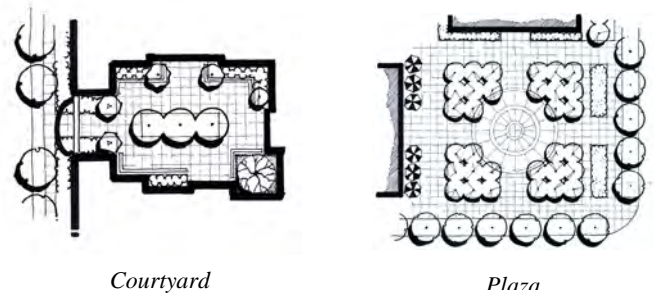
Table 5-2: NVC Dimension Table

Dimension Standard	Lot width	Frontage Types Allowed <small>See Article IV., Section C. regarding design standards for frontage types.</small>					Minimum Setback			Maximum Lot Coverage or Structure Size				
		Yard	Terrace	Courtyard	Stoop	Street front	Side	Street side	Rear	Principle Structure	Accessory Structure	Parking and Driveway	Total Impervious	Max. Building Height
<b>Dwellings</b>														
Townhouse	24' to 30'	✓	✓	✓	✓	✓	0' <sup>a</sup>	b	30'	65%	300 s.f.	30%	80%	35'
Multiple-family / Apartment	25' to 150'		✓	✓	✓	✓	0' to 10'	b	30'	70%	300 s.f.	30%	80%	35'
Mixed-use	Same as nonresidential lots and structures													
<b>Non-residential</b>														
All uses from the Civic, Retail, Service, and Office categories	none specified	e		✓		✓	none	b	15'	85%	not allowed	50%	85%	35'

- a—Townhouses may have a 0' side setback to allow each individual unit in a structure to be a separate lot. However, no more than 8 units may be in a single structure, and all structures shall be separated by at least 12'.
- b—Side setbacks along right-of-ways shall be the same as the front building line.
- c—The only non-residential uses that permit a yard frontage in the NVC district are uses from the Civic category.

5.—Site Design Standards—General site design standards contained in Article IV. apply to the NVC district in addition to the following specific site design standards:

- a.—Open space: Refer to Article IV., Section A. for general open space design standards. The following additional open space standards apply in the NVC district:
  - (1) Each block shall contain a courtyard(s) or plaza(s) covering at least 5% of the block, bordering a public right of way on its longest side. See Figure 6-7.
  - (2) Blocks that border on a block with a green, plaza, or small park covering at least 40% of the block and bordering a public right of way on at least two (2) sides are exempt from Section 5.a.(1) above. See Figure 6-8.
  - (3) Blocks that border or contain a greenway connecting the non-residential center of the village to surrounding neighborhoods are exempt from Section 5.a.(1) and (2) above. See Figure 6-8.
  - (4) The overall area of open space shall meet the requirements of Section B.2.b. above and be designed according to the guidelines of Article IV., Section A.



Courtyard Plaza  
Figure 6-7. All blocks shall have at least 5% of the block publicly accessible open space such as courtyards or plazas.

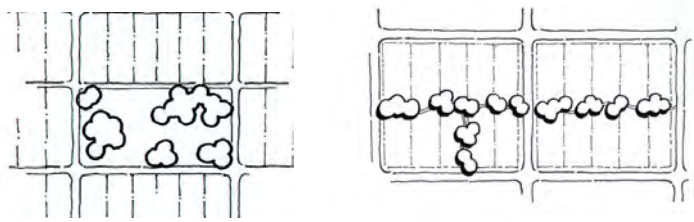
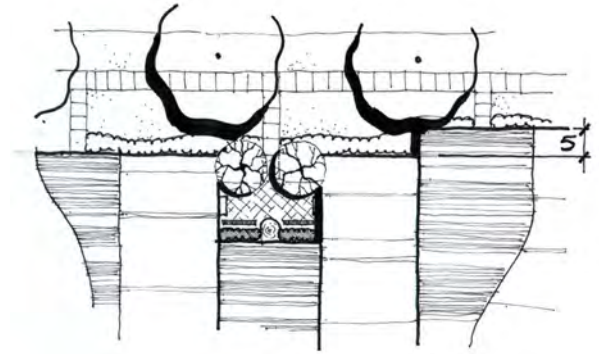


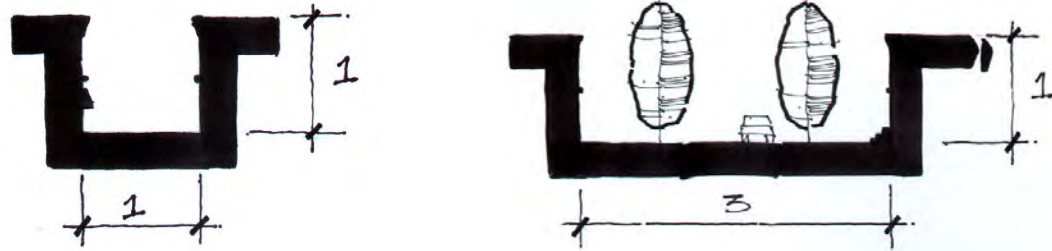
Figure 6-8. Blocks bordering a block with a green or a plaza covering at least 40% of that block or blocks that provide parts of a trail or greenway system are not required to provide 5% of the block as publicly accessible open space.

~~b. Streetscape: Refer to Article IV., Section C. for general streetscape design standards. The following additional streetscape standards apply in the NVC district:~~

- ~~(1) The average building line on opposite sides of the street shall not differ by more than 20 feet.~~
- ~~(2) The building line on an individual lot shall not differ by more than five (5) feet from the building line of adjacent lots, except that courtyards and plazas created by setbacks that exceed five (5) feet are encouraged. See Figure 6-9.~~
- ~~(3) No more than two (2) frontage types may be used on the same side of a single block.~~
- ~~(4) The preferred streetscape width to building height ratio should be between 1:1 and 3:1. See Figure 6-10.~~
- ~~(5) This section shall not apply to structures for Civic uses.~~



**Figure 6-9.** Adjacent buildings, whether separated or connected by common walls should not differ in front setback by more than five (5) feet except for the purposes of forming a courtyard.

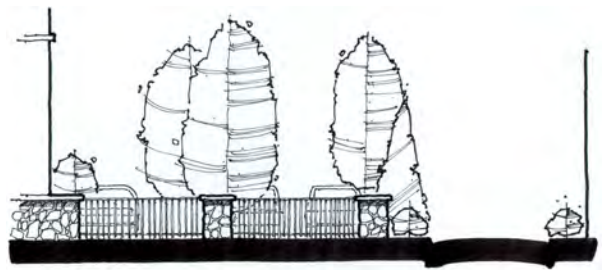


**Figure 6-10.** This figure illustrates the ideal ratio of building heights that frame the streetscape to the total width of the streetscape area. Streetscapes closer to the 1:1 end of this range should be used only on secondary streets in the village centers.

~~e. Site Access: Site access shall be according to Article V. of the Fairhope Subdivision Regulations.~~

~~d. Parking: Refer to Article IV., Section E. for general parking standards. The following additional parking standards apply in the NVC district:~~

- ~~(1) All off street parking shall be located behind the front building line, and parking not located behind the rear building line shall be screened from the right of way by a two and one half to four (4) foot wall or opaque landscape screen extended at the front building line. See Figure 6-11.~~
- ~~(2) The maximum size of an off street parking area for any use or group of uses is 50 spaces. No block shall have more than 30% of the area dedicated to off street parking.~~
- ~~(3) No parking lots shall be located on the corner of blocks.~~
- ~~(4) Parking totals shall be based on the parking schedule in Article IV., Section E. for all uses proposed in the NVC district. Reductions in the required parking may be made from that cumulative total according to the standards of that section.~~



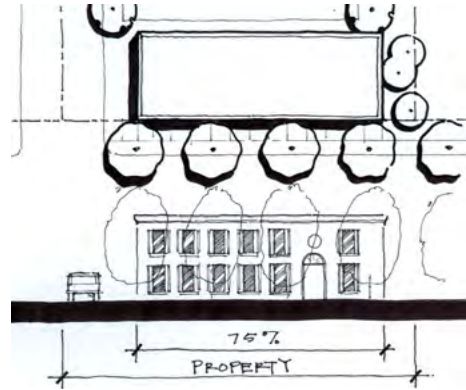
**Figure 6-11.** Any parking on the sides of buildings near the public street shall be screened with a decorative fence or wall or landscape screen extended at the building line to continue the street wall formed by the building line.

~~e. **Building Design:** The following building design standards apply in the NVC district:~~

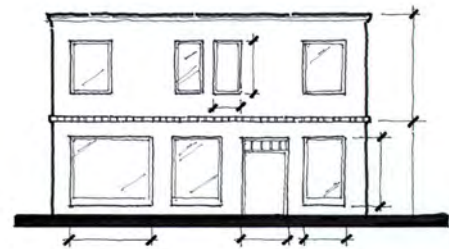
- ~~(1) All non-residential or mixed-use structures, except for Civic uses, shall have a front building facade that occupies at least 75% of the lot width at the front building line. See Figure 6-12.~~
- ~~(2) All buildings shall have a primary entrance that faces the street.~~
- ~~(3) All primary entrances shall be connected to the public right-of-way by a sidewalk at least 5 feet wide.~~
- ~~(4) Between 50% and 80% of ground level, street-facing facades of non-residential buildings shall be transparent with glazing. See Figure 6-13.~~
- ~~(5) Between 25% to 60% of all street-facing facades and upper floor front facades shall be transparent with glazing. See Figure 6-13.~~

~~f. **Design Guidelines:** The following design elements are **recommended** in the NVC district:~~

- ~~(1) **Uses**—The majority of ground level uses should be from the Retail category. Service and Civic uses are also acceptable on ground levels provided they are not more than 50% of the gross floor area. Office or Residential uses may be appropriate on ground levels in limited circumstances, but should generally be on upper levels of buildings.~~
- ~~(2) **Roofs**—Roofs should be either pitched between 6:12 and 12:12 or be flat with parapets or decorative cornices. Roof mounted equipment should be screened from public view on all sides.~~
- ~~(3) **Scale**—Buildings should not exceed a height to width ratio of 1:3 without a variation in the building mass to break up the scale. Variations in building mass could include an offset in the building height between 10% and 15%, or a setback in the facade between three (3) and six (6) feet. Any such variation should occur over at least 25% of the entire facade. See Figure 6-14.~~
- ~~(4) **Architectural Style**—All buildings should include a base, body, and crown. Transitions between these areas should occur at floor changes or at the cornice line of the roof. Transitions should be created by material or color changes or the use of ornamental features. The architectural style and materials should be consistent on all sides of a building.~~
- ~~(5) **Building Height**—Building heights should not differ by more than 15% on a single block, except that taller buildings that anchor a corner may not be considered in calculating the block average. See Figure 6-15.~~



**Figure 6-12.** Building facades shall occupy at least 75% of the lot frontage at the front building line.



**Figure 6-13.** Ground level facades between 50% and 80% transparency, and upper level facades between 25% and 60% transparency.



**Figure 6-14.** Long building facades should use variations in building mass while still presenting a consistent streetscape.



**Figure 6-15.** Height deviations buildings along a single block should be small except that taller buildings may anchor corners of blocks.

~~(6) Entrances—All primary entrances should be articulated by any of the following design elements:~~

~~(a) a canopy or arcade; See Figure 6-16a.~~

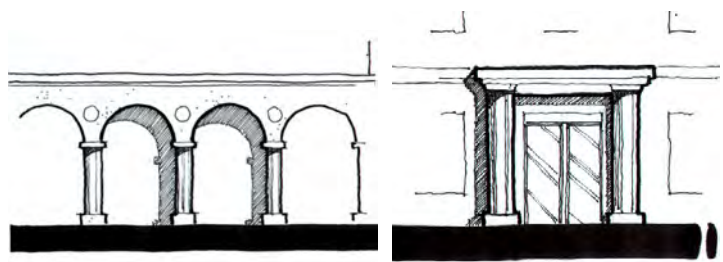
~~(b) an entrance projecting from the façade no more than three (3) feet; See Figure 6-16b.~~

~~(c) an entrance recessed from the front façade between three (3) and five (5) feet; See Figure 6-16c.~~

~~(d) a combination of ornamental architectural molding and windows such as transom windows. See Figure 6-16a.~~

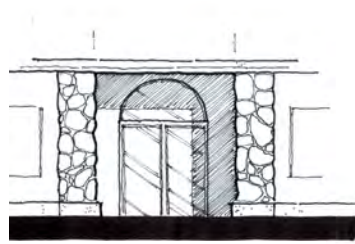
~~(7) Openings—Window and door openings should be vertically oriented, however windows and doors should be grouped to have a similar orientation as the structure. Building entrances should occur a minimum of every 50 feet along street frontages. See Figure 6-17.~~

~~(8) Diversity—Buildings should present diverse but consistent appearances. Changes in material, color or relief areas are acceptable when used as accents to the primary materials, color, and wall. Use of visual features such as awnings, ornamental doors and windows, and architectural details are encouraged to create diversity.~~

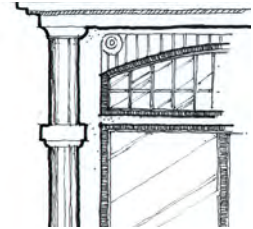


a. Canopy or Arcade Entry

b. Projecting Entry



c. Recessed Entry



d. Ornamental Entry

Figure 6-16 a-d. Demonstrates the different types of entry treatments that help add variety and animation to buildings along the streetscape.

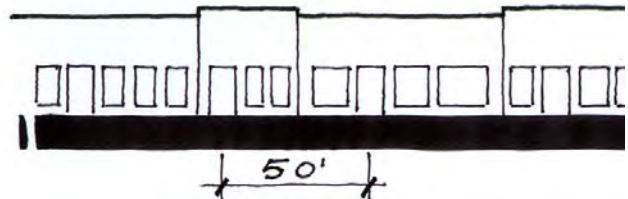


Figure 6-17. Building entrances should occur at least every 50 feet.

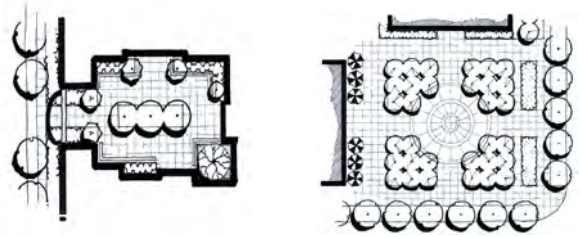
**C. ~~CVC – Community Village Center~~**

- ~~1. **Intent** – The special standards listed in this section for the Community Village Center district are intended to:
 
  - ~~provide general merchandise and convenience destinations for residents within a two to three plus mile service radius;~~
  - ~~to provide services and merchandise that complement the central business district;~~
  - ~~provide compact, walkable centers for neighborhoods;~~
  - ~~provide development that supports the scale and character of existing neighborhoods;~~
  - ~~develop land use arrangements that consider the compatibility of adjacent activities;~~
  - ~~encourage design that enhances pedestrian interest and provides a pleasant and diverse pedestrian experience;~~
  - ~~provide places for social interaction and recreation;~~
  - ~~promote a sustainable future, and encourage and develop connections between environmental quality and economic vitality;~~
  - ~~create focal points in neighborhoods, such as parks, schools, parkways, street trees, and other amenities;~~
  - ~~support the development of artistic, cultural and recreational opportunities; establish and maintain neighborhoods with a sense of community and ties to neighborhood based businesses;~~
  - ~~coordinate land use and transportation planning to ensure that the transportation system can accommodate potential travel demand;~~
  - ~~support the development of a comprehensive pedestrian and bicycle network with linkages to and between residential and commercial areas.~~~~
  
- ~~2. **Locations and Size**
  - a. ~~A newly established CVC district shall be between 10 and 40 acres. However, a smaller parcel may be rezoned CVC if it is contiguous to an existing CVC district or separated only by a public right of way, provided that the combined CVC district does not exceed 40 acres.~~
  - b. ~~The CVC district shall have an overall non-residential floor area between 100,000 and 350,000 square feet. Residential uses do not count toward in this total.~~
  - c. ~~Open space requirements shall be as follows:
 
    - (1) ~~A CVC district shall provide at least 10% of the area, excluding right of way, as open space.~~
    - (2) ~~A CVC district with more than 200,000 square feet of non-residential floor area shall provide at least 15% of the area, excluding right of way, as open space.~~
    - (3) ~~A CVC district with more than 20 overall acres shall provide at least 15% of the area, excluding right of way, as open space.~~~~
  - d. ~~The CVC district shall be located on blocks at the intersection of two arterial streets capable of handling heavy traffic, and on blocks within 800 feet of the intersection of two arterial streets that are adjacent to blocks zoned for a CVC District.~~~~
  
- ~~3. **Uses** – Uses allowed in the CVC district are specified in Article III, Section B. A CVC district shall have at least three (3) different categories of uses subject to the following:
 
  - a. ~~Mixed use buildings shall be allowed and encouraged.~~
  - b. ~~Residential units
 
    - (1) ~~Dwelling units, which are accessory to a non-residential use, shall have a maximum floor area of 750 square feet. The resident of the accessory dwelling shall be the owner of the principle structure or the tenant operating the non-residential use in the principal structure.~~
    - (2) ~~Dwelling units as a principal use or in a mixed-use structure shall be subject to the following:
 
      - (a) ~~all dwelling units shall have an individual entrance or common entrance that is separate from entrances for non-residential uses.~~
      - (b) ~~each dwelling unit shall have at least one (1) off street parking space within 100 feet of the residential entrance.~~~~~~
  - c. ~~Drive through uses are allowed only if the drive through lanes is limited to the rear and one side of the building and all other special conditions for the CVC district are met.~~~~
  
- ~~4. **Dimension Standards** – The dimension standards for the CVC district are the same as the NVC – see Table 5-2 in Section B.4.~~

~~5. Site Design Conditions~~—General site design standards contained in Article IV. apply to the CVC district in addition to the following specific site design standards:

~~a. Open space:~~ Refer to Article IV., Section A. for general open space design standards. The following additional open space standards apply in the CVC district:

- ~~(1) Each block shall contain a courtyard(s) or plaza(s) covering at least 5% of the block, bordering a public right of way on its longest side. See Figure 6-18.~~
- ~~(2) Blocks that border on a block with a green, plaza, or small park covering at least 40% of the block and bordering a public right of way on at least two (2) sides are exempt from Section 5.a.(1) above. See Figure 6-19.~~
- ~~(3) Blocks that border or contain a greenway connecting the non residential center of the village to surrounding neighborhoods are exempt from Section 5.a.(1) and (2) above. See Figure 6-19.~~
- ~~(4) The overall area of open space shall meet the requirements of Section C.2.b. above and be designed according to the guidelines of Article IV., Section A.~~



Courtyard

Plaza

Figure 6-18. All blocks shall have at least 5% of the block publicly accessible open space such as courtyards or plazas.

~~b. Streetscape:~~ Refer to Article IV., Section C. for general streetscape design standards. The following additional streetscape standards apply in the CVC district:

- ~~(1) The average building line on opposite sides of the street shall not differ by more than 20 feet.~~
- ~~(2) The building line on an individual lot shall not differ by more than five (5) feet from the building line of adjacent lots, except that courtyards and plazas created by setbacks that exceed five (5) feet are encouraged. See Figure 6-20.~~
- ~~(3) No more than two (2) frontage types may be used on the same side of a single block.~~
- ~~(4) The preferred streetscape width to building height ratio should be between 1:1 and 3:1. See Figure 6-21.~~
- ~~(5) This section shall not apply to structures for Civic uses.~~

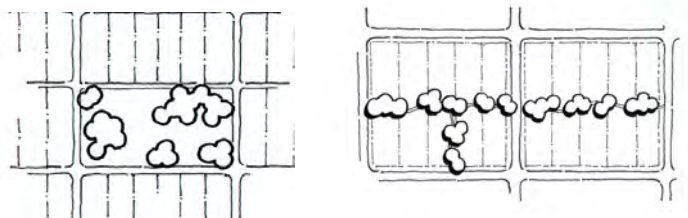


Figure 6-19. Blocks bordering a block with a green or a plaza covering at least 40% of that block or blocks that provide parts of a trail or greenway system are not required to provide 5% of the block as publicly accessible open space.

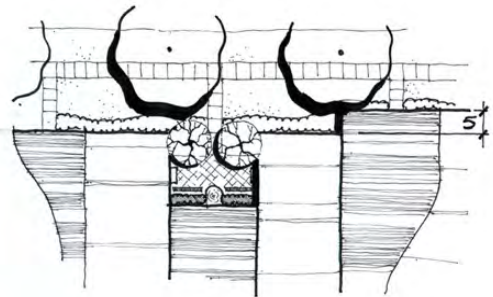


Figure 6-20. Adjacent buildings, whether separated or connected by common walls, should not differ in front setback by more than 5 feet except for the purposes of forming a courtyard.

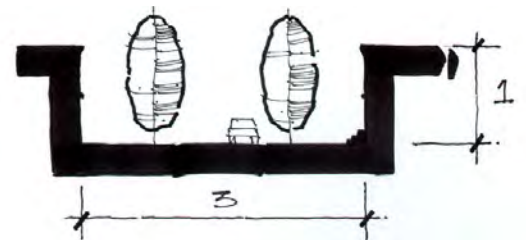
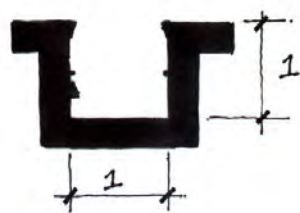


Figure 6-21. This figure illustrates the ideal ratio of building heights that frame the streetscape to the total width of the streetscape area. Streetscapes closer to the 1:1 end of this range should be used only on secondary streets in the village centers

~~e.—Site Access: Site access shall be according to Article V. of the Fairhope Subdivision Regulations~~

~~d.—Parking: Refer to Article IV., Section E. for general parking standards. The following additional parking standards apply in the CVC district:~~

- ~~(1) All off-street parking shall be located behind the front building line, and parking not located behind the rear building line shall be screened from the right of way by a two and one half (2 ½) to four (4) foot wall or opaque landscape screen extended at the front building line. See Figure 6-22.~~
- ~~(2) The maximum size of an off-street parking area for any use or group of uses is 125 spaces. No block shall have more than 45% of the area dedicated to off-street parking.~~
- ~~(3) No parking lots shall be located on the corner of blocks.~~
- ~~(4) Parking totals shall be based on the parking schedule in Article IV, Section E, for all uses proposed in the CVC district. Reductions in the required parking may be made from that cumulative total according to the standards of that section.~~

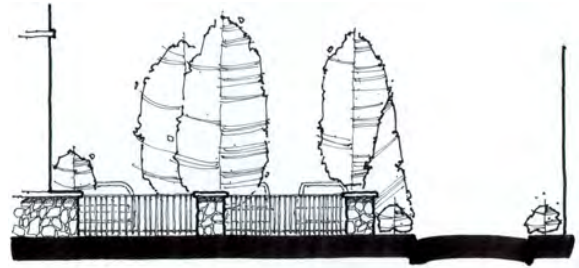


Figure 6-22. Any parking on the sides of buildings near the public street shall be screened with a decorative fence or wall or landscape screen extended at the building line to continue the street wall formed by the building line.

~~e.—Building Design: The following building design standards apply in the CVC district:~~

- ~~(1) All non-residential or mixed-use structures, except for civic uses, shall have a front building facade that occupies at least 75% of the lot width at the front building line. See Figure 6-23.~~
- ~~(2) All buildings shall have a primary entrance that faces the street.~~
- ~~(3) All primary entrances shall be connected to the public right-of-way by a sidewalk at least five (5) feet wide.~~
- ~~(4) Between 50% and 80% of ground level, street-facing facades of non-residential buildings shall be transparent with glazing. See Figure 6-24.~~
- ~~(5) Between 25% to 60% of all street-facing facades and upper floor front facades shall be transparent with glazing. See Figure 6-24.~~

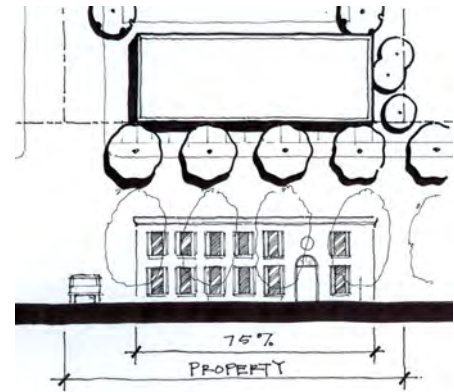


Figure 6-23. Building facades shall occupy at least 75% of the lot frontage at the front building line.

~~f.—Design Guidelines: The following design elements are **recommended** in the CVC district:~~

- ~~(1) Uses—The majority of ground level uses should be from the Retail category. Service and Civic uses are also acceptable on ground levels provided they are not more than 50% of the gross floor area. Office or Residential uses may be appropriate on ground levels in limited circumstances but should generally be on upper levels of buildings.~~
- ~~(2) Roofs—Roofs should be either pitched between 6:12 and 12:12 or be flat with parapets or decorative cornices. Roof mounted equipment~~

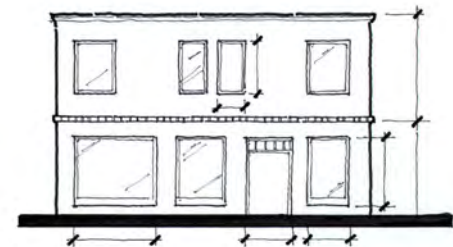


Figure 6-24. Ground level facades between 50% and 80% transparency, and upper level facades between 25% and 60% transparency.

~~should be screened from public view on all sides.~~

~~(3) Scale — Buildings should not exceed a height to width ratio of 1:3 without a variation in the building mass to break up the scale. Variations in building mass could include an offset in the building height between 10% and 15%, or a setback in the facade between three and six feet. Any such variation should occur over at least 25% of the entire facade. See Figure 6-25.~~

~~(4) Architectural Style — All buildings should include a base, body, and crown. Transitions between these areas should occur at floor changes or at the cornice line of the roof. Transitions should be created by material or color changes or the use of ornamental features. The architectural style and materials should be consistent on all sides of a building.~~

~~(5) Building Height — Building heights should not differ by more than 15% on a single block, except that taller buildings that anchor a corner may not be considered in calculating the block average. See Figure 6-26.~~

~~(6) Entrances — All primary entrances should be articulated by any of the following design elements:~~

- ~~(a) a canopy or arcade; See Figure 6-27a.~~
- ~~(b) an entrance projecting from the facade no more than three (3) feet; See Figure 6-27b.~~
- ~~(c) an entrance recessed from the front facade between three (3) and five (5) feet; See Figure 6-27c.~~
- ~~(d) a combination of ornamental architectural molding and windows such as transom windows. See Figure 6-27d.~~

~~(7) Openings — Window and door openings should be vertically oriented, however windows and doors should be grouped to have a similar orientation as the structure. Building entrances should occur a minimum of every 75 feet along street frontages.~~

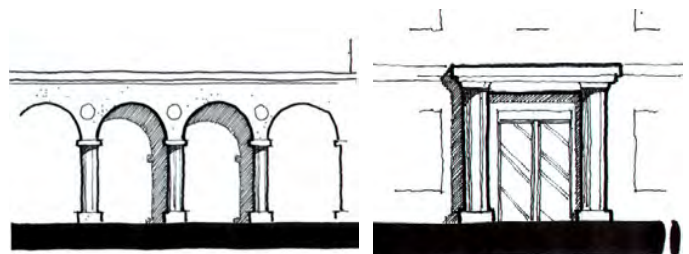
~~(8) Diversity — Buildings should present diverse but consistent appearances. Changes in material, color or relief areas are acceptable when used as accents to the primary materials, color, and wall. Use of visual features such as awnings, ornamental doors and windows, and architectural details are encouraged to create diversity.~~



Figure 6-25. Long building facades should use variations in building mass while still presenting a consistent streetscape.

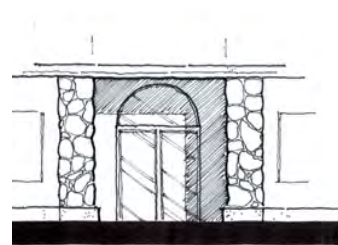


Figure 6-26. Height deviations in buildings along a single block should be small except that taller buildings may anchor corners of blocks.

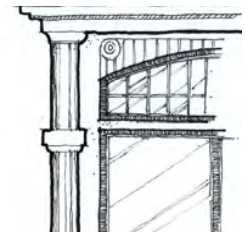


a. Canopy or Arcade Entry

b. Projecting Entry



c. Recessed Entry



d. Ornamental Entry

Figure 6-27 a-d. Demonstrates the different types of entry treatments that help add variety and animation to buildings along the streetscape.

## ~~D.—Village Zoning Special Review Procedures~~

### ~~1.—Intent~~

~~The Village Zoning Special Review Procedures offer an incentive of expedited and consolidated review. These special review procedures are intended to provide some offset for any added time and expense for project development under the standards of the Village Zoning Districts. This special procedure will reward developments that more directly implement the goals of the Comprehensive Plan and comply with the standards and guidelines in this Article of the Zoning Ordinance with expedited review of development applications.~~

### ~~2.—Applicability~~

~~Any rezoning application to the VRM, NVC, or CVC may apply under the expedited review procedure contained in this subsection D., provided:~~

- ~~a. The application satisfies the goal of the Comprehensive Plan, the intent of the village zoning districts, and meets or exceeds all applicable standards in this Article VI and the Fairhope Subdivision Regulations; and~~
- ~~b. The applicant has demonstrated and signed an affidavit with the application for expedited review stating that public outreach pertaining to all elements of the development application through any one of the following techniques has occurred:
 
  - ~~(1) Open meetings with nearby property owners and any other interested parties to discuss the design and development of the project; or~~
  - ~~(2) A public design charrette whereby the public is invited to a series of meetings where design and development issues and goals are formulated leading to the creation of design alternatives, and the selection of preferred design concepts; or~~
  - ~~(3) Any other method of open meetings or workshops whereby stakeholders in the project and nearby property owners can be informed and potentially influence the direction of the proposed design and development concepts in the village;~~~~
- ~~c. All property contained within the approved Village Zoning Districts shall be accompanied by a regulating plan, development plan or other conceptual representation of site development which considers development of the village as an integrated site and subjects all future phases of development to compliance with the regulating plan, development plan, or conceptual site plan.~~
- ~~d. Eligibility for the expedited review process in no way affects the review criteria that must be met prior to acceptance of a rezoning application to the VRM, NVC, or CVC zoning districts.~~

### ~~3.—Procedures~~

- ~~a. *Initiation:* A zoning map amendment to rezone property to the VRM, NVC, or CVC district 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 Zoning. The applicant must request in writing that the application be reviewed through the expedited review process. Applications can be submitted 20 days prior to the Planning Commission meeting, instead of according to the published Planning Commission schedule. The application shall include all information requested on the application form. The Director of Planning and Buildings 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. 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.~~
- ~~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 Planning and Zoning Department shall post on any specific property, which is the subject of the application, a sign facing each adjacent public street. The sign shall be posted no later than 15 days prior to the hearing before the Planning Commission and shall remain posted until final action of the City Council. 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 (2) notices shall occur in a newspaper of general circulation in the City, or where no such paper exists, in four (4) 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 Zoning.~~
- ~~(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, 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 Zoning 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;~~
  - ~~(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 to consideration by the Planning Commission and City Council. A request to withdraw an application shall be made in writing to the Planning and Zoning Department (Planning and Zoning Director).~~
- ~~g. *Modifications:* Modifications in substantial conformance with an approved regulating plan or development plan may be approved by the Director of Planning and Zoning if they meet the following conditions:~~
- ~~(1) The modification addresses actual site conditions that were not anticipated in the reviewed rezoning and regulating or development plan;~~
  - ~~(2) The modification meets the intent of the Village Zoning District standards or any conditions on rezoning in an equivalent or improved manner than the original regulating or development plan; and~~
  - ~~(3) The modification results in no greater impact on adjacent property than the approved regulating or development plan.~~

## 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**

### **A. Purpose and Intent**

This ordinance seeks to protect the public health, safety, and general welfare, and avoid any unreasonable invasion of established private property rights. The elimination of existing buildings and structures or uses that are not in conformance with the provisions of this ordinance is as much a subject of health, safety and general welfare as is the prevention of the establishment of new uses that would violate the provisions of this ordinance. Lawful non-conformities can adversely affect orderly development, maintenance, and use and taxable values throughout the City. To avoid undue hardship, non-conformities that came into existence lawfully should be allowed to exist subject to conditions in this Article; however, the conditions should seek to ultimately secure compliance with the comprehensive plan.

### **B. Non-conforming Structures**

Structures that were legally constructed prior to the adoption of this ordinance, but which could not be constructed under the terms of this ordinance are considered legal non-conforming structures. A legal non-conforming structure may continue to exist subject to the following:

1. Non-conforming structures, or those parts of a structure that are non-conforming may not be expanded either horizontally, or vertically. Alteration and expansions shall conform to all current regulations.
2. The structure shall remain legal in all other regards except for the non-conformance that existed upon adoption of the ordinance that made the structure non-conforming.
3. A non-conforming structure, which is not intentionally damaged, destroyed, or removed, may be restored within one year from the date of the event. If the structure is not re-constructed in one year all restorations and improvements shall be in compliance with applicable ordinances. The burden of proof of date of damage or destruction shall be on the person proposing the restoration.

### **C. Non-conforming Uses**

Use of land or structure that legally existed prior to the adoption of this ordinance, but which could not be initiated under the terms of this ordinance is considered a legal non-conforming use. A legal non-conforming use of land or structures may continue to exist subject to the following:

1. The use shall be restricted to the lot and building occupied by the use as of the effective date of the ordinance creating the non-conformance. A legal non-conforming use shall not be extended to any other building or lot or part of a lot.
2. A lawful non-conforming use that ceases for any reason for a period of more than 180 consecutive days shall not be reinitiated unless it is in compliance with all ordinances. If a legal non-conforming use is replaced by a conforming use, the legal non-conforming use shall not be reinitiated.
3. Any site characteristic of a use, whether conforming to this ordinance or a legal non-conforming use, in existence prior to adoption of this ordinance (such as parking, landscaping, or driveways) shall be considered legal. However, any change in use, expansion of the use, or expansion of the structure associated with the use shall require all non-conforming site characteristics to be brought in conformance with this ordinance.
4. A change of a legal non-conforming use shall only be allowed if the change is to a conforming use or to a use that is considered less non-conforming, as determined by the Director of Planning and Zoning, either in extent of non-conformance or in intensity.

**D. Non-conforming Lots**

Where a lot, tract or parcel of land has an area or width that does not conform to the requirements of the district in which it is located, the lot may be used for a detached single-family dwelling except in the M-1 and M-2 Industrial Districts. A **single** detached **single-family** dwelling may be constructed **on a non-conforming lot** in an R-1, R-2, R-3, R-4, or R-5 Residential District provided the lot to be so used has a minimum area of four thousand (4,000) square feet and a minimum lot width at the building line of forty (40) feet, provided it is located on a public sewer.

Yard requirements shall be modified subject to the following conditions:

1. On double frontage lots (interior lots abutting two (2) streets) the required front yard shall be provided on each street.
2. The side yard requirements for non-conforming **substandard** lots of record may be reduced for each side yard at the rate of one (1) foot for each four (4) feet by which the lot width lacks fifty (50) feet, provided in no event shall such side yard be reduced to less than five (5) feet on each side.
3. The minimum front setback required for the district (and, on corner lots, the street side setback) shall not apply to any lot where the average front building line(s) of the adjacent lot(s), is less than the minimum setback required for the district. In such cases, the front building line may be the same as the average front building lines(s) of the adjacent lot(s). In no case, shall the front building line be more than 5' less than the minimum setback required for the district.
4. On corner lots, the street side yard shall be that part of the lot having its greatest frontage abutting that right-of-way and the required setback shall be 20 feet, unless otherwise provided herein.

**E. Maintenance of Non-conformities**

In the interest of public safety and health, and general welfare, routine maintenance of non-conforming situations shall continue as warranted by the property owner or otherwise required by law, provided that no maintenance involves continuance or expansion of the non-conformity contrary to this Article.

**F. Adjacent Land**

The presence of a non-conforming use in a zoning district shall not be allowable as grounds for the granting of variances for other surrounding properties by the Board of Adjustments.

## Article VIII Enforcement

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

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### A. Penalties

Any person violating any provision of this ordinance shall be fined upon conviction, not less than twenty-five dollars (\$25.00) nor more than two hundred fifty dollars (\$250.00) and court costs for each offense. Violation of any provision of this ordinance may also be punished by issuance of municipal offense ticket as provided by [Chapter 10 of the Fairhope Code of Ordinances](#).

### B. Remedies

In case any building or structure is erected, constructed, reconstructed, altered, or converted, in violation of this ordinance, the building inspector, legal officer, or other appropriate authority or any adjacent or neighboring property owner who would be specially damaged by such violation may, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use; or to correct or abate such violation; or to prevent the occupancy of the building, structure, or land. Each and every day such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use continues shall be deemed a separate offense.

### C. Appeal

If, after notification of a zoning violation the individual or corporation elects to apply for a zoning variance, the applicant must complete all notification requirements of the variance application process within ten (10) business days of notification of the violation. Written notification of the proposed variance shall be postmarked to the required surrounding property owners within ten (10) business days and in addition, such other public notification as required shall have been provided by the applicant. Should the applicant be unable to comply with this provision he shall provide a written explanation through the building inspector to the Board of Adjustments. Failure to do either shall be interpreted as a withdrawal of the appeal and shall subject the applicant to immediate compliance with this ordinance.

# Article IX

## Definitions and Interpretation

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

### A. Interpretation

All words shall have the customary dictionary meaning, unless specifically defined or described by this Article or unless context requires a different meaning. The present tense includes the future tense and the future tense includes the present tense. The singular number includes the plural and the plural includes the singular. Graphics, tables and commentary boxes used in this ordinance are to aid interpretation of the text, unless otherwise specifically stated. In the event of a conflict or ambiguity between a graphic, table or commentary box and the text, the text shall control.

### B. Description of Uses

This section contains descriptions associated with the use of land. Where a use is not specifically listed but meets all of the characteristics of the use description or meets all of the characteristics of a use that is specifically listed, the Director of Planning and Zoning may interpret the ordinance as allowing the use. Where a use is similar, but does not meet all of the characteristics, is different in scope, or is different in impact from the characteristics described or a specific use listed, the Director of Planning and Zoning shall find that the use is similar but not consistent with the use description and specifically described use and it shall be referred to the Board of Adjustment for an interpretation and decision consistent with the intent of this ordinance. Any other uses that are different from those described and not anticipated by this ordinance, but may be allowed by a zoning text amendment.

The following use definitions and descriptions are grouped into seven general use categories: 1) Dwellings; 2) Civic; 3) Office; 4) Retail; 5) Service; 6) Manufacturing; and 7) Rural. Each general use category is either described or defined, followed by specific uses or a more specific use classification within that category.

#### 1. Dwelling Use Category -

~~The Dwelling Use category includes all types of living arrangements. A “dwelling” or “dwelling unit” is any building, portion thereof, or other enclosed space or area used as or intended for use permanently or temporarily as the home of one family, with separate cooking and housekeeping facilities.~~

- a. ~~Single Family Dwelling~~ – a detached ~~B~~building with only one ~~Dwelling Unit dwelling~~ designed for and occupied by one family.
- b. ~~Two Family Dwelling~~ – a detached ~~B~~building with only two ~~Dwelling Units dwelling units~~ designed for and occupied by or for occupancy by two ~~F~~families.
- c. ~~Townhouse~~ – a ~~Dwelling Unit dwelling unit~~ attached to a series of other dwelling units by not more than 2 vertical party walls, and where each unit maintains an individual entrance from the exterior of the building and is on its own lot.

Definitions and Interpretation

Description of Uses

- d. ~~[Reserve]Townhouse Complex—a group of attached dwelling units meeting the townhouse definition, except that they are on a single lot.~~
- e. *Patio/Garden Home* – a detached Dwelling Unit ~~dwelling-unit~~ located on its own lot, having only one side yard required or detached Bbuilding with only two Dwelling Units ~~dwelling-units~~ designed for and occupied by two families, with a small courtyard, patio or side yard required for each Dwelling Unit ~~dwelling-unit~~.
- f. *Multiple-Family/Apartment* – a building or buildings with three or more Dwelling Units ~~dwelling-units~~ designed for or occupied by three or more families with separate cooking and housekeeping facilities for each, where either the units share a common entrance from the exterior of the Bbuilding or any single Dwelling Unit ~~units~~ has a common wall or floor with more than two other Dwelling Units ~~units~~.
- g. *Manufactured Home* – a structure that is governed by the federal manufactured home construction and safety standards established by the National Manufactured Homes Construction and Safety Standards Act, 42 U.S.C. Section 5403.
- h. *Manufactured Home Development* – any plot of ground upon which two or more manufactured homes, occupied for dwelling purposes, are located, regardless of whether or not a charge is made for such accommodation.
- i. *Manufactured Home Space* – a plot of ground within a manufactured home development designed for the accommodation of one manufactured home.
- j. *Mixed Use Building*– a building designed for one or more other uses in addition to one or more Dwelling Units ~~dwelling-units~~ that are not accessory to any of the other uses.
- k. *Accessory Dwelling Unit* – a Dwelling Unit ~~dwelling-unit~~ that is associated with and incidental to a principal use, and is on the same lot as the ~~principle~~ principal use.
- ~~l. *Estate Dwelling*—a single family dwelling unit located on a lot within a block that meets the standards of the Fairhope Subdivision Regulations, and the lot is at least ¼ of the area of that block or ¼ of an acre, whichever is larger. At least three (3) acres.~~

2. Civic Use Category

The Civic Use category includes uses serving a broad and general public interest to enhance daily community life for adjacent land owners and residents, which are typically run by a government entity, not-for-profit agency or association, religious or charitable institutions, or similar philanthropic organizations.

- a. *Elementary School* – an education facility for grades K through 8.
- b. *Secondary School* – an education facility for grades 9 through 12.
- c. *Education Facility* – a place of general education for students beyond grade 12. It may include vocational training, continuing education, or education campuses.
- d. *Library* – an establishment offering educational resources and is open to the public.
- e. *Place of Worship* – an establishment that conducts organized religious services and assemblies.
- f. *Cemetery* – land used or intended to be used for the burial of the animal or human dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

Definitions and Interpretation

Description of Uses

- g. *Hospital* – an establishment providing health service, medical and surgical care, and room and board to persons suffering from illness, disease, or injury, including supporting facilities such as laboratories, outpatient facilities, and training facilities.
- h. *Public Open Space* – any space dedicated for public use, exclusive of rights-of-way and easements, and open from the ground to the sky. Public open space does not include any impervious surfaces designated for automobile use.
- i. *Common Open Space* – any space dedicated for common use by a group of citizens due to property ownership, residency, or patronage of facilities associated with the open space, exclusive of rights-of-way and easements, and open from the ground to the sky. Common open space does not include any impervious surfaces designated for automobile use or any required yard or setback.
- j. *Community Center or Club* – a building or portion thereof or premises owned or operated for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests.
- k. *Public Utility* – a use of any structure, land, or infrastructure by a regulated enterprise or franchise to provide a service to all members of the general public that is deemed essential for the public health, safety, and welfare. Review by the Planning Commission, in accordance with Section 11-52-11 of the Code of Alabama, ~~for review~~ of compliance with the Fairhope Subdivision Regulations and Comprehensive Plan, may be required for all public utility facilities.

3. Office Use Category

The Office Use Category consists of the use of buildings for administrating the business of professional firms, organizations, or government, whose products or services are of the nature that generally do not involve the frequent and intensive interactions with clients, customers, or patrons on the premises, and where delivery of the product does not necessarily need to occur on the premises.

- a. *General* – any building used for the administrative affairs of a firm, organization or government.
- b. *Professional* – a building occupied by a profession and offering professional services to clients, customers, or patrons which may involve occasional on-site contact with clients, customers or patrons. Examples include architect, accountant, real estate, engineer, lawyer, or other similar professions.
- c. *Home Occupation* – an operation for gain or support conducted only by members of a ~~F~~family residing on the premises limited in its use and not in a manner detrimental to the character of the surrounding neighborhood.

4. Retail Use Category

The Retail Use Category consists of businesses that sell merchandise to consumers for use off premises.

- a. *Grocery* – a business engaged primarily in the retail sale of food for home consumption, but may also include accessory sales of household products.
- b. *Convenience Store* – a business engaged in the retail sale of food and household products for consumption off premises and characterized by the rapid turnover of customers.
- c. *General Merchandise* – a business primarily engaged in the sale of merchandise for consumer use off of the premises. This use excludes any more specifically described use.
- d. *Shopping Center* – a group of two or more retail and service establishments consisting of over 18,000 square feet on the ground floor and located on commonly owned property or sharing the same parking facilities.

- e. *Automobile Service Station* – any building or land used for retail sale and dispensing of automobile fuel. Vehicle lubricants, supplies, accessories, and minor services may be offered if incidental to the sale of fuel and no more than three (3) interior vehicle storage and service bays are provided.
- f. *Garden Center* – any retail sales of plants that require outdoor storage of merchandise at any time of the year.
- g. *Outdoor Sales Limited* – a retail use where a minor portion of the merchandise, both in area and in business value, is typically stored outside during business hours.
- h. *Outdoor Sales Lot* – a retail use where a significant portion of the merchandise, either in area or in business value, is typically stored outside during business hours.

### 5. Service Use Category

The Service Use category is for businesses that offer clients, customers, or patrons goods for consumption on the premises, or offer services for performance and delivery on the premises.

- a. *Convalescent or Nursing Home* – a business providing living accommodations and care for persons suffering from illness, other than mental or contagious, which is not of sufficient severity to require hospitalization, or for persons requiring further institutional care after being discharged from a hospital, and where non-resident staff is present for more than eight (8) hours per day.
- b. *Clinic* – a place used for the care, diagnosis and treatment of ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are not provided with board.
- c. *Outdoor Recreation Facility* – a business primarily engaged in the provision of outdoor sports, entertainment, or similar recreation opportunities for participants or spectators.
- d. *Mortuary or Funeral Home* – an establishment used for the preparation of deceased humans and ceremonies prior to burial or cremation.
- e. *Day Care* – a business providing for the day care and/or instruction of non-resident children.
- f. *General Personal Services* – a business that provides including uses such as post office, bank, barber shop or beauty salon, film processing, small appliance repair, tailor, office support, or other similar service. Any personal service that is more specifically described is excluded from this use.
- g. *Automobile Repair* – the repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles. Vehicle lubricants, supplies, and accessories may be supplied and sold at retail.
- h. *Indoor Recreation Facility* – a business engaged in the provision of indoors sports, entertainment, or similar recreation opportunities for participants or spectators. Examples of uses include roller skating rinks, movie theaters, or fitness clubs.
- i. *Dry Cleaner/Laundry* – a business engaged in cleaning clothes, fabrics, or upholstery on-site either by drop-off and pick-up by customers or through delivery services.
- j. *Personal Storage* – a business offering separate storage areas leased or rented on an individual basis.
- k. *Bed and Breakfast or Tourist Home* – a business where lodging and/or meals are provided incidental to a ~~principle~~ **principal** single-family dwelling, where no cooking or dining facilities are provided in individual rooms, and where the owner resides on the premises.

- l. *Hotel or Motel* – a business where lodging services, including accessory uses such as eating and drinking facilities, recreation facilities and parking, are provided. Lodgings may consist of sleeping rooms only or may include cooking facilities also, but are not intended for long-term occupancy.
- m. *Boarding House or Dormitory* – a business where lodging and/or meals are provided, where no cooking or dining facilities are provided in individual rooms, and where an owner or manager resides on the premises. These Regulations shall apply to any Boarding House or Dormitory prior to March 24, 2025. No new requests for a Boarding or Dormitory will be accepted after March 24, 2025.
- n. *Recreational Vehicle Park* – a development providing rental spaces for recreational vehicles such as a trailer, camper, or motor home on a short-term basis, including accessory recreation and service facilities for the use of the tenants.
- o. *Restaurant* – a business serving prepared meals for consumption on the premises, which may include an accessory bar, carry out, drive-through, or catering services.
- p. *Bar* – a business serving alcoholic beverages, which may include accessory food and entertainment services.
- q. *Entertainment Venue* – a business where floorshows or other forms of entertainment by persons are provided for guests, which may include accessory dining, bar, and similar refreshment services. Examples include concert halls, dinner theaters, or banquet halls.
- r. *Marina* – a business providing boat storage and services on the water.
- s. *Kennel or Animal Hospital* – any business where four (4) or more dogs over four (4) months of age are kept for general boarding or medical care.
- t. *Warehouse* – a business where a major portion of the floor area is used for storage of goods, products, or parts for distribution at bulk retail or wholesale, or where the storage is a service provided for a fee.
- u. *Junk Yard or Salvage Yard* – a structure or lot where discarded or salvaged materials are bought, sold, exchanged, baled, packed, stored, accumulated, disassembled, or handled. This definition shall not include properly licensed establishments for the sale, purchase, or storage, of usable second-hand goods. Nor shall it apply to the processing of used, discarded, or salvaged materials as part of properly licensed manufacturing operations.
- v. *Wholesale Establishment* – business establishments that generally sell commodities in large quantities or ~~by the place~~ to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

## 6. Manufacturing Use Category

The Manufacturing Use Category is for businesses engaged in economic activity involving construction, production, processing, transformation, warehousing, wholesale, and disposal of goods, products, and component parts of goods and products, including related services. These uses typically belong in a special district due to their inability to blend with the uses from other use categories.

- a. *Limited* – any small scale manufacturing use that has a retail or service component and which presents no outward, visible, or perceptible presence on manufacturing activity.
- b. *Light* – a business engaged in fabrication, processing, or assembly of finished products or parts, predominantly from previously prepared materials, including accessory packaging, incidental storage, sales, and distribution of products.

- c. *General* – a business that transforms raw materials through mechanical, chemical or physical processes, into component parts or ingredients for subsequent use in light manufacturing or wholesale.
- d. *Heavy* – mass production or extraction of raw materials for subsequent use in general or light manufacturing, including uses such as mining, quarrying, agricultural feed lots, and other potentially noxious uses.
- e. *Food Processing* – the preparation, storage or processing of food products on a large scale for wholesale. Examples of these activities include bakeries, dairies, canneries, and other similar activities or businesses.

**7. Rural Use Category**

The rural use category is for uses that are commonly associated with an agrarian or rustic lifestyle, and which demand little or no public infrastructure or services.

- a. *Agriculture* – the use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce. The operation of any such accessory uses shall be secondary to that of normal agricultural activities. Agriculture uses shall not include the commercial feeding of garbage or offal to swine or other animals.
- b. *Plant Nursery* – land, building, structure or combination thereof for the storage, cultivation, transplanting of live trees, shrubs or plants offered for retail sale or wholesale on the premises including products used for gardening or landscaping.
- c. *Rural Market* – a business for the retail sale of agricultural products produced on site and operated without any additional site facilities than are otherwise associated with agriculture use. Roadside stands, truck sales or barn sales are examples of such uses; however, the intensity and frequency of such sales shall be so that no additional parking, roads, structures, warehouses or other storage facilities are necessary on the site.

**8. General Use Definitions and Descriptions**

The following use definitions or descriptions do not fit into any single use category, but apply generally throughout this ordinance.

- a. *Accessory Use* – a use that is customarily incidental to the principal use, is typically maintained and operated as part of the ~~principle~~ principal use, is subordinate to the ~~principle~~ principal use, and is located on the same lot as the ~~principle~~ principal use.
- b. *Airport* – any runway, land area or other facility designed and used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie down area, hangars and other necessary buildings, and open spaces.
- c. *Fixed Dwelling* – a dwelling unit (or structure containing several units) attached to a permanent foundation.
- d. *Garage, Private* – a building or part thereof designed and/or used for inside parking of motor vehicles by the occupants, patrons or other users of the principal structures on the premises.
- e. *Garage, Public* – a building or part thereof designed or used for indoor or partially indoor (covered) parking of motor vehicles, operated as a commercial enterprise, accessory to a commercial enterprise, or as a governmental service and providing only incidental services for such vehicles.
- f. *Lodging* – a business where overnight accommodations are provided for transient guests where compensation is provided on a daily or weekly basis.

## C. Defined Terms

*Accessory Structure:* A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

*Alteration, Building:* Any change in the supporting members of a building (such as bearing walls, beams, columns, and girders), except such change as may be required for its safety; any addition to a building; or any changes in use resulting in moving a building from one lot to another or to a different zoning district.

*Arterial Street:* A highway or street of considerable continuity, providing direct and continuous connections to points along its route through various modes of transportation, interrupted only by major community destinations or topographical obstacles.

*Artificial Wetland:* A constructed shallow area designed to emulate the natural functions of a wetland including evaporation, infiltration, and storage of runoff, sedimentation, and other aquatic functions, which has been recognized and approved as a “Best Management Practice.”

*Basement:* A story all or partly underground but having at least one-half of its height below the average level of the adjoining ground.

*Bio-filter:* A stormwater management facility that treats stormwater by filtration through vegetation, which has been recognized and approved as a “Best Management Practice.”

*Bioretention:* This technique removes pollutants in stormwater runoff through adsorption, filtration, sedimentation, volatilization, ion exchange, and biological decomposition. A Bioretention Cell (BRC) is a depression in the landscape that captures and stores runoff for a short time, while providing habitat for native vegetation that is both flood and drought tolerant. BRCs are stormwater control measures (SCMs) that are similar to the homeowner practice, of installing rain gardens, with the exception that BRCs have an underlying specialized soil media and are designed to meet a desired stormwater quantity treatment storage volume. Peak runoff rates and runoff volumes can be reduced and groundwater can be recharged when bioretention is located in an area with the appropriate soil conditions to provide infiltration. Bioretention is normally designed for the water quality or “first flush” event, typically the first 1”-1.5” of rainfall, to treat stormwater pollutants.

*Block:* A division or parcel of land entirely surrounded by public highways or streets, other rights-of-way, or other boundaries as specified in the Fairhope Subdivision Regulations.

*Body-Piercing Studio:* An establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of creating openings in the body of a person for the purpose of inserting jewelry or other decorations.

*Building:* Any structure attached to the ground and intended for shelter, housing, or enclosure of persons, animals, or chattels.

*Build-to line:* The line specified as a distance from the right-of-way or other public easement at which structures are required to be constructed for some portion of the lot.

*Building line:* The actual line at which a building on a lot is constructed.

*Building, Height:* The vertical distance measured from the ~~average natural elevation of the lot~~ front of the Building to the ~~mean~~ highest point of the roof of the Bbuilding.

*Building Official:* The building official of the City of Fairhope who is appointed by the City and is charged with enforcement of this ordinance with the Director of Planning and Zoning.

*Building, Principal:* A structure for occupancy in which is conducted the main or principal use of the lot.

*Caterer:* Any person/entity who operates from a permitted food facility where food is prepared or stored then delivered and/or served off-premise.

*Central Business District:* That area of the City designated as the business center of the area and within the following boundaries: From one lot back (refers to typical lot depth, see map) from the South side of Morphy Avenue to one lot back from the North side of Oak Street and from one lot back from the East side of Bancroft Street to one lot back from the West side of Church Street (Reference Map).

*Channel:* A natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

*Clear Sight Distance:* The area near intersections regulated by the Fairhope Subdivision Regulations for proper lines of sight within which no visual obstructions may be placed, or when applied by this ordinance to private property, the area near driveway access lanes or driveway aisles where the proper lines of sight are regulated in the same manner as the Fairhope Subdivision Regulations.

*Collector Street:* A street of moderate continuity, providing direct and continuous access to points along its route through various modes of transportation, interrupted occasionally by neighborhood destinations or topographic obstacles, and used primarily for access between local streets and arterial streets.

*Commercial Vehicle:* Any vehicle designed and used for transportation of people, goods, or things, other than private passenger vehicles.

*Commission:* The Fairhope Planning Commission.

*Comprehensive Plan:* Any plan or program adopted by the city for the physical, systematic, and orderly development of the city and its planning jurisdiction with particular regard to streets, parks, industrial and commercial undertakings, civic beauty and other matters properly within the police power. This also includes that Fairhope Comprehensive Plan adopted by the Planning Commission of the City of Fairhope, Alabama on November 4, 2024, as amended and as the same shall hereafter be altered, amended, modified and/or replaced from time to time.

*Condominium:* A form of property ownership where the land under buildings and the open spaces around buildings is in single ownership for the common use of building owners or tenants.

*Deck:* An extension of a building or Dwelling Unit ~~dwelling unit~~ attached at or below floor level and having no walls or roof; railings may be provided; includes the term balcony.

~~*Density:* A measurement of the number of dwelling units per acre of land.~~

~~a. Gross Density—the number of dwelling units per acre of the total land to be developed.~~

~~b. Net Density—the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.~~

*Density, Gross:* the number of Dwelling Units per acre of the total land to be developed. Gross Density is measured by dividing the total land area by the number of Dwelling Units.

*Density, Net:* the number of Dwelling Units per acre of land when the acreage involved includes only the land devoted to residential uses. Net Density does not include public or private streets, wetlands, public rights-of-way, watercourses, floodways, stormwater ponds, or undevelopable land based on topography or physical constraints.

*Director of Planning and Zoning:* The official of the City who is charged with enforcement of the provisions of this ordinance.

*District:* A section of the area zoned, within which the zoning regulations are uniform.

*Driveway Access Lane:* The principal means of vehicular ingress and egress from the right-of-way to a lot.

*Driveway Aisle:* A vehicular circulation lane internal to a site exclusive of the ingress and egress from the right-of-way.

*Dry Well:* A cavity of sufficient size, filled to the surface with compacted rocks to allow water storage capacity.

*Dry Swale:* A shallow stormwater management facility designed to store or convey excess runoff in a large storm event for gradual evaporation and infiltration, but does not retain water in normal storm events or dry periods.

*Dwelling Unit:* A room or group of rooms, providing or intended to provide living quarters for not more than one (1) Family. All rooms within the Dwelling Unit shall have internal access, and the Dwelling Unit shall have no more than one electrical meter.

*Easement:* A grant by a property owner of the use of land for a specific purpose or purposes by the general public or a corporation or a certain person or persons.

*Erected:* To cause to be built, constructed, reconstructed, moved upon or any other physical operations such as excavations, fill, or drainage on the premises required for building.

*Expansion, Building:* The addition of enclosed or unenclosed rooms or storage spaces, porches, structures or parking area to an existing building.

*Expansion, Use:* The increase in area of land or structure that serves a particular use.

*Family:* One (1) or more persons occupying a single Dwelling Unit ~~dwelling unit~~ and using common cooking facilities, provided that, unless all members are related by blood, adoption or marriage, no such family shall contain over five (5) persons.

*Family (Home Occupation):* For purposes of home occupations, ~~F~~family is defined as only those persons related by blood, marriage or adoption and using common cooking facilities within a single Dwelling Unit ~~dwelling unit~~.

*First Flush:* This is the given volume of water generated in the drainage area from the first 1" to 1.5" of rainfall.

*Flood:* A temporary rise in stream or surface water level that results in inundation of areas not ordinarily covered by water.

*Flood Frequency:* The average frequency statistically determined, for which it is expected that a specific flood level may be equaled or exceeded.

*Floodway:* That portion of the flood plain, including the channel, which is reasonably required to discharge the bulk of the regional floodwaters. Floods of less frequent recurrence and non-inundating are usually contained completely within the floodway.

*Flood Plain:* Those areas defined by the U.S. Geological Survey of the U.S. Army Corps of Engineers as subject to flooding once in one hundred (100) years, based on topography and FEMA; and further including any areas as may be designated at a future date by regulatory authority of such times.

*Floor Area Ratio (FAR):* The Gross Floor Area for all Buildings on a Lot or Parcel (as determined by the applicable Gross Floor Area definition) divided by the gross area of such Lot.

*Frontage, Building:* The outside wall surface of a building, excluding porch or deck, nearest to the front lot line.

*Frontage:* The area of a lot made up of the front building façade and any area between the front building façade and the front lot line.

*General Personal Services:* Businesses that provide uses such as a post office, bank, barber shop or beauty salon, permanent cosmetic establishment, film processing, small appliance repair, tailor, office support, or other similar service. Any personal service that is more specifically described is excluded from this use.

*Gross Floor Area:* The sum of the gross horizontal areas of the several floors of a Building, including interior balconies and mezzanines, and any exterior open porches or galleries which serve as an extension of those activities conducted within the enclosed Structure; all horizontal dimensions shall be measured between the exterior faces of walls, including the walls or railings of roofed porches. The gross floor area of a Building shall include the floor area of accessory Buildings on the same lot, measured the same way.

*Ground Cover:* Natural (mulch) or low growing plants other than deciduous varieties installed to form a continuous cover over the ground.

*Heritage Tree:* Any live tree greater than or equal to twenty inches (20”) in diameter at breast height (DBH). Breast height is established as the height of the trunk of a tree fifty-four inches (54”) above grade.

*Homeowners Association or Association:* An incorporated, non-profit organization operating under recorded land agreements through which, (a) each lot and/or home owner in a planned or other described land area is automatically a member, and, (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization’s activities, such as maintaining a common property, and (c) the charge if unpaid becomes a lien against the property.

*Lot, Corner:* A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of a street which form an interior angle of less than one hundred thirty-five (135) degrees. The point of intersection of the right-of-way lines is the corner.

*Lot, Double Frontage or Through:* A lot or plot, but not corner lot that abut upon two streets, the two frontages being noncontiguous.

*Lot, Interior:* A lot other than a corner lot.

*Lot, Depth:* The mean, (average) horizontal distance between the front and rear lot lines, measured at right angles to the front right-of-way lines.

*Lot Width:* The mean, (average) horizontal distance between the side lot lines, measured at the right angles to the lot depth. A minimum lot width shall be applied at the front setback line.

*Lot line, Front:* On an interior lot, the lot line abutting a street; on a corner lot, the shorter lot line abutting a street; on a through lot, the lot line abutting the street providing the primary means of access to the lot; on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained; or on a waterfront lot, the lot line abutting the water.

*Lot Line, Rear:* The lot line opposite to and most distant from the front lot line.

*Lot Line, Side:* Any lot line other than a front or rear lot line. A side lot line of a corner lot separating a lot from a right-of-way is called a side street lot line. A side lot line separating a lot from another lot is called an interior lot line.

*Lot of Record:* A lot, which is a part of the recorded plat or a plot, described by metes and bounds, the map and/or description of which has been recorded according to Alabama law.

*Master Plan:* Any portion of the Comprehensive Plan adopted by the Planning Commission for the physical development of the City and areas outside the boundaries, which bear relation to the planning of the municipality.

*Non-Chartered Financial Institution:* Any business, other than a federally or state chartered bank, credit union, mortgage lender or savings and loan association that offers check cashing services, automobile title loans, and loans for payment of a percentage or graduated fee. Specifically included are check cashing and pawn shop businesses that charge a percentage or graduated fee for cashing a check or negotiable instrument and “payday loan” businesses which make loans upon assignment of wages received or businesses that function as deferred presentment services.

*Palm Reader:* Any person who practices, teaches, or professes to practice the business of astrology or the psychic arts and sciences for a fee, gift, donation or other valuable consideration. Psychic arts and sciences may include augury, card or tea reading, cartomancy, clairaudience, clairvoyance, crystal gazing, divination, fortune telling, mediumship, necromancy, palmistry, phrenology, or prophecy.

*Parking Space or Parking Lot:* An area reserved for temporary storage of motor vehicles.

*Pawn Shop:* An establishment that lends money on the security of goods pledged by the owner of such goods on the condition that the goods may be redeemed or repurchased by the owner for a fixed price within a fixed period of time. This definition includes car title pawn companies which provide the borrower with cash in exchange for the borrower’s vehicle title as collateral.

*Permanent Cosmetic Establishment:* An establishment whose principal business activity, either in terms of operation or as held out to the public, is the permanent application of pigment into the skin for eyebrows, eyeliners, lip liner, blush and scar camouflage.

*Plat:* A map, plan or layout of a county, city, town, section or subdivision indicating the location and boundaries of properties.

*Planned Unit Development:* A planned unit development (1) is land under unified control, planned and developed as a whole in a single development operation or approved programmed series of development operations for dwelling units and related uses and facilities; (2) includes principal and accessory uses and structures substantially related to the character of the development itself and the surrounding area of which it is a part; (3) is developed according to comprehensive and detailed plans which include not only streets, utilities, lots, or building sites and the like, but also site plans, floor plans, and elevations for all buildings as intended to be located, constructed, used, and related to each other, and detailed plans for other uses and improvements, facilities, and services as will be for common use by some or all of the occupants of the planned unit development but will not be provided, operated or maintained at public expense.

*Porch:* A roofed-over or open space attached to the outside of an exterior wall of a building, which has no enclosure other than the exterior walls of such building. Open mesh screening shall not be considered an enclosure.

*Rain Garden:* A shallow depression in a landscape that captures water and holds it for a short period of time to allow for infiltration, filtration of pollutants, habitat for native plants, and effective stormwater treatment for small-scale residential or commercial drainage areas. Rain gardens use native plants, mulch, and soil to clean up runoff.

*Recreational Vehicle:* A self-propelled vehicle used for temporary housing of individuals and families during travel. This includes campers, camping trailers, motor homes and smaller mobile manufactured homes (up to a length of twenty-eight (28) feet exclusive of hitch) capable of being towed by a passenger motorcar.

*Regulatory Flood:* The flood which is representative of large floods known to have occurred generally in the area and reasonably characteristic of what can be expected to occur. The regulatory flood generally has a flood frequency of approximately one hundred (100) years as determined from an analysis of floods at a particular site and other sites in the same general regions (See Ordinance No. 1643).

*Regulatory Flood Protection, Elevation:* The elevation of the regulatory flood plus one (1) foot of freeboard to provide a safety factor.

*Right-of-Way:* A strip of land taken or dedicated for use as a public way. In addition to the roadway it normally incorporates the curb, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features, (required by the topography or treatment) such as grade separation, landscaped areas, viaducts and bridges.

*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.

*Seat:* For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs.

*Setback Line:* A line established by the subdivision regulations and/or this ordinance, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building, or structure, may be located above ground.

*Sewers, Public or Community:* An approved sewage disposal system, which provides a collection network and disposal system and central sewage and treatment facility for a single community, development, or region.

*Sewers, On-Site:* A septic tank or similar installations on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

*Short-Term Rental:* Includes any person, firm, entity, partnership, trust, corporation, association or organization that is renting a dwelling for less than 30 days are not allowed in R-1, R-2 and R-3. Short-term Rentals shall only be allowed in the R-4, R-5, B-1, B-2, B-3a and B-3b zoning districts and within the Central Business District. Short-term rentals shall be subject to the Business License Code of the City of Fairhope.

*Shrub:* A woody perennial plant differing from a perennial herb by its persistent and woody stems and from a tree by its low stature and habit of branching from the base.

*Sign:* Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks or combination thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity, or product which are visible from any public way and/or used as an outdoor display.

*Sign, A-Frame:* A-Frame Signs are allowed only within the City of Fairhope Central Business District. A-Frame Signs are designed to stand on their own, either on public or private property. A-Frame Signs are hinged at the apex to be folded into a sandwich position. A permit is required from the City of Fairhope.

*Sign, Building:* A sign attached in any manner against or to a building or appurtenance of a building.

*Sign, Construction:* Any sign listing principal contractors, architects and any establishments for the construction site where the sign is placed.

*Sign, Copy:* The wording on a sign surface in either permanent or removable letterform.

*Sign, Directional:* A sign permanently or temporarily erected by or with approval of any authorized government agency to denote the route to any city, town or village, historic or religious place, shrine, public building, or hospital and signs directing and regulating traffic; public safety signs; sign or notices of public places of public and civic meetings and signs giving the name of the owner, lessee, or occupant of the premises or the street number.

*Sign, Double-faced:* A sign having two (2) display surfaces, displaying the same copy, which are attached parallel and back to back, not more than twelve (12) inches apart.

*Sign Face:* The area of a sign including the entire surface on which the copy is placed.

*Sign, Freestanding:* Any sign, which is supported by structures or supports in or upon the ground and independent of support from any building.

*Sign, Height:* The vertical distance from the finished grade at the base of the supporting structure to the top of the sign, or its frame or supporting structure, whichever is higher.

*Sign, Incidental:* A sign providing no advertising other than a logo or name and necessary only for assuring safe ingress, egress, circulation, or other safety-related communications.

*Sign, Indirectly Illuminated:* A sign designed or arranged to reflect light from an artificial source external to the sign face.

*Sign, Internally Illuminated:* A light source, which is enclosed within the sign and viewed through a translucent panel. This type of illumination is often referred to as direct.

*Sign, Non-Conforming:* Any sign, which does not meet the requirements of this ordinance.

*Sign, Off Site:* A sign relating its subject matter or any portion thereof to the premises other than the premises on which it is located.

*Sign, On Site:* A sign relating its subject matter to the premises on which it is located.

*Sign, Permanent:* A sign affixed to a building or the ground.

*Sign, Real Estate:* A sign which advertises the sale, rental, or development of the premise upon which it is located.

*Sign, Roof:* Any sign erected, constructed, and maintained with the principal support on the roof structure.

*Sign, Sandwich:* Any double-faced sign, which may readily be moved from place to place.

*Sign, Shopping Center:* A ground sign identifying a shopping center by name only.

*Sign, Snipe:* Any sign of any material whatsoever that is attached in any way to a utility pole, tree, fence post or any similar object located or situated on public or private property, not otherwise exempt.

*Sign, Structure:* Any construction used or designed to support a sign.

*Sign, Subdivision:* Any sign designed to identify a subdivision or neighborhood.

*Sign, Surface Area:* The surface area of a sign shall be computed for the entire area within the periphery of a regular geometric form, or combination of regular geometric forms, comprising all of the display area of the sign, and including all of the elements of the matter displayed. The surface area of a sign shall be measured from the outside edges of the sign or the sign frame or sign structure whichever is greater.

*Sign, Temporary:* A sign or advertising display intended to be displayed for a limited period of time, generally no longer than a month.

*Sign, Window:* Any sign placed inside or upon a window and which is intended to be seen from the exterior.

*Special Exception:* Permission granted by the Board of Adjustment for a use indicated in this ordinance as a use limited to a special exception procedure, subject to conditions specified in this ordinance and any conditions the Board deems necessary to ensure that community interests are furthered by permission of the use.

## Definitions and Interpretation

## Defined Terms

*Story:* That part of a building lying between floor and ceiling. For purposes herein, a story does not include attic space entirely under a hip, gable or gambrel roof, whether or not such space is occupied.

*Street:* That portion of the right-of-way paved for vehicular traffic, parking, or the shared use of bicycles.

*Structure:* Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground.

*Tattoo Parlor:* An establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of placing designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of skin by means of the use of needles or other instruments designed to contact or puncture the skin. This definition excludes permanent cosmetic establishments.

*Use or Principal Use:* The specific purposes for which land or a building is designated, arranged, intended or for which it is occupied.

*Upper Story Dwelling:* A Dwelling Unit intended for a single-family in Mixed Used Buildings in which no less than 90% of the first floor is occupied by Commercial Uses.

*Variiances:* A modification of the strict terms of the relevant regulations in a district with regard to placement of structures, developmental criteria or provision facilities. Examples would be: allowing smaller yard dimensions because an existing lot of record is of substandard size; waiving a portion of required parking and/or loading space due to some unusual circumstances; allowing fencing and/or plant material buffering different from that required due to some unusual circumstances. Variances are available only on appeal to the Board of Adjustments and subject to satisfaction of the standards specified in this ordinance.

*Vegetated Swale:* A shallow, open-channel stabilized with grass or other herbaceous vegetation designed to filter pollutants and convey stormwater. Swales are applicable along roadsides, in parking lots, residential subdivisions, commercial developments, and are well suited to single-family residential and campus type developments. Water quality swales are designed to meet sheer stress targets for the design storm, may be characterized as wet or dry swales, may contain amended soils to infiltrate stormwater runoff, and are generally planted with turf grass or other herbaceous vegetation.

*Vehicular Use Area:* Any ground surface area, excepting public right-of-ways, used by any type of vehicle whether moving or at rest for the purpose of, driving, parking, loading, unloading, storage, or display, and other vehicular uses under, on, or within buildings.

*Visual Screen:* A barrier of living or non-living landscape material, put in place for the purpose of separating and obscuring from view those areas so screened.

*Waterfront Lot:* Any lot or parcel adjacent to Mobile Bay.

*Yard:* A space on the same lot with a main building, open, unoccupied and unobstructed by buildings or structures and open to the sky except where encroachments and accessory buildings are expressly permitted.

- a. *Yard, Front:* A yard extending the full width of the lot and situated between the front lot line and the building line projected to the sidelines of the lot.
- b. *Yard, Rear:* A yard extending the full width of the lot and the building line of the main building projected to the sidelines of the lot. On all corner lots the rear yard shall be at the opposite end of the lot from the front yard.
- c. *Yard, Interior Side:* A yard which is parallel to the side lot line and which extends from the front building line to the rear building line.

- d. *Yard, Street Side:* A yard which is parallel to the right-of-way abutting the lot line of greatest dimension and which extends from front building line to the rear building line.
  
- e. *Yard, Minimum Exterior or Required:* That space remaining between the minimum required setback line and the property line for a particular front, rear, interior side or street side yard.

**Appendix A**  
**Applications and Submittal Requirements**

[Insert copies of all application  
forms and submittal requirements]



## Appendix C

## Text Amendment Ordinances

Ordinance No.	Ordinance Date	Ordinance Description or Title
1054	5/10/1999	Require Public Notice signs be posted on property being considered for a zoning change
1058	7/26/1999	Regulations for communication towers and antennas – See Attached
1066	10/11/1999	Regulations for metal buildings along certain corridors in the City
1067	10/11/1999	Regulations for the construction of fences
1068	10/11/1999	Regulations for building heights in the Central Business District
1073	11/8/1999	Regulations for lighting for gas stations canopies
1087	7/10/2000	Amend and simplify the Planned Unit Development (PUD) District
1102	1/22/2001	Amend definition of building height
1127	6/11/2001	Amend Single Family Residential Zoning District
1127	6/11/2001	Amend procedure for zoning newly annexed land
1131	7/9/2001	Amend Business District Requirements – Free-standing commercial structures
1138	12/10/2001	Establish height restrictions for the Airport Overlay District – See Attached
1140	12/20/2001	Establish noise attenuation requirements for the Airport Overlay District – See Attached
1140	12/20/2001	Regulations for the Use of property in the Airport Overlay District – See Attached
1271	10/24/2005	Amend Table 3-2: Dimension Table – Lots and Principle Structure
1271	10/24/2005	Amend Site Plan Review procedures
1285	1/9/2006	Amend Non-conforming structures
1332	6/25/2007	Amend Table 3-2: Dimension Table – Lots and Principle Structure
1332	6/25/2007	Amend Screening, Lighting & Landscape material
1332	6/25/2007	Amend Central Business District – Sidewalks
1332	6/25/2007	Amend definition of family
1334	7/9/2007	Amend Storage & Parking of Trailers & Commercial Vehicles
1336	7/23/2007	Establish definition of Short-Term Rental
1360	5/12/2008	Establish definition of A-Frame Signs
1428	8/9/2010	Amend Signs
1433	8/27/2010	Establish Tourism Resort District
1451	7/25/2011	Regulations for Pervious Parking
1452	8/8/2011	Regulations for Tree Preservation
1454	8/8/2011	Amend B-1 Zoning District to allow Restaurants
1461	11/28/2011	Amend Table 2-1 Procedures – Site Plan
1464	12/12/2011	Establish Medical Overlay District
1497	7/11/2013	Amend Article III, Section D to allow for Body-Piercing Studios, Non-Chartered Financial Institutions, Palm Readers, Pawn Shops, Tattoo Parlors
1509	4/14/2014	Amend B-3a and B-3b to allow Multiple Family/Apartments
1511	4/28/2014	Amend B-2 to allow Hotel/Motels
1547	9/14/2015	Deletion of Sign Regulations
1548	9/28/2015	Amend Building Materials on Commercially Zoned Property
1550	10/12/2015	Establish Low Impact Development Requirements – See Attached
1607	11/27/2017	Amend definition of Building Height
1611	1/8/2018	Amend Central Business District
1640	3/7/2020	Amend Public Utilities
1651	6/10/2019	Amend M-1 district to allow Restaurants

