

STATE OF ALABAMA)

COUNTY OF BALDWIN)

The City Council, City of Fairhope, met in regular session at 6:00 p.m., Fairhope Municipal Complex Council Chamber, 161 North Section Street, Fairhope, Alabama 36532, on Thursday, 19 February 2026.

Present were Council President Jimmy Conyers, Councilmembers: Jack Burrell, Joshua Gammon, and Andrea Booth, Mayor Sherry Sullivan, City Attorney Marcus E. McDowell, and City Clerk Lisa A. Hanks. Councilmember Jay Robinson was absent.

There being a quorum present, Council President Conyers called the meeting to order at 5:51 p.m. The invocation was given by Reverend William Quinn of Trinity Presbyterian Church, and the Pledge of Allegiance was recited. Councilmember Burrell moved to approve minutes of the February 9, 2026, regular meeting; and minutes of the February 9, 2026, work session. Seconded by Councilmember Booth, motion passed unanimously by voice vote.

Councilmember Burrell stated that the City Council there will be lively discussion on Agenda Item No. 5 tonight; and said he would assure the audience there would be no action taking on it tonight. Councilmember Burrell asked everyone to keep in mind it is pretty complicated and there may be some things put off until later. He said please be patient to work through this imperfect Ordinance.

Councilmember Gammon said he echoed what Councilmember Burrell said ; and commented he thinks everyone are on the same page and we want to make the best decisions we can. He mentioned Julwin's Plaza and commented beauty is important to Fairhope and to keep its charm; especially in the Central Business District.

Councilmember Booth said she spoke with Planning and Zoning Director Hunter Simmons; and said we are following the rules and changes are never easy. She said we want to protect our citizens and homeowners; and we all need to work together.

Council President Conyers thanked the Police Department and the Public Works Department for the great work during the Mardi Gras Parades. He said the next big event is the Fairhope Arts and Crafts Festival.

A Public Hearing was held as advertised on a proposed ordinance to amend Ordinance No. 1253; Councilmember Gammon introduced in writing an ordinance to consider the request from the City of Fairhope Planning and Zoning Department, for amendments to the City of Fairhope's Zoning Ordinance.

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The Planning Commission gave a favorable recommendation of this ordinance. Council President Conyers read the proposed ordinance.

Planning Director Hunter Simmons briefly explained the proposed ordinance and the main changes. He commented in his budget there is funds budgeted to hire someone to help with the Comprehensive Plan and our Rules and Regulations. (See Power Point Presentation)

Councilmember Burrell said the concern was to maintain business districts (CBD); and questioned the intent for the ordinance. He said the 49 single family homes or 99 homes need to not be affected at all; and suggested an amendment. Councilmember Burrell said we need to start the process immediately for B3a and B3b; and concerned with parking.

Councilmember Booth said these homeowners need to feel safe in their homes; and that she totally understands why they are here tonight.

Councilmember Gammon questioned the affect on family single homes. Planning and Zoning Director Simmons replied if the home is torn down, they could not rebuild. Councilmember Gammon also questioned pervious maximum, step 2 process, and major renovations. He asked Mr. Simmons, "what are your concerns if not adopted?" Mr. Simmons replied to lose the Fairhope charm and character.

Council President Conyers thanked Mr. Simmons for his hard work. He said we could pass the Ordinance and then immediately amend it for existing homes.

Council President Conyers opened the Public Hearing at 6:44 p.m.

- 1) Shannon Smith, 56 Fig Avenue, addressed the City Council and said she was against the B3a and B3b proposed ordinance. She mentioned renovations on her historic home; and complete uncertainty and taking away home rights.
- 2) Allan Chason, representing Jim Edgemon at 121 Fairhope Avenue, addressed the City Council and said they were against the proposed ordinance. He mentioned there is a short-term rental issue, and it is the real problem. Mr. Chason said this will adversely affect RB3b; and requested the City Council table this part of the ordinance. He asked, what problem is he trying to solve?

Councilmember Burrell replied we need to preserve business property; and have a proper balance between homes (residential) and commercial.

- 3) Marjorie Searcy, 12 Fels Avenue, addressed the City Council and said she was against the B3a and B3b proposed ordinance. Ms. Searcy said she preserved a 1904 historic home; and has two places for cars. She said there are far more non-forming and short-term rentals.

Councilmember Burrell gave an example of "Boarding Houses." Councilmember Gammon said we all want Fairhope to be Fairhope; and we are true to our word.

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- 4) Phillip Goodwyn, 491 and 493 Pine Street, addressed the City Council and said he was against the proposed ordinance. He stated that both properties were rezoned B4 to be compliant. Mr. Goodwyn said his property is on the border of the CBD and wants it to stay residential. He suggested a possible new designation for these properties.
- 5) Rebecca Brey, 24 Cliff Drive, addressed the City Council and said they were against the B3a and B3b proposed ordinance. She said we live there and want it to be a legacy to their children. Ms. Brey said this is our life; and asked the City Council not to pass the ordinance. Galen Brey commented he like Councilmember Burrell's amendment.
- 6) Jim Edgemon, 121 Fairhope Avenue, addressed the City Council and said he was against the proposed ordinance. Mr. Edgemon said he has been a real estate broker for over 40 years.

Councilmember Burrell said you will not lose your rights, and we will exempt B3b zoned with single family residential use.
- 7) Keys Mitchell, 107 South Section Street, addressed the City Council and said he was against the proposed ordinance. He said his home had reached the end of its life; and will have to be rebuilt.
- 8) Cheryl Stovall, 307 Dry Falls Way, addressed the City Council and said she was against the proposed ordinance. She commented density is already limited; and the B2 in the CBD density needs to be looked at. The proposed ordinance density will go from 8 units to 2 units.
- 9) Ken Niemeyer, 7 Fels Avenue, addressed the City Council and said he was against the proposed ordinance. He stated we need to keep the CBD diverse with commercial and residential.
- 10) Ryan Baker, 460 Dogwood, addressed the City Council and said he was against the proposed ordinance. Mr. Baker mentioned several issues with the proposed ordinance: impervious area, enforcement issue, and the CBD Mixed Use and 50 percent commercial. He said there were other issues other than B3a, B3b, and B4; and January 1, 2027 is unclear.
- 11) Mac Walcott, South School Street, addressed the City Council and said he was against the proposed ordinance. He said there are several issues and the proposed ordinance takes property rights away. The impervious maximum coverage is an issue; and there are eight more issues not touched on.
- 12) Lea Verneuille, 732 South Mobile Street, addressed the City Council and said he was against the proposed ordinance. He commented the City of Fairhope does have great leadership; i.e., Planning and Zoning Director Hunter Simmons and Building Official Erik Cortinas. Mr. Verneuille said there are serious cause and affect on property. He mentioned the impervious area coverage and height regulations.

The Public Hearing closed at 7:52 p.m.

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Planning and Zoning Director Simmons stated that R1 and R2 are not involved.

Councilmember Burrell said he wants to amend the agenda tonight to add a resolution to address Ordinance No. 1253.

Councilmember Gammon said he agreed with Councilmember Burrell.

Councilmember Booth thanked everyone for coming out tonight; and said she feels their passion.

Council President Conyers said we are trying to get this right; and reiterated there will be no action on the proposed ordinance tonight.

Due to lack of a motion for immediate consideration, this ordinance will layover until the March 9, 2026 City Council meeting.

Councilmember Burrell stated there was a need to add on an agenda item after Agenda Item Number 5: a resolution to address the amendments in Ordinance No. 1253 regarding residential use rights.

Councilmember Burrell moved to add on the above-mentioned item not on the printed agenda. Seconded by Councilmember Gammon, motion passed unanimously by voice vote.

Council President Conyers announced the City Council will be taking a 10 minute break; and then return to the meeting.

The City Council exited the dais at 7:58 p.m.; and returned at 8:07 p.m.

Councilmember Burrell introduced in writing, and moved for the adoption of the following resolution: NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That the City Council resolves to start the process of amending proposed Ordinance No. 1253 if adopted to protect residential use rights of property that may be affected by current Planning and Zoning amendment proposals including B3a and B3b. Seconded by Councilmember Gammon, motion passed unanimously by voice vote.

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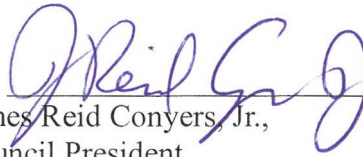
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RESOLUTION NO. 5742-26

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That the City Council resolves to start the process of amending proposed Ordinance No. 1253 if adopted to protect residential use rights of property that may be affected by current Planning and Zoning amendment proposals including B3a and B3b.

ADOPTED THIS 19TH DAY OF FEBRUARY, 2026


James Reid Conyers, Jr.,
Council President

Attest:


Lisa A. Hanks, MMC
City Clerk

Councilmember Gammon moved for final adoption of Ordinance No. 1854, an ordinance to amend Ordinance No. 1233 known as the City of Fairhope Business License Code, Chapter 8, Section 22. License Classifications. (Introduced at the City Council Meeting on February 9, 2026) Seconded by Councilmember Burrell, motion for final adoption passed by the following voice votes: AYE – Burrell, Gammon, Conyers, and Booth. NAY - None.

Councilmember Gammon moved for final adoption of Ordinance No. 1855, an ordinance to amend Ordinance No. 1666; the Bylaws of the Fairhope Public Schools Commission; specifically, Section 2-113: Meetings, (a) The location will be posted by the City Clerk seven days prior to meeting date. (Introduced at the City Council Meeting on February 9, 2026) Seconded by Councilmember Burrell, motion for final adoption passed by the following voice votes: AYE – Burrell, Gammon, Conyers, and Booth. NAY - None.

Councilmember Burrell moved for final adoption of Ordinance No. 1856, an ordinance to establish the Fairhope Demolition Review Procedure for Historically Significant Buildings. (Introduced at the City Council Meeting on February 9, 2026) Seconded by Councilmember Booth, motion for final adoption passed by the following voice votes: AYE – Burrell, Gammon, Conyers, and Booth. NAY - None.

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Councilmember Gammon moved for final adoption of Ordinance No. 1857, an ordinance to annex the property of Heath Clayton Pitman, Mary Emma Pitman, and Fairhope Single Tax Corporation located at 9338 Gayfer Road Extension, Fairhope Alabama. Tax Parcel No. 46-05-15-0-000-003.547.001. (Introduced at the City Council Meeting on February 9, 2026) Seconded by Councilmember Burrell, motion for final adoption passed by the following voice votes: AYE – Burrell, Gammon, Conyers, and Booth. NAY - None.

Councilmember Burrell introduced in writing an ordinance to amend Ordinance No. 1660 of the City of Fairhope, Alabama by Revision of Section 21-28; Specifically (i) Streetlights. Due to lack of a motion for immediate consideration, this ordinance will layover until the March 9, 2026 City Council meeting.

Councilmember Gammon introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope authorizes and supports the submission of an FY2026 RAA Annual Grant Application to ALDOT requesting \$449,959.50 (\$350K Grant/\$100K Match) to conduct Resurfacing, Restoration, and Rehabilitation (RRR) of 1.25 miles of County Road 13 from Morphy Avenue to the northern City Limits within the City of Fairhope, Alabama; and authorizes the Mayor to sign all required grant application documents on behalf of the City. Seconded by Councilmember Burrell, motion passed unanimously by voice vote.

RESOLUTION NO. 5735-26

AUTHORIZING THE SUBMISSION OF AN FY 2026 REBUILD ALABAMA ACT (RAA) ANNUAL GRANT APPLICATION

WHEREAS, the Alabama Department of Transportation (ALDOT) is accepting applications from municipal governments for Fiscal Year 2026 Rebuild Alabama Act (RAA) Annual Grant Program; and

WHEREAS, RAA Annual Grant Program is an ALDOT administered transportation infrastructure grant program for projects of local interest created in the Rebuild Alabama Act of 2019; and

WHEREAS, project applications may be submitted for improvements to any classified road or bridge open to public traffic and County Road 13 from Morphy Avenue to the northern City Limits is a Minor Arterial and is in need of Resurfacing, Restoration, and Rehabilitation (RRR); and

WHEREAS, the sponsor will be responsible for the cost of all required preliminary engineering and CE&I activities in accordance with ALDOT requirements at no cost to the project. This shall include but is not limited to costs associated with preparing the application, project development, environmental clearances, plan development, and contract letting. Furthermore, the sponsor is responsible for any environmental assessments, clearances, and permitting which may be required; and

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WHEREAS, the City of Fairhope can conduct all preliminary engineering, permitting, plan development, contract letting and CE&I in-house with City personnel at no cost to the project; and

WHEREAS, the total project construction cost is estimated to be \$449,959.50, and, if funded, the grant will fund 100% of the 1st \$250,000.00 of Construction Costs and then at a one-to-one local match up to a maximum RAA Grant amount of \$350,000.00. With City personnel providing preliminary engineering, permitting, plan development, contract letting and CE&I in-house the City cost (local match) would be \$100,000.00; and

WHEREAS, if funded, the City will see this project through to completion and will be responsible for providing long-term maintenance of the improved facilities;

THEREFORE, BE IT RESOLVED BY THE City of Fairhope, **IN REGULAR SESSION ASSEMBLED**, that by this Resolution the City of Fairhope authorizes and supports the submission of an FY2026 RAA Annual Grant Application to ALDOT requesting \$449,959.50 (\$350K Grant/\$100K Match) to conduct Resurfacing, Restoration, and Rehabilitation (RRR) of 1.25 miles of County Road 13 from Morphy Avenue to the northern City Limits within the City of Fairhope, Alabama.

BE IT FURTHER RESOLVED that the City Council authorizes the Mayor to sign all required grant application documents on behalf of the City.

DULY ADOPTED THIS 19TH DAY OF FEBRUARY, 2026


James Reid Conyers, Jr.,
Council President

Attest:


Lisa A. Hanks, MMC
City Clerk

Councilmember Burrell introduced in writing, and moved for the adoption of the following resolution, a resolution that the City Council approves the selection by Mayor Sherry Sullivan for Professional Architectural and Engineer Design Services for (RFQPS26-019) for the Nix Center Bathroom Remodel Project to Goodwyn Mills Cawood, LLC (GMC); and hereby authorize Mayor Sullivan to negotiate the not-to-exceed fee to be approved by Council. Seconded by Councilmember Booth, motion passed unanimously by voice vote.

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RESOLUTION NO. 5736-26

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, as follows:

[1] That the City Council approves the selection by Mayor Sherry Sullivan for Professional Architectural and Engineer Design Services for (RFQPS26-019) for the Nix Center Bathroom Remodel Project to Goodwyn Mills Cawood, LLC (GMC); and hereby authorize Mayor Sullivan to negotiate the not-to-exceed fee to be approved by Council.

DULY ADOPTED THIS 19TH DAY OF FEBRUARY, 2026


James Reid Conyers, Jr.
Council President

Attest:


Lisa A. Hanks, MMC
City Clerk

Councilmember Gammon introduced in writing, and moved for the adoption of the following resolution, a resolution to award (Bid No. 26-022-2026-REC-003) to GAF Companies, LLC for New Youth Baseball Restrooms - Volanta Park with a bid proposal not-to-exceed \$176,783.70. Seconded by Councilmember Booth, motion passed unanimously by voice vote.

RESOLUTION NO. 5737-26

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, as follows:

[1] That the City of Fairhope did request, receive, and open bids for (Bid No. 26-022-2026-REC-003) New Youth Baseball Restrooms – Volanta Park for the City of Fairhope Recreation Department.

[2] At the appointed time and place, the following bids were opened and tabulated as follows:

Please see attached Bid Tabulation for
New Youth Baseball Restrooms – Volanta Park

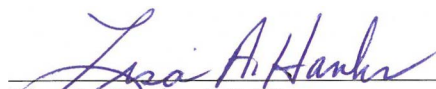
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[3] After evaluating the bid proposals with the required bid specifications, GAF Companies, LLC is now awarded (Bid No. 26-022-2026-REC-003) New Youth Baseball Restrooms – Volanta Park for the for the City of Fairhope Recreation Department with a bid proposal not-to-exceed \$176,783.70.

ADOPTED ON THIS 19TH DAY OF FEBRUARY, 2026


James Reid Conyers, Jr.
Council President

Attest:


Lisa A. Hanks, MMC
City Clerk

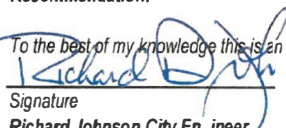
City of Fairhope Bid Tabulation
Bid No. 26-022-2026-REC-003 New Youth Baseball Restrooms- Volanta Park
Opened February 10th, 2026 @ 2:00 PM

Vendor	Bid Bond (Y/N)	Bid Documents Signed/Notarized (Y/N)	Addendum Acknowledged I/II (Y/N)	Lump Sum Price (Base Bid):	Project contingency for unforeseen conditions (10% of base bid)	Electrical material contingency	Base Bid Total (Lump Sum):
Bienville Construction Services, LLC.	Y	Y	Y	\$167,196.00	\$16,719.60	\$5,000.00	\$188,915.60*
Biggs Construction Company, Inc.	Y	Y	Y	\$246,534.00	\$24,653.40	\$5,000.00	\$276,187.40
Empire Builders Group, Inc.	Y	Y	Y	\$223,665.00	\$22,366.50	\$5,000.00	\$251,031.50
Fairhope Building Company, LLC.	Y	Y	Y	\$196,086.00	\$19,608.60*	\$5,000.00	\$220,694.60*
GAF Companies, LLC.	Y	Y	Y	\$156,167.00	\$15,616.70	\$5,000.00	\$176,783.70
Gulf Construction Co., LLC.	Y	Y	Y	\$166,582.00	\$16,658.20	\$5,000.00	\$188,240.20
The Highland Group	Y	Y	Y	\$218,000.00	\$21,800.00	\$5,000.00	\$244,800.00
Langan Development Company, LLC.	Y	Y	Y	\$214,000.00	\$21,400.00	\$5,000.00	\$240,400.00
Reehco General Contractors, LLC.	Y	Y	Y	\$245,942.00	\$24,594.20	\$5,000.00	\$275,536.20*
RH Deas Building Co., LLC.	Y	Y	Y	\$177,000.00	\$17,700.00	\$5,000.00	\$199,700.00

* Corrected Math

Recommendation:

To the best of my knowledge this is an accurate Bid Tabulation


Signature

Richard Johnson City Engineer


Signature

Erin Wolfe, Purchasing Manager

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Councilmember Burrell introduced in writing, and moved for the adoption of the following resolution, a resolution to award (Bid No. 26-023-2026-REC-100) to Hagan Storm Fence of Mobile for New 6 ft. Vinyl Coated Fences - Barnwell Youth Football Fields with a bid proposal not-to-exceed \$39,617.00. Seconded by Councilmember Gammon, motion passed unanimously by voice vote.

RESOLUTION NO. 5738-26

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, as follows:

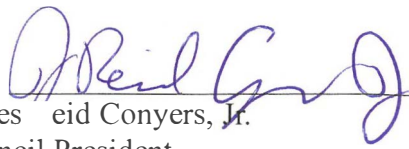
[1] That the City of Fairhope did request, receive, and open bids for (Bid No. 26-023-2026-REC-100) New 6 ft. Vinyl Coated Fences – Barnwell Youth Football Fields for the City of Fairhope Recreation Department.

[2] At the appointed time and place, the following bids were opened and tabulated as follows:

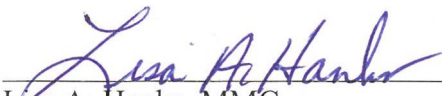
Please see attached Bid Tabulation for
New 6 ft. Vinyl Coated Fences – Barnwell Youth Football Fields

[3] After evaluating the bid proposals with the required bid specifications, Hagan Storm Fence of Mobile is now awarded (Bid No. 26-023-2026-REC-100) New 6 ft. Vinyl Coated Fences – Barnwell Youth Football Fields for the City of Fairhope Recreation Department with a bid proposal not-to-exceed \$39,617.00.

ADOPTED ON THIS 19TH DAY OF FEBRUARY, 2026


James Reid Conyers, Jr.
Council President

Attest:


Lisa A. Hanks, MMC
City Clerk

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City of Fairhope Bid Tabulation
Bid 26-023-2026-REC-100 New 6ft Vinyl Coasted Fences- Barnwell Youth Football Fields
Opened February 3rd, 2026 at 02:00 P.M.

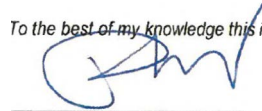
Vendor	Bid Documents Signed / Notarized (Y/N)	Bid Bond (Y/N)	Addendum I Acknowledged (Y/N)	Lump Sum Cost
B & T Fencing, Inc.	Y/Y	N/A	Y	\$58,468.96
Eastern Shore Fence Company	Y/Y	N/A	N	\$57,188.00
Gulf Coast Fence Company, Inc.	Y/Y	N/A	Y	\$49,413.00
Hagan Storm Fence of Mobile	Y/N*	N/A	Y	\$39,617.00
Howell Fencing	N/Y**	N/A	Y	\$66,286.00
Major League Fencing, LLC	Y/Y	N/A	Y	\$50,400.00

*Notary stamped with seal and dated but not signed.

**Bid not signed but was notarized.

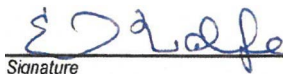
Recommendation:

To the best of my knowledge this is an accurate Bid Tabulation



Signature

Pat White, Director of Recreation



Signature

Erin Wolfe, Purchasing Manager

Councilmember Gammon introduced in writing, and moved for the adoption of the following resolution, a resolution that the City Council hereby approves and authorizes the Fairhope Junior City Council (FJCC) Project Proposal for a Pickleball Tournament at the Mike Ford Tennis Center on Saturday, April 25, 2026, with proceeds raised donated to the Fairhope Youth Rotary Club. Seconded by Councilmember Burrell, motion passed unanimously by voice vote.

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19 February 2026

RESOLUTION NO. 5739-26

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, as follows:

[1] That the City Council hereby approves and authorizes the Fairhope Junior City Council (FJCC) Project Proposal for a Pickleball Tournament at the Mike Ford Tennis Center on Saturday, April 25, 2026, with proceeds raised donated to the Fairhope Youth Rotary Club.

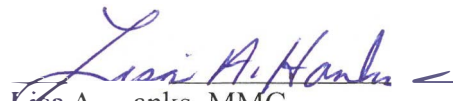
[2] Estimated project cost is \$950.00 that includes: trophies/medals \$250.00, pickleballs \$150.00, concessions \$350.00, and miscellaneous first aid \$200.00.

[3] The Recreation Department has agreed to support FJCC with coordination of the tournament.

Adopted on this 19th day of February, 2026


James Reid Conyers, Jr.
Council President

Attest:


Lisa A. Hanks, MMC
City Clerk

Councilmember Gammon introduced in writing, and moved for the adoption of the following resolution, a resolution that the City Council approves the selection of Magnolia River to perform Professional Services for (RFQ PS26-018) Pipeline and Hazardous Materials Safety Administration ("PHMSA") Grant Preparation; and authorizes Mayor Sherry Sullivan to execute a Contract with a not-to-exceed fee of \$20,000.00. Seconded by Councilmember Burrell, motion passed unanimously by voice vote.

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19 February 2026

RESOLUTION NO. 5740-26

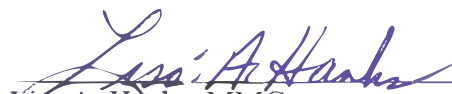
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, as follows:

[1] That the City Council approves the selection of Magnolia River to perform Professional Services for (RFQ PS26-018) Pipeline and Hazardous Materials Safety Administration ("PHSMA") Grant Preparation; and authorizes Mayor Sherry Sullivan to execute a Contract with a not-to-exceed fee of \$20,000.00.

DULY ADOPTED THIS 19TH DAY OF FEBRUARY, 2026


James Reid Conyers
Council President

Attest:


Lisa A. Hanks, MMC
City Clerk

Councilmember Booth introduced in writing, and moved for the adoption of the following resolution, a resolution that the City Council hereby approves the amendment to Administrative Policy and Procedure: Quality Base Selection (QBS) for Professional Services: Item III "For Projects under One Hundred Thousand Dollars" as presented in the attachment and a Copy is on file in the Office of the City Clerk. Seconded by Councilmember Gammon, motion passed unanimously by voice vote. Councilmember Gammon commented it is better and efficient to keep these moving.

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RESOLUTION NO. 5741-26

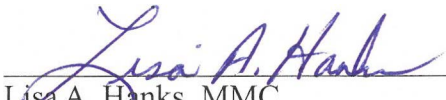
WHEREAS, the City of Fairhope desires to amend the Administrative Policy and Procedure: Quality Based Selection (QBS) for Professional Services Contracts: Item III SELECTION OF PROFESSIONAL SERVICE PROVIDERS FROM THE PREQUALIFICATION LIST; “For Projects under One Hundred Thousand Dollars” by adjusting the document as indicated in the attachment (see attached); and

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, hereby approves the amendment to Administrative Policy and Procedure: Quality Based Selection (QBS) for Professional Services Contracts as presented and a copy is on file in the Office of the City Clerk.

DULY ADOPTED THIS 19TH DAY OF FEBRUARY, 2026


James Reid Conyers, Jr.
Council President

ATTEST:


Lisa A. Hanks, MMC
City Clerk

City Council reviewed an application for a for Special Events Retail License by Thomas Bratton McGregor, Bottles Up Mobile Inc. d/b/a Bottles Up Mobile, Brides by the Bay, on March 8, 2026, at the Fairhope Civic Center, 161 N. Section St., Fairhope, AL 36532. Councilmember Burrell moved to approve the issuance of the license. Seconded by Councilmember Booth, motion passed unanimously by voice vote.

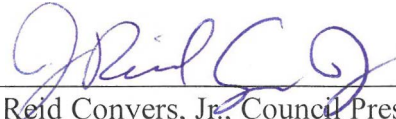
The following individuals spoke during Public Participation for Non-Agenda Items:

- 1) Erik Cortinas reminded everyone of the Fairhope Booster Club Drawdown on March 14, 2026.
- 2) Councilmember Gammon reminded everyone of Arbor Day on Saturday, February 21, 2026, at 10:00 a.m.

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Councilmember Burrell moved to adjourn the meeting. Seconded by Councilmember Gammon, motion passed unanimously by voice vote.

There being no further business to come before the City Council, the meeting was duly adjourned at 8:20 p.m.



James Reid Conyers, Jr., Council President



Lisa A. Hanks, MMC
City Clerk



City of Fairhope City Council

February 19, 2026

Zoning Ordinance Amendments
Case: ZC 25.07

Prepared by: Hunter Simmons

Summary



Background:

These amendments are proposed in response to Comprehensive Plan input, conversations with City Council and Planning Commission, Staff evaluation, and consultation with Legal Counsel.

Future Plans:

There will be more amendments proposed in the coming month(s)/year(s). Current Zoning Ordinance and Subdivision Regulations, along with other City regulations, have only had piecemeal edits over the last 20 years. Planning Staff has requested a budget item to begin an all-inclusive review and overhaul of current policy, to more efficiently guide the City's long-range growth.

February 2026 Update:

Amendments were proposed to the Planning Commission in September 2025 and to the City Council in October 2025. Staff was asked to revisit some of the proposed amendments and bring back revisions to the City Council. The following pages summarize changes to the amendments since they were heard during the October and November meetings.

October VS February:

Details of each change are included on the following pages.

1. Changes to Site Plan Review requirements (No Changes)
2. Impervious Surface Maximum added to Residential (No Changes)
3. Recreational Zoning Districts (No Changes)
4. Townhouses (No Changes)
5. Multi-Family/Apartments (No Changes)
6. Mixed-Use Buildings (Increased density and floor area ratio in the CBD)
7. Planned Unit Developments (PUD's) (No Changes)
8. Village Districts (No Changes)
9. Use Table (Exception for existing single-family and two-family)
10. General Maintenance and Definitions (Revised Gross Floor Area definition; changes to definition of building height removed entirely)



Article III, Section D.14.c (Page 34)

Previous

- 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

Revised

- 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: 3,630 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

Commentary

The amendments proposed in October limited the number of residential units that can be included in a mixed-use building based on the size of the lot. The average 'density' of current mixed-use buildings in the CBD was close to 7,000 sf per Dwelling Unit, which was originally proposed. After receiving several concerns, we re-evaluated the impact that would have on several properties in the CBD. A quarter-acre lot seems to be common in the CBD.

Three dwelling units on a quarter acre seemed to be acceptable by those Council and Commissioners poled. This would result in 12 Units Per Acre, in addition to the commercial uses included within a mixed-use building.



Article III, Section D.14.c (Page 34)

Previous

- (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

Revised

- (4) Building limitations:
 - (i) Maximum Floor Area Ratio (FAR): 225 percent
 - (ii) Maximum impervious area: None
 - (iii) Maximum number of stories: Three
 - a. Maximum building height: 40 feet to the top of all structures, appurtenances, and mechanical equipment.
- (5) Maximum allowable Gross Density: One Dwelling Unit per 3,630 square feet of land contained in the parcel

Commentary

The amendments proposed in October provided for a Floor Area Ratio (FAR) of 200 percent. The FAR for mixed-use buildings is increased to 225 percent in the newly proposed amendments. As a reminder, Floor Area Ratio is the ratio of the Gross Floor Area of a building compared to the gross area of a lot.



Article III, Section D.14.c (Page 34)

Previous

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 Building.

Revised

Building, Height: The vertical distance measured from the average natural elevation of the lot to the mean point of the roof of the building.

Commentary

Other than the simple clarification of building height in the CBD, all proposed amendments that would affect building height were removed from these amendments.

Staff is working with Planning Commissioners on new amendments for building height that will likely be on the March Planning Commission agenda for discussion.



Article III, Section D.14.c (Page 34)

Previous

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.

Revised

Gross Floor Area: The sum of the gross horizontal areas of all 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 or columns, including the walls or railings of Porches and Decks. The gross floor area of a Building shall include the floor area of accessory Buildings on the same lot, measured the same way. Structures, Porches, and Decks intended for occupancy, whether temporary or permanent, within a Rooftop Terrace shall be included in the Gross Floor Area.

Commentary

Gross Floor Area (GFA) is generally a common definition used in many zoning ordinances. Because the Rooftop Terrace section of the Fairhope Zoning Ordinance is unique to Fairhope, we added clarification to the GFA definition regarding the portion of a Rooftop Terrace that would be calculated in the Floor Area Ratio.



Table 3-2: Use Table Removed residential uses in Commercial Districts.

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

1. **THAT**, the Zoning Ordinance (No. 1253) be hereby amended to read as shown in Exhibit A.

2. **THAT**, the amendment shown in Exhibit A to the use table (Table 3-1) removing Single-Family use and Two-Family use from the business zoning districts (B-1, B-2, B-3a, B-3b, and B-4) shall not take effect until January 1, 2027, for all lots of record within the aforementioned zoning districts in existence prior to the adoption of this Ordinance, at which time any single family use and two-family use shall be subject to the Non-conformities provisions of Article VII of the Zoning Ordinance (No. 1253).

Commentary

Several citizens were concerned that their existing single-family and two-family homes would be classified as a non-conforming use under this proposal. While this is true, from the onset we discussed the need to have separate lodging related regulations when homes within these zoning districts are converted to short-term rentals.

Amendments that would affect lodging use are not part of these amendments. We intend to resolve this in a future amendment so that existing homes are not affected by these changes. In the interim, within the proposed Ordinance, we added the language on the left so that these amendments do not affect any existing single-family or two-family use until January 1, 2027.

