



Sherry Sullivan
Mayor

Council Members

Andrea F. Booth
Jack Burrell, ACO
Jimmy Conyers
Joshua N. Gammon
Jay Robinson

Lisa A. Hanks, MMC
City Clerk

Kimberly Creech
City Treasurer

Fairhope Planning Commission Agenda

August 3, 2026 – 5:00 PM

COMMISSIONERS

Lee Turner, Chairman	Harry Kohler	Kim McCormick
Rebecca Bryant, Vice Chairman	Hollie MacKellar	John Worsham
Janine Saykes, Secretary	Paul Fontenot	Erik Cortinas
Jimmy Conyers (CC)		

(CC) City Council Representative

1. CALL TO ORDER

2. CONSENT AGENDA

- **Approval of Minutes** – July 6, 2026

3. REGULAR AGENDA

OLD BUSINESS

- A. ZC 25.08** Holdover Extension Request by the Applicant, Core Development and Construction of Alabama, LLC on behalf of the Owner, FST and Bertolla Properties LLC, for Conditional Annexation to PUD, Planned Unit Development for Colony Village. The property is located at 10504 State Highway 104 and is 148± acres. **PPINS#: 5499, 20948, 286294**

NEW BUSINESS

- B. SR 26.05** Request of the Applicant, Murphy Oil USA, Inc., on behalf of the Owner, RW Battles, LLC, for Site Plan Approval of Murphy Oil Automobile Service Station. The property is located at 18186 Wright Blvd. and is 1.14 ± acres. **PPIN#: 391372**
- C. ZC 26.07** Public hearing to consider the request of the Applicant, Jade Consulting, LLC, on behalf of the Owner, Michael Jason Tickle 2020 Trust for Conditional Annexation to R-1, Low Density Single-Family District for Windrow Phase 2. The property is located on the east side of South Section Street, south of Twin Beech Road and is 20.11± acres. **PPIN#: 28640**



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- D. ZC 26.08** Public hearing to consider the request from the City of Fairhope Planning and Zoning Department, for proposed amendments to the City of Fairhope's Zoning Ordinance pertaining to Building Height.
- E. Resolution 2026-03** Public hearing to consider the request of the City of Fairhope's Planning and Zoning Department to accept Resolution 2026-03 adopting the temporary suspension of consideration of certain residential multiple occupancy project and subdivision applications under the City of Fairhope Subdivision Regulations as set forth in Ordinance 1859.
- F.** Discussion of "Open-Air Structures" and the applicability of the Zoning Ordinance regarding site coverage and setback requirements.

4. ADJOURN

Fairhope Planning Commission Minutes

July 6, 2026 – 5:00 PM

ADMINISTRATIVE

The Planning Commission met Monday, July 6, 2026, at 5:00 PM at the City Municipal Complex, 161 N. Section Street in the Council Chambers.

Present:

X	Lee Turner, Chairman	X	Paul Fontenot
	Rebecca Bryant, Vice Chairman	X	Kim McCormick
X	Janine Saykes, Secretary	X	John Worsham
X	Harry Kohler	X	Erik Cortinas
X	Hollie MacKellar	X	Jimmy Conyers (CC)
(CC) City Council Representative			

Staff: Hunter Simmons, Planning and Zoning Director; Mike Jeffries, Development Services Manager; Payton Rogers, Planning and Zoning Manager; Chris Williams, City Attorney; and Janine Saykes, Planning Clerk.

Chairman Lee Turner called the meeting to order at 4:58pm.

CONSENT AGENDA

- Approval of the Minutes – June 1, 2026

Attorney Chris Williams stated there was a correction needed for SD 26.08. The motion to table for up to six (6) months was with the Applicants consent.

John Worsham made a motion to approve the minutes with the correction.

Erik Cortinas seconded the motion and the motion carried unanimously with the following vote:

AYE: Lee Turner, Paul Fontenot, John Worsham, Jimmy Conyers, Harry Kohler, Hollie MacKellar, Kim McCormick, and Erik Cortinas

NAY: None

ABSTAIN: None

OLD BUSINESS

- A. UR 26.06** Correction of previous Recommendation to City Council for Verizon Wireless for the installation of a new small cell tower in downtown Fairhope. Located within the right-of-way near 450 Fairhope Avenue.

Mike Jeffries, Development Services Manager, stated the Planning Commission's June recommendation to City Council for Approval is not required for a small cell tower colocation and asked for the recommendation to be removed.

Erik Cortinas made a motion to remove the recommendation for City Council Approval for UR 26.06 and keep the Staff recommendations set forth in June.

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

AYE: Lee Turner, Erik Cortinas, Paul Fontenot, John Worsham, Jimmy Conyers, Harry Kohler, Hollie MacKellar, and Kim McCormick

NAY: None

ABSTAIN: None

- B. UR 26.10** Correction of previous Recommendation to City Council for Verizon Wireless for the installation of a new small cell tower in downtown Fairhope. Located within the right-of-way near 108 North Section Street.

Mike Jeffries, Development Services Manager, stated that the Planning Commission's June recommendation to City Council for Approval is not required for a small cell tower colocation and asked for the recommendation to be removed.

Erik Cortinas made a motion to remove the recommendation for City Council Approval for UR 26.10 and keep the Staff recommendations set forth in June.

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

AYE: Lee Turner, Erik Cortinas, Paul Fontenot, John Worsham, Jimmy Conyers, Harry Kohler, Hollie MacKellar, and Kim McCormick

NAY: None

ABSTAIN: None

- C. UR 26.05** Request of Verizon Wireless for the installation of a new small cell tower in downtown Fairhope. Located within the right-of-way near 5 North Church Street.

Mike Jeffries, Development Services Manager, presented the request on behalf of the Applicant. Mr. Jeffries stated the Applicant asked to table UR 26.05 until the September Planning Commission meeting for further study.

Hollie MacKellar made a motion to table UR 26.05 until the September Planning Commission meeting, per the Applicant's request.

Erik Cortinas seconded the motion and the motion carried unanimously with the following vote.

AYE: Lee Turner, Erik Cortinas, Paul Fontenot, John Worsham, Jimmy Conyers, Harry Kohler, Hollie MacKellar, and Kim McCormick

NAY: None

ABSTAIN: None

- D. UR 26.07** Request of Verizon Wireless for the installation of a new small cell tower in downtown Fairhope. Located within the right-of-way near 100 North Bancroft Street.

Mike Jeffries, Development Services Manager, presented the request on behalf of the Applicant. Mr. Jeffries stated the Applicant asked to table UR 26.07 until the September Planning Commission meeting for further study.

Jimmy Conyers made a motion to table UR 26.07 until the September Planning Commission meeting, per the Applicant's request.

John Worsham seconded the motion and the motion carried unanimously with the following vote.

AYE: Lee Turner, Erik Cortinas, Paul Fontenot, John Worsham, Jimmy Conyers, Harry Kohler, Hollie MacKellar, and Kim McCormick

NAY: None

ABSTAIN: None

- E. UR 26.08** Request of Verizon Wireless for the installation of a new small cell tower in downtown Fairhope. Located within the right-of-way near 319 Magnolia Avenue.

Mike Jeffries, Development Services Manager, presented the request on behalf of the Applicant. Mr. Jeffries stated the Applicant asked to table UR 26.08 until the September Planning Commission meeting for further study.

Erik Cortinas made a motion to table UR 26.08 until the September Planning Commission meeting, per the Applicant's request.

Kim McCormick seconded the motion and the motion carried unanimously with the following vote.

AYE: Lee Turner, Erik Cortinas, Paul Fontenot, John Worsham, Jimmy Conyers, Harry Kohler, Hollie MacKellar, and Kim McCormick

NAY: None

ABSTAIN: None

NEW BUSINESS

- F. UR 26.13** Request of AT & T for the installation of a new small cell tower in Fairhope. Located within the right-of-way near 18800 South Greeno Road.

Mike Jeffries, Development Services Manager, presented the request on behalf of the Applicant. Mr. Jeffries shared a locator map and the proposed pole. Mr. Jeffries stated this location is inside the ALDOT right-of-way and our small cell ordinance is not applicable. ALDOT has approved this permit.

Staff recommends Approval of UR 26.13 Utility Review with the following conditions:

1. The Applicant shall coordinate with Fairhope Utilities to avoid conflicts with existing City infrastructure.

Chairman Turner asked the Applicant if she would like to speak. Michelle Fogle, representative for AT & T was available for questions.

Chairman Turner asked what the purpose of this tower is. Ms. Fogle stated the Radio Frequency Engineers determined they needed some capacity and/or coverage so they proposed a small cell tower. Ms. Fogle stated it will be primarily focused on the school and surrounding area.

John Worsham made a motion to approve UR 26.13 Utility Review with Staff recommendations.

Erik Cortinas seconded the motion and the motion carried unanimously with the following vote.

AYE: Lee Turner, Erik Cortinas, Paul Fontenot, John Worsham, Jimmy Conyers, Harry Kohler, Hollie MacKellar, and Kim McCormick

NAY: None

ABSTAIN: None

- G. SR 26.04** Request of the Applicant, Murphy Oil USA, INC., on behalf of the Owner, Corte Cave/Mitchell 1, LLC for Site Plan Review Approval of Murphy Oil Automobile Service Station. The property is located at the northwest corner of State Highway 181 and State Highway 104 and is 1.18± acres. **PPIN#: 623309**

Payton Rogers, Planning and Zoning Manager, presented the request on behalf of the Applicant. Mr. Rogers shared the zoning and aerial maps. Mr. Rogers stated in November 2020, Planter's Pointe was approved for a Preliminary MOP, followed by Preliminary Plat approval for a 9-lot subdivision in November 2021. Conditional annexation into city limits took effect in December 2021, followed by a 12-month extension to the 9-unit MOP which was granted in October 2023. Final Plat was granted in December 2023 and on April 21, 2026, the Board of Adjustments approved a Special Exception request to allow an Automobile Service Station on the site.

Staff recommends Approval of SR 26.04 – Murphy Oil USA Site Plan with the following conditions:

1. Revision of the Tree and Landscape Plan to illustrate one of the following solutions to address the understory tree within State Highway 181 ROW:
 - a. Move the existing crape myrtle onto the subject site to be located on the other side of the two neighboring trees; or
 - b. Remove the existing tree and plant a new crape myrtle of the same size and species as the one removed on the subject site to be located on the other side of the two neighboring trees.

Chairman Turner asked if the Applicant would like to speak. Wesley Miller, representative for RAM Engineering, was available for questions.

Chairman Turner had many concerns about the crape myrtle trees and would like something with a larger canopy. There was a thorough discussion among the Commissioners, Staff and Applicant regarding the Tree and Landscape Plan. The Landscape Architect with Espalier, Joe Comer also came up to speak and weighed in on the discussion. Mr. Comer added that the crape myrtles on site are existing trees. Mr. Comer stated they are happy to change the plan as needed and work toward a solution.

Chairman Turner opened the public hearing at 5:33pm. Mike Jeffries stated that this is not a public hearing and the public hearing was closed at 5:33pm.

Jimmy Conyers made a motion to approve SR 26.04 to the City Council with Staff recommendations and;

1. Review of revised Tree and Landscape Plan with Commissioner Paul Fontenot and Staff prior to going before City Council.

Erik Cortinas seconded the motion and the motion carried unanimously with the following vote:

AYE: Lee Turner, Erik Cortinas, Paul Fontenot, John Worsham, Jimmy Conyers, Harry Kohler, Hollie MacKellar, and Kim McCormick

NAY: None

ABSTAIN: None

- H. ZC 26.06** Public hearing to consider the request of the Applicant, S.E. Civil, LLC, on behalf of the Owner, Krhut Enterprises LLC, for Conditional Annexation to R-1, Low Density Single-Family District for Tower Homes. The property is located at the southeast corner of County Road 13 and Mosley Road and is 43.6± acres. **PPIN#: 24484, 109974, 113514, 234578**

Payton Rogers, Planning and Zoning Manager, presented the request on behalf of the Applicant. Mr. Rogers shared the city and county zoning maps. Mr. Rogers stated the site is currently zoned RSF-1, Residential Single-Family District and RA, Rural Agricultural District in Baldwin County. Mr. Rogers stated the Applicant has submitted voluntary conditions and restrictions of a maximum density of 1.4 units per acre if approved for annexation.

Staff received two (2) citizen comments which included concerns regarding stormwater/drainage, traffic, and questions about a trust between the subject site and the Fly Creek Watershed. Legal representation for the Applicant confirmed that there are no watershed protections or trust restrictions associated with this property. The other concerns are premature at this stage and would be addressed in a potential future Subdivision application.

Staff recommends approval of Conditional Annexation to R-1, Low Density Single-Family Residential District for ZC 26.06 – Krhut Enterprises, LLC with the following condition:

1. The subject site shall be restricted to a maximum density of 1.4 units per acre.

Chairman Turner asked if the Applicant would like to speak. David Diehl, representative for S.E. Civil, was available for questions. No questions asked. Will Hightower, representative of Tower Homes discussed their company and its vision for Fairhope in detail. Mr. Hightower stated they are planning to preserve approximately one-third of the site. Some of that includes wetlands, green space, and preserving many beautiful trees. Mr. Hightower stated they are planning to have approximately fifty (50) lots and they would like to build homes in the mid-range market. Mr. Hightower stated that there seems to be a gap between two (2) million-dollar custom homes and the inexpensive high-density homes being built by national builders. Mr. Hightower stated that they would like to fill that gap.

Chairman Turner opened the public hearing at 5:44pm.

Sissy Hawkins – 11567 Branchwood Dr. Fairhope – Ms. Hawkins asked why they are seeking annexation into the city, instead of staying in the county.

Dan Lumkin – 9215 Mosley Rd. Fairhope – Mr. Lumkin is concerned about traffic and storm drainage. He stated he is also concerned about his property value.

Charles Everette – 309 Pecan Ridge Blvd. Fairhope - Mr. Everette is concerned about the traffic blind spots. Drainage is also a major issue in this area. He would like to have complete transparency with the developer once the subdivision is started and have an opportunity to review plans.

Amy Martin - 317 Pecan Ridge Blvd. Fairhope – Ms. Martin stated that the school is already full and the school buses have a safety issue on Mosley Rd. There is also excessive runoff that flows through her property. Ms. Martin is also concerned about the wildlife on the property.

Chairman Turner asked the Applicant if he would like to answer the question brought up earlier about why they want to be in the city. David Diehl, S.E. Civil, stated they would like the development in the city for obvious reasons.

The public hearing was closed at 5:54pm.

John Worsham made a motion to recommend approval to City Council for Conditional Annexation for ZC 26.06 - Tower Homes with Staff recommendations.

Erik Cortinas seconded the motion and the motion carried unanimously with the following vote:

AYE: Lee Turner, John Worsham, Jimmy Conyers, Harry Kohler, Hollie MacKellar, Paul Fontenot, Kim McCormick, and Erik Cortinas

NAY: None

ABSTAIN: None

ADJOURNMENT

John Worsham made a motion to adjourn.

The motion carried unanimously with the following vote:

AYE: Lee Turner, John Worsham, Jimmy Conyers, Harry Kohler, Paul Fontenot, Kim McCormick, Hollie MacKellar, and Erik Cortinas

NAY: None

ABSTAIN: None

Adjourned at 6:02pm.

Lee Turner, Chairman

Janine Saykes, Secretary



THIS DIGITAL PACKET HAS BEEN CONDENSED IN SIZE AND SOME DOCUMENTS MAY NOT CONTAIN ALL THE ORIGINAL PAGES.

ALL SUBMITTAL DOCUMENTS CAN BE MADE AVAILABLE TO THE PUBLIC UPON REQUEST AND HAVE BEEN REVIEWED IN FULL BY PLANNING STAFF IN PREPARATION FOR THE REPORTS PREPARED FOR PLANNING COMMISSION.

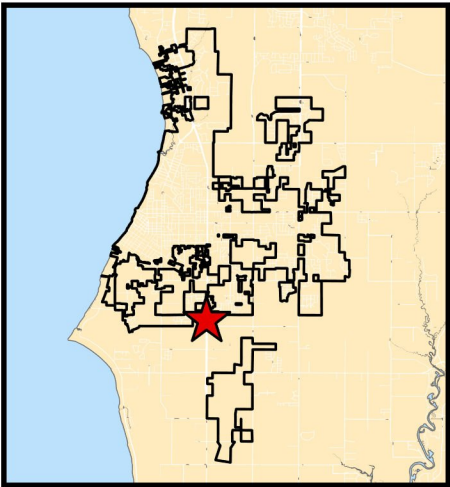
City of Fairhope

Planning Commission

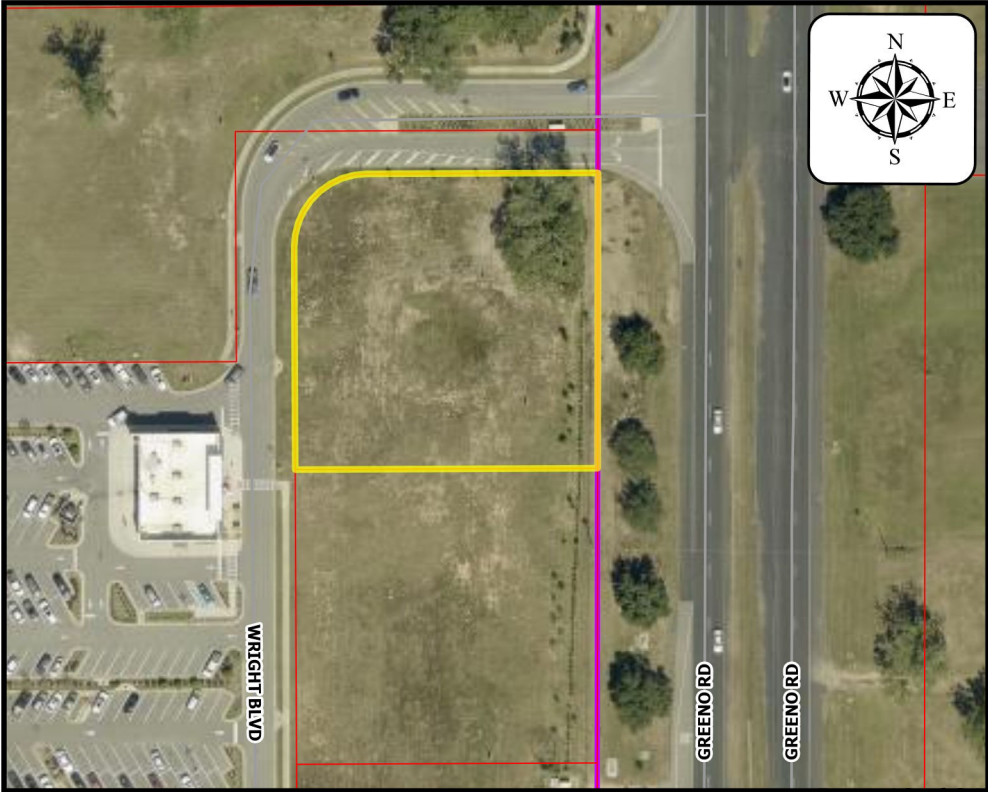
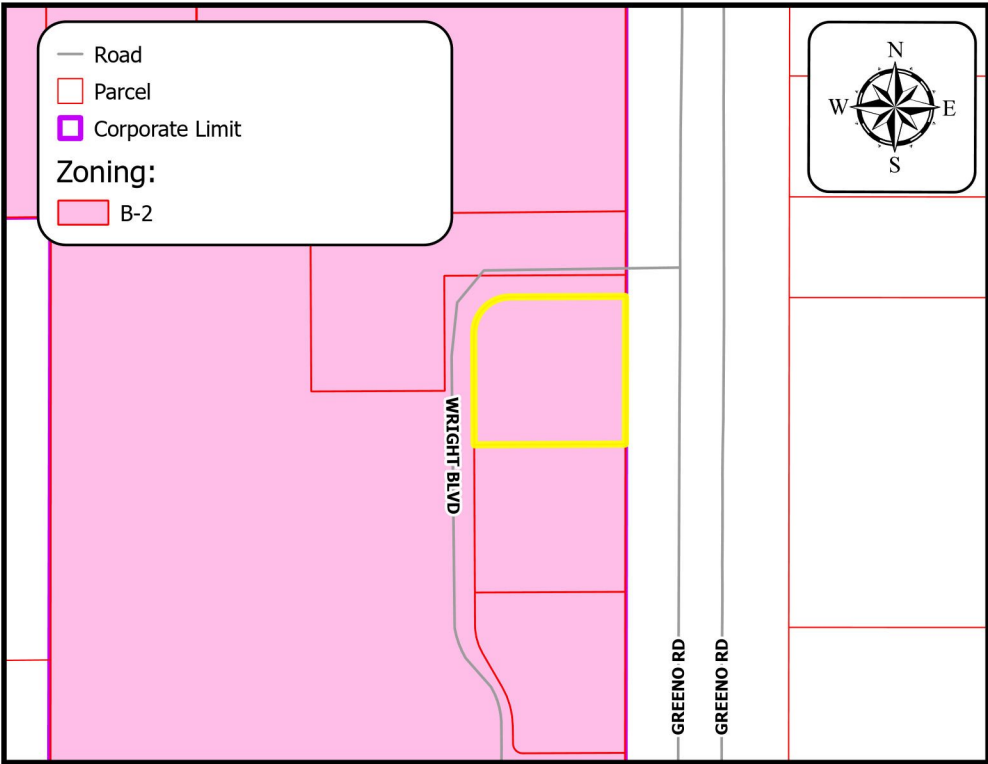
August 3, 2026



SR 26.05 - Murphy Oil at Point Clear



Project Name:
Murphy Oil at Point Clear
Site Data:
1.14 acres
Project Type:
Site Plan Approval
Jurisdiction:
Fairhope Planning Jurisdiction
Zoning District:
B-2, General Business District
PPIN Number:
391372
General Location:
Northwest corner of the intersection of Greeno Road and County Road 34
Surveyor of Record:
RAM Engineering, LLC
Engineer of Record:
RAM Engineering, LLC
Owner / Developer:
RW Battles, LLC
School District:
Fairhope Elementary School Fairhope Middle and High Schools
Prepared by:
Payton Rogers



SUMMARY OF REQUEST

Request of the Applicant, Murphy Oil USA, Inc., on behalf of the Owner, RW Battles, LLC, for Site Plan Approval of Murphy Oil Automobile Service Station. The property is located at 18186 Wright Blvd. and is 1.14 ± acres.

SITE HISTORY

On February 1, 2021, SD 21.09, a 16-unit MOP was approved for this entire site (Shoppes at Point Clear) by the Fairhope Planning Commission. At the time, the site was unzoned within the county and located within the Fairhope Planning Jurisdiction. Thus, LND21-000064 was issued on May 25, 2021, for the entire site.

At its August 1, 2022, meeting the Fairhope Planning Commission unanimously approved ZC 22.09, for Conditional Annexation to B-2, General Business District. Subsequently, Resolution No. 4614-22 “Project Development Agreement between City and RW Battles, LLC” was accepted by the City Council on November 14, 2022, and Ordinance No. 1765 was signed on December 12, 2022, annexing the greater site into city limits.

On May 1, 2023, the final MOP was approved by the Planning Commission (SD 23.15).

At its meeting on April 21, 2026 the Board of Adjustment approved a Special Exception request to allow construction of an Automobile Service Station on the subject site.

A mandatory Site Plan Review is required for the proposed development due to the amount of impervious surfacing being proposed and will follow this application.

STAFF COMMENTS

Site Plan

The proposed site plan is attached to the end of this report as an exhibit.

Setbacks - COMPLIANT

A 2023 3-lot Resubdivision of Lots 1, 2, 3, & 4 of RW Battles LLC Subdivision establishes setback requirements for the subject site (Lot A) to be 20 feet from the North property line along Wright Blvd, 25 feet from the East property line along Greeno Rd, 20 feet from the South property line where the site abuts Lot B, and 25 feet from the West property line along Wright Blvd. All setbacks are illustrated as compliant on the proposed Site Plan.

Buildings - COMPLIANT

B-2, General Business District has a required maximum building height of 30 feet. The proposed building height for the one-story structure is 18± feet.

Tree & Landscaping - COMPLIANT

The City of Fairhope Trees and Landscaping Ordinance details all tree planting and landscape area requirements for commercial development. As proposed, the Tree and Landscape Plan illustrates full compliance with the Tree Ordinance (see exhibits).

Parking - COMPLIANT

Per Article IV-E.4 Table 4-3, *Parking Schedule* the proposed Site Plan illustrates a compliant amount of on-site parking.

Connectivity - NON-COMPLIANT

Sidewalks and pedestrian connectivity are illustrated along the northwest corner of the subject site along Wright Blvd. As there are no pedestrian facilities further East along Wright Blvd toward Greeno Rd. the amount of sidewalk proposed along the Northern property line is appropriate. However, the proposed sidewalk and pedestrian facilities along the West property line are insufficient. If approved, prior to the application being forwarded to the City Council for review, the plans should be revised to illustrate sidewalk along the entirety of the west property line where the subject site abuts Wright Blvd. This new length of sidewalk should tie into the existing sidewalk south of the property for Lot B.

Drainage - COMPLIANT

Drainage for the subject site was addressed in its entirety at the time of MOP approval when the Publix was being developed. As proposed the Applicant intends to utilize onsite drainage structures which tie into an existing curb inlet. Runoff collected at this inlet will be conveyed to the master detention pond for the site.

Exterior Lighting - COMPLIANT

As proposed, exterior lighting is compliant with Article IV Section B.3 of the Zoning Ordinance as it relates to on-site lighting.

Mechanical Equipment - COMPLIANT

All mechanical equipment is proposed to be located on the building's roof.

Dumpster - COMPLIANT

The Site Plan illustrates a dumpster on the East side of the proposed building and includes a plan detail illustrating an enclosure and screening in compliance with Article IV-B.2. of the Zoning Ordinance.

Signage - N/A

All Signage will be formally reviewed at time of sign permit submittal. As a lot with three (3) frontages the subject site is allowed a total of three (3) building signs and three (3) freestanding signs. However, the aggregate surface area of **ALL** permitted signs shall not exceed 50 square feet for the entire site. It should be noted that gasoline pricing signage is included in the total aggregate signage calculations. Additionally, the City of Fairhope Sign Ordinance does not allow for canopy signs.

Erosion Control - COMPLIANT

An erosion control plan was submitted with the application and is acceptable.

Utilities - NON-COMPLIANT

A utility plan was submitted and has been reviewed by the appropriate providers. No utility upgrades are required. The City of Fairhope Water Utility has provided the following comments which must be addressed prior to site plan review by the City Council:

1. *The utility plans provided are inaccurate. The plans currently depict two (1-inch) water services; however, the existing services are **two (2-inch) water services**. Revise the plans accordingly.*
2. *The **6-inch water main located beneath the proposed driveways must be encased**. To facilitate the encasement, the **6-inch stub-out shall be removed**. Additionally, the **corporation stop must be relocated outside of the driveway limits**. The proposed driveway entrance/exit conflicts with existing water infrastructure located on the southwest portion of the property, including:*
 - a. *A **6-inch water main***

- b. A **6-inch water stub-out**
 - c. A **2-inch water service**
3. A **2-inch commercial water meter** requires installation within a **commercial meter vault** (see attached standard detail/drawing).
 4. **Option B is the preferred alternative** and is strongly recommended to avoid conflicts with the existing water infrastructure and minimize impacts to the water system.
 5. **Revised utility plans** addressing all comments listed above shall be submitted for review and approval prior to **DRC approval**.

Required Action: Submit revised utility plans incorporating the above revisions. Staff prefers that the developer proceed with **Option B** and revise the plans accordingly for further review.

ADA Standards - **COMPLIANT**

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

Traffic - **COMPLIANT**

Per the applicant's submitted traffic letter the proposed Murphy Oil USA will generate a total of 46 trips (23 entry and 23 exit) during the Weekday AM peak hour and a total of 54 trips (27 entry and 27 exit) during the Weekday PM peak hour.

Lot Access - **MORE INFO NEEDED**

As proposed, the Site Plan illustrates two access points into the subject site both of which are designed to provide two-way access to and from Wright Blvd along the West side of the property. The Applicant states that two access points are necessary to allow truck access to the site for fuel delivery and has provided truck route plans demonstrating this (see exhibits).

It should be noted that the proposed accesses enter onto Wright Blvd at a point where there is already an existing internal two-way drive aisle. The new accesses are slightly offset from this drive aisle and do not align in such a way that would create a standard 4-way stop allowing for easy traffic flow. While Staff is not in favor of the two accesses as proposed, they are compliant with the requirements of the Zoning Ordinance.

In an effort to reduce the overall number of access points along Wright Blvd, Staff discussed with the applicant the possibility of at least one shared access with Lot B to the South. The applicant believes this to be possible and has submitted an "Option B" plan illustrating a potential variation to the submitted access plan. It's worth noting that Option B still provides two (2) accesses to the subject site but does provide more distance between the proposed southern access and the existing interior drive aisle, which could potentially alleviate traffic caused by having so many access points within close proximity to each other on Wright Blvd. However, there are currently no guarantees that this would limit the total number of access points onto Wright Blvd.

If agreed upon by all property owners, Staff could support two access points to the subject site (Lot A) one of which being shared by the property to the south (Lot B) but only if said agreement were to specifically limit Lot B to the single shared access. Doing so would have the same effect as only allowing one access per lot. As such, if approved, a shared access plan must be agreed upon by all property owners and a new non-exclusive ingress/egress easement must be recorded in Baldwin County Probate with the aforementioned restrictions on Lot B, prior to review of the Site Plan by the City Council.

Comprehensive Plan - COMPLIANT

The subject site is in a newly recognized Suburban Mixed-Use Center in the proposed Comprehensive Plan.

Impacts on Surrounding Neighborhood - COMPLIANT

As previously stated, the subject site is zoned B-2. Directly adjacent to the site are additional commercial uses.

Benefits to the Community - COMPLIANT

As the number of residential units being developed in the area continues to grow a commercial retail center with a variety of retail/restaurant/office/commercial units will be a benefit to the residential subdivisions.

SITE PLAN CONSIDERATIONS

Standards of Review:

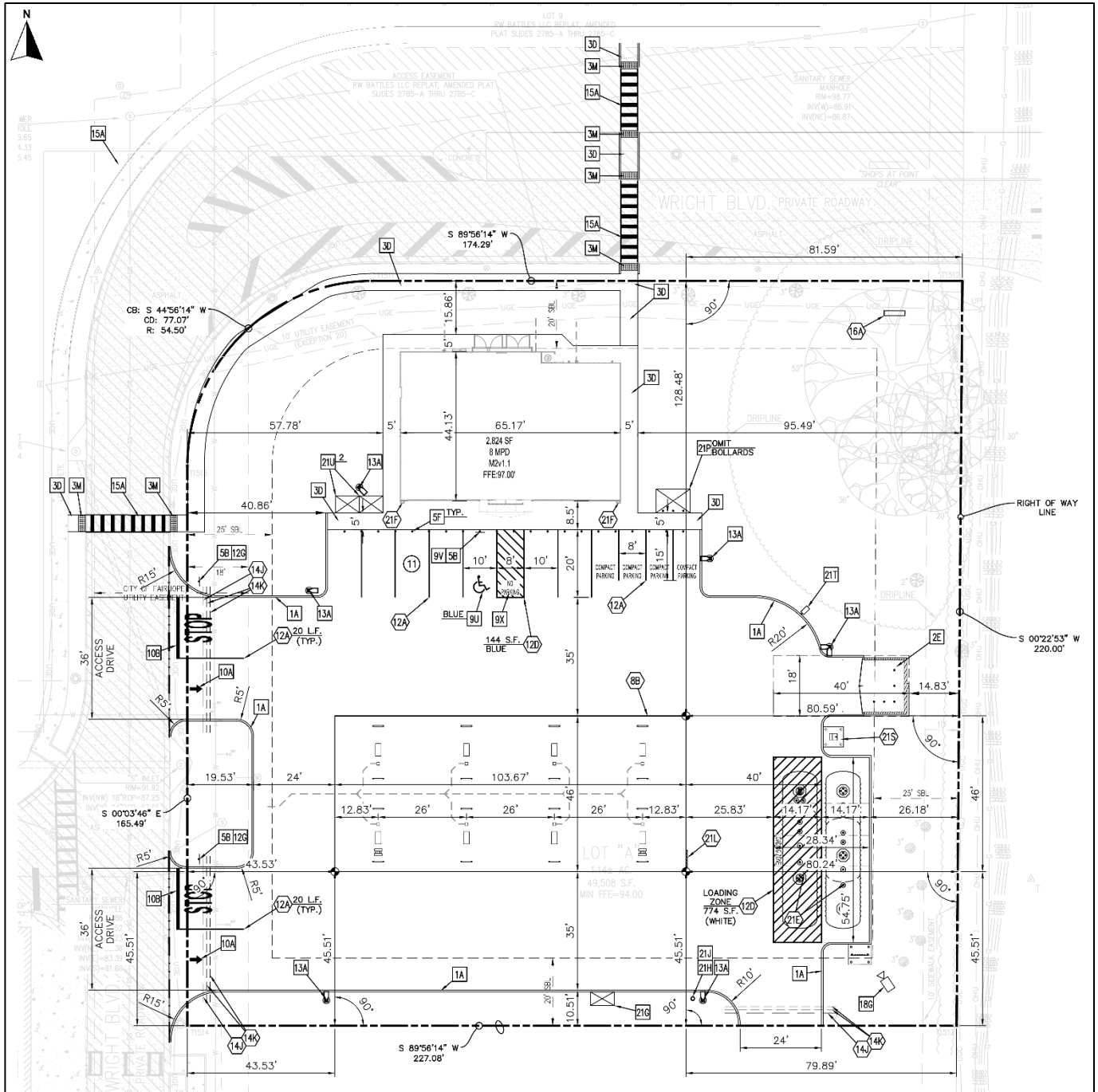
Article II Section C.2.d of the City of Fairhope Zoning Ordinance sets forth all criteria for reviewing Site Plan Review requests.

Recommendation:

Staff recommends **APPROVAL** of SR 26.05 – Murphy Oil USA Site Plan with the following conditions which must be addressed prior to review of the application by City Council:

1. Revision of all pertinent plans to illustrate sidewalk along the entirety of the western property line where the subject site abuts Wright Blvd and tying into the existing sidewalk and crosswalk south of the subject site;
2. Revision of all pertinent plans to address all Water Utility comments provided in this report; and
3. If it is determined that the site will pursue a shared access agreement between Lots A and B, the following is required: Lot B shall be limited to a single access onto Wright Blvd which shall be satisfied by the shared access between the two lots; and a non-exclusive ingress/egress easement shall be recorded in Baldwin County Probate and submitted to staff.

Proposed Site Plan



SR 26.05 – Murphy Oil USA, Inc
August 3, 2026

Tree Count Legend

Description	Quantity
Credit Tree	4
Frontage Tree	4
Parking Tree (OS)	1
Perimeter Tree	12

EXHIBITS

SR 26.05 – Murphy Oil USA, Inc

August 3, 2026

Proposed Elevations



Figure 1: Front (Facing South)



Figure 2: Front - Building Only (Facing South)



Figure 3: Rear (Facing North)

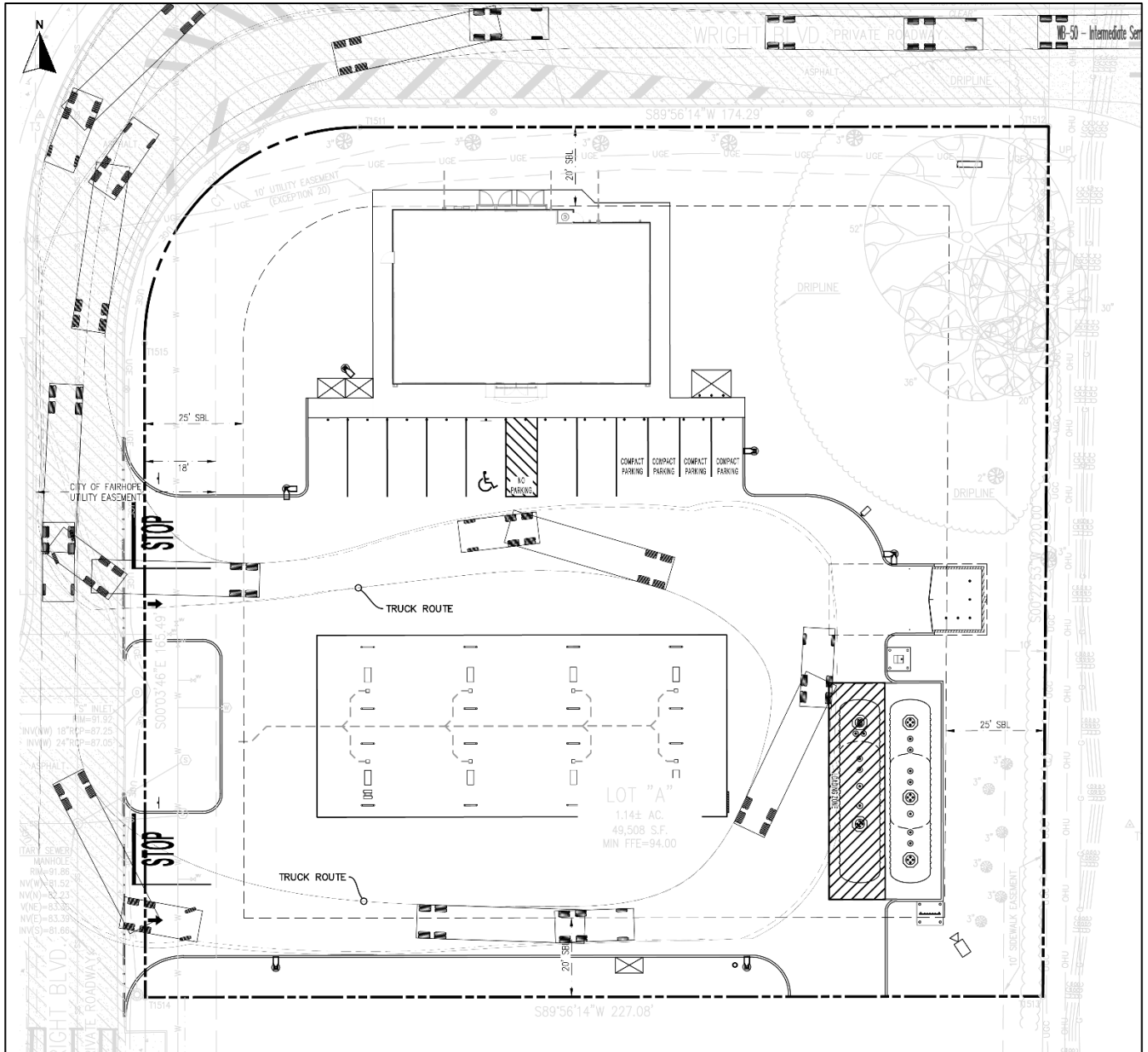


Figure 4: Left (Facing West)



Figure 5: Right (Facing East)

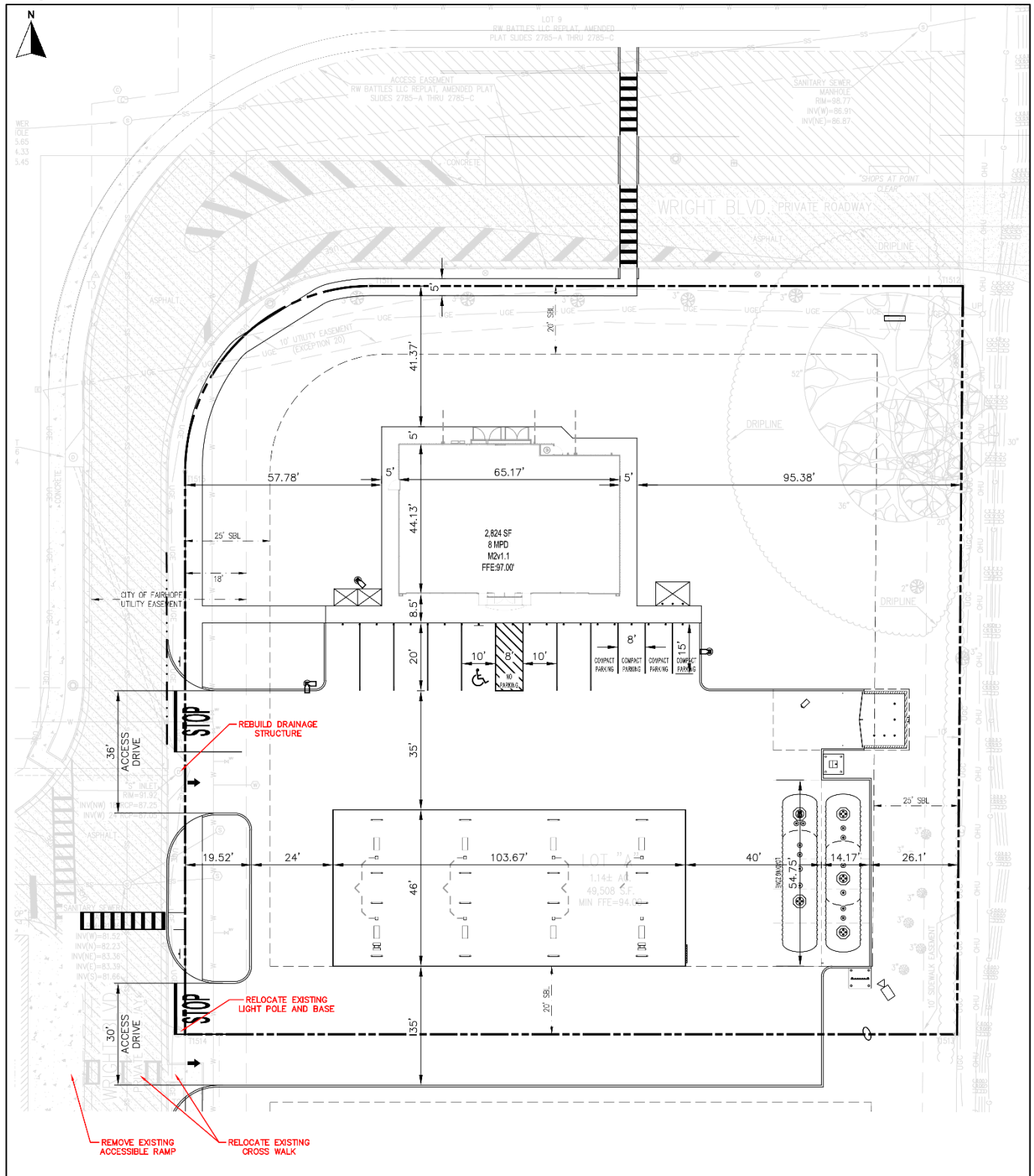
Proposed Truck Route



August 3, 2026

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Proposed Shared Access Plan – “Option B”





APPLICATION FOR SITE PLAN APPROVAL

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

Date of Application: 6/15/2026

Property Owner / Leaseholder Information

Name of Property Owner: RW BATTLES, LLC Phone Number: (706) 326-2053
Address of Property Owner: 2520 WYNNTON RD.
City: COLUMBUS State: GEORGIA Zip: 31906

Proposed Site Plan Name: Murphy USA #8039
Site Acreage: 1.14 Acres Sq. Footage: 49,508 sq ft
Parcel No: 391372 Current Zoning: B2

Authorized Agent Information

Name of Authorized Agent: Murphy Oil USA, INC. Phone Number: (318) 206-3838
Address: 200 Peach Street
City: EL Dorado State: Arkansa Zip: 71731
Contact Person: Wesley Miller

Engineer/Architect Information

Name of Firm: RAM Engineering, LLC Phone Number: (318) 206-3838
Address: PO Box 11696
City: Alexandria State: Louisiana Zip: 71315
Contact Person: Wesley Miller

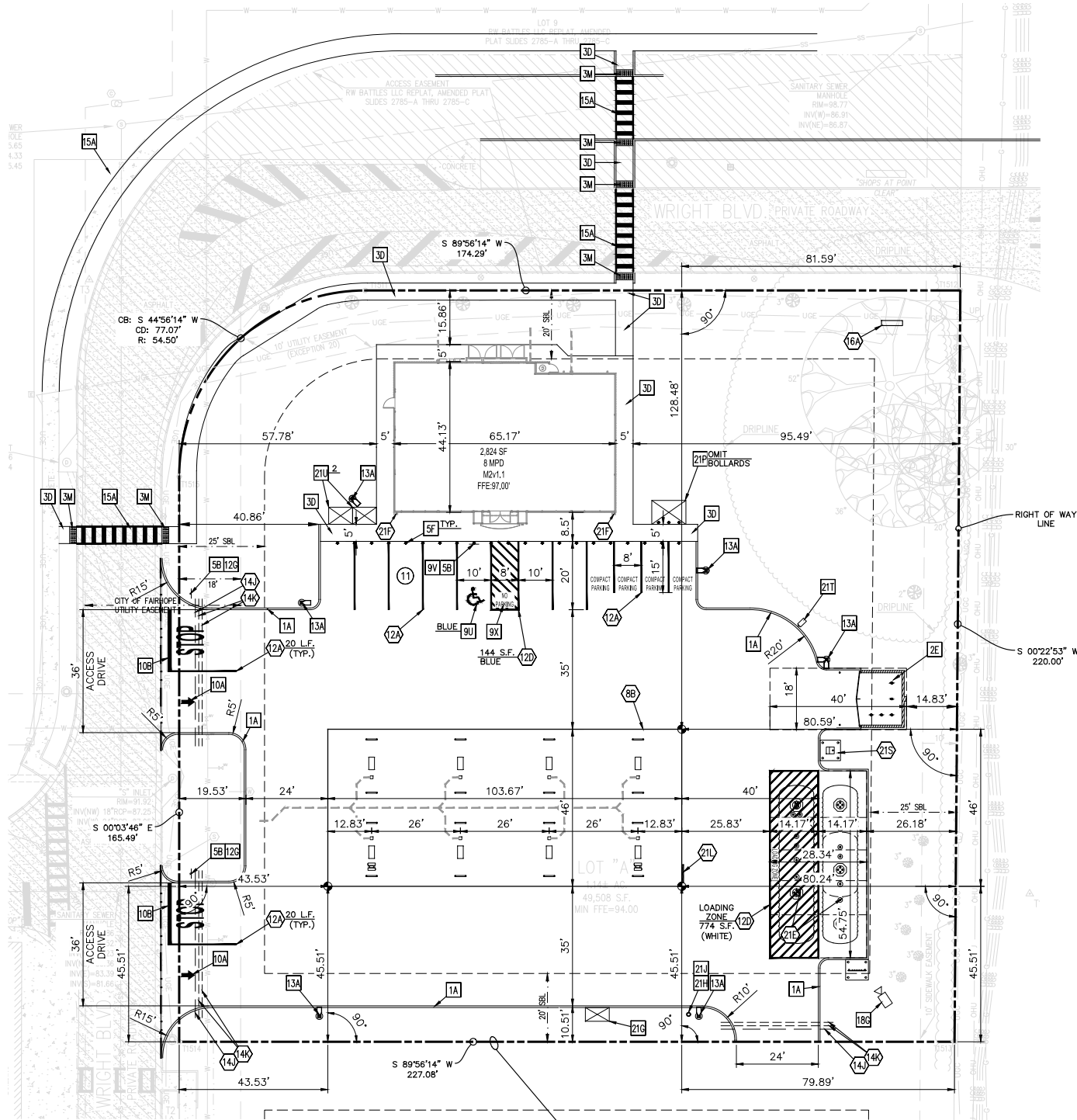
I certify that I am the property owner/leaseholder of the above described property and hereby submit this site plan to the City for review. *If property is owned by Fairhope Single Tax Corp. an authorized Single Tax representative shall sign this application.

R.W. Battles, LLC
Property Owner/Leaseholder Printed Name

6/15/2026
Date

Wesley Miller
Signature

Fairhope Single Tax Corp. (If Applicable)



PARCEL AREA
49,508± SQ. FT.
1.14± ACRES

CONTRACTOR IS TO ENSURE THAT THE CONSTRUCTION FENCE ENCOMPASSES THE ENTIRE WORK AREA. (RE: DETAIL 2F)

CONTRACTOR TO ENSURE THE LIGHT POLES AND SIGNS ARE AT LEAST 2' FROM THE BACK OF THE CURB TO PREVENT THE VEHICLES STRIKING THE LIGHT POLE OR SIGN.

SEE SHEET C-4.3 FOR BUILDING ROOF AND CANOPY DRAINAGE

BUILDING SETBACKS:

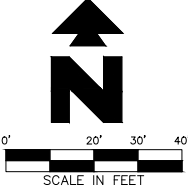
SEE SITE PLAN

ZONING: B2 - GENERAL BUSINESS DISTRICT

CONTRACTOR SHALL BE RESPONSIBLE FOR AND HIRE A ALABAMA REGISTERED LAND SURVEYOR TO ESTABLISH PROPERTY CORNERS, BUILDING CORNERS, CANOPY, ETC. AS REQUIRED FOR CONSTRUCTION LAYOUT.

THESE DRAWINGS DO NOT INCLUDE COMPONENTS FOR CONSTRUCTION SAFETY.

THE LOCATION OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.



SITE DATA		
DESCRIPTION	REQUIRED	PROVIDED
SITE AREA (AC)	-	49,508
BUILDING GSF (SF)	-	2,824
ZONING	-	GENERAL BUSINESS (B-2)
USE	-	AUTOMOBILE SERVICE STATION
PROPOSED LANDSCAPING (GREEN SPACE)	20% (MIN.)	40%
IMPERVIOUS COVERAGE (EXCLUDING BUILDING)	-	55%
BUILDING HEIGHT (FT)	30' (MAX.)	BUILDING 18'-6" CANOPY 18'-9"
SET BACKS		
FRONT (FT) (HWY 98)	25'	100.49'
INTERIOR (FT) (SOUTH)	20'	45.51'
CORNER (FT) (NORTH)	20'	20.86'
REAR (FT) (WEST)	25'	62.78'
PARKING (FT)	10'	43.86'
BUFFERS (LANDSCAPE)		
FRONT (FT) (HWY 98)	5'	14.83'
INTERIOR (FT) (SOUTH)	5'	10.01'
CORNER (FT) (NORTH)	5'	15.86'
REAR (FT) (WEST)	5'	19.53'
SCREENING		
ALONG PROPERTY LINES	YES	YES
ONSITE MEP EQUIPMENT	NONE	NONE
TRASH ENCLOSURE/ ACCESSORY USE	YES	YES
PARKING		
TOTAL SPACES (EA)	11	11 + 16 UNDER CANOPY
CALCULATION	4 sp FOR 1st 400 SF + 1 / EACH ADDITIONAL 400 SF 4+(2824-400/400)=10.06 (≈11)	-
PARKING STALL DIMENSION (FTxFT)	10 x 20	10 x 20
COMPACT CAR STALLS (8' WIDE)	30%-40% OF PROVIDED PARING (3.3-4.4)	4 PROVIDED
DRIVE ISLE WIDTH AT STALLS	-	35'

PRE-CONSTRUCTION

IMPERVIOUS SITE RATIO (ISR)

AREA	SQUARE FEET	%
IMPERVIOUS (ROOF AND PAVING)	0	0
LANDSCAPE AREA	49,508	100
GROSS SITE	49,508	100

POST-CONSTRUCTION

IMPERVIOUS SITE RATIO (ISR)

AREA	SQUARE FEET	%
IMPERVIOUS (ROOF AND PAVING)	29,924	60
LANDSCAPE AREA	19,584	40
GROSS SITE	49,508	100

EXISTING		
S	SANITARY SEWER LINE	⊙ SEWER MANHOLE
W	WATER LINE	⊙ WATER METER
UGE	UNDERGROUND ELECTRIC LINE	⊙ WATER VALVE
UGT	UNDERGROUND TELEPHONE LINE	⊙ FIRE HYDRANT
OHE,TV,T	OVERHEAD ELECTRIC, TELEVISION, TELEPHONE	⊙ UTILITY POLE
-12-	CONTOUR LINE W/ELEVATION LABEL	

PROPOSED		
-	BOUNDARY LINE	
-	CONCRETE CURB AND GUTTER	
⊙	BUILDING CONTROL POINT	
-CF-	CONSTRUCTION FENCE	

GENERAL SITE NOTES

- A. ALL DIMENSIONS SHOWN ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
- B. ALL CURB RETURN RADII SHALL BE 3', AS SHOWN TYPICAL ON THIS PLAN, UNLESS OTHERWISE NOTED.
- C. UNLESS OTHERWISE SHOWN, CALLED OUT OR SPECIFIED HEREON:
ALL CURB AND GUTTER ADJACENT TO PAVING SHALL BE INSTALLED PER DETAIL.
- PAVEMENT SHALL BE INSTALLED IN ACCORDANCE WITH THE PAVING PLAN OVER THE ENTIRE PARKING LOT AREA AND ALL APPROACH DRIVES.
- SEE ASSOCIATED PLANS FOR CANOPY, COLUMN, DISPENSER ISLAND DETAILS AND LAYOUT.
- D. CONTRACTOR SHALL BEGIN CONSTRUCTION OF ANY LIGHT POLE BASES FOR RELOCATED LIGHT FIXTURES AND RELOCATION OF ELECTRICAL SYSTEM AS SOON AS DEMOLITION BEGINS. CONTRACTOR SHALL BE AWARE THAT INTERRUPTION OF POWER TO ANY LIGHT POLES OR SIGNS SHALL NOT EXCEED 24 HOURS.
- E. ALL SLOPES AND AREAS DISTURBED BY CONSTRUCTION SHALL BE GRADED SMOOTH AND FOUR INCHES OF TOPSOIL APPLIED. IF ADEQUATE TOPSOIL IS NOT AVAILABLE ON SITE, THE CONTRACTOR SHALL PROVIDE TOPSOIL, APPROVED BY THE OWNER, AS NEEDED. THE AREA SHALL THEN BE SEED/SODDED, FERTILIZED, MULCHED, WATERED AND MAINTAINED UNTIL HARDY GRASS GROWTH IS ESTABLISHED IN ALL AREAS. ANY AREAS DISTURBED FOR ANY REASON PRIOR TO FINAL ACCEPTANCE OF THE PROJECT SHALL BE CORRECTED BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER.
- F. CONTRACTOR SHALL PURCHASE AND INSTALL A MAILBOX AND SHALL COORDINATE LOCATION OF MAILBOX WITH MURPHY CONSTRUCTION MANAGER AND/OR ON-SITE REPRESENTATIVE AND LOCAL POSTMASTER.
- G. ALL PROPOSED PAVEMENT STRIPING OR MARKINGS SHALL FOLLOW THE SPECIFICATIONS FOR PAINT INCLUDED IN DETAIL 10A.

SITE NOTES

- BB OVERHEAD CANOPY (TYP. PER CANOPY PLANS)
- 12A 4" TRAFFIC YELLOW LANE STRIPE (SEE LENGTH INDICATED AT SYMBOL)
- 12D 4" WIDE PAINTED STRIPES, 2" O.C. @ 45° (SEE SIZE INDICATED AT SYMBOL)
- 14J GO TO INSTALL (1) 4" PVC SLEEVE FOR IRRIGATION LINE. (SEE UTILITY PLAN FOR INSTALLATION REQUIREMENTS)
- 14K GO TO INSTALL (2) 4" PVC SLEEVES FOR FUTURE USE (SEE UTILITY PLAN FOR INSTALLATION REQUIREMENTS)
- 16A MURPHY MONUMENT SIGN
- 21E UNDERGROUND STORAGE TANKS
- 21F E-STOP (PER TANK & PIPING PLANS)
- 21L PRICE SIGN PER APPROVED ELEVATION
- 21S REMOTE DEF FILL

SITE DETAILS

- 1A INTEGRAL CONCRETE CURB
- 2E DUMPSTER ENCLOSURE
- 3D CONCRETE SIDEWALK (SEE PAVING AND JOINT PLAN)
- 3M DETECTABLE WARNING SURFACE
- 5B TRAFFIC SIGN IN BOLLARD
- 5F STEEL BOLLARD W/COVER (SINGLE)
- 9U ACCESSIBLE PARKING SYMBOL (SEE PAINT COLOR INDICATED AT SYMBOL)
- 9V ACCESSIBLE / VAN ACCESSIBLE PARKING SIGN MOUNTED IN BOLLARD
- 9X "NO PARKING" PAINTED ON PAVEMENT
- 10A TRAFFIC FLOW ARROW (TYP.)
- 10B STOP BAR (TYP.)
- 12G "STOP" SIGN
- 13A SITE LIGHT POLE (SEE PHOTOMETRIC PLANS FOR POLE BASE DETAIL, FIXTURE TYPE, LOCATION AND MOUNTING DETAILS)
- 15A PEDESTRIAN CROSSWALK STRIPING
- 18G CONSTRUCTION CAMERA (COORDINATE WITH MOUSA PM FOR LOCATION)
- 21G AIR VACUUM UNIT WITH 4'x7' CONCRETE SLAB
- 21H FUTURE ATM PAD AND BOLLARDS BY ATM EQUIPMENT SUPPLIER (SEE DEVELOPMENT PLAN SHI, FE-1 FOR CONDUITS)
- 21J ELECTRICAL PULL BOX FOR FUTURE ATM
- 21P 7'x10' CONCRETE SLAB FOR PROPANE TANKS
- 21T MAILBOX (CONTRACTOR SHALL COORDINATE LOCATION WITH MURPHY AND POSTMASTER PRIOR TO INSTALLATION)
- 21U ICE UNIT (SEE NUMBER INDICATED AT SYMBOL)

PARKING INFORMATION:

DESCRIPTION	BUILDING AREA (S.F.)	REQUIRED:				
		RATIO	SPACES			
FUELING STATION	2,824	N/A S.F.	REGULAR	UNDER CANOPY	ACCESSIBLE	TOTAL
		1/400	11		N/A	11
		PROVIDED:				
		SPACES				
		T/105 S.F.	REGULAR	UNDER CANOPY	ACCESSIBLE	TOTAL
			10	16	1	27

NO. OF FUEL ISLANDS: 8
NO. OF VEHICLE FUELING POINTS: 16

SHEET NO.

C-03

PRELIMINARY:

FOR PERMIT AND REVIEW PURPOSES ONLY. NOT FOR CONSTRUCTION, RECORDATION, CONVEYANCES, OR SALES.

WESLEY MILLER, PE
(PE 131689)
RAM ENGINEERING, LLC

CMH

DRW

DES

PM

WDM

PRN

DATE

REV-0

6/19/26

CONTACT: WESLEY MILLER

RAM ENGINEERING, LLC

P.O. BOX 11696

ALEXANDRIA, LA 71315

(318) 206-3838

RAM
ENGINEERING & SURVEYING

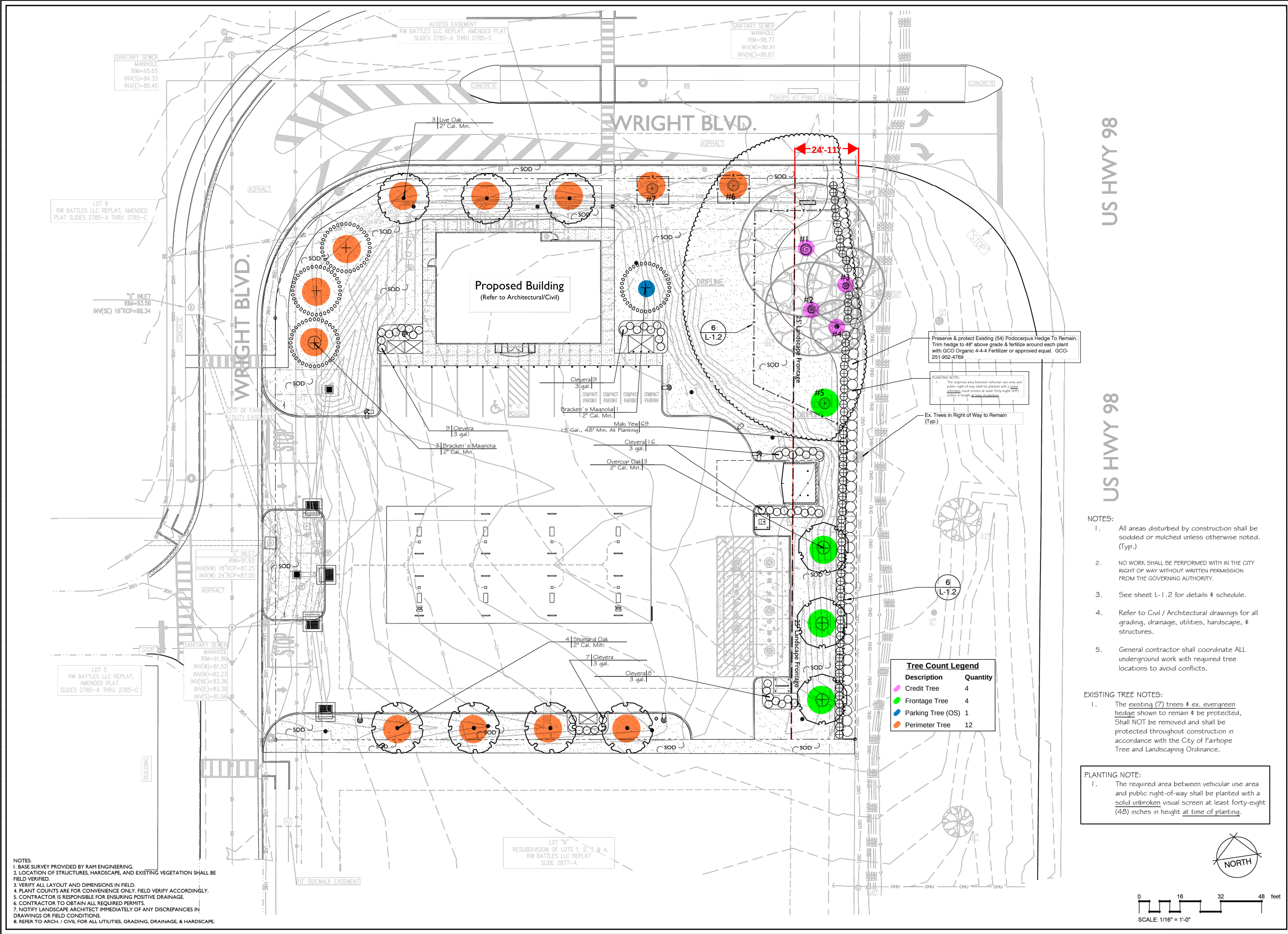
MURPHY OIL USA, INC.

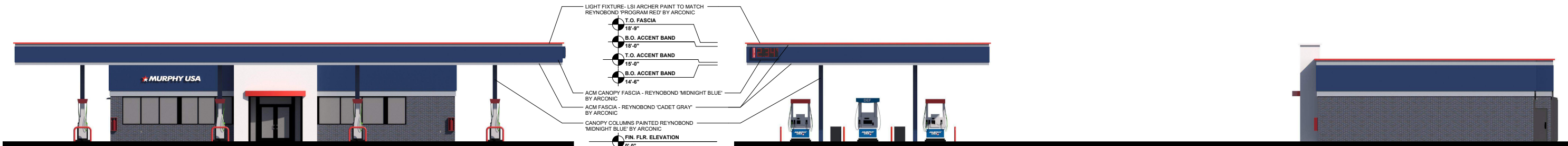
200 PEACH STREET
EL DORADO, AR 71730

MURPHY
USA



MURPHY
USA





1 ELEVATION - FRONT (FACING SOUTH)

2 ELEVATION - RIGHT (FACING EAST)

3 ELEVATION - REAR (FACING NORTH)

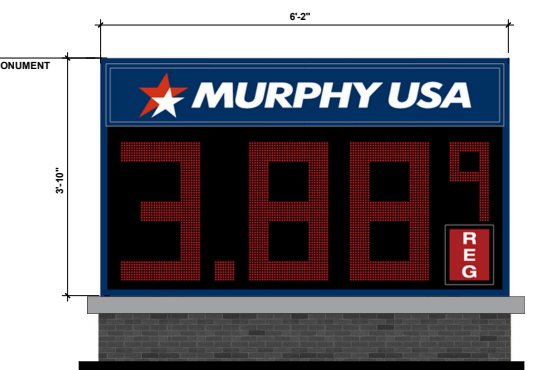
4 ELEVATION - LEFT (FACING WEST)

5 ELEVATION - FRONT BUILDING ONLY (FACING SOUTH)

6 TRASH ENCLOSURE



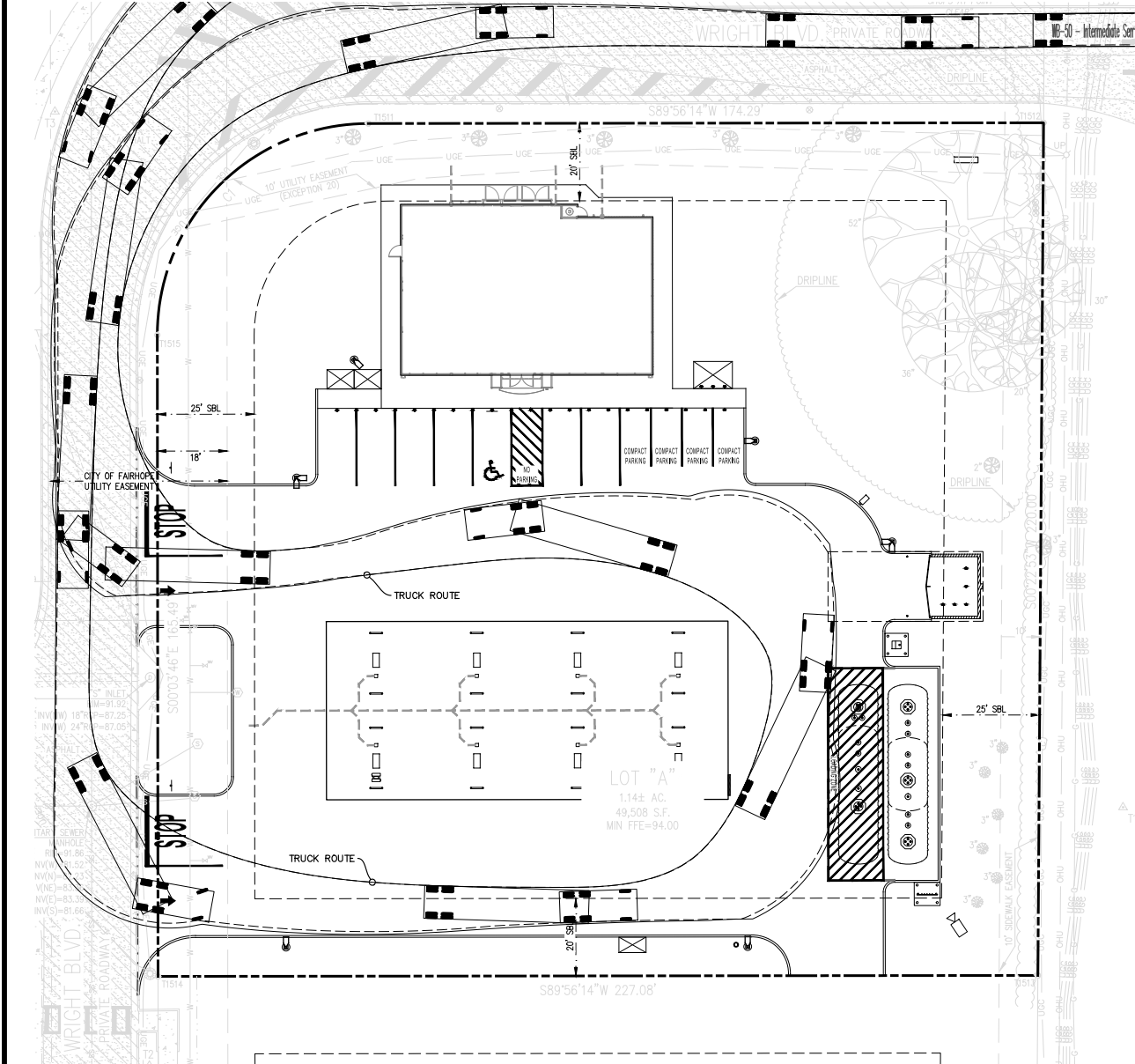
6 TRASH ENCLOSURE



7 MONUMENT SIGN

SIGNAGE COLOR CHART			
BUILDING - CHANNEL LETTER SIGNS FURNISHED AND INSTALLED BY THE SIGN VENDOR			
MURPHY USA & STAR LOGO	BLUE	ORACAL 8500 - 005	MIDDLE BLUE
	RED	ORACAL 8500 - 031	RED
	RETURNS	WHITE	
	TRIMCAP	WHITE	JEWELITE
CANOPY - PRICE SIGNS FURNISHED AND INSTALLED BY THE SIGN VENDOR			
REGULAR	RED	3M 3632-73	
	WHITE	3M 3632-20	
	DIGIT	RED/WHITE	
	CABINET	PMS 295 C BLUE	
MONUMENT - PRICE SIGNS FURNISHED AND INSTALLED BY THE SIGN VENDOR			
MURPHY USA & STAR LOGO	BLUE	3M 3630-157	
	RED	3M 3630-43	
	SILVER	3M 3630-121	
	CABINET	PMS 295 C BLUE	
REGULAR	RED	3M 3630-73	
	DIGIT	WHITE	
	CABINET	PMS 295 C BLUE	

BUILDING & CANOPY SIGNS:				
	QTY.	HEIGHT	WIDTH	AREA S.F.
MURPHY USA BLDG. CHANNEL LETTER LOGO SIGN	1			13.00
X-SMALL MEDIUM CANOPY PRICE SIGN (REG)	1	27.00"	64.00"	12.00
BUILDING & CANOPY SIGNS TOTAL SIGNAGE :				25.00 S.F.
MONUMENT SIGN:				
MUSA/REG	1	60.00"	74.00"	23.60
MONUMENT SIGN TOTAL SIGNAGE :				23.60 S.F.
TOTAL SIGN AREA :				48.60 S.F.



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EXISTING									
— s —	SANITARY SEWER LINE	⊙	SEWER MANHOLE	—	—	—	—	—	—
— w —	WATER LINE	○	SEWER CLEANOUT	—	—	—	—	—	—
— g —	NATURAL GAS LINE	⊗	WATER METER	—	—	—	—	—	—
— ue —	UNDERGROUND ELECTRIC LINE	⊕	WATER VALVE	—	—	—	—	—	—
— ut —	UNDERGROUND TELEPHONE LINE	⬮	FIRE HYDRANT	—	—	—	—	—	—
— fc —	FIBER OPTIC CABLE	⬮	LIGHT POLE	—	—	—	—	—	—
— 12 —	CONTOUR LINE W/ELEVATION LABEL	⊙	DRAINAGE MANHOLE	—	—	—	—	—	—

PROPOSED									
— — — —	BOUNDARY LINE	—	—	—	—	—	—	—	—
— — — —	CONCRETE CURB AND GUTTER	—	—	—	—	—	—	—	—

MURPHY OIL USA, INC.

MURPHY USA

200 PEACH STREET
EL DORADO, AR 71730

CONTACT: WESLEY MILLER
RAM ENGINEERING, LLC
P.O. BOX 11696
ALEXANDRIA, LA 71315
(318) 206-3838

REV-0

6/19/26

DATE

WDM

PRN

WDM

PM

DES

CMH

DRW

TRUCK ROUTE PLAN

MURPHY USA (NTI) #24218

18125 WRIGHT BOULEVARD

FAIRHOPE

ALABAMA

PRELIMINARY:

FOR PERMIT AND REVIEW

PURPOSES ONLY. NOT FOR

CONSTRUCTION, RECORDATION,

CONVEYANCES, OR SALES.

WESLEY MILLER, PE

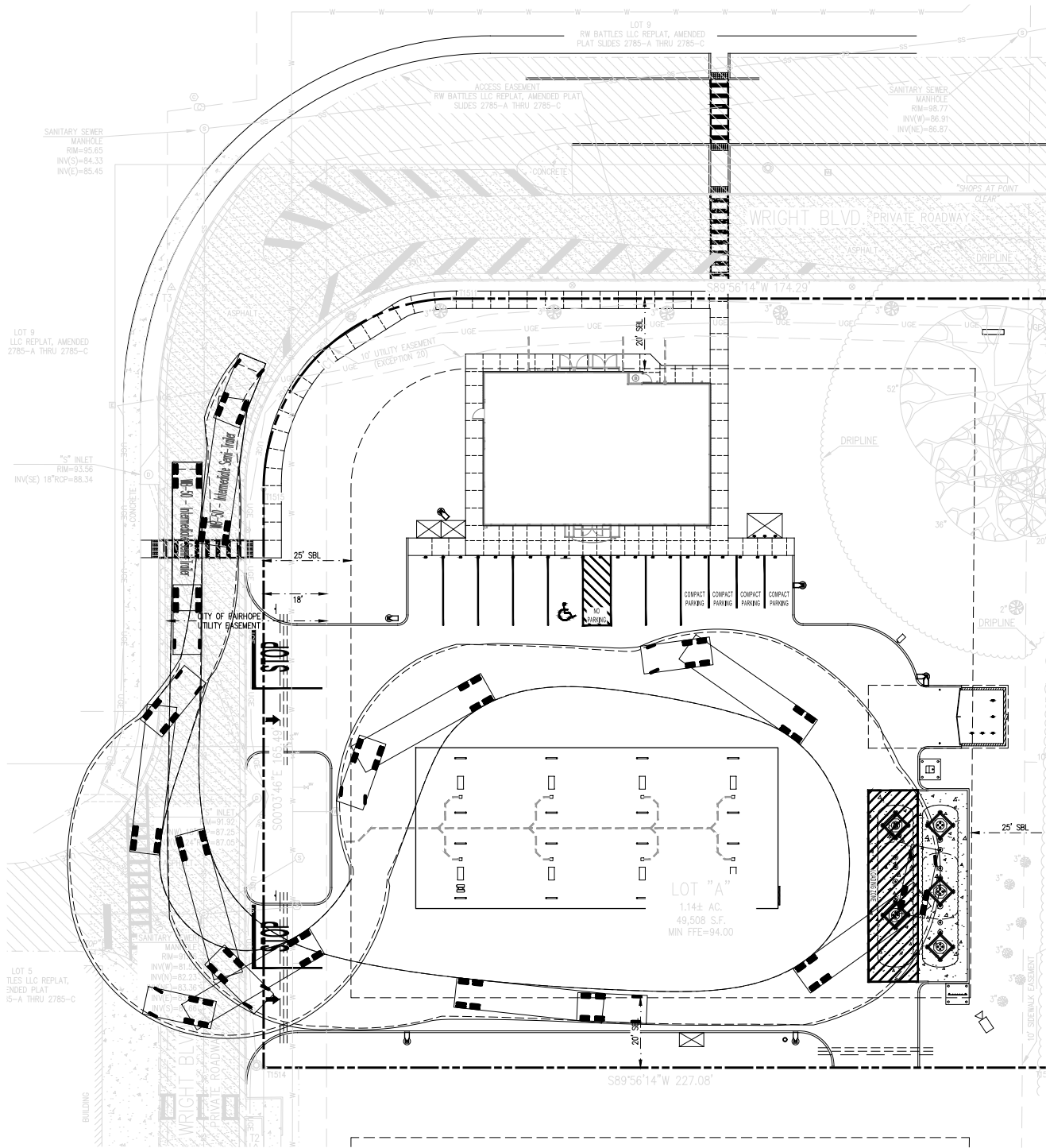
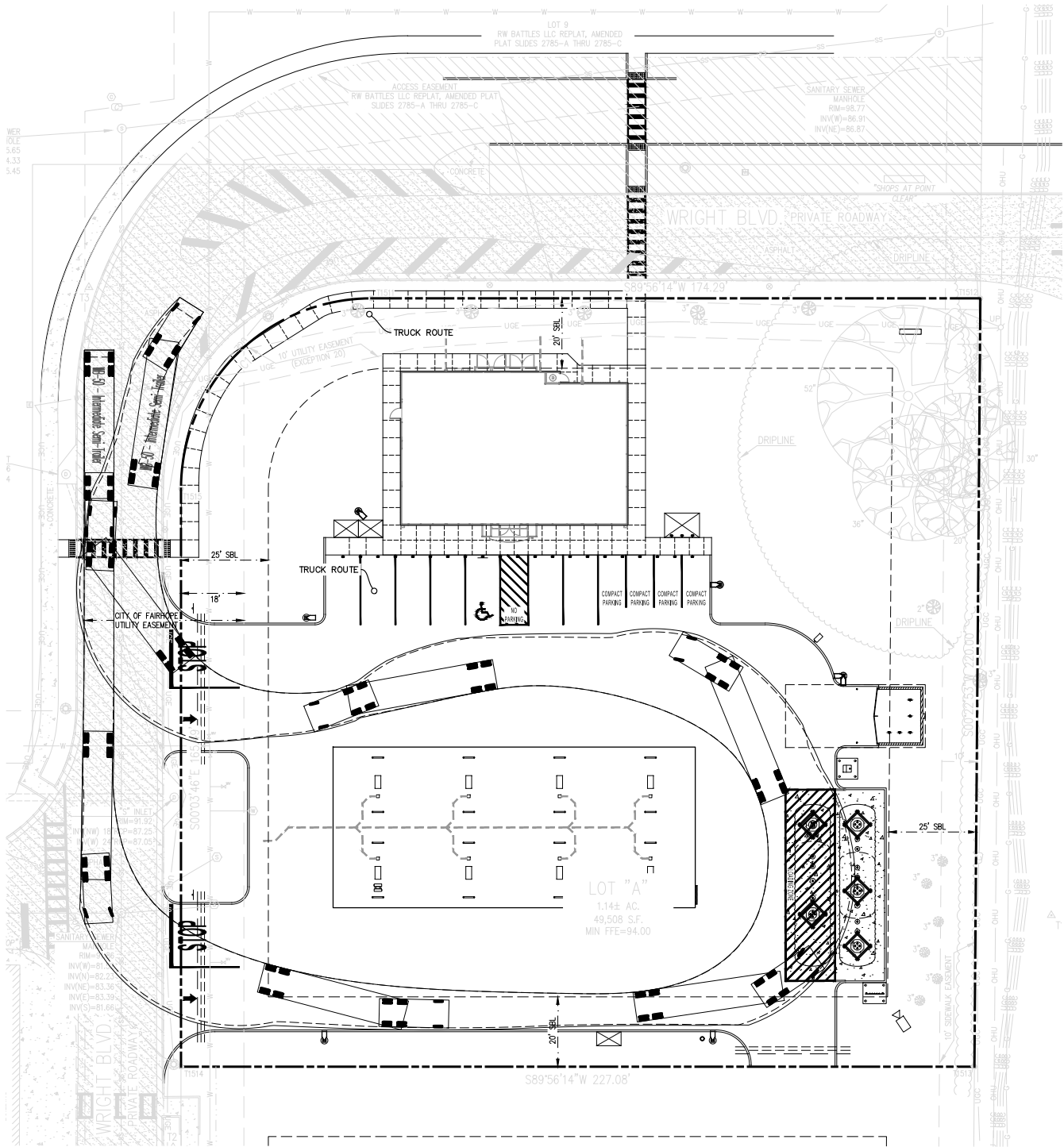
(PE 131689)

RAM ENGINEERING, LLC

SHEET NO.

C-08

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EXISTING	
— S —	SANITARY SEWER LINE
— W —	WATER LINE
— NG —	NATURAL GAS LINE
— UEL —	UNDERGROUND ELECTRIC LINE
— UTL —	UNDERGROUND TELEPHONE LINE
— FC —	FIBER OPTIC CABLE
— 12 —	CONTOUR LINE W/ELEVATION LABEL
○	SEWER MANHOLE
○	SEWER CLEANOUT
+	WATER METER
⌵	WATER VALVE
⬮	FIRE HYDRANT
⌵	LIGHT POLE
○	DRAINAGE MANHOLE

PROPOSED	
—	BOUNDARY LINE
—	CONCRETE CURB AND GUTTER

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Know what's below.
Call before you dig.

0' 20' 30' 40'
SCALE IN FEET

MURPHY OIL USA, INC.

MURPHY USA

200 PEACH STREET
EL DORADO, AR 71730

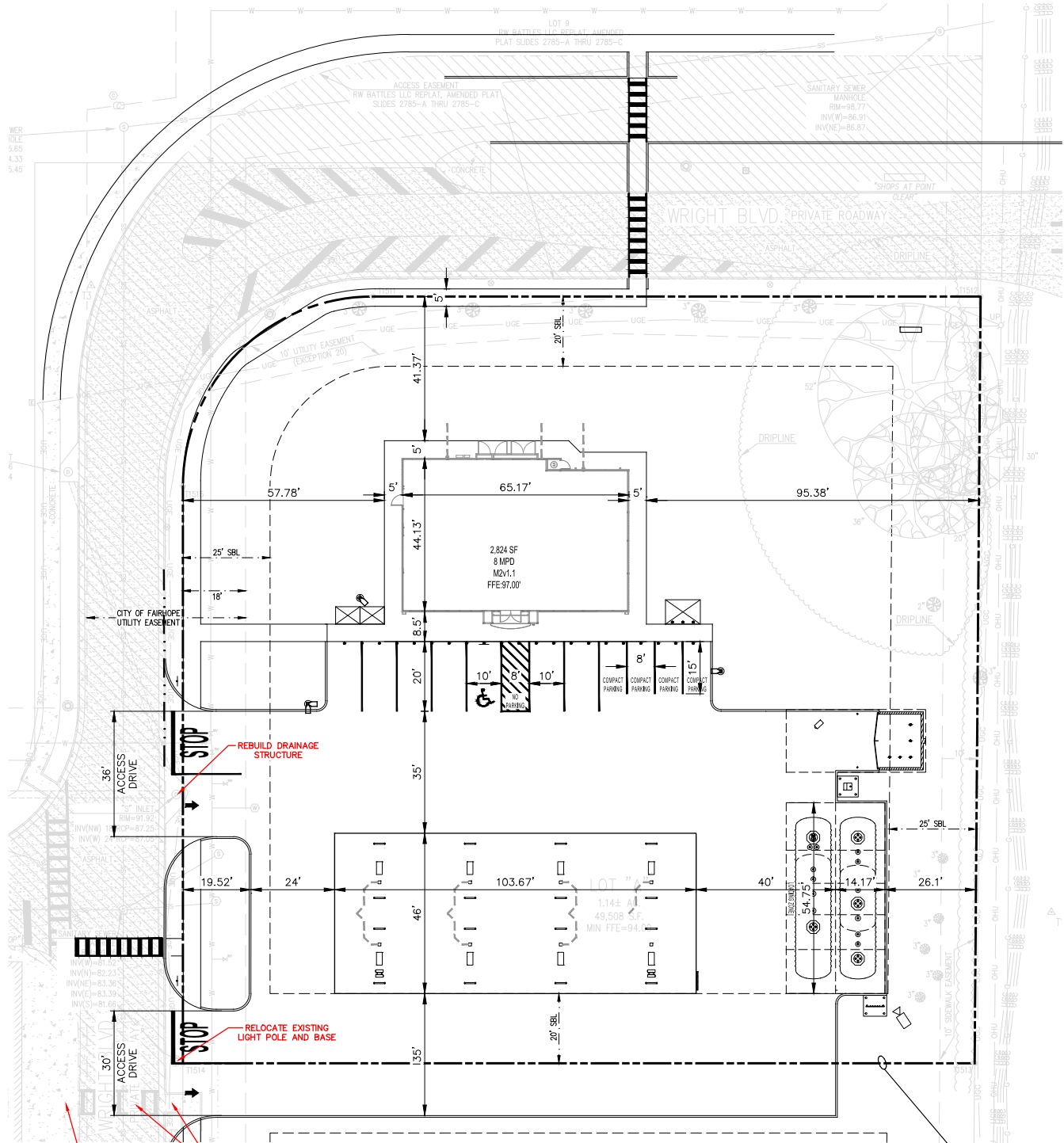
CONTACT: WESLEY MILLER
RAM ENGINEERING, LLC
P.O. BOX 11696
ALEXANDRIA, LA 71315
(318) 206-3838

TRUCK ROUTE PLAN
MURPHY USA (NTI) #24218
18125 WRIGHT BOULEVARD
FAIRHOPE ALABAMA

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WESLEY MILLER, PE
(PE 131689)
RAM ENGINEERING, LLC

SHEET NO.
C-08



PARCEL AREA

49,508± SQ. FT.
1.14± ACRES

CONTRACTOR IS TO ENSURE THAT THE CONSTRUCTION FENCE ENCOMPASSES THE ENTIRE WORK AREA. (RE: DETAIL 2F)

CONTRACTOR TO ENSURE THE LIGHT POLES AND SIGNS ARE AT LEAST 2' FROM THE BACK OF THE CURB TO PREVENT THE VEHICLES STRIKING THE LIGHT POLE OR SIGN.

SEE SHEET C-4.3 FOR BUILDING ROOF AND CANOPY DRAINAGE

BUILDING SETBACKS:

SEE SITE PLAN

ZONING: B2 - GENERAL BUSINESS DISTRICT

CONTRACTOR SHALL BE RESPONSIBLE FOR AND HIRE A ALABAMA REGISTERED LAND SURVEYOR TO ESTABLISH PROPERTY CORNERS, BUILDING CORNERS, CANOPY, ETC. AS REQUIRED FOR CONSTRUCTION LAYOUT.

SITE DATA

DESCRIPTION	REQUIRED	PROVIDED
SITE AREA (AC)	—	49,508
BUILDING GSF (SF)	—	2,824
ZONING	—	GENERAL BUSINESS (B-2)
USE	—	AUTOMOBILE SERVICE STATION
PROPOSED LANDSCAPING (GREEN SPACE)	20% (MIN.)	40%
IMPERVIOUS COVERAGE (EXCLUDING BUILDING)	—	55%
BUILDING HEIGHT (FT)	30' (MAX.)	BUILDING 18'-6" CANOPY 18'-9"
SET BACKS		
FRONT (FT) (HWY 98)	25'	100.49'
INTERIOR (FT) (SOUTH)	20'	45.51'
CORNER (FT) (NORTH)	20'	20.86'
REAR (FT) (WEST)	25'	62.78'
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CORNER (FT) (NORTH)	5'	15.86'
REAR (FT) (WEST)	5'	19.53'
SCREENING		
ALONG PROPERTY LINES	YES	YES
ONSITE MEP EQUIPMENT	NONE	NONE
TRASH ENCLOSURE/ ACCESSORY USE	YES	YES
PARKING		
TOTAL SPACES (EA)	11	11 + 16 UNDER CANOPY
CALCULATION	4 sp FOR 1st 400 SF + 1 / EACH ADDITIONAL 400 SF 4+(2824-400/400)=10.06 (≈11)	—
PARKING STALL DIMENSION (FTxFT)	10 x 20	10 x 20
COMPACT CAR STALLS (8' WIDE)	30%-40% OF PROVIDED PARING (3.3-4.4)	4 PROVIDED
DRIVE ISLE WIDTH AT STALLS	—	35'

PRE-CONSTRUCTION

IMPERVIOUS SITE RATIO (ISR)

AREA	SQUARE FEET	%
IMPERVIOUS (ROOF AND PAVING)	0	0
LANDSCAPE AREA	49,508	100
GROSS SITE	49,508	100

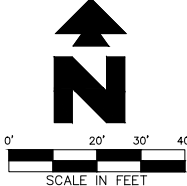
POST-CONSTRUCTION

IMPERVIOUS SITE RATIO (ISR)

AREA	SQUARE FEET	%
IMPERVIOUS (ROOF AND PAVING)	29,924	60
LANDSCAPE AREA	19,584	40
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EXISTING

— S — SANITARY SEWER LINE
— W — WATER LINE
— UGE — UNDERGROUND ELECTRIC LINE
— UGT — UNDERGROUND TELEPHONE LINE
— OHE,TV,T — OVERHEAD ELECTRIC, TELEVISION, TELEPHONE
— -12- — CONTOUR LINE W/ELEVATION LABEL
⊙ SEWER MANHOLE
* WATER METER
⊕ WATER VALVE
◆ FIRE HYDRANT
⬮ UTILITY POLE

PROPOSED

— — — — — BOUNDARY LINE
— — — — — CONCRETE CURB AND GUTTER
⊙ BUILDING CONTROL POINT
— — — — — CF — CONSTRUCTION FENCE

GENERAL SITE NOTES

- A. ALL DIMENSIONS SHOWN ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
- B. ALL CURB RETURN RADII SHALL BE 3', AS SHOWN TYPICAL ON THIS PLAN, UNLESS OTHERWISE NOTED.
- C. UNLESS OTHERWISE SHOWN, CALLED OUT OR SPECIFIED HEREON: ALL CURB AND GUTTER ADJACENT TO PAVING SHALL BE INSTALLED PER DETAIL.
- PAVEMENT SHALL BE INSTALLED IN ACCORDANCE WITH THE PAVING PLAN OVER THE ENTIRE PARKING LOT AREA AND ALL APPROACH DRIVES.
- SEE ASSOCIATED PLANS FOR CANOPY, COLUMN, DISPENSER ISLAND DETAILS AND LAYOUT.
- D. CONTRACTOR SHALL BEGIN CONSTRUCTION OF ANY LIGHT POLE BASES FOR RELOCATED LIGHT FIXTURES AND RELOCATION OF ELECTRICAL SYSTEM AS SOON AS DEMOLITION BEGINS. CONTRACTOR SHALL BE AWARE THAT INTERRUPTION OF POWER TO ANY LIGHT POLES OR SIGNS SHALL NOT EXCEED 24 HOURS.
- E. ALL SLOPES AND AREAS DISTURBED BY CONSTRUCTION SHALL BE GRADED SMOOTH AND FOUR INCHES OF TOPSOIL APPLIED. IF ADEQUATE TOPSOIL IS NOT AVAILABLE ON SITE, THE CONTRACTOR SHALL PROVIDE TOPSOIL, APPROVED BY THE OWNER, AS NEEDED. THE AREA SHALL THEN BE SEEDED/SOODED, FERTILIZED, MULCHED, WATERED AND MAINTAINED UNTIL HARDY GRASS GROWTH IS ESTABLISHED IN ALL AREAS. ANY AREAS DISTURBED FOR ANY REASON PRIOR TO FINAL ACCEPTANCE OF THE PROJECT SHALL BE CORRECTED BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER.
- F. CONTRACTOR SHALL PURCHASE AND INSTALL A MAILBOX AND SHALL COORDINATE LOCATION OF MAILBOX WITH MURPHY CONSTRUCTION MANAGER AND/OR ON-SITE REPRESENTATIVE AND LOCAL POSTMASTER.
- G. ALL PROPOSED PAVEMENT STRIPING OR MARKINGS SHALL FOLLOW THE SPECIFICATIONS FOR PAINT INCLUDED IN DETAIL 10A.

⬮ SITE NOTES

- 8B OVERHEAD CANOPY (TYP. PER CANOPY PLANS)
- 12A 4" TRAFFIC YELLOW LANE STRIPE (SEE LENGTH INDICATED AT SYMBOL)
- 12D 4" WIDE PAINTED STRIPES, 2" O.C. @ 45° (SEE SIZE INDICATED AT SYMBOL)
- 14J GO TO INSTALL (1) 4" PVC SLEEVE FOR IRRIGATION LINE. (SEE UTILITY PLAN FOR INSTALLATION REQUIREMENTS)
- 14K GO TO INSTALL (2) 4" PVC SLEEVES FOR FUTURE USE (SEE UTILITY PLAN FOR INSTALLATION REQUIREMENTS)
- 16A MURPHY MONUMENT SIGN
- 21E UNDERGROUND STORAGE TANKS
- 21F E-STOP (PER TANK & PIPING PLANS)
- 21S PRICE SIGN PER APPROVED ELEVATION
- 21S REMOTE DEF FILL

⬮ SITE DETAILS

- 1A INTEGRAL CONCRETE CURB
- 2E DUMPSTER ENCLOSURE
- 3D CONCRETE SIDEWALK (SEE PAVING AND JOINT PLAN)
- 5B TRAFFIC SIGN IN BOLLARD
- 5F STEEL BOLLARD W/COVER (SINGLE)
- 9U ACCESSIBLE PARKING SYMBOL (SEE PAINT COLOR INDICATED AT SYMBOL)
- 9V ACCESSIBLE / VAN ACCESSIBLE PARKING SIGN MOUNTED IN BOLLARD
- 9X "NO PARKING" PAINTED ON PAVEMENT
- 10A TRAFFIC FLOW ARROW (TYP.)
- 10B STOP BAR (TYP.)
- 12G "STOP" SIGN
- 13A SITE LIGHT POLE (SEE PHOTOMETRIC PLANS FOR POLE BASE DETAIL, FIXTURE TYPE, LOCATION AND MOUNTING DETAILS)
- 18G CONSTRUCTION CAMERA (COORDINATE WITH MOUSA PM FOR LOCATION)
- 21G AIR VACUUM UNIT WITH 4"x7" CONCRETE SLAB
- 21H FUTURE ATM PAD AND BOLLARDS BY ATM EQUIPMENT SUPPLIER (SEE DEVELOPMENT PLAN SHT. FE-1 FOR CONDUITS)
- 21J ELECTRICAL PULL BOX FOR FUTURE ATM
- 21P 7"x10" CONCRETE SLAB FOR PROPANE TANKS
- 21T MAILBOX (CONTRACTOR SHALL COORDINATE LOCATION WITH MURPHY AND POSTMASTER PRIOR TO INSTALLATION)
- 21U ICE UNIT (SEE NUMBER INDICATED AT SYMBOL)

PARKING INFORMATION:

DESCRIPTION	BUILDING AREA (S.F.)	REQUIRED:				
		RATIO	SPACES			
FUELING STATION	2,824	N/A S.F.	REGULAR	UNDER CANOPY	ACCESSIBLE	TOTAL
		1/400	11		N/A	11
		PROVIDED:				
			SPACES			
		1/105 S.F.	REGULAR	UNDER CANOPY	ACCESSIBLE	TOTAL
			10	16	1	27
NO. OF FUEL ISLANDS: 8						
NO. OF VEHICLE FUELING POINTS: 16						

SHEET NO.

C-03

PRELIMINARY:

FOR PERMIT AND REVIEW PURPOSES ONLY. NOT FOR CONSTRUCTION RECORDATION, CONVEYANCES, OR SALES.

WESLEY MILLER, PE
(PE 13 0695)
RAM ENGINEERING, LLC

SITE PLAN

MURPHY USA (NTI) #24218

18125 WRIGHT BOULEVARD

ALABAMA

FAIRHOPE

CONTACT: WESLEY MILLER
RAM ENGINEERING, LLC
P.O. BOX 11696
ALEXANDRIA, LA 71315
(318) 206-3838

RAM
ENGINEERING & SURVEYING

MURPHY OIL USA, INC.

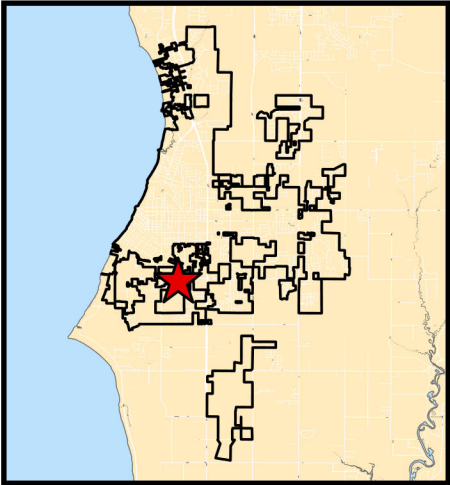
200 PEACH STREET
EL DORADO, AR 71730

MURPHY
USA

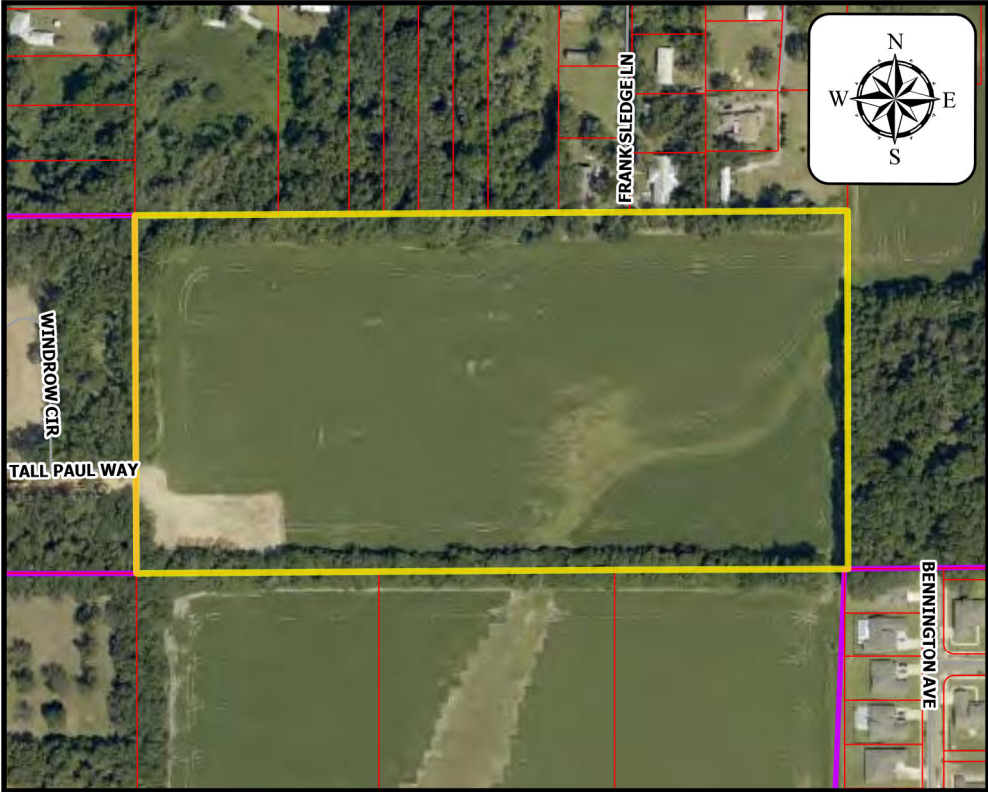
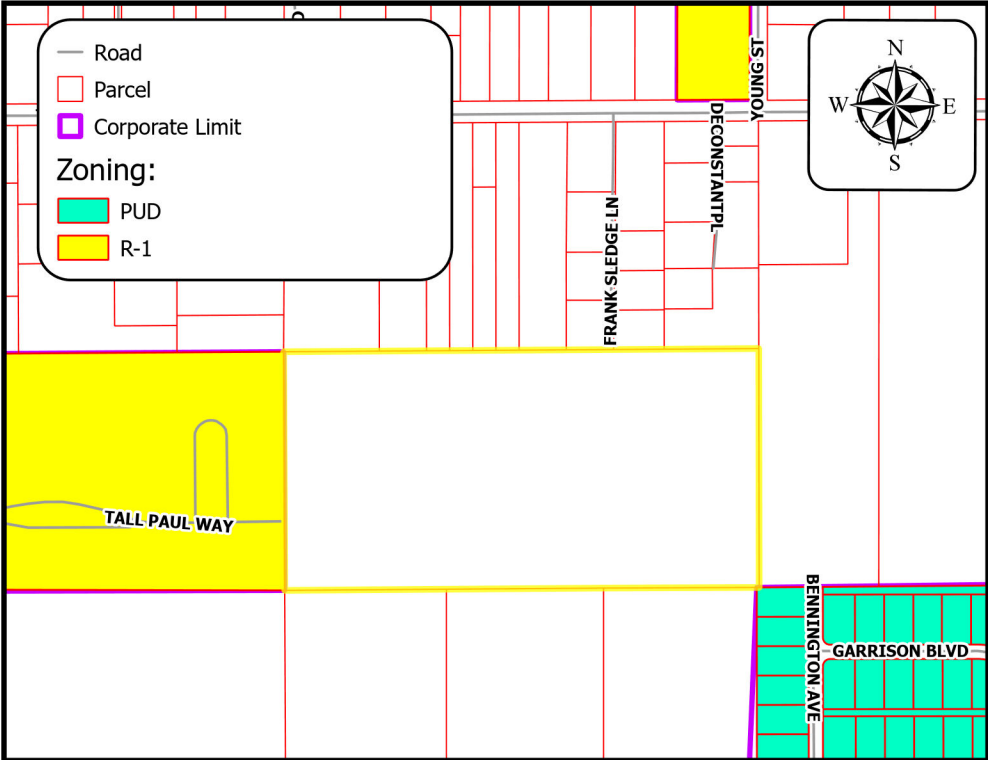


City of Fairhope
Planning Commission
August 3, 2026

ZC 26.07 - Windrow Phase 2



Project Name:
Windrow Phase 2
Site Data:
20.11 acres
Project Type:
Conditional Annexation to R-1, Low Density Single-Family District
Jurisdiction:
Fairhope Planning Jurisdiction
Zoning District:
N/A
PPIN Number:
28640
General Location:
About 2,000 feet southeast of the intersection of Section Street and Twin Beech Road
Surveyor of Record:
Jade Consulting
Engineer of Record:
Jade Consulting
Owner / Developer:
Michael Jason Tickle 2020 Trust
School District:
Fairhope Elementary School Fairhope Middle and High Schools
Prepared by:
Name :Michelle Melton-Null



SUMMARY OF REQUEST

Public hearing to consider the request of the Applicant, Jade Consulting, LLC, on behalf of the Owner, Michael Jason Tickle 2020 Trust, for Conditional Annexation to R-1, Low Density Single-Family District for Windrow Phase 2. The property is located at South Section Street, south of Twin Beech Road and is 20.11± acres.

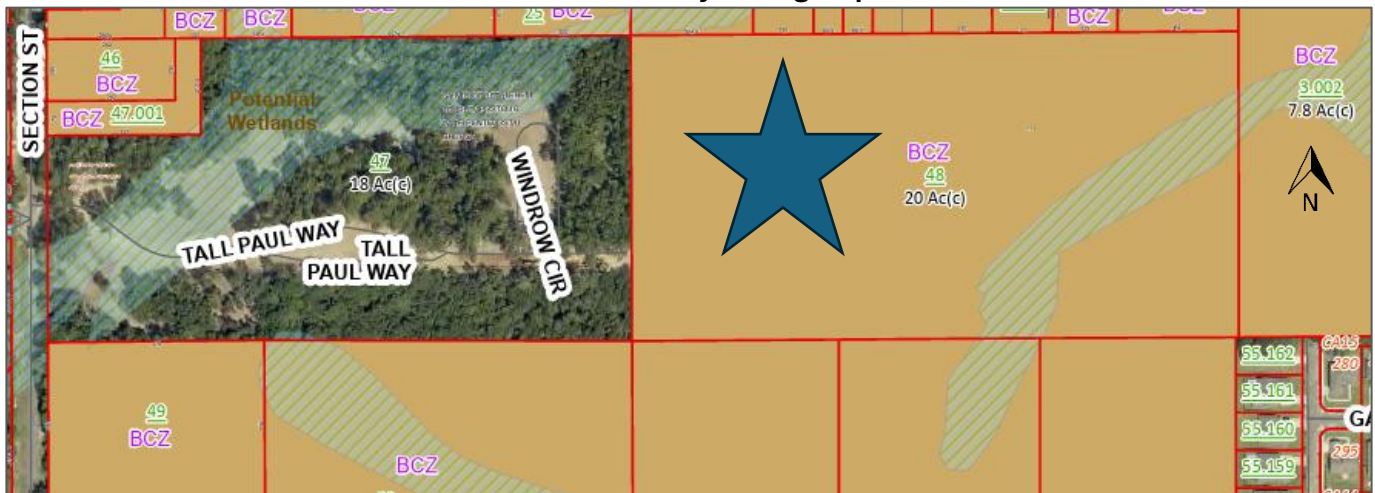
SITE HISTORY

There have not been any prior Planning Commission or Board of Adjustments cases on this site.

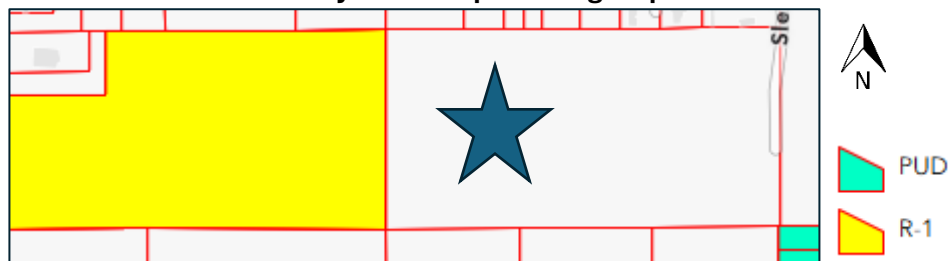
STAFF COMMENTS

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 mostly abuts other BCZ parcels. The southeastern corner of subject property is adjacent to Old Battles Village, Ph. 6, which is a Fairhope zoned PUD. Directly to the west is Phase 1 of the Windrow SD, which is Fairhope zoned R-1. See below.

Baldwin County Zoning Map



City of Fairhope Zoning Map



If conditional annexation is granted the Applicant requests to be zoned R-1. 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.”*

A development plan was not submitted nor required. However, Applicant is proposing 28 single family residential homes on the subject property. There are 21 lots in Windrow SD, Ph. 1.

Citizen Comments

One (1) letter from a county resident was received. The questions presented in the letter mostly concern issues that are considered in a subdivision case (i.e. drainage and traffic), which should be forthcoming for this parcel. The letter is included in the packet.

Wetlands

The Applicant did not submit a wetland delineation with the application. Baldwin County GIS does show a small area of “potential wetlands” within the eastern half of the parcel that will need to be addressed with any proposed development. *See Exhibits*. City regulations are more stringent regarding wetlands and other surface waters than County regulations. The “potential wetlands” may very well be wetlands per the City’s regulations.

Utilities

Riviera Utilities can provide power. Fairhope Utilities is available for water, sewer, and gas. AT&T can provide telecommunications.

REZONING CONSIDERATIONS

Standards of Review:

The Zoning Ordinance and its associated zoning map are derived from long-range comprehensive planning studies intended to promote orderly, desirable development. Casual or unsupported amendments to the Zoning Ordinance can undermine this purpose. Therefore, rezoning requests are evaluated according to 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.

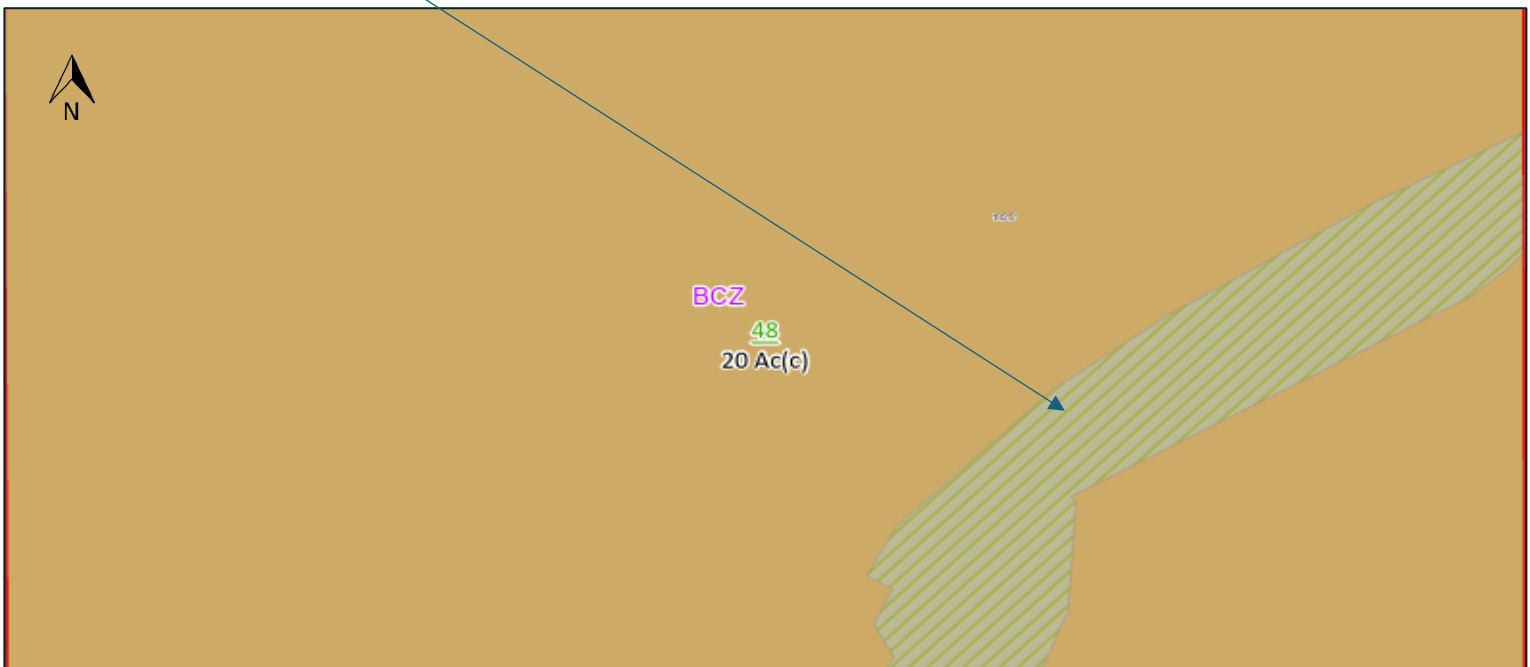
Recommendation:

Staff recommends to Planning Commission to recommend **APPROVAL** of ZC 26.07 – Windrow SD, Phase 2, conditional annexation with request to rezone property from Baldwin County zoned Base County Zoning (BCZ) to Fairhope zoned R-1, Low Density Single-Family Residential District.

EXHIBITS**ZC 26.07 – Windrow SD Phase 2**

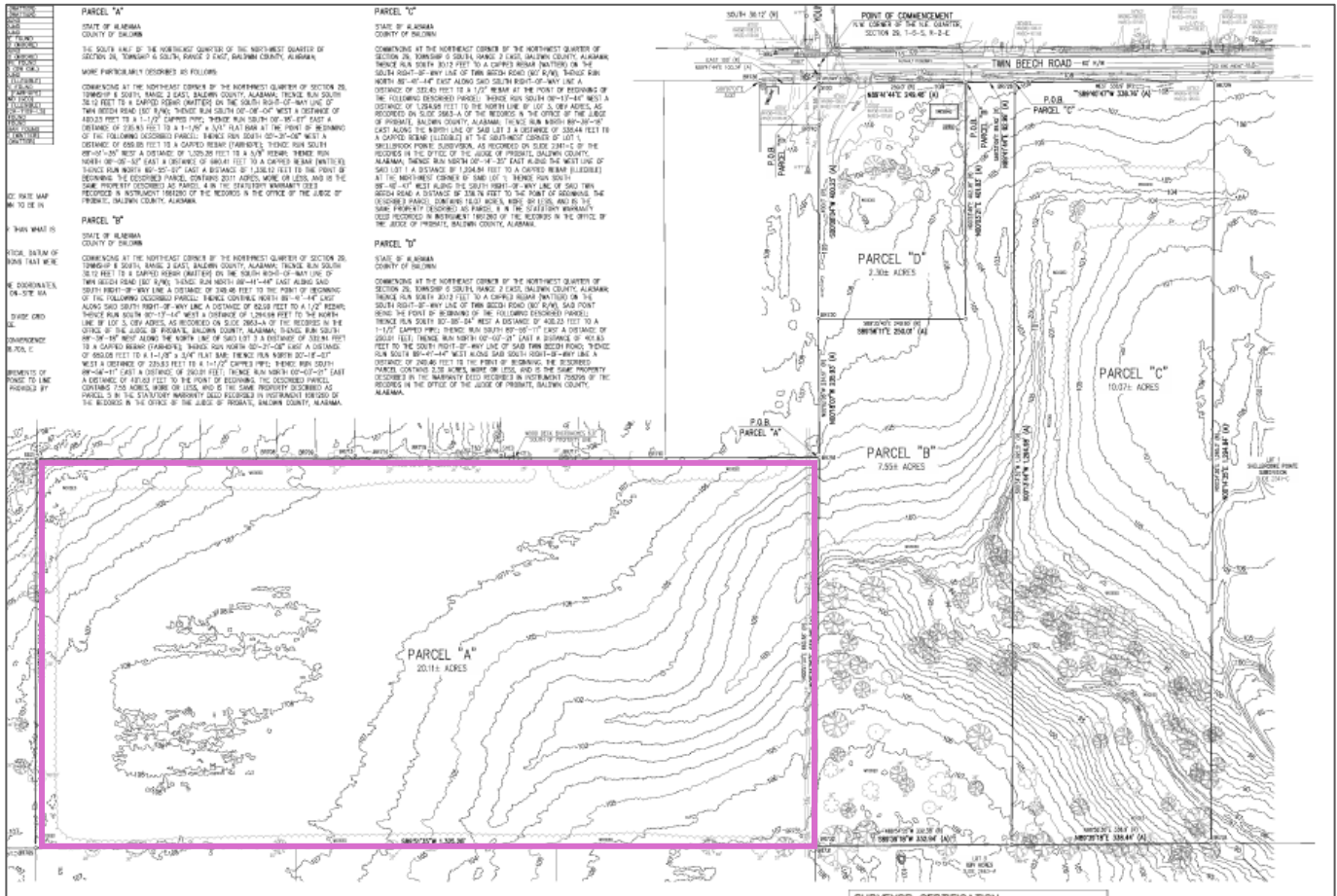
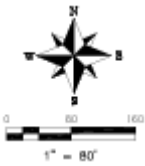
August 3, 2026

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' ^b	20'	40%	30' ^a
R-1a	40,000 s.f./ -	120'	30'	30'	10' ^b	20'	25%	35'
R-1b	30,000 s.f./ -	100'	30'	30'	10' ^b	20'	25%	35'
R-1c	20,000 s.f./ -	80'	30'	30'	10' ^b	20'	25%	35'



August 3, 2026

Survey: Subject Site is Parcel “A”





APPLICATION FOR ZONING DISTRICT CHANGE

Property Owner / Leaseholder Information

Name: TICKLE, MICHAEL JASON 2020 TRUST DATED JULY 13, 2020 Phone Number: (251) 278-5533
 Street Address: 23389 Main Street
 City: Montrose State: AL Zip: 36532

Applicant / Agent Information

If different from above.

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

Name: JADE Consulting, LLC Phone Number: 251-928-3443
 Street Address: 208 N. Greeno Rd, Ste. C
 City: Fairhope State: AL Zip: 36532

Current Zoning of Property: BCZ
 Proposed Zoning/Use of the Property: R-1
 Property Address: South Section & Twin Beach
 Parcel Number: 05-46-09-29-0-000-048.000
 Property Legal Description: See attached legal
 Reason for Zoning Change: The developer is applying for a zoning change to R-1 and annexation

into the city that will allow for this 28 single-family homes.

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: 12/26
28 lot subdivision and associated roadway, drainage and utility improvements.

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.

Michael Jason Tickle
 Property Owner/~~Leaseholder~~ Printed Name

Date

6/22/26

Signature

NA

Fairhope Single Tax Corp. (If Applicable)

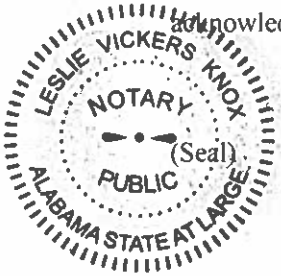
PETITION FOR ANNEXATION

Page 37 of 94

U.S JUSTICE DEPARTMENT INFORMATION

- ☐ Size of property (acres or square feet) 20.11
- ☐ If property is occupied, give number of housing units 0, vacant
- ☐ Number of Persons residing in each unit, and their race 0
- ☐ If property is unoccupied, give proposed use Single Family Residential
- ☐ If property is being developed as a subdivision, give subdivision name
Windrow Subdivision Ph 2
- ☐ Number of lots within proposed subdivision 28

I, Leslie Vickers Knox a Notary Public in and for said State and County, hereby certify that Michael Jason Tickle 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 22nd day of June, 2026,

Leslie Vickers Knox
Notary Public

My commission expires September 6, 2026

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 _____



APPLICATION FOR ZONING DISTRICT CHANGE

Property Owner / Leaseholder Information

Name: TICKLE, MICHAEL JASON 2020 TRUST DATED JULY 13, 2020 Phone Number: (251) 278-5533
 Street Address: 23389 Main Street
 City: Montrose State: AL Zip: 36532

Applicant / Agent Information

If different from above.

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

Name: JADE Consulting, LLC Phone Number: 251-928-3443
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 Property Legal Description: See attached legal
 Reason for Zoning Change: The developer is applying for a zoning change to R-1 and annexation
into the city that will allow for this 28 single-family homes.

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: 12/26
28 lot subdivision and associated roadway, drainage and utility improvements.

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.

Michael Jason Tickle
 Property Owner/~~Leaseholder~~ Printed Name
6/22/26
 Date

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

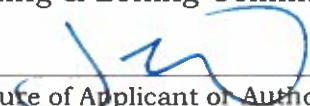


CERTIFICATION OF PROPERTY OWNER NOTIFICATION LIST

As Required by the City of Fairhope

Hearings on Zoning Change applications require notification to all property owners within 300 feet of the property under consideration for the change. This list must be the most current property owners' records available from the Baldwin County Revenue Office.

By signing below, I Michael Jason Tickle, (applicant) do hereby certify that the property owner list attached to this application was obtained from the Baldwin County Revenue Office and is a complete list of all real property owners/lessees within 300 feet of the parcel submitted for consideration by the Planning & Zoning Commission.



Signature of Applicant or Authorized Agent

6/22/26

Date of Application

NOTARIZED AUTHORIZATION OF OWNER

I/We, Michael Jason Tickle as the sole or joint fee simple title holder(s) of the property described as parcels 05-46-09-29-0-000-048.000, in the City of Fairhope, County of Baldwin, State of Alabama, authorize JADE Consulting, LLC and/or their consultants to act as our agent to seek City, County or state PUD, Rezone, subdivision, Site Plan/Development, Variance, DOT & DEP approvals, and/or all regulatory approvals in connection therewith, on the above referenced property.

Company: TICKLE, MICHAEL JASON 2020 TRUST
DATED JULY 13 2020

By:  Michael Jason Tickle

As Its: Owner

Address: 23389 Main St.
Fairhope, AL 36532

Phone: 251-278-5533 Fax: _____

Email: pointclearfarm@gmail.com

STATE OF Alabama
COUNTY OF Baldwin

The forgoing instrument was acknowledged before me this 22nd day of June, 2026 by Michael Jason Tickle as its Owner, who is personally known to me or who has produced personally known (type of ID) as identification and who did not take an oath.



Leslie Vickers Knox

NOTARY PUBLIC – STATE OF Alabama

Leslie Vickers Knox

NAME OF NOTARY – TYPED OR PRINTED

COMMISSION NO: 20754

My Commission Expires September 6, 2026

PROPERTY CORNER/CONTROL POINT DATA

Point	Northing	Eastings	Elevation	Description
BR4	182,705.99	1,844,902.05	109.67	RED CAPPED REBAR (WATTIER)
BR5	182,703.87	1,844,160.08	110.17	RED CAPPED REBAR (WATTIER)
BR705	181,333.73	1,842,903.60	107.84	5/8" REBAR FOUND
BR708	182,018.37	1,843,314.13	108.17	1/2" REBAR FOUND
BR709	182,018.52	1,843,379.48	107.02	1/2" REBAR FOUND
BR710	182,014.61	1,843,974.11	107.75	3/4" OPEN TOP PIPE FOUND
BR713	182,019.57	1,843,446.57	107.83	CAPPED REBAR FOUND (MOORE)
BR714	182,019.13	1,843,506.25	107.03	5/8" REBAR FOUND
BR715	182,026.96	1,843,572.31	107.69	CAPPED REBAR FOUND (MOORE)
BR716	182,019.31	1,843,694.26	108.19	1-1/4" OPEN TOP PIPE FOUND
BR717	182,018.61	1,843,826.61	108.31	CAPPED REBAR FOUND (SW CML)
BR728	182,653.95	1,844,566.98	108.09	1/2" REBAR FOUND
BR729	182,653.95	1,844,905.74	107.39	CAPPED REBAR FOUND (ILLEGIBLE)
BR730	182,251.96	1,844,233.59	108.04	1-1/2" CAPPED PIPE FOUND
BR731	181,356.98	1,844,228.87	107.99	CAPPED REBAR FOUND (FAIRHOPE)
BR732	181,358.49	1,844,230.87	107.92	CAPPED REBAR FOUND (CLO)
BR734	181,361.02	1,844,900.24	91.55	CAPPED REBAR FOUND (ILLEGIBLE)
BR735	181,373.76	1,844,204.10	107.34	CAPPED REBAR FOUND (CA-1109-LS)
BR736	182,656.65	1,844,134.19	109.87	CRIMP TOP PIPE FOUND
BR740	182,581.64	1,844,234.37	109.62	CRIMP TOP PIPE FOUND
BR751	182,016.03	1,844,234.84	104.58	3/4" x 1-1/8" FLAT BAR FOUND
S101	182,014.14	1,842,904.72	---	CAPPED REBAR FOUND (WATTIER)
S103	182,652.19	1,844,234.53	---	CAPPED REBAR SET (WATTIER)

NOTES

- THE PROPERTY DESCRIBED HEREIN IS SHOWN ON THE FEMA FLOOD INSURANCE RATE MAP NUMBER 01003C0644 M & 01003C0757 L, DATED 04/19/2019, AND IS SHOWN TO BE IN FLOOD ZONE "X-UNSHADED".
- THIS SURVEY DOES NOT REFLECT ANY TITLE OR EASEMENT RESEARCH OTHER THAN WHAT IS READILY VISIBLE ON THE SURFACE OR PROVIDED BY THE CLIENT.
- ELEVATIONS SHOWN HEREON ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) AND WERE ESTABLISHED ON-SITE VIA STATIC GPS OBSERVATIONS THAT WERE PROCESSED WITH OPUS.
- HORIZONTAL COORDINATES SHOWN HEREON ARE REFERENCED TO STATE PLANE COORDINATES, ALABAMA WEST ZONE, NAD 83, U.S. SURVEY FOOT, AND WERE ESTABLISHED ON-SITE VIA STATIC GPS OBSERVATIONS THAT WERE PROCESSED WITH OPUS.
- DISTANCES SHOWN HEREON ARE STATE PLANE COORDINATE GRID DISTANCES. DIVIDE GRID DISTANCE BY SCALE FACTOR OF 0.99995179 TO DETERMINE GROUND DISTANCE.
- BEARINGS SHOWN HEREON ARE STATE PLANE COORDINATE GRID BEARINGS. CONVERGENCE ANGLE FROM GRID NORTH TO GEODETIC NORTH IS -00° 12' 16" AT N 180,806.705, E 1,841,564.078.
- UNDERGROUND UTILITIES SHOWN HEREON WERE ESTABLISHED BY FIELD MEASUREMENTS OF MARKINGS PLACED ON THE GROUND BY VARIOUS UTILITY COMPANIES IN RESPONSE TO LINE LOCATE TICKET NUMBER 230962637 OR AS SHOWN ON AS-BUILT DRAWINGS PROVIDED BY UTILITY COMPANIES.
- TREES 24" DBH AND LARGER ARE SHOWN HEREON.

LEGEND

(R)	RECORD BEARING OR DISTANCE
(A)	ACTUAL BEARING OR DISTANCE
UP	UTILITY POLE W/ANCHOR
H T P P	HIGH TENSION POWER POLE
LP	LIGHT POLE
+	SERVICE POLE
⊕	CONTROL PANEL
FH	FIRE HYDRANT
WV	WATER VALVE
W	WATER METER
W	WATER LINE MARKER
⊙	NATURAL GAS REGULATOR
⊙	NATURAL GAS LINE MARKER
⊙	COMMUNICATION VAULT
⊙	SATELLITE DISH
⊙	MAILBOX
STOP	SIGN
+	DELINEATION MARKER
AS	ANTI-SLIP PAD
OHU	OVERHEAD UTILITIES LINE
OHE	OVERHEAD ELECTRIC LINE
OHC	OVERHEAD COMMUNICATION LINE
UOC	UNDERGROUND COMMUNICATION LINE
W	WATER LINE
10 SSPM	SANITARY SEWER LINE
G	NATURAL GAS LINE
---	STORM DRAIN PIPE
---	WROUGHT FENCE
R	ROPE FENCE
X-X	WIRE FENCE
◯	LIVE OAK TREE
◯	OAK TREE
◯	PINE TREE
◯	PECAN
◯	CAMPBORN TREE
◯	UNKNOWN TREE

LEGAL DESCRIPTIONS

PARCEL "A"

STATE OF ALABAMA
COUNTY OF BALDWIN

THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 6 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA;

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 6 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 30.12 FEET TO A CAPPED REBAR (WATTIER) ON THE SOUTH RIGHT-OF-WAY LINE OF TWIN BEECH ROAD (60' R/W); THENCE RUN SOUTH 00°-08'-04" WEST A DISTANCE OF 400.23 FEET TO A 1-1/2" CAPPED PIPE; THENCE RUN SOUTH 00°-18'-07" EAST A DISTANCE OF 235.93 FEET TO A 1-1/8" x 3/4" FLAT BAR AT THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL: THENCE RUN SOUTH 00°-31'-06" WEST A DISTANCE OF 659.08 FEET TO A CAPPED REBAR (FAIRHOPE); THENCE RUN SOUTH 89°-51'-35" WEST A DISTANCE OF 1,325.28 FEET TO A 5/8" REBAR; THENCE RUN NORTH 00°-05'-52" EAST A DISTANCE OF 660.41 FEET TO A CAPPED REBAR (WATTIER); THENCE RUN NORTH 89°-55'-07" EAST A DISTANCE OF 1,330.12 FEET TO THE POINT OF BEGINNING. THE DESCRIBED PARCEL CONTAINS 20.11 ACRES, MORE OR LESS, AND IS THE SAME PROPERTY DESCRIBED AS PARCEL 4 IN THE STATUTORY WARRANTY DEED RECORDED IN INSTRUMENT 1661260 OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA.

PARCEL "B"

STATE OF ALABAMA
COUNTY OF BALDWIN

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 6 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 30.12 FEET TO A CAPPED REBAR (WATTIER) ON THE SOUTH RIGHT-OF-WAY LINE OF TWIN BEECH ROAD (60' R/W); THENCE RUN NORTH 89°-41'-44" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 249.46 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL: THENCE CONTINUE NORTH 89°-41'-44" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 82.99 FEET TO A 1/2" REBAR; THENCE RUN SOUTH 00°-13'-44" WEST A DISTANCE OF 1,294.98 FEET TO THE NORTH LINE OF LOT 3, OBV ACRES, AS RECORDED ON SLIDE 2663-A OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 89°-39'-18" WEST ALONG THE NORTH LINE OF SAID LOT 3 A DISTANCE OF 332.94 FEET TO A CAPPED REBAR (FAIRHOPE); THENCE RUN NORTH 00°-31'-06" EAST A DISTANCE OF 659.08 FEET TO A 1-1/8" x 3/4" FLAT BAR; THENCE RUN NORTH 00°-18'-07" WEST A DISTANCE OF 235.93 FEET TO A 1-1/2" CAPPED PIPE; THENCE RUN SOUTH 89°-56'-11" EAST A DISTANCE OF 250.01 FEET; THENCE RUN NORTH 00°-03'-21" EAST A DISTANCE OF 401.83 FEET TO THE POINT OF BEGINNING. THE DESCRIBED PARCEL CONTAINS 7.55 ACRES, MORE OR LESS, AND IS THE SAME PROPERTY DESCRIBED AS PARCEL 5 IN THE STATUTORY WARRANTY DEED RECORDED IN INSTRUMENT 1661260 OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA.

PARCEL "C"

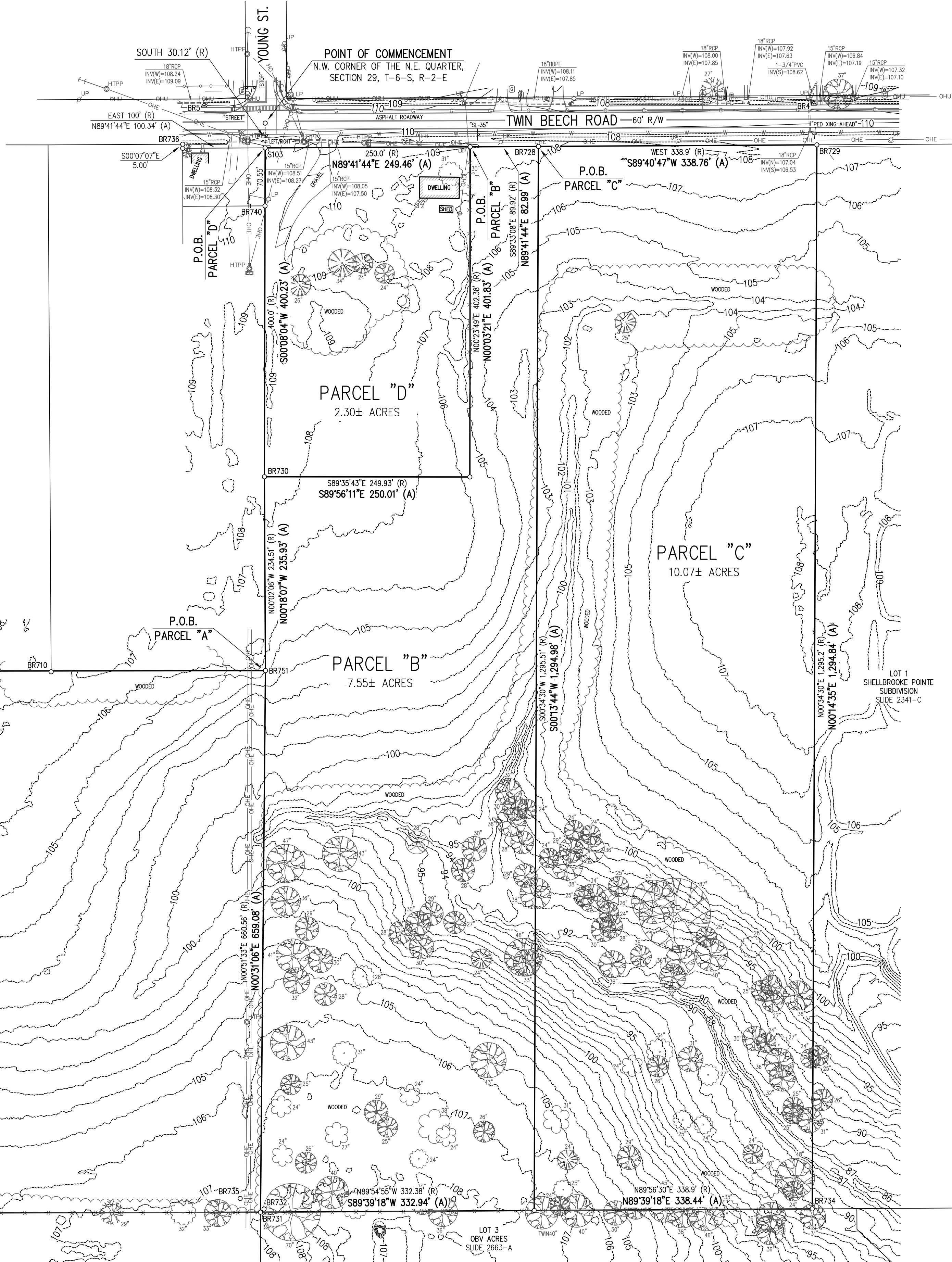
STATE OF ALABAMA
COUNTY OF BALDWIN

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 6 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 30.12 FEET TO A CAPPED REBAR (WATTIER) ON THE SOUTH RIGHT-OF-WAY LINE OF TWIN BEECH ROAD (60' R/W); THENCE RUN NORTH 89°-41'-44" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 332.45 FEET TO A 1/2" REBAR AT THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL: THENCE RUN SOUTH 00°-13'-44" WEST A DISTANCE OF 1,294.98 FEET TO THE NORTH LINE OF LOT 3, OBV ACRES, AS RECORDED ON SLIDE 2663-A OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 89°-39'-18" EAST ALONG THE NORTH LINE OF SAID LOT 3 A DISTANCE OF 338.44 FEET TO A CAPPED REBAR (ILLEGIBLE) AT THE SOUTHWEST CORNER OF LOT 1, SHELLBROOK POINTE SUBDIVISION, AS RECORDED ON SLIDE 2341-C OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00°-14'-35" EAST ALONG THE WEST LINE OF SAID LOT 1 A DISTANCE OF 1,294.84 FEET TO A CAPPED REBAR (ILLEGIBLE) AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE RUN SOUTH 89°-40'-47" WEST ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID TWIN BEECH ROAD A DISTANCE OF 338.76 FEET TO THE POINT OF BEGINNING. THE DESCRIBED PARCEL CONTAINS 10.07 ACRES, MORE OR LESS, AND IS THE SAME PROPERTY DESCRIBED AS PARCEL 6 IN THE STATUTORY WARRANTY DEED RECORDED IN INSTRUMENT 1661260 OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA.

PARCEL "D"

STATE OF ALABAMA
COUNTY OF BALDWIN

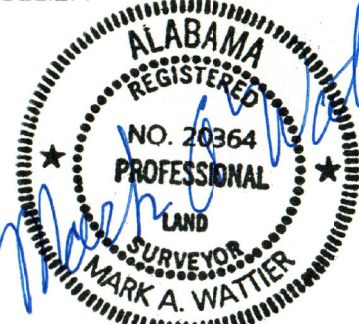
COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 6 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 30.12 FEET TO A CAPPED REBAR (WATTIER) ON THE SOUTH RIGHT-OF-WAY LINE OF TWIN BEECH ROAD (60' R/W); SAID POINT BEING THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL: THENCE RUN SOUTH 00°-08'-04" WEST A DISTANCE OF 400.23 FEET TO A 1-1/2" CAPPED PIPE; THENCE RUN SOUTH 89°-56'-11" EAST A DISTANCE OF 250.01 FEET; THENCE RUN NORTH 00°-03'-21" EAST A DISTANCE OF 401.83 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF SAID TWIN BEECH ROAD; THENCE RUN SOUTH 89°-41'-44" WEST ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 249.46 FEET TO THE POINT OF BEGINNING. THE DESCRIBED PARCEL CONTAINS 2.30 ACRES, MORE OR LESS, AND IS THE SAME PROPERTY DESCRIBED IN THE WARRANTY DEED RECORDED IN INSTRUMENT 758295 OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA.



SURVEYOR CERTIFICATION

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.

Mark A. Wattier
MARK A. WATTIER, PLS
ALABAMA REGISTRATION NO. 20364



MAY 6, 2023

WATTIER SURVEYING, INC.
PROFESSIONAL LAND SURVEYORS

4318 Downtown Loop N., Suite H
Mobile, Alabama 36609 251-342-2640

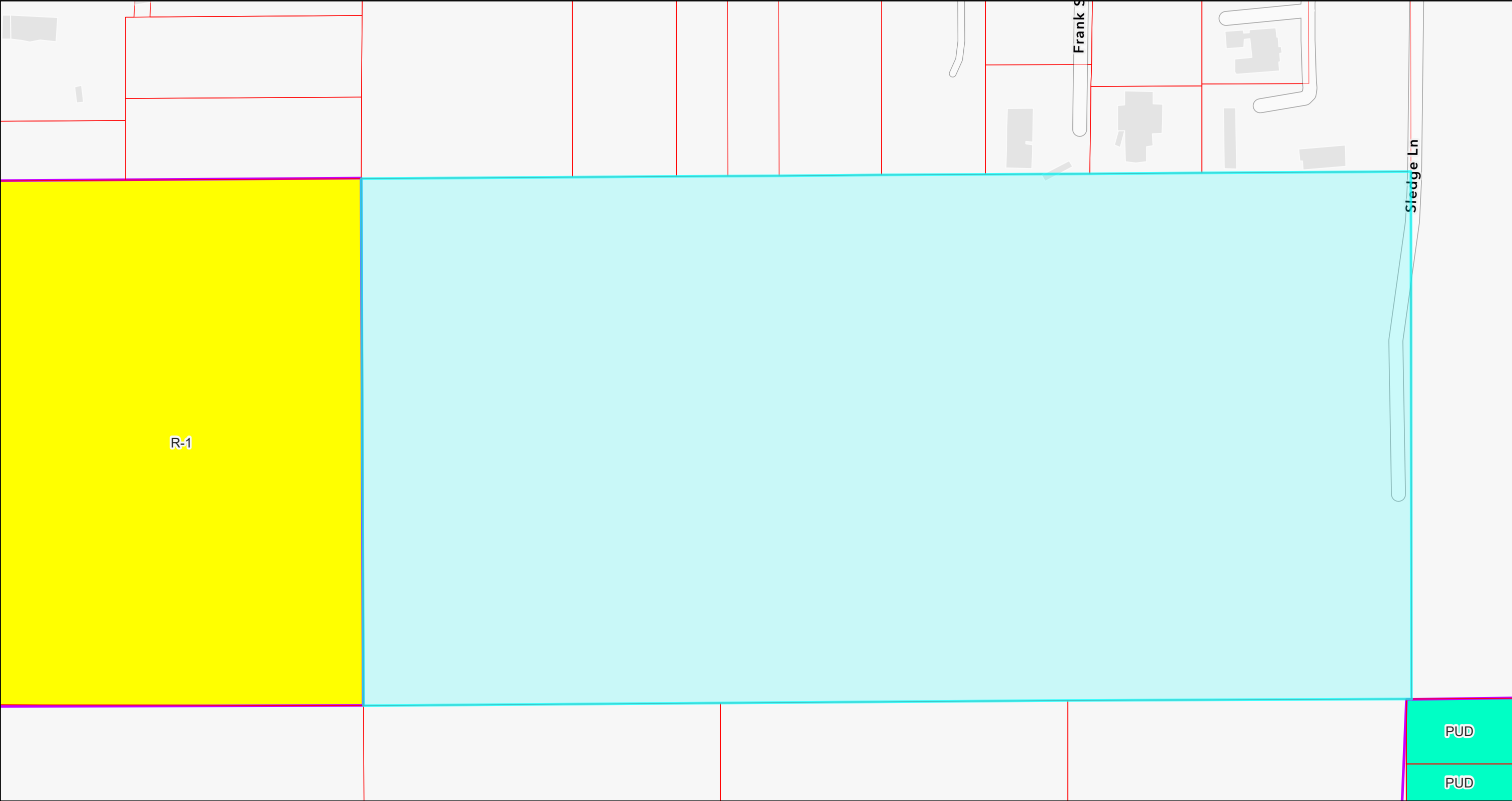
SURVEY TYPE: BOUNDARY & TOPOGRAPHIC SURVEY

BEARING REFERENCE: STATE PLANE GRID, NAD 83, AL WEST ZONE, U.S. SURVEY FOOT

INFORMATION SOURCE: INSTRUMENTS 1661260 & 758294

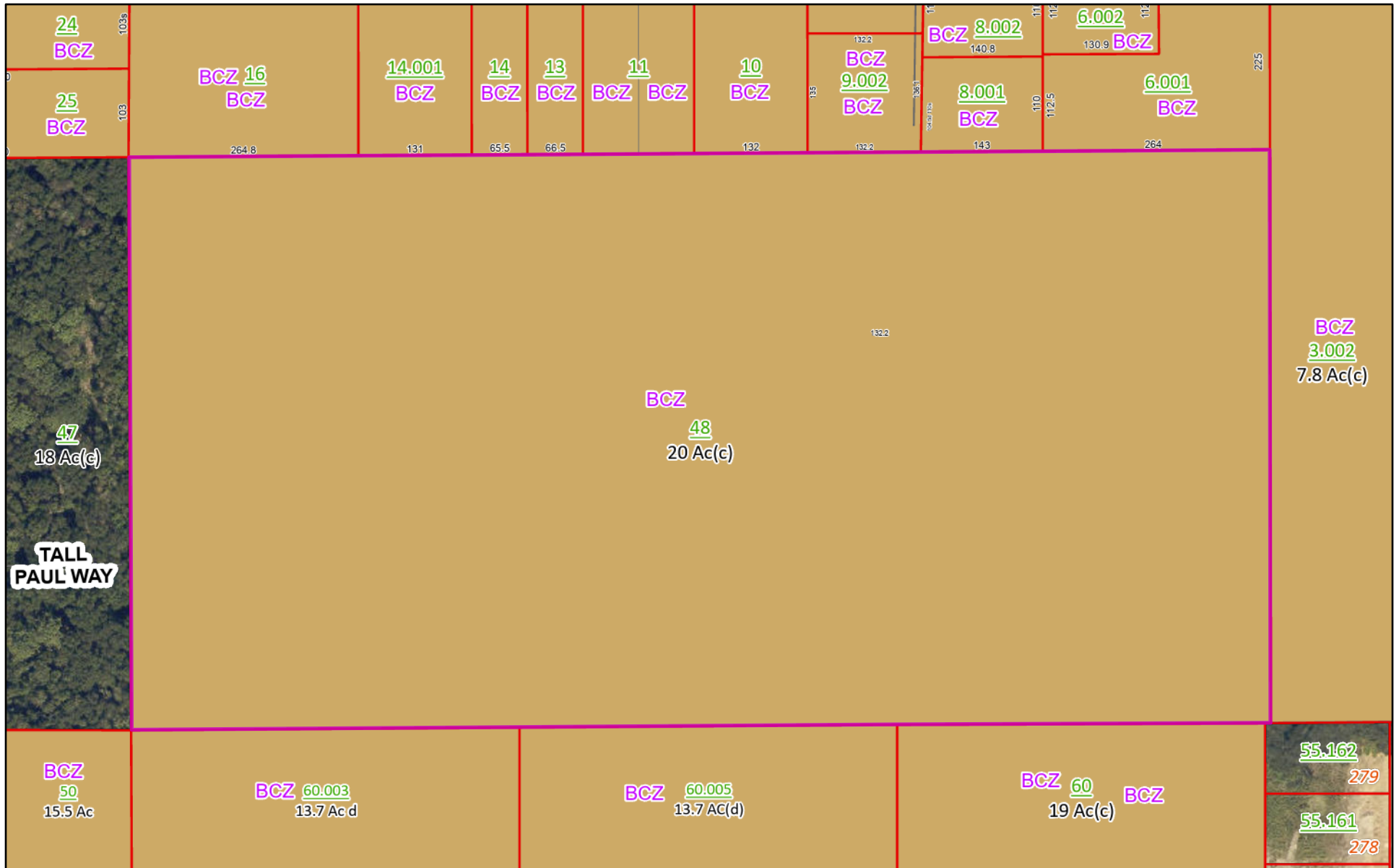
J.O. NO. 23-0403 COMP. FILE 2894, DWG. NO. 65-2E-29-07, DATE OF LAST FIELD WORK 05/05/2023, CLIENT JADE CONSULTING, LLC

Fairhope Web Map



Parcel	Zoning District	B-4	R-1	R-4
City Limits	B-1	HTD	R-2	R-5
Central Business District	B-2	M-1	R-3	R-6
Medical Overlay	B-3A	P-1	R-3PGH	R-A
Airport Overlay	B-3B	PUD	R-3TH	TR

Viewer Map



June 19, 2026

Override 1

County Zoning

Base Community Zoning District (BCZ)

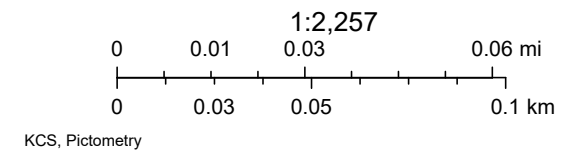
County Boundary

Centerlines

Conveyance Divisions

Parcels

COGO



City of Fairhope Planning Commission

August 3, 2026



ZC 26.08 Zoning Amendment – Building Height

The following is a proposed amendment to change and alter the City of Fairhope Zoning Ordinance.

The Planning Commission will review the proposed language and take one of the following actions:

- (a) Recommend approval to the City Council;
- (b) Recommend approval to the City Council, conditioned on specific revisions;
- (c) Recommend denial to the City Council; or
- (d) Continue discussion of the proposed amendments for further study.

Any zoning amendment must be approved by the City Council. During the Planning Commission Hearing, as well as the City Council Hearing, all persons shall have an opportunity to be heard in opposition to or in favor of the proposed amendment. Comments may also be emailed to planning@fairhopeal.gov

EXECUTIVE SUMMARY OF AMENDMENTS

There seems to be a consensus that current policy regulating building height could be improved. The reasons for which vary, but some say they are confusing, expensive to determine, that definitions are unclear, while others are concerned with the end results. Opinions about potential solutions vary more than the reasons for concern.

To this end, Staff proposes formal language for review by the Planning Commission to address some of the aforementioned concerns and invite discussion of these items prior to the final amendment going to the City Council for potential adoption. The Planning Commission must take formal action, but Staff recommends action item (d) above, "Continue discussion of the proposed amendments for further study".

SUMMARY OF REQUEST

Public hearing to consider the request from the City of Fairhope Planning and Zoning Department, for proposed amendments to the City of Fairhope’s Zoning Ordinance pertaining to Building Height.

SUMMARY OF AMENDMENT AS PROPOSED

Article IX.C. – Defined Terms

Revise the current definition of Building Height as follows:

Current Definition

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

Proposed Definition

Building Height: The vertical distance from Existing Grade to the highest point of a roof or parapet. For buildings with multiple roofs, each roof shall be considered separately in relation to the Existing Grade upon which that part of the structure rests.

Add a new Defined Term for *Existing Grade* as follows:

“*Existing Grade*: For sites which have never been disturbed, Existing Grade shall be the ground level before any human disturbances. For sites that have existing structures or have been disturbed through development/construction activity, Existing Grade shall be the ground level established when the structure or disturbance was created. Recent land disturbance, particularly if the work was performed without an approved permit, shall not qualify as Existing Grade.”

Article III.C. – Dimension Standards

Add a new subsection six (6) titled *Building Height* in order to clarify precisely how Building Height is to be calculated. This new section will provide clear guidance through language and visual graphics (see below) detailing how to measure Building Height. Furthermore, it will clearly detail what exceptions exist to the height limit, as well as consolidate other existing regulations related to Building Height into a central location within the Zoning Ordinance to improve ease of use.

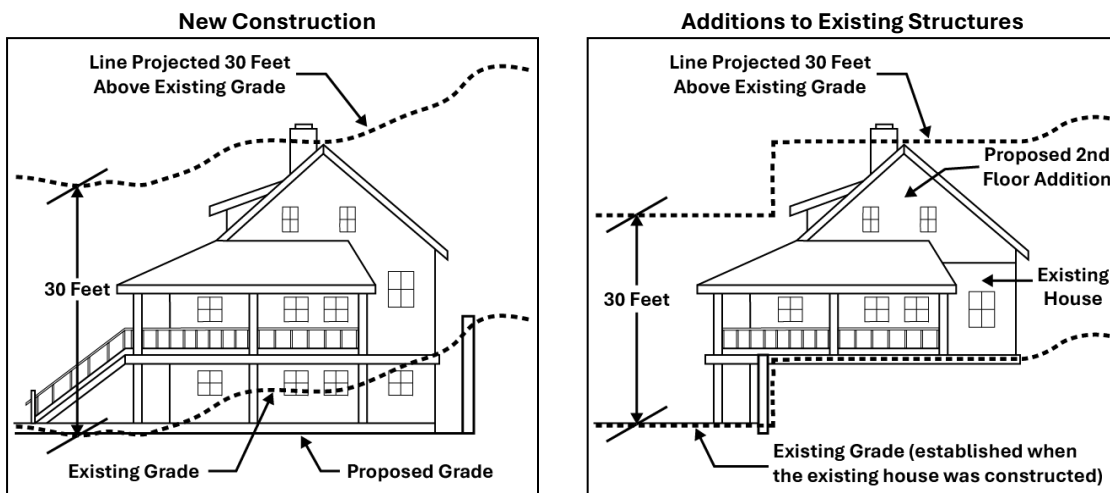


Figure 3-1. Illustrating the methods for calculating Building Height for new construction and for sites with existing structures.

Article V.B.3. – Central Business District Overlay: Uses

Reduce the maximum Building Height allowed within the CBD from 40 feet to 35 feet.

Revise the existing language regarding Rooftop Terraces in order to clarify the original intent and mitigate any future confusion when developing or redeveloping Rooftop Terraces within the CBD.

STAFF COMMENTS

Establishing a New Standard for Building Height

The proposed Building Height amendment is in direct response to the difficulties that come with having had four (4) different definitions for Building Height over the past 28 years. How these past definitions have been interpreted and the physical constraints that newer definitions have imposed upon older properties have created a need for clarification and the creation of a solid foundation for calculating Building Height going forward.

Staff acknowledges, however, that a definition of building height which attempts to accommodate for residential homes, Fairhope's unique topography, as well as the scale and character of buildings within the Central Business District (CBD) can be challenging and a "one size fits all" approach may not be the most beneficial solution. In this report Staff will present a solution in part and hopes to invite continued conversation amongst the Planning Commission and Public as we move through the process of proposing this zoning amendment to the City Council.

When altering regulations such as the maximum Building Height it is often beneficial to look back at the history of what has been done in the past. Below are previous iterations of Building Height definitions from past Fairhope Zoning Ordinances, each presenting a slightly different way of calculating the measurement.

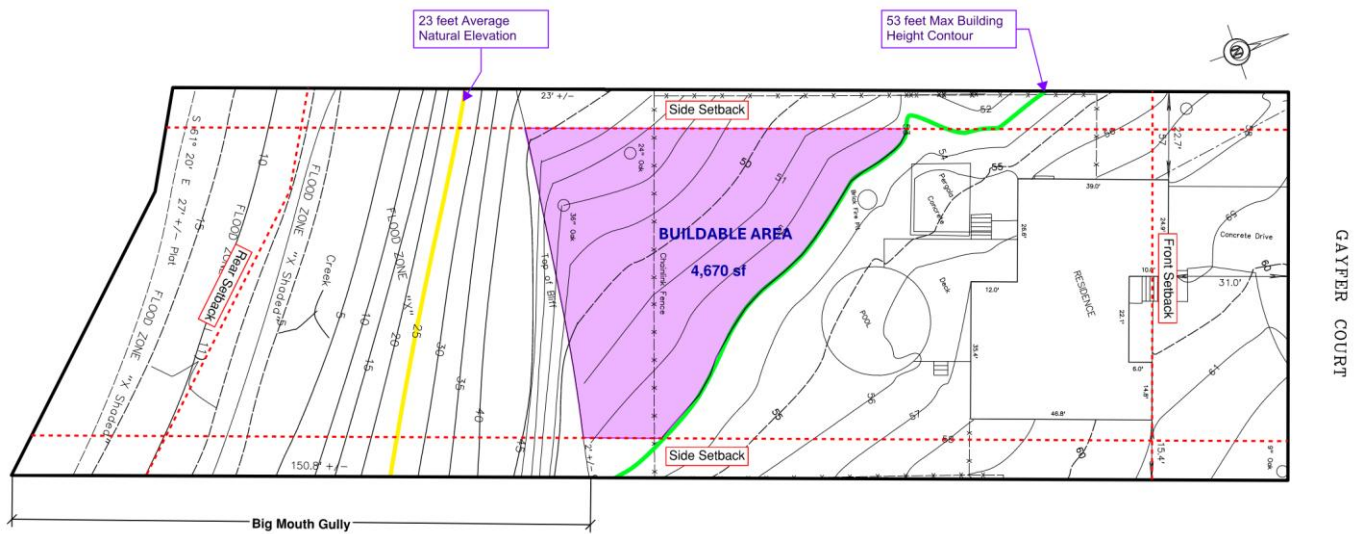
- 1998:** Building Height: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.
- 2001:** Building Height: The vertical distance measured from the average natural elevation of the lot at the front of the building to the highest point of the roof.
- 2005:** Building Height: 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 roof.
- 2017:** Building Height: The vertical distance measured from the average natural elevation of the lot to the mean point of the roof of the building.

The 1998 definition measured from average elevation of finished grade at the front of a building to a point which differed based on your roof type. The 2001 definition removed the roof type differentiation and chose to measure starting from average natural elevation at the front of the building (as opposed to finished grade) to the highest point of the roof. The 2005 definition went back to measuring from the average elevation of finished grade at the front of the building (not natural elevation) and retained measuring to the highest point of the roof. Lastly, the current 2017 definition out of an effort to get back to "building with the land" was amended to begin measuring from the average natural elevation of the entire lot in addition to introducing something new by measuring to the "mean point of the roof of the building". In this case meaning that instead of a single fixed point (i.e. 2001 and 2005) or giving options based on the roof type (i.e. 1998) the current definition requires staff to take all contours across an entire lot into consideration when determining where to begin measuring building height from (the "average natural elevation of a lot") and requires calculating the average height of a roof to determine where to measure to (typically the middle distance between the height of a roof's peak and its eaves).

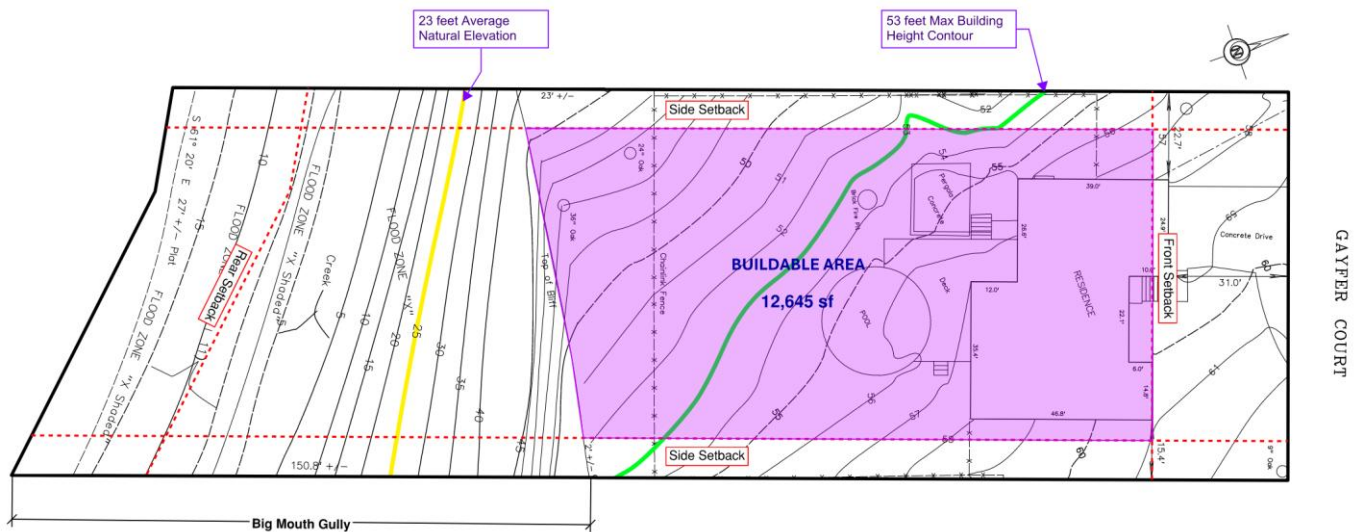
In practice, the current definition creates obvious problems for lots which may have steep topography created by a bluff and/or gully and effectively results in little more to promote building with the natural elevation beyond simply limiting where a structure may be located on a lot.

As an example, the below images depict a property located on Gayfer Court which was developed with a single-family dwelling in 1970 in compliance with building height requirements at that time. The first graphic illustrates the buildable area (where a house or structure could potentially be located) that is allowed under our current building height definition. The second graphic illustrates the buildable area that could potentially be allowed under the proposed definition.

Current Definition Site Plan Example



Proposed Definition Site Plan Example



It's important to note that buildable areas do not coincide with maximum allowed coverage. The buildable area in these graphics simply illustrates where a structure could potentially be located on the site. There are numerous other regulations limiting development such as maximum building coverage of primary and accessory structures, building separation requirements, etc. etc.

The current definition severely restricts redevelopment of this lot and others like it due to their smaller buildable areas, but it also severely limits any potential expansion of the existing structure due to the fact that it is constructed entirely above the maximum building height already, and as such, is considered legally non-conforming and unable to be expanded per Article VII of the Zoning Ordinance. The proposed definition not only provides the opportunity for redevelopment in a much larger area, including towards the front of the lot similar to how the property was originally developed, but would also allow for the existing structure to be renovated and/or expanded as it would no longer be considered non-conforming. It is this aspect of the proposed new definition that has the potential to resolve a number of non-conformities that exist today on older lots.

The proposed definition accomplishes this by beginning to measure maximum building height based on the Existing Grade directly underneath the proposed structure rather than looking at topography for the entire lot. Having the effect of not penalizing a property owner simply because their property has a steep slope or gully located on it. An important distinction in the proposed definition is how “Existing Grade” is determined. For an undeveloped property existing grade is ground level prior to any development, whereas for a property that has already been built on existing grade is essentially finished grade.

Another key way the proposed definition differs from the current definition is that instead of measuring to the average roof height, a builder would be required to measure to the highest point of all roofs. Staff has illustrated this in two (2) graphics (see below) which, if adopted, will be included in the Zoning Ordinance to illustrate how to properly perform this measurement. An important item for consideration though is that the proposed method of measuring, while it can be easily and consistently interpreted thus providing an up-front and easily understood regulation for home designers, could potentially reduce the overall size of dwellings as roof peaks are lowered and attic space is shifted downward. Having the effect of further lowering the constructed interior space within a structure. However, Staff believes a smaller scale within the built environment aligns closely with the desirable scale and character for the City of Fairhope as outlined within the Comprehensive Plan.

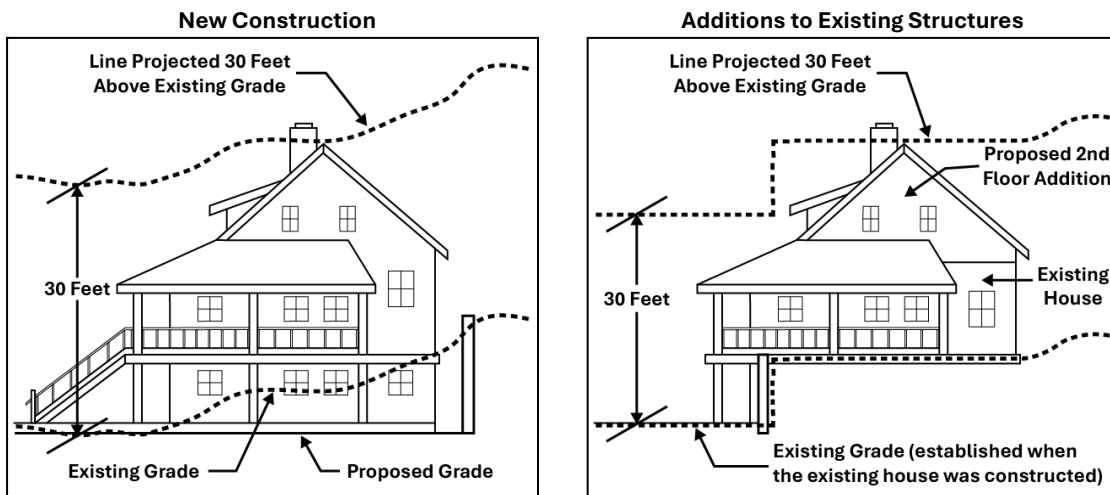


Figure 3-1. Illustrating the methods for calculating Building Height for new construction and for sites with existing structures.

Building Height and Other Clarifications Within the CBD

While the primary section of the proposed amendments to Article IX and Article III are related to establishing a new standard for defining and measuring Building Height; a smaller portion of the proposed amendments is dedicated to maximum building height within the CBD as well as clarifying existing regulations related to Rooftop Terraces.

The language related to Rooftop Terraces within the proposed amendment has largely been left unchanged and has only been reorganized and further clarified within its section in order to better align with the original intent of the Rooftop Terrace ordinance when it was first adopted. By restructuring the language in this section staff believes these regulations will be more easily understood and therefore less likely to be incorrectly interpreted both by staff and developers going forward. Thus, helping to better align any future development of Rooftop Terraces with the City’s desired outcomes for this type of construction.

With regard to Building Height, the proposed amendment would reduce the maximum building height for all structures within the CBD from 40 feet to 35 feet. The only exceptions to this would be for elevators and stairwells as may be provided for a Rooftop Terrace within the CBD and those exceptions provided by the *Height Exceptions* list in the proposed Building Height subsection of Article III. The language for both exceptions is provided below:

Article V.B.3.a(4) – Elevators & Stairwells Servicing Rooftop Terraces in the CBD (As Proposed)

- (4) Elevators and stairwells, and their associated mechanical equipment and enclosed areas which provide access to a Rooftop Terrace, may exceed the maximum Building Height within the CBD by a distance no greater than five (5) feet provided all of the following requirements are met:
 - (a) Shall not cover more than seven and one half (7.5) percent of the total square footage of the rooftop;
 - (b) Shall not be viewable from the street or sidewalks; and
 - (c) Shall be located a minimum of ten (10) feet from any lot line.

Article III.D.6.c – Height Limit Exceptions for Maximum Building Height (As Proposed)

- c. *Height Exceptions.* The height limits for the various districts shall not apply to the following:
 - (1) Spires, belfries, cupolas, or domes not used for human habitation; chimneys, ventilators, skylights, water tanks, cornices, radio and television receiving antennas or necessary mechanical appurtenances usually carried above the roof level; these features are limited to that height necessary for their proper functioning.

As with the definition of building height, Fairhope has had numerous maximum allowed heights throughout its history.

In 1999 the maximum height for commercial buildings in the CBD was increased from 30 feet to 35 feet. At the time it was stated that this increase was proposed in order to “make it easier for property owners to construct a second story downtown without damaging the pedestrian scale of the area”.

In 2005 the Zoning Ordinance was once again amended relating to building height. This time it was to allow a maximum building height of 35 feet for ALL mixed-use buildings effectively increasing the maximum building height from 30 feet to 35 feet for any mixed-use building. Similar to the '99 increase, this amendment made it easier for property owners to construct a second or third story downtown, but if doing so with a mixed-use building, the amendment required 33% of the total area of the building to be residential located on the 2nd and 3rd floors of said structure.

In 2008 the Planning Commission formed a formal Building Height Committee comprised of staff, local stakeholders, and design professionals to assess building height and explore potential options for amendments. This committee was formed in direct response to a growing trend at the time of 35-foot-tall buildings with flat roofs maximizing the buildable vertical dimension resulting in a negative effect on the scale and character of the CBD. The committee explored ways to allow flexibility in architectural design while keeping the “village” scale and character within the CBD as well as other commercial properties by potentially allowing a maximum height of 35 feet (the max. allowed at the time) for structures with a minimum roof pitch but reducing the max. height to 30 feet for any structure with a flat roof. Doing so would allow taller buildings for those with varied roof pitches and reduce the height of flat-roofed buildings designed to maximize the vertical dimension thus aligning both types of designs more closely to the village scale and character desired within Fairhope. The Committee’s research and exploration did not result in any formal amendment being adopted.

In 2018 the maximum building height allowed for all structures within the CBD was increased from 35 feet to 40 feet. At the time it was stated that this increase was to “encourage reinvestment in property, mixed use to allow for more activity downtown, and provide more architecturally appealing design without overpowering the streetscape”.

When looking back at the past 27 years of increases to the maximum allowed height within the CBD it is apparent that a primary goal has always been to allow for more “architecturally appealing designs”. However, it can reasonably be concluded that in doing so by simply raising the max height this goal has not been accomplished. In theory the method is sound, more buildable area in the vertical dimension allows for more room for creative solutions, however, in practice it has resulted in simply taller flat-roofed buildings which do not support the village scale and character that Fairhope is striving for.

Staff acknowledges that as proposed this amendment is not a perfect solution and only solves part of the problem. By reducing maximum building height within the CBD to 35 feet for all structures the scale of future development will in fact be better aligned with what the city desires, but it does nothing to incentivize varied roof pitches or more architecturally appealing designs. It is possible that other solutions exist which could provide for both, such as what was discussed in 2008 by the Building Height Committee. One approach would be to allow an increased max height for buildings that meet

a minimum roof pitch while having a reduced max height for buildings with flat roofs. Another option would be the establishment of a set of form-based codes within the CBD that could provide requirements for a building's form which align much more precisely with the established vision for the district. It is very important to note that form-based codes are not as prescriptive as a set of architectural standards within a historic district might be. To clarify, form-based codes typically focus on a building's mass, placement, and the relationship of that building to the public realm, whereas architectural standards dictate specific stylistic details, façade elements, and decorative materials. Where adopted, form-based codes are a regulatory tool that can be used to help guide a specified district toward an established desirable scale and character.

It should be noted, however, that as written staff is not proposing form-based codes. The current proposal would simply reduce the max height for all structures within the CBD to 35 feet, but we do welcome any and all discussion around any potential solution that both provides flexibility for builders to be creative while also maintaining the scale and character of the CBD.

ZONING AMENDMENT CONSIDERATIONS

Standards of Review:

The Zoning Ordinance and its associated zoning map are derived from long-range comprehensive planning studies intended to promote orderly, desirable development. Casual or unsupported amendments to the Zoning Ordinance can undermine this purpose. Therefore, Zoning Text Amendments should be evaluated according to 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.

CONCLUSION AND RECOMMENDATION

As written, Staff is in support of the proposed amendments. However, Staff acknowledges that as the amendments relate to maximum building height within the CBD further conversations would likely yield even better solutions than what is currently being proposed. As such, Staff welcomes any and all productive discussion and collaboration around the topic before those amendments would be taken before the City Council for adoption.

Recommendation:

Based on the preceding, Staff recommends the Planning Commission remit the proposed amendments back to Staff and continue discussion of the application for further study.

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. HTD - Highway Transitional District
23. REC-1 – Active Recreation District
24. REC-2 – Passive Recreation District

B. Allowed Uses

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

C. Dimension Standards

1. Lots and Principal Structure - Dimension Table
2. Residential Accessory Structures - Dimension Table
3. Yards
4. Free-standing Commercial Structures
5. Waterfront Lots
6. **Building Height**

D. Special Conditions for Uses

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.

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. *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 District:*

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 District:*

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	P-1	M-1	M-2	HTD	REC-1	REC-2
Use Categories / Specific Uses																				
Dwelling																				
Single-Family	●	●	●			●	●	●				●	●	●				●		
Two-Family							●	●				●	●					●		
Townhouse				☐			☐	☐												
Patio Home					☐															
Multiple-Family / Apartment							☐	☐										☐		
Manufactured Home									☐											
Mixed-Use Building										☐	☐	☐	☐	☐				☐		
Accessory Dwelling										☐	☐	☐	☐	☐				☐		
Estate																				
Civic																				
Elementary School		●	●			●	●	●		●	●	●	●	●		●	●	●		
Secondary School		●	●			●	●	●		●	●	●	●	●		●	●	●		
Education Facility		●	●			●	●	●		●	●			●		●	●	●		
Library		●	●			●	●	●		●	●	●	●	●		●	●	●		
Place of Worship																		○		
Cemetery	○	○	○			○	○	○		○	○	○				○	○	○		
Hospital										○	○	○		○		○	○	○		
Public Open Space	●	●	●			●	●	●		●	●	●		●		●	●	●	●	●
Common Open Space	●	●	●			●	●	●		●	●	●		●		●	●	●	●	●
Community Center or Club	○	○	○			○	○	○		○	○	○				○	○	○	●	●
Public Utility	○	○	○	○	○	○	○	○	○	○	○	○	○	○		○	○	○	○	○
Office																				
General										●	●		●	●		●	●	●		
Professional										●	●		●	●		●	●	●		
Home Occupation	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐				☐		
Retail																				
Grocery										●	●		●			●	●			
Convenience Store										☐	☐		☐			☐	☐	☐		
General Merchandise										●	●		●			●	●	○		
Shopping Center											●									

● Permitted subject to general ordinance standards & conditions.	☐ Permitted subject to special conditions listed in the ordinance.	○ Permitted only on appeal and subject to special conditions.
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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	P-1	M-1	M-2	HTD	REC-1	REC-2
Use Categories / Specific Uses																				
Retail (cont.)																				
Automobile Service Station										○	○					○	○			
Outdoor Sales Limited											○					○	○	○		
Outdoor Sales Lot											○					○	○			
Garden Center											○	○				○	○	○		
Service																				
Convalescent or Nursing Home	○	○	○			○	○	○		○	○	○		○		○	○	○		
Clinic	○	○	○			○	○	○		○	○	○				○	○	○		
Outdoor Recreation Facility	○	○	○			○	○	○			○	○	●	○		○	○	○	●	●
Day Care	○	○	○			○	○	○		○	○	○		○		○	○	●		
General Personal Services										●	●					●	●			
Mortuary or Funeral Home											○			○		○	○	○		
Automobile Repair											●					●	●			
Indoor Recreation										●	●		○			●	●		●	●
Dry Cleaner / Laundry										●	○					○	○			
Personal Storage											○		☐	☐		○	○			
Bed & Breakfast												●	○				●	●		
Hotel / Motel											○	○	○							
Boarding House or Dormitory																				
Recreational Vehicle Park											☐		☐			☐	☐			
Restaurant										○	●	○	●			○				
Bar											●	○	●							
Entertainment Venue											●		○				○			
Marina												○	○				○		○	○
Kennel or Animal Hospital											○	○				○	○			
Warehouse																●	●			
Junk Yard or Salvage Yard																○	○			
Manufacturing																				
Limited											○			○		●	●	○		
Light																●	●			
General																○	●			
Food Processing																	○			

● Permitted subject to general ordinance standards & conditions.	☐ Permitted subject to special conditions listed in the ordinance.	○ Permitted only on appeal and subject to special conditions.
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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	P-1	M-1	M-2	HTD	REC-1	REC-2
Use Categories / Specific Uses																				
Rural																				
Agriculture	●																			
Rural Market	●																			
Plant Nursery	●																			

● Permitted subject to general ordinance standards & conditions.	☉ Permitted subject to special conditions listed in the ordinance.	○ Permitted only on appeal and subject to special conditions.
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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 principal use;
- (b) is not hazardous to and does not impair the use or enjoyment of nearby property in greater degree than the 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 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 principal structures in all zoning districts. Unless otherwise specified in Section D. – Special Conditions for Uses, or Article V. – Special Districts, all lots and principal structures shall meet these standards.

Table 3-2: Dimension Table – Lots and Principal Structure

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 ^k	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' ^{ba}	20'	45%	40%	30' ^a
R-1a	40,000 s.f./ -	120'	30'	30'	10' ^{ba}	20'	30%	25%	35'
R-1b	30,000 s.f./ -	100'	30'	30'	10' ^{ba}	20'	30%	25%	35'
R-1c	20,000 s.f./ -	80'	30'	30'	10' ^{ba}	20'	30%	25%	35'
R-2	10,500 s.f./ -	75'	35'	35'	10' ^{ba}	20'	42%	37%	30' ^a
R-3	7,800 s.f./ -	65'	30'	35'	8' ^{ba}	20'	40%	35%	30'
R-3 PGH	4,000 s.f./ -	40'	20'	15'	10' ^{ba}	10'	37%	32.50%	30'
R-3 TH	20,000 s.f./ -	80'	20'	35'	20' ^{eb}	20'	50%	45%	30'
R-4	10,500 s.f.	75'	30'	35'	10' ^{ba}	20'		30%	30'
R-5	10,500 s.f.	75'	30'	35'	10' ^{ba}	20'		30%	30'
R-6	2 acres with a max. of 5 acres ^{ih} / -	250'	25'	20'	20' ^{ba}	25'		N/A	30'
B-1	None/ -	none	20' ^{dc}	20'	none ^{ed}				30'
B-2	None/ -	none	20' ^{dc}	none ^{fc}	none ^{ed}				30' ^{kj}
B-3a	7,500 s.f./ -	60'	30'	35'	10'			30%	30'
B-3b	7,500 s.f./ -	60'	20'	20'	none ^{ed}			none	30'
B-4	None/ -	none	20'	20'	10'				30'
M-1	None/ -	none	none ^{gf}	none ^{fc}	none ^{ed}			none	45'
M-2	None/ -	none	none ^{gf}	none ^{hg}	none ^{hg}			none	45'
PUD	See Article V., Section A.								
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.~~

~~ba.~~ Where a driveway is in the side, and extends past the front of the principal structure, the side setback shall be 15 feet. Driveways shall not be within three (3) feet of the side lot line. The area between the side lot line and driveway shall be vegetated and remain pervious.

~~eb.~~ A minimum side yard, as required by Article III, Section D.2 may be located within the 20-foot side setback.

~~dc.~~ Where a lot abuts residential property on both sides, the front setback shall be in line with adjacent structures.

~~ed.~~ Where a lot abuts residential property, the side setback shall be 10 feet.

~~fc.~~ Where a lot abuts residential property to the rear, the rear setback shall be 20 feet

~~gf.~~ In the case of existing adjacent establishments, the setback shall be the average within 100 feet on either side of the proposed structure.

~~hg.~~ Where a side or rear lot abuts residential districts, the setbacks shall be determined on an individual basis.

~~ih.~~ R-6 Districts may be larger than five (5) acres provided they meet all the special design requirements of Article V., Section D.5.

~~ji.~~ Central Business District 40 feet.

~~kj.~~ 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 pre-developed condition.

2. Residential Accessory Structures

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

Table 3-3: Dimension Table - Residential Accessory Structures

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

6. Building Height

- a. Building Height shall be defined as detailed in Article IX.C. *Defined Terms*.
- b. Building Height shall be calculated by measuring the vertical distance from Existing Grade to the highest point of a roof or parapet, as illustrated below. For buildings with multiple roofs, each roof shall be considered separately in relation to the Existing Grade upon which that part of the structure rests.
- c. *Height Exceptions*. The height limits for the various districts shall not apply to the following:
 - (1) Spires, belfries, cupolas, or domes not used for human habitation; chimneys, ventilators, skylights, water tanks, cornices, radio and television receiving antennas or necessary mechanical appurtenances usually carried above the roof level; these features are limited to that height necessary for their proper functioning.
- d. *Excess Height*:
 - (1) In any R-1 or R-2 district outside of the CBD, a structure may exceed the maximum Building Height by one (1) foot for every ten (10) additional feet of lot width provided greater than the minimum lot width required by the underlying zoning district (see Article III.C. Table 3-2).

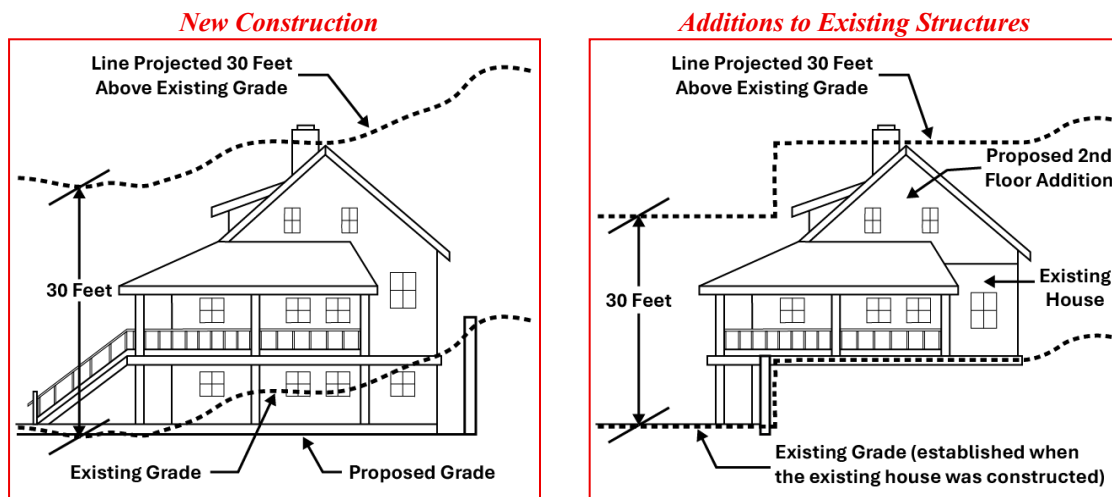


Figure 3-1. Illustrating the methods for calculating Building Height for new construction and for sites with existing structures.

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 land and open space;
- Serve the public purposes of zoning by means alternative to conventional arrangements of yards and building areas.



Figure 3-42. 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.

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 3-42.*
- (2) Each Townhouse shall have a minimum lot area of 3,600 square feet for each Dwelling 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.
- (3) Each Townhouse 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. *See Figure 3-23.*
- (4) All vehicle access to Townhouse 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

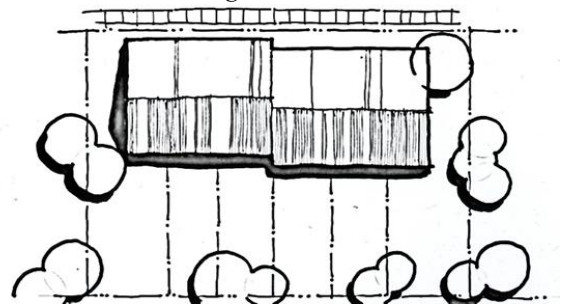


Figure 3-23. All townhouse units shall have private yard areas of at least 400 square feet.

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 seven (7) Dwelling Units/Acre.

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.

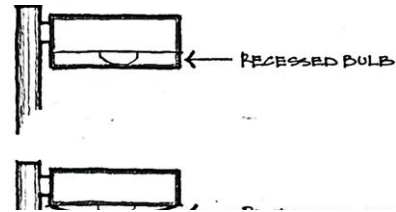


Figure 3-34. All light sources shall be shielded. Protruding bulbs and lenses are prohibited.

- b. *Location Restrictions:*
 - (1) 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.

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 31st day of December of each calendar year and are delinquent February 1st.

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.
- 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 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 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 (1) acre
 - (2) Minimum dimensions of parcel:
 - (a) 200 feet minimum width of parcel at all points between the street line and the front setback line
 - (b) 200 feet minimum street frontage line
 - (3) Minimum yards and building setbacks:
 - (a) Minimum front yard setback: 50 feet
 - (b) Minimum rear yard setback: 40 feet
 - (c) Minimum side yard setbacks for buildings containing no more than one story: 20 feet
 - (d) Minimum side yard setbacks for buildings containing more than one story: 25 feet
 - (4) Building Limitations
 - (a) Maximum building area: 25 % of the total area of the parcel
 - (b) Maximum number of stories: Two (2)
 - (c) 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 off street parking per Dwelling Unit: Two (2) spaces.
 - (2) Visitor and accessory parking shall be provided based on the following:
 - (a) One to ten Dwelling Units: One-half parking space per Dwelling Unit;
 - (b) 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:
 - (a) 80 feet minimum width of lot at all points between the street line and the front setback line
 - (b) 80 feet minimum street frontage line
 - (3) Minimum yards and building setbacks:
 - (a) Minimum front yard setback: 40 feet
 - (b) Minimum rear yard setback: 20 feet
 - (c) Minimum side yard setback: 15 feet, except where lots abut residentially zoned property side yard setback shall be 20 feet
 - (4) Building limitations:
 - (a) Maximum Floor Area Ratio (FAR): 60 %
 - (b) Maximum impervious area: 50 % of the total area of the lot
 - (c) Maximum number of stories: Two (2)
 - (d) 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: 3,630 sf per Dwelling Unit.
 - (2) Minimum dimensions of parcel: None
 - (3) Minimum yards and building setbacks:
 - (a) 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.
 - (b) Minimum rear yard setback: Determined by Zoning District. See Table 3-2.
 - (c) 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:
 - (a) Maximum Floor Area Ratio (FAR): 225 percent
 - (b) Maximum impervious area: None
 - (c) Maximum number of stories: Three
 - (d) Maximum building height: ~~40~~ 35 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
 - (a) A minimum of one (1) dwelling unit may be permitted, regardless of the aforementioned 3,630 square foot size requirement, for all legal lots in existence prior to August 7, 2026. Any and all new lots created after August 7, 2026 shall conform to the Maximum allowable Gross Density.
- d. *Use Restrictions:*
- (1) *Residential Uses:* Upper Story Dwellings shall be allowed in accord with the following requirements:
 - (a) No Upper Story Dwelling shall have a gross floor area of less than 600 feet.
 - (2) *Commercial Uses:*
 - (a) At least 75% of the ground floor of a Mixed-Use Building shall be occupied by Commercial/nonresidential uses. For the purposes of this calculation, parking garages/areas, located within a Building's footprint, shall not make up more than 25% of the ground floor.

Article IX: Definitions and Interpretations

- A. Interpretation
 - B. Description of Uses
 - C. Defined Terms
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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

- a. *Single Family Dwelling* - a detached Building with only one Dwelling Unit designed for and occupied by one family.
- b. *Two Family Dwelling* – a detached Building with only two Dwelling Units designed for and occupied by or for occupancy by two Families.
- c. *Townhouse* – a 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.
- d. *[Reserved]*
- e. *Patio/Garden Home* – a detached Dwelling Unit located on its own lot, having only one side yard required or detached Building with only two Dwelling Units designed for and occupied by two families, with a small courtyard, patio or side yard required for each Dwelling Unit.

- f. *Multiple-Family/Apartment* – a building or buildings with three or more 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 Building or any single Dwelling Unit has a common wall or floor with more than two other Dwelling 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 that are not accessory to any of the other uses.
- k. *Accessory Dwelling Unit* – a Dwelling Unit that is associated with and incidental to a principal use, and is on the same lot as the principal use.

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.
- 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, 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 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 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 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 principal use, is subordinate to the principal use, and is located on the same lot as the principal use.
- c. *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 to the mean point of the roof of the building~~ from Existing Grade to the highest point of a roof or parapet. For buildings with multiple roofs, each roof shall be considered separately in relation to the Existing Grade upon which that part of the structure rests.

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 attached at or below floor level and having no walls or roof; railings may be provided; includes the term balcony.

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.

Existing Grade: For sites which have never been disturbed, Existing Grade shall be the ground level before any human disturbances. For sites that have existing structures or have been disturbed through development/construction activity, Existing Grade shall be the ground level established when the structure or disturbance was created. Recent land disturbance, particularly if the work was performed without an approved permit, shall not qualify as Existing Grade.

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 (Home Occupation): For purposes of home occupations, Family is defined as only those persons related by blood, marriage or adoption and using common cooking facilities within a single Dwelling Unit.

Family (Home Occupation): For purposes of home occupations, family is defined as only those persons related by blood, marriage or adoption and using common cooking facilities within a single 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 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.

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 on 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.

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.

Variances: 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.

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**
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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 and Density

A Planned Unit Development (PUD) shall be a minimum of three (3) acres. The Gross Density of a PUD shall be no greater than three (3) Dwelling Units/Acre.

3. Permitted Uses

A Planned Unit Development (PUD) shall be assembled using the following base zoning districts listed below. The list of permitted uses shall be described and contained in the Master Development Plan accompanying each Planned Unit Development application.

- a. B-1 – Local Business District
- b. B-2 – General Business District
- c. B-3a – Tourist Resort Lodging District
- d. B-3b – Tourist Resort Commercial Service District
- e. B-4 – Business and Professional District
- f. R-A – Residential/Agricultural District
- g. R-1 – Low Density Single-Family Residential District
- h. R-1(a) – Low Density Single-Family Residential District
- i. R-1(b) – Low Density Single-Family Residential District
- j. R-1(c) – Low Density Single-Family Residential District

- k. R-2 – Medium Density Single-Family Residential District
- l. 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;
 - (i) Identification of the base zoning district from Section 3 for all lots within the PUD;
 - (ii) Deviations from dimensional requirements may be allowed when there is a clear benefit to the City and surrounding community, in order to encourage land conservation and environmental protection, and/or to allow for a more efficient use of open space, all while clearly furthering the goals of the Comprehensive Plan;
 - (iii) If any proposed lot does not meet the dimensional standards of the base zoning district associated with it, provide a description of the specific dimensional standards along with justification for the proposed deviations
 - (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 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.
- (a) Setbacks for building structures
 - (b) Public street access
 - (c) Vehicular traffic, circulation, connections, and parking
 - (d) Screening or buffer zones
 - (e) Hours of operation
 - (f) Activities or uses permitted on the property
 - (g) Building or structure heights
 - (h) Landscaping
 - (i) Maximum lot coverage, impervious percentages
 - (j) Pedestrian circulation
 - (k) Signs
 - (l) Mitigation of noise, fumes, odors, vibration or airborne particles
 - (m) Exterior lighting
 - (n) 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.

- 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:
 - Except as provided below in this Section, the height of all structures on or within a Rooftop Terrace shall not exceed ~~forty~~ thirty-five feet ~~(40')~~ (35).
 - The outer boundary of a Rooftop Terrace shall be defined using a barrier meeting the City of Fairhope Building Code.
 - ~~For the purposes of the Zoning Ordinance and this Section, a Rooftop Terrace shall not be considered a story.~~
 - ~~Elevators and stairwells, and their associated mechanical equipment and enclosed areas which provide access to a Rooftop Terrace, may exceed the maximum Building Height within the CBD by a distance no greater than five (5) feet provided all of the following requirements are met:~~
 - ~~Shall not cover more than seven and one half (7.5) percent of the total square footage of the rooftop;~~
 - ~~Shall not be viewable from the street or sidewalks; and~~
 - ~~Shall be located a minimum of ten (10) feet from any lot line.~~
 - ~~Temporary structures, such as furniture, tents, awnings, and umbrellas, not enclosed within an interior space may be allowed on Rooftop Terraces provided all of the following requirements are met:~~
 - ~~Such structures shall not be utilized for greater than 24 hours at a time;~~
 - ~~Such structures shall be secured via anchor points integrated into the building and able to withstand wind speeds up to 60 mph;~~
 - ~~The anchor design shall be sealed by a structural Engineer; and~~
 - ~~The property owner shall provide a signed Hold Harmless agreement at time of permitting accepting full responsibility for any damage caused by these structures.~~

~~(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. **Maximum Building Heights** for all structures **located within the CBD** shall not exceed **40 35** 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.

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

RESOLUTION NO. 2026-03

**A RESOLUTION OF THE PLANNING
COMMISSION OF THE CITY OF FAIRHOPE,
ALABAMA, TO PROTECT THE HEALTH, SAFETY
AND GENERAL WELFARE OF THE PEOPLE, AND TO EXTEND THE
TEMPORARY SUSPENSION OF CONSIDERATION OF CERTAIN
RESIDENTIAL MULTIPLE OCCUPANCY PROJECT AND SUBDIVISION
APPLICATIONS IN THE CITY OF FAIRHOPE AND FOR OTHER PURPOSES**

WHEREAS the City Council of the City of Fairhope, Alabama has adopted Ordinance No. 1866 (the “Ordinance”) extending a temporary suspension of consideration of certain residential multiple occupancy project and subdivision applications by staff and the Planning Commission inside the City of Fairhope for a period of one (1) month (the “Suspension”); and

WHEREAS the Planning Commission finds that the Ordinance and the Suspension are proper and are in the best interests of the health, safety and general welfare of residents in the City of Fairhope.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF FAIRHOPE, ALABAMA, AS FOLLOWS:

- Section 1. The Ordinance and the Suspension are hereby adopted, ratified, confirmed and approved the same as if the exact terms and conditions of the Ordinance were set forth herein.
- Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Resolution, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Resolution be pre-empted by state or federal law or regulation, such decision or pre-exemption shall not affect the validity of the remaining portions of this Resolution or its application to other persons or circumstances.

ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF FAIRHOPE, ALABAMA AT A REGULAR MEETING THEREOF ON THE 3rd DAY OF AUGUST, 2026.

Lee Turner, Chairman