

**ORDINANCE NO. 1630**

**AN ORDINANCE AMENDING ORDINANCE NO. 1253  
KNOWN AS THE ZONING ORDINANCE TO AMEND ORDINANCE NO. 1582: A  
PLANNED UNIT DEVELOPMENT KNOWN AS OLD BATTLES VILLAGE; TO  
APPROVE A REVISED MASTER PLAN; PROVIDING A SEVERABILITY  
CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA as follows:

The ordinance known as the Zoning Ordinance (No. 1253), adopted 27 June 2005, together with the Zoning Map of the City of Fairhope, be and the same hereby is changed and altered in respect to that certain property described below:

After the appropriate public notice and hearing of the Planning Commission of the City of Fairhope, Alabama has forwarded a **favorable** recommendation,

The property of Truland Homes, LLC, to be known as Old Battles Village, Phases 2, 3, 4, 5 and 6, generally located on the east side of Garrison Blvd., Fairhope, Alabama.

**Old Battles Village PUD, Phases 2, 3, 4, 5 and 6**

**Legal Description:** (Case number ZC 18.06)

BEGINNING AT ½ INCH CAPPED REBAR (CA-0951-LS) AT THE CENTER OF SECTION 29, TOWNSHIP 6 SOUTH, RANGE 2 EAST, SAINT STEPHENS MERIDIAN; BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 00 DEGREES 09 MINUTES 09 SECONDS EAST, A DISTANCE OF 1325.14 FEET TO A ½ INCH CAPPED REBAR (FAIRHOPE) AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 29; THENCE RUN NORTH 89 DEGREES 44 MINUTES 07 SECONDS EAST, A DISTANCE OF 1125.38 FEET TO A ½ INCH CAPPED REBAR (BUTLER) AT THE NORTHWEST CORNER OF HUNTINGTON SUBDIVISION, PHASE ONE, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2184-D, PROBATE RECORDS BALDWIN COUNTY, ALABAMA; THENCE RUN ALONG THE WEST MARGIN AND SOUTH MARGIN OF SAID HUNTINGTON SUBDIVISION, PHASE ONE, THE FOLLOWING DESCRIBED COURSES, TO WIT: SOUTH 00 DEGREES 13 MINUTES 51 SECONDS EAST, A DISTANCE OF 425.65 FEET TO A ½ INCH CAPPED REBAR (BUTLER); SOUTH 00 DEGREES 19 MINUTES 16 SECONDS EAST, A DISTANCE OF 70.00 FEET TO A ½ INCH CAPPED REBAR (CA-0951-LS); SOUTH 89 DEGREES 45 MINUTES 11 SECONDS WEST, A DISTANCE OF 44.26 FEET TO A ½ INCH CAPPED REBAR (CA-0951-LS); SOUTHWESTERLY, ALONG A CURVE TO THE LEFT; HAVING A RADIUS OF 65.00 FEET, AN ARC LENGTH OF 102.13 FEET, (CHORD BEARS SOUTH 44 DEGREES 44 MINUTES 26 SECONDS WEST, A DISTANCE OF 91.94 FEET) TO A ½ INCH CAPPED REBAR (CA-0951-LS); SOUTH 00 DEGREES 16 MINUTES 10 SECONDS EAST, A DISTANCE OF 563.71 FEET TO A ½ INCH CAPPED REBAR (CA-0951-LS); SOUTHWESTERLY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 260.00 FEET, AN ARC LENGTH OF 227.30 FEET, (CHORD BEARS SOUTH 24 DEGREES 46 MINUTES 30 SECONDS WEST, A DISTANCE OF 220.13 FEET) TO A ½ INCH CAPPED REBAR (CA-0951-LS); NORTH 89 DEGREES 39 MINUTES 15 SECONDS EAST, A DISTANCE OF 394.77 FEET TO A ½ INCH CAPPED REBAR (GEOSURVEYING) AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 29; THENCE RUN SOUTH 00 DEGREES 15 MINUTES 46 SECONDS WEST, A DISTANCE OF 1327.66 FEET TO A 1 INCH IRON PIN AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 29; THENCE RUN SOUTH 89 DEGREES 46 MINUTES 35 SECONDS WEST, A DISTANCE OF 329.73 FEET TO 1 INCH OPEN END PIPE; THENCE RUN SOUTH 00 DEGREES 00 MINUTES 38 SECONDS WEST, A DISTANCE OF 617.33 FEET TO ½ INCH CAPPED REBAR (CA-0604-LS) AT THE NORTHEAST CORNER OF OLD BATTLES VILLAGE, PHASE ONE, A PLANNED UNIT

DEVELOPMENT, AS SHOWN MAP OR PLAT THEREOF, RECORDED AT SLIDE 2312-B AND SLIDE 2312-C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN ALONG THE NORTH MARGIN AND EAST MARGIN OF SAID OLD BATTLES VILLAGE, PHASE ONE, THE FOLLOWING DESCRIBED COURSES, TO WIT: SOUTH 89 DEGREES 57 MINUTES 49 SECONDS WEST, A DISTANCE OF 170.05 FEET TO ½ INCH CAPPED REBAR (CA-0604-LS); NORTH 63 DEGREES 35 MINUTES 36 SECONDS WEST, A DISTANCE OF 44.76 FEET TO ½ INCH CAPPED REBAR (CA-0604-LS); SOUTH 89 DEGREES 57 MINUTES 32 SECONDS WEST, A DISTANCE OF 824.13 FEET TO ½ INCH CAPPED REBAR (CA-0604-LS); NORTH 00 DEGREES 05 MINUTES 07 SECONDS EAST, A DISTANCE OF 593.15 FEET TO ½ INCH CAPPED REBAR (CA-0604-LS); THENCE RUN NORTH 89 DEGREES 58 MINUTES 54 SECONDS EAST, A DISTANCE OF 38.59 FEET TO 5/8 INCH REBAR AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 29; THENCE RUN NORTH 00 DEGREES 09 MINUTES 09 SECONDS EAST, A DISTANCE OF 1325.89 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 86.76 ACRES, MORE OR LESS, AND LIES IN THE EAST HALF OF SECTION 29, TOWNSHIP 6 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

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

Lots: There shall be 181 lots.

Density: Density shall not exceed 2.09 units per acre.

Use: Lots shall be single family residential.

Principal Structures:

- Setbacks: Front – 30’, Rear – 25’, Side – 10’ (Lots 121-141 shall be 10.5’), and Street Side – 20’.
- Lot Coverage: Maximum lot coverage shall be 37%
- Building Height: Maximum building height shall be 30’.

Accessory Structures:

- Setbacks: Separation between structures – 10’, Side and Rear property lines – 5’, and Street Side – 20’.
- Lot Coverage: Maximum lot coverage shall not be more than 25% of the required rear yard.
- Building Height: Maximum building height shall not exceed the height of the principal structure or 30’.

**The Planned Unit Development (PUD), for Old Battles Village, Phase 2, 3, 4, 5 and 6 is hereby amended.** This property shall hereafter be lawful to construct on such property any structures permitted by Ordinance No. 1253 and to use said premises for any use permitted or building sought to be erected on said property shall be in compliance with the building laws of the City of Fairhope and that any structure shall be approved by the Building Official of the City of Fairhope and that any structure be erected only in compliance with such laws, including the requirements of Ordinance No. 1253.


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

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

ADOPTED THIS 10TH DAY OF DECEMBER, 2018

  
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Karin Wilson, Mayor

ATTEST:

  
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Lisa A. Hanks, MMC  
City Clerk