Article I: General

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A. Title

This ordinance shall be known and may be cited as the "Zoning Ordinance" for the City of Fairhope, Alabama.

B. Purpose and Authority

1. Authority

This ordinance, and all subsequent amendments, is adopted pursuant to the authority granted by Section 11-52-1 et seq. Code of Alabama, 1975 (as amended).

2. Purpose

This ordinance is adopted for the following purposes, all in accordance with the Comprehensive Plan of the City of Fairhope, Alabama:

a. to lessen congestion in the streets;
b. to secure safety from fire, panic, and other dangers;
c. to promote health and general welfare;
d. to provide adequate light and air;
e. to prevent overcrowding of land;
f. to avoid undue concentration of land; and
g. to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

C. Applicability

1. Establishment of Districts

The following districts are established to maintain the character of the districts and their suitability for particular uses, and to conserve the value of buildings and encourage the most appropriate use of land throughout the municipality.

- R-A – Residential/Agriculture District
- R-1 – Low Density Single-Family Residential District
- R-1(a) – Low Density Single-Family Residential District
- R-1(b) – Low Density Single-Family Residential District
- R-1(c) – Low Density Single-Family Residential District
- R-2 – Medium Density Single-Family Residential District
- R-3 – High Density Single-Family Residential District
- R-3 PGH – High Density Single-Family Patio Garden Home Residential District
- R-3 TH – High Density Single-Family Townhouse Residential District
- R-4 – Low Density Multi-Family Residential District
- R-5 – High Density Dwelling Residential District
- R-6 – Manufactured Home District
- B-1 – Local Shopping District
- B-2 – General Business District
- B-3a – Tourist Resort Lodging District
- B-3b – Tourist Resort Commercial Service District
- B-4 – Business and Professional District
- M-1 – Light Industrial District
- M-2 – General Industrial District
- CBD – Central Business District Overlay
- AO – Airport Overlay
- P-1 – Parking District
- FH-1 – Flood Hazard District
- PUD – Planned Unit Development
- HTD – Highway Transitional District
- REC-1 – Active Recreation District
- REC-2 – Passive Recreation District

2. Application of Regulations

a. *Use:* No building or land shall be used or occupied and no building or part there of shall be erected, constructed, moved, or altered except in conformity with the regulations for the district in which it is or is to be located.

b. *Structures*: No structure shall be erected, constructed or altered so as to exceed the height limit or dimensional standards specified in the regulations herein for the district in which it is located.

c. *Lots*: No lot shall be reduced in size below the minimum requirement for lot width or depth, front, side, or rear yard, inner or outer courts, lot area per family or other requirements of this ordinance. This section shall not apply when a portion of a lot is acquired for public use.

3. Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of any of the districts as shown on the official zoning map, the following rules shall apply:

a. Unless otherwise indicated, the district boundaries shall be construed to follow property lines, land lot lines, center lines of public rights-of-way, shorelines of bodies of water, or civil boundaries.

b. Where district boundaries are approximately parallel to the centerlines of rights-of-way or of shorelines of bodies of water, district boundaries shall be construed as being parallel to these lines at the distance indicated on the official zoning map. If no distance is given, the dimensions shall be determined by the use of the scale shown on the official zoning map.

c. Where a public right-of-way is officially vacated or abandoned, the regulations applicable to the property to which it is reverted shall apply to the vacated or abandoned right-of-way.

d. The final determination of a district boundary shall be made according to the legal description contained in the adopted ordinance. If the description is incomplete, the city council shall determine the legislative intent and may, if necessary, adopt an amending ordinance to correct the district boundary.

4. Adoption, Identification and Changes to the Official Zoning Map

The current zoning map of the City, which is maintained by the Director of Planning and Zoning or his / her designee under the direction of the Mayor and kept on file at City Hall, shall continue to be the official zoning map of the City and nothing contained herein shall be construed to alter or amend the current zoning map. A copy of said map is attached hereto as Exhibit "A". Future changes in district boundaries shall be made on the zoning map for convenience and reference. Map amendments to the zoning ordinance shall be made in accordance with the procedures established in Article II hereof. This official ordinance approving the map change shall be recorded in Appendix A of the Zoning Ordinance. In the event of a conflict between the map and this zoning ordinance or any amendment hereto, the legal description from the particular ordinance shall control.

5. Text Amendments

Text amendments to the Zoning Ordinance shall be made according to the procedures established in Article II. Ordinances amending the text of the Zoning Ordinance shall be recorded in Appendix C of this ordinance.

6. Newly Annexed Land

Property annexed into the City shall be zoned according to the following:

a. Property shall have any zoning designation given to it by the City Council according to the procedures specified in this ordinance.

b. Where no designation is given by the City Council and the property is otherwise un-zoned, it shall be classified as R1 - Low Density Single Family Residential District.

c. Property annexed into the City that is zoned by Baldwin County shall be classified as the most similar district at the time of application, unless a different classification is given by the City Council. The Director of Planning and Zoning shall make the determination of the most similar district. Similar classifications do not require due process and public notice procedures before the Planning Commission or the City Council. These requests are considered directly by the City Council at the time of annexation consideration. If the applicant requests a different zoning district then the case shall follow the annexation contingent on zoning procedures.

7. Conflicts with Other Laws

Whenever the requirements of this ordinance conflict with the requirements of any other lawfully adopted statutes, rules, regulations, or ordinances, the most restrictive, or that imposing higher standards, shall govern.

8. Severability and Validity

Each phrase, sentence, paragraph, section or other provision of this ordinance is severable from all other such phrases, sentences, paragraphs, sections and provisions. Should any phrase, sentence, paragraph, section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect any other portion or provision of this ordinance.