

**ORDINANCE NO. 618-2023**

**AN ORDINANCE AMENDING ORDINANCE NO. 51-96 OF THE CITY OF SPANISH FORT ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY AS B-3, GENERAL BUSINESS DISTRICT**

**WHEREAS**, the owners of the property, Perry A. Lee and Royce Lee, have requested that property described below be pre-zoned in accordance with Ala. Code § 11-52-85 (1975); and

**WHEREAS**, the owner has submitted a request in writing that the subject property be zoned B-3, General Business District, upon its annexation into the corporate limits of the City of Spanish Fort; and

**WHEREAS**, the Planning Commission of the City of Spanish Fort, Alabama, held a meeting on December 12, 2022, and the City Council of the City of Spanish Fort held a meeting on January 3, 2023, for the purpose of receiving public comments on the proposed zoning classification.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPANISH FORT, ALABAMA, AS FOLLOWS:**

**SECTION 1. Establishment of Zoning Classification.**

In accordance with Ala. Code §11-52-85 (1975), upon annexation of that certain property bearing Baldwin County Tax Parcel No. 05-32-05-22-0-000-080.010 into the corporate limits of the City of Spanish Fort, said property being more particularly described as set forth in the legal description in Exhibit "A" which is attached hereto and made a part of this Ordinance as though set forth fully herein, the said property shall be zoned B-3, General Business District.

**SECTION 2. Change in Zoning Map.**

The official zoning map for the City of Spanish Fort is hereby amended, changed or altered to reflect the establishment of the zoning classification of B-3, General Business District, on the above-referenced property.

**SECTION 3. Repealer Clause.**

Any ordinance heretofore adopted by the City Council of the City of Spanish Fort, Alabama, which is in conflict with this Ordinance is hereby repealed to the extent of such conflict. Except as expressly amended herein, all terms and provisions contained in Ordinance No. 51-96, as amended, shall remain in full force and effect.

**SECTION 4. 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.

**SECTION 5. Effective Date.**

This Ordinance shall become effective upon its adoption or as otherwise required by state law.

Adopted and approved this \_\_\_\_\_ *day of* \_\_\_\_\_, 2023.

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Michael M. McMillan  
Mayor

ATTEST:

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Rebecca A. Gaines  
City Clerk

## EXHIBIT "A" TO ORDINANCE NO. 618-2023

### LEGAL DESCRIPTION:

Commencing at an "Angle Iron" at the Southwest Corner of the Southeast Quarter of Section 22, Township 4 South, Range 2 East, Baldwin County, Alabama, run thence North  $89^{\circ}45'33''$  East, 1300.28 feet to a point; Thence run North  $00^{\circ}34'57''$  East, 124.57 feet to a Capped Rebar on the North right-of-way line of U.S. Highway No. 31 for the POINT OF BEGINNING; Thence continue North  $00^{\circ}34'57''$  East, 147.26 feet to a point that is 1.0 feet West of a 1 inch Open Top Pipe marker; Thence run North  $89^{\circ}14'55''$  East, 208.69 feet to a Capped Rebar in an Asphalt Drive known as "Cometti Lane"; Thence run South  $00^{\circ}34'57''$  West, 149.32 feet to a Capped Rebar on the North right-of-way line of said U.S. Highway No. 31; Thence run South  $89^{\circ}48'51''$  West along said right-of-way line 208.65 feet to the POINT OF BEGINNING. Said Parcel of land contains 0.71 Acres, more or less. SUBJECT TO a 20 foot wide Ingress & Egress Easement over and across the Eastern 20 feet thereof, in use as part of Cometti Lane.