



CITY OF SPANISH FORT

7361 Spanish Fort Blvd.
Spanish Fort, Alabama 36527
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Michael M. McMillan
Mayor
Rebecca A. Gaines
City Clerk/Treasurer

City Council

Carl L. Gustafson, Jr.
Robert Curtis Smith
Shane M. Perry
Clewis W. Smith, Jr.
Mary W. Brabner

PUBLIC NOTICE

The Spanish Fort City Council will hold a public hearing on Monday, December 5, 2022, beginning at 6:00 p.m. at the Spanish Fort Community Center, 7361 Spanish Fort Boulevard, Spanish Fort, Alabama. The purpose of this hearing is to receive public comments on the following:

Ordinance No. 611-2022-----An Ordinance Amending Ordinance No. 51-96 of the City of Spanish Fort, Alabama

Ordinance No. 612-2022-----An Ordinance Amending Ordinance No. 51-96 of the City of Spanish Fort, Alabama

Ordinance No. 613-2022-----An Ordinance Amending Ordinance No. 51-96 of the City of Spanish Fort, Alabama

Ordinance No. 614-2022-----An Ordinance Amending Ordinance No. 51-96 of the City of Spanish Fort Changing the Zoning Classification of Certain Property Located at 32128 Broken Branch Circle, Spanish Fort, Alabama, from R-1 to B-2

The public is invited to attend this hearing, and at such time, all persons who desire shall have an opportunity to be heard in opposition to or in favor of the proposed Ordinances. Persons who require assistance due to disability may contact the City Clerk at (251)626-4884. Copies of the proposed Ordinances are available for review at the Spanish Fort Community Center, 7361 Spanish Fort Blvd, Spanish Fort, Alabama 36527 or at www.cityofspanishfort.com.

ORDINANCE NO. 611-2022

**AN ORDINANCE AMENDING ORDINANCE NO. 51-96
OF THE CITY OF SPANISH FORT, ALABAMA**

WHEREAS, it has been determined that the Table of Permitted Uses of the Zoning Ordinance should be amended in order to add uses related to convenience stores including gasoline dispensing as a special exception in the B-2, Local Business District; and

WHEREAS, the Planning Commission of the City of Spanish Fort held a public hearing on November 1, 2022, and the City Council of the City of Spanish Fort held a meeting on December 5, 2022, for the purpose of receiving public comments on proposed amendments to the Zoning Ordinance of the City of Spanish Fort; and

WHEREAS, the City Council has determined that said Zoning Ordinance should be amended.

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

SECTION 1. Section 6.4, Table of Permitted Uses and Conditions, of Ordinance No. 51-96, as amended, is hereby amended by adding the provisions contained in the attached Exhibit A.

SECTION 2. 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 3. If any part, section or subdivision of this Ordinance shall be held unconstitutional invalid for any reason, such holding should not be construed to invalidate or impair the remainder of this Ordinance, which shall continue in full force and effect notwithstanding such holding.

SECTION 4. This Ordinance shall become effective upon its adoption or as otherwise required by state law.

Adopted and approved this _____ day of _____, 2022.

Michael M. McMillan
Mayor

Rebecca A. Gaines
City Clerk

EXHIBIT 'A'
6.4 - TABLE OF PERMITTED USES AND CONDITIONS

	R-1	R-2	R-3A	R-3B	R-3C	R-3D	R-4	B-1	B-2	B-3	B-4	B-5	M-1	T-1	C-1
Convenience store including gasoline dispensing.									S	P	R				

R = BY RIGHT; P = PLANNING COMMISSION APPROVAL; S = SPECIAL EXCEPTION; PC = PLANNING COMMISSION + CITY COUNCIL APPROVAL

ORDINANCE NO. 612-2022

**AN ORDINANCE AMENDING ORDINANCE NO. 51-96
OF THE CITY OF SPANISH FORT, ALABAMA**

WHEREAS, on May 17, 2021, Alabama Governor Kay Ivey signed the Darren Wesley “Ato” Hall Compassion Act into law, codified as *Alabama Code* (1975) § 20-2A-1, et seq.; and

WHEREAS, the Darren Wesley “Alto” Hall Compassion Act legalizes the medical use of marijuana for patients with a qualifying medical condition and a valid medical cannabis card; and

WHEREAS, a medical marijuana dispensary may only be operated in a city which authorizes and approves the operation of dispensaries within the city’s corporate limits; and

WHEREAS, medical marijuana dispensary operation is and will be heavily regulated by the Medical Cannabis Commission to ensure safe and legal operation of dispensaries.

WHEREAS, it has been determined that the Table of Permitted Uses of the Zoning Ordinance should be amended in order to add the use of medical marijuana dispensary in certain zoning districts; and

WHEREAS, the Planning Commission of the City of Spanish Fort held a public hearing on November 14, 2022, and the City Council of the City of Spanish Fort held a meeting on December 5, 2022, for the purpose of receiving public comments on proposed amendments to the Zoning Ordinance of the City of Spanish Fort; and

WHEREAS, the City Council has determined that said Zoning Ordinance should be amended.

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

SECTION 1. Section 6.4, Table of Permitted Uses and Conditions, of Ordinance No. 51-96, as amended, is hereby amended by adding the use of medical marijuana dispensary in certain zoning districts as set forth in the attached Exhibit A.

SECTION 2. 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 3. If any part, section or subdivision of this Ordinance shall be held unconstitutional invalid for any reason, such holding should not be construed to invalidate or impair the remainder of this Ordinance, which shall continue in full force and effect notwithstanding such holding.

SECTION 4. This Ordinance shall become effective upon its adoption or as otherwise required by state law.

ADOPTED and APPROVED this _____ day of _____, 2022.

Michael M. McMillan
Mayor

Rebecca A. Gaines
City Clerk

EXHIBIT 'A'
6.4 - TABLE OF PERMITTED USES AND CONDITIONS

	R-1	R-2	R-3A	R-3B	R-3C	R-3D	R-4	B-1	B-2	B-3	B-4	B-5	M-1	T-1	C-1
Medical marijuana dispensary.									P	P	P				

R = BY RIGHT; P = PLANNING COMMISSION APPROVAL; S = SPECIAL EXCEPTION; PC = PLANNING COMMISSION + CITY COUNCIL APPROVAL

ORDINANCE NO. 613-2022

**AN ORDINANCE AMENDING ORDINANCE NO. 51-96
OF THE CITY OF SPANISH FORT, ALABAMA**

WHEREAS, it has been determined that Section 6.4, Table of Permitted Uses and Conditions, of the Zoning Ordinance should be amended in order to remove and prohibit uses related to warehouse, storage and distribution facilities in the B-4, Major Business District; and

WHEREAS, the Planning Commission of the City of Spanish Fort held a public hearing on November 14, 2022, and the City Council of the City of Spanish Fort held a meeting on December 5, 2022, for the purpose of receiving public comments on the proposed amendments to the Zoning Ordinance of the City of Spanish Fort; and

WHEREAS, the City Council has determined that said Zoning Ordinance should be amended.

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

SECTION 1. Section 6.4, Table of Permitted Uses and Conditions, of Ordinance No. 51-96, as amended, is hereby amended by removing and prohibiting uses related to warehouse storage and distribution facilities in the B-4, Major Business District, as set forth in the attached Exhibit A.

SECTION 2. 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 3. If any part, section or subdivision of this Ordinance shall be held unconstitutional invalid for any reason, such holding should not be construed to invalidate or impair the remainder of this Ordinance, which shall continue in full force and effect notwithstanding such holding.

SECTION 4. This Ordinance shall become effective upon its adoption or as otherwise required by state law.

ADOPTED and APPROVED this _____ day of _____, 2022.

Michael M. McMillan
Mayor

Rebecca A. Gaines
City Clerk

EXHIBIT 'A'
6.4 - TABLE OF PERMITTED USES AND CONDITIONS

	R-1	R-2	R-3A	R-3B	R-3C	R-3D	R-4	B-1	B-2	B-3	B-4	B-5	M-1	T-1	C-1
Warehouse, storage and distribution facilities; must be enclosed within a structure; no outside storage is allowed; no gasoline or diesel storage or dispensing is allowed; no manufacturing or assembly allowed; no automobile, truck or vehicle repair is allowed; no storage of chemicals for sale or distribution is allowed other than household chemicals or chemicals that can be purchased without a license; screening is required.													R		

R = BY RIGHT; P = PLANNING COMMISSION APPROVAL; S = SPECIAL EXCEPTION; PC = PLANNING COMMISSION + CITY COUNCIL APPROVAL

ORDINANCE NO. 614-2022

AN ORDINANCE AMENDING ORDINANCE NO. 51-96 OF THE CITY OF SPANISH FORT CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY LOCATED AT 32128 BROKEN BRANCH CIRCLE, SPANISH FORT, ALABAMA, FROM R-1 TO B-2

WHEREAS, the owner of the property made the subject of this change in zoning classification has requested that the zoning classification on the property be changed from R-1 to B-2; and

WHEREAS, the Planning Commission of the City of Spanish Fort, Alabama, held a meeting on Monday, October 10, 2022, and the City Council of the City of Spanish Fort held a meeting on December 5, 2022, for the purpose of receiving public comments on the proposed change in zoning classification.

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

SECTION 1. Change in Zoning Classification.

Ordinance No. 51-96, as amended, of the City of Spanish Fort, Alabama, is hereby amended by changing the zoning classification of certain property located at 32128 Broken Branch Circle, being further described as Lot 3, Woodside Business Park, bearing tax parcel number 05-33-04-18-0-000-004.003, and being more particularly described in Exhibit 1 which is attached hereto and made a part of this Ordinance as though set forth fully herein, from R-1, Single Family Low Density Residential District to B-2, Local Business District. A map of the subject property is attached as Exhibit 2.

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 change in zoning classification from R-1, Single Family Low Density Residential District to B-2, Local 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 7th day of _____, 2022.

Michael M. McMillan
Mayor

ATTEST:

Rebecca A. Gaines
City Clerk

EXHIBIT "1" TO ORDINANCE NO. 609-2022

LEGAL DESCRIPTION:

LOT 3, WOODSIDE BUSINESS PARK, ACCORDING TO THE PLAT THEREOF RECORDED ON SLIDE 2421-F IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA