

**ORDINANCE NO. 621-2023**

**AN ORDINANCE AMENDING ORDINANCE NO. 51-96 OF THE CITY OF SPANISH FORT CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY DESCRIBED AS TAX PARCEL NUMBERS 05-32-05-22-0-000-080.009 AND 05-32-05-22-0-000-080.008 AND LOCATED AT 9815 SPANISH FORT BLVD., SPANISH FORT, ALABAMA, FROM R-1 TO B-3**

**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-3; and

**WHEREAS**, the Planning Commission of the City of Spanish Fort, Alabama, held a meeting on Monday, 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 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 9815 Spanish Fort Blvd., bearing tax parcel numbers 05-32-05-22-0-000-080.009 and 05-32-05-22-0-000-080.008, 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-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 change in zoning classification from R-1, Single Family Low Density Residential District, to 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adopted by the City Council of the City of Spanish Fort, Alabama, which is in conflict with this Ordinance is hereby repealed to the extent of such conflict.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.***

\_\_\_\_\_  
Michael M. McMillan  
Mayor

ATTEST:

\_\_\_\_\_  
Rebecca A. Gaines  
City Clerk

## EXHIBIT "1" TO ORDINANCE NO. 621-2023

### LEGAL DESCRIPTION

#### Parcel No. 05-32-05-22-0-000-080.009

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; Thence run North  $89^{\circ}48'51''$  East along said right-of-way line 452.12 feet to a Capped Rebar for the POINT OF BEGINNING; Thence run North  $00^{\circ}03'32''$  East, 151.70 feet to an Iron Pin; Thence run North  $89^{\circ}49'42''$  East, 218.71 feet to a Capped Rebar; Thence run South  $00^{\circ}04'30''$  East, 151.64 feet to a point on the North right-of-way line of said U.S. Highway No. 31, lying 1.7 feet South of a Capped Rebar (Garsed); Thence run South  $89^{\circ}48'51''$  West along said right-of-way line 219.06 feet to the POINT OF BEGINNING. Said Parcel of land contains 0.76 Acres, more or less. SUBJECT TO a 20 foot wide Right-of-Way Easement over and across the Western 20 feet thereof.

#### Parcel No. 05-32-05-22-0-000-080.008

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; Thence run North  $89^{\circ}48'51''$  East along said right-of-way line 208.65 feet to a Capped Rebar for the POINT OF BEGINNING; Thence run North  $00^{\circ}34'57''$  East, 149.32 feet to a Capped Rebar in an Asphalt Drive known as "Cometti Lane"; Thence run North  $89^{\circ}14'55''$  East, 242.12 feet to an Iron Pin; Thence run South  $00^{\circ}03'32''$  West, 151.70 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 243.47 feet to the POINT OF BEGINNING. Said Parcel of land contains 0.83 Acres, more or less. SUBJECT TO a 10 foot wide Ingress & Egress Easement over and across the Western 10 feet thereof, in use as part of Cometti Lane.