

ORDINANCE 1017



AN ORDINANCE OF THE CITY COUNCIL OF BAY MINETTE, REGARDING  
**Case No. Z-22007, Rezoning of the James H. Faulkner Jr. Irrevocable Trust Properties by Beverly H. Faulkner,**  
AS AUTHORIZED PURSUANT TO SECTION 11-52-1 THROUGH 11-52-85, CODE OF ALABAMA (1975).

**WHEREAS**, Beverly H. Faulkner, Trustee of the James H. Faulkner Jr. Irrevocable Trust, has petitioned the City of Bay Minette to rezone certain properties located within the municipal limits along W 2nd Street, said properties containing approximately .33 acres, identified herein and described as follows:

Lots 1 and 2 of the Resubdivision of Lots 1&2, Block 129, Hand Land Company Addition to Bay Minette as per the map or plat thereof recorded on Slide 2237-F in the Office of the Judge of Probate of Baldwin County, Alabama.

Otherwise known as tax parcel number 05-23-02-09-3-000-166.000 and tax parcel number 05-23-02-09-3-000-166.001, as found in the office of the Revenue Commissioner of Baldwin County, Alabama. Said properties further identified as set forth on a map of the property attached hereto and made a part of this Ordinance as Exhibit "A"; and

**WHEREAS**, the petitioner has requested that properties herein identified be rezoned from B-2, General Business District to R-4, High Density Multi-Family Residential District; and

**WHEREAS**, the Planning Commission of the City of Bay Minette held a public hearing in a regular meeting on November 10, 2022, and voted to recommend to the City Council approval of the rezoning request from B-2, General Business District to R-4, High Density Multi-Family Residential District; and

**WHEREAS**, due notice of said proposed rezoning has been provided to the public as required by and in accordance with Section 11-45-8 of the *Code of Alabama* (1975), upon 15 or more days' notice of the time, place and purpose of the public hearing, and the City Council held a public hearing on December 5, 2022; and

**WHEREAS**, the City Council of Bay Minette after due consideration and upon consideration of the recommendation and notes of the Planning Commission, deemed that said application for rezoning of the above described real property and as set forth in Exhibit "A" is proper and in the best interest of the health, safety, and welfare of the citizens of the City of Bay Minette, Alabama;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BAY MINETTE, ALABAMA, IN REGULAR MEETING ASSEMBLED, AS FOLLOWS:**

**SECTION I: ZONING.**

That above-described real property is hereby rezoned from B-2, General Business District to R-4, High Density Multi-Family Residential District. Upon adoption and publication as required by law, the properties shall be assigned the zoning district in accordance with the rezoning; and the zoning ordinance and zoning map shall be amended to reflect said zoning.

**SECTION II: REPEALER.**

Any ordinance or resolution heretofore adopted by the Council which is in conflict with this Ordinance is hereby repealed to the extent of such conflict.

**SECTION III: SEVERABILITY.**

The provisions of this Ordinance are severable. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion


shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**SECTION IV: EFFECTIVE DATE.**

This Ordinance shall be in full force and effect upon its adoption by the City Council of the City of Bay Minette and publication as required by law.

**FURTHER, BE IT RESOLVED AND ORDAINED, BY THE CITY COUNCIL OF BAY MINETTE, ALABAMA IN REGULAR MEETING ASSEMBLED**, in the interest of public health, safety and welfare of the general public, determined that **Ordinance 1017**, Case Z-22007, Rezoning of the James H. Faulkner Jr. Irrevocable Trust Properties by Beverly H. Faulkner, is hereby **ADOPTED AND IMPLEMENTED**.

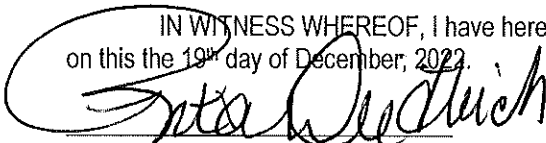
Done this the 19<sup>th</sup> day of December, 2022.

  
Michael Phillips, Mayor Pro Tem  
City of Bay Minette, Alabama

ATTEST:  
  
Rita Diedrich, City Clerk

I, the undersigned qualified and acting Clerk of the City of Bay Minette, Alabama, do hereby certify that the above and foregoing is a true copy of an Ordinance lawfully passed and adopted by the Bay Minette City Council, at a regular meeting of such council, held on the 19<sup>th</sup> day of December, 2022 and that said Ordinance is on file in the office of the Bay Minette City Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Bay Minette, on this the 19<sup>th</sup> day of December, 2022.

  
Rita Diedrich  
City Clerk

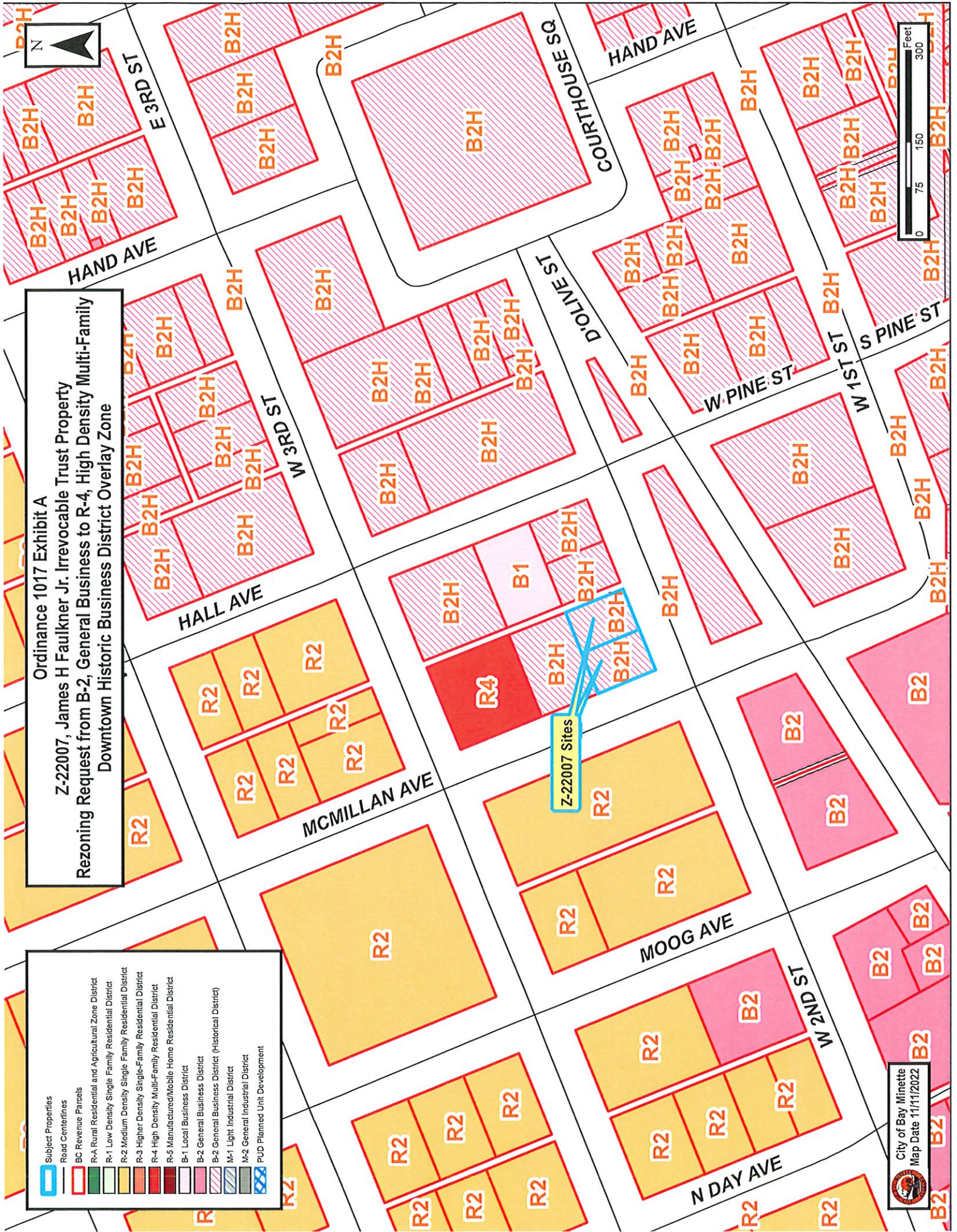
Prepared by:  
Clair Dorough  
City Planner



# Ordinance 1017 Exhibit A

Z-22007, James H Faulkner Jr. Irrevocable Trust Property  
Rezoning Request from B-2, General Business to R-4, High Density Multi-Family  
Downtown Historic Business District Overlay Zone

- Subject Properties
- Road Centerlines
- BC Revenue Parcels
- R-A Rural Residential and Agricultural Zone District
- R-1 Low Density Single Family Residential District
- R-2 Medium Density Single Family Residential District
- R-3 Higher Density Single-Family Residential District
- R-4 High Density Multi-Family Residential District
- R-5 Manufactured/Mobile Home Residential District
- B-1 Local Business District
- B-2 General Business District
- B-2 General Business District (Historical District)
- M-1 Light Industrial District
- M-2 General Industrial District
- PUD Planned Unit Development





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\* \*HAVE A NICE DAY\* \*  
\* \*HARRY D'OLIVE, JR.\* \*  
\* \*PROBATE JUDGE\* \*  
\* \*BALDWIN COUNTY, ALABAMA\* \*

RECEIPT NUMBER..... 2104818  
INSTRUMENT NUMBER..... 2040526

Rcvd of: BAY MINETTE CITY OF  
Date: 12/28/2022 Time 15:37

For: ORDINANCE

Tp Bk Pg2040526 Inst 2040526

Grantor

Grantee

Cash Drawer 71 ID ASTYRON

Recording Fee 9.00

D.P. Fee 5.00

Archive 5.00

Total..... 19.00

Paid:

Cash 19.00

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