

ORDINANCE 1009



AN ORDINANCE OF THE CITY COUNCIL OF BAY MINETTE, REGARDING
Case No. Z-22006, Rezoning of the Thompson Commercial Properties, LLC Property by Kathy Bryars,
AS AUTHORIZED PURSUANT TO SECTION 11-52-1 THROUGH 11-52-85, CODE OF ALABAMA (1975).

WHEREAS, Kathy Bryars, on behalf of Thompson Commercial Properties, LLC, has petitioned the City of Bay Minette to rezone certain properties located within the municipal limits along D'Olive Street, said properties containing approximately .44 acres and identified herein and described as follows:

Commencing at the intersection of the West line of Dinwiddie's Addition to the Town of Bay Minette as per plat recorded in Miscellaneous Book 1 at Page 10-11 in the Office of the Judge of Probate of Baldwin County, Alabama, and the North line of Section 16, Township 2 South, Range 2 East, run South 26° 55' East 358 feet to the point of beginning; run thence North 66° 35' East 75 feet; run thence South 26° 55' East 25 feet; run thence North 66° 25' East 25 feet; run thence South 26° 55' East 158 feet, more or less, to the North right of way of D'Olive Street; thence South 57° 22' West and along the North line of D'Olive Street 100 feet, run thence North 26° 55' West 198 feet more or less, to the point of beginning.

Otherwise known as tax parcel number 05-23-05-16-2-001-026.000 and tax parcel number 05-23-05-16-2-001-026.001, 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 property herein identified be rezoned from R-2, Medium Density Single Family District to B-2, General Business District; and

WHEREAS, the Planning Commission of the City of Bay Minette held a public hearing in a regular meeting on August 11, 2022, and voted to recommend to the City Council approval of the rezoning request from R-2, Medium Density Single Family District to B-2, General Business 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 September 6, 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 R-2, Medium Density Single Family District to B-2, General Business District. Upon adoption and publication as required by law, the property 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.

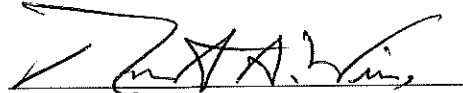
The provisions of this Ordinance are severable. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and 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 1009, Case Z-22006, Rezoning of the Thompson Commercial Properties, LLC Property by Kathy Bryars,** is hereby **ADOPTED AND IMPLEMENTED.**

Done this the 19th day of **September, 2022.**



Robert A. Wills, Mayor
City of Bay Minette, Alabama

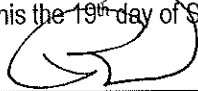
ATTEST:



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 19th day of September, 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 19th day of September, 2022.



Rita Diedrich
City Clerk

Prepared by:
Clair Dorrough, City Planner

Ordinance 1009 Exhibit "A"
Case No. Z-22006, Thompson Commercial Properties, LLC Property
Rezoning Request from R-2, Medium Density Single Family to B-2, General Business

Ord 1009 // Z-22006 Sites

