



**CITY OF OPELIKA
CITY COUNCIL
WORKSESSION MEETING AGENDA
300 Martin Luther King Blvd.
March 15, 2022
TIME: 6:30 PM**

1. CALL TO ORDER
 1. George Allen, Erica Norris, Tim Aja, Todd Rauch, Eddie Smith
2. PRESENTATIONS
 2. Mayor's Report on Redistricting and Recommended Ordinance.
3. RESOLUTIONS
4. ORDINANCES
 3. Amend Zoning Ordinance and Map, South 10th Street and Avenue C, from M-1, GC-S and C-2, GC-S to C-1, GC-S - 1st Reading.
 4. Amend Zoning Ordinance - Section 7.3 District Regulations & Use Categories, and Section 7.7 Downtown Residential Living - 1st Reading.
5. GENERAL UPDATES
6. REVIEW/DISCUSS CURRENT COUNCIL MEETING AGENDA
7. GENERAL / DISCUSSION
8. END OF WORK SESSION

“In compliance with the Americans with Disabilities Act, the City of Opelika will make reasonable arrangements to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the ADA Coordinator 72 hours prior to the meeting at (334)705-2083.”



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March 9, 2022

The Honorable City Council
Of the City of Opelika

Re: Reapportionment of Council Districts

Dear Council Members,

Transmitted herewith please find my report and recommended reapportionment plan for City Council Districts as required by Ala. Code, §11-44D-8. The centerpiece of the report is the proposed Council District Map with district boundaries. I respectfully believe that the recommended plan provides fair and effective representation for all the people of the City, provides the opportunity for all voters to elect candidates of their choice, and is fully compliant with the requirements of federal and state law.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gary Fuller".

Gary Fuller
Mayor



MAYOR'S REDISTRICTING REPORT AND MAP

Introduction

Every ten years, the United States Census Bureau counts all people within the country. This data is used at all levels to redraw the boundaries to determine the representation for a population at local, state and federal levels. Redistricting is a process that addresses the change in population over this period. According to the 2020 U.S. Census, the City of Opelika grew to a population of 30,995 on April 1, 2020. This represents a 17% growth from the 2010 census.

The statutes that govern the Opelika City Council redistricting process is found in Section 11-44D-8, Code of Alabama (1975). The process of redistricting essentially means that the City must review and, if needed, redraw the district boundaries based on the population determined by the 2020 Census to gain equal representation for each district by having as nearly as possible equal population in each district

(ward). The plan adopted by the City must comply with the United States Constitution and the Voting Rights Act of 1965, as amended. The City's plan should comply with the following redistricting criteria:

1. Each district shall contain as nearly as possible equal population with a total population of 5% +/- from the average of the five districts. According to the 2020 Census, the average of the five districts is 6,199. Thus, each district should have a total population of not less than 5,889 and not more than 6,509.
2. Each district should have a single unbroken border (geographic continuity).
3. Each district should be relatively compact to the extent possible. Nearby areas of population should not be bypassed in favor of more distant populations.
4. Each district should follow easily identifiable natural and manmade boundaries, such as center lines of streets, railroad lines and waterways. Council boundaries should be easily identifiable and understandable by residents.
5. Neighborhoods and other communities of interest should be kept intact within the same district.
6. Efforts should be made to avoid the unnecessary pairing of incumbents.
7. No district should be drawn for the purpose of diluting the voting strengths of any language, ethnic or racial minority group.

Per State law, the Mayor initiates a redistricting plan after the publication of the federal census and presenting it to the City Council for their review and approval. The City is required to redraw its districts within six (6) months of receiving new redistricting data. New districts must be adopted and published not less than six (6) months prior to the municipal election. The City's next municipal election will be held in August 2025.

Redistricting Process

Due to issues arising from the COVID-19 pandemic, the Federal Census Bureau was late in publishing the results of the 2020 Census. Redistricting data did not become available in a usable format until September 16, 2021. The Planning Department, with assistance from the GIS Division of Information Technology, began to work through the data to analyze the effects of population change on the existing

City Council wards. This process included looking at the growth in the current Wards 1, 2, 4, and 5 and slight population loss of Ward 3. Wards 2, 4, and 5 saw growth as new subdivisions were developed outside of the city center.

Over the past 10 years, development and annexations have occurred causing districts to become disproportionate in terms of size. According to the 2020 Census, the total population of 2021 Redistricting Plan the City of Opelika is 30,995. Given that Opelika has 5 wards, the ideal population of each ward is 6,199. In 2010, Opelika's population was 26,477 with an ideal ward size of 5,295.

Table 1 was created using the geographical boundaries of the current Council Wards. The purpose of the table is to show the population size in 2010 and 2020 in each Council District as well as the nominal and relative change in size. This table illustrates that redistricting must occur as the districts are disproportionate in size if Council Districts remain geographically the same after the publication of the 2020 Census.

Table 1 – Ward Population Size in 2010 and 2020 using current geographical boundaries

Ward	2010 ¹	2020 ²	Change (nominal)	Change (relative)
1	5,312	5,547	235	4.40%
2	5,465	6,843	1,378	25.20%
3	5,094	4,847	-247	-4.80%
4	5,126	6,695	1,569	30.60%
5	5,480	7,063	1,583	28.90%

¹ Ideal population per ward in 2011 Redistricting: 5,295

² Ideal population per ward in 2021 Redistricting: 6,199

Based on the dispersed growth of the City over the last 10 years, the previously approved wards no longer provided equal representation due to differences in population. Staff thoroughly evaluated the 2020 Census results and has recommended a new redistricting plan for the City Council's consideration. Attached as Appendix 2 is the recommended District Map based on 2020 Census results.

New wards are allowed to vary from ideal population by as much as 5% above or below ideal population. Under the proposed plan, Opelika would see wards vary from a low population of 6,074 in Ward 1 to a high of 6,331 in Ward 4. All five wards are within allowable deviation from ideal population, as is shown under the heading titled "Target Deviation (%)" in Table 2 – New Proposed Council Districts Target Population and Target Deviation. Ward 1 deviates below the ideal population by at -2.02%, and Ward 4 has the highest deviation, at 2.13%. Added together, these numbers establish the Plan's overall deviation at 4.15%, which is well under the 10% threshold.

Table 2 – New Proposed Council Districts Target Population and Target Deviation

Ward	Total Population	Target Mean Population	Target Deviation	Target Deviation (Percent)
1	6,074	6,199	-125	-2.02
2	6,209	6,199	10	0.16
3	6,201	6,199	2	0.03
4	6,331	6,199	132	2.13
5	6,180	6,199	-19	-0.31

In addition to achieving population equality, redistricting plans must comply with Section 2 of the Voting Rights Act. Often, this means drawing one or more minority-majority districts, depending on the size of a jurisdiction's minority population. Since the change in city government to a Mayor-Council form of government in 1986, Opelika has historically had two minority—majority districts to ensure representation for the City's African American residents. Ward 1 has been centered on the Carver neighborhood. Ward 2 has included the Jeter neighborhood. The proposed plan maintains those neighborhoods as the focal areas for Wards 1 and 2.

Staff examined the demographic profile of the City and individual wards from both the total population including all residents and population that is above the voting age. In both cases, the overall minority population is over 70%. Both wards are anchored by the historic African American neighborhoods and African American residents comprise over 60% of the total and voting age populations.

Table 3 –Proposed Council Districts Total Population Demographic Breakdown

District	Total Pop.	White	White (%)	Black	Black (%)	Amer. Indian	Amer. Indian (%)	Asian	Asian (%)	Pacific Islander	Pacific Islander (%)	Other	Other (%)	Multi	Multi (%)	Hispanic	Hispanic (%)
Ward 1	6,074	1,325	21.8%	4,083	67.2%	41	0.7%	102	1.7%	5	0.1%	37	0.6%	35	0.6%	446	7.3%
Ward 2	6,209	1,766	28.4%	3,847	62.0%	55	0.9%	224	3.6%	4	0.1%	21	0.3%	34	0.5%	258	4.2%
Ward 3	6,201	3,938	63.5%	1,233	19.9%	75	1.2%	80	1.3%	4	0.1%	31	0.5%	26	0.4%	814	13.1%
Ward 4	6,331	3,983	62.9%	1,280	20.2%	96	1.5%	232	3.7%	10	0.2%	48	0.8%	19	0.3%	663	10.5%
Ward 5	6,180	3,824	61.9%	1,808	29.3%	72	1.2%	175	2.8%	1	0.0%	48	0.8%	26	0.4%	226	3.7%
Total	30,995	14,836	47.9%	12,251	39.5%	339	1.1%	813	2.6%	24	0.1%	185	0.6%	140	0.5%	2,407	7.8%

Table 4 –Proposed Council Districts Voting Age Population Demographic Breakdown

District	Total Pop.	Total 18+	White	White (%)	Black	Black (%)	Amer. Indian	Amer. Indian (%)	Asian	Asian (%)	Pacific Islander	Pacific Islander (%)	Other	Other (%)	Multi	Multi (%)	Hispanic	Hispanic (%)
Ward 1	6,074	4,730	1,204	25.5%	3,056	64.6%	33	0.7%	88	1.9%	4	0.1%	19	0.4%	29	0.6%	297	6.3%
Ward 2	6,209	4,596	1,410	30.7%	2,776	60.4%	38	0.8%	180	3.9%	1	0.0%	13	0.3%	26	0.6%	152	3.3%
Ward 3	6,201	4,838	3,217	66.5%	935	19.3%	66	1.4%	54	1.1%	1	0.0%	23	0.5%	17	0.4%	525	10.9%
Ward 4	6,331	5,084	3,418	67.2%	892	17.6%	86	1.7%	194	3.8%	8	0.2%	40	0.8%	8	0.2%	438	8.6%
Ward 5	6,180	4,640	2,993	64.5%	1,259	27.1%	56	1.2%	145	3.1%	0	0.0%	31	0.7%	13	0.3%	143	3.1%
Total	30,995	23,888	12,242	51.2%	8,918	37.3%	279	1.2%	661	2.8%	14	0.1%	126	0.5%	93	0.4%	1,555	6.5%

All modifications to the City of Opelika Council Wards were done using race-neutral criteria set out in the Code of Alabama and from past decisions from federal courts. Additional criteria that were evaluated and met as part of the Proposed Redistricting Plan:

- Each district should have a single unbroken border (geographic continuity).

All wards have contiguous boundaries and are connected to the remainder of the ward.

- Each district should be relatively compact to the extent possible. Nearby areas of population should not be bypassed in favor of more distant populations.

All of the wards are generally compact. The City of Opelika contains areas that have different levels of density of resident and many areas where there is little residential population. Due to the requirement that all areas have representative equality, more densely populated wards are smaller than some of the less dense wards. Nearby populations are not bypassed to get to preferred populations.

- Neighborhoods and other communities of interest should be kept intact within the same district.

The City of Opelika's 2020 Redistricting Plan is based on the previously approved 2010 plan. The 2010 plan had minimal changes from the City of Opelika 2000 Redistricting Plan. As previously mentioned, the proposed plan maintains the boundaries of many of the traditional neighborhoods of Opelika. Ward 1 is anchored by the historic Carver neighborhood, a predominantly African American neighborhood located south of and west of downtown Opelika. Ward 2 is tied to the historic Jeter neighborhood among the other neighborhoods to the south and east of downtown Opelika. Ward 3 contains the Northside Historic District and the older neighborhoods just to the north of downtown Opelika. Ward 4 includes the historic Pepperell Mill Village neighborhood and the western boundary of the City of Opelika. Ward 5 includes much of the new growth that has occurred on the eastern boundary of the City. Where possible both existing and new neighborhoods are contained within the same ward.

Additionally, staff reviewed State House and Senate boundaries to try to nest proposed City Council Wards along the same lines. This would allow neighborhoods to have similar local and statewide representation. County Commission districts were also examined to try to match these boundaries as well.

- Efforts should be made to avoid the unnecessary pairing of incumbents.

The residences of incumbents were examined during the creation of revised ward boundaries. In all cases, the existing Council representative remains well within the boundaries of their respective ward.

Summary

The overall goal was to rebalance the populations between districts and accommodate for increases in the fastest-growing areas of the City such as District 2, District 4 and District 5. The recommended map creates five districts of substantially equal population with a maximum population deviation of less than 5% of the ideal population. Absolute precision or mathematical exactness is not required when new districts are drawn. Therefore, the recommended plan complies with the one man-one vote equal protection principle, as well as Ala. Code §11-44D-8.

The recommended plan and map are also compliant with the requirements of Section 2 of the Voting Rights Act of 1965. District 1 maintains a majority African-American voting age population of 64.6% while District 2 also maintains a majority African-American VAP of 60.4%. The recommended plan gives African-Americans as a whole the reasonable opportunity to elect representatives in a number that is proportional to their population. Other minority groups are too spread out to create another majority-minority district. It should be stressed that the plan does not radically alter the current configuration of Council Districts.

Finally, the recommended plan embodies traditional redistricting principles. District boundaries are drawn so that each district has a single unbroken border (geographic continuity) and each district is relatively compact to the extent possible. Boundary lines are drawn using center lines of streets or other well-defined boundaries. Communities of interest, such as the Carver and Jeter neighborhoods, the Pepperell Mill Village and the Northside Historic District are preserved. The cores of prior districts are preserved and district lines are drawn to avoid contests between incumbents. It must be stressed that the recommended plan accomplishes all of the foregoing without using race as a predominant factor.

The recommended plan provides fair and effective representation for all of the people of the City of Opelika and provides the opportunity for all voters to elect candidates of their choice. The recommended plan meets the requirements of federal and state law.

Appendices

Appendix 1 – Existing District (Ward) Map based on 2010 Census data

Appendix 2 – Recommended District (Ward) Map based on 2020 Census data

Appendix 3 – Legal Descriptions for Recommended Districts (Wards)

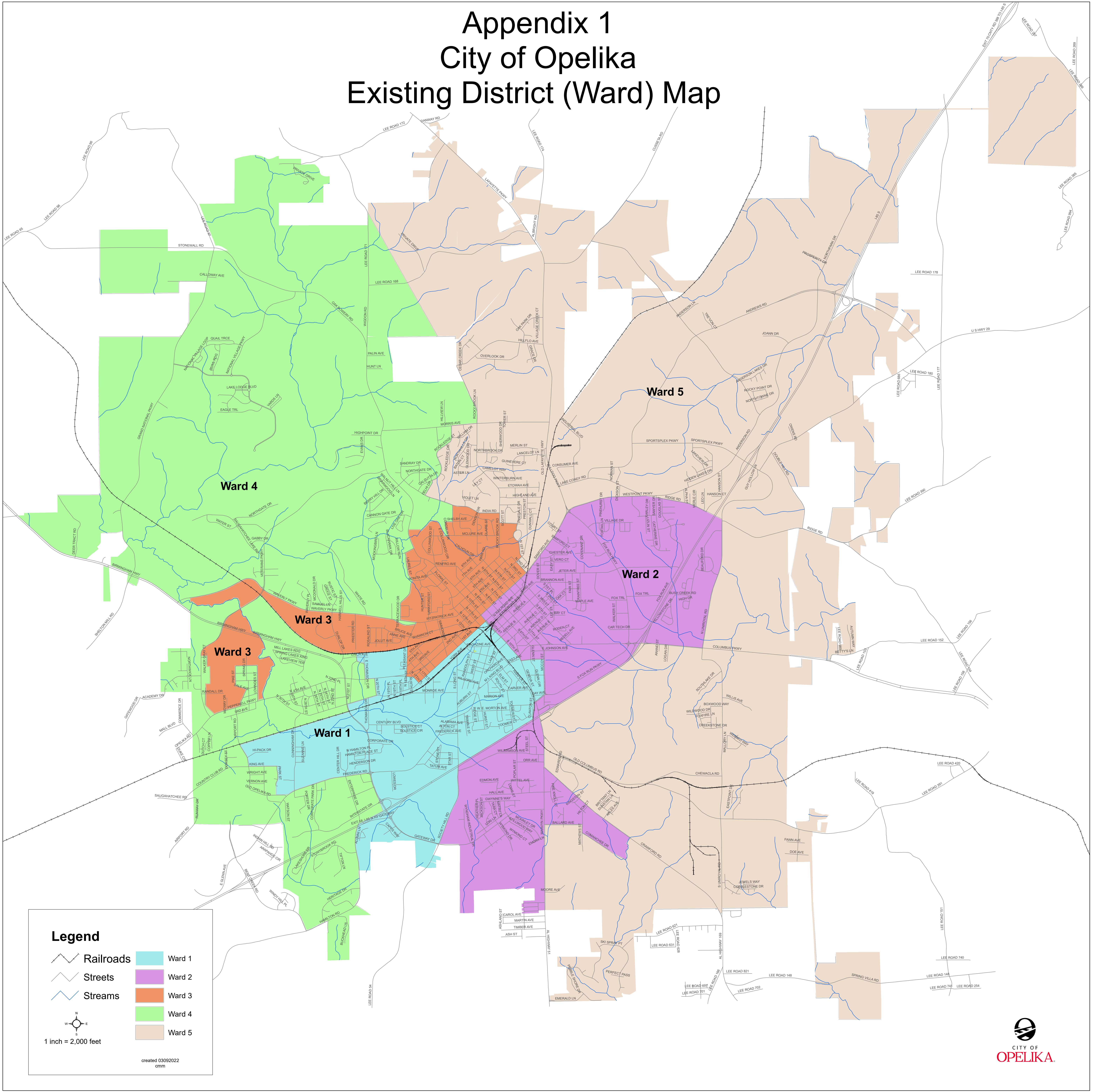
Appendix 4 – City Attorney Legal Opinion

Appendix 5 – Proposed Ordinance Adopting Mayor's Recommended Council Districts

Appendix 1

City of Opelika

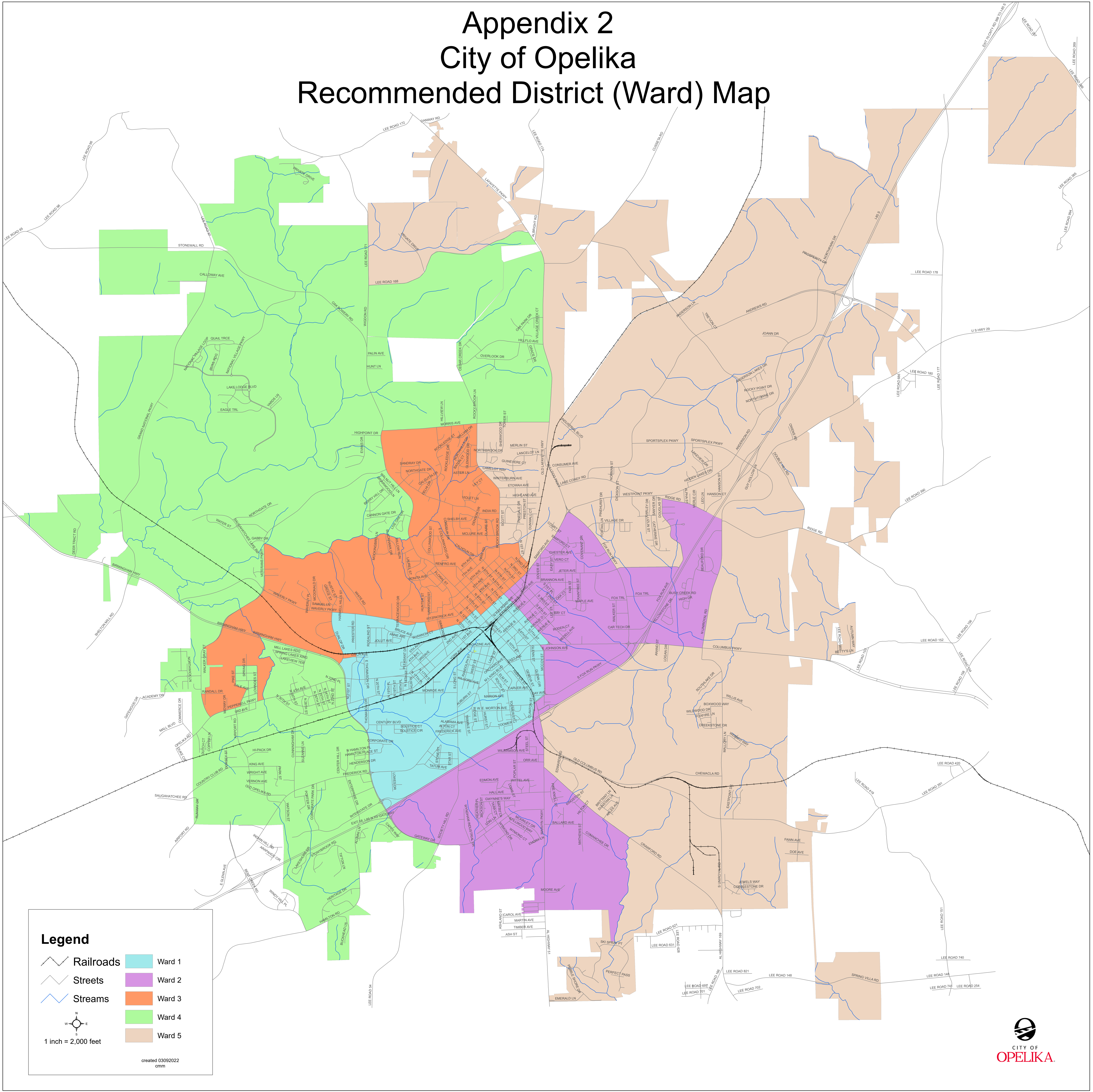
Existing District (Ward) Map



Appendix 2

City of Opelika

Recommended District (Ward) Map



Appendix 3 – Legal Description of Districts
Maps of Existing and Proposed Districts

District 1

District 1 shall include that portion of the territory within the City limits of the City of Opelika which is bounded as follows: Beginning at the intersection of N 6th St and 2nd Avenue, thence southeasterly 0.16 miles along N 6th St, thence southeasterly 0.61 miles along S 6th St to the centerline of Martin Luther King Blvd, thence westerly 0.10 miles along Martin Luther King Blvd to the centerline of McCoy St, thence southerly 0.72 miles along McCoy St to the centerline of the Central of Georgia Railroad, thence southerly 0.20 miles along Central of Georgia RR to the centerline of the northbound lanes I-85, thence southwesterly 1.94 miles along I- 85 to the centerline of the northbound lanes of Gateway Dr, thence northerly 1.61 miles along Gateway Drive to Birmingham Highway, thence northwesterly 0.18 miles along Birmingham Hwy to the centerline of Dunlop Drive, thence northeasterly 0.08 miles along Dunlop Drive to the centerline of Linch Avenue, thence easterly 0.15 miles along Linch Ave to the intersection of Linch Avenue and the closed right-of-way for Priester Road, thence northerly 0.04 miles along the closed right-of-way of Priester Road to the centerline of Central of Georgia RR, thence westerly 0.14 miles along Central of Georgia RR to the centerline of Dunlop Drive, thence northerly 0.50 miles along Dunlop Drive to the centerline of Waverly Parkway, thence easterly 0.69 miles along Waverly Pkwy to the start of Fitzpatrick Avenue, thence easterly 0.26 miles along Fitzpatrick Ave to the centerline of Pleasant Drive, thence northerly 0.02 miles along Pleasant Drive to the centerline of Fitzpatrick Avenue, thence easterly 0.10 miles along Fitzpatrick Ave to the centerline of Ermine Street, thence southerly 0.12 miles along Ermine St to the centerline of Staley Avenue, thence easterly 0.36 miles along Staley Ave to the centerline of 3rd Avenue, thence northeasterly 0.26 miles along 3rd Ave to the centerline of N 10th Street, thence southeasterly 0.09 miles along N 10th St to the centerline of 2nd Avenue, thence northeasterly 0.35 miles along 2nd Ave to the intersection of 2nd Avenue and N 6th Street the aforementioned point of beginning.

District 2

District 2 shall include that portion of the territory with the City limits of the City of Opelika which is bounded as follows: Beginning at the intersection of Ridge Road and Douglas Street, thence easterly 0.52 miles along Ridge Road to the centerline of Hanson Street, thence continue southeasterly 0.12 miles along closed right-of-way of Ridge Road to the centerline of N Uniroyal Road, thence southerly 1.48 miles along N Uniroyal Road to the centerline of Columbus Parkway, thence westerly 0.71 miles along Columbus Pkwy to the centerline of the southbound lane of I-85, thence southwesterly 1.40 miles along I- 85 to the centerline of Marvyn Pkwy, thence southerly 0.59 miles along Marvyn Pkwy to the centerline of Crawford Road (AL Hwy 169) , thence southeasterly 1.26 miles

along Crawford Road to the centerline of Chewacla Creek, thence southerly 1.32 miles along Chewacla Creek to the southernmost boundary of Census Block 010810417023000 to the southernmost boundary of Census Block 010810417023000, thence westerly 0.04 miles along the southernmost boundary of Census Block 010810417023000 to the western boundary of Census Block 010810417023000, then northerly 0.36 miles along the western boundary of Census Block 010810417023000 to the southern boundary of Section 29, Township 19N, Range 27E, thence westerly 0.79 miles along the southern boundaries of Sections 28-30, Township 19N, Range 27E to the centerline of Fulton Ct to the southernmost boundary of Census Block 010810417011059, thence southerly and westerly 0.20 miles along the southernmost boundary of Census Block 010810417011059 to the centerline of Cahaba St, thence westerly, northerly, and easterly 0.06 miles along the boundary of Census Block 010810417011062 to the southern boundary of Section 30, Township 19N, Range 27E, thence westerly 0.70 miles along the southern boundary of Section 30, Township 19N, Range 27E, thence northerly 0.75 miles along the western boundary of Section 30, Township 19N, Range 27E to Gateway Dr, thence northwesterly 0.90 miles along Gateway Drive to the centerline of the southbound lane of I-85, thence northeasterly 1.94 miles along I- 85 to the centerline of Central of Georgia RR, thence northerly 0.20 miles along Central of Georgia RR to the centerline of McCoy St, thence northerly 0.72 miles along McCoy St to the centerline of Columbus Pkwy, thence easterly 0.10 miles along Columbus Pkwy to the centerline of S 6th St, thence northwesterly 0.61 miles along S 6th St, thence northwesterly 0.16 miles along 6th St to 2nd Ave, thence northeasterly 0.36 miles along 2nd Ave to where the road becomes Samford Ave, thence northeasterly 0.83 miles along Samford Ave to the centerline of Fox Run Pkwy, thence southeasterly 0.85 miles along Fox Run Pkwy to the centerline of Jeter Ave, thence easterly 0.70 miles along Jeter Ave to the centerline of Fox Run Ave, thence northerly 0.54 miles along Fox Run Ave to where the road becomes Douglas St, thence northerly 0.34 miles along Douglas St to the intersection with Ridge Road, the aforementioned point of beginning.

District 3

District 3 shall include that portion of the territory with the City limits of the City of Opelika which is bounded as follows: Beginning at the intersection of Morris Ave and Rocky Brook Road, thence southerly 1.46 miles along Rocky Brook Road to the intersection of Rocky Brook Road and Rocky Creek, thence easterly 0.22 miles along Rocky Creek to N. 1st Street, thence southeasterly 0.26 miles along N 1st St to the intersection of 3rd Ave, thence northeasterly 0.06 miles along the northern boundary of Census Block 010810412001018 to the centerline of Western Railway of Alabama, thence southerly 0.16 miles along Western Railway of Alabama to the centerline of 2nd Avenue, thence southwesterly 0.71 miles along 2nd Ave to the intersection N 10th St, thence northwesterly 0.09 miles along N 10th St to the intersection of 3rd Ave, thence southwesterly 0.26 miles along 3rd Ave to the intersection of Staley Ave, thence westerly 0.36 miles along Staley

Ave to the intersection of Ermine St, thence northerly 0.12 miles along Ermine St to the intersection of Fitzpatrick Ave, thence westerly 0.10 miles along Fitzpatrick Ave to the intersection of Pleasant Dr, thence southerly 0.02 miles along Pleasant Drive to the intersection of Fitzpatrick Ave, thence westerly 0.26 miles along Fitzpatrick Ave to the intersection of Waverly Pkwy, thence westerly 0.69 miles along Waverly Pkwy to the intersection of Dunlap Dr, thence southerly 0.50 miles along Dunlap Dr to the Central of Georgia Railroad, thence easterly 0.14 miles along Central of Georgia RR to the centerline of the closed right-of-way of Priester Rd, thence southerly 0.04 miles along closed right-of-way of Priester Rd to Linch Ave, thence westerly 0.15 miles along Linch Ave to the intersection of Dunlap Drive, thence southwestery 0.08 miles along Dunlap Dr to the centerline of the northbound lane of Birmingham Highway (U.S. Hwy 280), thence westerly 0.95 miles along Birmingham Hwy to Pepperell Creek, thence southerly 0.98 miles along Pepperell Creek to Pepperell Pkwy, thence westerly 0.08 miles along Pepperell Pkwy to the intersection of Lowndes St, thence northerly 0.40 miles along Lowndes St to the intersection of Dallas Ave, thence westerly 0.26 miles along Dallas Ave to the intersection of Pike St, thence southerly 0.21 miles along Pike St to the intersection of Dale Ave, thence easterly 0.13 miles along Dale Ave to the intersection of King Lake Rd, thence southerly 0.21 miles along King Lake Road to the intersection of Pepperell Pkwy, thence westerly 0.37 miles along Pepperell Pkwy to Veterans Pkwy, thence northerly 0.28 miles along Veterans Pkwy to the intersection of Randall Dr, thence easterly 0.04 miles along Randall Drive to the intersection of Speedway Dr, thence northerly 0.07 miles along Speedway Drive to the intersection of Midway Dr, thence northerly 0.27 miles along Midway Drive, thence easterly 0.15 miles along Midway Drive to the easternmost boundary of Census Block 010810411031008, thence northerly 0.02 along the easternmost boundary of Census Block 010810411031008, thence westerly 0.15 miles along the northernmost boundary of Census Block 010810411031008 to the centerline of Walker Gray Ct and the westernmost boundary of Census Block 010810411032001, thence northwesterly 0.27 miles along the westernmost boundary of Census Block 010810411032001, to the centerline of Veterans Pkwy, thence northeasterly 1.50 miles along Veterans Pkwy to Rocky Creek, thence easterly 1.88 miles along Rocky Creek to Oak Bowery Rd, thence northerly 1.33 miles along Oak Bowery Road , thence easterly 1.07 miles along Morris Ave to the aforementioned point of beginning.

District 4

District 4 shall include that portion of the territory with the City limits of the City of Opelika which is bounded as follows: Beginning at the intersection of Wigdon Rd (Lee Road 171) and Pulpwood Rd (Lee Road 168), thence northeasterly 2.04 miles along Pulpwood Rd to the centerline of Lafayette Parkway (US Hwy 431), then southerly 2.20 miles along Lafayette Pkwy to the centerline of Morris Ave, thence westerly along Morris Ave 1.90 miles to the centerline of Oak Bowery Rd, thence southerly 1.33 miles along Oak Bowery Road to Rocky Creek, thence westerly 1.88 miles along Rocky Creek to Veterans Pkwy, thence southerly 1.50

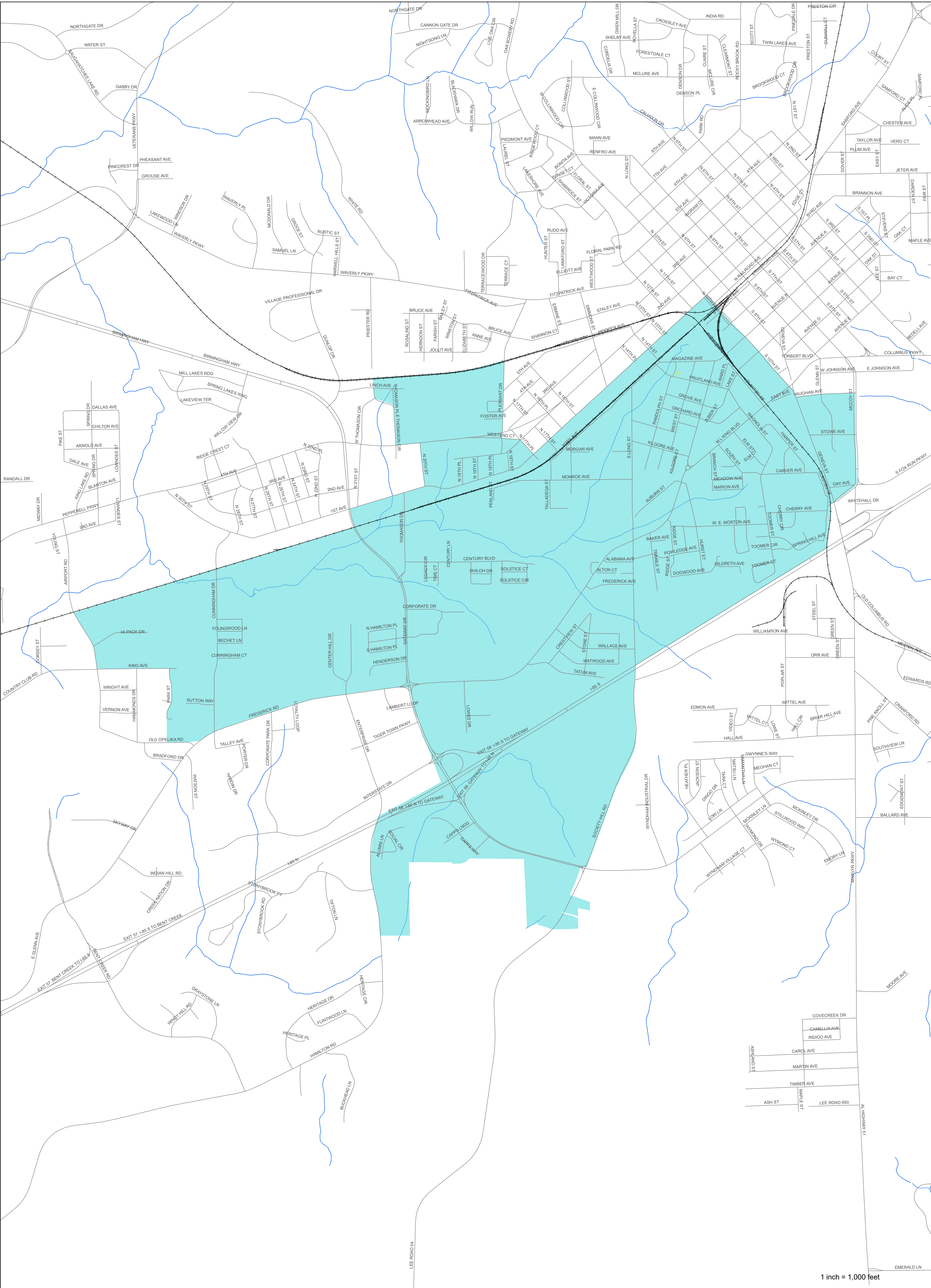
miles along Veterans Pkwy to the northernmost boundary of Census Block 010810411032012, thence southeasterly 0.27 miles along the north and easternmost boundary of Census Block 010810411032012 to the northernmost boundary of Census Block 010810411031008, thence easterly 0.15 miles along the northernmost boundary of Census Block 010810411031008, thence southerly 0.02 along the easternmost boundary of Census Block 010810411031008 to the centerline of Midway Drive, thence westerly 0.15 miles along Midway Drive, thence southerly 0.27 miles along Midway Drive to the centerline of Speedway Drive, thence southerly 0.07 miles along Speedway Drive to the centerline of Randall Drive, thence westerly 0.04 miles along Randall Drive to the centerline of Veterans Parkway, thence southerly 0.28 miles along Veterans Pkwy to the centerline of Pepperell Parkway, thence easterly 0.37 miles along Pepperell Pkwy to the centerline of King Lake Road, thence northerly 0.21 miles along King Lake Road to the centerline of Dale Avenue, thence westerly 0.13 miles along Dale Ave to the centerline of Pike Street, thence northerly 0.21 miles along Pike St to the centerline of Dallas Avenue, thence easterly 0.26 miles along Dallas Ave to the centerline of Lowndes Street, thence southerly 0.40 miles along Lowndes St to the centerline of Pepperell Parkway, thence easterly 0.08 miles along Pepperell Pkwy to the centerline of Pepperell Creek, thence northerly 0.98 miles along Pepperell Creek to the centerline of the northbound lane of Birmingham Highway, thence southeasterly 1.13 miles along Birmingham Hwy until it becomes Gateway Drive, thence southerly 2.37 miles along Gateway Drive to the centerline of Society Hill Road, thence southwest 0.03 miles along Society Hill Road (Lee Road 054) to the northern most boundary of Census Block 010810417011020, thence easterly and southerly 0.24 miles along the boundary of Census Block 010810417011020 to the intersection with eastern boundary of Census Block 010810417011014, thence southerly and westerly 0.22 miles along the boundary of Census Block 010810417011014 to the centerline of Society Hill Road (Lee Road 054), thence southwest along Society Hill Road (Lee Road 054) to the southern boundary of Lee County, thence westerly along the southern boundary of Lee County to the southwest corner of Lee County, thence northerly along the western boundary of Lee County to the northwest corner of Lee County, then easterly along the northern boundary Lee County to the centerline of Lafayette Parkway (US. Highway 431), thence southerly 2.13 miles to the centerline of Lee Road 172, thence southeasterly 0.96 miles on Lee Road 172 to the intersection of Wigdon Road (Lee Road 171), thence southerly 1.54 miles along Wigdon Road (Lee Road 171) to the intersection of Wigdon Road (Lee Road 171) and Pulpwood Road (Lee Road 168), the aforementioned point of beginning.

District 5

District 5 shall include that portion of the territory with the City limits of the City of Opelika which is bounded as follows: Beginning at the intersection of Lafayette Parkway (US. Highway 431) and Lee Road 172, thence southeasterly 0.96 miles on Lee Road 172 to the intersection of Wigdon Road (Lee Road 171), thence southerly 1.54 miles along Wigdon Road (Lee Road 171) to the centerline

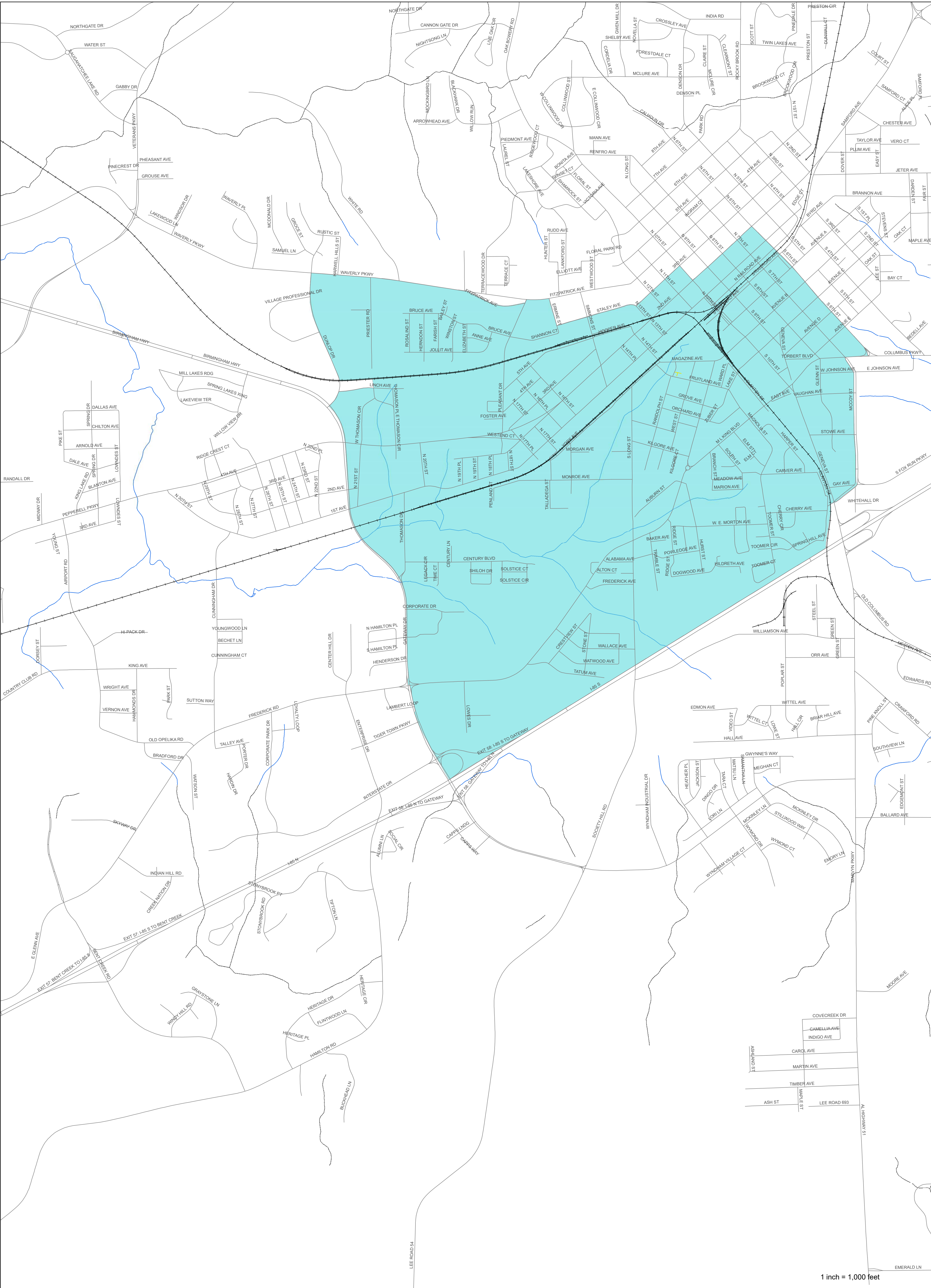
of Pulpwood Road (Lee Road 168), thence northeasterly 2.04 miles along Pulpwood Rd to the centerline of Lafayette Parkway (US Hwy 431), then southerly 2.20 miles along Lafayette Pkwy to the centerline of Morris Ave, thence westerly along Morris Ave 0.81 miles to the centerline of Rocky Brook Road, thence southerly 1.46 miles along Rocky Brook Road to the centerline of Rocky Creek, thence easterly 0.22 miles along Rocky Creek to N. 1st Street, thence southeasterly 0.26 miles along N 1st St to the intersection of 3rd Ave, thence northeasterly 0.06 miles along the northern boundary of Census Block 010810412001018 to the centerline of Western Railway of Alabama, thence southerly 0.16 miles along Western Railway of Alabama to the centerline of Samford Avenue, thence southwesterly 0.83 miles along Samford Ave to the intersection of Fox Run Parkway, thence southeasterly 0.85 miles along Fox Run Pkwy to the intersection of Jeter Avenue, thence easterly 0.70 miles along Jeter Avenue to the centerline of Fox Run Avenue, thence northerly 0.54 miles along Fox Run Avenue, thence northerly 0.54 miles along Fox Run Ave to where the road becomes Douglas St, thence northerly 0.34 miles along Douglas St to the centerline of Ridge Road, thence easterly 0.52 miles along Ridge Road to the intersection of Hanson Street, thence continue southeasterly 0.12 miles along closed right-of-way of Ridge Road to the intersection of N Uniroyal Road, thence southerly 1.48 miles along N Uniroyal Road , thence westerly 0.71 miles along Columbus Pkwy to the centerline of the southbound lane of I-85, thence southwesterly 1.40 miles along I- 85 to the centerline of Marvyn Pkwy, thence southerly 0.59 miles along Marvyn Pkwy , thence southeasterly 1.26 miles along Crawford Road , thence southerly 1.32 miles along Chewacla Creek to the southernmost boundary of Census Block 010810417023000, thence westerly 0.04 miles along the southernmost boundary of Census Block 010810417023000, then northerly 0.36 miles along the western boundary of Census Block 010810417023000 to the southern boundary of Section 29, Township 19N, Range 27E, thence westerly 0.71 miles along the southern boundaries of Sections 28-30, Township 19N, Range 27E to the centerline of Marvyn Parkway (AL Hwy 51), thence southerly along Marvyn Parkway to the southern boundary of Lee County, thence easterly along the southern boundary of Lee County to the southeast corner of Lee County, thence northerly along the eastern boundary of Lee County to the northeast corner of Lee County, then westerly along the northern boundary Lee County to the centerline of Lafayette Parkway (US. Highway 431), thence southerly 2.13 miles along Lafayette Parkway (US. Highway 431) to the intersection of Lafayette Parkway (US. Highway 431) and Lee Road 172, the aforementioned point of beginning.

Existing Ward 1



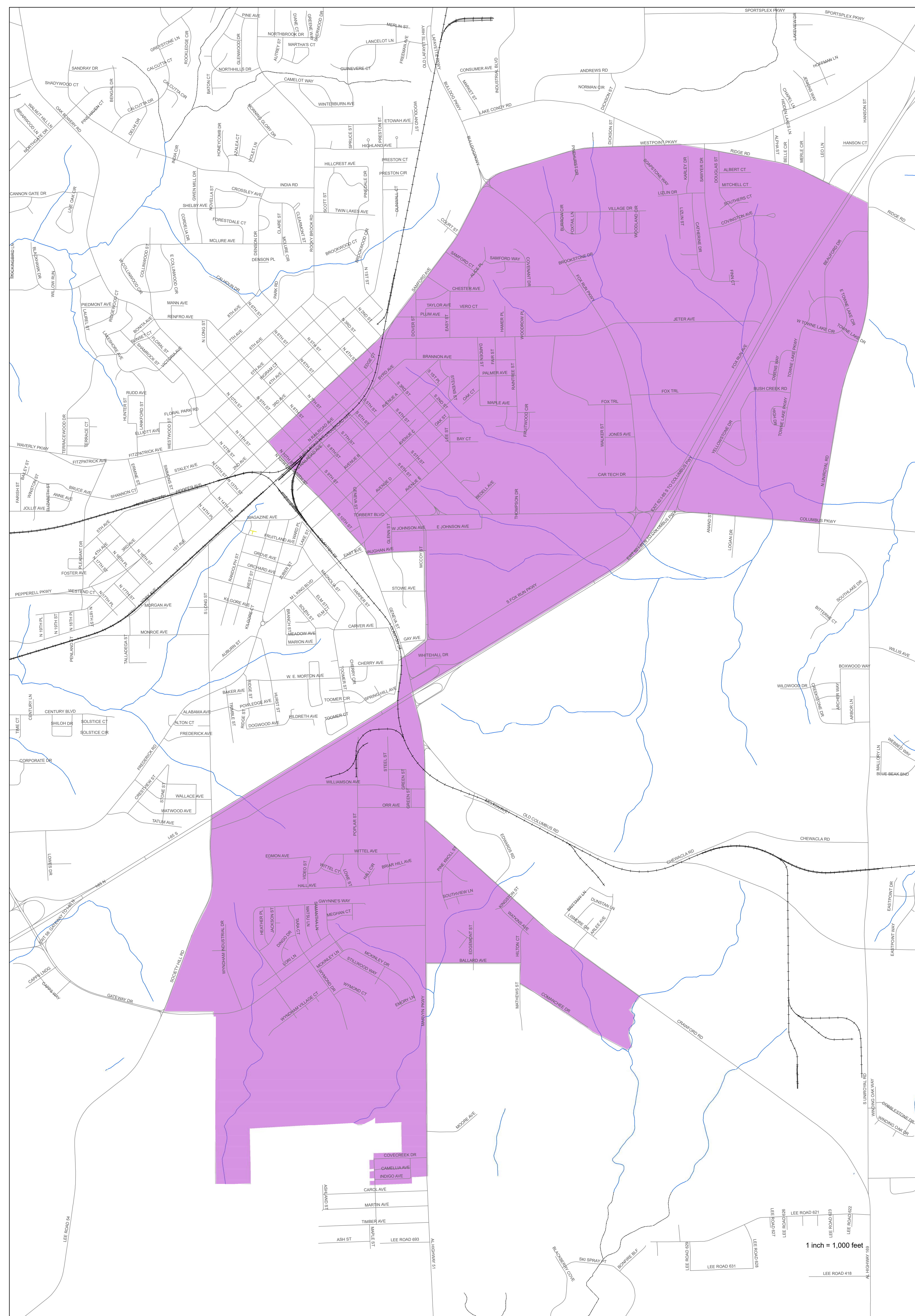
1 inch = 1,000 feet

Proposed Ward 1

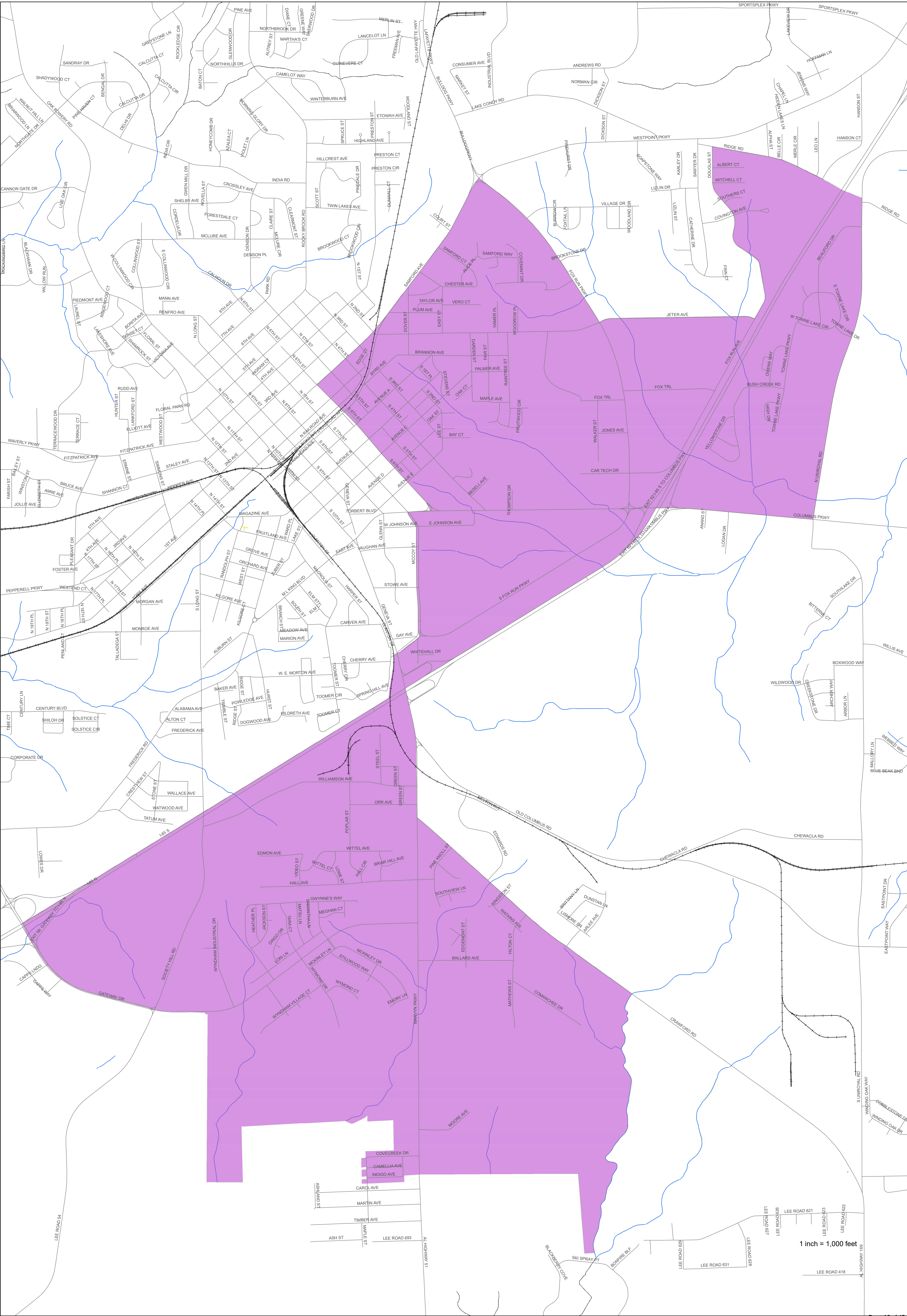


1 inch = 1,000 feet

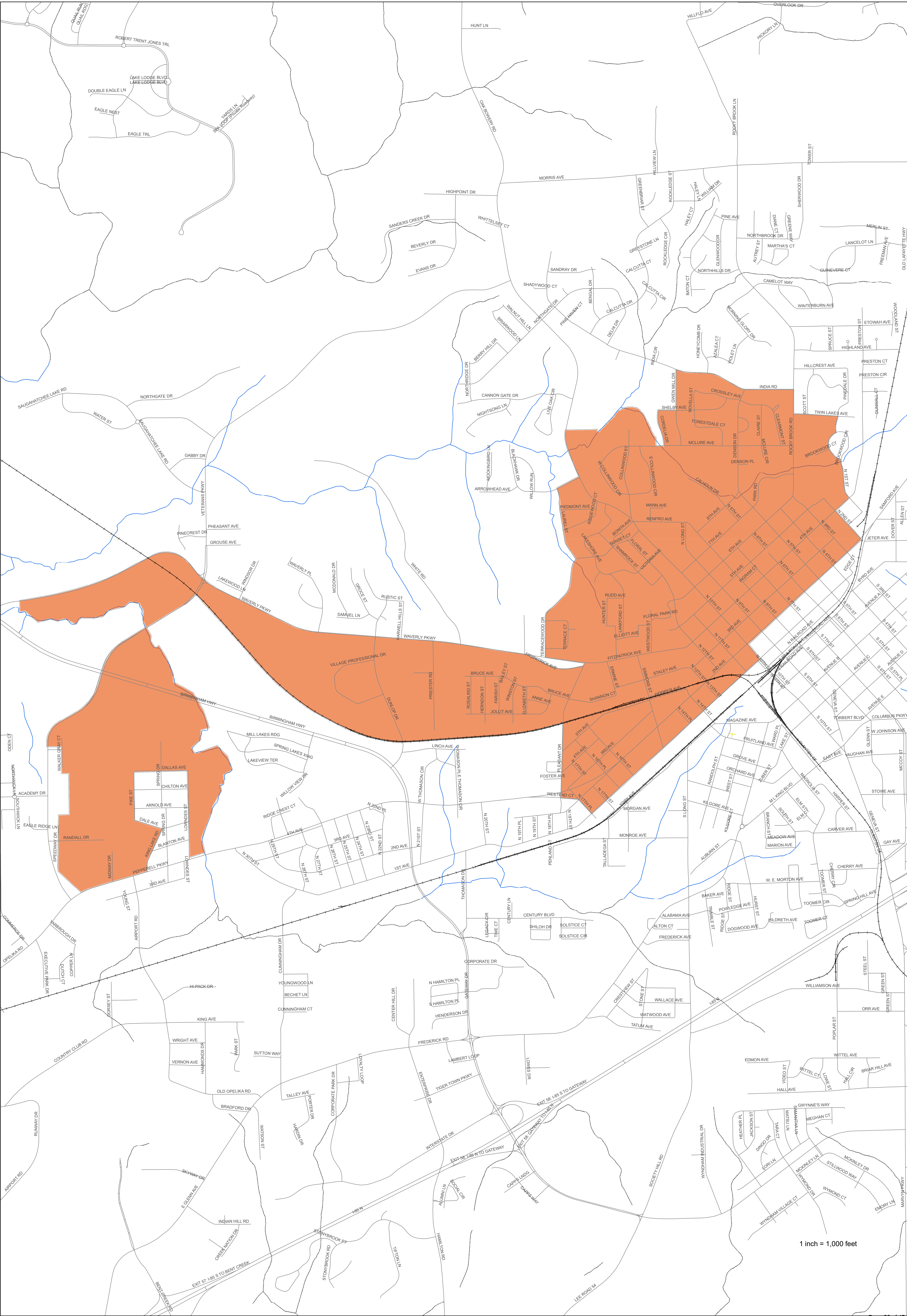
Existing Ward 2



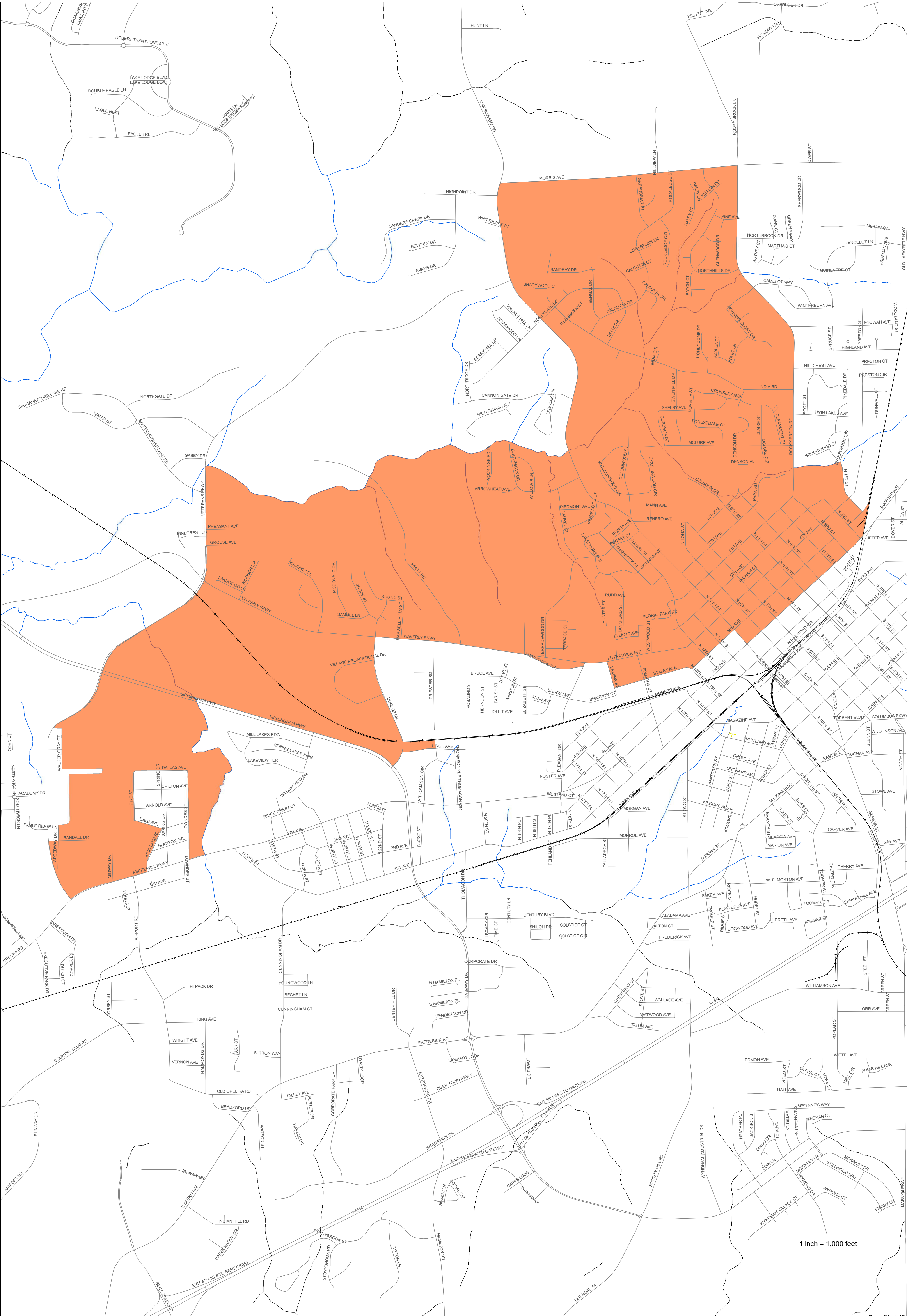
Proposed Ward 2



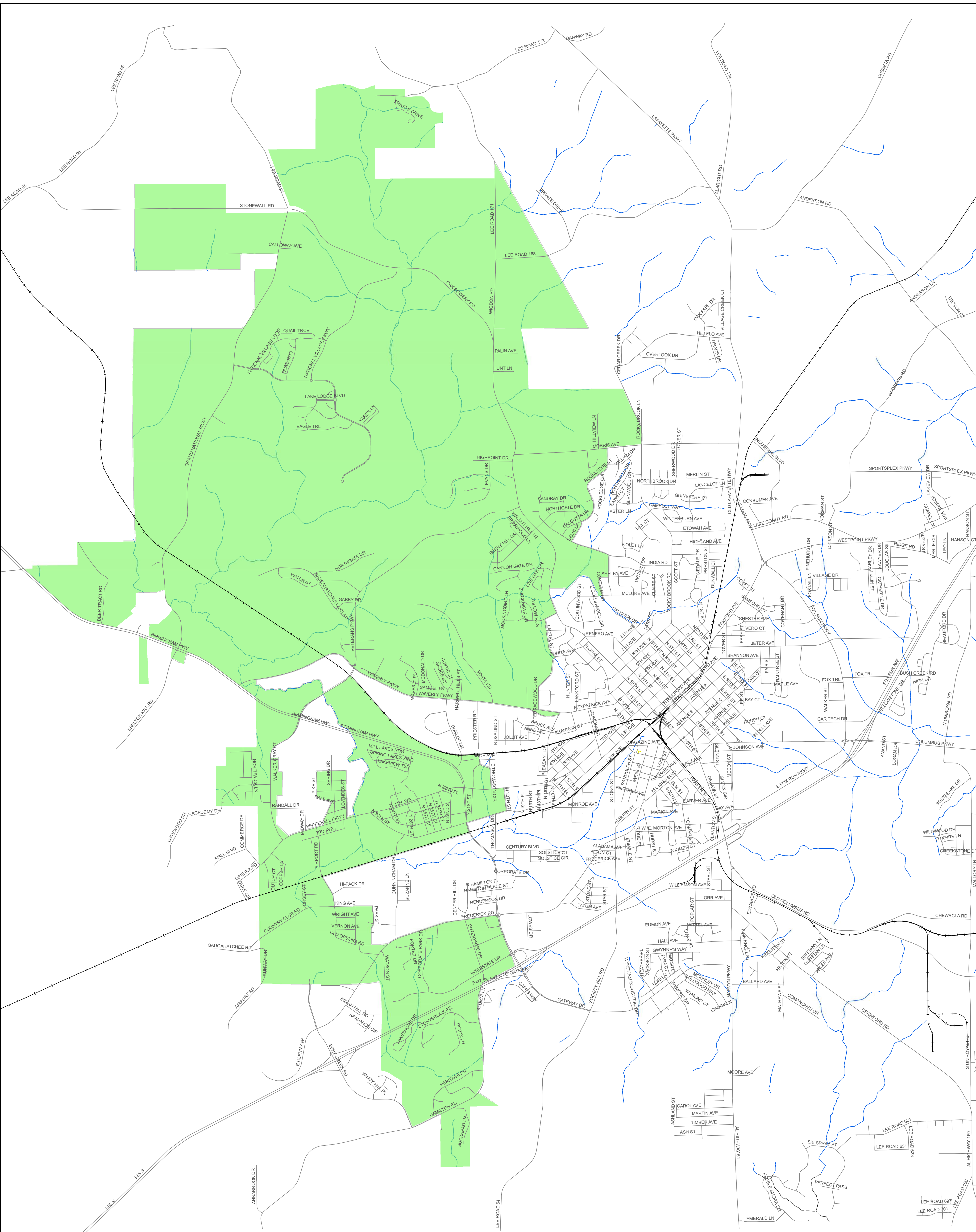
Existing Ward 3



Proposed Ward 3

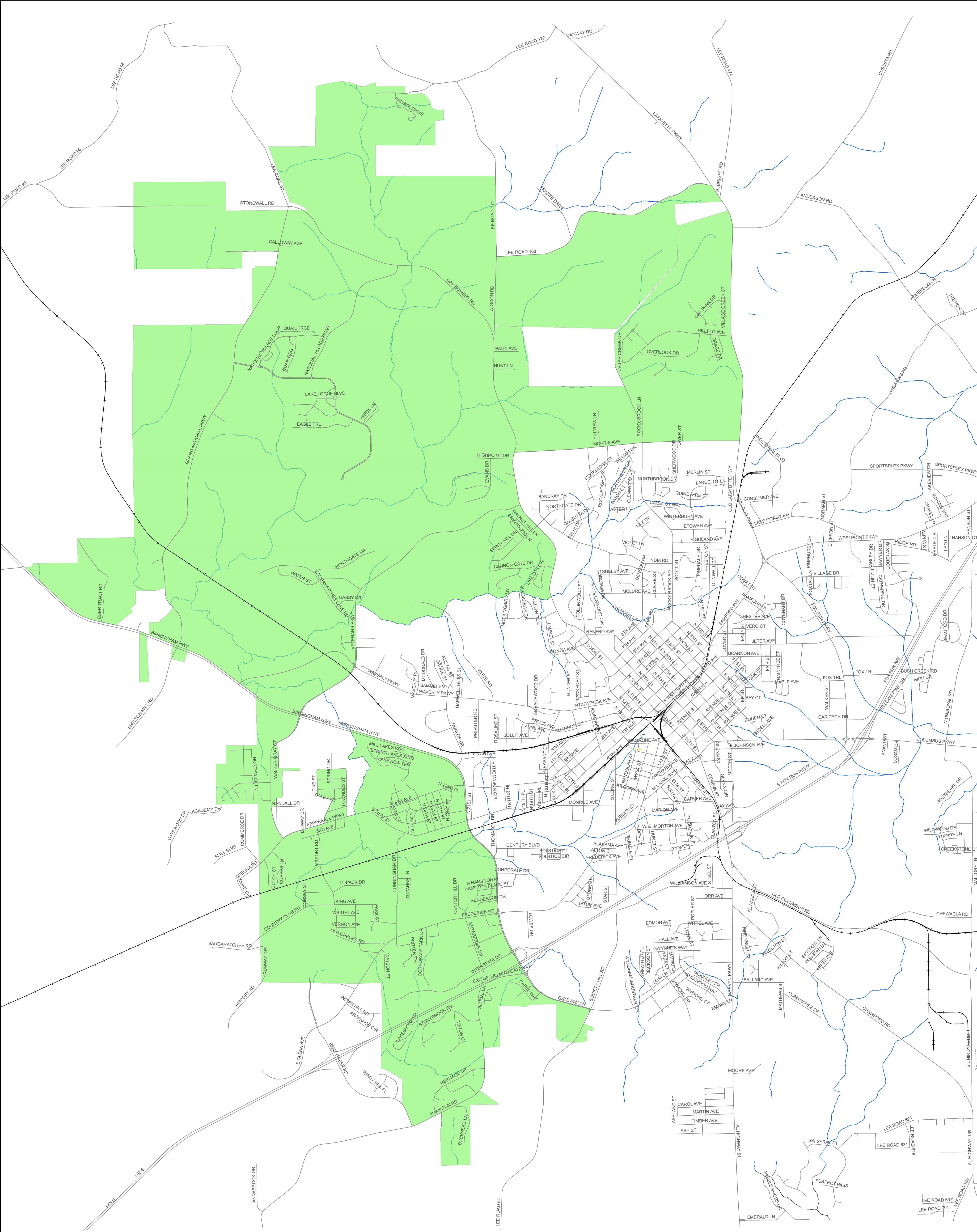


Existing Ward 4



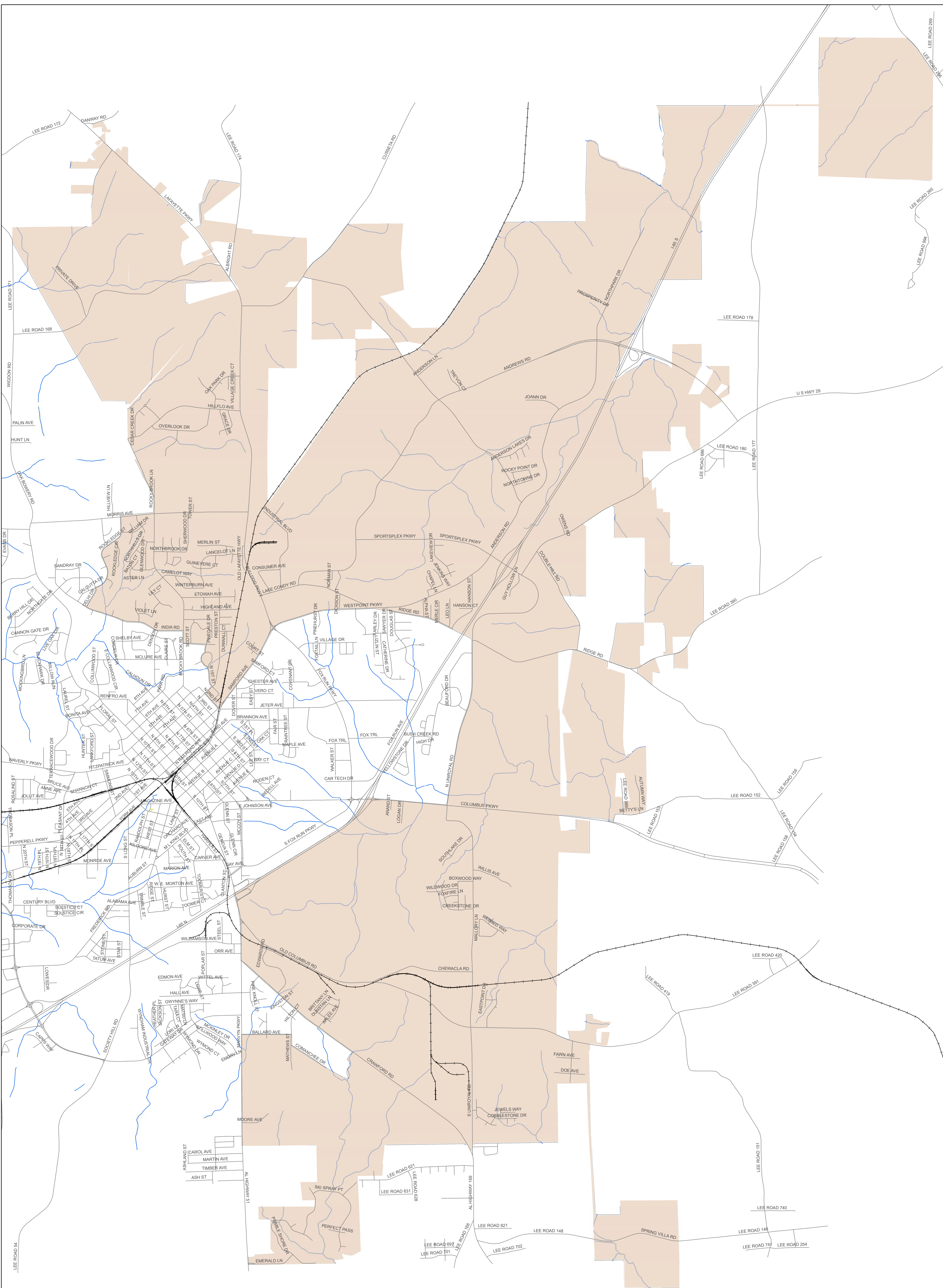
1 inch = 2,000 feet

Proposed Ward 4



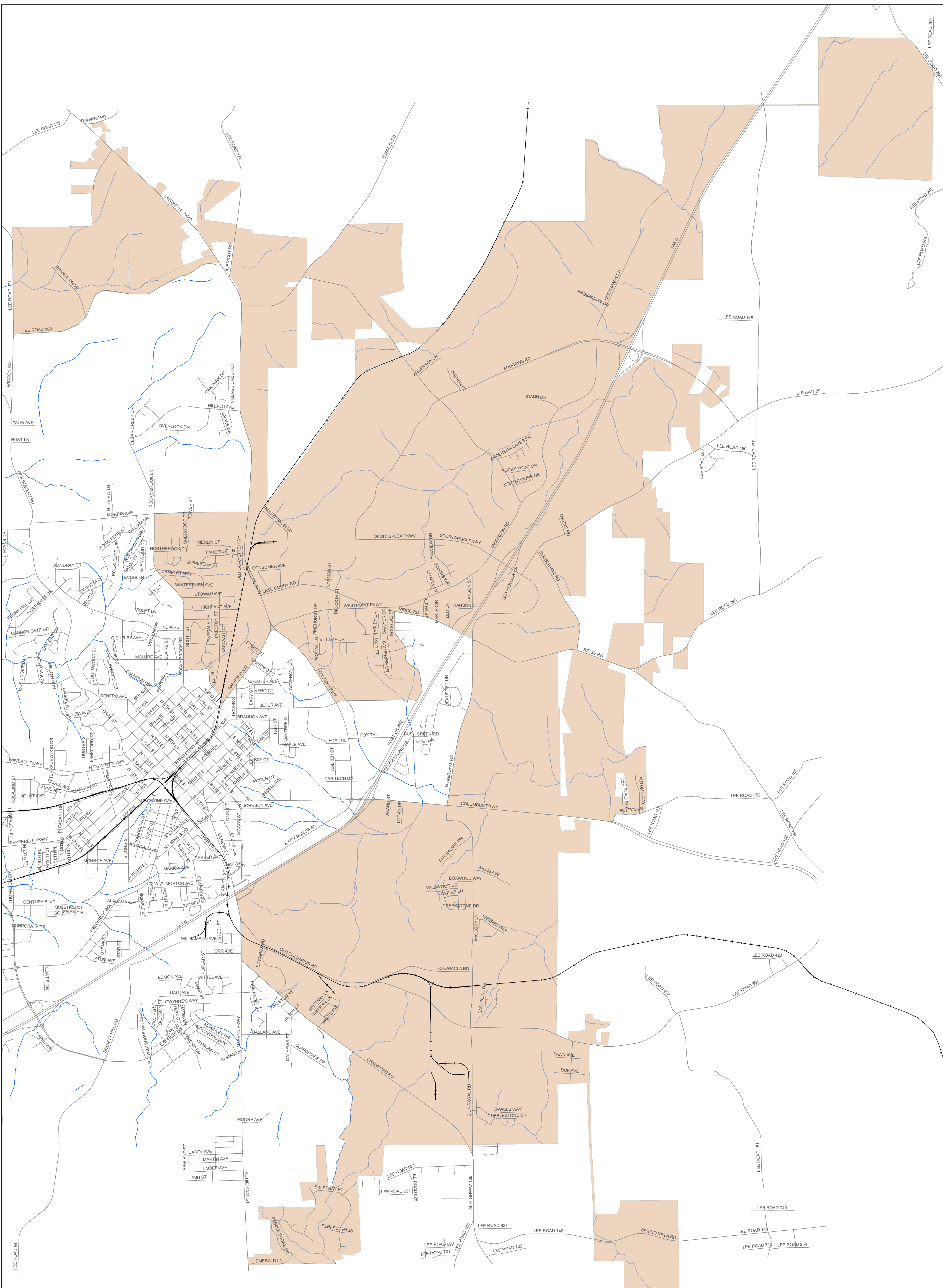
1 inch = 2,000 feet

Existing Ward 5



1 inch = 2,000 feet

Proposed Ward 5



1 inch = 2,000 feet



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March 9, 2022
City Council of the
City of Opelika
204 S. 7th Street
Opelika, AL 36801

RE: Redistricting of
Council Districts

Dear Council Members,

This memorandum discusses the legal criteria applicable to redistricting of Council Districts and expresses my views regarding the proposed City Council district map filed by the Mayor with the City Council.

State Law

§11-44D-8, *Code of Alabama* (1975), requires the City Council to redraw the lines for the City's five Council Districts at least every ten years. State law requires the Mayor, within six months after the publication of each federal census, to file with the Council a report containing a recommended plan for reapportionment of the Council Districts. The City Council has the ultimate authority to adopt a redistricting plan and must do so by ordinance (Ala. Code, §11-44D-8(2)). If the Council fails to enact the redistricting ordinance within six months after receiving the Mayor's report, the redistricting plan submitted by the Mayor shall become effective without enactment by the City Council, as if it were a duly enacted ordinance.

State Law requires that Council Districts "contain as nearly as is possible the same population, but not more than five per centum, more or less, than the average of the five districts" (Ala. Code §11-44D-8(1)(b)). It also specifies that "each district shall be formed of contiguous and, to the extent reasonably possible, compact territory, and its boundary lines shall be the center lines of streets or other well-defined boundaries".

State law thus frames several key legal criteria applicable to redistricting. Additional legal standards, such as the Equal Population Principle, consideration of Traditional Redistricting Criteria, for example, communities of interest, existing boundaries and geographical compactness, and compliance with the federal Equal Protection Clause and Voting Rights Act are discussed below.

Equal Population Principle

The Equal Protection Clause of the Fourteenth Amendment to the United States Constitution requires that electoral districts afford their residents equality of representation. This mandate is embodied in the "one person, one vote" equal protection principle. In keeping with

this principle, the United States Supreme Court has held that redistricting plans for local legislative districts must achieve “substantial equality of population among the various districts.” (*Reynolds v. Sims*, 377 U.S. 533, 579 (1964).) State law also is in accord. (See §11-44D-8(1)(b) requiring city council districts to be as nearly equal in population as may be.)

The U.S. Supreme Court has held that local redistricting plans satisfy the equal population principle so long as there is “substantial equality” of population across the districts. *Reynolds, supra*, 377 U.S. at 579). That is, exact population equality is not a constitutional requirement for city council districts. Traditionally, courts have upheld redistricting plans with a maximum population deviation of less than 10% considering such minor deviations insufficient to establish “a prima facie case of invidious discrimination under the Fourteenth Amendment”. (*Brown v. Thompson*, 462 U.S. 835, 842 [quoting *Gaffney v. Cummings*, 412 U.S. 735, 745 (1973)].) More recently, however, the courts have clarified that plans with a population deviation under 10% do not enjoy a “safe harbor” from any and all constitutional challenges. (See *Larios v. Cox*, 300 F. Supp. 2d 1320 (N.D. Ga. 2004), *aff’d* 504 U.S. 947 (2004) [affirming decision that state redistricting plan with deviation less than 10% violated equal population principle].) In 2016, the Supreme Court provided a clear and concise summation of where the standard stands now: “When the maximum population deviation between the largest and the smallest district is less than ten (10) percent, the local legislative map presumptively complies with the one person-one vote rule. *Evenwel v. Abbott* 136 S. Ct 1120 (2016) Therefore, local election districts should have populations that are substantially equal to each other, with a plus or minus five (5) percent deviation from the ideal population. This standard is consistent with state law criteria. See Ala. Code §11-44D-8.

Accordingly, while local districts need only be substantially equal in population, local redistricting plans should reflect a good faith effort to draw equipopulous districts with deviations from population equality supported by legitimate public policy rationales. (See *Reynolds, supra*, 377 U.S. at 579 [“So long as the divergences from a strict population are based on legitimate considerations incident to the effectuation of a rational state policy, some deviations from the equal-population principle are constitutionally permissible”]; *Larios, supra*, 300 F.Supp.2d at 1337-1338 [holding that population deviations must be supported by legitimate state interests].) Examples of legitimate public policy rationales that would justify minor population deviations include compliance with the Voting Rights Act and consideration of traditional redistricting criteria such as communities of interest, existing boundaries and geographic compactness (see below).

Courts will measure a redistricting plan’s population deviation for purposes of complying with the equal population principle based on the total population of the City. Based on the 2020 census figures, the total population of the City is 30,995, and therefore the ideal population of each Council District is 6,199. A court would then determine the percent deviation from the ideal population for each district, expressed as a positive percentage for districts with total population greater than the ideal and a negative percentage for districts with total population less than the ideal. The overall population deviation is determined based on the difference between the districts with the greatest positive and greatest negative percent deviations.

Traditional Redistricting Criteria

Federal and state law have established several traditional redistricting criteria which should be considered by a redistricting body to the extent feasible when drawing district lines. The City Council may give consideration to the following traditional factors: (1) geography; (2) cohesiveness, contiguity, integrity and compactness of territory; (3) community of interest of the districts; (4) preservation of cores of prior districts; and (5) protection of incumbents. The U.S. Supreme Court has held that focusing on traditional redistricting criteria is important to ensure that race is not the sole or predominant redistricting factor in violation of the Equal Protection Clause (*Miller v. Johnson, supra*, 515 U.S. at 916 [holding that race must not subordinate traditional redistricting principles “including but not limited to compactness, contiguity and respect for political subdivisions or communities defined by actual shared interest”].)

Traditional redistricting criteria may be summarized as including, but not limited to, the following:

Contiguity – all parts of a district should connect

Compactness – districts should be geographically compact

Existing Boundaries – districting bodies should consider boundaries such as geographic, street and political boundaries

Communities of Interest – districts should preserve communities of people sharing common interests

Preservation of Cores of Prior Districts – this refers to maintaining districts as previously drawn to the extent possible

Protection of Incumbents – (avoid pairing incumbents) – this refers to avoiding districts that would create contests between incumbents

Redistricting bodies must consider all of these factors to the extent feasible when drawing district lines.

The concept of preserving communities of interest involves drawing district lines in a manner that preserves communities that share common interests in a single district and/or minimizes their division to the extent feasible. Examples of common interests that may identify a community of interest include shared income levels, educational backgrounds, housing patterns (e.g., urban, rural, suburban, industrial), cultural, social and language characteristics, ethnicity, religion, employment and economic patterns including transportation and work opportunities, health and environmental conditions, crime-related factors, schools and other common issues. (See *Bush v. Vera, supra*, 517 U.S. at 964; *Miller, supra*, 515 U.S. at 919-920.) A “community of interest” is a contiguous population which shares common, social, cultural and economic

interests that should be included within a single district for purposes of its effective and fair representation.

Federal Voting Rights Act

The Voting Rights Act of 1965 (the VRA) seeks to provide assurance that all persons have equal voting opportunities. Section 2 of the VRA applies to the City's redistricting process and provides that no "standard, practice or procedure shall be imposed or applied...in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color" or language minority status. (42 U.S.C. §§ 1973(a), 1973b(f)(2).) Redistricting plans must be analyzed under Section 2 to ensure that minority voters are not deprived of an equal opportunity to elect representatives of their choice in violation of the VRA. A violation of Section 2 is established if "based on the totality of circumstances, it is shown that the political processes leading to a nomination or election...are not equally open to participation by members of a class of citizens protected by [the VRA] in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice." (42 U.S.C. § 1973(b).)

The VRA protects against vote dilution of covered minority constituencies. Vote dilution can occur when a redistricting plan minimizes or cancels the power of minority groups to elect representatives of their choice. Examples of vote dilution include "fracturing" and "packing". "Fracturing" can occur when a minority group is large enough to form the majority in a single, compact district but the redistricting plan disperses the minority group's voters into several different districts such that it is not a majority in any district. (See *Voinovich v. Quilter*, 507 U.S. 146, 153 (1993).) "Packing" can occur when a redistricting plan concentrates minority voters into a single or small number of districts thereby minimizing their influence in other districts. (See *Voinovich, supra*, 507 U.S. at 153.)

In *Thornburg v. Gingles*, 478 U.S. 30 (1986), the U.S. Supreme Court established a multi-part test to determine whether a redistricting plan violates Section 2 of the VRA. The first part of the test requires a plaintiff to satisfy three preconditions, known as the "*Gingles* preconditions":

1. The minority group must be sufficiently large and geographically compact to constitute a majority in a single-member district
2. The minority group must be politically cohesive
3. The majority votes sufficiently as a bloc to enable it usually to defeat the minority's preferred candidate

(*Gingles, supra*, 478 U.S. at 50-51; *Grove v. Emison*, 507 U.S. 25, 37-42 [applying *Gingles* test to single-member districts].)

With regard to the first *Gingles* precondition, the courts have held that a minority group is sufficiently large only if its citizen voting age population ("CVAP") in the proposed district is greater than 50 percent. (*Romero v. City of Pomona*, 883 F.2d 1418, 1426 (9th Cir. 1989) [holding that CVAP, rather than total population, is the appropriate measure of population under

the *Gingles* test]; see also *LULAC v. Perry*, 548 U.S. 399, 429 [observing that citizen voting age population “fits the language of § 2 because only eligible voters affect a group’s opportunity to elect candidates”].) Although the U.S. Supreme Court has held that a minority group cannot establish Section 2 liability if it is large enough to influence elections but not large enough to form a majority of a district (*Bartlett v. Strickland*, 129 S.Ct. 1231, 1246 (2009)), the Court also has stated that redistricting bodies are not prohibited from drawing such districts provided that race is not the predominant factor. (*Id.* At 1248.)

The second *Gingles* precondition requires evidence that “a significant number of minority group members usually vote for the same candidates” or otherwise share common political preferences. (*Gingles, supra*, 478 U.S. at 56.) The third *Gingles* precondition requires evidence showing that majority voters vote sufficiently as a bloc usually to defeat the minority group’s preferred candidate. (*Gingles, supra*, 478 U.S. at 53-74.) Both of these factors require an examination of past election data and other evidence to show political cohesiveness and racially polarized voting in the area.

If all three *Gingles* preconditions are satisfied, a court will then move to the second part of the *Gingles* test to examine the totality of the circumstances to determine whether minority voters have been denied an equal opportunity to elect representatives of their choice. This analysis looks to objective factors, including the following:

1. The extent of any history of official discrimination that affected the right of minority group members to register, vote or otherwise participate in the democratic process;
2. The extent to which voting in elections is racially polarized;
3. The extent to which the jurisdiction has used voting practices or procedures that may enhance the opportunity for discrimination;
4. Whether minority group members have been denied access to candidate slating processes;
5. The extent to which minority group members bear the effects of discrimination in areas such as education, employment and health, which hinder their ability to participate effectively in the political process;
6. Whether political campaigns have been characterized by racial appeals;
7. The extent to which minority group members have been elected to public office;
8. Whether there is a significant lack of responsiveness on the part of elected officials to the particularized needs of the minority group; and
9. Whether the policy underlying the use of the voting qualification, standard, practice or procedure is tenuous.

(See *Gingles, supra*, 478 U.S. at 36-37.) Also relevant as part of the totality of circumstances portion of the analysis is the proportionality between the minority group's population in the jurisdiction and the number of districts in which the group forms an effective majority. (See *Johnson v. DeGrandy*, 512 U.S. 997, 1000 (1994).)

Notably, Section 2 of the VRA does not *require* the creation of the *maximum* possible number of majority-minority districts. (See *Johnson v. DeGrandy, supra*, 512 U.S. at 1017 [there is no requirement that members of a protected class be elected in numbers equal to their proportion of the population].) Rather, Section 2 prohibits adoption of a redistricting plan that, viewed in the totality of circumstances, would deny minority voters equal measure of political and electoral opportunity. (*Id.* At 1013-1014.)

Equal Protection Clause and Consideration of Race

The U.S. Supreme Court has held that the Equal Protection Clause generally prohibits the use of race as the *sole or predominant factor* in drawing district lines. (See *Miller v. Johnson*, 515 U.S. 900, 920 (1995); *Shaw v. Reno*, 509 U.S. 630 (1993).) If race is determined to be the sole or predominant factor in redistricting, the courts will apply "strict scrutiny" and invalidate the plan unless it is narrowly tailored to serve a compelling governmental interest.

The U.S. Supreme Court has held, however, that the Equal Protection Clause does not prohibit all consideration of race in redistricting. The Court has acknowledged that redistricting bodies "almost always [will] be aware of racial demographics". (*Miller, supra*, 515 U.S. at 916; see *Shaw v. Reno, supra*, 509 U.S. at 646 [redistricting body is "aware of race when it draws district lines, just as it is aware of age, economic status, religious and political persuasion, and a variety of other demographic factors."].) Accordingly, the U.S. Supreme Court has held that race may be a factor in redistricting, and that strict scrutiny will not apply unless race is the *sole or predominant factor*. (See *Bush v. Vera*, 517 U.S. 952, 958-959 (1996) ["[s]trict scrutiny does not apply merely because redistricting is performed with consciousness of race".].) Thus, while redistricting bodies may consider race in a mix with other factors, it may not subordinate traditional redistricting principles to racial considerations. (See *Miller, supra*, 515 U.S. at 916.)

Courts have examined several different factors in determining whether race was the sole or predominant factor behind a redistricting plan. The shape of the districts is one such factor. (See *Miller, supra*, 515 U.S. at 913; see *Shaw v. Reno, supra*, 509 U.S. at 647 ["reapportionment is one area in which appearances do matter"].) Courts will also look to testimony and other evidence reflecting legislative motives. (See *Miller, supra*, 515 U.S. at 919; *Bush, supra*, 517 U.S. at 962.) Courts will also deem relevant the extent to which a redistricting body based its plan on traditional, race-neutral criteria such as preserving communities of interest, observing existing boundaries and geographic compactness.

Conclusion

I have reviewed the Mayor's reapportionment plan and district map under the legal criteria described above. My review is based on the information available to me, and the

justifications provided in the Mayor's report accompanying the recommended map. Based on these considerations, I believe that the Mayor's recommended map is legally defensible under the applicable redistricting law and criteria detailed above. Under applicable law, the analysis of any redistricting proposal is fact specific and, therefore, can be impacted by information not adduced at the time of its adoption. Of course, other options, including amended versions of the proposed map, also may be legally viable. I will be prepared to advise the City Council as it undertakes its review and deliberation of the Mayor's proposed map.

If you have any questions, please don't hesitate to call me.

Yours very truly,



Guy F. Gunter, III

GFG,III/jpj

Attachment

Cc: Gary Fuller
Barbara Arrington
Joey Motley
Matt Mosley

Appendix 5

ORDINANCE NO. _____

ORDINANCE APPROVING AND ADOPTING A PLAN FOR REDISTRICTING THE COUNCIL DISTRICTS OF THE CITY OF OPELIKA, ALABAMA

WHEREAS, the City of Opelika's Mayor-Council form of government is organized under Chapter 44D of Title 11 of the Code of Alabama; and

WHEREAS, Section 11-44D-8 provides in part, as follows:

"Whenever there shall be a change in population in any of the districts heretofore established, evidenced by a federal census of population..., there shall be a reapportionment of the Council Districts in the manner hereinafter provided:

(1) The Mayor shall within six (6) months after publication of each federal census of population for the Municipality..., file with the Council a report containing a recommended plan for reapportionment of the Council District boundaries to comply with the following specifications:

(a) Each District shall be formed of a contiguous and to the extent reasonably possible, compact territory, and its boundary lines shall be the centerlines of streets or other well-defined boundaries;

(b) Each District shall contain as nearly as possible the same population but not more than five (5) centum more or less than the average of the five districts.

(2) The Council shall enact a redistricting ordinance within six (6) months after receiving such report. If the Council fails to enact a redistricting ordinance within said six (6) months, the redistricting plan submitted by the Mayor shall become effective without enactment by the Council as if it were a duly enacted ordinance;

WHEREAS, the decennial census of 2020 was published by the United States Census Bureau on September 16, 2021, showing underrepresentation of certain areas of the City; and

WHEREAS, in order to avoid underrepresentation of certain areas of the City and to conform to the mandate of Section 11-44D-8, Code of Alabama, the Mayor has filed with the City Council a report containing a recommended plan for reapportionment of the City Council district boundaries.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Opelika, Alabama, as follows:

Section I. That the City Council does hereby adopt a plan of redistricting the Council Districts as recommended by the Mayor.

Section 2. That the five (5) Council Districts (Voting Wards) situated within the City of Opelika shall be and hereby are reorganized as to their respective boundaries in accordance with the following descriptions:

District 1

District 1 shall include that portion of the territory within the City limits of the City of Opelika which is bounded as follows: Beginning at the intersection of N 6th St and 2nd Avenue, thence southeasterly 0.16 miles along N 6th St, thence southeasterly 0.61 miles along S 6th St to the centerline of Martin Luther King Blvd, thence westerly 0.10 miles along Martin Luther King Blvd to the centerline of McCoy St, thence southerly 0.72 miles along McCoy St to the centerline of the Central of Georgia Railroad, thence southerly 0.20 miles along Central of Georgia RR to the centerline of the northbound lanes I-85, thence southwesterly 1.94 miles along I- 85 to the centerline of the northbound lanes of Gateway Dr, thence northerly 1.61 miles along Gateway Drive to Birmingham Highway, thence northwesterly 0.18 miles along Birmingham Hwy to the centerline of Dunlop Drive, thence northeasterly 0.08 miles along Dunlop Drive to the centerline of Linch Avenue, thence easterly 0.15 miles along Linch Ave to the intersection of Linch Avenue and the closed right-of-way for Priester Road, thence northerly 0.04 miles along the closed right-of-way of Priester Road to the centerline of Central of Georgia RR, thence westerly 0.14 miles along Central of Georgia RR to the centerline of Dunlop Drive, thence northerly 0.50 miles along Dunlop Drive to the centerline of Waverly Parkway, thence easterly 0.69 miles along Waverly Pkwy to the start of Fitzpatrick Avenue, thence easterly 0.26 miles along Fitzpatrick Ave to the centerline of Pleasant Drive, thence northerly 0.02 miles along Pleasant Drive to the centerline of Fitzpatrick Avenue, thence easterly 0.10 miles along Fitzpatrick Ave to the centerline of Ermine Street, thence southerly 0.12 miles along Ermine St to the centerline of Staley Avenue, thence easterly 0.36 miles along Staley Ave to the centerline of 3rd Avenue, thence northeasterly 0.26 miles along 3rd Ave to the centerline of N 10th Street, thence southeasterly 0.09 miles along N 10th St to the centerline of 2nd Avenue, thence northeasterly 0.35 miles along 2nd Ave to the intersection of 2nd Avenue and N 6th Street the aforementioned point of beginning.

District 2

District 2 shall include that portion of the territory with the City limits of the City of Opelika which is bounded as follows: Beginning at the intersection of Ridge Road and Douglas Street, thence easterly 0.52 miles along Ridge Road to the centerline of Hanson Street, thence continue southeasterly 0.12 miles along closed right-of-way of Ridge Road to the centerline of N Uniroyal Road, thence southerly 1.48 miles along N Uniroyal Road to the centerline of Columbus

Parkway, thence westerly 0.71 miles along Columbus Pkwy to the centerline of the southbound lane of I-85, thence southwesterly 1.40 miles along I- 85 to the centerline of Marvyn Pkwy, thence southerly 0.59 miles along Marvyn Pkwy to the centerline of Crawford Road (AL Hwy 169) , thence southeasterly 1.26 miles along Crawford Road to the centerline of Chewacla Creek, thence southerly 1.32 miles along Chewacla Creek to the southernmost boundary of Census Block 010810417023000 to the southernmost boundary of Census Block 010810417023000, thence westerly 0.04 miles along the southernmost boundary of Census Block 010810417023000 to the western boundary of Census Block 010810417023000, then northerly 0.36 miles along the western boundary of Census Block 010810417023000 to the southern boundary of Section 29, Township 19N, Range 27E, thence westerly 0.79 miles along the southern boundaries of Sections 28-30, Township 19N, Range 27E to the centerline of Fulton Ct to the southernmost boundary of Census Block 010810417011059, thence southerly and westerly 0.20 miles along the southernmost boundary of Census Block 010810417011059 to the centerline of Cahaba St, thence westerly, northerly, and easterly 0.06 miles along the boundary of Census Block 010810417011062 to the southern boundary of Section 30, Township 19N, Range 27E, thence westerly 0.70 miles along the southern boundary of Section 30, Township 19N, Range 27E, thence northerly 0.75 miles along the western boundary of Section 30, Township 19N, Range 27E to Gateway Dr, thence northwesterly 0.90 miles along Gateway Drive to the centerline of the southbound lane of I-85, thence northeasterly 1.94 miles along I- 85 to the centerline of Central of Georgia RR, thence northerly 0.20 miles along Central of Georgia RR to the centerline of McCoy St, thence northerly 0.72 miles along McCoy St to the centerline of Columbus Pkwy, thence easterly 0.10 miles along Columbus Pkwy to the centerline of S 6th St, thence northwesterly 0.61 miles along S 6th St, thence northwesterly 0.16 miles along 6th St to 2nd Ave, thence northeasterly 0.36 miles along 2nd Ave to where the road becomes Samford Ave, thence northeasterly 0.83 miles along Samford Ave to the centerline of Fox Run Pkwy, thence southeasterly 0.85 miles along Fox Run Pkwy to the centerline of Jeter Ave, thence easterly 0.70 miles along Jeter Ave to the centerline of Fox Run Ave, thence northerly 0.54 miles along Fox Run Ave to where the road becomes Douglas St, thence northerly 0.34 miles along Douglas St to the intersection with Ridge Road, the aforementioned point of beginning.

District 3

District 3 shall include that portion of the territory with the City limits of the City of Opelika which is bounded as follows: Beginning at the intersection of Morris Ave and Rocky Brook Road, thence southerly 1.46 miles along Rocky Brook Road to the intersection of Rocky Brook Road and Rocky Creek, thence easterly 0.22 miles along Rocky Creek to N. 1st Street, thence southeasterly 0.26 miles along N 1st St to the intersection of 3rd Ave, thence northeasterly 0.06 miles along the northern boundary of Census Block 010810412001018 to the centerline of Western Railway of Alabama, thence southerly 0.16 miles along Western Railway

of Alabama to the centerline of 2nd Avenue, thence southwesterly 0.71 miles along 2nd Ave to the intersection N 10th St, thence northwesterly 0.09 miles along N 10th St to the intersection of 3rd Ave, thence southwesterly 0.26 miles along 3rd Ave to the intersection of Staley Ave, thence westerly 0.36 miles along Staley Ave to the intersection of Ermine St, thence northerly 0.12 miles along Ermine St to the intersection of Fitzpatrick Ave, thence westerly 0.10 miles along Fitzpatrick Ave to the intersection of Pleasant Dr, thence southerly 0.02 miles along Pleasant Drive to the intersection of Fitzpatrick Ave, thence westerly 0.26 miles along Fitzpatrick Ave to the intersection of Waverly Pkwy, thence westerly 0.69 miles along Waverly Pkwy to the intersection of Dunlap Dr, thence southerly 0.50 miles along Dunlap Dr to the Central of Georgia Railroad, thence easterly 0.14 miles along Central of Georgia RR to the centerline of the closed right-of-way of Priester Rd, thence southerly 0.04 miles along closed right-of-way of Priester Rd to Linch Ave, thence westerly 0.15 miles along Linch Ave to the intersection of Dunlap Drive, thence southwesterly 0.08 miles along Dunlap Dr to the centerline of the northbound lane of Birmingham Highway (U.S. Hwy 280), thence westerly 0.95 miles along Birmingham Hwy to Pepperell Creek, thence southerly 0.98 miles along Pepperell Creek to Pepperell Pkwy, thence westerly 0.08 miles along Pepperell Pkwy to the intersection of Lowndes St, thence northerly 0.40 miles along Lowndes St to the intersection of Dallas Ave, thence westerly 0.26 miles along Dallas Ave to the intersection of Pike St, thence southerly 0.21 miles along Pike St to the intersection of Dale Ave, thence easterly 0.13 miles along Dale Ave to the intersection of King Lake Rd, thence southerly 0.21 miles along King Lake Road to the intersection of Pepperell Pkwy, thence westerly 0.37 miles along Pepperell Pkwy to Veterans Pkwy, thence northerly 0.28 miles along Veterans Pkwy to the intersection of Randall Dr, thence easterly 0.04 miles along Randall Drive to the intersection of Speedway Dr, thence northerly 0.07 miles along Speedway Drive to the intersection of Midway Dr, thence northerly 0.27 miles along Midway Drive, thence easterly 0.15 miles along Midway Drive to the easternmost boundary of Census Block 010810411031008, thence northerly 0.02 along the easternmost boundary of Census Block 010810411031008, thence westerly 0.15 miles along the northernmost boundary of Census Block 010810411031008 to the centerline of Walker Gray Ct and the westernmost boundary of Census Block 010810411032001, thence northwesterly 0.27 miles along the westernmost boundary of Census Block 010810411032001, to the centerline of Veterans Pkwy, thence northeasterly 1.50 miles along Veterans Pkwy to Rocky Creek, thence easterly 1.88 miles along Rocky Creek to Oak Bowery Rd, thence northerly 1.33 miles along Oak Bowery Road , thence easterly 1.07 miles along Morris Ave to the aforementioned point of beginning.

District 4

District 4 shall include that portion of the territory with the City limits of the City of Opelika which is bounded as follows: Beginning at the intersection of Wigdon Rd (Lee Road 171) and Pulpwood Rd (Lee Road 168), thence northeasterly 2.04 miles along Pulpwood Rd to the centerline of Lafayette Parkway (US Hwy 431),

then southerly 2.20 miles along Lafayette Pkwy to the centerline of Morris Ave, thence westerly along Morris Ave 1.90 miles to the centerline of Oak Bowery Rd, thence southerly 1.33 miles along Oak Bowery Road to Rocky Creek, thence westerly 1.88 miles along Rocky Creek to Veterans Pkwy, thence southerly 1.50 miles along Veterans Pkwy to the northernmost boundary of Census Block 010810411032012, thence southeasterly 0.27 miles along the north and easternmost boundary of Census Block 010810411032012 to the northernmost boundary of Census Block 010810411031008, thence easterly 0.15 miles along the northernmost boundary of Census Block 010810411031008, thence southerly 0.02 along the easternmost boundary of Census Block 010810411031008 to the centerline of Midway Drive, thence westerly 0.15 miles along Midway Drive, thence southerly 0.27 miles along Midway Drive to the centerline of Speedway Drive, thence southerly 0.07 miles along Speedway Drive to the centerline of Randall Drive, thence westerly 0.04 miles along Randall Drive to the centerline of Veterans Parkway, thence southerly 0.28 miles along Veterans Pkwy to the centerline of Pepperell Parkway, thence easterly 0.37 miles along Pepperell Pkwy to the centerline of King Lake Road, thence northerly 0.21 miles along King Lake Road to the centerline of Dale Avenue, thence westerly 0.13 miles along Dale Ave to the centerline of Pike Street, thence northerly 0.21 miles along Pike St to the centerline of Dallas Avenue, thence easterly 0.26 miles along Dallas Ave to the centerline of Lowndes Street, thence southerly 0.40 miles along Lowndes St to the centerline of Pepperell Parkway, thence easterly 0.08 miles along Pepperell Pkwy to the centerline of Pepperell Creek, thence northerly 0.98 miles along Pepperell Creek to the centerline of the northbound lane of Birmingham Highway, thence southeasterly 1.13 miles along Birmingham Hwy until it becomes Gateway Drive, thence southerly 2.37 miles along Gateway Drive to the centerline of Society Hill Road, thence southwesterly 0.03 miles along Society Hill Road (Lee Road 054) to the northern most boundary of Census Block 010810417011020, thence easterly and southerly 0.24 miles along the boundary of Census Block 010810417011020 to the intersection with eastern boundary of Census Block 010810417011014, thence southerly and westerly 0.22 miles along the boundary of Census Block 010810417011014 to the centerline of Society Hill Road (Lee Road 054), thence southwesterly along Society Hill Road (Lee Road 054) to the southern boundary of Lee County, thence westerly along the southern boundary of Lee County to the southwest corner of Lee County, thence northerly along the western boundary of Lee County to the northwest corner of Lee County, then easterly along the northern boundary Lee County to the centerline of Lafayette Parkway (US. Highway 431), thence southerly 2.13 miles to the centerline of Lee Road 172, thence southeasterly 0.96 miles on Lee Road 172 to the intersection of Wigdon Road (Lee Road 171), thence southerly 1.54 miles along Wigdon Road (Lee Road 171) to the intersection of Wigdon Road (Lee Road 171) and Pulpwood Road (Lee Road 168), the aforementioned point of beginning.

District 5

District 5 shall include that portion of the territory with the City limits of the City of Opelika which is bounded as follows: Beginning at the intersection of Lafayette Parkway (US. Highway 431) and Lee Road 172, thence southeasterly 0.96 miles on Lee Road 172 to the intersection of Wigdon Road (Lee Road 171), thence southerly 1.54 miles along Wigdon Road (Lee Road 171) to the centerline of Pulpwood Road (Lee Road 168), thence northeasterly 2.04 miles along Pulpwood Rd to the centerline of Lafayette Parkway (US Hwy 431), then southerly 2.20 miles along Lafayette Pkwy to the centerline of Morris Ave, thence westerly along Morris Ave 0.81 miles to the centerline of Rocky Brook Road, thence southerly 1.46 miles along Rocky Brook Road to the centerline of Rocky Creek, thence easterly 0.22 miles along Rocky Creek to N. 1st Street, thence southeasterly 0.26 miles along N 1st St to the intersection of 3rd Ave, thence northeasterly 0.06 miles along the northern boundary of Census Block 010810412001018 to the centerline of Western Railway of Alabama, thence southerly 0.16 miles along Western Railway of Alabama to the centerline of Samford Avenue, thence southwesterly 0.83 miles along Samford Ave to the intersection of Fox Run Parkway, thence southeasterly 0.85 miles along Fox Run Pkwy to the intersection of Jeter Avenue, thence easterly 0.70 miles along Jeter Avenue to the centerline of Fox Run Avenue, thence northerly 0.54 miles along Fox Run Avenue, thence northerly 0.54 miles along Fox Run Ave to where the road becomes Douglas St, thence northerly 0.34 miles along Douglas St to the centerline of Ridge Road, thence easterly 0.52 miles along Ridge Road to the intersection of Hanson Street, thence continue southeasterly 0.12 miles along closed right-of-way of Ridge Road to the intersection of N Uniroyal Road, thence southerly 1.48 miles along N Uniroyal Road , thence westerly 0.71 miles along Columbus Pkwy to the centerline of the southbound lane of I-85, thence southwesterly 1.40 miles along I- 85 to the centerline of Marvyn Pkwy, thence southerly 0.59 miles along Marvyn Pkwy , thence southeasterly 1.26 miles along Crawford Road , thence southerly 1.32 miles along Chewacla Creek to the southernmost boundary of Census Block 010810417023000, thence westerly 0.04 miles along the southernmost boundary of Census Block 010810417023000, then northerly 0.36 miles along the western boundary of Census Block 010810417023000 to the southern boundary of Section 29, Township 19N, Range 27E, thence westerly 0.71 miles along the southern boundaries of Sections 28-30, Township 19N, Range 27E to the centerline of Marvyn Parkway (AL Hwy 51), thence southerly along Marvyn Parkway to the southern boundary of Lee County, thence easterly along the southern boundary of Lee County to the southeast corner of Lee County, thence northerly along the eastern boundary of Lee County to the northeast corner of Lee County, then westerly along the northern boundary Lee County to the centerline of Lafayette Parkway (US. Highway 431), thence southerly 2.13 miles along Lafayette Parkway (US. Highway 431) to the intersection of Lafayette Parkway (US. Highway 431) and Lee Road 172, the aforementioned point of beginning.

Section 3. Pursuant to Chapter 44D of Title II of the *Code of Alabama*, the members of the City Council shall be elected according to the redistricting plan in Section 2 above at the next general election and future general elections as determined by the expiration of their terms of

office.

Section 4. This ordinance shall take effect upon adoption and publication as required by law and upon approval of the changes herein by the United States Justice Department.

Section 5. This ordinance shall be published one (1) time in a newspaper of general circulation published in the City of Opelika, Lee County, Alabama.

ADOPTED AND APPROVED this the ____ day of _____, 2022.

PRESIDENT OF THE CITY COUNCIL OF THE
CITY OF OPELIKA, ALABAMA

ATTEST:

CITY CLERK

TRANSMITTED TO MAYOR on this the ____ day of _____, 2022.

CITY CLERK

ACTION BY MAYOR

APPROVED this the ____ day of _____, 2022.

MAYOR

ATTEST:

CITY CLERK

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND THE ZONING
ORDINANCE AND ZONING MAP OF THE CITY OF OPELIKA**

BE IT ORDAINED by the City Council (the “City Council”) of the City of Opelika, Alabama (the “City”) as follows:

Section 1. That Ordinance 124-91 entitled “Zoning Ordinance City of Opelika, Alabama”, adopted on September 17, 1991, and the Zoning Map of the City of Opelika provided for and referred to therein, as previously amended and/or modified, be and the same is hereby amended by rezoning or redistricting the parcel of land hereinafter in this section described, so as to change such parcel from one class of district to another class of district as follows, to-wit:

From a M-1, GC-S District (Industrial, Gateway Corridor—Secondary Overlay District) and a C-2, GC-S District (Office/Retail, Gateway Corridor-Secondary Overlay District) to a C-1, GC-S District (Downtown Commercial, Gateway Corridor-Secondary Overlay District), the parcel of land hereinafter described:

TRACT 1, 2, AND ALLEY COMBINED

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE CITY OF OPELIKA, ALABAMA, BEING WITHIN SECTION 18, TOWNSHIP-19-NORTH, RANGE-27-EAST AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT 1” PIPE FOUND AT THE INTERSECTION OF SOUTHEAST RIGHT-OF-WAY OF AVENUE C (60’ R/W) AND THE SOTHWEST RIGHT-OF-WAY OF SOUTH 10TH STREET (60’ R/W) HAVING ALABAMA STATE PLANE EAST ZONE COORDINATES OF N=780093.99, E=796165.11, SAID POINT BEING THE POINT OF BEGINNING;

THENCE, ALONG THE SOUTHWEST RIGHT-OF-WAY OF SOUTH 10TH STREET, S41°11'43"E A DISTANCE OF 83.30 FEET TO A 1/2” REBAR FOUND, THENCE, S41°18'17"E A DISTANCE OF 117.48 FEET TO A 1” PIPE FOUND AT THE INTERSECTION OF SOUTH 10TH STREET AND A 16’ ALLEY, THENCE, S40°00'12"E A DISTANCE OF 18.37 FEET TO A POINT AT THE INTERSECTION OF A 16’ ALLEY, THENCE, S40°34'00"E A DISTANCE OF 216.07 FEET TO A 1/2” REBAR SET, THENCE, S42°01'42"E A DISTANCE OF 80.00’ FEET TO A 1/2" REBAR SET, THENCE LEAVING THE RIGHT-OF-WAY OF SOUTH 10TH STREET, S44°15'18"W A DISTANCE OF 225.00’ TO A 1/2" REBAR SET, THENCE, S42°01'42"E A DISTANCE OF 99.60’ TO A 1/2" REBAR SET, THENCE, S45°26'18"W A DISTANCE OF 184.60 FEET TO A 1/2” REBAR SET, THENCE, S45°59'18"W A DISTACNE OF 173.30 FEET TO A 1/2"REBAR FOUND ON THE NORTHEAST RIGHT-OF-WAY OF CENTRAL OF GEORGIA RAILWAY 100’ RIGHT-OF-WAY, THENCE, N39°57'42"W A DISTANCE OF 186.20 FEET TO A 1” PIPE FOUND AT THE INTERSECTION OF CENTRAL OF GEORGIA RAILWAY AND A 16’ ALLEY, THENCE, N39°40'03"W A DISTANCE OF 17.40 FEET TO A 1” PIPE FOUND AT THE INTERSECTION OF A 16’ ALLEY, THENCE, N39°55'28"W A DISTANCE OF 229.53 FEET TO A 1” PIPE, THENCE, N39°55'28"W A DISTANCE OF 211.02 FEET TO 1/2" REBAR SET AT THE INTERSECTION OF THE NORTHEAST RIGHT-OF-WAY OF CENTRAL OF GEORGIA RAILROAD AND THE SOUTHEAST RIGHT-OF-WAY OF AVENUE C, THENCE ALONG THE SOUTHEAST RIGHT-OF-WAY OF AVENUE C, N47°14'14"E A DISTANCE OF 186.55 FEET TO A 1/2" REBAR SET, THENCE, N47°14'14"E A DISTANCE OF 9.89 FEET TO A POINT, THENCE, N47°14'14"E A DISTANCE OF 52.73 FEET TO A 1” PIPE FOUND, THENCE, N47°14'14"E A DISTANCE OF 84.52 FEET TO A 1/2" REBAR FOUND, THENCE, N88°08'55"E A DISTANCE OF 5.76 FEET TO A DRIL POINT FOUND, THENCE, N47°55'02"E A DISTANCE OF 29.78 FEET TO A 1/2"

REBAR FOUND, THENCE, N47°53'21"E A DISTANCE OF 32.50 FEET TO A DRILL POINT FOUND, THENCE, N48°16'51"E A DISTANCE OF 12.18 FEET TO 1/2" REBAR SET, THENCE ALONG THE SOUTHEAST RIGHT-OF-WAY OF AVENUE C, N48°16'51"E A DISTANCE OF 154.87 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 7.82 ACRES.

The above-described property contains approximately 7.8 acres and is located at the intersection of South 10th Street and Avenue C, Opelika, Alabama.

Section 2. Any ordinance or part thereof in conflict with provisions of this Ordinance be and the same are hereby repealed.

Section 3. This Ordinance shall be published in a newspaper of general circulation in the City of Opelika, Lee County, Alabama.

ADOPTED AND APPROVED this the ____ day of _____, 2022.

PRESIDENT OF THE CITY COUNCIL OF THE
CITY OF OPELIKA, ALABAMA

ATTEST:

CITY CLERK

TRANSMITTED TO MAYOR on this the ____ day of _____, 2022.

CITY CLERK

ACTION BY MAYOR

APPROVED this the ____ day of _____, 2022.

MAYOR

ATTEST:

CITY CLERK

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF OPELIKA; TO AMEND SECTION 7.3A “AREA REQUIREMENTS” TO PROVIDE THAT THE MAXIMUM NUMBER OF DWELLING UNITS PER ACRE IN THE C-1 DISTRICT IS 36; TO AMEND SECTION 7.3C “USES” TO PROVIDE THAT A DUPLEX IS A CONDITIONAL USE IN THE R-4 AND R-4M DISTRICTS; TO AMEND SECTION 7.3C “USES” TO PROVIDE THAT MAUSOLEUMS, COLUMBARIUMS AND CREMATORIUMS ARE CONDITIONAL USES IN THE GC-P AND THE GC-S OVERLAY DISTRICTS; TO AMEND SUBSECTIONS C AND D OF SECTION 7.7 TO PROVIDE REVISED DEVELOPMENT AND DESIGN STANDARDS FOR BUILDINGS AND STRUCTURES LOCATED IN THE C-1 DISTRICT; PROVIDING A REPEALER CLAUSE; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE

BE IT ORDAINED by the City Council (the “City Council”) of the City of Opelika, Alabama (the “City”) as follows:

Section 1. Amendment of Section 7.3A of the Zoning Ordinance. That Section 7.3A (“Area Requirements”) of Ordinance 124-91 entitled “Zoning Ordinance of the City of Opelika, Alabama”, adopted on September 17, 1991, as further amended (hereinafter referred to as “the Zoning Ordinance”) is hereby amended so that the pertinent portion of the matrix table for “Dwelling Units Per Acre” shall read as follows:

AREA REQUIREMENTS

	R-1	R-1A	R-2	R-3 ²	R-4/M	R-5/M	C-1	C-2	C-3	M-1	M-2	I-1	GC-P	GC-S
Dwelling Units Per Acre ^{2,3}	1	1.25	2.5	3.5	9	16	36	16	16					

Section 2. Amendment of Section 7.3C of the Zoning Ordinance. That Section 7.3C (“Uses”) of the Zoning Ordinance is amended as follows:

(a) That the use categories of “Duplex”, “Mausoleum”, “Columbarium” and “Crematorium” in the pertinent portion of the matrix table be and the same are hereby amended to read as follows:

Uses:	Districts:															
	R-1	R-1A	R-2	R-3	R-4	R-4M	R-5	R-5M	C-1	C-2	C-3	M-1	M-2	I-1	GC-P	GC-S
Duplex	N	N	N	C	C	C	A	A	N	N	N	N	N	N	C	C
COMMERCIAL																
Mausoleum ⁷	C	C	N	N	N	N	N	N	N	N	C	C	N	A	C	C
Columbarium ⁸	C	C	N	N	N	N	N	N	N	N	C	C	N	A	C	C
Crematorium ⁹	C	C	N	N	N	N	N	N	N	N	C	C	N	A	C	C

(b) That footnotes 7, 8 and 9 are added at the end of the matrix table to read as follows:

⁷On a property with a Gateway Corridor—Primary designation, a mausoleum shall be considered a conditional use only as an accessory use to a cemetery. The use is otherwise prohibited in the GC-P as a primary use or accessory to another use.

⁸On a property with a Gateway Corridor—Primary or Secondary designation, a columbarium shall be considered a conditional use only as an accessory use to a cemetery or church. The use is otherwise prohibited in the GC-P or GC-S as a primary use or accessory to another use.

⁹On a property with a Gateway Corridor—Primary designation, a crematory shall be considered a conditional use only as an accessory use to a funeral home. The use is otherwise prohibited in the GC-P as a primary use or accessory to another use.

Section 3. Amendment of Section 7.7 of the Zoning Ordinance. That subsections 7.7C and 7.7D of the Zoning Ordinance are amended to read as follows:

C. Development Standards.

Dwelling units may be of the efficiency, studio, and one (1) bedroom, or two (2) bedroom types or three (3) bedroom types. Each dwelling unit shall have its own independent kitchen, bathroom(s), and bedroom(s). In cases where the Planning Commission deems it necessary, it shall determine which rooms are designated as bedroom(s), kitchen, entrance ways, etc.

Buildings within the C-1 zoning district shall be non-residential on the first floor unless otherwise permitted within this section through conditional use approval.

Buildings located in the C-1 zoning district within the area from 1st Avenue to Avenue B and from South 7th Street to South 10th Street shall meet the following requirements:

Minimum floor area requirements for commercial uses on the first floor (street level):

A minimum floor area of forty percent (40%) of buildings on the first floor shall be reserved for commercial uses. The minimum forty percent (40%) floor area shall be located in the front portion of a building facing the primary street and front entrance into the building. The rear portion of the first floor may be used as a residence. The resident occupying the rear portion of the building shall be limited to the property owner or the business owner of the said forty percent (40%) of the front portion of the building unless the residential and non-residential uses have separate entrances. A maximum width of six (6) feet of the front façade may be used as a private entryway to access the rear portion of the building used for residential uses. Conditional use approval is required. A floor plan drawn to scale shall be submitted designating at least forty percent (40%) of the front portion of the building as reserved for commercial uses.

Buildings located outside of the area from 1st Avenue to Avenue B and from South 7th Street to South 10th Street may be a single purpose residential or contain first floor residential subject to conditional use approval.

Minimum requirements for commercial or residential uses on the second floor or higher in the C-1 zoning district:

Residential dwelling units may occupy the second floor or higher of nonresidential buildings. The second floor or higher areas shall be designated nonresidential or residential by floor. No mixed uses are allowed on the second floor or higher floors of nonresidential buildings in C-1 zoning districts. Minimum floor area per residential dwelling on the second floor shall be four hundred (400) square feet.

D. Design Guidelines.

1. Design plans for the structure shall be prepared and sealed by a registered architect or professional engineer and shall comply with all zoning requirements, the building code, and other applicable codes and regulations.
2. Prior to issuance of the conditional use permit, the applicant shall file copies of the design plans with the Building Official and the Fire Protection Official. No certificate of occupancy shall be issued until the premises in question have been inspected and found by the Building Official and Fire Protection Officer to comply with the requirements of the zoning ordinance.
3. Properties located within a designated historic district shall follow the applicable design guidelines for that district.
4. Buildings shall be oriented with the primary entrance facing right-of-way adjoining the front property line.

5. Parking shall not be allowed between the front façade of the building and the right-of-way. Where parking does adjoin a right-of-way, landscaping or a short screen wall shall be installed.

6. All mechanical units, storage tanks, meters, grease traps, refuse bins, or service connections shall be screened so they are not visible from the right-of-way in front of the building. For buildings located on the corner, mechanical units, storage tanks, meters, grease traps and refuse bins shall be screened to the greatest extent possible.

Section 4. Severability. If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, said holding shall not effect any other section, clause, provision or portion of this Ordinance which is not in or of itself invalid or unconstitutional.

Section 5. Repeal of Conflicting Ordinances. Any ordinance or part thereof in conflict with provisions of this Ordinance be and the same are hereby repealed.

Section 6. Effective Date. This Ordinance shall become effective upon its adoption, approval and publication as required by law.

Section 7. Publication. This Ordinance shall be published in a newspaper of general circulation in the City of Opelika, Lee County, Alabama.

Section 8. Codification. Codification of this Ordinance in the Zoning Ordinance of the City of Opelika is hereby authorized and directed.

ADOPTED AND APPROVED this the ____ day of _____, 2022.

PRESIDENT OF THE CITY COUNCIL OF THE
CITY OF OPELIKA, ALABAMA

ATTEST:

CITY CLERK

TRANSMITTED TO MAYOR on this the ____ day of _____, 2022.

CITY CLERK

ACTION BY MAYOR

APPROVED this the ____ day of _____, 2022.

MAYOR

ATTEST:

CITY CLERK