

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2021-04**

**Ordinance to Pre-Zone Property Located at the
Southeast of intersection of County Road 64 and Friendship Road
AJD Family Limited Partnership**

WHEREAS, AJD Family Limited Partnership, as the owner of certain real property located within the unincorporated area of Baldwin County, Alabama, has requested that said property that is currently zoned by the County as B-2, Neighborhood Business District and RSF-2, Single Family District, Baldwin County District 15, in the extraterritorial planning jurisdiction of the City of Daphne, be pre-zoned as B-2, General Business, prior to annexation into the City of Daphne; and

WHEREAS, said real property is located Southeast of intersection of County Road 64 and Friendship Road, being more particularly described as follows:

Legal Description for Property to be Pre-Zoned:

LEGAL DESCRIPTION FOR PROPERTY TO BE PRE-ZONED B-2:

BEGINNING AT A HUTCHINSON, MOORE AND RAUCH CAPPED REBAR FOUND AT THE NORTHEAST CORNER OF LOT 10, AMENDED PLAT, ITALIAN SETTLEMENT BUSINESS PARK - PHASE I, AS PER PLAT RECORDED ON SLIDE NO. 2439-D OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE RUN S 89°28'29" E 400.00 FEET TO A POINT; THENCE RUN S 00°12'28" W 200.00 FEET TO A POINT ON THE NORTH BOUNDARY OF LOT 4, TRIONE TRACE, AS PER PLAT RECORDED ON SLIDE NO. 1594-A OF SAID PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE ALONG SAID NORTH BOUNDARY OF LOT 4, TRIONE TRACE, RUN N 89°28'29" W 400.00 FEET TO A HUTCHINSON, MOORE AND RAUCH CAPPED REBAR FOUND AT THE SOUTHEAST CORNER OF SAID LOT 10, ITALIAN SETTLEMENT BUSINESS PARK - PHASE I; THENCE ALONG THE EAST BOUNDARY OF SAID LOT 10, ITALIAN SETTLEMENT BUSINESS PARK - PHASE I, RUN N 00°12'28" E 200.00 FEET TO THE POINT OF BEGINNING. CONTAINING 79,998 SQUARE FEET OR 1.84 ACRES, MORE OR LESS.

WHEREAS, at the regular Planning Commission meeting on November 19, 2020, the Commission considered said request and set forth a unanimous favorable recommendation to the City Council to pre-zone the property B-2, General Business; and,

WHEREAS, due notice of said proposed pre-zoning has been provided to the public as required by law through publication and open display at City Hall, and a public hearing was held before the City Council on January 19, 2020; and,

WHEREAS, the City Council of the City of Daphne, after due consideration and upon consideration of the recommendation and notes of the Planning Commission, deemed that said application for pre-zoning of the above described real property and as set forth on a map of the property attached hereto and made a part of this Ordinance as Exhibit "A" is proper and in the best interest of the health, safety, and welfare of the citizens of the City of Daphne, Alabama; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, as follows:

SECTION I: ZONING

That above described real property is hereby pre-zoned to B-2, General Business, City of Daphne. Upon annexation of the property prior to the expiration of the pre-zoning as set forth in Section IV, the property shall be assigned the zoning district in accordance with the pre-zoning and the zoning ordinance and zoning map shall be amended to reflect said zoning. Should annexation not occur prior to the expiration of this pre-zoning as set forth in Section IV, this pre-zoning shall have no effect and the designation of a zoning district for the property shall be set forth in the annexation ordinance.

Until such time as the property is annexed into the City of Daphne, the property shall remain in the unincorporated area of Baldwin County and zoned in accordance with the Baldwin County Commission's zoning plan. The County's zoning for the property at the time the request for pre-zoning was submitted was B-2, Neighborhood Business District and RSF-2, Single Family District, Baldwin County District 15.

SECTION II: REPEALER.

All other City Ordinances or parts thereof in conflict with the provisions of this Ordinance, in so far as they conflict, are hereby repealed.

SECTION III: SEVERABILITY.

The provisions of this Ordinance are severable. If any provision, section, paragraph, sentence, or part thereof shall be held unconstitutional or invalid, such decision shall not affect or impair the remainder of said Ordinance, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence, and part thereof separately and independently of each other.

SECTION IV: EFFECTIVE AND EXPIRATION DATE.

This Ordinance shall take effect after the date of its approval by the City Council of the City of Daphne and publication as required by law. Pursuant to Code of Alabama (1975) Section 11-52-85, the zoning of the subject property shall become effective upon the date the territory is annexed into the corporate limits. If any portion of the subject property is not annexed into the corporate limits within 180 days of the initiation of annexation proceedings as provided by law, this pre-zoning shall be null and void. Should the pre-zoning become null and void, the applicant may reapply for pre-zoning at any time as long as an annexation petition is pending.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS 1st day of February, 2021.



Robin LeJeune, Mayor

ATTEST:


Candace G. Antinarella, CMC, City Clerk