

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2022-47**

**Ordinance to Pre-Zone Property Located Southeast of the Intersection of County Road 64
and Friendship Road
KJC Investments, L.L.C.**

WHEREAS, KJC Investments, L.L.C., 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-1, Professional Business, B-2, Neighborhood Business and RSF-2, Residential Single Family, 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 the Intersection of County Road 64 and Friendship Road, being more particularly described as follows:

Legal Description for Property to be Pre-Zoned:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 89°-37'-55" WEST A DISTANCE OF 756.54 FEET; THENCE RUN SOUTH 00°-16'-21" WEST A DISTANCE OF 410.42 FEET TO A CAPPED REBAR (GARSED) AT THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL: THENCE RUN SOUTH 00°-16'-47" WEST A DISTANCE OF 917.64 FEET TO A CAPPED REBAR (ILLEGIBLE); THENCE RUN NORTH 89°-31'-03" WEST A DISTANCE OF 566.05 FEET TO A CAPPED REBAR (ILLEGIBLE); THENCE RUN SOUTH 00°-12'-14" WEST A DISTANCE OF 662.87 FEET TO A CAPPED REBAR (10675) AT THE NORTHEAST CORNER OF LOT 4, TRIONE TRACE, AS RECORDED ON SLIDE 1594-A OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 89°-28'-33" WEST ALONG THE NORTH LINE OF SAID LOT 4 A DISTANCE OF 584.07 FEET TO A CAPPED REBAR (0089LS) AT THE SOUTHEAST CORNER OF LOT 10-A, AMENDED PLAT, ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1, REPLAT OF LOT 10, AS RECORDED ON SLIDE 2778-F OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00°-13'-38" EAST ALONG THE EAST LINE OF SAID LOT 10-A A DISTANCE OF 200.06 FEET TO A CAPPED REBAR (HMR) AT THE NORTHEAST CORNER OF SAID LOT 10-A; THENCE RUN NORTH 89°-27'-54" WEST ALONG THE NORTH LINE OF SAID LOT 10-A A DISTANCE OF 400.03 FEET TO A CAPPED REBAR (HMR); THENCE RUN NORTH 89°-31'-08" WEST ALONG THE NORTH LINE OF SAID LOT 10-A A DISTANCE OF 39.76 FEET TO A CAPPED REBAR (HMR) AT THE SOUTHEAST CORNER OF A PARCEL LABELED "RESERVED FOR FUTURE RIGHT-OF-WAY AS SHOWN ON THE PLAT OF ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1, AS RECORDED ON SLIDE 2439-D OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00°-11'-43" EAST ALONG THE EAST LINE OF SAID ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1 A DISTANCE OF 404.37 FEET; THENCE RUN SOUTH 89°-47'-01" EAST A DISTANCE OF 304.69 FEET; THENCE RUN NORTH 00°-10'-12" EAST A DISTANCE OF 564.17 FEET; THENCE RUN NORTH 89°-47'-01" WEST A DISTANCE OF 304.23 FEET TO THE EAST LINE OF SAID ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1; THENCE RUN NORTH 00°-13'-07" EAST ALONG

THE EAST LINE OF SAID ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1 A DISTANCE OF 409.55 FEET TO A CAPPED REBAR (HMR) AT THE NORTHEAST CORNER OF LOT 2 OF SAID ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1; THENCE RUN NORTH 89°-38'-35" WEST ALONG THE NORTH LINE OF SAID LOT 2 A DISTANCE OF 90.24 FEET TO A CAPPED REBAR (ILLEGIBLE) AT THE SOUTHEAST CORNER OF LOT 1 OF SAID ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1; THENCE RUN NORTH 00°-13'-22" EAST ALONG THE EAST LINE OF SAID LOT 1 A DISTANCE OF 183.19 FEET; THENCE RUN SOUTH 89°-37'-02" EAST A DISTANCE OF 15.00 FEET; THENCE RUN NORTH 00°-13'-54" EAST A DISTANCE OF 170.00 FEET; THENCE RUN SOUTH 89°-39'-50" EAST ALONG A LINE 15 FEET SOUTH OF AND PARALLEL WITH THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD 64 (80' R/W) A DISTANCE OF 1,149.65 FEET; THENCE RUN SOUTH 00°-25'-16" WEST A DISTANCE OF 354.94 FEET TO A 1/2" REBAR; THENCE RUN SOUTH 89°-34'-38" EAST A DISTANCE OF 517.65 FEET TO THE POINT OF BEGINNING. THE DESCRIBED PARCEL CONTAINS 52.48 ACRES, MORE OR LESS.

WHEREAS, at the regular Planning Commission meeting on May 26, 2022, the Commission considered said request and voted to set forth a 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 July 18, 2022; 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-1, Professional Business, B-2, Neighborhood Business and RSF-2, Residential Single Family, Baldwin County District 15, Exterritorial Planning Jurisdiction.

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 August, 2022.



Robin LeJeune, Mayor

ATTEST:



Candace G. Antinarella, CMC, City Clerk





JINRIGHT & ASSOCIATES DEVELOPMENT ENGINEERS
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DATE: 2/24/2022



LEGEND

-  REZONE TO CITY OF DAPHNE AND ZONE B-2 GENERAL BUSINESS
-  REZONE TO CITY OF DAPHNE B-1 GENERAL BUSINESS

PROPOSED ZONING MAP:
 APPROX. 56.42 ACRES
 COUNTY ROAD 64
 AND
 FRIENDSHIP ROAD
 DAPHNE, AL

