

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2022-72**

**Ordinance to Pre-Zone Property Located Southwest of the intersection of U.S. Highway 90
and Alabama Highway 181
Infirmary Health Systems, Inc.**

WHEREAS, Infirmary Health Systems, Inc., 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 and RSF-1, Residential Single Family, Baldwin County District 15, in the extraterritorial planning jurisdiction of the City of Daphne, be pre-zoned as B-2(a), General Business Alternate, prior to annexation into the City of Daphne; and

WHEREAS, said real property is located Southwest of the intersection of U.S. Highway 90 and Alabama Highway 181, being more particularly described as follows:

Legal Description for Property to be Pre-Zoned:

COMMENCE AT 5/8 INCH CAPPED REBAR (CA-007-LS) AT THE SOUTHWEST CORNER OF LOT 12 OF EASTERN SHORE PARK SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2244-A AND SLIDE 2244-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE SOUTH 05 DEGREES 24 MINUTES 34 SECONDS EAST, A DISTANCE OF 80.87 FEET TO A 1/2 INCH REBAR ON THE SOUTH RIGHT-OF-WAY OF U.S. HIGHWAY 90 FOR THE POINT OF BEGINNING: THENCE RUN NORTH 88 DEGREES 57 MINUTES 53 SECONDS EAST, ALONG THE SOUTH RIGHT-OF-WAY OF SAID U.S. HIGHWAY 90, A DISTANCE OF 223.85 FEET TO A 1/2 INCH CAPPED REBAR (CA-0604-LS); THENCE RUN ALONG THE EAST BANK OF A POND THE FOLLOWING COURSE, TO WIT; SOUTH 08 DEGREES 18 MINUTES 01 SECONDS WEST, A DISTANCE OF 11 FEET, MORE OR LESS; SOUTH 11 DEGREES 07 MINUTES 45 SECONDS EAST, A DISTANCE OF 19 FEET, MORE OR LESS; SOUTH 25 DEGREES 40 MINUTES 16 SECONDS EAST, A DISTANCE OF 48 FEET, MORE OF LESS; SOUTH 32 DEGREES 27 MINUTES 19 SECONDS EAST, A DISTANCE OF 157 FEET, MORE OR LESS; TO THE WEST MARGIN OF THE WEST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 00 DEGREES 17 MINUTES 52 SECONDS WEST, A DISTANCE OF 103 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF THE WEST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 34; THENCE RUN NORTH 89 DEGREES 06 MINUTES 40 SECONDS EAST, A DISTANCE OF 658.95 FEET TO A 5/8 INCH CAPPED REBAR (CA-007-LS) AT THE SOUTHEAST CORNER OF THE WEST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 34; THENCE RUN NORTH 00 DEGREES 14 MINUTES 00 SECONDS EAST, ALONG THE EAST MARGIN OF THE WEST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 34, A DISTANCE OF 310.06 FEET TO A 5/8 INCH CAPPED REBAR (CA-007-LS) ON THE SOUTH RIGHT-OF-WAY OF SAID U.S. HIGHWAY 90; THENCE RUN NORTH 89 DEGREES 05 MINUTES 42 SECONDS EAST, ALONG THE SOUTH RIGHT-OF-WAY OF SAID U.S. HIGHWAY 90, A DISTANCE OF 567.09 FEET TO A 1/2 INCH CAPPED REBAR (CA-0951-LS) ON THE WEST RIGHT-OF-WAY OF ALABAMA STATE HIGHWAY 181; THENCE RUN SOUTH 45 DEGREES 20 MINUTES 48 SECONDS EAST, ALONG THE WEST RIGHT-OF-WAY OF SAID ALABAMA STATE HIGHWAY 181, A DISTANCE OF 13.99 FEET TO A 1/2 INCH CAPPED REBAR (CA-0951-LS); THENCE RUN SOUTH 00 DEGREES 12 MINUTES 51 SECONDS WEST, ALONG THE WEST RIGHT-OF-WAY OF SAID ALABAMA STATE HIGHWAY 181, A DISTANCE OF 1491.53 FEET TO A 5/8 INCH CAPPED REBAR (CA-0033-LS) ON THE NORTH RIGHT-OF-

WAY OF MALBIS LANE; THENCE RUN NORTH 83 DEGREES 16 MINUTES 51 SECONDS WEST, ALONG THE NORTH RIGHT-OF-WAY OF MALBIS LANE, A DISTANCE OF 1012.72 FEET TO A ½ INCH CAPPED REBAR; THENCE RUN NORTH 02 DEGREES 18 MINUTES 50 SECONDS WEST, A DISTANCE OF 410.51 FEET TO A ½ INCH CAPPED REBAR (FAIRHOPE); THENCE RUN NORTH 36 DEGREES 45 MINUTES 14 SECONDS WEST, A DISTANCE OF 282.91 FEET TO A ½ INCH REBAR; THENCE RUN NORTH 89 DEGREES 59 MINUTES 38 SECONDS WEST, A DISTANCE OF 101.90 FEET TO A ½ INCH REBAR; THENCE RUN NORTH 00 DEGREES 20 MINUTES 17 SECONDS WEST, A DISTANCE OF 137.17 FEET TO A ½ INCH REBAR; THENCE RUN NORTHWESTERLY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1233.21 FEET, AN ARC LENGTH OF 406.32 FEET, (CHORD BEARS NORTH 36 DEGREES 08 MINUTES 42 SECONDS WEST, A DISTANCE OF 404.49 FEET) TO ½ INCH CAPPED REBAR (CA-0604-LS); THENCE NORTHERLY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1233.21 FEET, AN ARC LENGTH OF 259.19 FEET (CHORD BEARS NORTH 06 DEGREES 26 MINUTES 07 SECONDS WEST, A DISTANCE OF 258.71 FEET) TO THE POINT OF BEGINNING, TRACT CONTAINS 36.18 ACRES, MORE OR LESS, AND LIES SECTION 34, TOWNSHIP 4 SOUTH, RANGE, 2 EAST, BALDWIN COUNTY, ALABAMA.

WHEREAS, at the regular Planning Commission meeting on October 27, 2022, the Commission considered said request and voted to set forth an unanimously favorable recommendation to the City Council to pre-zone the property B-2(a), General Business Alternate; 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 December 19, 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(a), General Business Alternate, 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 and RSF-1, 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.

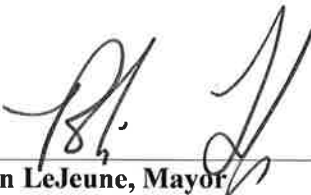
SECTION III: SEVERABILITY.

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 3rd day of January, 2023.



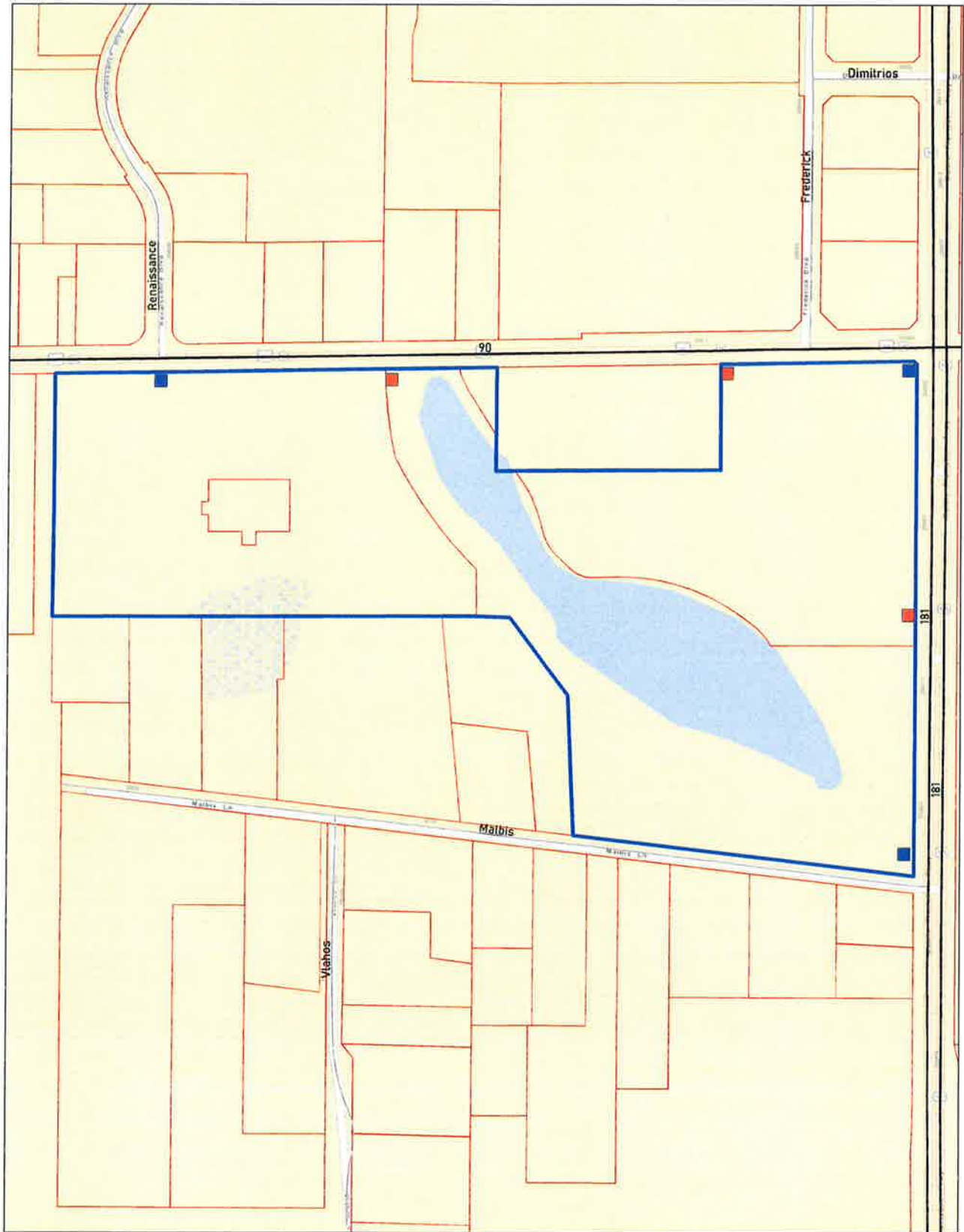
Robin LeJeune, Mayor

ATTEST:



Candace G. Antinarella, CMC, City Clerk

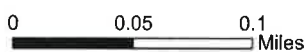
Medical Overlay District Sign Locations



Maps are for graphical purposes only. They do not represent a legal survey.

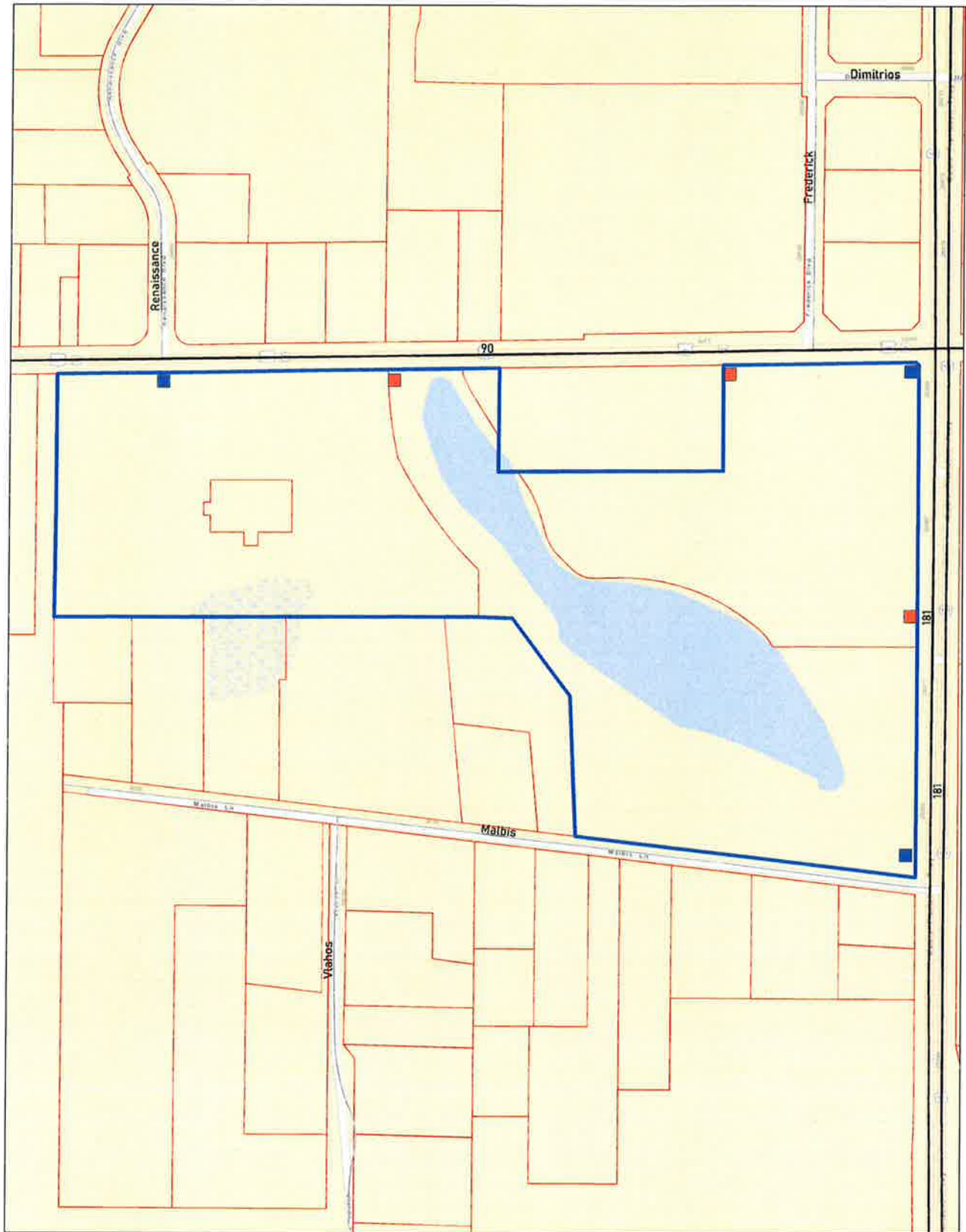
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Basemap maintained by ESRI



- Medical Overlay District
- Other Parcels
- Major Roads
- Roads
- Sign Location Preference**
- Primary
- Secondary

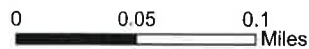
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- Medical Overlay District
- Other Parcels
- Major Roads
- Roads
- Sign Location Preference**
- Primary
- Secondary