

**CITY OF DAPHNE, ALABAMA  
ORDINANCE 2024-14**

**Ordinance to Pre-Zone Property Located Due West of the Intersection of  
Plantation Drive and Alabama Highway 181  
Malbis Plantation, Inc.**

**WHEREAS**, Malbis Plantation, 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-4, Major Commercial, 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 due West of the intersection of Plantation Drive and Alabama Highway 181, being more particularly described as follows:

**Legal Description for Property to be Pre-Zoned:**

Lot 1 and Lot 2, Malbis Business Park, according to the plat thereof of, as recorded on Slide 0002540-F in the Office of the Judge of Probate of Baldwin County, Alabama.

**WHEREAS**, at the regular Planning Commission meeting on March 28, 2024, 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 May 20, 2024; 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 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-4, Major Commercial, and RSF-1, Residential Single Family, Baldwin County District 15, Extraterritorial 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 3<sup>rd</sup> day of June, 2024.**

  
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Robin LeJeune, Mayor

**ATTEST:**

  
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Candace G. Antinarella, MMC, City Clerk

