

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2024-19**

**Ordinance to Pre-Zone Property Located Southwest of the intersection of
County Road 13 and Milton Jones Road
68V Baldwin Land Holdings, LLC, Sharon and John Boni, Sharon, Thomas and John
Boni, and Sharon Boni, representative of Thelma Boni Estate**

WHEREAS, 68V Baldwin Land Holdings, LLC, Sharon and John Boni, Sharon, Thomas and John Boni, and Sharon Boni, representative of Thelma Boni Estate, 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 RSF-E, Residential Single Family Estate, RMF-6 Multiple Family, RSF-2, Single Family Residential, and B-3, General Business, Baldwin County District 15, in the extraterritorial planning jurisdiction of the City of Daphne, be pre-zoned as PUD, Planned Unit Development, prior to annexation into the City of Daphne; and

WHEREAS, said real property is located Southwest of the intersection of County Road 13 and Milton Jones Road, being more particularly described as follows:

Legal Description for Property to be Pre-Zoned:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 00 DEGREES 19 MINUTES 24 SECONDS EAST, ALONG THE EAST LINE OF SAID SECTION 21, A DISTANCE OF 667.52 FEET; THENCE RUN NORTH 89 DEGREES 23 MINUTES 03 SECONDS WEST, A DISTANCE OF 40.00 FEET TO A 1/2" CAPPED REBAR SET (CA-1167-LS) ON THE WEST RIGHT-OF-WAY OF COUNTY ROAD NUMBER 13 FOR THE POINT OF BEGINNING; THENCE DEPARTING SAID RIGHT-OF-WAY, CONTINUE NORTH 89 DEGREES 23 MINUTES 03 SECONDS WEST, A DISTANCE OF 1280.51 FEET TO A 1/2" CAPPED REBAR FOUND (MOORE); THENCE RUN NORTH 89 DEGREES 27 MINUTES 54 SECONDS WEST, A DISTANCE OF 667.54 FEET TO A 1/2" CAPPED REBAR FOUND (CA-0604-LS); THENCE RUN SOUTH 00 DEGREES 09 MINUTES 34 SECONDS EAST, A DISTANCE OF 661.03 FEET TO A 3/4" OPEN TOP PIPE FOUND; THENCE RUN NORTH 89 DEGREES 13 MINUTES 25 SECONDS WEST, A DISTANCE OF 247.59 FEET TO A 1/2" REBAR FOUND; THENCE RUN NORTH 00 DEGREES 46 MINUTES 35 SECONDS EAST, A DISTANCE OF 40.00 FEET TO A 1/2" CAPPED REBAR SET (CA-1167-LS) ON THE NORTH RIGHT-OF-WAY OF GLOVER LANE; THENCE RUN NORTH 89 DEGREES 13 MINUTES 25 SECONDS WEST, ALONG THE NORTH RIGHT-OF-WAY OF SAID GLOVER LANE, A DISTANCE OF 375.33 FEET TO A 1/2" CAPPED REBAR SET (CA-1167-LS) ON THE EAST RIGHT-OF-WAY OF FRIENDSHIP ROAD; THENCE RUN NORTH 00 DEGREES 14 MINUTES 02 SECONDS EAST, ALONG THE EAST RIGHT-OF-WAY OF SAID FRIENDSHIP ROAD, A DISTANCE OF 1003.65 FEET TO A 1/2" CAPPED REBAR FOUND (MOORE); THENCE DEPARTING SAID RIGHT-OF-WAY, RUN SOUTH 89 DEGREES 33 MINUTES 10 SECONDS EAST, A DISTANCE OF 253.20 FEET TO A 1/2" CAPPED REBAR FOUND (MOORE); THENCE RUN NORTH 00 DEGREES 10 MINUTES 23 SECONDS EAST, A DISTANCE OF 294.79 FEET TO A 1/2" CAPPED REBAR FOUND (MOORE) ON THE SOUTH LINE OF BUSINESS CENTER OF FRIENDSHIP ROAD SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2090-C AND SLIDE 2090-D, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 89 DEGREES 38 MINUTES 14 SECONDS EAST, A DISTANCE OF 147.62 FEET TO A 1/2" CAPPED REBAR FOUND (CA-0604-LS); THENCE RUN NORTH 00 DEGREES 07 MINUTES 58 SECONDS EAST, ALONG THE EAST LINE OF SAID SUBDIVISION, A DISTANCE OF 281.34 FEET TO A 1/2" CAPPED REBAR SET (CA-1167-LS) AT THE SOUTHEAST CORNER OF LOT 7 OF SAID SUBDIVISION; THENCE RUN NORTH 89 DEGREES 51 MINUTES 43 SECONDS WEST, ALONG THE SOUTH OF SAID LOT 7, A DISTANCE OF 400.21 FEET TO A 1/2" CAPPED REBAR FOUND (CA-0604-LS) AT THE SOUTHWEST CORNER OF SAID LOT 7 AND THE EAST RIGHT-OF-WAY OF THE AFOREMENTIONED FRIENDSHIP ROAD; THENCE RUN NORTH 00 DEGREES 07 MINUTES 50 SECONDS EAST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 279.50 FEET TO A 1/2" CAPPED REBAR FOUND (CA-0604-LS) AT THE NORTHWEST CORNER OF LOT 6 OF SAID SUBDIVISION; THENCE DEPARTING SAID RIGHT-OF-WAY, RUN SOUTH 89 DEGREES 51 MINUTES 35 SECONDS EAST, ALONG THE NORTH

LINE OF SAID LOT 6, A DISTANCE OF 400.14 FEET TO A 1/2" CAPPED REBAR FOUND (CA-1167-LS) AT THE NORTHEAST CORNER OF SAID LOT 6; THENCE RUN NORTH 00 DEGREES 06 MINUTES 55 SECONDS EAST, ALONG SAID SUBDIVISION, A DISTANCE OF 750.83 FEET TO A 1/2" CAPPED REBAR FOUND (CA-0604-LS) ON THE SOUTH LINE OF A RESUBDIVISION OF LOTS 2 & 3 OF FRIENDSHIP PARK SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2422-C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 89 DEGREES 25 MINUTES 42 SECONDS EAST, ALONG THE SOUTH LINE OF SAID RESUBDIVISION OF LOTS 2 & 3 OF FRIENDSHIP PARK SUBDIVISION, A DISTANCE OF 635.09 FEET TO A 1/2" CAPPED REBAR FOUND (LS #10675) AT THE SOUTHWEST CORNER OF LOT 4 OF TRIONE TRACE SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 1594-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 89 DEGREES 21 MINUTES 56 SECONDS EAST, ALONG THE SOUTH LINE OF LOT 4 OF SAID TRIONE TRACE SUBDIVISION AND A PROJECTION THEREOF, A DISTANCE OF 911.38 FEET TO A 5/8" CAPPED REBAR FOUND (CA-0568-LS); THENCE RUN NORTH 00 DEGREES 15 MINUTES 57 EAST, A DISTANCE OF 1328.23 FEET TO 1/2" CAPPED REBAR FOUND (ILLEGIBLE) AT THE SOUTHWEST CORNER OF LOT 4 OF BONI SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2055-E, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 89 DEGREES 30 MINUTES 22 SECONDS EAST, ALONG THE SOUTH LINE OF SAID LOT 4, A DISTANCE OF 621.85 FEET TO A 1/2" REBAR FOUND ON THE AFOREMENTIONED WEST RIGHT-OF-WAY OF SAID COUNTY ROAD NUMBER 13; THENCE RUN SOUTH 00 DEGREES 08 MINUTES 04 SECONDS WEST, ALONG SAID WEST RIGHT-OF-WAY, A DISTANCE OF 1319.16 FEET TO A 1/2" CAPPED REBAR SET (CA-1167-LS); THENCE RUN SOUTH 00 DEGREES 19 MINUTES 24 SECONDS WEST, ALONG SAID WEST RIGHT-OF-WAY, A DISTANCE OF 2001.88 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 134.31 ACRES, MORE OR LESS.

WHEREAS, at the regular Planning Commission meeting on April 25, 2024, the Commission considered said request and voted to set forth an unanimously favorable recommendation to the City Council to pre-zone the property PUD, Planned Unit Development contingent upon the following: providing an updated narrative that includes provisions about Architectural Theme design standards (c)(1)(iii) regarding recessed front facing garages; (c)(1)(iv)(1.b) regarding garage locations; (c)(1)(iv)(1.c) regarding reduction to front yard setback and (c)(2) regarding recessed garages along side streets; reduction of the rear setback from 25 to 20 feet for 52.5 feet wide residential lots and 72 feet side residential lots; 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 June 17, 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 PUD, Planned Unit Development, 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 RSF-E, Residential Single Family Estate, RMF-6 Multiple Family, RSF-2, Single Family Residential, and B-3, General Business, 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.

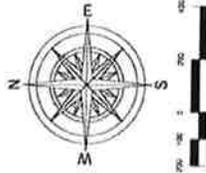
ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS 17th day of June, 2024.



Robin LeJeune, Mayor

ATTEST:


Candace G. Antinarella, MMC, City Clerk



ROWAN OAK

DAPHNE

A Planned Unit Development

TOTAL AREA	134.31 AC
Commercial	11.61 AC
Recreational	123.26 AC
Townhomes 24'W/4d	60
Townhomes 20'W/4d	72
Multi-Family	204
42.5x130'4	90
52.5x130'4	100
72x130'4	56
TOTAL	543
Open Space	466 / Ac
Open Space	296 Ac (23.6%)
Current Zoning	RMF-6, RCF-2, R3F-E
Proposed Zoning	PUD (Daphne County)
Empireman Ave.	41.8 Acres (3.1%)

Building	498
Single Family	74
2 Sp / unit	506
Additional	40
Townhomes	408
Additional	45
Total Buildings	1466

Handing Building is provided for each House and Building Type based on current Daphne Land Use Ordinance

Utility Provided	Before Water	Max.	Max.
Water	Before Water	Bldg. Ht.	Coverage
Sewer	Daphne Utilities	35 Ft.	35%
Power	AT&T	2-1/2	30%
Telephone	AT&T	35 Ft.	30%
		50 Ft.	40%



APRIL 24, 2014



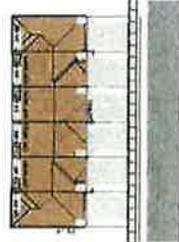
"Landscaping" Detailed Landscaping Plans will be provided for each Plot and Site Plan submitted for approval in accordance with Article 19 of the Daphne Land Use Development Ordinance.



Vicinity Map
1 inch = 1 mile

42.5' Lot	52.5' Lot	72' Lot
Front: 28 Ft.	Front: 28 Ft.	Front: 28 Ft.
Side: 47 Ft.	Side: 47 Ft.	Side: 47 Ft.
Back: 130 Ft.	Back: 130 Ft.	Back: 130 Ft.
Side Street: 18 Ft.	Side Street: 18 Ft.	Side Street: 18 Ft.

Typical Single Family Lots



Typical Townhome Lots

OWNERS

- Sharon Bann
120 Iron Ledge Road
Savner, PA 16055
- Thomas Bann
Estate of Thelma Marie Bann
Thomas Bann
1203 Belle Claire Drive
Mobile, AL 36693
- Jain Christopher Bann
1303 Orchard Dr
New Kensington, PA 15068
- Frederick Bann
2605 Springhill Ave
Mobile, AL 36607
- asV Builders Holdings, LLC
707 Bernice Ave
Daphne, AL 36526
- Equities/Investors
S.E. Civil Engineering & Surveying
0909 Windmill Road
Frushope, AL 36542
Larry Smith, PE Lic. 20348
David Thibault, PLS Lic. 26014
- DeVosser
84 Veterans
707 Bellflower Avenue
Daphne, AL 36526