

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2024-46****Ordinance to Pre-Zone Property Located Southeast of the intersection of
Austin Road and Alabama Highway 181
Bertolla Properties, LLC**

WHEREAS, Bertolla Properties, LLC, 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-2, Residential Single Family, 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, prior to annexation into the City of Daphne; and

WHEREAS, said real property is located Southeast of the intersection of Austin Road and Alabama Highway 181, being more particularly described as follows:

Legal Description for Property to be Pre-Zoned:

BEGINNING AT A ONE-HALF INCH CAPPED REBAR SET (SE CIVIL) AT THE NORTHWEST CORNER OF COMMON AREA ONE OF JUBILEE FARMS, PHASE ONE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN SLIDES 2682-A, 2682-B, AND 2682-C, PROBATE COURT RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89 DEGREES 34 MINUTES 31 SECONDS EAST, ALONG THE NORTH LINE OF SAID COMMON AREA AND LOT 32 THRU LOT 39, A DISTANCE OF 1240.44 FEET TO A ONE-HALF INCH CAPPED REBAR SET (SE CIVIL) AT THE SOUTHWEST CORNER OF JUBILEE FARMS, PHASE TWO, ACCORDING TO THE PLAT THEREOF AS RECORDED IN SLIDES 2690-D, PROBATE COURT RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00 DEGREES 03 MINUTES 18 SECONDS EAST, ALONG THE WEST LINE OF SAID JUBILEE FARMS, PHASE TWO, A DISTANCE OF 902.14 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (DEWBERRY) ON THE SOUTH RIGHT-OF-WAY OF AUSTIN ROAD; THENCE RUN SOUTH 89 DEGREES 32 MINUTES 41 SECONDS WEST, ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 400.21 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (DEWBERRY); THENCE RUN SOUTH 00 DEGREES 21 MINUTES 50 SECONDS EAST, ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 20.00 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (DEWBERRY); THENCE RUN SOUTH 89 DEGREES 26 MINUTES 30 SECONDS WEST, ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 803.90 FEET TO A SIX INCH SQUARE CONCRETE MONUMENT FOUND; THENCE RUN SOUTH 33 DEGREES 38 MINUTES 20 SECONDS WEST, A DISTANCE OF 45.09 FEET TO A SIX INCH SQUARE CONCRETE MONUMENT FOUND ON THE EAST RIGHT-OF-WAY OF STATE HIGHWAY 181; THENCE RUN SOUTH 03 DEGREES 52 MINUTES 38 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 150.82 FEET TO A SIX INCH SQUARE CONCRETE MONUMENT FOUND; THENCE RUN SOUTH 00 DEGREES 10 MINUTES 44 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 692.30 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 25.22 ACRES, MORE OR LESS.

WHEREAS, at the regular Planning Commission meeting on October 24, 2024, the Commission considered said request and voted to set forth a favorable recommendation to the City Council to pre-zone the property B-2(a), 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 December 16, 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 "B" 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, 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 as RSF-2, Residential Single Family, 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 27th day of January, 2025.



Robin LeJeune, Mayor

ATTEST:



Candace G. Antinarella, MMC, City Clerk

