

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2024-43**

**Ordinance to Pre-Zone Property Located Southeast of Friendship Road and County Road 64
Bayside Academy, Inc.**

WHEREAS, Bayside Academy, 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 RSF-2, Single Family Residential and B-1 Professional Business, Baldwin County District 15, in the extraterritorial planning jurisdiction of the City of Daphne, be pre-zoned as C-2, Outdoor Amusement, prior to annexation into the City of Daphne; and

WHEREAS, said real property is located Southeast of Friendship Road and County Road 64, being more particularly described as follows:

Legal Description for Property to be Pre-Zoned:

COMMENCING AT A CRIMP TOP IRON PIPE FOUND AT THE “LOCALLY ACCEPTED” NORTHEAST CORNER OF SECTION 21, TOWNSHIP 5 SOUTH, RANCE 2 EAST, THENCE RUN N89°37’55”W, ALONG THE NORTH MARGIN OF THE NORTHEAST QUARTER OF SAID SECTION 21, FOR A DISTANCE OF 661.54 FEET TO THE POINT OF BEGINNING; THENCE RUN N89°37’20”W, ALONG THE NORTH MARGIN OF THE NORTHEAST QUARTER OF SAID SECTION 21, FOR A DISTANCE OF 95 FEET TO A POINT; THENCE RUN S0°16’28”W FOR A DISTANCE OF 1288.02 FEET TO A POINT; THENCE RUN N89°31’41”W FOR A DISTANCE OF 566.08 FEET TO A POINT; THENCE RUN S89°22’21”E FOR A DISTANCE OF 659.46 FEET TO A POINT; THENCE RUN N0°16’21”E FOR A DISTANCE OF 2616.38 FEET TO THE POINT OF BEGINNING; CONTAINING 22.93 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 C-2, Outdoor Amusement; 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 “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 C-2, Outdoor Amusement, 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, Single Family Residential and B-1 Professional 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 6th day of January, 2025.



Robin LeJeune, Mayor

ATTEST:



Candace G. Antinarella, MMC, City Clerk

