

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2025-06**

**Ordinance to Pre-Zone Property Located at the
Northwest intersection of County Road 64 and County Road 54 West
Louisa Marco Toler Revocable Trust Dated July 24, 2024**

WHEREAS, Louisa Marco Toler Revocable Trust Dated July 24, 2024 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 RA, Rural Agricultural, Baldwin County District 15, in the extraterritorial planning jurisdiction of the City of Daphne, be pre-zoned as R-6(G), Garden or Patio Home and B-2(a), General Business, prior to annexation into the City of Daphne; and

WHEREAS, said real property is located at the Northwest intersection of County Road 64 and County Road 54 West, being more particularly described as follows:

Legal Description for Property to be Pre-Zoned:

R-6G DESCRIPTION

BEGIN AT THE SOUTHEAST CORNER OF SAINT AUGUSTINE PHASE 5, AS SHOWN IN MAP OR PLAT THEREOF RECORDED IN SLIDE 2894-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, SAID POINT BEING ALSO ON THE WEST RIGHT-OF-WAY OF COUNTY ROAD 54 W; THENCE RUN SOUTH, ALONG SAID WEST RIGHT-OF WAY, A DISTANCE OF 1,320 FEET, MORE OR LESS; THENCE RUN WEST, DEPARTING SAID WEST RIGHT-OF-WAY OF COUNTY ROAD 54 W, A DISTANCE OF 1,290 FEET, MORE OR LESS; THENCE RUN NORTH, A DISTANCE OF 1,320 FEET, MORE OR LESS, TO A POINT ON THE SOUTH LINE OF SAINT AUGUSTINE PHASE 1A, AS SHOWN IN MAP OR PLAT THEREOF RECORDED IN SLIDES 2451-A, B AND C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN EAST, ALONG SAID SOUTH LINE AND A CONTINUATION THEREOF, A DISTANCE OF 1,290 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

TRACT CONTAINING 39 ACRES, MORE OR LESS, AND LIES IN SECTION 14, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

B-2A DESCRIPTION

COMMENCING AT THE SOUTHEAST CORNER OF SAINT AUGUSTINE PHASE 5, AS SHOWN IN MAP OR PLAT THEREOF RECORDED IN SLIDE 2894-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, SAID POINT BEING ALSO ON THE WEST RIGHT-OF-WAY OF COUNTY ROAD 54 W; THENCE RUN SOUTH, ALONG SAID WEST RIGHT-OF WAY, A DISTANCE OF 1,320 FEET, MORE OR LESS, TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH, ALONG SAID WEST RIGHT-OF WAY, A DISTANCE OF 1,260 FEET, MORE OR LESS, TO A POINT ON THE NORTH RIGHT-OF-WAY OF COUNTY ROAD 64; THENCE RUN WEST, ALONG SAID NORTH RIGHT-OF-WAY, A DISTANCE OF 2,580 FEET, MORE OR LESS, TO A POINT ON THE EAST RIGHT-OF-WAY OF RIGSBY ROAD; THENCE RUN NORTH, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 2,260 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF PARKER SUBDIVISION, AS SHOWN IN MAP OR PLAT THEREOF RECORDED IN

SLIDE 2540-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN EAST, ALONG THE SOUTH LINE OF SAID PARKER SUBDIVISION AND A CONTINUATION THEREOF, A DISTANCE OF 1,290 TO THE SOUTHEAST CORNER OF LANDS HERETOFORE CONVEYED TO L.B. WOODRUFF, III AND JAIMIE WOODRUFF, RECORDED AT INSTRUMENT 2023051, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH, A DISTANCE OF 990 FEET, MORE OR LESS; THENCE RUN EAST, A DISTANCE OF 1,290 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

TRACT CONTAINING 105 ACRES, MORE OR LESS, AND LIES IN SECTION 14, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

WHEREAS, at the regular Planning Commission meeting on February 27, 2025, the Commission considered said request and voted to set forth a favorable recommendation to the City Council to pre-zone the property R-6(G), Garden or Patio Home and 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 April 21, 2025; 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 R-6(G), Garden or Patio Home and 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 RA, Rural Agricultural, 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 5th day of May, 2025.




Robin LeJeune, Mayor

ATTEST:



Candace G. Antinarella, MMC, City Clerk

