

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2025-13**

**Ordinance to Pre-Zone Property Located
Northeast of County Road 64 and Alabama Highway 181**

WHEREAS, The Estate of Georgianne Simms Pre-Zoning Amendment, as the owner of certain real property located within the City of Daphne, has requested that said property that is currently zoned as B-3, General Business, Baldwin County District 15, be pre-zoned as B-2, General Business; and

WHEREAS, said real property is located Northeast of County Road 64 and Alabama Highway 181 and more particularly described as follows:

BEGINNING AT A ONE-HALF INCH CAPPED REBAR FOUND (SE CIVIL CA-1167), BEING THE SOUTHWEST CORNER OF LOT A, SIMMS SUBDIVISION, A RE-SUBDIVISION OF LOT 1C, SIMMS-FOSTER SUBDIVISION, AS RECORDED ON A MAP OR PLAT THEREOF ON SLIDE 2929-E, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, ALSO BEING ON THE EAST RIGHT-OF-WAY OF STATE HIGHWAY 181: THENCE RUN

N 89°53'29" E, ALONG THE SOUTH LINE OF SAID LOT A AND A PROJECTION THEREOF, A DISTANCE OF 390.00 FEET, TO A ONE-HALF INCH CAPPED REBAR SET (SE CIVIL CA-1167); THENCE RUN

S 00°00'00" E, A DISTANCE OF 130.64 FEET, TO A ONE-HALF INCH CAPPED REBAR SET (SE CIVIL CA-1167); THENCE RUN S 89°54'27" W, A DISTANCE OF 132.15 FEET, TO A ONE-HALF INCH CAPPED REBAR FOUND (19254); THENCE RUN S 00°10'02" W, A DISTANCE OF 51.01 FEET, TO A ONE-HALF INCH CAPPED REBAR FOUND (SE CIVIL CA-1167), ON THE NORTH LINE OF LOT 1A, SIMMS-FOSTER SUBDIVISION, BEING A MAP OR PLAT THEREOF, AS RECORDED ON SLIDE 2825-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN N 89°45'03" W, ALONG SAID NORTH LINE, A DISTANCE OF 258.75 FEET, TO A ONE-HALF INCH CAPPED REBAR FOUND (SE CIVIL CA-1167), ON THE AFOREMENTIONED EAST RIGHT-OF-WAY OF STATE HIGHWAY 181; THENCE RUN N 00°18'04" E, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 49.47 FEET, TO A ONE-HALF CAPPED REBAR FOUND (19254), ON SAID EAST RIGHT-OF-WAY; THENCE RUN N 00°20'47" E, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 130.53 FEET, TO THE POINT OF BEGINNING. SAID DESCRIBED PARCEL CONTAINING 1.47 ACRES, MORE OR LESS, AND IS LYING IN AND BEING A PART OF SECTION 14, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

WHEREAS, at the regular Planning Commission meeting on April 24, 2025, the Commission considered said request and voted to set forth a favorable recommendation; 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 the Daphne Public Library and City Hall, and a public hearing was held before the City Council on June 16, 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 re-zoning of the above described real property 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

The above described real property is hereby pre-zoned from R B-3, General Business, Baldwin County District 15, to B-2, General Business, and the zoning ordinance and zoning map shall be amended to reflect the said zoning change.

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 DATE AND REVERSION.

This Ordinance shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne and after publication as required by law. This zoning classification is subject to a two (2) year reversionary clause. Two years from the date this Ordinance is enacted, if the site development has not started for the purpose listed herein, the zoning shall be null and void and the property shall revert to the prior zoning district. Refer to Section 22-2, Reversionary Clause, of the Daphne Land Use and Development Ordinance.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS 7th DAY OF July, 2025.

Attest:



Robin LeJeune, Mayor



Candace G. Antinarella, MMC, City Clerk