

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2019-11**

**Ordinance to Re-Zone Property Located
Southwest of Whispering Pines Road and Pollard Road
Cynthia Pierce**

WHEREAS, Cynthia Pierce, as the owner of certain real property located within the City of Daphne, has requested that said property that is currently zoned as R-1, Low Density Single-Family Residential District, be re-zoned as R-6(G), Garden or Patio Home District; and

WHEREAS, said real property is located at the Southwest of Whispering Pines Road and Pollard Road, and more particularly described as follows:

Legal Description of Property to be Re-Zoned to R-6(G), Garden or Patio Home District:

A PORTION OF LOT 8, THE ESTATE OF LOUIS H. HOULSEN AS RECORDED IN MISCELLANEOUS BOOK 41 PAGE 212 IN THE OFFICE OF THE JUDGE OF PROBATE BALDWIN COUNTY, ALABAMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LYING IN SECTION 17, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA: BEGINNING AT THE SOUTHEAST CORNER OF LOT 8, THE ESTATE OF LOUIS H. HOULSEN AS RECORDED IN MISCELLANEOUS BOOK 41 PAGE 212 IN THE OFFICE OF THE JUDGE OF PROBATE BALDWIN COUNTY, ALABAMA, BEING A CAPPED REBAR IRON FOUND; THENCE RUN N89°41'27"W, 299.93 FEET TO A RAILROAD SPIKE FOUND; THENCE RUN N0°02'52"W, 129.69 FEET TO A CAPPED REBAR IRON SET; THENCE RUN S89°41'27"E, 300.00 FEET TO A CRIMPED TOP PIPE FOUND ON THE WEST LINE OF POLLARD ROAD (80' RIGHT-OF-WAY), THENCE RUN S0°00'55"E ALONG SAID LINE, 129.92 THE THE POINT OF BEGINNING. CONTAINING 0.89 ACRES ±.

WHEREAS, at the regular Planning Commission meeting on December 20, 2018, the Commission considered said request and set forth a favorable recommendation; and,

WHEREAS, due notice of said proposed re-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 February 18, 2019; 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 re-zoned from R-1, Low Density Single-Family Residential District, be re-zoned as R-6(G), Garden or Patio Home District, 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.

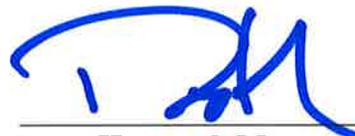
SECTION III: SEVERABILITY.

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.

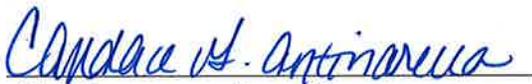
This Ordinance shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne and after publication as required by law. This zoning classification is subject to a two (2) year reversionary clause. Two years from the date this Ordinance is enacted, 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 4th day of March, 2019.



Dane Haygood, Mayor

ATTEST:


Candace G. Antinarella, City Clerk