

**CITY OF DAPHNE, ALABAMA  
ORDINANCE NO. 2019-12**

**Ordinance to Re-Zone Property Located  
Southeast of Whispering Pines Road and Caroline Avenue  
T H Tanglewood 2018, LLC**

**WHEREAS**, T H Tanglewood 2018, LLC, 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-2, Medium Density Single Family Residential District; and

**WHEREAS**, said real property is located at the Southeast of Whispering Pines Road and Caroline Avenue, and more particularly described as follows:

**Legal Description of Property to be Re-Zoned to R-2, Medium Density Single Family Residential District:**

COMMENCE AT THE NORTHEAST CORNER OF SECTION 17, TOWNSHIP 5 SOUTH, RANGE 2 EAST AND RUN THENCE NORTH 89°45'30" WEST, ALONG THE NORTH LINE OF SAID SECTION 17, A DISTANCE OF 1966.64 FEET; THENCE RUN SOUTH 00°30'28" WEST, A DISTANCE OF 40.00 FEET TO A 5/8" CAPPED REBAR (CA-1109-LS) ON THE SOUTH RIGHT-OF-WAY OF WHISPERING PINES ROAD; CONTINUE THENCE SOUTH 00°30'28" WEST, DEPARTING SAID RIGHT-OF-WAY, A DISTANCE OF 695.22 FEET TO A 5/8" CAPPED REBAR (CA-1109-LS); THENCE RUN NORTH 89°56'46" WEST, A DISTANCE OF 295.00 FEET TO A 1/2" CAPPED REBAR (POLYSURVEYING); THENCE RUN NORTH 00°30'27" EAST, A DISTANCE OF 696.19 FEET TO A 5/8" CAPPED REBAR (CA-1109-LS) ON THE SOUTH RIGHT-OF-WAY OF SAID WHISPERING PINES ROAD; THENCE RUN SOUTH 89°45'30" EAST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 295.00 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 4.71 ACRES, MORE OR LESS, AND LIES IN THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

**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-2, Medium Density Single Family Residential 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 4<sup>th</sup> day of March, 2019.**



\_\_\_\_\_  
Dane Haygood, Mayor

**ATTEST:**



\_\_\_\_\_  
Candace G. Antinarella, City Clerk