

**CITY OF DAPHNE, ALABAMA  
ORDINANCE 2019-36**

**Ordinance to Re-Zone Property Located  
Southwest of Main Street and Belrose Avenue (Belrose South)  
Fortuna Investments, LLC**

**WHEREAS**, Fortuna Investments, LLC, 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, Professional Business District, be re-zoned as MU, Mixed Use District; and

**WHEREAS**, said real property is located Southwest of Main Street and Belrose Avenue, and more particularly described as follows:

**Legal Description of Property to be Re-Zoned to MU, Mixed Use District:**

LOTS 31, 32 AND A PORTION OF LOT 33, BLOCK 3, OF YUILLE SUBDIVISION, BELROSE WHARF, SHOWN BY MAP OR PLAT THEREOF RECORDED IN MISCELLANEOUS BOOK 1, PAGE 169, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:

BEGINNING ON A 1" REBAR AT THE NORTHWEST CORNER OF LOT 31, BLOCK 3, OF YUILLE SUBDIVISION, BELROSE WHARF, SHOWN BY MAP OR PLAT THEREOF RECORDED IN MISCELLANEOUS BOOK 1, PAGE 169, PROBATE RECORDS, BALDWIN COUNTY AND RUN THENCE SOUTH 89°35'16" EAST, ALONG THE SOUTH RIGHT OF WAY OF BELROSE AVENUE, A DISTANCE OF 140.03 FEET TO A 2" OPEN END IRON PIPE; THENCE RUN SOUTH 00°27'07" WEST, A DISTANCE OF 63.86 FEET TO A 1" OPEN END IRON PIPE; THENCE RUN NORTH 88°02'14" WEST, A DISTANCE OF 7.97 FEET TO A 1/2" CAPPED REBAR (19254); THENCE RUN SOUTH 00°24'46" WEST, A DISTANCE OF 64.26 FEET TO A 1/2" CAPPED REBAR (19254); THENCE RUN SOUTH 89°24'22" WEST, A DISTANCE OF 132.17 FEET TO A 1/2" CAPPED REBAR (CA-0700-LS); THENCE RUN NORTH 00°28'13" EAST, ALONG THE WEST LINE OF SAID LOT 31, A DISTANCE OF 130.23 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 0.40 ACRES, MORE OR LESS.

**WHEREAS**, at the regular Planning Commission meeting on May 23, 2019, 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 July 15, 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 B-3, Professional Business District, be re-zoned as MU, Mixed Use 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 5<sup>th</sup> day of August, 2019.**

*Mayor did not sign - passed by council*  
**Dane Haygood, Mayor**

*Pat Rudicell*

**Pat Rudicell, Council President**

**Date: August 19, 2019**

**ATTEST:**

*Candace G. Antinarella*

**Candace G. Antinarella, City Clerk**