

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2017-60**

**Ordinance to Pre-Zone Property Located
Southeast of Corte Road and County Road 13
Fred L. Corte**

WHEREAS, Fred L. Corte as the owner of certain real property located within the unincorporated area of Baldwin County, Alabama, has requested that said property that is currently under County zoning as RA, Rural Agricultural, Baldwin County District 15, in the extraterritorial planning jurisdiction of the City of Daphne, to be pre-zoned as PUD, Planned Unit Development, prior to annexing into the City of Daphne; and

WHEREAS, said real property is Southeast of Corte Road and County Road 13, and more particularly described as follows:

Legal Description for Pre-zone:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, SAID POINT ALSO KNOWN AS THE SOUTHWEST CORNER OF BELLATON SUBDIVISION, PHASE ONE AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2194-E, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 00 DEGREES 17 MINUTES 39 SECONDS EAST, ALONG THE WEST MARGIN OF SAID BELLATON SUBDIVISION, PHASE ONE, FUTURE BELLATON SUBDIVISION, PHASE FOUR, AND A PROJECTION THEREOF, A DISTANCE OF 724.68 FEET TO A CAPPED REBAR; THENCE RUN NORTH 00 DEGREES 16 MINUTES 25 SECONDS EAST, A DISTANCE OF 1267.60 FEET; THENCE RUN NORTH 00 DEGREES 40 MINUTES 23 SECONDS EAST, A DISTANCE OF 59.95 FEET TO A CAPPED REBAR ON THE SOUTH MARGIN OF BALDWIN COUNTY FARM TO MARKET ROAD (A.K.A. CORTE ROAD); THENCE RUN NORTH 58 DEGREES 32 MINUTES 58 SECONDS WEST, ALONG AN OLD FENCE ON THE SOUTH MARGIN OF SAID BALDWIN COUNTY FARM TO MARKET ROAD, A DISTANCE OF 355.59 FEET TO A CAPPED REBAR; THENCE RUN NORTH 60 DEGREES 39 MINUTES 04 SECONDS WEST, ALONG SAID OLD FENCE ON THE SOUTH MARGIN OF SAID ROAD, A DISTANCE OF 824.19 FEET TO A CAPPED REBAR; THENCE RUN NORTH 79 DEGREES 30 MINUTES 38 SECONDS WEST, ALONG SAID FENCE AND ROAD, A DISTANCE OF 40.53 FEET TO A CAPPED REBAR; THENCE RUN NORTH 89 DEGREES 21 MINUTES 29 SECONDS WEST, ALONG SAID FENCE AND ROAD, A DISTANCE OF 262.67 FEET TO A CAPPED REBAR; THENCE RUN SOUTH 00 DEGREES 14 MINUTES 57 SECONDS WEST, A DISTANCE OF 2641.94 FEET TO A CAPPED REBAR; THENCE RUN SOUTH 89 DEGREES 33 MINUTES 48 SECONDS EAST, A DISTANCE OF 1325.31 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 73.53 ACRES, MORE OR LESS, AND LIES IN THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

WHEREAS, at the regular Planning Commission meeting on June 22, 2017, the Commission considered said request and set forth a unanimous 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, a public hearing was held before the City Council on August 7, 2017; and,

WHEREAS, the City Council of the City of Daphne after due consideration and upon consideration of the notes of the Planning Commission, deemed that said application for pre-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

That above described real property is hereby pre-zoned to PUD, Planned Unit Development, 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 be amended to reflect the 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 to 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 RA, Rural Agricultural, Baldwin County District 15, in the extraterritorial planning jurisdiction of the City of Daphne.

BLACKSTONE LAKES PUD STANDARDS

Blackstone Lakes, a Planned Unit Development (PUD), is a 73.53 acre site located one-quarter of a mile east of County Road 13 and is bound on the north side by Corte Road and on the east side by Bellaton Subdivision Phases 1 and 4. The property is presently in the extraterritorial jurisdiction of the City of Daphne and is located in Baldwin County Planning District 15 and is zoned RA – Rural Agriculture. Application has been made to the City of Daphne to Pre-zone this property as a PUD.

The proposed development consists of 175 single family lots, with 123 lots at 52' wide and a minimum of 6,000 sq. ft., and 52 lots at 70' wide and a minimum of 10,500 sq. ft.

The proposed density of the development is 2.38 units per acre. There are 20.73 acres, or 28.19% of the total site, proposed as common area. These common areas consists of buffers, stormwater detention areas, and 7.50 acres of recreational area.

The residential lots shall have the following standards:

The 52' wide lots are to have building setbacks of 25' on the front and rear, 6' on the sides, and 15' on the street sides. The 70' wide lots are 30' on the front and rear, 10' on the sides, and 15' on the street sides. The maximum building heights for all residential lots are to be as per the City's R-3 zoning district. The maximum building coverage of each residential lot is 38%.

All utilities will be constructed underground and water, sewer, electric, and telephone are all available to the site. All roadways within the development, except for one area described below, will be public and sidewalks will be located on both sides of the proposed roadways. Sidewalks will be installed by the home builder at the time of house construction and will be required to be ADA compliant. All construction will be in accordance to the standards of the City of Daphne.

The stormwater management system will be designed in accordance with the standards of the City of Daphne. All stormwater facilities and structures outside of public right-of-ways will be maintained by the P.O.A. and not the City of Daphne.

A landscape plan will be provided as part of the subdivision process. The required landscaping will be provided in the common areas and installed during construction of the infrastructure adjacent to those common areas. Any additional landscaping will be provided by the home builders and/or the lot owners.

The PUD Master Plan proposes a mix in residential building types. As a public benefit the developer proposes to make connection to and pave Corte Road from County Road 13 to just beyond the entrance of the proposed development. This will provide connectivity from the existing Bellaton development to County Road 13 and also provide additional access to Bellaton for police, fire, ambulance, garbage service, and school buses. Due to Corte Road being a County Road, all improvements will be designed and constructed to County Standards.

The southernmost 34 lots, Lots 142-175, are proposed as a senior living section within the development with a proposed gated entryway. During the subdivision process, the developer will coordinate with emergency services, garbage services, and utility companies to provide an agreed upon method for access, whether by means of a code or keyed access. The developer plans to coordinate with the Public Works department for curbside garbage pickup service. The roadways within this section will be private and privately maintained. It is also understood that any storm related debris will not be picked up by the City along the private roadways.

Covenants and Restrictions will provide for the formation of a Property Owner's Association for the Blackstone Lakes development whereby maintenance responsibilities

of the private roads, drainage infrastructure outside of public and private roadways, and common areas will be established. It is anticipated that the senior living section will have separate maintenance responsibilities than the remaining property owners of the Blackstone Lakes development but all will be under a Master set of Covenants and Restrictions. These Covenants and Restrictions will be for the Blackstone Lakes development and will not in any way be a part of the existing Bellaton development.

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, and in particular the pre-zoning 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 property, shall become effective upon the date the territory is annexed into the corporate limits. If any portion of the territory is not annexed into the corporate limits within 180 days of the initiation of annexation proceedings as provided by law then 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.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS THE 21ST DAY OF AUGUST, 2017.


Dane Kaygood,
Mayor

ATTEST


Candace G. Antinarella,
City Clerk