

CITY OF DAPHNE
1705 MAIN STREET, DAPHNE, AL
CITY COUNCIL BUSINESS MEETING AGENDA
Monday, December 6, 2021
6:00 P.M.

1. **CALL TO ORDER**
2. **ROLL CALL**
INVOCATION Reverend Taylor Ishii, Church of the Apostles
PLEDGE OF ALLEGIANCE
3. **APPROVE MINUTES:** November 15, 2021 regular meeting
4. **REPORTS OF STANDING COMMITTEES**
 - A. **FINANCE COMMITTEE** – Conaway
Review the minutes from the November 15th meeting.
Treasurer’s Report October 2021:
 - Unrestricted Fund Balance - \$19,038,317
 - Total Cash Balance - \$33,270,497
 - Sales Tax for September 2021 - \$2,080,266
 - Lodging Tax for September 2021 - \$139,887
 - B. **BUILDINGS & PROPERTY COMMITTEE** – Phillips
 - C. **PUBLIC SAFETY COMMITTEE** – Hughes
 - D. **CODE ENFORCEMENT/ORDINANCE COMMITTEE** – Olen
 - E. **PUBLIC WORKS COMMITTEE** – Goodlin
5. **REPORTS OF SPECIAL BOARDS & COMMISSIONS**
 - A. **BOARD OF ZONING ADJUSTMENTS** – Adrienne Jones

MOTION to nominate Tasha Quinnelly to the Board of Zoning Adjustments alternate position.
 - B. **DOWNTOWN REDEVELOPMENT AUTHORITY** – Conaway
 - C. **INDUSTRIAL DEVELOPMENT BOARD** – Scott
 - D. **LIBRARY BOARD** –Phillips
 - E. **PLANNING COMMISSION** – Olen
Review the minutes from the October 28th meeting and the report from the November 18th meeting.
 - F. **RECREATION BOARD** – Hughes
 - G. **UTILITY BOARD** – Coleman
6. **PUBLIC PARTICIPATION**
7. **MAYOR’S REPORT**

City Council Agenda – December 6, 2021

8. CITY ATTORNEY REPORT

9. DEPARTMENT HEAD REPORTS

10. CITY CLERK'S REPORT

MOTION to approve the SEEDS 5k and Fun Run on March 12, 2022 from 8:00am – 11:00am at Daphne City Hall.

MOTION to approve the publication and set a public hearing on February 7, 2022 for the GCOF Reserve of Daphne, L.L.C., and 68V Reserve at Plantation Hills 2021, L.L.C. Pre-Zoning Amendment.

MOTION to approve the publication and set a public hearing on February 7, 2022 for the GCOF Reserve of Daphne, L.L.C., James and Barbara Conaway, Joseph Lazzari, Joseph Lazzari, Jr., and Tania Lazzari Pre-Zoning Amendment.

MOTION to approve the publication and set a public hearing on February 7, 2022 for the GCOF Reserve of Daphne, L.L.C. 68V Reserve at Plantation Hills 2021, L.L.C., James and Barbara Conaway, Joseph Lazzari, Joseph Lazzari, Jr. and Tania Lazzari Annexation Petition.

MOTION to approve the publication and set a public hearing on February 7, 2022 for the Proposed Amendments to Ordinance 2011-54, Land Use and Development Ordinance, Articles 11, 13, 14, 15, 17, 18, 30 and 39.

11. RESOLUTIONS & ORDINANCES

A. RESOLUTIONS:

2021 – 46 – Bid – 2022 – B – New Restrooms at the Daphne Sports Complex

2021 – 47 – Fire Department Turnout Gear and Maintenance Program – NPPGov Contract #PS20065 - Lion

B. 2nd READ ORDINANCES:

2021 – 62 – Fire Prevention Code for the City of Daphne - Amendment

1ST READ ORDINANCES:

2021 – 63 – Appropriation – New Restrooms at the playground/splash pad area at Daphne Sports Complex - \$646,488

2021 - 64 – Appropriation – D'Olive Bay Channel Marker Installation - \$24,045

2021 – 65 – Appropriation – North Main Street Fencing – ALDOT quote - \$42,702

2021 – 66 – Ordinance Authorizing the Mayor to Execute a Land Exchange Agreement with Target Corporation to Convery Certain Municipal Property in Exchange for Certain Real Property Needed for Right-Of-Way Acquisition Related to the Lavender Lane Project

12. COUNCIL COMMENTS

13. ADJOURN

**November 15, 2021
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
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6:00 P.M.**

1. CALL TO ORDER:

There being a quorum present Council President Joel Coleman called the meeting to order at 6:00pm.

2. ROLL CALL:

COUNCIL MEMBERS PRESENT: Benjamin Hughes, Ron Scott, Joel Coleman, Steve Olen and Doug Goodlin

COUNCIL MEMBES ABSENT: Angie Phillips and Tommie Conaway

Also Present: Candace Antinarella, City Clerk; Mayor Robin LeJeune; Jay Ross, City Attorney; Captain Jud Beedy, Police; Troy Strunk, City Development; Chief LeAnn Tacon, Fire; Ange Baggett, Marketing; Tonja Young, Library; Kelli Reid, Finance; Tim White, Environmental Programs Manager; Vickie Hinman, HR; Charlie McDavid, Recreation; Josh Newman, City Engineer; and Jessica Linne, Assistant City Clerk.

INVOCATION/PLEDGE OF ALLEGIANCE – Pledge led by Cub Scouts Pack 47 – Arrow of Light

Invocation was given by Mr. Lynn Huey, Congregation Mayim Chayim.

PROCLAMATION: Mayor LeJeune presented the Small Business Saturday Proclamation.

PRESENTATION: Mayor LeJeune presented the National Hospice and Palliative Care Month Proclamation.

3. APPROVAL OF MINUTES:

The minutes from the November 1, 2021 regular meeting were approved.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE

Councilman Olen said the next meeting is December 20th at 4:30pm.

**MOTION by Councilman Olen to release the following line items from the Encumbrance Report:
FY2019 – Sidewalks 20% match of MPO Transit - \$60,000 and FY2020 – Lavender Lane Site
Improvements - \$73,403. No second was needed.**

MOTION CARRIED UNANIMOUSLY.

B. BUILDINGS & PROPERTY COMMITTEE

Councilman Coleman gave the October 2021 New Construction and Building Reports: permits issued – 309; new residential home permits – 36; total fees \$84,303.63.

C. PUBLIC SAFETY COMMITTEE

Councilman Hughes said the minutes from the September 13th meeting are in the packet and the next meeting is December 13th at 4:30pm.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE

Councilman Olen said the next meeting is December 6th at 4:00pm.

E. PUBLIC WORKS COMMITTEE

Councilman Goodlin said the minutes from the October meeting are in the packet and the next meeting is December 6th at 4:30pm.

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5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments

Troy Strunk said there was one item for the BZA meeting on December 2nd.

B. Downtown Redevelopment Authority

Councilwoman Conaway was absent.

C. Industrial Development Board

Councilman Scott said the next meeting is tomorrow at 5:30pm.

D. Library Board

Councilwoman Phillips was absent.

E. Planning Commission

Councilman Olen said the next meeting is November 18th at 5:00pm.

F. Recreation Board

Councilman Hughes said the next meeting is December 15th at 6pm at City Hall.

G. Utility Board

Councilman Coleman said the minutes from the September 29th meeting are in the packet and the next meeting is December 1st at 5:00pm.

6. PUBLIC PARTICIPATION:

Public Participation opened at 6:20pm.

John Lake, 110 Paige Circle, said he appreciates the Mayor. He said the hours at Daphne Police Department are horrible. He said the fingerprinting and background checks should be flexible for individuals who work. He said he will be reaching out to Council to meet about the Lake Forest Project.

Lawrence Rozolsky, 102 Vega Circle, says his backyard is flooding and said he is concerned about the fact his street is not being repaved.

Victoria Phelps, Lake Forest, congratulated the Council on the park expansion. She thanked the Council for the sidewalk connection and commended the City for multiple projects. She asked for extra sidewalks in Lake Forest. She shared what she's grateful for.

Public Participation closed at 6:31pm.

7. MAYOR'S REPORT:

Mayor LeJeune said they recently had a ribbon cutting for the new playground as well as the new Pickleball and Tennis Center. He said the Veteran's Day Program was great and said the City sent out reminders about Holiday garbage pickup. He wished everyone a Happy Thanksgiving and wished Chief Tacon a Happy Birthday.

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8. CITY ATTORNEY REPORT:

City Attorney said there was one matter for Executive Session that included the buying and selling of real property.

9. DEPARTMENT HEAD COMMENTS:

Captain Jud Beedy, Police, mentioned it had been a quiet week. They have a new hire and two new dispatchers. Chief Tacon, Fire, said they have hired two part time and one full time fire fighters. She mentioned space heater safety.

Ange Baggett, Marketing, said the Battleship 12K packet pick-up along with the Veteran's Day Program went great. She mentioned the upcoming Christmas festivities.

Tonja Young, Library, said the "Friends with the Library" program now runs on the honor system. She said they had seventeen attend family game night in November.

Charlie McDavid, Recreation, said fall sports have wrapped up and basketball is starting.

Troy Strunk, Planning, said Wednesday night is the Comprehensive Plan Kick-off at 6:00pm.

10. CITY CLERK'S REPORT:

**MOTION by Councilman Hughes to approve the Women's Care Medical Center Walk-a-Thon on March 26, 2022 from 8:00am – 10:00am in Village Point Park. Seconded by Councilman Scott.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Hughes to approve the Public Menorah Lighting on December 4, 2021 from 6:00pm – 9:00pm at Daphne City Hall. Seconded by Councilman Scott.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Hughes to approve the publication and set a public hearing on December 20, 2021 for the Iris Patricia DeFilippi Pre-Zoning Amendment located Southeast of Equity Drive and County Road 64. Seconded by Councilman Scott.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Scott to approve the publication and set a public hearing on December 20, 2021 for the Iris Patricia DeFilippi Annexation Petition located Southeast of Equity Drive and County Road 64. Seconded by Councilman Hughes.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Scott to authorize the Mayor to execute an agreement for Federal and State Governmental Relations Services. Seconded by Councilman Hughes. Mayor LeJeune said Adams and Reese were the lowest bid.
MOTION CARRIED UNANIMOUSLY.**

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11. RESOLUTIONS & ORDINANCES:

A. RESOLUTIONS:

2021 – 43 – Authorize Facility Use Agreement for Parking of Pink Vehicles on the Premises of Fire Station #1

2021 – 44 – Donation of Real Property to City of Daphne

2021- 45 – Authorizing a Ground Lease with the Daphne Downtown Redevelopment Authority

**MOTION by Councilman Scott to waive the reading of Resolutions 2021-43, 2021-44 and 2021-45.
Seconded by Councilman Goodlin.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Scotts to adopt Resolution 2021-43. Seconded by Councilman Olen.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Hughes to adopt Resolution 2021-44. Seconded by Councilman Goodlin.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Olen to table Resolution 2021-45 until December 6, 2021 Council Meeting.
Seconded by Councilman Scott.**

**MOTION by Councilman Olen to amend the original motion to be December 20, 2021. Seconded by
Councilman Scott.
MOTION CARRIED UNANIMOUSLY.**

ORDINANCES:

B. 2nd READ ORDINANCES:

2021-58 – Appropriation: Human Resources Telestaff Software Annual Maintenance - \$14,880

2021-59 – Appropriation: Tallent Lane C&D ADEM Permit Renewal - \$12,900

2021-60 – Appropriation: D'Olive Bay Boat Ramp Update – Engineering Fees - \$40,800

2021-61 – Additional Appropriation: Settlement of ALDOT Condemnation Proceedings - \$165,000

**MOTION by Councilman Scott to waive the reading of Ordinances 2021-58, 2021-59, 2021-60 and 2021-61. Seconded by Councilman Goodlin.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Scott to adopt Ordinance 2021-58. Seconded by Councilman Goodlin.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Scott to adopt Ordinance 2021-59. Seconded by Councilman Goodlin.
MOTION CARRIED UNANIMOUSLY.**

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**MOTION by Councilman Hughes to adopt Ordinance 2021-60. Seconded by Councilman Goodlin.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Hughes to adopt Ordinance 2021-61. Seconded by Councilman Olen.
MOTION CARRIED UNANIMOUSLY.**

C. 1ST READ ORDINANCES:

2021 – 62 – Fire Prevention Code for the City of Daphne - Amendment

12. COUNCIL COMMENTS:

Councilman Olen complimented the Mayor and City Staff on their work with the Veteran's Day Program. He said the Quilts of Valor Ceremony honored Doug Goodlin and Pat Rudicell. He said the Beautification Committee does a great job and wished everyone a Happy Thanksgiving.

Councilman Goodlin echoed the comments about the Veteran's Day Program and Quilts of Valor Ceremony. He wished everyone a Happy Thanksgiving.

Councilman Scott echoed Happy Thanksgiving and said he appreciated everyone's work on the Veteran's Day Program.

Councilman Hughes echoed everyone's comments and wished everyone a Happy Thanksgiving.

Mayor LeJeune said he and a few other employees are participating in "no shave November" to help raise funds and awareness for cancer research. He said the Daphne Tree Lighting is December 2nd and the Christmas Parade is December 4th. He said his condolences were with the Al Guarisco family.

City Attorney certified that the Council should enter into an Executive Session concerning matters of buying and selling of real property. He said it should take ten minutes and the Council should have no reason to vote.

MOTION by Councilman Scott to enter into Executive Session. Seconded by Councilman Olen.

City Clerk called roll.

Councilwoman Conaway	Absent
Councilman Olen	Aye
Councilman Goodlin	Aye
Councilman Scott	Aye
Councilman Hughes	Aye
Councilwoman Phillips	Absent
Council President Coleman	Aye

MOTION CARRIED UNANIMOUSLY.

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13. ADJOURN:

THERE BEING NO FURTHER BUSINESS TO DISCUSS, COUNCIL ADJOURNED INTO EXECUTIVE SESSION AT 7:01 PM.

Respectfully submitted by,

Certification of Presiding Officer,

Candace G. Antinarella, CMC, City Clerk

Joel Coleman, Council President

CITY OF DAPHNE
FINANCE COMMITTEE MINUTES
NOVEMBER 15, 2021
4:30 P.M.

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 4:30 p.m.

Present were:

Councilman Mr. Steve Olen

Councilman Mr. Joel Coleman

Councilman Mr. Doug Goodlin

Councilman Mr. Ron Scott

Councilman Mr. Ben Hughes

Councilwoman Mrs. Angie Phillips

Also Present: Mayor Robin LeJeune, Finance Director Mrs. Kelli Reid, Senior Accountant Mrs. Suzanne Henson, Human Resource Director Mrs. Vickie Hinman, Revenue Officer Mrs. Courtney Coleman, City Clerk Mrs. Candace Antinarella, Executive Director of City Development Troy Strunk, Fire Chief Mrs. LeAnn Tacon, Director of Events and Marketing Director Mrs. Ange Baggett, City Engineer Josh Newman, Public Works Director Mr. Ronnie Huskey, and City Attorney Mr. Patrick Dungan.

II. PUBLIC PARTICIPATION

There was no public participation.

III. APPROVE MINUTES FOR THE PREVIOUS MEETING

The previous minutes were approved.

IV. HUMAN RESOURCES BUSINESS

A. Update on Human Resources Department Activity

Mrs. Vickie Hinman reviewed the Human Resources Report:

- Posted positions – 1
- Reposted - 7
- Reviewing/Testing/Interviewing/Background check - 12
- Promotion/Internal Transfer - 2
- New Hires – 8

Mrs. Hinman reviewed the monthly Safety Committee meeting topics and discussed other Human Resources projects and events.

- Meetings with each employee regarding classification/compensation plan results
- Implementation of new pay scale and employee classification/compensation in Munis
- Implementation plans for Telestaff, staffing/scheduling platform for public safety personnel
- Implementation plans for Perform, performance management/employee evaluation platform
- Revision of personnel policies for new pay plan

Mr. Olen asked about crossing guards and who hired crossing guards for Bayside Academy School. Discussion continued that the City's Police Department was working on filling that position. Mr. Hughes asked how merit raises would be decided. Mayor LeJeune stated that he and Human Resources were working on the procedures. Mrs. Hinman explained the new employee review process and that it would be online.

V. BUSINESS LICENSE REPORT

A. Report: New Business Licenses – October, 2021

Mrs. Coleman reviewed the following reports and information:

- Code enforcement issued 2 warnings resulting in businesses becoming compliant and \$129 in revenue.
- New Businesses with a physical location in Daphne - 8
- Simplified Sellers Use Tax collections - \$91,868.34 and YTD collections - \$1,151,302.41

Discussion was made that Mrs. Coleman had taken another position and would be leaving the City. Everyone wished Mrs. Coleman well with her new position and were sad to see her leave.

BUSINESS LICENSE COUNT through 09/30/2021	
NEW Licenses	62
RENEWAL Licenses (2021)	12
Total Issued THIS MONTH	74
Total Issued THIS MONTH - PREVIOUS YEAR	89
Net Gain/-Loss Current VS Previous Yr MONTH	-15
Total Issued YTD 2021	4,474
Total Issued YTD - PREVIOUS YEAR	3,972
Net Gain/-Loss Current VS Previous Yr YTD	502

Business License Fee Historical Comparison 2020 / 2021				
	FY 21	FY 22	+/- Previous Year	<u>Budget 2022</u> \$2,545,000
October	\$13,897.75	\$7,131.66	(\$6,766.09)	(\$2,537,868.34)
November	\$8,573.66		(\$8,573.66)	(\$2,537,868.34)
December	\$38,677.07		(\$38,677.07)	(\$2,537,868.34)
January	\$1,084,222.56		(\$1,084,222.56)	(\$2,537,868.34)
February	\$1,174,301.94		(\$1,174,301.94)	(\$2,537,868.34)
March	\$203,323.46		(\$203,323.46)	(\$2,537,868.34)
April	\$94,667.02		(\$94,667.02)	(\$2,537,868.34)
May	\$26,245.05		(\$26,245.05)	(\$2,537,868.34)
June	\$26,364.10		(\$26,364.10)	(\$2,537,868.34)
July	\$8,965.64		(\$8,965.64)	(\$2,537,868.34)
August	\$9,495.47		(\$9,495.47)	(\$2,537,868.34)
September	\$19,158.85		(\$19,158.85)	(\$2,537,868.34)
Year to Date	\$2,707,892.57	\$7,131.66	(\$2,700,760.91)	(\$2,537,868.34)
All amounts include penalty and interest.				

VI. SALES & LODGING TAX REPORT

A. Sales and Use Taxes: September, 2021

Mrs. Henson reviewed the Sales & Use Tax Reports: \$2,080,266.40 was collected for September, 2021 which was up \$316,548.67 from September 2020's collections:

- YTD Variance over Budget - \$4,886,949.80

B. Lodging Tax Collections, September, 2021

Mrs. Henson reviewed the Lodging Tax Collections Report and noted the collections for September, 2021 were \$139,887.12 which is up \$25,719.49 from September 2020's collections.

- YTD Variance over Budget - \$402,506.05

C. Lodging Tax Fund : Statement of Revenues over Expenses, October, 2021

Mrs. Henson reviewed the Lodging Tax Statement of Revenues over Expenditure report for October, 2021.

- Unreserved balance for Bayfront related purchases - \$2,800,601.76
- Recreation for related purchases - \$900,164.07

Discussion was made on the outstanding balance for recreation.

VII. FINANCIAL SCHEDULES & REPORTS**A. Financial Reports****1. Treasurer's Report: October, 2021**

Mrs. Reid reviewed the Treasurer's Report:

TREASURER'S REPORT					
As of October 31, 2021					
Account Type/Title	10/31/2021	9/30/2021	Increase (Decrease) from last Month	10/31/2020	Increase (Decrease) from Last Year
GENERAL FUND & ENTERPRISE FUNDS	\$ 13,025,007	\$ 15,839,174	\$ (2,814,168)	\$ 12,618,580	\$ 406,427
INVESTMENT FUND	5,933,426	5,961,515	(28,088)	5,893,756	\$ 39,670
CREDIT CARD ACCOUNT	79,884	74,545	5,339	85,548	\$ (5,664)
Total Unrestricted Cash Balance	19,038,317	21,875,234	(2,836,918)	18,597,884	440,433
SPECIAL REVENUE FUNDS					
4 CENT GAS TAX	250,629	245,260	5,369	191,926	58,703
7 CENT GAS TAX	217,762	184,209	33,553	177,371	40,391
10 CENT GAS TAX	269,937	255,434	14,504	112,911	157,026
TREE & FLOWER	22,660	22,660	-	23,926	(1,266)
COVID RELIEF FUND	1,482,002	1,482,002	-	-	1,482,002
ANIMAL SHELTER FUND	1,094,701	1,000,000	94,701	-	1,094,701
FEDERAL DRUG FORFEITURES	173,121	176,907	(3,787)	208,100	(34,979)
LOCAL DRUG FORFEITURES	75,288	60,580	14,708	55,864	19,424
LIBRARY	23,124	26,283	(3,159)	43,971	(20,847)
COURT TRAINING & EQUIPMENT	44,367	43,828	539	40,304	4,063
COURT CORRECTION	469,227	442,826	26,401	391,441	77,786
LODGING TAX	3,585,720	3,645,997	(60,277)	2,021,542	1,564,178
AGENCY FUNDS					
MUNICIPAL COURT	(112)	250	(362)	(50)	(62)
SELF INSURANCE	222,228	221,399	829	220,024	2,204
FLEX SPENDING	18,347	18,257	90	24,550	(6,203)
OPEB TRUST INVESTMENT FUND	1,074,183	813,891	260,292	521,600	552,583
	9,023,184	8,639,783	383,401	4,033,480	4,989,704
CAPITAL PROJECT FUNDS					
CAPITAL RESERVE	4,585,955	4,627,753	(41,799)	4,209,833	376,122
	4,585,955	4,627,753	(41,799)	4,209,833	376,122
DEBT SERVICE FUNDS					
DEBT SERVICE	623,041	472,053	150,988	1,873,485	(1,250,444)
Total Restricted Cash Balance	14,232,180	13,739,589	492,591	10,116,798	4,115,382
Total City Cash Balance	\$ 33,270,497	\$ 35,614,824	\$ (2,344,327)	\$ 28,714,682	\$ 4,555,815
Encumbrance Total as of			10/31/2021	\$ 1,284,764.91	

Mr. Scott asked about the cash balance being down approximately \$3 million. Mrs. Reid answered that payment had been made for the DISC property - \$1.45 Million and also that the final bills for FY2021 were paid.

The Treasurer's Report as of OCTOBER, 2021 Total Unrestricted Cash Balance - \$19,038,317 and Total City Cash Balance - \$33,270,497 was presented to be filed for audit.

2. Encumbrance Report

- Encumbrance balance is - \$1,284,764.91 as of October, 2021.

Mrs. Reid reviewed the Encumbrance Report and noted that several older line items have been paid or removed through Council approval. Mrs. Reid noted that two of the largest new line items are the splash pad which is 50% completed and Police vehicles. Mrs. Reid said both items should be removed in the next couple months after the splash pad is completed and the police vehicles are delivered. Discussion continued on other items including the Daphne High School baseball field upgrades.

3. Outstanding Appropriations

Mrs. Reid reviewed the outstanding appropriations and noted that only line items with balances were carried over. Mr. Hughes asked about sidewalk monies. Mayor LeJeune stated that a list of new sidewalks is being worked on now and should be ready for review soon. Mr. Goodlin discussed he and Mrs. Conaway would like for Pollard Road Sidewalks to be included on the list. Mayor LeJeune stated they are working on grant funding for the Pollard Road sidewalk.

4. Financial Overview: Debt Summaries & Monthly Financial Statements, September, 2021

Mrs. Reid reviewed the following Financial Statements and noted that the auditors were onsite and started the City's annual audit today:

- Debt Summary Schedules (General & Enterprise Funds), October, 2021

Monthly Financial Statements – September 2021 Financial Highlights

General Fund:

	<u>FY 2021</u>	<u>FY 2020</u>	<u>Change</u>
• YTD Budgetary Net Income:	\$4,246,887	\$3,280,566	\$966,321
• Total sales tax collected year to date is approximately \$4.9 million over budgeted income and \$4.5 over prior year to date income			
• Hurricane Sally expenditures YTD are \$4.9 million with the majority of the expenditures relating to debris removal. FEMA will reimburse 75% and the state 12.5%			
• Total investment income including interest and unrealized gain on investment account is approximately \$284,000 less than September 2020			
• Charges for services includes a one-time settlement fee for the BP Oil Spill in the amount of \$215,229			
• Miscellaneous Income includes a one-time recognition of income in the amount of \$576,867 from the reversal of the Fannon lawsuit contingent liability			
• Unassigned Fund Balance: \$21,729,228			
• Outstanding Encumbrances: \$1,299,406			

Debt Service Fund/Outstanding Debt:

- Outstanding Warrant Balance as of September 30, 2021: \$29,210,000
- The 2012 Refunding Warrants and the Jubilee Square Limited Obligation Warrants were paid off in 2021. The 2014 and 2017 Refunding Warrants were refunded in 2021 into the 2020A, 2020B and the 2021 General Obligation Refunding Warrants.
- The note payable to MUSCO lighting was paid off early in 2021
- Outstanding Capital Lease Balance as of September 30, 2021:
 - o General Fund: \$634,438
 - o Enterprise Fund: \$1,337,655

Capital Project Funds (Capital Reserve):

- The largest capital expenditure totaled \$863,368 for the 2020 Road Repaving Initiative
- Other large expenditures include \$513,732 for the Lott Park Tennis Building, \$275,243 for the completion of Fire Station #5, and \$516,452 for the Pollard Road Sidewalk TAP Grant project

Special Revenue Funds (13 separate funds):

- Two new funds were created in 2021 with \$1,482,000 received in ARPA funds (COVID Relief Fund) and \$1,094,701 of funds set aside for the construction of a new animal shelter (Animal Shelter Fund)
- Lodging Tax Fund –
 - o Bayfront Unreserved Fund Balance: \$2,768,338
 - o Recreation Unreserved Fund Balance: \$886,453
 - o Total lodging tax collected was \$402,000 over budgeted income and \$607,000 over prior year to date income.

Enterprise Funds (Solid Waste and Civic Center):

- Year to date transfers for each of the enterprise funds were as follows:

	<u>FY 2021</u>	<u>FY 2020</u>	<u>Change</u>
Solid Waste Fund	\$ 317,103	\$ 408,901	\$ (91,798)
Civic Center Fund	\$ 248,133	\$ 272,338	\$ (24,205)

In response to the COVID-19 pandemic, there was three months waiver of garbage fees for citizens

5. Unfunded Future Projects Expenditure Summary

Mrs. Reid reviewed the Unfunded Future Projects Expenditure Summary.

6. Summary of Budgetary Amendments

Mrs. Reid reviewed the General Fund budgetary amendments made to the FY2021 Budget.

- Total Appropriations Year to Date – (\$2,183,588)
- Adjusted Expenses over Revenue – (\$2,180,444)

B. Bills Paid Reports – October, 2021

The Bills Paid Report was previously presented electronically.

VIII. BIDS (Resolution) & APPROPRIATION REQUESTS: (Ordinance)**A. 2022-B-New Restrooms at Daphne Sports Complex**

Two bids were received for the New Restrooms at Daphne Sports Complex with Reed-Hays Construction, LLC (\$475,226) being the low bid. Mr. Strunk submitted a list of other improvements that were needed for the restroom/playground/splash pad area at the entrance of the Daphne Sports Complex. Discussion continued that an additional appropriation would be needed for these improvements (\$142,000) along with an appropriation for the construction of the new restroom (\$504,488). A total appropriation in the amount of \$646,487 is needed.

Discussion continued on using Lodging Tax Recreation funds. Mrs. Reid stated that the recreation balance is \$382,000 but she would only recommend using \$250,000 of those monies for the New Restroom project.

MOTION BY Mr. Scott to recommend to Council to award the 2022-B-New Restrooms at Daphne Sports Complex bid to Reed-Hays Construction, LLC in the amount of \$475,226 as bid. Seconded by Mr. Goodlin.
MOTION CARRIED UNANIMOUSLY

MOTION BY Mr. Scott to recommend to Council to adopt the Ordinance amending the budget to appropriate \$646,487 from the General Fund for the New Restroom and Improvements at the Playground/Splash Pad Area at Daphne Sports Complex. Seconded by Mr. Hughes.

The Motion was amended by Mr. Scott to appropriate \$250,000 from the Lodging Tax Fund (Recreation Balance) and \$396,487 from the General Fund. Seconded by Mr. Hughes.
MOTION CARRIED UNANIMOUSLY

B. D'Olive Bay Channel Marker Installation - \$24,045

Mrs. Reid discussed the D'Olive Bay Channel Marker Installation and noted that this is a GOMESA grant project. Mr. Strunk stated he and Mr. Tim White, Environmental Program Manager had obtained quotes for the project with the quote being \$32,078. Mrs. Reid noted that there was \$8,033 encumbered funds available for this project. Discussion continued on using Lodging Tax funds for this project.

MOTION BY Mrs. Phillips to recommend to Council to adopt the Ordinance amending the budget to appropriate \$24,045 from the Lodging Tax Fund (Bayfront Balance) for the D'Olive Bay Channel Marker Installation. Seconded by Mr. Coleman.

MOTION CARRIED UNANIMOUSLY

C. Appropriation for Appraisal & Inspection of potential Real Property Purchase

The discussion for this item was pulled in order to obtain additional information.

D. ALDOT Fencing Quote for North Main Street Service Road (near Hwy90/98) - \$42,702

Mrs. Reid stated that this is an ALDOT project and that \$42,702 needs to be appropriated if it is approved for the fencing to be upgraded. Mr. Scott stated this is an entrance to the City so the fencing improvement to black coated fence is needed.

MOTION BY Mr. Scott to recommend to Council to adopt an ordinance appropriating \$42,702 out of the Lodging Tax Fund for the Fence at North Main Street Service Road (near Hwy 90/98) with the use of Lodging Tax funds being contingent on legal approval for the use of funds for this project. Seconded by Hughes.

MOTION CARRIED UNANIMOUSLY

IX. NEW BUSINESS

A. Fire Department Turnout Gear and Maintenance Program – NPPGov Contract

Mrs. Henson discussed the need to adopt an Resolution authorizing the purchase of the Fire Department Turnout Gear and maintenance program from the NPPGov Contract #PS20065. Mrs. Henson explained that according to Alabama Bid Law the City cannot purchase service agreements of this type (above the bid threshold) unless it meets the criteria of Alabama Code Section 41-16-51 (a) (15) which exempts from competitive bidding “contractual services and purchases of products related to, or having an impact upon, security plans, procedures, assessments, measures, or systems, or the security or safety of persons, structures, facilities, or infrastructures”. Mrs. Henson noted this Resolution is similar to one adopted for a recent Police Department purchase.

MOTION BY Mr. Scott to recommend to Council to adopt a resolution authorizing the purchase of the Fire Department Turnout Gear and maintenance program from the NPPGov Contract #PS20065. Seconded by Mr. Hughes.

MOTION CARRIED UNANIMOUSLY

X. OLD BUSINESS

There was no old business discussed.

XI. ADJOURN

The meeting adjourned at 5:46 p.m.

TASHA QUINNELLY

155 Country Club Drive, Daphne, Alabama 36526 · 251.379.8043

tquinnelly@bcbe.org

EXPERIENCE

2015–2021

AGENCY DEVELOPMENT MANAGER/ACCOUNT MANAGER, COLONIAL LIFE & ACCIDENT

Recruited, hired, trained, and managed a team of insurance producers. Solicited new clients, maintained existing clients, filed medical claims on behalf of clients ensuring proper coding, managed employee billing issues, and provided compliance standards among clients with Section 125 benefit plans. Awards and recognition included: 2016 Alabama/Northwest Florida Territory Rookie of the Year; 2017 Spain/Portugal Leader's Conference; quarter and annual sales plan goal achievement including 239.4% of 2019 second quarter sales plan and 119.5% of 2019 third quarter plan.

2019-PRESENT AND 2010-2015

TEACHER, PARAPROFESSIONAL, BUS DRIVER, BALDWIN COUNTY PUBLIC SCHOOLS

1997-1998

OPERATIONS MANAGER, LIFETOUCH PORTRAIT INDUSTRIES

Oversaw the scheduling and sales departments. Hired and trained account executives. Generated daily analytics on sales volume and projections. Reported directly to company president.

1993–1997

VICE-PRESIDENT OF OPERATIONS, IPCA

Oversaw operations throughout a six-state area including the hiring and training of three-hundred seasonal employees. Conducted management and employee training seminars, audited financial records, developed training manuals, ensured high employee morale and recruited clients.

1992-1993

OUTSIDE SALES REPRESENTATIVE, RUSS BERRIE & COMPANY SOUTH

EDUCATION

1988-1992

B.S. BUSINESS ADMINISTRATION, THE UNIVERSITY OF SOUTH ALABAMA

Extracurriculars included: Student Advisory Council; University Center Board of Directors student member; Residence Life Council President; Mu Alpha Theta; 1991 Homecoming Queen; student representative at regional and national housing conferences; Resident Advisor; Programming Advisor.

SKILLS

- Communication
- Problem Solving
- Time management
- Organization

ACTIVITIES

PTA President and board member (8 years), Daphne Elementary School; Executive School Patron, Baldwin County Public Schools; President of the Board, Lake Forest Swim Association; Youth Sports Cheerleading Coach (4 years), City of Daphne; Regional Director of Public Affairs (4 year term), Church; Relief Society Women's Organization President (8 year term), Church; Mayoral Campaign Chairperson, City of Daphne.

**COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM**



DATE: November 19, 2021
TO: Office of the City Clerk
FROM: Adrienne Jones, AICP, Director of Community Development
SUBJECT: Planning Commission Minutes and Report

A handwritten signature in black ink, appearing to be "AJ" or "Adrienne Jones", written over the printed name in the "FROM" line.

Attached please find a copy of the approved minutes for the City of Daphne Planning Commission regular meeting of October 28, 2021 and the report of the regular meeting of November 18, 2021 for placement on the December 6, 2021 City Council agenda for review.

Should you have any questions or comments in this regard, please do not hesitate to call.

ADJ/jv

The City of Daphne
Planning Commission Minutes
Regular Meeting of October 28, 2021
Council Chamber, City Hall - 5:00 P.M.

Call to Order:

Chairwoman called the regular meeting of the City of Daphne Planning Commission to order at 5:02 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

James "Bo" White
Phillip Hodgson, Secretary, excused at 5:47 p.m.
Marybeth Bergin, Chairwoman
Andrew Prescott, Vice Chairman
Ronnie Huskey
Kevin Spriggs
Steve Olen

Staff Present:

Adrienne Jones, AICP, Director of Community Development
Jan Vallecillo, Planning Coordinator
Patrick Dungan, Attorney
Josh Newman, City Engineer
Tim White, Environmental Programs Manager

Chairwoman advised that the applicant for the Noble at Daphne Site Plan, The Reserve of Daphne Pre-Zoning and Annexation, and The Reserve at Plantation Hills Master plan, Pre-Zoning and Annexation has requested that the applications be tabled until the regular meeting of November 18, 2021.

The first order of business is the approval of the minutes.

Chairwoman asked for questions, comments or corrections to the minutes ***of the regular meeting of September 23, 2021. There being none, minutes are approved as submitted.***

Chairwoman stated the next order of business is site plan review for the Croft at Daphne.

An introductory presentation was given by Trey Jinright, representative of Jade Consulting, requesting site plan review of a one hundred and thirty-nine unit townhome development with associated drainage, parking and landscaping located northeast of Well Road and Pollard Road. He stated the remainder of staff comments will be addressed prior to issuance of a site disturbance permit, and that the re-plat has been revised to reflect the dedication of right-of-way to the City for intersection improvements.

Chairwoman asked for Commission questions or comments and the location of the primary sidewalk for the development. Mr. Newman responded in the right-of-way.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of October 28, 2021
Council Chamber, City Hall - 5:00 P.M.**

Mr. Olen asked about his issue with the sidewalk. Mr. Newman stated that location in the right-of-way and that the width should be six feet. Mr. Jinright advised that the plans would be revised to six feet.

Chairwoman asked about the type of buffer that will be along the perimeter. Mr. Jinright responded it will be landscaped to present a residential appearance.

A Motion was made by Mr. Prescott and **Seconded** by Mr. Olen **to approve The Croft at Daphne site plan contingent upon installation of six-foot wide sidewalks and the placement of sidewalks as specified by the City Engineer. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is preliminary/final plat review for the Resubdivision of Tract 4, La Piazza Di San Francesco Subdivision.

An introductory presentation was given by Jay Broughton, representative of Overstreet & Associates, requesting preliminary/final plat review of a four-lot subdivision consisting of seven-point six five acres located north of County Road 64 and Pollard Road. He stated Baldwin Bone & Joint has no plans for future development. They will retain Lot 1 and sell the other commercial lots that have an existing access to County Road 64 and Pollard Road, as well as, sidewalks.

Chairwoman asked for Commission questions or comments and about the dedication of the right-of-way. Mr. Broughton advised that it was addressed.

Chairwoman opened the floor to public participation. No one came forth. She closed public participation and asked for a motion.

A Motion was made by Mr. Hodgson and **Seconded** by Mr. Prescott **to approve the Resubdivision of Tract 4, La Piazza Di San Francesco Subdivision preliminary/final subdivision plat. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is a preliminary plat review of Jubilee Farms Subdivision, Phase Thirteen.

An introductory presentation was given by Melissa Currie, representative of Dewberry, requesting preliminary plat review of a sixty-lot subdivision consisting of approximately nineteen acres located southeast of Alabama Highway 181 and Austin Road.

Chairwoman asked for Commission questions or comments. She opened the floor to public participation. No one came forth. She closed public participation and asked for a motion.

A Motion was made by Mr. Prescott and **Seconded** by Mr. Spriggs **to approve Jubilee Farms Subdivision, Phase Thirteen preliminary plat. There was no discussion on the motion. The Motion carried unanimously.**

The City of Daphne
Planning Commission Minutes
Regular Meeting of October 28, 2021
Council Chamber, City Hall - 5:00 P.M.

The next order of business is a preliminary plat review of Oakside Subdivision.

An introductory presentation was given by Melissa Currie, representative of Dewberry, requesting preliminary plat review of a six-lot subdivision consisting of approximately three-point seven three acres located south and adjacent to Lake Forest Boulevard and north of Country Club Drive and Austin Road.

Chairwoman asked for Commission questions or comments and opened the floor to public participation.

Victoria Phelps, liaison of Lake Forest Property Owners Association, commented that the LFPOA has passed an Under Share Program for the proposed construction of sidewalk in all of the medians in Lake Forest Subdivision and asked that the Commission not grant the waiver to the sidewalk requirement.

Chairwoman closed public participation and asked for a motion.

A Motion was made by Mr. Olen and **Seconded** by Mr. Spriggs **to deny the request for a sidewalk exemption. There was no discussion on the motion. The Motion carried unanimously.**

A Motion was made by Mr. Spriggs and **Seconded** by Mr. Olen **to approve Oakside Subdivision, preliminary plat with contingencies as follows: coordinate the sidewalk, the location of which shall be within the median, with Public Works. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is a request for pre-zoning and annexation for Iris Patricia DeFilippi.

An introductory presentation was given by Peter Rank, representative of Cambria DC Holdings, L.L.C., of a request to pre-zone and annex a one-point six-eight acre parcel for a quartz countertop sales office and warehouse located southeast of Equity Drive and County Road 64 as B-2, General Business.

Chairwoman asked for Commission questions or comments. Mr. Prescott asked about the alignment of the access with Equity Drive. Mr. Rank advised that it would be aligned.

Chairwoman asked for Commission questions or comments and opened the floor to public participation.

Steve Ellison, 8760 County Road 64, expressed his concerns about drainage and flooding in this area.

Chairwoman closed public participation and asked for a motion on the associated applications.

The City of Daphne
Planning Commission Minutes
Regular Meeting of October 28, 2021
Council Chamber, City Hall - 5:00 P.M.

A **Motion** was made by Mr. Prescott and **Seconded** by Mr. Hodgson **to set forth a favorable recommendation to City Council to pre-zone the subject property as B-2, General Business. There was no discussion on the motion. The Motion carried unanimously.**

A **Motion** was made by Mr. Olen and **Seconded** by Mr. Prescott **to set forth a favorable recommendation to the City Council to annex the subject property into Daphne city limits. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is the election of officers.

Chairwoman opened the floor for nominations for Chair. Mr. Olen nominated Ms. Bergin. The nominations were closed. With no other nominations, Ms. Bergin is Chairwoman.

Chairwoman opened the nominations for Vice Chairman. Mr. Hodgson nominated Mr. Prescott. The nominations were closed. With no other nominations, Mr. Prescott is Vice Chairman.

Chairwoman opened the nominations for Secretary. Ms. Bergin nominated Mr. Hodgson. The nominations were closed. With no other nominations, Mr. Hodgson is Secretary.

The next order of business is planning commission discussion of a proposed amendment to the Land Use and Development Ordinance.

Ms. Jones presented a draft of a proposed amendment of pertinent articles of the Land Use Ordinance inserting City Engineer in the place of Public Works Director with minor modifications suggested by Mr. Olen and asked for a recommendation to City Council.

Chairwoman asked for Commission questions or comments and for a motion.

A **Motion** was made by Mr. Olen and **Seconded** by Mr. Prescott **to set forth a favorable recommendation to the City Council to set forth a favorable recommendation to the City Council to approve amendments to the Table of Contents and the Articles 11, 13, 14, 15, 17, 18, 19, 30, 37, and 39 to update technical review staff duties relative to the City Engineer, Environmental Programs Manager, and Community Development Director. There was no discussion on the motion. The Motion carried unanimously.**

Chairwoman asked for Commission questions or comments.

The next order of business is public participation.

Chairwoman asked for public participation.

A presentation was given by Victoria Phelps, liaison of Lake Forest Property Owners Association, to raise awareness about issues with D'Olive Creek, an impaired watershed, and Lake Forest Lake that have been restored by MBNEP Stream Restoration Projects.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of October 28, 2021
Council Chamber, City Hall - 5:00 P.M.**

Ms. Phelps stated we are requesting consideration of the implementation of additional buffers to protect the watershed, lake, habitat, and the wetlands. She also commented on traffic issues and the installation of sidewalks for walkability.

Mary Ann Hampton, 616 Ridgewood Drive and a former LFPOA board member, concurred with Ms. Phelp's comments.

Mr. Hodgson was excused at 5:47 p.m.

The next order of business is the attorney's report.

Mr. Dungan stated no report.

The next order of business is commissioner's comments.

Mr. Spriggs commented about the possibility of the development of regional storm water detention to address drainage concerns associated with older projects constructed without detention.

The next order of business is director's comments.

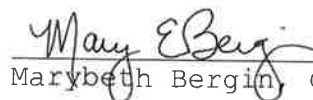
Director presented the upcoming meeting dates. Site Preview is November 10, and the Regular Meeting is November 18, 2021. She commented in November, Orion Planning will make a presentation regarding the Comprehensive Plan.

There being no further business, the meeting was adjourned at 5:55 p.m.

Respectfully submitted by:


Jan Vallecillo, Planning Coordinator

Approved: November 18, 2021


Marybeth Bergin, Chairwoman

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF NOVEMBER 18, 2021
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Report



1. **CALL TO ORDER:** 5:05 p.m.

2. **CALL OF ROLL:** Marybeth Bergin, Andrew Prescott, Kevin Spriggs, John Peterson, Ronnie Huskey, Steve Olen, Kevin Spriggs, and Phillip Hodgson

3. **APPROVAL OF MINUTES:**

Review of minutes of the regular meeting of October 28, 2021 (**Approved**)

4. **OLD BUSINESS:**

A. **SITE PLAN REVIEW:**

1. File SP21-10: **(Tabled at the request of the applicant until the regular meeting of December 16, 2021)**

Site: The Noble at Daphne

Zoning: *R-7(A), Apartments, and GC, Golf Course*

Location: Southwest of the intersection of County Road 13 and U.S. Highway 90

Area: 28.59 Acres ±

Owner: John White-Spunner, ETAL

Developer: Adcock Properties - John Adcock

Agent: White-Spunner Realty - Matt White

Engineer: Wooten Engineering - Jason Wooten

5. **NEW BUSINESS:**

A. **ENVISION DAPHNE 2042 DISCOVERY TEAM PRESENTATION BY ORION PLANNING + DESIGN** (No action taken)

B. **THE RESERVE AT PLANTATION HILLS:**

1. **MASTER PLAN REVIEW:**

File MPR21-07: **(Approved, contingent upon City Council's approval of the proposed amendment of the Fire Code)**

Presentation to be given by Melissa Currie, representative of Dewberry, requesting a master plan review of the Reserve at Plantation Hills.

2. **GCOF RESERVE OF DAPHNE, L.L.C AND 68V RESERVE AT PLANTATION HILLS 2021, L.L.C. PRE-ZONING AMENDMENT:**

File PZA21-14: **(Favorable recommendation to City Council)**

Applicant: GCOF Reserve of Daphne, L.L.C. and 68V Reserve at Plantation Hills 2021, L.L.C.

Present Zoning: *RSF-2, Residential Single Family District, Baldwin County District 28, and Unzoned, Baldwin County District 7, in the Extraterritorial Planning Jurisdiction of Daphne*

Proposed Zoning: *R-3, High Density Single Family Residential*

Area: 258.43 Acres ±

Location: East and southeast of Robbins Boulevard and Ashbury Hill Road

Engineer: Dewberry - Melissa Currie

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF NOVEMBER 18, 2021
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Report

C. THE RESERVE AT DAPHNE:

I. GCOF RESERVE OF DAPHNE, L.L.C, JAMES & BARBARA CONAWAY, JOSEPH LAZZARI, JR. & TANIA LAZZARI, AND JOSEPH LAZZARI PRE-ZONING AMENDMENT:

File PZA21-11: (Favorable recommendation to City Council)

Applicant: GCOF Reserve of Daphne, L.L.C., James & Barbara Conaway, Joseph Lazzari, Jr. & Tania Lazzari, and Joseph Lazzari

Present Zoning: *RSF-2, Residential Single Family District, Baldwin County District 15, and Unzoned, Baldwin County District 7, in the Extraterritorial Planning Jurisdiction of Daphne*

Proposed Zoning: *R-2, Medium Density Single Family Residential, and R-6, Garden/Patio Home*

Area: 186.65 Acres ±

Location: North of the intersection of County Road 64 and Montelucia Way

Engineer: Dewberry - Melissa Currie

D. GCOF RESERVE OF DAPHNE, L.L.C, 68V RESERVE AT PLANTATION HILLS 2021, L.L.C, JAMES & BARBARA CONAWAY, JOSEPH LAZZARI, JR. & TANIA LAZZARI, AND JOSEPH LAZZARI ANNEXATIONS:

1. Files ANX21-11, ANX21-12, ANX21-13, ANX-14 and ANX21-15 respectively:

A presentation to be given by Melissa Currie, representative of Dewberry, requesting annexation of a four hundred and forty-four point nine-seven acres owned by GCOF Reserve of Daphne, L.L.C., 68V Reserve at Plantation Hills 2021, L.L.C., James & Barbara Conaway, Joseph Lazzari, Jr. & Tania Lazzari, and Joseph Lazzari into the City of Daphne located north of the intersection of County Road 64 and Montelucia Way, and east and southeast of Robbins Boulevard and Ashbury Hill Road. The subject properties are currently zoned RSF-2, Residential Single Family District, Baldwin County District 15 and District 28, and Unzoned, Baldwin County District 7, in the Extraterritorial Planning Jurisdiction of Daphne. (Favorable recommendation to City Council)

E. OFFICIAL ZONING AND STREET MAP UPDATE:

File AP21-15: (Table until the regular meeting of December 16, 2021)

Presentation to be given by Adrienne Jones, Director of Community Development, of a proposed amendment to the Official Zoning Map and the Official Street Map.

F. 24/7 COIN LAUNDRY MASTER PLAN/PHASING PLAN REVIEW:

MASTER PLAN REVIEW:

File MPR21-05: (Approved)

Presentation to be given by Justin Jordan or Michael Gibson, representative of Vision Consulting, requesting a master/phasing plan review of 24/7 Coin Laundry.

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF NOVEMBER 18, 2021
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Report

G. ADMINISTRATIVE PRESENTATION:

File AP21-16: (Accept proposed interpretation of the note on the plat. Said notes will apply to all lots for future development)

Presentation by David Shumer, representative of Barton and Shumer, regarding the Italian Settlement Subdivision storm water design as noted on Slide # 2439-D as recorded in Baldwin County Probate Records.

6. **PUBLIC PARTICIPATION:** Comments expressed regarding the proposed pre-zoning amendment and annexation for The Reserve at Plantation Hills pre-zoning amendment and annexation petition (see minutes for details).
7. **ATTORNEY'S REPORT:** No report.
8. **COMMISSIONER'S COMMENTS:** None presented.
9. **DIRECTOR'S COMMENTS:** Director presented the upcoming meeting dates. Site Preview is December 8, and the Regular Meeting is December 16, 2021. She expressed gratitude for participation in the Orion Planning Envision Daphne 2042 focus groups, advisory groups, and kick-off meeting with City Council on November 17, 2021; and, public participation at this meeting. Happy Thanksgiving!
10. **ADJOURNMENT:** 7:15 p.m.



City of Daphne Event Permit Application

Date of Application: 11-18-2021 Permit Requested: ☐ Event/Fundraiser ☒ Parade/Run ☐ Band

Contact Information

Organization Name: SEEDS, Supporting Educational Excellence in Daphne Schools

Contact Name: Beth Dunn E-mail Address: seedsindaphne@gmail.com

Address: P.O. Box 460, Daphne, AL 36526

Primary Phone Number: 251-802-5002 Secondary: 251-581-0141

Event Information

Event Name: SEEDS 5K & Fun Run Event Date: March 12, 2022

Event Location: City Hall # Participants/Vehicles: 1,200 Runners

Start Time: 8:00am Stop Time: 11:00am Assembly Time: 6:30am

Special Requests: Please have the City Hall parking lot completely clear, Trash Cans placed throughout, 20 tables

Road Closures Requested: ☒ Yes ☐ No

Special Instructions

Approval: Internal Use Only

Date Routed: 11-19-21

Fire Dept: [Signature]

Police Dept: [Signature]

Public Works: [Signature]

Parks & Recreation: [Signature]

Only required if event interrupts traffic near Daphne parks

For Special Event/Band Permits:

City Clerk: [Signature]

For Parade/Run Permits & Use of City Grounds:

City Council: [Signature]

Date of Approval

☐ Use of Alcohol

Parade/Run Permits ONLY

☐ Fee Paid: \$ ☐ N/A ☐ Waived

☐ Insurance Filed ☐ N/A

Route Selection: ☐ 1 ☐ 2 ☐ 3 ☐ 4



**COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM**

DATE: November 19, 2021
TO: Office of the City Clerk
FROM: Adrienne Jones, AICP, Director of Community Development 
SUBJECT: GCOF Reserve of Daphne, L.L.C. and 68V Reserve at Plantation Hills 2021, L.L.C. Pre-Zoning Amendment

PRESENT ZONING: RSF-2, Residential Single Family District, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction

PROPOSED PRE-ZONING: R-3, High Density Single Family Residential

LOCATION: East and southeast of Robbins Boulevard and Ashbury Hill Road

RECOMMENDATION: At the November 18, 2021 regular meeting of the City of Daphne Planning Commission, seven members were present, and the motion carried unanimously for a favorable recommendation for the above captioned zoning amendment.

Attached please find the appropriate documentation and action of the Daphne Planning Commission.

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda to set a public hearing.

Thank you,
ADJ/jv

1. Community Development Report and Supplemental Documents
2. Pre-zoning Application
3. Legal Description (Exhibit A)
4. Boundary Survey (Exhibit B)
5. Adjacent Property Owners List



**GCOF RESERVE AT DAPHNE, LLC, AND 68V RESERVE AT PLANTATION HILLS
2021, LLC Prezoning Amendment**

Zoning Classification:

Baldwin County – RSF-2, Residential Single Family District and Unzoned

Surrounding Zonings/Uses:

- **North**— RSF-2 & Unzoned, RA, Rural Agricultural
- **South**— RA and Unzoned(ETJ)
- **East**— Unzoned and RA (ETJ)
- **West**— Unzoned (ETJ)

Existing Utility Service Providers: BCSS, Loxley Water, Riviera Utilities, AT&T

Affected City Service Providers: Fire Station 5, Police Beat 1

Staff Recommendation to PC: Favorable recommendation to City Council

Proposed Zoning:

R-3, High Density Single Family Residential

Development Concept:

Single Family Residential

Council District:

4

Existing Conditions:

258.43 ac Undeveloped

Planning Commission

Favorable

The Comprehensive Plan

The comprehensive plan's overarching policy regarding land development encourages harmony and compatibility. The following are some Land Use Goals and Objectives from the Plan.

Goal: Provide a land use plan for the City of Daphne, which supports the City's economic development, housing, transportation, and open space, recreation and education goals in a manner that maintains and promotes Daphne's unique image and quality of life. Objective: Encourage development of sound and cohesive residential areas which meet the housing needs of current and potential residents.

Goal: Grow sensibly by anticipating land use needs. Objective: Promote and manage growth on undeveloped lands in a manner that will be compatible with, and complementary to, existing adjacent developed properties. Objective: Encourage planned unit developments which are beneficial to residents and which creatively take advantage of available properties that otherwise would not be developed. Objective: Protect and preserve the character of Daphne through review of new developments, the encouragement of growth that enhances the community spirit, and through aesthetic considerations. Objective: Integrate recreational resources with residential neighborhoods to insure that all portions of Daphne's population have convenient access to parks and open space. Promote clustered commercial development in defined areas.

PROPOSAL:

The applicant has submitted a master plan for the development of a subdivision to be located south and east of Plantation Hills South, Phase Two, which is or was zoned R-2B according to the record plat notes.

The R-2B zoning district in Baldwin County is the same as Daphne's R-2, Medium Density Single Family Residential, district in terms of the 15,000 square foot minimum lot area.

The County's setbacks for R-2B are 30-feet front and rear; 10-ft interior side; and 20-ft corner street side. This is the same as the City's R-3, High Density Single Family Residential, district setbacks.

R-3, High Density Single Family Residential, is the proposed zoning classification for the land if annexed into the corporate limits. This requires a minimum 12,000 square foot lot area.

Phase 1 of the proposed master plan presents lots 51-57; and, Phase 2 presents lots 1-50.

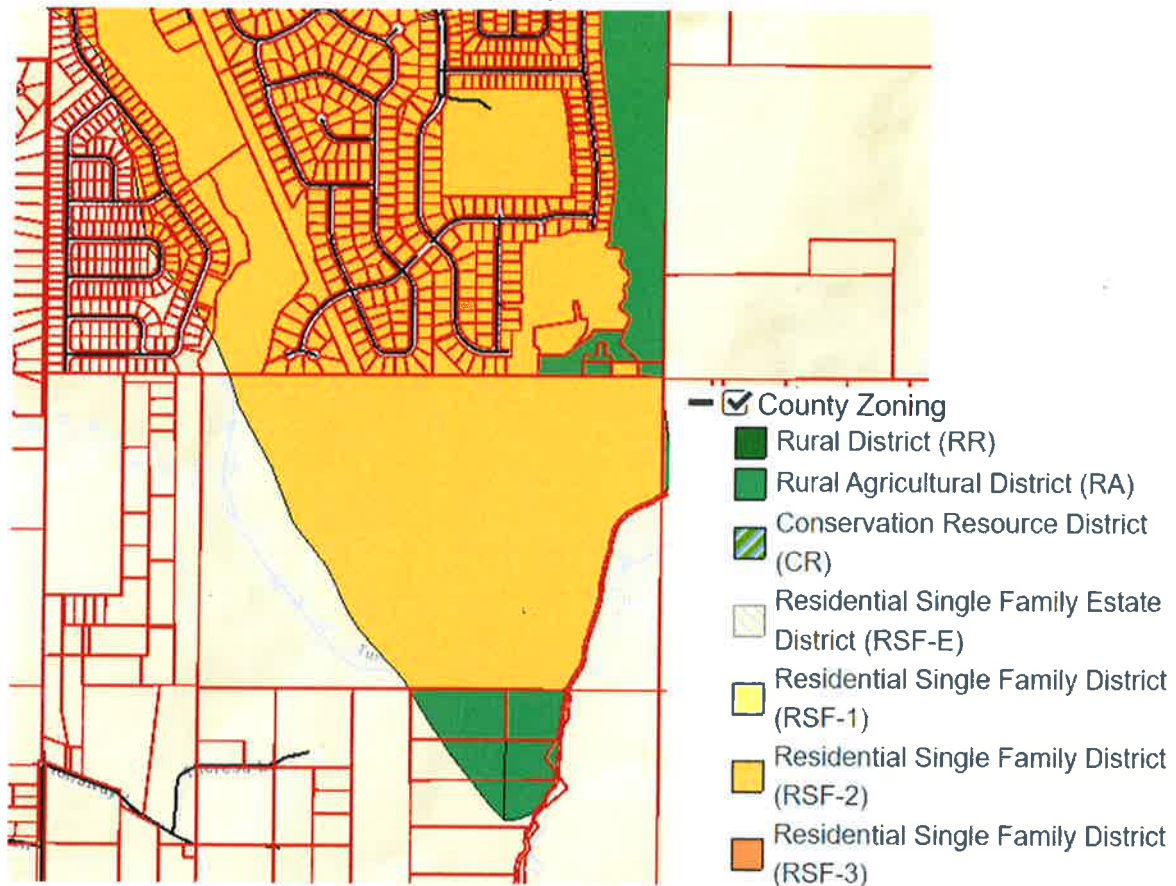
Phase 1 lots are significantly larger than existing abutting lots as well as the lots proposed in Phase 2. Presenting a variety of lot sizes is appropriate as it should result in a variety of housing choices.

Plantation Hills South, Phase Two, subdivision is included herewith in order to establish compatibility between the existing zoning/land use and that which is proposed.

RECOMMENDATION:

Staff recommends that the Planning Commission set forth a favorable recommendation to City Council regarding the pre-zoning of the property. Staff finds that rezoning the parcel as requested would be consistent with the development that has been established in the immediate vicinity. The master plan shows a mix in lot sizes as each new subdivision should.

Excerpt from County's Online map



Provided for the sake of comparing existing & proposed development.

13-4 REQUIREMENTS FOR LOT AREA, WIDTH, COVERAGE, DENSITY, HEIGHT AND OTHER FACTORS

The following shall apply in districts as outlined, except Planned Unit Developments or Innovative Design for Single Family, and as provided below:

MINIMUM LOT REQUIREMENTS

	Minimum Lot Area Square feet (sq ft)	Minimum Lot Width at Setback Line (ft)	Maximum Lot Coverage Percent (%) ^a	Maximum Density ^b (units/acre)	Maximum Height ^e (stories) (ft)
R-1, Low Density Single Family	20,000	100	25	2.0	2.5 stories 35 ft
R-2, Medium Density Residential	15,000	90	25	2.5	2.5 stories 35 ft
<u>R-3, High Density Single Family</u>	12,000	80	30	3.5	2.5 stories 35 ft
R-4, High Density Single Family-- Multi-Family--	5,000 7,500 ^c	50 85	38 35	8.0 14.0	3 stories 50 ft
R-5, Mobile Homes	See	Articles	25 & 26	for	Details
R-6(G) Garden/Patio Homes	5,000	50	38	8	2.5 stories 35 ft
R-6(D), Duplex, R-7(A), R-7(M), R-7(T) respectively: Apartments, Mid Rise Condominium, Townhouses	See	Section	13-9	for	Details
B-1, B-2, B-3 Business Districts and Mixed Use Districts	N/A	N/A	N/A	N/A	4 stories 50 ft
Extra-territorial Planning Jurisdiction	12,000 ^d	80	30	3.5	2.5 stories 35 ft

a. Maximum lot coverage percentages do not apply to lots of record smaller than required in the district in which they are located. b. Maximum density = total number of dwelling units per gross acre to be developed. c. Minimum lot area determined by adding 7,500 square feet for one (1) unit plus two thousand five hundred (2,500) square feet for each additional unit. d. Applies to unzoned lots contained within any subdivision located in the extraterritorial planning jurisdiction where the size of the development exceeds ten (10) acres. e. Maximum height does not apply to overlay districts (see specific applicable overlay districts. Structures up to seventy-five (75) feet may be permitted on sites zoned B-2 or R-7 upon approval by the Planning Commission. In no case shall such building exceed seventy-five feet in height.

Reserve @ Plantation Hills⁵

13-6 Minimum Zoning District Setback Requirements

The following setback requirements shall apply in districts as outlined below, except in a Planned Unit Development, the Olde Towne Daphne District, the Village Overlay District, the Eastern Shore Park Overlay District, or the Jubilee Retail Overlay District.

SETBACKS

Zoning District	Front Yard				Rear Yard	Side Yard	Corner Lot Side Yard	
	Arterial & Collector Streets	Local Streets & Service Roads	U.S. Highway 98 ^e	U.S., State or County Roads			Arterial & Collector Streets	Local Streets & Service Roads
R-1	40	40	50	e	40	15	40	25
R-2	35	35	50	e	35	10	35	20
R-3	30	30	50	e	30	10	30	20
R-4SF& R6(G)	25	25	50	e	25	6	30	20
R-4 TF	30	30	50	e	30	a	30	20
R-4 MF	30	30	50	e	30	a	30	20
R-5	See	Article	25	e				
New MF Districts	See Section 13-9, Minimum Requirements for Fixed Dwellings			e				
Innovative Design SF	25	25	50	e	25	6	30	20
ET SF*	30	30	50	e	30	10	30	20
B-1	30	20	50	e	20	b,d	30	25
B-2	30	20	50	e	b,d	b,d	30	25
B-3	30	20	50	e	b,d	b,d	30	25
C/I	50	30	50	e	c, d	c, d	30	20
MU	30	30	n/a	n/a	30	a	30	25

See notes on the following page.

R@P₇
- 32 -

SITE DATA

BALDWIN COUNTY ZONING DISTRICT 28
DAPHNE EXTRATERRITORIAL PLANNING JURISDICTION
ZONING: R-28 USE: SINGLE FAMILY RESIDENTIAL
MINIMUM LOT SIZE: 15,000 SF

LF OF STREETS: 2255.58

NUMBER OF LOTS: 36

SMALLEST LOT: 63 (15,015 SQ FT)

AREA: 18.49 ACRES

WATER SERVICE: CITY OF LOXLEY WATER

SEWER SERVICE: BALDWIN COUNTY SEWER SERVICE, LLC

REQUIRED SETBACKS:

FRONT	30 FT
REAR	30 FT
SIDE	10 FT
SIDE STREET	20 FT

RECREATION AREA:

REQUIRED 5%: 2.84 AC. (PHASES 1 - 3)

PROVIDED: 2.84 AC.

COMMON AREA = 1.12 AC.

LOT EASEMENTS

10 ft. ON LOT FRONTS
10 ft. ON SIDE OF LOTS

- Plantation Hills South -
Phase 2

Provided to
Compare
Minimum lot
standards.

MARK HOMES
BELTLINE HWY.
MOBILE, AL 36606

BENCHMARK HOMES
1111 S. BELTLINE HWY.
MOBILE, AL 36606

PHA

2020 B

CERTIFICATION OF OWNERSHIP AND DEDICATION

STATE OF ALABAMA }
COUNTY OF BALDWIN }
I, the undersigned, being a duly qualified and sworn juror, do hereby certify that the within and foregoing plat, map, and plat was duly recorded in the public records of the County of Baldwin, Alabama, and that the same is a true and correct copy of the original as the same was presented to me for recording.

CERTIFICATION BY NOTARY PUBLIC

STATE OF ALABAMA }
COUNTY OF BALDWIN }
I, the undersigned, being a duly qualified and sworn juror, do hereby certify that the within and foregoing plat, map, and plat was duly recorded in the public records of the County of Baldwin, Alabama, and that the same is a true and correct copy of the original as the same was presented to me for recording.

CERTIFICATION OF APPROVAL FOR RECORDING

STATE OF ALABAMA }
COUNTY OF BALDWIN }
I, the undersigned, being a duly qualified and sworn juror, do hereby certify that the within and foregoing plat, map, and plat was duly recorded in the public records of the County of Baldwin, Alabama, and that the same is a true and correct copy of the original as the same was presented to me for recording.

2020 B+c

THE RECORD ATTACHED TO THIS PLAT WAS FILED FOR RECORD ON THE _____ DAY OF _____, 2020, AT _____, BALDWIN COUNTY, ALABAMA.

CERTIFICATE OF APPROVAL BY THE BALDWIN COUNTY ENGINEER

I, the undersigned, being a duly qualified and sworn juror, do hereby certify that the within and foregoing plat, map, and plat was duly recorded in the public records of the County of Baldwin, Alabama, and that the same is a true and correct copy of the original as the same was presented to me for recording.

CERTIFICATION:

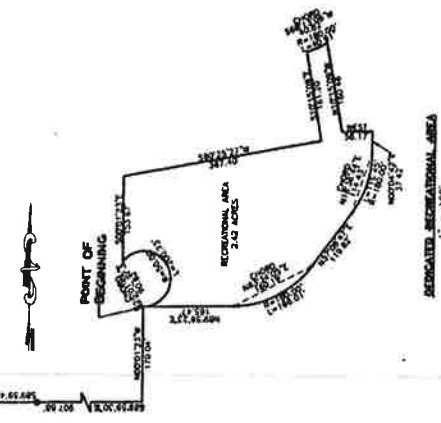
STATE OF ALABAMA }
COUNTY OF BALDWIN }
I, the undersigned, being a duly qualified and sworn juror, do hereby certify that the within and foregoing plat, map, and plat was duly recorded in the public records of the County of Baldwin, Alabama, and that the same is a true and correct copy of the original as the same was presented to me for recording.

THE RECORD ATTACHED TO THIS PLAT WAS FILED FOR RECORD ON THE _____ DAY OF _____, 2020, AT _____, BALDWIN COUNTY, ALABAMA.

AFFIDAVIT OF REGISTERED PROFESSIONAL ENGINEER

I, the undersigned, being a duly qualified and sworn juror, do hereby certify that the within and foregoing plat, map, and plat was duly recorded in the public records of the County of Baldwin, Alabama, and that the same is a true and correct copy of the original as the same was presented to me for recording.

SOUTHEAST CORNER OF SECTION 1, T-2-S, R-2-E, BALDWIN COUNTY, ALABAMA



1" = 100'

CERTIFICATION OF APPROVAL BY ELECTRIC UTILITY

I, the undersigned, being a duly qualified and sworn juror, do hereby certify that the within and foregoing plat, map, and plat was duly recorded in the public records of the County of Baldwin, Alabama, and that the same is a true and correct copy of the original as the same was presented to me for recording.

CERTIFICATION OF APPROVAL OF WATER SYSTEM

I, the undersigned, being a duly qualified and sworn juror, do hereby certify that the within and foregoing plat, map, and plat was duly recorded in the public records of the County of Baldwin, Alabama, and that the same is a true and correct copy of the original as the same was presented to me for recording.

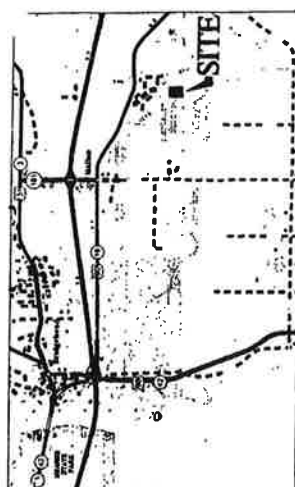
CERTIFICATION OF APPROVAL OF TELEPHONE UTILITY

I, the undersigned, being a duly qualified and sworn juror, do hereby certify that the within and foregoing plat, map, and plat was duly recorded in the public records of the County of Baldwin, Alabama, and that the same is a true and correct copy of the original as the same was presented to me for recording.

CERTIFICATION OF APPROVAL OF SEWER SYSTEM

I, the undersigned, being a duly qualified and sworn juror, do hereby certify that the within and foregoing plat, map, and plat was duly recorded in the public records of the County of Baldwin, Alabama, and that the same is a true and correct copy of the original as the same was presented to me for recording.

STATE OF ALABAMA }
COUNTY OF BALDWIN }



VICINITY MAP

SHEET 1 OF 2

PLANTATION HILLS SOUTH
PHASE 2
FINAL PLAT

ENGINEERING DEVELOPMENT SERVICES, LLC
Engineering • Planning • Surveying • Construction Management
2200 U.S. Highway 90 • Suite 201 • Gulfport, Alabama 36533
(251) 860-2323 • Fax (251) 860-2324

NO.	DATE	BY	CHK	DATE	BY	CHK	DATE	BY	CHK
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**APPLICATION
&
SUPPLEMENTAL INFORMATION**



APPLICATION FOR REZONING OR PRE-ZONING

Office use only: Rev. 072816

Date Submitted

10/18/21

Application Number:

Planning Commission Public

ZA-

or

PZA- 21-14

Hearing Date:

11/18/21

Legibly print or type responses below. Indicate N/A or an "X" where item is not applicable.

SITE DATA

Site Location (Address or General Proximity to Nearest Intersection):

South and East of Plantation Hills Phase 2 and Bay Branch Estates Phase 5; at Robbins Blvd & Asbury Hill Rd.

PPIN#(s):

68266, 216690

Gross Site Area (acreage):

258.43 ac.

Requested Zoning or Pre-Zoning:

R-3

Current Zoning Designation(s):

Baldwin County Unzoned and RSF-2

Amended Request:

Initials:

Date:

October 18, 2021

Current Land Use:

Vacant

Anticipated Land Use:

Residential

Provide Legal Description (if necessary attach separate page entitled "Legal Description for [Name of Applicant]":
See Attached

Specify other recently approved or pending requests related to the subject property. Circle the answer(s).

Annexation

Subdivision

Site Plan

Special Exception

Variance

Specify Other

APPLICANT & AGENT INFORMATION

If an LLC or LLP or Corporation, provide name and signature of Registered Member or Agent **and provide a copy of Articles of Incorporation.*

Name of Current Owner:

GCOF Reserve at Daphne & 68V Reserve at Plantation Hills 2021 LLC

Mailing Address:

29891 Woodrow Ln., Suite 300, Spanish Fort, AL 36527

Phone/Fax: 251-625-1198

E-mail: ncox@68ventures.com

Name of Authorized Agent:

Melissa A. Currie / Dewberry Engineers

Mailing Address:

25353 Friendship Road, Daphne, AL 36526

Phone/Fax: 251-929-9809

E-mail: mcurrie@dewberry.com

Name of Developer*:

68V Pay Dirt, LLC

Phone/Fax: 251-625-1198

E-mail: ncox@68ventures.com

Other:

Phone/Fax:

E-mail:

I, the applicant, certify that all of the above facts are true and correct to the best of my knowledge. I hereby agree to allow the City of Daphne to post a sign on the subject property notifying the general public of this request.

Applicant's Signature:

Date 10/18/21

Agent's Signature:

Date 11/18/2021

EXHIBIT "A"

Legal Description: The Reserve at Plantation Hills

258.43 acres

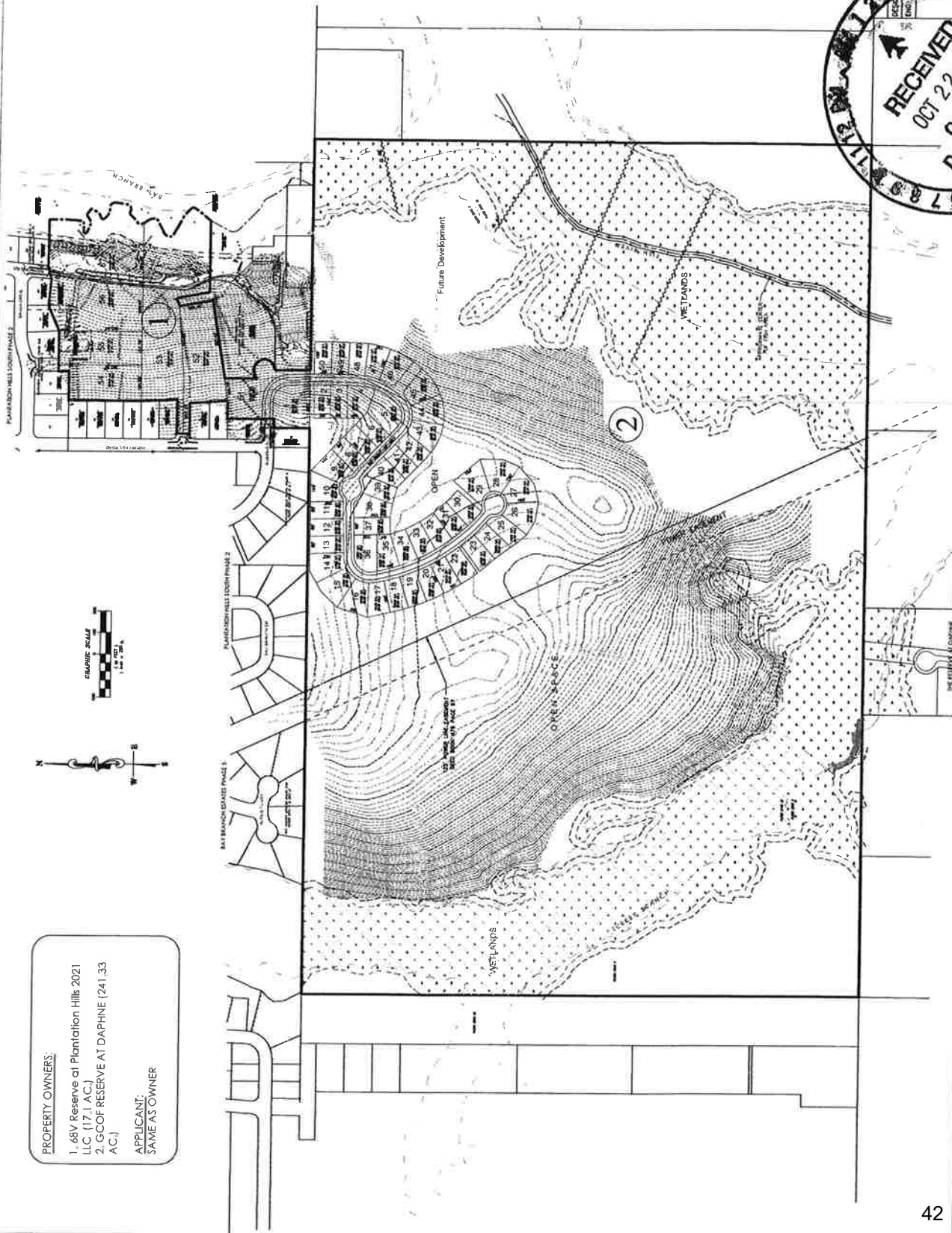
BEGIN AT THE NORTHEAST CORNER OF SECTION 12, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SAINT STEPHENS MERIDIAN AND RUN THENCE SOUTH 00°17'09" WEST, ALONG THE EAST LINE OF SAID SECTION 12, A DISTANCE OF 2,657.61 FEET TO A CRIMP TOP IRON PIPE; THENCE RUN NORTH 89°47'01" WEST, A DISTANCE OF 2149.52 FEET TO A CAPPED REBAR (CA-0089-LS); THENCE RUN NORTH 89°48'35" WEST, A DISTANCE OF 496.47 FEET TO A CAPPED REBAR (LS 19254); THENCE RUN NORTH 89°57'11" WEST, A DISTANCE OF 1,304.46 FEET TO A NAIL WITH SHINER IN AN OLD FENCE POST (CA-0568-LS); THENCE RUN NORTH 00°00'08" EAST, A DISTANCE OF 2,658.04 FEET TO CAPPED REBAR (CA-0089-LS) ON THE SOUTH LINE OF BAY BRANCH VILLAS, PHASE 6-B, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2216-F AND SLIDES 2217-A & 2217-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 89°52'03" EAST, ALONG THE SOUTH MARGIN OF SAID BAY BRANCH VILLAS, PHASE 6-B, A DISTANCE OF 504.59 FEET TO CAPPED REBAR; THENCE RUN SOUTH 89°50'01" EAST, ALONG THE SOUTH LINE OF BAY BRANCH ESTATES PHASE 5, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2011-B AND 2011-C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, A DISTANCE OF 1,479.44 FEET TO A CAPPED REBAR (CEC) AT THE SOUTHWEST CORNER OF PLANTATION HILLS SOUTH, PHASE 2, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2020-B AND 2020-C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 89°47'11" EAST, ALONG THE SOUTH MARGIN OF SAID PLANTATION HILLS SOUTH, PHASE 2, A DISTANCE OF 638.30 FEET TO A CAPPED REBAR (CA-0568-LS) AT THE SOUTHWEST CORNER OF LOT 56 OF SAID PLANTATION HILLS SOUTH, PHASE 2; THENCE RUN ALONG THE EAST MARGIN OF SAID PLANTATION HILLS SOUTH, PHASE 2, THE FOLLOWING COURSES, TO WIT; NORTH 00°01'54" EAST, A DISTANCE OF 170.51 FEET; SOUTH 89°55'34" EAST, A DISTANCE OF 43.06 FEET TO A 5/8" REBAR; NORTH 00°18'23" EAST, A DISTANCE OF 220.16 FEET TO A 5/8" CAPPED REBAR (CA-0568-LS); SOUTH 89°38'30" EAST, A DISTANCE OF 81.89 FEET TO A 5/8" CAPPED REBAR (CA-0568-LS); NORTH 02°58'32" WEST, A DISTANCE OF 180.26 FEET TO A 5/8" CAPPED REBAR (CA-0568-LS); NORTH 89°49'10" WEST, A DISTANCE OF 142.41 FEET TO A 5/8" CAPPED REBAR (CA-0568-LS); NORTH 00°23'00" EAST, A DISTANCE OF 60.07 FEET TO 1/2" REBAR; SOUTH 89°47'31" EAST, A DISTANCE OF 157.97 FEET TO A 5/8" CAPPED REBAR (CA-0568-LS); NORTH 02°14'29" WEST, A DISTANCE OF 170.15 FEET TO A 5/8" CAPPED REBAR (CA-0568-LS); NORTH 00°11'49" EAST, A DISTANCE OF 343.67 FEET TO A 5/8" CAPPED REBAR (CA-0568-LS) ON THE SOUTH MARGIN OF PLANTATION HILLS SOUTH, PHASE 1, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 1825-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN ALONG THE SOUTH MARGIN OF SAID PLANTATION HILLS SOUTH, PHASE 1, THE FOLLOWING COURSES, TO WIT; SOUTH 89°48'31" EAST, A DISTANCE OF 134.82 FEET TO A 5/8" CAPPED REBAR (CA-0568-LS); NORTH 00°21'19" EAST, A DISTANCE OF 49.29 FEET TO A 1/2" CAPPED REBAR (CA-0568-LS); SOUTH 89°43'08" EAST, A DISTANCE OF 187.25 FEET TO A 1/2" CAPPED REBAR (CEC); NORTH 66°32'15" EAST, A DISTANCE OF 129.09 FEET TO A 1/2" CAPPED REBAR (MOORE) AT THE SOUTHWEST CORNER OF LOT 291 OF PLANTATION HILLS SUBDIVISION, UNIT 4, AS SHOWN BY MAP OR

PLAT THEREOF RECORDED IN MAP BOOK 11, AT PAGE 26, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN ALONG THE SOUTH MARGIN OF SAID PLANTATION HILLS SUBDIVISION, UNIT 4, THE FOLLOWING COURSES, TO WIT; SOUTH 83°56'16" EAST, A DISTANCE OF 122.19 FEET; NORTH 75°36'18" EAST, A DISTANCE OF 63.76 FEET; SOUTH 89°49'24" EAST, A DISTANCE OF 214 FEET, MORE OR LESS, TO THE CENTER OF BAY BRANCH; THENCE RUN SOUTHERLY, ALONG THE MEANDERS OF SAID BAY BRANCH, A DISTANCE OF 1,194 FEET, MORE OR LESS, TO A POINT THAT BEARS SOUTH 89°50'53" EAST, A DISTANCE OF 332 FEET, MORE OR LESS, OF A 5/8" CAPPED REBAR (CA-1109-LS); THENCE RUN NORTH 89°50'53" WEST, A DISTANCE OF 332 FEET, MORE OR LESS, TO A 5/8" CAPPED REBAR (CA-1109-LS); THENCE RUN NORTH 10°06'02" WEST, A DISTANCE OF 160.48 FEET TO A 5/8" CAPPED REBAR (CA-1109-LS); THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 180.00 FEET, AN ARC LENGTH OF 40.85 FEET, (CHORD BEARS SOUTH 68°46'51" WEST, A DISTANCE OF 40.77 FEET) TO A 5/8" CAPPED REBAR (CA-1109-LS); THENCE RUN SOUTH 10°06'02" EAST, A DISTANCE OF 161.49 FEET TO A 5/8" CAPPED REBAR (CA-1109-LS); THENCE RUN SOUTH 80°34'34" WEST, A DISTANCE OF 367.40 FEET TO A 5/8" CAPPED REBAR (CA-1109-LS); THENCE RUN SOUTH 00°07'44" WEST, A DISTANCE OF 153.67 FEET TO A 5/8" CAPPED REBAR (CA-1109-LS); THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 50.00 FEET, AN ARC LENGTH OF 200.73 FEET, (CHORD BEARS SOUTH 24°52'48" EAST, A DISTANCE OF 90.62 FEET); THENCE RUN SOUTH 00°07'44" WEST, A DISTANCE OF 170.00 FEET; THENCE RUN SOUTH 89°50'38" EAST, A DISTANCE OF 1,071.74 FEET TO THE POINT OF BEGINNING.

TRACT CONTAINS 258.43 ACRES, MORE OR LESS, AND LIES IN SECTION 1 AND SECTION 12, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

LINE TABLE			
LINE	NAME	DATE	TIME
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99	99	99	99
100	100	100	100

THIS IS NOT A PROPERTY BOUNDARY SURVEY



1. 68V Reserve at Plantation Hills 2021
LLC (17.1 AC.)

APPLICANT:
SAME AS OWNER

SITE DATA:

PARCEL ID	= PIN 68266, 216690
TOTAL AREA	= 258.43 AC.
FLOOD ZONE	= "X" & "AE"
EX. ZONING	= RSF-2 (DIST. 28)
PROP. ZONING	UNZONED (DIST. 7) BALDWIN COUNTY = R-3 CITY OF DAPHNE

BULK STANDARDS:

LOTS: (ZONE R-3)
 MINIMUM AREA = 12,000 SF
 MIN. WIDTH = 80'
 MAX. DENSITY = 3.5 DU/AC
 SETBACKS:
 = 30' FRONT
 = 30' REAR
 = 10' SIDE/20' CORNER

DEVELOPMENT SUMMARY:

PROPOSED USE	= SINGLE FAMILY RES.
LOT SUMMARY:	= 57 LOTS TOTAL
SMALLEST LOT	= 12,000 SF
LARGEST LOT	= 4.71 ACRES (LOT 53)
MIN. WIDTH	= 80'
GROSS DENSITY	= 0.2 DU/AC
TOTAL ROADS	= 2.535 LF PUBLIC R/W
PAVEMENT	= 22'

THE RESERVE
AT PLANTATION HILLS

OCTOBER 18, 2021

EXHIBIT "C" - CONCEPTUAL MASTER PLAN			
M.A.C.	DRAIN	M.A.C.	CHRD
W.B.	SURVEYOR	V.L.O.	PROJ MGR
		SCALE 1" = 200'	
		PROJ. NO. 501140491	
		FILE	SECTION 4
		SHEET	1 OF 1



County Zoning

-  Rural District (RR)
-  Rural Agricultural District (RA)
-  Conservation Resource District (CR)
-  Residential Single Family Estate District (RSF-E)
-  Residential Single Family District (RSF-1)
-  Residential Single Family District (RSF-2)

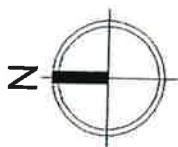
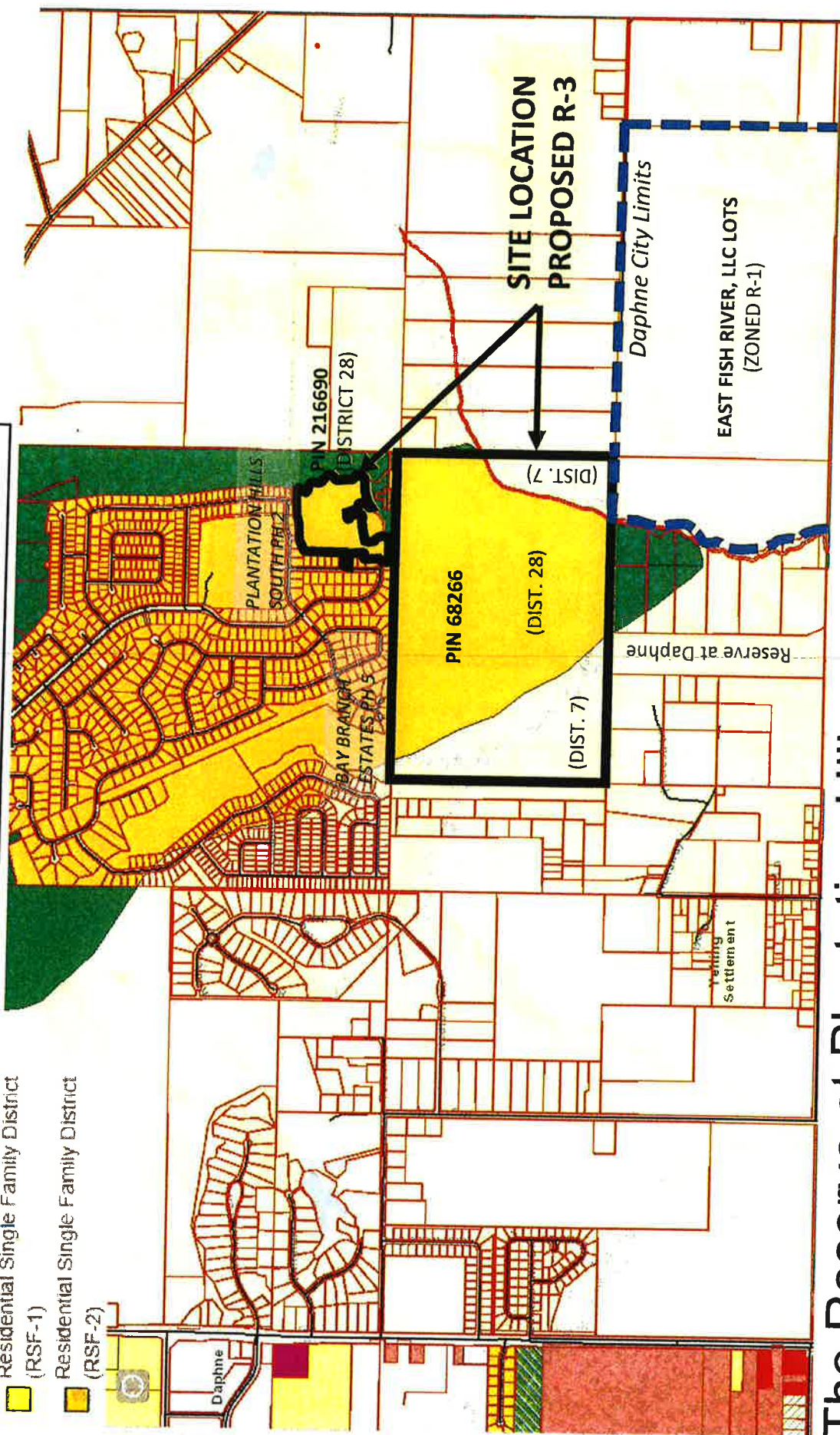


EXHIBIT "D" CURRENT ZONING



COMMUNITY DEVELOPMENT



November 5, 2021

Dear Sir/Ma'am,

NOTICE OF PUBLIC HEARING

A petition for PRE-ZONING will be considered by the Daphne Planning Commission for GCOF Reserve at Daphne, L.L.C., and 68V Reserve at Plantation Hills 2021, L.L.C. containing 258.43 acres +/- located east and southeast of Robbins Boulevard and Ashbury Hill Road, zoned RSF-2, Single Family Residential, Baldwin County District 28, and Unzoned, Baldwin County District 7, in the Extraterritorial Planning Jurisdiction, to be pre-zoned as R-3, High Density Single Family Residential. A petition to annex said property has also been submitted.

Said petition will also be considered by the Daphne City Council pursuant to Alabama Code 11-52-85. The application is available for review at City Hall in the Department of Community Development, 1705 Main Street, during regular business hours. An informal site preview meeting will be held on Wednesday, November 10, 2021 at 8:30 a.m. in the Council Chambers of City Hall. The public is invited to attend: limited participation may be allowed by the chairman.

The public hearing will be held by the Daphne Planning Commission on Thursday, November 18, 2021 at 5:00 p.m. in the Council Chambers of City Hall. You may submit your views in writing, in person, or by representation.

Sincerely,
Adrienne D. Jones, AICP,
Director of Community Development

GCOF Reserve at Daphne, L.L.C., and 68V Reserve at Plantation Hills 2021, L.L.C. Pre-Zoning Amendment

Owner Name	Address	City	State	Zip
ALLEN, ERIC A/K/A ALLEN, ERIC K SR ETAL	27508 BAY BRANCH DR	DAPHNE	AL	36526
BALDWIN COUNTY SEWER SERVICE L L C	P O BOX 1628	FOLEY	AL	36536
BARNHILL, BENJAMIN C	P O BOX 928	FAIRHOPE	AL	36533
BAY BRANCH L L C	P O BOX 7430	SPANISH FORT	AL	36577
BAY BRANCH PROPERTY OWNERS ASSOCIATION I	P O BOX 283	DAPHNE	AL	36526
BENCHMARK HOMES GROUP L L C	2212 MAIN ST STE E	DAPHNE	AL	32526
BIEHL, JENNIFER L	205 ROBBINS BLVD	DAPHNE	AL	36526
BOUDREAU, SCOTT J ETAL BOUDREAU, TAMMY E	105 ASBURY HILL RD	DAPHNE	AL	36526
CANNON, WILLIS A ETAL CANNON, CAROL W	11436 ALPINE CT	DAPHNE	AL	36526
CARMICHAEL, HENRY	5216 NOBLEMAN TRL	KNIGHTDALE	NC	27545
COPELAND, ALMA JEAN	113 ASBURY HILL RD	DAPHNE	AL	36526
CRUZ, RITTO R ETAL CRUZ, LEE ANN	112 BRAGA DR	DAPHNE	AL	36526
EAST FISH RIVER L L C	118 N ROYAL ST STE 700	MOBILE	AL	36602
ELLIS, GARY H ETAL ELLIS, MARIE A	11424 ALPINE CT	DAPHNE	AL	36526
GANNON, BARKLEY ETAL GANNON, AMBER	115 ASBURY HILL RD	DAPHNE	AL	36526
GCOF RESERVE AT DAPHNE L L C	521 5TH AVE, 35TH FLOOR	NEW YORK	NY	10175
GRADICK, WILLIAM H III ETAL GRADICK, AMY	16095 PINE GROVE RD EXT S	BAY MINETTE	AL	36507
GUZMAN, ABEL NUNEZ ETAL SCHOEN, BLAZE A	200 ROBBINS BLVD	DAPHNE	AL	36526
HALL, CAITLIN	198 ROBBINS BLVD	DAPHNE	AL	36526
HERRMANN, KENNETH ETAL HERRMANN, SUSAN	27500 BAY BRANCH DR	DAPHNE	AL	36526
KAF RE L L C	5753 HWY 85 N #3502	CRESTVIEW	FL	32536
KLEMMANN, GEORGE ETAL KLEMMANN, EVA	86 PADDOCK DR	FAIRHOPE	AL	36532
LEE, DONALD H ETAL LEE, CLARA E	27470 BAY BRANCH DR	DAPHNE	AL	36526
LEWIS, STEPHANIE M ETAL LEWIS, JAMES A	P O BOX 7328	SPANISH FORT	AL	36527
MAYFIELD, BENJAMIN LLOYD II	189 RICHMOND RD	DAPHNE	AL	36526
MCLEOD, ROY D	106 BRAGA DR	DAPHNE	AL	36526
MIRE, GERALD JR ETAL MIRE, DANITA M	188 RICHMOND RD	DAPHNE	AL	36526
MITCHELL, VIRGINIA LYNN MILLER ETAL MITC	111 ASBURY HILL RD	DAPHNE	AL	36526
MYERS, BRYAN K ETAL MYERS, DONNA J	27460 BAY BRANCH DRIVE	DAPHNE	AL	36526
NICHOLS, LAWRENCE L JR ETAL NICHOLS, SHE	103 ASBURY HILL RD	DAPHNE	AL	36526
NILSSON, NORMAN R ETAL NILSSON, MELINDA	27448 BAY BRANCH DR	DAPHNE	AL	36526

PERDUE, JOHNNIE	P O BOX 820	DAPHNE	AL	36526
PIERCE, LEONARD P ETUX GRACE DARLENE	107 ASBURY HILL RD	DAPHNE	AL	36526
REAL PROPERTY INVESTMENTS INC	1290 MAIN ST STE E	DAPHNE	AL	36526
ROBINSON, ALEXANDER ETAL ROBINSON, WILLI	6231 LUTHER ST	PENSACOLA	FL	32503
ROBINSON, THERESA E A/K/A ROBINSON, ETTA	P O BOX 731	DAPHNE	AL	36526
SAWYER, MICAH G	110 BRAGA DR	DAPHNE	AL	36526
SIMPSON, VAN A	117 ASBURY HILL RD	DAPHNE	AL	36526
SPANISH FORT SEWER L L C	P O BOX 1629	FOLEY	AL	36536
THOMPSON, RICKY DON JR ETAL THOMPSON, AN	27488 BAY BRANCH DRIVE	DAPHNE	AL	36526
TRIONE, ARTHUR MARK	890 LEWIS RD NELSON BC	CANADA V1L6P7		
WEEKS BAY WATERSHED PROTECTIVE ASSOCIATI	251 S GREENO RD SUITE C	FAIRHOPE	AL	36532
WILLIAMS, DWIGHT R ETAL WILLIAMS, TERESA	11380 ALPINE CT	DAPHNE	AL	36526
WILLIAMSON, KEVIN WAYNE ETAL WILLIAMSON,	204 ROBBINS BLVD	DAPHNE	AL	36526

**Legal Description: GCOF RESERVE AT DAPHNE, LLC, AND 68V RESERVE
AT PLANTATION HILLS 2021, LLC**

258.43 acres

BEGIN AT THE NORTHEAST CORNER OF SECTION 12, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SAINT STEPHENS MERIDIAN AND RUN THENCE SOUTH 00°17'09" WEST, ALONG THE EAST LINE OF SAID SECTION 12, A DISTANCE OF 2,657.61 FEET TO A CRIMP TOP IRON PIPE; THENCE RUN NORTH 89°47'01" WEST, A DISTANCE OF 2149.52 FEET TO A CAPPED REBAR (CA-0089-LS); THENCE RUN NORTH 89°48'35" WEST, A DISTANCE OF 496.47 FEET TO A CAPPED REBAR (LS 19254); THENCE RUN NORTH 89°57'11" WEST, A DISTANCE OF 1,304.46 FEET TO A NAIL WITH SHINER IN AN OLD FENCE POST (CA-0568-LS); THENCE RUN NORTH 00°00'08" EAST, A DISTANCE OF 2,658.04 FEET TO CAPPED REBAR (CA-0089-LS) ON THE SOUTH LINE OF BAY BRANCH VILLAS, PHASE 6-B, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2216-F AND SLIDES 2217-A & 2217-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 89°52'03" EAST, ALONG THE SOUTH MARGIN OF SAID BAY BRANCH VILLAS, PHASE 6-B, A DISTANCE OF 504.59 FEET TO CAPPED REBAR; THENCE RUN SOUTH 89°50'01" EAST, ALONG THE SOUTH LINE OF BAY BRANCH ESTATES PHASE 5, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2011-B AND 2011-C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, A DISTANCE OF 1,479.44 FEET TO A CAPPED REBAR (CEC) AT THE SOUTHWEST CORNER OF PLANTATION HILLS SOUTH, PHASE 2, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2020-B AND 2020-C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 89°47'11" EAST, ALONG THE SOUTH MARGIN OF SAID PLANTATION HILLS SOUTH, PHASE 2, A DISTANCE OF 638.30 FEET TO A CAPPED REBAR (CA-0568-LS) AT THE SOUTHWEST CORNER OF LOT 56 OF SAID PLANTATION HILLS SOUTH, PHASE 2; THENCE RUN ALONG THE EAST MARGIN OF SAID PLANTATION HILLS SOUTH, PHASE 2, THE FOLLOWING COURSES, TO WIT; NORTH 00°01'54" EAST, A DISTANCE OF 170.51 FEET; SOUTH 89°55'34" EAST, A DISTANCE OF 43.06 FEET TO A 5/8" REBAR; NORTH 00°18'23" EAST, A DISTANCE OF 220.16 FEET TO A 5/8" CAPPED REBAR (CA-0568-LS); SOUTH 89°38'30" EAST, A DISTANCE OF 81.89 FEET TO A 5/8" CAPPED REBAR (CA-0568-LS); NORTH 02°58'32" WEST, A DISTANCE OF 180.26 FEET TO A 5/8" CAPPED REBAR (CA-0568-LS); NORTH 89°49'10" WEST, A DISTANCE OF 142.41 FEET TO A 5/8" CAPPED REBAR (CA-0568-LS); NORTH 00°23'00" EAST, A DISTANCE OF 60.07 FEET TO 1/2" REBAR; SOUTH 89°47'31" EAST, A DISTANCE OF 157.97 FEET TO A 5/8" CAPPED REBAR (CA-0568-LS); NORTH 02°14'29" WEST, A DISTANCE OF 170.15 FEET TO A 5/8" CAPPED REBAR (CA-0568-LS); NORTH 00°11'49" EAST, A DISTANCE OF 343.67 FEET TO A 5/8" CAPPED REBAR (CA-0568-LS) ON THE SOUTH MARGIN OF PLANTATION HILLS SOUTH, PHASE 1, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 1825-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN ALONG THE SOUTH MARGIN OF SAID PLANTATION HILLS SOUTH, PHASE 1, THE FOLLOWING COURSES, TO WIT; SOUTH 89°48'31" EAST, A DISTANCE OF 134.82 FEET TO A 5/8" CAPPED REBAR (CA-0568-LS); NORTH 00°21'19" EAST, A DISTANCE OF 49.29 FEET TO A 1/2" CAPPED REBAR (CA-0568-LS); SOUTH 89°43'08" EAST, A DISTANCE OF 187.25 FEET TO A 1/2" CAPPED REBAR (CEC); NORTH 66°32'15" EAST, A DISTANCE OF 129.09 FEET TO A 1/2" CAPPED REBAR (MOORE) AT THE SOUTHWEST CORNER OF LOT 291 OF PLANTATION HILLS SUBDIVISION, UNIT 4, AS SHOWN BY MAP OR PLAT THEREOF RECORDED IN MAP BOOK 11, AT PAGE 26, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN ALONG THE SOUTH MARGIN OF SAID PLANTATION HILLS SUBDIVISION, UNIT 4,

THE FOLLOWING COURSES, TO WIT; SOUTH 83°56'16" EAST, A DISTANCE OF 122.19 FEET; NORTH 75°36'18" EAST, A DISTANCE OF 63.76 FEET; SOUTH 89°49'24" EAST, A DISTANCE OF 214 FEET, MORE OR LESS, TO THE CENTER OF BAY BRANCH; THENCE RUN SOUTHERLY, ALONG THE MEANDERS OF SAID BAY BRANCH, A DISTANCE OF 1,194 FEET, MORE OR LESS, TO A POINT THAT BEARS SOUTH 89°50'53" EAST, A DISTANCE OF 332 FEET, MORE OR LESS, OF A 5/8" CAPPED REBAR (CA-1109-LS); THENCE RUN NORTH 89°50'53" WEST, A DISTANCE OF 332 FEET, MORE OR LESS, TO A 5/8" CAPPED REBAR (CA-1109-LS); THENCE RUN NORTH 10°06'02" WEST, A DISTANCE OF 160.48 FEET TO A 5/8" CAPPED REBAR (CA-1109-LS); THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 180.00 FEET, AN ARC LENGTH OF 40.85 FEET, (CHORD BEARS SOUTH 68°46'51" WEST, A DISTANCE OF 40.77 FEET) TO A 5/8" CAPPED REBAR (CA-1109-LS); THENCE RUN SOUTH 10°06'02" EAST, A DISTANCE OF 161.49 FEET TO A 5/8" CAPPED REBAR (CA-1109-LS); THENCE RUN SOUTH 80°34'34" WEST, A DISTANCE OF 367.40 FEET TO A 5/8" CAPPED REBAR (CA-1109-LS); THENCE RUN SOUTH 00°07'44" WEST, A DISTANCE OF 153.67 FEET TO A 5/8" CAPPED REBAR (CA-1109-LS); THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 50.00 FEET, AN ARC LENGTH OF 200.73 FEET, (CHORD BEARS SOUTH 24°52'48" EAST, A DISTANCE OF 90.62 FEET); THENCE RUN SOUTH 00°07'44" WEST, A DISTANCE OF 170.00 FEET; THENCE RUN SOUTH 89°50'38" EAST, A DISTANCE OF 1,071.74 FEET TO THE POINT OF BEGINNING.

TRACT CONTAINS 258.43 ACRES, MORE OR LESS, AND LIES IN SECTION 1 AND SECTION 12, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.



**COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM**

DATE: November 19, 2021
TO: Office of the City Clerk
FROM: Adrienne Jones, AICP, Director of Community Development *AJ*
SUBJECT: GCOF Reserve of Daphne, L.L.C., James and Barbara Conaway, Joseph Lazzari, Joseph Lazzari, Jr. and Tania Lazzari Pre-Zoning Amendment

PRESENT ZONING: RSF-2, Residential Single Family District, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction

PROPOSED PRE-ZONING: R-2, Medium Density Single Family Residential, and R-6(G), Patio/Garden Home

LOCATION: North of the intersection of County Road 64 and Montelucia Way

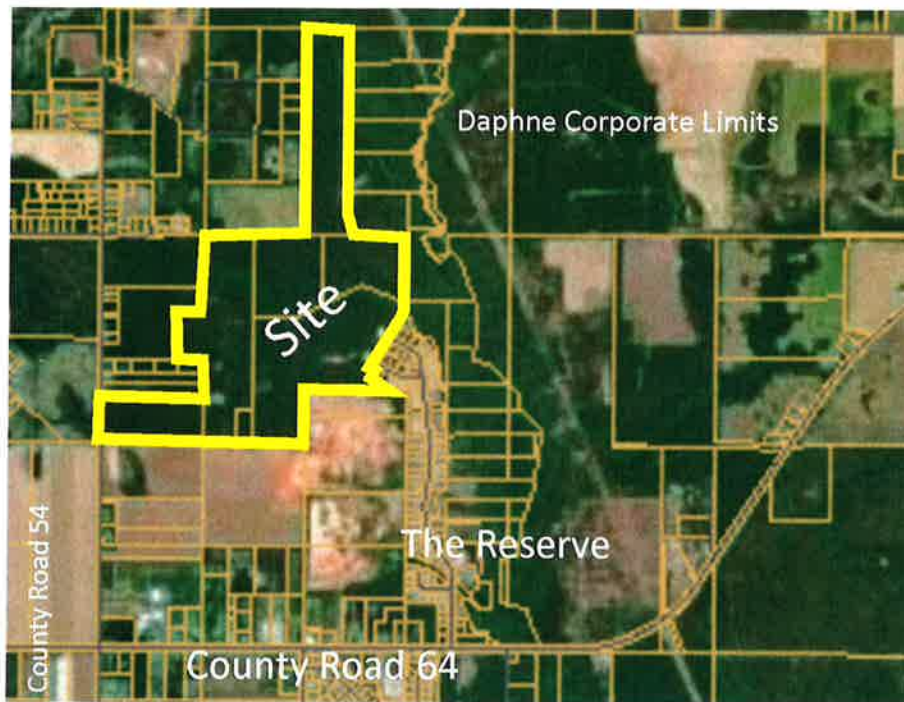
RECOMMENDATION: At the November 18, 2021 regular meeting of the City of Daphne Planning Commission, ~~seven~~ members were present, and the motion carried unanimously for a favorable recommendation for the above captioned zoning amendment.

Attached please find the appropriate documentation and action of the Daphne Planning Commission.

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda to set a public hearing.

Thank you,
ADJ/jv

1. Community Development Report and Supplemental Documents
2. Pre-zoning Application
3. Legal Description (Exhibit A)
4. Boundary Survey (Exhibit B)
5. Adjacent Property Owners List



GCOF RESERVE AT DAPHNE, LLC, JAMES AND BARBARA CONAWAY, JOSEPH LAZZARI, JR, JOSEPH LAZZARI AND TANIA LAZZARI
 Rezoning Amendment

Zoning Classification:

Baldwin County – RSF-2, Residential Single Family District and Unzoned

Surrounding Zonings/Uses:

- **North**— Proposed R-3, High Density Single Family Residential (RSF-2 & Unzoned)
- **South**— Savannah Estates PRD (ETJ)
- **East**— RA, Rural Agricultural (ETJ)
- **West**— RA, Rural Agricultural and RSF-2 (ETJ)

Existing Utility Service Providers: BCSS, Belforest Water, Riviera Utilities, AT&T

Affected City Service Providers: Fire Station 5, Police Beat 1

Staff Recommendation to PC: Favorable recommendation to City Council

Proposed Zoning:

R-2, Medium Density Single Family, R-6(G), Garden/Patio Home

Development Concept:

Single Family Residential

Council District:

4

Existing Conditions:

186.65 ac Undeveloped

Planning Commission

Favorable

The Comprehensive Plan

The comprehensive plan's overarching policy regarding land development encourages harmony and compatibility. The following are some Land Use Goals and Objectives from the Plan.

Goal: Provide a land use plan for the City of Daphne, which supports the City's economic development, housing, transportation, and open space, recreation and education goals in a manner that maintains and promotes Daphne's unique image and quality of life. Objective: Encourage development of sound and cohesive residential areas which meet the housing needs of current and potential residents.

Goal: Grow sensibly by anticipating land use needs. Objective: Promote and manage growth on undeveloped lands in a manner that will be compatible with, and complementary to, existing adjacent developed properties. Objective: Encourage planned unit developments which are beneficial to residents and which creatively take advantage of available properties that otherwise would not be developed. Objective: Protect and preserve the character of Daphne through review of new developments, the encouragement of growth that enhances the community spirit, and through aesthetic considerations. Objective: Integrate recreational resources with residential neighborhoods to insure that all portions of Daphne's population have convenient access to parks and open space. Promote clustered commercial development in defined areas.

PROPOSAL:

The Reserve at Daphne Master Plan was approved by the Planning Commission on September 23, 2021(see attached).

The Reserve at Daphne, Phase One, is located in Baldwin County and zoned RA (Rural Agricultural). The RA zoning district in Baldwin County is the same as Daphne's R-3, High Density Single Family Residential, district in terms of the 12,000 square foot minimum lot area and setbacks (30-feet front and rear; 10-ft interior side; and 20-ft corner street side).

R-2, Medium Density Single Family Residential, and R-6(G), Garden/Patio Home, are the two proposed zoning classifications for the land if annexed into the corporate limits.

Phase 1 of the approved master plan is The Reserve at Daphne, Phase One. It is not included in the request to annex nor the request for pre-zoning.

The proposed zoning layout and residential land use is compatible with the existing zoning and use in Phase 1.

There is a proposed connection to County Road 54 for the approved master plan. From west to east, the zoning of the subject property transitions from R-6(G) to the less dense R-2 district.

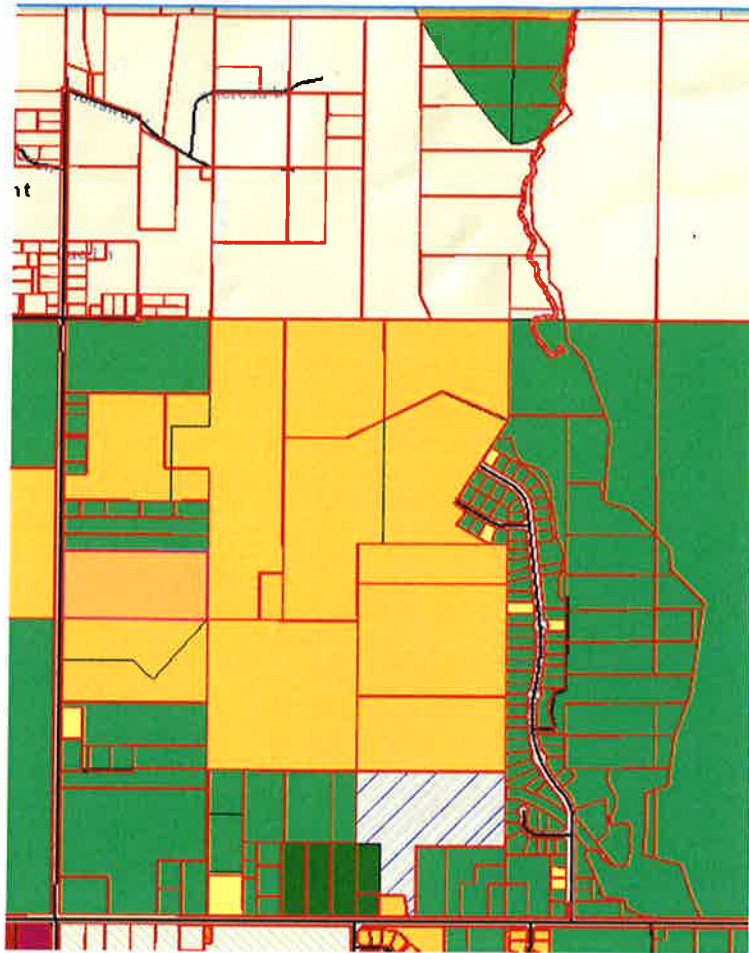
Presenting a variety of lot sizes is appropriate as it should result in a variety of housing choices within the overall development.

The Reserve at Daphne, Phase One, subdivision is included herewith in order to establish compatibility between the existing zoning/land use and that which is proposed.

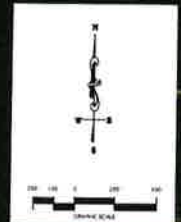
RECOMMENDATION:

Staff recommends that the Planning Commission set forth a favorable recommendation to City Council regarding the pre-zoning of the property. Staff finds that rezoning the parcel as requested would be consistent with the development trend that has been established in the immediate vicinity. The master plan shows a mix in zoning classifications that would provide a variety of lot sizes as each new subdivision should.

Excerpt from County's Online map



- ☒ County Zoning
 -  Rural District (RR)
 -  Rural Agricultural District (RA)
 -  Conservation Resource District (CR)
 -  Residential Single Family Estate District (RSF-E)
 -  Residential Single Family District (RSF-1)
 -  Residential Single Family District (RSF-2)
 -  Residential Single Family District (RSF-3)



The Reserve at Daphne

Master Plan
Daphne, Alabama

(REVISED SEPTEMBER, 2021)

Development Summary

Current Zoning: PRD
Streets: 15,820 LF
Total Acreage: 186.55 Ac.
Density: 1.8 Units per Acre

Land Use:

Active Open Space: 24.64 Ac. (11.7%)
Passive Open Space: 30.96 Ac. (14.6%)
Wetlands (J.D.): 20.93 Ac. (9.9%)
TOTAL: 76.53 Ac. (36.2%)

Lot Summary

100' Lots: 76 (22.5%)
52' Lots: 136 (40.2%)
62' Lots: 126 (37.3%)
TOTAL: 338

Phasing Summary

PHASE	2	3	4	5	TOTAL
Acreage	73.31 Ac.	36.39 Ac.	46.28 Ac.	30.57 Ac.	186.55 Ac.
100' x 150'	26	0	9	41	76
62' x 135'	100	0	26	0	126
52' x 125' Min	8	88	40	0	136
TOTAL	134	88	75	41	338

Existing Phase One Summary

Number of Lots: 78
Total Area: 81.1 AC

 100' x 150' Setbacks: Front: 30' Rear: 30' Side: 10' Sideline: 20'	 62' x 135' Setbacks: Front: 30' Rear: 30' Side: 6' Sideline: 20'	 52' x 125' Setbacks: Front: 25' Rear: 25' Side: 6' Sideline: 20'
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13-4 REQUIREMENTS FOR LOT AREA, WIDTH, COVERAGE, DENSITY, HEIGHT AND OTHER FACTORS

The following shall apply in districts as outlined, except Planned Unit Developments or Innovative Design for Single Family, and as provided below:

MINIMUM LOT REQUIREMENTS

	Minimum Lot Area Square feet (sq ft)	Minimum Lot Width at Setback Line (ft)	Maximum Lot Coverage Percent (%) ^a	Maximum Density ^b (units/acre)	Maximum Height ^e (stories) (ft)
R-1, Low Density Single Family	20,000	100	25	2.0	2.5 stories 35 ft
R-2, Medium Density Residential	15,000	90	25	2.5	2.5 stories 35 ft
R-3, High Density Single Family	12,000	80	30	3.5	2.5 stories 35 ft
R-4, High Density Single Family-- Multi-Family--	5,000 7,500 ^c	50 85	38 35	8.0 14.0	3 stories 50 ft
R-5, Mobile Homes	See	Articles	25 & 26	for	Details
R-6(G) Garden/Patio Homes	5,000	50	38	8	2.5 stories 35 ft
R-6(D), Duplex, R-7(A), R-7(M), R-7(T) respectively: Apartments, Mid Rise Condominium, Townhouses	See	Section	13-9	for	Details
B-1, B-2, B-3 Business Districts and Mixed Use Districts	N/A	N/A	N/A	N/A	4 stories 50 ft
Extra-territorial Planning Jurisdiction	12,000 ^d	80	30	3.5	2.5 stories 35 ft

a. Maximum lot coverage percentages do not apply to lots of record smaller than required in the district in which they are located. b. Maximum density = total number of dwelling units per gross acre to be developed. c. Minimum lot area determined by adding 7,500 square feet for one (1) unit plus two thousand five hundred (2,500) square feet for each additional unit. d. Applies to unzoned lots contained within any subdivision located in the extraterritorial planning jurisdiction where the size of the development exceeds ten (10) acres. e. Maximum height does not apply to overlay districts (see specific applicable overlay districts. Structures up to seventy-five (75) feet may be permitted on sites zoned B-2 or R-7 upon approval by the Planning Commission. In no case shall such building exceed seventy-five feet in height.

13-6 Minimum Zoning District Setback Requirements

The following setback requirements shall apply in districts as outlined below, except in a Planned Unit Development, the Olde Towne Daphne District, the Village Overlay District, the Eastern Shore Park Overlay District, or the Jubilee Retail Overlay District.

SETBACKS

Zoning District	Front Yard				Rear Yard	Side Yard	Corner Lot Side Yard	
	Arterial & Collector Streets	Local Streets & Service Roads	U.S. Highway 98 ^e	U.S., State or County Roads			Arterial & Collector Streets	Local Streets & Service Roads
R-1	40	40	50	e	40	15	40	25
✓ R-2	35	35	50	e	35	10	35	20
R-3	30	30	50	e	30	10	30	20
✓ R-4SF & R6(G)	25	25	50	e	25	6	30	20
R-4 TF	30	30	50	e	30	a	30	20
R-4 MF	30	30	50	e	30	a	30	20
R-5	See Article 25			e				
New MF Districts	See Section 13-9, Minimum Requirements for Fixed Dwellings			e				
Innovative Design SF	25	25	50	e	25	6	30	20
ET SF*	30	30	50	e	30	10	30	20
B-1	30	20	50	e	20	b,d	30	25
B-2	30	20	50	e	b,d	b,d	30	25
B-3	30	20	50	e	b,d	b,d	30	25
C/I	50	30	50	e	c, d	c, d	30	20
MU	30	30	n/a	n/a	30	a	30	25

See notes on the following page.

Approved master plan connects to this development.

Area of Expansion

[illegible]

CERTIFICATE OF APPROVAL BY A T A
 I, THE UNDERSIGNED, AS AUTHORIZED BY BELLSHOWN HERR
 OF THE COUNTY OF ALABAMA, DO HEREBY CERTIFY THAT
 THIS 23rd DAY OF SEPTEMBER 2014.
 (AUTHORIZED SIGNATURE)

 CERTIFICATE OF APPROVAL BY RIVIERA
 I, THE UNDERSIGNED, AS AUTHORIZED BY RIVIERA URBAN
 HILL PLANT FOR THE RECORDING OF SAID PLANT IN THE PUBLIC OFFICE OF
 THE DIST. OF 10th DAY OF September 2014
Stephen J. Jander
 (AUTHORIZED SIGNATURE)

 CERTIFICATE OF APPROVAL BY BELFORD
 I, THE UNDERSIGNED, AS AUTHORIZED BY BELFORD URBAN
 HILL PLANT FOR THE RECORDING OF SAID PLANT IN THE PUBLIC OFFICE OF
 ALABAMA, DO HEREBY CERTIFY THAT
 THIS 16th DAY OF Sept 2014
Steven Mitchell
 (AUTHORIZED SIGNATURE)

 CERTIFICATE OF APPROVAL BY BALDWIN

THE UNDERSIGNED, AS AUTHORIZED BY BALDWIN COUNTY, STATE OF ALABAMA, HAS RECEIVED OF SAID IN THE PRODUCE OF BALDWIN.

THIS 24 DAY OF Sept. 2014.

(AUTHORIZED SIGNATURE)

CERTIFICATE OF APPROVAL BY THE S-5

THE UNDERSIGNED, AS AUTHORIZED BY BALDWIN COUNTY, STATE OF ALABAMA, HAS RECEIVED OF SAID IN THE PRODUCE OF BALDWIN.

THIS 24 DAY OF Sept. 2014.

(AUTHORIZED SIGNATURE)

CERTIFICATE OF APPROVAL BY THE COM

THE UNDERSIGNED, AS AUTHORIZED BY BALDWIN COUNTY, STATE OF ALABAMA, HAS RECEIVED OF SAID IN THE PRODUCE OF BALDWIN.

THIS 4 DAY OF November 2014.

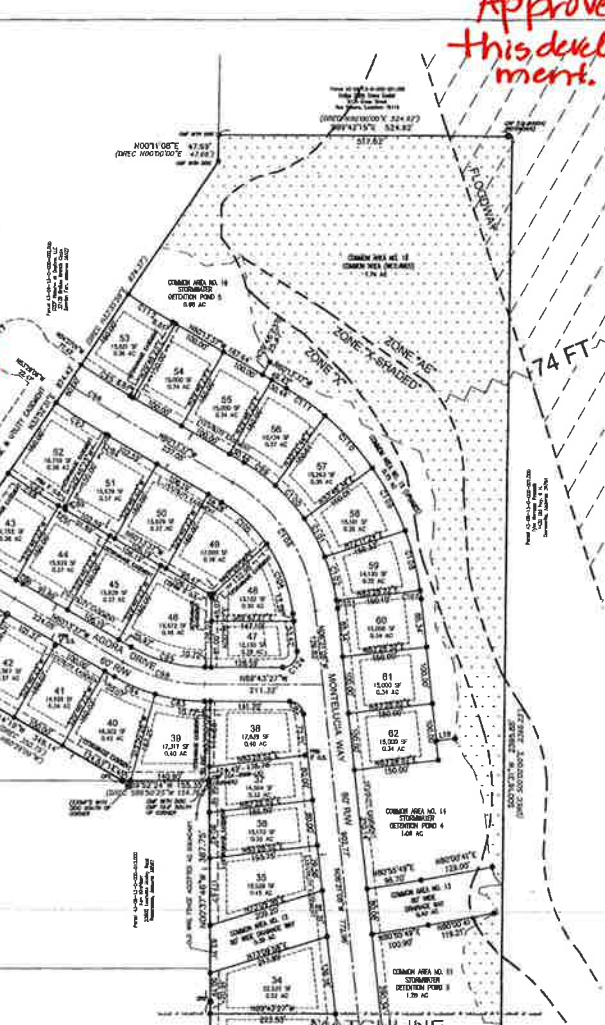
Cody McArthur

(CODY MCARTHUR) SR.

CERTIFICATE OF THE BALDWIN COUNTY PLANT

THE UNDERSIGNED, AS DIRECTOR OF THE BALDWIN COUNTY PLANT, HAS RECEIVED APPROVED THE WATER PLANT FOR THE PRODUCE OF BALDWIN.

THIS 4 DAY OF November 2014.



VICINITY MAP

PROPERTY IS LOCATED IN SECTION 13,
TOWNSHIP 5 SOUTH, RANGE 2 EAST AND
SECTION 18, TOWNSHIP 5 SOUTH, RANGE 3
EAST, BALDWIN COUNTY, ALABAMA

SURVEYOR'S CERTIFICATE
STATE OF ALABAMA
COUNTY OF BALDWIN

WE, PIERCE-IRISH, L.L.C., A FIRM OF LICENSED PROFESSIONAL ENGINEERS AND LAND SURVEYORS, OF DAPHNE, ALABAMA, BY DAVID E. DODD, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALABAMA (LICENSE NUMBER 28014), HEREBY STATE THAT WE HAVE SURVEYED THE LANDS SHOWN ON THIS PLAT IN BALDWIN COUNTY, ALABAMA, DESCRIBED AS FOLLOWS:

[illegible]

WE FURTHER STATE THAT WE HAVE SURVEYED AND COVERED SUBJECT PROPERTY AT THE REQUEST AND INSTANCE OF THE OTHER SURVEYOR.

WE FURTHER STATE THIS SURVEY HAS BEEN COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA, EFFECTIVE MAY 7, 2002.

[Signature] 8-23-2014

ALABAMA

PREBLE-ROSE, LLC
DAVID E. ROSE

DATE
AL P.L.S. NO. 20014

ALLEGES
NO. 20014
PROFESSIONAL
LAW
ROSEYTON
DAVID E. ROSE

SUBJECTS NOTE

1. DISCLOSURE FURNISHED BY CLIENT;
2. ALL MEASUREMENTS WERE MADE IN ACCORDANCE WITH U.S. STANDARDS;
3. SPECIES OF INFORMATION USED WERE PHYSICAL SURVEY DATA, FIELD AND OTHER TESTS AND THE RECEIVED SURVEY PLAN;
4. NO TITLE SEARCH, TITLE OPINION OR ABSTRACT WAS FURNISHED OR FOR INFORMATION BY THIS FIRM. THE SURVEYED AREA AND HAS NO RECORD OF RECORD UNRECORDED DEEDS, EASEMENTS, RIGHTS, ETC., MAY ON OTHER RECORDS WHICH COULD AFFECT THE BOUNDARIES OF SAID PROPERTY;
5. THE PROPERTY MAY BE SUBJECT TO ADDITIONAL RESTRICTIONS THAT MAY BE FINDING IN THE PUBLIC RECORDS OF ITS COUNTY;
6. THE LINES SHOWN REPRESENTING THE CONTIGUOUS AREAS OF AND ANY OF THE SITES ARE SHOWN FOR THE SURVEYED AREA AND HAS NOT SERVED UNLESS INFORMATION IS ALSO SHOWN;
7. THERE WAS NO ATTEMPT TO DETERMINE THE EXISTENCE, LOCATION OR EXTENT OF ANY SUBSURFACE FEATURES OTHER THAN THOSE INDICATED BY VARIOUS VISIBLE DATA;
8. THERE ARE NO VISIBLE UNRECORDED DEEDS OR SURVEYS THAT WERE NOT JOINT BOUND OR ALLOW OR ON ACROSS SAID PROPERTY, VISIBLE ON THE SURFACE EXCEPT AS SHOWN.

SITE DATA:

CURRENT ZONING: ZONED RA (RURAL AGRICULTURAL)
COUNTY COMMUNITY DISTRICT 13
LIN. FT. STREETS: 5,610 FT.
NUMBER OF LOTS: 78 (SINGLE FAMILY LOTS)
DENSITY: 0.56 LOTS PER ACRE
SMALLEST LOT: 12,000 S.F.
LARGEST LOT: 58,729 S.F.
COUNTRY ACRES: 1.81 ACRES (2.22)
COUNTRY ACRES (MELAROS): 21.28 ACRES (28.22)
COUNTRY ACRES (PREDICATION ARMS): 5.70 ACRES (7%)
COUNTRY ACRES (FRANCINE MARKS): 2.94 ACRES (3.8%)
COUNTRY ACRES (DETENTION POND): 5.56 ACRES (6.8%)
TOTAL AREA: 81.1 ACRES

EXISTING WINDMILL BUILDING DETAILS:

FRONT: 30'
REAR: 30'
SIDE: 10'
SPT. STREETS: 20'
(UNLESS OTHERWISE NOTED)

NOTE: APPROXIMATE CLOSER CLOSURE DISTANCE (653) FOR THE WINDMILL AND EACH LOT

WATER SERVICE: BILL FOWLER WATER SYSTEM
SEWER SERVICE: BALDWIN COUNTY SEWER SERVICE
ELECTRIC SERVICE: GEORGIA UTILITIES
TELEPHONE SERVICE: AT&T

NORTH ROW OF CO. RD. B4

COMMON AREA NO. 12

DETAIL OF

2052 341

THE RESERVE AT DAPHNE

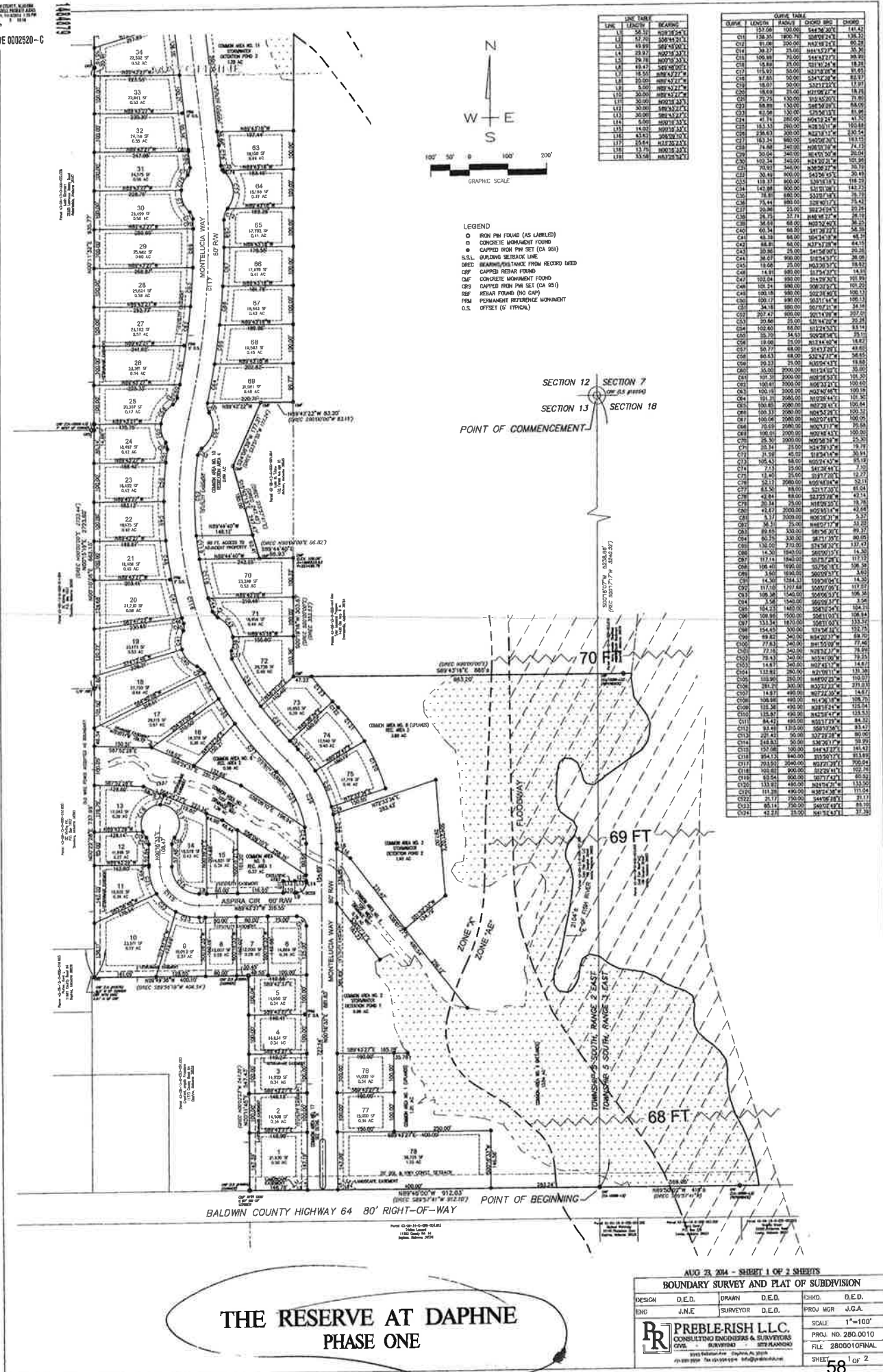
PHASE ONE
AUG 23, 2014 - SHEET 2 OF 2 SHEETS

BOUNDARY SURVEY AND PLAT OF SUBDIVISION					
DESIGN	D.E.D.	DRAWN	D.E.D.	CHKD.	D.E.D.

ENG	J.N.E.	SURVEYOR	D.E.D.	PROJ MGR	J.G.A.
PREBLE RISH LLC.				SCALE	1"=100'

CONSULTING ENGINEERS & SURVEYORS CIVIL • SURVEYING • SITE PLANNING 2225 Redburn Ave • Dayton, OH 45424 Tel: 937/233-1550 Fax: 937/233-6999 Email: info@rshb.com	PROJ. NO. 280.0010 FILE 2800010.FINAL SHEET 57 of 62
--	--

1



LINE TABLE

LINE	LENGTH	BEARING
1	50.00	N89°15'41"E
2	50.00	S89°15'41"E
3	50.00	N89°15'41"E
4	50.00	S89°15'41"E
5	50.00	N89°15'41"E
6	50.00	S89°15'41"E
7	50.00	N89°15'41"E
8	50.00	S89°15'41"E
9	50.00	N89°15'41"E
10	50.00	S89°15'41"E
11	50.00	N89°15'41"E
12	50.00	S89°15'41"E
13	50.00	N89°15'41"E
14	50.00	S89°15'41"E
15	50.00	N89°15'41"E
16	50.00	S89°15'41"E
17	50.00	N89°15'41"E
18	50.00	S89°15'41"E

CURVE TABLE

CURVE	LENGTH	AREA	CHORD	ARC	CHORD
1	100.00	100.00	100.00	100.00	100.00
2	100.00	100.00	100.00	100.00	100.00
3	100.00	100.00	100.00	100.00	100.00
4	100.00	100.00	100.00	100.00	100.00
5	100.00	100.00	100.00	100.00	100.00
6	100.00	100.00	100.00	100.00	100.00
7	100.00	100.00	100.00	100.00	100.00
8	100.00	100.00	100.00	100.00	100.00
9	100.00	100.00	100.00	100.00	100.00
10	100.00	100.00	100.00	100.00	100.00
11	100.00	100.00	100.00	100.00	100.00
12	100.00	100.00	100.00	100.00	100.00
13	100.00	100.00	100.00	100.00	100.00
14	100.00	100.00	100.00	100.00	100.00
15	100.00	100.00	100.00	100.00	100.00
16	100.00	100.00	100.00	100.00	100.00
17	100.00	100.00	100.00	100.00	100.00
18	100.00	100.00	100.00	100.00	100.00

AUG 21, 2014 - SHEET 1 OF 2 SHEETS

BOUNDARY SURVEY AND PLAT OF SUBDIVISION

DESIGN	D.E.D.	DRAWN	D.E.D.	CHKD.	D.E.D.
ENG.	J.N.E.	SURVEYOR	D.E.D.	PROJ. MGR.	J.G.A.

PREBLE-RISH L.L.C.
CONSULTING ENGINEERS & SURVEYORS
ONE - SURVEYING
1100 N. GULF BLVD., SUITE 100
DAPHNE, AL 36526

SCALE: 1"=100'
PLAT NO. 280.010
FILE: 2800010.FINAL
SHEET 1 OF 2

THE RESERVE AT DAPHNE
PHASE ONE

ER DETENTION FACILITIES ARE NOT THE
JUNTY OR THE CITY OF DAPHNE. ALL STORMWATER
D BY THE HOMEOWNER'S ASSOCIATION AS PER THE

ITH SUBJECT TO THE HIGHWAY CONSTRUCTION
OM THE CENTERLINE OF COUNTY ROAD 64, WHICH,
UILDING SETBACK LINE.

GE AND UTILITY EASEMENTS SHOWN ON THE PLAN
UM 15' WIDE DRAINAGE AND UTILITY EASEMENT
IT LINES, ALONG A LINE BETWEEN TWO LOTS IT
FOR A TOTAL OF 15'.

JILDING ORIENTATION WILL DICTATE THE LOCATION OF
ND CORNER YARD SETBACKS.

OF A MULTI-PHASE DEVELOPMENT. A MASTER PLAN
VELOPMENT IS ON FILE IN THE DEPARTMENT OF

INTENDED TO BE BUILDABLE LOTS FOR RESIDENTIAL

ERVES THE RIGHT TO REQUIRE THE MAINTENANCE OF
ES TO PREVENT POTENTIAL FLOODING AND/OR
SAFETY THREATS OR NUISANCE CAUSED BY SAID

ENGINEER:

ED PROFESSIONAL ENGINEER IN THE STATE OF ALABAMA,
CERTIFY THAT I HAVE DESIGNED THE IMPROVEMENTS FOR THIS
WITH APPLICABLE CODES AND LAWS AND WITH THE PRINCIPLES
ICE INCLUDING THE DRAINAGE DESIGN REQUIREMENTS OF THE
IONS. I FURTHER CERTIFY THAT I HAVE PROVIDED OVERSIGHT
, DESIGN, AND THAT TO THE BEST OF MY KNOWLEDGE AND
IDED TO THE CITY OF DAPHNE AND STORED IN THE COMMUNITY
TRUE AND ACCURATE REPRESENTATION OF THE IMPROVEMENTS

SITE DATA:

CURRENT ZONING: ZONED RA (RURAL AGRICULTURAL)
BALDWIN COUNTY DISTRICT 15

LIN. FT. STREETS: 5,610-FT.

NUMBER OF LOTS: 78 (SINGLE FAMILY LOTS)

DENSITY: 0.96 LOTS PER ACRE

SMALLEST LOT: 12,000 S.F.

LARGEST LOT: 58,729 S.F.

COMMON AREAS: 1.81 ACRES (2.2%)

COMMON AREAS (WETLANDS): 21.28 ACRES (26.2%)

COMMON AREAS (RECREATIONAL AREAS): 5.70 ACRES (7%)

COMMON AREAS (DRAINAGE WAYS): 2.94 ACRES (3.6%)

COMMON AREAS (DETENTION PONDS): 5.56 ACRES (6.9%)

TOTAL AREA: 81.1 ACRES

REQUIRED MINIMUM BUILDING SETBACKS:

FRONT: 30'

REAR: 30'

SIDE: 10'

SIDE STREET: 20'

(UNLESS OTHERWISE NOTED)

NOTE: MINIMUM FINISH FLOOR ELEVATION (FFE) FOR THE HOMES ON EACH LOT
SHALL BE 18" ABOVE THE HIGHEST EXISTING GRADE ELEVATION WITHIN THE
BUILDABLE AREA (WITHIN THE SETBACKS) OF THE LOTS, UNLESS NOTED
OTHERWISE.

WATER SERVICE: BELL FOREST WATER SYSTEM

SEWER SERVICE: BALDWIN COUNTY SEWER SERVICE

ELECTRIC SERVICE: RIVIERA UTILITIES

TELEPHONE SERVICE: AT&T

*Similar To DAPHNE'S
R-3, HIGH DENSITY DISTRICT*

*PHASE ONE RESERVE@
DAPHNE
LOT SIZE COMPARISON*

**APPLICATION
&
SUPPLEMENTAL INFORMATION**



APPLICATION FOR REZONING OR PRE-ZONING

Office use only: Rev. 072816	Date Submitted August 23, 2021
Application Number: ZA- or PZA- 21-11	Planning Commission Public Hearing Date: September 23, 2021

Legibly print or type responses below. Indicate N/A or an "X" where item is not applicable.

SITE DATA

Site Location (Address or General Proximity to Nearest Intersection): Northeast intersection of Co Rd 54 W & Co Rd 64		PPIN#(s): 063342, 285523, 025331, 378563, 067264, 025334, 273168
Gross Site Area (acreage): 186.55 ac	Requested Zoning or Pre-Zoning: Pre-Zoning	
Current Zoning Designation(s): District 15, RSF-2, District 7, Unzoned	Amended Request: R-6(G) & R-2	
Current Land Use: Residential	Initials:	Date:
	Anticipated Land Use: Residential	
Provide Legal Description (if necessary attach separate page entitled "Legal Description for [Name of Applicant]": SEE ATTACHED		

Specify other recently approved or pending requests related to the subject property. Circle the answer(s).

Annexation Subdivision Site Plan Special Exception Variance Specify Other

APPLICANT & AGENT INFORMATION

<i>*If an LLC or LLP or Corporation, provide name and signature of Registered Member or Agent and provide a copy of Articles of Incorporation.</i>		
Name of Current Owner: GCOF RESERVE AT DAPHNE LLC, JAMES & BARBARA CONAWAY JOSEPH J. JR. & TANIA LAZZARI, JOSEPH JAMES LAZZARI		
Mailing Address: 29891 Woodrow Lane, Suite 300, Spanish Fort, AL	Phone/Fax: 625-1198 E-mail:	
Name of Authorized Agent: Melissa A. Currie		
Mailing Address: 25353 Friendship Rd - Daphne, AL 36526	Phone/Fax: (251) 929-9809 E-mail: mcurrie@dewberry.com	
Name of Developer*: 68V PAY DIRT, LLC	Phone/Fax: E-mail:	
Other: Nathan Cox	Phone/Fax: E-mail:	

I, the applicant, certify that all of the above facts are true and correct to the best of my knowledge. I hereby agree to allow the City of Daphne to post a sign on the subject property notifying the general public of this request.

Applicant's Signature:	Date
Agent's Signature: Al Tandy (Agent)	Date 8/19/21

[illegible]

Dewberry

SCALE	1"=200'
PROJ. NO.	50140571
FILE	50140571
SHEET	1 OF 1

THIS IS NOT A PROPERTY BOUNDARY SURVEY

25353 Friendship Road Daphne, AL 36526
251.990.9950 fax 251.929-9815

RESERVE AT DAPHNE
R-2 – 69.14 AC.

BEGIN AT THE SOUTHWEST CORNER OF LOT 53, THE RESERVE AT DAPHNE PHASE ONE, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2520-B AND C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; RUN THENCE NORTH 33°52'31" EAST, A DISTANCE OF 434.37 FEET; THENCE NORTH 00°11'08" EAST, A DISTANCE OF 449.05 FEET; THENCE RUN NORTH 89°46'58" WEST, A DISTANCE OF 893.72 FEET; THENCE RUN NORTH 00°14'54" EAST, A DISTANCE OF 430.09 FEET; THENCE RUN SOUTH 89°44'38" EAST, A DISTANCE OF 192.97 FEET; THENCE RUN NORTH 28°43'37" WEST, A DISTANCE OF 257.86 FEET; THENCE RUN NORTH 00°13'29" EAST, A DISTANCE OF 2,430.66 FEET; THENCE RUN NORTH 89°48'35" WEST, A DISTANCE OF 496.47 FEET; THENCE RUN SOUTH 00°12'38" WEST, A DISTANCE OF 3,637.75 FEET; THENCE RUN SOUTH 64°28'22" WEST, A DISTANCE OF 120.42 FEET; THENCE RUN SOUTH 31°15'15" WEST, A DISTANCE OF 209.64 FEET; THENCE RUN SOUTH 05°56'31" EAST, A DISTANCE OF 391.39 FEET; THENCE RUN SOUTH 89°52'24" EAST, A DISTANCE OF 732.74 FEET; THENCE RUN SOUTH 56°07'29" EAST, A DISTANCE OF 202.95 FEET; THENCE RUN NORTH 33°52'31" EAST, A DISTANCE OF 150.00 FEET; THENCE RUN SOUTH 56°00'53" EAST, A DISTANCE OF 31.77 FEET; THENCE RUN NORTH 33°52'31" EAST, A DISTANCE OF 440.06 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 69.14 ACRES, MORE OR LESS.

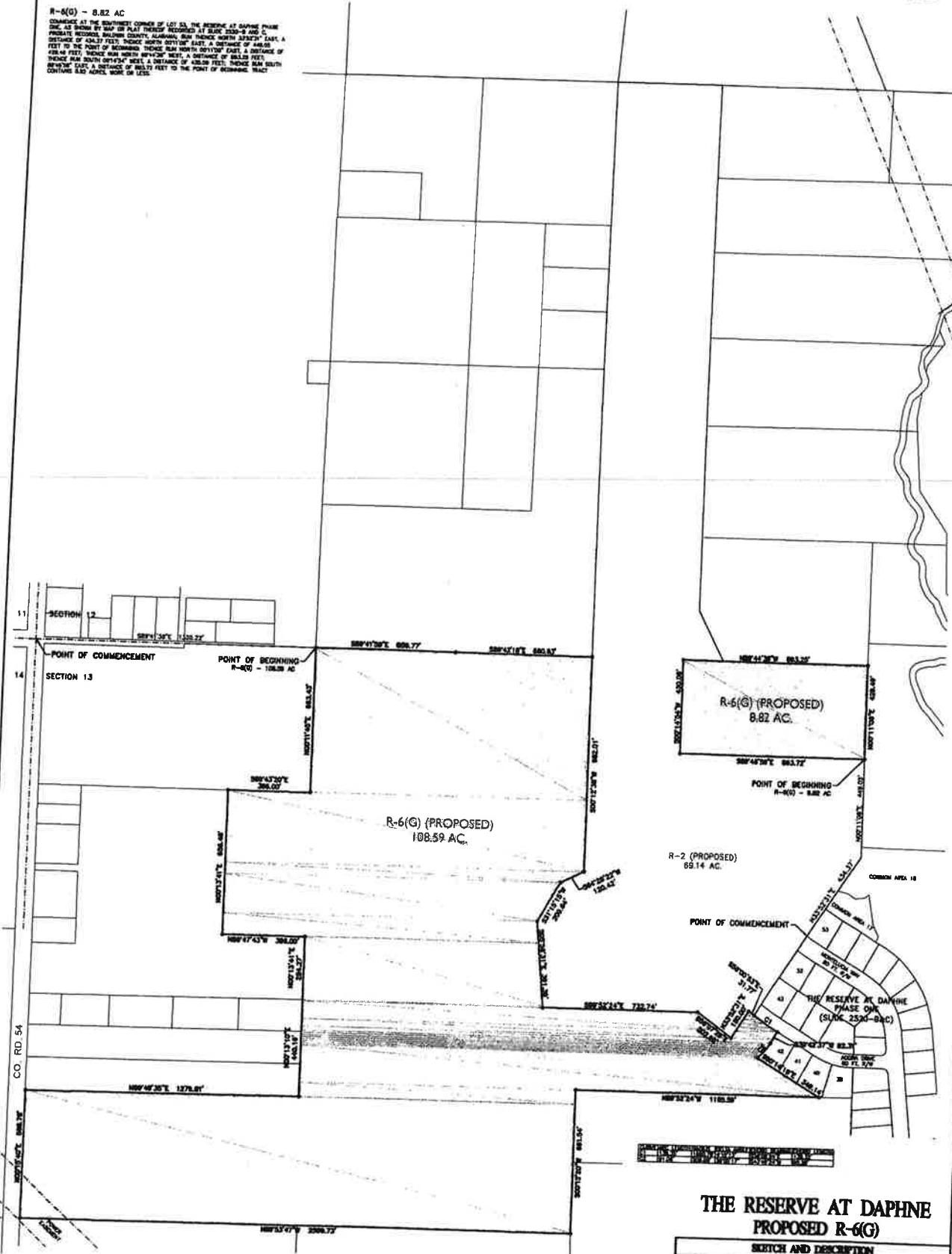
DISTANCE OF 113.28 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 15.60 ACRES, MORE OR LESS, AND LIES IN THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA. (DESCRIPTION COMPOSED FROM PROBATE RECORDS AND AN ACTUAL FIELD SURVEY).

[illegible]

GRAPHIC SCALE
(IN FEET)
1 inch = 500 ft

R-5(G) - 8.82 AC

COMMENCE AT THE SOUTHWEST CORNER OF LOT 53, THE BEGINNING AT BAYVIEW PHASE ONE, AS SHOWN BY MAP (28 PLAT) THEREOF, ACCORDING AT BEARS 2520'-0" ALONG
PRIMATE RECORDS, BAYVIEW PHASE ONE, ALABAMA; BEAR 2610'-0" ALONG EAST, A
FEET TO 434.32 FEET; THENCE NORTH 02°11'00" EAST, A DISTANCE OF 480.0
428.46 FEET; THENCE BEAR NORTH 02°11'00" WEST, A DISTANCE OF 430.00 FEET;
BEAR 2610'-0" ALONG WEST, A DISTANCE OF 430.00 FEET; THENCE BEAR SOUTH
02°11'00" EAST, A DISTANCE OF 480.00 FEET TO THE POINT OF BEGINNING. TRACT
CONTAINS 8.82 ACRES, MORE OR LESS.



THE RESERVE AT DAPHNE
PROPOSED R-6(G)

SKETCH AND DESCRIPTION

SCALE	1"=200'
PROJ. NO.	50140571
FILE	50140571
SHEET	1 of 1

THIS IS NOT A PROPERTY BOUNDARY SURVEY

25353 Friendship Road Daphne, AL 36526
251.990.9930 fax 251.929.9815

RESERVE AT DAPHNE
R-6(G) – 8.82 AC.

COMMENCE AT THE SOUTHWEST CORNER OF LOT 53, THE RESERVE AT DAPHNE PHASE ONE, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2520-B AND C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; RUN THENCE NORTH 33°52'31" EAST, A DISTANCE OF 434.37 FEET; THENCE NORTH 00°11'08" EAST, A DISTANCE OF 449.05 FEET TO THE POINT OF BEGINNING: THENCE RUN NORTH 00°11'08" EAST, A DISTANCE OF 429.49 FEET; THENCE RUN NORTH 89°44'38" WEST, A DISTANCE OF 893.25 FEET; THENCE RUN SOUTH 00°14'54" WEST, A DISTANCE OF 430.09 FEET; THENCE RUN SOUTH 89°46'58" EAST, A DISTANCE OF 893.72 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 8.82 ACRES, MORE OR LESS.

RESERVE AT DAPHNE
R-6(G) – 108.59 AC.

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 12, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SAINT STEPHENS MERIDIAN AND RUN THENCE SOUTH 89°41'38" EAST, ALONG THE SOUTH LINE OF SAID SECTION 12, A DISTANCE OF 1320.22 FEET TO A 1/2" CAPPED REBAR AT THE SOUTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 12 FOR THE POINT OF BEGINNING: THENCE RUN SOUTH 89° 41' 59" EAST, ALONG THE SOUTH LINE OF SAID SECTION 12, A DISTANCE OF 659.77 FEET TO A 1/2" CAPPED REBAR (LS #19254); THENCE RUN SOUTH 89° 42' 18" EAST, ALONG THE SOUTH LINE OF SAID SECTION 12, A DISTANCE OF 660.83 FEET TO A 1/2" CAPPED REBAR (LS #19254); THENCE RUN SOUTH 00°12'38" WEST, A DISTANCE OF 982.01 FEET; THENCE RUN SOUTH 64°28'22" WEST, A DISTANCE OF 120.42 FEET; THENCE RUN SOUTH 31°15'15" WEST, A DISTANCE OF 209.64 FEET; THENCE RUN SOUTH 05°56'31" EAST, A DISTANCE OF 391.39 FEET; THENCE RUN SOUTH 89°52'24" EAST, A DISTANCE OF 732.74 FEET; THENCE RUN SOUTH 56°07'29" EAST, A DISTANCE OF 202.95 FEET; THENCE RUN NORTH 33°52'31" EAST, A DISTANCE OF 150.00 FEET; THENCE RUN SOUTH 56°00'53" EAST, A DISTANCE OF 31.77 FEET; THENCE RUN SOUTHEASTERLY, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1,900.79 FEET, AN ARC DISTANCE OF 138.35 FEET, (CHORD BEARS SOUTH 58°09'24" EAST FOR 138.32 FEET) TO A CAPPED REBAR (CA-0089-LS); THENCE RUN SOUTH 30°42'37" WEST, A DISTANCE OF 62.31 FEET TO A CONCRETE MONUMENT; THENCE RUN SOUTHWESTERLY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 200.00 FEET, AN ARC DISTANCE OF 91.06 FEET, (CHORD BEARS SOUTH 43°49'24" WEST FOR 90.28 FEET) TO A CONCRETE MONUMENT; THENCE RUN SOUTH 60°14'19" EAST, A DISTANCE OF 349.14 FEET TO A CAPPED REBAR (CA-951-LS); THENCE RUN NORTH 89°52'24" WEST, A DISTANCE OF 1,165.59 FEET TO A CAPPED REBAR (CA-0568-LS); THENCE RUN SOUTH 00°12'20" WEST, A DISTANCE OF 661.54 FEET TO A CAPPED REBAR; THENCE RUN NORTH 89°53'47" WEST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 13, A DISTANCE OF 2,599.73 FEET TO A 5/8" CAPPED REBAR (CA-1109) ON THE EAST RIGHT-OF-WAY OF BALDWIN COUNTY HIGHWAY 54; THENCE RUN NORTH 00°15'40" EAST, ALONG THE EAST RIGHT-OF-WAY OF SAID BALDWIN COUNTY HIGHWAY 54, A DISTANCE OF 588.78 FEET TO A 5/8" CAPPED REBAR (CA-1109); THENCE RUN NORTH 89°49'35" EAST, DEPARTING SAID RIGHT-OF-WAY, A DISTANCE OF 1,279.81 FEET TO A 1/2" CAPPED REBAR (MOORE); THENCE RUN NORTH 00°13'10" EAST, A DISTANCE OF 440.16 FEET TO A 5/8" CAPPED REBAR (CA-0568); THENCE RUN NORTH 00°13'41" EAST, A DISTANCE OF 284.27 FEET TO A 5/8" CAPPED REBAR (CA-1109); THENCE RUN NORTH 89°47'43" WEST, A DISTANCE OF 396.00 FEET TO A 5/8" CAPPED REBAR (CA-1109); THENCE RUN NORTH 00°13'41" EAST, A DISTANCE OF 656.48 FEET TO A 5/8" CAPPED REBAR (CA-1109); THENCE RUN SOUTH 89°43'20" EAST, A DISTANCE OF 396.00 FEET TO A 1/2" CAPPED REBAR (CA-0565) AT THE SOUTHEAST CORNER OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 13; THENCE RUN NORTH 00°11'45" EAST, A DISTANCE OF 663.43 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 108.59 ACRES, MORE OR LESS.

ADJACENT PROPERTY OWNERS FOR THE RESERVE AT DAPHNE MASTER PLAN

05-43-06-14-0-000-005.000	D R HORTON INC - HUNTSVILLE	25366 PROFIT DR	DAPHNE	AL	36526
05-43-01-12-0-000-023.000	BOLAR, BERTHA M	10646 CO RD 64	DAPHNE	AL	36526
05-43-01-12-0-000-021.003	HOLLOWAY, BELL	11375 HOLLOWAY LANE	DAPHNE	AL	36526
05-43-01-12-0-000-021.002	HOLLOWAY, BELL OLYMPIA DAVIS	11375 HOLLOWAY LANE	DAPHNE	AL	36526
05-43-06-13-0-000-002.001	LAZZARI, JOSEPH JAMES	22859 A MOBILE ST	ROBERTSDALE	AL	36526
05-43-06-13-0-000-002.000	GCOF RESERVE AT DAPHNE L L C	521 5TH AVE, 35TH FLOOR	NEW YORK	NY	10175
05-43-06-13-0-000-002.004	LAZZARI, VICTOR C JR ETAL LAZZARI, JEANN	12050 LAZZARI LANE	DAPHNE	AL	36526
05-43-06-13-0-000-010.000	LUCIOUS, MAGGIE C/O BENNIE RICHRDSON	26644 CO RD 54 WEST	DAPHNE	AL	36526
05-43-06-13-0-000-010.000	LUCIOUS, MAGGIE C/O BENNIE RICHRDSON	26644 CO RD 54 WEST	DAPHNE	AL	36526
05-43-06-14-0-000-006.000	MCKNIGHT, CAROL MARCO & TOLER, LOUISE M	26374 RIGSBY ROAD	DAPHNE	AL	36526
05-43-01-12-0-000-019.000	ROBINSON, ALEXANDER ETAL ROBINSON, WILLI	6231 LUTHER ST	PENSACOLA	FL	32503
05-43-01-12-0-000-022.000	PERDUE, JOHNNIE	P O BOX 820	DAPHNE	AL	36526
05-43-01-12-0-000-021.001	TAYLOR, THERESA Y C/O LUCILE HARRIS	5504 WINDMILL DR	MOBILE	AL	36693
05-43-06-13-0-000-009.000	FULLER, CLARISSA YELDING	16589 CO RD 9	SUMMERDALE	AL	36580
05-43-01-12-0-000-021.000	SINGLETON, JEAN YELDING	P O BOX 1763	DAPHNE	AL	36526
05-43-01-12-0-000-021.004	HOLLOWAY, BELL OLYMPIA DAVIS C/O BELL HOLLOWAY	11375 HOLLOWAY LN	DAPHNE	AL	36526
05-43-01-12-0-000-008.000	TAYLOR, ALFRED L ETAL TAYLOR, BAILEY L; C/O LUCILE HARRIS	5504 WINDMILL DR	MOBILE	AL	36693
05-43-06-13-0-000-006.000	CONAWAY, JAMES A ETAL CONAWAY, BARBARA A C/O LANGDON C	129 LAKEPOINTE CIR	HUNTSVILLE	AL	35824
05-43-06-13-0-000-012.000	CONAWAY JAMES A ETAL CONAWAY, BARBARA AS C/O LANGDON C	129 LAKEPOINTE CIR	HUNTSVILLE	AL	35824
05-43-06-13-0-000-011.000	STOTS, INEZ	28045 CO RD 66 N	LOXLEY	AL	36551
05-43-06-13-0-000-002.006	KIRCHHARR, KEVIN	9949 A BELLATON AVE (MA)	DAPHNE	AL	36526
05-43-06-13-0-000-002.005	GCOF RESERVE AT DAPHNE L L C	521 5TH AVE, 35TH FLOOR	NEW YORK	NY	10175
05-43-01-12-0-000-001.000	GCOF RESERVE AT DAPHNE L L C	521 5TH AVE, 35TH FLOOR	NEW YORK	NY	10175
05-43-01-12-0-000-024.001	TRIONE, ARTHUR MARK	890 LEWIS RD	CANADA V1L6P7	NY	10175
05-43-06-13-0-000-013.000	KIRCHHARR, KEVIN K	9949 A BELLATON AVE (MA)	DAPHNE	AL	36526
05-43-06-13-0-000-002.009	J & S LAND L L C	9949-A BELLATON AVE	DAPHNE	AL	36526
05-43-01-12-0-000-024.003	GCOF RESERVE AT DAPHNE L L C	521 5TH AVE, 35TH FLOOR	NEW YORK	NY	10175
05-43-06-13-0-000-001.008	GONTAR, EVELYN CATHY TRIONE	8124 GREEN ST	NEW ORLEANS	LA	70118
05-43-06-13-0-000-014.003	TRIPLE K MINING L L C	9949 BELLATON AVE STE A	DAPHNE	AL	36526
05-43-06-13-0-000-002.010	LAZZARI, JOSEPH J JR ETAL LAZZARI, TANIA	22859 A MOBILE ST	ROBERTSDALE	AL	36567
05-43-01-12-0-000-024.004	TRIONE, LUKE WELLS AKA TRIONE, LUKE W AK	1890 OLD HWY 5 S	THOMASVILLE	AL	36784
05-43-01-12-0-000-024.005	STEPHENS, MARIA ANNETTE AKA STEPHENS, MA	16270 SOUTH BLVD	SILVERHILL	AL	36576
05-43-01-12-0-000-024.006	TRIONE, ANGELO PAUL AKA TRIONE, ANGELO P	12480 CO RD 64	LOXLEY	AL	36551
05-43-01-12-0-000-024.007	GONTAR, EVELYN CATHY TRIONE AKA GONTAR,	8124 GREEN ST	NEW ORLEANS	LA	70118
05-43-01-12-0-000-024.008	CRAWFORD, ANGELA T AKA CRAWFORD, ANGELA	11773 CO RD 64	DAPHNE	AL	36526

05-43-01-12-0-000-024.010 TRIONE, ANGELO PAUL AKA TRIONE, ANGELO P
 05-43-06-13-0-000-009.004 ANDERSON, GWENDOLYN YELDING
 05-43-06-13-0-000-002.011 GCOF RESERVE AT DAPHNE L L C
 05-43-06-13-0-000-001.112 D R HORTON INC - BIRMINGHAM
 05-43-06-13-0-000-001.057 BURNS, ROBERT DAVID JR ETAL BURNS, STACY
 05-43-06-13-0-000-001.058 STEWART, STEPHANIE CAROL
 05-43-06-13-0-000-001.058 ALLEN, STEPHANIE CAROL STEWART
 05-43-06-13-0-000-001.060 BARNES, JOHN A JR ETAL BARNES, CARRIE H
 05-43-06-13-0-000-001.061 GARNER, GARY WOODSON ETAL MILLER, VICTOR
 05-43-06-13-0-000-001.062 RICHARD, KYLE JOSEPH ETAL RICHARD, JENNI
 05-43-06-13-0-000-001.063 LANGI, AFE UOLEVA ETAL LANGI, NICOLE REN
 05-43-06-13-0-000-001.064 HANKINS, RICKY DEWAYNE SR
 05-43-06-13-0-000-001.065 SMITH, CHARLES C ETAL SMITH, JENNIFER J
 05-43-06-13-0-000-001.066 DEEB, WILLIAM GEORGE ETAL DEEB, JULIE BA
 05-43-06-13-0-000-001.073 DONOGHUE, MICHAEL CHRISTOPHER ETAL DONOG
 05-43-06-13-0-000-001.074 DALTON, GARY LEE (DUNAWAY-ZAVALA, MONICA
 05-43-06-13-0-000-001.003 D R HORTON INC - BIRMINGHAM

12480 CO RD 64
 1017 PELHAM ST
 521 5TH AVE, 35TH FLOOR
 25366 PROFIT DR
 26591 MONTELUCCIA WAY
 26605 MONTELUCCIA WAY
 26605 MONTELUCCIA WAY
 11728 AGORA DR
 P O BOX 1408
 11694 AGORA DR
 11676 AGORA DR
 11655 AGORA DR
 11673 AGORA DR
 11693 AGORA DR
 26753 MONTELUCCIA WAY
 26750 MONTELUCCIA WAY
 25366 PROFIT DR

LOXLEY
 MONTGOMERY
 NEW YORK
 DAPHNE
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COMMUNITY DEVELOPMENT



September 10, 2021

Dear Sir/Ma'am,

NOTICE OF PUBLIC HEARING

A petition for PRE-ZONING will be considered by the Daphne Planning Commission for GCOF Reserve at Daphne, L.L.C., James & Barbara Conaway, Joseph J. Jr. & Tania Lazzari, and Joseph Lazzari containing 186.55 acres +/- located north of the intersection of County Road 64 and Montelucia Way, zoned RSF-2, Single Family Residential, Baldwin County District 15, and Unzoned, Baldwin County District 7, in the Extraterritorial Planning Jurisdiction, to be pre-zoned as R-2, Medium Density Single Family Residential, and R-6(G), Patio/Garden Home. A petition to annex said property has also been submitted.

Said petition will also be considered by the Daphne City Council pursuant to Alabama Code 11-52-85. The application is available for review at City Hall in the Department of Community Development, 1705 Main Street, during regular business hours. An informal site preview meeting will be held on Wednesday, September 15, 2021 at 8:30 a.m. in the Council Chambers of City Hall. The public is invited to attend: limited participation may be allowed by the chairman.

The public hearing will be held by the Daphne Planning Commission on Thursday, September 23, 2021 at 5:00 p.m. in the Council Chambers of City Hall. You may submit your views in writing, in person, or by representation.

Sincerely,
Adrienne D. Jones, AICP,
Director of Community Development

GCOF Reserve at Daphne, L.L.C., James & Barbara Conaway, Joseph J. Jr. & Tania Lazzari, and Joseph Lazzari Pre-Zoning Amendment

**GCOF RESERVE AT DAPHNE, LLC, JAMES AND BARBARA CONAWAY, JOSEPH
LAZZARI, JR, JOSEPH LAZZARI AND TANIA LAZZARI**
(RESERVE AT DAPHNE)

R-6(G) – 108.59 AC.

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 12, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SAINT STEPHENS MERIDIAN AND RUN THENCE SOUTH 89°41'38" EAST, ALONG THE SOUTH LINE OF SAID SECTION 12, A DISTANCE OF 1320.22 FEET TO A 1/2" CAPPED REBAR AT THE SOUTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 12 FOR THE POINT OF BEGINNING: THENCE RUN SOUTH 89° 41' 59" EAST, ALONG THE SOUTH LINE OF SAID SECTION 12, A DISTANCE OF 659.77 FEET TO A 1/2" CAPPED REBAR (LS #19254); THENCE RUN SOUTH 89° 42' 18" EAST, ALONG THE SOUTH LINE OF SAID SECTION 12, A DISTANCE OF 660.83 FEET TO A 1/2" CAPPED REBAR (LS #19254); THENCE RUN SOUTH 00°12'38" WEST, A DISTANCE OF 982.01 FEET; THENCE RUN SOUTH 64°28'22" WEST, A DISTANCE OF 120.42 FEET; THENCE RUN SOUTH 31°15'15" WEST, A DISTANCE OF 209.64 FEET; THENCE RUN SOUTH 05°56'31" EAST, A DISTANCE OF 391.39 FEET; THENCE RUN SOUTH 89°52'24" EAST, A DISTANCE OF 732.74 FEET; THENCE RUN SOUTH 56°07'29" EAST, A DISTANCE OF 202.95 FEET; THENCE RUN NORTH 33°52'31" EAST, A DISTANCE OF 150.00 FEET; THENCE RUN SOUTH 56°00'53" EAST, A DISTANCE OF 31.77 FEET; THENCE RUN SOUTHEASTERLY, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1,900.79 FEET, AN ARC DISTANCE OF 138.35 FEET, (CHORD BEARS SOUTH 58°09'24" EAST FOR 138.32 FEET) TO A CAPPED REBAR (CA-0089-LS); THENCE RUN SOUTH 30°42'37" WEST, A DISTANCE OF 62.31 FEET TO A CONCRETE MONUMENT; THENCE RUN SOUTHWESTERLY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 200.00 FEET, AN ARC DISTANCE OF 91.06 FEET, (CHORD BEARS SOUTH 43°49'24" WEST FOR 90.28 FEET) TO A CONCRETE MONUMENT; THENCE RUN SOUTH 60°14'19" EAST, A DISTANCE OF 349.14 FEET TO A CAPPED REBAR (CA-951-LS); THENCE RUN NORTH 89°52'24" WEST, A DISTANCE OF 1,165.59 FEET TO A CAPPED REBAR (CA-0568-LS); THENCE RUN SOUTH 00°12'20" WEST, A DISTANCE OF 661.54 FEET TO A CAPPED REBAR; THENCE RUN NORTH 89°53'47" WEST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 13, A DISTANCE OF 2,599.73 FEET TO A 5/8" CAPPED REBAR (CA-1109) ON THE EAST RIGHT-OF-WAY OF BALDWIN COUNTY HIGHWAY 54; THENCE RUN NORTH 00°15'40" EAST, ALONG THE EAST RIGHT-OF-WAY OF SAID BALDWIN COUNTY HIGHWAY 54, A DISTANCE OF 588.78 FEET TO A 5/8" CAPPED REBAR (CA-1109); THENCE RUN NORTH 89°49'35" EAST, DEPARTING SAID RIGHT-OF-WAY, A DISTANCE OF 1,279.81 FEET TO A 1/2" CAPPED REBAR (MOORE); THENCE RUN NORTH 00°13'10" EAST, A DISTANCE OF 440.16 FEET TO A 5/8" CAPPED REBAR (CA-0568); THENCE RUN NORTH 00°13'41" EAST, A DISTANCE OF 284.27 FEET TO A 5/8" CAPPED REBAR (CA-1109); THENCE RUN NORTH 89°47'43" WEST, A DISTANCE OF 396.00 FEET TO A 5/8" CAPPED REBAR (CA-1109); THENCE RUN NORTH 00°13'41" EAST, A DISTANCE OF 656.48 FEET TO A 5/8" CAPPED REBAR (CA-1109); THENCE RUN SOUTH 89°43'20" EAST, A DISTANCE OF 396.00 FEET TO A 1/2" CAPPED REBAR (CA-0565) AT THE SOUTHEAST CORNER OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 13; THENCE RUN NORTH 00°11'45" EAST, A DISTANCE OF 663.43 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 108.59 ACRES, MORE OR LESS.

GCOF RESERVE AT DAPHNE, LLC

RESERVE AT DAPHNE

R-6(G) – 8.82 AC.

COMMENCE AT THE SOUTHWEST CORNER OF LOT 53, THE RESERVE AT DAPHNE PHASE ONE, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2520-B AND C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; RUN THENCE NORTH 33°52'31" EAST, A DISTANCE OF 434.37 FEET; THENCE NORTH 00°11'08" EAST, A DISTANCE OF 449.05 FEET TO THE POINT OF BEGINNING: THENCE RUN NORTH 00°11'08" EAST, A DISTANCE OF 429.49 FEET; THENCE RUN NORTH 89°44'38" WEST, A DISTANCE OF 893.25 FEET; THENCE RUN SOUTH 00°14'54" WEST, A DISTANCE OF 430.09 FEET; THENCE RUN SOUTH 89°46'58" EAST, A DISTANCE OF 893.72 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 8.82 ACRES, MORE OR LESS.

GCOF RESERVE AT DAPHNE, LLC

RESERVE AT DAPHNE

R-2 – 69.14 AC.

BEGIN AT THE SOUTHWEST CORNER OF LOT 53, THE RESERVE AT DAPHNE PHASE ONE, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2520-B AND C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; RUN THENCE NORTH 33°52'31" EAST, A DISTANCE OF 434.37 FEET; THENCE NORTH 00°11'08" EAST, A DISTANCE OF 449.05 FEET; THENCE RUN NORTH 89°46'58" WEST, A DISTANCE OF 893.72 FEET; THENCE RUN NORTH 00°14'54" EAST, A DISTANCE OF 430.09 FEET; THENCE RUN SOUTH 89°44'38" EAST, A DISTANCE OF 192.97 FEET; THENCE RUN NORTH 28°43'37" WEST, A DISTANCE OF 257.86 FEET; THENCE RUN NORTH 00°13'29" EAST, A DISTANCE OF 2,430.66 FEET; THENCE RUN NORTH 89°48'35" WEST, A DISTANCE OF 496.47 FEET; THENCE RUN SOUTH 00°12'38" WEST, A DISTANCE OF 3,637.75 FEET; THENCE RUN SOUTH 64°28'22" WEST, A DISTANCE OF 120.42 FEET; THENCE RUN SOUTH 31°15'15" WEST, A DISTANCE OF 209.64 FEET; THENCE RUN SOUTH 05°56'31" EAST, A DISTANCE OF 391.39 FEET; THENCE RUN SOUTH 89°52'24" EAST, A DISTANCE OF 732.74 FEET; THENCE RUN SOUTH 56°07'29" EAST, A DISTANCE OF 202.95 FEET; THENCE RUN NORTH 33°52'31" EAST, A DISTANCE OF 150.00 FEET; THENCE RUN SOUTH 56°00'53" EAST, A DISTANCE OF 31.77 FEET; THENCE RUN NORTH 33°52'31" EAST, A DISTANCE OF 440.06 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 69.14 ACRES, MORE OR LESS.

**COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM**



DATE: November 19, 2021
TO: Office of the City Clerk
FROM: Adrienne Jones, AICP, Director of Community Development 
SUBJECT: GCOF Reserve of Daphne, L.L.C., 68V Reserve at Plantation Hills 2021, L.L.C., James and Barbara Conaway, Joseph Lazzari, Joseph Lazzari, Jr. and Tania Lazzari

PRESENT ZONING: RSF-2, Residential Single Family District, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction

LOCATION: East and southeast of Robbins Boulevard and Ashbury Hill Road, and north of the intersection of County Road 64 and Montelucia Way

RECOMMENDATION: At the November 18, 2021 regular meeting of the City of Daphne Planning Commission, ~~seven~~ members were present and the motion carried for a favorable recommendation for the above mentioned annexation petition.

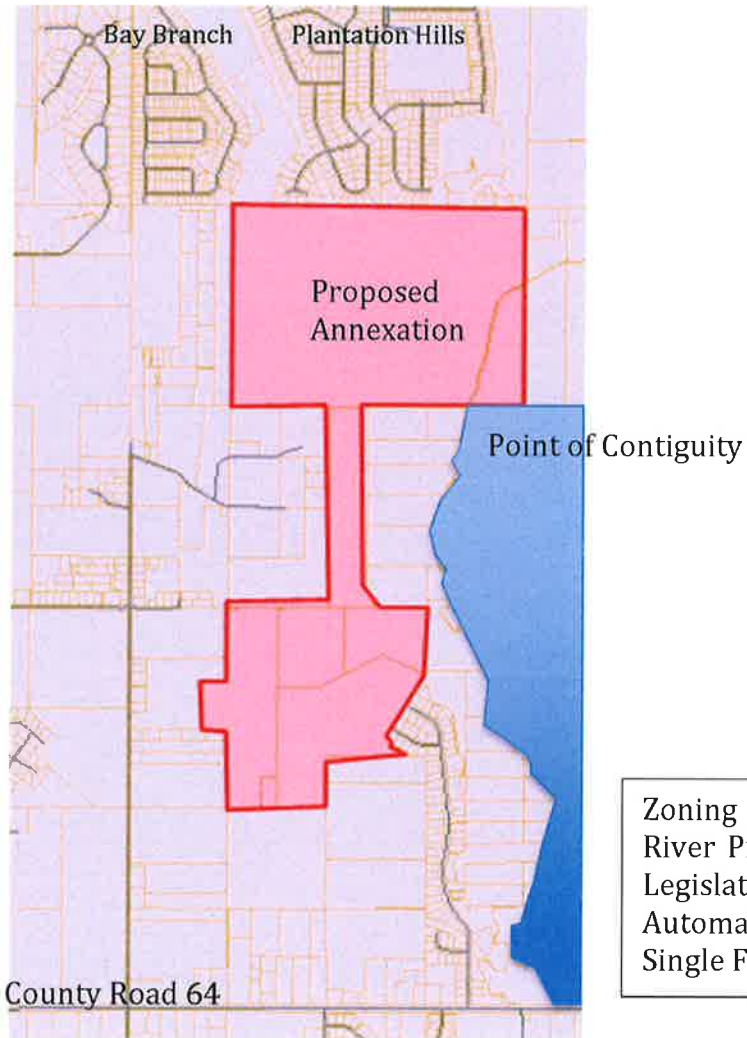
Attached please find the appropriate documentation and action of the Daphne Planning Commission.

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda to set a public hearing.

Thank you,
ADJ/jv

1. Community Development Report and Supplemental Documents
2. Petition for Annexation
3. Legal Description (Exhibit A)
4. Boundary Survey (Exhibit B)

COMMUNITY DEVELOPMENT



Zoning Map Excerpt shows East Fish River Property which was annexed by Legislative Annexation (Act 2019-472). Automatically zoned R-1, Low Density Single Family Residential.

SUBJECT: Annexation Petitions Associated with The Reserve at Plantation Hills and the Reserve at Daphne

RECOMMENDATION: Favorable

**ARTICLE XXIII
ANNEXATION**

23-1 PROCEDURE

The City Council may, from time to time, after examination, review and public hearing thereon, amend, supplement or change the regulations and zoning districts herein or subsequently established, proposals for annexation, whether initiated by the City Council, the Planning Commission, or any person, firm, or a corporation, shall be treated in accordance with the following procedure:

- (a) An application on the prescribed form shall be submitted in writing to the Department of Community Development thirty (30) calendar days prior to the regularly scheduled meeting of the Planning Commission and must be accompanied by a warranty deed (proof of ownership), legal description of subject property, current survey, and a map of the subject property.
- (b) The application shall be reviewed by the Planning Commission at its next regular meeting and said Commission shall have thirty (30) calendar days from said regular meeting within which to submit a recommendation to the City Council. If the Commission fails to submit a recommendation to the City Council within the thirty (30) calendar day period, it shall be deemed to have approved the proposed amendment.
- (c) Before enacting any amendment to this Ordinance, a public hearing thereon shall be held by the City Council with proper notice as required by law.
- (d) Said notice shall be published in full for one (1) insertion and an additional insertion of a synopsis of the proposed amendment one (1) week after the first insertion in a newspaper of general circulation published in the municipality, both insertions shall be at least fifteen (15) calendar days prior to the said public hearing; or, if no newspaper is published in the municipality, then said notice shall be posted in four (4) conspicuous places within the municipality at least fifteen (15) calendar days prior to the said public hearing. Due notice shall also be given to the parties in interest of the date, time, and place of said hearing.
- (e) Said public hearing shall be held at the earliest possible time to consider the proposed annexation, and the Council shall take action on said proposed annexation within forty-five (45) calendar days from the date of the public hearing except in the case where the tentative action is not in accordance with the Planning Commission's certified recommendation.

- (f) In such case, the Council shall not make any change in or departure from the text or maps, as recommended and certified by the Planning Commission, unless such change or departure can be first resubmitted to the Commission for an additional review and recommendation. The Commission shall have thirty (30) calendar days to resubmit its recommendation.
- (g) Any petition for annexation may be withdrawn prior to action thereon by the Planning Commission or City Council at the discretion of the owner, authorized representative, firm, or corporation initiating such a request upon written notice to the Department of Community Development or the City Clerk's Office, whichever is applicable.

23-2 PROCEDURE FOR ZONING NEWLY ANNEXED LAND

Any land annexed to the City of Daphne hereafter shall be classified as an R-1, Low Density Single Family Residential District unless otherwise recommended by the Planning Commission through the zoning amendment procedure provide in *Article 22-1, Zoning Amendment Procedures*. In such case, City Council may consider, after due process of publication and hearing as required by law, specific applications to zone newly annexed land into one or more existing or proposed new zoning classifications recommended by the Planning Commission. Multiple zoning requests for a single parcel shall be subject to the *Article 17, Subdivision Regulations and/or the Article 30, Planned Unit Development* regulations as applicable.

23-3 FEES

An application to the Planning Commission for annexation shall be accompanied by the appropriate fee as more specifically enumerated in *Article 34, Schedule of Fees*.

APPLICATION & SUPPLEMENTAL INFORMATION

OVERALL BOUNDARY

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 12, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SAINT STEPHENS MERIDIAN AND RUN THENCE SOUTH 89°41'38" EAST, ALONG THE SOUTH LINE OF SAID SECTION 12, A DISTANCE OF 1,320.22 FEET TO A 1/2" CAPPED REBAR AT THE SOUTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 12 FOR THE POINT OF BEGINNING; THENCE RUN SOUTH 89° 41' 59" EAST, ALONG THE SOUTH LINE OF SAID SECTION 12, A DISTANCE OF 659.77 FEET TO A 1/2" CAPPED REBAR (LS #19254); THENCE RUN SOUTH 89° 42' 18" EAST, ALONG THE SOUTH LINE OF SAID SECTION 12, A DISTANCE OF 660.83 FEET TO A 1/2" CAPPED REBAR (LS #19254); THENCE RUN NORTH 00° 12' 38" EAST, A DISTANCE OF 2,655.74 FEET TO CAPPED REBAR (LS 19254) AT THE CENTER OF SAID SECTION 12; THENCE RUN NORTH 89° 57' 11" WEST, A DISTANCE OF 1,304.46 FEET TO A NAIL WITH SHINER IN AN OLD FENCE POST (CA-0568-LS); THENCE RUN NORTH 00° 00' 08" EAST, A DISTANCE OF 2,658.04 FEET TO CAPPED REBAR (CA-0089-LS) ON THE SOUTH LINE OF BAY BRANCH VILLAS, PHASE 6-B, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2216-F AND SLIDES 2217-A & 2217-B, PROBATE RECORDS BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 89° 52' 03" EAST, ALONG THE SOUTH MARGIN OF SAID BAY BRANCH VILLAS, PHASE 6-B, A DISTANCE OF 504.59 FEET TO CAPPED REBAR; THENCE RUN SOUTH 89° 50' 01" EAST, ALONG THE SOUTH LINE OF BAY BRANCH ESTATES PHASE 5, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2011-B AND 2011-C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, A DISTANCE OF 1,479.44 FEET TO A CAPPED REBAR (CEC) AT THE SOUTHWEST CORNER OF PLANTATION HILLS SOUTH, PHASE 2, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2020-B AND 2020-C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 89° 47' 11" EAST, ALONG THE SOUTH MARGIN OF SAID PLANTATION HILLS SOUTH, PHASE 2, A DISTANCE OF 638.30 FEET TO A CAPPED REBAR (CA-0568-LS) AT THE SOUTHWEST CORNER OF LOT 56 OF SAID PLANTATION HILLS SOUTH, PHASE 2; THENCE RUN ALONG THE EAST MARGIN OF SAID PLANTATION HILLS SOUTH, PHASE 2, THE FOLLOWING COURSES, TO WIT; NORTH 00°01'54" EAST, A DISTANCE OF 170.51 FEET; SOUTH 89°55'34" EAST, A DISTANCE OF 43.06 FEET TO A 5/8" REBAR; NORTH 00°18'23" EAST, A DISTANCE OF 220.16 FEET TO A 5/8" CAPPED REBAR (CA-0568-LS); RUN SOUTH 89°38'30" EAST, A DISTANCE OF 81.89 FEET TO A 5/8" CAPPED REBAR (CA-0568-LS); NORTH 02°58'32" WEST, A DISTANCE OF 180.26 FEET TO A 5/8" CAPPED REBAR (CA-0568-LS); NORTH 89°49'10" WEST, A DISTANCE OF 142.41 FEET TO A 5/8" CAPPED REBAR (CA-0568-LS); NORTH 00°23'00" EAST, A DISTANCE OF 60.07 FEET TO 1/2" REBAR; SOUTH 89°47'31" EAST, A DISTANCE OF 157.97 FEET TO A 5/8" CAPPED REBAR (CA-0568-LS); NORTH 02°14'29" WEST, A DISTANCE OF 170.15 FEET TO A 5/8" CAPPED REBAR (CA-0568-LS); NORTH 00°11'49" EAST, A DISTANCE OF 343.67 FEET TO A 5/8" CAPPED REBAR (CA-0568-LS) ON THE SOUTH MARGIN OF PLANTATION HILLS SOUTH, PHASE 1, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 1825-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN ALONG THE SOUTH MARGIN OF SAID PLANTATION HILLS SOUTH, PHASE 1, THE FOLLOWING COURSES, TO WIT; SOUTH 89°48'31" EAST, A DISTANCE OF 134.82 FEET TO A 5/8" CAPPED REBAR (CA-0568-LS); NORTH 00°21'19" EAST, A DISTANCE OF 49.29 FEET TO A 1/2" CAPPED REBAR (CA-0568-LS); SOUTH 89°43'08" EAST, A DISTANCE OF 187.25 FEET TO A 1/2" CAPPED REBAR (CEC); NORTH 66°32'15" EAST, A DISTANCE OF 129.09 FEET TO A 1/2" CAPPED REBAR (MOORE) AT THE SOUTHWEST CORNER OF LOT 291 OF PLANTATION HILLS SUBDIVISION, UNIT 4, AS SHOWN BY MAP OR PLAT THEREOF RECORDED IN MAP BOOK 11, AT PAGE 26, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN ALONG THE SOUTH MARGIN OF SAID PLANTATION HILLS SUBDIVISION, UNIT 4, THE FOLLOWING COURSES, TO WIT; SOUTH 83°56'16" EAST, A DISTANCE OF 122.19 FEET; NORTH 75°36'18" EAST, A DISTANCE OF 63.76 FEET; SOUTH 89°49'24" EAST, A DISTANCE OF 214 FEET, MORE OR LESS, TO THE CENTER OF BAY BRANCH; THENCE RUN SOUTHERLY, ALONG THE MEANDERS OF SAID BAY BRANCH, A DISTANCE OF 1194 FEET, MORE OR LESS, TO A POINT THAT BEARS SOUTH 89°50'53" EAST, A

DISTANCE OF 332 FEET, MORE OR LESS, OF A 5/8" CAPPED REBAR (CA-1109-LS); THENCE RUN NORTH 89°50'53" WEST, A DISTANCE OF 332 FEET, MORE OR LESS, TO A 5/8" CAPPED REBAR (CA-1109-LS); THENCE RUN NORTH 10°06'02" WEST, A DISTANCE OF 160.48 FEET TO A 5/8" CAPPED REBAR (CA-1109-LS); THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 180.00 FEET, AN ARC LENGTH OF 40.85 FEET, (CHORD BEARS SOUTH 68°46'51" WEST, A DISTANCE OF 40.77 FEET) TO A 5/8" CAPPED REBAR (CA-1109-LS); THENCE RUN SOUTH 10°06'02" EAST, A DISTANCE OF 161.49 FEET TO A 5/8" CAPPED REBAR (CA-1109-LS); THENCE RUN SOUTH 80°34'34" WEST, A DISTANCE OF 367.40 FEET TO A 5/8" CAPPED REBAR (CA-1109-LS); THENCE RUN SOUTH 00°07'44" WEST, A DISTANCE OF 153.67 FEET TO A 5/8" CAPPED REBAR (CA-1109-LS); THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 50.00 FEET, AN ARC LENGTH OF 200.73 FEET, (CHORD BEARS SOUTH 24°52'48" EAST, A DISTANCE OF 90.62 FEET) TO A 5/8" CAPPED REBAR (CA-1109-LS); THENCE RUN SOUTH 00°07'44" WEST, A DISTANCE OF 170.00 FEET; THENCE RUN SOUTH 89° 50' 38" EAST, ALONG THE NORTH LINE OF SECTION 12, A DISTANCE OF 1,071.74 FEET TO A CAPPED REBAR (CA-0568-LS) AT THE NORTHEAST CORNER OF SAID SECTION 12; THENCE RUN SOUTH 00° 17' 09" WEST, ALONG THE EAST LINE OF SAID SECTION 12, A DISTANCE OF 2,657.61 FEET TO A CRIMP TOP IRON PIPE; THENCE RUN NORTH 89° 47' 01" WEST, A DISTANCE OF 2,149.52 FEET TO A CAPPED REBAR (CA-0089-LS); THENCE RUN SOUTH 00° 13' 29" WEST, A DISTANCE OF 2,430.66 FEET TO A CAPPED REBAR (CA-0089-LS); THENCE RUN SOUTH 28° 43' 37" EAST, A DISTANCE OF 257.86 FEET TO A CAPPED REBAR (CA-0089-LS); THENCE RUN SOUTH 89° 44' 38" EAST, FOR A DISTANCE OF 700.28 FEET TO A CRIMP TOP IRON PIPE; THENCE RUN SOUTH 00° 11' 08" WEST, A DISTANCE OF 878.53 FEET TO A CONCRETE MONUMENT; THENCE RUN SOUTH 33° 52' 31" WEST, A DISTANCE OF 874.43 FEET TO A CAPPED REBAR (CA-951-LS); THENCE RUN SOUTHEASTERLY, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1,900.79 FEET, AN ARC LENGTH OF 138.35 FEET, (CHORD BEARS SOUTH 58° 09' 24" EAST FOR 138.32 FEET) TO A CAPPED REBAR (CA-0089-LS); THENCE RUN SOUTH 30° 42' 37" WEST, A DISTANCE OF 62.31 FEET TO A CONCRETE MONUMENT; THENCE RUN SOUTHWESTERLY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 200.00 FEET, AN ARC LENGTH OF 91.06 FEET, (CHORD BEARS SOUTH 43° 49' 24" WEST FOR 90.28 FEET) TO A CONCRETE MONUMENT; THENCE RUN SOUTH 60° 14' 19" EAST, A DISTANCE OF 349.14 FEET TO A CAPPED REBAR (CA-951-LS); THENCE RUN NORTH 89° 52' 24" WEST, A DISTANCE OF 1,165.59 FEET TO A CAPPED REBAR (CA-0568-LS); THENCE RUN SOUTH 00° 12' 20" WEST, A DISTANCE OF 661.54 FEET TO A CAPPED REBAR; THENCE RUN NORTH 89°53'47" WEST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 13, A DISTANCE OF 2,599.73 FEET TO A 5/8" CAPPED REBAR (CA-1109) ON THE EAST RIGHT-OF-WAY OF BALDWIN COUNTY HIGHWAY 54; THENCE RUN NORTH 00°15'40" EAST, ALONG THE EAST RIGHT-OF-WAY OF SAID BALDWIN COUNTY HIGHWAY 54, A DISTANCE OF 588.78 FEET TO A 5/8" CAPPED REBAR (CA-1109); THENCE RUN NORTH 89°49'35" EAST, DEPARTING SAID RIGHT-OF-WAY, A DISTANCE OF 1279.81 FEET TO A 1/2" CAPPED REBAR (MOORE); THENCE RUN NORTH 00°13'10" EAST, A DISTANCE OF 440.16 FEET TO A 5/8" CAPPED REBAR (CA-0568); THENCE RUN NORTH 00°13'41" EAST, A DISTANCE OF 284.27 FEET TO A 5/8" CAPPED REBAR (CA-1109); THENCE RUN NORTH 89°47'43" WEST, A DISTANCE OF 396.00 FEET TO A 5/8" CAPPED REBAR (CA-1109); THENCE RUN NORTH 00°13'41" EAST, A DISTANCE OF 656.48 FEET TO A 5/8" CAPPED REBAR (CA-1109); THENCE RUN SOUTH 89°43'20" EAST, A DISTANCE OF 396.00 FEET TO A 1/2" CAPPED REBAR (CA-0565) AT THE SOUTHEAST CORNER OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 13; THENCE RUN NORTH 00°11'45" EAST, A DISTANCE OF 663.43 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 444.97 ACRES, MORE OR LESS, AND LIES IN SECTION 1, SECTION 12, AND SECTION 13, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

**PETITION FOR ANNEXATION OF CERTAIN PROPERTY
INTO THE CORPORATE LIMITS OF THE MUNICIPALITY
OF THE CITY OF DAPHNE, ALABAMA**

(_____)
The undersigned corporation, 68V RESERVE AT PLANTATION HILLS 2021 LLC, files this petition with the Clerk of the City of Daphne requesting the property hereafter described, commonly referred to as, RESERVE AT DAPHNE/RESERVE AT PLANTATION HILLS, to be annexed into the City of Daphne, a municipal corporation incorporated under the laws of the State of Alabama, and submits the following in support of the petition:

1. **Description of Property:** The description of the property which the petitioner requests to be annexed into the City of Daphne is described in **Exhibit "A"** attached hereto and made a part of this petition as fully set out herein (**the "Property"**).
2. **Map of Property:** Attached hereto as **Exhibit "B"** and made a part of this petition, is a map of the property showing its relationship to the corporate limits of the municipality of the City of Daphne.
3. **Owner:** The petitioner, 68V RESERVE AT PLANTATION HILLS 2021 LLC, is the owner of the property hereby sought to be annexed into the corporate limits of the City of Daphne.
4. **Specific Conditions:** This petition is conditioned upon the adoption of an ordinance, which shall include specifically the conditions requested below upon annexing the said property into the corporate limits of the City of Daphne.

A.F.

Requested zoning, if other than R-1:

R-3

Any other conditions which may apply upon annexation:

5. Code: This Petition is filed pursuant to the provisions of Article 21, Chapter 42, Title 11, Code of Alabama, 1975, as amended.

DATED this 23rd day of August, 2021

Respectfully submitted,

GBV Reserve at Plantation H. 1/15 2021, LLC
Name of Corporation

By: [Signature]

Its: Manager

STATE OF ALABAMA
COUNTY OF BALDWIN

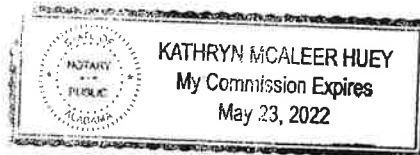
I, Kathryn McAleer Huey, the undersigned Notary Public in and for said county and state, hereby certify that Nathan C. Cox whose name as Manager of GBV Reserve at Plantation H. 1/15 2021, LLC, an Alabama corporation, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that, being informed of the contents of the instrument, he/she as such officer and with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 23rd day of August, 20 21.

Kathryn McAleer Huey
NOTARY PUBLIC

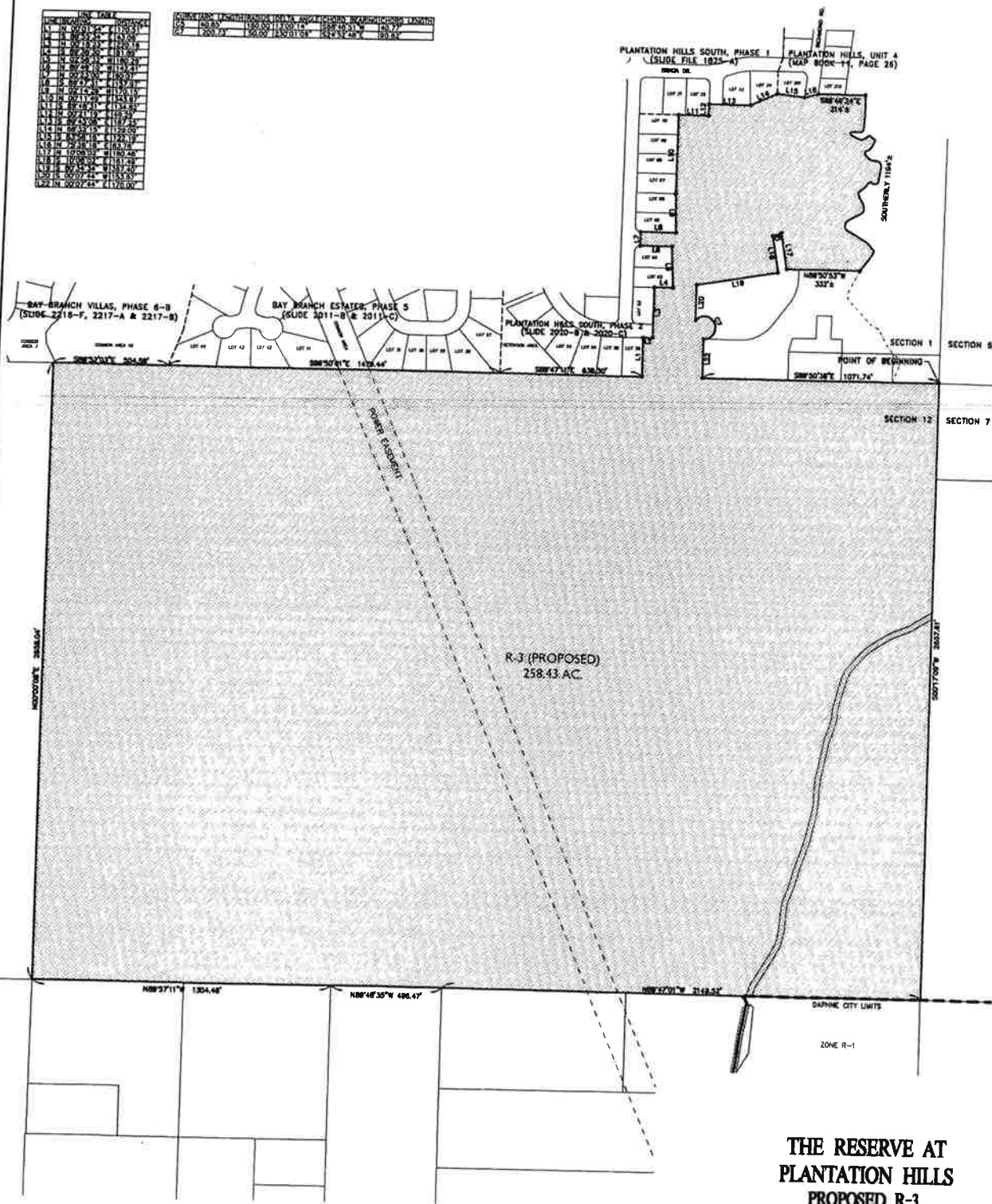
My commission expires: May 23, 2022

Corporation's Address



[illegible][illegible]

LINE	NO	LENGTH	DATE	AN	TIME	BEARING	CHORD	LENGTH
1	2	40.85	180.00	100.14	235.46	51.30	40.72	
2	7	200.33	90.00	150.00	235.46	51.30	40.72	



**THE RESERVE AT
PLANTATION HILLS
PROPOSED R-3**

SKETCH AND DESCRIPTION



SCALE	1"=200'
PROJ. NO.	50140571
FILE	50140571 2000
SHEET	1 OF 1

THIS IS NOT A PROPERTY BOUNDARY SURVEY

15353 Friendship Road Daphne, AL 36526
251.990.9950 fax 251.929-9815

**PETITION FOR ANNEXATION OF CERTAIN PROPERTY
INTO THE CORPORATE LIMITS OF THE MUNICIPALITY
OF THE CITY OF DAPHNE, ALABAMA**

(_____)
The undersigned corporation, GCOF RESERVE AT DAPHNE LLC, files this petition with the Clerk of the City of Daphne requesting the property hereafter described, commonly referred to as, RESERVE AT DAPHNE/RESERVE AT PLANTATION HILLS, to be annexed into the City of Daphne, a municipal corporation incorporated under the laws of the State of Alabama, and submits the following in support of the petition:

1. **Description of Property:** The description of the property which the petitioner requests to be annexed into the City of Daphne is described in **Exhibit "A"** attached hereto and made a part of this petition as fully set out herein (**the "Property"**).
2. **Map of Property:** Attached hereto as **Exhibit "B"** and made a part of this petition, is a map of the property showing its relationship to the corporate limits of the municipality of the City of Daphne.
3. **Owner:** The petitioner, GCOF RESERVE AT DAPHNE LLC, is the owner of the property hereby sought to be annexed into the corporate limits of the City of Daphne.
4. **Specific Conditions:** This petition is conditioned upon the adoption of an ordinance, which shall include specifically the conditions requested below upon annexing the said property into the corporate limits of the City of Daphne.

Requested zoning, if other than R-1: R-2, R-3, AND R-6(G)

Any other conditions which may apply upon annexation:

5. **Code:** This Petition is filed pursuant to the provisions of Article 21, Chapter 42, Title 11, Code of Alabama, 1975, as amended.

DATED this 22nd day of June, 2021

Respectfully submitted,

GCOF Reserve at Daphne, LLC
Name of Corporation

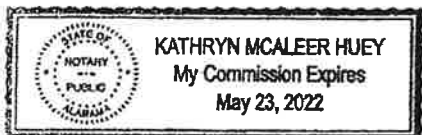
By: [Signature]

Its: Manager

STATE OF ALABAMA
COUNTY OF BALDWIN

I, Kathryn McAleer Huey, the undersigned Notary Public in and for said county and state, hereby certify that Nathan Cox whose name as Manager of GCOF Reserve at Daphne, LLC, an Alabama corporation, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that, being informed of the contents of the instrument, he/she as such officer and with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 22nd day of June, 2021.



Kathryn McAleer Huey
NOTARY PUBLIC

My commission expires: May 23, 2022

Corporation's Address

29891 Woodrow Ln. Ste 300
Spanish Fort, AL 36527

(_____)

87

DATED this 19 day of August 2021

Respectfully submitted by,

Name of Owner (Print) Tania Lazzari

Name of Owner (Signature)

Tania Lazzari

STATE OF ALABAMA
COUNTY OF BALDWIN

I, Kathryn McAleer Huey, the undersigned Notary Public in and for said county and state, hereby certify that Tania Lazzari has signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that, being informed of the contents of the instrument, he/she executed the same voluntarily on the day the same bears date.

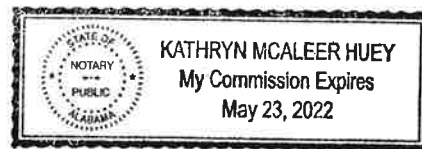
Given under my hand and official seal this the 23rd day of August, 2021.

NOTARY PUBLIC

Kathryn McAleer Huey

My commission expires: May 23 2022

Owner's Address



DATED this 19th day of 2021, _____

Respectfully submitted by,

Joseph LAZZARI
Name of Owner (Print)

[Signature]
Name of Owner (Signature)

STATE OF ALABAMA
COUNTY OF BALDWIN

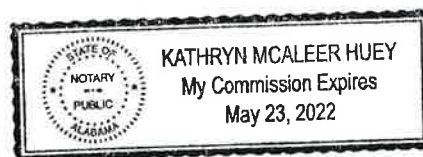
I, Kathryn McAleer Huey, the undersigned Notary Public in and for
said county and state, hereby certify that Joseph Lazzari has
signed to the foregoing instrument and who is known to me, acknowledged before me on this
day, that, being informed of the contents of the instrument, he/she executed the same voluntarily
on the day the same bears date.

Given under my hand and official seal this 23rd day of August, 2021.

Kathryn McAleer Huey
NOTARY PUBLIC

My commission expires: May 23, 2022

Owner's Address



**PETITION FOR ANNEXATION OF CERTAIN PROPERTY
INTO THE CORPORATE LIMITS OF THE MUNICIPALITY
OF THE CITY OF DAPHNE, ALABAMA**

(_____)

The undersigned, JAMES & BARBARA CONAWAY, files this petition with the Clerk of the City of Daphne requesting the property hereafter described, commonly referred to as, RESERVE AT DAPHNE/RESERVE AT PLANTATION HILLS, to be annexed into the City of Daphne, a municipal corporation incorporated under the laws of the State of Alabama, and submits the following in support of its petition:

1. **Description of Property:** The description of the property which the petitioner requests to be annexed into the City of Daphne is described in **Exhibit "A"** attached hereto and made a part of this petition as fully set out herein (the "Property").
2. **Map of Property:** Attached hereto as **Exhibit "B"** and made a part of this petition, is a map of the property showing its relationship to the corporate limits of the municipality of the City of Daphne.
3. **Owner:** The petitioner, JAMES & BARBARA CONAWAY, is the owner of the property hereby sought to be annexed into the corporate limits of the City of Daphne.
4. **Specific Conditions:** This petition is conditioned upon the adoption of an ordinance, which shall specifically include the conditions requested below upon annexing the property into the corporate limits of the City of Daphne.

A.E.

Requested zoning, if other than R-1: _____

R-6(G)

Any other conditions which may apply upon annexation:

5. **Code:** This Petition is filed pursuant to the provisions of Article 21, Chapter 42, Title 11, Code of Alabama, 1975, as amended.

DATED this 19 day of August, 2021

Respectfully submitted by,

Langdon B. Conaway
Name of Owner (Print)

Langdon B. Conaway
Name of Owner (Signature)

STATE OF ALABAMA
COUNTY OF BALDWIN

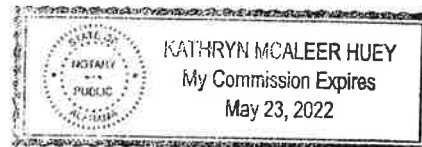
I, Kathryn McAleer Huey, the undersigned Notary Public in and for said county and state, hereby certify that Langdon B. Conaway has signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that, being informed of the contents of the instrument, he/she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 23rd day of August, 2021

Kathryn McAleer Huey
NOTARY PUBLIC

My commission expires: May 23, 2022

Owner's Address



**PETITION FOR ANNEXATION OF CERTAIN PROPERTY
INTO THE CORPORATE LIMITS OF THE MUNICIPALITY
OF THE CITY OF DAPHNE, ALABAMA**

(_____)

The undersigned, JOSEPH JAMES LAZZARI, files this petition with the Clerk of the City of Daphne requesting the property hereafter described, commonly referred to as, RESERVE AT DAPHNE/RESERVE AT PLANTATION HILLS, to be annexed into the City of Daphne, a municipal corporation incorporated under the laws of the State of Alabama, and submits the following in support of its petition:

1. **Description of Property:** The description of the property which the petitioner requests to be annexed into the City of Daphne is described in **Exhibit "A"** attached hereto and made a part of this petition as fully set out herein (**the "Property"**).

2. **Map of Property:** Attached hereto as **Exhibit "B"** and made a part of this petition, is a map of the property showing its relationship to the corporate limits of the municipality of the City of Daphne.

3. **Owner:** The petitioner, JOSEPH JAMES LAZZARI, is the owner of the property hereby sought to be annexed into the corporate limits of the City of Daphne.

4. **Specific Conditions:** This petition is conditioned upon the adoption of an ordinance, which shall specifically include the conditions requested below upon annexing the property into the corporate limits of the City of Daphne.

A.F.

Requested zoning, if other than R-1: _____ R-6(G)

Any other conditions which may apply upon annexation:

5. **Code:** This Petition is filed pursuant to the provisions of Article 21, Chapter 42, Title 11, Code of Alabama, 1975, as amended.

DATED this 19 day of August, 2021

Respectfully submitted by,

Joseph Lazzari
Name of Owner (Print)

[Signature]
Name of Owner (Signature)

STATE OF ALABAMA
COUNTY OF BALDWIN

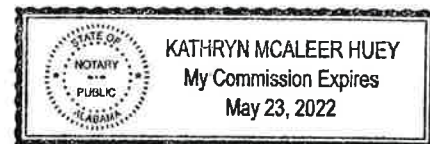
I, Kathryn McAleer Huey, the undersigned Notary Public in and for said county and state, hereby certify that Joseph Lazzari has signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that, being informed of the contents of the instrument, he/she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 23rd day of August, 2021

Kathryn McAleer Huey
NOTARY PUBLIC

My commission expires: May 23, 2022

Owner's Address



$R-S(G) = 8.82 \text{ AC}$

R-5(g) - 8.82 AC

CONJUNCTION AT THE SOUTHWEST CORNER OF LOT 53, THE RECEIPT AT DAPHNE PHASE ONE, AS SHOWN BY MAP OF PLAT THEREON RECORDED AT SLICK 2330-B AND C. PROBATE RECORDS, BULLDOZEN COUNTY, ALABAMA; THE DISTANCE 753'29" EAST, A DISTANCE OF 434.37 FEET; THENCE NORTH 071°10'00" EAST, A DISTANCE 448.69 FEET TO THE POINT OF BEGINNING; THENCE RLAN NORTH 071°10'00" EAST, A DISTANCE 430.00 FEET; THENCE RAN NORTH 09°44'30" WEST, A DISTANCE OF 483.89 FEET; THENCE BLAN SOUTH 07°10'00" WEST, A DISTANCE OF 430.00 FEET; THENCE RLAN SOUTH 07°10'00" WEST, A DISTANCE OF 430.00 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS ALSO ACRES, MORE OR LESS.



**THE RESERVE AT DAPHNE
PROPOSED R-6(G)**

SKETCH AND DESCRIPTION



SCALE 1"=200'
PROJ. NO. D0140371
FILE D0140371
SHEET 1 OF 1

THIS IS NOT A PROPERTY BOUNDARY SURVEY!

25353 Friendship Road Daphne, AL 36526
251.990.9950 fax 251.929.9815


Dewberry

SCALE 1"=200'
PROJ. NO. 50140571
FILE 50140571 20
SHEET 1 OF 1

THIS IS NOT A PROPERTY BOUNDARY SURVEY!

25353 Friendship Road Daphne, AL 36526
251-990-9950 fax 251-920-0815

Legal Description:

**68V RESERVE AT PLANTATION HILLS 2021, LLC, GCOF RESERVE AT DAPHNE, LLC,
JAMES AND BARBARA CONAWAY, JOSEPH LAZZARI, JR, JOSEPH LAZZARI AND
TANIA LAZZARI**

(The Reserve at Daphne and The Reserve at Plantation Hills)

OVERALL BOUNDARY - ANNEXATION

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 12, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SAINT STEPHENS MERIDIAN AND RUN THENCE SOUTH 89°41'38" EAST, ALONG THE SOUTH LINE OF SAID SECTION 12, A DISTANCE OF 1,320.22 FEET TO A 1/2" CAPPED REBAR AT THE SOUTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 12 FOR THE POINT OF BEGINNING: THENCE RUN SOUTH 89° 41' 59" EAST, ALONG THE SOUTH LINE OF SAID SECTION 12, A DISTANCE OF 659.77 FEET TO A 1/2" CAPPED REBAR (LS #19254); THENCE RUN SOUTH 89° 42' 18" EAST, ALONG THE SOUTH LINE OF SAID SECTION 12, A DISTANCE OF 660.83 FEET TO A 1/2" CAPPED REBAR (LS #19254); THENCE RUN NORTH 00° 12' 38" EAST, A DISTANCE OF 2,655.74 FEET TO CAPPED REBAR (LS 19254) AT THE CENTER OF SAID SECTION 12; THENCE RUN NORTH 89° 57' 11" WEST, A DISTANCE OF 1,304.46 FEET TO A NAIL WITH SHINER IN AN OLD FENCE POST (CA-0568-LS); THENCE RUN NORTH 00° 00' 08" EAST, A DISTANCE OF 2,658.04 FEET TO CAPPED REBAR (CA-0089-LS) ON THE SOUTH LINE OF BAY BRANCH VILLAS, PHASE 6-B, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2216-F AND SLIDES 2217-A & 2217-B, PROBATE RECORDS BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 89° 52' 03" EAST, ALONG THE SOUTH MARGIN OF SAID BAY BRANCH VILLAS, PHASE 6-B, A DISTANCE OF 504.59 FEET TO CAPPED REBAR; THENCE RUN SOUTH 89° 50' 01" EAST, ALONG THE SOUTH LINE OF BAY BRANCH ESTATES PHASE 5, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2011-B AND 2011-C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, A DISTANCE OF 1,479.44 FEET TO A CAPPED REBAR (CEC) AT THE SOUTHWEST CORNER OF PLANTATION HILLS SOUTH, PHASE 2, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2020-B AND 2020-C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 89° 47' 11" EAST, ALONG THE SOUTH MARGIN OF SAID PLANTATION HILLS SOUTH, PHASE 2, A DISTANCE OF 638.30 FEET TO A CAPPED REBAR (CA-0568-LS) AT THE SOUTHWEST CORNER OF LOT 56 OF SAID PLANTATION HILLS SOUTH, PHASE 2; THENCE RUN ALONG THE EAST MARGIN OF SAID PLANTATION HILLS SOUTH, PHASE 2, THE FOLLOWING COURSES, TO WIT; NORTH 00°01'54" EAST, A DISTANCE OF 170.51 FEET; SOUTH 89°55'34" EAST, A DISTANCE OF 43.06 FEET TO A 5/8" REBAR; NORTH 00°18'23" EAST, A DISTANCE OF 220.16 FEET TO A 5/8" CAPPED REBAR (CA-0568-LS); RUN SOUTH 89°38'30" EAST, A DISTANCE OF 81.89 FEET TO A 5/8" CAPPED REBAR (CA-0568-LS); NORTH 02°58'32" WEST, A DISTANCE OF 180.26 FEET TO A 5/8" CAPPED REBAR (CA-0568-LS); NORTH 89°49'10" WEST, A DISTANCE OF 142.41 FEET TO A 5/8" CAPPED REBAR (CA-0568-LS); NORTH 00°23'00" EAST, A DISTANCE OF 60.07 FEET TO 1/2" REBAR; SOUTH 89°47'31" EAST, A DISTANCE OF 157.97 FEET TO A 5/8" CAPPED REBAR (CA-0568-LS); NORTH 02°14'29" WEST, A DISTANCE OF 170.15 FEET TO A 5/8" CAPPED REBAR (CA-0568-LS); NORTH 00°11'49" EAST, A DISTANCE OF 343.67 FEET TO A 5/8" CAPPED REBAR (CA-0568-LS) ON THE SOUTH MARGIN OF PLANTATION HILLS SOUTH, PHASE 1, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 1825-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN ALONG THE SOUTH MARGIN OF SAID PLANTATION HILLS SOUTH, PHASE 1, THE FOLLOWING COURSES, TO WIT; SOUTH 89°48'31" EAST, A DISTANCE OF 134.82 FEET TO A 5/8" CAPPED REBAR (CA-0568-LS); NORTH 00°21'19" EAST, A DISTANCE OF 49.29 FEET TO A 1/2" CAPPED REBAR (CA-0568-LS); SOUTH 89°43'08" EAST, A DISTANCE OF 187.25 FEET TO A 1/2" CAPPED REBAR

(CEC); NORTH 66°32'15" EAST, A DISTANCE OF 129.09 FEET TO A 1/2" CAPPED REBAR (MOORE) AT THE SOUTHWEST CORNER OF LOT 291 OF PLANTATION HILLS SUBDIVISION, UNIT 4, AS SHOWN BY MAP OR PLAT THEREOF RECORDED IN MAP BOOK 11, AT PAGE 26, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN ALONG THE SOUTH MARGIN OF SAID PLANTATION HILLS SUBDIVISION, UNIT 4, THE FOLLOWING COURSES, TO WIT; SOUTH 83°56'16" EAST, A DISTANCE OF 122.19 FEET; NORTH 75°36'18" EAST, A DISTANCE OF 63.76 FEET; SOUTH 89°49'24" EAST, A DISTANCE OF 214 FEET, MORE OR LESS, TO THE CENTER OF BAY BRANCH; THENCE RUN SOUTHERLY, ALONG THE MEANDERS OF SAID BAY BRANCH, A DISTANCE OF 1194 FEET, MORE OR LESS, TO A POINT THAT BEARS SOUTH 89°50'53" EAST, A DISTANCE OF 332 FEET, MORE OR LESS, OF A 5/8" CAPPED REBAR (CA-1109-LS); THENCE RUN NORTH 89°50'53" WEST, A DISTANCE OF 332 FEET, MORE OR LESS, TO A 5/8" CAPPED REBAR (CA-1109-LS); THENCE RUN NORTH 10°06'02" WEST, A DISTANCE OF 160.48 FEET TO A 5/8" CAPPED REBAR (CA-1109-LS); THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 180.00 FEET, AN ARC LENGTH OF 40.85 FEET, (CHORD BEARS SOUTH 68°46'51" WEST, A DISTANCE OF 40.77 FEET) TO A 5/8" CAPPED REBAR (CA-1109-LS); THENCE RUN SOUTH 10°06'02" EAST, A DISTANCE OF 161.49 FEET TO A 5/8" CAPPED REBAR (CA-1109-LS); THENCE RUN SOUTH 80°34'34" WEST, A DISTANCE OF 367.40 FEET TO A 5/8" CAPPED REBAR (CA-1109-LS); THENCE RUN SOUTH 00°07'44" WEST, A DISTANCE OF 153.67 FEET TO A 5/8" CAPPED REBAR (CA-1109-LS); THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 50.00 FEET, AN ARC LENGTH OF 200.73 FEET, (CHORD BEARS SOUTH 24°52'48" EAST, A DISTANCE OF 90.62 FEET) TO A 5/8" CAPPED REBAR (CA-1109-LS); THENCE RUN SOUTH 00°07'44" WEST, A DISTANCE OF 170.00 FEET; THENCE RUN SOUTH 89° 50' 38" EAST, ALONG THE NORTH LINE OF SECTION 12, A DISTANCE OF 1,071.74 FEET TO A CAPPED REBAR (CA-0568-LS) AT THE NORTHEAST CORNER OF SAID SECTION 12; THENCE RUN SOUTH 00° 17' 09" WEST, ALONG THE EAST LINE OF SAID SECTION 12, A DISTANCE OF 2,657.61 FEET TO A CRIMP TOP IRON PIPE; THENCE RUN NORTH 89° 47' 01" WEST, A DISTANCE OF 2,149.52 FEET TO A CAPPED REBAR (CA-0089-LS); THENCE RUN SOUTH 00° 13' 29" WEST, A DISTANCE OF 2,430.66 FEET TO A CAPPED REBAR (CA-0089-LS); THENCE RUN SOUTH 28° 43' 37" EAST, A DISTANCE OF 257.86 FEET TO A CAPPED REBAR (CA-0089-LS); THENCE RUN SOUTH 89° 44' 38" EAST, FOR A DISTANCE OF 700.28 FEET TO A CRIMP TOP IRON PIPE; THENCE RUN SOUTH 00° 11' 08" WEST, A DISTANCE OF 878.53 FEET TO A CONCRETE MONUMENT; THENCE RUN SOUTH 33° 52' 31" WEST, A DISTANCE OF 874.43 FEET TO A CAPPED REBAR (CA-951-LS); THENCE RUN SOUTHEASTERLY, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1,900.79 FEET, AN ARC LENGTH OF 138.35 FEET, (CHORD BEARS SOUTH 58° 09' 24" EAST FOR 138.32 FEET) TO A CAPPED REBAR (CA-0089-LS); THENCE RUN SOUTH 30° 42' 37" WEST, A DISTANCE OF 62.31 FEET TO A CONCRETE MONUMENT; THENCE RUN SOUTHWESTERLY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 200.00 FEET, AN ARC LENGTH OF 91.06 FEET, (CHORD BEARS SOUTH 43° 49' 24" WEST FOR 90.28 FEET) TO A CONCRETE MONUMENT; THENCE RUN SOUTH 60° 14' 19" EAST, A DISTANCE OF 349.14 FEET TO A CAPPED REBAR (CA-951-LS); THENCE RUN NORTH 89° 52' 24" WEST, A DISTANCE OF 1,165.59 FEET TO A CAPPED REBAR (CA-0568-LS); THENCE RUN SOUTH 00° 12' 20" WEST, A DISTANCE OF 661.54 FEET TO A CAPPED REBAR; THENCE RUN NORTH 89°53'47" WEST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 13, A DISTANCE OF 2,599.73 FEET TO A 5/8" CAPPED REBAR (CA-1109) ON THE EAST RIGHT-OF-WAY OF BALDWIN COUNTY HIGHWAY 54; THENCE RUN NORTH 00°15'40" EAST, ALONG THE EAST RIGHT-OF-WAY OF SAID BALDWIN COUNTY HIGHWAY 54, A DISTANCE OF 588.78 FEET TO A 5/8" CAPPED REBAR (CA-1109); THENCE RUN NORTH 89°49'35" EAST, DEPARTING SAID RIGHT-OF-WAY, A DISTANCE OF 1279.81 FEET TO A 1/2" CAPPED REBAR (MOORE); THENCE RUN NORTH 00°13'10" EAST, A DISTANCE OF 440.16 FEET TO A 5/8" CAPPED REBAR (CA-0568); THENCE RUN NORTH 00°13'41" EAST, A DISTANCE OF 284.27 FEET TO A 5/8" CAPPED REBAR (CA-1109); THENCE RUN NORTH 89°47'43" WEST, A DISTANCE OF 396.00 FEET TO A 5/8" CAPPED REBAR (CA-1109); THENCE RUN NORTH 00°13'41" EAST, A DISTANCE OF 656.48 FEET TO A 5/8" CAPPED REBAR (CA-1109); THENCE RUN SOUTH 89°43'20" EAST, A DISTANCE OF 396.00 FEET TO A 1/2" CAPPED REBAR (CA-0565) AT THE SOUTHEAST CORNER OF THE NORTH HALF OF THE

NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 13; THENCE RUN NORTH 00°11'45" EAST, A DISTANCE OF 663.43 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 444.97 ACRES, MORE OR LESS, AND LIES IN SECTION 1, SECTION 12, AND SECTION 13, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

**COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM**



DATE: November 29, 2021
TO: Office of the City Clerk
FROM: Adrienne Jones, AICP, Director of Community Development 
SUBJECT: Proposed Amendments to Ordinance 2011-54, Land Use and Development Ordinance, Articles 11, 13, 14, 15, 17, 18, 30, and 39

At the October 28, 2021 regular meeting of the City of Daphne Planning Commission, seven members were present. The motion carried for a unanimous ***favorable recommendation*** to approve a proposed amendment to the Land Use and Development Ordinance, Articles 11, 13, 14, 15, 17, 18, 30, and 39 to update the technical review staff duties relative to the City Engineer, Environmental Programs Manager and Community Development Director.

Attached please find the appropriate documentation and action of the Daphne Planning Commission.

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda to set a public hearing.

Thank you,
ADJ/jv

Attachment(s)

cc: file

Land Use and Development Ordinance Sections to Strike and Replace

Article	Sections
11 Minimum Standards and Required Improvements for Subdivisions and Commercial Site Developments	11-6 notes 2, 3 11-8 (c) Notes 11-9 paragraph 3 11-10 (a through f) 11-11 (a), (f) 11-12(a) 11-14 (d) 11-14(e)(4)
13 District Requirements	13-3 (a) and (b)
14The Olde Towne Daphne District	14-4(a)(2)
15 Procedures for Site Plan Review	15-2(b) 15-5(a)(2) 15-9(2 and 3)
17 Procedures for Subdivision Review	17-1(b) 17(3)(a)(2) 17(3)(d)(1) 17-4(b)(1) and (2)
18 Drainage Storm Water Management Facilities and Erosion/Sediment Control	18-4(A)(1)(ix) 18-4(A)(3)(ii) 18-6 (K)(4) 18-6 (M)(1 and 2) 18-7(D)(1 and 2)
30 Planned Unit Development	30-9(f)
39 Jubilee Retail Overlay	39-4 (note 3) 39-10 paragraph 3 39-12(b)(3) 39-12(g) 39-12(h) paragraph 1 and 39-12(h)(4)

11-6 MINIMUM STREET REQUIREMENTS

	Major Street	Collector Street	Local Street	Cul-de-Sac ¹ (Turn around)	Cul-de-Sac ¹ (Turn around w/ 20-ft island)	Hammer Head Turnaround	Alley
Minimum Right-of-Way:	100'	60'	50'	60' (120' diam.)	70' (140' diam.)	120'	30'
Minimum Asphalt Width (ft) ² :	12' per lane	12' per lane	22'	48' (93' diam.)	56.5' (113' diam.)	20'	20'
Maximum Grade ³ :	5%	10%	15%	3%	3%	3%	10%
Minimum Angle of Intersection:	80°	60°	60°	60°	60°	90°	60°
Minimum Intersection Offset	150'	150'	150'	150'	150'	n/a	150'
Minimum Curb Radius at Intersection:	40'	30'	25'	25'	25'	28'	20'
Minimum Horizontal Curve Radius:	300'	250'	100'	100'	120'	0'	100'
Minimum Reverse Curve Tangent:	100'	100'	100'	120'	120'	0'	100'

¹ Cul-de-sacs shall not be longer than one thousand three hundred twenty (1320) feet measured from the intersecting street to the center of the turnaround.

² Measured from toe of curbing. Minimum twenty-four (24) feet combination curb and gutter or twenty-four (24) feet valley gutter. Other curb types must be submitted to ~~the City Engineer~~ for approval.

Deleted: Public Works Director

³ May vary with topography subject to Planning Commission approval based on recommendation of ~~the City Engineer and Director of Community Development.~~

Deleted: Public Works Director

Deleted: 09/07/16

(c) Alley:^{1,2}

- (1) 429-A Improved Bituminous concrete wearing surface layer, (3/4), three-quarter inch maximum aggregate size mix, ESAL Range B (165 lb/sy), one hundred sixty five pounds per square yard.
- (2) 401-A Bituminous Treatment type "A" (0.25 gal/sy).
- (3) 301-A Compacted Granular Soil Base Course (sand/clay) type "A" minimum of 2-4 feet lifts of compacted thickness; or,
- (4) 301-B Crushed aggregate base course (limestone) type "B" minimum 6-inch compacted thickness (if using this method, delete 401-A treatment.

Notes

¹ Base design shall be based upon the in-situ soil conditions.

² Other pavement designs may be submitted for Planning Commission approval. Such options shall be contingent upon the Director of Community Development and the City Engineer.

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If curbs and gutters are required, they must be in conformance with approved City, State, and County Highway Department standards.

All grading in the subdivision shall be related to the topography and environmental features of the surrounding area. Unpaved areas within a dedicated street right-of-way shall be graded with a minimum of 2 (two) inches of top soil and permanently stabilized with ground cover in a manner that will enhance the appearance of the environment. The shoulder at the edge of pavement or at back of curbing shall be stabilized with a minimum of two (2) courses or sod for the entire length of the roadway.

All water mains, sanitary sewers and laterals, and storm sewers shall be installed as necessary to prevent the future cutting of the pavement of any street, sidewalk, or other required pavement.

In order for the City of Daphne to provide regular maintenance of street lighting, said lighting shall be purchased through and installed by Riviera Utilities. Regular maintenance does not include replacement of lamps, luminaries or standards which are damaged or destroyed due to vandalism or any other cause beyond the utility's control. Such facilities damaged or destroyed under such circumstances shall be replaced by the utility company at the property owner's expense.

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11-9 ISSUANCE OF SITE DISTURBANCE PERMIT

Each person, firm, corporation, utility, entity, or agent thereof engaged in any site preparation and/or construction activities shall acquire a Site Disturbance Permit from the Community Development Department prior to commencement of such activities as established pursuant to the provisions of this Article and no such activity shall commence prior to the approval of a preliminary plat or site plan by the Planning Commission.

Where applicable, any and all state and/or federal permits for construction related activities shall be obtained and submitted to the City prior to issuance of the site disturbance permit. The owner or developer shall provide to the Department of Community Development, the appropriate signed application form, a certified cost estimate for site work, the fee for a site disturbance permit as enumerated in *Article 34, Schedule of Fees*, and proof of the contractor's Daphne business license.

Whenever a major development, one which is five acres (5) or more, or any project deemed appropriate by the Director of Community Development, is proposed within the corporate limits, the developer or his/her authorized engineer should contact the Planning Coordinator to arrange a Pre-construction conference. Said meeting shall occur after site plan approval and prior to the issuance of a site disturbance permit. Participants shall include the developer, ~~the project engineer and the contractors, the representatives from the Departments of Community Development, Building Inspections, Environmental Programs, the City Engineer,~~ Riviera Utilities, Daphne Utilities, any other applicable public or private utility company, local, state, and/or federal agency. At the Pre-construction conference, participants will discuss details related to permitting, construction safety, general expectations during construction, final inspection protocol, etc.

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11-10 CONSTRUCTION, TESTING AND INSPECTION OF STREETS

An independent testing laboratory shall conduct all the necessary tests to determine if the streets are installed to minimum design standards. Results shall be furnished to the Department of Community Development prior to final subdivision plat approval. These tests shall be conducted at the expense of the developer/owner.

(a) Testing:

All testing shall be conducted by an independent testing laboratory approved in writing by ~~the City Engineer.~~ The testing laboratory shall have the proper equipment and personnel necessary to perform said testing of required improvements and shall be certified by the Alabama Department of Transportation. Proof of certification must be submitted to ~~the City Engineer,~~ prior to said approval.

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~~The City Engineer~~ shall determine which tests shall be scheduled and performed. A schedule of proposed testing must be submitted to ~~him/her~~ for approval at the time of the Pre-construction Conference. The tests normally consist of, but are not limited to:

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- (1) Soil gradation;
- (2) Optimum moisture content tests on embankment, subgrade and base material;
- (3) Soil compaction test on subgrade and base material;
- (4) In-place asphalt density analysis of road building materials;
- (5) Twenty-eight (28) day compressive strength of concrete;
- (6) Hydro-static test of water and pressurized sewer system as required by utility provider;
- (7) Air test of gravity sewer line as required by utility provider.

The developer shall notify ~~the City Engineer~~, twenty-four (24) hours prior to any required tests. Copies of all test reports are to be provided to ~~him/her~~ before additional construction occurs. In the event problems exist that require remedial actions or design, the developer shall be required to submit revised engineering plans to ~~the City Engineer~~ before construction will be allowed to proceed.

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(b) Clearing and Grubbing:

All rights-of-way shall be cleared of all vegetation, trees, stumps, rocks and other objectionable or unsuitable material prior to grading or filling unless otherwise approved, in writing, by ~~the City Engineer~~.

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(c) Embankment Sections:

~~The City Engineer~~ will have the right to approve all borrow sources; however, this does not relieve the developer from full responsibility for the quality of material used. Roadway fill or embankment of earth material shall be placed in uniform layers, full width, and not exceeding six (6) inch thickness (loose measurement). Each layer shall be compacted so that a uniform specified density is obtained. Compaction tests shall be run at the frequency and location as directed by ~~the City Engineer~~. Additional layers of fill shall not be added until directed by ~~the City Engineer~~. For all density requirements refer to the current Alabama Department of Transportation "Standard Specifications for Highway Construction".

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(d) Subgrade:

The subgrade shall be compacted and properly shaped prior to the placing of base materials. The top six (6) inches of the roadbed shall be modified, with the work being performed under Section 230 Roadbed Processing, of the current Alabama Department of Transportation "Standard Specifications for Highway Construction". It shall be full width of regular section and extend eighteen (18) inches outside of curb sections ~~or thirty (30) inches~~ from the edge of asphalt, whichever is greater. The embankment or subgrade shall be inspected by proof

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rolling, under the supervision of the City Engineer, with a fully loaded (minimum 20 CY) tandem axle dump truck to check for soft or yielding areas. Any unstable materials shall be removed and replaced with a suitable material compacted to a density as required.

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(e) Base:

Base course shall meet the requirements according to the current Alabama Department of Transportation "Standard Specifications for Highway Construction". Base course shall have a minimum thickness as required by *Section 11-8, Improvement Standards for Streets*, of these regulations and shall extend twelve (12) inches outside of curb sections or twenty four (24) inches from the edge of asphalt, whichever is greater. The density requirements for compaction shall be in accordance with the current Alabama Department of Transportation "Standard Specifications for Highway Construction". Developer/Engineer may submit an alternate base design method for approval by the City Engineer. Design shall be based on a proven and accepted engineering test or method for the site conditions that exist.

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(f) Roadway Pavement:

All roads and/or streets shall be paved and comply with the following:

- (1) All roads shall be improved according to the standards outlined in *Section 11-8, Improvement Standards for Streets*, of these regulations;
- (2) Prior to the placement of pavement, a bituminous treatment A (prime) shall be placed and inspected by the City Engineer;
- (3) The finished wearing surface shall be uniform and free of defects. The City Engineer may require additional density tests in areas that appear questionable.

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When all required improvements are installed, the developer/owner shall call for a final inspection. The City Engineer or his/her duly authorized representative shall inspect the site to determine if the required improvements are satisfactorily installed according to the plans and specifications.

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11-11 SIDEWALKS

- (a) It is the intent of this section to require the installation of concrete or asphalt sidewalks on both sides of the street in residential and commercial subdivisions in order to encourage vehicular and pedestrian connectivity within the City of Daphne. It is also the intent of this section to require the installation of sidewalks in commercial and industrial site developments in order to connect gaps between existing or planned sidewalk circulation systems within the city.

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The Planning Commission may, at its discretion, approve a final plat prior to the installation of sidewalks upon receipt of an agreement to install sidewalks, a cost estimate for sidewalk installation and a surety in the amount of two hundred percent (200%) of the estimated cost and shall not expire within a twenty-four (24) month period.

(e) Additional Provisions:

- (1) Subdividers may also be required to provide access through greenways and common areas.
- (2) Trail design shall be reviewed and approved by the Planning Commission. Trail width shall be at least ten (10) feet.
- (3) Walkways, with the exception of dedicated trail, shall be maintained by the adjacent property owners.
- (4) Pedestrian crosswalks, not less than ten (10) feet wide, shall be required where deemed necessary to provide circulation or access to schools, playgrounds, shopping centers, bus stops, and other community facilities. Pedestrian crosswalks should be provided wherever sidewalks connect with an existing or planned signalized intersection. Crosswalk shall be designed in accordance with applicable MUTCD guidelines.

(f) Exemptions:

The developer may submit on the appropriate form a request for an exemption to the sidewalk provisions listed herein above. An exemption shall be granted upon receiving an affirmative supermajority vote of the Planning Commission and a favorable recommendation from the City Engineer.

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(Section amended 09/07/16)

11-12 WATER CONNECTIONS

(a) Connection to Public or Private Water System:

Developments, individual lots, or parcels shall be properly connected to a public or private community water system where such system borders the development, lot line, or is available and the appropriate utility has the capacity to provide service. The lines for both domestic use and fire protection shall be approved by a public or private community water supplier and constructed in such a manner as to adequately serve all of the lots located within the subdivision. Water wells for purposes other than human consumption may continue to be used. If a well is required for each lot, the location, construction, and use of such well shall also meet the Baldwin County Health Department requirements.

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11-14 SPECIAL PROVISIONS**(a) Utility Placement:**

All water, sewer, gas, electric power, telephone, cable TV, and other utility lines shall be installed underground by the developer and/or owner in all new residential, commercial, or industrial developments, expansions and/or renovations of existing uses; said developments shall be connected to a central distribution system, unless for good reasons other than cost, the Planning Commission approves a modification or waiver of this requirement in part or in whole, or if a special condition requires otherwise.

(b) Drainage and Utility Easements:

Easements having a minimum width of ten (10) feet and located along the side or rear lot lines shall be provided as is necessary to utility lines, underground mains, and cables. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water or drainage right-of way of adequate width, no less than five (5) feet to accommodate normal runoff. Said right-of-way shall be at a location one (1) foot above established high water or flood elevation.

(c) Location of Fire Hydrants:

Roadway fire hydrants shall be installed along each street at the center of each block and at one corner of each roadway intersection, provided, however, that in no event shall fire hydrants be spaced so that any fire hydrant is located more than five hundred (500) feet from another fire hydrant. The water supply and pressure shall be sufficient to provide adequate fire protection and the future needs of the intended land use. Additional fire hydrant placement may be required on the interior of developed lots pursuant to local ordinance and fire regulations as adopted by the City of Daphne.

(d) Location of Street Lighting:

Lighting shall be installed at all intersections, curves, and cul-de-sacs. If additional lighting is consistent with safety and other community needs or otherwise deemed necessary, the City Engineer shall require the subdivider to present a street lighting plan developed in conjunction with the appropriate utility company having jurisdiction within the area.

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If the City of Daphne is to provide regular maintenance of street lighting, said lighting shall be purchased through and installed by Riviera Utilities. Regular maintenance does not include replacement of lamps, luminaries or standards which are damaged or destroyed due to vandalism or any other cause beyond the utility's control. Such facilities damaged or destroyed under such circumstances shall be replaced by the utility company at the property owner's expense.

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(e) Placement of Street Signage for Subdivisions and Developments:

Proper signage in accordance with the latest edition of the "Manual of Uniform Traffic Control Devices" (MUTCD) as adopted by Alabama Department of Transportation (ALDOT) shall be installed prior to receiving final plat approval and maintained in all subdivisions until such time as roads are dedicated and accepted for maintenance by the City Council resolution. All proposed signage shall be shown and detailed on the construction plans. The following minimum standards shall be adhered to:

(1) R1-1 Stop Sign:

High intensity prismatic-minimum 0.080 inch thick, thirty (30) inches for all internal street intersections; thirty-six (36) inches for all intersections with existing city, county, state and federal roads.

(2) Street Name Sign:

Nine (9) inch aluminum extruded blade, high intensity prismatic, six (6) inch tall all-capital lettering on green background for streets proposed to be public; six (6) inch tall white all-capital lettering on blue background for streets proposed to remain private. Brackets: Vulcan type VS-8 vandal proof or an approved equivalent.

(3) All other signs, engineering grade or better:

Minimum 0.080 inch thick.

(4) Post for Street Signs:

Minimum ten (10) foot long, two and three eighth (2-3/8th) inch galvanized round post. Street signs must be mounted on separate post from the stop sign, unless approved by the City Engineer. If street signs and stop signs are approved to share the same post, in no case shall the street sign be attached directly to the stop sign. Stop signs shall be attached using a flanged bracket such as Vulcan Part #222491-501 or equivalent.

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(5) Post for all Other Signs:

#3 Galvanized U-channel of appropriate height embedded not less than three (3) feet below the finished grade elevation.

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13-3 COMPLIANCE WITH DISTRICT REQUIREMENTS

Any use permitted in any district whether by Right, Planning Approval, Administrative Approval, or as a Special Exception, must comply with the requirements of the district in which it is located, unless a variance from such requirement is specifically requested and granted by the Board of Zoning Adjustment; unless approved as a Planned Unit Development with modifications as required by the Planning Commission provisions of *Article 11-5, Subdivision Exceptions and Exemptions*.

(a) Planning Approval:

Any use requiring planning approval is subject to review and approval of the Planning Commission. Each application to the Planning Commission for approval must be accompanied by a site plan prepared by the applicant or his/her authorized agent. The Planning Commission shall review the application at its next meeting and take into consideration all existing regulations and ordinances of the City of Daphne, as well as, recommendations from the Director of Community Development, ~~the City Engineer~~, the Building Official or his/her designee, the Code Enforcement Officer, the Baldwin County Health Department, public and/or private utility entities and any other such local official. The Planning Commission may either approve the use request as is, approve the request with conditions, or deny the request.

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(b) Special Exception:

Any use permitted by special exception is subject to review and approval of the Board of Zoning Adjustment. Each application shall be accompanied by a site plan. The Board of Zoning Adjustment shall consider the recommendations of the Director of Community Development, ~~the City Engineer~~ and the Building Official or his/her designee, and make such recommendations a part of the record of any public hearing held on an application for a special exception, prior to making a decision on the application. If the decision of the Board of Zoning Adjustment is not consistent with such recommendations, the minutes of the meeting at which such decision is made shall set forth the particular reasons for deviating from such recommendations.

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If the special exception is approved, the site plan shall then be submitted to the Planning Commission for review and consideration.

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14-4 SITE PLAN APPLICATION

Prior to making any improvements, the developer/owner shall submit to the Planning Commission a site plan of the project for review in accordance with the following procedure. These items shall be received in the Department of Community Development not less than thirty (30) days prior to a regularly scheduled meeting of the Planning Commission at which meeting the site plan is to be formally submitted for review.

- (a) Developer's Responsibility-the developer shall submit to the Department of Community Development:

- (1) Completed application on prescribed forms signed by the property owner or authorized agent; an agent authorization letter—if applicable; a copy of the recorded warranty deed of the subject property (as proof of ownership); the Owner's Indemnification and Maintenance Agreement Form for Commercial Developments; drainage calculations; Certification of Engineering Design form; applicable State and/or Federal permit applications; in accordance with specifications provided in the Site Plan Supplemental Documentation List in the Appendix; the site plan; documentation of all applicable utility companies' service availability and willingness to provide services; the filing fee as specifically enumerated in Article 34, Schedule of Fees.

- (2) The developer shall submit a site plan and utility sheets to each utility company for review. Paper and electronic copies shall be provided to the City Engineer, Bureau of Fire Prevention, Riviera Utilities, Daphne Utilities and Environmental Programs. The subdivider shall submit a site plan and applicable documents as may be necessary to any and all applicable utility companies, local, state and/or federal agencies for review. Sign details shall be submitted to the Code Enforcement Officer for review.

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- (a) Site Plan Content:

The site plan shall contain all information as reflected on the current Site Plan Supplemental Documentation List and the Site Plan Review checklist as provided in the Appendix. Either may be modified at the discretion of the Director of Community Development when applicable. However, any modifications to either the checklist or supplemental list shall be requested of the applicant and approved by the Director of Community Development during or as a result of a pre-application conference. Incomplete submissions shall not be accepted by the Department of Community Development.

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**ARTICLE XV
PROCEDURES FOR SITE PLAN REVIEW**

15-1 USE AND APPLICABILITY

- (a) The provisions of this Article shall be required for all residential developments involving the construction of two (2) or more dwelling units including apartments, town homes, condominiums, business, commercial, industrial, and/or institutional structures; all existing structures which increase the gross floor area by thirty percent (30%) or more, except a single family residence; construction of a park, public way, open space, public building or structure; construction of a public utility whether publicly or privately owned; and other uses as required by the Planning Commission.
- (b) A site plan review for minor expansions of commercial or institutional uses, renovations or changes in use shall be subject to administrative review and approval by the Director of Community Development to determine compliance with the provisions of this Ordinance.

15-2 PRE-APPLICATION & PRE-CONSTRUCTION CONFERENCES

- (a) Pre-Application Conference:

Whenever a major development, one which is five (5) acres or more or as deemed appropriate by the Director of Community Development, is proposed within the corporate limits, the developer should informally consult with the Department of Community Development prior to site plan application to ensure compliance with the required regulations. No fee shall be charged for the review and no formal application shall be required.

- (b) Pre-Construction Conference:

After site plan approval and before the issuance of a site disturbance permit, a pre-construction conference shall be held between the developer, contractors, the representatives from the Departments of Community Development, the City Engineer, Environmental Programs, Building Inspections; Riviera Utilities, Daphne Utilities, any other applicable public or private utility company, local, state, and/or federal agency. At the pre-construction conference, participants will discuss issues related to permitting, construction safety, general expectations during construction, final inspection protocol, etc.

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- (2) The developer shall submit a site plan and utility sheets to each utility company for review. Paper and electronic copies shall be provided to the City Engineer, Bureau of Fire Prevention, Riviera Utilities, Daphne Utilities and Environmental Programs. The subdivider shall submit a site plan and applicable documents as may be necessary to any and all applicable utility companies, local, state and/or federal agencies for review. Sign details shall be submitted to the Code Enforcement Officer for review.

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(a) Site Plan Content

The site plan shall contain all information as reflected on the current Site Plan Supplemental Documentation List and the Site Plan Review checklist as provided in the Appendix. Either may be modified at the discretion of the Director of Community Development when applicable. However, any modifications to either the checklist or supplemental list shall be requested of the applicant and approved by the Director of Community Development during or as a result of a pre-application conference. Incomplete submissions shall not be accepted by the Department of Community Development.

Site plans shall be designed and certified by a professional design engineer. Landscape plans shall be designed and certified by a registered landscape architect. Site plans shall include the following sheets: boundary survey, existing conditions, tree survey, site plan, geometric plan, utility plan, water and sewer plan, grading and drainage plan, sedimentation and erosion control plan, best management practices plan, applicable construction details and notes as may be applicable, an overall master plan if applicable, landscape plan and irrigation plan, building elevations, floor plans, and sign details. Site plans shall be designed to meet all applicable provisions of this Ordinance.

(b) Posting Notice of Site Plan Review

Applicant shall be responsible for posting a sign providing public notice of site plan review. Failure to post said sign fifteen (15) calendar days prior to Planning Commission review shall cause the application to be withdrawn from the meeting agenda. Said sign shall not be an advertisement sign for the proposed project, but an advertisement of the Planning Commission meeting dates and times in accordance with the standards established for such provided in the Supplemental Information.

15-9 RELEASE OF BOND

- (1) At the expiration of two (2) years from the issuance of the Certificate of Occupancy, the Director of Community Development and the Site Containment Officer or designee of the Building Official shall determine if the drainage design implementation of the project has:
 - (a) Been performed in accordance and continues to functions within the parameters of the design standards as set forth by the project engineer;
 - (b) Had any impact on any streams, waterways, or third parties that have been minimized through mitigation efforts;
 - (c) Received from the project engineer a certificate of performance which states the drainage facilities have been constructed in accordance with the plans, specifications, and engineering guidelines.
- (2) The City may release the developer and/or the bondholder from further obligations under said bond based upon the evaluation and recommendation of the Director of Community Development, ~~Environmental Programs, and the City Engineer,~~
- (3) If it is determined that the requirements of this section have not been met, then the bond may be extended for one six (6) month interval to allow the developer and/or bondholder additional time to correct the deficiencies which prohibit the release of bond. If the site contractor is unable and/or unwilling to satisfy the deficiencies as enumerated by the Director of Community Development, ~~City Engineer and Environmental Programs,~~ the entire bond shall be forfeited with the bond being payable to the City of Daphne for the direction of such work and/or activities necessary for the completion of the improvements. The developer and/or bondholder of the property thereof shall be liable for any additional cost incurred.

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15-10 ISSUANCE OF BUILDING PERMIT

Upon approval of the site plan, either as submitted or with changes and/or special conditions required by the Planning Commission, the Building Official may issue a building permit for a portion or all of the proposed development provided the application is in compliance with all applicable City, County, as well as, state and federal requirements.

ARTICLE XVII PROCEDURES FOR SUBDIVISION REVIEW

Revised 03/21/17: Adding mandatory sidewalk installation, bond, renegotiation and release provisions per Ordinance #2017-21 adopted 03/20/17

Revised 07/19/18: Amending mandatory sidewalk installation 17-4(b) adding procedures for extensions per Ordinance 2018-25 adopted 07/02/18

17-1 PRE-APPLICATION & PRE-CONSTRUCTION CONFERENCES

(a) Pre-Application Conference:

Whenever the subdivision of a tract of land within the extraterritorial planning jurisdiction of the Planning Commission is proposed, the subdivider should consult informally with the planning staff of the City of Daphne and Baldwin County, prior to submittal with the Planning Commission(s) to ensure compliance with the required regulations. No fee shall be charged for the review and no formal application shall be required.

(b) Pre-Construction Conference:

After preliminary plan approval and before the issuance of a site disturbance permit, a pre-construction conference shall be held between the developer, contractors, the representatives from the Departments of Community Development, Building Inspections, the City Engineer, Environmental Programs, Riviera Utilities, Daphne Utilities, any other applicable public or private utility company, local, state, and/or federal agency. At the pre-construction conference, participants will discuss issues related to permitting, construction safety, general expectations during construction, final inspection protocol, etc.

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17-2 MASTER PLAN SUBMITTAL

Any subdivision or development which is to be developed in phases or units shall require a master plan of the proposed subdivision or development which shall be submitted to the Planning Commission for approval prior to submitting a preliminary plat application.

The subdivider shall submit to the Department of Community Development a written request for review and approval by the Planning Commission and a copy of said master plan. The master plan shall be of sufficient detail to show the proposed street, sidewalk and lot layout, drainage, utilities, detention, common, recreational, and landscaped areas.

17-3 PRELIMINARY PLAT APPLICATION

Prior to making any improvements, the subdivider shall submit to the Planning

Commission a preliminary plat of the proposed subdivision for review in accordance with the following procedure. These items shall be received in the Department of Community Development not less than thirty (30) calendar days prior to a regularly scheduled meeting of the Planning Commission at which meeting the subdivision plat is to be formally submitted for review.

(a) Subdivider's Responsibility:

The subdivider shall submit to the Department of Community Development the following:

- (1) Completed application on prescribed forms; a copy of a recorded warranty deed of the subject property (as proof of ownership); the preliminary plat and subdivision construction plans in accordance with *Section 17-3, Plat Content*; Owner's Indemnification and Maintenance Agreement Form for Detention Facilities and Common Areas; a list of adjacent property owners and a Certification of Property Owners Notification Form in accordance with specifications provided in the Preliminary Plat Supplemental Documentation List in the Appendix; documentation of all applicable utility companies' service availability and willingness to provide services; and the filing fee as specifically enumerated in *Article 34, Schedule of Fees*.

- (2) The subdivider shall submit a preliminary plat and utility sheets to each utility company for review. Electronic copies shall be provided to ~~the City Engineer~~, Bureau of Fire Prevention, Riviera Utilities, Daphne Utilities and ~~Environmental Programs~~. The subdivider shall submit a plat and applicable documents as may be necessary to any and all applicable utility companies, local, state and/or federal agency for review. Sign details shall be submitted to the Code Enforcement Officer for review.

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(b) Plat Content:

The preliminary plat shall contain all information as reflected on the current Preliminary Plat Supplemental Documentation List as provided in the Appendix. The checklist may be modified at the discretion of the Director of Community Development when applicable.

(c) Fees & Application Withdrawal Procedures:

An application for plat review shall be accompanied by the appropriate fee as enumerated in *Article 34, the Schedule of Fees*.

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(1) Plat Study:

During the thirty (30) calendar days prior to the next regularly scheduled meeting, ~~the City Engineer, Bureau of Fire Prevention, Riviera Utilities, Daphne Utilities, Environmental Programs~~ and any applicable utility company, local, state, and/or federal agency shall review plans and submit recommendations to the Director of Community Development prior to the initial hearing on the preliminary plat.

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- (a) Whenever a person, firm, corporation, developer or other entity proposes to develop a commercial, public, semi-public or multi-family, or mixed use project that, in the opinion of the Director of Community Development constitutes a land disturbing activity which may pose a risk of drainage and/or siltation damage outside the boundaries of the project, such person, firm, corporation, developer or other entity conducting the land disturbing activity shall be required to submit a non-cancelable performance bond in the name of the permittee, a letter of credit or cashier's check, to the City prior to the issuance of a site disturbance permit.
- (b) At the time of the preliminary plat approval, the bond shall become effective and shall extend for a period of at least two (2) years following final plat approval by the City. The bond shall be in the amount of twenty percent (20%) of the total cost for the performance of all site work. Said bond shall cover drainage, erosion and siltation damage, if any.
- (c) The Director of Community Development or other administrative official as designated by the City Council shall determine the prescribed bond, as well as the adequacy and the security thereon.

(2) Notice of Public Hearing:

The Planning Coordinator or designee of the Director of Community Development shall distribute public notice of the time and place of the hearing and shall send notice of public hearing on said preliminary plat by certified mail to the owner of record, the subdivider, and the owners of record of abutting land at least five (5) calendar days prior to the hearing.

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shall be determined as provided in Section (b) Maintenance Bonds Subsection (2) provided herein.

(b) Maintenance Bonds:

- (1) Street Maintenance Bond. The developer/owner shall submit to the Department of Community Development a Street Maintenance Bond payable to the City of Daphne which shall be valid for a period of two (2) years. The bond shall be in an amount equal to twenty percent (20%) of the total street, utility, and drainage improvements in the subdivision. Said bond shall be required as a condition to dedication and acceptance of any new streets within the corporate limits. The Director of Community Development or the City Engineer or other administrative official as designated by the City Council shall determine the adequacy of said bond and security thereon.

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The Street Maintenance Bond period shall begin upon the acceptance of the street and drainage improvements by resolution of the City Council. No less than thirty (30) calendar days prior to the expiration of said maintenance bond, an inspection shall be conducted by the City Engineer and the Environmental Programs to ensure that the improvements are in satisfactory condition prior to acceptance.

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The Director of Community Development, upon receipt of recommendations of the City Engineer and Environmental Programs, may release or extend a street maintenance obligation. An extension of the Street Maintenance Bond shall be for a period of time no greater than one (1) year. Upon approval of an extension of the original Street Maintenance Bond period, the developer/owner or assign thereof shall submit to the Department of Community Development sufficient proof of the extended bond, and the Director of Community Development or the City Engineer shall determine the adequacy of said extended bond and security thereon.

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- (2) Sidewalk Installation Bond. If applicable, the developer/owner shall submit to the Department of Community Development a Sidewalk Installation Agreement, a cost estimate for all undeveloped portions of the planned sidewalk network certified by the project civil engineer, and a financial guarantee of performance to be used by the City of Daphne which shall be valid for a period of two (2) years. The Sidewalk Installation Bond shall be in an amount equal to two hundred percent (200%) of the cost of the required sidewalk improvements for the applicable phase of the

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subdivision. The Director of Community Development or ~~the City Engineer~~ or other administrative official as designated by the City Council shall determine the adequacy of said bond and security thereon.

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The developer/owner may request renegotiation of the Sidewalk Installation Agreement with the City once fifty percent (50%) of the planned sidewalk network has been constructed. If the planned sidewalk network is not fully installed prior to the expiration date of the Sidewalk Obligation Bond period, or any extension thereof, the City shall cause the sidewalk network to be completed using the funds from the bond.

Prior to the original expiration date of the Sidewalk Obligation Bond period, the developer/owner or assign thereof may submit a request to the Director of Community Development for an extension of the original sidewalk obligation. The sidewalk obligation may be extended beyond the originally specified period with sufficient cause as documented by the developer or assign as follows:

- i. Small Subdivisions. Any recorded subdivision or subdivision phase with less than one thousand (1,000) linear feet of sidewalk shall not qualify for an extension.
- ii. Medium Subdivisions. Any recorded subdivision or subdivision phase with over one thousand (1,000) linear feet of sidewalk but less than five thousand (5,000) linear feet of sidewalk shall be eligible for a 12-month extension.
- iii. Large Subdivisions. Any recorded subdivision or subdivision phase with over five thousand (5,000) linear feet of sidewalk shall be eligible for a 24-month extension.

Upon approval of an extension of the original Sidewalk Obligation Bond period, the developer/owner or assign thereof shall submit to the Department of Community Development sufficient proof of the extended bond, and the Director of Community Development or other administrative official as designated by the City Council shall determine the adequacy of said bond and security thereon.

The ~~Director of Community Development~~, upon the receipt of recommendations of ~~the City Engineer and Environmental Programs~~, may release any Sidewalk Installation Bond obligation or portion thereof.

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- viii. All roadway cross drain pipes shall be made of reinforced concrete and shall have a minimum diameter of eighteen (18) inches or greater.
- ix. Any pipe proposed within a City right-of-way or drainage easement shall be made of reinforced concrete. If other piping is installed therein, said road right-of-way or drainage easement dedication shall not be favorably recommended by the Planning Commission and may not be accepted by the City Council except where deemed appropriate by the City Engineer.

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(2) Bridges:

Bridges shall accommodate a minimum one hundred (100) year, 24 (twenty-four) hour frequency design storms. Design storm criteria will be used by the design engineer based on the site specific conditions that warrant life and property protection. All bridges shall be designed and constructed according to the latest edition of the Standards and Specifications for Road and Bridge construction, ALDOT.

(3) Open Channels and Ditches:

- i. Storm drain pipes, open channels, open ditches or swales may be implemented when properly engineered based on site conditions. Open channels and ditches shall be designed to safely accommodate traffic and to prevent hazardous erosion.
- ii. The maximum side slope shall be 3:1 (three to one) ratio for all open channels and ditches, unless approved by the Planning Commission upon recommendation of the City Engineer. Drainage calculations shall show the volume and velocity for each separate ditch section. Adequate ditch lining shall be determined based on the ditch calculations. Where two open channels converge, some form of energy dissipation, such as riprap, shall be provided.
- iii. Where a driveway or ingress/egress easement must cross an existing or proposed ditch, the design engineer shall note upon the plat, the required culvert size(s) necessary to accommodate said crossing(s).
- iv. Headwalls and end-walls shall be installed on street culverts.
- v. Within any public right-of-way, flared headwalls or slope paved headwalls with a 4:1 (four to one) slope or flatter shall be used.
- vi. The recommended maximum flow velocities shall be in accordance with the ranges recommended in the latest edition of the ALDOT Hydraulics Manual.

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- (4) Outlets of all pipes and paved channels shall have adequate stabilization to prevent erosion. Riprap may be required for stabilization if vegetative measures prove to be ineffective at controlling erosion in waterways or watercourses.

I. Construction Site Access:

- (1) A stabilized construction access shall be required in order to ensure sediment is not tracked on to public streets.
- (2) If sediment tracking occurs on public streets and/or right-of-ways, the contractor will be required to remove accumulated sediments from streets and ditches.

J. ADEM "303(d)" Listed Streams:

Any site which discharges directly or indirectly to an ADEM 303(d) Listed Stream segment shall submit an enhanced CBMPP to minimize to the maximum extent practical the release of the listed pollutant to the stream. The enhanced CBMPP shall include enhanced BMPs and other measures which may include but not be limited to a water sampling component of the sites discharge for the 303(d) listed pollutant.

K. Other Provisions Related to Construction and/or Site Disturbance:

- (1) *Burning*: No open burning associated with property clearing is allowed during the months of May through October per State regulations. During certain permissible months, open burning is not allowed unless a smoke curtain or incinerator is used and permitted per the current City of Daphne Fire Code.
- (2) *Spill Prevention Control Counter-Measures Plan Requirement*: Sites that store onsite fuel, chemicals or other pollutants shall prepare implement and maintain a Spill Prevention, Control and Countermeasures Plan (SPCCP), as a separate document or as a component of the Erosion and Sediment Control Plan (CBMPP) for the site.
- (3) *Washout Areas*: A concrete washout area shall be designated on all sites during installation of drainage structures and in the residential construction phase.
- (4) *BMPs*: The placement of BMPs in/on City right-of-way is prohibited unless express written permission is granted by the City Engineer.
- (5) *Construction Debris*: CBMPP shall include measures to address construction debris during all phases of construction at the site.
- (6) *Sanitary Waste*: CBMPP shall include measures to address public health and safety in regards to restroom usage during all phases of construction.

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L. Site Inspections:

The owner or contractor shall make daily inspections of all control measures throughout the construction process to ensure the overall effectiveness of the CBMPP; however, any permitted site shall be subject to at least the following inspections by the Site Containment Officer and/or Environmental Programs Manager:

- (1) Immediately after erosion and sediment controls are in place and prior to commencement of site clearing and grading;
- (2) After installation of stormwater detention/retention management facilities;
- (3) After clearing and grading has been completed;
- (4) After remaining drainage has been installed;
- (5) After streets and curb and gutter have been completed; and/or,
- (6) Before construction completion.

M. Enforcement of Erosion and Sediment Control Provisions:

- (1) Environmental Programs and/or the City Engineer (where applicable) shall serve as a line of communication between the permit holder and the City in regard to permit compliance.

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- (2) The City of Daphne may issue a stop work order and/or suspend or revoke the site disturbance permit where Environmental Programs or the City Engineer has found the following:

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- i. Violation(s) of the terms of the permit or site development which may adversely affect the health, welfare, or safety of persons residing or working in the neighborhood.
- ii. Site development that is detrimental to the public welfare or injurious to property or improvements in the neighborhood.

- (3) Compliance with Erosion Control/Sedimentation Requirements:

- i. If compliance cannot be achieved through the normal inspection process, the City may issue a Notice of Violation.

18-7 COMPLETION OF CONSTRUCTION ACTIVITIES, FINAL INSPECTION AND/OR CERTIFICATE OF OCCUPANCY REQUESTS

- A. All open channels and ditches shall be permanently vegetated with perennial vegetation upon final inspection. Seed and mulch shall not be accepted. If sod is used on slopes, corners will need to be pinned per the Alabama Handbook.
- B. Common areas, such as detention basins, shall be permanently stabilized upon final inspection with perennial vegetation. Seed and mulch shall not be accepted.
- C. All construction waste and debris, silt fences, hay bales, inlet protection, and other temporary BMPs shall be removed prior to final inspection.
- D. All final inspection submissions shall include the following:
- (1) Signed set of as-built engineered drawings and an electronic version of the drawings compatible with ArcMap (10.1 –10.9) or ArcGIS Pro 2.8 or the most current version thereof; Projected Coordinate System: NAD_1983_StatePlane_Alabama_West_FIPS_0102_Feet.
 - (2) Letter of acceptance from the City Engineer, Environmental Programs, Fire Marshall, Daphne Utilities, all applicable public utility providers, and applicable State/Federal agencies.
 - (3) Letter of completion from the project engineer.
 - (4) Letter of completion from the project landscape architect.
 - (5) Copy of all recorded drainage or right of entry easements.
 - (6) Maintenance bonds for streets and drainage, and any other applicable bonds.

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owners with adequate frontage serving as the principal means of access to the property and project design accommodates all infrastructure, including but not limited to drainage, streets, open space, etc.

- d. All open space shall be designated as public, private or common. If not designated, the City shall assume that such open spaces are for common enjoyment of all property owners.
- e. Minimum open space shall be no less than ten (10) percent of the development with permanent useable open space determined by the nature of the development and of the site. Development of open space shall be in accordance with the provisions of Section 11-14 (h) Common Open Space and Recreation Provisions.
- f. The PUD may utilize alternative roadway designs and standards as may be allowed upon recommendation by the City Engineer.
- g. The PUD may permit higher than typical densities of land in areas within the PUD in conjunction with provisions for more expansive functional open space and community services.
- h. The PUD may promote privacy by permitting the use of gates to control access on private streets; this is subject to approval by the City as part of the PUD and subdivision review process.
- i. All buildings and/or structures shall observe the minimum separation as allowed by the Fire Code. Lots or building envelopes with a zero (0) side building line must face a minimum five (5) foot wide maintenance easement upon the neighboring lot or building envelope for maintenance purposes.
- j. Design shall adequately address and plan for environmental protection, preservation and enhancement relating to water quality, trees, buffer zones and greenbelt areas, critical environmental features, soils, air quality, waterways, topography, and the natural character of the land, as well as areas, structures or sites that are of architectural, historical, archaeological, or cultural significance.
- k. Landscape design should be superior to that which is typically required by the minimum landscaping provisions of the City.
- l. The open space between buildings shall be so designed as to provide adequate privacy, safety and aesthetic value.
- m. All structures shall be accessible to service and emergency vehicles.
- n. Private and public streets shall comply with the intent of the PUD and shall be designed as approved by the City.

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one and one-half (1-1/2) inches thick compacted shall be laid over the prime coat. If curbs and gutters are required, they must conform to approved State and County Highway Department standards.

- (c) All grading in the subdivision shall be related to the topography and environmental features of the surrounding area. Unpaved areas within a dedicated street right-of-way shall also be graded and shall be seeded in a manner that enhances the appearance of the environment.
- (d) All water mains, sanitary sewers and laterals, and storm sewers shall be installed as necessary to prevent the future cutting of the pavement of any street, sidewalk, or other required pavement.

39-4 MINIMUM STREET REQUIREMENTS

	Major Street	Collector Street	Local Street	Cul-de-Sac (Turnaround)	Alley
Minimum Right-of-Way:	100'	60'	50'	50' (100' diam.)	30'
Minimum Pavement: As Req'd	36'	27'	28'	20' (80' diam.)	20'
Maximum Grade:	3%	5%	5%	5%	5%
Minimum Angle of Intersection in Degrees:	80°	60°	60°	60°	60°
Minimum Curb Radius at Intersection:	40'	30'	15'	15'	15'
Minimum Horizontal Curve Radius:	300'	250'	100'	100'	100'
Minimum Reverse Curve Tangent:	100'	100'	100'	100'	100'

Table Notes:

1. Cul-de-sacs shall not be longer than six hundred (600) feet measured from the centerline of the intersecting street to the center of the turnaround.
2. Minimum pavement width is measured from back of curb to back of curb.
3. Maximum grade may vary with topography subject to Planning Commission approval based on recommendation of Community Development or City Engineer.

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(d) Placement of Street Signs:

Appropriate permanent type street name signs shall be placed at all intersections within the subdivision. The developer may select signs consistent with the theme of the development, subject to approval of the Director of Community Development.

39-9 COMMENCEMENT OF CONSTRUCTION OR SITE DISTURBANCE

Each person, firm, corporation, utility, entity, or agent thereof engaged in any site preparation and/or construction activities shall acquire a Site Disturbance Permit from the Department of Community Development prior to commencement of such activities pursuant to the provisions of this Article and no such activity shall commence prior to the approval of either a preliminary plat or site plan as is applicable. Fees for said permit shall be as are more specifically enumerated in *Article 34, Schedule of Fees*.

39-10 FINAL INSPECTION OF IMPROVEMENTS

To ensure compliance with development regulations the project shall be inspected by all applicable entities prior to final approval by the City of Daphne. Under no circumstance shall the City be held liable for faulty workmanship, defects or improper engineering for private property.

Street Improvements:

To certify that streets are installed to minimum design standards, the developer/owner shall select an independent testing laboratory to perform necessary tests and submit test results to the Department of Community Development prior to final inspection.

When all required improvements are installed and test results are submitted, the developer/owner shall call for a final inspection. Inspections shall be made in regard to the following: implementation of engineering design for stormwater management and related improvements, utility improvements, environmental stability, landscaping, compliance with Fire Code and Building Code standards.

All appropriate entities including but not limited to the Director of Community Development, and/or the City Engineer or a duly authorized representative shall inspect the site to determine if the required improvements are satisfactorily installed according to the plans and specifications prior to final plat approval or issuance of a certificate of occupancy.

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39-11 SUBDIVISION REGULATIONS

Article 17, *Procedures for Subdivision Review*, of the Land Use Ordinance is incorporated herein by reference.

39-12 PROCEDURES FOR SITE PLAN REVIEW

(a) Use and Applicability:

The District Regulations shall be complied with for all development in the District, regardless of whether such development involves the construction of business and commercial structures, additions thereto, construction of a park, public rights-of-way, open space, public building or structure, or public utility, whether publicly or privately owned, and other uses as required by the Planning Commission.

(b) Special Provisions:

The following shall apply:

- (1) A site plan review shall be accomplished by the recommendation of the Director of Community Development and approval of the Planning Commission to assure compliance with the provisions of these District Regulations, as well as applicable building and fire codes.
- (2) Said approval shall be authorization to begin work, subject to a pre-construction meeting and the issuance of a Site Disturbance Permit. Such approval shall become void upon one (1) year from the date of approval if a site disturbance permit has been acquired and no building or construction activities have occurred on the permitted site.
- (3) When all required improvements are installed, the developer/owner shall call for a final inspection. The Director of Community Development, and/or the City Engineer ~~or authorized representative~~ shall inspect the site to determine if the required improvements are satisfactorily installed according to the plans and specifications.

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(c) Plan Content:

The plan shall contain all information as reflected on the current departmental checklist for a site which may be modified at the discretion of the Director of Community Development when applicable.

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(d) Reconsideration of Certain of Requirements:

The Director of Community Development may waive certain requirements contained in this Article if it is determined that the requirements are not essential to a proper decision on the proposed development; or, may supplement the list with other requirements deemed necessary to clarify the nature of the proposed development. The Director of Community Development may waive the requirement for a pre-construction conference if it is determined that the project would create minimum impact to the surrounding properties.

(e) Issuance of Site Disturbance Permit:

Each person, firm, corporation, utility, entity or agent thereof engaged in any site preparation and/or construction activities shall acquire a Site Disturbance Permit from the Department of Community Development prior to commencement of such activities as established pursuant to the provisions of this Article and no such activity shall commence prior to the approval of a site plan by the Planning Commission. Fees for said permit shall be as are more specifically enumerated in *Article 34, Schedule of Fees*.

(f) Issuance of Building Permit:

Upon approval of the site plan, either as submitted or with changes and/or special conditions required by the Planning Commission, the Building Official may issue a building permit for a portion or all of the proposed development provided the application is in compliance with all applicable City, County, State and Federal requirements.

(g) Requirement of Bond:

Whenever a person, firm, corporation, developer or other entity proposes to develop a commercial site that, in the opinion of the City Engineer ~~or~~ Director of Community Development, constitutes a land disturbing activity, which may pose a risk of drainage and/or siltation damage outside the boundaries of the project, such person, firm, corporation, developer or other entity conducting the land disturbing activity shall be required to submit a performance bond to the City prior to the issuance of a site disturbance permit.

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At the time of approval of the site plan by the Planning Commission, the bond shall become effective and shall extend for a period of at least two (2) years following the issuance of the Certificate of Occupancy by the City. The bond shall be in the amount of ten percent (10%) of the total cost for the performance of all site work on the said location with bond to cover such drainage, erosion and siltation damage, if any.

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The Director of Community Development or other administrative official as designated by the City Council shall determine the prescribed bond, as well as the adequacy and the security thereon.

(h) Release of Bond;

At the expiration of twenty four (24) months from the issuance of the Certificate of Occupancy, the City Engineer shall determine if the drainage design implementation of the project has:

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- (1) Been performed in accordance with and functions within the parameters of the design standards as set forth by the project engineer;
- (2) Received from the project engineer a Certificate of Performance which states the drainage functions have been constructed in substantial accordance with the plans, specifications, and engineering guidelines;
- (3) Had any material adverse impact on any streams, waterways or third parties; and,
- (4) Complied with all ADEM regulations in effect at the time of said completion.

Upon the Director of Community Development's receipt and evaluation of the criteria as enumerated in this Section and upon recommendation of the Planning Commission, the City shall release the developer and/or the bondholder from further obligations under said bond.

If it is determined that the requirements of this Section have not been met then the bond may be extended for one six (6) month interval to allow the developer and/or bondholder additional time to correct the deficiencies which prohibited the release of the bond. If a site contractor is unable and/or unwilling to satisfy the deficiencies as enumerated by the City Engineer, the bond shall be forfeited with the bond being payable to the City for the direction of such work and/or activities necessary for the completion of the improvements. The developer and/or bondholder of the property thereof shall be liable for any additional cost incurred.

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39-13 PARKING REQUIREMENTS FOR OVERLAY DISTRICTS

(a) General:

Off-street automobile storage or parking space shall be provided with vehicular access to a street or alley. Parking shall comply with the minimum requirements noted.

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Land Use and Development Ordinance Sections to Strike and Replace

Article	Sections
11 Minimum Standards and Required Improvements for Subdivisions and Commercial Site Developments	11-6 notes 2, 3 11-8 (c) Notes 11-9 paragraph 3 11-10 (a through f) 11-11 (a), (f) 11-12(a) 11-14 (d) 11-14(e)(4)
13 District Requirements	13-3 (a) and (b)
14The Olde Towne Daphne District	14-4(a)(2)
15 Procedures for Site Plan Review	15-2(b) 15-5(a)(2) 15-9(2 and 3)
17 Procedures for Subdivision Review	17-1(b) 17(3)(a)(2) 17(3)(d)(1) 17-4(b)(1) and (2)
18 Drainage Storm Water Management Facilities and Erosion/Sediment Control	18-4(A)(1)(ix) 18-4(A)(3)(ii) 18-6 (K)(4) 18-6 (M)(1 and 2) 18-7(D)(1 and 2)
30 Planned Unit Development	30-9(f)
39 Jubilee Retail Overlay	39-4 (note 3) 39-10 paragraph 3 39-12(b)(3) 39-12(g) 39-12(h) paragraph 1 and 39-12(h)(4)

Land Use and Development Ordinance Sections to Strike and Replace

ARTICLE XI

MINIMUM STANDARDS AND REQUIRED IMPROVEMENTS FOR SUBDIVISIONS AND COMMERCIAL SITE DEVELOPMENTS

Revised 09/03/13: Amended Section 11-14(h) Common Open Space and Recreation Provisions per Ordinance #2013-46

Revised 09/07/16: Amended Sections 11-5(b) Subdivision Exemptions, 11-5(c) Extraterritorial Jurisdiction Subdivision Exceptions and/or Exemptions & 11-11 Sidewalks per Ordinance #2016-54

12/02/16: Corrected Scrivener's Error 11-5(c)(7)

11-1 SUITABILITY OF LAND

The Planning Commission shall not approve the subdivision of land or site development plans if, from adequate investigations conducted by all public agencies concerned, it has been determined that it is not in the best interest of the public or the proposed development is not suitable for platting or subdividing purposes. The design and improvements of all subdivisions and developments shall meet all State and Baldwin County Health Department requirements and proof thereof shall be submitted. All improvements shall be designed and sealed by a licensed professional engineer. The engineer shall carry Errors and Omissions Insurance at a minimum coverage of at least one million dollars (\$1,000,000).

11-2 LAND SUBJECT TO FLOODING

Land subject to flooding or inadequately served by drainage facilities shall not be acceptable for subdivision unless the subdivider agrees to make such improvements as will render the land fit for occupancy in conformity with the National Flood Insurance Program. Fill may not be used to raise land in areas subject to flood and/or excessive erosion, unless the fill proposed does not restrict the natural flow of water, advance erosion, and unduly increase flood heights. The use of staining materials shall be prohibited in fill activity within coastal bluff areas or flood zones.

To ensure proper development in flood prone areas, the Planning Commission shall require the subdivider to provide elevation and flood profiles sufficient to demonstrate the sites will be free from the danger of flooding.

If a stream flows through or adjacent to the proposed subdivision, the plat shall provide for an easement or right-of-way along the stream for a floodway. For the smaller streams, the plat shall also provide for channel improvement to enable them to carry all reasonable floods within banks. The floor elevations of houses shall be high enough to be above the regulatory flood. The flood way easement shall be wide enough to provide for future enlargement of the stream channel as adjacent areas become more highly developed and runoff rates are increased.

Approval will not be given for streets within a subdivision which would be subject to excessive inundation or flooding.

11-3 CONFORMANCE WITH EXISTING PLANS

Proposed improvements in all subdivision developments within the extraterritorial planning jurisdiction shall be in conformance with existing approved plans, maps, ordinances, and design standards of the City of Daphne or Baldwin County, whichever is more restrictive.

Any subdivision recorded prior to the enactment of this Ordinance shall remain a legal subdivision unless a re-plat of said subdivision is submitted and approved.

11-4 PENALTIES

The developer, owner, or agent of the owner of any land to be subdivided in the corporate limits or extraterritorial planning jurisdiction who transfers, sells, agrees to sell, or negotiates to sell such land by reference to an exhibition of, or by other use of a plat to subdivide such land before such plat has been approved by the Planning Commission and recorded in the Office of the Probate Judge of Baldwin County shall forfeit and pay a penalty of one hundred dollars (\$100.00) for each lot or parcel so transferred or sold, and the description by metes and bounds in the instrument of transfer, or other document used in the process of selling or transfer shall not exempt the transaction from such penalties.

The City of Daphne, through its attorney or other designated representative, may enjoin such transfer, sale, or agreement by appropriate action.

No plat of a subdivision in the corporate limits or its extraterritorial planning jurisdiction shall be filed by a subdivider in the Office of the Probate Judge until it shall have been submitted to and approved by the Planning Commission and such approval entered in writing on the plat by the Chairman, Vice-Chairman, or Secretary of the Commission. The Probate Judge shall not file or record a plat of a subdivision which does not have the approval of the Planning Commission.

Any building or structure erected or to be erected in violation of subdivision regulations shall be deemed an unlawful building or structure, and the Building Official may bring action to enjoin such erection or cause it to be vacated or removed.

11-5 SUBDIVISION EXCEPTIONS AND EXEMPTIONS

Whenever the strict compliance with these regulations would result in an extraordinary hardship or injustice to the subdivider because of topography, unusual size or shape of the property, or unusual conditions in surrounding property of development, the Planning Commission may modify or waive such regulations so the subdivider may subdivide his property in a reasonable manner provided that such modification or waiver shall not nullify the intent or purpose of the subdivision regulations, the public welfare, and interest of the City of Daphne shall be protected. Any such modification together with reasons therefore shall be so noted in the minutes of the Planning Commission.

(a) Modifications/Waivers:

In granting modifications or waivers, the Planning Commission may impose such other reasonable conditions as will, in its judgment, justify such modification or waiver and still substantially maintain the objectives of these regulations. Each modification or waiver of the regulations sought by a subdivider shall be applied for and acted upon individually by the Planning Commission.

(b) Subdivision Exemptions:

The sale or exchange of lots or parcels of land or the relocation of an interior lot line within the city limits between adjoining property owners may be exempt from the subdivision regulations by the director of Community Development, provided that (1) no additional lots are created and (2) none of the lots affected by the sale, exchange or relocation of interior lines are reduced below the minimum size requirements of the zoning district in which the division is to occur.

No existing easement shall be vacated or moved without the recommendation of the Planning Commission and the acceptance by resolution of the City Council as outlined in the applicable sections of this ordinance.

(c) Extraterritorial Jurisdiction Subdivision Exceptions and/or Exemptions:

A request for an Exempt Subdivision Letter and supporting documentation to substantiate any claim of exemption shall be submitted to the Department of Community Development director along with a copy of the Exempt Subdivision Letter from the Baldwin County Engineer.

Subdividers shall not be required to submit a plat to the Daphne Planning Commission unless deemed appropriate by the director. The director may grant an exemption unless he/she deems the request appropriate for the Planning Commission's review. Exemption from the requirement for Planning Commission approval does not constitute exemption from the requirements of other applicable regulations including but not limited to state, county, or municipal law, zoning ordinances, Health Department requirements, or highway construction setbacks. Any subdivider who is found circumventing the intent and substance of these regulations shall be required to submit a plat for review and approval by the Daphne Planning Commission.

The following is a list of qualifying subdivision exceptions/exemptions for property located outside of the city limits and in the extraterritorial jurisdiction of Baldwin County.

1. Subdivision by testamentary or intestate provisions;
2. Subdivision by court order including, but not limited to, judgments of foreclosure;

3. Sale, deed or transfer of land by the owner to an immediate family member. Each parcel shall have its own ingress/egress and utility access of not less than required by Baldwin County Subdivision Regulations;
4. The public acquisition by gift or purchase of strips or parcels of land for the widening or opening of streets or for other public uses;
5. Subdivision in which the size of each resulting lot equals or exceeds twenty (20) acres, inclusive of adjacent public rights-of-way, and for which no streets are required to be constructed to provide access to each subdivided lot. Each lot shall have at least 200 feet of frontage on an existing publically maintained road or shall have access to a publicly maintained road pursuant to a private easement, at least 60 feet in width, which provides rights of ingress and egress and the right to install utilities sufficient to serve such subdivided lots;
6. Subdivisions in which the size of each resulting lot equals or exceeds ten (10) acres, inclusive of adjacent public rights-of-way, and for which no streets are required to be constructed to provide access to each subdivided lot. Each parcel declared to be exempt pursuant to this subparagraph shall have at least 150 feet of frontage on an existing publicly maintained road.
7. A one-time split of a single parcel into two resultant parcels, if, and only if, the parcel existed and *has not been* divided since February 1, 1984.
8. The relocation of a common property line between two parcels where no new parcels are created. Revised parcels shall meet the minimum zoning lot size and width requirements. The owner of each parcel approved as exempt under this section shall be required to submit, as a condition to approval, either an affidavit executed by such owner attesting, under oath, that there exist no restrictive covenants of record in the Office of the Judge of Probate of Baldwin County, Alabama which would prohibit the subdivision of the parcel for which an exemption is sought pursuant to this subparagraph. In the event a parcel is approved as exempt under this subparagraph and it is later determined that such subdivision was prohibited by valid restrictive covenants recorded as of the date of such approval, the Community Development director, or designee thereof, shall have the authority to revoke such exempt subdivision approval.

In the case of an exemption involving a lot or lots which are included within a previously recorded subdivision plat, a resubdivision and a new plat will be required to reflect the resubdivision of lots, and such new plat shall be recorded in the Office of the Judge of Probate of Baldwin County. The new plat reflecting the resubdivision of such lot or lots shall contain the certifications prescribed by Baldwin County Subdivision Regulations Appendix.

--Amended per Ordinance #2016-54--
(Section amended 09/07/16)

11-6 MINIMUM STREET REQUIREMENTS

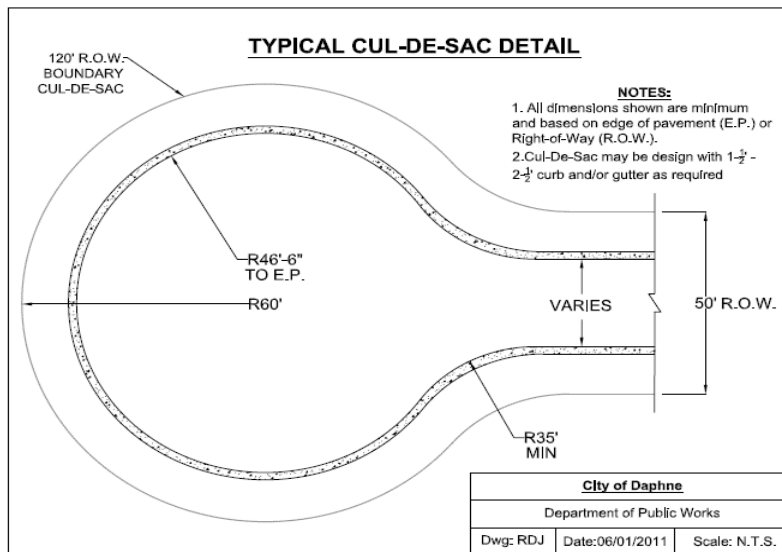
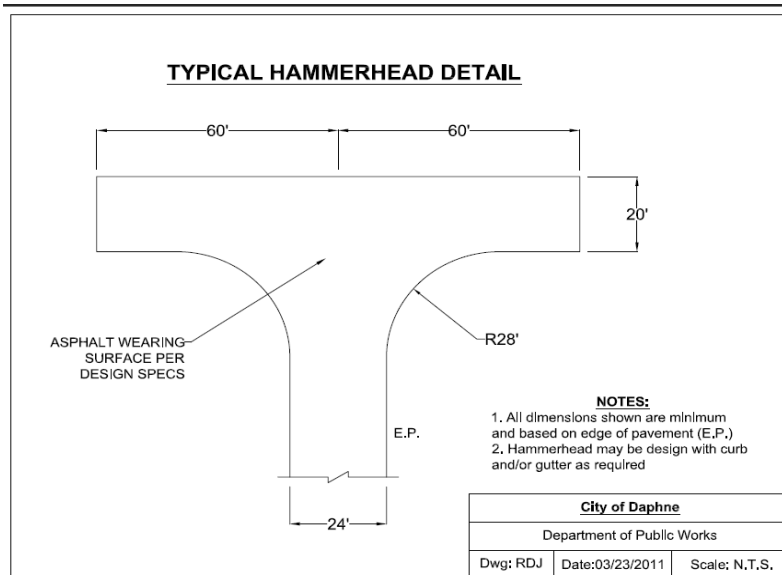
	Major Street	Collector Street	Local Street	Cul-de-Sac ¹ (Turn around)	Cul-de-Sac ¹ (Turn around w/ 20-ft island)	Hammer Head Turnaround	Alley
Minimum Right-of-Way:	100'	60'	50'	60' (120' diam.)	70' (140' diam.)	120'	30'
Minimum Asphalt Width (ft) ² :	12' per lane	12' per lane	22'	48' (93' diam.)	56.5' (113' diam.)	20'	20'
Maximum Grade ³ :	5%	10%	15%	3%	3%	3%	10%
Minimum Angle of Intersection:	80°	60°	60°	60°	60°	90°	60°
Minimum Intersection Offset	150'	150'	150'	150'	150'	n/a	150'
Minimum Curb Radius at Intersection:	40'	30'	25'	25'	25'	28'	20'
Minimum Horizontal Curve Radius:	300'	250'	100'	100'	120'	0'	100'
Minimum Reverse Curve Tangent:	100'	100'	100'	120'	120'	0'	100'

¹ Cul-de-sacs shall not be longer than one thousand three hundred twenty (1320) feet measured from the intersecting street to the center of the turnaround.

² Measured from toe of curbing. Minimum twenty-four (24) feet combination curb and gutter or twenty-four (24) feet valley gutter. Other curb types must be submitted to [Public Works Director](#) or [the City Engineer](#) for approval.

³ May vary with topography subject to Planning Commission approval based on recommendation of [the City Engineer](#), [Public Works Director](#) and Director of Community Development.

11-7 TYPICAL ILLUSTRATIONS



11-8 IMPROVEMENT STANDARDS FOR STREETS

Any proposed streets in a subdivision, planned unit development, mobile home park, apartments, townhouses, condominiums, patio homes, business, commercial, or industrial developments whether such streets are to be private or dedicated for public use shall be paved and adequately drained.

This requirement is not subject to modification by the Planning Commission. The developer/owner shall construct such streets in accordance with good engineering practices and the standards prescribed herein in these regulations, as required by the Director of Community Development or her/his duly authorized representative, State, County Highway Department, and the department of the respective utility.

The full width of the right-of-way shall be graded including the subgrade of the areas to be paved. This requirement may be modified for the purpose of preserving the natural beauty of the area. The minimum Roadway Build-up is as follows based on roadway classification:

(a) Major and Collector Street:^{1,2}

- (1) 429-A Improved Bituminous concrete wearing surface layer, one-half (1/2) inch maximum aggregate size mix, ESAL Range B (110 lb/sy), one-hundred and ten pounds per square yard.
- (2) 405-A Tack coat, spread rate of 0.10 gal/sy.
- (3) 429-B Improved bituminous concrete binder layer, three-quarter inch maximum aggregate size mix, ESAL, Range B 220 lb/sy.
- (4) 401-A Bituminous Treatment type "A" (0.25 gal/sy).
- (5) 301-A Compacted Granular Soil Base Course (sand/clay) type "A" minimum of 2-4 feet lifts of compacted thickness; or,
- (6) 301-B Crushed aggregate base course (limestone) type "B" minimum 6-inch compacted thickness (if using this method, delete 401-A treatment.

(b) Local Street and Hammerhead Turnaround:^{1,2}

- (1) 429-A Improved Bituminous concrete wearing surface layer, one-half (1/2) inch maximum aggregate size mix, ESAL Range B (110 lb/sy), one-hundred and ten pounds per square yard.
- (2) 405-A Tack coat, spread rate of 0.10 gal/sy.
- (3) 429-B Improved bituminous concrete binder layer, three-quarter inch maximum aggregate size mix, ESAL, Range B 165 lb/sy.
- (4) 401-A Bituminous Treatment type "A" (0.25 gal/sy).
- (5) 301-A Compacted Granular Soil Base Course (sand/clay) type "A" minimum of 2-4 feet lifts of compacted thickness; or,
- (6) 301-B Crushed aggregate base course (limestone) type "B" minimum 6-inch compacted thickness (if using this method, delete 401-A treatment.

(c) Alley:^{1,2}

- (1) 429-A Improved Bituminous concrete wearing surface layer, (3/4), three-quarter inch maximum aggregate size mix, ESAL Range B (165 lb/sy), one hundred sixty five pounds per square yard.
- (2) 401-A Bituminous Treatment type "A" (0.25 gal/sy).
- (3) 301-A Compacted Granular Soil Base Course (sand/clay) type "A" minimum of 2-4 feet lifts of compacted thickness; or,
- (4) 301-B Crushed aggregate base course (limestone) type "B" minimum 6-inch compacted thickness (if using this method, delete 401-A treatment.

Notes

¹ Base design shall be based upon the in-situ soil conditions.

²Other pavement designs may be submitted for Planning Commission approval. Such options shall be contingent upon the Director of Community Development and [the City Engineer](#) ~~the Director of Public Works~~.

If curbs and gutters are required, they must be in conformance with approved City, State, and County Highway Department standards.

All grading in the subdivision shall be related to the topography and environmental features of the surrounding area. Unpaved areas within a dedicated street right-of-way shall be graded with a minimum of 2 (two) inches of top soil and permanently stabilized with ground cover in a manner that will enhance the appearance of the environment. The shoulder at the edge of pavement or at back of curbing shall be stabilized with a minimum of two (2) courses or sod for the entire length of the roadway.

All water mains, sanitary sewers and laterals, and storm sewers shall be installed as necessary to prevent the future cutting of the pavement of any street, sidewalk, or other required pavement.

In order for the City of Daphne to provide regular maintenance of street lighting, said lighting shall be purchased through and installed by Riviera Utilities. Regular maintenance does not include replacement of lamps, luminaries or standards which are damaged or destroyed due to vandalism or any other cause beyond the utility's control. Such facilities damaged or destroyed under such circumstances shall be replaced by the utility company at the property owner's expense.

11-9 ISSUANCE OF SITE DISTURBANCE PERMIT

Each person, firm, corporation, utility, entity, or agent thereof engaged in any site preparation and/or construction activities shall acquire a Site Disturbance Permit from the Community Development Department prior to commencement of such activities as established pursuant to the provisions of this Article and no such activity shall commence prior to the approval of a preliminary plat or site plan by the Planning Commission.

Where applicable, any and all state and/or federal permits for construction related activities shall be obtained and submitted to the City prior to issuance of the site disturbance permit. The owner or developer shall provide to the Department of Community Development, the appropriate signed application form, a certified cost estimate for site work, the fee for a site disturbance permit as enumerated in *Article 34, Schedule of Fees*, and proof of the contractor's Daphne business license.

Whenever a major development, one which is five acres (5) or more, or any project deemed appropriate by the Director of Community Development, is proposed within the corporate limits, the developer or his/her authorized engineer should contact the Planning Coordinator to arrange a Pre-construction conference. Said meeting shall occur after site plan approval and prior to the issuance of a site disturbance permit. Participants shall include the developer, ~~his-the project~~ engineer and ~~his-the~~ contractors, the representatives from the Departments of Community Development, ~~Public Works~~, Building Inspections, ~~Environmental Programs~~, ~~the City Engineer~~; Riviera Utilities, Daphne Utilities, any other applicable public or private utility company, local, state, and/or federal agency. At the Pre-construction conference, participants will discuss details related to permitting, construction safety, general expectations during construction, final inspection protocol, etc.

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11-10 CONSTRUCTION, TESTING AND INSPECTION OF STREETS

An independent testing laboratory shall conduct all the necessary tests to determine if the streets are installed to minimum design standards. Results shall be furnished to the Department of Community Development prior to final subdivision plat approval. These tests shall be conducted at the expense of the developer/owner.

(a) Testing:

All testing shall be conducted by an independent testing laboratory approved in writing by the ~~City Engineer~~~~Public Works Director or his/her designee~~. The testing laboratory shall have the proper equipment and personnel necessary to perform said testing of required improvements and shall be certified by the Alabama Department of Transportation. Proof of certification must be submitted to ~~the City Engineer~~~~the Public Works Director or his/her designee~~, prior to said approval.

~~The City Engineer~~ ~~The Public Works Director~~ shall determine which tests shall be scheduled and performed. A schedule of proposed testing must be submitted to ~~the Public Works Director or his/her designee~~ him/her for approval at the time of the Pre-construction Conference. The tests normally consist of, but are not limited to:

- (1) Soil gradation;
- (2) Optimum moisture content tests on embankment, subgrade and base material;
- (3) Soil compaction test on subgrade and base material;
- (4) In-place asphalt density analysis of road building materials;
- (5) Twenty-eight (28) day compressive strength of concrete;
- (6) Hydro-static test of water and pressurized sewer system as required by utility provider;
- (7) Air test of gravity sewer line as required by utility provider.

The developer shall notify ~~the City Engineer~~ ~~the Public Works Director, or his/her designee~~, twenty-four (24) hours prior to any required tests. Copies of all test reports are to be provided to ~~the Public Works Director~~ him/her before additional construction occurs. In the event problems exist that require remedial actions or design, the developer shall be required to submit revised engineering plans to ~~the City Engineer~~ ~~the Public Works Director~~ before construction will be allowed to proceed.

(b) Clearing and Grubbing:

All rights-of-way shall be cleared of all vegetation, trees, stumps, rocks and other objectionable or unsuitable material prior to grading or filling unless otherwise approved, in writing, by ~~the City Engineer~~ ~~the Public Works Director or his/her designee~~.

(c) Embankment Sections:

~~The City Engineer~~ ~~The Public Works Director~~ will have the right to approve all borrow sources; however, this does not relieve the developer from full responsibility for the quality of material used. Roadway fill or embankment of earth material shall be placed in uniform layers, full width, and not exceeding six (6) inch thickness (loose measurement). Each layer shall be compacted so that a uniform specified density is obtained. Compaction tests shall be run at the frequency and location as directed by ~~the City Engineer~~ ~~the Public Works Director or his/her designee~~. Additional layers of fill shall not be added until directed by ~~the City Engineer~~ ~~the Public Works Director~~. For all density requirements refer to the current Alabama Department of Transportation "Standard Specifications for Highway Construction".

(d) Subgrade:

The subgrade shall be compacted and properly shaped prior to the placing of base

materials. The top six (6) inches of the roadbed shall be modified, with the work being performed under Section 230 Roadbed Processing, of the current Alabama Department of Transportation "Standard Specifications for Highway Construction". It shall be full width of regular section and extend eighteen (18) inches outside of curb sections ~~ef-or~~ thirty (30) inches from the edge of asphalt, whichever is greater. The embankment or subgrade shall be inspected by proof rolling, under the supervision of ~~the City Engineer~~~~the Public Works Director or his/her designee~~, with a fully loaded (minimum 20 CY) tandem axle dump truck to check for soft or yielding areas. Any unstable materials shall be removed and replaced with a suitable material compacted to a density as required.

(e) Base:

Base course shall meet the requirements according to the current Alabama Department of Transportation "Standard Specifications for Highway Construction". Base course shall have a minimum thickness as required by Section 11-8, *Improvement Standards for Streets*, of these regulations and shall extend twelve (12) inches outside of curb sections or twenty four (24) inches from the edge of asphalt, whichever is greater. The density requirements for compaction shall be in accordance with the current Alabama Department of Transportation "Standard Specifications for Highway Construction". Developer/Engineer may submit an alternate base design method for approval by ~~the City Engineer~~~~the Public Works Director or his/her designee~~. Design shall be based on a proven and accepted engineering test or method for the site conditions that exist.

(f) Roadway Pavement:

All roads and/or streets shall be paved and comply with the following:

- (1) All roads shall be improved according to the standards outlined in Section 11-8, *Improvement Standards for Streets*, of these regulations;
- (2) Prior to the placement of pavement, a bituminous treatment A (prime) shall be placed and inspected by ~~the City Engineer~~~~the Public Works Director or his/her designee~~;
- (3) The finished wearing surface shall be uniform and free of defects. ~~The City Engineer~~ ~~The Public Works Director or his/her designee~~ may require additional density tests in areas that appear questionable.

When all required improvements are installed, the developer/owner shall call for a final inspection. ~~The City Engineer~~ ~~The Public Works Director~~ or his/her duly authorized representative shall inspect the site to determine if the required improvements are satisfactorily installed according to the plans and specifications.

11-11 SIDEWALKS

- (a) It is the intent of this section to require the installation of concrete or asphalt sidewalks on both sides of the street in residential and commercial subdivisions in order to encourage vehicular and pedestrian connectivity within the City of

Daphne. It is also the intent of this section to require the installation of sidewalks in commercial and ~~or~~ industrial site developments in order to connect gaps between existing or planned sidewalk circulation systems within the city.

Sidewalks are counted toward the improvement standards of all streets and shall be installed prior to the issuance of a Certificate of Occupancy unless an agreement for future installation has been presented by the developer. In no case shall the City of Daphne be responsible for the installation of sidewalks within any subdivision development.

- (b) Construction of sidewalks, shall comply with the following standards:

All sidewalks shall be in accordance with current ADA (Americans with Disabilities Act) requirements. Sidewalks shall be constructed with reinforced concrete that has a minimum twenty eight (28) day compressive strength of three thousand pounds per square inch (3000 psi), and shall be in accordance with City specifications and these regulations, unless otherwise approved by the Planning Commission.

Type of Subdivision	Sidewalk Width
Low Density Residential	4 feet
High Density Residential	5 feet
Commercial or Industrial	6 feet

- (c) Sidewalks shall provide pedestrian traffic and design shall encourage safe means of access eliminating conflicts between vehicles and pedestrians. Innovative design measures which would encourage the use of pervious material may be considered by the Planning Commission in lieu of typical sidewalk installation; however, ADA compliance is required where applicable. Sidewalks shall be installed in the following locations:
- (1) Along the perimeter of all developments where adjacent to City right-of-way.
 - (2) Along the right-of-way where adjacent to the perimeter of any common area within the development; except where walking trails/paths are incorporated into the design for formal/recreational open space as provided in Section 11-14, Special Provisions herein. Final plat shall not be approved until this provision is satisfied.
 - (3) Along the right-of-way within each residential subdivision development.
 - (4) New sidewalks shall connect to any adjacent sidewalks and/or bike paths and shall be interconnected within said development to allow for sufficient pedestrian access.
- (d) Restrictive covenants and the final subdivision plat, as required in Article 17, Subdivision Review, shall provide for the installation sidewalks by individual home owners or the developer:

The Planning Commission may, at its discretion, approve a final plat prior to the installation of sidewalks upon receipt of an agreement to install sidewalks, a cost estimate for sidewalk installation and a surety in the amount of two hundred percent (200%) of the estimated cost and shall not expire within a twenty-four (24) month period.

(e) Additional Provisions:

- (1) Subdividers may also be required to provide access through greenways and common areas.
- (2) Trail design shall be reviewed and approved by the Planning Commission. Trail width shall be at least ten (10) feet.
- (3) Walkways, with the exception of dedicated trail, shall be maintained by the adjacent property owners.
- (4) Pedestrian crosswalks, not less than ten (10) feet wide, shall be required where deemed necessary to provide circulation or access to schools, playgrounds, shopping centers, bus stops, and other community facilities. Pedestrian crosswalks should be provided wherever sidewalks connect with an existing or planned signalized intersection. Crosswalk shall be designed in accordance with applicable MUTCD guidelines.

(f) Exemptions:

The developer may submit on the appropriate form a request for an exemption to the sidewalk provisions listed herein above. An exemption shall be granted upon receiving an affirmative supermajority vote of the Planning Commission and a favorable recommendation from [the City Engineer](#)~~the Public Works Division director or designee thereof~~.

(Section amended 09/07/16)

11-12 WATER CONNECTIONS

(a) Connection to Public or Private Water System:

Developments, individual lots, or parcels shall be properly connected to a public or private community water system where such system borders the development, lot line, or is available and the appropriate utility has the capacity to provide service. The lines for both domestic use and fire protection shall be approved by a public or private community water ~~supply~~-supplier and constructed in such a manner as to adequately serve all of the lots located within the subdivision. Water wells for purposes other than human consumption may continue to be used. If a well is required for each lot, the location, construction, and use of such well shall also meet the Baldwin County Health Department requirements.

If a well is to serve more than one lot, a public community water system acceptable by and properly permitted by ADEM shall be required.

It is the intent of this Ordinance to eliminate by attrition, all existing private wells, in areas where public or private community water systems are available. Therefore, at such time as any private well fails to function properly, the owner must connect to the public or private community water system where such systems borders any development, lot line, or are available and the appropriate utility has the capacity to provide the service.

All developments shall have adequate potable water and adequate water for fire protection. In all cases, the developer, property owner, or agent shall submit written documentation verifying that the public or private water provider is willing and able to provide service to the development. Said documentation shall be on the utility company's letter head addressed to the Department of Community Development.

When all water lines and connections are installed, the developer/owner shall call for final inspection prior to final plat approval or prior to the issuance of the Certificate of Occupancy. The appropriate utility provider representative shall inspect the site to determine if the required improvements are satisfactorily installed according to the plans and specifications presented to the Planning Commission.

11-13 SEWER CONNECTIONS

(a) Connection to Sanitary Sewer System Requirements:

- (1) A centrally connected sanitary system shall be constructed and installed and connected to a public sanitary sewer system where such system is reasonably available. A public sanitary sewer system is considered to be reasonably available if the system is located within an easement or right-of-way adjacent to or within five hundred (500) feet of the development or where such sanitary sewer system borders the development, individual lots, or parcels and the appropriate entity has the capacity to provide the service.
- (2) Sanitary sewer collection systems for multiple customers shall be gravity systems. Low pressure systems, i.e., multiple grinder pumps, shall not be acceptable within the City of Daphne or its planning jurisdiction except with the approval of the Planning Commission. Consideration will be given to areas where access for proper maintenance to sewer mains is impractical and cost prohibitive as determined by the City or Daphne Utilities. The project design engineer shall provide written certification to justify the need for a multi-customer low pressure system. When

approved as an acceptable system in lieu of a gravity system, low pressure systems shall be constructed to provide flow conditions that will minimize the development of corrosive and odor conditions from H₂S and to prevent the development of sewage BOD₅ (biochemical oxygen demand) concentrations greater than three hundred and fifty (350) mg/l.

(b) Regulation of Septic Tanks:

The Board of Health of Baldwin County or its duly authorized representatives being specifically empowered and directed by state law, are hereby empowered and directed by the City to making such inspections and investigations of and to take such legal steps as may be necessary to regulate and control the type, construction, reconstruction, location, use and maintenance of all septic tanks and all appurtenances thereto or used in connection therewith in the City.

(c) Inspection of Septic Tanks:

All septic tanks within the City shall be subject to inspection or investigation by the Board of Health or its duly authorized representative(s) at all reasonable times and the Board of Health or its representative(s) shall have the right to enter upon or into all property, premises or building for such purposes.

(d) Permit for Construction and Maintenance of Septic Tank:

It shall be unlawful and an offense against the City for any person to construct a septic tank on any property within the City without first having obtained a permit from their County Board of Health or its duly authorized representative.

(e) Low Pressure Systems also known as Grinder Pumps:

- (1) Except as noted above, low pressure systems may only be installed with the approval of the Planning Commission. Construction of low pressure sanitary sewer systems, selection and installation of individual grinder pumps shall conform to the Utilities Board of the City of Daphne's Standard Constructed Specifications, latest edition, which is hereby adopted by reference.
- (2) The Building Official or designee thereof or City Engineer shall have the authority to determine if selection and installation of grinder pumps meets the minimum requirements of these specifications.

11-14 SPECIAL PROVISIONS**(a) Utility Placement:**

All water, sewer, gas, electric power, telephone, cable TV, and other utility lines shall be installed underground by the developer and/or owner in all new residential, commercial, or industrial developments, expansions and/or renovations of existing uses; said developments shall be connected to a central distribution system, unless for good reasons other than cost, the Planning Commission approves a modification or waiver of this requirement in part or in whole, or if a special condition requires otherwise.

(b) Drainage and Utility Easements:

Easements having a minimum width of ten (10) feet and located along the side or rear lot lines shall be provided as is necessary to utility lines, underground mains, and cables. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water or drainage right-of way of adequate width, no less than five (5) feet to accommodate normal runoff. Said right-of-way shall be at a location one (1) foot above established high water or flood elevation.

(c) Location of Fire Hydrants:

Roadway fire hydrants shall be installed along each street at the center of each block and at one corner of each roadway intersection, provided, however, that in no event shall fire hydrants be spaced so that any fire hydrant is located more than five hundred (500) feet from another fire hydrant. The water supply and pressure shall be sufficient to provide adequate fire protection and the future needs of the intended land use. Additional fire hydrant placement may be required on the interior of developed lots pursuant to local ordinance and fire regulations as adopted by the City of Daphne.

(d) Location of Street Lighting:

Lighting shall be installed at all intersections, curves, and cul-de-sacs. If additional lighting is consistent with safety and other community needs ~~are or otherwise~~ deemed necessary, ~~the City Engineer the Director of Community Development~~ shall require the subdivider to present a street lighting plan developed in conjunction with the appropriate utility company having jurisdiction within the area.

If the City of Daphne is to provide regular maintenance of street lighting, said lighting shall be purchased through and installed by Riviera Utilities. Regular maintenance does not include replacement of lamps, luminaries or standards which are damaged or destroyed due to vandalism or any other cause beyond the utility's control. Such facilities damaged or destroyed under such circumstances

shall be replaced by the utility company at the property owner's expense.

(c) Placement of Street Signage for Subdivisions and Developments:

Proper signage in accordance with the latest edition of the "Manual of Uniform Traffic Control Devices" (MUTCD) as adopted by Alabama Department of Transportation (ALDOT) shall be installed prior to receiving final plat approval and maintained in all subdivisions until such time as roads are dedicated and accepted for maintenance by the City Council resolution. All proposed signage shall be shown and detailed on the construction plans. The following minimum standards shall be adhered to:

(1) R1-1 Stop Sign:

High intensity prismatic-minimum 0.080 inch thick, thirty (30) inches for all internal street intersections; thirty-six (36) inches for all intersections with existing city, county, state and federal roads.

(2) Street Name Sign:

Nine (9) inch aluminum extruded blade, high intensity prismatic, six (6) inch tall all-capital lettering on green background for streets proposed to be public; six (6) inch tall white all-capital lettering on blue background for streets proposed to remain private. Brackets: Vulcan type VS-8 vandal proof or an approved equivalent.

(3) All other signs, engineering grade or better:

Minimum 0.080 inch thick.

(4) Post for Street Signs:

Minimum ten (10) foot long, two and three eighth (2-3/8th) inch galvanized round post. Street signs must be mounted on separate post from the stop sign, unless approved by ~~the City Engineer~~Public Works Director. If street signs and stop signs are approved to share the same post, in no case shall the street sign be attached directly to the stop sign. Stop signs shall be attached using a flanged bracket such as Vulcan Part #222491-501 or equivalent.

(5) Post for all Other Signs:

#3 Galvanized U-channel of appropriate height embedded not less than three (3) feet below the finished grade elevation.

(f) Location of Concrete Monuments and Pins:

Right-of-way and property line monuments shall be placed in each subdivision. Concrete monuments three-and-one-half (3-1/2) inches square and two (2) feet long shall be driven flush with the grade at the intersection of all street rights-of-way and radius points.

Iron pins one-half (½) inch in diameter and two (2) feet long shall be driven flush with the grade at each lot corner and at each point where the property line changes direction.

(g) Annexation Provision for Extraterritorial Planning Jurisdiction Subdivisions:

Proposed residential and/or commercial subdivisions located in the extraterritorial planning jurisdiction which are contiguous to the corporate limits and are served by a public community water and sanitary sewer system of the Utilities Board of the City of Daphne, shall be required to annex into the City of Daphne prior to approval of said subdivision, if it is deemed by the Planning Commission to be in the best interest of the City.

(h) Common Open Space and Recreation Provisions:

Common open space and recreation area set asides shall include formal recreation areas and/or natural open space areas. There are two types of formal recreation areas: passive and active.

Passive recreation areas may include but shall not be limited to: open areas that include arranged plantings, gardens, gazebos or similar structures, fountains, sculptures, and other forms of public art, pedestrian walk ways, dog parks, picnic areas, general landscaped areas, flower gardens, and other uses typical for passive recreation. Active recreation uses may include but shall not be limited to: playground or park for local or neighborhood use with swing sets, ball fields, tennis courts, jogging trails, clubhouses, swimming pools, including accompanying accessory structures, and any other similar use suitable for the common enjoyment of the residents.

Natural open space areas that preserve and conserve the natural condition and hydrology of the property should be included as well as tree groves, wetlands, associated wetland buffers, rock outcrops, pastoral areas, floodplains, lakes, streams, rivers, wildlife habitat, utility and conservation easements, and scenic vistas and trails. Detention ponds and related storm water facilities, especially low impact development measures, may also be included.

(1) Applicability:

Ten percent of each proposed single family or multifamily residential development shall be set aside for common open space and recreation area. Common Open Space and Recreation Provisions shall apply to each residential development within the corporate limits and extraterritorial jurisdiction of the City of Daphne except as exempted below.

(2) Exemptions:

Common Open Space and Recreation Provisions shall not apply in the following cases:

- (a) Where a unified planned single family residential development (i.e., under single ownership and planned in multiple phases) is five acres (5 ac) or less in total area and the minimum lot size exceeds twenty thousand square feet (20,000 sq. ft.); or,
- (b) Where the entire subdivision is zoned R-1, Low Density Single Family Residential.

(3) Intentionally Left Blank

(4) Phasing/Implementation:

A common open space and recreation area plan shall be provided as a component of the subdivision master plan for single family or multifamily residential subdivision development, except where herein exempted.

Upon preliminary plat submission for the first phase of the development an agreement shall be established for the implementation of the common open space and recreation area plan. The agreement shall be made using appropriate forms as provided by the city and shall include:

- (a) The proposed common open space and recreation area plan;
- (b) A cost estimate of all work associated with the common open space and recreation area plan improvements (this excludes land and/or utility costs), and;

- (c) A renewable surety bond valid for two years in the amount of one hundred and ten percent (110%) of the cost estimate or a letter of credit drawn on an Alabama based bank.

(5) Performance Standards:

The following factors shall be considered to determine the location for common open space and recreation areas.

- (a) Where possible and appropriate, common open space and recreation areas shall be readily accessible and useable by property owners.
- (b) To the maximum extent practical, a portion of the common open space and recreation area should provide focal points for the development.
- (c) Common open space and recreation areas shall have at least one direct access to a public right-of-way.
- (d) The common open space and recreation areas shall be compact and contiguous unless the land is used as a continuation of or link to an existing or planned adjacent open space resource or where specific natural or topographic features require a different configuration.
- (e) In all developments, due regard shall be shown for all natural features such as large trees, heritage trees, water courses, historical spots, and similar community assets which, if preserved, will add attractiveness and value to the overall development.

(Section amended 09/03/13)

--End--

ARTICLE XIII DISTRICT REQUIREMENTS

Revised 07/25/16: Add new B-1(a) zoning district per Ordinance #2016-39

Amended 01/10/20: Added language to 13-6 per Ordinance #2020-02

The following limitations and requirements are hereby placed on uses in each district. Such limitations established by this Article are in accordance with the stated purpose and intent of this Ordinance.

13-1 GENERAL

(a) Permitted Uses:

The following are permitted uses in all residential districts, unless otherwise provided herein: customary accessory structures, satellite receiving dishes, gardens, playgrounds, parks, public buildings including schools and libraries, agriculture or farming including horticulture, plant nurseries, market gardening, field crops, orchards and home occupations meeting all requirement as prescribed in *Article 31, Home Occupations, Automobile Service Stations, Cemeteries, Bed & Breakfast Establishments, Extended Stay Hotel Facilities*.

(b) Uses Permitted by Special Exception:

Certain public and semi-public uses are essential and desirable for the general convenience and welfare but may not fit compatibly within residential neighborhoods. When it is established by the Board of Zoning Adjustment through site plan review that the location, design, and proposed activities will not adversely affect the public health, safety, morals, and general welfare of the surrounding neighborhood, the following public and semi-public uses may be permitted within a residential district by special exception. Such uses shall thereafter be submitted to the Planning Commission for site plan review and approval:

- (1) Public elementary, intermediate, and high schools, church schools, private or parochial elementary or high schools having a curriculum approximately the same as ordinarily given in public elementary and high schools and meeting all standards of the State Board of Education for instruction and site size.
- (2) Churches, synagogues, and other places of worship including parish houses, rectories, and other facilities normally incidental to places of worship but excluding funeral homes.
- (3) Cultural activities not carried on as a gainful business, including

art galleries, non-public libraries, and museums.

- (4) Convalescent and nursing homes for the aged.
- (5) Recreation facilities, country clubs, community centers, and clubs which would draw a substantial number of users from the immediate neighborhood in which they are located, excluding residential accommodations and any activity carried on as a gainful business other than incidental concessions.
- (6) Day care centers, whether public or private, kindergartens, or play schools, upon approval of the State and the Department of Human Resources.

(c) Prohibited Uses:

Any use not permitted or permitted by special exception, except as otherwise determined under *Section 13-3, Compliance with District Requirements*. Commercial and Industrial uses such as garages, repair, storage yards, warehouses, buildings used as correctional institutions, and industrial type operations of any kind.

(d) Unlisted Uses:

In any case where a requested use is not specifically referred to in the Table of Permitted Uses, its status shall be determined by the Planning Commission by reference to the most clearly analogous use or uses that are specifically referred to in the Table of Permitted Uses.

When the status of a use has been so determined by the Planning Commission, such determination shall thereafter have general application to all uses of the same type and shall be added to the Table of Permitted Uses.

13-2 TABLE OF PERMITTED USES—DEFINED

The uses permitted in each of the zoning districts are listed in the *Table of Permitted Uses, Article 35*, in three categories, as follows:

(a) Uses by Right:

Uses in the Table identified by as “by right”, are subject to the conditions specified in the Table or otherwise provided herein.

(b) Uses Requiring Planning Commission Approval:

Uses in the Table identified as “Planning Commission Approval” are permitted upon approval by the Planning Commission of the location and the site plan appropriate with regard to transportation, access, water supply, waste disposal, fire, police protection, and other public facilities; as not causing undue traffic congestion or creating a traffic hazard; and in harmony with the orderly and appropriate development of the district in which the development is to occur.

(c) Special Exceptions by the Board of Zoning Adjustment:

Uses in the Table identified by “Special Exceptions by the Board of Zoning Adjustment” are subject to the same approval of location and site plan as uses requiring planning approval. These uses are subject to approval of the Board of Zoning Adjustment in accordance with the provisions provided in *Article 13, Uses Permitted by Special Exception*, and are subject to site plan review by the Planning Commission.

13-3 COMPLIANCE WITH DISTRICT REQUIREMENTS

Any use permitted in any district whether by Right, Planning Approval, Administrative Approval, or as a Special Exception, must comply with the requirements of the district in which it is located, unless a variance from such requirement is specifically requested and granted by the Board of Zoning Adjustment; unless approved as a Planned Unit Development with modifications as required by the Planning Commission provisions of *Article 11-5, Subdivision Exceptions and Exemptions*.

(a) Planning Approval:

Any use requiring planning approval is subject to review and approval of the Planning Commission. Each application to the Planning Commission for approval must be accompanied by a site plan prepared by the applicant or his/her authorized agent. The Planning Commission shall review the application at its next meeting and take into consideration all existing regulations and ordinances of the City of Daphne, as well as, recommendations from the ~~Zoning Administrator~~, Director of Community Development, ~~the City Engineer~~~~the Director of Public Works~~, the Building Official or his/her designee, the Code Enforcement Officer, the Baldwin County Health Department, public and/or private utility entities and any other such local official. The Planning Commission may either approve the use request as is, approve the request with conditions, or deny the request.

(b) Special Exception:

Any use permitted by special exception is subject to review and approval of the Board of Zoning Adjustment. Each application shall be accompanied by a site plan. The Board of Zoning Adjustment shall consider the recommendations of the ~~Zoning Administrator~~, Director of Community Development, ~~the City Engineer~~~~the Director of Public Works~~ and the Building Official or his/her designee, and make such recommendations a part of the record of any public hearing held on an application for a special exception, prior to making a decision on the application. If the decision of the Board of Zoning Adjustment is not consistent with such recommendations, the minutes of the meeting at which such decision is made shall set forth the particular reasons for deviating from such recommendations.

If the special exception is approved, the site plan shall then be submitted to the Planning Commission for review and consideration.

13-4 REQUIREMENTS FOR LOT AREA, WIDTH, COVERAGE, DENSITY, HEIGHT AND OTHER FACTORS

The following shall apply in districts as outlined, except Planned Unit Developments or Innovative Design for Single Family, and as provided below:

MINIMUM LOT REQUIREMENTS

	Minimum Lot Area Square feet (sq ft)	Minimum Lot Width at Setback Line (ft)	Maximum Lot Coverage Percent (%) ^a	Maximum Density ^b (units/acre)	Maximum Height ^e (stories) (ft)
R-1, Low Density Single Family	20,000	100	25	2.0	2.5 stories 35 ft
R-2, Medium Density Residential	15,000	90	25	2.5	2.5 stories 35 ft
R-3, High Density Single Family	12,000	80	30	3.5	2.5 stories 35 ft
R-4, High Density Single Family-- Multi-Family--	5,000 7,500 ^c	50 85	38 35	8.0 14.0	3 stories 50 ft
R-5, Mobile Homes	See	Articles	25 & 26	for	Details
R-6(G) Garden/Patio Homes	5,000	50	38	8	2.5 stories 35 ft
R-6(D), Duplex, R-7(A), R-7(M), R-7(T) respectively: Apartments, Mid Rise Condominium, Townhouses	See	Section	13-9	for	Details
B-1, B-1(a), B-2, B-3 Business Districts and Mixed Use Districts	N/A	N/A	N/A	N/A	4 stories 50 ft
Extra-territorial Planning Jurisdiction	12,000 ^d	80	30	3.5	2.5 stories 35 ft

a. Maximum lot coverage percentages do not apply to lots of record smaller than required in the district in which they are located. b. Maximum density = total number of dwelling units per gross acre to be developed. c. Minimum lot area determined by adding 7,500 square feet for one (1) unit plus two thousand five hundred (2,500) square feet for each additional unit. d. Applies to unzoned lots contained within any subdivision located in the extraterritorial planning jurisdiction where the size of the development exceeds ten (10) acres. e. Maximum height does not apply to overlay districts (see specific applicable overlay districts. Structures up to seventy-five (75) feet may be permitted on sites zoned B-2 or R-7 upon approval by the Planning Commission. In no case shall such building exceed seventy-five feet in height.

13-5 REQUIREMENTS FOR LOT AREA, WIDTH, COVERAGE AND OTHER FACTORS FOR PUBLIC AND SEMI-PUBLIC BUILDINGS**(a) Definition:**

A public building is one which is used exclusively for public purposes by any department or branch of government. A semi-public building is one of an institutional nature and serving a public need, such as a house of worship; hospital; school; library; museum; post office; police, rescue and fire stations; and public utilities and services.

(b) Minimum Lot Area and Lot Width:

None specified; however, the lot shall be large enough to provide the minimum yards as specified herein.

(c) Yard Regulations:

(1) Front Yard: Each lot shall provide a front yard with a minimum depth of forty (40) feet.

(2) Side Yard: Each lot shall have a side yard of a minimum of thirty-five (35) feet on each side.

(3) Rear Yard: Each lot shall have a rear yard with a minimum depth of thirty-five (35) feet.

(d) Maximum Building Height:

No structure shall exceed a height of thirty-five (35) feet, except a church may have a maximum height of fifty (50) feet, provided one (1) foot shall be added to all minimum yard requirements for each additional foot of height in excess of thirty-five (35) feet (does not apply to a church sanctuary).

(e) Maximum Building Coverage:

The maximum land covered by a building shall be no more than fifty (50) percent of the total lot area.

(f) Minimum Landscaping:

A minimum of twenty (20) percent of the lot area shall be maintained as a landscaped common area designed in accordance with the provisions of *Article 19, Landscape Standards and Tree Protection*.

13-6 Minimum Zoning District Setback Requirements

The following setback requirements shall apply in districts as outlined below, except in a Planned Unit Development, the Olde Towne Daphne District, the Village Overlay District, the Eastern Shore Park Overlay District, or the Jubilee Retail Overlay District, unless otherwise provided in said overlay district.

SETBACKS

Zoning District	Front Yard				Rear Yard	Side Yard	Corner Lot Side Yard	
	Arterial & Collector Streets	Local Streets & Service Roads	U.S. Highway 98 ^e	U.S., State or County Roads			Arterial & Collector Streets	Local Streets & Service Roads
R-1	40	40	50	e	40	15	40	25
R-2	35	35	50	e	35	10	35	20
R-3	30	30	50	e	30	10	30	20
R-4SF& R6(G)	25	25	50	e	25	6	30	20
R-4 TF	30	30	50	e	30	a	30	20
R-4 MF	30	30	50	e	30	a	30	20
R-5	See Article 25			e				
New MF Districts	See Section 13-9, Minimum Requirements for Fixed Dwellings			e				
Innovative Design SF	25	25	50	e	25	6	30	20
ET SF*	30	30	50	e	30	10	30	20
B-1, B-1(a)	30	20	50	e	20	b,d	30	25
B-2	30	20	50	e	b,d	b,d	30	25
B-3	30	20	50	e	b,d	b,d	30	25
C/I	50	30	50	e	c, d	c, d	30	20
MU	30	30	n/a	n/a	30	a	30	25

See notes on the following page.

NOTES FOR PREVIOUS TABLE:

(a) Side yards shall be ten (10) feet plus two (2) additional feet for each floor above two stories, but not exceeding twenty (20) feet; when the dwelling unit faces the side yard, the dwelling unit shall be at least twenty-five (25) feet from the side lot line.

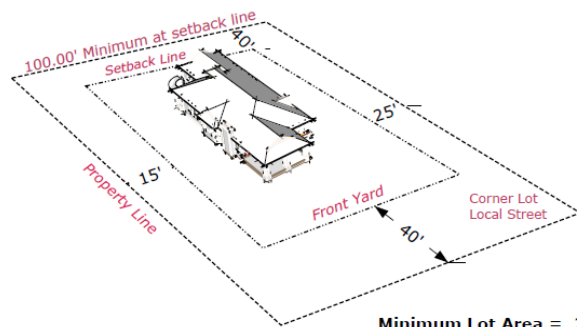
(b) None, except it will be five (5) feet where abutting an alley, or where abutting a residential district it shall be at least thirty (30) feet.

(c) Yard shall be twenty (20) feet, except when abutting any part of a Residential or Business district, a setback at least forty (40) feet is required.

(d) Where a public or semi-public use, multi-family residential, or mixed use district abuts any part of a single family residential district, a buffer zone ten (10) feet wide shall be required. Where a B-2 district abuts any part of a single family residential district, a buffer zone fifteen (15) feet wide shall be required. Where an industrial district abuts any part of a business or mixed use district, a buffer zone of twenty (20) feet shall be required. Where an industrial district abuts any part of a residential, a buffer zone of thirty (30) feet shall be required. Each buffer zone shall be designed in compliance with the provisions established in *Article 19, Landscape Standards & Tree Protection*.

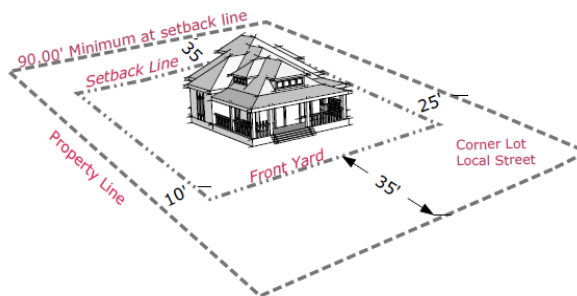
(e) Per Act No. 94-572 of the Legislature of Alabama enacted April 21, 1994 as amended, the following setbacks shall apply for any state or county road or highway and measured from the centerline of the R.O.W: principal arterials—Interstate 10 and U.S. Highway 98—require a hundred twenty five (125) foot setback; minor arterials—U.S. Highway 90, State Highway 181 and U.S. 31 require a hundred (100) foot setback; major collectors—County Road 64 requires a seventy five (75) foot setback.

Lot Orientation: On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension. **ET-SF*:** Applies to unzoned lots contained within any subdivision located in the extraterritorial planning jurisdiction where the size of the development exceeds ten (10) acres. **Side yards on buildings between fifty (50) feet and one hundred twenty five (125) feet in height:** all yard setbacks shall be at least fifty (50) feet on each side of building. Additional provisions are outlined in the *Article 38, Residential High Rise Condominium Development District*.

R-1 Low Density Residential**Setback Requirements:**

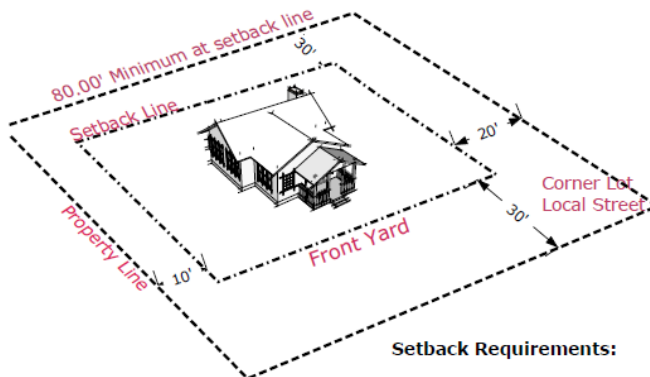
Front Yard -
 40' Arterial or collector streets
 40' Local Streets & service rds
 50' U.S. Highway
 Rear Yard - 40'
 Side Yard - 15'
 Side Yard/Corner Lot-
 40' Arterial or collector streets
 25' Local streets or service rds

Minimum Lot Area = 20,000 sq. ft.
 Minimum Width at Setback Line = 100 ft.

R-2 Medium Density Residential**Setback Requirements:**

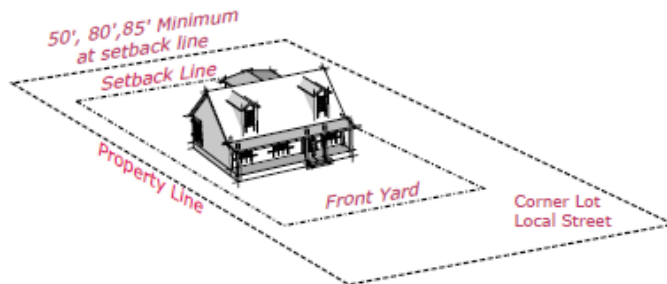
Front Yard -
 35' Arterial or collector streets
 35' Local Streets & service rds
 50' U.S. Highway
 Rear Yard - 35'
 Side Yard - 10'
 Side Yard/Corner Lot-
 35' Arterial or collector streets
 20' Local streets or service rds

Minimum Lot Area = 15,000 sq. ft.
 Minimum Width at Setback Line = 90 ft.

R-3 High Density Single Family Residential**Setback Requirements:**

Front Yard -
 30' Arterial or collector streets
 30' Local Streets & service rds
 50' U.S. Highway
 Rear Yard - 30'
 Side Yard - 10'
 Side Yard/Corner Lot-
 30' Arterial or collector streets
 20' Local streets or service rds

R-4 High Density Single & Multi-Family Residential



Minimum Lot Area:
 Single family 5,000 sq. ft.
 Two family 10,00 sq. ft.
 Multiple family 7,500 sq. ft.

R 4 Setback Requirements:

Single Family

Front Yard -
 25' Arterial or collector streets
 25' Local Streets & service rds
 50' U.S. Highway
Rear Yard - 25'
Side Yard - 6'
Side Yard/Corner Lot-
 30' Arterial or collector streets
 20' Local streets or service rds

Two-Family

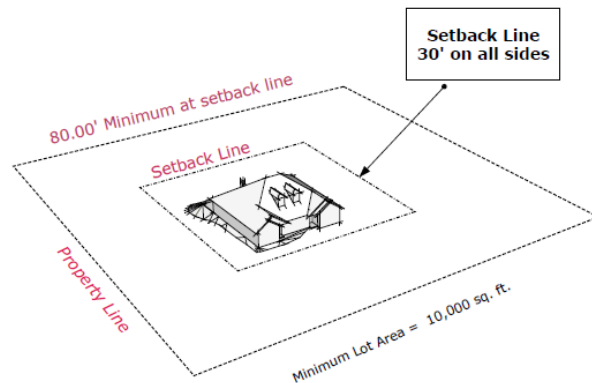
Front Yard -
 30' Arterial or collector streets
 30' Local Streets & service rds
 50' U.S. Highway
Rear Yard - 25'
Side Yard - *
Side Yard/Corner Lot-
 30' Arterial or collector streets
 20' Local streets or service rds

Multi-Family

Front Yard -
 30' Arterial or collector streets
 30' Local Streets & service rds
 50' U.S. Highway
Rear Yard - 30'
Side Yard - *
Side Yard/Corner Lot-
 30' Arterial or collector streets
 20' Local streets or service rds

*10 feet plus 2 additional feet for each floor above 2 stories, not exceeding 20 feet; when dwelling unit faces the side yard, the dwelling unit shall not be less than 25 feet from side lot line.

R-6 Duplex Two Family District



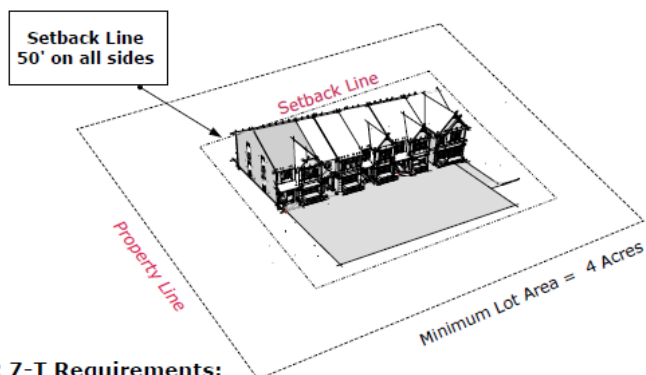
R 6 Requirements:

Minimum Setback Lines - front/rear/side/corner - 30'

Maximum Height - 35 feet
Maximum Stories - 2 stories

Minimum Distance Between Bldgs:
facing front-to-back - 100' (25'
minimum from back of curb)
facing back-to-back - 100'
side-to-side - 1/2 sum of height of
both bldgs

R-7 Townhouse District



R 7-T Requirements:

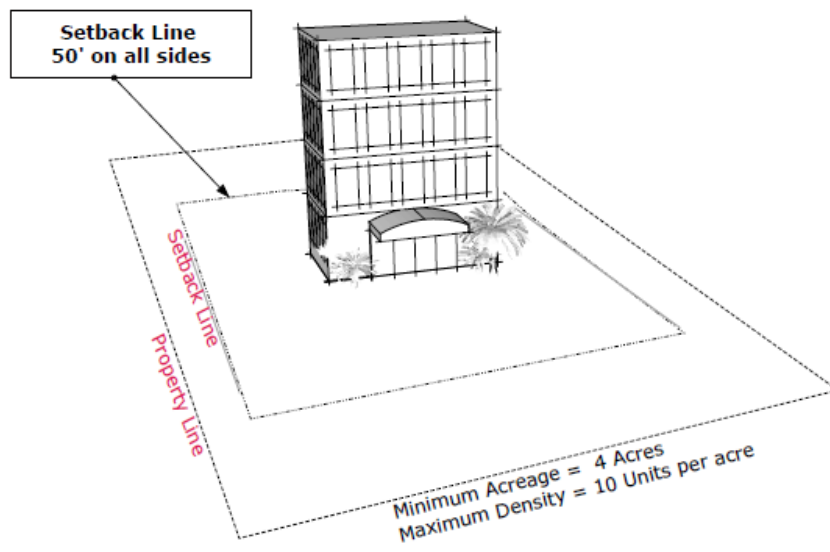
Minimum Setback Lines - front/rear/side/corner 50'

Maximum Height - 35 feet
Maximum Stories - 2 stories

Minimum Distance Between Bldgs:
facing front-to-back - 100' (25'
minimum from back of curb)
facing back-to-back - 100'
side-to-side - 1/2 sum of height of
both bldgs

Greenbelt Area:

Along Perimeter Roadway - 25' in addition to minimum setback.
Remaining Project Boundary - 25' located within setbacks.

R-7 Mid-Rise Condominium District**R-7 M District Requirements**

Minimum Building Setback Lines:
front/rear/side/corner - 50'

Maximum Height: 50 feet
Maximum Stories: 3 stories

Minimum Distance Between Bldgs:
facing front-to-back 100' (25' minimum from back of curb)
facing back-to-back 100'
side-to-side 1/2 the sum of height of both bldgs.

Greenbelt Area:
Along Perimeter Roadway: 25' in addition to minimum setback
Remaining Project Boundary: 25' (may be located within setbacks)

13-7 PERFORMANCE STANDARDS FOR NONRESIDENTIAL DISTRICTS

In all nonresidential districts (with commercial, institutional and/or industrial uses) where facilities are permitted lots shall comply with the following minimum standards:

- (a) Lots shall be of sufficient size to be used for the purpose intended, provide adequate parking and loading facilities in addition to space required for conduct of other operation of the business, and otherwise comply with the provisions provided herein.
- (b) The minimum lot size for marinas shall be one (1) acre and shall be constructed above mean sea level.
- (c) No entrances or exits shall direct traffic into adjacent residential districts.
- (d) Noise, air pollutants including dust emissions, and surface runoff shall not exceed background levels by more than ten percent (10%).
- (e) Uses in all business districts must comply with all applicable health and safety standards, including sanitary facilities; paved and landscaped parking areas, and all other requirements of this Ordinance, as well as pertinent State and Federal regulations.
- (f) Nonpermanent structures such as trailers, sheds, and other such buildings used for business purposes may be permitted in business districts on a temporary basis pending construction of a permanent building. Such structures may be permitted by the Building Official for a three (3) month period, renewable upon written request from the business owner, up to a maximum of one (1) year. Said nonpermanent structure shall be removed immediately upon completion of construction. Delayed removal of the nonpermanent structure may be allowed for no more than thirty (30) calendar days upon review and approval of the Building Official.
- (g) All non-residential structures shall be so designed as to present an aesthetically pleasing appearance that is generally compatible with existing buildings in the district, except those less desirable in appearance that have been grandfathered under this Ordinance.
- (h) Every effort to make structures aesthetically pleasing shall be made by the developer. Depending upon the location of the proposed facility, as a means to ensure compatibility with existing development or to encourage a higher standard along major corridors, subsequent improvements and changes to building architecture may be required by the Planning Commission.
- (i) In all non-residential zoning districts the following are preferred building materials for any wall area facing a public street: brick, textured concrete block,

wood, metal veneers, stucco or Exterior Insulation and Finish Systems (E.I.F.S), concrete, steel, vinyl or stone panels provided they contain some architectural relief and exhibit structural strength.

- (j) Metal buildings may be permitted in a C/I zone district only, except where located along County Road 13, Highway 98, Highway 90, Highway 181, Olde Towne Daphne, the Village Overlay District, Eastern Shore Overlay District and Jubilee Retail Overlay District.

13-8 FIXED DWELLINGS**(a) R-6(D), DUPLEX-TWO FAMILY DISTRICT PROVISIONS:****(1) Duplex-Two Family Definition:**

A building containing two single-family dwelling units totally separated from each other by an unpierced wall extending from basement to roof, and not exceeding two and one-half (2 ½) stories or thirty-five (35) feet in height. (See also Definition of Building Height).

(2) Regulation for Buildings and Yards:

The following list provides the minimum yard setbacks, minimum lot requirements, and maximum allowable building height for R-6(D), Duplex Districts.

R-6(D) DUPLEX-TWO FAMILY MINIMUM REQUIREMENTS

Minimum Acreage	0.5 acre
Minimum Lot Width	80 feet
Maximum Density	8 dwelling units/acre or 4 duplexes/acre
Maximum Lot Coverage	
Impervious surfaces	
Buildings/structure	30%
Maximum Height	35 feet
Stories	2 stories
Minimum Building Setback Lines	
Front	30 feet
Rear	30 feet
Side	15 feet
Interior corner	15 feet
Street side corner	30 feet
Minimum Parking	2 spaces per dwelling unit

Greenbelt Area for Subdivision Development:

<i>Along Perimeter Roadway</i>	30 feet wide in addition to minimum building setback.
<i>Remaining Project Boundary</i>	25 feet wide, maybe within minimum building setbacks.

(b) R-7(A), APARTMENT DISTRICT:

(1) Multiple Family Garden Apartments Definition:

One or more two or three story, multi-family structures containing 8 to 20 (eight to twenty) dwelling units and including related off-street parking, open space and recreation facilities, and not exceeding fifty (50) feet in height. Structures shall not exceed two hundred (200) feet in length. Access may be from a common hall or individual entrance. Dwelling units may be located back to back, adjacent, and on top of one another.

(2) Regulation for Buildings and Yards:

See *Article 13, Minimum Requirements for Fixed Dwellings*, for the minimum yard setbacks, minimum lot requirements, and maximum allowable building height for R-7(A), Apartment Districts.

(c) R-7(T), TOWNHOUSE DISTRICT:

(1) Town House – Single Family Definition:

A one family dwelling with ground floor outside access, attached to three or no more than five, one family dwellings by common vertical fire resistant walls without openings, and not exceeding two and one half (2 ½) stories or thirty-five (35) feet in height. (See also Definition of Building Height).

(2) Regulation for Buildings and Yards:

See *Article 13, Minimum Requirements for Fixed Dwellings*, for the minimum yard setbacks, minimum lot requirements, and maximum allowable building height for R-7(T), Townhouse District.

(d) R-7(M), MID-RISE CONDOMINIUM DISTRICT:

(1) Condominium, Mid-Rise Definition:

A building, if containing three to seven stories in which dwelling units, offices, or floor area owned by all owners or a proportional, undivided basis. Underground parking facilities are not counted in the height; however, ground level parking beneath the building shall be counted as a story. Structures of more than fifty (50) feet in height may be permitted subject to the approval of the City Council with the Planning Commission's recommendation; however, in no event shall a mid-rise condominium be approved for a height greater than seventy five (75) feet. See *Article 38 for High Rise Condominium requirements*.

(2) Regulation for Buildings and Yards:

See *Article 13, Minimum Requirements for Fixed Dwellings*, for the minimum yard setbacks, minimum lot requirements, and maximum allowable building height for R-7(M), Mid-Rise Condominium District.

13-9 MINIMUM REQUIREMENTS FOR FIXED DWELLINGS

The following fixed dwelling minimum requirements shall apply in districts as outlined below, except in overlay districts.

Fixed Dwelling Minimum Requirements	R-7(A) Apartments	R-7(T) Townhouse	R-7(M) Mid Rise Condo
Minimum Acreage	4 ac	4 ac	4 ac
Minimum Lot Width	None	None	None
Maximum Density	10 units/acre	10 units/acre	10 units/acre
Maximum Height	50 feet or 3 stories	35 feet or 2 ½ stories	50 feet or 4 stories
Minimum Building Setback Lines Front/rear/side/corner	50 feet	50 feet	50 feet
Minimum Distance between Buildings -facing front to back	100' (25' minimum from back of curb)	100' (25' minimum from back of curb)	100' (25' minimum from back of curb)
-facing back to back	100'	100'	100'
-side to side	½ the sum of the height of both building	½ the sum of the height of both building	½ the sum of the height of both building
Maximum Lot Coverage Impervious surfaces Buildings/structures	30%	30%	30%
Greenbelt Area Width Along Perimeter Roadway In addition to minimum setback	25 ft	25 ft	25 ft
Width on Remaining Project Boundary(s) Greenbelt may be located within setbacks	25 ft	25 ft	25 ft
Minimum Landscaping See Article 19			
Minimum Parking Spaces per dwelling unit	2	2	2
Additional Provisions See Article 28			

13-10 REQUIREMENTS FOR LOT AREA, WIDTH, COVERAGE AND OTHER FACTORS FOR OUTDOOR AMUSEMENT USES**(a) Definition:**

Public, private, or semi-private property which is used exclusively for recreational and amusement purposes, generally these activities are not enclosed within a building.

(b) Permitted Uses:

Outdoor Amusement facilities permitted in the City of Daphne are listed in *Article 35, Table of Permitted Uses*.

(c) Minimum Lot Area and Lot Width:

None specified, however, the lot shall be large enough to provide the minimum yards as specified herein.

(d) Setback Regulations:

(1) Front: Each lot shall provide a front yard with a minimum depth of forty (40) feet.

(2) Side: Each lot shall have a side yard of a minimum of forty (40) feet on each side.

(3) Interior Side Exception: The interior side setback may be reduced to fifteen (15) feet where abutting property zoned B-1, Local Business, B-2, General Business, C/I, Commercial/Industrial, or where abutting a public or semi-public use.

(4) Rear: Each lot shall have a rear yard with a minimum depth of thirty-five (35) feet.

(5) Rear Yard Exception: The rear setback may be reduced to ten (10) feet where abutting property zoned B-1, Local Business, B-2, General Business, or C/I, Commercial/Industrial, or where abutting a public or semi-public use.

(e) Maximum Building Height: Fifty (50) feet.**(f) Maximum Building Coverage:**

The maximum land covered by a building shall be no more than twenty-five percent (25%) of the total lot area.

(g) Minimum Landscaping:

A minimum of twenty (20) percent of the lot area shall be maintained as a landscaped common area designed in accordance with the provisions of *Article 19, Landscape Standards and Tree Provisions*.

(h) Performance Standards:

(1) Amusement and recreation services must be so arranged that noise, vibration, lights, and all other possible disturbing aspects are enclosed, screened or otherwise controlled so that operation of the establishment will not unduly interfere with the use and enjoyment of properties in the surrounding area.

(2) Unless otherwise noted herein, any permanent or temporary building or structure shall be one hundred (100) feet from any property line.

(i) Parking Requirements:

All parking requirements shall be based upon the most current industry standard for each particular outdoor amusement use, modifications to said parking standard may be considered as deemed appropriate by the Planning Commission.

13-11 REQUIREMENTS FOR LOT AREA, WIDTH, COVERAGE AND OTHER FACTORS FOR GOLF COURSE USES**(a) Definitions:**

- (1) *Golf course*: A tract of land for playing golf, improved with tees, greens, fairways, hazards, and which may include clubhouses, shelters, putting greens, and or driving ranges. Included would be executive or par three golf courses. Specifically excluded would be independent driving ranges and any miniature golf course.
- (2) *Green space*: An area of land covered in grass or other vegetation or a natural water feature. Uses in green space may include stormwater areas, wooded slopes, graded and re-vegetated slopes, required yards on both residential and non-residential lots, landscaped areas, and other land covered in vegetation.

(b) Permitted Uses:

Any green space and/or golf course as defined above shall be permitted in the GC zone. Additional information on permitted uses is listed in *Article 35, Table of Permitted Uses*.

(c) Minimum Lot Area and Lot Width:

None specified, however, the lot shall be large enough to provide the minimum yards as specified herein.

(d) Building Setback Regulations:

- (1) **Front**: Each lot shall provide a front yard with a minimum depth of forty (40) feet.
- (2) **Side**: Each lot shall have a side yard of a minimum of forty (40) feet on each side.
- (3) **Interior Side Exception**: The interior side setback may be reduced to fifteen (15) feet where abutting property zoned B-1, Local Business, B-2, General Business, C/I Commercial/Industrial, or where abutting a public or semi-public use.
- (4) **Rear**: Each lot shall have a rear yard with a minimum depth of thirty-five (35) feet.
- (5) **Rear Yard Exception**: The rear setback may be reduced to ten (10) feet where abutting property zoned B-1, Local Business, B-2, General Business,

or C/I Commercial/Industrial, or where abutting a public or semi-public use.

(e) Maximum Building Height: fifty (50) feet.

(f) Maximum Building Coverage:

The maximum land covered by a building shall be no more than twenty-five percent (25%) of the total lot area.

(g) Minimum Landscaping:

A minimum of twenty (20) percent of the lot area shall be maintained as a landscaped common area designed in accordance with the provisions of *Article 19, Landscape Standards and Tree Protection*.

(h) Performance Standards:

(1) Golf courses must be so arranged that noise, vibration, lights, and all other possible disturbing aspects are enclosed, screened or otherwise controlled so that operation of the establishment will not unduly interfere with the use and enjoyment of properties in the surrounding area.

(2) Unless otherwise noted herein, any permanent or temporary building or structure shall be one hundred (100) feet from any property line.

(i) Parking Requirements:

All parking requirements shall be based upon the most current industry standard for golf courses, modifications to said parking standard may be considered as deemed appropriate by the Planning Commission.

ARTICLE XIV

THE OLDE TOWNE DAPHNE DISTRICT

Revised 07/25/16: Add new B-1(a) zoning district per Ordinance #2016-39

Revised 01/23/17: Add menu-type signs per Ordinance #2017-04

Revised 01/10/20: Allow residential in B-1, B-2, B-3 districts per Ordinance #2020-02

14-1 PURPOSE

The intent of this Article is to provide for the creation of the district in order to establish minimum standards and provisions for residential, business, or commercial development in the areas outlined the map provided herein and to achieve a healthy, beautiful, and safe community by the following means:

- **Aesthetics:**

Improve the appearance of all areas through the incorporation of innovative landscaping and open space into development in ways that harmonize and enhance the natural beauty of the environment.

- **Land Values:**

Maintain and increase the value of land by incorporating innovative designs and criteria into development, thus becoming itself a valuable capital asset.

- **Human Values:**

Provide direct and important physical and psychological benefits to human beings through the use of landscaping and tree preservation as a buffer zone between residential and business development to reduce noise and glare, and to break up the monotony and soften the harsher aspects of urban development.

- **Improved Design:**

Promote innovative and cost conscious approach to the design and construction of the District.

- **Improved Administration and Enforcement:**

Establish procedures and standards for the administration and enforcement of this Article.

14-2 USES PERMITTED**(a) General**

The following zoning districts provided herein established and most specifically defined in Article 12, Establishment of Districts: B-1, Local Business, B-1(a) Limited Local Business District; B-2, General Business, B-3, Professional Business, R-4, Single Family and Multi-Family Residential, and MU, Mixed Use. Article 35, the Table of Permitted Uses and Conditions, outlines the restrictions for each district, except with regard to mixed-uses as provided in the following subsections. (See also Article 12, Establishment of Districts).

The Planning Commission shall no longer consider zoning or rezoning amendments for B-2, General Business or R-4 zoning districts. All existing B-2, General Business and R-4, High Density Single and Multi-Family Residential Districts shall be developed in accordance with the standards provided herein. For any new request, the following districts shall be considered in lieu of R-4: R-6(G) for all garden/patio homes developments; and, R-6(D) for duplexes.

(b) Mixed-Use Developments in the Olde Towne Daphne District.

It is the intent of the City to encourage mixed-use developments in the Olde Towne Daphne District. Zoning districts that will allow mixed-use developments by right include MU, Mixed Use; B-1, Local Business; B-2, General Business; and B-3, Professional Business. Said mixed-use development may have a vertical configuration, meaning the primary business is located on the ground floor and the secondary use is located on an upper floor, or may otherwise meet the provisions of an accessory dwelling unit as provided in section (c) below.

(c) Accessory Dwelling Units (ADU) in the Olde Towne Daphne District shall adhere to the following provisions.

1. Detached accessory dwelling is defined as a dwelling unit separate from the principal structure. The dwelling shall be clearly subordinate in size, height, and purpose to the principal structure, it shall be located on the same lot as the principal structure, but may be served by separate utility meter(s), and is detached from the principal structure if approved by the Building Official. A detached accessory dwelling may be an independent structure, a dwelling unit above a garage, or attached to a workshop or other accessory structure on the same lot as the principal structure.
2. It is the intent of this ordinance to allow, where deemed appropriate by the Planning Commission, accessory dwelling units that maintain an appropriate proportional relationship to the adjacent principal structure(s) on the same site.
3. The accessory dwelling unit may function as purely residential use or as a mixed use building that allows separate commercial and residential usage.
4. While these provisions apply to detached accessory dwelling units, the provisions do not supersede or override applicable life safety standards found in the applicable codes adopted by the city.
5. When deemed appropriate by the Planning Commission, in business and commercial districts located in the Olde Towne Daphne district, a detached accessory dwelling may be considered where such detached accessory dwelling complies with the following requirements:
 - a) A recreational vehicle (RV) shall not be considered as an ADU.
 - b) Shall not exceed 60% of the size (measured in square feet) of the principal building.
 - c) Shall not be located on a lot by itself, nor be located in or extend into the front yard.

- d) Shall not be constructed to exceed more than two (2) stories.
- e) Shall not be constructed to exceed thirty (30) feet mean roof height; however, the accessory dwelling unit shall not exceed the height of the primary business or commercial building.
- f) Shall not encroach into any easement.
- g) Shall maintain a side yard setback and rear yard setback of not less than six (6) feet where abutting property zoned for business or commercial use.
- h) Where the adjacent property is zoned for residential use, the side yard and rear yard setback shall be no less than the standard zoning district setback requirement.
- i) Requests for variances to the provisions of this section shall be submitted to the Board of Zoning Adjustment.
- j) There shall be one (1) power meter to service both the primary business and the accessory structure, unless a second power meter is approved by the Building Official. The decision of the Building Official may be appealed to the Board of Zoning Adjustment in accordance with provisions established herein.
- k) Prefabricated accessory structures (such as utility sheds, conex storage boxes and the like) shall not be utilized for the purpose of habitation.
- l) No more than one detached accessory dwelling shall be permitted on a single lot in conjunction with the principal structure.
- m) The detached accessory dwelling may not be divided from the property ownership of the principal dwelling.
- n) The detached accessory dwelling shall be of similar style, design and material color as used for the principal structure and shall use similar architectural characteristics, including roof form and pitch, to the existing principal structure.

14-3 SPECIAL PROVISIONS

The following shall apply:

- (a) The provisions of this Article shall be required for all residential projects involving the construction of two (2) or more dwelling units including apartments, town homes, condominiums, planned unit developments, subdivisions, business, commercial, industrial, and/or institutional structures; all existing structures which increase the gross floor area by thirty (30) percent or more, except a single family residence; construction of a park, public way, open space, public building or structure; construction of a public utility whether publicly or privately owned; and other uses as required by the Planning Commission.
- (b) A site plan review for minor expansions of commercial or institutional uses, renovations or changes in use shall be subject to administrative review and approval by the Director of Community Development to determine compliance with the provisions of this Ordinance.
- (c) Whenever a major development is proposed the developer should informally consult with the Department of Community Development prior to site plan application to ensure compliance with the required regulations. No fee shall be charged for the review and no formal application shall be required.
- (d) Any development which is to be constructed in phases or units shall require a master plan of the site which shall be submitted to the Planning Commission for approval prior to submitting a site plan application. The subdivider shall submit to the Department of Community Development, a written request for review and approval by the Planning Commission and a copy of said master plan. The master plan shall be of sufficient detail to show the proposed street and lot layout, drainage, utilities, detention, common, recreational, landscaped areas and maximum density (gross and net).
- (e) Size of properties reserved or laid out for business, or commercial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

- (f) A site plan review shall be accomplished by the recommendation of the Director of Community Development and approval of the Planning Commission to assure compliance with the provisions of the Land Use and Development Ordinance in conformity with its purpose as stated in Article I, Purpose, Repeals, Enactment and Short Title, as well as, applicable Building and Fire Codes, latest edition.
- (1) Site plan approval shall become void one (1) year from the date of Planning Commission approval if no site disturbance permit has been acquired for the project. The site disturbance permit and site plan shall both become void one (1) year from the issuance of the site disturbance permit if no substantial building or construction activity has occurred.
- (2) Prior to expiration, a one (1) year extension of time may be granted for the approved site plan and the site disturbance permit by the Director of Community Development, upon written request of the applicant stating good reason.
- (3) If no construction activity has occurred after the expiration of the extended time, an additional one (1) year extension of time may be considered by the Planning Commission. At no time shall any site plan and related site disturbance permit be granted an extension beyond this time. The site plan and site disturbance permit shall automatically be deemed null and void.
- (g) After site plan approval and before the issuance of a site disturbance permit, a pre-construction conference shall be held between the developer, contractors, the Departments of Community Development, [the City Engineer](#)~~Public Works~~, [Environmental Programs](#), Building Inspections; Riviera Utilities, Daphne Utilities; any other applicable public or private utility company, local, state, and/or federal agency. At the pre-construction conference, involved parties will discuss issues related to permitting, construction safety, general expectations during construction, final inspection protocol, etc.
- (h) When all required improvements are installed in accordance with the site plans and specifications approved by the Planning Commission, the developer or owner shall request a final inspection by the design engineer and the registered landscape architect. Both shall forward compliance letters to the Director of Community Development. Upon receipt thereof the Director or his/her duly authorized representative shall inspect the site to determine if the required improvements are satisfactorily installed prior to signing the certificate of occupancy or final plat.

14-4 SITE PLAN APPLICATION

Prior to making any improvements, the developer/owner shall submit to the Planning Commission a site plan of the project for review in accordance with the following procedure. These items shall be received in the Department of Community Development not less than thirty (30) days prior to a regularly scheduled meeting of the Planning Commission at which meeting the site plan is to be formally submitted for review.

(a) Developer's Responsibility-the developer shall submit to the Department of Community Development:

(1) Completed application on prescribed forms signed by the property owner or authorized agent; an agent authorization letter—if applicable; a copy of the recorded warranty deed of the subject property (as proof of ownership); the Owner's Indemnification and Maintenance Agreement Form for Commercial Developments; drainage calculations; Certification of Engineering Design form; applicable State and/or Federal permit applications; in accordance with specifications provided in the Site Plan Supplemental Documentation List in the Appendix; the site plan; documentation of all applicable utility companies' service availability and willingness to provide services; the filing fee as specifically enumerated in Article 34, Schedule of Fees.

(2) The developer shall submit a site plan and utility sheets to each utility company for review. Paper and electronic copies shall be provided to [the City Engineer-the Department of Public Works](#), Bureau of Fire Prevention, Riviera Utilities, Daphne Utilities and ~~the~~ [Building DepartmentEnvironmental Programs](#). The subdivider shall submit a site plan and applicable documents as may be necessary to any and all applicable utility companies, local, state and/or federal agencies for review. Sign details shall be submitted to the Code Enforcement Officer for review.

(a) Site Plan Content:

The site plan shall contain all information as reflected on the current Site Plan Supplemental Documentation List and the Site Plan Review checklist as provided in the Appendix. Either may be modified at the discretion of the Director of Community Development when applicable. However, any modifications to either the checklist or supplemental list shall be requested of the applicant and approved by

the Director of Community Development during or as a result of a pre-application conference. Incomplete submissions shall not be accepted by the Department of Community Development.

Site plans shall be designed and certified by a professional design engineer. Landscape plans shall be designed and certified by a registered landscape architect. Site plans shall include the following sheets: boundary survey, existing conditions, tree survey, site plan, geometric plan, utility plan, water and sewer plan, grading and drainage plan, construction best management practices plan, applicable construction details and notes as may be applicable, an overall master plan, if applicable, landscape plan and irrigation plan, building elevations, floor plans, and sign details. Site plans shall be designed to meet all applicable provisions of this Ordinance.

(b) Posting Notice of Site Plan Review:

Applicant shall be responsible for posting a sign providing public notice of site plan review. Failure to post said sign fifteen (15) days prior to Planning Commission review, shall cause the application to be withdrawn from the meeting agenda. Said sign shall not be an advertisement sign for the proposed project, but an advertisement of the Planning Commission meeting dates and times in accordance with the standards established for such provided in the Supplemental Information.

14-5 WAIVER

The Director of Community Development may waive certain requirements contained in this Article if, in his/her opinion, the requirements are not essential to a proper decision on the project; or, he/she may supplement the list with other requirements deemed necessary to clarify the nature of the proposed development.

14-6 BOND REQUIREMENT FOR OFF-SITE IMPACTS

- (a) Whenever a person, firm, corporation, developer or other entity proposes to develop a commercial, public, semi-public or multi-family, or mixed use project that, in the opinion of the Director of Community Development constitutes a land disturbing activity which may pose a risk of drainage and/or siltation damage outside the boundaries of the project, such person, firm, corporation, developer or other entity conducting the land disturbing activity shall be required to submit a non-cancelable performance bond in the name of the permittee, a letter of credit or cashier's check, to the City prior to the issuance of a site disturbance permit.

- (b) At the time of the site plan approval, the bond shall become effective and shall extend for a period of at least two (2) years following the issuance of the certificate of occupancy by the City. The bond shall be in the amount of twenty percent (20%) of the total cost for the performance of all site work. Said bond shall cover drainage, erosion and siltation damage, if any.
- (c) The Director of Community Development or other administrative official as designated by the City Council shall determine the prescribed bond, as well as, the adequacy and the security thereon.

14-7 FEES & APPLICATION WITHDRAWAL PROCEDURES

An application for site plan review, site disturbance permit and extension requests shall be accompanied by the appropriate fee as specifically enumerated in Article 34, the Schedule of Fees. If, for any reason, an item scheduled for initial presentation before the Planning Commission is requested to be tabled or withdrawn within seven (7) calendar days of submission to the Department of Community Development, then the application fee and notification fee will be credited toward re-submittal of the application; however, beyond the seven (7) calendar day period, fees shall not be refunded nor credited toward subsequent submittals. The request to withdraw or table the item shall be submitted in writing to the Department of Community Development prior to the scheduled hearing date.

14-8 ISSUANCE OF SITE DISTURBANCE PERMIT

Each person, firm, corporation, utility, entity or agent thereof preparing to engage in any site preparation and/or construction activities shall acquire a site disturbance permit from the Department of Community Development prior to commencement of such activities as established pursuant to the provisions of this Article and no such activity shall commence prior to the approval of a site plan by the Planning Commission if required by Section 14-3(a) or administrative review by the Director of Community Development if required by Section 14-3(b). Fees for said permit and permit extension requests are enumerated in Article 34, Schedule of Fees.

14-9 ISSUANCE OF BUILDING PERMIT

Upon approval of the site plan either as submitted or with changes and/or special conditions required by the Planning Commission, the Building Official may issue a building permit for a portion or all of the proposed development provided that the application is in compliance with all applicable city, county, state and federal requirements.

14-10 PARKING REQUIREMENTS

Any business use located within the Olde Towne Daphne District with a lot frontage of fifty (50) feet shall require a minimum of four (4) parking spaces, with a lot frontage of twenty-five feet shall require a minimum of two (2) parking spaces, and shall also comply with the minimum design and improvements standards as otherwise outlined in this Ordinance and ADA requirements.

Off-street parking for multi-use buildings or mixed use developments shall be located in the rear of the building(s) adjacent to the street.

For any use for which the above referenced parking requirement cannot be met due to the unique conditions of a particular parcel of property as documented on the site plan, off-street parking spaces of the public type may be considered toward the requirements necessary to comply with the Article upon determination of the Director of Community Development and approval of the Planning Commission.

14-11 SIGNAGE

The maximum allowable square footage established in each zoning designation and/or overlay district shall apply as provided in each district. Said allowable area shall not be exceeded. In the event that channel letters, as defined in Article 8, Definitions, are proposed, then the maximum allowable square footage shall be calculated at a rate of eighty percent (80%) in lieu of the standard rate of one hundred percent (100%).

(a) Nonconformance:

Any sign in existence on the date of the adoption of this Ordinance that is not in conformance shall be considered a nonconforming sign and shall be permitted to continue to exist, subject to the conditions and prohibitions set forth in the provisions of Article 33, Sign Provisions.

(b) Single-Use Building (A commercial building with one commercial tenant):

Signs indicating the name of a business or retail use permitted in this District with a single-use building shall have one (1) sign not to exceed fifteen (15) square feet in area per face, five (5) feet in height, of the ground sign or pylon type, and have two (2) faces.

Each establishment of a business or retail use permitted in this District with a single-use building may acquire an additional permit for a wall-mounted sign of a size not to exceed ten percent (10%) of the surface frontal area of its building or portion of the building. Signs mounted on mansards, marquees, windows, and awnings are deemed to be wall signs.

- (c) Multi-Use Building (A commercial building which houses more than one commercial tenant:

Signs indicating the name of a business or retail use permitted in this District with a multi-use building shall have one (1) sign not to exceed thirty-two (32) square feet in area per face, ten (10) feet in height, of the ground sign or pylon type, and have two (2) faces.

Each establishment of a business or retail use permitted in this District within a multi-use building may acquire an additional permit for a wall-mounted sign of a size not to exceed ten percent (10%) of the surface frontal area of its building or portion of building. Signs mounted on mansards, marquees, windows, and awnings are deemed to be wall signs.

(d) Menu Type Signs:

(1) Drive-Thru Service:

One menu type sign shall be permitted not to exceed twenty-one (21) square feet in area, five (5) feet in height and two (2) faces.

(2) Wall mounted menu for walk-up service:

One wall mounted menu board shall be permitted for walk-up service not to exceed twelve (12) square feet in area.

--Amended per Ordinance 2017-04--

(e) Fees:

Signs permitted under this Article shall require a permit as more specifically enumerated in Article 33, Sign Provisions. Fees for each permitted sign are specifically enumerated in Article 34, Schedule of Fees.

14-12 SIDEWALKS

A sidewalk of a minimum six (6) feet in width shall be required to be located adjacent to the front property line and in the interior of multi-use developments.

14-13 LANDSCAPE STANDARDS

(a) General Requirements:

The developer of any use in this District shall suitably landscape at least five percent (5%) of the subject property and also comply with the requirements of Article 19, Landscape and Tree Protection.

If the landscape design is determined to be compatible with the character of the District, an innovative landscape design, to include planters and/or hanging plants, as well as, a “natural cluster of trees” may be approved if recommended by the Director of Community Development and given approval by the Planning Commission.

More stringent design and landscape standards may be required if it is determined that the design would be more compatible with the development and more beneficial to the aesthetics of the Olde Towne Daphne district.

(b) Off-Street Parking Landscape Requirements:

The design and appearance of parking areas are intended to be compatible with the character of the community. Toward this objective, the following landscaping standards shall be observed in the construction of off-street parking areas:

- (1) Landscaped areas and perimeter areas shall be so graded as to receive a reasonable portion of the rainfall from the surrounding pavement. Protective curbing around landscaped areas will leave openings for the flow of water onto unpaved areas.
- (2) Landscaped areas shall be protected from vehicular encroachment by the use of curbing or wheel stops.
- (3) The owner, tenant, occupant and/or agent, if any, shall be jointly and severally responsible for watering and maintaining all landscaping in a healthy, neat and orderly condition, replacing it when necessary, and keeping it free of refuse and debris.
- (4) Adjacent residential property owners may jointly agree on the establishment of a common landscaped or fenced area between their properties which meets the requirements of this Article.

(c) Buffer Zone Requirements:

Where a business district abuts any part of a residential district, a buffer zone ten (10) feet in width shall be required. The buffer shall run the entire length of the abutting lot line(s). Under no circumstances shall this buffer impair vehicular flow and shall be part of the yard requirements. Said protection buffer shall be maintained in such a manner to accomplish its purpose continuously.

This District shall comply with the following minimum standards and said buffer zone shall be constructed of at least one of the following three (3) designs or a combination thereof as determined by the Director of Community Development and approved by the Planning Commission:

(1) Wall or Fence

If a wall or fence of solid appearance is provided as a protection buffer, it shall be at least six (6) feet in height and of a construction and a design approved by the Planning Commission.

(2) Screen Planting Strip

A staggered double row of Evergreen plantings at least ten (10) feet in width which will grow to at least ten (10) feet in height and spaced in a manner in which after three (3) years it will provide an impervious visual barrier.

(3) Natural Forest

A natural, undisturbed forest which provides a nearly impervious visual barrier due to the dense nature of the plants and/or trees. If this option is chosen, the width of the buffer zone shall be ten (10) feet in width and shall be included on the landscape plan.

The Director of Community Development shall determine whether the barrier is satisfactory via site inspection prior to approval.

14-14 SUPERVISION

The landscape architect shall be responsible for the supervision of all plantings. After completion, the landscape architect shall certify in writing to the City of Daphne that the submitted, approved landscape plan has been implemented and complies with the requirements of this Article.

14-15 CERTIFICATE OF OCCUPANCY

A certificate of occupancy shall not be issued until the submitted, approved landscape plan has been implemented or cash or cashier's check has been submitted in an amount equal to one hundred and fifty percent (150%) of the actual landscape cost which shall be certified by a professional landscape architect with a signed/sealed cost estimate for incomplete work.

14-16 PENALTIES

The Code Enforcement Officer of the City of Daphne shall serve the owner of said property, each person, firm or corporation engaged in the activities regulated hereunder in which the activities are being conducted in violation of any provision of this Article with a Summons and Complaint citation.

The person(s) shall be fined upon conviction, not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) and costs of the court for each offense.

14-17 SETBACKS

MINIMUM DISTRICT REQUIREMENTS^d				
Zoning Districts	Front Yard	Rear Yard	Side Yard	Corner Lot Side Yard
R-4 ^c , Single Family R-6(D or G), Duplex or Garden or Patio Home	15	20	6	25
R-4 ^c , Multi-Family	15	20	a	25
B-1, Local Business B-1(a), Limited Local Business	10	b	b	25
B-2, General Business	10	b	b	25
B-3, Professional Business	10	b	b	25
MU, Mixed Use	15	e	b	25

- (a) When dwelling unit faces side yard, the dwelling unit shall not be less than twenty-five (25) feet from the side lot line.
- (b) None. If there is a rear alley, the setback shall be twenty-five (25) feet. When abutting a residential district it shall be not less than ten (10) feet. (See Buffer Requirements, Section 14-13, Landscape Standards).
- (c) The Planning Commission shall no longer consider zoning or rezoning amendments to an R-4 zoning district. All existing R-4, High Density Single and Multi-Family Residential Districts shall be developed in accordance with the standards provided herein. For all new requests, the following districts shall be considered in lieu of R-4: R-6(G) for all garden/patio homes developments; R-6(D) for duplexes; R-7(A) for apartments; and R-7(T) for townhouses and R-7(M) for mid-rise condominiums.
- (d) Minimum district requirements for any zoning district not specifically listed in this table shall meet the minimum standards as established in Requirement for lot area, width and setbacks in Section 13-4, Requirements For Lot Area, Width, Coverage, Density, Height and Other Factors and 13-6, Minimum Zoning District Setback Requirements, herein.
- (e) None. If there is an alley, the setback shall be twenty-five (25) feet. When abutting a residential district it shall be not less than fifteen (15) feet. (See Buffer Requirements, Section 14-13, Landscape Standards).

14-18 MAXIMUM BUILDING HEIGHT

Except as otherwise provided herein, no structure shall exceed thirty-five (35) feet in height in any R-4, Single Family and Multi-Family Residential, district or more than 50 (fifty) feet in height in any Business or Mixed Use District. Structures of more than fifty (50) feet shall not be permitted. (See Definition of Building Height in Article 8, Definition of Terms).

14-19 DRAINAGE

Any use in this District shall comply with Article 18, Drainage and Storm Water Management Facilities and Erosion/Sediment Control.

14-20 DISTRICT MAP

The Olde Towne District Map, Exhibit B, is hereby adopted and as a part of this Ordinance. (See Appendix I, Table of Contents).

ARTICLE XV PROCEDURES FOR SITE PLAN REVIEW

15-1 USE AND APPLICABILITY

- (a) The provisions of this Article shall be required for all residential developments involving the construction of two (2) or more dwelling units including apartments, town homes, condominiums, business, commercial, industrial, and/or institutional structures; all existing structures which increase the gross floor area by thirty percent (30%) or more, except a single family residence; construction of a park, public way, open space, public building or structure; construction of a public utility whether publicly or privately owned; and other uses as required by the Planning Commission.
- (b) A site plan review for minor expansions of commercial or institutional uses, renovations or changes in use shall be subject to administrative review and approval by the Director of Community Development to determine compliance with the provisions of this Ordinance.

15-2 PRE-APPLICATION & PRE-CONSTRUCTION CONFERENCES

- (a) Pre-Application Conference:

Whenever a major development, one which is five (5) acres or more or as deemed appropriate by the Director of Community Development, is proposed within the corporate limits, the developer should informally consult with the Department of Community Development prior to site plan application to ensure compliance with the required regulations. No fee shall be charged for the review and no formal application shall be required.

- (b) Pre-Construction Conference:

After site plan approval and before the issuance of a site disturbance permit, a pre-construction conference shall be held between the developer, contractors, the representatives from the Departments of Community Development, ~~the Public Works~~City Engineer, Environmental Programs, Building Inspections; Riviera Utilities, Daphne Utilities, any other applicable public or private utility company, local, state, and/or federal agency. At the pre-construction conference, participants will discuss issues related to permitting, construction safety, general expectations during construction, final inspection protocol, etc.

15-3 MASTER PLAN SUBMITTAL

Any development which is to be constructed in phases or units shall require a master plan of the site which shall be submitted to the Planning Commission for approval prior to submitting a site plan application. The subdivider shall submit to the Department of Community Development, a written request for review and approval by the Planning Commission and a copy of said master plan. The master plan shall be of sufficient detail to show the proposed street and lot layout, drainage, utilities, detention, common, recreational, landscaped areas and maximum density (gross and net).

15-4 SPECIAL PROVISIONS

The following shall apply:

- (a) Water, sewer, gas, electric power, telephone, cable television, and other utility lines shall be installed underground by the developer and/or owner in all new residential, commercial, and industrial developments, expansions, and/or renovations of existing said developments shall be connected to a central distribution system, unless for good reasons other than cost, the Planning Commission approves a modification or waiver of this requirement in part or in whole, or if a special condition requires otherwise.
- (b) Size of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- (c) A site plan review shall be accomplished by the recommendation of the Director of Community Development and approval of the Planning Commission to assure compliance with the provisions of the Land Use and Development Ordinance in conformity with its purpose as stated in *Article I, Purpose, Repeals, Enactment and Short Title*, as well as, applicable Building and Fire Codes, latest edition.
- (d) Planning Commission approval shall be the first step in the construction permitting process. After approval, the owner or developer shall provide to the Department of Community Development, the appropriate signed application form, a cost estimate for site work certified by the design engineer, the fee for a site disturbance permit as enumerated in *Article 34, Schedule of Fees*, applicable state and/or federal permits, and proof of the contractor's Daphne Business license.
 - (1) Site plan approval shall become void one (1) year from the date of Planning Commission approval if no site disturbance permit has been acquired for the project. The site disturbance permit and site plan shall both become void one (1) year from the issuance of the site disturbance permit if no substantial building or construction

activity has occurred.

- (2) Prior to expiration, a one (1) year extension of time may be granted for the approved site plan and the site disturbance permit by the Director of Community Development, upon written request of the applicant stating good reason.
 - (3) If no construction activity has occurred after the expiration of the extended time, an additional one (1) year extension of time may be considered by the Planning Commission. At no time shall any site plan and related site disturbance permit be granted an extension beyond this time. The site plan and site disturbance permit shall automatically be deemed null and void.
- (e) When all required improvements are installed in accordance with the site plans and specifications approved by the Planning Commission, the developer or owner shall request a final inspection by the design engineer and the registered landscape architect. Both shall forward compliance letters to the Director of Community Development. Upon receipt thereof the Director or his/her duly authorized representative shall inspect the site to determine if the required improvements are satisfactorily installed prior to signing the certificate of occupancy or final plat.

15-5 SITE PLAN APPLICATION

Prior to making any improvements, the developer/owner shall submit to the Planning Commission a site plan of the project for review in accordance with the following procedure. These items shall be received in the Department of Community Development not less than thirty (30) calendar days prior to a regularly scheduled meeting of the Planning Commission at which meeting the site plan is to be formally submitted for review.

- (a) Developer's Responsibility-the developer shall submit to the Department of Community Development:
 - (1) Completed application on prescribed forms signed by the property owner or authorized agent; an agent authorization letter—if applicable; a copy of the recorded warranty deed of the subject property (as proof of ownership); the Owner's Indemnification and Maintenance Agreement Form for Commercial Developments; drainage calculations; Certification of Engineering Design form; applicable State and/or Federal permit applications; in accordance with specifications provided in the Site Plan Supplemental Documentation List in the Appendix; the site plan; documentation of all applicable utility companies' service availability and willingness to provide services; the filing fee as specifically enumerated in *Article 34, Schedule of Fees*.

- (2) The developer shall submit a site plan and utility sheets to each utility company for review. Paper and electronic copies shall be provided to the ~~Department of Public Works~~City Engineer, Bureau of Fire Prevention, Riviera Utilities, Daphne Utilities and ~~the Building Department~~Environmental Programs. The subdivider shall submit a site plan and applicable documents as may be necessary to any and all applicable utility companies, local, state and/or federal agencies for review. Sign details shall be submitted to the Code Enforcement Officer for review.

(a) Site Plan Content

The site plan shall contain all information as reflected on the current Site Plan Supplemental Documentation List and the Site Plan Review checklist as provided in the Appendix. Either may be modified at the discretion of the Director of Community Development when applicable. However, any modifications to either the checklist or supplemental list shall be requested of the applicant and approved by the Director of Community Development during or as a result of a pre-application conference. Incomplete submissions shall not be accepted by the Department of Community Development.

Site plans shall be designed and certified by a professional design engineer. Landscape plans shall be designed and certified by a registered landscape architect. Site plans shall include the following sheets: boundary survey, existing conditions, tree survey, site plan, geometric plan, utility plan, water and sewer plan, grading and drainage plan, sedimentation and erosion control plan, best management practices plan, applicable construction details and notes as may be applicable, an overall master plan if applicable, landscape plan and irrigation plan, building elevations, floor plans, and sign details. Site plans shall be designed to meet all applicable provisions of this Ordinance.

(b) Posting Notice of Site Plan Review

Applicant shall be responsible for posting a sign providing public notice of site plan review. Failure to post said sign fifteen (15) calendar days prior to Planning Commission review shall cause the application to be withdrawn from the meeting agenda. Said sign shall not be an advertisement sign for the proposed project, but an advertisement of the Planning Commission meeting dates and times in accordance with the standards established for such provided in the Supplemental Information.

15-6 WAIVER

The Director of Community Development may waive certain requirements contained in this Article if, in his/her opinion, the requirements are not essential to a proper decision on the project; or, he/she may supplement the list with other requirements deemed necessary to clarify the nature of the proposed development.

15-7 ISSUANCE OF SITE DISTURBANCE PERMIT

Each person, firm, corporation, utility, entity or agent thereof preparing to engage in any site preparation and/or construction activities shall acquire a site disturbance permit from the Department of Community Development prior to commencement of such activities as established pursuant to the provisions of this Article and no such activity shall commence prior to the approval of a site plan by the Planning Commission or administrative review by the Director of Community Development as required in *Article 15, Site Plan Review* § 15-1. Fees for said permit and permit extension requests are enumerated in *Article 34, Schedule of Fees*.

15-8 BOND REQUIREMENT FOR OFF-SITE IMPACTS

- (a) Whenever a person, firm, corporation, developer or other entity proposes to develop a commercial, public, semi-public or multi-family, or mixed use project that, in the opinion of the Director of Community Development constitutes a land disturbing activity which may pose a risk of drainage and/or siltation damage outside the boundaries of the project, such person, firm, corporation, developer or other entity conducting the land disturbing activity shall be required to submit a non-cancelable performance bond in the name of the permittee, a letter of credit or cashier's check, to the City prior to the issuance of a site disturbance permit.
- (b) At the time of the site plan approval, the bond shall become effective and shall extend for a period of at least two (2) years following the issuance of the certificate of occupancy by the City. The bond shall be in the amount of twenty percent (20%) of the total cost for the performance of all site work. Said bond shall cover drainage, erosion and siltation damage, if any.
- (c) The Director of Community Development or other administrative official as designated by the City Council shall determine the prescribed bond, as well as, the adequacy and the security thereon.

15-9 RELEASE OF BOND

- (1) At the expiration of two (2) years from the issuance of the Certificate of Occupancy, the Director of Community Development and the Site Containment Officer or designee of the Building Official shall determine if the drainage design implementation of the project has:
 - (a) Been performed in accordance and continues to functions within the parameters of the design standards as set forth by the project engineer;
 - (b) Had any impact on any streams, waterways, or third parties that have been minimized through mitigation efforts;
 - (c) Received from the project engineer a certificate of performance which states the drainage facilities have been constructed in accordance with the plans, specifications, and engineering guidelines.
- (2) The City may release the developer and/or the bondholder from further obligations under said bond based upon the evaluation and recommendation of the Director of Community Development, ~~Director of Public Works~~ Environmental Programs, ~~the Site Containment Officer, or designee of the Building Official,~~ and the City Engineer ~~and the Planning Commission~~.
- (3) If it is determined that the requirements of this section have not been met, then the bond may be extended for one six (6) month interval to allow the developer and/or bondholder additional time to correct the deficiencies which prohibit the release of bond. If the site contractor is unable and/or unwilling to satisfy the deficiencies as enumerated by the Director of Community Development, ~~Director of Public Works and/or the Site Containment Officer, or designee of the Building Official or,~~ City Engineer and Environmental Programs, the entire bond shall be forfeited with the bond being payable to the City of Daphne for the direction of such work and/or activities necessary for the completion of the improvements. The developer and/or bondholder of the property thereof shall be liable for any additional cost incurred.

15-10 ISSUANCE OF BUILDING PERMIT

Upon approval of the site plan, either as submitted or with changes and/or special conditions required by the Planning Commission, the Building Official may issue a building permit for a portion or all of the proposed development provided the application is in compliance with all applicable City, County, as well as, state and federal requirements.

15-11 FEES & APPLICATION WITHDRAWAL PROCEDURES

An application for site plan review, site disturbance permit and extension requests shall be accompanied by the appropriate fee as specifically enumerated in *Article 34, the Schedule of Fees*. If, for any reason, an item scheduled for initial presentation before the Planning Commission is requested to be tabled or withdrawn within seven (7) calendar days of submission to the Department of Community Development, then the application fee will be credited toward re-submittal of the application; however, beyond the seven (7) calendar day period, fees shall not be refunded nor credited toward subsequent submittals. The request to withdraw or table the item shall be submitted in writing to the Department of Community Development prior to the scheduled hearing date.

ARTICLE XVII PROCEDURES FOR SUBDIVISION REVIEW

Revised 03/21/17: Adding mandatory sidewalk installation, bond, renegotiation and release provisions per Ordinance #2017-21 adopted 03/20/17

Revised 07/19/18: Amending mandatory sidewalk installation 17-4(b) adding procedures for extensions per Ordinance 2018-25 adopted 07/02/18

17-1 PRE-APPLICATION & PRE-CONSTRUCTION CONFERENCES

(a) Pre-Application Conference:

Whenever the subdivision of a tract of land within the extraterritorial planning jurisdiction of the Planning Commission is proposed, the subdivider should consult informally with the planning staff of the City of Daphne and Baldwin County, prior to submittal with the Planning Commission(s) to ensure compliance with the required regulations. No fee shall be charged for the review and no formal application shall be required.

(b) Pre-Construction Conference:

After preliminary plan approval and before the issuance of a site disturbance permit, a pre-construction conference shall be held between the developer, contractors, the representatives from the Departments of Community Development, ~~Public Works,~~ Building Inspections, [the City Engineer, Environmental Programs,](#) Riviera Utilities, Daphne Utilities, any other applicable public or private utility company, local, state, and/or federal agency. At the pre-construction conference, participants will discuss issues related to permitting, construction safety, general expectations during construction, final inspection protocol, etc.

17-2 MASTER PLAN SUBMITTAL

Any subdivision or development which is to be developed in phases or units shall require a master plan of the proposed subdivision or development which shall be submitted to the Planning Commission for approval prior to submitting a preliminary plat application.

The subdivider shall submit to the Department of Community Development a written request for review and approval by the Planning Commission and a copy of said master plan. The master plan shall be of sufficient detail to show the proposed street, sidewalk and lot layout, drainage, utilities, detention, common, recreational, and landscaped areas.

17-3 PRELIMINARY PLAT APPLICATION

Prior to making any improvements, the subdivider shall submit to the Planning

Commission a preliminary plat of the proposed subdivision for review in accordance with the following procedure. These items shall be received in the Department of Community Development not less than thirty (30) calendar days prior to a regularly scheduled meeting of the Planning Commission at which meeting the subdivision plat is to be formally submitted for review.

(a) Subdivider's Responsibility:

The subdivider shall submit to the Department of Community Development the following:

- (1) Completed application on prescribed forms; a copy of a recorded warranty deed of the subject property (as proof of ownership); the preliminary plat and subdivision construction plans in accordance with *Section 17-3, Plat Content*; Owner's Indemnification and Maintenance Agreement Form for Detention Facilities and Common Areas; a list of adjacent property owners and a Certification of Property Owners Notification Form in accordance with specifications provided in the Preliminary Plat Supplemental Documentation List in the Appendix; documentation of all applicable utility companies' service availability and willingness to provide services; and the filing fee as specifically enumerated in *Article 34, Schedule of Fees*.
- (2) The subdivider shall submit a preliminary plat and utility sheets to each utility company for review. Electronic copies shall be provided to ~~the the City Engineer~~Department of Public Works, Bureau of Fire Prevention, Riviera Utilities, Daphne Utilities and ~~the Building Department~~Environmental Programs. The subdivider shall submit a plat and applicable documents as may be necessary to any and all applicable utility companies, local, state and/or federal agency for review. Sign details shall be submitted to the Code Enforcement Officer for review.

(b) Plat Content:

The preliminary plat shall contain all information as reflected on the current Preliminary Plat Supplemental Documentation List as provided in the Appendix. The checklist may be modified at the discretion of the Director of Community Development when applicable.

(c) Fees & Application Withdrawal Procedures:

An application for plat review shall be accompanied by the appropriate fee as enumerated in *Article 34, the Schedule of Fees*.

(1) Withdrawal of Application by the Applicant:

If, for any reason, an item scheduled for initial presentation before the Planning Commission is withdrawn without having been presented, then the applicant shall re-file a new application and applicable fees. The written request to withdraw shall be signed by the applicant and authorized agent and shall be submitted to the Department of Community Development prior to the scheduled hearing date.

If the project is withdrawn within seven (7) calendar days of submission, then the application fee shall be credited toward re-submittal of the application; however, beyond the seven (7) calendar day period, fees shall not be refunded nor credited toward subsequent submittals. The application fees shall be required for any future application. The request to withdraw or table the item shall be submitted in writing to the Department of Community Development prior to the scheduled hearing date.

(2) Request by the Applicant to Table Final Plat Prior to Hearing Date:

If, for any reason, an item scheduled for initial presentation before the Planning Commission is requested to be tabled without having been presented, then the applicant shall incur the costs required to re-notify adjacent property owners of the future meeting or hearing at which time the item will be considered in accordance with this subsection. If the project is withdrawn within seven (7) calendar days of submission, then the application fee and notification fee will be credited toward re-submittal of the application; however, beyond the seven (7) calendar day period, fees shall not be refunded nor credited toward subsequent submittals. The written request to table the item and reschedule said meeting shall be accompanied by additional mailing labels, certified property owner's list and certification form and the appropriate fee as enumerated in *Article 34, Schedule of Fees*.

(d) Department of Community Development Review:

The Department of Community Development shall proceed with the preliminary plat review as follows:

(1) Plat Study:

During the thirty (30) calendar days prior to the next regularly scheduled meeting, ~~the the City Engineer~~~~Department of Public Works~~, Bureau of Fire Prevention, Riviera Utilities, Daphne Utilities, ~~Building Inspections Department~~~~Environmental Programs~~ and any applicable utility company, local, state, and/or federal agency shall review plans and submit recommendations to the Director of Community Development prior to the initial hearing on the preliminary plat.

- (a) Whenever a person, firm, corporation, developer or other entity proposes to develop a commercial, public, semi-public or multi-family, or mixed use project that, in the opinion of the Director of Community Development constitutes a land disturbing activity which may pose a risk of drainage and/or siltation damage outside the boundaries of the project, such person, firm, corporation, developer or other entity conducting the land disturbing activity shall be required to submit a non-cancelable performance bond in the name of the permittee, a letter of credit or cashier's check, to the City prior to the issuance of a site disturbance permit.
- (b) At the time of the preliminary plat approval, the bond shall become effective and shall extend for a period of at least two (2) years following final plat approval by the City. The bond shall be in the amount of twenty percent (20%) of the total cost for the performance of all site work. Said bond shall cover drainage, erosion and siltation damage, if any.
- (c) The Director of Community Development or other administrative official as designated by the City Council shall determine the prescribed bond, as well as the adequacy and the security thereon.

(2) Notice of Public Hearing:

The Planning Coordinator or designee of the Director of Community Development shall distribute public notice of the time and place of the hearing and shall send notice of public hearing on said preliminary plat by certified mail to the owner of record, the subdivider, and the owners of record of abutting land at least five (5) calendar days prior to the hearing.

(3) Commission Action:

The preliminary plat is considered to be formally and officially submitted at the regularly scheduled meeting of the Planning Commission. Per Section 6-6 “An affirmative vote of not less than six (6) members shall be required for approval of subdivisions, pursuant to Section 11-52-10, the Code of Alabama, 1975, (as amended).”

At this meeting, the Commission may either:

- (a) Approve the preliminary plat.
- (b) Conditionally approve the preliminary plat:

In this case, the conditions shall be stated in the hearing and presented to the subdivider in writing. If necessary, the Commission may require the subdivider to submit a revised preliminary plat prior to acquiring a site disturbance permit.

- (c) Disapprove the preliminary plat:

If disapproved, the reasons for such action shall be stated in the public hearing and presented to the subdivider in writing, and if possible, recommendations made as to the basis on which the plat will be approved. The subdivider may resubmit the plat with due consideration to the recommendations stated by the Planning Commission at any subsequent regularly scheduled meeting of the Commission in accordance with these regulations.

- (d) Delay action on the preliminary plat:

The Commission shall act to approve or disapprove a subdivision plat within thirty (30) calendar days after its formal submission at a regularly scheduled Planning Commission meeting. If the applicant waives this requirement and consents to an extension, then the Commission may delay action on the plat up to thirty (30) additional calendar days.

If no action is taken within the initial thirty day period, or if no action is taken upon the thirty (30) calendar day extension, said plat shall be deemed to have been approved and correspondence to that effect shall be issued by the Commission on request.

In any case, the Commission shall notify the subdivider either verbally or in writing of the action taken at the hearing. If any of the requirements of these regulations are modified or waived, they shall be specified and the reasons therefore given.

(e) Effect of Preliminary Plat Approval:

- (1) Approval shall be authorization for the subdivider to acquire a site disturbance permit as prescribed herein from the Department of Community Development. The owner or developer shall provide to the Department of Community Development, the appropriate signed application form, any applicable state/federal permits, a cost estimate for site work, the fee for a site disturbance permit as enumerated in *Article 34, Schedule of Fees*, and proof of the contractor's Daphne business license.
 - (a) Preliminary plat approval shall become void one (1) year from the date of Planning Commission approval if no site disturbance permit has been acquired for the project. The site disturbance permit and preliminary plat shall both become void one (1) year from the issuance of the site disturbance permit if no substantial building or construction activity has occurred.
 - (b) Prior to expiration of the initial site plan and/or site disturbance permit, a one (1) year extension of time may be granted for the approved preliminary plat and the site disturbance permit by the Director of Community Development, upon written request of the applicant, stating good reason.
 - (c) If no construction activity has occurred after the expiration of the extended time, an additional one (1) year extension of time may be considered by the Planning Commission. At no time shall any preliminary plat and related site disturbance permit be granted an extension beyond this time. The plat and site disturbance permit shall automatically be deemed null and void. The subdivider shall be required to resubmit the preliminary plat application and follow procedures as outlined in *Section 17-3(a), Subdivider's Responsibility*.
- (2) Said approval shall be authorization to begin work, to proceed with the construction of all minimum improvements as enumerated in

Article 11, Minimum Standards and Required Improvements, including the grading of streets, and staking of lots, etc.

- (3) Preliminary plat approval does not constitute final plat approval nor does it authorize official recording of the plat nor does it constitute or effect an acceptance by the City of Daphne of any street or other open space shown on the preliminary plat.
- (4) When all required improvements are installed the developer or owner shall in accordance with *Article 11, Minimum Standards and Required Improvements*, request a final inspection by the design engineer, the registered landscape architect, all applicable City departments, public and/or private utility companies, and when applicable, Baldwin County officials. Said inspections shall be conducted prior to submitting an application for final plat approval. Final inspection reports shall be provided with the application for Final Plat approval.

17-4 FINAL PLAT APPLICATION

- (a) Financial Guarantee of Performance in Lieu of Full Installation of Minimum Improvements:
 - (1) The subdivider shall be responsible for the full installation of all required minimum improvements except sidewalks in the proposed subdivision prior to the submission of a final plat application to the Planning Commission or after no less than ninety percent (90%) of the minimum improvements have been installed, the subdivider may issue a financial guarantee with surety to the City of Daphne that the remaining minimum improvements shall be completed.
 - (2) As such, one (1) or more of the following may be accepted as financial guarantee with surety payable to the City of Daphne: a letter of credit or certified check from an Alabama lending institution in an amount not to exceed one hundred and fifty percent (150%) of the cost of the required improvements remaining.
 - (3) A cost estimate for any remaining civil improvements shall be certified and submitted by the design engineer with the application for final plat approval; a cost estimate of any remaining landscaping improvements must be certified and submitted by the professional landscape architect with the application for final plat approval and the financial guarantee.
 - (4) Sidewalks around all common areas shall be installed prior to final plat approval. A surety for remaining sidewalk improvements

shall be determined as provided in Section (b) Maintenance Bonds Subsection (2) provided herein.

(b) Maintenance Bonds:

- (1) Street Maintenance Bond. The developer/owner shall submit to the Department of Community Development a Street Maintenance Bond payable to the City of Daphne which shall be valid for a period of two (2) years. The bond shall be in an amount equal to twenty percent (20%) of the total street, utility, and drainage improvements in the subdivision. Said bond shall be required as a condition to dedication and acceptance of any new streets within the corporate limits. The Director of Community Development or ~~the City Engineer~~ ~~Director of Public Works~~ or other administrative official as designated by the City Council shall determine the adequacy of said bond and security thereon.

The Street Maintenance Bond period shall begin upon the acceptance of the street and drainage improvements by resolution of the City Council. No less than thirty (30) calendar days prior to the expiration of said maintenance bond, an inspection shall be conducted by ~~the City Engineer~~ ~~the Department of Public Works~~ and the Environmental Programs ~~Manager or Site Containment Officer~~ to ensure that the improvements are in satisfactory condition prior to acceptance.

The ~~Planning Commission~~ ~~Director of Community Development~~, upon receipt of the recommendations of ~~the City Engineer~~ ~~the Department of Public Works or designee thereof~~ and the Environmental Programs ~~Manager or designee thereof~~, may release or extend a street maintenance obligation. An extension of the Street Maintenance Bond shall be for a period of time no greater than one (1) year. Upon approval of an extension of the original Street Maintenance Bond period, the developer/owner or assign thereof shall submit to the Department of Community Development sufficient proof of the extended bond, and the Director of Community Development or ~~the City Engineer~~ ~~Director of Public Works or other administrative official as designated by the City Council~~ shall determine the adequacy of said extended bond and security thereon.

- (2) Sidewalk Installation Bond. If applicable, the developer/owner shall submit to the Department of Community Development a Sidewalk Installation Agreement, a cost estimate for all undeveloped portions of the planned sidewalk network certified by the project civil engineer, and a financial guarantee of performance

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to be used by the City of Daphne which shall be valid for a period of two (2) years. The Sidewalk Installation Bond shall be in an amount equal to two hundred percent (200%) of the cost of the required sidewalk improvements for the applicable phase of the subdivision. The Director of Community Development or ~~the City Engineer~~ ~~Director of Public Works~~ or other administrative official as designated by the City Council shall determine the adequacy of said bond and security thereon.

The developer/owner may request renegotiation of the Sidewalk Installation Agreement with the City once fifty percent (50%) of the planned sidewalk network has been constructed. If the planned sidewalk network is not fully installed prior to the expiration date of the Sidewalk Obligation Bond period, or any extension thereof, the City shall cause the sidewalk network to be completed using the funds from the bond.

Prior to the original expiration date of the Sidewalk Obligation Bond period, the developer/owner or assign thereof may submit a request to the Director of Community Development for an extension of the original sidewalk obligation. The sidewalk obligation may be extended beyond the originally specified period with sufficient cause as documented by the developer or assign as follows:

- i. Small Subdivisions. Any recorded subdivision or subdivision phase with less than one thousand (1,000) linear feet of sidewalk shall not qualify for an extension.
- ii. Medium Subdivisions. Any recorded subdivision or subdivision phase with over one thousand (1,000) linear feet of sidewalk but less than five thousand (5,000) linear feet of sidewalk shall be eligible for a 12-month extension.
- iii. Large Subdivisions. Any recorded subdivision or subdivision phase with over five thousand (5,000) linear feet of sidewalk shall be eligible for a 24-month extension.

Upon approval of an extension of the original Sidewalk Obligation Bond period, the developer/owner or assign thereof shall submit to the Department of Community Development sufficient proof of the extended bond, and the Director of Community Development or other administrative official as designated by the City Council shall determine the adequacy of said bond and security thereon.

The ~~Planning Commission~~ Director of Community Development, upon the receipt of recommendations of ~~the City Engineer the Department of Public Works or designee thereof~~ and the Environmental Programs Manager or designee thereof, may release any Sidewalk Installation Bond obligation or portion thereof.

(c) Subdivider's Responsibility:

Within one (1) year of the date of preliminary plat approval or prior to the expiration of an extension granted by the Director of Community Development or the Planning Commission as prescribed in *Section 17-3, Effect of Preliminary Plat Approval*, the subdivider shall submit the following to the Department of Community Development:

- (1) File the required application on the prescribed forms;
- (2) Submit a copy of the final plat and as-built drawings of the site in accordance with *Section 17-3, Plat Content*;
- (3) Submit a petition for street acceptance on prescribed forms accompanied by a street maintenance bond in an amount equal to twenty percent (20%) of the total street, utility, and drainage improvements in the subdivision; certification of improvements form signed and sealed by the design engineer and a street test report from an independent testing laboratory noting satisfactory condition of the street;
- (4) Submit filing fee as enumerated in *Article 34, the Schedule of Fees*;
- (5) If applicable, submit a financial guarantee of performance of the remaining ten percent (10%) of the minimum improvements, except sidewalks, and a certified cost estimate of any/all remaining work to be completed;
- (6) Private restrictive covenants and deed restrictions;
- (7) All inspection reports and permits; and,
- (8) Applicable test reports.

These items shall be received in the Department of Community Development not less than thirty (30) calendar days prior to a regularly scheduled meeting of the Planning Commission at which meeting the subdivision plat is to be formally submitted for review.

(d) Final Plat Content:

The final plat shall conform to the conditions of the approved preliminary plat. It shall show sufficient detailed data to readily determine and to accurately reproduce on the ground the location, bearing and length of every street line, lot line, boundary line, block line, and building line.

The plat shall be clearly drawn on a 24 x 36 inches sheet, at a scale of not less than one hundred (100) feet to the inch, and shall contain all information shown on the current departmental check list for a final plat (see Appendix), which may be modified at the discretion of the Director of Community Development when applicable.

(e) Fees and Application Withdrawal Procedures:

Said fees and procedures are as prescribed in *Article 17-3, Fees & Application Withdrawal Procedures*, herein.

(f) Department of Community Development Review:

The Department of Community Development shall proceed with the final plat review as follows:

(1) Plat Study:

During the thirty (30) calendar days prior to the next regularly scheduled meeting, the Department of Community Development shall review the final plat for compliance with the subdivision regulations and submit any recommendations to the Planning Commission at its meeting.

(2) Commission Action:

The final plat is considered to be formally and officially submitted at the regularly scheduled meeting of the Planning Commission. At this meeting, the Commission may either:

(a) Approve the final plat.

(b) Disapprove the final plat:

Such action may result if the final plat is found to be in conflict with the approved preliminary plat or with the subdivision regulations.

A statement of the reasons for disapproval shall be forwarded by letter to the subdivider and one copy being filed in the records of the Department of Community Development. No certificate of

approval shall be given. The subdivider may resubmit the final plat application for another hearing after the corrections as noted by the Planning Commission have been made to the plat.

(c) Delay action on the final plat:

The Commission shall act to approve or disapprove a subdivision plat within thirty (30) calendar days after its formal submission at a regularly scheduled Planning Commission meeting. If the applicant waives this requirement and consents to an extension, then the Commission may delay action on the plat up to thirty (30) additional calendar days.

If no action is taken within the initial thirty (30) calendar day period, or if no action is taken upon the (30) thirty calendar day extension, said plat shall be deemed to have been approved and correspondence to that effect shall be issued by the Commission on request.

(3) Records:

In any case, the Planning Commission shall retain one (1) copy of the final plat as presented to the Planning Commission in its files with indication in writing of the action taken at the hearing.

If any of the requirements of these regulations are modified or waived, they shall be specified and the reasons therefore given.

(g) Effect of Final Plat Approval:

Approval of the final plat by the Planning Commission shall authorize the owner, subdivider, or his agent, to have said plat recorded in the Office of the Judge of Probate of Baldwin County.

The plat shall be filed prior to the sale of any lot in the subdivision. Copies of all private covenants, deed restrictions, and certifications shall be filed with the final plat. Once approval has been given and endorsed in writing on the plat by the Planning Commission and/or the Director of Community Development, no changes, erasures, modifications or revisions shall be made on said plat.

In the event that any subdivision plat, when recorded, contains changes which have not been approved by the Planning Commission, said plat shall be considered null and void, and the Planning Commission shall then

file the corrected plat as approved, noting the reason for such filing. Any erasures made on a plat prior to its signing shall be initialed and dated by the Planning Commission Chairman or other authorized agent and/or the Director of Community Development, at the time of the signing.

The approval of the final plat shall be recorded within a period of one (1) year following the date of such approval. Upon recording, the owner or developer shall furnish to the Department of Community Development a copy of the recorded plat and recorded restrictive covenants. Additionally, the Articles of Incorporation for the establishment of a property owner's association shall be furnished to Community Development upon recording. In any event, the developer or assign thereof shall guarantee that the sidewalk installation surety is sufficient in cost and that said surety shall be valid for a period of two years after the first building permit is issued by Building Inspections.

Approval and recordation of the final plat does not result in the acceptance of any street or other public space shown on the plat. Council resolution accepting dedication of streets is required as noted in *Section 17-4, Streets*, herein.

(h) Streets - Legal Status:

The City of Daphne shall not accept, open, improve, maintain, grade or light any street right(s)-of-way and/or drainage and utility easement; authorize water mains, sanitary sewer, or connections to be made to any street, unless:

- (1) The street right(s)-of-way is a part of a subdivision plat approved by the Planning Commission; and,
- (2) Such street has been accepted or otherwise granted the legal status of a public street; and,
- (3) The right(s)-of-way corresponds with a street shown on the Comprehensive Plan; and,
- (4) Petition for acceptance and dedication of the street right(s)-of-way and drainage and utility easement(s) has been accepted and adopted by City Council Resolution.

ARTICLE XVIII

DRAINAGE, STORM WATER MANAGEMENT FACILITIES AND EROSION/SEDIMENT CONTROL

Amended 03/18/13: Section 18-1(A) per Ordinance #2013-12

18-1 GENERAL

A. Purpose:

The purpose of this section is to provide a guide for development wherein the ecological impacts to the environment are minimized through appropriate design, landscaping, erosion control, stormwater management, and proper planning. The intent of the City of Daphne is to protect valuable natural resources, the natural environment and the quality of life for all its citizens. In order to preserve the integrity, stability and the value of land, the City encourages the use of innovative, LEED-certified (Leadership in Energy and Environmental Design) and/or other “green” practices in development design. Where such methods/practices are proposed for a development said practices shall be designed in accordance with Appendix O, The Low Impact Development and Green Infrastructure Project application and certified by a credentialed professional in his/her design field.

B. Applicability and Use:

The following requirements shall apply to uses and developments in each overlay district and zoning district within the Daphne corporate limits, except where noted herein. As a general policy the objective of each drainage system design shall be the safety and protection of the traveling public, the environment, the City of Daphne and private property.

C. Jurisdiction:

All projects which fall under the inspection, permitting, or extraterritorial planning jurisdiction of the City, on items related to stormwater management and site development within the corporate limits of the City.

D. Permitting:

No land disturbing activity shall take place on any site prior to the issuance of a Site Disturbance Permit in accordance with *Article 15, Procedures for Site Plan Review in Section 15-4(d), Special Provisions* and *Article 17, Procedures for Subdivision Review, Section 17-3(e), Preliminary Plat Application*, of this Ordinance. All permitted sites within the city limits shall post a waterproof Site Disturbance Permit Identification Sign on site during construction. This sign shall identify the permit number, permit holder, contractor and contact phone number. Any and all state/federal permits for such activities shall be obtained and submitted to the City prior to issuance of the site disturbance permit.

E. Technical Reference:

The current version of the Alabama Handbook for Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas is hereby adopted as a reference and shall be considered a part of the Land Use and Development Ordinance as an expansion of erosion control provisions not listed. Herein, the book shall be referred to as the “Alabama Handbook for Erosion Control.”

F. Professional Civil Engineer:

All engineering plans and specifications submitted for review and/or approval shall be prepared by and under the direct supervision of a registered professional civil engineer, licensed in the State of Alabama. Said professional engineer shall carry Errors and Omissions Insurance at a minimum coverage of one million dollars (\$1,000,000). All plans and specifications shall meet the minimum standards and requirements of the City and other applicable local, state or federal authorities.

- (1) Plan, profile and special drawing sheets for a project submitted for review shall bear a legible stamp and signature of the professional design engineer in charge. If the name or license number is not clear, the signature and number shall be added.
- (2) The professional design engineer shall be qualified in the area of drainage as per the State of Alabama engineering registration laws.
- (3) Upon completion of the project, an inspection of the site and drainage facilities shall be conducted by the design engineer. Correspondence in the form of a letter along with a set of as-built final plan sheets and an electronic version in a format deemed acceptable by the City shall thereafter be submitted to the Department of Community Development from the design engineer certifying that all drainage and related facilities have been installed in accordance with approved plans and specifications.

G. Liability:

Use of the information contained herein for placement of any structure or use of land, shall not constitute a representation, guarantee, or warranty of any kind by the City, its offices or employees, of the practicability, adequacy or safety and shall not create liability upon or cause action against any such public body, office, or employee for any damage that may result pursuant thereto.

- (1) Any liability associated with the design, performance and operation of the drainage, stormwater management or erosion and sediment control facilities remains with the developer/owner and the project design engineer.

- (2) Stormwater management facilities shall be designed in accordance with good engineering practice. The design criteria establish minimum elements of design which must be implemented with good engineering and good workmanship.

H. Pre-Design Conference:

The developer and the design engineer are encouraged to contact the City for a pre-design conference at the conceptual stage of the project. Such conference would be mutually beneficial to outline the complexity and scope of design, applicability of criteria and elimination of possible items of conflict during the review process. Subsequent conferences, during the preparation of plans may be arranged by the design engineer or the developer to obtain preliminary, informal decisions on items in need of clarification.

I. Letter of Transmittal:

In order to facilitate review of plans, all projects shall be submitted with a letter of transmittal which shall include the name of the project, name and address of the owner and/or developer, telephone number of the engineer, and clarification as to the purpose of submittal.

18-2 DRAINAGE AND STORMWATER MANAGEMENT ENGINEERING PLAN CONTENTS

A. General Requirements:

For all developments affecting city rights-of-way and for all proposed subdivisions and site development plans, the developer or the professional design engineer shall submit signed and sealed detailed drainage plans and drainage computations to the City for review and approval. Said drainage plans shall contain a map, narrative and supplemental items as follows:

(1) Map Information:

- i. Existing and proposed contours in 1 (one) foot increments (topography shall be based upon the NAVD 88 datum;
- ii. Location of existing improvements including roads, parking areas and building footprints along with their proposed finished floor elevations;
- iii. Existing drainage system, including but not limited to, pipes, culverts, inlets, ditches, and ponds with data providing invert elevations, slopes, permanent water elevation and other related dimensional data;
- iv. Flood zone designation and certification;

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- v. Elevation of the regulatory lowest floor level, including basement, of all proposed structures;
 - vi. Elevation to which any non residential structures will be flood proofed;
 - vii. Drainage basin boundaries, showing direction of flow, including total tributary drainage areas entering the improved area, taking into account any off-site runoff being routed through or around the project in its undeveloped condition;
 - viii. Size, location, slopes, inverts, types and general configuration of all primary drainage facilities required to route, collect, treat and dispose of stormwater runoff, generated by or passing through the development;
 - ix. Location of on-site water bodies, ephemeral streams and/or wetlands with details of size and vegetative cover to include normal water elevation, side slopes, and depths of water bodies and for wetlands, the general surface elevation and the wet season water elevation;
 - x. CBMPP (Construction Best Management Practices Plan) in accordance with the *Erosion Control provisions stated in Section 18-6* below;
 - xi. Reference the 100 (one hundred) year flood elevation if applicable;
 - xii. All final plats shall have a section that details that the City reserves the right to require the owners of all drainage facilities to perform needed maintenance to prevent potential flooding hazards.
- (2) Narrative:
- i. Proposed project including its size, percent pervious versus impervious land usage, total wetlands within site boundaries, and a breakdown of wetland acreage preserved, by type, and acreage removed, by type.
 - ii. All acres solely for water management purposes shall be noted and the legal method to ensure areas remain devoted.
 - iii. Times of concentration, intensity, runoff coefficients used for determining runoff for all tributary areas and areas within the development at pre- and post-construction rates.
 - iv. Discharge rate in cubic feet second (cfs), discharge velocity in feet per second (fps), and any other additional hydraulic data needed to establish that the drainage system will safely convey the flow to an adequate outlet without eroding any property or the channel of flow. Armoring of the receiving channel

shall be required where velocities exceed the scour velocity for the given soil conditions. Discharge and runoff coefficients should be based on full or ultimate build out of the parcel and contributing watershed.

- v. Proposed start and completion date for the project.
- vi. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, if applicable.

(3) Supplemental Information:

- i. Design storms used including depth, duration, and distribution;
- ii. Staged storage calculations for the project and stage discharge computations for the outfall structure(s);
- iii. Differential runoff evaluation consists of determination of rates of runoff before and after development, determination of required volume of retention/detention and verification of adequacy of discharge and control structures.
- iv. Runoff routing calculations showing discharges, elevations and volumes retained/detained during applicable storm events;
- v. Draw down calculations for detention;
- vi. Base flood elevation data for all proposed developments greater than 50 (fifty) lots or 5 (five) acres, whichever is less; if not established refer to the Flood Damage Prevention Ordinance No. 2009-01;
- vii. Calculations required for determination of minimum building floor and road elevations;
- viii. Calculations for flood plain encroachment, if applicable;
- ix. Copies of all federal and state permit applications for the activity.

(4) Acreage in a tabular format:

Sample Table

	Existing		Proposed	
	Acres	%	Acres	%
Total Area				
Building				
Pavement				
Impervious total				
Pervious total				
Wetlands				
Common area				
Recreation area				

B. Provision for Additional Engineer's Review:

The intent of this provision is to protect and improve water quality and stream conditions within the City of Daphne, particularly those on the ADEM 303(d) List of Impaired Streams. The purpose of this provision is to mitigate the impact of potential or future development in support of the Daphne MS4 permit program and to uphold the provisions of this article.

Where deemed appropriate by the Planning Commission, any drainage and stormwater management plan submitted for review by the Planning Commission that could impact a stream listed on the ADEM 303(d) Impaired Streams list, may be subject to an additional review by a qualified professional civil engineer with experience in stormwater management (consultant engineer). The applicant/developer/owner may be required to modify stormwater and drainage plans to accommodate the recommendations of the consultant engineer.

All costs incurred for this additional engineer's review shall be paid by the developer/owner/applicant.

18-3 DRAINAGE AND STORMWATER MANAGEMENT**A. General Requirements:**

- (1) Each subdivision plat and site plan submitted for review shall make adequate provisions for stormwater or flood water runoff channels or basins. Storm drains and drainage structures shall be designed and installed as required herein and in accordance with current good engineering practices and standards. The responsible professional design engineer shall submit signed and sealed design computations with said plans.
- (2) The professional engineer shall make certain that any spring or surface water that may either exist prior to or as a result of the proposed subdivision or site development design shall be carried away by vegetative swale, pipe, open concrete paved ditch, or any alternate drainage facility certified by the design engineer and subsequently approved by the Planning Commission. Drainage conveyance structures may be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width. Said drainage conveyance structures shall be constructed in accordance with the Alabama Department of Transportation (ALDOT) Standard Specifications.
- (3) Where a public storm drainage system is accessible, the professional engineer shall design stormwater drainage facilities to connect thereto. Storm drainage provisions for each development shall be subject to the specifications and calculations submitted by the design engineer. If no outlets are within a reasonable distance then adequate provisions shall be made for the disposal of stormwater.
- (4) Where a public storm drainage system is not accessible, the subdivider shall install all drainage structures necessary to convey the water to a location acceptable to the City and obtain all required easements thereto.
- (5) If, in a phased development, a connection to a public storm drainage system will be provided in a future phase of construction then a phasing plan for the project, a master storm drainage plan for the overall development and a bond in the amount of 150% of the cost of installing the appropriate facilities as enumerated in *Article 17, Procedures for Subdivision Review*, Section 4(a) Final Plat Application, shall be submitted upon application for final plat approval. Said master drainage plan shall show the arrangements anticipated for future stormwater disposal.
- (6) No development shall be approved unless adequate drainage is provided to the natural drainage watercourse or an existing drainage facility.

- i. For all developments, upstream drainage areas shall be accommodated and considered in designing drainage facilities. A culvert, pipe, or other drainage facility, shall in any case, be of sufficient size to accommodate potential stormwater runoff from its upstream drainage area, whether inside or outside the subdivision or development site boundary. The design engineer shall determine the necessary size of the facility based on drainage calculations and provisions of the construction standards and specifications.
 - ii. For all developments, downstream drainage areas shall be considered in designing drainage facilities. The design engineer shall review the effect of each development on existing downstream drainage facilities outside the area of the development. These drainage studies, together with such other studies as shall be appropriate, may serve as a guide to needed improvements and shall be incorporated into the drainage report to be submitted with the development application.
 - iii. Stormwater drainage facility design shall note the calculation of a runoff coefficient by measuring the total area of each sub-drainage basin within the project and the areas of each land use which will occur in each basin after construction is complete. These areas shall include off site drainage onto the site as well as the development area. These calculations should also consider future development or build-out on the upstream contributing area based on current land use or zoning.
- (7) Where it is anticipated that additional runoff incidental to the development will overload an existing downstream drainage facility, approval of the development may be: denied, delayed, or withheld until provisions have been made to prevent and/or remedy such occurrence by the developer/owner submitting of an Off-Site Impact Bond, as provided in *Article 15, Procedures for Site Plan Review*, and *Article 17, Procedures for Subdivision Review*, prior to preliminary plat or site plan approval.
- (8) The City of Daphne reserves the rights to enforce all Federal and State water quality regulation, as amended
- (9) In a site plan review, the Planning Commission may require additional water quality enhancement through the use of stormwater treatment measures such may include, but shall not be limited to oil/gas/grease separators.

B. Flood Prevention:

- (1) All proposed developments shall provide adequate storm drainage facilities.
- (2) All proposed developments shall meet standards established in the Flood Prevention Ordinance 2009-01, as amended.
- (3) Any areas subject to periodic flooding or flooding caused by poor drainage facilities will not be accepted unless the developer or subdivider makes necessary provisions to eliminate such flooding in conformity with the National Flood Insurance Program.
- (4) The floor elevations of houses or buildings shall be high enough to be above the regulatory flood.
- (5) The floodway easement shall be wide enough to provide for future enlargement of the stream channel as adjacent areas become more highly developed and runoff rates are increased.
- (6) Fill may not be used to raise land in areas subject to flood and/or excessive erosion unless permitted by the Flood Plain Manager in accordance with the Flood Prevention Ordinance and provisions provided herein.
- (7) If fill is permitted to raise land in areas subject to flood and/or in areas of excessive erosion, said fill shall be subject to the following requirements:
 - i. Fill shall not restrict the natural flow of water,
 - ii. Fill shall not advance erosion,
 - iii. Fill shall not unduly increase flood heights,
 - iv. Fill shall not be comprised of staining materials, e.g., red clay.

C. Easements:

Easements shall meet all specifications provided herein and shall be labeled on the record plat and/or site development plan.

- (1) Where topography or other conditions are such as to make impractical the inclusion of drainage conveyance structures/facilities within road rights-of-way, perpetual unobstructed easements for such drainage conveyance structure/facilities shall be, a minimum of twenty (20) feet in width and located across said property, outside the road lines and with satisfactory access to the road. Drainage easements shall be carried from the road to the natural watercourse or to other drainage facilities.

- (2) Where a subdivision or development of land is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such water course, and of such width and construction or both as shall be adequate.
- (3) The subdivider shall dedicate by easement land in its natural state on both sides of any existing stream, of an adequate width and to a distance that is adequate to discharge flood waters without cumulatively increasing the water surface elevation more than one foot. Per *Section 18-3(d) Streams and Wetland Buffers*, the easement shall be at least fifty (50) feet wide.
- (4) Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication shall be preserved and retained in their natural state as drainage ways, except where improvements are warranted and deemed necessary by the design engineer and subsequently approved by the Planning Commission. Said low-lying areas shall be appropriately delineated on the record plat.

D. Stream and Wetland Buffers Zones:

- (1) For any flowing or ephemeral water body, a fifty (50) ft wide vegetated non-disturbed buffer zone shall be provided on both sides of the stream from the bank. These buffer zones shall be shown on the plat, field verified by the design engineer, flagged prior to project implementation and protected by appropriate measures during all construction phases.
- (2) For any delineated wetland area, a thirty (30) ft wide vegetated non-disturbed buffer zone shall be provided around the wetlands. These buffers shall be shown on the plat/site plan, field verified by the design engineer, flagged prior to project implementation and protected during all construction phases.
- (3) When wetlands border, abut, and/or adjoin a stream, the undisturbed buffer zone must extend a minimum of fifty (50) ft from each stream bank and a minimum of thirty (30) ft from the delineated wetland boundary. The wetland buffer is not applicable where the U.S. Army Corps of Engineers has permitted wetland fill for a linear transportation crossing or utility crossing. However, the wetland and/or stream buffer requirements are still applicable to areas adjacent to the permitted activity.
- (4) Modifications to the stream or wetland buffers shall be approved by the Planning Commission on a case by case basis. If a modification is requested, the design

engineer shall demonstrate through safety or design specifications the need for the modification.

- (5) Existing subdivisions platted, prior to the acceptance of this ordinance, are grandfathered from the buffer requirements.
- (6) Individual property owners within existing subdivisions shall be responsible for compliance with US Army Corp of Engineers 404 Wetland Regulations. *At any time during or prior to site disturbance, if it is determined by the City of Daphne or a consultant thereto that the parcel potentially has wetlands, the City shall require a wetland delineation of the parcel.*

E. Operations in Lakes or Natural Watercourses:

Land-disturbing activity in connection with construction, in, on, over, under a lake, or natural watercourse shall be planned and conducted in such a manner as to minimize the extent and duration of disturbance of the stream channel. Any and all state and federal permits for such activities shall be obtained and submitted to the City prior to issuance of the Site Disturbance Permit.

F. Permanent Downstream Protection of Stream Banks and Channels:

Provision shall be made for the permanent protection of off-site stream banks and channels from the erosive effects of increased velocity and volume of stormwater runoff resulting from certain land-disturbing activities.

G. Phasing and Platting:

The effective acreage for a project is not limited to a fractional part of the total concept, rather if a project is developed in phases of small plats, the total acreage of the conceptual project shall be considered. Phasing is required on all site disturbance areas of seventeen and one half (17.5) acres, i.e., seven hundred-fifty thousand square feet (750, 000 sq. ft.) or more. The size of each phase will be limited to 17.5 acres or as deemed appropriate by the Planning Commission. The Planning Commission may allow exceptions to the phasing requirement on a case by case basis. In such case, the design engineer shall provide enhanced construction best management practices to ensure maximum mitigation to prevent off-site and water quality impacts.

H. Borrow and Waste Areas:

- (1) When the person conducting the land-disturbing activity is also the person conducting borrow or waste disposal activities, areas from which borrow is obtained

shall be considered as part of the land-disturbing activity where the borrow material is being used or from which the waste material originated.

- (2) When the person conducting the land-disturbing activity is not the person obtaining borrow and/or disposing waste, these areas shall be considered a separate land-disturbing activity.

I. Access and Haul Roads:

Temporary access and haul roads, other than public roads, constructed or used in connection with any land-disturbing activity shall be considered a part of such activity.

18-4 STORMWATER MANAGEMENT FACILITY DESIGN

A. Conveyance Systems:

(1) Culverts:

- i. Culverts under arterial roadways shall accommodate a minimum 50 (fifty) year, 24 (twenty four) hour storm frequency design storm unless conditions dictate that 100 (one hundred) year frequency design storm must be accommodated. Design storm criteria will be used by the design engineer based on the site specific conditions that warrant life and property protection.
- ii. All culverts within City road rights-of-way must be approved by the City of Daphne and shall conform to Alabama Department of Transportation (ALDOT) standards.
- iii. All culverts within State road rights-of-way must be approved and permitted by the ALDOT. In conjunction with the required subdivision or site plan application material, the developer/engineer shall submit a conceptual approval letter from ALDOT to the Department of Community Development for Planning Commission review. A copy of the official ALDOT permit must be submitted to the City prior to final inspection or issuance of the Certificate of Occupancy.
- iv. Concrete box culverts shall be designed and constructed according to the latest edition of the Standards and Specifications for Road and Bridge construction, ALDOT.
- v. Culvert head walls shall be required on pipe culverts and shall be reinforced concrete.
- vi. Special types of head walls may be required by the City when deemed necessary for erosion control.

- vii. Riprap may be required at the upstream and downstream end of culverts and shall be placed at these locations based on the velocities at that location.
- viii. All roadway cross drain pipes shall be made of reinforced concrete and shall have a minimum diameter of eighteen (18) inches or greater.
- ix. Any pipe proposed within a City right-of-way or drainage easement shall be made of reinforced concrete. If other piping is installed therein, said road right-of-way or drainage easement dedication shall not be favorably recommended by the Planning Commission and may not be accepted by the City Council except where deemed appropriate by the City Engineer~~the Department of Public Works Director~~.

(2) Bridges:

Bridges shall accommodate a minimum one hundred (100) year, 24 (twenty-four) hour frequency design storms. Design storm criteria will be used by the design engineer based on the site specific conditions that warrant life and property protection. All bridges shall be designed and constructed according to the latest edition of the Standards and Specifications for Road and Bridge construction, ALDOT.

(3) Open Channels and Ditches:

- i. Storm drain pipes, open channels, open ditches or swales may be implemented when properly engineered based on site conditions. Open channels and ditches shall be designed to safely accommodate traffic and to prevent hazardous erosion.
- ii. The maximum side slope shall be 3:1 (three to one) ratio for all open channels and ditches, unless approved by the Planning Commission upon recommendation of the City Engineer~~the Director of Public Works~~. Drainage calculations shall show the volume and velocity for each separate ditch section. Adequate ditch lining shall be determined based on the ditch calculations. Where two open channels converge, some form of energy dissipation, such as riprap, shall be provided.
- iii. Where a driveway or ingress/egress easement must cross an existing or proposed ditch, the design engineer shall note upon the plat, the required culvert size(s) necessary to accommodate said crossing(s).
- iv. Headwalls and end-walls shall be installed on street culverts.

- v. Within any public right-of-way, flared headwalls or slope paved headwalls with a 4:1 (four to one) slope or flatter shall be used.
- vi. The recommended maximum flow velocities shall be in accordance with the ranges recommended in the latest edition of the ALDOT Hydraulics Manual.
- vii. All open channels and ditches shall be permanently vegetated upon final inspection. Neither seed, mulch, nor a combination thereof will be accepted as vegetation or as a substitute for permanent vegetation. Where sod is used on slopes or around corners, it shall be pinned as specified in the Alabama Handbook for Erosion Control.

(4) Street & Inlets:

- i. Inlets shall be provided so that surface water is not carried across any intersection, or carried for a distance of more than five hundred (500) feet in the gutter. When calculations indicate curb capacities are exceeded at a point, catch basins shall be used to intercept flow at that point. The minimum pipe diameter of each storm drain shall be eighteen (18) inches. The stormwater drainage system shall be separate and independent of any sanitary sewer system. In no case shall stormwater empty into the sanitary sewer system.
- ii. Profile grades and typical roadway sections shall be submitted with all construction drawings.

(5) Clean Out Access:

Clean out accesses shall be provided at least every three hundred (300) feet for continuous pipes of twenty-four (24) inches in diameter or less and at least every four hundred (400) feet for larger continuous pipes if required. Clean out accesses shall be provided at each angle point and at each change in grade.

B. Stormwater Drainage Detention/Retention Facilities:

(1) General Requirements:

- i. Developments which produce an increase in the amount of stormwater runoff shall be required to construct stormwater detention /retention ponds or other approved types of detention devices.
- ii. The developer/engineer shall submit, detailed engineering plans to the City including historical runoff, developed runoff, detention/retention pond details, method of discharge, and other information as required for review.

- iii. Stormwater detention/retention facilities shall meet all specifications provided herein and shall be labeled as a lot on the record plat and/or site development plan as common area.

(2) Minimum Requirements for Stormwater Management Detention/Retention Facilities:

- i. Differential runoff is the difference in rate and volume of stormwater runoff from a parcel or project in its undeveloped natural condition and its developed condition. Post-development release rates shall not exceed pre-development rates. Where practical, the differential runoff should be less.
- ii. Detention basins shall detain the first flush from a storm event and release the subsequent runoff water at a pre-development rate for sites twenty (20) acres or less based on the rational method or modified rational method. For sites larger than twenty (20) acres, the pre- and post- calculations shall be based on the Natural Resource Conservation Service (NRCS) Curve Number Method or other accepted engineering methodology. There should also be adequate sizing of the detention basin to store an accumulation of one-half inch ($\frac{1}{2}$ ") sediment during construction of the infrastructure. The first flush volume for any stormwater detention structure must be contained and then slowly released over a minimum time period of 24 (twenty- four) hours and maximum time period of 72 (seventy-two) hours.
- iii. The purpose of installing detention structures is to slow or attenuate the peak flows downstream by controlling the release rate. The post-development peak outflow rate shall be limited to the pre-development peak outflow rate as the basis of detention design.
- iv. All stormwater detention structures must attenuate the post-development peak flow rates from the 2 year, 5 year, 10 year, 25 year, 50 year and 100 year 24 hour design storms to release a graduated discharge at or below pre development peak flow rates.
- v. The following conditions and limitations should be observed in location, selection and use of the method of detention:
 - a. Detention facilities shall be located within the parcel limits of the project under consideration.
 - b. No detention or ponding shall be located within public road rights-of-way.
 - c. Location of detention facilities immediately upstream or downstream of the project may be considered by special request if proper documentation is submitted with reference to practicality, feasibility and proof of ownership or right-of-use of the area proposed.

- vi. During construction of a residence, allowances for silting under denuded soil conditions for a period not less than one (1) year is recommended.
- vii. All permitted site development projects shall incorporate stormwater detention and first flush treatment as part of the design. Stormwater detention is not required in the following two situations:
 - a. The project discharges stormwater runoff directly into a tidally influenced water body. This does not include discharges of stormwater runoff that flows through a public drainage system or across a downstream property boundary prior to entering the tidal water body.
 - b. Where stormwater detention for a project site is either unwarranted or impractical, the design engineer shall submit complete hydrologic and hydraulic computations to support this conclusion. This conclusion must be affirmed by the Department of Community Development. Typically this might occur in the very lowest downstream reaches of a major watershed, if it can be proved that un-detained stormwater should be discharged quickly to avoid peak discharge timing for the entire watershed. The hydrologic analysis should include more than one representative downstream location for comparing hydrographs.
 - c. Even if stormwater detention is waived by the Planning Commission for the above two situations, the site development must still provide first flush treatment, oil/gas/grease separation, and/or any other filtration system deemed appropriate in order to protect water quality.
- viii. All detention basin slopes shall be permanently stabilized with a perennial vegetative cover prior to final inspection. Seed and mulch will not be accepted.
- ix. Detention facilities are to be built prior to storm drainage installation and prior to any building or roadway construction and/or grading. Since these facilities are intended to control increased runoff, they must be fully operational prior to any clearing of the vegetation.
- x. In accordance with *Article 11, Minimum Standard and Required Improvements, Section 14(h), Special Provisions*, dry detention facilities shall be located on common grounds within the development; however, detention facilities shall not be considered to be a part of the informal open space area, unless otherwise approved by the Planning Commission. Wet detention/retention facilities also known as lakes may be considered as part of the formal open space/ recreational areas.

- xi. Projects developed under these procedures shall establish, in the recorded plat, maintenance and access easements for the detention facilities and include provisions for maintenance in the restrictive covenants or Trust Indentures.
- xii. The hydraulic elevations of the drainage system shall not adversely affect adjoining properties.
- xiii. All common ground areas, including but not limited to stormwater facilities, recreational spaces and open spaces must be permanently stabilized upon final inspection. Seed and mulch will not be accepted at final inspection.
- xiv. Wetland areas shall not be used for the purpose of stormwater detention.

(3) Dry Detention Basins:

- i. Dry detention basins provide limited pollutant removal benefits and are not intended for water quality treatment. Detention-only facilities must be used in conjunction with other structural controls that provide stormwater treatment.
- ii. Seventy-five (75) acres is the maximum contributing drainage area to be served by a single dry detention basin. Routing calculations must be used to demonstrate that the storage volume is adequate.
- iii. Vegetated embankments shall be no more than twenty (20) feet in height and shall have a maximum side slope of a three to one (3:1) ratio. Riprap protected embankments shall have a maximum slope of a two to one (2:1) ratio. Geotechnical slope stability analysis is required for embankments greater than ten (10) feet in height. The detention basin shall be setback such that the outfall is at least twenty-five (25) feet from the property line.
- iv. Areas above the normal high water elevations of the detention facility should be sloped toward the basin to allow drainage and to prevent standing water.
- v. Inflow channels shall be stabilized with flared riprap aprons, or the equivalent thereof. A sediment forebay sized to 0.1 (one tenth) inches per impervious acre of contributing drainage shall be provided for dry detention basins that are part of the treatment process.
- vi. The outlet structure shall be sized based on hydrologic routing calculations and may consist of a weir, orifice, outlet pipe, combination outlet, or other acceptable control structure which would achieve the required graduated discharge.
- vii. Riprap, plunge pools or pads, or other energy dissipaters must be placed at the end of the outlet to prevent scouring and erosion.

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- viii. An emergency spillway shall be included in the stormwater pond design to safely pass the extreme flood flow. The spillway must prevent pond water levels from overtopping the embankment and causing structural damage. A minimum of one foot of freeboard must be provided, measured from the top of the water surface elevation for the extreme flood, to the lowest point of the dam embankment not counting the emergency spillway. Special consideration for smaller basins may be considered as long as the design engineer can show that the practice is warranted.

(4) Stormwater Ponds:

- i. Stormwater ponds also known as wet ponds, retention ponds, and or permanent lakes are constructed stormwater retention basins that have a permanent pool of water throughout the year. Runoff from each rain event shall be detained and treated in the pool through gravitational settling and biological uptake until it is displaced by runoff from the next storm. The permanent pool must protect deposited sediments from re-suspension. Above the permanent pool level, additional temporary storage shall be provided for runoff quantity control. The upper stages of a stormwater pond shall be designed to provide extended detention of the two year, twenty-four (24) hour storm event for downstream channel protection, as well as normal detention of larger storm events.
- ii. Channel protection may be achieved by releasing the two (2) year, twenty-four (24) hour storm runoff volume over twenty-four (24) hours. A stormwater pond shall provide the required storage above the permanent pool and meet the specified graduated allowable release. Where required, stormwater ponds shall also be used to provide detention to control the one hundred (100) year storm event. Where this is not required, said pond structure shall be designed to safely pass extreme storm flows.
- iii. Minimum setback requirements for stormwater pond facilities:
 - a. Twenty-five (25) feet from property line to outward toe of berm;
 - b. One hundred (100) feet from private wells;
 - c. Fifty (50) feet from a septic system tank/leach field;
 - d. Five hundred (500) feet from public well.
- iv. The stormwater pond shall consist of a permanent pool of water, the overlying zone in which runoff control volumes are stored, and a shallow littoral zone along the edge of the permanent pool that acts as a biological filter. All

stormwater pond designs shall include a sediment forebay at the inflow to the basin to allow heavier sediments to drop out of suspension before the runoff enters the permanent pool. Additional pond design features include an emergency spillway, maintenance access, safety bench, pond buffer and appropriate native landscaping.

- v. Proper geometric design shall be implemented to prevent hydraulic short-circuiting. The minimum length-to-width ratio for the permanent pool shape is one and one-half to one (1.5:1), and should ideally be greater than three to one (3:1) to avoid short-circuiting. In addition ponds should be wedge-shaped when possible so that flow enters the pond and gradually spreads out, improving the sedimentation process.
- vi. To avoid stratification and anoxic conditions, the maximum depth of the permanent pool shall generally not exceed eight (8) feet. Minimum depth for the pond bottom shall be three (3) feet.
- vii. Side slopes to the pond shall not exceed three to one (3:1) without the use of safety precautions. Side slopes to the pond shall not exceed three to one (3:1) if mowing is anticipated. Said should terminate on a safety bench. The safety bench requirement may be waived if slopes are four to one ratio (4:1) or gentler.
- viii. The perimeter of all deep pool areas should be surrounded by two benches: safety and aquatic. For larger ponds, the safety bench shall extend approximately fifteen (15) feet outward from the normal water edge to the toe of the pond side slope. The maximum slope of the safety bench should be sixteen to one or six percent (16:1 or 6%). An aquatic bench should extend inward from the normal pool edge, fifteen (15) feet on average, and should have a maximum depth of eighteen (18) inches below the normal pool water surface elevation.
- ix. The sediment forebay should consist of a separate cell, formed by an acceptable barrier. The forebay must be sized to contain 0.1 (one tenth) inches per impervious acre of contributing drainage. A fixed vertical sediment depth marker shall be installed in the forebay to measure sediment deposition over time. The bottom of the forebay may be hardened to make sediment removal easier. Inflow channels are to be stabilized with flared riprap aprons, or the equivalent. Exit velocities from the forebay must be non- erosive.

- x. Flow control from a stormwater pond is typically accomplished with the use of a concrete or corrugated metal riser and barrel. The riser should be located within the maintenance easement for access, safety and aesthetics. Higher flows should pass through openings or slots protected by trash racks further up on the riser. After entering the riser, flow is conveyed through the barrel and discharged downstream. Anti-seep collars should be installed on the outlet barrel to reduce the potential for pipe failure.
- xi. Riprap, plunge pools or pads, or other energy dissipaters must be placed at the end of the outlet to prevent scouring and erosion. If pond daylights to a channel with dry weather flow, care should be taken to minimize tree clearing along the downstream channel, and to re-establish a forested riparian zone in the shortest possible distance.
- xii. An emergency spillway shall be included in the stormwater pond design to safely pass the extreme flood flow. The spillway must prevent pond water levels from overtopping the embankment and causing structural damage. A minimum of 1 foot of freeboard must be provided, measured from the top of the water surface elevation for the extreme flood, to the lowest point of the dam embankment not counting the emergency spillway. Special consideration for smaller basins may be considered as long as the design engineer can show that the practice is warranted.
- xiii. A maintenance right-of-way or easement must be provided to a pond from a public or private road. Maintenance access should be at least fifteen (15) feet wide, having a maximum slope of no more than fifteen percent (15%) and be appropriately stabilized to withstand maintenance equipment and vehicles. The maintenance access must extend to the forebay, safety bench, riser, and outlet and, to the extent feasible, be designed to allow vehicles to turn around.
- xiv. The principal spillway opening should not permit access by small children, and end walls above pipe outfalls greater than forty-eight (48) inches in diameter should be fenced to prevent access. Warning signs should be posted near the pond to prohibit swimming and fishing in the facility.

(5) Other Methods of Stormwater Drainage Detention/Retention:

- i. Other methods of detention such as seepage pits, French drains, etc., may be considered. If these methods are proposed, proper documentation of soils data, percolation, geological features, shall be provided for review and consideration.
- ii. The use of underground detention shall consist of the following elements designed in accordance with acceptable engineering practices:
 - a. An outlet structure with emergency release provisions;
 - b. An emergency spillway;
 - c. Maintenance access;
 - d. Maintenance schedule; and
 - e. Sediment trap on inflow structure.

i. Parking Lot Detention:

- a. Detention within parking lots is only permitted within overflow parking areas the maximum depth of said detention shall be eight (8) inches. In no case should the maximum limits extent of ponding be designed closer than twenty (20) feet from a building unless water proof of the building and pedestrian accessibility is properly documented on plans.
- b. The minimum freeboard from the maximum ponding elevation to the lowest sill elevation shall be one (1) foot.

(6) Stormwater Management Detention/Retention Control Structures:

- i. Detention facilities shall be provided with obvious and effective control structures. Plan view and sections of the structure with adequate detail shall be included in plans.
- ii. Sizing the low-flow pipe shall be by inlet control or hydraulic gradient requirements.
- iii. Low-flow pipes shall not be smaller than eight (8) inches in diameter to minimize maintenance and operating problems, except in parking lot and roof retention where minimum size of opening shall be designed specifically for each condition.

- iv. The overflow opening or spillway shall be designed to accept the total peak runoff of the improved tributary area.
- v. Proper engineering judgment shall be exercised in analysis of secondary routing of discharge of greater intensity than the basic design storm in order to avoid economic losses or damage downstream.

(7) Stormwater Management Detention/Retention Discharge Systems:

- i. Sizing of the system located below the control structure shall be based upon the total improved peak runoff tributary to the structure with no allowance for detention.
- ii. When existing downstream pipe sizing, outside the developers control jurisdiction, is inadequate, an evaluation for under sizing of pipes may be undertaken by the City upon receipt of written request from the engineer specifying the run or runs desired to be undersized.
- iii. Requests for under sizing shall be accompanied by plans and profiles of the entire undersized system downstream if less than five hundred (500) feet in length or a minimum of five hundred (500) feet.
- iv. When hydraulic gradients of the proposed undersize system affect the performance or capacity of structures maintained by the City, no under-sizing will be allowed.

18-5 VERIFICATION OF ADEQUATE DESIGN, EASEMENTS AND MAINTENANCE**A. Verification of Adequacy:**

Analysis of all elements of design shall be performed by the registered professional design engineer. The following outline is provided to ascertain that critical elements of design are in workable compliance with the aims of design:

- (1) Volume of retention for the total project;
- (2) Tributary (Q) peak runoff to basin;
- (3) Balanced maximum outflow rate from the low-flow structure;
- (4) Ratios of inflow to outflow;
- (5) Sizing of the overflow facilities;
- (6) Permeability rates, and geotechnical data where applicable;
- (7) Stability of dikes;
- (8) Safety features; and
- (9) Maintenance features.

For projects up to two hundred (200) acres, routing calculations for all ponds shall be submitted in legible tabulated form with documented verification of adequacy according to scope and complexity of design. Proof of adequacy of volume of retention and sizing computations for low-flow structures shall also be submitted and certified by the design engineer. Features of stability and safety may also need to be documented if the scope of the project requires special attention in this area of design.

B. Stormwater Management Detention/Retention Easements:

Two (2) types of easements shall be provided in plans for stormwater detention/retention facilities.

(1) Maintenance Easement:

- i. All stormwater management facility reservoirs, with the exception of parking lot and roof detention, shall be enclosed by a maintenance easement. The limits of the said easement shall extend ten (10) feet beyond the top elevation of the reservoir.

- ii. When a stormwater management facility is adjacent to a public right-of-way, the limits of the easement shall extend twenty-five (25) feet beyond the elevation of the reservoir on the public right-of-way side.

(2) Drainage Easement:

A minimum fifteen (15) feet wide drainage easement shall be provided within the reservoir area connecting the tributary pipes and the discharge system along the best possible routing of a piping system for possible future elimination of managed stormwater.

C. Maintenance of Stormwater Detention/Retention Facilities and Liability:

- (1) All final plats shall have a section that details that the City reserves the right to require the owners of all drainage facilities to perform needed maintenance to prevent potential flooding hazards.
- (2) Operation and maintenance of any existing and future stormwater management facility (detention or retention basin) is the responsibility of the property owner(s).
- (3) Any liability associated with the design, performance and operation of the facility remains with the owner and the project design engineer. The project design engineer shall be responsible for disclosing information regarding and instructing the owner of required operation and maintenance of the facility(s). Prior to final plat approval by the Planning Commission, a completed *Stormwater Management Indemnification Form* (Appendix) shall be submitted to the City. Said agreement shall require among other things that the landowner, its successors, and, or assigns or any property owner who discharges to or benefits from the maintenance or improvements to the real property shall, annually, inspect the stormwater facility and submit said inspection report to the Environmental Programs Manager or designee of the Building Official. The landowner, its successors, and, or assigns of any property owner within the subdivision who discharges to or benefits from the maintenance or improvement to the real property shall have a Qualified Credential Professional (QCP) inspect the facility at least once every three years. Upon completion of the inspection the QCP shall submit to the City of Daphne in report form a copy of said inspection detailing but not limited to the following items: facility as-built engineered floor elevation, existing floor elevation, sedimentation, vegetative cover, debris, fencing (if required), outlet structure and inlets. The facility shall be subject to at least an annual inspection by the City to ensure that it functions in accordance with its original design criteria and to follow up on submitted inspection and/or respond to citizen complaints. Entry to the stormwater management facility shall be granted by the owner, developer or property owners association.

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- (4) Any defects discovered by the City during the annual inspection process shall be furnished to the owner of the stormwater management facility in writing by the City. The notice shall be in the form of Certified Mail-Return Receipt Required, through the United States Postal Service. The owner shall have fifteen (15) business days from the date of mailing of said notice by the City to submit a written plan detailing the actions that will be instituted to correct noted defects and thirty (30) business days thereafter to implement a corrective plan. If said repairs involve engineered practices, then the plan shall be signed by an engineer licensed in the State Alabama. Also, if the repair plan results in land disturbance greater than one thousand (1,000 sq. ft.) square feet, a City of Daphne Land Disturbance Permit (Ordinance # 2008-54) shall be required. The City may, at its discretion, allow the owner additional time as deemed appropriate for the corrective work to be performed. Failure by the owner to perform the corrective action may result in enforcement by the City which may include, but not be limited to, the issuance of a Municipal Offense Citation and or the declaration of the facility as a public nuisance.

D. Abatement of Detention/Retention Facility Public Nuisance:

It shall be unlawful for any person to maintain a public or private nuisance upon any public or private property.

(1) Resolution of Abatement:

Whenever any such public nuisance occurs, the City Council may, by resolution, declare the same to be a public nuisance and order its abatement. The resolution shall refer to the street by the name under which it is commonly known, describe the property upon which, or in front of which, the public nuisance exists, by giving a legal description thereof and no other description of the property shall be required. Any number of streets, sidewalks or parcels of property may be included in one and the same resolution.

(2) Notice of Declaration:

- i. After the passage of the resolution, notice of a public hearing on the matter shall be given by certified mail, return receipt requested, mailed a minimum of thirty (30) days prior to the date of the public hearing and shall inform the owner of the time, date and place of the public hearing and reason therefore. The notice shall be mailed to the owner of the property as it appears of record in the Baldwin County Revenue Commissioner's office.
- ii. Notice shall also be given by publication in a local newspaper of general circulation once a week for two (2) consecutive weeks. The first notice shall be

published at least fourteen (14) days prior to the date of the scheduled public hearing.

- iii. In addition thereto, signs shall be conspicuously posted at sixty-foot intervals along the frontage of the property. The caption of the signs shall not be less than one (1) inch in height and shall be in substantially the same form as expressed in the public notice.
- iv. The notice shall be posted at least seven (7) days prior to the time of the hearing of the City Council.

(3) Hearing on Nuisance Declaration:

If objections are filed with the City Clerk's office prior to the time stated in the notice, the City Clerk's office shall hear and consider all evidence, objections and protests regarding the proposed compliance issues. The council may continue the assessment hearing from time to time, as needed. Upon the conclusion of an assessment hearing, the Council, by resolution, shall decide whether a public nuisance exists and, if so, shall order it to be removed or abated with respect to any property or part thereof described. The City Council, by passage of the resolution, shall be deemed to have acquired jurisdiction to proceed and either to perform or have performed the work of removal or abatement with respect to such property or part thereof. The decision of the governing body on the matter shall be deemed final and conclusive.

(4) Order for Abatement:

- i. After the Council passes the resolution finding the conditions of the property to be a public nuisance and ordering its abatement, all employees and duly authorized agents of the City are hereby expressly authorized to enter upon private property for that purpose.
- ii. The City may, at its option, engage and authorize city employees and/or private contractors, companies, enterprises or individuals to abate and remove the nuisance. The Council, by resolution, shall designate the City employees and/or private contractors, companies, enterprises or individuals who may perform the work.
- iii. Any property owner shall have the right to abate any public nuisance at his own expense, providing the same is done prior to the time City employees or agents commence work.

(5) Liability Insurance:

Private contractors engaged by the City in accordance with this article shall be required to provide proof of liability insurance in the amounts routinely required by the City for similar projects and will accept responsibility for any damages to subject lots and surrounding areas which may occur during the cutting/cleaning of subject property. The insurance policy shall contain an endorsement that the same shall not be canceled without giving to the City ten (10) days written notice.

(6) Billing and Collection:

- i. The City shall keep an account of the cost of abating each nuisance in front of or on each separate lot or parcel of land where work is completed by it or its employees, or by a duly authorized private contractor, company, enterprise or individual, and shall render a written itemized report to the City Council showing the cost of removing a particular public nuisance; provided that before the report is submitted to the governing body, a copy of the same shall be posted for at least five (5) days prior thereto on or near the chamber door of the City Council, together with a notice of the time when the report shall be submitted to the City Council for confirmation.
- ii. Prior to the time fixed for the City Council to receive and consider the report, the administrative appeal process of filing, hearing and ruling upon complaints and objections shall have been completed. Contested assessments shall be appealed to the City Council, at the property owner's request upon filing a timely notice with the City Clerk at least seven (7) days prior to the time fixed by the City Council to receive and consider the report.
- iii. The cost of abating such nuisance in front of or upon the various parcels of land mentioned in the report shall constitute a special assessment and as thus made and confirmed shall constitute a lien on the property for the total amount of such assessment along with any administrative costs, respectively. After confirmation of the report, the City shall attempt to collect the lien. If this attempt by the City proves futile, a copy of the lien confirmation report will be turned over to the Baldwin County Revenue Commissioner who, under the "optional method of taxation," is charged with the collection of the City's municipal taxes pursuant to Code of Alabama, Sections 11-51-40 through 11-51-74, (1975). It shall be the duty of the Baldwin County Revenue Commissioner to add the amount of the respective lien to the next regular bill for taxes levied against the respective lots and parcels of land, and thereafter the amounts shall be collected at the same time and in the same manner as ordinary municipal ad valorem taxes are

collected and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency pursuant to Code of Alabama, Sections 11-51-40 through 11-51-74 (1975).

18-6 EROSION AND SEDIMENT CONTROL

A. Purpose:

During the construction process, soil is most vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates repair of sewers and ditches, and the dredging of watercourses. In addition, clearing and grading during construction causes the loss of native vegetation necessary for terrestrial and aquatic habitat, and to provide a healthy living environment for the citizens of Daphne.

B. General Requirements:

- (1) Construction Best Management Practices Plan (CBMPP) shall be designed by a qualified credentialed professional (QCP as defined in *Article 8, Definition of Terms*) such as a professional engineer.

CBMPP map shall include the following:

- i. Identify topography, natural features such as watercourses, waterways, and wetlands and proposed construction areas.
- ii. Identify critical areas which are subject to severe erosion and off-site areas which are especially vulnerable to damage from erosion and/or sedimentation. Critical areas shall be identified and shall receive special attention and protection. Critical areas include but are not limited to cut and fill slopes, streams and wetlands.
- iii. Erosion and sediment controls used throughout all phases of construction and details of permanent stabilization methods to be used at completion.
- iv. Provisions for maintenance of erosion and sediment controls and periodic inspections for effectiveness of controls.

C. Submittal, Review and Approval Procedures:

- (1) CBMPP shall be submitted with application material required for Planning Commission review.

- (2) No land disturbance shall take place prior to review and approval of the project CBMPP.

D. Modifications to the CBMP Plan:

- (1) Major modification, such as relocation of detention facility, to the CBMPP shall be submitted to the Department of Community Development and shall be processed and approved, or disapproved, by the Environmental Programs Manager or designee of the Building Official and the Director of Community Development or his/her designee. Where deemed necessary by the Director of Community Development, approval for such modification may be required upon Planning Commission review.
- (2) Minor modifications, such as the addition of additional silt fence, to the CBMPP may be addressed on site as needed to ensure compliance with the provisions outlined.

E. Design Requirements:

Erosion control practices, and sediment control practices, shall meet the design criteria set forth in the most recent version of the Alabama Handbook for Erosion and Sediment Control and shall be adequate to prevent transportation of sediment from the site to the satisfaction of the Environmental Programs Manager or designee of the Building Official.

(1) Clearing and Grading:

- i. Clearing and grading of natural resources, such as wetlands, waterways, and watercourses, shall not be permitted, except where in compliance with all other sections of this Land Use and Development Ordinance and as permitted by the United States Army Corps of Engineers, if applicable.
- ii. Clearing techniques that retain natural vegetation and natural drainage patterns are strongly encouraged.
- iii. Phasing shall be required in accordance with provisions provided in *Article 18, Drainage and Stormwater Management Facilities and Erosion/Sediment Control*, Section 3(g) Phasing and Platting, on all sites seventeen and one half (17.5) acres or greater, with the size of each phase to be no more than seventeen and one half (17.5) acres.
- iv. Clearing, except as necessary to establish sediment basin and other sediment control devices, shall not begin until all sediment control devices have been installed.
- v. Cut and fill slopes shall be no greater than three to one (3:1), except as approved by the City of Daphne to meet other community or environmental objectives.

F. Erosion Control:

- (1) Soils must be stabilized within thirteen (13) days of clearing or inactivity in construction.
- (2) If vegetative erosion control methods, such as seeding, have not become established within four (4) weeks, the City of Daphne may require that the site be reseeded, or that a non-vegetative option be employed.
- (3) On steep slopes or in drainage ways, special techniques that meet design criteria outlined in the Alabama Handbook shall be used to ensure stabilization.
- (4) Soil stockpiles are consider part of the site disturbance and therefore must be temporarily stabilized within thirteen (13) days of clearing or inactivity in construction.
- (5) Techniques shall be employed to prevent the blowing of dust or sediment from the site onto adjacent properties.
- (6) Appropriate techniques shall be employed to divert upland runoff past disturbed slopes.

G. Sediment Controls:

- (1) Sediment controls shall be provided in the form of sediment basins or sediment traps and perimeter controls.
- (2) Where possible, sediment basins shall be designed in a manner that allows adaptation to provide long term stormwater management. Permanent stormwater controls can be retrofitted to serve as sediment controls during construction.
- (3) Adjacent properties shall be protected by the use of a vegetated buffer strip, in combination with perimeter controls.

H. Waterways and Watercourses:

- (1) When a watercourse must be crossed regularly during construction, a temporary stream crossing shall be provided, and an approval obtained from the United States Army Corps of Engineers. The letter of permission or the permit from the USCOE must be submitted to the City prior to issuance of the Site Disturbance Permit.
- (2) When in-channel work is conducted, the channel shall be stabilized after work is completed.

- (3) All on-site stormwater conveyance channels shall be designed according to the criteria outlined in the Alabama Handbook.
- (4) Outlets of all pipes and paved channels shall have adequate stabilization to prevent erosion. Riprap may be required for stabilization if vegetative measures prove to be ineffective at controlling erosion in waterways or watercourses.

I. Construction Site Access:

- (1) A stabilized construction access shall be required in order to ensure sediment is not tracked on to public streets.
- (2) If sediment tracking occurs on public streets and/or right-of-ways, the contractor will be required to remove accumulated sediments from streets and ditches.

J. ADEM “303(d)” Listed Streams:

Any site which discharges directly or indirectly to an ADEM 303(d) Listed Stream segment shall submit an enhanced CBMPP to minimize to the maximum extent practical the release of the listed pollutant to the stream. The enhanced CBMPP shall include enhanced BMPs and other measures which may include but not be limited to a water sampling component of the sites discharge for the 303(d) listed pollutant.

K. Other Provisions Related to Construction and/or Site Disturbance:

- (1) *Burning:* No open burning associated with property clearing is allowed during the months of May through October per State regulations. During certain permissible months, open burning is not allowed unless a smoke curtain or incinerator is used and permitted per the current City of Daphne Fire Code.
- (2) *Spill Prevention Control Counter-Measures Plan Requirement:* Sites that store onsite fuel, chemicals or other pollutants shall prepare implement and maintain a Spill Prevention, Control and Countermeasures Plan (SPCCP), as a separate document or as a component of the Erosion and Sediment Control Plan (CBMPP) for the site.
- (3) *Washout Areas:* A concrete washout area shall be designated on all sites during installation of drainage structures and in the residential construction phase.
- (4) *BMPs:* The placement of BMPs in/on City right-of-way is prohibited unless express written permission is granted by ~~the City Engineer~~the Director of Public Works or his/her designee.

- (5) *Construction Debris*: CBMPP shall include measures to address construction debris during all phases of construction at the site.
- (6) *Sanitary Waste*: CBMPP shall include measures to address public health and safety in regards to restroom usage during all phases of construction.

L. Site Inspections:

The owner or contractor shall make daily inspections of all control measures throughout the construction process to ensure the overall effectiveness of the CBMPP; however, any permitted site shall be subject to at least the following inspections by the Site Containment Officer and/or Environmental Programs Manager:

- (1) Immediately after erosion and sediment controls are in place and prior to commencement of site clearing and grading;
- (2) After installation of stormwater detention/retention management facilities;
- (3) After clearing and grading has been completed;
- (4) After remaining drainage has been installed;
- (5) After streets and curb and gutter have been completed; and/or,
- (6) Before construction completion.

M. Enforcement of Erosion and Sediment Control Provisions:

- (1) ~~The Building Inspections Department~~ Environmental Programs and/or the City Engineer ~~Public Works Department~~ (where applicable) shall serve as a line of communication between the permit holder and the City in regard to permit compliance.
- (2) The City of Daphne may issue a stop work order and/or suspend or revoke the site disturbance permit where ~~the Site Containment Officer~~ Environmental Programs or ~~designee of the Building Official~~ or the City Engineer ~~the Director of Public Works~~ or ~~his/her designee~~ has found the following:
 - i. Violation(s) of the terms of the permit or site development which may adversely affect the health, welfare, or safety of persons residing or working in the neighborhood.
 - ii. Site development that is detrimental to the public welfare or injurious to property or improvements in the neighborhood.

(3) Compliance with Erosion Control/Sedimentation Requirements:

- i. If compliance cannot be achieved through the normal inspection process, the City may issue a Notice of Violation.

(4) Notice of Violation:

i. General:

Whenever the development is determined to be in non-compliance, the owner shall be notified of the violations and/or deficiencies. Upon notification, the owner shall have forty eight (48) hours to bring the site into compliance. The City may, at its discretion, allow the owner additional time as deemed appropriate for the corrective work to be performed. If the site fails to come into compliance, the owner may be found in violation of the Ordinance and guilty of a misdemeanor. Any person who violates this Ordinance shall, upon conviction thereof, be fined not more than five hundred dollars (\$500), and in addition shall pay all costs and expenses involved in the case. Each day during which any violation of any of the provisions of this Ordinance is committed, continued, or permitted shall constitute a separate offense. Nothing herein contained shall prevent the City of Daphne from taking such other lawful actions as are necessary to prevent or remedy any violation.

ii. Sediment Impact Violations:

Whenever the City of Daphne determines that significant sedimentation is occurring as a result of a land disturbing activity, despite application and maintenance of protective practices, the person conducting the land disturbing activity or the person responsible for maintenance will be required to take additional protective action. Furthermore, if it is determined that sedimentation has occurred off site onto right-of-way, in-stream, or into stormwater drainage systems, the sediments shall be removed. The owner, builder, or engineer shall be notified by a certified Notice of Violation.

- iii. The Notice of Violation shall detail the non-compliance and shall give the violator fourteen (14) days to submit a restoration plan to the Environmental Programs Manager (EPM). This plan shall include measures to mitigate any offsite sediment and measure including but not limited to stabilization measure for the impacted area. Upon receipt and review of the restoration plan, the Environmental Programs Manager at his or her discretion shall require the plan to be submitted to the Planning Commission, United States Corps of Engineers, and/or the Alabama Department of Environmental Management for further review and approval. Upon approval of the plan by the City and other regulatory agencies the violator shall have thirty (30) days to implement and complete the plan. Upon completion of the plan, the Environmental Programs Manager or

his/or her designee shall perform a follow-up inspection. If the site is compliant, then the violation shall be resolved.

iv. Intentional Circumvention of the Drainage, Stormwater Management Facilities and Erosion/Sediment Control provisions:

When an owner, builder or design engineer is found to have intentionally circumvented any provision of *Article 18*, the following steps shall be taken:

- a. The owner, builder, or engineer shall be notified of such by a certified Notice of Violation.
- b. The Notice of Violation shall detail the non-compliance and shall give the violator fourteen (14) days to submit a corrective action plan to the Director of Community Development for review of the applicable City inspector/complainant.
- c. Upon receipt and review of the corrective action plan, Director of Community Development at his/her discretion may require the plan to be submitted to the Planning Commission for further review and approval.
- d. Upon approval of the plan the violator will have thirty (30) days to implement and complete the plan.
- e. If the completion of the plan requires more than thirty days, the owner, builder, or engineer may formally request by letter a thirty (30) day extension from the Director of Community Development. Once the corrective action is complete, the Director of Community Development designee shall inspect the site for compliance with *Article 18, Drainage, Stormwater Management Facilities and Erosion/Sediment Control provisions*.
- f. If the site is compliant then the violation will be resolved. However, if the violation is not resolved during the allotted time the owner, builder, or engineer will be notified by a second (2nd) certified Notice of Violation stating that the Planning Commission shall consider a making a recommendation to City Council that said violator's city business license be revoked for a one year period the owner.

18-7 COMPLETION OF CONSTRUCTION ACTIVITIES, FINAL INSPECTION AND/OR CERTIFICATE OF OCCUPANCY REQUESTS

- A. All open channels and ditches shall be permanently vegetated with perennial vegetation upon final inspection. Seed and mulch shall not be accepted. If sod is used on slopes, corners will need to be pinned per the Alabama Handbook.
- B. Common areas, such as detention basins, shall be permanently stabilized upon final inspection with perennial vegetation. Seed and mulch shall not be accepted.
- C. All construction waste and debris, silt fences, hay bales, inlet protection, and other temporary BMPs shall be removed prior to final inspection.
- D. All final inspection submissions shall include the following:
 - (1) Signed set of as-built engineered drawings and an electronic version of the drawings compatible with ArcMap (10.1–10.9) or ArcGIS Pro 2.8 or the most current version thereof^{Are Info 9.3}: Projected Coordinate System: NAD_1983_State Plane_Alabama_West_FIPS_0102_Feet.
 - (2) Letter of acceptance from the City Engineer, the City Site Containment Inspector and/or Environmental Programs Manager, Director of Public Works, Fire Marshall, Daphne Utilities, all applicable public utility providers, and applicable State/Federal agencies.
 - (3) Letter of completion from the project engineer.
 - (4) Letter of completion from the project landscape architect.
 - (5) Copy of all recorded drainage or right of entry easements.
 - (6) Maintenance bonds for streets and drainage, and any other applicable bonds.

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ARTICLE XXX

PLANNED UNIT DEVELOPMENT DISTRICT

Revised 04/06/15: Repealed previous Article 30 of Ordinance# 2011-54 and add new Article 30 per Ordinance# 2015-17 regarding Planned Unit Developments

30-1 GENERAL

The Planned Unit Development (PUD) District is designed to permit flexible development of projects which are comprehensively planned as a single development with a functional master development plan which fully considers the entire site as an integrated project and gives broad consideration to impacts and relationships to surrounding areas. The PUD District permits flexibility in locating buildings, mixtures of building types, land uses and open spaces. In permitting such flexibility, the City Council should consider goals in the City comprehensive plan and other broad public benefits demonstrated in a master development plan. Upon recommendation by the Planning Commission or with sufficient cause, the City Council may attach conditions to a master development plan proposed for a PUD to safeguard the public health, safety, morals and general welfare of the City of Daphne.

In theory, a PUD zoned development, could modify (increase or decrease) the minimum setbacks, lot area and lot width, increase building height, minimum sidewalk and street standards, minimum parking requirements, while providing a more desirable area for open space and amenities for public and private use. Where such flexibility is permitted as established in this section and in the subdivision regulations, PUD project design and construction shall follow a PUD General Plan which shall be prepared in accordance with the development procedure prescribed in this Article. Where PUDs are permitted, regulations adapted to the unified development are intended to accomplish the purposes of zoning and subdivision regulations.

Overall, the City desires PUD zoning to produce development that is superior to development designed under conventional zoning and subdivision regulations.

30-2 PURPOSE

The purpose of this Article is to provide standards for the Planned Unit Development (PUD) zoning district, and to provide the procedures for PUD review and amendment.

30-3 AUTHORITY

The City Council retains the legislative authority to determine the appropriateness

of PUD zoning regardless of whether the proposed development plan meets the standards prescribed in this Article.

30-4 INTENT

The intent of this zoning district is to provide an opportunity for the best use of land, protection of valuable natural features, provision of larger areas of recreational open space and more economical public services by encouraging unified development of land through the use of creative and flexible land planning concepts. Furthermore, the intents of this Article are as follows:

- a. to promote the efficient use of land to facilitate a more economic arrangement of uses, buildings, traffic circulation systems and utilities;
- b. to encourage the combination and coordination of uses, building forms, building relationships and architectural styles in the PUD design;
- c. to promote the preservation and enhancement of existing natural landscape features, their scenic qualities and amenities to the greatest extent possible and utilize such features in a harmonious fashion;
- d. to provide flexibility to conventional zoning regulations, upon City Council approval of alternate standards. Such standards may include minimum setbacks, minimum yard size, minimum greenbelts, minimum off-street parking regulations and other regulations to achieve the intent described herein; and,
- e. to provide the developer reasonable assurance of approval before commencing final engineering work while providing City officials with reasonable assurance that the development will retain the character envisioned at the time of approval.

30-5 PERMITTED USES

Permitted principal uses in a PUD zone district may include the following:

- a. Dwelling units of a permanent nature for ownership or rental.
- b. Public parks and specialized recreation centers. These areas may be counted toward the requirement for useable open space.
- c. Commercial, office, institutional and industrial.
- d. Any other use permitted by the City Council in accordance with Article 35, Table of Permitted Uses may be considered.

30-6 ACCESSORY USES

Accessory uses permitted in a PUD zone district may include the following:

- a. Home occupations.
- b. Facilities for the use of residents of the PUD development for recreation, children's nursery, kindergarten, laundry or similar services, and any similar facility.
- c. Off-street parking or parking garages.
- d. Any other use may be considered by the City Council where said use is permissible in accordance with Article 35, Table of Permitted Uses.

30-7 GENERAL REQUIREMENTS

The following general requirements shall apply to all PUDs:

- a. The PUD shall be consistent in all respects with the purposes and intents of this Article.
- b. The PUD shall consider the goals of the Comprehensive Plan or portion thereof as may be applicable.
- c. The PUD shall advance the general welfare of and benefit the City and shall minimize to the greatest extent possible adverse impacts upon the surrounding lands.
- d. The PUD shall provide, through desirable arrangement and design, benefits which justify deviations from conventional development standards which would otherwise apply.
- e. The PUD shall encourage connection between uses and adjoining development where applicable and where practical. Connection between mixed use and residential areas is required as a means to provide cohesiveness in the overall development site and transportation network. Cohesiveness shall be provided, for example, through the connectedness of land uses, streets, utilities, pedestrian and bicycle paths, greenways and signage. The design of any planned development should reflect great effort by the developer to plan land uses so as to blend harmoniously, not only within the development site, but with adjacent land uses to ensure compatibility, cohesiveness and connectivity.
- f. The PUD shall promote a sense of community, demonstrate flexibility and consequently more creative and imaginative design to accommodate planned associations of uses developed as integral land use units.

- g. The PUD shall establish the permitted uses, conditional uses and site development regulations for the property in accordance with an approved PUD General Plan.

30-8 OTHER APPLICABLE REGULATIONS

In addition to applicable local, state and federal regulations, all PUD development shall be in compliance with the following Articles of the Land Use & Development Ordinance unless excepted herein.

- a. Article 10, General Provisions
- b. Article 11, Minimum Standards & Required Improvements for Subdivisions & Commercial Site Developments, except that Sections 11-6 and 11-11(b) may be modified by approved PUD documents.
- c. Article 15, Procedures for Site Plan Review
- d. Article 17, Procedures for Subdivision Review
- e. Article 18, Drainage and Storm Water Management Facilities and Erosion/Sediment Control
- f. Article 34, Schedule of Fees
- g. Article 19, Landscape Standards and Tree Protection and Article 33, Sign Provisions, except, upon request of the developer, the City may consider modifications to Article 19, Landscape Standards and Tree Protection and Article 33, Sign Provisions. Request for said modifications to Article 19 and/or Article 33 shall be submitted with the proposed project PUD zoning application.

30-9 GENERAL PROVISIONS

- a. If it is determined that the development is a subdivision according to the laws of Alabama, it shall also be reviewed and approved according to the subdivision process of the City of Daphne as provided in Article 17, Procedures for Subdivision Review.
- b. No minimum land area shall be required for a PUD development. Lots shall be of sufficient size to be used for the purpose intended, provide adequate parking and loading facilities in addition to space required for conduct of other operation of the business, and otherwise comply with the provisions provided herein.
- c. All property shall be contiguous and under single ownership by a person, partnership, corporation, or multiple ownership with participation from all

owners with adequate frontage serving as the principal means of access to the property and project design accommodates all infrastructure, including but not limited to drainage, streets, open space, etc.

- d. All open space shall be designated as public, private or common. If not designated, the City shall assume that such open spaces are for common enjoyment of all property owners.
- e. Minimum open space shall be no less than ten (10) percent of the development with permanent useable open space determined by the nature of the development and of the site. Development of open space shall be in accordance with the provisions of Section 11-14 (h) Common Open Space and Recreation Provisions.
- f. The PUD may utilize alternative roadway designs and standards as may be allowed upon recommendation by the City Engineer~~the Public Works Director or designee thereof~~.
- g. The PUD may permit higher than typical densities of land in areas within the PUD in conjunction with provisions for more expansive functional open space and community services.
- h. The PUD may promote privacy by permitting the use of gates to control access on private streets; this is subject to approval by the City as part of the PUD and subdivision review process.
- i. All buildings and/or structures shall observe the minimum separation as allowed by the Fire Code. Lots or building envelopes with a zero (0) side building line must face a minimum five (5) foot wide maintenance easement upon the neighboring lot or building envelope for maintenance purposes.
- j. Design shall adequately address and plan for environmental protection, preservation and enhancement relating to water quality, trees, buffer zones and greenbelt areas, critical environmental features, soils, air quality, waterways, topography, and the natural character of the land, as well as areas, structures or sites that are of architectural, historical, archaeological, or cultural significance.
- k. Landscape design should be superior to that which is typically required by the minimum landscaping provisions of the City.
- l. The open space between buildings shall be so designed as to provide adequate privacy, safety and aesthetic value.
- m. All structures shall be accessible to service and emergency vehicles.
- n. Private and public streets shall comply with the intent of the PUD and

shall be designed as approved by the City.

- o. On-street parking may be permitted along easements or streets adequate in size and internal to the project, but not along peripheral streets or major thoroughfares that serve other uses.
- p. The outside perimeter building line setback is recommended to be no less than forty (40) feet except that the required setback may be increased or decreased by Council where deemed appropriate. An increased setback may be required to mitigate the impact of the proposed development on abutting land(s). Furthermore, a reduced setback may be permitted where the proposed use is considered compatible, consistent and otherwise harmonious with the abutting land.

30-10 LARGE-SCALE PUDS

Certain projects may call for additional requirements due to its location, size or combination thereof. In these instances, it shall be necessary to mitigate the anticipated impact of the large-scale planned unit development project. In no event shall a PUD three hundred (300) acres or less be deemed a Large-Scale PUD except where such designation is requested by the developer. It is the intent that projects three hundred acres or greater may be deemed a Large-Scale PUD; however, said determination shall not only take into consideration the site location and size but also the character, phasing, development time frame (example: 5 years, 10 years, 20 years), and/or number of developers.

For a project deemed large-scale, the following requirements shall be considered in addition to other applicable aforementioned requirements.

- a. In under-served areas, the Large-Scale PUD may be required to provide for public facilities and services that are adequate to support the proposed development. This may include fire, police, emergency service and/or school facilities.
- b. When necessary to mitigate adverse cumulative transportation impacts, the PUD design shall provide for appropriate transportation, appropriate connections to areas adjacent to the Large-Scale PUD as well as sidewalks, trails, and roadways.

30-11 PUD REVIEW PROCESS

- a. PUD Sketch Plan

Whenever a PUD is proposed the PUD developer or authorized agents thereof shall schedule a pre-application meeting with the Department of Community Development Director prior to submitting an application. The intent of the meeting is to discuss the scope and intent of the overall

concept. No fee shall be charged for this review and no formal application shall be required, however sufficient information including but not limited to a sketch plan that illustrates existing site conditions and conditions of its surroundings and the proposed PUD layout and potential development.

Fees shall be as required for each respective application (i.e., rezoning, site plan, preliminary plat, final plat, etc.) in accordance with Article 34, Fees.

b. Zoning Application

Any application for PUD zoning shall be considered either rezoning for land inside the corporate City limits or pre-zoning for land outside of the corporate limits. Zoning for a PUD district shall follow procedures as described in Article 22, Zoning Amendment. Established application procedures and public notice shall be adhered thereto. Said zoning application shall be supplemented by a PUD General Plan and associated PUD Documents. Public hearings for zoning may be held at the same time as associated preliminary plat public hearings when appropriate. Any subdivision review shall be in accordance with Article 17, Procedures for Subdivision Review.

1. Zoning Expiration & Reversion

Not more than three years after the effective date of the ordinance by which the PUD zoning classification was enacted, the developer must submit to the Planning Commission a Detailed Development Plan (site plan or preliminary plat) for the entire site or a portion thereof. Failure to submit said Plan(s) to the Planning Commission three years after the effective date of the ordinance shall automatically cause the expiration of the PUD General Plan.

Thereafter, the Community Development director or designee may request the City Council initiate rezoning of the property in accordance with Section 22-2, Reversionary Clause. Council action shall make void the PUD zoning and all related plans shall be automatically nullified. Said property shall revert to the prior zoning district or most similar zoning in effect at the time of reversion.

2. PUD Documents

The developer shall submit a document in a form acceptable to the City on behalf of the owner, their successors and assigns that will specify the following: proposed standards of each land use in the PUD including but not limited to minimum setbacks, lot area and width; maximum percentage of building coverage; minimum

parking regulations; minimum buffer requirements; maximum building height; maximum density; maximum floor to area ratio; and other site development regulations that may be required by the City in determining appropriateness of the proposed PUD.

3. Violation of PUD General Plan

Any deviation from the PUD General Plan which is not approved in accordance with this article shall constitute a violation of the ordinance establishing that Planned Unit Development District and will cause the developer to be subject to procedures and penalties set forth in Section 45-7, Penalties and Remedies.

4. Phasing & Time Limits

For any PUD to be constructed in multiple phases, the construction of the first phase must begin no more than three years from the date of the approval of the PUD zoning and PUD General Plan by the City Council. Failure to begin shall result in zoning expiration and reversion as described herein above.

c. PUD Detailed Development Plan(s)

After receiving PUD zoning designation, the developer may submit a Master Plan and Detailed Development Plans for construction to the Planning Commission.

Master Plan review for a multi-phased PUD should occur prior to the approval of Detailed Development Plans. The Master Plan shall be of sufficient detail to show proposed street and site layout, maximum density (gross and net), stormwater management ponds, and common areas.

The purpose of the Master Plan review is to ensure that each phase of the PUD is consistent with the approved General Plan, intents, general requirements and general provisions of this Article. Each Detailed Development Plan submittal shall be in accordance with the approved PUD General Plan, approved Master Plan and processed in accordance with Article 15, Site Plan Review or Article 17, Subdivision Review as applicable.

Where the developer seeks to change or modify an approved master plan, a modified PUD master plan shall be submitted to the Planning Commission for review. Upon approval of said modified PUD master plan, the developer shall then submit Detailed Development Plans for approval.

Once Detailed Development Plans have been approved by the Planning Commission, minor changes may be approved administratively; however, major changes shall be considered for approval by the Planning Commission.

1. Amendments to Plan(s)

Modifications are permissible where in conformity with the PUD General Plan. Lack of conformity shall not be permitted. Non-conforming modifications shall not be acted upon until the City Council has granted approval of said changes in the zoning amendment process.

2. Final Detailed Plan(s)

Upon receiving final approval of PUD Detailed Development Plan(s) from the Planning Commission said plan(s) shall be recorded by the developer in the Office of the Judge of Probate in Baldwin County.

ARTICLE XXXIX

JUBILEE RETAIL DISTRICT OVERLAY

Amended 03/17/14: Sign Provision, Section 39-16 per Ordinance# 2014-11

Amended 03/07/16: Minimum Zoning District Setback Requirements, Section 39-2(b) per Ordinance# 2016-20

39-1 GENERAL PROVISIONS

(a) Purpose of the Jubilee Retail Overlay District:

Whereas the City of Daphne promotes a quality living environment that sustains a balanced mix of commercial development that serves the day-to-day needs of its residents and promotes its image as a desirable and economically stable community. The Jubilee Retail Overlay District is hereby created to recognize and reinforce the importance of the existing interstate retail business corridor as a major commercial center for the City of Daphne. The intent is to enhance and encourage the retention of existing businesses and the establishment of new entrepreneurial businesses along Interstate 10 as demonstrated in the Eastern Shore Park District Overlay.

(b) Boundaries:

The Jubilee Retail Overlay District is hereby established. The boundaries are as shown on the Jubilee Retail Overlay District Map and shall be considered an amendment to the Official Zoning Map of the City of Daphne. The map shall be amended in the same manner as any other zoning district permitted by the Land Use and Development Ordinance, and shall be amended in accordance with the provisions of *Article 3, Official Maps and Plans*.

This District shall be in addition to and shall overlay all other zoning districts where it is applied, so that any parcel of land lying in such an overlay district shall lie in one or more other zoning districts provided for by the Land Use and Development Ordinance.

39-2 DISTRICT REQUIREMENTS

The following zoning districts shall be allowed as established and most specifically defined in *Article 7, Establishment of Districts*: B-2, General Business and B-3, Professional Business.

(a) Permitted Uses:

Permitted uses in the District are as provided in *Article 35, Table of Permitted Uses*. *Article 35, Table of Permitted Uses and Conditions*, outlines the restrictions for each district. Furthermore, the outdoor display of merchandise is

permitted by the operator of a store, provided that the outdoor areas for such activities are limited to off-street parking areas and sidewalks in the District. Any outdoor sales for special events shall require a special permit issued by the City.

(b) Setbacks:

The following setback requirements shall apply in districts as outlined below.

MINIMUM ZONING DISTRICT SETBACK REQUIREMENTS

Zoning District	Front ^d Yard (ft)			Rear Yard	Side Yard	Corner Lot ^c Side Yard (ft)	
	Arterial & Collector Streets	Local Streets & Service Roads	U.S., State or County Roads ^e			Arterial & Collector Streets	Local Streets & Service Roads
B-2	30	20	100	a, b	a, b	30	25
B-3	30	20	100	a, b	a, b	30	25

Table Notes:

a. None, except it will be five (5) feet where abutting an alley, or where abutting a residential district it shall be at least thirty (30) feet.

b. Where a public or semi-public use abuts any part of a single family residential district, a buffer zone ten (10) feet wide shall be required. Where a commercial district abuts any part of a residential district a buffer zone of twenty (20) feet shall be required. Said buffer zone shall be designed in compliance with the provisions established in Section 19-10.

c. Lot Orientation: On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

d. The front setback for property that does not front U.S. Highway 90 shall be a minimum of fifty (50) feet as measured from the front property line.

e. Where abutting U.S. Highway 90, the front setback shall be measured from the centerline of the U.S. Highway 90 R.O.W.

Section 39-2(b) amended per Ordinance# 2016-20

(c) Maximum Building Height:

Structures of more than five (5) stories or sixty-five (65) feet shall not be permitted.

(d) Performance Standards for the District:

All lots in the District, and improvements thereon, shall comply with the following minimum standards:

- (1) Lots shall be of sufficient size to be used for the purpose intended, provide adequate parking and loading facilities in addition to space required for conduct of other operations of the business, and otherwise comply with the provisions provided herein.
- (2) No entrances or exits shall direct traffic into adjacent residential districts.
- (3) Noise, air pollutants including dust emissions, and surface runoff shall not exceed background levels by more than ten percent (10%).
- (4) Uses in all business districts must comply with all applicable health and safety standards, including sanitary facilities, paved and landscaped parking areas, and other requirements of this Ordinance, as well as, State and Federal regulations.
- (5) Non-permanent structures such as trailers, sheds, and other such buildings used for business purposes may be permitted in business districts, provided, however, that such structures may only be located at the rear and side of permanent structures and must be adequately screened by landscaped buffers or opaque fencing.
- (6) All dumpsters shall be enclosed on all four sides in order to conceal them from public view and screened from public view with an opaque fence or wall of permanent construction.

39-3 IMPROVEMENT STANDARDS

- (a) All streets in the District, whether private or dedicated for public use, shall be paved and adequately drained.
- (b) The full width of any public road improvements in the District shall be graded, including the subgrade of the areas to be paved. This requirement may be modified for the purpose of preserving the natural beauty of an area. A base course consisting of at least eight (8) inches of a sand-clay mixture with one hundred percent (100%) standard compaction shall be laid on a soundly prepared subgrade. A prime coat shall be sprayed uniformly over the base course. An approved type wearing surface compliant with State Highway Standard 416-A

one and one-half (1-1/2) inches thick compacted shall be laid over the prime coat. If curbs and gutters are required, they must conform to approved State and County Highway Department standards.

- (c) All grading in the subdivision shall be related to the topography and environmental features of the surrounding area. Unpaved areas within a dedicated street right-of-way shall also be graded and shall be seeded in a manner that enhances the appearance of the environment.
- (d) All water mains, sanitary sewers and laterals, and storm sewers shall be installed as necessary to prevent the future cutting of the pavement of any street, sidewalk, or other required pavement.

39-4 MINIMUM STREET REQUIREMENTS

	Major Street	Collector Street	Local Street	Cul-de-Sac (Turnaround)	Alley
Minimum Right-of-Way:	100'	60'	50'	50' (100' diam.)	30'
Minimum Pavement: As Req'd	36'	27'	28'	20' (80' diam.)	20'
Maximum Grade:	3%	5%	5%	5%	5%
Minimum Angle of Intersection in Degrees:	80°	60°	60°	60°	60°
Minimum Curb Radius at Intersection:	40'	30'	15'	15'	15'
Minimum Horizontal Curve Radius:	300'	250'	100'	100'	100'
Minimum Reverse Curve Tangent:	100'	100'	100'	100'	100'

Table Notes:

1. Cul-de-sacs shall not be longer than six hundred (600) feet measured from the centerline of the intersecting street to the center of the turnaround.
2. Minimum pavement width is measured from back of curb to back of curb.
3. Maximum grade may vary with topography subject to Planning Commission approval based on recommendation of ~~Director of Public Works~~, Community Development or City Engineer.

39-5 SIDEWALKS & PEDESTRIAN WALKWAYS

It is the intent of this section to require the installation of five (5) feet wide concrete or asphalt sidewalks on both sides of the street in the District in order to encourage vehicles and pedestrian connectivity within the City of Daphne. Sidewalks are counted toward the improvement standards of all streets and shall be installed prior to the issuance of a Certificate of Occupancy unless an agreement for future installation has been presented to the City by the developer. In no case shall the City of Daphne be responsible for the installation of sidewalks within any subdivision development.

(a) Installation:

Sidewalks shall provide for pedestrian traffic and design thereof shall encourage safe means of access that minimize conflicts between vehicles and pedestrians. The use of pervious and/or permeable material or other innovative low impact design measures that promote may be considered by the Planning Commission in lieu of typical sidewalk installation. Due consideration shall be given to the practicality and feasibility of sidewalk installation depending upon the proposed development and the location. Except where exempted or modified by the Planning Commission, sidewalks shall be installed as follows:

- (1) Along the perimeter of all developments where adjacent to City right-of-way.
- (2) Along the right-of-way where adjacent to the perimeter of any common area within the development; except where walking trails and/or paths are incorporated into the design for formal/recreational open space as provided in *Article 11, Minimum Standards and Required Improvements*. No final plat shall be approved until this provision is satisfied.
- (3) At the discretion of the Planning Commission, the subdivider(s)/developer(s) may be required to provide access through greenways and common areas by sidewalk or trail. In such an instance, a trail may be implemented in lieu of the installation of sidewalks or to augment the sidewalk system. The trail path and design shall be reviewed and approved by the Planning Commission. Said trail shall be no less than ten (10) feet wide and shall be composed of permeable, porous paving materials.
- (4) Pedestrian crosswalks, not less than ten (10) feet wide, shall be required where deemed necessary to provide circulation or access to schools, playgrounds, shopping centers, bus stops, and other community facilities.
- (5) For all new subdivisions, restrictive covenants, as are required in *Article 17, Subdivision Review*, shall provide for the installation sidewalks and/or trails by the developer.

- (6) The Planning Commission may, at its discretion, approve a final plat prior to the installation of sidewalks upon receipt of an agreement to install sidewalks, a cost estimate for sidewalk installation and a surety in the amount of 200% of the estimated cost. Said surety shall not expire prior to a 24 month period.

39-6 WATER AND SEWER CONNECTIONS

All developments, individual lots, or parcels shall be properly connected to a public community water and public sanitary sewer system.

39-7 DRAINAGE AND EROSION CONTROL REQUIREMENTS

Article 18, Drainage and Storm Sewers, of the Land Use Ordinance is incorporated herein by reference.

39-8 SPECIAL PROVISIONS

(a) Utility Placement:

Water, sewer, gas, electric power, telephone, cable television, and other utility lines shall be installed underground by the developer and/or owner in all new commercial or industrial developments, expansions and/or renovations of existing development. Said developments shall be connected to a central distribution system, unless for good reasons other than cost, the Planning Commission approves a modification or waiver of this requirement in part or in whole, or if a special condition requires otherwise.

(b) Location of Roadway Fire Hydrants:

Roadway fire hydrants shall be installed along each street at the center of each block and at one corner of each roadway intersection, provided, however, that in no event shall fire hydrants be spaced so that any fire hydrant is located more than six hundred (600) feet from another fire hydrant. The water supply and pressure shall be sufficient to provide adequate fire protection and the future needs of the intended land use. Additional fire hydrant placement may be required on the interior of developed lots pursuant to local ordinance and fire regulations as adopted by the City.

(c) Location of Street Lighting:

Lighting shall be installed at all intersections, curves, and cul-de-sacs. If additional lighting is deemed necessary, the Director of Community Development shall require the developer to present a street lighting plan developed in conjunction with the appropriate utility company having jurisdiction within the area.

(d) Placement of Street Signs:

Appropriate permanent type street name signs shall be placed at all intersections within the subdivision. The developer may select signs consistent with the theme of the development, subject to approval of the Director of Community Development.

39-9 COMMENCEMENT OF CONSTRUCTION OR SITE DISTURBANCE

Each person, firm, corporation, utility, entity, or agent thereof engaged in any site preparation and/or construction activities shall acquire a Site Disturbance Permit from the Department of Community Development prior to commencement of such activities pursuant to the provisions of this Article and no such activity shall commence prior to the approval of either a preliminary plat or site plan as is applicable. Fees for said permit shall be as are more specifically enumerated in *Article 34, Schedule of Fees*.

39-10 FINAL INSPECTION OF IMPROVEMENTS

To ensure compliance with development regulations the project shall be inspected by all applicable entities prior to final approval by the City of Daphne. Under no circumstance shall the City be held liable for faulty workmanship, defects or improper engineering for private property.

Street Improvements:

To certify that streets are installed to minimum design standards, the developer/owner shall select an independent testing laboratory to perform necessary tests and submit test results to the Department of Community Development prior to final inspection.

When all required improvements are installed and test results are submitted, the developer/owner shall call for a final inspection. Inspections shall be made in regard to the following: implementation of engineering design for stormwater management and related improvements, utility improvements, environmental stability, landscaping, compliance with Fire Code and Building Code standards.

All appropriate entities including but not limited to the Director of Community Development, ~~Public Works~~, and/or the City Engineer or a duly authorized representative shall inspect the site to determine if the required improvements are satisfactorily installed according to the plans and specifications prior to final plat approval or issuance of a certificate of occupancy.

39-11 SUBDIVISION REGULATIONS

Article 17, Procedures for Subdivision Review, of the Land Use Ordinance is incorporated herein by reference.

39-12 PROCEDURES FOR SITE PLAN REVIEW

(a) Use and Applicability:

The District Regulations shall be complied with for all development in the District, regardless of whether such development involves the construction of business and commercial structures, additions thereto, construction of a park, public rights-of-way, open space, public building or structure, or public utility, whether publicly or privately owned, and other uses as required by the Planning Commission.

(b) Special Provisions:

The following shall apply:

- (1) A site plan review shall be accomplished by the recommendation of the Director of Community Development and approval of the Planning Commission to assure compliance with the provisions of these District Regulations, as well as applicable building and fire codes.
- (2) Said approval shall be authorization to begin work, subject to a pre-construction meeting and the issuance of a Site Disturbance Permit. Such approval shall become void upon one (1) year from the date of approval if a site disturbance permit has been acquired and no building or construction activities have occurred on the permitted site.
- (3) When all required improvements are installed, the developer/owner shall call for a final inspection. The Director of Community Development, and/or the City Engineer ~~and/or Director of Public Works~~ or authorized representative shall inspect the site to determine if the required improvements are satisfactorily installed according to the plans and specifications.

(c) Plan Content:

The plan shall contain all information as reflected on the current departmental checklist for a site which may be modified at the discretion of the Director of Community Development when applicable.

(d) Reconsideration of Certain of Requirements:

The Director of Community Development may waive certain requirements contained in this Article if it is determined that the requirements are not essential to a proper decision on the proposed development; or, may supplement the list with other requirements deemed necessary to clarify the nature of the proposed development. The Director of Community Development may waive the requirement for a pre-construction conference if it is determined that the project would create minimum impact to the surrounding properties.

(e) Issuance of Site Disturbance Permit:

Each person, firm, corporation, utility, entity or agent thereof engaged in any site preparation and/or construction activities shall acquire a Site Disturbance Permit from the Department of Community Development prior to commencement of such activities as established pursuant to the provisions of this Article and no such activity shall commence prior to the approval of a site plan by the Planning Commission. Fees for said permit shall be as are more specifically enumerated in *Article 34, Schedule of Fees*.

(f) Issuance of Building Permit:

Upon approval of the site plan, either as submitted or with changes and/or special conditions required by the Planning Commission, the Building Official may issue a building permit for a portion or all of the proposed development provided the application is in compliance with all applicable City, County, State and Federal requirements.

(g) Requirement of Bond:

Whenever a person, firm, corporation, developer or other entity proposes to develop a commercial site that, in the opinion of the City Engineer ~~or~~ Director of Community Development ~~or Public Works~~, constitutes a land disturbing activity, which may pose a risk of drainage and/or siltation damage outside the boundaries of the project, such person, firm, corporation, developer or other entity conducting the land disturbing activity shall be required to submit a performance bond to the City prior to the issuance of a site disturbance permit.

At the time of approval of the site plan by the Planning Commission, the bond shall become effective and shall extend for a period of at least two (2) years following the issuance of the Certificate of Occupancy by the City. The bond shall be in the amount of ten percent (10%) of the total cost for the performance of all site work on the said location with bond to cover such drainage, erosion and siltation damage, if any.

The Director of Community Development or other administrative official as designated by the City Council shall determine the prescribed bond, as well as the adequacy and the security thereon.

(h) Release of Bond:

At the expiration of twenty four (24) months from the issuance of the Certificate of Occupancy, the City Engineer ~~Director of Public Works~~ shall determine if the drainage design implementation of the project has:

- (1) Been performed in accordance with and functions within the parameters of the design standards as set forth by the project engineer;
- (2) Received from the project engineer a Certificate of Performance which states the drainage functions have been constructed in substantial accordance with the plans, specifications, and engineering guidelines;
- (3) Had any material adverse impact on any streams, waterways or third parties; and,
- (4) Complied with all ADEM regulations in effect at the time of said completion.

Upon the Director of Community Development's receipt and evaluation of the criteria as enumerated in this Section and upon recommendation of the Planning Commission, the City shall release the developer and/or the bondholder from further obligations under said bond.

If it is determined that the requirements of this Section have not been met then the bond may be extended for one six (6) month interval to allow the developer and/or bondholder additional time to correct the deficiencies which prohibited the release of the bond. If a site contractor is unable and/or unwilling to satisfy the deficiencies as enumerated by the City Engineer/~~Director of Public Works~~, the bond shall be forfeited with the bond being payable to the City for the direction of such work and/or activities necessary for the completion of the improvements. The developer and/or bondholder of the property thereof shall be liable for any additional cost incurred.

39-13 PARKING REQUIREMENTS FOR OVERLAY DISTRICTS

(a) General:

Off-street automobile storage or parking space shall be provided with vehicular access to a street or alley. Parking shall comply with the minimum requirements noted.

PARKING SCHEDULE

LAND USE ON LOT		PARKING REQUIREMENTS
(a) Dwellings:		
(1) Hotels/Motels: Without restaurants, lounges, and banquet facilities		One and a half (1.5) space for each bedroom
(With in-house restaurants, convention/meeting capabilities):		One and one-half banquet facilities, or one and a half (1.5) spaces for each guest bedroom
(b) Public Assembly:		
(1) Theaters, Auditoriums, Coliseums, Stadiums, and Similar Places of Assembly:		One (1) space for each four (4) seats
(c) Health Facilities:		
(1) Hospitals, Sanitariums, Nursing Homes, Homes for the Aged and Similar uses:		One (1) space for each four (4) beds, plus one (1) space for each employee on the maximum shift.
(2) Kennels and Animal Hospitals		A parking area equal to thirty (30) percent of the total enclosed or covered area.
(3) Medical, Dental and Health Offices and Clinics:		One (1) space for each two hundred (200) square feet of floor area used for offices and similar purposes.
(4) Mortuaries and Funeral Parlors		Ten (10) spaces per parlor, chapel unit or one
(d) Business:		
(1) Restaurants (including bars, grills, diners, cafes, taverns, night clubs, lunch counters, and all similar dining and/or drinking establishments		Ten (10) parking spaces for each one thousand (1,000) square feet of floor area.
(2) Commercial and Shopping Centers:		One (1) space per two hundred fifty (250) square feet of floor area.
(e) Uses Not Listed Above		
CALCULATION OF FLOOR AREA: In the calculation of floor area to determine parking ratios, the term "floor area" shall mean enclosed areas which are heated and cooled.		Expressly excluded from this term are garden center floor areas and outdoor storage areas or outdoor sales areas.

(b) Design Standards:

(1) Definition:

An off-street parking space is an all-weather surfaced area not in a street or alley, permanently reserved for the temporary storage of one automobile and connected with a street or alley by an all-weather surfaced driveway which affords unobstructed ingress and egress to each space.

(2) Parking Area Dimensions:

The design and dimensions of the standard parking area shall have a minimum nominal dimension of eighteen (18) feet in depth and nine (9) feet in width.

The design and dimension of handicap parking areas shall be in accordance with the Americans with Disabilities Act.

(3) Width of Two-Way Access Driveways:

The minimum width of two-way access driveways within parking areas shall be twenty-four (24) feet.

(4) Paving Standards:

Parking spaces and driveways shall be paved to the standards established by the City.

(5) Drainage:

Off-street parking facilities shall be drained to prevent damage to abutting property and streets, and to prevent pollutants from draining onto such streets and the adjacent lots. Landscape and perimeter areas shall be so graded as to direct runoff to the storm drainage system. The storm drainage system shall be designed to include water quality measures for the first one (1) inch of rainfall.

(6) Off-Street Loading and Unloading Space:

Off-street loading/unloading spaces shall be provided as hereinafter required by these District Regulations.

(a) Size of Spaces:

Each off-street loading/unloading space shall have minimum dimensions of fourteen (14) feet in height, twelve (12) feet in width, and fifty-five (55) feet in length.

However, upon sufficient demonstration a particular loading space will be used exclusively by shorter trucks, the Planning Commission may, upon request, reduce the minimum length accordingly to as much as thirty-five (35) feet.

(b) Connection to Street or Alley:

Each required off-street loading and unloading space shall have direct access to a street or alley or have a driveway which offers satisfactory ingress and egress for trucks.

(c) Floor Area More Than Ten Thousand (10,000) Square Feet:

There shall be provided for each commercial building, or similar use requiring the receipt or distribution of materials or merchandise and having a floor area of more than ten thousand (10,000) square feet, at least one (1) off-street loading and unloading space. Such space shall be so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street, or alley.

(d) Location:

All required off-street loading and unloading spaces shall be located on the same lot as the building which they are intended to serve or on an adjacent lot when shared with the user occupying said adjacent lot.

39-14 LANDSCAPE AND TREE PROTECTION

(a) Purpose:

The intent of this Section is to establish minimum standards for the provision, installation, and maintenance of landscape plantings and trees in order to achieve a healthy, beautiful, and safe community.

(b) Applicability and Use:

(1) Applicability:

The provisions of this Article apply to all projects within the District involving the construction of business and commercial structures, all existing structures which increases the gross floor area by thirty (30) percent or more and other projects as required by the Planning Commission.

(2) Use or Ownership Provision:

In the event of a change in: (a) use of property, (b) occupancy, or (c) ownership regardless of name change to any business, commercial, or industrial development, it shall be the responsibility of the owner to comply with the provisions of this Article within one hundred and eighty (180) days from the date in which the change occurs.

(c) Buffer Zone Requirements:

Where a business district in the District abuts, without any intervening public road right-of-way, any part of an adjoining residential area, a buffer zone twenty (20) feet wide shall be required.

The buffer shall run the entire length of the abutting lot line(s). Under no circumstances shall this buffer impair vehicular flow and shall be part of the yard requirements. Said protection buffer shall be maintained in such a manner to accomplish its purpose continuously. This District shall comply with the following minimum standards and said buffer zone shall be constructed of at least one of the following three (3) designs or a combination thereof, as determined by the Director of Community Development and approved by the Planning Commission:

(1) Wall or Fence:

If a wall or fence of solid appearance is provided as a protection buffer, it shall be at least six (6) feet in height and of a construction and a design recommended and approved by the Planning Commission.

(2) Screen Planting Strip:

A staggered double row of evergreen plantings at least ten (10) feet in width which will grow to at least ten (10) feet in height and spaced in a manner in which after three years it will provide an impervious visual barrier.

(3) Natural Forest:

A natural forest is in its undisturbed forest which provides a nearly impervious visual barrier due to the dense nature of the plants and/or trees. If this option is chosen, the width of the buffer zone shall be twenty-five (25) feet and shall be shown on the landscape plan. The Director of Community Development shall determine whether the barrier is satisfactory via site inspection prior to final approval.

(d) Landscape Standards:

(1) Site Plan Review:

A site plan shall not be approved by the Planning Commission without an acceptable landscape and irrigation plan. A Certificate of Occupancy shall not be issued for any development project unless a certification of compliance letter has been submitted from the design engineer and the design landscape architect. Said certification shall include the following: inspection date; signature and seal of said engineer and landscape architect; list of deficiencies and/or deviations from plans approved by the Planning Commission; and a statement regarding compliance with plans submitted.

(2) Subdivision Review:

A subdivision shall not be approved by the Planning Commission without an acceptable landscape and irrigation plan, as the same is defined pursuant to the provisions of this Section of the District Regulations.

All subdivisions shall require a landscape plan for the common areas of the subdivision: the entrance, detention pond, and other areas which are deemed appropriate by the Planning Commission.

(3) Jubilee Retail Overlay District Landscaping Retrofit:

Jubilee Retail Overlay District shall be developed as a Low Impact Development (LID) wherein the Planning Commission shall consider innovative low impact development landscape design, techniques and methods as a means to decrease stormwater runoff, pollution, erosion and to recharge groundwater. Bio-retention areas, porous asphalt, permeable pavers, pervious walkways, elevated landscape beds, bio-retention cells, vegetated swales, infiltration trenches, and dry wells to increase storage volume and facilitate infiltration are encouraged.

(4) Interstate 10 Landscaping:

To the extent the City has authority to do so; it authorizes the developer/owner to remove some trees in that portion of Interstate 10 which abuts the northern boundary of the District. Such removal is conditioned upon the following:

- (a) Submission to and approval by the Planning Commission of a landscaping plan prepared by the developer/owner;
- (b) Obtaining any necessary permits from the Alabama Department of Transportation for the installation of landscaping improvements within the area from which trees are removed; and,
- (c) The developer/owner's installation of the landscaping improvements according to the approved landscaping plan.

(e) Revisions to Landscape Plan:

If proposed construction shall cause changes in the landscape or irrigation plan, a revised plan shall be submitted to the Director of Community Development for re-evaluation.

(f) Issuance of Site Disturbance Permit:

A landscape and irrigation plan shall be submitted for review by and the recommendation or other comments of the Director of Community Development and shall be subject to the approval of the Planning Commission prior to the issuance of a Site Disturbance Permit.

(g) Compliance with Landscape Provisions:

All subject properties, as well as those owned by the City, shall comply with the provisions of this Article.

(h) Certification and Plan Requirements:

Landscape plans shall be drawn and stamped by a licensed landscape architect registered in the State of Alabama.

The landscape plan shall be of professional quality and include the following:

- (1) Date, scale, north arrow, title, and names and contact information for property owner(s), developer, and the landscape architect.
 - (2) Location of existing boundary line dimensions of the building site, existing water sources, significant drainage features, existing and proposed streets or alleys, existing or proposed utility easements on or adjacent to the building site, rights-of-way, setbacks, locations of proposed parking spaces, and location of existing and/or proposed sidewalks.
 - (3) The location(s) and dimension(s) of the proposed landscaped areas within the parking area(s) including a description of new trees and plant materials to be placed within landscaped area(s). Both common and botanical names shall be included.
 - (4) Locations, type, and design of the proposed irrigation system.
 - (5) Location and species of buffer zone vegetation.
- (i) Certification by Alabama Licensed Landscape Architect:

Any and all landscape plans as required in this Section shall, in addition to any other requirements, be reviewed and approved by an Alabama licensed and registered landscape architect to be designated by the Planning Commission with the professional costs for such services to be reimbursed to the City by the party submitting the plans for approval. Such landscape architect's review shall include the design, irrigation, location and type of planting, and any and all other criteria necessary so as to ensure that the planting and design is consistent with local standards.

If the landscape architect's review fee is known at the time of the plan's submission, the submitting party shall pay the fee upon submission. Otherwise, the fee shall be paid by the submitting party within ten (10) days of receipt of a statement of the amount of the fee.

39-15 OFF-STREET PARKING FACILITIES

The design and appearance of parking areas are intended to be compatible with the character of the community. Toward this objective, the following landscaping standards shall be observed in the construction of off-street parking areas which accommodate six (6) or more parking spaces:

- (a) At least fifteen percent (15%) of the total lot area intended for off-street parking shall be suitably landscaped.
- (b) Interior portions of the parking area at intervals of twelve (12) parking spaces shall be broken by provision of landscaped islands. Such landscape islands shall

- include the placement of shade or flowering trees at least two and one-half (2-½) inches or greater in caliper and ten (10) feet in height at planting.
- (c) Each separate landscaped area must be a minimum of two hundred eighty (280) square feet if it is to be counted toward the minimum landscaped area requirements.
 - (d) Landscaped areas shall be protected from vehicular encroachment by the use of curbing or wheel stops.
 - (e) The owner, tenant and/or agent, if any, shall be jointly and severally responsible for watering and maintaining all landscaping in a healthy, neat and orderly condition, replacing it when necessary, and keeping it free of refuse and debris.
 - (f) A minimum of five (5) feet side and rear landscaping may be required in the landscape plan depending on the topography and arrangement of parking facilities.
 - (g) If required, such areas shall be planted with a combination of trees, shrubs, and grass or other ground cover adequate to break the expanse of contiguous parking areas and to present an attractive appearance as determined by the Director of Community Development.
 - (h) Innovative landscape designs using “natural cluster of trees” rather than the required one (1) tree at intervals of twelve (12) parking spaces may be used if approved by the Planning Commission.

39-16 SIGN PROVISIONS

a) Signs Prohibited in the Jubilee Retail Overlay District:

The following signs are prohibited:

(1) Prohibited Placement:

Any sign erected or painted upon a sloped roof, fence, tree, stand pipe, fire escape, or utility pole is prohibited, except that a manufacturer’s or installer’s identification (ID) plate shall be permitted, provided that such plate does not exceed 5 x 8 inches in size.

(2) Prohibited Wording:

Any sign which is not a traffic control sign and uses the word “Stop” or “Danger” prominently displayed and/or which is a copy or imitation of official traffic control signs is prohibited.

(3) Flashing Signs Prohibited:

(a) General Prohibition:

Except as otherwise provided in subsection (b) (1) below, flashing signs, signs which contain intermittent illuminations. Digital LED signs/reader boards are prohibited, except upon the issuance of a sign permit as prescribed in Article 33, General Sign Provisions.

Section 39-16(a)(3) amended per Ordinance# 2014-11, Section 10.0

(b) Exceptions:

This subsection does not prohibit the following:

1. Signs required for traffic control; and,
2. Signs which exhibit time, date, temperature, and other customary public information.

(4) Prohibited Sign Types:

Portable signs, bench signs, snipe signs, sandwich signs, except as allowed in *Article 33, Sign Provisions*, ladder-type signs, billboard signs or off-premises signs. “Billboard” is defined as “an off-premises or off-site sign advertising an establishment, merchandise, product, service, or entertainment which is not sold, provided, manufactured, or furnished on the property on which said sign is located.” “Off-premises sign” is defined as “a billboard or other sign on which any portion thereof relates to a premises (or activities thereon) other than the property on which said sign is located.”

(5) Prohibited Sign Effects:

Signs which produce sound, noise, cause interference with radio, telephone, television or other communication transmission, produce or reflect motion pictures; emit visible smoke, vapor, particles, odor, are animated, or produce any rotation, motion, or movement.

(6) Illuminated Tubing:

(a) General Prohibition:

Illuminated tubing or strings of lights that outline property lines, sales area, roof lines, doors, windows, wall edges, similar areas or other architectural features of a building are prohibited.

(b) Exception:

This prohibition shall not apply to temporary displays erected in connection with holiday decorations and community decorations.

b) Permitted Signs:

The following signs are permitted, subject to review by the Planning Commission to determine compliance with the sign criteria provided below in this and further subject to the requirement that permitted signs shall have internal illumination only.

The maximum allowable square footage established in each zoning designation and/or overlay district shall apply as provided in each district. Said allowable area shall not be exceeded. In the event that channel letters, as defined in *Article 8, Definitions*, are proposed, then the maximum allowable square footage shall be calculated at a rate of eighty percent (80%) in lieu of the standard rate of one hundred percent (100%).

(1) Monument and Pylon Signs:

Except as otherwise provided in these District Regulations, the following monument and pylon signs are permitted in the District.

(2) Jubilee Retail Overlay District Pylon Sign:

- (a) The developer/owner or designee thereof is permitted to install and maintain one (1) on-premise pylon sign on their development at a location approved by the Planning Commission. This sign is permitted to have panels for multiple businesses in the District, provided that the panel space on each side of the Jubilee Retail Overlay District Interstate Pylon Sign shall not exceed nine hundred (900) square feet in the aggregate and no individual panel shall have more than two hundred and fifty (250) square feet or less than one hundred and fifty (150) square feet per side.

- (b) The height of the Jubilee Retail Overlay District Interstate Pylon Sign shall not exceed ninety (90) feet and shall be determined based on a sight line study obtained by the developer/owner and approved by the Planning Commission as justification for the proposed height and to insure that the top panel on the sign is visible while traveling in any direction on Interstate 10.

The sight line study shall consider the following:

- a. The topographical elevation of the location of the Jubilee Retail Overlay District Interstate Pylon Sign;
 - b. Any obstruction to the sign panels by trees, other signs, structures or items along Interstate 10.
- (c) Any lot in the District which abuts Interstate 10 and either has at least two hundred (200) feet along the right-of-way of Interstate 10, or is located at the intersection of the Interstate 10 ramp/right-of-way and Highway 90, shall be permitted one (1) individual lot interstate pylon sign at or near said lot's common boundary with Interstate 10.
 - (d) Permitted individual lot interstate signs shall not exceed fifteen (15) feet in width, or forty-five (45) feet in height, and shall have a maximum area of three hundred (300) square feet per face. Lots in the Jubilee Retail Overlay District which border Interstate 10, other than those described immediately above may not have an individual lot interstate pylon sign unless approved as a variance by the Board of Zoning Adjustment.

(3) Shopping Center or Development Signs:

One (1) sign is permitted on U.S. Highway 90 identifying the development. Each side may also have panels beneath the development identification not exceeding one hundred and fifty (150) square feet each for multiple businesses within the District. No sign shall exceed twenty-one (21) feet in height or fifteen (15) feet in width.

(4) Monument Signs:

Each lot having frontage on U.S. Highway 90, or any other public road or right-of-way within or abutting the District shall be permitted to have one (1) monument sign for each public road right of way which the lot abuts. The sign shall be placed perpendicular to the said highways and/or right of way. If the lot's road frontage is three hundred (300) feet or less, then the

permitted sign area shall not exceed fifty (50) square feet per face. If the lot's road frontage exceeds three hundred (300) feet then the permitted sign area shall not exceed one hundred (100) square foot per face. All monument signs shall have a pedestal. The sign shall not exceed fifteen (15) feet in height, pedestal included.

(5) Directional Signs:

Directional Signs shall be permitted at the intersection of all roads in the Jubilee Retail Overlay District. Directional Signs shall not exceed sixteen (16) square feet per face.

(6) Wall-Mounted Signs:

Each establishment/business premises under sixty-five thousand (65,000) square feet of building area in B-1, Local Business and B-2, General Business districts may acquire an additional permit for a wall-mounted sign of a size not to exceed the lesser of four hundred (400) square feet or forty (40) percent of the surface frontal of the surface frontal area of the building. Each establishment sixty-five thousand (65,000) square feet of building area or larger may acquire a permit for wall mounted signage of a size not to exceed six and one-half (6.5) percent of the surface frontal area of the building. Signs mounted on mansards, marquees, and awnings are deemed to be wall signs.

Section 39-16(b) amended per Ordinance# 2014-11

(a) Side Surface Area Wall-Mounted Signage:

A business establishment sixty five thousand (65,000) square feet of building area or more may have two (2) additional wall-mounted signs of a size not to exceed five percent (5%) of the surface area of the side of the building. Said signage shall be limited to one side of the building, either the left or right side or the rear of the building.

(b) Accessory Use Advertisement Wall-Mounted Sign:

A business establishment between forty thousand (40,000) square feet of building area to one hundred thousand (100,000) square feet of building area may have one (1) additional wall-mounted sign of a size not to exceed one hundred (100) square feet for the purpose of advertising an accessory use.

A business with over one hundred thousand (100,000) square feet of building area may have two (2) additional wall-mounted signs of a size not to exceed one hundred (100) square feet each for the purpose of

advertising accessory uses. No business establishment may have more than three (3) wall-mounted signs.

(7) Menu Type Signs:

One menu type sign per drive-thru window service shall not exceed forty (40) square feet in area or eight (8) feet in height.

(8) Gasoline and Fuel Signs:

Gasoline or other motor vehicle fuel pricing signs, in addition to permitted name or identification signs, are permitted in any business or industrial district. Such signs shall not exceed twelve (12) square feet in area and must comply with the other applicable sign requirements for the Jubilee Retail Overlay District.

(9) Temporary Signage:

(a) General Provision:

Temporary non-illuminated signs not more than thirty-two (32) square feet in area, erected in connection with new construction work and displayed on the premises during such time as the actual construction work is in progress may be permitted. One (1) such sign, no greater than ten (10) feet in height, is allowed for each street frontage. Such signs shall be removed upon completion of the project.

(b) Temporary Advertising Sign:

A temporary advertising sign will be permitted to the owner for the development for each individual business premises, shopping center premises provided the area of each sign shall not exceed thirty-two (32) square feet, is non-illuminated, and is within the confines of the development. These signs shall be the height no greater than ten (10) feet mounted from the ground, for no more than one (1) sign, either single or double faced, per street frontage.

(c) Temporary Promotional Banners:

Two (2) temporary signs or banners not exceeding fifty (50) square feet each in area and temporary decorative flags, bunting, pennants and streamers for recognizing grand openings are permitted. Said temporary banners shall be kept in good condition and shall be permitted no more than fourteen (14) days. Furthermore, decorative seasonal banners are permitted on light standards at all times, provided that the same are maintained in good condition.

(d) Large Promotional Tents & Tethered 3-D Inflatables:

One promotional tent which is greater than one hundred forty four (144) square feet in area may be used upon obtaining a permit from the Code Enforcement Officer for no more than ninety days per calendar year. Said tent should be located within the minimum setbacks of the property and sufficiently anchored or tethered to ensure safety.

A plot plan showing the proposed location of the tent and the distance from the nearest property lines and public right-of-way shall accompany the permit application. Small promotional tents or those equal to or less than one hundred forty four (144) square feet in area are exempt from these provisions.

One tethered inflatable three dimensional (3-D) object may be used upon obtaining a permit from the Code Enforcement Officer for no more than ninety days per calendar year. Said inflatable shall be setback at least one hundred (100) feet from the property line. The maximum height shall not exceed fifty (50) feet. A plot plan showing the proposed location of the 3-D tethered inflatable and the distance from the nearest property lines and public right-of-way shall accompany the permit application.

Either one promotional tent or one tethered inflatable three dimensional (3-D) object may be allowed at one time. A promotional tent which is greater than one hundred forty four (144) square feet shall not be erected at the same time that a tethered 3-D inflatable object is displayed.

Section 39-16(d) added per Ordinance# 2014-11

39-17 DISTRICT MAP

Jubilee Retail Overlay District Map, Exhibit F is hereby adopted as a part of this Ordinance (See Appendix).

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2021-46**

**2022-B-NEW RESTROOMS AT DAPHNE SPORTS COMPLEX (PLAYGROUND/SPLASH PAD
AREA)**

WHEREAS, the City of Daphne is required under section 39-1-1(E) of the Code of Alabama to secure competitive bids for public works contracts in excess of \$50,000; and

WHEREAS, The City of Daphne acknowledges that the cost for the New Restrooms at The Playground/Splash Pad Area at Daphne Sports Complex will exceed this amount; and

WHEREAS, Staff has reviewed the bids for the New Restrooms at The Playground / Splash Pad Area at Daphne Sports Complex and determined that the low bid for the base bid + add alternate #1 as presented is reasonable; and

WHEREAS, Staff recommends the bid for the New Restrooms at The Playground/Splash Pad Area at Daphne Sports Complex be awarded to Reed-Hayes Construction, LLC.

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that the City accept the bid of Reed-Hayes Construction, LLC for the base bid + add alternate # 1 in the amount of **\$475,226** for BID SPECIFICATION NO: 2022-B-NEW RESTROOMS AT DAPHNE SPORTS COMPLEX (PLAYGROUND/SPLASH PAD AREA).

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ day of _____, 2021

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, CMC, City Clerk

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2021-47**

**FIRE DEPARTMENT TURNOUT GEAR AND MAINTENANCE PROGRAM – NATIONAL
PURCHASING PARTNERS LLC (NPPGOV) CONTRACT #PS20065 – LION**

WHEREAS, the City of Daphne is required under section 41-16-20 of the Code of Alabama to secure competitive bids for purchases of goods or services in excess of \$15,000; and

WHEREAS, the City of Daphne acknowledges that the cost of Fire Department turnout gear and maintenance will exceed this amount; and

WHEREAS, Alabama Code § 41-16-51(a)(17) exempts from competitive bidding “the purchase of goods or services from vendors that have been awarded a current and valid NPPGov contract”; and

WHEREAS, Alabama Code § 41-16-51(a)(15) exempts from competitive bidding “contractual services and purchases of products related to, or having an impact upon, security plans, procedures, assessments, measures, or systems, or the security or safety of persons, structures, facilities, or infrastructures”; and

WHEREAS, Staff has reviewed the NPPGov contract for Fire Department turnout gear from North America Fire Equipment Company (NAFECO) as an authorized distributor for LION and determined that the bid as presented is reasonable; and

WHEREAS, Staff recommends that the City of Daphne utilize the NPPGov Contract # PS20065 awarded to LION.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that:

1. The purchase of the Fire Department Turnout Gear is related to and has an impact on security procedures and the security or safety of persons;
2. The City hereby accepts the bid of NPPGov Contract # PS20065, and shall retain the same benefits throughout the term of the contract (*through June 13, 2026*) as specified in the NPPGov Contract # PS20065 awarded to LION and
3. The Mayor is hereby authorized to execute any documents required in order for the City of Daphne to purchase goods and maintenance through the NPPGov Contract # PS20065 from North America Fire Equipment Company as an authorized distributor for LION.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA this ____ day of _____, 2021.

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, CMC, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2021-62**

FIRE PREVENTION CODE FOR THE CITY OF DAPHNE - AMENDMENT

AN ORDINANCE TO AMEND ORDINANCE 2019-33 TO FURTHER AMEND THE 2018
INTERNATIONAL FIRE CODE AS ADOPTED FOR THE CITY OF DAPHNE, ALABAMA

WHEREAS, on July 15, 2019, the City Council of the City of Daphne adopted Ordinance 2019-33, which adopted the 2018 edition of the International Fire Code with certain amendments; and

WHEREAS, the 2018 edition of the International Fire Code, copyrighted by the International Code Council, with amendments thereto, has heretofore been on file in the Office of the City Clerk of the City of Daphne, Alabama; and

WHEREAS, the City Council of the City of Daphne desires to further amend the 2018 edition of the International Fire Code upon recommendation from the City's Fire Department.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, AS FOLLOWS:

SECTION 1. AMENDMENT OF APPENDIX D OF THE 2018 EDITION OF THE INTERNATIONAL FIRE CODE, AS ADOPTED BY THE CITY OF DAPHNE.

Section D107.1 of Appendix D is not adopted but is recommended.

SECTION 2. ORDINANCE 2019-33 TO REMAIN IN EFFECT.

Ordinance 2019-33, adopted by the City Council of the City of Daphne on July 15, 2019, shall remain in full effect to the extent not amended by this Ordinance.

SECTION 3: SEVERABILITY.

If any provision of this Ordinance is held to be invalid or unenforceable for any reason, such holding shall not in any way affect the remaining portions hereof, which shall remain in full force and effect.

SECTION 4: EFFECTIVE DATE.

This Ordinance shall be in full force and effect from and after the date of its approval by the City Council of Daphne and publication as required by law.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE THIS ____
DAY OF _____ 2021.**

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, CMC, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2021-63**

**APPROPRIATION: NEW RESTROOMS AND RELATED IMPROVEMENTS AT THE
PLAYGROUND/SPLASH PAD AREA AT DAPHNE SPORTS COMPLEX**

WHEREAS, Ordinance 2021-49 approved and adopted the Fiscal Year 2022 Budget on September 20, 2021; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2022 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2022 budget; and

WHEREAS, a previous appropriation (Ordinance 2021-26) in the amount of \$24,000 for the new restrooms at the playground/splash pad area at Daphne Sports Complex was approved for engineering cost; and

WHEREAS, the new restrooms at the playground/splash pad area at Daphne Sports Complex has been bid with the total project cost of \$528,488 (Construction-\$475,226 + Engineering Fees-\$24,000 + Contingency-\$29,262); and

WHEREAS, additional improvements in the amount of \$142,000 are needed for the restroom area at the Daphne Sports Complex including two (2) pavilions (\$80,000), chain link fence (\$30,000) for security and safety, lighting (\$20,000), and a door lock system (\$12,000); and

WHEREAS, an appropriation in the amount of \$646,487 is need for the new restrooms and related improvements at the playground /splash pad area at Daphne Sports Complex.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that total funds in the amount of **\$250,000 from the Lodging Tax Fund** and **\$396,487 from the General Fund** are hereby appropriated and made a part of the Fiscal Year 2022 Budget for the new restrooms at the playground/splash pad area at the Daphne Sports Complex project.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ DAY OF _____, 2021.

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, CMC, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2021-64**

**APPROPRIATION: D'OLIVE BAY BOAT CHANNEL DREDGING PROJECT – CHANNEL
MARKER INSTALLATION**

WHEREAS, Ordinance 2021-49 approved and adopted the Fiscal Year 2022 Budget on September 20, 2021; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2022 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2022 budget; and

WHEREAS, D'Olive Bay Boat Channel Dredging Project-GOMESA Grant# G-DDBC-2-D was previously completed and new channel markers were purchased to properly mark the channel; and

WHEREAS, quotes were obtained to purchase needed material and to install these markers along the newly dredged channel in D'Olive Bay in the amount of \$32,078; and

WHEREAS Ordinance 2020-10 appropriated \$10,000 in additional funding for the dredging project and \$8,033 in funds remain available.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that

- 1) Funds in the amount of **\$24,045** from the **Lodging Tax Fund** are hereby appropriated and made a part of the Fiscal Year 2022 budget for the installation of channel markers along the D'Olive Bay Boat Channel.
- 2) The Mayor is hereby authorized to execute any and all documents required in order for the City of Daphne to participate in such project.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ DAY OF _____, 2021.

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, CMC, City Clerk

**CITY OF DPAHNE, ALABAMA
ORDINANCE 2021-65**

**APPROPRIATION FOR FENCING FOR NORTH MAIN STREET SERVICE ROAD
(NEAR HWY90/98)**

WHEREAS, Ordinance 2021-49 approved and adopted the Fiscal Year 2022 Budget on September 20, 2021; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2022 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2022 budget; and

WHEREAS, the City of Daphne would like to upgrade the fencing for North Main Street Service Road near Hwy90/98 since this is an entrance point to the City of Daphne; and

WHEREAS, quotes were obtained from ALDOT for the fencing improvements for the North Main Street Service Road near Hwy 90/98 with black vinyl coated fencing in the amount of \$42,702; and

WHEREAS, the City of Daphne will be required to provide the funding prior to ALDOT moving forward with the fencing improvements.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that:

- 1) The Fiscal Year 2022 Budget is hereby amended to include an appropriation in the amount of **\$42,702** from the **Lodging Tax Fund** for fencing improvements for North Main Street Service Road-near Hwy90/98, and
- 2) The Mayor is hereby authorized to execute any documents required in order for the City of Daphne to participate in such fencing improvement project.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ DAY OF _____, 2021.

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, CMC, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2021-66**

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A LAND EXCHANGE AGREEMENT WITH TARGET CORPORATION TO CONVEY CERTAIN MUNICIPAL PROPERTY IN EXCHANGE FOR CERTAIN REAL PROPERTY NEEDED FOR RIGHT-OF-WAY ACQUISITION RELATED TO THE LAVENDER LANE PROJECT

WHEREAS, the City of Daphne, in conjunction with the Alabama Department of Transportation, has proposed a roadway extension project for Lavender Lane on the east side of Highway 98, just north of the Daphne Justice Center (the “Project”); and

WHEREAS, a certain portion of real property owned by Target Corporation (“Target”) containing approximately 0.34 ± acres (the “Roadway Parcel”) must be acquired by the City in order to complete the Project; and

WHEREAS, as consideration for Target’s conveyance to the City of the Roadway Parcel, the City wishes to convey to Target the following described portion of real property containing approximately 0.01 ± acres (the “Sign Parcel”) which will enable Target to remove its existing monument sign perpendicular to Highway 98 and install a new freestanding monument sign near the intersection of Lavender Lane with Highway 98; and

WHEREAS, there being no monetary compensation in connection with the proposed conveyances of property, the City and Target wish to enter into a Land Exchange Agreement to memorialize the terms agreed upon therein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, as follows:

1. It is hereby established and declared that the following described real property of the City of Daphne, Alabama, is no longer needed for public or municipal purposes, to wit:

BEGINNING AT THE SOUTHERNMOST WESTERN CORNER OF LOT 1, BAKER SUBDIVISION, AS SHOWN IN MAP OR PLAT, RECORDED IN SLIDE 1912-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; RUN THENCE NORTH 89° 49' 14" WEST, ALONG THE SOUTH LINE OF LOT 3B, BAKER SUBDIVISION A RESUBDIVISION OF LOT 3, AS SHOWN IN MAP OR PLAT, RECORDED IN SLIDE 1970-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, A DISTANCE OF 250.01 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF U.S. HIGHWAY 98; THENCE RUN SOUTH 00° 14' 12" EAST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 195.54 FEET; THENCE RUN NORTH 89° 45' 48" EAST, DEPARTING SAID EAST RIGHT-OF-WAY, A DISTANCE OF 11.00 FEET; THENCE RUN NORTH 00° 14' 12" WEST, A DISTANCE OF 8.51 FEET; THENCE RUN SOUTH 89° 45' 48" WEST, A DISTANCE OF 10.00 FEET; THENCE RUN NORTH 00° 14' 12" WEST, ALONG A LINE PARALLEL TO THE EAST RIGHT-OF-WAY OF SAID U.S. HIGHWAY 98, A DISTANCE OF 186.02 FEET; THENCE RUN SOUTH 89° 49' 14" EAST, A DISTANCE OF 250.00 FEET; THENCE RUN NORTH 00° 43' 53" EAST, A DISTANCE OF 1.00 FOOT TO A POINT ON THE SOUTH LINE OF LOT 1 OF THE AFOREMENTIONED BAKER SUBDIVISION; THENCE RUN NORTH 89° 49' 14" WEST, ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 1.00 FOOT TO THE POINT OF BEGINNING. TRACT CONTAINS 0.01 ± ACRES.

2. The Mayor and the City Clerk are hereby authorized and directed to execute and attest, respectively, for and on behalf of the City of Daphne, a statutory warranty deed, a copy of which shall be

on file in the office of the City Clerk, whereby the City shall convey the premises described in Section 1 hereof to Target Corporation for and in consideration of Target's conveyance of the Roadway Parcel to the City.

3. The Mayor and the City Clerk are hereby authorized and directed to execute and attest, respectively, for and on behalf of the City of Daphne, the Land Exchange Agreement in the form attached hereto as Exhibit 1, and the Mayor is further authorized to execute any and all other documents and instruments reasonably necessary to complete the exchange of real property contemplated in the Land Exchange Agreement as requested by Target and approved by the City Attorney.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE,
ALABAMA, THIS ____ DAY OF _____, 2021.**

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, CMC, City Clerk

EXHIBIT 1
FORM OF LAND EXCHANGE AGREEMENT
(attached)

LAND EXCHANGE AGREEMENT

This Land Exchange Agreement (this “Agreement”) is dated as of the ____ day of December, 2021 (the “Effective Date”), by and between TARGET CORPORATION, a Minnesota corporation (“Target”) and the CITY OF DAPHNE, an Alabama municipal corporation (the “City”). Target and the City are referred to herein individually as a “Party” and collectively as the “Parties.”

RECITALS:

WHEREAS, Target is the fee owner of the Target parcel (the “Target Parcel”) depicted on the site plan attached as Exhibit A to this Agreement (the “Site Plan”); and

WHEREAS, the City desires to construct a roadway as proposed in the plans attached to this Agreement as Exhibit B (the “Roadway Plans”), and a portion of such roadway is located within the Target Parcel; and

WHEREAS, in connection with the Roadway Plans, Target and the City have agreed to a land swap whereby Target will convey a portion of the Target Parcel to the City for public use (the “Roadway Transfer”) depicted on the Site Plan as the “Roadway Parcel,”; and described in Exhibit C to this Agreement; and

WHEREAS, as consideration for Target’s conveyance of the Roadway Parcel to the City, the City will convey a portion of real property owned by the City to Target (the “Flag Lot Transfer”) depicted on the Site Plan as the “Sign Parcel,” and described in Exhibit D to this Agreement; and

WHEREAS, the Parties agree that there will be no monetary compensation in connection with the Roadway Transfer and Flag Lot Transfer; and

WHEREAS, Target agrees that the City’s conveyance of the Sign Parcel is good and valuable consideration, the sufficiency of which is hereby acknowledged.

NOW, THEREFORE, for and in consideration of the reciprocal covenants stated herein, the Parties agree as follows:

1. **Conveyance.** Upon satisfaction of the Signage Contingency, as hereinafter defined, Target shall convey fee simple title to the Roadway Parcel by statutory warranty deed to the City, and the City shall convey fee simple title to the Sign Parcel by statutory warranty deed to Target (each, a “Deed”), on the terms and conditions stated herein, at a date and time mutually agreed to by the Parties, but in no event later than October 7, 2022 (the “Closing Deadline”), unless expressly agreed to in writing by the Parties (the “Closing”). Each statutory warranty deed shall be in recordable form acceptable to both Target and the City. The City shall be responsible for recording each statutory warranty deed in the records of the Probate Court of Baldwin County, Alabama, within one (1) business day of Closing. If the Closing does not occur by the Closing Deadline, then this Agreement shall automatically terminate and be considered void.

2. Signage Contingency. This Agreement is contingent upon Target obtaining written approval from the City of Target's sign specifications for the freestanding monument sign to be installed on the Sign Parcel.

3. Like-Kind Exchange; Expenses. Each Party agrees that the fair market value of the Roadway Parcel and the Sign Parcel are approximately equivalent, and that no monetary consideration will be exchanged between the Parties for the like-kind exchange of real property provided for in this Agreement.

4. Each Party to Accept Property in As-Is Condition. The City agrees to accept the Roadway Parcel, and Target agrees to accept the Sign Parcel, in "as is" condition, with no warranties or representations by either Party other than as provided in this Agreement or as set forth in the Deed.

5. Cross-Access and Utilities Easement. Concurrently with the execution of the Deeds, Target agrees to grant one or more non-exclusive easements on, over, upon and across portions of the Sign Parcel for purposes of vehicular and pedestrian ingress and egress to and from all parcels adjacent to the Sign Parcel and for utility access as needed. The easement(s) shall be in recordable form acceptable to both Target and the City. The City shall be responsible for recording such easement(s) in the records of the Probate Court of Baldwin County, Alabama, within one (1) business day of Closing.

6. Closing Costs and Taxes. Each Party shall be responsible for its own costs and expenses in fulfilling its respective obligations under this Agreement. Target acknowledges and agrees that it shall be responsible for paying any ad valorem taxes on the Sign Parcel and the Roadway Parcel for the tax year of closing. The City represents that, because it is a municipal corporation, no ad valorem taxes have been or will have been assessed on the Sign Parcel in the tax year prior to Closing. Target shall be solely responsible for any deferred or past due taxes on the Roadway Parcel. The provisions of this section shall survive Closing.

7. Conveyance of Title. At Closing, each Party shall convey good and marketable title to the respective parcels pursuant to a statutory warranty deed. As used in this Agreement, "good and marketable title" shall mean fee simple title that is free and clear of any liens, encumbrances, leases, licenses, and other occupancy agreements and arrangements, and other exceptions to title and rights of others. Each Party acknowledges and agrees that, due to the nature of the transaction set forth in this Agreement, neither Party shall require a title insurance policy or other title examination in connection with the Roadway Transfer or the Flag Lot Transfer. At Closing, each Party shall execute an Owner's Affidavit and other affidavits, certificates and documents reasonably required by the other Party.

8. Target's Representations and Warranties. Target represents, warrants and covenants to the City that, as of the Effective Date, and continuing through Closing:

- a. Target has good and marketable fee simple title to the Roadway Parcel, free and clear of all liens, encumbrances, leases, licenses, and other occupancy agreements and arrangements. There are no parties other than Target with any interest in the Roadway Parcel (marital, homestead, option, right of first refusal, leasehold or

otherwise). Target is in sole and exclusive possession of the Roadway Parcel and no person or entity claims any right of possession to all or any portion thereof;

- b. Target has full authority to execute and deliver this Agreement and convey the Roadway Parcel to the City and execute and deliver the Deed and such other documents, instruments, affidavits and certificates as are necessary or desirable to effectuate this transaction, and no other signatures are required for this Agreement to be fully enforceable by the City;
- c. Target has no written notice and is not involved in any active litigation regarding any taking or condemnation of the Roadway Parcel or any portion thereof, or any action, litigation or proceeding by any organization, person or governmental agency affecting the Roadway Parcel or Target;
- d. Target has not received any written notice of any violation of law, order, ruling, ordinance, rule or regulation with respect to Target or the Roadway Parcel or the use or construction thereof;
- e. The execution and delivery of this Agreement and the consummation of this transaction will not result in a breach of any of the terms of, or constitute a default under, any (i) indenture, contract or instrument to which Target is a party or by which Target or the Roadway Parcel is bound, or (ii) law, order, ruling, ordinance, rule or regulation with respect to Target or the Roadway Parcel or the use or construction thereof;

Target will not allow or cause any action to be taken that will cause any of the foregoing representations or warranties to be untrue or incorrect at Closing, or fail to take any action that may be required to keep such representations and warranties true and correct at Closing. The representations, warranties and obligations of Target pursuant to this Section 8 shall survive Closing or any termination of this Agreement for a period of one (1) year.

9. The City's Representations and Warranties. The City represents, warrants and covenants to Target that, as of the Effective Date, and continuing through Closing:

- a. The City has good and marketable fee simple title to the Sign Parcel, free and clear of all liens, encumbrances, leases, licenses, and other occupancy agreements and arrangements. There are no parties other than the City with any interest in the Sign Parcel (marital, homestead, option, right of first refusal, leasehold or otherwise). The City is in sole and exclusive possession of the Sign Parcel and no person or entity claims any right of possession to all or any portion thereof;
- b. The City has full authority to execute and deliver this Agreement and convey the Sign Parcel to Target and execute and deliver the Deed and such other documents, instruments, affidavits and certificates as are necessary or desirable to effectuate this transaction, and no other signatures are required for this Agreement to be fully enforceable by Target;
- c. The City has no written notice and is not involved in any active litigation regarding any taking or condemnation of the Sign Parcel or any portion thereof, or any action, litigation or proceeding by any organization, person or governmental agency affecting the Sign Parcel or the City;

- d. The City has not received any written notice of any violation of law, order, ruling, ordinance, rule or regulation with respect to the City or the Sign Parcel or the use or construction thereof;
- e. The execution and delivery of this Agreement and the consummation of this transaction will not result in a breach of any of the terms of, or constitute a default under, any (i) indenture, contract or instrument to which the City is a party or by which the City or the Sign Parcel is bound, or (ii) law, order, ruling, ordinance, rule or regulation with respect to the City or the Sign Parcel or the use or construction thereof;

The City will not allow or cause any action to be taken that will cause any of the foregoing representations or warranties to be untrue or incorrect at Closing, or fail to take any action that may be required to keep such representations and warranties true and correct at Closing. The representations, warranties and obligations of the City pursuant to this Section 9 shall survive Closing or any termination of this Agreement for a period of one (1) year.

10. Acknowledgements by the City. The City acknowledges that (i) the areas depicted on the Site Plan as the “Target Outparcel” are currently zoned to permit the construction and operation of a new building or buildings in the common areas on the Target Parcel; (ii) the construction of one (1) freestanding monument sign will be permitted in the area depicted on the Roadway Plans, provided Target acknowledges that the existing monument sign perpendicular to Hwy. 98 may be required to be removed and replaced with a smaller freestanding monument sign, provided the face of said sign does not exceed sixteen (16) square feet and replaced or as approved by the City; and (iii) following subdivision of the new permissible building area comprising the Target Outparcel, the construction of one (1) freestanding monument sign for the new building shall be permitted within the resulting new lot. The acknowledgments of the City in this Section 10 are intended to state the current status of regulations regarding land use in the City as of the date of this Agreement, and do not represent any binding obligation of the City, staff of the City, or the City’s Planning Commission.

11. City to Replat Sign Parcel with Target Parcel After Closing. The City hereby agrees that, within sixty (60) days of Closing, it will cause the Sign Parcel and Target Parcel (less the Roadway Parcel) to be administratively replatted so that the two parcels become a single parcel.

12. Default.

- a. *Target’s Default.* If, prior to Closing, Target defaults in the performance of any obligation or covenant hereunder, or if any of Target’s representations or warranties prove to be false, inaccurate, incomplete or misleading in any material respect, then the City’s sole and exclusive remedies shall be to terminate this Agreement.
- b. *The City’s Default.* If, prior to Closing, the City defaults in the performance of any obligation or covenant hereunder, or if any of the City’s representations or warranties prove to be false, inaccurate, incomplete or misleading in any material respect, then Target’s sole and exclusive remedies shall be to terminate this Agreement.

- c. *Post-Closing Remedies.* Notwithstanding subsections a and b above, for a period of one (1) year from and after the Closing or termination of this Agreement, each party shall have the right to pursue its actual (but not consequential or punitive) damages against the other Party for: (1) a breach of any covenant or agreement contained herein that is performable after or that expressly survives the Closing or termination of this Agreement (including the indemnification obligations contained in this Agreement). After the aforementioned one (1) year period, neither Party shall have the right to make any claim under this Agreement.
- d. *Notice and Cure Rights.* In the event of a default hereunder, the non-defaulting Party shall give the defaulting Party notice of such default, specifying in reasonable detail the nature of the default. Thereafter, the defaulting Party shall have sixty (60) days from the date notice of default is given (the “Cure Period”) to cure the default. If the defaulting Party cures the default within the Cure Period, it shall not incur any liability to the other Party for the default. Each Party shall reasonably cooperate with any and all attempts by the other to cure any default within the Cure Period.
- e. *Legal Fees.* In the event of any litigation between the Parties regarding this Agreement, the Party adjudged to be in default or the Party otherwise adjudged to be the non-prevailing Party shall promptly pay the prevailing Party’s attorneys’ fees and expenses and costs of litigation.

13. Notices. All notices required or permitted to be given hereunder shall be in writing and shall be deemed given: (a) upon hand delivery with receipt of delivery, (b) the next business day after deposit with Federal Express, UPS or other nationally recognized overnight courier service, receipt required, or (c) when transmitted via email or facsimile, provided a copy is sent the next business day by method (a) or (b) or by regular first-class U.S. Mail. All notices shall be addressed as follows:

If to Target: Target Corporation
Property Development
Attn: Real Estate – Existing Stores/T-1274
1000 Nicollet Mall
Minneapolis, Minnesota 55403

If to the City: City of Daphne
Attn: City Clerk
1705 Main Street
Daphne, AL 36526
Phone: 251-620-1000
Email: cityclerk@daphneal.com

With a copy to: Jay M. Ross, Esq.
Adams and Reese LLP

RSA Battle House Tower
11 North Water Street, Suite 23200
Mobile, Alabama 36602
Phone: 251.650.0873
Fax: 251.650.2058
Email: jay.ross@arlaw.com; patrick.dungan@arlaw.com

14. Covenants Pending Closing. From and after the Effective Date through Closing, each Party, with respect to the parcel it is conveying pursuant to this Agreement, shall: (a) operate and maintain its subject property in a good and workmanlike manner at least as well as it has operated and maintained it prior to the Effective Date, and shall not commit or allow any waste of or on the subject property; (b) within 3 business days after its receipt thereof, give notice to the other Party of any litigation, arbitration or administrative proceeding concerning or affecting the subject property, together with copies of all relevant documents; and (c) comply with all requirements of all laws, orders, rulings, ordinances, rules and regulations of any governmental authority having jurisdiction over it and the subject property and/or the use thereof. From and after the Effective Date through Closing, it shall not convey or encumber any portion of the subject property or any rights therein, nor enter into any conveyance, mortgage, deed of trust, security document, option, right of first refusal, easement, lease or other contract granting to any person or entity any rights or interests in any portion of the subject property.

15. Miscellaneous.

- a. This Agreement shall be interpreted in accordance with the laws of the State of Alabama and proper venue for any action arising hereunder shall lie in Baldwin County, Alabama.
- b. Time is of the essence in the occurrence of all events, the satisfaction of all conditions and the performance of all obligations hereunder.
- c. This Agreement constitutes the sole and entire agreement between the Parties with regard to its subject matter. All prior discussions, negotiations and agreements regarding the subject matter of this Agreement are merged herein and shall have no further force or effect. No representations or warranties have been made by either Party except as stated herein.
- d. All representations and warranties of both Parties contained in this Agreement, together with all covenants expressly surviving Closing, shall survive Closing and delivery of the Deed and other documents delivered at Closing and shall not be merged with delivery thereof.
- e. If any provision of this Agreement shall be declared invalid or unenforceable by laws applicable thereto, or unenforceable as to certain parties, then the performance of such provision shall be excused by the Parties hereto and the remaining provisions of this Agreement shall remain in full force and effect.
- f. The titles, captions and paragraph headings herein are inserted for convenience only and are in no way intended to interpret, define or limit the scope or content of this Agreement or any provision hereof. Both Parties have been represented by counsel in the drafting and negotiation of this Agreement, and this Agreement shall be

construed without regard to any presumption or other rule requiring construction against the Party causing this Agreement to be drafted.

- g. Any failure or delay of either Party to enforce any term of this Agreement shall not constitute a waiver of such term. Any waiver of any term of this Agreement by either Party must be specifically stated in a writing delivered to the other party in compliance with Section 13 above. Any such waiver by either Party shall not be deemed to be a waiver of any other term of this Agreement or of a subsequent breach of the same term.
- h. This Agreement shall be binding upon and shall inure to the benefit of each Party, their respective heirs, successors, legal representatives and permitted assigns. Neither Party may assign its rights or obligations hereunder without the prior written consent of the other Party, which shall not be unreasonably withheld. Notwithstanding the foregoing, Target may assign its rights under this Agreement to an affiliate and/or to a business organization of which it is an owner without the prior written consent of the City, provided that when said assignment occurs, Target shall continue to be primarily liable for the performance and observance of the obligations to be performed and observed by it under this Agreement.
- i. This Agreement may be executed in any number of identical counterparts which, taken together, shall constitute collectively one agreement. The Parties acknowledge and agree that execution of this Agreement may be accomplished by electronic signature utilizing DocuSign or any other mutually acceptable similar online, electronic, or digital signature technology. The Parties agree that this Agreement may be transmitted by facsimile machine or by electronic scanning and email, and the Parties intend that faxed, scanned, and electronic signatures shall constitute original signatures. A facsimile or scanned copy or any counterpart or conformed copy of this Agreement, including use of Adobe PDF technology to merge pages and create a conformed copy of this Agreement, with the signature (original, faxed, or scanned signature or permitted electronic signature) of all of the Parties shall be binding on the Parties. Except as provided in this section with respect to electronic signatures (e.g., DocuSign) and faxing, scanning, and emailing, (1) the Parties do not assent or agree to and will not be bound by any electronic record, and without limiting the foregoing, (2) the Parties agree that the Electronic Signatures in Global and National Commerce Act, any version of the Uniform Electronic Transactions Act, including without limitation Alabama Code § 8-1A-1, et seq. (1975), and any other laws applicable to contracting electronically do not and shall not apply to the execution of this Agreement or any amendment hereto.
- j. This Agreement may only be amended, modified, or changed by a traditional written document properly executed by each Party. Such amendment may be transmitted by electronic scanning, email, facsimile, or any other method permitted by the provisions for counterpart execution and for the giving of notice in this Agreement.

[Signatures on next page]

[Signature Page for Land Exchange Agreement]

IN WITNESS WHEREOF, the City and Target have executed this Agreement as of the _____ day of December, 2021.

Attest:

City of Daphne, Alabama

City Clerk

By: _____
Name: Robin LeJeune
As Its: Mayor

Target Corporation

By: _____
Name: _____
As Its: _____

EXHIBIT A

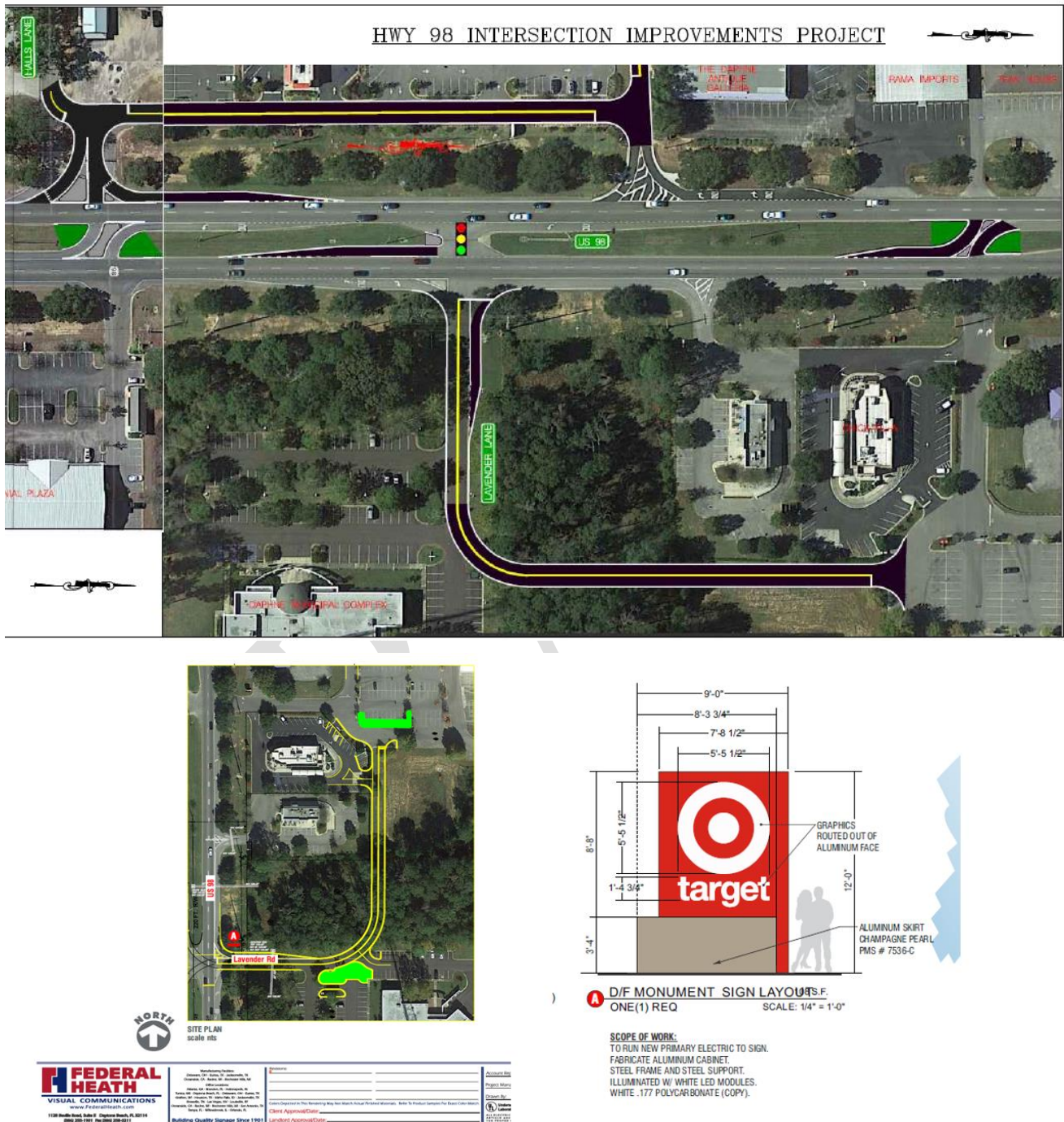
Site Plan

(This graphic depiction is for illustrative purposes only and should not be relied upon for accuracy. All lot lines are approximate.)



Roadway Plans

(Approximate depiction of Roadway Improvements, including Target's freestanding monument)



Depiction of sign location is approximate. Final location to be determined but may not be within the ALDOT right-of-way.

EXHIBIT C

Legal Description (Metes and Bounds) of Roadway Parcel

COMMENCING AT THE SOUTHERNMOST WESTERN CORNER OF LOT 1, BAKER SUBDIVISION, AS SHOWN IN MAP OR PLAT, RECORDED IN SLIDE 1912-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; RUN THENCE SOUTH 89° 49' 14" EAST, ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 1.00 FOOT TO THE POINT OF BEGINNING; THENCE RUN NORTH 00° 43' 53" EAST, ALONG A LINE PARALLEL TO THE WESTERN LINE OF SAID LOT 1, A DISTANCE OF 245.27 FEET; THENCE RUN SOUTH 89° 29' 44" EAST, A DISTANCE OF 60.00 FEET; THENCE RUN SOUTH 00° 43' 53" WEST, A DISTANCE OF 244.93 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 1; THENCE RUN NORTH 89° 49' 14" WEST, ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 0.34 ± ACRES.

DRAFT

EXHIBIT D

Legal Description (Metes and Bounds) of Sign Parcel

(See also attached depiction)

BEGINNING AT THE SOUTHERNMOST WESTERN CORNER OF LOT 1, BAKER SUBDIVISION, AS SHOWN IN MAP OR PLAT, RECORDED IN SLIDE 1912-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; RUN THENCE NORTH 89° 49' 14" WEST, ALONG THE SOUTH LINE OF LOT 3B, BAKER SUBDIVISION A RESUBDIVISION OF LOT 3, AS SHOWN IN MAP OR PLAT, RECORDED IN SLIDE 1970-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, A DISTANCE OF 250.01 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF U.S. HIGHWAY 98; THENCE RUN SOUTH 00° 14' 12" EAST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 195.54 FEET; THENCE RUN NORTH 89° 45' 48" EAST, DEPARTING SAID EAST RIGHT-OF-WAY, A DISTANCE OF 11.00 FEET; THENCE RUN NORTH 00° 14' 12" WEST, A DISTANCE OF 8.51 FEET; THENCE RUN SOUTH 89° 45' 48" WEST, A DISTANCE OF 10.00 FEET; THENCE RUN NORTH 00° 14' 12" WEST, ALONG A LINE PARALLEL TO THE EAST RIGHT-OF-WAY OF SAID U.S. HIGHWAY 98, A DISTANCE OF 186.02 FEET; THENCE RUN SOUTH 89° 49' 14" EAST, A DISTANCE OF 250.00 FEET; THENCE RUN NORTH 00° 43' 53" EAST, A DISTANCE OF 1.00 FOOT TO A POINT ON THE SOUTH LINE OF LOT 1 OF THE AFOREMENTIONED BAKER SUBDIVISION; THENCE RUN NORTH 89° 49' 14" WEST, ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 1.00 FOOT TO THE POINT OF BEGINNING. TRACT CONTAINS 0.01 ± ACRES.