

CITY OF DAPHNE
1705 MAIN STREET, DAPHNE, AL
CITY COUNCIL BUSINESS MEETING AGENDA
Monday, December 19, 2022
6:00 P.M.

1. CALL TO ORDER

2. ROLL CALL
INVOCATION
PLEDGE OF ALLEGIANCE

PRESENTATION: Gabriel Hunter – Eagle Scout Project

PUBLIC HEARING: Proposed Amendments to the Land Use and Development Ordinance – Article XLI, Medical Overlay District

PUBLIC HEARING: Infirmary Health Systems, Inc. Pre-Zoning Amendment – Located Southwest of the Intersection of U.S. Highway 90 and Alabama Highway 181

PUBLIC HEARING: Infirmary Health Systems, Inc. Annexation Petition - Located Southwest of the Intersection of U.S. Highway 90 and Alabama Highway 181

PUBLIC HEARING: Proposed Amendments to the Land Use and Development Ordinance- Articles 6, Procedures of the Transaction of Business, Article 11, Minimum Standards and Required Improvements for Subdivisions and Commercial Site Developments, Article 13, District Requirements, Article 15, Procedures for Site Plan Review, Article 19, Landscape Standards and Tree Protection, Article 34, Schedule of Fees and Article 37, Eastern Shore Park Overlay District General Provisions

3. APPROVE MINUTES: December 5, 2022 regular meeting.

4. REPORTS OF STANDING COMMITTEES

A. FINANCE COMMITTEE – Conaway

B. BUILDINGS & PROPERTY COMMITTEE – Phillips
Review the November 2022 New Construction and Building Reports.
Certificates of Occupancy: 36
Permits Issues: 286
New Residential Home Permits: 2
Total Fees: \$50,279.03

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

B. DOWNTOWN REDEVELOPMENT AUTHORITY – Conaway

C. INDUSTRIAL DEVELOPMENT BOARD – Scott

MOTION to appoint Pat Rudicell to the Industrial Development Board for a six (6) year term to end December 2028.

City Council Agenda – December 19, 2022

D. LIBRARY BOARD –Phillips

E. PLANNING COMMISSION – Olen

F. RECREATION BOARD – Hughes

G. UTILITY BOARD – Coleman

Review the minutes from the October 26, 2022 meeting.

6. PUBLIC PARTICIPATION

7. MAYOR’S REPORT

8. CITY ATTORNEY REPORT

9. DEPARTMENT HEAD REPORTS

10. CITY CLERK’S REPORT

MOTION to approve the Eastern Shore Baptist Church’s Miles for Missions 5k on January 28, 2023 from 7:00am – 12:00pm.

11. RESOLUTIONS & ORDINANCES

A. RESOLUTIONS:

2022 – 60 – Declare Certain Personal Property Surplus and Authorize the Mayor to Dispose – 2003 Yamaha Golf Cart

B. 2nd READ ORDINANCES:

2022 – 68 – Additional Appropriation: Public Works Storage Building - \$96,520

2022 – 69 – City Hall Roof Replacement - \$215,000

2022 – 70 – Amendment to Ordinance 2004-11 (Business License Ordinance) to Modernize Certain Requirements Relating to License Term and Minimum Amount and to Include Short-Term Rentals

C. 1ST READ ORDINANCES:

2022 – 71 – Ordinance Amending the City of Daphne’s Land Use and Development Ordinance 2011-54 – Article XLI, Medical Overlay District

2022 – 72 – Pre-Zone Property Located Southwest of the Intersection of U.S. Highway 90 and Alabama Highway 181 – Infirmary Health Systems, Inc.

2022 – 73 – Annex Property Contiguous to the Corporate Limits of the City of Daphne – Southwest of the Intersection of U.S. Highway 90 and Alabama Highway 181 – Infirmary Health Systems, Inc.

2022 – 74 – Ordinance Amending the City of Daphne’s Land Use and Development Ordinance 2011-54 – Articles VI, Procedures for Transaction of Business, Article XI, Minimum Standards and Required Improvements for Subdivisions and Commercial Site Developments, Article XIII, District Requirements, Article XV, Site Plan Review, Article XIX, Landscaping and Tree Protection, Article XXXIV, Schedule of Fees and Article XXXVII, Eastern Shore Overlay District

2022 – 75 – Ordinance Consenting to the Sale by the Utilities Board of the City of Daphne of Certain Surplus Personal Property

City Council Agenda – December 19, 2022

2022 – 76 – Appropriation for Garbage Truck - \$339,535

12. COUNCIL COMMENTS

13. ADJOURN

**COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM**



DATE: October 31, 2022
TO: Office of the City Clerk
FROM: Adrienne Jones, AICP, Director of Community Development 
SUBJECT: Proposed Amendments to the Land Use and Development Ordinance

At the October 27, 2022 regular meeting of the City of Daphne Planning Commission, eight members were present. The motion carried unanimously to set forth a favorable recommendation to the City Council to add Article 41, Medical Overlay District, to the Land Use and Development Ordinance.

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.

Please set this hearing and the public hearing for the Infirmary Health Systems, Inc. pre-zoning and annexation together. This should be the first of the three items.

Thank you,
ADJ/jv

Attachment

cc: file

ARTICLE XLI MEDICAL OVERLAY DISTRICT

41-1 PURPOSE AND INTENT

Whereas the City of Daphne promotes a quality living environment that sustains a balanced mix of developments that serve the day-to-day needs of its residents and promotes its image as a desirable and economically stable community. The Medical Overlay District (MOD) is hereby created to recognize and reinforce the importance of the major medical facilities within the City of Daphne. The intent is to enhance and encourage the diversity of businesses and the establishment of new healthcare institutions near the Interstate 10 (I-10) corridor.

The MOD is intended to establish a regulatory framework for the comprehensive unified planned development of medical institutions, professional services, and other noted complementary land uses in a campus-type setting.

All requirements imposed by The Daphne Land Use and Development Ordinance for the applicable underlying zoning designation of each parcel within the MOD shall remain applicable unless modified by the provisions of this Article.

41-2 DISTRICT REQUIREMENTS

The following zoning district shall be allowed as established and most specifically defined in Article 7, Establishment of Districts: B-2 (A), General Business Alternate.

(a) Permitted Uses:

Permitted uses in the B-2(A) zone are as provided in Article 35, Table of Permitted Uses. Article 35, Table of Permitted Uses and Conditions, outlines the restrictions for each district.

In addition to those uses, the following shall be permitted by right within the MOD boundaries:

1. Ambulatory or other surgical centers;
2. Bed and breakfast facilities to accommodate families of patients;
3. Colleges or universities which educate medical professionals;
4. Drug store;
5. Fitness center;
6. Heliport;
7. Hospital and all supporting activities such as cafeteria, gift shop, laundry, and sterile processing facility;
8. Hotel;

9. Independent living and assisted living facilities;
 10. Nursing homes and convalescent centers;
 11. Medically related out-patient services including surgery, diagnostic and therapy services;
 12. Vocational or trade schools associated with or developing skills to be used within the medical field;
 13. Warehouse(s) and accessory structures in support of medical uses; and,
 14. Retail sales of food and other establishments that provide support to employees, visitors, and patients of the various medical facilities located within the MOD such as bakery, café, grill, deli, and restaurant with the exception that a grocery store shall not be permitted.
- (b) Other allowable uses denoted in the underlying zoning classification may be permitted as specifically enumerated in Article 35, Table of Permitted Uses and Conditions.

41-3 SPECIAL PROVISIONS

The following shall apply:

- (a) 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. Review shall be accomplished by technical staff review and approval of the Planning Commission to determine appropriateness. The applicant 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. At a minimum, the master plan shall include the locations of buildings/structures, streets and/or private drive layouts, pedestrian paths, stormwater detention/retention area(s), loading and parking areas. Substantial modifications to any approved master plan shall require additional review by the Planning Commission.
- (b) The provisions of this Article shall be required for all projects involving construction including all development within the MOD, construction of a park, public way, open space, building, or structure; construction of a public utility whether publicly or privately owned; and all existing structures which increase the gross floor area by thirty (30) percent or more; and other uses as required by the Planning Commission.
- (c) Size of properties reserved or laid out for immediate or future use shall be adequate to provide for service and parking facilities required by the type of use and development contemplated.

- (d) A site plan review shall be accomplished by technical review 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, as well as, applicable Building and Fire Codes, latest edition.
- (e) Said Site Plan approval shall be authorization to begin work, subject to the issuance of a Site Disturbance Permit by the City. Such approval shall become void upon two (2) years from the date of approval if no such permit has been acquired and/or if no such building or construction activity has occurred.
- (f) When all required improvements are installed, the developer/owner shall call for a final inspection. The Director of Community Development or duly authorized representative(s) shall inspect the site to determine if the required improvements are satisfactorily installed according to the approved plans and specifications.
- (g) All provisions of Article 11, Minimum Standards and Required Improvements for Subdivisions and Commercial Site Developments and Article 18, Drainage and Storm Sewers, shall apply unless otherwise noted within this Article.
- (h) Any subdivision of the land shall conform to the provisions of Article 17, Procedures for Subdivision Review.

41-4 SETBACKS

(a) Front Setback

- i. Buildings shall be setback one hundred (100) feet from the centerline of the right-of-way of U.S. Highway 90 and Alabama State Route 181.
- ii. Front setbacks along interior streets shall be twenty-five (25) feet.

(b) Rear Setback

- i. Buildings shall be setback twenty (20) feet from the rear property line, except where abutting a residential district. Where abutting a residential district that is undeveloped or being utilized for dwelling or habitation, the rear setback shall be thirty (30) feet and shall also include a fifteen (15) feet wide planted buffer therein and a privacy fence no less than eight (8) feet in height.

(c) Corner Side Setback

- i. Buildings shall be setback one hundred (100) feet from the centerline of the right-of-way of U.S. Highway 90 and Alabama State Route 181.
- ii. Corner setbacks along interior streets shall be fifteen (15) feet from the right-of-way.

(d) **Interior Side Setback**

- i. Building setback shall be ten (10) feet from the right-of-way.

(e) **Malbis Lane Setback**

- i. Buildings that abut Malbis Lane shall maintain a minimum setback of thirty-five (35) feet and shall be measured from the property line.

41-5 BUILDING HEIGHT

(a) **Height Exceptions**

Mechanical equipment, chimneys, air conditioners, elevator penthouses, clock towers, parapet walls, and similar appurtenances are excluded from height restrictions. However, the exclusions apply only to those elements that are appurtenant to the structure. The excluded element shall not exceed the maximum height by more than fifteen (15) feet.

(b) **Minimum Building Height**

All buildings shall be a minimum of nineteen (19) feet in height.

(c) **Maximum Building Height**

- i. Hospital tower(s): ninety-five (95) feet.
- ii. Buildings used exclusively for medical offices: ninety-five (95) feet.
- iii. Parking garage(s): seventy-five (75) feet.
- iv. All other buildings including multi-use buildings: seventy-five (75) feet.

41-6 PARKING REQUIREMENTS

- (a) Parking spaces shall be provided with vehicular access to a street or alley and shall be at a rate of one space per two hundred (200) square feet of building area.
- (b) The design of the parking deck shall be compatible with the design of the principal structure and shall be submitted as a part of the overall master plan and site plan. The parking deck shall comply with the minimum requirements of this Ordinance.
- (c) Design standards for parking spaces shall be as enumerated in Article 16, Parking Provisions, Section 16-3.

41-7 SIDEWALKS

It is the intent of this section to require the installation of six feet wide sidewalks along the rights-of-way within and along the perimeter of the MOD. Construction of sidewalks shall comply with the standards enumerated in Sections 11-11. Additional sidewalks shall provide connectivity to each building, parking garage, parking lot, and open space.

41-8 LANDSCAPE STANDARDS AND TREE PROTECTION**(a) General**

Landscape and Tree Protection standards shall apply as provided in Article 19 except where otherwise enumerated within this section.

- i. A minimum of ten (10) percent of the site shall be landscaped.
- ii. Stormwater retention facilities shall count towards the landscaping requirement provided that the retention facility includes a fountain.
- iii. Change in use or ownership provision of 19-2 (b) shall not apply to the MOD.
- iv. The landscape and irrigation plan shall be reviewed and approved during the site plan review process.
- v. The Planning Commission may allow the removal of heritage trees. The property owner/developer shall plant one replacement tree for each significant heritage tree removed except for the Live Oak which is outlined below.

(b) Tree Replacements

- i. The replacement trees shall be shade or flowering trees and shall be at least three inches or greater in caliper and ten (10) feet in height at the time of planting.
- ii. Live Oaks which are removed and have less than a twenty (20) inch caliper shall be replaced on a one for one basis.
- iii. Any tree that is located within a proposed building footprint shall be replaced on a one-for-one basis.
- iv. Live Oaks which are removed and have a caliper greater than twenty (20) inch caliper shall be replaced by adding the total caliper of all Live Oaks to be removed and dividing such total by eight and rounding up to the nearest whole number.
- v. If a tree ten (10) inches or larger is not protected and is damaged or removed during construction, then one additional tree will be required to replace the damaged or removed tree.

- vi. Tree credits may apply to trees for frontage areas, parking, and other impervious areas.

(c) Green Belt Zones

- i. To encourage an adequate buffer between the MOD and other zoning districts green belt zones may account for up to forty (40) percent of the required landscaping.
- ii. Frontage area requirements (front property line or area fronting along major roadways) shall apply with this MOD.
- iii. An overstory tree shall be planted for every fifty (50) linear feet of frontage area and these trees shall be planted within fifty (50) feet of the front property line. Trees shall be shade trees and shall be three inches or greater in caliper and ten feet in height at planting. Trees are allowed to be grouped as long as they are planted within the fifty (50) setback.
- iv. There shall be a minimum of one three (3) gallon shrub for every ten feet of frontage length and shall be coordinated with tree and sod planting requirements in this area. Either an overstory or understory tree shall be planted for every sixty (60) feet of perimeter length and meet the other greenbelt requirements in the MOD.
- v. A minimum of ten (10) feet of the required building setback shall be maintained as a green belt zone along the width of the property, except where curb cuts provide ingress and egress.
- vi. All fences or walls designed to identify property boundaries shall be located near the property line. There shall be no requirement to have a six-foot planting area on the interior side of such fences or walls unless such area is included in and required by a green belt zone. Only the new construction area is required to comply with green belt and buffer zones, however, a fence is required to separate the MOD from abutting zoning districts.

(d) Stormwater Facilities

Retention ponds shall have embankments planted with sod and/or shrubs, other grasses, or trees to enhance the appearance of the pond and stabilize the embankment. A water feature such as a fountain is encouraged to promote water movement.

41-9 SIGNAGE

The provisions of Article 33, Sign Provisions, shall apply except where otherwise enumerated within this section.

(a) Monument Signs

- i. The placement of monument signs within the MOD shall be in accordance with the MOD Sign Location Map (Exhibit H-1). There shall be up to three primary monument signs. There shall be no more than three secondary signs.
- ii. The primary monument sign, which includes the face and the base together, shall not exceed two hundred and forty (240) square feet in area and the maximum height of said primary monument sign shall not exceed (12) feet.
- iii. A secondary monument sign shall be permitted along each public ROW.
- iv. The secondary monument sign, which includes the face and the base together, shall not exceed one hundred and sixty (160) square feet in area or $2/3^{\text{rd}}$ of the primary monument sign area and the maximum height of said secondary monument sign shall not exceed ten (10) feet.

(b) Wall Signs

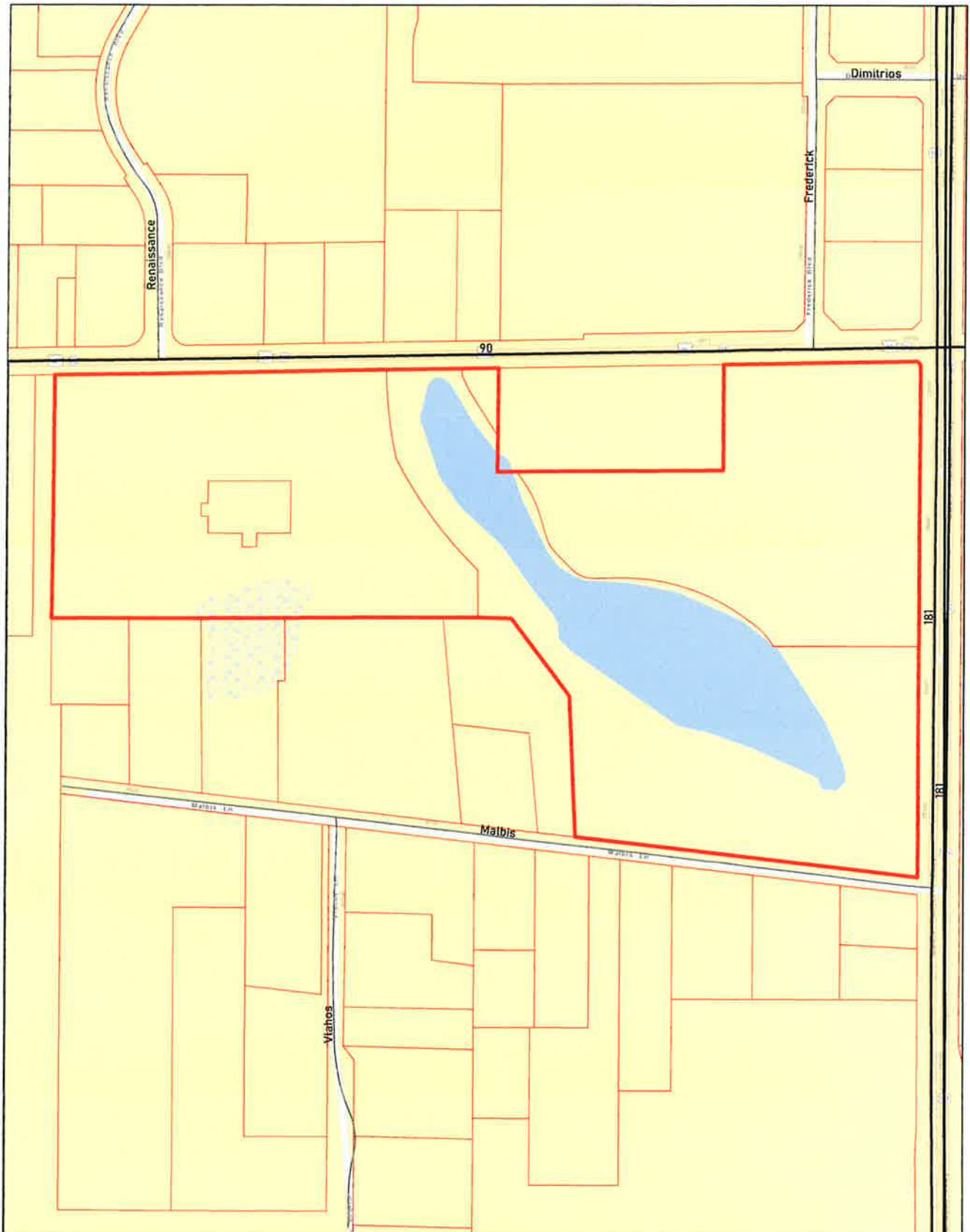
The aggregate area for wall-mounted signs shall be the lesser of (1) four hundred-fifty (450) square feet or, (2) thirty (30) percent of the building façade.

(c) Directional Signs

Interior street directional signage is permitted in the MOD.

41-10 DISTRICT MAP

The Medical Overlay District Map, Exhibit H, is hereby adopted as part of this Ordinance (See Appendix O).



Maps are for graphical purposes only. They do not represent a legal survey.

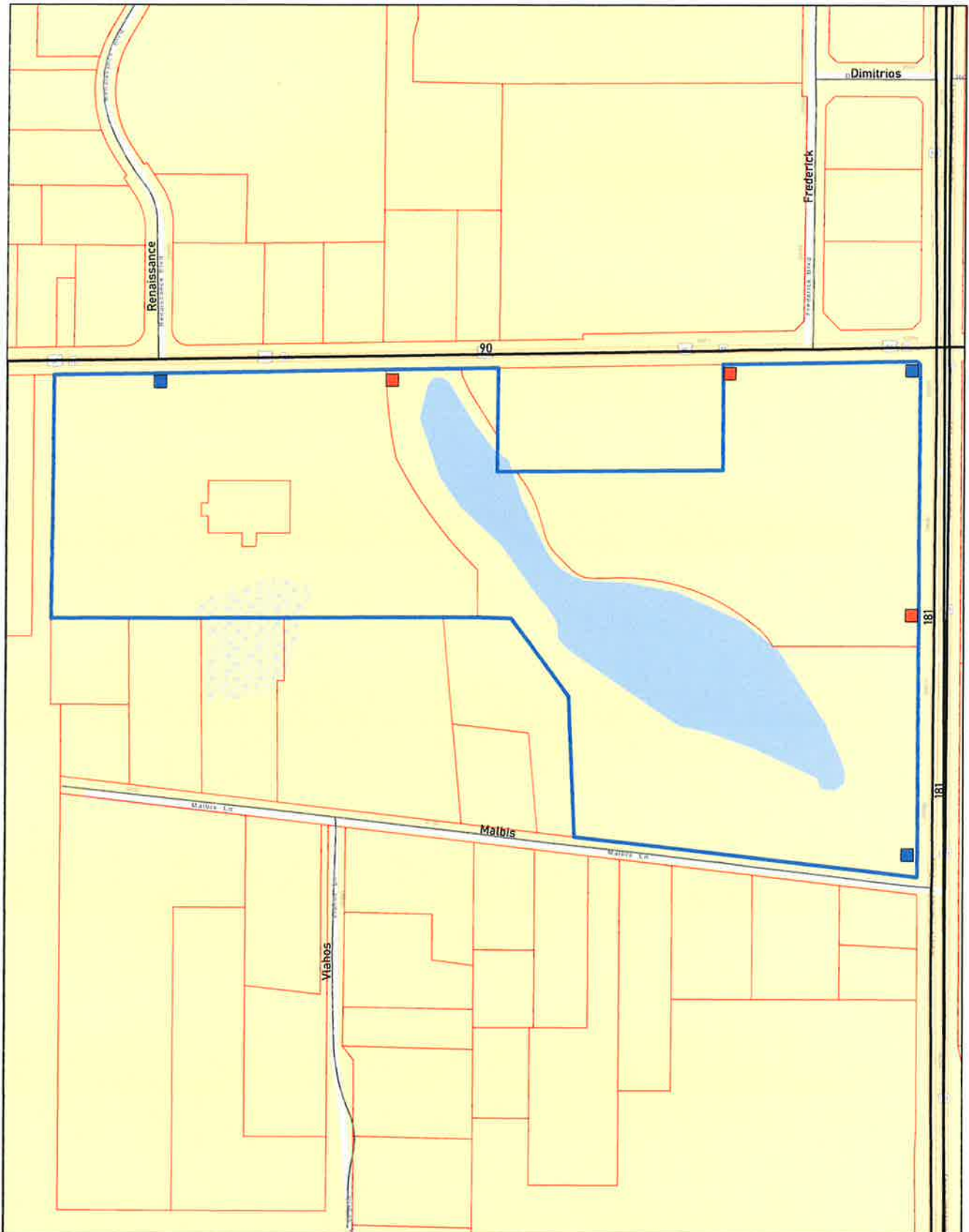
The information contained in the data distributed by the City of Daphne is derived from a variety of public and private sources considered to be dependable, but the accuracy, completeness and currency thereof are not guaranteed. The City of Daphne makes no warranties, expressed or implied as to the accuracy, completeness, currency, reliability, or suitability for any particular purpose of the information or data contained in or generated from the City Geographic Information System. Additionally, the City of Daphne or any agent, servant, or employee thereof assume no liability associated with the use of the data, and assume no responsibility to maintain it in any manner or form. Any questions regarding zoning or any data should be directed to the City of Daphne Department of Community Development at 251-630-1000.

Basemap maintained by ESRI

0 0.05 0.1
Miles

- Medical Overlay District
- Other Parcels
- Major Roads
- Roads

Medical Overlay District Sign Locations



Maps are for graphical purposes only. They do not represent a legal survey.

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Basemap maintained by ESRI

0 0.05 0.1
Miles

- Medical Overlay District
- Other Parcels
- Major Roads
- Roads
- Sign Location Preferences**
- Primary
- Secondary



COMMUNITY DEVELOPMENT INTERNAL MEMORANDUM

DATE: October 31, 2022
TO: Office of the City Clerk
FROM: Adrienne Jones, AICP, Director of Community Development
SUBJECT: Infirmary Health Systems, Inc. Pre-Zoning Amendment

AJ
2

PRESENT ZONING: B-2, Neighborhood Business, and RSF-1, Residential Single Family, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne

PROPOSED PRE-ZONING: B-2(a), General Business Alternate

LOCATION: Southwest of the intersection of U.S. Highway 90 and Alabama Highway 181

RECOMMENDATION: At the October 27, 2022 regular meeting of the City of Daphne Planning Commission, eight 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

INFIRMARY HEALTH SYSTEMS, INC.

PRE-ZONING



INFIRMARY HEALTH SYSTEMS, INC

Prezoning Amendment

Zoning Classification:

Baldwin County – B-2, Neighborhood Business and RSF-1, Residential Single Family (ETJ)

Surrounding Zonings/Uses:

- **North**—B-2, General Business
- **South**—RSF-1, Residential Single Family
- **West**—B-2(a), General Business Alternate and RSF-1, Residential Single Family
- **East** —Unzoned (ETJ)

Existing Utility Service Providers: Riviera Utilities, AT&T, Daphne Utilities

Affected City Service Providers: Fire Station 3 or 4, Police Beat 3

Staff Recommendation to PC: Favorable recommendation to City Council as a B-2(a), General Business Alternate

Proposed Zoning:

B-2(a), General Business Alternate

Development Concept:

Medical Complex

Council District:

7

Existing Conditions:

36.18 ac

Planning Commission

Set forth a favorable recommendation to Council on 10/27/22.

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.

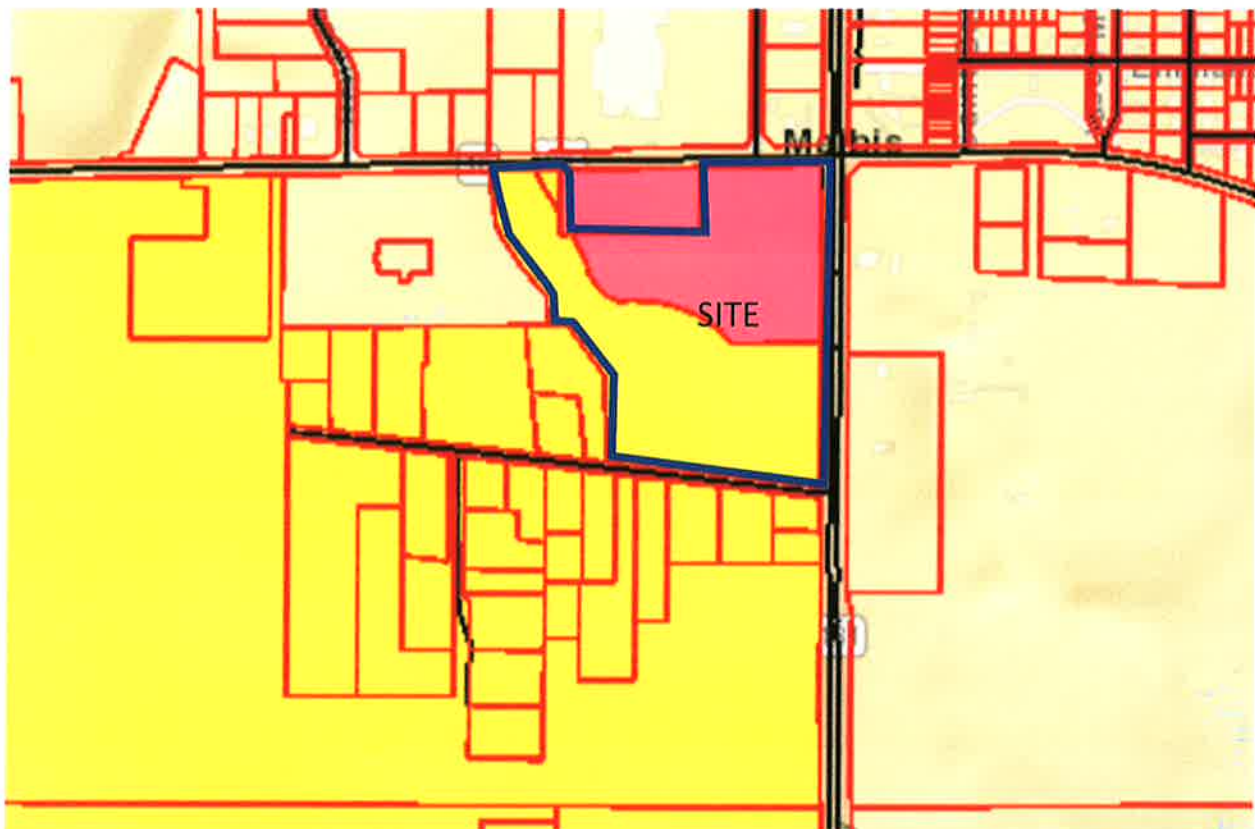
Goal: Grow sensibly by anticipating land use needs. Objective: Promote and manage growth on undeveloped lands in a manner that will be compatible with, and complementary to, existing adjacent developed properties. Objective: Encourage planned unit developments which are beneficial to residents and which 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 proposes to pre-zone the subject property to B-2(a), General Business Alternate, in order to develop a medical complex. The application includes both existing medical facilities and land for future development.

The City of Daphne in collaboration with the applicant proposes an amendment to the Land Use and Development Ordinance to create a Medical Overlay District (MOD) in order to facilitate the shared vision for a medical complex at this location. The MOD provisions would enumerate development standards for future site plans and future divisions of land. Thus, the three proposals are to be presented together in successive public hearings.

The proposed development is consistent with the Goals and Objectives noted in the Comprehensive Plan as stated above. Therefore, staff recommends the Planning Commission submit a favorable recommendation to City Council to adopt the Medical Overlay District, to pre-zone the site to B-2(a), General Business Alternate and to annex the land into the corporate limits.

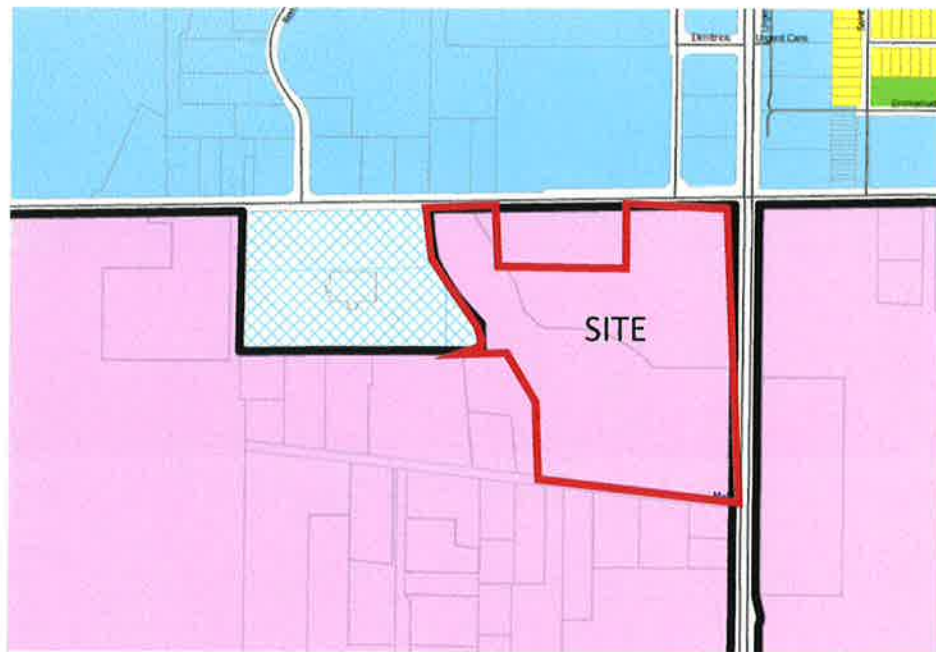


COUNTY ZONING MAP EXCERPT

County Zoning

- | | |
|---|--|
| Rural District (RR) | Residential Multiple Family District (RMF-6) |
| Rural Agricultural District (RA) | Residential Manufactured Housing Park District (RMH) |
| Conservation Resource District (CR) | Marine Recreation District (MR) |
| Residential Single Family Estate District (RSF-E) | Outdoor Recreation District (OR) |
| Residential Single Family District (RSF-1) | Tourist Resort District (TR) |
| Residential Single Family District (RSF-2) | Recreational Vehicle Park District (RV-1) |
| Residential Single Family District (RSF-3) | Professional Business District (B-1) |
| Residential Single Family District (RSF-4) | Neighborhood Business District (B-2) |
| Residential Two Family District (RTF-4) | General Business District (B-3) |
| Residential Single Family District (RSF-6) | Major Commercial District (B-4) |
| Residential Two Family District (RTF-6) | Light Industrial District (M-1) |
| | General Industrial District (M-2) |

CITY MAP EXCERPT



Zoning Key

	Daphne City limits
	R-1 LOW DENSITY SINGLE FAMILY RESIDENTIAL
	R-2 MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL
	R-3 HIGH DENSITY SINGLE FAMILY RESIDENTIAL
	R-4 HIGH DENSITY SINGLE MULTI-FAMILY RESIDENTIAL
	R-5 MOBILE HOME RESIDENTIAL
	R-6(D) DUPLEX - TWO FAMILY
	R-6(G) GARDEN OR PATIO HOME
	R-7(A) APARTMENT
	R-7(M) MID-RISE CONDOMINIUM
	R-7(T) TOWNHOUSE
	B-1 LOCAL BUSINESS
	B-2 GENERAL BUSINESS
	B-2(a) GENERAL BUSINESS ALTERNATE
	B-3 PROFESSIONAL BUSINESS
	C1 COMMERCIAL/INDUSTRIAL
	MU MIXED USE
	PUD PLANNED UNIT DEVELOPMENT
	C-2 OUTDOOR AMUSEMENT
	GC GOLF COURSE
	ET JURISDICTION



List of Adjacent Property Owners

Re: Infirmary Health Property Annexation

Willard B. Simmons, Jr.
9628 Malbis Lane
Daphne, AL 36526

Despina K. Pappas
104 Glencoe Way
Dothan, AL 36305

Rock-It Self Storage, LLC
122 Lower Woodville Rd. #15
Natchez, MS 39120

Infirmary Health System, Inc.
Dennis Summerford
5 Mobile Infirmary Circle
Mobile, AL 36607

United Bank
P.O. Box 8
Atmore, AL 36504

Lowe's Home Centers, Inc.
ATTN: Tax Dept. 1ETA
Mooresville, NC 28115

National Retail Properties, LP
450 South Orange Avenue
Orlando, FL 32801

Spriggs Enterprises, Inc.
1 Spanish Main
Spanish Fort, AL 36527

Malbis Plantation, Inc.
29470 St. Hwy. 181
Daphne, AL 36526

Malbis Memorial Foundation Trust
29300 St. Hwy 181
Daphne, AL 36526

Dimitrios G. Mathews
29289 St. Hwy. 181
Daphne, AL 36526

Angelo G. Mathews
29289 St. Hwy. 181
Daphne, AL 36526

Clifford R. Godwin
9780 Malbis Lane
Daphne, AL 36526

COMMUNITY DEVELOPMENT



September 9, 2022

Dear Sir/Ma'am,

NOTICE OF PUBLIC HEARING

A petition for PRE-ZONING will be considered by the Daphne Planning Commission for Infirmar Health Systems, Inc. containing 36.18 acres +/- located southwest of the intersection of U.S. Highway 90 and Alabama Highway 181, zoned B-2, Neighborhood Business, and RSF-1, Residential Single Family, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne, to be pre-zoned as B-2(a), General Business Alternate. 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 14, 2022 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 chairwoman.

The public hearing will be held by the Daphne Planning Commission on Thursday, September 22, 2022 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

Infirmar Health Systems, Inc. Pre-Zoning Amendment

APPLICATION & SUPPLEMENTAL INFORMATION



**Preliminary Malbis Medical Campus
Master Site Plan
Scheme 2**



APPLICATION FOR REZONING OR PRE-ZONING

Office use only: Rev. 072816

Date Submitted

Application Number:

Planning Commission Public Aug. 18, 2022

ZA- or PZA- 22-05

Hearing Date: September 22, 2022

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): 29487 State Highway 181 (near intersection of hwy 181 & 90)		PPIN#(s): 274679 & 365189
Gross Site Area (acreage): 36.18	Requested Zoning or Pre-Zoning: B-2a	
Current Zoning Designation(s): B-2 & RSF-1 (Baldwin County)	Amended Request:	
	Initials: Date:	
Current Land Use: Business (medical) and Undeveloped	Anticipated Land Use: Business (medical)	
Provide Legal Description (if necessary attach separate page entitled "Legal Description for [Name of Applicant]": See attached survey for legal description		

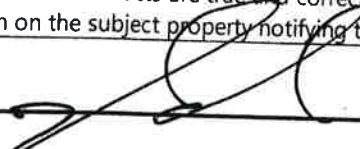
Specify other recently approved or pending requests related to the subject property. Circle the answer(s).

Annexation Subdivision Site Plan Special Exception Variance Specify Other NA

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: Infirmity Health System, Inc.		
Mailing Address: P.O. Box 2226, Mobile, AL 36652		Phone/Fax: 251-435-2400 E-mail:
Name of Authorized Agent: D. Mark Nix		
Mailing Address: P.O. Box 2226, Mobile, AL 36652		Phone/Fax: 251-435-5674 E-mail: mark.nix@infirmityhealth.org
Name of Developer*: NA		Phone/Fax: E-mail:
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 8/11/2022
Agent's Signature:	Date

*Public Hearing
Held 9.22.22*



LEGAL DESCRIPTION OF IONIAN PLACE

COMMENCE AT 5/8 INCH CAPPED REBAR (CA-007-LS) AT THE SOUTHWEST CORNER OF LOT 12 OF EASTERN SHORE PARK SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2244-A AND SLIDE 2244-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE SOUTH 05 DEGREES 24 MINUTES 34 SECONDS EAST, A DISTANCE OF 80.87 FEET TO A 1/2 INCH REBAR ON THE SOUTH RIGHT-OF-WAY OF U.S. HIGHWAY 90 FOR THE POINT OF BEGINNING: THENCE RUN NORTH 88 DEGREES 57 MINUTES 53 SECONDS EAST, ALONG THE SOUTH RIGHT-OF-WAY OF SAID U.S. HIGHWAY 90, A DISTANCE OF 223.85 FEET TO A 1/2 INCH CAPPED REBAR (CA-0604-LS); THENCE RUN ALONG THE EAST BANK OF A POND THE FOLLOWING COURSE, TO WIT; SOUTH 08 DEGREES 18 MINUTES 01 SECONDS WEST, A DISTANCE OF 11 FEET, MORE OR LESS; SOUTH 11 DEGREES 07 MINUTES 45 SECONDS EAST, A DISTANCE OF 19 FEET, MORE OR LESS; SOUTH 25 DEGREES 40 MINUTES 16 SECONDS EAST, A DISTANCE OF 48 FEET, MORE OF LESS; SOUTH 32 DEGREES 27 MINUTES 19 SECONDS EAST, A DISTANCE OF 157 FEET, MORE OR LESS; TO THE WEST MARGIN OF THE WEST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 00 DEGREES 17 MINUTES 52 SECONDS WEST, A DISTANCE OF 103 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF THE WEST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 34; THENCE RUN NORTH 89 DEGREES 06 MINUTES 40 SECONDS EAST, A DISTANCE OF 658.95 FEET TO A 5/8 INCH CAPPED REBAR (CA-007-LS) AT THE SOUTHEAST CORNER OF THE WEST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 34; THENCE RUN NORTH 00 DEGREES 14 MINUTES 00 SECONDS EAST, ALONG THE EAST MARGIN OF THE WEST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 34, A DISTANCE OF 310.06 FEET TO A 5/8 INCH CAPPED REBAR (CA-007-LS) ON THE SOUTH RIGHT-OF-WAY OF SAID U.S. HIGHWAY 90; THENCE RUN NORTH 89 DEGREES 05 MINUTES 42 SECONDS EAST, ALONG THE SOUTH RIGHT-OF-WAY OF SAID U.S. HIGHWAY 90, A DISTANCE OF 567.09 FEET TO A 1/2 INCH CAPPED REBAR (CA-0951-LS) ON THE WEST RIGHT-OF-WAY OF ALABAMA STATE HIGHWAY 181; THENCE RUN SOUTH 45 DEGREES 20 MINUTES 48 SECONDS EAST, ALONG THE WEST RIGHT-OF-WAY OF SAID ALABAMA STATE HIGHWAY 181, A DISTANCE OF 13.99 FEET TO A 1/2 INCH CAPPED REBAR (CA-0951-LS); THENCE RUN SOUTH 00 DEGREES 12 MINUTES 51 SECONDS WEST, ALONG THE WEST RIGHT-OF-WAY OF SAID ALABAMA STATE HIGHWAY 181, A DISTANCE OF 1491.53 FEET TO A 5/8 INCH CAPPED REBAR (CA-0033-LS) ON THE NORTH RIGHT-OF-WAY OF MALBIS LANE; THENCE RUN NORTH 83 DEGREES 16 MINUTES 51 SECONDS WEST, ALONG THE NORTH RIGHT-OF-WAY OF MALBIS LANE, A DISTANCE OF 1012.72 FEET TO A 1/2 INCH CAPPED REBAR; THENCE RUN NORTH 02 DEGREES 18 MINUTES 50 SECONDS WEST, A DISTANCE OF 410.51 FEET TO A 1/2 INCH CAPPED REBAR (FAIRHOPE); THENCE RUN NORTH 36 DEGREES 45 MINUTES 14 SECONDS WEST, A DISTANCE OF 282.91 FEET TO A 1/2 INCH REBAR; THENCE RUN NORTH 89 DEGREES 59 MINUTES 38 SECONDS WEST, A DISTANCE OF 101.90 FEET TO A 1/2 INCH REBAR; THENCE RUN NORTH 00 DEGREES 20 MINUTES 17 SECONDS WEST, A DISTANCE OF 137.17 FEET TO A 1/2 INCH REBAR; THENCE RUN NORTHWESTERLY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1233.21 FEET, AN ARC LENGTH OF 406.32 FEET, (CHORD BEARS NORTH 36 DEGREES 08

MINUTES 42 SECONDS WEST, A DISTANCE OF 404.49 FEET) TO ½ INCH CAPPED REBAR (CA-0604-LS); THENCE NORTHERLY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1233.21 FEET, AN ARC LENGTH OF 259.19 FEET (CHORD BEARS NORTH 06 DEGREES 26 MINUTES 07 SECONDS WEST, A DISTANCE OF 258.71 FEET) TO THE POINT OF BEGINNING, TRACT CONTAINS 36.18 ACRES, MORE OR LESS, AND LIES SECTION 34, TOWNSHIP 4 SOUTH, RANGE, 2 EAST, BALDWIN COUNTY, ALABAMA.

CITIZEN INPUT

Jan Vallecillo

To: Adrienne Jones, AICP
Subject: FW: Proposed Medical Overlay District Draft

From: agmath08@yahoo.com <agmath08@yahoo.com>
Sent: Tuesday, September 20, 2022 5:09 PM
To: Adrienne Jones, AICP <ajones@daphneal.com>
Subject: Re: Proposed Medical Overlay District Draft

Adrienne,

Thank you for providing the Medical Overlay District Draft. This plus the preliminary informational site plan generated some comments. I thought it best to send you a written copy. There are a couple of things that cause significant concern but nothing that cannot be overcome with foresight and planning. Some comments seem to be not applicable or already addressed based on the preliminary informational site plan but they are included here because things change and because I may better help you understand my concerns.

As a life long resident of Malbis Plantation I am happy to have a new neighbor such as Mobile Infirmary Group as we see them as a stable and well respected addition to our community. That said due to the size and proximity of the project to my house I feel the need to take time now in the early stages to provide some comments below in the interest of maintaining my privacy, minimizing noise and preserving the quiet enjoyment of our homes and property in our historic community. There are 18 residences currently on the adjacent Malbis Lane that will be strongly impacted. I say strongly because of the obvious fact that this is no small project. It is large in scale and scope and is adjacent to a low density residential area. Below is a list of my both General rezoning comments as well as Medical Overlay specific comments.

General comments:

Traffic: What can be said here other than "No more please." This hospital will bring hundreds of additional cars a day into the middle of one of the busiest traffic areas in the county. The informational site plan shows Malbis Lane as the only entrance and exit to the site on Hwy 181. This is flatly unacceptable. With 18 homes on Malbis Lane as well as existing congestion on 181 it is already busy enough. A hospital with hundreds of employees and visitors every day needs its own access to 181 without burdening the residents here. This is our sole access to our homes. Making a left into my driveway would be particularly difficult as I would have to wait on cars backed up on Malbis Lane blocking my driveway and hope someone would let me cross left. I know of no other comparable case in the county where residents were allowed to be burdened this badly by a new large development. The Hospital must have its own independent access to Hwy 181 further north, close to where it currently has access. It is the best solution for everybody and could possibly even improve access for us on Malbis Lane by providing a better break in traffic. I urge the City of Daphne to lobby ALDOT if necessary to get this to happen.

Construction impact. The dust and vibration and early morning noise for such a long period of time is another heavy burden to take. It is expected that filling in the existing pond would require many (hundreds?) additional trucks of dirt. Traffic and noise from the hundreds of workers and heavy trucks to and from the site will require its own entrance - well away from current residences. Using Malbis Lane as a construction entrance will make all the homes there unlivable. The only solution here is a separate construction entrance and phased construction in small bites. I ask that the City of Daphne account for this when approving site plans and phases.

Lighting: The increase in stray light coming off the development sight should be kept to a minimum. We have the same comments as our neighbors further down Malbis Lane had with lights from the doctors office buildings and parking areas entering their homes.

The area encompassing Malbis is on both the Alabama and National Registers of Historic Places. What is being done to preserve any historic aspects of the property? Does Daphne have any historic preservation guidelines?

Medical Overlay Specific Comments:

Permitted Uses: Some of these permitted uses such as hotel, drug store or foodservice should not be stand alone next to residential properties as they do not belong there. Example a Hampton Inn or CVS or fast food place should not be 50 ft

from a residence due to extremely heavy noise and privacy impacts from these uses. Similar businesses were not allowed in the past for the same reasons. There is an open undefined lot next to my home, we do not want it to become one of these uses. Does this allow a separate commercial strip mall? I hope not.

Setback (Rear): In an interest to maintain our privacy we ask that the setback distance from existing residential areas be increased for taller buildings. As the ordinance is written it seems that a 95+ ft tall building can be placed just 30 ft from the right of way next to Malbis Lane. This is exceptionably close to where I live and gives me nowhere to go in my own yard that would not be on display to hundreds of anonymous strangers that work at or visit the hospital daily. Thankfully the current informational plan does not show tall buildings close to residences. But I think this would be a common sense good for the ordinance and good for residents too. Also there is no square footage requirement to the set backs. All of these proposed buildings are very large and would be out of place and hulk over a common house structure without additional setback.

As a suggestion:

- 1 story buildings - 50 ft setback from right of way
- 2 story - 75 ft
- 3 story - 125 ft
- 4 story - 200 ft
- 5 story or more - 300 ft

These setbacks can likely be accomplished by placing landscaping and parking between residences and very large buildings.

Trees: The trees on Malbis lane surrounding residential structures must not be touched. The oak trees around the house I live in provide us a strong protection from hurricanes and provide much needed cooling. They are essential to the quality of life we enjoy at home. But just as essential is the privacy they will also provide from the proposed tall buildings. These heritage oak trees hang well over our fence and it is difficult to see how they could be removed without severely damaging our property and landscaping. The development of Malbis Lane into a driveway for the Hospital would wipe these trees out and put the house just a few feet from constant heavy traffic. How can one sleep with ambulances bumping their siren trying to work through traffic just 50 ft from your bed?

Landscape: Trees, especially large fully grown trees, regardless if they are oaks or not, are critical in cutting winds from storms, cooling the surrounding area and providing privacy. This is critical to a development this large. We already have 80 acres of impermeable parking lots to the north. Adding another 30+ acres will push the entire area to be less livable, retain more heat at night and cause air conditioners to run harder for everybody around Malbis including the hospital. The amount of required landscaping is listed at 10%. This is too low. Considering the number of heritage oaks, full grown pine trees and other greenery that is being cleared, the green areas need to be more like 30%. The replacement trees will not capable of making a difference for 20 years or more. Green areas should be concentrated near residences. Making the hospital grounds greener and more beautiful will be a huge positive boost in making the hospital more successful. If well placed taller buildings will allow for more green space or even preservation of the lake then I am all for it. The lake is a gorgeous asset and should be highlighted as a public park.

With a development as large as this it seems that the 30% change to gross square footage seems excessive. If there is say 100,000 sqft built then 30,000 sqft could be added by right, without review. This means a very large and impactful building could be built without review. This could potentially be problematic.

The above comments are intended to be constructive and to provide my views on how to minimize the impact of this large development and keep the place more livable. I believe that all that I have suggested can be readily achieved with early planning and little if any burden on the hospital.

Thank you for your consideration. Let me know if you have any questions.

Sincerely,
Angelo Mathews
29289 State Hwy 181
Daphne, AL 36526
(251) 422-8744 cell

On Wednesday, September 14, 2022 at 10:26:39 AM CDT, Adrienne Jones, AICP <ajones@daphneal.com> wrote:

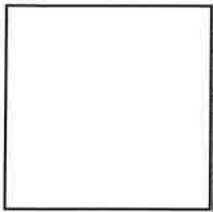
Good morning,

I've attached the proposed Medical Overlay District as per your verbal request. This does not include the changes discussed this morning by the Planning Commissioners.

Feel free to follow up with questions.

Take care,

Adrienne



Adrienne Jones, AICP

Community Development Director

ajones@daphneal.com

City of Daphne, Alabama - "The Jubilee City"

251-

Phone: 620- Web: <https://link.edgepilot.com/s/3242beb8/FuK35kETMUqgNKBTtoSJDng?u=http://www.daphneal.com/>
1700

Jan Vallecillo

To: Adrienne Jones, AICP
Subject: FW: Medical Overlay and Rezoning Comments from Malbis Memorial Foundation

From: agmath08@yahoo.com <agmath08@yahoo.com>
Sent: Thursday, September 22, 2022 3:33 PM
To: Adrienne Jones, AICP <ajones@daphneal.com>
Subject: Medical Overlay and Rezoning Comments from Malbis Memorial Foundation

As president of Malbis Memorial Foundation I would like to comment on the proposed zoning changes at Hwy 181 and Hwy 90 and their impacts on the Malbis Church. First we have no problem in principle with the enlarging of medical use and its increased presence there. We are happy to have a stable and respectable neighbor for years to come.

However there are some real, significant and very unfortunate impacts that need to be given consideration and action in order to be avoided. The biggest of which is additional noise from traffic. We desperately need to avoid any intersection near the Malbis Church. The current informational site plan shows a major intersection at Malbis Lane. This is unacceptably close. The church is built in a traditional style and has very efficient natural acoustics. Any small sound carries very easily throughout the building. There is no way to change this. Despite the church's heavy construction and setback, noise from the street is beginning to be a problem inside. Trucks using compression breaks, emergency vehicle sirens as well as trucks and motorcycles tuned for maximum noise are projecting impactful levels of sound into the building. Right now they are infrequent and short in duration. However with a light there is added volume, frequency and duration of noise. There is increased volume as loud vehicles accelerate. Increased frequency of this street noise as every two minutes the light changes. As vehicles are moving slower or idling in place the increased duration of this noise would make the noise literally constant. Imagine an emergency vehicle bumping its siren for 30 seconds or more directly in front of the church as it works through stopped cars every time one passes by. This would completely stop a service inside. Every time someone enters the church a blast of street noise would upset prayer inside. The only possible solution to the noise would be to build a large, tall, costly sound wall in front along 181. This is the last thing we want to do. The church was not built to be forced behind a wall, it was built to be seen and enjoyed. The wall would be devastating to our public image and function in the community. Who will bare the cost of this? We ask that the location of the entrance to the property be placed as far away as possible from the church to minimize the impacts of this development. The current location of the Emergency Center entrance should be maintained as the entrance to the future hospital as it offers some relief to our problem. Any site plan and zoning changes should not be approved without this stipulation.

Without this consideration the Foundation and the Church will be dealt a severe blow in our ability to maintain our function in the community. We have strived for decades to be a positive asset to the community. For almost 60 years we have been and continue to be open to the public to visit. Since its construction we have had services at our church continuously at least twice a month or more. Even back when there was little to see or do in Baldwin County we provided visitors from across the country a destination to enjoy and a reason to visit here. We are on the state and national registers of historic places. We are not only a well know local landmark but also a national landmark with our unique building. We implore the City of Daphne and the Infirmary Group to act on this request and avoid this very troubling and unnecessary impact.

Sincerely,
Angelo Mathews
Malbis Memorial Foundation, President
29300 State Hwy 181
Daphne, AL 36526
(251) 422-8744 cell

Jan Vallecillo

To: Adrienne Jones, AICP
Subject: FW: Concerns over the planned Hospital District in Malbis

From: micho <micho@mindspring.com>
Sent: Wednesday, September 21, 2022 8:29 PM
To: Adrienne Jones, AICP <ajones@daphneal.com>
Subject: Concerns over the planned Hospital District in Malbis

Dear Miss Jones,

As a long time resident of Malbis Plantation and property owner on Malbis Lane, I'm writing to you, and in general to the Daphne Planning Commission, in order to voice my concerns over the rezoning of the property adjacent to mine, which was purchased by the Infirmary Group and which is planned for major development into a Hospital district.

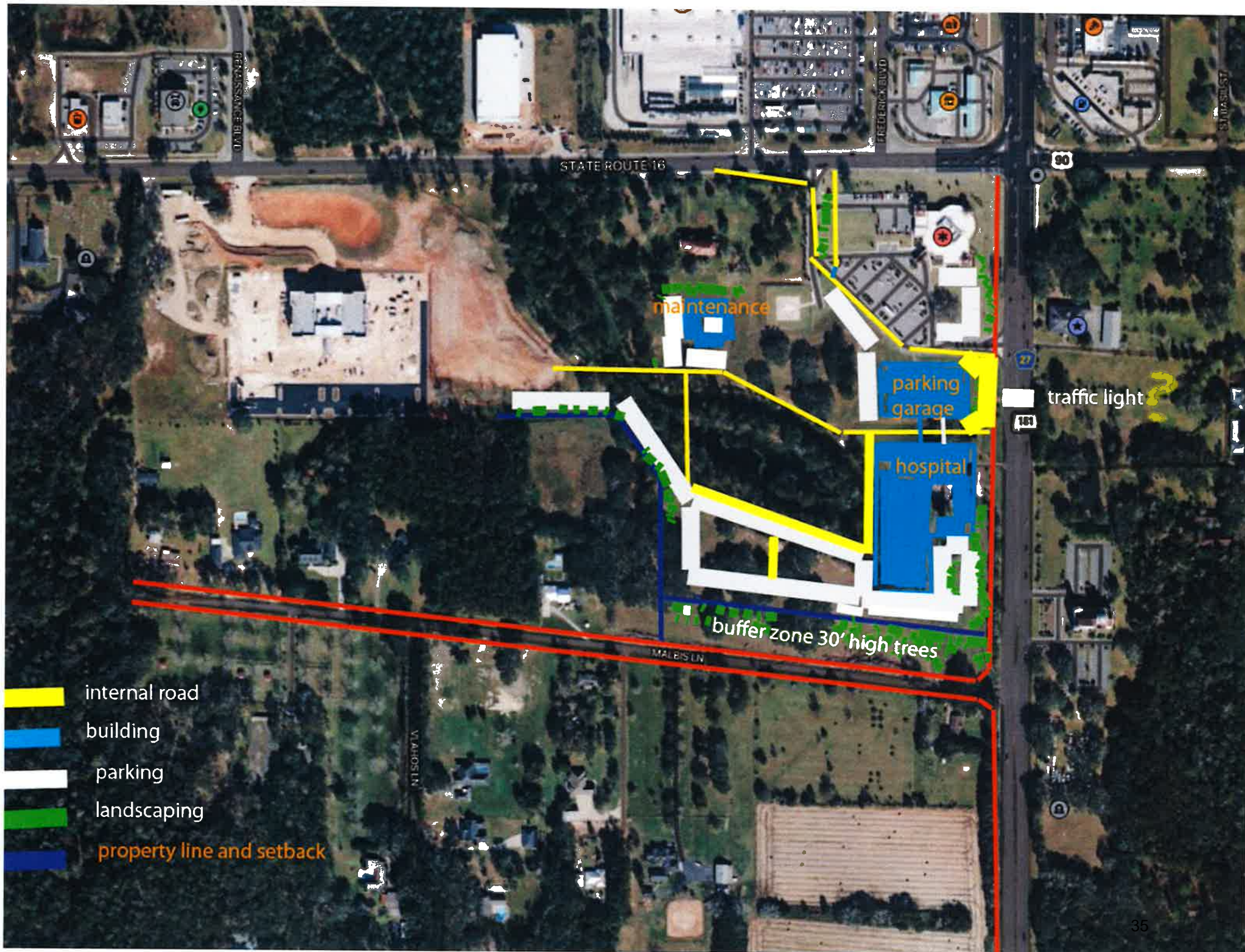
I believe that steps should be taken early to prevent the development from overwhelming the neighborhood on Malbis Lane with the effects of the growth initiated by the Hospital District's zoning allowances. In order to prevent the quality of life of the people living on and around Malbis Lane from being detrimentally affected, I propose that Malbis Lane be prohibited from being used by the developer for their business needs. I also propose that a significant 75' to 100' no-build set-back (including a fence and a row of large trees) be integrated into the property of the developer in order visually and physically separate the residences of Malbis Lane from the hospital district. Please look over the attached sketch, which shows what I have in mind.

Remember. We have to live with the effects of the development. Hospitals never close. They are always in operation. Businesses around the hospital would also negatively affect us if we had to share Malbis Lane. Parking lot lights and drainage will also be problematic if not handled properly. Currently, almost every week, traffic backs up from the US 90 light past the front of my house. The location that the Infirmary invested into is not a good one in my opinion due to traffic and the existing houses already in place.

Please consider the far-reaching implications on the residents of Malbis Lane resulting from this development when zoning changes ordinances, and ESPECIALLY construction plans for this particular district are being reviewed for approval. Thank you for your time.

Sincerely,
Dimitrios Mathews

Sent from Mail for Windows



**COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM**



DATE: October 31, 2022
TO: Office of the City Clerk
FROM: Adrienne Jones, AICP, Director of Community Development
SUBJECT: Infirmary Health Systems, Inc. Annexation Petition

PRESENT ZONING: B-2, Neighborhood Business, and RSF-1, Residential Single Family, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne

LOCATION: B-2(a), General Business Alternate

RECOMMENDATION: At the October 27, 2022 regular meeting of the City of Daphne Planning Commission, eight members were present, and the motion carried unanimously for a favorable recommendation for the above captioned 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.

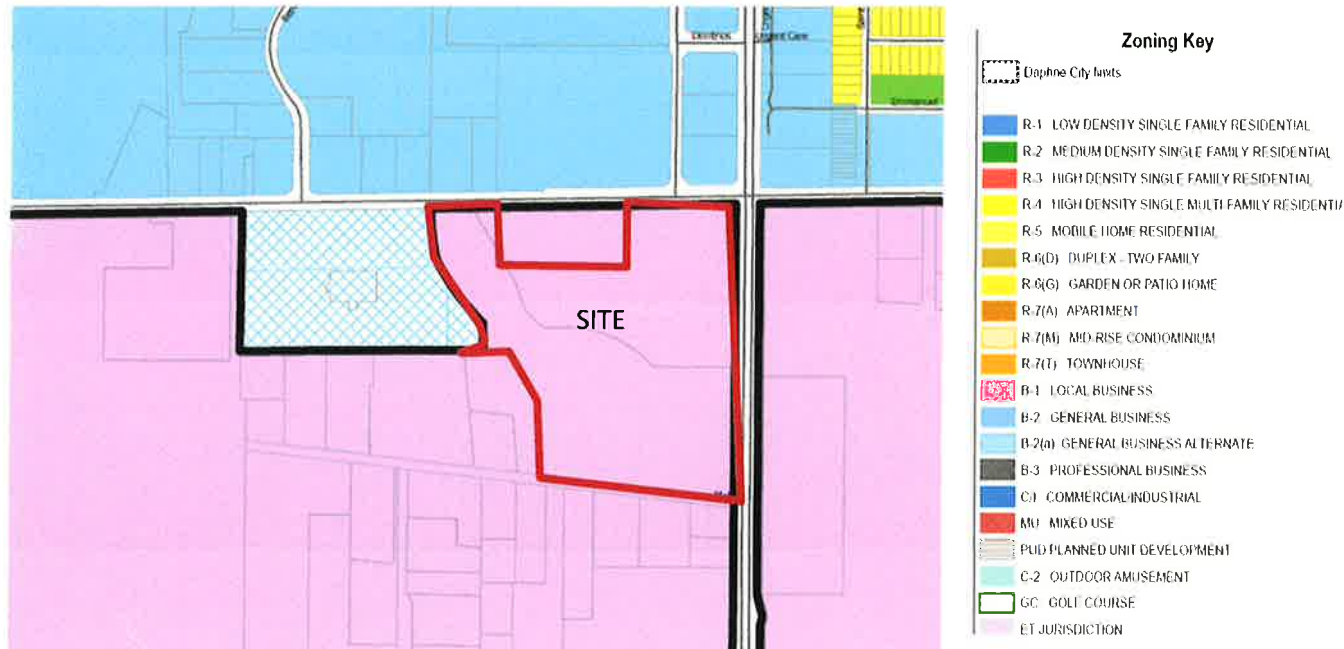
Thank you,
ADJ/jv

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

INFIRMARY HEALTH SYSTEMS, INC. ANNEXATION PETITION

ANNEXATION REQUEST INFIRMARY HEALTH SYSTEMS, INC

Southwest Corner of U.S. Highway 90 and Alabama State Route 181



REQUEST

The applicant proposes to annex the subject property into the corporate limits. The site meets the contiguity requirement because it is abuts land in the City of Daphne.

RECOMMENDATION

The Comprehensive Plan encourages expansion and annexation of land contiguous to the existing corporate limits. Staff recommends approval of the request to annex this land into the City of Daphne.

Excerpt from Article 23-1 Procedure [for Annexation Requests]

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...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. 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.

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 provided 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.

APPLICATION & SUPPLEMENTAL INFORMATION

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

(_____)
The undersigned corporation, Infirmiry Health System, Inc., files this petition with the Clerk of the City of Daphne requesting the property hereafter described, commonly referred to as, Malbis Medical Park, 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, Infirmiry Health System, Inc., 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: B-2a

Any other conditions which may apply upon annexation: The City adoption of a Medical Overlay District (MOD) and the inclusion of this property and the adjoining property owned

by Infirmiry Health System, Inc. (Parcel ID 102355) and the property owned by the Medical

Clinic Board of the City of Daphne (parcel ID 383830)

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 11th day of August, 2022

Respectfully submitted,

Infirmary Health System, Inc.

Name of Corporation

By:

Its: President/CEO

STATE OF ALABAMA
COUNTY OF BALDWIN

I, Lori H. Quimby, the undersigned Notary Public in and for said county and state, hereby certify that D. Mark Nix whose name as President/CEO of Infirmary Health System, Inc., 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 11th day of August, 2022.

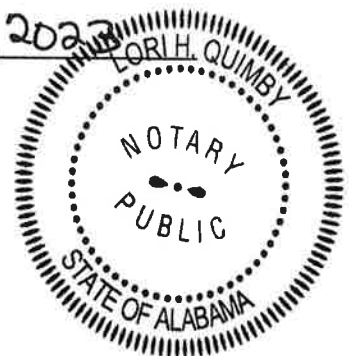
Lori H. Quimby
NOTARY PUBLIC

My commission expires:

5/9/2023

Corporation's Address

5 Mobile Infirmary Circle, Mobile AL 36607



ADDITIONAL INFORMATION

We, the undersigned, constituting all of the owners of the described real property do hereby execute and file this written petition asking and requesting that our property be annexed into the corporate limits of the City of Daphne, Alabama, under the authority of Section 11-42-20 through 11-42-24, Code of Alabama 1975.

Initials: _____ DN

We further certify that said property is contiguous to the city limits of Daphne, Alabama. A map and written legal description of said property is hereto attached.

Initials: _____ DN

We certify that the property is a single or multiple parcels under single or multiple ownership.
Circle appropriate response:

Initials: _____ DN

We certify that we fully understand that upon annexation, the subject property shall be subject to all laws and codes administered by the City of Daphne, including, but not limited to, the zoning code, the subdivision regulations and the municipal code of the City of Daphne.

Initials: _____ DN

SELECT ONE OF THE FOLLOWING OPTIONS

- ☒ Option# 1: We do hereby request pre-zoning of the subject property to the following zoning classification(s): B-2a, and certify that a petition for rezoning, associated fees and documents have been submitted prior to or concurrently with this petition.

Initials: _____ DN

Or

- ☐ Option# 2: We do hereby certify that we understand fully that upon annexation the subject property will be zoned R-1, Low Density Single Family Residential.

Initials: _____

We do hereby request that the Planning Commission and City Council give such notice, hold such hearing and adopt such ordinance and do all such things or acts as is required by law so that the corporate limits of the City of Daphne, Alabama shall be rearranged so as to include such territory.

IN WITNESS WHEREOF, we have hereunto subscribed our names this, the 11 day of AUGUST, 2022.

Legal Description Attached (Exhibit A)? Yes Map or Survey Attached (Exhibit B)? Yes
Recorded Subdivision Plat OR Preliminary/Final Subdivision plat approved by Planning Commission Attached (Exhibit C)? Yes Acreage 36.18
Subdivision Name Ionian Place Lot Number(s) 1 & 2

Names and Signature of ALL property owners OR principle of corporation's designee:

Signature: _____ Signature: _____

Printed Name: D. Mark Nix Printed Name: _____

Mailing Address: 5 Mobile Infirmary Mailing Address: _____

Circle, Mobile, AL
36607

3

LEGAL DESCRIPTION OF IONIAN PLACE

COMMENCE AT 5/8 INCH CAPPED REBAR (CA-007-LS) AT THE SOUTHWEST CORNER OF LOT 12 OF EASTERN SHORE PARK SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2244-A AND SLIDE 2244-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE SOUTH 05 DEGREES 24 MINUTES 34 SECONDS EAST, A DISTANCE OF 80.87 FEET TO A 1/2 INCH REBAR ON THE SOUTH RIGHT-OF-WAY OF U.S. HIGHWAY 90 FOR THE POINT OF BEGINNING: THENCE RUN NORTH 88 DEGREES 57 MINUTES 53 SECONDS EAST, ALONG THE SOUTH RIGHT-OF-WAY OF SAID U.S. HIGHWAY 90, A DISTANCE OF 223.85 FEET TO A 1/2 INCH CAPPED REBAR (CA-0604-LS); THENCE RUN ALONG THE EAST BANK OF A POND THE FOLLOWING COURSE, TO WIT; SOUTH 08 DEGREES 18 MINUTES 01 SECONDS WEST, A DISTANCE OF 11 FEET, MORE OR LESS; SOUTH 11 DEGREES 07 MINUTES 45 SECONDS EAST, A DISTANCE OF 19 FEET, MORE OR LESS; SOUTH 25 DEGREES 40 MINUTES 16 SECONDS EAST, A DISTANCE OF 48 FEET, MORE OF LESS; SOUTH 32 DEGREES 27 MINUTES 19 SECONDS EAST, A DISTANCE OF 157 FEET, MORE OR LESS; TO THE WEST MARGIN OF THE WEST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 00 DEGREES 17 MINUTES 52 SECONDS WEST, A DISTANCE OF 103 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF THE WEST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 34; THENCE RUN NORTH 89 DEGREES 06 MINUTES 40 SECONDS EAST, A DISTANCE OF 658.95 FEET TO A 5/8 INCH CAPPED REBAR (CA-007-LS) AT THE SOUTHEAST CORNER OF THE WEST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 34; THENCE RUN NORTH 00 DEGREES 14 MINUTES 00 SECONDS EAST, ALONG THE EAST MARGIN OF THE WEST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 34, A DISTANCE OF 310.06 FEET TO A 5/8 INCH CAPPED REBAR (CA-007-LS) ON THE SOUTH RIGHT-OF-WAY OF SAID U.S. HIGHWAY 90; THENCE RUN NORTH 89 DEGREES 05 MINUTES 42 SECONDS EAST, ALONG THE SOUTH RIGHT-OF-WAY OF SAID U.S. HIGHWAY 90, A DISTANCE OF 567.09 FEET TO A 1/2 INCH CAPPED REBAR (CA-0951-LS) ON THE WEST RIGHT-OF-WAY OF ALABAMA STATE HIGHWAY 181; THENCE RUN SOUTH 45 DEGREES 20 MINUTES 48 SECONDS EAST, ALONG THE WEST RIGHT-OF-WAY OF SAID ALABAMA STATE HIGHWAY 181, A DISTANCE OF 13.99 FEET TO A 1/2 INCH CAPPED REBAR (CA-0951-LS); THENCE RUN SOUTH 00 DEGREES 12 MINUTES 51 SECONDS WEST, ALONG THE WEST RIGHT-OF-WAY OF SAID ALABAMA STATE HIGHWAY 181, A DISTANCE OF 1491.53 FEET TO A 5/8 INCH CAPPED REBAR (CA-0033-LS) ON THE NORTH RIGHT-OF-WAY OF MALBIS LANE; THENCE RUN NORTH 83 DEGREES 16 MINUTES 51 SECONDS WEST, ALONG THE NORTH RIGHT-OF-WAY OF MALBIS LANE, A DISTANCE OF 1012.72 FEET TO A 1/2 INCH CAPPED REBAR; THENCE RUN NORTH 02 DEGREES 18 MINUTES 50 SECONDS WEST, A DISTANCE OF 410.51 FEET TO A 1/2 INCH CAPPED REBAR (FAIRHOPE); THENCE RUN NORTH 36 DEGREES 45 MINUTES 14 SECONDS WEST, A DISTANCE OF 282.91 FEET TO A 1/2 INCH REBAR; THENCE RUN NORTH 89 DEGREES 59 MINUTES 38 SECONDS WEST, A DISTANCE OF 101.90 FEET TO A 1/2 INCH REBAR; THENCE RUN NORTH 00 DEGREES 20 MINUTES 17 SECONDS WEST, A DISTANCE OF 137.17 FEET TO A 1/2 INCH REBAR; THENCE RUN NORTHWESTERLY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1233.21 FEET, AN ARC LENGTH OF 406.32 FEET, (CHORD BEARS NORTH 36 DEGREES 08

MINUTES 42 SECONDS WEST, A DISTANCE OF 404.49 FEET) TO ½ INCH CAPPED REBAR (CA-0604-LS); THENCE NORTHERLY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1233.21 FEET, AN ARC LENGTH OF 259.19 FEET (CHORD BEARS NORTH 06 DEGREES 26 MINUTES 07 SECONDS WEST, A DISTANCE OF 258.71 FEET) TO THE POINT OF BEGINNING, TRACT CONTAINS 36.18 ACRES, MORE OR LESS, AND LIES SECTION 34, TOWNSHIP 4 SOUTH, RANGE, 2 EAST, BALDWIN COUNTY, ALABAMA.

11



**COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM**



DATE: October 31, 2022
TO: Office of the City Clerk
FROM: Adrienne Jones, AICP, Director of Community Development *AG*
CC: Josh Newman, City Engineer, and Troy Strunk, Executive Director of City Development
SUBJECT: Proposed Amendments to the Land Use and Development Ordinance

At the October 27, 2022 regular meeting of the City of Daphne Planning Commission, eight members were present. The motion carried to set forth a favorable recommendation to the City Council to amend Article 6, Procedures for the Transaction of Business, Article 11, Minimum Standards and Required Improvements for Subdivisions and Commercial Site Developments, Article 13, District Requirements, Article 15, Procedures for Site Plan Review, Article 19, Landscape Standards and Tree Protection, Article 34, Schedule of Fees, and Article 37, Eastern Shore Park Overlay District General Provisions. The vote was seven ayes and one nay.

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

cc: file

LAND USE & DEVELOPMENT ORDINANCE PROPOSED AMENDMENTS

ENGINEERING, TRANSPORTATION MANAGEMENT, OPEN SPACE, DESIGN STANDARDS

ARTICLE 11

ARTICLE 13

ARTICLE 19

PUBLIC NOTICE SIGNS

ARTICLE 6

ARTICLE 15

ARTICLE 37

ADVERTISEMENT FEE

ARTICLE 34

ENGINEERING

Section 11-11 Article 11 of LUDO to amend subsection (5) as follows:

- (5) Sidewalks shall be a minimum of 4 inches thick, except that sidewalks shall be 6 inches thick wherever vehicular loads are anticipated or where adjacent to a traversable curb or gutter. A non-traversable curb is a highway curb designed to discourage a motor vehicle from leaving the roadway. Non-traversable curbs are used at locations where roadway speeds do not exceed 40 miles per hour and are at least six inches high.

Section 11-14 Article 11 of LUDO to amend subsection (l) as follows:

(l) Grading Plans:

All new subdivisions shall require an overall grading plan which shall include the finished floor elevation (FFE) plan for each lot. The FFE is defined as the elevation of the top of the concrete slab or the top of the first floor foundation to which flooring finishes and materials are to be applied except that for terrazzo, mortar bed ceramic and quarry tile, and other materials requiring a depressed slab, finished floor elevation means the top surface of the installed materials and the slab shall be depressed as required for the appropriate setting bed. The finished floor elevations for each lot shall be stated on the grading plan and on the subdivision plat.

Each lot's drainage flow pattern shall follow the overall grading plan for the development.

All lots within a subdivision should be graded to drain to the right-of-way or to a drainage easement(s) in a designated common area.

Section 11-14 Article 11 of LUDO to amend subsection (m)(2)(d) as follows:

- d. The minimum grade of swales/ditches in drainage easements shall be a minimum of half a percent (0.5 %). One percent (1%) is preferred.

Section 11-11 Article 11 of LUDO to add subsection (o) as follows:

(o) Traffic Management Plan:

- (1) A Traffic Management Plan (TMP) shall be provided as a component of the residential subdivision review process or development plan review for a Planned Unit Development. Upon preliminary plat review or site plan review for the first phase of any multi-phased development, said TMP must be provided to the Planning Commission for review and approval. All traffic control devices must be installed per the requirements shown in Article 11, Minimum Standards and Required Improvements for Subdivisions and Commercial Site Developments.
- (2) Traffic Management Plan (TMP) shall include:
 - a. A plan that illustrates the location of traffic control and traffic calming devices distributed within the entire development.
 - b. Speed limit and other required traffic control signs.
 - c. Traffic control pavement markings.
 - d. Traffic calming devices shall be placed at a minimum of every 800 (eight hundred) feet or at a point midblock (one half) $\frac{1}{2}$ the block length, whichever is most practical.
 - e. Preferred traffic calming techniques are as follows:
 - i. Speed tables
 - ii. Raised intersections
 - iii. Traffic circles
- (3) The installation of Radar signs may be required upon recommendation of the City Engineer and approval of the Planning Commission.

Open Space

Article 11 of LUDO to repeal and replace Sections 11-14 (h) as follows:

A Common Open Space and Recreation Area Plan shall be provided as a component of the subdivision Master Plan and/or Overall Landscape Plan for single family or multi-family residential subdivision development, except where herein exempted. Design details are provided in Article 19, Landscape Standards and Tree Protection, Section 19-11.

(1) Single Family, Townhouse, Residential PUD, or Mixed Use PUD Development

Upon preliminary plat or site plan submission for the first phase of the development, an Agreement shall be established for the implementation of a 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.

Article 19 of LUDO to repeal and replace Sections 19-11 through 19-16 as follows:

19-11 COMMON OPEN SPACE AND RECREATION PLAN

(a) Applicability:

- (1) 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.

(b) Exemptions:

- (1) 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,
- (2) Where the entire subdivision is zoned R-1, Low Density Single Family Residential.

(c) 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.

- (1) 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 walkways, dog parks, picnic areas, general landscaped areas, flower gardens, and other uses typical for passive recreation.
- (2) 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 stormwater facilities, especially low impact development measures, may also be included.

(d) 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 multi-family 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:

- (1) The proposed common open space and recreation area plan;
- (2) 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;
- (3) 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.

(e) Performance Standards:

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

- (1) Where possible and appropriate, common open space and recreation areas shall be readily accessible and useable by property owners.
- (2) To the maximum extent practical, a portion of the common open space and recreation area should provide focal points for the development.
- (3) Common open space and recreation areas shall have at least one direct access to a public right-of-way.
- (4) 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.
- (5) 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.

(f) Streetscapes:

- (1) A streetscape design shall be incorporated into the Common Open Space and Recreation Plan as part of the Overall Master Landscape Plan.
- (2) At a minimum, the plan shall include a design for street trees and for residential lots.
- (3) One overstory tree shall be planted every fifty feet along the right-of-way with the exception of rear alleys. Said trees shall be planted at a distance of six feet or greater from any adjacent sidewalk.
- (4) This plan shall include the theme for street trees, lot trees, and street furniture that complements the proposed development.

19-12 SPECIAL DESIGNS

More stringent design and landscape standards may be required by the Planning Commission in any district if it is determined the design would be more compatible with the development and/or more beneficial to the aesthetics of the City.

19-13 RETENTION OR DETENTION PONDS IN COMMON AREAS

(a) Detention Ponds-General:

Vegetation shall be planted around the circumference of detention areas.

(b) Subdivisions and Planned Unit Developments:

Retention areas shall have embankments planted with a combination of grass (sod) and shrub plantings. Additional requirements for trees may be required as deemed appropriate by the Planning Commission. There shall be a minimum of one shrub for every five (5) feet of circumference around retention or detention areas.

19-14 SUPERVISION

The landscape architect shall be responsible for the supervision of all plantings. Upon completion, the landscape architect shall certify in writing to the Director of Community Development that the submitted, approved landscape plan has been implemented and is in compliance with the provisions of this Article.

19-15 CERTIFICATE OF OCCUPANCY

A certificate of occupancy shall not be issued until the submitted, approved landscape plan has been fully implemented or a financial guarantee for the implementation of the landscape plan is submitted. Said guarantee shall be in an amount equal to one hundred and fifty percent (150%) of the total remaining installation cost. Said cost shall be certified by the landscape architect responsible for the design. In no case shall a certificate of occupancy be approved without the written approval of the design landscape architect.

19-16 MAINTENANCE

Maintenance of new plantings, fencing and/or natural areas is the responsibility of the developer and/or property owner(s). Any vegetation or trees planted or retained to fulfill the requirements of this Article that become damaged or diseased must be replaced by the property owner by the beginning of the optimum planting season of the following year and approved by a professional landscape architect. The landscape architect or the property owner must notify the designee of the Director of Public Works in writing when the replacement tree(s) and vegetation has been planted.

19-17 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. 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.

Performance Standards

Article 13 of LUDO to repeal and replace Section 13-7 as follows:

13-7 PERFORMANCE STANDARDS

Adrienne Jones
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(1) Performance Standards for Nonresidential Districts

In all nonresidential districts (with commercial, institutional and/or industrial uses) where facilities are permitted lots, tracts or parcels 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) Architectural plans shall be signed and stamped by a Licensed Architect. Plans shall include preliminary floor plans and building elevations.
 - 1. Elevation drawings shall be presented in color. Architectural renderings and roofline treatments shall be presented for all sides.

- (i) Streetscape, Landscaping and street furniture complement residential surroundings.

- (j) 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.

1. In all non-residential zoning districts the following are preferred building materials for any wall area facing a public street or any residential land use: brick, textured concrete block, stone, 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, or alternate building material approved by the Planning Commission.

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2. Tilt-up tilt-slab or tilt-wall type building construction must include vertical architectural elements.

- (k) Certain construction materials are discouraged as they are considered aesthetically incompatible. These material include metal-finished buildings and highly-reflective glass.

- (l) Metal buildings may be permitted as follows:

1. In a C/I zone district only, except where said C/I district is located along County Road 13, Highway 98, Highway 90, Highway 181, Olde Towne Daphne, the Village Overlay District, Eastern Shore Overlay District or the Jubilee Retail Overlay District.

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(2) Performance Standards for Residential Districts

- (a) Design standards for neighborhoods or individual lots shall consider functional and aesthetic features that contribute to residential livability and community sustainability and the overall quality of life. As such, design standards should address compatibility at the neighborhood, block and individual lot level.

1. Architectural Themes:

- i. Building materials including brick, stone, textured traditional cement stucco (i.e., real stucco) and cement siding are required as the primary veneer on new dwellings.
- ii. Roofs must be varied in roofline treatments.

- iii. Front porches or deeply-shaded eaves are encouraged.
- iv. Garage fronts should not predominate; they should be recessed and/or constitute less than forty (40) percent of the residential facade.

(b) Variety:

- 1. Colored elevations shall illustrate that a minimum of three (3) different elevations are provided in each block face.
- 2. Developments of thirty-five (35) dwelling units or more should offer a minimum of five (5) different elevations.

(c) Streetscape:

- 1. Landscape plans shall establish street/lot themes. See Article 19 for further details.

(d) Residential Streets:

- 1. Traffic Calming is required within all residential developments. See Article 11 for details regarding Traffic Management Plan.
- 2. Street designs should discourage through traffic; reduced street paving widths may be considered where off-street guest parking bays are installed.

Public Notice Signs

Article 6 of LUDO to repeal Section 6-11 as follows:

Deleted: 6-11 PUBLIC NOTICE SIGNS¶

¶

This section intends to promote adequate public awareness of proposed changes to the use of real property in Daphne city limits. Pursuant to this purpose, applicants requesting site plan review, master plan review, preliminary/final, and/or preliminary subdivision plat, shall be responsible for posting a sign as provided by Community Development or in accordance with specifications provided thereby. Requests for plan review, master plan review, preliminary/final and/or preliminary subdivision plat shall not be placed upon the Planning Commission Regular Meeting Agenda if the public notice sign is not properly sited on the property subject to such application. Signs shall be placed no later than fifteen (15) calendar days prior to Planning Commission review. Any application not placed on the Planning Commission regular meeting agenda for the above cause, shall be withheld until the next review cycle. Upon compliance with this and all other applicable requirements, the application will be placed upon the agenda. Failure to comply within forty-five days of the original application submittal shall result in forfeiture of applicable application fees and rejection of the application by Community Development Director. ¶

¶

The Public Notice 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 Appendix G, Supplemental Information.¶

¶

No preliminary subdivision plat or preliminary/final subdivision plat application shall be considered "formally submitted" until such time that the public notice sign is properly placed and all other applicable provisions provided within the Land Use & Development Ordinance are met. ¶

Article 15 of LUDO to repeal Section 15-5(a)(2)(b) as follows:

Deleted: (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.¶

Article 37 of LUDO to repeal Section 37-10(d) as follows:

Deleted: ¶

(d)→ 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.¶

Public Advertisement Fee

Article 34 of LUDO to repeal and replace Section 34-1 as follows:

34-1 FEES

With the exception of sign permits, the following is a schedule of fees assessed by the Department of Community Development in the administration of the Land Use and Development Ordinance. Sign permit requests shall be reviewed by the Code Enforcement Officer as provided in *Article 33, Sign Provisions*.

Description	Fee
Administrative Review Request-BZA	\$300.00
Annexation with R-1 zoning	n/a
Annexation with Zoning Petition ¹	\$500.00
Final Plat Application	\$250.00
Grand Opening Sign Permit	\$25.00
Master Plan Review or Master Plan Amendment Review	\$50.00
Mobile Home Park Annual License	Contact Revenue Department
Mobile Home Park Application	See Site Plan
Notice to Public by Certified Mail	The greater of \$5.75 per letter or Standard Rate of USPS
Per adjoining property owner plus one	
Plat Amendment	\$100.00
Preliminary or Preliminary/Final Plat Application ²	\$300.00
Public Hearing Advertisement Fee	\$125.00
Request for the Extension (Site Plan or Preliminary Subdivision Plat approval)	\$100.00 per request
Request for the Extension of Reversionary Period	\$500.00
Sign Permit	\$2.50 per square foot (minimum \$25.00)
Site Disturbance Permit	
Said fee is based upon site costs, not to include cost of building construction. Application shall be accompanied by a cost estimate of incomplete work certified by the project engineer.	\$20.00 application fee plus \$5.00 per \$1,000 or fraction thereof
Site Plan Application	\$500.00
Site Plan Renewal/Extension Fee	\$100.00
Special Exception Application ² -BZA	\$300.00
Subdivision Per Lot Fee	\$20.00
Subdivision Plat Exemption and/or Modification	\$50.00
Vacation of Easement and/or Right-of-Way ²	\$200.00
Variance Application ² -BZA	\$300.00
Zoning Amendment Application ²	\$500.00

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NOTES:

- Any application which requires a public hearing shall be assessed a fee determined as follows:
[application fee + ((public notice fee) x (number of adjacent properties, plus one)) + **\$125.00**].
- Subdivisions requiring a public hearing shall be calculated as above plus an additional fee for each lot (number of lots) x (per lot fee).
- Sign permit applications shall be submitted to the City of Daphne Revenue Department.
- Mobile Home Park Annual License shall be submitted to the City of Daphne Revenue Department.

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December 5, 2022
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:00 P.M.

1. **CALL TO ORDER:**

There being a quorum present Council President Angie Phillips called the meeting to order at 6:01pm.

2. **ROLL CALL:**

COUNCIL MEMBERS PRESENT: Steve Olen, Ron Scott, Joel Coleman, Angie Phillips, Benjamin Hughes and Tommie Conaway

COUNCIL MEMBERS ABSENT: Doug Goodlin

Also Present: Candace Antinarella, City Clerk; Jay Ross, City Attorney; Mayor LeJeune; Captain Jud Beedy, Police; Troy Strunk, City Development; Chief LeAnn Tacon, Fire; Ange Baggett, Marketing; Vickie Hinman, Human Resources; Kelli Reid, Finance; Charlie McDavid, Recreation; Adrienne Jones, Planning (arrived 6:19pm); Lily Rogers, Junior City Councilmember; Maren Fagan, Junior City Councilmember; Jackson Perhaes, Junior City Councilmember; Daniel Hill, Junior City Councilmember; and Jessica Linne, Assistant City Clerk.

INVOCATION/PLEDGE OF ALLEGIANCE

Invocation was given by Lt. Lamar Green, Daphne Fire Department.

PRESENTATION: Chief Tacon, Fire Department, presented Lamar Green, Eric Hayes and Adam Queen with their new Captain badges following their recent promotion.

PRESENTATION: Eagle Scout Kaden Hamm presented Council with his project proposal to build and install fishing recycling bins in Lake Forest.

**MOTION by Councilman Hughes to allow fishing recycle bins to be placed in Lake Forest by Kaden Hamm for his Eagle Scout Project. Seconded by Councilwoman Conaway.
MOTION CARRIED UNANIMOUSLY.**

PRESENTATION: Eagle Scout Quinn Ham presented Council with his project proposal to build life jacket loaner stations at Lake Forest's new landing.

**MOTION by Councilman Coleman to allow Quinn Hamm to build life jacket loaner station at Lake Forest's new landing. Seconded by Councilman Hughes.
MOTION CARRIED UNANIMOUSLY.**

3. **APPROVAL OF MINUTES:**

The minutes from the November 7, 2022 regular meeting and November 14, 2022 special called meeting were approved.

4. **REPORT OF STANDING COMMITTEES:**

A. **FINANCE COMMITTEE**

Councilwoman Conaway said there was no meeting in November.

**MOTION by Councilwoman Conaway to reclassify the GIS Analyst from Grade 19 to Grade 22 in the adopted pay scale. No second was needed.
MOTION CARRIED UNANIMOUSLY.**

December 5, 2022
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:00 P.M.

MOTION by Councilwoman Conaway to replace one of the budgeted Animal Control Officers with a Full Time Kennel Technician in the approved FY 2023 payroll budget once a vacancy occurs. No second was needed.

MOTION CARRIED UNANIMOUSLY.

B. BUILDINGS & PROPERTY COMMITTEE

Councilwoman Phillips said the October 2022 new construction and building reports were in the packet: certificates of occupancy: 28; permits issues: 192; new residential home permits: 23; and total fees: \$47,086.96. She said the next Buildings and Property meeting is December 12th at 5:15pm.

C. PUBLIC SAFETY COMMITTEE

Councilman Hughes said the next meeting is December 12th at 4:30pm.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE

E. PUBLIC WORKS COMMITTEE

Councilman Goodlin was absent.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments

B. Downtown Redevelopment Authority

Councilwoman Conaway said the next meeting is December 15th at 5:30pm at Daphne Shoe Boutique.

MOTION by Councilwoman Conaway to appoint Jason Goffinet to the Downtown Redevelopment Authority for a term of six (6) years ending November 2028 replacing Belle Laurendine. Seconded by Councilman Coleman.

MOTION CARRIED UNANIMOUSLY.

C. Industrial Development Board

MOTION by Councilman Scott to appoint Richard Perry to the Industrial Development Board for a term of six (6) years ending December 2027 replacing Steve Carey. Seconded by Councilman Olen.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to appoint H.R. Harvey to the Industrial Development Board for a six (6) year term ending December 2027 replacing Doug Bailey. Seconded by Councilman Olen.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to reappoint Scott Koser to the Industrial Development Board with a term expiring December 2026. Seconded by Councilman Hughes.

MOTION CARRIED UNANIMOUSLY.

Councilman Scott said that Pat Rudicell has been nominated to be appointed, but they are awaiting a resume. Councilman Scott said the next meeting is December 20th at 4:30pm.

D. Library Board

Councilwoman Phillips said the next meeting is the second Thursday in January at 4:30pm.

**December 5, 2022
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:00 P.M.**

E. Planning Commission

Councilman Olen said the next meeting is December 15th at 5:00pm.

F. Recreation Board

Councilman Hughes said the next meeting is January 11th at 6:00pm in the Jubilee Conference Room.

G. Utility Board

Councilman Coleman said the Board recently, there will be no meeting in December and the next meeting is January 25th at 5:00pm.

6. PUBLIC PARTICIPATION:

Public Participation opened at 6:20pm.

No one came forward to speak.

Public Participation closed at 6:21pm.

7. MAYOR'S REPORT:

Mayor LeJeune thanked everyone for coming to the tree lighting the previous week and reminded everyone that Snow and Movie Night is that coming Friday.

8. CITY ATTORNEY REPORT:

City Attorney said there was no report.

9. DEPARTMENT HEAD COMMENTS:

Chief Carpenter, Police, said they recently graduated two officers from the Police Academy. He reminded everyone to be aware of their surroundings during the holidays.

Chief Tacon, Fire, updated the Council on recent classes and events with the Fire Department.

Ange Baggett, Marketing, shared about recent Christmas events and said it was a great turnout for the parade. She said the Blue Cross Blue Shield Fitness Court Ribbon Cutting will be December 14th.

Tonja Young, Library, said the Library is having a drive through "take and make" ornament on Friday and the Library is also hosting a Christmas trivia night on December 26th.

Ronnie Huskey, Public Works, updated the Council on stormwater issues and said they have a new garbage truck.

Adrienne Jones, Planning, gave the Council an update on the Comprehensive Plan.

10. CITY CLERK'S REPORT:

MOTION by Councilman Coleman to approve the 011-Lounge Retail Liquor-Class II (Package) to Sai Sharnam LLC dba Top Shelf Liquor located 2200 US Highway 98 Suite 7, Daphne, AL. Seconded by Councilman Hughes.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Hughes to approve the 020-Restaurant Retail Liquor to Baldwin Market by the Bay LLC dba Market by the Bay located 29145 US Highway 98, Daphne, AL. Seconded by Councilman Coleman.

MOTION CARRIED UNANIMOUSLY.

December 5, 2022
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:00 P.M.

MOTION by Councilwoman Conaway to approve the publication and set a public hearing on February 6, 2023 for the Proposed Amendments to the Land Use and Development Ordinance to amend Articles 31 and 35. Seconded by Councilman Olen.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilwoman Conaway to approve the publication and set a public hearing on December 19, 2022 for the Infirmary Health Systems, Inc. Annexation Petition. Seconded by Councilman Olen.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Coleman to appoint the following members to the Daphne Public School Committee: Marina Simpson, Andrea Ramey Jackson, Andrea Lomax, Richard Perry, Marissa Renneker, Valerie Stickner, Jennifer Green, Tommie Conaway and Steve Olen. Seconded by Councilman Goodlin.

MOTION CARRIED UNANIMOUSLY.

Junior Councilmember Maren Fagan gave an update on the Junior City Council.

11. RESOLUTIONS & ORDINANCES:

A. RESOLUTIONS:

2022 – 56 – Declare Certain Personal Property Surplus and Authorize the Mayor to Dispose – 2008 Ford F150 Truck

2022 – 57 – Bid Award: 2022-CC-City Hall Roof Project

2022 – 58 - Declare Certain Personal Property Surplus and Authorize the Mayor to Dispose – Brake Lathe, Tire Changer and Waycool Fans

2022 – 59 – Bid Award: 2022-DD-Fire Department Candidate Physical Ability Training (CPAT) Building – Site Work

MOTION by Councilwoman Conaway to waive the reading of Resolutions 2022-56, 2022-57, 2022-58 and 2022-59. Seconded by Councilman Coleman.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilwoman Conaway to adopt Resolution 2022-56. Seconded by Councilman Olen.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilwoman Conaway to adopt Resolution 2022-57. Seconded by Councilman Coleman.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Olen to adopt Resolution 2022-58. Seconded by Councilman Hughes.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Hughes to adopt Resolution 2022-59. Seconded by Councilman Olen.

MOTION CARRIED UNANIMOUSLY.

December 5, 2022
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:00 P.M.

ORDINANCES:

B. 2nd READ ORDINANCES:

2022 – 65 – Ordinance Authorizing the Operation of Medical Cannabis Dispensing Sites within the City of Daphne

2022 – 66 – Appropriation: Drainage Repair at May Day Park - \$739,481

MOTION by Councilman Scott to waive the reading of Ordinance 2022-65. Seconded by Councilman Hughes.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to adopt Ordinance 2022-65. Seconded by Councilman Hughes.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to waive the reading of Ordinance 2022-66. Seconded by Councilman Hughes.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to adopt Ordinance 2022-66. Seconded by Councilman Hughes.

MOTION CARRIED UNANIMOUSLY.

C. 1ST READ ORDINANCES:

2022 – 68 – Additional Appropriation: Public Works Storage Building - \$86,520

2022 – 69 – City Hall Roof Replacement - \$215,000

2022 – 70 – Amendment to Ordinance 2004-11 (Business License Ordinance) to Modernize Certain Requirements Relating to License Term and Minimum Amount and to Include Short-Term Rentals

12. COUNCIL COMMENTS:

Councilwoman Conaway said the City had a great Christmas parade and thanked Ange Baggett and other departments for their work on it. She said the City had great leadership with Mayor LeJeune.

Councilman Olen echoed Councilwoman Conaway's comments about the parade and great leadership. He congratulated the three new Fire Department Captains.

Councilman Coleman thanked all for their work with the Christmas events and congratulated the new Fire Captains.

Councilman Scott said it is great to see Eagle Scouts presenting projects and he gave a brief Eastern Shore MPO update.

Councilman Hughes commended Public Works and BJ Eringman for their work on the road repaving plan and their work on the stormwater/drainage issues. He congratulated the new Fire Captains.

December 5, 2022
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:00 P.M.

Mayor LeJeune spoke on the remembrance ceremony for Dan Castillo. He thanked the Scouts for leading the pledge and recognized individuals for their work on Christmas events in the City. He asked everyone to keep former Fire Chief Bo White in their prayers.

Council President Phillips said she echoed everyone's comments and statements.

14. ADJOURN:

THERE BEING NO FURTHER BUSINESS TO DISCUSS, COUNCIL ADJOURNED INTO EXECUTIVE SESSION AT 6:49 PM.

Respectfully submitted by,

Certification of Presiding Officer,

Candace G. Antinarella, CMC, City Clerk

Angie Phillips, Council President

City of Daphne Building Department

2019 / 2020 / 2021 / 2022 / 2023 Comparison Report

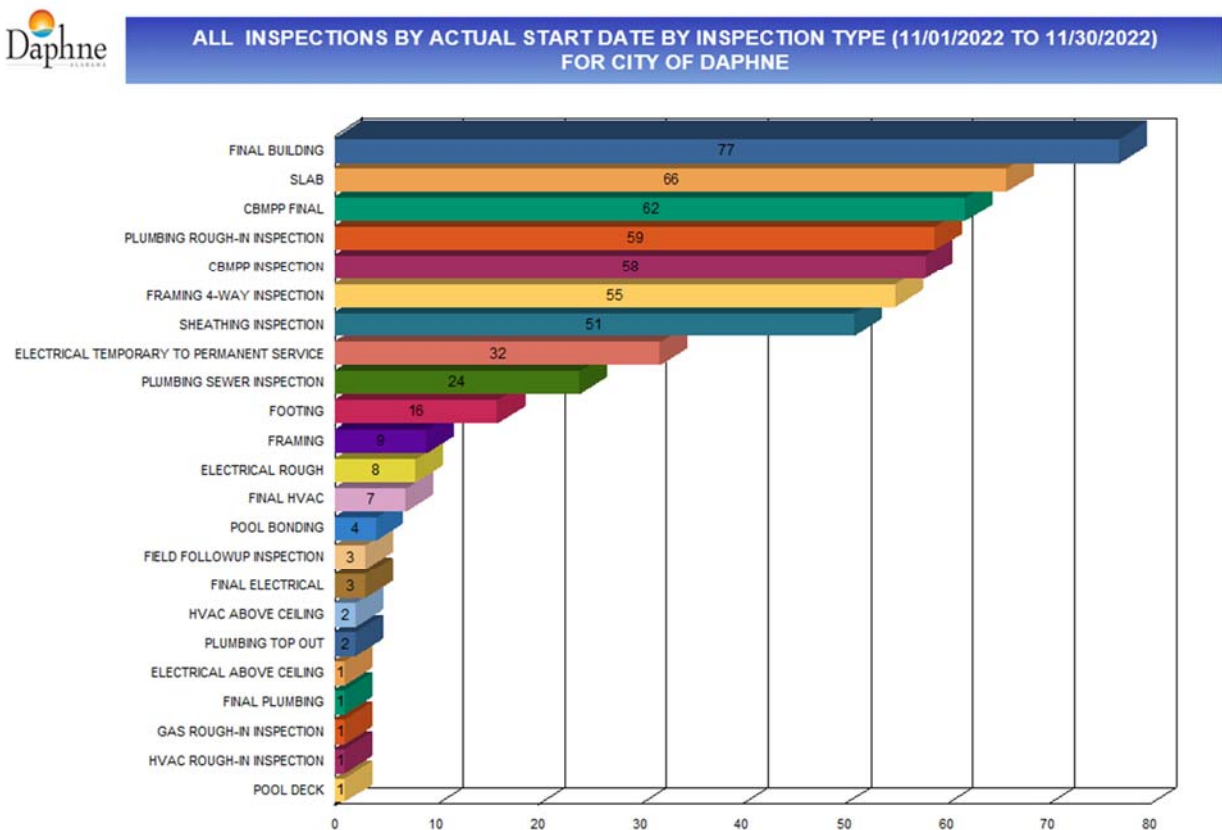
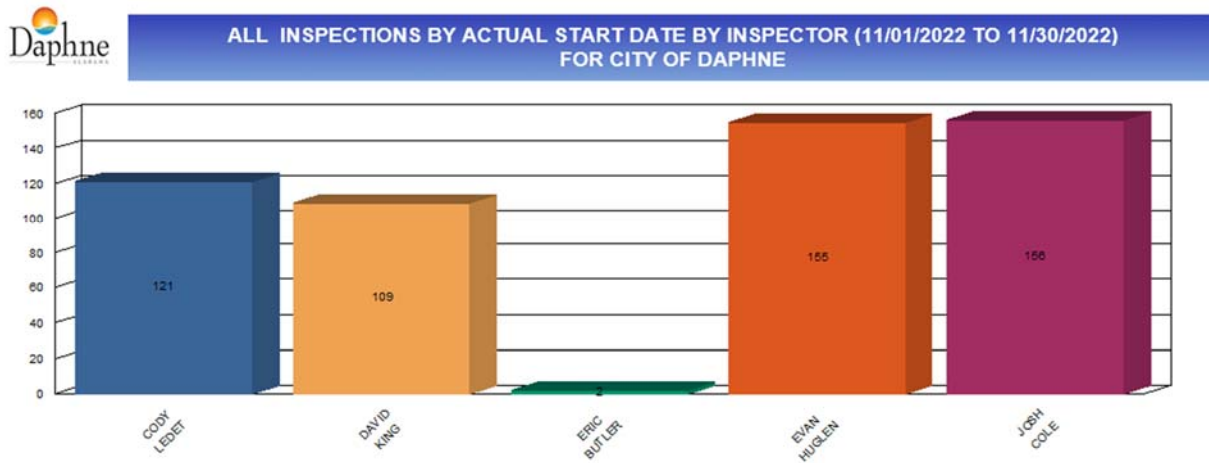
	Fees Collected					Permits Issued					CO's Issued				
	2019	2020	2021	2022	2023	2019	2020	2021	2022	2023	2019	2020	2021	2022	2023
Oct	\$41,508.58	\$93,181.87	\$94,131.53	\$84,303.63	\$47,086.96	141	215	357	308	192	23	11	31	40	28
Nov	\$30,939.41	\$62,198.00	\$109,387.14	\$91,672.49	\$50,279.03	106	223	378	351	286	18	26	30	30	36
Dec	\$28,050.20	\$233,529.32	\$101,471.36	\$128,605.99		108	252	383	296		23	33	43	53	
Jan	\$54,262.58	\$118,498.03	\$132,049.79	\$259,810.62		180	270	372	350		21	14	24	36	
Feb	\$65,020.99	\$140,560.44	\$97,396.64	\$129,315.56		225	308	350	292		17	33	32	32	
Mar	\$66,919.78	\$77,067.98	\$95,472.42	\$116,358.20		204	362	391	431		20	45	52	84	
Apr	\$62,429.27	\$94,394.17	\$80,088.89	\$60,816.35		228	272	373	324		23	32	40	42	
May	\$76,949.69	\$95,010.56	\$101,848.37	\$65,454.25		247	294	380	306		18	39	42	48	
June	\$57,871.17	\$179,966.08	\$100,508.32	\$147,395.66		223	399	394	355		24	49	50	34	
July	\$69,166.73	\$77,442.81	\$78,547.74	\$87,733.72		239	323	408	305		10	45	29	23	
Aug	\$119,198.28	\$105,147.77	\$59,376.50	\$61,504.63		272	307	309	299		44	34	30	19	
Sept	\$76,320.28	\$71,226.36	\$93,879.09	\$140,065.18		303	352	442	328		21	35	48	40	
Total	\$748,636.96	\$1,348,223.39	\$1,144,157.79	\$1,373,036.28	\$97,365.99	2476	3577	4537	3945	478	262	396	451	481	64
Percent	NA	80.09%	-15.14%	20.00%		NA	44.47%	26.84%	-13.05%		NA	51.15%	13.89%	6.65%	

November 2023 Notes

Building Inspections-

286 Permits issued, 36 Certificate Of Occupancies issued, 2 New home permits issued

422 Building Inspections – 121 Environmental Inspections – **543 Total Inspections**



PERMITS ISSUED BY (11/01/2022 TO 11/30/2022) FOR CITY OF DAPHNE

Building Permit (Commercial)

Work Class New Construction (Commercial)

BLDC-013550-2022	Type: Building Permit (Commercial)	District:	Main Address:	25650 Friendship Rd
Status: Issued	Workclass: New Construction (Commercial)	Project: Blueprint Performance	Parcel:	Daphne, AL 36526
Application Date: 11/01/2022	Issue Date: 11/01/2022	Expiration: 05/01/2023	Last Inspection:	Finalized Date:
Zone:	Sq Ft: 0	Valuation: \$735,669.00	Fee Total: \$5,767.84	Assigned To:
Additional Info:				
Master Permit: 19-	Contract Value: 735669.00			
Contractor: ERIC LAZZARI CONSTRUCTION LLC PO BOX 1015 DAPHNE, AL 36526 251-626-2959				

BLDC-013561-2022	Type: Building Permit (Commercial)	District:	Main Address:	9783 Timber Cir
Status: Issued	Workclass: New Construction (Commercial)	Project:	Parcel:	Daphne, AL 36527
Application Date: 11/02/2022	Issue Date: 11/02/2022	Expiration: 05/01/2023	Last Inspection:	Finalized Date:
Zone:	Sq Ft: 0	Valuation: \$475,000.00	Fee Total: \$3,825.00	Assigned To:
Additional Info:				
Subdivision: TIMBERCREEK BUSINESS PARK	Lot Number: 8	Zoned: B-1	Watershed: Tiawasee	Master Permit: 19-
IBC Commercial Building Code Year: 2018	Contract Value: 475000.00			
Contractor: BAY SOUTH LTD INC 1460 CELESTE RD SARALAND, AL 251-379-8111 OFFICE@BAYSOUTH.NET				

BLDC-013593-2022	Type: Building Permit (Commercial)	District:	Main Address:	9932 Us Hwy 31
Status: Issued	Workclass: New Construction (Commercial)	Project:	Parcel:	Daphne, AL 36527
Application Date: 11/03/2022	Issue Date: 11/10/2022	Expiration: 05/09/2023	Last Inspection:	Finalized Date:
Zone:	Sq Ft: 0	Valuation: \$708,263.18	Fee Total: \$5,714.66	Assigned To:
Additional Info:				
Subdivision: TIMBERCREEK VILLAGE	Subdivision Unit or Phase:	Lot Number: 1AA-1	Zoned: B-2	Flood Zone: X
Watershed: Tiawasee	Master Permit: 19-	IBC Commercial Building Code Year: 2018	Contract Value: 708263.18	

Description: FAST PACE

Contractor: Berry Construction 2525 BROAD ST CHATTANOOGA, TN 37402 423-619-1651

Value total for Work Class New Construction (Commercial):	Fee total for Work Class New Construction (Commercial):
--	--

PERMITS ISSUED BY (11/01/2022 TO 11/30/2022)

Value total for Permit Type Building Permit (Commercial): \$1,918,932. Fee total for Permit Type Building Permit (Commercial): \$2,222.00

PERMITS ISSUED for Permit Type:

3

Building Permit (Residential)

Work Class New Construction (Residential)

BLDR-013063-2022	Type: Building Permit (Residential)	District:	Main Address:	23579 Unbridled Loop
Status: Issued	Workclass: New Construction (Residential)	Project: Jubilee Farms Phase 14	Parcel:	Daphne, AL 36526
Application Date: 09/06/2022	Issue Date: 11/15/2022	Expiration: 05/15/2023	Last Inspection:	Finalized Date:
Zone:	Sq Ft: 0	Valuation: \$299,187.84	Fee Total: \$1,644.00	Assigned To:
Additional Info:				
Heated and Cooled Valuation: 267643	Number of Stories: 0	Heated and Cooled Square Feet: 1774	Non-Heated and Cooled Square Feet: 522	Non-Heated and Cooled Valuation: 31544.5
IRC Residential Building Code Year: 2018	Subdivision: JUBILEE FARMS	Subdivision Unit or Phase: 14	Lot Number: 736	Zoned: PUD
Watershed: Fish River	Flood Zone: X			

Description: LOT 736 PHASE 14 JUBILEE FARMS

Contractor: D R HORTON 25366 PROFIT DR DAPHNE, AL 36526 251-316-5429 Drhortoninspections@drhorton.com

BLDR-013615-2022	Type: Building Permit (Residential)	District:	Main Address:	23747 Unbridled Loop
Status: Issued	Workclass: New Construction (Residential)	Project: Jubilee Farms Phase 14	Parcel:	Daphne, AL 36526
Application Date: 11/07/2022	Issue Date: 11/10/2022	Expiration: 05/09/2023	Last Inspection:	Finalized Date:
Zone:	Sq Ft: 0	Valuation: \$231,676.22	Fee Total: \$1,294.65	Assigned To:
Additional Info:				
Heated and Cooled Valuation: 209257	Number of Stories: 0	Heated and Cooled Square Feet: 1387	Non-Heated and Cooled Square Feet: 371	Non-Heated and Cooled Valuation: 22419.5
IRC Residential Building Code Year: 2018	Subdivision: JUBILEE FARMS	Subdivision Unit or Phase: 14	Lot Number: 721	Zoned: PUD
Watershed: Fish River	Flood Zone: X			

Description: LOT 721 PHASE 14 JUBILEE FARMS

Contractor: D R HORTON 25366 PROFIT DR DAPHNE, AL 36526 251-316-5429 Drhortoninspections@drhorton.com

Value total for Work Class New Construction (Residential):

Fee total for Work Class New Construction (Residential):

Value total for Permit Type Building Permit (Residential): \$530,864.06 Fee total for Permit Type Building Permit (Residential): \$2,222.00

PERMITS ISSUED for Permit Type:

2

PERMITS ISSUED BY (11/01/2022 TO 11/30/2022)

GRAND TOTAL VALUE: \$2,449,796.24

GRAND TOTAL FEES: \$18,246.15

GRAND TOTAL OF PERMITS: 5

** Indicates active hold(s) on this permit*

PERMIT ISSUANCE SUMMARY (11/01/2022 TO 11/30/2022) FOR CITY OF DAPHNE

Permit Type	Permit Work Class*	Permits Issued	Square Feet	Valuation	Fees Paid
Building Permit (Commercial)	Cell Tower	2	0	\$69,782.00	\$861.76
	Interior Build Out	1	0	\$16,000.00	\$112.00
	New Construction (Commercial)	3	0	\$1,918,932.18	\$15,307.50
	Re-Roof	1	0	\$116,240.00	\$272.33
BUILDING PERMIT (COMMERCIAL) TOTAL:		7	0	\$2,120,954.18	\$16,553.59
Building Permit (Residential)	Addition	1	0	\$14,750.00	\$130.00
	Alteration or Remodel	5	0	\$127,366.00	\$887.96
	Demolition	1	0	\$0.00	\$75.00
	Misc.	2	0	\$16,492.00	\$168.72
	New Construction (Residential)	2	0	\$530,864.06	\$2,938.65
	Pool	3	0	\$264,530.00	\$1,839.23
	Re-Roof	31	0	\$533,027.82	\$3,559.50
	Sunroom	1	0	\$14,467.00	\$132.75
BUILDING PERMIT (RESIDENTIAL) TOTAL:		46	0	\$1,501,496.88	\$9,731.81
Certificate of Occupancy	Certificate of Occupancy	36	0	\$0.00	\$0.00
CERTIFICATE OF OCCUPANCY TOTAL:		36	0	\$0.00	\$0.00
Electrical Permit (Commercial)	Misc.	1	0	\$3,500.00	\$117.14
	New Construction (Commercial)	5	0	\$181,415.00	\$2,901.25
ELECTRICAL PERMIT (COMMERCIAL) TOTAL:		6	0	\$184,915.00	\$3,018.39
Electrical Permit (Residential)	Misc.	4	0	\$17,235.00	\$198.98
	New Construction (Residential)	58	0	\$0.00	\$6,552.14
	Pool Bonding	2	0	\$2,000.00	\$61.64
	Service Change	1	0	\$3,345.00	\$46.24
ELECTRICAL PERMIT (RESIDENTIAL) TOTAL:		65	0	\$22,580.00	\$6,859.00
Gas Permit (Residential)	Gas Permit (Residential)	1	0	\$200.00	\$35.96
GAS PERMIT (RESIDENTIAL) TOTAL:		1	0	\$200.00	\$35.96
HVAC Permit (Commercial)	Change Out HVAC	1	0	\$0.00	\$134.60
	New Construction (Commercial)	18	0	\$65,700.93	\$2,163.96
HVAC PERMIT (COMMERCIAL) TOTAL:		19	0	\$65,700.93	\$2,298.56
HVAC Permit (Residential)	HVAC Changeout	11	0	\$130,736.00	\$1,006.94
	Misc.	2	0	\$8,000.00	\$138.71
	New Construction (Residential)	54	0	\$0.00	\$6,100.06
HVAC PERMIT (RESIDENTIAL) TOTAL:		67	0	\$138,736.00	\$7,245.71
Plumbing Permit (Commercial)	New Construction (Commercial)	2	0	\$24,000.00	\$634.56
PLUMBING PERMIT (COMMERCIAL) TOTAL:		2	0	\$24,000.00	\$634.56
Plumbing Permit (Residential)	Misc.	5	0	\$36,927.00	\$356.73
	New Construction (Residential)	31	0	\$0.00	\$3,503.62
	Sewer	1	0	\$2,820.00	\$41.10

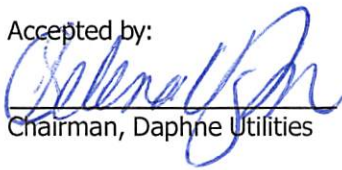
* Double-click the Permit Work Class Name while in the browser to see Permit details for that Work Class.

PERMIT ISSUANCE SUMMARY (11/01/2022 TO 11/30/2022)

Permit Type	Permit Work Class *	Permits Issued	Square Feet	Valuation	Fees Paid
PLUMBING PERMIT (RESIDENTIAL) TOTAL:		37	0	\$39,747.00	\$3,901.45
Site Disturbance	Site Disturbance (Commercial with CI)	2	0	\$0.00	\$1,990.00
SITE DISTURBANCE TOTAL:		2	0	\$0.00	\$1,990.00
GRAND TOTAL:		288	0	\$4,098,329.99	\$52,269.03

** Double-click the Permit Work Class Name while in the browser to see Permit details for that Work Class.*

Accepted by:


Chairman, Daphne Utilities



APPROVED MINUTES

Utilities Board Meeting

Council Chambers, Daphne City Hall ♦ October 26, 2022 ♦ 5:00 p.m.

I. Call to Order

The regular October 2022 Board meeting for the Utilities Board of the City of Daphne was held on October 26, 2022, in the Council Chambers at Daphne City Hall and called to order at 5:00 p.m. by Chairwoman Selena Vaughn, followed by the Roll Call:

II. Roll Call

Members Present: Selena Vaughn, Chairwoman
Tim Patton, Vice Chairman
Billy Mayhand, Secretary/Treasurer
Mayor Robin LeJeune, Board Member

Members Absent: Councilman Joel Coleman, Board Member

Others Present: Jerry Speegle – Board Attorney – arrived 5:03pm
Scott Polk – General Manager
Bobby Purvis – Operations Manager
Teresa Logiotatos – Finance Manager
Drew Klumpp – Administrative Services Manager
Samantha Coppels – Communications Manager
Lori Wilson – Executive Assistant

Others Absent:

III. Pledge of Allegiance

The Chairwoman led the Board and meeting attendees in the Pledge of Allegiance.

IV. Approval of Minutes

Utilities Board Meeting Minutes September 28, 2022

The Chairwoman requested any additions, corrections, or deletions for the submitted minutes of the September, 2022, Daphne Utilities Board meeting.

With no additions, deletions, or corrections, the Chairwoman declared that the submitted September 28th, 2022 minutes would stand approved.

V. OLD BUSINESS - No Old Business.

VI. NEW BUSINESS –

A. Utility Board Member/Decisionmaker Training presented by Alabama Rural Water Association

Mr. Scott Polk advised the Board of this training opportunity hosted by the Alabama Rural Water Association and invited them to notify him or Lori Wilson if they planned to attend in order to register for the event.

~~B. Recommendation for Bid Award for: GOMESA – Windscape L.S. Force Main Extension (Volkert Project No. 408252 DU GL 1835 – (Board Action – MOTION)~~

~~To accommodate for bidder participation, the bid date was postponed to Tuesday, October 25th; therefore, the bid tabulation and recommendation will be delayed and distributed as soon as it is available. **TABLED FOR A LATER DATE**~~

C. Proposed Pay Scale Adjustment Update – (Board Action – MOTION)

Mr. Scott Polk stated that this is the updated based on the recent salary survey to attract more applicants as well as to remain competitive in the industry. He noted that there was not a significant discrepancy and that the company behind the survey has worked with the City of Daphne, Dothan, and Riviera Utilities.

MOTION by Mayor Robin LeJeune to approve the Pay Scale Adjustment as submitted; Motion was Seconded by Billy Mayhand.

AYE: LeJeune, Mayhand, Patton, Vaughn **NAY:** **ABSENT:** **ABSTAIN:** Coleman

MOTION CARRIED

VII. BOARD ATTORNEY'S REPORT

Mr. Jerry Speegle had nothing to add to the submitted report except to advise that after speaking with Patrick Dungan, it was determined that an easement for anode placement for our gas lines will be required for the Animal Shelter property.

VIII. FINANCIAL REPORT

Finance Manager Teresa Logiotatos reviewed for the Board: the results from the physical inventory audit; revenue, expenses and net income for the year, Net Increase or Decrease In Cash and Cash Equivalents on the Cash Flow Statement; various checks on the Check History Report.

Mr. Polk answered Board questions regarding the rate increase notification printed at the bottom of our bills.

IX. GENERAL MANAGER'S REPORT

A. GM Report

General Manager Scott Polk updated the Board on: expecting the pump, shaft and topside generator for Diamante well; continuing work on well #15 to prepare for upcoming drilling; re-evaluating plans for 4th Street water/sewer expansion due to excessively high bids; the high bids received as well for North Main Street sewer line upgrade, re-evaluating this project; the Admin office remodel slightly delayed due to cabinets; the Grit Removal System project in the contracting phase. He spoke about his strategy for developing the 5-Year Strategic Plan

involving feedback from some employees and had also spoke with the director of planning for the sewer and water board for the City of New Orleans about their recent process, which involved Raftelis. He re-emphasized about nominations for Daphne Utilities for the Best of Baldwin 2023 in the “best utility” and “best place to work” categories. Mr. Polk enlightened the Board about a recent encounter with a customer our employees had gone beyond in helping and commended Mr. Bobby Purvis and Kam Mitchell with their dedication to our customers.

Samantha Coppels thanked the Board’s participation for the Grant Day.

B. Operations Report

Mr. Bobby Purvis updated his submitted report involving Well #12’s shut down, a leak at the WRF in the existing concrete, moving forward on the rehabs on lift stations and the new employee hired for the natural gas department.

He went on to speak about the Maintenance/Facilities department and the vast and various work they do for Daphne Utilities and commended and introduced the Facilities Manager, Antonio Winston. Mr. Winston presented Mr. Demetri Williams, Mr. Maurice Rasheed who was absent, Mr. Myron Mosely, Mr. Matthew Collins Jr., Mr. Clyde Campbell Jr., and Mr. Michael Powell, applauding all the employees in the department. Mayor LeJeune thanked the all the staff for participating and helping with the City-sponsored events.

C. Engineering & Consulting Reports – nothing further was added to the submitted reports.

X. BOARD ACTION – Previously addressed.

XI. PUBLIC PARTICIPATION – Chairwoman Vaughn invited any public participants at 5:31pm to address the Board and with no participants, closed Public Participation at 5:31pm.

XII. BOARD COMMENTS –

Mr. Billy Mayhand commented on the salary increases by helping to recruit new employees and keep current staff.

Mr. Tim Patton expressed appreciation to staff by always trying to improve the company.

Mayor LeJeune thanked the staff and articulated the pride he has to represent not only the City but to serve on the Utility Board as well. He also mentioned that he wanted to add to the agenda for the next month the Summer Oak [tap fees] issue that has been previously mentioned.

XIII. ADJOURNMENT

With no further discussions, the Chairwoman called for adjournment at 5:36pm.

MOTION by Billy Mayhand to adjourn; Motion was Seconded by Tim Patton.

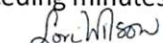
AYE: LeJeune, Mayhand, Patton, Vaughn **NAY:** **ABSENT:** Coleman

ABSTAIN:

MOTION CARRIED

The meeting adjourned at 5:36pm.

Preceding minutes submitted to the Daphne Utilities Board by:



Lori Wilson, Executive Assistant, Daphne Utilities

Request for Date Change from 01/27/23 to 01/28/23



City of Daphne Event Permit Application

TYPE OF PERMIT:

- ☒ Special Event/Fundraiser ☒ Parade/Run (Streets Use) ☐ Walk (Sidewalks Only)
☐ Athletic Complex/Sporting Event ☐ Other: _____

APPLICANT & ORGANIZATION INFORMATION

ORGANIZATION NAME: Eastern Shore Baptist Church
APPLICANT NAME: Marsha Scarborough
STREET: 6847 Park Dr. CITY, STATE, ZIP: Daphne, AL 36526
CONTACT PHONE: 251-533-6689 EMAIL: marsha@myesbc.net
"ON SITE" CONTACT PERSON DAY OF EVENT: Chris Turner or Marsha Scarborough
Chris: 318-290-4176
CELL PHONE: Marsha: 251-533-6689 EMAIL: chris@myesbc.net

EVENT INFORMATION

EVENT NAME: Miles for Missions 5k + Fun Run
TYPE OF/PURPOSE OF EVENT: 5k/Fun Run to raise funds for 2023 Youth Choir Mission Tour
EVENT DATE: January 28, 2023 TIME (START- END): 7:00 a.m. - 12:00 p.m.
ASSEMBLY TIME: 7:00 a.m. # PARTICIPANTS/VEHICLES: 100 +
EVENT LOCATION: 5k course @ city Hall
FULL DESCRIPTION OF EVENT (PLEASE LIST ANY TENTS, STAGING, PORT-O-LETS, OR SIMILAR ITEMS THAT WILL BE USED ON-SITE): Tents and tables for registration/water/refreshments, P/A system (provided by church) race timers, portable stage or risers for choir

SPECIAL REQUESTS

ROAD CLOSURE(S) REQUESTS: ☒ Yes* ☐ No *If Yes, please indicate which City Route is requested: _____

WILL YOUR EVENT REQUIRE BARRICADES: ☐ Yes* ☒ No *If Yes, please indicate quantity & location: _____

WILL YOUR EVENT REQUIRE ELECTRICITY: ☒ Yes* ☐ No *If Yes, you must provide your own extension cords

WILL YOUR EVENT REQUIRE WATER: ☐ Yes* ☒ No *If Yes, you must provide your own hose(s)

OTHER SPECIAL ITEMS FOR RENT:

TENTS: 20' X 40' # _____ X \$321.00 10' X 10' # _____ X \$123.00/EACH

TABLES: 8' L # _____ X \$45.00/EACH CHAIRS: # _____ X \$12.00/EACH

OTHER SPECIAL REQUESTS: _____

MARKETING & COMMUNICATIONS

PLEASE NOTE: As a City permitted event, the City of Daphne should be listed as a sponsor on all marketing materials promoting your event, such as, but not limited to, posters, social media outlets, website(s), t-shirts, promo items, etc. It is the event organizer's responsibility to request the official City logo from our Marketing & Events Department in a proper format. No other City of Daphne logo should be utilized. Please initial acknowledgement: _____

Is your event open to the general public? ☒ Yes* ☐ No

* If Yes, do you wish for your event to be listed and/or shared on: www.daphneal.com? ☒ Yes ☐ No

Facebook.com? ☒ Yes ☐ No Instagram? ☒ Yes ☐ No LinkedIn? ☒ Yes ☐ No

MARKETING CONTACT (IF DIFFERENT THAN EVENT APPLICANT OR "ON SITE" EVENT CONTACT):

NAME: _____ CONTACT PHONE: _____

OTHER MARKETING REQUESTS: _____

REVENUE/BUSINESS LICENSE

WILL SALES BE GENERATED AT YOUR EVENT: ☐ Yes** ☒ No ** If Yes, please provide your City of Daphne Business License Number here: _____

PLEASE NOTE: If you are providing food trucks or other third-party vendors, they MUST be a licensed business with the City of Daphne.

INDEMNITY & HOLD HARMLESS AGREEMENT

In consideration of the permission granted to me by the City of Daphne to use grounds, sidewalks, and/or streets, I hereby indemnify and hold harmless the City of Daphne, its agents, servants and employees from any and all claims and causes of action that may arise from injury to me or third party using the grounds, sidewalks, and/or streets who are injured or suffer property damage that is in any way caused by my use of the grounds, sidewalks, and/or streets. This indemnity and hold harmless agreement is given to the City of Daphne to protect the City and its agents, servants, and employees from cost of defense and claims for injuries and damages that may be caused either directly or indirectly by my use of grounds, sidewalks, and/or streets.

Further, I have read and understand all rules and regulations according to the City of Daphne Ordinance No. 2017-35 as set forth by the governing body of the City of Daphne and will abide by these rules and regulations. I understand that damage to City property, grounds, sidewalks, and/or streets can and will result in additional fees. I also understand that if at any time the City of Daphne appointed Law Enforcement, Code Enforcement, or other personnel feel that said rules and regulations are not being followed the function will be terminated with no refund of said fees.

I have read and understand the above, including the cancellation and indemnity policies.

APPLICANT SIGNATURE: Marsha Scarborough DATE: 12-06-2022

INTERNAL USE ONLY

DATE REC'D: 12-6-2022 CITY CLERK: _____

FIRE DEPT: L. L. Turner APPROVED ROUTE: _____

POLICE DEPT: David Cypriano ROUTE MAP ATTACHED: ☐ Yes ☐ No

PUBLIC WORKS: [Signature]

SPORTS & RECREATION: _____ EVENT FEE: ☐ Paid \$ _____ CHK# _____

MARKETING & EVENTS: _____ ☐ Waived: _____

** REVENUE: _____ PROOF OF INSURANCE REC'D: ☐ Yes ☐ No

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2022 - 60**

**A RESOLUTION DECLARING CERTAIN PERSONAL PROPERTY SURPLUS AND
AUTHORIZING THE MAYOR TO DISPOSE OF SUCH PROPERTY**

WHEREAS, the management of the City of Daphne has determined that the item listed below is no longer required for public or municipal purposes; and

WHEREAS, the item listed below is recommended for disposal.

NOW, THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that

1. The property listed below is hereby declared to be surplus property; and

DEPT	EQ/VEH/#	DESCRIPTION	VIN/SN
FD	EMS 1	2003 Yamaha G21A Golf Cart	JUO012926

2. The Mayor is authorized to advertise and accept bids through Govdeals.com/Liquidity Services Operations LLC as contracted for the sale of such personal property; and
3. The Mayor is authorized to sell said property to the highest bidder and deposit any and all proceeds to the appropriate City fund. The Mayor is further authorized to direct the disposition of any property which is not claimed by any bidder and sign all necessary documents.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ day of _____, 2022

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, CMC, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2022-68**

ADDITIONAL APPROPRIATION: PUBLIC WORKS STORAGE BUILDING

WHEREAS, Ordinance 2022-59 approved and adopted the Fiscal Year 2023 Budget on September 19, 2022; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2023 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2023 budget; and

WHEREAS, the previous building located on the site that the Public Works storage building will be constructed was destroyed in a fire and a negotiated bid was awarded in the amount of \$728,501 for the construction of a new Public Works storage building; and

WHEREAS, total insurance proceeds in the amount of \$299,388 were received and Ordinance 2022-30 previously appropriated \$515,205 to fund the remaining construction amount and engineering costs for the building; and

WHEREAS, additional funds in the amount of \$96,520 are needed to install a sprinkler system in the Public Works storage building and to perform additional sitework needed to make the system operable and the building fully functional.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that

1. An appropriation in the amount of **\$96,520** from the General Fund and transferred to the Capital Reserve Fund is appropriated and made a part of the Fiscal Year 2023 Budget for the Public Works Storage Building.
2. The Mayor is hereby authorized to execute any and all documents required in order for the Public Works Storage Building project addition.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ day of _____, 2022.

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, CMC, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2022-69**

CITY HALL ROOF REPLACEMENT

WHEREAS, Ordinance 2022-59 approved and adopted the Fiscal Year 2023 Budget on September 19, 2022; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2023 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2023 budget; and

WHEREAS, a portion of the roof at City Hall has had significant leaks and has significant visible damage due to age and several natural disasters throughout the past year and is need of replacement; and

WHEREAS, the City Hall Roof Project has been bid with a total project cost of \$215,000 (Base Bid - \$211,000 and Contingency - \$4,000); and

WHEREAS, an appropriation is needed in the amount of \$215,000 to complete the City Hall Roof Project.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that

- 1) Funds in the amount \$215,000 from the **General Fund** are hereby appropriated and made part of the Fiscal Year 2023 Budget for the partial replacement of the roof at City Hall.
- 2) The Mayor is hereby authorized to execute any and all document required in relation to these projects.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ DAY OF _____, 2022.

ATTEST:

Robin LeJeune, Mayor

Candace G. Antinarella, CMC, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2022-70**

**AMENDMENT TO ORDINANCE NO. 2004-11 (BUSINESS LICENSE ORDINANCE) TO
MODERNIZE CERTAIN REQUIREMENTS RELATING TO LICENSE TERM AND
MINIMUM AMOUNT AND TO INCLUDE SHORT-TERM RENTALS**

WHEREAS, the City of Daphne, after due consideration, believes that certain revisions to the City of Daphne's Business License Ordinance are necessary to account for the growing short term rental industry and to modernize certain other requirements relating to the license term and minimum amount for any business license; and

WHEREAS, the City of Daphne desires to amend said ordinance to further promote the health, safety and welfare of the citizens of the City of Daphne and their guests by ensuring that any person or entity providing short-term lodging or rentals is a "business" required to obtain a business license before operating in the City of Daphne.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, as follows:

SECTION 1. AMENDMENT TO ORDINANCE 2004-11 - LICENSE TERM AND MINIMUMS

Section 13-253 of Chapter 13, Article XII of the Code of Ordinances of the City of Daphne, Alabama is hereby amended by repealing subsections (b) and (c) in their entirety and replacing them with the following:

- (b) *Half year.* In case the license of any business, trade, occupation or profession is based on a flat rate and is taken out after July 1, for those whose gross receipts are less than \$100,000, only one-half (½) of the license shall be charged and collected.
- (c) *Issue fee.* For each license issued, there shall be an issue fee collected in an amount equal to the maximum amount allowable by the Alabama Department of Revenue, which shall be adjusted every five (5) license years by an amount equal to the percentage increase in the U.S. Department of Labor's Producer Price Index, with the base year being 2006.

SECTION 2. AMENDMENT TO ORDINANCE 2004-11 - SHORT-TERM RENTALS

Chapter 13 of the Code of Ordinances of the City of Daphne, Alabama is hereby amended to add the following:

ARTICLE XVI: SHORT TERM RENTALS

Section 13-351 - Definitions

"Commercial vehicle" means a vehicle customarily used as part of a business for the transportation of goods or people.

"Hosting platform" means a person who, for a fee or other charge, provides on an internet website an online platform that facilitates the rental of a short-term residential rental unit on behalf of an operator, including, without limitation, through advertising, matchmaking or other means.

"Operator" means any person who owns, leases, controls, manages or operates a short-term residential rental unit or property.

"Short-term residential rental" means the commercial use, or the making available for commercial use, of a residential dwelling unit for dwelling, lodging or sleeping purposes, wherein any individual guest rents or occupies the unit or a portion of the unit for a period of less than one hundred and eighty (180) consecutive calendar days. The definition of "short-term residential rental" shall exclude commercial businesses that operate facilities primarily for the purpose of short-term rental (i.e., mobile home parks, RV Parks, hotels, motels, bed and breakfasts, etc.) that are already required to be licensed by other provisions of the business license ordinances of the City.

Section 13-351 - License required

- (A) No person shall engage in the business of offering or operating a short-term residential rental without first obtaining and thereafter maintaining a valid unexpired business license pursuant to this Chapter for short-term residential rental.
- (B) If a short-term residential unit is managed by a person other than the licensee or a principal of the licensee for that unit, that person must also possess a valid license from the City of Daphne to manage property.
- (C) The holder of a license under this Chapter is the person primarily responsible for compliance with the obligations that are imposed on an operator by this Chapter, whether or not that person owns the real property on which the short-term residential rental is located. In the case of a short-term residential rental whose affiliated licensee is not the property owner, the property owner is secondarily responsible for compliance.
- (D) The NAICS code to be used for licensing of Short-Term Residential Rental is NAICS # 721119 – All Other Traveler Accommodation, and the fee schedule for licensing is Schedule D.

Section 13-353 - Permit Fees

The operator of a short-term residential rental unit shall pay, in advance, an annual fee of twenty dollars (\$20) for each short-term residential rental unit. Where there are multiple residential rental units on the same property, each unit must be permitted individually. This is in addition to the yearly business license fee.

Section 13-354 - Application for a Permit

Each application for a short-term residential rental permit shall contain or include the following information and documentation:

- (A) The name, signature, address and telephone number of the owner of the residential rental unit to be associated with the license.
- (B) The name, address and telephone number of any property manager or property management firm that will be operating the short-term residential rental.
- (C) The name, address and telephone number (including a telephone number that provides for communication twenty-four hours a day) of the local contact person who will respond to complaints regarding the condition, operation, or conduct of the occupants of the short-term residential rental unit.
- (D) The address of the residential rental unit proposed to be used as a short-term residential rental.
- (E) A list of all hosting platforms that the applicant proposes to use to market, advertise, offer, solicit customers for, or make available for commercial use the short-term residential rental applied for.
- (F) An affidavit attesting that there are no delinquent lodging tax liabilities or liens regarding the property to be used as a short-term residential rental.
- (G) Approval from the City's fire official for the first year of operation and a signed affidavit of continuing safety regulations each year thereafter. Each unit shall be inspected every three years.

Section 13-355 - Additional conditions

In connection with the issuance of a business license, the revenue officer may impose on the licensee (or upon the renewal thereof) reasonable conditions that are in addition to the requirements of this Chapter and that are designed to protect the public health, safety and welfare. In addition, at any time during a license period, the revenue officer may impose such a requirement on a licensee whose short-term residential rental has been the subject of repeated complaints of violations of this Chapter.

Section 13-356 – Compliance

The operator of a short-term residential rental shall comply with all provisions of City of Daphne Ordinances that pertain to the collection of lodging taxes by the operator of an establishment subject to those Ordinances, as well as the associated recordkeeping requirements.

The operator is responsible for ensuring that the short-term residential rental complies with all State, County and City ordinances related to disasters and for ensuring the safety of the guests of the short-term residential rental.

Nothing contained in this article shall be construed to relieve any person from any tax liability, penalty, interest or forfeiture incurred under any laws or ordinances of the City prior to the effective date of this article.

Section 13-357 - Safety precautions

- (A) An evacuation map and list of procedures shall be placed within each guest room used for sleeping. Maps and lists of procedures shall be mounted on a wall or door in a horizontal position, either made of a durable material or encased within a durable frame or enclosure. Each map and list shall have a minimum size of ten inches by eight inches, with the color of text contrasting to the background. Maps shall have a "you are here" star with a directional arrow to the nearest exit, and shall also indicate the location of all available fire extinguishers.
- (B) At a minimum, there must be at least one fire extinguisher:
 - (1) In the kitchen area, mounted, both visible and accessible;
 - (2) In any garage, mounted on the wall no higher than sixty inches above the finished floor; and
 - (3) Located on each floor level of the short-term residential rental unit, to the extent not otherwise covered by Paragraphs (1) and (2) of this Subsection (B).

Each fire extinguisher shall have a current service tag from a licensed fire extinguisher contractor.

- (C) All sleeping rooms shall be equipped with smoke alarms, and the smoke alarms shall be installed in accordance with applicable codes. A record of monthly testing and battery replacement shall be available for verification by the Fire Department.
- (D) Carbon monoxide alarms shall be installed in accordance with applicable codes.
- (E) Each short-term residential rental shall be maintained in accordance with all applicable provisions of City building-related and technical codes adopted by the City of Daphne.

Section 13-358 - Miscellaneous provisions

- (A) The operator shall post a copy of the permit in a conspicuous place within the short-term residential rental unit.
- (B) All occupant vehicles shall be parked on site, and shall not be parked in the adjacent public right-of-way. No commercial vehicles shall be permitted on the short-term

residential rental unit property or parked in the adjacent public right-of-way, except where otherwise permitted in commercial zoning districts.

- (C) Notwithstanding the provisions of any other ordinance of the City of Daphne, the use of any radio receiver, stereo, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound shall take place only within an enclosed short-term residential rental unit. The property owner or operator of a short-term residential rental unit shall use reasonably prudent business practices to ensure that the occupants or guests of the rental unit do not create unreasonable noise or disturbances.
- (D) The operator shall make available a local twenty-four-hour phone number that provides the capability of producing a response within 15 (fifteen) minutes to complaints regarding the condition, operation, or conduct of the occupants of the short-term residential rental unit. Failure of the operator or an employee or agent to respond to the complainant within 15 (fifteen) minutes shall constitute a violation of this Chapter.
- (E) A placard shall be displayed on the interior of each short-term residential rental unit listing the information set forth above in Subsection (D). The placard shall be in plain view of the renters at all times the short-term residential rental unit is occupied and shall be a minimum of eight and one-half inches by eleven inches in size. Displayed on the placard shall be the twenty-four-hour contact information required by Subsection (D) of this Section. The information required by the preceding sentence must be in a minimum legible font of seventy-two-point or a minimum of one and one-half inches in height. The required contact information shall include a full name and telephone number of the contact.
- (F) Trash and refuse shall not be left or stored in public view, except in proper containers for the purpose of collection in accordance with the requirements of City of Daphne Ordinances. The owner of the property or manager of the short-term residential rental unit shall be responsible for notifying occupants of trash disposal procedures and for maintaining compliance with the requirements of City of Daphne Ordinances.
- (G) Consistent with and as a reflection of the definition of the term "short-term residential rental" set forth in this Chapter, no short-term residential rental unit may be rented for the purpose of holding weddings, parties, receptions or similar events that typically are held at a banquet facility or other facility that is made available for the holding of events on a commercial basis. Any use of the short-term residential rental unit is limited to activities that are incidental to its use for dwelling, lodging or sleeping purposes.
- (H) Short-term residential units may only be operated in residentially zoned areas, the Olde Towne Daphne District, and the Village Overlay district.

Section 13-359 - Notification of change in ownership

The operator must notify the City of Daphne Revenue Department of any change in property ownership or management or any other material change in the information described in the license application, permit(s) and set forth in the City of Daphne Business License Ordinance. The notification must be made within fifteen days after the change has occurred. The Revenue Director may require a new application for a business license and new permit(s) if the changes warrant a new application.

Section 13-360 - Suspension—Revocation

In addition to any other remedy available for a violation of this Chapter, the revenue officer may refer the license to the City Council for revocation of a license issued under this Chapter in connection with a particular short-term residential unit for the second or subsequent violation of this Chapter regarding that unit within any 12 (twelve) month period. In addition, the renewal of a license issued under this Chapter or an application for a new license under this Chapter may be denied if the licensee or applicant has been found guilty of any provision of this Chapter or has been determined to be in violation of any provision of this Chapter in connection with a civil proceeding. If a business license is revoked, all permit(s) under that license will be revoked simultaneously.

Section 13-361 - Enforcement

Officers of the Police Department, Code Enforcement, and/or fire officials are authorized to enforce or assist in the enforcement of this Chapter.

Section 13-363 - Quarterly Reports

- (A) Each operator must submit to the City of Daphne Revenue Department a quarterly report that includes the information set forth in Subsection (B) of this Section.
- (B) Each report required by Subsections (A) and (B) of this Section must state, for the quarter being reported and with respect to short-term residential rentals within the City Jurisdiction:
 - (1) The number of bookings, listings, and operators;
 - (2) The average number of bookings per listing;
 - (3) Current year-to-date booking value;
 - (4) Current year-to-date revenue collected from all short-term residential rentals through the hosting platform, separated by operator; and
 - (5) The average length of a short-term residential rental.

SECTION 3. AMENDMENT TO LICENSE CLASSIFICATIONS

Section 13-272 - License classifications, as set forth in Chapter 13 of the Code of Ordinances of the City of Daphne, Alabama, is hereby amended to add the following row to the table of license classifications:

Code	NAICS Title and Suggested License Grouping	Schedule
721199	All other traveler accommodation - short-term residential lodging (excluding hotels, motels, inns, and bed-and-breakfasts)	D

SECTION 4. CONFLICT WITH OTHER ORDINANCES

Any Ordinance heretofore adopted by the City Council of Daphne, Alabama, which is in conflict with this Ordinance, is hereby repealed to the extent of such conflict.

SECTION 5. SEVERABILITY

The provisions of this Ordinance are severable. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 6. EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne and publication as required by law, with an effective date of January 1, 2023.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ DAY OF _____, 2022.

Robin L. LeJeune, Mayor

ATTEST:

Candace G. Antinarella, CMC, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2022-71**

**AN ORDINANCE AMENDING THE CITY OF DAPHNE'S
LAND USE AND DEVELOPMENT ORDINANCE 2011-54, AS ADOPTED BY THE
CITY COUNCIL ON JULY 18, 2011**

ARTICLE XLI, MEDICAL OVERLAY DISTRICT

WHEREAS, the City Council of the City of Daphne, after due consideration, believes that certain revisions to the City of Daphne Land Use & Development Ordinance are necessary for the proper administration of said Ordinance; and

WHEREAS, at the City of Daphne Planning Commission regular meeting on [____], 2022, the Commission considered certain proposed amendments to the City of Daphne Land Use & Development Ordinance, Ordinance 2011-54 (as previously amended), and set forth a favorable recommendation to the City Council of the City of Daphne; and

WHEREAS, due notice of said proposed amendment has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, and a public hearing was held before the City Council on [____], 2022.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA as follows:

SECTION 1. ARTICLE XLI, MEDICAL OVERLAY DISTRICT

The Land Use and Development Ordinance is hereby amended by adding Article XLI, Medical Overlay District, in the form attached hereto as **Appendix 1**, including Exhibits H and H-1 attached thereto.

SECTION 2. CONFLICT WITH OTHER ORDINANCES

Any Ordinance heretofore adopted by the City Council of Daphne, Alabama, which is in conflict with this Ordinance, is hereby repealed to the extent of such conflict.

SECTION 3. SEVERABILITY

The provisions of this Ordinance are severable. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne and publication as required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ DAY OF _____, 2022.

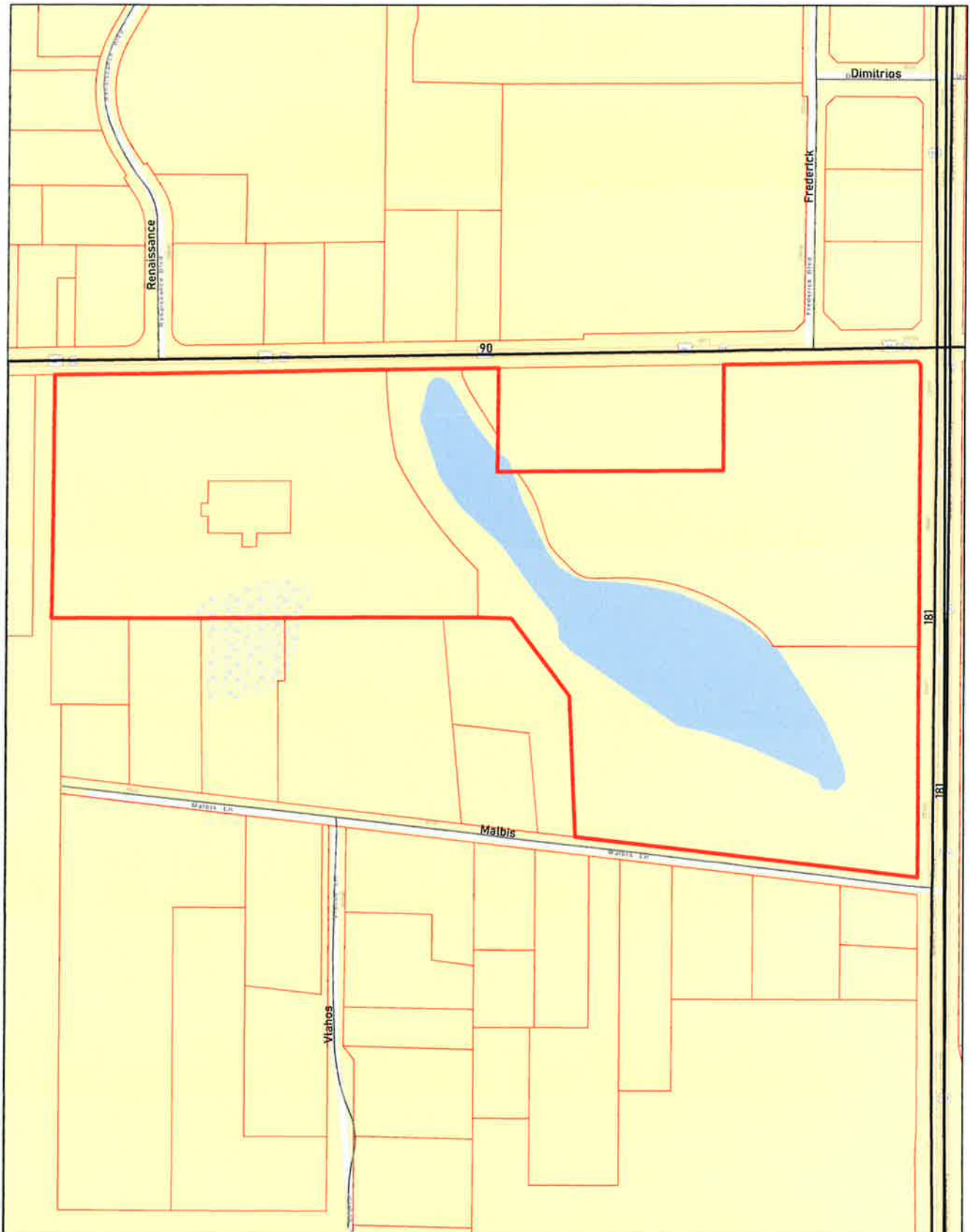
ATTEST:

Robin LeJeune, Mayor

Candace G. Antinarella, CMC, City Clerk

APPENDIX 1
ARTICLE XLI
MEDICAL OVERLAY DISTRICT

(attached)



Maps are for graphical purposes only. They do not represent a legal survey.

The information contained in the data distributed by the City of Daphne is derived from a variety of public and private sources considered to be dependable, but the accuracy, completeness and currency thereof are not guaranteed. The City of Daphne makes no warranties, expressed or implied as to the accuracy, completeness, currency, reliability, or suitability for any particular purpose of the information or data contained in or generated from the City Geographic Information System. Additionally, the City of Daphne or any agent, servant, or employee thereof assume no liability associated with the use of the data, and assume no responsibility to maintain it in any manner or form. Any questions regarding zoning or any data should be directed to the City of Daphne Department of Community Development at 251-630-1000.

Basemap maintained by ESRI

0 0.05 0.1
Miles

- Medical Overlay District
- Other Parcels
- Major Roads
- Roads

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2022-72**

**Ordinance to Pre-Zone Property Located Southwest of the intersection of U.S. Highway 90
and Alabama Highway 181
Infirmary Health Systems, Inc.**

WHEREAS, Infirmary Health Systems, Inc., as the owner of certain real property located within the unincorporated area of Baldwin County, Alabama, has requested that said property that is currently zoned by the County as B-2, Neighborhood Business and RSF-1, Residential Single Family, Baldwin County District 15, in the extraterritorial planning jurisdiction of the City of Daphne, be pre-zoned as B-2(a), General Business Alternate, prior to annexation into the City of Daphne; and

WHEREAS, said real property is located Southwest of the intersection of U.S. Highway 90 and Alabama Highway 181, being more particularly described as follows:

Legal Description for Property to be Pre-Zoned:

COMMENCE AT 5/8 INCH CAPPED REBAR (CA-007-LS) AT THE SOUTHWEST CORNER OF LOT 12 OF EASTERN SHORE PARK SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2244-A AND SLIDE 2244-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE SOUTH 05 DEGREES 24 MINUTES 34 SECONDS EAST, A DISTANCE OF 80.87 FEET TO A 1/2 INCH REBAR ON THE SOUTH RIGHT-OF-WAY OF U.S. HIGHWAY 90 FOR THE POINT OF BEGINNING: THENCE RUN NORTH 88 DEGREES 57 MINUTES 53 SECONDS EAST, ALONG THE SOUTH RIGHT-OF-WAY OF SAID U.S. HIGHWAY 90, A DISTANCE OF 223.85 FEET TO A 1/2 INCH CAPPED REBAR (CA-0604-LS); THENCE RUN ALONG THE EAST BANK OF A POND THE FOLLOWING COURSE, TO WIT; SOUTH 08 DEGREES 18 MINUTES 01 SECONDS WEST, A DISTANCE OF 11 FEET, MORE OR LESS; SOUTH 11 DEGREES 07 MINUTES 45 SECONDS EAST, A DISTANCE OF 19 FEET, MORE OR LESS; SOUTH 25 DEGREES 40 MINUTES 16 SECONDS EAST, A DISTANCE OF 48 FEET, MORE OF LESS; SOUTH 32 DEGREES 27 MINUTES 19 SECONDS EAST, A DISTANCE OF 157 FEET, MORE OR LESS; TO THE WEST MARGIN OF THE WEST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 00 DEGREES 17 MINUTES 52 SECONDS WEST, A DISTANCE OF 103 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF THE WEST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 34; THENCE RUN NORTH 89 DEGREES 06 MINUTES 40 SECONDS EAST, A DISTANCE OF 658.95 FEET TO A 5/8 INCH CAPPED REBAR (CA-007-LS) AT THE SOUTHEAST CORNER OF THE WEST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 34; THENCE RUN NORTH 00 DEGREES 14 MINUTES 00 SECONDS EAST, ALONG THE EAST MARGIN OF THE WEST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 34, A DISTANCE OF 310.06 FEET TO A 5/8 INCH CAPPED REBAR (CA-007-LS) ON THE SOUTH RIGHT-OF-WAY OF SAID U.S. HIGHWAY 90; THENCE RUN NORTH 89 DEGREES 05 MINUTES 42 SECONDS EAST, ALONG THE SOUTH RIGHT-OF-WAY OF SAID U.S. HIGHWAY 90, A DISTANCE OF 567.09 FEET TO A 1/2 INCH CAPPED REBAR (CA-0951-LS) ON THE WEST RIGHT-OF-WAY OF ALABAMA STATE HIGHWAY 181; THENCE RUN SOUTH 45 DEGREES 20 MINUTES 48 SECONDS EAST, ALONG THE WEST RIGHT-OF-WAY OF SAID ALABAMA STATE HIGHWAY 181, A DISTANCE OF 13.99 FEET TO A 1/2 INCH CAPPED REBAR (CA-0951-LS); THENCE RUN SOUTH 00 DEGREES 12 MINUTES 51 SECONDS WEST, ALONG THE WEST RIGHT-OF-WAY OF SAID ALABAMA STATE HIGHWAY 181, A DISTANCE OF 1491.53 FEET TO A 5/8 INCH CAPPED REBAR (CA-0033-LS) ON THE NORTH RIGHT-OF-

WAY OF MALBIS LANE; THENCE RUN NORTH 83 DEGREES 16 MINUTES 51 SECONDS WEST, ALONG THE NORTH RIGHT-OF-WAY OF MALBIS LANE, A DISTANCE OF 1012.72 FEET TO A ½ INCH CAPPED REBAR; THENCE RUN NORTH 02 DEGREES 18 MINUTES 50 SECONDS WEST, A DISTANCE OF 410.51 FEET TO A ½ INCH CAPPED REBAR (FAIRHOPE); THENCE RUN NORTH 36 DEGREES 45 MINUTES 14 SECONDS WEST, A DISTANCE OF 282.91 FEET TO A ½ INCH REBAR; THENCE RUN NORTH 89 DEGREES 59 MINUTES 38 SECONDS WEST, A DISTANCE OF 101.90 FEET TO A ½ INCH REBAR; THENCE RUN NORTH 00 DEGREES 20 MINUTES 17 SECONDS WEST, A DISTANCE OF 137.17 FEET TO A ½ INCH REBAR; THENCE RUN NORTHWESTERLY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1233.21 FEET, AN ARC LENGTH OF 406.32 FEET, (CHORD BEARS NORTH 36 DEGREES 08 MINUTES 42 SECONDS WEST, A DISTANCE OF 404.49 FEET) TO ½ INCH CAPPED REBAR (CA-0604-LS); THENCE NORTHERLY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1233.21 FEET, AN ARC LENGTH OF 259.19 FEET (CHORD BEARS NORTH 06 DEGREES 26 MINUTES 07 SECONDS WEST, A DISTANCE OF 258.71 FEET) TO THE POINT OF BEGINNING, TRACT CONTAINS 36.18 ACRES, MORE OR LESS, AND LIES SECTION 34, TOWNSHIP 4 SOUTH, RANGE, 2 EAST, BALDWIN COUNTY, ALABAMA.

WHEREAS, at the regular Planning Commission meeting on October 27, 2022, the Commission considered said request and voted to set forth an unanimously favorable recommendation to the City Council to pre-zone the property B-2(a), General Business Alternate; and,

WHEREAS, due notice of said proposed pre-zoning has been provided to the public as required by law through publication and open display at City Hall, and a public hearing was held before the City Council on December 19, 2022; and,

WHEREAS, the City Council of the City of Daphne, after due consideration and upon consideration of the recommendation and notes of the Planning Commission, deemed that said application for pre-zoning of the above described real property and as set forth on a map of the property attached hereto and made a part of this Ordinance as Exhibit "A" is proper and in the best interest of the health, safety, and welfare of the citizens of the City of Daphne, Alabama; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, as follows:

SECTION I: ZONING

That above described real property is hereby pre-zoned to B-2(a), General Business Alternate, City of Daphne. Upon annexation of the property prior to the expiration of the pre-zoning as set forth in Section IV, the property shall be assigned the zoning district in accordance with the pre-zoning and the zoning ordinance and zoning map shall be amended to reflect said zoning. Should annexation not occur prior to the expiration of this pre-zoning as set forth in Section IV, this pre-zoning shall have no effect and the designation of a zoning district for the property shall be set forth in the annexation ordinance.

Until such time as the property is annexed into the City of Daphne, the property shall remain in the unincorporated area of Baldwin County and zoned in accordance with the Baldwin County Commission's zoning plan. The County's zoning for the property at the time the request for pre-zoning was submitted was B-2, Neighborhood Business and RSF-1, Residential Single Family, Baldwin County District 15, Exterritorial Planning Jurisdiction.

SECTION II: REPEALER.

All other City Ordinances or parts thereof in conflict with the provisions of this Ordinance, in so far as they conflict, are hereby repealed.

SECTION III: SEVERABILITY.

The provisions of this Ordinance are severable. If any provision, section, paragraph, sentence, or part thereof shall be held unconstitutional or invalid, such decision shall not affect or impair the remainder of said Ordinance, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence, and part thereof separately and independently of each other.

SECTION IV: EFFECTIVE AND EXPIRATION DATE.

This Ordinance shall take effect after the date of its approval by the City Council of the City of Daphne and publication as required by law. Pursuant to Code of Alabama (1975) Section 11-52-85, the zoning of the subject property shall become effective upon the date the territory is annexed into the corporate limits. If any portion of the subject property is not annexed into the corporate limits within 180 days of the initiation of annexation proceedings as provided by law, this pre-zoning shall be null and void. Should the pre-zoning become null and void, the applicant may reapply for pre-zoning at any time as long as an annexation petition is pending.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE,
ALABAMA, THIS _____ day of _____, 2022.**

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, CMC, City Clerk



**CITY OF DAPHNE, ALABAMA
ORDINANCE 2022-73**

**ORDINANCE TO ANNEX PROPERTY CONTIGUOUS TO THE CORPORATE LIMITS OF
THE CITY OF DAPHNE**

**Southwest of the Intersection of U.S. Highway 90 and Alabama Highway 181
Infirmary Health Systems, Inc.**

WHEREAS, on the 11th day of August, 2022, Infirmary Health Systems, Inc., being the owner of certain real property hereinafter described, did file with the City Clerk a petition requesting that said tracts or parcels of land be annexed into and become part of the City of Daphne, Alabama (the “City”); and

WHEREAS, said petition did contain an accurate description of the property to be annexed together with a map of the said territory showing its relationship to the corporate limits of the City of Daphne, Alabama, and the signatures of all owners of the property described; and

WHEREAS, said petition was presented to the Planning Commission of the City of Daphne at a regular scheduled meeting on October 27, 2022, and the Commission set forth an unanimously favorable recommendation for the City Council of the City of Daphne to consider said request for annexation of said property; and

WHEREAS, after proper publication, a public hearing was held by the City Council on December 19, 2022, concerning the petition for annexation.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, AS FOLLOWS:

SECTION ONE: ANNEXATION

The City Council of the City of Daphne finds and declares as the legislative body of the City that it is in the best interest of the citizens of the City and the citizens of the affected area to bring the property described in Section Three of this Ordinance into the corporate limits of the City, and has further determined that all legal requirements for annexing said real property have been met pursuant to Sections 11-42-20 through 11-42-24, *et seq.*, Code of Alabama (1975); effective on publication as required by Section 11-42-21, Code of Alabama (1975), as amended.

SECTION TWO: ZONING

At the _____, 2022, regularly scheduled City Council meeting, Ordinance 2022-____ was adopted pre-zoning the said property as B-2(a), General Business Alternate, with the apportionment of said zoning districts to the subject property described therein.

SECTION THREE: DESCRIPTION OF TERRITORY

The boundary lines of the City of Daphne are hereby altered or rearranged so as to include all the territory heretofore encompassed by the corporate limits of the City of Daphne and, in addition thereto, the following described property, to-wit:

Legal Description for Annexation:

COMMENCE AT 5/8 INCH CAPPED REBAR (CA-007-LS) AT THE
SOUTHWEST CORNER OF LOT 12 OF EASTERN SHORE PARK

SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2244-A AND SLIDE 2244-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE SOUTH 05 DEGREES 24 MINUTES 34 SECONDS EAST, A DISTANCE OF 80.87 FEET TO A 1/2 INCH REBAR ON THE SOUTH RIGHT-OF-WAY OF U.S. HIGHWAY 90 FOR THE POINT OF BEGINNING: THENCE RUN NORTH 88 DEGREES 57 MINUTES 53 SECONDS EAST, ALONG THE SOUTH RIGHT-OF-WAY OF SAID U.S. HIGHWAY 90, A DISTANCE OF 223.85 FEET TO A 1/2 INCH CAPPED REBAR (CA-0604-LS); THENCE RUN ALONG THE EAST BANK OF A POND THE FOLLOWING COURSE, TO WIT; SOUTH 08 DEGREES 18 MINUTES 01 SECONDS WEST, A DISTANCE OF 11 FEET, MORE OR LESS; SOUTH 11 DEGREES 07 MINUTES 45 SECONDS EAST, A DISTANCE OF 19 FEET, MORE OR LESS; SOUTH 25 DEGREES 40 MINUTES 16 SECONDS EAST, A DISTANCE OF 48 FEET, MORE OR LESS; SOUTH 32 DEGREES 27 MINUTES 19 SECONDS EAST, A DISTANCE OF 157 FEET, MORE OR LESS; TO THE WEST MARGIN OF THE WEST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 00 DEGREES 17 MINUTES 52 SECONDS WEST, A DISTANCE OF 103 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF THE WEST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 34; THENCE RUN NORTH 89 DEGREES 06 MINUTES 40 SECONDS EAST, A DISTANCE OF 658.95 FEET TO A 5/8 INCH CAPPED REBAR (CA-007-LS) AT THE SOUTHEAST CORNER OF THE WEST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 34; THENCE RUN NORTH 00 DEGREES 14 MINUTES 00 SECONDS EAST, ALONG THE EAST MARGIN OF THE WEST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 34, A DISTANCE OF 310.06 FEET TO A 5/8 INCH CAPPED REBAR (CA-007-LS) ON THE SOUTH RIGHT-OF-WAY OF SAID U.S. HIGHWAY 90; THENCE RUN NORTH 89 DEGREES 05 MINUTES 42 SECONDS EAST, ALONG THE SOUTH RIGHT-OF-WAY OF SAID U.S. HIGHWAY 90, A DISTANCE OF 567.09 FEET TO A 1/2 INCH CAPPED REBAR (CA-0951-LS) ON THE WEST RIGHT-OF-WAY OF ALABAMA STATE HIGHWAY 181; THENCE RUN SOUTH 45 DEGREES 20 MINUTES 48 SECONDS EAST, ALONG THE WEST RIGHT-OF-WAY OF SAID ALABAMA STATE HIGHWAY 181, A DISTANCE OF 13.99 FEET TO A 1/2 INCH CAPPED REBAR (CA-0951-LS); THENCE RUN SOUTH 00 DEGREES 12 MINUTES 51 SECONDS WEST, ALONG THE WEST RIGHT-OF-WAY OF SAID ALABAMA STATE HIGHWAY 181, A DISTANCE OF 1491.53 FEET TO A 5/8 INCH CAPPED REBAR (CA-0033-LS) ON THE NORTH RIGHT-OF-WAY OF MALBIS LANE; THENCE RUN NORTH 83 DEGREES 16 MINUTES 51 SECONDS WEST, ALONG THE NORTH RIGHT-OF-WAY OF MALBIS LANE, A DISTANCE OF 1012.72 FEET TO A 1/2 INCH CAPPED REBAR; THENCE RUN NORTH 02 DEGREES 18 MINUTES 50 SECONDS WEST, A DISTANCE OF 410.51 FEET TO

A ½ INCH CAPPED REBAR (FAIRHOPE); THENCE RUN NORTH 36 DEGREES 45 MINUTES 14 SECONDS WEST, A DISTANCE OF 282.91 FEET TO A ½ INCH REBAR; THENCE RUN NORTH 89 DEGREES 59 MINUTES 38 SECONDS WEST, A DISTANCE OF 101.90 FEET TO A ½ INCH REBAR; THENCE RUN NORTH 00 DEGREES 20 MINUTES 17 SECONDS WEST, A DISTANCE OF 137.17 FEET TO A ½ INCH REBAR; THENCE RUN NORTHWESTERLY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1233.21 FEET, AN ARC LENGTH OF 406.32 FEET, (CHORD BEARS NORTH 36 DEGREES 08 MINUTES 42 SECONDS WEST, A DISTANCE OF 404.49 FEET) TO ½ INCH CAPPED REBAR (CA-0604-LS); THENCE NORTHERLY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1233.21 FEET, AN ARC LENGTH OF 259.19 FEET (CHORD BEARS NORTH 06 DEGREES 26 MINUTES 07 SECONDS WEST, A DISTANCE OF 258.71 FEET) TO THE POINT OF BEGINNING, TRACT CONTAINS 36.18 ACRES, MORE OR LESS, AND LIES SECTION 34, TOWNSHIP 4 SOUTH, RANGE, 2 EAST, BALDWIN COUNTY, ALABAMA.

SECTION FOUR: MAP OF PROPERTY

The property hereby annexed into the City of Daphne, Alabama, as described in Section Three of this Ordinance, is set forth on a map of the property attached hereto and made a part of this Ordinance as Exhibit "A" showing its relationship to the corporate limits of the City of Daphne.

SECTION FIVE: EFFECTIVE DATE AND PUBLICATION

This Ordinance shall become effective upon its date of publication as required by Section 11-42-21 Code of Alabama (1975), as amended, and the property described herein shall be then annexed into the corporate limits of the City of Daphne, and a certified copy of the same shall be filed with the Office of the Judge of Probate of Baldwin County, Alabama, in accordance with Section 11-42-21, Code of Alabama (1975), as amended.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS THE _____ DAY OF _____, 2022.

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, CMC, City Clerk



**CITY OF DAPHNE, ALABAMA
ORDINANCE 2022-74**

**AN ORDINANCE AMENDING THE CITY OF DAPHNE'S
LAND USE AND DEVELOPMENT ORDINANCE 2011-54, AS ADOPTED BY THE
CITY COUNCIL ON JULY 18, 2011**

ARTICLE VI, PROCEDURES FOR TRANSACTION OF BUSINESS

**ARTICLE XI, MINIMUM STANDARDS AND REQUIRED IMPROVEMENTS FOR
SUBDIVISIONS AND COMMERCIAL SITE DEVELOPMENTS**

ARTICLE XIII, DISTRICT REQUIREMENTS

ARTICLE XV, SITE PLAN REVIEW

ARTICLE XIX, LANDSCAPING AND TREE PROTECTION

ARTICLE XXXIV, SCHEDULE OF FEES

ARTICLE XXXVII, EASTERN SHORE OVERLAY DISTRICT

WHEREAS, the City Council of the City of Daphne, after due consideration, believes that certain revisions to the City of Daphne Land Use & Development Ordinance are necessary for the proper administration of said Ordinance; and

WHEREAS, at the City of Daphne Planning Commission regular meeting on October 27, 2022, the Commission considered certain proposed amendments to the City of Daphne Land Use & Development Ordinance, Ordinance 2011-54 (as previously amended), and set forth a favorable recommendation to the City Council of the City of Daphne; and

WHEREAS, due notice of said proposed amendment has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, and a public hearing was held before the City Council on December 19, 2022.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA as follows:

SECTION 1. ARTICLE VI, PROCEDURES FOR TRANSACTION OF BUSINESS

Article VI of the Land Use and Development Ordinance is hereby amended by repealing Section 6-11 therefrom in its entirety.

SECTION 2. ARTICLE XI, MINIMUM STANDARDS AND REQUIRED IMPROVEMENTS FOR SUBDIVISIONS AND COMMERCIAL SITE DEVELOPMENTS

(A) Section 11-11(b)(5) of Article XI of the Land Use and Development Ordinance is hereby amended by inserting the following language thereto:

A non-traversable curb is a highway curb designed to discourage a motor vehicle from leaving the roadway. Non-traversable curbs are used at locations where roadway speeds do not exceed 40 miles per hour and are at least six inches high.

(B) Section 11-14 of Article XI of the Land Use and Development Ordinance is hereby amended by repealing and replacing subsection (h) with the following:

(h) Common Open Space and Recreation Provisions:

A Common Open Space and Recreation Area Plan shall be provided as a component of the subdivision Master Plan and/or Overall Landscape Plan for

single family or multi-family residential subdivision development, except where herein exempted. Design details are provided in Article 19, Landscape Standards and Tree Protection, Section 19-11.

(1) Single Family, Townhouse, Residential PUD, or Mixed Use PUD Development

Upon preliminary plat or site plan submission for the first phase of the development, an Agreement shall be established for the implementation of a 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.

(C) Section 11-11(l) of Article XI of the Land Use and Development Ordinance is hereby amended by inserting the following language following the first paragraph therein:

Each lot's drainage flow pattern shall follow the overall grading plan for the development.

(D) Section 11-11 of Article XI of the Land Use and Development Ordinance is hereby amended by repealing and replacing subsection (m)(2)d. with the following:

- d. The minimum grade of swales/ditches in drainage easements shall be a minimum of one-half of one percent (0.5%). One percent (1%) is preferred.

(E) Section 11-11 of Article XI of the Land Use and Development Ordinance is hereby amended by adding new subsection (o) as follows:

(o) Traffic Management Plan:

- (1) A Traffic Management Plan (TMP) shall be provided as a component of the residential subdivision review process or development plan review for a Planned Unit Development. Upon preliminary plat review or site plan review for the first phase of any multi-phased development, said TMP must be provided to the Planning Commission for review and approval. All traffic control devices must be installed per the requirements shown in Article 11, Minimum Standards and Required Improvements for Subdivisions and Commercial Site Developments.
- (2) Said TMP shall include:
 - a. A plan that illustrates the location of traffic control and traffic calming devices distributed within the entire development.
 - b. Speed limit and other required traffic control signs.
 - c. Traffic control pavement markings.
 - d. Traffic calming devices shall be placed at a minimum of every eight hundred (800) feet or at a point midblock one-half (1/2) the block length, whichever is most practical.

- e. Preferred traffic calming techniques are as follows:
 - i. Speed tables
 - ii. Raised intersections
 - iii. Traffic circles
 - iv. Road narrowed/chokers
- (3) The installation of Radar signs may be required upon recommendation of the City Engineer and approval of the Planning Commission.

SECTION 3. ARTICLE XIII, DISTRICT REQUIREMENTS

Article XIII of the Land Use and Development Ordinance is hereby amended by repealing Section 13-7 therefrom in its entirety and replacing it with the following:

13-7 PERFORMANCE STANDARDS

(1) Performance Standards for Nonresidential Districts

In all nonresidential districts (with commercial, institutional and/or industrial uses) where facilities are permitted lots, tracts or parcels 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) Architectural plans shall be signed and stamped by a Licensed Architect. Plans shall include preliminary floor plans and building elevations.

1. Elevation drawings shall be presented in color. Architectural renderings and roofline treatments shall be presented for all sides.
- (i) Streetscape. Landscaping and street furniture complement residential surroundings.
- (j) 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.
 1. In all non-residential zoning districts the following are preferred building materials for any wall area facing a public street or any residential land use: brick, textured concrete block, stone, 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, or alternate building material approved by the Planning Commission.
 2. Tilt-up tilt-slab or tilt-wall type building construction must include vertical architectural elements.
- (k) Certain construction materials are discouraged as they are considered aesthetically incompatible. These materials include metal-finished buildings and highly-reflective glass.
- (l) Metal buildings may be permitted as follows:
 1. In a C/I zone district only, except where said C/I district is located along County Road 13, Highway 98, Highway 90, Highway 181, Olde Towne Daphne, the Village Overlay District, Eastern Shore Overlay District or the Jubilee Retail Overlay District.
- (2) Performance Standards for Residential Districts
 - (a) Design standards for neighborhoods or individual lots shall consider functional and aesthetic features that contribute to residential livability and community sustainability and the overall quality of life. As such, design standards should address compatibility at the neighborhood, block and individual lot level.
 1. Architectural Themes:
 - i. Building materials including brick, stone, textured traditional cement stucco (i.e., real stucco) and cement siding are required as the primary veneer on new dwellings.
 - ii. Roofs must be varied in roofline treatments.
 - iii. Front porches or deeply-shaded eaves are encouraged.
 - iv. Garage fronts should not predominate; they should be recessed and/or constitute less than forty percent (40%) of the residential facade.
 - (b) Variety:
 1. Colored elevations shall illustrate that a minimum of three (3) different elevations are provided in each block face.
 2. Developments of thirty-five (35) dwelling units or more should offer a

minimum of five (5) different elevations.

- (c) Streetscape:
 - 1. Landscape plans shall establish street/lot themes. See Article 19 for further details.
- (d) Residential Streets:
 - 1. Traffic Calming is required within all residential developments. See Article 11 for details regarding Traffic Management Plan.
 - 2. Street designs should discourage through traffic; reduced street paving widths may be considered where off-street guest parking bays are installed.

SECTION 4. ARTICLE XV, SITE PLAN REVIEW

Section 15-5 of Article XIV of the Land Use and Development Ordinance is hereby amended by repealing subsection (2)(b) in its entirety.

SECTION 5. ARTICLE XIX, LANDSCAPING AND TREE PROTECTION

Article XIX of the Land Use and Development Ordinance is hereby amended by repealing Sections 19-11, 19-12, 19-13, 19-14, 19-15, and 19-16 in their entirety, and replacing them with the following:

19-11 COMMON OPEN SPACE AND RECREATION PLAN

- (a) Applicability:
 - (1) 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.
- (b) Exemptions:
 - (1) 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,
 - (2) Where the entire subdivision is zoned R-1, Low Density Single Family Residential.
- (c) 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.
 - (1) 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 walkways, dog parks, picnic areas, general landscaped areas, flower gardens, and other uses typical for passive recreation.
 - (2) 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 stormwater facilities, especially low impact development measures, may also be included.

(d) 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 multi-family 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:

- (1) The proposed common open space and recreation area plan;
- (2) 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;
- (3) 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.

(e) Performance Standards:

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

- (1) Where possible and appropriate, common open space and recreation areas shall be readily accessible and useable by property owners.
- (2) To the maximum extent practical, a portion of the common open space and recreation area should provide focal points for the development.
- (3) Common open space and recreation areas shall have at least one direct access to a public right-of-way.
- (4) 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.
- (5) 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.

(f) Streetscapes:

- (1) A streetscape design shall be incorporated into the Common Open Space and Recreation Plan as part of the Overall Master Landscape Plan.
- (2) At a minimum, the plan shall include a design for street trees and for

residential lots.

- (3) One overstory tree shall be planted every fifty feet along the right-of-way with the exception of rear alleys. Said trees shall be planted at a distance of six feet or greater from any adjacent sidewalk.
- (4) This plan shall include the theme for street trees, lot trees, and street furniture that complements the proposed development.

19-12 SPECIAL DESIGNS

More stringent design and landscape standards may be required by the Planning Commission in any district if it is determined the design would be more compatible with the development and/or more beneficial to the aesthetics of the City.

19-13 RETENTION OR DETENTION PONDS IN COMMON AREAS

- (a) Detention Ponds-General:

Vegetation shall be planted around the circumference of detention areas.

- (b) Subdivisions and Planned Unit Developments:

Retention areas shall have embankments planted with a combination of grass (sod) and shrub plantings. Additional requirements for trees may be required as deemed appropriate by the Planning Commission. There shall be a minimum of one shrub for every five (5) feet of circumference around retention or detention areas.

19-14 SUPERVISION

The landscape architect shall be responsible for the supervision of all plantings. Upon completion, the landscape architect shall certify in writing to the Director of Community Development that the submitted, approved landscape plan has been implemented and is in compliance with the provisions of this Article.

19-15 CERTIFICATE OF OCCUPANCY

A certificate of occupancy shall not be issued until the submitted, approved landscape plan has been fully implemented or a financial guarantee for the implementation of the landscape plan is submitted. Said guarantee shall be in an amount equal to one hundred and fifty percent (150%) of the total remaining installation cost. Said cost shall be certified by the landscape architect responsible for the design. In no case shall a certificate of occupancy be approved without the written approval of the design landscape architect.

19-16 MAINTENANCE

Maintenance of new plantings, fencing and/or natural areas is the responsibility of the developer and/or property owner(s). Any vegetation or trees planted or retained to fulfill the requirements of this Article that become damaged or diseased must be replaced by the property owner by the beginning of the optimum planting season of the following year and approved by a professional landscape architect. The landscape architect or the property owner must notify the designee of the Director of Public Works in writing when the replacement tree(s) and vegetation has been planted.

19-17 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. 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.

SECTION 6. ARTICLE XXXIV, SCHEDULE OF FEES

Article XXXIV of the Land Use and Development Ordinance is hereby amended by repealing Section 34-1 in its entirety and replacing it with the Schedule of Fees attached hereto as **Exhibit A. Exhibit A is on file and available for viewing in the City Clerk's Office.**

SECTION 7. ARTICLE XXXVII, EASTERN SHORE PARK OVERLAY DISTRICT

Section 37-10 of Article XXXVII of the Land Use and Development Ordinance is hereby amended by repealing subsection (d) under the heading "Special Provisions" in its entirety.

SECTION 8. CONFLICT WITH OTHER ORDINANCES

Any Ordinance heretofore adopted by the City Council of Daphne, Alabama, which is in conflict with this Ordinance, is hereby repealed to the extent of such conflict.

SECTION 9. SEVERABILITY

The provisions of this Ordinance are severable. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 10. EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne and publication as required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ DAY OF _____, 2022.

ATTEST:

Robin LeJeune, Mayor

Candace G. Antinarella, CMC, City Clerk

CITY OF DAPHNE, ALABAMA

ORDINANCE 2022 – 75

**AN ORDINANCE CONSENTING TO THE SALE BY THE UTILITIES BOARD OF THE
CITY OF DAPHNE OF CERTAIN SURPLUS PERSONAL PROPERTY**

WHEREAS, the Utilities Board of the City of Daphne (“Daphne Utilities”) is required to receive the consent of the City of Daphne before it sells property under the provisions of Ala. Code §11-50-314(a)(10); and

WHEREAS, the management of Daphne Utilities has determined that it is in the best interest of Daphne Utilities to sell the personal property described in Exhibit “2022-A”; and

WHEREAS, the Board of Directors of Daphne Utilities has approved the sale of the personal property described in Exhibit “2022-A”.

NOW, THEREFORE, BE IT ORDAINED that the City Council of the City of Daphne does hereby consent to the sale by Daphne Utilities of the personal property described in Exhibit “2022-A”.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA on this _____ day of _____, 2022.

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, CMC, City Clerk

MEMO

TO: Daphne Utilities Board
FROM: Marinda Turner
DATE: November 21, 2022
RE: surplus property

The Ditch Witch RT45 compact trencher and trailer used by the Gas Department has reached the point of surplus. Each time the tractor is used something breaks and the front bucket is not working. Alex Godfrey, Natural Gas Manager, has budgeted for a new machine and expects to receive it sometime this year.



MEMO

TO: Daphne Utilities Board
FROM: Marinda Turner
DATE: July 19, 2022
RE: surplus property

The WRF took delivery of a new vehicle this last week and will no longer need Truck 08-05 / VIN 1FTSX20588EE28487 / Ford F250 / ID 01203. Request the truck be declared surplus property and subsequently sold through GovDeals.



**CITY OF DAPHNE, ALABAMA
ORDINANCE 2022-76**

APPROPRIATION FOR GARBAGE TRUCK

WHEREAS, Ordinance 2022-59 approved and adopted the Fiscal Year 2023 Budget on September 19, 2022; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2023 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2023 budget; and

WHEREAS, the Fiscal Year 2022 Capital Budget approved the purchase of a new Garbage Truck to be financed over five years but due to supply chain issues, the delivery of the vehicle was delayed and was not delivered to the City until Fiscal Year 2023; and

WHEREAS, quotes were received from several financial institutions with the lowest interest rate being 4.84%; and

WHEREAS, due to the high interest rates in the current financial market, the City has determined the better financial decision is to purchase the Garbage Truck from excess funds in the Solid Waste Fund.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that

- 1) Funds in the amount \$339,535 from the **Solid Waste Fund** are hereby appropriated and made part of the Fiscal Year 2023 Budget for the purchase of a new Garbage Truck and related equipment.
- 2) The Mayor is hereby authorized to execute any and all documents required in relation to this expenditure.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ DAY OF _____, 2023.

ATTEST:

Robin LeJeune, Mayor

Candace G. Antinarella, CMC, City Clerk