

CITY OF DAPHNE
1705 MAIN STREET, DAPHNE, AL
CITY COUNCIL BUSINESS MEETING AGENDA - Amended
February 18, 2019
6:30 P.M.

1. CALL TO ORDER

**2. ROLL CALL
INVOCATION
PLEDGE OF ALLEGIANCE**

PUBLIC HEARING: T H Tanglewood 2018 L.L.C., Southeast of Whispering Pines Road and Caroline Avenue

PUBLIC HEARING: Cynthia Pierce Zoning Southwest of Whispering Pines Road and Pollard Road

3. APPROVE MINUTES: Council Meeting – February 4, 2019

4. REPORTS OF STANDING COMMITTEES

A. FINANCE COMMITTEE – Conaway

B. BUILDINGS & PROPERTY COMMITTEE – Goodlin
Review the January 2019 New Building Construction Reports.

MOTION to approve the last day of business at Bayfront Park Pavilion as February 29, 2020.

C. PUBLIC SAFETY COMMITTEE – Scott

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Phillips

E. PUBLIC WORKS COMMITTEE – Coleman

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS

A. BOARD OF ZONING ADJUSTMENTS – Adrienne Jones

B. DOWNTOWN REDEVELOPMENT AUTHORITY – Conaway

C. INDUSTRIAL DEVELOPMENT BOARD - Rudicell

D. LIBRARY BOARD –Phillips

E. PLANNING COMMISSION – Scott

F. RECREATION BOARD – LeJeune
Strike Update

G. UTILITY BOARD – LeJeune
Review November 2018 Utility Board Minutes

6. MAYOR’S REPORT

7. CITY ATTORNEY REPORT

8. DEPARTMENT HEAD REPORTS

City Council Agenda – February 18, 2019

9. CITY CLERK’S REPORT

MOTION to approve the issuance of the 140 – Special Events Retail license for Mancini’s Antique LLC located at 1715 Main Street, Daphne, Alabama.

MOTION to approve the Mancini’s Antique Club St. Pat’s Block Party on March 16 & 17, 2019 at specified times.

MOTION to approve the publication and set a public hearing on April 1, 2019 for the Revision of the Official City of Daphne Zoning Map.

10. PUBLIC PARTICIPATION

11. RESOLUTIONS & ORDINANCES

A. RESOLUTIONS:

2019-10 – Revision to the Official City of Daphne Street Map

2019-11 – Bayside Academy Educational Building Authority

2019-12 – Resolution in Support of Protecting Local Control over Public Streets and Public Assets and a Call on Congress to Reaffirm Such Local Control

B. 2ND READ ORDINANCES:

2019-04 – Additional Appropriation: Corte/Austin Road Improvements Ph 1 –Redesign of the Bellatone Entrance - \$35,522

2019-05 - Appropriation: Nicholson Center Additional Improvements - \$50,000

2019-06 - Appropriation: Bayfront Streetscape and Parking Underground Utilities - \$181,503

2019-07 - Appropriation: Purchase Two Used Bucket Trucks - \$30,000

C. 1ST READ ORDINANCES:

2019-08 – Right of Way

2019-09 – City for Daphne Utilities Property Sale 2019

2019-10 – Flood Damage Prevention

2019-11 – Re-Zone Property Located Southwest of Whispering Pines Rd and Pollard Rd – Cynthia Pierce

2019-12 – Re-Zone Property Located Southeast of Whispering Pines Rd and Caroline Ave – T H Tanglewood 2018, LLC

12. COUNCIL COMMENTS

13. ADJOURN

To: Office of the City Clerk

MEMORANDUM

From: Adrienne D. Jones, 
Director of Community Development

Subject: T H Tanglewood 2018 L.L.C.,
Zoning Amendment

Date: December 21, 2018

PRESENT ZONING: R-1, Low Density Single Family
Residential

PROPOSED REZONING: R-2, Medium Density Single Family
Residential

LOCATION: Southeast of Whispering Pines Road
and Caroline Avenue

RECOMMENDATION: At the Thursday, December 20, 2018,
regular meeting of the Daphne
Planning Commission, six members were
present, and the motion carried for a
favorable recommendation for the
above-mentioned 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

Attachment(s)

1. Zoning Amendment Application
2. Legal Description (Exhibit A)
3. Boundary Survey (Exhibit B)
4. Adjacent property owners list
5. Community Development Report

FILE
12/21/18
4:00 PM

APPLICATION FOR REZONING OR PRE-ZONING

Office use only: Rev. 072816

Date Submitted Nov. 20, 2018

Application Number:

Planning Commission Public

ZA- 18-10 or PZA-

Hearing Date: Dec. 20, 2018

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

SITE DATA

Site Location (Address or General Proximity to Nearest Intersection): south of Whispering Pines Rd, midway between Caroline Ave and Pollard Rd		PPIN#(s): 000096
Gross Site Area (acreage): 4.74 AC	Requested Zoning or Pre-Zoning: R-2	
Current Zoning Designation(s): R-1	Amended Request:	
	Initials:	Date:
Current Land Use: UNDEVELOPED	Anticipated Land Use: SINGLE-FAMILY DEVELOPMENT	

Provide Legal Description (if necessary attach separate page entitled "Legal Description for [Name of Applicant]":
PLEASE SEE ATTACHED

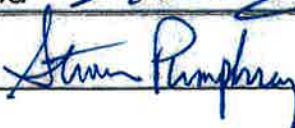
Specify other recently approved or pending requests related to the subject property. Circle the answer(s).

Annexation Subdivision Site Plan Special Exception Variance Specify Other

APPLICANT & AGENT INFORMATION

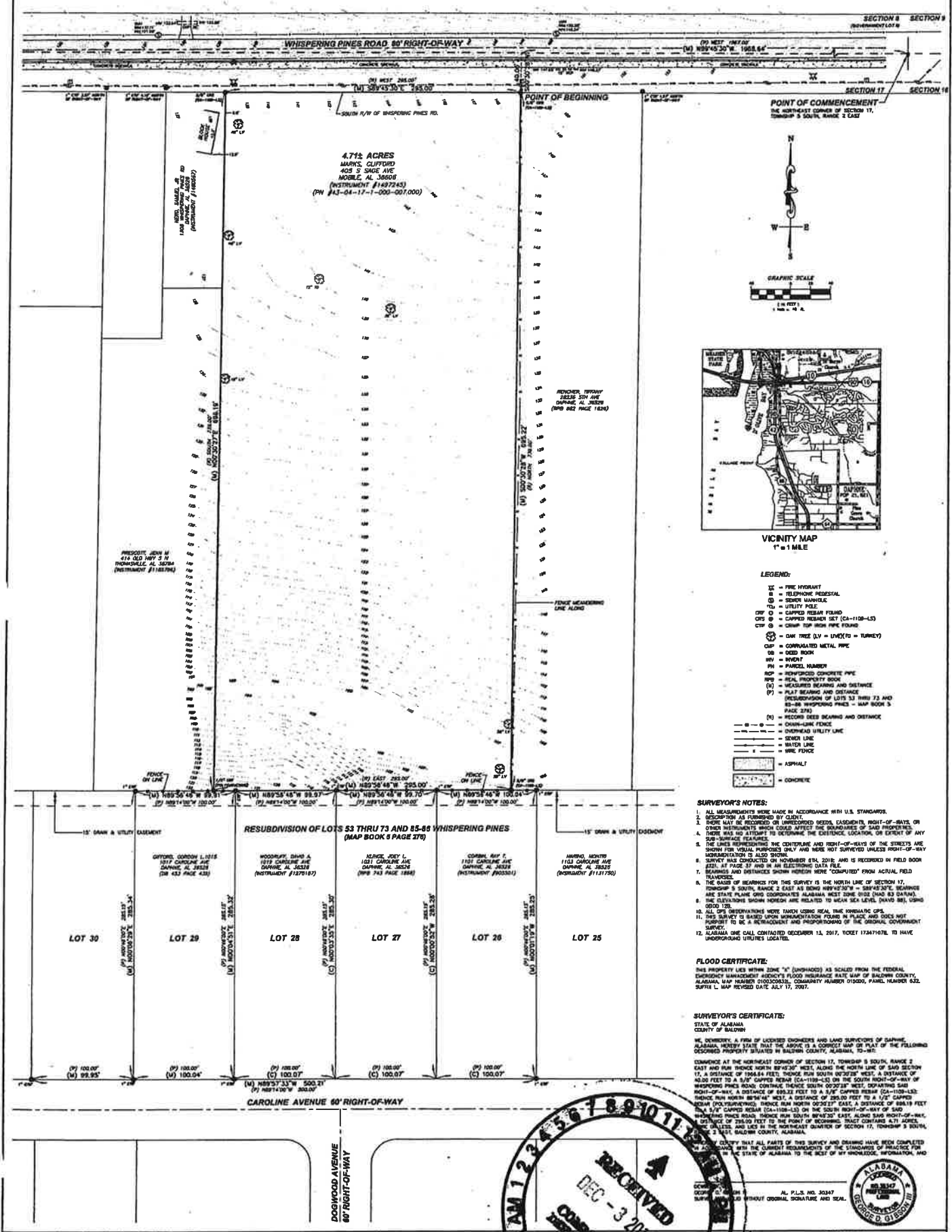
<i>*If an LLC or LLP or Corporation, provide name and signature of Registered Member or Agent and provide a copy of Articles of Incorporation.</i>		
Name of Current Owner: TH TANGLEWOOD 2018 LLC		
Mailing Address: 29891 WOODROW LN STE 300 SPANISH FORT, AL 36527		Phone/Fax: E-mail:
Name of Authorized Agent: DEWBERRY - STEVE PUMPHREY		
Mailing Address: 25353 FRIENDSHIP RD DAPHNE, AL 36526		Phone/Fax: 251 929 9797 E-mail:
Name of Developer*: 68V PAY DIRT LLC		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 <u>11-15-18</u>
Agent's Signature: 	Date <u>11-19-18</u>

TANGLEWOOD REZONING
EXHIBIT A: LEGAL DESCRIPTION

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



NO.	DATE	BY	REVISION
1			
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Adjacent Properties to Tanglewood

Parcel Number	Owner Name	Address	City	State	Zip
05-43-04-17-1-000-006.000	RENCER, TIFFANY ETAL IKNER, JESSE	28236 5TH AVE	DAPHNE	AL	36526
05-43-04-17-1-000-008.002	NERO, SAMUEL JR ETAL NERO, LORETTA D	1308 WHISPERING PINES ROAD	DAPHNE	AL	36526
05-43-04-17-1-000-008.000	PRESCOTT, JEAN MARC	414 OLD HWY 5 N	THOMASVILLE	AL	36784
05-43-04-17-1-000-015.000	KLINGE, JOEY LEE ETUX AIMEE L	1021 CAROLINE AVE	DAPHNE	AL	36526
05-43-04-17-1-000-013.000	GIFFORD, GORDON LLOYD	1017 CAROLINE AVE	DAPHNE	AL	36526
05-43-04-17-1-000-016.000	CORBIN, RAY T ETAL CORBIN, TRUDALE A	1101 CAROLINE AVE	DAPHNE	AL	36526
05-43-04-17-1-000-007.000	MARKS, CLIFFORD D	405 S SAGE AVE	MOBILE	AL	36606
05-43-03-08-0-000-044.000	BOLAR, BERTHA M	10726 CO RD 64	DAPHNE	AL	36526
05-43-04-17-1-000-014.000	WOODRUFF, DAVID A	1019 CAROLINE AVE	DAPHNE	AL	36526

DANE HAYGOOD
MAYOR

ADRIENNE D. JONES
COMMUNITY DEVELOPMENT
DIRECTOR/ZONING ADMINISTRATOR



CITY COUNCIL
TOMMIE CONAWAY
DISTRICT 1
PAT RUDICELL
DISTRICT 2
JOEL COLEMAN
DISTRICT 3
DOUG GOODLIN
DISTRICT 4
RON SCOTT
DISTRICT 5
ROBIN LEJEUNE
DISTRICT 6
JOE DAVIS, III
DISTRICT 7

December 7, 2018

NOTICE OF PUBLIC HEARING

A petition for REZONING will be considered by the Daphne Planning Commission for TH Tanglewood 2018, L.L.C. containing 4.74 acres +/- located southeast of Caroline Avenue and and Whispering Pines Road zoned R-1, Low Density Single Family Residential, to be rezoned R-2, Medium Density Single Family Residential.

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, December 12, 2018 at 8:30 a.m. in the Council Chambers of City Hall. The public is invited to attend: limited participation may be allowed by the chairman.

The public hearing will be held by the Daphne Planning Commission on Thursday, December 20, 2018 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
Director of Community Development

T H Tanglewood 2018, L.L.C. Zoning Amendment

P. O. Box 400 - Daphne, Alabama 36526
Phone: 251.620.1700

APPLICATION:
S.W. of the intersection
of Pollard Road &
Whispering Pines Road

APPLICANT:
TH Tanglewood, LLC

AREA:
4.74 ac

LOTS:
1

PPIN:
00096

ZONING:
R-1, Low Density Single
Family Residential

PROPOSED ZONING:
R-2, Medium Density
Single Family Residential

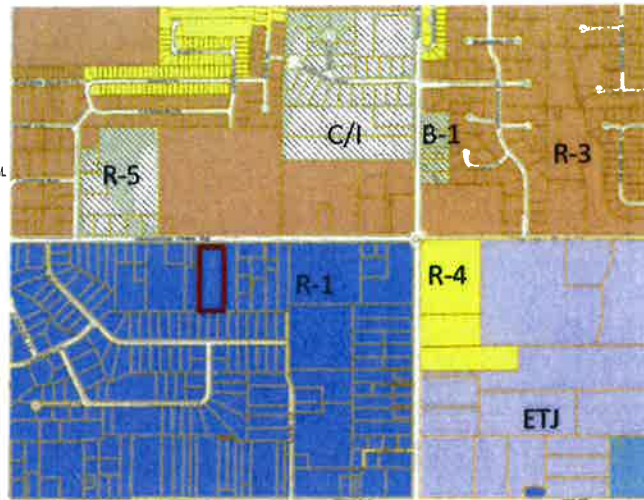
**EXISTING PRECEDENT
FOR PROPOSED ZONING:**
No

COMPREHENSIVE PLAN:
Consistent, Compatible

RECOMMENDATION:
Approval

REZONING REQUEST By T H TANGLEWOOD, LLC

- 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-8(G) GARDEN OR PATIO HOME
- R-7(A) APARTMENT
- R-7(M) MID-RISE CONDOMINIUM
- R-7(T) TOWNHOUSE
- B-1 LOCAL BUSINESS
- B-1(A) LOCAL BUSINESS ALTERNATE



**REZONING REQUEST
T H TANGLEWOOD, LLC**

Existing Conditions: 4.74 acre+/- Wooded, undeveloped parcel
Existing Zoning: R-1, Low Density Single Family Residential
Proposed Zoning: R-2, Medium Density Single Family Residential

Surrounding Zonings/Uses:

North – R-3, High Density Single Family Residential District/Agricultural field

South – R-1, Low Density Single Family Residential/ Residences

West – R-1, Low Density Single Family Residential/Residence

East – R-1, Low Density Single Family Residential/Residence

Existing Utility Service Providers:

Water – Daphne Utilities **Sewer** – Daphne Utilities

Gas – Daphne Utilities **Electric** – Riviera Utilities

Affected City Service Providers:

Fire Protection-Station 2 or 3

Police Protection-Police Beat 1

Public Works

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 that are applicable to this application.

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.

Existing Conditions

The applicant proposes to rezone the subject property from R-1 to R-2. The contiguous properties to the east, west and south are zoned R-1. The land to the north across Whispering Pines Road is zoned R-3.

One may venture to say that this is spot zoning, however, that is not the case. Usually, spot zoning would introduce a new land use that could be considered incompatible, inharmonious and out of context with the existing vicinity. R-1, R-2, and R-3 zoning district standards are provided below for comparison.

MINIMUM LOT REQUIREMENTS

	Minimum Lot Area Square feet (sq ft)	Minimum Lot Width at Setback Line ft	Maximum Lot Coverage Percent (%) ^a	Maximum Density ^b (units/acre)	Maximum Height ^c (stories) (ft)
R-1, Low Density Single Family	20,000	100	25	2.0	2.5 stories 35 ft
R-2, Medium Density Residential	15,000	90	25	2.5	2.5 stories 35 ft
R-3, High Density Single Family	12,000	80	30	3.5	2.5 stories 35 ft
R-4, High Density Single Family-- Multi-Family--	5,000 7,500 ^c	50 85	38 35	8.0 14.0	3 stories 50 ft
R-5, Mobile Homes	See	Articles	28 & 28	for	Details
R-6(G) Garden/Patio Homes	5,000	50	38	8	2.5 stories 35 ft

SETBACKS

Zoning District	Front Yard				Rear Yard	Side Yard	Corner Lot Side Yard	
	Arterial & Collector Streets	Local Streets & Service Roads	U.S. Highway 98 ^a	U.S., State or County Roads			Arterial & Collector Streets	Local Streets & Service Roads
R-1	40	40	50	e	40	15	40	25
R-2	35	35	50	e	35	10	35	20
R-3	30	30	50	e	30	10	30	20
R-4SF& R6(G)	25	25	50	e	25	6	30	20

Staff Recommendation

Staff recommends approval

To: Office of the City Clerk

MEMORANDUM

From: Adrienne D. Jones, ⁰ ~~Director of Community Development~~

Subject: Cynthia Pierce Zoning Amendment

Date: December 21, 2018

PRESENT ZONING: R-1, Low Density Single Family Residential

PROPOSED REZONING: R-6(G), Garden or Patio Home District

LOCATION: Southwest of Whispering Pines Road and Pollard Road

RECOMMENDATION: At the Thursday, December 20, 2018, regular meeting of the Daphne Planning Commission, six members were present, and the motion carried for a favorable recommendation for the above-mentioned 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

Attachment(s)

1. Zoning Amendment Application
2. Legal Description (Exhibit A)
3. Boundary Survey (Exhibit B)
4. Adjacent property owners list
5. Community Development Report

FILE
12/21/18
4:00 PM 13



APPLICATION FOR REZONING OR PRE-ZONING

Office use only: Rev. 072816

Date Submitted *Nov. 9, 2018*

Application Number:

Planning Commission Public

ZA- *18-09* or PZA-

Hearing Date: *Dec. 20, 2018*

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):

PPIN#(s):

2403 Pollard Road, Daphne, AL 36526

228758

Gross Site Area (acreage):

130' x 300' / 1.895 acre / 139,000 sqft

Requested Zoning or Pre-Zoning:

R6-C

Current Zoning Designation(s):

R1

Amended Request:

Initials:

Date:

Current Land Use:

Residence (Single Family)

Anticipated Land Use:

Development Garden Homes

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

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

Annexation **Subdivision** **Site Plan** **Special Exception** **Variance** **Specify Other**

APPLICANT & AGENT INFORMATION

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

cell #: *(251) 421-1128*

mpierce@rams.net.com
Michael Pierce

Name of Current Owner:

Cynthia C. Pierce

Phone no. (251) 421-4551

Mailing Address:

2375 Pollard Road, Daphne, AL 36526

Phone/Fax:

E-mail: *cynthiapierce0313@gmail.com*

Name of Authorized Agent:

Mailing Address:

Phone/Fax:

E-mail:

Name of Developer*:

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:

Cynthia C. Pierce

Date *11-6-2018*

Agent's Signature:

Date

CYNTHIA PIERCE
2403 POLLARD ROAD
DAPHNE, AL 36526

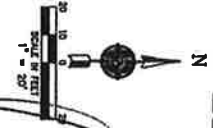
EXHIBIT "A"

LEGAL DESCRIPTION:

A PORTION OF LOT 8, THE ESTATE OF LOUIS H. HOULSEN AS RECORDED IN MISCELLANEOUS BOOK 41 PAGE 212 IN THE OFFICE OF THE JUDGE OF PROBATE BALDWIN COUNTY, ALABAMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LYING IN SECTION 17, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA: BEGINNING AT THE SOUTHEAST CORNER OF LOT 8, THE ESTATE OF LOUIS H. HOULSEN AS RECORDED IN MISCELLANEOUS BOOK 41 PAGE 212 IN THE OFFICE OF THE JUDGE OF PROBATE BALDWIN COUNTY, ALABAMA, BEING A CAPPED REBAR IRON FOUND; THENCE RUN N89°41'27"W, 299.93 FEET TO A RAILROAD SPIKE FOUND; THENCE RUN N0°02'52"W, 129.69 FEET TO A CAPPED REBAR IRON SET; THENCE RUN S89°41'27"E, 300.00 FEET TO A CRIMPED TOP PIPE FOUND ON THE WEST LINE OF POLLARD ROAD (80' RIGHT-OF-WAY), THENCE RUN S0°00'55"E ALONG SAID LINE, 129.92 THE THE POINT OF BEGINNING. CONTAINING 0.89 ACRES ±.





Projected
Site Design
for
Pierce
Property

05-43-04-17-1-000-003.000
LOT 9
L. MICHAEL PIERCE
DAWSON, AL 36028

SOUND B-12P

LOT 8

05-43-04-17-1-000-003.000
LOT 8
L. MICHAEL PIERCE
DAWSON, AL 36028

LOT 8

LOT 3
0.5 ACRES ±
128713.37

LOT 2
0.1 ACRES ±
128713.37

LOT 1
0.7 ACRES ±
98677.50

05-43-04-17-1-000-003.000
LOT 7
L. MICHAEL PIERCE
DAWSON, AL 36028

LOT 7

05-43-04-17-1-000-003.011
LOT 6
L. MICHAEL PIERCE
DAWSON, AL 36028

SOUND B-12P

05-43-04-17-1-000-003.000
LOT 5
L. MICHAEL PIERCE
DAWSON, AL 36028

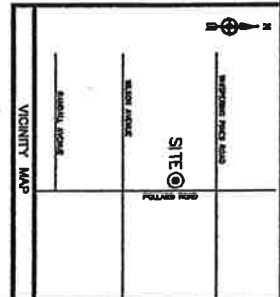
05-43-04-17-1-000-003.013
LOT 4
L. MICHAEL PIERCE
DAWSON, AL 36028

POLLARD ROAD (60' RIGHT-OF-WAY)

05-43-05-16-0-000-004.001
POLLARD STREET HOLDINGS C
2964 PEACHTREE RD STE 380
ATLANTA GA 30309

05-43-05-16-0-000-003.000
OCP WHISPERING PINES PHASE 2 L.C.
2964 PEACHTREE RD
ATLANTA GA 30309

LEGEND
1. LOT LINES
2. RIGHT-OF-WAY LINES
3. EASEMENTS
4. EXISTING IMPROVEMENTS
5. PROPOSED IMPROVEMENTS
6. ADJACENT PARCELS
7. SURVEYOR'S SEAL AND SIGNATURE



SITE DATA	
TOTAL LOT AREA	1.1 ACRES ±
LOT 1 AREA	0.7 ACRES ±
LOT 2 AREA	0.1 ACRES ±
LOT 3 AREA	0.5 ACRES ±
LOT 4 AREA	0.1 ACRES ±
LOT 5 AREA	0.1 ACRES ±
LOT 6 AREA	0.1 ACRES ±
LOT 7 AREA	0.1 ACRES ±
LOT 8 AREA	0.1 ACRES ±
LOT 9 AREA	0.1 ACRES ±

THIS SURVEY WAS MADE BY THE SURVEYOR IN ACCORDANCE WITH THE ALABAMA SURVEYING ACT, TITLE 40, CHAPTER 1, SECTION 1, WHICH PROVIDES THAT A SURVEYOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF HIS OR HER SURVEY. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE ALABAMA SURVEYING BOARD AND HAS FOUND NO REASON TO BELIEVE THAT THE SURVEYOR HAS VIOLATED ANY OF THE RULES OR REGULATIONS OF THE BOARD. THE SURVEYOR HAS ALSO REVIEWED THE RECORDS OF THE ALABAMA SURVEYING BOARD AND HAS FOUND NO REASON TO BELIEVE THAT THE SURVEYOR HAS VIOLATED ANY OF THE RULES OR REGULATIONS OF THE BOARD.

REVISIONS

NO.	DATE	DESCRIPTION
1	10-25-2018	DATE SUBMITTED
2	11-15-2018	REVISIONS
3	11-15-2018	REVISIONS

DATE: 11/15/2018

SURVEYOR'S SEAL

PROPOSED
MICHAEL PIERCE
SUBDIVISION

BALDWIN COUNTY
6080 JACKSON RD.
MOBILE, AL 36688
PHONE: (251) 696-2910

POLY
SURVEYING

BALDWIN COUNTY
7070 SIDNEY DR. SUITE A
DOTHAN, AL 36024
PHONE: (251) 838-0905

SKETCH
PLAT
BALDWIN COUNTY, AL

EAST SIDE PROPERTY OWNER

05-43-05-16-0-000-003.000
OCP WHISPERING PINES PHASE II LLC
2964 PEACHTREE RT STE 360
ATLANTA, GA 30309

PROPERTY OWNER

05-43-04-17-1-000-025.016
PIERCE, CYNTHIA C
2375 POLLARD RD
DAPHNE, AL 36526

SOUTH SIDE PROPERTY OWNER

05-43-04-17-1-000-025.011
LEWIS, SHARON
P.O. BOX 1453
DAPHNE, AL 36526

DEVELOPER/AGENT

POLYSURVEYING AND ENGINEERING
BRETT ORRELL
5588 JACKSON RD
MOBILE, AL 36619

NORTH SIDE PROPERTY OWNER

05-43-04-17-1-000-025.008
LEWIS, INEZ H
P.O. BOX 1453
DAPHNE, AL 36526

WEST SIDE PROPERTY OWNERS

05-43-04-17-1-000-025.007
JONES, RAYMOND ETAL JONES, NICOLE
211 PAGE AVE
MOBILE, AL 36607

SOUTHWEST SIDE PROPERTY OWNER

05-43-04-17-1-000-025.006
LEWIS CARLOS R
2401 POLLARD RD
DAPHNE, AL 36526

DANE HAYGOOD
MAYOR

ADRIENNE D. JONES
COMMUNITY DEVELOPMENT
DIRECTOR/ZONING ADMINISTRATOR



CITY COUNCIL
TOMMIE CONAWAY
DISTRICT 1
PAT RUDICELL
DISTRICT 2
JOEL COLEMAN
DISTRICT 3
DOUG GOODLIN
DISTRICT 4
RON SCOTT
DISTRICT 5
ROBIN LEJEUNE
DISTRICT 6
JOE DAVIS, III
DISTRICT 7

December 7, 2018

NOTICE OF PUBLIC HEARING

A petition for REZONING will be considered by the Daphne Planning Commission for Cynthia Pierce containing 0.89 acres +/- located southwest of Whispering Pines Road and Pollard Road zoned R-1, Low Density Single Family Residential, to be rezoned R-6(G), Garden/Patio Home.

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, December 12, 2018 at 8:30 a.m. in the Council Chambers of City Hall. The public is invited to attend: limited participation may be allowed by the chairman.

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Sincerely,
Adrienne D. Jones
Director of Community Development

Cynthia Pierce Zoning Amendment

P. O. Box 400 - Daphne, Alabama 36526
Phone: 251.620.1700

APPLICATION:
S.W. of the intersection
of Pollard Road &
Whispering Pines Road

APPLICANT:
Cynthia Pierce

AREA:
0.89 ac

LOTS:
1

PPIN:
228758

ZONING:
R-1, Low Density Single
Family Residential

PROPOSED ZONING:
R-6(G), Garden/Patio
Home District

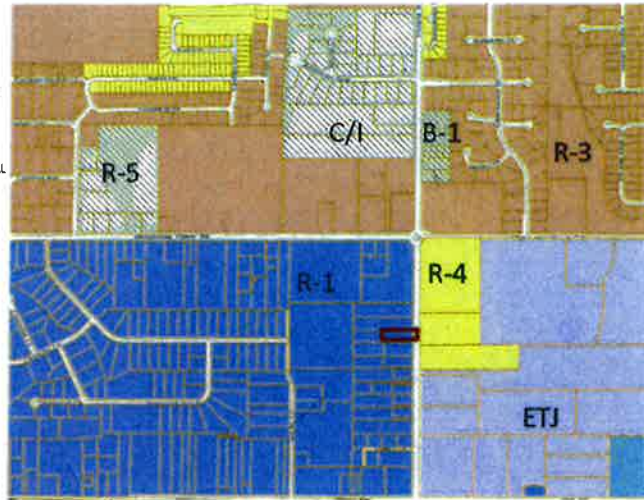
**EXISTING PRECEDENT
FOR PROPOSED ZONING:**
No

COMPREHENSIVE PLAN:
Consistent, Compatible

RECOMMENDATION:
Approval

REZONING REQUEST By CYNTHIA PIERCE

- 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-1(A) LOCAL BUSINESS ALTERNATE



REZONING REQUEST CYNTHIA PIERCE

Existing Conditions

The applicant proposes to rezone the subject property from R-1 to R-6(G). The contiguous properties to the north, west and south are zoned R-1. The land to the east across Pollard Road is zoned R-4, High Density Multi-family Residential.

One may venture to say that a request for Garden Home development is spot zoning; however, that is not the case. Usually, spot zoning would introduce a new district and land use that would be considered incompatible, inharmonious and out of context with the existing vicinity. The rezoning and development of the apartment complex, rezoned R-4 in/around 2007, introduced a new land use that was at the time out of context with the area; however, the apartment complex's proximity to the YMCA (or The Y), across Pollard Road and the other business uses that abut The Y made the apartment zoning more of a transition than an inharmonious land use.

The subject property is southwest of the Parks at Whispering Pines apartment complex and immediately across from two other undeveloped properties zoned for apartment dwellings (permissible density is 10 units per acre). The site's proximity to the aforementioned uses qualifies garden homes as reasonable and acceptable land use. Additional, the City of Daphne and Daphne Utilities have installed sanitary sewer in the area, making it more likely that similar rezoning requests will be presented in the future.

SETBACKS

Zoning District	Front Yard				Rear Yard	Side Yard	Corner Lot Side Yard	
	Arterial & Collector Streets	Local Streets & Service Roads	U.S. Highway 98	U.S. State or County Roads			Arterial & Collector Streets	Local Streets & Service Roads
R-1	40	40	50	e	40	15	40	25
R-2	35	35	50	e	35	10	35	20
R-3	30	30	50	e	30	10	30	20
R-4SF&R6(G)	25	25	50	e	25	6	30	20

MINIMUM LOT REQUIREMENTS

	Minimum Lot Area Square feet (ac ft)	Minimum Lot Width at Setback Line ft	Maximum Lot Coverage Percent (%)^a	Maximum Density ^b (units/acre)	Maximum Height ^c (stories) (ft)
R-1, Low Density Single Family	20,000	100	25	2.0	2.5 stories 35 ft
R-2, Medium Density Residential	15,000	90	25	2.5	2.5 stories 35 ft
R-3, High Density Single Family	12,000	80	30	3.5	2.5 stories 35 ft
R-4, High Density Single Family--Multi-Family--	5,000	50	38	8.0	3 stories
	7,500 ^c	85	35	14.0	50 ft
R-5, Mobile Homes	See	Articles	25 & 26	for	Details
R-6(G) Garden/Patio Homes	5,000	50	38	8	2.5 stories 35 ft

Staff Recommendation

Staff recommends approval

Existing Conditions: 0.89 acre+/- Single Family residence
Existing Zoning: R-1, Low Density Single Family Residential
Proposed Zoning: R-6(G), Garden/Patio Home District

Surrounding Zonings/Uses:

North – R-1, Low Density Single Family Residential/ Residence

South – R-1, Low Density Single Family Residential/ Residence

West – R-1, Low Density Single Family Residential/ Residence

East – R-4, High Density Multi-family Apartments/The Parks at Whispering Pines Apartment Complex

Existing Utility Service Providers:

Water – Daphne Utilities

Sewer – Daphne Utilities

Gas – Daphne Utilities

Electric – Riviera Utilities

Affected City Service Providers:

Fire Protection-Station 2 or 3

Police Protection-Police Beat 1

Public Works

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 that are applicable to this application.

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.

CYNTHIA PIERCE
2403 POLLARD ROAD
DAPHNE, AL 36526

EXHIBIT "A"

LEGAL DESCRIPTION:

A PORTION OF LOT 8, THE ESTATE OF LOUIS H. HOULSEN AS RECORDED IN MISCELLANEOUS BOOK 41 PAGE 212 IN THE OFFICE OF THE JUDGE OF PROBATE BALDWIN COUNTY, ALABAMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LYING IN SECTION 17, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA: BEGINNING AT THE SOUTHEAST CORNER OF LOT 8, THE ESTATE OF LOUIS H. HOULSEN AS RECORDED IN MISCELLANEOUS BOOK 41 PAGE 212 IN THE OFFICE OF THE JUDGE OF PROBATE BALDWIN COUNTY, ALABAMA, BEING A CAPPED REBAR IRON FOUND; THENCE RUN N89°41'27"W, 299.93 FEET TO A RAILROAD SPIKE FOUND; THENCE RUN N0°02'52"W, 129.69 FEET TO A CAPPED REBAR IRON SET; THENCE RUN S89°41'27"E, 300.00 FEET TO A CRIMPED TOP PIPE FOUND ON THE WEST LINE OF POLLARD ROAD (80' RIGHT-OF-WAY), THENCE RUN S0°00'55"E ALONG SAID LINE, 129.92 THE THE POINT OF BEGINNING. CONTAINING 0.89 ACRES ±.

**February 4, 2019
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1. CALL TO ORDER:

There being a quorum present Council President Rudicell called the meeting to order at 6:30 p.m.

2. ROLL CALL:

COUNCIL MEMBERS PRESENT: Pat Rudicell, Joel Coleman, Doug Goodlin, Ron Scott, Robin LeJeune, Tommie Conaway and Angie Phillips

Also Present: Jay Ross, City Attorney; Patrick Dungan, City Attorney; Kelli Kichler Reid, Finance Director/Treasurer; Betsy Schneider, Operations Director; Margaret Thigpen, Civic Center Director; Troy Strunk, Executive Director of Community Development; Joey Wehrman, Facilities Director, James White, Fire Chief; David Carpenter, Police Chief, Jeremy Sasser, Public Works Director; Tonja Young, Library Director; and Jessica Linne, Assistant City Clerk

INVOCATION/PLEDGE OF ALLEGIANCE:

Invocation was given by Father Tuck Bowen, St. Stephen's Charismatic Episcopal Church.

3. APPROVE MINUTES:

The minutes of the January 22, 2018 regular meeting were approved.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE

Councilwoman Conaway said the January 22, 2019 minutes are in the packet. The Lodging Tax for November 2018 was \$78,404.57. The Sales Tax for November 2018 was \$1,393,929.65. The Unassigned Cash Balance for December 2018 was \$12,484,708. The total city cash \$28,110,662.

B. BUILDINGS & PROPERTY COMMITTEE

Councilman Goodlin said the next meeting will be Monday, February 11th at 5:30pm.

C. PUBLIC SAFETY COMMITTEE

Councilman Scott said the committee meets next Monday, February 11th at 4:30pm.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE

Councilwoman Phillips said the committee met that afternoon. The next meeting is March 4th at 4:30pm.

**MOTION by Councilwoman Conaway to renew the City's annual insurance policy with John A. Robertson Insurance Agency, Inc. in the amount of \$554,515. Seconded by Councilman Coleman.
MOTION CARRIED UNANIMOUSLY.**

E. PUBLIC WORKS COMMITTEE

Councilman Coleman said the committee met that afternoon and had several updates on the projects. Lott Park will get its first court sometime in March or April. Park Drive should get its first fields is set to be finished at the end of February. Bayfront Drive Improvement Project is looking at a late Spring early Summer when the construction will start on that. The Beautification Minutes from the December Meeting is in the packet. The next Public Works meeting is March 4th at 5:30 p.m.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments

**February 4, 2019
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
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DAPHNE, AL
6:30 P.M.**

B. Downtown Redevelopment Authority

Councilwoman Conaway said at the last Council Meeting, Dayna Oldham and Taylor Wilkins reported on the DRA's progress on Phase 1 of the Lighting Project. At the next Council Work Session, they will report on Phases 2, 3 and 4.

C. Industrial Development Board

Councilman Rudicell said the next meeting is Wednesday, February 6th at 1:30pm in the conference room.

D. Library Board

Councilwoman Phillips said the next meeting is Thursday, February 14th at 4:00pm at the Library.

E. Planning Commission

Councilman Scott said the minutes from the December 20, 2018 meeting are in the packet along with the report from the January 24, 2018 meeting. There will not be a meeting in February. They do not believe there will be a quorum. The next meeting will be March 28th at 5:00pm.

F. Recreation Board

Councilman LeJeune said he was unable to attend the last meeting. However, they are working on proposed procedures and fees for using the new facilities for non-city programs and tournaments. The next meeting will be February 13th.

G. Utility Board

Councilman LeJeune said there was a meeting last week. They are moving forward on the new renovations to the waste water treatment plant. They've made one appropriation of three. There have been four spots tested on the bay. The testing results should go live on the website soon. He said December's testing was all green on the bay which is good.

6. MAYOR'S REPORT:

Mayor was absent.

7. CITY ATTORNEY REPORT:

City Attorney said during the next Council Work Session, he asks that there be a brief Executive Session to talk about the pending litigation with AT&T and about the other matter with Attorney BJ Lyon.

8. DEPARTMENT HEAD COMMENTS:

Jeremy Sasser reminded everything that a section of 6th Street will be closed Wednesday, Thursday and Friday mornings and afternoons in collaboration with Christ the King school traffic.

9. CITY CLERK'S REPORT:

**MOTION by Councilman Coleman to approve the band permit for the Mystic Order of Gators Balcony Parade Fundraiser located at 122 Lake Front Drive on March 2, 2019. Seconded by Councilman Scott.
MOTION CARRIED UNANIMOUSLY.**

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**MOTION by Councilwoman Phillips to approve the band permit for a private party at the residence of 6475 War Eagle Drive on February 22, 2019. Seconded by Councilman Goodlin.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilwoman Conaway to approve the Buckaroo Foundation/Wright Transportation 5k on August 10, 2019. Seconded by Councilman LeJeune.
Councilman Coleman asked how many this made. Assistant City Clerk said she believed there was one spot left.
Councilman Scott abstained.
MOTON CARRIED.**

**MOTION by Councilman Goodlin to approve the Bayside Medical Missions Jubilee Race for Life 5k & 1-Mile Fun Run on September 21, 2019. Seconded by Councilwoman Phillips.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Scott to approve the publication and set a public hearing on March 18, 2019 for proposed amendments to Ordinance 2011-54, Land Use and Development Ordinance, Article IX, Section 9-6, Lots of Record. Seconded by Councilwoman Conaway.
Councilman Rudicell asked if this would satisfy the request made by the Council at a past meeting for the Ordinance to be looked at and amendments proposed. City Attorney said he agrees. Councilman Scott said the Council can let the Planning Commission know they have certain concerns, but the Land Use Ordinance is generated by the Planning Commission and approved by the Council. Councilwoman Phillips asked if City's Legal had looked at the proposed amendments. Councilman Rudicell said they have.
MOTION CARRIED UNANIMOUSLY.**

10. PUBLIC PARTICIPATION:

Public Participation was opened at 6:46 p.m.

Victoria Phelps, Worchester Drive, Daphne, thanked the past and present Council that Lake Forest has worked with. She thanked the Council for helping move the community of Lake Forest as well as the City of Daphne forward. She said it is exciting to see the sidewalk project continuing as well. She also thanked Public Works for taking care of the cleaning of the right of ways.

Curt Fonger, 1443 Randall Avenue, Daphne, said, as the Vice President of the Gardens on Randall Homeowner's Association, he thanked the City of Daphne and their employees for installing the digital speed signs as well as the stop signs on Randall Avenue. He said it has helped provide more safety to pedestrians and residents as drivers are paying more attention.

Public Participation closed at 6:52 p.m.

11. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

2019-07 – Resolution to Retain City Judge

2019-08 - Resolution Declaring Certain Personal Property Surplus Authorizing Mayor to Dispose – Trucks

**February 4, 2019
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REGULAR BUSINESS MEETING
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DAPHNE, AL
6:30 P.M.**

2019-09 - Resolution Declaring Certain Personal Property Surplus Authorizing Donation to Daphne High School – Chevy Pickup

**MOTION by Councilman Scott to waive the reading of Resolution 2019-07, Resolution 2019-08 and Resolution 2019-09. Seconded by Councilwoman Conaway.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Scott to adopt Resolution 2019-07. Seconded by Councilwoman Conaway. Councilman Scott said that Judge Hoyt has been doing such a great job the last 6 years in his position.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Scott to adopt Resolution 2019-08 and Resolution 2019-09. Seconded by Councilman Goodlin.
MOTION CARRIED UNANIMOUSLY.**

Councilman LeJeune mentioned that in the Code Enforcement meeting that afternoon, there was a MOTION.

MOTION by Councilman LeJeune to have Community Development Department produce a written draft within 60 days of a proposed Traffic Calming Ordinance in New Neighborhoods for Council to review. Seconded by Councilman Goodlin.

**Councilwoman Phillips said this is a need because currently so many subdivisions are being retrofitted due to citizens contacting the City and Police concerning people speeding in neighborhoods. This new ordinance would allow speed calming devices to be installed in new neighborhoods while being developed instead of having to go back after completion.
MOTION CARRIED UNANIMOUSLY.**

ORDINANCES:

2nd READ:

1st READ:

2019-04 – Additional Appropriation: Corte/Austin Road Improvements Ph 1 –Redesign of the Bellaton Entrance - \$35,522

2019-05 - Appropriation: Nicholson Center Additional Improvements - \$50,000

2019-06 - Appropriation: Bayfront Streetscape and Parking Underground Utilities - \$181,503

2019-07 - Appropriation: Purchase Two Used Bucket Trucks - \$30,000

12. COUNCIL COMMENTS:

Councilwoman Conaway thanked Public Works Director and City Development Director for coming to the Daphmont residents to update them on the Joe Lewis Park.

Councilman Goodlin thanked the Public Works Department for the work they are doing at Daphne High School.

Councilman Scott thanked Chief Carpenter and the Police Department for the job they do. He said that he recently read that Daphne is the 6th safest city in the state of Alabama.

**February 4, 2019
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
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DAPHNE, AL
6:30 P.M.**

Councilwoman Phillips congratulated Judge Hoyt on his reappointment and thanked the public participants.

Councilman Rudicell said at next Monday night's Work Session there will be discussion about the Strategic Plan involving public safety, Downtown Redevelopment Authority will report on the Bayfront Lighting Project as well as SEEDS will update about what they've done and what is in their plan.

Councilman LeJeune reminded everyone that SEEDS will have their 5K and Fun Run on March 2, 2019.

13. ADJOURN:

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 6:59 P.M.

Respectfully submitted by,

Certification of Presiding Officer

Candace G. Antinarella, City Clerk

Pat Rudicell, Council President

Permit Activity Report

Friday, February 1, 2019

Permit Code From: BL To: BL

Issued Date From: 1/1/2019 To: 1/31/2019

Improvement Type: NEW

Permit Code: BL

BUILDING PERMIT

Residential - NEW - R3 BL Permits

ConID/Loc#	Contractor Name/Location Name	Permit #/Project	Master Permit #	Job Location Address	Paid	Status	Issue Date	App Date	Job Value/Cost	Permit Fee
5278-1	D R HORTON INC - BIRMINGHAM D R HORTON INC - BIRMINGHAM	19-154		9278 DIAMANTE BLVD Daphne, AL 36526	Yes	A	01/30/2019	01/30/2019	\$175,020.00 SQ. FT	\$895.00 Lot: 47
5278-1	D R HORTON INC - BIRMINGHAM D R HORTON INC - BIRMINGHAM	19-97		8424 MACKIE LANE Daphne, AL 36526	Yes	A	01/18/2019	01/18/2019	\$139,290.00 SQ. FT	\$715.00 Lot: 85
5278-1	D R HORTON INC - BIRMINGHAM D R HORTON INC - BIRMINGHAM	19-94		8418 MACKIE LANE Daphne, AL 36526	Yes	A	01/18/2019	01/18/2019	\$153,090.00 SQ. FT	\$785.00 Lot: 84
5278-1	D R HORTON INC - BIRMINGHAM D R HORTON INC - BIRMINGHAM	19-93		8412 MACKIE LANE Daphne, AL 36526	Yes	A	01/18/2019	01/18/2019	\$130,560.00 SQ. FT	\$670.00 Lot: 83
5278-1	D R HORTON INC - BIRMINGHAM D R HORTON INC - BIRMINGHAM	19-162		10199 DUNLEITH LOOP Daphne, AL 36526	Yes	A	01/30/2019	01/30/2019	\$163,470.00 SQ. FT	\$835.00 Lot: 143
6311-1	DSL D HOMES, LLC DSL D HOMES, LLC	19-74		10024 DUNLEITH LOOP Daphne, AL 36526	Yes	A	01/14/2019	01/14/2019	\$181,440.00 SQ. FT	\$925.00 Lot: 87
5278-1	D R HORTON INC - BIRMINGHAM D R HORTON INC - BIRMINGHAM	19-68		8400 MACKIE LANE Daphne, AL 36526	Yes	A	01/14/2019	01/14/2019	\$139,920.00 SQ. FT	\$715.00 Lot: 81
5278-1	D R HORTON INC - BIRMINGHAM D R HORTON INC - BIRMINGHAM	19-95		8426 MACKIE LANE Daphne, AL 36526	Yes	A	01/18/2019	01/18/2019	\$153,090.00 SQ. FT	\$785.00 Lot: 86
5236-1	BENCHMARK HOMES GROUP LLC BENCHMARK HOMES GROUP LLC	19-116		9461 MARCHAND AVE Daphne, AL 36526	Yes	A	01/24/2019	01/24/2019	\$163,620.00 SQ. FT	\$835.00 Lot: 12

5278-1	D R HORTON INC - BIRMINGHAM D R HORTON INC - BIRMINGHAM	19-155	9248 DIAMANTE BLVD Daphne, AL 36526	Yes	A	01/30/2019	01/30/2019	\$205,050.00	\$1,045.00
				Sub Division:	DIAMANTE			SQ. FT	Lot: 49
5278-1	D R HORTON INC - BIRMINGHAM D R HORTON INC - BIRMINGHAM	19-156	27863 JASPER COURT Daphne, AL 36526	Yes	A	01/30/2019	01/30/2019	\$208,020.00	\$1,060.00
				Sub Division:	DIAMANTE			SQ. FT	Lot: 9
5278-1	D R HORTON INC - BIRMINGHAM D R HORTON INC - BIRMINGHAM	19-157	10222 DUNLEITH LOOP Daphne, AL 36526	Yes	A	01/30/2019	01/30/2019	\$163,470.00	\$835.00
				Sub Division:	Old Field			SQ. FT	Lot: 111
5278-1	D R HORTON INC - BIRMINGHAM D R HORTON INC - BIRMINGHAM	19-158	10202 DUNLEITH LOOP Daphne, AL 36526	Yes	A	01/30/2019	01/30/2019	\$189,240.00	\$965.00
				Sub Division:	Old Field			SQ. FT	Lot: 113
5278-1	D R HORTON INC - BIRMINGHAM D R HORTON INC - BIRMINGHAM	19-159	10238 DUNLEITH LOOP Daphne, AL 36526	Yes	A	01/30/2019	01/30/2019	\$189,240.00	\$965.00
				Sub Division:	Old Field			SQ. FT	Lot: 109
5278-1	D R HORTON INC - BIRMINGHAM D R HORTON INC - BIRMINGHAM	19-160	10219 DUNLEITH LOOP Daphne, AL 36526	Yes	A	01/30/2019	01/30/2019	\$189,240.00	\$965.00
				Sub Division:	Old Field			SQ. FT	Lot: 145
5278-1	D R HORTON INC - BIRMINGHAM D R HORTON INC - BIRMINGHAM	19-161	10184 DUNLEITH LOOP Daphne, AL 36526	Yes	A	01/30/2019	01/30/2019	\$163,470.00	\$835.00
				Sub Division:	Old Field			SQ. FT	Lot: 115
5236-1	BENCHMARK HOMES GROUP LLC BENCHMARK HOMES GROUP LLC	19-115	9477 MARCHAND AVE Daphne, AL 36526	Yes	A	01/24/2019	01/24/2019	\$144,330.00	\$740.00
				Sub Division:	Sehoy			SQ. FT	Lot: 11

Total Residential - NEW - R3 BL Permit(s)	17	\$2,851,560.00	\$14,570.00
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Residential - NEW - R2 BL Permits

ConID/Loc#	Contractor Name/Location Name	Permit #/Project	Master Permit #	Job Location Address	Paid	Status	Issue Date	App Date	Job Value/Cost	Permit Fee
5754-1	TRULAND HOMES	19-39		8588 NORTH LAMHATTY	Yes	A	01/08/2019	01/08/2019	\$224,340.00	\$1,140.00
	TRULAND HOMES			Daphne, AL 36526	Sub Division:	ESTATES OF TIAWASEE			SQ. FT	Lot: 30

Total Residential - NEW - R2 BL Permit(s)	1	\$224,340.00	\$1,140.00
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Residential - NEW - R-6G BL Permits

ConID/Loc#	Contractor Name/Location Name	Permit #/Project	Master Permit #	Job Location Address	Paid	Status	Issue Date	App Date	Job Value/Cost	Permit Fee
5278-1	D R HORTON INC - BIRMINGHAM	19-99		8406 MACKIE LANE	Yes	A	01/18/2019	01/18/2019	\$153,090.00	\$785.00
	D R HORTON INC - BIRMINGHAM			Daphne, AL 36526	Sub Division:	WINGED FOOT		SQ. FT	Lot: 82	

5278-1	D R HORTON INC - BIRMINGHAM D R HORTON INC - BIRMINGHAM	19-98		8394 MACKIE LANE Daphne, AL 36526	Yes Sub Division:	A	01/18/2019	01/18/2019	\$153,090.00 SQ. FT	\$785.00 Lot: 80
5278-1	D R HORTON INC - BIRMINGHAM D R HORTON INC - BIRMINGHAM	19-102		8327 HARMON STREET Daphne, AL 36526	Yes Sub Division:	A	01/18/2019	01/18/2019	\$139,350.00 SQ. FT	\$715.00 Lot: 127
5278-1	D R HORTON INC - BIRMINGHAM D R HORTON INC - BIRMINGHAM	19-104		8335 HARMON STREET Daphne, AL 36526	Yes Sub Division:	A	01/18/2019	01/18/2019	\$123,390.00 SQ. FT	\$635.00 Lot: 128
Total Residential - NEW - R-6G BL Permit(s)							4		\$568,920.00	\$2,920.00

Residential - NEW - PUD R-3 BL Permits

ConID/Loc#	Contractor Name/Location Name	Permit #/Project	Master Permit #	Job Location Address	Paid	Status	Issue Date	App Date	Job Value/Cost	Permit Fee
5278-1	D R HORTON INC - BIRMINGHAM D R HORTON INC - BIRMINGHAM	19-21		8210 IRWIN LOOP Daphne, AL 36526	Yes Sub Division:	A	01/04/2019	01/04/2019	\$113,910.00 SQ. FT	\$585.00 Lot: 32
5278-1	D R HORTON INC - BIRMINGHAM D R HORTON INC - BIRMINGHAM	19-15		27849 JASPER COURT Daphne, AL 36526	Yes Sub Division:	A	01/03/2019	01/03/2019	\$172,140.00 SQ. FT	\$880.00 Lot: 8
5278-1	D R HORTON INC - BIRMINGHAM D R HORTON INC - BIRMINGHAM	19-14		8317 HARMON STREET Daphne, AL 36526	Yes Sub Division:	A	01/03/2019	01/03/2019	\$113,910.00 SQ. FT	\$585.00 Lot: 125
5278-1	D R HORTON INC - BIRMINGHAM D R HORTON INC - BIRMINGHAM	19-13		8323 HARMON STREET Daphne, AL 36526	Yes Sub Division:	A	01/03/2019	01/03/2019	\$122,100.00 SQ. FT	\$630.00 Lot: 126
5278-1	D R HORTON INC - BIRMINGHAM D R HORTON INC - BIRMINGHAM	19-100		8171 IRWIN LOOP Daphne, AL 36526	Yes Sub Division:	A	01/18/2019	01/18/2019	\$125,310.00 SQ. FT	\$645.00 Lot: 56
Total Residential - NEW - PUD R-3 BL Permit(s)							5		\$647,370.00	\$3,325.00
Total Residential - NEW BL Permit(s)							27		\$4,292,190.00	\$21,955.00
Total Residential BL Permit(s)							27		\$4,292,190.00	\$21,955.00

Non Residential - NEW - B2 BL Permits

ConID/Loc#	Contractor Name/Location Name	Permit #/Project	Master Permit #	Job Location Address	Paid	Status	Issue Date	App Date	Job Value/Cost	Permit Fee
4886-1	GAILLARD BUILDERS, INC. GAILLARD BUILDERS, INC.	19-41		8162 WELL ROAD Daphne, AL 36526	Yes Sub Division:	A	01/09/2019	01/09/2019	\$110,000.00 COMMON GROUD THRE SQ. FT	\$660.00 Lot:

Total Non Residential - NEW - B2 BL Permit(s)	1	\$110,000.00	\$660.00
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Non Residential - NEW - R BL Permits

ConID/Loc#	Contractor Name/Location Name	Permit #/Project	Master Permit #	Job Location Address	Paid	Status	Issue Date	App Date	Job Value/Cost	Permit Fee
5838-1	FULCRUM CONSTRUCTION GROU	19-10		HWY 181 - JUBILEE Farms	Yes	A	01/03/2019	01/03/2019	\$1,267,751.00	\$7,608.00
	FULCRUM CONSTRUCTION GROU			Daphne, AL 36526		Sub Division:	JUBILEE FARMS		SQ. FT	Lot:

Total Non Residential - NEW - R BL Permit(s)	1	\$1,267,751.00	\$7,608.00
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Non Residential - NEW - MU - MULTI-USE BL Permits

ConID/Loc#	Contractor Name/Location Name	Permit #/Project	Master Permit #	Job Location Address	Paid	Status	Issue Date	App Date	Job Value/Cost	Permit Fee
5764-1	WACHTER & COMPANY INC	19-84		811 TRIONE STREET BLDG A	Yes	A	01/15/2019	01/15/2019	\$170,000.00	\$1,020.00
	WACHTER & COMPANY LLC			Daphne, AL 36526		Sub Division:	DAPHNE		SQ. FT	Lot:
4912-1	OWNER	19-114		26050 PREDAZZER LANE	Yes	A	01/23/2019	01/23/2019	\$350,000.00	\$2,100.00
	OWNER			Daphne, AL 36526		Sub Division:	ELITE REAL ESTATE SO		SQ. FT	Lot:

Total Non Residential - NEW - MU - MULTI-USE BL Permit(s)	2	\$520,000.00	\$3,120.00
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Total Non Residential - NEW BL Permit(s)	4	\$1,897,751.00	\$11,388.00
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Total Non Residential BL Permit(s)	4	\$1,897,751.00	\$11,388.00
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Total BL Permit(s)	31	\$6,189,941.00	\$33,343.00
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Grand Totals	31	\$6,189,941.00	\$33,343.00
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Jan. 2019

Certificate Of Occupancy Report

Printed On : 2/1/2019

CO Issued Date From: 1/1/2019 To: 1/31/2019

Permit Number	CO Issued	Owner Name	Address	Sub Division	Status
18-336	1/11/2019	D R HORTON	8290 OGILVY COURT	WINGED FOOT	
18-1133	1/15/2019	Truland Homes	27089 Gramercy Lane	Brookhaven	
18-161	1/16/2019	D R HORTON	8301 IRWIN LOOP	WINGED FOOT	
17-1664	1/22/2019	ED & JO ANN AGOSTINELLI	30832 PINE COURT	Timber Creek	
18-485	1/23/2019	DSL D HOMES	9892 DUNLEITH LOOP	Old Field	
17-1322	1/25/2019	DSL D HOMES	9581 CAMBERWELL DRIVE	Old Field	
18-918	1/25/2019	Adams Homes	27526 Elise Ct.	Caroline Woods	
18-44	1/25/2019	D R Horton	9991 Wexford Lane	Dunmore	
18-1188	1/25/2019	D R HORTON	8286 IRWIN LOOP	WINGED FOOT	
18-188	1/25/2019	D R HORTON	9781 VOLTERRA AVE	Bellaton	
18-475	1/25/2019	DSL D HOMES	9904 DUNLEITH LOOP	Old Field	
18-484	1/25/2019	DSL D HOMES	9839 COBHAM PARK DRIVE	Old Field	
18-1333	1/28/2019	DSL D HOMES	23701 BLYTHEWOOD LANE	Old Field	
18-896	1/28/2019	TRULAND HOMES	27048 ALLENBROOK COURT	Brookhaven	
18-787	1/29/2019	TRULAND HOMES	8715 BAINBRIDGE DRIVE	Brookhaven	
18-903	1/30/2019	D R HORTON	8298 OGILVY COURT	WINGED FOOT	
18-786	1/30/2019	TRULAND HOMES	8719 BAINBRIDGE DRIVE	Brookhaven	

17

Jan. 2019

Permit Activity Summary Report

Friday, February 1, 2019

Permit Code From: BL To: xSG

Issued Date From: 1/1/2019 To: 1/31/2019

Permit Code	Description	# Of Permits	Job Cost/Value	Permit Fee
BL	BUILDING PERMIT	96	\$7,236,203.83	\$40,282.00
EL	ELECTRICAL PERMIT	12	\$50,424.00	\$735.00
EL-NEW	ELECTRICAL - NEW	21	\$0.00	\$2,310.00
LD	LAND DISTURBANCE	14	\$0.00	\$1,400.00
ME	MECHANICAL PERMIT	9	\$68,173.00	\$668.00
ME-NEW	MECHANICAL - NEW	13	\$0.00	\$1,430.00
PL	PLUMBING PERMIT	5	\$29,400.00	\$435.00
PL-NEW	PLUMBING - NEW RESIDENTIAL	11	\$0.00	\$1,210.00
Grand Totals		181	\$7,384,200.83	\$48,470.00

Additional fees \$5,874.78

\$54,344.78

All Building Permits Jan 2019

Periodic Report of Permits Issued by Improvement

02/01/2019

Issued Date From: 1/1/2019 To: 1/31/2019

		Code	Count	# Of Units	Valuation	Permit Fee
BUILDING PERMIT						
Residential						
REINSPECTION FEE	R3	BL	1			\$50.00
REINSPECTION FEE	R4 - HIGH DENSITY R	BL	2			\$100.00
REINSPECTION FEE	PUD R-3	BL	3			\$150.00
NEW	R3	BL	17		\$2,851,560.00	\$14,570.00
NEW	R2	BL	1		\$224,340.00	\$1,140.00
NEW	R-6G	BL	4		\$568,920.00	\$2,920.00
NEW	PUD R-3	BL	5		\$647,370.00	\$3,325.00
RE-ROOF	R1	BL	16		\$288,596.03	\$1,725.00
RE-ROOF	R3	BL	15		\$237,268.45	\$1,440.00
RE-ROOF	R4 - HIGH DENSITY R	BL	3		\$29,404.85	\$200.00
ADDITION	R1	BL	1		\$8,000.00	\$55.00
POOL	R1	BL	3		\$151,864.00	\$810.00
POOL	R3	BL	1		\$48,500.00	\$260.00
POOL	R2	BL	2		\$98,220.00	\$525.00
STORAGE BUILDING	R3	BL	1		\$2,000.00	\$25.00
MISCELLANEOUS	R1	BL	1		\$1,000.00	\$20.00
MISCELLANEOUS	R3	BL	8		\$38,810.50	\$460.00
MISCELLANEOUS	R4 - HIGH DENSITY R	BL	1		\$2,900.00	\$30.00
DEMOLITION	R1	BL	2			\$100.00
DEMOLITION	R3	BL	1			\$50.00
Non-Residential						
PLAN REVIEW	B2	BL	1			\$100.00
NEW	B2	BL	1		\$110,000.00	\$660.00
NEW	R	BL	1		\$1,267,751.00	\$7,608.00
NEW	MU - MULTI-USE	BL	2		\$520,000.00	\$3,120.00
REMODEL	B2	BL	1		\$49,999.00	\$300.00
RE-ROOF	R	BL	2		\$89,700.00	\$539.00
Total - BUILDING PERMIT			96		\$7,236,203.83	\$40,282.00
Grand Total			96	0.00	\$7,236,203.83	\$40,282.00

Accepted by:

Chairman, Daphne Utilities



APPROVED MINUTES

Utilities Board Meeting

Council Chambers, Daphne City Hall ♦ November 28, 2018 ♦ 5:00 p.m.

I. Call to Order

The regular November 2018 Board meeting for the Utilities Board of the City of Daphne was held on November 28, 2018 at 5:01 p.m. in the Council Chambers at Daphne City Hall and called to order by Chairman Randy Fry, proceeded by the Roll Call:

II. Roll Call

Members Present: Randy Fry, Chairman
Billy Mayhand, Vice Chairman
Selena Vaughn, Secretary/Treasurer
Mayor Dane Haygood, Board Member
Robin LeJeune, Board Member

Members Absent:

Others Present: Jerry Speegle – Board Attorney
Danny Lyndall – General Manager
Bobby Purvis – Operations Manager
Drew Klumpp – Administrative Services Manager
Teresa Logiotatos – Finance Manager
Lori May-Wilson – Executive Assistant
Melinda Immel – Volkert & Associates
Ray Miller – Volkert & Associates
Ray Moore – HMR
Joe Asarisi – Asarisi & Associates

Others Absent: Samantha Coppels – Communications Manager

III. Pledge of Allegiance

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

IV. Approval of Minutes

A. Utilities Board Meeting Minutes September 26, 2018

The Chairman requested any additions, corrections, or deletions for the submitted Minutes from the September 26, 2018 Utilities Board Meeting, noting there was not a quorum for the October 2018 meeting.

Mayor Haygood requested correction of his attendance.

MOTION by Robin LeJeune to accept the corrected September 26, 2018, Daphne Utility Board meeting minutes; Seconded by Billy Mayhand.

AYE: Fry, Haygood, Mayhand, Vaughn, LeJeune NAY: ABSENT: ABSTAIN: MOTION CARRIED

V. OLD BUSINESS –

A. Election of Board Officers (Board Action: MOTION)

1. Chairman

Chairman Fry called for nominations for Board Officer position of Chairman.

MOTION by Billy Mayhand to nominate Randy Fry as Chairman.

AYE: Haygood, LeJeune, Mayhand, Vaughn NAY: ABSENT: ABSTAIN: Fry MOTION CARRIED

2. Vice Chairman

Chairman Fry called for nominations for Board Officer position of Vice Chairman.

MOTION by Selena Vaughn to nominate Billy Mayhand as Vice Chairman.

AYE: Fry, Haygood, LeJeune, Vaughn NAY: ABSENT: ABSTAIN: Mayhand MOTION CARRIED

3. Secretary/Treasurer

MOTION by Mayor Dane Haygood to nominate Selena Vaughn as Secretary/Treasurer.

AYE: Fry, Haygood, LeJeune, Mayhand NAY: ABSENT: ABSTAIN: Vaughn MOTION CARRIED

B. Proposed FY19 Budget and Capital Improvement Plan (Board Action: MOTION)

Chairman Fry recapped the FY19 Budget and CIP presentation and requested any questions from Board members of staff. Mr. Lydall confirmed that there were no changes to the budget originally submitted and reviewed upcoming planned projects and CIP projects.

MOTION by Mayor Dane Haygood to adopt the FY19 Operating Budget and Capital Improvement Plan as presented; Seconded by Billy Mayhand.

**AYE: Fry, Haygood, LeJeune, Mayhand, Vaughn NAY: ABSENT: ABSTAIN: MOTION
CARRIED**

VI. NEW BUSINESS –

A. Utility Board Meeting schedule and Daphne Utilities holiday schedule for 2019 (No Action Required)

Chairman Fry noted this schedule and that no action is required. Mr. Lyndall clarified that the December 4th meeting would be for November since that meeting date fell on the day before Thanksgiving.

B. Recommendation for Bid Award for: 2018/2019 Annual Contract for Steel Gas Main & Service Renewals (Board Action: MOTION)

Volkert representative Melinda Immel reviewed the bids and highlighted this project for the Board as an annual contract to evaluate areas with steel gas mains to either replace steel gas services or lay new HDPE line for new services. Mr. Bobby Purvis addressed the regulatory requirements and the locations affiliated with this annual contract.

MOTION by Mayor Dane Haygood to award the low bid in the amount of \$225,250.00 from R.A.W. Construction, LLC for the 2018/2019 Annual Contract for Steel Gas Main & Service Renewals; Seconded by Selena Vaughn.

AYE: Fry, Haygood, LeJeune, Mayhand, Vaughn

NAY:

ABSENT:

ABSTAIN:

MOTION CARRIED

C. Recommendation for Bid Award for: Monroe Street Lift Station Renovations (Board Action: MOTION)

Melinda Immel with Volkert described this project currently located in the parking lot of Prudential Nichols Real Estate to be relocated in a vacant lot across the street next to the credit union. She informed that one bidder out of the four that submitted requested to have their bid withdrawn due to errors. She announced the low bid and bidder and her recommendation.

MOTION by Mayor Dane Haygood to award the bid amount of \$420,527.00 to W.R. Mitchell Contractor Inc. for the Monroe Street Lift Station Renovations; Seconded by Robin LeJeune.

AYE: Fry, Haygood, LeJeune, Mayhand, Vaughn

NAY:

ABSENT:

ABSTAIN:

MOTION CARRIED

D. Recommendation for Bid Award for: Sanitary Sewer System Joint Grouting (Board Action: MOTION)

Volkert's Melinda Immel illustrated this project as a new project previously mentioned by Mr. Lyndall. She detailed the work involved, the location and gave her recommendation.

MOTION by Mayor Dane Haygood to award to Gulf Coast Underground LLC with the bid amount \$213,445.00 for the Sanitary Sewer System Joint Grouting; Seconded by Robin LeJeune.

AYE: Fry, Haygood, LeJeune, Mayhand, Vaughn

NAY:

ABSENT:

ABSTAIN:

MOTION CARRIED

Mr. Lyndall noted to the Board of additional bid openings during the previous month, however due to miscommunication, the projects did not appear on the agenda. He advised that these projects will appear on the January 2019 agenda for consideration from the Board.

VII. BOARD ATTORNEY'S REPORT

Mr. Speegle had nothing to add to his report but offered to answer any questions.

VIII. FINANCIAL REPORT

Teresa Logiotatos reviewed for the Board the financial summary, the balance sheet including the current liabilities, financial graphs, income statement, and the check history report

IX. GENERAL MANAGER'S REPORT

A. GM Report

Danny Lyndall updated the Board on the water quality testing along Mobile Bay project. He reminded the Board that ADEM was set to perform the testing but were unable; he noted an independent lab contractor was called upon to perform the testing and unfortunately made an error. Mr. Lyndall did announce, however that the contractor again performed the test correctly and the results were satisfactory with the exception of Sibley Street, although no determination could be made as to why the results in this particular location were high. He noted Daphne Utilities' collaboration with the City of Daphne and Ashley Campbell's assistance with the dissemination of information. Mr. Lyndall reviewed for Mr. LeJeune details of the project, noting the locations and a discussion arose regarding the dissemination of testing results and information. Chairman Fry requested the Board members receive a monthly email regarding the testing results and parameters to be better informed.

B. Operations Report

Bobby Purvis highlighted his report updating the Board on the Olde Towne Daphne well and the Bull Run project.

C. Engineering & Consulting Reports

Melinda Immel with Volkert announced that the ROW clearing contract scheduled to be submitted before the Board is delayed because of the lack of bidders. She advised that bids will be opened in mid-December and could possibly be delayed again.

Ray Moore with HMR had nothing further to add to his report.

Joe Asarisi with Asarisi & Associates had nothing further to add to his report.

X. **BOARD ACTION** – Previously addressed under New Business

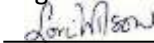
XI. **PUBLIC PARTICIPATION** – the Chairman opened Public Participation at 6:01pm. With no involvement, Public Participation was closed.

XII. **BOARD COMMENTS** – Mayor Dane Haygood thanked the newly elected Board officers for their good service and wished the audience attendees happy holidays; Mr. Mayhand thanked employees for their public service in the community; Mr. LeJeune wished all happy holidays; Chairman Fry wished everyone happy holidays and expressed appreciation for the Board's confidence they entrust in him and the opportunity to serve with all Board members.

XIII. **ADJOURNMENT**

The Chairman adjourned the meeting at 5:44 pm.

Preceding minutes submitted to the Daphne Utilities Board by:


Lori Wilson, Executive Assistant, Daphne Utilities



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: **20190204093406107**

Type License: 140 - SPECIAL EVENTS RETAIL

State: \$150.00 County: \$212.00

Type License:

State: County:

Trade Name: OMANCIS ST PATRICKS BLOCK PARTY

Filing Fee: \$50.00

Applicant: MANCIS ANTIQUE LLC

Transfer Fee:

Location Address: 1715 MAIN STREET; VACANT LOT DAPHNE, AL 36526

Mailing Address: 1715 MAIN STREET DAPHNE, AL 36526

County: BALDWIN Tobacco sales: NO

Tobacco Vending Machines:

Type Ownership: LLC

Book, Page, or Document info: INST 1498258

Date Incorporated: 02/10/2015 State incorporated: AL

County Incorporated: BALDWIN

Date of Authority: 02/10/2015

Alabama State Sales Tax ID: R009132071

Federal Tax ID: 47-3077005

Name:	Title:	Date and Place of Birth:	Residence Address:
GARRETT PAUL DELUCA 7547130 - AL	MEMBER	01/19/1990 MOBILE, AL	199 RIDGEWOOD DR DAPHNE, AL 36526
JOHN MCDERMOTT THOMPSON 4671906 - AL	MEMBER	11/06/1962 MOBILE, AL	261 LEVERT STREET MOBILE, AL 36607
HARRY PARTRIDGE JOHNSON 2769374 - AL	MEMBER	12/06/1950 MOBILE, AL	497 PINE AVE FAIRHOPE, AL 36532

Has applicant complied with financial responsibility ABC RR 20-X-5-.14? YES

Does ABC have any actions pending against the current licensee? NO

Has anyone, including manager or applicant, had a Federal/State permit or license suspended or revoked? NO

Has a liquor, wine, malt or brewed license for these premises ever been denied, suspended, or revoked? NO

Are the applicant(s) named above, the only person(s), in any manner interested in the business sought to be licensed? YES

Are any of the applicants, whether individual, member of a partnership or association, or officers and directors of a corporation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this act? NO

Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage, or distilled liquors permit or license issued under authority of this act? NO

Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate or other licensee, or from any firm, association or corporation operating under or regulated by the authority of this act? NO

Contact Person: GARRETT DELUCA

Business Phone: 251-375-0543

Fax:

Home Phone: 251-421-0279

Cell Phone: 251-451-0279

E-mail: GARRETT.DELUCA@GMAIL.COM

PREVIOUS LICENSE INFORMATION:

Trade Name: DAPHNE WITCHES RIDE

Applicant: MANCIS ANTIQUE LLC

Previous License Number(s)

License 1: 140-010937302-440

License 2:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20190204093406107

If applicant is leasing the property, is a copy of the lease agreement attached? **YES**
Name of Property owner/lessor and phone number: **MANCI ENTERPRISES LLC 251-415-1000**
What is lessors primary business? **REAL ESTATE**
Is lessor involved in any way with the alcoholic beverage business? **NO**
Is there any further interest, or connection with, the licensee's business by the lessor? **NO**

Does the premise have a fully equipped kitchen? **YES**
Is the business used to habitually and principally provide food to the public? **YES**
Does the establishment have restroom facilities? **YES**
Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? **YES**

Will the business be operated primarily as a package store? **NO**
Building Dimensions Square Footage: **2400** Display Square Footage:
Building seating capacity: **200** Does Licensed premises include a patio area? **YES**
License Structure: **ONE STORY** License covers: **OTHER**
Location is within: **CITY LIMITS** Police protection: **CITY**

Has any person(s) with any interest, including manager, whether as sole applicant, officer, member, or partner been charged (whether convicted or not) of any law violation(s)?

Name:	Violation & Date:	Arresting Agency:	Disposition:
HARRY PARTRIDGE JOHNSON	SALE TAX - 1979	BALDWIN COUNTY	PAID FINE AND TAXES
JOHN MCDERMOTT THOMPSON	DUI - 1984	DAPHNE POLICE	PLED GUILTY, NOL PROS, PAID FINE



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20190204093406107

Initial each

GD

In reference to law violations, I attest to the truthfulness of the responses given within the application.

GD

In reference to the Lease/property ownership, I attest to the truthfulness of the responses given within the application.

GD

In reference to ACT No. 80-529, I understand that if my application is denied or discontinued, I will not be refunded the filing fee required by this application.

GD

In reference to Special Retail or Special Events retail license, I agree to comply with all applicable laws and regulations concerning this class of license, and to observe the special terms and conditions as indicated within the application.

GD

In reference to the Club Application information, I attest to the truthfulness of the responses given within the application.

GD

In reference to the transfer of license/location, I attest to the truthfulness of the information listed on the attached transfer agreement.

GD

In accordance with Alabama Rules & Regulations 20-X-5-.01(4), any social security number disclosed under this regulation shall be used for the purpose of investigation or verification by the ABC Board and shall not be a matter of public record.

GD

The undersigned agree, if a license is issued as herein applied for, to comply at all times with and to fully observe all the provisions of the Alabama Alcoholic Beverage Control Act, as appears in Code of Alabama, Title 28, and all laws of the State of Alabama relative to the handling of alcoholic beverages.

The undersigned, if issued a license as herein requested, further agrees to obey all rules and regulations promulgated by the board relative to all alcoholic beverages received in this State. The undersigned, if issued a license as herein requested, also agrees to allow and hereby invites duly authorized agents of the Alabama Alcoholic Beverage Control Board and any duly commissioned law enforcement officer of the State, County or Municipality in which the license premises are located to enter and search without a warrant the licensed premises or any building owned or occupied by him or her in connection with said licensed premises. The undersigned hereby understands that he or she violate any provisions of the aforementioned laws his or her license shall be subject to revocation and no license can be again issued to said licensee for a period of one year. The undersigned further understands and agrees that no changes in the manner of operation and no deletion or discontinuance of any services or facilities as described in this application will be allowed without written approval of the proper governing body and the Alabama Alcoholic Beverage Control Board.

I hereby swear and affirm that I have read the application and all statements therein and facts set forth are true and correct, and that the applicant is the only person interested in the business for which the license is required.

Applicant Name (print): Garnett DeLuca

Signature of Applicant:

Notary Name (print): Betty G. Dean

Notary Signature:

Commission expires: 01/14/2023

Application Taken:

App. Inv. Completed:

Forwarded to District Office:

Submitted to Local Government:

Received from Local Government:

Received in District Office:

Reviewed by Supervisor:

Forwarded to Central Office:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20190204093406107

Private Clubs / Special Retail / or Special Events licenses ONLY

Private Club

Does the club charge and collect dues from elected members?

Number of paid up members:

Are meetings regularly held?

How often?

Is business conducted through officers regularly elected?

Are members admitted by written application, investigation, and ballot?

Has Agent verified membership applications for each member listed?

Has at least 10% of members listed been confirmed and highlighted?

Agent's Initials:

For what purpose is the club organized?

Does the property used, as well as the advantages, belong to all the members?

Do the operations of the club benefit any individual member(s), officer(s), director(s), agent(s), or employee(s) of the club rather than to benefit of the entire membership?

Special Retail

Is it for 30 days or less?

More than 30 days?

Franchisee or Concessionaire of above?

Other valid responsible organization:

Explanation:

Special Events / Special Retail (7 days or less)

Starting Date: 03/16/2019 Ending Date: 03/17/2019

Special terms and conditions for special event/special retail:

EVENT WILL BE HELD SATURDAY, MARCH 16, 2019 - SUNDAY, MARCH 17, 2019. LICENSE COVERS THE VACANT LOT. LICENSED AREA WILL BE BARRICADED TO CONTROL ENTRANCE/EXIT. BEER WILL BE SOLD IN 12 OUNCE CANS AND 16 OUNCE CUPS. LIQUOR AND WINE WILL BE SOLD IN 12 OUNCE CUPS. NO ALCOHOLIC BEVERAGES ARE ALLOWED TO LEAVE THE LICENSED PREMISE. THIS IS A NON-RENEWABLE LICENSE.

Other Explanations

License Covers: VACANT LOT - TENT

Receipt Confirmation Page

Receipt Confirmation Number: **20190204093406107**
 Application Payment Confirmation Number: **40839364**

Payment Summary	
Payment Item	Fee
Application Fee for License 140	\$50.00
Total Amount to be Charged	\$50.00

License Payment Confirmation Number:

Payment Summary			
Payment Item	County Fee	State Fee	Total Fee
140 - SPECIAL EVENTS RETAIL	\$212.00	\$150.00	\$362.00
			\$0.00
Total Amount to be Charged	\$212.00	\$150.00	\$362.00

Application Type

Application Type: APPLICATION

Applicant Information

License Type 1: 140 - SPECIAL EVENTS RETAIL
 License Type 2:
 License County: BALDWIN
 Business Type: LLC
 Trade Name: **OMANCIS ST PATRICKS BLOCK PARTY**
 Applicant Name: **MANCIS ANTIQUE LLC**
 Location Address: 1715 MAIN STREET; VACANT LOT
 DAPHNE, AL 36526
 Mailing Address: 1715 MAIN STREET
 DAPHNE, AL 36526
 Contact Person: GARRETT DELUCA
 Contact Home Phone: 251-421-0279
 Contact Business Phone: 251-375-0543
 Contact Fax:
 Contact Cell Phone: 251-451-0279
 Contact Email Address:
 Contact Web Address:



City of Daphne Event Permit Application

Date of Application: February 11, 2019 Permit Requested: ☒ Event/Fundraiser ☐ Parade/Run ☐ Band

Contact Information

Organization Name: Manci's Antique Club

Contact Name: Harry Johnson E-mail Address: hpjprop@bellsouth.net

Address: 1715 Main Street, Daphne Alabama 36526

Primary Phone Number: 251-454-7550 Secondary: _____

Event Information

Event Name: St Pats Block Party Event Date: March 16 & 17, 2019

Event Location: Belrose on north side of Manci's property # Participants/Vehicles: 100

Start Time: _____ Stop Time: _____ Assembly Time: _____

Special Requests: Saturday March 16 6-10pm and Sunday March 17 3-9pm only - block the area of Belrose from the back parking lot to the sidewalk at Main. See attached letter. Road Closures Requested: ☒ Yes ☐ No

Special Instructions

Only small portion of Belrose would be closed. Main Street would remain open. This request is only for the safety of the patrons. No businesses or residents are blocked by this closure.

Approval: Internal Use Only

Date Routed: 2/13/19

Fire Dept: _____

Police Dept: [Signature]

Public Works: [Signature]

Parks & Recreation: _____

Only required if event interrupts traffic near Daphne parks

For Special Event/Band Permits:

Council Member: _____
District # Signature

For Parade/Run Permits & Use of City Grounds:

City Council: _____
Date of Approval

Parade/Run Permits ONLY

☐ Fee Paid: \$ _____ ☐ N/A ☐ Waived

☐ Insurance Filed ☐ N/A

Route Selection: ☐ 1 ☐ 2 ☐ 3 ☐ 4



1715 Main Street
Daphne, AL 36526

251.375.0543

info@mancisantiqueclub.com

<http://www.mancisantiqueclub.com>

<http://www.facebook.com/MancisAntiqueClub>

Mayor & City Council:

For the St Pat's Block Party, we are requesting to block only the part of Belrose St that adjoins both Manci's and the rear parking area where the event will be held.

The request would be for Saturday March 16 from 6-10 pm and Sunday March 17 from 3-9 pm. Again the event area will be barricaded off.

The street is outside of the designated event area but adjacent to it and feel it would be safer to eliminate all vehicular traffic during those times.

It would not block any residences or businesses on Belrose or block Main St. and could be supervised by the off duty Daphne PD we will hire for the event.

Let me know you questions or concerns for this request.

Harry Johnson 251-454-7550

Manci's Antique Club

To: Office of the City Clerk

From: Adrienne D. Jones, 
Community Development Director

MEMORANDUM

Subject: Revision to the Official City of Daphne
Zoning Map

Date: February 5, 2019

At the, January 24, 2019, regular meeting of the City of Daphne Planning Commission, seven members were present. The motion carried unanimously to set forth a ***favorable recommendation*** of acceptance of the above-mentioned revision to the zoning map containing annexation, zoning changes and street acceptance that were approved between June 1, 2018 and January 31, 2019.

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

cc: file

attachment(s)

1. Zoning Map Planning Report (Copy Attached)
2. Zoning Map (Display - Posted in Council Chambers)

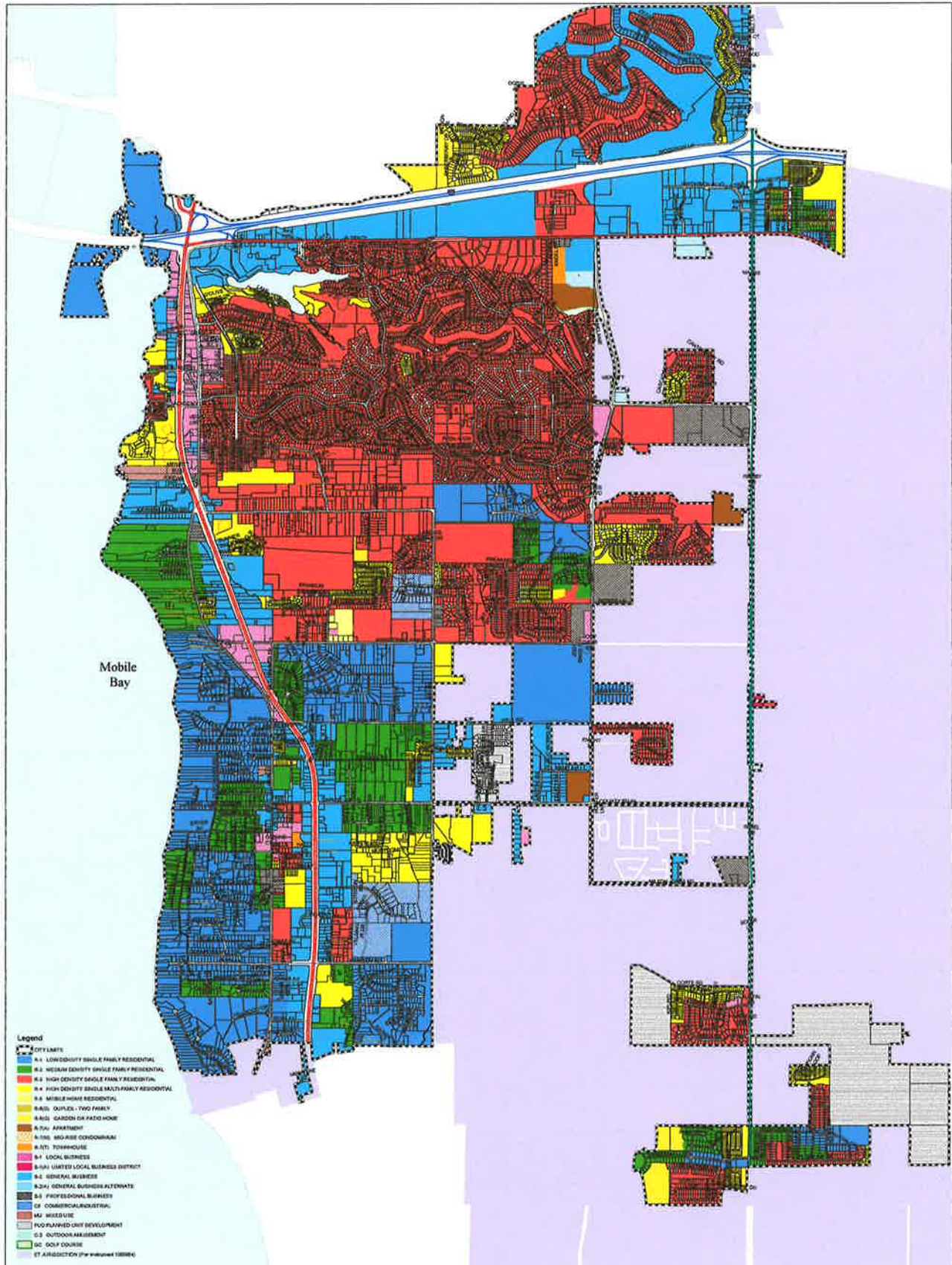
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02/05/19 48
11:30am

Zoning and Street Map Edits: June 1, 1018 through January 31, 2019

Annexation by Council Action	Council Approval Date	Council Action Ordinance #		Property Size (Acres)
Danny and Donna Parks	01/07/19	2018-44		3.37ac
Prezoning	Council Approval Date	Ordinance #		Property Size (Acres)
Danny and Donna Parks	01/07/19	2018-43		3.37ac
Rezoning or Prezoning Petitions	Council Approval Date	Ordinance #	Old/New Zoning Classification	Property Size (Acres)
Victorine Nelson (Estate of) (Main & Van Ave)	07/02/18	2018-24	R-2 to B-3	1.21 ac
Alex Yeoman and Raymond Harris (Lake Front Drive)	10/01/18	2018-36	R-3 to R-7(A)	0.49 ac
Cynthia Dixon (Randall Ave)	11/05/18	2018-40	R-2 to R-6(G)	0.5 ac
Claymark Properties (Van Ave)	01/07/19	2018-42	R-2 to B-3	1.15 ac
Street Acceptances	Approved	Resolution #	Linear Feet	Miles
Winged Foot Phase 2A	08/06/18	2018-35	765	0.1448
Winged Foot Phase 2B	08/06/18	2018-36	1,079	0.2043
Diamante Phase 1	10/15/18	2018-50	4,406	0.8344
Oldfield Phase 3A	01/07/19	2019-01	1,824	0.3454

*Map changes for pre-zoned property occur after said land is officially annexed into the city limits.

- Previously adopted Street Map 06/04/18 Resolution 2018-29
- Previously adopted Zoning Map 08/06/18 Ordinance 2018-27
- City GIS zoning, street and city limits shapefiles have been updated to include all applicable above-noted amendments; however, County parcel file updates are pending release.



1 inch = 1,500 feet

0.5 0.25 0

0.5 Miles

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. The City of Daphne makes no warranty, 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 assumes no liability associated with the use of the data, and assumes 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 251-420-1700.

**CITY OF DAPHNE
RESOLUTION NO. 2019-10**

REVISIONS TO CITY OF DAPHNE STREET MAP

WHEREAS, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on January 24, 2019, approved a favorable recommendation to the City Council of the City of Daphne, Alabama for a revision to the City of Daphne Street Map as presented at said meeting; and

WHEREAS, said revision to street map is necessary due to additional streets being added to and accepted by the City; and

WHEREAS, the City Council of the City of Daphne, Alabama, after due consideration, and upon the recommendation of the Planning Commission of the City of Daphne, believes it is in the best interest of the health, safety and welfare of the citizens of the City to accept the revisions to the City of Daphne Street Map; and

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

SECTION I: ADOPTION OF MAP

THAT the City of Daphne Street Map was considered by the City of Daphne Planning Commission on January 24, 2019, and having made a favorable recommendation to the City Council and said revised map being attached hereto as Exhibit “A” is hereby adopted as the official “City of Daphne Street Map.”

SECTION II: REPEALER

THAT Resolution No. 2018-29 entitled “Revisions to City of Daphne Street Map” is hereby repealed in its entirety and any Resolution(s) or parts of Resolution(s) conflicting with the provisions of this Resolution are hereby repealed insofar as they conflict.

SECTION III: EFFECTIVE DATE

THAT This Resolution shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne, Alabama.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE _____ DAY OF _____, 2019.

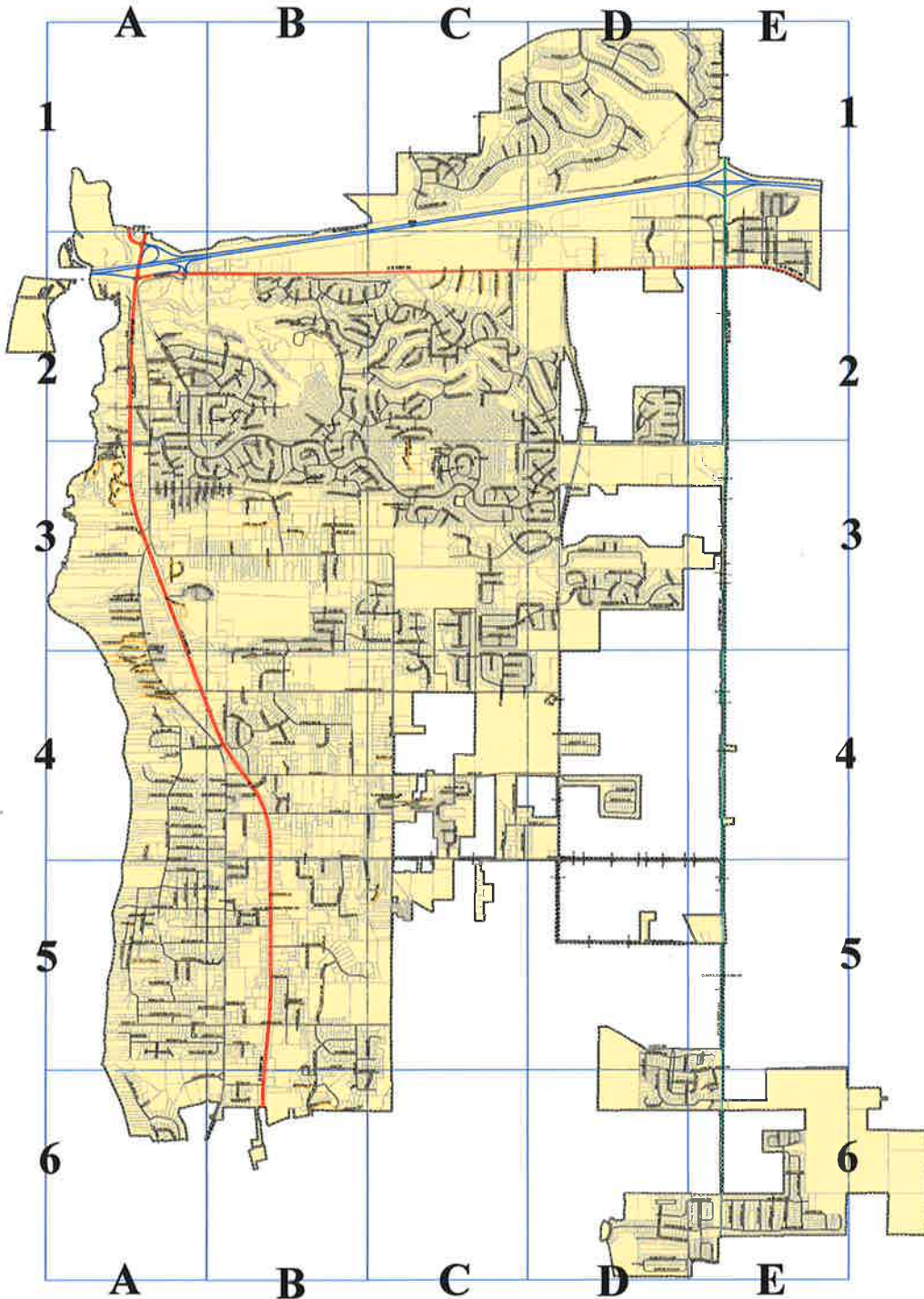
Dane Haygood, Mayor

ATTEST:

Candace G. Antinarella, City Clerk



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—	US HIGHWAYS
—	STATE HIGHWAYS
—	STREETS
—	PRIVATE ACCESS
	PARCELS
	GRID
	CITY LIMITS

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To: Office of the City Clerk

From: Adrienne D. Jones, *AD*
Community Development Director

MEMORANDUM

Subject: Revision to the Official City of Daphne
Street Map

Date: February 5, 2019

At the, January 24, 2019, regular meeting of the City of Daphne Planning Commission, seven members were present. The motion carried unanimously to set forth a **favorable recommendation** of acceptance of the above-mentioned revision to the street map containing codifications that were approved between June 1, 2018 and January 31, 2019.

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

Upon receipt of said documentation, please prepare a resolution for placement on the City Council agenda of Monday, February 18, 2019.

Thank you,
ADJ/jv

cc: file

attachment(s)

1. Street Map Planning Report (Copy Attached)
2. Street Map (Display - Posted in Council Chambers)

FILE
02/05/19
11:30am

Zoning and Street Map Edits: June 1, 1018 through January 31, 2019

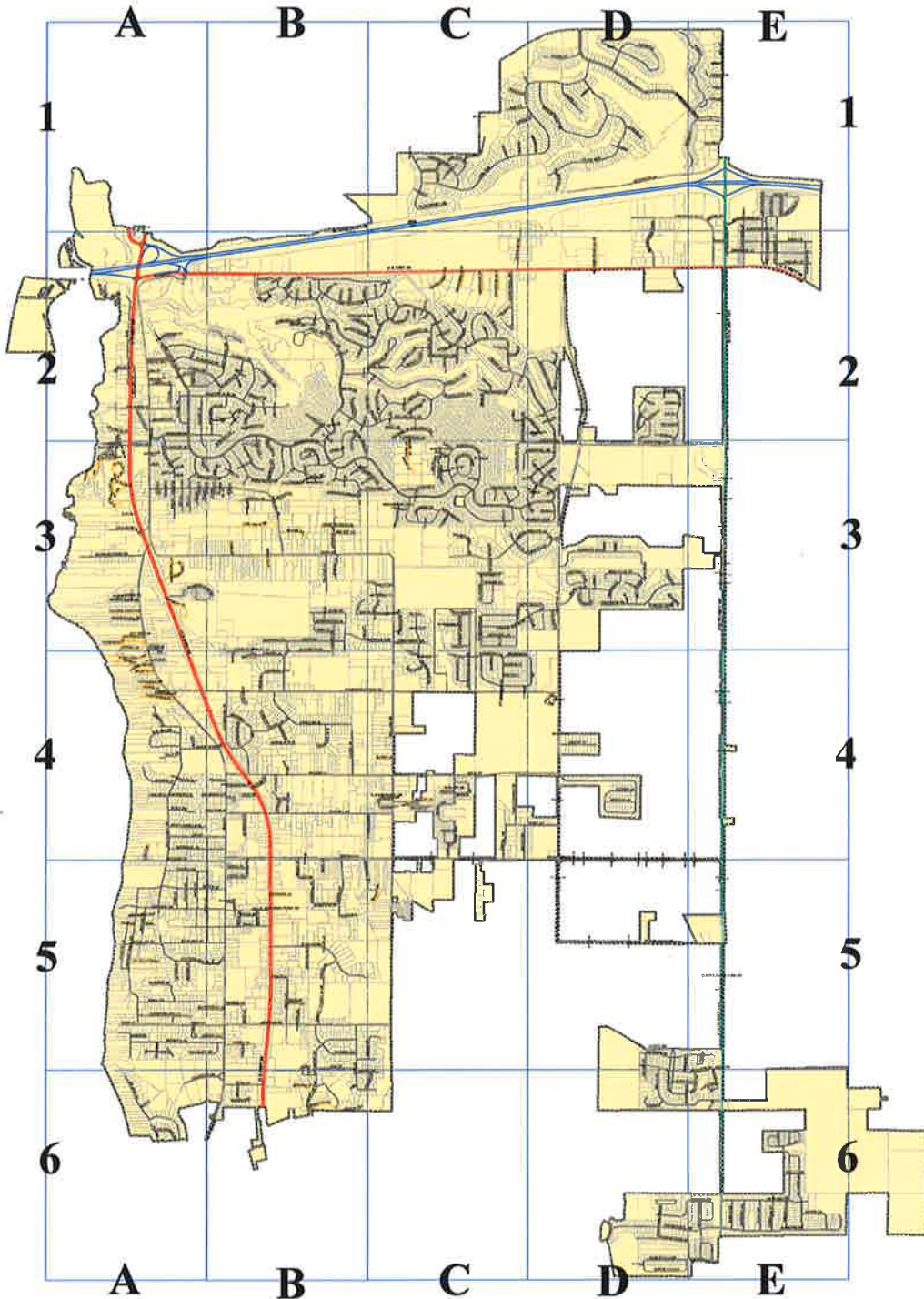
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**CITY OF DAPHNE, ALABAMA
RESOLUTION 2019-11**

**Resolution of the City Council of the City of Daphne Appointing Directors to the
Educational Building Authority of the City of Daphne/Bayside Academy**

WHEREAS, the City Council (the “Council”) of the City of Daphne, Alabama (the “City”), previously approved the formation of the Educational Building Authority of the City of Daphne/Bayside Academy (the “Authority”) in accordance with Chapter 18 of Title 16 of the Code of Alabama (1975), as amended (the “Act”); and

WHEREAS, each of the three director positions for the Authority are currently vacant;
and

WHEREAS, the City desires to appoint successor directors to fill the vacancies and serve for the unexpired term applicable to each vacancy.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that the following qualified electors and owners of real property within the corporate boundaries of the City be appointed to the Authority’s Board of Directors:

1. **Jacob Cunningham** – Term shall begin immediately upon his appointment and shall end at noon on the second Monday of November in the year 2023.
2. **Hunter Lyons** – Term shall begin immediately upon his appointment and shall end at noon on the second Monday of November in the year 2021.
3. **Christopher Haley** – Term shall begin immediately upon his appointment and shall end at noon on the second Monday of November in the year 2019.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ DAY OF _____, 2019.

Dane Haygood, Mayor

ATTEST:

Candace G. Antinarella, City Clerk

CITY OF DAPHNE, ALABAMA
Resolution 2019-12

**Resolution in Support of Protecting Local Control over Public Streets and Public Assets
and a Call on Congress to Reaffirm Such Local Control by Reversing Recent FCC Actions
Related to Wireless Facilities**

WHEREAS, local governments have long been the stewards of local public streets and public assets (such as street lighting) vital to ensure the free flow people and goods and to maintain vibrant communities; and

WHEREAS, local governments have long advocated for universal access to reliable, high-speed broadband services, as these services are critical for the delivery of education, economic development, employment, and a variety of essential services necessary for success and progress in the 21st century; and

WHEREAS, local governments have been leaders in developing innovative solutions for ensuring reliable, high-speed broadband wireline and wireless services are widely available in their communities through their management of public streets and of other public assets in a manner that balances the competing interests and needs of various constituents; and

WHEREAS, by means of orders issued on August 2, 2018, and September 26, 2018, the Federal Communications Commission (“FCC”) took unprecedented, sweeping action to prevent local governments from effectively managing public assets and to severely compromise their ability to manage the public streets effectively and equitably, taking into account considerations for public safety, public utility services such as water, sewer, and electricity, the travelling public, environmental concerns, and economic development; and further effectively requires local taxpayers to subsidize use of public streets and other public assets by the wireless industry.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that the City calls on Congress to consider the enactment of legislation that will enable municipalities and other local governments to effectively manage and control their rights-of-way by reversing recent FCC actions related to wireless facilities.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Representative Bradley Byrne and Senators Doug Jones and Richard Shelby with a request on behalf of the citizens of Daphne that they support H.R. 530 or similar legislation.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA THIS _____ day of _____, 2019.

Dane Haygood, Mayor

ATTEST:

Candace G. Antinarella, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2019-04**

**Additional Appropriation: Corte/Austin Road Improvements
Phase 1 – Redesign of the Bellaton Entrance**

WHEREAS, Ordinance 2018-35 approved and adopted the Fiscal Year 2019 Budget on October 1, 2018; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2019 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2019 budget; and

WHEREAS, the City of Daphne is an incorporated municipality in Baldwin County and has experienced significant growth to the southeast that is currently served by County Road 13 and State Road 181; and

WHEREAS, the City of Daphne has taken an active role in transportation planning and improvements along these corridors and has identified a need for an additional east-west arterial connecting County Road 13 and State Road 181 with the ultimate objective to connect to U.S. Highway 98 via Johnson Road; and

WHEREAS, Alabama Department of Transportation (ALDOT) is under final design for improvements to State Road 181 that includes the intersection of Corte and Austin Roads; and

WHEREAS, The Corte/Austin Road Improvements Phase 1 and 2 bids have been received and staff has reviewed the bids and determined that the low bid of Phase 1-\$834,627.05 and Phase 2-\$351,919.95 were reasonable; and

WHEREAS, total project cost for Phase 1 and 2 is \$1,362,711 (\$1,186,547 + *Engineering fees (CE&I)-\$176,164*) with \$400,000 funding available from the Four and Seven Cent Gas Tax Funds and \$200,000 being provided by the Baldwin County Commission as approved in the FY2018 Budget; and

WHEREAS, The City of Daphne appropriated \$58,500 in Ordinance 2017-16 for survey, design and ROW mapping for services provided by Dewberry Engineers Inc. and \$5,800 in Ordinance 2017-72 for Geotechnical Material Testing, \$405,000 in Ordinance 2018-32 for Right of Way Acquisition costs, and 762,711 in Ordinance 2018-39 for additional construction costs; however additional funding is needed for improvements to the project for the redesign of the Bellaton Entrance as requested by the Property Owner's Association.

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

1. Funds in the amount of **\$35,522** from the **Four Cent Gas Tax Fund** are appropriated and made a part of the Fiscal Year 2019 budget for the construction cost for the Corte Road Improvements – Phase 1 - Redesign of the Bellaton Entrance.
2. The Mayor is hereby authorized to execute any and all documents required in order for the City of Daphne to participate in such project.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE ALABAMA this ____ day of _____, 2019.

Dane Haygood, Mayor

Attest:

Candace G. Antinarella, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2019-05**

ADDITIONAL APPROPRIATION: NICHOLSON CENTER IMPROVEMENTS

WHEREAS, Ordinance 2018-35 approved and adopted the Fiscal Year 2019 Budget on October 1, 2018; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2019 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2019 budget; and

WHEREAS, Ordinance 2017-77 approved \$160,000 in funds for the renovation and improvements at the Nicholson Center; and

WHEREAS, an additional appropriation is needed to complete the renovations at the Nicholson Center.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that monies from the **Capital Reserve Fund** in the amount of **\$50,000** are hereby appropriated for the above-stated purpose and made a part of the Fiscal Year 2019 Budget.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ DAY OF _____, 2019.

Dane Haygood, Mayor

ATTEST:

Candace G. Antinarella, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2019-06**

Appropriation for Bayfront Streetscape and Parking: Underground Utilities

WHEREAS, Ordinance 2018-35 approved and adopted the Fiscal Year 2019 Budget on October 1, 2018; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2019 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2019 budget; and

WHEREAS, Ordinance 2012-48 sets forth an allocation of Lodging Tax proceeds that may be used for Bayfront grounds/property improvements; and

WHEREAS, the Bayfront Streetscape and Parking Improvement project meets such criteria; and

WHEREAS, monies were appropriated in Ordinance 2018-03 for the engineering services and letting of the bid and cost estimates have been received by the engineer for the installation of underground utilities for this project in the amount of \$121,406.58 for power relocation and \$60,096 for the light installation.

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

1. The Fiscal Year 2019 Budget is hereby amended to include an additional appropriation in the amount of **\$181,503** from the **Lodging Tax Fund** for the relocation and installation of new underground utilities for the Bayfront Streetscape and Parking project.
2. The Mayor is hereby authorized to execute all documents associated with the described project.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE ALABAMA this ____ day of _____, 2019.

Dane Haygood, Mayor

Attest:

Candace G. Antinarella, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2019-07**

APPROPRIATION: PURCHASE OF TWO (2) USED BUCKET TRUCKS

WHEREAS, Ordinance 2018-35 approved and adopted the Fiscal Year 2019 Budget on October 1, 2018; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2019 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2019 budget; and

WHEREAS, the Grounds Department is in need of additional Bucket Trucks for daily operations; and

WHEREAS, two (2) used bucket trucks have been located and are available for sale.

WHEREAS, an additional appropriation is needed to purchase the two (2) used bucket trucks and required initial routine maintenance and to get the trucks equipped for City operations.

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

- 1) Funds in the amount of **\$30,000** from the **General Fund** are hereby appropriated and made a part of the Fiscal Year 2019 Budget for the purchase of the two (2) used Bucket Trucks and required initial cost to equip the trucks.
- 2) The Mayor is hereby authorized to execute any and all documents required for the purchase of the two (2) used bucket trucks.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ DAY OF _____, 2019.

Dane Haygood, Mayor

ATTEST:

Candace G. Antinarella, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2019-08**

**Repealing and Replacing Ordinance 2017-22
The Right of Way Ordinance**

WHEREAS, the City Council of the City of Daphne, Alabama desires to protect, preserve, and promote the health, welfare, and safety of the citizens of Daphne by ensuring the structural integrity of public streets; and

WHEREAS, the City Council of the City of Daphne, Alabama desires to ensure that city rights-of-way are maintained in a state of good repair free from unnecessary encumbrances; and,

WHEREAS, the City Council of the City of Daphne, Alabama, possessing authority to manage and control the use of public rights-of way within its jurisdiction, desires to amend its Right-of-Way Ordinance, as codified at Section 18, Article II, to provide procedures to issue permits for wireless facilities and support structures in the rights-of-way and to regulate the placement of above grade utility markers in the rights-of-way.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA THAT ORDINANCE 2017-22 IS HEREBY REPEALED AND REPLACED WITH THE FOLLOWING:

SECTION I. – DEFINITIONS.

For the purpose of this Ordinance the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, the words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word “shall” is always mandatory and not merely derivative.

AASHTO. American Association of State Highway and Transportation Officials.

Applicant. Any person or entity who submits an Application under this Ordinance.

Application. A written request, on a form provided by the City, for a Permit.

Block. That part of the public right-of-way that includes the area from the property line to the parallel property line in width and extending from the centerline of an intersecting street to the centerline of the next intersecting street in length or five hundred (500) feet, whichever is less.

City. The City of Daphne, Alabama.

City cost. The direct and indirect costs borne by the City for the administration of this Ordinance.

Code enforcement officer. Any person authorized by the City to enforce the codes of the City and issue municipal offense tickets for violations thereof.

Collocate. To install or mount a Wireless Facility in the public right-of-way on an existing Support Structure, an existing Tower, or on an existing Pole to which a Wireless Facility is attached at the time of the Application. “*Collocation*” has a corresponding meaning.

Commercial Mobile Radio Service Providers. Entities authorized by the FCC to provide Commercial Mobile Radio Services in the City of Daphne.

Construct. To excavate, repair, rehabilitate, maintain, and install sanitary sewers, water mains, fire hydrants, valves, meters, manholes, service lines and connections, gas mains, telephone and electrical conduit and their miscellaneous service lines and connections, telecommunications facilities, cables, wires, lines, wave guides, antennas, and other equipment or facilities, pedestals, and service cabinets, poles, guy wires, storm drains, manholes, inlets, catch basins, irrigation systems, driveways, sidewalks, pavement extensions, curbs, walks, steps, building canopies, balconies, overhead walkways, and temporary detour pedestrian walkways on, above, or under any part of the rights-of-way provided however, that “construct” shall not mean installation, repair, rehabilitation, or maintenance of facilities that do not involve excavation of any portion of the rights-of-way.

Construction bond. A bond posted to ensure proper and complete construction and/or repair of a permitted site pursuant to a permit issued by the City.

Construction standards for miscellaneous construction, utility excavation, and right-of-way and pavement restoration (Construction Standards). The compilation of provisions and requirements that provide the technical specifications and details for the construction of facilities in the right-of-way, as published and amended from time-to-time by the Department (see Appendix B to this Ordinance for Construction Standards in effect on the effective date of this Ordinance).

Department. The department designated by the City to be responsible for Right of Way management and overseeing compliance with this Ordinance. Unless otherwise designated by the City, the Department shall be presumed to be the Public Works Department.

Emergency. A condition that poses a clear and immediate danger to life or health, or of a significant loss of property or utility service. “Emergency” also includes requests for service which the applicant deems urgent and can be classified as small project types A and B.

Excavation. Any work on the surface or subsurface of the public right-of-way including but not limited to opening the right-of-way, installing, servicing, repairing, or repairing/modifying any facilities/sites in or under the surface or subsurface, and restoring the surface and subsurface of the public right-of-way.

FCC. Federal Communications Commission.

Facilities. Any tangible thing located in any right-of-way; but shall not include boulevard plantings or gardens planted and maintained in the right-of-way between a person’s property and the street edge of pavement.

Geotechnical engineer. A professional engineer experienced in soils engineering and materials testing.

Geotechnical company. A professional engineering company that provides soils engineering and testing services, laboratory and field testing services, construction material testing, and possesses a certificate of authorization from the state board of registration for professional engineers and land surveyors.

In. When used in conjunction with “right-of-way,” means over, above, in, within, on, or under a right-of-way.

Inspector. Any person designated/authorized by the City to carry out inspections related to the provisions of this Ordinance.

Landscape or landscaping. Trees, shrubs and other plantings of materials that are or may grow to a height of eighteen (18) inches or more, and irrigation systems (in unpaved areas), in the right-of-way.

Major project. Construction of water, sewer, gas, telephone, fiber optic, electrical power conduit, cable and duct, TV cable, jacking, boring, pushing and tunneling, retrofitting existing facilities/sites, storm drain and any other miscellaneous major facility construction projects that involve more than one continuous block or five hundred (500) linear feet of right-of-way.

Mayor. The Mayor of the City of Daphne, Alabama

Minor project. Construction of miscellaneous utility service lines, manhole installation not associated with major project construction, main line point repairs and installation, miscellaneous utility service line repair, storm drain and inlet repairs, vaults, irrigation systems and other miscellaneous construction and repair projects that involve less than one (1) block or five hundred (500) linear feet of right-of-way.

Municipal court. Means the part of the City of Daphne Municipal Court System designed to enforce local laws and ordinances relating to the physical appearance of the City, and the health and safety of the public.

Municipal offense ticket (M.O.T.). A citation issued for a violation of this Ordinance. An M.O.T. may require payment of a fine as defined by the municipal offense ticket system fine schedule, as may be amended from time to time, appearance in municipal court and if determined by the judge of said court, jail or community service.

MUTCD. Manual on Uniform Traffic Control Devices, for Streets and Highways, as published by the US Department of Transportation Federal Highway Administration.

Notice of violation. A written warning issued by the department, or the City of Daphne Code Enforcement Officer, for a violation or possible violation of this Ordinance.

Obstruct. To place anyone or any tangible object in a right-of-way so as to hinder free and open passage over, under, or through that or any part of the right-of-way.

Permit fee. Money charged by the City to cover the costs as provided in Appendix A (Schedule of fees) of this Ordinance.

Permittee. Any person or company to whom a permit has been granted by the City under this Ordinance.

Person. Any natural or corporate person, business association or other business entity including, but not limited to, a partnership, a sole proprietorship, a political subdivision, a public or private agency of any kind, a utility, a successor or assign of any of the foregoing, or any other legal entity which has or seeks to have facilities/sites located in any right-of-way.

Restoration. The process by which a constructed or obstructed right-of-way is restored as specified in the constructed standards.

Right-of-way. The surface and space above and below any real property in which the City has an interest in law or equity, whether held in fee, or other estate or interest including easements, or as a trustee for the public, including, but not limited to any public street, boulevard, road, highway, freeway, lane, alley, court, sidewalk, parkway, river, tunnel, viaduct, detention pond, retention pond, culvert, ditch, storm water management facility, bridge, park, or any other place, area, or real property owned by or under the control of the City.

Right of Way Manager (“ROW Manager”). The individual or position in the City designated to oversee compliance with this Ordinance. Unless otherwise designated by City Administration, the ROW Manager shall be the City of Daphne Public Works Director.

Right-of-way Permit. The permit which must be obtained before a person may construct in, or obstruct in a right-of-way as required by Section III (Right-of-way permits) of this Ordinance.

Service or utility service. Services provided by utilities or by Commercial Mobile Radio Service Providers.

Sidewalk. The paved pedestrian walkway between the edge of the road and the street right-of-way line.

Small Cell Infrastructure Guidelines. Requirements and conditions regarding small cell infrastructure within the City’s rights-of-way as published and amended from time-to-time by the Department.

Small project (type A). The installation of equipment cabinets, junction boxes, terminal boxes, splice boxes, regulator stations, meters and valves in paved areas, utility poles, guy poles, and appurtenances not associated with a major or minor project.

Small project (type B). The installation, repair, and routine maintenance of miscellaneous utility drop lines, overhead wires and cables, traffic signal poles, light poles, traffic signs, meters, valves, and other miscellaneous construction, repair, routine maintenance, and inspection that requires minimal right-of-way disruption or less than sixteen (16) square feet of excavation and involves less than one hundred (100) linear feet of right-of-way.

Supplementary application. An application made to construct or obstruct more of the right-of-way than allowed in, or to extend, a permit that has already been issued.

Transmission Equipment. Equipment that facilitates transmission of any FCC-licensed or authorized Wireless Communications Services. Transmission Equipment includes an antenna or small cell facility and its associated equipment, which includes any and all on-site equipment, such as back-up generators and power supply units, cabinets, coaxial and fiber optic cables, connections, shelters, radio transceivers, regular power supply units, and wiring, to which a wireless antenna or small cell facility is attached in order to facilitate mobile broadband service and personal wireless service delivered on mobile broadband devices. Transmission Equipment does not include wireless communications equipment (such as wireless meter reading and other utility wireless communications) that is (1) owned and operated by a public utility subject to regulation by the Alabama Public Service Commission or the Federal Energy Regulatory Commission, including its parents, affiliates, or subsidiaries, (2) used solely for internal utility purposes.

Trenchless technology. The use of directional boring, horizontal drilling, and micro-tunneling and other techniques in the construction of underground portions of facilities which result in the least amount of disruption and damage to right-of-way as possible.

Underground facilities. All lines, cables, conduits, posts, tanks, and any other facilities owned or operated by persons other than the City which are located wholly or partially underneath right-of-way.

Utilities. Any water, sewer, gas, drainage, irrigation, or culvert pipe and any electric power, telecommunication, signal, communications, or cable television conduit, fiber / fiber optic, wire, cable, or operator thereof. For purposes of this Ordinance, “utilities” includes Commercial Mobile Radio Services and Wireless Communications Services.

Utility Markers. Above grade marker, pillar, post, sign, or similar facility placed to provide visual reference of, or otherwise mark the location of, underground facilities which do not provide structural support to any underground or overhead facility.

Utility Provider. Any person who provides utilities services in the City.

Wireless Communications Services. Without limitation, commercial mobile radio services, personal wireless services, all FCC-licensed or authorized back-haul and other fixed wireless services, broadcast, private, and public safety communication services, and unlicensed wireless services.

Wireless Facilities. Transmission Equipment used to provide Wireless Communications Services.

SECTION II. – RIGHT-OF-WAY ADMINISTRATION.

(a) *Administration.* The ROW Manager shall be the principal City official responsible for the administration of the right-of-way, right-of-way permits, and the ordinances related thereto. The City shall adopt and may amend from time to time Construction Standards and other rules reasonably required to carry out the purposes of this Ordinance. Any requirement not specifically covered by this Ordinance or the Construction Standards shall be determined by City Administration.

(b) *Appeal of Decision.*

(1) *Cause for Appeal.* The City may grant a special exception to the requirements of this Ordinance if an applicant/permittee demonstrates with written evidence that:

- a. The exception will not create any threat to public health, safety, or welfare;
- b. The applicant/permittee demonstrates that the increased economic burden and the potential adverse impact on the applicant's/permittee's construction schedule resulting from the strict enforcement of this Ordinance actually, or effectively, prohibits the ability of the applicant/permittee to provide utility services in the City; and
- c. The applicant/permittee demonstrates that the requirement unreasonably discriminates against the applicant/permittee in favor of another person.

(2) *Appeal Procedure.*

- a. *Department Appeal.* Should an applicant/permittee be aggrieved by the decision of the ROW Manager, such applicant/permittee may request reconsideration by the ROW Manager. Such request for reconsideration shall be submitted in writing along with justification to the Department within fifteen (15) days from the date of such original decision. ROW Manager and Department shall review such request and may alter the original decision if deemed appropriate. Such decision shall be issued to the applicant/permittee in writing by either the ROW Manager or Department head.
- b. *Administration Appeal.* In the event a dispute is not satisfactorily resolved by the Department Appeal, within fifteen (15) days of the issuance of the Department Appeal decision, the applicant/permittee may

appeal to City Administration. Such appeal shall be submitted in writing along with justification to the Office of the Mayor within fifteen (15) days from the date of issuance of the Department Appeal decision. City Administration shall review and may alter the original decision or the Department Appeal decision if deemed appropriate. Such decision shall be issued to the applicant/permittee in writing by an authorized member of City Administration.

- c. *Final Appeal.* In the event the dispute is not satisfactorily resolved by the Administration Appeal, within fifteen (15) days of the issuance of the Administration Appeal decision, the applicant/permittee may submit a final appeal to the City Council. Such appeal shall be submitted in writing along with justification and all relevant documentation to the Office of the City Clerk within fifteen (15) days from the date of issuance of the Administration Appeal decision. The City Clerk shall cause the matter to be considered as soon as reasonably possible by the City Council at a public hearing.

SECTION III. – RIGHT-OF-WAY PERMITS.

(a) Permit requirements.

(1) Except as otherwise provided in this Ordinance, no person may construct, obstruct, or otherwise encumber any right-of-way without first having obtained one (1) of the following right-of-way permits from the Department:

- a. Major project;
- b. Minor project;
- c. Small projects;
 1. Type A;
 2. Type B;
- d. Landscape; or
- e. Wireless facilities project.

(2) *Right-of-way permit.* A right-of-way permit is a permit which allows the holder to construct, obstruct, or landscape in that part of the right-of-way described in such permit and to hinder free and open passage over the specified portion of the right-of-way by placing facilities described therein, to the extent and for the duration specified therein. A permit is valid only for the date(s) and the area(s) of right-of-way specified in the permit. No person may construct in or obstruct the right-of-way beyond the date or dates specified in the permit unless such person:

- a. Makes a supplementary application for another right-of-way permit before the expiration of the initial permit; and
- b. A new permit or permit extension is granted.

However, if no work is initiated within four (4) months or if the project lies dormant for a period of thirty (30) calendar days after being started, the permit shall be invalid.

(3) *Emergencies.* When the work must commence immediately because of an emergency, the permittee shall comply with the provisions in Section VI *Enforcement of permit obligation*, subsection (b)(1).

(4) *Exemptions.* No permits shall be required for the following activities:

- a. Installation and repair of facilities by, or for, City of Daphne Departments; and
- b. Installation of landscaping materials which are, or may grow, to a height of not more than eighteen (18) inches.

(5) *Permit authorizing routine work.* Applicants may be allowed, if determined by the Department, to obtain in advance, an annual, quarterly or semi-annual permit for minor projects outside roadway limits and some small projects that involve minimal excavation. Permit fees shall be calculated based upon the actual work completed during the term and due for payment at the end of the term. Bi-weekly summary submittals will be required of blanket permit applicants covering the type and extents of work, locations, durations, etc. These summary submittals will be used to verify fees based on the actual work completed under that blanket permit. A twenty-five dollar (\$25.00) administrative fee plus all fees will be charged at the end of the term.

(b) *Permit applications.* Application for a permit is made to the ROW Manager.

(1) All permit applications shall contain, and will be considered complete only upon compliance with, the requirements of the Construction Standards, as appropriate.

(2) All permit applications submitted by a person who will perform the proposed work in the City's rights-of-way for or on behalf of another person shall identify the name of the other person for whom the work will be performed.

(3) Tree and landscaping requirements of this Ordinance shall be administered and enforced by the appropriate City departments.

(c) *Issuance of permit; conditions.*

(1) If the ROW Manager determines that the applicant has satisfied the requirements of this Ordinance, he may issue a permit or issue notification and reason for denial of same.

(2) The ROW Manager may impose reasonable conditions upon the issuance of the permit and the performance of the applicant thereunder in order to protect the public health, safety and welfare, to insure the structural integrity of the right-of-way, to protect the property of other users of the right-of-way, and to minimize the disruption and inconvenience to the traveling public, including notification to property owners.

(d) *Permit fees.*

(1) Permit fees shall be established by the City Council upon recommendation by City Administration. Said fees shall be in an amount sufficient to recover the following costs:

- a. The City costs, including administration, inspection, and enforcement;
- b. The cost for obstructing the right-of-way, including costs associated with traffic management that results from street obstruction, lost tax revenues resulting from streets blocked and as an encouragement to minimize costs and to encourage timely, efficient use of the right-of-way; and
- c. For wireless facilities projects, the reasonable approximation of the costs of processing applications and for managing deployments of wireless facility sites in the right-of-way.
- d. The current schedule of permit fees is set forth in Appendix A to this Ordinance.

(2) *Payment of permit fees.* No permit shall be issued without payment of such fees unless the ROW Manager authorizes payment to be made thirty (30) days following billing. All changes in fees shall be approved by the City Council.

(3) *Nonrefundable fees.* All permit fees are nonrefundable.

(4) *Joint applications.* Applicants are encouraged to make joint applications for permits to construct or obstruct the right-of-way at the same place and time.

(e) *Wireless facilities and support structures.*

(1) The installation of wireless facilities and support structures in City rights-of-way shall require a wireless facilities project permit under this Ordinance. An applicant for such a permit shall submit the following information pertaining to particular sites or a proposed deployment:

- a. A technical description of the proposed facilities, along with detailed diagrams and photo-simulations accurately depicting all proposed facilities and support structures;
- b. A detailed deployment plan describing construction planned for the 12-month period following the issuance of the permit, and a description of the completed deployment;
- c. An engineering certification from an engineer licensed in Alabama for the proposed construction;
- d. A statement relating to collocation;
- e. A statement demonstrating the applicant's duty to comply with applicable safety standards for the proposed activities;
- f. In the case of a proposed attachment to a City-owned facility located in the City rights-of-way, an executed attachment agreement with the City, which such agreement shall contain a provision requiring that the applicant consent to relocating its facilities attached to any poles to be

removed for purposes of transferring aboveground utilities to underground;

- g. In the case of a proposed attachment to an existing utility pole in the City rights-of-way, an executed attachment agreement with the utility pole owner or proof thereof, which such agreement shall contain a provision requiring that the applicant consent to relocating its facilities attached to any poles to be removed for purposes of transferring aboveground utilities to underground; and
- h. Such other information as the City may require.
- i. If the applicant alleges that failure to approve the application will result in unreasonable discrimination among providers of functionally equivalent services pursuant to 47 U.S.C. § 332(c)(7)(B)(i)(I) and/or that failure to approve the application will prohibit or have the effect of prohibiting personal wireless services pursuant to 47 U.S.C. § 332(c)(7)(B)(i)(II), the applicant must so state on the application and provide documentation in support of this claim.

SECTION IV. – GENERAL COMPLIANCE REQUIREMENTS.

- (a) *Compliance with Construction Standards.* All construction or maintenance of facilities shall be in accordance with this Ordinance, the Construction Standards, and such other conditions imposed on the permit by the ROW Manager under Section III(c).
- (b) *Location of facilities.* The ROW Manager shall have the power to prohibit or limit the placement of new or additional facilities within the right-of-way if there is insufficient space to accommodate all of the requests or permittees to occupy and use the right-of-way. In making such decisions, the ROW Manager shall strive to the extent possible to accommodate all existing and potential users of the right-of-way, but shall be guided primarily by considerations of public interest, the public's need for the particular utility service, the condition of the right-of-way, the protection of existing facilities/sites in the right-of-way, and future City plans for public improvements and development projects which have been determined to be in the public interest.
- (c) *Least disruptive technology.* Applicants are encouraged to perform construction and maintenance of facilities in a manner resulting in the least amount of damage and disruption of the right-of-way. Applicants will be required to use trenchless technology for major and minor construction projects, within roadway limits, in arterial and other high volume streets constructed or resurfaced within the last five (5) years, unless otherwise approved by the City and such approval shall not be unreasonably withheld. The City may require trenchless technology in other locations, where extreme circumstances prevent or make open cut methods impractical. Applicants may use the open cut method or trenchless technology for major and minor projects outside roadway limits.
- (d) *Right-of-way restoration.*
 - (1) The work to be done under the permit, and the restoration of the right-of-way as required herein, must be completed within the dates specified in the permit. In addition to its own work, the permittee must restore the general area of the work,

including all disturbed landscaping materials and the permitted areas, including the paving and its foundations, per the City of Daphne Construction Standards.

(2) The permittee shall perform the work according to the standards and with the materials specified by the City, including but not limited to the Construction Standards.

(3) *Guarantee of work outside roadway limits.* The permittee, by acceptance of the permit, expressly warrants and guarantees complete performance of the work in compliance with this Ordinance and the City's Construction Standards, and warrants and guarantees all work done for a period of twenty-four (24) months following its completion. During this twenty-four (24) month period, the permittee shall, upon notification from the City, correct all restoration work to the extent necessary using the method required by the City. Said work shall be completed within the time frame specified by the City. In addition to other enforcement and penalty provisions of this Ordinance, the failure to complete said work within the time frame specified by the City may result in the City's refusal to issue any new permits to the permittee and to the person for whom or on whose behalf the permittee is performing the work.

(4) *Guarantee of work within roadway limits.* The permittee, by acceptance of the permit, expressly warrants and guarantees complete performance of the work in compliance with this Ordinance and the City's Construction Standards, and warrants and guarantees all work done from date of completion until the date that the City resurfaces the roadway. During this period of time, the permittee shall, upon notification from the City, make all necessary repairs and correct all restoration work to the extent necessary using the method required by the City. Said work shall be completed within the time specified by the City. In addition to other enforcement and penalty provisions of this Ordinance, the failure to complete said work within the time frame specified by the City may result in the City's refusal to issue any new permits to the permittee and to the person for whom or on whose behalf the permittee is performing the work.

(5) *Construction bond.* For construction bond requirements under this section, see the Construction Standards, as published and amended from time-to-time by the Department. (See Appendix B, Section II, *Bond Requirements*, for construction bond requirements in effect on the effective date of this Ordinance).

(e) *Installation requirements.* The excavating, backfilling, restoration, and all other work performed in the right-of-way shall be done in conformance with specifications set forth in the Construction Standards.

(f) *Inspection.* Except for routine work, when the work under any permit for major and minor projects hereunder is completed, the permittee shall notify the ROW Manager.

(1) Permittee shall make the work site available to the ROW Manager or his authorized representative and to all others as authorized by law for inspection at all reasonable times during the execution and upon completion of the work.

(2) At the time of the inspection, the ROW Manager or his authorized representative may order the immediate cessation of any work which poses a serious threat to the life, health, safety or well-being of the public.

(3) The ROW Manager or his authorized representative may issue a notice of violation to the permittee for any work which does not conform to the applicable standards, conditions or codes. The order shall state that failure to correct the

violation will be cause for issuance of a municipal offense ticket (M.O.T.) and/or a stop work order. Within the time frame indicated on the notice after issuance of the order, the applicant shall present proof to the ROW Manager that the violation has been corrected. If such proof has not been presented within the required time, the ROW Manager may issue a stop work order and/or have a municipal offense ticket (M.O.T.) issued.

(g) *Other obligations.* Obtaining a right-of-way permit does not relieve the permittee of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by any other City, county, state, or federal rules, laws or regulations.

(1) A permittee shall comply with all requirements of local, state and federal laws, including a franchise duly adopted by the City Council. Contact shall be made to the one (1) call excavation notice system, Alabama Statutes @ 1-800-292-8525, or such other number which may be applicable.

(2) A permittee shall perform all work in conformance with all applicable codes and established rules and regulations, and is responsible for all work done in the right-of-way pursuant to its permit, regardless of who performs the work.

(3) Except in the case of an emergency, and with the approval of the City, no right-of-way obstruction or excavation may be performed when seasonally prohibited or when conditions are unreasonable for such work.

(4) A permittee shall not so obstruct a right-of-way that the natural and free passage of water through the gutters or other waterways shall be interfered with.

(5) Private vehicles not owned by or under contract to permittee may not be parked within or adjacent to a permit area.

(6) Each above grade structure placed in a right-of-way, including but not limited to towers, poles, and utility markers, shall display the identification of the utility provider that has caused the structure to be placed and a unique serial number specific to each structure. Said display must be permanently affixed or applied to each structure and must remain clearly legible at all times. Serial numbers need not be strictly numerical; they may contain letters and other typographical symbols, or may consist entirely of a character string. All identification labels shall conform to the shape of the structure and not otherwise extend or protrude off the structure.

(7) Each person owning above grade structures in the City's rights-of-way must keep and maintain a record of the specific latitude/longitude coordinates of all such structures as well as maps indicating the location of all such structures belonging to the utility provider. Each person owning above grade structures in the City's rights-of-way shall from time-to-time or on an interim basis if requested by the City, but in no event less frequently than every six (6) months, provide the City with (i) a list in electronic format of all such structures identifying the type and specific latitude/longitude coordinates of each structure and (ii) maps of all such structures in electronic format, including but not limited to GIS data, if available.

(8) Any above grade structure installed in the City's rights-of-way prior to the effective date of this section must be brought into compliance with the provisions of this section within six (6) months of the effective date thereof. After six (6) months from the effective date of this section, in addition to other remedies available to the City, the City shall not process or issue any right-of-way permits

to a utility provider or its designees until such time as the utility provider is fully compliant with the requirements set forth herein regarding above grade structures in the City's rights-of-way.

(9) A permittee that replaces an existing utility pole with a new utility pole shall have ninety (90) days from the date the new pole is installed to completely remove the older pole.

(h) All persons owning and operating any underground utilities, pipes, conduits, or underground mains and services within the City, shall adjust all manhole castings so that they are level to the finished surface of paving, and shall keep and maintain all manhole castings level to the finished surface of paving at all times. Notwithstanding the foregoing, any person or entity responsible for resurfacing or repaving projects shall adjust said manhole castings so that they are level to the finished surface of paving, but the persons owning and operating the underground utilities, pipes, conduits, or underground mains and services shall thereafter remain responsible for keeping and maintaining said castings level to the finished surface of paving at all times.

(i) *Utility Markers.* All utility markers installed within the City's rights-of-way shall comply with the following requirements at all times:

(1) Utility markers shall not exceed 24 inches in height above grade except as required by federal or state law. Utility markers shall be placed no more frequently than every 300 feet or line of sight, whichever is less frequent, and shall be located at the right-of-way line if that location will provide adequate warning. The telephone number for one-call notification services to request marking the line location prior to excavation and for emergency response shall appear on each utility marker. Any above grade facility markers installed prior to the effective date of this Ordinance must be brought into compliance with the provisions of this Ordinance within six (6) months of the effective date thereof.

(2) In addition to all other identification label requirements of this Ordinance, all utility marker identification labels shall also contain legible contact information for the person owning the utility marker, including a valid telephone number with area code to which calls can be placed to report issues or concerns related to utility markers located in the right-of-way.

(3) All persons owning any utility markers within the City's rights-of-way shall ensure that grass and weeds surrounding the base of each utility marker are controlled either by weekly trimming or the targeted application of EPA-approved herbicides. If, at any time, the City discovers a utility marker that is not being maintained as prescribed herein, or as otherwise demonstrated by grass or weeds surrounding its base in excess of three (3) inches in height above grade, the City shall photograph the utility marker and its unique identifier and cause the offending grass or weeds to be cut, and the person owning such utility marker shall be charged a fee of twenty dollars (\$20.00) for each utility marker found to be in violation of this section per occurrence. A landscaping permit shall not be required for work performed to control grass and weeds surrounding the base of utility markers.

SECTION V. – WIRELESS FACILITIES FINDINGS AND REQUIREMENTS.

(a) Wireless facilities and support structures proposed to be located on City streets, sidewalks, or other rights-of-way shall be permitted as a wireless facilities project and meet the following requirements:

(1) Wireless facilities may be installed on new utility poles or light poles only if the applicant demonstrates that neither collocation on an existing utility or light pole in the right of way nor installation on nearby private property provides a feasible alternative for the provision of wireless service in the area. Only entities granted a certificate of convenience and necessity by the Alabama Public Service Commission pursuant to Alabama code 37-4-28 or licensed by the FCC may erect new poles in the City's right-of-way.

(2) Any new pole installed in City rights-of-way to support wireless facilities shall:

- a. Comply with all structural and safety standards adopted by the City, including, but not limited to: AASHTO, MUTCD, International Building Code and International Electrical Code, as adopted by the City, and the City's Storm Water Management Ordinance;
- b. Not obstruct pedestrian or vehicular traffic flow or sight lines;
- c. Not exceed 35 feet in height in any residentially zoned area with underground utilities, 40 feet in height in any residentially zoned area with above ground utilities and 55 feet in height in any non-residentially zoned area;
- d. Shall be designed to accommodate the collocation of multiple wireless providers' antennas and related equipment to the maximum extent feasible;
- e. Be treated or painted with non-reflective paint, and in a way to conform to or blend with the surroundings; and
- f. Comply with such other requirements and conditions as the City may conclude are appropriate to impose, including but not limited to those provided in the City's Small Cell Infrastructure Guidelines.

(b) Any wireless facilities installed on a new or existing pole or any other structure in the rights-of-way shall:

(1) Have equipment box or boxes no greater in collective size than 17 cubic feet in volume with no one side/dimension exceeding 4.25 feet;

(2) Have panel antennas no greater than 2 feet in height, and omni/dome antennas no more than 4 feet in height, and no wider than the diameter of the Pole;

(3) Have no more than 3 panel antennas per pole, and no more than one omni/dome antenna per pole;

(4) Have microwave dishes no greater than 2 feet in diameter, with no more than 3 microwave dishes per pole;

(5) Be treated or painted with non-reflective paint in a way to conform to the pole with no discernable difference in color, and be continuously maintained going forward to ensure no discernable difference in color; and

- (6) Comply with such other requirements and conditions as the City may conclude are appropriate to impose, including but not limited to those provided in the City's Small Cell Infrastructure Guidelines.
- (c) Wireless facilities and support structures proposed to be located on City streets, sidewalks, or other rights-of-way may be permitted upon a finding by the City that:
 - (1) The application complies with all standards set forth in Article XXXII of the Daphne Land Use and Development Ordinance, including camouflage, at Section 32-3(f);
 - (2) The location selected in the application is not in an area where there is an overconcentration of poles or other facilities in, on, or over the streets, sidewalks, or other rights-of-way;
 - (3) Wireless facilities and support structures in the Olde Towne Daphne District will be consistent with the design standards for said district, see Daphne Land Use and Development Ordinance, Article XIV; and
 - (4) The application complies with all standards set forth in the City's Small Cell Infrastructure Guidelines.

SECTION VI. – ENFORCEMENT OF PERMIT OBLIGATION.

- (a) *Denial of permit.*
 - (1) *Mandatory denial.* Except in the case of emergency, no right-of-way permit will be granted:
 - a. To any person who has failed to comply with the requirements of this Ordinance;
 - b. To any person who is delinquent in paying a debt owed to the City;
 - c. If, in the discretion of the ROW Manager, the issuance of a permit for the particular date and/or time would cause a conflict or interfere with an exhibition, celebration, festival, or any other event. The ROW Manager, in exercising this discretion, shall be guided by the safety and convenience of ordinary travel of the public over the right-of-way, and by considerations relating to the public health, safety and welfare.
 - (2) *Permissive denial.* The ROW Manager may deny a permit in order to protect the public health, safety and welfare, to prevent interference with the safety and convenience of ordinary travel over the right-of-way, or when necessary to protect the rights-of-way and its users. The ROW Manager may consider one (1) or more of the following factors:
 - a. The extent to which the right-of-way space where the permit is sought is available;
 - b. The competing demands for the particular space in the right-of-way;
 - c. The availability of other locations in the right-of-way or in other right-of-way for the facilities of the particular company;

d. The applicability of other ordinances or other regulations of the right-of-way that affect location of facilities in the right-of-way;

e. The degree of compliance of the applicant with the terms and conditions of its franchise, this Ordinance, and other applicable ordinances and regulations; the degree of disruption to surrounding neighborhoods and businesses that will result from the use of that part of the right-of-way; and

f. The condition and age of the right-of-way, and whether and when it is scheduled for total or partial construction; and the balancing of the costs of disruption to the public and damage to the right-of-way, against the benefits to that part of the public served by the expansion into additional parts of the right-of-way.

g. The public policy of allowing an obstruction of similar character in other right of ways in the City.

(b) *Work done without a permit.*

(1) *Emergency situations.* Each permittee shall notify the ROW Manager (by telephone or in person) of any event regarding its facilities which it considers to be an emergency immediately upon its discovery of same. The applicant may proceed to take whatever actions are necessary in order to respond to the emergency. Within three (3) business days after the occurrence of the emergency, the applicant shall apply for the necessary permits, pay the fees associated therewith and fulfill the rest of the requirements necessary to bring itself into compliance with this Ordinance for the actions it took in response to the emergency.

(2) In the event that the ROW Manager becomes aware of an emergency regarding a permittees' facilities/site, the Department shall attempt to contact the local representative of each permittee affected, if known, or potentially affected, by the emergency, who must comply with subsection (b)(1) of this section. In any event, the Department may take whatever action deemed necessary in order to respond to the emergency.

(3) *Non-emergency situations.* Except in the case of an emergency, any person who obstructs or excavates a right-of-way without a permit must subsequently obtain a permit, pay double the normal fee for said permit, pay double all the other fees required by City Codes, is subject to the issuance of a notice of violation and/or a Municipal Offense Ticket (M.O.T.), deposit with the Department the fees necessary to correct any damage to the right-of-way and comply with all requirements of this Ordinance.

(c) *Enforcement.*

(1) Permittees hold permits issued pursuant to this Ordinance as a privilege and not as a right.

(2) If the ROW Manager determines that the applicant has violated a material term or condition of any statute, ordinance, rule, regulation or any condition of the permit, the ROW Manager shall issue a notice of

violation to the applicant to remedy such violation. The demand shall state that continued violations may cause for the issuance of a stop work order and issuance of a Municipal Offense Ticket (M.O.T.). Further, a substantial breach, as stated above, will allow the ROW Manager, at his or her discretion, to place additional or revised conditions on the permit.

- (3) A material violation by applicant shall include, but shall not be limited to, the following:
 - a. The violation of any material provision of the permit;
 - b. An evasion or attempt to evade obtaining a permit or any material provision of the right-of-way permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the City or its citizens;
 - c. Any material misrepresentation of fact in the application for a permit;
 - d. The failure to maintain the required bonds and/or insurance;
 - e. The failure to complete the work within a timely manner; or
 - f. The failure to correct a condition indicated on an order issued pursuant to Section IV(f).
- (5) Within forty-eight (48) hours of receiving a notice of violation, permittee shall contact the ROW Manager with a plan, acceptable to the ROW Manager, for its correction. Applicant's failure to so contact the ROW Manager, or the permittee's failure to submit an acceptable plan, or permittee's failure to reasonably implement the approved plan shall be cause for immediate issuance of a stop work order and issuance of a Municipal Offense Ticket (M.O.T.).
- (6) From time to time, the ROW Manager may establish a list of conditions of the permit that will automatically warrant the issuance of a Municipal Offense Ticket (M.O.T.) to the permittee.

SECTION VII. – INDEMNIFICATION AND LIABILITY.

(a) *The City does not accept liability.* By reason of the grant of a right-of-way permit, the City does not assume any liability:

- (1) For injuries to persons, damage to property, or loss of service claims by parties other than the applicant or the City; or
- (2) For claims or penalties of any sort resulting from the installation, presence, maintenance, or operation of facilities by permittees or activities of permittees.

(b) *Applicant or permittee indemnifies the City.* By accepting a permit, a permittee is required to, indemnify and hold the City whole and harmless from all costs, liabilities, and claims for damages of any kind arising out of the construction, presence, installation, maintenance, repair or operation of its facilities/site, or out of any activity undertaken in or near a right-of-way, whether any act or omission complained of is authorized, allowed, or prohibited by a right-of-way. It further agrees that it will not bring,

nor cause to be brought, any action, suit or other proceeding claiming damages, or seeking any other relief against the City for any claim nor for any award arising out of the presence, installation, maintenance or operation of its facilities/site, or any activity undertaken in or near a right-of-way, whether the act or omission complained of is authorized, allowed or prohibited by a permit. The foregoing does not indemnify the City for its own negligence. This section is not, as to third parties, a waiver of any defense or immunity otherwise available to the applicant or to the City; and the applicant, in defending any action on behalf of the City, shall be entitled to assert in any action every defense or immunity that the City could assert on its own behalf.

(c) *Exceptions.* The provisions of subsection (b) of this section shall not apply to a permittee that has, as effective date of this Ordinance, a valid franchise duly granted by the City, and said franchise requires the permittee to hold harmless the City for damages occasioned by the presence, operations or maintenance of the permittee's facilities/site. This exemption shall not apply where said franchise does not afford the City at least the level of protection stated in section (b) of this section, unless the permittee agrees to provide the same or greater level of protection to the City.

SECTION VIII. – PENALTY.

(a) Any person found guilty of violating any provision of this Ordinance shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), or by imprisonment for a period not exceeding six (6) months, or both, in the discretion of the Municipal Judge.

(b) This Ordinance shall also be subject to enforcement by the issuance of a summons and complaint pursuant to the provisions of Ordinance No. 1993-02, as the same may be from time to time amended.

SECTION IX. – NONEXCLUSIVITY.

The remedies provided in this Ordinance are not exclusive or in lieu of other rights and remedies that the City may have at law or in equity. The City is hereby authorized to seek legal and equitable relief for actual or threatened injury to the public right-of-way, including damages to the right-of-way, whether caused by a violation of any of the provisions of this chapter or other provisions of this Ordinance.

SECTION X. SEVERABILITY.

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 portion hereof.

SECTION XI. REPEALER

Sections I through and including IV of Ordinance 2017-22 are hereby repealed and replaced by this Ordinance. Any other Ordinance of parts of Ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

SECTION XII. EFFECTIVE DATE

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

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF DAPHNE,
ALABAMA, ON THE _____ DAY OF _____, 2019.**

Dane Haygood, Mayor

ATTEST:

Candace G. Antinarella, City Clerk

APPENDIX

A

SCHEDULE OF RIGHT-OF-WAY PERMIT FEES

Description	Permit Fee
Administration Fee	\$25.00 (all permits)
Aerial utility construction	\$0.50 per L.F.
Utility poles including guy and anchor	\$2.00 per pole
Longitudinal and transverse excavation for all new projects (paved areas)	\$3.00 per L.F. (minimum fee \$100.00)
Longitudinal and transverse excavation for all new projects (unpaved areas)	\$0.75 per L.F.
Longitudinal and transverse excavation for point repairs, service lines, storm drains, manholes, etc. (paved areas)	\$20.00 per square yard
Longitudinal and transverse excavation for point repairs, service lines, storm drains, manholes, etc. (unpaved areas)	\$6.00 per square yard
Excavation for utility construction, point repairs (unpaved areas)	
Directional boring and jacking operations, tunneling, retrofit or repair of existing utilities by bore, stitch boring, plowing, irrigation systems, etc.	\$0.40 per L.F. (minimum fee \$25.00)
Communication towers (new installation)	\$50.00 per tower
Terminal boxes, junction boxes, equipment cabinets, splice boxes, regulator stations, meters & valves in paved areas, vaults, utility pedestals	\$5.00 each
Sidewalk, driveway, curb, gutter, mitered-end sections (new construction, replacement, or repair):	(See below)
- 0 sq. yds. to 2 sq. yds.	\$10.00
- 2 sq. yds. to 25 sq. yds.	\$30.00
- 25 sq. yds. to 100 sq. yds.	\$50.00
- 100 sq. yds. to 200 sq. yds.	\$100.00
- 200 sq. yards. or greater	\$0.50 per SY
Steps, ramps (ADA compliant), etc.	\$50.00 per location
Monitoring wells	\$50.00 each
Temporary pedestrian walkway	\$50.00 per location
Balconies, canopies	\$10.00 per location
Utility markers with uncontrolled grass or weeds surrounding base	\$20.00 each per occurrence
Wireless Facility (Non-refundable application fee for up to 5 wireless facilities)	\$500.00
Non-refundable, additional application fee per each wireless facility over the 5 wireless facilities contained in the Wireless Facilities application	\$100.00 each
Annual recurring fee assessed to each Wireless Facility permittee	\$270.00 per year
Review fees associated with independent review of minor or major wireless and support structures permit applications by professional engineer.	Direct cost of the independent review will be passed along to the applicant.

Note: Applicants may be allowed, if determined by the department to obtain, in advance, an annual, quarterly, or semi-annual permit for minor projects outside roadway limits and some small projects that involve minimal excavation as defined by the ROW Manager. Permit fees shall be calculated based upon the actual work completed during the term and due for payment at the end of the term. Bi-weekly summary submittals will be required of blanket permit applicants covering the type and extents of work, locations, durations, etc. These summary submittals will be used to verify fees based on the actual work completed under that blanket permit. A twenty-five dollar (\$25.00) application fee plus all fees will be charged at the end of the permit term.

**** *Please note:* all fees are non-refundable****

OBSTRUCTION FEES.

The following conditions shall apply in determining obstruction fees:

- (1) The obstruction of commercial pedestrian walkways will be charged at the rate of five dollars (\$5.00) per calendar day for each twenty (20) linear feet of length.
- (2) The planned obstruction of any portion of a roadway for any reason will be charged at the rate of ten dollars (\$10.00) per calendar day for each twenty (20) linear feet of length.
- (3) Fees will not be charged for obstruction of less than eight (8) hours.

APPENDIX B

CONSTRUCTION STANDARDS FOR MISCELLANEOUS CONSTRUCTION, UTILITY EXCAVATION, AND RIGHT-OF-WAY AND PAVEMENT RESTORATION

The provisions contained herein are those which were in effect on the effective date of the City's ROW Ordinance, as amended. This document may be amended from time-to-time by the Department. For the current version of this document, please visit the Department's website at <http://www.daphneal.com/190/Public-Works> or call the City Clerk's Office at (251) 620-1000.

SECTION I. CONSTRUCTION PLAN SUBMITTAL REQUIREMENTS WITHIN PUBLIC RIGHT-OF WAYS AND EASEMENTS

A. *Major and Minor Projects.* Applicants for right-of-way permits shall submit the following for review and approval for major or minor project, as applicable:

1. Three (3) sets of construction plans and specifications, including the location of all topographic features within the right-of-way that will be affected or impacted by the proposed project;
2. Complete plan & profile sheets using GIS mapping technology indicating the horizontal and vertical location of all components of the proposed project and other related information including, but not limited to, pipe and manhole flow line elevations, type and size of pipe, the number and location of all utility markers other related structures left above grade, profile and other elevations necessary for roadway and right-of-way restoration, and the design details of the proposed construction and pavement and right-of-way restoration that will be required for gravity flow systems including sanitary sewer, storm drain, and related projects;
3. A plat prepared at a scale acceptable to the ROW Manager to indicate the plan view of the proposed project; location of the proposed project with respect to centerline, edge of roadway, and right-of-way; tie-in to nearest street subdivision lot corner or street intersection; components and type of material used for the project; and dimensions and depth of the proposed installation or excavation that will be required for non-gravity flow systems including water distribution systems, gas systems, communication, cable TV and electric power distribution systems, unless otherwise authorized by the ROW Manager;
4. An erosion control plan and best management practices (BMPs) complying with provisions of the City Storm Water Management Ordinance;
5. A safety plan to include methods to be used to protect the general public from injury, and including the proposed use of barricades, signs, lights, fencing and other barriers;
6. A traffic control plan complying with all of the provisions of the Federal Manual on Uniform Traffic Control Devices, current edition, if any impact on traffic movement is involved;
7. A landscape plan complying with the tree landscaping and protection ordinance; and
8. Complete as-built construction plans of the construction project shall be submitted to the ROW Manager after final inspection of the project. The as-built plans shall be submitted in hard copy medium as well as CAD files in DWG and/or DXF Format.

B. *Small projects.* The applicant will not be required to submit a construction plan or plat for small projects. However, a location sketch will be required for the approval of small projects (Type A). Any pavement or area in the right-of-way that is disturbed shall be restored in conformance with Section 18-24 of the City Code.

SECTION II. BOND REQUIREMENTS

A. *Construction bond.* The applicant shall be required to provide an irrevocable, unconditional letter of credit or bond to guarantee the proper construction and completion of right-of-

way restoration. The amount of the bond shall be based on the estimated cost of the right-of-way restoration provided by the permittee and approved by the ROW Manager. A construction bond will not be required for small projects if no paved area or right-of-way is disturbed by the project. The ROW Manager may waive the requirement for the construction bond for permittees who evidence financial ability to pay the cost of the repairs to City rights-of-way resulting from their permittee activity.

B. City Departments performing installation of facilities/sites, routine maintenance and repair, and other agencies working in the right-of-way that are not involved in the installation, repair and maintenance of utilities, are exempt from the requirements of section 2.

SECTION III. NOTIFICATION PROCEDURES FOR MAJOR AND MINOR PROJECTS

A. Except for emergencies, the following notification procedures will be followed for major & minor projects, prior to the commencement of any construction activities:

1. The one call line location center will be notified forty-eight (48) hours prior to any excavation. The location of all utilities shall be verified before commencing construction.
2. The ROW Manager shall be notified twenty-four (24) hours prior to commencing any construction activity involving major and minor projects within roadway limits.
3. The ROW Manager will be notified seventy-two (72) hours prior to the closure of any roadway or interruption in traffic flow.
4. A written notice will be distributed to each occupant of premises adjacent to the project site five (5) days prior to commencing construction activity relating to major projects.

SECTION IV. INSPECTION

A. City engineering personnel will conduct periodic inspections of utility construction, right-of-way and pavement restoration. The contractor will schedule a final inspection for major & minor projects when construction is complete.

SECTION V. TRENCH EXCAVATION AND GENERAL UNDERGROUND CONSTRUCTION REQUIREMENTS FOR MAJOR AND MINOR PROJECTS

A. *Excavation.*

1. Trench excavating methods (trench box, shoring, etc.) shall be used to keep the width of the trench to a minimum. Extra wide excavation to accommodate equipment will not be permitted. Sheeting, bracing, shoring, pre-fabricated steel trench boxes and other trench restraint system will be used to keep trench width to a minimum and to comply with OSHA regulations.
2. Hazardous materials. The applicant will comply with all federal, state and local laws, regarding hazardous material. For purposes of this section, hazardous material shall mean any material, substance or waste which, because of its quantity, concentration, or physical or chemical characteristics, is deemed to pose a present or potential hazard to human health, safety or to the environment.
3. Utility construction. The construction of utilities will be in conformance with the plans which constitute a part of the permit approval process.
4. Depth requirements for underground installation:
 - a) Within roadway limits. The minimum clear depth for open cut installation, and jacking, boring,, and pushing operations shall be thirty-six (36) inches, unless otherwise authorized or directed by the ROW Manager.
 - b) Outside roadway limits and driveways. The minimum clear depth for open cut installation and jacking, boring, and pushing operations shall be thirty (30) inches, unless otherwise authorized or directed by the ROW Manager.

5. Housekeeping and excavated material. The permittee shall keep the area surrounding the excavation clean (including trash, loose materials or other debris).
- B. *Backfill material.*
1. Backfill material for major projects will be select granular soil material approved by the geotechnical engineering company or the ROW Manager. Excavated material from the trench will not be used unless approved. Material excavated from utility poles, guy wire installation, replacing existing poles and routine pole inspections may be used for backfill.
 2. Backfill material for minor projects within the roadway shall be comprised of crushed stone material up to subgrade elevation, unless otherwise approved by the ROW Manager. Backfill material for other areas will be select granular soil material approved by a geotechnical engineering company or the ROW Manager.
 3. Installation of backfill material:
 - a) Backfilling of the excavated area shall follow closely behind the installation project.
 - b) The backfill material shall be compacted at near optimum moisture content, in layers not exceeding six (6) inches compacted thickness, to a density of not less than ninety-five (95) percent, unless otherwise approved by the geotechnical company. Mechanical tampers shall be used unless another method of compaction is approved. Jetting will not be permitted. The backfill material shall be installed uniformly and brought up evenly in layers for the full length of the trench.
 4. Geotechnical testing and compaction for major & minor projects.
 - a) Major projects. A geotechnical engineering company will perform compaction tests at intervals of no more than 200 feet along the main trench line. Tests will be conducted at the installation of service lines within these limits where directed by the ROW Manager. The geotechnical engineering company will perform tests at as many levels of backfill installation, and at lateral locations to certify that compaction requirements have been achieved. Documented test reports will be prepared and submitted to the ROW Manager before any right-of-way restoration proceeds.
 - b) Minor projects. Compaction tests may be requested for minor projects at specific locations.
 5. General public safety: Every effort will be taken by the contractor to protect the safety and welfare of the general public, and to insure compliance with the safety and traffic plans submitted with the permit application.
 6. Steel plates may be required by the ROW Manager, in congested or heavily traveled areas, to cover open trenches. Temporary patching will be required for any trench excavation in the roadway prior to opening the area to traffic. The ROW Manager may also require the temporary covering of any excavated area that will be left open overnight, if he so deems that not covering the excavated area will present a threat to public safety or health.
 7. For major projects a construction sign will be placed adjacent to the utility construction area where traffic flow is to be obstructed. The signs will be placed seventy-two (72) hours prior to construction, at least every five hundred (500) feet along the project. The name of the utility/company involved and phone numbers that may be contacted on a twenty-four hour basis to be shown on the sign(s).

SECTION VI. RIGHT-OF WAY RESTORATION WITHIN ROADWAYS

- A. All construction procedures and materials utilized will be in compliance with Alabama Department of Transportation Standard Specifications for Highway Construction, current edition. A

geotechnical engineering company will be retained by the utility/company or permittee, to conduct field testing to document and certify that all materials and compaction efforts are in compliance with Alabama Department of Transportation Standard Specifications for Highway Construction, latest edition and procedures specified in the City engineering department's design details for right-of-way restoration.

B. *Major projects.*

1. Asphalt road surface.

a) Base construction.

- 1) Granular soil, sandy clay base. The base course of the affected lanes shall be reconstructed full width.
- 2) Bituminous base, stone base. The base course of the affected lanes shall be patched with equivalent base material if the structural integrity of the roadway has not been affected by the project, as determined by the geotechnical engineering company. Otherwise, the affected lanes shall be reconstructed full width.

b) Wearing surface. The full width of the roadway surface shall be resurfaced within the limits of the project. Existing traffic striping and markings will be replaced.

2. Asphalt roadway surface overlay on existing concrete pavement.

a) Base construction. The existing concrete street may be patched with concrete, if the structural integrity of the roadway has not been affected by the project, as determined by the geotechnical engineering company. Otherwise, the affected panels of the existing concrete street shall be reconstructed.

b) Wearing surface. The full width of the roadway surface shall be resurfaced within the limits of the project. Existing traffic striping and markings will be replaced.

3. Concrete roadway surface.

a) Base construction. The base course of the affected lanes shall be reconstructed full width as determined by the geotechnical engineering company.

b) Concrete pavement. The entire roadway panel sections of the affected lanes shall be reconstructed. If the structural integrity of the roadway has been significantly affected by the project, the ROW Manager may require the entire concrete surface, within the project limits, be reconstructed full width. Existing traffic striping and markings will be replaced.

4. Unpaved roadway surface. The entire roadway shall be surfaced with six (6) inches of stone within project limits.

C. *Minor projects.*

1. Asphalt roadway surface sixteen (16 square) feet or greater. For transverse service lines and miscellaneous installation and repair projects within excavated areas sixteen (16) square feet or greater, the entire width of the lane disturbed will be resurfaced from a point measured ten (10) feet from the edge of the excavation each way longitudinally along the centerline of the roadway. If more than one (1) lane is disturbed, the entire width of the disturbed lanes will be resurfaced. If the replacement pavement is more than seventy (70) feet long or more than ten (10) percent of the roadway area within a block is affected, the entire roadway will be resurfaced within the block. Existing traffic striping and markings will be replaced (See Fig. B-1).

2. Asphalt roadway surface less than sixteen (16) square feet. For miscellaneous construction involving excavated areas less than sixteen (16) square feet, the area from the edge of the excavation extending one (1) foot outside the perimeter of the cut area will be resurfaced. If more than one (1) lane is disturbed, the entire width of the

disturbed lanes will be resurfaced. If the replacement pavement is more than seventy (70) feet long or more than ten (10) percent of the roadway area within a block is affected, the entire roadway will be resurfaced within the block. Existing traffic striping and markings will be replaced.

3. Concrete roadway surface. The entire affected roadway panel sections, including base course, will be reconstructed joint to joint. Existing traffic striping and markings will be replaced.
4. Unpaved roadway surface. The entire roadway width will be resurfaced with six (6) inches of stone from a point ten (10) feet measured longitudinally along the roadway from the center of the excavation each way.

D. *Jacking, boring, pushing, tunneling, retrofitting, and pipe lining projects*. Any pavement damage caused by these types of projects will be restored in conformance with provisions of this ordinance. Any existing pavement damage relating to the replacement, retrofitting, or lining of damaged utilities will be restored in conformance with this ordinance.

SECTION VII. RIGHT-OF-WAY AND EASEMENT RESTORATION OUTSIDE ROADWAY LIMITS

A. *Driveways*. Asphalt driveways affected by the construction project shall be replaced from the right-of-way line to the curb or edge of road. Concrete driveways affected by the construction project shall be replaced to the nearest control joint. Construction of asphalt and concrete driveways will comply with the Alabama Department of Transportation Standard Specifications for Highway Construction, current edition, sections 410 and 618, respectively.

B. *Concrete sidewalks*. Concrete sidewalks affected by the construction project shall be replaced to the nearest control joint in the affected construction area. Joints will be sawed unless at an expansion joint. Construction of sidewalks will comply with the Alabama Department of Transportation Standard Specifications for Highway Construction, current edition, section 618.

C. *Curb and gutter*. Concrete curb and gutter, affected by the construction project, will be replaced from joint to joint in the affected area. Concrete curb and gutter construction will comply with the Alabama Department of Transportation Standard Specifications for Highway Construction, current edition, section 623.

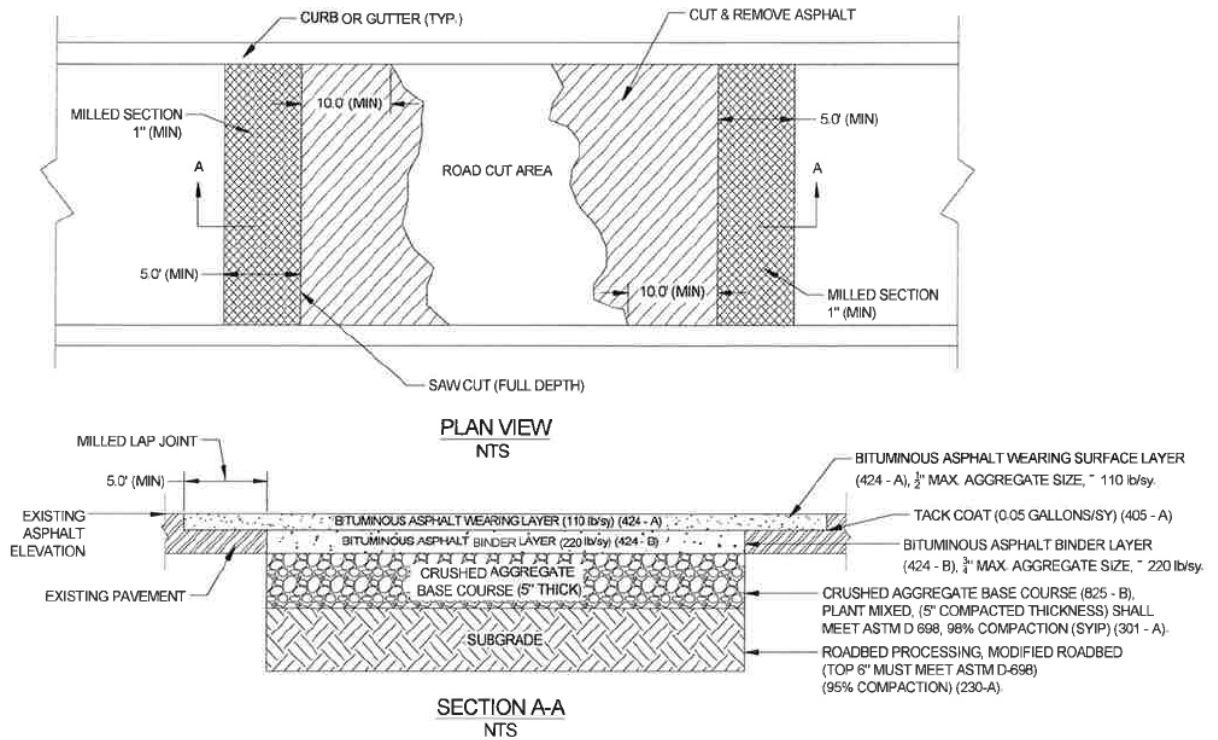
D. *Miscellaneous structures*. All walls, steps, and other miscellaneous structures, affected by the construction, will be replaced as required by the ROW Manager.

E. *Drainage systems and structures*. All disturbed drainage channels, structures, and pipe systems affected by the construction will be replaced as required by the ROW Manager.

F. *Unpaved areas*. All established lawn areas affected by the construction project will be replaced with similar landscaping materials which were existing prior to the project construction beginning, or upgraded at the discretion of the ROW Manager. Other areas will be restored with approved topsoil replacement, and or sodding or seeding.

Figure B-1

TYPICAL ASPHALT ROADWAY REPAIR



**CITY OF DAPHNE
ORDINANCE 2019-09**

**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 “2019-A”; and

WHEREAS, the Board of Directors of Daphne Utilities has approved the sale of the personal property described in Exhibit “2019-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 “2019-A”.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE,
ALABAMA on this _____ day of _____, 2019.**

Dane Haygood, Mayor

ATTEST:

Candace G. Antinarella, City Clerk

Description	Make / MFG	Model	Serial No. / Vin No.	License No.	Year Acquired / Age	Equip. I. D. No.	Dept.	Dept. No.	Employee Requesting Disposal	Comments
Computer/CPU (Qty 13)	Dell	Various					Admin	10	Drew Klumpp	Hard drive has been removed
Computer/CPU (Qty 2)	HP	Various					Admin	10	Drew Klumpp	Hard drive has been removed
Laptop (Qty 2)	Dell	Vostro	35765551153				Admin	10	Drew Klumpp	Hard drive has been removed
Laptop	HP	Pavilion	2CE8201ZZ0				Admin	10	Drew Klumpp	Hard drive has been removed
Laptop	Gateway	NV52	LXWC30200591B0C722200				Admin	10	Drew Klumpp	Hard drive has been removed
Keyboards (Quantity:19)	Various						Admin	10	Drew Klumpp	Box of mixed keyboards
Mouse (Quantity 12)	Various						Admin	10	Drew Klumpp	Box of mixed mice
Network Switch	Netgear		2F43215M001E1				Admin	10	Drew Klumpp	48 Port Switch
Network Switch	3Com		3CR1765291				Admin	10	Drew Klumpp	50 Port Switch
Network Switch	Trendnet		C216431600699				Admin	10	Drew Klumpp	16 Port Switch
Battery Backup (Qty 2)	APC	BE850G	4B0947P17185				Admin	10	Drew Klumpp	Battery has been removed
Battery Backup	Cyber Power	625VA	DACGU2001471				Admin	10	Drew Klumpp	
Scanner	Dymo	Cardscan 800c	10121500184				Admin	10	Drew Klumpp	
Scanner	Epson	DS-30	Q5EZ817126				Admin	10	Drew Klumpp	
Scanner	Fujitsu	SnapScan S1500	342533				Admin	10	Drew Klumpp	
Modem	US Robotics		4MBEX35F0703				Admin	10	Drew Klumpp	
Tablet	HP	Slate	Unknown				Admin	10	Drew Klumpp	Wont power up to get SN
Server/CPU	Dell	Power Edge T-410	29308926709				Admin	10	Drew Klumpp	Hard drive has been removed
Printer/MFP	HP	Photosmart 5510	CN190505FB4				Admin	10	Drew Klumpp	
Printer/MFP	HP	OfficeJet 6500	7.89355E+11				Admin	10	Drew Klumpp	
Adtran	TotalAccess	908E	4243908F5				Admin	10	Drew Klumpp	
Server/CPU	Dell	T-710	26724971197				Admin	10	Drew Klumpp	Hard drive has been removed
DVR	Honeywell						Admin	10	Drew Klumpp	
Monitor (Qty 6)	Dell		35290072514				Admin	10	Drew Klumpp	
Monitor (Qty 2)	HP		CNC437NVH5				Admin	10	Drew Klumpp	
Monitor	View Sonic		SF6114220069				Admin	10	Drew Klumpp	
Monitor	Samsung		04MHCLG400670E				Admin	10	Drew Klumpp	
Mic Cords and Cables							Admin	10	Drew Klumpp	1 box assorted cables
UHF Transmitter	Audiotechnica	ATW-T701					Admin	10	Drew Klumpp	
UHF Receiver	Audiotechnica	ATW-R700					Admin	10	Drew Klumpp	
Phone	Cysco Systems	7936 Conf Phone	0004F2E0ECF2 001D7E0B74F4, 0012177AEDEFC, MUJ00JA15837				Admin	10	Drew Klumpp	
Wireless Access Point (Qty 3)	Linksys						Admin	10	Drew Klumpp	

Description	Make / MFG	Model	Serial No. / Vin No.	License No.	Year Acquired / Age	Equip. I. D. No.	Dept.	Dept. No.	Employee Requesting Disposal	Comments
Phone	Zultys	2X2					Admin	10	Drew Klumpp	
Firewall Appliance	SonicWall	APL22-06F	00175B87C48				Admin	10	Drew Klumpp	
Battery Backup	TripLite	SM5199	19900129				Admin	10	Drew Klumpp	
Round Conference Table							Admin	10	Drew Klumpp	Brown Wooden Table
Desk w/ Side Return							Admin	10	Drew Klumpp	Brown Wooden Desk
Two Drawer File Cabinet							Admin	10	Drew Klumpp	Small Black Cabinet
Printer Stand- Two Level							Admin	10	Drew Klumpp	White Printer Stand
Framed Wall Art (Qty:4)							Admin	10	Drew Klumpp	Gold framed wall art
Wooden Chest							Admin	10	Drew Klumpp	Brown hinged chest
Artificial Tree							Admin	10	Drew Klumpp	5" Tree
Round Plate w/ Stand							Admin	10	Drew Klumpp	Office Deco.
Conference Chairs (Qty:4)							Admin	10	Drew Klumpp	Red chairs on casters
Executive Desk Chairs (Qty:3)							Admin	10	Drew Klumpp	
File Cabinet-Lateral-5 Drawer-Color: Putty							Admin	10	Teresa Logiotatos	
Cell Phones (Qty 30)							Admin	10	Earl Bolden	Out Dated
Backhoe	Caterpillar	436B	6MJ00259	N/A	1993	0-1033	Water Dist.	20	Martin Dale	
Ground Pounder Tamper	M-B-W	AR56/57	5700051	N/A	Unknown		Water Dist.	20	Martin Dale	Safety Issue
Water Pump	Unknown	3.5	Brigg and Stratton	N/A	Unknown	0-1040	Water Dist.	20	Martin Dale	
Printer/MFP	Ricoh	LD225	65200907				Water Qty	21	Larry English	At Trojan Plant
Mower-Zero Turn	Ferris	1000Z				0-1264	Water Quality	21	Larry English	
Motor-Electrical-High Thrust							Water Quality	21	Larry English	
Truck-Extended Cab	Ford	F150	1FTRX17W3YNC23148	8411	2000	0-1113	Gas	30	Willie Autry	Truck #1
Truck-CNG	Ford	F350	1FDKF37H8LNA53035	8639	1990	0-1115	Gas	30	Willie Autry	Truck #26 (67,387 Miles)
	New									
Backhoe	Holand	555E	31021063			0-1108	Gas	30	Willie Autry	
Lab-Line incubator			SN #1200-02			0-1152	WRF	40	Sharon Surra	
Refrigerated composite samplers	ISCO	3170					WRF	40	Sharon Surra	
Water Purifier	Barnstead	Infinity				0-1157	WRF	40	Sharon Surra	
Dissolved Oxygen Meter	YSI	58					WRF	40	Sharon Surra	
Low Temperature Incubator	Fisher						WRF	40	Sharon Surra	
Miscellaneous Lab Equipment							WRF	40	Sharon Surra	
Thermo Electron Corp Advanced ISE/pH/mV/ORP meters	920A+						WRF	40	Sharon Surra	
Pelouze Scale		Model Y5					WRF	40	Sharon Surra	
VueMix Lab Mixer	Fisher	VueMix				0-1154	WRF	40	Sharon Surra	
Thermo Electron Corp Ammonia Probe		9512					WRF	40	Sharon Surra	
Gra Lab Timer							WRF	40	Sharon Surra	
Scalar USB Microscope M2							WRF	40	Sharon Surra	

Description	Make / MFG	Model	Serial No. / Vin No.	License No.	Year Acquired / Age	Equip. I. D. No.	Dept.	Dept. No.	Employee Requesting Disposal	Comments
HACH DR 2000 Spectrophotometers with O/M Manual							WRF	40	Sharon Surra	
Millipore Corp Incubator	Millipore					0-1155	WRF	40	Sharon Surra	
HACH 2100N Turbidimeter With Manual, Standards and Sample Cells	HACH	2100N					WRF	40	Sharon Surra	
Scale	Sartorius	A200S				0-1165	WRF	40	Sharon Surra	
VAC Truck	GMC	VACTOR C6500		8653	2001	0-1201	Waste Water Collections	41	James McPherson	Truck #14
Truck-Pickup	Ford	F150	1FTRF12W34NC59393	A220	2004	0-1246	Meter	50	Percy Gulley	Truck #10-51
Truck-Pickup	Ford	F150	1FTRX12W27NA22105	B057	2007	0-1247	Meter	50	Percy Gulley	Truck #11-84
Tractor-35 Hp-With front end loader and rear attachment capabilities	New Holland	2120			1997	0-1261	Maint.	60	Antonio L. Winston Sr.	Tractor will start but will not move
Edger-Curved Shaft	Stihl	N/A			N/A		Maint.	60	Antonio L. Winston Sr.	Older model edger
Lights-High Bay High Pressure Sodium (14 EA)							Maint.	60	Antonio L. Winston Sr.	14 lights from previous Warehouse being stored in current Warehouse
Chairs-Conference Room Chairs (12 EA)	Norstar	N/A			2012		Maint.	60	Antonio L. Winston Sr.	Advocado Green
Chairs-Office-Chairs(Various Brands)(3 chairs)	N/A	N/A			2012		Maint.	60	Antonio L. Winston Sr.	2 Black, 1 Brown(Has damage;see picture)

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2019-10**

Repealing and Replacing Ordinance 2009-01 Flood Damage Prevention Ordinance

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THAT ORDINANCE 2009-01 IS HEREBY REPEALED AND REPLACED AS FOLLOWS:

ARTICLE 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

Section A. Statutory Authorization. The legislature of the State of Alabama has in Title 11, Chapter 19, Sections 1-24, Chapter 52, Sections 1-84, and Title 41, Chapter 9, Section 166 of the Code of Alabama, 1975, authorized local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Counsel of Daphne, Alabama, does ordain as follows:

Section B. Findings of Fact. The flood hazard areas of Daphne, Alabama are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare. These flood losses are caused by the occupancy in flood hazard areas of uses vulnerable to floods, which are inadequately elevated, flood proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

Section C. Statement of Purpose. It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood condition in specific areas by provisions designed to:

- (1) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (2) Restrict or prohibit uses which are dangerous to health safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion
- (3) Control filling, grading, dredging and other development which may increase flood damage or erosion, and ;
- (4) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands;
- (5) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.

Section D. Objectives. The objectives of this ordinance are:

- (1) To protect human life and health;
- (2) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (3) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas,
- (4) To minimize expenditure of public money for costly flood control projects;
- (5) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (6) To minimize prolonged business interruptions, and;
- (7) To insure that potential home buyers are notified that property is in a flood area.

ARTICLE 2. GENERAL PROVISIONS

Section A. Lands to which this Ordinance Applies. This ordinance shall apply to all Areas of Special Flood hazard within the jurisdiction of Daphne, Alabama.

Section B. Basis for Area of Special Flood Hazard. The Areas of Special Flood Hazard identified by the Federal Emergency Management Agency in its DFIRM and Flood Insurance Study (FIS), dated April 19, 2019, with accompanying maps and other supporting data and revision thereto, are adopted by reference and declared a part of this ordinance. For those land areas acquired by a municipality through annexation, the current effective FIS and data for Baldwin County are hereby adopted by reference. Areas of Special Flood Hazard may also include those areas known to have flooded historically or defined through standard engineering analysis by governmental agencies or private parties but not yet incorporated in a FIS.

Upon the issuance of a Letter of Final Determination (LFD) by FEMA, the revised flood hazard data shall be used and replace all previously effective flood hazard data provided by FEMA for the purposes of administering these regulations. Where adopted regulatory standards conflict, the more stringent base flood elevation shall prevail. Preliminary FIS data may be subject to change by a valid appeal.

Section C. Establishment of Development Permit. A development permit shall be required in conformance with the provisions of this ordinance PRIOR to the commencement of any development activities in identified areas of special flood hazard and community flood hazard areas within the community.

Section D. Compliance. No structure or land shall hereafter be located, extended, converted or altered without full compliance with the terms of this ordinance and other applicable regulations.

Section E. Abrogation and Greater Restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing ordinance, easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section F. Interpretation. In the interpretation and application of this ordinance, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

Section G. Warning and Disclaimer of Liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur; flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Daphne or by any officer or employee thereof for any flood damage that result from reliance on this ordinance or any administrative decision lawfully made there under.

Section H. Penalties for violation.

- (1) Notice of Violation. If the community determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, or the provisions of this ordinance, it shall issue a written notice of violation, by certified return receipt mail, to such applicant or other responsible person. Where the person is engaged in activity covered by this ordinance without having first secured a permit, the notice shall be served on the owner or the responsible person in charge of the activity being conducted on the site. The notice of violation shall contain:
 - (a) The name and address of the owner or the applicant or the responsible person;
 - (b) The address or other description of the site upon which the violation is occurring;
 - (c) A statement specifying the nature of the violation;
 - (d) A description of the remedial measures necessary to bring the action or inaction into compliance with the permit or this ordinance and the date for the completion of such remedial action;
 - (e) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed, and;

- (f) A statement that the determination of violation may be appealed to the community by filing a written notice of appeal within thirty days after the notice of violation (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24-hour notice shall be sufficient).
- (2) Additional Enforcement Actions. If the remedial measures described in the Notice of Violation have not been completed by the date set forth for such completion in the Notice of Violation, any one or more of the following enforcement actions may be enacted against the person to whom the Notice of Violation was directed. Before taking any of the following actions or imposing any of the following penalties, the City of Daphne shall first notify the applicant or other responsible person in writing of its intended action. The City of Daphne shall provide reasonable opportunity, of not less than ten days (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24-hour notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the City of Daphne may take or impose any one or more of the following enforcement actions or penalties:
- (a) Stop Work Order: The community may issue a stop work order, which shall be served on the applicant or other responsible person. The stop work order shall remain in effect -until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations.
 - (b) Termination of water service and/or withhold or revoke Certificate of Occupancy: The community may terminate utilities and/or refuse to issue and/or revoke a certificate of occupancy for the building or other improvements and/or repairs conducted or being conducted on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein.
 - (c) Suspension, revocation, or modifications of permit: The community may suspend, revoke, or modify the permit authorizing the development project. A suspended, revoked, or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit

may be reinstated (upon such conditions as the community may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

- (d) Civil penalties: Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than 30 days, or both, and in addition, shall pay all costs and expenses involved in the case: Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Daphne from taking such other lawful actions as is necessary to prevent or remedy any violation.
- (e) Section 1316 Declaration: Section 1316 of the National Flood Insurance Act authorizes FEMA to deny flood insurance to a property declared by the State, County, or Municipal government to be in violation of the local floodplain management ordinance. A Section 1316 declaration shall be used when all other legal means to remedy a violation have been exhausted and the structure is noncompliant. Once invoked, the property's flood insurance coverage will be terminated and no new or renewal policy can be issued; no flood insurance claim can be paid on any policy on the property, and disaster assistance will be denied.

The declaration must be in writing (letter or citation), from the community to the property owner and the applicable FEMA Regional Office, and must contain the following items:

- i. The name(s) of the property owner(s) and address or legal description of the property sufficient to confirm its identity and location;
- ii. A clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation or ordinance;
- iii. A clear statement that the public body making the declaration has authority to do so and a citation to that authority;
- iv. Evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and

- v. A clear statement that the declaration is being submitted pursuant to section 1316 of the National Flood Insurance Act of 1968, as amended.

If a structure that has received a Section 1316 declaration is made compliant with the community's floodplain management ordinance, then the Section 1316 declaration can be rescinded by the community and flood insurance eligibility restored.

- (3) Administrative appeal; judicial review. Any person receiving a Notice of Violation may appeal the determination of the community, including but not limited to the issuance of a stop work order, the assessment of an administratively-imposed monetary penalty, the suspension, revocation, modification, or grant with condition of a permit by the community upon finding that the holder is in violation of permit conditions, or that the holder is in violation of any applicable ordinance or any of the community's rules and regulations, or the issuance of a notice of bond forfeiture. The Notice of Appeal must be in writing and must be received within ten days from the date of the Notice of Violation. A hearing on the appeal shall take place within thirty days from the date of receipt of the Notice of Appeal by the Floodplain Administrator.
- (4) All appeals shall be heard and decided by the community's designated Appeal Board, which shall be the Board of Zoning Adjustments, or their designees. The Appeal Board shall have the power to affirm, modify, or reject the original penalty, including the right to increase or decrease the amount of any monetary penalty and the right to add or delete remedial actions required for correction of the violation and compliance with the community's flood damage prevention ordinance, and any other applicable local, state, or federal requirements. The decision of the Appeal Board shall be final.
- (5) A judicial review can be requested by any person aggrieved by a decision or order of the community, after exhausting his/her administrative remedies. They shall have the right to appeal de novo to the Baldwin County Circuit Court.

Section I. Savings Clause. If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason held to be noncompliant with 44 Code of Federal Regulation 59-78, such decision shall not affect the validity of the remaining portions of this ordinance.

ARTICLE 3. ADMINISTRATION

Section A. Designation of Floodplain administrator. The Mayor of the City of Daphne shall designate and appoint a Floodplain Administrator to administer and implement the provisions of this ordinance.

Section B. Permit Procedures. Applications for a Development Permit shall be made to the Floodplain Administrator on forms furnished by the community PRIOR to any development activities, and may include, but not be limited to the following: plans in duplicate drawn to scale showing the elevations of the area in question and the nature, location, dimensions of existing or proposed structures, fill placement, storage of materials or equipment, and drainage facilities.

Specifically, the following procedures and information are required for all projects in the Special Flood Hazard Areas within the jurisdiction of the City of Daphne:

- (1) Application Stage. Plot plans shall include:
 - (a) The Base Flood Elevation (BFE) where provided as set forth in Article 2, Section B; Article 4, Section C; or Article 5, Section D;
 - (b) Boundary of the Special Flood Hazard Area and floodway(s) as delineated on the FIRM or other flood map as determined in Article 2, Section B;
 - (c) Flood zone designation of the proposed development area as determined on the FIRM or other flood map as determined in Article 2, Section B;
 - (d) Elevation in relation to mean sea level (or highest adjacent grade) of the regulatory lowest floor level, including basement, of all proposed structures;
 - (e) Elevation in relation to mean sea level to which any non-residential structure will be flood proofed;
 - (f) Design certification from a registered professional engineer or architect that any proposed non-residential flood-proofed structure will meet the flood-proofing criteria of Article 4, Sections B(2) and E(2);
 - (g) A Foundation Plan, drawn to scale, that shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include, but are not limited to, the proposed method of elevation (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls) and description of any flood openings required in accordance with Article 4, Sections B(1), B(3), D(7), and E(1) when solid foundation perimeter walls are used.
 - (h) Usage details of any enclosed areas below the lowest floor shall be described.
 - (i) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.

- (j) Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development including current and proposed locations of the watercourse. An engineering report shall be provided on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream. The affected properties shall be depicted on a map or on the plot plan.
 - (k) Certification of the plot plan by a licensed professional engineer or surveyor in the State of Alabama is required.
- (2) Construction Stage. For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the regulatory floor elevation or flood proofing level using appropriate FEMA elevation or flood proofing certificate immediately after the lowest floor or flood-proofing is completed.
- (a) When flood-proofing is utilized for non-residential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.
 - (b) Any work undertake prior to submission of these certifications shall be at the permit holder's risk.
 - (c) The Floodplain Administrator shall review the above referenced certification data submitted. Deficiencies detected by such a review shall be corrected by the permit holder immediately and prior to further progressive work being allowed to proceed. Failure to submit certification or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.
 - (d) The Floodplain Administrator shall make periodic inspections of projects during construction throughout the Special Flood Hazard Areas within the jurisdiction of the community to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. Members of his or her inspections/engineering department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
 - (e) The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and

specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.

- (f) In any lot or lots/areas that will be or have been removed from the special flood hazard area utilizing a Letter of Map Revision Based on Fill (LOMR-F), the top of fill level must meet the community's freeboard elevation at that location. If the top of fill level is below the freeboard elevation, all new structures, additions to existing buildings or substantial improvement must meet the required community freeboard elevation.
- (3) Finished Construction. Upon completion of construction, a FEMA elevation certificate (FEMA Form 81-31), which depicts all finished construction elevations, is required to be submitted to the Floodplain Administrator prior to issuance of a Certificate of Occupancy.
- (a) If the project includes a floodproofing measure, a FEMA floodproofing certificate is required to be submitted by the permit holder to the Floodplain Administrator.
 - (b) The Floodplain Administrator shall review the certificate(s) data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance.
 - (c) In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.
 - (d) Documentation regarding completion and compliance with the requirements stated in the permit application and with Article 3, Section B(1) of this ordinance shall be provided to the local Floodplain Administrator at the completion of construction or records shall be maintained throughout the Construction Stage by inspectors for the Floodplain Administrator. Failure to provide the required documentation shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.
 - (e) All records that pertain to the administration of this ordinance shall be maintained and made available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.

Section C. Duties and responsibilities of the administrator. Duties of the Floodplain Administrator shall include, but shall not be limited to:

- (1) Review all development permits to assure that the permit requirements of this ordinance have been satisfied and that the site is reasonable safe from flooding.
- (2) Review copies of all necessary permits have been received from governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334. Maintain such permits permanently with floodplain development permit file.
- (3) When Base Flood Elevation data or floodway data have not been provided in accordance with Article 2, Section B, then the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from the federal, state or other sources in order to administer the provisions of Article 4.
- (4) Verify and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the regulatory floor level, including basement, of all new construction or substantially improved structures in accordance with Article 3, Section B (2).
- (5) Verify and record the actual elevation, in relation to mean sea level to which any new or substantially improved structures have been flood-proofed, in accordance with Article 4, Sections B (2) and D (2).
- (6) When flood-proofing is utilized for a structure, the Floodplain Administrator shall obtain certification of design criteria from a registered professional engineer or architect in accordance with Article 3, Section B (1) (c) and Article 4, Section B (2) or D (2).
- (7) Notify adjacent communities and The Alabama Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA), and the Alabama Department of Economic and Community of Affairs (ADECA) and the Office of Water Resources (OWR).
- (8) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA and ADECA/OWR to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure flood carrying capacity of any altered or relocated watercourse is maintained.
- (9) Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain

Administrator shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this ordinance.

(10) All records pertaining to the provision of this ordinance shall be maintained in the office of the Floodplain Administrator and shall be open for public inspection.

(11) In addition, the Floodplain Administrator and his or her designated staff is hereby authorized and directed to enforce the provisions of this ordinance. The Administrator is further authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose.

(12) Right of Entry

(a) Whenever necessary to make an inspection to enforce any of the provisions of this ordinance, or whenever the Administrator has reasonable cause to believe that there exists in any building or upon any premises any condition or ordinance violation which makes such building, structure or premises unsafe, dangerous or hazardous, the Administrator may enter such building, structure or premises at all reasonable times to inspect the same or perform any duty imposed upon the Administrator by this ordinance.

(b) If such building or premises are occupied, the Administrator shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such building or premises.

(c) If entry is refused, the Administrator shall have recourse to every remedy provided by law to secure entry.

(d) When the Administrator shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Administrator for the purpose of inspection and examination pursuant to this ordinance.

(13) Stop Work Orders

(a) Upon notice from the Administrator, work on any building, structure or premises that is being performed contrary to the provisions of this ordinance shall immediately cease.

- (b) Such notice shall be in writing and shall be given to the owner of the property, or to his or her agent, or to the person doing the work, and shall state the conditions under which work may be resumed.

(14) Revocation of Permits

- (a) The Administrator may revoke a permit or approval, issued under the provisions of this ordinance, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
- (b) The Administrator may revoke a permit upon determination that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this ordinance.

ARTICLE 4. PROVISIONS FOR FLOOD HAZARD REDUCTION

Section A. General Standards. In all areas of special flood hazard the following provisions are required:

- (1) Require copies of all necessary permits from governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. Maintain such permits be on file.
- (2) New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse and lateral movement of the structure;
- (3) New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage;
- (4) New construction and substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage;
 - (a) All subdivision proposals shall be consistent with the need to minimize flood damage;
 - (b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
 - (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (5) All heating and air conditioning equipment and components, all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

- (6) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State requirements for resisting wind forces.
- (7) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood water into the system;
- (8) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood water into the systems and discharges from the systems into flood water;
- (9) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding, and;
- (10) Any alteration, repair, reconstruction or improvement to a structure which is not compliant with the provisions of this ordinance, shall be undertaken only if the non-conformity is not furthered, extended or replaced.
- (11) Proposed new construction and substantial improvements that are partially located in an area of special flood hazard shall have the entire structure meet the standards for new construction.
- (12) Proposed new construction and substantial improvements that are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple base flood elevations shall have the entire structure meet the standards for the most hazardous flood hazard risk zone and the highest base flood elevation.

Section B. Specific Standards. In ALL Areas of Special Flood Hazard designated as A1-30, AE, AH, A (with estimated BFE), the following provisions are required;

- (1) Residential and Non-residential Structures. Where base flood elevation data are available, new construction or substantial improvement of any structure or manufactured home shall have the lowest floor, including the basement, elevated not lower than one foot above the base flood elevation. Should the solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article 4, Section A (4), “elevated Building”.
- (2) Non-Residential Structures. New construction or the substantial improvement of any non-residential structure located in A1-30, AE, or AH zones, may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to one (1) foot above the base flood elevation, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional

engineer or architect shall certify that the design and methods of construction are in accordance with accepted standard of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and in Article 3, Section C (6).

Dry floodproofing is allowed only where flood velocities are less than or equal to five feet per second. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. A Flood Emergency Operation Plan and an Inspection and Maintenance Plan must be provided by the design professional for the building. Such certification shall be provided to the Floodplain Administrator.

- (3) Enclosures for Elevated Buildings. All new construction and substantial improvements of existing structures that include ANY fully enclosed area below the base flood elevation, located below the lowest floor formed by the foundation and other exterior walls shall be designed so as to be an unfinished or flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of flood waters.
- (a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
- i. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding (if a structure has more than one enclosed area below the base flood elevation, each shall have openings on exterior walls);
 - ii. The bottom of all openings shall be no higher than one foot above grade; and
 - iii. Openings may be equipped with screens, louvers, valves and other coverings and devices provided they permit the automatic flow of floodwater in both directions.
- (b) So as not to violate the “Lowest Floor” criteria of this ordinance, the unfinished or flood resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area.
- (c) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms. All interior walls, ceilings and floors below the base flood elevation shall be unfinished and/or constructed of flood resistant materials.

- (d) Mechanical, electrical or plumbing devices shall not be installed below the Base Flood Elevation. The interior portion of such enclosed area(s) shall be void of utilities except for essential lighting and power as required.
- (4) Standards for manufactured homes and recreational vehicles. Where base flood elevation data are available:
- (a) All manufactured homes placed or substantially improved on:
 - i. Individual lots or parcels
 - ii. In new or substantially improved manufactured home parks or subdivisions
 - iii. In expansions to existing manufactured home parks or subdivisions,
 - iv. On a site in an existing manufactured home park or subdivision where a manufactured home has incurred substantial damages as the result of a flood, must have the lowest floor including basement elevated no lower than one foot above the base flood elevation.
 - (b) Manufactured homes placed or substantially improved in an existing manufactured home park or subdivision may be elevated so that either:
 - i. The lowest floor of the manufactured home is elevated no lower than one foot above the level of the base flood elevation, or
 - ii. The manufactured home chassis is elevated and supported by reinforced piers or other foundation elements of at least an equivalent strength of no less than 36 inches in height above grade.
 - iii. Where no Base Flood Elevation exists, the manufactured home chassis and supporting equipment is supported by reinforced piers or other foundation elements of at least equivalent strength and is elevated to a maximum of 60 inches (five feet) above grade.
 - (c) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. (refer to Article 4, Section A, above)
 - (d) All recreational vehicles placed on sites must either:
 - i. Be on the site for fewer than 180 consecutive days, fully licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions; or

- ii. The recreational vehicle must meet all the requirements for “New Construction”, including the anchoring and elevation requirements of Article 4 , Section B (3) (a) (c).
- (5) Require, until a regulatory floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the City of Daphne FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- (6) Accessory Structures (also referred to as appurtenant structures) – This provision generally applies to new and substantially improved accessory structures. When an accessory structure complies with all other provisions of this ordinance (including floodway encroachment), represents a minimal investment (less than \$1,000), and meets the requirements outlined below, these structures may be wet-floodproofed and do not have to be elevated or dry floodproofed.

Accessory structures include, but are not limited to, residential structures such as detached garages, storage sheds for garden tools or woodworking, gazebos, picnic pavilions, boathouses, small pole barns, and similar buildings. The following provisions apply to accessory structures built below the base flood elevation:
 - (a) A permit shall be required prior to construction or installation.
 - (b) Must be low value (less than \$1,000) and not be used for human habitation.
 - (c) Use must be restricted to parking of personal vehicles or limited storage (low-cost items that cannot be conveniently stored in the principal structure).
 - (d) Must be designed with an unfinished interior and constructed with flood damage-resistant materials below the BFE.
 - (e) Must be adequately anchored to prevent flotation, collapse, or lateral movement.
 - (f) Must have adequate flood openings as described in Article 4, Section A (5) and be designed to otherwise have low flood damage potential.
 - (g) Shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
 - (h) Any mechanical and other utility equipment in the structure must be elevated to or above the BFE or must be floodproofed.

- (i) Under limited circumstances communities may issue variances to permit construction of wet-floodproofed accessory structures. Communities should not grant variances to entire subdivisions for accessory structures, especially detached garages. Variances should only be reviewed and issued on an individual or case-by-case basis and be based on the unique characteristics of the site.

Section C. Floodways. Located within Areas of Special Flood Hazard established in Article 2, Section B, are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:

- (1) The community shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot at any point;
- (2) Encroachments are prohibited, including fill, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof.
- (3) A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional letter of map revision (CLOMR) and floodway revision, fulfills the requirements for such revisions as established under the provisions of § 65.12, and receives the approval of FEMA;
- (4) 44 CFR 60.3: “Require until a regulatory floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A and AE on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than on foot at any point within the City.”
- (5) ONLY if Article 4, Section C, provisions (1) through (3) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Article 4.

Section D. Building standard for streams without established base flood elevation and/or floodway (a-zones). Located within the Areas of Special Flood Hazard

established in Article 2, Section B, where streams exist but no base flood data have been provided (a-zones), the following provisions apply:

- (1) Base flood elevation data shall be provided for subdivision proposals and all other proposed development, including manufactured home parks and subdivisions, greater than fifty (50) lots or five (5) acres, whichever is the lesser.
- (2) All development in Zone A must meet the requirements of Article 4, Section A and Section B(1) through B(4).
- (3) When base flood elevation data or floodway data have not been provided in accordance with Article 2, Section B, then the Floodplain Administrator shall obtain, review and reasonably utilize any scientific or historic Base Flood Elevation and floodway data available from a Federal, State, or other source, in order to administer the provision of Article 4. ONLY if data are not available from these sources, then the following provisions shall apply:
 - a. No encroachments, including structures or fill material shall be located within an area equal to the width of the stream or twenty-five (25) feet, whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
 - b. In special flood hazard areas without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed areas (including basement) elevated no less than three (3) feet above the highest adjacent grade.
 - c. In the absence of a base flood elevation, a manufactured home must also meet the elevation requirements of Article 4, Section B(4)(b)(ii) in that the structure must be elevated to a maximum of 60 inches (5 feet).
 - d. Openings sufficient to facilitate automatic equalization of flood water hydrostatic forces on exterior walls shall be provided in accordance with standards of Article 4, Section B(3)(a). The Floodplain Administrator shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.
 - e. Fill within the area of special flood hazard shall result in no net loss of natural floodplain storage. The volume of loss of floodwater storage due to filling in the special flood hazard area shall be offset by providing an equal volume of flood storage by excavation or other compensatory measures at or adjacent to the development site. Any excavation or other measures taken for compensatory storage shall be properly designed to

provide protection against erosion or overgrowth of vegetation in order to preserve the storage volume. Proper maintenance measures shall also be undertaken to ensure the intended storage volume remains in perpetuity.

Section E. Standards for areas of shallow flooding (A-O Zones). Areas of Special Flood Hazard established in Article 2, Section B, may include designated “AO” shallow flooding areas. These areas have base flood depths of one to three feet (1’ to 3’) above ground, with no clearly defined channel. The following provisions apply:

- (1) All new construction and substantial improvements of residential and nonresidential structures shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM) plus one foot of freeboard. If no flood depth number is specified, the lowest floor, including the basement, shall be elevated at least three feet (3) above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article 4, Section B(3), “Elevated Buildings.” The Floodplain Administrator shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.
- (2) New construction or the substantial improvement of a non-residential structure may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood level plus two (2) feet, above highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and as required in Article 3 (B), 1 (C) and 3 (B) (2).
- (3) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

Section F. Coastal high hazard areas (V-Zones). Located within the areas of special flood hazard established in Article 2, Section B, are areas designated as Coastal High Hazard Areas (V-Zones). These areas have special flood hazards associated with wave action and storm surge; therefore, the following provisions shall apply, in addition to the standards of Article 4:

- (1) All new construction and substantial improvements of existing structures shall be located landward of the reach of the mean high tide;

- (2) All new construction and substantial improvements of existing structures shall be elevated on piles, columns, or shear walls parallel to the flow of water so that:
 - (a) The bottom of the lowest supporting horizontal structural member (excluding pilings or columns) is located no lower than one foot above the base flood elevation level. All space below the lowest supporting member shall remain free of obstruction.
 - (b) Open lattice work, break away walls, or decorative screening may be permitted for aesthetic purposes only and built in accordance with Article 4, Section H (5) below.
 - (c) All pile and column foundations and the structures attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the combined effects of wind and water loads acting simultaneously on ALL building components, both (non-structural and structural). Water loading values shall equal or exceed those of the base flood. Wind loading values shall be in accordance with the most current edition of the INTERNATIONAL BUILDING CODES.
- (3) All new construction and substantial improvements of existing structures shall be securely anchored on pilings, columns, or shear walls.
- (4) A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in full compliance with the provisions contained in Article 4 Sections H (2), (3), and (4) herein.
- (5) All space below the lowest horizontal supporting member must remain free of obstruction. Open lattice work or decorative screening may be permitted for aesthetic purposes. For all new construction and substantial improvements in VE Zones and Coastal AE Zones, the space below the lowest horizontal-supporting member must remain free of obstruction. As an alternative, the space may be constructed with non-supporting breakaway walls, open wood or vinyl latticework, or insect screening which must be designed to break away or collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. The following design specifications are required:
 - (a) No solid walls shall be allowed, and;
 - (b) Material shall consist of lattice or mesh screening only.
 - (c) If aesthetic lattice work or screening is utilized, any enclosed space shall not be used for human habitation, but shall be designed to be used only for

parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises.

- (d) For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Breakaway wall enclosures shall not exceed 299 square feet. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:
 - i. Breakaway wall collapse shall result from water load less than that which would occur during the base flood, and;
 - ii. The effects of wind and water loads acting simultaneously on all building components (structural and nonstructural) must be taken into account. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those requirements by state or local building codes.
 - iii. The lowest horizontal structural member should be oriented perpendicular to the expected wave crest.
- (6) Enclosures below elevated buildings shall be useable solely for storage, parking of vehicles, or building access. Such space will not be used for human habitation and not finished or partitioned into separate rooms.
- (7) Prior to construction, plans for any structure using lattice, breakaway walls, or Decorative screening must be submitted to the Floodplain Administrator for approval;
- (8) Any alteration, repair, reconstruction or improvement to any structure shall not enclose the space below the lowest floor except with lattice work or decorative screening, as provided in this Section.
- (9) Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in VE Zones and Coastal AE Zones. The Floodplain Administrator shall maintain a record of all such information.
- (10) There shall be no fill material used as structural support. Non-compacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out from storm surge, (thereby rendering the building free of obstruction) prior to generating excessive loading forces, ramping effects, or wave deflection. The Floodplain Administrator shall approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an

engineer, architect, and/or soil scientist, which demonstrates that the following factors have been fully considered:

- (a) Particle composition of fill material does not have a tendency for excessive natural compaction;
 - (b) Volume and distribution of fill will not cause wave deflection to adjacent properties; and
 - (c) Slope of fill will not cause wave run-up or ramping.
- (11) Under the buildings or structures, no fill may be used except for minor site grading for drainage purposes. Nonstructural fill may be used on coastal building sites for minor landscaping and site grading for drainage purposes to the extent that the fill does not interfere with the free passage of floodwaters and debris underneath the building or cause changes in flow direction during coastal storms. Changes to site grades, other than those prescribed, must be avoided as they can cause additional damage to buildings on the site or to adjacent buildings.
- Fill placed in coastal zones should be similar (compatible) to the natural soils in the area and not contain large rocks or debris, organic materials, or clay. Minor site grading is to be limited to the addition of one to two feet of coastal zone compatible soils. If additional fill (greater than two feet) or non-compatible soils are to be added to the site, certification by a professional engineer or architect shall be submitted along with design calculations demonstrating that no adverse impacts will result to the building. (For guidance, see FEMA Technical Bulletin #5 “Free of Obstruction Requirements”).
- (12) Prohibit man-made alteration of sand dunes or mangrove stands which would increase which would increase potential flood damage.
- (13) Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured homes park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and elevation standards of Article 4, Section B (4) are met.
- (14) Permit recreational vehicles in VE Zones and Coastal AE Zones if they meet all of the requirements of Article 4, Section B (4) (d).

Section G. Standards for Subdivisions.

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage.

- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (3) All subdivisions proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (4) Base flood elevation data shall be provided for subdivision proposals and all other proposed development, including manufactured home parks and subdivisions, greater than fifty (50) lots or five (5) acres, whichever is less.
- (5) All preliminary plans for platted subdivisions shall identify the flood hazard area and the elevation of the base flood.
- (6) All final subdivision plats will provide the boundary of the special flood hazard area, the floodway boundary, and the base flood elevations.
- (7) In platted subdivisions, all proposed lots or parcels that will be future building sites shall have a minimum buildable area outside the natural (non-filled) 1% chance annual floodplain. The buildable area shall be, at a minimum, large enough to accommodate any primary structure and associated structures such as sheds, barns, swimming pools, detached garages, on-site sewage disposal systems, and water supply wells, where applicable.

Section H. Critical Facilities. Construction of new and substantially improved critical facilities shall be located outside the limits of the special flood hazard area (one percent annual chance floodplain). Construction of new critical facilities shall be permissible within the SFHA only if no feasible alternative site is available and access to the facilities remains available during a 0.2 percent chance flood.

- (1) Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above the base flood elevation at the site (or to the 0.2 percent chance flood elevation whichever is greater).
- (2) Floodproofing and sealing measures must be implemented to ensure that any and all on-site toxic substances will not be displaced by or released into floodwaters.
- (3) Multiple access routes, elevated to or above the 0.2 percent flood elevation, shall be provided to all critical facilities to the maximum extent possible.
- (4) Critical facilities must be protected to or above the 0.2 percent chance flood and must remain operable during such an event.
 - a. The community's flood response plan must list facilities considered critical in a flood.
 - b. Other facilities in low risk flood zones that may also be needed to support flood response efforts must be included on the critical facility list.

- (5) The use of any structure shall not be changed to a critical facility, where such a change in use will render the new critical facility out of conformance with this section.

ARTICLE 5. VARIANCE PROCEDURES

Section A. Designation of Variance and Appeals Board. The Board of Zoning Adjustments as established by the City Council shall hear and decide requests for appeals or variance from the requirements of this ordinance.

Section B. Duties of Board. The Board of Zoning Adjustments shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this ordinance. Any person aggrieved by the decision of the Board of Zoning Adjustments may appeal such decision to the Baldwin County Circuit Court, as provided in Code of Alabama 1975.

Section C. Variance Procedures. In reviewing requests for variance, the Board of Zoning Adjustments shall consider all technical evaluations, relevant factors, and standards specified in other sections of this ordinance, and:

- (1) Variance may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of the Article are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.
- (2) Variances shall not be issued within any designated floodway if ANY increase in flood levels during the base flood discharge would result.
- (3) In reviewing such request, the Board of Zoning Adjustments shall consider all technical evaluation, relevant factors, and all standards specified in this and other sections of this ordinance.
- (4) The evaluation must be based on the characteristics unique to that property and not be shared by adjacent parcels. The characteristics must pertain to the land itself, not to the structure, its inhabitants, or its owners.
- (5) Variances should never be granted for multiple lots, phases of subdivisions, or entire subdivisions.
- (6) The danger of life and property due to flooding or erosion damage including materials that may be swept onto other lands to the injury of others.
- (7) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner and the community.
- (8) The safety of access to the property during flood conditions for daily traffic and emergency vehicles.

- (9) The importance of the services provided by the proposed facility to the community.
- (10) The necessity of the facility to be at a waterfront location, where applicable.
- (11) The compatibility of the proposed use with existing and anticipated development based on the community's comprehensive plan for that area.
- (12) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
- (13) The costs associated with providing governmental services to the development during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and community infrastructure such as streets, bridges, and culverts.

Upon consideration of factors listed above, and the purpose of this ordinance, the Board of Zoning Adjustments may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

Section D. Variances for Historic Structures. Variances may be issued for the repair or rehabilitation of Historic Structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum to preserve the historic character and design of the structure.

Section E. Conditions for Variances. The provisions of this Ordinance are minimum standards for flood loss reductions, therefore any deviation from the standards must be weighed carefully. Variances shall only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

- (1) A variance may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the procedures of Sections E(3), E(4), F(1) and F(2) of this Article.
- (2) In the instance of a Historic Structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.
- (3) A Variance shall be issued ONLY when there is:
 - a. A finding of good and sufficient cause,
 - b. A determination that failure to grant the variance would result in exceptional hardship, and;
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public

expense, create nuisance cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

- (4) A variance shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (5) Variances shall not be issued “after the fact.”

Section F. Variance Notification AND Records.

- (1) Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that specifies the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the issuance of such a variance could:
 - a. result in rate increases in the hundreds and possibly thousands of dollars annually depending on structure and site-specific conditions; and
 - b. increase the risk to life and property resulting from construction below the base flood level.
- (2) The Floodplain Administrator shall maintain a record of all variance actions and appeal actions, including justification for their issuance. Report any variances to the Federal Emergency Management Agency Region 4 and the Alabama Department of Economic and Community Affairs/Office of Water Resources upon request.
- (3) A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the City Clerk and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

ARTICLE 6 DEFINITIONS

For the purpose of this ordinance the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, the words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word “shall” is always mandatory and not merely derivative.

A Zone means the Area of Special Flood Hazard without base flood elevations determined.

Accessory Structure means a structure which is located on the same parcel of property as a principal structure to be insured and the use of which is incidental to the use of the principal structure. They should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. These structures are used solely for parking (two-car detached garages or smaller) or limited storage (small, low cost storage sheds). They are included under the general definition of structure and are consequently

subject to all floodplain management regulations pertaining to structures. “*Appurtenant structure*” shall have the same meaning as accessory structure.

Addition (to an existing building) means any improvement that increases the square footage of a structure. These include lateral additions added to the front, side, or rear of a structure, vertical additions added on top of a structure, and enclosures added underneath a structure. NFIP regulations for new construction apply to any addition that is considered a perimeter expansion or enclosure beneath a structure. If it is considered to be a substantial improvement (more than 50% of market value) to a structure, the existing structure will also need to be treated as new construction. Depending on the flood zone and details of the project, the existing building may not have to be elevated. The determining factors are the common wall and what improvements are made to the existing structure. If the common wall is demolished as part of the project, then the entire structure must be elevated. If only a doorway is knocked through it and only minimal finishing is done, then only the addition has to be elevated.

AE Zone means the Area of Special Flood Hazard with base flood elevations determined.

AH Zone means an area of one percent chance of shallow flooding where depths are between one to three feet (usually shallow ponding), with base flood elevations shown.

AO Zone means an area of one percent chance of shallow flooding where depths are between one to three feet (usually sheet flow on sloping terrain), with depth numbers shown.

Appeal means a request for a review of the Building Official’s interpretation of any provision of this ordinance

AR/AE, AR/AH, AR/AO, and AR/A Zones means a flood zone that results from the decertification of a previously accredited flood protection system or levee that is in the process of being restored to provide a one percent chance or greater level of flood protection. After restoration is complete, these areas will still experience residual flooding from other flooding sources.

A99 Zone means that part of the special flood hazard area inundated by the one percent annual chance flood to be protected from the one percent chance flood by a Federal flood protection system or levee under construction, no base flood elevations are determined.

Area of shallow flooding means a designated AO or AH Zone on a community’s Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does not exist where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of special flood hazard is the land the floodplain within a community subject to one percent or greater chance of flooding in any given year. In the absence of official designation by the Federal Emergency Management Agency, Areas of Special Flood Hazard shall be those designated by the local community and referenced in Article 2, Section B.

Base flood means the flood having one (1) percent chance of being equaled or exceeded in any given year.

Base flood elevation means the computed elevation to which floodwater is anticipated to rise during the base flood. It is also the elevation of surface water resulting from a flood that has a 1% chance of equaling or exceeding that level in any given year. Base Flood Elevations are shown in the FIS and on the Flood Insurance Rate Map (FIRM) for zones AE, AH, A1–A30, AR, AR/A, AR/AE, AR/A1–A30, AR/AH, AR/AO, V1–V30 and VE.

Basement means that portion of a building having its floor sub-grade (below ground level) on all sides.

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or the supporting foundation system.

Building means any structure built for support, shelter or enclosure for any occupancy or storage. (See *Structure*)

Building (also see *Structure*) means (1) A structure with 2 or more outside rigid walls and a fully secured roof, that is affixed to a permanent site; or (2) a manufactured home (a “manufactured home,” also known as a mobile home, is a structure built on a permanent chassis, transported to its site in 1 or more sections, and affixed to a permanent foundation); or (3) a travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community’s floodplain management and building ordinances or laws.

Coastal High Hazard Area means the area subject to high velocity waters caused by, but not limited to, hurricane wave wash. The area is designated on a FIRM as Zone V1-30, VE or V.

Community means a political entity and/or its authorized agents or representatives that have the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

Community Rating System (CRS) means a program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

Critical facility (aka, *critical action*) means facilities for which the effects of even a slight chance of flooding would be too great. The minimum floodplain of concern for critical facilities is the 0.2 percent chance flood level. Critical facilities include, but are not limited to facilities critical to the health and safety of the public such as: emergency operations centers, designated public shelters, schools, nursing homes, hospitals, police, fire and emergency response installations, vital data storage centers, power generation and water and other utilities (including related infrastructure such as principal points of utility systems) and installations

which produce, use or store hazardous materials or hazardous waste (as defined under the Clean Water Act and other Federal statutes and regulations).

D Zone means an area in which the flood hazard is undetermined.

Dam means any artificial barrier, including appurtenant works, constructed to impound or divert water, waste water, liquid borne materials, or solids that may flow if saturated. All structures necessary to maintain the water level in an impoundment or to divert a stream from its course will be considered a dam.

Development means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, and storage of equipment or material.

Dry Floodproofing means any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damages to real estate or improved real estate property, water, and sanitary facilities, structures, and their contents. Structures shall be floodproofed with a minimum of 12 inches above the base flood elevation (more is recommended). Dry floodproofing of a pre-FIRM residential structure that has not been substantially damaged or improved is allowed. Dry floodproofing of a post-FIRM residential building is not allowed. Non-residential structures may be dry floodproofed in all flood zones with the exception of the Coastal High Hazard Area or the Coastal AE Zone.

Elevated Building means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground by means of solid foundation perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

Elevation Certificate means a FEMA form used as a certified statement that verifies a building's elevation information.

Encroachment means the advance or infringement of uses, plant growth, fill, excavation, buildings, structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Existing Construction – Any structure for which the start of construction commenced before February 21, 1975 (i.e., the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP)).

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured home are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before February 21, 1975 (i.e., the effective date of the FIRST floodplain management regulations adopted by a community).

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

Flood or *Flooding* means a general and temporary condition partial or complete inundation of normally dry land areas from:

- (a) The overflow of inland or tidal waters; or
- (b) The unusual and rapid accumulation or runoff of surface waters from any source.
- (c) Mudslides which are proximately caused by flooding as described in part “b.” of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- (d) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually highwater level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in part “a.” of this definition.

Flood Hazard Boundary Map (FHBM) means an official map of the community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been designated a Zone A.

Flood Insurance Rate Map (FIRM) means an official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

Flood Insurance Study means the official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

Floodplain means any land area susceptible to flooding.

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain management regulations means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term

describes federal, state, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

Floodproofing means any combination of structural and nonstructural additions, changes or adjustments to structures, which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitation facilities or structures with their contents.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. “*Regulatory Floodway*” shall have the same meaning.

Floodway fringe means that area of the special flood hazard area on either side of the regulatory floodway.

Flood Protection Elevation means the base flood elevation plus the community freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations or base flood elevations determined and/or approved by the floodplain administrator plus freeboard.

Functionally dependent facility means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

Hardship (as related to variances of this ordinance) means the exceptional difficulty that would result from a failure to grant the requested variance. The Board of Zoning Adjustments requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one’s neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

Highest adjacent grade means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

Historic Structure means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance for a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - (i) By an approved state program as determined by the Secretary of the Interior, or
 - (ii) Directly by the Secretary of the Interior in states without approved programs.

Letter of Map Change (LOMC) is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMC's are broken down into the following categories:

- (a) Letter of Map Amendment (LOMA): an amendment based on technical data showing that a property was incorrectly included in a designated SFHA, was not elevated by fill (only by a natural grade elevation), and will not be inundated by the one percent chance flood. A LOMA amends the current effective FIRM and establishes that a specific property is not located in a SFHA.
- (b) Letter of Map Revision (LOMR): a revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the BFE and is, therefore, excluded from the SFHA.
- (c) Conditional Letter of Map Revision (CLOMR): a formal review and comment by FEMA as to whether a proposed project complies with the minimum NFIP floodplain management criteria. A CLOMR does not revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

Lowest adjacent grade means the point of the ground level immediately next to a building. This may be the sidewalk, patio, deck support, or basement entryway immediately next to the structure after the completion of construction. It does not include earth that is placed for aesthetic or landscape reasons around a foundation wall. It does include natural ground or properly compacted fill that comprises a component of a building's foundation system.

Levee means a man-made structure; usually an earthen embankment designed and constructed, in accordance with sound engineering practices to contain, control, or diverts the flow of water so as to provide protection from temporary flooding.

Levee System means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest Floor means the lowest floor of the lowest enclosed area (including Basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in areas other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provision of this code.

Manufactured Home means a building, transportable in one or more sections built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term includes park trailer, travel trailers and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Market value means the property value (as agreed between a willing buyer and seller), excluding the value of land as established by what the local real estate market will bear. Market value can be established by independent certified appraisal; replacement cost depreciated by age of building (Actual Cash Value); or adjusted assessed values.

Mean Sea Level means the average height of the sea for all stages of the tide. It is used as a reference for the base flood elevations shown on a community's Flood Insurance Rate Map (FIRM). For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum.

National Geodetic Vertical Datum (NGVD) as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

New Construction means ANY structure (see definition) for which the "start of construction" commenced after February 21, 1975 and includes any subsequent improvements to the structure.(i.e., the effective date of the FIRST floodplain management ordinance adopted by the community as a basis for community participation in the (NFIP)) and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is

completed on or after February 21, 1975 (i.e., the effective date of the first floodplain management regulations adopted by a community).

Non-Residential means, but is not limited to; small business concerns, churches, schools, farm buildings (including grain bins and silos), pool houses, clubhouses, recreational buildings, mercantile structures, agricultural and industrial structures, warehouses, and hotels and motels with normal room rentals for less than 6 months duration.

North American Vertical Datum (NAVD) of 1988 means a vertical control, corrected in 1988, used as a reference for establishing varying elevations within the floodplain.

Obstruction means, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channel construction, bridge, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

One Percent Flood (aka *100-Year Flood*) is the flood that has a one percent chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A or V is subject to inundation by the one percent chance flood. Over the life of a 30-year loan, there is a 26-percent chance of experiencing such a flood within the SFHA.

Participating Community is any community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

Post-FIRM Construction means new construction and substantial improvements for which start of construction occurred after December 31, 1974, or on or after the effective date of the initial FIRM of the community, whichever is later.

Pre-FIRM Construction means new construction and substantial improvements for which start of construction occurred on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

Probation means an action taken by FEMA to formally notify participating communities of the first of the two NFIP sanctions due to their failure to correct violations and deficiencies in the administration and enforcement of the local floodplain management regulations.

Public safety and nuisance means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Recreational vehicle means a vehicle which is:

- (a) Licensed and titled as a recreational vehicle or park model;

- (b) Built on a single chassis;
- (c) 400 square feet or less when measured at the largest horizontal projection;
- (d) Has no attached deck, porch, or shed;
- (e) Has quick-disconnect sewage, water, and electrical connectors;
- (f) Designed to be self-propelled or permanently towable by a light duty truck; and
- (g) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regular Program means the second phase of the community's participation in the NFIP in which second layer coverage is available based upon risk premium rates only after FEMA has completed a flood risk study for the community.

Remedy a violation means to bring the structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

Repetitive Loss means flood related damages sustained by a structure on two separate occasions during a 10 year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

Repetitive Loss Property means any insurable structure for which two or more claims of more than \$1,000 were paid by the National Flood Insurance Program (NFIP) within any rolling 10-year period, since 1978. At least two of the claims must be more than ten days apart but, within ten years of each other. A repetitive loss property may or may not be currently insured by the NFIP.

Section 1316 means no new flood insurance policy or federal disaster assistance shall be provided for any property which the Administrator finds has been declared by a duly constituted State or local zoning authority or other authorized public body, to be in violation of State or local laws, regulations or ordinances which are intended to discourage or otherwise restrict land development or occupancy in floodprone areas. If the structure is made compliant with the applicable community's floodplain management ordinance, then the Section 1316 declaration can be rescinded by the community and flood insurance and disaster assistance eligibility restored.

Severe Repetitive Loss Structure means any insured property that has met at least one of the following paid flood loss criteria since 1978, regardless of ownership:

- (a) Four or more separate claim payments of more than \$5,000 each (including building and contents payments); or
- (b) Two or more separate claim payments (building payments only) where the total of the payments exceeds the current market value of the property.

In either case, two of the claim payments must have occurred within ten years of each other. Multiple losses at the same location within ten days of each other are counted as one loss, with the payment amounts added together.

Special flood hazard area (SFHA) means that portion of the floodplain subject to inundation by the base flood and/or flood-related erosion hazards as shown on a FHBM or FIRM as Zones A, AE, AH, AO, AR, AR/AE, AR/AO, AR/AH, AR/A, A99, or VE.

Sand Dunes means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Start of construction means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footing, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. (Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers or foundation or the erection of temporary forms; note does it include the installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure. (NOTE: accessory structures are NOT exempt from any ordinance requirements) For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.

Substantial Damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average equals or exceeds 25 percent of the market value of the structure before the damages occurred.

Substantial Improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value

of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “repetitive Loss” or “substantial damage”, regardless of the actual repair work performed. The market value of the building should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred “substantial damage”, regardless of the actual amount of repair work performed.

For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either: (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or; (2) any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

Substantially improved existing manufactured home parks or subdivisions is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Variance is a grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance.

Violation means the failure of a structure or other development to be fully compliant with the community’s flood plain management regulation. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in the Code of Federal Regulations (CFR, 44, Sec 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(4), or (e)(5) and corresponding parts of this ordinance is presumed to be in violation until such time as that documentation is provided.

Watercourse means any flowing body of water including a river, creek, stream, or a branch.

Water surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Wet floodproofing means a method of construction which allows water to enter a structure in such a way that will minimize damage to the structure and its contents. Wet floodproofing is appropriate for functionally dependent use and uses that facilitate open space use by variance only, structures utilized for parking or limited storage, or when all other techniques are not technically feasible. Wet floodproofing shall not be utilized as a method to

satisfy the requirements of this ordinance for bringing substantially damaged or improved structures into compliance. Wet floodproofing is not allowed in lieu of complying with the lowest floor elevation requirements for new residential buildings.

X Zones (shaded) are areas of 0.2 percent chance flood that are outside of the SFHA subject to the one percent chance flood with average depths of less than one foot, or with contributing drainage area less than one square mile, and areas protected by certified levees from the base flood.

X Zones (unshaded) are areas determined to be outside the 0.2 percent chance floodplain.

Zone means a geographical area shown on a Flood Hazard Boundary Map or a Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

ARTICLE 7. SEVERABILITY.

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 portion hereof.

ARTICLE 8. REPEALER

Ordinance 2009-01 is hereby repealed and replaced by this Ordinance. Any other Ordinance of parts of Ordinances conflicting with the provisions of this Ordinance is hereby repealed insofar as they conflict. This Repealer shall not, however, effect, terminate, or preclude any rights, duties, requirements or terms which arose or existed while said Ordinance was in effect, all of which are specifically preserved.

ARTICLE 9. EFFECTIVE DATE

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

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF DAPHNE,
ALABAMA, ON THE _____ DAY OF _____, 2019.**

Dane Haygood, Mayor

ATTEST:

Candace G. Antinarella, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2019-11**

**Ordinance to Re-Zone Property Located
Southwest of Whispering Pines Road and Pollard Road
Cynthia Pierce**

WHEREAS, Cynthia Pierce, as the owner of certain real property located within the City of Daphne, has requested that said property that is currently zoned as R-1, Low Density Single-Family Residential District, be re-zoned as R-6(G), Garden or Patio Home District; and

WHEREAS, said real property is located at the Southwest of Whispering Pines Road and Pollard Road, and more particularly described as follows:

Legal Description of Property to be Re-Zoned to R-6(G), Garden or Patio Home District:

A PORTION OF LOT 8, THE ESTATE OF LOUIS H. HOULSEN AS RECORDED IN MISCELLANEOUS BOOK 41 PAGE 212 IN THE OFFICE OF THE JUDGE OF PROBATE BALDWIN COUNTY, ALABAMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LYING IN SECTION 17, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA: BEGINNING AT THE SOUTHEAST CORNER OF LOT 8, THE ESTATE OF LOUIS H. HOULSEN AS RECORDED IN MISCELLANEOUS BOOK 41 PAGE 212 IN THE OFFICE OF THE JUDGE OF PROBATE BALDWIN COUNTY, ALABAMA, BEING A CAPPED REBAR IRON FOUND; THENCE RUN N89°41'27"W, 299.93 FEET TO A RAILROAD SPIKE FOUND; THENCE RUN N0°02'52"W, 129.69 FEET TO A CAPPED REBAR IRON SET; THENCE RUN S89°41'27"E, 300.00 FEET TO A CRIMPED TOP PIPE FOUND ON THE WEST LINE OF POLLARD ROAD (80' RIGHT-OF-WAY), THENCE RUN S0°00'55"E ALONG SAID LINE, 129.92 THE THE POINT OF BEGINNING. CONTAINING 0.89 ACRES ±.

WHEREAS, at the regular Planning Commission meeting on December 20, 2018, the Commission considered said request and set forth a favorable recommendation; and,

WHEREAS, due notice of said proposed re-zoning has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, and a public hearing was held before the City Council on February 18, 2019; and,

WHEREAS, the City Council of the City of Daphne, after due consideration and upon consideration of the recommendation and notes of the Planning Commission, deemed that said application for re-zoning of the above described real property is proper and in the best interest of the health, safety, and welfare of the citizens of the City of Daphne, Alabama; and

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

SECTION I: ZONING

The above described real property is hereby re-zoned from R-1, Low Density Single-Family Residential District, be re-zoned as R-6(G), Garden or Patio Home District, and the zoning ordinance and zoning map shall be amended to reflect the said zoning change.

SECTION II: REPEALER.

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

SECTION III: SEVERABILITY.

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

SECTION IV: EFFECTIVE DATE AND REVERSION.

This Ordinance shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne and after publication as required by law. This zoning classification is subject to a two (2) year reversionary clause. Two years from the date this Ordinance is enacted, if the site development has not started for the purpose listed herein, the zoning shall be null and void and the property shall revert to the prior zoning district. Refer to Section 22-2, Reversionary Clause, of the Daphne Land Use and Development Ordinance.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ day of _____, 2019.

Dane Haygood, Mayor

ATTEST:

Candace G. Antinarella, City Clerk

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

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

WHEREAS, T H Tanglewood 2018, LLC, as the owner of certain real property located within the City of Daphne, has requested that said property that is currently zoned as R-1, Low Density Single-Family Residential District, be re-zoned as R-2, Medium Density Single Family Residential District; and

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

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

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

WHEREAS, at the regular Planning Commission meeting on December 20, 2018, the Commission considered said request and set forth a favorable recommendation; and,

WHEREAS, due notice of said proposed re-zoning has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, and a public hearing was held before the City Council on February 18, 2019; and,

WHEREAS, the City Council of the City of Daphne, after due consideration and upon consideration of the recommendation and notes of the Planning Commission, deemed that said application for re-zoning of the above described real property is proper and in the best interest of the health, safety, and welfare of the citizens of the City of Daphne, Alabama; and

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

SECTION I: ZONING

The above described real property is hereby re-zoned from R-1, Low Density Single-Family Residential District, be re-zoned as R-2, Medium Density Single Family Residential District, and the zoning ordinance and zoning map shall be amended to reflect the said zoning change.

SECTION II: REPEALER.

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

SECTION III: SEVERABILITY.

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

SECTION IV: EFFECTIVE DATE AND REVERSION.

This Ordinance shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne and after publication as required by law. This zoning classification is subject to a two (2) year reversionary clause. Two years from the date this Ordinance is enacted, if the site development has not started for the purpose listed herein, the zoning shall be null and void and the property shall revert to the prior zoning district. Refer to Section 22-2, Reversionary Clause, of the Daphne Land Use and Development Ordinance.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ day of _____, 2019.

Dane Haygood, Mayor

ATTEST:

Candace G. Antinarella, City Clerk