

STATE OF ALABAMA
COUNTY OF BALDWIN

ORDINANCE 1025



AN ORDINANCE OF THE CITY COUNCIL OF BAY MINETTE, REGARDING
Case No. Z-23003, Pre-Zoning of the Baldwin Ventures, LLC Property Proposed for Annexation,
AS AUTHORIZED PURSUANT TO SECTION 11-52-1 THROUGH 11-52-85, CODE OF ALABAMA (1975).

WHEREAS, the City of Bay Minette (the "City"), pursuant to Section 104(18) of the Alabama Constitution 1901, has resolved to request the Legislature of Alabama for Legislative Annexation of the properties located on the East side of State Highway 59, approximately .75 miles South of Holly Hills Municipal Golf Course containing approximately 413.39± acres by Resolution 1122-10 on November 21, 2022; and

WHEREAS, said annexation, known as SB4, was Introduced January 26, 2023 and passed the Senate House on March 19, 2023; and

WHEREAS, the City Council recognizes specific authority in Section 11-52-85 of the *Code of Alabama* (1975) to pre-zone territory proposed for annexation; and

WHEREAS, the City of Bay Minette wishes to pre-zone certain property proposed for annexation, herein identified as the properties located on the East side of State Highway 59, approximately .75 miles South of Holly Hills Municipal Golf Course containing approximately 413.39± acres, identified herein and described as follows:

Begin at the Northeast corner of Section 21, Township 3 South, Range 3 East, Baldwin County, Alabama; thence go South 01 degrees 40 minutes 31 seconds West along the East line of said Section 21, a distance of 3,980.61 feet to the Southeast Corner of the Northeast Quarter of the Southeast Quarter of the aforesaid Section 21; thence departing said East line of Section 21 go North 87 degrees 39 minutes 11 seconds West along the North line of the South One Half of the South One Half of said Section 21, a distance of 3,832.87 feet; thence departing said North line go North 01 degrees 32 minutes 45 seconds East a distance of 535.00 feet; thence go North 87 degrees 39 minutes 11 seconds West a distance of 1,355.92 feet to the Easterly Right-of-Way of U.S. Highway No. 31 (right-of-way width varies); thence run along a curve to the left, having a radius of 1,472.39 feet for an arc length of 822.10 feet, (Delta = 31 degrees 59 minutes 26 seconds, Chord Distance = 811.46 feet, Chord Bearing = North 28 degrees 53 minutes 07 seconds East) to a point of tangency; thence go North 12 degrees 53 minutes 24 seconds East a distance of 980.14 feet; thence go North 12 degrees 53 minutes 24 seconds East a distance of 457.97 feet to a point on the aforesaid Easterly Right-of-Way line of U.S. Highway No. 31; thence go along said Right-of-Way line North 12 degrees 53 minutes 24 seconds East a distance of 849.55 feet; thence run along a curve to the right, having a radius of 1,392.69 feet for an arc length of 504.47 feet, (Delta angle = 20 degrees 45 minutes 15 seconds, Chord Distance = 501.72 feet, Chord Bearing = North 23 degrees 16 minutes 01 seconds East), to a point on the North line of the aforesaid Section 21; thence departing said Right-of-Way line go South 87 degrees 40 minutes 10 seconds East along said North line of Section 21 a distance of 4,189.23 feet to the Point of Beginning. The above-described parcel of land located in Section 21, Township 3 South, Range 3 East, Baldwin County, Alabama and containing 413.39 acres.

Otherwise known as the following tax parcel numbers:

- 05-28-05-21-0-000-009.001
- 05-28-05-21-0-000-002.001
- 05-28-05-21-0-000-002.000
- 05-28-05-21-0-000-009.000
- 05-28-05-21-0-000-001.000

as found in the office of the Revenue Commissioner of Baldwin County, Alabama; and

WHEREAS, the City of Bay Minette wishes that the properties herein identified be pre-zoned to the R-3, Higher Density Single Family Residential District (316.8± acres), R-4, High Density Multi-Family Residential District (50.2± acres) and to the B-2 General Business District (46.4± acres). Said pre-zoning designations further identified as set forth on a map of the property attached hereto and made a part of this Ordinance as Exhibit "A"; and as described in the document attached hereto and made a part of this Ordinance as Exhibit "B"; and

WHEREAS, the Planning Commission of the City of Bay Minette held a public hearing in a regular meeting on April 13, 2023, and voted to recommend to the City Council approval of the pre-zoning request to the R-3, Higher Density Single Family Residential District (316.8± acres), R-4, High Density Multi-Family Residential District (50.2± acres) and to the B-2 General Business District (46.4± acres); and

WHEREAS, due notice of said proposed pre-zoning has been provided to the public as required by and in accordance with Section 11-45-8 of the *Code of Alabama (1975)*, upon 15 or more days' notice of the time, place and purpose of the public hearing, and the City Council held a public hearing on May 1, 2023; and

WHEREAS, the City Council of Bay Minette after due consideration and upon consideration of the recommendation and notes of the Planning Commission, deemed that said application for pre-zoning of the above described real property and as set forth in Exhibit "A" and Exhibit "B" is proper and in the best interest of the health, safety, and welfare of the citizens of the City of Bay Minette, Alabama;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BAY MINETTE, ALABAMA, IN REGULAR MEETING ASSEMBLED, AS FOLLOWS:

SECTION I: ZONING.

That above-described real property is hereby pre-zoned to the R-3, Higher Density Single Family Residential District (316.8± acres), R-4, High Density Multi-Family Residential District (50.2± acres) and to the B-2 General Business District (46.4± acres). Upon annexation of the property prior to the expiration of the pre-zoning as set forth in Section IV, the property shall be assigned the zoning districts in accordance with the pre-zoning and the zoning ordinance and zoning map shall be amended to reflect said zoning. Should annexation not occur prior to the expiration of this pre-zoning as set forth in Section IV, this pre-zoning shall have no effect and the designation of a zoning district for the property shall be set forth in the annexation ordinance.

Until such time as the property is annexed into the City of Bay Minette, the property shall remain in the unincorporated area of Baldwin County and zoned in accordance with the Baldwin County Commission's zoning plan. The County's zoning for the property at the time the request for pre-zoning was initiated was Unzoned, Baldwin County District 7.

SECTION II: REPEALER.

Any ordinance or resolution heretofore adopted by the Council which conflicts with this Ordinance is hereby repealed to the extent of such conflict.

SECTION III: SEVERABILITY.

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

SECTION IV: EFFECTIVE DATE.

This Ordinance shall be in full force and effect upon its adoption by the City Council of the City of Bay Minette and publication as required by law. Pursuant to *Code of Alabama (1975)* Section 11-52-85, the zoning of the subject property shall become effective upon the date the territory is annexed into the corporate limits, or the date the zoning process is completed, whichever is later. If any portion of the subject property is not annexed into the corporate limits within 180 days of the initiation of annexation proceedings as provided by law, this pre-zoning shall be null and void.

FURTHER, BE IT RESOLVED AND ORDAINED, BY THE CITY COUNCIL OF BAY MINETTE, ALABAMA IN REGULAR MEETING ASSEMBLED, in the interest of public health, safety and welfare of the general public,

determined that **Ordinance 1025**, Case Z-23003, Pre-Zoning of the Baldwin Ventures, LLC Property Proposed for Annexation , is hereby **ADOPTED AND IMPLEMENTED**.

Done this the 15th day of **May, 2023**.



Robert A. Wills, Mayor
City of Bay Minette, Alabama

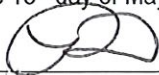
ATTEST:



Rita Diedrich, City Clerk

I, the undersigned qualified and acting Clerk of the City of Bay Minette, Alabama, do hereby certify that the above and foregoing is a true copy of an Ordinance lawfully passed and adopted by the Bay Minette City Council, at a regular meeting of such council, held on the 15th day of May, 2023 and that said Ordinance is on file in the office of the Bay Minette City Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Bay Minette, on this the 15th day of May, 2023.



Rita Diedrich
City Clerk



Ordinance 1025 Exhibit A
Z-23003, Baldwin Ventures, LLC Property
Pre-Zoning of Proposed Legislative Annexation Property
to R-3, Higher Density Single Family; R-4, High Density
Multi-Family and B-2, General Business District



- Centerlines
- BC Revenue Parcels
- Baldwin Ventures, LLC Property
- Proposed R-3 Single Family
- Proposed R-4 Multi-Family
- Proposed B-2 Commercial
- Spanish Fort
- Bay Minette Zoning**
- R-A Rural Residential and Agricultural Zone District
- R-1 Low Density Single Family Residential District
- R-2 Medium Density Single Family Residential District
- R-3 Higher Density Single-Family Residential District
- R-4 High Density Multi-Family Residential District
- R-5 Manufactured/Mobile Home Residential District
- B-1 Local Business District
- B-2 General Business District
- B-2 General Business District (Historical District)
- M-1 Light Industrial District
- M-2 General Industrial District
- PUD Planned Unit Development

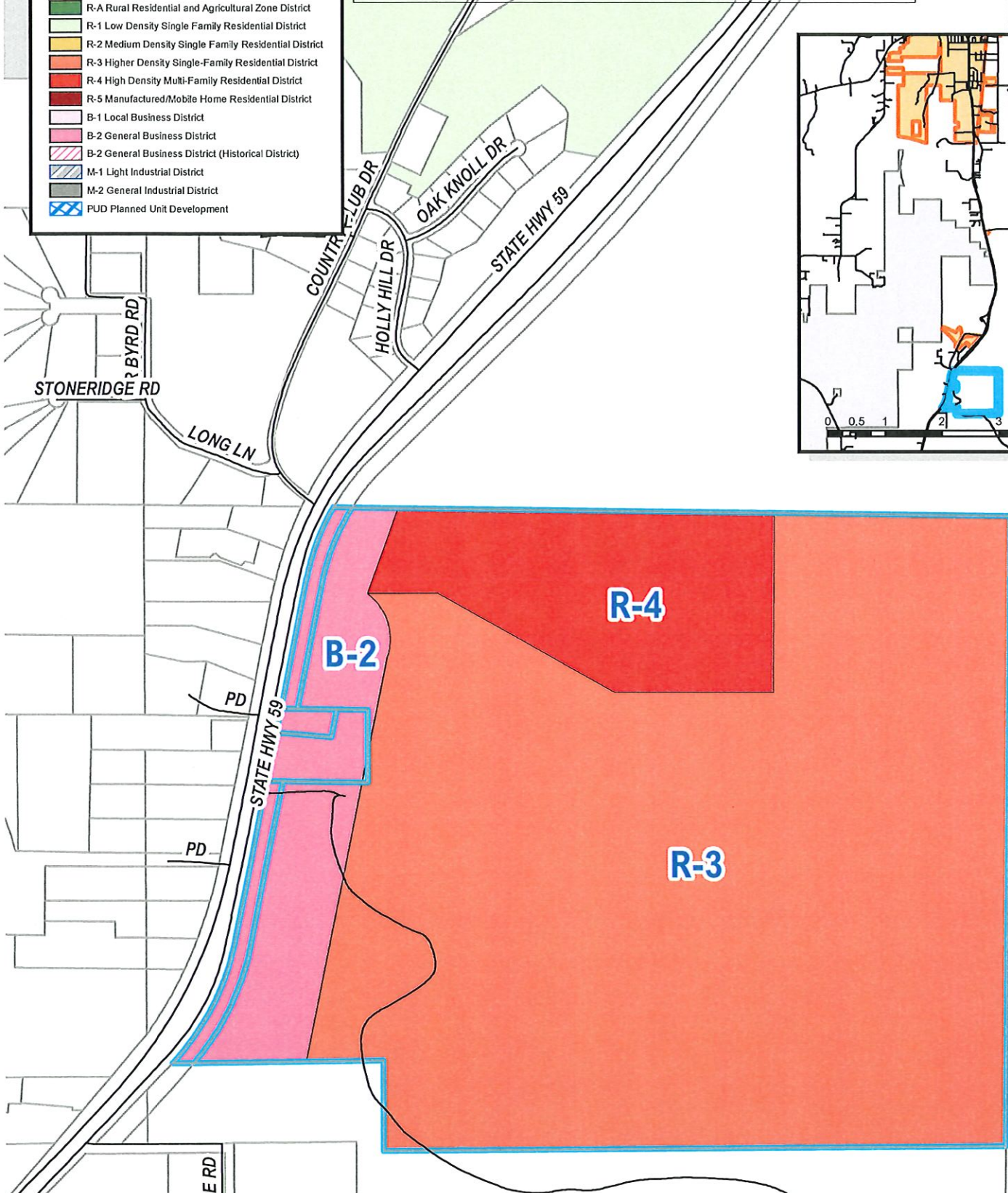
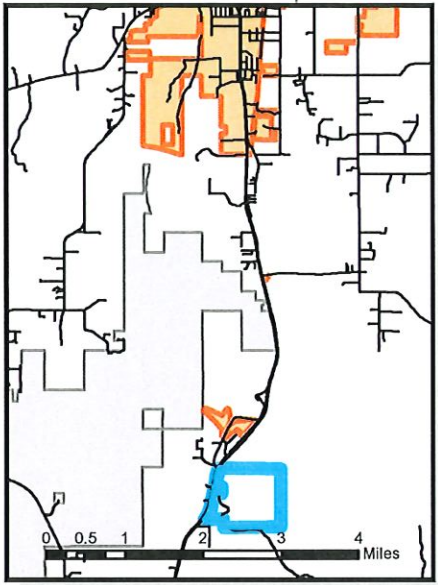


EXHIBIT "B"
FOR ORDINANCE 1025

LEGAL DESCRIPTIONS FOR PROPOSED PRE-ZONING DESIGNATIONS

R-3, Higher Density Single Family Residential Zoning District

Begin at the Northeast corner of Section 21, Township 3 South, Range 3 East, Baldwin County, Alabama; thence run South 01 degree 40 minutes 31 seconds West, along the East line of said Section 21, a distance of 3,980.61 feet to the Southeast corner of the Northeast Quarter of the Southeast Quarter of the afore said Section 21; thence departing said East line of Section 21, run North 87 degrees 39 minutes 11 seconds West, along the North line of the South one half of the South one half of said Section 21, a distance of 3,832.87 feet; thence departing said North line run North 01 degree 32 minutes 45 seconds East, a distance of 535.00 feet; thence run North 87 degrees 39 minutes 11 seconds West, a distance of 531.00 feet, more or less; thence run Northeasterly 2,582 feet, more or less; thence run along a curve to the left, having a radius of 350 feet, an arc distance of 444.12 feet, (chord bears North 17 degrees 02 minutes 22 seconds West, chord distance 141.92 feet), more or less; thence run East 437 feet, more or less; thence run Southeasterly 1,279 feet, more or less; thence run East 995 feet, more or less; thence run North 1,111 feet, more or less; to the North line of said Section 21; thence run South 87 degrees 40 minutes 10 seconds East 1,483 feet, more or less; to the Point of Beginning.

R-4, High Density Multi-Family Residential Zoning District

Commence at the Northeast corner of Section 21, Township 3 South, Range 3 East, Baldwin County, Alabama; thence run North 87 degrees 40 minutes 10 seconds West, along the North line of said Section 21, a distance of 1,483 feet, more or less, to the Point of Beginning; thence continue North 87 degrees 40 minutes 10 seconds West, along the North line of said Section 21, a distance of 2,321 feet, more or less; thence run Southwesterly, 544 feet, more or less; thence run East, 437 feet, more or less; thence run Southeasterly 1,279 feet, more or less; thence run East, 995 feet, more or less; thence run North 1,111 feet, more or less to the Point of Beginning.

B-2, General Business Zoning District

Commence at the Northeast Corner Of Section 21, Township 3 South, Range 3 East, Baldwin County, Alabama; thence run North 87 degrees 40 minutes 10 seconds West, along the North line of said Section 21, a distance of 3,804 feet, more or less, to the point of beginning; thence run Southwesterly, 544 feet, more or less; thence run along a curve to the right, having a radius of 350 feet, an arc distance of 444.12 feet, (chord bears South 17 degrees 02 minutes 22 seconds East, chord distance 141.92 feet); thence run Southwesterly 2,582 feet, more or less; thence run North 87 degrees 39 minutes 11 seconds West, a distance of 824 feet, more or less to the Easterly right-of-way of U.S. Highway No. 31 (right-of-way width varies), thence run along a curve to the left, having a radius of 1,472.39 feet for an arc length of 822.10 feet, (delta = 31 degrees 59 minutes 26 seconds, chord distance = 811.46 feet, chord bearing = North 28 degrees 53 minutes 07 seconds East); thence run North 12 degrees 53 minutes 24 seconds East, a distance of 980.14 feet; thence run North 12 degrees 53 minutes 24 seconds East, a distance of 457.97 feet to a point on the aforesaid Easterly right-of-way line of U.S. Highway No. 31; thence run along said right-of-way line North 12 degrees 53 minutes 24 seconds East, a distance of 849.55 feet; thence run along a curve to the right, having a radius of 1,392.69 feet for an arc length of 504.47 feet, (delta angle = 20 degrees 45 minutes 15 seconds, chord distance = 501.72 feet, chord bearing = North 23 degrees 16 minutes 01 East), to a point on the North line of the aforesaid Section 21; thence departing said right-of-way line run South 87 degrees 40 minutes 10 seconds East, along said North line of Section 21, a distance of 382 feet, more or less, to the Point of Beginning.