STATE OF ALABAMA COUNTY OF BALDWIN 2113741

BALDWIN COUNTY, ALABAMA HARRY D'OLIVE, JR. PROBATE JUDGE Filed/cert. 03/21/2024 02:15 PM TOTAL \$43.00 11 Pages

## **ORDINANCE 1044**

AN ORDINANCE OF THE CITY COUNCIL OF BAY MINETTE, REGARDING

Case No. Z-24001, PUD Zoning of the Baldwin Ventures, LLC Property proposed as the Old Towne Commons

Planned Unit Development,

AS AUTHORIZED PURSUANT TO SECTION 11-52-1 THROUGH 11-52-85, CODE OF ALABAMA (1975).

WHEREAS, Baldwin Ventures, LLC has petitioned the City of Bay Minette to rezone certain property located within the municipal limits located on the East side of State Highway 59, approximately .75 miles South of Holly Hills Municipal Golf Course, said property 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-ofway 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. Said property further identified as set forth on a map of the property attached hereto and made a part of this Ordinance as Exhibit "A"; and

WHEREAS, the petitioner has requested that property herein identified be rezoned from R-3, Higher Density Single Family Residential District, R-4, High Density Multi-Family Residential District and B-2 General Business District to the Planned Unit Development (PUD) zoning district; and

WHEREAS, the Planning Commission of the City of Bay Minette held a public hearing in a regular meeting on February 8, 2024, and voted to recommend to the City Council approval of the rezoning request from R-3, Higher Density Single Family Residential District, R-4, High Density Multi-Family Residential District and B-2 General Business District to the Planned Unit Development (PUD) zoning district for the Old Towne Commons PUD; and

WHEREAS, the Planning Commission's rezoning recommendation included that the Old Towne Commons PUD shall be developed in accordance with specified developmental regulations attached hereto and made a part of this Ordinance as Exhibit "B" and the Old Towne Commons PUD shall be developed in accordance with the specified Site Plan attached hereto and made a part of this Ordinance as Exhibit "C;" and

WHEREAS, due notice of said proposed rezoning 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 March 4, 2024; 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 rezoning of the above described real property and as set forth in Exhibit "A", and including developmental regulations as set forth in Exhibit "B" and referenced Site Plan as set forth in Exhibit "C," 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 rezoned from R-3, Higher Density Single Family Residential District, R-4, High Density Multi-Family Residential District and B-2 General Business District to the Planned Unit Development (PUD) zoning district pursuant to and in accordance with the Exhibit "B" Developmental Regulations and Exhibit "C" Site Plan attached hereto and incorporated herein. Upon adoption and publication as required by law, the properties shall be assigned the zoning district in accordance with the rezoning; and the zoning ordinance and zoning map shall be amended to reflect said zoning.

### SECTION II: REPEALER.

Any ordinance or resolution heretofore adopted by the Council which is in conflict 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.

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 1044, Case Z-24001, PUD Zoning of the Baldwin Ventures, LLC Property proposed as the Old Towne Commons Planned Unit Development, is hereby ADOPTED AND IMPLEMENTED.

Done this the 18th day of March, 2024.

Robert A. Wills, Mayor

City of Bay Minette, Alabama

ATTEST:

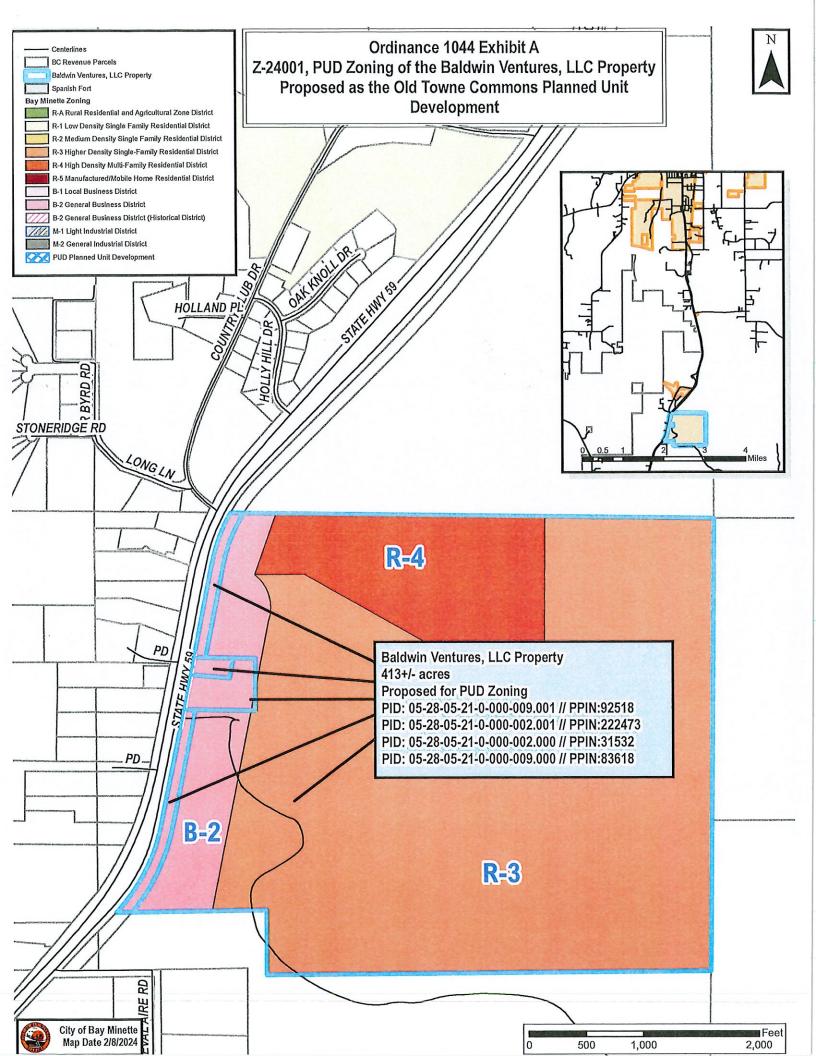
Rita Diedtrich, City Clerk

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 18th day of March, 2024 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 18th day of March, 2024.

Rita Diedtrich City Clerk





## Ordinance 1044 - EXHIBIT "B" With Revisions from the February 8, 2024 Planning Commission Meeting Old Towne Commons

**PUD Narrative & Development Regulations** 

2/8/2024

Pre-application Meeting: September 21, 2023, October 26, 2023, November 9, 2023, January 25, 2024

Planning Commission Public Hearing: February 8, 2024

### **Attendees**

Mayor Bob Wills
Planning Director: Clair Dorough
Bay Minette Planning Commission Members and Staff
Dewberry Engineers: Cathy Barnette
Developer: Baldwin Ventures, LLC / Gary Capuano

### **OBJECTIVES**

The proposed Old Towne Commons is a 413.4-acre project legislatively annexed into Bay Minette per Act 2023-145 and signed by the Governor on May 10, 2023. In advance of this act, the City of Bay Minette pre-zoned the project by Ordinance 1025 with the bulk of the property designated R-3, R-4 in the Northwest corner and B-2 along US Highway 31. (See referenced exhibits).

The construction of the new Novelis facility located in North Baldwin County provides a need for workforce housing. It is the goal of Old Towne Commons to provide a quality development that suits the character of the City of Bay Minette with new homeowners becoming contributing members of the community. We expect this development to appeal to a variety of homebuyers, which helps create a dynamic development. The intent of the PUD is to protect the rights and entitlements specified in the PUD from the effects of subsequent local legislation. It is also intended to protect the property from the effects of changing policies and procedures of local government agencies which may conflict with any term or provision of the PUD or in any way hinder, restrict, or prevent the development of the project. The PUD will provide a reasonable certainty as to the lawful requirements that must be met in protecting vested property rights, while maintaining the authority and duty of government to enforce laws and regulations which promote the public health, safety, and general welfare of the citizens of Bay Minette. It is also intended to provide important protection to the natural environment, long term financial stability and a viable tax base to the City of Bay Minette. As the agreement is and will be tied to the property, such agreements shall be transferable to any subsequent purchaser of the Property.

The project is to be a phased construction with projected build out to be 7-10 years. Reflected phasing within Master plan is subject to market conditions and deviations will not be considered a substantive deviation to the plan.

### **ENVIRONMENTAL PROTECTION**

Wetland protection and stormwater management are always significant concerns. Stormwater will be designed and compliant with best engineering practices and all requirements within the Zoning Ordinance and Subdivision Regulations. Sufficient stormwater best management practices will be employed in the development of the PUD to ensure runoff leaving the site does not degrade water quality within the receiving water bodies.

The site has been designed to avoid wetlands. Approximately 19% of the property is wetlands. Should any wetland fill be required, it will be limited to developmental design – no lots are proposed for wetland fill. A 25' wetland buffer will be installed, where practicable, to comply with the Alabama Construction General Permit.



### **CULTURAL AND HISTORICAL RESOURCES**

There has been no cultural and historical research performed on this property. Should a U.S. Army Corps of Engineers wetlands permit be required for any of the tracts of land, cultural resource issues, if any, will be addressed with the State Historic Preservation Office once a report is complete. No requirements in connection with historical or cultural resources pertaining to the property, other than those required by the State of Alabama in accordance with the applicable law, shall be imposed on the property.

### **UTILITY SERVICE**

Any electric, telephone, cable television and natural gas lines will be installed underground in accordance with the policies of the respective utility providers and the City of Bay Minette. Street lighting will be provided throughout the PUD based on service agreements with the appropriate utility provider. Some exterior lighting within the PUD may be financed, designed, constructed, and/or maintained by one or more property owner associations or other perpetual maintenance entity. It will be the responsibility of the property owner association(s) or other perpetual maintenance entity to install, replace or repair any non-standard street light poles and fixtures, not the City or utility provider. Developer will identify a location approximately 1 acre in size to North Baldwin Utilities for the future location of a water tower. Given the current sewer infrastructure, Baldwin County Sewer Service will be utilized.

### **ROADWAYS AND TRAFFIC**

U.S. Highway 31 is contiguous to the property. Establishing safe and reasonable ingress and egress for the property is a priority for both the Owner and the City of Bay Minette. Ingress and egress for the property will be provided by a combination of existing and proposed access points that will require approval from the Alabama Department of Transportation and/or the City of Bay Minette. The final location of these proposed accesses will be determined by ALDOT.

The community will be constructed and paid for by the developer with roads and rights-of-way being dedicated to the City of Bay Minette after Final Plat approval. The minimum right-of-way and pavement widths will be compliant with the Zoning Ordinance and Subdivision Regulations. Roadway design will be reviewed during the preliminary plat stage for each phase and will comply with the standards detailed within the City of Bay Minette Subdivision Regulations. Any departure from the standards will be allowed in accordance with the PUD standards of the Subdivision Regulations. Roads indicated on the Master Plan are subject to modification based on specific soil conditions, environmental concerns, physical constraints and design parameters. Certain areas within the Old Towne Commons PUD in whole or part may be developed as private areas with access restricted appropriately at developer discretion. Road width and right-of-way width may be reduced when environmental and tree preservation considerations would be furthered thereby. To protect and preserve trees, such design is hereby encouraged.

### **SIDEWALKS**

Local roads shall have minimum five foot (5') wide sidewalks on at least one side of the street. No sidewalks shall be required in alleys should they be constructed. Sidewalks will be done during the home development with sufficient sidewalk bonding provided by homebuilder.

### COMMERCIAL DEVELOPMENT

Commercial development on property zoned for business use along the highway will be prohibited from constructing metal buildings on the exterior facade. The site will comply with the buffer restrictions of the City

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of Bay Minette to create a transition and protection to the dwellings. Pedestrian connectivity will be required from the residential uses to the commercial development. Business will conform to City of Bay Minette Table of Permitted Uses except for the prohibited uses below.

The following commercial uses are specifically prohibited:

- a. Junkyards or auto salvage yards.
- b. Video poker parlor
- c. Sexually oriented businesses
- d. Other prohibited uses referenced within City of Bay Minette Zoning Regulations
- e. Exploration or extraction of oil and gas minerals
- f. Towing / wrecker service
- g. Tattoo parlors and body piercings
- h. RV parks
- i. Manufactured Home Park/Subdivision
- j. Payday Lenders/Title Loans /Check Cashing Services /Pawnshops
- k. Billboards / Off-Premise Signs

### DWELLINGS/DENSITY

There are 1,219 dwelling units on the proposed master plan. Currently 392 multi-family residential units are situated on the 50.2 acres of R-4 High Density Multi-Family property. R-4 zoning parcel does not anticipate any deviations requested to the R-4 parcel. Should a new or innovative product come to light that requires deviations to the lot square footage, building widths and maximum coverage, the City of Bay Minette will authorize modifications to the multi-family area as long as the modifications do not cause the multi-family density to exceed the allowable 14.0 units per acre. The setbacks will be determined at the time of the subdivision or site plan application. R-4 parcel will require 10' perimeter buffer from the northern property line. No buffer shall be required along the southern property line abutting the residential areas.

The balance of the 827 single family units broken down within 4 proposed lot sizes:

- 278 40-foot lots clustered in three areas
- 260 50-foot lots clustered in three areas
- 135 60-foot lots in one area of the property
- 154 70-foot lots in one area of the property

Although a Master Plan is attached to the PUD, the Master Plan can be amended with Planning Commission approval without constituting a re-zoning activity. Density for the property zoned as R-3 single-family residential can be modified as long as the density does not deviate greater than 10% from the amount authorized in the original approved Master Plan and PUD, which is still significantly less than the allowable base zoning of 5.0 units per acre in the R-3 single family district. Such density increase shall not constitute a substantial deviation requiring Planning Commission approval and the City Planner shall be authorized to approve the increase administratively.

### LOT AREA/LOT WIDTH/COVERAGE/DENSITY

To acknowledge the uniqueness of the PUD, the City will authorize the following deviations from the R-3 base zoning. There is no maximum lot coverage beyond the specified minimum setbacks.



| Minimum Lot Width at Building Line | Minimum Lot Area<br>(square feet) |  |
|------------------------------------|-----------------------------------|--|
| 40                                 | 4,800                             |  |
| 50*                                | 6,000*                            |  |
| 60                                 | 7,200                             |  |
| 70                                 | 7,200                             |  |

\*In consideration of the natural environment and unique features of the property, the Developer reserves the right to deviate from the 6,000-square-foot minimum lot area standard for 50-ft lots, particularly on irregularly shaped lots. The City shall authorize a minimum lot area of 5,500 square feet on no more than 20% of the 50-ft lots, an amount not to exceed 52 of the 260 proposed total.

Although base zoning authorizes 5.0 units per acre for single-family residential and 14.0 units per acre for multi-family residential areas, total PUD density cannot exceed 4.0 units per acre. No further residential subdivisions can be made of individual lots.

### **HOME OCCUPATIONS**

This PUD will comply with the existing ordinance for home occupations.

### **NON-CONFORMING STRUCTURES**

The existing home structures that are located within the commercially zoned district (including but not limited to PPIN 31532, 222473 and 62828) are grandfathered as legally non-conforming structures until such time that the commercial development is viable.

### MINIMUM SETBACKS

The following minimum setbacks will apply to single-family lots within the PUD based on lot width at the building line. As noted in the table below, the deviations from the R-3 base zoning requirements will be authorized within the PUD. Where not specified, all other setback requirements will comply with the most recent City of Bay Minette Zoning Ordinance. Front and rear setbacks can be flip flopped to allow for variability within lots and developed clusters.

| Minimum Setbacks for Local Streets | Front Yard | Rear Yard | Side Yard | Corner Lot |
|------------------------------------|------------|-----------|-----------|------------|
| R-3 Base Zoning                    | 25         | 30        | 10*       | 20         |
| 40' lots                           | 25         | 20**      | 5**       | 10**       |
| 50' lots                           | 25         | 20**      | 5**       | 10**       |
| 60' lots                           | 25         | 25**      | 6**       | 10**       |
| 70' lots***                        | 25         | 30        | 10        | 15****     |

<sup>\*</sup> Ten feet plus two additional feet for each floor above two stories, but not exceeding 20 feet; and when dwelling unit faces side yard, the dwelling unit must not be less than 25 feet from the side lot line.

### **ACCESSORY USES AND STRUCTURES**

Accessory uses and structures are permitted if those uses and structures are of the nature customarily incidental and clearly subordinate to a permitted principal use or structure and these uses and structures

<sup>\*\*</sup> Deviation from R-3 Minimum Setbacks

<sup>\*\*\*</sup> Front and rear setbacks can be flip flopped to allow for variability within lots and developed clusters

<sup>\*\*\*\*</sup>if lot is side loaded on corner, 20' setback will be required



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are located on the same lot (or contiguous lot in the same ownership as the principal use). Whether attached or detached to a building or structure containing the principal use, the accessory structure shall be considered as a part of the principal building. Accessory uses shall not involve operations or structures not in keeping with the character of the district where located.

Accessory structures are prohibited in the multi-family residential area.

Accessory uses shall not be located in required front or side yards except as follows:

- Detached accessory structures such as covered parking, or garages which are separated from the main structure may be located in a required side or rear yard but not less than five (5) feet from a lot line.
- Swimming pools and associated screened enclosures may be located in a required rear or side yard setback but may not be located less than five (5) feet from the property line or top of bank of a pond.
   Screened enclosures, pools and decks do not constitute "buildings" in calculating maximum lot coverage.

Accessory uses and structures on a residential parcel shall include private garages and private boathouses or shelters, toolhouses and garden sheds, garden work centers, children's play areas and play equipment, private barbecue pits. Any structure under a common roof and meeting all required yards is a principal structure. Accessory structures may not exceed fifteen feet (15') in height. Maximum size of an accessory structure cannot exceed 200 square feet in the 60 and 70' feet lots, for the 40' and 50' lots 150' feet accessory structures cannot exceed 150' square feet.

### OFF-STREET PARKING

Unless otherwise specified herein, all off-street parking shall comply with the minimum standards of the City of Bay Minette Zoning Ordinance. Single-family dwellings shall provide two (2) off-street parking spaces for each dwelling unit and multi-family dwellings shall provide one and one-half (1  $\frac{1}{2}$ ) spaces for each unit in accordance with the Zoning Ordinance. On smaller lots with one-car garages, single-family dwellings shall be authorized to deviate from the Zoning Ordinance and provide one (1) off – street parking space for each dwelling unit.

### **IRREGULARLY SHAPED LOTS**

All lots shall have a minimum width at the building line as indicated in the PUD and all lots at the end of a cul-de-sac must have sufficient frontage so that the lot width at the front building line meets those minimum requirements. On irregularly shaped lots, a minimum street frontage of 30 feet is required, with the exception that a deviation may be authorized where necessary to provide compatibility with the Master Plan. An "irregularly shaped lot" includes any lot located on a cul-de-sac or abutting a curved section of a roadway with a centerline radius of less than 200 feet.

### SIGNAGE

Signs should be in keeping with the Americana Craftsman concept and fit the scale of the proposed development.

### SIGNS PROHIBITED

The following signs are prohibited throughout the PUD:

- 1.) Billboards and off-premises signs
- Vehicle Advertisements any sign attached to or painted on a vehicle parked adjacent to or on a
  public right- of-way, thoroughfare, or public parking lot dedicated for public use for the principal
  purpose of advertising.
- 3.) Flashing Signs Prohibited:

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(a) General Prohibition:

Signs which contain intermittent illuminations are prohibited.

(b) Exceptions:

This subsection does not prohibit the following:

- (1) Signs required for traffic control.
- (2) Signs which exhibit time, date, temperature, and other customary public information.
- 4.) Illuminated Tubing:
  - (a) General Prohibition:

Any illuminated tubing or strings of lights that outline property lines, sales area, roof lines, doors, windows, wall edges, similar areas or other architectural features of a building.

General Maintenance Requirement:

All signs shall be maintained in good condition and appearance.

### **ARCHITECTURAL STYLE**

Architectural style is to reflect an "Americana Craftsman" concept. Building elevations are intended to be porch and column rich to create an inviting and welcoming façade. Buildings will be restricted from the use of vinyl siding on the front and homes are encouraged to have a front stoop, porch or architectural columns. PUD will comply with HOA documents with regards to design standards.

### **DEVELOPMENT COMMITMENTS AND BENEFITS/MANAGEMENT OF COMMON AREAS**

A Property Owners' Association (POA) will be established to manage the common areas. No architectural review board is proposed for the development, all land use and building construction will be reviewed and approved by the City of Bay Minette in accordance with the approved PUD/Master Plan documents and current Zoning Ordinance, Subdivision Regulations and applicable City Codes. Drainage areas are to be part of the maintained common areas and will be the responsibility of the POA. It will be the responsibility of the POA or other perpetual maintenance entity to install, maintain, replace or repair any non-standard street light poles and fixtures, decorative street or other sign posts, development signage.

### **COMMUNITY AMENITIES**

Multi-family (R-4) will establish separate amenities, leasing office and guest parking at the time of site plan review.

Amenities are for the use of the development and not for public entry. The following are committed to be under construction by phase 2 of the development:

- Minimum of 3,000 square foot amenity center to include clubhouse and pool.
- 3 covered bus stops to be placed throughout development.
- Dog park to be developed within one of the areas listed as park.
- Mailbox kiosks will be covered locations to be developed during preliminary plat approval.
- Traffic calming, pedestrian access and connectivity will be addressed at preliminary plat approval.

### WAIVERS

- Sidewalk to allow installation during home construction with financial guarantee.
- Street frontage minimum lot size for irregularly shaped lots.

Park 4.7 AC UIL T\* Pool Park S.4 AC M \*NEED NOTBE MULTI-FAMILY 392 UNITS COMMERCIAL Park S.7 AC. COMMERCIAL SY.8 AC. COMMERCIAL 14.8 AC. Dewiberry

## Ordinance 1044 - EXHIBIT "C"

OWNERIDEVELOPER BALDWIN VENTURES, L.L.C. 530 E. CENTRAL BLVD., #1601 ORLANDO FL, 32801 SITE SUMMARY
TOTAL NITS
TOTAL UNITS
TOTAL

OPEN SPACE SUMMARY UPLANDS 45.9 AC. (11% WETLANDS 80.3 AC. (19% LOT SUMMARY
40 FT. LOTS = 278
50 FT. LOTS = 286
60 FT. LOTS = 135
70 FT. LOTS = 145
TOTAL = 827





# OLD TOWNE

C OMMONS
A PLANNED RESIDENTIAL DEVELOPMENT

SEPTEMBER 20, 2023

BALDWIN COUNTY, ALABAMA HARRY D'OLIVE, JR PROBATE JUDGE Receipt#: 20240321000173

RCVd of: CITY OF BAY MINETTE 03/21/2024 02:15 PM Status: Cashier ID: Edith H tatus: ORIGINAL COPY

F089

Grantor: 1. 0D-2113741

Pgs:11

\$43.00

Fund Distributions

Grantee:

001.00014.195II 001.00022.198II

001.00012.193II

Recording Fees Archive D P Fee

Total Fees:

Payments

-----\$43.00 ----\$33.00 \$5.00 \$5.00

Have a nice day Thank You Receipt Total: \$43.00

Total Payment:

Change:

\$43.00

\$43.00

Cash

Payment Type

1