

**CITY OF DAPHNE
ORDINANCE NO. 2019-16**

**An Ordinance Amending the City of Daphne, Alabama
Land Use and Development Ordinance 2011-54, as Adopted by the City Council on July 18, 2011**

ARTICLE IX, SECTION 9-6, LOTS OF RECORD

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

WHEREAS, at the City of Daphne Planning Commission regular meeting on January 25, 2019 the Commission considered certain proposed amendments to the City of Daphne Land Use & Development Ordinance, Ordinance 2011-54, and any amendments to the same and set forth a unanimous favorable recommendation to the City Council of the City of Daphne; and,

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

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

SECTION I: THIS SECTION HEREBY AMENDS THE LAND USE AND DEVELOPMENT ORDINANCE TO REPEAL ARTICLE IX, SECTION 9-6, LOTS OF RECORD AND REPLACE SAID SECTION AS FOLLOWS:

ARTICLE IX

DISTRICT PROVISIONS

Except as hereinafter provided, the following shall generally apply:

9-6 LOTS OF RECORD

1) General

Where the owner of a lot of record or his successor to the title thereto does not own sufficient land to enable him to conform to the dimensional requirements of this Ordinance, the following exceptions may be allowed:

- a) Where a lot, tract, or parcel of land has an area or width which does not conform to the requirements of the district in which it is located, said lot may be used for a single family dwelling in any residential district, provided the lot to be used has a minimum area of four thousand (4,000) square feet and a minimum lot width at the building line of forty (40) feet and is connected to public sewer. In Commercial/Industrial Districts, uses compatible with the district may be allowed by the Planning Commission.

- b) When two or more adjoining lots with a continuous frontage are in a single ownership at the time of the application, and such lots have a frontage or lot area less than is required by the zoning district in which they are located, such lots shall be platted or reparcelled to create one or more lots which conform to the minimum frontage and area requirements of the zoning district. Notwithstanding the foregoing paragraph, when two or more adjoining lots with a contiguous frontage are in a single ownership at the time of application, and such lots have a frontage or lot area less than is required by the zoning district in which they are located, such lots may be platted or reparcelled to create fewer total nonconforming lots so long as each resulting lot is closer to conforming with the dimensional requirements of this Ordinance than it was before being replatted or reparcelled. No lot or parcel, even though it may consist of one or more adjacent lots of record, shall be reduced in size so the lot width, depth, front, side, rear yard, inner or outer courts, or lot area or other requirements of this Ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for public use.
- c) Buildings or structures located on substandard lots of record may be improved only when the addition of adequate plumbing is required by the laws and ordinances of the City of Daphne.

2) Single Family Residential Lots, Parcels and Land in the Olde Towne Area

The Olde Towne Daphne area represents the area of original colonization of the Daphne community. As such, the area represents unique, historical character. This uniqueness and charm is demonstrated by the subdivisions of land in Olde Towne area since the city's formal incorporation in 1927. The subdivision of land in Olde Towne Daphne has resulted in unique lot sizes, configuration and a lack of uniformity within the Olde Towne residential areas.

Upon the City's establishment of zoning in 1987, the residential area within what is now known as the Olde Towne residential area was blanket zoned R-1 and R-2. In an effort to provide relief from city-wide setback standards that were not created with the uniqueness of existing Olde Towne area lots in mind, the provisions of this section shall apply to vacant, undeveloped, existing lots of record and parcels of land located within or west of the Olde Towne Daphne District zoned R-1, R-2, or R-3.

- a) Residential lots or parcels which are between 5,000 and 7,500 square feet in area

Maximum Building Coverage shall be thirty-eight percent (38%)
Minimum Building Setbacks shall be as follows:
Front and Rear = 25 feet
Interior Side = 6 feet
Corner Side = 20 feet

- b) Residential lots or parcels which are between 7,501 and 12,000 square feet in area

Maximum Building Coverage shall be thirty-eight percent (38%)

Minimum Building Setback shall be as follows:

Front and Rear = 30 feet

Interior Side = 10 feet

Corner Side = 20 feet

- c) In an effort to encourage a sense of community, the city shall allow the construction of covered open air front porches. Said open air porch may encroach into the front yard setback, however this encroachment shall not exceed five feet.

SECTION II: CONFLICT WITH OTHER ORDINANCES

That any Ordinance heretofore adopted by the City Council of Daphne, Alabama, which is in conflict with this Ordinance, be and is hereby replaced to the extent of such conflict.

SECTION III: SEVERABILITY

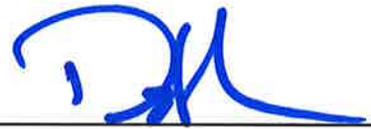
The provisions of this Ordinance are severable. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision and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

SECTION IV: EFFECTIVE DATE

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS 1st DAY OF April, 2019.

AN ALABAMA MUNICIPAL CORPORATION



Dane Haygood, Mayor

Attest:



Candace G. Antinarella, City Clerk