

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2019-48**

**Ordinance to Re-Zone Property Located
Northwest of Main Street and Van Avenue
Damaris Anderson**

WHEREAS, Damaris Anderson, as the owner of certain real property located within the City of Daphne, has requested that said property that is currently zoned as R-2, Medium Density Single Family Residential District, be re-zoned as MU, Mixed Use District; and

WHEREAS, said real property is located Northwest of Main Street and Van Avenue, and more particularly described as follows:

Legal Description of Property to be Re-Zoned to MU, Mixed Use District:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 20, TOWNSHIP 5 SOUTH, RANGE 2 EAST, THENCE SOUTH ALONG SAID SECTION LINE A DISTANCE OF 2193.5 FEET TO A POINT; THENCE WEST 25 FEET TO A POINT ON THE WEST MARGIN OF MAIN STREET AT THE INTERSECTION WITH THE NORTH MARGIN OF VAN AVENUE AND THE POINT OF BEGINNING, SAID POINT MARKED BY A CAPPED IRON ROAD (REBAR); THENCE ALONG SAID NORTH MARGIN NORTH 90°00'00" WEST A DISTANCE OF 155.82 FEET TO A POINT MARKED BY A CRIMPED TOP PIPE; THENCE DEPARTING SAID NORTH MARGIN NORTH 00°06'57" WEST A DISTANCE OF 68.87 FEET TO A POINT MARKED BY AN OPEN TOP PIPE; THENCE NORTH 90°00'00" EAST A DISTANCE OF 155.82 FEET TO A POINT ON SAID WEST MARGIN MARKED BY AN OPEN TOP PIPE; THENCE ALONG SAID WEST MARGIN SOUTH 00°06'57" EAST A DISTANCE OF 68.87 FEET TO THE POINT OF BEGINNING CONTAINING 10731.1 SQUARE FEET (0.2 ACRES), MORE OR LESS.

WHEREAS, at the regular Planning Commission meeting on September 26, 2019, 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 November 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-2, Medium Density Single Family Residential District, be re-zoned as MU, Mixed Use 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 2nd day of December, 2019.



Dane Haygood, Mayor

ATTEST:



Candace G. Antinarella, City Clerk