

CITY OF DAPHNE

ORDINANCE NO. 2017-40

**Ordinance to Amend the City of Daphne
Land Use and Development Ordinance 2011-54 / Article 38, Section 2
Residential High Rise Overlay Condominium District**

WHEREAS, the Planning Commission of the City of Daphne, Alabama, at its regularly scheduled meeting of March 23, 2017 set forth a 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 May 15, 2017.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA AS FOLLOWS:

SECTION I: This section hereby amends the City of Daphne Land Use and Development Ordinance as follows:

1. AMEND ARTICLE XXXVIII SECTION 1, PURPOSE

District map to include lot 2 and 2a of Westbrook Commercial Park Subdivision as recorded in the office of the Judge of Probate of Baldwin County as instrument #2133-C.

2. AMEND PROVISIONS OF ARTICLE XXXVIII, RESIDENTIAL HIGH RISE OVERLAY DISTRICT, SECTION 2(a), HEIGHT EXCEPTIONS: TO READ AS FOLLOWS:

- a.) Building height may be allowed up to two hundred (200) feet or sixteen (16) stories by the Planning Commission with the exception that any land added to the high rise condominium district boundary after October 2, 2006 may be allowed up to one hundred (100) feet or ten (10) stories by the Planning Commission; and conditioned that the land owner shall impose upon the subject property a restrictive covenant that expressly states that the maximum height for any structure thereupon shall be no greater than one hundred ten (110) feet in height of the above-mentioned revision to the Land Use and Development Ordinance.

SECTION II: CONFLICT WITH OTHER ORDINANCE

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

SECTION III: SEVERABILITY

That 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 forced from and after the date of its approval by the City Council of the City of Daphne and publication as required by law.

SECTION V: REPEALER

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Ordinances or parts thereof in conflict with the provision of this Ordinance, in so far as they conflict, are hereby repealed.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, ON THIS THE _____ DAY OF _____, 2017.

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes,
City Clerk