

**CITY OF DAPHNE
ORDINANCE NO. 2017-67**

**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
AMENDING THE TABLE OF PERMITTED USES WITH REGARD TO THE
C/I, COMMERCIAL/INDUSTRIAL DISTRICT**

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 June 22, 2017 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 favorable recommendation to the City Council of the City of Daphne; and,

WHEREAS, according to Section 12-5 of the Land Use & Development Ordinance, the C/I, Commercial/Industrial District, is intended to provide locations for heavy commercial and light industrial activities which will not detract from the general character of the community because of hazardous operations, unsightly appearance of buildings and surroundings, objectionable emissions, or other factors that may be detrimental to the community environment; and,

WHEREAS, according to Section 12-5 of the Land Use & Development Ordinance, the B-2, General Business District, is intended to provide opportunity for activities causing noise and heavy traffic, not considered compatible in the more restrictive business district. These uses also serve as a regional, as well as, a local market and require location in proximity to major transportation routes; and,

WHEREAS, some uses permissible in B-2, General Business District, under certain conditions may be considered appropriate in C/I, Commercial/Industrial District; 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 August 7, 2017; and,

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

SECTION I: THIS SECTION HEREBY ADDS TO AND AMENDS THE LAND USE AND DEVELOPMENT ORDINANCE ARTICLE XXXV, TABLE OF PERMITTED USES AS FOLLOWS:

- A. Amend Section 35-3, Permitted Uses & Conditions Table, to permit in C/I, Commercial/Industrial District, the following uses as permissible by right:

Office buildings, professional; taxi dispatching station.

- B. Amend Section 35-3, Permitted Uses & Conditions Table, to permit in C/I, Commercial/Industrial District, the following uses as permissible upon approval of the Planning Commission:

Agriculture and related farming operations, including horticulture, plant nurseries market gardening, field crops, orchards, and home gardens; Art supplies; Camera and photographic supply store; Catering shop or service; Dairy products sales; Delicatessen; Dry cleaning shop, including self-service; Employee credit union office; Floral shop; Funeral home, mortuary or undertaking establishment; Gymnasium, commercial; Laundry, and dry

cleaning pick-up station; Pet shop; Photographic studio and/or processing; Shoe repair shop; Studio for dance or music; Studio for professional work or teaching of fine arts such as photography, drama, speech and painting.

- C. Amend Section 35-3, Permitted Uses & Conditions Table, to permit in C/I, Commercial/Industrial District, the following uses as permissible upon approval of a Special Exception:

Art gallery or museum; Business school or college.

All other sections, articles and/or content of the City of Daphne Land Use and Development Ordinance shall remain the same and shall be unchanged by this ordinance.

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 ON THIS THE 21ST DAY OF AUGUST, 2017.



**Dane Haygood,
Mayor**

ATTEST:



Candace G. Antinarella, City Clerk