

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2023-11**

**AN ORDINANCE AMENDING THE CITY OF DAPHNE'S
LAND USE AND DEVELOPMENT ORDINANCE 2011-54, AS ADOPTED BY THE
CITY COUNCIL ON JULY 18, 2011**

**ARTICLE XXXI, HOME OCCUPATIONS, AUTOMOBILE SERVICE STATIONS,
CEMETERIES, BED & BREAKFAST ESTABLISHMENTS, EXTENDED STAY HOTEL
FACILITIES**

ARTICLE XXXV, TABLE OF PERMITTED USES

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 November 17, 2022, the Commission considered certain proposed amendments to the City of Daphne Land Use & Development Ordinance, Ordinance 2011-54 (as previously amended), and 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, and a public hearing was held before the City Council on February 6, 2023.

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

SECTION 1. ARTICLE XXXI, HOME OCCUPATIONS, AUTOMOBILE SERVICE STATIONS, CEMETERIES, BED & BREAKFAST ESTABLISHMENTS, EXTENDED STAY HOTEL FACILITIES

(A) The title of Article XXXI is hereby amended to be “**HOME OCCUPATIONS, AUTOMOBILE SERVICE STATIONS, CEMETERIES, BED & BREAKFAST ESTABLISHMENTS, EXTENDED STAY HOTEL FACILITIES, MINI WAREHOUSES**”.

(B) Article XXXI of the Land Use and Development Ordinance is hereby amended by inserting the following language as Section 31-6:

31-6 MINI-WAREHOUSE AND STORAGE FACILITIES

Warehouse and storage facilities include mini-type or do-it-yourself storage facilities. Said facility shall not be used for habitation or operation of commercial enterprise within any stall, cubicle, or locker.

- (a) Warehouse and storage facilities may be located in a C/I, Commercial Industrial district by right.
- (b) Warehouse and storage facilities may be located in a B-2, General Business district if certain conditions have been met. Said conditions are as follows:
 - (1) Shall be the subordinate land use where the building and associated parking shall comprise no more than 49% of the total land area of the proposed tract, parcel, lot or of the aggregate area of multiple tracts, parcels, or lots;

- (2) The primary land use and associated parking shall comprise no less than 51% of the total land area. On-site parking for each separate land use may be shared; however, as a means of effectively calculating the percentage of land uses, parking shall be calculated separately;
- (3) Shall be placed behind the primary commercial land use;
- (4) Shall meet all applicable standards and setbacks of the underlying zoning classification; and
- (5) On any lot, parcel, tract, or aggregate thereof, with multiple road frontages (i.e., corner lot or double frontage lot(s)), ingress and egress for the warehouse and storage facility shall be from the same access as the primary land use. Where such configuration is not practicable, the minimum frontage landscape requirements provided in Article 19 shall be increased to provide an impervious visual buffer along the right of way.

SECTION 2. ARTICLE XXXV, TABLE OF PERMITTED USES

(A) Section 35-3 of Article XXXV of the Land Use and Development Ordinance is hereby amended by repealing the following row from the Table of Permitted Uses:

	[By Right]	[Planning Commission Approval]	[Special Exception BZA Approval]
Drug Store	B-1, B-1(a) B-2, B-2(a)		

... and replacing it with the following:

	[By Right]	[Planning Commission Approval]	[Special Exception BZA Approval]
Drug Store, Pharmacy	B-1, B-1(a) B-2, B-2(a)		

(B) Section 35-3 of Article XXXV of the Land Use and Development Ordinance is hereby amended by repealing the following row from the Table of Permitted Uses:

	[By Right]	[Planning Commission Approval]	[Special Exception BZA Approval]
Warehouse and storage facilities, minor; mini-type do-it-yourself storage facilities		B-2, B-2(a), C/I	

... and replacing it with the following:

	[By Right]	[Planning Commission Approval]	[Special Exception BZA Approval]
Warehouse and storage facilities, minor; mini-type do-it-yourself storage facilities	C/I	B-2	

SECTION 3. CONFLICT WITH OTHER ORDINANCES

Any Ordinance heretofore adopted by the City Council of Daphne, Alabama, which is in conflict with this Ordinance, is hereby repealed to the extent of such conflict.

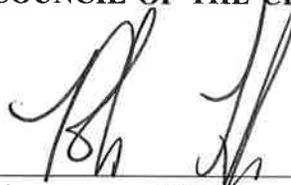
SECTION 4. SEVERABILITY

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 5. 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 20th DAY OF February, 2023.



Robin LeJeune, Mayor

ATTEST:



Candace G. Antinarella, CMC, City Clerk