

**CITY OF DAPHNE
ORDINANCE 2021-45**

An Ordinance of the City of Daphne, Alabama, to Protect the Health, Safety, and General Welfare of Its Citizens Relating to Petitions to Rezone or Pre-Zone Land to Either R-7 (A) Apartment District, R-7 (M) Mid-Rise Condominium, R-7 (T), Townhouse, or PUD, Planned United Development Where the Proposed Use Will Include Either Apartments, Mid-Rise Condominiums or Townhouses

WHEREAS, there has been rapid and considerable development in and around the City of Daphne; and,

WHEREAS, the City of Daphne continues to review and revise its planning efforts to continue to enhance the quality of life for its citizens considering unprecedented growth the City is experiencing; and,

WHEREAS, the City of Daphne has adopted the City of Daphne Land Use and Development Ordinance that regulates land use, zoning, and subdivisions; and,

WHEREAS, the City has commissioned a Comprehensive Master Plan for the corporate limits and extra-territorial planning jurisdiction for 2020-2040; and,

WHEREAS, the City Council desires to review existing subdivision and zoning ordinances regarding multifamily developments, density, ratios, and related access management, traffic impacts, and associated issues; and,

WHEREAS, placing a moratorium of limited duration and scope would be in the public interest and promote orderly land development by allowing the City to review its existing ordinances relating to multifamily developments in conjunction with the pending Comprehensive Master Plan.

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

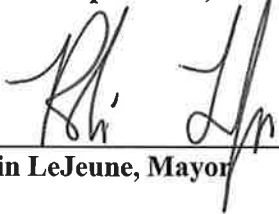
1. A temporary moratorium is established. Except as hereafter set forth, a moratorium is imposed on the acceptance of applications for rezoning or pre-zoning that would result in the development of multi-family dwelling units, whether in a complex or in any other such unified development, whether in whole or part of a development scheme. This includes apartments, townhouses, condominiums, duplexes, mid-rise condominiums, and high-rise condominiums within the corporate limits of the City of Daphne.

2. Exemption of current applications for apartments, townhouses, condominiums, mid-rise condominiums, and high-rise condominiums. Applications which were submitted and accepted as complete applications prior to the effective date of this ordinance, applications now under review by the Planning Commission, and applications already approved by the Planning Commission are exempted from this moratorium.

3. Effective period. The moratorium shall be effective immediately upon passage and publication as required by law, and shall continue for a period of one hundred and eighty (180) days unless terminated sooner or extended by action of the Daphne City Council.

4. Severability. Should any provision of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any provision of this Ordinance be pre-empted by State or Federal law or regulation, such decision of pre-emption shall not affect the validity of the remaining provisions of this Ordinance or its application to other persons or circumstances.

ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, ON THIS THE 7th DAY OF September, 2021.



Robin LeJeune, Mayor

ATTEST:



Candace G. Antinarella, CMC, City Clerk