

**CITY OF DAPHNE, ALABAMA  
ORDINANCE 2022-58**

**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 IX, DISTRICT PROVISIONS  
ARTICLE XII, ESTABLISHMENT OF DISTRICTS  
ARTICLE XIII, DISTRICT REQUIREMENTS  
ARTICLE XIV, OLDE TOWNE DAPHNE DISTRICT  
ARTICLE XVI, PARKING REQUIREMENTS FOR ALL DISTRICTS  
ARTICLE XXVIII, FIXED DWELLING PROVISIONS  
ARTICLE XXXV, THE TABLE OF PERMITTED USED AND CONDITIONS  
ARTICLE XXXVI, VILLAGE OVERLAY 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 23, 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, a public hearing was held before the City Council on August 15, 2022.

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

**SECTION 1. AMENDMENT TO ARTICLE IX, DISTRICT PROVISIONS**

Section 9-10 of Article IX of the Land Use and Development Ordinance is hereby repealed and replaced in its entirety with the following:

**9-10 PRINCIPAL BUILDINGS PER LOT**

- (a) Every residential building, hotel, motel, condominium single family and multi-family dwelling, and duplex hereafter erected or moved shall be located on a lot.
- (b) The following zoning districts shall allow one principal residential building per lot:
  - i. R-1, Low Density Single Family Residential;
  - ii. R-2, Medium Density Single Family Residential;
  - iii. R-3, High Density Single Family Residential;
  - iv. R-4, High Density Single Family Residential; and
  - v. R-6(G), Garden/Patio Home

- (c) In any district where multi-family structures, motels, hotels, or two (2) or more residential structures may be permitted on a lot, no building shall be located closer to another building on the same lot than a distance equal to half the sum of the heights of both buildings.
- (d) In Flood Hazard areas identified on the National Flood Insurance Rate Maps, the height of a building shall be measured from the floor level of the first habitable story for purposes of this section. In addition, the front or rear of any building may be no closer to the front or rear of any other building than forty (40) feet. The side of any building shall be no closer to the side, front, or rear of any other building than thirty (30) feet.
- (e) R-4 (High Density Single and High Density Multi-Family Residential District) shall allow one principal residential dwelling on a lot unless the property is to be developed as a Fixed Dwelling Development.

**SECTION 2. AMENDMENT TO ARTICLE XII, ESTABLISHMENT OF DISTRICTS**

Section 12-3(d) of Article XII of the Land Use and Development Ordinance is hereby repealed and replaced in its entirety with the following:

- (d) R-4, High Density Single and High Density Multi-Family Residential District:

The intent of this district is to provide opportunity for high density residential development in specified areas.

All land heretofore delineated as an R-4 district prior to the enactment of Ordinance 2011-54 shall remain in R-4 status as it relates to allowable density, except that R-4, High Density Single and High Density Multi-Family Residential District, shall allow one principal residential building on a lot unless the property is to be developed as a Fixed Dwelling Development as provided in Article 28, Fixed Dwelling Provisions. However, all existing R-4, High Density Single and Multi-Family Residential Districts shall be developed in accordance with the standards provided wherein duplexes shall be developed in R-6(D), Duplex District; garden/patio homes shall be developed in R-6(G), Garden/Patio Home District; apartment complexes shall be developed in R-7(A), Apartment District; mid-rise condominiums shall be developed in R-7(M), Mid-Rise Condominium District; and, townhouse developments shall be developed in R-7(T), Townhouse District.

**SECTION 3. AMENDMENT TO ARTICLE XIII, DISTRICT REQUIREMENTS**

Section 13-9 of Article XIII of the Land Use and Development Ordinance is hereby repealed and replaced in its entirety with the following:

**13-9 MINIMUM DISTRICT REQUIREMENTS**

The following fixed dwelling minimum requirements shall apply in districts as outlined below, except in overlay districts.

<b>Fixed Dwelling Minimum Requirements</b>	<b>R-7(A) Apartments</b>	<b>R-7(T) Townhouse</b>	<b>R-7(M) Mid Rise Condo</b>
<b>Minimum Acreage</b>	4 ac	4 ac	4 ac
<b>Minimum Lot Width</b>	None	None	None
<b>Maximum Density</b>	10 units/acre	10 units/acre	10 units/acre
<b>Maximum Height</b>	50 feet or 3 stories	35 feet or 2 ½ stories	50 feet or 4 stories
<b>Minimum Building Setback Lines</b> Front/rear/side/corner	50 feet	50 feet	50 feet
<b>Minimum Distance between Buildings</b>  -facing front to back	100' (25' minimum from back of curb)	100' (25' minimum from back of curb)	100' (25' minimum from back of curb)
-facing back to back	100'	100'	100'
-side to side	½ the sum of the height of both building	½ the sum of the height of both building	½ the sum of the height of both building
<b>Maximum Lot Coverage</b> Impervious surfaces <b>Buildings/structures</b>	30%	30%	30%
<b>Greenbelt Area Width</b> Along Perimeter Roadway In addition to minimum setback	25 ft	25 ft	25 ft
<b>Width on Remaining Project Boundary(s)</b> Greenbelt may be located within setbacks	25 ft	25 ft	25 ft
<b>Minimum Landscaping</b> <b>See Article 19</b>			
<b>Minimum Parking</b> Spaces per dwelling unit	2	<b>2 exterior spaces plus required visitor parking spaces (see Section 16- 3(j))</b>	2
<b>Additional Provisions See Article 28, Fixed Dwelling Provisions</b>			

**SECTION 4. AMENDMENT TO ARTICLE XIV, THE OLDE TOWNE DAPHNE DISTRICT**

(A) Section 14-2(b) of Article XIV of the Land Use and Development Ordinance is hereby repealed and replaced in its entirety with the following:

(b) Mixed-Use Developments in the Olde Towne Daphne District

It is the intent of the City to encourage mixed-use developments in the Olde Towne Daphne District. Zoning districts that will allow mixed-use developments by right include MU, Mixed Use; B-1, Local Business; B-2, General Business; and B-3, Professional Business. The residential density of any mixed use development shall not exceed 14 units per acre and shall require a minimum of 1.5 parking spaces per residential unit in addition to the minimum required number of parking spaces.

Said mixed-use development may have a vertical configuration, meaning the primary business is located on the ground floor and the secondary use is located on an upper floor, or may otherwise meet the provisions of an accessory dwelling unit as provided in section (c) below.

(B) Section 14-10 of Article XIV of the Land Use and Development Ordinance is hereby repealed and replaced in its entirety with the following:

**14-10 PARKING REQUIREMENTS**

Any mixed-use development in the Olde Towne district shall provide a minimum of one and one-half (1.5) parking space per residential unit in addition to the minimum required number of parking spaces. Any business development located within the Olde Towne Daphne District with a lot frontage of fifty (50) feet shall require a minimum of four (4) parking spaces, with a lot frontage of twenty-five feet shall require a minimum of two (2) parking spaces, and shall also comply with the minimum design and improvements standards as otherwise outlined in this Ordinance and ADA requirements.

Off-street parking for multi-use buildings or mixed use developments shall be located in the rear of the building(s) adjacent to the street unless an alternative location is approved by the Planning Commission.

For any use for which the above referenced parking requirement cannot be met due to the unique conditions of a particular parcel of property as documented on the site plan, off-street parking spaces of the public type may be considered toward the requirements necessary to comply with the Article upon determination of the Director of Community Development and approval of the Planning Commission.

**SECTION 5. AMENDMENT TO ARTICLE XVI, PARKING REQUIREMENTS FOR ALL DISTRICTS**

(A) Section 16-1 of Article XVI of the Land Use and Development Ordinance is hereby repealed and replaced in its entirety with the following:

## 16-1 GENERAL

- (a) Off-street automobile storage or parking space shall be provided with vehicular access to a street or alley and shall be equal to the minimum requirements for the specific land use set forth as otherwise provided herein.
- (b) In the case of fractional results in calculating parking requirements, the required number shall be rounded up to the nearest whole number.
- (c) Except as otherwise provided herein, building gross floor area shall be used to calculate parking space requirements.
- (d) The required number of parking spaces for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use at the same time, except that portion of the parking space required for an existing church whose peak attendance will be at night or on Sunday, may be assigned to a use which will be closed at night or on Sunday.
- (e) Areas reserved for off-street parking in accordance with the requirements of this Ordinance shall not be reduced in area or changed to any other use unless the permitted use which it serves is discontinued or modified, except where equivalent parking space is provided to the satisfaction of the Planning Commission.
- (f) Off-street parking in existence prior to the enactment of this Ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use.
- (g) For existing commercial uses in any business district and other similar areas desiring to expand, but unable for good and sufficient reason to provide parking at the standard required in the following schedule, the Board of Zoning Adjustment may grant relaxation of the strict application of these requirements on appeal, subject to the regulations governing appeals and variances.
- (h) Where business and multi-family unit developments require large numbers of parking spaces, such spaces may be accommodated in parking decks provided that no such parking deck shall exceed three (3) levels above ground or twenty-five (25%) percent of the height of the principal structure, whichever is greater.
- (i) A parking deck design shall be compatible with the design of the principal structure and shall be submitted as a part of the overall site plan. The parking deck shall comply with the minimum requirements of this Ordinance.
- (j) Off-site Commercial Parking Lots shall be subject to the following provisions:
  - i. An off-site commercial parking lot may be constructed for the purpose of providing for employee and/or patron parking upon approval of the Planning Commission in certain zoning districts as per Article 35, Table of Permitted Uses and Conditions.

- ii. Site Plan approval by the Planning Commission is required, except in a C/I, Commercial/Industrial district. In a C/I district an off-site commercial parking lot may be approved through the Administrative Site Plan review process.
- iii. It shall be the responsibility of the owner to maintain in a neat and adequate manner, the parking spaces, access ways, striping, landscaping, and required walls or screening.
- iv. All off-site commercial parking lots shall be screened from street view by a fence, landscaping, landscape berm and/or wall with landscaping. Berms and/or walls (including retaining walls) shall be a minimum of three (3) feet in height on the parking lot side, and no higher than four and one-half (4.5) feet in height on the street side. For the purposes of this section, parking areas as used herein shall include all parking spaces, drive aisles and maneuvering areas.
- v. Off-site commercial parking lots shall be connected to a public street by a paved driveway which affords safe and reasonably convenient ingress and egress. The permissible location and minimum width of driveways shall be as specified in Section 11-6, Minimum Street Requirements.
- vi. Required parking spaces for a given C/I use in a C/I district may be located on a different lot within the same commercial park/subdivision provided that a formal agreement between the land owners or with proof that both properties are under common ownership is submitted to the City.

(B) The Parking Schedule table displayed as Section 16-2 of Article XVI of the Land Use and Development Ordinance is hereby amended by adding the following row under subsection (a) Dwellings:

8) Multiple families, Senior Independent Living	One and one-half (1.5) spaces per unit plus required Visitor parking spaces (see 16-3j).
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(C) Section 16-3 of Article XVI of the Land Use and Development Ordinance is hereby amended by adding the following after subsection (i):

- (j) Visitor and Accessory Parking Provisions
  - (1) Number of Spaces
    - i. One to 10 units: one-half parking space per unit;
    - ii. Eleven or more units: five spaces plus one-fourth additional parking space for each unit over ten.
  - (2) Placement within the Development
    - i. Visitor and Accessory Parking shall be placed in common areas within the development in clusters that are reasonably dispersed throughout the development.

**SECTION 6. AMENDMENT TO ARTICLE XXVIII, FIXED DWELLING PROVISIONS**

The first paragraph of Section 28-1 of Article XXVIII of the Land Use and Development Ordinance is hereby amended to state the following, with each subsection (a) through (j) below said paragraph remaining unaltered:

Fixed Dwelling Developments, including but not limited to duplexes, apartments, townhouses, mid-rise condominiums and high rise condominiums, are subject to the approval of the Planning Commission and compliance with the following provisions:

**SECTION 7. AMENDMENT TO ARTICLE XXXV, THE TABLE OF PERMITTED USED AND CONDITIONS**

The Table of Permitted Use displayed as Section 35-3 of Article XXXV of the Land Use and Development Ordinance is hereby amended by adding the following row:

Parking lot, commercial	C/I By Right	B-1, B-1(a), B-2, B-2(a), B-3, C-2, M-U By Planning Commission Approval
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**SECTION 8. AMENDMENT TO ARTICLE XXXVI, THE VILLAGE OVERLAY DISTRICT**

(A) Section 36-2(b) of Article XXXVI of the Land Use and Development Ordinance is hereby repealed and replaced in its entirety with the following:

(b) Mixed-Use Developments in the Village Overlay District

It is the intent of the City to encourage mixed-use developments in the Village Overlay District. Zoning districts that will allow mixed-use developments by right include MU, Mixed Use; B-1, Local Business; B-2, General Business; and B-3, Professional Business. The residential density of any mixed use development shall not exceed 14 units per acre and shall require a minimum of 1.5 parking spaces per residential unit.

Said mixed-use development may have a vertical configuration, meaning the primary business is located on the ground floor and the secondary use is located on an upper floor, or may otherwise meet the provisions of an accessory dwelling unit as provided in section (c) below.

(B) Section 36-9 of Article XXXVI of the Land Use and Development Ordinance is hereby repealed and replaced in its entirety with the following:

**36-9 PARKING REQUIREMENTS**

Any mixed-use development in the Village Overlay District shall provide a minimum of one and one-half (1.5) parking space per residential unit. Any other business development

located within the Village Overlay District with a lot frontage of fifty (50) feet shall require a minimum of four (4) parking spaces, with a lot frontage of twenty-five (25) feet shall require a minimum of two (2) parking spaces, and shall also comply with the minimum design and improvements standards as otherwise outlined in this Ordinance and ADA requirements.

Off-street parking for multi-use or mixed use developments shall be located in the rear of the building(s) adjacent to the street unless an alternate location is approved by the Planning Commission.

For any use for which the above referenced parking requirement cannot be met due to the unique conditions of a particular parcel of property, off-street parking spaces of the public type may be considered toward the requirements necessary to comply with the Article upon determination of the Director of Community Development and approval of the Planning Commission.

**SECTION 9. 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 10. SEVERABILITY**

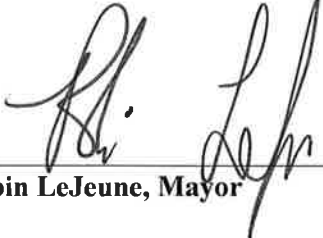
The provisions of this Ordinance are severable. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 11. 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 6<sup>TH</sup> DAY OF SEPTEMBER, 2022.**

**ATTEST:**

  
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**Robin LeJeune, Mayor**

  
**Candace G. Antinarella, CMC, City Clerk**