

**CITY OF MOBILE
ZONING TECHNICAL ADVISORY COMMITTEE MINUTES
MEETING OF SEPTEMBER 14, 2017 - 2:00 P.M.
MULTI-PURPOSE ROOM, MOBILE GOVERNMENT PLAZA**

Members Present

William Guess
Mark Wattier
Sam Winter
Pratt Thomas
Matthew Barclift
Daryl Russell
Jay Watkins
Becca Shaw
Karrie Maurin
Abe Harper
Roberta Swann
David Shumer

City of Mobile Staff

Shayla Jones Beaco, Ex. Dir., Build Mobile
Brian Underwood, Dep. Dir., Long-Range Planning
Marion McElroy, Sr. Dir., Build Mobile
Richard L. Olsen, Dep. Dir., Planning & Zoning
Matt Jollit, Urban Designer
Lisa Watkins, Secretary II
Keri Coumanis, Legal
Kina Andrews, Engineering & Development

Others Present

Mark White, White & Smith, LLC

Members Absent

Christopher Grant
Shirley Sessions
Bob O’Mainsky

INTRODUCTION / COMPREHENSIVE PLAN UPDATE

Shayla Beaco welcomed all attendees and expressed appreciation for their participation.

As a business meeting and in the spirit of transparency, the public was invited to participate in this work session related to the zoning overhaul that coincides with the Map for Mobile update. Forms soliciting questions, feedback and suggestions were made available to attendees.

The Map for Mobile comprehensive plan represents the policy document which will direct growth for our community for years to come and has been absent an update for many years. The Zoning Technical Advisory Committee (ZTAC) was formed by Mayor Stimpson to assist in updating our outdated zoning and subdivision regulations, and members were selected because they possess certain expertise, i.e., landscaping, architecture, land surveying, environmental, etc., which will help us maneuver through this code. Although the ZTAC Technical Advisory Committee was created to help address the mechanics of this code, it will make no specific recommendations and doesn’t adopt the code.

Following introductions of the ZTAC, each member received a notebook with information relevant to this committee’s charge, which will be updated as the meetings progress. It was noted that the planning modules, shown in the notebook, will be available for viewing on the website.

Several plans helped inform the Map for Mobile development, including the Downtown Mobile Plan, the New Plan for Mobile, The Smart Growth Policy document developed in the late 1990s, the Blueprint for Springhill, and the Africatown Neighborhood Plan. The Midtown Mobile Movement and the Mobile Peninsula Group have also developed plans for their communities, as guided by the Map for Mobile.

With respect to stakeholder outreach, it was very important to us that we communicate far and wide with neighborhood groups, stakeholder groups within the real estate and development communities, as well as

local architects, community action groups and others. Out of that outreach, we landed on **seven core principles** that provide a basis for our plan.

1. Strong neighborhoods
2. Understanding our functional roadway corridors – making sure that transportation is dealt with in an effective way within our community, but also addressing pedestrian accessibility and other modes of transportation
3. Strategic infill and redevelopment is another very important initiative for us to ensure that we are investing wisely throughout the city.
4. Community connectivity was an important priority with walkability being a very important factor.
5. High quality design of the built environment – making sure their toolbox had within it the opportunity to address design
6. Strong downtown which serves as the heartbeat for our community
7. Greater opportunities to enjoy natural and recreational assets

This is the guiding framework for the zoning code update. We have corresponding plans dealing with parks and recreation, mobility, housing, city facilities, and some elements of executing those plans deal with our codes and ordinances.

Under the leadership of White & Smith, sub consultants, Dover-Kohl and WRT, have been specifically tasked with rewriting our zoning ordinance and subdivision regulations; and in May of this year we adopted the Major Street Plan and Future Land Use Plan.

It is anticipated that a draft document will be forwarded to our Planning Commission in spring of 2018. It will go through the customary review process, and we will continue community engagement and outreach efforts throughout that process. Once the Planning Commission makes a recommendation regarding the contents of the plan, it goes to the City Council for review and final adoption.

COMMITTEE RESPONSIBILITIES/SCHEDULE

The individuals who have been appointed to this committee are selected based on their areas of expertise, which will be relied upon as the draft zoning code is reviewed and prepared for adoption. Community engagement will also be integrated into this process.

With respect to public review process, this group will meet approximately four times. Prior to each of those meetings, the draft zoning documents will be uploaded to our website for citizen review. Each of the sessions will provide a composite document that gives sufficient responses to questions or insight we receive relative to this process. That composite document will again be uploaded to the website so all can review and be able to understand, specifically around the feedback that we receive.

CODE MODULE PRESENTATION (Mark White):

FLUM / FLUP / MSP are guiding documents, and our first order is to do everything we can to implement the policies set out in Map for Mobile.

The FLUM was prepared to provide a blueprint for redrafting and redoing the City's zoning map and regulations in a way that implements Map for Mobile, which has a system of corridors and centers with regard to design and open and civic spaces. While it is important to know the FLUM is not a zoning code; it creates the blueprint as far as making zoning changes. The FLUM is designed to be flexible and it updates where the major streets are going to be, as does Map for Mobile.

The MSP introduces a new set of street typologies in a new classification system and it updates where the major streets are going to be in the City.

MODULES

The following modules are described in ZTAC members' notebooks and on the website. Mark gave a brief description of each.

1. **Zoning District Standards Module**

- Residential Low Density
- Residential Mixed Use
- Neighborhood Center-Traditional
- Neighborhood Center Suburban
- Center
- Downtown
- Downtown Waterfront
- Corridor Traditional
- Corridor Mixed
- Light Industrial
- Heavy Industrial
- Public Institutional
- Planned Development
- Historic District Overlay

2. **Sign Module:** A draft has been completed.

3. **Development & Design Standards Module:** This module will guide the design standards based on projects' locations, and it is tied to the Future Land Use Map and Zoning Districts.

DISCUSSION

Following Mark White's visual presentation, the floor was opened to questions from the Zoning Technical Advisory Committee. A summary of questions, along with Mr. White's responses follows.

Ms. Maurin asked what was eliminated from the DDD code.

Mr. White described anticipated regulatory changes within the draft code modules, as compared to the existing DDD code, including the following:

- The zoning districts in the DDD were more collapsed than eliminated;
- All design standards regarding size, dimension, maximum heights have been carried forward;
- Approved building materials aren't included; those may be moved to Chapter 4;
- Standards regarding foundations were left out as those provisions correlate to the building code.

Mr. White asked the Committee members to notify staff and the consultant team if they have concerns regarding any provisions of the Downtown Development District code which are not included in the draft zoning code modules.

Ms. Maurin asked if members could get a copy of that new code.

Mr. White said that was the "D" section in the code and the Supplemental Uses standards are currently being drafted.

Mr. Thomas asked if all existing zoning districts were covered.

Mr. White replied that they were, and a Table of Uses Matrix has been drafted to replace the existing Chart of Permitted Uses. Specific site development standards such as setbacks, building

heights, design standards, and landscaping provisions are currently being presented for discussion. Article IV of the draft code will contain zoning requirements that relate to site improvements.

Ms. Shaw asked if the zoning designations vary by neighborhood, or will be applied City-wide.

Mr. White stated that this is a City-wide code, but zoning doesn't extend into the unincorporated parts of the county. The designations will be dictated according to where an area occurs on the FLUM. The zoning code will also incorporate planning considerations documented within existing neighborhood plans, such as the Africatown plan. So, it is a little of both.

Mr. Shumer asked if situations that require amendment of an approved Planned Unit Development now would be subject to new provisions, so that these projects would not require Planning approval.

Mr. White answered that these considerations be addressed in Article IV. He stated that Planned Unit Developments should only be required when the metrics of the other districts don't work, for standards such as setbacks, building heights, and design standards. He thought that multiple building should be allowed on commercial sites without requiring Planned Unit Development approval provided they meet setbacks, building heights, design standards, etc.

Mr. Russell asked how the pending zoning changes would affect a site that is zoned one way now, with a business operating, and if the property were subsequently sold resulting in a change in use.

Mr. White replied that the only way the zoning district designations for a site would change is by recommendation of the Planning Commission and adoption by the City Council. As such, a business could continue to operate as they currently do. One thing that could change with the new zoning map that implements the Map for Mobile is that if the Future Land Use Map (FLUM) reflects that a different category is needed within a certain area, then an existing designation could change as part of the overall remapping of the City. He anticipates hearing from developers once the Zoning Map itself is prepared, concerning where people may wish to keep the current zoning intact while they finish a project. He stated that the FLUM is not enforceable, consistent with existing State law. The Zoning Code is the only legally enforceable part; the Future Land Use Map is a policy guidance document. But, the FLUM is something that will drive the changes in the zoning layers on the new zoning map. Property owners must advise the City if they notice something that is proposed for change which should remain intact. Early coordination would allow potential issues to be resolved.

Mr. Thomas asked for clarification concerning a potential circumstance where a site may be subject to a rezoning, and the property owner didn't notify the City of their desire for the parcel to retain the existing designation, and the property is automatically rezoned to be consistent with the FLUM.

Mr. White stated that if the property owner suggested a different classification than the Future Land Use Map, the decision would be up to the City Council. The decision regarding the adoption of Subdivision Regulations will be made by the Planning Commission, and the decision regarding the Zoning Code and Zoning Map will be made by the City Council. If a property owner thinks that an existing commercial use which is located within a residential district should continue as commercial, then he can make his case to continue as commercial use rather than adopting the

new category. The consultant team is evaluating the Zoning Code from a broad perspective, considering the City as a whole. Individual property owners must coordinate with the City to let them know if a potential rezoning of a parcel would detract from the property owner's development plans.

Ms. Shaw asked if the process to address rezoning concerns had been addressed.

Mr. White stated there will be opportunities for people to state their concerns during the comment period while the code is being drafted, and prior to the zoning code being presented for consideration before the Mobile City Planning Commission.

Ms. Maurin asked where in the draft code are the provisions and procedures located which address concerns.

Mr. White replied that the policies would be included in a pending draft code section, Article V. Article V will address posting notices, facilitating public meetings, include Board of Adjustment rules, Mobile City Planning Commission rules, and provisions that are general in nature. Each individual process will be addressed, regarding how to proceed, who makes decisions, time limits for project review, and the scope of approvals.

Mr. Shumer asked about potential instances of an existing business getting re-zoned to a residential designation, and becoming considered as non-conforming. If this situation occurred, would the property owner be required to ask for permission to change anything on site. Additionally if a storm resulted in structural damage in excess of 50% of the market value, would the owner be allowed to rebuild to the previously existing conditions.

Mr. White said that non-conformities will be addressed in a pending code module. He stated that yes, the described scenario could occur, although the City would prefer to avoid such circumstances, if possible. If an existing business continues operating, they would be allowed to continue operating, and the consultants may evaluate including code regulations which would allow them to expand, rather than try to force them into obsolescence.

Ms. Beaco stated that what was helpful to the staff when they reviewed parts of the draft yesterday was having guidance in interpreting the new zoning ordinance by rationalizing the changes.

Mr. White stated that the first thing for someone to consider, with respect to a property's zoning, is to review the Table of Permitted Uses Matrix and confirm if a desired use is allowed. If not, a different parcel should be considered. Alternatively, if a property owner does not see a specific use listed as permitted by right for their parcel, they may meet with the City Planning Department to see if the intended use is similar to one that is listed, and to confirm whether it would be allowed. If the Planning Department does not agree, an application may be filed with the Board of Zoning Adjustment for either affirmation of the applicant's request or concurrence with the Planning Staff's decision.

Mr. Thomas asked where the Table of Permitted Uses Matrix is located within the zoning ordinance.

Mr. White stated Article III included the subject table, and that it is color coded and some additional uses have recently been added.

Mr. Guess asked how Committee members approach giving their comments and concerns about items that may have been overlooked.

Ms. Beaco advised that Committee members should email staff with specific questions and concerns, between now and the next Zoning Technical Advisory meeting, so that they can be categorized into major topics to be addressed at the next meeting, along with comments received from the public.

Mr. Shumer stated that current PUD approvals are site plan specific, and asked whether any minor changes made on a site would require that the new site plan be approved again. If the new zoning ordinance doesn't require a PUD for multiple buildings on a single site and the owner wants to make a change to the site, would the prior PUD approval be nullified if the proposed changes conform to provisions of the new ordinance?

Mr. White stated that there is usually a list of activities which are considered to represent minor changes, and may be approved administratively, but if a major change became necessary the proposal would require PUD approval. If it is something that would conform to the new code, then such change should be able to be approved administratively, without having to go through a discretionary approval process.

Ms. Shaw asked whether the review and comment period for the specific modules currently before the Committee would be closed when the Committee moves on to other modules, or if it would be possible to subsequently bring up questions concerning the previous modules.

Ms. Beaco stated that the comment period would not be closed. Staff will continue to take feedback on all elements, although the Committee will move forward with review and discussion concerning the upcoming draft code sections. The zoning code will not be adopted in a piece-meal fashion. All elements of the zoning code will be presented as a full draft package for consideration for adoption by the Mobile City Planning Commission and City Council.

Mr. White thanked everyone for their attendance, comments and questions, as well as for help in getting him started on reviewing other aspects of the code.

Ms. Beaco noted that two members of the Committee were absent from today's session. Shirley Sessions from Regions Bank, who also serves on the Mobile City Planning Commission, and Bob Omainsky, representing the Restaurant Association, will also serve on the Zoning Technical Advisory Committee. She further stated that the City is working out kinks on the Map for Mobile website, and the zoning code documents will eventually be accessible on that platform. In the interim, they will be posted on the Planning and Zoning website. She thanked everyone for their time, expertise, and sharing their comments. She stated that they would try to stick to the schedule that was laid out and try to move through the process as expeditiously as possible.