

City of Mobile
Zoning Code – Subdivision Regulations
COMMENT RESPONSE—COMPOSITE DOCUMENT

November, 2017

**A compilation of comments by the general public, and responses by staff, regarding
the proposed Zoning Ordinance and Subdivision Regulations revisions**



City of Mobile
BUILD MOBILE Department

List of Commentators

No.	Commentator Name	Community Role (citizen, business owner, neighborhood organization, developer, other)
1	Sue Winter	Resident
2	Pete Burns	Resident, Business owner
3	Mobile Baykeepers	Other
4	Timothy lloyd	Resident
5	Jim Gilbert	Resident
6	Government Street Collaborative	Residents
7	Donald Stewart, Esq.	Resident
8	Government St. Collaborative [Member Groups: Oakleigh Garden District Society , Old Dauphin Way Association, Historic Mobile Preservation Society , Leinkauf Historic District Neighborhood Organization, Midtown Mobile Movement, Flo Claire Neighborhood Association, Lafayette Street Association, Church Street East, Lower Dauphin members, The Loop Group Community Action], Ted Flotte, Michele Nimt, Ashley McLean, Robert Allen, Hastings Read, Gillian Faircloth, John Holmes Smith, Charles Gray, Trisha Agee, Sheridan Hinton, Beth Legett, Elie Lynch, Cecelia Murphy, Bill Boswell, Debra Kraus, Annette Ball, Becky Pomrenke, Kris Enzor, Annette Ball	Residents, Business owners

9	Alabama State Port Authority	Other
10	Suzanne Schwartz	Resident
11	Brenda and Harold Bolton	Resident
12	William James	Resident
13	Bill Boswell	Resident
14	Brenda Stricklin	Resident
15	Clifford Sharpe, Daniel Day	Business owners
16	Day Gates	Resident, business owner
17	Marie Dyson	Church Street Historic District
18	Mike Baucom	Leinkauf District
19	Bob Hollon	Resident, Business owner
20	Wanda Cochran, Esq.	Resident, Business owner
21	Casey Pipes, Esq.	Resident, Business owner, attorney representing client

Thank you for your feedback and involvement in this process. Following each upcoming Zoning Technical Advisory Committee (ZTAC) meeting, public comments will be received for approximately 30 days. Responses will be prepared, in a composite format, approximately ten days following the end date of the public comment period. A response document will be uploaded to the City's *Map for Mobile* website (www.mapformobile.org).

We look forward to reviewing and responding to your comments. For additional information please contact us by phone at (251) 208-5895, or by email at Planning@cityofmobile.org.

PUBLIC COMMENTS RECEIVED OCTOBER 14, 2017 THROUGH NOVEMBER 13, 2017

1. Received from Sue Winter:

A glossary is needed to accompany every Chapter/Article/whatever. Many terms are used that a lay person, such as myself, do not understand. A definition, explanation, etc. will facilitate this process. If one is available, please alert me to its location – in any event, it should be attached to each distribution.

Response: *Article X contains the general definitions of terms referenced within the draft zoning code.*

Section 64-27 Use Table. In spite of Mobile, Alabama being a coastal city, a port, a recreational water opportunity, (even having The Peninsula of Mobile –aka as Dauphin Island Parkway, which is surrounded by Mobile Bay on one side and Dog River on the other side) there is only ONE mention of a water-related zoning item anywhere in this section. That one mention appears under Infrastructure “port and water transportation”. What will govern marinas, boat repair businesses, boat trailer manufacturing and repair, sales of boats, kayaks, canoes, personal paddle devices, sail-making, net repair, pier and bulkhead construction, charter boat facilities?

Response: *We are working on a water-related/dependent use category.*

Nowhere do I see design templates for any water related structures, some of which would be reflected in the above categories.

Response: *These would reflect the design templates for the other categories at the street. There is nothing about water-related structures that changes those features at the street.*

As noted in today’s Advisory Committee meeting, very careful attention needs to be given so as not to constrict the resurgence of residential opportunities in the Downtown Zoning District. Everyone has been encouraging “mixed use” – let’s don’t curtail it.

Response: *The listed uses and design standards accommodate residential uses.*

There was a statement that there would no longer be a minimum square footage requirement – please make that statement appears in the body of this document.

Response: *Where? It does not make sense to list the regulations that do NOT apply or that we did not write.*

We were told today that some content in the drafts were there as “placeholders” – I respect the need for that, but the “placeholder” content should be in italics or highlighted in some way to let the read know this is not “real” content.

Response: *They are highlighted.*

Throughout Article V, Section 64-74 Notice Provisions, there is a requirement that “The Director will publish in a newspaper of general circulation throughout the City.” Will *Lagniappe* be considered to meet that criteria? I encourage the use of *Lagniappe* since it has now been approved for legal notices and it seems Land Use notices

would fall in that category. I recognize that certain advertising means are governed “per Code of Ala.1-52-77” as is noted in Section 64-78 Conditional Use Permits, this is not reflected in the Section 64-74 section.

Response: *The applicable publications will change from time to time, and this will be handled administratively. There is no need to designate the newspaper by name in the code.*

With regard to the Neighborhood Meetings requirement, I don’t see a reference to the Historic Districts by name; suggest that be included even though they may fall within the 6 districts noted.

Response: *Historic districts do not trigger the neighborhood meetings requirement in the current draft.*

The notice provision for the Neighborhood Meetings is woefully inadequate; signs on the property and posting on the Planning Department website is not sufficient. Suggestion is to include proactive notices such as social media (Facebook) postings, letters to be mailed to area property owners associations, community action groups, non-profit organizations known to be working on behalf of that area and postcards to a minimum of 100 households adjacent to the property in question. Whatever requirement is currently in place of “notice” should be continued – with the addition of the City directing the applicant as to the specific # or addresses to receive and being given proof such a mailing to those were completed.

Response: *Is there any specific reason why signs and the planning website is insufficient? I suggest having a discussion with the TAC about this. This is a policy issue - I can add additional notice, but this is a new process and should be given time to work before we add to the requirements. Applicants can provide additional notice if desired. Because this benefits them in the long run, they can certainly go beyond the minimum requirements.*

The governing language for neighborhood meeting notice only mentions postal mailings under “D. Statement of Neighborhood Meeting”, 1. (a). It does not appear in the earlier requirement section. Again, a certain minimum number should be required.

Response: *This is a typo - postal mailings should be deleted.*

Under Section 64-77 Rezoning and Text Amendments, B. Initiation, it is statement an amendment may be initiated by “any person by filing a written application with Director”, which is not clear – what is the consequence under C. Completeness, 2. Why is a completeness review not required?

Response: *Completeness require is not required only when the City initiates the rezoning by motion of the Council or Planning Commission. The staff will ensure that appropriate boundaries are drawn, and this is usually part of a long-range planning process rather than a private development.*

Under Section 64-79, Alternative Compliance, D. Notice: “Owners of land immediately adjoining the subject property” – assuming the property has street frontage, that could ultimately be just three owners – is that correct? – not all owners within a certain radius, or a minimum number of owners, etc.?

Response: *Because these are minor changes, only adjacent property owners are notified.*

Much more consideration needs to be given to the requirements noted in Section 64-84 Minor Plats. The dividing of one parcel of property into multiples of up to 5 lots can create major concerns due to density, traffic, water run-off, street scene appeal, value impact to adjacent properties. This is not a positive guideline. Also, there is a reoccurring question about the notice “owners of land immediately adjoining the platted land” - need minimum number, certain distance radius, etc.

Response: *This is the current process, and is consistent with thresholds used in most communities. If the City would like me to expand the notice or carve out minor plats that generate more than a given amount of traffic or other impacts, I will need direction to do so.*

Section 64-90 Variance of Zoning Regulations – Again, notice requirements are inadequate – states that only “the applicant and the person whose name and address appears in the application as the owner of the land” gets the notice and “any other persons that the Director or Board of Adjustment determines are parties in interest to the appeal” – not a clear enough or stringent enough requirement for notice – “whomever someone determines”?

Response: *The Zoning Board of Adjustment will decide who the parties are based on state law governing standing. Why is this "inadequate"?*

All language relating to the same topic, such as “notice” for example, should be checked for consistency- there are various ways used in expressing what I think is the same requirement.

Response: *Please provide examples. Which provisions are inconsistent?*

2. Received from Pete Burns:

There is much to appreciate about the proposed new zoning but recreational use of the waterfront is of great importance to most residents who have participated in Map for Mobile sessions I have attended - and for good reason. The downtown waterfront provides the most potential for Mobile to dramatically improve the quality of life for our residents and our status as a tourist destination. The population of Mobile is shrinking while Baldwin County is booming http://www.al.com/news/mobile/index.ssf/2017/05/census_shows_mobile_dropping_t.html. Please analyze the impact a vibrant recreational waterfront with heavy industry incentivized to relocate to the Theodore Industrial Canal or further south would have on our City and County. That is what I have heard people say they want.

Response: *The comment calls for a recreational master planning exercise, but that is beyond the scope of this project.*

The expansion of Airbus is an opportunity for Mobile to substantially increase our population. Our leaders recruited Airbus and provided incentives - for which they endured criticism - to bring this dynamic company to our community. Why are so many of their employees choosing to live in Baldwin County? What can we do to reverse that trend with the proposed expansion? Airbus executives could identify quality of life issues that could be incorporated in our zoning that would make downtown Mobile the preferred location for its employees to live.

Response: *The draft UDC improves opportunities for mixed use development consistent with the design principles of Map for Mobile.*

Wonder what impact some recreational use of the Mobile River would have on the decision Airbus employees would make when they decide where to live? Alternatively, I wonder how many will be enticed to locate downtown if we expand the area zoned for heavy industry and relax restrictions on heavy industry locating in close proximity to residents.

Response: *See responses to comments #2 above, and #6 below, regarding the draft UDC.*

3. Received from Mobile Baykeepers:

“Article IV” is consistently mentioned throughout the draft Zoning Modules but there is no link or accessible document on the website to reference. Without this document, we cannot adequately review the drafted modules and would like to request the Zoning Technical Advisory Committee make these available as soon as possible.

Response: *Art. IV is available for review.*

We are also concerned with the zoning code updates being presented through a series of modules posted at separate times. This approach makes it difficult for the public to review the zoning overhaul as a whole and could create missed connections among comments. To address this, we suggest allowing for public comment after all zoning code documents have been published in the event that they may have not made a connection important for the City to consider before adoption. If that is not possible there needs to be one final overall review before adoption.

Response: *That will be available under the proposed schedule. 6 Articles - and the ones that typically are of greatest public concern - are currently available for review.*

We encourage the City to consider making stormwater management and water quality a priority listed in this section. Creating a specific policy for this Article to implement is necessary for the protection of the Cities immense natural resources and to underscore the importance of this issue.

Response: *There are provisions in parking and minimize impervious surfaces, and riparian buffers are added.*

1) Landscaping Requirements a) Generally: Although landscaping is listed at the beginning “to buffer surrounding neighborhoods, and to mitigate stormwater, heat island and visual impacts of development”, Table II-2 Summary of the Site Design Elements only refers to landscaping as addressing the visual impacts and community image. It is evident in the Site Design descriptions that stormwater impacts are not a consideration for the landscaping requirements. That should be changed to include stormwater management as a vital rationale for landscaping, especially because it would be one of the best ways to reduce pollutants entering area waterways, protect against sea level rise, and promote resiliency.

i) Site design type 1: Landscaping is not regulated. We recommend using similar restrictions to those described in Site design 2 or at least require a minimal percent for porous/permeable surfaces – especially in areas that already have high percentages of impervious surfaces.

Response: *Agree with adding stormwater management as a rationale for landscaping. However, City policy has been not to apply landscaping requirements to single-family dwellings (Site 1). There are provisions for cluster / conservation subdivisions through the application of new open space requirements and replacing minimum lot size with density controls.*

ii) Site design type 6: We strongly recommend increasing the percent of area to be landscaped; similar to restrictions made on site designs 4 and 5.

Response: *The landscape percentages are part of the district regulations in Article III, and some have increased to 15 to 20%.*

iii) Consider the inclusion of bioretention swales and cells for new residential developments and additions to existing developments. These are recommended practices by the Alabama Department of Environmental Management to reduce pollutants including sediment, nitrogen, and phosphorus and have the lowest cost comparatively (ADEM, 2014; Gibney, 2015). At a minimum, remove “where needed”.

Response: *This should be part of City Code Chapter 17 (stormwater management).*

2) Parking Requirements a) Generally: It is imperative that the City makes stormwater management and water quality a priority in the “Parking” category. Site design elements across all “Types” should include requirements to mitigate stormwater runoff. b) Site design type 1, 2, 3: Parking is not regulated in site designs 1 and 2 and requirements in site design 3 are unrelated to stormwater issues. We strongly recommend requiring LID and stormwater management practices with similar percentages to site design type 4 for all of these site design types.

c) Site design type 4 and 5: We applaud requiring a minimum percent for parking lots to be shaded by large, medium, or small trees but ask you to consider using language that will allow the use of landscape and/or stormwater management practices. It would be more useful to require an area of the parking lot to include bioswales, bioretention cells, and other ways to mitigate pollutants in runoff before entering the waterways. d) Site design type 6: There are currently no restrictions to landscaping and/or stormwater management practices to this site design type despite the fact this application is for heavy industrial, downtown waterfront, and light industrial uses. We strongly recommend providing a minimal landscaping percent similar to those proposed in site designs 4 and 5 e) Incorporate the use and implementation of bioretention cells (BRCs) that remove pollutants and slow stormwater runoff within landscaping minimums. An example of a BRC design in a parking lot is shown below (extracted from the Draft Dog River Watershed Management Plan). Mobile Baykeeper feels strongly that all parking should be required to have some minimum percentage of permeable / porous paving and / or stormwater management with a minimum number of gallons filtered before entering storm drains / waterways.

Response: *We could add a requirement that parking lots include "green" stormwater management provisions if they exceed a minimum percent over the required number of spaces. Lafayette, Louisiana recently added this to its parking requirements as part of a UDC update.*

1) We recommend increasing the "Landscaping percent (min)" for both Light Industrial (LI) and Heavy Industrial (HI) land uses to 20%. The LI is designed to accommodate industrial uses such as processing, warehousing, distribution and wholesaling facilities and HI is designated for high-impact industrial activities. Facilities in these categories require large areas and that likely require the filling of wetlands that are essential for our stormwater infiltration and runoff reduction. By requiring a higher percentage of landscaping, industries can incorporate LID and/or stormwater management practices to reduce their impact and increase permeable/porous area.

Response: *Under staff review for further consideration.*

4. Received from Timothy Lloyd:

Open the waterfront from the cruise terminal to Beaugard St. for riverwalk and commercial and residential development and move the heavy industrial business's to Theodore. I think many empty nesters would stay in Mobile rather than flee to Baldwin County.

Response: *It appears that most of this area is in the DW future land use category, and DW district will allow for commercial development (with residential development available in mixed use configurations). The City does not have the authority to "move" industrial businesses to Theodore, especially through zoning.*

I would like to present another vision for our water front downtown. Please see link below and scroll down to the video. (Reference to 'The Waterfront' project, Vancouver, WA)

Response: *I do not see the link. If this reference is to <https://thewaterfrontvancouverusa.com/>, that type of project is allowed under the DW category.*

5. Received from Jim Gilbert:

I would like to see a small area for parking pleasure boats, a riverwalk as in Destin with restaurants and bars right on the river, walkable from downtown. Some live oak trees planted or London Plane 'exclamation' variety that grows well here. The Pond Cypress are the ONLY variety being planted. I do not care for them at all.

Response: *The riverwalk style development is the DW(B) category. The tree list that is part of the updated landscaping regulations addresses tree species.*

6. Received from Government Street Collaborative:

The GSC supports the Building and Site Design Standards, but finds some inadequate to insure the preservation of historic districts, buildings, corridors, centers, or neighborhoods, even with the historic overlay dimensional standards. Therefore, the role of the Architectural Review Board is crucial and must continue and be controlling to cover any “gaps” in the Ordinance for historic properties and adjacencies. The GSC requests that development in historic districts or along adjacent traditional corridors require a pre-application meeting that engages the developer and ARB with resident representatives from impacted neighborhood groups registered with the city.

Response: *This does not change the review process or standards for historic buildings. We should clarify in Article X that the historic district standards control if there is a conflict.*

We have a concern about the dimensional building standards in Article III based on the “150 foot” standard. If historic infill building height or setback maximums are determined by the greatest height or greatest setback within 150 feet, one inappropriate determined by the greatest height or greatest setback within 150 feet, one inappropriate building could conceivably establish a height max that would be repeated in 150 foot increments along a corridor. Further, any building within a historic area that is NOT an appropriate or contributing building as defined by the MHDC should never be used to determine a dimensional standard of this type.

There is no mechanism in the standards, as written, that will prevent this “dimensional creep.” Therefore the GSC requests language which notes this potential and states that the Architectural Review Board is the appropriate reviewing entity to protect appropriate articulation and scale in historic areas. ARB standards must be controlling in historic districts.

Response: *I assume that this refers to Section 64-26 Historic District Overlay (HO). This carries forward the current standards, per my direction.*

Because there are no materials standards, the ARB is the appropriate reviewing entity to address materials and insure the visual and historical appropriateness of infill and redevelopment in historic districts. This expertise is a protection of property values for homeowners and for the character of neighborhoods and the sense of place the Map for Mobile promotes. ARB should be controlling to resolve such standards when conflicts exist.

Response: *Architectural Review Board (ARB) review continues to apply in the historic districts. We are considering the addition of materials standards for non-residential districts.*

Because Building Design Type A (single family) does not regulate the Facade or Windows, the GSC supports the ARB as the reviewing entity for RL or RM infill and redevelopment in historic areas.

Response: *ARB review continues to apply in the historic districts.*

Without seeing the Zoning Map which promises to identify acceptable Building Design and Site Design “types” in each Zoning District, the GSC has a concern about the range of “Application” standards for each Building Design Type. For example, Building Design Type D suitable for a suburban application, is also for “limited” application in traditional centers and on traditional corridors. This undercuts the purpose for creating building design types and assigning those to specific, appropriate zoning districts. The concept of “limited use” (which is probably intended to reduce non-conformities) should be handled by variance applications. Take “limited use” to inappropriate districts out of the language. These are not “standards” if allowed for use in any zone.

Response: *Allowing suburban Type D on a limited number of sites in traditional areas is consistent with my policy direction to limit nonconformities. The standards do not apply to any zone. The zoning map will depict the locations of the areas subject to the Type A or Type B dimensional standards. For*

example, DW will be either DW(A) or DW(B). DW(A) is more industrial in character, but DW(B) includes urban building design standards with reduced landscaping. If a property is in DW(A), for example, the Site 3-Building D standards of DW(B) do not apply - but the minimum landscaping required is 12%, not 5%.

A traditional corridor or neighborhood center adjacent to a historic district impacts the districts' unique character and property values. Therefore, development should go through a pre-application meeting with registered neighborhood representatives and the ARB. These traditional areas greatly impact the character of our historic districts and therefore property values and quality of life there.

Response: *A preapplication neighborhood meeting is established in Article V for discretionary approvals in Neighborhood Center, District Center, Mixed Commercial Corridor, Traditional Mixed-Use Corridor, and Downtown Waterfront future land use categories.*

The GSC supports the following in Article II, 64-12, Site Design:

1. Site design standards as part of Zoning
2. Civic space standards for each development
3. Adequate riparian buffers
4. Landscaping to buffer surrounding neighborhoods, mitigate stormwater, heat islands, and visual impacts of development (though further landscaping is yet to be published)
5. Protection of heritage trees, requirements for shade trees in surface parking, and incentives for developers to allow existing street trees to "count" in the development's minimum landscaping requirement
6. Inclusion of minimal standards (height, facade, lot coverage, etc.) in a Historic Overlay

Response: *Thank you.*

Surface parking in historic and traditional neighborhoods must be limited and must be buffered by landscape screening alone or in combination with fencing. (See illustrated in Article II, for D. Site Design Type 3, pg. 16 — Urban Application, Traditional Neighborhood Centers and Traditional Corridors such as Government Street) The summary of site design elements (64-12, Table II) states that landscaping in traditional applications will "reduce visual impacts of parking." However, the Site Plan illustration on Page 16 for a traditional area has a lot-width surface parking lot visible from the main street, the side street, and from the rear lot line with absolutely NO landscaping screen. This is not acceptable, especially along Government Street where the frontage parcels are frequently adjacent to residential lots. We realize that Article IV will also address buffers and parking and we hope this situation is resolved at that time. However, the dramatic reduction of landscaping requirements east of I-65 creates a situation where surface parking may be left unscreened to residential and historic adjacencies. That must be addressed to the benefit of all parties impacted.

Response: *Landscaping reductions are applied to these areas to address the smaller site geometries, which creates difficulties in siting both buildings and landscaped areas, and (2) in consideration of the fact that the urban building and site design composite standards will screen parking areas from the street with buildings.*

The GSC finds a 3' fence or wall height not adequate in side and rear yards, the concern being where fencing contains pets or separates small children from moving traffic as at apartments or swim pools, etc. Obviously, special considerations exist for corner lots where fencing cannot block traffic view, but where fencing functions as containment for safety, 3' is inadequate for rear/side yards.

Response: *What section does this refer to?*

Landscaping regulations in Site Design types state that when the "required number of trees cannot fit within the minimum landscaped area, remaining trees shall instead be donated to the city tree commission to be planted as

public trees.” The GSC requests that such donated trees be planted within the neighborhood impacted by the development, provided an appropriate planting location is available.

Response: *This could be added to the landscaping standards in Article IV. We will need to define "neighborhood" - for example: areas covered by an adopted area plan, areas within the same contiguous zoning district or future land use category, or areas within a specific distance (e.g., 3 blocks east of 65, 1/4 - 1/2 mile west of 65).*

The GSC finds that, like Building Design types, Site Design Types are overly flexible because the Application for each Site Type includes not only the appropriate Zoning Districts, but also “limited application” to Zones that are NOT appropriate. For example, Type 4, Article II 64-12, pg 17, is clearly a suburban strip mall type development with front parking, but the Application states it has “limited application” on Traditional Corridors like Government Street. The GSC finds that the developments at 1616 Govt at S. Monterey, 1500 Govt at Catherine, and 1702 Govt near the Cannon - are the LEAST appropriate developments on this historic corridor through the city’s historic residential areas, and no Building Design of this type should be allowed, even in “limited” application. Therefore, it is distressing that this Site Design Type 4, as well as Type 3 with its large exposed surface parking along the street in front of the building, are designated for “limited application” to Government Street. This Site Design type must NOT be applied to the Traditional Corridor adjacent to historic districts. To include even a single such development on Government Street is in essence UPZONING Government Street through designing standards. Strip mall designs are not appropriate for traditional corridors through historic districts. The Map for Mobile goals are to move toward more appropriate zoning along the traditional corridor, not less.

Response: *The standards will be determined by the zoning designation. "Limited application" is only guidance for applying the zoning designations, but does not suggest that someone in a district that requires a Type C building type or Type 3 site design can use a Type D building type. The zoning map will depict the locations of the areas subject to the Type A or Type B dimensional standards. For example, DW will be either DW(A) or DW(B). DW(A) is more industrial in character, but DW(B) includes urban building design standards with reduced landscaping. If a property is in DW(A), for example, the Site 3-Building D standards of DW(B) do not apply - but the minimum landscaping required is 12%, not 5%.*

Article II, 64-12, Site Design 2, page 15 states a 3’ maximum for fencing adjacent to RL or collector streets. 3’ is not adequate to contain pets or small children for their safety.

Response: *3' at the front yard is the current standard (64-4.D.1.a) and a common standard, but could increase by 6 inches. Some sources classify low fences in residential or suburban areas as up to 42" (3-1/2 feet) high. See De Chiara, Paner & Zelnik, Time-Saver Stds for Housing and Residential Development (2nd ed. 1995), at page 131; Mouzon, Traditional Construction Patterns: Design & Detail Rules of Thumb (2004), at page 279. Are there specific incidents anyone can point to that would justify a higher fence requirement? Perhaps we could establish an opacity standard for the portions of a fence that exceeds 3 feet in height.*

The opening statement to the Site Design section states landscaping is to buffer, to mitigate stormwater and heat islands, and to mitigate the visual impacts of development. The GSC finds a need for stronger landscaping standards for traditional neighborhoods such as historic districts, traditional corridors such as Government Street, and traditional neighborhood centers in midtown, not only for aesthetic purposes, but for sustainability. While Article IV will address landscaping and parking further, the GSC hopes to see a stronger focus on sustainability materials and landscaping to address excess water and runoff and heat, and the use of incentives to encourage alternatives to pavement. This document at this point incorporates almost no standards that support and improve Mobile’s natural resources, sustainability, or the effective handling of water and heat. If incentives can be offered to protect heritage trees, can incentives also be offered for the use of sustainability efforts such as pervious

parking, courtyard, civic space, and sidewalk materials, landscaping to increase pedestrian safety, and other functions based on contemporary research?

Response: *Article IV allows alternative pavement and establishes riparian buffer standards to protect water resources. The landscaping standards incorporate the work of the City's Right Tree Right Place Committee. Due to state law (Code of Ala. § 35-1-6), the standards do not address sustainability.*

The lower landscape percentage requirement east of I65 is due to density, but it is of concern that the entire midtown and downtown areas are left with few progressive development standards related to these issues. There are some changes which have the potential to at least balance the scale, such as both reduced parking pavement requirements and reduced landscaping, but no net gains for a more sustainable approach to development.

Response: *See response to comment #6 above, regarding landscaping standards. In addition, the standards now include civic space standards to improve walkability and functionality of larger sites. The standards do not implement sustainability. See response to comment #6 above, concerning alternative pavement, riparian buffers, and landscaping standards.*

The GSC requests that the Zoning Ordinance impose stronger standards for sustainability and offer developers further incentives to incorporate Site Design/Parking/Landscaping design such as: replace internal site impervious surfacing such as concrete or asphalt with surfacing such as pervious pavers in parking/alley/sidewalk/courtyard/civic space applications, enlarged tree boxes for new plantings, use of silva cell and root cell tree planting techniques for large tree plantings to mitigate future root surface disturbance, use of Site Design areas such as rain gardens, swales, or bioretention areas to address stormwater and heat islands, and other effective sustainability measures in Site Design. Resources from EPA such as the municipal "green streets" initiative provide research about what other "wet" cities such as Seattle are doing:

https://www.epa.gov/sites/production/files/2015-10/documents/gi_munichandbook_green_streets_0.pdf

A hot, wet city like Mobile poised to adopt a new Zoning Ordinance that will be in place for decades into the future must incorporate development site standards to address these types of issues. It is negligent not to do so.

Response: *The standards of the Zoning Ordinance do not implement sustainability due to state law. See response to comment #6 above, concerning alternative pavement, riparian buffers, and landscaping standards. However, riparian buffers are established, and alternative paving surfaces are allowed, to better address stormwater management and water quality issues.*

While the GSC celebrates the incentive to protect heritage trees and reduce parking pavement requirements, there are many, many other things we are expecting from the Zoning revision if it is to realize the promise of Map for Mobile in statements such as these: "Develop incentives for private development to build to higher energy standards such as Leadership in Energy & Environmental Design (LEED) or Green Building Initiative (GBI)." "Strategically plan for the mitigation of environmental issues." "Embrace low-impact development design standards." "Develop a robust and diverse stormwater management program."

Source: Map for Mobile, Action Plans

Response: *See the previous response, above.*

The GSC requests that temporary signs and temporary window signs visible from the sidewalk be limited as to the SF area and the number of such signs allowed. See endnote 7: "Is there any desire to regulate the overall area of these types of signs [those not permitted]?" Answer: YES. The GSC does desire such regulation.

Response: *Under staff review for further consideration.*

The GSC requests that “temporary signage” be defined to exclude product-specific advertising other than special promotionals, and include business information of interest to clients, employees, or customers, or sales of a short term nature. Temporary signage should be limited by definition to events of a limited duration such as community activities and opportunities or other items of community interest. This definition should be not construed as limiting content but instead defining temporary signage as a classification. Further, Temporary signs should be “counted” in the allowable percent of window coverage or square feet of signs.

Response: *The suggestions here all relate to content. We can characterize temporary signs by their physical characteristics, but First Amendment law limits our ability to control what the signs say.*

Indoor Sign - is not defined and should be defined as a sign “not visible” from X-feet in front of the business.

Response: *This is worth considering. However, it may be difficult to determine whether their sign is "visible" or not. A more common standard defines those signs as within a given distance of a window - for example: "a sign located inside a building or structure that is not placed on a window or within 3 feet of a window."*

Illumination as signage - The GSC requests that signage casting illumination as defined in the Ordinance in or into a historic district and/or private residences be prohibited.

Response: *Added to 64-107.D.1: "Sign illumination shall be directed so that it does not face any historic district or residential district." Note: illuminated signs are currently defined only with reference to internal illumination. I added a broader definition of illumination, which includes any light source. External illumination is common in historic areas. Should we allow that, so long as the light source is directed exclusively to the sign face? Also, the standard added here makes sense only if illuminated signs are not allowed in historic and residential districts. I added those restrictions, along with a prohibition of electronic and digital signs in historic and residential districts. Also, should we address halo lit signs?*

Enforceability and clarity: A signage ordinance should balance the needs for commercial and nonprofit endeavors and individuals to have public communication in ways that guard against “sign clutter” and that do not create a negative visual image for the city and its neighborhoods. The GSC strongly supports an effective signage ordinance, especially in traditional and historic neighborhoods and along Government Street and other traditional corridors. As a community group, the GSC also appreciates the need for using signage for public communication. To be effective, a sign ordinance must be clear and enforceable, and the rules for temporary signage as written miss both goals. There are several different standards for temporary displays in the Ordinance which, taken together, confuse and seem to incentivize less preferable signage at the expense of preferable signage:

1. One allows temporary banners to be displayed for 30 days for 3 times annually, non-consecutively. Banners are required to be stretched taut, mounted, limited in size, permitted, and “counted” in the total number of allowed signs for the Zoning District, per the Table 106-1.
2. Temporary signs (5 a - c) may be free standing or on walls (and one assumes window whether or not that is stated) displayed for 30 days for 4 times annually, non-consecutively, with size and placement limits, but NO permit, and NOT “counted” in the total number of allowed signs per Table 106-1
3. Temporary indoor window sign (3 (b) 7, is yet another category, and the definition of a “temporary sign” requires a specified time limit, but the standard as written mentions NO specified time limit, NO window percentage 20% coverage standard as permanent window signs require, NO size limit, and NO permit. Further, the times-per-year-non-consecutively for signage would seem impossible to monitor and enforce, confusing to those needing to display such signs, and open to misinterpretation by those attempting to “follow or enforce the rules.” Finally, temporary window signs are far less restrictive than permanent window signs and banners. Heavy card stock posters can be displayed for several years taped to a window, yet are “temporary” when evaluated by the definition given as to sign material. The exact same poster placed in a plexiglass frame for mounting becomes just a “window sign” and must meet greater regulation. A

framed poster is preferable to one taped to the window, and this creates a situation where the ordinance becomes a disincentive to a more visually appealing display.

Response: *The sign regulations are under further discussion with Council. I am not clear about why banners contribute to clutter, since they count toward existing signs. For temporary signs, the allocation system could establish an overall area limit for temporary and incidental signs. Requiring permits for temporary signs could be cumbersome, and most people do not expect to need a permit for things such as election signs. A "sticker" type system could be used to track when the signs are placed. I agree that limits are needed for temporary window signs. The current section is carried forward from the existing regulations (64-11.5.h)*

Question, Clarification: A. Applicability 3. Sign Permits, (b) Permit not Required This item appears to exempt these types of signs from permitting, and states "...these signs are not considered in determining the allowable number or size or signs on a lot, except as provided in subsection C below." Subsection C is the main section on "Standards by Sign Type, Zoning district, and Use." Clarify: When a sign is exempted from permitting, specifically a 3'X5' or 4'X6' advertising card stock poster temporarily attached to glass window either inside or outside, and fully visible/readable from the street, Is that sign limited by the size limits per the Table (20% of window coverage; total of 64 SF of frontage signage, etc.) ?

Response: *Agree that this should be clarified. The window sign would be subject to the overall window sign allocation. This section could be revised to subject to the permit-exempt signs to the overall sign allocation.*

Comment for item above: IF the non-permitted temporary window poster of that size visible from the street IS restricted as to size and window coverage, the GSC supports that limitation. IF the non-permitted temporary window poster of that size visible from the street IS NOT restricted as to size and window coverage, the GSC requests that the same limitations apply to temporary signs as to permanent signs. The GSC especially requests this for traditional neighborhood centers and traditional corridors, specifically in historic districts and on Government Street.

Response: *Please see the response to the previous question.*

The GSC asks that the language be revisited for both the standards and the definitions for temporary signage, banner, and window signage, and provide illustrations to clarify. A. An illustration to accompany definitions would be helpful: a properly framed/stretched and mounted banner; a window bank with only 20% coverage; a taped temporary poster and a framed, mounted poster. B. There is no justification for removing all standards from signage that does not have to be permitted. Most business owners, given the "rules," will follow them and be grateful for the relief from having to apply for a permit. The "rules" should state that should the owner not voluntarily follow the rules and a complaint is lodged, the signage must be removed immediately and a fine may be imposed. Temporary signage should be limited by size, number, window coverage standards, and time limit (30 days, 3 times annually is consistent and acceptable—subject to removal and fines if not observed.) C. The Ordinance should incentivize preferable signage, and regulate signs to avoid cluttering, unappealing temporary signs. D. While the definition of "Sign" is fairly inclusive in the ordinance, we ask that it be added that an entire structure cannot use its street-view exterior walls as signage on a traditional corridor or in historic districts, without review by the Board of Adjustments or the ARB, whichever is pertinent. E. Consider creating different categories of signs by definition in order to limit inappropriate signage.

Response: *Will consider with further discussion of sign regulations. We are creating graphics.*

4 8(b), page 12, allows for converting a nonconforming sign to electronic or digital format. The GSC requests this be done after a waiver and review by the Board of Adjustments in non-historic districts and a review with recommendation from the ARB for historic districts. This will also resolve a confusion between this statement and

E 2(f) page 14 which states that a nonconforming sign cannot be modified in any way which makes it more nonconforming.

Response: *Will consider with further discussion of sign regulations. It is common for communities to require the takedown of existing billboards if a billboard converts to a digital format. I would suggest that conversion be handled administratively in non-historic districts, but subject to all standards applicable to any illuminated sign. Otherwise, the code would allow greater illumination for new signs than existing ones.*

Request for Clarification, G. Signs in Historic Districts, 1 Applicability, page 16 Any sign on any parcel along Government from Water Street to the Dauphin Island Pkwy intersection is included under Subsection G, even if the parcel is on a corner where part of the parcel faces a side street and part of the parcel faces Government Street. Is this correct? [Note; Mr. Blackwell answered this at a community meeting on 10/13/17 as "Yes."]

Response: *I agree with Mr. (Cart) Blackwell. This applies to all of the properties, regardless of their orientation. I suggest changing "the properties" to "within a parcel."*

Which of the industries listed on the Chart of Permitted Uses as permitted by right in the DW zone or within 1/2 mile of private residences or schools or public gathering places, will handle or store materials classified as hazardous, toxic, corrosive, flammable, explosive, or present risks such as fugitive emissions and other pollutants, according to standard classification systems such as those provided by EPA or National Fire Code.

Response: *DW uses are under discussion. Some communities include performance standards for industrial uses, but the City's administrative capacity and potential duplication of state and federal standards should be examined. Otherwise, the location of uses is a function of the zoning map.*

Should the city classify the manufacturing, handling, or storage of these materials in a separate classification of Industry, or designate those developments as Planned Developments which must be negotiated based on the unique characteristics of each?

Response: *Policy issue: separate zoning category for any activity that handles or stores materials classified as hazardous, toxic, corrosive, flammable, explosive, or present risks such as fugitive emissions and other pollutants, according to standard classification systems such as those provided by EPA or National Fire Code? This could also be addressed in Article VI as a supplemental use standard, with separation required from RL/RM districts or a permitted residential use in a commercial / mixed use district.*

It should be noted that the proposed Chart of Uses 64-27 is far more permissive than the existing Chart of Uses, where materials are defined as hazardous if they are "A substance is considered hazardous when it has one of the following characteristics: flammable, explosive, corrosive, toxic, radioactive, or if it readily decomposes into oxygen at elevated temperatures." Hazardous substances currently are not permitted by right in any zone. Further, most chemicals and petroleum products are not permitted by right in any zone for handling, refining, manufacturing, or bulk storage. How will the new Ordinance ensure zoning that offers at least equivalent (if not improved) protections of health, safety, and general welfare of citizens under the state law allowing zoning a municipal power?

Response: *Hazardous waste material storage or disposal is only allowed in IH with a conditional use permit.*

How will the new DW zoning and its Uses permitted by right align with Map for Mobile? The Mobile public is proud of its Maritime heritage and its waterways, and we want a downtown waterfront that honors our history and returns to us a waterfront where people are connected to those waters in daily life, while the work of the waterfront is carried on. The two are not mutually exclusive, but do call for exactly the kind of regulation that Zoning is intended to accomplish. All work of the waterfront is not of equivalent impact, and where that work requires the handling, processing, manufacture, or storage of materials with the greatest potential for impacts on the health, safety, and general welfare of the public, Zoning should address that. How do progressive municipalities balance manufacturing deemed positive in a risk/benefit analysis (such as Austal) with more intense uses? Is there a model that could address these issues in Mobile's Zoning?

Response: *Maritime uses are under discussion.*

In order to ensure citizens' and tourists' use of the waterfront for living, recreation and leisure, both citizens and investors must envision development of a working waterfront where Zoning protects public health, safety, and general welfare, and offers diversified development opportunities for a wide range of potential uses. A waterfront in which certain types of heavy industry develops will not attract that diversity of investors. The area identified as DW on the FLUM is not presently serving only the most intense heavy industry on the west bank (i.e. hazardous materials and petroleum products), so the permitted uses do not in this case reflect what is "on the ground" today. It is not necessary to allow hazardous materials by right in order to avoid excessive nonconformities. The most intense industry on the waterfront is currently placed (after Planning review and approval) on the east side bank, south of the DW zone, and north of the DW zone.

Response: *Please refer to the two previous responses.*

If a goal of the new Ordinance is to reduce processes, would it make sense to simply prohibit these most intense, heavy industry uses (hazardous materials and petroleum products) in the DW zone? Maritime support businesses needed by the Port and by industry, such as office space, marketing, legal, research, publishing and technology, sales offices, suppliers, personnel offices, conferences spaces, training spaces, along with living spaces, mixed with leisure and recreation uses for citizens, nearby residents, tourists, and downtown employees would offer a vibrant mixed use DW, absent hazardous materials/petroleum products.

Response: *Please refer to responses above.*

The Government Street Collaborative supports a mixed-use, integrated Maritime Zone where the DW is proposed, that prohibits the handling or bulk storing of hazardous materials/petroleum products. This would support water-related and water-dependent business/industry/the Port, and integrate water-related recreational and leisure development, residential development, and commerce to support the daily needs of citizens using the area.

Response: *Please refer to responses above.*

7. Received from Donald Stewart, Esq.:

The Mobile Zoning Ordinance currently requires one parking space for each one hundred square feet of "gross floor area" of a restaurant, with the allowed ratio being 1:300 inside the Henry Aaron Loop. While zoning ordinances requiring parking based only on gross floor area are common, in the instance of a restaurant they are misconceived because parking burden is a function of occupation by customers and staff and not structure size. The Zoning Ordinance in Gulf Shores requires "1 space per 3 seating accommodations, plus 1 space per 2 employees on shift of greatest employment; or 1 space per 40 sf of public floor area, whichever is the greater," with "public floor area" defined as "the GFA (including outdoor dining areas not excluded from parking requirements) less all areas used for kitchen, storage, office and other non-customer areas." The draft lowers the requirement for all restaurants to "1 per 300 sf," with sf defined as "GFQ of indoor space," with "GFQ" being a term I do not recognize and do not find defined. Based on my experience the 1:100 standard with no consideration of actual occupation loads is already too low, and reducing the standard to 1:300 would be a larger

mistake. (I also don't understand why bars, which have no specific ratio presently, are proposed to have a ratio of 1:500. Bad idea to have drunks fighting over parking spaces.)

Response: First, "GFQ" should be "GFA" or gross floor area. Second, the parking requirements are reduced throughout the ordinance to accommodate the Map for Mobile's design objectives to encourage a more walkable built environment, and to minimize impervious surface that add to stormwater volumes and urban heat islands. For example, Map for Mobile identifies "Weak Places" as corridors with "large parking lots" (p. 15). In addition, property owners have a market incentive to provide parking for their customers, and other stakeholders have requested that we add maximum parking ratios. At least one city (Buffalo) has now abandoned minimum parking ratios completely in a recent zoning update. Third, while a seating metric is a more accurate predictor of actual parking demands, the interior seating configuration can easily change without altering the actual floor area. GFA is easier for applicants and the City to administer, and is difficult to change over time.

8. Received from Government Street Collaborative, member groups, and local residents:

The uses listed below can have significant effects in historic neighborhoods -namely Residential Mixed, Traditional Corridors, Neighborhood Centers, and Downtown - and should be disallowed OR conditionally allowed in these areas only after public input and review by the Planning Commission and the City Council: Apartment Homes, Rooming and Boarding House, Community Residential Facility, Residential Care Facilities, Community Housing, Hotel/Motel, Bar/Lounge, Drive-thru Restaurant, Day Labor Services, Convenience Store, Gasoline Fuel Sales, Car Wash, Social Welfare and Charitable Services, Hospital, Medical or Dental Clinic, Parking Facility, Minor Utility, Teen Club

Response: Under staff review for further consideration.

9. Received from Alabama State Port Authority

Mark and Shayla: I really appreciate your time last week on the proposed zoning and ordinance standards. During our meeting, a side issue came up regarding the DOWNTOWN "D" area extending east of Water Street, which includes ASPA held lands between St. Anthony Street northward to Beauregard Street. ASPA owns over half of the total acreage.

I understood the City extended the Downtown area across Water eastward to incorporate the DMA Business Improvement District (BID) boundary and the new Meridian at the Port project, which is a multi-family residential use. Currently, Meridian is before the Planning Commission seeking a change from I-1 to B-4 General Business District. They also have pending a PUD amendment. As discussed, properties east of Water Street are not located in the BID http://www.downtownmobile.org/images/news/bid_map.pdf, and ASPA has actively supported the Meridian project.

Based on that limited discussion, I went back to the map and the Appendix C Table of Uses Matrix, and I concluded the DOWNTOWN WATERFRONT DW does not apply to this area in question as there are no permitted or conditional residential uses listed. So, I assumed DOWNTOWN "D" designation only applies to properties east of Water Street. "D" offers so many use options and it appears there are limits on building types and scales. If I am in error on this assumption, please advise.

ASPA investment strategy includes large scale building projects (high-rise) that support office, financial and business support activities on these properties along the east side of Water. Further, we commonly engage in P3 arrangements to affect capital intensive projects. As long as the state holds the property, we're exempt from the ordinance, but many of the proposed uses in the draft will create safety, compatibility and land value concerns.

We can fully support future zoning/ordinances to include office/business/financial uses and we can support multi-story residential (apartment or condo) uses. We also could support incorporating nonstore, and small scale retail or diner/snack bar leasehold activities common to downtown office buildings.

We do object all other permitted or conditional uses listed under D, including single family residential, public/private schools, entertainment, activities that serve alcohol, churches, farmer's market, smaller townhouses/bed & breakfast, community housing, animal welfare, child care and child support and social assistance uses. Recall, CSX and trucking move through this area and the subject area is adjacent to US 43/I-165 access freight corridors. These other uses alone create capability and safety issues in a freight environment. Secondly, ASPA objects to the potential devaluation of state property. Many of these listed uses under D hold lower land values compared to Class A office/business district type uses. For these reasons, we ask that those properties east of Water Street be limited to office/business/financial uses and allow multistoried or high-rise development.

Mark mentioned in the meeting that the city is having to designate subzones within the D to address other stakeholder concerns within the BID. ASPA asks that a similar subzone be created for these properties east of Water Street and restrict use to the highlighted uses above.

Response: *The City's Future Land Use Map (FLUM) adopted by the Mobile City Planning Commission on May 18, 2017 does not contain any areas designated as "Downtown" (D) located to the east of Water Street. An early draft of the FLUM did depict areas designated as "Downtown" to the east of Water Street. It is acknowledged that the draft Table of Uses Matrix does not currently reflect conditional or permitted by right allowances for residential uses, within the Downtown Waterfront (DW) zoning district. This omission was an oversight; the table will be updated to provide allowances for specific types of residential uses within the Downtown Waterfront zoning district.*

10. Received from Suzanne Schwartz:

The Chart of Uses doesn't appear to apply the same logic to IH zoning that it has applied to other zones. When zoning in residential, city center, neighborhood center, etc. we recognize that different zones require a different set of guidelines because of location, surrounding development, future growth potential, environmental issues, public health and safety, etc.

Response: *Under staff review for further consideration.*

Our Draft zoning Map shows that there are IH zones located near heavily populated areas, near schools, churches, entertainment and recreational areas. There are IH zones in wetlands, near sensitive creeks and rivers, and in flood prone areas. These distinctive attributes logically should be taken into consideration when allowing certain IH activities in some of these zones. However, we treat ALL IH zones in the same manner respective to the Chart of Uses. The draft revision of the Chart of Permitted Uses for the DW zone downtown near population centers PERMITS BY RIGHT all heavy industry in a single category, with NO recognition of the vast differences between a relatively safe endeavor such as a boat works and a potentially deadly industry such as the manufacture of chlorine gas.

Response: *See responses to comments #2 and #6 above, regarding the draft UDC.*

Rather than moving our city forward with strategic planned development, we seem to be taking a journey backwards. Viewing the Draft Chart of Uses, it appears that almost any heavy industrial use is permitted by right in any IH zone regardless of its proximity to other areas with which they are incompatible. The CURRENT Chart of Permitted Uses does NOT permit ANY hazardous materials and all such developments must go through a review and public engagement prior to approval by the Planning Commission and the City Council upon appeal.

Response: Under staff review for further consideration of industrial performance standards or spacing from residential uses/districts.

ALL industry relative to hazardous substances (manufacture, handling, processing, blending, transporting, transferring, bulk storing) and petroleum-chemicals should be left off the Chart of Permitted Uses and therefore subject to the scrutiny and public input for a Planned Development under the new ordinance procedures.

Response: Under staff review for further consideration.

For substances to be regulated and handled appropriately, they must be properly classified and labeled. These classifications can be reflected directly or by reference in the Chart of Uses. By way of example, the Environmental Health and Safety Guidelines classify certain hazardous materials for transport as follows.

Class I – Explosives

- 1.1 Explosives with a mass explosion hazard
- 1.2 Explosives with a projection hazard
- 1.3 Explosives with predominately a fire hazard
- 1.4 Explosives with no significant blast hazard
- 1.5 Very sensitive explosives: blasting agents
- 1.5 Extremely insensitive detonating devices

Class II – Gases

- 2.1 Flammable Gases
- 2.2 Non-flammable, non-toxic compressed gases
- 2.3 Gases toxic by inhalation

Class III – Flammable Liquids (and Combustible Liquids)

Flammable liquids – liquids with a flash point of 140 degrees F or less

Combustible liquid – liquid with a flash point between 140 degrees F and 200 degrees F that does not meet any other hazard class definition.

Class IV – Flammable Solid; Spontaneously Combustible Materials; Dangerous when Wet Materials

- 4.1 Flammable solids – wetted class 1 explosives, self-reactive materials or readily combustible solids
- 4.2 Spontaneously combustible materials – pyrophoric or self-heating materials
- 4.3 Dangerous when wet materials – gives off flammable or toxic gas or become spontaneously combustible on contact with water

Class V – Oxidizers and Organic Peroxides

- 5.1 Oxidizers – by yielding oxygen, causes or enhances the combustion of other materials
- 5.2 Organic peroxides – organic compounds with the bivalent R-O-O-R structure where at least one R is a carbon chain, except for materials that meet class 1 (Explosive) definition

Class VI – Toxic Materials and Infectious Substances

- 6.1 Poisonous materials – a liquid with an LD50 oral not more than 500 mg/Kg, or a solid with an LD50 oral not more than 200mg/Kg, or a compound with a LD50 dermal not more than 1000 mg/Kg or a dust/mist with a LC50 or not more than 10 mg/L
- 6.2 Infectious substances

Class VII – Radioactive Materials

Class VIII – Corrosive Materials

Class IX – Miscellaneous Dangerous Goods

Materials that present a hazard but do not meet other hazard class definitions, such as dry ice.

Further, it is noted that there is some conflict in these classifications by EHS with the classifications under NFPA30 particularly in reference to flammable liquids and combustible liquids.

Common examples of various flammable and combustible liquids under NFPA30 would be as follows:

Class IA – Diethyl Ether, Ethylene Oxide, some light crude oils

Class IB – Motor and Aviation Gasolines, Toulene, Lacquers, Lacquer Thinner

Class II – Xylene, some paints, some solvent-based cements

Class IIIA – Home Heating Oil

Class IIIB – Cooking Oils, lubricating oils, Motor Oil

A Hazmat expert could rectify these differences to develop guidelines that take into consideration the proximity of an IH zone to other zones.

Response: *Under staff review for further consideration. Could we get a specific cite to the "Environmental Health and Safety Guidelines"? There are multiple documents with that title.*

It should be emphasized that petroleum products are not all the same. Crude oil spills like in the Deepwater Horizon disaster in the Gulf is treated differently than the bitumen (tar sands) spill in the Kalamazoo River in Michigan. Oil pumped out of the ground floats and can be skimmed from the surface. Tar sands is dug from the ground, injected with toxic and flammable chemicals then treated with heat so it will "flow". When it is released into water, it sinks to the bottom as it cools, releasing all its toxic chemicals then solidifies on the bottom suffocating all plant and animal life. Technology has not yet been developed to "clean up" these types of spills. The type of petroleum products allowed to be transported/stored/used in IH zones close to sensitive bodies of water and population centers should be closely scrutinized and isolated from these sensitive areas.

Response: *Under staff review for further consideration.*

Further, there are generally four types of toxic entities: chemical, biological, physical and radiation. These too can be put into classifications when determining whether or not their storage/transport/use is appropriate in certain I2 zones. Pesticides especially have a comprehensive classification system.

Response: *Under staff review for further consideration.*

Zoning should support the goals of the Map for Mobile and support current and future economic growth and development. The concentration of IH zones in the downtown area on both sides of the river and north of Beauregard Street up to the Africatown Historic District discourages other development. The Chart of Use compounds the situation by unfettered permitting, by right, of most dangerous, explosive and toxic materials.

Response: *Under staff review for further consideration.*

Mobile is enjoying significant business development especially in the DW and Brookley areas with the expansion of AirBus and the continued success of Austal. At the same time, we are seeing a loss in population due in part to the lack of housing, recreational opportunities and access to the waterfront, stated goals of the Map for Mobile.

Response: *The draft UDC improves opportunities for mixed use development consistent with the design principles of Map for Mobile.*

Realtors will tell you that there is zero inventory in downtown Mobile of affordable single residential properties. Downtown Mobile has nowhere to grow when you preclude residential single family and residential multi-family zoning close to these job centers. IH zoning discourages other types of development that could bring families back to downtown Mobile. At the same time, RL/RM zoning does not mean that IH zoning cannot occur if appropriate on the water front.

Response: *Under staff review for further consideration.*

Single and multi-residential uses ARE compatible with the APPROPRIATE industry of a working waterfront, such as docking, loading, boat works, and the myriad of support services industry requires such as routing, accounting, marketing, personal training/conference/meeting spaces and other office oriented supports. A Maritime Zone for such support services would be a boon to the area downtown on the waterfront.

Response: *Maritime uses are under discussion.*

Mobile is dependent upon sales tax revenue for its funding. Increasing the opportunity for workers to live and play where they work increases that revenue. Why build another multi billion dollar bridge that will further endanger

our wetlands, mar our skyline and encourage workers to flee to Baldwin County to raise their families, buy their groceries, clothes, cars, and boats and recreate? Proper zoning especially in the current IH and DW zones can reverse this trend and still encourage economic growth and support the Port's activities.

Response: *Industrial and Downtown Waterfront uses are under discussion.*

11. Received from Brenda and Harold Bolton:

Heavy Industry in DW: I do not support the manufacture, handling, processing, bulk storage (over 10,000 gallons) of hazardous materials and petro-chemicals as defined by the EPA and the Natl Fire standards in the downtown Waterfront Zone.

Response: *Downtown Waterfront uses are under discussion.*

Heavy Industry must have more than one classification in order to address appropriate placement of hazardous materials near residents, gathering places, and population centers. Such classifications must be based on accepted definitions for cancer-causing, respiratory impacts, explosive, flammable, corrosive, sea-and wild-life ecosystem impacts according to scientific research and adopted by major agencies such as EPA, NFPA, Natl Fish and Wildlife, and others.

Response: *Industrial zones are under discussion.*

Mobile's traditional corridors, especially Government Street to Pinehill, have suffered a patchwork of zoning use inconsistencies resulting in a badly degraded corridor. Continuing the zoning that is currently "on the ground" in order to avoid nonconformities will NEVER address that degradation. Government Street from Broad to Pinehill MUST BE DOWNZONED to ONLY those uses that are compatible TO RESIDENTIAL ADJACENCIES since EVERY parcel on Government Street is directly adjacent to a residential historic district or neighborhood.

Response: *See comments above about the traditional corridor. Avoiding nonconformities is one consideration, but certainly not the only one. We want to avoid nonconformities where possible, there will also be situations where the future land use policies and impacts on neighborhoods will take precedence.*

I support the comments from the Government Street Collaborative. Further comment: The following uses should be conditional on Traditional Corridors: Rooming/Boarding House, Community Residential and Residential Care facilities, Hotel/Motel, Bar/Lounge, Day Labor services, car wash, hospital, minor utility, Gasoline Fuel sales, commercial parking facility, convenience store with or without gas sales, teen clubs with hours between 6pm and 8am, "U Pull It" type used auto parts sales. The following uses should NOT be allowed in historic districts: Drive thru restaurants, pawn shops, pay day lenders, bail bonds.

Response: *Please see previous response concerning uses in traditional corridor.*

Neon & lighted signage should be shielded from private residences in all cases. Commercial buildings may not utilize the structural walls of the building to advertise the business on traditional corridors. Temporary window signs count in the allowable percentage of signage and are regulated by the same limitations as to percent of window coverage and square footage of signage.

Response: *Will add shielding requirements to subsection D.2 and temporary sign allocation. Clarify temporary sign allocation in subsection 3. I suggest a separate allocation for temporary and incidental signs.*

There should be no "limited use" application statement when a design is not appropriate to a traditional corridor, neighborhood center, or historic/traditional neighborhood. The front-parking development design for a suburban strip mall must NOT be allowed on the traditional corridor.

Response: *What does the "limited use application statement" refer to?*

12. Received from William James:

It is my understanding that zoning "by right" will allow residents to open homes for business without review. Is there a model city that has improved their zoning regulations by adopting "by right" regulations and what is the history of their success?

Response: *The home occupation provisions only allow a limited number of businesses and are consistent with the existing standards, which do not currently require Planning Commission review. Most communities that I work with do not want to take on the task of reviewing small home businesses internal to a home. For a summary of home occupation regulations in other communities, see Wunder, *Regulating Home-Based Businesses in the Twenty-First Century* (American Planning Association, PAS Report No. 499, December 2000).*

13. Received from Bill Boswell:

As a resident of the Leinkauf Historic District and the owner of a home on Government Street, I am very much concerned about the use of inappropriate and intrusive signage by businesses and commercial interest along Government Street and in our historic residential neighborhoods. For this reason I fully support the comments submitted by the Government Street Collaborative in reference to revising Article VI, Signage.

Response: *Please see previous response to comment #6 concerning sign issues.*

14. Received from Brenda Stricklin:

Government St doesn't stop at the Cannon. It stops at Pinehill Dr, where Government Blvd picks up. The definition should be changed to include the rest of Government St from Mobile River, to Pinehill Dr.

Response: *See previous response regarding the traditional corridor future land use category and CT zoning classification.*

15. Received from Clifford Sharpe, Esq., and Daniel Day:

The proposed new City of Mobile zoning based on the Map for Mobile is carrying forward an outdated definition of the Government Street Corridor. The Loop area has been defined by the surrounding community and the Loop Business Association for many years, as West of the Canon at the intersection of Airport and Government Streets, to Pinehill Drive where it intersects with both Airport and Government Streets. Additionally Government St ends at Pinehill Drive and continues to the West as Government Boulevard.

The definition of the Government Street Corridor should read: All lots having real property frontage along Government Street from the Mobile River to Pinehill Drive. The Loop area needs the zoning overhaul to recognize it's historical significance even though there are no adjacent historical districts. We have the 100 year old pines, the beginning of the Oak canopy, and the Neighborhood Center that the surrounding neighborhoods are invested in.

Response: *See previous response regarding the traditional corridor future land use category and CT zoning classification. We are discussing multiple options to protect the corridor's existing character.*

16. Received from Day Gates:

My neighborhood is currently zoned R-1 (single family residential). In the Future Land Use Map (FLUM), we have been reclassified to Mixed Density Residential (MDR). In Article III, section 64-14 there are two different types of Mixed Density Residential: RMT and RMF. There are further subcategories with 8-10 dwellings per acre (A), and the more dense 10-15 dwellings per acre (B). Depending on the sub-category of my neighborhood, a 3-4 story apartment building may be built "by right." The Future Land Use Map provides no sub-classification to Mixed Density Residential (MDR). How do I learn to which category and sub-category my neighborhood has been assigned? Does our neighborhood get to decide our category?

Response: *The zoning map will depict the locations of the areas subject to the Type A or Type B dimensional standards.*

On the "Major Streets Plan," Old Shell Road, has been re-categorized from a "Minor Street" that currently requires 50-60 ft Right-of-Way to "Minor Arterial." A conventional "Minor Arterial" requires a 100 ft Right-of-Way. (See Article IV, Section 64-54, Table IV-16 (It is unclear how the "Compact Street Design Standards" may apply as "site design type C" does not exist in Article II.) In the "Compact Street Design Standards," Old Shell Road will either be classified as a "Parkway" or "Boulevard." Each requires 4 lanes and 60-150ft of Right-of-Way (See Article IV, Section 64-54 Table IV-17.) Will the Major Streets Plan reflect the sub-category of Old Shell's re-assignment? Will all of the assignments result in Old Shell Road becoming either 100ft wide (ROW) or 4 lanes wide through most of Midtown and all of Spring Hill? What effect will the re-classification have on the properties along Old Shell Road, especially in the two lane sections? How will increasing the width of Old Shell Road make it more pedestrian friendly? Will it require removal of new placed sidewalks? Does this reclassification prohibit "on street parking" on McGregor Avenue and Old Shell Road? Is the city prepared to make the capital expenditures to ensure that Old Shell Road is centered in the right-of-way as to permit adjacent property owners, both commercial and residential, compliance with the new design standards?

Response: *The Major Street Plan adopted by the Mobile City Planning Commission on May 18, 2017 depicts Old Shell Road as a Minor Arterial west of Florida Street. The segment located between Florida Street and Catherine Street is shown as a Major Collector designation.*

17. Received from Marie Dyson, Church Street East Historic District:

We are against the "by right" permit of IH and DW zones that include hazardous materials AND are in close proximity to residential and commercial businesses downtown. We support the requirement that any new business, especially within the downtown area, that may adversely affect the health and quality of life for residents, require public review, public input and subsequent review and approval by the Mobile Planning Commission and Mobile City Council upon appeal.

Response: *See the previous response to comment #10 relating to hazardous materials.*

18. Received from Mike Baucom, Leinkauf Historic District:

I have issues with the proposed Mobile City Zoning Ordinance. Below is what our neighborhood association noted followed by my opinion:

1. The new Chart of Permitted Uses for each zone (as in "what business can be built and approved to operate on Government Street") is at this point much more permissive than the existing permitted uses. For example, the current chart does not allow a business that handles hazardous chemicals to operate downtown without special review and approval. The new Chart of Uses - unless it is further revised before it is approved - WILL allow hazardous chemicals to be manufactured/handled/processed/bulk-stored with NO city review for approval downtown on the waterfront. My opinion: What are you thinking! Why would you allow hazardous chemical businesses on Mobile's main street?

Response: *This is incorrect. Hazardous waste storage and disposal is only allowed in IH, and as a conditional use.*

2. High impact businesses that are most likely to have a negative impact on our neighborhood - unless this is further revised - can be built with NO city review for approval on Government Street, including pawn shops, pay day lenders, "community living" facilities, bars/lounges, etc. Drive-thru restaurants are also allowed with no review.

My opinion: We just stopped a Dunkin Donut plan for their foolish plan of emptying all their traffic onto Dexter Avenue; among the reasons the neighborhood opposed this was the traffic from Leinkauf Elementary School but also how it would affect our neighborhood's quality of life.

Response: *See response above concerning uses in Corridor Traditional.*

3. Strip malls like the one at So. Monterey, Catherine, and near the cannon are not prohibited or controlled by restrictions called "conditions."

My opinion: The lights from these businesses are already being challenged; we don't need Airport Boulevard recreated in Midtown.

Response: *The Type C Building Design / Type 3 site design standards do not create a "strip mall" character. The Type D/Site 4 are for limited application and we are exploring multiple ways to protect the corridor's existing character.*

There are no requirements as part of site design standards for sustainable infrastructure to address our flood and drainage issues, such as permeable pavers in commercial internal walkways and parking areas, enlarged planting boxes to reduce paved surfacing, etc. In fact, the overall requirement for landscaping on commercial sites is being reduced from 12% of lot size to as low as 5% or less in some cases.

My opinion: We cannot go forward with Mobile's drainage issues without starting somewhere. Let's require the businesses that want to serve us to maintain the look of downtown/midtown Mobile.

Response: *This does not change the existing stormwater management standards, which is outside the scope of this project. The building and site design standards do maintain the character of Downtown and Midtown.*

The greenway of Government Street needs to be protected as an essential feature of Mobile. Every single first time visitor to Mobile I've encountered has remarked on the Government Street canopy and how the businesses and homes were integrated into a green tunnel, like they had never seen in their travels. Government Street borders most of the historic district neighborhoods of Mobile and proper and thoughtful regulation of the business entities allowed should be maintained to preserve the historic nature of Mobile.

Absolutely no one visits a city for its strip malls and fast food restaurants.

Response: *The standards in the draft UDC do not change the Government Street greenway.*

19. Received from Bob Hollon:

I was hoping to see more restrictive sign regulations but am very disappointed. One example is the monument sign size restriction. From what I read, unless I missed something, a monument sign can be up to 50 sq. fee. THAT IS APPROACHING BILL BOARD SIZE !!

Response: See previous response to comment #6 concerning signs.

I have participated in a residence council, composed of HOA officers, that was supported by Bes Rich in district 6. A concern by most HOA officers was the problem we have with parking on lawns. Many covenants specified no parking on unpaved surfaces. But we had no enforcement authority. That was a concern we expressed in these MAP neighborhood meetings. We needed help from the city. I can't find any mention of that.

Response: This is a property maintenance code issue.

20. Received from Wanda Cochran, Esq.:

Could you please explain the meaning of this passage from Article II? Purpose: the standards in this Article balance Map for Mobile's design policies with market conditions and the need for flexibility. These standards are a hybrid of modern, form-based zoning standards and conventional, well understood zoning metrics. They allow the City to provide an incentive-based approach to zoning, rewarding higher levels of design with additional development potential and calibrated development standards, while accommodating the needs of suburban residential and commercial development patterns and industrial uses. This Article implements the following policies of Map for Mobile:

Response: *This section reflects the intent to provide allowances for more flexible intensity and density, in appropriate settings, if more rigorous site and building design standards are met by a development project. Real estate market conditions, along with the development potential allowed and additional costs imposed by zoning and related external factors, will dictate the anticipated return from a development project. If the applicable zoning regulations allow for a higher rate of return on investment, it is conceptually possible for a project to incorporate higher standards for building design, architecture, site amenities, and associated infrastructure. Conversely, it would not be financially feasible to achieve higher design standards on a project site if zoning regulations represent a burden with respect to allowable density and intensity. This is why the composite standards provide for customization of the use, building and site regulations based on a site's context and the Future Land Use Map.*

21. Received from Casey Pipes, Esq.:

How many existing parking lot spaces in Downtown will be lost if the standards of Article IV are made applicable to existing parking lots? (e.g., 64-51(A)(5)(f) and (h); 64-51(A)(9)(d); and 64-48(A)(3)(b), (c) and (d)).

Response: *None. These provisions do not apply to the D district (-62.A.1.(c)(1)). In addition, these requirements are carried forward from the current regulations - have those resulted in a reduction of downtown parking spaces?*

Are you working with/communicating with the parking consultant on downtown parking?

Response: *The downtown parking study is a separate project. I have made myself available for a conversation with the consultant.*

Are structures that are commercial only (not mixed use) required to have off street loading facilities under 64-51 (B)(2)?

Response: *Yes. Commercial / Mixed Use is an inclusive category (it includes both commercial and mixed use).*

If a building entrance is required to be in the front under Article II, is the business allowed to use the front ROW as a loading zone?

Response: *Yes. There is no prohibition on that.*

Because 64-51(B)(2)(b) requires a loading zone for a gross floor area from 0 SF up, means that there is not real grandfathering for existing structures under 64-51(B)(1)(c), correct?

Response: *No. Rezoning are not appealable to the ZBA. 64-51(B)(1)(c) has nothing do do with the size of the structure. It exempts facilities, regardless of their size, if they were in operation on the effective date of the Chapter. (FYI - should we change this to make it effective as of the date of original adoption)?*

If an existing tree does not get you tree credit (e.g., less than 6" DBH), can it be removed by right?

Response: *64-48.A.4.(d) credits trees above 6" DBH toward landscaping (I noticed a conflict between subsection (1), which says 6" and (2), which says 12", and changed (2) to 6" and removed the DBH threshold from (1)). The tree protection requirements of subsection C are independent of the credit.*

Why would a tree from the tree list less than 6" DBH not count as full credit so long as it is larger than the new planting requirement?

Response: *A mature tree that is healthy would normally have a larger DBH than a young, newly planted tree.*