

We heard you!

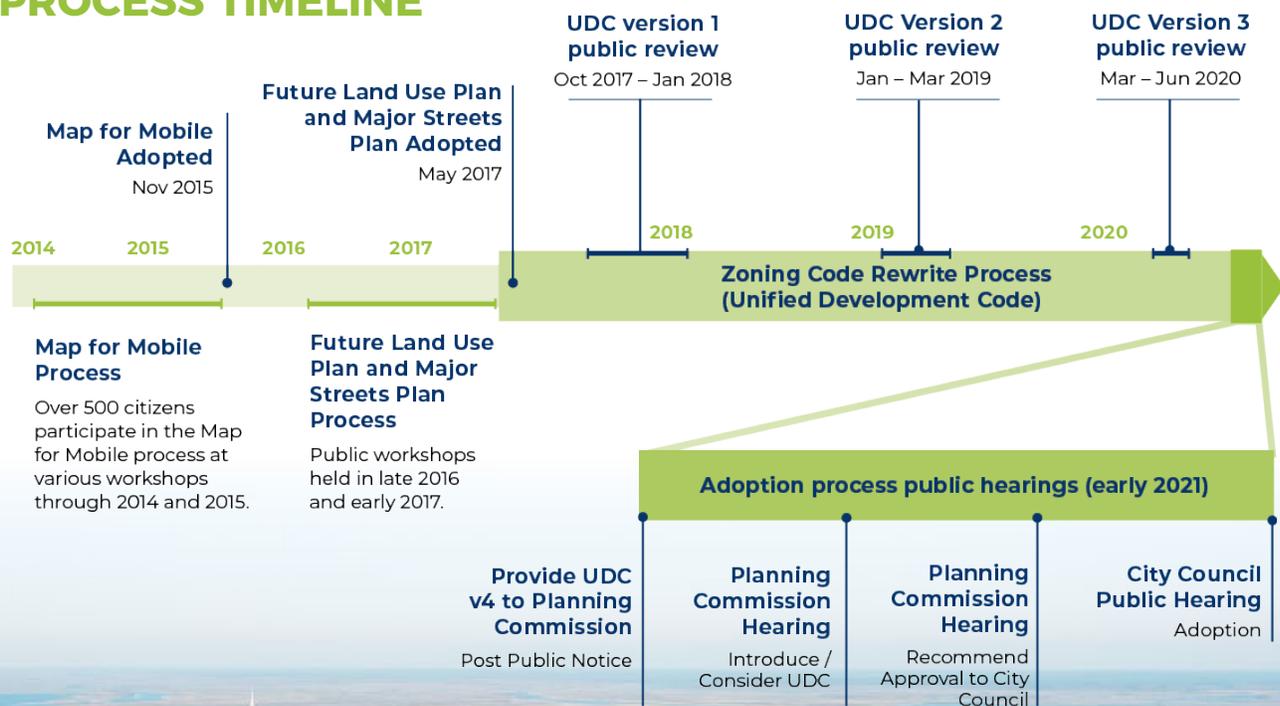
Responses to feedback on UDC version 3

And revisions found in the adoption draft (Version 4)

January 6, 2021

The draft zoning code overhaul, known as the Unified Development Code (UDC), is the result of nearly four years of effort to modernize the city's 1960s-era land use regulations and implement the community's vision in Map for Mobile, our comprehensive plan. Version 3 of the UDC was presented and made available for public feedback in spring of 2020 after being significantly revised based on previous input. This document provides responses to the feedback on Version 3, and notes changes incorporated into the current public hearing draft of the UDC (Version 4).

PROCESS TIMELINE



How we gathered feedback on UDC version 3

Following a large amount of community input on draft version 2 of the UDC, version 3 was significantly revised. An informal comment period was planned in early 2020 to obtain feedback on draft version 3 and prepare for future adoption. Due to COVID-19, the City organized a series of virtual meetings and online tools to learn about the code and provide feedback.

- **Online Comment Portal** The version 3 draft articles, an interactive storymap, a document summarizing changes, and a comment form to gather feedback were posted on MapforMobile.org on March 16, 2020. The official 30-day comment period began on May 28 and closed on June 28.
- **Virtual Stakeholder Presentations.** The City conducted a series of video conference sessions with previous stakeholder groups involved in the UDC process. The purpose of these meetings was to share relevant changes of interest to specific groups, answer questions, and clarify the comment process.
- **Livestream Zoning Technical Advisory Committee Meeting.** On May 28, a virtual meeting was held with the Zoning Technical Advisory Committee. The purpose of this meeting was to present and discuss the major changes of to the UDC, answer questions, and clarify the comment process. This event was livestreamed to the City's YouTube channel and Facebook.
- **Virtual Community Meeting.** On June 3, a virtual community meeting was conducted through video conference. Similar to the above meetings, the community meeting was targeted to neighborhood and community groups. Participation was managed through pre-registration. The meeting included a presentation of UDC version 3 and a question period. The community meeting was also livestreamed and recorded.

Awareness of the community meeting and public comment opportunity was also promoted through emails to previous UDC participants, word of mouth through neighborhood and community groups, and a through a social media campaign. In addition to the online comment portal, feedback was collected by mail.

Who we heard from (at a glance)

Community interest in the zoning code rewrite has been consistent since the process began. Comments on UDC version 3 were collected from many individuals and groups representing neighborhoods, community interests, environmental conservation, real estate, development, and businesses. The comments were sorted into relevant article and subsection to identify themes and potential conflicts.

Notable changes in UDC version 4

UDC version 3 addressed many concerns about previous drafts and reflects modern planning and zoning best practices. However, comments on version 3 show that there are conflicting views between neighborhood and community action groups, and the real estate, development, and business communities. Some of these conflicts can be reconciled, while many cannot. In addition, some important concerns such as tree protection, litter, stormwater, sidewalk access, among others, are beyond the scope of zoning or are controlled by state/federal law.

Based on feedback, the following are notable changes in the current adoption draft of the UDC (version 4).

- **The table of uses, definitions, and use regulations have been revised to address oil and mining, utilities, and pipelines** (Articles 2 and 8)
- **Buffer provisions added for Maritime and Warehouse** (Article 3)
- **Lighting on utilities has been addressed** (Article 3)
- **Definitions added and clarified** (Article 8)
- **Various clarifications and minor edits throughout**

Reminder of previous changes introduced with UDC Version 3

A previous report titled “What you’ll see in UDC Version 3” documented the changes introduced in the draft UDC prior to obtaining public feedback in March 2020. Highlights of those changes include:

1. **The existing zoning map and district names will be retained.** No changes to the adopted zoning map are proposed as part of the UDC. While the code contains some new districts, they are not currently applied to the map. Keeping existing names reduces confusion and improves consistency between other adopted plans and ordinances. (See Article 2: Zoning Districts)
2. **Commercial Warehouse and Maritime zoning classifications will be retained** from Version 2 but will not be mapped to provide potential future zoning options for property owners. (See Article 2: Zoning Districts)
3. **The table of uses has been expanded and clarified** to include certain previous omissions and the addition of a new category: “special exception.” (See Article 2: Zoning Districts, and Article 6: Procedures)
4. **Form-based standards have been simplified** and limited to apply to multifamily and commercial developments only and to reflect the complexities of existing urban/suburban development patterns. (See Article 3: Development Standards)
5. **Neighborhood Overlay districts have been moved** from the appendices to individual articles. This includes the Spring Hill, Africatown, and Peninsula overlays, as well as the Historic District Overlay. These overlays are all mandatory standards.
6. **Tree protection and preservation requirements will be a new chapter of city code.** The Mobile Tree Commission and Urban Forestry’s requirements will not be part of the UDC.
7. **Definitions have been clarified** to address comments and improve clarity, terms and phrases have been edited to have the same meaning throughout the UDC. (See Article 8. Definitions)

Responses to what we heard

The remainder of this document provides responses all comments on UDC version 3 and identifies changes in the current draft UDC (version 4). To efficiently respond to many similar comments, all comments (and parts of long comments) were sorted into the relevant article and sub section. Similar comments were then grouped by recurring themes, with examples provided from specific remarks, the source of comments, any conflicting comments, and a response.

Article 2. Zoning Districts

2-1 Districts Established	
Request or Concern	
<p>Concern about meaning and applicability of conservation subdistrict</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> We request a clear definition of the Conservation Subdistrict be added to Article 8, Definitions. Currently, only Conservation Area and Conservation Subdivision are defined. Subdistricts: Conservation - The requirement of a conservation subdistrict being limited only to R1 development is of concern to DRCR. Stormwater standards can be adopted as part of land development regulations which apply uniformly throughout a municipality for different types of development. Standards would apply to commercial, industrial and multi-family housing under Site Plan Review Regulations, and commercial and residential subdivision under Subdivision Regulations... <p><i>Source of comments:</i> Ali Jones, BJ Smith, Dog River Clearwater Revival, Michael Gladden, The Peninsula</p>	
Response	Change in UDC v4
<p>A conservation subdistrict is a zoning subdistrict that is regulated via design standards, and additional standards are further referenced in Article 3.</p> <p>Stormwater is not regulated via the UDC; it is regulated in Chapter 17 of the City Code.</p>	None

2-18 to 20 Maritime (Mixed (MM), Light (ML) and Heavy (MH)) Districts	
Request or Concern	Potential Conflict
<p>Request for changes to Maritime District standards</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> Maritime Districts Sec. 64-18-20...The Peninsula of Mobile encourages mandated Low Impact Development (LID) requirements be incorporated into Development Standards in these districts... ...Concerned about the required Development Standards in these districts. As written, they appear to be geared toward industrial use only. We request provisions be included for smaller uses like pleasure-boat mooring and/or other maritime support businesses... <p><i>Source of comments:</i> Ali Jones, BJ Smith, Dog River Clearwater Revival, Michael Gladden, The Peninsula</p>	<p>Potential conflict with concern about increasing development standards for warehouses</p>

Response	Change in UDC v4
<p>Lower Impact Development standards are required for the Peninsula. This is a first step to incorporate environmentally sensitive design via zoning.</p> <p>Maritime mixed was developed to specifically encourage non-industrial usage of the shoreline.</p>	None

2-24 Use Table

Request or Concern	
<p>Request to add boat repair, service, boat launch to Maritime district</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> Add: Boat repair, boat engine & service/repair Boat launch... <p><i>Source of comments:</i> Ali Jones, BJ Smith, Dog River Clearwater Revival, Michael Gladden, The Peninsula</p>	
Response	Change in UDC v4
See definition of marina which is allowed by right in MM. MM is for personal and small commercial boats, whereas ML and MH are for ships.	None

2-24 Use Table

Request or Concern	
<p>Request to add Event Venues</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> p. 26: Use table does not address wedding or other non-performance event venues such as Bragg Mitchell, Courtyard Manor. These needed to be added as a use and allowed as special exception in most districts. <p><i>Source of comments:</i> Jarrod White</p>	
Response	Change in UDC v4
Please refer to entertainment facility or event venue under Arts/Entertainment & Recreation.	None

2-24 Use Table

Request or Concern	
<p>Request for administrative review notification procedures</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> The Table of Uses is improved and more readable and useable. However, for all unidentified uses decided internally by Build Mobile without public notice, [we] request information regarding the notification procedures that will ensure transparency and provide citizens the application plan knowledge necessary 	

for an appeal. If no such procedure exists, [we] request such a Notice procedure in the UDC for internal approvals of 1) uses, 2) major plan modifications during development, and 3) overstory tree removals.

Source of comments: Brenda Bolton (Government Street Collaborative)

Response	Change in UDC v4
All zoning clearances for City Business Licenses, plan review information and tree permit applications are available for viewing online at www.buildmobile.org/CSS .	None

2-24 Use Table

Request or Concern	
<p>Request allowance for specific oil and mining activities in MH and I-2 districts</p> <ul style="list-style-type: none"> p. 30: Oil and mining support activities are not allowed in any districts. By definition on p. 188, this includes companies that provide oil field supplies and machinery. This would prohibit laydown yards supporting offshore oil operations and repairs of oil platforms such as are currently performed at BAE. The use table needs to be changed to allow these activities in MH and I-2 districts. <p><i>Source of comments:</i> Keep Mobile Growing</p>	
Response	Change in UDC v4
The use table has been revised as suggested.	See revised Use Table under manufacturing and employment

2-24 Use Table

Request or Concern	
<p>Request to allow Bed and Breakfast</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> p. 30: Bed and Breakfast should be allowed in R-3, R-B, H-B, and B1 as right use. <p><i>Source of comments:</i> Jarrod White</p>	
Response	Change in UDC v4
Allowed by right in business districts and maritime mixed.	None

2-24 Use Table

Request or Concern	
<p>Concern about undefined uses</p> <ul style="list-style-type: none"> The Table of Allowed Uses has been reduced, leaving a large number of potential uses unidentified, and all unidentified uses are decided internally by Planning Division leadership without public notice or input. 	

<p>The public can appeal decisions, but without a public notice procedure in place, no one will know about the decision in order to appeal.</p> <p><i>Source of comments: Anonymous</i></p>	
Response	Change in UDC v4
All zoning clearances for City Business Licenses are available for viewing online at www.buildmobile.org/CSS .	None

2-24 Use Table

Request or Concern	
<p>Request for all high intensity commercial uses to be conditional</p> <ul style="list-style-type: none"> [We] request development serves the daily commercial needs of area residents in buffer business models or other low impact commerce. This can be accomplished by making all potentially high intensity commerce "conditional" to ensure the proposed development goes through a neighborhood meeting and application process allowing for public input. <p><i>Source of comments: Michael Gladden (Peninsula of Mobile)</i></p>	
Response	Change in UDC v4
Consideration of the intensity of uses is inherent to the Use Table which regulates uses and may require a public hearing(s) based on the use and the zoning district.	None

2-24 Use Table

Request or Concern	
<p>Concern about specific uses as conditional or special exception</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> ...We are concerned by how many use categories would change from "Conditional" to "Special Exception"... We are especially concerned about Hazardous Waste Disposal and Transfer as 'Special Exception' uses. This is even more confusing when compared to regular Solid Waste Disposal and Transfer which remain "Conditional Use". We believe the following use categories involve potential environmental and public health impacts and should revert to Conditional Use for more comprehensive review and citizen engagement: Hazardous Waste Disposal, Hazardous Waste Transfer, Junkyard, Above Ground Storage Tanks (unless tanks are already permitted on the property; Tanks should be Conditional Use on any undeveloped parcels regardless of zoning.), Dredged Material Management Facility, Freight Depot, Petroleum Recovery, Petroleum Recycling <p><i>Source of comments: Baykeeper, Michael Gladden</i></p>	
Response	Change in UDC v4
Both Conditional Use and Special Exception have approval criteria, notification requirements, and one or more public hearings for public input.	None

2-24 Use Table

Request or Concern	
<p>Concern about home day cares allowed by right</p> <ul style="list-style-type: none"> p. 28: Home, child day care should not be allowed by right in R-1 districts. Allowing it in any residential district is inconsistent with the home occupation standards at (p. 85). I suggest separate standards for home day care that preserve residential character of principal use, limit employees, and addresses customer visits at a time. <p><i>Source of comments:</i> Jarrod White</p>	
Response	Change in UDC v4
Home day cares with no more than six children are currently allowed by right.	None

2-24 Use Table

Request or Concern	
<p>Request for buffers for some uses</p> <ul style="list-style-type: none"> 1.C For instance, a 200-foot mandatory separation between these businesses and residential areas would still allow these businesses to operate in B2 and B3 zones yet provide enough separation to protect neighborhoods from activities that are inconsistent with a residential setting. We feel that this approach is an intelligent and reasonable compromise between residential and business interests. This rationale of a spatial separation of certain businesses from churches and schools has been discussed and utilized within the city limits in the past. This policy can be instituted going forward with natural business turnover and it should not constitute an undue burden on commercial property holders. It should also alleviate much of the endless time and effort spent in arguing conflicting viewpoints at planning commission and city council meetings. <p><i>Source of comments:</i> Michael Gladden</p>	
Response	Change in UDC v4
Additional setbacks are required for specific uses in Articles 2 and 4.	None

2-24 Use Table

Request or Concern	
<p>Request to allow pipelines by right</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> p. 33 Pipelines in any district are shown as a conditional use. The term pipeline is not defined in UDC 3. Below ground pipelines are essentially invisible and do not give rise to the concerns that justify zoning regulation. Additionally, federal law preempts zoning of federally regulated pipelines and pipelines engaged in interstate commerce so imposing zoning restrictions is setting the City up for a lawsuit. Any pipeline regulation will be a significant impediment to economic development. The existing zoning ordinance provides for pipeline right-of-way as a Right use in all districts, so this proposed change represents a radical change and taking. Pipelines need to be changed back to a Right use in all districts in UDC 3 or removed from the use chart. 	

- ...Imposing any kind of conditional use approval or other permit would be burdensome and constrain our ability to operate efficiently and support Mobile's economic development initiatives. The concept of "Pipeline" was newly introduced in version 3 of the UDC with no apparent definition or guidelines. [We] request that the concept of "Pipeline" be removed entirely, leaving ... pipelines and supporting infrastructure encompassed by the definition of "Utility, Minor" and allowed as a matter of right in all districts.
- ... UDC version three requires "conditional use" approval for pipelines, fiber optics and all other underground utilities in all zoning districts. The current zoning ordinance allows these in all districts "by right" ...[We] request the proposed zoning ordinance be revised to conform with the existing zoning ordinance and provide that pipelines are permitted in all districts as a "matter of right".
- ...Further, pipelines need to be added to the exclusions to the structure definition so it is clear that pipelines, like fences and utility lines, are not subject to the setbacks that apply to traditional above ground structures.

Source of comments: The Port of Mobile, Bob Chappelle, Casey Pipes, Castor Armesto, Jarrod White, Jim Byram, Keep Mobile Growing, Plains All American

Response	Change in UDC v4
Pipelines are no longer regulated via the UDC to ensure consistency with other local, state and federal regulations.	Revised Use Table

2-24 Use Table

Request or Concern	
<p>Concern about Retirement Homes being allowed by right in business districts without occupancy limitation</p> <ul style="list-style-type: none"> • p. 29: Retirement Home: Should not be allowed as a right use in R-B, H-B, T-B, and B1. If allowed in these districts, it needs an occupancy limitation. <p><i>Source of comments:</i> Jarrod White</p>	
Response	Change in UDC v4
Occupancy limitations are regulated by other codes, including but not limited to Building Code and the Alabama Department of Public Health. However, site plan development requirements will limit the size of the building and correspondingly the occupancy.	None

2-24 Use Table

Request or Concern	
<p>Request to allow Major Utility by right where currently allowed</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> • Section 64-2-24 (Use Table) outright prohibits a Major Utility from being located in 12 of the different zoning districts. While it may be true that a Major Utility is not the type of thing that should be located everywhere...It would be better to have them as a conditional use in the districts where they are not allowed by right or as a special exception. We have proposed a change to the Table of Uses to address this. Section 64-2-24 (Use Table) does not allow a Major Utility by right in any district. At a minimum, a 	

Major Utility should be allowed by right in all the same districts where it is currently allowed by right, plus the newly created CW, ML and MH districts. We have proposed a change to the Table of Uses to address this. Major Utilities should be allowed by right in B-1, B-2, B-3, B-4, B-5, CW, ML, MH, I-1 and I-2 districts, should be allowed as a special exception) in MM, and they should be allowed as a conditional use in all other districts. Major Utilities should not be prohibited in any district.

- The proposed provisions also do not identify areas for facilities that are considered Utilities Major to exist by right. As such, a number of MAWSS' existing facilities (i.e. for water and sewage treatment, storage, pumping stations, etc.) would become non-conforming sites based on their existing use. Consideration must be given to identifying areas where these facilities can exist by right.

Source of comments: Alabama Power Company, MAWSS

Response	Change in UDC v4
The definition has been edited; note that consolidation of uses via the definitions regulates utilities in the same general manner as the existing Zoning Ordinance. Pipelines have been deleted from the Use Table as no other municipality in the state of Alabama regulates pipelines.	See Utilities in Article 2, Use Chart and amended Definitions in Article 8

2-24 Use Table

Request or Concern	
<p>Request to allow Minor Utility by right where currently allowed</p> <ul style="list-style-type: none"> • Minor Utilities should remain allowed by right in all zoning districts as proposed in Version 3. Intermediate Utilities should be allowed by right in B-1, B-2, B-3, B-4, B-5, CW, MM, ML, MH, I-1 and I-2 districts, and they should be allowed as a special exception in all other districts. Major Utilities should be allowed by right in B-1, B-2, B-3, B-4, B-5, CW, ML, MH, I-1 and I-2 districts, should be allowed as a special exception) in MM, and they should be allowed as a conditional use in all other districts. Major Utilities should not be prohibited in any district. <p><i>Source of comments:</i> Alabama Power Company</p>	
Response	Change in UDC v4
They are by right in all districts.	None

2-24 Use Table

Request or Concern	
<p>Request for a reference list of definitions before use table</p> <ul style="list-style-type: none"> • Add: Easy reference list of zoning definitions at the beginning. <p><i>Source of comments:</i> Ali Jones, BJ Smith, Dog River Clearwater Revival, Michael Gladden, The Peninsula</p>	
Response	Change in UDC v4
Reference added to guide the reader to Article 8, Definitions.	64-2-24-A

2-24 Use Table

Request or Concern	
<p>Request to allow Parking Garage, Private by right</p> <ul style="list-style-type: none"> p. 35: Parking Garage, private should be allowed as a right use in all districts and not be listed as an accessory use. <p><i>Source of comments:</i> Jarrod White</p>	
Response	Change in UDC v4
A parking garage is not an appropriate by right use in all districts.	None

2-24 Use Table

Request or Concern	
<p>Request to clarify where utility uses are conducted</p> <ul style="list-style-type: none"> Because utility facilities are not conducted in enclosed structures, but they are a regulated type of use in the Use Table, you need to revise Sec. 64-2-24.B.2 (Use Table) on page 25 to read as follows: Every use in any district other than R-A, MM, ML, MH, I-1 or I-2, or as specifically noted in the Use Table, shall be conducted entirely within a completely enclosed structure (except for accessory uses, Major Utilities, Intermediate Utilities, and Minor Utilities). <p><i>Source of comments:</i> Alabama Power Company</p>	
Response	Change in UDC v4
Utilities are not required to be located within an enclosed structure.	See edits in Article 2, Use Chart and Definitions in Article 8.

2-24 Use Table

Request or Concern	
<p>Concern about utilities being prohibited in many districts</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> ...Because of antiquated definitions to distinguish between Major, Intermediate and Minor Utility facilities, almost anything a power, gas or water company may do to add capacity or increase reliability of their utility service will be classified as either a Major Utility or a Pipeline, both of which are not allowed by right in any district, and both of which require a Conditional Use approval from the City Council if they are not prohibited outright. This will prove to be unworkable for the utility companies, expensive for the existing and future customers, and politically unsatisfactory to the City Council members who are going to become, essentially, a second Public Service Commission or utility regulating body. This will present challenges to new businesses and industry seeking to locate in and around Mobile, which is bad for Mobile and its work force. ...the proposed provisions require Intermediate and Major Utilities to obtain special exemption or conditional approval before expanding any facility beyond current site boundaries. Obviously, this could impact MAWSS' ability to implement facility upgrades and operational improvements to effectively 	

address capacity requisites, regulatory requirements, environmental concerns, and water and sewer customers' service needs.

Source of comments: Casey Pipes, MAWSS

Response	Change in UDC v4
Utilities are regulated the same as in the existing Zoning Ordinance.	See edits to utility definitions in Article 8

2-24 Use Table

Request or Concern	
<p>Concern that Uses in B-1, B-2, B-3 are too broad</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> ...1. Separation of Residential Areas from Incompatible Businesses - We understand that changing current allowable businesses in B1, B2 and B3 zones present certain legal problems but many of our residential communities are bordered by B2 and B3 business zones. Given the problems created by the previous zoning map, we believe that some attempt should be made to gradually correct this problem going forward. Two areas of consistent conflict between neighborhoods and business include the proximity of businesses that are inconsistent with the values of residential communities. ...the proposed to B2 zoning code allows by right entertainment facilities, nightclubs, theaters, private clubs and lodges and bars and lounges. The proposed B3 zoning code allows by right adult entertainment, recycle facilities, waste management facilities and heavy truck sales or leases. Since many of our neighborhoods continue to be bordered by B2 and B3 zones, this presents a significant opportunity for conflict between residential and business interests. As previously stated, these businesses are not consistent with the values of residential communities. We therefore strongly recommend and urge you to consider a requirement for a mandatory spatial separation of such businesses from residential areas. Reduce: B-2 "by right" uses - The peninsula portion of the Dauphin Island Parkway (AL163) corridor borders residential neighborhoods (R-1) and in some case directly hosts single family residences. As such, the uses and use categories allowed should offer protections for these neighborhoods. ... B2 zone continues to be too broad. Nearly all B2 Uses are approved "By Right" without benefit of public notice. The B2 category leaves residential properties less protected... <p>Source of comments: Anonymous, BJ Smith, Brenda Bolton, Dr. Butera (Coalition for Intelligent Economic Growth), Michael Gladden, The Peninsula, Teresa Tessner</p>	
Response	Change in UDC v4
The Use Table generally regulates uses the same as in the existing Zoning Ordinance.	None

2-24 Use Table

Request or Concern	
<p>Request to add "Containerized Cargo Handling Facilities" to category, allow Coal Handling in Maritime Heavy and 1-2 to be a permitted use by right.</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> The Use Table at 64-2-24, however, does not specifically refer to containerized cargo handling facilities as a use. The closest use we find on the Use Table for either Industrial Heavy or Maritime Heavy is "Marine 	

<p>Cargo and Freight Handling Services". To avoid any issues or conflict, we request an additional Use Category be added for "Containerized Cargo Handling Facilities."</p> <ul style="list-style-type: none"> • Further, it appears on the Use Table that coal handling is a conditional use in the 1-2 and M-H zoning categories. It is unrealistic to possibly preclude coal handling on a federal shipping channel in a state that has a significant metallurgical coal production region with vast reserves. Coal Handling in Maritime Heavy and 1-2 should be a permitted use by right. <p><i>Source of comments:</i> Port Authority</p>	
Response	Change in UDC v4
<p>See definition of Marine Cargo and Freight Handling Service in Article 8, which would include containerized cargo.</p> <p>By nature of the process, the impacts of Coal Handling are not limited to the site upon which it is located, thus new Coal Handling facilities would be allowed with a Conditional Use Permit.</p>	None

General to Article 2

Request or Concern	
<p>Request for clarification of setback requirements</p> <ul style="list-style-type: none"> • Please clarify whether the word “and” should be included in the setback regulations. the word "and" would signify both the setback distance plus the buffer distance would be required. <p><i>Source of comments:</i> Anonymous</p>	
Response	Change in UDC v4
<p>Setback and buffers (if applicable) are measured from property lines and would overlap. "Any required yard is counted as part of the protection buffer strip," see 64-3-8A and Definitions, Article 8.</p>	None

General to Article 2

Request or Concern	
<p>Concern about civic space in B-1</p> <ul style="list-style-type: none"> • P. 10: No common civic space should be required in B-1 districts (urban). <p><i>Source of comments:</i> Jarrod White</p>	
Response	Change in UDC v4
<p>Urban design, both historically and recently incorporate civic space into the urban fabric.</p>	None

General to Article 2

Request or Concern	
<p>Concern about density in R-1</p> <ul style="list-style-type: none"> P. 5: R-1 needs a density maximum of 2 dwelling units per lot and acre. Coverage maximum needs to be increased for historic districts/urban to 75%. All other districts need density defined as being subject to both lot and acres. The numbers are too high for most of the other districts, except for R3 which is probably low. <p><i>Source of comments:</i> Jarrod White</p>	
Response	Change in UDC v4
<p>Conservation and Suburban standards are in line with existing standards. Urban standards are proposed to be more in line with the existing platting of urban areas.</p>	<p>None</p>

General to Article 2

Request or Concern	
<p>Concern about occupancy limitation and increasing density</p> <ul style="list-style-type: none"> Density/occupancy standards for multi-family development have been increased (more units per acre are allowed than currently) and need to be reduced with an occupancy ceiling for unrelated adults populating any property (sq. footage/per person, bath/private bedroom facilities per person, etc.) to insure safe and healthy living conditions and protection of area infrastructure. <p><i>Source of comments:</i> Anonymous</p>	
Response	Change in UDC v4
<p>Number of facilities per person is regulated via the Building Code. The number of units per acres in a suburban district mirror the current Zoning Ordinance. Urban districts by design consist of more compact development.</p>	<p>None</p>

General to Article 2

Request or Concern	
<p>Request to change maximum landscaping coverage</p> <ul style="list-style-type: none"> P. 21: Change maximum coverage for I-1 back to 75% and decrease landscaping to 5%. <p><i>Source of comments:</i> Keep Mobile Growing</p>	
Response	Change in UDC v4
<p>12% landscaping is consistent with current regulations and I-2, ML and MH. Site coverage is reverted back to 75%.</p>	<p>Site coverage maximum</p>

General to Article 2

Request or Concern	Potential Conflict
<p>Concern about front yard setback and landscaping in I-2</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> P. 22: I-2 has a 25-foot front yard setback and 12% landscaping provision. MH has no front yard. Other urban area districts have 5% landscaping. I-2 should be similarly treated with no mandatory front yard setback and 5% landscaping requirement. <p><i>Source of comments:</i> Keep Mobile Growing</p>	<p>Potential conflict with concerns about insufficient landscaping and stormwater (LID) requirements</p>
Response	Change in UDC v4
<p>Landscape percentages are the same between I-1 and MH. All Maritime districts have a front setback of 12-feet due to the unique site constraints; all industrial sites have a 25-foot front setback, which is consistent with current standards.</p>	<p>None</p>

General to Article 2

Request or Concern	Potential Conflict
<p>Concern about removal of new districts and use of existing zoning map</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> ...For the legacy zoning districts that were all to be eliminated by the new zoning code, but which now will remain in place, the Comprehensive Plan provides zero guidance. The corridors, centers and neighborhood approach to the Comprehensive Plan does not connect to the proposed menu of zoning districts. I fear that with such a large disconnect between the Comprehensive Plan and the Zoning Code it will lead to arbitrary, unpredictable, and unplanned growth (or lack of growth) in the City since there is no meaningful guidance for the Staff, the City Council, the Board of Adjustments, the Planning Commission or the public to follow... ...During both the Map for Mobile and Mobile Peninsula planning processes, residents overwhelmingly expressed a desire for a community with more focus on open and green space and less on hardened surfaces. With this in mind, the Peninsula of Mobile has concern with the return to original zoning of some areas located at or near headwaters of some of Dog River's feeder creeks and contain wetlands and/or forested lowlands...The continuing land-use change of the old Wragg Swamp lowland continues to degrade water quality and increase flooding downstream. <p><i>Source of comments:</i> BJ Smith, Casey Pipes, Dog River Clearwater Revival, Ellen Young</p>	<p>Many participants support the use of existing zoning districts. Concerns about the removal of new districts mostly relates to reduction in form-based standards.</p>
Response	Change in UDC v4
<p>Careful consideration was given regarding the proposed zoning districts and their corresponding uses. Comments received on prior versions of the UDC and case law were used to guide changes. No changes to the zoning map are proposed with the UDC.</p>	<p>None</p>

<p>The Future Land Use Map (FLUM) and Future Land Use Plan adopted in 2017 as an appendix to Map for Mobile provides meaningful guidance to inform future zoning decisions that the “development framework” in Map for Mobile does not. Please refer to the Map for Mobile website, Future Land Use Plan and Major Street Plan documents, page 155.</p>	
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General to Article 2

Request or Concern	
<p>Concern about HI and LI abbreviations contradicting claim that district names did not change COMMENT EXAMPLES</p> <ul style="list-style-type: none"> The Summary of Changes to UDC-3 indicates that existing District names "will be retained". However, the Zoning Districts found at Sec. 64-2-1 do not retain existing Zoning Districts names; Light Industry is L-I and Heavy Industry is H-I instead of I-I and 1-2, respectively, under the current Zoning Code. Further is the fact that Table 64-2-1 (the "Use Table") contains the old District Zoning designations and is inconsistent with the Zoning District nomenclature in Section 64-2-1. The Zoning District designations should match up and they should be the same for existing Zoning Districts. <p><i>Source of comments: Port Authority</i></p>	
Response	Change in UDC v4
<p>The LI and HI in 64-2-1 were not corrected in the editing process for version 3; they are now changed. Please note that throughout the remainder of the UDC, including Article 2, the zoning district names and abbreviations are the same as the current zoning ordinance, including the Use Table.</p>	<p>Eliminated references to LI and HI throughout UDC</p>

General to Article 2

Request or Concern	
<p>Request that subdistricts not apply to Industrial and Maritime zoning COMMENT EXAMPLES</p> <ul style="list-style-type: none"> Further, in the plan's draft Zoning Districts Sections 64-2-17 through 22, on pages 17-22 Dimensional Standards, the plan does not delineate urban and suburban dimensional standards as shown for other type districts, leaving the Port to conclude that Industrial, Commercial Warehouse, Maritime Mixed, Maritime Light and Maritime Heavy Districts nor its Dimensional Standards are subject to the Urban/Suburban overlay. These type properties should be classified neither as Urban or Suburban as they contain numerous industrial and manufacturing facilities and other public facilities, such as the Mobile County Jail. <p><i>Source of comments: Port Authority</i></p>	
Response	Change in UDC v4
<p>CW, MM ML and MH have the dimensional standards as shown in 64-2-17 through 64-2-20; there are no Urban /Suburban sub districts proposed for these zoning districts.</p>	<p>None</p>

Article 3. Development Standards

3-2 Adequate Public Facilities	
Request or Concern	
<p>Concern about potential impacts to utilities from land use changes</p> <ul style="list-style-type: none"> Strong consideration should be given to revising the language of this section to require anyone who wishes to subdivide, rezone, alter use of existing facilities, or construct new facilities to first obtain a letter from utility providers confirming availability of services as part of their application to the Urban Planning Department. Likewise, utilities should be included in all site layout provisions under the proposed Article 2 and Article 3. Specifically, any requirements pertaining to altering setbacks, allowing encroachments or overhangs, steps, porches, etc. These provisions could adversely affect the ability of utilities to access and maintain facilities located in easements or rights-of-way. MAWSS looks forward to receiving your response. <p><i>Source of comments: MAWSS</i></p>	
Response	Change in UDC v4
<p>The Planning Commission agenda is available via the website, typically one to two weeks prior to the meeting. The Planning Commission would welcome comments and concerns from MAWSS regarding potential service problems.</p> <p>The Planning Commission generally stipulates on their approvals that no structure may be placed within any easement, including MAWSS easements, without the permission of the easement holder.</p>	None

3-3 Pedestrian Circulation and Sidewalks	
Request or Concern	
<p>Concern about sidewalk inter-connectivity requirement</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> ...there are certain areas that sidewalks are not suited, and I think it would be beneficial to our community to add where needed. If you ask for and are granted a waiver, I think it makes sense to contribute. Sidewalk inter-connectivity (Pedestrian Connections), how would an office/warehouse development address this requirement? Under NO circumstances should a walkway from the building to the sidewalk be required in certain areas and/or zoning districts. Under NO circumstances should a sidewalk be required between Office/Warehouse buildings in certain areas and/or zoning districts. Accessibility requirements are valid, but there should be exceptions. <p><i>Source of comments: Lewis H. Golden</i></p>	
Response	Change in UDC v4
<p>City Planning Commission has been advised by legal counsel that a sidewalk bank is not authorized by Alabama Law.</p> <p>Sidewalks are needed from buildings to parking lots to comply with federally mandated accessibility requirements.</p>	None

3-5 Corner Lots, Yards/Yard Encroachments, Fences and Walls

Request or Concern	
<p>Request to allow utility equipment encroachment into building setback</p> <ul style="list-style-type: none"> Utility equipment may need to encroach in the building setback to properly serve a customer and to get it out of the right of way. Please amend 64-3-5.B.2 on pages 40-41 (the encroachment table) to add the following in any yard with no restriction: Utility transformers, utility switches, and utility cabinets located on an end-user's property either on the ground or on utility poles. <p><i>Source of comments: Alabama Power Company</i></p>	
Response	Change in UDC v4
Minor utilities, as defined, may encroach into setbacks.	See Table 64-3-5.1 Encroachments and Article 8, Definitions

3-5 Corner Lots, Yards/Yard Encroachments, Fences and Walls

Request or Concern	
<p>Request for provisions regulating fences encroaching into waterbodies</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> 64-3-5 Encroachment pg. 40 fences/walls - what are provisions to water, edge?... <p><i>Source of comments: Ali Jones, BJ Smith, Dog River Clearwater Revival, The Peninsula</i></p>	
Response	Change in UDC v4
Fences are not currently regulated relating to proximity to water. The primary issue with the regulation of fences relates to vehicular/pedestrian safety and visibility at intersections and driveways.	None

3-5 Corner Lots, Yards/Yard Encroachments, Fences and Walls

Request or Concern	
<p>Request to revise fence provision to protect utility facilities</p> <ul style="list-style-type: none"> Some types of utility facilities pose public safety concerns if they are not secured from trespassers, and these facilities are secured in various ways to try to protect the public, the equipment, and the reliability of utility service. Please revise 64-3-5 on page 41 to allow for barbed wire and similar fences to protect utility facilities as follows: (b) Fences composed of barbed wire or other dangerous materials are allowed in any district if used to secure a Major Utility or Intermediate Utility, but in all such cases shall be shielded from view from the adjacent public right of way if screening is required by Section 64-4-12. <p><i>Source of comments: Alabama Power Company</i></p>	
Response	Change in UDC v4

<p>Fences composed of barbed wire are permitted in R-A, CW, B-3, B-5, I-1, I-2, ML and MH. Where major or intermediate utility facilities require approval by Special Exception or Conditional Use, the use of a barbed wire fence can be addressed as part of the application process.</p>	<p>None</p>
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3-6 Building Design and Height

Request or Concern	Conflicting Concern
<p>Concern about form standards applying to warehouses and parking conflicts</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> B3 and CW warehousing need to be excluded from Site Frontage; Building Form: Height and Wall and Architectural Features... In addition, the proposed site frontage will not work because most warehouses need parking in front; rear portion of the property is used for yard and delivery to warehouse doors. Side building parking will only interfere with access to rear of the building. Many of the properties in these classifications (B3 and CW) are located in areas where the visibility is not nearly as big a concern as in other areas. I don't think the architectural requirements such as parapet walls, recesses, pitched roofs etc. apply to these types of properties. For better or worse Mobile is a price sensitive city and B3 and CW are a very price sensitive niche in a price sensitive market the additional construction cost is very likely to push these developments outside the city. Entry Courtyard required for EVERY commercial development? Minimum 8 ft deep? Every new development must include a minimum of one height variation, and one wall variation. NO! Do development standards require office/warehouse type properties to place parking in the rear? If so, that may interfere with truck access and conflict with the traditional customer-in-the-front, deliveries-in-the-rear approach to the style of building. <p><i>Source of comments:</i> Casey Pipes, Lewis H. Golden, Michael McAleer, anonymous</p>	<p>Concern about the reduction of form-based design standards</p> <p><i>Government Street Collaborative; Leinkauf Neighborhood Historic District Board</i></p>
Response	Change in UDC v4
<p>Parking lots are not precluded from locating between the building and the street. Further, B-3 and CW may be located near residential areas making additional design standards desirable; however, industrial and maritime light and heavy are still zoning district options without building design standards.</p> <p>An entry courtyard is one of six frontage types from which a developer may choose; however, if the courtyard frontage type is chosen, yes, it be must a minimum of 8-feet deep.</p> <p>Parking is not required to be placed behind buildings in CW or industrial districts.</p>	<p>None</p>

3-6 Building Design and Height

Request or Concern	Conflicting Concern
<p>Concern about the reduction of form-based design standards COMMENT EXAMPLES</p> <ul style="list-style-type: none"> Concerned that the current version of the UDC moves away significantly from the form-based zoning regulation that would allow the City to balance the best practices for planning & zoning with forward-thinking design policies needed to implement the Map for Mobile. Except for requirements put in place for the separately developed overlays, there are virtually no dimensional or development standards that address building placement and design with respect to adjoining & nearby buildings or streetscape. Concerned about the reduction of frontage design standards ... which will result in a street facade which lacks appealing and appropriate architectural identity or integrity. ... requests that for development and facade redevelopment on traditional corridors in historic areas, the site plan include an architect's rendering of the resulting street facade for the full block on which the plan is sited. Something along the lines of the composite standards (for building & site design) found in Ver 1 that included detailed guidance on site & building design in relation to the zoning should be included in the UDC. This more specific guidance will increase the likelihood that the building design, placement, and how it interacts with the streetscape will better fit not only the zoning, but the context of where that zoning occurs. <p><i>Source of comments:</i> Government Street Collaborative; Leinkauf Neighborhood Historic District Board</p>	<p>Concern about form standards applying to warehouses (see previous)</p>
Response	Change in UDC v4
<p>Properties in historic districts would still be required to obtain the approval of the Architectural Review Board, which has more stringent standards that allow for development that is compatible in design and scale with the surrounding neighborhood. Outside of historic districts the standards have been simplified or clarified.</p>	<p>None</p>

3-7 Landscaping & Tree Planting

Request or Concern	
<p>Concern about Applicability of landscape requirements [A.1(b)] and confusion about the 50% rule. COMMENT EXAMPLE:</p> <ul style="list-style-type: none"> ...under 50% FEMA Rule, if an improvement is “substantially damaged” or “substantially improved”, it must be brought into compliance with the flood damage prevention regulations, including elevating the building to or above the 100-year flood elevation (Aug 15, 2018). Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the construction of the improvement. <p><i>Source of comments:</i> Dog River Clear Water Revival; Ali Jones; Michael Gladden; BJ Smith; The Peninsula</p>	

Response	Change in UDC v4
<p>The 50% requirement for applicability in landscape compliance, is in regard to the increase or decrease of the building size, not the change in market value or amount of damage. Landscape compliance is not of the same level of a "health and safety" criterion as FEMA mandated flood compliance after damage.</p> <p>The "50% Rule" mentioned in these comments is for flood zone compliance which is regulated via 44 CFR and in Chapter 17 of the City Code. These standards are not applicable to the UDC, the UDC utilizes square footage.</p>	None

3-7 Landscaping & Tree Planting

Request or Concern	
<p>Concern that landscaping requirements are inadequate (were reduced in UDC3)</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> • It appears the designated zoning district dictates how much landscaping will be required. As written, the larger the development the less landscaping will be required... • The percentage of minimum required landscaping of commercial property east of I-65 has been dramatically reduced from current (12% of lot to 5% or less in some cases.) • Do not reduce requirements from 12% to 5% • The new minimum is 5%, and existing street trees "count" in the 5%. We MUST remember landscaping is not aesthetics only. • Landscaping standards in the current UDC do not do enough to address the need for green space and pervious areas throughout the city. Minimum landscaping requirements should be increased to 10%. Minimum landscaping should not be sacrificed to building coverage and required off-street parking. The UDC should be revised to provide a mechanism to override the minimum landscaping requirements only in cases where it would promote restoring the articulation of building to the pedestrian streetscape, promote the goals of Map for Mobile, and mitigation can be provided through use of pervious paving or other approaches. <p><i>Source of comments:</i> Michael Gladden; Ali Jones; BJ Smith; Lella Lowe; Leinkauf Neighborhood Historic District Board, Mobile Baykeeper, Government Street Collaborative</p>	
Response	Change in UDC v4
<p>The landscape percentages are based on current urban and suburban development standards and in suburban areas are increased to 15%. It is a percentage, so the larger the development, the more landscaping required.</p> <p>Landscape requirements for the urban subdistricts (generally east of I-65) were reduced to reflect the historic nature of "to the property line" development. Continuing to apply a "suburban" style landscape requirement to Midtown and other older portions of the city was considered inconsistent with the existing fabric of the neighborhood.</p>	None

3-7 Landscaping & Tree Planting

Request or Concern	Conflicting Concern
<p>Concern about exceptions to tree planting / landscaping requirements</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> • ...Every 50 feet a large tree? No power lines above? No signs nearby? No driveway nearby? No corner nearby? Every 20 pkg spaces need a tree, and only one third have to be large overstory trees • New and existing parking lots should have a 40% tree canopy no matter the type of tree or parking spaces... Every ROW should have at least 1 over story tree placed the same distance apart as their tree canopy size. All power lines downtown should be buried so the urban tree canopy can be maximized. • No trees under power lines is not acceptable as there are many streets with power lines on both sides. A couple under story trees should be required to make up for the shade trees where they cannot be placed. • ML, MH, I1 and I2 zones should NOT be exempt from perimeter tree and parking lot landscaping requirements. These are some of the largest paved areas that cause stormwater runoff and should not be exempt from landscaping requirements to mitigate that. • ...we question exemptions. (a) ... why those [uses] which typically produce more stormwater are exempt from the very thing needed? The document itself states in section (b) generally, landscaping should be provided in a way that breaks up the expanse of paving, facilitates the safe circulation of pedestrian and vehicular traffic, and provides shade valuable for pedestrians and/or vehicles. Why does this not apply to the ML, MH, I1 or I2 zones? • what possible hardship would allow total on-site landscaping to be reduced below 5%? (b) Preservation Credit , section (2) We encourage a warranty be put in place that monitors the health of trees taken as credits. Damage done by poor BMPs during construction can take decades to show. <p><i>Source of comments:</i> Jim J Gilbert; Timothy M, Lloyd; Lella Lowe; BJ Smith; Michael Gladden, Dog River Clearwater Revival, Mobile BayKeeper</p>	<p>Potential conflict with concerns about trees interfering with utilities</p>
Response	Change in UDC v4
<p>Tree plantings are based on standards to promote adequate spacing and growing area.</p> <p>Tree plantings under power lines are subject to cutting and trimming by Alabama Power Company. In order to provide for tree plantings along road frontages which have overhead power lines, Urban Foresters in other communities in the state were consulted. As a result, the proposed UDC has been revised to prohibit tree plantings on private property within 15-feet of overhead power lines in the right-of-way.</p> <p>Tree plantings in parking areas are based on parking space counts. The UDC does not regulate the right of way, or tree plantings within the right of way.</p>	<p>See 64-3-7-A.2.(c)</p>

<p>Industrial development is currently exempt from tree plantings along the interior property lines. Adjoining properties with tree planting can create potential conflicts with new trees on private property. They compete for resources and in many instances neither tree(s) thrives. Additionally, industrial development frequently involves the movement of large vehicles and equipment which damage trees both above and below the surface.</p> <p>The exemption for parking area landscaping in industrial districts is due to the fact that parking is primarily for employees, and industrial sites typically have large equipment moving through the site which damage trees. Frontage landscaping is required for industrial and this would typically be out of harms way of equipment maneuvering.</p>	
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3-7 Landscaping & Tree Planting	
Request or Concern	Conflicting Concern
<p>Concern about conflict between frontage trees and utilities COMMENT EXAMPLES</p> <ul style="list-style-type: none"> Trees can conflict with power lines, and they can present an unsafe situation for the public and for the power company employees and contractors, and they reduce the reliability of the service and increase the maintenance and operational costs of the service. Section 64-3-7 Subsection (f) on page 56 (Trees under power lines) should be moved from Subsection 10 dealing with "Maintenance" to Subsection 6 dealing with "Plant Selection" on page 54. Approved Plant List: who dictates this list? Is a current List available? The City's "Plant List" is incorrect. The "Plant List" is referenced in several places of the UDC but is not made a part of the UDC. On the last version of the "Plant List" we have seen, there is a notation that the following trees are "compatible with power lines," but the following trees are not compatible with power lines due to their heights, and they should not be allowed... <p><i>Source of comments: Alabama Power, Lewis H. Golden</i></p>	<p>Concern about exceptions to tree planting / landscaping requirements <i>-various</i></p> <p><i>Why are multi-stemmed trees separated? They are understory.</i> <i>-Ali Jones</i></p>
Response	Change in UDC v4
<p>The proposed UDC has been revised to prohibit tree plantings on private property within 15-feet of overhead power lines in the right-of-way.</p>	<p>See 64-3-7-A.2.(c)</p>

3-7 Landscaping & Tree Planting	
Request or Concern	Conflicting Concern
<p>Request to limit landscaping requirements in Industrial and Maritime Districts COMMENT EXAMPLES</p>	<p>Potential conflict related to concerns with landscaping exemptions</p>

<ul style="list-style-type: none"> Industrial Districts and Maritime Districts will encompass significant pedestrian, vehicular and transport (such as forklifts and tow motors). Tree requirements present line of sight safety and security issues. These provisions in Industrial and Maritime areas need to be modified to focus on landscaping which provides esthetics at the edges, if that is the desired intent, but without intermittent interior planting of trees and other vegetation that generate traffic, lighting, and security surveillance obstructions. Further, overstory trees or similar vegetation with complex root systems can undermine commercial vehicle and cargo handling surfaces (weakening of paved surfaces/potholes) generating hazards to both safe operation and to cargo. We understand the desire to incorporate landscaping in these types of developments, but encourage limiting the requirements to low story, shrubbery and grassing areas on perimeters. Building sites located within Maritime Light, Maritime Heavy, I-I or 1-2 Zoning Districts are now exempt from the tree planting requirements of the UDC-3 (found at pages 49 & 50)... There is, however, still a requirement for trees in parking lots of one (1) tree per every twenty (20) parking spaces with a minimum of 1/3 of those trees to be overstory and the remainder to be understory. That will still complicate industrial applications because, in many instances, parking lots or portions thereof, are used for material transport, laydown and other transportation movements. This seems at odds with the requirements of UDC-3 found at Page 51 which indicate that parking lot "landscaping" is not required in ML, MH, I-I or 1-2 zoning districts. That conflict needs to be addressed. <p><i>Source of comments:</i> Port Authority</p>	
Response	Change in UDC v4
ML, MH, I-1 and I-2 are exempt from perimeter tree plantings and parking plantings. Frontage landscaping and tree plantings are still required, with reduced ratios and deductions for driveways; please see 64-3-7. A. 2.	See parking tree planting exemption in 64-3-7. A.3. (a)

3-7 Landscaping & Tree Planting

Request or Concern	
<p>Concern about the unclarity on what is considered landscaping</p> <ul style="list-style-type: none"> ...there are still numerous landscaping requirements that would be applicable to a building site not involving trees. It is unclear whether landscaping requirements consist solely of "trees", both understory and overstory, of whether landscaping encompasses something further. <p><i>Source of comments:</i> Port Authority</p>	
Response	Change in UDC v4
Landscaping is essentially "greenspace" and tree plantings occur within greenspace. Vegetative buffers and screening may also occur in greenspace.	None

3-8 Buffers

Request or Concern	
<p>Concern that buffer provisions are inadequate and should apply to Maritime and Commercial Warehouse districts.</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> Maritime and Commercial-Warehouse districts should be explicitly named as subject to the Sec. 64-3-8 development standard. Also, a 10-foot barrier/fence instead of a 6-foot fence should be required between residential and non-residential areas. ... Buffer standards are designed to mitigate these types of impacts by providing some degree of protection to Residential districts that border commercial districts. The Buffer Standard Does Not Appear to Apply to Maritime and Commercial Warehouse Districts... Sec. 64-3-8 does not offer any explicit guidance on buffers between those districts and Residential districts where they share property boundaries... "Fence" as Defined is Too Permissive for Residential/Non-Residential District Boundaries... MEJAC feels strongly that a six-foot chain-link fence is an unacceptable boundary between Residential and non-Residential districts. Chain link fencing should be specifically prohibited in Sec. 64-3-8 and perhaps its exclusion as a permitted use for buffers between Residential and non-Residential districts... 6 Feet "Wall or Fence" Height Requirements are Too Short In each of the aforementioned types of impact. A six foot "wall or fence", would still provide an inadequate level of protection from commercial and industrial trespass into residential districts, as often happens under the current code.... <p><i>Source of comments:</i> Lella Lowe, Ramsey Sprague</p>	
Response	Change in UDC v4
<p>Property owners are required to develop their site to the standards in effect at the time of development; therefore, new standards are generally not retroactive. See edit; buffers now required in CW, ML and MH. Chain link alone is not an acceptable buffer; however, it is a fencing option.</p> <p>A buffer cannot mitigate all impacts of commercial development adjoining residential development. Fence heights in excess of 6-8 feet are difficult to source.</p>	<p>Buffers now required in CW, ML and MH (See Article 3, Protection Buffers)</p>

3-9 Lighting

Request or Concern	Conflicting Concern
<p>Concern about prohibited lighting on utilities</p> <ul style="list-style-type: none"> The power company provides security lighting, street lighting, and other affordable forms of lighting on its utility poles as a service to the City of Mobile and to other electricity customers. Several sections will prohibit this practice, and they are unnecessary in light of the shielding regulations. Please delete Sec. 64-3-9.B.1(a)(b) and (c) on p. 58 and (h) on p. 59. <p><i>Source of comments:</i> Alabama Power Company</p>	<p>Potential conflict with comment requesting special lighting consideration within natural areas</p>
Response	Change in UDC v4
<p>Site lighting within the public right-of way-revised.</p>	<p>See Lighting, Article 3, Section 9 - B. a.(h).</p>

3-9 Lighting

Request or Concern	Conflicting Concern
<p>Request that special consideration to lighting be given in these specific areas if they contain riparian buffer areas, wetlands, woodlands, and/ or other natural resources.</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> We reiterate the need to lower lighting intensity around naturally sensitive areas. By nature, these areas are habitat that will be negatively affected by artificial light... To ensure the long-term success of such an amenity, lighting and land-use changes must be kept to a minimum... We reiterate our request that special consideration to lighting be given in these specific areas if they contain riparian buffer areas, wetlands, woodlands, and/or other natural resources. <p><i>Source of comments:</i> Ali Jones, BJ Smith, Dog River Clearwater Revival, Lella Lowe, Michael Gladden, The Peninsula</p>	<p>Potential conflict with comment concerning prohibited lighting on utilities</p>
Response	Change in UDC v4
<p>The proposed UDC lighting standards apply to parking lots, athletic fields and retail commercial and industrial uses that adjoin residential use. The proposed standards in the UDC expand upon the existing standards in the current Zoning Ordinance; however, as stated previously, the environmental standards proposed in the UDC serve as first steps for regulating environmentally sensitive design via zoning.</p>	<p>None</p>

3-10 Natural Resource Protection

Request or Concern	
<p>Request revision to Stream Crossing</p> <ul style="list-style-type: none"> Utility lines crossing well over or below stream beds that will not possibly cause any rise in the flood water should be exempt from the hydraulic analysis required in 64-3-10 (Natural Resource Protection, Riparian Buffers, Stream Crossings) found on page 67. To do this, please make the following change to the introductory sentence: 7. Stream Crossings. "Construction or repair of structures that cross streams (including but not limited to those exempts in Article 3, Section 64-3-10.C.1(c), but except for utility lines that cross streams either overhead by at least 20 feet or underground by at least four feet below the channel) are subject to the following". <p><i>Source of comments:</i> Alabama Power Company</p>	
Response	Change in UDC v4
<p>Proposed utilities should take in to account the RBZ and protection of the RBZ to the maximum extent practicable; utilities are not prohibited.</p>	<p>None</p>

3-10 Natural Resource Protection

Request or Concern	
<p>Request to clarify Riparian Buffers</p> <ul style="list-style-type: none"> Section 64-3-10.C.1.(c) is unclear, and in an attempt at treating utility lines and public streets more clearly, and to contemplate proposed or future utility lines, the following changes should be made: (1) Existing and proposed public streets and storm water infrastructure and related appurtenances required to be dedicated to the City; (2) Existing and proposed utilities, utility poles, utility lines, and related appurtenances. <p><i>Source of comments: Alabama Power Company</i></p>	
Response	Change in UDC v4
Proposed utilities should take in to account the RBZ and protection of the RBZ to the maximum extent practicable; utilities are not prohibited.	None

3-10 Natural Resource Protection

Request or Concern	
<p>Oppose to exemptions from Riparian Buffers</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> We suggest combining all Riparian Buffer graphs on one page to include the picture guide at the front for easy reference. While we appreciate reducing the jurisdiction to two (2) acres rather than the original five (5), however, we reiterate, given the health of most streams in the urban watersheds of both Dog River and Garrow’s Bend, we strongly urge the jurisdiction of this section apply to all parcels of one-acre or more. There are MANY such lots remaining that could potentially be converted to hardened surface further increasing stormwater. C. Exemptions Change from “encouraged” to mandated. (6) Special consideration should be given to construction of any kind, allowed within Zone 1 or 2 of the designated riparian buffer. Commercial developments - We remain opposed to any commercial or other development increasing its footprint along a riparian buffer. Water Dependent Maritime Uses - NO exemptions should be given to new development inside an RB zone, even the Port of Mobile. By nature of "Maritime" designation, such use will be on or adjacent to water. All efforts should be made to reduce stormwater with strict management protocols in place. Mitigation - While we understand the City does not have authority over this issue, since it is listed, we strongly request it be mandated that ALL mitigation be performed inside the same watershed as is being negatively impacted by the construction. <p><i>Source of comments: Ali Jones, Baykeeper, BJ Smith, Dog River Clearwater Revival, Lella Lowe, Michael Gladden, The Peninsula</i></p>	
Response	Change in UDC v4
Homes are not allowed in zones 1 and 2. Furthermore, the environmental standards proposed in the UDC serve as first steps for regulating environmental sensitive design via zoning.	None

3-10 Natural Resource Protection

Request or Concern	
<p>Request to expand Riparian Buffer Zones and reference the State of Alabama Low Impact Development (LID) handbook</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> ...we request expansion to include parcels one acre and larger. We are further concerned about the removal of minimum RBZ widths in version 3. We understand variable widths are helpful in some contexts, but the removal of minimum widths would effectively leave some waterways with no RBZ at all...Therefore, while the functional riparian zone definitions included in version three provide important non-arbitrary boundaries, they also will create cases where RBZs are entirely nonexistent for hundreds of miles of water bodies throughout the City. This would have a significant deleterious impact on water quality, public health and the economy of a water dependent city. For these reasons, we strongly urge the City to include minimum RBZ widths in version 3. ...We recommend more frequent reference to the Low Impact Development Handbook for the State of Alabama <p><i>Source of comments: Ali Jones, Baykeeper</i></p>	
Response	Change in UDC v4
<p>The environmental standards proposed in the UDC serve as first steps for regulating environmentally sensitive design via zoning.</p> <p>See edit 64-3-10-C.6 (regarding Low Impact Development comment).</p>	<p>Refer to 64-3-10-C.6.</p>

3-11 Open / Civic Standards

Request or Concern	
<p>Request to change to trash receptacle requirement for location and enclosure</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> Section C. Ownership and Maintenance of Common Open Space – [we] request to require a trash receptacle every 50 ft. being included in this section... Any litter within our 95 sq. mile watershed is subject to find its way into a nearby waterbody flowing to Dog River. Providing and maintaining easily accessible proper receptacles will reduce litter. <p><i>Source of comments: Ali Jones, Baykeeper, Dog River Clearwater Revival, The Peninsula</i></p>	
Response	Change in UDC v4
<p>Litter is regulated via the Litter Ordinance, which is Chapter 25 of City Code.</p>	<p>None</p>

3-11 Open / Civic Standards

Request or Concern	
<p>Request to show green space in Civic Space diagram</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> 64-3-11 (b) (3) Plaza - The diagram shows no greenspace. Surely this is accidental. 	

Source of comments: Ali Jones, BJ Smith, Dog River Clearwater Revival, Michael Gladden, The Peninsula

Response	Change in UDC v4
The diagrams serve as examples only; green elements may be included in civic space.	None

3-12 Parking and Loading

Request or Concern	
<p>Request to include trash receptacle in or near parking spaces/lots</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> 64-3-12 5. Parking Specifications (i) Pedestrian Safety Aisles - Include requirement for a maintained trash receptacle at the beginning and end of each aisle. As this section is applicable to self-parking in lots with more than 50 parking spaces, with four or more rows of parking this is an opportunity to provide proper trash disposal receptacles to reduce litter. (j) Circulation and Parking Layout - We strongly urge the requirement of a trash receptacle every 50 ft. be included in this subsection.... <p><i>Source of comments:</i> Ali Jones, BJ Smith, Dog River Clearwater Revival, Michael Gladden, The Peninsula</p>	
Response	Change in UDC v4
Litter is regulated via the Litter Ordinance, which is Chapter 25 of the City Code.	None

3-12 Parking and Loading

Request or Concern	
<p>Request to include a parking space per rooming and boarding bedroom</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> Rooming and Boarding: Should be required to have 1 parking spot per bedroom (same as bed and breakfast). <p><i>Source of comments:</i> Jarrod White</p>	
Response	Change in UDC v4
Bed and breakfast establishments are associated with travelers/persons on vacation, which frequently will involve car travel; rooming and boarding homes are for residents which do not always own a vehicle.	None

3-12 Parking and Loading

Request or Concern	
<p>Concern about bicycle parking requirement</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> p. 79 Exempt I-1, I-2, ML and MH from bicycle parking requirements. 	

- p. 80 Clarify that I-2 and MH are exempt from off-street truck loading facility requirements (correct typo in B. 2(a)).
- ... PLEASE let the market decide! If bicycle racks make sense for the neighborhood, then the owner will install them. If this holds, I expect to see the City be the first to retrofit their properties.

Source of comments: Keep Mobile Growing, Lewis H. Golden

Response	Change in UDC v4
Bicycling is an affordable mode of Transportation for many people and these residents need a place to securely park their bike, the same as persons driving a motorized vehicle. See edit regarding off-street truck loading.	See changes to Article 3, Section 12
This is not a retroactive requirement; it is only for new or newly improved development. Bicycling is an affordable mode of Transportation and the provision of bicycle racks address concerns regarding affordable transportation and lack of adequate public transit.	None

3-12 Parking and Loading

Request or Concern	
<p>Concern for parking aisles restricting development opportunities and sites</p> <ul style="list-style-type: none"> • How will this effect urban development? I am concerned that it will further restrict infill development opportunities/sites. Can there be exceptions? How would structured parking be affected by this requirement? <p><i>Source of comments:</i> Lewis H. Golden</p>	
Response	Change in UDC v4
This is required for parking lots exceeding 50 spaces AND four or more rows of parking.	None

3-12 Parking and Loading

Request or Concern	
<p>Concern about inadequate incentives for alternative or permeable surfaces to reduce run-off and heat zones</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> • The new UDC does not adequately incentivize the use of alternative or permeable surfacing... • Open/Civic Space Standards - needs to include requirements to reduce paved heat islands, and instead incentivize permeable surfacing alternatives. <p><i>Source of comments:</i> Anonymous, Lella Lowe, The Peninsula</p>	
Response	Change in UDC v4
Alternative parking surfaces are required for new developments of 1 acre or more, for parking spaces in excess of the minimum number requirements. Additionally, the number of required parking spaces has been reduced, so that the amount of paved area is reduced.	None

<p>Please See Article 3, Section 64-3-12 which requires a newly developed site of one acre or more to provide any excess parking in an alternative surface.</p> <p>Open space by its nature addresses heat islands; see list of open space types in Article 3. Civic space is intended to support a more urbanized development.</p>	
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3-12 Parking and Loading

Request or Concern	Conflicting Concern
<p>Concern about reduced parking minimums</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> Minimum parking requirements were reduced, which would naturally lead to some projects being built without adequate parking to meet demand, which then pushes a burden on neighboring properties. Further, the City seeks to impose a financial penalty for any property that seeks to have more parking than the minimum by requiring that it be made of some alternative parking surface. (page 76). The developer does not, however, have discretion over what this alternative is, and it is left to the City Engineer to approve the use of aggregate materials (which would be cheaper). All other options are more expensive to either install or maintain (or both) than a traditional parking surface... The minimum parking should more closely reflect the current tenant requirements, and there should not be a requirement for more expensive alternative parking material for every space in excess of the minimum. <p><i>Source of comments: Casey Pipes</i></p>	<p>Potential conflict with comments concerning inadequate landscaping requirements</p>
Response	Change in UDC v4
<p>Reduced parking requirements were proposed in previous versions and was requested by members of the public. Alternative materials are specifically to address environmental concerns. Requiring a bike racks does not mandate riding a bike; however, it does encourage biking. The provision of bicycle racks also helps to address concerns regarding affordable transportation and lack of adequate public transit.</p>	<p>None</p>

3-13 Other Site Elements

Request or Concern	
<p>Concern about height of HVAC units</p> <ul style="list-style-type: none"> ...the modern design of exterior HVAC units has changed over the years. They used to be much lower to the ground and now they are taller.... We should not require a home/business/property owner to get a variance for a HVAC unit based solely on its height. <p><i>Source of comments: Lewis H. Golden</i></p>	
Response	Change in UDC v4
<p>This is not part of the UDC. See Encroachments Table 64-3-5.1.</p>	<p>None</p>

3-13 Other Site Elements

Request or Concern	Conflicting Concern
<p>Request standard to protect solar access on adjacent sites</p> <ul style="list-style-type: none"> Add under 64-3-13 Other Site Elements: (unless there is another section that would be more appropriate) Solar Access: Structures shall not be constructed such they would produce more than 10% shade on adjacent property owner's existing photovoltaic, electricity-producing panels between 9 a.m. and 3 p.m. on December 21 when the sun is the lowest in the sky. <p><i>Source of comments: Debbie Coleman</i></p>	<p>Potential conflict with comment regarding concern for variance to permit height allowance for HVAC</p>
Response	Change in UDC v4
<p>Extensive tree cover in Mobile as well as Alabama case law preclude strong solar access regulation.</p>	<p>None</p>

3-13 Other Site Elements

Request or Concern	
<p>Request to exempt port and maritime buildings and related construction infrastructure from height and size limitations</p> <ul style="list-style-type: none"> ...Zoning District limitations on building size are found in Section 64-2, etc... Maritime, port dependent activities today are not the activities of tomorrow...New warehouse designs are multiple stories, and cargo handling innovations and automation continue to change the face of transit and cargo handling warehouse designs... The City should refrain from limiting port / maritime investments that rely on immediate or near federal channel proximity...The city should refrain from standards that limit economic development and cargo related activities recruitment. At 64-3-6(C)2(c) there are height exceptions which mandate that height limits do not apply to such things as church spires, chimneys, television antennas and water tanks. There should be exceptions included for cranes or other lifting devices and storage tanks. <p><i>Source of comments: Port Authority</i></p>	
Response	Change in UDC v4
<p>State activities on State property are exempt from the UDC.</p>	<p>None</p>

General to Article 3

Request or Concern	
<p>Request to allow gas pricing electronic signs</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> I would like to know if the issue of gas pricing signs is addressed. As it stands currently, a number of applications [to BZA] are made strictly based on the fact that they are electronic signs. I believe an exception should be made. A simple static gas price sign of a certain size should be exempt. We should be more business-friendly on this issue. 	

<i>Source of comments:</i> Lewis H. Golden	
Response	Change in UDC v4
The Sign Regulations as they currently exist in the Zoning Ordinance were essentially copied into the UDC and are located in Article 4.	None

Article 4. Use Regulations

4-2 Accessory Dwelling Units

Request or Concern	
<p>Clarify need for accessory dwelling unit provisions</p> <ul style="list-style-type: none"> p. 84: I do not understand need for accessory dwelling unit provisions when multiple dwellings are allowed in all districts. <p><i>Source of comments:</i> Jarrod White</p>	
Response	Change in UDC v4
During the process for Map for Mobile, the need for ADUs was a frequent topic.	None

4-4 Adaptive Reuse

Request or Concern	
<p>Concern about the 50-year-old rule - all properties should comply with landscaping and stormwater management BMPs</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> D. Incentives - We strongly oppose the proposal in this section to exempt structures constructed at least 50 years before the effective date of this chapter from Landscaping and Tree Planting requirements as an incentive to rehabilitation...Today, most of the housing in the Peninsula community meet and/or exceed the 50-year-old definition. By definition, Adaptive Reuse is making adaptations to areas for reuse. As the structures that fall into this section were constructed before we understood the vast damage caused by hardened surfaces creating fast moving volumes of pollution containing stormwater. This is no longer the case; therefore drainage, reduced stormwater, and cooling shade should be required. Sec. 64-4-4 Adaptive Reuse, A. Applicability - (a) The Peninsula of Mobile requests to be added to this section. As the majority of structures in the Peninsula community were constructed over the 50-year-old timeline, and as the Peninsula contains the most creek, stream, bayou, slough and ditch concentration lying between two estuarine shorelines it is vital that all construction, old or new, be brought into compliance with current stormwater management and flood standards. <p><i>Source of comments:</i> Ali Jones, BJ Smith, Dog River Clearwater Revival, Michael Gladden, The Peninsula</p>	
Response	Change in UDC v4
Adaptive Reuse is an important element to encourage renovation and improvement to existing buildings and sites. Adaptive Reuse does not exempt	None

<p>a site from compliance with Chapter 17 of the City Code (Stormwater compliance).</p> <p>Landscaping and tree planting waivers would only apply if the structure were to be enlarged by more than 50% of the existing square footage, so unless the building to be adaptively reused were to increase by more than 50% of the existing square footage the adaptive reuse “waiver” would not be applicable.</p>	
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4-6 Coal Handling Operations

Request or Concern	Conflicting Concern
<p>Concern that requirements are inadequate and opposed to exemptions of existing coal handling facilities</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> "Coal Handling Operations" is a new regulatory framework in the Mobile Code. No reference to it as an either permitted or conditional use in Industrial-2 or other Mobile zoning codes has existed before... Retroactive Use Permits Should Not Reward Bad Behavior. Sec. 64-4-6, A, 2, proposed language confirms "existing coal handling facilities" as "conforming permitted uses". This legislative language appears to have been developed exclusively with the only existing coal handling facility under the City of Mobile's direct zoning jurisdiction in mind. The City of Mobile should reconsider this kind of reward for bad behavior...The provisions for retroactive conforming use allowance and perpetual, indefinite permission to make any adjustment to CMT’s PUD should be eliminated entirely. They appear to be designed as a clear benefit to a single operator that has a less than forthright record when it comes to public health and community engagement considerations...Sec. 64-4-6, B, 1's proposed language appears to permit a coal handling operation on any sort of zoned property in the City of Mobile regardless of its designation as long as that property has a building permit issued at a time before planning approval was ever required. The exceedingly permissive language of this section needs to be clarified for its intent, as it appears to contradict Sec. 64-2-24's Use Table, which describes "Coal Handling Operation*" use as Conditional only in Maritime Heavy and Industrial-2 districts. ... We oppose existing Coal Handling facilities being exempted from strengthened UDC zoning requirements when the facility is to be replaced or reconstructed on the same site. These uses should be Conditional approvals with public notice and hearings. The Peninsula of Mobile’s eastern shoreline and adjacent neighborhoods are directly affected by the actions at the Port of Mobile. Coal dust is a problem. While we understand the Port is a coal handling facility, we are deeply concerned that as proposed, existing facilities will not have to come into compliance with this subsection if they repair, replace or reconstruct on the same site. We strongly oppose new coal handling facilities, that hold a Conditional Use Permit at the time of the passage of the new UDC, being allowed to construct under the old rules. <p><i>Source of comments:</i> Baykeeper, BJ Smith, Brenda Bolton, Lella Lowe, Michael Gladden, The Peninsula, Ramsey Sprague</p>	
Response	Change in UDC v4
<p>Environmental requirements concerning fugitive dust and other matters are the jurisdiction of the Alabama Department of Environmental Management.</p>	<p>None</p>

4-8 Above-Ground Oil Storage Tanks

Request or Concern	Conflicting Concern
<p>Request to define oil as a term and differentiate from “Hazardous Waste”</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> • p. 91-93 Capitalize Oil as a defined term. • p. 93 The first sentence needs "that do not contain Oil" added to the end of it. The current definition of hazardous substance (p. 183) is written so broadly it could be read as including Oil which is separately regulated by 64-4-8. <p><i>Source of comments:</i> Keep Mobile Growing</p>	
Response	Change in UDC v4
Oil and hazardous waste are defined in Article 8.	None

4-8 Above-Ground Oil Storage Tanks

Request or Concern	
<p>Request for design requirement for above ground oil storage</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> • ...the Above-Ground Storage Tanks standards should be updated to include a design requirement that newly developed and re-developed tanks be outfitted with appropriate vapor recovery systems. <p><i>Source of comments:</i> Lella Lowe, Ramsey Sprague</p>	
Response	Change in UDC v4
The above ground oil storage tank requirements are relatively unchanged from the adoption of the current regulations in 2016.	None

4-8 Above-Ground Oil Storage Tanks

Request or Concern	
<p>Concern about lack of regulations related to above ground storage - sulfuric acid not covered in UDC</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> • ...Regulatory language of existing tanks appears attempted but doesn't correspond to the nature of concern with above ground storage tank product changes, Sec. 64-4-8, A, 4. Limited Application of this Section: (a) states, "No tank subject to this Section may be converted to use for the storage of a substance other than oil without first obtaining the approvals otherwise required under the Mobile City Code for the storage of those other substances." Sec. 64-4-8, A, 4, (b), (2), (p. 94) states, "An above-ground storage tank existing on a site on the effective date of this Chapter may be repaired, replaced, or reconstructed on the same site without compliance with this subsection and without the need for any further conditional use permit approval, or compliance with the requirements of Article 10." Sec. 64-4-8, A, 4, (b), (2), (p. 94) appears to completely contradict the intentions and the will of City Council, as it would deny Council's ability to have overturned its decision in the Arc Terminals application altogether...I cannot accept the self-imposed limitations of this section of the proposed UDC, which undermine the popular will of the people of Mobile as expressed by the Mobile City Council. Greater regulation of existing , above ground oil 	

storage tanks, is necessary. NFPA 30 Does Not Classify Sulfuric Acid and NFPA 30 Should Not By Itself Be Used to Regulate Sulfuric Acid or Similar Substances In terms of new tanks, Sec. 64-4-8, E...My concern is that because non-flammable chemicals like sulfuric acid are not covered by this regulatory language that, in fact, the language would not require even written notice, and engineering verification, requirements of Sec. 64-4-9, E...For that reason, I cannot accept certainty that this proposed language upholds the original spirit and intent of this section of zoning code...

Source of comments: Lella Lowe, Ramsey Sprague

Response	Change in UDC v4
Refer to definitions in Article 8 and 40 CFR Part 302, as such sulfuric acid is regulated as a Hazardous Substance.	None

4-8 Above-Ground Oil Storage Tanks

Request or Concern	
<p>Request to remove regulation 4. (b) (4) a (related to new, additional tanks)</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> p. 91 Remove 4 (b)(4)(a.) The special above ground tank ordinance passed in 2016 confirmed all existing sites with above ground tanks as confirming sites and uses. As a result, all existing sites have planning approval and there is no need for this provision. Further, the City is missing records that renders the current language in this provision unworkable. This was confirmed with Center Point's reconfiguration of its facility. <p><i>Source of comments:</i> Keep Mobile Growing, Plains All American</p>	
Response	Change in UDC v4
The above ground oil storage tank requirements are relatively unchanged from the adoption of the current regulations in 2016.	None

4-9 Hazardous Substance Storage

Request or Concern	Conflicting Concern
<p>Concern with emissions and minimum setbacks of tanks from nearest property line</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> ...Again, what happens at the Port of Mobile, the Mobile Riverfront and the industrial portions of the Garrow's Bend Watershed directly affects the nearly 100 residences along the City of Mobile's bayfront and the thousands who live in adjacent neighborhoods. As our community borders Brookley Aeroplex, we are sensitive to the fact that as time passes uses associated with the above industries may move further south. Vapor, and odor emissions are relevant issues for residents of the Peninsula as wind loads increase across the narrow landmass. Prevailing currents and winds shift, depending on season... A 1,500-foot setback for bulk storage tanks housing hazardous substances is an inadequate setback to protect the public. The average bulk storage tank has a minimum of 3,000,000 gallons of substance. Further, these tanks are sited close to each other in on each site, and an explosion of fire disaster will almost certainly involve more than one tank... A setback greater than 1500 is needed to protect the public from fire, substance contamination, overflow, and potential vapors and emissions during a disaster. 	

- The Peninsula of Mobile strongly opposes the minimum setback of 1,500 feet measured from the tank to the property line of the nearest residentially zoned or occupied property, church or school.

Source of comments: BJ Smith, Brenda Bolton, Michael Gladden, The Peninsula

Response	Change in UDC v4
Environmental requirements are the jurisdiction of the Alabama Department of Environmental Management. This section is intended to mirror requirements of other above ground storage tanks.	None

4-10 Telecommunications Facilities

Request or Concern	
<p>Request to clarify telecommunications applicability</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> • ...To be clear that utility communications facilities are not governed by the UDC, please revise Section 64-4-10.B (Telecommunications Facilities, Applicability) found on page 96 to make clear that this section does not pertain to communications equipment which is ancillary to monitoring, operating, and maintaining an electric utility network as follows: B. Applicability. This section applies to telecommunications facilities located on private property, but nothing in this Section shall be construed to apply to the attachments, equipment, facilities, or business activities of an electric utility that is regulated by the Alabama Public Service Commission. This Section also does not apply to the attachments, equipment, facilities, or business activities of such electric utility's parents, affiliates, or subsidiaries when they are acting in support of the regulated electric utility. • Clarification on ... the use of "communications equipment" under Article 2 is required. For example, would MAWSS' broadcast equipment (i.e. radio facilities, antennas, etc.) be included in the Utility Minor or Intermediate communications facility use? <p><i>Source of comments:</i> Alabama Power Company, MAWSS</p>	
Response	Change in UDC v4
The UDC applies to Telecommunications Facilities on private property. Utility companies are not required to obtain a Class1, Class 2 or Class 3 permit for advanced metering infrastructure, equipment used to monitor security of utility sites or systems, or equipment used to monitor usage, capacity or performance.	See Section 64-4-10. B.

4-10 Telecommunications Facilities

Request or Concern	
<p>Request to increase height for small wireless facilities</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> • ...Smart Meters utilize a wireless mesh network to communicate with one another. Spire intends to deploy 80 to 100 Smart Meter antennae in the Mobile metro region as a whole (fewer than that in the City itself) by the end of 2021. The Smart Meter infrastructure is not the same as 5G cellular infrastructure; it's much less obtrusive...Our Smart Meter antennae are designed to placed ideally on 45-50 foot tall structures. 	

<p>Using shorter structures will likely require more antenna in order to establish the network. We respectfully request that utility services have an exception to the 35-foot limitation in residential districts that would all us to use structures up to 45 feet high.</p> <p><i>Source of comments:</i> Castor Armesto</p>	
Response	Change in UDC v4
On private property, the height limitation for the underlying zoning district is applicable.	None

4-10 Telecommunications Facilities

Request or Concern	Conflicting Concern
<p>Request development towers to be prohibited on natural resource areas</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> • Sec. 64-4-10 Telecommunications Facilities (C) Development of Towers. • c. - We request designated natural resource areas be added to the list of prohibited sites... <p><i>Source of comments:</i> Ali Jones, BJ Smith, Dog River Clearwater Revival, Michael Gladden, The Peninsula</p>	<p>Utility companies want utilities to be allowed by right anywhere needed.</p>
Response	Change in UDC v4
Use is regulated by zoning district, placement of structures along water bodies is also regulated by riparian buffer zone standards.	None

4-11 Temporary Structures and Uses

Request or Concern	
<p>Request timeline change - shorten to 7 days the ground can be without vegetation or temporary erosion control</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> • 2. Temporary Construction Laydown Yards (b) Criteria. (3) Disturbed Areas - We request the timeline be shortened to seven (7) days the ground can be without vegetation or temporary erosion control measures being established... <p><i>Source of comments:</i> Ali Jones, BJ Smith, Dog River Clearwater Revival, Michael Gladden, The Peninsula</p>	
Response	Change in UDC v4
This section has been changed to read as follows: A Land Disturbance Permit from City Engineering and compliance with Chapter 17, Stormwater Management, is required.	See 64-4-11. A. 2. (b) (3)

4-11 Temporary Structures and Uses

Request or Concern	
<p>Request to Increase tank setback from residential use</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> • Sec. 64-4-11: Temporary Structures and Uses, A. 1. Temporary Above-Ground Storage Tanks, (b) As provided, a "temporary above-ground storage tank" could be in existence for 10 months. For this reason and those stated above (64-4-9), the Peninsula of Mobile requests the distance from the temporary tank to the nearest property used or zoned for residential be extended to meet that of a permanent structure. <p><i>Source of comments:</i> BJ Smith, Michael Gladden, The Peninsula</p>	
Response	Change in UDC v4
This has been changed to 1,500 feet.	See 64-4-11. A. 1. (b)

4-11 Temporary Structures and Uses

Request or Concern	
<p>Request extension of temporary electric service</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> • Alabama Power is asked to extend temporary electric service to building sites and to other properties from time to time to allow for development. Because other temporary uses are regulated, it would help avoid confusion and uncertainty if the UDC recognized this as an allowed temporary use. To do this, please revise 64-4-11 (Temporary Structures and Uses) to add a new subsection at the end of the current section on page 114 as follows: 10. Temporary Utility Service Facilities and equipment providing temporary utility service to a building site to facilitate the construction, renovation or repair of buildings, structures, and other site improvements are permitted by right in all districts without regulation as to site plan or location. <p><i>Source of comments:</i> Alabama Power Company</p>	
Response	Change in UDC v4
This is a procedural issue and is also regulated by the City's currently adopted Electrical Code and is not part of the UDC.	None

4-14 Community Residences

Request or Concern	
<p>Concerns about occupancy limits</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> • Ten unrelated people are too many to be housed in an R-1 zone. • [we] request that our city form an Ad Hoc team of experienced professionals to seek solutions and report to engaged citizen groups on occupancy/density issues. [We] realize that density/occupancy standards for residential development are a complicated issue in today's society...In the historic area, with housing stock often comprised of large, old, and often declining structures, there is a need for occupancy standards to address the pressures of high density, including but not limited to human health, safety, and quality of life support for residents of those and adjacent structures...We have seen very recently in the national Covid-19 news that unscrupulous, for-profit developers and landlords have been found packing paying clients into structures under deplorable conditions, with NO regard for health and safety...The historic districts 	

have been and continue to be plagued by slum-lording that pressures all the elements of infrastructure including law enforcement. Some density standard for health and safety, that goes beyond the 70 SF per room minimum in our Building Code, is needed...

Source of comments:

Susan Thomas, Brenda Bolton

Response	Change in UDC v4
This section was drafted to comply with the requirements of federal law.	None

4-14 Community Residences

Request or Concern	
<p>Request for special exception to community residences</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> p. 115: Community Residences should not be permitted by right in R-1, R-B, H-B, B-1, or T-B districts and instead should require a variance for these districts. At a minimum a Special Exception should be required in these districts for occupancy of more than 5. <p><i>Source of comments:</i> Jarrod White</p>	
Response	Change in UDC v4
This section was drafted to comply with the requirements of federal law.	None

4-15 Signs

Request or Concern	
<p>Request to limit signs lighting in "natural areas"</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> We request a limit to signs and their associated light in natural resource areas, especially those found in the southernmost 2-miles of Mobile's coastal Peninsula. See Sec. 64-3-9 Lighting. <p><i>Source of comments:</i> Ali Jones, BJ Smith, Dog River Clearwater Revival, Michael Gladden, The Peninsula</p>	
Response	Change in UDC v4
The environmental standards proposed in the UDC serve as first steps for regulating environmentally sensitive design via zoning. Additionally, the Sign Regulations as they currently exist in the Zoning Ordinance were essentially copied into the UDC.	None

Article 5. Procedures

5-4 Neighborhood Meetings	
Request or Concern	Conflicting Concern
<p>Request to improve developer-residential meeting minutes</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> ...Finally, the minutes of any required developer–residential meetings need to be recorded and submitted free of any bias. This potential problem is especially significant when the minutes are used to summarize the positions taken by each involved group for decision-making purposes. Either a verbatim transcript of the meeting should be provided as in a legal deposition or the transcript should be reviewed (with comments if necessary) and signed by an elected representative of each group within a week of the transcript’s completion. This will allow any reviewing body, i.e. the planning commission and/or the city council, to evaluate the merits of the arguments put forward by each party in an unbiased way. We submit and strongly endorse these recommendations because we believe from prior experience that without these safeguards, there will be continued conflict between residential and business concerns... <p><i>Source of comments:</i> Dr. Butera (Coalition for Intelligent Economic Growth)</p>	
Response	Change in UDC v4
The purpose of the Neighborhood Meeting is to create a dialog between a neighborhood and an applicant.	None

5-6 Rezoning and Text Amendments	
Request or Concern	
<p>Concern about unintended consequences of neighborhood overlays</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> Neighborhood overlays are going to thrive under this version of the code. Not only did Africatown, Peninsula and Spring Hill get their codes adopted as mandatory, the City invites any and all other neighborhood groups to submit their own plans for overlays and text amendments (p. 142). ..This is not the way to plan a City as every neighborhood group protects itself from different types of businesses or industry without any consideration for the global, city-wide good or need for many different types of businesses... This is quite the opposite of city-wide planning... I fear that the flood gates for a nearly unlimited number of new overlays are being left wide open, and in fact are being actively encouraged... <p><i>Source of comments:</i> Casey Pipes</p>	
Response	Change in UDC v4
Overlays are a common zoning element, currently exist in multiple areas in the City of Mobile and require at least two public hearings prior to adoption. The purpose of an Overlay is to establish flexible land development requirements that preserve and maintain the existing character of an area by formulating site development regulations and criteria that allow compatible or similar development within the overlay district.	None

5-6 Rezoning and Text Amendments

Request or Concern	Conflicting Concern
<p>Request to eliminate provisions related to Text Amendments and Specific Area Plans</p> <ul style="list-style-type: none"> p. 142 Eliminate provision for text amendments being initiated by other than City Council or Planning Commission. p. 142-144 Eliminate provisions relating to Specific Area Plans. <p><i>Source of comments:</i> Keep Mobile Growing</p>	
Response	Change in UDC v4
The UDC encourages citizen participation in zoning.	None

5-7 Conditional Use Permit

Request or Concern	
<p>Concern with challenges and reviews for Conditional Uses</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> (pages 148-149). The criteria only measure the negatives of the conditional use, not the positives or the public's need for the item... The City has abandoned its original goal of a form-based or hybrid form-based zoning code, so Planned Developments are really the only way to make an innovative and forward-thinking mixed-use development. While originally designed to be rare occurrences under Version 2 of the UDC, these PDs will now need to be more frequently used in light of the near abandonment of the form based code concept. However, the criteria for approval of a PD is exceedingly difficult... <p><i>Source of comments:</i> Casey Pipes</p>	
Response	Change in UDC v4
Form based code standards are still within the document, including but not limited to site design, building elements and environmentally sensitive design; however, in version 4 there are more options available within these categories rather than a set mandate corresponding with a specific zoning district.	None

5-7 Conditional Use Permit

Request or Concern	
<p>Request to revise provision related to Planning Commission Action</p> <ul style="list-style-type: none"> p. 147 Provide that Director shall transmit report to Planning Commission on Conditional Use applications within 30 days and that Planning Commission shall hold public hearing on conditional use application no more than two meetings after receiving Director's report. <p><i>Source of comments:</i> Keep Mobile Growing</p>	
Response	Change in UDC v4
The reduction in time does not allow time for staff to provide notification and analysis. Furthermore, based on the public hearing process, additional time may be needed for the Planning Commission to complete its review.	None

5-8 Planned Development

Request or Concern	
<p>Concern with challenges and reviews for existing Planning Approval or Planned Unit Development for approval</p> <ul style="list-style-type: none"> The Table of Uses gives false hope of securing a Conditional Use. Also "major" PUD modifications for existing PUDs and new Planned Development (PD) approvals are going to face unnecessarily hard challenges and reviews. The problem comes from an overly burdensome standard being dictated for approval of these items. For a rezoning, the "approval criteria" is quite simply, and quite broadly, committed to the City Council's legislative discretion and should be consistent with the Comprehensive Plan. (See Section 64-5-6 on page 145). The City Council is also the approving entity for Conditional Uses, major PUD modifications and new PD approvals, but instead of it being left to the City Council's legislative discretion and needing only be consistent with the Comprehensive Plan, there is a mandatory list of standards that these applications must satisfy before the City Council can approve them... <p><i>Source of comments: Casey Pipes</i></p>	
Response	Change in UDC v4
The list of standards for rezoning are similar in nature as to what exists in the current Zoning Ordinance as well as state law.	None

5-9 Previously approved Planning Approvals and Planned Unit

Request or Concern	
<p>Concern with challenges and reviews for existing Planning Approval or Planned Unit Development for approval</p> <ul style="list-style-type: none"> Again, the criteria are mandatory by the use of the word "shall" and they only focus on the negatives and not the positives. The "not in my backyard" opposition will almost always be able to prevent a PD from being approved under this harsh standard... Again, this doesn't deal with the merits of the PUD modification or the negatives consequences if the PUD modification is not allowed. <p><i>Source of comments: Casey Pipes</i></p>	
Response	Change in UDC v4
All land use decisions must be based on measurable criteria.	None

5-9 Previously approved Planning Approvals and Planned Unit

Request or Concern	
<p>Request to remove the word "Planning Approval" from Major Modifications provision</p> <ul style="list-style-type: none"> p.153 Delete Planning Approval from B 2 (Major Modification). <p><i>Source of comments: Keep Mobile Growing</i></p>	
Response	Change in UDC v4

In order to facilitate Planning Approvals and Planned Unit Developments approved under the existing Zoning Ordinance a method is required to allow them to be modified after the adoption of the UDC.	None
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5-12 Special Exception

Request or Concern	
<p>Concern about approval Criteria for Special Exception</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> Special Exceptions are going to prove to be illusory. This is a new category of use that is making its first appearance in Version 3, but the standard for approval is too strict. The Code seems to presume or start from the position that the use should not be allowed and that the use must be justified by the applicant. The real purpose of a Special Exception, however, is where the use is presumed to be allowed, but because it can have some impact on an area it should be reviewed to see if any conditions need to be attached to the development to mitigate some harms before building permits are issued... In making this determination, the Board of Zoning Adjustment shall consider (pages 160-161)...The problem is that the code only allows (and it requires) that the Zoning Board only look at the negatives caused by the project, not the benefits, merits or general public need for the project. This is a backwards standard. Special exceptions should be presumed to be allowed, but the ZBA's job is to custom tailor some conditions or requirements where needed to mitigate harm to others. p. 148 Use same standard at E.4 as is used for special exemptions at p. 160 D. 1. (g). <p><i>Source of comments:</i> Casey Pipes, Keep Mobile Growing</p>	
Response	Change in UDC v4
The UDC provides that the Board of Adjustment may in appropriate cases and subject to appropriate conditions and safeguards make special exceptions to the terms of the Ordinance in harmony with its general purposes and interests and in accordance with general and specific rules contained therein.	None

5-12 Special Exception

Request or Concern	
<p>Request to apply standards for Bed and Breakfast to Boarding House</p> <ul style="list-style-type: none"> p. 161: The standards for a special exception for Bed and Breakfast establishments should also apply to Boarding Houses, with the potential waiver of the requirement for the owner to reside on site. <p><i>Source of comments:</i> Jarrod White</p>	
Response	Change in UDC v4
The criteria for bed and breakfast are appropriate conditions for that use and would not generally apply to a board house.	None

General to Article 5

Request or Concern	
<p>Concern about difficulty to administer approved rezoning amendments</p> <ul style="list-style-type: none"> Each rezoning, conditional use, PUD modification and special exception is going to start to take on the characteristics of what we currently know of as a PUD. The City Council and the ZBA are encouraged to impose conditions to be recorded in Probate Court pertaining to their various approvals, and this could easily become site plan specific approvals for each development. (p. 145, 148, 151, 154, 160). The zoning map will become useless as you will need to find the actual ordinances and probate court records for each parcel to know what zoning and land use conditions are attached to it. This will make the code and zoning map less self-explanatory, harder for the Staff to administer, and harder for the public to use... This is a solid step back from the current zoning code in terms of efficiency, ease of administration and user-friendliness... Now we are keeping a legacy of obscure, hard to find, hard to research, and unrecorded rezoning ordinances in force, and we are setting up a code that will only add to the number of stones that will need to be uncovered before any purchase or sale of property that is contemplating a change in use will occur... <p><i>Source of comments: Casey Pipes</i></p>	
Response	Change in UDC v4
The recording of use restrictions ensures they run with the land and are made a matter of public record.	None

Article 6. Nonconformities

6-1 Nonconforming uses

Request or Concern	
<p>Suggest revision - clarity that utility that is nonconforming is permitted to change</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> Please revise 64-6-1 (Nonconforming Uses, Change In Nonconforming Uses) found on page 166 to make clear that a utility, if it is a nonconforming use, is permitted to change: A nonconforming use not conducted in a structure, or one in which a structure is incidental to the use of the land (except for utility facilities which are exempt) shall not be changed to any other nonconforming use. Please revise 64-6-2 (Nonconforming Structures) found on page 168 by adding a new subsection E at the end of this section as follows: E. Utilities. A utility facility, line, equipment or structure that is a nonconforming structure or is nonconforming as to a building design standard may, notwithstanding the nonconformity, be repaired, replaced, upgraded, maintained and changed with respect to the equipment, poles, arms, facilities, lines, transformers, meters, switches, and other utility equipment without bringing the structure or building design into compliance so long as the new, modified or replaced facilities and equipment are all located within the same parcel of land and/or easements. <p><i>Source of comments: Alabama Power Company</i></p>	
Response	Change in UDC v4
Nonconforming may be associated with use or site development and the criteria for change is the same.	None

Article 8. Definitions

8-2 Definitions	
Request or Concern	
<p>Request to add definitions</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> • Add: Blueway - Water trails (also known as blueways) are marked routes on navigable waterways such as rivers, lakes, canals and coastlines for recreational use. They allow access to waterways for non-motorized boats. Water trails not only require suitable access points and take-outs for exit but may also provide places ashore to camp and picnic, and other facilities for boaters. Water trails may be in public or private waters. In the United States, many water trails are monitored by the National Park Service. Local statutes may apply to landowners who steward water trails and the boaters who use them. Recreational use of water trails is a form of ecotourism sometimes called "paddle tourism." • Add: Living Shoreline - Living shorelines are a green infrastructure technique using native vegetation alone or in combination with low sills to stabilize the shoreline. Living shorelines provide a natural alternative to "hard" shoreline stabilization methods like rip rap or bulkheads, and provide numerous benefits including nutrient pollution remediation, essential fish habitat structure, and buffering of shorelines from waves and storms. Research indicates that living shorelines are more resilient than bulkheads in protecting against the effects of hurricanes. • Add: Transitional Business pg. 11 12. <p><i>Source of comments:</i> Ali Jones, BJ Smith, Dog River Clearwater Revival, Keep Mobile Growing, Michael Gladden, The Peninsula</p>	
Response	Change in UDC v4
Blueway and Living Shorelines are not regulated via the UDC therefore a definition is not required.	None

General to Article 8	
Suggested revisions and clarifications to definitions	Response
<ul style="list-style-type: none"> • p. 175: Brew pub is defined but neither it nor breweries are on the use table. Both should be allowed in all transitional and business districts as a right use. 	It is a use in Appendix A
<ul style="list-style-type: none"> • p.180: Entertainment venue: Circuses, carnivals, and other temporary events should be removed from definition and allowed in most districts without special exception. 	These uses may impact the surrounding area thus public notice and a hearing are needed.
<ul style="list-style-type: none"> • p. 178 Comprehensive Plan definition references Future Land Use Map. Why is this relevant if a new zoning map is not being approved? 	The Future Land Use Map is the general future use plan for an area; whereas zoning regulates each specific lot and how it can be developed now.
<ul style="list-style-type: none"> • p. 183 Hazardous substance definition is too broad. Flammable makes almost everything fit within definition. Solution is to delete first sentence and "Includes" at beginning of second sentence. 	This is a standard definition for the term.

<ul style="list-style-type: none"> • p. 180 Enlargement definitions should not be limited to adult businesses. 	They are not, but specific criteria are established, such as an increase of 50% in gross floor area.
<ul style="list-style-type: none"> • p. 195 Add pipeline as subpart c excluded from definition of structure. 	Pipeline has been deleted as a regulated use.
<ul style="list-style-type: none"> • Please revise the definition of Structure found on page 195 to read as follows: Structure. Anything constructed or erected which requires location on the ground or is attached to something having a location on the ground other than: (a) utility poles, wires, guy wires, transformers, switch boxes, utility cabinets, conduit and cables; and, (b) fences and walls other than building walls. 	No change
<ul style="list-style-type: none"> • p. 199 Water body definition is way too loose and should be removed. 	No change
<ul style="list-style-type: none"> • ... 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 its historical significance even though there are no adjacent historical districts... 	No change
<ul style="list-style-type: none"> • The Government Street Corridor does not end at Dauphin Island Parkway, it ends at Pinehill Dr. 	No change
<ul style="list-style-type: none"> • The current definition for Oil reads: A petroleum or petroleum product whose storage is regulated under National Fire Protection Association ("NFPA") 30. Suggested definition wording: Petroleum or a petroleum product whose storage is regulated under National Fire Protection Association ("NFPA") 30. 	No change; the definition is from the current zoning ordinance.
<ul style="list-style-type: none"> • You define a Minor Utility as being below 44 kV and a Major Utility as being 44 kV and above for electric transmission lines... What was previously a 44 kV transmission line is now a 115 kV or 230 kV line. You have an Intermediate Utility category that includes "neighborhood scale electric substations", but the transmission lines that would feed that neighborhood substation is either a 46 kV or a 115 kV transmission line which would be a "Major Utility" thus we would not be able to build a neighborhood substation without going through the Major Utility application process. As the current definitions are drafted, using outdated kilovolt levels, almost all of Alabama Power's current facilities would be a Major Utility, thereby injecting City Council level review over almost all expansion work and prohibiting electricity infrastructure entirely on over two-thirds of the City. Please revise the definitions to allow up to 115 kV transmission lines as a Minor Utility, up to 230 kV transmission lines as an Intermediate Utility, and anything above 230 kV as a Major Utility. 	Edit made
<p><i>Source of comments:</i> Alabama Power Company, Ali Jones, Bj Smith, Edward Oliver, Keep Mobile Growing, Kris Enzor, Jarrod White, John Lowe, Michael Gladden, The Peninsula</p>	

Article 12. Peninsula Overlay

12-191 Peninsula Overlay	
Request or Concern	
<p>Request to add provisions to preserve wetlands in Peninsula</p> <ul style="list-style-type: none"> Also we need something in place to preserve ALL wetlands in said area, we have bald eagle, osprey, numerous wildlife that needs to be protected!!! <p><i>Source of comments:</i> Charlotte Schwartz</p>	
Response	Change in UDC v4
Wetlands are regulated by the Corps of Engineers; however, with conservation standards, these areas are encouraged to be persevered.	None

12-191 Peninsula Overlay	
Request or Concern	
<p>Request to consider Plan for Peninsula (Mobile Peninsula Corridor Master Plan) as criteria for overlay</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> We request the Plan for the Peninsula (Mobile Peninsula Corridor Master Plan) be the criteria for the overlay. <p><i>Source of comments:</i> Ali Jones, BJ Smith, Dog River Clearwater Revival, Michael Gladden, The Peninsula</p>	
Response	Change in UDC v4
The Plan for the Peninsula was used to develop the Peninsula Overlay; however, specific criteria for development, consistent with Plan, was added to the Overlay and Conservation Sub-districts.	None

12-191 Peninsula Overlay	
Request or Concern	
<p>Concern there is no requirement that damages be remediated in the same watershed.</p> <ul style="list-style-type: none"> Sometimes when plans are presented to the City for approval, adjustments are made to “mitigate” or offset known negative impacts that will result. There is no requirement that damage be remediated in the same watershed <p><i>Source of comments:</i> Dog River Clearwater Revival</p>	
Response	Change in UDC v4
Mitigation as proposed in the UDC will only take place within an existing site.	None

12-191 Peninsula Overlay

Request or Concern	
<p>Request for clarification regarding difference between Conservation Sub-District and Peninsula Overlay</p> <ul style="list-style-type: none"> What is the difference between the Conservation sub district and the Peninsula Overlay? <p><i>Source of comments: Ali Jones</i></p>	
Response	Change in UDC v4
The Peninsula Overlay is the general area along Dauphin Island Parkway, south of I-10 and is on the Zoning Map for the UDC. A conservation sub district is applicable to a specific site within a R-1 district.	None

12-191 Peninsula Overlay

Request or Concern	
<p>Request for safety standards for deploying small boats from pier</p> <ul style="list-style-type: none"> I think this issue would be in the 'peninsula' section but not sure if this covers all the DIP area? McNally park boat ramp is deplorable and needs to be reworked for safety issues in order to launch and take-out small boats. The ramp and the pier with cleats should be repaired for safety issues. Thanks!! <p><i>Source of comments: Anonymous</i></p>	
Response	Change in UDC v4
Safety standards for parks are not part of the UDC.	None

12-191 Peninsula Overlay

Request or Concern	
<p>Request for mandate of stormwater retention and flood prevention beyond R-1 developments</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> Pg. 218 of the Peninsula Overlay section does not specify same. It appears to: Be applicable to properties of one (1) acre, provide for mandatory reductions in impervious surface for parking lots exceeding 300 spaces which are associated with commercial development, and We strongly urge the mandate of stormwater retention and flood prevention be expanded beyond R-1 development since the larger the development the more impervious surface. We strongly urge the mandate of stormwater retention and flood prevention be expanded beyond R-1 development since the larger the development the more hardened surface. <p><i>Source of comments: Ali Jones, BJ Smith, Dog River Clearwater Revival, Michael Gladden, The Peninsula</i></p>	
Response	Change in UDC v4
The UDC does not regulate FEMA flood zones.	None

<p>The UDC does not regulate Stormwater which is regulated in Chapter 17 of the City Code.</p> <p>The Peninsula Overlay is mapped on the UDC zoning map and in general consists of all properties along Dauphin Island Parkway, south of Interstate 10; further, it applies to all zoning districts and includes LID standards, additional sidewalk widths and bicycle parking.</p>	
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Article 13. Village of Spring Hill

General to Article 13	
Request or Concern	
<p>Concern that this is the only area to have requirements related to traditional, walkable village and neighborhood centers versus other areas like Midtown, which does not have standards</p> <ul style="list-style-type: none"> As to The Village, why is it the only neighborhood to have requirements to enable and encourage traditional, walkable village and neighborhood centers to bring a balance between vehicular and pedestrian-oriented design? In 2016 Midtown Mobile Movement commissioned a plan called Design Old Shell and was told to wait to submit to the Planning Commission until the UDC was revised. So the Midtown area does not have a specific plan or standards. <p><i>Source of comments: Kris Enzor</i></p>	
Response	Change in UDC v4
<p>Article 5, Procedures, outlines steps for a neighborhood to create an Overlay District, similar to Spring Hill, the Peninsula and Africatown, to be submitted to the Planning Commission and City Council.</p>	<p>None</p>

General to Article 13	
Request or Concern	
<p>Concern about mandatory regulations</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> As the owner of an existing commercial property located at 4456 Old Shell Rd. I have objected to making these regulations Mandatory in the past. Suggested as guidelines is another matter...they become an excessive burden to the owner, and the tenants of a commercial property there...Make no mistake, I favor an attractive customer friendly business district for Spring Hill but draconian measures such as these are counterproductive... As a property and business owner in Spring Hill for over fifty years, this plan was made optional approximately ten years ago...The right of private ownership of property and not state controlled like communism was our main issue. To make this plan mandatory would ignore what basically has been a ten-year test that proves people want more choices not less and have chosen the old codes the majority of times. Please try to talk to the businesses in Spring Hill who went through this ten years ago and I believe can give valuable insight into how this can affect not only Spring Hill, but the rest of the city also. The basic issue is that a special interest group, which has done some good things in our city, is advocating that properties in Spring Hill should not be developed in the same manner as properties in the rest of the city. I object to this. Specifically, I object to Sec. 64-13-2 A3: " Properties being developed or redeveloped 	

within the Spring Hill Overlay SHALL comply with all applicable regulations of this Article." Change the word "shall" to "may" or "can" and my objection will be laid to rest...Our Spring Hill community has spent many years, man hours and dollars on this issue. It is an issue that deeply divided our community in 2008. This does NOT NEED TO HAPPEN AGAIN. ALLOWING the application of regulations that do not apply to the rest of the city but not making the application of these regulations MANDATORY in Spring Hill will alleviate this divisive issue...

- Several years ago, the city council and current mayor all realized that making the village of Springhill plan mandatory would be suppressive of land owners and developers' freedoms. They correctly made the plan OPTIONAL. Since that time, owners of properties and developers have chosen to not use the repressive village plan. New developers have given up developing properties in Springhill because of pressure from those wanting to make the village plan mandatory. The correct thing to do to protect freedom of Mobile citizens and to promote development in Mobile is to make this plan an OPTIONAL plan.

Source of comments: Albert B. Hunter, Fred Bodie, Judy Bodie, Lenny Zanghi, Linda K. Gates,

Response	Change in UDC v4
<p>Comments on previous versions requested that the standards be mandatory and the proposal is in response to prior requests.</p> <p>The Planning Commission will hear and consider concerns during the public hearing process regarding the proposed UDC, including the proposal making the Spring Hill requirements mandatory. The City Council will also provide opportunities for public input during their public hearing process. The public hearing process will be your opportunity to request changes to the UDC.</p>	None.

General to Article 13

Request or Concern	
<p>Concern about plan not reflecting desires and interest of property owners</p> <ul style="list-style-type: none"> • We are concerned the discussions preceding these plans did not include significant, if any, representation or input from Black landowners in Spring Hill. Sand Town is a historic area in the Village of Spring Hill; however, we have no full knowledge of exactly what Spring Hill Village is attempting to accomplish in our neighborhood. We, therefore, do not feel that these plans accurately reflect our desires or interests for the land that borders our homes and our undeveloped properties. Is there a time after UDC Draft 4 prior to the time that it goes for a vote to the planning commission and city council for member of the communities to make comments and provide feedback? <p><i>Source of comments:</i> Sand Town Community Action Group</p>	
Response	Change in UDC v4
<p>This is version 4 of the proposed UDC; prior versions have been posted for public comment and numerous community meetings have been held. The Planning Commission will hear and consider concerns during the public hearing process regarding the proposed UDC. The City Council will also provide opportunities for public input during their public hearing process. The public hearing process will be your opportunity to state your comments and concerns.</p>	None

General to Article 13

Request or Concern	
<p>Concern about build zones</p> <ul style="list-style-type: none"> ...We disagree with changing the guidelines regarding the front to build zone in the Spring Hill Village sub-district when it creates a major safety hazard. For example, the southeast corner of McGregor and Springhill Avenue where Spring Hill Village is advocating a no maximum building site area. In this case it will drastically reduce visibility to oncoming traffic traveling east and west on Springhill Avenue. <p><i>Source of comments:</i> Sand Town Community Action Group</p>	
Response	Change in UDC v4
<p>The Southeast corner of Spring Hill and North McGregor Avenues is within a Neighborhood Center Sub-district. Within this Sub-district, buildings facades must be placed between zero (0) and twelve (12) feet from the front property line. However, a minimum twelve (12) foot wide sidewalk is also required along the street frontage, between the building façade and the street curb. Where there is insufficient room within the existing right-of-way to provide the required sidewalk, additional right-of-way is to be dedicated to the City to allow for the sidewalk. Thus there will be a minimum of twelve (12) feet of sidewalk area that will provide for sufficient visibility of traffic traveling along both Spring Hill and North McGregor Avenues. As requests come in for new development in accordance with the Neighborhood Center Sub-district requirements, the site plans will be evaluated for compliance, and Traffic Engineering will be provided an opportunity to review the plans for potential traffic safety issues.</p>	<p>None</p>

General to Article 13

Request or Concern	
<p>Concern about urbanizing traditional R1 Center</p> <ul style="list-style-type: none"> Spring Hill TCD, sub-district suburban adopted a revised future land use to traditional mixed-use corridor. We are NOT in agreement with the introduction of urbanization to a traditional R1 center in Sand Town. This comment applies to the entire section denoted in purple on the south east corner of McGregor and Springhill Avenue, It also applies to the TCD annotations all the way up North McGregor to Mordecai Lane. <p><i>Source of comments:</i> Sand Town Community Action Group</p>	
Response	Change in UDC v4
<p>No changes are proposed to the boundary of the Village of Spring Hill subdistricts. While the zoning of the property is B-2, with a suburban subdistrict, the Neighborhood Center designation of the Village of Spring Hill plan provides for traditional style development for the east side of McGregor. No changes are proposed to the Future Land Use Plan designation as a “traditional mixed-use corridor.”</p>	<p>None</p>

General to Article 13

Site specific questions and comments	Responses
<ul style="list-style-type: none"> At 456 N. McGregor and other proposed buildings or development adjacent to it, we would like to adopt the City of Mobile's current front to build site minimum code of 25 feet throughout Sand Town. 	<p>The Village of Spring Hill Plan as adopted in 2008, requires a build to line which is a traditional style of development. No changes are proposed to the Plan.</p>
<ul style="list-style-type: none"> For development between 456 N. McGregor and adjacent to 3767 Springhill Avenue, we would like to adopt the City of Mobile's current 6-foot mortar buffer ordinance. That adopted ordinance or code is to be mandatory for businesses that are located directly next door, or that border any other residences in Sand Town. 	<p>Garden walls, fences and hedges, may be up to six feet in height, outside the front yard.</p>
<ul style="list-style-type: none"> Why is 3767 Springhill Avenue already zoned B2 on the map without the residents being notified. Did it go through the normal rezoning process? 	<p>The site was rezoned to B-2 in 1971.</p>
<ul style="list-style-type: none"> Why is 412 McGregor Avenue included in the TCD (Traditional Center District) when it is not only a residence but a historical dwelling? 	<p>The various centers were included in the Village of Spring Hill plan regardless of their underlying zoning.</p>
<ul style="list-style-type: none"> Why were key numbers 1917180 and 435595 (undeveloped land) marked as Parks & Recreation initially? Since the Parks & Recreation category no longer applies here, it should be re-designated to their original zonings of R1 low density residential and R3 respectively. 	<p>The FLUM (Parks and Recreation Category) does not zone (R-1) property. It is a guide for future land uses. The FLUM is proposed to eliminate the Parks and Recreation Category and will be separately addressed.</p>
<ul style="list-style-type: none"> What is the status of the property at 910 Knowles Lane? That property is to remain R1 residential as opposed to R1 institutional or any other zoning because it is located directly in the center of a residential neighborhood. 	<p>910 Knowles Lane is zoned R-1, Single-Family Residential; the Future Land Use plan illustrates the property as Low Density Residential.</p>
<ul style="list-style-type: none"> Will the FLUM map be approved through Planning Commission and City Council before it is finalized? Will the community have input after version 4 and before it is presented to the committees? 	<p>Any FLUM revisions will likely occur independently of the UDC. This would require a public hearing with the Planning Commission.</p>
<ul style="list-style-type: none"> Why was the Extension of McGregor Ave, (Inner Ring Road), abandoned in 2017 although funds were set aside for improvements, infrastructure and access in Sand Town? 	<p>Due to wetlands, flood zones, waterways and other impediments to construction, the extension of McGregor Avenue along with other parkways proposed along creeks and the bay were removed from the Major Street Plan.</p>
<p>Source of comments: Sand Town Community Action Group</p>	

Appendix A Downtown Development District Code

The following is a summary of revisions to the DDD code.

Section 3 Establishment of Sub-Districts

- The “plates” are removed from the DDD and are now a layer on the zoning map; the boundaries of the various subdistricts of the DDD are now mapped and removed from the text.

Section 5 Nonconformities

- The initial date required for parking screening and masking was inserted.

Section 8 Uses

- Table A.8.1 was updated to allow utilities within the DDD, and Telecommunications Facilities were added to be compliant with current federal law.

Section 9 Site Plan Standards

- Property Standards was amended to reference the original adoption date of the DDD (May 13, 2014).
- Fences materials were further specified in the text.
- Clarification was provided regarding the setbacks of awnings and canopies from the curb.

General to Appendix A	
Request or Concern	
<p>Concern with the tree planting spacing along road frontage</p> <ul style="list-style-type: none"> • "one overstory tree per 50 feet of road frontage." Seriously? <p><i>Source of comments:</i> Jim Gilbert</p>	
Response	Change in UDC v4
There is no frontage or overstory tree requirements in the DDD since its adoption in 2014. This is typical of an urban setting. Tree plantings are only required in parking lots in the DDD.	None

General to Appendix A	
Request or Concern	
<p>Request to work with city forester to increase tree canopy</p> <ul style="list-style-type: none"> • The city should work with our city forester to increase the tree canopy in the public ROW downtown. Our city engineers need to provide the soil requirements to plant shade trees along our city streets downtown. <p><i>Source of comments:</i> Timothy M. Lloyd</p>	

Response	Change in UDC v4
The UDC regulates private property; this is not within the scope of the UDC.	None

General to Appendix A

Request or Concern	
<p>Concern with inconsistencies between the DDD and UDC</p> <ul style="list-style-type: none"> By simply attaching the DDD into the UDC as an appendix you leave open the same inconsistency between these codes. There is a separate use table for the DDD from the UDC, and while Major, Intermediate and Minor Utilities are on the UDC Use Table, they are all absent from the DDD Use Table. Does this mean they are prohibited in Downtown?...Please allow Minor Utilities by right in every Downtown district in Section 8, Table A-1 Use Table. Intermediate and Major Utilities should be special exceptions or, at least, conditional uses instead of prohibited. <p><i>Source of comments: Alabama Power Company</i></p>	
Response	Change in UDC v4
See edited Use Table	Table- A-8.1

General to Appendix A

Request or Concern	
<p>Request to remove boarding homes and dormitories</p> <p>COMMENT EXAMPLES</p> <ul style="list-style-type: none"> Remove boarding homes & dormitories from T-3 zone. Page 252. <p><i>Source of comments: Marie Dyson</i></p>	
Response	Change in UDC v4
Use remains unchanged from the DDD adopted in 2014.	None