

**AN ORDINANCE TO AMEND THE “PREVIOUSLY
APPROVED PLANNING APPROVALS AND PLANNED
UNIT DEVELOPMENTS” SECTION OF THE UNIFIED DEVELOPMENT
CODE, SECTION 64-5-8 OF THE MOBILE CITY CODE**

Sponsored by Mayor William S. Stimpson

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE,
ALABAMA, as follows:

SECTION ONE. That paragraph B.1 of the Previously Approved Planning Approvals and Planned Unit Developments section of the Unified Development Code, entitled Minor Changes, section 64-5-8 of the Mobile City Code, is hereby amended so that paragraph B.1 now reads in its entirety as follows:

B. Modifications

1. Minor changes. Landscaping and tree plantings, building elevation, building materials, parking lot design, screening fences or walls, building location (not reducing Setbacks or buffers), or similar elements of site or building design, may be allowed, subject to administrative approval of a revised site plan. A minor modification must comply with all criteria below.
 - (a) The proposed modification would not create more than a ten percent (10%) increase in building footprint for the site above what the Planning Commission approved; however, not to exceed a total increase of one thousand (1,000) square feet for the building.
 - (b) The proposed modification does not increase the overall boundaries of the existing site.
 - (c) No additional parking or curb cuts are proposed, and the modification does not require additional parking or curb cut(s).

- (d) The proposed modification does not reduce existing parking, landscaping, setback, buffer requirements or any conditions as required by the previously approved Planning Approval or Planned Unit Development.
- (e) The proposed increase in building footprint does not encroach any closer to a residential boundary line than existing or approved buildings along the same property line.
- (f) All proposed modifications must fully comply with all other requirements of this Chapter

The determination of whether a proposed modification constitutes a minor change is subject to the criteria above and is in the sole discretion of the Director.

SECTION TWO. That paragraph B.2 of the Previously Approved Planning Approvals and Planned Unit Developments section of the Unified Development Code, entitled Major Modifications, section 64-5-8 of the Mobile City Code, is hereby amended by deleting paragraphs (d) (entitled "Appeals"), (e) (entitled "Expiration"), and (f) (entitled "Recording and recordkeeping").

SECTION THREE. That section 64-5-8 is hereby amended by adding the following subparagraphs:

- C. Expiration. If no construction permit is obtained to implement the approved modification within two (2) years after approval, the approved modification shall expire, unless an extension request is filed with the Planning Commission prior to expiration, and subsequently approved by the City Council.
- D. Recording and Recordkeeping
 - 1. The modification, including all restrictions, conditions and site plan concerning the uses of the property shall be recorded in the Office of the Judge of Probate. The documents to be recorded shall be submitted for review

and approval by the Director prior to recording. A copy of the recorded document shall be provided to the Director. Any and all recording costs shall be borne by the Applicant.

2. Upon receipt of the recorded document, the Director shall revise the applicable map layers in the City of Mobile Geographic Information Systems (GIS) to reflect the approved Planned Development.

- E. Appeals. Appeal of any City Council action may be made to the Mobile County Circuit Court within forty-two (42) days of the date of the Council Action.

SECTION FOUR. The provisions of this Ordinance are supplemental and shall not be construed to repeal any other ordinance or law.

SECTION FIVE. The provisions of this Ordinance are severable. If any part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, that declaration shall not affect the part or parts that remain.

SECTION SIX. This Ordinance shall be in full force and effect from and after its adoption and publication as required by law.

ADOPTED:

CITY CLERK