

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT  
CODE, CHAPTER 64 OF THE MOBILE CITY CODE, BY ADDING  
PROCEDURES FOR TERMINATING A PREVIOUSLY APPROVED  
PLANNED UNIT DEVELOPMENT

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Sponsored by Mayor William S. Stimpson

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

SECTION ONE: That Article 5 of the Unified Development Code,  
Chapter 64, Article 5 of the Mobile City Code, be and the same hereby is  
amended to add section 64-5-8.1 which will read in its entirety as follows:

**Section 64-5-8.1 Terminating a Previously Approved  
Planned Unit Development**

- A. Applicability. This Section applies to any Application seeking to terminate a Planned Unit Development that was approved prior to the effective date of this Chapter.
- B. Initiation. An Application to terminate a Previously approved Planned Unit Development may be initiated by the property owner, or any authorized agent of the property owner, by filing a written Application with the Director. **In the case of multiple owners, termination requires the consent of all owners.**
- C. Previous conditions of approval. If a previously approved Planned Unit Development was subject to conditions or use restrictions, the applicant must simultaneously file a rezoning application incorporating any such conditions or use restrictions. The

termination application and rezoning application must be filed concurrently.

1. If a previously associated Rezoning Amendment included a condition limiting the rezoning approval to an approved Planned Unit Development, a Rezoning application to remove the condition must be submitted concurrently with the termination application.

**D. Notice.** The following notice is required for termination of a Planned Unit Development.

Table 64-5-8.1.1 Type and Description of Notice—Terminating a Previously Approved Planned Unit Development

<b>Notice</b>	<b>When</b>	<b>Where / To Whom / Additional Requirements</b>
<b>Mail</b>	15 days prior to hearing before the Planning Commission and the City Council	<ul style="list-style-type: none"> <li>• Mailed notice to each owner of property which either abuts or lies within 300 feet of the property the subject of the Application.</li> <li>• Applicant to furnish names and addresses.</li> <li>• The Director or City Clerk as applicable, will mail the notices.</li> <li>• First Class mail is sufficient.</li> </ul>
<b>Sign</b>	Posted 15 days prior to hearing before the Planning Commission	<ul style="list-style-type: none"> <li>• Posted on subject Property.</li> <li>• All signs must be posted in visible locations.</li> </ul>
<b>Publication</b>	15 days or 3 consecutive weeks prior to the hearing before the City Council	<ul style="list-style-type: none"> <li>• Newspaper of general circulation in the City, per Code of Ala. § 11-52-77.</li> </ul>

**1. Notice shall be given:**

**(a) Before the Planning Commission Hearing:**

**(1) Mail:** Notice shall include the following information:

- a.** A synopsis of the proposal;
- b.** Time, date and place of the public hearing or meeting;

- c.** Telephone number for the Planning Department; and
- d.** The Planning Department's website address (URL).

**(2) Sign**

**(b) Before the City Council Hearing:**

**(1) Mail:** Notice shall include the following information:

- a.** A synopsis of the proposal;
- b.** Time, date and place of the public hearing or meeting;
- c.** A telephone number for the City Council Office; and
- d.** The City Council's website address (URL).

**(2) Publication in accordance with the requirements of Alabama Code Section 11-52-77, as may amended.**

**E. Decision.**

- 1. Administrative Review.** An Application to terminate an existing Planned Unit Development shall be filed with the Director. The Director shall transmit the Application with a report to the Planning

Commission within forty-five (45) days after it is deemed complete.

**2. Planning Commission Action**

**(a)** If an Application is withdrawn after notice for a public hearing has been sent, then the Planning Commission shall not consider the same or similar Application within a period of six (6) months.

**(b)** An Application may receive a maximum one (1) holdover request and the Applicant shall be responsible for any costs incurred for re-notification of property owners.

**(c)** Following the public hearing, the Planning Commission shall prepare a record of its proceedings and recommend that the Application be approved, approved with conditions, or denied. The Planning Commission recommendation shall be filed with the City Council within 15 days after the date of the public hearing.

**3. City Council Action**

**(a)** The Council shall not take action on the Application until the Council receives the Planning Commission's final report and recommendation.

- (b)** Within thirty (30) days of receipt of the Planning Commission's final report and recommendation, the City Council shall place the item on its agenda for the scheduling of a public hearing.
- (c)** No action may be taken by the City Council until a public hearing has been held. The City Clerk shall notify the Applicant of the time and place of the public hearing and give public notice as required by this Chapter.
- (d)** At the conclusion of the hearing, the City Council shall approve, approve with conditions, or deny the application.

#### **4. Conditions**

- (a)** The City Council may attach appropriate conditions to mitigate any impact of the termination of the Planned Unit Development including conditions to carry forward those conditions, use restrictions and site plan requirements that were attached to the previously approved Planned Unit Development.
- (b)** The City Council may require the submission and approval of a rezoning application to attach associated conditions

to the zoning of the property as deemed necessary and appropriate.

F. Approval Criteria. The Planning Commission shall not recommend a termination of a Previously approved Planned Unit Development for approval, and the City Council shall not approve the termination, unless the proposed termination:

1. Is consistent with all applicable requirements of this Chapter;
2. Is compatible with the character of the surrounding neighborhood;
3. Will not impede the orderly development and improvement of surrounding property;
4. Will not adversely affect the health, safety or welfare of persons living or working in the surrounding neighborhood, or be more injurious to property or improvements in the neighborhood.

G. Benefits Consideration. In addition, consideration should also be given to the City's and the larger community's best interests and the need, benefit, or public purpose of the proposed request.

H. Subsequent Applications. The site subject to the Application shall not be considered again by the Planning Commission or City Council for at least six (6) months from the date the Application was denied or the date of withdrawal if any of the following applies:

1. The Application has been recommended for denial by the Planning Commission;

2. The Application has been denied by the City Council,
3. The Application has been formally noticed for public hearing with the Planning Commission but is subsequently withdrawn; or
4. The Application has been formally noticed for public hearing with the City Council but is subsequently withdrawn.

I. 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.

J. Recording and Recordkeeping

1. The Ordinance adopted by the City Council approving the termination of the Planned Unit Development shall be recorded by the Applicant in the Office of the Judge of Probate. A copy of the recorded document shall be provided to the Director. Any and all recording costs shall be borne by the Applicant.

**(a)** The document shall be recorded within 90 days of the City Council's approval or the approval shall be null and void.

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 termination of the Planned Unit Development.

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

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

ADOPTED:

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CITY CLERK