

**AN ORDINANCE TO AMEND
SECTION 64-8 OF THE MOBILE CITY CODE**

Sponsored by Mr. Williams.

WHEREAS, by Ordinance 64 - 031, adopted by the City Council on July 7, 2009, the City Council undertook to zone, by parcel number, certain properties located in the Tillman's Corner - Theodore Area that recently annexed into the City of Mobile; and,

WHEREAS, those properties had not heretofore been subject to any zoning by the City of Mobile prior to the adoption of Ordinance 64 - 031; and,

WHEREAS, one of the purposes of Ordinance 64 - 031 is to promote the health and general welfare of the citizens of Mobile by encouraging the most appropriate use of land according to the peculiar suitability of the land for particular purposes; and,

WHEREAS, the Council desires to allow owners of property subject to zoning by Ordinance 64 - 031 time to seek rezoning of their properties without payment of the fees specified in Section 64-8, Paragraph 5, "Schedule of Fees" of the Mobile City Code.

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

SECTION ONE: That Section 64-8, Paragraph 5, "Schedule of Fees" of the Mobile City Code, is hereby amended to read as follows:

5.1 SCHEDULE OF FEES. Applications for review by the Planning Commission or Board of Adjustment, as the case may be, shall be accompanied by a fee payment according to the following schedule:

Amendment of Zoning Ordinance Application \$100.00

Applications for PUD, and other special
or building groups \$150.00

Applications for Planning Approval (other
than non-profit organizations such as churches,
schools and public buildings) \$150.00

Applications for Planning Approval (for non-profit organizations such as churches, schools and public buildings) \$50.00

Appeals to Board of Zoning Adjustment
Applications for Variance:

Residential Applications \$100.00 for the initial request, and
\$25.00 for each additional
request (plus postage);

Commercial Applications \$200.00 for the initial request, and
\$25.00 for each additional
request (plus postage).

5.2 TEMPORARY SUSPENSION OF FEES FOR AMENDMENT OF REZONING ORDINANCE APPLICATIONS RELATED TO PARCELS IN THE TILLMAN'S CORNER - THEODORE AREA SUBJECT TO ZONING BY ORDINANCE 64-031 ADOPTED BY THE COUNCIL ON JULY 7, 2009. Owners of property subject to zoning by Ordinance 64 - 031 may apply for rezoning of their properties without payment of the fees specified in section 5.1 so long as the application is filed and received on or before the close of business on December 31, 2009. This temporary suspension shall apply only to those parcels of property identified in Ordinance 64-031, and shall apply only to applications filed with and received by the Planning Commission on or before the close of business on December 31, 2009. Applications for zoning ordinance amendments received after December 31, 2009, shall be subject to full payment of all fees.

SECTION TWO: 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 THREE: This Ordinance shall be effective upon adoption and publication as required by law.

ADOPTED:

CITY CLERK

**AN ORDINANCE TO AMEND
SECTION 64-9 OF THE MOBILE CITY CODE**

Sponsored by Mr. Williams.

WHEREAS, by Ordinance 64 - 031, adopted by the City Council on July 7, 2009, the City Council undertook to zone, by parcel number, certain properties located in the Tillman's Corner - Theodore Area that recently annexed into the City of Mobile; and,

WHEREAS, those properties had not heretofore been subject to any zoning by the City of Mobile prior to the adoption of Ordinance 64 - 031; and,

WHEREAS, one of the purposes of Ordinance 64 - 031 is to promote the health and general welfare of the citizens of Mobile by encouraging the most appropriate use of land according to the peculiar suitability of the land for particular purposes; and,

WHEREAS, the Council desires to allow owners of property subject to zoning by Ordinance 64 - 031 time to seek rezoning of their properties without having to submit a survey or plot plan as required by Section 64-9, Paragraph B.2 of the Mobile City Code.

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

SECTION ONE: That Section 64-9, Paragraph B, "Amendment Procedure" of the Mobile City Code, is hereby amended to read as follows:

B. Amendment Procedure

1. By whom initiated. Amendments to this chapter may be initiated by the city council on its own motion or by the planning commission; amendments may also be initiated by any person, firm or corporation by filing a written application therefor with the planning commission.

2. Amendment application. An application for amendment to this chapter shall contain at least the following:

- a. Interest and ownership. The applicant's name, address and interest in the application, and the name, address and interest of every person, firm or corporation represented by the applicant in the application, the name of

the owner or owners of the entire land area to be included within the proposed district, the owner or owners of all structures then existing thereon and sufficient evidence to establish that the applicants have the right of possession to the land area and structures; the names and addresses of all owners of adjacent property.

- b. Plot plan. If the proposed amendment would require a change in the zoning map, a plot plan showing the land area which would be affected, easements bounding and intersecting the designated area, the locations of existing and proposed structures with supporting open facilities, and the ground area to be provided and continuously maintained for the proposed structure or structures.
- c. Development schedule. The time schedule for the beginning and completion of development planned by the applicant in the area, if the development is planned in stages, the time schedule shall indicate the successive stages and the development planned for each stage.
- d. Effect of amendment. A report giving the nature, description, and effect of the proposed amendment; if the proposed amendment would require a change in the zoning map, a description of the probable effect on the surrounding land uses and properties.
- e. Error. The error in this chapter that would be corrected by the proposed amendment, if the intent is to correct an error.
- f. Owners of surrounding property. If the proposed amendment would require a change in the zoning map, furnish the commission with the name, description of property owned and mailing address of each owner of property which either abuts or lies within three hundred (300) feet of the property the classification of which is sought to be changed.

3. TEMPORARY SUSPENSION OF CERTAIN AMENDMENT PROCEDURES FOR REZONING APPLICATIONS RELATED TO PARCELS IN THE TILLMAN'S CORNER - THEODORE AREA SUBJECT TO ZONING BY ORDINANCE 64-031 ADOPTED BY THE COUNCIL ON JULY 7, 2009. Owners of property subject to zoning by Ordinance 64 - 031 may apply for rezoning of their properties without having to submit a survey or plot plan as required by paragraph 2.b above so long as the application is filed and received on or before the close of business on December 31, 2009. This temporary suspension shall apply only to those parcels of property identified in Ordinance 64-031, and shall apply only to applications filed with and received by the Planning Commission on or before the close of business on December 31, 2009. Applications for zoning ordinance amendments received after December 31, 2009, shall be subject to all requirements of the Ordinance.

SECTION TWO: 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 THREE: This Ordinance shall be effective upon adoption and publication as required by law.

ADOPTED:

CITY CLERK