

**ORDINANCE NO. 1854**

**ORDINANCE TO AMEND CHAPTER 129 OF THE CITY CODE  
OF THE CITY OF MOUNTAIN BROOK, ALABAMA**

**BE IT ORDAINED** by the City Council of the City of Mountain Brook, Alabama, as follows:

1. **Amendatory Provision** Section 129 of the City Code of the City of Mountain Brook, Alabama, shall be and hereby is amended, adding the following new zoning district:

**“ RECREATIONAL 2 (REC-2) DISTRICT**

**Section 129-XXX Permitted Uses.**

Within the Recreational-2 District, the following uses shall be allowed:

- a. Country clubs; golf courses (public or private); with or without dining facilities and cocktail lounge, providing one or more of the following recreational and social amenities: golf, recreation, tennis, fitness center, swimming, club house, locker room, pro shop and other similar uses;
- b. Such accessory uses customarily incidental to such uses, including cart barns and maintenance facilities.
- c. Ancillary uses which are not deemed by the zoning official to be “customary” to the above-noted permitted uses may be allowed with the written permission of the planning commission.

**Section 129-XXX Area and Dimensional Regulations.**

- A. Minimum dimensions of parcel.
  1. Minimum area of parcel: 100 acres.
- B. Building limitations.
  1. Maximum building area: ten percent (10%) of the total area of the parcel
  2. Maximum number of stories: three (3)
  3. Maximum building height: 60 feet
- C. Minimum yards and building set backs:
  1. Minimum front yard set back: 200 feet
  2. Minimum rear yard set back: 200 feet
  3. Minimum side yard set back: 200 feet

**Section 129-XXX Exterior Lighting.**

If artificial illumination is provided for parking areas, recreational areas, maintenance areas, or other outdoor facilities, it shall be arranged in order to shine and reflect away from any adjacent recreational or residential areas and away from any streets adjacent to or near the parcel.

**Section 129-XXX Additional Requirements and Provisions.**

- A. Storage of garbage and waste. All trash, garbage, and other waste shall be screened from view from any public street or adjoining residential property and shall comply with Jefferson County Health Department regulations.
- B. Alcoholic beverages, including beer, wine and liquor, may only be sold in accordance with the City ordinance permitting same.

**Section 129-XXX Permitting Procedure.**

In no case shall a permit be issued for any new construction or development or for the establishment of any new use or activity closer than 200 feet from a property line without the prior written approval of the planning commission. Such approval shall be based on the planning commission's review of a site plan, building specifications and other information which it considers relevant to the proposed development or use, such as any proposed exterior lighting.”

2. **Repealer.** All ordinances or parts of ordinances heretofore adopted by the City Council of the City of Mountain Brook, Alabama that are inconsistent with the provisions of this ordinance are hereby expressly repealed.

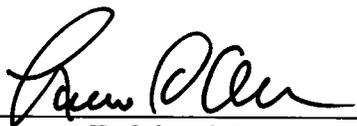
3. **Severability.** If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

4. **Effective Date.** This ordinance shall become effective immediately upon adoption and publication as provided by law.

**ADOPTED:** This 13th day of June, 2011.

  
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 Virginia C. Smith, Council President

**APPROVED:** This 13th day of June, 2011.

  
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 Lawrence T. Oden, Mayor

## CERTIFICATION

I, Steven Boone, City Clerk of the City of Mountain Brook, Alabama, hereby certify the above to be a true and correct copy of an ordinance adopted by the City Council of the City of Mountain Brook, Alabama, as its meeting held on June 13, 2011, as same appears in the minutes of record of said meeting, and published by posting copies thereof on June \_\_\_\_\_, 2011, at the following public places, which copies remained posted for five (5) days as required by law.

City Hall, 3928 Montclair Road  
Gilchrist Pharmacy, 2850 Cahaba Road  
The Invitation Place, 3150 Overton Road

Piggly Wiggly Foodstore No. 4, 93 Euclid Ave.  
Joe Muggs Newsstand, 2037 Cahaba Road



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Steven Boone, City Clerk

# RECREATIONAL-2 ZONING DISTRICT

## ***Petition Summary***

Amendment to Chapter 129 of the Mountain Brook Municipal Code, adding a new “Recreational-2” zoning district.

## ***Background***

In February 2003, the City annexed the Mountain Brook Club property into the City. The corresponding Ordinance 1562 specified that:

“The zoning of the property will be temporarily assigned to the zoning district set forth in City of Mountain Brook Ordinance 1347,” which basically assigns temporary zoning districts to annexed properties based on their lot sizes and previous zoning in unincorporated Jefferson County. Since this property was zoned “Country Club” by the County, Mountain Brook’s ordinance didn’t have an automatic, corresponding zoning district to assign to this property per that Ordinance 1347. As such, the Mountain Brook Country Club has not been assigned a temporary zoning district since 2003 and remains un-zoned.

Residence-A is presently the only zoning district in the Mountain Brook Zoning Code which specifically mentions “golf courses” as a permitted use; however it may not be prudent to assign the subject club a *residential* zoning, since no residential uses currently exist within its boundaries, and the potential residential subdivision of the MB Club property under a future residential zoning designation may not be desirable either.

As an alternative to residential zoning for the MB Club, a new zoning district has been drafted to allow country club uses. The Zoning Ordinance Review Committee (ZOR) and City staff have worked closely with representatives from the MB Club in order to ensure that the proposed zoning district would not render any of the existing MB Club buildings or uses nonconforming upon any future rezoning of that property to the new Rec-2 district. And although the Birmingham Country Club is already zoned Residence-A, representatives from that club were also consulted regarding the new district regulations so that the Birmingham CC buildings and uses would not be rendered nonconforming in the event that that particular club petitions the City to rezone to the Rec-2 district in the future.

The attached ordinance is the result of the cumulative efforts of the ZOR, City Planner, City Attorney and country club representatives, and has been forwarded to the Planning Commission as a recommendation from ZOR. The goal is to have the ordinance adopted by the Council, and to ultimately have the Mountain Brook Club petition the City (Planning Commission and Council) to be zoned to the new district.

## ***Planning Commission Recommendation***

On May 2, 2011 the Planning Commission recommended approval of the proposed Recreational-2 District.

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