

RESOLUTION NO. 2013-042

BE IT RESOLVED by the City Council of the City of Mountain Brook that, at the meeting of the City Council to be held on Monday, April 8, 2013, at 7:00 p.m., in the [temporary] Council Chamber of the Mountain Brook City Hall, the City Council will hold a public hearing regarding the adoption of an ordinance amending Section 129-192(b) of the City Code to allow veterinary/animal grooming uses as a conditional use in the Local Business district.

BE IT FURTHER RESOLVED by the City Council of the City of Mountain Brook that the City Clerk be, and he hereby is, authorized and directed to cause to be published not fewer than twenty-two (22) days prior to April 8, 2013, by posting in five (5) conspicuous places within the City of Mountain Brook, as follows: City Hall – 3928 Montclair Road, Gilchrist Drug Company - 2805 Cahaba Road, Joe Muggs Newsstand - 2037 Cahaba Road, Piggly Wiggly Food Store 4 - 93 Euclid Avenue, and The Invitation Place - 3150 Overton Road notices of said public hearing in words and figures substantially as follows:

“NOTICE OF PUBLIC HEARING

PROPOSED ZONING CODE NOTICE

Notice is hereby given that at a regular meeting of the City Council of the City of Mountain Brook to be held on Monday, April 8, 2013, at 7:00 p.m., in the temporary Council Chamber of the Mountain Brook City Hall located at 3928 Montclair Road, Suite 230, Mountain Brook, Alabama 35213, the City Council will hold a public hearing regarding a proposal that the City Council adopt an ordinance in words and figures substantially as follows:

‘ORDINANCE NO.

**AN ORDINANCE AMENDING SECTION 129-192(b) OF THE CITY CODE
TO ALLOW VETERINARY/ANIMAL GROOMING USES AS A
CONDITIONAL USE IN THE LOCAL BUSINESS DISTRICT**

BE IT ORDAINED by the City Council of the City of the City of Mountain Brook, Alabama, that Section 129-192(b) of the City Code is hereby amended to include subsection (9) as follows:

1. Section 129-192(b). Conditional uses.

“(9) Veterinary Clinics/Pet Grooming, provided that there be no outdoor runs, and that business be conducted wholly within a building; boarding only as required for surgical procedures. Conditional review and approval shall ensure compatibility with the surrounding commercial and residential uses; soundproofing of walls may be required.”

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.

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

At the aforesaid time and place, all interested parties will be heard in relation to the changes proposed by said ordinance."

BE IT FURTHER RESOLVED that the City Clerk be, and he hereby is, further authorized and directed to give written notice of the hearing to the owners of the property located in whole or in part within 500 feet from the boundaries of the property described in this resolution in the form and manner and within the time required by Act No. 1123 of the 1973 Regular Session of the Legislature of Alabama.

BE IT FURTHER RESOLVED that the City Clerk be, and he hereby is, further authorized and directed to publish one insertion of the Notice herein above set out, which includes the proposed ordinance, one time, not less than twenty-two days prior to the public hearing provided for therein, in The Birmingham News, a newspaper of general circulation in the City of Mountain Brook, and one week after such first insertion to cause to be published again in said newspaper a synopsis of said proposed ordinance in lieu of a full copy of the same, which synopsis shall refer to the date and name of the newspaper in which the proposed ordinance was published in full.

ADOPTED: This 11th day of March, 2013.


Virginia C. Smith, Council President

APPROVED: This 11th day of March, 2013.


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 a resolution adopted by the City Council of the City of Mountain Brook at its meeting held on March 11, 2013, as same appears in the minutes or record of said meeting.

I further certify that copies of the resolution above were posted on March 12, 2013 in five (5) conspicuous places within the City of Mountain Brook, as follows:

City Hall, 3928 Montclair Road, Suite 138
Joe Muggs Newsstand, 2037 Cahaba Road
The Invitation Place, 3150 Overton Road

Gilchrist Pharmacy, 2805 Cahaba Road
Piggly Wiggly, 93 Euclid Avenue


Steven Boone, City Clerk

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