

RESOLUTION NO. 2014-012

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, March 10, 2014, at 7:00 p.m., in the Council Chamber of the Mountain Brook City Hall, the City Council will hold a public hearing regarding the adoption of an ordinance amending Section 129-431 of the City Code as it pertains to procedural noticing requirements for amendments.

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 March 10, 2014, by posting in four (4) conspicuous places within the City of Mountain Brook, as follows: City Hall – 56 Church Street, Gilchrist Drug Company - 2805 Cahaba Road, The Invitation Place - 3150 Overton Road and Overton Park - 3020 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, March 10, 2014, at 7:00 p.m., in the Council Chamber of the Mountain Brook City Hall located at 56 Church Street, 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 129-431 OF THE CITY CODE
MODIFYING NOTICING AND PUBLICATION PROVISIONS**

BE IT ORDAINED by the City Council of the City of the City of Mountain Brook, Alabama, that Section 129-431 of the City Code is hereby amended as follows:

1. **“Section 129--431. “ Amendments in General.** The number and boundaries of, and the regulations relating to, the districts established by this chapter may be amended, supplemented, or repealed by the city council, but no such amendment, supplement or repeal shall become effective unless it is first submitted to the planning commission for its recommendation. The planning commission shall hold a public hearing for the consideration of any such proposed amendment, supplement or repeal, after giving at least ten days' notice thereof, by posting notice of such hearing in four conspicuous places within the city, or by any other means permitted by applicable law, and shall, after the consideration of such amendment, supplement or repeal at the public hearing, forward its recommendation to the city council. The city council shall hold a public hearing for the consideration of such proposed amendment, supplement or repeal, ~~after giving at least 22 days notice of such public hearing by publication in a newspaper of general circulation within the city, or by any other means permitted by applicable law~~ **after giving notice of such public hearing in accordance with applicable law.** Written notice of public hearings held by the planning commission and by the city council shall be sent, by United States certified mail or registered mail, to all property owners, any portion of whose property lies within 500 feet of any portion of the parcel included in a request for rezoning. For the purpose of such notice, the owner of a parcel shall be considered to be the person who is shown as the owner of such parcel according to the records of the tax assessor of Jefferson County, Alabama.

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If a public hearing is continued or postponed during the meeting of the planning commission or city council during which such hearing was held or was scheduled to have been held, no notice of such continued or postponed hearing need be given.”

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.’

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

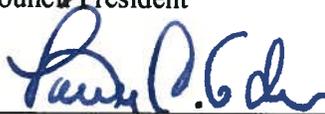
BE IT FURTHER RESOLVED that the City Clerk be, and he hereby is, further authorized and directed to publish one insertion of the Notice herein above set out, which includes the proposed ordinance, one time, not less than twenty-two days prior to the public hearing provided for therein, in The Birmingham 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 10th day of February, 2014.



Council President

APPROVED: This 10th day of February, 2014.



Mayor

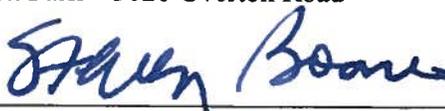
CERTIFICATION

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 February 10, 2014, as same appears in the minutes or record of said meeting.

I further certify that copies of the resolution above were posted on February 11, 2014 in four (4) conspicuous places within the City of Mountain Brook, as follows:

City Hall, 56 Church Street
The Invitation Place, 3150 Overton Road

Gilchrist Pharmacy, 2805 Cahaba Road
Overton Park—3020 Overton Road



City Clerk