

**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 25, 2024, 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 to consider proposed amendments to Chapter 129 of the Code of the City of Mountain Brook as it pertains to Article XVI (Planned Unit Development), a proposal that the City Council adopt an ordinance in words and figures substantially as follows:

**ORDINANCE NO.**

**AN ORDINANCE AMENDING ARTICLE XVI OF THE CITY CODE**

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**BE IT ORDAINED** by the City Council of the City of Mountain Brook, Alabama, that Article X of the City Code is hereby amended to as follows:

**Section 1.**

**“ARTICLE XVI. – Planned Unit Development (PUD)**

**Sec. 129-266. – Additional requirements and provisions.**

- (c) *Failure to begin construction.* Construction of the approved development must begin within ~~one two~~ years from the date of the approval of the master development plan by the city council ~~unless a different period is established by the City Council as part of its approval of the application.~~ Any approved changes in the plan shall not extend the time at which said ~~one two~~-year period begins to run ~~unless otherwise specified by the City Council as part of approval of such changes.~~ The ~~planning commission~~ city council may, no sooner than 60 days prior to the end of said ~~one two~~-year period, upon the written request of the applicant, extend such ~~one two~~-year period for a period ~~to be determined by the City Council of not more than six months~~ if, in the judgment of the ~~planning commission~~ City Council, such additional time is warranted. In any event, the construction of the PUD must be started within ~~one two years and six months~~ or for other such time as is otherwise specified by the City Council, of the approval of the master development plan by the City Council and must be completed within the period of time determined by the City Council for each PUD (the "Completion Period"), subject to extension by the ~~planning commission~~ City Council, as provided hereinafter. If the ~~planning commission~~ City Council extends the date by which construction of the PUD must be started, it may, but it shall not be obligated to, extend the Completion Period for the PUD by a period of time which may be less, but may not be greater, than the length of time by which the commencement date was extended. Failure to begin the development of the PUD within said ~~one-two~~-year period, or the period as extended, or to complete the development within the Completion Period, or the extended Completion Period, shall automatically void the master

development plan, and the zoning classification shall automatically revert to the zoning classification in effect for such parcel prior to its being rezoned a Planned Unit Development District. **For purposes of this subsection, construction of the approved development shall be considered to have begun on the date that construction work has commenced after the issuance of and pursuant to relevant permits.**

No building permit shall then be issued (except a permit for a building which would be in compliance with such prior zoning classification) until a new master development plan has been resubmitted and approved in accordance with the procedures set forth in this article for an initial submission and approval. The development of a PUD shall be considered to be complete when the land has been resurveyed or subdivided in accordance with the subdivision regulations of the city (if such resurvey or subdivision is required), the subdivision plat has been recorded in the office of the Judge of Probate of Jefferson County, Alabama, the installation of all utilities which are to be used in the PUD has been completed (except for service lines to individual dwelling units), all required streets (public or private), curbs, gutters and sidewalks have been installed in the PUD and the final coat of paving has been placed on all streets in the PUD.

- (d) *Development in phases.* If a PUD is to be constructed in stages, the construction of the first stage must begin within ~~one~~ **two** years from the date of the approval of the master development plan by the city council, and each additional stage must begin no later than the construction commencement date for each such stage as provided for in the development schedule approved by the city council. In all cases, progress towards completion of the development should proceed in accordance with said development schedule. Failure to comply with this provision shall constitute a deviation from the master development plan, and the provisions and procedures of this section shall apply accordingly. **For purposes of this subsection, construction of the first stage shall be considered to have begun on the date that construction work has commenced after the issuance of and pursuant to relevant permits.**
- (e) When the PUD application is filed, a processing fee, as provided for in section 19-471(c), must be paid to the zoning officer, and the applicant shall provide the city with ~~17 copies a~~ **digital copy** of the preliminary plan and attendant documents and information. During the time the preliminary plan is under consideration by the planning commission, the applicant shall furnish the zoning officer with ~~17 copies a~~ **digital copy** of any revisions of the preliminary plan. During the time the preliminary plan or the master development plan is under consideration by the city council, the applicant shall furnish the zoning officer with ~~15 copies a~~ **digital copy** of any revisions of the preliminary plan or the master development plan.”

**Section 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.

**Section 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.

**Section 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.

**For questions concerning the proposed zoning amendment, please contact:**

Dana Hazen, AICP, MPA  
Director of Planning, Building & Sustainability  
205/802-3816  
[hazend@mtnbrook.org](mailto:hazend@mtnbrook.org)

### **CERTIFICATION**

I, Tammy Reid, Administrative Analyst for the City of Mountain Brook, Alabama, do hereby certify that I have caused notice of the proposed amendment to the zoning ordinance and of public meeting thereupon set forth above to be published and provided in the manner specified by Article XXV, Sec. 12-431, of the Mountain Brook City Code. I further certify that I have posted said notice in four conspicuous places within the City of Mountain Brook, in the manner and within the time permitted by law, said places being:

Mountain Brook City Hall, 56 Church Street  
Gilchrist Pharmacy, 2850 Cahaba Road  
Cahaba River Walk, 3503 Overton Road  
Overton Park, 3020 Overton Road

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Tammy Reid, Administrative Analyst