

RESOLUTION NO. 2017-149

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, November 13, 2017, 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 zoning classification of the property as more fully described herein below be established as Residence-F and Residence-G Districts under the Mountain Brook City Code, and regarding an amendment to Section 129-557 (Village Maps).

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 fifteen (15) days prior to November 13, 2017, 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, Overton Park – 3020 Overton Road and Cahaba River Walk, 3503 Overton Road, a notice in words and figures substantially as follows:

“ZONING 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, November 13, 2017, 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 TO REZONE CERTAIN PARCELS
OF LAND IN THE CITY OF MOUNTAIN BROOK, ALABAMA
FROM MIXED USE DISTRICT TO RESIDENCE-F DISTRICT AND RESIDENCE-G
DISTRICT AND TO AMEND THE CORRESPONDING OVERTON VILLAGE
BUILDING & DEVELOPMENT REGULATING PLAN FROM “SECONDARY
FRONTAGE” TO “RESIDENTIAL NEIGHBORHOOD FRONTAGE”**

WHEREAS, after due consideration, the City Council has determined that the zoning classification of the real estate owned by Overton Village Condos, LLC, which is located along Fairhaven Drive, as more particularly described below, should be zoned Residence F District and Residence G District, such property being presently zoned Mixed Use District;

AND WHEREAS, the Overton Village Building & Development Regulating should be amended to “Residential Neighborhood Frontage” in order to correspond to the change in zoning to Residence-F and Residence-G.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mountain Brook as follows:

Section 1. The zoning map of the City of Mountain Brook, as referred to in Chapter 129, Article VII of the Mountain Brook City Code, as amended from time to time, is hereby further amended by zoning to Residence F District and Residence G the following described real property, said property currently zoned Mixed Use District:

Residence-F

3789 Fairhaven Drive:

A parcel of land situated in the limits of the City of Mountain Brook, being Lot 2, Block 1, Overton Village as recorded in Map Book 227, Page 52 in the Probate of Jefferson County, Alabama. Contains 17,449 square feet or 0.4 Acres.

Residence-G

3790 Fairhaven Drive:

A parcel of land situated in the corporate limits of the City of Mountain Brook, being a part of Lot I, Block 2, Overton Village as recorded in Map Book 227, Page 52 in the Probate Office of Jefferson County, Alabama and more particularly described as follows:

Begin at the Southeast corner of Lot 1, Block 2 Overton Village as recorded in Map Book 227, Page 52 in the Probate Office of Jefferson County, Alabama, said point also being on the Westerly right-of-way line of Fairhaven Drive; thence in a Northerly direction along the Easterly line of said Lot 1 and along the Westerly right-of-way line of Fairhaven Drive a distance of 359.94 feet to the Northeastly corner of said Lot I; thence 88°20'43" to the left in a Westerly direction along the Northerly line of said Lot 1 a distance of 145.00 feet to a corner of said Lot 1; thence 91 °39'07" to the left in a Southerly direction along a line of said Lot 1 and its prolongation a distance of 359.93 feet to a point on the Southerly line of said Lot 1; thence 88°20' 43 to the left in an Easterly direction along the South line of said Lot I a distance of 144.99 feet to the Point of Beginning.

Contains 52,165.3 square feet or 1.2 Acres.

Section 2. The Building & Development Regulating Plan for Overton Village, Article XXXI, Village Overlay Standards, Section 129-557 (Village Maps) of the Mountain Brook City Code, as amended from time to time, is hereby amended to "Residential Neighborhood Frontage" adjoining the properties herein rezoned to Residence F District and Residence G District

Section 3. The provisions of this ordinance are severable. If any provision of this ordinance is held by a court of competent jurisdiction to be invalid, such invalidity shall in no way affect the remaining provisions of this ordinance.

Section 4. This ordinance shall become effective when published by posting the same as required 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.

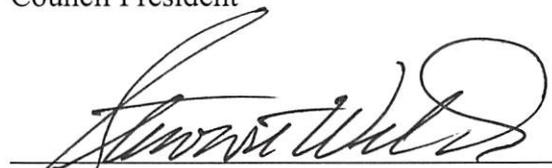
BE IT FURTHER RESOLVED that the City Clerk be, and hereby is, further authorized and directed to post the Notice herein above set out, which includes the proposed ordinance, in four conspicuous places within the City at least fifteen (15) days prior to the public hearing set hereby.

ADOPTED: This 9th day of October, 2017.



Council President

APPROVED: This 9th day of October, 2017.



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 October 9, 2017, as same appears in the minutes or record of said meeting.

I further certify that copies of the resolution above were posted on October 10th, 2017 in four (4) conspicuous places within the City of Mountain Brook, as follows:

- City Hall, 56 Church Street
- Overton Park, 3020 Overton Road
- Gilchrist Pharmacy, 2805 Cahaba Road
- Cahaba River Walk, 3503 Overton Road



City Clerk