

ORDINANCE NO. 1982

AN ORDINANCE AMENDING ARTICLE XII OF THE CITY CODE

BE IT ORDAINED by the City Council of the City of Mountain Brook, Alabama, that Article XII (Local Business) of the City Code is hereby amended to as follows:

**Section 1.**

“**129-192 (b) Conditional uses.** Conditional uses are uses which may be acceptable within the Local Business District, based on specific circumstances and mitigating site design provisions that would eliminate the potential for these uses to otherwise have negative impacts on adjacent property, other uses in the district, or the district as a whole. Therefore, they require special review to better determine if the circumstances and design provisions for the proposed use when applied to a specific site are sufficient to mitigate any potential negative impacts. In addition to review of factors set forth in the following sections, any proposed conditional use will be reviewed as to the following:

- i Whether the use would disparately impact public parking in the area;
- ii Whether vehicular or pedestrian circulation would be impacted by the use;
- iii Whether the use is compatible with surrounding existing uses;
- iv Whether the hours of operation or peak traffic times would impact existing uses.

(1) *unchanged*

(2) *unchanged*

(3) Commercial uses permitted in the Local Business District and grouped together on one or more contiguous parcels of land having shared access and shared off-street customer parking;

(4) – (9) *unchanged*

(10) Clinics, medical and dental, provided that no such use shall exceed 4000 square feet in gross floor area nor shall any such use be permitted whatsoever in any area covered by a village master plan or the village overlay standards. Conditional review and approval shall ensure that sufficient parking exists in addition to the parking required by this district so that the business will not negatively impact existing businesses and that the proposed use is compatible with surrounding commercial and residential uses.”

**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of the City of Mountain Brook, Alabama that are inconsistent with the provisions of this ordinance are hereby expressly repealed.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.

**ADOPTED:** This 26th day of June, 2017.

  
\_\_\_\_\_  
Council President

**APPROVED:** This 26th day of June, 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 an ordinance adopted by the City Council of the City of Mountain Brook, Alabama, as its meeting held on June 26, 2017, as same appears in the minutes of record of said meeting, and published by posting copies thereof on June 27, 2017, at the following public places, which copies remained posted for five (5) days as required by law.

City Hall, 56 Church Street  
Gilchrist Pharmacy, 2850 Cahaba Road  
Road

Overton Park, 3020 Overton Road  
Cahaba River Walk, 3503 Overton

  
\_\_\_\_\_  
City Clerk



**CITY OF MOUNTAIN BROOK**

**Dana O. Hazen, AICP**  
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DATE: June 26, 2017

TO: Mayor, City Council & City Manager

FROM: Dana Hazen, City Planner

RE: Amendment to Article XII (Local Business District) Section 129-192 (Permitted Uses) of the zoning code to include clinics as an allowable conditional use.

***Summary***

The proposed amendment is designed to provide a regulatory framework that would allow medical/dental clinics in the Local Business District as a conditional use (requiring City Council approval), thereby allowing the same in the Mixed Use District. The proposed new language may be seen in #10 of the attached draft amendment (#3 is clean-up language with no substantive change).

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