

ORDINANCE NO. 1834

AN ORDINANCE TO AMEND SECTION 129-557 OF THE CODE OF ORDINANCES OF THE CITY OF MOUNTAIN BROOK, ALABAMA

BE IT ORDAINED by the City Council of the City of Mountain Brook, Alabama, that Chapter 129 of The Code of the City of Mountain Brook, Alabama is hereby amended to as follows:

1. **Amendatory Provision.** Section 129-557, Village Maps, Crestline Village Building Development and Regulating Plan, of the City Code of the City of Mountain Brook, Alabama, is hereby amended as follows:

On said map (attached Exhibit "A"), change the building frontage type from "primary frontage" to "secondary frontage" along the southeast block of Memory Court abutting the Local Business district (the dry cleaning establishment, Mtn. Brook Cleaners).

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the City of Mountain Brook, Alabama, that are inconsistent with the provisions of this ordinance are hereby expressly repealed.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

ADOPTED: The 8th day of November, 2010.


Virginia C. Smith, Council President

APPROVED: The 8th day of November, 2010.


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 an ordinance adopted by the City Council of the City of Mountain Brook, Alabama, as its meeting held on November 8, 2010, as same appears in the minutes of record of said meeting, and published by posting copies thereof on November 9, 2010, 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
Piggly Wiggly Foodstore 4, 93 Euclid Avenue

Joe Muggs Newsstand, 2037 Cahaba Road
The Invitation Place, 3150 Overton Road


Steven Boone, City Clerk

Crestline Village Map

1834

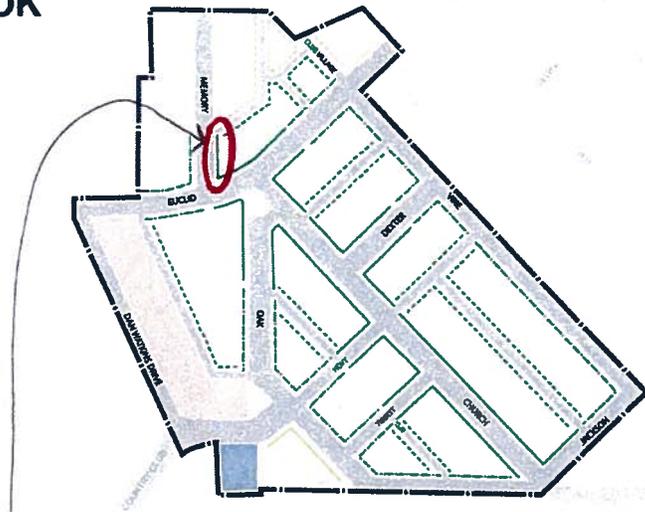
Exhibit "A"

City of MOUNTAIN BROOK

CRESTLINE VILLAGE BUILDING AND DEVELOPMENT REGULATING PLAN

BUILDING FRONTAGE TYPES

- Primary Frontage
1 story
- Secondary Frontage
2 story
- Support Frontage
2 story
- Residential ("Neighborhood") Frontage
2 story
- Village Boundary Line
- Area controlled by base zoning districts standards only
- Overlay standards Not applicable-area controlled by base zoning district standards and court decrees only



Revised 1/17/08

*proposed change from "primary frontage"
to "secondary frontage" along memory Ct.*

AFFIDAVIT OF PUBLICATION

THE BIRMINGHAM NEWS COMPANY

PUBLISHERS OF
THE BIRMINGHAM NEWS

PASTE CLIPPING HERE

NOTICE OF PUBLIC HEARING
 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 8, 2010, at 7:00 p.m., in the Council Chamber of the Mountain Brook City Hall, the City Council will hold a public hearing regarding a proposal that the City Council adopt an ordinance pertaining to the Building and Development Regulating Plan of the Village Overlay Standards for Crestline Village as follows:

ORDINANCE NO.
AN ORDINANCE TO AMEND SECTION 129-557 OF THE CODE OF ORDINANCES OF THE CITY OF MOUNTAIN BROOK, ALABAMA
BE IT ORDAINED by the City Council of the City of Mountain Brook, Alabama, that Chapter 129 of The Code of the City of Mountain Brook, Alabama is hereby amended to as follows:

1. Amendatory Provision. Section 129-557, Village Maps, Crestline Village Building Development and Regulating Plan, of the City Code of the City of Mountain Brook, Alabama, is hereby amended as follows:
 On said map (attached Exhibit "A"), change the building frontage type from "primary frontage" to "secondary frontage" along the southeast block of Memory Court abutting the Local Business district (the dry cleaning establishment, Mtn. Brook Cleaners).

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.
 Bham News: October 16, 2010

On this 16th day of October

A.D. Two Thousand , and Ten, Vickie Webb
declares that she is an Accounting Clerk of "The
Birmingham News" published in the City of
Birmingham, in the County of Jefferson, in the State
of Alabama, and that the advertisement, a true copy of
which is herewith attached, appeared in "The
Birmingham News" on the following dates:

October 16, 2010

Vickie Webb
Signed- Vickie Webb

State of Alabama
County of Jefferson

On 10-16, 2010, Vickie Webb

personally appeared before me, who is personally known
to me to be the signer of the above document, and she
acknowledged that she signed it.

Rebecca Ratliff Hill
Rebecca Ratliff Hill, Notary Public

MY COMMISSION EXPIRES JUNE 7, 2014

AFFIDAVIT OF PUBLICATION

THE BIRMINGHAM NEWS COMPANY

PUBLISHERS OF
THE BIRMINGHAM NEWS

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SYNOPSIS OF NOTICE OF PUBLIC HEARING
 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 8, 2010, at 7:00 p.m., in the Council Chamber of the Mountain Brook City Hall, the City Council will hold a public hearing regarding a proposal that the City Council adopt an ordinance pertaining to the Building and Development Regulating Plan of the Village Overlay Standards for Crestline Village by changing the building frontage type from "primary frontage" to "secondary frontage" along the southeast block of Memory Court abutting the Local Business district (the dry cleaning establishment, Mtn. Brook Cleaners). Notice of the public hearing (which included the full text of the proposed ordinance) was first published in the Birmingham News on October 16, 2010. At the aforesaid time and place, all interested parties will be heard in relation to the changes proposed by said ordinance.
 Bham News: October 23, 2010

On this 23rd day of October

A.D. Two Thousand , and Ten, Vickie Webb declares that she is an Accounting Clerk of "The Birmingham News" published in the City of Birmingham, in the County of Jefferson, in the State of Alabama, and that the advertisement, a true copy of which is herewith attached, appeared in "The Birmingham News" on the following dates:

October 23, 2010

Vickie Webb
Signed- Vickie Webb

State of Alabama
County of Jefferson
On 10-23-, 2010, Vickie Webb personally appeared before me, who is personally known to me to be the signer of the above document, and she acknowledged that she signed it.

Rebecca Ratliff Hill
Rebecca Ratliff Hill Notary Public

MY COMMISSION EXPIRES JUNE 7, 2014



CITY OF MOUNTAIN BROOK

Dana O. Hazen, AICP
City Planner
56 Church St
P.O. Box 130009
Mountain Brook, Alabama 35213-0009
Telephone: 205/802-3805
Fax: 205.879.6913
hazend@mtnbrook.org

DATE: November 2, 2010

TO: Mayor, City Council
City Manager
City Attorney

FROM: Dana Hazen, City Planner

RE: Amend Section 129-557 of the Zoning Ordinance (Village Maps)

In the course of staff review of the preliminary development plans for the council-approved Iberia Bank site (previous Glenwood Market site in Crestline Village) staff has noted that the adjoining Mountain Brook Cleaners property may be unduly burdened by the zoning regulations as designated on the Village Maps for "primary frontage" on both Euclid Avenue and on Memory Court.

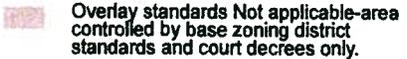
The Mountain Brook Cleaners site (on the northeast corner of Euclid Avenue and Memory Court) is only 22 feet wide; and with the "primary frontage" designation on both streets would be virtually unbuildable. This is principally due to the fact that surface parking must be set back at least 30 feet from a primary frontage, so if 30 feet were required on both streets for future development, locating any parking on the site would be prohibitive. Surface parking is allowed within 8 feet of a secondary frontage, so if Memory Court is changed to "secondary frontage" then any future parking could be to the rear of a new building fronting on Euclid, taking access from either Memory Court or from the alley to the rear (north).

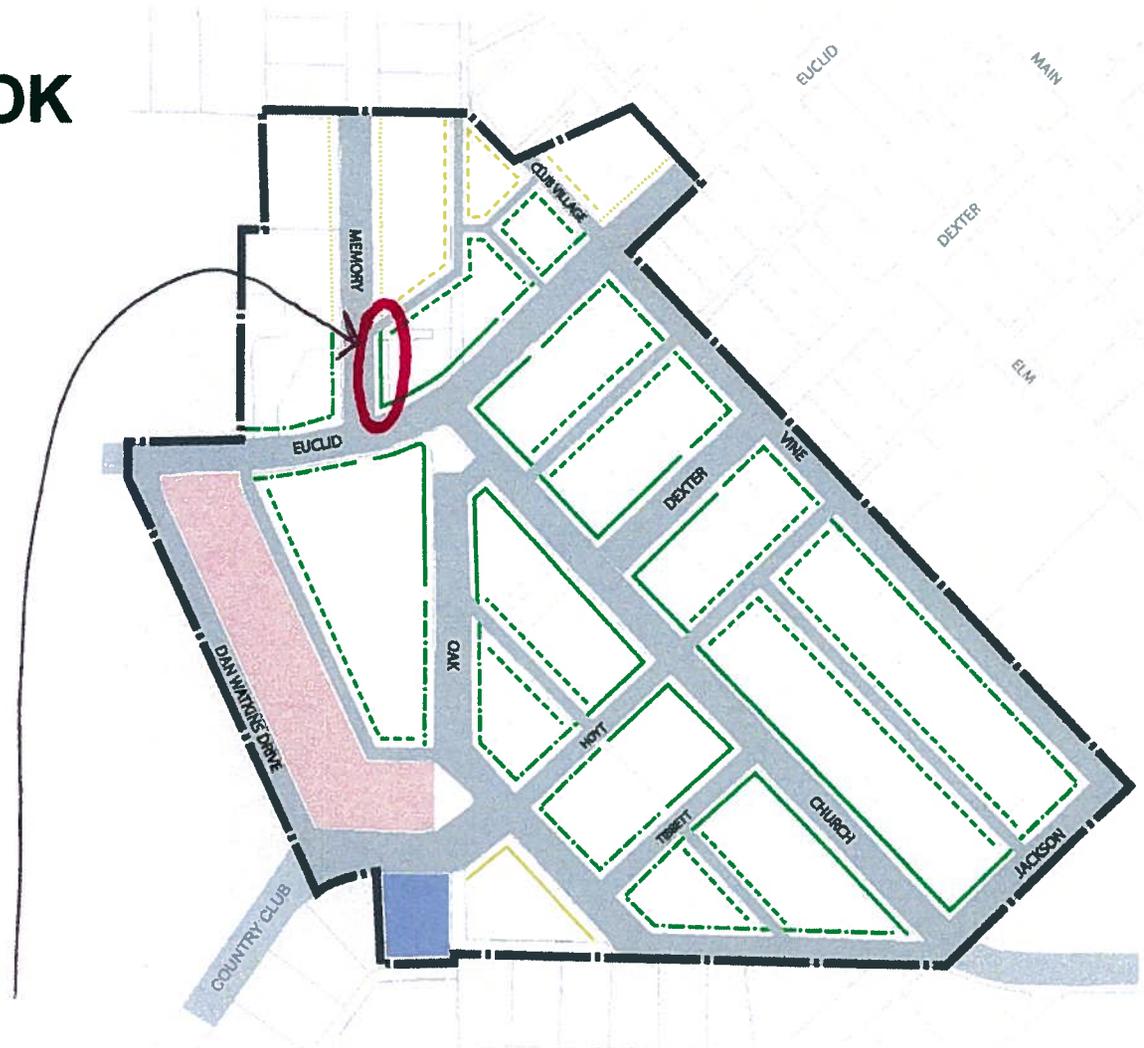
Iberia Bank will be developing the adjoining Glenwood Market site (to the east) and may include the subject lot in their development for ingress/egress and parking (negotiations are on-going). However, whether or not the Iberia development is able to utilize the Mountain Brook Cleaners site, it would be prudent to revise the Village Maps in order to promote future redevelopment of this site, whatever it may be.

City of MOUNTAIN BROOK

CRESTLINE VILLAGE BUILDING AND DEVELOPMENT REGULATING PLAN

BUILDING FRONTAGE TYPES

- 
 Primary Frontage
 2 story
 3 story
- 
 Secondary Frontage
 2 story
 3 story
- 
 Support Frontage
 2 story
 3 story
- 
 Residential ("Neighborhood") Frontage
 2 story
 3 story
- 
 Village Boundary Line
- 
 Area controlled by base zoning districts standards only
- 
 Overlay standards Not applicable-area controlled by base zoning district standards and court decrees only.



Revised 01/28/08

proposed change from "primary frontage" to "secondary frontage" along memory Ct.

City of MOUNTAIN BROOK

CRESTLINE VILLAGE BUILDING AND DEVELOPMENT REGULATING PLAN

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