

ORDINANCE NO. 1840

AN ORDINANCE TO AMEND CHAPTER 129 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 the following Sections of Chapter 129 of The Code of the City of Mountain Brook, Alabama are hereby amended to read as follows:

1. **Amendatory Provision.** For the Residence-A zoning district, the first sentence of the first paragraph of Section 129-32 of the City Code of the City of Mountain Brook, Alabama, shall be and hereby is amended as follows:

**Sec. 129-32 Conditions on Certain Permitted Uses**

The uses referred to in subsections 129-31 (a) (d) - (o) shall be subject to the following conditions:

2. **Amendatory Provision.** For the Residence-A zoning district, the first sentence of the first paragraph of Section 129-33 of the City Code of the City of Mountain Brook, Alabama, shall be and hereby is amended as follows:

**Sec. 129-33 Conditions on Certain Permitted Uses**

The uses referred to in subsections 129-31 (a) (d) - (o) shall be subject to the following conditions:

3. **Amendatory Provision.** For the Residence-A zoning district, part (b) (3) of Section 129-34 of the City Code of the City of Mountain Brook, Alabama, shall be and hereby is amended as follows:

**Sec. 129-34 Area and Dimensional Requirements**

**(b) Minimum yards and building setbacks.**

- (1) Minimum front yard setback 40 feet
- (2) Minimum rear yard setback 40 feet
- (3) Minimum side yard setback: 15 feet

~~If the principal building contains no more than one story 15 feet~~

~~If the principal building contains more than one story 20 feet~~

4. **Amendatory Provision.** For the Residence-B zoning district, the first sentence of the first paragraph of Section 129-51 of the City Code of the City of Mountain Brook, Alabama, shall be and hereby is amended as follows:

**Sec. 129-51 Permitted Uses**

The uses referred to in subsections 129-31 ~~(a)~~ (d) - (o) shall be subject to the following conditions:

- 5. **Amendatory Provision.** For the Residence-B zoning district, the first paragraph of Section 129-53 of the City Code of the City of Mountain Brook, Alabama, shall be and hereby is amended as follows:

**Sec. 129-53 Special Provision for Nonconforming Residence B Lots**

Any lot zoned Residence B created on or before January 23, 1950, in accordance with the then applicable law, which does not conform to the area and dimensional requirements for the Residence B District as a result of insufficient land to allow for the required lot width shall be subject to **may utilize** the following area and dimensional requirements in lieu of those set forth above:

- 6. **Amendatory Provision.** For the Residence-B zoning district, Section 129-53 (b) (3) and (4) of the City Code of the City of Mountain Brook, Alabama, shall be and hereby is amended as follows:

	Portion of building below 22' in height	Portions of building 22' or greater in height
Lots between 60'–70' wide <del>at front street line</del> <b>at the front setback line</b>	9 feet	13 feet
Lots less than 60' wide <del>at front street line</del> <b>at the front setback line</b>	8 feet	12 feet

	Portion of building below 22' in height	Portions of building 22' or greater in height
Lots between 60'–70' wide <del>at front street line</del> <b>at the front setback line</b>	14 feet	18 feet
Lots less than 60' wide <del>at front street line</del> <b>at the front setback line</b>	13 feet	17 feet

- 7. **Amendatory Provision.** For the Residence-C zoning district, the first sentence of the first paragraph of Section 129-61 of the City Code of the City of Mountain Brook, Alabama, shall be and hereby is amended as follows:

**Sec. 129-61 Permitted Uses**

The uses referred to in subsections 129-31 ~~(a)~~ (d) - (o) shall be subject to the following conditions:

8. **Amendatory Provision.** For the Residence-C zoning district, the first paragraph of Section 129-63 of the City Code of the City of Mountain Brook, Alabama, shall be and hereby is amended as follows:

**Sec. 129-63 Special Provision for Nonconforming Residence C Lots**

Any lot zoned Residence C created on or before January 23, 1950, in accordance with the then applicable law, which does not conform to the area and dimensional requirements for the Residence C District as a result of insufficient land to allow for the required lot width shall be subject to **may utilize** the following area and dimensional requirements in lieu of those set forth above:

9. **Amendatory Provision.** For the Residence-C zoning district, Section 129-63 (b) (3) and (4) of the City Code of the City of Mountain Brook, Alabama, shall be and hereby is amended as follows:

**Sec. 129-63 Special Provision for Nonconforming Residence C Lots**

	Portion of building below 22' in height	Portions of building 22' or greater in height
Lots between 60'–70' wide <del>at front street line</del> <b>at the front setback line</b>	9 feet	13 feet
Lots less than 60' wide <del>at front street line</del> <b>at the front setback line</b>	8 feet	12 feet

	Portion of building below 22' in height	Portions of building 22' or greater in height
Lots between 60'–70' wide <del>at front street line</del> <b>at the front setback line</b>	14 feet	18 feet
Lots less than 60' wide <del>at front street line</del> <b>at the front setback line</b>	13 feet	17 feet

10. **Amendatory Provision.** Section 129-296 of the City Code of the City of Mountain Brook, Alabama, shall be and hereby is amended as follows:

**Sec. 129-296 Buffers and Privacy Fences and Walls**

Privacy fences and walls. For a privacy fence or wall, a solid wooden fence or brick wall (meaning a fence or wall with no openings or gaps in it, except for a gate which must be closed at all times except when it is in use) six feet in height and, with respect to fences, with all supporting members being on the side of the fence which faces the parcel, the owner of which is required to provide the fence.

The fence or wall must be at least five feet inside, and parallel to, the property line of the parcel which is to be screened from view. The area between the privacy fence or wall and the property line shall be grassed, landscaped or otherwise maintained as a buffer or green belt, and both said grassed or landscaped area and the fence or wall shall be perpetually maintained in a neat and orderly condition by the owner of the parcel which is to be screened from view. Nothing contained in this subsection shall permit the construction of a fence or wall more than four feet in height in the **required front yard setback** of a parcel **or more than eight feet in height between the required front setback line and the existing front building line**, unless a fence or wall higher than ~~four feet~~ **herein specified** is specifically permitted by another provision of the City Code.

11. **Amendatory Provision.** Section 129-315 of the City Code of the City of Mountain Brook, Alabama, shall be and hereby is amended as follows:

**Sec. 129-315 Fences and Walls in Residential Districts**

Except as provided in Section 129-335 of this chapter, no fence or wall located in the front **yard setback** of any parcel in any residential district may exceed four feet in height. **No fence or wall located between the required front setback line and the existing front building line of any parcel in any residential district may exceed eight feet in height.**

12. **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.
13. **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.
14. **Effective Date.** This ordinance shall become effective immediately upon adoption and publication as provided by law.

**ADOPTED:** The 14th day of February, 2011.

  
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Virginia C. Smith, Council President

**APPROVED:** The 14th day of February, 2011.

  
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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 February 14, 2011, as same appears in the minutes of record of said meeting, and published by posting copies thereof on February 15, 2011, at the following public places, which copies remained posted for five (5) days as required by law.

City Hall, 3928 Montclair Road, Suite 148  
Gilchrist Pharmacy, 2850 Cahaba Road  
The Invitation Place, 3150 Overton Road

Joe Muggs Newsstand, 2037 Cahaba Road  
Piggly Wiggly Food Store 4, 93 Euclid Avenue



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Steven Boone, City Clerk