

ORDINANCE NO. 2007

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 XIX (General Area and Dimensional Requirements) of the City Code is hereby amended to as follows:

Section 1.

ARTICLE XIX. – GENERAL AREA AND DIMENSIONAL REQUIREMENTS

Sec. 129-314. – Accessory Structures and Accessory Buildings on Residential Lots.

b) *Relationship to parcel and dwelling.* No accessory structure or accessory building in a residential district may be erected in any actual or required front yard. An accessory building may not be located closer than 10 feet to any other detached accessory building structure on the same parcel and may not occupy more than 15 percent of any actual or required rear or side yard. An accessory structure or accessory building must be located at least 5 feet from the dwelling on the parcel on which the accessory structure or building is located. Notwithstanding the foregoing, fences or walls can be erected up to the property line, and may be erected directly adjacent to the principal structure.

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the City of Mountain Brook, Alabama that are inconsistent with the provisions of this ordinance are hereby expressly repealed.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

ADOPTED: This 22nd day of January, 2018.



Council President

APPROVED: This 22nd day of January, 2018.



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 January 22, 2018, as same appears in the minutes of record of said meeting, and published by posting copies thereof on January 23, 2018, 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

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



City Clerk

Amendment to Article XIX (General Area and Dimensional Requirements)

Purpose of Amendment

To purge superfluous language governing the placement of detached accessory buildings in the side yards and rear yards of residential lots. Given the required setbacks and lot coverage limitations in the zoning code and the stormwater ordinance, this “15% rule” is overly burdensome.

Planning Commission recommended approval on January 2, 2018.

Language as Drafted:

ARTICLE XIX. – GENERAL AREA AND DIMENSIONAL REQUIREMENTS

Sec. 129-314. – Accessory Structures and Accessory Buildings on Residential Lots.

b) Relationship to parcel and dwelling. No accessory structure or accessory building in a residential district may be erected in any actual or required front yard. An accessory building may not be located closer than 10 feet to any other structure on the same parcel ~~and may not occupy more than 15 percent of any actual or required rear or side yard.~~ An accessory structure or accessory building must be located at least 5 feet from the dwelling on the parcel on which the accessory structure or building is located. Notwithstanding the foregoing, fences or walls can be erected up to the property line, and may be erected directly adjacent to the principal structure.