

ORDINANCE NO. 2054

AN ORDINANCE AMENDING ARTICLE X OF THE CITY CODE

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

Section 1.

“ARTICLE X. - PROFESSIONAL DISTRICT

Sec. 129-150. – Intent and purpose.

The Professional District is intended to provide appropriate-scaled buildings for professional offices, business offices and service uses. The district may be applied to sites which can establish an effective transition to adjacent residential neighborhoods.

Sec. 129-151. – Permitted uses.

(a) The uses permitted in Professional Districts shall be as follows:

1. Professional offices
2. Business offices
3. Interior design/decorating studios;
4. Personal fitness (limited to one-on-one personal trainers)
5. Photography studios;
6. Travel agents.
7. Professional consulting services
8. Accessory structures customarily incidental to the uses permitted by this section 129-151.

(b) Conditions on Permitted Uses. All uses in the Professional district shall be conditional uses and shall only be permitted with prior written approval of the city council. Conditional uses are uses which may be acceptable within the Professional 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 or other uses in the vicinity. 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. Proposed conditional uses 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 adversely impacted by the use;
- iii. Whether the use would adversely impact surrounding existing uses;
- iv. Whether the hours of operation or peak traffic times would adversely impact the surrounding properties and public streets.
- v. Whether sufficient landscape buffers exist or are proposed along any adjoining residential properties;
- vi. Whether existing or proposed exterior lighting is sufficiently designed so as not to spill onto adjoining properties.

(c) The city council may require the party applying for the approval of such conditional use to furnish to the city council any or all of the following information and documents and such additional

information and documents which the city council may consider necessary or helpful in deciding whether to approve such requested conditional use:

1. A survey of the property;
2. A topographical survey of the property;
3. A site plan for the property, showing the location, size, height and elevation of all existing and proposed improvements, the location, number and size of parking spaces and such other information about the existing and proposed improvements and the development plan for the property which the planning commission considers reasonably necessary for its consideration of the request for approval;
4. Plans for all proposed improvements;
5. The type of construction materials to be used in the proposed improvements;
6. A traffic study with respect to the traffic expected to be generated by the use;
7. Information concerning outdoor lighting;
8. The hours of operation of the activities proposed to be conducted on the property;
9. Information concerning the visibility of the proposed improvements from adjacent property, buildings and public streets;
10. Information concerning the proposed screening of the proposed improvements by fences, walls, berms, shrubs, trees or other means;
11. Whether any trees or other vegetation which would serve to screen the proposed improvements and the use thereof from adjacent property will be removed from the property; and
12. Information concerning vehicles, equipment and materials which may be stored on the property or within the improvements.

All materials and information required to be submitted must be submitted to the zoning officer at least 24 days prior to consideration of any application for such conditional use.

(d) The city council shall hold a public hearing for the consideration of any such conditional use, after giving at least ten days' notice thereof. For purposes of this section, written notice of public hearings held by the city council shall be sent, by United States mail, to all property owners, any portion of whose property lies within 500 feet of any portion of the parcel included in a request for conditional use consideration. For the purpose of such notice, the owner of a parcel shall be considered to be the person who is shown as the owner of such parcel according to the records of the tax assessor of Jefferson County, Alabama. If a public hearing is continued or postponed during the meeting of the city council during which such hearing was held or was scheduled to have been held, no notice of such continued or postponed hearing need be given.

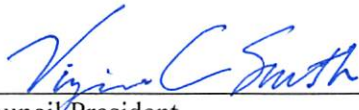
(e) Any use established and permitted by right in the Professional District prior to September 9, 2019 shall be permitted to continue in the same location without regard to these provisions, provided that such use is not expanded. However, should such use be expanded, such expansion shall require prior written approval of the city council per subsection (b) of this section.

(f) A professional office, business office or service use established on or after September 9, 2019 and permitted after city council review and approval under subsection (b) of this section may be replaced by another professional office, business office or service use if the zoning officer determines that there are non-material changes for the proposed professional use utilizing the criteria for review outlined in subsection (b). In the absence of such a determination, city council review of the replacement use shall be required under subsection (b).”

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 9th day of September, 2019.



Council President

APPROVED: The 9th day of September, 2019.



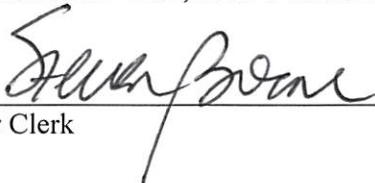
Mayor

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 September 9, 2019, as same appears in the minutes of record of said meeting, and published by posting copies thereof on September 10, 2019, 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

PROFESSIONAL DISTRICT AMENDMENT

Recent Background

On April 23, 2019, the city council approved ORD 2044, which amended the Professional District regulations. The permitted use category was “cleaned up” to eliminate some antiquated uses (such as an allowance for the assembling of frames and an allowance for private dance schools, etc.), leaving professional offices as the only permitted use. A new section was added to the professional district regulations that requires a conditional use approval for the establishment of any new professional use on any parcel approved for rezoning to the Professional District after April 23, 2019.

Professional District

Currently, the permitted uses in the Professional district are professional offices. Sites which were zoned Professional district prior to the adoption of the above-noted ordinance, and which contain professional offices are not affected by the ordinance as long as they are not expanded. Any site rezoned to the Professional district in future will be subject to city council approval of a conditional use for the establishment of a professional office use. A professional office is defined as follows:

Office, professional. Offices uses such as accountants, architects, attorneys, dentists, engineers, insurance agents, physicians, realtors, surgeons or persons conducting similar occupations or professions whose occupation or profession often requires professional licenses or certification.

At the planning commission meeting of August 5, 2019, the planning commission voted to recommend that business offices be added to the list of uses permitted by city council approval of a conditional use. Business Offices are defined as follows:

Office, business. Office uses that provide employment and space for the administrative affairs of businesses, but that do not generally involve frequent or intensive interactions by clients or general consumers on a daily basis, and where the delivery of the product or service does not necessarily need to occur on the premises.

The planning commission also recommended adding “soft,” or somewhat “benign” services uses to the list of uses permitted by city council approval of a conditional use; given that these types of uses are generally compatible with other uses in the professional district, and generally make good “transitional” uses in-between commercial and residential districts.

Sites which were zoned Professional district prior to the adoption of this proposed ordinance, and which contain legally-permitted business office or soft service uses are not proposed to be affected by this ordinance as long as they are not expanded. Any site rezoned to the Professional district in future will be subject to city council approval of a conditional use for the establishment of a business or soft service use; likewise, the conditional uses process will apply to any new business office or soft service use proposed in future on any site zoned Professional district at the time of this ordinance adoption.

The following soft services uses are proposed under this conditional use category:

- a. Interior design/decorating studios;
- b. Personal fitness (limited to one-on-one personal trainers)
- c. Photography studios;
- d. Travel agents.
- e. Professional consulting services

Professional District Properties in City

There are currently 14 lots in the city which are zoned Professional District (see attached maps for specific locations). All of these properties (with the exception of one) serve as transitional sites, between commercial and residential properties. Allowing the professional district sites on the periphery of the commercial areas is done "by design." As such any thought given to adding soft service uses to the professional district should be given in light of transitional nature of such sites.

Local Business Service Uses

For the sake of cross-reference and comparison, the following is a list of service uses from the local business district: (note that service uses are only allowed in LB with conditional use approval by the city council; **they are not permitted, outright, in any zoning district**):

- a. Banks;
- b. Barber shops;
- c. Beauty shops;
- d. Dancing academies;
- e. Daycare centers;
- f. Dry cleaning establishments;
- g. Electronic and electrical repair shops;
- h. Fitness centers;
- i. Gymnasiums;
- j. Interior design shops
- k. Nail Salons
- l. Neuromuscular therapists;
- m. Personal fitness trainers;
- n. Photography studios;
- o. Physical therapists;
- p. Self-service laundries;
- q. Shipping and wrapping of packages and sale of related items;
- r. Shoe repair shops;
- s. Tanning salons;
- t. Theaters for the performing arts;
- u. Travel agents.

**NOTICE OF PUBLIC HEARING
PROPOSED ZONING CODE 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, September 9, 2019, 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 to consider proposed amendments to Chapter 129 of the Code of the City of Mountain Brook as it pertains to Article X Professional District, a proposal that the City Council adopt an ordinance in words and figures substantially as follows:

ORDINANCE NO.

AN ORDINANCE AMENDING ARTICLE X OF THE CITY CODE

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Section 1.

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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.

For questions concerning the proposed zoning amendment, please contact:

Dana Hazen, AICP, MPA
Director of Planning, Building & Sustainability
205/802-3816
hazend@mtnbrook.org

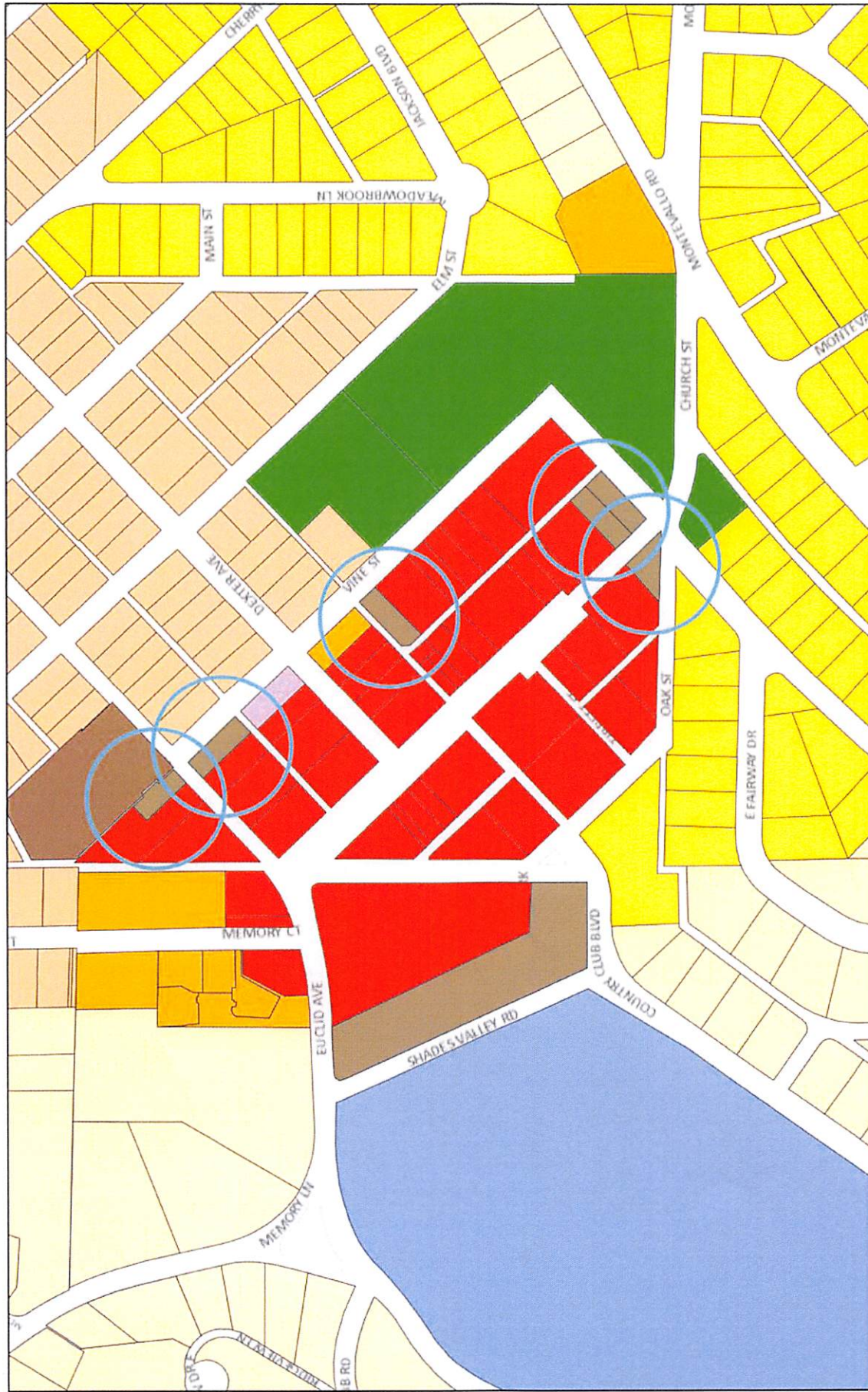
CERTIFICATION

I, Tammy Reid, Administrative Analyst for the City of Mountain Brook, Alabama, do hereby certify that I have caused notice of the proposed amendment to the zoning ordinance and of public meeting thereupon set forth above to be published and provided in the manner specified by Article XXV, Sec. 12-431, of the Mountain Brook City Code. I further certify that I have posted said notice in four conspicuous places within the City of Mountain Brook, in the manner and within the time permitted by law, said places being:

Mountain Brook City Hall, 56 Church Street
Gilchrist Pharmacy, 2850 Cahaba Road
Cahaba River Walk, 3503 Overton Road
Overton Park, 3020 Overton Road

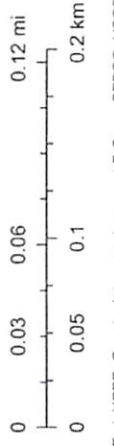
Tammy Reid, Administrative Analyst

Crestline Professional Lots



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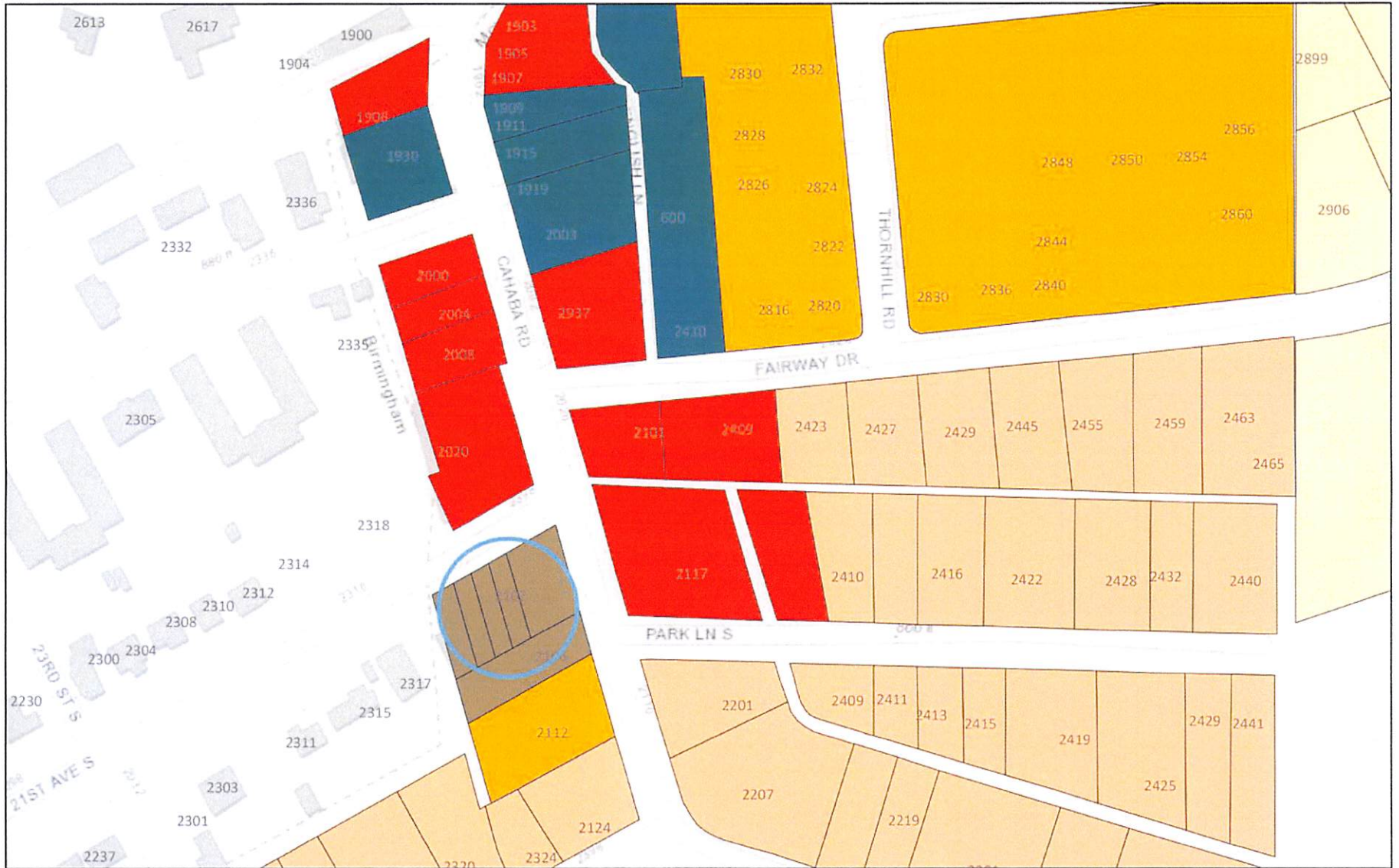
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- Tax_Parcels
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- Local Business District
 - Professional District
 - Residence A District
 - Residence B District
 - Residence C District
 - Residence D District
 - Residence E District
 - Recreation District
 - Rec-2
 - Vine Street Transitional

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA | Hunter Simmons I
 Web AppBuilder for ArcGIS

English Village Professional Lots



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SiteAddressPoints Tax_Parcels

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Local Business District

MXD

Professional District

Residence A District

Residence C District

Residence D District

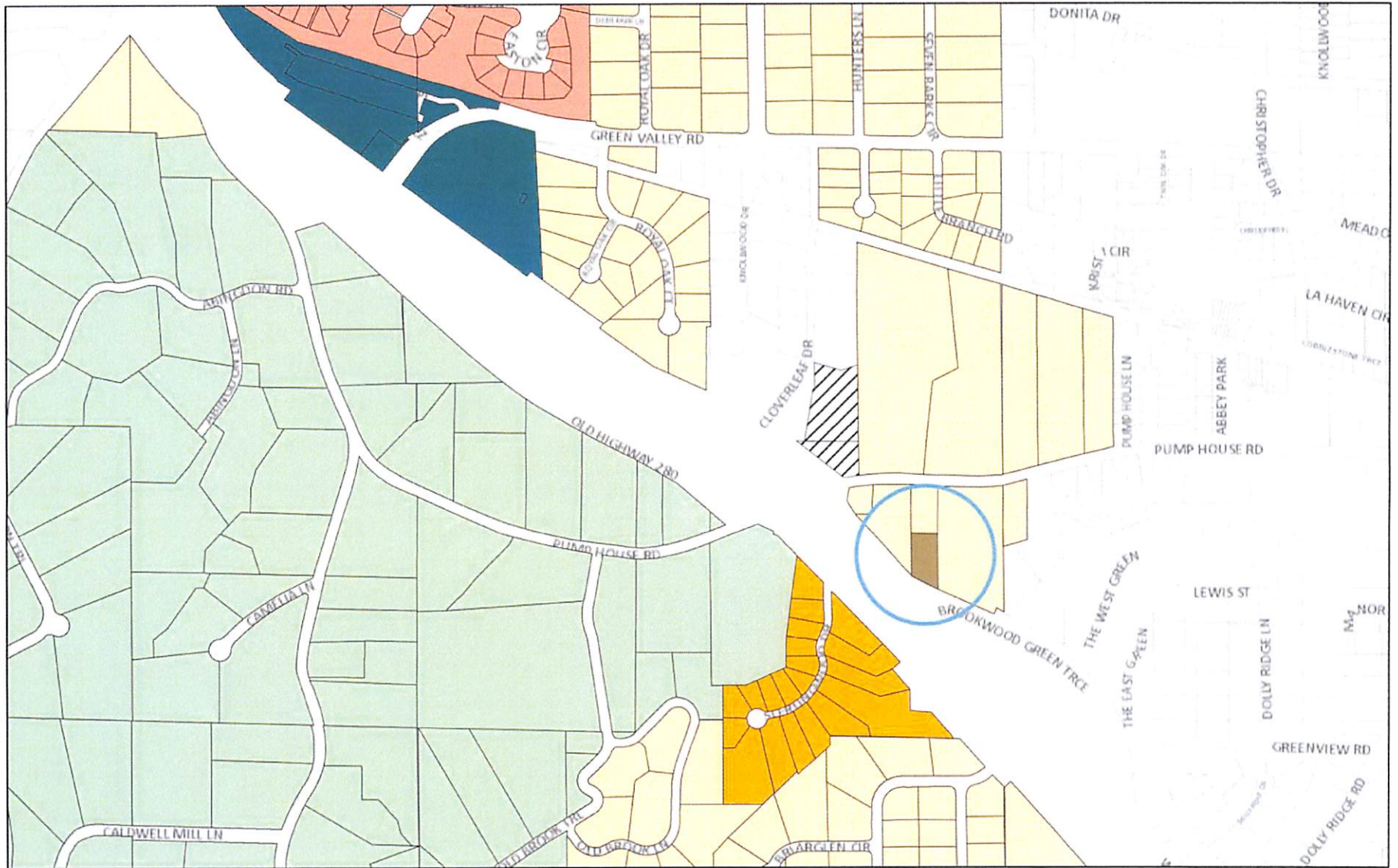
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Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS.

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Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA | Hunter Simmons |

Hwy 280 Professional Lot



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Tax_Parcels

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Clusted Residential

Estate Residence District

MXD

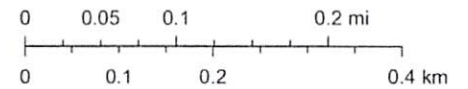
Professional District

PUD

Residence A District

Residence D District

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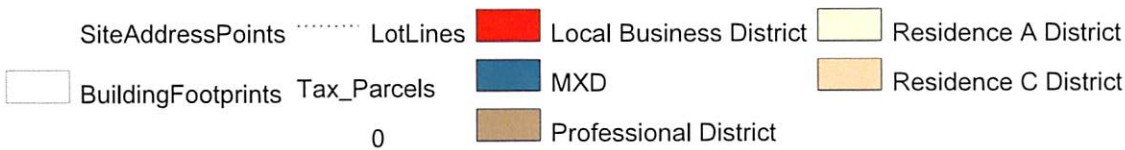


Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS,

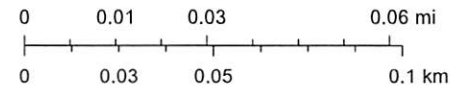
Overton Village Professional Lots



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Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS,

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