

**CITY OF MOUNTAIN BROOK**  
**NOTICE OF PROPOSED AMENDMENTS TO THE ZONING**  
**ORDINANCE AND OF PUBLIC HEARING THEREUPON**

Notice is hereby given that at a regular meeting of the Planning Commission of the City of Mountain Brook, Alabama, to be held on August 5, 2019, at 5:30 p.m. in Council Chambers at Mountain Brook City Hall, 56 Church Street, Mountain Brook, Alabama, said Planning Commission will hold a public hearing to consider a proposed amendment to Chapter 129 of the Code of the City of Mountain Brook, as it pertains to Article X as follows:

**“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. Banks (walk-in only);
4. Interior design studios;
5. Interior decorating studios
6. Personal fitness (limited to one-on-one personal trainers)
7. Photography studios;
8. Travel agents.
9. Professional design services of custom products
10. 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.

1. Whether the use would disparately impact public parking in the area;
2. Whether vehicular or pedestrian circulation would be adversely impacted by the use;
3. Whether the use would adversely impact surrounding existing uses;
4. Whether the hours of operation or peak traffic times would adversely impact the surrounding properties and public streets.
5. Whether sufficient landscape buffers exist or are proposed along any adjoining residential properties;

6. 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 April

23, 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 April 23, 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).”

At the aforesaid time and place, all persons who desire shall have an opportunity to be heard in opposition to or in favor of adoption of the proposed amendment.

**For questions concerning these proposed zoning amendments, 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. 129-431, 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

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Tammy Reid, Administrative Assistant