

**ORDINANCE NUMBER 3110**

**AN ORDINANCE TO FURTHER AMEND THE ZONING ORDINANCE AND THE ZONING MAP OF THE CITY OF VESTAVIA HILLS, ALABAMA, ADOPTED SEPTEMBER 16, 1985, AND AS LAST AMENDED SO AS TO CHANGE THE CLASS OF DISTRICT ZONING OF PROPERTY FROM VESTAVIA HILLS R-2 TO VESTAVIA HILLS B-2 WITH CONDITIONS**

**BE IT ORDAINED** by the City Council of the City of Vestavia Hills, Alabama, as follows: That the Zoning Ordinance and Zoning Map of the City of Vestavia Hills, Alabama, adopted September 16, 1985, and as last amended so as to change the class of district zoning of the following described property from Vestavia Hills R-4 (medium density residential district) to Vestavia Hills B-2 (general business district):

3912 Wooten Drive  
Mountain Heights Lawn Care, LLC, Owner

More Particularly Described as Follows:

Part of Lots 12 and 13, according to Jonas Schwab Co. survey, as recorded in Map Book 5, Page 35, in the Office of the Judge of Probate of Jefferson County, Alabama, more particularly described as follows:

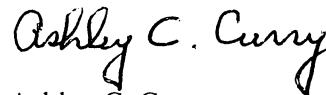
Begin at the northwest corner of Lot 12, run thence eastwardly along the North line of said Lot 12, for a distance of 244.40 feet; thence turn an angle to the right of 83° 27' and run southwardly for a distance of 475.25 feet; thence turn an angle to the right of 130° 23' and run northwestwardly for a distance of 161.00 feet to point of curve having a radius of 361.66 feet, a tangent distance of 107.50 feet and an intersection angle of 34° 00' left; thence continue northwestwardly around said curve for a distance of 173.2 feet, to a point in the west boundary line of said Lot 12, 9.5 feet north of the southwest corner; run thence northwardly along said west boundary line for a distance of 330.50 feet, to the point of beginning.

**BE IT FURTHER ORDAINED** that said zoning shall not be effective until the following conditions have been met:

1. That buffering be installed on either side of the property pursuant to the zoning code; and
2. That gravel be removed from the front of the property and a minimum of 10' of grassy area be installed followed by tree installation along the edge of the front of the property to mitigate any visual view of buildings, equipment, vehicles on property; and
3. That the existing buildings be relocated further back on the property and located behind the visual screening of the newly installed trees; and

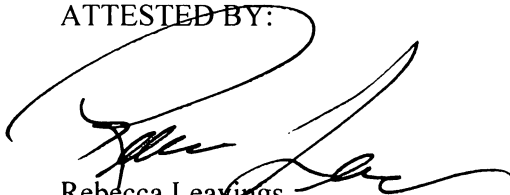
4. That said buffering and landscaping be approved prior to installation by the Design Review Board; and
5. That the City Planner inspect and approve the property improvements as required herein; and
6. That all required improvements be installed and approved by the City Planner prior to 11:59 PM, December 31, 2022; and
7. That private restrictive covenants be recorded in the Office of the Judge of Probate reflecting these conditions; and
8. That a copy of said recorded covenants be submitted to the Office of the City Clerk and filed with the ordinance of rezoning prior to effective date of rezoning.
9. That this zoning shall revert back to the R-4 residential zoning should the Mountain Heights Landscaping LLC business cease to exist or the business and/or the property is sold to another owner.

**APPROVED and ADOPTED** this the 22<sup>nd</sup> day of August, 2022.



Ashley C. Curry  
Mayor

ATTESTED BY:



Rebecca Leavings  
City Clerk

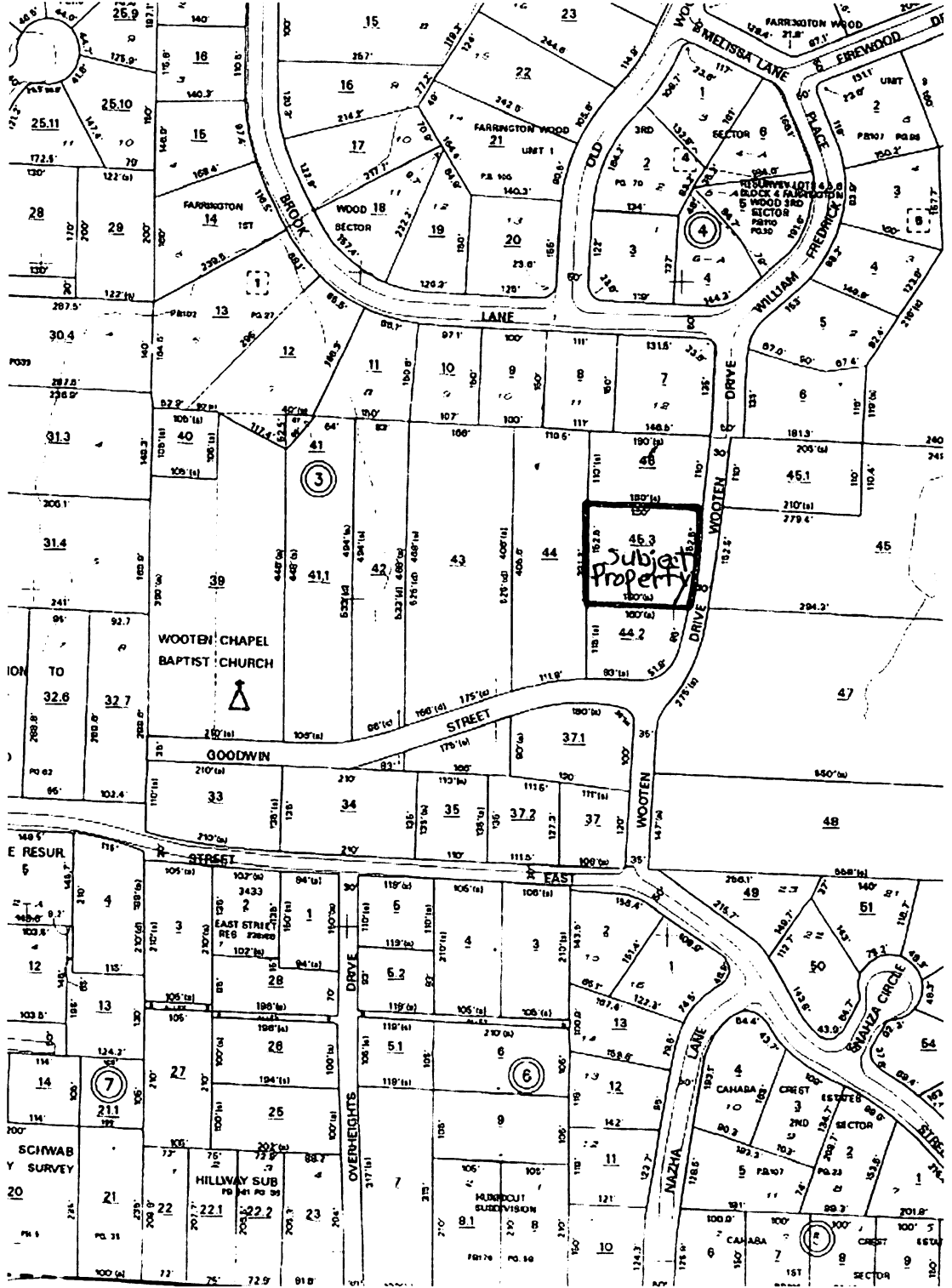
**CERTIFICATION:**

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 3110 is a true and correct copy of such 22<sup>nd</sup> day of August, 2022, as same appears in the official records of said City.

Posted at Vestavia Hills City Hall, Vestavia Hills Library in the Forest, New Merkle House and Vestavia Hills Recreational Center this the 22<sup>nd</sup> day of Dec., 2022.



Rebecca Leavings  
City Clerk





# City of Vestavia Hills

Planning and Zoning Commission Review and Recommendation



Case Number: RZ-22-2

Owner Name: Rocky Donahoo

Owner Address: 3901 Wooten Dr. Vestavia, AL 35243

Representative: Rocky Donahoo

Rep. Address:

Project Address: 3912 Wooten Dr

Legal Description:

Parcel ID Number:

Current Zoning: VH R-4

Requested Zoning: VH B-2 With Conditions

Intended Purpose: Lawn Care Business

**P&Z MOTION** Mr. Weaver made a motion to recommend Rezoning for 3912 Wooten Dr. Recommendation from Vestavia Hills R-4 to Vestavia Hills B-2 with the following conditions:

:

- (1) That buffering be installed on either side of the property pursuant to the zoning code;
- (2) that gravel be removed from the front of the property and a minimum of 10' of grassy area be installed followed by tree installation along the edge of the front of the property to mitigate any visual view of buildings, equipment, vehicles on the property;
- (3) that the existing buildings be relocated further back on the property behind the visual screening of the newly installed trees;
- (4) that said buffering and landscaping be approved by the Design Review Board;
- (5) that this zoning shall revert back to the R-4 residential zoning should the Mountain Heights Landscaping business cease to exist or is sold to another owner;
- (6) that covenants be recorded in the Office of the Judge of Probate reflecting said conditions and (7) that the City Planner inspect and approve the property improvements as recommended herein and that a copy of said recorded covenants be submitted to the Office of the City Clerk and filed with the ordinance of rezoning prior to effective date of rezoning.

Second was by Mr. Romeo. Motion was carried on a roll call; vote as follows:

Mr. Honeycutt – yes

Mr. Farrell – yes

Mr. Romeo – yes

Mr. Maloof – yes

Mr. Weaver– yes

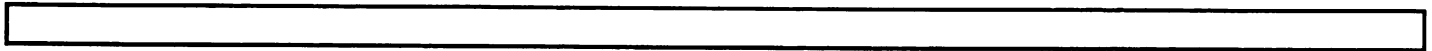
Mr. Vercher– yes

Ms. Barnes– yes

Motion carried.

Date of P&Z Meeting:

July 14, 2022

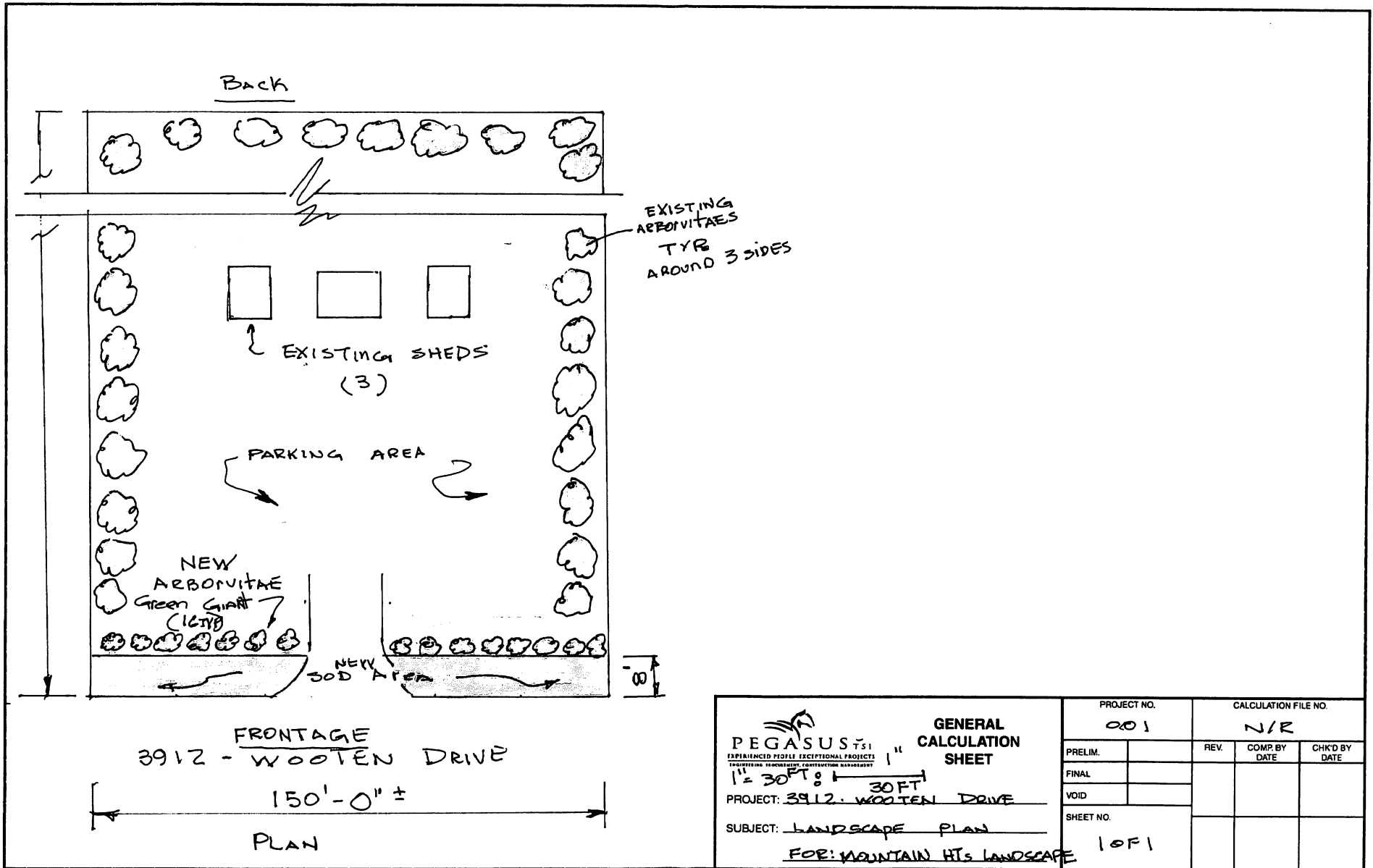



Authorized by:

Vestavia Hills Planning and Zoning Commission, Michael Vercher, Chair

Issued by:

Conrad Garrison, City Planner



 <b>PEGASUS</b> TSI <small>EXPERIENCED PEOPLE. EXCEPTIONAL PROJECTS.          ENGINEERING. ARCHITECTURE. CONSTRUCTION MANAGEMENT.</small> PROJECT: <u>3912 - WOOLEN DRIVE</u> SUBJECT: <u>LANDSCAPE PLAN</u> <u>FOR: MOUNTAIN HTS LANDSCAPE</u>	PROJECT NO. 001		CALCULATION FILE NO. N/R	
	PRELIM.		REV.	CHK'D BY
	FINAL		COMP BY	DATE
	VOID		DATE	DATE
SHEET NO. 1 OF 1				

L.L.C.

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS**

This Declaration of Covenants, Conditions, and Restrictions (“Declaration”) is made as of the date set forth below, by Mountain Heights Lawn Care, LLC, an Alabama Limited Liability Company (sometimes hereinafter referred to as “Declarant” and “Business”), owned and operated by Mr. Rocky D. Donahoo (“Owner”), which declares that the real property hereinafter described, is and shall be occupied subject to the covenants, conditions and restrictions hereinafter set forth.

**WHEREAS**, the Declarant is presently the owner of certain real property located at 3912 Wooten Drive, Vestavia Hills, Jefferson County, Alabama (“Property”), more particularly described in Map Book 5, page 35, recorded on 7th day of July, 2015, as Instrument Number 201514-15075, in the Office of the Judge of Probate of Jefferson County, Alabama;

**WHEREAS**, the Declarant intends to occupy and use the Property for a commercial business as a lawn care location, together with the use and removal of carports, commercial equipment, trailers, and vehicles thereof in furtherance of Business operation;

**WHEREAS**, the City Council of the City of Vestavia Hills, Alabama, approved and adopted Ordinance 3110, ordaining the Zoning Ordinance and Zoning Map of the City of Vestavia Hills, Alabama, adopted September 16, 1985, and as last amended, to change the class of district zoning of the Property from Vestavia Hills R-4 (medium density residential district) to Vestavia Hills B-2 (general business district) with conditions; and,

**WHEREAS**, the effectuation of zoning classification, *supra*, is conditioned upon satisfaction of the terms and conditions of this Declaration.

**NOW, THEREFORE**, the Property shall be held and occupied subject to the binding covenants, conditions, and restrictions set forth below:

1.1 Declarant shall make improvements to the Property as follows:

(a) Install buffering on either side of the Property pursuant to the applicable zoning code; and

(b) Remove gravel from the front of the Property and remove a minimum of 1 O' of grassy area followed by tree installation along the edge of the front of the Property to mitigate any visual view of buildings, equipment, vehicles on property; and

(c) Relocate existing buildings further back on the Property as to be located behind the visual screening of newly installed trees.

(d) The hereinabove buffering and landscaping improvements shall be approved prior to installation by the Design Review Board; and

(e) All improvements set forth above shall be installed and approved by the City Planner prior to 11:59 P.M., on December 31, 2022.

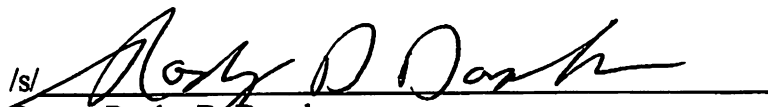
1.2 The zoning classification set forth in Ordinance 3110 and made a part hereof shall only permit the Property's Vestavia Hills B-2 zoning so long as the Property is occupied and used for commercial operation by Declarant specifically. In no event shall any organization or individual not specifically named herein occupy or use the Property for commercial purposes, unless otherwise allowed by the City of Vestavia by ordinance or other legal means at a later date.

1.3 The Vestavia Hills B-2 zoning classification implemented by this Declaration shall terminate and the Property shall revert to Vestavia Hills R-4 if the Business ceases to exist and/or upon any sale, transfer, or conveyance of the Property or Business to another Owner.

**IN WITNESS WHEREOF**, the undersigned have hereunto set their hands and seals

on this 17th day of NOVEMBER, 2022.

MOUNTAIN HEIGHTS LAWN CARE, LLC

/s/   
By: Rocky D. Donahoo  
Its: Owner

(Notary Acknowledgment on Following Page.)



STATE OF ALABAMA            )  
COUNTY OF JEFFERSON        )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Rocky D. Donahoo, whose name as Owner of Mountain Heights Lawn Care, an Alabama Limited Liability Company, is signed to the foregoing instrument and who is known to me, acknowledged before me that, being informed of the contents of the instrument, he, as such Owner, and with full authority, executed the same voluntarily for and as the act of said Limited Liability Company, on the day the same bears date.

Given under my hand and official seal, this the 17th day of NOVEMBER, 2022.

SEAL

*My L. Haysen*  
Notary Public  
My Commission Expires: 7-17-24  
*Shelby Co, AL*

