

**MOUNTAIN BROOK CITY COUNCIL
MEETING AGENDA**

**CITY HALL COUNCIL CHAMBER (ROOM A108)
56 CHURCH STREET
MOUNTAIN BROOK, AL 35213**

JUNE 23, 2014 – 7:00 P.M.

1. Approval of the minutes of the June 9, 2014 regular meeting of the City Council.
2. Consideration: Resolution reappointing Billy Angell to the Tree Commission (term to end May 9, 2017).
3. Public hearing: Consideration of an ordinance amending Section 109-32 of the City Code (Residential Code) regarding the waiver of certain replacement fenestration provisions.
4. Public hearing: Consideration of an amendment to The Park at Overton Residential Infill District (RID) master development plan for the consolidation of two lots into one and limiting the development to eighteen (18) or fewer lots to allow for the future consolidation of lots (without Council approval).
5. Consideration: Ordinance amending Section 34-7 of the City Code to prohibit the operation of any mechanically powered lawn equipment operated for commercial purposes within a Residential district between the hours of 6:00 p.m. and 8:00 a.m.
6. Announcement: The next regular meeting of the City Council will be July 14, 2014, at 7 p.m. in the Council Chamber of City Hall located at 56 Church Street, Mountain Brook, AL 35213.
7. Announcement: The City Council shall conduct a public hearing on July 14, 2014 at 7 p.m. at City Hall (Room A108) to consider an ordinance amending the [Mixed Use] master development plan for the property located at 1930 Cahaba Road in English Village (re: Vino Restaurant).
8. Other business.
9. Comments from residents.
10. Adjourn.

**MOUNTAIN BROOK CITY COUNCIL
PRE-MEETING DISCUSSION
JUNE 9, 2014**

The City Council of the City of Mountain Brook, Alabama met in public session in the Pre-council Room (A106) of City Hall at 6:15 p.m. on Monday, the 9th day of June, 2014. The Council President called the meeting to order and the roll was called with the following results:

Present: Virginia C. Smith, Council President
Amy G. Carter, Council President Pro Tempore
Jack D. Carl
William S. Pritchard, III
Jesse S. Vogtle, Jr.
Lawrence T. Oden, Mayor

Also present were City Attorney Whit Colvin, City Manager Sam Gaston, and City Clerk Steven Boone.

1. AGENDA

1. Fire hydrant rental costs and residential fire service contracts in unincorporated areas – Fire Chief Robert Ezekiel (Appendix 1). The members of the City Council expressed general agreement with the City taking over the estimated \$3,000 annual hydrant rentals in the unincorporated residential contract areas and recouping such cost through a nominal increase in the service contract fees. Rental agreements will be presented to the City Council for formal consideration and action at a later date.
2. Jim Priester requested consideration of a conditional use for church offices at 2416 Canterbury Road in Mountain Brook Village (Appendix 2). It was determined at a meeting earlier in the day, which included the City Attorney Whit Colvin, City Planner Dana Hazen, and Council members Smith and Pritchard, that the zoning ordinance does not currently allow such uses and that a zoning amendment would therefore be necessary. Accordingly, the City Attorney was instructed to draft an amendment to the zoning ordinance. The matter was continued to allow the proposed zoning amendment to proceed through the requisite review process starting with the Planning Commission.
3. Crestline Piggly Wiggly update – Robert Jolly of Retail Specialists. This matter was continued until June 23, 2014.
4. A discussion was held relative to a Community Development Block Grant Cooperative Agreement with Jefferson County. (Resolution No. 2014-072 was added to the formal agenda.)
5. A Council work session was scheduled for June 30, 2014 at 5:30 p.m. in the Pre-Council Room (A106) of City Hall to discuss proposed changes to the City's sign ordinance.

Upon conclusion of the City Council's review of the other formal [7 p.m.] agenda issues, Council President Smith adjourned the meeting.

Steven Boone, City Clerk

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF MOUNTAIN BROOK, ALABAMA
JUNE 9, 2014**

The City Council of the City of Mountain Brook, Alabama met in public session in the City Hall Council Chamber at 7:00 p.m. on Monday, the 9th day of June, 2014. The Council President called the meeting to order and the roll was called with the following results:

Present: Virginia C. Smith, Council President
Amy G. Carter, Council President Pro Tempore
Jack D. Carl
William S. Pritchard, III
Jesse S. Vogtle, Jr.
Lawrence T. Oden, Mayor

Also present were City Attorney Whit Colvin, City Manager Sam Gaston, and City Clerk Steven Boone.

The City Council President stated that a quorum was present and that the meeting was open for the transaction of business.

1. CONSENT AGENDA

Council President Smith announced that the following matters will be considered at one time on the consent agenda provided no one in attendance objects:

Approval of the minutes of the May 27, 2014 meeting of the City Council.

- | | | |
|-----------------|---|--------------------------|
| 2014-067 | Recommend to the ABC Board the issuance of an 040 – Retail Beer (On or Off Premises) and an 060 – Retail Table Wine (On or Off Premises) licenses to Pizza 120, LLC (dba\Pizza 120) located at 2737 Highway 280 South, Suite 151, Mountain Brook, AL 35223. | Exhibit 1,
Appendix 1 |
| 2014-068 | Set a public hearing for July 14, 2014 at 7 p.m. to consider an ordinance amending the PUD development plan for the Lane Parke development (Ordinance No. 1871 adopted May 21, 2012). | Exhibit 2 |
| 2014-069 | Set a public hearing for July 14, 2014 at 7 p.m. regarding a proposal to amend the Mixed Use Development Plan for the property located at 1930 Cahaba Road in English Village (Rabiee property/old Zeitz Motors site/Vino Restaurant) with respect to the conditions previously established pursuant to Resolution No. 01-242 adopted on February 26, 2001. | Exhibit 3 |
| 2014-070 | Declare certain property surplus and authorizing its sale at public Internet auction. | Exhibit 4 |

- | | | |
|-----------------|---|--------------------------|
| 2014-071 | Authorize the City's participation in the 2014 "Back-to-School" Sales Tax Holiday, beginning at 12:01 a.m. on Friday, August 1, 2014, and ending at twelve midnight on Sunday, August 3, 2014, whereby the City of Mountain Brook will exempt certain school supplies, computers, and clothing from municipal sales or use tax in conformance with the time period, terms and conditions, and definitions as provided for the "State of Alabama Sales Tax Holiday". | Exhibit 5,
Appendix 2 |
| 2014-072 | Authorize the execution of a Community Development Block Grant Program Cooperative Agreement with Jefferson County, Alabama. | Exhibit 6,
Appendix 3 |

Thereupon, the foregoing minutes and resolutions were introduced by Council President Smith and their immediate adoption was moved by Council member Pritchard. The minutes and resolutions were then considered by the City Council. Council member Vogtle seconded the motion to adopt the foregoing minutes and resolutions. Council member Vogtle then stated for the record that he will abstain from voting with respect to Resolution No 2014-69. Then, upon the question being put and the roll called, the vote was recorded as follows:

Ayes: Virginia C. Smith, Council President
 Amy G. Carter, Council President Pro Tempore
 Jack D. Carl
 William S. Pritchard III
 Jesse S. Vogtle, Jr. (Abstaining on Resolution No. 2014-069)

Nays: None

Council President Smith thereupon declared that said minutes and Resolution Nos. 2014-067, 2014-068, 2014-070, 2014-071, and 2014-072 are adopted by a vote of 5—0 and that Resolution No. 2014-069 is adopted by a vote of 4—0.

2. ANNOUNCEMENT REGARDING THE NEXT REGULAR MEETING OF THE CITY COUNCIL

Council President Smith announced that the next meeting of the Mountain Brook City Council will be held on Monday, June 23, 2014 at 7 p.m. in the Council Chamber of City Hall located at 56 Church Street, Mountain Brook, AL 35213. Please visit the City's web site (www.mtnbrook.org) for more information.

3. ADJOURNMENT

There being no further business to come before the City Council at this time, Council President Smith adjourned the meeting.

Steven Boone, City Clerk

RESOLUTION NO. 2014-073

BE IT RESOLVED by the City Council of the City of Mountain Brook, Alabama, that Billy Angell is hereby re-appointed to serve a third term on the Tree Commission, to serve without compensation, with the term of office to end May 9, 2017.

ADOPTED: This 23rd day of June, 2014.

Council President

APPROVED: This 23rd day of June, 2014.

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 a resolution adopted by the City Council of the City of Mountain Brook at its regular meeting held on June 23, 2014, as same appears in the minutes of record of said meeting.

City Clerk

ORDINANCE NO. 1906

AN ORDINANCE AMENDING CHAPTER 109 OF THE CITY CODE

BE IT ORDAINED by the City Council of the City of Mountain Brook that Chapter 109, Article II - Building Code, Division I of the Code of the City of Mountain Brook, Alabama ("City Code") shall be amended as follows:

Section 1. Section 109-32 of the City Code shall be amended by adding subsection (f) so that the entire Section 109-32, as amended, shall be as follows:

Sec. 109-32. Same---Amendments

The building code adopted by section 109-31 is amended as follows:

- (a) Section R108.2 of the International Residential Code is hereby repealed and replaced with the following:

"R108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee or fees as set forth in City Code Section 14-1 shall be paid at the time of filing application, in accordance with such fee schedule as shall be set from time to time by the city council. A list of such fees shall be kept on file in the city clerk's office."

- (b) Section R110.1 of the International Residential Code is hereby repealed and replaced with the following:

"R110.1 Use and occupancy. No residential building or structure shall be used or occupied, and no change in the existing occupancy classification of a residential building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy which has been signed by the building official and the city manager. No commercial building or structure shall be used or occupied, and no change in the existing occupancy classification of a commercial building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy which has been signed by the building official, the fire official, and the city manager. A certificate of occupancy shall not be issued until after the city manager shall have determined that the building conforms to all provisions and regulations of the city with respect thereto, including its use under the zoning ordinances of the city. A certificate of occupancy (whether a temporary certificate or the regular certificate) issued without the signature of the building official, fire official (in the case of commercial buildings), and the city manager shall not be deemed to be a certificate of occupancy issued under this code or under the city's zoning ordinance."

- (c) Section R112 (Board of Appeals) of the International Residential Code is hereby repealed and replaced with the following:

"Section R112 Board of Appeals. Appeals regarding the application of the adopted building and fire codes may be presented to the city manager for consideration. The city manager may elect to render a decision on such appeal or

remand the appeal to the board of zoning adjustment. In cases where the appeal is heard by the city manager and a decision is rendered, the appellant, if not satisfied with the decision, may then appeal to the board of zoning adjustment.

The board of zoning adjustment of the City of Mountain Brook, Alabama, as said board is prescribed by Section 11-52-80 Code of Alabama (1975), as amended, shall constitute a board of adjustments and appeals under this code."

- (d) Section R113.4 of the International Residential Code is hereby repealed and replaced with the following:

"R113.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

In instances where a person commences work prior to making application for a required permit, all applicable permit fees shall be doubled. Once notified in writing by the building official of the city that a report or building permit application must be submitted, such person must submit such report within ten (10) days. Persons who fail to make such report within the time period required shall be subject to additional penalties as provided under Sec. 1-6.1 of the city code and by § 13A-10-4 of the Code of Alabama."

- (e) Section P2904.1 of the International Residential Code shall be hereby amended by adding the following provision:

"P2904.1.2 Sprinkler Exemption. Any homeowner may, upon application to the City, request an exemption to the sprinkler requirement of P2904.1.1 and such exemption shall be granted upon the following:

- a. The applicant must either confer with the Fire Marshal or his or her designee about the benefits of installing a residential fire sprinkler system or review presentation materials developed by the Fire Marshal concerning sprinkler systems; and
- b. The applicant must certify that he or she has met the requirements in subsection (a) above, and fully understands and acknowledges the risks of opting not to install a residential fire sprinkler system.

Exception:

1. No exemption shall be granted for any dwelling constructed less than 5 feet from the property line in accordance with Table R302.1 (1).
2. No exemption shall be granted for 2-family dwelling units."

“(f) The following provisions of the International Residential Code (IRC) are inapplicable with respect to the repair, renovation, alteration, reconstruction of or room additions to existing buildings and structures that are within the scope of the IRC:

- a. **Subsection N1102.3.6 (R402.3.6) Replacement fenestration in Chapter 11 - Energy Efficiency; and**

b. Subsection AJ102.4 Replacement windows of Appendix J - Existing Buildings and Structures.”

Section 2. This ordinance is cumulative in nature and is in addition to any power and authority which the City of Mountain Brook may have under any other ordinance or law.

Section 3. 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. This section shall become effective immediately upon adoption and publication as provided by law.

ADOPTED: This 23rd day of June, 2014.

Council President

APPROVED: This 23rd day of June, 2014.

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 June 23, 2014, as same appears in the minutes of record of said meeting, and published by posting copies thereof on June 24, 2014, 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
The Invitation Place, 3150 Overton Road

City Clerk

ORD 1907

AMENDED DEVELOPMENT PLAN FOR THE PARK AT OVERTON

Petition Summary

Request to amend the master development plan for The Park at Overton to allow the existing 18 lots or fewer (allowing for the potential for vacant lots to be combined in the future).

The Park at Overton is a Residential Infill District, where the approved development plan serves as the zoning. The development was originally approved with 19 lots. In 2012, Lots 12 & 13 were combined into one lot (12-A) via a resurvey and amended development plan (Case 1855).

The current proposal is to combine Lots 7 & 8. The attached lot layout indicates lots that are currently vacant and those under construction. All others in the subdivision are developed. As may be seen on this plan, there are only two instances where a vacant lot adjoins another one, with the potential for future combining from two lots into one lot: Lots 7/8 and Lots 14/15.

An approval of this amended development plan would allow the current 18 lots or fewer (in the case of future combining of lots).

Subject Property and Surrounding Land Uses

The subject development contains single family dwellings and is surrounded by the same.

Affected Regulation

Article XXVIII, Residential Infill District

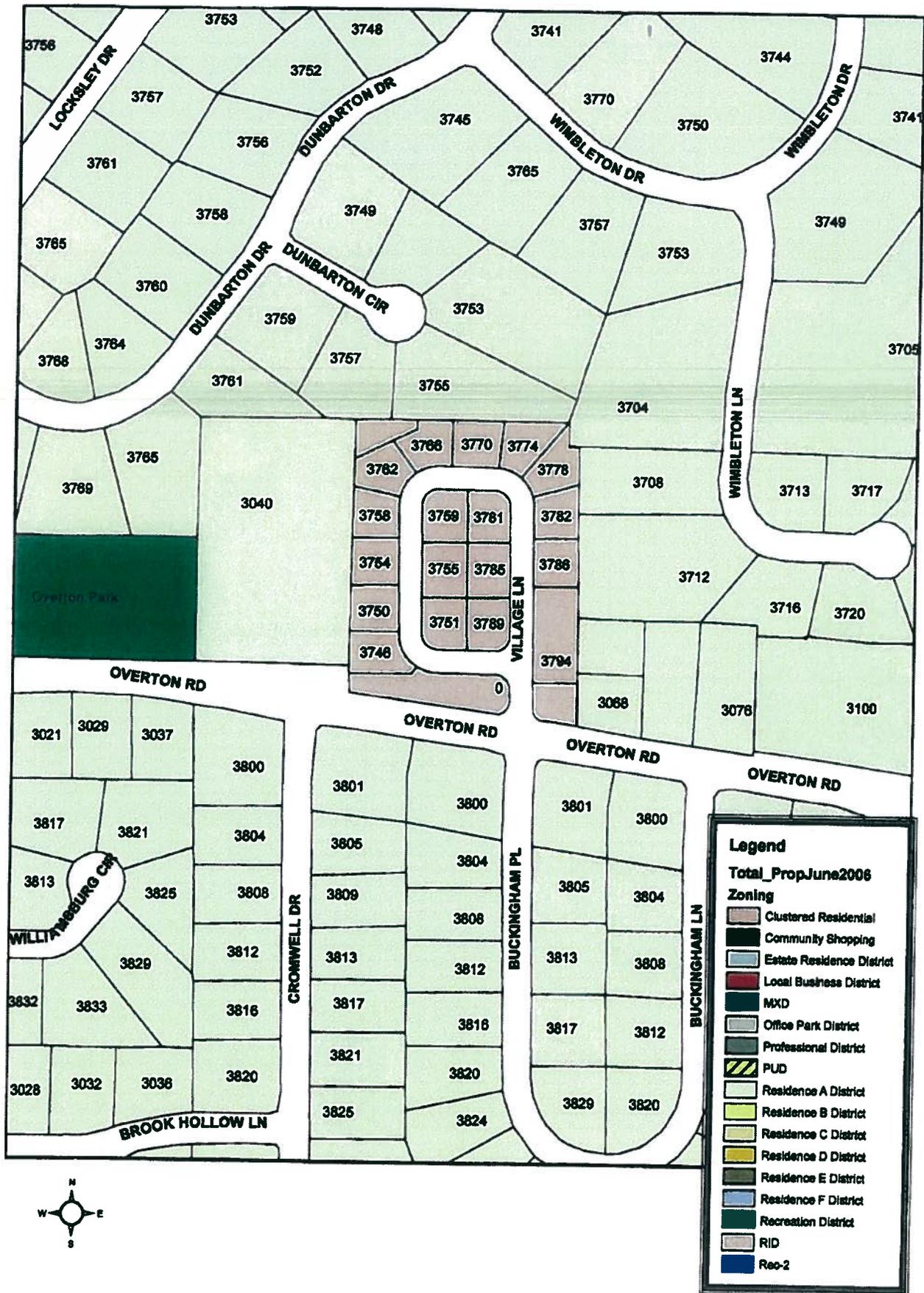
Appends

LOCATION: 3746 – 3794 Village Lane

CURRENT ZONING: RID

APPLICANT: Overton Investors, LLC

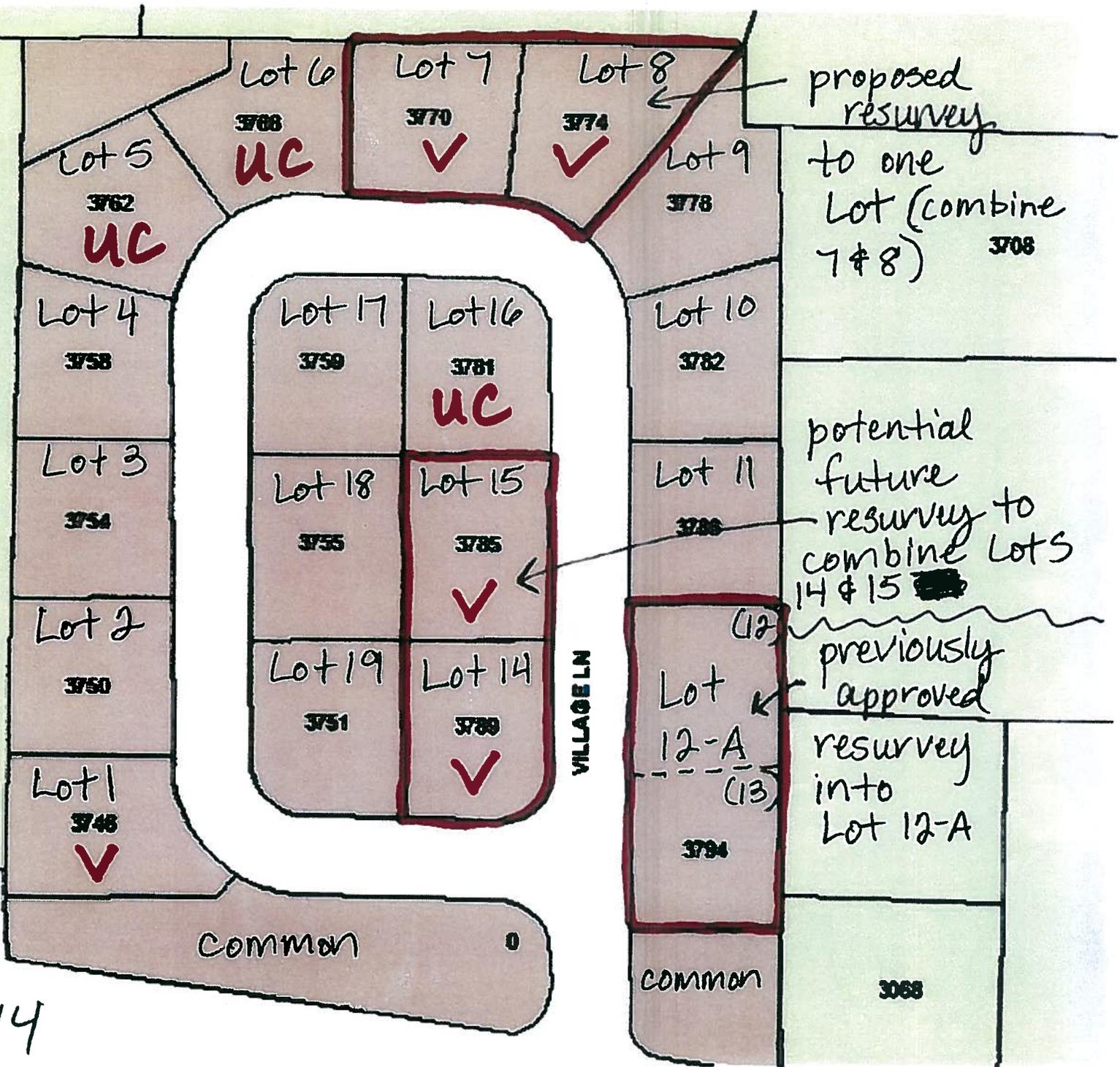
AGENT: Tommy Brigham





1914

V = vacant
UC = under construction



ERTON RD

1914

ORDINANCE NO. 1907

AN ORDINANCE TO AMEND THE MASTER DEVELOPMENT PLAN FOR THE PARK AT OVERTON, IN THE CITY OF MOUNTAIN BROOK, ALABAMA, TO ALLOW THE EXISTING 18 OR FEWER LOTS WITHIN THE SUBDIVISION.

WHEREAS, after due consideration, the City Council has determined that the master development plan for The Park at Overton should be permitted future resurveys within the subdivision that would result in the same or fewer lots.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mountain Brook as follows:

1. Master Development Plan. The Master Development Plan and the materials submitted by the applicant, as required by Section 129-497 of the Mountain Brook City Code, are made a part hereof and are specifically incorporated herein by reference, said Plan and materials constituting regulatory standards for use of the affected Property, subject to modification only as provided for in Article XXVIII, Chapter 129 of the Mountain Brook City Code.

2. Description of Affected Property. The property that is the subject of the rezoning approved by this ordinance is described as follows:

LOTS 1-11, 12-A & 14-19 OF THE PARK AT OVERTON, AS RECORDED IN MAP BOOK 215, PAGE 60 IN THE OFFICE OF THE JUDGE OF PROBATE, JEFFERSON COUNTY, ALABAMA, BEING SITUATED IN SECTION 15, TOWNSHIP 18 SOUTH, RANGE 2 WEST, JEFFERSON COUNTY, ALABAMA.

3. 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.

4. 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.

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

ADOPTED: This 23rd day of June, 2014.

Council President

APPROVED: This 23rd day of June, 2014.

Mayor

1907

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 June 23, 2014, as same appears in the minutes of record of said meeting, and published by posting copies thereof on June 24, 2014, at the following public places, which copies remained posted for five (5) days as required by law.

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The Invitation Place, 3150 Overton Road

City Clerk

ORD 1908

-----Original Message-----

From: Ed Thomas [mailto:edthomas@thomasagency.com]

Sent: Friday, June 06, 2014 6:48 PM

To: Jesse Vogtle

Cc: gastons@mtnbrook.org

Subject: Leaf Blowers

Jesse,

I hope you are doing well. I recently read in Village Living about a possible ordinance to limit the use of leaf blowers by contractors to certain hours. I am 110% for this rule!! I have a neighbors contractor that shows up late evenings on Friday or Saturday evenings and does not get finished until 6:30 or 6:45. Just last Saturday night they did not finish until 6:35pm. For the last 20 minutes they had 3 backpack leaf blowers at full throttle, I was out back on my deck trying to enjoy a nice quite evening with a drink but was not able to. If I had guests over we would not have been able to talk without screaming at one another. Theses guys need to be finished and done by 6 especially on weekends when people have company more often.

Unfortunately I will be out of town this Monday or I would attend the meeting to support this ordinance in person.

Please contact me if you have any questions.

Ed Thomas
Thomas Agency, Inc.
Birmingham, Al
205-951-3100 - o
205-253-7633 - m

From: Ann Grosse <office@fathernaturelandscapes.com>
Date: June 13, 2014 at 7:51:50 AM CDT
To: gastons@mtnbrook.org
Subject: Notice of Proposed Noise Ordinance Change

Dear Mr. Gaston.

This email is in response to the above referenced notice we received in which City of Mountain Brook proposes a change to the noise ordinance, namely that no mechanically powered equipment by commercial landscape service providers be used during the hours of 6 p.m. and 8 a.m.

We own and operate two landscaping companies, Father Nature Landscapes of Birmingham and Integrity Gardens, who install and maintain landscapes professionally. 8 a.m. is difficult and potentially costly for business operations that we request a 30 minute (to 7:30 a.m.) movement of the proposed start time on weekday mornings.

Our crews begin their day at 6:30 a.m. loading their vehicles at our location and we are usually on our job sites by 7:15 a.m. unloading the vehicles. Out of respect to our clients we do not start running any equipment until 7:30 a.m.

We would understand if Mountain Brook residence want to impose a stricter time table on weekends as many people do have a service on weekends.



5536 DERBY DRIVE
BIRMINGHAM, AL 35210

Tel 205 536 7523
Fax 205 536 7527

blackjackhorticulture.com

June 18, 2014

Mr. Sam Gaston, City Manager
City of Mountain Brook
PO Box 130009
Mountain Brook, AL 35213

Dear Sam,

I hope you are doing well and enjoying the new City Hall facility. It is a beautiful complex and I'm sure everyone is pleased to be settled. Blackjack Horticulture is grateful to be able to work directly with the city maintaining various parts of the landscape in the commercial villages including City Hall.

We received notice of the proposed change to the city's noise ordinance pertaining to restricting the operation of equipment between 6pm and 8am within residential districts. As a resident of Mountain Brook and a business owner, I am writing to express our concern that the proposed change to the noise ordinance would dramatically impact our operations as they currently exist.

While our crews do not routinely work late into the evening hours and would not be greatly affected by the 6pm time restriction, we would however be affected by the 8am restriction. Our crews begin their day at our facility at 6:30am and arrive at their first stop of the day between 7:00-7:15am. Many of these locations are in Mountain Brook. By moving the start time to 8am, we would spend a considerable amount of time and energy changing the routes of crews and notifying clients, some of whom have been accustomed to that time slot for years. For service companies like ours, our work start time allows us to avoid the summer afternoon heat which is a major factor and safety concern. It also solves a logistical issue by allowing us to avoid rush hour and school traffic in the villages so as to save time and help minimize safety concerns.

We would ask the council to consider allowing the start time to be 7:00am during the week, which I understand is the same time in which construction crews may begin work. Our company also performs landscape construction projects, and it doesn't seem consistent to allow construction-related crews to begin at 7:00am, but to delay maintenance service providers until 8:00am.



5536 DERBY DRIVE
BIRMINGHAM, AL 35210

Tel 205 536 7523
Fax 205 536 7527

blackjackhorticulture.com

I appreciate your notifying of us the proposed change and the city's consideration of our comments in making their decision. I currently plan to attend the council meeting Monday night, but am certainly available prior to then if you would like to discuss this further.

Sincerely,

A handwritten signature in black ink, appearing to read "By Word", is written over a faint horizontal line.

Bryan Word
President

ORDINANCE NO. 1908

AN ORDINANCE AMENDING CHAPTER 34 OF THE CITY CODE

BE IT ORDAINED by the City Council of the City of Mountain Brook that Chapter 34 of the Code of the City of Mountain Brook, Alabama (“City Code”) shall be amended as follows:

Section 1. Section 34-7 of the City Code shall be amended by inserting two additional provisions as subsections (b) and (c) and by moving the former subsection (b) to subsection (d) so that the entire Section 34-7, as amended, shall be as follows:

Sec. 34-7. Noise.

- a) It shall be unlawful for any person to make, cause to be made or permit to be made, in or about a dwelling, church, hospital, public school, public building, public park, store, street or other public thoroughfare in the city, any noise, either by crying out, calling or shouting or by means of a whistle, siren, megaphone, bell, gong, drum, victrola, radio or other instrument or mechanical device, for the purpose of advertising any business or any article for sale or exchange or for the purpose of attracting attention or inviting the patronage of any person to any business whatsoever; or to make, cause or permit to be made in or about any of the aforesaid places any unnecessary or excessive noise, either by crying out, calling or shouting or by means of any instrument or mechanical device whatsoever.
- b) It shall be unlawful and a nuisance for any person to make, continue or cause to be made or continued any unreasonably loud or excessive noise which unreasonably annoys, disturbs, injures, endangers or interferes with the comfort, repose, health, peace or safety of others in the corporate limits of the City of Mountain Brook, Alabama. It shall also be unlawful and a nuisance for any person to permit any such noise to be made in or upon any house or premises owned, possessed, managed or controlled by such person.
- c) In addition to the general prohibition set forth above, the following acts or noises are declared to be in violation of this Code, provided however, that such enumeration shall not be deemed to be exhaustive or exclusive:

The operation or permitting the operation of any mechanically powered lawn equipment operated for commercial purposes within a Residential district, between the hours of 6:00 p.m. and 8:00 a.m. For the purposes of this subsection, lawn equipment includes, but is not limited to, leaf blowers, lawnmowers, tractors, stump grinders, chippers, string trimmers, clippers, edgers and any other mechanically powered garden tool, blower or device.

- d) Any person who shall violate any provision of this section shall, upon conviction thereof, be punished within the limits and as provided by section 1-9 of this Code.

Section 2. This ordinance is cumulative in nature and is in addition to any power and authority which the City of Mountain Brook may have under any other ordinance or law.

Section 3. 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. This section shall become effective immediately upon adoption and publication as provided by law.

ADOPTED: This 23rd day of June, 2014.

Council President

APPROVED: This 23rd day of June, 2014.

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 at its meeting held on June 23, 2014, as same appears in the minutes of record of said meeting, and published by posting copies thereof on June 24, 2014, 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
The Invitation Place, 3150 Overton Road

City Clerk

<p>ADVANCED TURF CARE LLC 3309 BUCKHEAD DRIVE BIRMINGHAMAL 35216</p>	<p>AE, LLC 9675 Old Springville Road TrussvilleAL 35173</p>	<p>ALABAMA PEST CONTROL, INC 857 Gadsden Hwy BirminghamAL 35235</p>
<p>ALABAMA PEST CONTROL, INC 857 Gadsden Hwy BirminghamAL 35235</p>	<p>ALABAMA PEST CONTROL, INC 857 Gadsden Hwy BirminghamAL 35235</p>	<p>Alabama Professional Services P O BOX 100909 IRONDALEAL 35210</p>
<p>Alabama Termite & Pest Control P.O. Box 768 BessemerAL 35021</p>	<p>Alalawn Landscape Design and Construction P O BOX 26029 HOOVERAL 35260</p>	<p>ALLEN TREE SERVICE INC 2774 RUFFNER ROAD BIRMINGHAMAL 35210</p>
<p>AMERICAN TERMITE & PEST INC 1441 MONTGOMERY HWY VESTAVIAAL 35216</p>	<p>AMERICAN TREE MAINTENANCE INC 6340 CHELSEA ROAD COLUMBIANAAL 35051</p>	<p>Aqua Chem Lawn Care 1007 Yeager Pkwy PelhamAL 35124</p>
<p>ARMPFIELD, ROGER 80 LAGUNA LANDING WARRIORAL 35180</p>	<p>BARRERA, MAGNO CHAMORRO 3233 Ridgely Dr VestaviaAL 35243-5105</p>	<p>Beyond Landscape & Design LLC 1016 Mallary Road WilsonvilleAL 35186</p>
<p>Bihl, Mike PO Box 774 Moody ALAL 35004</p>	<p>Biter Fighters, LLC 6345 Letson Farm Trl BessemerAL 35022</p>	<p>Blackjack Horticulture, Inc 5536 Derby Dr BirminghamAL 35210</p>
<p>Blackjack Horticulture, Inc 5536 Derby Dr BirminghamAL 35210</p>	<p>Bradford Horticulture LLC 2004 Madison Circle ChelseaAl 35043</p>	<p>BURFORDS TREE SURGEONS INC 4229 CHOCTAW TRAIL ANNISTONAL 36206</p>
<p>BUSH, JIM P O BOX 100654 BIRMINGHAMAL 35210</p>	<p>Cahaba Valley Termite & Pest Control P.O. Box 1105 LeedsAL 35094</p>	<p>CALLOWAY INC P O Box 362123 HooverAL 35236</p>
<p>Castellow, Morgan 2712 Caldwell Ave South BirminghamAL 35205</p>	<p>Cater Design & Landscape LLC 524 Mineral Trace HooverAL 35244</p>	<p>Cater Design & Landscape LLC 524 Mineral Trace HooverAL 35244</p>
<p>CHAMBLESS, TIMOTHY N 1372 SAINT ANDREWS PKWY ONEONTAAL 35121</p>	<p>CHILDERS & ASSOCIATES 2944 RHODES CIRCLE BIRMINGHAMAL 35205</p>	<p>CLASSIC GARDENS & LANDSCAPING INC 1855 CARSON ROAD BIRMINGHAMAL 35215</p>

Colleys Landscape
12150 Shoal Creek Road
AshvilleAL
35953

COOKS PEST CONTROL INC
P O BOX 669
DECATURAL
35602

Corley, A J
2298 Pleasant Valley Road
OdenvilleAL
35120

COWAN, MICHAEL
1634-A MONTGOMERY HWY
HOOVERAL
35216

Create A Scape LLC
P.O. Box 381416
BirminghamAL
35238

Create A Scape LLC
P.O. Box 381416
BirminghamAL
35238

Curb Appeal Inc
P O Box 19396
BirminghamAl
35219

Cut N Care Lawn & Landscape, Inc.
512 Sandstone Drive
TuscaloosaAL
35405

Daviscapes Inc
P.O. Box 101525
IrondaleAL
35210

Daviscapes Inc
P.O. Box 101525
IrondaleAL
35210

DC-SCIENTIFIC PEST CONTROL INC
1714 GREENSBORO AVENUE
TUSCALOOSAAL
35401

Dennis, Richard S
6354 Hwy 10
MontevalloAL
35115

DOCKINS, DEBRA
380 JAY LANE
EMPIREAL
35063

DOLPHIN ENVIRONMENTAL
SERVICES INC
PO Box 735
TRUSSVILLEAL
35173-0735

Donaldson Group LLC
621 Strathmore Rd
BirminghamAL
35213

Dragonfly Enterprises LLC
P.O. Box 100402
IrondaleAL
35210

DUNKLE, JUDITH S
640 Rumson Rd
BirminghamAL
35209

Eady, Davey
P. O. Box 170192
TrussvilleAL
35217

Edko, LLC
P. O. Box 1577
TuscaloosaAL
35403

Endless Summer Landscapes LLC
1621 Roseland Drive
HomewoodAL
35209

ENVIROCARE LLC
PO BOX 1177
Alexander CityAL
35001

EVANS TREE SERVICE INC
P O BOX 530001
BIRMINGHAMAL
35253

EVANS TREE SERVICE INC
P O BOX 530001
MOUNTAIN BROOKAL
35253

Fairway Lawns Inc
PO Box 55900
Little RockAR
72215

Father Nature Landscape
P O Box 430056
BirminghamAl
35243

Fincher, Josh
165 Turkey Trail
OdenvilleAL
35120

Fitzgerald, Mike
411 Clermont Dr
HomewoodAL
35209

Flowers, Thornton
2214 Avenue I Ensley
BirminghamAL
35218

FRANKLIN, DAVID ALAN
P O BOX 426
MOODYAL
35004-

Freeland Landscape Design LLC
3104 North Woodridge Rd
Mountain BrookAL
35223

Freeland Landscape Design LLC
3104 North Woodridge Rd
Mountain BrookAL
35223

GARDNER LANDSCAPE LLC

3965 Lorna Crest Dr
BIRMINGHAMAL
35244

GHOLSTON TREE SERVICE INC

800 45TH PLACE NORTH
BIRMINGHAMAL
35212

Gonzalez, Hernan

125 Rock Valley Rd
HelenaAL
35080

Gro, LLC
110 Office Park Drive
Mountain BrookAL
35223

GUARDIAN PEST CONTROL
P.O. BOX 4124
COLUMBUSGA
31904

HERITAGE LAWN AND TREE CARE

P O box 381293
BirminghamAL
35242

HINES, ALLEN
3535 Rockwill Road
BirminghamAL
35223

IFK Lawn Service LLC

3628 Chaumont Drive
BirminghamAL
35223

K & M Landscape Contractors LLC

3970 Maplewood Drive
BessemerAL
35022

Gagb LLC
2191 Montevallo Rd SW
BirminghamAL
35211

GARY WEBB HORTICULTURIST INC
6433 ADVENT CIRCLE
TRUSSVILLEAL
35173

GILLILAND, JESS
7929 HIGHWAY 13
HelenaAL
35080

Green Again, Inc

5342 Overton Rd
BirminghamAL
35210

GUARANTY PEST CONTROL INC
PO BOX 569
BESSEMERAL
35020

HAND LAND MANAGEMENT INC

505 East 21st St
JasperAL
35501

HERITAGE LAWN AND TREE CARE
P O box 381293
BirminghamAL
35242

HORIZONS ENVIRONMENTAL
SERVICES INC
4024 AUTUMN LANE
BIRMINGHAMAL
35243

Integrity Gardens of Birmingham, Inc.

P.O Box 430036
BirminghamAL
35243

KEITH LANDSCAPING CO. & NURSER

6750 TRUSSVILLE CLAY ROAD
TRUSSVILLEAL
35173-

GARDEN TRENDS INC
7852 ROCK CREEK CIRCLE
BESSEMERAL
35023

GC & P
P. O. Box 530324
BirminghamAL
35223

Gonzalez, Hernan
125 Rock Valley Rd
HelenaAL
35080

GRIMCO INC
4000 FOWLER LAKE ROAD
BIRMINGHAMAL
35242

GUARANTY PEST CONTROL INC
PO BOX 569
BESSEMERAL
35020

HARVARD PEST CONTROL INC
P O BOX 447
HATTIESBURGMS
39403

Hershey Holdings, LLC
P. O. Box 11052
HuntsvilleAL
35814

Hunters Green LLC

726 Twin Branch Dr
VestaviaAL
35226

Joes Professional Tree Service, Inc.
925 Mockingbird Lane
LeedsAL
35094

LANCASTER, DANE
49 RED SLICK ROAD
PELHAMAL
35124

Landmark landscape Group, Inc

P.O. Box 380936
BirminghamAL
35238

Landscape Foundry, LLC

P.O. Box 433
TrussvilleAL
35173

LANDSCAPE SERVICES INC

4641 HIGHWAY 280 EAST
BIRMINGHAMAL
35242

Landscape Workshop LLC

3601 Parkwood Road SE
BessemerAL
35022

Lange Solutions, LLC

4015 Highland Ridge Rd
BirminghamAL
35242

Lawley, Bobby

186 Lawley Drive
AlabasterAL
35007

Lawn Guard Inc

5703 Shadow Lake Dr
PinsonAL
35126

Lawn Works Company (The)

1369 Oak Grove Rd
SpringvilleAL
35146

Lawn Works Company (The)

1369 Oak Grove Rd
SpringvilleAL
35146

LawnCrafters Landscape Construction Inc.

3546 Burntleaf Lane
HooverAL
35226

LawnCrafters Landscape Construction Inc.

3546 Burntleaf Lane
HooverAL
35226

Legacy Landscaping

25 Oakwood Drive
AlabasterAL
35007

LEX WEDGWORTH PEST CONTROL
INC

P O BOX 1897
ALEXANDER CITYAL
35011-1897

LMA LANDSCAPE DESIGN LLC

2312 Brookshire Place
Mountain BrookAL
35213

LORE, VITA MARIA

2853 Vestavia Forest Dr
VestaviaAL
35216

LOVELLS LANDSCAPE
MANAGEMENT INC

1790 Hwy 160
WARRIORAL
35180

LSC Alabama Inc

P.O. Box 100458
BirminghamAL
35210

MAGNOLIA HILLS LANDSCAPING

321 Sterling Manor Circle
AlabasterAL
35007

MAGNOLIA HILLS LANDSCAPING

321 Sterling Manor Circle
AlabasterAL
35007

MAGNOLIA HILLS LANDSCAPING

321 Sterling Manor Circle
AlabasterAL
35007

MANUELS LAWN AND GROUNDS

SERVICE INC
254 MOUNTAIN TRAIL
WARRIORAL
35180

MARTIN, RUSTY

205 Widgeon Circle
ALABASTERAL
35007

MCGRIFF, CARY

6904 6th Court S
BIRMINGHAMAL
35212

McMillan, Ashley L.

P.O. Box 130431
BirminghamAL
35213

MGM Services, LLC

P.O. Box 430007
BirminghamAL
35243

MOORE, BRENDA J

5532 LAZY ACRES TRAIL
PINSONAL
35126

Mosquito Authority of Alabama, LLC

6 Office Park Circle
Mountain BrookAL
35223

Mosquito Authority of Hoover, LLC (The)

6 Office Park Circle Ste 100
Mountain BrookAL
35223

Mountain Heights Lawn Care

3901 Wooten Drive
BirminghamAL
35243

MR BUGGS PEST PATROL INC.

3179 LEE STREET
PELHAMAL
35124

NABORS, MARC
4225 KENNESAW DRIVE
MOUNTAIN BROOKAL
35213

NATURE ONE INC
130 INVERNESS PLAZA #292
BIRMINGHAMAL
35242

NELSON TEAM INC (THE)
8408 FARLEY AVENUE
LEEDSAL
35094

New Image Lawn Service
P.O. Box 43491
BirminghamAL
35243

NORMAN, WILLIAM MICHAEL
911 ALTON PARKWAY
BIRMINGHAMAL
35210

NORTHWEST EXTERMINATING CO
1740 Corn Road
SmyrnaGA
30080

Odom, John
8451 Shoreside Ln
BessmerAL
35022

ORKIN EXTERMINATING CO INC
2485 VALLEY DALE RD
BIRMINGHAMAL
35244

Owens Professional Landscape Group Inc
P O Box 381957
BirminghamAL
35238

Owens Professional Landscape Group Inc
P O Box 381957
BirminghamAL
35238

Oxmoor Valley Landscaping, Inc
P O Box 26056
BirminghamAL
35260

Painter, Brett
2208 Haden Street
HooverAL
35216

PORTERS TERMONOX
2308 SECOND AVENUE SOUTH
BIRMINGHAMAL
35233

PRATT BROWNS LANDSCAPES INC
1800 BROWNLEE ROAD
BIRMINGHAMAL
35210

Premier Landscapes, LLC
1609 Bryson Street
MidfieldAL
35228

PRIME LANDSCAPE SERVICES LLC
P. O. Box 1116
PelhamAL
35124

PROFESSIONAL ENVIRONMENTAL
PO BOX 660144
BIRMINGHAMAL
35266-0144

Quality Creative Landscaping, LLC
6104 Old Quarry Rd
BirminghamAL
35235

Ramons Outdoors, LLC
120 Fallow Circle
ChelseaAL
35043

Rector, Alfred T.
4912 Branch Mill Circle
Mountain BrookAL
35223

Red Mountain Landscapes & Gardens Inc.
2116 Ivy Ln
HooverAL
35226

REED, ROBERT
5737 DORCHESTER WAY
BIRMINGHAMAL
35210

RICHTER LANDSCAPE CO. LLC
137 WEST OXMOOR ROAD SUITE 427
BIRMINGHAMAL
35209-

Rocketts Bug Juice Gardens Inc.
P. O. Box 382346
BirminghamAL
35242

ROGERS, MICHAEL
155 TWO LAKES DRIVE
CHELSEAAL
35051-

Ross Gardens LLC
4525 Grants Mill Trl
IrondaleAL
35210

Round Tuit Landscaping, LLC
8016 River Bend Road
MorrisAL
3516

RUGGIERI, MICHAEL ANTHONY
P.O. Box 660693
BirminghamAL
35266

Samford Partners LLC
P.O. Box 530277
BirminghamAL
35253

SCHENCKER, KEN
2049 EAGLE VALLEY DRIVE
BIRMINGHAMAL
35242

SCRUGGS, STEPHEN S.

1387 Chapel St
HooverAL
35226

SHARP, DAVID
1178 DUNNAVANT VALLEY RD
BIRMINGHAMAL
35242

Smith, William III

512 Live Oak Circle
FairfielsAL
35064

SPECIALTY LANDSCAPING INC

2174 OLD ALTON RD
BIRMINGHAMAL
35210

SYSTEM GREEN LANDSCAPE

SERVICE
1990 McCain Pkwy
PelhamAL
35124-2128

Tickled Green Lawn Care

P. O. Box 531241
BirminghamAL
35253

TRIMM LANDSCAPES INC
20 CEDAR STREET
TRUSSVILLEAL
35123

Vision Landscapes Inc

P.O. Box 101324
IrondaleAl
35210

WAYNES ENVIRONMENTAL
SERVICES INC
2183 PARKWAY LAKE DRIVE
BIRMINGHAMAL
35244

SEASON AFTER SEASON

LANDSCAPE MGMT SVC INC
P O BOX 170402
BIRMINGHAMAL
35217-0402

SHELBY COUNTY GROWERS INC
211 WILDLIFE TRAIL
WILSONVILLEAL
35186

Southern Botanical
3443 Tamassee Lane
HooverAL
35226

Stevens Wack N Sack inc.

8200 Hwy 17
MayleneAL
35114

Terminix International Co Lp
860 RIDGE LANE BLDG
MEMPHISTN
38120

Tidwell, Billie
5308 Riverbend Trail
HooverAL
35244

TRUGREEN LIMITED PARTNERSHIP
860 RIDGE LAKE BLVD
MEMPHISTN
38120

VULCAN TERMITE & PEST CONTROL
P O BOX 10
PELHAMAL
35124

WEINHEIMER, KIM
3221 STONINGHAM DRIVE
BIRMINGHAMAL
35223

SHARP, DAVID
1178 DUNNAVANT VALLEY RD
BIRMINGHAMAL
35242

Smith, Michael H
5545 BISHOP RIDGE
WEST BLOCKTONAL
35184

Southern Heritage Landscape LLC

2648 Butte Woods Dr
BirminghamAL
35242

SUPERIORSCAPE INC

P O BOX 385
WestoverAL
35185

THOMAS, LARRY ONEIL

413 FOXGLEN ROAD
BIRMINGHAMAL
35215

TMA Of Central AL
P.O. BOX 27
JasperAL
35504

Turf And Garden Inc

1808 South Brook Circle
BirminghamAl
35226

WARREN, CHAD

2316 QUAIL DRIVE
BESSEMERAL
35022



CITY OF MOUNTAIN BROOK

P. O. Box 130009
Mountain Brook, Alabama 35213-0009
Telephone: 205.802.2400
www.mtnbrook.org

NOTICE OF PROPOSED CHANGE TO CITY'S NOISE ORDINANCE

May 28, 2014

Dear business owner/operator:

Please be advised that the Mountain Brook City Council is considering the adoption of an ordinance restricting the hours of operation of mechanically powered equipment by commercial landscape service providers. A copy of the proposed ordinance is included herewith. The ordinance, as drafted, prohibits "the operation of any mechanically powered lawn equipment operated for commercial purposes within a Residential district between the hours of 6:00 p.m. and 8:00 a.m."

The proposed ordinance will be deliberated by the City Council on Monday, June 23, 2014 at 7 p.m. in the City Hall Council Chamber (Room A108) at City Hall, 56 Church Street, Mountain Brook, AL 35213. You may attend the meeting to voice your comments or you may submit your comments to the City Manager (gastons@mtnbrook.org) on or before Thursday, June 19.

NOTICE OF PUBLIC HEARING

Notice is hereby given that at a regular meeting of the City Council of the City of Mountain Brook to be held on Monday, July 14, 2014, at 7:00 p.m., in the Council Chamber of the Mountain Brook City Hall, the City Council will hold a public hearing regarding a proposal that the City Council adopt an ordinance in words and figures substantially as follows:

'ORDINANCE NO.

AN ORDINANCE TO AMEND THE MASTER DEVELOPMENT PLAN FOR MIXED-USE PROPERTY IN THE CITY OF MOUNTAIN BROOK, ALABAMA LOCATED AT 1930 CAHABA ROAD

Legal Description: LOTS 1 AND 2 IN BLOCK 3, EXCEPT THE EAST 10 FEET OF SAID LOTS, ACCORDING TO THE SURVEY OF ENGLISH VILLAGE, WEST SECTOR, AS RECORDED IN MAP BOOK 16, PAGE 69 IN THE PROBATE OFFICE OF JEFFERSON COUNTY, ALABAMA.

BE IT ORDAINED by the City Council of the City of the City of Mountain Brook, Alabama, as follows:

Section 1. Development Standards. The Master Development Plan and the materials submitted by the applicant, as required by Section 129-234 of the Mountain Brook City Code, as originally approved by the Mountain Brook City Council in 1996 and most recently amended on November 8, 2010, are hereby amended to include the changes set forth in the Amended Master Development Plan Application to allow a 1,000 square foot addition and to add five new on-street parking spaces to 20th Avenue South, as depicted in the attached Exhibit "A," which is approved herewith, made a part hereof, and specifically incorporated herein by reference, said Plan and materials constituting regulatory standards for use of the subject property, subject to further modification only as provided for in Article XIV, Chapter 129 of the Mountain Brook City Code.

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."

At the aforesaid time and place, all interested parties will be heard in relation to the changes proposed by said ordinance.

To view the proposed Amendment to the Master Development Plan, please go to:

www.mntbrook.org

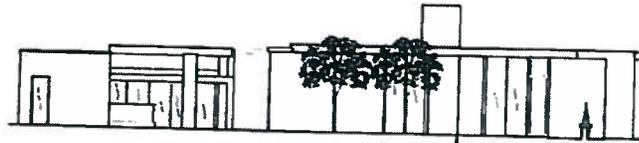
- Departments
- Planning
- Pending/Recent Planning Commission Agendas & Cases
- Planning Commission Agendas and Cases (July 7, 2014)
- Case 1917

For inquiries, please contact Dana Hazen at 802-3821 (hazend@mntbrook.org).

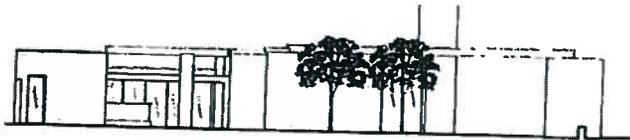
VINO ADDITION

1930 CAHABA ROAD
MOUNTAIN BROOK, ALABAMA

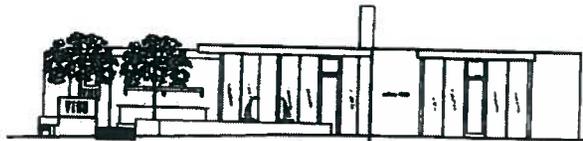
01 MAY 2014



2 NEW SOUTH ELEVATION
1/8" = 1'-0"



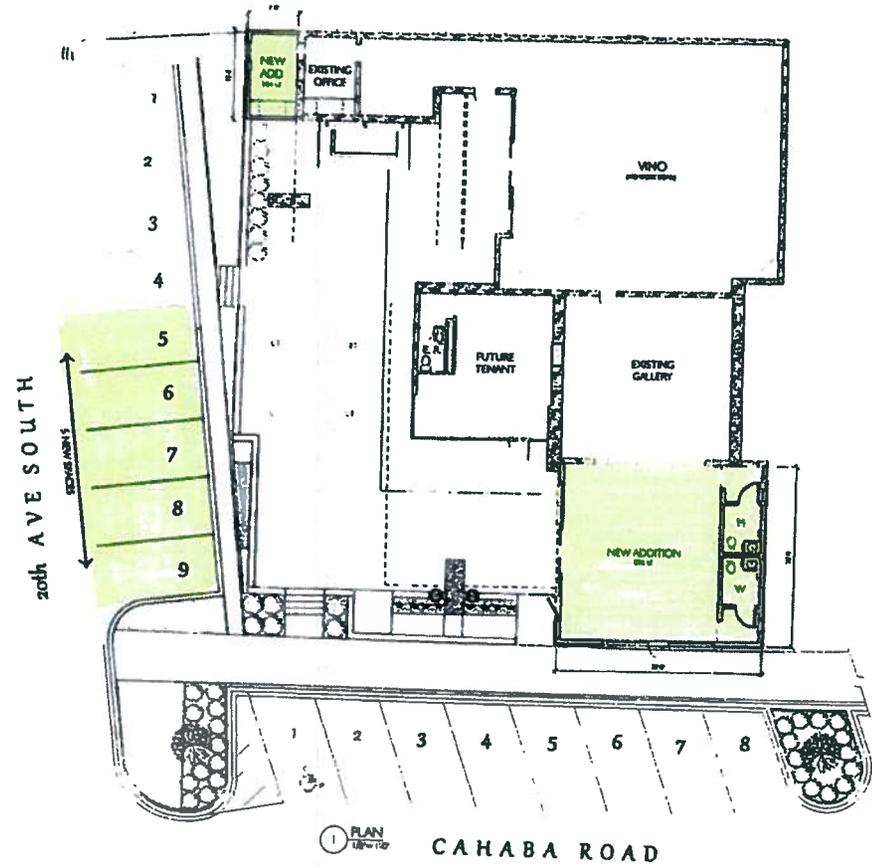
3 EXISTING SOUTH ELEVATION
1/8" = 1'-0"



4 NEW EAST ELEVATION
1/8" = 1'-0"



5 EXISTING EAST ELEVATION
1/8" = 1'-0"



STUDIO C
ARCHITECTURE & INTERIORS

MAXIMUM ADDITION: 200 S.F. PER (1) PARKING SPACES
200 x 5 = 1,000 S.F.