

PLANNING COMMISSION PACKET

December 1, 2016

Hello All,

Enclosed please find your packet for the meeting of December 5, 2016.

We have:

- Consideration of various zoning code amendments

If you receive any inquiries regarding these amendments the proposed language and report may be viewed by going to:

www.mtnbrook.org

- Government
- Other Meeting Agendas
- Planning Commission
- 2016-Dec-5 Planning Commission Agenda

If you have any questions about these amendments please don't hesitate to give me a call at 802-3821 or send me an email at hazend@mtnbrook.org.

Looking forward to seeing you on Monday!

Dana

MEETING AGENDA
CITY OF MOUNTAIN BROOK
PLANNING COMMISSION
DECEMBER 5, 2016
PRE-MEETING: (ROOM A106) 4:45 P.M.
REGULAR MEETING: (ROOM A108) 5:30 P.M.
CITY HALL, 56 CHURCH STREET, MOUNTAIN BROOK, AL 35213

1. Call To Order
2. Approval of Agenda
3. Approval of Minutes: November 7, 2016
4. Consider proposed amendments to Chapter 129 of the Code of the City of Mountain Brook, pertaining to Articles III, IV, V, VII, VIII, XVIII, XX, XIX
5. Next Meeting: January 3, 2017
6. Adjournment

MINUTES
CITY OF MOUNTAIN BROOK
PLANNING COMMISSION
NOVEMBER 7, 2016
CITY HALL, 56 CHURCH STREET, MOUNTAIN BROOK, AL 35213

The meeting of the Planning Commission of the City of Mountain Brook, Alabama, was held in the City Hall Council Chamber on Monday, November 7, 2016, at 5:30 p.m. The roll was marked as follows:

Members Present: Fred Murray, Chairman
Susan Swagler, Vice Chairman
Alice Williams, Secretary
Cay Alby
Philip Black
Jamie Gregory

Absent: None

Also present: Dana Hazen, Director of Planning, Building and Sustainability
Glen Merchant, Building Official
Whit Colvin, City Attorney
Tammy Graham, Administrative Assistant

1. **Call to Order:** Chairman Murray called the meeting to order at 5:30 p.m., there being a quorum present. He welcomed Mayor Welch and members of Boy Scout Troops #63 and #86.

2. **Approval of Agenda:**

Motion: Mrs. Williams, motion to approve the agenda as printed.
Second: Mr. Gregory
Vote: Unanimous approval.

3. **Approval of Minutes:** September 6, 2016

Motion: Mrs. Swagler, to approve the minutes as printed.
Second: Mrs. Williams
Vote: Unanimous approval.

4. **Case P-16-28: Development Plan/Mountain Brook Elementary School**

EXHIBIT 1

Consideration of a development plan of the Mountain Brook Elementary School field for the installation of a restroom facility - **3041 Cahaba Road – Mountain Brook Board of Education, City of Mountain Brook Parks and Recreation.**

Shanda Williams, Parks and Recreation Superintendent, represented the Park Board. She presented a new design for the proposed restroom facility at Mountain Brook Elementary School field.

Chairman Murray asked how the design had changed from the previous proposal.

Shanda Williams said that the previous design was a prefabricated building; the new design is a stick-built structure with rock walls and a slate roof. The floor plan is basically the same.

Chairman Murray stated that he understands that the community is working to raise the additional funds to cover the proposed changes. Shanda Williams confirmed his statement.

There were no comments from the Commission or the public.

Chairman Murray called for a motion.

Motion: Mrs. Williams, to approve installation of a restroom facility, as presented, at Mountain Brook Elementary School field.

Second: Mrs. Alby

Vote: Ayes: Fred Murray
Susan Swagler
Alice Williams
Cay Alby
Philip Black
Jamie Gregory

Nays: None

Presented plans for the installation of a restroom facility at Mountain Brook Elementary School field - approved.

5. Case P-16-29: 2528 Heathermoor Road - Richard & Linda Meadows

EXHIBIT 2

Meadow’s Resurvey of Estate 303, Mountain Brook Estates, Canterbury Sector, being a resurvey of the East 75 feet of Estate 303 Mountain Brook Estates, Canterbury Sector, as recorded in Map Book 19, Page 40 in the Office of the Judge of Probate, Jefferson County Alabama; situated in the SW ¼ of NE ¼ of Section 8, TWP-18S, R-2W, Jefferson County, Alabama. - 2528 Heathermoor Road, Richard and Lindsey Meadows.

Ray Weygand (Weygand Surveyors, 169 Oxmoor Road, Homewood, Alabama) represented the property owners, Richard and Linda Meadows. The request is for a simple cleanup resurvey.

There were no comments from the Commission or public.

Chairman Murray called for a motion.

Motion: Mr. Black, to approve the resurvey as presented.

Second: Mr. Gregory

Vote: Ayes: Fred Murray
Susan Swagler
Alice Williams
Cay Alby
Philip Black
Jamie Gregory

Nays: None

Mr. Weygand will bring the survey to City Hall for Planning Commission signatures once he obtains one other signature.

Resurvey approved as presented.

6. **Case P-16-24: 3732 Montrose Road – Saint Luke’s Episcopal Church** **EXHIBIT 3**

Consideration of the Development Plan for Saint Luke’s Episcopal Church - additions and alterations to the facility – 3732 Montrose Road, Episcopal Church in the Diocese of Alabama. *Carried over from September 6, 2016, and October 3, 2016.*

Chairman Murray recapped that at the last meeting the Commission requested additional information regarding the proposed Development Plan for Saint Luke’s. A Planning Commission subcommittee was appointed to meet with Church representatives.

Rich Webster (3646 Brookwood Road, Birmingham, Alabama), Rector of Saint Luke’s.

Mr. Webster stated that the intention of the Church is to be a good neighbor and an asset to the community. The Church wants South Cove Drive to continue as a dead-end, closed street as much as possible, rather than a through street creating traffic issues. He feels that it is also important to accommodate the Church as it serves the community. Mr. Webster said that he feels positive communication will continue between Saint Luke’s and its neighbors.

George Pelekis, Administrator for Saint Luke’s, 3341 Faring Road, Mountain Brook, Alabama:

The following information is Saint Luke’s response to the Planning Commission’s request at the October 3, 2016, meeting. This information was presented to the City of Mountain Brook in a letter dated October 20, 2016.

1. Regarding parking in front of Saint Luke’s gate: The Church proposes painting a striped Fire Lane in front of the gate to prevent individuals from parking in front of the gate. “No Parking” signs may also be posted.
2. Pavilion height: Saint Luke’s proposes to reduce the height of the pavilion to 35 feet.
3. Gate usage: The intent of the Church is that the gates will not be open all of the time. They will remain closed to through traffic under normal weekday operations of the facility.
4. Potential uses of the house at 3825 South Cove Drive: Saint Luke’s intends to maintain the existing house in its present location on the lot. The property will not be leased for any commercial purpose, including a residence. General uses: Meeting and storage space for Saint Luke’s Boy Scout Troop 86; office/meeting space for Vestry, Clergy and Laity Leadership; housing for church staff or temporary housing for guests of the church. All traffic/parking will access via Montrose Road.
5. Formalization of pavilion hours: The church’s ministry programs’ hours and special services vary during the week and operate seven days a week within reasonable hours of operation. The use of the pavilion will be maintained during a reasonable schedule for normal ministry hours, no earlier than 7:00 a.m. and no later than 9:00 p.m. Both morning and nighttime use is restricted to approved activities only. The City of Mountain Brook will be notified of pavilion use outside of these hours.

Mr. Pelekis added that in regard to the formalization of pavilion hours, the City of Mountain Brook park hours were considered as a guideline. Saint Luke’s wishes to be consistent with those city park hours, i.e., 7:00 /8:00 a.m. until 9:00 p.m. Church guidelines specify that children and youth must have adult supervision.

Clay Ragsdale, Cove Drive, sent an email this date expressing his concern that there will be basketball team league activities. Mr. Pelekis stated that it is not the intention of the Church to

participate in that type of activity. The pavilion will not be regulation size, thereby eliminating basketball league/tournament participation.

Chairman Murray called for public comments, limited to new information.

Jesse Evans, attorney representing Jack Adams, 3841 South Cove Drive, Mountain Brook, Alabama: There is still concern that the specific pavilion hours of operation are not presented. This is not a city park; however, the Church proposes to follow city park rules. This is a residential area. The Commission has the legal authority to set the hours and use of the pavilion.

He agrees that marking the gate as a Fire Lane is a good idea, along with signage.

Mr. Evans stated that the City should set conditions on the times that the gate can be open. The Commission could require that these intentions are documented in writing so they can be enforced by the City and neighbors.

Jack Adams, 3841 South Cove Drive, Mountain Brook, Alabama: He reviewed the General Use of the Pavilion and Playground Regulations that the Church presented. He said that the guidelines show intent, but if a new rector comes in, the rules could change. There is no control over pavilion usage.

Buddy Trammal, 3838 South Cove Drive, Mountain Brook, Alabama: Mr. Trammal asked for clarity: At the church meeting he attended, the architect said that if the Commission approved the proposed development plan, the gate will be closed except on Sunday's and special occasions, and that condition would be codified as a binding agreement. Is that a true and legal binding agreement? Regarding use of the scout building, would the presented proposal be binding as well? If they paint the gate entrance as a Fire Lane, will it be a ticketable offence for the City of Mountain Brook? He asked for answers from the Commission. Chairman Murray said that the Commission will ask for information as needed.

Tom Stevens, 3859 South Cove Drive, Mountain Brook, Alabama, said that he supports the concerns expressed by Mr. Trammal, Mr. Adams, and others.

Dave Bolton, 3821 Cove Drive, Mountain Brook, Alabama: Mr. Bolton stated that this is the third time he has presented his concerns to the Commission and that many concerns have not been addressed. In response to the proposed buffer zone between his home and the Church property, he asks for assurance that he and his family will be involved in the construction and composition of that buffer zone so they can hold on to as much privacy as possible.

Chairman Murray called for a motion.

Mr. Black stated that many concerns and issues have been addressed over the course of the three hearings on this case. Professionals have been involved with requested studies. He said that he is satisfied that all requirements have been met.

Mr. Black asked Mr. Colvin, City Attorney, if the letter from Saint Luke's dated October 20, 2016, can serve as an attachment to a motion as an article of conditions.

Mr. Colvin stated that the submission of the letter is a part of record and a part of the plan being considered. Including the letter as an article of conditions to the motion would make the intent clear

for the record. The cited letter is Attachment D, dated October 20, 2016, from Saint Luke's to the City of Mountain Brook and is attached to these minutes.

Motion: Mr. Black:
Based on the information submitted to the Commission over the past three hearings, including the storm water analysis, lighting analysis, and other exhibits; and stipulating the aforementioned letter of October 20, 2016, from Saint Luke's to the City of Mountain Brook as conditions of the motion; the motion is for approval of the presented Development Plan.

Second: Mr. Gregory

Vote: Ayes: Fred Murray
Susan Swagler
Alice Williams
Cay Alby
Philip Black
Jamie Gregory
Nays: None

Development Plan unanimously approved as presented, with conditions - Saint Luke's Episcopal Church.

7. **Next Meeting:** December 5, 2016
8. **Adjournment:** Chairman Murray announced that the Zoning Ordinance Review Committee will begin reviewing the existing Zoning Ordinance. Appointed review committee members: Susan Swagler, Philip Black, Fred Murray, Whit Colvin (advisory), and Dana Hazen.

There being no further business, the meeting stood adjourned at 5:57 p.m.

Tammy Graham, Administrative Assistant

Proposed Zoning Amendments

The ZOR (Zoning Ordinance Review) Committee recently reviewed several proposed zoning amendments regarding the zoning code of the City of Mountain Brook, specifically pertaining to Articles III, IV, V, VII, VIII, XVIII, XX, XIX, and has forwarded the recommendations herein to the Planning Commission. The ZOR Committee consisted of Phil Black, Susan Swagler and the BZA Chairman and Co-Chairman, Patrick Higginbotham and Will Hereford. Also, staff solicited the input of local architects with respect to items 3 and 4 below.

The role of the Planning Commission, here, is to review the proposed amendments and forward recommendations (revisions or additions) to the City Council for consideration.

The exact language of all proposed changes is attached—new language is written and underlined in red ink.

All amendments are discussed at length below:

1. Insert a Reference to the Storm Water Detention Ordinance in the Zoning Code

Within each residential article of the zoning code there is a regulation limiting the maximum building area for a lot in said district. The intent of this regulation is to limit the maximum lot coverage (or building footprint) for each lot. However there is an additional regulation that is derived from the storm water ordinance (which is not in the zoning code) which further limits *all* impervious area (which includes the building footprint, driveway, walkway, patio, etc.) on a residential lot to 5% more than the maximum building area specified in a particular zoning district.

The problem encountered by staff is that design professionals have a difficult time finding the storm water ordinance limitations. They arrive at the “maximum building area” regulation in the zoning code and then incorrectly assume this is the maximum impervious area, or if they know there is a separate regulation for the overall impervious area they have a hard time locating it.

The purpose of this zoning amendment is to link the two regulations together by inserting a note (actually a *link* for the on-line version of the municipal code) regarding the storm water ordinance regulation alongside the maximum building area regulations noted in each residential article of the zoning code. This will make it easier for citizens to quickly find the ordinance, and will look like this for Res-A:

“(c) *Building limitations.*

(1) Maximum building area25 percent of the total area of the parcel.

Impervious surfaces are limited to 5% more than the allowed maximum building coverage, as specified in section 113-228 (e) of Chapter 113.

- (2)Maximum building height35 feet
- (3)Maximum number of stories2”

The attached proposed language inserts this change into each of the following residential articles: Res-A, Res-B, Res-C, Res-D and Res-E.

2. Insert Specific Language Regarding PC Review of Solar Panel Systems

The purpose of this proposed zoning amendment is to specifically mention *solar panel systems* in Section 129-292 , Use Exemptions, (Article XVIII – General Regulations and Provisions). This section of the zoning code allows for the installation of a variety of utility equipment and minor structures in any zoning district, with the approval of the Planning Commission, but does not specifically mention solar panel systems (simply because such systems were probably not common when the original provision was written).

As the Planning Commission will remember, it recently reviewed a request to install a ground mount solar panel system on a residential lot, and staff referenced this section of the zoning code for Planning Commission authority to review, but recognized the need to add specific language to the code.

“Sec. 129-292. - Use exemptions.

Notwithstanding any other provision of this chapter, there may be constructed or installed in or upon a parcel located within any zoning district, such equipment and minor structures and improvements incidental to the provision and distribution of gas, electricity, water and telecommunication services, including, but not limited to, gas regulators, fogging stations, electric transformer stations without major rotating equipment, ground and/or roof mounted solar panel systems, poles, cables and towers for the transmission of electricity, water pressure regulator stations, water pumping stations, telephone exchanges, cables, poles, antennas and masts for antennas as may be approved by the planning commission.”

3. Exceptions to Required Setbacks for Architectural Features (all new language)

This section is proposed as new language to be added under Article XX – Exceptions to General Area and Dimensional Requirements. This section will make specific reference to allowable encroachments of certain minor architectural features into required front, side, and/or rear setbacks.

The purpose of this section is to allow architectural enhancements to residential structures without the need for a variance. Decorative architectural features such as awnings, bay windows, cornices, and pilasters serve to add architectural interest and enhance the housing inventory of the city. However, the Board of Zoning

Adjustment has often denied requests of this nature (in accordance with state law) since they rarely relate to a hardship inherent to the site. This has been especially true in cases where an older house may have a flat front elevation and the front door has no protection from the elements and is devoid of architectural interest. The house is usually built to the allowable front setback line and the request has come to BZA for a canopy over the door, which would then encroach into the required front setback. Since there has typically been no hardship associated with such a request the BZA has been bound to deny, although the encroachments are minor in nature and would not be detrimental to the streetscape or adjoining properties.

The proposed language in this section would allow minor architectural features to encroach into setbacks, but with limited parameters regarding the amount of allowable encroachment and, in some cases, the width of a particular architectural feature. Some of the language would permit encroachments not currently allowed in a required setback without a variance (such as bay windows, canopies and awnings) and some of the language will simply codify an existing practice of allowing certain types of encroachments without a variance (such as cornices and eaves).



Figure 1 - Bay Window.

This bay window would be permitted in the proposed section, which states, "Bay windows and greenhouse windows may project into a required front, side, and/or rear setback no more than two (2) feet, including the drip line, with a maximum width of eight (8) feet."

Figure 2 - Cornice.

Cornices, such as the one to the right, add a distinction to the dwelling and provide a sense of character. This proposal will clarify language for allowance of these charming features. “Cornices, pilasters, sills, and other similar decorative architectural features may project into a front, side, and/or rear yard no more than one (1) foot.”



Figure 3 - Awning.

This awning would be permitted in the proposed section, which states, “Cantilevered awnings and canopies may project into a required front, side, and/or rear setback no more than three (3) feet.”

Also, the Board of Zoning Adjustment has requested that chimneys be a permitted encroachment (with limitations on the amount of encroachment and the width of the chimney).

Figure 4 - Chimney.

This chimney would be permitted in the proposed section, which states, “Chimneys may project into a required front, side, and/or rear setback, no more than two (2) feet, with a maximum width of eight (8) feet.”



4. Accessory Buildings on Residential Lots

There are two parts to this section; one addresses the relationship of an accessory building to the principle structure (as far as what is consider “attached” or “detached”), the other addresses the allowable size and height of accessory buildings which are eligible for reduced side and rear setbacks.

a. Is it attached or detached?

It has historically been the practice of city staff to differentiate between detached and attached accessory buildings based on whether or not the “attachment” was heated and cooled. If so, it was considered to be attached. However, this interpretation is not in the zoning code, so the purpose of this this amendment is to codify this interpretation. The following language is proposed to be added to Section 129-314(b) of Article XIX (General Area and Dimensional Requirements).

An accessory building... “may be attached to the principal structure by means of a covered, open breezeway that is no wider than 8 feet, is not enclosed (contains no more than two (2) walls) and is not heated nor cooled.”

This proposal will add clarity and regulation, allowing citizens to add this connection without adding additional square footage to their principal dwelling.



Figure 5 - Detached Accessory Building.

This open breezeway from the principle structure to the accessory building would be allowed under the proposed additional language.

It is:

- ✓ Not enclosed
- ✓ Not heated nor cooled
- ✓ Less than 8 feet wide

b. Size and Height of Detached Accessory Buildings

Also being proposed is a change to the existing maximum square footage and height limit for detached accessory buildings which are eligible for reduced side and rear setbacks (10 feet).

For the purpose of reference, the zoning code has an absolute cap on the size and height of accessory buildings (maximum size is the greater of 800 square feet or 20% of the principle building, and the maximum height is no higher than the principle building). The setbacks required for accessory buildings of this size and height are the same as the principle building for the zoning district in which it is located. *There is no change being proposed to this cap or the related setbacks.*

There is also a regulation that allows smaller detached accessory buildings to be 10 feet from the side and rear property lines. Those eligible for these reduced setbacks are currently limited to 400 square feet and 15 feet in height. *The proposal is to increase the square footage and height allowances for these types of buildings.*

Historically, 400 square feet (20x20) has been a common size for a two-car garage; this allows for two (10x20) parking spaces inside a garage. And while this size can accommodate SUV's and larger contemporary vehicles, it proves to be

somewhat of a tight squeeze. As such, homeowners often ask architects to design slightly roomier garages (perhaps with a little storage).

The Board of Zoning Adjustment frequently approves requests for new and remodeled detached accessory buildings (which slightly exceed 400 square feet) to be 10 feet from the side or rear property line. Local architects were asked for input on this issue and expressed that 25x25 (625 square feet) would be much more accommodating and result in fewer requests for variances.

Also, the Board of Zoning Adjustment occasionally reviews requests for detached accessory buildings to be higher than 15 feet. This is usually a result of the designer attempting to match (or nearly match) a steep pitched roof on the principle building. Many houses in Mountain Brook take their architectural roots from European design, which often entails steeper roof pitches. However, when the detached accessory building is limited to 15 feet in height, it ends up looking more like an afterthought (or a shed) than part of a thoughtful, integrated design. And since the height of a building rarely has any real relationship to the site (or hardship) BZA has had to deny, resulting in fewer architectural amenities in the city.

The proposed language is as follows:

Setback requirements. All accessory buildings which do not exceed 400 625 square feet and ~~15~~ 25 feet in height (or the height of the principle building on the lot, whichever is lower), must be at least ~~ten~~ 10 feet from all lot lines, except that such buildings may be allowed to conform to the required side setbacks for principal buildings on non-conforming Residence B and Residence C lots, as specified in sections 129-53 and 129-63 of this chapter. Accessory buildings exceeding 400 625 square feet or ~~15~~ 25 feet (or the height of the principle structure on the lot, whichever is lower) shall be subject to the regular setbacks specified in the regulations for each zoning district.

It should be noted that in Res-B and Res-C (Crestline and English Village), for lots less than 70 feet wide, the code allows the principle building to be 8-9 feet from the side property line and be 35 feet high).

The code currently does not differentiate between detached garages and accessory building with other uses, such as storage buildings, offices, pool houses and greenhouses. *No change is herein proposed.*

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 December 5, 2016, 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 proposed amendments to Chapter 129 of the Code of the City of Mountain Brook, as it pertains to Articles III, IV, V, VII, VIII, XVIII, XX, XIX as follows:

“Article III. – Residence A District

Sec. 129-34. - Area and dimensional requirements.

(a) Minimum dimensions of parcel.

- (1) Minimum area of parcel30,000 square feet
- (2) Minimum width of parcel at all points between the street line and the front setback line100 feet
- (3) Minimum number of feet of the parcel which must abut a street100 feet

(b) Minimum yards and building setbacks.

- (1) Minimum front yard setback40 feet
- (2) Minimum rear yard setback40 feet
- (3) Minimum side yard setback15 feet

(c) Building limitations.

- (1) Maximum building area25 percent of the total area of the parcel.

Impervious surfaces are limited to 5% more than the allowed maximum building coverage, as specified in section 113-228 (e) of Chapter 113.

- (2) Maximum building height35 feet
- (3) Maximum number of stories2

Article IV. – Residence B District

Sec. 129-52. - Area and dimensional requirements.

(a) Minimum dimensions of parcel.

- (1) Minimum area of parcel10,000 square feet
- (2) Minimum width of parcel at all points between the street line and the front setback line75 feet
- (3) Minimum number of feet of the parcel which must abut a street75 feet

(b) Minimum yards and building setbacks.

- (1) Minimum front (primary) yard setback35 feet
- (2) Minimum rear yard setback35 feet
- (3) Minimum side yard setback12½ feet
- (4) Minimum front (secondary) yard setback on corner lots where primary frontage is opposite a dedicated alley17½ feet

(c) Building limitations.

(1)Maximum building area35 percent of the total area of the parcel.

Impervious surfaces are limited to 5% more than the allowed maximum building coverage, as specified in section 113-228 (e) of Chapter 113.

(2)Maximum building height35 feet

(3)Maximum number of stories2

Article V. – Residence C District

Sec. 129-62. - Area and dimensional requirements.

(a)Minimum dimensions of parcel.

(1)Minimum area of parcel7,500 square feet

(2)Minimum width of parcel at all points between the street line and the front setback line70 feet

(3)Minimum number of feet of the parcel which must abut a street70 feet

(b)Minimum yards and building setbacks.

(1)Minimum front (primary) yard setback35 feet

(2)Minimum rear yard setback35 feet

(3)Minimum side yard setback10 feet

(4)Minimum front (secondary) yard setback on corner lots where primary frontage is opposite dedicated alley15 feet

(c)Building limitations.

(1)Maximum building area35 percent of the total area of the parcel.

Impervious surfaces are limited to 5% more than the allowed maximum building coverage, as specified in section 113-228 (e) of Chapter 113.

(2)Maximum building height35 feet

(3)Maximum number of stories2

Article VII. – Residence D District

Sec. 129-92. - Area and dimensional requirements for townhouses.

(a)Requirements for development.

(1)Minimum total site areaOne acre

(2)Minimum number of feet of the parcel which must abut a street100 feet

(b)Minimum dimensions of the parcel (within the development).

(1)Minimum lot width for each dwelling unit25 feet

(c)Minimum yards and building setbacks.

(1)Minimum front yard setback for each building35 feet

(2)Minimum rear yard setback for each building25 feet

(3)Minimum side yard setback for each building20 feet

(d)Building limitations.

(1)Maximum building area50 percent of the total site area.

Impervious surfaces are limited to 5% more than the allowed maximum building coverage, as specified in section 113-228 (e) of Chapter 113.

- (2)Maximum number of storiesThree
- (3)Maximum building height45 feet
- (4)Maximum allowable densityOne dwelling unit per 6,000 square feet of land contained in the parcel
- (5)Maximum number of dwelling units per townhouse buildingSeven.

(e)*Building separation.*

- (1)Minimum distance between townhouse buildings20 feet

Article VIII. – Residence E District

Sec. 129-112. - Area and dimensional requirements for townhouses only.

(a)*Requirements for development.*

- (1)Minimum total site areaOne acre
- (2)Minimum width of parcel at all points between the street line and front setback line100 feet
- (3)Minimum number of feet of parcel which must abut a street200 feet

(b)*Minimum dimensions of parcel (within the development).*

- (1)Minimum lot width, for each dwelling unit25 feet

(c)*Minimum yards and building setbacks.*

- (1)Minimum front yard setback, for each building50 feet
- (2)Minimum rear yard setback, for each building40 feet
- (3)Minimum side yard setback, for each building25 feet

(d)*Building limitations.*

- (1)Maximum building area:40 percent of the parcel.

Impervious surfaces are limited to 5% more than the allowed maximum building coverage, as specified in section 113-228 (e) of Chapter 113.

- (2)Maximum number of storiesThree
- (3)Maximum building height45 feet
- (4)Maximum allowable density, per 9,680 square feet of land contained in the parcelOne dwelling unit
- (5)Maximum number of dwelling units per townhouse buildingSeven

(e)*Building separation.*

- (1)Minimum distance separating townhouse buildings20 feet

Article XVIII. – General Regulations and Provisions

Sec. 129-292. - Use exemptions.

Notwithstanding any other provision of this chapter, there may be constructed or installed in or upon a parcel located within any zoning district, such equipment and minor structures and improvements incidental to the provision and distribution of gas, electricity, water and telecommunication services, including, but not limited to, gas regulators, fogging stations, electric transformer stations without major rotating equipment, ground and/or roof mounted solar panel

systems, poles, cables and towers for the transmission of electricity, water pressure regulator stations, water pumping stations, telephone exchanges, cables, poles, antennas and masts for antennas as may be approved by the planning commission.

No permit shall be issued for the installation, construction or use of any such equipment, structures or improvements except with the prior written approval of the planning commission, which approval shall be subject to such conditions, if any, which the planning commission may require to promote the purposes of this chapter. Notwithstanding the foregoing, such approval shall not be required for the installation of poles, service lines, cables and pipelines, the purpose of which is to serve a single residential dwelling unit, a single business building or a single professional building or for pole lines, pipelines or other utility equipment which is otherwise entitled to be installed in the rights-of-way for streets.

Article XX. – Exceptions to General Area and Dimensional Requirements

Sec. 129-336 – Exceptions to required setbacks for architectural features.

Encroachments of certain architectural features may be allowed into required front, side, and/or rear setbacks in accordance with the standards of this subsection.

- (a) Cantilevered awnings and canopies may project into a required front, side, and/or rear setback no more than three (3) feet.
- (b) Bay windows and greenhouse windows may project into a required front, side, and/or rear setback no more than two (2) feet, including the drip line, with a maximum width of eight (8) feet.
- (c) Chimneys may project into a required front, side, and/or rear setback, no more than two (2) feet, with a maximum width of eight (8) feet.
- (d) Cornices, pilasters, sills, and other similar decorative architectural features may project into a front, side, and/or rear yard no more than one (1) foot.
- (e) Eaves may project into a front, side, and/or rear yard no more than two (2) feet, with a minimum of two (2) feet maintained to any adjoining lot line.

Article XIX. – General Area and Dimensional Requirement

Sec. 129-314. - Accessory structures and accessory buildings on residential lots

- (a) *Size.* Accessory buildings may not contain more than the greater of 800 square feet of floor area or 20 percent of the floor area of the principal building on the lot. The height of an accessory building may not exceed the height of the principal building on the lot.
- (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 ~~ten~~ 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 ~~five~~ 5 feet from the dwelling on the parcel on which the accessory structure or building is located,

and may be attached to the principal structure by means of a covered, open breezeway that is no wider than 8 feet, is not enclosed (contains no more than two (2) walls) and is not heated nor cooled. Notwithstanding the foregoing, fences or walls can be erected up to the property line, and may be erected directly adjacent to the principal structure.

- (c) *Setback requirements.* All accessory buildings which do not exceed ~~400~~ 625 square feet and ~~15~~ 25 feet in height (or the height of the principle structure on the lot, whichever is lower), must be at least ~~ten~~ 10 feet from all lot lines, except that such buildings may be allowed to conform to the required side setbacks for principal buildings on non-conforming Residence B and Residence C lots, as specified in sections 129-53 and 129-63 of this chapter. Accessory buildings exceeding ~~400~~ 625 square feet or ~~15~~ 25 feet (or the height of the principle structure on the lot, whichever is lower) shall be subject to the regular setbacks specified in the regulations for each zoning district. Notwithstanding any other provision contained in this chapter, no accessory structure or accessory building may be located in a front yard or nearer than 60 feet to the front street line of the parcel on which the accessory structure or accessory building is located.”

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
205/802-3821
hazend@mtnbrook.org

CERTIFICATION

I, Tammy Graham, Administrative Assistant 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

Tammy Graham, Administrative Assistant