

# PLANNING COMMISSION PACKET

April 27, 2016

**Hello All,**

Enclosed please find your packet for the meeting of May 2, 2016.

We have:

- Three resurveys
- Development Plan for Mountain Brook Elementary field (restroom and scoreboard)
- Carry over Amendment regarding Open Houses/Home Tours

If you receive any citizen inquiries regarding these cases the plans may be viewed by going to:

[www.mtnbrook.org](http://www.mtnbrook.org)

- Government
- Other Meeting Agendas
- Planning Commission
- 2016-May-2 Planning Commission Agenda

If you have any questions about these cases please don't hesitate to give me a call at 802-3821 or send me an email at [hazend@mtnbrook.org](mailto:hazend@mtnbrook.org).

**Looking forward to seeing you on Monday!**

*Dana*

MEETING AGENDA  
CITY OF MOUNTAIN BROOK  
PLANNING COMMISSION  
MAY 2, 2016

PRE-MEETING: (ROOM A106) 5:00 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: April 4, 2016
4. **Case P-16-10:** Resurvey of Lots 9 and 10 Block "E" Overlook Subdivision being a resurvey of Lot 10 and the west 15' of Lot 9 of Overlook Subdivision as recorded in Map Book 15, Page 19, in the Office of the Judge of Probate, Jefferson County, Alabama; and a 10' strip off south of Lot 10 and the west 15' of Lot 9 and being bounded on the east and west by a continuation of the east and west line of above property and on the south by the north line of Euclid Avenue situated in the NW ¼ of the SE ¼ of Section 33, Twp-17S, R-2W, Jefferson County, Alabama – **700 Euclid Avenue - Bryant Gann Building Group, LLC**
5. **Case P-16-11:** Resurvey of map of a resurvey and subdivision of Lot 4, Block 707, Birmingham, by the Elkton Land Company, as recorded in Map Book 88, Page 63, in the Office of the Judge of Probate, Jefferson County; situated in the NW ¼ of NW ¼ of Section 32, Twp-17S, R-2W, Jefferson County, Alabama – **200 Beech Street - Renee Corda**
6. **Case P-16-12:** Resurvey of Lots 19 & 24-A, Rockhouse Circle, being a resurvey of Lot 24-A of a resurvey of Lots 20, 24 & part of Lots 21 & 25 of Rockhouse Circle as recorded in Map Book 69, Page 71 and part of Lot 19 of Rockhouse Circle as recorded in Map Book 19, Page 23, both in the Office of the Judge of Probate, Jefferson County, Alabama; situated in the West ½ of Section 5, Twp-18S, R-2W, Jefferson County, Alabama - **3215 Salisbury Road ( John and Donna Nathan) and 3216 Rockledge Road (Elaine Smith)**
7. **Case P-16-13:** Consideration of a development plan of the Mountain Brook Elementary School field for the installation of a restroom and scoreboard. **3041 Cahaba Road – Mountain Brook Board of Education, City of Mountain Brook Parks and Recreation.**
8. **Amendment to Article XVIII**, Section 129-295 Temporary Uses Regarding Open Houses, Home Tours and Special Events. (*carried over from April 4, 2016*)
9. Next Meeting: June 6, 2016
10. Adjournment

**MINUTES**  
**CITY OF MOUNTAIN BROOK**  
**PLANNING COMMISSION**  
**APRIL 4, 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, April 4, 2016 at 5:30 p.m. The roll was marked as follows:

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

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

1. **Call to Order:** Chairman Murray called the meeting to order at 5:30 p.m., there being a quorum present.

2. **Approval of Agenda:**

Motion: Mrs. Swagler, to approve as printed  
Second: Mr. Black  
Vote: Unanimous approval

3. **Approval of Minutes:** March 7, 2016

Motion: Mr. Black, to approve as printed  
Second: Mrs. Alby  
Vote: Unanimous approval

4. **Case P-16-05 - 3924 Montevallo Road - TDL Homes, LLC; Terri Lyon** **EXHIBIT 1**

Resurvey of Lot 2 Montcrest Estates as recorded in Map Book 24, Page 93, in the Office of the Judge of Probate, Jefferson County, Alabama; situated in the SE ¼ of Section 33, Twp-17S, R-2W, Jefferson County, Alabama.

Wes Jones of Weygand Surveyors, 169 Oxmoor Road in Birmingham, represented the applicant, TDL Homes, LLC. This request is for a clean-up resurvey and was a carry-over case from the March meeting.

Public comments:

Trip Galloway, 4144 Stone River Road, Mountain Brook, represented Britt and Ashley Monroe. The Monroe's address is 3922 Montevallo Road, which borders the case property. Mr. Galloway stated

Minute Book 19

that after a discussion with Terri Lyon, property owner of 3924 Montevallo Road, the Monroes are willing to support the proposed resurvey.

Mrs. Alby asked if corrections were made to the final plat to comply with all applicable requirements of the Mountain Brook Subdivision Regulations. Mrs. Hazen confirmed corrections.

Motion: Mr. Gregory, to approve resurvey as requested

Second: Mrs. Alby

Vote: Ayes: Fred Murray  
Susan Swagler  
Cay Alby  
Jack Carl  
Philip Black  
Jamie Gregory

Nays: None

Resurvey approved by a vote of 6-0.

5. **Case P-16-09 – 122 Lake Drive - Sam and Heidi Yates**

**EXHIBIT 2**

Sam and Heidi Yates, property owners of 120 and 122 Lake Drive, request approval for the installation of an alternative solar energy system consisting of a ground mount array (55 feet x 8 feet, 6-1/2 feet high). – **120/122 Lake Drive** (undeveloped lake property).

Mr. Yates presented the request (property owner and President of Vulcan Solar, LLC).

Mrs. Hazen asked if the property is fenced. Mr. Yates: The entire property is fenced. The largest span is 4' high, for approximately 150'; up to approximately 7 1/2' tall in some places.

Chairman Murray: Have you spoken with all adjoining neighbors? Yates: All but Matt Moore.

Public comments:

Keith and Anne Allen, 20 Montcrest Road, neighbors to the rear:

- Proposed structure location is visible from the back of the primary floor of their house.
- Would like to see the City create a policy to protect property owners potentially affected by these type structures; shield from sight.
- Concerned that the value of surrounding properties might drop because of the structure.
- The property is large enough to locate in a different area.

Mr. Yates stated that the system could be split to get out of the line of site for the Allens, or shifted on the property. Landscaping will also be added; however, cannot plant on the front side, which is the side toward the Allen's property.

Mr. Carl: Since there is no noise emitted, it seems to be strictly a screening issue. He asked Mr. and Mrs. Allen if they would have a problem with the location of the structure if it were adequately screened. Mrs. Allen stated that Mr. Yates told her that there could be some reflection from the panels. Mrs. Allen said there are too many unknowns at this point.

Minute Book 19

Mrs. Allen added other points to consider: Because a lot of children play on the property, would the structure need to be locked for safety reasons? Could the panels come loose in a storm?

Mr. Yates: The system is rated for up to 150 mph winds which meets all national/international standards. The fencing should be built in such a way that it is difficult to penetrate.

Mr. Gregory: Would this system be just for personal use, or professional use as well?

Mr. Yates: It will provide an opportunity to show customers an example of the array and how the system integrates with the house, but only to a limited extent.

Chairman Murray stated that this type structure falls under ‘alternative structure’ in the Zoning Ordinance and there are many issues to consider. Guidelines need to be established for the protection of both the user and those that border them.

Motion: Mrs. Alby, for a continuance for two months, so that the Committee can create a policy regarding these type structures.

Second: Mr. Black

Vote: Ayes: Fred Murray  
Susan Swagler  
Cay Alby  
Jack Carl  
Philip Black  
Jamie Gregory  
Nays: None

Motion to continue for two months approved by a vote of 6-0.

6. AMENDMENT

EXHIBIT 3

Amendment to Article XVIII, Section 129-295 Temporary Uses Regarding Open Houses, Home Tours and Special Events.

Points of discussion:

- Should the sale of food and beverages be permitted? Gift items?
- Number of consecutive days allowed within a period of time.

Mr. Black recommended 6 days rather than 5 within a 14 day period. The Commission will need to gather more information from other sources, like Decorator Show House and other charities that host similar events.

There were no public comments.

Motion: Mr. Black, to continue one month for further consideration

Second: Mr. Gregory

Vote: Ayes: Fred Murray  
Susan Swagler  
Cay Alby

Minute Book 19

Jack Carl  
Philip Black  
Jamie Gregory  
Nays: None

Motion to continue for one month approved by a vote of 6-0.

7. **Next Meeting:** May 2, 2016
8. **Adjournment:** There being no further business, the meeting stood adjourned at 6:10 p.m.

---

Tammy Graham, Administrative Assistant



## Planning Commission Application PART I

### Project Data

Address of Subject Property 700 Euclid Ave

Zoning Classification Res - C

Name of Property Owner(s) Bryant-Gann Building Group

Phone Number 205 - 308 - 2455 Email bryantdevelopment@gmail.com

Name of Representative Agent (if applicable)

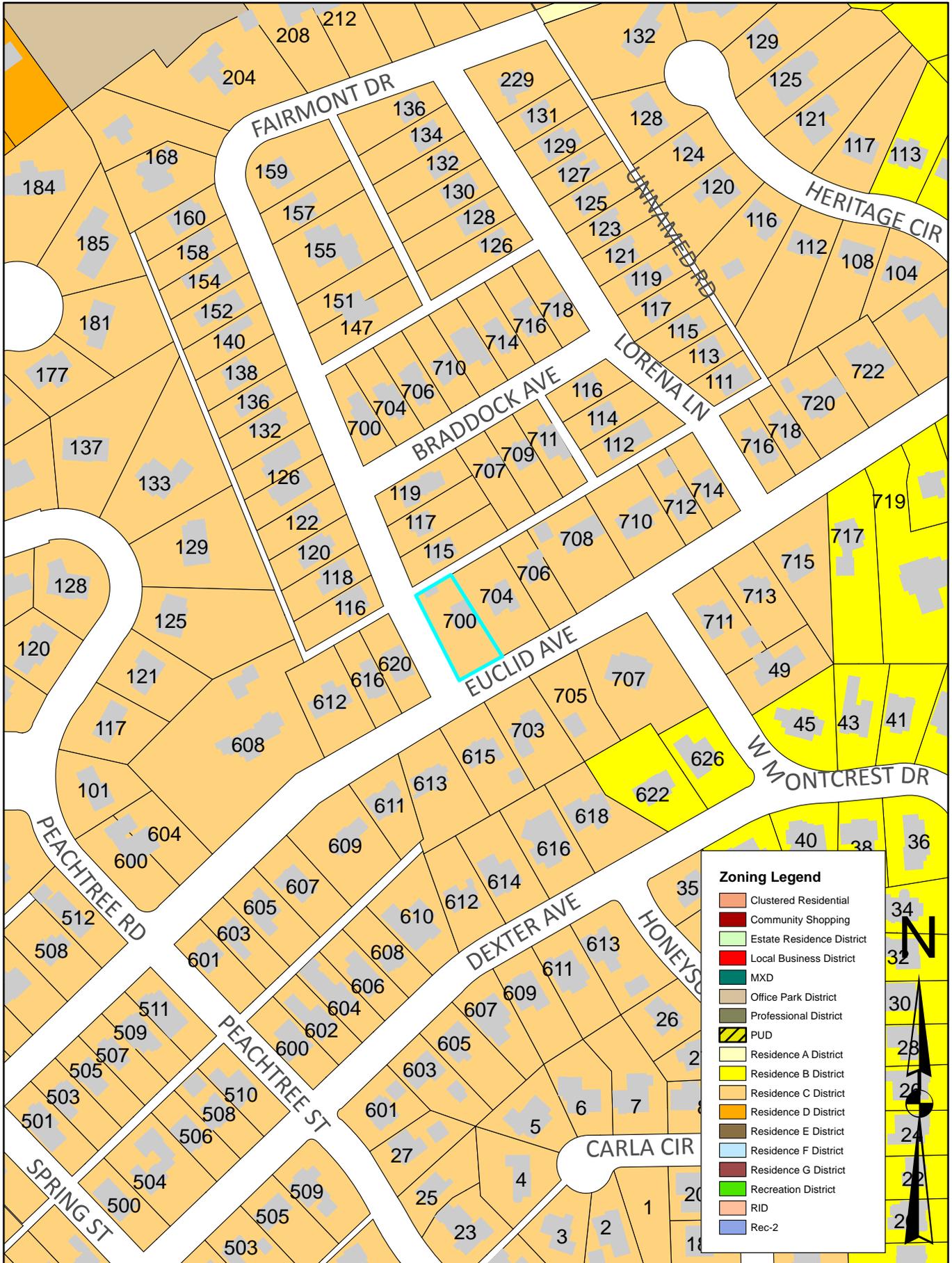
Phone Number \_\_\_\_\_ Email \_\_\_\_\_

- Property owner or representative agent must be present at hearing

### Plans

- See applicable Section of the Zoning Ordinance for submittal requirements pertaining to your particular application. Applicable Code Section may be found in Part II, list of application types. Contact City Planner with any specific questions as to required plans submittal.

# P-16-10 Zoning



# P-16-10

## Resurvey in existing Residence C zoning

- ✓ Clean-up Resurvey: Note that there is a 10-foot strip along the Euclid right-of-way that was vacated and added to this lot and others along Blocks D, E and F in 1941. The old front property line and the right side property line are the subject of the clean-up resurvey.

Recent Background: The Planning Commission approved a clean-up resurvey for this lot on March 7, 2016 that did not include the 10-foot strip along the Euclid right-of-way. After the resurvey was approved in March it came to light that the 10-foot strip of right-of-way had been vacated in 1941, so the resurvey has been revised to include the vacated strip. The previous resurvey (Case P-16-07) was not recorded.

- ☑ **May be approved as a final plat;** the following corrections for the final plat are required by the Subdivision Regulations, and **are suggested as conditions of approval:**

- 1) note zoning district (Residence C) on plat;
- 2) indicate all required building setbacks: primary front (Euclid) 35, secondary front (Fairmont) 15, s10, r35.
- 3) Let the plat reflect Lot 10 -“A.”

- ✓ Meets the Zoning Regulations for the Residence C district.

- ✓ **Overall layout is acceptable**, with the final plat to fully comply with all applicable requirements of the Mountain Brook Subdivision Regulations.

- ✓ No floodplain present.

- **Project Data:**

NAME: Resurvey of Lots 9 & 10 Block “E” Overlook Subdivision

CURRENT ZONING: Residence C

OWNER: Bryant Gann Building Group, LLC

LOCATION: 700 Euclid Avenue

**LEGEND**

SQ. FT.	.....	SQUARE FEET
AC	.....	ACRES
+/-	.....	MORE OR LESS
Δ	.....	DELTA ANGLE
∠	.....	DEFLECTION ANGLE
T	.....	TANGENT
R	.....	RADIUS
CH	.....	CHORD
L	.....	LENGTH
ESMT	.....	EASEMENT
EX	.....	EXISTING
M.B.	.....	MAP BOOK
PG	.....	PAGE
FND	.....	FOUND
ROW	.....	RIGHT-OF-WAY
O	.....	REBAR SET
MIN	.....	MINIMUM
C	.....	CENTERLINE
D.B.	.....	DEED BOOK
---	.....	NOT TO SCALE

# RESURVEY OF LOTS 9 & 10 BLOCK "E" OVERLOOK SUBDIVISION

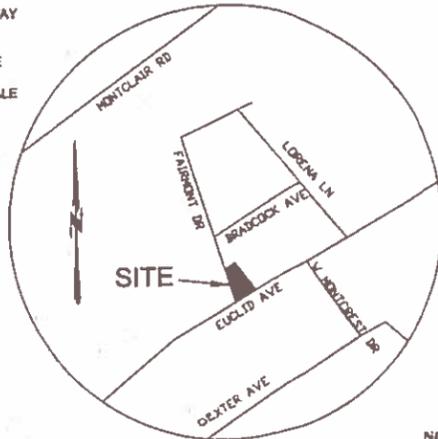
BEING A RESURVEY OF LOT 10 AND THE WEST 15' OF LOT 9 OF OVERLOOK SUBDIVISION AS RECORDED IN MAP BOOK 15, PAGE 19 IN THE OFFICE OF THE JUDGE OF PROBATE JEFFERSON COUNTY, ALABAMA AND A 10' STRIP OFF SOUTH OF LOT 10 AND THE WEST 15' OF LOT 9 AND BEING BOUNDED ON THE EAST AND WEST BY A CONTINUATION OF THE EAST AND WEST LINE OF ABOVE PROPERTY AND ON THE SOUTH BY THE NORTH LINE OF EUCLID AVENUE.

DATE: DECEMBER 2015

SCALE: 1"=20'

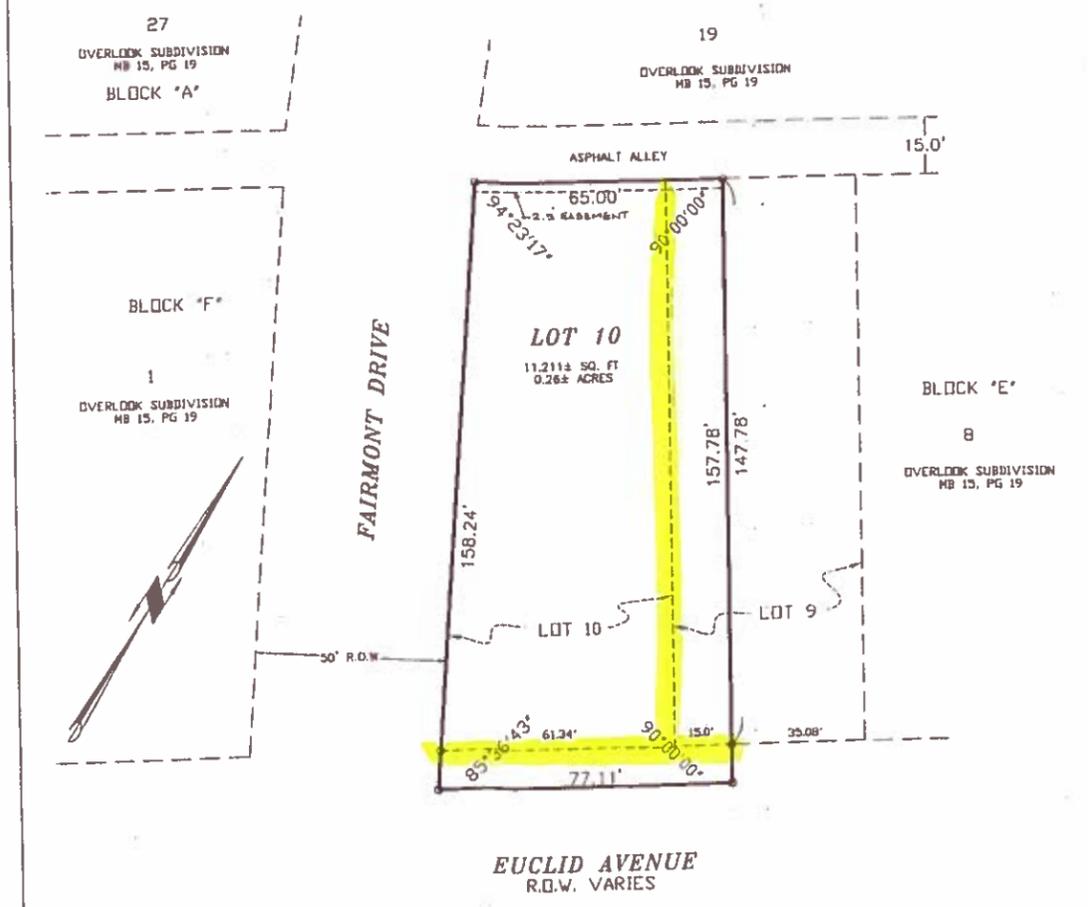
SITUATED IN THE NORTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 33, TOWNSHIP 17 SOUTH, RANGE 2 WEST, JEFFERSON COUNTY, ALABAMA

**WEYGAND SURVEYORS, INC.**  
Ray Weygand, Reg. L.S. #24973  
169 Oxmoor Road, Homewood, AL 35209  
Phone: (205) 942-0086 Fax: (205) 942-0087



**NOTE:**

THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA (ZONE "X") AS PER MAP NO. 01073CB394G & 01073CM13G, DATED SEPTEMBER 29, 2004.



STATE OF ALABAMA  
JEFFERSON COUNTY

The undersigned, Ray Weygand, Registered Land Surveyor, State of Alabama, and Bryant Gann Building Group, Owner, whose names are signed to this certificate, do hereby certify that this is a true and correct map of a survey made by Ray Weygand, Land Surveyor, of the property shown on this map with the dimensions of each lot and block and showing the relation and giving the name and width of each street and avenue and the number and dimensions of each lot and block and showing the relation of the land so platted to the map of RESURVEY OF LOTS 9 & 10, BLOCK E, OVERLOOK SUBDIVISION and to the government survey of Section 33, Township 17 South, Range 2 West. I, Ray Weygand, hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama. Said owner also certifies that they are owner of said land and that the same is not subject to any mortgage.

IN WITNESS WHEREOF, we have hereunto set our hands this the 14th day of December, 2015

By: [Signature]  
Ray Weygand  
Reg. L.S. #24973

By: [Signature]  
Bryant Gann Building Group - Owner  
John Bryant - Member

STATE OF ALABAMA  
JEFFERSON COUNTY

I, Jamie J. Neely, a Notary Public in and for said County and State hereby certify that Ray Weygand, whose name is signed to the foregoing certificate as Land Surveyor and who is known to me, acknowledged before me, on this day, that being informed of the contents of the certificate, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 14th day of December, 2015

By: [Signature]  
Notary Public - My commission expires: 7-7-18

STATE OF ALABAMA  
JEFFERSON COUNTY

I, Jamie J. Neely, a Notary Public in and for said County and State hereby certify that John Bryant, whose name is signed to the foregoing certificate as Member of Bryant Gann Building Group, Owner, and who is known to me, acknowledged before me, on this day that, being informed of the contents of the certificate, he executed same voluntarily on the day the same bears date.

Given under my hand and seal this 15th day of December, 2015

By: [Signature]  
Notary Public - My commission expires: 7-7-18

APPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_  
Chairman, Mountain Brook Planning Commission

APPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_  
Secretary, Mountain Brook Planning Commission

NOTE: ENVIRONMENTAL SERVICES DEPARTMENT APPROVAL INDICATES THAT EASEMENTS HAVE BEEN DEDICATED FOR FUTURE JEFFERSON COUNTY SANITARY SEWERS. HOWEVER, THIS DOES NOT MEAN SANITARY SEWERS HAVE BEEN BUILT OR WILL BE BUILT IN THE FUTURE. ANY CHANGE IN THE RIGHT OF WAY OR EASEMENT BOUNDARIES AFTER THIS DATE MAY VOID THIS APPROVAL.

By: [Signature] DATE: 2/4/16  
DIRECTOR OF ENVIRONMENTAL SERVICES

- NOTES:
- ALL EASEMENTS ON THIS MAP ARE FOR PUBLIC UTILITIES, SANITARY SEWERS, STORM SEWERS, STORM DITCHES, PRIVATE TELEVISION CABLE SYSTEMS, AND MAY BE USED FOR SUCH PURPOSES TO SERVE PROPERTY BOTH WITHIN AND WITHOUT THIS SUBDIVISION (UNLESS OTHERWISE NOTED). NO PERMANENT STRUCTURE OR OTHER OBSTRUCTION SHALL BE LOCATED WITHIN THE LIMITS OF A DEDICATED EASEMENT.
  - BUILDER IS RESPONSIBLE FOR THE DRAINAGE ON EACH LOT AND IN AND AROUND EACH BUILDING.
  - BUILDER WILL BE RESPONSIBLE FOR ADJUSTING THE LIDS OR TOP ELEVATION FOR ALL MANHOLES AND YARD INLETS ON EACH LOT.
  - THE LOT OWNER/BUILDER SHALL USE APPROPRIATE METHODS, WHETHER PIPES, UNDERDRAIN, DITCHES, GRADING OR OTHER MEANS, TO PROVIDE A BUILDING SITE FREE OF SURFACE OR SUBSURFACE DRAINAGE PROBLEMS WITHOUT ADVERSELY AFFECTING ADJACENT LOTS.
  - THE LOT OWNER/BUILDER SHALL FIELD VERIFY THE LOCATION AND ELEVATION OF SANITARY SEWER SERVICE LINE OR SEPTIC TANK LOCATION PRIOR TO CONSTRUCTION OF BUILDING FOUNDATIONS.
  - ELEVATION OF ALL SANITARY SEWER LATERALS TO EACH LOT SHOULD BE VERIFIED BY BUILDER PRIOR TO SETTING LOWEST FLOOR OF RESIDENCE TO BE SERVICED.
  - NO HOUSE SHALL HAVE A FINISHED FLOOR ELEVATION LESS THAN TWO (2) FEET ABOVE TOP OF ANY ADJACENT STORM SLWER WITHOUT ENGINEER'S APPROVAL.
  - NO FENCE SHALL IMPEDE THE FLOW OF WATER IN ANY DRAINAGE WAY.
  - WEYGAND SURVEYORS, INC. IS NOT RESPONSIBLE FOR SOIL COMPACTIONS AND DID NOT CONDUCT ANY SURFACE OR SUBSURFACE INVESTIGATIONS.
  - NORTH ARROW SHOWN ON THIS MAP IS NOT TRUE NORTH AND SHOULD ONLY BE CONSIDERED AS APPROXIMATE.

KNOW ALL MEN BY THESE PRESENTS: That whereas, heretofore on to-wit the 20th day of July, 1925, George Chinery subdivided a certain tract of land lying in the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 33, Township 17 South, Range 2 West; said subdivision being known as Overlook, a map or plat of which is recorded in the Office of the Judge of Probate for Jefferson County, Alabama, in Map Book 15 at page 19, and

WHEREAS, The Undersigned, Joe A. Scotch and wife Louise F. Scotch; John A. Tate, an unmarried man; Helen Greene Bulmer and husband Leonard C. Bulmer; Louise Richardson and husband I. B. Richardson; L. E. Scruggs, widow of C. E. Scruggs; T. M. Nesbitt, Jr. and wife Mildred P. Nesbitt and J. Warren Leach and wife Rudene Becht Leach are the owners of all the property abutting that certain 10 foot ~~driveway~~ driveway lying Northwest of the Northern line of Euclid Avenue, and Southeast of the Southern Lines of Blocks "D", "E" and "F" as shown on said map or plat of Overlook, and

WHEREAS, The undersigned, as owners of the lands abutting the aforementioned ~~driveway~~ driveway, are desirous of vacating all that portion of said ~~driveway~~ driveway hereinafter particularly set forth, and

WHEREAS, All of the property above described lies outside of any Municipality, and no portion of said ~~driveway~~ driveway hereinafter described is now or has been used as a public road or street, or a public alley, and is not now, nor has it ever been graded or improved as a public road or street, or a public alley, and that convenient means of ingress and egress to and from their property is afforded to other persons, firms or corporations owning property in the tract of land embraced in the said map or plat of Overlook by the remaining streets and alleys or remaining portions of such streets and alleys dedicated by such map or plat.

NOW THEREFORE, in consideration of the above premises, we, the undersigned Joe A. Scotch and wife Louise F. Scotch; John A. Tate, an unmarried man; Helen Greene Bulmer and husband Leonard C. Bulmer; Louise Richardson and husband I. B. Richardson; L. E. Scruggs, widow of C. E. Scruggs; T. M. Nesbitt, Jr. and wife Mildred P. Nesbitt and J. Warren Leach and wife Rudene Becht Leach, as all the owners of the property abutting the aforementioned ~~driveway~~ driveway, do hereby declare vacated and annulled all that certain 10 foot ~~driveway~~ driveway lying Northwest of the Northern line of Euclid Avenue (as shown on said map or plat of Overlook) and Southeast of the Southern boundaries of Blocks "D", "E" and "F" (as shown on said map or plat of Overlook) except that portion, if any, included in a continuation of Fairmont Drive and Lorena Avenue to an intersection with Euclid Avenue, as shown on said map or plat of Overlook. It being the intention of the undersigned that this instrument shall operate to destroy the force and effect of the dedication of said ~~driveway~~ driveway hereinabove particularly described, by said map or plat of Overlook, except that part included in Fairmont Drive and Lorena Avenue, and to divest all public rights in that portion or portions of said ~~driveway~~ driveway, vacated by this instrument.

IN WITNESS WHEREOF, we, the undersigned have hereunto set our hands and seals this the 6<sup>th</sup> day of January A. D. 1941.

Joe A. Scotch

Louise F. Scotch

Leonard C. Bulmer

Helen Greene Bulmer

T. M. Nesbitt, Jr.

Mildred P. Nesbitt

John A. Tate

Rudene Becht Leach



This instrument prepared by:  
David Ovson  
2501 20th Place South, Suite 420  
Birmingham, AL 35223

SEND TAX NOTICE TO:  
Bryant Gann Building Group, LLC  
5101 Cyrus Circle  
Birmingham, AL 35242

**GENERAL WARRANTY DEED**

Bk: LR201565 Pg: 1955  
20150915000938310 1/1  
09/15/2015 12:52:45 PM D

STATE OF ALABAMA )  
JEFFERSON COUNTY )

**KNOW ALL MEN BY THESE PRESENTS**, that in consideration of Four Hundred Fourteen Thousand Nine Hundred And No/100 Dollars (\$414,900.00) to the undersigned grantor in hand paid by the grantee herein, the receipt whereof is acknowledged, I/we, Donna Huggins, a married woman, (hereinafter grantor, whether one or more), do grant, bargain, sell and convey unto Bryant Gann Building Group, LLC (hereinafter grantee, whether one or more), all of my/our right, title and interest in the following described real estate, situated in **Jefferson County, Alabama**:

Lot 10, and the West 15 feet of Lot 9, in Block "E", according to the Survey of Overlook Subdivision, as recorded in Map Book 15, Page 19, in the Probate Office of Jefferson County, Alabama, and a 10 foot strip lying South of said Lot 10 and the West 15 Feet of Lot 9, and being bounded on the East and West by a continuation of the East and West line of the above property and on the South by the North line of Euclid Avenue.

The subject property is not the homestead of the grantor or her spouse.

Subject to current taxes, all matters of public record, including, but not limited to easements, restrictions of record, and other matters which may be viewed by observation.

\$331,920.00 of the purchase price recited herein was paid from a mortgage loan close simultaneously herewith.

**TO HAVE AND TO HOLD** unto the said grantee, and grantee's heirs and assigns, forever. And grantor does for the grantor and for the grantor's heirs, executors, and administrators covenant with the said grantee, and grantee's heirs and assigns, that the grantor is lawfully seized in fee simple of said premises; that it is free from all encumbrances, unless otherwise noted above; that grantor has good right to sell and convey the same as aforesaid; that grantor will and grantor's heirs, executors and administrators shall warrant and defend the same to the said grantee, and grantee's heirs and assigns forever, against the lawful claims of all persons.

**IN WITNESS WHEREOF**, the undersigned have hereunto set our hands and seals on July 9, 2015.

  
Donna Huggins

STATE OF ALABAMA  
COUNTY OF JEFFERSON

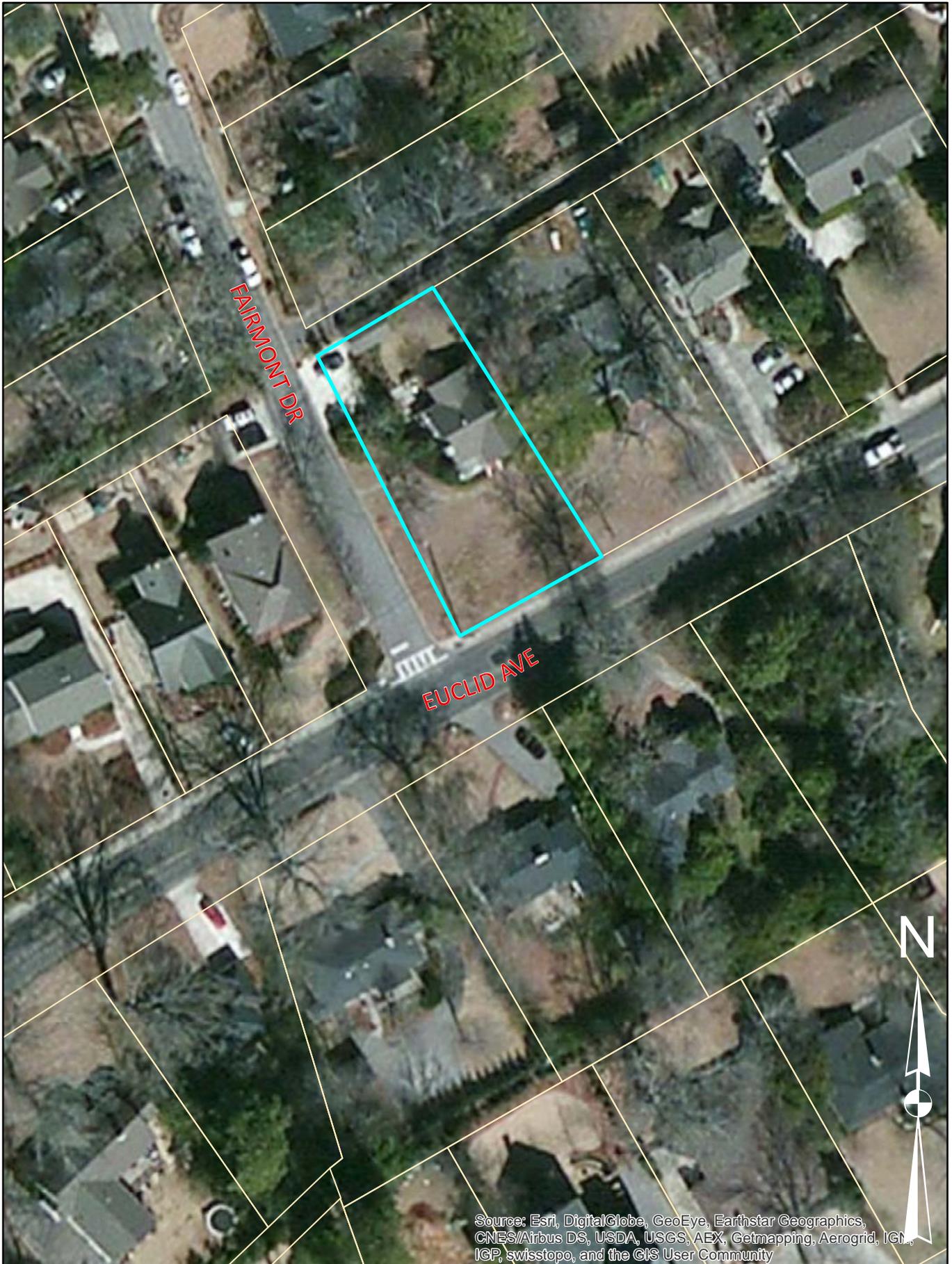
I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Donna Huggins whose name(s) is(are) signed to the foregoing conveyance, and who is(are) known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance he/she/they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on 9th day of July, 2015.

  
Notary Public  
My commission expires:

20150915000938310 1/1  
I certify this instrument filed on  
09/15/2015 12:52:45 PM D  
Alan L. King, Judge of Probate  
Jefferson County, AL  
Rec Fee -\$16.00  
Deed Tax -\$83.00  
Mtg Tax -\$0.00  
Mineral Tax -\$0.00  
TOTAL -\$99.00 KKBESS

# P-16-10 Aerial



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



# Planning Commission Application PART I

### Project Data

Address of Subject Property 200 Beach Street

Zoning Classification \_\_\_\_\_

Name of Property Owner(s) Renee Corda

Phone Number 205-908-1018 Email RBCorda@aol.com

Name of Representative Agent (if applicable)

Ray Woyland

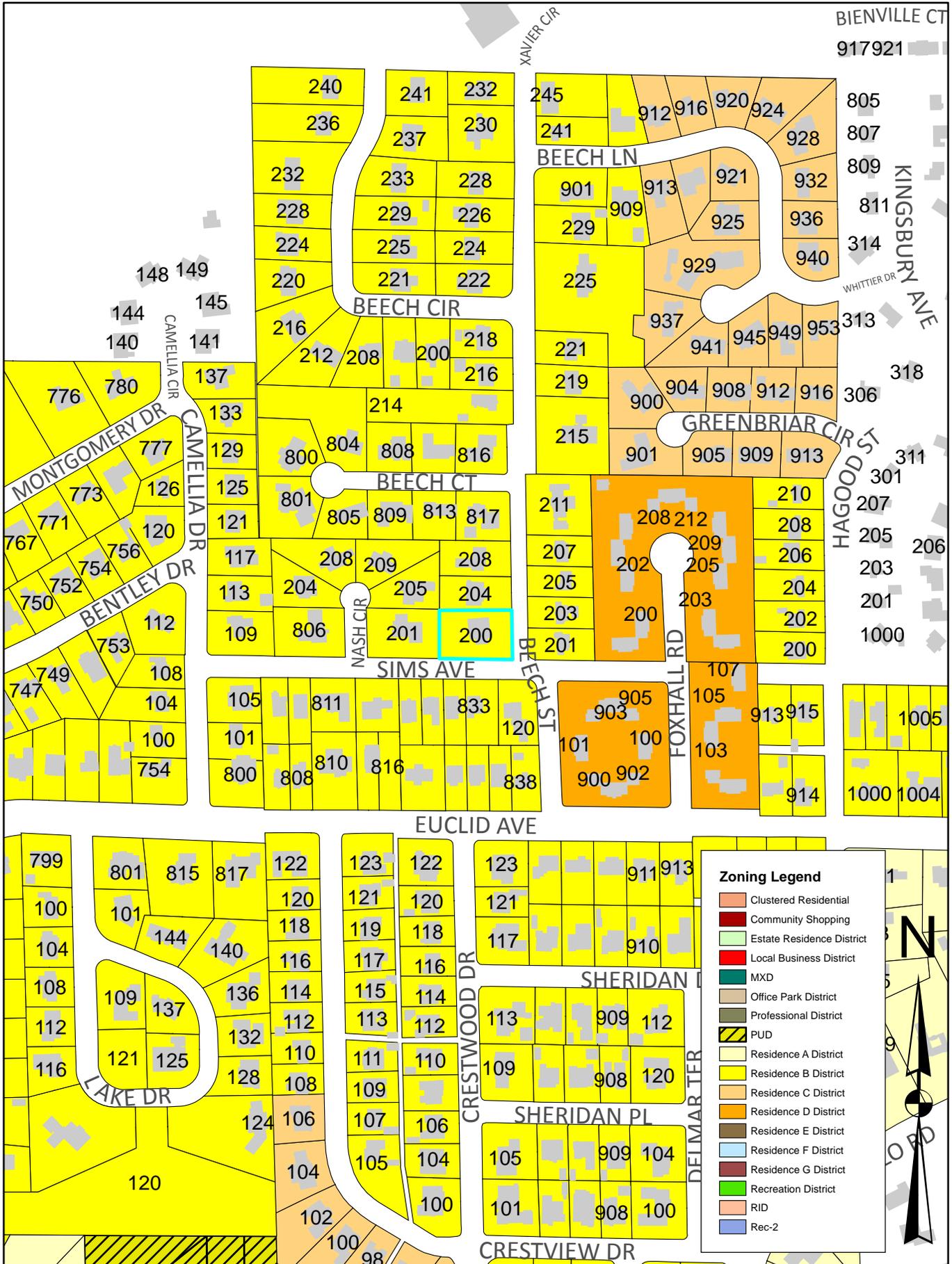
Phone Number 942-6086 Email \_\_\_\_\_

Property owner or representative agent must be present at hearing

### Plans

See applicable Section of the Zoning Ordinance for submittal requirements pertaining to your particular application. Applicable Code Section may be found in Part II, list of application types. Contact City Planner with any specific questions as to required plans submittal.

# P-16-11 Zoning



Zoning Legend	
	Clustered Residential
	Community Shopping
	Estate Residence District
	Local Business District
	MXD
	Office Park District
	Professional District
	PUD
	Residence A District
	Residence B District
	Residence C District
	Residence D District
	Residence E District
	Residence F District
	Residence G District
	Recreation District
	RID
	Rec-2



4-12-16-

200 Beach Street is having a  
carport that is attached to current  
home. built on to home.

Revised Order

# P-16-11

## Resurvey in existing Residence B zoning

✓ “Clean-up” resurvey: Current legal is described as Lot 7, except the north 5 feet of Lot 7. So, the north 5 feet was deeded to Lot 8 at some point.

☑ **May be approved as a final plat;** the following corrections for the final plat are required by the Subdivision Regulations, and **are suggested as conditions of approval:**

- 1) note zoning district (Residence B) on plat;
- 2) for required minimum setbacks indicate “primary front 35 feet” and “secondary front 35 feet;”

✓ Meets the Zoning Regulations for the Residence B district.

✓ **Overall layout is acceptable,** with the final plat to fully comply with all applicable requirements of the Mountain Brook Subdivision Regulations.

✓ No floodplain present.

✓ No relevant history or prior cases.

● **Project Data:**

NAME: Corda’s Beech Street Resurvey

CURRENT ZONING: Residence B

OWNER: Renee Corda

LOCATION: 200 Beech Street

LEGEND

- SQ. FT. .... SQUARE FEET
- AC ..... ACRES
- +/- ..... MORE OR LESS
- Δ ..... DELTA ANGLE
- d ..... DEFLECTION ANGLE
- T ..... TANGENT
- R ..... RADIUS
- CH ..... CHORD
- L ..... LENGTH
- ESMT ..... EASEMENT
- EX ..... EXISTING
- M.B. .... MAP BOOK
- PG ..... PAGE
- FND ..... FOUND
- ROW ..... RIGHT-OF-WAY
- O ..... OBLIQUE SET
- MIN ..... MINIMUM
- C ..... CENTERLINE
- D.B. .... DEED BOOK
- /— NOT TO SCALE

# CORDA'S BEECH STREET RESURVEY

BEING RESURVEY OF MAP OF A RESURVEY AND SUBDIVISION OF LOT 4, BLOCK 707, BIRMINGHAM, BY THE ELKTON LAND COMPANY AS RECORDED IN MAP BOOK 88, PAGE 63 IN THE OFFICE OF THE JUDGE OF PROBATE, JEFFERSON COUNTY

SCALE: 1"=20'

DATE: APRIL 2016

SITUATED IN THE NW 1/4 OF NW 1/4 OF SECTION 32, TOWNSHIP 17 SOUTH, RANGE 2 WEST, JEFFERSON COUNTY, ALABAMA

### WEYGAND SURVEYORS, INC.

Ray Weygand, Reg. L.S. #24973  
 169 Oxmoor Road, Homewood, AL 35208  
 Phone (205) 942-0086 Fax: (205) 942-0087



VICINITY MAP N.T.S.

BENTLEY HILLS  
 FOURTH SECTOR  
 LOT 6  
 MAP BOOK 34  
 PAGE 82



**LOT 7A**  
 ±17206.6 Sq. Feet

BENTLEY HILLS  
 4TH SECTOR  
 RESURVEY  
 LOT 8A → (previously lot 8)  
 MAP BOOK 228  
 PAGE 98

previously-existing lot line between lots 7 & 8

ZONING, RESIDENCE - B

#### SETBACKS

35' FRONT  
 35' REAR  
 12.5' SIDL

NOTE:  
 THIS PROPERTY IS NOT LOCATED IN A SPECIALLY FLOOD HAZARD AREA (ZONE "X") AS PER MAP NO. 01073C0413G, DATED SEPTEMBER 29, 2006

STATE OF ALABAMA  
 JEFFERSON COUNTY

The undersigned, Ray Weygand, Registered Land Surveyor, State of Alabama, and Renee B. Corda, Owner, whose names are signed to this certificate, do hereby certify that this is a true and correct map of a survey made by Ray Weygand, Land Surveyor, of the property shown on this map with the dimensions of the lots together with the streets, avenues, alleys and other public ways shown thereon and giving the name and width of each street and avenue and the number and dimensions of each lot and block and showing the relation of the land so plotted to the map of CORDA'S BEECH STREET RESURVEY and to the government survey of Section 34, Township 17 South, Range 2 West. I, Ray Weygand, hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama. Said owners also certify that they are owners of said land and that the same is not subject to any mortgage.

IN WITNESS WHEREOF, we have hereunto set our hands this the 31 day of March, 2016.

By:   
 Ray Weygand  
 Reg. L.S. #24973

By: Renee B. Corda Owner

STATE OF ALABAMA  
 JEFFERSON COUNTY

I, Jame J. Neely, a Notary Public in and for said County and State hereby certify that Ray Weygand, whose name is signed to the foregoing certificate as Land Surveyor and who is known to me, on this day, that being informed of the contents of the certificate, he executed the same voluntarily on the day the same bears date

Given under my hand and seal this 31<sup>st</sup> day of March, 2016

By:   
 Notary Public - My commission expires: 7-7-18

STATE OF ALABAMA  
 JEFFERSON COUNTY

I, \_\_\_\_\_, a Notary Public in and for said County and State hereby certify that Renee B. Corda, whose name is signed to the foregoing certificate as Owner, and who is known to me, acknowledged before me, on this day that, being informed of the contents of the certificate, she executed same voluntarily on the day the same bears date.

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2016

By: \_\_\_\_\_  
 Notary Public - My commission expires \_\_\_\_\_

APPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_  
 Chairman, Mountain Brook Planning Commission

APPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_  
 Secretary, Mountain Brook Planning Commission

NOTE:  
 ENVIRONMENTAL SERVICES DEPARTMENT APPROVAL INDICATES THAT EASEMENTS HAVE BEEN DEDICATED FOR FUTURE JEFFERSON COUNTY SANITARY SEWERS, HOWEVER, THIS DOES NOT MEAN SANITARY SEWERS HAVE BEEN BUILT OR WILL BE BUILT IN THE FUTURE. ANY CHANGE IN THE RIGHT OF WAY OR EASEMENT BOUNDARIES AFTER THIS DATE MAY VOID THIS APPROVAL.

DIRECTOR OF ENVIRONMENTAL SERVICES \_\_\_\_\_ DATE \_\_\_\_\_

NOTES  
 ALL EASEMENTS SHOWN ON THIS PLAT ARE FOR PUBLIC UTILITIES, SANITARY SEWERS, STORM SEWERS, AND STORM DITCHES AND MAY BE USED FOR SUCH PURPOSES TO SERVE PROPERTY BOTH WITHIN AND WITHOUT THIS SUBDIVISION. NO PERMANENT STRUCTURE OR OTHER OBSTRUCTION SHALL BE LOCATED, EXCEPT BY THE PUBLIC WORKS DEPARTMENT, WITHIN THE LIMITS OF A DEDICATED EASEMENT.

BUILDER IS RESPONSIBLE FOR THE DRAINAGE ON EACH LOT AND IN AND AROUND EACH BUILDING. BUILDER WILL BE RESPONSIBLE FOR ADJUSTING THE LIDS OR TOP ELEVATION FOR ALL MANHOLELS AND YARD INLETS ON EACH LOT.

THE LOT OWNER/BUILDER SHALL USE APPROPRIATE METHODS, WHETHER PIPES, UNDERDRAIN, DITCHES, GRADING OR OTHER MEANS, TO PROVIDE A BUILDING SITE FREE OF SURFACE OR SUBSURFACE DRAINAGE PROBLEMS WITHOUT ADVERSELY AFFECTING ADJACENT LOTS.

THE LOT OWNER/BUILDER SHALL FIELD VERIFY THE LOCATION AND ELEVATION OF SANITARY SEWER SERVICE LINE OR SEPTIC TANK LOCATION PRIOR TO CONSTRUCTION OF BUILDING FOUNDATIONS.

ELEVATION OF ALL SANITARY SEWER LATERALS TO EACH LOT SHOULD BE VERIFIED BY BUILDER PRIOR TO SETTING LOWEST FLOOR OF RESIDENCE TO BE SERVICED.

NO HOUSE SHALL HAVE A FINISHED FLOOR ELEVATION LESS THAN TWO (2) FEET ABOVE TOP OF ANY ADJACENT STORM SEWER WITHOUT ENGINEER'S APPROVAL.

NO FENCE SHALL IMPED THE FLOW OF WATER IN ANY DRAINAGE WAY.

WEYGAND SURVEYORS, INC. IS NOT RESPONSIBLE FOR SOIL COMPACTIONS AND DID NOT CONDUCT ANY SURFACE OR SUBSURFACE INVESTIGATIONS.

NORTH ARROW SHOWN ON THIS MAP IS NOT TRUE NORTH AND SHOULD ONLY BE CONSIDERED AS APPROXIMATE.

# P-16-11 Aerial





# Planning Commission Application PART I

## Project Data

Address of Subject Property 3215 Salisbury Road (Nathan); 3216 Rockledge Road (Smith)

Zoning Classification Class 3 - Residential

Name of Property Owner(s) John H. Nathan and Donna B. Nathan, and Elaine K. Smith

Phone Number 205-380-5329 Email john@nathan-nathan.com

Name of Representative Agent (if applicable)

Frank C. Galloway III, Galloway, Scott, Moss & Hancock, LLC

Phone Number 205-949-5580 Email fcg3@gallowayscott.com

Property owner or representative agent must be present at hearing

## Plans

See applicable Section of the Zoning Ordinance for submittal requirements pertaining to your particular application. Applicable Code Section may be found in Part II, list of application types. Contact City Planner with any specific questions as to required plans submittal.



April 12, 2016

**Via Hand Delivery**

Dana O. Hazen, MPA, AICP  
Director of Planning, Building & Sustainability  
City of Mountain Brook  
56 Church Street  
Mountain Brook, AL 35213

Re: Nathan/Smith Resurvey

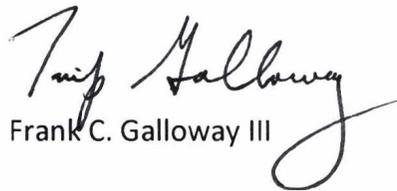
Dear Dana:

Please allow this letter to confirm that the Nathans and Mrs. Smith wish to resurvey their adjoining properties so that the portion of Mrs. Smith's property below the cliff (which is already realistically an extension of the Nathan backyard) be transferred to the Nathans and the common backyard border be relocated. The resulting lots will both have conforming rear set-backs. The extreme and unusual circumstances associated with the cliff surrounding this proposal distinguish it from any other situations such that this matter should not serve as a precedent for any other future proposed resurveys.

Enclosed herein is a check for \$100 payable to the City of Mountain Brook for the resurvey fee along with a completed Part I of the Planning Commission Application. It is my understanding that Ray Weygand's office has delivered to you the necessary copies of maps and proposed plat. These items, along with the list of adjoining owners as researched by Land Title Company of Alabama (which was emailed to Tammy Graham earlier today) should constitute a complete submission for the proposed resurvey.

I will attend the pre-meeting and the regular meeting in May. In the interim, if you or anyone else associated with the Planning Commission has any questions regarding the foregoing, please contact me.

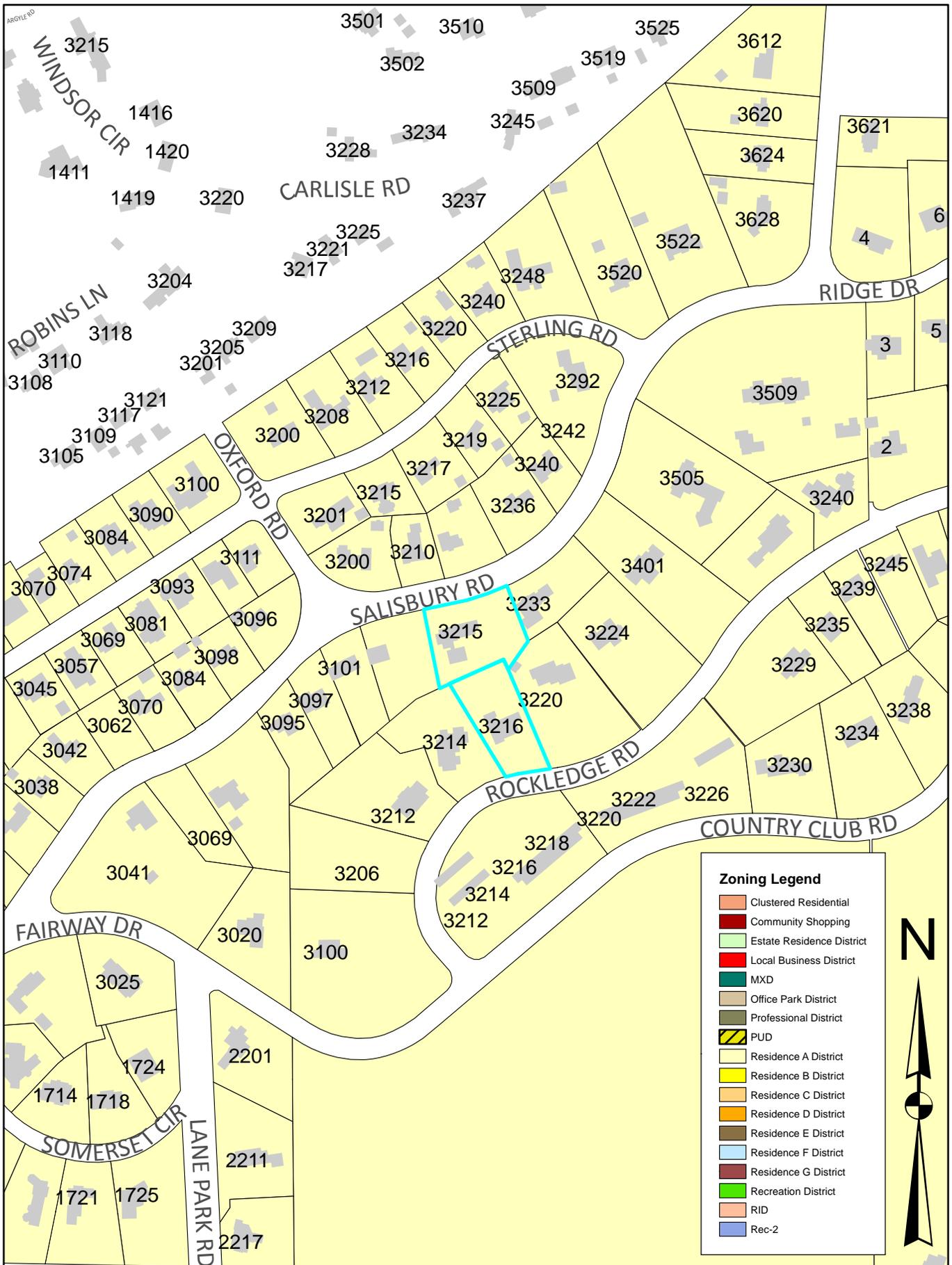
Sincerely,



Frank C. Galloway III

FCGIII/jjg  
Enclosures

# P-16-12 Zoning



**Zoning Legend**

- Clustered Residential
- Community Shopping
- Estate Residence District
- Local Business District
- MXD
- Office Park District
- Professional District
- PUD
- Residence A District
- Residence B District
- Residence C District
- Residence D District
- Residence E District
- Residence F District
- Residence G District
- Recreation District
- RID
- Rec-2



# P-16-12

## Resurvey in existing Residence A zoning

- ✓ “Clean-up” resurvey: The rear of existing Lot 19 (Rockledge Road) is at a much higher elevation than the front of the lot (making it inaccessible from the lower portion of the lot). The owners of existing Lot 24-A (Salisbury Road) wish to purchase the rear of Lot 19, since it is level with their lot and would be usable to them.
- The proposed resurvey does not meet the Zoning Regulations for the Residence-A district which requires a minimum 30,000 square foot lot. The Rockledge lot is presently non-conforming with a square footage of 29,348 and would be further reduced to 22,765. The Salisbury lot would increase in square footage and is conforming in both scenarios.

If the Planning Commission is inclined to approve this resurvey, a variance to the subdivision regulations is required to by Section 1.7 of the City’s Subdivision Regulations to allow the square footage reduction to the Rockledge lot, and a finding supporting the variance should be noted in the motion to approve.

### *“1.7 Variance and Exceptions.*

Whenever the shape or topography of a parcel to be subdivided is so unusual that the strict application of these regulations would result in substantial and unreasonable hardship to the developer, the Commission may vary or modify the requirements of these regulations so that the developer is allowed to develop the parcel in a reasonable manner; provided, that any such variance must not be contrary to the public welfare or the public interest of the City, and the parcel must be developed in a manner which is consistent with the general intent and spirit of these regulations. The Commission may make any such variance subject to such conditions as will, in its judgment, substantially secure the objectives of the standards or requirements so varied. Any variance thus authorized, and the reason(s) therefore, must be entered, in writing, in the minutes of the Commission.”

- ☑ **May be approved as a final plat;** the following corrections for the final plat are required by the Subdivision Regulations, and **are suggested as conditions of approval:**
  - 1) note zoning district (Residence A) on plat;
  - 2) indicate all required building setbacks: front and rear (40 feet) and sides (15 feet);
- ✓ **Overall layout is acceptable,** with the final plat to fully comply with all applicable requirements of the Mountain Brook Subdivision Regulations.
- ✓ No floodplain present.
- ✓ No relevant history or prior cases.

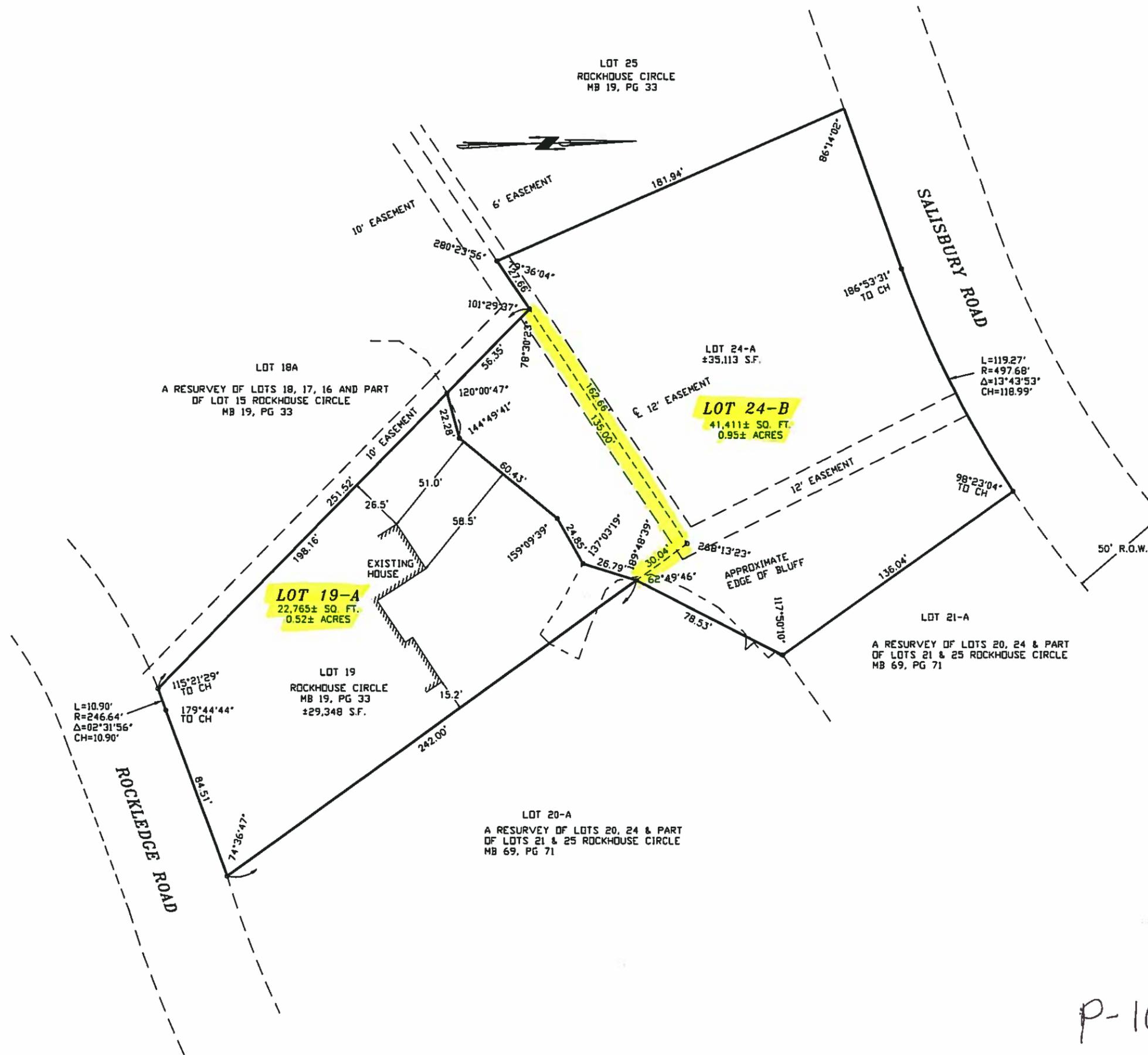
- **Project Data:**

NAME: Resurvey of Lots 19 and 24-A, Rockhouse Circle

CURRENT ZONING: Residence A

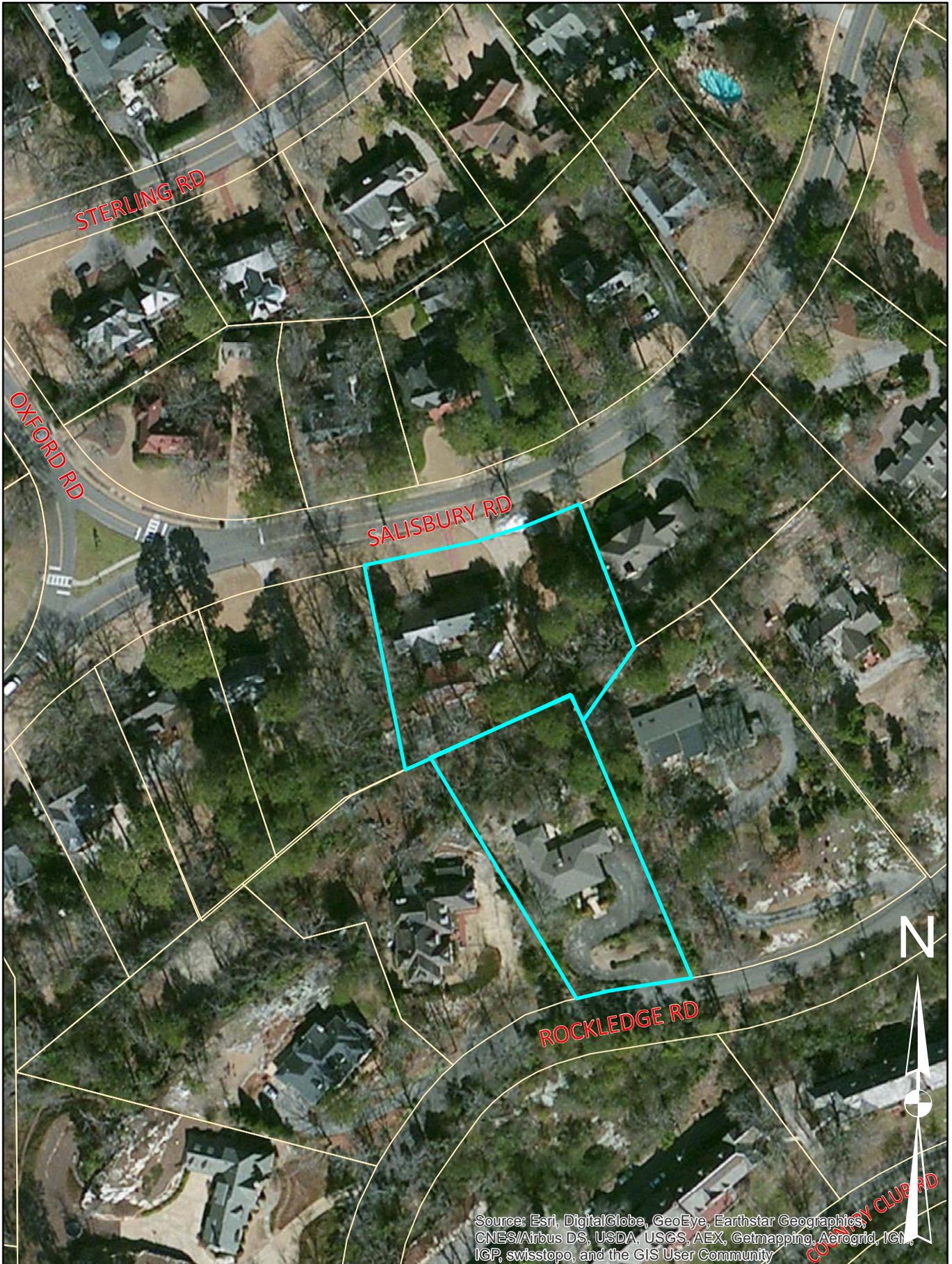
OWNERS: John and Donna Nathan (Salisbury) & Elaine Smith (Rockledge)

LOCATION: 3215 Salisbury Road & 3216 Rockledge Road



P-16-12

# P-16-12 Aerial



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



## Planning Commission Application PART I

### Project Data

Address of Subject Property 3041 Cambridge Road (Mountain Brook Elem)

Zoning Classification Res-A

Name of Property Owner(s) Mountain Brook School Board

Phone Number 871-4608 Email \_\_\_\_\_

Name of Representative Agent (if applicable)

Shanda Williams - Mountain Brook Parks + Rec

Phone Number 802-3879 Email williams.sh@mtbrook.org

Property owner or representative agent must be present at hearing

### Plans

See applicable Section of the Zoning Ordinance for submittal requirements pertaining to your particular application. Applicable Code Section may be found in Part II, list of application types. Contact City Planner with any specific questions as to required plans submittal.

April 8, 2016

Restroom and Scoreboard at Mountain Brook Elementary Field

To Whom It May Concern:

The Park Board would like to install a pre-fabricated restroom near the field at Mountain Brook Elementary. This restroom will be similar to the ones at Brookwood Forest Elementary and Overton Park except that it will have two handicap accessible restrooms. It will be 10' x 18' which includes a small porch on the front. It will be 10' tall at the apex of the roof. A photo and plans of the restroom have been included with this request.

The Park Board would also like to install a scoreboard near the restroom. This will be similar to the scoreboards located at Crestline Elementary and each baseball field at the Sports Complex. I believe these are approximately 4' x 8'. A photo of an existing scoreboard is included on the next page. These projects will be installed close together so the electricity can easily be connected from the restroom to the scoreboard.

After researching the location of sewer, power, and water, the Park Board feels the best location for the restroom is in the corner of the field off of Heathermoor Road. It should fit in the open area beside the batting cage. This is shown in two maps on the last page. This will also offer the best handicap accessibility. The other option was the lower end where the port-a-potty is and that location floods often and is not easily accessible for the handicap.

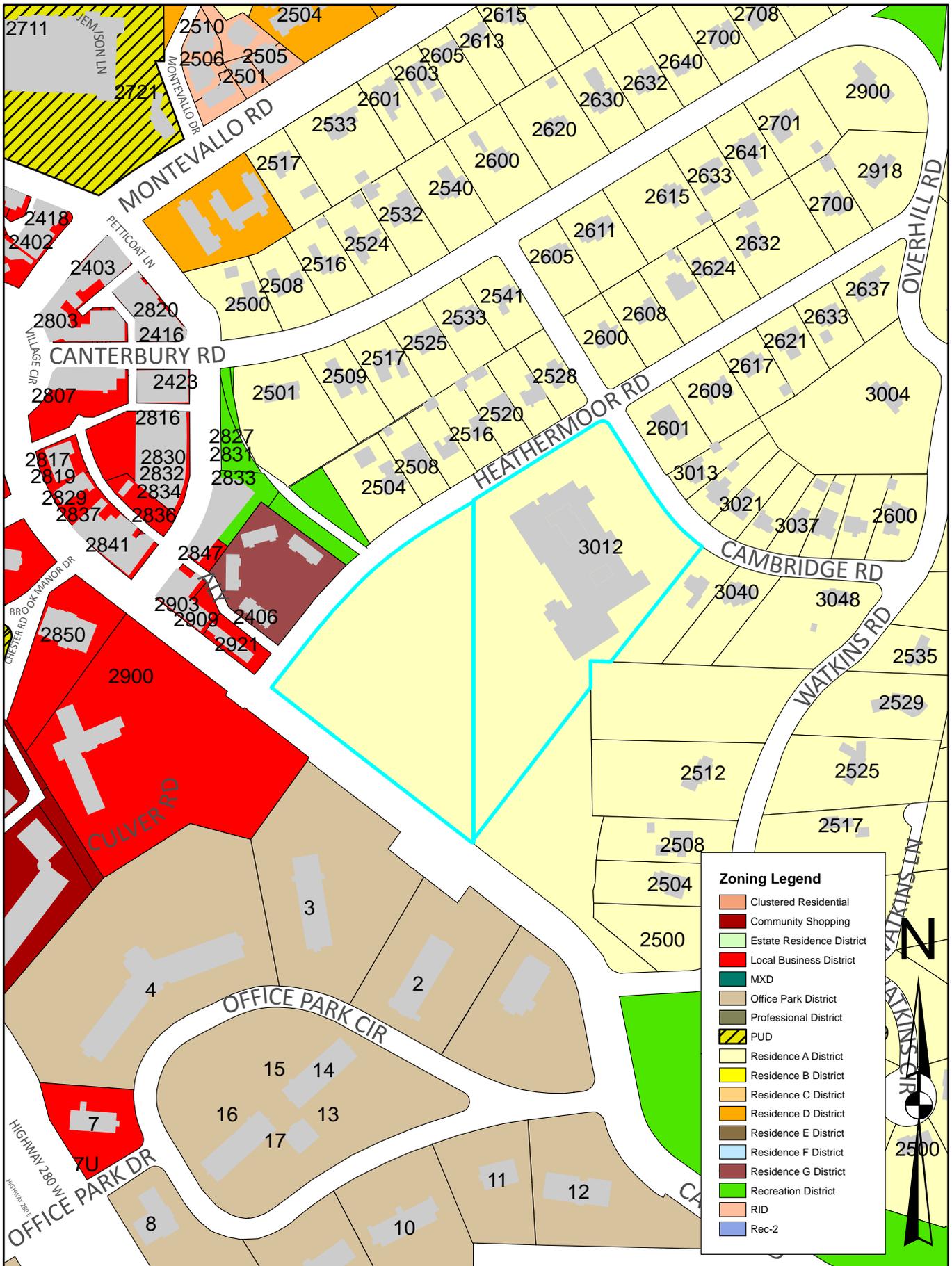
Because of the cost of the restroom alone, the project will have to be bid out. If everything goes smoothly, we hope to get it installed this summer while school is out. Then the scoreboard can be used for football this Fall.

If you have any questions, please contact me at 802-3879 or at [williamssh@mtnbrook.org](mailto:williamssh@mtnbrook.org).

Sincerely,

Shanda Williams  
Superintendent of Parks and Recreation

# P-16-13 Zoning



**Zoning Legend**

- Clustered Residential
- Community Shopping
- Estate Residence District
- Local Business District
- MXD
- Office Park District
- Professional District
- PUD
- Residence A District
- Residence B District
- Residence C District
- Residence D District
- Residence E District
- Residence F District
- Residence G District
- Recreation District
- RID
- Rec-2



# P-16-13

## ***Petition Summary***

Request for a development plan for the Mountain Brook Elementary recreational fields to add a permanent restroom facility and a score board.

Section 129-32 of the zoning code requires Planning Commission approval for improvements to an institutional use in the Residence-A District. See attached letter from the City's Parks and Recreation Director for specifics about the proposed project.

The scoreboard is to be lighted, but the existing field lights are brighter than any light that would be emitted from the scoreboard.

## ***Subject Property and Surrounding Land Uses***

The subject property contains the recreational fields adjoining Mountain Brook Elementary and is surrounded by a mixture of single family, multi-family, institutional office and commercial uses.

## ***Affected Regulation***

Article III, Residence-A District; Section 129-32 Conditions on Certain Permitted Uses.

## ***Appends***

LOCATION: 3041 Cambridge Road

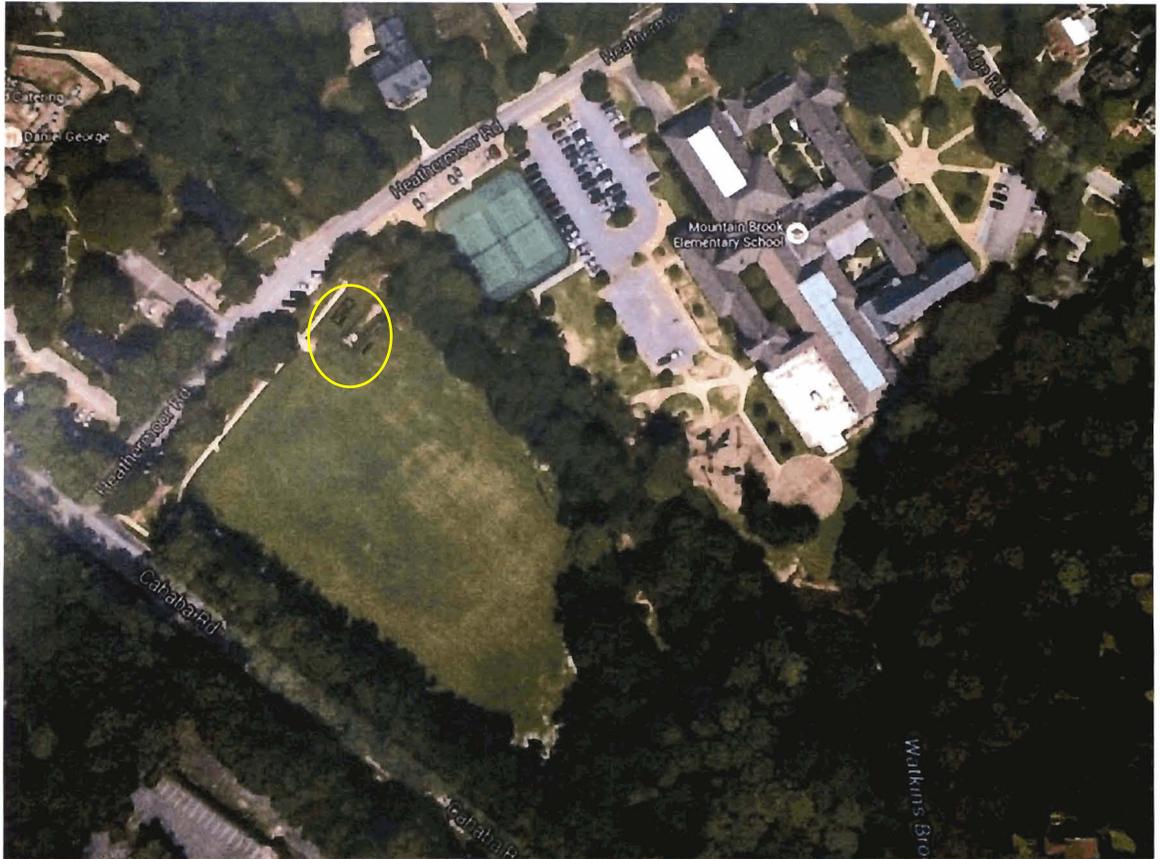
ZONING DISTRICT: Res-A

OWNER: Mountain Brook Board of Education

This is a photo of the restroom. We can choose a different color wall and roof.

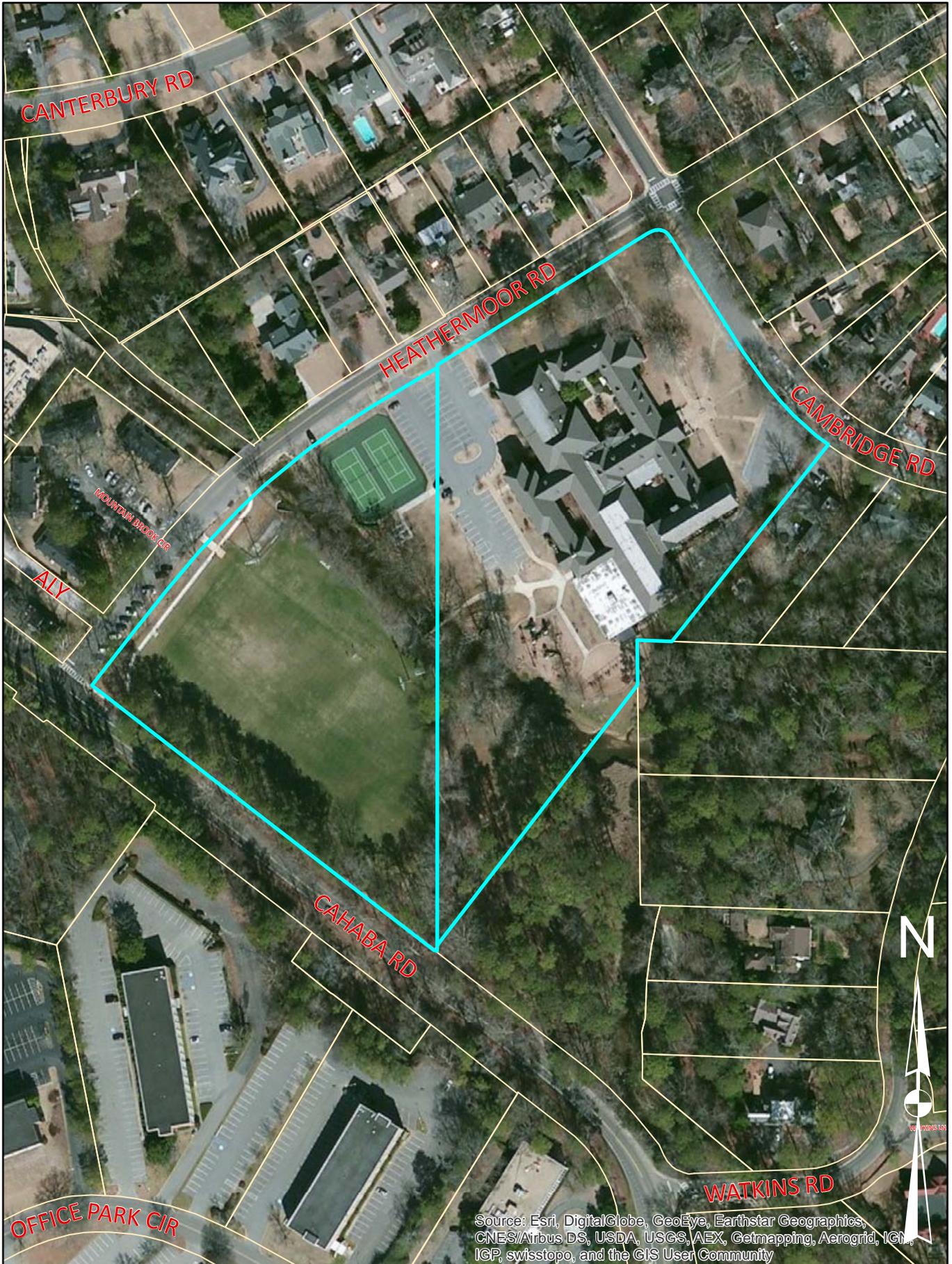


This is a similar scoreboard at the Complex





# P-16-13 Aerial



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

## Amendment to Article XVIII, Section 129-295 Temporary Uses – Open Houses, Home Tours and Special Events.

### *Summary*

The proposed amendment is designed to provide a regulatory framework for open houses, home tours and other similar charitable and special events in the residential districts of the City. The frequency of these types of events has increased over the past few years, and the attendance of such has increased as well, causing parking problems, fire lane hazards and neighborhood contention. The proposed ordinance will help streamline the process and mitigate potential negative impacts to surrounding properties.

See attached draft ordinance (new language in red).

**CITY OF MOUNTAIN BROOK  
NOTICE OF PROPOSED AMENDMENT TO 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 April 4, 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 a proposed amendment to Chapter 129 of the Code of the City of Mountain Brook, as it pertains to Section 129-295 Temporary Uses, as follows:

**“Section 129-295 Temporary Uses.**

- (a) Yard sales. A resident of the city may conduct sales commonly known as yard sales, garage sales or estate sales (hereinafter collectively referred to as "yard sales") at the resident's dwelling, or at the dwelling of another resident of the city, under the conditions specified herein below. All such sales shall be subject to the same monitoring and enforcement procedures set forth in article XXIII of this chapter (applicable to home occupations).
- (1) Not more than one yard sale shall be held at any dwelling during any calendar year.
  - (2) No person may participate in, including having his property sold at, more than one yard sale in the city during any calendar year, regardless of whether such additional sale is held at his dwelling or at the dwelling of another person.
  - (3) An agent may be hired to assist in the conduct of, or to conduct, such sale if all property for sale is displayed or located within the dwelling or within an accessory structure of the dwelling or in a portion of the dwelling's yard which is not visible from any street which is adjacent to the parcel on which the dwelling is located.
  - (4) Yard sales shall be limited to two days in duration, which days must be consecutive; however, a yard sale may last for up to four consecutive days if all property for sale is displayed or located within the dwelling or within an accessory structure of the dwelling or in a portion of the dwelling's yard which is not visible from any street which is adjacent to the parcel on which the dwelling is located.
  - (5) A permit shall be required for each yard sale, regardless of the number of people who participate in a sale, for which a fee to help defray the cost of issuing the permit will be charged in accordance with article XXVII of this chapter. Although only one permit will be required for each sale, each person who participates in the yard sale must be named as an applicant for the permit. Application for such permit must be filed with the city clerk prior to the first day of the proposed yard sale.
  - (6) One sign, not to exceed six square feet in area, may be posted in the yard of the dwelling in which the yard sale is conducted. The sign may be in the yard for a period not to exceed four consecutive days, including the day or days of the sale itself, and must be removed within 24 hours after the conclusion of the sale.
- (b) Trunk sales. Trunk sales, defined for the purposes of this chapter to mean the sale of new clothes, clothing accessories and other consumer goods by means of the purchaser ordering such items or goods from samples and/or catalogs available for inspection at a dwelling during the trunk sale, may be conducted at the dwelling of a resident of the city under the conditions specified herein below, and all such sales shall also be subject to the same

monitoring and enforcement procedures set forth in article XXIII of this chapter (applicable to home occupations).

- (1) In addition to the monitoring and enforcement procedures made applicable in this section, the conditions for use of dwelling for a home occupation set forth in article XXIII of this chapter (home occupations) shall also be applicable to the use of dwellings for trunk sales.
  - (2) No more than four trunk sales shall be conducted at anyone dwelling during anyone calendar year.
  - (3) Not more than two people who are not residents of the dwelling at which a trunk sale is conducted may conduct or assist with a trunk sale; provided, that: (1) Any such people must be employees, agents or representatives of the company which produces the goods to be sold at the trunk sale; and (2) An adult resident of the dwelling at which the trunk sale is being held is present at the trunk sale when it is held.
  - (4) There shall be no goods in the dwelling that are available for sale.
  - (5) Trunk sales shall be limited to a maximum of five days in duration, which days must be consecutive.
  - (6) However, a single permit may be issued for all trunk sales to be held at a dwelling during any calendar year, provided that either the dates of all such sales are included in the application for the permit; or written notice of the place, date and time of each sale, along with a copy of the permit previously issued for that calendar year, are delivered to the zoning officer at least seven days before each such sale is to be held.
  - (7) The permit fee must be paid for each permit applied for, but only the application for the first permit must be accompanied by an application for a business license; provided, that thereafter the business license is kept in effect. The drawings, plans or other requirements of article XXIII of this chapter made applicable to trunk sales by this section need be filed only with the application for the first permit unless a different portion of the dwelling is to be used for a subsequent trunk sale.
- (c) **Open Houses, Home Tours and Special Events.** Open houses, home tours and other special events ("Special Events") wherein a residential premise or part thereof is made open to the public for a fee, donation or other remuneration or otherwise for commercial or charitable purposes may be conducted in the residential districts of the city under the conditions specified herein below. Such uses shall also be subject to the same monitoring and enforcement procedures set forth in article XXIII of this chapter (applicable to home occupation).
- (1) No more than one (1) such Special Event(s) shall be conducted at any one residential premises during anyone calendar year.
  - (2) Such Special Event shall be limited to a maximum of five (5) days in duration which days must be within a fourteen day period beginning with the first day of the event.
  - (3) No goods shall be sold at the Special Event other than furniture, furnishings or other items used to furnish the home or premises.

- (4) A permit shall be required for each Special Event for which a fee to help defray the cost of issuing the permit will be charged in accordance with article XXVII of this chapter. Application for such permit, in the form and with all information requested by the city, must be submitted to the city clerk at least thirty (30) days prior to the date upon which the Special Event is scheduled to begin.
- (5) If, after review of the application, the City Manager determines that the parking or the public rights of way are insufficient to anticipated traffic volume for the Special Event, the City manager may require the use of remote parking areas and shuttle buses or valet services, the engagement of law enforcement officers by the applicant to assist with vehicular traffic or other measures designed to reduce the impact on surrounding properties and the public rights of way in the area.
- (6) For the purposes of this section, an open house or home tour conducted for the sale purpose of marketing or sale of the residential premises themselves and for which a fee, donation or other remuneration is not collected shall be permitted and shall not be subject to the conditions in this subsection.

(d) Temporary structures and related items. Any structures or items associated with construction taking place on a parcel, or with other activities of a temporary nature, including, but not limited to, portable toilets, shall be placed so as to be in conformity with the minimum setback requirements applicable to the principal building on such parcel.

(e) Signs re: sale or rental of property. A sign advertising the sale or rental of a parcel may be placed in the front yard of any parcel; provided, that such sign may not exceed six square feet in area.”

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  
The Clock Tower, 99 Church Street  
Overton Park, 3020 Overton Road

---

Tammy Graham, Administrative Assistant