

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