

ORDINANCE NO. 1930

AN ORDINANCE AMENDING SECTION 129-573 OF THE CITY CODE

BE IT ORDAINED by the City Council of the City of Mountain Brook, Alabama, that Section 129-573 of the City Code is hereby amended as follows:

1. “Section 129—573 (b). Minimum Yards and Building Setbacks.

- (1) Minimum front (primary) yard setback5 feet
- (2) Minimum front (secondary) yard setback8 feet
- (3) Minimum rear yard setback5 feet
- (4) Minimum side yard setback:
 - Zero feet if party wall;
 - Five feet for end units or a detached single-family dwelling.
- (5) An enhanced primary entrance feature may extend up to five feet beyond the permitted and constructed front building line of the building provided that:
 - a. It occupies no more that 30 percent of the front façade (primary or secondary) of the lot;
 - b. It remains unenclosed, with no fixed windows or screens;
 - c. Any roof structure on or associated with the feature is up to one and one-half stories;
 - d. It is designed as an extension of the primary building using the same foundation, building materials, architectural styles and ornamentation as the primary building.

The front lot line shall be deemed to be the edge of the adjacent public right-of-way, ~~or the edge of the adjacent sidewalk which is nearest the building, whichever is farther from the centerline of such right-of-way.”~~

2. Repealer. All ordinances or parts of ordinances heretofore adopted by the City Council of the City of Mountain Brook, Alabama that are inconsistent with the provisions of this ordinance are hereby expressly repealed.

3. Severability. If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

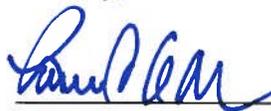
Effective Date. This ordinance shall become effective immediately upon adoption and publication as provided by law.

ADOPTED: This 23rd day of February, 2015.



Council President

APPROVED: This 23rd day of February, 2015.



Mayor

CERTIFICATION

I, Steven Boone, City Clerk of the City of Mountain Brook, Alabama, hereby certify the above to be a true and correct copy of an ordinance adopted by the City Council of the City of Mountain Brook, Alabama, as its meeting held on February 23, 2015, as same appears in the minutes of record of said meeting, and published by posting copies thereof on February 24, 2015, at the following public places, which copies remained posted for five (5) days as required by law.

City Hall, 56 Church Street
Gilchrist Pharmacy, 2850 Cahaba Road
Overton Park, 3020 Overton Road
The Invitation Place, 3150 Overton Road

A handwritten signature in blue ink that reads "Steven Boone". The signature is written in a cursive style and is positioned above a horizontal line.

City Clerk

Vine Street Transitional District Amendment

The Short Explanation

Succinctly put, the proposal is to revise the language of the VST District ordinance so that the required front setback is measured from the *property line* instead of the back of the sidewalk. For a in-depth explanation, see below!

Background

The Vine Street Transitional (VST) District is intended to provide compact, appropriate-scaled buildings along the west side of Vine Street in Crestline Village for detached single family, attached single family (townhouse dwelling), professional and business offices and mixed use (residential above office).

The district may be applied to sites which can establish an effective transition from the Local Business District in Crestline Village to adjacent residential neighborhoods and the Crestline Elementary School site. The district is intended to provide a high degree of pedestrian connectivity within Crestline Village to increase accessibility and patronage of businesses, and to enhance the pedestrian character of Crestline Village.

The Vine Street Transitional (VST) District is also intended to emphasize lot frontages, and the orientation, location, and façade design of the buildings, as a key determinant of development that is transitionally compatible with the neighboring Local Business, Residence-A, Residence-C and Recreation Districts, and a key element in shaping the transitional character and streetscape of Vine Street in Crestline Village.

What's the Problem?

As originally drafted the ordinance mimicked the language in the Village Overlay with respect to where the front (street) setbacks are to be measured, which is from the edge of the adjacent right-of-way or the edge of the adjacent sidewalk, whichever is farther from the centerline of the right-of-way.

As with most newly drafted ordinances, the test of applicability comes with the first development proposed under the new regulations. In December 2014, the Planning Commission recommended approval of the rezoning of 30 Dexter Avenue from Res-D to VST District. As staff has continued to review the project it has been determined that by applying the standard of measurement from the back of the newly-proposed sidewalk along Vine Street (rather than from the actual property line) it renders the site nearly unbuildable with respect to buildable width after setbacks are taken into consideration.

As may be seen on the attached site plan for said project, new angled parking and a new sidewalk are proposed, a portion of which is on the private property. The angled parking is necessary to meet the on-site parking requirement for the project (and will increase the inventory of public parking in Crestline), and the sidewalk installation is required by the Village Overlay.

All of this puts the proposed building 24 feet from the edge of the existing curb (11 feet from the property line). This more than meets the intent of the ordinance which calls for an 8-foot setback along Vine Street; but if the regulation is applied that the required setback be taken from the back of the new sidewalk, then it further narrows the building by another 8 feet, putting it 32 feet from the curb and 19 feet from the property line, where only an 8-foot setback was intended. Taking into account that the site is only 57 feet wide, this reduces the buildable width to only 38 feet.

Staff concludes that this regulation, when applied from the back of sidewalk, is overly stringent and should be revised so that the setbacks are taken from the actual property line.

The VST District differs from other zoning districts in the villages in that the neighboring residents of Dexter and Vine (who assisted the City in the drafting of the VST ordinance) wanted the street setbacks to be a *minimum* requirement, as opposed to being a *maximum* requirement as with the rest of the Village. So whereas, in the rest of the Village, the primary front setback is 0-5 feet (maximum) the VST setbacks are a minimum (no closer than 5 feet to the property line along a primary frontage and no closer than 8 feet to the property line along a secondary frontage).

Given the fact that only three (3) other VST-eligible lots remain along the west side of Vine that are likely to be developed in the foreseeable future (58 Vine, 23 Dexter and 119 Euclid, which are all 50-57 feet wide) the proposed change in the ordinance will better-serve not only the project at 30 Dexter, but any future projects which the VST District was drafted to benefit.

On February 2, 2015, the Planning Commission voted to recommend approval of this change to the ordinance.

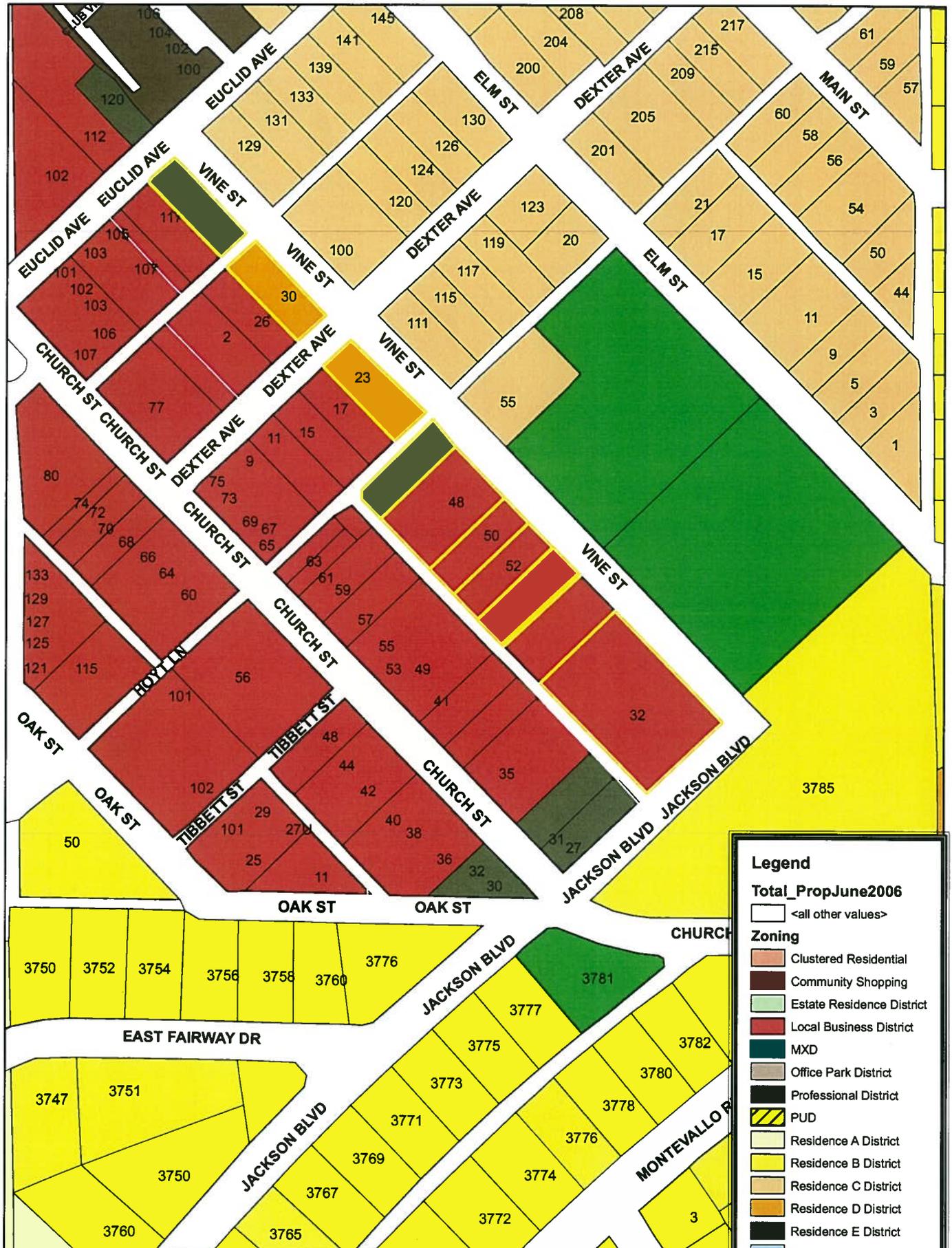
The proposed language is as follows:

The front lot line shall be deemed to be the edge of the adjacent public right-of-way, ~~or the edge of the adjacent sidewalk which is nearest the building, whichever is farther from the centerline of such right-of-way."~~

Affected Regulation

Article XXXII, Vine Street Transitional District; Section 129-573 (5), Area and Dimensional Requirements.

VST Amendment



Legend

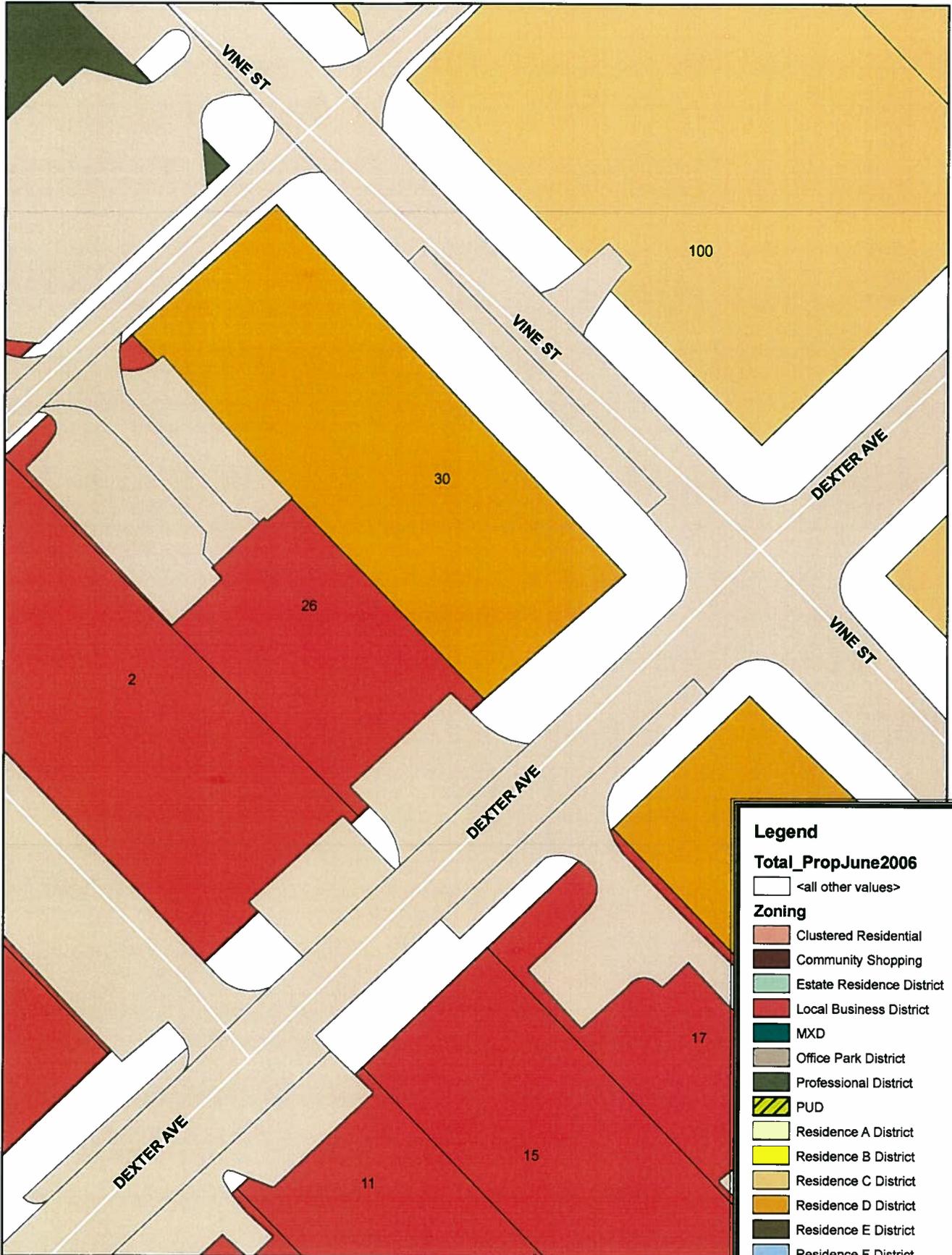
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Zoning

- 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
- Recreation District
- RID
- Rec-2





Legend

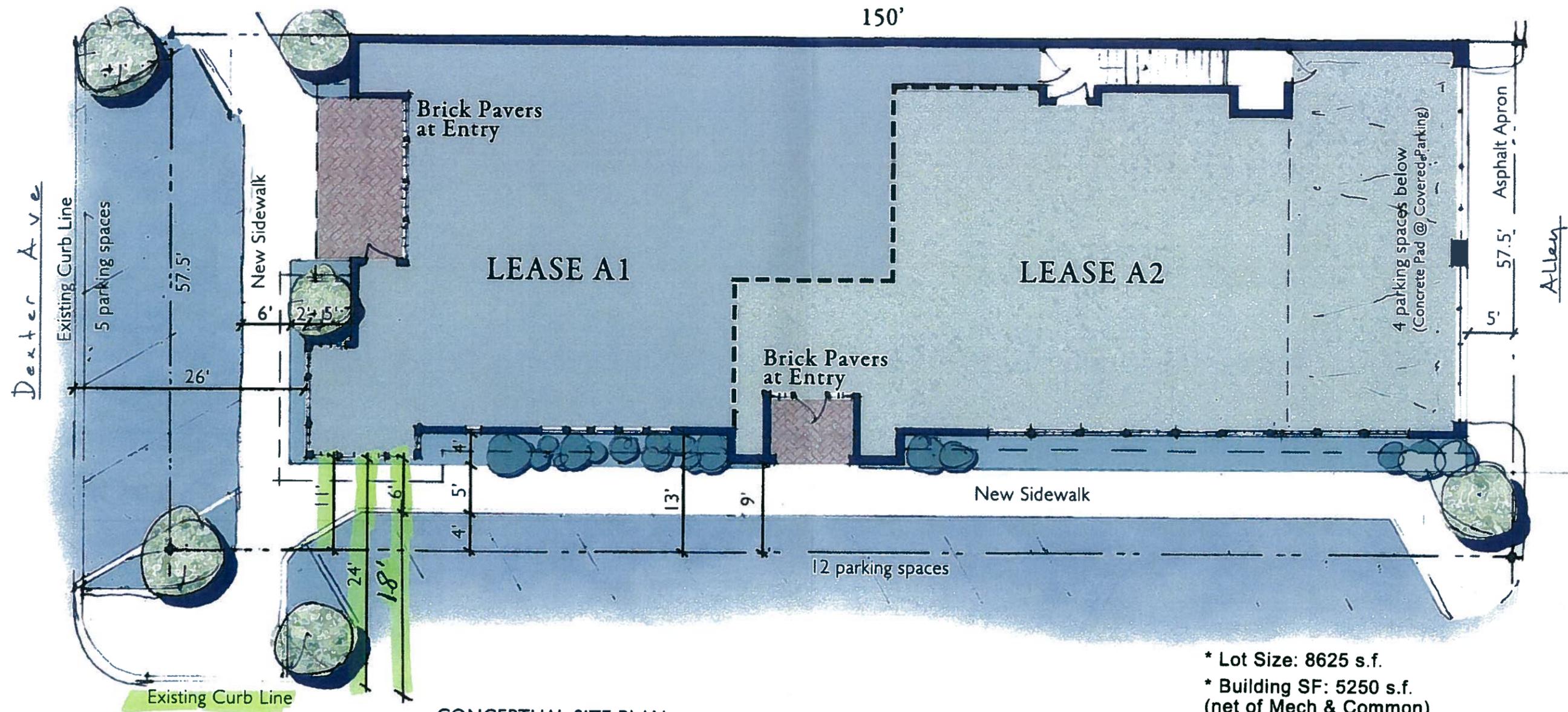
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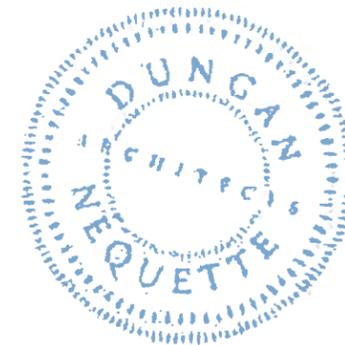




CONCEPTUAL SITE PLAN
SCALE: 3/16" = 1'-0"



- * Lot Size: 8625 s.f.
- * Building SF: 5250 s.f. (net of Mech & Common)
- * Parking Required: 21 spaces
- * Parking Provided: 21 spaces
- * Lot Coverage: 65%
- * Open Green Space: 8%
- * Building Height: 30'
- * Parking - 9'x19' Min.



30' From grade



Dexter Ave

- Painted brick exterior
- Clad wood windows with aluminum SDL
- Roofs Facing Streets - Architectural Shingle

30' From front grade



34' From alley grade

Vine St. Elevation 3/32"

30 DEXTER AVENUE

DUNGAN NEQUETTE ARCHITECTS