

**RESOLUTION NO. 2013-087**

**BE IT RESOLVED** by the City Council of the City of Mountain Brook that, at the meeting of the City Council to be held on Monday, July 8, 2013, at 7:00 p.m., in the Council Chamber of the Mountain Brook City Hall, the City Council will hold a public hearing regarding the adoption of an ordinance amending Chapter 129 of the City Code by adding a new "Vine Street Transitional" zoning district and amending Article XXXI (Village Overlay Standards) and Section 129-416 (Advisory Design Review Required in the Villages of Mountain Brook).

**BE IT FURTHER RESOLVED** by the City Council of the City of Mountain Brook that the City Clerk be, and he hereby is, authorized and directed to cause to be published not fewer than fifteen (15) days prior to July 8, 2013, by posting in four (4) conspicuous places within the City of Mountain Brook, as follows: City Hall—56 Church Street, Gilchrist Drug Company—2805 Cahaba Road, The Invitation Place—3150 Overton Road, and Piggly Wiggly Foodstore No. 4—93 Euclid Avenue, the following notice concerning both proposed actions in words and figures substantially as follows:

**"PUBLIC HEARING**

Notice is hereby given that at a regular meeting of the City Council of the City of Mountain Brook to be held on Monday, July 8, 2013, at 7:00 p.m., in the Council Chamber of the Mountain Brook City Hall, the City Council will hold a public hearing regarding a proposal that the City Council adopt an ordinance in words and figures substantially as follows:

**'ORDINANCE NO.**

**AN ORDINANCE AMENDING SECTIONS 129-551, 129-552, 129-553 AND 129-416 OF THE CITY CODE ALL INVOLVING THE ADDITION OF THE VINE STREET TRANSITIONAL DISTRICT ZONING CLASSIFICATION TO THE ZONING CODE OF THE CITY OF MOUNTAIN BROOK**

**WHEREAS**, it is the desire of the City Council of the City of Mountain Brook, Alabama, to amend certain sections of the City's zoning code;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Mountain Brook the following:

**SECTION 1.** Chapter 129 of the City Code is amended to include the following new sections:

**"ARTICLE \_\_\_\_\_ - VINE STREET TRANSITIONAL (VST) DISTRICT**

**Sec. 129-\_\_\_ - Purpose and applicability.**

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.

The VST District may be applied to those properties abutting the west side of Vine Street in Crestline Village, as that Village is defined by reference to the Village Boundary Line for Crestline Village in Section 129-557 of the City Code.

**Sec. 129-\_\_\_ - Permitted uses.**

The uses permitted in the Vine Street Transitional District shall be as follows:

- (a) Detached single family dwellings;
- (b) Attached single family dwellings (townhouse dwelling units);
- (c) Professional offices;
- (d) Business offices;
- (e) Mixed use, with residential uses above office uses;
- (f) The uses in any of the above permitted uses may be condominium units;
- (g) Accessory structures and accessory buildings customarily incidental to the above permitted uses.

(a) *Minimum dimensions of parcel.*

- (1) Minimum area of parcel ... 7,500 square feet
- (2) Minimum width of parcel at all points between the street line and the front setback line ... 50 feet
- (3) Minimum number of feet of the parcel which must abut a street ... 50 feet

(b) *Minimum yards and building setbacks.*

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 the such right-of-way.

- (1) Minimum front (primary) yard setback... 5 feet
- (2) Minimum front (secondary) yard setback... 8 feet
- (3) Minimum rear yard setback .....5 feet
- (4) Minimum side yard setback .....  
0 feet if party wall;  
5 feet for end units, or a detached single family dwelling.

- (5) An enhanced primary entrance feature may extend up to 5 feet beyond the permitted and constructed front building line of the building provided that:
  - a. It occupies no more that 30% 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.

(c) *Building limitations.*

- (1) Maximum building area ...

For detached single family dwellings: 60% of the total area of the parcel, reduced by additional Open Space required by Section 129-554 for residential uses.

For attached single family dwellings (townhouse dwellings): 80% of the total area of the parcel, reduced by additional Open Space required by Section 129-554 for residential uses.

For office and mixed use: 80% of the total area of the parcel, reduced by additional Open Space required by Section 129-554 for residential uses.

- (2) Maximum building height ... 36 feet

At any and all points, the maximum external building height shall be measured from the existing grade of the sidewalk at the lot frontage, or the proposed grade at the front building line, whichever is lower.

- (3) Maximum number of stories ... none
- (4) Maximum allowable density ... One dwelling unit per 2,500 square feet of land contained in the parcel
- (5) All rooftop equipment shall fall within the permissible roof heights, be located away from slopes or areas exposed to the public street, and otherwise be screened from view from adjacent public streets or be incorporated into the skin of the building or internal to the block.

**Sec. 129-\_\_\_ - Off-Street Parking.**

- (1) Location of parking must be in accordance with Section 129-555 of the Village Overlay Standards.
- (2) Minimum off-street parking per dwelling unit: Two spaces.
- (3) Visitor and accessory parking for 2 or more attached single family dwellings; shall be one-half parking space per unit;
- (4) Surface parking, interior parking or parking structures for the dwelling units and for

visitor or accessory parking shall meet the parking design and vehicle access limitations of Section 129-555 of the Village Overlay Standards.

**Sec. 129-\_\_\_. - Additional requirements.**

(a) *Compliance with Village Overlay Standards.* All uses allowed in the VST District are excluded from the building type specifications in Section 129-553 of the Village Overlay Standards, but must otherwise conform to the remainder of the Village Overlay Standards in its entirety.

(b) *Exterior lighting.* If artificial illumination is provided for a parking area, it shall be arranged so as to shine and reflect away from any adjacent residential areas and away from any streets adjacent to or near the parcel. No lighting fixtures used for any parking area shall be elevated more than 14 feet above the ground, except for a light which is installed on the ceiling of a porch of a dwelling unit and is designed to illuminate only such porch. Each lighting fixture shall be designed and installed so as to direct its beam of light below the horizontal plane of such lighting fixture.”

(c) *Development plan.* Any rezoning proposal for the Vine Street Transitional (VST) District shall submit a development plan in conformity with section 129-234 of this Code demonstrating compliance with all site and building standards of this district, the applicable overlay standards, and conformance with the village master plan and design guidelines.”

**SECTION 2.** Section 129-551(b) of the City Code is hereby amended as follows:

“(b) *General Applicability.* The Village Overlay Standards supplement the standards of the current Base Zoning District of each parcel to the extent that the standards herein do not conflict with the standards in the base zoning district. To the extent that the standards set forth in the Base Zoning District conflict or are inconsistent with the standards herein, the standards set forth in this Article shall apply; all uses allowed on lots in the Base Zoning District “Vine Street Transitional (VST) District” shall be exempt from the Building Type Specifications of the Village Overlay Standards. The standards in this section are applicable to the following Base Zoning Districts which exist in the Villages:

- (1) Local Business;
- (2) Professional;
- (3) Mixed Use;
- (4) Vine Street Transitional; and
- (5) Any residential zoning districts that exist in the Village boundaries.”

**SECTION 3.** Section 129-551(c) of the City Code is hereby amended as follows:

“(c) *Specific Applicability.* The Village Overlay Standards address building types, building heights, building form and orientation (relationship to streets and open spaces), and are specifically applicable to the following areas:

- (1) Crestline Village (except for lots zoned Vine Street Transitional (VST) District), as indicated on the attached Building and Development Regulating Plan for Crestline Village;
- (2) English Village, as indicated on the attached Building and Development Regulating Plan for English Village;
- (3) Mountain Brook Village, as indicated on the attached Building and Development Regulating Plan for Mountain Brook Village;
- (4) Overton Village, as indicated on the attached Building and Development Regulating Plan for Overton Village.

The boundaries officially approved for the Village Overlay Standards, as specified above, are adopted herein by reference, and shall become a part of Official Zoning Map of Mountain Brook as defined in Section 129-17 of the Zoning Ordinance.”

**SECTION 4.** Section 129-551(d) of the City Code is hereby amended as follows:

“(d) Building and Development Regulating Plans. The Building and Development Regulating Plans for Crestline Village (except for lots zoned Vine Street Transitional (VST) District), English Village, Mountain Brook Village and Overton Village are attached hereto, included within, and made a part of these Village Overlay Standards, and apply in all areas identified thereupon.”

**SECTION 5.** Section 129-552 of the City Code is hereby amended as follows:

“(d) *Vine Street Transitional District Uses.* There is no specified building type for uses on lots zoned Vine Street Transitional District in the Village Overlay area; proposed building plans are subject to review by the Planning Commission and Village Design Review Committee for compliance with the VST District regulations, the Village Master Plan, the Design Guidelines and intent and purposes of the base zoning district and this Article.”

**SECTION 6.** Section 129-553(b) of the City Code is hereby amended as follows:

“(b) *Standards.* Permitted building types shall meet the following building standards, which standards shall control over any conflicting standard of the Base Zoning District (with the exception of any permitted use on lots zoned Vine Street Transitional (VST) District):”

**SECTION 7.** Section 129-553 of the City Code is hereby amended/corrected as follows:

1. The reference to "Section 19-31-4" (See "Maximum % of Lot Coverage (building footprint)-CD129:89) is hereby changed to "Section 129-554".
2. The reference to "Section 19-31-5(d) (See Site Access – Vehicles-CD129:89) is hereby changed to "Section 129-555(d)".
3. The reference to "Section 19-31-5" (See Legend [1]-CD129:91) is hereby changed to "Section 129-555".
4. The reference to "Section 19-31-4" (See "Maximum % of Lot Coverage (building footprint)-CD129:92) is hereby changed to "Section 129-554".
5. The reference to "Section 19-31-5(d) (See Site Access – Vehicles-CD129:92) is hereby changed to "Section 129-555(d)".
6. The reference to "Section 19-31-5" (See Legend [1]-CD129:94) is hereby changed to "Section 129-555".
7. The reference to "Section 19-31-4" (See "Maximum % of Lot Coverage (building footprint)-CD129:95) is hereby changed to "Section 129-554".
8. The reference to "Section 19-31-5(d) (See Site Access – Vehicles-CD129:95) is hereby changed to "Section 129-555(d)".
9. The reference to "Section 19-31-5" (See Legend [1]-CD129:97) is hereby changed to "Section 129-555".
10. The reference to "Section 19-31-4" (See "Maximum % of Lot Coverage (building footprint)-CD129:98) is hereby changed to "Section 129-554".
11. The reference to "Section 19-31-5(d) (See Site Access – Vehicles-CD129:98) is hereby changed to "Section 129-555(d)".
12. The reference to "Section 19-31-5" (See Legend [1]-CD129:100) is hereby changed to "Section 129-555".

**SECTION 8.** Section 129-416(a) of the City Code is repealed and replaced with the following:

**"Sec. 129-416. Advisory design review required in the Villages of Mountain Brook.**

- (a) The Villages of Mountain Brook, for purposes of this section, are composed of those properties located within the "Village Boundary Line" shown on the Village Maps found in Section 129-557 of the City Code. ~~and defined as, the Local Business Districts of the City of Mountain Brook, plus those Mixed Use, Office Park, Professional, and Residential Infill Districts which are contiguous to and/or within one mile of the boundary of such Local Business Districts ("villages)."~~

**Section 9.** This ordinance is cumulative in nature and is in addition to any power and authority which the City of Mountain Brook may have under any other ordinance or law.

**Section 10.** If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect, notwithstanding such holding.

**Section 11.** The effective date of this ordinance shall be July 26, 2013.'

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

# Properties Eligible for Rezoning to VST District

