

RESOLUTION NO. 2016-203

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 Tuesday, January 10, 2017, 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 Articles III, IV, V, VII, VIII, XVIII, XX, XIX of the City's Municipal Code regarding building limitations in residential zoning districts, use exemptions, exceptions to required setbacks for architectural features, and accessory buildings on residential lots.

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 twenty-two (22) days prior to January 10, 2017, 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, Overton Park – 3020 Overton Road and Cahaba River Walk, 3503 Overton Road notices of said public hearing in words and figures substantially as follows:

“NOTICE OF PUBLIC HEARING

PROPOSED ZONING CODE NOTICE

Notice is hereby given that at a regular meeting of the City Council of the City of Mountain Brook to be held on Tuesday, January 10, 2017, at 7:00 p.m., in the Council Chamber of the Mountain Brook City Hall located at 56 Church Street, Mountain Brook, Alabama 35213, 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 ARTICLES III, IV, V, VII, VIII, XVIII, XX, XIX OF THE CITY CODE REGARDING BUILDING LIMITATIONS IN RESIDENTIAL ZONING DISTRICTS, USE EXEMPTIONS, EXCEPTIONS TO REQUIRED SETBACKS FOR ARCHITECTURAL FEATURES, AND ACCESSORY BUILDINGS ON RESIDENTIAL LOTS

BE IT ORDAINED by the City Council of the City of the City of Mountain Brook, Alabama, that Articles III, IV, V, VII, VIII, XVIII, XX, XIX of the City Code are hereby amended to as follows:

Section 1.

“Article III. – Residence A District

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

(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 area, as specified in section 113-228 (e) of Chapter 113.

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Article IV. – Residence B District

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

(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 area, as specified in section 113-228 (e) of Chapter 113.

Article V. – Residence C District

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

(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 area, as specified in section 113-228 (e) of Chapter 113.

Article VII. – Residence D District

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

(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 area, as specified in section 113-228 (e) of Chapter 113.

Sec. 129-93. - Area and dimensional requirements for duplexes and apartment houses.

(d) Building limitations.

(1) Maximum building area37½ percent of the total area of the parcel.

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

Article VIII. – Residence E District

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

(d) Building limitations.

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

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

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, 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.

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 Requirements

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

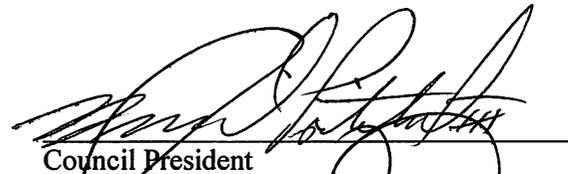
- (a) *Size.* Accessory buildings may not contain more than the greater of 800 square feet of floor area or 20 percent of the floor area of the principal building on the lot. The height of an accessory building may not exceed the height of the principal building on the lot.
- (b) *Relationship to parcel 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 principle 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.’
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.
4. **Effective Date.** This ordinance shall become effective immediately upon adoption and publication as provided by law.”

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

ADOPTED: This 12th day of December, 2016.


Council President

APPROVED: This 12th day of December, 2016.


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 a resolution adopted by the City Council of the City of Mountain Brook at its meeting held on December 12, 2016, as same appears in the minutes or record of said meeting.

I further certify that copies of the resolution above were posted on December 13, 2016 in four (4) conspicuous places within the City of Mountain Brook, as follows:

City Hall – 56 Church Street
Gilchrist Drug Company - 2805 Cahaba Road
Overton Park – 3020 Overton Road
Cahaba River Walk, 3503 Overton Road



City Clerk