

ORDINANCE NO. 1408

AN ORDINANCE

BE IT ORDAINED by the City Council of the City of Mountain Brook that the following are hereby established and adopted as minimum standards for the development of certain property located in the City of Mountain Brook, which property is adjacent to, or near, Highway 280. Said property is shown on the map attached hereto as Exhibit A.

Highway 280 Access Management Policy

All projects shall be designed to minimize congestion on Highway 280, by incorporating the following principles into the site design:

- a. Limit the number of conflict points by limiting left turning movements and cross highway through movements.
- b. Separate conflict areas by adequate spacing between driveway and street intersections.
- c. Reduce interference with through traffic by providing turning lanes, designing driveways with large turning radii and restricting turning movements in and out of driveways.
- d. Provide sufficient spacing for at-grade signalized intersections.
- e. Provide adequate on-site and intra-site circulation and parking areas in order to minimize the number of driveways to the highway.

Section 1.00 Administration

1.01 Intent

It is the intent of this Article to establish minimum standards for the development of property in the Highway 280 Corridor, as depicted on the Zoning Map. If any provision of this ordinance is inconsistent with any provision of any other ordinance of the City of Mountain Brook ("City"), the provision of such other ordinance shall govern and be controlling, unless it is specifically provided in this ordinance that the provision of this ordinance shall govern.

1.02 Compliance

Prior to issue of a building permit for property located in the Highway 280 Corridor as depicted on the Zoning Map, the property owner or his or her agent shall submit a site plan and accompanying information to the Zoning Administrator. The applicant should meet with the Administrator to review the proposed site plan, prior to preparation and submission of the final site plan. The site plan shall be drawn to a scale no smaller than 1 inch equals 50 feet and shall show the following information:

- a. All dimensions and distances, property lines, easements, landscaping, buffers and public and private rights-of-way
- b. Existing and proposed buildings, structures, signs, trash containers, fences, walls, light poles, power poles, outdoor utility equipment and structures, and roof and ground mounted mechanical appurtenances units
- c. Location, height, size, materials, color and lighting of all signs
- d. Existing buildings, proposed buildings of which applicant has knowledge and structures on adjacent property affected by a required buffer
- e. Bodies of water, water detention areas, drainage structures and sanitary sewer lines and facilities and water distribution lines
- f. Driveways, any accommodations for bicycles and pedestrians, parking areas, existing and proposed parking spaces, including parking spaces for the handicapped, access aisles and other vehicle maneuvering areas; along with all required landscaping
- g. All existing improvements, proposed improvements, natural features, such as rock outcroppings, streams and other landscape elements; plant materials keyed to a planting schedule with botanical names, common names, cultivar (if any), quantity of plant materials, size of plant materials at time of planting and plant scaping
- h. Sufficient information and detail to clearly demonstrate that all applicable requirements and standards of this Article are fully satisfied
- i. The site plan shall be accompanied by:
 - i. A grading plan which shows all areas of cut and fill and the grade of all finished floor elevations in relation to the elevation of the Highway 280 pavement which adjoins the property.
 - ii. An access management plan which shows compliance with Section 2.0. Proposed median access cuts must be approved by the Alabama DOT prior to submission of the site plan and access management plan. A copy of such approval of the Alabama DOT must accompany the site plan.

- iii. Certification by the person who prepared the site plan that the orientation, materials and design of the building comply with the requirements of Section 3.0.
- iv. An exterior lighting plan which shows compliance with Section 5.0, including the proposed foot candles of artificial light on and off premises.
- v. A landscape plan which shows compliance with Section 7.0.
- vi. An erosion and sedimentation plan which complies with Ordinance No. 1377 of the City and which meets or exceeds the requirements of Alabama Department of Environmental Management's Best Management Practices.
- vii. Other plans or specifications necessary to show compliance with this Article.

Section 2.00 Highway 280 Access

To the extent provided hereinafter, all parcels of land ("parcels") which are adjacent to private property shall either share access to Highway 280 with such adjacent private property or have access to a frontage road.

- a. The number and location of access points to Highway 280 shall be determined as part of the site plan review process.
- b. The development of each parcel of land ("parcel") in areas where a frontage road is either available or planned, shall incorporate the frontage road into the site design.
- c. In areas where a frontage road is not available or planned, each parcel shall be designed to share with an adjacent parcel the portion of a paved access driveway which is located on the right of way of Highway 280 and which provides access to Highway 280 for such adjacent parcel, unless such adjacent parcel is zoned for residential use and recommended for residential use in the City's master plan.
- d. Access. Access to Highway 280 may be prohibited from any parcel having access to a street intersecting Highway 280 or any parcel with frontage on Highway 280 which has access through an existing joint-use access easement or driveway. Otherwise, access to Highway 280 shall be limited to one driveway unless otherwise permitted by the City or another governmental entity which has the right to grant access to Highway 280.
- e. Driveway Location. To provide for the safety and welfare of the public, driveways which provide access to Highway 280 shall be located as far apart as practicable. Unless otherwise approved by the City, no driveway providing access between a parcel and Highway 280 shall be located:
 1. nearer than 300 feet to the nearest driveway, unless: (a) because of the width of such parcel it is not possible for the driveway providing access to such parcel

- to be at least 300 feet from the nearest driveway; or (b) because of the topography of such parcel it is not feasible for the driveway providing access to such parcel to be at least 300 feet from the nearest driveway;
2. where the number of feet of sight distance is less than 10 times the number of miles of the posted speed limit for the portion of Highway 280 to which such driveway would provide access;
 3. on the inside radius of a curve; or
 4. where the roadway grade of Highway 280 exceeds 7½ per cent.
- f. Intersections. Minimum spacing between local streets intersecting Highway 280 shall be at least 600 feet and minimum spacing between collector streets intersecting Highway 280 shall be at least 1,320 feet. The construction and establishment of any new intersections, and the improvement or modification of existing intersections, shall be subject to the review and approval of a professional traffic engineer who is satisfactory to the City. The charges for such engineers's services shall be paid by the developer of the project for which the intersection is to be constructed, improved or modified. In addition, all requirements of the Alabama DOT and the State of Alabama must be complied with.
- g. Highway 280 Medians. Highway 280 medians should be designed and landscaped to be compatible with the requirements of these regulations. The number of median breaks on Highway 280 should be minimized. To the extent practicable, all streets hereafter constructed which intersect with, or connect to, Highway 280 must align with median breaks.

Section 3.00 Building Design and Orientation

The following standards shall apply to all development on parcels adjacent to Highway 280, except single-family detached dwellings:

- a. Minimum building setback from the right-of-way of Highway 280 shall be 50 feet. Minimum front building setback from the rights-of-way of other public streets shall be 40 feet. Minimum side and rear building setbacks from the rights-of-way of other public streets shall be 25 feet. Notwithstanding the foregoing, if any other provision of the Mountain Brook City Code provides for a greater setback than is required in this ordinance, such greater setback shall govern. If any other provision of the Mountain Brook City Code provides for a lesser setback than is required in this ordinance, the requirements in this ordinance shall govern.
- b. Any permitted service and loading areas, outdoor storage areas, trash receptacles, utility equipment, mechanical units and similar appurtenances on a parcel shall be located so as to reduce visibility from public property, to the extent practicable, and shall be visually screened from view from off such parcel. Trash receptacles shall be located within a four-sided fence or wall which completely conceals the trash

receptacle from view from the sides. The color, materials and design of such fence or wall shall be compatible with that of the building which it serves.

- c. When permitted, the outdoor storage and display of merchandise, except automobiles, live plants and Christmas trees, shall not be visible from public property.
- d. Mechanical units shall be ground-mounted when feasible. Roof-mounted units shall be screened from view from public property.
- e. Buildings shall be located and arranged so that loading areas and service areas do not face Highway 280, except in the case of double-frontage lots, where such areas must be located in a rear yard or a side yard which faces Highway 280. Each loading area and each service area shall be screened from view from off the premises by a fence or wall, the color, materials and design of which shall be compatible with that of the building which it serves.
- f. To prolong the life of buildings and reduce the need for periodic maintenance, the following materials shall be used as primary exterior building wall finishes on portions of buildings which are visible from the Highway 280 right-of-way: brick, stone, glass, wood, stucco, imitation stucco, pre-cast concrete, poured concrete, and/or split-face concrete block.
- g. Non-structural awnings, covered with cloth, plastic or other fabric, shall not project more than 7 feet from the building wall, shall not be lower than 8 feet or higher than 14 feet above grade and shall not be internally illuminated.

Section 4.00 Fences and Walls

- a. Screening walls and fences shall match the color and materials of the building on the parcel.
- b. Fences designed to create privacy or separation shall be made of masonry, ornamental metal, durable wood, vinyl which is designed and fabricated to appear as wood, or a combination of these materials. Chain link fencing, plastic fencing and wire fencing shall not be permitted for fences visible from public property.
- c. When visible from public property, solid fences shall have an evergreen landscaped strip on the Highway 280 side of the fence.
- d. Fences and walls shall not be located so as to restrict or interfere with traffic intersection sight lines.

Section 5.00 Exterior Lighting

- a. Lighting on parcels shall have underground electric service, except where the lights, service poles and wires are not visible from public property.
- b. The intensity, location and design of lighting on a parcel shall be such that not more than 1 foot candle of light is cast upon adjacent parcels or the public right-of-way. Light fixtures shall be designed to cast light downward. Where necessary, cut-off devices shall be used to reduce the light spillage from a parcel to that permitted in the first sentence of this subsection.
- c. Wooden light poles are prohibited on parcels.
- d. Light poles and fixtures located on a parcel shall be compatible with the architecture of the buildings located on such parcel.
- e. Flashing, blinking or intermittent lights or neon tubing, are prohibited.

Section 6.00 Grading and Drainage

- a. Except for retaining walls, smooth topographic transition shall be provided throughout each parcel which is adjacent to Highway 280 and between each such parcel and the parcels which are adjacent to it. Slopes steeper than 1:3 rise to run are prohibited.
- b. The exterior surface of each retaining wall shall be compatible with the architecture and the exterior surface of the primary building located on the parcel on which the retaining wall is located.
- c. Retaining walls which exceed 8 feet in height and are visible from public property, shall be visually screened from the public property with vegetation.
- d. In areas which are visible from public property, subsurface drainage structures and grass swales shall be used to manage and dispose of storm water. Open ditches may not be used to manage or dispose of storm water in such areas.
- e. The use of crushed granite or limestone for slope stabilization and storm drainage is prohibited in the rights-of-way for public roads and highways and areas which are visible from the through lanes and auxiliary lanes of Highway 280.
- f. Prior to the issuance of a certificate of occupancy for a building located on a parcel, all slopes on the parcel shall be stabilized with grass or other evergreen groundcover or other vegetation.

Section 7.00 Buffers and Landscaping

7.01 Purpose

The buffers and landscaping standards are provided to enhance the physical appearance of buildings, their designated parking areas, and the positive impact of parking areas on adjacent land uses.

7.02 Impervious Surfaces

Except for single-family dwellings, impervious surfaces such as roofs and pavement shall cover not more than 40 per cent of a lot or parcel.

7.03 Buffers

- a. Applicability. The following table shows required buffers in the Highway 280 corridor. When the use in Row A is developed adjacent to the use in Column B, the developer of the use in Row A shall provide the required buffer. Required buffers shall be located along all zoning district boundaries or property lines which separate property which is zoned to permit, or is currently used for, the uses stipulated in the following table.
- b. Buffers. Required buffers may be natural areas, planted areas or a combination of natural areas and planted areas. All required buffers shall meet or exceed the standards of Section 7 of this ordinance.

Table I: Buffers

WIDTH OF REQUIRED BUFFER EXPRESSED IN FEET				
	Row A			
Column B	Single Fam. Residential	Multi-Fam. Residential	Office and Institution	Retail Business
Single Fam. Residential	0	15	15	25
Multi-Fam. Residential	0	0	15	20
Office and Institution	0	0	0	15
Retail Business	0	0	0	0

- b. Maintenance. The owner of each parcel shall be responsible for the maintenance and replacement of all landscaping materials and irrigation systems required by this ordinance for such parcel. All plant material shall be tended and maintained in a healthy growing condition, replaced when dead and kept free of weeds, refuse and debris.
- c. Irrigation. All required buffers shall be irrigated with an automatic irrigation system; except for those buffers which are approved as natural buffers.

7.04 Landscaping for Parking Areas

- a. General Requirements. The following requirements shall be met concerning improvements to parking lots:
 - i. Landscape plans for developments that require 100 or more off-street parking spaces shall be prepared by a registered landscape architect or a licensed landscape designer.
 - ii. All submitted plans shall bear the architect's or designer's seal, signature and State of Alabama registration number.
- b. Landscape Plan Requirements. The following plan requirements shall be met:
 - i. All landscaping plans shall be drawn at an appropriate scale so as to make clear the intent of the plans.
 - ii. All submitted plans shall include: the title of the development; the name and address of the owner of the land upon which the development will be constructed, the owner of such development, the developer of such development and any agent of the owner or developer who has participated, or will participate, in the preparation or implementation of the landscaping plans; the name and address of the person and/or the firm preparing the landscaping plans; the date of preparation of the landscaping plans; the scale, north arrow and dates of all revisions of the landscaping plans; a map showing the relationship of the parcel upon which the development will be constructed to the nearest public street intersection; the boundary lines of such parcels; the location and legal description of all adjacent parcels; the location of all adjacent streets and easements; the parcel identification number and the zoning classification of the parcel upon which the development will be constructed; the number of parking spaces for the development; the total square footage of such parcel; the total square footage of impervious areas and landscaping on such parcel; and the location and dimensions of points of entrance to, and exit from, such parcel.
- c. Applicability. These regulations apply to all areas, (hereinafter referred to as parking areas), which are open to the general public or visible from public property, and used

for off-street parking and loading, vehicle maneuvering and the retail sale of motor fuels.

These regulations shall apply to new parking areas and to any enlargement of parking areas by 10 per cent or more. The enlargement of any existing parking area by 10 per cent or more shall require that the existing and new parking areas conform to the requirements of this ordinance, except as specifically provided hereinafter. Multi-level parking structures are exempt from the interior planting requirements.

- d. Design Standards. When the terms "large trees", "medium trees" and "small trees" are used with respect to the planting of trees, such terms shall mean trees which, at their maturity, shall be large trees, medium trees or small trees, respectively, as defined in this ordinance. Only large trees may be planted to comply with the requirements of this Section 7 of this ordinance, except when site visibility at intersections or overhead utilities prevent the use of large trees, in which case medium or small trees may be used. Interior landscaped islands and perimeter planted areas shall be planted with the number of trees equal to or greater than 1 tree for each 900 square feet of impervious parking area. Only trees listed in the Tree Selection List and noted with (*) may be planted within or on the perimeter of a parking area.

Large parking areas shall be designed as a series of smaller lots that provide space for not more than 100 cars. The smaller lots shall be separated by internal planted areas that form a perimeter which is at least 9 feet wide, planted with large trees and shrubs. These planted areas shall be counted as part of the 10 per cent internal planting requirement for parking areas.

- i. Perimeter Planting. The width of required perimeter planted areas, which are located within required buffer areas, may be included as part of the minimum buffer width; provided, that the plant materials meet the minimum standards for a buffer.

Parking areas shall be separated from the right-of-way of Highway 280 by a 15-foot-wide perimeter planted area. The perimeter planted area shall contain a double staggered row of evergreen shrubs which are at least 18 inches in height at the time of planting and which shall be maintained at a height of 36 inches at maturity, and deciduous trees equal in number to 1 tree for each 25 lineal feet of Highway 280 frontage. Large trees shall be planted on 35-foot centers and small and medium trees shall be planted on 25-foot centers.

Parking areas shall be separated from other public road rights-of-way by a 10-foot-wide perimeter planter area. The perimeter planted area shall contain a double staggered row of evergreen shrubs which are at least 18 inches in height at the time of planting and which shall be maintained at a height of 36 inches at maturity, and deciduous trees equal in number to 1 tree for each 25 lineal feet

of public street frontage. Large trees shall be planted on 35-foot centers and small and medium trees shall be planted on 25-foot centers.

Parking areas shall be separated from other private property by an 8-foot-wide perimeter planted area. The perimeter planted area shall contain a double staggered row of evergreen shrubs which are at least 18 inches in height at the time of planting and which shall be maintained at a height of 36 inches at maturity, and deciduous trees equal in number to 1 tree per 50 lineal feet of abutting property line. Large trees shall be planted on 35-foot centers and small and medium size trees shall be planted on 25-foot centers.

- ii. Interior Planting. Whenever the impervious surface of a parking area exceeds 8,000 square feet, an area equal to 10 per cent of the entire impervious surface area shall be provided for landscaped islands in the interior of the parking area. Plant material located within 6 feet of a building shall not be included as part of the minimum interior planting requirement. The interior parking area planting requirement is in addition to the required perimeter planting. Gasoline service stations and automobile sales lots are exempt from the interior planting requirements.

The interior islands shall be at least 9 feet by 20 feet, planted with a combination of large trees and evergreen shrubs. One landscaped island shall be required for each row of 12 contiguous parking spaces. Each landscaped island shall contain at least one large tree which meets the minimum requirements of this ordinance.

- e. Maintenance. The owner of each parcel shall be responsible for the maintenance, repair and replacement of all landscaping materials, barriers and irrigation systems required by this ordinance. All plant material shall be maintained in perpetuity in a healthy growing condition, replaced when dead and kept free of weeds, refuse and debris.
- f. Irrigation. All required landscaping shall be irrigated by an automatic irrigation system; except required interior landscaping within an existing parking area which is being landscaped to comply with the requirements of this ordinance. Pop-up heads or drip emitters shall be installed for shrub and lawn irrigation of areas next to buildings, other structures, driveways, parking spaces and pedestrian walks.

7.05 Plant Material Standards

- a. All plant materials shall conform to the American Standard for Nursery Stock, then latest edition, published by The American Association of Nurserymen and Standardized Plant Names latest edition, by The American Joint Committee on Horticultural Nomenclature.

b. Trees. Only trees in the Tree Selection List may be planted in required landscaped areas and buffer areas.

i. Shade trees shall be at least 2 to 2 ½ inch caliper in size.

ii. Flowering trees shall be at least 6 feet in height.

iii. The size of pine trees shall be at least 5 gallon, or 5 feet in height. Spacing of pine trees in containers shall be a maximum of 8 feet on centers.

c. Tree Selection List

Trees permitted in landscaped buffers are noted with the # sign.
Trees permitted in parking areas are noted with the * sign.

SMALL DECIDUOUS TREES (Trees from 10' - 40' in height)

Acer barbatum / Florida Maple #
Betula nigra / River Birch # *
Cercidiphyllum japonicum / Katsura Tree # *
Cercis canadensis / Redbud # *
Koelreuteria paniculata / Goldenrain Tree # *
Lagerstroemia indica / Crape Myrtle # *
Prunus c. pissardi / Purple Leaf Plum
Prunus serrulata 'Kwanzan' / Kwanzan Cherry *
Prunus x incam 'Okame' / Okame Cherry *
Prunus yedoensis / Yoshino Cherry *
Pyrus calleryana 'Bradford' / Bradford Pear *

LARGE DECIDUOUS TREES (Trees at least 40' in height)

Acer rubrum / Red Maple # *
Fraxinus americana / White Ash *
Ginkgo biloba / Ginkgo # *
Platanus occidentalis / Sycamore #
Quercus acutissima / Sawtooth Oak *
Quercus alba / White Oak *
Quercus coccinea / Scarlet Oak*
Quercus falcata / Southern Red Oak *
Quercus nigra / Water Oak *
Quercus palustris / Pin Oak *
Quercus phellos / Willow Oak # *
Quercus shumardii / Shumard Oak # *
Ulmus parvifolia / Chinese Elm *
Zelkova serrata / Zelkova # *

SMALL EVERGREEN TREES (Trees less than 25' in height)

Ilex x attenuata 'Foster' / Foster's Holly # *
Ilex opaca / American Holly # *
East Palatka # *
Hume No. 2 # *
Lusterleaf # *
Nellie R. Stevens # *
Savannah # *
Ilex vomitoria / Tree Form Yaupon Holly *
Juniperus virginiana / Eastern Red Cedar # *
Myrica cerifera / Wax Myrtle # *

MEDIUM EVERGREEN TREES (Trees from 25' to 50' in height)

Cupressocyparis leylandii / Leyland Cypress # *
Juniperus virginiana / Eastern Red Cedar # *
Pinus echinata / Shortleaf Pine *
Pinus thunbergiana / Japanese Black Pine#

LARGE EVERGREEN TREES (Trees at least 50' in height)

Magnolia grandiflora / Southern Magnolia # *
Pinus caibaea / Slash Pine *
Pinus strobus / Eastern White Pine *
Pinus taeda / Loblolly Pine # *
Pinus Virginiana / Virginia Pine # *

- d. Shrubs. Shrubs used for screening shall be evergreen and shall obscure the view of the screened item upon installation. Only the following shrubs may be planted in required landscaping and buffer areas, in compliance with the following size / spacing relationships.

Ilex c. compacta / Compacta Holly
Ilex c. burfordi / Burford Holly # *
Ilex. c. burford nana / Dwarf Burford Holly
Ilex c. rotunda / Dwarf Chinese Holly
Ilex c. needlepoint / Needlepoint Holly
Juniperus p. nana / Dwarf Pfitzer Juniper
Ilex vomitoria nana / Dwarf Yaupon Holly
Illicium anisatum / Japanese Anise Shrub
Ligustrum japiconica / Lusterleaf Ligustrum # *
Photinia x fraseri / Photinia Fraseri
Photinia x. fraseri / Red Tip Photinia # *
Ilex c. repandens /Repandens Holly
Prunus l. schipkaensis / Schip Laurel
Eleagnus pungens / Thorny Eleagnus
Myrica cerifera / Wax Myrtle
Prunus l. zabeliana / Zabel Laurel

Table II: Shrub Size and Spacing

Size in Gallons	Spacing
1 (8" pot minimum)	2 feet on center
2	2½ feet on center
3	3 feet on center
5	4 feet on center

- e. Ground covers. Ground covers shall be of a single species and planted in large masses. Only the following ground covers may be planted in required landscaping areas in compliance with the following size/spacing relationships.

Juniperus h. plumosa / Andorra Juniper
Liriope muscari / Big Blue Liriope
Ophiopogon japonicus / Mondo Grass
Juniperus davurica parsoni / Parsons's Juniper
Juniperus conferta / Shore Juniper

Table III: Ground Cover Size and Spacing

Size	Spacing
1 Quart	9 inches on center
1 Gallon (8" inch pot minimum)	18 inches on center

ADOPTED: This 12 day of June, 2000.



Helene S. Elkus
Council President

APPROVED: This ^w~~12~~ day of June, 2000.

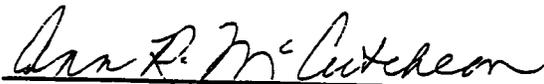


Lawrence T. Oden
Mayor

CERTIFICATION

I, Ann R. McCutcheon, City Clerk of the City of Mountain Brook 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, at its meeting held on June 12, 2000 as same appears in the minutes of record of said meeting, and published by posting copies thereof on June 13, 2000 at the following public places, which copies remained posted for five (5) days as required by law:

City Hall, 56 Church Street
Gilchrist Pharmacy, 2805 Cahaba Road
Rite Aid of Alabama, 2020 Cahaba Road
CVS Pharmacy, 49 Church Street



City Clerk