

ORDINANCE NO. 1762

**AN ORDINANCE TO AMEND CHAPTER 19 OF THE ZONING ORDINANCES
OF THE CITY OF MOUNTAIN BROOK, ALABAMA BY ADDING ARTICLE XXXI –
VILLAGE OVERLAY STANDARDS**

BE IT ORDAINED by the City Council of the City of Mountain Brook as follows:

1. Amendatory Provision. Chapter 19 of the City Code is hereby amended by adding Article XXXI as follows:

Article XXXI. Village Overlay Standards.

Section 19-31-1. Purpose and applicability.

(a) *General Purposes.* The Village Overlay Standards are designed to:

- (1) Implement the Village Master Plans, officially recommended by the Planning Commission as part of the overall master plan for the City of Mountain Brook and promote the health, safety, morals and general welfare of the community.
 - (2) Provide for the kind, character and use of structures and improvements that may be erected or made within the Villages, to promote and preserve the unique character and encourage pedestrian use of each of the Villages.
 - (3) Regulate the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land subject to the standards, in conformance with the Village Master Plan.
 - (4) To permit differences in the height, mass, scale, design, type, and uses of buildings subject to the standards based on the relationship of sites to specific public streets, open spaces, and to surrounding parcels.
- (5) To allow coordinated development in the Villages according to a comprehensive master plan that best complements the design and investment by the City in streets, open space and other public infrastructure. (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. 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; and
- (4) Any residential zoning districts that exist in the Village boundaries.

1762

The standards in this section shall also be considered in any application for rezoning to a Planned Unit Development District, but said standards may be modified as necessary to better meet the policies, goals and objectives of the City’s Master Plan, the applicable Village Master Plan, or as is otherwise deemed appropriate by the City Council.

(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, 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 19-2-7 of the Zoning Ordinance.

(d) *Building and Development Regulating Plans.* The Building and Development Regulating Plans for Crestline Village, 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.

Sec. 19-31-2. Permitted uses and building type.

- (a) *Uses.* The uses permitted in areas subject to the Village Overlay Standards are those authorized by the Base Zoning District for each parcel.
- (b) *Building Types.* The following building types are permitted by the Village Overlay Standards in accordance with the table set forth below. Differences in size, placement, orientation and design of each building type are regulated by this Article, and the applicable Building and Development Regulating Plan.

PERMITTED BUILDING TYPE	BUILDING AND DEVELOPMENT REGULATING PLAN FRONTAGE TYPES +			
	PRIMARY FRONTAGE	SECONDARY FRONTAGE	SUPPORT FRONTAGE	RESIDENTIAL FRONTAGE
STREET-FRONT BUILDING	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	No specific building type standards apply to support frontages	
FREE-STANDING BUILDING		<input checked="" type="checkbox"/>		
TOWNHOUSE				<input checked="" type="checkbox"/> *
STACKED FLATS				<input checked="" type="checkbox"/> *

* Townhouse building types are only permitted in association with a base zoning of Residence D or F; stacked flats are only permitted in association with a base zoning of Residence D or G.

+ Refer to the Village Master Plans for Frontage definitions and requirements.

(c) *Civic Uses.* There is no specified building type for Civic Buildings. Civic Uses in the Village Overlay area with proposed buildings that do not meet the requirements for any of the above Building Types require development plans subject to review for general compliance with the Village Master Plan, the Design Guidelines and intent and purposes of the base zoning district and this Article.

Section 19-31-3. Building Type Standards.

(a) *Objective.* The objective of the building type standards is to develop specific standards for Site (building orientation), Height and Massing, and Façade Design for each of the building types included in the Village Master Plan. The standards are specifically designed to:

- (1) Allow for efficient, compact, and appropriate-scaled development in the Villages, emphasizing the existing pedestrian scale and character of the Village;
- (2) Emphasize lot frontages, and the orientation, location, and façade design of the buildings, as a key determinant of compatible development, and a key element in shaping the character and streetscape of the Village;
- (3) Recognize that different lot standards are appropriate for different building types;
- (4) Promote public and private development that enhances public streetscapes and frames public streetscapes with appropriate scaled buildings, with proportions and massing that create a pedestrian scale on each site;
- (5) Create compatible scale and heights of individual buildings on adjacent sites which may have a different amount of stories;
- (6) Promote a consistent scale and proportion throughout the Village based upon the relationship of buildings to immediately adjacent buildings, the relationship of buildings to the streetscape and opposing buildings, and the relationship of buildings to transition areas outside of the Village;
- (7) Animate the public streetscapes with pedestrian activity by promoting transparency of buildings; and
- (8) Establish standards that achieve the above objectives based on the context and street designs associated with a development site.(b) *Standards.* Permitted building types shall meet the following building standards, which standards shall control over any conflicting standard of the Base Zoning District:

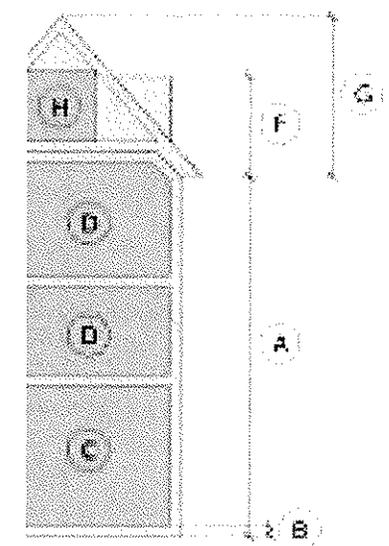
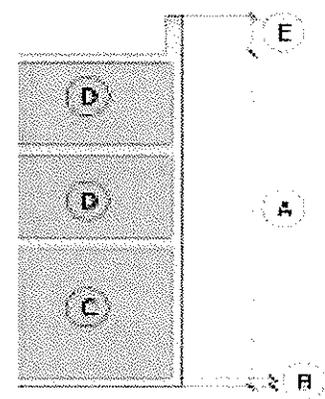
STREET-FRONT BUILDING TYPE SPECIFICATIONS		
Applicability	The Street-front building type is permitted wherever Primary or Secondary Frontage is designated on the applicable Building and Development Regulating Plan.	
SITE SPECIFICATIONS		
Required Lot Width	25' Minimum	[A]
Minimum Lot	None	[B]

STREET-FRONT BUILDING TYPE SPECIFICATIONS		
Depth		
Required Front Building Line [1]	Within 5' of the front lot line.	[C]
Street Wall [2]	Between 90% and 100%	[D]
Street Wall Exception	<p>An exception to the minimum Street Wall requirement may be permitted for Public or Quasi-civic Open Space in exceptional cases, provided: [E]</p> <ul style="list-style-type: none"> a. The open space has a direct frontage along the streetscape; b. The open space shall occupy no more than 40% of the entire building frontage; and the open space is designed as an integrated and fundamental part of either business or professional use of the building; c. All building frontages on the open space shall be designed to meet the façade specifications; and d. The open space shall meet the design standards of the Design Guidelines in the Village Master Plan. 	
Minimum Side Setback	<p>0' if party wall or corner buildings; [F] 5' for end units or units on a mid-block alley access or pedestrian passage; 20' if adjacent to a lot zoned for Residence D or a lesser-intensity residential zoning.</p>	
Minimum Rear Setback	10'	[G]
Maximum % of Lot Coverage (building footprint)	90%, reduced by additional Open Space required by Section 19-31-4 for multi-story buildings.	
Site Access - Vehicles	Vehicle access to individual lots is limited according to the street frontage type and as further specified in Section 19-31-5(d)	

STREET-FRONT BUILDING TYPE SPECIFICATIONS

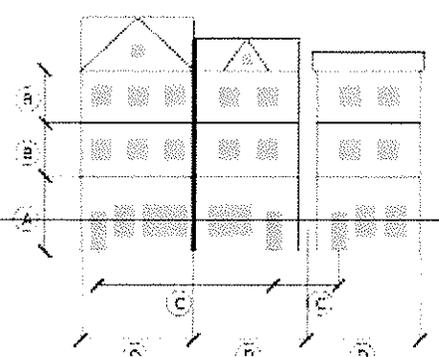
MASS AND HEIGHT SPECIFICATIONS

Maximum Height (external to building)[6]	<p>1 story: 18' to eaves/cornice plus roof structure 2 story: 26' to eaves/cornice plus roof structure 3 story: 36' to eaves/cornice plus roof structure [A]</p> <p>(actual permitted stories for individual sites is controlled by the applicable Building and Development Regulating Plan)</p>
Required Ground Floor Elevation	0' to 1' above grade at front building line [B]
1st Story Height (internal)	12' Minimum 18' Maximum [C]
Upper Story Heights (internal)	<p>9' Minimum 12' Maximum [D]</p> <p>(upper story ceiling heights on the interior of the building may exceed the Maximum Internal Story Height, provided the exterior of the structure maintains the Maximum Height specified above)</p>
Roof Structure Heights [7]	<p>Flat: 2' to 4' parapet [E] Pitched (5:12, or more) 10' maximum; [F] Steep pitch (14:12 to 20:12) 16' maximum, [G] provided that no building shall exceed 46 feet in height.</p> <p>Pitched Roof structures may contain additional floor area which may be occupied without counting towards the story maximum for purposes of the applicable Building and Development Regulating Plan, provided the additional floor area is associated with and accessory to the floor area of the top story. [H]</p>
Exceptions	Height exceptions may be permitted for architectural features according to sub-section (c) below.



FAÇADE SPECIFICATIONS [5]

First Story Transparency [3]	<p>60% to 90% [A]</p> <p>Where internal operation of a business renders the transparency requirement impractical, up to 60% of the required transparency at the street level may be met through the alternative compliance of a display window. The display window shall have a depth of at least 2.5 feet, but may otherwise obstruct views to the interior of the building.</p>
Upper Story Transparency	15% to 60% [B]

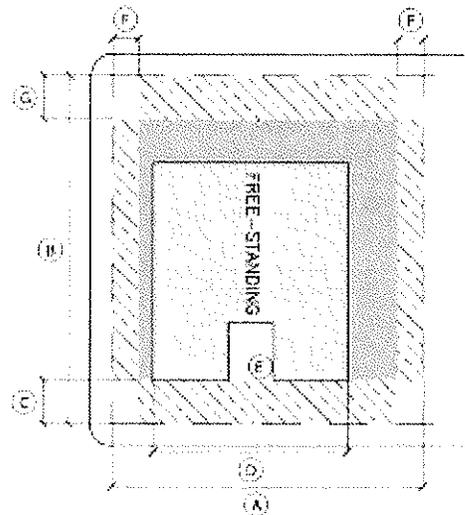


[3]		
Primary Entrances	1 Primary Entrance at least every 50' of street frontage on Primary Frontages. [C]	
Bays [4]	Differentiated Bays are required a minimum of every 20' and a maximum of every 30' on Primary Frontages [D]	
Façade Projections	Bay windows and balconies may extend up to 3' over the front building line on upper stories	

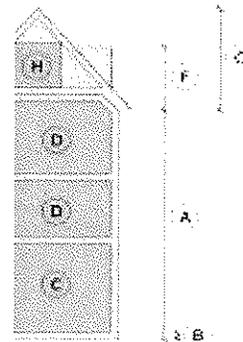
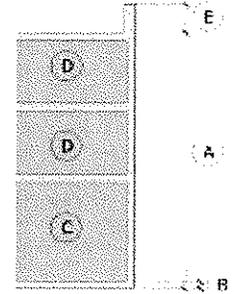
- [1] The front lot line shall be deemed to be the edge of the adjacent public street right-of-way, or the edge of the adjacent sidewalk which is nearest the building, (whether the sidewalk is then existing or is required as part of the site development under §19-31-5 of this Code), whichever is farther from the center line of such right-of-way.
- [2] Street Wall is the percentage of the lot frontage that is occupied by a building façade established within the Required Front Building Line range.
- [3] Façade Transparency is the percentage of the façade required to have glazed openings of clear or lightly tinted glass, sufficient to provided views between the interior spaces and the streetscape. For street-level uses, this percentage shall be measured between 2' and 8' above street level. For upper stories this shall be measured between floor plates, and each story must satisfy the requirement independently.
- [4] Bays refer to the rhythm associated with the differentiation of the façade along the streetscape and the resulting scale of the building façade to pedestrians. The differentiation may be achieved by piers, pilasters, columns, off-sets in the façade, differentiated primary materials or other architectural techniques that signify a different structural building element and mass so long as architectural syntax among bays is respected. [Reference Section 5.2 of the Urban Design Guidelines in the Village Master Plan for specific building design techniques for creating Bays.]
- [5] Façade specifications shall apply to any building front on a public street, or any other façade which fronts on open space located at the Required Front Building Line and opening to the public street. Corner buildings shall be considered to have two frontages, but may designate one frontage as the principal frontage that meets all of the standards of this section. The other frontage shall meet all of the standards of this section for at least the first 25 feet of building façade, and shall maintain the required front building line for at least the first 40' of the side frontage.
- [6] At any and all points, the maximum building height (external) 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.
- [7] 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.

FREE-STANDING BUILDING TYPE SPECIFICATIONS

Applicability	The Free-standing building type is permitted wherever Secondary Frontage is designated on the applicable Building and Development Regulating Plan.	
SITE SPECIFICATIONS		
Required Lot Width	60' Minimum	[A]
Minimum Lot Depth	None	[B]
Required Front Building Line [1]	Between 10' and 25' of front lot line	[C]
Street Wall	Between 60% and 90%	[D]
Street Wall Exception	<p>An exception to the minimum Street Wall requirement may be permitted for Public or Quasi-civic Open Space in exceptional cases, provided:</p> <p>[E]</p> <ul style="list-style-type: none"> a. the open space has a direct frontage along the streetscape; b. The open space shall occupy no more than 40% of the entire building frontage; and the open space is designed as an integrated and fundamental part of either business or professional use of the building; c. All building frontages on the open space shall be designed to meet the façade specifications; and d. The open space shall meet the design standards of the Design Guidelines in the Village Master Plan. 	
Minimum Side Setback	10% of the lot width or 10', whichever is less; Except that 10' shall be required if adjacent to a lot zoned for Residence D or a lesser-intensity residential zoning.	[F]
Minimum Rear Setback	10'	[G]
Maximum % of Lot Coverage (building footprint)	60%, reduced by any additional Open Space required by Section 19-31-4 for multi-story buildings.	
Site Access - Vehicles	Vehicle access to individual lots is limited according to the street frontage type and as further specified in Section 19-31-5(d)	



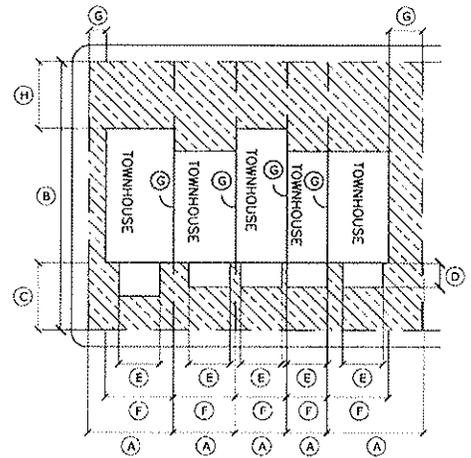
FREE-STANDING BUILDING TYPE SPECIFICATIONS	
MASS AND HEIGHT SPECIFICATIONS	
<p>Maximum Height (external)[6]</p>	<p>1 story: 18' to eaves/cornice plus roof structure 2 story: 26' to eaves/cornice plus roof structure 3 story: 36' to eaves/cornice plus roof structure [A]</p> <p>(actual permitted stories for individual sites is controlled by the applicable Building and Development Regulating Plan)</p>
<p>Required Ground Floor Elevation</p>	<p>0' to 1' above grade at front building line [B]</p>
<p>1st Story Height (internal)</p>	<p>12' Minimum [C] 18' Maximum</p>
<p>Upper Story Heights (internal)</p>	<p>9' Minimum [D] 12' Maximum</p> <p>(upper story ceiling heights on the interior of the building may exceed the Maximum Internal Story Height provided the exterior of the structure maintains the Maximum Height specified above)</p>
<p>Roof Structure Heights [7]</p>	<p>Flat: 2' to 4' parapet [E] Pitched (5:12, or more) 10' maximum; [F] Steep pitch (14:12 to 20:12) 16' maximum, [G] provided that no building shall exceed 46 feet in height.</p> <p>Pitched Roof structures may contain additional floor area which may be occupied without counting towards the story maximum for purposes of the applicable Building and Development Regulating Plan, provided any additional floor area is associated with and accessory to the floor area of the top story. [H]</p>
<p>Exceptions</p>	<p>Height exceptions may be permitted for architectural features according to sub-section (c) below.</p>



FAÇADE SPECIFICATIONS [5]		
First Story Transparency [3]	60% to 90% [A] Where internal operation of a business renders the transparency requirement impractical, up to 60% of the required transparency at the street level may be met through the alternative compliance of a display window. The display window shall have a depth of at least 2.5 feet, but may otherwise obstruct views to the interior of the building.	
Upper Story Transparency [3]	15% to 60% [B]	
Primary Entrances	1 Primary Entrance for each building [C]	
Bays [4]	Differentiated Bays are required a minimum of every 25' and a maximum of every 50'. [D]	
Façade Projections	Bay windows and balconies may extend up to 5' from the façade, but may not extend over the front building line.	

- [1] The front lot line shall be deemed to be the edge of the adjacent public street right-of-way, or the edge of the adjacent sidewalk which is nearest the building (whether the sidewalk is then existing or is required as part of the site development under §19-31-5 of this Code), whichever is farther from the center line of such right-of-way.
- [2] Street Wall is the percentage of the lot frontage that is occupied by a building façade established within the Required Front Building Line range.
- [3] Façade Transparency is the percentage of the façade required to have glazed openings of clear or lightly tinted glass, sufficient to provide views between the interior spaces and the streetscape. For street-level uses, this percentage shall be measured between 2' and 8' above street level. For upper stories this shall be measured between floor plates, and each story must satisfy the requirement independently.
- [4] Bays refer to the rhythm associated with the differentiation of the façade along the streetscape and the resulting scale of the building façade to pedestrians. The differentiation may be achieved by piers, pilasters, columns, offsets in the façade, differentiated primary materials or other architecture techniques that signify a different structural building element and mass so long as architectural syntax among bays is respected. [Reference Section 5.2 of the Urban Design Guidelines in the Village Master Plan for specific building design techniques for creating Bays.]
- [5] Façade specifications shall apply to any building front on a public street, or any other façade which fronts on open space located at the Required Front Building Line and opening to the public street.
- [6] 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.
- [7] 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.

TOWNHOUSE BUILDING TYPE SPECIFICATIONS	
Applicability	The Townhouse building type is permitted in any areas of the Village Overlay Standards with a base zoning of Residence F and a Residential Frontage designation on the applicable Building and Development Regulating Plan.
SITE SPECIFICATIONS	
Required Lot Width	20' Minimum; 36' Maximum; [A] End units: 30' Minimum; 46' Maximum
Minimum Lot Depth	80' [B]
Required Front Building Line [1]	Between 22' and 26' [C]
Front Entrance Extensions	An Enhanced Primary Entrance feature may extend up to 5' beyond the constructed front building line of the building provided: [D] <ul style="list-style-type: none"> a. It occupies no more than 30% of the front facade on each lot; [E] 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; and 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
Street Wall [2]	Between 65% and 100% [F]

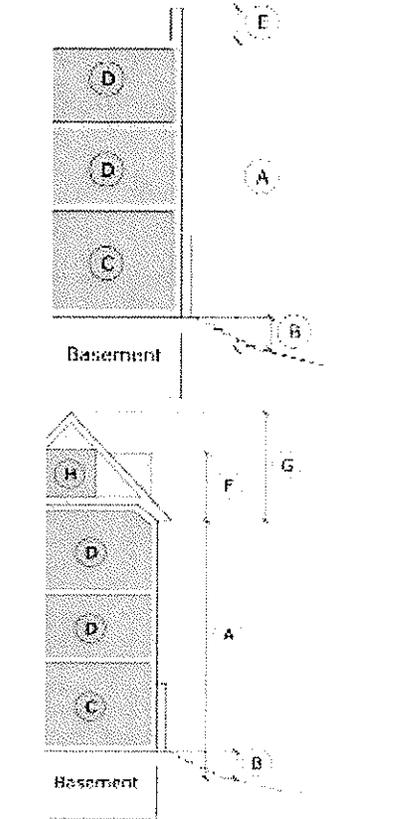


Minimum Side Setback	0' if party wall; [G] 5' for end units or units on a mid-block alley access or pedestrian passage; 10' for corner lots; 15' if more than fifty percent (50%) of the side lot line abuts a lot zoned for, or having an existing lower intensity residential use.	
Minimum Rear Setback	20' [H]	
Maximum % of Lot Coverage (building footprint)	60%, reduced by additional Open Space required by Section 19-31-4 for residential uses.	
Site Access - Vehicles	Vehicle access to individual lots is limited according to the street frontage type and as further specified in Section 19-31-5(d)	

TOWNHOUSE BUILDING TYPE SPECIFICATIONS

MASS AND HEIGHT SPECIFICATIONS

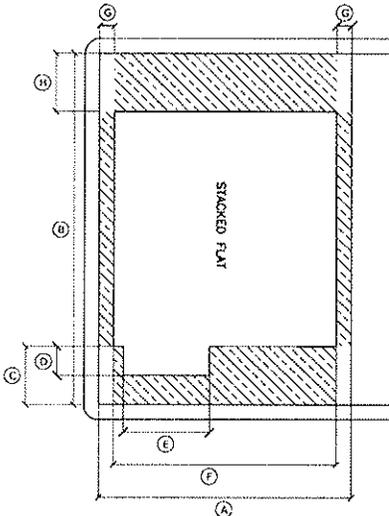
<p>Maximum Height (external) [6]</p>	<p>1 story: 16' to eaves/cornice plus roof structure 2 story: 26' to eaves/cornice plus roof structure 3 story: 36' to eaves/cornice plus roof structure [A]</p> <p>(actual permitted stories for individual sites is controlled by the applicable Building and Development Regulating Plan)</p>
<p>Required Ground Floor Elevation</p>	<p>1.5' to 4' above grade at front building line [B]</p>
<p>1st Story Height (internal)</p>	<p>10' to 15' [C]</p>
<p>Upper Story Heights (internal)</p>	<p>9' Minimum 12' Maximum [D]</p> <p>(upper story ceiling heights on the interior of the building may exceed the Maximum Internal Story Height provided the exterior of the structure maintains the Maximum Height specified above)</p>
<p>Roof Structure Heights [7]</p>	<p>Flat: 2' to 4' parapet [E] Pitched (5:12, or more) 10' maximum; [F] Steep pitch (14:12 to 20:12) 16' maximum, [G] provided that no building shall exceed 46 feet in height.</p> <p>Pitched Roof structures may contain additional floor area which may be occupied without counting towards the story maximum for purposes of the applicable Building and Development Regulating Plan, provided any additional floor area is associated with and accessory to the floor area of the top story. [H]</p>



FAÇADE SPECIFICATIONS [5]		
First Story Transparency [3]	15% to 40% [A]	
Upper Story Transparency [3]	15% to 40% [B]	
Primary Entrances	1 Enhanced Primary Entrance for each dwelling unit [C]	
Bays [4]	Each dwelling unit shall have a differentiated Bay [D]	
Façade Projections	Bay windows and balconies may extend up to 5' from the façade.	

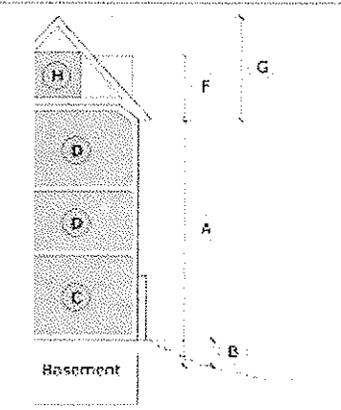
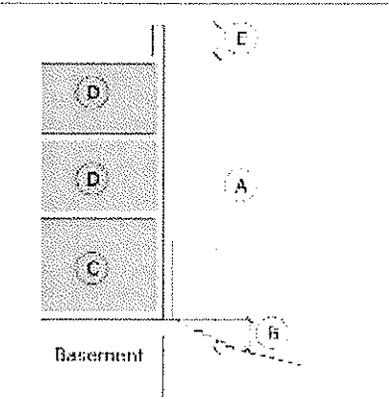
- [1] The front lot line shall be deemed to be the edge of the adjacent public street right-of-way, or the edge of the adjacent sidewalk which is nearest the building (whether the sidewalk is then existing or is required as part of the site development under §19-31-5 of this Code), whichever is farther from the center line of such right-of-way.
- [2] Street Wall is the percentage of the lot frontage that is occupied by a building façade established within the Required Front Building Line range.
- [3] Façade Transparency is the percentage of the façade required to have glazed openings of clear or lightly tinted glass, sufficient to provide views between the interior spaces and the streetscape. For street-level uses, this percentage shall be measured between 3.5' and 10' above street level. For upper stories this shall be measured between floor plates, and each story must satisfy the requirement independently.
- [4] Bays refer to the rhythm associated with the differentiation of the façade along the streetscape and the resulting scale of the building façade to pedestrians. The differentiation may be achieved by piers, pilasters, columns, differentiated secondary or trim materials or other architectural techniques that signify a different structural building element and mass so long as architectural syntax among bays is respected. [Reference Section 5.2 of the Urban Design Guidelines in the Village Master Plan for specific building design techniques for creating Bays.]
- [5] Façade specifications shall apply to any building front on a public street, or any other façade which fronts on open space located at the Required Front Building Line and opening to the public street.
- [6] 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.
- [7] 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.

STACKED FLAT BUILDING TYPE SPECIFICATIONS		
Applicability	The Stacked Flat building type is permitted in any areas of the Village Overlay with a base zoning of Residence G and a Residential Frontage designation on the applicable Building and Development Regulating Plan.	
SITE SPECIFICATIONS		
Required Lot Width	60' Minimum	[A]
Minimum Lot Depth	100'	[B]
Required Front Building Line [1]	Between 22' and 26'	[C]
Front Entrance Extensions	An Enhanced Primary Entrance feature may extend up to 8' beyond the constructed front building line of the building provided: <ul style="list-style-type: none"> a. It occupies no more than 60% of the front facade on each 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; and 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 	[D] [E]
Street Wall [2]	Between 65% and 100%	[F]



Minimum Side Setback	10% of the lot width or 10', whichever is less; Except that 15' shall be required if more than fifty percent (50%) of the side lot line abuts a lot zoned for, or having and existing lower intensity residential use. [G]	
Minimum Rear Setback	20' [H]	
Maximum % of Lot Coverage (building footprint)	60%, reduced by additional Open Space required by Section 19-31-4 for residential uses.	
Site Access - Vehicles	Vehicle access to individual lots is limited according to the street frontage type and as further specified in Section 19-31-5(d)	

STACKED FLAT BUILDING TYPE SPECIFICATIONS	
MASS AND HEIGHT SPECIFICATIONS	
<p>Maximum Height (external) [6]</p>	<p>1 story: 16' to eaves/cornice plus roof structure 2 story: 26' to eaves/cornice plus roof structure 3 story: 36' to eaves/cornice plus roof structure [A]</p> <p>(actual permitted stories for individual sites is controlled by the applicable Building and Development Regulating Plan)</p>
<p>Required Ground Floor Elevation</p>	<p>1.5' to 4' above grade at front building line [B]</p>
<p>1st Story Height (internal)</p>	<p>10' to 15' [C]</p>
<p>Upper Story Heights (internal)</p>	<p>9' Minimum 12' Maximum [D]</p> <p>(upper story ceiling heights on the interior of the building may exceed the Maximum Internal Story Height provided the exterior of the structure maintains the Maximum Height specified above)</p>
<p>Roof Structure Heights [7]</p>	<p>Flat: 2' to 4' parapet [E] Pitched (5:12, or more) 10' maximum; [F] Steep pitch (14:12 to 20:12) 16' maximum, [G] provided that no building shall exceed 46 feet in height.</p> <p>Pitched Roof structures may have additional floor areas which may be occupied without counting towards the story maximum for purposes of the applicable Building and Development Regulating Plan, provided any additional floor area is associated with and accessory to the floor area of the top story. [H]</p>

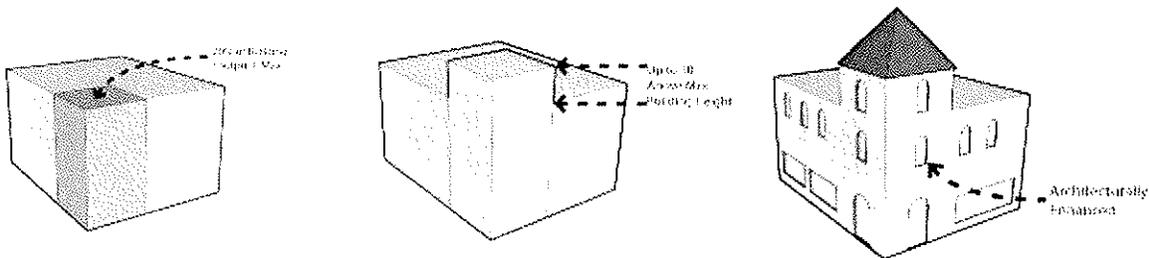


FAÇADE SPECIFICATIONS [5]		
First Story Transparency [3]	15% to 40% [A]	<p>The diagram shows a two-story building facade with a central entrance. It is divided into bays by vertical grid lines labeled S, B, D, D, D, D from left to right. Horizontal grid lines are labeled P, R, M, C from top to bottom. Callouts A, B, C, and D are placed at various points: A is at the top right corner, B is at the top center, C is at the entrance, and D is at the bottom center.</p>
Upper Story Transparency [3]	15% to 40% [B]	
Primary Entrances	1 Enhanced Primary Entrance for each building [C]	
Bays [4]	Differentiated bays are required a minimum of every 25' and a maximum of every 50'. [D]	
Façade Projections	Bay windows and balconies may extend up to 5' from the façade.	

- [1] The front lot line shall be deemed to be the edge of the adjacent public street right-of-way, or the edge of the adjacent sidewalk which is nearest the building (whether the sidewalk is then existing or is required as part of the site development under §19-31-5 of this Code), whichever is farther from the center line of such right-of-way.
- [2] Street Wall is the percentage of the lot frontage that is occupied by a building façade established within the Required Front Building Line range.
- [3] Façade Transparency is the percentage of the façade required to have glazed openings of clear or lightly tinted glass, sufficient to provide views between the interior spaces and the streetscape. For street-level uses, this percentage shall be measured between 3.5' and 10' above street level. For upper stories this shall be measured between floor plates, and each story must satisfy the requirement independently.
- [4] Bays refer to the rhythm associated with the differentiation of the façade along the streetscape and the resulting scale of the building façade to pedestrians. The differentiation may be achieved by piers, pilasters, columns, off-sets in the façade, differentiated primary materials or other architecture techniques that signify a different structural building element and mass so long as architectural syntax among bays is respected. [Reference Section 5.2 of the Urban Design Guidelines in the Village Master Plan for specific building design techniques for creating Bays.]
- [5] Façade specifications shall apply to any building front on a public street, or any other façade which fronts on open space located at the Required Front Building Line and opening to the public street.
- [6] 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.
- [7] 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.

(c) *Building Height Exceptions.*

- (1) *Architectural features.* A height exception may be permitted for architectural features such as turrets, towers, or other similar features on buildings two stories or less, based upon the following:
- a. The architectural feature may extend up to 10' above the maximum allowed building height of the building but shall not include any additional stories;
 - b. The portion of the building receiving a height exception shall occupy no more than 20% of the building footprint.
 - c. The architectural feature shall be in appropriate proportion to, shall enhance and shall emphasize the design features of both the Village and the building and shall include enhanced ornamentation such as decorative molding, articulated openings, or other architectural details that meet the Design Guidelines for the overall Village as expressed in the Village Master Plan; and
 - d. The architectural feature shall be located only at one of the following prominent locations that contribute to the overall design context of the Village:
 - i. At the corner of two public streets;
 - ii. On the block face opposite a "T" intersection with another public street and centered on that intersecting street; or
 - iii. Fronting on a significant Public or Quasi-civic Open Space that has street frontage and is located and designed according to the Village Master Plan.



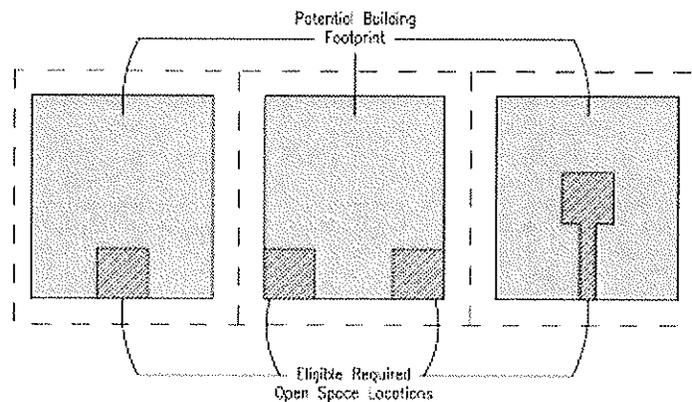
- (2) *Ornamental Features.* A height exception may be permitted for ornamental features on all buildings where such features do not exceed an additional six feet in height and where said feature is limited to the following: spires, chimneys, chimney pots, flag poles, and weather vanes.

Section 19-31-4. Open Space Standards.

- (a) *Objective.* The objective of these open space standards is to:
- (1) Create civic amenities in the Villages in exchange for any increased density or building intensity that is constructed under the Village Overlay Standards;
 - (2) Provide functional open space for occupants and patrons of buildings on all sites;
 - (3) Require open space in relation to variations in the mass and orientation of buildings, that serves a purpose in the site plan and overall Village-wide urban design; and
 - (4) Create effective transitions between new buildings and the streetscapes of the Village.
- (b) *Standards.* Lots shall contain public or quasi-public open space in addition to open space created implicitly by the operation of setbacks, maximum lot coverage or other building regulations. The required open space shall be based upon the type of use and building type and mass based upon the following table. The required open space shall be in addition to any required setbacks for the lot and building type, and must occur within the otherwise allowable building footprint. All open space required for Street-front and Free-standing Buildings shall be directly accessible from and located along the building frontage or accessible by a Passage that breaks the façade along the building frontage. Open space required for Townhouse or Stacked Flat building types may be located at any location within the otherwise allowable building footprint. Open space must be functional and should utilize the Design Guidelines for Open Space in the Village Master Plans, but may not consist of parking areas, service areas or site utility areas. [Refer to Section 5.4, Open Space Design, of the Design Guidelines of the Village Master Plan for specific strategies for open space design].

BUILDING USES	REQUIRED OPEN SPACE
GROUND-LEVEL NON-RESIDENTIAL USES	No Requirement
UPPER LEVEL NON-RESIDENTIAL USES	10% of all upper level square footage
RESIDENTIAL USES	100 square feet per dwelling unit*

* For residential buildings, this open space may also be Common or Private Open Space according to the Village Master Plans.



Section 19-31-5. Parking, Vehicle and Pedestrian Access Standards.

The parking and vehicle access standards of the applicable Base Zoning District are specifically modified or amended by Village Overlay Standards according to this section.

- (a) *Parking Quantity.* For all new construction subject to the Village Overlay Standards, on-site parking shall be provided pursuant to the following table:

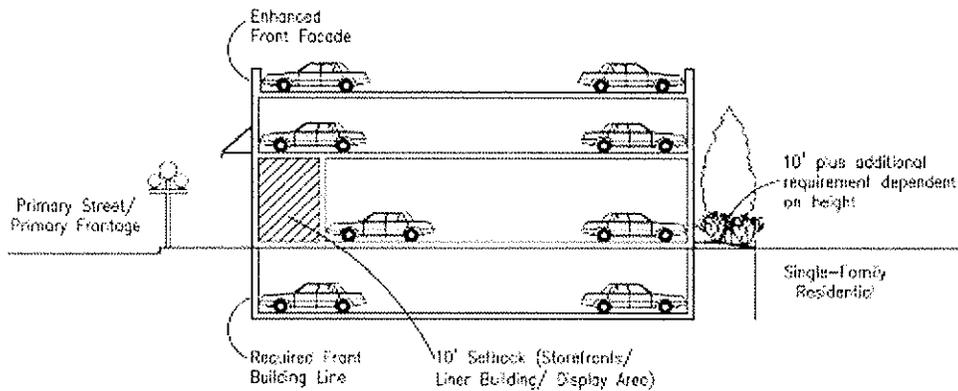
BUILDING USES	REQUIRED PARKING SPACES*
RETAIL USES (UNLESS EXEMPT):	5 per 1000
SERVICE USES:	5 per 1000 or as follows, whichever is greater:
BEAUTY SHOPS	2 spaces per service chair
DANCE STUDIOS	1 space per employee
DAYCARE CENTERS	1 space per 7 children
NAIL SALONS	2 spaces per service chair or employee, whichever is greater
SELF SERVICE LAUNDRY	1 space per 3 machines
TANNING SERVICES	1 space per bed / tanning services area
OFFICE USES:	4 per 1000
RESIDENTIAL USES:	The number of parking spaces provided for Residential Uses shall be provided per the Base Zoning District Regulations.

* per 1000 feet of floor area exclusive of basements or areas used exclusively for storage, mechanical equipment, common interior areas

- (b) *Exceptions.*

- (1) *Non-residential Exemption.* All new non-residential construction may be exempt from the parking requirement provided:
 - a. The new building replaces existing square footage. For buildings with expanded total square footage beyond the existing square footage, parking for the expanded square footages shall be required at the rate specified in this section; and
 - b. The new building does not eliminate existing on-site parking.
- (2) *On-street Credit.* New and additional on-street parking created as part of a development plan may be credited to the parking to the parking requirement of this section.
- (3) *Shared or Off-site Parking Management Agreement.* Shared parking may be applied to meet the requirements of this section subject to the following criteria:
 - a. All landowners participating in the shared parking must execute an appropriate access agreement with respect to the shared parking location;

- b. A written agreement executed by all parties participating in the sharing agreement must be presented to the City Council, which may approve the agreement in its sole discretion;
 - c. All parking spaces shall be within reasonable proximity of the main entrance of any building for which the agreement is intended to benefit. Employee parking may warrant greater distances from the main entrance than parking for customers; and
 - d. The cumulative requirements of uses sharing the parking may be reduced for uses having different hours of operation or different peak periods of demand. The proposed reduction shall be based upon recognized industry sources, such as the most recent edition of the Urban Land Institute Shared Parking Model or other similar and equivalent study or data, and upon evidence that such model is applicable to the agreement; and
 - e. If any of the circumstances underlying an approved shared parking agreement change, including but not limited to the parties, the location of shared parking spaces, the number of parking spaces available, the number of parking spaces required, the type of business or use, an increase or reduction in parking spaces available on-site, or any other like change in circumstances, a revised written agreement executed by all parties participating in same must be presented to the Council, which may approve the revised agreement in its sole discretion. A failure at any and all times to maintain a valid approved shared parking agreement shall constitute a violation of this ordinance and will further constitute grounds for the revocation of the business license of any business utilizing the subject shared parking as the method of meeting the parking requirements in this section.
- (c) *Parking Design.* On-site parking in areas subject to the Village Overlay Standards shall meet the following design standards.
- (1) Parking for all residential uses shall be located in the rear of any residential building, and no parking shall be permitted in any front yard or any side yard; provided, however, that required parking for visitors may be permitted in the front of any building if located on-street and if said spaces are new spaces either dedicated or made available for public use.
 - (2) All surface parking shall be set back at least 30' from any Primary Street frontage, and screened from the streetscape by a liner building meeting the requirements of this Article.
 - (3) All parking shall be setback at least 8' from any Secondary Street frontage and screened from the streetscape by a landscape area or low decorative wall.
 - (4) No setback is required for parking located off an access or service alley.
 - (5) Any parking structure that is provided shall meet the following standards:
 - a. Street-level parking shall be set back at least 10' from a Primary Street and be screened by liner buildings or display areas that meet the Street-front Building design requirements.
 - b. All upper-level parking, and street-level parking on Secondary Frontages may be up to the front building line provided that the façade shall otherwise meet all of the Building Standards and Design Guidelines applicable in the Village.



(6) Any parking that abuts a lot zoned for single-family use shall meet the following:

- a. Surface parking shall be set back at least 10' from the common lot line and be screened by a combination of a high intensity landscape buffer composed of primary plantings of at least six feet in height at installation and a solid fence or finished wall between 6' and 7' in height.
- b. Any parking structure shall be set back at least 10' from the lot line, and an additional 1' for every 2' of parking structure that is above grade. This setback area shall be improved with a high intensity landscape buffer which provides a year-round screen of the structure.

(d) *Vehicle Access Limitations.* Vehicle access to all lots subject to the Village Overlay Standards shall be limited according to frontage type indicated on the applicable Building and Development Regulating Plan based upon the following standards:

- (1) *Primary Frontages.* Vehicle access is prohibited except for one mid-block shared access area providing access to multiple lots within the block, and not to exceed 20' in width. All other vehicle access to individual lots shall be via alleys or off Secondary, Access, or Support Streets identified in the Master Plan.
- (2) *Secondary Frontages.* Vehicle access is permitted subject to:
 - a. No more than 20% of the lot frontage shall be dedicated to vehicle access.
 - b. Access points shall be limited in width to no more than 24' wide per access point.
 - c. Individual access points shall be separated by at least 100' on center.
- (3) *Support Frontages.* No limitations.
- (4) *Residential Frontages.* Vehicle access points shall be limited to no more than 15% of the lot frontage. Where this limitation prohibits vehicle access to individual lots, access shall be via a shared access or alley system.
- (5) *Drive-through facilities.* Drive-through facilities may be permitted only where ingress and egress is provided from a Secondary or Access Street as identified in the Master Plan.

- (6) *Waiver.* A waiver of these access limitations may be granted by the City Council if it is based on an overall circulation plan for a development site and supported by a technical study that considers vehicle and pedestrian circulation comprehensively, including all blocks in the surrounding area and the Village as a whole.
- (e) *Sidewalk Standards.* Any development fronting on streets that do not currently have sidewalks shall include sidewalks in association with the site development according to the following:
- (1) Sidewalks on Primary Village Street designated in the Circulation and Urban Design Plan of the Village Master Plan, adopted June 2007, shall be between 8' and 12' wide.
 - (2) Sidewalks on Secondary Village Streets or Village Support Streets designated in the Circulation and Urban Design Plan of the Village Master Plan, adopted June 2007, shall be between 6' and 8' wide.
 - (3) Where streets do not contain on-street parking that buffers pedestrians from moving traffic, the sidewalk shall be separated from the edge of the finished street by a landscape or light fixture/signage zone at least 5' wide. Where on-street parking exists or is added to the streetscape as part of the site development, the sidewalk may immediately abut the finished street edge.
 - (4) Enhancements such as landscaping and tree wells, pedestrian amenities and seating, or other streetscape elements may be added within the sidewalk or any landscape buffer areas, provided all areas of the sidewalk maintain a minimum 5' clear area for pedestrian movement.
 - (5) The City Council may grant exceptions to one or more of these standards, either allowing smaller sidewalks or waiving the requirement entirely, in the event it finds all of the following:
 - a. Strict compliance with these standards would lead to:
 - i. an inappropriate design of the right-of-way and site according to sound urban design, planning, or landscape principles;
 - ii. a detriment to general public safety; or
 - iii. excessive construction costs due to extreme and unusual topography or other site conditions.
 - b. The inability to meet the standards is due to unique conditions of the site; and
 - c. The degree of exception granted by the City Council is the minimum necessary to result in an appropriate design of both the site and right-of-way on which the site fronts, and will not be detrimental to general transportation patterns along the street and through the Village.

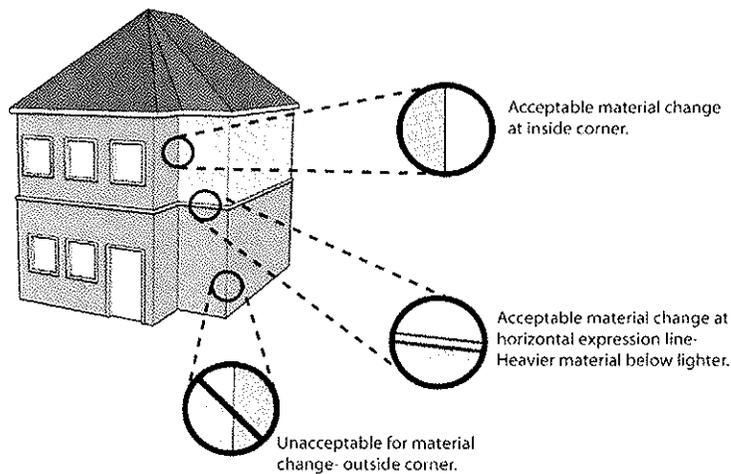
Section 19-31-6. Material Specifications.

- (a) *Objectives.* The objectives of the material specifications are to:
- (1) Enhance the existing character of the Villages through the use of materials and architectural styles that are compatible to existing buildings throughout the Village;

- (2) Permit flexibility and variety in architectural style, design and function while maintaining and promoting consistency with the overall form, scale and aesthetics of all of the buildings collectively in the Villages;
- (3) To preserve the value and investment in buildings with quality and durable materials that complement the public investment in streetscapes and open spaces throughout the Village.

(b) *Standards*

- (1) All buildings shall have one primary material covering at least 70% of the building facades. Buildings may have a secondary material covering up to 20% of the façades. Building may have up to three accent or trim materials covering no more than 30% of the building facades, however no building shall use more than four (4) materials for primary, secondary, and accent or trim combined.
- (2) Except for accent or trim materials, changes in the façade material shall only occur at horizontal expression lines, with the heavier material below the lighter material. Alternatively, changes in the material may occur to emphasize distinct forms or massing on the building if material changes occur only at inside corners.



- (3) Exterior materials shall be permitted in accordance with the following table:

RESIDENTIAL BUILDING MATERIALS		
PRIMARY MATERIALS	SECONDARY MATERIALS	ACCENT/TRIM MATERIALS
Horizontal Wood Clapboard (or equal or better simulated material) Brick, unpainted with natural muted red, gray, or dark red tone, with or without enhanced mortar techniques. Stone, unpainted with natural earth	[Same as Primary Materials]	Any of the primary materials may be used as an accent material Wood trim (or equal or better simulated material) Copper Wood panels or horizontal clapboard siding (or equal or

<p>tones.</p> <p>Stucco (or equal or better simulated material)</p> <p>Wood shingles (or equal or better simulated material)</p>		<p>better simulated material)</p> <p>Precast stone, or wood moldings or similar architectural details (or equal or better simulated material)r</p>
--	--	--

NON-RESIDENTIAL BUILDINGS		
PRIMARY MATERIALS	SECONDARY MATERIALS	ACCENT / TRIM MATERIALS
Brick, unpainted with natural muted red, gray, or dark red tone, with or without enhanced mortar techniques.	Any of the Primary Materials may be used as Secondary Materials	Any of the Primary or Secondary Materials may be used as an accent material
Stone, unpainted with natural earth tones.	Horizontal Wood Clapboard (or equal or better simulated material) (natural or earth tones; or subtle or muted colors)	Wood trim (or equal or better simulated material)
Stucco (or equal or better simulated material)	Wood shingles (or equal or better simulated material) (natural or earth tones; or subtle or muted colors)	Copper
		Horizontal Wood Clapboard (or equal or better simulated material)
		Precast stone, or wood moldings or similar architectural details (or equal or better simulated material)

- (4) *Equal or Better Simulated Materials.* Where “equal or better” simulated materials are permitted, they shall only be permitted in the sole discretion of the Planning Commission, which shall require the review and recommendation of the Design Review Committee prior to consideration of the request. The Planning Commission may permit “equal or better” simulated materials only where specified in the permitted materials section and upon finding that:
- a. The proposed material has an identical physical appearance as the material it is intended to simulate, including but not limited to color and texture; b. The material presents benefits in addition to cost savings, such as reduced maintenance, or enhanced durability and performance;
 - c. The material has a demonstrated track record of successful application and use; and
 - d. Use of equal or better materials may be conditioned upon compliance with all application and manufacturer specifications.
- (5) *Alternative Materials.* Materials other than those specified herein may be proposed for use to the Planning Commission, which shall first require the review and recommendation of the Design Review Committee. The Planning Commission, in its sole discretion, may allow the use and installation of alternative materials when it finds that:
- a. Use of the proposed material advances the design objectives specified in this section;
 - b. The proposed material meets the “equal or better” standards in sub-section (4) (a-d) for any material that it is similar to;
 - c. Use of the proposed material is consistent with the architectural style for the proposed building and will help achieve the objectives set forth in the Design Guidelines in Section 5.0 of the Village Master Plan; and

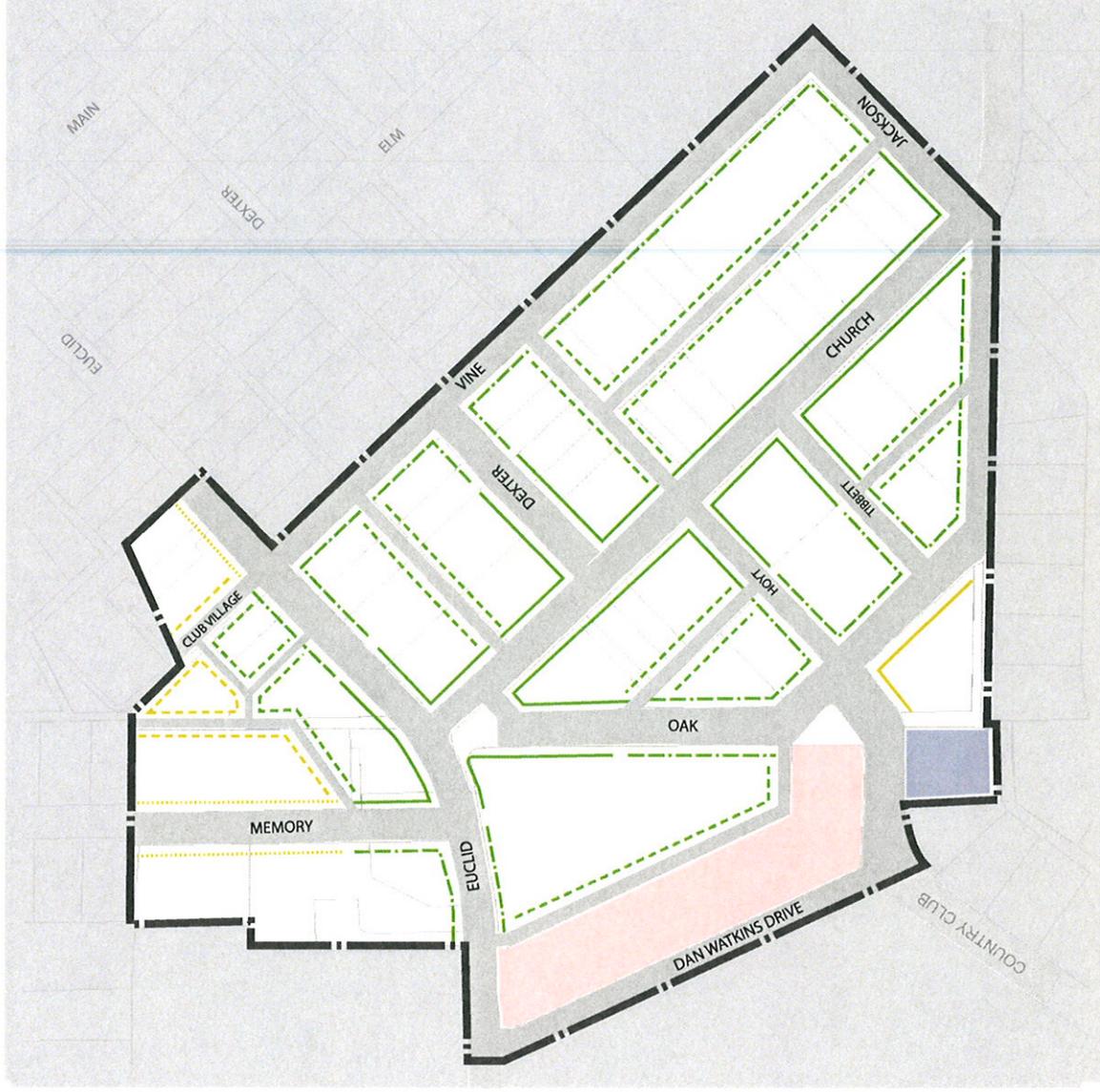
- d. Use of the proposed material is limited and does not introduce the potential to erode the overall character of the Village if applied in a similar manner on other sites.

City of MOUNTAIN BROOK

CRESTLINE VILLAGE BUILDING AND DEVELOPMENT REGULATING PLAN

BUILDING FRONTAGE TYPES

- 
 Primary Frontage
 2 story
 3 story
- 
 Secondary Frontage
 2 story
 3 story
- 
 Support Frontage
 2 story
 3 story
- 
 Residential ("Neighborhood") Frontage
 2 story
 3 story
- 
 Village Boundary Line
- 
 Area controlled by base zoning districts standards only
- 
 Overlay standards Not applicable-area controlled by base zoning district standards and court decrees only



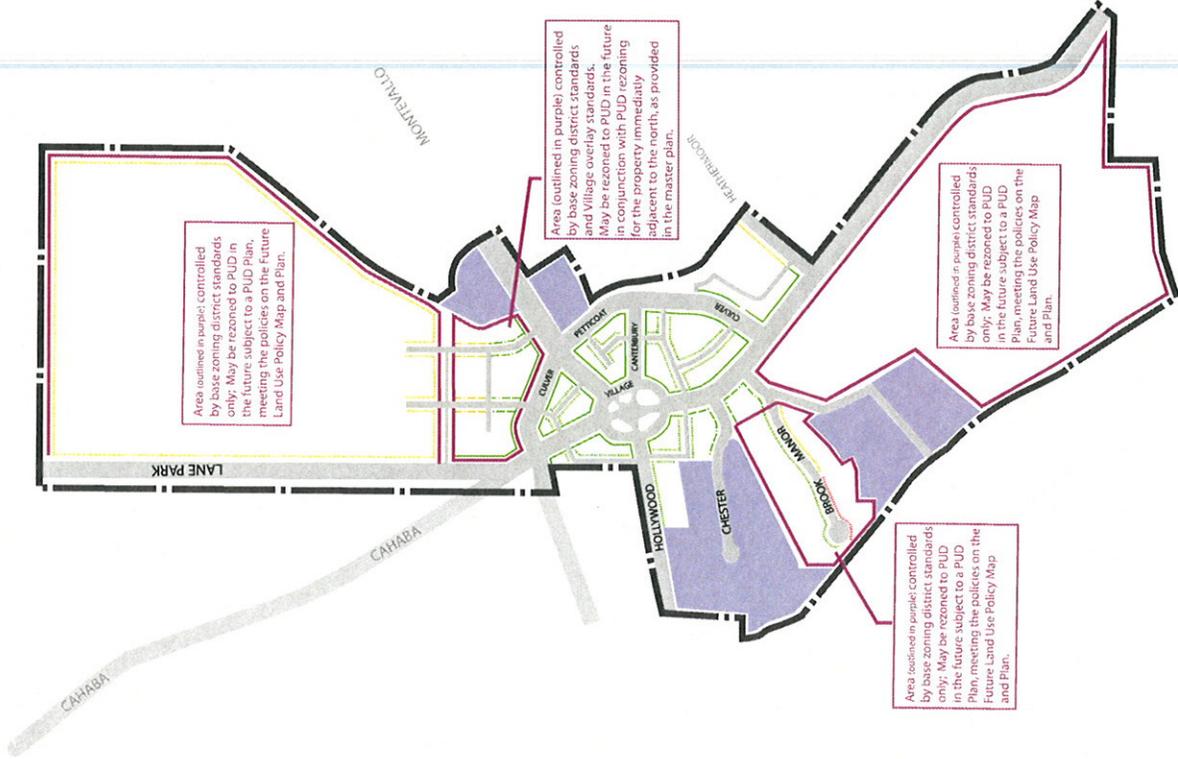
City of MOUNTAIN BROOK

MOUNTAIN BROOK VILLAGE Village Center

BUILDING AND DEVELOPMENT REGULATING PLAN

BUILDING FRONTAGE TYPES

- 
 Primary Frontage
 2 story
 3 story
- 
 Secondary Frontage
 2 story
 3 story
- 
 Support Frontage
 2 story
 3 story
- 
 Residential ("Neighborhood") Frontage
 2 story
 3 story
 4 story
- 
 Village Boundary Line
- 
 Area controlled by base zoning districts standards only



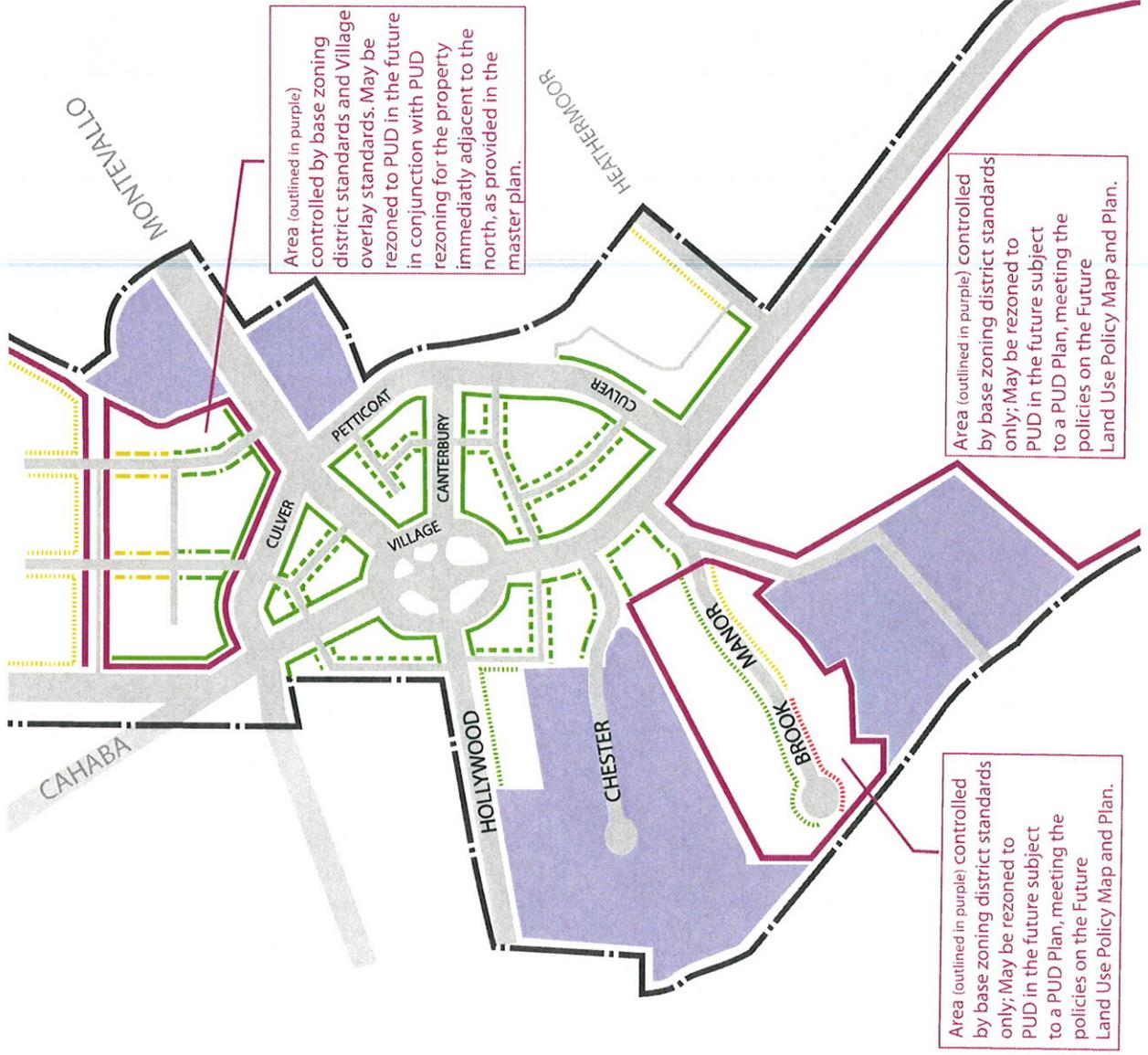
City of MOUNTAIN BROOK

MOUNTAIN BROOK VILLAGE Village Center

BUILDING AND DEVELOPMENT REGULATING PLAN

BUILDING FRONTAGE TYPES

- 
 Primary Frontage
 2 story
 3 story
- 
 Secondary Frontage
 2 story
 3 story
- 
 Support Frontage
 2 story
 3 story
- 
 Residential ("Neighborhood") Frontage
 2 story
 3 story
 4 story
- 
 Village Boundary Line
- 
 Area controlled by base zoning standards only



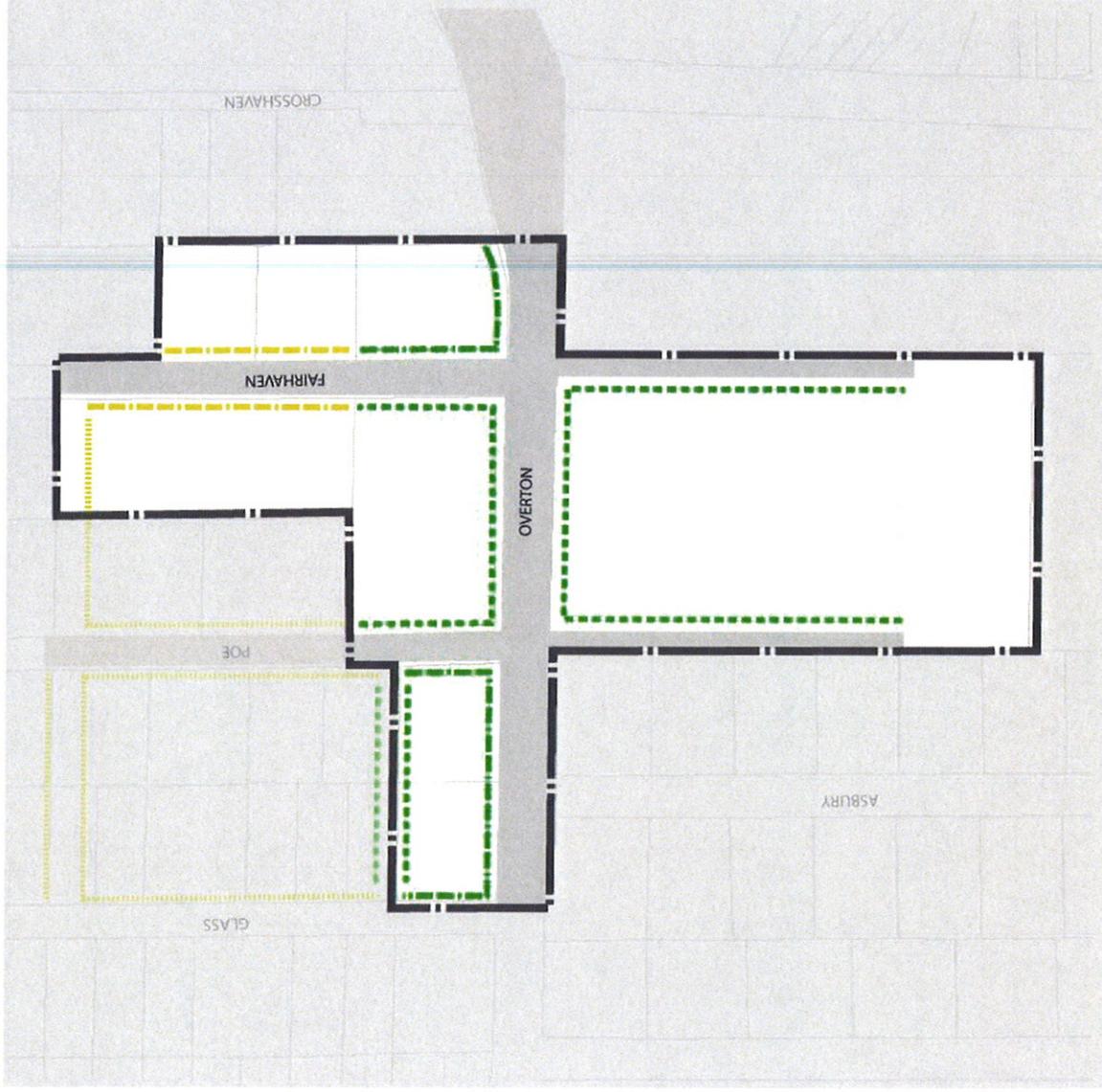
City of MOUNTAIN BROOK

OVERTON VILLAGE BUILDING AND DEVELOPMENT REGULATING PLAN

BUILDING FRONTAGE TYPES

- 
Primary Frontage
 2 story
 3 story
- 
Secondary Frontage
 2 story
 3 story
- 
Support Frontage
 2 story
 3 story
- 
Residential ("Neighborhood") Frontage
 2 story
 3 story
- 
Village Boundary Line

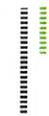
* the Building and Development Regulating Plan should be updated to required primary building frontages on Overton Road for all frontages currently designated "support". This change should only occur in association with streetscape improvements to Overton Road, which includes on-street parking. (see implementation section 4 of the plan).



City of MOUNTAIN BROOK

ENGLISH VILLAGE BUILDING AND DEVELOPMENT REGULATING PLAN

BUILDING FRONTAGE TYPES

- 
 Primary Frontage
 2 story
 3 story
- 
 Secondary Frontage
 2 story
 3 story
- 
 Support Frontage
 2 story
 3 story
- 
 Residential ("Neighborhood") Frontage
 2 story
 3 story
- 
 Village Boundary Line
- 
 Area controlled by base zoning districts standards only



Section 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.

Section 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.

Section 4. Effective Date. This ordinance shall become effective immediately upon adoption and publication as provided by law.

ADOPTED: This 25th day of February, 2008.



Virginia C. Smith, Council President

APPROVED: This 25th day of February, 2008.



Lawrence T. Oden, 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 25, 2008, as same appears in the minutes of record of said meeting, and published by posting copies thereof on February 26, 2008, 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
The Invitation Place, 3150 Overton Road

Joe Muggs Newsstand, 2037 Cahaba Road
Piggly Wiggly Food Store 4, 93 Euclid Avenue



Steven Boone, City Clerk