

ORDINANCE NO. 1766

**AN ORDINANCE TO AMEND CHAPTER 19, ARTICLE XVI  
PLANNED UNIT DEVELOPMENT DISTRICT OF THE ZONING ORDINANCES  
OF THE CITY OF MOUNTAIN BROOK, ALABAMA**

---

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

1. **Amendatory Provision.** Chapter 19, Article XVI is amended as follows:

**Article XVI. Planned Unit Development District**

**19-16-1. Purpose and Applicability.**

- (a) *General Purposes.* The Planned Unit Development (“PUD”) District is designed to permit flexible development of projects which are comprehensively planned as a single development with a functional master development plan which fully considers the entire site as an integrated project and gives broad consideration to impacts and relationships to surrounding areas. The PUD District permits flexibility in locating buildings, mixtures of building types and land uses, and open spaces. In permitting such flexibility, the City Council should consider policies or goals in the City Master Plan and any Village Master Plan approved by the Planning Commission, and other broad public benefits demonstrated in a master development plan. The Planning Commission or City Council may attach conditions to a master development plan proposed for a PUD to safeguard the public health, safety, morals and general welfare.
- (b) *Specific Purposes.* Each master development plan for a proposed PUD District shall advance the following specific planning purposes:
  - (1) The plan should take into consideration policy statements identified in association with use of the PUD district as a future land use policy in an officially approved Village Master Plan; and
  - (2) The plan shall encourage more efficient development and use of land which results in one or more of the following benefits to the general public that could not be gained under standard zoning districts, such as:
    - a. Reduced negative aesthetic and environmental impacts from buildings and site development facilities, including better management of or reduction in the environmental impacts of development on the surrounding community;
    - b. A better relationship between buildings, streetscapes, and public or common open spaces, resulting in an integrated community character that considers extensions and transitions to adjacent areas, as well as relationships to the particular characteristics of the site;
    - c. Less burden of traffic on streets, roads, and highways, including better pedestrian accommodations and connections; or
    - d. Exemplary design of buildings and civic spaces which reinforces and complements the existing character of surrounding areas.

- (c) *General Applicability.* The PUD District is generally applicable for master development plans that involve arrangements of two or more types of building types, lot types, or uses which could otherwise not be developed under a single zoning district, or where developments that may be allowed under a single zoning district represent exemplary design with public benefits that could not be achieved under the zoning district standards. In each case a master development plan shall be used to create a better arrangement of the buildings, lots, or uses than would otherwise be allowed under the base zoning district standards. However, each element of the site shall be based on a zoning district most closely associated with the building types and uses, and the master development plan shall demonstrate and identify where deviations from the standards of that district are necessary to achieve the goals of the master development plan and provide broader public benefits.
- (d) *Minimum Acreage.* The minimum contiguous acreage for a master development plan and application of the PUD zoning district shall be:
- (1) 4 acres for areas covered by an approved Village Master Plan of the city and specifically identified for use of the PUD district as a future land use policy; or
  - (2) 12 acres for areas not covered by an approved Village Master Plan or a plan including areas not identified for use of the PUD as a future land use policy in such plan.

***[Leave current "Section 19-16-2. Definitions." as currently written]***

**Sec. 19-16-3. Permitted uses.**

The PUD district shall be assembled using any of the base zoning districts provided in this Chapter and approved by the City Council. The permitted uses in the PUD district shall include any of the permitted uses of such base zoning district(s) used to assemble the master development plan. Final approval of any of the uses in the PUD district shall be contingent on submittal of the required master development plan and other materials, proper review of the same by the Planning Commission, and subsequent determination by the City Council that the uses being proposed are appropriate and acceptable due to the arrangement, planning and design demonstrated in the master development plan.

**Sec. 19-16-4. Area and dimensional requirements.**

- (a) *Spacing and Setbacks of Buildings and Structures.* The spacing, height and setback of buildings and structures, and the required parking and parking design requirements associated therewith, shall generally meet the standards of the applicable base zoning district(s) included in the master site plan. Modification from these requirements may be made through the proposed master development plan. The Planning Commission may recommend and the City Council may approve arrangements that better meet the purposes of this district, the City Master Plan, or any applicable Village Master Plan.
- (b) *Density.* The permitted number of dwelling units and building intensity in a PUD may not exceed the number which would otherwise be allowed in the base zoning district(s) which are used as a basis for the master development plan, though the City Council may approve other densities that better meet the purposes of this district and any specific policies and goals of the City Master Plan and any applicable Village Master Plan. In this regard, the PUD application shall be considered similar to a rezoning request to all of the districts that make up the basis of the master development plan. The burden of proof shall be on the developer to show that existing or proposed facilities and utilities can handle the requested intensity of development.

(c) *Property development standards.* Property development standards for a PUD shall be determined by the City Council after receiving recommendations from the Planning Commission. The development of the PUD must be compatible with the topography of the parcel and must preserve any unusual topographic or natural features of the parcel. The development shall not adversely affect the developed or undeveloped property in the vicinity of the PUD, and the development must be compatible with such other property with regard to density, size of buildings, architectural style and type of use. The City Council's determination as to whether the proposed development of the PUD is compatible with the neighboring properties with regard to the forgoing criteria shall be presumptively correct. Adequate water, sewer, streets, open spaces and other facilities and utilities must be available for the proposed PUD or there must be a definite proposal for making them available at the expense of a party other than the city. Depending upon the density of the proposed PUD and the type of uses proposed for the PUD, the City Council may require such building setbacks for any front yards, side yards, or back yards, along with such buffers, walls, hedges, shrubs, trees, and other designed transitions as the City Council deems necessary and appropriate for the preservation of the character of the other property in the vicinity of the PUD. The City Council may impose such reasonable conditions, terms or limitations which it finds necessary or helpful for the protection and promotion of the public health, safety, morals and welfare of the city.

(d) ***[Replace with existing section (f).]***

(e) *Master development plan.* The proposed master development plan ("proposed plan") shall include the following information:

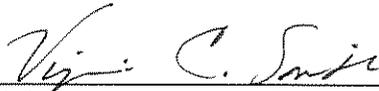
- (1) The location and size of the parcel to be developed as a PUD, including its legal description and a current perimeter survey prepared and certified by a surveyor who is licensed as a surveyor by the State of Alabama. The survey must show all streets which are adjacent to the parcel, all easements and rights of way on the parcel and the location of any existing buildings or other structures which shall be a part of the PUD.
- (2) A vicinity map showing the parcel in relation to surrounding property and a general description of the surrounding area, including the current zoning and land uses of the surrounding area.
- (3) A statement of the planning objectives to be achieved by the PUD. The statement should include a description of the proposed development and the rationale behind the assumptions and projections made by the applicant.
- (4) The density of land use to be allocated to all parts of the PUD site, together with tabulations by acreage and percentage of the parcel to be occupied by each proposed use.
- (5) The location, size, and character of all buildings, including identification of the base zoning district related thereto and contemplated use(s) of the building. If any proposed building does not meet the standards of the base zoning district associated with it, a description of the specific standards which are not met by the proposed building, a description of the deviations from those standards and the reasons why the deviations are necessary must be provided.
- (6) The location, size and character of any common open space or any commonly owned facilities and the type or organization which will own and maintain any commonly owned open space or facilities.
- (7) The number, location and layout of parking spaces and attendant driveways and other areas necessary for the maneuvering of motor vehicles.
- (8) Means of access to and from the PUD site.
- (9) Location and dimensions of any service yards.
- (10) A landscaping plan.
- (11) The outside appearance of any proposed buildings.

- (12) Any signs for any proposed buildings.
- (13) Materials with which parking areas, driveways and sidewalks will be covered.
- (14) Storm drainage facilities.
- (15) Plans for providing utilities.
- (16) A computerized or physical three-dimensional scale model of the proposed site and all buildings showing the scale, massing, and relationship of the buildings to the site and topography, to streetscapes, to open spaces, and to adjacent properties from all relevant perspectives and showing all relevant dimensions. The applicant may submit the model in electronic format if the most recent version of Sketch-Up is used, otherwise, the application shall provide perspectives from all relevant angles and at least one for each side of the buildings. Where applications include multiple similar buildings, one scale model for each similar building type may be submitted, provided all occurrences of the building type have a similar relationship to the site and topography, streetscapes, open spaces, and adjacent sites as depicted in the model.
- (17) The substance of covenants, easements or other restrictions which will be imposed upon the use of the parcel, the buildings and other structures.
- (18) All plans shall be prepared at the scale of one (1) inch equals forty (40) feet.
- (19) Any additional data, plans or specifications which the applicant or the City Council believes is pertinent and will assist in clarifying the application.

***[Leave all other sections in Article XVI as currently written.]***

- 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 five (5) days after 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