

ORDINANCE NUMBER 2332

AN ORDINANCE ESTABLISHING A DESIGN REVIEW BOARD FOR THE CITY OF VESTAVIA HILLS, ALABAMA

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
VESTAVIA HILLS, ALABAMA, AS FOLLOWS:**

Section 1. Establishment.

A Design Review Board for the City of Vestavia Hills, Alabama, is hereby established and shall hereinafter be referred to as the DRB.

1. Purpose. The purpose of Design Review is to assure compatibility and quality in the design of certain development types in order to protect the health, safety and general welfare of the City. Further, it is the intent of the DRB to:
 - a. Promote the general welfare of the citizens of Vestavia Hills by ensuring that proposed sites, buildings and landscaping enhance the environment and design of the City.
 - b. Assure pleasing, environmentally-friendly development that supports the economic viability of the community.
 - c. Protect and enhance the value of properties in Vestavia Hills.
 - d. Ensure that new development is in accordance with the City of Vestavia Hills Comprehensive Plan.
2. Membership. The DRB shall consist of seven regular members, all of whom shall be residents of the City of Vestavia Hills. Members shall be nominated by the Mayor and appointed by the City Council for a term of three (3) years. The members of the Board should consist of at least one registered architect and one registered landscape architect. Vacancies shall be filled for the unexpired term of any member. Members may be removed for cause by the City Council, upon a recommendation by the Mayor, and upon written charges and after a public hearing by the Council. Members shall serve without compensation. The Board shall have the power to seek technical advice from outside its own membership on any matter related to its powers and duties.

3. Meetings, procedures, and records. Meetings of the DRB shall be held monthly or at the call of the chair. All meetings shall be open to the public, and the agenda shall be posted at the Municipal Center. The DRB shall elect a chair and vice-chair, and such other officers as the members may deem necessary. The Board shall adopt and publish its own rules of procedure and keep minutes of its proceedings.
4. Records. The DRB shall maintain a record of its meetings, actions, determinations and findings, according to Alabama law.
5. Design review guidelines. The DRB shall consider, adopt, publish, and maintain Design Review Guidelines, which it shall apply during consideration of the compatibility of proposed development with the planned image and character of the City.
6. Duties. The duties of the DRB shall be:
 - a. To review, in a timely manner, in a public forum, proposed development within the City for compatibility with the letter and spirit of the Design Review Guidelines.
 - b. To comment upon and make recommendations to applicants, in regard to compatibility of proposed development with the letter and spirit of the Design Review Guidelines.
 - c. To certify completion of design review for all applications heard by the DRB.
7. Conflicts of interest. At any time the DRB schedules review of a proposed development in which a member has ownership or any other vested interest, that member will so identify such interests, following which disclosure the member shall be excused by the chair. The excused member shall be forbidden from presenting, voting upon, or discussing the matter at hand, other than answering a direct question.

Section 2. Applicability.

1. Until completion of design review has been certified by the DRB, no applicable permit shall be issued for:

- a. Any non-residential and mixed-use developments involving exterior construction, alteration, renovation, relocation, demolition, addition, or landscaping
 - b. Any landscaping and architectural elements within entry common areas of residential subdivisions
 - c. Townhouse and multi-family developments (design review will address only frontage design, landscaping, and design of common open spaces)
2. Any request for a special exception use, conditional use, master plan approval, or rezoning may be referred by the reviewing authority to the DRB for its recommendation prior to the reviewing authority's decision regarding the request.
3. Any variance request submitted to the Board of Zoning Adjustment involving the reduction of normally required setbacks, buffers, or landscaping shall be reviewed by the DRB and its recommendation submitted to the Board prior to its decision on such request.

Section 3. Application Requirements.

A detailed application package shall be made available by the Zoning Official, which shall include a list of plans and materials required for review by the DRB.

1. Applications shall be submitted at least fifteen (15) working days prior to the next regularly scheduled meeting of the DRB.
2. No application will be accepted unless all fees have been paid and a complete application has been submitted. Design review fees shall be as set from time to time by the Council.

Section 4. Procedure.

1. The Department of Building Safety shall not issue a Building Permit until completion of Design Review has been certified by the DRB, if applicable. All actions, as may be required for a development application, by the Planning and Zoning Commission, Board of Zoning Adjustment, and the City Council shall be completed prior to completion of Design Review; however, said

bodies may refer any application of a type listed in § 1.2 Applicability to the DRB prior to that body's decision regarding the application.

2. Non-Residential and Mixed-Use Developments. Applicants are encouraged to meet with the DRB early in the design process to receive a preliminary indication of the suitability of site plan and other general design considerations.

Section 5. Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 6. Effective Date.

This Ordinance shall take effect upon its adoption and publication as required by law.

DONE, ORDERED, ADOPTED and APPROVED this the 13th day of December, 2010.

Mary Lee Rice
Council President

ATTESTED BY:

Rebecca Leavings
City Clerk

APPROVED BY:

Alberto C. Zaragoza, Jr.
Mayor

CERTIFICATION:

I, Rebecca H. Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance Number 2332 is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Vestavia Hills on the 13th day of August, 2010, as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills New Merkle House, Liberty Park Sports Complex and Vestavia Hills Recreational Center this the _____ day of _____, 2010.

Rebecca Leavings
City Clerk