

ARTICLE 23. LANDSCAPE AND BUFFER REQUIREMENTS

Section 23.01. Purpose and Intent.

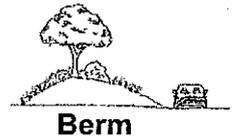
The purpose of this Article is to protect and promote the health, safety, and welfare of the City of Montevillo residents by mitigating the adverse affects caused by new development on adjacent uses and the environment. Pursuant to this purpose, these requirements intend to:

- Conserve and protect sensitive environmental resources and natural open spaces.
- Preserve the existing tree canopy and prohibit unnecessary clear cutting.
- Improve erosion and sediment control practices through the proper use of appropriate plant materials.
- Promote complementary landscape techniques to supplement Best Management Practices (BMPs) and stormwater management requirements.
- Improve the physical relationship between incompatible uses and activities by requiring adequate screening and buffering.
- Insulate public rights-of-way and adjoining residential properties from noise, glare, and visual distractions.
- Provide safe vehicle and pedestrian circulation.
- Preserve and enhance the aesthetic character of the community.

Section 23.02. Definitions.

Administrator. The person or his/her duly authorized representative designated by the City Council to administer Zoning Ordinance of the City of Montevillo.

Berm. A man made raised bank of earth used to provide privacy, separation of uses, and/or barriers to visual pollution.



Best Management Practices. Any planting, maintenance or sound ecological practices, standards or requirements that alter horticultural or arboricultural methods that reduce garden waste, recycle natural materials, conserve water, eliminate chemical discharge, capture stormwater, trap sediments, improve pest management and assist plant growth through mulching, soil building, nutrient enhancement and systemic growth improvement methods.

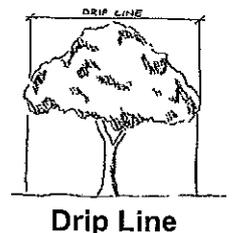
Buffers. The use of landscaping, retained native vegetation or landscaping along with berms, walls or decorative fences that at least partially and periodically obstruct the view from the street or an abutting property in such a manner that vehicular use areas, parking lots, parked cars, detention ponds and conflicting activity areas will be partially or completely screened.

Caliper. Diameter of tree trunk measured at six (6) inches above ground for tree up to four (4) inches in diameter and twelve (12) inches above ground for larger trees.

Clear Cutting. The removal of all vegetation upon a property at one time.

Cultivar. Propagated not from seed, but rather vegetative (e.g., via stem cuttings). When the full scientific name for a particular plant cultivar is given, the part of the name that indicates the cultivar itself follows the genus name and the species name and is set off by single quotation marks. By referring to cultivars in this way, we're able to be more specific about a plant than if we restricted ourselves to noting its genus and species.

Drip Line. An area within which most of the roots of a tree are contained and a perimeter circle constructed using the trunk as the center and the outermost reach of the branches as the periphery.



Foundation Landscaping. The use of landscaping within the prescribed area of ground of a defined depth adjacent to a building wall.

Frontage Landscaping. The use of landscaping along the length of the property line of any one parcel adjacent to a street.

Interior Landscaping. The use of landscaping inside parking areas including planted islands and canoe type islands

Landscaping. Refers to any activity that modifies the visible features of an area of land, including but not limited to:

- living elements, such as flora or fauna; or what is commonly referred to as Gardening, the art and craft of growing plants with a goal of creating a beautiful environment within the landscape.
- natural elements such as landforms, terrain shape and elevation, or bodies of water;
- human elements such as structures, buildings, fences or other material objects created and/or installed by humans; and
- abstract elements such as the weather and lighting conditions.

Large Trees. Heights range from forty (40) to one hundred fifty (150) feet within a reasonable time under average cultural conditions.

Parking Decks. A structure which is designed specifically for automobile parking that consists of a number of floors or levels.

Parking Islands. The landscape space primarily located between parking spaces that are used to break up continuous parking spaces and provide a space for trees and shrubs.



Parking Island

Perimeter Landscaping. The use of landscaping along the outer limits of the parking area excluding access points.

Planting Schedule. A table that explains the quantity, species, sizes, and special comments relating to plants that will be included within a specific landscape plan.

Screening. Landscaping used to reduce the visual impact of a development from its surroundings.

Shrubbery. Evergreen or deciduous plants which are typically grown to three (3) feet in height.

Site Data Table. A table that states zoning, gross area lot, the number of proposed units, gross area of specific use, floor area ratio, gross density, impervious surface ratio, total gross building area and amount of landscaped area.

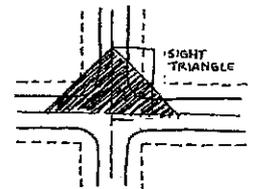
Site Development Plan. A plan, prepared to scale by an appropriately certified or registered land surveyor, architect, or engineer, showing accurately and with complete dimensioning required elements.

Sight Triangle. A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

Small Trees. Heights range from ten (10) to forty (40) feet within a reasonable time under average cultural conditions.

Terraces. Raised level with a vertical or sloping front or sides faced with masonry, turf, or the like, esp. one of a series of levels rising one above another.

Tree Canopy. The vegetative upper part of the tree that provides shade.



Sight Triangle

Section 23.03. Applicability.

These requirements shall apply to all new development or existing development, expanded by twenty five (25) percent or more, within the City of Montevallo.

- A. Buffers shall be incorporated between differing land use conditions and along the perimeter of residential developments of at least ten (10) acres.
- B. The provisions of this Article shall apply to the parking areas of community facilities (such as community swimming pools and clubhouses, etc.) within single family residential developments. Single family dwellings are specifically exempt from these provisions.
- C. Off-street Parking.
 - 1. Surface Parking.

These landscape regulations are applicable to all off-street parking construction according to the following table:

Type of Development/Improvement	No. Of Spaces	Applicability
New	Less than 10	None
	10 or more	Full
Expansion	Less than 25% increase	Only expanded area
	25% or greater increase	Full

Figure 23-1

2. Parking Decks

Excluding interior planting requirements, all other landscape requirements shall apply.

Section 23.04. Administration and Enforcement

- A. Upon submission of a complete application for site development plan approval, the Administrator shall review the proposed landscape plan for compliance with the standards contained in this Article and determine whether the proposal is approved, approved conditionally, or rejected. Administrator shall duly note reasons for conditional approval or rejection and communicate these reasons to the applicant as part of the standard review procedures. Approval of a landscape plan will be required prior to issuance of any building permit.
- B. The requirements for the submission of a landscape plan shall be determined according to the criteria established in Section 23.05 of this Article.
- C. As part of a Conditional Use Approval, more restrictive landscaping requirements may be required by the Planning Commission or the City Council.
- D. Where these regulations conflict with any other regulations approved by the City Council, the more restrictive requirements shall apply.
- E. Bufferyards required and approved prior to enactment of these requirements shall be considered nonconforming. Any conditions of approval associated with such bufferyard shall remain in full force and effect.

Section 23.05. Modifications

The City Council may modify the strict application of this Article when:

- A. The required plantings or planting area would conflict with utilities, easements, overhead power lines, or as otherwise recommended by the Administrator.
- B. A proposed roadway improvement not being constructed by the developer will encroach the landscaping area.
- C. An expanded or redeveloped site contains conditions that warrant special consideration of the site design.
- D. Topographical conditions warrant special consideration of the site design.
- E. The applicant proposes a better alternative, *such as Low Impact Development (LID) storm water practices*, that demonstrates compliance with the intent and purpose of these requirements.

When such modifications are warranted, the Planning Commission or the City Council may require alternative buffering, landscaping, or locations, to ensure compliance with the intent of these regulations.

Section 23.06. Landscape Plan Submittal Requirements

No application for site development plan approval will be accepted without inclusion of a landscape plan that meets the minimum submittal requirements and has been prepared by a state of Alabama registered Landscape Architect.

- A. The landscape plan and details shall be drawn to the same standard scale as the site development plan. Landscape plans shall be included in the site development plan submitted to City of Montevallo. Additionally, a buffer plan will be required for all site development plans that include twenty (20) acres or more.
- B. Landscape plans submitted for review and approval shall include the following:
 1. A title block, showing the title of the development, the name and address of the owner/developer, the name and address of the person or firm preparing the plan, registered seal or stamp of the person preparing the plan, the date of preparation, the scale, the north point, and the date of all revisions.
 2. A location map, showing the relative location of the site to the nearest existing public street intersection.
 3. The boundaries of the subject property, the location and description of all adjoining properties and the location and names of all adjoining streets and easements.
 4. Site Data Table that includes, but is not limited to the zoning, gross lot area, number of proposed units, gross area of specific use, floor area ratio, gross density, impervious surface ratio, total gross building area and amount of landscaped area.
 5. The number of required and proposed parking spaces.
 6. Location and dimensions of all points of vehicle access, proposed building footprints, location and names of all utility lines, easements or rights-of-way on or adjacent to the site.
 7. All details needed to communicate appearance, methods of construction and installation of landscape material.
 8. A planting schedule, keyed to the plant materials shown on the landscape plan, listing all proposed plant materials by botanical name, common name and cultivar, if any, quantity of materials, size of materials at planting, plant spacing, and existing trees approved for use.
 9. An irrigation plan for all landscape areas.

Section 23.07. General Requirements

- A. Topsoil moved during the course of construction should be preserved and stockpiled for reuse on the site. All landscape areas shall be covered with an approved groundcover, grass or mulch, unless approved groundcover is already established. Where mulched landscaping is used, the area must be kept free of weeds.
- B. Preservation of existing healthy trees located within required landscape areas, may count toward fulfillment of the perimeter or buffer requirements. In order for an existing tree to count, it shall be a minimum two (2) inch caliper hardwood or shade type tree and is subject to the same maintenance and replacement requirements as the newly planted trees. Construction details shall be shown on the landscape plans. During construction, trees or groups of trees that are being preserved must have a tree protection barrier consisting of a chain link fence or orange construction fence constructed at the drip line of the tree or group of trees, given the specific site considerations.
- C. Existing, healthy plant material may count toward any or all landscaping requirements for a development site, provided that such units meet all the requirements of this Article.
- D. All cut and fill slopes shall be vegetated with trees, shrubs and ground cover to prevent erosion.
- E. Stormwater Facilities.
 - 1. Open basins shall be provided with a minimum five (5) foot landscaped zone around the periphery of the ponds which have a surface area up to one half acre as measured at the top bank. A minimum ten (10) foot landscaped zone as measured outward from the top of the bank shall be provided for ponds larger than one half acre. A typical stormwater facility landscaping plan is located in the Appendix.
 - 2. Vegetation for the stabilization of side slopes shall be a hearty ground cover, for example: Pensacola Bahia grass, Reed Canary Grass, Alabama Department of Transportation (ALDOT) seasonal seed mixtures or similar varieties.
 - 3. A stable access and maintenance shoulder with a minimum width of ten (10) feet measured from the top of bank shall be provided sufficient to allow the periodic removal of sediment from the system. This access shall be coordinated with the landscaping zone around the basin. The landscaping zone shall not be incorporated in the access/maintenance way.
- F. Street Trees. For new residential development, all streets within said development shall be planted with 1 canopy tree per fifty (50) linear feet of street frontage. Street trees shall be planted within five (5) feet of the street right-of-way. The trees shall be planted alternately on either side of the street except where property on one side of the right-of-way is not owned by the developer. Trees planted pursuant to this section shall have a minimum overall height of ten (10) feet at time of planting. Existing trees and native tree species that need less water and maintenance are preferred.
- G. The Impervious Surface Ratio (ISR) shall not exceed seventy (70) percent of the total site area of a lot or parcel devoted to multi-family residential uses, single-family residential (attached) uses or non-residential uses (i.e. commercial, industrial, institutional, etc.). The Urban Core District is exempt from this requirement.

Section 23.08. Landscape Requirements

All site development plans for new development or existing development expanded by twenty five (25) percent or more within the City of Montevillo shall include frontage, parking perimeter and interior, buffer, and foundation landscaping (see Figure 23.2).

Types of Landscaping

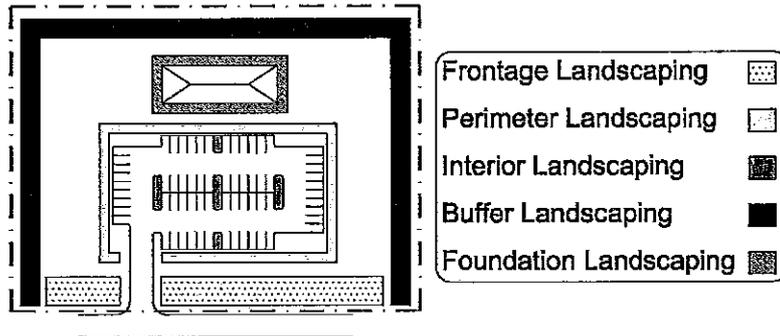


Figure 23-2

A. Frontage Landscaping Requirements.

1. Frontage landscaping shall include a planted strip, exclusive of access driveways, with a minimum ten (10) foot depth measured from the edge of right-of-way along all adjacent public rights-of-way unless otherwise required. Landscaping shall include a minimum of one (1) large tree or three (3) small trees and ten (10) shrubs per forty (40) linear feet of frontage strip; shrubs are optional in areas where a berm of at least four (4) feet in height is used. Trees and shrubs shall be well distributed, though not necessarily evenly spaced.
2. Frontage landscaping depth shall be determined according to the following table.

Frontage Depth (in feet)	
Frontage Length	Frontage Landscaping Depth
<150	10
150 to 250	20
>250	30

Figure 23-3

3. Landscaping within the sight triangle shall be designed to provide unobstructed visibility at a level two (2) feet above the road, measured from the street grade at the center of the closest traffic lane. Ornamental trees are permitted in this area provided they are trimmed in such a manner that no limbs or foliage extend into the sight triangle. Large trees shall not be planted within the sight triangle. Landscaping requirements may be modified as necessary to prevent obstruction of required sight distance.

B. Perimeter Landscaping Requirements.

1. Perimeter landscaping shall include a continuous planted strip along all sides of the parking area, exclusive of access driveways, with a minimum depth of ten (10) feet, measured from the back of curb. Existing trees within fifteen (15) feet of the parking area may be applied toward perimeter planting requirements. However, existing plant material within the public rights-of-way or on adjoining property shall not count toward the required perimeter landscaping areas.

2. One (1) large tree with a minimum two (2) inch caliper and a minimum of ten (10) feet high shall be planted for every forty (40) linear feet in the planted strip, however, planting of trees on center is not required. At least two (2) species of trees shall be incorporated within perimeter landscaping. In the event that overhead utilities prevent the use of large trees, small trees shall be planted for each thirty (30) feet of linear frontage. Planted strips are to be sodded, seeded, or mulched to cover all bare ground after landscape materials have been installed.
 3. Ten (10) shrubs, with a minimum eighteen (18) inch height at installation, shall be provided for every thirty (30) linear feet in the planted strip along all sides of the parking area. Where applicable, these shrubs should be grouped and spaced to resemble more natural landscaping and encourage species maturity. These shrubs should also work in conjunction with the required number of large trees.
- C. Interior Landscaping Requirements.
1. Parking interiors require planted islands. There shall be one (1) planted island for every twelve (12) contiguous parking spaces. The planted area of the island must be at least nine (9) feet in width, measured from back of curb to back of curb and the full length of the parking space. The minimum width of any channeling or canoe type island shall be six (6) feet. Interior planted islands shall contain at least one (1) tree and four (4) shrubs per one hundred and fifty (150) square feet of planted island and shall be sodded, or mulched.
 2. Uniformly distributed islands are required to visually minimize large expanses of parking areas, regulate traffic flow, protect pedestrians and permit access by emergency vehicles. Islands shall be placed at the ends of rows of parking spaces and between the circulation drives and parking rows to channel traffic safely around the parking areas and to define parking rows.
 3. Trees shall be planted within islands so that the majority of each parking space is within sixty (60) feet of a tree. Trees within the perimeter landscape area may be used to satisfy this requirement.
 4. Gas stations and automobile dealerships are exempt from interior landscaping requirements. All other landscaping requirements shall apply.
- D. Foundation Landscaping Requirements.
1. Foundation landscaping shall include a planted bed at a minimum depth of five (5) feet along all sides of the primary structure, excluding loading areas. The bed shall contain a minimum of one (1) small tree (including ornamental or small evergreen), and ten (10) shrubs for every twenty-five (25) linear feet of building. Shrubs, with a minimum height of eighteen (18) inches and a maximum spacing of four (4) feet, shall be planted within a bed of mulch or ground cover other than turf grass and be protected from damage by vehicles and maintenance equipment. Shrubs shall be well distributed though not necessarily evenly spaced.
 2. Fast food restaurants are exempt from foundation landscaping requirements on the drive-thru window side of the building. All other landscaping requirements shall apply.

Section 23.09. Buffers

A. Buffer Locations.

Buffers shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line, unless it is determined by the Administrator to be more effective in another location (i.e. top of slope). Buffers shall not be located on any portion of an existing or dedicated public or private street or right-of-way, but may include easements.

Buffer Types

Types	Minimum Buffer Width	Number of Plant Units Required per 100 Linear Feet of Property Line		
		Large Trees	Small Trees	Screening Shrub
A	10 Feet	3	2	20
B	15 Feet	4	3	30
C	20 Feet	6	4	40
D	30 Feet	8	6	60

See Buffer Type Examples in Appendix

Figure 23-4

B. Buffer Requirements.

1. Buffers are required to mitigate the adverse affects caused by new development on adjacent uses and the environment.
2. When natural vegetation exists on a site, underbrush may be cleared and appropriate plantings added.

Existing Uses

		Single Family Residential, Vacant	Townhouse, Row Houses	Multifamily	Low Impact	Medium Impact	High Impact
Proposed Uses	<i>Residential Zoning</i>		R-4	R-4	O-I, B-1	B-2	M-1
	Single Family Residential, Vacant	-	A	B	B	C	D
	Townhouse, Row Houses	R-4	A	-	A	B	C
	Multifamily	R-4	B	A	-	A	B
	Low Impact	O-I, B-1	B	B	A	-	A
	Medium Impact	B-2	C	C	B	A	-
	High Impact	M-1	D	D	D	C	B

Figure 23-5

3. An appropriately dense buffer shall provide a visual barrier throughout the entire length of the buffer as required in buffer table.
4. When natural or man-made topography enhances the effectiveness of the buffer (as determined by the Administrator) the depth may be reduced.
5. Privacy walls or fences in the buffer shall be visually impervious. Chain link fences shall not be used as a privacy fence.
6. Any disturbance of the approved buffer shall require full restoration.

7. Buffers are not permitted within utility easements. When a buffer is required in the same location as a recorded easement, the required buffer width may be amended as follows:

Required Buffer Width	Reduction in Width of Buffer from Edge of Easement	Minimum Buffer Width
20	5	15
30	10	20

(Measurement in Feet)

Plant unit counts remain as originally calculated.

Figure 23-6

Section 23.10. Maintenance

All buffers, landscaped areas and plant materials shall be maintained as herein provided and shall not be intentionally or willfully disturbed by any person, firm or corporation except for routine maintenance so that the purpose and effect of the buffer is not diminished. The following minimum maintenance activities are required:

- A. All required buffers and landscaped areas in nonresidential developments shall be irrigated with an automatic irrigation system; except for those buffers, which are approved as natural buffers, and those required for interior landscaping within an existing parking area being landscaped to meet the requirements of this Article or if otherwise prohibited by the water provider.
- B. If a landscaped area contains primarily species native to the immediate region, or plants acceptable for xeric landscaping, the Administrator or Planning Commission, as applicable, may recommend that the City Council waive the requirement for installation of an irrigation system. Consideration of a waiver of the irrigation requirements shall be supported by appropriate documentation provided by the applicant.
- C. Plant materials shall be replaced in a buffer destroyed by any cause.
- D. Any newly planted large tree removed or otherwise destroyed by the willful act of the property owner, tenant or contractor, shall be replaced by a tree of the same or larger caliper, or combination thereof. Any existing large tree that is preserved for credit toward landscaping requirements that is removed or otherwise destroyed by the willful act of the property owner, tenant or contractor, shall be replaced by new trees totaling the caliper of inches of the tree that has been removed or destroyed.
- E. Fences, walls, berms and other structures that deteriorate or are damaged by any cause shall be repaired and/or replaced.
- F. Buffers that are altered by erosion, construction, or other causes shall be restored.

Section 23.11. Bonds

Plant materials shall be bonded, by an irrevocable letter of credit, certificate of deposit or certified check, hereafter referred to as “bond”, and furnished to the City, according to the procedures established by the City of Montevallyo to ensure that installed plants remain viable.

- A. A bond shall be posted in an amount no less than one hundred and twenty five (125) percent of the value of the materials and cost of installation of the landscaping to be installed. The bond shall be posted as a condition of site plan approval and prior to release of a building permit. Said bonding instrument shall be held for two (2) years or as necessary to complete the project and shall be irrevocable and automatically renewable.
- B. These procedures shall further provide that after initial installation, the bond shall be retained as surety for maintenance and replacement in an amount of no less than one hundred and twenty five

(125) percent of the full value of all original materials and cost of installation for a period of one year from the date of initial inspection following the completion of installation. The bond shall be recognized as a maintenance bond upon inspection and written acceptance by the City after completion of all required improvements.

- C. During the course of the one-year maintenance period, two (2) inspections will be conducted. The first inspection will be conducted upon completion of the installation of all landscape materials. If the first inspection determines that the landscape installation is incomplete or inconsistent with the approved landscape plan, then the new installation date will be modified to the date of completion. The second inspection will be approximately one year from the date of the completed installation. If reinstallation of materials is required, a new bonding instrument shall be posted or the existing approved bond extended for the reinstalled plant materials for a period of one (1) year.
- D. Following release of the performance bond by the City, the City shall have no further duty or responsibility for enforcement. The owners of private property in the vicinity of the development and whose property was or is affected by the presence or absence of the required landscaping shall have standing, to the extent allowed by law, to enforce the requirements of this Article by action in a court having jurisdiction thereof.
- E. Failure to comply with the requirements of this Article shall be deemed a violation of these regulations. Violators will be given written notice of the violation and permitted fifteen (15) days to correct the violation before further action is taken.

Section 23.12. Plant Selection

- A. Minimum Plant Size. Unless otherwise specifically indicated elsewhere in this Article, all plant materials shall meet the following minimum size standards:

		Minimum Plant Size				
		Single Stem	Multi-Stem Clump	Evergreen	Shrub	Ground Cover
Plant Material Type	Large Tree	2-2.5 inch caliper	5 feet in height	5 feet in height	-	-
	Small Tree	6 feet in height	4 feet in height	6 feet in height	-	-
	Shrub	-	-	-	18 inches in height	-
	Ground Cover	-	-	-	-	6 inches in height

Figure 23-7

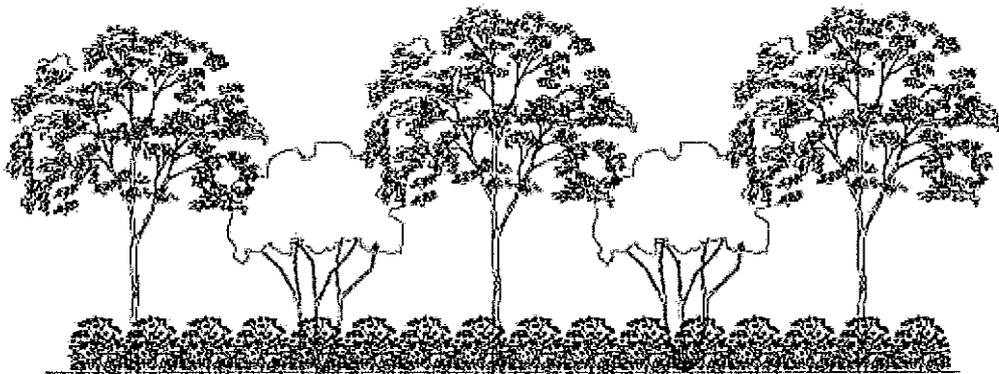
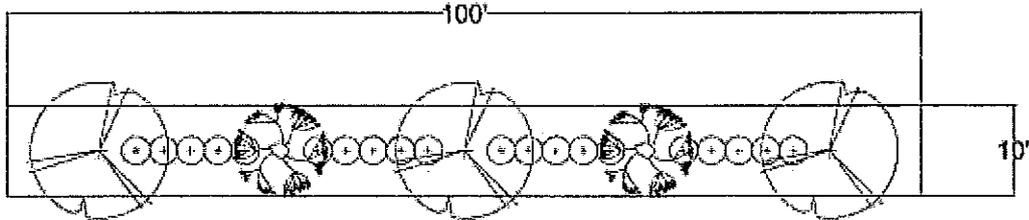
- B. City of Montevallo Plant Selection List.

The Plant Selection List (*Appendix C*) is subject to revision and is contained herein by reference only. The list is not meant to be all inclusive. It is the responsibility of the Landscape Architect to select species that are appropriate to the location in which they will be planted.

Section 23.13. Illustrations.

A. Buffer Type Examples

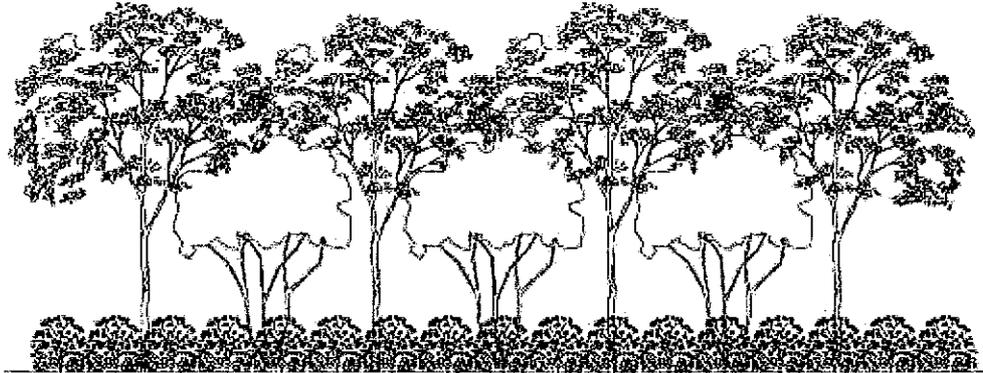
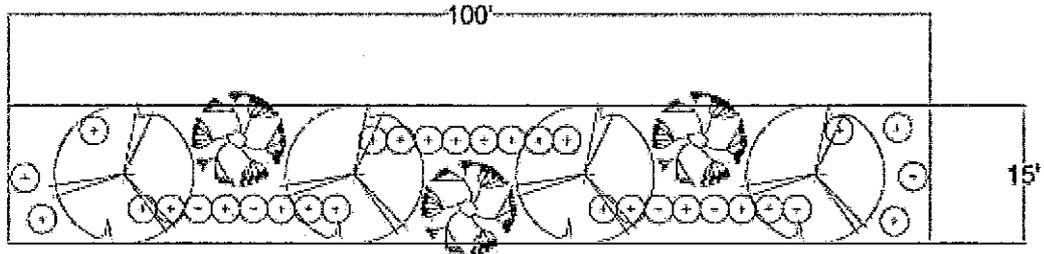
Buffer A



Plant Schedule

Plant Type	Symbol	# Required
100 linear feet		
Large Trees		3
Small Trees		2
Screening Shrub		20

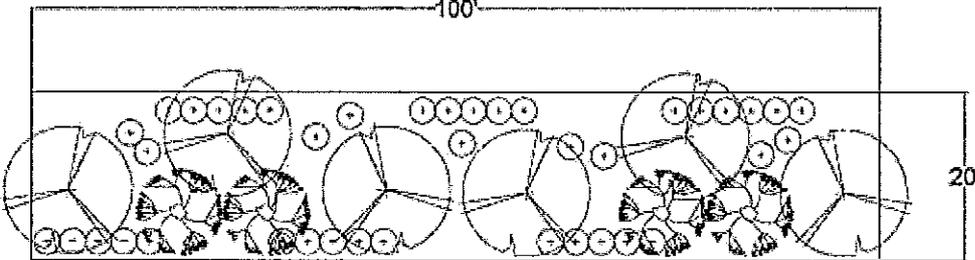
Buffer B



Plant Schedule

Plant Type	Symbol	# Required 100 linear feet
Large Trees		4
Small Trees		3
Screening Shrub		30

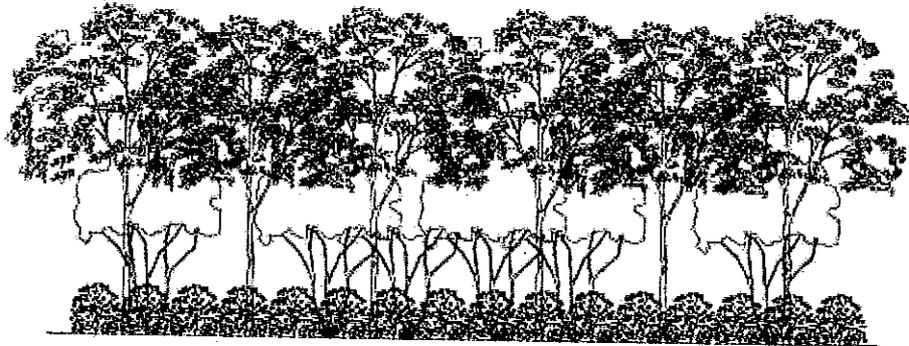
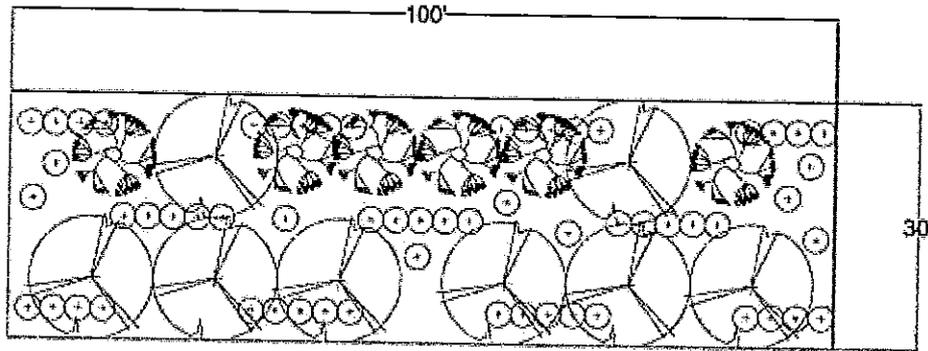
Buffer C



Plant Schedule

Plant Type	Plant Type Symbol	# Required 100 linear feet
Large Trees		6
Small Trees		4
Screening Shrub		40

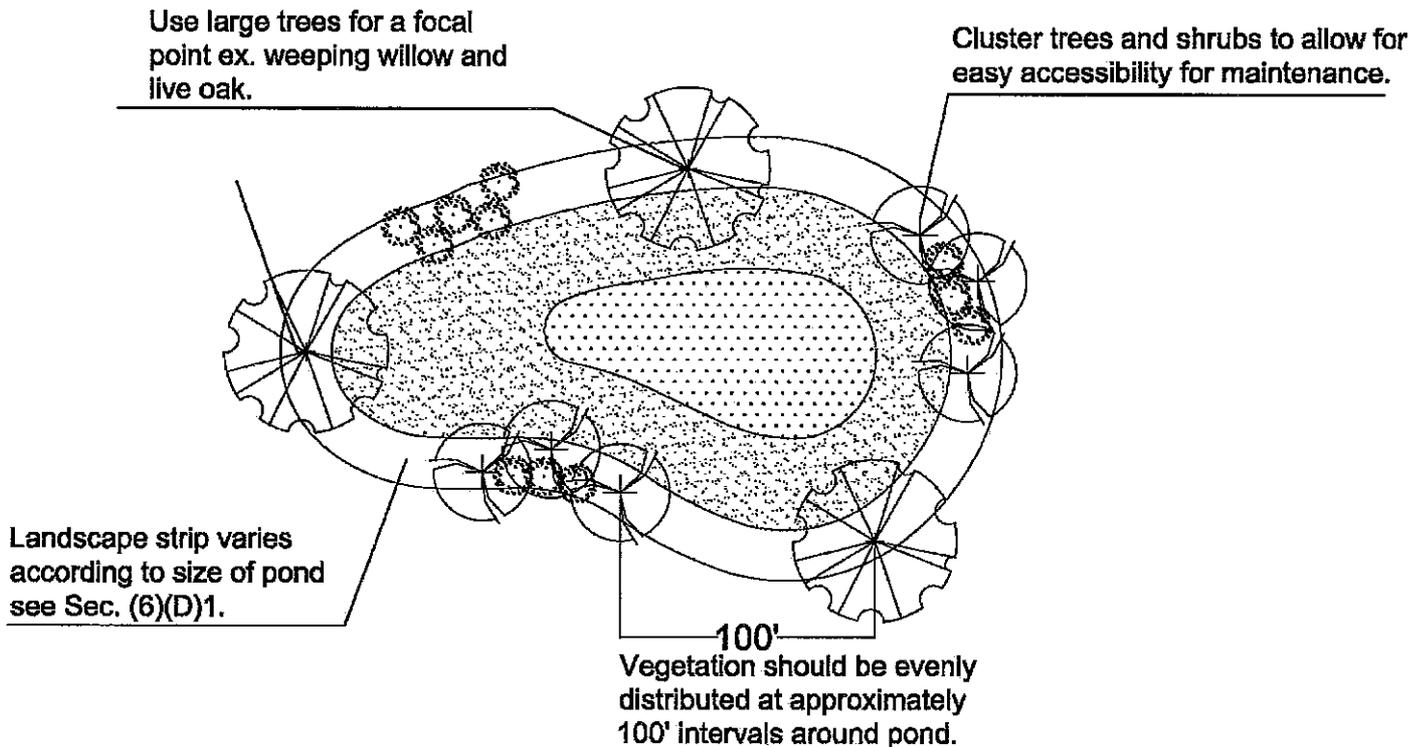
Buffer D



Plant Schedule

	Plant Type Symbol	# Required
		100 linear feet
Large Trees		8
Small Trees		6
Screening Shrub		60

Typical Stormwater Facility Landscaping Plan



Notes:

1. If possible locate pond where vegetation exists.
2. Suggest minimal clearing to conserve visual quality of site and minimize the additional cost of tree planting. An irregular shape provides a more natural appearance.
3. Landscape strip shall be a maximum slope of 7:1 in order to plant vegetation.
4. Provide a minimum of 3 inches of mulch around all vegetation.

ARTICLE 24. WIRELESS TELECOMMUNICATIONS FACILITIES.

Section 24.01. Purpose.

The purpose of this section is to establish minimum standards for wireless telecommunications facilities. The underlying principles of these standards are to: (1) achieve a balance among the number, height, and density of wireless telecommunications facilities that is appropriate for our communities; (2) encourage and maximize the use of existing and approved towers, buildings and other structures to accommodate new wireless telecommunications facilities; (3) ensure the compatibility of towers with, and avoid adverse impacts to, nearby properties; and (4) discourage the proliferation of towers throughout the areas of City of Montevallo that are subject to the *Zoning Ordinance of City of Montevallo*.

Section 24.02. Definitions.

Accessory structure compound. A fenced, secured enclosure in which a wireless telecommunications facility and its equipment, buildings, access roads, parking area and other accessory devices/auxiliary structures are located. The outline of an accessory structure compound shall be accurately defined on a site plan.

Alternative support structure. Any structure other than a wireless telecommunications tower, which may include, but is not limited to, buildings, water towers, light poles, power poles, telephone poles, and other essential public utility structures.

Antenna. An electromagnetic device, which conducts radio, signals, through an attached cable or waveguide, to or from a radio transmitter or receiver. Typically this includes “whips,” “cornucopia horns,” “panels” and parabolic “dishes.”

Antenna support structure. Any structure on which telecommunications antennas and cabling can be attached. Typically this includes steel towers with guy-wires (guyed towers); wooden, steel or concrete single poles (monopoles); self-supporting steel towers with three or four “legs” (self-support/lattice towers); rooftops of existing buildings or structures (such as elevated water storage tanks). (see also tower)

Co-location. The placement of more than one wireless communications antenna by one or more telecommunications service providers on a single existing or new antenna support structure.

Concealment Techniques. Design techniques used to blend a wireless telecommunications facility, including any antennas thereon, unobtrusively into the existing surroundings so as to not have the appearance of a wireless telecommunications facility. Such structures shall be considered wireless telecommunications facilities and not spires, belfries, cupolas, or other appurtenances usually required to be placed above the roof level for purposes of applying height limitations. Due to their height, such structures must be designed with sensitivity to elements such as building bulk, massing, and architectural treatment of both the wireless telecommunications facility and surrounding development. Concealed towers on developed property must be disguised to appear as either a part of the structure housing, a principal use, or an accessory structure that is normally associated with the principal use occupying the property. Concealed towers on unimproved property must be disguised to blend in with existing vegetation. Example: A tower of such design and treated with architectural material so camouflaged to resemble a woody tree with a single trunk and branches on its upper part (also known as a “monopine”).

FAA. Federal Aviation Administration

FCC. Federal Communications Commission.

Height. When referring to a tower or other structure, the distance measured from the ground level at the base of the tower to the highest point on the tower or other structure, including if said highest point is an antenna placed on a structure or tower.

Private telecommunications operation. The use of a telecommunications facility to provide communications services internal to the facility owner or to its affiliates, provided that there is no fee

charged for or lease of the communication services and provided further that such communication services are only accessory to the principal use of the owner's property on which they are located.

Temporary Telecommunications Tower. Mobile wireless telecommunications towers that are mounted upon trailers, operated temporarily. Also known as "cellular on wheels" (COWs).

Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antenna, including self supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers and the like. (see also antenna support structure)

Section 24.03. Requirements Applicable to all Wireless Communications Facilities.

A. FCC and FAA Approvals.

No application shall be approved for a wireless communications facility without first obtaining written approvals from the FCC and FAA, if required by Federal law. Copies of notices to and responses from the FCC and FAA shall be submitted with the permit application. Should the FCC or FAA not require approval, the permit applicant shall submit an engineer's certification that no such approval is required.

B. Shelby County Airport Authority Approval.

All wireless communications facilities located within an Airport Height Control Zone or all facilities higher than two hundred (200) feet above grade (regardless of location within or outside an Airport Height Control Zone) shall obtain written approval from the Shelby County Airport Authority stating that the proposed facility is in compliance with Height Hazard and Land Use Zoning Ordinance (Ordinance No. 062209-205) and does not interfere with the orderly implementation of the long range Airport Master Plan. All other facilities of less than two hundred (200) feet above grade shall require an engineer's certification that the proposed facility lies outside of the Airport Height Control Zones.

C. Radio Frequency (RF) Emissions.

Wireless communications facilities subject to FCC standards governing radio frequency emissions shall require an engineer's certification of compliance with current FCC emission standards, before an application may be approved.

D. Environmental Effects.

The development of any wireless communications facility shall fully comply with the most current provisions of the National Environmental Policy Act of 1969 (NEPA), as currently implemented by the FCC. The applicant for a request to develop a facility shall evaluate a proposed site to determine possible significant impact on environmentally sensitive areas. Should a development have an environmental impact, an environmental assessment (EA) shall be prepared and filed with the FCC for approval. A copy of the EA shall also be submitted to the City for comment to the FCC. No application to construct a facility shall be approved unless the applicant submits an FCC approved EA with the application. Should an EA not be required, the application shall include an engineer's certification that a thorough investigation has determined no possible significant environmental impact.

E. Historic Preservation.

No communications tower or ground mounted commercial satellite facility shall be located within two hundred (200) feet of a locally or nationally designated historic district or any individual property listed on the National Register of Historic Districts and Places. Permitted communications antennas and commercial satellite facilities mounted to an individually listed historic building or any building (contributing and noncontributing) within a locally or nationally designated historic district shall be subject to approval of the proposed design standards of said historic district, in addition to other approvals required by the district use regulations. The City may approve, deny, or modify the proposed design to best achieve the historic preservation objectives for the particular location. Stealth concealment of antennas may be required by the City. This provision extends the

authority of the City to apply design review to wireless communications facilities proposed for historic districts and individual property listings on the National Register of Historic Districts and Places.

F. Construction and Safety Standards.

All towers and antennas shall comply with wind loading and other structural standards contained in applicable building and technical codes, industry codes, and manufacturer standards so as not to endanger the health and safety of residents, employees or travelers in the event of structural failure due to extreme weather conditions or other acts of God.

Section 24.04. Application.

A. Permit Requirements.

Application for the approval of a wireless telecommunications facility plan shall include application for the review and approval of a site plan for a permitted use or a conditional use, pursuant to Article 24 of this Ordinance, on a form made available from the Administrator.

The following facilities are exempt from the standards of this Article, notwithstanding all applicable building and electrical codes and FCC, FAA, and Shelby County Airport Authority approvals:

1. Amateur radio and receive-only antenna owned and operated by a federally licensed radio station operator or used exclusively for receive-only antennas.
2. Telecommunications facilities for private communication operation less than or equal to seventy five (75) feet in height or mounted on a structure that is accessory to the principal use of the owner's property on which it is located.

B. Temporary installations.

The Administrator may, under special circumstances, approve a permit for a temporary communications tower or COW (cellular on wheels) for a cellular communications facility where permitted in a zone district by administrative review and approval. When operating during a publicly recognized special event approved by the Administrator, such tower may be installed up to seventy (72) hours before the event begins and shall be removed within seventy (72) hours after the event ends. If the COW installation is not associated with a special event, the maximum period that may be approved for a location shall be not more than ninety (90) days in any given calendar year. The COW shall be fully transportable, not permanently affixed to the ground or a structure. The temporary tower shall, at minimum, comply with the district use and height regulations and setback and lighting requirements of this Ordinance, in addition to applicable building and electrical codes and FCC, FAA, and Shelby County Airport Authority approvals.

Section 24.05. Standards for Approval.

A. Application for a wireless telecommunications facility may be approved by the City Council only upon determination that the application and evidence presented clearly indicate that all of the following standards have been met.

B. Location and Facility Height.

1. Location and facility height table (see Table 24.1).
2. Towers and/or antennas utilizing alternative support structures shall not exceed fifteen (15) feet in height above the existing structure on which they are placed.
3. "Whips," "panels," cornucopia horns, and parabolic "dishes" placed on alternative support structures shall not exceed one hundred (100) square feet in size.

WIRELESS TELECOMMUNICATIONS FACILITIES	ZONE DISTRICTS		
	A-R, E-1, R-1, R-2, R-4	O & I, B-1, B-2	M-1
Alternative support structures	Permitted	Permitted	Permitted
Co-location antennas	Permitted	Permitted	Permitted
Use of concealment techniques (antenna support structures of any height)	Conditional	Permitted	Permitted
Antenna support structures up to 60 feet in height	Conditional	Permitted	Permitted
Antenna support structures 61 to 200 feet in height	Conditional	Permitted	Permitted
Antenna support structures 201 to 260 feet in height	Prohibited	Conditional	Conditional
Antenna support structures 261 feet in height or more	Prohibited	Prohibited	Conditional

(Table 24.1)

C. Area and Dimensional Regulations.

1. Minimum Lot Size.

- a. Lot size must conform to the minimum lot size required for the zone district of the subject property.
- b. The minimum lot size for any new freestanding wireless telecommunications facility shall be large enough to allow for the antenna support structure and ground-mounted accessory structures of the applicant and the ground-mounted accessory structures at least one additional co-locating service provider.
- c. If only a portion of a parcel is being leased for a wireless telecommunications facility, the lease parcel must be situated within the parent parcel so that the wireless telecommunications facility complies with the applicable antenna support structure setback requirements.

Setbacks.

- a. Wireless telecommunications towers, guys, and accessory facilities must satisfy the minimum yard requirements of the zone district in which they are located. The use of concealment techniques does not exempt a wireless telecommunications facility from any minimum yard requirements.
- b. Towers (but not guys and accessory facilities) must adhere to additional setbacks indicated in the following table. Tower setbacks do not apply to alternative support structures.

TOWER SETBACKS	
When the property on which the tower is located is zoned...	The setback from all property lines is...
A-R	50' feet (for towers of any height). Additional setback may apply. (see c. below)
E-1, R-1, R-2, R-4,	A distance equaling the height of the tower. Additional setback may apply. (see c. below)
O & I, B-1, B-2	50' (for towers of any height). Additional setback may apply. (see c. below)
M-1	30' (for towers of any height). Additional setback may apply. (see c. below)

(Table 24-2)

- c. Towers shall be placed a minimum distance equal to the height of the wireless telecommunications facility plus fifty (50) feet away from any residential structure.

D. Co-location.

1. No new antenna support structure shall be permitted unless the applicant demonstrates that no existing antenna support structure or other structure can accommodate the applicant's needs.
2. Documentation that reasonable efforts have been made to achieve co-location shall be submitted. Applications for new antenna support structures must include an affidavit from the applicant verifying that no existing sites are available for co-location. If the owner of an approved antenna support structure refuses to allow a co-location, an affidavit shall be required that states the reason for the refusal.
3. Antenna support structures less than or equal to two hundred (200) feet in height shall have the ability to accommodate at least one additional antenna, unless they would cause the height of the antenna support structure to be increased. Antenna support structures greater than two hundred (200) feet in height shall have the ability to accommodate at least two (2) additional antennas.
4. Co-location is not required if the use concealment techniques is prohibitive to co-location efforts.
5. The City of Montevallo may request of the owner/operator of a wireless telecommunications facility permission to place weather warning equipment, such as horns and sirens, on a tower of a wireless telecommunications facility, which request may be refused by the owner/operator should such warning equipment interfere with the operation of the wireless telecommunications facility

E. Aesthetics.

The aesthetic properties of each individual wireless telecommunications facility shall be approved as part of the site plan review process.

1. Appearance. The design of the tower shall be of a type that has the least visual impact on the surrounding area.

- a. Towers and antennas shall be painted a neutral or blending color so as to reduce visual obtrusiveness, unless subject to any applicable FAA standards. If an antenna is installed on a structure other than a tower, the antenna and supporting telecommunications facilities must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure.
 - b. No signage, symbols, or advertisements may be attached to the pole, tower or antenna.
 - c. Towers camouflaged to resemble woody trees or indigenous vegetation in order to blend in with the native landscape will be subject to administrative review, as are other types of concealment techniques (see Concealment Techniques).
2. Accessory Structures.
- a. The design of the compound and its accessory structures shall, to the extent possible, maximize use of building materials, colors, textures, screening and landscaping that effectively blend the tower facilities within the surrounding natural setting and built environment.
 - b. In or adjacent to developed properties, accessory structures must be aesthetically and architecturally compatible with the surrounding environment. Materials such as wood, brick, and stucco should be used as appropriate. The use of metal or metallic-looking materials shall be avoided in as much as shall be practical.
3. Non-Vegetative Screening.
- a. Non-vegetative screening will be required when it is necessary to reduce the visual impact of a wireless telecommunications compound on adjacent public ways, properties or the neighborhood in which it is located. In or adjacent to developed properties, non-vegetative screening shall be provided in a manner that is compatible with the surrounding character of development, buildings, natural vegetation, and landscaping. Such screening, as required and subject to site plan review, shall have a minimum height of eight (8) feet, and may consist of one of the following: brick masonry walls, solid wood fencing, berms, or opaque barriers. All non-vegetative screening shall be properly maintained by the property owner or lessor.
 - b. In isolated non-residential areas, alternative non-vegetative screening methods may be accepted, such as the use of earth-toned, vinyl-coated steel security fencing.
 - c. In certain locations where the visual impact of the tower would be minimal, such as remote, agricultural or rural locations or developed heavy industrial areas, the non-vegetative screening requirement may be reduced or waived.
 - d. Wireless telecommunications facilities utilizing underground vaults rather than aboveground equipment buildings may be exempted from any buffer requirements.
4. Landscaping.
- a. Landscaping will be required to reduce the visual impact of a compound and its accessory structures on adjacent public ways, properties or the neighborhood in which it is located. In or adjacent to developed properties, landscaping shall be provided in a manner that is compatible with the surrounding character of development, buildings, and natural vegetation.
 - b. The perimeter of the compound shall be landscaped with a buffer of plant materials that effectively screens the view of the compound from adjacent property and public ways. The standard buffer shall consist of a landscaped strip of at least four (4) feet wide outside the perimeter of the compound. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
 - c. A row of trees a minimum of eight (8) feet tall and a maximum of ten (10) feet apart shall be planted around the perimeter of the compound fence. A continuous hedge at least thirty (30) inches high at planting capable of growing to at least thirty-six (36) inches in height within eighteen (18) months shall be planted in front of the tree line.

- d. All landscaping shall be of the evergreen variety. All landscaping shall be xeriscape tolerant or irrigated and properly maintained by the property owner or lessor to ensure good health and variety.
- e. In cases where the tower location is within an area of mature and established vegetation, existing healthy trees and plant material may count toward any or all landscaping requirements for the site, pursuant to §23.07.

F. Lighting.

1. Towers shall not be artificially lighted unless required by the FAA or other authority for safety purposes. If lighting is required, "dual lighting" (red at night/strobe during day) shall be preferred unless restricted by the FAA. Lighting must be shielded or directed inward to the greatest extent possible so as to minimize the amount of light that falls onto nearby properties, particularly residences.
2. Basic security lighting for the compound may be permitted, but shall not include any flashing lights or lights greater than twenty (20) feet in height. This lighting shall be focused only on the compound itself, and shall be directed away from any adjacent property.

G. Environmental Impact.

All wireless telecommunications facilities shall comply with the National Environmental Policy Act. If an environmental assessment is required by the Federal Communications Commission (FCC), a copy of the assessment, as well as documentation of the FCC's subsequent approval thereof, must be submitted at the time of application.

H. Safety.

1. Radio Frequency. The applicant shall be required to submit documentation that the proposed wireless telecommunications facility complies with Federal Communications Commission standards for radio frequency emissions, as adopted by the FCC on August 1, 1996.
2. Structural. A Professional Engineer shall certify that all antenna support structure and wireless telecommunications equipment are erected and/or installed so as to comply with wind loading and other structural standards contained in the current building and the applicable technical codes. This shall apply to new and modified structures and facilities.
3. Security of Site. Fencing shall be required to ensure that antenna support structures and their accessory buildings are fully secured. Sufficient anti-climbing measures must be incorporated into each facility, as needed, to reduce potential for trespass and injury. A sign shall be discretely placed on the outermost structural element, which indicates the name and telephone number of a person responsible for the safety and maintenance of the facility.
4. Access. Provisions shall be made to provide access clearances for emergency vehicles.

Section 24.06 Minimum Application Requirements.

- A. Site development plan, prepared by an engineer, fully dimensioned and drawn to scale, showing complete facility installation details, including but not limited to property lines, lease lot lines, adjoining rights-of-way, easements, layout and location of all existing and proposed improvements, buildings, structures, mechanical and electrical equipment, setbacks, access, parking, security installations, signs, screening, landscape details, and such other detailed information necessary to assess full compliance with the development standards required by this Ordinance.
- B. Construction plans, specifications, and details, prepared by an engineer, as required by the building permit, including such additional information necessary to assess full compliance with the design and construction standards of this Article, such as but not limited to, details on facility height, finish, and lighting.
- C. Engineer certifications, as required by this Ordinance:

1. FCC and FAA approvals (include copy of notices and responses) or, should FCC or FAA not require approval, certification that no approval is required (see § 24.03).
 2. Shelby County Airport Authority approval for facilities located within an Airport Height Control Zone or exceeding two hundred (200) feet above grade (include copy of approval letter) or, for facilities under two hundred (200) feet above grade, an engineer's certification that the facility is not located within an airport height zone (see § 24.03).
 3. Compliance with current FCC radio frequency emission standards (see § 24.03).
 4. Compliance with FCC Environmental Assessment requirements (include copy of FCC approved EA), or if not required, certification that a thorough investigation has determined no possible significant environmental impact (see § 24.03).
 5. Compliance with wind loading and other construction and safety standards contained in applicable building codes, technical codes, industry codes, and manufacturer standards. (see § 24.05).
 6. Compliance with required lighting or markings by the (see § 24.03).
 7. Structural necessity of a guyed tower for a microwave relay facility (see § 24.03).
 8. Shared use design (see § 24.03).
 9. Coverage analysis study and certification that the proposed facility cannot be accommodated on any existing tower or alternative site evaluated in the study radius (see § 24.03)
- D. Affidavits and other submittals, as required by this Section:
1. Applicant's affidavit that the owner of a feasible tower or site is unwilling to make space available for collocation or attachment (see § 24.05 D.).
 2. Provider's affidavit of good faith intent to allow collocation (see § 24.05 D.).
 3. Evidence of liability insurance as required by City Code

Section 24.07. Maintenance.

Towers shall be properly maintained. Estimated life of structure must be included in submittal information.

Section 24.08. Obsolete Towers.

In the event the use of any wireless telecommunications facility has been discontinued for the period of one hundred and eighty (180) consecutive days, the wireless telecommunications facility shall be deemed to be abandoned. Determination of the date of the abandonment shall be made by the Administrator who shall have the right to request documentation and/or affidavits from the wireless telecommunications facility owner regarding the issue of telecommunications facility usage. Upon such abandonment, the owner/operator of the wireless telecommunications facility shall have an additional one hundred and eighty (180) days within which to reactivate the use of the wireless telecommunications facility or transfer the wireless telecommunications facility to another owner/operator who makes actual use of the wireless telecommunications facility, or dismantle and remove the wireless telecommunications facility. At the earlier of one hundred and eighty (180) days from the date of abandonment with reactivation or upon completion of dismantling and removal, any variance approval for the wireless telecommunications facility shall automatically expire. The applicant shall sign an affidavit to this effect, to be placed on file with the City of Montevallo.

ARTICLE 25. ADMINISTRATION

Section 25.01. Interpretation of Ordinance.

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of public health, safety, convenience, comfort, morals and the general welfare. Where this Ordinance imposes greater restrictions upon the use of a building or land or upon the open spaces, yard area or lot area, than are imposed or required by other Ordinances, rules, regulations, or permits, or by easement, covenants or agreements, the provisions of this Ordinance shall govern. Where any other Ordinances, rules, regulations or permits, or any easements, covenants or agreements impose greater restrictions upon the use of a building or upon the height, bulk or size of a building or structure, or require larger open spaces, yard area or lot area than are required under the regulations of this Ordinance, such provisions shall govern.

Section 25.02. Enforcement.

The duty of administering and enforcing the provisions of this Ordinance is hereby conferred upon the Administrator, or other such official designated by the City Council.

Section 25.03. Land Disturbance Activities.

Pursuant to Title 11, Chapter 45, Sections 1-11, and Chapter 89C, of the Code of Alabama, 1975, as amended, the City of Montevallo has adopted a Land Disturbance Ordinance designed to protect the public health, safety, and general welfare of its citizenry and to promote the discovery, control, and elimination, wherever practicable, of storm water discharges into municipal separate storm sewers.

The purpose of the Land Disturbance Ordinance is to protect, maintain and enhance the environment of the City and the short-term and long-term public health, safety and general welfare by controlling erosion resultant from land disturbing and construction activities.

No land disturbing activities, including construction activities, clearing, dredging, grading, excavating, transporting and filling of land, etc., shall be conducted within the City prior to obtaining a Land Disturbance Permit. This Ordinance applies to all land disturbance activities undertaken within the jurisdiction of the City of Montevallo.

Section 25.04. Conditional Uses.

A. Purpose.

It is the purpose of this section to establish a process that enables and facilitates review of those uses identified as conditional uses in these regulations in order to determine the appropriateness of a particular conditional use in a given location.

B. Authorization.

The City Council may, under the prescribed standards and procedures contained herein, authorize the construction or initiation of any conditional use that is expressly permitted as a conditional use in a particular zone district; however, the city reserves full authority to deny any request for a conditional use, to impose conditions on the use, or to revoke approval at any time, upon a finding that the permitted conditional use will or has become unsuitable and incompatible in its location as a result of any nuisance or activity generated by the use.

C. Conditional Use Review.

Application for the approval of a conditional use shall be made to the Planning Commission on a form made available by the Administrator. To ensure an adequate and comprehensive review, a completed application shall be filed with the Administrator at least twenty-five (25) working days prior to the Planning Commission hearing.

The Administrator shall, upon determination that an application complies with all applicable submission requirements, receive said application, distribute copies of said application for

technical review and schedule it for consideration in a Public Hearing before the Planning Commission.

1. At least fifteen (15) days prior to the scheduled Planning Commission public hearing of a conditional use the Chairman of the Planning Commission shall give written notice of the hearing to the applicant and to all property owners within two hundred (200) feet of the subject property. Such notice shall be deemed given when deposited in the United States Mail, first class postage prepaid, addressed to those property owners at their addresses as shown on the most recent records of the Shelby County Tax Assessor's Office. Any error in the addresses of such notices shall not invalidate the giving of such notice, provided that not more than five (5) percent of the total number of notices contain any such error.
2. In addition to the notification of adjoining property owners, a legal notice shall be published in a newspaper of general circulation published within the City. If there is no newspaper of general circulation published within the City, said legal notice of the public hearing for the proposed conditional use shall be posted in four (4) conspicuous locations within the City.
Such notices, publications and advertisement shall contain the following:
 - a. Name of the applicant.
 - b. The location of the subject property.
 - c. The proposed conditional use of the property requested.
 - d. The time, date and location of the Planning Commission public hearing.
 - e. Such notices, publications and advertisement shall further state that, at such public hearing, all persons who desire shall have an opportunity to be heard in opposition to or in favor of the proposed amendment.
3. At the time and place scheduled for the public hearing of the proposed conditional use, the Planning Commission shall review the proposed conditional use pursuant to the standards of approval herein. The Commission shall recommend, recommend with conditions, or not recommend the proposed conditional use to the City Council by resolution.
4. The Administrator shall schedule a public hearing for the consideration of the proposed conditional use before the City Council.
5. At least fifteen (15) days prior to the scheduled public hearing before the City Council the City Clerk shall cause the proposed conditional use to be published once a week for two (2) consecutive weeks (once in its entirety and once in a synopsis form referring to the date and name of the newspaper in which the proposed conditional use was first published) in advance of its consideration in a newspaper of general circulation published within the City. If there is no newspaper of general circulation published within the City, said legal notice of the public hearing for the proposed conditional use shall be posted in four (4) conspicuous locations within the City.
Such notices, publications and advertisement shall contain the following:
 - a. Name of the applicant.
 - b. The location of the subject property.
 - c. The proposed conditional of the property requested.
 - d. The time, date and location of the City Council public hearing.
 - e. Such notices, publications and advertisement shall further state that, at such public hearing, all persons who desire shall have an opportunity to be heard in opposition to or in favor of the proposed amendment.
6. The City Clerk shall also give written notice to the applicant and all adjacent property owners within two hundred (200) feet of the subject property. Such notice shall be deemed given when deposited in the United States Mail, first class postage prepaid, addressed to those

property owners at their addresses as shown on the most recent records of the Shelby County Tax Assessor's Office. Any error in the addresses of such notices shall not invalidate the giving of notice provided not more than five (5) percent of the total number of notices contain any such error.

7. At the time and place scheduled for the public hearing of the proposed conditional use, the City Council shall hear the presentation of the applicant, review the recommendation of the Planning Commission and hear any arguments in opposition to or support of the proposed conditional use by the general public. After such hearing, the City Council may approve the conditional use as requested, approve the conditional use in such amended form as it deems appropriate, or deny said conditional use.
8. The City Council may impose conditions and restrictions upon the property benefited by the conditional use as may be necessary to comply with the standards set out above, to reduce or minimize any potentially injurious effect of such conditional use upon other property in the neighborhood and to carry out the general purpose and intent of these regulations. In approving any conditional use, the City Council may specify the period of time for which such approval is valid for the commencement of the proposed conditional use.

D. Submission Requirements.

No request for conditional use approval shall be considered complete until all of the following has been submitted to the Administrator:

1. Application Form.

Application for the approval of a conditional use shall be made on a form made available from the Administrator. The application shall be signed and, if not signed by the property owner, shall be accompanied by a notarized affidavit that the applicant is authorized to act in the owner's behalf.

2. Plans and specifications.

Each application shall be accompanied by an accurate site plan, drawn to scale, identifying: the current off-street parking available on the site; any new proposed parking layout; ingress to and egress from the site; area of the site; existing uses on the site, including the location and floor area of all buildings; and such other information as the Administrator may reasonably require. Any supplementary information, exhibits, plans or maps which are to accompany and constitute part of the application shall be submitted to the Administrator at the time of filing the application. Three (3) copies of all such documents shall be required for distributional purposes.

E. Standards for Approval.

1. A conditional use may be approved by the City Council only upon determination that the application and evidence presented clearly indicate that all of the following standards have been met:
 - a. The proposed use shall be in harmony with the general purpose, goals, objectives and standards of the City of Montevallo Comprehensive Plan, these regulations, or any other official plan, program, map or regulation of City of Montevallo;
 - b. The proposed use shall be consistent with the community welfare and not detract from the public's convenience at the specific location;
 - c. The proposed use shall not unduly decrease the value of neighboring property; and
 - d. The use shall be compatible with the surrounding area and not impose an excessive burden or have a substantial negative impact on surrounding or adjacent uses or on community facilities or services.
2. Conditions and Restrictions on Approval.

In approving a conditional use, the Planning Commission may impose conditions and restrictions upon the property benefited by the conditional use as may be necessary to comply with the standards set out above, to reduce or minimize any potentially injurious effect of such conditional use upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations. In approving any conditional use, the Planning Commission may specify the period of time for which such approval is valid for the commencement of the proposed conditional use. The Planning Commission may, upon written request, grant extensions to such time allotments not exceeding six (6) months each without notice or hearing. Failure to comply with any such condition or restriction imposed by the Planning Commission shall constitute a violation of these regulations. Those conditional uses which the Planning Commission approves subject to conditions shall have the time allotted to satisfy such conditions specified by the Planning Commission.

Section 25.05. Site Development Plan.

A. Purpose.

It is the purpose of this section to encourage a high standard of land development through careful review of the nature and composition of proposed development projects as well as to provide full consideration of the potential impacts of proposed developments upon surrounding uses and land. Furthermore, it is the purpose of the site plan review process to provide a mechanism to ensure that the individual components of the development process are carefully integrated in order that a project meets not only those minimum regulatory requirements and individual design standards, but also addresses in its totality the design guidelines set forth in this section.

B. Approval Required.

Site plan approval as hereinafter set forth is required prior to the issuance of any building permit for all land uses subject to these regulations where any of the following exists:

1. A parcel of land proposed for any use except single family or two family residential.
2. A parcel of land devoted to any use except single family or two family residential which use of land or building is proposed to be expanded by twenty-five (25) percent or more of lot area or building floor area.
3. A parcel of land, which is to be developed utilizing a "special district" zoning classification.
4. A parcel of land where, due to the unique characteristics of the land, the surrounding use(s), the proposed use or other features of the development, the Administrator determines it to be in the interest of the public health, safety or welfare that such project be subject to the site plan review process.
5. The Administrator shall have the authority to waive the site plan approval requirement for public, city-sponsored projects as is determined appropriate based on the nature, location, size and impact of such project(s).

C. Site Development Plan Review.

Application for the approval of a site development plan shall be made on a form made available from the Administrator. To ensure an adequate and comprehensive review a completed application shall be filed with the Administrator no later than the fifth Friday before the scheduled Planning Commission meeting.

The Administrator shall, upon determination that an application complies with all applicable submission requirements, receive said site development plan, distribute copies of all maps and documents of said site development plan for technical review and schedule it for consideration in a public hearing before the Planning Commission.

1. At least fifteen (15) days prior to the scheduled public hearing for a site plan before the Planning Commission, the Chairman of the Planning Commission shall give written notice of

the proposal to the applicant and to the owners of all properties adjacent to the subject property.

2. At the time and place scheduled for the public hearing of the proposed site development plan, the Planning Commission shall consider the proposed site development plan with specific regard to the design guidelines contained herein. The Commission shall recommend, recommend with conditions, or not recommend the site development plan to the City Council by resolution.
3. The Administrator shall schedule a public hearing for the proposed site development plan before the City Council.
4. At least fifteen (15) days prior to the scheduled public hearing for a site plan before the City Council, the City Clerk shall give written notice of the proposal to the applicant and to the owners of all properties adjacent to the subject property.
5. At the time and place scheduled for the public hearing of the proposed site plan, the City Council shall consider the proposed site development plan with specific regard to the design guidelines contained herein. The Council shall hear the presentation of the applicant, review the recommendation of the Planning Commission and hear any arguments in opposition to or in support of the proposed site plan by the general public.
6. The City Council may approve the site plan as requested, approve the site development plan in such amended form as it deems appropriate to comply with the design guidelines contained herein, or deny said site development plan.

D. Certification of Site Plan.

A minimum of three (3) copies and any additional copies as may be supplied by the applicant of the site development plan, as approved by the City Council, shall be submitted to the Administrator within sixty (60) days of such action. Site development plans approved contingent upon any changes to be made to the plan shall be so changed prior to certification. The Administrator shall verify that all such changes have been made and certify with his signature that the site plan complies with the approval of the City Council. The Administrator shall retain and file one copy of the certified site plan to constitute a permanent record. A minimum of two (2) copies of the certified site plan shall be reserved for the applicant, one of which shall accompany the application for building permit and one copy to be available for inspection at the job site.

E. Amendment of a Certified Plan.

Any amendment, variation or adjustment of a certified site plan shall require approval of an amended site plan pursuant to the following:

1. Amendments to an approved site plan shall require the submission of an amended site plan to the Administrator. The Administrator shall receive said amended site plan and schedule it for consideration and review by the Planning Commission and action by the City Council consistent with the process of approval of the original site plan, as described herein.
2. The Administrator may approve minor amendments to an approved site plan provided the amendments meet the standards of this Ordinance and do not alter any specified conditions imposed as part of the original approval. Said minor amendments are limited to:
 - a. Lowering the height of buildings or structures.
 - b. An increase of woodlands or other areas that are designated to not be disturbed.
 - c. Replacement of species in the approved landscaping plan with similar types of landscaping on an equal or greater basis in accordance with the provisions of Article 23.

F. Effect of Site Plan Approval.

1. Approved site plans shall remain valid if a building permit is obtained subject thereto, and the project completed in accordance with such permit within the respective allotted time periods to

be specified by the City Council. Extensions to the time limits imposed as a condition of site plan approval may be granted only upon written request to the Administrator with subsequent determination to be made by the City Council, based upon and consistent with the process for determining whether such request for extension of time is a major or minor amendment.

2. Upon approval of the site plan, the applicant may proceed to submit detailed construction drawings to the Administrator for approval and permitting. Nothing herein, however, shall preclude the Administrator from accepting for review and processing building construction plans related to the structural, mechanical, electrical and plumbing systems prior to the certification of a site plan, subject to such conditions as may be established by the Administrator relative to such pre-certification processing. In such instances, no building permit will be issued until the site plan has been certified and is on file with the City. All building and construction permits issued for any project requiring site plan review shall be consistent with the certified site plan. The approval and certification of a site plan shall not under any circumstance be construed to waive or otherwise diminish the applicable City requirements for construction or installation of structures or materials. Whenever a conflict between the site plan and such construction details occurs, the more restrictive or that requiring the higher standard shall prevail.

G. Integration of Other Review Procedures.

Any development involving the following related provisions of these regulations shall be coordinated as set forth below.

1. **Special District Development Plans.**
Properties which are proposed to be assigned a special district zoning classification shall have available for review at the public hearing held in consideration of such zoning a copy of a preliminary site plan of the proposed development. Following a favorable recommendation by the Planning Commission and approval by the City Council, a final site plan taking into consideration matters of concern to the City shall be prepared and submitted to the Administrator for review in accordance with the above paragraphs.
2. **Rezoning.**
Those developments requiring an action to rezone the property shall have the rezoning approved by the City Council prior to consideration of a site plan by the Planning Commission and the City Council. In approving a rezoning action, the City Council may, in cases it deems advisable, also require that a preliminary site plan be submitted to it for review prior to consideration of a final site plan. Following review by the City Council, a final site plan taking into consideration matters of concern to the City shall be prepared and submitted to the Administrator for review in accordance with the above paragraphs.
3. **Variances.**
Those developments requiring a variance from any applicable regulations herein shall have the variance request heard and approved by the Zoning Board of Adjustment prior to consideration of the site plan.
4. **Conditional Uses.**
Those developments requiring conditional use approval shall have the conditional use approved by the Planning Commission prior to consideration of a site plan.

H. Noncompliance.

Failure to comply with a certified site plan or any of the conditions upon which such approval was contingent, including time limits for performance, shall be cause to deny issuance of a building permit or, where a permit has been issued pursuant to a certified site plan, to render such building permit invalid. Any action, construction, development or use of property undertaken in violation of the provisions of this section shall constitute a violation of these zoning regulations.

I. Minimum Submission Requirements.

No request for site plan approval shall be considered complete until all of the following has been submitted to the Administrator:

1. Application Form.

Application for the approval of a site development plan shall be made on a form made available from the Administrator. To ensure an adequate and comprehensive review a completed application shall be filed with the Administrator at least thirty (30) days prior to the Planning Commission hearing. The application shall be signed and, if not signed by the property owner, shall be accompanied by a notarized affidavit that the applicant is authorized to act in the owner's behalf.

2. Plans and Specifications.

Each application shall be accompanied by a site plan drawn to a minimum scale of one inch equals fifty (50) feet on an overall sheet size of twenty-four (24) by thirty-six (36) inches. When more than one sheet is required, an index sheet of the same size shall be included showing the entire parcel with individual sheet numbers referenced thereon. The following information is required on or in an acceptable form so as to accompany the site plan:

- a. Site plan name.
- b. North arrow, scale and date prepared.
- c. Legal description.
- d. Location map.
- e. Zone district assigned to the property, which is the subject of the site plan and adjacent properties.
- f. Identification of watercourses, wetlands, tree masses and specimen trees, including description and location of understory, ground cover vegetation and wildlife habitats or other environmentally unique areas.
- g. Gross and net site area expressed in square feet and acres.
- h. Number of units proposed, if any.
- i. Floor area devoted to each category of use.
- j. Delineation in mapped form and computation of the area of the site devoted to building coverage and other impervious surfaces expressed in square feet and as a percentage of the overall site. The Impervious Surface Ratio (ISR) shall not exceed seventy (70) percent of the total site area of a lot or parcel devoted to multi-family residential uses, single-family residential (attached) uses or non-residential uses (i.e. commercial, industrial, institutional, etc.). The Urban Core District is exempt from this requirement.
- k. Number of parking spaces required (stated in relationship to the applicable formula) and proposed.
- l. Location of all driveways, parking areas and curb cuts and the total paved vehicular use area (including but not limited to all paved parking spaces and driveways), expressed in square feet and as a percentage of the area of the overall site.
- m. Location of all public and private easements and streets within and adjacent to the site.
- n. The location, size and height of all existing and proposed buildings and structures on the site.
- o. Location of all refuse collection facilities, including screening and access thereto.
- p. Provisions for both on-and off-site storm water drainage and detention related to the proposed development.
- q. Existing and proposed utilities, including size and location of all water lines, fire hydrants, sewer lines, manholes, and lift stations.
- r. Existing two-foot contours or key spot elevations on the site, and such off-site elevations as may be specifically required and not otherwise available which may affect the drainage or retention on the site.

- s. The proposed general use and development of internal spaces, including all recreational and open space areas, plazas and major landscape areas by function, and the general location and description of all proposed outdoor furniture (such as seating, lighting, and telephones).
 - t. The location of all earth or water retaining walls, earth berms, and public and private sidewalks.
 - u. Phase lines, if development is to be constructed in phases.
 - v. Dimensions of lot lines, streets, drives, building lines, building setbacks, building height, structural overhangs, and building separations.
 - w. Shadow cast information if the proposed building is higher than any immediately adjacent building or if the height of the building is greater than the distance of the building to any lot line.
 - x. Landscaping Plan pursuant to Article 23.
3. Any other information or documentation deemed necessary to effectively evaluate the proposed development, which may include a professional traffic analysis that indicates the effect of the proposed development on the adjacent streets and roadways and also indicating the direction and volume of traffic flow to and from the proposed development.

J. Design Guidelines for Site Plan Review.

It is the purpose of these design guidelines to supplement the standard requirements of zoning classifications in a manner that recognizes the need to tailor the land planning process to the unique features of each site, while preserving the right of reasonable use of private property based upon the uses permitted under the zoning classifications assigned to the property. The following items shall be given full consideration in the preparation and review of site plans required under this section. Before any site plan is approved (whether conditionally or unconditionally), it shall first be established that such plan is consistent with the design guidelines of this section. When it is determined that a site plan does not satisfactorily comply with one or more, in whole or in part, of any of the design criteria contained herein, the City Council shall have the authority to deny the site plan. Design guidelines to be considered include the following:

1. Plan and Regulation Requirements.

Site plans shall be consistent and in conformity with all applicable rules and regulations of the City and the State, including but not limited to the following;

- a. City of Montevallo Zoning And Subdivision Regulations;
- b. City Of Montevallo Comprehensive Plan and its Constituent Elements;
- c. Other City Ordinances, Resolutions, Policies and Administrative Directives;
- d. Applicable provisions of Alabama Law.

2. Environment and Open Space.

Site plans shall recognize the significant existing environmental and open space features of the site and property immediately adjacent thereto. The proposed development shall be determined to be reasonably compatible with the existing environmental features of the site, based on an evaluation of the following specific factors:

- a. Topography, including elevation, slopes and cut and fill;
- b. Soil and subsurface characteristics.
- c. Surface and groundwater characteristics, including water quality and groundwater recharge.
- d. Vegetation and plant life, including specimen trees, natural wetland and native creek bank vegetation.
- e. Wildlife habitat.
- f. Historic and cultural significance.

- g. Flood hazard.
- h. Open space

All of the above factors shall be consistent with the current development standards and design specifications as determined by the City Engineer and the Administrator. It shall be the objective of this guideline to assure that a development project will not significantly degrade the existing environmental features of the site in a manner that is unnecessary to allow for the reasonable use of the property.

3. Traffic and Parking.

Site plans shall be so designed as to provide for adequate traffic flow and control on public streets, coordination with public transportation modes where applicable, convenient internal circulation and service access, and vehicular and pedestrian safety. A determination as to the adequacy of provisions for traffic and parking shall be based on an evaluation of the following factors:

- a. Functional classification of street and highway system.
- b. Existing and projected traffic volume, road carrying capacities and levels of service.
- c. Traffic signing, signalization and related control devices.
- d. Number and distance between points of access and egress.
- e. Sight distance and turning radii relative to curb cuts and internal traffic flow.
- f. Off-street parking and loading space.
- g. Pedestrian walkways.
- h. Access for service and emergency equipment and personnel.

All of the above factors shall be determined consistent with the objectives of the transportation element of the general plan and with current development standards and design specifications of the City Engineer. It shall be the objective of this guideline to ensure adequate provision for vehicular and pedestrian movement and safety within the site and as it relates to the adjoining public street and thoroughfare system.

4. Streets, Drainage and Utilities.

Site plans shall be so designed as to provide for streets, water supply, sewage disposal, refuse collection and storm water detention. Those specific factors to be evaluated in determining that these measures have been adequately addressed include the following:

- a. Water supply and sewage treatment capabilities.
- b. Water mains, fire hydrants and water meters.
- c. Sewer mains and manholes.
- d. Gas mains, where applicable.
- e. Provisions for refuse disposal, including container location and access thereto.
- f. Easements for all utility lines.
- g. Location, capacity and design of storm water detention facilities, both as to the site and the watershed or basin.
- h. Responsibility for maintenance and appearance of storm water detention facilities.
- i. Sufficiency of adjacent streets.

All of the above factors shall be determined consistent with the objectives of the utility element of the general plan and current development standards and design specifications of the City Engineer. It shall be the objective of this guideline to assure that adequate service capacity is available and that utility, street and drainage systems are appropriately designed for the proposed development site in relationship to the larger systems entering and leaving the site.

5. Neighborhood Compatibility.

Site plans shall be so designed as to assure that the overall design and function of the proposed project are compatible and harmonious with other properties in the immediate area.

Compatibility shall be measured according to the following characteristics of the proposed and neighboring development:

- a. Land use type or category.
- b. Building location, dimension and height.
- c. Location and extent of parking, access drives and service areas.
- d. Traffic generation, hours of operation, noise levels and outdoor lighting.
- e. Alteration of light, air and views.
- f. Fence, wall, landscape and open space treatment.

It shall be the objective of this guideline to encourage design treatment that reflects consideration of and between adjoining developments. It is not the purpose of this provision to preclude development based upon normal change or that inconvenience which might ordinarily be expected to result from the land development process; but, rather, it shall be the purpose of this provision to preclude any significant adverse impact that is measurable and can be documented, based upon the above factors.

6. Lighting.

Site plans shall be so designed as to provide for lighting that will be limited to the subject property.

- a. Lighting shall have underground electric service, except where the light fixtures, service poles and wires are not visible from public property.
- b. The intensity, location and design of lighting shall be such that not more than one (1) foot candle of light is cast upon adjacent property or the public right-of-way. Light fixtures shall be designed to cast light downward. Where necessary, cut-off devices shall be used to minimize glare off premises.
- c. Exterior pole-mounted light fixtures shall not exceed twenty (20) feet in height.
- d. Wooden light poles are prohibited.
- e. Light poles and fixtures shall be compatible with the architecture of the buildings on the premises.
- f. Flashing, blinking or intermittent lights are prohibited.
- g. Bare neon tube lighting is prohibited.

7. Signage.

Site plans shall be so designed as to provide signs that meet the minimum requirements of Article 21. Pole or pylon signs are not permitted.

Section 25.06. Fees.

Before any action shall be taken as provided in this Article, the applicant shall deposit a fee according to the current fee schedule established by the City Council of the City of Montevillo including the cost of actual certified mail and legal advertisement as required by law. Under no condition shall said sum or any part thereof be refunded for failure of such proposed amendment to be enacted into law.