ARTICLE 6. GENERAL PLANNING AND DESIGN STANDARDS

1. STREET DESIGN

The standards in this Section should be used as a planning guide when platting streets for public approval. The standards provide planning and urban design principles, and upon approval may be the basis for engineering and construction documents. All engineering approvals are subject to review and approval of the City Engineer.

A. Intent.

In achieving the purposes of these regulations stated in Section 1.03, this Section has the following specific intent:

1. To recognize streets and rights-of-way as a significant public asset, and emphasize the importance of the design of these areas in supporting adjacent land uses and development patterns, and in determining the community character.
2. To establish a framework to develop balanced street designs that accommodate all potential uses of the street, so that the interests of a single mode of transportation do not unnecessarily compromise other modes of transportation.
3. To introduce planning and urban design solutions and options for the physical design of rights-of-way, while maintaining functional classifications and engineering standards for the entire network of streets in the community.
4. To create a means to evaluate the appropriate allocation of design elements within the rights-of-way, based on the function of the street within the network, the character of the surrounding area, and the immediate development pattern and land uses supported by the rights-of-way.

B. Street Design Elements

All street designs shall include each of the following street design elements in order to provide complete streets appropriately balancing the multiple and shared use of the right-of-way. Included under each element are design variations that may be applied to various street designs, depending on the desired function, and the development patterns and land uses to be supported by that portion of the street.

1. Travel Lanes – The area of the roadway dedicated for moving vehicles. There are two basic types of travel lanes:
   a) Through Lanes – Lanes that are dedicated to the clear, unobstructed movement of vehicles in a single direction. Lane widths are basically a function of the desired design speed and the functional classification of the street.
   b) Turn Lanes – Lanes that occupy short distances approaching major intersections or major entrance points and allow turning vehicles to exit through lanes for acceleration and deceleration. Because turn lanes increase the widths of roads and increase the overall speeds and volume of roads they should be limited in application. For efficient use of the right-of-way and to avoid excessively wide road widths, turn lanes may transition from other design elements in the right-of-way (median areas for left-turn lanes or on-street parking areas for right-turn lanes)

2. Median – A center landscape area separating opposing travel lanes. Landscape medians can introduce better civic design and green space to the streetscape on boulevard or rural parkway street designs. It is typically raised and separated from the road surface with a curb and gutter, although in rural or less-formal settings it may have a natural edge to perform better stormwater management for the road system. Vegetated medians greater than 14 feet wide in non-residential areas and greater than 20 feet wide in residential areas may be counted toward the open space requirement [See Section 5.03 for open space requirements.]

3. Street Border – An area of transition between the finished street and other functions in the right-of-way, including the edge of the finished street. The street border typically includes a shoulder or on-street parking, and each includes the edge treatment for the finished street.

   a) On-street Parking – An area of the roadway that permits parked vehicles. On-street parking may be either designated (indicated by striping) or undesignated (areas where parking is permitted but not specifically designated with markings.) Designated parking may either be parallel or angled. Undesignated parking is parallel and is typically used in conjunction with Yield Lanes.

   b) Shoulder – A small transition of the paved surface to the impervious ground cover adjacent to the roadway. The shoulder is typically paved with the same surface as the roadway but may include porous surfaces to infiltrate run-off and provide better stormwater management for the roadway system. The shoulder provides a buffer between the travel lanes and the street edge where on-street parking is not permitted, and can provide for bicycle facility or emergency stopping areas where appropriate.

   c) Edge Treatment – Edge treatments provide the physical termination of the street pavement, and support the chosen stormwater treatment design for the street. The dimensions of the edge treatment may be incorporated into the other elements of the street border (shoulder, on-street parking, bicycle lanes) where those elements are provided. See Appendix F (Engineering Standards) for appropriate curb and gutter or drainage swale design specifications. Alternative "green edges" (alternative to conventional curb and gutter) which infiltrate stormwater runoff at the road side are encouraged, but are subject to discretionary review and approval by the City Engineer.

4. Buffer Area – The transition area between the edge of the finished street and the pedestrian area, buffering pedestrians from moving vehicles and providing landscape and community design amenities. The design of buffer areas along the rights of way is the primary determinant of the character of the community. Certain street classifications and type are appropriate for specific landscape standards.

   a) Tree Lawn / Landscape Strip – An area of formal manicured lawn, providing opportunities for street trees if the area is wider than five feet.

   b) Pedestrian Amenity Area – An area of expanded sidewalks or solid surface immediately adjacent to the roadway including pedestrian amenities such as benches or other seating, public art, bicycle parking, and regularly spaced tree-well or landscape beds. This type of Buffer Area should only be used on streets with dedicated on-street parking, where parked cars provide a buffer between pedestrians and moving vehicles.

   c) Swale and Vegetated Area – A shallow roadside depression for the conveyance and infiltration of storm water, typically including rough or natural vegetation between the roadway and pedestrian facility or private property.

5. Pedestrian Area – the area of the right-of-way reserved for pedestrians and creating a transition from the streetscape to private lot areas. (*See* Subsection D. Pedestrian Facility Requirements, below for specific facility requirements).

   a) Sidewalk – A paved pedestrian facility directly parallel to the roadway and providing direct connections at all street intersections or designated mid-block locations. Five (5) feet minimum width is required for all sidewalks.

b) Path – A paved or stabilized porous surface for pedestrians adjacent to the roadway but may meander in a manner that is not equidistant from the street. A path is often associated with some other open space adjacent to the right-of-way, such as a greenway or a park, where duplication of a pedestrian facility in the right-of-way is unnecessary.

c) Bicycle / Pedestrian Trail - A paved or stabilized porous surface for pedestrians and bicycles that follows the same general pattern as the street network, but may meander to accommodate natural features or provide a more desirable and direct non-vehicular route. A minimum of 10 feet width is required to allow bicycles and pedestrians to share the space, or to provide for two-way pedestrian travel on a single side of the street. Similar to a path, it is often associated with some other open space adjacent to the right-of-way, such as a greenway or a park, where duplication of a pedestrian facility in the right-of-way is unnecessary.

6. Bicycle Facilities – The area of the right-of-way that accommodates bicycle travel, which is either part of the finished street or separated from the street, and which is either shared by bicyclists (with vehicles or pedestrians) or dedicated for bicycle travel only.

   a) *Bicycle Lanes* – Areas of the roadway immediately adjacent to Travel Lanes but specifically designated for bicycle use. Bicycle lanes can either be dedicated or shared. Dedicated lanes are completely separate from Travel Lanes, indicated by a stripe, colored or painted pavement, or periodic reflectors and are five to six feet wide adjacent to the outer-most travel lane. Shared lanes are wider lanes for both vehicles and bicycles, at least 14 feet wide (including shoulder without bicycle hazards such as storm inlets) typically indicated by road signs and pavement markings. Local streets and streets where design speeds are 25 mph or below do not usually have bike lanes as bicycle and vehicle flow is "combined" and can safely share the same area.

   b) Bicycle / Pedestrian Trail- (See subsection 5.c., above)

7. Other Design Elements – Three other general elements are included for the appropriate design of the streets and rights-of-way.

   a) Utility Locations – The location of utilities impacts the function and aesthetics of the street. Typical cross-sections in articles 3 and 4 identify suggested locations in the right-of-way.

   b) Access Limitations – An essential part of the function and aesthetics of public rights-of-way is balancing access to lots with the uniform design of the rights-of-way along its length. All street types contain access limitations appropriate to its function and design.

   c) Typical Front Yard – Typical front yard refers to the design of the lot that creates a transition from the public rights-of-way to the private areas of individual lots. The design of the frontage of lots along a block impacts what street design type is appropriate. These regulations identify the following general types of lot frontages in association with the cross-sections of specific street design types in Articles 3 and 4: natural buffer, landscape buffer or screen, yard and setback, courtyard, and street-front buildings.

C. Street Functional Classifications and Design Types.

Each development pattern specified in Article 2 provides examples of street designs used in the appropriate context. Therefore each street shall have both a Functional Classification based on its role in the overall street network, and a design type, based on its context, the adjacent development pattern, and the land uses supported by the street.

1. General Functional Classifications. The general classifications are based on the standard functional classification hierarchy and all but the local street can be used to support both residential and non-residential uses, with specific street design elements dependent upon the supported adjacent land use.

   a) *Arterial* – A street of considerable continuity that provides accessibility to other portions of the City or the region, but also provides connections and access to points along its

route. Arterial streets are characterized by few interruptions, except at major community destinations.

b) *Collector* – A street of moderate continuity that provides direct and continuous access between adjacent neighborhoods or districts. Collector streets are occasionally interrupted or diverted by neighborhood destinations or important natural features.

c) *Local* – A street of limited continuity that provides access to abutting property over short distances. Local streets are interrupted frequently by neighborhood destinations, topographical obstacles or natural features, off-sets in the street grid (i.e. "T-intersections"), or limited applications of dead-end streets. Local streets should have high connectivity to other local, collector, or arterial streets, but be designed to discourage through traffic and accommodate high pedestrian or bicycle traffic.

d) *Access* – A street of little continuity designed solely for access to lots or interior of blocks, and not designed for through traffic.

2. Specific Design Types. Each functional classification may have a variety of eligible street design types providing for better context-based design of street systems. These regulations account for the following specific design types. Each design type accounts for variations in the street-design elements and allocation of the rights-of-way are developed based on the specific purpose of the street and supported development patterns for a particular street section, and may vary along any single functional street classification.

a) Neighborhood Street.

b) Rural Drive.

c) Rural Parkway.

d) Pedestrian Street.

e) Main Street.

f) Boulevard

g) Access Easement

TABLE 6-1: GENERAL FUNCTIONAL CLASSIFICATION AND SPECIFIC STREET DESIGN TYPES	
FUNCTIONAL CLASSIFICATION	**DESIGN TYPES**
ARTERIAL STREETS	• Rural Parkway • Main Street • Boulevard
COLLECTOR STREETS	• Rural Parkway • Neighborhood Street • Pedestrian Street • Main Street • Boulevard
LOCAL STREETS	• Rural Drive • Neighborhood Street • Pedestrian Street
ACCESS STREETS	• Access Easement
Table indicates the eligible design types for each street functional classification.	

D. Pedestrian Facility Requirements. Table 6-2 shall serve as a guide for pedestrian facility requirements on all public and private streets. The Planning Commission shall have the authority to waive or modify this requirement.

TABLE 6-2: PEDESTRIAN FACILITY REQUIREMENTS				
		ARTERIAL	**COLLECTOR**	**LOCAL**
RESIDENTIAL STREETS	**LESS 1 DU/ACRE**	Not required	Not required	Not required
	1 TO 4 DU/ACRE	4' path(both sides); or 10' to 12' pedestrian/bicycle trail (one side)	5' sidewalk (one side); or 10' to 12' pedestrian/bicycle trail (one side)	5' sidewalk (one side)
	4 TO 8 DU/ACRE	6' sidewalk (both sides); or 10' to 12' pedestrian/bicycle trail (one side)	5' sidewalk (both sides)	5' sidewalk (both sides)
	GREATER THAN 8 DU/ACRE	10' sidewalk (both sides)	8' sidewalk (both sides)	8' sidewalk (both sides)
NON-RESIDENTIAL STREETS	REQUIREMENTS TO BE DETERMINED BY THE PLANNING COMMISSION, IN CONSULTATION WITH STAFF, CONSISTENT WITH THE GOALS, OBJECTIVES AND POLICIES OF THE COMPREHENSIVE PLAN.			

* Where no pedestrian facility is required on one or both sides of the street, at least five feet shall be added to the Buffer/Utility area.

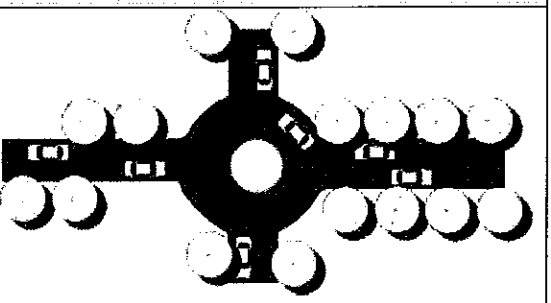
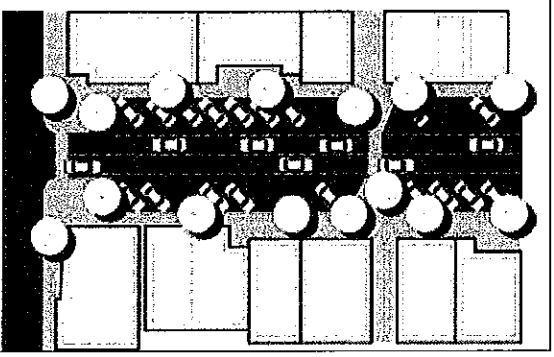
E. Intersection Design

Street Intersections.

1. Streets shall be laid out to intersect at right angles to the greatest extent practical.
2. Streets across an intersection shall either aligned with each other, or be offset by at least 150 feet at the centerline.
3. Intersections of Access Easements or Lanes and streets shall be designed the same as driveways, maintaining any pedestrian crossings at grade with a continuous surface.

F. Traffic Calming.

To maintain the function, desired speed, and appropriate streetscape and intersection designs specified in this Section, traffic calming measures may be introduced into the street design. All traffic calming designs shall be based on sound engineering principles and are subject to approval by Planning Commission based upon the recommendations of staff and the City Engineer. Table 6-3 identifies the types and description of traffic calming designs.

TABLE 6-3: TRAFFIC CALMING DESIGNS		
ROUNDABOUT	A circular raised island centered in the intersection, around which traffic flows. Unlike traffic circles, roundabouts require geometric alterations to the intersection and are used on higher-volume streets to allocate rights-of-way among competing movements.	
"BULB-OUT," CURB PROJECTIONS, OR NECK DOWNS	Curb extensions placed at mid-block locations or at intersections which narrow the street to provide "visible friction" for vehicles and shorter crossing distances for pedestrians. These are often used in conjunction with on-street parking to help define parking areas from vehicle travel lanes.	

G. Private Streets

All streets required to be platted according to these regulations shall be public, except that the Planning Commission, in its sole discretion, may allow subdivisions to contain private streets.

1. All streets shall be platted as separate parcels.
2. All streets shall be under control of a single private entity that demonstrates it has the organizational and financial capacity to maintain streets over time.
3. Streets shall meet all standards of these regulations, including all design elements of the rights-of-way included in sub-section B above.
4. All streets shall have adequate official public access for maintenance of any public facilities and to ensure the public safety of future lot owners.
5. In any circumstance where connectivity to adjacent parcels is required by these regulations, the connectivity shall be provided and a general public easement across the private streets and pedestrian facilities establishing the connectivity shall be provided.
6. A note on the plat shall indicate:

   "*The access serving this lot is private and its maintenance is NOT a public responsibility. The access is not eligible for acceptance by the County except upon re-platting of the property in compliance with these regulations or upon re-construction of the access by the landowners subject to the standards of these regulations for public streets.*"
7. Any other condition the Planning Commission deems appropriate to meet the purposes and intent of these regulations.

   All designs shall conform to Appendix F, Engineering Standards.

2. STREET NETWORKS, BLOCKS, AND LOTS

A. Intent

In achieving the purposes of these regulations stated in Section 1.03, this Section has the following specific intent:

1. To plan streets within an orderly system of blocks and lots, with logical connections to existing, planned and potential future streets.
2. To recognize blocks and lots as the fundamental element of development patterns and the key mechanism for record keeping for the future transactions regarding land proposed to be subdivided.
3. To create development patterns that are capable of efficiently accommodating immediate and planned uses, but that are also more resilient to pressures from future growth and potential redevelopment.
4. To ensure that all blocks, lots, and other land areas have adequate access to streets, pedestrian facilities, and utilities necessary to support the proposed and anticipated future development.
5. To create development patterns capable of stimulating more options for modes of travel.
6. To emphasize relationship of community design, street design, street networks, and development patterns trough appropriate context-based standards for blocks and lots.

B. Street Networks

Street networks for all proposed subdivisions shall be made in accordance with good land planning practices. At a minimum this shall include the following general standards, subject to the specific standards for each type of subdivision in Articles 3 and 4:

1. Streets shall be in conformance with any applicable regional, County, local, or area plan that identifies a future need for specific street facilities.
2. Streets shall be platted along contour elevations which result in the minimum grades.
3. Subdivisions shall provide for the continuation of arterial and collector streets to surrounding areas wherever practical.
4. Streets and street names shall reflect the continuation of any existing streets on immediately adjacent lands.
5. A tract divided into lots substantially larger than called for under these regulations, or where rural lots are created, shall be arranged to permit:
   a) the opening of future streets in compliance with these regulations; and,
   b) a logical pattern of re-subdivision with minimal future disruption to buildings and structures that are proposed to be built under the original subdivision.

   The Planning Commission or staff may restrict building locations and site elements to permit future re-subdivision in compliance with these regulations, and require a sketch plan of re-subdivision demonstrating potential future division in compliance with all regulations to be submitted with the preliminary plat.

C. Block Patterns and Size

All subdivisions shall create a logical pattern of blocks within the planned street network in order to accommodate the appropriate subdivision of land into individual lots. The size, shape, and layout of blocks are generally determined with regard to:

1. Street networks, street designs, and the need for convenient and safe access and circulation among all modes of transportation;

2. Lot size requirements as specified by these regulations or any applicable zoning regulations;
3. Limitations and opportunities of topography; and
4. Designed open spaces and networks.

The specific size, shape and layout of blocks is determined by the type of subdivision proposed, and is further regulated by the specific standards in Articles 3 and 4.

D. Lot Arrangement and Size.

All lots shall be arranged to provide adequate building sites, site design, and open space. The size, arrangement, frontage, and access of lots are generally determined with regard to:

1. The street design upon which the lot fronts.
2. The lot design standards, including frontage requirements, size, setbacks, and access standards required by these regulations;
3. Anticipated uses of the lot, including allowed uses and required site design or other standards of any applicable zoning regulation;
4. Natural features, including topography, vegetation, drainage courses, and flood hazards; and
5. Accommodations and availability of utilities.
6. Flag lots require a minimum road frontage of thirty (30) feet, as measured at the right-of-way.

The specific type, size, shape, and arrangement of lots is determined by the type of subdivision proposed, and is further regulated by the specific standards in Articles 3 and 4.

E. Lot Lines.

In general all lots shall meet the following requirements:

1. Frontage. All lots shall have a frontage on a paved, public street, or where specifically permitted elsewhere in these regulations on a private street.
2. Side Lot Lines. All side lot lines shall be at right angles to the right-of-way line, or where permitted the private street lines. On curved rights-of-way or streets, side lot lines shall be radial to that line.
3. Rear Lines. Rear lot lines shall be established at a depth sufficient to permit two-tiers of lots on each block. Double frontage lots or lots that back up to streets shall not be permitted.

F. Lot Access.

1. Access Types. In general, lots shall be permitted direct vehicular access to neighborhood streets, pedestrian streets, rural drives, main streets, boulevards, and access easements. Generally, lots are not permitted direct vehicular access to high volume collectors or arterials. Specific individual lot access shall be further regulated by the specific lot standards in Articles 3 and 4.

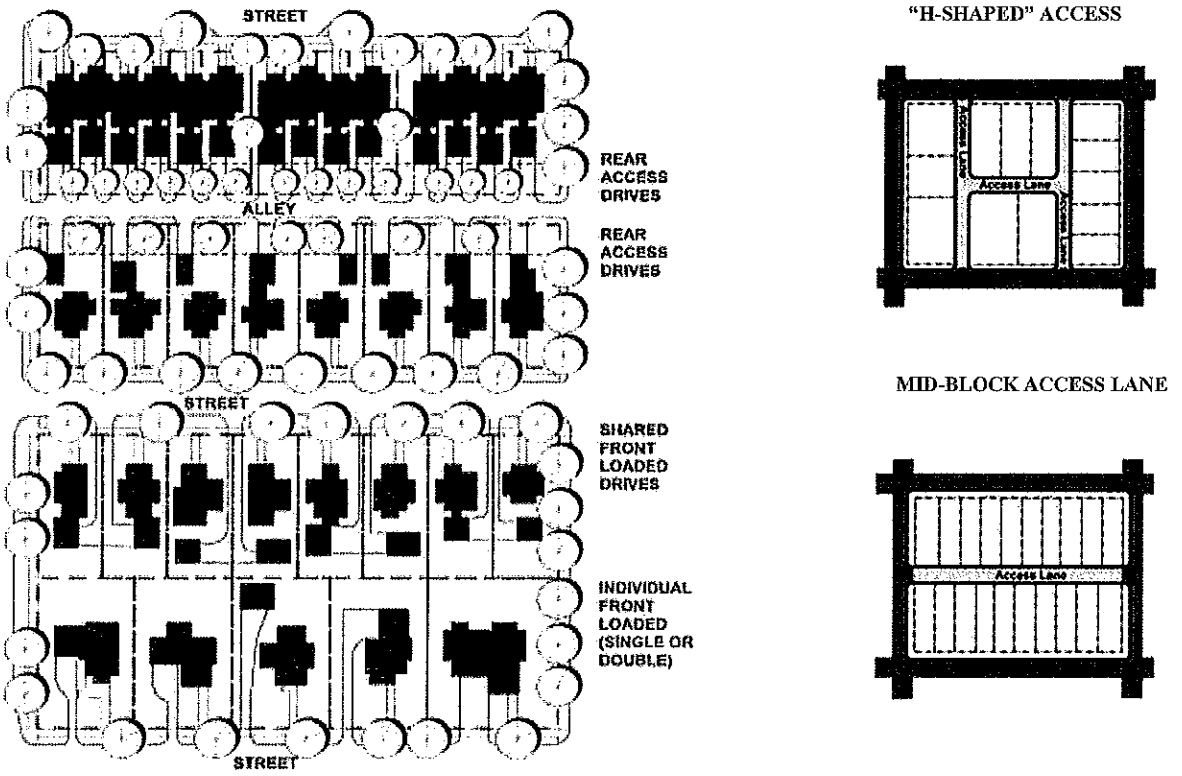


Figure 6-3. *Residential lot access strategies should balance the desired streetscape type with the desired lot types. These images demonstrate how even smaller or narrow lots can accommodate access and two-car garages while providing an attractive streetscape.*

2. Pedestrian Crossings.

Where sidewalks are utilized, pedestrian roadway crossings shall be designed to provide maximum visibility and safety for pedestrians. Intersections where pedestrian crossings are provided shall have curb ramps that meet ADA standards. The design engineer should exercise particular care to provide for positive drainage at these curb access locations.

3. Street Types in Context.

Access to lots shall be limited by the specific Lot Access standards in Articles 3 or 4. These standards may be altered by any specific access management policy or program adopted for specific streets in the City. Table 6-4 below represents the available street types and their appropriate subdivision type.

TABLE 6-4: STREET TYPES IN CONTEXT		
Street Design	**Functional Classification**	**Subdivision Type**
Boulevard	Arterial or Collector	
Main Street	Arterial or Collector	
Rural Parkway	Arterial or Collector	Conventional Conservation
Pedestrian Street	Collector or Local	
Rural Drive	Collector or Local	Conventional Conservation
Neighborhood Street	Collector or Local	Conventional Conservation
Private Access Easement	Easement	Conventional Conservation

G. Restrictions on Private Access Easements.

Private access easements shall be limited to only the following circumstances:

1. A single access easement shall provide access to no more than eight lots.
2. A note on the plat shall indicate:

"The access easement serving this lot is private and its maintenance is *NOT* the responsibility of the City of Montevallo or Shelby County; access easements are not eligible for public dedication."

Commentary *- Curb-cuts, or vehicle access points in the case of streets without curbs, are the portion of the right-of-way that provides direct vehicle access from streets to individual lots. While access to lots is essential, access points produce interruptions in the pedestrian area, can disrupt vehicle flows, limit the availability of on-street parking, and can disrupt the streetscape – particularly on streets with narrower lots where front building facades will form a large part of the streetscape. Minimizing these disruptions by incorporating alternative access strategies can best achieve the purposes of these regulations.*

3. OPEN SPACE

A. Intent

In achieving the purposes of these regulations stated in Section 1.03, this Section has the following specific intent:

1. To recognize open space, whether public, common, or private, as a key component to shaping the character of the community.
2. To value the design, function, and perceptual impact of open space rather than solely the quantity.
3. To establish a hierarchy of diverse open space types, and create minimum standards appropriate to the context and function of open space in support of adjacent development patterns.
4. To increase citizens' access to a wider variety of quality open spaces.

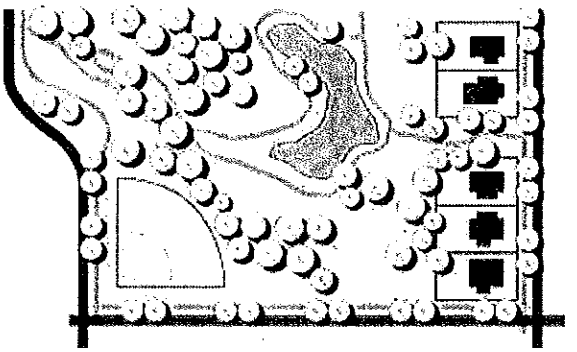
5. To relate constructed elements on streets, blocks, and lots, to open space and create focal points for the community, neighborhood, district, or development site.
6. Create meaningful connections and greater perceived impact by locating open spaces proximate to open spaces on adjacent sites or within a hierarchy and community wide system of open spaces.
7. To integrate natural systems into the design of common or public open spaces to allow open space to serve multiple aesthetic, recreational, and ecological functions.

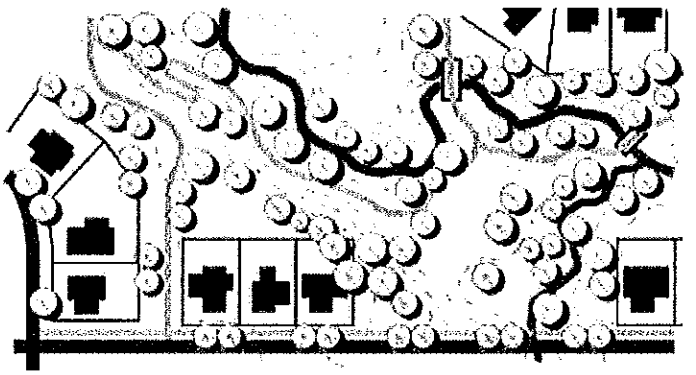
B. Open Space Categories, Types, and Design Standards.

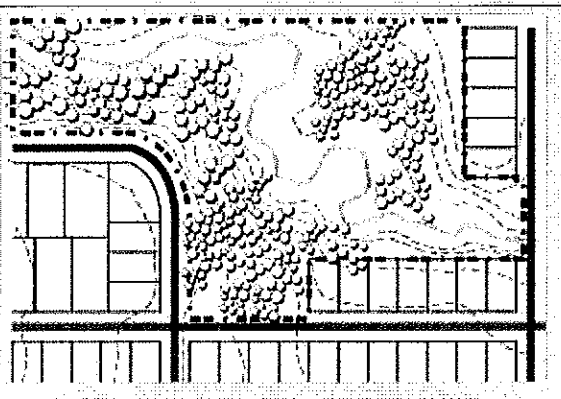
These regulations recognize three different types of open space which may be used to meet open space requirements for the various types of subdivisions: remnant open space, natural open space, and formal open space. Each category may have different types, design standards, applicability requirements, and limitations, due to the design function of the open space, the suitability of land for use as a particular type of open space, and the utility of the category of open space to the overall development pattern.

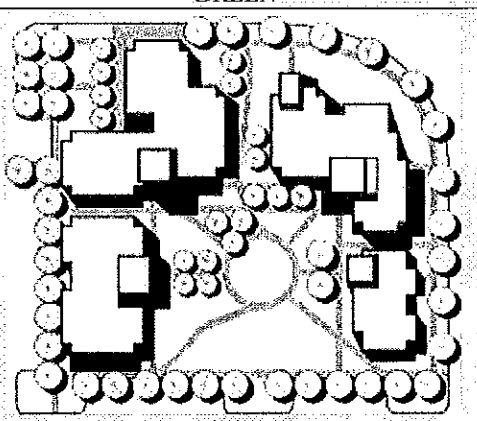
1. Remnant Open Space. Remnant open space is typically not developable either due to regulations or site conditions, and serves no designed purpose other than to be open, permeable ground area or to buffer other land uses. Remnant open space is most appropriate in limited application to provide site-specific benefits to individual private lots. Because it provides little cumulative or community benefit to the overall development pattern, there is little added value in consolidating and designing sites and subdivisions around remnant open space and the application of remnant green space in meeting overall open space requirements may be limited. Examples include extra yard areas, lawn or landscape areas that surround site entrances or monument signs, required parking lot screening and landscape areas, or other undeveloped landscape areas.
2. Natural Open Space. Natural open space is most appropriate in neighborhoods, rural areas, or at the edges of mixed-use developments. It can also be used at any location where significant natural features exist and warrant preservation. Natural open space typically provides multiple benefits including environmental, aesthetic, or recreational functions and therefore adds value to the community when consolidated and integrated into site designs. The three basic design types of natural open space are parks, greenways, or conservation areas.
3. Formal Open Space. Formal open space is most appropriate in convenient, easily accessible locations benefiting a large number of people that live in or frequent the area. Typically this will be at the center of a residential neighborhood or in a mixed-use, commercial, or employment district. Formal open space by its nature creates a civic design amenity and gathering place at strategic locations, and therefore adds value to the community as a focal point for all surrounding development. The basic design types for formal open space are: green, plaza, courtyard, playground, streetscape amenity, or pocket parks.

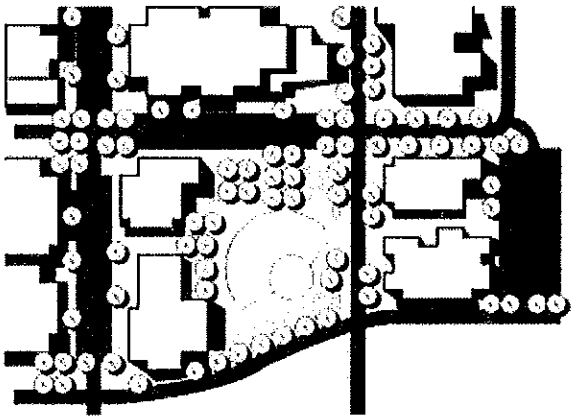
***Commentary**: The City of Montevallo is committed to a sustainable network of trails connecting the residential, commercial, institutional and recreational areas of the City. New developments and redevelopments that adjoin existing trails shall provide access to enhance the use of the trails. New developments are otherwise encouraged to provide new trails where conditions are favorable. Trails are considered open space as common areas and maintenance is the responsibility of the Homeowner's Association.*

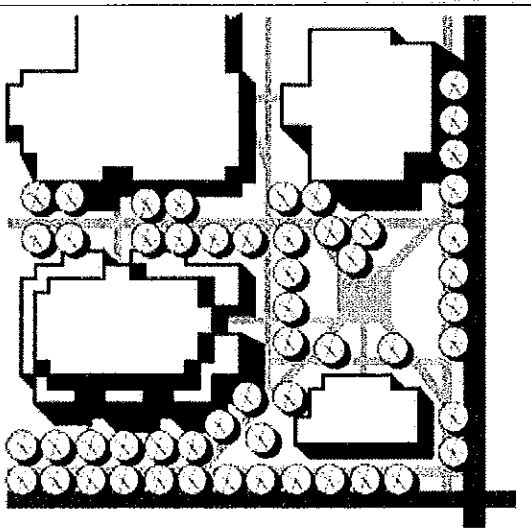
PARK	
	
CATEGORY	Natural
DESCRIPTION	An undeveloped area for unstructured recreation. A park has a predominantly natural landscape although small portions may be designed and constructed for aesthetic purposes, formal gatherings, and structured recreation purpose. Areas developed for structured recreation should not account for more than 25 percent of the total park area.
RECOMMENDED SIZE	Natural parks should be at least five acres or 2/3 of any block upon which it is located, whichever is less.

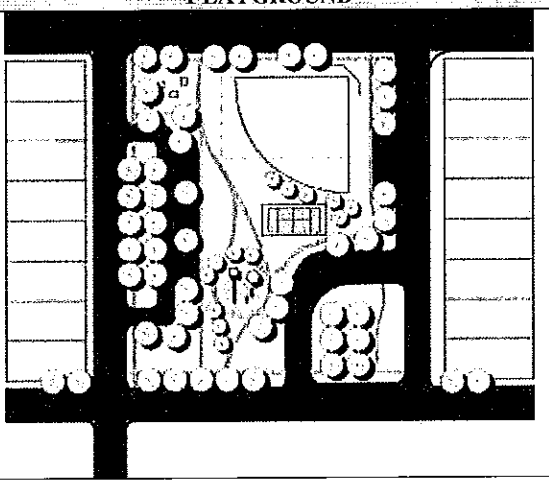
GREENWAY (WITH TRAIL)	
	
CATEGORY	Natural
DESCRIPTION	An undeveloped area of continuous linear natural features, often following a stream, floodplain, or road corridor. A greenway should be usable for recreation and non-motorized transportation, through primitive hiking trails or a formal multi-use trail at least 10 feet in width but occupying no more than 1/3 the width of the greenway. It includes few constructed improvements except for those to enhance travel or recreational use.
RECOMMENDED SIZE	Greenways should be at least one linear mile but sized and located based on opportunity to provide greater significant continuity throughout a development and to areas beyond the development area, and at least 30 feet wide at all locations.

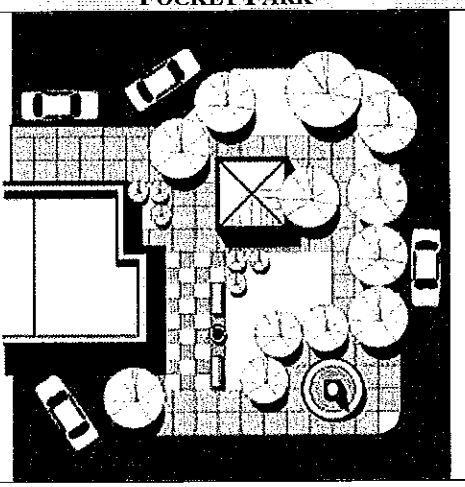
CONSERVATION AREA	
	
CATEGORY	Natural
DESCRIPTION	An undeveloped area that contains significant natural features or habitat worthy of preservation, and which provide environmental, aesthetic, and recreational benefits. Features such as large stands of trees, water elements, or prominent topography characterize conservation areas. It contains little or no constructed improvements or maintained landscape other than trails to access the conservation area.
RECOMMENDED SIZE	The size of a conservation area should be based on the site characteristics and potential continuity of similar natural features in the area, along with the potential to connect to adjacent natural areas.

GREEN	
	
CATEGORY	Formal
DESCRIPTION	An open space for unstructured recreation or aesthetic landscaping. A green is bordered by public right-of-ways on at least two sides. Front building facades and/or formal edge landscaped elements define any boundaries of the green not bordered by public rights-of-way. Generally there are few constructed elements except as an entry to the green or a gathering place created as a focal point for the green.
RECOMMENDED SIZE	Greens should be between ¼ acre and three acres, but cover at least 1/3 of the block upon which it is located. The size of greens should be coordinated with the height of surrounding buildings to maintain a ratio of building height to green between 1:1 and 1:4

PLAZA	
	
CATEGORY	Formal
DESCRIPTION	An open space for civic purposes and commercial activities. A plaza is bordered by public right-of-ways on at least one side. Building facades define any boundaries of a plaza not bordered by public rights of way. A plaza is largely comprised of constructed of materials to withstand heavy pedestrian traffic, but contains intermittent lawns, landscape beds, or trees in a formal pattern.
RECOMMENDED SIZE	Plazas should be between 1/8 and two acres. The size of plazas should be coordinated with the height of surrounding buildings to maintain a ratio of building height to plaza between 1:1 and 1:4.

COURTYARD	
	
CATEGORY	Formal
DESCRIPTION	A small open space accessible to the public streets but generally serving one or a few surrounding buildings. Courtyards are primarily bordered by building facades, but have at least one side fully or partially boarded by a public right-of-way. A courtyard is largely comprised of constructed of materials to withstand heavy pedestrian traffic, but contains intermittent formal landscape elements.
RECOMMENDED SIZE	A courtyard should be between 400 square feet to 1/8 acre, but be coordinated with the height of surrounding buildings to maintain a building height to courtyard width ratio between 2:1 and 1:2.

PLAYGROUND	
	
CATEGORY	Formal
DESCRIPTION	An open space designed and equipped for structured recreation. A formal playground may be part of larger formal or natural open space. Playgrounds boundaries are defined by either fences, playing surfaces, or other similar constructed feature encompassing the play equipment. Formal playgrounds are often used as a focal point for a neighborhood, particularly when designed as part of a green or park.
RECOMMENDED SIZE	Playgrounds should be between 400 square feet to ¼ acres.

POCKET PARK	
	
CATEGORY	Formal
DESCRIPTION	A small open space with pedestrian access used for aesthetic landscaping, small informal gathering and recreation, or occasional public seating (such as a pocket park designed in conjunction with a transit stop). Pocket parks are often designed as gateway features along a corridor, at entrances to a neighborhood or district, or as the focal point.
RECOMMENDED SIZE	Pocket parks should be between 100 square feet and ¼ acre.

STREETSCAPE AMENITY	
Graphic Under Revision	
CATEGORY	Formal
DESCRIPTION	A landscape area of significant continuity designed as a focal point of a roadway. In order to be counted as open space, the median shall be wide enough and include pedestrian access, public art, or enhanced landscape design similar to a green.
RECOMMENDED SIZE	Medians used for the boulevard or rural parkway street design types may be counted toward any open space requirement if: • It exceeds 14 feet wide for non-residential areas; or • It exceeds 20 feet wide in residential areas.

C. Required Open Space

The specific size, type, and location of open space required for each proposed subdivision is determined by the type of subdivision proposed, and is further regulated by the specific standards in Articles 3 and 4

4. STORMWATER FACILITIES

A. Intent

In achieving the purposes of these regulations stated in Section 1.03, this Section has the following specific intent:

1. Protect people and property from the hazards of flooding and excess stormwater run-off, and to mitigate future risks of damage associated with the division and development of land.
2. Minimize the amount of impervious surfaces directly connected to stormwater systems, and establish infiltration into the ground water as the preferred treatment strategy.
3. To allow more flexibility in the design of development patterns and sites to promote more regional or watershed-based solutions to stormwater management.
4. Reduce the amount of runoff entering the stormwater system and, alternatively, into the natural wetlands.
5. Reduce the speed of flow of runoff that enters the stormwater system and into natural wetlands.
6. Reduce the pollutant and sediment levels in runoff that enters the stormwater system and into the natural wetlands.
7. To develop a stormwater system that reduces the quantity and speed of flow entering natural wetlands.
8. To encourage creative designs and development patterns that allow land areas to perform multiple functions in terms of landscape design, flood hazard mitigation, open space and recreation and stormwater treatment, allowing for more efficient development of parcels, blocks, and lots.

B. Drainage Plan

All subdivisions shall contain a drainage plan submitted with the preliminary plat.

1. The drainage plan shall be designed to handle drainage from the development of all parcels within the subdivision assuming full build-out of all lots proposed in the development. The design shall incorporate impacts of all other known and planned development activity and

make reasonable assumptions about future development on other lots and parcels, and identify any opportunities for joint management of stormwater among other potential development parcels.

2. The drainage plan should consider the implementation of stormwater Best Management Practices to minimize the detrimental effects of stormwater runoff.
3. The design engineer shall be required to provide a letter that the drainage plan has been designed in such a manner that the development will not adversely affect downstream properties. (*No Adverse Effects Letter*)
4. In the development of property, it is often necessary to route the drainage through a constructed drainage system. In order to allow water to flow through the property without trespassing, easements must be provided for the entire drainage system; maintenance of all parts of the drainage system outside of the rights-of-way through the easement is the responsibility of the affected property owners and/or the Homeowners Association. The following note must be placed on all plats:

   "The City of Montevallo is not responsible for the maintenance of any easements shown on this plat outside of the public rights-of-way. All easements on this map are for public utilities, sanitary sewers, storm sewers, storm ditches and may be used for such purposes to serve the property both within and without the subdivision."

C. Stormwater Best Management Practices

Stormwater Best Management Practices (BMPs) refers to the process by which stormwater is either converted to runoff or is delivered into the groundwater or natural wetlands. The BMP used for individual development sites should be based upon the specific site conditions. *Table 6-5: Stormwater Best Management Practices* identifies the types and applicability of BMPs.

TABLE 6-5: STORMWATER BEST MANAGEMENT PRACTICES

BMP	DESCRIPTION AND CHARACTERISTICS	PLANNING CONSIDERATIONS
INFILTRATION SYSTEMS	Systems that infiltrate stormwater into the ground before it leaves the site. Infiltration's systems have the greatest capacity to both reduce stormwater runoff quantity and ensure runoff water quality. Examples are: • Infiltration basins; • Alternative paving surfaces such as porous pavement, modular perforated concrete or stabilized permeable surfaces; and • Infiltration trenches or wells	• Ensure that groundwater does not impact drinking water supply or monitor infiltration system to ensure pollutants are removed if it does enter drinking water. • Use only where permeability of soils is sufficient. • Consider maintenance system or long-term permeability of soils. • Avoid compaction of soil and ensure stability of soil where infiltration occurs. • Use porous pavement or stabilized porous surfaces only where traffic will be low or infrequent, snow removal or treatment will be minimal, and sediment in runoff will be low.
CONSTRUCTED WETLAND SYSTEMS	Systems similar to retention and detention systems except that a substantial portion of the water surface area or bottom area contains wetland vegetation. Examples are: • Wetland basins; and • Wetland channels	• Use only where substantial study had ensured that conditions will ensure the long term survival of wetland vegetation species. • Consider conditions between runoff events, seasonal fluctuations in selecting wetland vegetation, and degree that groundwater could provide water during low periods. • Use with additional treatment to remove large sediments from runoff prior to reaching vegetated area.
RETENTION SYSTEMS	Systems that capture a volume of runoff and store it until it is displaced by infiltration or by the next runoff event, such that a permanent pool of water is present between runoff events. Retention systems can reduce runoff quantity and improve quality prior to runoff using infiltration in conjunction with the retention system. Examples are: • Retention or wet ponds.	• Design retention systems as an amenity for development, with enhance aesthetics and landscape elements, and include pedestrian access. • Use additional BMPs such as infiltration, constructed wetlands, and biofiltration wherever possible.
FILTRATION SYSTEMS	Systems that use some combination of granular filtration media such as sand, soil, peat, or gravel to filter pollutants from stormwater prior to converting it to runoff. Filtration systems primarily deal with quality of runoff and are most appropriate on small, individual sites or dense areas where land necessary for other BMPs is not available. Examples are: • Surface filters and underground filters; • Biofilters or bioretention areas; • Vegetated swales; and • Grass filter strips.	• Incorporate bioretention areas or vegetated filters into parking lot landscape edges, landscape buffers, or other required landscape areas wherever possible.
DETENTION SYSTEMS	Systems that capture a volume of runoff and temporarily store if for release into the stormwater system without a significant permanent pool between runoff events. Detention systems can control the quantity or runoff, but do little to control the quality of runoff. Examples are; • Detention basins or ponds; and • Underground detention vaults	• Use only as an exception, based on a clear showing that all other methods are impractical based on characteristics of the land. • Use only for situations that simply require reduced peak discharges to minimize downstream flooding. • Wherever possible, use in conjunction with other BMPs to reduce runoff quantity and eliminate pollutants. • Design detention basins for potential ancillary uses during dry periods wherever possible. • Detention basins shall be subject to additional limiting design factors such as depth, location, screening, or other site factors to ensure efficient and safe site design.

5. STREAM BUFFERS

A. Intent

In achieving the purposes of these regulations stated in Section 1.03, this Section has the following specific intent:

1. To promote public health, safety, and welfare of the citizens of City of Montevallo and Shelby County.
2. To preserve the water quality and environmental integrity of the Coosa River Basin and its 1st, 2nd and 3rd order streams.
3. To mitigate future threats to public health associated with diminished water quality.

B. Stream Buffer Requirements

1. Stream buffers for the 1st, 2nd and 3rd order streams shall consist of land within 50 feet of the stream bank.
2. Stream buffers for 1st, 2nd and 3rd order streams shall include two distinct zones with each zone having its own set of allowable uses and vegetative targets as specified in Section 5.05.C.
3. Upon the recommendation of staff and approval of the Planning Commission, a person may modify the buffer requirements noted above by utilizing a buffer averaging method. Should a buffer averaging method be used, the average buffer area for the subject property must be equal to 75 feet for 4th or higher order streams and 50 feet for 1st, 2nd and 3rd order streams. Furthermore, in utilizing a buffer averaging method, in no instance shall the buffer zone be less than 25 feet. In considering any modification, attention will be given to maintaining natural vegetation, eliminating or minimizing run-off and preventing stream degradation.
4. Stream buffers must be shown on the following: master plan, final development plan, preliminary plat and final plat.

C. Stream Buffer Zones

Buffer zones shall be composed of two distinct zones: (1) streamside zone and (2) outer zone. Each zone shall have its own set of allowable uses and vegetative targets as described below.

1. Streamside Zone – Zone 1
   a) The function of the streamside zone is to protect the water quality, physical and ecological integrity of the stream ecosystem.
   b) The streamside zone will begin at the stream bank of the active channel and extend a minimum of 25 feet for the affected waterways.
   c) Allowable uses within this zone are restricted to:

      Flood control structures and activities;

      Pervious footpaths approaching and running adjacent to the river/stream;

      Road and public utility crossings;

      Boat/canoe launching facilities;

      Restoration projects to restore stream bank integrity and native vegetation;

      Maintenance, repair, and extension of any public and private utility lines or related infrastructure;
   d) The streamside zone must be retained in its undisturbed natural vegetative state, except for modifications required for allowed uses noted in "c", above.
   e) No motorized vehicles or equipment to be operated in the streamside zone, except as necessary for construction or maintenance as allowed in "c", above.
2. Outer Zone – Zone 2

a) The function of the outer zone is to protect key components of the stream and forest, provide distance between upland development and the streamside zone, protect stream forest for water quality, and to prevent encroachment into the stream buffer and to filter runoff from development.

b) The outer zone will begin at the outer edge of the streamside zone and extend a minimum of 50 feet for 4th or higher order streams and 25 feet for 1st, 2nd and 3rd order streams.

c) Allowable uses within the outer zone are restricted to:

i) Those uses allowed in the streamside zone – Zone 1

ii) Pervious biking or hiking paths;

iii) Drainage facilities required to meet the stormwater requirements of the subject development;

iv) Invasive species control and/or removal;

v) Additional passive recreational uses;

vi) Tree clearing and undergrowth removal limited to the minimum required for uses as stated above or as required to maintain

d) The vegetative target for the outer zone is to restore and preserve vegetation native to the region. Allowable uses shall be designed, constructed and maintained to minimize footprint of the use and the required clearing of natural forest and to prevent erosion and sediment pollution both during and after construction.

e) No motorized vehicles or equipment to be operated in the outer zone, except as allowed in the streamside zone and as noted in "c", above. Also, no motorized vehicles shall be allowed on trails except for emergency and maintenance vehicles.

D. Stream Buffer Maintenance, Management and Restrictions.

1. The stream buffer, including wetlands and floodplains, shall be managed to protect and restore the unique value of these resources. Management includes specific prohibitions or limitations on alteration of the natural conditions of the resources within the setback to include, but not be limited to the following:

a) Clearing of trees and vegetation or landscaping with non-native vegetation, except as reasonably necessary to accomplish the allowable uses as set forth in these regulations.

b) Soil disturbance by grading, stripping, or other practices, except as reasonably necessary to accomplish the allowable uses as set forth in these regulations.

c) Dumping of waste.

d) Drainage by ditching, under drains, or other systems, except as allowed in Appendix F above.

e) Use, storage, or application of pesticides, herbicides and fertilizers, except as allowed in Section E.

f) Housing.

g) Storage of motorized vehicles or operation of same, except for emergency use.

2. Roads, bridges, and trails are permitted within the stream buffer, subject to the provisions above. Furthermore, any right-of-way should be the minimum width needed to allow for necessary maintenance and installation.

3. In all land modifications, on-site and non-structural stormwater management alternatives will be preferred over larger facilities within the stream buffer, and the cleared area will be limited to the area required for construction and adequate maintenance access in constructing stormwater management facilities, with material dredged or otherwise removed to be stored outside the buffer.

E. Fertilizers, Herbicides and Pesticides

The use of herbicides and pesticides within the required stream buffer shall be limited to those necessary to control insects and vermin, or the spot spraying of noxious and invasive or non-native vegetative species. No pesticide, herbicide, or insecticide containers that are not closed and waterproof shall be stored, even temporarily, within the buffer zone.

F. Flood Damage Prevention Ordinance.

Nothing herein shall be construed as superseding the Flood Damage Prevention Ordinance. In the case of conflicts, the most stringent condition shall apply, as determined by the City Engineer.

6. LAND DISTURBANCE PROVISIONS

A. Intent

In achieving the purposes of these regulations, as stated in Section 1.03, and the Land Disturbance Ordinance of the City of Montevallo, Alabama (Ordinance. No. 052410-300), this Section has the following specific intent:

1. To protect those area subject to severe erosion, and off-site areas which are vulnerable to damage from erosion and/or sedimentation.
2. To plan for erosion control before land disturbing activities commence.
3. To limit exposed areas to the shortest feasible time and to minimize the size of the area to be exposed at any one time.
4. To control surface water runoff, regardless of source, to reduce erosion and sediment loss.
5. To minimize accelerated erosion off development sites.

B. Design and Performance of Erosion Control Measures

1. No land disturbing activities shall be conducted within the City prior to obtaining a Land Disturbance Permit. No Land Disturbance Permit will be considered prior to the approval of a preliminary plat or regulating plan.
2. Cut and fill slopes shall be no greater than 2:1.
3. Clearing and grading of natural resources, such as forests and wetlands, shall *not* be permitted, except in compliance with the Land Disturbance Ordinance. Clearing techniques that retain natural vegetation and drainage patterns shall be used to the satisfaction of the City Engineer.
4. Clearing shall not begin until all sediment control devices have been installed, stabilized and permitted.
5. Phasing shall be required on all sites disturbing more than 20 acres; the size of each phase to be established at plan review.
6. Erosion control requirements meet all requirements of the Land Disturbance Ordinance and shall include the following:
   a) Techniques that protect steep slopes and natural drainage ways shall be used.
   b) Soil stockpiles must be stabilized or covered at the end of each workday.
   c) The entire site must be stabilized at the close of construction.
   d) Techniques that divert runoff past disturbed slopes shall be employed.
   e) Dust control techniques shall be employed.
7. Sediment control requirements may include, but are not limited to:
   a) Settling basins, sediment traps, or tanks and perimeter controls; or,

a) Settling basins that are designed in a manner that allows adaptation to provide long term stormwater management, if required; or,

b) Protection for adjacent properties by a vegetated buffer strip in combination with perimeter controls; or,

c) Infiltration basins, porous pavement systems and infiltration trenches or wells, or bio filters.

8. Construction site access requirements shall include:

a) A temporary access road provided at all sites, and

b) Any other measures required by the City Engineer in order to ensure that sediment is not tracked onto public streets by construction vehicles or washed into storm drains.

C. Ground Cover.

Temporary soil stabilization must be implemented to disturbed areas to the maximum extent feasible within fourteen (14) calendar days on areas that will remain unfinished for more than 30 days. Soil stabilization refers to measures which protect soil from the erosive forces of wind, raindrop impact, and storm water runoff, and includes the growing of grass, sod, and application of mulch, straw, fabric mats, and the early application of gravel base on areas to be paved. Permanent soil stabilization must be applied to disturbed areas to the maximum extent feasible within fourteen (14) calendar days of completion of grading. A permanent vegetative cover shall be established on disturbed areas not otherwise permanently stabilized.

D. Erosion Control Plan Required

1. A copy of the applicant's National Pollutant Discharge and Elimination System (NPDES) permit and a copy of the erosion control plans approved by the Alabama Department Environmental Management (ADEM) must be submitted to staff with the application for preliminary plat (Conventional and Conservation Subdivisions).

2. Erosion and sediment control measures must be in place and functional before land disturbing operations begin, and must be constructed and maintained throughout the construction period as necessary.

3. The applicant or his/her agent shall make regular inspections of all control measures. The purpose of such inspections will be to determine the overall effectiveness of the erosion and sediment control plan and the need for additional control measures.

4. Building permits will not be issued and building inspections will be withheld if periodic inspections, conducted by staff, determine that erosion or sediment controls are not in-place or are not being maintained on the construction site.

7. UTILITIES

A. Intent

In achieving the purposes of these regulations stated in Section 1.03, this Section has the following specific intent:

1. To provide all lots and land areas for potential future development with adequate utility services and potential access to future utility services.

2. Coordinate the efficient construction of utilities for existing, immediate, and planned future growth, and minimize needs for disruption of existing services and infrastructure throughout the area.

3. Specify appropriate locations for utilities that can best accommodate proposed and adjacent development patterns and land uses.

4. Promote the long-term efficiency, operational integrity, and maintenance of utility systems.

5. Encourage construction and maintenance of utility systems that presents the least impact on other infrastructure or improvements, natural resources, and the aesthetics of the community.

B. Sanitary Sewer

1. Sewer Facility Types. These regulations recognize the following basic sanitary sewer facilities:

   a) Centralized Treatment System Connection: a connection to existing centralized systems managed by a public entity or private company.

   b) Individual On-site Treatment System: a treatment system that serves a single lot or multiple lots.

2. Required Facilities. All lots in a proposed subdivision shall be served by adequate sanitary sewer facilities as specified in Table 5-6, Sewer Treatment Facilities.

TABLE 6-6: SEWER TREATMENT FACILITIES

DENSITY LEVEL	FACILITY REQUIREMENTS
LEVEL I	All lots shall be served with connection to a centralized treatment system which is deemed adequate by the Alabama Shelby County Public Health to handle the additional demands and volume which shall result from the proposed subdivision.
LEVEL II	All lots shall be served with: • Individual on-site treatment system meeting the Alabama Shelby County Public Health minimum standards; or • Connection to a centralized treatment system; where land lies within an existing eligible service area of an existing provider with services immediately available, connection may be required.
LEVEL III	All lots shall be served with on-site individual treatment systems meeting the Alabama Shelby County Public Health minimum standards. *Exception.* Conservation subdivisions in Level III development suitability areas may use de-centralized on-site systems meeting the Alabama Shelby County Public Health minimum standards and the additional standards in sub-section 3. below.

3. Signature Required.

For individual on-site treatment systems, a signature of the managing entity of the Alabama Shelby County Public Health is required on all plats as evidence that adequate sanitary facilities are provided for the proposed development. For centralized treatment systems, a signature from the authorized representative of the managing entity is required on all plats.

C. Water

1. Water Supply Types.

These regulations recognize the following basic water supply types:

a) Public Water Supply: the service of potable water from a distribution system controlled by a public entity.

b) Individual On-site Water Supply: the service of potable water from a well located on the property.

2. Required Facilities. All lots in a proposed subdivision shall be served by adequate potable water supply as specified in *Table 5-7, Water Supply Facilities*.

TABLE 6-7: WATER SUPPLY FACILITIES	
DENSITY LEVEL	**FACILITY REQUIREMENTS**
LEVEL I	All lots shall be served by a connection to an adequate public water supply.
LEVEL II	All lots shall be served by a well meeting Alabama Shelby County Public Health minimum standards. *Exception.* Lots within reasonable access of any public supply main may be required to tap into public water supply.
LEVEL III	All lots shall be served by a well meeting Alabama Shelby County Public Health minimum standards. *Exception.* Lots within reasonable access of any public supply main may be required to tap into public water supply.

D. Location

1. Where location of utilities in the rights-of-way, access easements, or lanes is not practical or is prohibited, utility easements, with a minimum width of ten feet shall be platted along the front, rear, and/or sides of all lots where deemed practicable by the City Engineer.

2. All utilities shall be placed underground, except in administrative subdivisions or as otherwise approved by the Planning Commission.

3. All lots, easements, and rights-of-way shall be located to eliminate unnecessary jogs or offsets in utility locations and to provide efficient connections and services to adjacent property, based on the recommendation of the City Engineer.

E. Required Off-Site Improvements

When, at the discretion of the Planning Commission, based on the recommendation of the City Engineer, existing or proposed infrastructure in proximity to the subdivision are impacted by the proposed subdivision to the extent that they must be designed, constructed, expanded, or upgraded to support the general health, safety, and welfare, the Planning Commission may require the subdivider to design, construct, expand, or upgrade the infrastructure as a condition of approval.

1. Required off-site improvements may include:

a) Streets and rights-of-way, including construction, acquisition, extension, or connection;

b) Traffic control devices, including mechanical systems and geometric configurations;

c) Stormwater facilities, including natural and constructed systems;

d) Utility facilities, including easements, sanitary sewer facilities, water distribution facilities, and other service utilities;

e) Sidewalks or other non-vehicular pathways.

2. The Planning Commission, based on the recommendation of the City Engineer, may determine that the need for off-site improvements exceeds those generated by the proposed subdivision. In such cases, the Planning Commission may require the applicant to provide a proportionate share of the total cost of such improvements to the extent generated by the proposed subdivision. The Planning Commission may then require the applicant to deposit such proportionate share into a special account reserved to pay for the design, construction, expansion, or upgrade of the public facility.

8. PUBLIC AND COMMUNITY FACILITIES

A. Intent

In achieving the purposes of these regulations in Section 1.03, this Section 6.08, Public Facilities has the following specific intent:

1. To facilitate the planning and development of public and community facilities in a timely manner in association with future development of the City.
2. To provide the opportunity to negotiate a fair and equitable price for land needed to develop public or community facilities, or alternatively to provide an incentive for land owners to dedicate land for needed facilities where the lack of facilities may otherwise constrain potential future development.
3. To encourage the integration of public and community facilities into the planning of streets, lots, and blocks so that needed facilities are located conveniently in neighborhoods and districts and serve as focal points for the community.
4. To incorporate any specific existing or future public or community facility plans in the subdivision process, and to allow these plans to serve as guides for future land subdivisions and growth.
5. To ensure that the most appropriate locations of public and community facilities are identified and considered prior to the premature commitment of these areas to conflicting development patterns.

B. Reservation or Dedication of Public Sites

The Planning Commission may require the reservation of land for public facilities such as parks or other open space, schools, or public safety facilities subject to the following:

1. The area of the proposed subdivision shall be shown on an official plan of the entity responsible for the public facility as a potential site for future expansion.
2. The land shall be reserved for a period of one year to permit such land to be acquired by the appropriate public body.
3. In the event that the land may not be acquired, the applicant may propose subdivision of the land in conformance with all regulations.
4. Where the land is not shown on any official plans of an entity responsible for the public facility, but where the development may create a need for such facilities, the developer may dedicate the necessary lands. Any such dedications shall be subject to a determination of the land being adequate for a particular purpose and acceptance by the entity responsible for the public facilities.

C. Open Space Credits

Any land that is dedicated and accepted for public facilities, such as parks or other open space, schools, or public safety facilities may be credited to any open space required by these regulations at the sole discretion of the Planning Commission.

9. MAINTENANCE OF NON-PUBLIC IMPROVEMENTS

Certain facilities, such as stormwater drainage systems, which are not within the road right-of-way, such as detention ponds, or other stormwater management facilities, ditches, sidewalks, street lights, community landscaping, etc., require on-going perpetual maintenance. The responsibility to properly maintain these improvements lies with the affected property owners and/or the development's required Homeowners Association.

As a condition of final plat approval, the developer must submit a copy of the recorded Articles of Incorporation of the Homeowners Association. Provisions to collect dues from the owners of the lots of record in the development must be provided for in an amount sufficient to carry out perpetual maintenance of said improvements. Articles of Incorporation must provide for the establishment of a board to oversee maintenance and direct the proper expenditure of funds.

The developer shall be responsible for all maintenance of such facilities until such time as a board is seated and control is turned over to said association.

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