

CITY OF MONTEVALLO

PLANNING COMMISSION

SUBDIVISION REGULATIONS



Adopted February 21, 2013

**Department of Development Services
Shelby County, Alabama**

CITY OF MONTEVALLO, ALABAMA

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ARTICLE 1. GENERAL PROVISIONS

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1. AUTHORITY

Under the authority of the Code of Alabama 1975, §11-52-1 through 11-52-84, which provisions are hereby made a part hereof, the City of Montevallo Planning Commission, at its meeting of February 21, 2013, adopted by resolution the following revised regulations and a copy of these regulations has been certified to the Judge of Probate of Shelby County, Alabama and the City Clerk of the City of Montevallo.

2. JURISDICTION

From and after the date of adoption, these regulations shall govern each and every subdivision of land in all areas within the corporate limits of the City of Montevallo, Alabama, as now or hereafter established.

3. PURPOSE

These regulations have the following purposes. To:

- A. Implement the City of Montevallo Comprehensive Plan and any other plan or program officially adopted under the guidance of the Comprehensive Plan.
- B. Allow for development in the City of Montevallo to be coordinated across areas and over time, that promotes plans for physical, social, and economic growth as will best promote the public health, safety, morals, convenience, prosperity, and general welfare.
- C. Create development patterns with an orderly system of blocks and lots for efficient development and redevelopment of the City, that are more resilient to long-term cycles of development and redevelopment within the City of Montevallo.
- D. Prevent premature subdivisions that predetermine long-term development patterns or lack appropriate infrastructure, both of which may result in inefficient use of land and resources that later require excessive expenditures of public funds to correct.
- E. Establish standards for the connection of streets, pedestrian facilities, utilities and other systems within individual subdivisions of land, between adjacent land areas, in relation to existing and planned facilities, and in coordination with the overall plan of the City of Montevallo, that allows for efficient movement of vehicles, pedestrians, other modes of transportation, and goods and services.
- F. Create context-based options for street designs that support multiple users and multiple modes of transportation within the rights-of-way, and through which the design of streets may transition along their length to better support anticipated and adjacent land use
- G. Maintain a record-keeping system for the division, official recording, and conveyance of land that is in compliance with these regulations.

- H. Ensure that all development blocks and lots are served by necessary infrastructure services, including utilities, public safety, and community facilities, but recognize that necessary service levels may differ based on the context, character, and intensity of development.
- I. Encourage more efficient development by analyzing adjacencies and identifying off-site opportunities for infrastructure or facility systems that operate independent of lot and subdivision boundaries.
- J. Ensure adequate and convenient open spaces for pedestrian, bicycle, and vehicle traffic, for utilities, for access of fire-fighting apparatus, and for recreation, light and air.
- K. Promote good civic design and arrangement, including development that relates to public facilities, recreation areas, open spaces, natural resources, sensitive lands, and flood prone areas.
- L. Promote wise expenditure of public funds.
- M. Ensure adequate provision of public utilities and other public requirements.

4. SEPARABILITY AND SEVERABILITY

The provisions of these regulations are severable. Should any article, section, sub-section or provision of these regulations be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not effect the validity or constitutionality of these regulations as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

5. AMENDMENTS

The Planning Commission may, from time to time, recommend to the City Council amendments to the regulations herein that will tend to increase the effectiveness of these regulations or expedite the approval of plats of subdivisions of land that conform to these regulations or the Comprehensive Plan. These regulations, and amendments thereto, may be changed or amended by the City of Montevallo after a public hearing conducted by giving due notice as required by law.

6. EXEMPTIONS

The following are exempt from these regulations:

- A. Subdivisions resulting from court ordered, in testamentary or intestate provisions are exempt from these regulations; and,
- B. Divisions of land where all resulting parcels are 20 acres or more and no roadway, drainage or other improvements are needed, and where all parcels are to be used for agriculture or single-dwelling residential purposes only.

7. LOTS OF RECORD

Lots of record that were recorded in the Office of the Judge of Probate on or after July 6, 1972, the date of the implementation of Subdivision Regulations in the City of Montevallo, shall be subject to the procedures and policies herein.

Lots of record, located in subdivisions that were recorded in the Office of the Judge of Probate prior to July 6, 1972, shall, upon application for any development approval be reviewed on their own merits by the Administrator of the City of Montevallo and the City Engineer. An agreement shall be executed between the City of Montevallo and the developer to describe the responsibilities of each. Any party aggrieved by the interpretation of the Administrator of the City of Montevallo and the City Engineer may appeal this decision to the Planning Commission of the City of Montevallo.

8. PENALTY

The Planning Commission is hereby authorized to provide a penalty not to exceed \$100.00 per lot to be paid by anyone who subdivides property and conveys lots therefrom without first having recorded the plat of such subdivision as is herein provided. Each day in violation is considered a separate offense.

9. DEFINITIONS

The following words or phrases shall have the specific meaning given below when interpreting and administering these regulations:

AASHTO

American Association of State Highway and Transportation Officials.

Access Street

(See Street Functional Classification)

Administrative Subdivisions

Subdivisions involving five lots or less and do not require infrastructure improvements. Additionally, a resurvey of previously recorded lots may be reviewed administratively, provided that no additional lots are created.

Agriculture

The use of land for crop production or raising of livestock including generally accepted outdoor farm animals (i.e. cows, goats, horses, pigs, barnyard fowl, etc.) not to include cats, dogs and other house pets.

ALDOT

Alabama Department of Transportation

Alley

Any public right-of-way designed primarily for vehicular access to the back or side of premises otherwise abutting on a street.

Applicant

Any legally authorized person or group of persons who has officially submitted a complete application subject to these regulations.

Arterial Street

(See Street Functional Classification)

Best Management Practices

Any activities, prohibitions, practices, procedures, programs, or other measures designed to prevent or reduce the discharge of pollutants directly or indirectly into waters of the United States. Shall include but are not limited to those measures specified in the Alabama stormwater best management practice handbooks for municipal, industrial/commercial, and construction activity and those measures identified by applicable federal, state or local agencies.

Block

A lot, parcel, or group of lots or parcels bounded entirely by the centerline of public rights-of-way, except any access alleys internal to the block, or by public property, or by natural features that prevent future development as specified in these regulations.

Centralized sewer system

A sanitary sewer collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant.

City engineer

Any individual, firm, or city official designated by the City of Montevallo to provide engineering services in the administration of these regulations.

Clearing

The removal of trees and brush from the land, not including the ordinary mowing of grass or the maintenance of previously cleared land.

Collector Street

(See Street Functional Classification)

Comprehensive Plan

The official general development plan for the City of Montevallo adopted by the Planning Commission and the City Council in 2004, including any official specific development plan, program, or policy adopted by the City under the guidance of the general development plan.

Concept Plan

A plan that demonstrates overall and general development concepts prior to preparation of a master plan. The Concept Plan shall be developed in concurrence with municipal representatives and Shelby County Development Services staff.

Condominium

Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

Condominium Subdivision

A division of land on the basis of condominium ownership, requiring submission of a final plat for recording which depicts the size, location, area, horizontal and vertical boundaries, and volume of each condominium unit contained in the condominium subdivision, as well as the nature, location and size of common areas.

Conservation Area

Any parcel or undeveloped land conserved in its natural state for perpetuity through conservation easements or other legal means.

Conservation Easement

A nonpossessory interest of a holder in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic, or open-space values of real property, assuring its availability for agricultural, silvicultural, forest, recreational, or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, paleontological, or cultural aspects of real property.

Conservation Subdivision

A grouping or clustering of buildings on small lots, with the largest part of the site remaining in open land or conservation areas.

Core Area

The mixed-use activity center or “downtown” of each community.

Curb Cut

The opening along a curb line at which point vehicles may enter or leave a roadway.

Curb or curb line

The inside vertical face of a masonry curb, the center line of a valley gutter, or the edge of the pavement where no curbs or gutters exist.

Dedication

The deliberate assignation of land by its owners for any general or public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

Development Approvals

Approvals for the development of land including, but not limited to, building permits, building inspections, Certificates of Completion, site plan approvals, subdivision approvals, and zoning approvals.

Development Pattern

The arrangement of streets, blocks, lots, and open spaces that impacts the use of private or public lands, provision of public services, and the efficiency of development that may be occurring at different times or among different landowners and developers in the same area. These regulations recognize the following specific development patterns which are further described and specified in these regulations: Conventional; Conservation; and Form-based, including a core area, focus area, transition area, and rural area.

Dwelling Unit

A building or portion of a building designed for the principal residence of a single housekeeping unit.

Easement

The right to use property owned by another for specific purposes.

Engineer

A professional engineer licensed by the State of Alabama Board of Registration for Professional Engineers and Surveyors to practice engineering in the State of Alabama.

Exception

The approval of an alternative means of meeting the intent of specific subsections of these regulations. Exceptions are granted by staff after written application and justification from the applicant. Exceptions are authorized in the Streets Networks, Block and Lot Standards in Article 3 and 4 and may also be allowed in the Engineering and Technical Standards in the appendices.

Family Subdivision

A subdivision of land into no more than five parcels, including remnant parcels, for the purpose of dividing land among the following designated legally related family members: spouse, siblings, children, grandchildren, parents, grandparents, or step-related individuals of the same status. Application for a family subdivision must include an affidavit acknowledging that subdivided lots may only be transferred, sold or leased to the above referenced family members.

Final Development Plan – (Preliminary Plat) – Professionally prepared documents including the full engineering drawings necessary to construct all required improvements for the subject division of land. Where there are no improvements required, the preliminary plat shall demonstrate the general layout of the proposed division of land.

First Order Stream – (1st Order Stream)

A stream that carries water flow year-round in a typical (non-drought) year and are channels which have no tributaries feeding into them.

Final Plat

The record map delineating the layout of lots, streets, and utilities when land is subdivided; the legal record-keeping document that is recorded in the Office of the Judge of Probate.

Focus Area

An intensely developed area adjacent to and supporting the core area.

Functional Classification

(See Street Functional Classification).

Grading

Any act by which soil is cleared, stripped, stockpiled, excavated, scarified, or filled or any combination thereof.

Horticulture

The use of land for the growing of fruits, vegetables, flowers, or ornamental plants.

Infrastructure Improvements

Infrastructure improvements may include, but are not limited to, street construction, drainage structures, utility lines, turn lanes, traffic signals, or any other improvement that may impact the public, as determined by the municipal or City Engineer.

Internal Access Street

A street internal to a site or parcel that is larger than a typical block, which street mimics the design standards and design elements of public streets and divides the site into development blocks to better serve the purpose and intent of these regulations.

ISO Rating

In each fire district, Insurance Services Office (ISO) analyzes relevant data and assigns a Public Protection Classification (ISO RATING) — a number from 1 to 10. Class 1 represents exemplary fire

protection, and Class 10 indicates that the area's fire-suppression program does not meet ISO's minimum criteria.

Land Disturbance.

Any land change which may result in soil erosion from water or wind, or movement of sediments, directly or indirectly, to the MS4 and/or community waters, including, but not limited to, construction activities, clearing, dredging, grading, excavating, transporting and filling of land.

Land Trust

A private, non-profit conservation organization formed to protect natural resources, such as productive farm and forest land, natural areas, historic structures, and recreational areas. Land Trusts purchase and accept donations of conservation easements.

Link

A portion of a street defined by two nodes.

Local Street

(See Street Functional Classification)

Lot

A parcel of land proposed to be platted and available for sale according to these regulations.

Lot Type

The design specifications for lots is based upon the type and intended function of the lot, the proposed development pattern and context of the block in which lots are proposed to be platted, and the general context of the subdivision.

Lot Lines

The legal perimeter or boundary of a lot:

- Front* The line of a lot abutting the right-of-way and toward which the design of the site and buildings on the lot are primarily oriented.
- Rear* The line which is opposite, most distant, and more or less parallel to the front lot line. Where no such line exists due to the irregular shape, the rear lot line shall be interpreted as furthest point on the lot at which an imaginary line at least as wide as the minimum lot frontage and which is parallel to the front lot line can occur within the boundaries of the lot.
- Side* Any lot line that is not a front or rear lot line.

Lot Standards

The minimum requirements for proposed lots. These regulations establish lot standards with respect to:

- Lot Area* The measurement of the surface bounded by the lot lines.
- Frontage* The linear dimension of the lot line fronting on a public right-of-way.
- Setbacks* The line that is associated with a lot line that establishes the minimum distance from which any structure shall be permitted. Where a setback is stated as a range with a minimum and maximum, it shall be interpreted as a "build-to" line within which a building line for structures on the lot shall be established.
- Access* A means of vehicular entrance onto the lot from a public street, private street or other access street (driveways, drive aisles, internal access streets and access easements).

Master Plan

A plan depicting the proposed development of property including the physical and functional interrelationships between uses and facilities that are proposed to be phased over a period of time.

Minor Subdivision

A division of previously unplatted land into five lots or less, including remnant parcels, and includes no street, drainage, or other public improvements.

Node

The intersection of two or more streets, or a cul-de-sac. A stub to adjacent property shall not count as a node.

Non-Administrative Subdivisions

Subdivisions involving more than five lots, or requiring infrastructure improvements, or otherwise require Planning Commission approval.

On-site sewer system

A septic tank or similar installation on an individual lot that uses an aerobic bacteriological process or equally satisfactory process for the elimination of raw sewage, subject to the approval of the Alabama Shelby County Public Health.

On-site water system

A well or other similar installation on an individual lot which provides a water supply to any structures or uses upon the lot, subject to the approval the Alabama Shelby County Public Health.

Open Space

An area of a site, lot, block, or development that is set aside from development of structures other than structures accessory and essential to the function of the open space, and which area is designed to serve a specific function associated with the development of sites, lots or blocks. These regulations recognize the following categories of open space which are further described and specified in these regulations: Formal; Natural; and Remnant.

Parent Parcel

A parcel of land as it existed on the 1982 Shelby County tax maps.

Planned Unit Development

A development approach, which may include mixed uses and densities within one development site and which may include multiple phases of development described in a master plan for the development. The approved master plan shall establish the development regulations for the project (subject to the engineering standards set forth in Appendix F).

Planning Commission

The City of Montevallo Planning Commission.

Plat

A map or plan, prepared by a surveyor licensed in the state of Alabama, which proposes a subdivision. These Regulations recognize the following types of plats which are further described and specified in these regulations: Administrative; Major Subdivisions; Development Plans; and Exemptions.

Plat Correction

The identification of surveyed lots for individual ownership based upon actual construction of buildings; the survey plat shall be in conformance with an approved plan, a recorded final plat, and result in no additional units, lots or tracts; the combination of two platted lots into one lot; the movement of one lot line that affects the size and shape of not more than four lots and results in no additional lots; the division of one platted lot, recorded prior to February 8, 1971, into two or more lots.

Pre-application Conference

A meeting between a potential applicant and municipal and Administrative staff used to discuss the subject property, development ideas, and the review process.

Preliminary Plat – (Final Development Plan)

Professionally prepared documents including the full engineering drawings necessary to construct all required improvements for the subject division of land. Where there are no improvements required, the preliminary plat shall demonstrate the general layout of the proposed division of land.

Public or Community Facilities

Facilities and infrastructure necessary to serve the broader general welfare of the public or specific development or community, such as schools, library, community recreation centers, parks and open space, fire, police, emergency management facilities.

Reservation

The setting aside of land or an easement for the future acquisition by the public, whether by dedication, purchase or other legal means, for future use of the public.

Riparian Buffer

A tract of land on either side of all 1st, 2nd and 3rd Order Streams. The Riparian Buffer is measured by a line extending for a fixed linear surface distance of fifty feet from the stream bank for 1st, 2nd and 3rd Order Streams.

Roadway

That portion of a street between the regularly established curb lines, or that part of a street or alley devoted to vehicular traffic.

Rural Area

Areas outside of municipalities and suburbanized areas that enjoy established rural characteristics.

Second Order Stream (2nd Order Stream)

A stream that results from the confluence of two 1st order streams or one 1st order and one 2nd order stream and carries water flow year-round in a typical (non-drought) year.

Council of the City of Montevallo

The chief legislative body of the City of Montevallo, Alabama.

Sidewalk area

That portion of a street not included in the roadway and devoted in whole or in part to pedestrian traffic.

Silviculture

The care and cultivation of forest trees, including site preparation, planting, pruning, thinning and harvesting.

Stream or River

A course of running water usually flowing in a particular direction in a definite channel and discharging into some other course of running water or body of water. Includes all of the following:

- a) Any perennial stream or river or portion thereof; and
- b) Any intermittent stream or river or portion thereof; and
- c) Any lake, impoundment, or similar standing body of water that does not lie entirely within a single parcel of land.

Stream Bank

The uppermost limit of the active stream channel, usually marked by a break in slope, as determined by an Alabama Licensed Surveyor or Professional Engineer.

Street Functional Classification

A category identifying the general purpose and continuity of the street in relation to the Countywide street network. (See *Street Design Type*). These regulations recognize the following functional classifications which are further described and specified in these regulations: Arterial; Collector; Local; and Access.

Street or Right-of-way

The area of land dedicated or deeded to the public for common usage by the public for travel, and associated design elements that establish the character of the area for public use.

Street Classifications

- | | |
|-------------------------|---|
| <i>Arterial</i> | A street of considerable continuity that provides accessibility to other portions of the County 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. |
| <i>Collector</i> | 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. |

- *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, or limited applications of dead-end streets.
- Access* A street of little continuity designed solely for access to lots or interior of blocks, and not designed for through traffic.

Street Design Elements

The different elements generally present in all rights of way necessary to serve the functional classification of the street, support adjacent land uses, and appropriately accommodate the multiple users and uses of the right-of-way, but whose specific design varies based on the proposed development pattern and context of the subdivision. These regulations recognize the following street design elements which are further described and specified in these regulations: Vehicle Lanes; Street Border; Buffer Area; Pedestrian Area; Median; and Bicycle Facilities.

Street Design Type

The specific design of the cross-section of the right-of-way as it relates to the immediate adjacent land uses and the appropriate accommodation of the multiple users and uses for the right-of-way. (See *Street Design Elements*) These regulations recognize the following street design types which are further described and specified in these regulations: Standard Arterial; Standard Collector; Standard Local; Rural Parkway; Rural Drive; Neighborhood Street; Pedestrian Street; Main Street; Boulevard; Access Alley; and Access Lane.

Subdivider or applicant

Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing proceedings under these regulations to effect a subdivision of land hereunder for himself or for another.

Subdivision

The development and division of a lot, tract or parcel of land into two or more lots, plats, sites or otherwise for the purpose of establishing or creating a subdivision through sale, lease or building development. The term “subdivision”, wherever used herein, encompasses and includes, but is not limited to, condominium subdivision. Development includes, but is not limited to, the design work of lot layout, the construction of drainage structures, the construction of buildings or public use areas, the planning and construction of public streets, and public roads, and the placement of public utilities. A subdivision does not include the construction or development of roads or buildings on private property to be used for agricultural purposes.

Submittal Conference

A meeting between an applicant and staff to review the presence of all required documents and maps.

Surveyor

A professional land surveyor licensed by the State of Alabama Board of Registration for Professional Engineers and Land Surveyors.

The Montevallo City Council

The chief legislative body of the City of Montevallo, Alabama.

Third Order Stream (3rd Order Stream)

A stream resulting from the confluence of two 2nd order streams that carries water flow year round in a typical (non-drought) year.

Transit Facility

The property, equipment, and improvements, whether public or privately owned, that are used, constructed, maintained, controlled, or operated to provide mass transportation for passengers or to provide for the movement of people.

Utilities

Facilities and infrastructure necessary to serve the development of specific lots, including sanitary sewer, water supply, storm water, electric, cable, fiber optic, phone, and gas.

Viewshed

A visually sensitive area that is visible from a defined observation point.

Waiver

A waiver allows an applicant to forego compliance with a specific regulation contained herein. The granting of a waiver must be recommended by the Administrator or City Engineer and approved by the Planning Commission. Requests for waivers shall be submitted in writing, clearly stating the justification. Waivers will not be considered if deemed to be in conflict with the goals and policies of the Comprehensive Plan.

10. ADMINISTRATION AND INTERPRETATION**A. General Administration.****1. Administration.**

The Administrator of the City of Montevallo shall administer all provisions of these regulations pursuant to the Development Services Agreement in consultation with the City Engineer. It shall be the Department's responsibility to accept applications on behalf of the municipality according to these regulations, and to keep records of all proceedings under these regulations.

2. Enforcement.

It shall be the duty of the municipality to enforce these regulations in consultation with the City Engineer.

3. Duties.

All officials and employees of the City of Montevallo charged with the duty or authorized to issue permits, utility connections, licenses or certificates shall conform to the provisions of these regulations. No permit, utility connection, license or certificate for any use, building or purpose shall be issued if it conflicts with the provisions of these regulations, and any such issuance shall be null and void.

B. General Interpretation**1. Rules of Construction.** Unless the context clearly indicates otherwise, the following rules of construction shall apply to these regulations:

- a) All words shall have the customary dictionary meaning, unless specifically defined in these regulations.
- b) The present tense includes the future tense and the future tense includes the present tense.
- c) The singular includes the plural and the plural includes the singular.
- d) Lists of examples prefaced by "including the following," "such as," or other similar preface shall not be construed as exclusive and shall not preclude an interpretation of the list including other similar and non-mentioned examples.
- e) A reference to an administrative official shall refer to that official or his or her designee.

2. Graphics and Commentary Notes. Graphics and commentary notes used in these regulations are to aid interpretation of the text, unless otherwise specifically stated. In the event of a conflict or ambiguity between a graphic or commentary note and the text, the text shall control.**3. Computations of Time.** Unless specifically stated in individual sections, wherever these regulations state a time period, it shall be interpreted as follows:

- a) The day of the act, event, or other means which commences the time period shall not be counted.
 - b) The last day of the time period shall be included in the time period, unless it is a Saturday, Sunday, or legal holiday, in which case the next working day shall end the time period.
 - c) Whenever the time period is expressed to require a formal submittal to the Administrator, the time period shall end at 4:00 P.M. on the last day of the time period.
 - d) Any time period expressed in years shall include a full calendar year from the act, event or other means which commences the time period.
4. Resources, Guides, and Industry Standards
- a) Resources, guides, and industry standards, recognized as authority in the planning and design of communities may be used as a supplement to interpreting these regulations. Any use of such resources guides, and industry standards shall be subject to the approval of the City of Montevallo upon a determination that the content is consistent with the Comprehensive Plan, and the purpose and intent of these regulations.
 - b) These materials shall only be used to aid in the interpretation and application of these regulations, and shall not be used to modify, contradict, or in any way change the standards and requirements of these regulations.
 - c) Any resource, guide, or industry standard approved by the City of Montevallo shall be listed in Appendix C and at least one copy shall be kept on file in Shelby County Development Services.

C. Official Interpretation

The Administrator of the City of Montevallo shall make all interpretations under these regulations necessary to administer and implement the regulations.

1. Authority.

The Administrator, in consultation with the City Engineer and City Attorney, may make an Official Interpretation and Applicability Statement in instances where it is determined that the plain language of the regulations, when applied to a specific circumstance, could lead to two or more reasonable interpretations which result in substantively different outcomes.

2. Process.

An Official Interpretation and Applicability Statement shall:

- a) Be made in writing and filed with the Planning Commission by placing it on the agenda of a regularly scheduled meeting;
- b) Be effective immediately following Planning Commission approval, unless a longer period is stated in the interpretation or unless the Planning Commission tables the Interpretation and Applicability Statement and calls a public hearing to amend the regulations which are subject to the interpretation;
- c) Be incorporated into this ordinance in Appendix B and upon its effective date control all future situations similar to the specific circumstance;
- d) Be effective until:
 - (1) It is replaced by a different Official Interpretation and Applicability Statement;
 - (2) It is overruled by an appeal according to these regulations; or
 - (3) It is amended, altered, or repealed by a text amendment to the section of the regulations that the interpretation addressed.

3. **Criteria.** In making an Official Interpretation and Applicability Statement, the following criteria shall apply:
- a) Sound professional planning and engineering standards and principles;
 - b) The Comprehensive Plan and any other official plans or programs developed under the guidance of the Comprehensive Plan;
 - c) The purposes and intent statements of these regulations with priority given to any specific intent statements associated with the section or chapter in which the interpretation issue arose; and
 - d) Any resources, guides, or industry standards cited in these regulations or consistent with the Comprehensive Plan goals, or purpose and intent statements of these regulations.

D. Waivers and Exceptions

The Planning Commission of the City of Montevallo is the only authority that may grant waivers. Exceptions, on the other hand, require the approval of the Administrator and the City Engineer. Requests for waivers or exceptions must be submitted in writing to Administrator and/or the City Engineer, as appropriate. The granting of a waiver or exception must not violate the intent of these regulations.

ARTICLE 2. DEVELOPMENT PATTERNS

2.01 DEVELOPMENT PATTERNS

1. DEVELOPMENT PATTERNS

A. Intent

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

1. To establish planning guidelines and a framework that links these regulations with overall planned goals of the City of Montevallo's Comprehensive Plan.
2. To provide progressive, adaptable development regulations to balance economic development with desired community character.
3. To enable a different intensity of development, and to establish supporting development patterns and facilities, based on the suitability of the land for a particular subdivision.
4. To place all proposed subdivisions of land in a context that relates to its surrounding areas and to the regional context.
5. To provide a basis for efficient and coordinated private and public development decisions, as well as a strategic system to prioritize private and public investment in more efficient development patterns.
6. To recognize that different development patterns and land development intensity will require different community design characteristics, and thus development design solutions, appropriate to the context of each proposed division of land, must be enabled.
7. To direct the anticipated growth to lands most suitable to accommodate the growth.

B. Development Patterns

All subdivisions must implement one of three possible development patterns:

1. Conventional Development represents the development occurring prior to the adoption of the City of Montevallo Comprehensive Plan. The following subdivision types follow the Conventional Subdivision process as detailed in Article 3, Administrative and Conventional Subdivision Standards.
 - a) Administrative Subdivisions involve five lots or less and do not require infrastructure improvements. Additionally, a resurvey of previously recorded lots may be reviewed administratively, provided that no additional lots are created. Administrative subdivisions are reviewed by staff and do not require a Planning Commission hearing. The plat types identified in *Table 2-1* below are reviewed as Administrative Subdivisions.
 - b) Non-Administrative Subdivisions involve more than five lots, require infrastructure improvements, or otherwise require Planning Commission approval. These subdivisions require staff review and Planning Commission approval. Depending on the scale of the proposed project, the plat types identified in *Table 2-2* below may be required. See Article 3, Administrative and Conventional Subdivision Standards.

| TABLE 2-1 | | <i>DO NOT REQUIRE PUBLIC HEARING BEFORE PLANNING COMMISSION</i> |
|--------------------------------------|----------------------|---|
| Administrative Conventional Plats | MINOR SUBDIVISION | The division of previously unplatted land into five lots or less, including remnant parcels, and includes no street, drainage, or other public improvements. All lots must front a paved public right-of-way. |
| | RESURVEY | The reconfiguration or consolidation of legally subdivided lots that does not result in any additional lots and does not include any land that was not part of the originally recorded lots. |
| | PLAT CORRECTION | A resurvey that is based upon actual construction of attached structures; the survey plat shall be consistent with an approved plan or a recorded final plat and results in no additional units, lots, or tracts than on the approved plan or plat. |

| TABLE 2-2 | | <i>REQUIRE PUBLIC HEARING BEFORE PLANNING COMMISSION</i> |
|--|--|--|
| NON-ADMINISTRATIVE CONVENTIONAL PLATS | MAJOR SUBDIVISION W/O INTERIOR IMPROVEMENTS | The subdivision of land into more than 5 lots and does not include any interior infrastructure improvements. This type case requires submission to and approval of a final plat by the Planning Commission. |
| | MAJOR SUBDIVISION W/ INTERIOR IMPROVEMENTS | The subdivision of land into more than 5 lots and contains interior infrastructure improvements. This case type may require the submission to and approval of a master plan (<i>see § 3.02 B.2.</i>) in addition to a preliminary plat by the Planning Commission. The final plat will be reviewed administratively. |
| | RURAL SUBDIVISION | The subdivision of land into five lots or less that are not required to front on a paved public road, and require no internal infrastructure improvements. Each lot in a rural subdivision must total at least 10 acres. A proposed rural subdivision located within a beat that has no zoning must score as Tier II or Tier III in the Land Suitability Criteria (<i>see § 2.02</i>). Rural subdivisions must meet the minimum access management requirements, as determined by the City Engineer, and require final plat approval by the Planning Commission. |
| | RESUBDIVISION | The subdivision of land contained within a previously recorded subdivision. This case type may require the submission and approval of a master plan (<i>see § 3.02.B.2</i>) and/or a preliminary plat and/or a final plat by the Planning Commission. |
| | CONDOMINIUM | Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners. All streets must be designed pursuant to the Engineering Standards in Appendix F. This type case requires the submission and approval of a master plan by the Planning Commission; the final plat is reviewed administratively. Non-Administrative Condominium Plats involve more five units and/or require infrastructure improvements. |

- (1) Rural Subdivisions are subdivisions of land into five lots or less which may not front on a paved public road or require infrastructure improvements. Each lot in a rural subdivision must contain at least 10 acres. Proposed rural subdivisions may require infrastructure improvements. Contact the City Engineer’s office to determine if any infrastructure improvements are required. Rural subdivisions require final plat approval by the Planning Commission.
- (2) Conservation Development provides incentives for the preservation of key natural resources through development patterns that preserve and enhance rural character; review and approval follows the Conventional Subdivision process. *See Article 4, Conservation Subdivision Standards.* Depending on the scale of the proposed project, the plat types identified in *Table 2-3* below may be required.
- (3) Form Based Development implements the “Neighborhood/Village Center” concept of the City of Montevallo Comprehensive Plan, with more intensely developed “Cores” and “Focus Areas”, and less-intensely developed “Transition Areas” and “Rural Areas.”

The review process for a form-based development is organized so that the applicant receives staff and Planning Commission input and approvals throughout the process. Plan types identified in *Table 2-4* below, may be required for form-based developments. *See Article 5, Form-based Subdivision Standards.*

| TABLE 2-3 | | |
|--------------------|------------------|---|
| CONSERVATION PLATS | MASTER PLAN | A plan whose total units are based upon the Housing Density Determination of Article 4.04.D, depicting the proposed development of property including the physical and functional interrelationships between uses and facilities that are proposed to be phased over a period of time. |
| | PRELIMINARY PLAT | The general layout for a proposed division of land that is not an Administrative Plat. The preliminary plat is used to evaluate proposed development and supporting infrastructure and facilities, in order to determine if all County regulations may be met and if the design is suitable for the land. |
| | FINAL PLAT | The record map delineating the layout of lots, streets, and utilities when land is subdivided. The final plat is the legal record-keeping document that is recorded in the Office of the Judge of Probate. |

| TABLE 2-4 | | |
|------------------------|--------------------------|---|
| FORM-BASED DEVELOPMENT | CONCEPT PLAN | A Plan that demonstrates overall and general development concepts prior to preparation of a master plan. The formulation of this concept plan will demonstrate the feasibility of a Form-Based Development consistent with the intent of the regulations of Article 5 and the Comprehensive Plan. The Concept Plan shall be developed in concurrence with a working group that includes the Department of Development Services (DDS) staff and members of the City of Montevallo Planning Commission. |
| | MASTER PLAN (FORM BASED) | A plan that establishes the general form of the proposed development and directs the preparation of the Regulating Plan. The plan shall be developed with considerable community input/involvement and demonstrate compliance with the goals and objectives of the Comprehensive Plan. |
| | REGULATING PLAN | The regulatory plan implementing the approved master plan, that provides the standards of development for land use, infrastructure, community form, and building design. |
| | FINAL DEVELOPMENT PLAN | A plan for the development of one or more lots in compliance with the approved regulating plan. |
| | FINAL PLAT | The record map delineating the layout of lots, streets, and utilities when land is subdivided; it shall be consistent with the final development plan. The final plat is the legal record-keeping document that is recorded in the Office of the Judge of Probate. |

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ARTICLE 3. ADMINISTRATIVE AND CONVENTIONAL SUBDIVISION STANDARDS

- 3.01 CONVENTIONAL SUBDIVISION INTENT AND APPLICABILITY**
 - 3.02 CONVENTIONAL SUBDIVISION PROCEDURES**
 - 3.03 STREET DESIGNS**
 - 3.04 STREET NETWORKS, BLOCKS, LOTS**
 - 3.05 OPEN SPACE**
-

1. CONVENTIONAL SUBDIVISIONS INTENT AND APPLICABILITY

A. Intent.

It is the intent of the Conventional Subdivision Standards to:

1. Provide context-based design standards, appropriate to this specific development pattern, in addition to the General Planning and Design standards for all subdivisions in Article 5.
2. Allow some appropriate level of Conventional Subdivision development patterns as an option on all property, except where existing regulations, specific plans, or existing development patterns for adjacent areas would indicate otherwise.
3. Establish Conventional Subdivisions as a base upon which to build incentives for development more in conformance with the Comprehensive Plan.
4. Ensure that when Conventional Subdivisions do occur they have planning and design standards comparable to subdivisions in the vicinity to ensure the overall quality of growth, within a logical and planned framework.

B. Applicability.

A Conventional Subdivision represents development practices prevalent in the municipality prior to adoption of these regulations. These standards recognize that these development patterns will continue. Different intensities of Conventional Subdivision development patterns may be warranted based upon the site context.

2. CONVENTIONAL SUBDIVISION PROCEDURES

A. Administrative Subdivisions *see Article 2.01(B)(1)(a)*

1. Submittal Conference.

A submittal conference is required prior to acceptance of any application for an administrative subdivision. This conference will be to review the presence of all documents and maps required pursuant to the submittal requirements of *Appendix A*. It is suggested that applicants schedule an appointment to ensure staff availability.

2. Official Application and Fee.

An applicant for a subdivision request must submit five copies of the maps and documents meeting the requirements of *Appendix A* and a complete application to Shelby County Development Services with the official filing fee in the municipality's approved schedule of fees.

3. Notice.

Upon acceptance of a complete application, the Administrator shall send notice by first class mail to the owner(s) of record of all abutting property. The notice shall state the purpose of the review, indicate that the plat is on file for public review at Shelby County Development Services offices during normal business hours. Failure of any owner to receive notice shall not invalidate the application.

4. Administrative Review.

The Administrator shall review all complete applications for a subdivision request according to the following criteria:

- a) The proposed land division is in accordance with the general development characteristics and policies of the Comprehensive Plan, and any other plan or program of the municipality adopted under the general guidance of the Comprehensive Plan;
- b) The proposed land division is consistent with the general development patterns of the area, so that it will not unduly or adversely affect current and future planned development opportunities on adjacent land;
- c) All parcels, including any proposed development, are in conformance with the zoning regulations applicable to the subject property;
- d) The application is in conformance with the subdivision regulations;
- e) The applicant has met the terms of the Land Disturbance Ordinance;
- f) All proposed lots will have adequate water and wastewater facilities. The City of Montevallo makes no representation that any lot eligible for approval by the Alabama Shelby County Public Health for a septic tank will be approved;
- g) Minor subdivisions must front a paved and dedicated public right-of-way; frontage requirements may be waived for a family subdivision; frontage requirements may also be waived for rural subdivisions provided demonstration of a legal instrument ensuring the provision of access to a public right-of-way.
- h) The application is in conformance with any approved development plans or Plat correction that has been previously approved and recorded final plat; and
- i) The application satisfies all eligibility standards for the specific type of administrative plat.

5. Required Revisions.

Upon completion of the administrative review, the Administrator shall notify the applicant of all deficiencies. The applicant must resubmit revised maps and documents within 90 days for additional review. If the applicant fails to submit the revised documents with 90 days, the case will be void and the applicant must reapply for subdivision approval and pay the required fees.

6. Decision.

Within 30 days of the date of application the Administrator shall notify the applicant in writing of one of the following actions:

- a) The application *is approved* in compliance with these regulations. The Administrator and City Engineer shall affix their signatures and the date.
- b) The application *is not approved*. The Administrator shall state specifically what deficiencies exist.

7. Appeal.

If the Administrator does not approve the application, the applicant may appeal the decision to the Planning Commission by submitting a written request for appeal within 30 days of the Administrator's notification. Such appeal shall be treated as an application for a preliminary plat according to these regulations.

8. Recording.

Any approved administrative plat shall be recorded in the Office of the Judge of Probate of Shelby County by the City of Montevallo prior to being effective or the issuance of any building permits.

B. Non-Administrative Subdivisions *see Article 2.01(B)(1)(b)*

1. Conceptual Development Plan Conference.

A conceptual development plan conference shall be convened for any development requiring a master plan as defined herein. The conference shall be comprised of staff and the City Engineer for the purpose of the review of the proposed development and identifying alternative concepts for the proposed development.

2. Pre-Application Conference.

A pre-application conference is *required* for all non-administrative subdivisions, at a regularly scheduled Planning Commission meeting to review and discuss the proposed development.

3. Submittal Conference.

A submittal conference with staff is *required* prior to acceptance of any application. The purpose of this conference will be to review the presence of all documents and maps required pursuant to the submittal requirements of *Appendix A*. An appointment shall be made to ensure staff availability.

4. Master Plan.

A master plan shall be required for any of the following conditions:

- a) Any Conventional Subdivision that will result in multiple phases through more than one final plat;
- b) Any preliminary plat that encompasses 40 acres or more or 100 lots or more;
- c) Any development that includes more than one land use or different zoning districts under any applicable zoning regulations, such as a Planned Residential Development.

The master plan must meet the submittal requirements described in *Appendix A* and must be reviewed and approved by the Planning Commission. Any amendments, modifications, changes or deletions will require submission of an amended master plan for review and approval by the Planning Commission.

5. Preliminary Plat.

a) Official Application and Fee.

Application for a conventional plat shall require the submission of five (5) copies of the maps and all other documents pursuant to *Appendix A* and a completed application to the Administrator with the officially approved filing fees. Only complete applications shall be accepted and scheduled for a hearing by the Planning Commission.

b) Notice.

Upon scheduling of the Planning Commission hearing and at least 14 days prior to said hearing, notice shall be sent by certified mail to the owner(s) of record of all abutting property by the Administrator. The notice shall state the purpose of the review, indicate that the preliminary plat is on file for public review at the Administrative offices during normal business hours, and that the public shall have a right to be heard at the Planning Commission review hearing, and indicate the date, time and location of the hearing. Failure of any owner to receive notice shall not invalidate the application.

c) Administrative Review.

The Administrator will distribute the maps and other documents to the City Engineer, Department of Public Works, the Montevallo Water Authority and the Fire Department and retain one copy in the Administrator's office for public review and distribution to staff. The Administrator shall review all complete applications for a preliminary plat according to the following criteria:

- (1) The proposed land division is in accordance with the general development characteristics and policies of the Comprehensive Plan and any other plan or program of the municipality adopted under the general guidance of the Comprehensive Plan; and

- (2) The proposed land division is consistent with the general development patterns of the area, so that it will not unduly or adversely affect current and future planned development opportunities on adjacent land; and
- (3) All parcels, including any proposed development, are in conformance with any zoning regulations applicable to the subject property; and
- (4) The application is in conformance with the subdivision regulations; and,
- (5) Compliance with the Land Disturbance Ordinance; and,
- (6) All proposed lots will have adequate water and wastewater facilities. Neither the municipality nor Shelby County makes any representation that a lot eligible for approval by the Alabama Shelby County Public Health unit for a septic tank will be approved; and
- (7) The application is in conformance with any approved development plans.

d) Official Report.

The Administrator shall compile the comments of all reviewing agencies as a formal report on the application to the Planning Commission prior to the public hearing, with one copy provided to the applicant. The report shall analyze the application with respect to the planning and design standards, specific subdivision standards, and the technical standards of these regulations, and policies and procedures of the Planning Commission. The report may make a recommendation to the Planning Commission regarding their decision.

e) Additional Studies.

After initial review, further studies or technical reports, such as traffic, drainage calculations, flood hazards, soil suitability for on-site septic, or wetland delineation, necessary for the Planning Commission to assess the application may be required. The Planning Commission shall establish a reasonable deadline for submission of this information.

f) Planning Commission Review.

The Planning Commission shall hear a formal presentation by both staff and the Applicant. The Planning Commission shall accept public testimony from all persons who desire to be heard in favor of or in opposition to specific compliance of the application with these regulations. The Planning Commission shall deliberate the application according to the following criteria:

- (1) The proposed land division is in accordance with the general development characteristics and policies of the Comprehensive Plan, and any other plan or program of the municipality adopted under the general guidance of the Comprehensive Plan;
- (2) The proposed division is in accordance with the general development patterns and character of the vicinity in which it is located;
- (3) Any phasing of the subdivision and the schedule for development of final plats is clearly indicated and demonstrates a logical and well-planned development pattern.
- (4) The proposed land division is not contrary to the public health, safety, and welfare;
- (5) The proposed development is in compliance with the terms of the Land Disturbance Ordinance;
- (6) All parcels, including any proposed development, are in conformance with the zoning regulations applicable to or proposed for the subject property;
- (7) Any impacts, modifications, conditions or mitigation identified or recommended in specific studies or technical reports associated with the application;

- (8) The plat is designed in compliance with regard to all other governmental regulations, (e.g. zoning, flood plains, etc.), which may impact development of the land and the applicant has secured all necessary approvals from other public agencies.

g) Decision.

At the hearing, the Planning Commission shall take one of the following actions:

- (1) Approve the application for a preliminary plat.
- (2) Approve the application with conditions of approval. The approval shall specifically state the conditions of the Planning Commission approval, which shall then become a requirement of the final plat. Any waivers or modifications requested by the applicant at the time of application shall be specifically stated as conditions;
- (3) Continue consideration until a date certain. The application may be continued to another regularly scheduled Planning Commission meeting. A continuance shall only be made on the grounds for the need of additional information or the need for further technical studies which bring into question the ability of the application to meet all requirements of these regulations. The continuance shall specifically state what additional information is required of the applicant at the continued hearing. No preliminary plat shall be continued more than twice;
- (4) A case may be tabled when an applicant fails to appear to present a case or when a complete resubmission of an alternative design of the subdivision is necessary, suggested or required by the Planning Commission.
- (5) Deny the application, specifically stating the grounds for denial.

h) Appeal.

If the Planning Commission does not approve the application, the applicant may appeal the decision to the City Council of the City of Montevallo or to the court of appropriate jurisdiction. The purpose of hearing the appeal is to determine if there is sufficient reason to request that the Planning Commission reconsider its earlier decision.

i) Effect of Approval.

Approval of a preliminary plat shall not be deemed as final acceptance of any plan, improvements, or development proposals. This approval is authorization to proceed with the staking of streets and lots in preparation for improvements, pursuant to the following:

- (1) No grading or clearing may commence prior to the approval of the preliminary plat and the accompanying Land Disturbance Permit. In the event that an applicant violates this provision, no development approvals will be issued until all site violations have been remedied. Development approvals include, but are not limited to, building permits, building inspections, Certificates of Occupancy, site plan approvals, subdivision approvals, and zoning approvals.
- (2) The applicant shall design all required improvements pursuant to the standards contained within these regulations.
- (3) Detailed construction plans, engineering calculations, and estimates shall be prepared, by an engineer licensed to practice engineering in the State of Alabama, in accordance with the approved preliminary plat, the required improvements and specifications in the standards contained within these regulations. These plans shall be presented to the City Engineer for review, supported by analysis, and engineering calculations. Construction plans shall be approved by the City Engineer in writing.
- (4) No construction of any improvements, clearing, or grading may commence prior to the approval by the City Engineer of all engineering and detailed construction plans. Applicant must notify the City Engineer at least forty-eight (48) hours in advance of commencement of construction or to request an inspection of such work.

- (5) Construction shall not commence on any improvement until engineering drawings have been approved by the City Engineer. Construction must be performed in a workmanlike manner, in conformance with approved engineering drawings, to the usual construction tolerances. Failure to comply may prevent recording of the final plat and the transfer of lots.
- (6) No work activities may begin until all considerations of the Land Disturbance Ordinance have been met and a Land Disturbance Permit issued.

j) Deviations from the Preliminary Plat.

Any deviations proposed from the approved preliminary plat shall be submitted in writing and may only be approved according to the following criteria:

- (1) They are minor deviations that do not impact the number or relationship of lots within the plat, the streets and public facilities within the plat, or any property outside of the plat including its future development potential.
- (2) Any deviation is the minimum deviation necessary to fulfill the development concept approved in the approved preliminary plat,
- (3) The need for the deviations is due to physical circumstances that could not have been reasonably discovered at the time of the preliminary plat;
- (4) The deviations result in no material change in the development concept approved in the preliminary plat;
- (5) The final plat shall be in conformance with all other criteria for approval and all other provisions of these regulations.

k) Expiration of Preliminary Plat Approval.

The preliminary plat shall be effective for a period of two years from the date of the resolution of Planning Commission approval. Upon expiration of preliminary plat approval, final plat approval may not be given until a new preliminary plat has been submitted and approved by the Planning Commission. However, the Planning Commission may grant an extension up to one additional year if it determines that re-review of a lapsed preliminary plat is not necessary.

6. Final Plat

a) Official Application and Fee.

Application for approval of a final plat shall require the submission of five (5) copies of the final plat and a complete application pursuant to the requirements of Appendix A to the Administrator with the official filing fee identified in the City of Montevallo schedule of fees.

b) Administrative Review.

The Administrator, in coordination with the City Engineer, the Department of Public Works, the Montevallo Water Authority and the Fire Department shall review all complete applications for a final plat according to the following criteria:

- (1) The proposed land division is consistent with an approved preliminary plat, including the satisfaction of any specific conditions for approval of a preliminary plat.
- (2) The proposed land division is in accordance with the general development characteristics and policies of the Comprehensive Plan, and any other plan or program of the municipality adopted under the general guidance of the Comprehensive Plan;
- (3) The proposed land division is consistent with the general development patterns of the area, so that it will not unduly and adversely affect current and future planned development opportunities on adjacent land;

- (4) All parcels are in conformance with any zoning regulations applicable to the subject property;
- (5) The application is in conformance with the subdivision regulations.
- (6) Executed sufficient financial guarantee (bond) of public improvements and construction and acceptance of drainage improvements.

c) Decision.

Within 30 days of the date of application the Administrator shall notify the applicant in writing of one of the following actions:

- (1) Approved – The application is approved in compliance with these regulations. The Administrator and City Engineer shall affix their signatures and the date.
- (2) Not approved – The application is not approved. The Administrator shall state specifically what deficiencies exist.

d) Required Signatures.

Prior to submitting the record map, the applicant shall have secured the signatures of the surveyor, the owners, the mortgagor, and the fire chief. Following approval of the final plat, and subject to compliance with the final engineering requirements, performance bonds, or maintenance agreements, the final plat shall be circulated for the signatures of the City Engineer and the Planning Commission.

e) Recording.

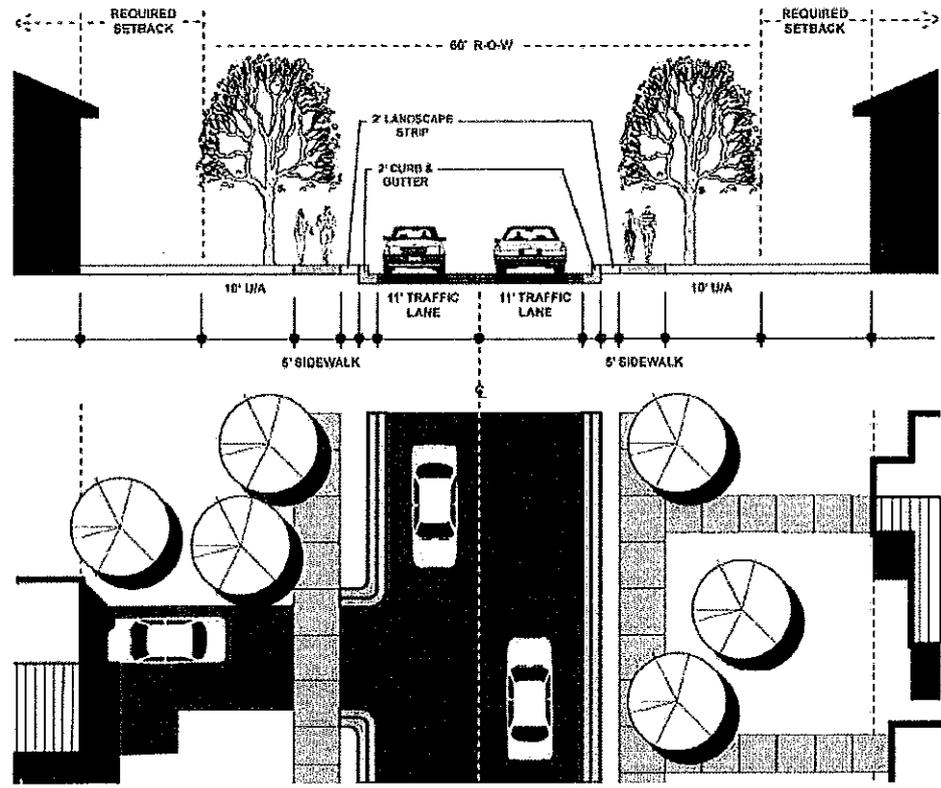
Any approved final plat shall have all required signatures and be recorded in the Office of the Probate Judge of Shelby County, Alabama at the applicant's expense by the City of Montevallo prior to being effective.

3. STREET DESIGNS

- A. Example Street Cross-sections. The following are example street cross-sections. The cross-sections and standards illustrate planning and urban design concepts, and may be the basis for engineering and construction documents. The City Engineer in consultation with the Administrator may require additions or alterations to existing design elements based upon traffic and transportation analysis, and subject to the appropriate context and applicability of each street type.

NEIGHBORHOOD STREET – CONVENTIONAL

EXAMPLE PLAN AND CROSS-SECTION



| | |
|-----------------------|---|
| MINIMUM ROW WIDTH | 60' (LOCAL) (Shown above) 62' (COLLECTOR) |
| TRAVEL LANES | 2 |
| TRAVEL LANE WIDTH | 11' (LOCAL) 12' (COLLECTOR) |
| SHOULDER | 2' landscape strip, 5' sidewalk, and 1' additional graded shoulder |
| BUFFER AREA | 2' Landscape Strip |
| PEDESTRIAN AREA* | 5' sidewalk |
| BICYCLE AREA | None (combined with vehicle flow) |
| UTILITY LOCATION | 10' U/A outside of sidewalk |
| ACCESS LIMITATION | See Lot Access standards in Article 3, 4 or 5. |
| TYPICAL FRONT YARD ** | <ul style="list-style-type: none"> • 10' – 40' lawn/setback (LOCAL) • 25' Natural Vegetation Buffer; or 40' – 100; lawn/setback (COLLECTOR) |
| APPLICABILITY | This street design is applicable for any conventional or conservation application for local or collector streets. Application as a collector will require larger lot sizes. |

* See Table 5-2 for Pedestrian Facility Requirements. Where Table 5-2 requires no sidewalks, or a sidewalk on only one side, the minimum width for the pedestrian facility shall be added to the Buffer Area.

** Typical Front Yard refers only to the typical and appropriate design of the transition between the right-of-way and the private lots. Further restrictions on building location and site design may be included in other applicable zoning or subdivision regulations.

| RURAL DRIVE | |
|--------------------------------|--|
| EXAMPLE PLAN AND CROSS-SECTION | |
| MINIMUM ROW WIDTH | 60' |
| TRAVEL LANES | 2 |
| TRAVEL LANE WIDTH | 9', for very low flow conditions; otherwise, greater widths may be required. |
| SHOULDER | 4' shoulder minimum |
| BUFFER AREA | 14' landscape/utility area |
| PEDESTRIAN AREA | <ul style="list-style-type: none"> • None – if alternative integrated trail system available to neighborhood; or • 4' path on one side |
| UTILITY LOCATION | 10' u/a inside ROW |
| ACCESS LIMITATION | See Lot Access standards in Article 3 or 4. |
| TYPICAL FRONT YARD* | 25' Natural Vegetation Buffer |
| APPLICABILITY | This special street section is applicable in any development pattern or in rural areas, as determined by the City Engineer. It provides primary access to residential uses, and may function as a collector or local street. |

* Typical Front Yard refers only to the typical and appropriate design of the transition between the right-of-way and the private lots. Further restrictions on building location and site design may be included in other applicable zoning or subdivision regulations.

| RURAL PARKWAY | |
|--|--|
| <p>EXAMPLE PLAN AND CROSS-SECTION (TWO LANE WITH MEDIAN SHOWN)</p> | |
| MINIMUM ROW WIDTH | 90' – two-lane; Multilane – consult with City Engineer |
| TRAVEL LANES | 2 – 4 |
| TRAVEL LANE WIDTH | 12' |
| SHOULDER | 4' shoulder minimum |
| BUFFER AREA | 14' landscape strip and utility area |
| PEDESTRIAN AREA | <ul style="list-style-type: none"> None – if alternative integrated trail system available to neighborhood; otherwise, additional ROW may be required to provide multiuse trail or path. |
| BICYCLE FACILITY | None (combined with vehicle flow) |
| MEDIAN | 30' center median |
| UTILITY LOCATION | In buffer area |
| ACCESS LIMITATION | See Lot Access standards in Article 3 or 4. |
| TYPICAL FRONT YARD* | 25' Natural Vegetation Buffer |
| APPLICABILITY | This special street section is applicable in any development pattern or in rural areas, as determined by the City Engineer. It provides primary access within the neighborhood as well as connections to adjacent areas. This street type is not intended for direct access. It may function as an arterial or collector street. |

* Typical Front Yard refers only to the typical and appropriate design of the transition between the right-of-way and the private lots. Further restrictions on building location and site design may be included in other applicable zoning or subdivision regulations.

| ACCESS EASEMENT | |
|---|--|
| <p>EXAMPLE PLAN AND CROSS-SECTION (TWO WAY RESIDENTIAL SHOWN)</p> | |
| MINIMUM EASEMENT WIDTH | 22' (residential) 22' (commercial or mixed use) |
| TRAVEL LANES | 1 Yield lane |
| TRAVEL LANE WIDTH | 14' one-way, paved (residential) 18' two-way paved with valley gutters (commercial or mixed use) |
| SHOULDER | None |
| BUFFER AREA | 4' landscape or grassed strip |
| UTILITY LOCATION | <ul style="list-style-type: none"> In access easement |
| ACCESS LIMITATION | None |
| APPLICABILITY | This special classification street provides rear or mid-block access to residential or non-residential uses on a block, particularly where conditions prohibit individual front-loaded access to each lot, or where non-residential areas require access to rear parking areas, loading areas, or internal service courts. |

* Typical Front Yard refers only to the typical and appropriate design of the transition between the right-of-way and the private lots. Further restrictions on building location and site design may be included in other applicable zoning or subdivision regulations.

4. STREET NETWORKS, BLOCKS, AND LOTS

The following specific standards shall supplement the General Planning and Design standards in Article 5 for Street Networks, Blocks, and Lots for Conventional Subdivisions.

A. Street Networks

1. General Street Layout.

In the absence of a master street plan and subject to topography and anticipated future land uses, street layouts shall generally follow the location guidelines in Commentary Table 3-1: General Street Layout.

| COMMENTARY TABLE 3-1: GENERAL STREET LAYOUT | | | |
|--|------------------------------------|------------------------------------|-----------------------------------|
| FUNCTIONAL CLASSIFICATION | Lots less than 30,000 sf | Lots 30,000 sf to 2 acres | Lots greater than 2 acres |
| ARTERIAL | Approximately every ¾ to 1 ¼ miles | Approximately every 1 to 2 miles | Only major County or State Routes |
| COLLECTOR | Approximately every 3/8 to ¾ miles | Approximately every ½ to 1 mile | As necessary |
| LOCAL | Approximately every 300' to 1,000' | Approximately every 660' to 1,320' | As necessary |

2. Access Connectivity – Residential.

The Comprehensive Plan of the City of Montevillo embraces the concept of connectivity of developments. The City of Montevillo Planning Commission may require that street connectivity be provided pursuant to the theme of the following commentary table (Table 3-2). All developments will be reviewed relative to potential street connectivity, the nature of the surrounding properties and the merits of the individual development.

| COMMENTARY TABLE 3-2: ACCESS CONNECTIVITY (RESIDENTIAL) | |
|--|---|
| NUMBER OF DWELLING UNITS | CONNECTIONS TO TRANSPORTATION SYSTEM |
| LESS THAN 200 | One connection to a major roadway |
| MORE THAN 200 | Multiple connections to transportation system may be required |

3. Access Connectivity – Non Residential.

Access management is reviewed on a case by case basis. Generally, nonresidential developments will require two (2) access points. However, the municipality and the City Engineer may restrict access for developments less than 5,000 square feet and may require additional access for developments more than 100,000 square feet. Such developments will be reviewed relative to access, existing and potential transportation characteristics, configuration of the surrounding properties and the merits of the individual development.

4. Stubbed Streets.

A network of residential streets is at the core of the framework of a transportation system. In this regard, it is the intentions of these regulations to ensure the appropriate provision of street stub connections to developable adjoining properties. As such, stub streets may be required by the

Planning Commission to ensure connectivity when adjoining properties are developed. Development plans will be reviewed relative to this future connectivity.

When required, stubs shall be developed according to the following:

- a) Any Collector or Arterial streets platted as part of a Conventional Subdivision shall be continued to the boundaries of the tract to be subdivided.
- b) Local streets should be stubbed to avoid long dead end streets and complete the overall general network in subsection 1, above.
- c) All streets shall connect with any streets already platted to its boundary on adjacent property.
- d) Stub streets shall not exceed 200 feet without providing a turnaround which conforms to the cul-de-sac standards below.
- e) All street stubs shall provide a sign at the end indicating that the street will be a future through street at the time the adjacent property is subdivided.

5. Cul-de-sacs.

Cul-de-sacs shall be limited as follows:

- a) Cul-de-sacs shall not exceed 1,000 feet measured from the nearest intersecting street with direct access to regional transportation network.
- b) Circles shall terminate with a property line radius of at least fifty-five (55) feet and an outside gutter radius of at least forty (40) feet. Circles to accommodate school buses or other large vehicles may be required and shall terminate with a property line radius of at least sixty-six (66) feet and outside gutter radius of at least fifty (50) feet.
- c) Where a center island is desired, design should be submitted and approved by the City Engineer.

6. Exceptions.

Exceptions to the street network standards may be approved based on the following criteria:

- a) An alternative to the street network standards in this section would better preserve prominent topographical or natural features.
- b) Predominant transportation patterns or other obstructions would make connectivity according to these standards inappropriate based on sound planning principles.
- c) All feasible alternatives that provide better connectivity and minimize cul-de-sacs and cul-de-sac lengths have been explored.
- d) Wherever exceptions to the street network standards are granted, the Planning Commission may require alternative means of connections for pedestrians or bicycles at more frequent intervals than is provided by the proposed street network.
- e) Wherever exceptions to the street network standards are granted, the Planning Commission may further limit the development intensity in the specific area impacted in order to implement sound planning practices and promote the public health, safety, and welfare.
- f) Any alternative layout that does not impair the ability of potential future development on adjacent property.
- g) Any such exception that does not undermine the goals and policies of the Comprehensive Plan.

B. Block Standards.

The Comprehensive Plan of the City of Montevillo recognizes that the traditional, concentrated, connected street and block configuration is a most efficient form of development that builds community character. The Planning Commission, based upon the recommendations of staff and the City Engineer may require traditional street and block standards depending on traffic demand, need for pedestrian mobility, topographic and other natural conditions, and the existing street systems of existing developments, among other factors.

Commentary

All blocks should be platted to have sufficient width to provide for two tiers of lots. Single tier blocks, blocks with double frontage lots, or blocks where lots back up to any classification of street may not be permitted.

1. Residential Blocks.

- a. *Lots may back up to an open space meeting the design standards in Article 5, Section 5.03. if the design character and function of adjacent streets dictate that platted lots should not front on the street. The most appropriate design for this open space is typically a greenway, natural preserve, or designated buffer.*
- b. *Blocks that border on the parcel boundary, and where the second tier of lots will be platted at that boundary in a future phase or plat, should not exceed 1,000 feet long. Stubbed side streets should be provided at least every 1,000 feet to avoid excessively large blocks resulting from future subdivisions.*

2. Non-Residential Blocks.

- a. *Where non-residential subdivisions would create any lot or parcel greater than 5 acres, or involves any original parcel greater than 10 acres, the subdivision should include an internal access street grid, dividing the parcel into development blocks between 1 and 6 acres.*
- b. *The internal access streets should have the same design standards as provided in these regulations, providing access to all portions of the parcel and blocks as described in Section 5.02.F. of the General Planning and Design Standards (Article 5).*
- c. *Blocks should be laid out so that no lot or parcel backs to any classification of street.*

C. Lot Standards

Lot standards are detailed in Article 6 – General Planning and Design Standards and the municipal zoning regulations.

D. Lot Access Limitations

In addition to lot access limitations specified in the **General Planning and Design Standards (Article 6)**, or the municipal zoning regulations, staff and the City Engineer may limit individual residential lot access and may additionally utilize AASHTO standards identified in *A Policy on Geometric Design of Highways and Streets, 5th Edition*, American Association of State Highway and Transportation Officials (AASHTO “Green Book”).

1. Corner Lots in Residential Subdivisions

Corner lots shall contain 25 percent more lot area than interior lots for the purpose of guaranteeing sufficient lot width for safe access. Furthermore, corner lots shall access from the minor street near the property line most distant from the intersection.

2. Non-residential Access

Access to non-residential properties will require individual approval by the City Engineer.

E. Failure to Comply

Construction shall not commence on any improvement until engineering drawings have been approved by the City Engineer. Construction must be performed in a workmanlike manner, in conformance with approved engineering drawings, to the usual construction tolerances. Failure to comply may prevent recording of the final plat and the transfer of lots.

5. OPEN SPACE

Neighborhood recreational spaces required at 200 square feet per dwelling unit, for all conventional subdivisions containing 20,000-square-foot lots and smaller. Eighty percent (80 percent) of all dwelling units in the subdivision must be located within approximately one-fourth mile of usable open space, measured by the most direct dedicated public or private pedestrian connection. Nearby public parks, with appropriate pedestrian connections, will be recognized as usable open space.

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