

ORDINANCE NO.

**AN ORDINANCE TO AMEND
THE ZONING ORDINANCE OF THE CITY OF
MONTEVALLO, ALABAMA**

WHEREAS, Section 11-52-9 of the Code of Alabama identifies that a Comprehensive Plan, shall be made for the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality and its environs to best promote health, safety, morals, order, convenience, prosperity and general welfare; and,

WHEREAS, the Montevallo Comprehensive Plan, *College Culture, Country Charm*, was adopted in 2008 by the Montevallo City Council containing a Future Land Use Plan that exhibits generally how the downtown Urban Core, and its adjacent neighborhoods and outlying communities should function relative to each other and as a part of the whole that is consistent with the Plan; and,

WHEREAS, the Plan calls for the development of regulations to implement the Plan and that changes to increase or decrease density or substantially alter approved plans shall not be permitted unless such change advances the Plan or any plans, regulations or programs in place at that time; and,

WHEREAS, Section 11-52-70 of the Code of Alabama provides that each municipal corporation in the State of Alabama may divide the territory within its corporate limits zones or districts and may provide the kind, character and use of structures and improvements that may be erected or made within the zones or districts established and may, from time to time, rearrange or alter the boundaries of such zones or districts and may also adopt such ordinances as necessary to carry into effect and make effective the provisions of said Section; and,

WHEREAS, zoning regulations are adopted to protect and stabilize property values by ensuring that the density, intensity, use, and configuration of land is complementary, compatible, and predictable; and,

WHEREAS, zoning is the single most effective tool for ensuring that land development in the City of Montevallo is consistent with the goals and vision of the Plan; and,

WHEREAS, the Zoning Ordinance of the City of Montevallo has been developed, over the course of two years, through detailed work of the Planning and Zoning Committee and the City Council of the City of Montevallo to provide the tools necessary to implement the Plan, including the provisions of:

- Downtown Redevelopment Plan of the City of Montevallo, which was adopted by the City Council in March of 2009;
- Alabama Communities of Excellence (ACE) Program;
- Continued work between the City of Montevallo, the University of Montevallo and Shelby County to advance their current partnerships, efforts and improvements;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Montevallo that the Zoning Ordinance of the City of Montevallo be, and the same hereby is, amended to read as follows:

2012

ZONING REGULATIONS



Shelby County, Alabama
Department of Development Services

May 1, 2012

CITY OF MONTEVALLO, ALABAMA

The Honorable Ben McCrory, Mayor

City Council

District 1 – Rusty Nix

District 2 – Willie Goldsmith

District 3 – Sharon Gilbert

District 4 – Hollie Cost

District 5 – Dee Woodham

Montevallo Planning and Zoning Board

Donnie Norris, Chairman

Robert Doyle

Kristen Bridges

Jube Gilbert

Charles Binion

Brad Davis

Charles Turner

Rusty Nix, City Councilor

Herman Lehman, City Clerk

ZONING ORDINANCE OF THE CITY OF MONTEVALLO

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ARTICLE 1. SHORT TITLE**Section 1.01. Short Title.**

This Ordinance shall be known as the "Zoning Ordinance of the City of Montevallo, Alabama," and the map herein referred to, identified by the title "Zoning Map of the City of Montevallo, Alabama," shall be further identified by the signature of the Mayor of Montevallo and attested to by the City Clerk. The Zoning Map of the City of Montevallo is hereby adopted and made a part of this Ordinance. Such map is filed with the City Clerk of the City of Montevallo and will remain on file in the office of the said clerk. Upon the adoption of this Ordinance, said map shall show by endorsement thereon the date of such adoption.

ARTICLE 2. PURPOSE, METHOD and AUTHORITY**Section 2.01. Purpose.**

The fundamental purpose of this Ordinance is to promote the public health, safety, morals and general welfare; to encourage the use of lands and natural resources in the City of Montevallo in accordance with their character and adaptability; to limit the improper use of land; to provide for the orderly development and growth of the City of Montevallo; to reduce hazards to life and property; to establish the location, size and the specific uses for which dwellings, buildings and other structures may hereafter be erected or altered and the minimum open spaces and sanitary, safety and protective measures that shall be required for such buildings, dwellings, and other structures; to avoid congestion on the public roads and streets; to provide safety in traffic and vehicular parking; to facilitate the development of an adequate system of transportation, education, recreation, sewage disposal, safe and sufficient water supply and other public requirements; to conserve life, property and natural resources and the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties, for the general good and benefit to the people of the City of Montevallo.

Section 2.02. Methods.

For the purposes hereinbefore stated, the City of Montevallo is divided into districts of such number, shape and area, and of such common unity of purpose, adaptability or use, which are deemed most suitable to provide for the best general civic use, protect the common rights and interests within each district, preserve the general rights and interests of all, and to promote improved wholesome, sightly, harmonious and economic results in civil service, activities and operations; and by further regulations to limit the location, uses and occupancy of buildings, structures and land to be used for trade, industry, residence or other purposes, and also the location, height, bulk, occupancy and uses of buildings or other structures, including the ratio of lot occupancy and coverage, setback lines, sizes of yards, and other open spaces.

Section 2.03. Authority.

A Planning Commission is hereby established. Such Commission shall function as provided by Chapter 52 ("Planning, Zoning and Subdivisions"), Code of Alabama 1975 [§ 11-52-3, Code of Alabama 1975], or as such may be amended, and it shall have all powers granted therein.

ARTICLE 3. DEFINITIONS**Section 3.01. Generally.**

For the purpose of this Ordinance, certain terms and words are hereby defined. All words shall have the customary dictionary meaning, unless specifically defined in these regulations. The present tense includes the future tense and the future tense includes the present tense. The singular includes the plural and the plural includes the singular. 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.

Abutting. Having a common border with, or being separated from such common border by an alley or easement.

Access. A means of vehicular approach or entry to or exit from property. A curb cut is a structural change in the curb to permit access.

Accessory structure or use. A subordinate structure or a portion of the main structure, the use of which is incidental to the main use of the premises. An accessory use is one that is incidental to the main use of the premises.

Acre. A measure of land containing 43,560 square feet.

Addition. A structure added to the original structure at some time after the completion of or after a Certificate of Occupancy has been issued for the original structure.

Adjacent/adjoining. To be separated by common property lines, lot lines, or an alley.

Administrator. That person or his/her duly authorized representative, designated by the City Council to administer the Zoning Ordinance of the City of Montevallo and who is charged with certain responsibilities and duties by this Ordinance.

Alley. A public thoroughfare that affords only a secondary means of access to abutting property.

Alteration. Any change or rearrangement in the supporting members of an existing building such as bearing walls, columns, beams, girders, or interior partitions, as well as any change to doors or windows or any enlargement to a building or structure, whether horizontal or vertical or the moving of a building or structure from one location to another.

Apartment Building. See "Dwelling, Multiple."

Applicant. A person submitting an application for a permit, the development of property, a variance, a special exception use or the rezoning of the property.

Assisted Living Facility. A general term for a permanent building, portion of a building, or group of buildings (not including manufactured homes or trailers) used for adult congregate care in which room, board, meals, laundry, and assistance with personal care and other services are provided for not less than twenty-four (24) hours in any week to a minimum of two (2) ambulatory adults not related by blood or marriage to the owner and/or administrator, including independent living facilities and residential care facilities. Assisted living facilities shall be classified as set forth in the Alabama Board of Medical Examiners Administrative Code (Alabama Administrative Code (AAC) 420-5-4.03).

Basement. A story having a part but not more than one half of its height below grade. A basement is counted as a story for the purpose of height regulations.

Bank or Financial Service. A business engaged in providing banking or financial services to the general public, such as a bank, savings and loan association, credit union, finance company, and similar businesses.

Bed and Breakfast Inn. A private owner-occupied residence providing accommodations for a charge to the public with no more than six (6) guest rooms for rent. Breakfast may be provided to the guests only. Bed and Breakfast establishments are exempt from the Rules of Construction and Maintenance and Operation of Hotels and the Rules for Food Service Sanitation.

Bedroom. A room marketed, designed or otherwise intended to function primarily for sleeping.

Berm. A planted elevated ground area(a mound) generally designed to restrict view and to deflect or absorb noise. Berms with groundcovers that require mowing shall have slopes that do not exceed one foot of rise per three feet of run (3:1). No slope shall exceed 50 %.

Block. A tract or parcel of land entirely surrounded by public streets other than alleys.

Bufferyard. A unit of land, together with a specified amount of planting thereon, and any structures which may be required between land uses to eliminate or minimize conflicts between them.

Building Line or Building Setback Line. A line generally parallel to the street right of way line at a distance equal to the depth of the front yard required for the zone district in which the lot is located.

Business or Professional Office. A place where the administrative affairs of a business or profession is conducted, such as the office of a law firm, real estate agency, insurance agency, architect, secretarial services, the administrative Administrator of business or industry, and the like.

Building. Any structure having a roof supported by columns or walls designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind.

Building, Height of. The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height between eaves and ridge for gable, hip and gambrel roofs.

Car Wash. A commercial establishment engaged in washing or cleaning automobiles and light vehicles.

Child Day Care Center. Any child-care facility receiving more than twelve (12) children for daytime care during all or part of a day.

Child Day Care Home. A child-care facility which is a family home and which receives not more than six (6) children for care during the day.

Child Group Day Care Home. A child care facility which is a family home and which receives at least seven but no more than twelve (12) children for care during part of the day where there are at least two (2) adults present and supervising the activities.

Club, Private. A building or portion thereof or premises owned or operated by a corporation, association, person or persons for a social, educational, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

Community Center. Buildings arranged for community gathering for social, cultural or community services purposes, including museums, galleries, community meeting rooms, community recreation centers, libraries, YMCAs, YWCAs, and similar uses.

Community Service Club. Buildings arranged for the gathering of private club members and their guests, including social club, professional association, fraternal lodge, union hall, civic association, and similar uses.

Convenience Store. A one story, retail store containing less than 3,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a supermarket), including not more than four motor vehicle fuel service islands.

Conditional Use. A use that, because of special requirements or characteristics, may be allowed in a particular zone district only after the review of the planning commission and the approval of the City Council that may impose such conditions as necessary to ensure compatibility with other uses permitted in the same zoning category or the surrounding vicinity.

Condominium. A form of property ownership providing for individual ownership of space in a structure together with an individual interest in the land or other parts of the structure in common with other owners.

Continuing Care Retirement Community. A licensed housing development that is planned, designed, and operated to provide a full range of accommodations and services for elderly adults, including independent living, congregate residential housing, medical care, and other support services. These facilities are generally designed utilizing a campus concept, and may offer rental as well as ownership options. CCRCs may also accommodate adult day-care facilities within the community, provided sufficient land area for any additional structures and parking requirements is available.

Development. The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land or any clearing, grading, or other movement of land, for which review and approval may be required pursuant to this or other City ordinances.

Distribution Warehouse. A place of business engaged in warehousing, wholesaling, or retail distribution services within a building.

District. A section or sections of the City of Montevallo for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

Domestic Violence Shelter. A facility operated by a public or non-profit entity, providing temporary shelter for up to ten individuals affected by domestic violence and may provide temporary boarding, lodging, counseling, and support services. Said facility must meet the minimum requirements of § 30-7-2, Acts of the Legislature 1997 and be certified by the Office of Prosecution Services to receive funds.

Drive-In Restaurant. See *Restaurant, Fast Food*.

Dwelling. Any building or portion thereof, which is used for residential purposes.

Dwelling, Attached. Three or more adjoining dwelling units each of which is separated from the others by one (1) or more walls, unpierced from ground to roof; also referred to as a townhouse.

Dwelling, Multiple. A building designed for or occupied exclusively by three (3) or more families.

Dwelling, Two-Family (Duplex). Two (2) single family residential dwelling units sharing one common wall, unpierced from ground to roof, and placed on a single lot designed for two (2) families.

Dwelling, Single-Family. A building designed for or occupied exclusively by one family such as a single family residence, garden home, or patio home.

Dwelling Unit. One or more rooms located within a building and forming a single habitable unit with facilities, which are used or intended to be used for living, sleeping, cooking and eating purposes.

Easement. Written authorization by a property owner of the use of a designated part of his property by another for a specified use.

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.

Entertainment, Indoor. A commercial establishment providing spectator entertainment within an enclosed building, including, but not limited to movie theaters, playhouses, and similar indoor facilities.

Entertainment, Outdoor. A commercial establishment providing spectator entertainment in open or partially enclosed or screened facilities, including, but not limited to sports arenas and amusement parks.

Exterior Storage. Outdoor storage of fuel, raw material, products or equipment. In the case of lumberyards and similar activities, exterior storage includes all impervious materials stored outdoors. In the case of truck terminals, exterior storage includes all trucks, truck beds, and truck trailers stored outdoors.

Family. One or more persons related by blood, marriage, adoption or guardianship plus one (1) unrelated

person occupying a dwelling unit and living as a single housekeeping unit. Failure of property owner to comply with this definition shall be deemed a violation of this Ordinance.

Farm Support Business. A commercial establishment engaged in the sale of farm support goods and services, including the following activities:

- the sale of feed, grains, fertilizers, pesticides, and similar support goods;
- the provision of warehousing and storage facilities for raw farm products; and
- the provision of veterinary services for large animals.

Farm. A three (3) acre or larger property used for the production, keeping or maintenance of plants and animals useful to man for sale, personal use or consumption, including, but not limited to the following farm activities:

- forages and sod crops;
- grains and seed crops;
- dairy animals and products;
- poultry, including egg production but excluding poultry processing;
- livestock, such as beef cattle, sheep, goats, or any similar livestock, including the breeding and grazing of such animals but excluding meat processing;
- nursery operations involving the raising of plants, shrubs and trees for sale and transplantation and including greenhouses and incidental sales of items customarily associated with a nursery operation;
- forestry operations involving the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or performing forest services, including temporary sawmills and chippers for cutting timber growth on the same premises but excluding lumber yards, mills and similar activities;
- bees and apiary products;
- fisheries, excluding fish and seafood processing;
- fruits and vegetables of all kinds, including growing and harvesting of such fruits and vegetables but excluding food processing.

Fence. An artificially constructed barrier of any material or combination of materials or vegetation which is planted or retained as a means to enclose or screen areas of land.

Floor area. The gross horizontal areas of all floors, including penthouses (but excluding such areas within a building which are used for parking) measured from the exterior faces of the exterior walls of a building. Basements and cellars shall not be included in the gross floor area.

Fraternity or Sorority House. A building used as group living quarters for students of a college, university or seminary who are members of a fraternity or sorority that has been officially recognized by the college, university or seminary. Said building, containing sleeping rooms, bathrooms, common rooms, and a central kitchen and dining area, shall be maintained exclusively for members of the fraternity or sorority and their guests or visitors.

Frontage, street. The distance along which a property line of a lot adjoins a public or private street.

Funeral Home. A commercial establishment engaged in funeral and undertaking services for human burial.

Garage apartment. A part of a private garage of a single family dwelling consisting of a room or rooms intended to be used by an individual or a single family. Garage apartments are only allowed to the rear of the main building.

Garage, private. An accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupants of the building to which it is accessory.

Garage, storage or parking. A building or portion thereof designed or used exclusively for the storage of motor-driven vehicles, and within which motor fuels and oils may be sold, but no vehicles are equipped, repaired, hired or sold.

Garden Center or Nursery. Retail sales of plants, trees, shrubs, and the like for ornamental or landscaping purposes, conducted from a building, greenhouse, outdoor display area, or stand, including incidental sales of items customarily associated with such sales activities, including such items as containers, seeds, fertilizers, ornaments, small gardening tools and equipment.

General Retail, Enclosed. Retail sales of goods and services, not otherwise defined by this section, conducted within an enclosed building, including, but not limited to food sales, department stores, clothing stores, home furnishings sales, appliance stores, auto supply stores, gift shops, specialty stores, jewelry stores, cosmetics sales, package liquor stores, tobacco stores, drug stores, variety stores, and similar retail businesses.

Grade. The average level of the finished ground surface adjacent to the exterior walls of the building.

Gross Density. The number of dwelling units per acre based on the **gross** site area.

Gross Site Area. The entire area of the site inside of the parcel boundaries, including buildings, parking and driving areas, sidewalks, public and private rights-of-ways, and public and private open space areas. (Note: one acre equals 43,560 sf)

Group Care Home. A facility serving up to ten (10) individuals, who may or may not be related by blood or marriage, living together as a single housekeeping unit under the supervision of one or more resident managers, whose purpose is to serve socially, physically, mentally, or developmentally impaired individuals in a family-type living arrangement and meets the minimum requirements of the Code of Alabama, 1975, §11-52-75.1, *Regulation as to housing of mentally retarded or mentally ill persons in multifamily zone*, as amended.

Height of Structure. The vertical distance measured from the lowest ground elevation at the exterior face of a structure to the highest point on such structure plus the vertical distance measured from the highest ground elevation at the exterior face of such structure to the highest point on such structure, divided by two (2).

Home Improvement Center. A place of business providing building, appliance, yard and garden materials, tools, and supplies at retail and/or wholesale.

Home occupation. Any occupation or activity which is clearly incidental to use of the premises for dwelling purposes and which is carried on wholly within a main building or accessory building by a member of a family residing on the premises, in connection with which there is no advertising and no display or storage of materials or exterior identification of the home occupation or variation from the residential character of the premises and in connection with which no person outside the family is employed and no equipment used other than that normally used in connection with a residence. A home occupation shall not include beauty parlors, barbershops or doctors or dentists' offices for the treatment of patients.

Hotel. A building in which lodging or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours.

Impervious Surface. Any hard-surfaced, man-made area that does not readily absorb or retain water including, but not limited to: buildings, driveways, vehicular maneuvering areas, parking areas, paved drainage structures, walkways and other surfaces that are impervious to water.

Impervious Surface Ratio (ISR). The total area of impervious surfaces divided by the total site area.

Independent Living Facility. A licensed facility planned, designed, and managed to include multi-unit rental housing with self-contained apartment dwellings intended for elderly adults. Support facilities may include meals, laundry, housekeeping, transportation, social, recreational, or other services. The

facility may or may not include resident Administrator and administration.

Industrial Park. A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries providing them with all necessary facilities and services in attractive surroundings among compatible neighbors.

Institution. The structure or land occupied by a group, cooperative, board, agency or organization created for the purpose of carrying on non-profit functions of a public or semi-public nature, including but not limited to hospitals, schools, churches, fraternal orders, orphanages and also including residential accessory uses, such as rectories, parsonages, dormitories and dwellings for resident administrators, watchmen, custodians or caretakers.

Junk Yard. Any lot or parcel of land on which is kept, stored, bought, or sold articles commonly known as junk, including scrap paper, metal and wood, any automobile or truck body from which the motor has been removed, more than one motor vehicle which will not start or run by itself or which does not possess the equipment required by § 32-5-210 to § 32-5-253 and other relevant portions of the Code of Alabama 1975 or automobiles and parts thereof which are valuable only as junk, provided that the term *Junk Yard* shall not apply to any parcel of land used in conjunction with any duly licensed automobile dealer, gasoline service station or public garage.

Kennel. Any establishment where dogs or cats are boarded for compensation or where dogs or cats are bred or raised for sale purposes.

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.

Laundromat. A commercial facility where patron wash, dry or dry clean clothing or other fabrics in machines operated by the patron.

Laundry Service. A commercial establishment providing laundering, dry cleaning or dyeing service (other than a laundry or dry cleaning pick up station defined as general retail), such as a laundry and dry cleaning plant, diaper or linen service.

Loading Space. A space having a minimum dimension of twelve (12) feet by thirty-five (35) feet and a vertical clearance of at least fourteen (14) feet within the main building or on the same lot, providing for the standing, loading or unloading of trucks.

Loft Apartment. A dwelling located in the upper story of a building where the ground floor is devoted to commercial or institutional use.

Lot. Land occupied or intended for occupancy by a use including the yards and parking spaces required therein, and having its principal frontage upon a street.

Lot Area. The area contained within the lot lines of a lot or parcel of land as shown on a subdivision plat or survey. Lot area excludes any area within an existing or future street right-of-way or any area devoted to common open space.

Lot, Corner. A lot abutting upon two or more streets at their intersection.

Lot, frontage. The lot width measured at the street line. When a lot has more than one (1) street line, lot width shall be measured at both street frontages and the minimum lot width required by this Ordinance shall be provided at each such line.

Lot Line. A line bounding a lot which divides one lot from another lot or from a right-of-way or any other public or private space. The front lot line is the lot line along which the lot takes primary access to a street. The rear lot line is the lot line which is parallel to and most distant from the front lot line or, in the case of an irregular lot, a line twenty feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front lot line. Side lot line is defined as any other lot line other than a front or rear lot line.

Lot, Reverse Frontage. A double frontage lot having a rear yard on a major street and a front yard and

access to a local or marginal access street.

Lot, Through or Double Frontage. A lot other than a corner lot abutting two streets.

Lot of Record. A lot which is part of a subdivision, the plat of which has been recorded in the Office of the Probate Judge of Shelby County, Alabama, or a parcel of land described by meets and bounds, the plat of description of which has been recorded in said office. If a portion of a lot or parcel has been conveyed at the time of the adoption of this Ordinance, the remaining portion of said lot or parcel shall be considered a lot of record.

Lot Width. The width of the lot at the front building setback line.

Manufacturing. The basic processing and manufacturing of materials or products predominately from extracted or raw materials and the incidental storage, sales, and distribution of such products.

Manufactured Home. A structure, originally designed to be transportable in one or more sections which is built on a permanent chassis, and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes plumbing heating, air-conditioning and electrical systems contained therein.

Manufactured Home Community. A contiguous parcel of land under single or same ownership, which has been planned, improved and used for the placement of ten (10) or more manufactured homes for residential occupancy. The placement of manufactured homes on the property shall be by leasehold only and no individual lots may be sold within the community without proper subdivision approval.

Medical Clinic. A facility providing medical, psychiatric, or surgical services for sick or injured persons exclusively on an outpatient basis.

Mini- Storage. A building or group of buildings containing separate storage spaces which are leased on an individual basis for the exclusive purpose of storing non-hazardous household goods, but not including the storage of materials for a commercial or industrial enterprise or for any activity other than dead storage.

Mobile Home. Any manufactured home built prior to June 15, 1976. See also "Manufactured home."

Mobile Home Park. See Manufactured Home Community.

Modular Home. A factory fabricated transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a permanent structure to be used for residential purposes and which bears a seal of compliance with the regulations of the Alabama Manufactured Housing Commission.

Motel. A building or group of buildings used for the temporary occupancy of transients and containing no facilities for cooking in the individual units.

Net Density. The number of dwelling units per acre based on the *net* site area.

Net Site Area. The area located inside the parcel boundaries, excluding parking and driving areas, sidewalks, public and private rights-of-ways, and public and private open space areas. (*Note: one acre equals 43,560 sf*)

Nonconforming Use. A condition that occurs when, on the effective date of adoption of this code or a previous ordinance or on the effective date of an ordinance text amendment or rezoning, an existing lot, structure, building, sign, development or use of an existing lot or structure does not conform to one or more of the regulations currently applicable to the district in which the lot, structure, building, sign, development, or use is located.

Nursing Home. A licensed facility or home for the aged and/or infirm in which three or more persons not of the immediate family are received, kept, provided with food and shelter, or care for compensation; but not including hospitals, clinics, independent living facilities, residential care facilities, or similar establishments devoted primarily to the diagnosis and treatment of the sick or injured. Twenty-four hour direct medical, nursing, and other health services are provided.

Open Space (residential developments). Land area within a residential development that is held in common ownership for all the residents for recreation, protection of natural land features, amenities or buffers. Open space must be freely accessible to all residents of the development and is protected by the provisions of this Ordinance to ensure that it remains in such uses. Open space does not include land occupied by nonresidential buildings, common driveways or parking areas or street rights-of-way, nor does it include lots for single family or multi-family dwellings. Open space should be left in a natural state or landscaped, except in the case of recreational structures.

Open Space. Any land or area, the preservation of which in its present use would: ① conserve and enhance natural or scenic resources; or ② protect streams or water supply; or ③ promote conservation of soils, wetlands, beaches, or tidal marshes; or ④ enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations, or sanctuaries; or ⑤ enhance recreation opportunities.

Parcel. A contiguous quantity of land in possession of or owned by or recorded as the property of the same claimant or person.

Parking Space, Off-Street. An accessible space permanently reserved for the temporary storage of one vehicle, connected to a street by a driveway or an alley, having a minimum area of one hundred eighty (180) square feet (a minimum width of ten (10) feet and a minimum length of eighteen (18) feet) exclusive of driveways and maneuvering area.

Parks. Publicly-owned and operated playgrounds, recreation facilities and open spaces. Recreation facilities with nighttime field lights shall be classified as *recreation, outdoor*.

Place of Worship. Buildings arranged for religious service purposes such as churches and synagogues, including related facilities for instruction, meeting, recreation, lodging, eating and other integrally related activities.

Portable Building. A portable building is any building or vehicle comprised of one or more units designed, manufactured or converted for transportation on public streets or highways on wheels, arriving at the site substantially ready for occupancy, whether for residential, office, commercial or manufacturing use. Removal of packing, baffles, and other travel supports; assembly of units; and connection of or to utilities shall not be considered in determining whether a unit or units are substantially ready for occupancy. The towing hitch, wheels, axles, and other running gear may be removable for the placement of the portable building and may be reinstalled to permit its further movement. A mobile home or mobile office including any doublewide mobile home or office is a portable building.

Public Facility. Buildings arranged for the purpose of providing public services, not otherwise listed in this section, including, but not limited to government offices, post offices, transit stations, police stations, fire and emergency service stations, civil defense operations and similar uses.

Public Utility Facility. Facility that provides public utility services to the public at large including, but not limited to water and sewerage facilities, gas distribution facilities, electric transmission and distribution facilities, and cable television transmission and distribution facilities.

Parking Lot. An open area used exclusively for the temporary storage of motor vehicles and within which motor fuels and oils may be sold and fees charged but no vehicles are to be equipped, repaired, rented or sold.

Premises. A lot, together with all buildings and structures existing thereon.

Recreation, Indoor. A commercial establishment providing recreational or sports activities to participants within an enclosed building, including bowling alleys, billiard parlors, video game centers, fitness centers, ice and roller skating rinks, and other commercial indoor recreational and sports activities.

Recreation, Outdoor. A commercial establishment providing recreation or sports activities to participants in open or partially enclosed or screened facilities, including driving ranges, miniature golf courses, practice golf driving range, par three golf course or miniature golf course, commercial,

recreational or amusement development for temporary or seasonable periods, golf courses, swimming pools, tennis courts, and other similar commercial outdoor recreational and sports activities.

Recreational Vehicle. A vehicle or a unit that is mounted on or drawn by another vehicle primarily designed for temporary living. Recreational vehicles include travel trailers, camping trailers, truck campers and motor homes.

Recreational Vehicle Park. A lot on which campsites are established for occupancy by recreational vehicles of the general public as temporary living quarters for purposes of recreation or vacation. Specifically, they shall be located at least four hundred (400) feet beyond the outside right-of-way line; buffered by adequate berms, plantings or other natural buffers; limited to not more than seven (7) days of maximum continuous usage by recreational vehicles; and conform to Gateway Transition Commercial signage standards.

Residential Care Facility. A licensed facility that provides congregate private and/or shared room, Administrator-supervised meals, housekeeping, social services, and assistance with personal care and other services for not less than twenty-four hours in a week to a minimum of two ambulatory adults who are not related by blood or marriage to the owner and/or administrator. The facility may or may not include a resident Administrator and administration.

Restaurant, Fast Food. An establishment whose principal business is the sale of food and beverages in a ready to consume state for consumption within the restaurant building, within a motor vehicle parked on the premises or off the premises as a carry-out order, and whose principal method of operation is for off-premises consumption.

Restaurant, Standard. An establishment whose principal business is the sale of food and beverages in a ready to consume state and whose principal method of operation includes one or more of the following characteristics: customers, normally provided with an individual menu, are served their food and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed; a cafeteria type operation where food and beverages are generally consumed within the restaurant building. Such restaurants may have carry-out services.

School. An institution for the teaching of children or adults including primary and secondary schools, colleges, professional schools, dance schools, business schools, trade schools, art schools, and similar facilities.

Service Station. Any building, structure, or land used primarily for the dispensing, sale or offering for sale at retail of any automobile fuels, oils or accessories but not including major repair work such as motor overhaul, body and fender repair or spray painting.

Setback Line. A line parallel to the property line between which line and the property line no structure can be erected, except as otherwise noted herein.

Shopping Center. A group of commercial establishments planned and developed in a unified design, with shared parking, landscaping and driveway facilities and under common management authority.

Special Exception. A use, occupancy or structure, specifically designated as a special exception in a particular zone district that would not be appropriate generally or without restriction throughout the district but which, if controlled as to the number, area, location or relation to the surrounding area would be appropriate within said district and would promote the public health, safety, morals and general welfare. Such uses or structures may be authorized in that specific zone district by resolution of the Zoning Board of Adjustment, provided they meet the requirements of the zone district therein.

Story. That portion of a building other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, the space between the floor and the ceiling next above it.

Story, Half. A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level and in which space not more than two thirds of the floor area is finished off for use. A half-story containing independent apartment or living quarters

shall be counted as a full story.

Street. A public thoroughfare which affords the principal means of access to abutting properties.

Structural Alterations. Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders; provided, however, that the application of any exterior siding to an existing building for the purpose of beautifying and modernizing shall not be considered of a structural alteration.

Structure. Anything constructed or erected, the use of which required a location on the ground, or attached to something having a location on the ground (viz. buildings, signs, billboards, back stops for tennis courts, fences or radio towers).

Subdivision. Any division or redivision of land into two (2) or more lots or parcels with the intent to convey, either presently or in the future, one (1) or more such lots or parcels.

Trailer, Home. Any manufactured home built prior to June 15, 1976. See also "Manufactured home".

Truck Repair Service. A place of business engaged in the repair and maintenance of trucks with more than two axles including the sale, installation and servicing of mechanical equipment and parts but not including painting, body work, upholstery work, fabrication of parts or rebuilding of engines.

Use. The function, activities, or purpose for which land, a building, or other structure is designed, arranged, occupied, or maintained.

Use, Temporary. Any use established for a fixed period of time, without construction or alteration of a permanent structure with the intent to discontinue such use upon expiration of such time.

Urban Residential Development. Areas within the Downtown Urban Core and larger village centers that may include attached or detached residential units and mixed-use development. The density of Urban Residential Developments may vary relative to proximity to the Urban Core or a village center.

Vehicle Repair Service. A building or portion thereof, other than a private, storage, or parking garage, designed or used for equipping, servicing, repairing, hiring, selling, or storing of motor-driven vehicles, but not including the storage of wrecked or junked vehicles.

Wireless Telecommunications Facility. A facility that transmits and/or receives electromagnetic signals. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, telecommunications towers, broadcasting towers, radio towers, television towers, telephone transmission towers or similar structures supporting said equipment, equipment buildings, access roads, parking area, access roads and other accessory structures.

Yard. An open space between a building or use and the adjoining lot lines, unoccupied and unobstructed by any structure or use from the ground upward. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of a rear yard, the minimum distance between the lot line and the main building shall be used. A required yard shall mean a yard the depth of which is specified in the "Area and Dimensional Regulations" pertaining to the district in which such yard is required to be provided.

Yard, Front. A yard extending across the front of a lot between the side lot lines. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

Yard, Rear. A yard extending across the rear of a lot between the side lot lines. On all lots the rear yard shall be in the rear of the front yard.

Yard, Side. A yard between the main building and the side lot line and extending from the required front yard to the required rear yard.

Zoning Map. The map referred to in §1.01 Short Title, of this Ordinance.

ARTICLE 4. ZONE DISTRICTS AND BOUNDARIES**Section 4.01. Establishment of Districts.**

In order to carry out the intent and purpose of this Ordinance, the City of Montevallo is hereby divided into the following districts; the location, boundaries, and area of which are and shall be as shown and depicted upon the Zoning Map of the City of Montevallo:

- A-R, Agricultural-Residential District
- E-1, Single Family Estate District
- R-1, Single Family District
- R-2, Multiple Dwelling District
- R-4, Multiple Dwelling District
- PDHD, Previously Developed High Density District
- O & I, Office and Institutional District
- B-1, Neighborhood Business District
- B-2, General Business District
- M-1, Light Industrial District
- SD, Special District

Section 4.02. Zoning Map.

The Map or maps which are identified by the title "Zoning Map of City of Montevallo," and which, together with the legends, words, figures, letters, symbols, and explanatory matter thereon, is hereby declared to be a part of this Ordinance and shall be known as the "Zoning Map" throughout this Ordinance.

Section 4.03. District Boundaries.

The district boundary lines on the Zoning Map are intended to follow either natural boundaries, streets or alleys or lot lines, and where the districts designated on said map are bounded approximately by such streets, alley or lot lines, the center line of the street or alley or the lot lines shall be the boundary of the district unless such boundary is otherwise indicated on the map. In all other cases, the district boundary lines shall be determined by use of the scale appearing on the Zoning Map.

Section 4.04. Annexed Property.

Any property hereafter annexed into the City shall be classified as A-R, Agricultural-Residential District.

ARTICLE 5. GENERAL REGULATIONS

Section 5.01. Generally.

The general regulations contained in this Article shall apply in all districts except as may be otherwise provided in these regulations.

Section 5.02. Use of Land.

No land shall be used except for a use permitted in the district in which it is located except as may be otherwise provided in these regulations.

Section 5.03. Use of Structures.

No structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building or structure be used except for a use permitted in the district in which such building is located and as may be otherwise provided in these regulations.

Section 5.04. Height of Structures.

No structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered to exceed the height limit herein established for the district in which such structure is located except as may be otherwise provided in these regulations.

Section 5.05. Dimensional Regulations.

No structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered except in conformity with the dimensional regulations of the district in which such structure is located or as may be otherwise provided in these or other City regulatory Ordinances.

Section 5.06. Encroachment On or Reduction of Yards, Parking Spaces, or Open Spaces.

The minimum yards, parking spaces, and open spaces, required by this Ordinance for each structure existing at the time of passage of this Ordinance, or for any structure hereafter erected or structurally altered, shall not be encroached upon or considered as part of the yard or parking space or open space required for any other structure, nor shall any lot area be reduced below the lot area per family requirements of this Ordinance for the district in which such lot is located or as may be otherwise provided in these regulations.

Section 5.07. Off-Street Parking and Loading.

No building shall be erected, converted, enlarged, reconstructed or moved except in conformity with the off-street parking and loading regulations of this Ordinance.

Section 5.08. Building To Be on Lots.

Every building hereafter erected, converted, enlarged, reconstructed, moved or structurally altered shall be wholly located on a lot and meeting the Area and Dimensional Regulations of the zone district, or as may be otherwise provided in these regulations.

Section 5.09. Accessory Buildings.

- A. No accessory structure shall be constructed or moved upon a lot until the construction of the main building has actually commenced.
- B. Except as otherwise noted, no accessory building shall be used for dwelling purposes.

Section 5.10. More Than One Main Building on One Lot.

There shall not be more than one main building hereafter erected on one lot except as otherwise provided in this Ordinance.

Section 5.11. Joint Occupancy.

No structure shall be erected, structurally altered for, or used as a single-family or two-family dwelling **simultaneously** with any other use except as allowed in the Special District.

Section 5.12. Building Material Storage.

Building materials or temporary structures for construction purposes shall not be placed or stored on any lot or parcel of land located in a non-industrial zone district prior to appropriate permits having

been approved and issued by the City of Montevallo.

Section 5.13. Parking or Storage of Major Recreational Vehicles.

Major recreational vehicle including but not limited to house boats, travel trailers, pick-up campers, motorized dwellings, tent trailers, and other similar vehicles shall not be stored or parked on any lot in a residential district except in an enclosed building or carport, or on the lot in such a manner that no portion of the recreational vehicle extends beyond the front building line of the principal dwelling or encroaches the required distance from side and rear property lines. In the case of corner lots, the recreational vehicle must be stored or placed either behind the principal dwelling or on the side away from the street. No recreational vehicle shall be parked on a vacant lot or on a lot with an unoccupied principal dwelling. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use.

Notwithstanding this requirement, temporary parking of recreational vehicles may be permitted for a period not to exceed three (3) days.

Section 5.14. Parking and Storage of Certain Vehicles.

- A. Automotive vehicles without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.
- B. Automobile sales shall only occur at businesses with a valid license to do so. Such businesses are subject to the requirements of the zone district of that location.
- C. Commercial vehicles exceeding one ton rated capacity and construction vehicles shall not be parked or stored in residential zone districts.

Section 5.15. Mobile Homes and Trailers.

- A. All mobile homes shall be situated in an approved Manufactured Home Community except as may otherwise be provided in these regulations.
- B. Mobile homes shall meet the minimum standards set forth in §18.03.

Section 5.16. Home Repair and Remodeling.

All home remodeling, repair, and modification shall be permitted provided that the Area and Dimensional requirements are met for the zone district involved.

Section 5.17. Construction Debris and Trash.

During construction, all reasonable efforts shall be implemented to maintain a debris and trash free appearance from the public right-of-way.

Section 5.18. Noise Ordinance.

All uses in this Ordinance are subject to the Montevallo Noise Ordinance.

Section 5.19. Garage Apartments.

- A. The floor area of the garage apartment shall be at least three hundred (300) square feet and shall not exceed 25% of the floor area of the principal dwelling.
- B. If attached to the principal dwelling, the garage apartment shall maintain the appearance of the principal dwelling and shall not create additional entrances toward the front of the property.
- C. If detached from the principal dwelling, the garage apartment shall be limited to the rear of the principal dwelling or within the upper floor of a garage and shall be so placed as to avoid objectionable views from the street and surrounding properties.

Section 5.20. Family Care and Domestic Violence Shelter.

- A. The use shall be conducted within a single family residence.
- B. The building shall maintain the exterior appearance and character of a single family residence with no separate exterior entrances to individual bedrooms.
- C. The home shall be sponsored by a public or non-profit organization; all state licensing requirements shall be met.

Section 5.21. Keeping of Animals.

The keeping of animals shall be permitted in the A-R, Agricultural Residential District, or any other district where the lot or tract size is three (3) acres or more, provided that compliance with all applicable laws including State and County Health Regulations are maintained.

Section 5.22. Cemeteries and Mausoleums.

- A. No cemetery except a family plot or "church yard" cemetery shall be established on a site containing less than ten (10) acres.
- C. The proposed site for a cemetery shall not interfere with the development of a system of streets or a highway in the vicinity of such site. In addition, such site shall have direct access to a public thoroughfare.
- D. Any structures except grave markers and monuments shall be located a minimum of fifty (50) feet from any lot line or street right-of-way.
- E. All graves or burial lots shall be located a minimum of twenty-five (25) feet from any lot line or street right-of-way line.
- F. All required yards shall be landscaped and maintained pursuant to Article 22.

Section 5.23. Wellhead Protection.

The City of Montevallo relies on groundwater for its municipal water supply needs. To help protect this vital resource a Wellhead Protection Plan (WHPP) should be implemented pursuant to the Alabama Department of Environmental Management (ADEM) Chapter 335-6-8: Ground Water and Underground Injection Control. The City of Montevallo recognizes that this ordinance anticipates the requirements of a WHPP by establishing one thousand (1,000) foot wellhead protection zones around the water supply sources in Montevallo. Only proposed uses that will not adversely affect groundwater quality shall be permitted within the wellhead protection zones.

Section 5.24. Solid Waste Containers.

All solid waste containers shall be enclosed within a six (6)-foot-high wood screen fence on three (3) sides and double gated at the other. Solid waste containers used for the disposal of **putrescible waste** shall additionally be covered by a roof and have drainage underneath that is attached to a sanitary sewer system.

Section 5.25. Minimum Floor Area of Single Family Dwellings.

All single family dwellings shall contain a minimum of 1,100 square feet (102.19 m²).

Section 5.26. Child Care.

All Child Care facilities must meet the minimum requirements of the Code of Alabama, 1975, §38-7, *Chapter 7, Child Care*.

Section 5.27. Impervious Surfaces.

- A. The Impervious Surface Ratio (ISR) shall not exceed seventy (70) percent of the total site area of a lot or parcel devoted to multi-family residential uses, single-family residential (attached) uses or non-residential uses (i.e. commercial, industrial, institutional, etc.). The Urban Core District is exempt from this requirement.
- B. Impervious surfaces are any hard-surfaced, man-made area that does not readily absorb or retain water including, but not limited to: buildings, driveways, vehicular maneuvering areas, parking areas, paved drainage structures, walkways and other surfaces that are impervious to water.
- C. The Impervious Surface Ratio (ISR) is the total amount of all impervious surfaces on the lot divided by the total site area.

ARTICLE 6. USE REGULATIONS**Section 6.01. Use Limitations.**

Although a use may be permitted according to specified regulations and procedures in a particular district, such use may not necessarily be permitted on every parcel of land in the district. A use may be permitted only if it can meet all of the standards of this Ordinance and any other applicable ordinances, codes, or regulations.

Section 6.02. Classification of Uses.

This Ordinance recognizes the limitations of a finite list of use classifications as delineated in this Ordinance. The Administrator, therefore, is empowered to make interpretations so as to classify any questioned use within a use classification of most similar impact and characteristics. All interpretations shall be described in writing and signed by the Administrator and made a part of Appendix A. Appeals of such interpretations may be made to the Zoning Board of Adjustment, pursuant to Article 26.

Section 6.03. Unclassified Uses.

In the event the City of Montevalllo receives an application requesting the permitting of a use that is not listed or that cannot appropriately fit in a district, the following procedure shall apply:

- A. If the Planning Commission finds that the proposed use is compatible and consistent with the intent of the existing use district, the unclassified use may be permitted.
- B. If the unclassified use would not be compatible with the intent of the existing use district, the Planning Commission shall make a determination of the most appropriate use district and require the applicant have the property rezoned.
- C. Following final action regarding the unclassified use per paragraphs A. and B. above, the Planning Commission may initiate an amendment to this Ordinance to include the newly permitted use as a permitted use in that zone district.

ARTICLE 7. NONCONFORMING USES

Section 7.01. When Continuance of Use Permitted; Change in Use.

The lawful use of a structure or the lawful use of land existing at the time of the effective date of this Ordinance may be continued although such use does not conform to the provisions hereof. If no structural alterations are made, a nonconforming use of a structure may be changed to another nonconforming use of the same general classification or to a conforming use.

Section 7.02. Structures or Premises Vacant for One Year.

In the event that a structure or premises occupied by a nonconforming use becomes and remains vacant for a continuous period of one year or more, the use of the same shall thereafter conform to the use regulations of the district in which such structure or premises is located.

Section 7.03. Enlargement, etc., of Structure or Premises.

No structure or premises occupied by a nonconforming use shall be enlarged, extended, reconstructed or structurally altered unless such use is changed to a use which conforms to the use regulations of the district in which such structure or premises is located; provided, however, that a structure or premises may be physically enlarged, extended, reconstructed or structurally altered to the extent necessary for compliance with any existing and applicable law or ordinance specifying minimum standards of health or safety.

Section 7.04. Enlargements, etc., of Nonconforming Use.

No nonconforming use shall be enlarged, extended or expanded unless such use is changed to a use which conforms to the use regulations of the district in which such use is located.

Section 7.05. Structures Conforming to District Regulations but not Other Regulations

A structure or building conforming to the use regulations of the district in which it is located but not conforming to any other provisions of this Ordinance may be enlarged, extended or expanded provided, that such enlargement, extension or expansion conforms to the provisions of this Ordinance.

Section 7.06. Restoration of Damaged Buildings.

Any nonconforming building or structure damaged or destroyed by any cause may be rebuilt or reconstructed to its original state of nonconformity provided that such reconstruction shall be commenced within one year after the damage occurs and site plan approval, if applicable, is obtained. The City of Montevally shall have the authority to grant extensions of this one year time period on an individual basis. Requests for such extensions must be submitted in writing including appropriate documentation to the Planning Commission a minimum of thirty (30) days prior to the conclusion of such time period.

Section 7.07. Reestablishment of Nonconforming Use.

Any nonconforming use discontinued because of damage or destruction of a building or premises may be reestablished at its original level of nonconformity provided that the use is resumed within one year of its discontinuance and site plan approval is obtained, if applicable.

The City of Montevally shall have the authority to grant extensions of this one year time period on an individual basis. Requests for such extensions must be submitted in writing including appropriate documentation to the Planning Commission a minimum of thirty (30) days prior to the conclusion of such time period.

ARTICLE 8. A-R, AGRICULTURAL-RESIDENTIAL DISTRICT**Section 8.01. Generally.**

The regulations set forth in this Article or set forth elsewhere in this Ordinance, when referred to in this Article, are the regulations in the A-R, Agricultural-Residential District. This district is intended to provide a zoning classification for low-density development of primarily agricultural/forestry purposes and single-family homes on a minimum lot size of three (3) acres. The Agricultural-Residential District may be applied to any lands for which the Planning Commission finds should be preserved primarily for low intensity uses or open space.

Section 8.02. Use Regulations.**A. Permitted Uses.**

Within the A-R, Agricultural-Residential District, only the following uses and structures designed for such uses shall be permitted:

1. Any use in existence at the time of zoning the subject property Agricultural-Residential District.
2. Single family structures located on a minimum of three (3) acres.
3. Manufactured Home located on a minimum of three (3) acres, provided that the manufactured home shall be mounted on a permanent foundation, in accordance with the standards set forth in the manufacturer's requirements and meeting the minimum installation standards of the Alabama Manufactured Housing Commission.
4. Domestic Violence Shelter.
5. Group Care Home.
6. Garage Apartment.
7. Home Day Care.
8. Accessory structures and uses which are an ancillary function of the primary use of the subject property, including garage apartments and not more than one accessory dwelling for persons employed on the premises.
9. Farm
10. Kennels
11. Home Occupations.
12. Parks.

B. Conditional Uses.

Within the A-R, Agricultural-Residential District, the following uses may be allowed as conditional uses:

1. Single family residential structure located on less than three (3) acres.
2. Manufactured home located on less than three (3) acres.
3. Church or other place of worship provided, that any building shall be located not less than twenty-five (25) feet from any side lot line.
4. Public school, elementary or high, or a parochial or private school having a curriculum including the same courses as ordinarily given in a public school, but not providing residential accommodations for students; provided, that any such building shall be located not less than twenty-five (25) feet from any side lot line.
5. Outdoor recreation.
6. Bed & Breakfast Inn.
7. Wireless Telecommunication Facility.

- 8. Farm Support Business
- 9. Garden Center or Nursery, wholesale and/or retail.
- 10. Public Facility.
- 11. Public Utility Facility.
- 12. Continuing Care Retirement Community (Minimum Standards §12.03).

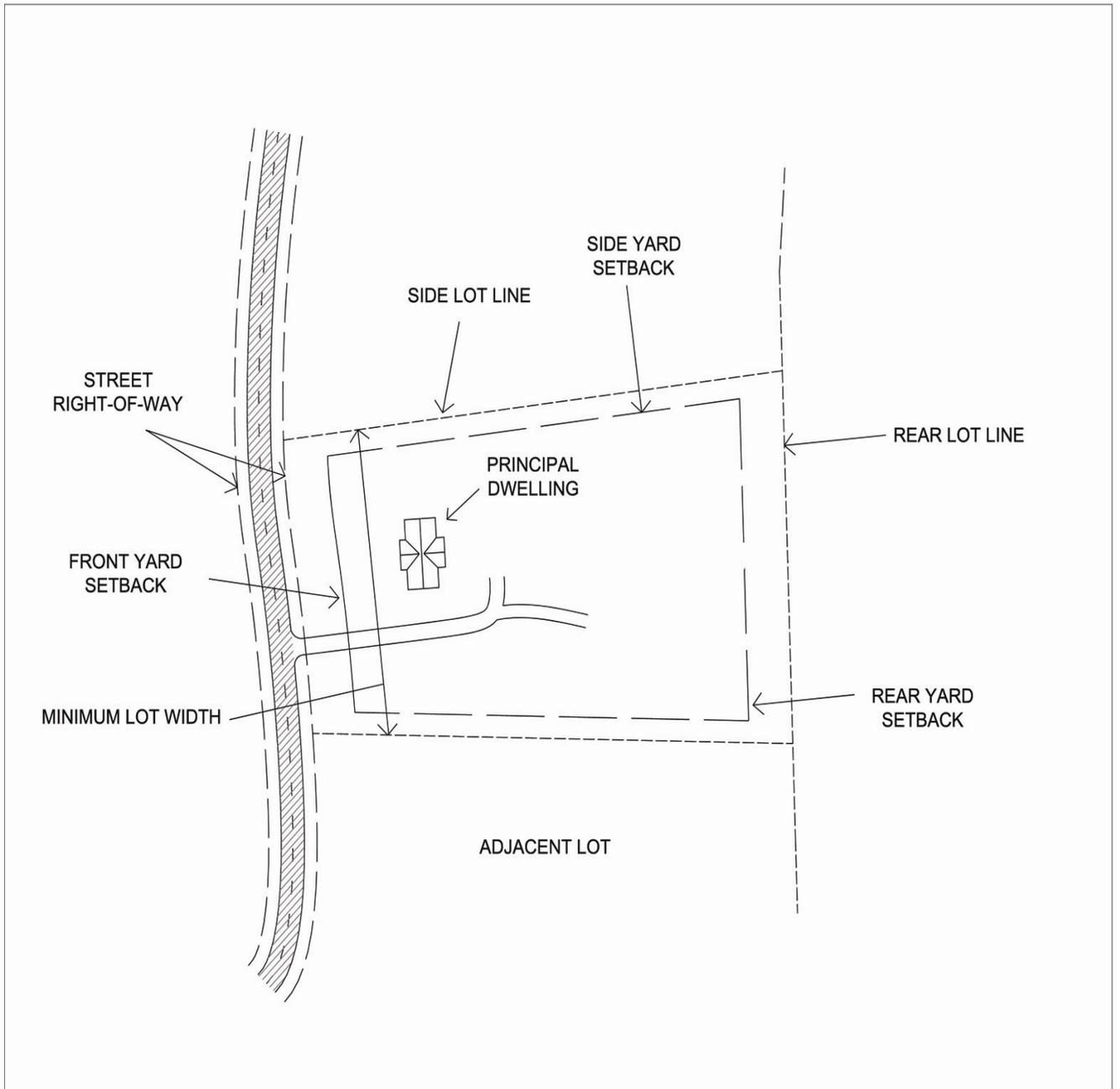
Section 8.03. Area and Dimensional Regulations.

Except as provided by Articles 7, 20, and 26, the area and dimensional regulations set forth in the following table shall be observed:

Maximum Height of Structure		Minimum Yards				Minimum Lot Size	Minimum Lot Width
Stories	Feet	Front	Rear	One Side	Total		
2½	35	40 feet	40 feet	20 feet	50 feet	3 acres	100 feet

Maximum height does not apply to barns or silos, provided that additional set backs are provided in accordance with the requirements for specific uses set forth in Article 20. No structure for the keeping of animals shall be located closer than one hundred (100) feet from any lot line.

A-R Agricultural-Residential District Typical Lot Development



ARTICLE 9. E-1, SINGLE-FAMILY ESTATE DISTRICT

Section 9.01. Generally.

The regulations set forth in this Article or set forth elsewhere in this Ordinance, when referred to in this Article, are the regulations in the E-1, Single-Family Estate District. This district is intended to provide a zoning classification for low-density single-family homes on a minimum lot size of one (1) acre. The E-1, Estate District may be applied to any lands for which the Planning Commission finds should be preserved primarily for low intensity uses or open space.

Section 9.02. Use Regulations.

A. Permitted Uses.

Within the E-1, Single-Family Estate District, only the following uses and structures designed for such uses shall be permitted:

1. Single family dwelling, except that manufactured homes are not permitted.
2. Accessory structures and accessory uses including, but not limited to nurseries, home gardens and green houses.

B. Conditional Uses.

Within the E-1, Single-Family Estate District, the following uses may be allowed as conditional uses:

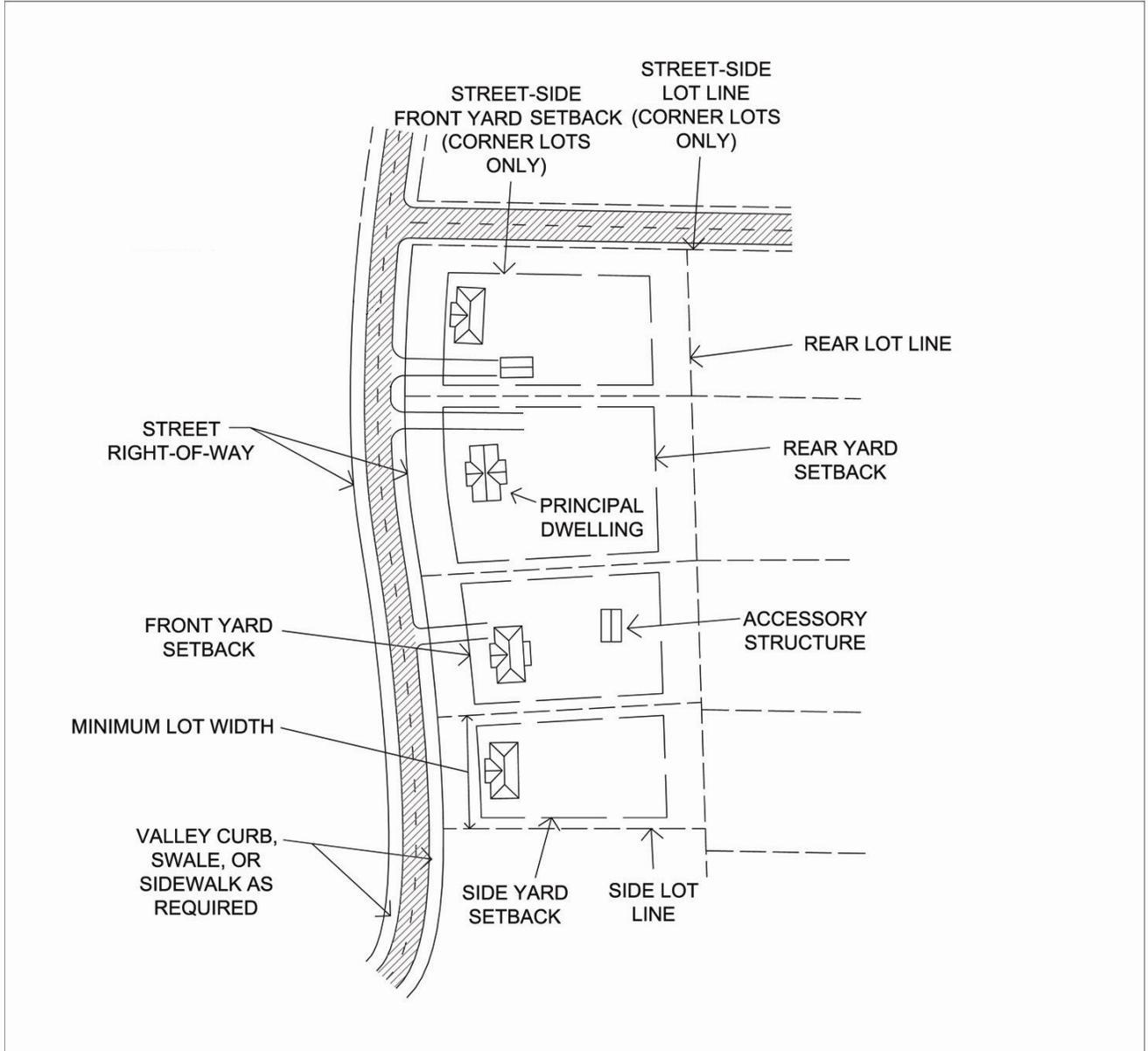
1. Church or other place of worship provided, that any building shall be located not less than fifty (50) feet from any side lot line.
2. Public school, elementary or high, or a parochial or private school having a curriculum including the same courses as ordinarily given in a public school, but not providing residential accommodations for students; provided, that any such building shall be located not less than fifty (50) feet from any side lot line.
3. Parks.
4. Garage Apartment.
5. Child Day Care Home.
6. Greenhouse, no retail sales.
7. Public Facility.
8. Public Utility Facility.

Section 9.03. Area and Dimensional Regulations.

Except as provided in Articles 7, 20, and 26, the area and dimensional regulations set forth in the following table shall be observed.

Maximum Height of Structure		Minimum Yards				Minimum Lot Size	Minimum Lot Width
Stories	Feet	Front	Rear	One Side	Total		
2½	35	40 feet	40 feet	20 feet	50 feet	1 acre	100 feet

E-1 ESTATE RESIDENTIAL DISTRICT Typical Lot Development



ARTICLE 10. R-1, SINGLE FAMILY DISTRICT

Section 10.01. Generally.

The regulations set forth in this Article or set forth elsewhere in this Ordinance, when referred to in this Article, are the regulations in the R-1, Single Family District. This district is intended to provide a zoning classification for low-density development of single-family homes on a minimum lot size of 15,000 square feet.

Section 10.02. Use Regulations.

A. Permitted uses.

Within the R-1, Single Family District, only the following uses and structures designed for such uses shall be permitted:

1. Any use permitted in the E-1, Single Family Estate District.

B. Conditional uses.

Within the R-1, Single Family District, the following uses may be allowed as conditional uses:

1. Church or other place of worship provided, that any building shall be located not less than fifty (50) feet from any side lot line.
2. Public school, elementary or high, or a parochial or private school having a curriculum including the same courses as ordinarily given in a public school, but not providing residential accommodations for students; provided, that any such building shall be located not less than fifty (50) feet from any side lot line.
3. Parks.
4. Garage Apartments.
5. Public Facility.
6. Public Utility Facility.

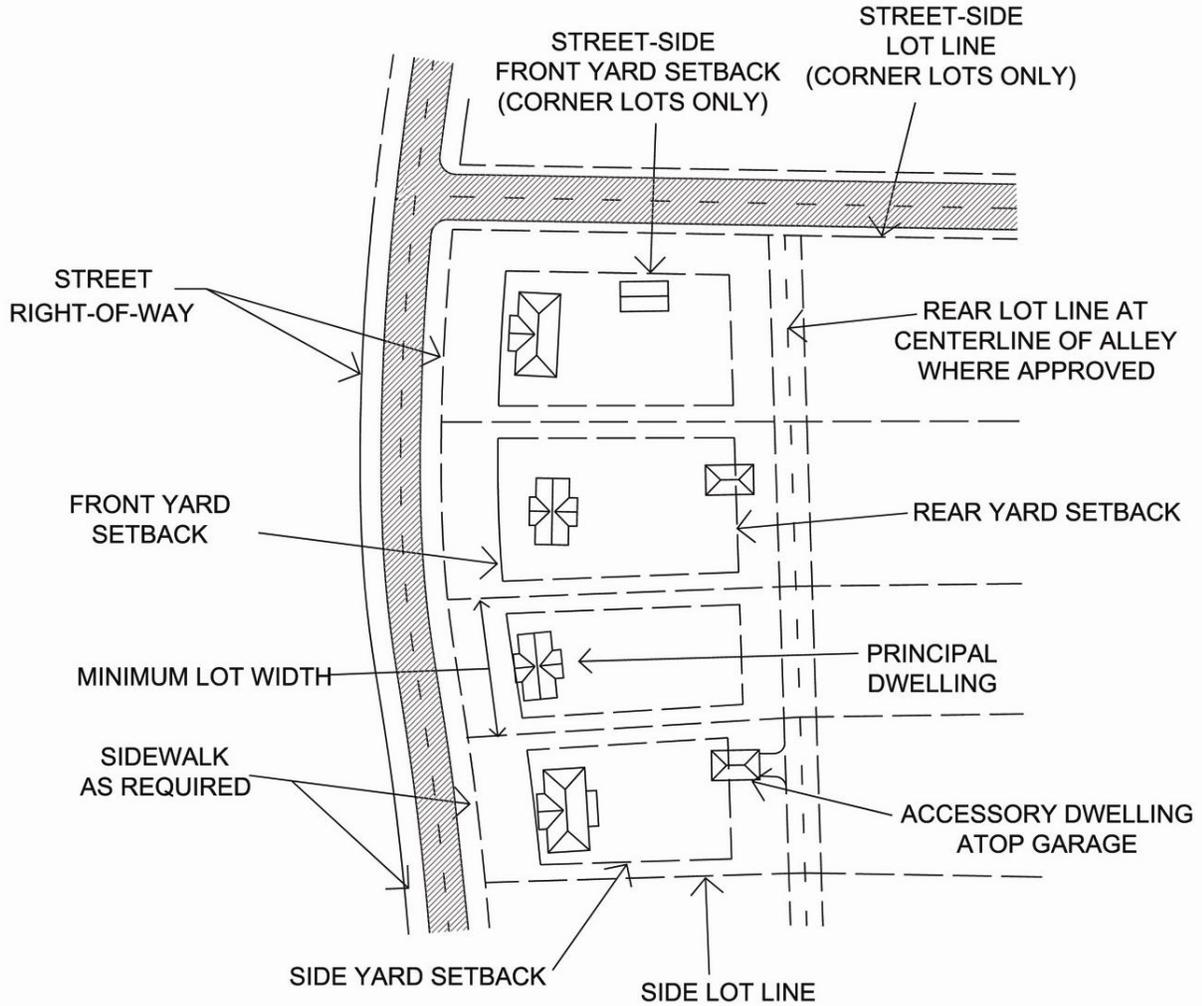
Section 10.03. Area and Dimensional Regulations.

Except as provided in Articles 7, 20, and 26, the area and dimensional regulations set forth in the following table shall be observed.

Maximum Height of Structure		Minimum Yards				Minimum Lot Size	Minimum Lot Width
Stories	Feet	Front	Rear	One Side	Total		
2½	35	30 feet	30 feet	8 feet	18 feet	15,000 sq/ft	90 feet

R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

Typical Lot Development



ARTICLE 11. R-2, SINGLE FAMILY DWELLING DISTRICT

Section 11.01. Generally.

The regulations set forth in this Article or set forth elsewhere in this Ordinance, when referred to in this Article, are the regulations in the R-2, Single Family District. This district is intended to provide a zoning classification for medium low-density development of single-family homes and duplexes.

Section 11.02. Use regulations.

A. Permitted uses.

Within the R-2, Multiple Dwelling District, only the following uses and structures designed for such uses shall be permitted:

1. Any use permitted in the R-1, Single Family District.
2. Duplex.
3. Garage Apartment.

B. Conditional uses.

Within the R-2, Multiple Dwelling District, the following uses may be allowed as conditional uses:

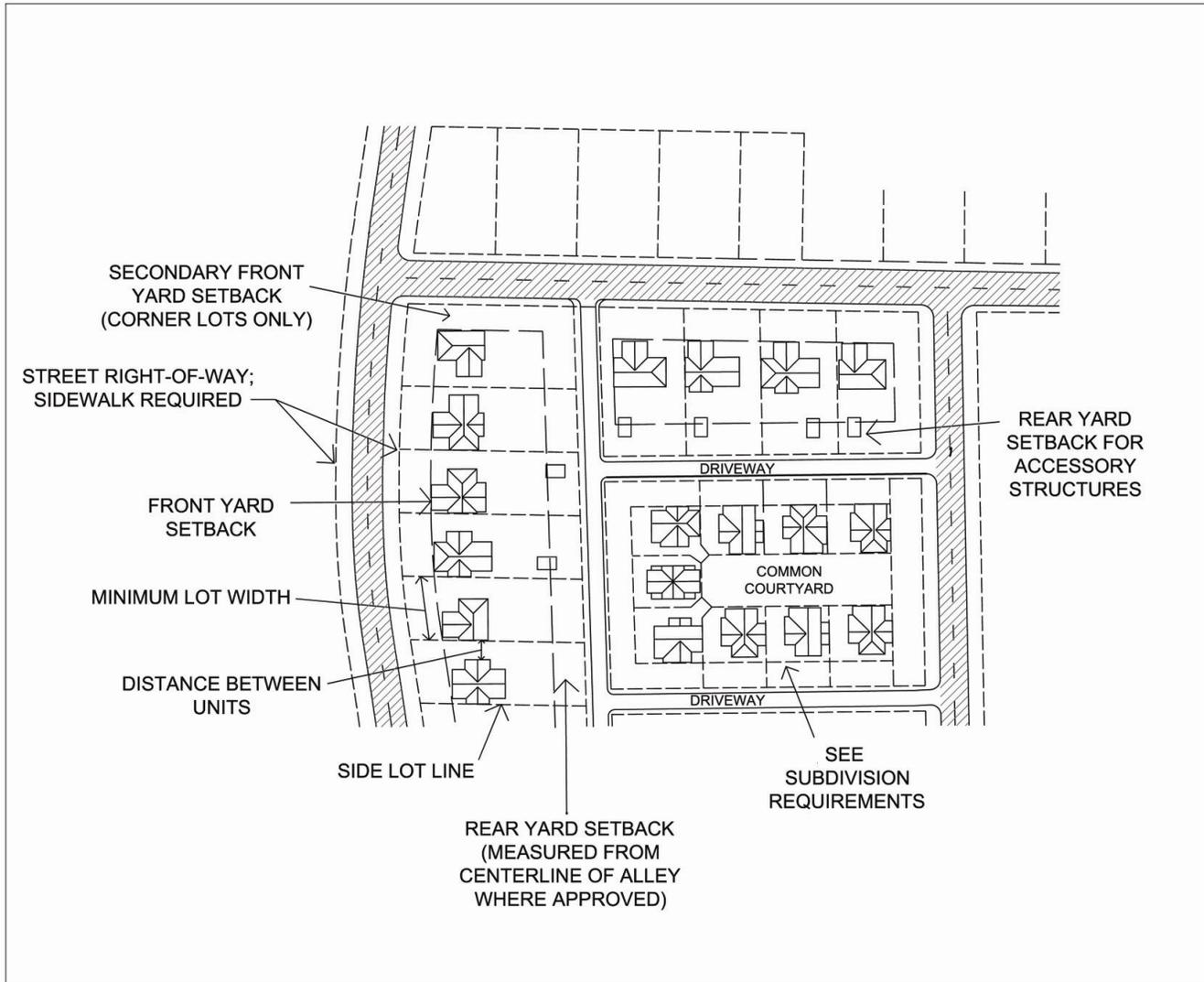
1. Church or other place of worship provided, that any building shall be located not less than fifty (50) feet from any side lot line.
2. Public school, elementary or high, or a parochial or private school having a curriculum including the same courses as ordinarily given in a public school, but not providing residential accommodations for students; provided, that any such building shall be located not less than fifty (50) feet from any side lot line.
3. Parks.
4. Group Care Home.
5. Bed & Breakfast Inn.
6. Public Facility.
7. Public Utility Facility.

Section 11.03. Area and Dimensional Regulations.

Except as provided in Articles 7, 20, and 26, the area and dimensional regulations set forth in the following table shall be observed.

Maximum Height of Structures		Minimum Yards				Minimum Lot Area Per Family	Minimum Lot Width
Stories	Feet	Front	Rear	One Side	Total Both Sides		
2½	35	30 Feet	30 Feet	8 Feet	18 Feet	10,000 sq. ft. for single family dwellings 6,000 sq. ft. for two family dwellings	70 feet for single family dwellings 50 feet for two family

R-2, SINGLE FAMILY DISTRICT Typical Lot Development



ARTICLE 12. R-4, MULTIPLE FAMILY DWELLING DISTRICT**Section 12.01. Generally.**

The regulations set forth in this Article or set forth elsewhere in this Ordinance, when referred to in this Article, are the regulations in the R-4, Multiple Family Dwelling District. This district is intended to provide a zoning classification for medium high-density development of single-family homes, duplexes and multiple family dwellings.

Section 12.02. Use Regulations.**A. Permitted uses.**

Within the R-4, Multiple Family Dwelling District, only the following uses and structures designed for such uses shall be permitted:

1. Any use permitted in the R-2, Single Family District.
2. Duplex.
3. Apartments.
4. Town houses or row houses will be permitted when the total site includes a minimum of two (2) acres.
5. Child Group Day Care Home.
6. Assisted or Independent Living Facility.
7. Domestic Violence Shelter.
8. Group Care Home.
9. Fraternity or Sorority House.
10. Continuing Care Retirement Community.

B. Conditional uses.

Within the R-4, Multiple Family Dwelling District, the following uses may be allowed as conditional uses:

1. Church or other place of worship provided, that any building shall be located not less than fifty (50) feet from any side lot line.
2. Public school, elementary or high, or a parochial or private school having a curriculum including the same courses as ordinarily given in a public school, but not providing residential accommodations for students; provided, that any such building shall be located not less than fifty (50) feet from any side lot line.
3. Parks.
4. Public Facility.
5. Public Utility Facility.
6. Child Day Care Center.

Section 12.03. Area and Dimensional Regulations.

Except as provided in Articles 7, 20, and 26, the area and dimensional regulations set forth in the following table shall be observed.

Maximum Height of Structures		Minimum Yards				Minimum Lot Area Per Family	Minimum Lot Width
		Front	Rear	One Side	Total Both Sides		
2½	35	30 Feet	30 Feet	8 Feet	18 Feet	10,000 sq. ft. for single family dwellings 6,000 sq. ft. for two family dwellings 5,000 sq. ft. for multiple family dwellings	70 Feet

A. Town Houses and Row Houses.

1. Total site area including open space, yards and commons but excluding streets and parking areas shall contain a minimum of 5,000 square feet per dwelling unit. Not more than eight (8) dwelling units per building shall be permitted.
2. Minimum lot area per dwelling unit shall be 2,500 square feet.
3. Minimum lot width shall be twenty-five (25) feet.
4. Minimum front and rear yards shall be thirty (30) feet.
5. Minimum side yards shall be ten (10) feet.

B. Multiple Family Dwellings.

1. More than one multiple dwelling building may be located upon a lot or tract, but such buildings shall not encroach upon the front, side or rear yards required by the district regulations. For multiple dwellings the open space between buildings shall be sixty (60) feet when one or both are two-story buildings, and eighty (80) feet when one or both are three or more story buildings.
2. Not more than eight (8) dwelling units per building shall be permitted.

C. Assisted or Independent Living Facility, or Non-Residential uses.

1. The minimum lot area for assisted living centers and other non-residential uses shall be four times the gross floor area of the building.
2. For independent living facilities, residential care facilities and nursing homes the open space between buildings shall be thirty (30) feet when one or both are two-story buildings, and forty (40) feet when one or both are three or more story buildings.

D. Continuing Care Retirement Community.

1. The subject property shall be no less than five (5) acres.
2. Structures shall be limited to 3 stories (45 feet).
3. All structures shall be set back from the periphery of the property a minimum of 25 feet. Additional setbacks may be required by the Planning Commission and City Council.
4. For independent living facilities, residential care facilities and nursing homes the open space between buildings shall be thirty (30) feet when one or both are two-story buildings, and forty (40) feet when one or both are three or more story buildings.
5. The amount of land set aside for permanent open space shall be a minimum of ten (10) percent of the gross development area, exclusive of lakes, ponds, or other bodies of water, and should be easily accessible to all residents of the Continuing Care Retirement Community. The open space should focus on the core of the development, rather than on the boundary(s) of the property, and shall be usable for recreation.

ARTICLE 13. PDHD, PREVIOUSLY DEVELOPED HIGH DENSITY DISTRICT

Section 13.01. Generally.

The regulations set forth in this Article or set forth elsewhere in this Ordinance, when referred to in this Article, are the regulations in the PDHD, Previously Developed High Density District. This district is intended to provide a zoning classification that identifies properties that were legally developed under previous regulatory standards that are no longer in keeping with the Comprehensive Plan of the City of Montevallo.

Developments that include areas where expansion of the existing development could occur on the subject property within the boundaries described below in § 13.02, may apply for additional units subject to submission of a site development plan that:

- Meets the minimum requirements of this ordinance;
- Conforms and compliments the existing development;
- Has been reviewed and approved by the Planning Commission and City Council.

Section 13.02. Boundaries.

The PDHD, Previously Developed High Density District shall not be extended, enlarged, added to or otherwise expanded beyond the boundaries identified on the zoning map of the City of Montevallo as of the effective date of this ordinance.

Section 13.03. Use Regulations.

A. Permitted Uses.

Within the PDHD, Previously Developed High Density District, only the following uses and structures designed for such uses shall be permitted:

1. Any legal use in existence at the time of zoning the subject property PDHD, Previously Developed High Density District.

B. Conditional uses.

Within PDHD, Previously Developed High Density District districts, the following uses may be allowed as conditional uses:

1. Accessory structures and uses which are an ancillary function of the primary use of the subject property.

Section 13.04. Area and Dimensional Regulations. Except as provided by Articles 7, 20, and 26, the area and dimensional regulations set forth in the following table shall be observed:

Max. Height of Structure	Minimum Yards
As recommended by the Planning Commission and approved by the City Council	

ARTICLE 14. O & I, OFFICE AND INSTITUTIONAL DISTRICT**Section 14.01. Generally.**

The regulations set forth in this Article or set forth elsewhere in this Ordinance, when referred to in this Article, are the regulations in the O & I, Office and Institutional District. This district is intended to provide a zoning class for the orderly arrangement of institutional, clerical and administrative uses.

Section 14.02. Use regulations.**A. Permitted uses.**

Within the O & I, Office and Institutional District, only the following uses and structures designed for such uses shall be permitted:

1. Any use permitted in the R-4, Multiple Family District, except single family residences.
2. Business or Professional Office.
3. Sales office; provided, the merchandise shall not be stored on the premises.
4. Bank or Financial Institution.
5. Research or testing laboratories compatible with other permitted uses.
6. A clinic, sanitarium, convalescent home or hospital except one used for the treatment of animals.
7. Church or school.
8. Child Day Care Center.
9. Auditorium, library or museum operated by non-profit organizations.
10. Community or Cultural Center.
11. Community Service Club.
12. Fraternity or Sorority House.
13. Medical Clinic.
14. Independent living facility, residential care facility, and nursing home.
15. Establishments rendering business or relative services associated with the permitted uses of the district including, but not limited to, restaurants, selling of office supplies and business forms and machines.
16. Accessory structures and uses, including commercial uses which are clearly incidental to the permitted use of the premises and which are carried on wholly within a main building or accessory building.
17. Public Facility.
18. Continuing Care Retirement Community.

B. Conditional uses.

Within the O & I, Office and Institutional District, the following uses may be allowed as conditional uses:

1. Parks.
2. Outdoor recreation.
3. Funeral Home.
4. Public Utility Facility.

Section 14.03. Area and Dimensional Regulations.

Except as provided in Articles 7, 20, and 26, the area and dimensional regulations set forth in the R-4, Multiple Family District (§ 12.03) shall be observed. Minimum lot width for non-residential structures or uses shall be fifty (50) feet.

ARTICLE 15. B-1, NEIGHBORHOOD BUSINESS DISTRICT**Section 15.01. Generally.**

The regulations set forth in this Article or set forth elsewhere in this Ordinance, when referred to in this Article, are the regulations in the B-1, Neighborhood Business District. This district is intended to provide a zoning classification for commercial uses that are limited in character and size to that of which is of service to the immediately surrounding neighborhood.

Section 15.02. Use Regulations.**A. Permitted uses.**

Within the B-1, Local Business District, only the following uses and structures designed for such uses shall be permitted:

1. Any use permitted in the O & I, Office and Institutional District.
2. Loft apartments.
3. Community Center.
4. Community Service Club.
5. Child Day Care Center.
6. Public Facility.
7. Entertainment and Recreation (Indoor).
8. Greenhouse having a retail outlet on the premises.
9. Bakery with sale of all bakery products at retail on the premises only; except, that catering services direct to consumer shall be permitted.
10. Barber shop, beauty shop, massage or similar personal service shops.
11. Catering shop.
12. Dressmaking and tailoring; provided, that all work is done for individuals, at retail only, and on the premises.
13. Drugstore.
14. Laundromat.
15. Parking lot and storage or parking garage.
16. Restaurant or coffee shop; provided that the service of food or beverages to patrons waiting in parked automobiles shall not be permitted.
17. General retail store (enclosed), limited in character and size to that which is of service to the immediate neighborhood only, except for any such use listed for the first time in the B-2 or M-1 districts.
18. Service station; except, no pump shall be located within seventy-five (75) feet of a dwelling district, nor any portion of a structure within 30 feet of a dwelling district.
19. Shoe repairing, repairing of household appliances and bicycles on an individual service call basis, and other uses of a similar character limited in size and nature to those which serve the immediately surrounding neighborhood.
20. Accessory structures and uses, including signs, pursuant to Article 20.
21. Amusement or recreation service, except drive-in theater or practice golf-driving range.

- 22. Business, dancing or music school.
- 23. Display room for merchandise to be sold at wholesale.
- 24. Hotel, motel, or motor court.
- 25. Bank or lending institution.
- 26. Medical or dental laboratory.
- 27. Bed and Breakfast Inn.
- 28. The following uses provided all materials are stored and all work done on the premises is done within a building:
 - a. Dyeing and cleaning establishment or laundry; provided pickup or delivery of clothing is not made to other pickup points.
 - b. Painting decorators.
 - c. Radio or television repair shop.
 - d. Dressmaking, millinery or tailoring establishment.
 - e. Upholstering shop, not involving furniture manufacturing.
 - f. Any other general service or repair establishment of similar character.

B. Conditional uses.

Within the B-1, Local Business District, the following uses may be allowed as conditional uses:

- 1. Outdoor recreation.
- 2. Public Utility Facility.
- 3. Nursing home.
- 4. Funeral Home.

Section 15.03. Area and Dimensional Regulations.

Except as provided in Articles 7, 20, and 26, the area and dimensional regulations set forth below shall be observed.

Maximum Height of Structures		Minimum Yards			Minimum Lot Width
Stories	Feet	Front	Rear	Side	
2½	35 Feet	20 Feet	None, except on the rear of a lot abutting a dwelling district, in which case there shall be a rear yard of not less than 20 feet	None, except on the side of a lot abutting a dwelling district, in which case there shall be a side yard of not less than 20 feet	None

For residential care facilities and nursing homes, Area and Dimensional Regulations shall conform to the regulations of the R-4, Multiple Family District (§12.03).

ARTICLE 16. B-2, GENERAL BUSINESS DISTRICT**Section 16.01. Generally.**

The regulations set forth in this Article or set forth elsewhere in this Ordinance, when referred to in this Article, are the regulations in the B-2, General Business District. This district is intended to provide a zoning classification for general commercial uses.

Section 16.02. Use Regulations.**A. Permitted uses.**

Within the B-2, General Business District, only the following uses and structures designed for such uses shall be permitted:

1. Any use permitted in the B-1, Local Business District, provided, however, that the limitations upon extent of service area shall not apply.
2. Automobiles or trailer display and sales room.
3. Public garage.
4. Frozen food locker.
5. Farm support business.
6. Hospital or clinic for animals, but not including open kennels.
7. Funeral Home.
8. General retail store or shop (enclosed).
9. Pawn Shop.
10. Fast Food or Drive-In Restaurant.
11. Used car lot.
12. A shopping center or facility composed of any one or more of the permitted uses or any combination thereof.
13. Home Improvement Center.
14. Hardware or building materials sales.
15. Entertainment and Recreation (Indoor).
16. Mini-Storage (not permitted on Main Street).
17. Automotive, farm implement or trailer repair or servicing; provided that all work on the premises is done within a building, and all materials are stored in a building.
18. Carpentry, painting, plumbing and electrical shops; provided that all work on the premises is done within a building, and all materials are stored in a building.

B. Conditional uses.

Within the B-2, General Business District, the following uses may be allowed as conditional uses:

1. Outdoor recreation.
2. Public Utility Facility.
3. Nursing home.

Section 16.03. Area and Dimensional Regulations.

Except as provided in Articles 7, 20, and 26, the area and dimensional regulations set forth in the following table shall be observed:

Maximum Height of Structures		Minimum Yards		Minimum Residential Lot Area	Minimum Lot Width
Stories	Feet	Front	Rear / Side		
6	75 Feet	None	None, except where abutting a dwelling district, in which case there shall be a yard of not less than 20 feet abutting the dwelling district. The required yards shall be increased 1 foot for each foot of structure height in excess of 35 feet	Duplex – 5,000 square feet per unit. Attached – 3,000 square feet per unit.	No Minimum

For residential care facilities and nursing homes, Area and Dimensional Regulations shall conform to the regulations of the R-4, Multiple Family District (§12.03).

A. Other Uses:

1. Mini-Storage.
 - a. No storage space shall exceed four hundred (400) square feet and one (1) story in height.
 - b. Each storage space shall be served by a paved driveway with a minimum width of fifteen (15) feet for each direction of travel.
 - c. The entire site shall be enclosed by black vinyl clad security fencing of eight (8) feet in height and be kept lit with security lighting throughout.
 - d. All storage shall be within a structure; outside storage is not permitted.

ARTICLE 17. M-1, LIGHT INDUSTRIAL DISTRICT**Section 17.01. Generally.**

The regulations set forth in this Article or set forth elsewhere in this Ordinance, when referred to in this Article, are the regulations in the M-1, Light Industrial District. This district is intended to provide a zoning classification for light industrial uses that are generally conducted within an enclosed building.

Section 17.02. Use Regulations.**A. Permitted uses.**

Within the M-1, Light Industrial District, only the following uses and structures designed for such uses shall be permitted:

1. Any use permitted in the B-2, General Business District except child care centers.
2. Animal hospital or clinic including open kennels.
3. Contractor's or construction dealer's yard.
4. Grain and feed storage.
5. Farm support business.
6. Heating fuel or building material storage or wholesaling; provided that the materials shall not be extracted or processed on the premises.
7. Lumber yard.
8. Warehouse.
9. Bottling plant or dairy.
10. Assembly of parts for production of finished equipment.
11. Manufacturing, fabricating, processing, or assembling uses which do not create any danger to health or safety in surrounding areas, and which do not create any objectionable noise, vibration, smoke, dust, odor, heat or glare, such as the following:
 - a. Boats (less than five ton.)
 - b. Bolts, nuts, screws, washers, rivets, nails, brads, tacks, spikes, staples and similar items.
 - c. Clothing.
 - d. Food, not including animal or poultry slaughter or processing.
 - e. Pharmaceuticals.
 - f. Furniture and wood products.
 - g. Glass products, but not including glass manufacture.
 - h. Hand tool and hardware products.
 - i. Ice.
 - j. Musical instruments, games or toys.
 - k. Office machines.
 - l. Plastic and rubber products, not including processing of raw materials.
 - m. Plating of silverware or utensils.
 - n. Signs.
 - o. Sporting goods.
 - p. Other similar uses.

- 12. Accessory buildings including a dwelling for a watchman or custodian employed on the premises.
- 13. Public Utility Facility.
- 14. Industrial Park.

Section 17.03. Area and Dimensional Regulations.

Except as provided in Articles 7, 20, and 26, the area and dimensional regulations set forth in the following table shall be observed:

Maximum Height of Structures		Minimum Yards		Minimum Lot Area	Minimum Lot Width
Stories	Feet	Front	Rear / Side		
8	100 Feet	None	None, except where abutting a dwelling district, in which case there shall be a yard of not less than 30 feet abutting the dwelling district. The required yards shall be increased 1 foot for each foot of structure height in excess of 35 feet	No Minimum	No Minimum

A. Industrial Parks.

- 1. Structures shall observe a maximum height of three (3) stories or 45 feet.
- 2. A minimum setback of 30 feet from all property lines shall be required.
- 3. Industrial Parks shall be no less than 10 acres.

ARTICLE 18. SD, SPECIAL DISTRICT**Section 18.01. Generally.**

- A. Special Districts are hereby authorized for the purpose of providing optional methods of land development that encourage imaginative solutions to environmental design problems. Areas so established shall be characterized by a unified building and site development program providing for coordinated open space and architectural treatment. The special districts authorized by this Article are also intended to provide means for the establishment of uses that may generally be considered to be incompatible with most other land usage.
- B. The procedure to be followed in the creation of Special Districts shall conform to the regulations for any other zoning change according to the procedures identified in Article 26 with the following exceptions.
 1. Any petition for the establishment of a Special District shall be submitted to the Planning Commission for its review and recommendation to the City Council. Approval of the request by the City Council shall be based upon the Planning Commission's advisory opinion and consideration of the following:
 - a. That the value and character of the property or properties adjacent to the property under consideration will not be adversely affected.
 - b. That the proposed development is consistent with the intent and purpose of this Ordinance to promote public health, safety, morals and the general welfare.
 - c. That the final plan for the proposed development meets the requirements of this Ordinance as well as the requirements of all other regulating bodies.
 - d. That the proposed Special District is consistent with the Comprehensive Plan of the City of Montevallo.
 - e. That an approved method of sewage disposal is readily available to the tract under consideration.
 2. The establishment of a Special District will be for the express purpose of improving the subject property in accordance with the approved plan of development for the particular property and for the uses set forth in the development plan.
 3. If within one (1) year from the effective date of the zoning amendment construction has not commenced, the Planning Commission may recommend that the City Council, by appropriate action, repeal the amendment establishing the Special District. Once construction is started the improvements set forth in the plan of development must be completed within two (2) years from date of issuance, unless otherwise approved by the City Council. Otherwise, the Planning Commission may recommend that the City Council repeal the amendment establishing the Special District. Extension of time may be granted as long as satisfactory progress is being made.
 4. Unless specific variations are noted on the development plan and approved by the City Council, the most restrictive requirements for signs, lighting, parking, loading, yards, and dimensional regulations for the proposed use shall be applicable to the Special District.

Section 18.02. Planned Residential District.

- A. The regulations established in this section are intended to provide optional methods of land development with provisions for commercial, religious, educational and cultural facilities integrated with the total project by unified architectural and open space treatment.
- B. A planned residential development shall be permitted in any district except commercial or industrial districts.
- C. The following uses are permitted:
1. Single family attached and detached dwellings.
 2. Two-family dwellings.
 3. Multiple family dwelling including condominiums and town houses.
 4. Commercial uses.
For each one hundred (100) dwelling units to be established, four (4) acres may be set aside for commercial use provided that adequate protection of adjacent properties is afforded by the plan.
 5. Recreation uses.
Recreation uses may include a community center, golf course, swimming pool, or parks, playground or other recreational uses. Any structure involved in such use shall have a thirty-five (35) foot setback from all property lines. The amount of land set aside for permanent open space shall be a minimum of ten (10) percent of the gross development area.
 6. Educational uses.
 7. Community facilities such as churches and other religious institutions and non-profit clubs such as country clubs, swim and/or tennis area.
- D. The owner or owners of property shall submit a plan for the development and use of such tract that meets the requirements set forth in this Article. Said plan shall comply with all requirements of this Article and shall be accompanied by evidence concerning the feasibility of the project and the effect of the proposed development on surrounding property and other physical conditions. Said plan and supporting evidence shall include each of the following:
1. A site plan including, but not limited to defining the areas wherein buildings may be constructed, the areas which will be developed for parking and the proportionate amount thereof, the location of roads, driveways and walks and the points of ingress and egress, including access streets where required, the location and height of walls, the spaces for loading, the location, size, character and number of signs, the location and character of exterior lighting, and the character and extent of landscaping, planting and other treatment for the protection of adjoining property.
 2. A drainage plan approved by the City Engineer.
 3. A copy of any deed restrictions intended to be recorded.
 4. A professional report on the needs and extent of the market to be served, and general economic justification.
 5. A professional traffic analysis that indicates the effect of the proposed development on the adjacent streets and roadways and also indicating the direction and volume of traffic flow to and from the proposed development.
- E. The following requirements are minimums and are intended to serve as a guide in plan formulation. The City Council retains the authority to waive the provisions of this section or to impose greater requirements than herein stated. All buildings shall be set back from street right-of-way lines and from the periphery of the project to comply with the following requirements:

1. There shall be a front yard for all detached single-family dwellings of not less than twenty-five (25) feet. The front yard setback for all other structures shall be as determined by the City Council.
 2. Unless indicated elsewhere, all buildings shall have a setback of not less than twenty-five (25) feet.
 3. In no case shall a lot for a single family detached structure be created with an area of less than 5,000 square feet or a minimum lot width of less than sixty (60) feet at the building line.
- F. In addition to all applicable regulations of this Ordinance, the following guidelines shall be observed.
1. The Planning Commission shall review the application including all maps and documentation for the proposed development. The Commission shall hold a Public Hearing, according to the procedures identified in Article 25, and submit their report and recommendations to the City Council for their consideration.
 2. The City Council shall review the application for the proposed development including the recommendations of the Planning Commission. The City Council shall hold a Public Hearing, according to the procedures identified in Article 25. The Council may impose additional conditions regarding layout, circulation or other physical improvements that they feel are necessary.
 3. All developments shall conform to the Subdivision Regulations of the City of Montevallo and the record map shall be recorded in the Office of the Judge of Probate.

Section 18.03. Manufactured Home Community.

- A. A special district for the purpose of establishing a Manufactured Home Community may be permitted only in the A-R, Agricultural-Residential District.
- B. The location of manufactured home communities shall be reviewed by the Planning Commission and approved by the City Council.
- C. Special Districts intended for use as manufactured home communities shall be subject to the following standards:
 1. No parcel of land containing less than six (6) acres and having less than ten (10) manufactured home spaces, available at the time of first occupancy, shall be used for a manufactured home community.
 2. The manufactured home community shall be constructed so as to provide adequate light and air and to avoid undue congestion; provided, however, there be a minimum of 5,000 square feet of site area for each space provided. This space ratio shall include access roads, automobile parking, accessory building space, and recreation area.
 3. The manufactured home community shall be located on a well-drained site; it shall be so located that its drainage will not endanger any water supply, and shall be in conformity with all applicable health and sanitation regulations in force by the County Health Officer/Health Department.
- D. Manufactured Home Community Standards.

The following development standards shall apply to all Manufactured Home Communities hereinafter established or altered.

1. There shall be established and maintained within each manufactured home community an automobile parking area for the use of guests. The number of parking spaces within the area shall be equal to one (1) for every four (4) manufactured home spaces.
2. The entrance and exit street or streets shall be designed to provide safe and convenient access between the public street and the community interior street system.
3. Community street systems shall meet the following standards:
 - a. Community streets shall be a minimum of thirty (30) feet wide to accommodate streets, drainage structures and utilities, etc.
 - b. Community streets that serve more than two hundred (200) vehicles per day shall be paved with plantmix asphalt or a more durable material to a minimum width of twenty-two (22) feet. Community streets that serve less than two hundred (200) vehicles per day for residential access only shall be paved to a minimum width of eighteen (18) feet and may be paved with double bituminous surface treatment. Vehicles per day shall be as determined in the most current publication of the Institute of Traffic Engineers concerning traffic generation.
 - c. Each manufactured home site shall be accessible from abutting streets for all essential and emergency uses by vehicular equipment, including equipment used by public protective agencies (fire, police and ambulance services).
 - d. The street layout shall be designed to provide for the continuous flow of traffic, with cul-de-sacs (minimum radius of 50 feet) being permissible. Streets shall be designed with a horizontal and vertical alignment which meets at least a 20 mile-per-hour design speed.
 - e. Traffic control signs (stop, yield, and speed) shall be placed and maintained in good condition throughout the community where necessary.
 - f. Each street shall have a permanent sign installed with a designated name identifying each street.
 - g. Paving of community streets shall be completed within two (2) years of approval of the

- final plat. Streets and parking areas shall be maintained by the owner, operator, and/or manager of the manufactured home community at all times.
4. Each manufactured home space shall be provided with a connection to a sanitary sewer line or to a sewer system approved by the Health Department.
 5. Yards.
 - a. Each manufactured home community shall have a Type “C” buffer along the full width of the frontage of the parcel devoted to said use.
 - a. Each manufactured home community shall have a Type “B” buffer on rear and side yards.
 - b. Where a side or rear yard abuts a street, the yard shall be a minimum of twenty-five (25) feet in depth and all yards shall be landscaped and maintained.
 6. An accessible, adequate, safe, and potable supply of water approved by the Health Officer/Department shall be provided in each manufactured home community.
 7. Refuse storage, collection and disposal shall be in conformity with the laws and regulations prescribed by the Health Department.
 8. There shall be provided a park and recreation area having a minimum of one hundred and fifty (150) square feet for each manufactured home space. Areas shall be consolidated into usable areas of not less than thirty (30) feet in width.
 9. Only factory prefabricated portable attachments or awnings may be attached to or become a part of any mobile home. No permanent addition of any kind shall be built onto, nor become a part of any manufactured home except that porches and decks shall be built according to minimum building code requirements.
 10. Manufactured homes shall not be used for commercial, industrial, or other non-residential uses within the manufactured home community.
 11. No manufactured home, building or accessory structure shall be erected or stationed in the park having a height greater than 1½ stories or twenty (20) feet.
 12. Each manufactured home community shall be permitted to display one identifying sign of a maximum size of twelve (12) square feet on each street frontage. Said sign shall contain thereon only the name and address of the manufactured home community and may be lighted by indirect lighting only.
 13. All manufactured home spaces shall meet, the following area and dimensional requirements:
 - a. Each manufactured home space shall be at least fifty (50) feet wide and one hundred (100) feet deep, and such space shall be clearly defined by permanent markers.
 - c. There shall be a front yard setback of at least ten (10) feet from all access roads within the manufactured home community.
 - d. Unless indicated elsewhere, all manufactured homes shall maintain a minimum setback of twenty-five (25) feet from all property lines.
 14. All manufactured homes shall be situated to provide a minimum of twenty (20) feet of separation between any other manufactured home or any attachments thereto; provided, however, that with respect to manufactured homes situated end-to-end, the end-to-end separation shall be a minimum of fifteen (15) feet. No manufactured home shall be located closer than twenty (20) feet from any building within the park.
 15. There shall be at least two (2) off-street parking spaces for each manufactured home space which shall be on the same site. Additional parking areas specifically designed for such purpose may be provided.
 16. Each manufactured home space shall be provided with an improved patio of at least two hundred (200) square feet.
 17. Each manufactured home shall have tie-downs or other devices securing the stability of the

manufactured home based on the requirements of the manufacturer or the installation standards of the Alabama Manufactured Housing Commission.

18. Foundations shall be installed in accordance with the standards set forth in the manufacturer's set-up requirements and meet the minimum installation standards of the Alabama Manufactured Housing Commission.
19. Installation of skirting on all manufactured homes shall be required. Installation shall be in accordance with the manufacturer's installation instructions. Acceptable materials may include masonry, stone, metal, vinyl, or other materials manufactured for the purpose of skirting.

E. Application.

Application for the approval of a site development plan shall be made on a form made available from the Administrator. To ensure an adequate and comprehensive review a completed application shall be filed with the Administrator at least 30 days prior to the Planning Commission hearing. Said application shall include the following:

1. The location and the legal description of the proposed manufactured home community.
2. Plans and specifications of all buildings, facilities and any other improvements constructed or to be constructed within the proposed manufactured home community.
3. The proposed use of all buildings and structures shown on the site.
4. The location and size of all manufactured home spaces.
5. The location of all points of entry and exit for vehicles and internal circulation pattern.
6. The proposed landscaping plan, pursuant to Article 22.
7. The location of all lighting to be provided.
8. The location of walls and fences, dimensions and materials of construction.
9. The location of all off-street parking.
10. Any other information that may be considered necessary for full and proper consideration of the proposed manufactured home community.
11. A time schedule for development shall be prepared to demonstrate the applicant's readiness and ability to provide the proposed services. Said time shall be for a period of not more than one (1) year.

F. General Regulations.

1. Any additions or alterations to existing manufactured home communities or parks hereinafter established shall be in conformity with the provisions of this Ordinance.
2. Every manufactured home community in existence upon the effective date of this Ordinance may be maintained and operated without being subject to the provisions of this Ordinance. No manufactured home community may be enlarged, extended, reconstructed or otherwise altered unless such alterations bring said manufactured home community into full compliance with the terms of this Ordinance. All manufactured home communities created or established after the effective date of this Ordinance shall conform to the specifications and requirements as set forth herein.
3. The owner or permittee, or a duly authorized attendant or caretaker shall be in charge at all times to keep the manufactured home community, its facilities and equipment in a clean, orderly, sanitary condition. The attendant or caretaker shall be answerable, with the licensee or permittee, for the violation of any provision of this Ordinance to which the license or permittee is subject.
4. Every manufactured home community owner or operator shall maintain a register containing a

- record of all mobile homes and occupants using the manufactured home community. Such register shall be available to any authorized person inspecting the court and shall be preserved for the period required by the Planning Commission. Such register shall contain (1) the names and addresses of all mobile home occupants stopping in the park, (2) the make, model, and license number of each motor vehicle and mobile home, (3) the state, territory, or county issuing the licenses, and (4) the dates of arrival and departure of each manufactured home.
5. The Planning Commission or Health Department may revoke any permit to maintain and operate a manufactured home community if the permittee fails to comply with the regulations of this Ordinance. The permit may be reissued if the circumstances leading to revocation have been remedied and the park is being maintained in full compliance with the law.
- G. In addition to all applicable regulations of this Ordinance, the following guidelines shall be observed.
1. The Planning Commission shall review the application including all maps and documentation for the proposed manufactured home community. The Commission shall hold a Public Hearing, according to the procedures identified in Article 25, and submit their report and recommendations to the City Council for their consideration.
 2. The City Council shall review the application for the application, including all maps and documentation for the proposed manufactured home community including the recommendations of the Planning Commission. The City Council shall hold a Public Hearing, according to the procedures identified in Article 25. The Council may impose additional conditions regarding layout, circulation or other physical improvements that they feel are necessary.
 3. All developments shall conform to the Subdivision Regulations of the City of Montevallo and the record map shall be recorded in the Office of the Judge of Probate.

Section 18.04. Special Mining and Resource Extraction and Reclamation District.**A. Generally.**

A Special Mining and Resource Extraction and Reclamation District may be established for the following uses:

1. Any use permitted in the A-R, Agricultural-Residential District except residential.
2. Mining, quarrying, extracting, or other removal by open pit, strip, shaft, slope, drift, or any other method of removal of all mineral or other earth products of every kind, as hereinbelow restricted.
3. Timbering, logging, saw milling, extraction of timber products; and processing, distilling, manufacturing and treating of all such products. Reforestation shall require no permit.
4. The right to erect, maintain, alter, enlarge, use and operate structures, building, machinery, housing, roads, railroads, transmission lines, right-of-way, and all other facilities of every kind accessory or appropriate to the conduct of such above permitted uses.
5. The right to dump soil, tailings and other waste and to use so much of said district as may be required for such purposes, and such other rights as may be incidental or accessory to such permitted uses, provided such spoil, tailings and other waste is disposed of in a manner that pollution of streams or lakes are controlled in conformance of the Environmental Protection Agency, the Alabama Department of Environmental Management and the City of Montevallo Land Disturbance Ordinance.

B. Procedures.

The owner or owners of property in any acceptable zone district shall submit a plan for the development and use of such tract meeting the requirements set forth in this Section and shall be accompanied by evidence concerning the number of persons expected to be employed, the effect of the proposed development on surrounding property, and other physical conditions. Said plan and supporting evidence shall include each of the following:

1. A site plan including, but not limited to defining the areas wherein buildings may be constructed, the areas which will be developed for parking and the proportionate amount thereof, the location of roads, driveways and walks, and the points of ingress and egress including access streets where required, the location and height of walls, the spaces for loading, the location, size, character and number of signs, the location and character of exterior lighting, and the character and extent of landscaping, planting and other treatment for protection of adjoining property.
2. A professional traffic analysis that indicates the effect of the proposed development on the adjacent streets and roadways and also indicating the direction and volume of traffic flow to and from the proposed development.
3. A copy of any deed restrictions intended to be recorded.

C. In addition to all applicable regulations of this Ordinance, the following guidelines shall be observed.

1. The Planning Commission shall review the application including all maps and documentation for the proposed Special Mining and Resource Extraction and Reclamation District. The Commission shall hold a Public Hearing, according to the procedures identified in Article 25, and submit their report and recommendations to the City Council for their consideration.
2. The City Council shall review the application, including all maps and documentation for the proposed Special Mining and Resource Extraction and Reclamation District including the recommendations of the Planning Commission. The City Council shall hold a Public Hearing, according to the procedures identified in Article 25. The Council may impose reasonable additional requirements to ensure the protection of adjoining residential property.

3. All developments shall conform to the Subdivision Regulations of the City of Montevallo and the record map shall be recorded in the Office of the Judge of Probate.
4. Prior to any clearing or land disturbance activities, application for a Land Disturbance Permit shall be submitted, accompanied by all applicable requirements of the Land Disturbance Ordinance including all necessary insurance, bonds, and fees.

Section 18.05. Plan Implementation District**A. Generally.**

The Plan Implementation District is designed to provide flexible development options with the goal of implementing the place-making and conservation concepts of the Comprehensive Plan of the City of Montevallo. Following the City of Montevallo's traditional community patterns, the Plan Implementation District will result in community energy concentrated in a central core, supported by a less intense focus area, with gradual transition to the rural landscape. This district applies to Conservation Subdivisions and Form Based Subdivisions implemented pursuant to the Subdivision Regulations of the City of Montevallo, Alabama.

B. In addition to all other applicable regulations of this Ordinance the following rules shall be observed:

1. The Planning Commission shall review the application including all maps and documentation for the proposed development. The Commission shall hold a Public Hearing, according to the procedures identified in Article 25, and submit their report and recommendations to the City Council for their consideration.
2. The City Council shall review the application, including all maps and documentation for the proposed development including the recommendations of the Planning Commission. The City Council shall hold a Public Hearing, according to the procedures identified in Article 25. The Council may impose reasonable additional requirements to ensure the protection of adjoining residential property.
3. All developments shall conform to the Subdivision Regulations of the City of Montevallo and the record map shall be recorded in the Office of the Judge of Probate.

Section 18.06. Overlay Districts.

- A. A Special District created by Ordinance to be placed on a defined geographic area as an overlay to one or more use districts which modifies or supplements the regulations of the underlying district(s) in recognition of certain critical features or resources. The purpose of an Overlay District is to ensure that property is developed in a manner consistent with the Comprehensive Plan of the City of Montevallo and that the proposed development of the land and physical elements are designed and arranged to protect the priority resource protection areas both on the site and in the vicinity of the site as identified by the Plan. The Overlay Districts are established to achieve the mutually compatible objectives of the reasonable use of land and the protection of vital natural resources.
- B. The development of any property within an Overlay District shall require that prior to any construction or other improvements, the applicants shall submit a plan for the development and use of the property within said established overlay district that meets the requirements set forth in the development standards of the district. Said plan shall comply with all requirements of this Ordinance and shall be accompanied by evidence concerning the feasibility of the project and the effect of the proposed development on surrounding property and other physical conditions. Said plan and supporting evidence shall include each of the following:
1. A site plan including, but not limited to defining the areas wherein buildings may be constructed, the areas which will be developed for parking and the proportionate amount thereof, the location of roads, driveways and walks and the points of ingress and egress, including access streets where required, the location and height of walls, the spaces for loading, the location, size, character and number of signs, the location and character of exterior lighting, and the character and extent of landscaping, planting and other treatment for the protection of adjoining property.
 2. A drainage plan that has been approved by the City Engineer.
 3. A copy of any deed restrictions intended to be recorded.
 4. A professional report on the needs and extent of the market to be served and general economic justifications.
 5. A professional traffic analysis that indicates the effect of the proposed development on the adjacent streets and roadways and also indicating the direction and volume of traffic flow to and from the proposed development.
- C. In addition to all other applicable regulations of this Ordinance the following rules shall be observed:
1. The Design Review Committee shall review the design and aesthetic features of the proposed facilities and the relationship to the surrounding properties. The Design Review Committee may suggest modifications, additions or other amendments to the proposed development. The Design Review Committee shall prepare a brief report on the proposed development for the Planning Commission and City Council.
 2. The Planning Commission shall review the application including all maps and documents for the proposed development. The Commission shall hold a Public Hearing, according to the procedures identified in Article 25, and submit their report and recommendations to the City Council for their consideration.
 3. The City Council shall review the application for the proposed development including the recommendations of the Planning Commission. The City Council shall hold a Public Hearing, according to the procedures identified in Article 25. The Council may impose reasonable additional requirements to ensure the protection of adjoining residential property.
 4. All developments shall conform to the Subdivision Regulations of the City of Montevallo and the record map shall be recorded in the Office of the Judge of Probate.

D. Districts Implemented.

The following Overlay Districts were established prior to the implementation of this Ordinance:

1. American Village and Veterans' Memorial District:
 - a. Generally.

The American Village District is intended and established to provide a zone in which the American Village Citizenship Trust, created 16-44A-30 et seq., Code of Alabama, as amended, is permitted to recreate or establish historically-inspired structures, streets, and supporting improvements for educational, historical, cultural, related support services, special events and tourism purposes. The Citizenship Trust has been charged by the Alabama Veterans Living Legacy Act of 2008 with the responsibility to develop a nationally-significant veterans' shrine to tell the stories of as many Alabama veterans as possible who have served in the United States Armed Forces.
 - b. Boundaries.

The boundaries of the district are delineated as an overlay district on the official zoning map and shall include all properties currently owned or as may be acquired in the future by the American Village Public Educational Building Authority, The Citizenship Trust and the United States of America National Cemetery Administration.
 - c. Land Use.

The use of each building or premises shall be in accordance with the Master Plans for the American Village and the Alabama National Cemetery, as approved by the Joint Legislative Oversight Committee pursuant to the Alabama Veterans Living Legacy Act of 2008.
 - d. Architectural and Design Standards.

Architectural and Design Standards shall be in accordance with the Master Plans for the American Village and the Alabama National Cemetery, as approved by the Joint Legislative Oversight Committee pursuant to the Alabama Veterans Living Legacy Act of 2008.
2. University District.
 - a. Generally.

This district is designed to include the University of Montevallo and the various support uses that surround its boundaries. The University's central campus is noted for its columned brick buildings, brick streets, lawns, flowerbeds and trees that surround students with academic tradition. The core of the campus, designed by the world-renowned Olmsted Brothers, has been designated as a National Historic District. Twenty-eight campus structures or sites are listed on the National Register of Historic Places.
 - b. Boundaries.

The boundaries of the district are delineated as an overlay district on the official zoning map and shall include all properties currently owned or as may be acquired in the future by the University of Montevallo.
 - c. Architectural and Design Standards.

Architectural and Design Standards shall be in accordance with the Master Plan for the University of Montevallo.
3. Urban Core District.
 - a. Generally.

The Urban Core District is established to preserve, protect, enhance, and maintain the aesthetic, cultural, historic architectural and other significant elements of the Main Street, downtown area. The downtown, urban core is where a dense core of development is desired. To ensure the preservation of the character of the downtown Urban Core District,

uses shall be limited to include combinations of dwellings, commercial and office uses, personal and household service establishments, institutional uses, public facilities, parks, playgrounds, pedestrian pathways and other similar uses to meet the needs of downtown workers, students and residents of adjoining neighborhoods and the City of Montevallo. The area between the University and Main Street is intended to be of a mixed use nature and a transition zone from the quads, classrooms and dormitories of the University to the Main Street of the City.

b. Boundaries.

The boundaries of the district are delineated as an overlay district on the official zoning map and cover areas near and adjacent to the downtown core of the City along State Highway 119 (Main Street), to wit:

Beginning at the intersection of Shoal Creek and Main Street (State Route 119), thence proceed along the northeasterly bank of Shoal Creek southeast to its intersection with Island Street; thence proceed northeast along Island Street to its intersection with the west line of the East ½ of Section 21, Township 22 South, Range 3 West; thence proceed north along the west line of the East ½ of Section 21, Township 22 South, Range 3 West to the intersection with Oak Street; thence proceed southwesterly along Oak Street to its intersection with Shelby Street; thence proceed southeasterly along Shelby Street to its intersection with Valley Street; thence proceed southwesterly along Valley Street to its intersection with Shoal Creek; thence proceed generally southeasterly along the northeasterly bank of Shoal Creek to the Point of Beginning.

- Supplementary Area

The following described property shall be considered as supplementary to the Urban Core: *that area bounded on the north by Island Street; on the east by Vine Street (Orr Park); on the south by Alabama Street; and on the east by Middle Street.*

c. Setbacks and Height Requirements.

As future development and redevelopment occurs on Main Street, it is important that new buildings be located immediately adjacent to the right-of-way. This is in keeping with the traditional style found in the historical buildings along the south end of Main Street. Consistent setbacks provide unity to an area while bringing shop fronts close to the sidewalk and street where they are easily seen by those traveling through the City both in cars and on foot. Also, a minimum and maximum height requirement will be set within the downtown area to ensure that all future buildings in the Urban Core District are visually compatible with the historic nature of downtown.

d. Architectural and Design Standards.

The character and configuration of the proposed development shall be consistent with the *Design Standards* identified in *Appendix D*. The City Council retains the authority to waive the provisions and requirements of this section or to impose greater requirements than herein required.

Section 18.07. Urban Residential District.

The regulations established in this section are intended to encourage higher density residential land development within the Urban Core of the City of Montevallo. The establishment of a residential population in the Urban Core will enhance the economic, cultural and social focus of the community. The Urban Residential development will be a vital component in the creation of a vibrant, walkable and liveable Urban Core.

- A. An Urban Residential development shall be permitted in any zoning district located within the Urban Core of the City of Montevallo.
- B. An Urban Residential development may include detached dwellings, such as row houses, and attached multi-family dwellings as well as other uses permitted within the underlying zone district.
- C. The boundaries of the Urban Core are delineated as an overlay district on the official zoning map and cover areas near and adjacent to the downtown core of the City (§ 18.06).
- D. An essential theme of the Urban Core and an Urban Residential development is the walkable nature of the area and connections with other pedestrian circulation facilities of the community. Pedestrian scale amenities, pathways and circulation plans including bikelanes and sidewalks shall be included in a proposed Urban Residential development.
- D. The owner or owners of property shall submit a plan for the development and use of such tract for the purpose of and meeting the requirements set forth in this Ordinance. Said plan shall comply with the requirements of this Ordinance and shall be accompanied by evidence concerning the feasibility of the project as well as the effect of the proposed development on the surrounding property and other physical conditions. Said plan and supporting evidence shall include each of the following:
 1. A site plan including, but not limited to defining the areas wherein buildings may be constructed, the areas which will be developed for parking and the proportionate amount thereof, the location of roads, driveways and walks, and the points of ingress and egress including access streets where required, the location and height of walls, the spaces for loading, the location, size, character and number of signs, the location and character of exterior lighting, and the character and extent of landscaping, planting and other treatment for protection of adjoining property.
 2. A drainage plan that has been approved by the City Engineer.
 3. A copy of any deed restrictions intended to be recorded as a part of the development.
 4. A professional report on the needs and extent of the market to be served and the general economic justifications of the project.
 5. A professional traffic analysis that indicates the effect of the proposed development on the adjacent streets and roadways and also indicating the direction and volume of traffic flow to and from the proposed development.
- E. The character and configuration of the proposed urban residential development shall be consistent with the *Design Standards* identified in *Appendix D*. The City Council retains the authority to waive the provisions and requirements of this section or to impose greater requirements than herein required.
 1. All buildings shall be situated immediately adjacent to the right-of-way, unless otherwise approved pursuant to the *Design Standards*.
 2. Detached single-family and attached multi-family structures shall have a minimum of 2,175 square feet of property per unit (20 units per acre).
- F. In addition to other applicable regulations of this Ordinance, the following guidelines shall be observed.

1. The Design Review Committee shall review the design and aesthetic features of the proposed facilities and the relationship to the surrounding properties. The Design Review Committee may suggest modifications, additions or other amendments to the proposed development. The Design Review Committee shall prepare a brief report on the proposed development for the Planning Commission and City Council.
2. The Planning Commission shall review the application including all maps and documentation for the proposed Urban Residential development. The Commission shall hold a Public Hearing, according to the procedures identified in Article 25, and shall submit recommendations to the City Council for their consideration.
3. The City Council shall review the application, including all maps and documentation for the proposed Urban Residential development including the recommendations of the Planning Commission. The City Council shall hold a Public Hearing, according to the procedures identified in Article 25. The Council may impose additional conditions regarding layout, circulation, or other physical improvements that they feel are necessary.
4. All developments shall conform to the Subdivision Regulations of the City of Montevallyo and the record map shall be recorded in the Office of the Judge of Probate.

Section 18.08. Other Planned Districts.

- A. Special Districts for uses not covered elsewhere in this ordinance and which are generally of a nature so as to be incompatible with most permitted uses may be allowed in any district except residential zone districts. The location shall be reviewed by the Planning Commission and approved by the City Council. In addition, a complete development plan and any other information pertinent to the development or use shall be included at the discretion of the Planning Commission or the City Council. Such uses may include but are not limited to the following:
1. Airport;
 2. Cemetery or mausoleum;
 3. Sanitary landfill operation.
- B. In addition to other applicable regulations of this Ordinance, the following guidelines shall be observed.
1. The Planning Commission shall review the application, including all maps and documentation for the proposed development. The Commission shall hold a Public Hearing, according to the procedures identified in Article 25, and shall submit recommendations to the City Council for their consideration.
 2. The City Council shall review the application, including all maps and documentation for the proposed development including the recommendations of the Planning Commission. The City Council shall hold a Public Hearing, according to the procedures identified in Article 25. The Council may impose additional conditions regarding layout, circulation, or other physical improvements that they feel are necessary.
 3. All developments shall conform to the Subdivision Regulations of the City of Montevallo and the record map shall be recorded in the Office of the Judge of Probate.

ARTICLE 19. SCENIC CORRIDOR OVERLAY DISTRICT

Section 19.01. Purpose.

This Article shall be known as the “Scenic Corridor Overlay District (SCOD).” The Scenic Corridor Overlay District is designed to work in conjunction with the underlying zoning district(s) to preserve and enhance the natural beauty adjacent to and along Montevallo’s roadways, to discourage unsightly development which may tend to mar or detract from the natural beauty; and to exercise such reasonable control over the land within the district as may be necessary to accomplish this objective.

Section 19.02. Authorization.

- A. Prior to the application of the provisions of this Article to any area, the Montevallo Planning Commission shall commission and adopt a Land Use Plan for the particular area to be included within the Scenic Corridor Overlay District. Furthermore, any proposal for the application of the provisions of this Article to any particular area must be submitted to the Planning Commission for review and recommendation to the City Council for approval or rejection prior to the effectiveness of such proposal. The Scenic Corridor Overlay District neither replaces nor restricts the range of uses allowed in the underlying zoning district or conditional use approval for any property, but provides additional development requirements and standards which must be met by any development on the property. All development within the Scenic Corridor Overlay District shall comply with the regulations of this Article.
- B. In a Scenic Corridor Overlay District, notwithstanding the underlying zoning district, no land shall be developed and no building shall be erected or structurally altered except in conformance with the provisions of this Article. The provisions of this Article shall apply in addition to other requirements of these regulations. In the event of a conflict, the most restrictive provisions shall govern except as otherwise provided in this Article.

Section 19.03. Boundaries.

- A. Generally those properties adjacent to and along SR 119 – between CR 22 (Moore’s Crossroads) and CR 15 (aka Salem Road); CR 15 – between SR 119 and CR 22; and CR 22 – between CR 15 and SR 119, more particularly described as follows:

Beginning at the southeast corner of the intersection of SR 119 and CR 22 (Moore’s Crossroads), proceed southerly and southwesterly along the east side of SR 119 to the northeast corner of CR 119 and CR 15, aka Ashville Circle; thence south across Ashville Circle to the southeast corner of the intersection of SR 119 and Ashville Circle; thence west and across SR 119 to the southwest corner of the intersection of SR 119 and CR 15, aka Salem Road, and proceed in a northerly direction along the west side of CR 15 to the southwest corner of the intersection of CR 15 and CR 22; thence north and west across CR 22 to the northeast corner of CR 22 and CR 17; thence east and along the north side of CR 22 to the northwest corner of the intersection of CR 22 and SR 119 (Moore’s Crossroads); thence east and across SR 119 to the northeast corner of the intersection of SR 119 and CR 22; thence south and across CR 22 to the point of beginning; and also,

Beginning at the southwest corner of the intersection of SR 119 and CR 22 proceed southerly and southwesterly along the west side of SR 119 to the northwest corner of CR 119 and CR 15, aka Salem Road; thence proceed in a northerly direction along the east side of CR 15 to the southeast corner of the intersection of CR 15 and CR 22; thence proceed east along the south side of CR 22 to the intersection of CR 22 and SR 119 (Moore’s Crossroads) and the point of beginning.

Section 19.04. Site Development Requirements.

- A. *Scenic Roadway Setback.* To ensure a more uniform pattern of structural development, a minimum building setback will be established within Scenic Corridor Overlay Districts, as follows:

1. Front building setback is established at one hundred and forty (140) feet from the centerline of the public right-of-way.
 2. Principle structures on commercially developed parcels shall be constructed no more than two (2) feet behind the minimum setback.
 3. Principle structures on residentially developed parcels shall be constructed to the minimum setback.
 4. The City Council may vary this requirement as part of site plan approval, taking into consideration the topography of the area, traffic volumes for the designated roadway, surrounding land uses, existing land uses, the actual location of the roadway, and the size of land parcels.
- B. *Maximum Impervious Surface.* The impervious surface of development proposals in the Scenic Corridor Overlay District shall not exceed seventy (70) percent of the gross area of the site.
- C. *Utilities.* All on-site utilities shall be located underground unless required by the utility to be located otherwise.
- D. *Height.* The maximum building height for structures within a Scenic Corridor Overlay District shall be fifty (50) feet, except historically accurate structures within the American Village Special District that may exceed fifty (50) feet.
- E. *Off-Street Parking.* Off-street parking shall be determined by the requirements of the underlying zoning district with the further requirement that there shall be allowed only one (1) double-loaded bay of off-street parking parallel to the designated Scenic Roadway.
- F. *Other off-street parking may be located at the sides and/or rear of structures.* The City Council may vary this requirement as part of site plan approval.

Section 19.05. Landscaping Requirements.

- A. *Scenic Roadway Buffer.* A Scenic Roadway Buffer, parallel and abutting the designated Scenic Roadway right-of-way boundary and extending to sixty (60) feet from the minimum Scenic Roadway Setback shall be maintained on all property within the Scenic Corridor Overlay District. (see Figure 19.01) The City Council may reduce or expand the required width of this buffer, taking into consideration the topography of the area, traffic volumes for the designated roadway, surrounding land uses, existing land uses, the actual location of the roadway, the size of land parcels affected by the buffer, and whether the buffer requirement would render the entire property unusable. No development, other than necessary construction for safe ingress, egress, signage, or utility service to the site shall be allowed within the buffer. With the exception of the Scenic Roadway Screen (below) the buffer shall be planted in suitable landscape materials, such as grass or low-growing shrubbery.
- B. *Scenic Roadway Screen.* A Scenic Roadway Screen within the required Scenic Roadway Buffer (see Figure 19.01), along and parallel to the edge of the buffer furthest from the roadway, shall be provided by one of the following methods:
1. An earth berm or bank at least four (4) feet high with a required width of at least ten (10) feet and covered with an acceptable grass or landscape cover suitable to the slope used; or,
 2. A planting screen consisting of a minimum of two (2) staggered rows of evergreen shrubs, such as those reflected in Appendix C, with a minimum height of three (3) feet installed and a maximum spacing suitable to the particular plant used but yet forming an effective visual screen. This planted screen shall, at driveway and roadway intersections, meet adequate sight distance visibility requirements; or
 3. A screening wall or fence of a material similar to and compatible with that of the building. No woven metal or chain link fencing shall be used along designated Scenic Roadway frontage.

This fence shall be no taller than six (6) feet except at driveway/roadway intersections where such a wall or fence must meet adequate sight distance visibility requirements.

- C. *Parking Area/Storm Water Detention Screening.* All parking areas and storm water detention/retention ponds shall use existing vegetation or installed landscape planting to screen pavement, vehicles and ponds from the roadway and from adjacent properties. This screening may include dense massing of trees in addition to existing native understory vegetation, or shrubs, massing or berms. Topographic changes shall be considered in reviewing this provision. A planted strip of not less than 10 feet in width containing both, existing or installed trees, and grass, shall be placed between each parking bay.
- D. *Maintenance.* The property owner shall be responsible for the maintenance, repair, and replacement of all landscaping materials, barriers, and irrigation systems as required by the provisions of this Article. All plant material shall be tended and maintained in a healthy growing condition, replaced when dead and kept free of weeds, refuse, and debris.

Section 19.06. Signage Requirements.

- A. All applicable provisions of Article 21. Sign Regulations of these regulations shall apply in a Scenic Corridor Overlay District with additional requirements as follows:
1. *Permitted Signs.* One (1) freestanding monument sign shall be permitted for each street frontage. Where street frontage exceeds four hundred (400) feet, two such signs shall be permitted. Such signs shall not exceed eight (8) feet in height above normal ground level.
 2. *Placement.* Freestanding signs may be placed in the Scenic Roadway Buffer but must be placed so as to be incorporated into the Scenic Roadway Screen.
 3. *Materials.* The sign base/structure shall be constructed of a material similar to and compatible with that of the associated building on the same property. At least one of the colors in each sign shall match the predominant colors in the building.
 4. *Lighting.* Signs may be indirectly illuminated; internally illuminated signs are prohibited. All spotlights and exterior lighting shall be concealed from view and oriented away from adjacent properties and roadways.

Section 19.07. Traffic Requirements.

- A. *Access.* Access to a designated Scenic Roadway may be prohibited from any tract having access to a street intersecting with a designated Scenic Roadway or any tract with frontage on a designated Scenic Roadway which has access through an existing joint-use access easement or driveway. Access to a designated Scenic Roadway shall be limited to one driveway unless otherwise permitted by the Alabama Department of Transportation.
- B. *Driveway Location.* Maximum practical spacing between driveways shall be required. Unless otherwise approved by the Alabama Department of Transportation, no driveway accessing a designated Scenic Roadway shall be located:
1. closer than three hundred (300) feet from the nearest adjacent driveway unless no other access is available to a parcel of land;
 2. where the sight distance is less than required in both directions to provide safe ingress and egress to a public right-of-way, per current engineering standards (AASHTO "A Policy on Geometric Design of Highways and Streets" 2001, Fourth Edition);
 3. on the inside radius of a curve; or
 4. where the roadway grade of the Scenic Roadway corridor exceeds seven and one-half (7.5) percent.
- C. *Intersections.* Minimum spacing between local streets intersecting the designated Scenic Roadway shall be six hundred (600) feet and between collector streets shall be 1,320 feet. Improvements to

intersections with a designated Scenic Roadway will be based upon a review of a competent professional traffic analysis.

Section 19.08. Architectural and Design Guidelines.

The character and configuration of the proposed development shall be consistent with the *Design Guidelines* identified in *Appendix E*. The Design Review Committee shall review the design and aesthetic features of the proposed facilities and the relationship to the surrounding properties. The Design Review Committee may suggest modifications, additions or other amendments to the proposed development. The Design Review Committee shall prepare a brief report on the proposed development for the Planning Commission and City Council. The City Council retains the authority to waive the provisions and requirements of this section or to impose greater requirements than herein required.

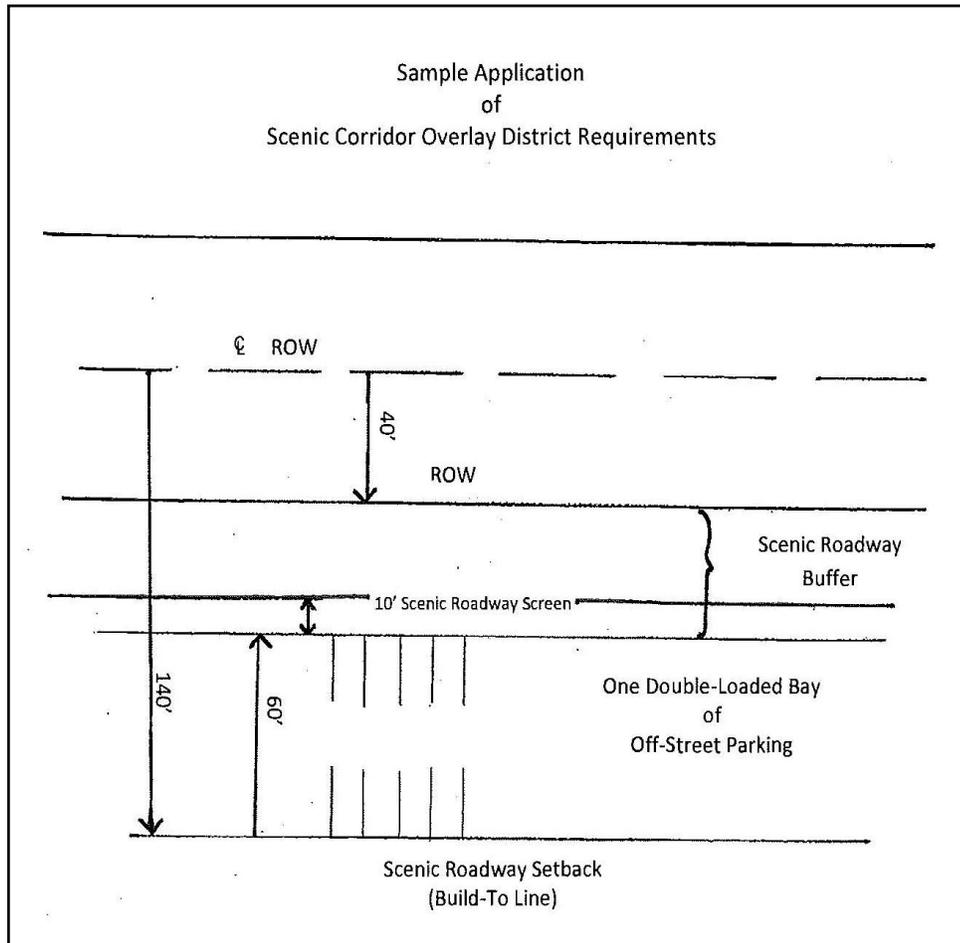


Figure 19.01

ARTICLE 20. SUPPLEMENTARY REGULATIONS AND MODIFICATIONS.**Section 20.01. Regulations Supplemental.**

The regulations set forth in this Article supplement or modify the district regulations appearing elsewhere in this Ordinance.

Section 20.02. Use Modifications.

- A. Temporary structures for use incidental to construction work may be permitted in any district during the period that construction work is in progress, but such temporary building shall be removed upon completion or abandonment of the construction work.
- B. Utility structures, including, but not limited to, poles, wires, cross arms, transformers attached to poles, guy wires, insulators, conduits and other facilities necessary for the transmission or distribution of electric power or to provide telephone or telegraph service and, pipe lines, vents, valves, hydrants, regulators, meters and other facilities necessary for the transmission or distributions of gas, oil, water or other fluids may be constructed, erected, repaired, maintained or replaced within any district in City of Montevallo. This is not to be construed to include the erection or construction of buildings or electric substations.
- C. Railroad facilities, including main line tracks, switching spurs, control signals, poles, and wires or similar facilities (but not yards or service facilities) needed for operating railroad trains may be constructed, repaired, maintained or replaced in any district.

Section 20.03. Height Modifications.

- A. Chimneys, cooling towers, elevator bulkheads, head houses, fire towers, gas tanks, steeples, barns, silos, penthouses, stacks, tanks, water towers, ornamental towers and spires, or necessary mechanical appurtenances, where permitted may be erected to any height not in conflict with existing or hereafter adopted ordinance of City of Montevallo except where permitted in connection with residential uses such structures shall be limited to a height of twenty feet above the maximum height of structures permitted in that district. The height of wireless telecommunications facilities shall be regulated in accordance with the provisions of Article 24 of this Ordinance.
- B. The limitation on number of stories shall not apply to buildings used exclusively for storage purposes provided such buildings do not exceed the height in feet permitted in this district in which located.
- C. Public or semi-public service buildings (hospitals, schools, churches, etc.) that are permitted in a district with height limitations of less than sixty (60) feet may be erected to a maximum height of sixty (60) feet provided, however, that side yards are increased by one (1) foot for each foot of additional building height above the height limitation for the district. Public or semi-public service buildings include, but are not limited to hospitals, schools and churches.

Section 20.04. Area Modifications for Lots of Record.

Where a lot of record at the time of the effective date of this Ordinance had less area or less width than herein required for the district in which it is located, said lot may nonetheless be used as a building site provided the yard space and other requirements conform as closely as possible, in the opinion of the Planning Commission, to the requirements for the district in which it is located.

Section 20.05. General Yard Modifications.

- A. Every part of a required yard shall be open to the sky, unobstructed by any structure or part thereof, and unoccupied for storage, servicing or similar use except as provided herein.

- B. Sills, belt courses or ornamental features may project into any yard not to exceed six (6) inches.
- C. Cornices or eaves may project into any required yard not to exceed eighteen (18) inches.
- D. Terraces, uncovered porches, underground storm shelters or ornamental features which do not extend more than five (5) feet above grade may project into a required yard, provided such projections are no closer than two (2) feet to any lot line.
- E. More than one multiple dwelling, institutional, commercial or industrial building may be located upon a lot or tract but such buildings shall not encroach upon the front, side or rear yards required by the district regulations. For multiple dwellings the open space between buildings shall be sixty (60) feet when one or both are two-story buildings, and eighty (80) feet when one or both are three or more story buildings. For independent living facilities, residential care facilities, and nursing homes the open space between buildings shall be thirty (30) feet when one or both are two-story buildings, and forty (40) feet when one or both are three or more story buildings.
- F. Where an open space is more than fifty percent surrounded by residential or institutional buildings, the minimum width of the open space shall be at least twenty (20) feet for one story building, thirty (30) feet for two story buildings and forty (40) feet for three or more story buildings.
- G. In a residential zone district, private swimming pools shall be enclosed by a fence of not less than four (4) feet in height. No mechanical appurtenance or pool shall be within ten (10) feet of any lot line.
- H. The minimum dimension of a yard upon which any entrance or exit of a multiple dwelling faces shall be twenty (20) feet.
- I. Wherever yards are provided between commercial or industrial structures, they shall have a minimum width of six (6) feet.

Section 20.06. Front Yard Modifications.

The required front yards heretofore established shall be modified in the following cases:

- A. Where forty (40) percent or more of the frontage on the same side of a street between two intersecting streets is presently developed or may hereafter be developed with buildings that have (with a variation of five feet or less), a front yard greater or lesser in depth than herein required, new buildings shall not be erected closer to the street than the average front yard so established by the existing buildings.
- B. Where forty (40) percent or more of the frontage on one side of a street between two intersecting streets is presently developed or may hereafter be developed with buildings that do not have a front yard as described above, then:
 - 1. Where a building is to be erected on a parcel of land that is within one hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of the adjacent buildings, or
 - 2. Where a building is to be erected on a parcel of land that is within one hundred (100) feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.
- C. Through lots shall provide the required front yard on both streets.
- D. Corner lots shall provide a front yard on each street side. However, the buildable width of a lot of record need not be reduced to less than twenty-eight (28) feet; provided that the side yards shall in no case be reduced to less than that otherwise required for the zone district. No accessory building shall project into the front yard on either street.
- E. Permitted signs attached to buildings may extend into a front yard or the required yard abutting a side street not to exceed eighteen (18) inches.

- F. Service station pumps and pump islands may be located within a required front yard, but in no case shall the pump centerline be closer than fifteen (15) feet to any street line.

Section 20.07. Rear Yard Modifications.

The rear yards heretofore established shall be modified in the following cases:

- A. Where a lot abuts upon an alley, one-half of the alley width may be considered as part of the required rear yard.
- B. An unenclosed balcony, porch steps or fire escape may project into a rear yard for a distance not exceeding ten feet.
- C. Accessory buildings and structures may be built in a rear yard, but such accessory buildings and structures shall not occupy more than thirty (30) percent of the required rear yard and shall not be nearer than three (3) feet to any side or rear lot line, except that when a garage is entered from an alley it shall not be located closer than seven (7) feet to the rear property line.

Section 20.08. Walls and Fences.

Walls or fences may be located within the yards except as provided herein:

- A. No wall or fence in a front yard shall exceed a height of four (4) feet, except as required for a retaining wall.
- B. No wall or fence in a rear or side yard in a residential district shall exceed a height of six and one-half (6½) feet, except as required for a retaining wall.
- C. In any residential district, no fence, structure or planting which obstructs visibility shall be maintained within twenty-five (25) feet of any street intersections.

Section 20.09. Portable Buildings.

- A. Purpose.

It is the purpose of this section to establish the procedure and guidelines for the location and use of portable buildings.

- B. Approval Required.

Approval by the Administrator shall be required for the location, placement, installation, movement or use of any portable building. The approval shall specify the approved use of the portable building and the temporary period for which the permit is to remain valid.

1. Eligibility. Approval shall be issued:

- a. Only for uses specifically permitted in the zone district assigned to the property on which the portable building is to be located.
- b. Only for uses and locations, which are, either specifically provided for under this section per §20.09 (C) or approved as a conditional use by the City Council per §20.09 (D).
- c. Only for placement of portable buildings which meet the dimensional requirements of these regulations for non-portable buildings.
- d. Only upon approval of the Building Official with regard to fire safety, building safety, structural safety and location on the property.

2. Duration of Approval.

With the exception of a mobile home used for residential purposes in accordance with these regulations which shall not be limited to a temporary period of time, or a recreational vehicle used for recreational purposes in an established travel park, any site approved for one or more portable buildings as a permitted use shall remain valid for a time period as indicated in §20.09 (C) below after which all portable buildings on the site must be removed. Requests for

extension of the time period of approval shall be made to the City Council under the provisions of §20.09 (D) below. Approval for a portable building approved as a conditional use shall remain valid for a time period as determined by the City Council under the provisions of §20.09 (D) below.

C. Portable Buildings as a Permitted Use.

Portable buildings may be placed and used for the following purposes upon approval by the Administrator:

1. Mobile homes used for residential purposes in accordance with these regulations.
2. In conjunction with and reasonably necessary for construction work taking place at a construction site and only during the period of actual construction.
3. For security service, including living quarters for a security guard, at a construction site and only during the period of actual construction.
4. For, or in conjunction with, education activity of public or private schools, or in conjunction with a public library for a period not to exceed ten (10) years.
5. For religious purposes for a period not to exceed ten (10) years.
6. For public recreation, public health, or other public purposes approved by the Administrator for a period not to exceed two (2) years.
7. For emergency housing as deemed necessary in the public interest and approved by the City for a period not to exceed two (2) years.
8. For residential development sales offices or land sales offices on properties for which there is an approved site plan or subdivision plat for a period not to exceed two (2) year or until fifty (50) percent of the land involved is sold whichever occurs first.

D. Portable Buildings as a Conditional Use.

Any portable building proposed to be located on public or private property, the use and location of which are consistent with §20.09 (B) above but not specifically provided for under §19.09 (C) above, shall require conditional use review by the Planning Commission and approval by the City Council prior to procuring approval from the Administrator.

E. Revocation of Approval.

Any approval issued for a portable building authorized by this section may be revoked where the Administrator or his designee finds that the holder of the approval is violating or is permitting employees, agents, servants, partners or representatives to violate these or any other regulations of City of Montevallo, which violation affects the public health, safety and welfare, and which violation occurred as a result of the specific activity or use for which the approval was issued and not merely incidental thereto.

F. Termination of Use and Removal.

All portable buildings shall be removed within seven (7) days after the date that the approval, which authorized the use, becomes invalid.

ARTICLE 21. SIGN REGULATIONS

Section 21.01. General Provisions

The purpose of this Article is to provide the minimum control of signs that ensures the protection of the public safety and general welfare. These provisions are intended to lessen the hazards to pedestrian and vehicular traffic, prevent unsightly and detrimental development which has a blighting influence upon the community, prevent signs from reaching such excessive size or numbers that they obscure one another to the detriment of all concerned, preserve the general character and aesthetic quality of the various areas within the City of Montevallo and promote a positive City image reflecting order, harmony and pride.

Section 21.02. Definitions.

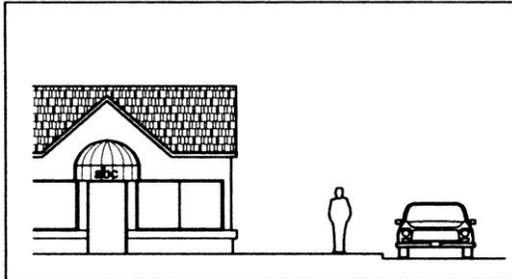
Words and phrases used in this Article shall have the meanings as set forth in this section. Words and phrases not defined in this section but defined elsewhere in the zoning regulations shall be given the meanings as set forth in such regulations. All other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise.

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

Advertising. Sign copy intended to directly or indirectly promote the sale or use of a product, service, commodity, entertainment, or real or personal property.

Animated Sign. Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

Awning Sign. A sign directly painted or otherwise directly affixed to an awning.



Banner. Any sign of lightweight fabric or similar material that is permanently mounted to a pole or building by a permanent frame at one or more edges. National flags, state or municipal flags or the official flag of any institution or business shall not be considered banners.

Building Marker. Any sign indicating the name of a building, date of construction and incidental information, which is cut into a masonry surface or made of bronze or other permanent material.

Canopy Sign. A sign directly painted or otherwise directly affixed upon a building canopy.



Changeable Copy Sign. A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or surface of the sign. A sign on which the message changes more than eight (8) times a day shall be considered a animated sign and not a changeable copy sign. A sign on which the only copy that changes is an electronic or mechanical indication of the time and temperature shall be considered a "time and temperature" portion of the sign and not a changeable copy sign.

Commercially Developed Parcel. A parcel of property on which there is at least one walled and roofed structure used, or designed to be used, for other than residential or agricultural purposes.

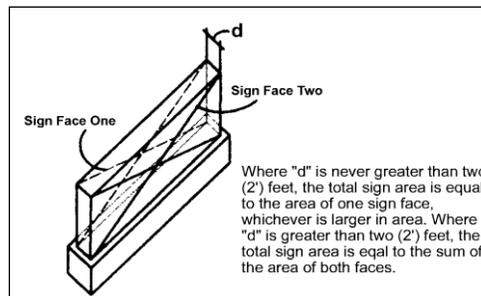
Commercial Occupant. A commercial use, i.e., any use other than residential or agricultural.

Construction Sign. A temporary sign indicating the names of architects, engineers, landscape architects, contractors, and similar artisans involved in the design and construction of a structure or project only during the construction period and only on the premises on which the construction is taking place.



Copy. The linguistic or graphic content of a sign.

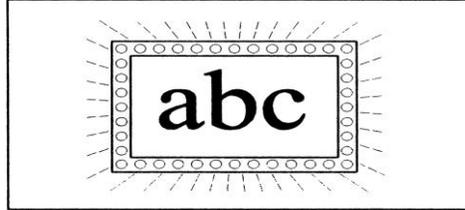
Double-faced Sign. A sign, both sides of which are visible and used as signs. The sign area of a double-faced sign, where the two sign faces are never greater than twenty-four (24) inches apart, shall be computed as the area of one sign face, whichever is greater. When the two sign faces are greater than twenty-four (24) inches apart, the sign area shall be computed as the sum of both faces.



Electric Sign. Any sign containing electric wiring.

Erect a Sign. To construct, reconstruct, build, relocate, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish a sign. It shall not include any of the foregoing activities when performed as an incident to the change of message, or routine maintenance.

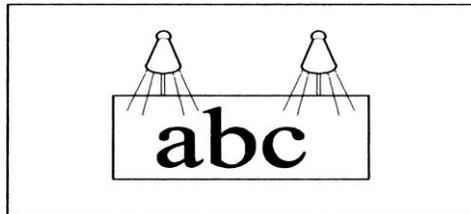
Flashing Sign. A sign with an intermittent, repetitive, or flashing light source.



Frontage. The length of the property line of any one parcel along a street on which it borders.

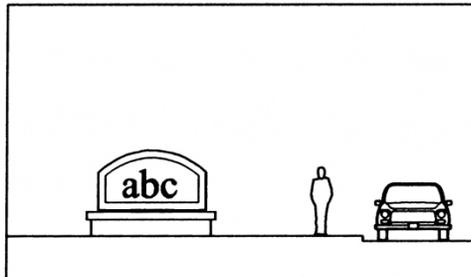
Illuminated Sign. A sign which contains a source of light or which is designed to reflect light from an artificial source including indirect lighting, neon, incandescent lights, back-lighting, and shall also include signs with reflectors that depend upon automobile headlights for an image.

Illuminated Sign. A sign which contains a source of light or which is designed to reflect light from an artificial source including indirect lighting, neon, incandescent lights, back-lighting, and shall also include signs with reflectors that depend upon automobile headlights for an image.



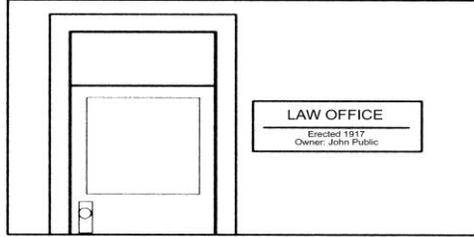
Marquee. A structure projecting from and supported by a building which extends beyond the building line or property line and fully or partially covers a sidewalk, public entrance or other pedestrian way.

Monument sign. A monument sign is a freestanding sign, a wall with a sign permanently attached, or a decorative wall that incorporates a sign. Monument signs are typically constructed low to the ground from natural materials such as stone, brick or wood and surrounded with additional landscape plantings. The sign copy area is attached directly to the base of the sign or otherwise located close to the ground and may be indirectly illuminated. A monument sign shall be no more than ten (10) feet in height except where further restricted and shall have the lowest portion of its sign face no more than three (3) feet above the ground. This is also commonly referred to as a Ground Sign.



Multiple Occupancy Complex. A parcel of property or parcels of contiguous properties, existing as a unified or coordinated project, with a building or buildings housing more than one occupant.

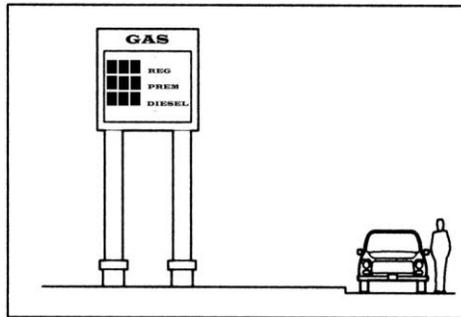
Nameplate Sign. A wall sign indicating the name and/or address of a business.



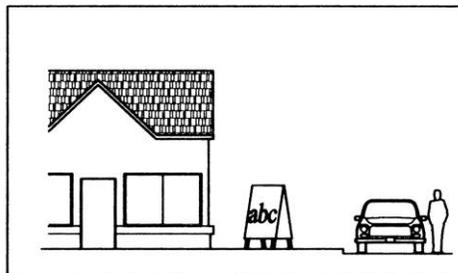
Parcel. A unit of land within legally established property lines. If, however, the property lines are such as to defeat the purposes of these sign regulations or lead to absurd results, a "parcel" may be as designated for a particular site by the Administrator.

Pennant. Any lightweight plastic, fabric, or other material, whether containing a message or not, suspended from a rope, wire, string, or other similar device, designed to move in the wind.

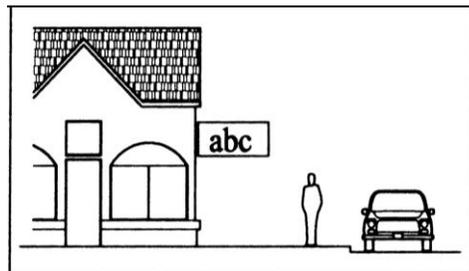
Pole Sign. A freestanding sign mounted above one or more vertical structural members (Also referred to as a *Pylon Sign*).



Portable Sign. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A-frames or T-frames; menu or sandwich board signs; balloons or other inflatable devices used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless such vehicle is used in the normal day to day operations of the business.

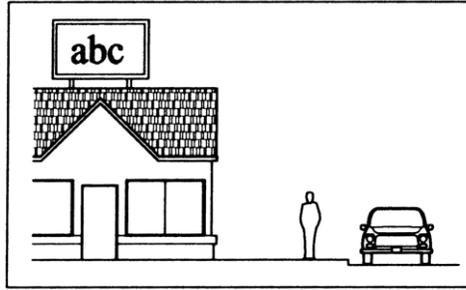


Projecting Sign. A sign affixed to a building or wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of the building or wall.



Roof Line. A horizontal line intersecting the highest point or points of a roof.

Roof Sign. A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the highest point of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.



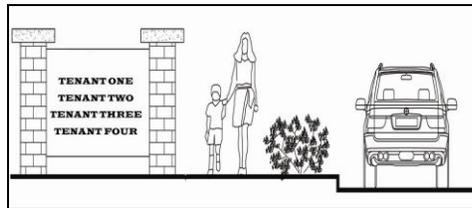
Sign. Any writing, pictorial presentation, number, illustration, decoration, flag, banner, pennant, or other device which is used to announce, direct attention to, identify, advertise or otherwise make anything known. The term sign shall not be deemed to include the terms "building" or "landscaping" or any architectural embellishment of a building not intended to communicate information.

Sign Face Area. The area of any regular geometric shape, which contains the entire surface area of a sign upon which copy may be placed.

Sign Structure. Any construction used or designed to support a sign.

Street. A public or private right of way for vehicular traffic, including highways, thoroughfares, lanes, roads, ways, and boulevards.

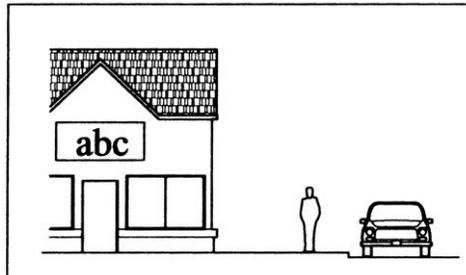
Tenant Sign. A ground sign containing the name of a multi-tenant business center and typically containing the names of the tenants within the development.



Unit. That part of a multiple occupancy complex housing one occupant.

Vehicle Sign. Any sign affixed to a vehicle.

Wall Sign. A sign displayed upon or attached to any part of the exterior of a building, including walls, windows, doors, parapets, marquees and roof slopes of forty-five (45) degrees or steeper.



Window Sign. Any sign, picture, symbol, or combination thereof designed to communicate information about a business, commodity, event, sale, or service that is placed inside or upon a window and is visible from the exterior of the window.

Section 21.03. Measurement Determinations.**A. Number of Signs.**

In general, the number of signs shall be the number of non-contiguous sign faces. Multiple non-contiguous sign faces may be counted as a single sign if all the sign faces are included in the geometric figure used for determining the sign area.

B. Sign Face Area.**1. Individual Signs.**

The sign face area of individual signs shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. This does not include the supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets applicable regulations and is clearly incidental to the display itself.

2. Multi-faced Signs.

The sign face area of a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two sign faces are placed back to back so that both faces cannot be viewed from any point at the same time and when the sign faces are part of the same sign structure and are no more than thirty-six (36) inches apart, the sign face area shall be computed by the measurement of one of the faces.

C. Sign Height.

The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of existing grade prior to construction or the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined or where the elevation of the normal grade is below the main traveled way of the adjoining street or highway along which the sign is constructed, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of the adjoining street or highway along which the sign is constructed or the grade of the land at the principal entrance to the principal structure on the parcel, whichever is lower.

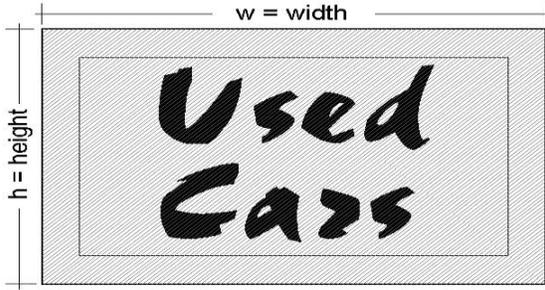
D. Distance Between Signs.

The minimum required distance between signs shall be measured along street rights-of-way from the closest parts of any two signs.

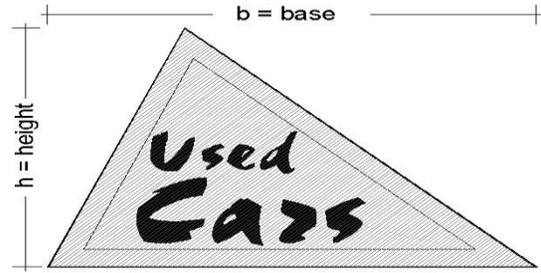
E. Facade Area.

The facade area shall be measured by determining the area within a two-dimensional geometric figure coinciding with the edges of the walls, windows, doors, parapets, marquees, and roof slopes of greater than forty-five (45) degrees that form a side of a building or unit.

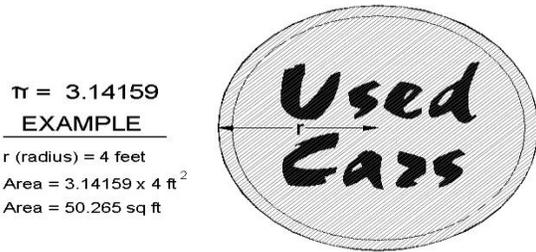
Measurement Determination Examples.



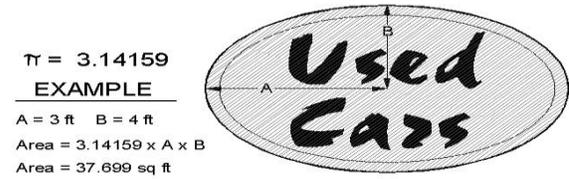
Calculating Area of a Rectangular Sign = $h \times w$



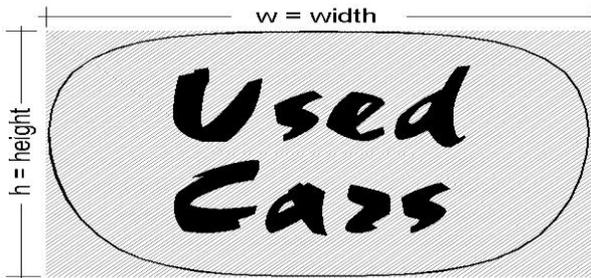
Calculating Area of a Triangular Sign = $1/2 (h \times b)$



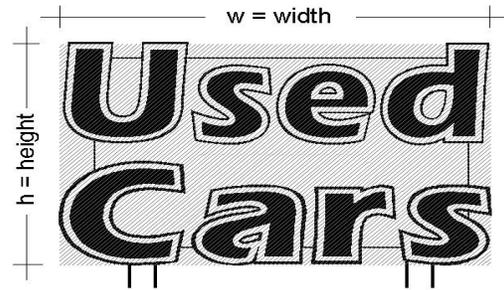
Calculating Area of a Circular Sign = $\pi \times \text{radius}^2$



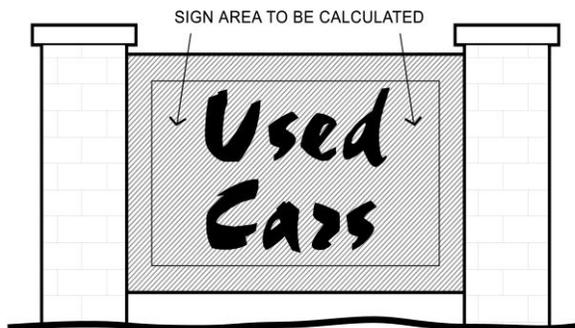
Calculating Area of an Elliptical Sign = $\pi \times A \times B$

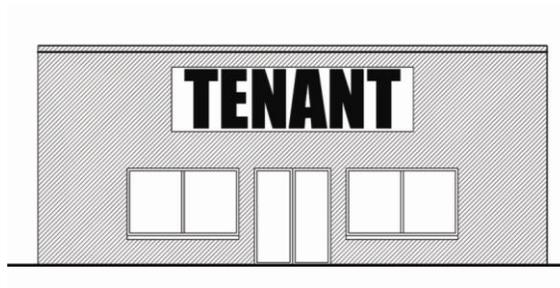


Calculating Area of an Irregular Sign = $h \times w$

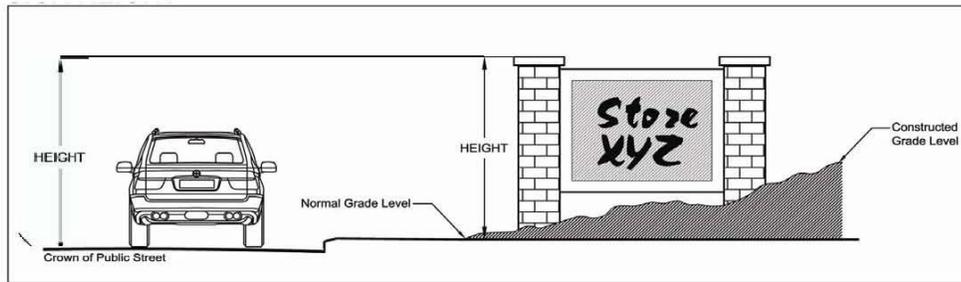


Calculating Area of a Sign where Copy Exceeds Sign Area = (height of copy) x (width of copy)





Façade Area



Section 21.04. Exempt Signs.

- A. The following signs are exempt from the requirement that a permit be obtained and shall not be counted toward any restriction regarding the number or area of signs permitted on a parcel provided they conform to the standards enumerated in this section and provided they are not placed or constructed so as to create a hazard of any kind:
1. Signs that are not designed or located so as to be legible from any street or adjoining property.
 2. Signs of two (2) square feet or less and signs that include no letters, symbols, logos or designs in excess of two (2) inches in vertical or horizontal dimension, provided that such sign, or combination of such signs, does not constitute a sign prohibited by these regulations.
 3. Signs necessary to promote health, safety and welfare, and other regulatory, statutory, traffic control or directional signs erected on public property with permission as appropriate from the City of Montevallo, the State of Alabama, or the United States.
 4. Legal notices and official instruments.
 5. Decorative flags and bunting for a celebration, convention, or commemoration of significance to the entire community when authorized by the City of Montevallo for a prescribed period of time.
 6. Holiday lights and decorations.
 7. Merchandise displayed behind storefront windows so long as no part of the display moves or contains flashing lights.
 8. Memorial signs or tablets, historical markers, name of a building and dates of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials and attached to the surface of a building.
 9. Signs incorporated into machinery or equipment by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths and gasoline pumps.
 10. Advertising and identifying signs located on taxicabs, buses, trailers, trucks or vehicle bumpers.
 11. Public warning signs to indicate the dangers of trespassing, swimming, animals or similar hazards.
 12. Works of art that do not constitute advertising.
 13. Signs carried by a person.

Section 21.05. Prohibited Signs

- A. It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained, any sign not expressly authorized by, or exempted from, these regulations. The following signs are expressly prohibited unless otherwise exempted or expressly authorized by this Article:
1. Any sign with a sign face area greater than two hundred (200) square feet.
 2. Signs that are in violation of the building code or electrical code adopted by the City of Montevallo.
 3. Any sign that, in the opinion of the Administrator, does or will constitute a safety hazard.
 4. Portable signs or trailer signs.
 5. Signs with visible moving, revolving, or rotating parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means, except for traditional barber poles.

6. Signs with lights or illuminations that flash, move, rotate, scintillate, blink, flicker or vary in intensity or color except for "time and temperature" signs or signs that identify the price of fuel at a service station or convenience store.
7. Strings of light bulbs used on commercially developed parcels for commercial purposes, other than traditional holiday decorations.
8. Wind signs consisting of one or more banners, flags, pennants, ribbons, spinners, streamers or captive balloons, or other objects or material fastened in such a manner as to move freely upon being subjected to pressure by wind.
9. Signs that incorporate projected images, emit any sound that is intended to attract attention, or involve the use of live animals.
10. Signs that emit audible sound, odor, or visible matter such as smoke or steam.
11. Signs or sign structures that interfere in any way with free use of any fire escape, emergency exit, or standpipe, or that obstruct any window to such an extent that light or ventilation is reduced to a point below that required by any provision of these regulations or any other regulation of the City of Montevallo.
12. Signs that resemble any official sign or marker erected by any governmental agency, or that by reason of position, shape or color, would conflict with the proper functioning of any traffic sign or signal, or be of a size, location, movement, content, color or illumination that may be reasonably confused with or construed as, or conceal, a traffic-control device.
13. Signs that obstruct the vision of pedestrians, cyclists, or motorist traveling on or entering public streets.
14. Non-governmental signs that use the words "stop," "look," "danger" or any similar word, phrase or symbol.
15. Signs, within ten (10) feet of public right of way or one hundred (100) feet of traffic-control lights, that contain red or green lights that might be confused with traffic control lights.
16. Signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist or pedestrian using or entering a public way, or that are a hazard or a nuisance to occupants of any property because of glare or other characteristics.
17. Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television or other communication signals.
18. Signs that are painted, pasted, or printed on any curbstone, flagstone, pavement, or any portion of any sidewalk or street, except house numbers and traffic control signs.
19. Signs placed upon benches, bus shelters or waste receptacles, except as may be authorized in writing.
20. Signs erected on public property or on private property located on public property (such as private utility poles) other than signs erected by a public authority for public purposes or as otherwise permitted by these regulations.
21. Signs erected over or across any public street except as may otherwise be expressly authorized by these regulations and except governmental signs erected by or on the order of a public officer.
22. Roof signs placed above the roofline of a building or on or against a roof slope of less than forty-five (45) degrees.
23. Vehicle signs with a total sign area in excess of ten (10) square feet when the vehicle is parked for more than sixty consecutive minutes within one hundred (100) feet of any street right-of-way; is visible from the street right-of-way that the vehicle is within one hundred (100) feet of; and is not regularly used in the conduct of the business advertised on the vehicle. A vehicle

used primarily for advertising shall not be considered a vehicle used in the conduct of the business.

24. Pylon or pole signs are prohibited.

Section 21.06. Permitted Signs

A. Generally

The signs enumerated in this section shall be subject to all the terms of this Article including the requirement that a sign permit be obtained prior to erection of any sign. Exemption from the requirement to obtain a sign permit does not necessarily indicate exemption from any other requirement or permit that may be required by this or any other agency.

B. All Parcels

1. **Directional Signs.** Directional signs limited in area to four (4) square feet, giving directions to motorists regarding the location of parking areas and access drives shall be permitted on all parcels and shall not be counted as part of an occupant's allowable sign area.
2. **Flags.** Not more than three flags or insignias of governmental, religious, charitable, fraternal or other organizations or institution may be displayed on any one parcel of land. Such flags shall not exceed sixty (60) square feet in area and shall not be flown from a pole the top of which is more than forty (40) feet in height. All flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting the above requirements shall be considered a banner and shall be subject to the appropriate regulations.
3. **Utility Signs.** Public utility signs that identify the location of underground utility lines and facilities, high voltage lines and facilities, and other utility facilities and appurtenances are permitted so long as they do not exceed three (3) feet in height, and so long as the sign face does not exceed two (2) square feet.

C. Undeveloped Parcels

Undeveloped parcels may display one (1) square foot of signage per ten (10) feet of frontage up to a maximum of ninety-six (96) square feet. No individual sign shall exceed sixty-four (64) square feet nor exceed ten (10) feet in height. Signs must be spaced at least one hundred (100) feet apart.

D. One-Family and Two-Family Residences

A parcel on which is located a single one-family or two-family residence may display not more than two (2) signs with an aggregate sign area of not more than ten (10) square feet. No individual sign shall exceed six (6) square feet nor exceed four (4) feet in height.

E. Three-Family and Four-Family Residences

A parcel on which is located a single three-family or four-family residence may display not more than four (4) signs with an aggregate sign area of not more than sixteen (16) square feet. No individual sign shall exceed six (6) square feet nor exceed four (4) feet in height.

F. Residential Developments, Farms and Ranches

1. A sign may be displayed at the entrance to a residential development, farm or ranch subject to the following restrictions. One (1) sign is permitted at only one entrance from each abutting street. The sign may be a single sign with two (2) faces of equal size or may be two (2) single-faced structures of equal size located on each side of the entrance. No face of the sign shall exceed thirty-two (32) square feet in size, and may be illuminated in a steady light only.
2. All such signs shall be maintained perpetually by the developer, the owner of the sign, a pertinent homeowners association or some other person who is legally accountable. Such accountability is required before a permit shall be issued. If, following the issuance of a permit and subsequent erection of such signs, no accountable person accepts legal

responsibility to maintain the signs and no other provision has been made for maintenance, the signs shall be removed by the developer or owner.

G. Commercially Developed Parcels

1. Freestanding Signs.

Signs may be placed in a freestanding location on a commercially developed parcel subject to the following limitations:

- a. The permissible number, area, spacing and height of freestanding signs for each multiple occupancy complex and each commercial occupant not located in a multiple occupancy complex shall be determined according to Table 21.4.

	If the frontage on a public right-of-way is:					
	<=50'	>50' & <=100'	>100' & <=200'	>200' & <=300'	>300' & <=400'	>400'
Maximum number of signs	1	1	1	1	2	3
Maximum total sign area	16	32	48	64	80	96
Maximum sign area for individual sign	16	32	48	64	80	96
Minimum setback from side property line	10	15	20	50	50	50
Minimum distance from any other freestanding sign on the same site	n/a	n/a	n/a	n/a	100	100
Maximum height	10	10	10	10	10	10

Table 21.4.

- b. Multiple Frontages. For a parcel having frontage on two (2) or more public streets, each frontage shall be considered separately for the purposes of determining compliance with the above provisions for freestanding signs, but the permitted sign area for one (1) frontage may not be combined with that permitted on another frontage to increase the permitted sign area on one frontage. However, no freestanding sign on one right-of-way may be closer than one hundred (100) feet to a sign on another right-of-way.

2. Building Signs.

Signs not expressly prohibited by this Article may be attached to the wall of a building on a commercially developed parcel subject to the following limitations:

- a. Building signs shall be limited to a maximum height of thirty (30) feet above grade, except that on a building of more than thirty (30) feet in height, a single sign is allowed above thirty (30) feet on each side of the building.
- b. Each multiple occupancy complex may display one (1) building sign on each side of the principal building or buildings in the complex, not to exceed a sign face area of two hundred (200) square feet or five (5) percent of the facade area of the building side, whichever is smaller.
- c. Each occupant of a multiple occupancy complex may display three (3) building signs on any exterior portion of the complex that is part of the occupant's unit, not including

common or jointly owned portions, not to exceed a sign face area of two hundred (200) square feet each or a total combined sign face area of ten (10) percent of the facade area of such exterior portion, whichever is smaller.

- d. Each occupant not located in a multiple occupancy complex may display three (3) building signs on each side of the building in which the occupant is located, not to exceed a sign face area of two hundred (200) square feet each or a total combined sign face area of ten (10) percent of the facade area of the building side, whichever is smaller.
- e. Time and Temperature Signs. Time and temperature signs are permitted on commercially developed parcels notwithstanding a general prohibition on changing or animated signs. These signs may only display numerical information and must be kept accurate. They may be freestanding or attached to a building and are subject to the regulations applicable to such signs. They shall be counted as part of the occupant's allowable sign area.

Section 21.07. Design, Construction, Location and Maintenance Standards

A. Compliance with Building and Electrical Codes Required

All permanent signs, and the illumination thereof, shall be designed, constructed and maintained in conformity with applicable provisions of the building and electrical codes adopted by the City of Montevillo. Wherever there is inconsistency between these sign regulations and the building or electrical code, the more stringent requirement shall apply.

B. Illumination Standards

1. Sign lighting may not be designed or located to cause confusion with traffic lights.
2. Illumination by floodlights or spotlights is permissible so long as none of the light emitted shines directly onto an adjoining property or into the eyes of motorists or pedestrians using or entering public streets.
3. Illuminated signs shall not have lighting mechanisms that project more than eighteen (18) inches perpendicularly from any surface of the sign over public space.

C. Placement and Clearance Standards

Signs shall be located such that there is at every intersection or driveway, a clear view between heights of three (3) and ten (10) feet in a triangle formed by the corner and points on the curb seventy (70) feet from the intersection or entranceway.

1. Supports for signs or sign structures shall not be placed in or upon a public right of way or public easement, except under the terms of a lease between the owner of the easement or right of way and the owner of the sign.
2. No freestanding sign shall project over a public right of way.
3. No sign or sign structure shall be erected that impedes use of any fire escape, emergency exit, or standpipe.
4. All signs over pedestrian ways shall provide a minimum of seven (7) feet six (6) inches of clearance.
5. All signs over vehicular ways shall provide a minimum of thirteen (13) feet six (6) inches of clearance.
6. No sign or sign structure shall be erected that impedes an unobstructed visibility at a level three (3) feet above the road, measured from the street grade at the center of the closest traffic lane.

D. Relationship to Building Features

1. A building sign shall not extend beyond any edge of the surface to which it is attached, nor disrupt a major architectural feature of the building.

2. A building sign may project no more than four (4) feet perpendicularly from the surface to which it is attached.
3. The combined area of permanent and temporary signs placed on or behind windows shall not exceed twenty-five (25) percent of the total window area at the same floor level on the side of the building or unit upon which the signs are displayed.

E. Maintenance

All signs, including their supports, braces, guys and anchors, electrical parts and lighting fixtures, and all painted and display areas, shall be maintained in accordance with the building and electrical codes adopted by City of Montevallo, and shall present a neat and clean appearance. The vegetation around, in front of, behind, and underneath the base of freestanding signs for a distance of ten (10) feet shall be neatly trimmed and free of unsightly weeds, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near the sign.

Section 21.08. Administration.

A. Permits

1. Applicability.

No person shall erect a sign without first obtaining a sign permit therefore, except for the following actions which shall not require a permit:

- a. Changing the copy, announcement or message on a sign;
- b. Cleaning, painting, electrical or comparable maintenance or repair of a sign that does not alter any regulated feature of such sign;
- c. Erecting a sign for which a permit is not required in accordance with §21.04 Exempt Signs or §21.06 (A) Permitted Signs - Generally.

2. Procedure.

All sign permits shall be procured in accordance with the following procedure:

- a. A written application shall be submitted to the Administrator for review and processing. The application will be accepted by the Administrator only upon determination that all requisite documentation and fees accompany the application form. The application shall include such supplementary information as may be specifically requested by the Administrator to determine compliance with these regulations.
- b. The Administrator shall review the application and plans and specifications to determine whether the proposed sign conforms to all applicable requirements of these regulations.
- c. Following review and determination as to conformance with these regulations, the Administrator shall, in a reasonably expeditious manner, either approve or deny the application for the sign permit. In case of denial, the Administrator shall specify the section or sections of these regulations with which the proposed sign is not in conformance.
- d. If an approved sign requires a building permit, the Administrator shall forward a copy of the completed application form and associated plans and specifications to the building official who shall determine whether the proposed sign conforms to all applicable requirements of the building regulations and who shall, in a reasonably expeditious manner, either approve or deny an application for a permit to construct the sign.

3. Submission Requirements.

No request for a sign permit shall be considered complete until all of the following has been submitted to the Administrator:

- a. Application Form.
The application shall be submitted to the Administrator in duplicate on forms made

available by the City.

b. Statement of Authorization.

Any application form which is signed by an individual other than the property owner shall be accompanied by a notarized statement of authorization consenting to the sign placement or, if the property or building upon which the sign is to be located is leased, evidence of the executed lease shall accompany the application form. In the event the building or property is leased and the application form is signed by an individual other than the lessor, the application shall be accompanied by a notarized statement of authorization signed by the lessor consenting to the sign placement and evidence of the executed lease.

c. Plans and Specifications.

Plans and specifications for any proposed sign shall be submitted in duplicate, drawn to scale and include the following:

- 1) lot frontage on all street rights-of-way;
- 2) facade area of any wall on which a sign is proposed to be placed;
- 3) dimensions and elevations (including the message) of the sign;
- 4) dimensions of the sign's supporting members;
- 5) maximum and minimum height of sign, as measured from finished grade;
- 6) location of the sign in relation to property lines, public rights-of-way, easements, buildings, and other signs on the property;
- 7) for illuminated signs, the type, placement, intensity and hours of illumination;
- 8) construction and electrical specifications, for the purpose of enabling determination that the sign meets all applicable structural and electrical requirements of the building code;
- 9) value of the proposed sign;
- 10) number, type, location and surface area of all existing signs on the same property and/or building on which the sign is to be located.

d. Application Fee.

The applicant shall be required to pay an application fee according to the current schedule of fees established by the City Council for the particular category of the application. This fee shall be nonrefundable irrespective of the final disposition of the application.

e. Permit Expiration.

Sign permit shall be valid for a maximum of sixty (60) days after issuance. Failure to place the sign within the allotted time period shall void the permit and necessitate reapplication.

Section 21.09. Variance.

Any request for a variance from the standards set forth in this Article shall be processed according to the procedures and criteria set forth in Article 26 of this Ordinance.

Section 21.10. Inspections.

The Administrator shall, as each may determine necessary, inspect the property to ascertain that the sign is in accord with all provisions of these regulations and the building regulations, respectively, and in accord with all terms upon which the sign permit may have been conditioned.

Section 21.11. Nonconforming Signs.

- A. A nonconforming sign is any sign within the jurisdiction of the City of Montevallo on the effective date of this Article or any sign existing within any area added to such jurisdiction after the effective date of this Article which is prohibited by or does not conform to the requirements of these regulations.
- B. Subject to the limitations imposed by § 21.13 below, a nonconforming sign may be continued and shall be maintained in good condition as required by these regulations, but it shall not be:
 - 1. Structurally changed to another nonconforming sign, but its pictorial content may be changed.
 - 2. Structurally altered to prolong the life of the sign, except to meet safety requirements.
 - 3. Expanded or altered in any manner that increases the degree of nonconformity.
 - 4. Re-established after damage or destruction if the estimated cost of reconstruction exceeds fifty (50) percent of the appraised replacement cost as determined by the Administrator.
 - 5. Continued in use when a conforming sign or sign structure shall be erected on the same parcel or unit.
 - 6. Continued in use when the structure housing the occupancy is demolished or requires renovations the cost of which exceeds fifty (50) percent of the assessed value of the structure.

Section 21.12. Abandoned Signs.

- A. Except as otherwise provided in this Article, any sign that is located on property which becomes vacant and unoccupied, or pertains to a business which does not maintain a current business license, or pertains to a time, event or purpose which is no longer applicable shall be deemed to have been abandoned. Any abandoned sign shall be prohibited and shall be removed by the owner of the sign or the owner of the property. The frame of an abandoned sign shall not be required to be removed if it conforms to all applicable terms contained in these regulations (including the sign face area for sign replacement yielded by such frame).
- B. Any sign structure which supported an abandoned sign and which structure conforms to all applicable terms contained in these regulations shall be allowed to remain in place. However, in the event a sign structure which supported or supports an abandoned sign is inconsistent with any of the terms contained in these regulations (including the sign face area for sign replacement yielded by the frame) then the sign structure and frame shall be either altered to comply with the terms contained herein or removed by the owner of such structure or the owner of the property.

Section 21.13. Illegal Signs.

- A. The following signs shall be considered to be illegal and a violation of the terms of this Article:
 - 1. A sign erected or maintained after the effective date of this Article that is inconsistent with the terms contained herein;
 - 2. A nonconforming sign which was erected inconsistent with the terms governing location, height, surface area or other regulatory measures applicable at the time of its erection;
 - 3. An abandoned sign.
- B. Upon determination by the Administrator that a certain sign is illegal, the Administrator shall act to remedy the violation, which may include:
 - 1. The issuance of a notice of violation to the individual who owns, is responsible for, or benefits from the display of such sign prescribing the action necessary to make the sign legal and conforming to the terms contained herein or ordering the removal of the illegal sign and also prescribing the time which the individual is afforded to accomplish such action;
 - 2. The City shall have the right to recover from the individual responsible for any such illegal sign the full costs of removal and disposal for any such illegal sign located on public property or on private property including any such illegal sign located within a street right-of-way.

- C. Failure to bring any illegal sign into conformance with the terms contained in this Article or any other violation of the terms contained in this Article shall be considered a violation of the Zoning Ordinance of the City of Montevillo and shall be subject to the remedies and penalties provided by such Ordinance and by State Law.

ARTICLE 22. OFF-STREET PARKING AND LOADING REQUIREMENTS**Section 22.01. Parking Requirements.**

The off-street parking standards for the City of Montevallo are identified on the following table.

Uses	Off Street Parking Requirement
RESIDENTIAL	
Single-Family Dwelling	2 per dwelling unit
Duplex	2 per dwelling unit
Townhouse	2 per dwelling unit
Apartments	2 per dwelling unit plus one for each bedroom over 2
Domestic Violence Shelter	1 for each employee plus 1 for every 2 adult residents
Group Care Home	1 for each employee plus 1 for every 2 adult residents
Manufactured Home	2 per dwelling unit
Garage Apartment	1 per bedroom
INSTITUTIONAL	
Community Center	1 per 300 square feet of floor area
Community Service Club	1 per 100 square feet of non-storage and non-service floor area
Day Care Center	1 per each employee plus one for every eight children
Day Care Home	1 in addition to the two required for the dwelling
Medical Clinic	3 plus 1 per each 200 square feet of floor area over 1,000
Nursing Home	1 per six beds
Place of Worship	1 per eight seats in the main auditorium
Public Facility	1 per 300 square feet of floor area
Public Utility Facility	1 per each employee on the largest shift

Uses	Off Street Parking Requirement
Elementary/Middle School	One parking space for each employee plus one space for each twenty students of design capacity
High School/College/Voc.	One parking space for each employee plus five spaces for each classroom
COMMERCIAL	
Bank or Financial Service	1 per 150 sq/ft. of floor area plus 4 stacking spaces per drive-through lane
Business/Professional Office	3 plus 1 per 300 square feet of floor area over 1,000
Car Wash	1 for every employee and 4 stacking spaces per bay
Convenience Store	1 per 150 square feet of floor area
Theatre	1 per 6 seats in the main auditorium
Garden Center or Nursery (Indoor)	1 per 500 square feet of display/storage area
Garden Center or Nursery (Outdoor)	1 per 2,000 square feet of display/storage area
General Retail, Enclosed	1 per 250 square feet of floor area
Funeral Home	1 per 50 square feet of floor space plus spaces for all service vehicles
Home Improvement Center	1 per 400 square feet of floor area
Hotel	1 per sleeping room plus 1 per employee
Laundry Service	1 per employee on the largest work shift
Mini-Storage	1 per employee plus two parking spaces
Restaurant, Standard	1 per 100 square feet of floor space
Restaurant, Fast Food	1 per 100 square feet plus 4 sufficient stacking spaces per drive through
Shopping Center	1 per 250 square feet of floor area
Bed & Breakfast Inn	1 per bedroom, in addition to the two required for the dwelling
Vehicle Repair Service	1 per employee plus 3 per service bay

Uses	Off Street Parking Requirement
Vehicle Sales or Rental	1 per employee plus 1 per 1,500 square feet of display area
Vehicle Service Station	1 per employee plus 2 per service bay
INDUSTRIAL	
Manufacturing	2 plus 1 per employee on the largest shift
Warehousing, Distribution	1 per company vehicle plus 1 per employee
AGRICULTURAL	
Kennel	1 per employee plus 2
Farm Support Business	5 plus 1 for every 500 square feet of floor area

Section 22.02. Rules in Applying Parking Standards.

In applying the standards of §22.01 of this Article, the following standards shall apply:

- A. "Floor area" shall mean the gross floor area of the specified use.
- B. Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.
- C. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.
- D. In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
- E. These standards shall apply fully to all uses and buildings established after the effective date of this Ordinance, except as otherwise provided in this Ordinance.
- F. These standards shall apply fully to all additions, expansions, enlargements or reconstructions of all buildings.

Section 22.03. Location of Required Parking Spaces.

All parking spaces required herein shall be located on the same lot with the building or use served. However, when an increase in the number of spaces is required by a change of use or enlargement of the building, or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located and maintained not to exceed three hundred (300) feet from an institutional building served and not to exceed five hundred (500) feet from any other non-residential building served.

- A. Up to fifty percent of the parking spaces required for (a) theatres, public auditoriums, bowling alleys, dance halls, night clubs or cafes, and up to one hundred per cent of the parking spaces required for a church auditorium may be provided and used jointly by (b) banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours as those listed in (a) provided, however, that written agreement thereto is properly executed and filed as specified below.

- B. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and use, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by the city attorney and shall be filed with the application for a permit, recorded at the applicant's expense in the office of Judge of Probate, and shall be in full force and effect until released by resolution of the Planning Commission.
- C. No off-street parking shall be permitted in the required front yard of any residential district except upon a driveway providing access to a garage, carport or parking area for a dwelling.
- D. All parking spaces required herein, including adequate driveways and maneuvering areas, shall be improved with a suitable hard surface permanent type of pavement, except as may otherwise be permitted within these regulations.

Section 22.04. Loading Requirements--Specified Uses.

- A. A building whose dominant use is handling and selling goods at retail shall provide spaces in relation to the total floor area used for retail purposes as follows:

<u>Area</u>	<u>Spaces Required</u>
5,000 - 10,000 square feet	One
10,000 - 20,000 square feet	Two
20,000 - 30,000 square feet	Three
Over - 30,000 square feet	Four

- B. Manufacturing, repair, wholesale or warehouse uses shall provide spaces in relation to total floor area as follows:

<u>Area</u>	<u>Spaces Required</u>
5,000 - 40,000 square feet	One
40,000 - 100,000 square feet	Two
Each 75,000 square feet over 100,000	One Additional

- C. Other buildings not listed above shall provide spaces in relation to total floor area as follows:

<u>Area</u>	<u>Spaces Required</u>
5,000 - 50,000 square feet	One
50,000 - 100,000 square feet	Two
100,000 - 200,000 square feet	Three
Over - 200,000 square feet	Four

Section 22.05. Rules in applying loading standards.

In applying the requirements of §22.04 of this Article, the following rules shall apply.

- A. These requirements shall apply fully to all buildings erected after the effective date of this Ordinance.
- B. These requirements shall apply fully to all enlargements, expansions, or reconstructions of all buildings.
- C. In all cases, off street loading and unloading facilities shall be of sufficient sizes so that no part of any motor vehicle, loading or unloading, shall protrude onto a public street.

Section 22.06. Rules for Specific Districts.

- A. Non-Residential uses in the Urban Core Overlay District may reduce their required parking by the amount of on street parking along their frontage plus two.
- B. Uses permitted in the University Overlay District may reduce their required off-street parking requirements by the amount of on street parking along the street frontage of the subject use.
- C. Uses permitted by right in the A-R, Agricultural-Residential District may use unpaved parking spaces

to meet their parking requirements.

ARTICLE 23. LANDSCAPE AND BUFFER REQUIREMENTS

Section 23.01. Purpose and Intent.

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

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

Section 23.02. Definitions.

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

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



Berm

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

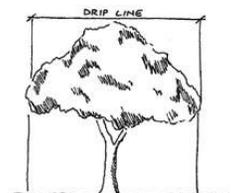
Buffers. The use of landscaping, retained native vegetation or landscaping along with berms, walls or decorative fences that at least partially and periodically obstruct the view from the street or an abutting property in such a manner that vehicular use areas, parking lots, parked cars, detention ponds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

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

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

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

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



Drip Line

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

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

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

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

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

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

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

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



Parking Island

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

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

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

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

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

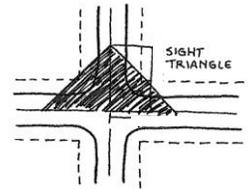
Site Development Plan. A plan, prepared to scale by an appropriately certified or registered land surveyor, architect, or engineer, showing accurately and with complete dimensioning required elements.

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

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

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

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



Sight Triangle

Section 23.03. Applicability.

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

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

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

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

Figure 23-1

- 2. Parking Decks

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

Section 23.04. Administration and Enforcement

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

Section 23.05. Modifications

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

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

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

Section 23.06. Landscape Plan Submittal Requirements

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

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

Section 23.07. General Requirements

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

Section 23.08. Landscape Requirements

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

Types of Landscaping

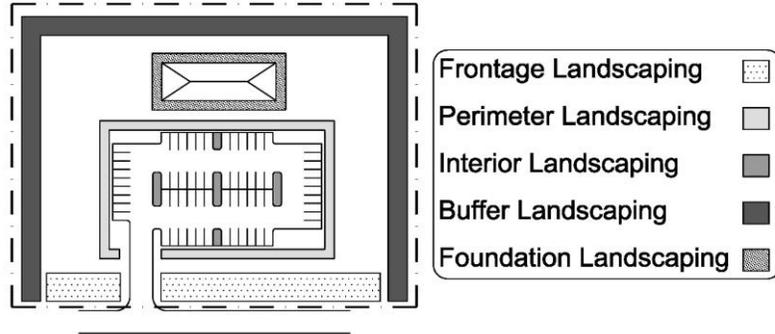


Figure 23-2

A. Frontage Landscaping Requirements.

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

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

Figure 23-3

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

B. Perimeter Landscaping Requirements.

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

2. One (1) large tree with a minimum two (2) inch caliper and a minimum of ten (10) feet high shall be planted for every forty (40) linear feet in the planted strip, however, planting of trees on center is not required. At least two (2) species of trees shall be incorporated within perimeter landscaping. In the event that overhead utilities prevent the use of large trees, small trees shall be planted for each thirty (30) feet of linear frontage. Planted strips are to be sodded, seeded, or mulched to cover all bare ground after landscape materials have been installed.
3. Ten (10) shrubs, with a minimum eighteen (18) inch height at installation, shall be provided for every thirty (30) linear feet in the planted strip along all sides of the parking area. Where applicable, these shrubs should be grouped and spaced to resemble more natural landscaping and encourage species maturity. These shrubs should also work in conjunction with the required number of large trees.

C. Interior Landscaping Requirements.

1. Parking interiors require planted islands. There shall be one (1) planted island for every twelve (12) contiguous parking spaces. The planted area of the island must be at least nine (9) feet in width, measured from back of curb to back of curb and the full length of the parking space. The minimum width of any channeling or canoe type island shall be six (6) feet. Interior planted islands shall contain at least one (1) tree and four (4) shrubs per one hundred and fifty (150) square feet of planted island and shall be sodded, or mulched.
2. Uniformly distributed islands are required to visually minimize large expanses of parking areas, regulate traffic flow, protect pedestrians and permit access by emergency vehicles. Islands shall be placed at the ends of rows of parking spaces and between the circulation drives and parking rows to channel traffic safely around the parking areas and to define parking rows.
3. Trees shall be planted within islands so that the majority of each parking space is within sixty (60) feet of a tree. Trees within the perimeter landscape area may be used to satisfy this requirement.
4. Gas stations and automobile dealerships are exempt from interior landscaping requirements. All other landscaping requirements shall apply.

D. Foundation Landscaping Requirements.

1. Foundation landscaping shall include a planted bed at a minimum depth of five (5) feet along all sides of the primary structure, excluding loading areas. The bed shall contain a minimum of one (1) small tree (including ornamental or small evergreen), and ten (10) shrubs for every twenty-five (25) linear feet of building. Shrubs, with a minimum height of eighteen (18) inches and a maximum spacing of four (4) feet, shall be planted within a bed of mulch or ground cover other than turf grass and be protected from damage by vehicles and maintenance equipment. Shrubs shall be well distributed though not necessarily evenly spaced.
2. Fast food restaurants are exempt from foundation landscaping requirements on the drive-thru window side of the building. All other landscaping requirements shall apply.

Section 23.09. Buffers

A. Buffer Locations.

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

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

See Buffer Type Examples in Appendix

Figure 23-4

B. Buffer Requirements.

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

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

Figure 23-5

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

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

Required Buffer Width	Reduction in Width of Buffer from Edge of Easement	Minimum Buffer Width
20	5	15
30	10	20
<i>(Measurement in Feet)</i>		
<i>Plant unit counts remain as originally calculated.</i>		

Figure 23-6

Section 23.10. Maintenance

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

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

Section 23.11. Bonds

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

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

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

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

Section 23.12. Plant Selection

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

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

Figure 23-7

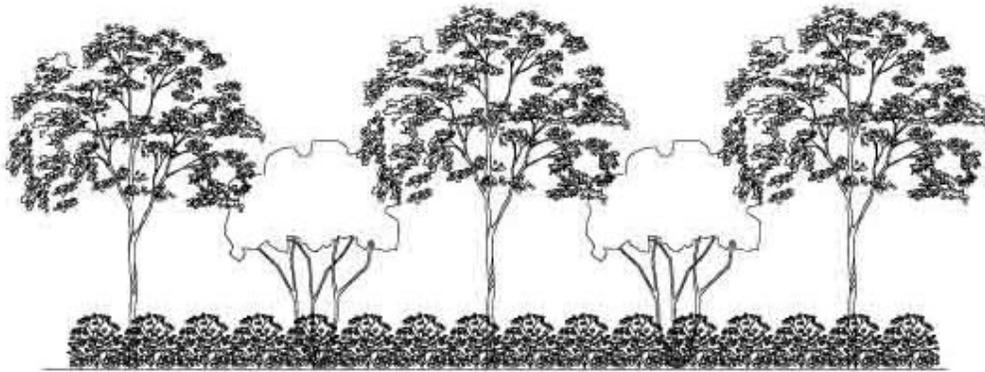
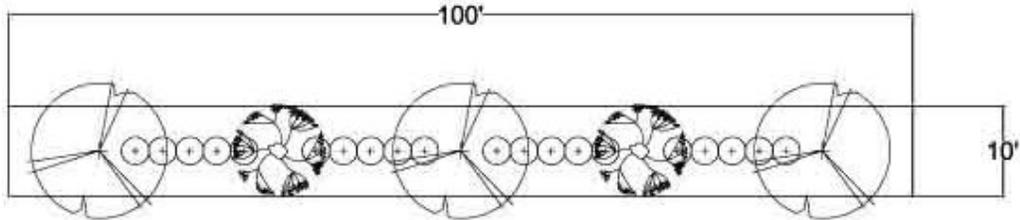
- B. **City of Montevallo Plant Selection List.**

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

Section 23.13. Illustrations.

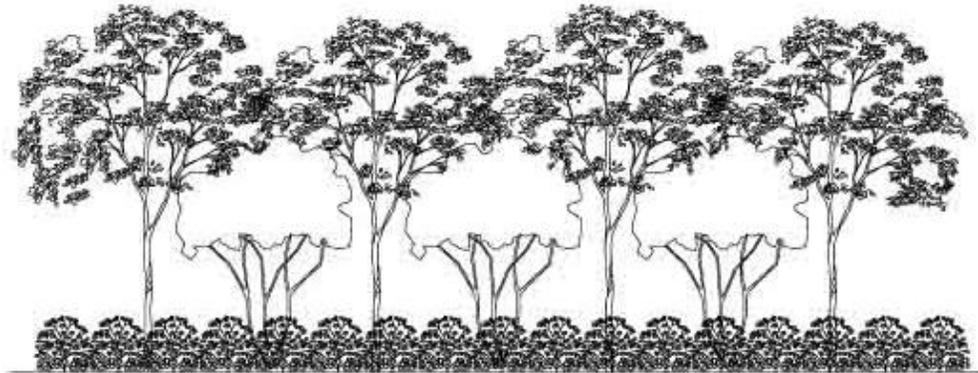
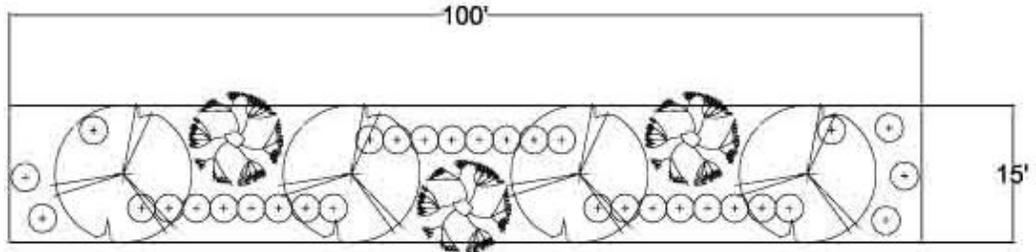
A. Buffer Type Examples

Buffer A



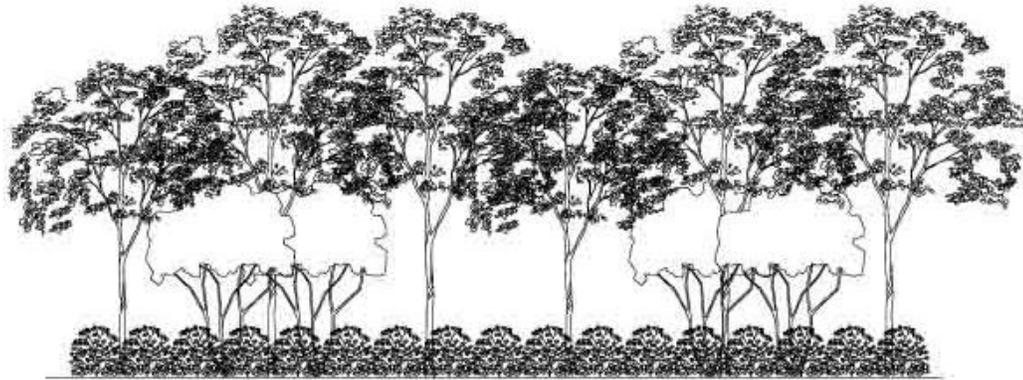
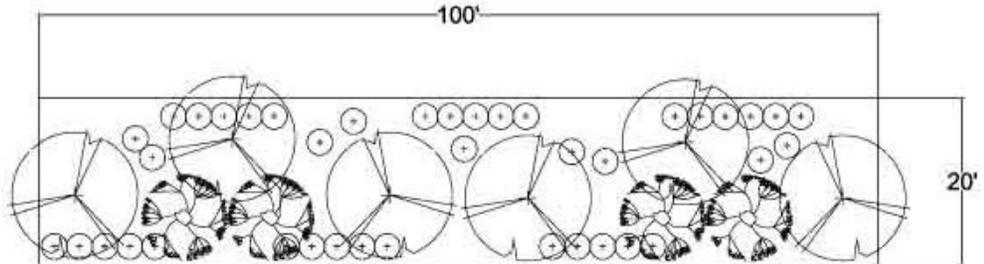
Plant Schedule		
	Plant Type Symbol	# Required 100 linear feet
Large Trees		3
Small Trees		2
Screening Shrub		20

Buffer B



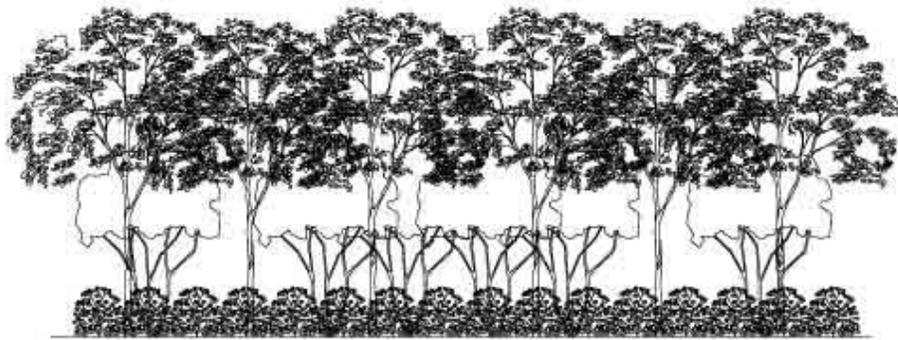
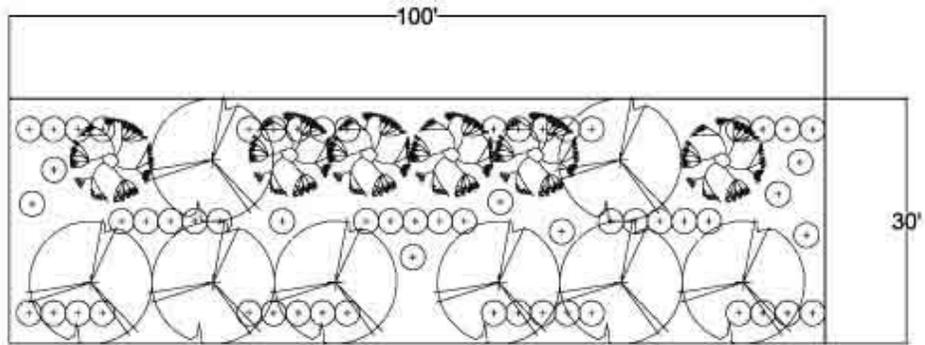
Plant Schedule		
	Plant Type Symbol	# Required 100 linear feet
Large Trees		4
Small Trees		3
Screening Shrub		30

Buffer C



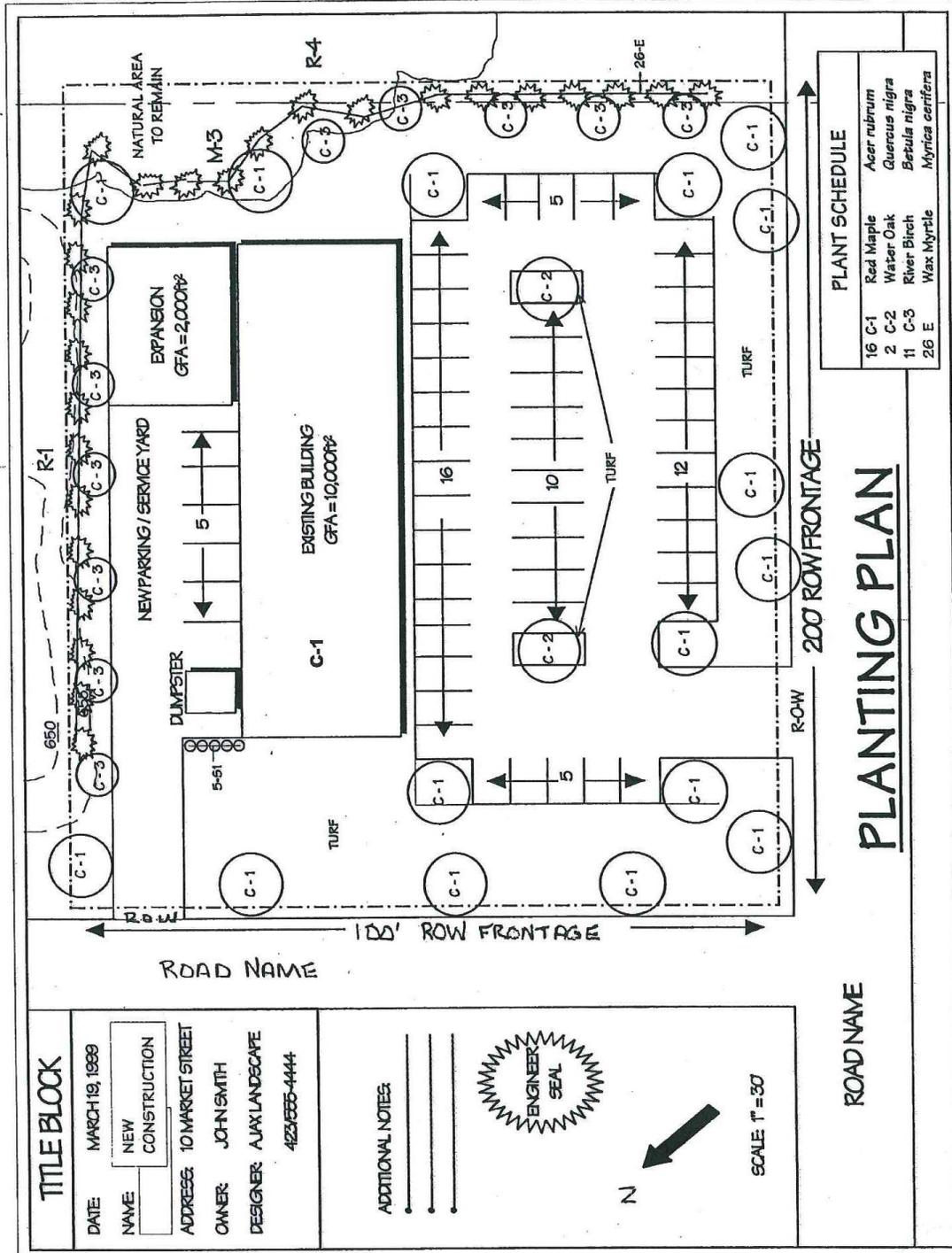
Plant Schedule		
	Plant Type Symbol	# Required 100 linear feet
Large Trees		6
Small Trees		4
Screening Shrub		40

Buffer D



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

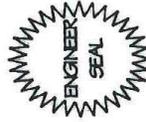
G. Planting Plan Example



TITLE BLOCK

DATE: MARCH 19, 1999
 NAME: NEW CONSTRUCTION
 ADDRESS: 10 MARKET STREET
 OWNER: JOHN SMITH
 DESIGNER: AJAX LANDSCAPE
 423/555-4444

ADDITIONAL NOTES:



SCALE 1" = 50'

ROAD NAME

PLANTING PLAN

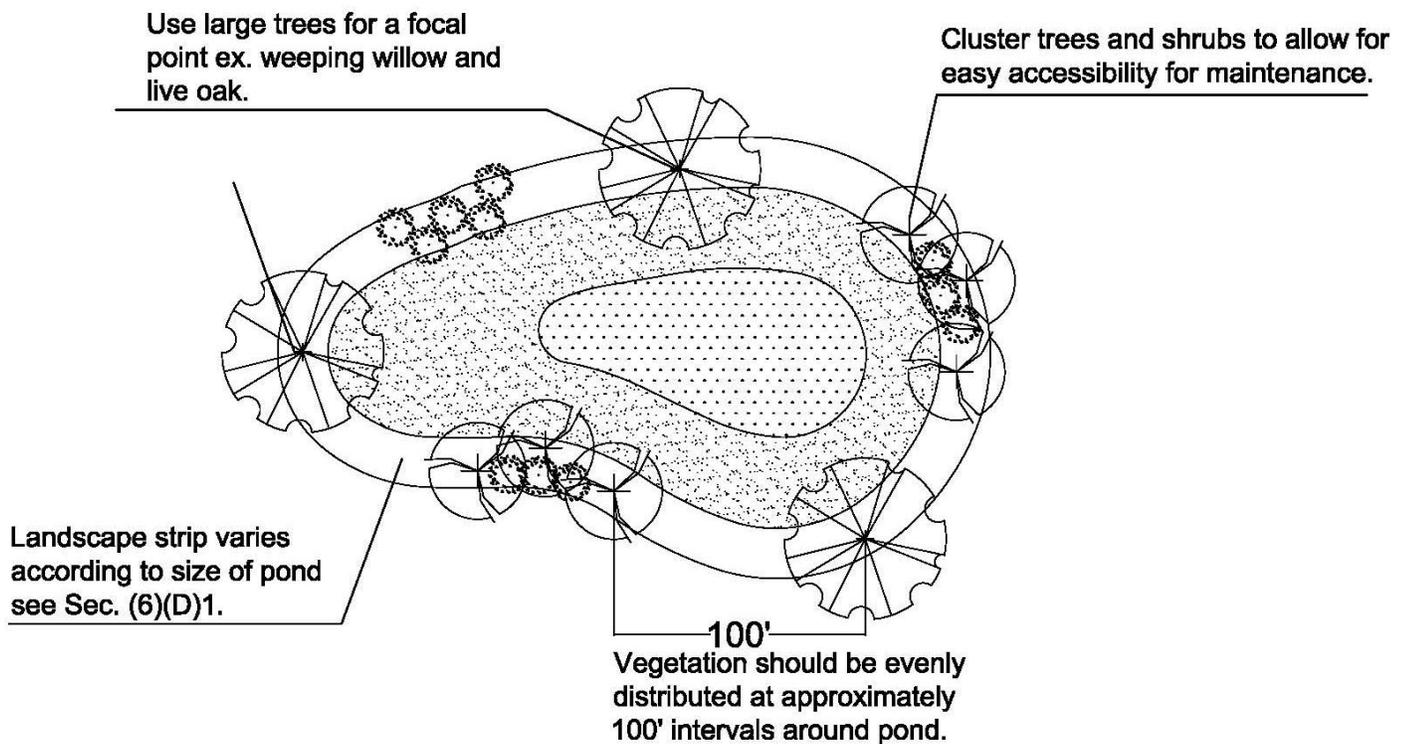
200' ROW FRONTAGE

100' ROW FRONTAGE

ROAD NAME

H. Stormwater Facility Plan Example

Typical Stormwater Facility Landscaping Plan

**Notes:**

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

ARTICLE 24. WIRELESS TELECOMMUNICATIONS FACILITIES.**Section 24.01. Purpose.**

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

Section 24.02. Definitions.

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

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

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

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

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

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

FAA. Federal Aviation Administration

FCC. Federal Communications Commission.

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

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

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

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

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

Section 24.03. Requirements Applicable to all Wireless Communications Facilities.

A. FCC and FAA Approvals.

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

B. Shelby County Airport Authority Approval.

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

C. Radio Frequency (RF) Emissions.

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

D. Environmental Effects.

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

E. Historic Preservation.

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

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

F. Construction and Safety Standards.

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

Section 24.04. Application.

A. Permit Requirements.

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

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

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

B. Temporary installations.

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

Section 24.05. Standards for Approval.

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

B. Location and Facility Height.

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

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

(Table 24.1)

C. Area and Dimensional Regulations.

1. Minimum Lot Size.

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

Setbacks.

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

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

(Table 24-2)

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

D. Co-location.

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

E. Aesthetics.

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

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

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

- d. All landscaping shall be of the evergreen variety. All landscaping shall be xeriscape tolerant or irrigated and properly maintained by the property owner or lessor to ensure good health and variety.
 - e. In cases where the tower location is within an area of mature and established vegetation, existing healthy trees and plant material may count toward any or all landscaping requirements for the site, pursuant to §23.07.
- F. Lighting.
1. Towers shall not be artificially lighted unless required by the FAA or other authority for safety purposes. If lighting is required, “dual lighting” (red at night/strobe during day) shall be preferred unless restricted by the FAA. Lighting must be shielded or directed inward to the greatest extent possible so as to minimize the amount of light that falls onto nearby properties, particularly residences.
 2. Basic security lighting for the compound may be permitted, but shall not include any flashing lights or lights greater than twenty (20) feet in height. This lighting shall be focused only on the compound itself, and shall be directed away from any adjacent property.
- G. Environmental Impact.
- All wireless telecommunications facilities shall comply with the National Environmental Policy Act. If an environmental assessment is required by the Federal Communications Commission (FCC), a copy of the assessment, as well as documentation of the FCC’s subsequent approval thereof, must be submitted at the time of application.
- H. Safety.
1. Radio Frequency. The applicant shall be required to submit documentation that the proposed wireless telecommunications facility complies with Federal Communications Commission standards for radio frequency emissions, as adopted by the FCC on August 1, 1996.
 2. Structural. A Professional Engineer shall certify that all antenna support structure and wireless telecommunications equipment are erected and/or installed so as to comply with wind loading and other structural standards contained in the current building and the applicable technical codes. This shall apply to new and modified structures and facilities.
 3. Security of Site. Fencing shall be required to ensure that antenna support structures and their accessory buildings are fully secured. Sufficient anti-climbing measures must be incorporated into each facility, as needed, to reduce potential for trespass and injury. A sign shall be discretely placed on the outermost structural element, which indicates the name and telephone number of a person responsible for the safety and maintenance of the facility.
 4. Access. Provisions shall be made to provide access clearances for emergency vehicles.

Section 24.06 Minimum Application Requirements.

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

C. Engineer certifications, as required by this Ordinance:

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

D. Affidavits and other submittals, as required by this Section:

1. Applicant's affidavit that the owner of a feasible tower or site is unwilling to make space available for collocation or attachment (see § 24.05 D.).
2. Provider's affidavit of good faith intent to allow collocation (see § 24.05 D.).
3. Evidence of liability insurance as required by City Code

Section 24.07. Maintenance.

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

Section 24.08. Obsolete Towers.

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

ARTICLE 25. ADMINISTRATION**Section 25.01. Interpretation of Ordinance.**

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

Section 25.02. Enforcement.

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

Section 25.03. Land Disturbance Activities.

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

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

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

Section 25.04. Conditional Uses.**A. Purpose.**

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

B. Authorization.

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

C. Conditional Use Review.

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

The Administrator shall, upon determination that an application complies with all applicable submission requirements, receive said application, distribute copies of said application for technical review and schedule it for consideration in a Public Hearing before the Planning Commission.

1. At least fifteen (15) days prior to the scheduled Planning Commission public hearing of a conditional use the Chairman of the Planning Commission shall give written notice of the hearing to the applicant and to all property owners within two hundred (200) feet of the subject property. Such notice shall be deemed given when deposited in the United States Mail, first class postage prepaid, addressed to those property owners at their addresses as shown on the most recent records of the Shelby County Tax Assessor's Office. Any error in the addresses of such notices shall not invalidate the giving of such notice, provided that not more than five (5) percent of the total number of notices contain any such error.
2. In addition to the notification of adjoining property owners, a legal notice shall be published in a newspaper of general circulation published within the City. If there is no newspaper of general circulation published within the City, said legal notice of the public hearing for the proposed conditional use shall be posted in four (4) conspicuous locations within the City.

Such notices, publications and advertisement shall contain the following:

- a. Name of the applicant.
 - b. The location of the subject property.
 - c. The proposed conditional use of the property requested.
 - d. The time, date and location of the Planning Commission public hearing.
 - e. Such notices, publications and advertisement shall further state that, at such public hearing, all persons who desire shall have an opportunity to be heard in opposition to or in favor of the proposed amendment.
3. At the time and place scheduled for the public hearing of the proposed conditional use, the Planning Commission shall review the proposed conditional use pursuant to the standards of approval herein. The Commission shall recommend, recommend with conditions, or not recommend the proposed conditional use to the City Council by resolution.
 4. The Administrator shall schedule a public hearing for the consideration of the proposed conditional use before the City Council.
 5. At least fifteen (15) days prior to the scheduled public hearing before the City Council the City Clerk shall cause the proposed conditional use to be published once a week for two (2) consecutive weeks (once in its entirety and once in a synopsis form referring to the date and name of the newspaper in which the proposed conditional use was first published) in advance of its consideration in a newspaper of general circulation published within the City. If there is no newspaper of general circulation published within the City, said legal notice of the public hearing for the proposed conditional use shall be posted in four (4) conspicuous locations within the City.

Such notices, publications and advertisement shall contain the following:

- a. Name of the applicant.
- b. The location of the subject property.
- c. The proposed conditional of the property requested.
- d. The time, date and location of the City Council public hearing.
- e. Such notices, publications and advertisement shall further state that, at such public hearing, all persons who desire shall have an opportunity to be heard in opposition to or in favor of the proposed amendment.

6. The City Clerk shall also give written notice to the applicant and all adjacent property owners within two hundred (200) feet of the subject property. Such notice shall be deemed given when deposited in the United States Mail, first class postage prepaid, addressed to those property owners at their addresses as shown on the most recent records of the Shelby County Tax Assessor's Office. Any error in the addresses of such notices shall not invalidate the giving of notice provided not more than five (5) percent of the total number of notices contain any such error.
7. At the time and place scheduled for the public hearing of the proposed conditional use, the City Council shall hear the presentation of the applicant, review the recommendation of the Planning Commission and hear any arguments in opposition to or support of the proposed conditional use by the general public. After such hearing, the City Council may approve the conditional use as requested, approve the conditional use in such amended form as it deems appropriate, or deny said conditional use.
8. The City Council may impose conditions and restrictions upon the property benefited by the conditional use as may be necessary to comply with the standards set out above, to reduce or minimize any potentially injurious effect of such conditional use upon other property in the neighborhood and to carry out the general purpose and intent of these regulations. In approving any conditional use, the City Council may specify the period of time for which such approval is valid for the commencement of the proposed conditional use.

D. Submission Requirements.

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

1. Application Form.

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

2. Plans and specifications.

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

E. Standards for Approval.

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

burden or have a substantial negative impact on surrounding or adjacent uses or on community facilities or services.

2. Conditions and Restrictions on Approval.

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

Section 25.05. Site Development Plan.

A. Purpose.

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

B. Approval Required.

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

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

C. Site Development Plan Review.

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

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

public hearing before the Planning Commission.

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

D. Certification of Site Plan.

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

E. Amendment of a Certified Plan.

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

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

F. Effect of Site Plan Approval.

1. Approved site plans shall remain valid if a building permit is obtained subject thereto, and the project completed in accordance with such permit within the respective allotted time periods to be specified by the City Council. Extensions to the time limits imposed as a condition of site plan approval may be granted only upon written request to the Administrator with subsequent determination to be made by the City Council, based upon and consistent with the process for determining whether such request for extension of time is a major or minor amendment.
2. Upon approval of the site plan, the applicant may proceed to submit detailed construction drawings to the Administrator for approval and permitting. Nothing herein, however, shall preclude the Administrator from accepting for review and processing building construction plans related to the structural, mechanical, electrical and plumbing systems prior to the certification of a site plan, subject to such conditions as may be established by the Administrator relative to such pre-certification processing. In such instances, no building permit will be issued until the site plan has been certified and is on file with the City. All building and construction permits issued for any project requiring site plan review shall be consistent with the certified site plan. The approval and certification of a site plan shall not under any circumstance be construed to waive or otherwise diminish the applicable City requirements for construction or installation of structures or materials. Whenever a conflict between the site plan and such construction details occurs, the more restrictive or that requiring the higher standard shall prevail.

G. Integration of Other Review Procedures.

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

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

H. Noncompliance.

Failure to comply with a certified site plan or any of the conditions upon which such approval was contingent, including time limits for performance, shall be cause to deny issuance of a building permit or, where a permit has been issued pursuant to a certified site plan, to render such building

permit invalid. Any action, construction, development or use of property undertaken in violation of the provisions of this section shall constitute a violation of these zoning regulations.

I. Minimum Submission Requirements.

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

1. Application Form.

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

2. Plans and Specifications.

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

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

- sewer lines, manholes, and lift stations.
 - r. Existing two-foot contours or key spot elevations on the site, and such off-site elevations as may be specifically required and not otherwise available which may affect the drainage or retention on the site.
 - s. The proposed general use and development of internal spaces, including all recreational and open space areas, plazas and major landscape areas by function, and the general location and description of all proposed outdoor furniture (such as seating, lighting, and telephones).
 - t. The location of all earth or water retaining walls, earth berms, and public and private sidewalks.
 - u. Phase lines, if development is to be constructed in phases.
 - v. Dimensions of lot lines, streets, drives, building lines, building setbacks, building height, structural overhangs, and building separations.
 - w. Shadow cast information if the proposed building is higher than any immediately adjacent building or if the height of the building is greater than the distance of the building to any lot line.
 - x. Landscaping Plan pursuant to Article 23.
3. Any other information or documentation deemed necessary to effectively evaluate the proposed development, which may include a professional traffic analysis that indicates the effect of the proposed development on the adjacent streets and roadways and also indicating the direction and volume of traffic flow to and from the proposed development.
- J. Design Guidelines for Site Plan Review.

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

1. Plan and Regulation Requirements.

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

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

2. Environment and Open Space.

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

- a. Topography, including elevation, slopes and cut and fill;
- b. Soil and subsurface characteristics.
- c. Surface and groundwater characteristics, including water quality and groundwater recharge.

- d. Vegetation and plant life, including specimen trees, natural wetland and native creek bank vegetation.
- e. Wildlife habitat.
- f. Historic and cultural significance.
- g. Flood hazard.
- h. Open space

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

3. Traffic and Parking.

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

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

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

4. Streets, Drainage and Utilities.

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

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

All of the above factors shall be determined consistent with the objectives of the utility element of the general plan and current development standards and design specifications of the

City Engineer. It shall be the objective of this guideline to assure that adequate service capacity is available and that utility, street and drainage systems are appropriately designed for the proposed development site in relationship to the larger systems entering and leaving the site.

5. Neighborhood Compatibility.

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

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

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

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

6. Lighting.

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

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

7. Signage.

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

Section 25.06. Fees.

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

ARTICLE 26. ZONING BOARD OF ADJUSTMENT.**Section 26.01. Creation and Membership.**

The Zoning Board of Adjustment is hereby established. The word "Board", when used in this Ordinance, shall be construed to mean the Zoning Board of Adjustment. The Board created in accordance with and as authorized by Section 11-52-80, Code of Alabama, 1975, as amended, shall consist of five regular members and two supernumerary members appointed by the City Council and representing as equally as possible the several districts, wards, or other areas of the municipality, to be determined by the council, and one regular member appointed by the mayor.

All members of the Zoning Board of Adjustment of the City of Montevallo shall be citizens and residents of the City of Montevallo. Any member who ceases to be a citizen and resident of the City of Montevallo shall vacate said position on the Zoning Board of Adjustment immediately.

Section 26.02. Meetings, Procedure and Records.

Meetings of the Board shall be held at such times as the Board may determine, or upon call of the Chairman. All meetings of the Board shall be open to the public.

The Board shall adopt and publish its own rules of procedure and keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

Section 26.03. Powers and Duties.

The Board in appropriate cases and subject to appropriate conditions and safeguards, shall have the following powers:

- A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Administrator in the enforcement or application of this Ordinance.
- B. To authorize in specific cases a variance from the terms of this Ordinance such as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship but where the intent of the Ordinance shall be observed and substantial justice done. No variance shall be authorized unless the Board finds all of the following conditions exist:
 1. That the special circumstances or conditions applying to the building or land in question are peculiar to such premises and do not apply generally to other land or buildings in the vicinity.
 2. That the granting of the application is necessary for the preservation and enjoyment of a property right and not merely to serve as a convenience to the applicant.
 3. That the condition from which relief for a variance is sought did not result from action by the applicant.
 4. That the authorizing of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of the City of Montevallo.
- C. When any modification or special exception hereinafter in this Section authorized will not tend to impair the health, safety, convenience or comfort of the public, including that portion of the public occupying the property immediately contiguous to the parcel of land which the modification concerns, to be determined by the Board upon the adduction of competent evidence, including a view of the premises and its surroundings at the discretion of the Board, the Board may modify the

strict application of the provisions of this Ordinance and cause a permit to be issued upon such reasonable conditions as it may prescribe for the location, construction, extension, structural alteration and operation of any of the following uses, in any district from which these uses are prohibited or limited by this Ordinance:

1. Mausoleum.
2. Commercial, recreational or amusement development for temporary or seasonable periods.
3. Sanitary landfill operation.
4. Practice golf driving range, par three golf courses or miniature golf course.

Section 26.04. Appeals to the Board.

- A. An appeal from the decision of the Administrator of the City of Montevallo may be taken to the Board by any person aggrieved, or by any officer, department, board or agency of the City of Montevallo affected by such decision.
- B. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the Administrator and with the Board a notice of appeal specifying the grounds thereof.
- C. The Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the Administrator certifies to the Board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. Proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application or notice to the Administrator and on due cause shown.
- D. The Board shall fix a reasonable time for the hearing of an appeal taken within the time specified by its rules, given public notice thereof, as well as due notice to the property owner, and/or applicant, and all adjacent property owners, and decide the same within a reasonable time. Upon the hearing of such appeal, any party may appear in person, or by agent or attorney.

Section 26.05. Submittal Requirements.

Application to the Zoning Board of Adjustment for an appeal, a variance or a special exception shall include the following:

- A. A completed Zoning Board of Adjustment application signed by the property owner, or a certified form authorizing the applicant to act on the owner's behalf.
- B. Legal description of the subject property (survey preferred).
- C. Three copies of a site plan (or survey) of the subject property, showing the subject area and the proposed encroachment or other conditions.
- D. One to two page document identifying the hardship or practical difficulty that supports the requested variance or special exception, or a written explanation describing the grounds of an appeal.
- E. Application Fee, according to the current schedule of fees established by the City Council, and the cost of advertisement and notification. Said fees shall be nonrefundable irrespective of the final disposition of the application.

Only completed applications and the payment of all fees will be accepted.

Section 26.06. Public Notice Required.

At least seven (7) days prior to the scheduled Zoning Board of Adjustment public hearing, the Chairman of the Board shall give written notice of the appeal or variance request to the property owner and to all adjacent property owners. Such notice shall be deemed given when deposited in the United States Mail,

first class, postage prepaid, addressed to such property owners at the addresses as submitted with the appeal or variance application by the applicant, as well as publication in a newspaper of general circulation published within the City. If, however, there is no newspaper of general circulation published within the City, the City Council must cause the notice of the proposed conditional use to be posted in four (4) conspicuous locations within the City. Any error in the address of such notices shall not invalidate the giving of notice, provided that no more than five (5) percent of the total number of notices given contain any such error. Such notice shall state the following:

- A. The name of the applicant.
- B. The location of the property.
- C. The nature of the appeal or variance and applicable zoning provisions.
- D. The time, date and location of the Zoning Board of Adjustment public hearing at which said application is to be heard and considered.

Section 26.07. Appeals of Action of the Board.

Any party aggrieved by any final judgment or decision of the Board may, within fifteen (15) days thereafter, appeal therefrom to the Circuit Court or court of like jurisdiction by filing with the Board a written notice of appeal, specifying the judgment or decision from which appeal is taken. In case of such appeal, the Board shall cause a transcript of the proceedings in the case to be certified to the court to which the appeal is taken and the case shall in such court be tried de novo.

Section 26.08. Fees.

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

ARTICLE 27. AMENDMENTS AND CHANGES**Section 27.01. Amendments to Zoning Ordinance or Zoning Map.**

The regulations and the number, area and boundaries of districts established by this Ordinance may be amended, supplemented, changed, modified or repealed by the City Council of the City of Montevallo, but no amendment shall be considered unless it is first submitted to the Montevallo Planning Commission for its review and recommendation. The City Council or the Planning Commission may, on their own initiative, propose changes and hold public hearings (public notice of which shall be given as prescribed by law) for the consideration of any proposed amendments to the provisions of this Ordinance or to the Official Zoning Map of the City of Montevallo.

Section 27.02. Authority to Amend.

Whenever public necessity, convenience, general welfare or good zoning practices warrant such action, the City Council may, by favorable vote of a majority of the members, amend the regulations of zone district boundaries herein established, in accordance with the Code of Alabama, 1975, Section 11-52-78, or as same may be amended.

Section 27.03. Authorized Petitioners.

A petition for the amendment of this Ordinance or the amendment of the zone district boundaries may be initiated by the City Council, the Planning Commission, or by the property owner or agent of such property owner.

Section 27.04. Petition for Amendment.

A petition for a change in the zone district boundaries or the amendment of the text of this Ordinance may be initiated by the property owner or by the authorized agent of such owner. Said petition shall be made on a form made available by the Administrator. To ensure an adequate and comprehensive review, a completed application shall be filed with the Administrator at least twenty-five (25) working days prior to the Planning Commission hearing.

The Administrator shall, upon determination that an application complies with all applicable submission requirements, receive said application, distribute copies of said application for technical review and schedule said petition for consideration in a Public Hearing before the Planning Commission.

- A. At least fifteen (15) days prior to the scheduled Planning Commission public hearing of a change in zone district boundaries, the Chairman of the Planning Commission shall give written notice of the proposal to the applicant and to all property owners within two hundred (200) feet of the subject property. Such notice shall be deemed given when deposited in the United States Mail, first class postage prepaid, addressed to those property owners at their addresses as shown on the most recent records of the Shelby County Tax Assessor's Office. Any error in the addresses of such notices shall not invalidate the giving of such notice, provided that not more than five (5) percent of the total number of notices contain any such error.
- B. For consideration of either a change in zone district boundaries or the amendment of the text of this Ordinance, the Chairman of the Planning Commission shall cause a legal notice describing the proposed zoning change or text amendment to be published in a newspaper of general circulation published within the City. If there is no newspaper of general circulation published within the City, said legal notice of the public hearing for the proposed conditional use shall be posted in four (4) conspicuous locations within the City.
- C. All notices, publications, and advertisements shall contain the following:
 1. Name of the applicant.

2. The location of the subject property.
3. The proposed use of the property requested to be rezoned, or a description of the proposed amendment of this ordinance.
4. The time, date and location of the Planning Commission public hearing.
5. Such notices, publications and advertisement shall further state that, at such public hearing, all persons who desire shall have an opportunity to be heard in opposition to or in favor of the proposed amendment.

- D. The Planning Commission shall consider a proposed change in zone district subject to the Comprehensive Plan, the proposed Long Range Land Use Plan, the conditions present in the neighborhood of the proposed amendment and any changes in the character of the neighborhood, and the long term effects of the proposed amendments on the surrounding properties and the community as a whole. The Planning Commission shall recommend, recommend with conditions or not recommend the proposed amendment to the City Council by resolution.

The Planning Commission shall consider the amendment, supplementation, modification or repeal of the text of this Ordinance subject to public necessity, convenience, general welfare and good zoning practice.

- E. At least fifteen (15) days prior to the public hearing before the City Council of either a change in zone district boundaries or the amendment of the text of this Ordinance, the City Clerk shall cause the proposed zoning change or text amendment to be published once a week for two (2) consecutive weeks (once in its entirety and once in a synopsis form referring to the date and name of the newspaper in which the proposed amendment was first published) in advance of its consideration in a newspaper of general circulation published within the City. If, however, there is no newspaper of general circulation published within the City, the City Clerk must cause the proposed amendment to be posted in four (4) conspicuous locations within the City.

Said notices, publications, and advertisements shall contain the following:

1. Name of the applicant.
 2. The location of the subject property.
 3. The proposed use of the property requested to be rezoned, or a description of the proposed amendment of this ordinance.
 4. The time, date and location of the Planning Commission public hearing.
 5. Such notices, publications and advertisement shall further state that, at such public hearing, all persons who desire shall have an opportunity to be heard in opposition to or in favor of the proposed amendment.
- F. In the case of a change in zone district boundaries, the City Clerk shall give written notice to the applicant and to all property owners within two hundred (200) feet of the subject property. Such notice shall be deemed given when deposited in the United States Mail, first class postage prepaid, addressed to those property owners at their addresses as shown on the most recent records of the Shelby County Tax Assessor's Office. Any error in the addresses of such notices shall not invalidate the giving of notice provided not more than five (5) percent of the total number of notices contain any such error.
- G. At the time and place scheduled for the public hearing of the proposed change in zone district boundaries or the amendment of the text of this Ordinance, the City Council shall the City Council shall hear the presentation of the applicant, review the recommendation of the Planning Commission and hear any arguments in opposition to and/or support thereof by the general public.
- H. The City Council shall consider a proposed change in zone district subject to the Comprehensive Plan, the proposed Long Range Land Use Plan, the conditions present in the neighborhood of the proposed amendment and any changes in the character of the neighborhood, and the long term effects of the proposed amendments on the surrounding properties and the community as a whole.

The City Council shall consider the amendment, supplementation, modification or repeal of the regulations of this Ordinance subject to public necessity, convenience, and general welfare or where good zoning practice warrants such action.

- I. After such hearing, the City Council may adopt the ordinance as recommended by the Planning Commission or may impose conditions and restrictions upon the change in zone district boundaries or the amendment of the text of this Ordinance as may be necessary to comply with the standards set forth above or to reduce or minimize any potentially injurious effect of such amendment and to carry out the general purpose and intent of these regulations.
- J. If the City Council makes substantial changes to the ordinance as advertised, the City Council should hold another Public Hearing after giving notice as described herein.
- K. After the Ordinance to amend the Zoning Map of the City of Montevallo is adopted by the City Council it must again be published in the same manner as all municipal Ordinances, subject to the provisions of Section 11-45-8 of the Code of Alabama.

Section 27.05. Submittal Requirements.

A petition for a change in zone district boundaries shall contain, but not be limited to the following:

- A. The name, signature and address of the property owner and agent of the property owner, if any.
- B. The address and legal description of the property under consideration, accompanied by a copy of the applicable tax maps clearly identifying the property subject to the rezoning request.
- C. The present and proposed zoning and land use of the property under consideration.
- D. The reason for the rezoning request.
- E. The availability of required utilities and methods of storm water drainage and traffic control.
- F. A vicinity map, drawn to scale, showing the size and location of the subject property.
- G. A site plan, drawn to scale, showing all dimensions, the property boundaries, public rights-of-way, and the proposed use and development layout.

Application for the amendment of the text of this Ordinance shall provide the current text, the proposed changes thereto and written arguments in support thereof.

Section 27.06. Limitations on Rezoning Requests.

No action shall be initiated for a zoning amendment affecting the same parcel of land more often than once every twelve (12) months, provided that by unanimous resolution of the City Council that such action may be initiated at any time.

Section 26.07. Fees.

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

ARTICLE 28. VALIDITY**Section 28.01. Severability of Ordinance.**

If any section or provision of this Ordinance, including any part of the Zoning Map, which is a part of this Ordinance, be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

ARTICLE 29. VIOLATION AND PENALTY**Section 29.01. Penalty.**

In addition to all other means provided by law for the enforcement of the provisions of this Ordinance any person, firm, corporation or other organization that violates any provisions of this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be punished by fine and/or imprisonment pursuant to Section 1-9, Code of Ordinances, City of Montevallo, Alabama and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Montevallo from taking such other lawful actions as is necessary to prevent or remedy any violation, including but not limited to requiring the developer to restore to the original state any damage done as a result of the violation.

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APPENDIX A – INTERPRETATIONS

APPENDIX B - HEIGHT HAZARD AND LAND USE ZONING ORDINANCE

APPENDIX C – LANDSCAPE PLANT SELECTION LIST.

Large Trees - Deciduous (Trees from 40'–150' in height)	
<i>Acer rubrum</i>	Red Maple
<i>Fraxinus americana</i>	White Ash
<i>Ginkgo biloba</i> **	Ginkgo
<i>Liriodendron tulipifera</i>	Tulip Poplar
<i>Platanus occidentalis</i> **	Sycamore
<i>Quercus alba</i>	White Oak
<i>Quercus falcate</i>	Southern Red Oak
<i>Quercus nigra</i> **	Water Oak
<i>Quercus nuttallii</i>	Nuttall Oak
<i>Quercus palustris</i>	Pin Oak
<i>Quercus phellos</i>	Willow Oak
<i>Quercus shumardii</i>	Shumard Oak
<i>Pistacia chinensis</i> *	Chinese Pistache
<i>Taxodium distichum</i>	Bald Cypress
<i>Ulmus parvifolia</i>	Chinese Elm
<p>* May be used under overhead power lines.</p> <p>** May be used in natural setting only. Do not use in direct proximity to roads or sidewalks.</p>	

Small Trees - Deciduous (Trees from 10'-40' in height)

Acer buergeranum	Trident Maple
Acer ginnala	Amur Maple
Acer palmatum	Japanese Maple
Amelanchier arborea*	Serviceberry
Betula nigra*	River Birch
Cercis Canadensis*	Redbud
Cornus florida*	Flowering Dogwood
Cornus kousa*	Kousa Dogwood
Lagerstoemia indica*	Crape-Myrtle
Magnolia x soulangiana*	Saucer Magnolia
Prunus serrulata*	Japanese Cherry
Prunus subhirtella pendula*	Weeping Cherry
Prunus yedoensis*	Yoshino Cherry
Sassafras albidum	Common Sassafras

* Ornamental trees may be used in foundation and frontage landscaping and a within required buffers. Ornamental trees may not be used in parking perimeter or interior landscaping.

Large Trees - Evergreen (Trees from 40'–150' in height)	
Magnolia Grandiflora	Southern Magnolia
Pinus caibaea	Slash Pine
Pinus strobus	Eastern White Pine
Pinus teed	Loblolly Pine
Pinus Virginian	Virginia Pine
Quercus laurifolia	Laurel Oak
Quercus virginiana	Live Oak
Small Trees - Evergreen (Trees from 15' – 30' in height)	
Cryptomeria japonica*	Cryptomeria
Ilex opaca	American Holly
Ilex latifolia	Lusterleaf Holly
Ilex cornuta 'Nellie R. Stevens'	Nellie R. Stevens
Juniperus virginiana	Eastern Red Cedar
Pinus echinata	Shortleaf Pine
Pinus thunbergiana	Japanese Black Pine
* Do not use in planted islands or other parking interior landscaping.	

Screening Shrubs (shrubs from 6' -12' in height)	
Eleagnus pungens	Fragrant Olive
Ilex cornuta 'Nellie R. Stevens'	Nellie R. Stevens
Ilex cornuta 'Burfordii'	Burford Holly
Prunus laurocerasus	English Laurel
Viburnum rhytidophyllum	Leatherleaf Viburnum
Ilex aquifolium	English Holly
Myrica cerifera	Wax Myrtle
Prunus caroliniana	Cherry Laurel

APPENDIX D – URBAN CORE DISTRICT STANDARDS & GUIDELINES.

Section 1. Intent and Applicability

The Urban Core District is intended to promote the development and redevelopment of the downtown area in a manner that is consistent and compatible with the unique and diverse elements of downtown. It will create an area with a compact, walkable core and a lively active pedestrian environment that fosters an increased number of people walking to ensure a more vibrant downtown environment. Design standards are also intended to promote the downtown area as a unique and active destination with a variety of land uses designed in context with the area in which they are located.

The standards shall be applied to the downtown core and surrounding streets within the district. The standards address the architectural character of buildings through detailing and their relationship to the street with emphasis on the streetscape and the downtown experience.

Map of Urban Core:

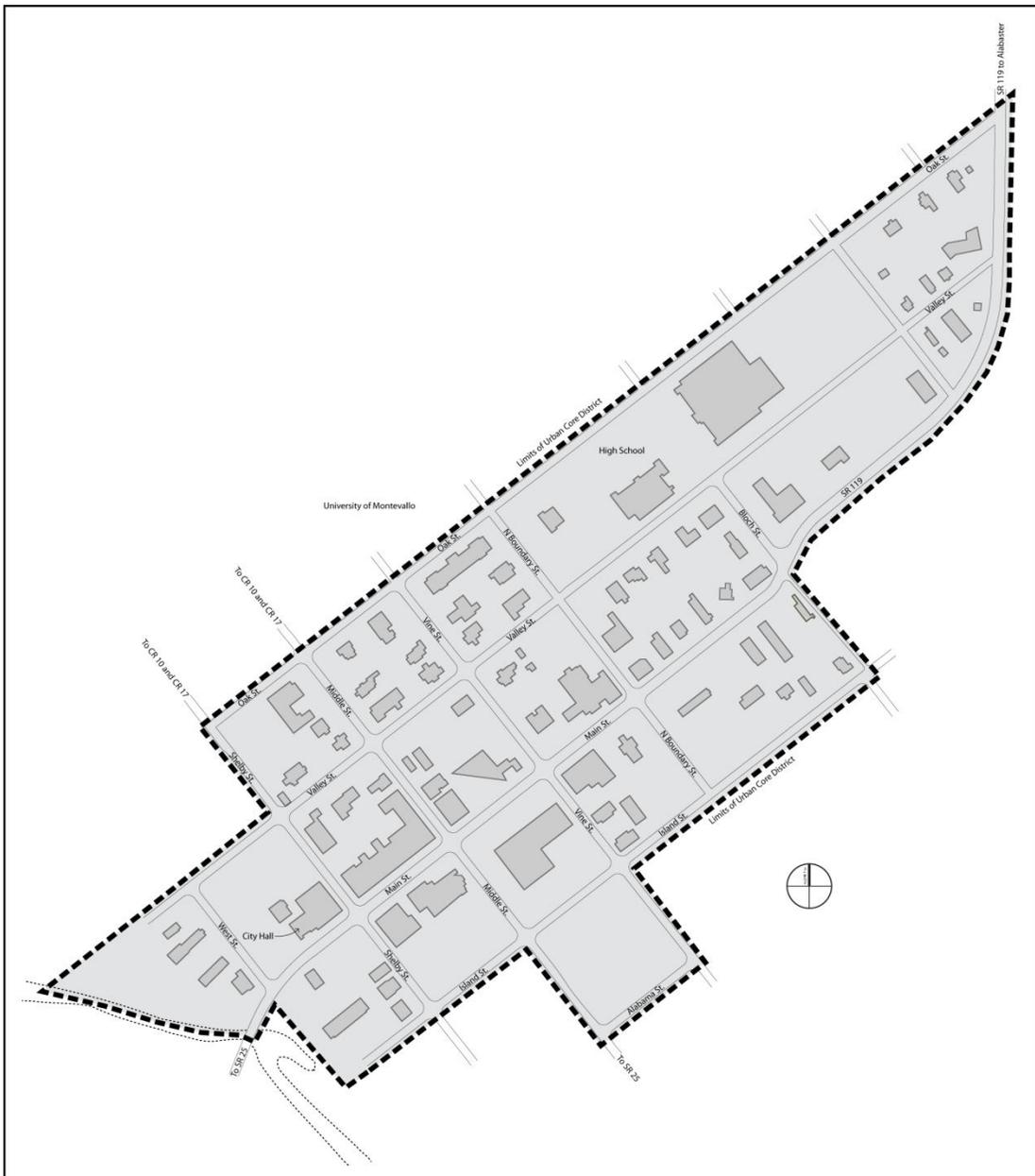


Figure 1.1

Section 2. Street and Sidewalk Network

The sidewalks and streetscapes of the Urban Core shall use materials and patterns that will enhance the pedestrian environment. The use of pavers, special scoring patterns and natural stones are encouraged.

- A. Streets – Developments that create public and private streets shall connect with and provide for the future extension of the community’s street network. Any improvements shall be reviewed and approved by the Public Works Department.
- B. Sidewalks – Sidewalks shall be provided as part of all developments, as follows:
 1. Sidewalks shall be a minimum of nine (9) feet wide measured from the face of the curb to the building façade. Sidewalks shall include a pedestrian zone, and a streetscape zone, and may include a storefront zone (see Figure 2.1).
 2. Sidewalks shall be constructed from the back of curb to the existing or newly created street wall
 3. New sidewalks shall be extended to the adjacent lot lines. In the case of a corner lot, sidewalks shall be extended to the adjacent lot along each block face.
 4. Sidewalks may be reduced to a minimum width of five (5) feet when not immediately adjacent to a building (e.g., alley or side road) and not providing primary access to a building.
 5. Special sidewalk pavement treatments shall only be permitted when part of a streetscape plan for the full blockface as approved by the Department of Public Works.
 6. Overhead walkways or pedways that cross a public street or alley are only permitted following review and approval by the Planning Commission. All overhead walkways or pedways must provide public access at grade. No overhead walkway or pedestrian way shall be permitted over public streets with a right-of-way width greater than or equal to 50 feet.
- C. Sidewalk Elements
 1. Pedestrian Zone –The pedestrian zone shall be a minimum of five feet wide and shall not be shared with the streetscape or storefront zones.
 2. Streetscape Zone – That portion of the sidewalk located between the curb line and the Pedestrian Zone. The streetscape zone shall be a minimum of four (4) feet wide when street trees are included. The following elements may be located in the streetscape zone:
 - Street trees/grates, planting strips, raised planters
 - Street light standards
 - Street signs/pedestrian wayfinding signs
 - Media boxes
 - Postal/freight collection boxes
 - Utility boxes/public phones/fire protection
 - Seating (with/without tables)
 - Trash receptacles
 - Public art/water feature
 - Bike racks

3. Storefront Zone – That portion of the sidewalk 2 to 2 ½ feet wide located between the Pedestrian zone and the building façade in which the following may be located:
- Seating (with/without tables)
 - Bollards
 - Recessed lighting for the building facade
 - Bike racks
 - Valet or hostess station/canopies
 - Temporary sale/display of merchandise
 - Moveable sandwich boards
 - Postal/freight collection boxes
 - Planters

Minimum Sidewalk Dimensions:

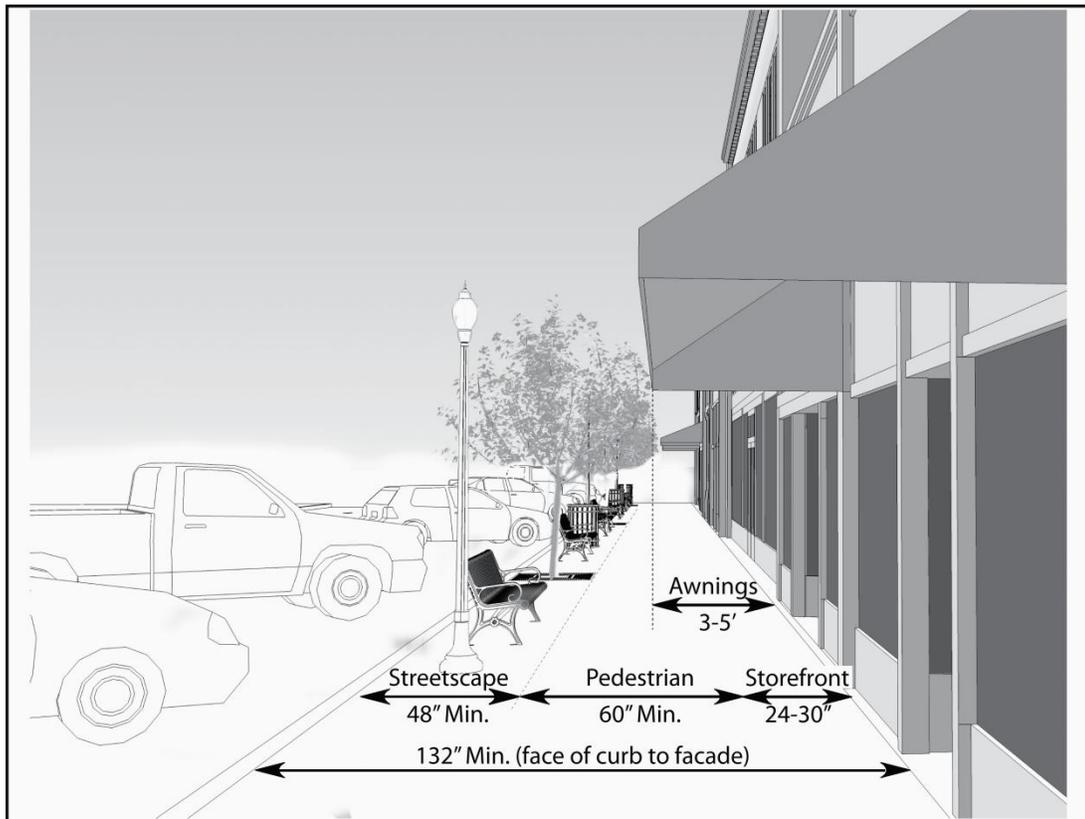


Figure 2.1

Section 3. Vehicular/Pedestrian Connections

The streetscape areas, corners, alleys and service areas shall be designed and constructed to continue the pedestrian experience with an emphasis on safety.

- A. Pedestrian Access – Clearly defined, safe pedestrian access shall be provided from parking areas and adjacent public rights-of-way to building entrances.
- B. Truck Access – Truck access and/or service delivery shall be limited to:
 - On- street delivery/pick-up
 - Alley access
 - Delivery contained within the structure(s)
- C. Curb Cuts – The number and width of curb cuts shall be limited in accordance with the City’s access management plan. Sites with multiple buildings shall have unified/joint access. Curb cuts shall only be permitted for parking garages, off-street parking lots accommodating 10 or more vehicles, and loading areas. All requests for approval of curb cuts will be reviewed by ALDOT and/or the Director of Public Works.

Section 4. Streetscape

Streetscape standards are established to create an attractive and animated environment and to permit safe and efficient pedestrian movement. Planning and installation of improvements shall be coordinated to ensure a well-designed and unified streetscape treatment within the Urban Core District.

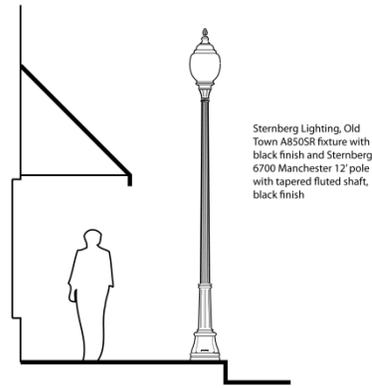
Streetscape elements provided as part of the development shall conform to those specified in Section 4.C.6 below. All other streetscape elements shall conform to the following standards:

- A. Street Trees
 1. Street trees shall be reviewed and approved by the Arbor & Beautification Committee (A&BC). If the sidewalk width, utility locations, or similar conditions make it impractical to install street trees, the A&BC may amend the requirements for street tree planting or unobstructed sidewalk width. Said amendment must be approved by the Planning and Zoning Commission /City Council.
 2. Tree grates or raised planters shall be provided with a minimum area of 4’ x 4’ per tree and a minimum soil volume below the paved surface of 3.5 cubic yards per tree. The use of structural planting soil mixes shall be used for tree pit soil mixes and growing medium.
 3. Permitted Street Trees within the Urban Core district include:
 - a. *Acer x freemanii*/ Autumn Blaze Maple
 - b. *Acer Saccharum*/ Sugar Maple
 - c. *Fraxinus pennsylvanica* ‘Urbanite’/ Urbanite Ash
 - d. *Carpinus betulus*/ European Hornbeam
 - e. *Pistacia chinensis*/ Chinese Pistache
 - f. *Quercus alba*/ White Oak
 - g. *Querus coccinea*/ Scarlet Oak
 - h. *Quercus nuttallii*/ Nuttall Oak
 - i. *Quercus shumardii*/ Shumard Oak
 - j. *Ulmus parvifolia* ‘Emer II’/ Allee Elm
 - k. *Ulmus americana* ‘Princeton’/ Princeton Elm

- B. Planting Zones

If an established zone exists in the street right-of-way fronting adjacent lots, the verge shall be continued along the frontage of the proposed development. Planting strips that interfere with existing underground utilities, vaults, or other existing structures shall require approval from the appropriate utility and/or may be amended as necessary.

- C. Street Furnishings – The design of street furnishings including, benches, news racks, postal/shipping drop –off boxes, telephone booths, and trash receptacles, etc. Shall conform to City standards.
1. Street furnishings may not be permitted at any location where the sidewalk is less than 7 feet in width and the pedestrian zone is less than 4 feet in width.
 2. Street furnishings shall be located at least 1 foot from the face of curb.
 3. The following list contains the standard amenities that are permitted within the Streetscape Zone. Variance from these items requires prior approval from the Design Review Committee.
 - a. Benches- Victor Stanley, CR-96 bench, 6 or 8’ length, black powder coat finish
 - b. Trash Receptacles- Victor Stanley, SD-42 Side-Door Litter Receptacle, black powder coat finish,
 - c. Tree Grates- Iron Smith, ADA Cast Iron, 48” square
 4. Media Items – Media items shall include newspaper/advertising boxes, postal/shipping drop – off boxes, information kiosks, and telephone booths.
 - a. Media Items cannot be chained or affixed to public fixtures, except those specifically designed and designated to accommodate them.
 - b. Where a news rack has been placed at a corner, all additional news racks on that corner must be placed immediately adjacent to the news rack already in place.
 - c. News racks are not permitted on more than 2 corners per intersection, with no more than four (4) news racks permitted per corner. The removal of news racks will be the responsibility of the City of Montevallo Department of Public Works.
 - d. News racks dispensing advertising only or those published less frequently than weekly are not permitted in the public way.
- D. Lighting – Street lighting for public streets shall conform to the City of Montevallo design standards (*see Figure 4.1*)
1. Street Lights
 - a. Fixture-Sternberg Lighting, Old Town A850SR, black finish.
 - b. Pole-Sternberg Lighting, 6700 Manchester, 12 foot height, tapered fluted shaft, black finish.



Typical Street Light

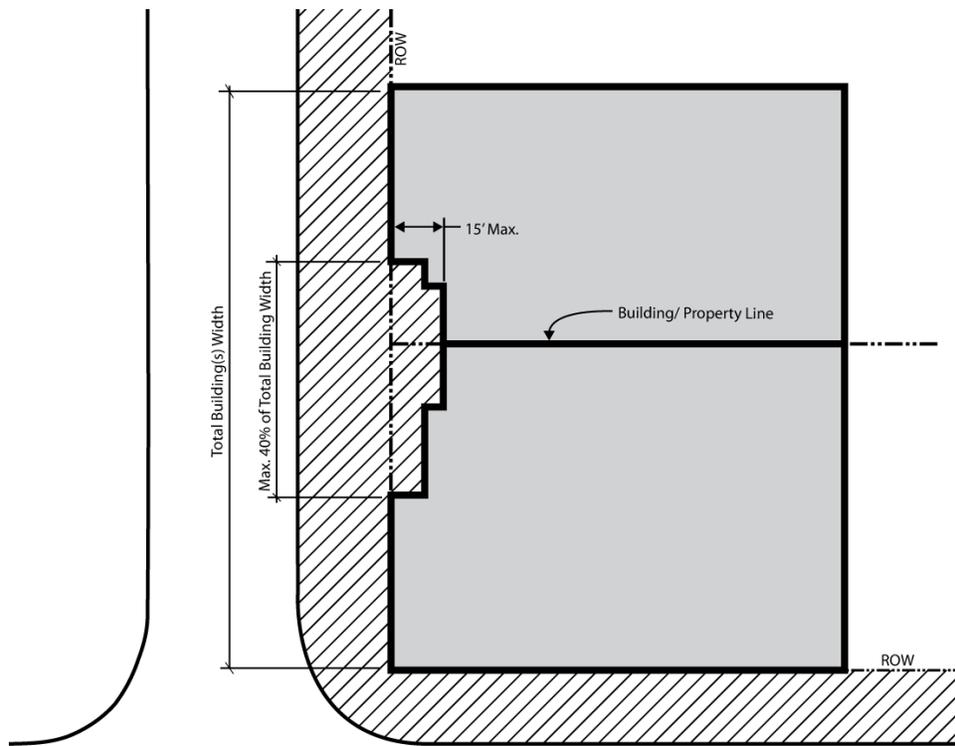
Figure 4.1

- E. **Underground Utilities** – Underground utilities shall be provided for all development proposed within the Downtown District. Utility boxes shall be placed underground, along streets, alleys, sidewalks, or shall be designed in a manner acceptable to the Director of Public Works.

Section 5. Dimensional Standards

Dimensional standards are established to ensure that building mass and scale provides continuity to their surroundings, allow for adequate penetration of sunlight and air, and relate to the pedestrian environment.

- A. **Minimum Lot Size, Depth, and Width** – There are no minimum lot size, depth, or width requirements in the Urban Core District except lots developed exclusively for single family detached residential use that shall comply with the size and width requirements established in the zone district.
- B. **Street Wall** – The street wall shall be maintained for the length(s) of the lot frontage(s) through the placement of the principal structure or extension(s) of its facade(s), such as colonnades. The building façade may recede from the street wall by as much as 18” to allow for columns or other architectural elements.
- C. **Building Height** – Building height shall be limited to three (3) stories or 40 feet in height.
- D. **Setbacks** – Buildings shall have a zero front and side setback. Recesses on the ground floor to accommodate entry ways, display windows, planters, or similar features shall not be considered a building setback provided the upper stories are built to the street wall.
1. Except, however, the building façade may be setback a maximum of 15 feet from the street wall provided no less than 60 percent of the street wall is maintained.
 2. When new construction creates structures with adjoining setbacks, the structures will be considered as one building in calculating the 60 percent street wall minimum. (see Figure 5.1)
 3. **Multiple Structure Lots** – A street wall shall be maintained along the entire lot frontage through the placement of one or more structures. (see Figure 5.1)



A Minimum of 60 percent of Streetwall Must be Maintained

Figure 5.1

4. All corner lots within the Urban Core District shall maintain a zero front setback from the street wall for at least 50 feet from the intersection along each street, or the width of the lot, whichever is less.
5. Multiple structures – Multiple structures located on a single lot shall be designed so the building height of any structure is at least equal to the height of any other structure on the lot located between it and the right-of-way.

Section 6. Accessory Structures/Screens (Including Dumpster Enclosures)

Accessory structures/screens shall only be permitted at the rear of a principal structure and shall not be visible from the public street. Accessory structures/screens shall be designed and constructed of the same materials as the primary structure.

Section 7. Building Design Standards

Building design standards are established within the Urban Core District to promote architectural diversity while encouraging design that relates to and reinforces the overall character of their immediate surroundings. A strong building-to-pedestrian relationship shall be accomplished through the use of building details that relate to the human-scale. Building design standards shall be applied as follows:

A. Architectural Character

1. Architectural style
 - a. New buildings should offer high quality and compatible interpretations of the traditional styles that are found within the Urban Core.
 - b. Improvements and additions to buildings with historic character should reinforce and enhance the original character of the building and not institute new and/or conflicting styles.
 - c. Building design that attracts attention through the use of bright garish colors, reflective

surfaces, over-sized signage, etcetera, is not permitted. Contemporary styles and modern “chain” style standards that do not reflect the predominant historic character of the district’s buildings are also not permitted.

2. Building Materials

- a. The primary materials for buildings in the Urban Core District shall be brick.
- b. Ornamental detailing such as window casements, cornices, decorative grills and columns may be made of wood, metal, natural stone or other traditional materials.
- c. Building Materials not permitted include:
 - i. Metal or Vinyl siding
 - ii. Asphalt shingles
 - iii. Faux brick or stone

3. Exterior Doors & Windows

- a. Lower Façade
 - i. Windows shall be either storefront glass or vertical windows with divided lights. Divided transoms above storefront windows and doors are permitted
 - ii. Doors shall either be completely glass or have divided lights. Doors of a residential character (i.e. recessed panels) and solid flush doors are not permitted in the Urban Core District.
 - iii. Secondary and service doors located on the sides or rear of buildings may have solid flush doors provided they are not intended as a public entrance.
- b. Upper Façade
Windows shall have vertical orientation and divided lights.

4. Exterior Building Colors

- a. The color palette for the Urban Core should consist of muted and subtle colors. The predominant colors should include natural brick and stone colors of red, buff, cream and gray. Accent and trim colors that are darker or lighter may be acceptable
- b. Bright, primary, fluorescent and other ‘garish’ colors are not permitted.
- c. Brick, stone, tile and glass surfaces should not be painted unless paint already exists on these surfaces.

5. Façade lighting

Lighting to accent the architectural style of buildings and promote the safe and positive night time environment of the Urban Core District is encouraged.

a. Permitted light types include:

- iv. Gooseneck fixtures
 - v. Sconce type fixtures
 - vi. Fixtures mounted on ornamental brackets
 - vii. Flush mounted 'well lights'
- b. Façade lighting shall be oriented to minimize glare on streets, sidewalks or adjacent properties.

Examples of Permitted Façade Lights:

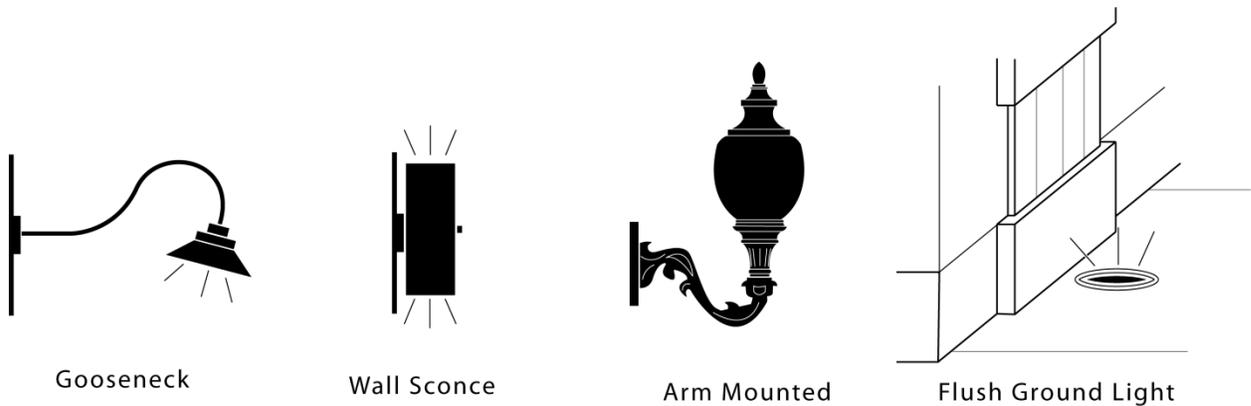
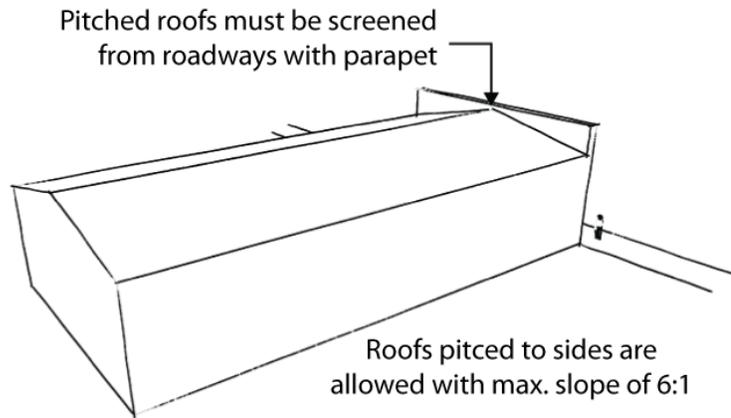


Figure 7.1

6. Roof types

- a. Roofs shall be flat membrane style or have minimal pitch.
- b. When pitched roofs are used the maximum side slopes shall be 6:1. (See Figure 7.2)
- c. Roofs shall be screened from public streets through the use of parapet walls.
- d. Historic roofing materials should be maintained and repaired with like materials where available. Alterations to the historic roofline or form (e.g., altering or adding gables) generally will not be permitted. Roofing color shall be considered and reviewed only as part of a larger overall project.

**Figure 7.2****B. Spacing/Rhythm**

1. The primary facade of a new building shall be designed to reflect the rhythm characterized by the surrounding buildings on the same block face.
2. Horizontal rhythm – A clear visual division between the ground floor and upper level floors shall be established using cornice lines, windows, or similar architectural elements. The horizontal line established through the use of such architectural elements shall vary in elevation by no more than three (3) feet from one building to the next.
3. Vertical rhythm – Building facades shall use columns, piers, and window design/placement or similar architectural features no less than every 20 feet and no greater than every 40 feet to create vertical breaks at regular intervals.



Horizontal Rhythm



Vertical Rhythm

Figure 7.3

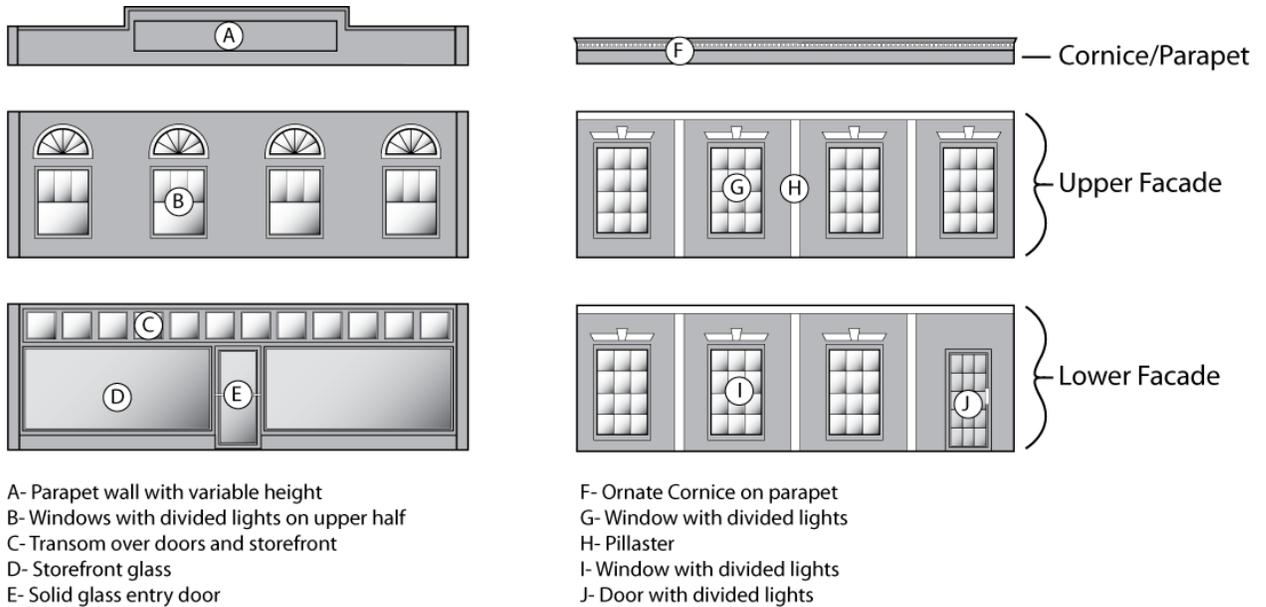
C. Building Facade Treatment

1. Lower Facade

- a. When the ground floor use is nonresidential at least 50 percent of the storefront shall consist of clear windows and doors that allow a view into the working areas, lobbies, or display window set into the wall.
- b. Principal entry doors shall be oriented toward the street and recessed, covered or otherwise clearly identifiable through the use of architectural design elements. Entry areas shall be well illuminated. (See Figure 7.4)

2. Upper Façade

- a. Windows shall be individually distinguished through the use of sills, lintels, trim or other architectural elements.
- b. Window proportions shall be designed so the vertical dimension is larger than the horizontal dimension.



Typical Facade Elements

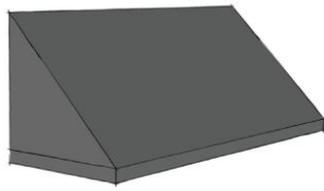
Figure 7.4

D. Awnings/Canopies

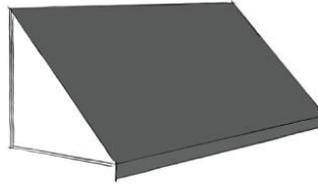
The use of awnings and canopies is encouraged to enhance the front and side facades of buildings and add to the streetscape experience. The size and style of awnings shall compliment the architectural character of the building and windows they are to treat. Awnings and canopies shall require the approval of the Design Review Committee.

- 1. Awnings shall be installed so that the valance is at least eight (8) feet above the sidewalk. Retractable awnings may be permitted.
- 2. Permitted awning shapes include ‘Standard Wedge’, ‘Wedge with Truss’ and ‘Flat Panel’. Round and compound shape awning are not permitted.

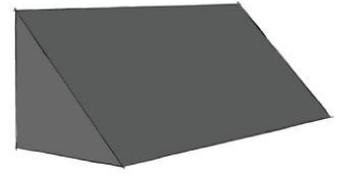
Examples of Permitted Awning Types:



Wedge with Truss



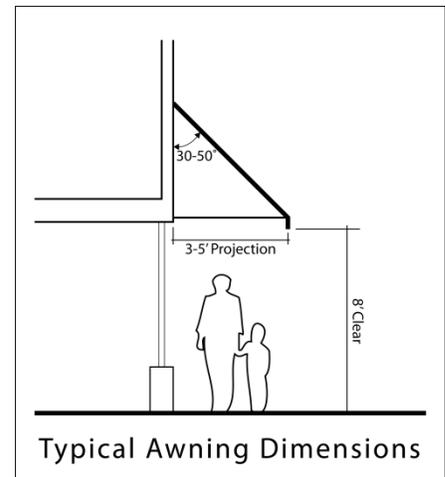
Flat Panel



Standard Wedge

Figure 7.5

3. Awnings shall be made of natural materials; vinyl or metal awnings are not permitted.
4. Awnings shall not be backlit.
5. Awnings shall be designed to project over individual window and door openings and not project as a single continuous feature extending over architectural piers or arches. The width of a single awning shall extend the full width of the window but shall not exceed 40 feet in total span width.
6. Awnings shall be sloped between 30-50 degrees.
7. Awnings that fall into disrepair will be removed by the City at the owner's expense.
8. Signs printed on awnings are permitted, but may not exceed 10 percent of the total awning area. Said signage shall be considered a part of the total allowable signage for the structure.
9. Canopies shall be a minimum of four (4) feet from the back of the curb. Awnings shall extend to between three (3) and five (5) from the face of the building.



E. Lighting

To create a greater sense of activity, security and interest for the pedestrian, lighting shall be integrated into the exterior design of all structures.

1. The Urban Core District Streetscape will be represented by the repeated use of the Montevallo typical 12 foot height decorative light poles with Acorn type fixture (*see Figure 8.1*).
2. Lighting shall be used to illuminate the building façade, entries, and storefront windows. No back lit awnings or internally illuminated signs will be permitted.
3. See Section 8.A. for standard light fixtures and poles to be used in the Streetscape Zone within the Urban Core District.

F. Mechanical Equipment

All mechanical or utility equipment shall be screened or fully integrated into the overall design through the use of like or complementary materials, color, and scale.

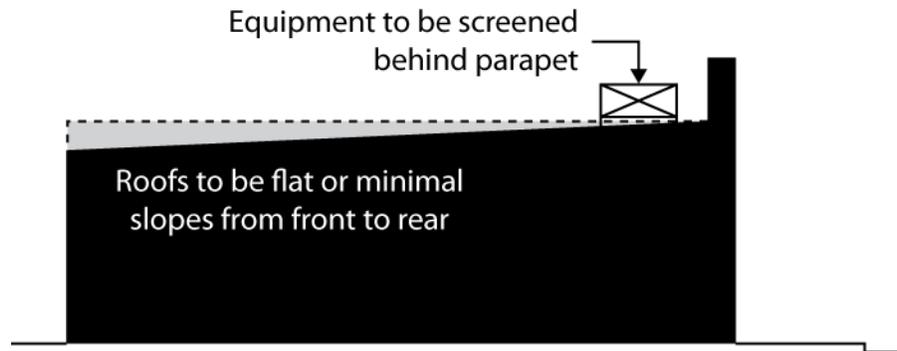


Figure 7.7

Section 8. Parking and Loading

Parking and loading standards are established for the Urban Core District to manage the supply of off-street parking, to improve mobility, promote the use of alternative modes of transportation, support existing and new economic development, maintain air quality and enhance the urban form of the District.

Parking shall be furnished in conformance with Article 22, Parking Regulations, except as otherwise provided in this Section.

A. Surface Parking

1. Off – street parking lots are not permitted along Main Street. Off –street parking lots shall be located in rear areas or on side street sides of buildings.
2. Surface parking shall be located completely behind all principal structures and shall be accessed at the rear of the property via surface streets.
3. Landscape screening and tree canopy requirements for parking areas shall conform to Article 23, Landscape and Buffer Requirements with the exception that tree canopy requirements shall be provided for any new surface parking area or any existing surface parking area when 25 percent or more of the lot is resurfaced.
4. Surface parking lighting shall conform to Urban Core District- Lighting Standards. (see Figure 8.1).
 - a. Light posts shall not exceed a height of 20 feet from finished grade.
 - b. Light posts shall have curved arms to focus light downward. Up to two (2) arms are permitted on a single post.
 - c. Parking lot light fixtures shall have the light cut off below 90 degrees and the beam shall be cut off at 75 degrees.
 - d. Allowable post arm style shall be Shepherd’s Crook, Acorn, or other ornamental style brackets/arms.
 - e. ‘Cobra Head’ and ‘Shoebox’ type light fixtures are *not* permitted.

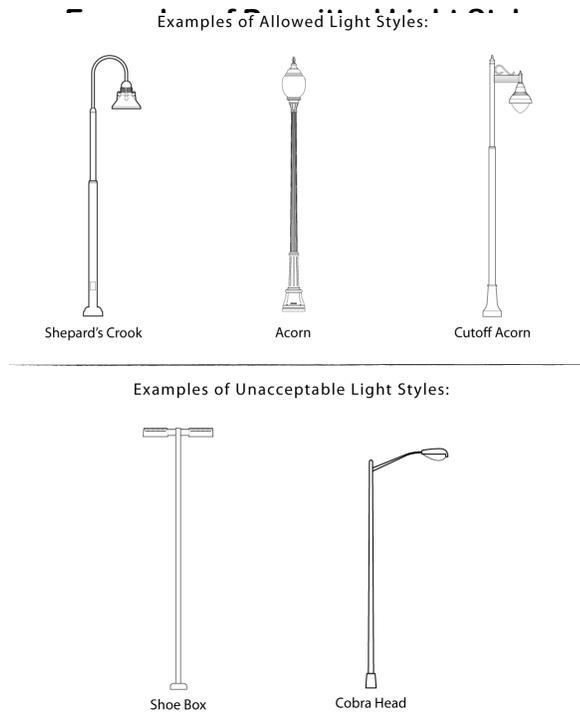
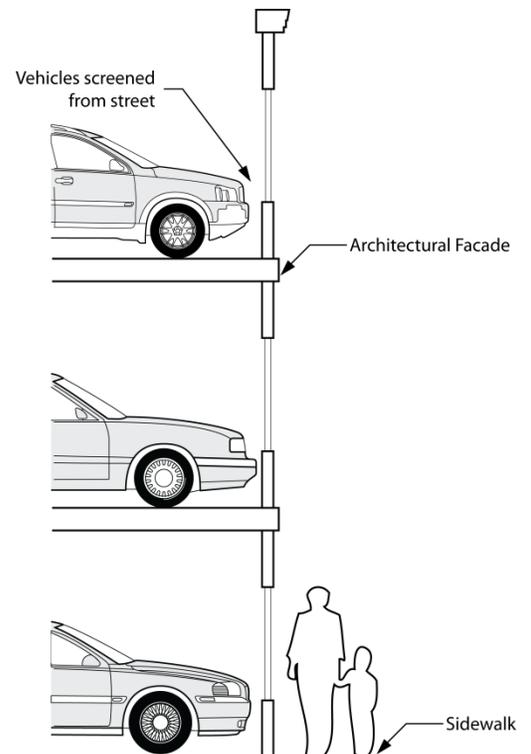


Figure 8.1

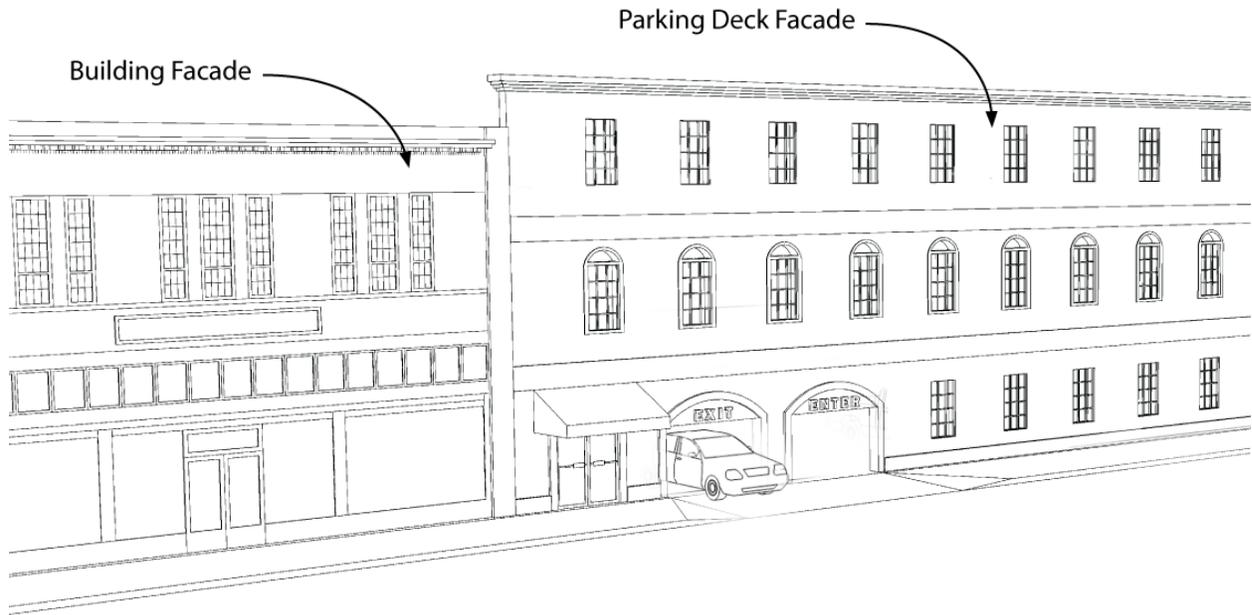
B. Parking Structures

1. Parking structures shall adhere to all building location and design standards set forth in these regulations.
2. Ramped floors shall not be visible from the street. Ramped parking is defined as any parking or vehicular moving space that will be sloped and not horizontal.
3. At least 50 percent of the first floor street facade shall be developed for Retail or Office uses. Areas designed to accommodate these uses may be developed at the time of construction or may be designed for later conversion to such uses.
4. Garage entries and exits for both pedestrians and vehicles shall be clearly marked by materials, lighting, signage, etc. to ensure pedestrian safety.



Schematic Parking Garage Section

Figure 8.2



Parking Garage Integrated With Existing Architecture

Figure 8.3

Section 9. Signs

Sign standards are established for the Downtown District to ensure that signs are integrated into the architectural design of the building. Signs shall not dominate the façade of the building or interfere with adjacent buildings. All signage shall conform to the provisions of Article 21, Sign Regulations. The following sign standards shall also apply in the Urban Core District.

- A. Billboards – Billboards are not permitted within the Urban Core District.
- B. Free standing – Free standing signs shall be limited to movable sandwich boards or building identification signs, subject to the permitting requirements established by the Director of Public Works. Freestanding signs shall only be permitted within the storefront zone of the sidewalk or as part of a plaza, park, or other open space designed in conjunction with the structure(s).
- C. Window Displays – Retail store window displays of merchandise, freestanding three-dimensional promotional items and/or display fixtures or backdrops not affixed to windowpanes or glass are permitted.
- D. Commemorative Art – Monumental commemorative sculpture and/or graphic art in any medium and including images depicting the persons, themes, and/or events to be commemorated and inscribed dedications or quotations, attached to and incorporated into the overall design of all or part of one or more facades of public, private, not-for-profit, institutional or civic structures is allowed.
- E. Preservation Districts – All new sign construction within designated Preservation Districts shall conform to the City of Montevallo Design Standards & Guidelines, and have the approval of the Historical Commission.
- F. All signs within the Urban Core District, including window displays, must be approved by the Design Review Committee.

Section 10. Open Space

Open space standards are developed to promote a pattern of open space consistent with the streetscape of the district and provide accessibility to public open spaces. Three forms of Open Space are encouraged within The Urban Core District: Public Parks / Plazas; the streetscape within the public right-of-way, and private open space internal to a development.

- A. When development includes a residential component consisting of 50 percent or more of the total square footage of the project, open space shall be provided to include one or a combination of the following outdoor amenities:

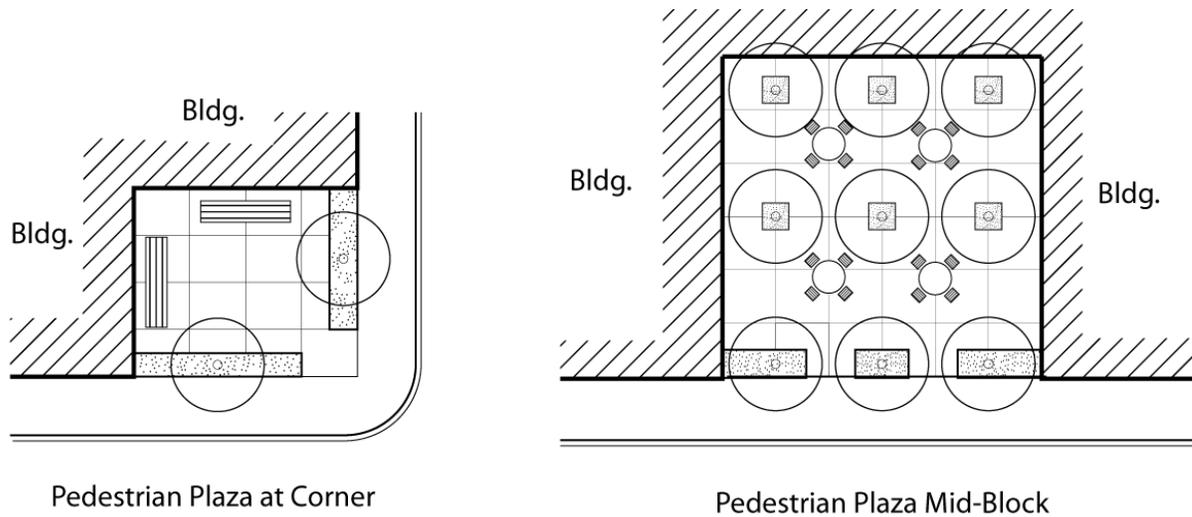


Figure 10.1

1. Pedestrian plaza or patio area with seating (minimum square foot equal to 10 percent of building foot print).
 2. At least 50 percent of the perimeter of the landscaped green area shall be enclosed by buildings, trees, shrubs and/or low walls should be used to define the other edges of the space enclosed by buildings.
 3. Approved public art or water feature approved by the DRC.
- B. Outdoor plazas adjacent to the streetscape zone, shall be designed with sufficient width and scale to accommodate the entire outdoor amenity.
- C. Outdoor seating shall be provided at a rate of not less than 1 seat per 200 square feet of outdoor amenity area. These outdoor spaces shall include a combination of hardscape, groundcover, trees and other plantings.
- D. Open space lots are encouraged to be located at corners of two intersecting streets or at termini of vistas. Plazas shall be a minimum of 10 feet wide and a maximum of 40 feet wide. The street wall may be maintained as part of the open space design.
- E. When new development is constructed adjacent to or directly across the street from an existing public open space, one primary building façade shall be oriented toward the existing open space to create a lively edge; a backside wall is not permitted.

Section 11. Plan Preparation

Plans for all new construction or remodeling are to be prepared by an appropriate design professional as follows:

- A. Site plans shall be signed and sealed by a Registered Landscape Architect, Architect and/or Professional Engineer licensed in the State of Alabama.
- B. Building plans shall be signed and sealed by a Registered Architect licensed in the State of Alabama.
- C. Landscape plans shall be signed and sealed by a Registered Landscape Architect licensed in the State of Alabama.

Section 12. Definitions

Awnings. The extending angled element, constructed of cloth or fabric, on a building that creates shade on windows below.

Berm. A planted elevated ground area(a mound) generally designed to restrict view and to deflect or absorb noise. Berms with groundcovers that require mowing shall have slopes that do not exceed one foot of rise per three feet of run (3:1). No slope shall exceed 50 %.

Billboards. Pole mounted aerial signs that project upward for visibility which advertises services, merchandise, entertainment or information which is not available at the property on which the sign is located.

Canopy. Projecting roof structure (typically flat/horizontal) that shelters an entrance to a building.

Commemorative art. Artwork that celebrates or represents a historical event or famous person.

Curb cuts. The open break or interruption of a curb that allows smooth vehicular access.

Design Standards. The set of rules and regulations, found in this document, that define what is allowable design.

Façade. The architectural treatment of the vertical plains of a building or the building's viewable sides.

Free standing signs. A self-contained sign which is physically independent of any building or other structure, including portable display signs.

Media items. The distribution containers that are used to store, sell, and/or distribute newspapers, advertisements and other periodicals.

Overhead walkway. A pedestrian bridge or pathway above street level connecting two points.

Pedestrian Plaza. Outdoor open-space created by the arrangement of buildings and landscaping that encourages and invites people to sit outside and gather.

Pedestrian Zone. The part of the streetscape where the public moves unimpeded parallel to building fronts and/or streets.

Planting zones. The part of the streetscape where street trees and lower plant material may be established at back of curb.

Primary façade. The street facing/oriented vertical plain of the building.

Principal structure. This is the main or primary building on a site where there maybe more than one structure.

Rhythm, Horizontal. The repeating left to right/parallel to the plain of the earth and down lines that building materials and detailing create

Rhythm, Vertical. The repeating up and down lines that building materials and detailing create.

Sign. Any writing, pictorial presentation, number, illustration, decoration, flag, banner, pennant, or

other device which is used to announce, direct attention to, identify, advertise or otherwise make anything known. The term sign shall not be deemed to include the terms "building" or "landscaping" or any architectural embellishment of a building not intended to communicate information.

Soil mixes/ growing medium. The organic and earthen material that shall be used as the backfill when plantings are done in the "streetscape zone", typically at back of curb.

Storefront zone. The glassed portion on the front façade of a building that allows viewing in to merchandise or store operations.

Specimen tree- a tree older than 15 years, of a very large size for their species and/or a rare variety. A specimen tree can also be a tree with exceptional aesthetic quality.

Street furnishings. The elements that may be placed in the "streetscape zone" such as tables, benches, chairs, trash receptacles, etc.

Street trees. The live trees that shall be planted in the "streetscape zone" at back of curb to reinforce the street and provide shade to fronting buildings.

Street wall. The vertical "façade" that directly touches the public right of way line and typically *faces the street*

Streetscape edge. The outer edge or public right of way, the most distant edge from the centerline of the public street.

Streetscape Zone. The space between the fronts of buildings and the back of curb.

Truck access. The thoroughfare that is designated and open for the passage of delivery and service vehicles to a building/ business.

Verge. The edge, rim or margin of the lot where it borders the right-of-way line; the fronting border of lots and downtown sites.

Window displays. The elements or information in the storefront portion of a business including displays of products, advertisements or other elements viewable on or through the window intended to advertise a business, products or services

APPENDIX E – SCENIC CORRIDOR OVERLAY DISTRICT DESIGN STANDARDS & GUIDELINES

Section 1. Intent & Applicability

The Scenic Corridor Overlay District Standards and Guidelines are intended to preserve the pastoral character and rural landscape of the scenic roadways along the northern gateways of the City of Montevallo. These design standards and guidelines are the necessary tools to guide growth and design that is consistent with Montevallo’s desire to preserve its surrounding rural landscape. These standards and guidelines will guide both the private and the public sector in the planning and design of projects and will assist City officials and decision makers in determining the compatibility or appropriateness of proposed projects. They will also serve as a guide to the desired character of architectural style of buildings; acceptable building materials; appropriate signage; and parking location relative to roadways and front yard view sheds.

Scenic Corridor Overlay District.

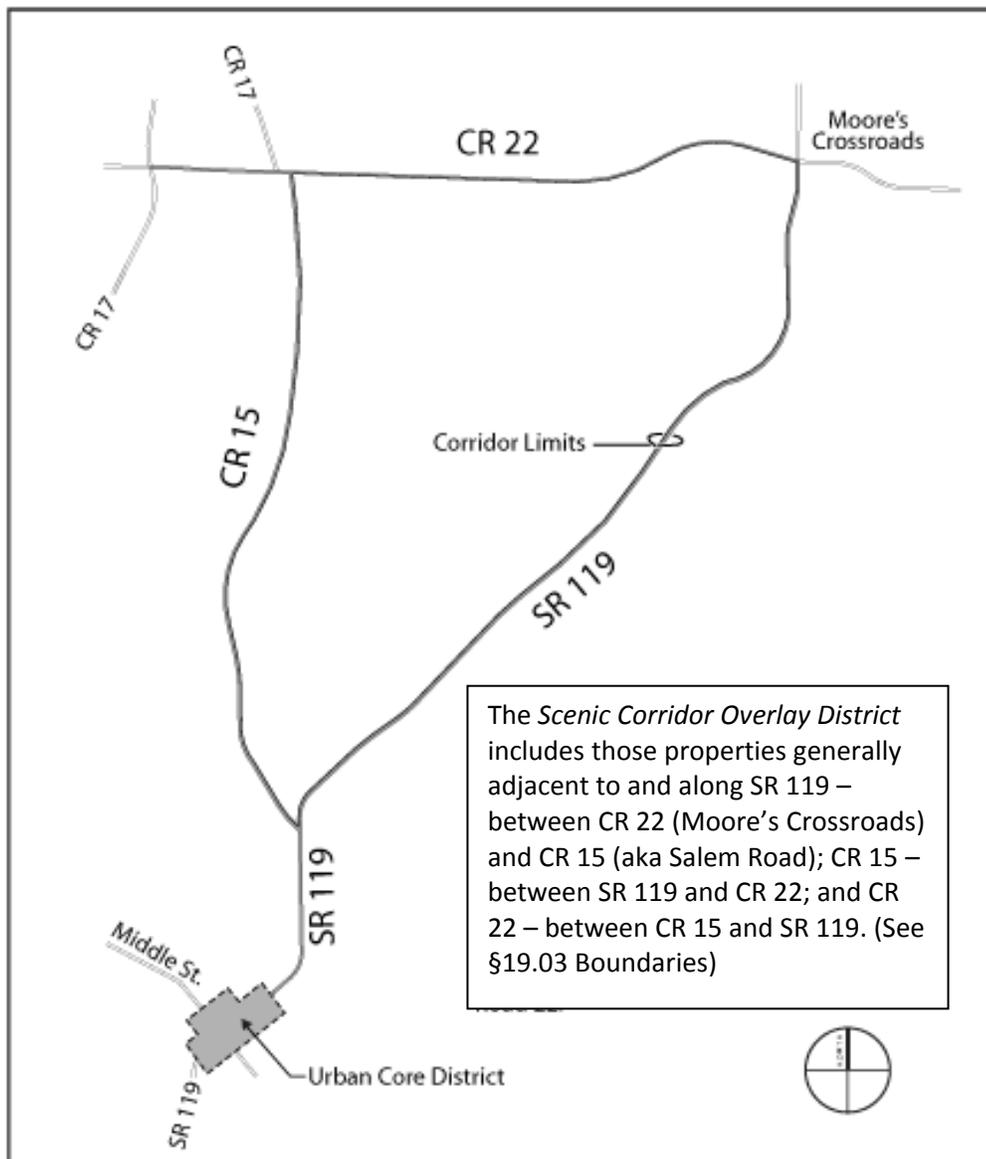


Figure 1.1

Section 2. Dimensional Standards

Site Development Requirements

The design and layout of a development should build upon and complement the character of the rural landscape. The size, orientation, setback and scale of buildings are integral elements of the preservation of the rural setting. A building's orientation and placement should complement and relate to adjacent buildings, structures and properties. The placement of buildings should create informal groupings and relationships as opposed to being orderly and uniform. The location of a building should consider its rural surrounding and take advantage of and maintain open views and spaces. Buildings should be proportionate in scale and characteristic of the rural and natural setting. The building design and material should contribute to the style and feeling of its rural surrounding. The visual impact of parking should be minimized by placing it to the rear and by screening

A. Site.

The maximum impervious surface area shall not exceed seventy (70) percent of the gross site area.

B. Orientation.

All buildings shall be oriented to a public street, including a main entrance. Driveways shall be perpendicular to the street.

C. Building Location.

1. The one hundred and forty (140) foot front yard area may be developed with a combination of landscape and hard-scape elements, such as plazas, fountains, benches, tables and one double loaded bay of off-street parking. Additional shade tree plantings are encouraged within public gathering places and alongside pedestrian paths.
2. Buildings within a development shall have a minimum 20 foot separation between buildings. This area shall be developed as greenspace or with a combination of hardscape and landscaping.
3. In the case where a building(s) in a development cannot front a public street and meet the requirements of these standards then the building(s) can front on an internal drive in the development. A buildings fronting on an internal drive shall meet the minimum setback requirements of the zone district. The internal drive shall also meet the standards specified for the public right-of-way including landscape and streetscape requirements.

D. Height.

The maximum building height is limited to two and one half stories or fifty (50) feet, except historically accurate structures within the American Village Special District that may exceed fifty (50) feet.

E. Scale.

1. For every eighty feet of building length on a single face, there shall be variation in the exterior. This exterior variation shall be accomplished through the following means:
 - a. For each eighty (80) feet of exterior building wall the building exterior and roof shall be offset by a minimum of ten feet. Overhangs and roof lines shall follow the building's location.
 - b. For each 80 feet of exterior building wall there shall be a change in details, patterns or materials.

F. Parking:

1. All parking shall be shared within a multiple tenant development.
2. All parking spaces built in excess of the minimum number required by Article 22.03 may be constructed of pervious material.

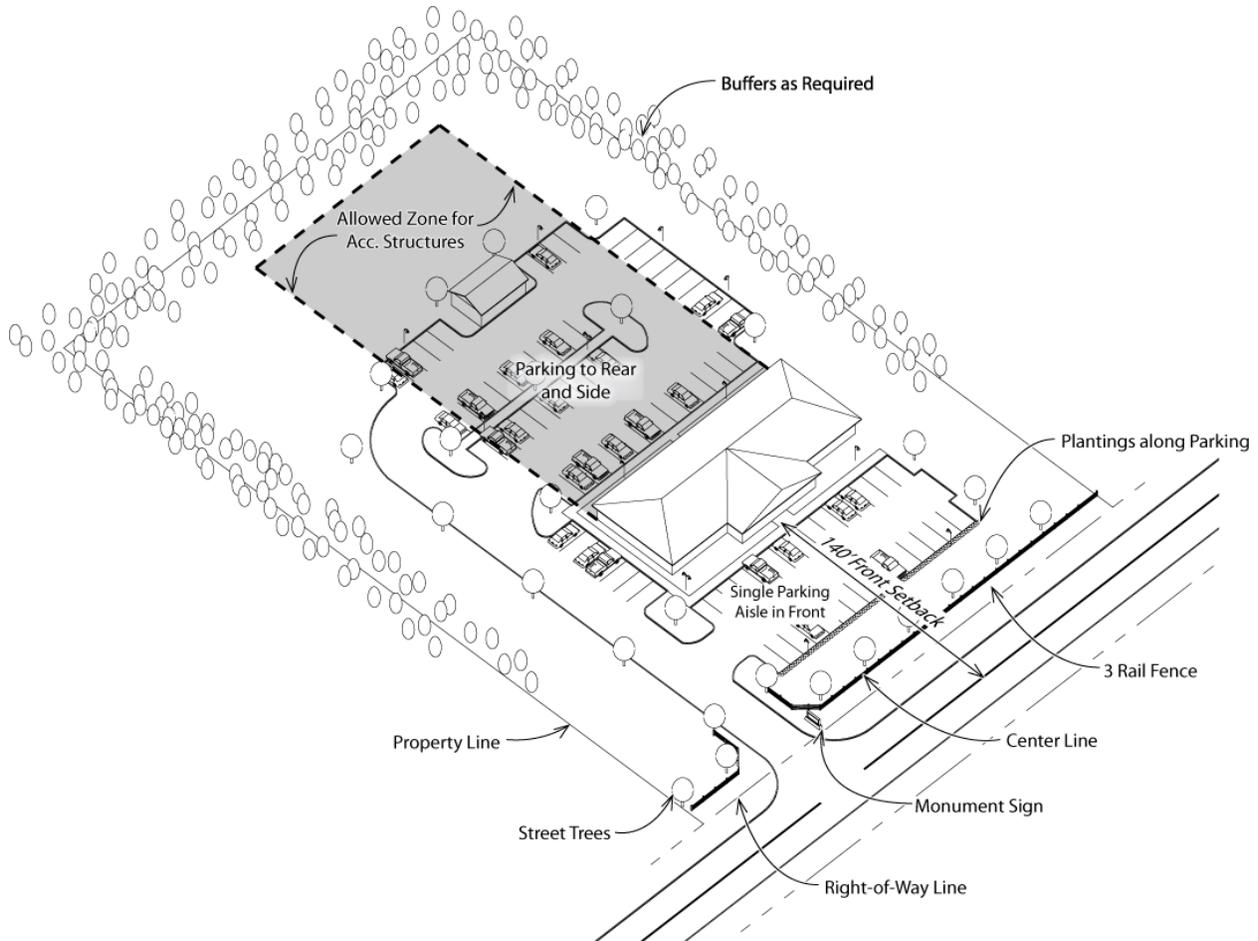


Figure 2.1

Section 3. Building Design Standards

Building design standards are established for the Scenic Corridor Overlay District to encourage the architectural design of buildings that complement the character of the rural landscape.

A. Exterior Walls.

1. Exterior wall materials shall consist predominately (a minimum of 80 percent) of one or a combination of the following materials: horizontal clapboard siding; brick; and stone. Vertical clapboard is permitted on buildings built to look like barns. The brick shall be hand molded or tumbled to create the appearance of old brick.
2. Accent wall material (no more than 20 percent) may include glass or architecturally treated precast stone. All shall have a natural and/or a historic appearance.
3. The following exterior building materials are not permitted: metal panel systems, as-cast smooth concrete masonry or plain, reinforced concrete slabs, aluminum or vinyl siding, plywood, mirrored glass, press-wood or corrugated steel (exceptions: mechanical penthouses and roof screens).

B. Roof:

1. Permissible roofs types are gable, pyramidal, and hip. Shed roofs are permitted over porches, additions, and accessory structures. Roof pitches shall be 8 over 12 to 12 over 12.
2. Roof material shall be: asphalt shingle, wood shingle, wood shake, or standing seam metal.
3. Buildings with a minimum gross square footage of 15,000 square feet may have a lower pitched roof provided they meet all of the following standards:
4. A decorative parapet or cornice is constructed along all roof lines with a lower pitch than specified in Section 3.B.1.
5. Roof top equipment is screened from public view from all adjacent public streets.
6. Mansard roofs are permitted on accessory structures only.

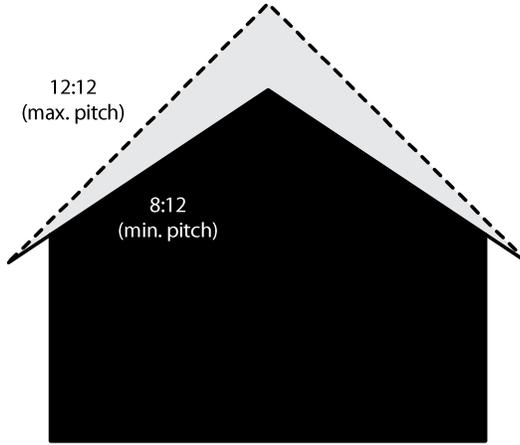


Figure 3.1

Examples of Permitted Roof Styles

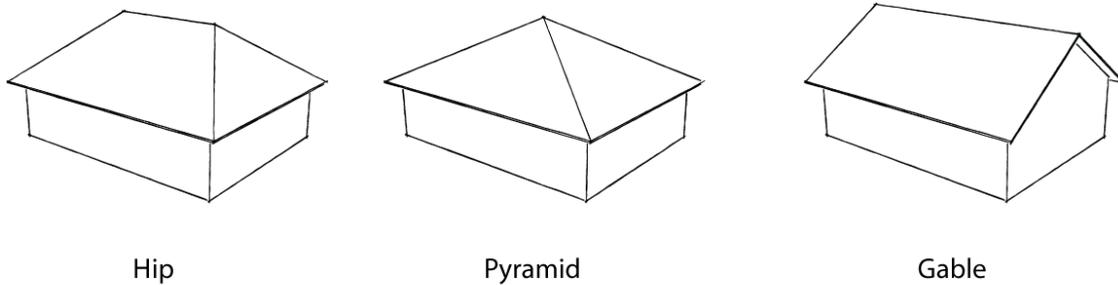
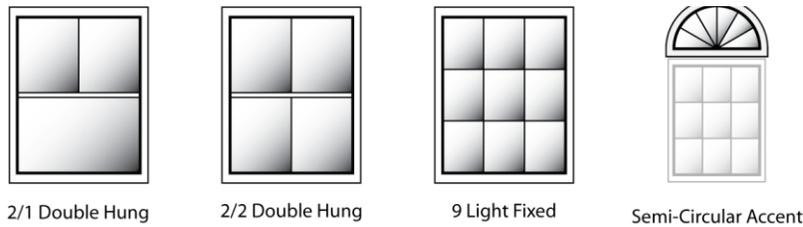


Figure 3.2

C. Windows:

1. Buildings shall have a ratio of openings to solids (e.g., windows and doors) that ranges from a minimum of 30 percent to a maximum of 50 percent of the building exterior.
2. For wall sections greater than ten (10) feet wide:
 - a. No single window shall exceed 32 square feet. No grouping of windows shall exceed 100 square feet.
 - b. The maximum distance between windows on the side of the building with the principal or main entrance shall not to exceed one window width.
 - c. Windows on the side or rear of the building may have window spacing up to two window widths apart.
 - d. Window sills shall be placed a minimum of two feet above finished grade.
3. A minimum of 80 percent of windows on each exterior wall shall have a vertical orientation. The ratio of height to width of vertical windows shall be no less than 1.8 (height) to 1 (width).
4. Window types shall include one or a combination of the following types: double-hung sash window with 2/1, 3/1, 2/2, 4/4, 6/6, and 9/9 lights, casement windows and fixed windows. The upper sash of all windows shall have divided lights. Clip-ins are allowed.
5. All exterior building walls facing a public street shall continue the same window arrangements as the side with the principal entrance when located on a corner lot.
6. Windows paired or grouped in larger numbers shall have divided lights of 2/1 or more.

Examples of Permitted Window Styles



Window Styles Not Permitted



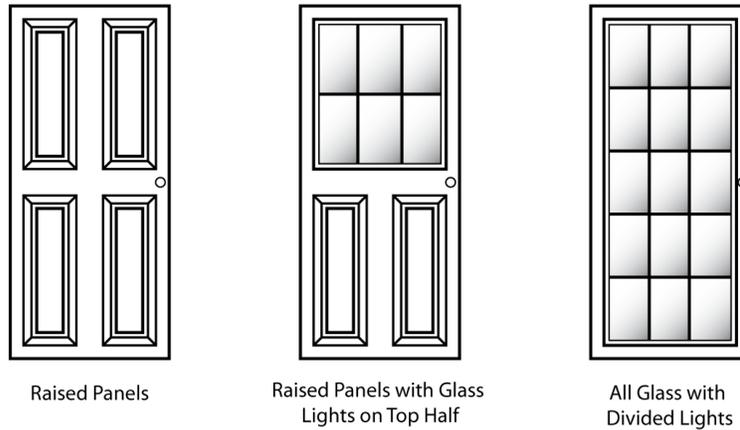
Figure 3.3

D. Doors:

1. Doors used as entryways by the public may include:
 - a. Wood or simulated solid wood door with raised panels;
 - b. Wood or simulated wood door with raised panels on the bottom half and glass on the top half; or
 - c. Glass door with divided lights.
2. Flush panel doors are not permitted as exterior doors.

Examples of Permitted Door Styles

Examples of Permitted Door Styles:

**Figure 3.4**

E. Architectural Features: Architectural details are encouraged to create variety, visual interest, and texture on new buildings.

1. Main entrances shall have greater architectural details by including a minimum of two of the following elements:
 - a. Decorative columns or posts,
 - b. Pediments,
 - c. Arches,
 - d. Brackets,
 - e. Transoms over doorways,
 - f. Sidelights
 - g. Porticos
 - h. Recesses/projections.
2. Shutters shall be operable and fit the size of the window.
3. Roof dormers shall have glazed windows.

F. Accessory structures:

Out-parcel buildings, accessory structures, fences and walls shall maintain consistent architectural features and exterior materials of the principal building(s).

G. Building Components:

The following types of building components shall be screened from public view: steel gates, burglar bars, steel roll down curtains, dumpsters, loading areas, storage areas, and generators.

H. Acceptable Building Material and Sign Color Palette

1. Examples of acceptable color palettes are those found within the 'Sherwin Williams Historic Color Palettes' Classic/Colonial, Arts & Crafts and Victorian Exterior Preservation Palettes.

Any brand of paint can be used. The reference to certain paint brands is simply to illustrate the appropriate colors.

2. Color selection for all new construction and changing the color of existing structures must be approved by the 'Design Review Committee'.
3. Colors have been chosen not only by what is found architecturally in the Scenic Corridor area historically but also what is seen in nature and in the surrounding environment. These

interpretations seek to avoid “primary” or “bright” color values in favor of “muted” and “subtle” colors.

I. Plan Preparation

1. Site plans shall be signed and sealed by a Registered Landscape Architect, Architect and/or Professional Engineer licensed in the State of Alabama.
2. Building plans shall be signed and sealed by a Registered Architect licensed in the State of Alabama.
3. Landscape plans shall be signed and sealed by a Registered Landscape Architect licensed in the State of Alabama.

Section 4. Site Lighting for Parking Lots, Pedestrian Paths, and Public Entrances.

Lighting should be complimentary to the rural and historic setting of the Scenic Corridor. External lighting shall be provided for safety and night viewing according to International Dark Sky (IDS) guidelines.

A. Parking lot lighting shall meet the following minimum standards:

1. Light posts shall not exceed a height of 20 feet from finished grade.
2. Light posts shall have curved arms to focus light downward. Up to two (2) arms are permitted on a single post.
3. Parking lot light fixtures shall have the light cut off below 90 degrees and the beam shall be cut off at 75 degrees.
4. Post arm shall be an ornamental style bracket/arm (i.e. Shepherd’s Crook)

B. Pedestrian lighting shall meet the following minimum standards:

1. Light posts shall not exceed a height of 15 feet from finished grade.
2. Light post styles shall be an ornamental design (i.e. pole top, bollard and shepherd’s crook or other ornamental style brackets/arms).

C. Posts shall include a taper, either in their transition downward from post to decorative shaft (base), or upward to ballast housing, or both.

D. Shoe box or cobra style lights are not permitted.

E. Building mounted lighting fixtures shall have a 45 degree light cut off.

F. All exterior lighting in publicly accessible locations shall be architecturally decorative with a historic style.

G. Neon lighting is not permitted.

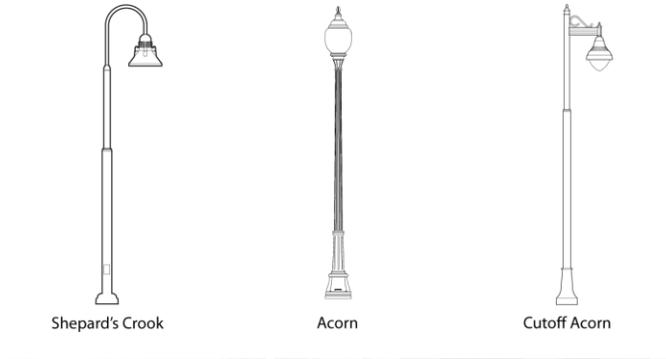
H. Light housings and posts shall be a dark color/material and be non-reflective.

I. Exterior lighting shall not exceed two (2) foot candles.

J. Exterior light fixtures shall have ‘International Dark-Sky Association’ (IDA) seal of approval.

K. Exterior light fixture selection shall be approved by the ‘Design Review Committee’.

Examples of Permitted Light Styles



Light Styles Not Permitted

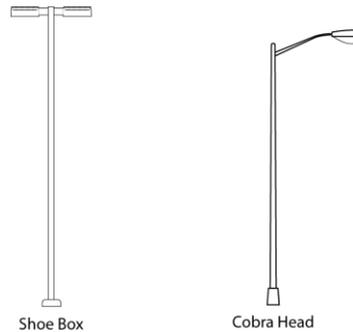


Figure 4.1

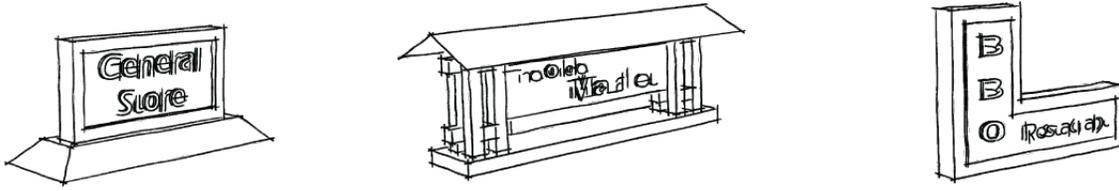
Section 5. Signage

Sign standards are established for the Scenic Overlay District to ensure that they are integrated into the architectural design of the building (in the event of conflict with the sign regulations of Article 21, the more restrictive regulations shall apply).

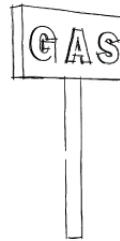
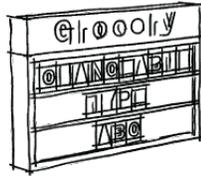
A. Monument Signs:

1. There may be one monument sign per right-of-way frontage and it shall be located at the project entrance; where ALDOT/City has permitted two (2) access points, one monument sign shall be located between the two drives.
2. Maximum height may be six feet above the grade of the main traveled way.
3. The maximum message size shall be 32 square feet.
4. Signs shall not have changeable copy.
5. Internally illuminated signs are not permitted.
6. Externally illuminated signs shall have the light source screened from view with shrubs and shall not be visible.
7. Backlighting of mounted lettering (i.e. stud mounted steel letters) is permitted
8. The monument sign structure shall be constructed of the same material as the predominant material of the principal building.
9. Signs shall be made out of wood, stone, ornamental metal or other natural materials and must be approved by the Design Review Committee.

Examples of Permitted Monument Sign Styles



Sign Styles Not Permitted



Changeable Copy Signs

Pole Mounted Signs

Figure 5.1

B. Wall Signs

1. Businesses may have no more than two wall signs.
2. Sign shall be flush against the wall. The maximum wall sign size shall be 12 square feet.
3. Signs shall be one unit as opposed to individually mounted letters.
4. Wall signs shall not have changeable copy.
5. Signs shall not be internally lighted.
6. Wall sign shall not cover architectural features or details and shall not extend beyond the roof line or outer edges of the building.
7. Signs shall be made out of wood or other material which has the appearance of carved, distressed, or sandblasted wood.

C. Real estate sales and Lease signs

1. Sign height shall not exceed 6 feet above the grade of the main traveled way and sign area shall not exceed 24 square feet. Signs and mounting shall be finished in appearance by enclosing the posts to the rear and the sides. Posts should be milled.
2. Illuminated real estate and lease signs are not permitted.
3. Signs shall not be placed on overhangs or canopies.

D. Businesses which close or leave their locations are required to remove all signs identifying the business.

E. Reflective materials are not permitted on signs.

F. Holiday decorations are permitted (i.e.: New Year's, Valentine's Day, Thanksgiving, Christmas, Kwanza, Hanukkah, etc.). Holiday decorations shall be erected no sooner than 30 days prior to the associated holiday and must be removed within 14 days of the holiday.

G. Fuel Price Signs.

Premises from which retail petroleum products are dispensed by pump may display the price per gallon of the product(s) being dispensed.

H. Prohibited Sign Types:

1. Free standing, pole, pylon, sandwich board signs, rotating, projecting, portable, flashing, animated, blinking, fluctuating, billboards, roof signs, signs with changeable copy, neon signs, inflatable temporary signs and window signs are not permitted.
2. Windows shall not be used for advertising purposes. Windows may permanently display proprietors' name, business name and address for identification purposes only. Signs placed inside of a window with the intent of being seen from the outside are not permitted.
3. Billboards or any off premise signs are not permitted within the Scenic Corridor Overlay District.
4. Window Displays are not permitted.

I. Commemorative Art :

Monumental commemorative sculpture and/or graphic art in any medium and including images depicting the persons, themes, and/or events to be commemorated and inscribed dedications or quotations, attached to and incorporated into the overall design of a site or building is permitted.

1. Vertical elements are not permitted inside of rights-of-way or within required sight triangles at road intersections or driveways.
2. Murals or other commemorative art that is attached to or part of a building façade shall only be permitted on side or rear façades of buildings.

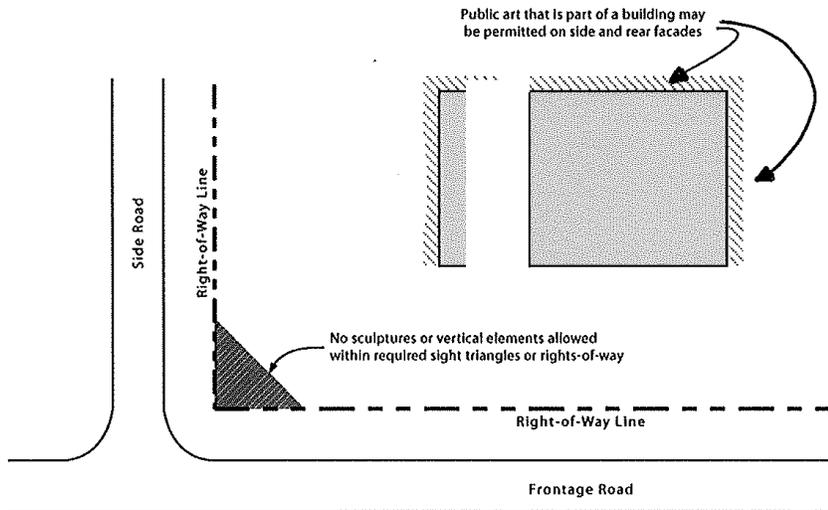


Figure 5.2

Section 6. Roadway Landscape / Corridor Landscape

Landscaping shall be compatible in form, style and design with the natural setting present in the area and on the site before development. Landscaping shall also be used as a buffer to screen a development from adjacent residential and agricultural uses. Landscaping, in addition to the requirements found in Section 19.05, shall be provided as follows:

A. Streetscape and Landscape Strips

1. A Scenic Roadway Buffer, per Section 19.05.A, is required along Scenic Roadway right-of-way boundaries.
2. A Scenic Roadway Screen, per section 19.05.B, is required along and parallel to the edge of the buffer furthest from the roadway.
3. All properties shall provide a minimum 10 foot-wide strip along all public streets. The ten (10) foot-wide strip shall be planted with a minimum 2½" to 3" caliper hardwood canopy trees. Trees shall be planted in the center of the landscape strip at a minimum distance of every thirty feet. (*Additional canopy trees are encouraged.*) This 10 foot wide strip may be developed either:
 - a. with hardscape elements such as plazas, planters, benches, fountains and tables in addition to the required hardwood trees;
 - b. with landscape elements consisting of 60 percent coverage in trees and shrubs and 40 percent coverage in grass and groundcover pursuant to the Zoning Ordinance; or
 - c. with a combination of both landscape and hardscape elements.
4. Specimen trees located within the minimum front yard shall be preserved.
5. A minimum five foot-wide strip shall be planted with grass or sod between the back of curb and the sidewalk.

B. Parking Lot Landscape Islands

In addition to the requirements of Section 19.05, the following shall be required:

1. There shall be a minimum 10 foot wide landscape island at the end of each parking bay;
2. There shall be a 10 foot wide landscape island for every 72 feet of double row length or 90 feet of single row length of parking spaces;
3. Landscape islands shall include one canopy tree per every 180 square feet, and,
4. Location of interior landscape islands shall vary from row to row to avoid a grid pattern and rectilinear layout.

C. Landscape Buffers

1. For sites of four acres or less, a fifty (50) foot-wide undisturbed buffer with a 10' improvement setback shall be located adjacent to all property zoned, used, or developed for residential uses.
2. For sites of more than four acres, a seventy-five (75) foot-wide undisturbed buffer with a 10' improvement setback shall be located adjacent to all property zoned, used, or developed for residential uses.

NOTE: To make buffers seem natural, an equal mix of three species from the Landscape Plant Selection List (Appendix C) shall be used.

D. Property owners are encouraged to develop a green space for recreation and public enjoyment.

E. Street Furnishings.

The design of street furnishings including, benches, news racks, postal/shipping drop-off boxes, etc. shall conform to City of Montevallo standards.

F. Underground Utilities.

Underground utilities shall be provided for all development proposed within the Scenic Corridor Overlay District. Utility boxes shall be placed underground or shall be designed in a manner acceptable to the Director of Public Works.

Section 7. Landscape Screening and Fencing

Landscaping and fencing materials shall be used to minimize noise and visual impact of parking, loading areas, detention ponds and accessory site features.

- A. All loading areas shall be screened from view of any public street by either: (1) a minimum six foot high opaque fence matching the material of the building or (2) a 15 foot-wide landscape strip planted with a continuous hedge of evergreen shrubs. Shrubs shall be moderately growing, be a minimum height of 2½ to 3 feet at time of planting, and reach a height of six feet within two years of planting.
- B. All parking areas shall be screened from view of any public street by: (1) a 10 foot-wide landscape strip planted to buffer standards or (2) a berm planted with a continuous hedge or evergreen shrubs. Plants shall be a minimum height of 3 feet at time of planting, and such plants (or in the case of option 2 above, the berm and the planting combined) shall reach a height of 36-42” within two years of planting (see Article 19 for additional landscape and screening requirements).
- C. Refuse areas (dumpsters) shall be placed in the least visible location from public streets and shall be enclosed by a six-foot-high screen fence on three sides and double gated at the other. Enclosures must be constructed of the same exterior wall material used for the building. The enclosure shall be a foot higher than what is contained in the interior. The door enclosing shall be made out of wood or a material that has the appearance of wood.
- D. Accessory structure features, as defined in each zoning district of the Zoning Resolution, shall be placed in a side or rear yard in the least visible location from public streets. All accessory structures shall be screened from public view and/or any property zoned, used, or developed for residential use. Said structures shall be screened by one of the following means:
1. placement behind the building,
 2. 100 percent opaque fencing which must be constructed of the same type of exterior material used for the building, or
 3. by a berm or vegetative screening. The screening shall consist of evergreen shrubs, be 3 ½ to 4 feet at time of planting, and reach a height of 6 feet within 2 years or planting.
- E. All detention ponds shall be landscaped according to Article 23. All chain link fence shall be black vinyl clad.
- F. Fencing Material and Height:
1. Fencing material shall be post and board, post and rail, crossbuck, or split rail wooden fencing with wood posts in yards adjacent to a public street.
 2. Fences in yards adjacent to a public street shall not exceed 55 inches above the finished grade.
 3. Retaining walls shall be constructed of stone and brick only. Retaining walls above 3 feet high shall have a continuous planting of evergreens.
 4. Opaque fences are not permitted in yards adjacent to a public street.

Examples of Permitted Fence Styles

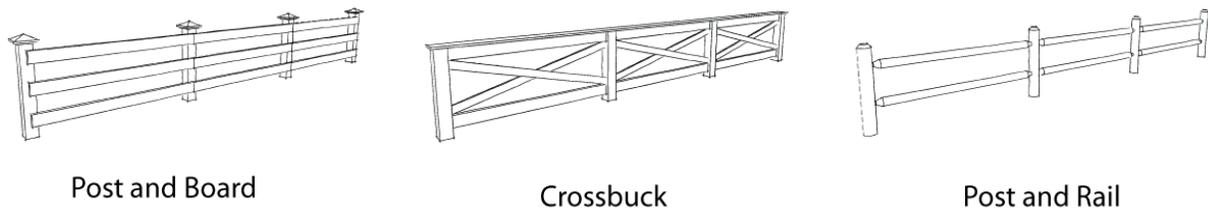


Figure 7.1

G. Chain link fencing, except as required along detention/retention ponds, is not permitted when visible from public view. All chain link fencing shall be black, brown or dark green vinyl clad.

Section 8. Definitions

Awnings. The extending angled element, constructed of cloth or fabric, on a building that creates shade on windows below.

Berm. A planted elevated ground area(a mound) generally designed to restrict view and to deflect or absorb noise. Berms with groundcovers that require mowing shall have slopes that do not exceed one foot of rise per three feet of run (3:1). No slope shall exceed 50 %.

Billboards. Pole mounted aerial signs that project upward for visibility which advertises services, merchandise, entertainment or information which is not available at the property on which the sign is located.

Canopy. Projecting roof structure (typically flat/horizontal) that shelters an entrance to a building.

Commemorative art. Artwork that celebrates or represents a historical event or famous person.

Curb cuts. The open break or interruption of a curb that allows smooth vehicular access.

Design Standards. The set of rules and regulations, found in this document, that define what is allowable design.

Façade. The architectural treatment of the vertical plains of a building or the building's viewable sides.

Free standing signs. A self-contained sign which is physically independent of any building or other structure, including portable display signs.

Media items. The distribution containers that are used to store, sell, and/or distribute newspapers, advertisements and other periodicals.

Overhead walkway. A pedestrian bridge or pathway above street level connecting two points.

Pedestrian Plaza. Outdoor open-space created by the arrangement of buildings and landscaping that encourages and invites people to sit outside and gather.

Pedestrian Zone. The part of the streetscape where the public moves unimpeded parallel to building fronts and/or streets.

Planting zones. The part of the streetscape where street trees and lower plant material may be established at back of curb.

Primary façade. The street facing/oriented vertical plain of the building.

Principal structure. This is the main or primary building on a site where there maybe more than one structure.

Rhythm, Horizontal. The repeating left to right/parallel to the plain of the earth and down lines that building materials and detailing create

Rhythm, Vertical. The repeating up and down lines that building materials and detailing create.

Sign. Any writing, pictorial presentation, number, illustration, decoration, flag, banner, pennant, or other device which is used to announce, direct attention to, identify, advertise or otherwise make anything known. The term sign shall not be deemed to include the terms "building" or "landscaping" or any architectural embellishment of a building not intended to communicate information.

Soil mixes/ growing medium. The organic and earthen material that shall be used as the backfill when plantings are done in the "streetscape zone", typically at back of curb.

Specimen tree- a tree older than 15 years, of a very large size for their species and/or a rare variety. A specimen tree can also be a tree with exceptional aesthetic quality.

Storefront zone. The glassed portion on the front façade of a building that allows viewing in to merchandise or store operations.

Street furnishings. The elements that may be placed in the "streetscape zone" such as tables, benches, chairs, trash receptacles, etc.

Street trees. The live trees that shall be planted in the "streetscape zone" at back of curb to reinforce the street and provide shade to fronting buildings.

Street wall. The vertical "façade" that directly touches the public right of way line and typically *faces the street*

Streetscape edge. The outer edge or public right of way, the most distant edge from the centerline of the public street.

Streetscape Zone. The space between the fronts of buildings and the back of curb.

Truck access. The thoroughfare that is designated and open for the passage of delivery and service vehicles to a building/ business.

Verge. The edge, rim or margin of the lot where it borders the right-of-way line; the fronting border of lots and downtown sites.

Window displays. The elements or information in the storefront portion of a business including displays of products, advertisements or other elements viewable on or through the window intended to advertise a business, products or services.

AND BE IT FURTHER RESOLVED, that this Ordinance shall become effective on May 1, 2012.

Approved and adopted this 13th day of February, 2012.

Mayor Ben W. McCrory

Attest:

Herman Lehman, City Clerk