

MINUTES

Montevallo City Council Work Session

April 22, 2024

5:30 p.m. at City Hall

Present: Mayor Rusty Nix, Council Member Lelia Mitchell, Council Member Kenneth Dukes, Council Member Martha Eisenberg, Council Member Sonya Swords. Quorum present. Absent: Council Member David King.

Work Session called to order at 5:30 p.m. by Mayor Nix with Quorum present.

Mayor Nix reported there will be three Public Hearings tonight that Mayor and Council will address tonight from the Planning and Zoning Commission:

Public Hearing Case: SP23-014 Equipment Storage Area (Beelman Trucking)

Public Hearing Case: MZAM24-001 Article 11. Section 11.02 R-2, Single Family Residential District

Public Hearing Case: MZAM24-002 Article 20. Supplementary Regulations and Modifications, Section 20.07

Mayor Nix called for Discussion of New Business Items on Agenda:

- Discussion of Resolution 04222024-673 Opioid Settlement A Resolution Authorizing the City of Montevallo to join the State of Alabama and other Local Governments as participants in current and future Opioid Settlements.
- Discussion of Request to reschedule Monday May 27th Council Meeting to Tuesday May 28th due to Memorial Day Holiday.

Mayor Nix Called for Committee Reports:

Council Member King called on Chief Littleton. Chief Littleton read the report for the Police Department; there were 49 Total Reports for the Month of April. See Appendix 1.

Council Member King called on Chief Davis for the Fire Department Report. Chief Davis reported there were 57 Calls for the first half of April. See Appendix 2.

Mayor Nix called on Council Member Dukes for the Sustainability Report. Council Member Dukes called on Kirk Hamby, Head of Public Works, reported The Recycling Center celebrated its 11th birthday today; working on trees and limbs; department helped set up and tear down for Arts Festival; and he went to see the Alabama Cycling Association event held at the University of Montevallo.

Mayor Nix called on Council Member Eisenberg for Recreation, Preservation and Community Development Reports. Council Member Eisenberg reported for Shane Bough, Parks and Recreation Director. She reported Shane was busy with Arts Fest; Travel Ball Tournaments; Bike Race at the University of Montevallo; Orr Park Restrooms are completed and opened on Friday April 19th.

Mayor Nix called on Council Member Mitchell for the Education, Arts and Outreach Committee Reports. Council Member Mitchell called on Sarah Hogan, Director of Impact Montevallo. Sarah reported the Grant Application was submitted last week for the next five years for Impact Montevallo; there was a great turnout for K.A.S.H. (Kids' Action Side Hustle) Market information held at the Parnell Memorial Library; she reminded everyone the 3rd annual Spring Fling Family Food Truck Fest will be held this Saturday at Orr Park/ Pecan Grove and volunteers are needed; the next Coalition Meeting will be held May 21st. See Appendix 3.

Council Member Mitchell reported Marissa Wilson, Parnell Memorial Library couldn't attend the meeting but submitted a written report in Council packets. See Appendix 4.

Mayor Nix called on Council Member Swords for Finance, Economic Development & Tourism. Council Member Swords called on Adele Nelson, Montevallo Chamber of Commerce for its report. Adele reported that the 2nd annual Montevallo Community Grant was awarded to Shelby Emergency Assistance (SEA); 2024 Golf Tournament was a great success; Team Lehman Shelby Emergency Assistance Disc Golf Tournament will be held May 11th; May Luncheon will feature Alabama Pet Pantry. See Appendix 5.

Council Member Swords called on Courtney Bennett, Director Montevallo Main Street. Courtney reported 20 youth and 14 parents/ caregivers attended the inaugural K.A.S.H. Market information session; Friday Nights at the Cove begins this Friday; 3rd annual Spring Fling Family Food Truck Fest will be held this Saturday; Sunday, May 5th the "Main Streets in Shelby County" tour will bring up to 50 visitors from the Main Street Now conference in Birmingham; May 6th through May 8th 16 representatives from Montevallo Main Street will be attending the Main Street Now conference. See Appendix 6.

Council Member Swords reported the Finance Committee will meet this Wednesday at 5:30 p.m. at City Hall and the meeting is open to the public.

Montevallo City Council Meeting

April 22, 2024

6:00 p.m. at City Hall

Present: Mayor Rusty Nix, Council Member Lelia Mitchell, Council Member Kenneth Dukes, Council Member Martha Eisenberg, Council Member Sonya Swords. Quorum present. Council Member David King arrived at 6:01 p.m.

Pledge of Allegiance

Council Meeting called to order at 6 p.m. by Mayor Rusty Nix.

Public Sign In Sheet for Public Hearings on Podium: No one signed in on the sheet. See Appendix 7.

Open Public Hearing Case at 6 p.m. : SP23-014 Equipment Storage Area (Beelman Trucking)

This is a request from Randy Goggans, Goggans Properties, on behalf of Transportation Realty, Inc., property owner, for approval of a site development plan to construct an equipment storage area with a 8,000 square foot storage and office space with dust collect, a hopper bay and truck scale on 25 acres of property within the Montevallo Industrial Park. The subject property is zoned M-1, Light Industrial District and located at 412 Industrial Park Road, approximately 1,500 feet north of State Route 25. (Parcel ID 58-27-8-27-0-001-002.002 and 36-1-02-0-001-003.001) See Appendix 8.

Public Comment: No one spoke on behalf or against the Public Hearing.

Close of Public Hearing at 6:02 p.m.

Open Public Hearing Case at 6:02 p.m.: MZAM24-001 Article 11. Section 11.02 R-2, Single Family Residential District : The purpose of the proposed amendment is to address permitted uses in the R-2 Single-Family Residential District related to additional dwellings beyond the primary home. Within the current district permitted uses, duplexes (two-family dwellings) and garage apartments are identified as “by-right” uses; however, the R-2 district is primarily a single-family residential district and the amendment will reclassify garage apartments and duplexes as conditional uses outside of the Urban Core Overlay District. See Appendix 9.

Public Comment:

Spoke on Behalf: No one spoke on behalf.

Spoke Against: Franklin Bell Samford St addressed Council advising he lives in historical neighborhood and many elderly persons live in that area is opposed to apartments in the area.

Citizen (name wasn't given) asked for clarification on existing structures and was advised it would be for any new construction would apply not existing structures.

C.P. Pierson asked for clarification. Advised any new construction would need to go before the Planning and Zoning Commission and them to Council for approval. This would be outside of the Urban Core Overlay District.

Close of Public Hearing – 6:08 p.m.

Open Public Hearing Case at 6:08 p.m. Public Hearing Case: MZAM24-002 Article 20. Supplementary Regulations and Modifications, Section 20.07 Rear Yard Modifications. The purpose of the proposed amendment is to address accessory structure construction in residential districts. Accessory structures should be in context with surrounding residential development in both character and scale. Within the current regulations an accessory structure may occupy up to 30 percent of a required rear yard. The proposed amendment will limit the foot print of an accessory structure to 800 square feet and require the use of a shared driveway with the primary home. See Appendix 10.

Public Comment: No one spoke on behalf or against the Public Hearing.

Close of Public Hearing - 6:09 p.m.

Approval and or corrections of the Minutes 04.08.24 – Motion by Council Member Dukes, seconded by Council Member Eisenberg, Motion passed. One Abstain Council Member Mitchell.

Recognitions / Awards: Mayor Nix read and presented a Proclamation - Recognition of Montevallo Dance Crew – 4th and 5th grade students from Montevallo Elementary School

Presentation by University of Montevallo Environmental Studies Capstone Course Students: Susan Caplow introduced the Environmental Studies Capstone Course Students and thanked the Council for listening to their presentations.

Group #1 Students gave a presentation about bringing glass back to The Recycling Center to be recycled into sand using a grant from two types of grants to cover cost.

Group #2 Students gave a presentation about expanding ValloCycle Program by having a Bike Kitchen located in the City Annex to grow the program.

Opportunities for Citizens to speak to the Council: Kirk Hamby 296 Hidden Valley Drive spoke to the Council in regard to the glass recycling proposal by the students and the City's various uses for sand, where it would be stored, if obtained by ADEM Grant would need to be reported, and employee onsite to assist citizens on how to use equipment.

Marie Carter 2008 Discovery Dr Lexington Parc – Planning and Zoning Meeting was canceled and didn't receive notice.

Veronica Bailey 128 Hwy 203, Montevallo Community Chorale will be performing Tuesday at 7:30 p.m. at the University of Montevallo.

Laticia Love Lexington Parc concerned about nine cars being parked all over the street at a 3 or 4 bedroom home.

Tracy Allen Discovery Dr 1091 Lexington Parkway - Lexington Parc advised parking on both sides of the street causing blocking of emergency vehicles – neighborhood isn't built all the way out, so no HOA is in force yet. LGI builder will turn over to residents to create HOA once 50% - 75% - Code Enforcement is going to be informed.

Public Health & Safety (Police, Fire, Code Enforcement, Housing Abatement, Planning and Zoning) – Reported during City Council Work Session.

Sustainability (Streets & Sanitation, Recycling, Arbor & Beautification, ValloCycle, Environmental Preservation Initiatives, and Historical Commission) – Reported during City Council Work Session.

Recreation, Preservation and Community Development (Parks & Recreation, Youth Athletics, Trails, Annexations) – Reported during City Council Work Session.

Education, Arts & Outreach (Schools, Library, UM, Boys & Girls Club, American Village, Sister City Commission, Artwalk, IMPACT) – Reported during City Council Work Session.

Finance, Economic Development & Tourism (Finance, MDCC, IDB, Chamber, Main Street) – Reported during City Council Work Session.

Consent to Pay the Bills: Mayor Nix asked for a Motion to Pay the Bills. Council Member King made a motion to pay the bills, seconded by Council Member Dukes, All Ayes. Motion passed.

New Business:

- **Resolution SP23-014 from Montevallo Planning and Zoning Commission Beelman Trucking Company Equipment Storage Area.** Motion made by Council Member Dukes, Seconded by Council Member Mitchell, All Ayes.
- **Resolution MZAM24-001 from Montevallo Planning and Zoning Commission, amendments to Article 11. Section 11.02 R-2, Single Family Residential District.)**. Motion made by Council Member King, Seconded by Council Member Dukes, All Ayes.
- **Resolution MZAM24-002 from the Montevallo Planning and Zoning Commission amendments to the Supplementary Regulations and Modifications, Section 20.07 Rear Yard Modifications in Residential Districts.** Motion made by Council Member King, Seconded by Council Member Dukes, All Ayes.
- **Resolution 04222024-673 Opioid Settlement A Resolution Authorizing the City of Montevallo to join the State of Alabama and other Local Governments as participants in current and future Opioid Settlements.** Motion made by Council Member Dukes, Seconded by Council Member Swords, All Ayes. See Appendix 12.
- **Request to reschedule Monday May 27th Council Meeting to Tuesday May 28th due to Memorial Day Holiday.** Motion made by Council Member Mitchell, Seconded by Dukes, All Ayes.

Old Business: None

Board Appointments: None


Other Business: None

Citizen Participation: Patricia Honeycutt Commended the Dance Team Recognition; thanked Council for changes to the Ordinances.

Anita Williams 369 Tecumseh St asked for clarifications of 1200 sq ft accessory building and final inspection.

Adjourn: Mayor Nix called for a Motion to adjourn the meeting. Motion made by Council Member King, Seconded by Council Member Dukes, All Ayes. Meeting adjourned at 7:23 p.m.

Submitted by:



Steve Gilbert
City Clerk / Treasurer

APPENDIX 2

Fire Department Report Council 4.22.24

April 1st - April 15th 2024

EMS- 36

Lift assist- 7

Structure Fire- 1

Brush Fire- 2

Dumpster Fire- 1

Electrical Fire - 0

Vehicle Fire- 2

Appliance Fire- 0

Fire Alarm - 3

MVC- 5

Fuel Spill/ gas leak- 0

Assist other agency- 0

Assist Public- 0

Assist Law Enforcement- 0

Total Calls for the first half of April - 57

Brad Davis

Fire Chief

City of Montevallo

Montevallo Fire & Rescue Service

541 Main Street

Montevallo, AL 35115

Office- 205-666-2555. Ext. 705

City Council Meeting: April 22, 2024

Ms. Sarah Hogan, program director provided the following report:

- ✚ **Grant Application:** We submitted our grant application last week. Thank you again for your support, we won't receive notice of the award until end of August.
- ✚ **KASH Market:** We had a great turn-out for our K.A.S.H. (Kids' Action Side Hustle) Market information session. Thank you to Maggie Hall for leading the youth and parents in understanding all the components to consider when having a business. We had 20 youth and 12 parents in attendance at the meeting. We look forward to seeing what all these young entrepreneurs come up with and will select up to 15 to participate in the KASH Market on June 24 during the Farmers' Market. We had a lot of great feedback and interest from all surrounding areas, even as far as Birmingham. We hope to offer this session again in the future.

The KASH Market is sponsored by Alabama Public Television, Montevallo Main Street, Parnell Memorial Library, Impact Montevallo, and Montevallo Chamber of Commerce.

- ✚ **Spring Fling Family Food Truck Fest:** The 3rd Annual Spring Fling Family Food Truck Fest is this Saturday, April 27th from 12:00 – 6:00 at the Pecan Grove off Island Street. WE NEED VOLUNTEERS! We have a sign-up genius link with available time slots on our Facebook pages. We have a lot of great activities planned and 11 food trucks. It looks like the weather is going to be beautiful so come on out and enjoy it with us.
- ✚ **Coalition Meeting:** The May Coalition meeting is being rescheduled to Tuesday, May 21 due to conflicts with conferences and travel. An email notification has already been sent as well as notification in the Chamber Chatter. Please mark your calendar to join us as we discuss ideas for summer and fall initiatives.

PARNELL MEMORIAL LIBRARY

APRIL 22, 2024

- Tomorrow night, there will be a Summer Garden prep class with master gardener Kate Vogel,
- regular programs until the end of the month, with story time, tiny tumbling, and home school hub next Monday
- May 7th, we will have family fun night, with will be tacos and bingo. we will have prizes for winners.
- Medicare 101 will be May 15th, at 3:30.
- every Thursday in May, we are doing a Money Matters class, brought by Lynne Richardson, who is the new Dean of Business at UofM, at 6:30
- Blood Drive on May 16th.
- Team Lehman's, Susan Vazques is going to be having a first-time home buyer, and lender class, on May 21st, at 6.
- We will be Closed May 25th and 27th for Memorial Day.

Montevallo Chamber of Commerce Council Report 4.22.24

- 1) The 2nd annual **Montevallo Community Grant** was awarded April 10th to Shelby Emergency Assistance by the Montevallo Chamber Board.
- 2) **2024 Montevallo Chamber Golf Tournament** to benefit the Mary Lou Williams Scholarship Fund / Cahaba Falls Country Club in Centreville was a huge success with perfect weather. Thanks to the Sponsors, Montevallo Chamber Board, Chamber volunteers, and all the Golf teams! Next year's Chamber Golf Tournament is already on the 2025 calendar for April 24th !
- 3) **Onion Sale Pick-Up** -tentative- curbside pick-up for pre orders date will be Thursday May 9th, 3-6pm at the Montevallo Recycling Center. To make other arrangements please call 205-665-1519
- 4) Montevallo Chamber will be sponsoring the **Team Lehman Shelby Emergency Assistance Disc Golf Tournament** / Sat. May 11th 9am UM Disc Golf Course Info contact Team Lehman 205-746-8721
- 5) **May Chamber Luncheon** / Alabama Pet Pantry / Speaker: Sheila Ray Montgomery, founder of Alabama Pet Pantry / Wed. May 15th from 11:30am to 1pm ; noon - lunch \$15.00 per person , at Parnell Library meeting room, [RSVP by Friday 5/10](#)
- 6) Co-host **FUNNIES FOR FURBABIES** Stand-Up Comedy Night at The Dive Bar / Wed May 15 / 7-9pm / No Cover, but pet food donations are appreciated : 16lb or larger dry dog food, and any size dry cat food.
- 7) Montevallo Chamber will Co-Host the **2024 Shelby County Small Business Awards** Luncheon on Wed. May 22 @ Pelham Civic Complex in Pelham. Deadline for nomination April 22, 2024.
- 8) **Montevallo Community Awards** / Thursday June 20 / 5:30-7:30pm / American Village / Tickets \$25.00 each, for sale starting Friday April 26 and are available from Regions, Trustmark or Chamber



Adele Nelson
Executive Director
Montevallo Chamber of Commerce
P.O. Box 270 Montevallo, AL 35115
205.665.1519 office
www.montevallocc.com

**Report to City Council****April 22, 2024****Updates**

- Twenty youth and 14 of their parents/caregivers attended our inaugural K.A.S.H. (Kids' Action Side Hustle) Market information session and one-our business course led by Montevallo Main Street Economic Vitality Committee Member and local business owner Maggie Hall on April 18. A portion of these young entrepreneurs are invited to apply to be vendors in a special section of Montevallo Farmers' Market on June 24. We are so excited to help these exceptional kids grow their entrepreneurial spirits. Stay tuned for updates! The K.A.S.H. Market was created partnership between Alabama Public Television, Montevallo Main Street, Parnell Memorial Library, Impact Montevallo, and Montevallo Chamber of Commerce.
- Please make plans to join us for our first Friday Nights at the Cove season this upcoming Friday, April 26 (6:30 PM at 737 Main Street), featuring live music by Mother May I and sponsored by Dr. Bobby Shunnarah! Mother May I is a precise-sounding musical group playing their mix of Motown, R&B, Classic Rock, 80's Retro, Old School Funk, current Top 40, and everything in-between. This Birmingham-based band performs with a flair, intensity and stage presence that is all their own! Bring a chair or picnic blanket, grab dinner to-go from your favorite downtown restaurant, and make yourself at home on Main Street!
- We invite you to join us for our third annual Spring Fling Family Food Truck Fest this upcoming Saturday, April 27 at the Orr Park Pecan Grove (noon to 6 PM at 940 Island Street). In addition to twelve food and drink vendors, we will also have bounce houses, an interactive art mural, and obstacle course courtesy of Impact Montevallo; drum classes at 1 and 3 PM courtesy of DRUM the Program; and Tai Chi courtesy of Brandon Anderson. You don't want to miss this free, family-friendly event! All the details are available on our Facebook event.
- On Sunday, May 5, the "Main Streets in Shelby County" tour will bring up to 50 visitors from the Main Street Now conference in Birmingham. They will be in Montevallo from approximately 11:20 AM - 1:30 PM. Let's give them a warm welcome!
- From Monday, May 6 through Wednesday, May 8, sixteen representatives from Montevallo Main Street will be in Birmingham attending the Main Street Now conference. We look forward to bringing back new knowledge and ideas to Montevallo! As a volunteer-driven organization who must follow certain standards outlined by Main Street America, we continue to prioritize continuing education for our board and committee members, which results in an engaged and competent volunteer pool that is the envy of other Main Street communities around the state.

Courtney Bennett, Executive Director

**RESOLUTION
OF THE
MONTEVALLO PLANNING AND ZONING COMMISSION**

Case No. SP23-014

Equipment Storage Area Site Development Plan

WHEREAS, Randy Goggans, Goggans Properties, on behalf of Transportation Realty, Inc., property owner, has petitioned the City of Montevallo for approval of a site development plan to construct an equipment storage area with an 8,000 square foot storage and office space with dust collection, a hopper bay and truck scale area on 25 acres of property within the Montevallo Industrial Park; and,

WHEREAS, the subject property is zoned M-1, Light Industrial District, and located at 412 Industrial Park Road, approximately 1,500 feet north of State Route 25, (Parcel IDs 58-27-8-27-0-001-002.002 and 58-36-1-02-0-001-003.001); and,

WHEREAS, site development plans require review by the Montevallo Planning & Zoning Commission for a recommendation to the City Council; and,

WHEREAS, the revised submittal does not meet with the intent of the original concept presented with the initial rezoning request (Z22-008) regarding intended buildings and use; and,

WHEREAS, primary concerns presented by the surrounding community at the rezoning public hearing were noise generation and dust escape; and,

WHEREAS, the original concept included no structures but reserved the intent for a future storage warehouse, office and maintenance area on the property, and;

WHEREAS, the revised submittal included silos for the transfer and storage of lime material; and,

WHEREAS, the commissioners expressed concerns about the introduction of increased noise generation and increased dust escape with the transfer and storage of lime materials on site; and

WHEREAS, the proposed silos did not comply with the maximum 100-foot height in the M-1 district, and;

WHEREAS, due to the new proposed layout, revised notifications were mailed to adjoining property owners;

NOW, THEREFORE, BE IT RESOLVED by the Montevallo Planning and Zoning Commission that the request from Randy Goggans, Goggans Properties, on behalf of Transportation Realty, Inc., for a site development plan to construct an equipment storage area with an 8,000 square foot storage and office space with dust collection, a hopper bay and truck scale area on 25 acres of property within the Montevallo Industrial Park and located 412 Industrial Park Road, approximately 1,500 feet north of State Route 25, (Parcel IDs 58-27-8-27-0-001-002.002 and 58-36-1-02-0-001-003.001); be and the same hereby recommends **DENIAL** for the reasons stated above.

**STATE OF ALABAMA
SHELBY COUNTY**

I, Steve Gilbert, technical advisor to the Montevallo Planning and Zoning Commission, do hereby certify that the above is a true and correct copy of a resolution adopted by the Montevallo Planning and Zoning Commission at its meeting held on March 21, 2024.

GIVEN UNDER MY HAND on this the 22nd day of March, 2024.


 Steve Gilbert, Clerk/Treasurer, City of Montevallo

**RESOLUTION
OF THE
MONTEVALLO PLANNING AND ZONING COMMISSION**

MZAM24-001

Article 11. Section 11.02 R-2, Single-Family Dwelling District Amendment

WHEREAS, the *City of Montevallo Zoning Regulations* were adopted in 2012 and included permitted and conditional use regulations for the R-2, Single-Family Dwelling District; and,

WHEREAS, the proposed amendment is intended to address permitted uses in the R-2, Single-Family Residential District, related to additional dwellings beyond the primary home; and,

WHEREAS, the proposed amendment will be made to Article 11.02 R-2, Single-Family Dwelling District, Permitted and Conditional Uses of the *City of Montevallo Zoning Regulations*; and,

WHEREAS, the City's Comprehensive Plan, *Making Montevallo*, describes a mixed use of housing types within the Urban Core offer different building opportunities; and,

WHEREAS, duplexes and garage apartments outside of the Urban Core require additional consideration to the neighborhood in which they are proposed; and,

WHEREAS, the proposed amendments to the Zoning Regulations and notice of the Public Hearing were posted in conspicuous places throughout the community beginning January 31, 2024, and continuing for more than two weeks; and,

WHEREAS, four different posting locations within the City of Montevallo were (1) Public Outdoor Bulletin Board, City Hall, 541 Main Street; (2) The City Shop, 445 Selma Road; (3) Park and Recreation Building/Senior Center, Orr Park, 420 Vine Street; and (4) Parnell Memorial Library, 277 Park Drive; and,

WHEREAS, on February 15, 2024, the Montevallo Planning and Zoning Commission held a public hearing at which time all individuals, in opposition to or in support thereof, had the opportunity to speak regarding the proposed amendment to the *City of Montevallo Zoning Regulations*; and,

WHEREAS, consideration of the ordinance amendment was continued to allow for clarification of previous amendments to the same district; and,

WHEREAS, the amendment was readvertised for consideration including references to previous action of the City Council amending the article; and,

WHEREAS, the Planning and Zoning Commission modified the dimensional regulation of the district to require 100 feet of lot width for two family dwellings; and,

WHEREAS, the Planning and Zoning Commission found that the evidence and testimony presented warrants the approval of the proposed amendment to the *City of Montevallo Zoning Regulations*, as amended;

NOW, THEREFORE, BE IT RESOLVED that the Montevallo Planning and Zoning Commission recommends **APPROVAL** of the amendment to Article 11. Section 11.02 R-2, Single-Family Dwelling District of the *City of Montevallo Zoning Regulations* as follows:

The proposed amendment is as follows (~~strikeout~~ text = deleted; underline text = added):

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 Dwelling District. This district is intended to provide a zoning classification for medium low-density development of single-family homes and duplexes. (ZAM22-002 Ordinance # 03282022-440 6/27/2022)

Section 11.02. Use regulations.

A. Permitted uses.

Within the R-2, Single-Family Dwelling District, only the following uses and structures designed for such uses shall be permitted (ZAM22-002 Ordinance # 03282022-440 6/27/2022):

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

B. Conditional uses.

Within the R-2, Single-Family Dwelling District, the following uses may be allowed as conditional uses (ZAM22-002 Ordinance # 03282022-440 6/27/2022):

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.
8. Duplex, outside of the Urban Core Overlay District.
9. Garage Apartment, outside of the Urban Core Overlay District.

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.

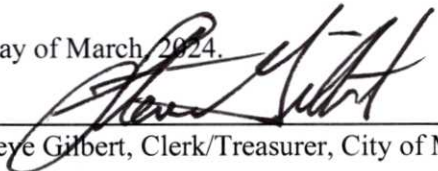
Maximum Height of Structures		Minimum Yards				Minimum Lot Area	Minimum Lot Width
Stories	Feet	Front	Rear	One Side	Total Both Sides		
2½	35	30 Feet	30 Feet	8 Feet	18 Feet	10,000 sq. ft. for single-family dwellings 12,000 sq. ft. for two family dwellings	70 feet for single-family dwellings 50100 feet for two family dwellings

(ZAM22-002 Ordinance # 03282022-440 6/27/2022)

**STATE OF ALABAMA
CITY OF MONTEVALLO, SHELBY COUNTY**

I, Steve Gilbert, technical advisor to the Montevallo Planning and Zoning Commission, do hereby certify that the above is a true and correct copy of a resolution adopted by the Montevallo Planning and Zoning Commission at its meeting held on March 21, 2024.

GIVEN UNDER MY HAND on this the 22nd day of March, 2024.



Steve Gilbert, Clerk/Treasurer, City of Montevallo

**RESOLUTION
OF THE
MONTEVALLO PLANNING AND ZONING COMMISSION**

MZAM24-002

**Article 20. Supplementary Regulations and Modifications, Section 20.07 Rear Yard
Modifications**

WHEREAS, the *City of Montevallo Zoning Regulations* were adopted in 2012 and included supplemental regulations for the development of property; and,

WHEREAS, the proposed amendment is intended to address accessory structure construction in residential districts; and,

WHEREAS, the proposed amendment will be made to Article 20, Section 20.07 Rear Yard Modifications of the *City of Montevallo Zoning Regulations*; and,

WHEREAS, the City has found that some accessory structures within the context of the ordinance exceed the context and character for surrounding residential development; and,

WHEREAS, the introduction of a maximum footprint for an accessory structure will ensure that an accessory structure does not overwhelm the primary dwelling or other homes in a residential district; and,

WHEREAS, the proposed amendments to the Zoning Regulations and notice of the Public Hearing were posted in conspicuous places throughout the community beginning March 6, 2024, and continuing for more than two weeks; and,

WHEREAS, four different posting locations within the City of Montevallo were (1) Public Outdoor Bulletin Board, City Hall, 541 Main Street; (2) The City Shop, 445 Selma Road; (3) Park and Recreation Building/Senior Center, Orr Park, 420 Vine Street; and (4) Parnell Memorial Library, 277 Park Drive; and,

WHEREAS, on February 15, 2024, the Montevallo Planning and Zoning Commission discussed a proposed amendment as it related to the permissible size of accessory structures as allowed in the *City of Montevallo Zoning Regulations*; and,

WHEREAS, the modifications to rear yard accessory structures presented apply specifically to R-1 and R-2 zoned properties within the City of Montevallo; and,

WHEREAS, the Planning and Zoning Commission found that the evidence and testimony presented warrants the approval of the proposed amendment to the *City of Montevallo Zoning Regulations*, as amended;

NOW, THEREFORE, BE IT RESOLVED that the Montevallo Planning and Zoning Commission recommends **APPROVAL** of the amendment to Article 20. Supplementary Regulations and Modifications, Section 20.07 Rear Yard Modifications of the *City of Montevallo Zoning Regulations* as follows:

The proposed amendment is as follows (~~strikeout~~ text = deleted; underline text = added):

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.

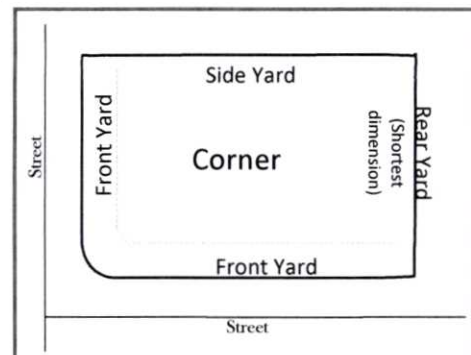
Section 20.05. General Yard Modifications.

- 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~~ 10 feet.
- C. Accessory buildings and structures within the R-1 and R-2 may be built in a rear yard, but such accessory buildings and structures shall not exceed two stories in height (30 feet); occupy more than 30 percent of the required rear yard; or have a larger footprint than 800 square feet, whichever is smaller. No accessory structure 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.
 - 1. Accessory structures must be accessed using the same driveway as the primary building.

Section 20.08. Walls and Fences.

Walls or fences may be located within the yards except as provided herein: No wall or fence in a front yard shall exceed a height of four (4) feet, except as required for a retaining wall.

- A. 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.
- B. 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.

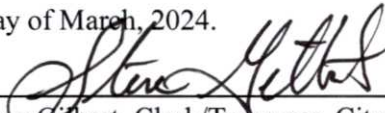
F. Termination of Use and Removal

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

**STATE OF ALABAMA
CITY OF MONTEVALLO, SHELBY COUNTY**

I, Steve Gilbert, technical advisor to the Montevallo Planning and Zoning Commission, do hereby certify that the above is a true and correct copy of a resolution adopted by the Montevallo Planning and Zoning Commission at its meeting held on March 21, 2024.

GIVEN UNDER MY HAND on this the 22nd day of March, 2024.



Steve Gilbert, Clerk/Treasurer, City of Montevallo



Recognition of the Montevallo Dance Crew

APPENDIX 11

WHEREAS, Montevallo Dance Crew (MDC) is comprised of twenty-one 4th and 5th grade students from Montevallo Elementary School; and

WHEREAS, MDC began learning their routine in January under the direction of Mrs. Karen Guarino (Mrs. G); and

WHEREAS, In February, they performed during halftime of an NBA G League game for the Birmingham Squadron at Legacy Arena; and

WHEREAS, The MDC performed at halftime of two University of Montevallo basketball games; and

WHEREAS, Due to the rapid progress from their dedication and strong work ethic, Mrs. G was inspired to take the MDC group to their first dance competition; and

WHEREAS, During Spring Break, MDC competed in Montgomery at the Platinum National Dance Competition; and

WHEREAS, MDC walked away with a platinum adjudication, a Judge's Choice Award, and an invitation to Platinum's Ultimate Invitational Challenge in Chicago; and

WHEREAS, Two weeks later, MDC attended a second competition in Montgomery, the Inspire National Dance Competition; and

WHEREAS, At the Inspire National Dance Competition, MDC took first place overall in their division, earned a Crystal Diamond adjudication (highest score range), and a "Golden Egg Award," which is a special judge's choice award presented to only a select few dances immediately following their routine if the judge felt inspired by the dance; and

WHEREAS, The MDC has been an inspiration, especially considering most dancers had little to no prior experience; and

WHEREAS, Mrs. G recognizes the students of the MDC as great ambassadors for Montevallo Elementary School; and

NOW, THEREFORE, I, Rusty Nix, Mayor of the City of Montevallo, Alabama, do hereby recognize Mrs. Karen Guarino and the Montevallo Dance Crew for their outstanding achievements.

In witness whereof, I have hereunto set my hand and caused this seal to be affixed. Signed this, the 22nd of April, 2024.



Mayor Rusty Nix

PROPOSED

RESOLUTION NO. 04222024-673

A RESOLUTION AUTHORIZING THE CITY OF MONTEVALLO TO JOIN THE STATE OF ALABAMA AND OTHER LOCAL GOVERNMENTS AS PARTICIPANTS IN CURRENT AND FUTURE OPIOID SETTLEMENTS

WHEREAS, the opioid epidemic continues to impact communities in the United States, the State of Alabama, and the City of Montevallo, Alabama.

WHEREAS, the City of Montevallo has suffered harm and will continue to suffer harm as a result of the opioid epidemic;

WHEREAS, the State of Alabama and some Alabama local governments have filed lawsuits against opioid manufacturers, distributors, and retailers (“Opioid Litigation”);

WHEREAS, the State of Alabama has entered into various Settlement Agreements and are likely to enter into additional agreements in the future which include the claims for the State of Alabama’s local governments;

WHEREAS the City of Montevallo finds the terms of the current Settlement Agreements acceptable and in the best interest of the community and anticipates the terms of the future Settlement Agreements to be similarly acceptable;

WHEREAS, the State of Alabama has prepared and presented Settlement Sign-On Agreements to the local governments and the City of Montevallo finds the terms of the Sign-On Agreement acceptable and in the best interest of the community;

WHEREAS, the current and future Settlement Agreements and Sign-On Agreements will detail the allocation of Settlement Funds, which the City of Montevallo finds acceptable and in the best interest of the community;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MONTEVALLO, ALABAMA,

Section 1. That the City of Montevallo finds that participation in the various Opioid Settlements, Settlement Agreement and Sign-On Agreement is in the best interest of the City of Montevallo, and its citizens because such a plan would ensure an effective structure for the commitment of Settlement Funds to abate and seek to resolve the opioid epidemic.

Section 2. That the City of Montevallo hereby expresses its support for the Settlement of various Opioid claims and allocation and use of Settlement Funds as generally described in the Settlement Agreement and Sign-On Agreement.

Section 3. That the City of Montevallo's Clerk ("City Clerk") is hereby expressly authorized to execute the Settlement Sign-On Agreements and the City Clerk is hereby authorized to execute any formal agreements necessary to implement the Settlements and plan for the allocation and use of Settlement Funds.

Section 4. That the City Clerk is hereby expressly authorized to execute any formal agreement and related documents evidencing the City of Montevallo's agreement to the settlement of claims and litigation related to the Opioid Epidemic.

Section 5. That the City Clerk is authorized to take such other action as necessary and appropriate to effectuate the City of Montevallo's participation in any Settlement related to the Opioid Epidemic.

Section 6. This Resolution is effective upon adoption, the welfare of the City of Montevallo, Alabama requiring it.

ADOPTED this the 22 day of April, 2024.

MAYOR : _____

Rusty Nix

ATTEST:  _____

Steve Gilbert, City Clerk