

**CITY OF MOODY
ZONING BOARD OF ADJUSTMENT & APPEALS MEETING
OCTOBER 18, 2022
6:00 PM**

- 1. OPEN:**
- 2. ROLL CALL**
- 3. APPROVE MEETING MINUTES FROM JANUARY 18, 2022.**
- 4. PUBLIC HEARING- ALLEN TUNNELL IS REQUESTING A VARIANCE TO REDUCE LOT SIZES IN PHASE IV OF ARBORS CURRENTLY ZONED AS R2 AND FURTHER IDENTIFIED AS ST. CLAIR TAX ID# 21-09-31-0-00-013.003**

CITY OF MOODY
ZONING BOARD OF ADJUSTMENTS AND APPEALS MEETING

The Zoning Board of Adjustments and Appeals held a regular scheduled meeting on January 18, 2022. Chairman Joe Wilson called the meeting to order at 6:01pm.

ROLL CALL: Present: Chairman Joe Wilson, Members David Huckabee, Matthew Dyer, Robert Fraser and Attorney Joe Kemp.

Absent: Kyle Cherry and Jason Tuggle

APPROVE MINUTES FROM NOVEMBER 22, 2021: Member Robert Fraser made a motion to approve the minutes from November 22, 2021. Member Matthew Dyer second the motion. All present voted AYE: the vote to approve the meeting minutes were unanimous.

PUBLIC HEARING- SCOTT MARTIN IS REQUESTING A VARIANCE TO REDUCE HIS SIDE SETBACKS FOR COMMERCIAL PROPERTY LOCATED AT 731 PARK AVENUE AND FURTHER IDENTIFIED AS ST. CLAIR COUNTY TAX ID #325-07-36-0-002-001.002.

Scott Martin, nephew of Alice Falkner, who is the owner of property located at 731 Park Avenue, approached the board requesting a variance to reduce the side setbacks for the commercial property. Mr. Martin explained that the deed for the property has all businesses together and would like to have it divided into separate deeds in order to sell one of the properties

Chairman Joe Wilson opened the board for public hearing. Chairman Joe Wilson closed the public hearing for discussion/action by the board.

Member Matthew Dyer made a motion to approve the request. Member Robert Fraser second. All present voted AYE: Motion to approve the request was unanimous.

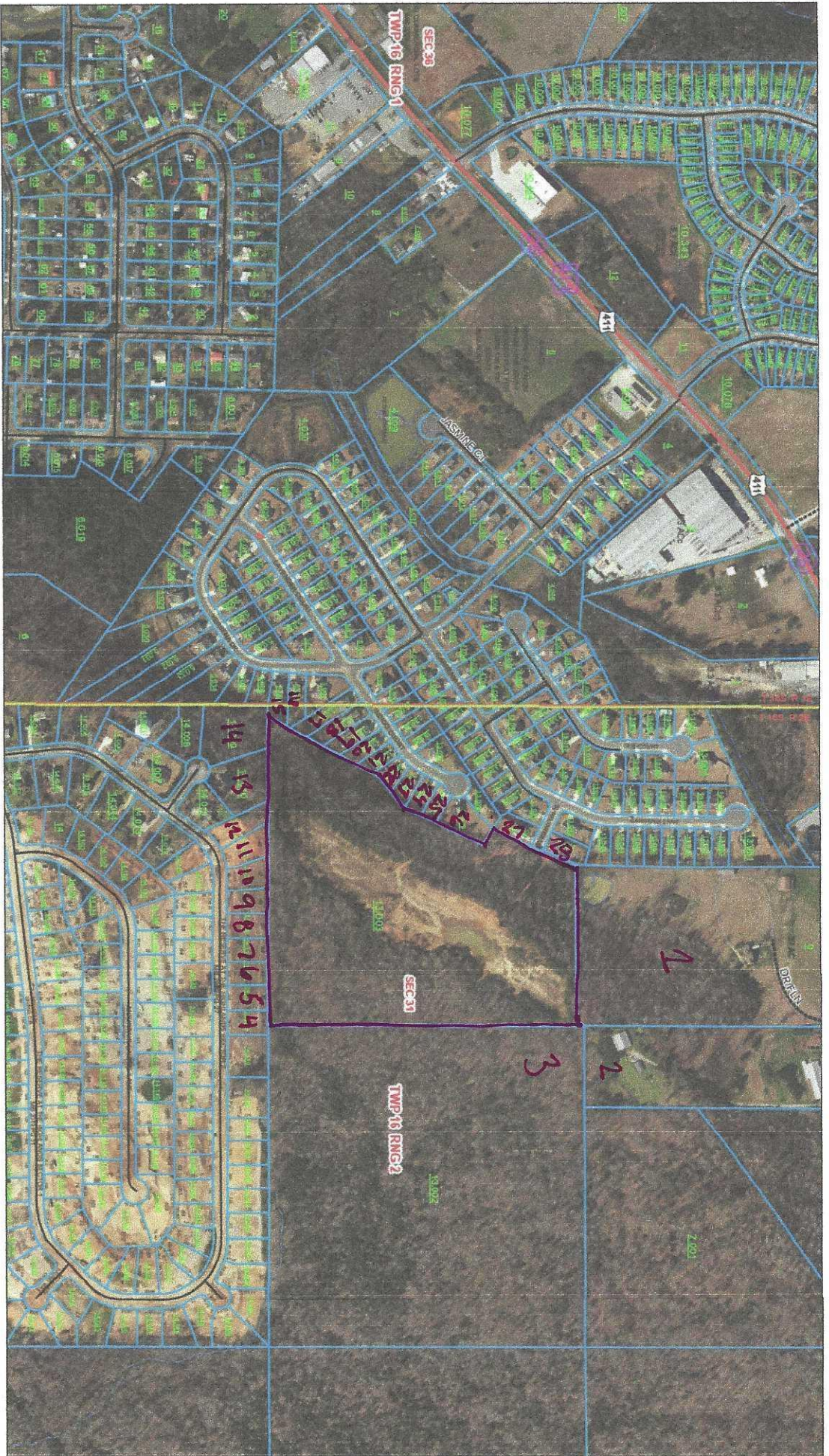
There being no further business to come before this board, Chairman Joe Wilson adjourned the meeting at 6:03pm.

Rita Cates
Inspections/Zoning Admin Clerk

Joe Wilson
Chairman



Provided by the St. Clair County
Revenue Commissioner
Kenneth L. Crowe
Maps to be used for tax purposes only -
Not to be used for conveyance
Map Data is in NAD 1983 State Plane
Alabama East Feet.



Arbors

CITY OF MOODY

PLANNING COMMISSION MEETING

The Planning Commission of the City of Moody held a regular scheduled meeting on December 12, 2017.

ROLL CALL: Present: Chairman Larry Golden, Members, Wayne Taylor, Cletus Beard, Ellis Key, Lynn Taylor, Angie Isbell, Mayor Joe Lee, and Attorney James Hill

ABSENT: Matthew Fraser and Sandra Nicholson

Chairman Larry Golden called the meeting to order at 6:00 PM.

APPROVE COMMISSION MEETING MINUTES OF NOVEMBER 14, 2017: Mayor Joe Lee made a motion to approve the meeting minutes from November 14, 2017. Member Ellis Key seconded the motion. Member Lynn Taylor Abstained All else present voted AYE:

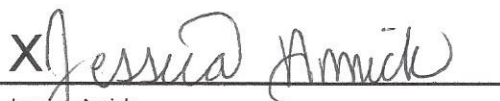
PUBLIC HEARING-NEWCASTLE DEVELOPMENT REQUEST TO REZONE PROPERTY LOCATED OFF SUNFLOWER LANE AND FURTHER IDENTIFIED AS TAX ID #24-09-31-0-001-013.003 CURRENTLY ZONED AS AG-1 (AGRICULTURE) TO R-2 (RESIDENTIAL).

Alan Tunnel1 represented owners of property BR LLC regarding the request to rezone property behind Tractor Supply from AG-1 to R-2. Applicant Glen Siddel of Newcastle Development stated that Newcastle and BR LLC have a contract on the parcel in question contingent on the rezoning of the property. He purposes that the property be rezoned to R-2 and will have approximately 43 lots for phase 7 of Arbors. He proposes the homes to be around 2300 sq. feet. Member Lynn Taylor suggest the city require street lights to be installed. Mayor Joe Lee informed the board that these will be R-1 homes on R-2 lots.

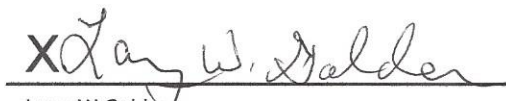
Chairman Larry Golden opened the meeting for public hearing. Blake Abercrombie of Indigo Court concern was that the tree lines currently separating the homes from the new phase remain. He also would like to see the drainage issue corrected. Russell Morrow of Moody Parkway was concerned with traffic on 411. Mayor Joe Lee informs residents that a traffic light can only be issued by ALDOT, however the city intended to hire an engineer to perform a traffic study at the Arbors entrance. After all present had an opportunity to address the Board, Chairman Larry Golden closed the public hearing for discussion/ action by the board.

Attorney James Hill advised the City would require the developer provide security by way of a Maintenance Bond or other City approved mechanism to ensure maintenance of the streets in the Arbors subdivision over which construction traffic for this new development would travel. This would be required at the time of plat approval.

Member Lynn Taylor made a motion to recommend to the Council that the applicant's request be granted based on the stipulations stated, those being: yards must be sodded, street lights are to be installed and that the homes be consistent with the size requirement of residences in R-1 zones. Member Angie Isbell second the motion and all members voted aye. Motion carried.

X 

Jessica Amick
Public Works Admin Clerk

X 

Larry W Golden
Chairman



CITY OF MOODY

MAYOR
JOE LEE

670 PARK AVENUE • MOODY, ALABAMA 35004
TELEPHONE (205) 640-5121 • FAX (205) 640-2528
www.moodyalabama.gov

COUNCIL MEMBERS
LINDA CROWE
LYNN TAYLOR
MATT MORRIS
NICK RUTLEDGE
RICKY A. PARKER

December 13, 2017

Honorable Mayor and Council
City of Moody
670 Park Avenue
Moody, AL 35004

RE: REZONING REQUEST

This is to advise the Planning Commission held a Public Hearing at the regularly scheduled meeting on December 12, 2017. After the Public Hearing was closed, the Planning Commission voted to forward the following request with stipulations to the City Council.

PUBLIC HEARING-NEWCASTLE DEVELOPMENT REQUEST TO REZONE PROPERTY LOCATED OFF SUNFLOWER LANE AND FURTHER IDENTIFIED AS TAX ID #24-09-31-0-001-013.003 CURRENTLY ZONED AS AG-1 (AGRICULTURE) TO R-2 (RESIDENTIAL).

If further assistance is needed, or if the Planning Commission can be of assistance in any way, please advise.

Sincerely,


Larry Golden, Chairman

LG/rfs

City Clerk, Tracy L. Patterson • Police Chief, Thomas Hunt • Fire Chief, Joe Nobles
Park and Rec, Mike Staggs • Building Inspector, Wayne Taylor • Public Works, Steve Mitchell
Library, Patsy Spradley • Court Clerk, Tammy Jackson • Senior Center, Addie Duke

September 30, 2022

City of Moody
670 Park Avenue
Moody, AL 35004

RE: Application for Variance for The Arbors

I respectfully request that you allow 85' lots for phase 7 of the Arbors.
This will be consistent with the lot sizes throughout the Arbors

Thank you for your attention on this matter.
Alan Tunnell
(205) 281-7654

APPLICATION FOR VARIANCE

CITY OF MOODY, ALABAMA

PART I. Applicant Information:

Name: Alan Tunnell
Address: 245 Cove Drive Pell City AL
Telephone: 205-281-7654
Signature: Alan Tunnell

PART II Parcel Data:

Owner of Record: B.R. L.L.C.
Mailing Address: 245 Cove Drive Pell City AL
Property address for which variance sought:
Tax Map ID #: 24-09-31-0-00-013 003
Current Land use/Zoning: R-2

PART III Request:

Ordinance section on which Variance sought: M2017-04-10 A
85' 1075

PART IV Enclosures (All required enclosures should be appended to this Application):

- A written justification for a variance
- A vicinity Map showing location of property
- NA A Site Plan. Scaled with Dimensions, showing the property boundaries and proposed layout.
- A \$75.00 Administrative Fee plus cost of notification by registered mail to adjacent property owners at ~~\$6.90~~ each.

#782

NOTICE: The completed application and the required attachments must be filed at least thirty-days (30) prior to the Public Hearing held by the Zoning Board of Adjustment. The applicant must be present at the hearing.

Scheduled Public Hearing date: 10/18/22

Received By: RC

ORDINANCE NO. M2017-04-10A

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF MOODY, ALABAMA

WHEREAS, on the 13th day of March, 2017, a public hearing was held by the City Council of the City of Moody, Alabama, to consider an amendment to Article VI, §6.04 “Area and Dimensional Regulations” within the R2 Single Family Residential District of the *Zoning Ordinance of the City of Moody, Alabama* (the “Zoning Ordinance”); and

WHEREAS, the purpose of the amendment is to further regulate the lot sizes allowed in the R2 districts within the City of Moody (the “City”); and

WHEREAS, the amendment was recommended by the City of Moody Planning Commission.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Moody, Alabama, as follows:

Section 1: That the Article VI, §6.04 “Area and Dimensional Regulations” within the R2 Single Family Residential District of the Zoning Ordinance be and is hereby amended to state as follows:

6.04 Area and Dimensional Regulations

Except as may be provided for elsewhere in this Ordinance, the following area and dimensional regulations shall be required in the R2 Single Family Residential District:

Minimum Lot Area:	11,900 sq. feet*
Minimum Lot Width	85 feet at building line
Minimum Yard Setbacks	
Front:	35 feet**
Rear:	35 feet
Side:	10 feet (on each side)***
Maximum Height:	35 feet
Minimum Floor Area:	
Total for building:	1400 square feet
First Story:	1400 square feet regardless of the number of stories in the residence

Corner Lots: Setbacks shall be the same on both streets, roads or highways

- * In case sanitary sewer service is not available to serve the proposed development, the minimum lot size (square footage) required by the St. Clair County Health Department shall be met. In the event a site is to be developed with septic tank facilities, the developer/ builder shall produce an engineering report, for review by the Planning Commissions, prepared by a State of Alabama Registered Professional Engineer. This report shall contain all to the relevant information on the site pertaining to soil conditions, soil capacity, percolation study, proximity to flood plains, etc. The developer/builder shall be required to produce a permit from the St. Clair County Health Department. The City of Moody will determine whether or not to issues a permit for the findings and recommendations of the St. Clair County Health Department, the information contained in the engineering report, and such other relevant information as may be required by the Planning Commission or the City Engineer. The developer/builder shall provide to the City of Moody the density, unit size and other relevant information as may be required by the Planning Commission or the City Engineer.**
- ** The front setback shall be measured from the sidewalk when sidewalks are required or provided.**
- ***Side yards are subject to the following building separation provisions; No building in an RG District shall be located less than twenty-five feet (25) from any boundary of the RG Development.**

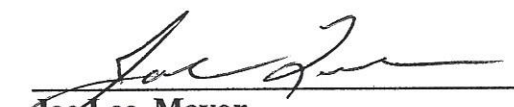
Section 2: If any provision in this Ordinance shall be or be declared to be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

Section 3: That all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 4: That this ordinance shall become effective as provided by law after passage, approval and publication.

ORDAINED, ADOPTED and APPROVED this the 10th day of April, 2017.

CITY OF MOODY, ALABAMA



Joe Lee, Mayor

ATTEST:



Tracy L. Patterson, City Clerk

CERTIFICATION

I, the undersigned, City Clerk of the City of Moody, Alabama, do hereby, certify that the above is a true and correct copy of an Ordinance duly adopted by the City Council at its meeting held on 4-10, 2017 and as same appears of record in Minute Book of said City, and approved by the City Council on the 10th day of April, 2017.

GIVEN UNDER MY HAND AND CORPORATE SEAL of the City of Moody, Alabama, this 10th day of April, 2017.



City Clerk

ORDINANCE NO. M2021-11-08

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

WHEREAS, on the 11th day of October, 2021, a public hearing was held by the City Council (the “Council”) of the City of Moody, Alabama (the “City”), regarding a proposed amendment to the *Zoning Ordinance of the City of Moody, Alabama*: and

WHEREAS, the City has the authority to determine, regulate and enforce the uses allowed within individual zoning districts of the City; and

WHEREAS, it is the desire of the City to promote the general welfare of the community and to protect the value of building and property, the image and character of a community, and the preservation and enhancement of property values; and

WHEREAS, the Council has determined that it is in the best interest of the City to modify the *Zoning Ordinance of the City of Moody, Alabama* as follows.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Moody, Alabama, while in regular session, on the 8th day of November, 2021, as follows:

Section 1: That Section 4.00 “Words and Phrases” of Article IV, “Definitions” of the Ordinance is hereby amended, by the strict addition of the following definition:

BARNDOMINIUM A building designed to have the exterior appearance of a storage building or having the exterior appearance of a storage building, such as a barn, horse stable, other farm and ranch style buildings, metal storage building, warehouse, or like kind or style structures, and that is designed to be used or used as a dwelling. These structures may incorporate certain aspects or design features of or associated with residential structures and such incorporation shall not remove them from this designation when the overall character and appearance of the structure remains as above defined. The interior of such buildings may be either entirely livable space or may be dividing between livable and non-livable space.

Section 2: That the Article VI, §5.04 “Area and Dimensional Regulations” within the R1 Single Family Residential District of the Zoning Ordinance be and is hereby amended to state as follows:

5.04 Area and Dimensional Regulations

Except as may be provided for elsewhere in this Ordinance, the following area and dimensional regulations shall be required in the R1 Single Family Residential District:

Minimum Lot Area: 20,000 sq. feet*

Minimum Lot Width 100 feet at building line

Minimum Yard Setbacks

Front: 40 feet**
Rear: 40 feet
Side: 15 feet (on each side)***

Maximum Height: 35 feet

Minimum Floor Area:

Total for building: 1600 square feet
First Story: 1600 square feet regardless of the number of stories in the residence

Corner Lots: Setbacks shall be the same on both streets, roads or highways

*** In case sanitary sewer service is not available to serve the proposed development, the minimum lot size (square footage) required by the St. Clair County Health Department shall be met. In the event a site is to be developed with septic tank facilities, the developer/ builder shall produce an engineering report, for review by the Planning Commissions, prepared by a State of Alabama Registered Professional Engineer. This report shall contain all to the relevant information on the site pertaining to soil conditions, soil capacity, percolation study, proximity to flood plains, etc. The developer/builder shall be required to produce a permit from the St. Clair County Health Department. The City of Moody will determine whether or not to issues a permit for the findings and recommendations of the St. Clair County Health Department, the information contained in the engineering report, and such other relevant information as may be required by the Planning Commission or the City Engineer. The developer/builder shall provide to the City of Moody the density, unit size and other relevant information as may be required by the Planning Commission or the City Engineer.**

**** The front setback shall be measured from the sidewalk when sidewalks are required or provided.**

*****Side yards are subject to the following building separation provisions; No building in an RG District shall be located less than twenty-five feet (25) from any boundary of the RG Development.**

Section 3: That the Article VI, §6.04 “Area and Dimensional Regulations” within the R2 Single Family Residential District of the Zoning Ordinance be and is hereby amended to state as follows:

6.04 Area and Dimensional Regulations

Except as may be provided for elsewhere in this Ordinance, the following area and dimensional regulations shall be required.

Minimum Lot Area:	<u>15,000 sq. feet*</u>
Minimum Lot Width:	<u>100 feet</u> at the building line
Minimum Yard Setbacks:	
Front:	<u>35 feet**</u>
Rear:	<u>35 feet</u>
Side:	<u>10 feet (on each side)</u>
Maximum Height:	35 feet
Minimum Floor Area:	
Total for building:	1400 square feet
First Story:	1400 square feet regardless of the number of stories in the residence

Corner Lots: Setbacks shall be the same on both streets, roads or highways

*** In case sanitary sewer service is not available to serve the proposed development, the minimum lot size (square footage) required by the St. Clair County Health Department shall be met. In the event a site is to be developed with septic tank facilities, the developer/ builder shall produce an engineering report, for review by the Planning Commissions, prepared by a State of Alabama Registered Professional Engineer. This report shall contain all to the relevant information on the site pertaining to soil conditions, soil capacity, percolation study, proximity to flood plains, etc. The developer/builder shall be required to produce a permit from the St. Clair County Health Department. The City of Moody will determine whether or not to issues a permit for the findings and recommendations of the St. Clair County Health Department, the information contained in the engineering report, and such other relevant information as may be required by the Planning Commission or the City Engineer. The developer/builder shall provide to the City**

of Moody the density, unit size and other relevant information as may be required by the Planning Commission or the City Engineer.

**** The front setback shall be measured from the sidewalk when sidewalks are required or provided.**

Corner Lots: Setbacks shall be the same on both streets, roads or highways.

Section 4: That the Article VI, §2.02 “Uses Permitted” and §2.04 “Area and Dimensional Regulations” within the AG-1 Agricultural District of the Zoning Ordinance be and is hereby amended to state as follows:

2.02 Uses Permitted

The following uses shall be permitted in the AG-1 Agricultural District. Similar uses to those listed below **may** also be permitted **subject to Article III, Administration and Review Procedures, subsection 2.11, Interpretation of Uses and Subsection 2.12, Unclassified Uses.**

A. Agricultural Uses

1. Customary accessory structures and buildings associated with farming and related agricultural activities.
2. Farms, as **defined in Article IV, § 5.00 and Article VII, § 11.00**
3. Hobby farms, **subject to Article VIII, § 2.00**
4. Stables, **private**

B. Residential Uses

1. Barndominium *
2. Detached single family residences as defined in **Article IV**
3. Manufactured (mobile) homes [property owner must obtain the Permission of all the adjoining property owners before putting a manufactured home on their lot], **subject to Article VII, § 12.00**
4. Non-commercial greenhouses and gardens
5. Private swimming pools, subject to Article VII, **§ 10.00**
6. Private tennis courts, **subject to Article VIII, § 11.00**
7. Satellite dish antennas, **subject to Article VII, § 7.00**

* Barndominiums are allowed residential structures in AG-1 Districts; however, the aesthetics of the same must be compatible with the area in which the proposed Barndominium is to be located. Any applicant desiring to place a Barndominium in an AG-1 District shall first submit a conceptual plan of the same to the Planning Commission for consideration. The Commission shall take into account all applicable factors including but not limited to the total acreage of the applicant’s property, the visibility of the Barndominium, and the aesthetics of

the other structures in the area in determining whether to approve, deny or place conditions upon the proposed Barndominium's construction.

C. Institutional Uses

1. Clubs
2. Community centers
3. Country clubs
4. Domiciliary care facilities
5. Parks
6. Places of worship
7. Public assembly centers
8. Public buildings
9. Public utility services
10. Schools

D. Commercial Uses

1. Animal Hospitals
2. Kennels, **commercial**
3. Studios
4. Seasonal Sale of Farm Produce, grown on the same premises upon which such is offered for sale

E. Temporary Uses

1. Garage sales, **subject to Article VII, § 9.00**

2.04 Area and Dimensional Regulations

Except as may be provided for elsewhere in this Ordinance, the following area and dimensional regulations shall be required:

Minimum Lot Size	<u>One (1) Acre</u>
Minimum Lot Width	120 feet at the building line
Minimum Yard Setbacks	
Front:	<u>40 feet**</u>
Rear:	<u>40 feet</u>
Side:	<u>15 feet (on each side)***</u>

Section 5: That all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 6: That this ordinance shall become effective as provided by law after passage, approval and publication.

ADOPTED and APPROVED this the 8th day of November, 2021.

CITY OF MOODY, ALABAMA

By: 
Joe Lee, Mayor


ATTEST:

Tracy L. Patterson, City Clerk

CERTIFICATION

I, the undersigned, City Clerk of the City of Moody, Alabama, do hereby, certify that the above is a true and correct copy of an Ordinance duly adopted by the City Council at its meeting held on NOV 8, 2021 and as same appears of record in Minute Book of said City, and approved by the City Council on the 8th day of NOV., 2021.

GIVEN UNDER MY HAND AND CORPORATE SEAL of the City of Moody, Alabama, this 8th day of Nov., 2021.


City Clerk